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EXPLANATION

Mounting production problems and the ever-increasing volume of the daily issue have caused delays in the issuance of our regular monthly subject indexes.

In a continuing effort to publish finding aids to the Federal Register on a more timely basis, this monthly index is a consolidation of the table of contents entries published in the daily issues during this month.

In addition to the new monthly index format (consolidated table of contents) an Annual Subject Index is planned.

Users and subscribers are invited to send their comments and suggestions to the Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

Fred J. Emery
Director, Office of the
Federal Register

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Agriculture	Agricultural Marketing Service. Agricultural Research Service. Agricultural Stabilization and Conservation Service. Agriculture Department. Animal and Plant Health Inspection Service. Commodity Credit Corporation. Cooperative State Research Service. Farmers Home Administration. Federal Crop Insurance Corporation. Food and Nutrition Service. Rural Electrification Administration. Soil Conservation Service.
Alcohol, Tobacco, Firearms	Alcohol, Tobacco, and Firearms Bureau.
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Animals and Animal Products	Agricultural Research Service. Animal and Plant Health Inspection Service. Packers and Stockyards Administration.
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Business Credit and Assistance	Economic Development Administration. Small Business Administration.
Commerce and Foreign Trade	Census Bureau. Commerce Department. Domestic and International Business Administration. Foreign Trade Zones Board. National Bureau of Standards. National Oceanic and Atmospheric Administration. National Technical Information Service. Social and Economic Statistics Administration. United States Travel Service.
Commercial Practices	Consumer Product Safety Commission. Federal Trade Commission.
Commodity and Securities Exchanges	Commodity Exchange Authority. Securities and Exchange Commission.

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Federal Employees	Civil Service Commission. Federal Labor Relations Council. Federal Pay Advisory Committee. Federal Prevailing Rate Advisory Committee.
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Titles 1–16: Changes published January through September 1974.
Titles 17–27: Changes published April through September 1974.
Titles 28–41: Changes published July through September 1974.
(FOR CHANGES PUBLISHED JULY 1973–JUNE 1974, CONSULT LIST OF SECTIONS AFFECTED AT END OF RESPECTIVE CFR VOLUME. IF UNAVAILABLE, SEE JUNE EDITION OF THIS LIST.)
Titles 42–50: Changes published October 1973 through September 1974.

Note: Changes published during 1974 for Titles 42–50 are identified by an asterisk (*).

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LIST OF SECTIONS AFFECTED

WHAT IT IS

The List of Sections Affected is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. It should be shelved with current Code volumes. Entries indicate the nature of the changes. Certain terms used are defined in the glossary below. Proposed rules are listed at the end of appropriate titles.

HOW TO USE THIS FINDING AID

The Code of Federal Regulations may be brought up to immediate date by the following steps:

1. Consult this List of Sections Affected for any changes, deletions, or additions published after the revision date of the volume you are using.
2. Check the "Cumulative List of Parts Affected" appearing at the front of the latest issue of the Federal Register for changes published after the last date covered by this issue of the List of Sections Affected.
3. If you do not have the *latest edition* of the Code of Federal Regulations, use the previous edition, and bring it up to date as follows:

Volumes Having Effective Date:	Refer to List of Sections Affected:
January 1, 1974 (Titles 1—16)	Annual 1973
April 1, 1974 (Titles 17—27)	March 1974
July 1, 1974 (Titles 28—41)	June 1974
October 1, 1974 (Titles 42—50)	September 1974

After checking List of Sections Affected as indicated, follow steps 1 and 2 above.

For an explanation of the structure and numbering of the Code, see 1 CFR Part 21.

GLOSSARY

Amended—A typographical unit of the CFR was partially set forth.
Recodified—Major portions of CFR were restructured or rearranged, or both.
Redesignated—A typographical unit or larger was renumbered and transferred from one place to another place in the CFR with no change in text.
Removed—A typographical unit was removed from the CFR.
Revised—A typographical unit of the CFR was set forth in full.
Superseded—An existing CFR unit was replaced by regulations appearing under another CFR unit.
Suspended—The entire CFR unit was not in effect for the period of time indicated.
Suspended in part—A portion of the CFR unit was not in effect for the period of time indicated.
Technical amendment—General amendment that may have no substantive effect on regulations.

PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES

A table is included at the end of this List. It contains references to the U.S. Code sections cited as authority for regulations added during the year.

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INQUIRIES AND SUGGESTIONS

Inquiries concerning this and other publications of the office and suggestions for improvements will be welcomed by the Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

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364 Removed 13763
365 Removed 7579
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370.6 Introductory text revised; (e) added 10557
370.10 (f)(2) and (3)(i) revised 10557
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371.2 (c)(9) added 10557
372.1 (e) added 35131
373.2 (b)(6) added 3672
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1000 Removed 30481
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10.67 (a) (1) revised 33794
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11.12b (c) amended 32015
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31.6053-2 (b) and (c) revised 34528
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11 Removed 29594
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888.6 (b)(14) and (15) and Note 4 added; Note 2 revised 33523
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128 Authority citation revised 32133
128.05 (c) added 32133
128.07 Added 32133
128.501 Added 32133
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151.50—151.53 Undesignated center heading added 30125
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Note: Asterisk (•) identifies changes published in 1974.

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5402 ---- 34873
5403* ---- 1592
*Revoked in part by PLO 5423 ---- 23060
5404* ---- 1592
5405* ---- 2585
*Corrected and amended by PLO 5431 ---- 27798
5406* ---- 3270
5407* ---- 3940
5408* ---- 5316
5409* ---- 5488
5410* ---- 5488
5411* ---- 5632
*Corrected ---- 16126, 19944
*Amended by PLO 5425 ---- 24902
5412* ---- 6518
5413* ---- 6518
5414* ---- 6519
*Amended and corrected by PLO 5432 ---- 27905
5415* ---- 6519
5416* ---- 8326
5417* ---- 10138
5418* ---- 11547
5419* ---- 12104
5420* ---- 13073
*Corrected ---- 13971
5421* ---- 17232
5422* ---- 20376
5423* ---- 23060
5424* ---- 24901
5425* ---- 24902
5426* ---- 24902
5427* ---- 27561
5428* ---- 27666
5429* ---- 27904
5430* ---- 27798
5431* ---- 27798
5432* ---- 27905
5433* ---- 33316

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4 ---- 34813
27* ---- 14718
421 ---- 32263, 34122
2800* ---- 31906
3300* ---- 4105, 11088, 14511, 17446, 18283
3500* ---- 10437
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4112* ---- 5193
4120* ---- 33535
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TITLE 45—PUBLIC WELFARE

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5.3 *Amended ---- 28631
5.4 *Amended ---- 28631
5.31 *(b) and (c) amended ---- 28631
5.32 *(a), (b) and (c) amended ---- 28631
5.71 *(b) and (c) redesignated as (c) and (d); new (b) added ---- 28631
5.72 *(d) amended ---- 28631
5.85 *(a) amended ---- 28631
14.15 *Removed ---- 27322
25 *Added ---- 19478
46 *Added ---- 18917
60 *Temporary rule added ---- 9440
60.5 Removed ---- 30658
60.12 (a) revised; (b) removed ---- 30658
60.15 (a) removed ---- 30658
60.17 (a), (e), (h), (i), (j), and (k) removed ---- 30658
60.19 Removed ---- 30658
67 Added ---- 28291

Chapter I—Office of Education, Department of Health, Education, and Welfare

100—100c Subchapter A heading added ---- 30661
100 Added ---- 30661
100a Added ---- 30662
100a.10 *(a)(22) and (24) removed ---- 19212
100a.400 *Revised ---- 19212
100b Added ---- 30679
100b.10 *(l) added ---- 19213
100c Added ---- 30691
101—190 Subchapter B heading added ---- 30661
101.10—101.13 (Subpart B) *Added ---- 19212
102.2 Removed ---- 30658
102.3 (e), (h), (k), (l), (p), and (r) removed ---- 30658
(q) through (aa) redesignated as (r) through (bb); new (q) added ---- 32243
102.4 (b)(1)(i) revised; (b)(5) and (6) added; (j) redesignated as (k); new (j) added ---- 32243
102.42 (b) removed ---- 30658
102.44 Removed ---- 30658
102.122 Removed ---- 30658
102.123 Removed ---- 30658
102.124 Removed ---- 30658
102.125 Removed ---- 30658
102.126 Removed ---- 30658
102.127 Removed ---- 30658
102.128 Removed ---- 30658

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102.129 Removed ---- 30658
102.130 Removed ---- 30658
102.131 Removed ---- 30658
102.134 Removed ---- 30658
102.144 Removed ---- 30658
102.146 Removed ---- 30658
102.147 Removed ---- 30658
102.154 Removed ---- 30658
102.155 Removed ---- 30658
102.158 Removed ---- 30658
103 *Revised ---- 29363
103.2 Removed ---- 30658
103.3 (b), (d), and (g) removed ---- 30658
103.13 (a)(2), (3), (4), (5), (6), and (7) removed ---- 30658
103.14 Removed ---- 30658
103.16 Removed ---- 30658
103.17 Removed ---- 30658
103.24 (a)(4), (5), (6), (7), (8), (9), and (10) and (c) removed ---- 30658
103.27 Removed ---- 30658
103.28 Removed ---- 30658
103.34 Removed ---- 30658
103.35 Removed ---- 30658
103.36 Removed ---- 30658
103.37 Removed ---- 30658
103.41—103.61 (Subpart E) Removed ---- 30658
103 *Appendix B added ---- 7423
*Appendix A added ---- 10566
107.1 (b), (c), (e), and (g) removed ---- 30658
107.3 Removed ---- 30658
107.4 Removed ---- 30658
107.5 Removed ---- 30658
107.6 Removed ---- 30658
107.7 Removed ---- 30658
107.8 Removed ---- 30658
107.9 Removed ---- 30658
111.1 (a), (d), and (e) removed ---- 30658
112.1 (b) and (h) removed ---- 30659
113.1 (b) and (f) removed ---- 30659
114.1 (b), (g), and (v) removed ---- 30659
115.3 (b) and (d) removed ---- 30659
116.1 (e), (j), (k), (m), (t), (u), (x), (y), and (bb) removed ---- 30659
116.21 (a), (b), (c), (d), and (e) removed ---- 30659
116.42 Removed ---- 30659
116.46 Removed ---- 30659
116.47 Removed ---- 30659
116.48 Removed ---- 30659
116.53 (a), (b), (c), and (e) removed ---- 30659
116.54 Removed ---- 30659
116.55 Removed ---- 30659
116.56 Removed ---- 30659
116.57 Removed ---- 30659
117.1 (c), (d), (e), (g), and (j) removed ---- 30659
117.3 (l) removed ---- 30659
117.13 Removed ---- 30659
117.20 Revised ---- 30659
117.21 (b) removed ---- 30659
117.26—117.30 (Subpart E) Removed ---- 30659
117.36 Removed ---- 30659
117.39 Removed ---- 30659
117.43 Removed ---- 30659
117.44 Removed ---- 30659
117.45 Removed ---- 30659
117.46 (c) removed ---- 30659
118.2 (b), (e), (f), (g), (o), (q), (r), and (x) removed ---- 30659, *17104
118.6 (e) removed ---- 30659
118.18 (d) removed ---- 30659
118.22 (f) removed ---- 30659
118.31 Removed ---- 30659
118.33 Removed ---- 30659
118.34 Removed ---- 30659
118.41 Removed ---- 30659
118.42 Removed ---- 30659
118.43 Removed ---- 30659
118.45 Removed ---- 30659
118.53 Removed ---- 30659
118.55 Removed ---- 30659
118.56 Removed ---- 30659
118.57 Removed ---- 30659
118.58 Removed ---- 30659
118 *Appendix added ---- 14345
119.1 (c), (d), (e), (f), (g), (i), (k), and (l) removed ---- 30659
119.7 Removed ---- 30659
119.8 Introductory text revised ---- 30659
119.21 Removed ---- 30659
119.22 (b) removed ---- 30659
119.23 Removed ---- 30659
119.24 Removed ---- 30659
119.25 Removed ---- 30659
119.26 Removed ---- 30659
119.27 Removed ---- 30659
119.28 Removed ---- 30659
119.40—119.52 (Subpart D) Removed ---- 30659
121.2 (a), (b–1), (d), (f), (g), (h), (i), m), (n), (p), (q), (r), (t), and (u) removed ---- 30659, *17104
121.3 Removed ---- 30659
121.4 Removed ---- 30659
121.5 Removed ---- 30659
121.6 Removed ---- 30659
121.7 Removed ---- 30659
121.8 Removed ---- 30659
121.9 Removed ---- 30659

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121.10	Removed	30659
121.11	Removed	30659
121.12	Removed	30659
121.56	Removed	30659
121.57	Removed	30659
121.58	Removed	30659
121.59	Removed	30659
121.60	Removed	30659
121.80	Removed	30659
121.82	Removed	30659
121.83	Removed	30659
121.84	Removed	30659
121.90	Removed	30659
121.99	Removed	30659
121.102	(d) and (g) removed	30659
121.106	(e) removed	30659
121.110	Removed	30659
121.127	(c) and (d) removed	30659
121.128	(d) removed	30659
121.131	Removed	30659
121.132	Removed	30659
121.133	Removed	30659
123.1	(d), (h), (i), (n), (p), (q), and (r) removed	30659
123	*Revised	17965
123.2	Removed	30659
123.3	Removed	30659
123.6	Removed	30659
123.14	Removed	30649
123.21	Removed	30659
123.23	Removed	30659
123.24	Removed	30659
123.25	Removed	30659
123.26	Removed	30659
123.27	Removed	30659
123.28	Removed	30659
123.29	Removed	30659
123.35—123.38	(Subpart E) Removed	30659
123.44	(Subpart F) Removed	30659
124	*Revised	13652
124.1	(b), (c), (e), (f), (i), (j), and (k) removed	30659
124.4	Removed	30659
124.5	Removed	30659
124.6	Removed	30659
124.7	Removed	30659
124.8	Amended	30659
124.15	(a), (c), and (d) removed	30659
124.16	Removed	30659
124.20—124.28	(Subpart D), Removed	30659
124.33	Removed	30659
124.34	Removed	30659
125.1	(c) removed	30659
129.1	(b), (e), (f), (h), (i) and (m) removed	30659
129.3	Amended	30659
129.6	(a) removed	30659
129.9	Removed	30659
129.10	Removed	30659
129.11	Removed	30659
129.12	Removed	30659
129.13	Removed	30659
129.14	Removed	30659
129.15	Removed	30659
129.16	Removed	30659
129.17	Removed	30659
129.18	Removed	30659
129.19	Removed	30659
130.2	Removed	30659
130.3	(b), (d), (f), and (g) removed	30659
130.5	(b) (1) through (6) and (8) through (16) removed	30659
130.22	(c) removed	30659
130.31	Removed	30659
130.32	Removed	30659
130.33	Removed	30659
130.34	Removed	30659
130.35	Removed	30659
130.36	Removed	30659
130.37	Removed	30659
130.38	Removed	30659
130.39	Removed	30659
130.40	Removed	30659
130.41	Removed	30659
130.43	Removed	30659
130.44	Removed	30659
130.52	Removed	30659
130.53	Removed	30659
130.55	Removed	30659
131.1	Revised	30659
131.2	(e), (f) and (n) removed	30660
131.6	Removed	30660
131.10	Removed	30660
131.12	Removed	30660
131.13	Removed	30660
131.14	Removed	30660
131.15	Removed	30660
131.16	Removed	30660
131.17	Removed	30660
132	*Revised	17540
132.1	Revised	30660
132.2	(b), (c), (d), and (e) removed	30660
132.5	Removed	30660
132.6	Removed	30660
132.7	Removed	30660
132.8	Removed	30660
132.9	Removed	30660
132.10	Removed	30660
132.11	Removed	30660
132.12	Removed	30660
132.14	Removed	30660
132.16	Removed	30660
132.17	Removed	30660
132.18	Removed	30660
132.19	Removed	30660
132.20	Removed	30660
132.21	Removed	30660
132.22	Removed	30660
132.23	Removed	30660
132.24	Removed	30660
132.25	Removed	30660
132.26	Removed	30660
132.27	Removed	30660
133	*Added	17546
141.1	(e), (f), (g), (h), and (k) removed	30660
141.8	Removed	30660
141.11	(d) (4) removed	30660
141.12	Removed	30660
141.13	Removed	30660
141.14	Removed	30660
141.15	Removed	30660
141.16	Removed	30660
141.17	Removed	30660
141.18	Removed	30660
141.21—141.23	(Subpart E) Removed	30660
142.2	(c), (e), (f), (g), (j), (k), (l), (m), (n), and (p) removed	30660
144.2	(d), (e), (f), (v), (w), and (y) removed	30660
145.1	(d), (e), and (i) removed	30660
147.2	(e) and (f) removed	30660
149	*Added	30042
150.1	(f) removed	30660
151	*Revised	22147
151.2	(b), (d), (h), (j), (k), and (n) removed	30660
151.4	Removed	30660
151.5	(b) removed	30660
151.7	Removed	30660
151.8	Removed	30660
151.9	Removed	30660
151.11	Removed	30660
151.13	Removed	30660
151.14	Removed	30660
151.15	Removed	30660
151.16	Removed	30660
151.18	Removed	30660
151.19	Removed	30660
151.20	Removed	30660
151.21	Removed	30660
151.22	Removed	30660
151.23	Removed	30660
151.31	Removed	30660
151.32	Removed	30660

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151.33	Removed	30660
151.34	Removed	30660
151.35	Removed	30660
151.36	Removed	30660
151.37	Removed	30660
151.38	Removed	30660
151.39	Removed	30660
151.40	Removed	30660
151.42	Removed	30660
151.43	Removed	30660
151.44	Removed	30660
151.46	Removed	30660
151.47	Removed	30660
154	*Added	14945
155.2	(b), (d), and (g) removed	30660
155.3	Removed	30660
155.7	(c) and (f) removed	30660
155.7	*Revised	19216
155.9	(a) removed	30660
155.11	Removed	30660
155.12	Removed	30660
155.13	Removed	30660
155.14	Removed	30660
158	*Revised	22343
160.2	(f), (q), (r), and (u) removed	30660
160.10	(a), (b), (f), and (g) removed	30660
160.11	Removed	30660
160.12	Removed	30660
160.13	Removed	30660
160.14	Removed	30660
160.16	Removed	36060
160.17	Removed	30660
160.19	Removed	30660
160.20	Removed	30660
160.21	Removed	30660
160.22	Removed	30660
160	Appendix amended	30660
166.2	Removed	30660
166.3	(f), (g), (h), and (k) removed	30660
166.11	*(a) revised	18074
166.16	(a) removed	36060
166.21	(a) removed	30660
166.22	Removed	30660
166.23	Removed	30660
166.24	Removed	30660
166.25	Removed	30660
166.26	Removed	30660
166.27	Removed	30660
166.28	Removed	30660
166.29	Removed	30660
166.30	Removed	30660
166.31	Removed	30660
166.33	Removed	30660
166.34	Removed	30660
166.35	Removed	30660

Note: Asterisk (*) identifies changes published in 1974.

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166.36	Removed	30660
166.43	Removed	30660
166.44	Removed	30660, *17104
166.46	Removed	30660
166.47	Removed	30660
167	*Revised	18390
167.2	Removed	30660
167.3	(f), (g), (h), (k), and (l) removed	30660, *17104
167.7	(a) removed	30660
167.8	Removed	30660
167.9	Removed	30660
167.10	Removed	30660
167.11	(a) and (b) removed	30660
167.12	Removed	30660
167.13	Removed	30660
167.15	Removed	30660
167.17	Removed	30660
167.18	Removed	30660
167.19	Removed	30660
167.20	Removed	30660
167.24	Removed	30660
167.25	Removed	30660
167.26	Removed	30660
167.27	Removed	30660
167	Appendix A added	34560
169	*Added	18650
170	*Revised	26724
170.1	(f) and (l) removed	30660
170.2	Removed	30660
170.3	Removed	30660
170.4	Removed	30660
170.5	(b) removed	30660
170.6	(b)(1) and (2) and (c) removed	30660, *17104
170.8	Removed	30660, *17104
170.13	(a)(4) removed	30660
170.14	(b) amended	30660
170.18	(a) and (c) removed	30660
170.19	Removed	30660
170.45	Removed	30660
171	*Revised	12950
171.1	(h), (j), (p), and (q) removed	30660
171.4	(b) amended	30660
171.7	(b) removed	30660
171.8	Removed	30660
171.10	Removed	30660
171.11	Removed	30660
171.12	Removed	30660
173.1	(b), (d), (e), (g), and (l) removed	30660
173.14	Revised	30660
173.16	Removed	30660
173.23	Removed	30660
173.24	Removed	30660
173.25	Removed	30660
173.26	Removed	30660
173.27	Removed	30660
173.28	Removed	30660
173.29	Removed	30660
173.30	Removed	30660
173.31	Removed	30660
173.32	Removed	30660
173.33	Removed	30660
173.37	Removed	30660
174	*Added	10567
175.2	(d), (h), and (s) removed	30660
175.3a	*Revised	17547
175.15	Removed	30660
175.16	(b) and (c) removed	30660
175.17	Removed	30660
177.1	(d) and (i) removed	30661
177.4	(c)(3)(xvii) added	27935
177.4	*(c)(3)(xviii) added	1849
	*(c)(3)(xix) added	17104
	*(c)(3)(xx) added	25943
178.1	(d) and (i) removed	30661
180.02	(a), (h), and (k) removed	30661
180.03	Removed	30661
180.04	Removed	30661
180.05	Removed	30661
180.06	Removed	30661
180.13	*(a) revised	16886
180.22	*(b)(1) revised	16887
180.23	*(a) revised	16887
180.24	*(a) revised	16887
181.1	(a), (e), and (h) removed	30661
181.13	Removed	30061
181.14	Removed	30661
181.16	Removed	30661
181	Appendix A removed	30661
183	*Added	17842
185.02	(b), (c), (h), (l), and (m) removed	30661
185.03	Revised	30661
185.71	*Revised	13268
185.72	*Revised	13268
185.73	*Revised	13269
185.74	*Amended	13269
185.75	*Revised	13270
185.76	*Revised	13270
185.91	*(a) revised	13270
185.91-1	*Added	17547
185.92	*(b)(4) added	13270
185.92-1	*Added	17548
185.93-1	*Added	17548
185.94-1	*Added	17549
185.95	*(b)(1) and (3) revised	13270
185	Appendix A removed	30661
186.2	Amended	30661
186.22	*Removed	22424
186.31—186.34	(Subpart D) Removed	30661

Note: Asterisk (*) identifies changes published in 1974.

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186.31—186.33	*(Subpart D) Added	22424
187.2	Amended	30661
187.3	Added	30661
187.21	Introductory text revised; (e), (f), (g), (h), (i), and (j) removed	30661, *17104
187.31—187.34	(Subpart D) Removed	30661
188.3	Added	30661
188.15	Introductory text revised; (c), (d), (e), and (f) removed	30661
188.21—188.24	(Subpart D) Removed	30661
189	Added	27825
189	*Revised	15481
190.31—190.38	(Subpart C) *Revised	24473
190.41—190.47	(Subpart D) *Revised	24475
192	*Added	19213

Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare

201.0	*Added	8326
201.1	*(h) revised	34543
201.3	*Introductory text revised	34542
201.6	*(a)(1) and (b) introductory text revised	34542
204.1	*Revised	34542
205	*Effective date changed	31322
205.5	*(a) and (b) revised	34542
205.10	*(a)(4)(i)(A), (5)(v), and (11) revised; (a)(4)(iv) added	12009
205.25	Added	34324
205.25	*Effective date changed to 7-1-74	3824
205.30	*Revised	34543
205.35	*Added	4733
	*Effective date changed	5315, 9178, 10432
	*Revised	13887
205.50	*(a) introductory text revised	34543
205.60	*(a) introductory text revised	34543
205.70	*Introductory text revised	34543
205.100	*Revised	9513
	*(a) introductory text revised	34543
205.101	*Revised	16970, 34543
205.120	*Revised	16971
205.130	*Introductory text and (a) introductory text revised	34543
205.145	*Revised	34543
205.146	*(c) and (d) added	27906
205.150	*(a) introductory text revised	34543
205.190	*(a) introductory text and (a)(1) and (2) revised	2254
	*(a) introductory text revised	34543
205.200	*(a) revised	34543
206.10	(a)(6) revised	33380
206.10	*(a)(6) revised	1443
	*(a)(2) revised	12009
211	*Revised	26546
212	*Revised	26548
220	*Reinstated until 1-1-75 and amended	1443
220.48	*Revised	25489
	*Effective date changed to July 11, 1974	27799
220.60	Removed; provisions transferred to Part 221	30072
220.61	(a) through (f) removed; provisions transferred to Part 221	10782, 30072
	*(f)(1)(i) and (4)(v), (vi), and (vii) revised; (f)(5) added	25490
	*Effective date of (f)(1)(i), (4)(v), (vi), and (vii), and (5) changed to July 11, 1974	27799
220.65	(a) removed; provisions transferred to Part 221	30072
221	*Effective date postponed to 1-1-75	1443
222	Removed; provisions transferred to Part 221	30072
222	*Reinstated until 1-1-75 and amended	1443
225.2	*Introductory text revised	34543
225.3	*Revised	34543
226	Removed; provisions transferred to Part 221	30072
226	*Reinstated until 1-1-75 and amended	1443
233.10	*(a)(1) amended	26912
233.20	*(a)(12) revised	22268
	*(d) removed	34544
233.50	Revised	30259
	Effective date corrected	31174
233.90	*(b) and (c) revised	34038
233.120	*(b)(2) revised	5316
233.145	(c) added	32912
234.130	*(a) introductory text and (c) revised	2220
237.50	Revised	32913
248.1	*Added	9513
248.2	*Added	9515
248.3	*Added	9516
248.4	*Added	9517

Note: Asterisk (*) identifies changes published in 1974.

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Chapter II—Continued

	Page
248.10 (a)(1), (b)(2)(ii) and (iv), and (d)(1) and (2) revised; (b)(3) and (4) redesignated as (b)(5) and (6); (b)(5) redesignated as (b)(7) and revised; new (b)(3) and (4) added	33380
248.10 •Introductory text added	9518
•(b)(4) revised	16971
248.11 •Existing text designated as (b); (a) added	9518
248.21 (a) revised; (b) redesignated as (c) and revised; new (b) added	33382
248.21 •(a) revised	5552
•Introductory text added	9518
248.30 (b)(1) revised	33382
248.30 •Revised	9518
248.50 Revised	30259
248.50 •Revised	9518
248.60 (a)(1), (2), and (3)(iv) revised	33383
Effective date corrected	31174
248.60 •(a)(1) revised; (b)(9) and (10) added	2221
248.70 •Revised	9518
248.80 •Revised	9518
•(c) corrected	10253
249.10 •(b)(14) and (c) revised; (b)(15) redesignated as (b)(17), new (b)(15) added; (b)(16) reserved; (d)(1)(iv), (v), and (vi) added	2221
•(b)(4)(i) revised	2257
•(b)(15)(i)(*e*), (ii) introductory text, (ii)(*a*), (iii)(*b*) and (d)(1)(vi) corrected	8918
•(a)(1), (2), (5), and (6) and (b)(7), (11), and (17) revised; (a)(9) removed; new (a)(9) and (10) added	16971
•(a)(3) revised	27906
249.11 •Redesignated as 249.20	2223
249.12 •Added	2223
•(a)(1)(ii)(B) and (9)(iii) and (c)(2) and (3)(v) corrected	8918
249.13 •Added	2226
•(c)(6)(ii)(C)(*1*) and (12)(ii)(E) corrected; (h)(i) through (x) correctly designated as (h)(1) through (10); (h)(10) revised	8918
249.20 •Redesignated from 249.11 and revised	2223
249.31 •Added	12866
249.32 •Revised	16972
249.33 •Revised	2254
•(a)(1)(i), (iii), (2), (4)(iii)(B), and (8)(i)(B) corrected	8918
•(a)(3)(i) revised	16972
249.40 •Revised	5553
249.41 •Revised	16972
249.81 Revised	33383
250.24 •Added	2234
•(a)(1) and (3)(v)(B) corrected	8918
250.30 •(a)(6) revised; (b)(3)(iii) added	2235
•(b) and (d) revised	21135
•(a)(2) through (7) redesignated as (a)(3) through (8); new (a)(2) added; (b) introductory text and (b)(1) revised	28288
•(b) revised	31639
250.70 •Added	16973
250.80 •Revised	7930
250.90 •Added	17763
•(b)(2)(ii) corrected	22269
250.100 •Added	2256
250.120 •Revised	16973
250.220 (Subpart C) •Added	31528
•(b)(4) corrected	32739
270 •Removed	11886

Chapter IV—Social and Rehabilitation Service (Rehabilitation Programs), Department of Health, Education, and Welfare

401 •Revised	898
401.116 •(b)(2) added	7931
401.120—401.128 (Subpart E) •Added	25436
402 •Removed	898
403 •Revised	914
404 •Revised	918
405 •Revised	926
406 •Revised	929
407 •Revised	932
408 •Revised	933
410 •Added	24366

Chapter VI—National Science Foundation

602 •Added	4664
640 •Revised	3545

Chapter VIII—Civil Service Commission

801.202 •Appendix A amended	19780, 32031

Note: Asterisk (•) identifies changes published in 1974.

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901.5 •Revised	17912
903 Revised	28042
903.0 •Correctly promulgated	7790
903.16 •Revised	17912
903.34 Corrected	29809
910 Added	30878
910 •Revised	17912
910.6 Corrected	31680

Chapter X—Office of Economic Opportunity

1060.2–1—1060.2–3 (Subpart) •Revised	17969
1061.4–1 •Removed	27439
1061.5–1—1061.5–6 (Subpart) •Removed	27439
1061.6–1—1061.6–5 (Subpart) •Removed	27439
1061.7–1—1061.7–4 (Subpart) •Removed	27439
1061.8–1—1061.8–3 (Subpart) •Removed	27439
1061.9–1—1061.9–5 (Subpart) •Removed	27439
1061.10–1—1061.10–4 (Subpart) •Removed	27439
1061.11–1—1061.11–8 (Subpart) •Removed	27439
1061.12–1—1061.12–7 (Subpart) •Added	33518
1062 •Added	8856
1068.6–1—1068.6–4 (Subpart) •Heading, authority citation and source revised	28529
1068.7–1—1068.7–4 (Subpart) •Removed	27439
1068.8–1—1068.8–4 (Subpart) •Heading revised	28529
1068.9–1—1068.9–5 (Subpart 1068.9) •Added	10253
1069.3–4 •(a)(2) amended	12109
1069.3–5 •Revised	17549
•Removed	27439
1069.3–6 •Revised	17550
•Removed	27439
1069.3–7 •Removed	17550
1070.3–1—1070.3–3 (Subpart) •Superseded by Part 1071	13882
1070.4–1—1070.4–5 (Subpart) •Removed	27439
1071 •Added	13882

Chapter XII—ACTION

1203 •Added	27322
1204 Added	34118
1205 •Added	1037
1206 •Added	1996
1207 •Added	5770
1211 •Added	33520

Chapter XIII—Office of Human Development, Department of Health, Education, and Welfare

•Chapter heading revised	11886
1302 •Added	27907
1350 •Added	11886

Chapter XIV—National Institute of Education, Department of Health, Education, and Welfare

•Chapter established	15485
1450 (Subchapter B) •Added	15485

Chapter XV—Fund for the Improvement of Postsecondary Education, Department of Health, Education, and Welfare

1501 •Revised	1593
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46•	30468
57•	17106
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151•	13003, 29929

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TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

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1.10 Revised	32448
1.20 (c)(1)(ii) and (e)(2) amended	32448
(c)(2) [amended] correctly designated from (e)(2) [amended]	34644
(e)(2) [amended] correctly designated as (c)(2) [amended]	34644
1.23 (b) amended	32448
1.25 (b) revised	32449
2.50–1—2.50–40 (Subpart 2.50) *Removed; cross reference added	19481
4 *Redesignated from Part 136	33317
4.01–1 *Removed	33316
4.01–5 *Removed	33316
5 *Redesignated from Part 137	33317
9 *Redesignated from Part 143	33317
10.02–9 *(e)(3), (4), and (5) revised	34544
10.05–33 (a)(3)(ii) revised	29320
10.05–46 *(a) and (d) revised	34545
10.05–39 (b)(1a) added	29320
10.16–71 *Amended	17970
10.30–1 through 10.30–5 *(Subpart 10.30) added	34545
25.05–15 *(b) and (c) removed; (d) revised	3270
26.03–1 *Removed	8919
26.05–1—26.05–5 (Subpart 26.05) *Removed	8919
26.10–5 *(b) amended	19481
30 *Authority citation revised	22949
30.01–5 *(a)(1)(i) and (ii), (2)(i) and (ii), and 3(i) revised; (a)(3)(ii) and (iii) added	22950
30.01–6 Revised	29320
30.10–36 Removed	29320
33.60–1 (Subpart 33.60) *Added	10138
34.20–15 *(c) revised	7790
34.20–20 *(b) revised; (c) added	7790
35.01–40 *Revised	18767
35.10–25 *Added	10139
35.30–20 Revised	27354
35.40–40 *(a) amended	10139
42.07–45 *(d)(2) amended	25324
50.15–20 *(a)(11) revised	30838
50.25–35 *Revised	30838
54.05–20 *Amended	30839
54.05–30 *Added	9179
54.25–10 *(c) revised	9178
54.25–15 *(c) revised	9178
54.25–20 *(c) revised	9179
56.50–50 *(n) revised	18767
56.60–1 *Heading revised and (a) table amended	30839
56.60–2 *(a) and (b)(2) amended	30839
56.60–5 *Heading amended	30839
61.15–5 *(b) amended	30839
64 *Added	22950
70.05–10 Revised	29320
70.05–30 *(a)(1) and (2) revised	22953
70.10–21 Removed	29320
73.15–5 *(a) removed; (b) revised	33799
74.15–10 *(b) amended	18767
75.60–1 (Subpart 75.60) *Added	10139
77.35–5 (c) revised	33475
78.17–85 *Added	10139
78.47–72 *Added	10139

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78.85–1 *Revised	18767
90.05–10 Revised	29320
90.05–35 *(a)(1)(i) and (ii) and (2)(i) revised; (a)(1)(iii) removed; (a)(2)(ii) and (iii) added	22953
90.10–17 Removed	29320
93.13–10 *(b) revised	18767
94.60–1 (Subpart 94.60) *Added	10139
96.35–5 (c) revised	33475
97.15–65 *Added	10139
97.37–55 *Added	10139
97.75–1 *Revised	18767
98.30–1—98.30–39 (Subpart 98.30) *Added	22954
98.35–1—98.35–50 (Subpart 98.35) *Heading revised	22955
98.35–1 *(a) and (c) amended; (f) added	22955
98.35–3 *(a) amended	22956
98.35–10 *(e) removed	22956
98.35–25 *Revised	22956
98.35–30 *Revised	22956
98.35–35 *Removed	22956
98.35–40 *Removed	22956
111.80–5 (a)(7) table corrected	32914
136 *Redesignated as Part 4	33317
137 *Redesignated as Part 5	33317
137.01–5 (d) added	32449
137.02–1 Revised	32449
137.30–1 *(g) corrected	10432
143 *Redesignated as Part 9	33317
146.02–12 *(e) redesignated from 146.02–13 (a)	14709
146.02–13 *Removed and (a) redesignated as 146.02–12 (e)	14709
146.02–14 *(d) revised; (e) removed	14709
146.02–15 *(b) amended; (d) added	14709
146.02–35 *(c) added	14709
146.04–5 *Table amended	13277, 14708
146.05–3 *(a) and (b) revised	14708
146.05–5 *(b) and (c) revised	14708
146.05–10 *Revised	14708
146.05–10a *Added	14708
146.05–15 *(a) amended; (e)(1) revised	32998
146.07–1—146.07–40 (Subpart 146.07) *Heading amended	14709
146.07–1 *(a) amended	14709
146.07–40 *(b) revised	14709
146.09–2 *(f) amended	14709
146.10–2 *Amended	14709
146.19–12 *(h) added	14710
146.20–35 *(b) amended	14709
146.20–51 *(c) and (d) removed	14709
146.20–300 *Table C amended	14709, 14710
146.21–100 *Table D amended	13277, 14709
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146.23–1 *Heading and (a)(1) revised; Notes 1 and 2 added	13279
146.23–10 *(c) removed	14709
146.23–30 *(a)(2) revised	13279
146.23–100 *Table amended	13278, 13279
146.24–20 *(c)(4) removed; (c)(5) redesignated as (c)(4)	14709
146.24–75 *Removed	14709
146.24–100 *Table G amended	14709
146.26–100 *Table J amended	14709
146.27–1 *(b) amended	14709
146.27–32 *(a) amended	14709
146.27–100 *Table K amended	13277, 14709
147.02–1 *Amended	32998
147A *Added	32998
154 *Effective date changed	1596
*Annex A amended	24011
*Effective date statement corrected	24632
160.015–3 *(j)(1) removed; (l) amended	11273
160.035–5 *Introductory text of (a)(3) revised	12747
160.047–3 *(g) removed	20684
160.047–3a *Added	20684
160.051–1 *(c) added	9669
160.051–5 *(c)(4) amended; (e)(11) revised	9669
160.051–7 (b)(5) revised	31297
160.052–3 *(e) removed	20684
160.052–3a *Added	20684
160.060–3 *(e) removed	20684
160.060–3a *Added	20684
161.011–1—161.011–10 (Subpart 161.011 *Added	10139
162.028–3 (j)(1) removed	27354
162.039–3 (h) removed	27354
166.01 (b) revised	29320
167.35–72 *Added	10139
167.55–5 *(j)(1) amended	10139
167.65–1 *(c)(3) added	10140
170 *Removed	33316
178.20–1 *(b) revised	33799
178.20–5 *Revised	33799
180.05–1 *(b)(10) added	10140
180.40–1 (Subpart 180–40) *Added	10140
184.15–15 *(b) and (c) removed; (d) revised	3270
185.25–20 *Added	10140

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185.30–30 •Added 10140
188.05–10 Revised 29320
188.05–37 Removed 29321
191.25–10 •(b) revised 18768
192.65–1 (Subpart 192.65) •Added 10140
195.35–5 (c) revised 33475
196.15–65 •Added 10140
196.37–49 •Added 10140
196.75–1 •Revised 18768

Chapter II—Maritime Administration, Department of Commerce

221.4 •(a), (b), (c), and (d) revised 10572
221.7 •Appendix amended 10573
221.14 •Revised 22425
282 •Revised 16445
294.3 •(c)(1) amended 19481
294.8 (b)(1) revised 30880
294.9 (a)(3)(i) and (ii) revised 30879
(b)(2)(iii) revised 30880
294.12 •(b)(3) revised 19481
308.6 Amended 27525
308.6 •Amended 9669, 33000
308.106 Amended 27525
308.106 •Amended 9669, 33000
308.206 Amended 27525
308.206 •Amended 9669, 33000
308.305 Amended 27525
308.305 •Amended 9669, 33000
309.1 •Revised 3952, 30488
309.2 •Revised 3952, 30488
309.3 •Revised 3952, 30488
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309.5 •Revised 3953, 30488
309.6 •Revised 3953, 30488
309.7 •Revised 3953, 30488
309.8 •Revised 3953, 30488
309.101 •Revised 3953, 30488
310.52 •(c) revised 2760
310.53 Revised 27525
310.53 •(a) amended 2760
310.58 (c) amended 34118
310.60 (b) revised 34118
310.64 •(c)(1) revised 2760
350 Revised 27525
390 •See 26 CFR 3.1 12

Chapter III—Coast Guard (Great Lakes Pilotage), Department of Transportation

401 •Authority revised 31529
401.405 •Revised 31529
•Preamble and (b)(1) corrected 32739
401.410 •Revised 31530
401.420 •Revised 31530
401.427 •Added 31530
401.428 •Added 31530

Chapter IV—Federal Maritime Commission

502.61 •Amended 33223
502.67 •(a) revised 26734
502.72 •Existing text designated as (a) and (b) and (c) added 33223
502.182 •Revised 33223
502.183 •Revised 33223
502.184 •Revised 33223
502.201 •(b)(1) amended; (b)(2) revised 33223
502.204 •(h) added 33223
502.205 •(e) correctly designated from (h) 33800
•(h) added 33224
•(h) correctly designated as (e) 33800
502.206 •(a) and (b) amended; (c) added 33224
502.207 •Revised 33224
502.208 •Revised 33224
502.210 •(a) amended; (b) revised; and (c) added 33225
502.211 •(a) amended; (b) redesignated as (c); new (b) added 33225
502.243 •Added 33225
502.301 •Amended 33225
502.304 •(d), (e), (f), and (g) revised 33225
503.312 •Revised 33226
511.5 •Existing text designated as (a); (b) added 24507
531.26 •(c) revised 22956
542 Revised 28829
542 •Amended 9542
542.5 •(a)(3) revised 23262
542.10 •Added 9542
546 •Added 24904
•Effective date stayed 28160

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10• 12033, 17331
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30• 32147
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32• 30845, 32147
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34• 16364, 32147
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40• 26752, 33711

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TITLE 47—TELECOMMUNICATION

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0.33 •Revised 24011
0.34 •Revised 24012, 31322
0.35 •Revised 24012
0.36 •Revised 24012
0.37 •Removed 24012
0.84 Redesignated from 0.85 and revised 33598
0.85 Redesignated as 0.84; redesignated from 0.86 and revised 33598
0.86 Redesignated as 0.85; new 0.86 added 33598
0.87 Added 33598
0.88 Added 33598
0.89 Added 33598
0.90 Added 33598
0.91 •Republished 28435
•(c) revised 30932
0.92 •Revised 28435
0.93 •Revised 10432
•Redesignated as 0.99 28436
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0.94 •Added 28435
0.95 •Added 28436
0.96 •Added 28436
0.97 •Added 28436
0.98 •Added 28436
0.99 •Redesignated from 0.93 28436
0.111 Introductory text revised 31298
0.111 •Revised 13543
0.112 Revised 31298
0.112 •Revised 13543
0.113 Revised 31298
0.113 •Revised 13543
0.114 Revised 31298
0.114 •Revised 13544
0.115 Revised 31298
0.115 •Revised 13544
0.116 Revised 31298
0.116 •Revised 13544
0.117 •Added 13545
0.121 •(c) amended 20376
0.281 Revised 31175
0.282 Added 31176
0.289 •(c)(13) added; (d) revised 35166
0.311 Heading, (a) introductory text, (a)(1) and (b) revised 31298
0.311 •(a)(13) removed 7423
•(a)(8) revised 26155
0.314 •(b) revised 10574
0.351 (h) added 30559
0.371 •(g) added 4571
0.403 •Revised 14593
0.457 •(d) revised 5918
•(d)(1)(iv) added 27802
0.465 •(a) revised 19216
0.485 (c) revised 33974
1.4 •(c) and (d) revised 14593
1.83 •(a) (1) and (2) revised; (a)(3) removed 7423
•(a)(1) corrected 8617
1.294 •(c)(2) removed 10909
1.516 (e)(1) amended 28788
1.526 (a) introductory text and (e) introductory text revised; (a) (6), (7), (8), and (9) added 28788
(a)(6) effective stayed; (a)(9) and introductory text of (e) amended 35411

Note: Asterisk (•) identifies changes published in 1974.

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1.526 •(a)(10) added	1767
•(a)(6) and (10) amended	26156
•(f) added	27565
•(f) corrected	29919
•(a)(6) revised	34415
1.534 •Revised	24370
1.539 (a) revised	28789
1.547 •(a) and (c)(4) revised; (d) removed	10574
1.550 (c)(1) corrected	27595
1.573 •Note 1 revised	12990
1.580 (c) and (l) amended; (d), (j) introductory text, and (m) revised	28789
(d) introductory text and (d)(2) and (3)(iii) revised; (d)(5) redesignated as (d)(6); new (d)(5) added	35411
1.598 •Revised	24370
1.804 Revised	33475
1.912 (d) amended	33302
1.922 Amended	33302
1.926 (b)(10) amended	33302
1.993 (b) revised	35320
1.1113 •Amended	2765
1.1115 •(c)(8) and (9) revised	29365
1.1116 •(a) amended	26156
1.1207 •Introductory text revised	18280
1.1209 •(d) revised	27566
2.1 •Amended	2765, 28883
2.106 Table amended	29081, 30742
Footnote amended	30001
Footnote revised	32449
•Table amended	2765, 6706, 10142, 16843, 25493, 26122, 27667, 28884
•Footnote revised	10145, 26122, 29368
•Footnote amended; new footnote added	25493
2.551—2.593 (Subpart F) •Removed	5919
2.601 •Revised	7130
2.603 •(a) and (b) revised	7130
•(a) table and (b) table corrected	13781
2.901—2.1065 (Subpart J •Added	5919
2.903 •(a) and (b) corrected	8617
•(b) revised	27802
2.905 •(a) and (b) corrected	8617
•(b) revised	27802
2.907 •(b) revised	27802
2.909 •(c) revised	27802
2.925 •Effective date stayed until 6/25/74	12351, 12867
•Effective date stayed until 8/2/74	25324
2.931 •(b) and (c) removed	27802
2.938 •Added	27802
2.945 •Revised	27802
2.963 •(d)(8) revised	27802
2.967 •(a) note added	27802
2.969 •Effective date stayed until 6/25/74	12351, 12867
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•Heading and (d) revised; (e) added	27802
2.983 •(d)(8) revised	27802
2.1001 •Heading and (a) revised	27803
2.1003 •Effective date stayed until 6/25/74	12351, 12867
•Effective date stayed until 8/2/74	25324
•Revised	27803
2.1033 •(c) revised	27803
2.1043 •Revised	27803
2.1045 •Effective date stayed until 6/25/74	12351, 12867
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•Revised	27803
2.1065 •Correction	28160
5.55 (d) and (f) revised	32138
13.2 •Heading and introductory text amended; (d) added	26156
13.3 •(b) revised	26156
13.4 •(c) revised	7424
•(a) amended; (b) removed	26156
13.5 •(c)(2) amended	26156
13.7 •(a)(2) amended	26156
13.8 •(a) revised; (b) removed; (c)—(e) redesignated as (b)—(d)	26156
13.11 •(b)(1)(iii), (2), and (3) revised	7424
•(d) and (e) revised	26156
13.21 •(b) added	7580
•(a)(9) amended	26156
13.22 •(d) removed	26156
13.23 •Revised	26157
13.25 •Amended	26157
13.26 •Amended	26157
13.26 •Corrected	29369
13.28 •Revised	7424
•Amended	26157
13.61 •(d)(2), (f)(6), and (g)(1) and (3) revised	3553
•(e)(2) and (f)(7) removed; (h)(4) revised	15129
(d)(2), (f)(6) and (g)(1) and (3) amended	26157
13.62 •(c) introductory text and (c)(1), (2), and (3) revised	3553
•(c) amended	26157
13.71 •(a) amended	26157
13.72 •Revised	26157
13.74 •Revised	24370
•(a) amended	26157
13.75 •Introductory text revised	26157
13.76 •Amended	26157
13.91 •Revised	26157
13.94 •Introductory text revised	26157
15.66 •(b) revised	14347
15.68 (b)(3) and (d)(3) revised	29813
(d)(4) added	30265
15.71 •(b) removed	14347
15.201 •(e) added	12748
15.214 •(c) revised	1768
15.216 •(a), (b), and (c) revised	12748
15.307 •Revised	1768
15.309 Revised	27822
15.309 •(a) and (c) revised	1768
17.2 •(a) amended	26157
17.7 •Revised	7581
•(b)(1), (2) and (3) amended	26157
17.14 •(c) revised	7581
17.24—17.58 •Undesignated center heading added	26157
17.24 •(a) amended	26157
17.25 •(a)(1) and (2) amended	26157
17.26 •(a)(1) and (2) amended	26157
17.27 •(a)(1) and (3) amended	26157
17.28 •(a)(1) and (3) amended	26157
17.29 •(a)(1) and (3) amended	26157
17.30 •(a)(1) and (3) amended	26157
17.31 •(a)(1) and (3) amended	26157
17.32 •(a)(1) and (3) amended	26157
17.33 •(a)(1) and (3) amended	26157
17.34 •(a)(1) and (3) amended	26157
17.35 •(a)(1) and (3) amended	26157
17.36 •(a)(1) and (3) amended	26157
17.37 •(a)(1) and (3) amended	26157
17.45 •Amended	26157
17.48 •(a) and (b) amended	26157
17.53 •Table and footnote 1 amended; footnote 4 removed	26157
17.57 •Revised	7581
18.13 •Revised	1769
18.14 •Revised	1769
18.141 •(a) revised	1769
18.144 •Note revised	1769
21 •Technical amendment	33527
21.1 •Amended	2765, 20601, 25493
•Corrected	24372
21.15 (r)(2) corrected	27218
21.35 •(a) revised	2765
21.101 •(a) table and (b) amended; (c) added	25493
•Footnote 2 amended	25493, 27668
21.107 •(b) amended	2765
•(b) revised	25494
21.108 •(b) amended	2765
•(e) amended	25494
21.501 •(e) revised	2765
•(l) Table A amended	29368
•(l)(4) amended	33527
21.509 •(e) designated as (e)(1); new (e)(2) added	20601
21.701 •(a) table amended	2766
•(a) and footnotes 4 and 5 amended; footnotes 9 through 13, and (j) and (k) added	25494
•(a) Corrected	29369
21.703 •(g) table amended	2766
•(g) revised	25494
21.710 •Added	25495
21.711 •Added	25495
21.711 •Corrected	29369
21.801 •(a) and (d) revised	25495
•(d) corrected	29369
21.804 •(d) revised	25495
21.900—21.908 (Subpart K) •Added	2766
21.901 •(c) corrected	7134
23.16 Corrected	27386
23.20 (d)(2) corrected	27218
25 •Technical amendment	33527
25.151 •(e) revised	33527
25.202 •(a) and (f) revised	33527
25.204 •(b) amended	33527
25.252 •(a) footnote 1 and (b) amended	33527
25.253 •(a), (b)(3) and (f)(2) amended	33527
25.510 •Removed	33527
25.511 •Removed	33527
43 •Appendix amended	29919
43.31 •Revised	31905
43.72 •Added	2766
64.202—64.298 (Subpart B) Revised	33475
73.18 (c)(2) corrected	27218
73.52 •(a) revised	10574
73.60 (a) revised	30266
73.63 (g) revised	30266
73.66 •(c) added	24371
73.71 •(b) revised	10574
73.73 •Revised	24371
73.83 •Revised	26736
73.92 •(b) revised	24371
73.93 •(h)(4)(iv) revised	10575

Note: Asterisk (•) identifies changes published in 1974.

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73.98 •(b) and (g) revised	3901
73.113 •(e) revised	10575
•(a)(1)(iv), (2) introductory text, and (a)(2)(ii) and (3) introductory text revised	24371
73.114 •(b) revised	10575
73.202 (b) table amended	28833, 32450, 33602, 34119
(a) amended	28834
•(b) table amended	804, 1474, 1478, 1772, 1851, 4885, 7791, 10578, 11082, 13548, 14506, 19216, 20378, 20379, 24907, 25325, 25662, 26735, 27572, 29184, 29185, 32560, 33528, 35172
•(b) corrected	2768, 24373
73.204 •(a) revised	12990
73.207 •(a) note amended	12990
•(a) Note corrected	20485
73.215 (c)(2) corrected	27218
73.252 (a) revised	30266
73.255 (f) revised	30266
73.261 •(b) revised	10575
73.264 •(b) revised	24371
73.265 •(d)(5)(iv) revised	10575
73.267 •(c) revised	10575
73.283 •(e) revised	10575
73.284 •(b) revised	10575
73.295 (g) revised	30266
73.297 (b) revised	30266
73.298 •(b) and (f) revised	3901
73.310 •(a) amended	10575
73.319 •(f) added	24371
73.501 (c) added	28834
73.504 •Note added	12990
73.507 Added	28834
73.515 (c)(3) corrected	27218
73.552 (a) revised	30266
73.555 (f) revised	30266
73.564 •(b) revised	24371
73.565 •(d)(5)(iv) revised	10575
73.567 •(c) revised	10576
73.572 •(a)(1) and (2) revised	24371
73.583 •(e) revised	10576
73.595 (g) revised	30266
73.596 (b) revised	30266
73.597 •(b) and (f) revised	3901
73.603 •(a) table amended	10576
73.606 •(b) table amended	10433, 16467, 28632, 30932
73.623 (c)(2) corrected	27218
73.644 •(a)(10) removed	5775
73.651 •(a)(3) revised	10576
73.658 •(k) revised	5611, 12748
(m) effective date stayed	31680, 34325
•(m) revised	16352
•(k) interpretative release	35171
73.660 •Revised	24371
73.661 •Revised	24372
73.674 •Existing text designated as (a); (b) and (c) added	1767
73.675 •(b) and (f) revised	3901
73.682 •(a)(22) revised	802
73.689 •(b)(3) revised	10576
73.690 (a) revised	30266
73.698 •Table I revised	20377
73.712 (c)(2) corrected	27218
73.901—73.962 (Subpart G) •Revised	3901
73.911 •(a), (b), and (c) revised	14710
(39 FR 3902) •Revision republished	17443
73.931 •(a)(3) corrected	6610
73.1201 •(c) revised	6707
•(c) corrected	9442
73.1202 Added	28790
(a), (d)(1)(ii) and (iii) and (2)(ii) and (iii), and (e) revised	35412
73.1209 •Added	26736
74.12 (c)(2) corrected	27218
74.533 •(b)(4) revised	10576
74.635 •(a)(4) revised	10576
74.661 •(b) revised	24372
74.1202 •Note added	12990
76.7 •(b) and (d) revised	6707
•(i)(3) note added	20380
76.11 (a) revised	33398
76.13 •(a)(6), (b)(6) and (c)(4) revised	6707
•Note designated as 1; note 2 added	20380
76.29 •Added	35166
76.51 •(a) amended	24373
•(a)(37) revised	27572
76.57 •(c) added	33531
76.59 •(d)(3) added	33531
76.61 •(e)(3) added	33531
76.95 •(c) added	12993
76.155 •(a)(2)(iv) revised	33532
76.251 •(a)(11)(iv) revised	29186
76.305 •Revised	29186
76.306 •Added	9443
76.307 •Added	29187
76.601 (e) revised	29085
78.5 •(h) revised	26025
78.15 (a) revised; (b) removed	29321
78.15 •Note designated as 1; note 2 added	20380
78.19 (e)(2) corrected	27218

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78.23 (a) revised	29321
78.25 (a) revised	29321
78.103 •Heading revised	26025
78.104 •Added	26025
78.111 •Footnote 1 revised	26025
78.115 •(b) revised	26025
81.3 (t) added	29815
81.132 •(a)(2)(ii) amended	2001
•(a)(3) revised	12749
81.134 •(e) revised	12749
81.193 •Revised	2586, 25496
81.194 •(d) added	2586
81.214 •(a)(6) revised	30045
81.330 Added	29815
81.359 •Added	24908
81.361 •(b)(1) removed	11082
81.708 (b)(20) revised	29323
81.713 •Revised	32561
81.708 •(a) table amended	5488
83.3 •(q) added	10142
83.7 •(l) added	10142
83.39 •(b)(3) revised	2267
83.68 •Revised	10142
83.131 •Introductory text of (c) revised; (c)(3) added	10142
83.132 •(a)(1)(iii) and (iv) added; (a)(2)(ii) revised	10142
83.133 •(a) table amended	10142
83.134 (f) footnote 3 added	28941
83.134 •(f) revised	4578
•(i) added	10142
83.137 •(i) added	10142
83.139 •(b) revised	10142
83.141 •(a)(4) and (b) revised; (d) added	10142
83.144 •Added	10142
83.145 •Added	10143
83.164 •(b) revised	10143
83.178 •(e) added	10143
83.233 •Table revised	10144
83.252 •Added	10144
83.322 •(c) revised; (d) added	10144
83.326 •(c) added	10144
83.351 •(a) table amended	5489
83.352 •(b) revised; (c) added	10144
83.354 (b) table heading amended	28053
(b)(7) removed	28053
83.360 •(b)(1) and (3) removed	11082
83.401 •(c) revised	10144
•(c) corrected	13781
83.517 (c)(2) revised	31008
83.518 Revised	28941
83.542 (d)(2) revised	31008
87.29 •(a)(5) added	5316
87.31 (f)(2) corrected	27218
87.65 (a)(5) and footnote 1 revised; footnote 2 added	29081
87.65 •(c) revised	14210
87.67 (b)(1) footnotes 5, 6, and 7 revised	29081
87.67 •(b)(1) footnote 7 revised	6706
87.79 (a) revised	29081
87.115 •(e)(1)(iii) revised	11083
87.135 •Revised	25662
87.137 •(c) revised	25662
87.183 (i) revised	29081
87.201 (b) revised	29082
87.295 (b) amended; (c) added	29082
87.331 (a) and (b) amended; (a) footnote 3 removed	29082
87.331 •(a) and (b) revised; (d) added	6706
•(a) corrected	10909
87.341 (a) revised	29082
87.401 (a) and (c) revised	29082
87.431 Revised	29083
87.431 •Revised	6707
87.501 (h)(5) and (8) revised; footnote 3 added	33975
87.513 •(b)(4) revised	26736
89.3 (b) amended	27823
89.12 (e) added	27823
89.15 (e)(2) corrected	27218
89.60 •(a)(2) amended	29368
89.103 •(a) table amended	16843
89.105 •(a) revised; (e) added	16843
89.107 •(b)(2) table amended	16843
89.109 •(d) and (i) revised	16843
89.111 •(b) table revised	16843
89.117 •(b) revised	7134
89.120 •Added	28884
89.123 Introductory text of (c) revised; (e) and (f) added	32929
89.123 •(a)(8) added; (b) table G amended; (g) and (h) added	29369
89.156 Revised	28835
89.163 •(a)(2) and (3) removed	29187
89.259 •(f) frequency chart amended; (g)(11) revised; (g)(13) removed	26122
89.307 (f) removed	27823
89.357 (e) removed	27823
89.359 •(f) frequency chart amended; (g)(10) removed	26122
89.459 (d) table amended; (e)(17) added	30742
•(d) and (e) amended	27668
89.501—89.525 (Subpart P) •Revised	26122

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89.511 •(a) and (d) revised	15129
89.525 •(f)(2) corrected	29369
89.601—89.804 (Subpart S) •Added	16843
89.751 •(g) table corrected	18461
91.3 Amended	27823
91.7 (e) added	27823
91.8 (m)(2) corrected	27218
91.57 •(a)(2) amended	29368
91.102 •(a) table amended	16848
91.103 •(a) revised; (c) added	16849
91.104 •(b)(2) table amended	16849
91.105 •(f) and (h) revised	16849
91.106 •(b) table revised	16849
91.114 Introductory texts of (c), (d), (e), and (f) revised; (h) and (i) added	32929
91.114 •(a)(8) added; (b) table G amended; (j) and (k) added	29368
91.116 •Added	16849
91.120 •Added	28884
91.154 •(c) revised; (d) and (e) removed	29187
91.162 Revised	28835
91.504 (a) table amended; (b)(37) and (38) added	30742
•(a) amended; (d) added	27668
91.554 (b)(32) and (41) revised	27823
91.601 •(b) revised	28885
91.604 •(a) table amended; (b)(19) added	10145
93.7 Amended	27823
93.9 (c)(2) corrected	27218
93.10 Added	27824
93.57 •(a)(2) amended	29369
93.102 •(a) table amended	16849
93.103 •(a) revised; (c) added	16849
93.104 •(b)(2) table amended	16849
93.105 •(f) and (h) revised	16849
93.106 •(b) table revised	16849
93.109 •(b) revised	7134
93.114 (c) introductory text and (d) introductory text revised; (c) footnote 2 and (d) footnote 2 amended; (f) and (g) added	32930
93.114 •(a)(8) added; (b) table G amended; (h) and (i) added	29369
93.116 •Added	16850
93.120 •Added	28885
93.154 •(c) revised; (d) and (e) removed	29187
93.156 •(a) revised	25663
93.164 Revised	28838
93.352 •(a) amended	27668
95.3 (b) and (c) amended	29325
95.3 •Amended	28161
95.5 (a) amended	33302
95.6 (b) amended	33302
95.13 (a) and (c) amended	33302
95.15 (b) amended; (b) footnote removed	33302
95.19 (a) introductory text and (a)(3) amended	33302
95.35 Heading, introductory text, and (c) revised; (d) and (e) added	29325
(b) amended	33302
95.37 (c) amended	33302
95.37 •(c) revised	28161
•(c)(5) corrected	33671
95.41 (b) removed	33302
95.43 Revised	29326
95.45 Revised	29326
95.47 (d) revised	29326
(b) removed	33302
95.49 (c) and (d) revised	29326
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95.51 Revised	29326
95.55 Revised	29326
95.57 Heading, (a), and (b) revised; (d) added	29327
95.58 Added	29327
Introductory text of (c) amended	34325
95.59 Revised	29327
95.63 Introductory text revised	29327
95.69 Removed	29327
95.83 (a)(7) note amended	33302
95.97 Introductory text of (c) revised	29327
Introductory text of (c) amended	34325
95.101 (a) amended	33302
95.117 (c) amended	33302
95.119 (d) amended	33302
97.41 •(f) removed	2002
97.61 •(a) table and (b) (8), (9), and (10) revised; (b) (11) and (12) added	12995
97.88 •Added	21054
97.103 •Revised	24909
97.108 •(a)(4) revised	2002
•Removed	21054
97.111 •(c) revised; (f) added	2002
97.112 •Existing text designated as (a); (b) added	9444
97 Appendix 1 amended	33974

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1.24 (f) revised	29881
1.41 Revised	29881
1.44 •(f) revised	30353
•(a)(2) revised; (a)(7) removed	35232
1.45 •(a)(4) removed	30353
•(a)(4) added	35232
1.46 •(l) and (m) revised	4083
•(o)(6) and (r) added	10585
•(o)(7) added	17847
1.47 •(g)(1) revised; (h) removed	35232
1.48 (b), (c), and (n) revised	31497
1.48 •(b)(33) and (c)(1) amended	3680
•(c)(15) added	5767
•(p) added	7791
•(q) added	10585
•(b)(1) revised	13781
•(b)(23) revised	35233
1.49 •(p) added	7791
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•(r) added	10585
1.50 (f) and (g) added	31498
1.50 •(g) amended	3680
•(f)(2) revised	13781
1.50a •Revised	10585
1.51 (b) revised; (g) added	31498
1.53 •(m) added	7425
1.57 •(j) added	7791
1.58 •Heading revised; (g) added	10585
•(d)(1) revised	11423
1.59 (n) added	29881
1.59 •(o) added	7425
1.60 •(l) added	8919
7.85 (g)(2) revised	32580
7 Appendix H amended	34112

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85 •Appendix amended	4085
•Appendix corrected	5190
99 Appendix C amended	33975
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171 •Effective date	32615
171.7 •(c)(18) and (d)(13) added; (d) (1) and (7)(iv) revised	10910
•(c)(19) added	12750
•(d)(1) revised	30135
172 Compliance date amended	28292
172 •Effective date	32615
172.4 •(a) amended	2770
172.5 (a) table amended	35469
172.5 •(a) table corrected	1851
•(a) table amended	2770, 12750, 15034, 17314, 18462, 33532, 35173
•(39 FR 17314)(a) effective date corrected	17970
173 Compliance date amended	28292
173 •Effective date	32615
173.28 Introductory text of (m) revised	35470
173.31 •(c) (7) and (10) revised	15034
173.32 •(a)(3) added	17315
173.33 (e) introductory text, (e)(1), (g) introductory text, (g)(1), (2), (3), (4), and (8), and (i) exception, (i)(1), (2), and (3) revised; (e)(5), (g)(5), and (i)(3) note 1 removed; (e)(6) through (10) redesignated as (e)(5) through (9); (g)(6) through (11) redesignated as (g)(5) through (10)	27596
•(i)(4) revised; (i)(5) added	35173
173.60 •(a)(1) removed	17315
•Effective date corrected	17970
173.64 •(a)(3) removed	17315
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173.65 •(a)(3) and (e)(1) removed	17315
•Effective date corrected	17970
173.70 •(b) introductory text and (d) revised	17315
•(d) corrected	17847
•Effective date corrected	17970
173.71 •(b) and (d) revised	17315
•(d) corrected	17847
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173.72 •(b) and (d) revised	17315
•Effective date corrected	17970
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173.74 •(b) and (d) revised	17315
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173.75 •(b) introductory text and (d) revised	17316
•Effective date corrected	17970
173.76 •(b) and (c) revised	17316
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173.77 •(b) and (d) revised	17316
•Effective date corrected	17970
173.78 •(b) and (d) revised	17316
•Effective date corrected	17970
173.91 •(a)(1) removed	17316
•Effective date corrected	17970
173.93 •(a)(1), (b)(2), and (d)(2) removed	17316
•Effective date corrected	17970
173.108 •(a)(1) removed	17316
•Effective date corrected	17970
173.115 •Heading, (a), and (c) revised	2770
173.118 •Heading revised; (a)(3), (b), (c), and (d) added	2770
173.119 (m)(16) and (17) added	35470
173.119 •(b) introductory text and (l) introductory text revised	2770
•(a)(12) amended; (e)(2), (f)(3) and (4), and (h) revised	15035
•(a)(5) and (6) removed; (b)(3) and (e)(1) and (3) revised	17316
•Effective date corrected	17970
•(e)(2) amended	22426
•Effective date corrected	17970
•(a)(12), (e)(2) and (f)(3) amended	24910
173.121 •(a)(1) removed	17317
173.123 •(a)(5) revised	15035
•(a)(5) corrected	16887
173.124 •(a)(5) revised; (a)(6) added; Note 1 and (b) removed	24910
173.128 •(b)(1) removed	17317
•Effective date corrected	17970
•(b) introductory text removed; •(c) amended	33532
173.131 •(a)(2) removed	17317
•Effective date corrected	17970
173.132 •(a)(1) revised; (a)(1) note 1 removed	17317
•Effective date corrected	17970

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173.141 •(a)(7) revised	15035
•(a)(10) added	17317
•Effective date corrected	17970
•(a)(10) revised	33532
173.145 •(a)(6) revised	15035
173.154 •(a)(15) added	15035
•(a)(3), (4), and (5) removed	17317
•Effective date corrected	17970
173.155 •(a)(2) removed	17317
•Effective date corrected	17970
173.163 •(a)(4) amended	17317
•Effective date corrected	17970
173.176 •(g) introductory text revised	33532
173.182 •(a) introductory text, (b) introductory text, and (b)(3), (4), (5), and (6) revised; (b)(7) added	12751
173.184 •(a)(1) removed	17317
•Effective date corrected	17970
173.187 •(a)(1) revised	17317
•Effective date corrected	17970
173.188 •(a)(1) revised	17317
•Effective date corrected	17970
173.191 •(a)(1) revised; (a)(3) removed	17317
•Effective date corrected	17970
173.195 •(a)(3) removed	17317
•Effective date corrected	17970
173.201 •(a)(3) removed	17317
•Effective date corrected	17970
173.204 •(a)(1) revised; (a)(8) added	17317
•Effective date corrected	17970
173.205 •(a)(2) removed	17317
•Effective date corrected	17970
173.206 •(a)(1) and (c)(4) revised; (a)(11) added	17317
•Effective date corrected	17970
173.214 •(a)(2) and (c)(2) removed; (c)(4) added	17318
•Effective date corrected	17970
173.216 •(a)(2) removed	17318
•Effective date corrected	17970
173.217 •Heading and introductory text of (a) revised; (a)(6) added	12751
173.225 •(b)(2) amended	33532
173.240 (a) revised	35470
173.245 (a)(4) revised; (a)(34) added	35470
173.245 •(a)(5) and (6) removed	17318
•Effective date corrected	17970
173.245a •(a) table amended	15035
173.246 •Revised	17318
•Effective date corrected	17970
173.247 Heading and (a) introductory text revised	35471
173.247 •Heading, (a) introductory text, and (a)(13) and (14) revised	15037
•(a)(2) removed	17318
•Effective date corrected	17970
•Heading and text amended	18462
173.247a •Heading revised	33532
173.248 •(a)(4) revised	15036
173.249 Heading and (a) introductory text revised	35471
173.249 •(a)(5) revised	15036
173.249a Added	35471
173.252 •(a)(3) and (4) revised; (a)(5) removed	17318
•Effective date corrected	17970
173.253 •(a)(7) revised	15036
173.254 •(a)(4) revised	15036
•(a)(3) removed	17318
•Effective date corrected	17970
173.262 •(a)(6) revised	15036
•(a)(3) removed	17318
•Effective date corrected	17970
173.263 •(a) (9) and (12) revised	15036
•(a)(9) corrected	16887
•(a)(4) and (8) and (b)(1) removed	17319
•Effective date corrected	17970
173.264 Heading and (a) introductory text revised	35471
173.264 •(a) (8) and (11) and (b)(2) revised	15036
•Heading and (a) introductory text revised	35173
173.265 •(b)(3) revised	15036
•(a)(2) and (3) removed	17319
•Effective date corrected	17970
173.266 •(f)(1) revised	15036
•(d)(1) removed	17319
•Effective date corrected	17970
173.267 •(a)(3) revised	15036
•Effective date corrected	17970
173.268 •(b)(1) and (c)(2) revised	15036
•(d)(1) and (e)(1) revised	17319
•Effective date corrected	17970
173.270 •(a)(2) removed	17319
•Effective date corrected	17970
173.271 •(a) (9) and (11) revised	15037
•(a)(3) removed	17319
•Effective date corrected	17970
173.272 •(i) (22), (26), and (27) revised	15037
173.273 •(a)(4) revised	15037

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173.274 •(a)(3) revised	15037
•(a)(4) added	17319
•Effective date corrected	17970
173.276 •(a)(4) and (5) revised	15037
173.280 Heading and (a) introductory text revised	35471
173.280 •(a)(7) revised	15037
173.283 •Removed	17319
•Effective date corrected	17970
•Added	35173
173.284 Heading and (a) introductory text revised	35471
173.284 •Removed	17319
•Effective date corrected	17970
173.285 •Removed	17319
•Effective date corrected	17970
173.289 •(a)(3) removed	17319
•Effective date corrected	17970
173.291 •(a)(8) revised	15037
•(a)(4) and (5) removed	17319
•Effective date corrected	17970
173.294 •(a)(2) and (b) revised	15037
173.295 •(a)(11) and (12) revised	15037
•(a)(2) removed	17319
173.296 •(a)(3) revised	15037
173.297 •(a)(4) added	12751
•(a)(2) revised	15037
173.304 •(a)(2) table amended	12751
•(d)(3)(ii) table amended	17319
•Effective date corrected	17970
173.306 •(d)(3) and (f) added; heading of (e) revised; (e)(2) removed	12752
•(b)(6) and (c) revised	17319
•Effective date corrected	17970
173.314 •(c) table amended	15037, 17320, 24910, 27574, 32912
•Effective date corrected	17970
173.315 (a)(1) table notes 2 and 4, (h) introductory text, (h)(2), (3), and (4) and (i) revised; (h)(2) table transferred to follow introductory text of (h)	27597
173.315 •(i)(13) revised; (i)(14) added	35173
173.346 •(a)(10) revised	15038
•(a)(5) and (6) removed	17320
•Effective date corrected	17970
173.347 •(a)(2) revised	15038
173.351 •(a)(2) removed	17320
•Effective date corrected	17970
173.352 •(a)(4) revised	15038
173.354 •(a)(4) amended	24910
173.360 •(a)(1) removed	17320
•Effective date corrected	17970
173.365 •(a)(13) revised	15038
•(a)(4), (a)(4) note 1, and (a)(5) removed	17320
•Effective date corrected	17970
173.366 •(a)(2) removed	17320
•Effective date corrected	17970
173.367 •(a)(1) and (a)(1) note 1 removed	17320
•Effective date corrected	17970
173.369 •(a)(13) amended	15038
•(a)(2) and (3) removed	17320
•Effective date corrected	17970
173.370 •(a)(2) removed	17320
•Effective date corrected	17970
173.371 •(a)(2) removed	17320
•Effective date corrected	17970
173.373 •(a)(2) removed	17320
•Effective date corrected	17970
173.392 •(d)(2)(i) revised	15038
173.401 •(a)(2) added	2771
174 Compliance date amended	28292
174 •Effective date	32615
174.532 •(k) revised	12752
•(l)(5) and (6) revised	33532
174.534 •(b) added	12752
•(c) added	17320
•(c) effective date corrected	17970
174.541 •(a)(2) and (3) revised	2771
174.584 •(a) table amended	2771
174.588 •(c)(2) revised	10910
174.600 •(a) revised	10910
175 Compliance date amended	28292
175 •Effective date	32615
175.655 •(j)(3) note 2 revised	10910
177 Compliance date amended	28292
177 •Effective date	32615
177.823 •(a)(1) table amended	2771
177.824 (a)(1), (e), (f), (h), and (i) revised	27597
177.840 (g) added	27598
177.861 •(a) note 2 revised	10910
178 Compliance date amended	28292
178 •Effective date	32615
178.32–2 •Revised	12752
178.116–6 •(a) table amended	10910, 11891
178.155 (178.155–1—178.155–13) •Removed	17320
•Effective date corrected	17970
178.157 (178.157–1—178.157–13) •Removed	17320
•Effective date corrected	17970
178.160 (178.160–1—178.160–13) •Removed	17320
•Effective date corrected	17970

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178.161 (178.161–1—178.161–14) •Removed	17320
•Effective date corrected	17970
178.245–1 •(c) Revised	17320
•Effective date corrected	17970
178.337–1 (e) revised	27598
178.337–1 •(c)(2) revised	35174
178.337–2 (c) revised	27598
178.337–2 •(b) revised	35174
178.337–4 (b) revised	27598
178.337–8 (b) revised	27598
178.337–8 •(b) revised	35174
178.337–9 (a) and (b) revised	27598
178.337–10 •(c) revised	35174
178.337–11 (a)(2) and (3), (b), (c) introductory text, and (c)(5) revised; (a)(4) and (b) note 1 removed; (c)(6) added	27598
178.337–11 •(c) effective date changed	11423
178.337–13 (a) and (b) revised	27598
178.337–14 (a), (b), and (c) revised	27599
178.337–15 (a) revised	27599
178.343–5 (b)(2) amended	35471
178 •Appendix B Table I amended	12752
179.100–8 •(b) added	15038
179.100–23 •Added	27574, 32912
179.102–6 •(a)(3) removed	24910
179.102–12 •Revised	24910
179.102–17 •Removed	24911
179.102–20 •Revised	24911
179.201–1 •(a) table amended	24911
179.202–1 •Amended	24911
179.202–16 •Existing text designated as (a), (b) added	15038
179.202–18 •Revised	24911
179.302 •(a) table amended; footnote 7 added	17320
•(a) effective date corrected	17970
192.625 (g)(1) revised	35472
195.424 •(b) revised; (c) added	19781

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212 Added	34784
212.53 •(a) amended	1772
213.9 (a) introductory text revised; (c) added	23405
(c) added	23405
213 •Appendix B added	12351
215 Added	32230
215.3 •Revised	25498
215.3 •(c) (39 FR 25498) correctly revised	27139
215.5 •(b) and (c) redesignated as (c) and (d) respectively and revised; new (b) and (e) added	25498
215.9 •(a) revised	25498
215.11 •(b) and (c) revised; (d) redesignated as (e); new (d) added	25498
•(c)(1) (39 FR 25498) correctly revised	27139
215.15 •(a) revised	25499
215.17 •(c) revised	25499
215.23 •Revised	25499
215.31 •(b) revised	25499
215.43 •(f) revised; (g)—(h) removed, (i)—(o) redesignated as new (g)—(h)	25499
215.45 •Revised	25499
215.89 •Amended	25499
215.93 •(b) revised	25500
215.97 •(a) revised	25500
215.99 •(a) table revised	25500
215.123 •(c) revised	25500
215.153 •(h) added	25500
215.193 •Revised	25500
215.195 •Removed	25500
215.197 •Revised	25500
215.223 •Revised	25500
215.225 •(b) and (d) revised	25500
215 •Appendix A amended	25500
•Appendix C amended	25501
225.1 Revised	35473
231.1 •Revised	14506
231.30 •Added	27328
253 •Added	9179
254 •Added	8919
254.9 •(d) corrected	9966

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310.7 •Amended	9181
310.8 •Amended	9181
310.9 •Amended	9181
310.10 •Amended	9181
310.11 •Amended	9181
310.12 •Amended	9181
310.13 •Amended	9181
385—398 (Subchapter B) •Heading revised	15130
•Appendix A amended	804, 35174
•Appendix C revised	20796
389 •Technical amendment	32561
390 •Technical amendment	32561
390.16 •Revised	27443
390.33 •Revised	27443
391 •Appendix C Corrected	26403
•Technical amendment	32561

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391.35 •(e) revised 20795
392 •Technical amendment 32561
393 •Technical amendment 32561
393.22 •Revised 26908
393.25 •(f) amended 28289
393.48 •Revised 26907
393.76 •Revised 14711, 32135
•(a)(1) corrected 17233
393.93 Footnote 1 revised 32561
393.94 Added 30881
394 •Technical amendment 32561
395 •Technical amendment 32561
395.8 (j) revised 27930
395.13 Revised 31428
395.13 •Revised 31640
396 •Technical amendment 32561
396.5 (a) revised 31428
397 •Technical amendment 32561

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Subchapter A •Heading revised 27669
420 •Heading revised 27669
•Authority citation revised 27669
420.1 •Amended 27669
420.2 •Revised 27669
420.3 •(a) amended; (f) and (g) added 27669
421 •Heading revised 27669
•Authority citation revised 27669
421.1 •Revised 27669
421.2 •Revised 27669
421.10 •Amended 27669
421.11 •Revised 27669
421.12 •Revised 27889
421.13 •Revised 27669
421.14 •Added 27669
421.20 •(a) amended 27669
421.30 •Revised 27669
421.31 •Revised 27669
421.31a •Added 27670
421.32 •Heading revised 27670
421.33 •Revised 27670
421.40 •Revised 27670
421.50 •Removed 27670
422 •Authority citation revised 27670
422.1a •Added 27670
422.1b •Added 27670
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422.3 •Revised 27670
422.3a •Added 27670
422.4 •Heading revised; (b) removed 27670
423 •Authority citation revised 27670
423.2 •Amended 27670
423.3 •Revised 27670
423.3a •Added 27670
423.4 •Revised 27671
423.4a •Added 27671
423.5 •Revised 27671
423.6 •Revised 27671
424 •Revised 27671

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501 •Revised 27140
501.8 •(h)(4) added 7791
553 •Appendix revised 14593
555.5 •(b) (5) and (6) revised; (b)(7) added 5489
555.6 •(a)(1) (iv) and (v) revised 5489
555.7 •(a) revised 5489
569.1 •Revised 15039
569.7 •Revised 15039
570.1—570.10 •Designated as Subpart A 26026
570.5 •Introductory text added; (e) revised 12868
•(b)(1) revised 17321
570.7 •(d) revised 12868
570.9 •(b) and (d)(1) revised 12868
•(b)(1) added 19781
570.10 •(b) revised 12868
570.51—570.63 (Subpart B) •Added 26027
570.53 •Revised 28980
571.3 (b) amended 32580
571.3 •(b) amended 15039
571.11 •Removed 28437
571.105–75 •Std. No. 105–75 redesignated from 571.105a Std. No. 105a and amended; eff. 9–1–75 6709–6711
•Std. No. 105 corrected and amended; eff. 9–1–75 25944
•Std. No. 105–75 corrected 26736
571.105a •Std. No. 105a redesignated as 571.105–75 Std. No. 105–75 6709
571.106 Std. No. 106 revised; eff. 9–1–74 31303
571.106 •Std. No. 106 amended; eff. 1–29–74 3680
•Std. No. 106 heading revised; text amended; eff. 9–1–74 7427, 7428, 24016
571.106–74 •Std. No. 106–74 amended; eff. Mar. 1, 1975 28436
571.108 Std. No. 108 amended; eff. 1–1–74 33085

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571.108 •Std. No. 108 (38 FR 33085) petitions for reconsideration denied 14210
•Std. No. 108 amended; eff. 5–29–74 14947, 15130
•Std. No. 108 (39 FR 15130) corrected 18768
•Std. No. 108 amended; eff. 5–31–74 20063
•Std. No. 108 amended; eff. 10–14–74 32914
•Std. No. 108 amended; eff. 10–17–74 33337
571.109 Std. No. 109 corrected 27599
Std. No. 109 Appendix A amended; eff. 11–9–73 28569, 28570
Std. No. 109 Appendix A revised 30235
Std. No. 109 Appendix A corrected 31309
571.109 •Std. No. 109 Appendix A corrected 808, 4578, 14211, 16126
•Std. No. 109 Appendix A amended; eff. 3–7–74 4664, 4665
•Std. No. 109 amended; eff. 3–29–74 11424
•Std. No. 109 Appendix A amended; eff. 5–22–74 14595
•Appendix A tables I–A, I–B, I–J, I–M, I–N, I–V, and I–W amended 26404
•Redesignated from 571.109a 31322
•Std. No. 109 Appendix A amended; eff. 8–13–74 28981
•Std. No. 109 amended; eff. 10–7–74 32321
•Correctly designated from § 571.109a 32030
571.109a •Redesignated as 571.109 and republished 31322
•Heading corrected 32030
•Correctly designated as 571.109 32030
571.110 Std. No. 110 Appendix A amended; eff. 11–9–73 28570
Std. No. 110 Appendix R revised 30243
Std. No. 110 Appendix A corrected 31309
571.110 •Std. No. 110 Appendix A amended; eff. 3–7–74 4665
•Std. No. 110 Appendix A amended; eff. 5–22–74 14595
•Appendix A tables I–A, I–B, I–G, I–J, I–M, I–N, I–V, and I–W amended 26405
571.116 Std. No. 116 amended; eff. 10–1–74 30353
571.116 •Std. No. 116 corrected 32739
571.117 •Std. No. 117 amended; eff. 1–9–74 1443, 1444
•Std. No. 117 amended; eff. 2–1–74 3553
571.119 Std. No. 119 added; eff. 9–1–74 31301
571.119 •Std. No. 119 (38 FR 31299) effective date changed to 3–1–74 4087
•Std. No. 119 amended; eff. 3–1–75 5192, 12105
•Std. No. 119 Table III corrected 19481
571.121 •Std. No. 121 amended; eff. 9–1–74 806
•Std. No. 121 amended; eff. 9–1–74 and 3–1–75 17554
•Std. No. 121 effective date changed 20380
•Std. No. 121 amended; eff. 1–1–75 28161
571.122 •Std. No. 122 amended; eff. 10–14–74 32914
571.123 •Std. No. 123 amended; eff. 10–14–74 32915
571.125 •Std. No. 125 revised; eff. 11–11–74 28636
571.208 •Std. No. 208 amended; eff. 1–10–74 1513
•Std. No. 208 amended; eff. 5–27–74 14594
571.209 •Std. No. 209 amended; eff. 1–24–74 2771
571.215 •Std. No. 215 amended; eff. 3–1–75 29370
•Std. No. 215 amended; eff. 9–1–74 31641
571.217 •Std. No. 217 amended; eff. 6–3–74 15274
571.218 •Std. No. 218 amended; eff. 3–1–74 3555
571.301 •Std. No. 301 revised; eff. 9–1–75 10588
571.301–75 •Std. No. 301–75 added; eff. 9–1–75, 9–1–76, and 9–1–77 10589
573.4 •(c)(2) revised 4579
573.5 •(c)(9) added; (e) revised 4579
•(e) revised 16469
574.5 •Amended 12105
574.7 •Revised 19482
•Corrected 20206
574.109 •Std. No. 109 amended 5192
575.4 •Revised 1039, 13971
575.6 •Revised 1039, 13971

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576 *Added ---------- 30045

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921 *Added ---------- 26908

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1033.1112 (d) revised ---------- 29882
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1033.1116 (e) revised ---------- 32138, 32259
1033.1117 *(e) revised ---------- 13158
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1033.1126 *(e) revised ---------- 8327, 32137
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1033.1139 (e) revised ---------- 27354
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AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS

USDA—AGRICULTURE DEPARTMENT

AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
EMS—Export Marketing Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FS—Forest Service
PSA—Packers and Stockyards Administration
REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SCS—Soil Conservation Service

COMMERCE—COMMERCE DEPARTMENT

Census—Census Bureau
DIBA—Domestic and International Business Administration
EDA—Economic Development Administration
MA—Maritime Administration
NBS—National Bureau of Standards
NOAA—National Oceanic and Atmospheric Administration
NTIS—National Technical Information Service
MBE—Minority Business Enterprise Office
Patent—Patent Office
SESA—Social and Economic Statistics Administration
USTS—United States Travel Service

DEFENSE DEPARTMENT

Air—Air Force Department
Army—Army Department
DIA—Defense Intelligence Agency
DSA—Defense Supply Agency
Engineers—Engineers Corps
Navy—Navy Department

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

CDC—Disease Control Center
FDA—Food and Drug Administration
HRA—Health Resources Administration
HSA—Health Services Administration
NIH—National Institutes of Health
OE—Education Office
PHS—Public Health Service
SRS—Social and Rehabilitation Service
SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

FDAA—Federal Disaster Assistance Administration
FIA—Federal Insurance Administration
GNMA—Government National Mortgage Association
ILSRO—Interstate Land Sales Registration Office

INTERIOR—INTERIOR DEPARTMENT

BPA—Bonneville Power Administration
BIA—Indian Affairs Bureau
BLM—Land Management Bureau
FWS—Fish and Wildlife Service
GS—Geological Survey
MESA—Mining Enforcement and Safety Administration
Mines—Mines Bureau
NPS—National Park Service
OHA—Hearings and Appeals Office
Oil & Gas—Oil and Gas Office
Reclamation—Reclamation Bureau

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
INS—Immigration and Naturalization Service
LEAA—Law Enforcement Assistance Administration

LABOR—LABOR DEPARTMENT

BLS—Labor Statistics Bureau
ESA—Employment Standards Administration
FCCO—Federal Contract Compliance Office
Manpower—Manpower Administration
OSHA—Occupational Safety and Health Administration
W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development

DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
FAA—Federal Aviation Administration
FHA—Federal Highway Administration
FRA—Federal Railroad Administration
NHTSA—National Highway Traffic Safety Administration
St. Lawrence Seaway—Saint Lawrence Seaway Development Corporation
UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT

AT&F—Alchohol, Tobacco and Firearms Bureau
Customs—Customs Service
Comptroller—Comptroller of the Currency
ESO—Economic Stabilization Office (temporary)
FS—Fiscal Service
IRS—Internal Revenue Service

INDEPENDENT AGENCIES

AEC—Atomic Energy Commission
CAB—Civil Aeronautics Board
CASB—Cost Accounting Standards Board
CEQ—Council on Environmental Quality
CITA—Textile Agreements Implementation Committee
CPSC—Consumer Product Safety Commission
CRC—Civil Rights Commission
CSC—Civil Service Commission
EEOC—Equal Employment Opportunity Commission
EPA—Environmental Protection Agency
FCC—Federal Communications Commission
FDIC—Federal Deposit Insurance Corporation
FEA—Federal Energy Administration
FHLBB—Federal Home Loan Bank Board
FPC—Federal Power Commission
FTC—Federal Trade Commission
GSA—General Services Administration
GSA/FMPO—Federal Management Policy Office
GSA/FSS—Federal Supply Service
GSA/PBS—Public Buildings Service
HMRB—Hazardous Materials Regulations Board
ICC—Interstate Commerce Commission
ICP—Interim Compliance Panel
NARS—National Archives and Records Service
NASA—National Aeronautics and Space Administration
NCUA—National Credit Union Administration
OFR—Federal Register Office
OMB—Management and Budget Office
SBA—Small Business Administration
SEC—Securities and Exchange Commission
TVA—Tennessee Valley Authority
USIA—United States Information Agency
VA—Veterans Administration

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1974 issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1974. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1974 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1974):

Title	Price
1	$1.10
2 [Reserved]	
3	3.15
3A 1973 Compilation	2.40
4	1.75
5	3.55
6 (Rev. Feb. 1, 1974)	4.45
7 Parts:	
0–45	4.65
46–51	3.45
52	4.80
53–209	5.10
210–699	4.10
700–749	3.55
750–899	2.35
900–944	3.60
945–980	1.80
981–999	2.00
1000–1059	3.55
1060–1119	3.65
1120–1199	2.80
1200–1499	3.80
1500–end	5.00
8	2.05
9	4.75
10 Parts 0–199	3.90
11	1.10
12 Parts:	
1–299	5.10
300–end	4.95
13	2.50
14 Parts:	
1–59	4.80
60–199	4.95
200–end	5.90
15	3.90
16 Parts:	
0–149	5.05
150–end	4.45

CFR Unit (Rev. as of April 1, 1974):

Title	Price
17	$5.10
18 Parts:	
1–149	3.80
150-end	3.70
19	4.50
20 Parts:	
01–399	1.95
400–end	6.30
21 Parts:	
1–9	1.95
10–129	5.10
130–140	2.40
600–1299	1.75
1300–end	1.55
22	3.90
23	1.80
24	6.10
25	3.60
26 Parts:	
1 (§§ 1.0–1–1.169)	4.85
1 (§§ 1.170–1.300)	3.05
1 (§§ 1.301–1.400)	2.35
1 (§§ 1.401–1.500)	2.90
1 (§§ 1.501–1.640)	3.35
1 (§§ 1.641–1.850)	3.65
1 (§§ 1.851–1.1200)	4.40
1 (§ 1.1201–end)	5.70
2–29	2.70
30–39	2.85
40–169	4.40
170–299	5.90
300–499	2.95
500–599	3.15
600–end	1.40
27	1.30
45 Parts 100–199	3.95

CFR Unit (Rev. as of July 1, 1974):

Title	Price
28	$2.20
32 Parts:	
40–399	4.85
400–589	4.10
590–699	1.95
1000–1399	1.70
1400–1599	3.05
1600–end	1.65
33 Parts:	
200–end	3.65
34	1.10
37	1.75

1973 CFR volumes previously announced are available from the Superintendent of Documents at the prices listed below:

CFR Unit (Rev. as of Oct. 1, 1973):

Title	Price
42	$2.85
43 Parts:	
1–999	2.85
1000–end	4.20
44 [Reserved]	
45 Parts:	
1–99	$2.15
200–499	2.40
500–end	2.35
46 Parts:	
1–65	4.00
66–145	4.10
146–149	5.80
150–199	4.05
200–end	4.70
47 Parts:	
0–19	3.40
20–69	4.05
70–79	4.35
80–end	4.55
48 [Reserved]	
49 Parts:	
1–99	1.30
100–199	5.60
200–999	4.30
1000–1199	2.50
1200–1299	5.60
1300–end	2.20
50	2.55

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Staff Assistant (Secretary) to the Secretary is excepted under Schedule C.

Effective on September 3, 1974, § 213.3305(a)(56) is added as set out below.

§ 213.3305 **Treasury Department.**

(a) *Office of the Secretary.* • • •

(56) One Staff Assistant (Secretary) to the Secretary.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-20242 Filed 8-30-74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Confidential Assistant to the Deputy Assistant Secretary for International Commerce is excepted under Schedule C.

Effective on September 3, 1974, § 213.3314(m)(18) is added as set out below.

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§ 213.3314 **Department of Commerce.**

• • • • •

(m) *Office of the Assistant Secretary for Domestic and International Business.* • • •

(18) One Confidential Assistant to the Deputy Assistant Secretary for International Commerce.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–20244 Filed 8–30–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to reflect the transfer of the functions of the Executive Director, President's Council on Physical Fitness and Sports, from the Office of the Secretary to the Office of the Assistant Secretary for Human Development, and placement of the affected Schedule C position under paragraph (n).

Effective on September 3, 1974, §§ 213.3316(a)(28) is revoked and (n)(13) is added as set out below.

§ 213.3316 **Department of Health, Education, and Welfare.**

(a) *Office of the Secretary.* • • •

(28) [Revoked]

• • • • • •

(n) *Office of the Assistant Secretary for Human Development.* • • •

(13) One Confidential Assistant to the Executive Director, President's Council on Physical Fitness and Sports.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–20243 Filed 8–30–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the following positions are excepted under Schedule C: One Staff Assistant to the Assistant to the Secretary for Programs for the Elderly and Handicapped, One Private Secretary to the Deputy Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Administration Commissioner, and One Deputy Assistant Secretary for Research and Demonstration.

Effective on September 3, 1974, §§ 213.3384(a)(51), (b)(13) and (i)(4) are added as set out below.

§ 213.3384 **Department of Housing and Urban Development.**

(a) *Office of the Secretary.* • • •

(51) One Staff Assistant to the Assistant to the Secretary for Programs for the Elderly and Handicapped.

• • • • • •

(b) *Office of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Administration Commissioner.* • • •

(13) One Private Secretary to the Deputy Assistant Secretary.

• • • • • •

(i) *Office of the Assistant Secretary for Policy Development and Research.* • • •

(4) One Deputy Assistant Secretary for Research and Demonstration.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–20245 Filed 8–30–74;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 26—GRAIN STANDARDS

Fees and Charges

Pursuant to the authority contained in section 7 of the United States Grain Standards Act (7 U.S.C. 79), the Department of Agriculture is amending § 26.72(a) of the regulations (7 CFR 26.72(a)) under the Act with respect to the hourly charge for certain appeal inspection services in the United States.

Statement of considerations. The United States Grain Standards Act provides that fees for appeal inspection services shall, as nearly as practicable and after taking into consideration any proceeds from the sale of samples, cover the costs of the Department of Agriculture incident to the performance of such services. Section 26.72 of the regulations needs to be amended to:

1. Increase charges for regular time from $8.80 to $12.20 per man-hour and for overtime from $12.00 to $18.30 per man-hour.

2. Assess certain charges whether or not a material error is found in the inspection from which the appeal was taken, to be consistent with past and present practices.

3. Increase the reimbursement to official inspection agencies for locating and furnishing file samples for appeal inspections from $0.50 to $1.50 to more nearly reimburse the agencies for locating and forwarding the samples.

4. Expand the definition of "holiday" to include any day declared to be a holiday by Federal statute or Executive Order.

Section 26.72(a)(6) and (9)(ii) are amended as follows:

§ 26.72 **Appeal inspection services in the United States.**

(a) • • •

(6) Hourly rates (per man-hour):

(i) Applicable to subparagraphs (1) through (5):

	Fee or Charge
Standby time during regular time (normal office hours)	$12.20
Holiday,[4] night, or overtime, and standby time during holiday, night, or overtime	18.30

(ii) Applicable to inspection services[3] described in § 26.6(g), (h), (i), and (j), and standby time:

Regular time (normal office house)	$12.20
Holiday,[4] night, or overtime	18.30
Minimum fee per inspection	12.20

[3] The fee for an appeal inspection on the basis of an official file sample retained by an official inspection agency, includes a surcharge of $1.50 which is forwarded to the official inspection agency as reimbursement for locating and furnishing samples.

• • • • • •

[4] Holiday shall mean the legal public holidays specified in paragraph (a) of section 6103, title 5, of the United States Code (5 U.S.C. 6103(a)) and any other day declared to be a holiday by Federal statute or Executive Order: *Provided*, That, if the specified legal public holiday falls on a Saturday, the preceding Friday shall be deemed to be the holiday, or if the specified legal public holiday falls on a Sunday, the following Monday shall be deemed to be the holiday.

• • • • • •

(9) • • •

(ii) The charges for standby time, and for holiday, night, or overtime work, and for traveltime for which employees receive overtime compensation shall be assessed in all cases whether or not a material error is found in the inspection from which the appeal was taken.

• • • • • •

The establishment of the above fees and charges depends upon facts within the knowledge of the Agricultural Marketing Service. It is to the benefit of the public that this amendment become effective at the earliest practicable date. Therefore, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures on the amendment are impracticable and unnecessary.

(Sec. 16, 82 Stat. 768, (7 U.S.C. 87e); 37 FR 28464 and 28478.)

Effective date. This amendment shall become effective October 13, 1974.

Done in Washington, D.C., on August 27, 1974.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.74–20216 Filed 8–30–74;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

ADDITIONS TO REGULATED AREAS

This document amends the supplemental regulation which lists regulated areas for purposes of the Federal Imported Fire Ant Quarantine by adding to the regulated areas all or parts of the following previously nonregulated counties: Cherokee, Franklin, Lawrence, and Winston in Alabama; Columbia in Arkansas; Hendry, Indian River, and Okeechobee in Florida; Cobb and Morgan in Georgia; Duplin in North Carolina; Allendale, Darlington, Dillon, Fairfield, Lee, and Marion in South Carolina; Atascosa, Brazos, Burleson, Cherokee, Comal, De Witt, Ellis, Jackson, Kendall, Lavaca, Madison, Marion, Matagorda, Medina, San Patricio, and Wilson in Texas under generally infested area. Also, Bowie is added in Texas under suppressive area. It further amends the regulation by extending the regulated area in the following previously regulated counties: Jasper, Newton, Putnam, Sereven, and Walton in Georgia; Holmes, Humphreys, Lafayette, and Prentiss in Mississippi; Columbus, Craven, Jones, and Onslow in North Carolina; Aiken, Barnwell, Clarendon, Florence, Hampton, Kershaw, Lexington, Marlboro, and Williamsburg in South Carolina; Collin, Fayette, Harrison, Nueces, Panola, Rusk, Smith, Tarrant, Victoria and Washington in Texas. The entire State of Louisiana is now regulated.

Under sections 8 and 9 of the Plant Quarantine Act, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.81–2 of the Imported Fire Ant Quarantine regulations, 7 CFR 301.81–2, as amended, a supplemental regulation designating regulated areas, 7 CFR 301.81–2a, is hereby amended as set forth below:

§ 301.81–2a **Regulated areas; suppressive and generally infested areas.**

The civil divisions and parts of civil divisions described below are designated as imported fire ant regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

ALABAMA.

(1) *Generally infested areas.*
Autauga County. The entire county.
Baldwin County. The entire county.
Babour County. The entire county.
Bibb County. The entire county.
Blount County. The entire county.
Bullock County. The entire county.
Butler County. The entire county.
Calhoun County. The entire county.
Chambers County. The entire county.
Cherokee County. That portion of the county lying south of the north line of T 11 S.
Chilton County. The entire county.
Choctaw County. The entire county.
Clarke County. The entire county.
Clay County. The entire county.
Cleburne County. The entire county.
Coffee County. The entire county.
Conecuh County. The entire county.
Coosa County. The entire county.
Covington County. The entire county.
Crenshaw County. The entire county.
Cullman County. The entire county.
Dale County. The entire county.
Dallas County. The entire county.
Elmore County. The entire county.
Escambia County. The entire county.
Etowah County. The entire county.
Fayette County. The entire county.
Franklin County. T. 7 S., Ps. 14 and 15 W., and that portion of the county lying south of the north line of T. 8 S.
Geneva County. The entire county.
Greene County. The entire county.
Hale County. The entire county.
Henry County. The entire county.
Houston County. The entire county.
Jefferson County. The entire county.
Lamar County. The entire county.
Lawrence County. Secs. 31, 32, 33, 34, 35, and 36, T. 5 S., R. 6 W.; secs. 35 and 36, T. 5 S., R. 7 W.; secs. 1, 2, 3, 4, 5, and 6, T. 6 S., R. 6 W.; secs. 1 and 2, T. 6 S., R. 7 W.
Lee County. The entire county.
Limestone County. S½, T. 3 S., R. 4 W.; T. 4 S., R. 4 W.; all of T. 5 S., R. 4 W., lying north of the Tennessee River; SE¼, T. 3 S., R. 5 W.; and that part of the E½, T. 4 S., R. 5 W., lying north of the Tennessee River.
Lowndes County. The entire county.
Macon County. The entire county.
Marengo County. The entire county.
Marion County. The entire county.
Mobile County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Morgan County. N½, T. 6, Rs. 4 and 5 W.; and those portions of T. 5 S., Rs. 4 and 5 W., and T. 4 S., R. 5 W., lying south of the Tennessee River.
Perry County. The entire county.
Pickens County. The entire county.
Pike County. The entire county.
Randolph County. The entire county.
Russell County. The entire county.
St. Clair County. The entire county.
Shelby County. The entire county.
Sumter County. The entire county.
Talladega County. The entire county.
Tallapoosa County. The entire county.
Tuscaloosa County. The entire county.
Walker County. The entire county.
Washington County. The entire county.
Wilcox County. The entire county.
Winston County. T. 9 and 10 S., R. 10 W., and that portion of the county lying south of the north line of T. 11 S.

(2) *Suppressive areas.* None.

ARKANSAS

(1) *Generally infested area.*
Ashley County. That portion of the county lying south of the south line of T. 16 S.; secs. 35 and 36, T. 16 S., R. 8 W.
Bradley County. That portion of the county lying south of the south line of T. 15 S.
Chicot County. That portion of the county lying south of the south line of T. 16 S., including all of Pickett Island.
Columbia County. That portion of the county lying north of the north line of T. 17 S. and east of the east line of R. 20 W.
Gadsden County. The entire county.
Gilchrist County. The entire county.
Glades County. The entire county.
Gulf County. The entire county.
Hamilton County. The entire county.
Hardee County. The entire county.
Hendry County. The entire county.
Hernando County. The entire county.
Highlands County. The entire county.
Hillsborough County. The entire county.
Holmes County. The entire county.
Indian River County. The entire county.
Jackson County. The entire county.
Jefferson County. The entire county.
Lafayette County. The entire county.
Lake County. The entire county.
Lee County. The entire county.
Leon County. The entire county.
Levy County. The entire county.
Liberty County. The entire county.
Madison County. The entire county.
Manatee County. The entire county.
Marion County. The entire county.
Nassau County. The entire county.
Okaloosa County. The entire county.
Okeechobee County. The entire county.
Orange County. The entire county.
Osceola County. The entire county.
Pasco County. The entire county.
Pinellas County. The entire county.
Polk County. The entire county.
Putnam County. The entire county.
St. Johns County. The entire county.
Santa Rosa County. The entire county.
Sarasota County. The entire county.
Seminole County. The entire county.
Sumter County. The entire county.
Suwanee County. The entire county.
Taylor County. The entire county.
Union County. The entire county.
Volusia County. The entire county.
Wakulla County. The entire county.
Walton County. The entire county.
Washington County. The entire county.

(2) *Suppresive areas.* None.

GEORGIA

(1) *Generally infested areas.*
Appling County. The entire county.
Atkinson County. The entire county.
Bacon County. The entire county.
Baker County. The entire county.
Baldwin County. The entire county.
Ben Hill County. The entire county.
Berrien County. The entire county.
Bibb County. The entire county.
Bleckley County. The entire county.
Brantley County. The entire county.
Brooks County. The entire county.
Bryan County. The entire county.
Bulloch County. The entire county.
Butts County. The entire county.
Calhoun County. The entire county.
Camden County. The entire county.
Carroll County. That portion of the county lying within Georgia Militia Districts 1163, 1541, 662, 713, 1533, and 1310.
Charlton County. The entire county.
Chatham County. The entire county.
Chattahoochee County. The entire county.
Clay County. The entire county.
Clayton County. The entire county.
Clinch County. The entire county.
Cobb County. That portion of the county lying east of I–285.
Coffee County. The entire county.
Colquitt County. The entire county.
Columbia County. That portion of the county lying within Georgia Militia Districts 129 and 125.
Cook County. The entire county.
Coweta County. The entire county.
Crawford County. The entire county.
Crisp County. The entire county.
Decatur County. The entire county.
De Kalb County. The entire county.
Dodge County. The entire county.
Dooly County. The entire county.
Dougherty County. The entire county.
Early County. The entire county.
Echols County. The entire county.
Effingham County. The entire county.
Emanuel County. That portion of the county lying within Georgia Militia Districts 1748 and 396.
Evans County. The entire county.
Fayette County. The entire county.

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Fulton County. That portion of the county lying in the corporate limits of Hapeville, College Park, East Point, and Atlanta; that portion of the county lying north of the corporate limits of Atlanta to the Chattahoochee River; and that portion of the county lying within Georgia Militia Districts 1204, 1725, 499, 479, and 1762.
Glynn County. The entire county.
Grady County. The entire county.
Gwinnett County. That portion of the county lying south and west of Georgia Highway 120 and Georgia Highway 124, including all of the area in the corporate limits of Snellville, Lawrenceville, and Duluth.
Haralson County. That portion of the county lying within Georgia Militia District 653.
Harris County. The entire county.
Heard County. The entire county.
Henry County. The entire county.
Houston County. The entire county.
Irwin County. The entire county.
Jasper County. The entire county.
Jeff Davis County. The entire county.
Jenkins County. That portion of the county lying within Georgia Militia District 1640.
Johnson County. The entire county.
Jones County. The entire county.
Lamar County. The entire county.
Lanier County. The entire county.
Laurens County. The entire county.
Lee County. The entire county.
Liberty County. The entire county.
Long County. The entire county.
Lowndes County. The entire county.
Macon County. The entire county.
Marion County. The entire county.
McIntosh County. The entire county.
Meriwether County. The entire county.
Miller County. The entire county.
Mitchell County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Morgan County. That portion of the county lying within Georgia Militia Districts 283, 282, 400, 398, 397, 286, 1463, 285, 278, and 279.
Muscogee County. The entire county.
Newton County. The entire county.
Peach County. The entire county.
Pierce County. The entire county.
Pike County. The entire county.
Pulaski County. The entire county.
Putnam County. The entire county.
Quitman County. The entire county.
Randolph County. The entire county.
Richmond County. That portion of the county lying north of Spirit Creek, Browns Road, Georgia Secondary Road S-2169, and Fort Gordon Military Reservation.
Rockdale County. The entire county, except Georgia Militia District 475.
Schley County. The entire county.
Screven County. That portion of the county lying within Georgia Militia Districts 1653, 35, 259, 1676, 34, 36, 80, 37, and 260.
Seminole County. The entire county.
Spalding County. The entire county.
Stewart County. The entire county.
Sumter County. The entire county.
Talbot County. The entire county.
Tattnall County. The entire county.
Taylor County. The entire county.
Telfair County. The entire county.
Terrell County. The entire county.
Thomas County. The entire county.
Tift County. The entire county.
Toombs County. The entire county.
Treutlen County. The entire county.
Troup County. The entire county.
Turner County. The entire county.
Twiggs County. The entire county.
Upson County. The entire county.
Walton County. That portion of the county lying within Georgia Militia Districts 419, 417, 416, 502, 1675, 418, 503, and 421.
Ware County. The entire county.
Washington County. The entire county.
Wayne County. The entire county.
Webster County. The entire county.
Wheeler County. The entire county.
Wilcox County. The entire county.
Wilkinson County. The entire county.
Worth County. The entire county.
(2) *Suppressive areas.* None.

LOUISIANA

(1) *Generally infested areas.* The entire State.
(2) *Suppressive areas.* None.

MISSISSIPPI

(1) *Generally infested areas.*
Adams County. The entire county.
Amite County. The entire county.
Attala County. The entire county.
Bolivar County. T. 20 N., Rs. 6 and 7 W.
Carroll County. That portion of the county lying east of the west line of R. 4 E.
Calhoun County. The entire county.
Chickasaw County. The entire county.
Choctaw County. The entire county.
Claiborne County. The entire county.
Clarke County. The entire county.
Clay County. The entire county.
Copiah County. The entire county.
Covington County. The entire county.
Forrest County. The entire county.
Franklin County. The entire county.
George County. The entire county.
Greene County. The entire county.
Grenada County. That portion of the county lying east of the west line of R. 5 E.
Hancock County. The entire county.
Harrison County. The entire county.
Hinds County. The entire county.
Holmes County. The entire county.
Humphreys County. T. 13 N., Rs. 3 and 4 W.; T. 16 N., Rs. 3 and 4 W.; and that portion of T. 17 N., R. 3 W. lying in the county.
Issaquena County. The entire county.
Itawamba County. The entire county.
Jackson County. The entire county.
Jasper County. The entire county.
Jefferson County. The entire county.
Jefferson Davis County. The entire county.
Jones County. The entire county.
Kemper County. The entire county.
Lafayette County. That portion of the county lying south of the north line of T. 10 S.; and T. 9 S., Rs. 1 and 2 W.
Lamar County. The entire county.
Lauderdale County. The entire county.
Lawrence County. The entire county.
Leake County. The entire county.
Lee County. The entire county.
Lincoln County. The entire county.
Lowndes County. The entire county.
Madison County. The entire county.
Marion County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Neshoba County. The entire county.
Newton County. The entire county.
Noxubee County. The entire county.
Oktibbeha County. The entire county.
Pearl River County. The entire county.
Perry County. The entire county.
Pike County. The entire county.
Pontotoc County. The entire county.
Prentiss County. All R. 9 E. lying in the county; those portions of T. 7 S., Rs. 7 and 8 E. lying in the county; and S½ T. 6 S., R. 8 E.
Rankin County. The entire county.
Scott County. The entire county.
Sharkey County. The entire county.
Simpson County. The entire county.
Smith County. The entire county.
Stone County. The entire county.
Tishomingo County. That portion of the county lying south of the north line of T. 6 S.
Union County. The entire county.
Walthall County. The entire county.
Warren County. The entire county.
Washington County. The entire county.
Wayne County. The entire county.
Webster County. The entire county.
Wilkinson County, The entire county.
Winston County. The entire county.
Yalobusha County. All of Tps. 10, 11, and 12 S., Rs. 3 and 4 W.; all of Tps. 23 and 24 N., Rs. 5, 6, and 7 E.; and T. 25 N., Rs. 6 and 7 E.
Yazoo County. The entire county.
(2) *Suppressive areas.* None.

NORTH CAROLINA

(1) *Generally infested area.*
Brunswick County. The entire county.
Carteret County. The entire county.
Columbus County. That area bounded by a line beginning at a point where North Carolina Highway 130 junctions with State Secondary Road 1170, thence southeast along said highway to its junction with State Secondary Road 1924, thence east along said road to its junction with State Secondary Road 1001, thence north along said road to its intersection with U.S. Highway 74, thence east along said highway to the Brunswick, Columbus County line, thence south and west along said county line to the North Carolina-South Carolina State line, thence northwest along said State line to its junction with the Tabor City boundary line, thence north and east along said boundary line to its intersection with the Seaboard Coast Line Railroad, thence northeast and north along said railroad to its intersection with State Secondary Road 1004, thence northeast along said road to its junction with U.S. Highway 701, thence north along said highway to its junction with State Secondary Road 1170, thence east along said road to the point of beginning, including all the towns of Brunswick and Hallsboro.
Craven County. That portion of the county bounded by a line beginning at the junction of the Trent River with the Neuse River, thence east and northeast along the Neuse River to the Craven-Carteret County line, thence southeast and west along said county line to its junction with the Craven-Jones County line, thence north along said county line to its junction with the Trent River, thence northeast and north along said river to the point of beginning.
Duplin County. That area bounded by a line beginning at the intersection of State Secondary Road 1704 and State Secondary Road 1705, thence northeast along State Secondary Road 1705 to its junction with the Duplin-Lenoir County line, thence southeast along said county line to its junction with the Duplin-Jones County line, thence southeast along said county line to its intersection with North Carolina Highway 41, thence southwest along said highway to its junction with State Secondary Road 1700, thence west along said road to its intersection with North Carolina Highway 111, thence northwest along said highway to its junction with State Secondary Road 1704, thence northeast along said road to the point of beginning.
Jones County. That area bounded by a line beginning at the intersection of the Seaboard Coast Line Railroad and State Secondary Road 1004, thence northeast along said road to the Jones-Craven County line, thence south and east along said county line to the Jones-Carteret County line, thence south and west along said county line to the White Oak River, thence northwest along said river to its intersection with the Seaboard Coast Line Railroad, thence north along said railroad to the point of beginning, excluding the towns of Maysville and Pollocksville.
Onslow County. The entire county.
Pamlico County. That portion of the county bounded by a line beginning at a point where Goose Creek intersects North Carolina Highway 55, thence east and southeast along said highway to its junction with State Secondary Road 1322, thence east along said road to its junction with State Secondary Road 1321, thence northeast along said road to its junction with Broad Creek, thence east along said creek to its junction with Pamlico Sound, thence southwest along said sound to its junction with the Neuse River, thence southwest and northwest along said river to its junction with Goose Creek, thence northwest along said creek to the point of beginning, excluding the corporate limits of Alliance, Bayboro, and Stonewall.
Robeson County. That area bounded by a line beginning at a point where the Lumber River intercepts Interstate Highway 95, thence east and south along said river to the Columbus-Robeson County line, thence southwest along said county line and Lumber River to their intersection with the North Carolina-South Carolina State line, thence northwest along said State line to the Seaboard Coast Line Railroad, thence northeast along said railroad to its intersection with the Lumber River, thence southeast and east along said river to the point of beginning
(2) *Suppressive areas.* None.

SOUTH CAROLINA

(1) *Generally infested areas.*
Aiken County. That portion of the county bounded by a line beginning at a point where the Savannah River and the Aiken-Edgefield County line junction, thence northeast along said county line to its intersection with the South Fork Edisto River, thence southeast along said river to its junction with the Aiken-Barnwell County line, thence southwest along said county line to its intersection with U.S. Highway 278, thence west along said highway to its junction with State Primary Highway 28, thence west along said highway to its junction with the Savannah River, thence northwest along said river to the point of beginning.
Allendale County. That portion of the county bounded by a line beginning at a point where State Primary Highway 3 intersects the Allendale-Barnwell County line, thence east along said county line to its junction with the Salkehatchie River, thence southeast along said river to its junction with the Allendale-Hampton County line, thence southwest along said county line to its junction with the Southern Railway, thence north along said railway to its intersection with State Secondary Highway 47, thence northwest along said highway to its intersection with State Primary Highway 3, thence north along said highway to the point of beginning.
Bamberg County. The entire county.
Barnwell County. That portion of the county bounded by a line beginning at a point where State Primary Highway 39 intersects the South Fork Edisto River, thence east along said river to its junction with the Barnwell-Bamberg County line, thence south along said county line to its junction with the Barnwell-Allendale County line, thence west along said county line to its intersection with State Primary Highway 3, thence northeast along said highway to its junction with U.S. Highway 278, thence north along said highway to its junction with State Primary Highway 37, thence north along said highway to its junction with State Primary Highway 39, thence northeast along said highway to the point of beginning.
Beaufort County. The entire county.
Berkeley County. The entire county.
Calhoun County. The entire county.
Charleston County. The entire county.
Clarendon County. The entire county.
Colleton County. The entire county.
Darlington County. That portion of the county bounded by a line beginning at a point where U.S. Highway 52 intersects the Darlington-Florence County line, thence northwesterly along said highway to its intersection with State Primary Highway 34, thence northeasterly along said highway to its intersection with the Great Pee Dee River, thence southeasterly along said river to its junction with the Darlington-Florence County line, thence southwesterly along said line to the point of beginning.
Dillon County. That portion of the county bounded by a line beginning at a point where State Primary Highway 34 intersects the Dillon-Marlboro County line, thence northwest along said highway to its junction with State Secondary Highway 28, thence northeasterly along said highway to its junction with State Primary Highway 9, thence northeasterly along said highway to its intersection with State Secondary Highway 23, thence northeasterly along said highway to its intersection with the Little Pee Dee River, thence southeasterly along said river to its intersection with U.S. Highway 301, thence southwesterly along said highway to its intersection with the Dillon-Marion County line, thence southwesterly, northwesterly, and northeasterly along the Dillon County line to the point of beginning.
Dorchester County. The entire county.
Edgefield County. That portion of the county bounded by a line beginning at a point where State Secondary Highway 53 intersects the Edgefield-McCormack County line, thence easterly along said highway to its junction with State Secondary Highway 34, thence southeast along said highway to its intersects the Edgefield-McCormick County line, thence southwest along said county line to its junction with the Savannah River, thence northwest along said river to its junction with the Edgefield-McCormick County line, thence northeast along said county line to the point of beginning.
Fairfield County. That portion of the county lying south of a line beginning at a point where State Primary Highway 213 intersects the Broad River, thence northeast and east along said highway to its junction with State Primary Highway 34, thence southeast and east along said highway to its junction with State Secondary Highway 3, thence northeast and east along said highway to a point where it intersects the Fairfield-Kershaw County line.
Florence County. That portion of the county bounded by a line beginning at a point where the Lynches River junctions with the Florence-Darlington County line, and extending northeasterly and southeasterly along the Florence County line to its intersection with U.S. Highway 301, thence west along said highway to its junction with State Primary Highway 327, thence southerly and southwesterly along said highway to its junction with U.S. Highway 52, thence south along said highway to its junction with State Primary Highway 541, thence westerly along said highway to its intersection with State Primary Highway 403, thence northwesterly along said highway to its intersection with the Florence-Sumter County line, thence northeast along said line to its junction with the Lynches River, thence northwesterly along said river to the point of beginning.
Georgetown County. The entire county.
Hampton County. That portion of the county lying south of a line beginning at a point where the Savannah River junctions with the Hampton-Allendale County line, thence east and northeast along said county line to its junction with State Secondary Highway 100, thence east along said highway to its junction with U.S. Highway 321, thence north along said highway to its junction with State Primary Highway 363, thence northeast along said highway to its intersection with the Coosawhatchie River, thence southeast along said river to its intersection with U.S. Highway 278, thence north along said highway to its junction with State Secondary Highway 68, thence southeast along said highway to its junction with State Secondary Highway 140, thence northeast along said highway to its junction with State Secondary Highway 13, thence southeast along said highway to its intersection with Deep Branch, thence east along said branch to its junction with the Combahee River, where the line ends.
Horry County. The entire county.
Jasper County. The entire county.
Kershaw County. That portion of the county lying west and south of a line beginning at a point where the Kershaw-Lancaster County line junctions with State Secondary Highway 58, thence southerly along said highway to its junction with U.S. Highway 521, thence southerly along said highway to its intersection with State Primary Highway 34, thence easterly along said highway to its intersection with the Kershaw-Lee County line, where the line ends.
Lee County. That portion of the county bounded by a line beginning at a point where State Primary Highway 34 intersects the Lee-Kershaw County line, thence easterly along said highway to its junction with State Primary Highway 341, thence southeasterly along said highway to its junction with State Secondary Highway 34, thence westerly along said highway to its junction with U.S. Highway 15, thence southwesterly along said highway to its junction with State Primary Highway 441, thence southwesterly along said highway to its junction with State Secondary Highway 25, thence northwesterly along said highway to its intersection with the Lee-Kershaw County line, thence northeast along said line to the point of beginning.
Lexington County. That portion of the county lying east of a line beginning at a point where the Lexington-Richland County line intersects State Primary Highway 6, thence south along said highway to its junction with State Primary Highway 215, thence south along said highway to its intersection with the Lexington-Aiken County line, where the line ends.
Marion County. That portion of the county bounded by a line beginning at a point where the Great Pee Dee River junctions with the Marion-Dillon County, thence northeasterly along said line to its intersection with State Secondary Highway 83, thence northeast along said highway to its junction with State Secondary Highway 263, thence southerly and east along said highway to its intersection with U.S. Highway 501, thence southerly along said highway to its junction with U.S. Highway 501 By-pass, thence northeasterly along said by-pass to its junction with U.S. Highway 76, thence northwesterly along said highway to its intersection with the Great Pee Dee River, thence northerly along said river to the point of beginning; that portion of the county lying south of U.S. Highway 378.
Marlboro County. That portion of the county lying south of a line beginning at a point where the Three Creek junctions with the Great Pee Dee River, thence northeasterly along said creek to a point where its south fork intersects State Secondary Highway 18, thence southeast along said highway to its junction with State Secondary Highway 299, thence southeasterly along said highway to its intersection with the Marlboro-Dillon County line, where the line ends.
Orangeburg County. The entire county.
Richland County. The entire county.
Sumter County. That portion of the county bounded by a line beginning at a point where State Primary Highway 261 intersects the Sumter-Kershaw County line, thence in a southerly direction along said highway to

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its junction with State Primary Highway 763, thence east along said highway to its intersection with the corporate limits of the City of Sumter; thence in a southerly and easterly direction along said city limits to its intersection with U.S. Highway 521, thence in a southeasterly direction along said highway to its intersection with the Sumter-Clarendon County line, thence in a southwesterly direction along said line to its junction with the Santee River, thence northwesterly along said river to its junction with the Wateree River, thence northerly along said river to its junction with the Sumter-Kershaw County line, thence northeasterly and easterly along said county line to the point of beginning.

Williamsburg County. That portion of the county bounded by a line beginning at a point where the Seaboard Coast Line Railroad intersects the Williamsburg-Florence County line, thence southwest along said railroad to its intersection with U.S. Highway 521, thence southeasterly along said highway to its junction with State Secondary Highway 30, thence northeast along said highway to its junction with State Secondary Highway 254, thence northeasterly along said highway to its intersection with State Primary Highway 527, thence southeasterly along said highway to its junction with State Secondary Highway 383, thence northeast and east along said highway to its intersection with the Seaboard Coast Line Railroad, thence northeasterly along said railroad to its intersection with State Primary Highway 512, thence southeast along said highway to its intersection with the Williamsburg-Georgetown County line, thence in a clockwise direction along the Williamsburg County line to the point of beginning.

(2) *Suppressive areas*. None.

TEXAS

(1) *Generally infested areas.*

Angelina County. The entire county.

Atascosa County. That portion of the county bounded by a line beginning where Atascosa County line intersects the Medina County line, thence southeasterly along the Atascosa County line to its junction with Texas Highway 97, thence southwesterly along said highway to its intersection with Texas Highway 16, thence north along said highway to its junction with Texas Highway 173, thence northwesterly along said highway to its intersection with the west boundary line of Atascosa County, thence north along said boundary line to the point of beginning, excluding the Cities of Pleasanton and Jourdanton.

Austin County. The entire county.

Bexar County. The entire county.

Brazoria County. The entire county.

Brazos County. The entire county.

Burleson County. That portion of the county lying south and east of Texas Highway 21, excluding the City of Caldwell.

Chambers County. The entire county.

Cherokee County. That portion of the county lying south of U.S. Highway 84, including the City of Rusk.

Collin County. That portion of the county bounded by a line beginning at a point where U.S. Highway 380 intersects the Collin-Denton County line, thence easterly along said highway to its intersection with Texas Highway 78, thence southwesterly along said highway to its intersection with the Dallas-Collin County line, thence westerly along said county line to its junction with the Collin-Denton County line, thence northerly along said county line to the point of beginning, including the Cities of McKinney, Princeton, Renner, and Richardson, excluding the Cities of Farmersville and Wiley.

Colorado County. The entire county.

Comal County. That portion of the county lying south and west of the Guadalupe River, excluding the City of New Braunfels.

Dallas County. The entire county.

Denton County. The entire county.

De Witt County. That portion of the county bounded by a line beginning where Farm to Market Road 443 intersects the De Witt-Gonzales County line, thence northeasterly along said county line to its junction with the De Witt-Lavaca County line, thence southwesterly along said county line to its intersection with Farm to Market Road 1447, thence southwesterly along said road to its intersection with U.S. Highway 183, thence northerly along said highway to its junction with Farm to Market Road 443, thence northerly along said road to the point of beginning, excluding the City of Cuero and the Town of Hochheim.

Ellis County. That portion of the county lying within the corporate limits of the Cities of Ennis and Ferris.

Fayette County. That portion of the county bounded by a line beginning at the point where Interstate Highway 10 intersects the Fayette-Gonzales County line, thence easterly along said highway to its intersection with Texas Farm to Market Road 609, thence northeasterly along said road to its junction with Texas Highway 71, thence east along said highway to its junction with Texas Texas Highway 159, thence northeasterly along said highway to its junction with Texas Highway 237, thence northeasterly along said highway to its intersection with the eastern boundary line of Fayette County, thence south along said boundary to its junction with the Fayette-Colorado County line, thence southwesterly along said county line to its junction with the Fayette-Lavaca County line, thence west along said county line to its junction with the Fayette-Gonzales County line, thence northeasterly and northwesterly along said county line to the point of beginning and including the towns of Flatonia and La Grange.

Fort Bend County. The entire county.

Galveston County. The entire county.

Gregg County. The entire county.

Grimes County. The entire county.

Hardin County. The entire county.

Harris County. The entire county.

Harrison County. The entire county.

Houston County. The entire county.

Jackson County. The entire county.

Jasper County. The entire county.

Jefferson County. The entire county.

Kendall County. The entire county.

Lavaca County. The entire county.

Liberty County. The entire county.

Madison County. The entire county.

Marion County. That portion of the county bounded by a line beginning at a point where Texas Highway 49 intersects Texas Highway 43, thence easterly along Texas Highway 49 to its junction with the Texas-Louisiana State line, thence south along said State line to its junction with the Marion-Harrison County line, thence westerly along said county line to its intersection with Texas Highway 43, thence northerly along said highway to the point of beginning.

Matagorda County. That portion of the county bounded by a line beginning at the point where Texas Highway 111 intersects the Matagorda-Jackson County line, thence north along said county line to the point where Jackson, Wharton, and Matagorda Counties join, thence northeast along the Matagorda-Wharton County line to its junction with the Matagorda-Brazoria County line, thence southeasterly along said county line to its intersection with Texas Farm to Market Road 521, thence southwesterly along said road to its intersection with Texas Farm to Market Road 457, thence northwesterly along said road to its intersection with Texas Farm to Market Road 2540, thence southerly along said road to its junction with Steinmeyer Road, thence west, north, and west along said road to its junction with a dual pipe line 2.5 miles west of the Steinmeyer Triangulation Station, thence west along said pipe line to its intersection with Texas Highway 60, thence northerly along said highway to its intersection with Texas Highway 35, thence west and southwest along said highway to its junction with Texas Farm to Market Road 2431, thence westerly along said road to its junction with Texas Highway 111, thence westerly along said highway to the point of beginning and including the entire Cities of Bay City, Markham, and Midfield.

Medina County. That portion of the county bounded by a line beginning at a point where Texas Farm to Market Road 689 intersects the Medina-Bandera County line, thence easterly, southerly, and northeasterly along said county line to its junction with the Medina-Bexar County line, thence south along said county line to its junction with the Medina-Frio County line, thence west along said county line to its intersection with Texas Farm to Market Road 462, thence northwest and north along said road to its intersection with U.S. Highway 90, thence east along said highway to its junction with Texas Farm to Market Road 689, thence northerly along said highway to the point of beginning, excluding the Towns of Yancey and Hondo.

Montgomery County. The entire county.

Nacogdoches County. The entire county.

Newton County. The entire county.

Nueces County. The entire county.

Orange County. The entire county.

Panola County. The entire county.

Polk County. The entire county.

Rusk County. That portion of the county lying south of U.S. Highway 79, and including the City of Henderson.

Sabine County. The entire county.

San Augustine County. The entire county.

San Jacinto County. The entire county.

San Patricio County. The entire county.

Shelby County. The entire county.

Smith County. The entire county.

Tarrant County. That portion of the county bounded by a line beginning at a point where Texas Highway 114 intersects the Denton-Tarrant County line, thence east along said county line to the Tarrant-Dallas County line, thence south along said county line to its intersection with Harwood-Dallas County line road, thence westerly along said road to its junction with Arlington-Webb-Britton Road, thence south along said road to its junction with Poly-Webb Road, thence westerly along said road to its junction with U.S. Highway 287, thence northwesterly along said highway to its junction with U.S. Loop 820, thence northerly along said loop to its junction with Texas Highway 121, thence northeasterly along said highway to its intersection with Texas Highway 114, thence northwesterly along said highway to the point of beginning, including the Cities of Colleyville, Grapevine, and Hurst, but excluding the Cities of Fort Worth, South Lake, and West Lake.

Trinity County. The entire county.

Tyler County. The entire county.

Victoria County. The entire county.

Walker County. The entire county.

Waller County. The entire county.

Washington County. The entire county.

Wharton County. The entire county.

Wilson County. That portion of the county bounded by a line beginning at a point where Farm to Market Road 536 intersects the meeting point of the Atascosa-Bexar-Wilson County lines, thence northeasterly along the Bexar-Wilson County line to its junction with Cibolo Creek, thence southerly along said creek to its intersection with Farm to Market Road 775, thence westerly along said road, to its junction with U.S. Highway 87, thence southeasterly along said highway to its junction with Texas Highway 97, thence southwesterly along said highway to its junction with Farm to Market Road 536, thence westerly along said road to the point of beginning, excluding the City of Floresville and the Towns of LaVernia and Sutherland Springs.

(2) *Suppressive areas.*

Bowie County. That area within a circle having a radius of 3 miles with the center at the intersection of Interstate Highway 30 and Texas Highway 8.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33 (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477; 38 FR 19140; 7 CFR 301.81-2, 39 FR 21117)

This amendment shall become effective on September 3, 1974.

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that the imported fire ant has been found or there is reason to believe it is present in the civil divisions and parts of civil divisions listed as regulated areas or that it is necessary to regulate such areas because of ther proximity to imported fire and infestation or their inseparability for quarantine enforcement purposes from imported fire ant infested localities. Further, he has also determined that the areas designated as suppressive and generally infested areas eligible for such designation under § 301.81–1.

The Deputy Administrator has also determined that each of the quarantined States, wherein only portions of the State are designated as regulated areas, has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under the quarantine and regulations in this subpart, and that the designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the imported fire ant. Therefore, such civil divisions and parts of civil divisions listed above are designated as imported fire ant regulated areas.

This document imposes restrictions that are necessary in order to prevent the dissemination of the imported fire ant and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27 day of August 1974.

T. G. DARLING,
Acting Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.74-20220 Filed 8-30-74;8:45 am]

CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER F—SUPPORT ACTIVITIES

PART 650—COMPLIANCE WITH NEPA

Subpart A—Guidelines for Preparation of Environmental Impact Statements

FINAL GUIDELINES; CORRECTION

On June 3, 1974, the Soil Conservation Service (SCS) published in the FEDERAL REGISTER (39 FR 19646) final guidelines for preparation of environmental impact statements in compliance with the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.), in accordance with the guidelines of the Council on Environmental Quality (CEQ) appearing as 40 CFR Part 1500, published in the FEDERAL REGISTER August 1, 1973, and the guidelines of the Department of Agriculture appearing May 20, 1974 (39 FR 18678).

SCS final guidelines were published as Part 650—Preparation of Environmental Impact Statements—Guidelines.

SCS herewith changes the heading of the final guidelines (39 FR 19646) effective this date to read as set forth above.

KENNETH E. GRANT,
Administrator.

[FR Doc.74-20200 Filed 8-30-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Bartlett Pear Reg. 9, Amdt. 1]

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Limitation of Shipments

This amendment extends the effective period for the regulatory requirements specified in Bartlett Pear Regulation 9 from September 16, 1974, through August 31, 1975.

On August 6, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 28291) regarding a proposed amendment of Bartlett Pear Regulation 9 which was issued pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett Pears grown in Oregon and Washington. This notice allowed interested persons until August 23, 1974, to submit written data, views, or arguments pertaining to this proposed amendment. None were submitted. The proposed amendment was recommended by the Northwest Fresh Bartlett Pear Marketing Committee established pursuant to the said marketing agreement and Order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). It is hereby found that the amendment, as hereinafter set forth, would tend to effectuate the declared policy of the act.

This action reflects the Department's appraisal of the need for continued regulation on and after September 16, 1974, based on current and prospective market conditions. The Washington-Oregon Bartlett Pear crop is estimated at 199,000 tons, compared with last season's production of 193,000. This amendment to Bartlett Pear Regulation 9 is designed to prevent the handling on and after September 16, 1974, of lower quality and smaller size Bartlett pears and provide orderly marketing of an adequate supply of acceptable quality Bartlett pears in the interest of producers and consumers, consistent with the objectives of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such pears are expected to continue on and after September 16, 1974, when Bartlett Pear Regulation 9 would terminate without amendment and Bartlett Pear Regulation 9 should be applicable to all such shipments in order to effectuate the declared policy of the act; (2) notice of proposed rulemaking concerning this amendment to Bartlett Pear Regulation 9, with an effective date as hereinafter specified, was published in the FEDERAL REGISTER (39 FR 28291), and no objection to either this amendment or such effective date was received; and (3) compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. The provisions of paragraph (b) of § 931.309 are hereby amended to read as follows:

§ 931.309 Pear Regulation 9.

Order. (a) • • •

(b) During the period August 1, 1974, through August 31, 1975, no handler shall handle any lot of Bartlett pears unless such pears meet the following applicable requirements, or are handled in accordance with subparagraphs (4) or (5) of this paragraph:

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: August 27, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-20214 Filed 8-30-74;8:45 am]

[Amdt. 10]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Subpart—Rules and Regulations

ESTABLISHMENT OF LIST OF MANUFACTURERS OF POTATO PRODUCTS

This document amends the Oregon-California Potato Committee's administrative rule pertaining to the potato products manufacturers list, to further implement the safeguard that potatoes for processing do not find their way into

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fresh market channels. The amendment requires that persons who wish to be placed on the committee's list of manufacturers of potato products shall, in addition to the other information called for, certify to the Secretary of Agriculture that the potatoes received for processing will not be diverted to fresh market. The amendment also authorizes the committee to remove from the list of manufacturers of potato products the name of any person who fails to comply with the safeguard provisions of this part. In § 947.134 *Establishment of list of manufacturers of potato products*, under paragraph (b), subparagraph (4) is renumbered as subparagraph (5), and a new subparagraph (4) is inserted. Also paragraph (d) is revised.

The committee is the administrative agency established under Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice of rulemaking was published in the August 5, 1974, FEDERAL REGISTER (39 F.R. 28162), regarding this proposal. It afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than August 23, 1974. None was filed.

Findings. After consideration of all relevant matters presented, including the proposal set forth in the notice, it is hereby found and determined that the amendment will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) these administrative rules are required to conform with the authorities specified in the amended order; (2) shipments of potatoes grown in the production area are currently being marketed and the amended rules should become effective at the time herein provided to improve operations of the Oregon-California Potato Committee; (3) information regarding the provisions of the recommendations by the committee has been disseminated among the growers and handlers of potatoes in the production area; (4) notice hereof has been given by publication in the FEDERAL REGISTER of August 5, 1974 (39 FR 28162); and (5) compliance with this amendment will not require any special preparation on the part of handlers subject thereto which cannot be completed on or before the effective time hereof.

In § 947.134 paragraph (b), subparagraph (4) is renumbered as subparagraph (5) and a new subparagraph (4) is inserted; and paragraph (d) is revised.

The amendment is as follows:

§ 947.134 Establishment of list of manufacturers of potato products.

* * * * *

(b) * * *

(4) Certification to the Secretary that potatoes received for processing will not be diverted to the fresh market.

* * * * *

(d) The committee may remove from the list of manufacturers of potato products the name of any person who fails to comply with the safeguard requirements of this part.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated August 27, 1974, to become effective September 9, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-20215 Filed 8-30-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Calendar Date on Labeling of Meat and Poultry Products; Change in Effective Date

Statement of considerations. On August 8, 1974, the Animal and Plant Health Inspection Service of the United States Department of Agriculture published in the FEDERAL REGISTER (38 FR 28515–28516) amendments to §§ 317.8 and 318.–11 of the meat inspection regulations and §§ 381.126 and 381.129 of the poultry products inspection regulations. These amendments contain provisions relating to voluntary open dating of meat and poultry products produced under Federal inspection. An explanatory statement adjacent to the open date is required and the use of other approved qualifying phrases which would provide additional product information to the consumer is permitted. The effective date of these amendments was September 8, 1974.

Comments from consumers on an earlier proposal with regard to open dating (38 FR 7398) indicated that there was considerable confusion with regard to the meaning of open dates placed on packages without an explanatory statement. Thus, it was the intent of the Department in issuing its final amendments on this matter to remove from labeling material open dates for which no explanatory statement was present to indicate to consumers the meaning of such dates. This intent has not been changed.

It has recently been called to the Department's attention that many food chains are requiring their suppliers to place open dates on meat and poultry products. Most of these open dates, however, have no explanatory phrase to let the consumer know what they represent. Also, the meaning of open dating may vary from one retailer to another.

However, according to the National Association of Food Chains, some food chains have initiated consumer education programs to let their customers know the meaning of open dating as used in their stores. Thus, the National Association of Food Chains requested that an extension of time be granted to permit continuity in the transition of individual open dating programs to the general, uniform plan which has been outlined by the Department of Agriculture. This would also permit retail chains to remain in compliance with some State and local laws which call for unqualified open dates.

The Department has carefully reviewed the matter and weighed information received from retailers participating in open dating programs, as well as their federally inspected suppliers. It is the judgment of the Department that an extension should be given so as to not disrupt several ongoing programs which have proven to be beneficial in bringing improved product information to consumers. Likewise, we do not wish to place federally inspected packers and their retail customers in conflict with any State or local ordinances.

During this transition period, the Department and the National Association of Food Chains are urging retailers to emphasize and increase their consumer education programs in the matter of open dating—most specifically in regard to the meaning of the calendar date being used. Courses of action recommended to retailers included the use of newspaper ads and consumer columns to promote and explain open dating, particularly noting this feature on packaged USDA-inspected meat and poultry products as examples. Similar in-store education programs utilizing bag-stuffers, store posters, or point-of-sale signs were also recommended. It was also suggested that consumer advisors and home economists include an explanation of open dating in their discussions with the public and/or consumer groups.

Therefore, the effective date of the cited amendments providing for the Department's open dating program is postponed to December 8, 1974.

Further, the Department will, upon request, grant individual postponements beyond December 8, 1974, on a case-by-case basis to packers, who in the interim have been taking all possible action to comply, but are unable to do so because of an inability to secure supplies or make necessary equipment modifications, or because they face other similar hardship situations which are beyond their control. All requests for extensions will be thoroughly reviewed and developments closely followed to assure that labeling materials come into compliance with these amendments in the shortest possible time.

It does not appear that publication of a notice of rulemaking or other public procedure in connection with this action would make additional information available to this Department, and in order to avoid disruption of marketing of meat and poultry products, this postponement action must be made effective not later than September 8, 1974, when the aforesaid amendments otherwise would become effective. Therefore under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and contrary to the public interest and good cause is found for making this action effective less than 30 days after publication hereof in the FEDERAL REGISTER. Therefore this postponement action shall become effective on September 3, 1974.

Done at Washington, D.C., on August 28, 1974.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-20231 Filed 8-30-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-SO-72]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On July 18, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 26293) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Ahoskie, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 7, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Ahoskie, N.C., transition area is amended as follows:

"* * * 13 miles west of the VORTAC * * *" is deleted and "* * * 8 miles west of the VORTAC * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on August 23, 1974.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74-20188 Filed 8-30-74;8:45 am]

[Docket No. 13987, Amdt. 931]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective October 10, 1974:

Aberdeen-Amory, Miss.—Monroe County Arpt., VOR Rwy 19, Amdt. 4.
Bay City, Mich.—James Clements Muni Arpt., VOR-A, Amdt. 3.
Centralia, Ill.—Centralia Municipal Arpt., VOR Rwy 36, Amdt. 10.
Christiansted, St. Croix, V.I.—Alexander Hamilton Arpt., VOR Rwy 27, Amdt. 11.
Clinton, Okla.—Clinton-Sherman Arpt., VOR Rwy 35, Amdt. 1.
East St. Louis, Ill.—Bi-State Parks Arpt., VOR/DME-A, Amdt. 2.
Eugene, Oreg.—Mahlon-Sweet Field, VOR TAC Rwy 34, Amdt. 2.
Ft. Myers, Fla.—Page Field, VOR Rwy 5, Amdt. 5.
Ft. Myers, Fla.—Page Field, VOR Rwy 31, Amdt. 1.
Hammonton, N.J.—Hammonton Muni Arpt., VOR-A, Amdt. 2.
Hilton Head Island, S.C.—Hilton Head Arpt., VOR/DME-A, Amdt. 3.
Kokomo, Ind.—Kokomo Municipal Arpt., VOR Rwy 22, Amdt. 9.
Kokomo, Ind.—Kokomo Municipal Arpt., VOR Rwy 31, Amdt. 11.
Midland, Mich.—Jack Barstow Arpt., VOR-A, Amdt. 2.
Moses Lake, Wash.—Grant County Arpt., VOR Rwy 14L, Amdt. 6.
Moses Lake, Wash.—Grant County, Arpt., VOR Rwy 32R, Amdt. 11.
San Diego, Calif.—Montgomery Field, VOR/DME-C, Amdt. 1.
Toms River, N.J.—Robert J. Miller Air Park, VOR Rwy 6, Amdt. 3.

* * * effective September 5, 1974:

Muncie, Ind.—Delaware County-Johnson Field, VOR Rwy 32, Amdt. 5.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective October 10, 1974:

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., LOC (BC) Rwy 9R, Amdt. 1.
Clinton, Okla.—Clinton-Sherman Airport, LOC (BC) Rwy 17, Amdt. 1.
Miami, Fla.—Miami Int'l Arpt., LOC (BC) Rwy 9L, Amdt. 1.
Miami, Fla.—Miami Int'l Arpt., LOC (BC) Rwy 9R, Amdt. 8.

* * * effective September 5, 1974:

Denver, Colo.—Jeffco Arpt., LOC Rwy 29R, Orig., canceled.

* * * effective September 5, 1974:

Denver, Colo.—Jeffco Arpt., LOC Rwy 29R, Orig., canceled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective October 10, 1974:

Clinton, Okla.—Clinton-Sherman Airport, NDB Rwy 17, Amdt. 1.
East St. Louis, Ill.—Bi-State Parks Arpt., NDB Rwy 30, Amdt. 6.
Ft. Myers, Fla.—Page Field, NDB Rwy 5, Amdt. 7.
Houston, Tex.—Hull Field, NDB Rwy 17, Amdt. 2.
Jackson, Miss.—Hawkins Field, Copter NDB 183, Orig.
Maxton, N.C.—Laurinburg-Maxton Arpt., NDB Rwy 5, Amdt. 1.
Miami, Fla.—Miami Int'l Arpt., NDB Rwy 9L, Amdt. 11.
Miami, Fla.—Miami Int'l. Arpt., NDB Rwy 27L, Amdt. 10.
Moses Lake, Wash.—Grant County Arpt., NDB Rwy 32R, Amdt. 6.
Orangeburg, S.C.—Orangeburg Arpt., NDB-A, Amdt. 3.
Rawlins, Wyo.—Rawlins Municipal Arpt., NDB-A, Amdt. 4.
Sylvester, Ga.—Sylester Arpt., NDB Rwy 1, 2.
Twin Falls, Idaho—Twin Falls City-County (Joslin Field) Arpt., NDB Rwy 25, Amdt.

* * * effective September 12, 1974.

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Carbondale - Murphysboro, Ill.—Southern Illinois Arpt., NDB-A, Amdt. 1.
Carbondale - Murphysboro, Ill.—Southern Illinois Arpt., NDB Rwy 6, Amdt. 2.
Carbondale - Murphysboro, Ill.—Southern Illinois Arpt., NDB Rwy 18, Orig.

• • • effective August 16, 1974:

Rochester, Ind.—Fulton County Arpt., NDB Rwy 29, Amdt. 5.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective October 10, 1974:

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., ILS Rwy 8, Amdt. 45.
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., ILS Rwy 9R, Amdt. 6.
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., ILS Rwy 26, Amdt. 8.
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., ILS Rwy 27L, Amdt. 2.
Chicago, Ill.—Chicago O'Hare Int'l Arpt., ILS Rwy 22L, Amdt. 1.
Clinton, Okla.—Clinton-Sherman Arpt., ILS Rwy 35, Amdt. 1.
Miami, Fla.—Miami Int'l. Arpt., ILS Rwy 9L, Amdt. 18.
Miami, Fla.—Miami Int'l. Arpt., ILS Rwy 27L, Amdt. 14.
Miami, Fla.—Miami Int'l. Arpt., ILS Rwy 27R, Amdt. 3.
Minneapolis, Minn.—Minneapolis-St. Paul Int'l. Wold-Chamberlain Arpt., ILS BC Rwy 11R, Amdt. 4.
Minneapolis, Minn.—Minneapolis-St. Paul Int'l. Wold-Chamberlain Arpt., ILS BC Rwy 22, Amdt. 4.
Moses Lake, Wash.—Grant County Arpt., ILS Rwy 32R, Amdt. 8.
Roanoke, Va.—Roanoke Municipal Arpt., ILS Rwy 33, Amdt. 3.
Twin Falls, Idaho—Twin Falls City-County (Joslin Field) Arpt., ILS Rwy 25, Amdt. 2.

• • • effective September 12, 1974:

Carbondale-Murphysboro, Ill.—Southern Illinois Arpt., ILS Rwy 18, Orig.

• • • effective September 12, 1974:

Redding, Calif.—Redding Municipal Arpt., ILS Rwy 34, Amdt. 4.

• • • effective September 5, 1974:

Denver, Colo.—Jeffco Arpt., ILS Rwy 29R, Orig.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective October 10, 1974:

Ft. Smith, Ark.—Ft. Smith Municipal Arpt., RADAR-1, Amdt. 1.
Huntington, W. Va.—Tri-State (Walker Long Field) Arpt., RADAR-1, Amdt. 1.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAP's, effective October 10, 1974.

East St. Louis, Ill.—Bi-State Parks Arpt., RNAV Rwy 30, Orig.
Hilton Head Island, S.C.—Hilton Head Arpt., RNAV Rwy 3, Orig.
Hilton Head Island, S.C.—Hilton Head Arpt., RNAV Rwy 21, Orig.
Houston, Tex.—Hull Field, RNAV Rwy 17, Orig.
Moses Lake, Wash.—Grant County Arpt., RNAV Rwy 21, Amdt. 3.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; (49 U.S.C. 1488, 1354, 1421, 1510); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c) 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on August 22, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.74-20189 Filed 8-30-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-871, Amdt. 26]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Implementation of Section 205 of the Antihijacking Act of 1974

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 28, 1974.

Section 205 of the Antihijacking Act of 1974[1] amends Title XI of the Federal Aviation Act of 1958 (49 U.S.C. 1501-1513) by adding a new section 1116, which reads:

The Civil Aeronautics Board shall issue such regulations or orders as may be necessary to require that any air carrier receiving for transportation as baggage any property of a person traveling in air transportation, which property cannot lawfully be carried by such person in the aircraft cabin by reason of any Federal law or regulation, shall assume liability to such person, at a reasonable charge and subject to reasonable terms and conditions, within the amount declared to the air carrier by such person, for the full actual loss or damage to such property caused by such air carrier.

In implementation of the above, the Board is hereby amending section 221 of the Economic Regulations. Since the amendment is confined to literal compliance with the Congressional directive, the Board finds that notice and public procedure thereon are unnecessary.

Accordingly, the Civil Aeronautics Board hereby amends Part 221 of the Economic Regulations (14 CFR Part 221) effective November 4, 1974, by adding a new paragraph (1) to § 221.38 to read as follows:

§ 221.38 Rules and regulations.

• • • • • •

(l) *Passenger tariffs; property which cannot lawfully be carried in the aircraft cabin.* Each air carrier shall set forth in its tariffs governing the transportation of persons, including passengers' baggage, charges, rules, and regulations providing that such air carrier receiving as baggage any property of a person traveling in air transportation, which property cannot lawfully be carried by such person in the aircraft cabin by reason of any Federal law or regulation, shall assume liability to such person, at a reasonable charge and subject to reasonable terms and conditions, within the amount declared to the air carrier by such person, for the full actual loss or damage to such property caused by such air carrier.

(Secs. 204(a), 1116, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 88 Stat. 418; (49 U.S.C. 1324, 1516))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-20293 Filed 8-30-74;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Consideration and Revocation

The rules for the Northeast Region of the United States Board of Parole, published at 39 FR 20028 *et seq.* (June 5, 1974), and made effective to the Western and South Central Regions on July 1, 1974, 39 FR 23261 (June 27, 1974), will become effective in the Board's Southeast Region on September 3, 1974.

The Southeast Region is comprised of the following states: Tennessee, Mississippi, Alabama, Kentucky, North Carolina, South Carolina, Georgia, and Florida.

Federal prisoners in the North Central Region (Minnesota, Wisconsin, Michigan, Iowa, Missouri, Kansas, Nebraska, Illinois, Indiana, and Ohio) will continue to be considered for parole and parole revocation under the Board's present rules until such time as these revised rules are made applicable to that region as it becomes operational.

(28 CFR Part 0, Subpart V, and (18 U.S.C. 4201-4210, 5001-5037))

Dated: August 27, 1974.

MAURICE H. SIGLER,
Chairman,
U.S. Board of Parole.

[FR Doc.74-20310 Filed 8-30-74;8:45 am]

[1] Pub. L. 93-366, 93rd Congress, 2d Session, approved August 5, 1974.

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

The Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 et seq.), as amended, authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By a notice of proposed rulemaking published in the FEDERAL REGISTER of March 18, 1974 (39 FR 10158), notification was given that the Secretary of the Interior proposed to amend Part 20 of Title 50 of the Code of Federal Regulations. These amendments would specify open seasons, shooting hours, and bag and possession limits for migratory game birds for the 1974-75 hunting seasons.

Interested persons were invited to submit their views, data, or arguments regarding such matters in writting to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, by May 15, 1974. After analysis of the migratory game bird survey data obtained through investigations conducted by the U.S. Fish and Wildlife Service, by State game departments, and by other sources, the Director informed the State game departments of the outside dates, season lengths, shooting hours, and daily bag and possession limits for the 1974-75 seasons for waterfowl, coots, cranes, snipe, and gallinules. The State game departments were invited to submit recommendations for hunting seasons which complied with the shooting hours, daily bag and possession limits, and season lengths specified in the frameworks of opening and closing dates published by this Department.

The taking of the designated species of migratory birds is presently prohibited except for those species for which seasons were established in the FEDERAL REGISTER of July 8, 1974 (39 FR 24911) and July 30, 1974 (39 FR 27575) and Federal Regulatory Announcement 93. The amendments will permit taking of the designated species within specified periods of time, beginning as early as September 28, 1974, as has been the case in past years. Therefore, since these amendments benefit the public by relieving existing restrictions, they shall become effective on September 28, 1974.

Open season dates published in 39 FR 27575 and Regulatory Announcement No. 93 of August 1974 for sea ducks (§ 20.105 (a)) for the States of Maryland, New Jersey, New York, North Carolina, Rhode Island and Virginia are amended to conform with provisions of the Migratory Bird Treaty Act which limits the total hunting period (during sea duck and regular duck seasons combined) for these species to 107 days or less.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain sections of subpart K of Part 20 be amended as follows:

Section 20.104 is amended to read as follows:

§ 20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe (Wilson's).

(a) Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows.

(b) The season dates, bag limits, and shooting hours published in this paragraph in the FEDERAL REGISTER of July 30, 1974 (39 FR 27575) have been expanded to include season dates for previously deferred seasons and to include snipe season dates for the Pacific Flyway.

	Rails (Sora and Virginia)	Rails (King and Clapper)	Woodcock	Common Snipe (Wilson's)
Daily bag limit	25[1]	See footnote 2	5	8
Possession limit	25[1]	See footnote 2	10	16

Shooting hours: One-half hour before sunrise until sunset daily on all species.
Check State regulations for additional restrictions.

Seasons in the Atlantic Flyway:				
Connecticut	Sept. 2 to Nov. 9	Sept. 2 to Nov. 9	Oct. 19 to Dec. 21	Oct. 19 to Dec. 21;
Delaware	Sept. 2 to Nov. 9	Sept. 2 to Nov. 9	Oct. 21 to Nov. 7, Nov. 18 to Jan. 2.	Oct. 21 to Nov. 7, Nov. 18 to Jan. 2.
Florida	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Dec. 21 to Feb. 23	Nov. 9 to Feb. 23.
Georgia	Sept. 14 to Nov. 22	Sept. 14 to Nov. 22	Nov. 20 to Jan. 28	Dec. 20 to Feb. 22.
Maine	Sept. 1 to Nov. 9	Closed	Sept. 23 to Nov. 15	Sept. 23 to Nov. 15;
Maryland	Sept. 2 to Nov. 9	Sept. 2 to Nov. 9	Oct. 5 to Dec. 7	Oct. 5 to Nov. 23, Dec. 9 to Dec. 13;
Massachusetts	Sept. 7 to Nov. 15	Sept. 7 to Nov. 15	Oct. 10 to Nov. 30	Sept. 7 to Nov. 10.
New Hampshire	Closed	Closed	Oct. 1 to Dec. 1.	Oct. 1 to Dec. 1.
New Jersey[4]	Sept. 2 to Nov. 9	Sept. 2 to Nov. 9	Oct. 12 to Dec. 7, Dec. 21 to Dec. 28.	Oct. 9 to Nov. 2, Nov. 27 to Jan. 4.
New York:[4 5]				
Northern zone	Sept. 1 to Nov. 9	Closed	Sept. 20 to Nov. 23	Sept. 20 to Nov. 23.
Southern zone	Sept. 1 to Nov. 9	Closed	Oct. 1 to Nov. 23	Oct. 1 to Nov. 23.
Long Island area	Closed	Closed	Oct. 1 to Nov. 23	Closed:
North Carolina	Sept. 2 to Nov. 9	Sept. 2 to Nov. 9	Dec. 6 to Feb. 8	Dec. 6 to Feb. 8;
Pennsylvania	Sept. 2 to Nov. 9	Closed	Oct. 12 to Nov. 30	Oct. 12 to Nov. 30;
Rhode Island	Sept. 23 to Dec. 1	Sept. 23 to Dec. 1	Oct. 19 to Dec. 4, Dec. 16 to Dec. 21.	Oct. 19 to Dec. 6, Dec. 16 to Dec. 21;
South Carolina	Sept. 12 to Nov. 20	Sept. 12 to Nov. 20	Dec. 20 to Feb. 22	Dec. 14 to Jan. 25, Feb. 7 to Feb. 28;
Vermont	Sept. 28 to Dec. 6	Closed	Sept. 28 to Dec. 1	Sept. 28 to Dec. 1;
Virginia	Sept. 14 to Nov. 22	Sept. 14 to Nov. 22	Nov. 1 to Jan. 4	Nov. 18 to Jan. 20.
West Virginia	Oct. 12 to Dec. 20	Closed	Oct. 12 to Dec. 15	Oct. 12 to Dec. 15.
Seasons in the Mississippi Flyway:				
Alabama	Nov. 12 to Jan. 20	Nov. 12 to Jan. 20	Dec. 26 to Feb. 28	Dec. 26 to Feb. 28.
Arkansas	Sept. 1 to Nov. 9	Closed	Dec. 1 to Feb. 3	Dec. 1 to Feb. 3.
Illinois	Sept. 1 to Nov. 9	Closed	Oct. 15 to Dec. 15	Oct. 15 to Dec. 15;
Indiana	Sept. 7 to Nov. 15	Closed	Sept. 28 to Dec. 1	Sept. 28 to Dec. 1;
Iowa	Sept. 7 to Nov. 10	Closed	Sept. 21 to Nov. 24	Sept. 7 to Nov. 10.
Kentucky	Nov. 21 to Jan. 20	Closed	Oct. 15 to Dec. 18	Oct. 15 to Dec. 18.
Louisiana	Nov. 9 to Jan. 17	Nov. 9 to Jan. 17	Dec. 7 to Feb. 9	Dec. 7 to Feb. 9.
Michigan[5]				
Zone 1 and 2	Sept. 15 to Nov. 14	Closed	Sept. 15 to Nov. 14	Sept. 15 to Nov. 14;
Zone 3	Sept. 15 to Nov. 14	Closed	Oct. 21 to Nov. 14	Sept. 15 to Nov. 14;
Minnesota	Sept. 7 to Nov. 9	Closed	Sept. 7 to Nov. 9	Sept. 7 to Nov. 9.
Mississippi	Nov. 2 to Jan. 10	Nov. 2 to Jan. 10	Dec. 14 to Feb. 16	Dec. 14 to Feb. 16.
Missouri	Sept. 1 to Nov. 9	Closed	Oct. 1 to Dec. 4	Oct. 1 to Dec. 4.
Ohio	Sept. 2 to Nov. 9	Closed	Sept. 14 to Nov. 16	Sept. 14 to Nov. 16;
Tennessee	Nov. 30 to Dec. 1, Dec. 11 to Dec. 17.	Closed	Oct. 12 to Dec. 15	Dec. 25 to Feb. 27.
Wisconsin	Oct. 2 to Nov. 20	Closed	Sept. 14 to Nov. 17	Oct. 2 to Dec. 5.
Seasons in the Central Flyway:				
Colorado[6]	Sept. 1 to Nov. 9	Closed	Closed	Sept. 1 to Nov. 4;
Kansas	Sept. 7 to Nov. 15	Closed	Oct. 12 to Dec. 15	Sept. 7 to Nov. 10.
Montana[4]	Closed	Closed	Closed	Closed:
Nebraska	Sept. 1 to Nov. 9	Closed	Closed	Sept. 15 to Nov. 18;
New Mexico[6]	Closed	Closed	Closed	Closed.
North Dakota	Closed	Closed	Closed	Sept. 14 to Nov. 17;
Oklahoma	Sept. 1 to Nov. 9	Closed	Nov. 20 to Jan. 23	Oct. 19 to Dec. 22.
South Dakota	Closed	Closed	Closed	Sept. 1 to Oct. 31.
Texas	Sept. 1 to Nov. 9	Sept. 1 to Nov. 9	Nov. 16 to Jan. 19	Nov. 16 to Jan. 19.
Wyoming[6]	Oct. 5 to Dec. 14	Closed	Closed	Oct. 5 to Nov. 3, Nov. 27 to Dec. 31;

See footnotes at end of table.

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	Rails (Sora and Virginia)	Rails (King and Clapper)	Woodcock	Common Snipe (Wilson's)
Seasons in the Pacific Flyway:				
Arizona	Closed	Closed	Closed	Nov. 16 to Jan. 19.
California	Closed	Closed	Closed	Oct. 19 to Jan. 19.
Colorado[7]	Closed	Closed	Closed	Sept. 28 to Oct. 11, Nov. 2 to Jan. 19.
Idaho:				
Columbia Basin	Closed	Closed	Closed	Oct. 5 to Jan. 12.
Remainder of State	Closed	Closed	Closed	Oct. 5 to Jan. 5.
Montana[7]	Closed	Closed	Closed	Sept. 28 to Dec. 29.
Nevada:				
Clark and Lincoln Counties.	Closed	Closed	Closed	Nov. 16 to Jan. 19.
Remainder of State.	Closed	Closed	Closed	Oct. 12 to Jan 12.
New Mexico[7]	Closed	Closed	Closed	Closed.
Oregon	Closed	Closed	Closed	Oct. 12 to Jan. 12.
Utah	Closed	Closed	Closed	Oct. 5 to Jan. 5.
Washington	Closed	Closed	Closed	Oct. 12 to Jan. 12.
Wyoming[7]	Closed	Closed	Closed	Sept. 28 to Dec. 29.

[1] The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these two species.
[2] In addition to the limits on sora and Virginia rails, in the States of Connecticut, Delaware, Maryland, New Jersey, and Rhode Island, there is a daily bag limit of 10 and possession limit of 20 king and clapper rails, singly or in the aggregate of these two species, and in the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia, there is a daily bag limit of 15 and possession limit of 30 king and clapper rails, singly or in the aggregate of these two species.
[3] In New Jersey the season for woodcock is closed on November 8 and reopens on November 9 at 9 a.m.
[4] In the State of New York, the shooting hours for woodcock are sunrise to sunset daily.
[5] For description of zones within a State, see the State's regulations.
[6] Seasons apply to Central Flyway portion of State only.
[7] Seasons apply to Pacific Flyway portion of State only.

Section 20.105 is amended to read as follows:

§ 20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) *Sea ducks.* (1) An open season for taking scoter, eider, and oldsquaw ducks is prescribed according to the following table during the period between September 1, 1974, and January 20, 1975, in all coastal waters and all waters of rivers and streams seaward from the first upstream bridge in the States of Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; in those coastal waters of the State of New York lying in Long Island and Block Island Sounds and associated bays eastward from a line running between Miamogue Point in the Town of Riverhead to Red Cedar Point in the Town of Southampton, including any ocean waters of New York lying south of Long Island; in any waters of the Atlantic Ocean and, in addition, in any tidal waters of any bays which are separated by at least one mile of open water from any shore, island, and emergent vegetation in the States of New Jersey, North Carolina, South Carolina, and Georgia; and in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least 800 yards of open water from any shore, island, and emergent vegetation in the States of Delaware, Maryland, and Virginia: *Provided*, That any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. In all other areas of these States and in all other States in the Atlantic Flyway, sea ducks may be taken only during the regular open season for ducks.

(2) The daily bag limit is 7 and the possession limit 14 singly or in the aggregate of these species. During the regular duck season in the Atlantic Flyway, States may set in addition to the limits prescribed for such seasons a daily bag limit of 7 and possession limit of 14 scoter, eider, and oldsquaw ducks, singly or in the aggregate of these species.

(3) Shooting hours are one-half hour before sunrise until sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES.

Seasons in the Atlantic Flyway

Connecticut	Sept. 20 to Jan. 4.
Delaware	Sept. 20 to Jan. 4.
Georgia	Closed.
Maine	Sept. 28 to Jan. 11.
Maryland[1]	Oct. 2 to Jan. 16.
Massachusetts	Sept. 21 to Jan. 5.
New Hampshire	Sept. 21 to Jan. 5.
New Jersey[1]	Sept. 25 to Jan. 9.
New York[1]	Sept. 24 to Jan. 8.
North Carolina[1]	Oct. 2 to Jan. 16.
Rhode Island[1]	Oct. 2 to Jan. 16.
South Carolina	Oct. 4 to Jan. 18.
Virginia[1]	Oct. 6 to Jan 20.

[1] This open season date supersedes and replaces that published in the FEDERAL REGISTER of July 30, 1974 (39 FR 27575) and Regulatory Announcement No. 93 of August 1974.

(4) Notwithstanding the provisions of this Part 20, the shooting of crippled waterfowl from a motorboat under power will be permitted in the States of Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as being open to sea duck hunting.

* * * * *

(c) *Gallinules.*

Limits in the Atlantic, Mississippi, and Central Flyways:
Daily bag limit 15
Possession limit 30

Limits in the Pacific Flyway: The daily bag and possession limits are 25 gallinules and coots, singly or in the aggregate of these two species.

Shooting hours: One-half hour before sunrise to sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

Seasons in the Atlantic Flyway

Connecticut	Sept. 2 to Nov. 9.
Delaware	Sept. 2 to Nov. 9.
Florida[1]	Sept. 1 to Nov. 9.
Georgia	Nov. 13 to Jan. 20.
Maine	Sept. 1 to Nov. 9.
Maryland	Sept. 2 to Nov. 9.
Massachusetts	Sept. 7 to Nov. 15.
New Hampshire	Closed.
New Jersey	Sept. 2 to Nov. 9.
New York:	
Northern and Southern zones.	Sept. 1 to Nov. 9.
Long Island area	Closed.
North Carolina	Sept. 2 to Nov. 9.
Pennsylvania	Sept. 2 to Nov. 9.
Rhode Island	Sept. 23 to Dec. 1
South Carolina	Sept. 12 to Nov. 20.
Vermont	Sept. 28 to Dec. 6.
Virginia	Nov. 27* to Jan. 20.
West Virginia	Oct. 12 to Dec. 20.

Seasons in the Mississippi Flyway

Alabama	Nov. 12 to Jan. 20.
Arkansas	Nov. 7 to Jan. 15.
Illinois	Closed.
Indiana	Sept. 7 to Nov. 15
Iowa	Closed.
Kentucky	Nov. 21 to Jan. 20.
Louisiana	Sept. 21 to Nov. 29.
Michigan:	
Zone 1	Oct. 2* to Nov. 20.
Zones 2 and 3	Oct. 9 to Nov. 20.
Minnesota	Oct. 2* to Nov. 15.
Mississippi	Nov. 2 to Jan. 10.
Missouri	Sept. 1 to Nov. 9.
Ohio	Sept. 2 to Nov. 9.
Tennessee	Nov. 20* to Dec. 1. Dec. 11* to Jan. 17.
Wisconsin	Oct. 2* to Nov. 20.

Seasons in the Central Flyway

Colorado[3]	Closed.
Kansas	Closed.
Montana[3]	Closed.
Nebraska	Closed.
New Mexico[3]	Nov. 16 to Jan. 10.
North Dakota	Closed.
Oklahoma	Sept. 1 to Nov. 9.
South Dakota	Closed.
Texas	Sept. 1 to Nov. 9.
Wyoming[3]	Closed.

Seasons in the Pacific Flyway

Arizona	Sept. 28 to Oct. 25. Nov. 16 to Jan. 19.
California:	
Tule Lake Area	Oct. 12 to Jan. 12.
Colorado River Area	Sept. 28 to Oct. 25. Nov. 16 to Jan. 19.
Remainder of State	Oct. 19 to Jan. 19.
Colorado[3]	Sept. 28 to Oct. 11. Nov. 2 to Jan. 19.
Idaho:	
Columbia Basin	Oct. 5 to Jan. 12.
Remainder of State	Oct. 5 to Jan. 5.
Montana[3]	Sept. 28 to Dec. 29.

See footnotes at end of table.

Nevada:	
Clark and Lincoln Counties.	Sept. 28 to Oct. 25. Nov. 16 to Jan. 19.
Remainder of State	Oct. 12 to Jan. 12.
New Mexico[3]	Do.
Oregon:	
Columbia Basin	Oct. 12 to Jan. 19.
Remainder of State	Oct. 12 to Jan. 12.
Utah	Oct. 5 to Jan. 5.
Washington:	
Columbia Basin	Oct. 12* to Jan. 19.
Reminder of State	Oct. 12* to Jan. 12.
Wyoming[3]	Sept. 28 to Dec. 29.

[1] The gallinule season in Florida applies to the Florida gallinule only. No open season on purple gallinule in Florida.
[2] Seasons apply to Central Flyway portion of State only.
[3] Seasons apply to Pacific Flyway portion of State only.
* NOTE.—Season opens at noon local time.

(d) *Canada geese in the Horicon Zone.*

* * * * * *

(e) *Atlantic, Mississippi, and Central Flyways.*

Atlantic Flyway

Shooting hours: One-half hour before sunrise to sunset daily.

Flywaywide Restrictions

In all States in the Atlantic Flyway:

Wood ducks—no more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be in possession.

Canvasbacks and redheads—the season is closed on canvasbacks and redheads.

Hooded mergansers—no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be in possession.

Blue and snow geese—the season is closed on blue and snow geese.

Brant—the season is closed on brant.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits: Bag	Limits: Possession
Connecticut:			
Coastal Area only:			
Ducks	Oct. 16 * to Oct. 18	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Statewide:			
Ducks	Oct. 19 to Oct. 26; Nov. 27 * to Jan. 4	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese	Oct. 19 to Dec. 27	3	6
Delaware:			
Ducks	Nov. 6 * to Nov. 30; Dec. 11 * to Jan. 4	5	10
Including no more than: Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese	Nov. 6 * to Dec. 7; Dec. 11 * to Jan. 17	3	6
Florida:			
Ducks	Nov. 27 * to Jan. 20	Point system	Point system
Coots		15	30
Geese	Closed		
Georgia:			
Ducks	Nov. 27 * to Dec. 5; Dec. 11 * to Jan. 20	5	10
Including no more than: Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese	Closed		
Maine:			
Ducks	Oct. 2 * to Oct. 19; Nov. 13 * to Dec. 14	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese	Oct. 2 * to Dec. 10	3	6
Maryland:			
Ducks	Nov. 6 * to Nov. 29; Dec. 18 * to Jan. 16	Point system	Point system
Coots		15	30
Geese	Nov. 1 to Nov. 29; Dec. 9 to Jan. 18	3	6
Massachusetts:			
Ducks	Oct. 16 * to Nov. 2; Nov. 27 * to Dec. 28	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese	Oct. 16 * to Nov. 9; Nov. 28 to Jan. 11	3	6
New Hampshire:			
Ducks	Oct. 2 * to Oct. 26; Nov. 20 * to Dec. 14	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese	Oct. 2 * to Oct. 26; Nov. 20 * to Jan. 3	3	6
New Jersey:			
Ducks	Oct. 9 * to Oct. 19; Nov. 27 * to Jan. 9	Point system	Point system
Coots		15	30
Geese	Oct. 9 * to Nov. 2; Nov. 27 * to Jan. 10	3	6
New York:			
Long Island Area:			
Ducks	Nov. 20 * to Jan. 8	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese	Nov. 20 * to Jan. 20	3	6

See footnotes at end of table.

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	Season dates	Limits: Bag	Limits: Possession
Lake Champlain Area:			
Ducks	Oct. 9 [1] to Nov. 27	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese	Oct. 9 [1] to Dec. 17	3	6
Upstate New York:			
Ducks	Oct. 16 [1] to Nov. 23; Dec. 25 [1] to Jan. 4	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese	Oct. 16 to Dec. 24	3	6
North Carolina:			
Ducks	Oct. 9 [1] to Oct. 12; Nov. 27 [1] to Jan. 16	Point system 15	Point system 30
Coots			
Geese	Nov. 28 to Jan. 16	1	2
Pennsylvania: [1]			
Ducks	Oct. 12 to Oct. 19; Nov. 8 to Dec. 14	4	8
Including no more than:			
Black ducks		2	4
Wood ducks		2	2
Mergansers		5	10
Coots		15	30
Geese	Oct. 12 to Dec. 20	3	6
Rhode Island:			
Ducks	Oct. 23 [1] to Oct. 26; Nov. 27 [1] to Jan. 16	Point system 15	Point system 30
Coots			
Geese	Nov. 12 to Jan. 20	3	6
South Carolina:			
Ducks	Nov. 20 [1] to Nov. 30; Dec. 11 [1] to Jan. 18.	5	10
Including no more than: Black ducks		1	2
Mergansers		5	10
Coots		15	30
Geese	Nov. 20 to Nov. 30; Dec. 11 to Jan. 18	1	2
Vermont:			
Ducks	Oct. 9 [1] to Nov. 27	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese	Oct. 9 [1] to Dec. 17	3	6
Virginia			
Ducks	Nov. 27 [1] to Jan. 20	Point system 15	Point system 30
Coots			
Geese:			
Back Bay Area	Nov. 27 to Jan. 15	1	2
Remainder of State	Nov. 12 to Jan. 20	3	6
West Virginia:			
Ducks	Oct. 2 [1] to Oct. 19; Dec. 18 [1] to Jan. 18.	4	8
Including no more than: Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese	Oct. 2 to Dec. 10	3	6

[1] In the Pennsylvania counties of Butler, Clarion, Crawford, Erie, Forest, Jefferson, Lawrence, Mercer, Venango, and Warren, on October 12, the shooting hours for ducks and geese are sunrise to sunset.

* NOTE: Season opens at noon local time.

Mississippi Flyway

Shooting hours: One-half hour before sunrise to sunset daily.

Flywaywide Restrictions

In all States in the Mississippi Flyway:

Wood ducks—no more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be in possession.

Canvasbacks and redheads—except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession *or* 1 redhead daily and 1 in possession. Under the point system canvasbacks and redheads count 100 points each except in closed areas. The areas closed to canvasback and redhead hunting are:

Mississippi River.	Entire river, both sides, from Alton Dam upstream to Prescott, Wisconsin, at confluence of St. Croix River.
Alabama	Baldwin and Mobile Counties.
Louisiana	Caddo, St. Charles, and St. Mary Parishes; that portion of Ward 1 formerly designated as Ward 6 of St. Martin Parish; and Catahoula Lake in LaSalle and Rapides Parishes.
Michigan	Arenac, Bay, Huron, Macomb, Monroe, St. Clair, Tuscola, and Wayne Counties, and those adjacent waters of Saginaw Bay south of a line extending from Point au Gres in Sec. 6, T18N, R7E (Arenac County) to Sand Point in Sec. 11, T17N, R9E (Huron County), the St. Clair River, Lake St. Clair, the Detroit River and Lake Erie, under jurisdiction of the State of Michigan.
Minnesota	That area south of U.S. Highway 2 from the North Dakota border to Bemidji; west of U.S. Highway 71 from Bemidji to its intersection with U.S. Highway 52 (Interstate Highway 94); southwest of U.S. Highway 52 (Interstate Highway 94) from U.S. Highway 71 to Minneapolis/St. Paul; northwest of U.S. Highway 169 from Minneapolis/St. Paul to Mankato; north of U.S. Highway 14 from Mankato to Sleepy Eye; east of State Highway 4 from Sleepy Eye to State Highway 7; north of State Highway 7 from State Highway 4 to intersection with U.S. Highway 212; north of U.S. Highway 212 to the North Dakota border.
Ohio	Land and water areas comprising Erie, Ottawa and Sandusky Counties.
Tennessee	Kentucky Lake lying north of Interstate Highway 40.
Wisconsin	In the Mississippi River Zone, all that part of Wisconsin west of the CB&Q railroad in Grant, Crawford, Vernon, La Crosse, Trempealeau, Buffalo, Pepin, and Pierce Counties. Also, Dodge and Winnebago Counties and the land and water areas extending 100 yards from the shorelines of Lake Poygan in Waushara County, Lake Winnebago in Calumet and Fond du Lac Counties, and Rush Lake, Fond du Lac County.

Hooded mergansers—no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be in possession.

White-fronted geese—no more than 2 white-fronted geese may be taken daily or held in possession.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits: Bag	Limits: Possession
Alabama:			
Ducks	Dec. 4 * to Jan. 20	Point system 15	Point system 30
Coots			
Geese:			
In Russell and Barbour Counties	Closed season		
In remainder of State	Nov. 12 to Jan. 20	5	5
Including no more than:			
Canada geese		1	2
White-fronted geese		2	2
Canada and white-fronted combined.		2	4
Blue and snow geese		5	5
Arkansas:			
Ducks	Nov. 20 * to Dec. 7; Dec. 18 * to Jan. 18.	Point system 15	Point system 30
Coots		5	5
Geese			
Including no more than:			
Canada geese	Dec. 20 to Jan. 18 only	1	2
White-fronted geese	Nov. 10 to Jan. 18	2	2
Blue and snow geese	Nov. 10 to Jan. 18	5	5
Illinois:			
Ducks	Oct. 23 * to Dec. 11	Point system 15	Point system 30
Coots			
Geese: [1] [2]			
In Alexander, Jackson, Union, and Williamson Counties. [3]	Nov. 25 to Jan. 20	5	5
In remainder of the State	Oct. 23 * to Dec. 31		
For the entire State			
Including no more than:			
Canada geese		2	4
White-fronted geese		2	2
Canada and white-fronted combined.		2	4
Blue and snow geese		5	5
Indiana:			
Ducks	Oct. 30 * to Dec. 1; Dec. 18 * to Dec. 29.	4	8
Including no more than:			
Mallards		2	4
Black ducks		2	4
Mallards and black ducks combined		2	4
Mergansers		5	10
Coots		15	30
Geese	Oct. 26 to Dec. 14; Jan. 1 to Jan. 20	5	5
Including no more than:			
Canada geese		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Blue and snow geese		5	5
Iowa:			
Ducks	Oct. 5 to Oct. 12; Oct. 26 to Dec. 1	Point system 15	Point system 30
Coots		5	5
Geese			
Including no more than:			
Canada geese	Oct. 1 to Nov. 14 only	1	2
White-fronted geese	Oct. 1 to Dec. 9	2	2
Canada and white-fronted combined		3	4
Blue and snow geese	Oct. 1 to Dec. 9	5	5
Kentucky:			
Ducks	Nov. 20* to Nov. 28; Dec. 11* to Jan. 20.	Point system 15	Point system 30
Coots		5	5
Geese [1]	Nov. 12 to Jan. 20		
In Ballard, Hickman, Fulton and Carlisle Counties, including no more than:			
Canada geese		2	4
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Blue and snow geese		5	5
In remainder of State, including no more than:			
Canada geese		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Blue and snow geese		5	5
Louisiana:			
Ducks	Nov. 6 * to Dec. 7; Dec. 18 * to Jan. 4	Point system 15	Point system 30
Coots			
Canada geese	Closed season		
Geese (except Canada geese):			
In areas east of Mississippi River (31° to 33° North latitude).	Same as Mississippi		
In remainder of State	Nov. 7 to Dec. 7; Dec. 19 to Jan. 26	5	5
Including no more than:			
White-fronted geese		2	2
Blue and snow geese		5	5
Michigan			
Ducks:			
Zone 1	Oct. 2 * to Nov. 20	Point system	Point system
Zones 2 and 3	Oct. 9 to Nov. 20	15	30
Coots		5	5
Geese			
Zone 1	Oct. 2 to Nov. 30		
Zones 2 and 3	Oct. 9 to Nov. 30		
Including no more than:			
Canada geese		1	1
White-fronted geese		2	2
Canada and white-fronted combined		2	3
Snow and blue geese		5	5

See footnotes at end of table.

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	Season dates	Limits: Bag	Limits: Possession
Minnesota:			
Ducks	Oct. 2 [1] to Nov. 15	4	8
Including no more than:			
Mallards		2	4
Black ducks		2	4
Mallards and black ducks combined		2	4
Mergansers		5	10
Coots		15	30
Geese		5	5
In Southeastern Zone (Canada, snow, blue, and white-fronted geese).	Oct. 2 [1] to Dec. 10		
In remainder of State (snow, blue, and white-fronted geese).	Oct. 2 [1] to Nov. 15		
Canada geese	Oct. 2 [1] to Oct. 31		
In both areas, including no more than:			
Canada geese		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	4
Blue and snow geese		5	5
Mississippi:		Point system	Point system
Ducks	Nov. 27 [1] to Dec. 5; Dec. 11 [1] to Jan. 20	15	30
Coots			
Geese:			
In areas west of Mississippi River (31° to 33° North latitude).	Same as Louisiana		
In remainder of State	Oct. 5 to Nov. 5; Dec. 14 to Jan. 20	5	5
Including no more than:			
Canada geese:			
In Issaquena, Sharkey, Washington, Lowndes, Noxubee, Oktibbeha and Winston Counties	Closed season		
In Lafayette, Marshall, and Panola Counties.		1	2
In remainder of State		2	2
White-fronted geese		2	2
Canada and white-fronted combined:			
In Lafayette, Marshall, and Panola Counties.		3	4
In remainder of State		4	4
Blue and snow geese		5	5
Missouri:		Point system	Point system
Ducks	Oct. 30 [1] to Dec. 18	15	30
Coots		5	5
Geese [2]			
Including no more than, Canada geese:			
Lower Mississippi Area, east of Interstate Highway 55 and south of Crystal City.	Dec. 1 to Jan. 20	2	4
In Swan Lake area [3]	Oct. 30 [1] to Jan. 7	1	2
In remainder of State	Oct. 30 [1] to Dec. 13	1	2
White-fronted geese	Oct. 30 [1] to Jan. 7	2	2
Canada and white-fronted combined		2	4
Blue and snow geese	Oct. 30 [1] to Jan. 7	5	5
Ohio:			
In Pymatuning Area:			
Ducks	Oct. 12 to Oct. 19; Nov. 8 to Dec. 14	4	8
Including no more than, Black ducks		2	4
Mergansers		5	10
Coots		15	30
Geese (except blue and snow)	Oct. 12 to Dec. 20	3	6
In remainder of State:		Point system	Point system
Ducks	Oct. 16 [1] to Nov. 30; Jan. 1 [1] to Jan. 4	15	30
Coots		5	5
Geese	Oct. 16 [1] to Dec. 20; Jan. 1 [1] to Jan. 4		
Including no more than:			
Canada		1	2
White-fronted geese		2	2
Canada and white-fronted combined.		2	4
Blue and snow geese		5	5
Tennessee:		Point system	Point system
Ducks	Nov. 20 [1] to Dec. 1; Dec. 11 [1] to Jan. 17	15	30
Coots		5	5
Geese	Nov. 12 to Jan. 20		
Including no more than: Canada geese:		2	2
In Shelby, Lake, Tipton, Lauderdale, Dyer and Obion Counties.		1	2
In remainder of State		2	2
White-fronted geese			
Canada and white-fronted combined:		4	4
In Shelby, Lake, Tipton, Lauderdale, Dyer and Obion Counties.		3	4
In remainder of State		5	5
Blue and snow geese			

See footnotes at end of table.

	Season dates	Limits: Bag	Limits: Possession
Wisconsin:			
Ducks	Oct. 2 [1] to Nov. 20	Point system	Point system
Coots		15	30
Geese:			
In Horicon zone	Oct. 10 to Oct. 27	1	1
In remainder of State	Oct. 2 [1] to Dec. 10	5	5
Including no more than:			
Canada geese [3]		1	2
White-fronted geese		2	2
Canada and white-fronted combined.		2	4
Blue and snow geese		5	5

* NOTE: Season opens at noon, local time.

[1] Notwithstanding the provisions of § 20.39, geese taken in the States of Illinois, Kentucky, and Missouri may not be transported or delivered for transportation by common carrier, the Postal Service, or by any person except as the personal baggage of the hunter who took the birds.

[2] In the States of Illinois and Wisconsin, the kill of Canada geese will be limited to 20,000 birds. When it is determined by the Director, U.S. Fish and Wildlife Service, that the quota of Canada geese allotted to the State of Illinois or to the Swan Lake area of Missouri will have been killed, the season for taking Canada geese in the respective areas will be closed by the Director upon giving public notice through local information media at least 48 hours in advance of the time and day of closing.

[3] Shooting hours for geese are sunrise until 3 p.m. local time.

Central Flyway

Including Central Flyway portions only of Colorado, Montana, New Mexico, and Wyoming.

Shooting hours: One-half hour before sunrise to sunset daily.

Flywaywide Restrictions

In all States in the Central Flyway:

Mallards—no more than 3 mallards of which not more than 1 mallard may be a hen may be taken daily nor more than 6 mallards of which not more than 2 mallards may be hens may be in possession.

Wood ducks—no more than 2 wood ducks may be taken daily nor more than 4 wood ducks may be in possession.

Canvasbacks and redheads—except in closed areas, the limit on canvasbacks and redheads is 1 canvasback daily and 1 in possession or 1 redhead daily and 1 in possession. Under the point system canvasbacks and redheads count 100 points each except in closed areas. The areas closed to canvasback and redhead hunting are:

North Dakota—All that portion east of State Highway 3, including all or portions of 27 counties.

South Dakota—The Counties of Brookings, Codington, Day, Kingsbury, Lake, Roberts, Marshall, and Hamlin.

Texas—The Counties of Aransas, Brazoria, Calhoun, Cameron, Chambers, Galveston, Harris, Jackson, Jefferson, Kenedy, Kleberg, Matagorda, Nueces, Refugio, San Patricio, and Willacy.

Hooded mergansers—no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be in possession.

Canada geese—no more than 2 Canada geese may be taken daily or held in possession.

White-fronted geese—no more than 2 white-fronted geese may be taken daily or held in possession.

Ross' geese—no more than 1 Ross' goose may be taken daily or held in possession.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

The season dates for mergansers and coots are the same as those for ducks in the following tables:

	Season dates	Limits: Bag	Limits: Possession
Colorado:			
Ducks	Oct. 5 to Oct. 13; Nov. 9 to Jan. 3	Point system	Point system
Coots		15	30
Geese	Oct. 26 to Jan. 19	2	4
Kansas:			
Ducks:			
In High Plains area	Oct. 19 to Dec. 8; Dec. 23 to Jan. 5	Point system	Point system
In remainder of State	Oct. 19 to Dec. 8; Dec. 23 to Dec. 29	Point system	Point system
Coots		15	30
Geese		5	5
Including no more than:			
Canada geese	Oct. 19 to Dec. 15	1	2
White-fronted geese	Oct. 19 to Dec. 29	1	1
Canada and white-fronted combined		2	2
Blue and snow geese	Oct. 19 to Dec. 29	5	5
Montana:			
Ducks	Sept. 28 to Nov. 15; Dec. 21 to Jan. 5	Point system	Point system
Coots		15	30
Geese	Sept. 28–Dec. 29	2	4

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	Season dates	Limits: Bag	Limits: Possession
Nebraska:			
Ducks:			
In High Plains area	Oct. 5 to Nov. 17; Dec. 14 to Jan. 3	Point system	Point system
In remainder of State	Oct. 12 to Dec. 8	Point system	Point system
Coots		15	30
Geese	Sept. 28 to Dec. 8	5	5
West of Highway 183, through Nov. 24, including no more than:			
Canada geese		2	2
White-fronted geese		1	1
Canada and white-fronted combined		2	2
Blue and snow geese		5	5
East of Highway 183, and west of Highway 183 after Nov. 24, including no more than:			
Canada geese		1	2
White-fronted geese		1	1
Canada and white-fronted combined		2	2
Blue and snow geese		5	5
New Mexico:			
Ducks (except Mexican duck)	Nov. 16 to Jan. 19	Point system	Point system
Mexican ducks	Season closed	Point system	Point system
Coots		15	30
Geese:			
In Bernalillo, Sandoval, Sierra, Socorro, and Valencia Counties.	Dec. 28 to Jan. 12	1	2
In remainder of State	Nov. 16 to Jan. 19	2	4
North Dakota:			
Ducks	Sept. 28 to Nov. 17	5	10
Mergansers		5	10
Coots		15	30
Geese	Sept. 28 to Nov. 17	5	5
Including no more than:			
Canada geese		1	2
White-fronted geese		2	2
Canada and white-fronted combined		2	2
Blue and snow geese		5	5
Oklahoma:			
Ducks:			
In High Plains area	Oct. 19 to Nov. 16; Dec. 7 to Jan. 11	Point system	Point system
In remainder of State	Oct. 26 to Nov. 16; Dec. 7 to Jan. 11	Point system	Point system
Coots		15	30
Geese		5	5
In Alfalfa, Bryan, Johnson, and Marshall Counties.	Nov. 2 to Nov. 16; Dec. 7 to Jan. 11		
In remainder of State	Oct. 12 to Nov. 16; Dec. 7 to Jan. 11		
Including no more than:			
Canada geese		2	2
White-fronted geese		1	2
Canada and white-fronted combined		2	2
Blue and snow geese		5	5
South Dakota:			
Ducks:			
In High Plains area	Oct. 5 to Nov. 29; Dec. 21 to Dec. 29	Point system	Point system
In remainder of State	Oct. 5 to Dec. 1	Point system	Point system
Coots		15	30
Geese	Oct. 5 to Dec. 1	5	5
Including no more than:			
Canada geese		1	2
White-fronted geese		1	1
Canada and white-fronted combined		2	2
Blue and snow geese		5	5
Texas:			
Ducks (except Mexican, fulvous tree and black-bellied tree duck):			
In High Plains area	Nov. 4 to Nov. 24; Dec. 7 to Jan. 19	Point system	Point system
In remainder of State	Nov. 9 to Nov. 24; Dec. 9 to Jan. 19	Point system	Point system
Mexican, fulvous tree and black-bellied tree ducks.	Closed season		
Geese:			
East of Highway 81	Oct. 26 to Nov. 24; Dec. 7 to Jan. 19		
Including no more than:			
Canada geese		1	2
White-fronted geese		1	1
Canada and white-fronted combined.		1	2
West of Highway 81	Oct. 19 to Jan. 19		
Including no more than:			
Canada geese		2	4
White-fronted geese		1	1
Canada and white-fronted combined.		2	2
Statewide: Blue and snow geese		5	5
Wyoming:			
Ducks	Oct. 12 to Nov. 3; Nov. 18 to Dec. 29	Point system	Point system
Coots		15	20
Geese	Oct. 12 to Jan. 12	2	4

(f) *Pacific Flyway* including Pacific Flyway portions only of Colorado, Montana, New Mexico, and Wyoming.

Shooting hours: One-half hour before sunrise to sunset daily.

Flywaywide Restrictions

In all States in the Pacific Flyway: Canvasbacks—except in closed areas, the limit on canvasbacks is 1 canvasback daily and 1 in possession. The areas closed to canvasback hunting are:

California

San Francisco Bay-Suisun area—beginning at Golden Gate Bridge, north on U.S. Highway 101 to State Highway 37; then east on State Highway 37 to U.S. Highway 80; then north on U.S. Highway 80 to State Highway 12 at Fairfield; then east on State Highway 12 to Rio Vista at State Highway 84 (160); then south on State Highway 84 (160) to State Highway 4; then west on State Highway 4 to U.S. Highway 80; then south on U.S. Highway 80 to State Highway 17; then south on State Highway 17 to U.S. Highway 101 at San Jose; then north on U.S. Highway 101 to point of beginning.

Salton Sea—entire water area of Salton Sea.

Nevada — Churchill County.

Oregon — Lincoln and Harney Counties.

Washington — Grays Harbor and Pacific Counties.

Redheads—no more than 2 redheads may be taken daily nor more than 4 may be in possession.

Hooded mergansers—no more than 1 hooded merganser may be taken daily nor more than 2 may be in possession.

Dark Geese—no more than 3 dark (Canada and white-fronted) geese may be taken daily nor more than 6 may be in possession.

Ross' geese—no more than 1 Ross' goose may be taken daily or held in possession.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES.

The season dates for mergansers, coots, and gallinules are the same as those for ducks in the following tables:

	Season dates	Limits: Bag	Limits: Possession
Arizona:			
Ducks (except Mexican)	Sept. 28 to Oct. 25; Nov. 16 to Jan. 19	5	10
Mexican ducks	Closed season		
Pintails (additional bag)		2	4
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate)		25	25
Geese	Nov. 16 to Jan. 5	6	6
Including no more than: Canada geese		2	2
California:			
Tule Lake:			
Ducks	Oct. 12 to Jan. 12	5	10
Pintails (additional bag)		2	4
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 12 to Jan. 12	6	6
Tehachapi area (except District 22):			
Ducks	Oct. 19 to Jan. 19	5	10
Pintails (additional bag)		2	4
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 19 to Jan. 19	6	6
Including not more than: Canada geese	Nov. 2 to Jan. 5	2	2
District 22 except Colorado River area:			
Ducks	Oct. 19 to Jan. 19	5	10
Pintails (additional bag)		2	4
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese:		6	6
Canada geese	Nov. 2 to Jan. 5	1	1
Other than Canada	Oct. 19 to Jan. 19	6	6
Colorado River Area:			
Ducks	Sept. 28 to Oct. 25; Nov. 16 to Jan. 19	5	10
Pintails (additional bag)		2	4
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Nov. 16 to Jan. 5	6	6
Including no more than: Canada geese		2	2
Remainder of State:			
Ducks	Oct. 19 to Jan. 19	5	10
Pintails (additional bag)		2	4
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 19 to Jan. 19	6	6
Brant	Jan. 18 to Feb. 23	4	8
Colorado:			
Ducks	Sept. 28 to Oct. 11; Nov. 2 to Jan. 1	5	10
Pintails (additional bag)		2	4
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 12 to Dec. 15	6	6
Including no more than: Canada geese		2	2

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	Season dates	Limits: Bag	Limits: Possession
Idaho			
Ducks:			
Columbia Basin	Oct. 5 to Jan. 12	6	12
Remainder of State	Oct. 5 to Jan. 5	5	10
Pintails (additional bag, except in Columbia Basin).		2	4
Mergansers:			
Columbia Basin	Oct. 5 to Jan. 12	5	10
Remainder of State	Oct. 5 to Jan. 5	5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Columbia Basin	Oct. 5 to Jan. 12		
Remainder of State	Oct. 5 to Jan. 5		
Geese:			
Not including more than: Canada geese		3	6
East of Highway 93	Oct. 12 to Dec. 15	2	2
West of Highway 93 (except 10 north counties).	Oct. 12 to Dec. 29		
10 north counties	Oct. 5 to Jan. 5		
Montana:			
Ducks	Sept. 28 to Dec. 29	5	10
Pintails (additional bag)		2	4
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese:		6	6
Including no more than: Canada geese		2	2
East of Continental Divide	Sept. 28 to Dec. 1		
West of Continental Divide	Sept. 28 to Dec. 29		
Nevada:			
Clark and Lincoln Counties:			
Ducks	Sept. 28 to Oct. 25; Nov. 16 to Jan. 19	5	10
Pintails (additional bag)		2	4
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Nov. 16 to Jan. 5	6	6
Including no more than: Canada geese		2	2
Remainder of State:			
Ducks	Oct. 12 to Jan. 12	5	10
Pintails (additional bag)		2	4
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 19 to Jan. 19	6	6
New Mexico:			
Ducks	Oct. 12 to Jan. 12	5	10
Pintails (additional bag)		2	4
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese		6	6
Including no more than: Canada geese		2	2
South of U.S. Highway 60	Oct. 12 to Dec. 15		
North of U.S. Highway 60	Closed		
Oregon:			
Baker and Malheur Counties:			
Ducks	Oct. 12 to Jan. 19	6	12
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 12 to Dec. 29	6	6
Including no more than: Canada geese		2	2
Union and Wallowa Counties:			
Ducks	Oct. 12 to Jan. 19	6	12
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 12 to Jan. 12	6	6
Morrow, Umatilla, Gilliam, Sherman and Wasco Counties:			
Ducks	Oct. 12 to Jan. 19	6	12
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 12 to Jan. 19	6	6
Remainder of State:			
Ducks	Oct. 12 to Jan. 12	5	10
Pintails (additional bag)		2	4
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 12 to Jan. 12	6	6
Brant	Nov. 23 to Feb. 23	4	8
Utah:			
Ducks	Oct. 5 to Jan. 5	5	10
Pintails (additional bag)		2	4
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese		6	6
Including no more than: Canada geese		2	2
Washington County	Nov. 9 to Jan. 5		
Daggett and Uinta Counties	Nov. 16 to Dec. 15		
Remainder of State	Oct. 12 to Dec. 15		
Washington:			
East 10 county area:			
Ducks	Oct. 12 noon to Jan. 19	6	12
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 12 noon to Jan. 19	3	6

	Season dates	Limits: Bag	Limits: Possession
Remainder east of Cascade Mountains:			
Ducks	Oct. 12 noon to Jan. 19	6	12
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate);		25	25
Geese	Oct. 12 noon to Jan. 12	3	6
West of Cascade Mountains:			
Ducks	Oct. 12 noon to Jan. 12	5	10
Pintails (additional bag)		2	4
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate):		25	25
Geese	Oct. 12 noon to Jan. 12	3	6
Brant	Nov. 23 to Feb. 23	4	8
Wyoming:			
Ducks	Sept. 28 to Dec. 29	5	10
Pintails (additional bag)		2	4
Mergansers		5	10
Coots and/or gallinules (singly or in the aggregate).		25	25
Geese	Oct. 5 to Nov. 18; Nov. 30 to Dec. 29	6	6
Including no more than: Canada geese		2	2

(g) *Point system—Ducks, mergansers, and coots.* The States selecting the point system bag limits on designated species on a statewide basis in place of the conventional bag limits are listed in the table under § 20.105(e).

(1) The point values for the species and sexes taken are as follows:

ATLANTIC FLYWAY

100 points	70 points	10 points	25 points
Fulvous tree duck (Florida only).	Hen mallard, black duck, mottled duck, wood duck, hooded merganser.	Blue-winged teal, scaup, sea ducks, mergansers, (excluding hooded).	All other sexes and species of ducks except canvasbacks and redheads.

MISSISSIPPI FLYWAY

100 points	90 points	35 points	15 points
Canvasback and redhead, except where closed.	Hen mallard, wood duck, black duck, hooded merganser.	Drake mallard, ringnecked duck, mottled duck.	All other sexes and species of ducks.

CENTRAL FLYWAY

100 points	70 points	15 points	35 points
Canvasback and redhead, except where closed.	Hen mallard, wood duck, hooded merganser.	Blue-winged teal, cinnamon teal, wigeon, scaup, pintail, gadwall, shoveler, merganser (except hooded).	All other sexes and species of ducks (season is closed on Mexican ducks in Texas and New Mexico).

Pacific Flyway: There is no point system in the Pacific Flyway.

Coots have no point value but conventional bag limits of 15 daily and 30 in possession apply.

Mergansers are included in the duck bag under the point system.

(2) The daily bag limit is reached when the point value of the last bird taken added to the sum of the point values of the other birds already taken during that day reaches or exceeds 100 points. The possession limit is the maximum number of birds of species and sex which could have legally been taken in 2 days. The shooting hours are one-half hour before sunrise until sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

(h) *Scaup only season.* A special open hunting season for scaup only is prescribed according to the following table in those areas which are described, delineated, and designated in the hunting regulations of the respective States.

Daily bag limit	5
Possession limit	10

Shooting hours: One-half hour before sunrise to sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

Seasons in the Atlantic Flyway

Connecticut	Jan. 10 to Jan. 25.
Florida	Jan. 21 to Jan. 31.
Maryland	Nov. 30 to Dec. 14.
Massachusetts	Dec. 30 to Jan. 14.
New Hampshire	Dec. 15 to Dec. 30.
New Jersey	Jan. 10 to Jan. 25.
New York: Long Island only.	Jan. 11 to Jan. 26.
Rhode Island	Jan. 17 to Jan. 31.

Seasons in the Mississippi Flyway

Louisiana	Jan. 11 to Jan. 26.
Michigan	Nov. 21 to Dec. 6.
Wisconsin	Nov. 21 to Dec. 6.

(i) *Extra teal during regular season.* An open hunting season for teal ducks (blue-winged only) is prescribed according to the following table. The daily bag and possession limits specified here are in addition to any other bag and possession limits specified elsewhere.

Daily bag limit	2
Possession limit	4

Shooting hours: One-half hour before sunrise until sunset.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

Seasons in the Atlantic Flyway

Connecticut	Oct. 19 to Oct. 26.
Delaware	Nov. 6 to Nov. 14.
Georgia	Nov. 27 to Dec. 5.
Maine	Oct. 2* to Oct. 10.
New Hampshire	Oct. 2* to Oct. 10.
New York:	
Upstate	Oct. 16 to Oct. 24.
Lake Champlain	Oct. 9 to Oct. 17.
Long Island	Closed.
South Carolina	Nov. 20 to Nov. 28.
Vermont	Oct. 9* to Oct. 17.
West Virginia	Oct. 3 to Oct. 11.

Seasons in the Mississippi Flyway

None.

Seasons in the Central Flyway

North Dakota	Sept. 28 to Oct. 6.

Seasons in the Pacific Flyway

None.

*NOTE.—Season opens at noon local time.

(j) *Extra scaup during regular season.* The following States may take an extra bag limit on scaup of two daily and four in possession during the regular duck hunting season. This extra limit is in addition to the regular duck bag limits and unless otherwise specified, it may be taken during the entire regular duck season.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

Seasons in the Atlantic Flyway

Delaware	Nov. 6* to Nov. 30; Dec. 11* to Jan. 4.
Georgia	Nov. 27* to Dec. 5; Dec. 11* to Jan. 20.
Maine	Oct. 2* to Oct. 19; Nov. 13* to Dec. 14.
New York: Upstate only	Oct. 16* to Nov. 23; Dec. 25* to Jan. 4.
Pennsylvania	Oct. 12 to Oct. 19; Nov. 8 to Dec. 14.
South Carolina	Nov. 20* to Nov. 30; Dec. 11* to Jan. 18.
West Virginia	Oct. 2* to Oct. 19; Dec. 18* to Jan. 18.

Seasons in the Mississippi Flyway

Indiana	Oct. 30* to Dec. 1; Dec. 18* to Dec. 29.

*NOTE.—Season opens at noon local time.

(k) *Special scaup and goldeneye season.* A special open hunting season for scaup and goldeneye is prescribed according to the following table in the Lake Champlain areas which are described, delineated, and designated in the hunting regulations of the respective States.

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The daily bag limit is 3 scaup or 3 goldeneyes or 3 in the aggregate. The possession limit is 6 scaup or 6 goldeneyes or 6 in the aggregate.

Shooting hours: One-half hour before sunrise to sunset daily.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS WITHIN STATES

Seasons in the Lake Champlain Area Only

New York ..... Nov. 28 to Dec. 13.
Vermont ..... Nov. 28 to Dec. 13.

§ 20.106 Seasons, limits, and shooting hours for little brown cranes.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking little brown cranes with a daily bag limit of three and a possession limit of six, and with shooting hours from one-half hour before sunrise until sunset, in the following areas for the dates indicated:

(a) In the Central Flyway portion of Colorado, except in the San Luis Valley area, season dates are October 1 through November 5, 1974.

(b) In the New Mexico counties of Chaves, Curry, De Baca, Eddy, Lea, Quay, and Roosevelt, and in that portion of the State of Texas lying west of a line running south from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, along U.S. Highway 87 and including all of Howard and Lynn Counties to U.S. Highway 277 at San Angelo, and along U.S. Highway 277 to the International Toll Bridge in Del Rio, season dates are October 26, 1974, through January 26, 1975.

(c) In that portion of Oklahoma lying west of U.S. Highway 81, and in that portion of Texas lying east of a line running south from the Oklahoma border along U.S. Highway 287 to U.S. Highway 87 at Dumas, then along U.S. Highway 87 to San Angelo, and lying west of a line running north from San Angelo along U.S. Highway 277 to Abilene, along State Highway 351 to Albany, along U.S. Highway 283 to Vernon, and then along U.S. Highway 183 east to the Oklahoma border, season dates are November 30, 1974, through January 26, 1975.

(d) In the North Dakota counties of Kidder, Stutsman, Benson, Emmons, Pierce, McLean, Sheridan, and Burleigh, and in part of South Dakota described as follows: from the North Dakota border, south on U.S. Highway 83 to U.S. Highway 212, west on U.S. Highway 212 to the Promise Road, north on the Promise Road to State Highway 20, north on State Highway 20 to U.S. Highway 12, northwest on U.S. Highway 12 to State Highway 63, north on State Highway 63 to the North Dakota border, the season dates are November 9 through December 8, 1974.

(e) In Phillips County, Montana, the season dates are September 28 through November 3, 1974.

(f) In Platte and Goshen Counties, Wyoming, the season dates are October 12 through November 10, 1974.

Section 20.107 is amended as follows:

§ 20.107 Seasons, limits, and shooting hours for whistling swans.

Subject to the applicable provisions of the preceding sections of this part, open seasons are prescribed for taking a limited number of whistling swans in the States of Montana, Nevada, and Utah, subject to the following conditions:

(a) The season must run concurrently with the season for ducks.

(b) In Montana, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in the County of Teton.

(c) In Nevada, no more than 500 permits may be issued authorizing each permittee to take one whistling swan in the County of Churchill.

(d) In Utah, no more than 2,500 permits may be issued authorizing each permittee to take one whistling swan.

(e) Permit forms and correspondingly numbered metal locking seals furnished by the Service must be issued by the appropriate Department of Game and Fish on an equitable basis without charge. Each person must have been issued, and carry on his person while hunting, a properly validated 1974–75 whistling swan permit. When a whistling swan has been killed by a hunter and reduced to possession, the hunter must immediately attach and lock the metal seal and the proper portion of his numbered permit around the right wing of the swan close to its body.

Effective: September 28, 1974.

(40 Stat. 755; 16 U.S.C. 703 et seq.)

DOUGLAS WHEELER,
Acting Assistant Secretary for Fish and Wildlife and Parks.

AUGUST 26, 1974.

[FR Doc.74-20064 Filed 8-30-74;8:15 am]

PART 33—SPORT FISHING

Certain National Wildlife Refuges in Alaska

The following special regulations are issued and are effective on September 3, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

General condition. Fishing shall be in accordance with all applicable State regulations.

ALASKA

ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE

Eastern Aleutians—Pouch #2, Cold Bay, Alaska 99571.

Western Aleutians—P.O. Box 5251, Adak, Alaska 98791.

ARCTIC NATIONAL WILDLIFE RANGE

Arctic National Wildlife Range, 1412 Airport Way, Fairbanks, Alaska 99701.

BERING SEA NATIONAL WILDLIFE REFUGE

Bering Sea National Wildlife Refuge headquarters: Clarence Rhode National Wildlife Range, P.O. Box 346, Bethel, Alaska 99559.

CAPE NEWENHAM NATIONAL WILDLIFE REFUGE

Cape Newenham National Wildlife Refuge headquarters: Clarence Rhode National Wildlife Range, P.O. Box 346, Bethel, Alaska 99559.

CLARENCE RHODE NATIONAL WILDLIFE RANGE

Clarence Rhode National Wildlife Range, P.O. Box 346, Bethel, Alaska 99559.

IZEMBEK NATIONAL WILDLIFE RANGE

Izembek National Wildlife Range, Pouch #2, Cold Bay, Alaska 99571.

KENAI NATIONAL MOOSE RANGE

Kenai National Moose Range, P.O. Box 500, Kenai, Alaska 99611.

KODIAK NATIONAL WILDLIFE REFUGE

Kodiak National Wildlife Refuge, Box 825, Kodiak, Alaska 99615.

NUNIVAK NATIONAL WILDLIFE REFUGE

Nunivak National Wildlife Refuge headquarters: Clarence Rhode National Wildlife Range, P.O. Box 346, Bethel, Alaska 99559.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through August 31, 1975.

GORDON W. WATSON,
Area Director, U.S. Fish and Wildlife Service, Anchorage, Alaska.

AUGUST 23, 1974.

[FR Doc.74-20263 Filed 8-30-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5520, 34-10961, AS-159]

PART 211—INTERPRETATIVE RELEASE RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

PART 231—INTERPRETATIVE RELEASE RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASE RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guidelines for Registration and Reporting

The Securities and Exchange Commission today authorized the adoption of amendments to Guide 22, "Summary of Earnings," of the guides for preparation and filing of registration statements under the Securities Act of 1933 ("Securities Act"). The Commission also authorized the adoption of Guide 1, "Summary of Operations," of guides for preparation and filing of reports and registration statements under the Securities Exchange Act of 1934 ("Exchange Act"). These guides are not rules of the Commission nor are they published as bearing the Commission's official approval;

they represent policies and practices followed by the Commission's Division of Corporation Finance and, in this instance, the Commission's Office of the Chief Accountant in administering the disclosure requirements of the federal securities laws. The proposals to amend Guide 22 under the Securities Act and adopt Guide 1 under the Exchange Act were originally published for comment on December 19, 1972 (Securities Act Release No. 5342) (38 FR 1748) and then were reissued in revised form for additional comment on December 12, 1973 (Securities Act Release No. 5442) (39 FR 829). These guides will require disclosure to clarify and explain the financial information called for by the Summary of Earnings and Statement of Income items of certain forms under the Securities Act and similar summaries required by certain forms under the Exhange Act.

The relevant forms under the Securities Act provide in part that, in addition to the columnar presentation of summary financial data, registrants must supply information of material significance to investors in appraising the results shown. Securities Act Guide 22, as amended, indicates the type of supplementary information needed to explain periodic changes in financial data included in the summary of earnings. In order to apply disclosure standards similar to those required by Securities Act Guide 22, as amended, to filings under the Exchange Act, the new Exchange Act Guide 1 is adopted.

In issuing the guides for additional comment in December 1973, the Commission pointed out that it has long recognized the need for narrative explanation of financial statements. Over the years the rules under the various securities acts have been amended a number of times to require additional narrative disclosure of complex financial transactions. Securities Act Guide 22 and Exchange Act Guide 1 require an explanation of the summary of earnings and summary of operations to enable investors to appraise the quality of earnings. Investors should understand the extent to which accounting changes, as well as changes in business activity, have affected the comparability of year-to-year data and should be in a position to assess the source and probability of recurrence of net income (or loss). Thus, whenever there are material changes in the amount and source of revenues and expenses, including tax expenses, or changes in accounting principles or methods or their application that have a material effect on net income, an appropriate analysis and explanation is required. In addition, this analysis should include a discussion of material facts, whether favorable or unfavorable, required to be disclosed or disclosed in the prospectus, registration statement, or report which in the opinion of management may make historical operations or earnings as reported in the summary of earnings not indicative of current or future operations or earnings.

Some commentators on the revised guides felt that the standards for determining materiality were too inclusive and that items that were not material would still fall within the percentage test set forth in the guides. The guides, as adopted, provide that if in management's opinion an explanation of a change is not necessary to an understanding of the summary of earnings, even though the change meets the percentage tests set forth in the guides, the issuer should furnish the Division as supplemental information a written statement of the reasons for such opinion. On the other hand, if the issuer believes an explanation of a change is necessary to an understanding of the summary, it should be given notwithstanding the fact that the change does not meet such percentage tests. For example, if sales and net earnings increased only 2 percent in the most recent period after having increased by 10 percent or more in previous periods an explanation of the 2 percent change would be appropriate. Also in response to comments, the guides as finally adopted limit the issuer's explanation of material periodic revenue and expense item changes to changes beginning after the third most recent fiscal year of the summary of earnings (summary of operations) and provide that this explanation of material periodic changes in revenues and expenses be included in a section captioned "Management's Discussion and Analysis of the Summary of Earnings" immediately following the summary of earnings (summary of operations).

A number of commentators also objected to the requirement that management discuss facts that would indicate that historical earnings were not indicative of present and future earnings. Difficulty in deciding what "facts" would have to be included and in presenting forward looking information were cited. These comments have been taken into consideration in revising the guides, which as adopted require discussion of only material facts required to be disclosed or disclosed in the relevant document which, in management's opinion, may make historical operations or earnings not indicative of current or future operations or earnings. The discussion called for would be in broad terms only; no specific quantitative estimates or projections would be required. Commentators also raised the question whether the guide calls for disclosure relating to anticipated changes in the trend of earnings or in absolute numbers. Depending on the facts and circumstances, discussion of material facts indicating changes in either absolute amounts or in trends would be required.

It should be noted that the disclosures proposed would be in addition to "Information as to Lines of Business" called for by Item 9(b) of Form S–1 and Item 5(b)(1) of Form S–7 under the Securities Act and similar disclosure required by Item 1(c)(1) of Forms 10 and 10–K under the Exchange Act.

The text of Securities Act Guide 22, as amended, is as follows:

22. *Summary of Earnings.*

NOTE: This Guide applies to the items of the registration forms under the Act that provide for a summary of earnings, statement of income, summary financial data, or condensed financial information, i.e., Forms S–1, S–7, S–8, S–9, S–11 and S–14.

(a) The content of the summary of earnings is specified in general in the instructions to the pertinent items of the form. The necessity of disclosing items in addition to those specified in such instructions will depend upon the circumstances. These instructions cannot, of course, cover all situations which may arise nor is it practicable to set forth a guideline dealing specifically with all possible situations.

(b) To enable investors to understand and evaluate material periodic changes in the various items of the summary of earnings, a separately captioned section (entitled "Management's Discussion and Analysis of the Summary of Earnings") immediately following such summary should include a statement explaining (1) material changes from period to period in the amounts of the items of revenues and expenses, and (2) changes in accounting principles or practices or in the method of their application that have a material effect on net income as reported. The purpose of this statement is to provide investors with management's analysis of the financial data included in the summary through a discussion of the causes of material changes in the items of the summary and of disclosure of the dollar amount of each such change and the effect of each such change on the reported results for the applicable periods. This discussion is necessary to enable investors to compare periodic results of operations and to assess the source and probability of recurrence of earnings (losses). The analysis should include a discussion of material facts, whether favorable or unfavorable, required to be disclosed or disclosed in the prosepectus which, in the opinion of management, may make historical operations or earnings as reported in the summary of earnings not indicative of current or future operations or earnings.

(c) In general, the discussion of material periodic changes should be limited to: (1) The latest interim period presented and the comparable interim period in the immediately preceding fiscal year; (2) the most recent fiscal year presented and the fiscal year immediately preceding it; and (3) the second most recent fiscal year presented and the fiscal year immediately preceding it. There may be circumstances, however, under which an explanation of revenue or expense item changes between two or more of the earlier periods of the five year summary may be material to an understanding of the summary. Further, to better explain revenue and expense item changes for interim periods it may be necessary to give an analysis of changes between consecutive fiscal quarters.

(d) While it is not feasible to specify all subjects which should be covered in the discussion and analysis of the summary, the following are examples which registrants should consider in making disclosure:

1. Material changes in product mix or in the relative profitability of lines of business;
2. Material changes in advertising, research, development, product introduction or other discretionary costs;
3. The acquisition or disposition of a material asset other than in the ordinary course of business;
4. Material and unusual charges or gains, including credits or charges associated with discontinuation of operations;
5. Material changes in assumptions underlying deferred costs and the plan for amortization of such costs;
6. Material changes in assumed investment return and in actuarial assumptions used to

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calculate contributions to pension funds; and

7. The closing of a material facility or material interruption of business or completion of a material contract.

(e) The textual analysis should be presented in a manner that will best communicate the significant elements necessary to a clear understanding by the investor of the financial results. Favorable as well as unfavorable trends and changes should be discussed. Tables and charts may be used where appropriate. A mechanistic approach to this analysis which uses boiler plate or compliance jargon should be avoided.

(f) For purposes of this Guide discussion of a change in an item of revenue or expense generally is required when an item required to be set forth in the summary or disclosed pursuant to Rule 12-16 of Regulation S-X (17 CFR 210.12-16) increased or decreased by more than 10 percent as compared to the prior period (but only if such prior period is presented), and increased or decreased by more than 2 percent of the average net income or loss for the most recent three years presented. In calculating average net income, loss years should be excluded. If losses were incurred in each of the most recent years, the average loss shall be used for purposes of this test. Should the issuer be of the opinion that an explanation of a change is not necessary to an understanding of the summary even though the change meets the foregoing standards, the issuer shall furnish the Division, as supplemental information, a written statement of the reasons for the omission.

NOTE: If an income statement in the form prescribed by Regulation S-X is used in lieu of the summary, then the discussion should cover the period to period changes in revenue and expense items required by such Regulation.

(g) Notwithstanding the fact that a change in an item of revenue or expense does not meet the standards set forth in paragraph (f), it should be discussed if the issuer believes an explanation of such a change is necessary to an understanding of the summary.

(h) When the text of the prospectus contains a discussion of factors indicating a material change in operating results, whether favorable or unfavorable, subsequent to the latest period included in the summary of operations, the management discussion and analysis should call attention to the change and refer to the place in the prospectus where it is discussed.

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The text of Securities Exchange Act Guide 1 is as follows:

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1. *Summary of operations.* (a) The content of the summary of operations is specified in general in the instructions to the pertinent items of Forms 10 and 10-K. The necessity of disclosing items in addition to those specified in such instructions will depend upon the circumstances. These instructions cannot, of course, cover all situations which may arise nor is it practicable to set forth a Guideline dealing specifically with all possible situations.

(b) To enable investors to understand and evaluate material periodic changes in the various items of the summary of operations, a separately captioned section (entitled "Management's Discussion and Analysis of The Summary of Operations") immediately following such summary should include a statement explaining (1) material changes from period to period in the amounts of the items of revenues and expenses, and (2) changes in accounting principles or practices or in the method of their application that have a material effect on net income as reported. The purpose of this statement is to provide investors with management's analysis of the financial data included in the summary through a discussion of the causes of material changes in the items of the summary and of disclosure of the dollar amount of each such change and the effect of each such change on the reported results for the applicable periods. This discussion is necessary to enable investors to compare periodic results of operations and to assess the source and probability of recurrence of earnings (losses). The analysis should include a discussion of material facts, whether favorable or unfavorable, required to be disclosed or disclosed in the registration statement or report which, in the opinion of management, may make historical operations or earnings as reported in the summary of operations not indicative of current or future operations or earnings.

(c) In general, the discussion of material periodic changes should be limited to: (1) The latest interim period presented and the comparable interim period in the immediately preceding fiscal year; (2) the most recent fiscal year presented and the fiscal year immediately preceding it; and (3) the second most recent fiscal year presented and the fiscal year immediately preceding it. There may be circumstances, however, under which an explanation of revenue or expense item changes between two or more of the earlier periods of the five year summary may be material to an understanding of the summary. Further, to better explain revenue and expense item changes for interim periods it may be necessary to give an analysis of changes between consecutive fiscal quarters.

(d) While it is not feasible to specify all subjects which should be covered in the discussion and analysis of the summary, the following are examples which registrants should consider in making disclosure:

1. Material changes in product mix or in the relative profitability or lines of business;

2. Material changes in advertising, research, development, product introduction or other discretionary costs;

3. The acquisition or disposition of a material asset other than in the ordinary course of business;

4. Material and unusual charges or gains, including credits or charges associated with discontinuation of operations;

5. Material changes in assumptions underlying deferred costs and the plan for amortization of such costs;

6. Material changes in assumed investment return and in actuarial assumptions used to calculate contributions to pension funds; and

7. The closing of a material facility or material interruption of business or completion of a material contract.

(e) The textual analysis should be presented in a manner that will best communicate the significant elements necessary to a clear understanding by the investor of the financial results. Favorable as well as unfavorable trends and changes should be discussed. Tables and charts may be used where appropriate. A mechanistic approach to this analysis which uses boiler plate or compliance jargon should be avoided.

(f) For purposes of this Guide discussion of a change in an item of revenue or expense generally is required when an item required to be set forth in the summary or disclosed pursuant to Rule 12-16 (17 CFR 210.12-16) of Regulation S-X increased or decreased by more than 10 percent as compared to the prior period (but only if such prior period is presented), and increased or decreased by more than 2 percent of the average net income or loss for the most recent three years presented. In calculating average net income, loss years should be excluded. If losses were incurred in each of the most recent years, the average loss shall be used for purposes of this test. Should the issuer be of the opinion that an explanation of a change is not necessary to an understanding of the summary even though the change meets the foregoing standards, the issuer shall furnish the Division, as supplemental information, a written statement of the reasons for the omission.

NOTE: If an income statement in the form prescribed by Regulation S-X is used in lieu of the summary, then the discussion should cover the period to period changes in revenue and expense items required by such regulation.

(g) Notwithstanding the fact that a change in an item of revenue or expense does not meet the standards set forth in paragraph (f), it should be discussed if the issuer believes an explanation of such a change is necessary to an understanding of the summary.

(h) When the text of the registration statement or report contains a discussion of factors indicating a material change in operating results, whether favorable or unfavorable, subsequent to the latest period included in the summary of operations, the management discussion and analysis should call attention to the change and refer to the place in the registration statement or report where it is discussed.

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The Commission has authorized the adoption of Guide 22 and Guide 1 pursuant to authority in sections 6, 7, 10 and 19(a) of the Securities Act, as amended, and sections 12, 13, 15(d) and 23(a) of the Exchange Act, as amended. The amendments will be effective September 30, 1974 and will apply to registration statements under the Securities Act and to reports and registration statements under the Exchange Act filed on or after that date, but not to such registration statements and reports filed before that date.

(Secs. 6, 7, 10, 19, 48 Stat. 78, 81, 85; secs. 12, 13, 23, 205, 209, 48 Stat. 892, 894, 901, 905, 906; sec. 203(a), 49 Stat. 704; secs. 1, 8, 49 Stat. 1375, 1379; secs. 8, 202, 68 Stat. 685, 686; secs. 3, 4, 79 Stat. 565-68, 69; sec. 1, 79 Stat. 1051; secs. 1, 2, 82 Stat. 454; sec. 28(c), 84 Stat. 1435; secs. 1, 2, 84 Stat. 1497; (15 U.S.C. 77f, 77ff, 77j, 77s(a), 78l, 78m, 78(w)(a)))

Effective date: September 30, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

AUGUST 14, 1974.

[FR Doc.74-20208 Filed 8-30-74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER VI—WATER RESOURCES COUNCIL

PART 703—GRANTS TO STATES FOR COMPREHENSIVE WATER AND RELATED LAND RESOURCES PLANNING

Grant Formula

In the FEDERAL REGISTER of June 12, 1974 (39 FR 20612), the Water Resources Council proposed amendments under the authority contained in section 402 of the Water Resources Planning Act, 79 Stat. 244.42 U.S.C. 1962 d.1 to revise §§ 703.3 and 703.5, 18 CFR Part 703.

Part 703 contains rules and regulations under which States may apply for financial assistance from the Water Resources Council to carry out comprehensive water and related land resources planning

Written comments on the proposed rulemaking were invited and were to be submitted to the Water Resources Council on or before July 12, 1974. All written comments are on file with the Council. Certain of these comments have been adopted or substantially satisfied by editorial changes, deletions from, or additions to the proposed regulations.

While the majority of the respondents supported the proposed rules change, many comments indicated a need for additional and more specific criteria regarding the distribution of funds based on planning needs. Accordingly the proposed § 703.3 has been revised to provide for more specific and additional criteria.

The revised § 703.3 changes the formula for computing the Title III grant from 40 percent to 70 percent of funds available for distribution on the basis of planning need.

In the previous eight years of the Title III Program, considerable emphasis was placed on building planning staff capability within the States; under the revised rules and regulations, greater importance is placed on activities aimed toward better State understanding of water and related land problems and on realizing comprehensive solutions to water and related land problems. This new emphasis requires that planning activities be undertaken within a framework that provides for coordination with all Federal, State, and local agencies and nongovernment entities having responsibilities in those fields affected by comprehensive planning, and that the full breadth of existing and prospective demands for water and related land resources be fully considered in the planning process.

Federal review of the State water resource planning activities will be limited to a determination that the planning process is consistent with the new emphasis stated herein and will not be directed to the substance of the plan(s) or the specific planning process.

The Council believes that these changes will improve the water resources planning program by providing priority consideration to allocate funds on the basis of participation in regional and river basin planning and the development of State water and related land resources plans.

The Council recognizes that prior to FY 1975 some States have not actively participated in river basin commissions, interagency committees, or other formal organizations designed to facilitate full planning coordination. Some States have placed less emphasis on geographic and structure oriented planning and more emphasis on developing needed legislation, regulations, and policies and the evolution of institutional mechanisms; some States have participated extensively in Federal interstate studies which are now nearing completion; some States have approached the development of a State plan by sequentially attacking critical problems areas, rather than formulating a plan for the entire State at one time; and some States have stressed the building of staff capability as a prerequisite to future participation in regional, river basin and State comprehensive planning. Therefore during FY 1975 a transition will be made in many States to orient State planning activities to accommodate the revised rules and regulations.

It is recognized that there are States within regions where formal organizations have not been present to facilitate full planning coordination prior to FY 1975. However, States which indicate in FY 1975 grant applications that steps will be taken to establish Federal-State interagency organizations or to initiate participation therein will receive priority consideration over those States which could, but have chosen not to take such steps. Equal emphasis will be given to structural planning and nonstructural planning. The Council will place emphasis on local and State comprehensive planning, equal to Federal-interstate comprehensive planning in those States where Federal-interstate plans are already largely accomplished. The development of "critical problem" oriented State planning is satisfactory provided that such planning is based on documentation of a systematic evaluation of (a) Statewide problems and opportunities; and (b) the range of Federal, State, local agency and non-governmental contributions which could be made toward the development of fully coordinated comprehensive solutions to critical problems.

The building of staff capability to conduct comprehensive planning will be considered on an equal basis with participation in and contributions to comprehensive regional, river basin and Statewide planning, in those cases where it can be shown that State capability is not adequate to participate in and contribute to comprehensive planning.

Because of the importance of promptly making known to the States, Federal agencies and other interests the content of these amendments and because FY 1975 grants to States are conditioned upon meeting the criteria set forth therein, these amendments are effective immediately upon publication.

1. Paragraphs (b), (c) and (d) of § 703.3 are amended to read as follows:

§ 703.3 Allotments.

• • • • • •

(b) • • •

(1) Seven and a half percent of the funds in the ratio that the population of each State bears to the population of all the States.

(2) Seven and a half percent of the funds in the ratio that the land area of each State bears to the land area of all the States.

(3) Fifteen percent of the funds in the ratio that the reciprocal of all per capita income of a State bears to the sum of the reciprocals for all States, and

(4) Seventy percent of the funds according to need for comprehensive water and related land resources planning programs in each State as determined by the Council.

(c) In determining the need of a State for comprehensive water and related land resources planning as specified in paragraph (b)(4) of this section, the Council shall consider the following:

(1) The participation in and contribution to regional and river basin planning for water and related land resource use and development,

(2) Active involvement in the development of a comprehensive State water plan or components of a State plan,

(3) The scope, magnitude, complexity and immediacy of the water and related land resources problems, and

(4) Other factors determined to be relevant to carry out State contribution to comprehensive planning related to paragraph (c)(1) (2) and (3) of this section which include but are not limited to (i) training of personnel; (ii) use of comprehensive planning methodology which takes into account, economic, environmental, social well-being and other relevant factors; (iii) extent of public participation in the planning process; (iv) extent of cooperation with adjacent States in water and related land resources planning; and (v) relationship of ongoing and proposed studies by various federal agencies which require input by the State and cooperation and coordination of study efforts with concerned State and local agencies.

(d) Within 30 days after publication of the President's Budget each year, the Council shall publish a tabulation showing the tentative distribution of funds to each State of the amounts computed under paragraphs (b)(1), (2), and (3) of this section. This computation is based on the appropriation requested by the President for the next fiscal year. This publication does not confer entitlement to such funds; it is simply a preliminary figure that can be used by the States for budgetary planning purposes.

• • • • • •

2. Paragraph (h) of § 703.5 is amended to read as follows:

§ 703.5 Contents of applications.

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(h) Need for augmented planning: Include statements on at least the criteria set forth in § 703.3(c) (1), (2), (3), and (4) to assist the Council in appraising the need for comprehensive water and related land resources planning among the States for the purpose of allotting the 70 percent of Federal Title III funds available for distribution on the basis of planning need.

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Dated: August 26, 1974.

WARREN D. FAIRCHILD, *Director.*

[FR Doc.74-20233 Filed 8-30-74;8:45 am]

FEDERAL REGISTER, VOL. 39, NO. 171—TUESDAY, SEPTEMBER 3, 1974

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Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

REGIONAL FOOD AND DRUG DIRECTORS, ET AL.

The Commissioner of Food and Drugs is amending "Part 2— Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to provide for revised delegations to heads of field activities and to update position titles which were changed by reorganizations. A statement or organization, functions, and delegations of authority for the Food and Drug Administration, published in the FEDERAL REGISTER of May 29, 1974 (39 FR 18696), set forth the position title changes.

Further redelegation of the authority redelegated hereby is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.121 by revising paragraphs (b), (c), (q), and (v) to read as follows:

§ 2.121 **Redelegations of authority from the Commissioner to other officers of the Administration.**

• • • • • •

(b) *Delegations regarding hearings and review boards.* (1) The Directors and Deputy Directors of Bureaus, Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to designate officials to hold informal hearings which relate to their assigned functions under sections 305, 404(b), and 801(a) of the Federal Food, Drug, and Cosmetic Act, section 6 of the Fair Packaging and Labeling Act, section 9(b) of the Federal Caustic Poison Act, and section 5 of the Federal Import Milk Act. Officials so designated are delegated authority vested in the Secretary of Agriculture by 7 U.S.C. 2217 (43 Stat. 803) to administer or to take from any person an oath, affirmation, affidavit, or deposition for use in any prosecution or proceeding under or in enforcement of any law as cited in this section.

(2) The Director, Deputy Director, and Associate Director of the Bureau of Biologics are authorized to appoint review boards as provided by § 601.41 of this chapter.

(3) The Director and Deputy Director of the Bureau of Radiological Health are authorized to hold hearings under section 360(a) of the Public Health Service Act, and to designate officials to hold informal hearings under section 360(a) of the act.

(c) *Delegations regarding imports.* (1) The Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to designate officials who may request, under section 801(a) of the Federal Food, Drug, and Cosmetic Act, from the Secretary of the Treasury samples of foods, drugs, devices or cosmetics imported, or offered for import, in order to determine whether such articles are in compliance with the act.

(2) The Director and Deputy Director of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau are authorized to request, under section 360(a) of the Public Health Service Act, from the Secretary of the Treasury samples of electronic products imported or offered for import in order to determine whether such articles are in compliance with that act.

(3) The Director and Deputy Director of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau may, under section 360B(b) of the Public Health Service Act, exempt persons from issuing a certification as required by section 358 (h) of the act, for electronic products imported into the United States for testing, evaluation, demonstration, or training, which will not be introduced into commerce and upon completion of their function, will be destroyed or exported in accord with Bureau of Customs regulations.

• • • • • •

(q) *Delegations regarding certification following inspections.* Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to issue certificates of sanitation under 42 CFR 72.181.

• • • • • •

(v) *Delegations regarding detention of meat, poultry, eggs, and related products.* The Regional Food and Drug Directors, Deputy Regional Food and Drug Directors, and District Directors are authorized to perform and to designate other officials to perform all the functions of the Commissioner of Food and Drugs under:

(1) Section 409(b) of the Federal Meat Inspection Act (21 U.S.C. 679(b)) which relate to the detention of any carcass, part thereof, meat, or meat product of cattle, sheep, swine, goats, or equines.

(2) Section 24(b) of the Poultry Products Inspection Act (21 U.S.C. 467(b)) which relate to the detention of any poultry carcass, part thereof, or poultry product.

(3) The Egg Products Inspection Act (21 U.S.C. 1031 et seq.)

• • • • • •

Effective date. This order shall be effective on September 3, 1974.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))

Dated: August 27, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-20221 Filed 8-30-74;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 53—TOMATO PRODUCTS

Tomato Juice; Stay of Effective Date of Order Amending Identity Standards

An order amending the standard of identity for tomato juice was published in the FEDERAL REGISTER of June 14, 1974 (39 FR 20882). The order provided for optional use of ascorbic acid (Vitamin C).

In response to the order, an objection and request for public hearing was filed by an adversely affected person.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That the effective date of revised § 53.1 be stayed in its entirety pending resolution of the issues raised by the objection at a public hearing. An announcement scheduling the hearing and specifying the issues therefor will be published in the FEDERAL REGISTER at a later date.

The Commissioner advises that he has received an inquiry as to whether tomato juice enriched with vitamin C, in accordance with the stayed standard, may be lawfully marketed as a nonstandardized food pending resolution of the issues raised in the objection filed on this matter. The Commissioner's opinion is that such a product, prominently designated as "enriched with vitamin C" in accordance with 21 CFR 100.1 or "with added vitamin C" or a similar statement on the principal display panel as permitted in the stayed standard, would not purport to be the standardized product and thus may lawfully be marketed outside the standard of identity as a nonstandardized food provided that all ingredients, not just the optional ingredients, are declared on the label. A copy of this opinion is on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Dated: August 27, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-20222 Filed 8-30-74;8:45 am]

[FRL 259-3]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

TRICYCLOHEXYLTIN HYDROXIDE

In response to a food additive petition (FAP 3H5040) submitted by Dr. C. C. Compton, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of California, Idaho, Oregon, and Washington, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of July 15, 1974 (39 FR 25953), proposing establishment of a tolerance (21 CFR Part 121) for combined residues of the insecticide tricyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin hydroxide) in dried hops at 90 parts per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted. (For a related document, see this issue of the FEDERAL REGISTER, page 31903.)

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348).

Therefore, pursuant to provisions of the act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 121.1247 is revised to read as follows:

§ 121.1247 Tricyclohexyltin hydroxide.

Tolerances are established for combined residues of the insecticide tricyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin hydroxide) in or on the following processed foods when present therein as result of application of the insecticide to the growing crops:

90 parts per million in dried hops.

4 parts per million in dried prunes.

Any person who will be adversely affected by the foregoing order may at any time on or before October 3, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on September 3, 1974.

(Sec. 409(d), 72 Stat. 1787; (21 U.S.C. 348(d))

Dated: August 26, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 74-20174 Filed 8-30-74;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER F—TRANSPORTATION

PART 174—OCEAN TRANSPORTATION SERVICE

The Secretary of Defense has designated the Secretary of the Navy as the "Single Manager for Ocean Transportation." Pursuant to the above, the Commander, Military Sealift Command, has been designated as the Executive Director for Sealift Service. Pertinent regulations within the Department of the Navy relating thereto have been revised, and those having general applicability and legal effect warrant a corresponding revision of the Code of Federal Regulations. Accordingly, effective September 1, 1974, Part 174 of Chapter I of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.
174.1 Authority and responsibility.
174.2 Background.
174.3 Organization.
174.4 Relationships.
174.5 Engineering.
174.6 Fiscal.

AUTHORITY: 5 U.S.C. 301; 10 U.S.C. 125, 133.

§ 174.1 **Authority and responsibility.**

(a) The Secretary of Defense has designated the Secretary of the Navy as the "Single Manager for Ocean Transportation" with authorities and responsibilities as assigned by the Secretary of Defense (21 FR 4022).

(b) The Single Manager Operating Agency for Sealift Service is titled the Military Sealift Command (MSC).

(c) The Single Manager has designated the Commander, Military Sealift Command, as the Executive Director for the Single Manager Operating Agency for Sealift Service.

(d) The Military Sealift Command (MSC) is a major component of the U.S. Navy and is commanded by a flag officer designated by the Chief of Naval Operations, subject to the approval of the Secretary of the Navy and the Secretary of Defense (32 FR 6300). MSC is a part of the Operating Forces of the Navy, and the Commander, Military Sealift Command, is under the military command of the Chief of Naval Operations, except that the Assistant Secretary of the Navy (Installations and Logistics) exercises policy supervision in procurement, administrative, and management principles affecting the Military Sealift Command including, inter alia: (1) determinations and findings authorizing negotiation of contracts and (2) business clearance as required by Navy Procurement Directive 1-403. Also, the Assistant Secretary of the Navy (Financial Management) exercises policy supervision with respect to fiscal reporting, as well as statistical, analytical accounting, and budgeting procedures consistent with DoD Directive 7410.4.

(e) The Commander, Military Sealift Command, provides ocean transportation service for the movement of personnel, cargo, bulk petroleum, and mail for all components of the Department of Defense (excluding that transported by units of the fleet) and as authorized for other agencies of the U.S. Government, subject to the policies of the Secretary of Defense. MSC also operates ships in support of scientific projects, fleet service forces, and other programs for agencies or departments of the United States. The primary mission of MSC is to provide immediate sealift capability in an emergency. MSC operates Government-owned ships and augments this capability by shipping cargo and passengers in commercially operated ships, chartering ships, and exercising operational control over ships activated from the National Defense Reserve Fleet to meet emergency needs.

§ 174.2 **Background.**

The Military Sealift Command (formerly the Military Sea Transportation Service) was originally established by directive of the Secretary of Defense dated August 2, 1949 (14 FR 5203). Pursuant to this directive, terms of reference, preliminary agreements and procedures were determined by designated representatives of the Chief of Staff, U.S. Army, the Chief of Naval Operations, and the Chief of Staff, U.S. Air Force. These were promulgated by the Deputy Chief of Naval Operations (Logistics) on September 2, 1949, and concerned those matters incident to the formation of MSC, including the transfer of ships, the assignment of personnel, and pertinent details of support and operational procedures. All required actions have been accomplished and the terms of reference have been superseded.

§ 174.3 **Organization.**

(a) The organization of MSC is structured to provide prompt and efficient means for accomplishing the ocean transportation, fleet support, and ships for purposes other than transportation (such as research), and to meet the requirements of the Department of Defense including sufficient flexibility to permit ready transition from peacetime to war or other emergency operations.

(b) Under the Commander, Military Sealift Command, with the headquarters

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at Washington, D.C., are area commands, with headquarters as follows:

Eastern Atlantic and Mediterranean (MSCELM), Bremerhaven, Germany
Atlantic (MSCLANT), New York, New York
Pacific (MSCPAC), Oakland, California
Far East (MSCFE), Yokohama, Japan

Subarea commands and MSC offices have been established at seaport locations within area commands. MSC offices are subject to inactivation or relocation as circumstances warrant to meet the sea transportation needs of the Department of Defense cargo and personnel.

(c) The MSC fleet is composed of Government-owned ships which are public vessels and are designated U.S. Naval Ships (USNS). This fleet is comprised of dry-cargo ships, tankers, special-project ships, and fleet-support ships, all civilian-manned. Operational and administrative control of this fleet, with the exception of tankers, is accomplished by MSC area commands. Tankers are controlled at MSC headquarters, Washington, D.C.

(d) Augmentation of MSC USNS fleet capability is accomplished by shipping less-than-shipload lots of cargo in commercially-operated berth line merchant ships under the terms of MSC Shipping Agreements or MSC Shipping Contracts, and by the chartering of commercial ships, dry-cargo ships and tankers. Chartered ships are under the operational control of MSC and become part of the MSC controlled fleet during the tenure of the charters. Merchant ships activated from the National Defense Reserve Fleet to meet emergency needs are placed under MSC operational control by means of U.S. Maritime Administration General Agency Agreements (GAA).

(e) The negotiation, execution, and administration of ship charters are accomplished at MSC headquarters, Washington, D.C. Negotiation and execution of MSC shipping agreements and shipping contracts are also accomplished at MSC headquarters. However, the administration of these contracts is the responsibility of MSC area commanders. Policy concerning MSC operation and maintenance of National Defense Reserve Fleet ships is also determined at MSC headquarters; scheduling and other operational matters for these ships are accomplished at MSC area commands.

(f) The public may secure information, make submittals, requests, or obtain decisions on matters affecting the public which concern MSC use of commercial shipping or other matters relative to the administration of MSC, either in person or by telephone during regular working hours, or by mail or telegram. The mail address and points of contact where information and decisions can be obtained from COMSC headquarters and MSC area commands are listed below:

Mail address:

Commander, Military Sealift Command, Department of the Navy, Washington, D.C. 20390
Street address:
4228 Wisconsin Avenue, NW., Washington, D.C. 20016
Telephone numbers:
Commander—(202 area code) 282-2800
Deputy Executive Director for Transportation—282-2805
Legislative and Public Affairs Officer—282-2808
Fleet Support Program Coordinator—282-2891
Civilian Personnel Officer—282-2871
Assistant Chief of Staff (Administration & Manpower)—282-2616
Assistant Chief of Staff (Operations)—282-2900
Contracting Officer—282-2671
Engineering Officer—282-2633
Supply Officer—282-2600
Comptroller—282-2814
Counsel—282-2692
Commander, Military Sealift Command, Atlantic, 58th Street and First Avenue, Brooklyn, New York 11250
Commander—(212 area code) 439-5400 Ext 5100
Civilian Personnel Officer—Ext 5120
Assistant Chief of Staff (Operations)—Ext 5300
Engineering Officer—Ext 5140
Supply Officer—Ext 5228
Comptroller—Ext 5250
Counsel—Ext 5270
Public Affairs—Ext 5108
Commander, Military Sealift Command, Pacific, Naval Supply Center, (Bldg. 310), Oakland, California 94625
Commander—(415 area code) 466-6111
Civilian Personnel Officer—466-5261
Assistant Chief of Staff (Operations)—466-6281
Engineering Officer—466-6456
Supply Officer—466-5337
Comptroller—466-5641
Counsel—466-6481
Public Affairs—466-5864
Commander, Military Sealift Command, Eastern Atlantic and Mediterranean, (Mailing address) FPO New York 09514 (location: not to be included in mailing address) U.S. Army Staging Area, Bldg. 227, Bremerhaven, Germany.
Commander—place call with overseas operator and ask for Bremerhaven military 8773.
Public inquiries may be addressed to the Commander, Military Sealift Command, Eastern Atlantic and Mediterranean, who will direct the inquiry to cognizant members of his staff.
Commander, Military Sealift Command, Far East, (Mailing address) FPO San Francisco 98760 (location: not to be included in mailing address) North Pier, Yokohama, Japan.
Commander—place call with overseas operator and ask for Yokohama, North Pier, Ext. 218 or 418.
Public inquiries may be addressed to the Commander, Military Sealift Command, Far East, who will direct the inquiries to cognizant members of his staff.

§ 174.4 Relationships.

(a) *Seller/customer relationships.* The Military Sealift Command maintains a seller/customer relationship principally with the Army, Air Force, Navy, and Marine Corps. Shipping services are also rendered to other governmental agencies by special agreement. Charges for services rendered are made on the basis of predetermined billing and per diem rates approved by the Assistant Secretary of Defense (Comptroller).

(b) *Department headquarters.* The following departmental headquarters offices are the points of contact with the Military Sealift Command for the ocean transportation requirements of their respective department.

Department of the Army: Headquarters, U.S. Army Material Command
Department of the Air Force: U.S. Air Force Logistics Command
Department of the Navy: Navy (Cargo), U.S. Naval Supply Systems Command Headquarters; (Personnel) Bureau of Naval Personnel
Marine Corps (Cargo) Naval Supply Systems Command Headquarters; (Personnel), Bureau of Naval Personnel.

(c) *Joint policies.* The Assistant Secretary of Defense (Installations and Logistics) [ASD (I&L)] is responsible for issuing policy direction in connection with the single manager assignment except as otherwise specifically designated in Department of Defense Directive 5160.10. In developing such policies, ASD (I&L) will collaborate with the Assistant Secretary of Defense (Comptroller) to assure maximum utilization of the assignment for budgetary purposes. Similarly he will collaborate with the Assistant Secretary of Defense (System Analysis) to assure maximum application of the assignment for manpower utilization effectiveness purposes. The ASD (I&L) will also collaborate with other elements of the Office of Secretary of Defense, as appropriate.

(d) *Reporting shipping requirements.* Procedures for reporting shipping requirements have been established by the Joint Chiefs of Staff, in coordination with the Military Sealift Command, the Military Traffic Management and Terminal Service, and the military departments/services.

(e) *Coastwise and intercoastal lift capacity.* Procedures have been developed by the Military Sealift Command to keep the Military Traffic Management and Terminal Service and Common User Ocean Terminals informed as to the availability of opportune ocean lift, coastwise and intercoastal lift capacity.

(f) *Ocean transport coordination.* In accordance with the policies of the Department of Defense for implementation of Single Manager Assignments, the Secretary of the Navy provides for direct coordination with theh other military services and the Office of the Secretary of Defense on matters relating to the operation of the ocean transportation service.

§ 174.5 Engineering.

(a) *Technical and material matters concerning ships assigned to MSC.* The responsibilities of the Commander, Military Sealift Command, and the Commander, Naval Sea Systems Command, for technical and material matters concerning ships assigned to or to be assigned to the Military Sealift Command have been promulgated by the Chief of Naval Operations.

(b) *Maintenance and repair.* MSC ships are maintained, repaired, overhauled, and where necessary, modified under Department of Defense Master Ship Repair Contracts. Awards under these contracts are made by the responsible area commanders.

(c) *Inspection and certification of ships by U.S. Coast Guard.* An agreement exists with the U.S. Coast Guard for the periodic inspection and certification of MSC vessels of commercial types in accordance with the Coast Guard's Merchant Marine Safety Manual.

(d) *Ship classification.* MSC ships of a commercial type are constructed and classified according to the American Bureau of Shipping rules, then surveyed and retained in the assigned class after construction.

(e) *Design.* Conceptual, general, and detailed design work applicable to MSC ships is accomplished by the Military Sealift Command for ship repair, overhaul, modification, or acquisition.

(f) *Allowances.* Lists of equipage and parts required for MSC ship operation and repair are prepared and maintained by the Military Sealift Command to ensure that ships assigned are repaired with minimum delay and are equipped for the mission assigned.

§ 174.6 Fiscal.

(a) The operations of the Military Sealift Command are financed under the Navy Industrial Fund. (DoD Instruction 7410.4 of Sep. 25, 1972.)

(b) The Military Sealift Command follows a double-entry commercial-type accounting system, maintained on an accrual basis and observes fiscal procedures in accordance with the directives of the Assistant Secretary of Defense (Comptroller) and the Comptroller of the Navy.

(c) Bills are submitted monthly by the Military Sealift Command to each agency for services rendered. Charges are computed on the basis of predetermined billing and per diem rates and other factors calculated to recover the overall cost of operations.

(d) To keep the customer services apprised of the results of its operations, the Military Sealift Command prepares and distributes quarterly statistical and financial reports.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

AUGUST 22, 1974.

[FR Doc.74-20262 Filed 8-30-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER O—POLLUTION

[CGD 74-163]

PART 151—OIL POLLUTION REGULATIONS

Seagoing Tankship and Tank Barge Cargo Tank Arrangement and Size Limitation

Correction

In FR Doc. 74-19308 appearing at page 30125 in the issue of Wednesday, August 21, 1974. In the fifth line of item 3.2 of § 151.50, change "400∜DW" to read "400$\sqrt[4]{DW}$."

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 17—MEDICAL

Grants and Assistance for Development, Expansion and Improvement of Medical and Allied Health Manpower

The Veterans' Administration Medical School Assistance and Health Manpower Training Act of 1972 (Pub. L. 92-541) provides for assistance in establishment of new State medical schools, and for grants and other assistance to existing medical schools and other health manpower training institutions which are affiliated with Veterans Administration medical facilities. Rules and Regulations to implement Pub. L. 92-541 were published on pages 26190 through 26193 of the FEDERAL REGISTER of September 19, 1973.

Section 17.404(d) is amended to correctly set forth the requirement for State and areawide planning and development clearinghouse review within the established project notification and review system between Federal agencies and State and local governments (OMB Circular A-95).

Changes to §§ 17.405 and 17.408 are editorial in nature.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date, is deemed unnecessary since the changes are nonrestrictive.

1. In § 17.404, paragraph (d) is revised to read as follows:

§ 17.404 Application.

• • • • • •

(d) Such application shall include a statement from the appropriate State and areawide planning and development clearinghouse indicating the compatibility and relationship of the proposed program or projects to the overall health care and training plans of the State, region or locality, as required in the Office of Management and Budget Circular No. A-95.

• • • • • •

2. In § 17.405, the introductory portion of paragraphs (a) (2), (b) (1) and (c) (1) preceding subdivision (i) are amended to read as follows:

§ 17.405 Agreements and grant awards.

(a) For the purposes of 38 U.S.C. 5071-5074: • • •

(2) The terms of any agreement and the amount of any funds to be awarded shall be determined by the Administrator on the basis of:

• • • • • •

(b) For the purposes of 38 U.S.C. 5081-5083: (1) Within the limits of funds available for such purposes, the Administrator, upon recommendation of the Chief Medical Director and after consultation with the Special Medical Advisory Group, may award grants and other assistance to those applicants whose projects or programs will in his judgment best promote the purposes of 38 U.S.C. 5081, taking into consideration:

• • • • • •

(c) For the purposes of 38 U.S.C. 5091-5093: (1) Within the limits of funds available for such purpose, the Administrator, upon recommendation of the Chief Medical Director and after consultation with the Special Medical Advisory Group, may award grants to those applicants whose projects or programs will in his judgment best promote the purposes of 38 U.S.C. 5091, taking into consideration:

• • • • • •

3. In § 17.408, paragraph (a) is revised to read as follows:

§ 17.408 Nondiscrimination.

(a) Grants made under 38 U.S.C. Chapter 82 shall be subject to Title IX of the "Education Amendments Act of 1972" (effective July 1, 1972) and regulations promulgated by the Department of Health, Education, and Welfare. Such title prohibits sex discrimination in all federally assisted education programs.

• • • • • •

Effective date. These VA Regulations are effective September 3, 1974.

Approved: August 26, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-20255 Filed 8-30-74;8:45 am]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart B—Veterans' Educational Assistance Under 38 U.S.C. Chapter 34

Subpart C—War Orphans' and Widows' Educational Assistance Under 38 U.S.C. Chapter 35

CHARGES AGAINST ENTITLEMENT

On page 25358 of the FEDERAL REGISTER of July 10, 1974, there was published a notice of proposed regulatory development to amend §§ 21.1045 and 21.3045 to clarify the charges made to entitlement in waiver cases and when an eligible person interrupts training. Section 21.3045 was also amended to incorporate into its cross references those portions of § 21.1045 which now also apply in Chapter 35 cases. In addition minor editorial changes were made to §§ 21.1045 (a) and (b) and 21.3046. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. Sections 21.1045 (f) and (g) and 21.3045 are effective August 27, 1974.

Approved: August 27, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

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1. In § 21.1045, paragraphs (a) (5) and (b) (2) are amended and paragraphs (f) and (g) are added so that the amended and added material reads as follows:

§ 21.1045 **Entitlement charges.**

(a) *Residence courses.* • • •

(5) *Secondary school training; Chapter 35 wife, husband, widow, or widower.* No charge will be made against the entitlement of a wife, husband, widow, or widower based on a course pursued under the circumstances outlined in § 21.4237, special assistance for the educationally disadvantaged. (38 U.S.C. 1733)

• • • • • •

(b) *Correspondence courses.* • • •

(2) *Other courses.* Except as provided in paragraph (b) (1) of this section, the period of entitlement of any eligible veteran who is pursuing a program of education exclusively by correspondence will be charged with 1 month for each $175 paid to the veteran as an educational assistance allowance for such course, for contracts entered into before January 1, 1973. For agreements entered into after December 31, 1972, the period of entitlement of any eligible veteran, wife, husband, widow, or widower who is pursuing a program of education exclusively by correspondence will be charged with 1 month for each $220 paid to the veteran, wife, husband, widow, or widower as an educational assistance allowance for such course. Where the computation results in a period of time other than a full month, or other than exactly three-fourths, one-half or one-fourth fractional part of a month, the figure will be reduced to the next lower quarter. (38 U.S.C. 1786 (a) (2)).

• • • • • •

(f) *Overpayment cases.* Entitlement will be charged for an overpayment in educational assistance allowance only if the overpayment is waived and is not recovered. The charge will be at the appropriate rate for the elapsed period covered by the overpayment.

(g) *Interruption to conserve entitlement.* A certified period of enrollment may not be interrupted for the purpose of conserving entitlement. Nor may a period of enrollment be certified for a fractional part of the normal term, quarter or semester if the eligible veteran is actually enrolled for the term, quarter or semester. Entitlement will be charged for the entire period of enrollment certified, if otherwise eligible for benefits, except when benefits are interrupted under any one of the following conditions:

(1) Enrollment is actually terminated;

(2) Enrollment is canceled and no educational benefits check has been negotiated for any part of the certified period of enrollment;

(3) Enrollment is interrupted at the scheduled end of any term, quarter, semester or school year within the certified period of enrollment and no check for educational benefits has been negotiated for the succeeding term, quarter, semester or school year;

(4) Interruption or cancellation is requested for any break when a school was closed during a certified period of enrollment and payments were continued under an established policy based upon an Executive order of the President or due to an emergency situation whether or not a check for educational benefits for the certified period has been negotiated.

2. Section 21.3045 is revised to read as follows:

§ 21.3045 **Entitlement charges.**

Charges against the period of entitlement of an eligible person pursuing a program of education will be made in accordance with § 21.1045 (a) through (c) and (e) through (g).

3. In § 21.3046, the headnote, introduction preceding paragraph (a), the headnotes of paragraphs (a) and (b) and paragraphs (a) (2) and (c) are amended to read as follows:

§ 21.3046 **Periods of eligibility; wives, husbands, widows, and widowers.**

The period of eligibility cannot exceed 8 years and can be extended only as provided in paragraph (c) of this section. If eligibility arises before October 24, 1972, educational assistance based on a course of apprentice or other on-the-job training, or correspondence approved under the provisions of §§ 21.4256, 21.4261, and 21.4262 will not be afforded later than October 23, 1980. The period of eligibility of a wife or husband computed under the provisions of paragraph (a) of this section, however, will be recomputed under the provisions of paragraph (b) of this section if her or his status changes to that of widow or widower.

(a) *Wives or husbands.* • • •

(2) If the permanent total rating is effective on or after December 1, 1968, or the notification to the veteran of such rating was on or after that date, the beginning date of the 8-year period of eligibility is the effective date of the rating or the date of notification, whichever is more advantageous to the wife or husband.

• • • • • •

(b) *Widows or widowers.* • • •

(c) *Extension to ending date.* Wife or husband is enrolled and eligibility ceases for a reason specified in paragraph (c) (1), (2), or (3) of this section: Extended to end of quarter or semester for schools operating on quarter or semester system, or for schools not operating on quarter or semester system, to end of course or for 9 weeks, whichever is earlier. In a course pursued exclusively by correspondence, the period of eligibility will be extended to the end of the course or for the total additional amount of instruction that $462 will provide, whichever is less. No extension may exceed maximum entitlement or extend beyond the 8-year delimiting date specified in paragraph (a) of this section. Extension is authorized without regard to whether the midpoint of the quarter, semester or term has been reached. No extension of the period of eligibility will be made where training is pursued in a training establishment as defined in § 21.4200(c).

(1) Veteran is no longer rated permanently and totally disabled.

(2) Wife or husband is divorced from veteran without fault on her or his part.

(3) Spouse no longer is listed in any of the categories of § 21.3021(a) (3) (ii). (38 U.S.C. 1711(b), 1712(b)).

[FR Doc.74-20259 Filed 8-30-74;8:45 am]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35 and 36

LIBERALIZATION OF CERTIFICATION REQUIREMENTS

On page 20087 of the FEDERAL REGISTER of June 6, 1974 there was published a notice of proposed regulatory development to amend §§ 21.4135, 21.4137, 21.4203, 21.4204 and 21.4205 to liberalize certification requirements and for other purposes. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. These VA Regulations are effective August 26, 1974.

Approved: August 26, 1974.

By direction of the Administrator.

R. L. ROUDEBUSH,
Deputy Administrator.

1. In § 21.4135, paragraph (h) is revised to read as follows:

§ 21.4135 **Discontinuance dates.**

• • • • • •

(h) *Required certifications not received after certification of enrollment (§§ 21.4203 and 21.4204).* (1) If required certification is not timely received, payments will be suspended. If not received within 2 months (two quarters for correspondence) after month due, discontinue date of last payment. If certification is later received, adjustment will be made based on facts found.

(2) If verification of enrollment and certificate of delivery of the check is not received within 60 days, in the case of an advance payment, the actual facts will be determined and adjustment made, if required, on the basis of facts found. If student failed to enroll, termination will be effective the beginning date of the enrollment period.

• • • • • •

2. In § 21.4137(g), subparagraphs (2) and (3) are revised to read as follows:

§ 21.4137 **Rates; educational assistance allowance; 38 U.S.C. Ch. 35.**

• • • • • •

(g) • • •

(2) *Payment.* The amount of the payment is not to exceed the allowance for the month or fraction thereof in which

the course will commence plus the allowance for the following month. Upon receipt of an application, together with an enrollment certification or other information as required by paragraph (g) (3) and if there is no evidence in the eligible person's file showing that he is not eligible for such an advance, the check, made payable to the eligible person, shall be mailed to the institution for delivery to the eligible person upon registration. No delivery shall be made more than 30 days in advance of commencement of the program. Subsequent payments shall be made each month in advance subject to certification requirements set out in §§ 21.4138, 214203, 21.4204, and 21.4205. Final payment will be withheld if absence reporting is required until the required certification is received and any necessary adjustments made.

(3) *Certification.* Advance payment will be authorized initially and at the beginning of each subsequent term within an enrollment period preceded by an interval of nonpayment for one full calendar month or more provided the application, enrollment certification or other document signed either by an authorized official of the institution or the eligible person contains the following information:

(i) The eligible person is eligible for educational benefits;

(ii) The eligible person has been accepted by the institution or is eligible to continue training there;

(iii) The eligible person has notified the institution of his intention to attend that institution or to reenroll in it;

(iv) The number of semester, clock or Carnegie hours to be pursued by the eligible person; and

(v) The beginning and ending dates of the enrollment period.

3. In § 21.4203, the introductory portion of paragraph (b) and paragraphs (b) (1) and (f) are revised to read as follows:

§ 21.4203 **Reports by schools; requirements.**

• • • • • •

(b) *Entrance or reentrance.* The certification must clearly specify the course. Upon receipt of a certification of enrollment, an official authorization will be issued showing the beginning and ending dates of each period for which an allowance may be paid. Except as provided in paragraph (d) of this section the authorization will be for the period of enrollment to completion of the course or the extent of the eligible person's entitlement, whichever is the lesser.

(1) Schools organized on a term, quarter or semester basis will generally report enrollment for the complete course to the expected date of graduation. If a certification for the complete course covers two or more terms the school will report the dates for the break between terms or school years if a term or school year ends and the following term or school year does not begin in the same or the next calendar month. No allowances are payable for these intervals. The school will report the period between each term, quarter or semester, if the eligible veteran or student elects not to be paid for the intervals between terms. At the discretion of the Administrator, payment may be made for breaks, including intervals between terms, within a certified period of enrollment during which the school is closed under an established policy based upon an order of the President or due to an emergency situation. Enrollment will be for the complete course, except where the student is a veteran or eligible person pursuing a program on a less than half-time basis or is a serviceman. For these students a separate enrollment certification will be required for each term, quarter or semester.

• • • • • •

(f) *Certification.*—(1) *Courses not leading to a standard college degree.* A certification must be submitted quarterly, except for those courses pursued by servicemen while on active duty or on less than one-half time basis, and except as provided in paragraph (e) and (g) of this section, for each veteran and eligible person enrolled in a course which does not lead to a standard college degree. (See § 21.4204.) A report also will be required before release of the final allowance check. The report will consist of a certification containing the information required for release of payment, signed by the veteran or eligible person and the school on or after the final date of the reporting period. The date on which each person signed must be clearly shown. The only exception to the requirement to two signatures is a certification of interruption of training when the veteran or eligible person is not available for signature.

(2) *Courses leading to a standard college degree.* Schools which have veterans or eligible persons enrolled in courses which lead to a standard college degree are not required to submit periodic certifications for students enrolled in such courses. Certifications are, however, required under paragraphs (b), (c) and (d) of this section.

(3) *Apprentice or other on-the-job training.* A certification of attendance must be submitted monthly during the period of enrollment in the same manner as certifications required in paragraph (f) (1) of this section.

• • • • • •

4. In § 21.4204, paragraphs (a) and (e) are revised to read as follows:

§ 21.4204 **Periodic certifications.**

• • • • • •

(a) *Reports by schools, veterans and eligible persons.* For a veteran or eligible person enrolled in a course which leads to a standard college degree, excepting those on active duty and veterans or eligible persons pursuing the course on a less than half-time basis there must be verification of continued enrollment in and pursuit of the course for the entire enrollment period. Verification of continued enrollment will be made by a Veterans Administration representative in direct contact with the school at least once a year and in the last month of enrollment if the enrollment period ends more than 3 months after the last verification. In the case of a veteran or eligible person who completed, interrupted or terminated his course, any communication from the student or other authorized person notifying the Veterans Administration of the veteran's or eligible person's completion of course as scheduled or earlier termination date, will be accepted to terminate payments accordingly. Reports by other veterans and eligible persons will be submitted in accordance with § 21.4203(e), (f) or (g).

• • • • • •

(e) *Farm cooperative courses.* The quarterly certification will cover only those periods of classroom instruction which are included in the prescheduled institutional portion of the course.

5. In § 21.4205, the introductory portion preceding paragraph (a) is revised to read as follows:

§ 21.4205 **Absences.**

Absences must be reported on the quarterly certification of pursuit of a course which does not lead to a standard college degree.

• • • • • •

[FR Doc.74-20254 Filed 8-30-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 259-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Tennessee; Approval of Plan Revisions; Correction

FR Doc. 74-18060, published at page 28529 in the issue dated Thursday, August 8, 1974, incorrectly disapproves Chapter IV, section II of the general regulations of the Tennessee Air Pollution Control Board. The disapproval of § 52.2231 is corrected to cite Chapter XIV, section II of the general regulations of the Tennessee Air Pollution Control Board.

Dated: August 26, 1974.

ARSEN J. DARNAY JR.,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.74-20175 Filed 8-30-74;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 259-2]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tricyclohexyltin Hydroxide

In response to a petition (PP 3E1405) submitted by Dr. C. C. Compton, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ

V 39 171 SEP 3 74 XUM

08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of California, Idaho, Oregon, and Washington, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of July 15, 1974 (39 FR 25960), proposing establishment of a tolerance (40 CFR Part 180) for combined residues of the insecticide tricyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin hydroxide) in or on the raw agricultural commodity fresh hops at 30 parts per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted. (For a related document, see this issue of the FEDERAL REGISTER, page 31899.)

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.144 is amended by adding the new paragraph, "30 parts per million • • •" after the paragraph "60 parts per million • • •", as follows:

§ 180.144 Tricyclohexyltin hydroxide; tolerances for residues.

• • • • •

30 parts per million in or on hops.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before October 3, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on September 3, 1974.

(Sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e)))

Dated: August 26, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-20173 Filed 8-30-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114-43—UTILIZATION OF PERSONAL PROPERTY

Subpart 114-43.3—Utilization of Excess

PERFORMANCE REPORTS

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114-43.3 of Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective September 3, 1974.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

AUGUST 23, 1974.

Section 114-43.319, *Performance reports*, is revised to read as follows:

§ 114-43.319 Performance reports.

(a) The Annual Report of Utilization and Disposal of Excess and Surplus Personal Property, Standard Form 121, shall be prepared and submitted in accordance with § 101-43.4907 of this title and the supplemental instructions set forth in §§ 114-43.319-50, 51 and 52.

(b) The annual report of the utilization of foreign excess property shall be submitted to the Director of Management Services by July 25, of each year. Negative reports, when applicable, may be submitted in memorandum form in lieu of the prescribed Standard Form 365.

Section 114-43.319-50 is revised to read as follows:

§ 114-43.319-50 Preparation of S.F. 121.

(a) *Line 1.* Reassigned within reporting agency. For the purposes of this report, the major organizational components of this Department are its Bureaus and Offices and it would not be feasible to report reassignments within these major components. Only transfers to other Bureaus and Offices should be reported.

(b) *Line 2.* Include, as property not reported to GSA on Standard Form 120, all non-reportable items made available to GSA and State Surplus Property Agencies. Do not include property previously declared excess which was withdrawn for use within the reporting bureau or office.

(c) *Line 3.* Do not include transfers to another Bureau or Office in the Department of the Interior.

(d) *Line 4 and 5.* Property expended to scrap and abandoned or destroyed. Property reported on these lines shall have been processed in accordance with Board of Survey procedures in § 114-60.9 of this chapter.

(e) *Line 6.* Donated to public bodies. Report only property donated under the provisions of § 101-44.5 of this title, and include property donated to any Indian tribe as a public body.

(f) *Line 7.* Other donations. Any entry on this line must be fully explained and justified.

(g) *Lines 8 thru 11.* No supplemental instructions.

(h) *Remarks.* In addition to the explanations required by GSA, the following data shall be entered in this space or in an attachment to the Standard Form 121:

(1) The value of available property transferred in from other Interior Bureaus and Offices with or without reimbursement, in terms of original acquisition costs.

(2) The value of excess property acquired from Federal agencies outside of Interior, whether with or without reimbursement, in terms of original acquisition cost (estimated if not known).

Section 114-43.319-52 is amended so the last sentence will read as follows:

§ 114-43.319-52 Submission and due date.

• • • Reports should be submitted, in original only, to the Director of Management Services within 30 calendar days after the close of each fiscal year.

§ 114-43.320 [Amended]

Section 114-43.320 is amended to delete reference to paragraphs (a) thru (d) as being reserved, and to change paragraph (e) to (c).

[FR Doc.74-20198 Filed 8-30-74;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19986; FCC 74-887]

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

Monthly Report

Report and order. (Proceeding terminated). In the matter of amendment of FCC Form 903 and Form 905, conversion of these forms to computer format and related amendment of Part 43 of the Commission's rules, Docket No. 19986.

1. On March 28, 1974, the Commission adopted a notice of proposed rulemaking in the above entitled matter. This notice was published in the FEDERAL REGISTER on April 16, 1974 (39 FR 13676).

2. The notice presented for comment on or before May 14, 1974, a proposal to amend § 43.31 of Part 43 of the rules to require Radiotelegraph, Ocean-Cable, and Wire-Telegraph common carriers which had operating revenues for the preceding year in excess of $250,000 to file monthly reports of financial, operating and statistical information on Automatic Data Processing (ADP) media (punched cards) and to revise FCC Form 903, "Monthly Report of Revenues, Expenses, and Other Items" (Radiotelegraph and Ocean-Cable), and FCC Form 905, "Monthly Report of Revenues, Expenses, and Other Items" (Wire-Telegraph). The present, requests for duplication of ADP media are being informally processed in compliance with §§ 0.465(a) and (c)(3) of the Commission's rules.

3. Comments were received from the Institute for Computer Sciences and Technology, National Bureau of Standards, U.S. Department of Commerce, (ICST) and ITT World Communications Inc. (ITT). No comments or briefs in reply to the original comments were received.

4. ICST stated that certain cards code requirements for special characters (Appendix A, part 1, page 23 and Appendix A, part 2, page 23) did not conform to those specified in the American National Standard for the "Hollerith Punched Card Code," which had been adopted as a mandatory Federal Information Processing Standard (FIPS). Since a primary objective of the proposed rulemaking is collecting data for reporting purposes, ICST believes that significant advantages would be gained through the use of recognized standards.

5. ITT stated that it endorses the adoption of the proposal, but it requests that definitive procedures be set up by the Commission under which interested parties could obtain duplicate copies of Commission computer tapes (containing non-privileged statistical material) which are prepared from the ADP media filed by the carriers, just as procedures are now available to obtain duplicate copies of non-privileged printed material in the Commission's files. ITT believes that it is in the public interest and within the policy objectives of the Freedom of Information Act, as amended, 5 U.S.C. 522, to make such data available for duplication in the existing ADP format, when the desired results can be obtained at minimal cost and effort, rather than require the public to undertake the needless effort and expenditure involved in order to transform a hard copy computer printout into computer readable media.

6. The Commission has considered the comments of ICST concerning the use of uniform codes as provided under FIPS. Having found that the FIPS codes are compatible with the Commission's newly operational ADP system, we believe that this will facilitate the exchange of data on both the Public-to-Commission and Interagency levels. Therefore, this recommendation is incorporated into Appendix A of this Report and Order.

7. In regard to the ITT request that definitive procedures be set up for ADP media duplication, the Staff is presently involved in developing a system in conjunction with the National Technical Information Service, U.S. Department of Commerce, for the public sale and distribution of non-privileged ADP media data files. At the present, requests for duplication of ADP media are being informally processed in compliance with §§ 0.465(a) and (c)(3) of the Commission's rules.

8. After reconsideration based upon the experience from existing informal ADP submittal arrangements with some of the affected carriers, the Staff is of the opinion that the parallel reporting (ADP media and manually-prepared report forms) requirement discussed in paragraphs 4 and 5 of the notice of proposed rulemaking is unnecessary since arithmetic consistency audits are inherent in the reporting system through the use of detail, subtotal and total comparisons. Accordingly, the provision for parallel reporting is being deleted. However, the comparative (corresponding month one year earlier) figures, which were to be reported on the manually-prepared parallel reports, are still required for historical comparisons. These comparative figures will be reported for the first twelve monthly reports (January 1973 through December 1973 data) only. These figures can be submitted in either the ADP media format (Appendix A) or the manually-prepared format (Appendix B), at the carrier's option.

9. In order to conform to the recent Common Carrier Bureau reorganization structure, minor editorial revisions have been made in attached Appendix A.

10. Section 43.31 of Part 43 of the Commission's rules is being amended as proposed in the notice of proposed rulemaking for the reasons mentioned therein.

11. *Accordingly, it is ordered*, That, under authority contained in sections 4(i), 201, 219 and 220 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 201, 219 and 220, FCC Form 903, "Monthly Report of Revenues, Expenses, and Other Items" (Radiotelegraph and Ocean-Cable), and FCC Form 905, "Monthly Report of Revenues, Expenses, and Other Items" (Wire-Telegraph), are amended as set forth in attached Appendices A and B,[1] effective beginning for the reported monthly data of January 1974, with comparable 1973 data, and § 43.31 of Part 43 of the Commission's rules is amended, effective October 3, 1974, as set forth below and

12. *It is further ordered*, That this proceeding is hereby terminated.

(Secs. 4, 201, 219, 220, 48 Stat., as amended, 1066, 1070, 1077, 1078 (47 U.S.C. 154, 201, 219, 220))

Adopted: August 21, 1974.

Released: August 30, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] VINCENT J. MULLINS,
Secretary.

[1] Filed as part of the original document.
[2] Commissioners Reid and Hooks absent.

Section 43.31 of Chapter I of Title 47 of the Code of Federal Regulations is revised to read as follows:

§ 43.31 Monthly reports of communication common carriers.

(a) Each telephone common carrier which had operating revenues for the preceding year in excess of $1 million, and each oceancable, radiotelegraph, and wire-telegraph common carrier which had operating revenues for the preceding year in excess of $250,000 shall file with the Commission, within forty (40) days after the end of each calendar month, a certified report on computer media as prescribed by the Commission.

(b) A copy of each such report (i.e., a printout from the computer media) shall be retained in the principal office of the carrier and shall be filed in such manner as to be readily available for public reference and inspection. The monthly reports shall contain all the information called for therein as prescribed by the Commission.

[FR Doc.74-20240 Filed 8-29-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Ex Parte No. 261; Special Permission Nos. 70-275; 73-123]

PART 1300—FREIGHT SCHEDULES; RAILROADS

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

Joint Rates and Transportation of Property

Correction

In FR Doc. 74-19332 appearing at page 30145 in the issue of Wednesday, August 21, 1974, the following changes should be made:

1. In § 1300.67(b):

a. In the eighth line of subparagraph (2), delete "of this chapter".

b. In the fourteenth line of subparagraph (3), insert a period after the word "charges".

c. In subparagraph (6)(i), in the first column on page 30147, in the fifth line, the word "carriers" should read "carrier's".

d. In the last line of subparagraph (6)(v), "paragrpah" should read "paragraph".

e. In the first line of subparagraph (6)(vi)(a), "publication" should read "publications".

2. In the seventh line of § 1307.49(b)(4), "portaion" should read "portation".

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 2800]

RIGHTS-OF-WAY PROCEDURES, INCLUDING OUTER CONTINENTAL SHELF

Reimbursement of Costs

The primary purpose of this amendment is to provide for the recovery of costs incurred by the United States in processing applications for rights-of-way and permits incident to rights-of-way across the public lands and the Outer Continental Shelf. In accordance with the policy expressed in Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a); authority contained in sections 201 and 204 of the Public Land Administration Act (43 U.S.C. 1371, 1374); and the requirements of section 28(1) of the 1973 amendments to the Mineral Leasing Act (87 Stat. 576, 579), as to oil and gas pipelines, an applicant for a right-of-way or permit incident thereto under Part 2800 of Title 43, Code of Federal Regulations, would be required to pay the United States for the cost of processing the application, including preparation of reports and statements concerning the impact of the proposal upon the environment. Reimbursable costs would also include those costs incurred by the United States on behalf of a potential applicant, prior to the filing of a formal application. Following issuance of a right-of-way or permit, the holder thereof would be required to pay the United States for costs incurred by the United States in monitoring construction, operation, maintenance, and termination of authorized facilities, and the protection and rehabilitation of the land involved.

Applicants for and holders of rights-of-way or permits incident to rights-of-way across public lands are identifiable recipients of services above and beyond those which accrue to the public at large. The services rendered in reviewing applications and in monitoring holder activities are made necessary by such applications, and costs for them would not be incurred by the United States in the absence of such applications. The value to the recipient of such services and of the right-of-way or permit granted exceed the public policy or interest served by such rights-of-way or permits. In addition, such applicants and holders receive many other Federal services for which no charge is made, such as the maintenance of offices and personnel available to process applications, the maintenance of records needed in processing applications, and the availability of environmental, technical, economic and other studies done at Federal expense and used in application processing.

Accordingly, it is fair and equitable, pursuant to Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a(1970)), that the direct and indirect costs to the Government incurred in the processing of applications for such rights-of-way and permits and for monitoring the construction, operation, maintenance and termination of authorized facilities, and protection and rehabilitation of the lands, should be recovered from applicants for and holders of such rights-of-way or permits.

The regulations contained herein do not apply to State or local governments or agencies or instrumentalities thereof except as to rights-of-way or permits under section 28 of the Mineral Leasing Act of 1920, as amended (87 Stat. 576), or to Federal Government agencies.

The proposed rulemaking amends existing regulations as follows:

1. The service fee of $10.00 now submitted with applications is replaced by payment of an amount set forth in § 2802.1–2(d) of the proposed rules. These payments represent the Department's average cost for processing applications for different types and sizes of rights-of-way, based on cost data collected for the year 1972. The proposal provides for periodic payments of additional amounts where the authorized officer determines the cost of processing an application, or providing services to a potential applicant prior to the filing of a formal application, will exceed the payment required by § 2802.1–2(d) by an appreciable amount.

The proposed regulations require the payment of an amount set forth in § 2802.1–2(f) within 60 days following issuance of the right-of-way or permit incident thereto. This amount represents the Department's average cost for monitoring the construction, operation, maintenance and termination of authorized facilities, and the protection and rehabilitation of the lands involved. The proposal provides for the periodic payment of additional amounts where the authorized officer determines that the costs will exceed the payment required by § 2802.1–2(f) by an appreciable amount.

2. Regulations presently contained in § 2802.2–1 discuss actions to be taken on completed applications and reports. These provisions are administrative in nature and would be deleted from the regulations.

Section 2802.2–2 provides for timely construction of facilities after the grant of a right-of-way. This section indicates that the holder of a right-of-way or permit may, at his own risk, deviate from the location of the approved right-of-way. This provision is no longer appropriate or in keeping with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and would be removed by this rulemaking. This proposal would require that any deviation from the location of an approved right-of-way be approved in advance.

3. Present regulations found at § 2802.–4–2 require that a $10.00 service fee be submitted with applications for transfers of rights-of-way. This rulemaking would increase the payment to $100.00, commensurate with the actual cost to the United States for providing this service.

4. Regulations governing the grant of rights-of-way across the Outer Continental Shelf lands would be amended to incorporate the reimbursement of cost requirements for rights-of-way set forth in proposed § 2802.1–2. Applicants for assignment of a right-of-way would pay $100.00 rather than the present $10.00.

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

In accordance with the Department's policy on public participation in rulemaking (36 FR 8336) interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until October 1, 1974.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Public Affairs, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.–4:15 p.m.).

Subchapter B of Chapter II is amended as follows:

1. Section 2802.1–2 is revised to read as follows:

§ 2802.1–2 Reimbursement of costs.

(a) The regulations contained in this section do not apply to State or local governments or agencies or instrumentalities thereof except as to rights-of-way or permits under section 28 of the Mineral Leasing Act of 1920, as amended (87 Stat. 576), or to Federal Government agencies.

(b)(1) Applications for rights-of-way or permits incident to rights-of-way must

reimburse the United States for administrative and other costs incurred by the United States in processing applications, including the preparation of reports and statements pursuant to the National Environmental Policy Act (42 U.S.C. 4331–4347), before a right-of-way or permit incident thereto will be issued under the regulations of this part. Reimbursement is also required of costs incurred by the United States on behalf of a potential applicant.

(2) After issuance of a right-of-way or permit incident to a right-of-way, holders thereof must reimburse the United States for costs incurred by the United States in monitoring the construction, operation, maintenance, and termination of authorized facilities, and protection and rehabilitation of the lands involved.

(c)(1) Applicants must submit with their formal applications a nonreturnable payment in accordance with the schedule in paragraph (d) of this section.

(2) Where the paragraph (d) of this section payment is estimated to be substantially below anticipated costs, the authorized officer shall require an applicant or potential applicant to make periodic payments in advance of the estimated reimbursable costs. Such payments shall be refundable as provided by paragraph (g) of this section.

(3) Prior to the issuance of any authorization for a right-of-way or permit incident thereto, the applicant will be required to pay additional amounts to the extent the United States' costs have exceeded the payments required by subparagraphs (1) and (2) of this paragraph, by an appreciable amount.

(d) Advance payments required by paragraph (c)(1) of this section are as follows:

(1) Rights-of-way and/or permits incident thereto, for the crossing of the public lands (e.g. powerlines, pipelines, roads and other linear facilities).

Length	*Payment*
Less than 5 miles	$250.
5 to 20 miles	$500.
20 miles and over	$500 for each 20 miles or fraction thereof.

(2) Rights-of-way and/or permits incident thereto, not included in subparagraph (1) of this paragraph (e.g. communication sites, reservoir sites and plant sites)—$250 for each 640 acres or fraction thereof.

(3) Where applications contain the features of subparagraphs (1) and (2) of this paragraph in combination, the payment shall be the combined amount as required by subparagraphs (1) and (2) of this paragraph.

(e)(1) Holders of rights-of-way or permits incident thereto, must submit within 60 days of issuance of a right-of-way a nonreturnable payment in accordance with the schedule in paragraph (f) of this section.

(2) Where the paragraph (f) of this section payment is estimated to be substantially below anticipated costs, the authorized officer shall require the holder of a right-of-way or permit incident thereto to make periodic payments in advance of the estimated reimbursable costs. Such payments shall be refundable as provided by paragraph (g) of this section.

(3) Following termination of a right-of-way or permit incident thereto, the holder will be required to pay additional amounts to the extent the United States' costs have exceeded the payments required by subparagraphs (1) and (2) of this paragraph by an appreciable amount.

(f) Payments required by paragraph (e)(1) of this section are as follows:

(1) Rights-of-way and/or permits incident thereto, for the crossing of the public lands (e.g. powerlines, pipelines, roads, and other linear facilities).

Length	*Payment*
Less than 5 miles	$100.
5 to 20 miles	$200.
20 miles and over	$200 for each 20 miles or fraction thereof.

(2) Rights-of-way and/or permits incident thereto, not included in subparagraph (1) of this paragraph (e.g. communication sites, reservoir sites and plant sites)—$100 for each 640 acres or fraction thereof.

(3) Where rights-of-way and/or permits contain the features of subparagraphs (1) and (2) of this paragraph in combination, the payment shall be the combined amount as required by subparagraphs (1) and (2) of this paragraph.

(g) If payment, as required by paragraphs (c)(2) and (e)(2) of this section exceeds actual costs to the United States, a refund shall be made by the authorized officer from applicable funds, under authority of 43 U.S.C. 1374.

(h) When two or more applications for rights-of-way are filed which the authorized officer determines to be in competition with each other, each applicant shall reimburse the United States according to paragraphs (a) through (d) of this section, except that costs which are not readily identifiable with one of the applications, such as costs for an environmental impact statement on all the proposals, shall be paid by each of the applicants in equal shares.

(i) When an applicant for a right-of-way is a partnership, corporation, association or other legal entity or controlled by one or more other legal entities, the owning or controlling entity or entities may, in the discretion of the authorized officer, be required to assume joint and several liability for costs under § 2802.1–2.

(j) When two or more applications for rights-of-way are received for what, in the judgment of the authorized officer, is one right-of-way system, all such applicants shall be jointly and severally liable for costs under § 2802.1–2 for the entire system, subject, however, to the provisions of paragraph (i) of this section.

(k) The provisions of paragraph (e) (2) and (3) of this section are applicable to rights-of-way or permits granted before the effective date of these regulations.

2. Sections 2802.2, 2802.2–1 and 2802.–2–2 are revised to read as follows:

§ 2802.2 Construction of right-of-way.

§ 2802.2–1 Timely construction.

Unless otherwise provided by law, a period of up to 5 years from the date a right-of-way application is approved may be allowed for completion of construction. Upon completion of construction, proof thereof shall be submitted to the authorized officer, consisting of a statement and certificate furnished by the holder of the right-of-way. The statement and certificate are embodied in Forms 5 and 6, Appendix B, which should be appropriately modified to reflect the act pursuant to which the right-of-way was granted and the nature of the project.

§ 2802.2–2 Deviation from approved right-of-way.

Deviation from the location of an approved right-of-way must be approved in advance by the authorized officer. Filing of an application in accordance with § 2802.1 will be required where the authorized officer determines that the deviation is substantial.

3. Section 2802.4–2 is revised to read as follows:

§ 2802.4–2 Reimbursement of costs.

All filings of transfers, by assignment, lease, operating agreement, or otherwise, made pursuant to this section, except by State or local governments or agencies or instrumentalities thereof, or Federal Government agencies must be accompanied by a nonrefundable payment of $100.

§ 2883.2–1 [Amended]

4. Section 2883.2–1 is amended by deleting the words "a filing fee of $10 and" from the last sentence of paragraph (a).

§ 2883.2–4 [Amended]

5. Section 2883.2–4 is amended by deleting the last sentence and inserting the following: A nonrefundable payment of $100 must accompany the application for the assignment of a right-of-way under this section.

6. A new § 2883.2–5 is added to read as follows:

§ 2883.2–5 Reimbursement of costs.

The provisions of § 2802.1–2 apply to right-of-way applications and grants made pursuant to this subpart.

ROLAND G. ROBISON, JR.,
Acting Deputy Assistant Secretary of the Interior.

AUGUST 26, 1974.

[FR Doc.74-20217 Filed 8-30-74;8:45 am]

Fish and Wildlife Service

[50 CFR Part 32]

CERTAIN NATIONAL WILDLIFES IN OREGON AND WASHINGTON

Proposed Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory

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Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), as delegated to the Director, Fish and Wildlife Service by Chapter 2, Part 242 of the Departmental Manual, it is proposed to amend 50 CFR Part 32 by the addition of Lewis and Clark National Wildlife Refuge, Oregon, and Columbian White-tailed Deer National Wildlife Refuge, Washington and Oregon, to the list of areas open to hunting of migratory birds.

It has been determined that regulated hunting of waterfowl may be permitted as designated on the above refuges without detriment to the objectives for which the areas were established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment, to the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208, on or before October 3, 1974.

Accordingly, it is proposed that § 32.11, list of open areas; migratory gamebirds, be amended by the following additions:

OREGON

COLUMBIAN WHITE-TAILED DEER NATIONAL WILDLIFE REFUGE

LEWIS AND CLARK NATIONAL WILDLIFE REFUGE

WASHINGTON

COLUMBIAN WHITE-TAILED DEER NATIONAL WILDLIFE REFUGE

DOUGLAS P. WHEELER,
Deputy Assistant Secretary for Fish and Wildlife and Parks.

AUGUST 26, 1974.

[FR Doc.74-20224 Filed 8-30-74;8:45 am]

[50 CFR Part 32]

DEER FLAT NATIONAL WILDLIFE REFUGE, OREG.

Proposed Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715) and the National Wildlife Refuge System Administration Act of 1966 (80 Stat. 927 as amended; 16 U.S.C. 668dd), as delegated to the Director, Fish and Wildlife Service by Chapter 2, Part 242 of the Departmental Manual, it is proposed to amend 50 CFR Part 32 by the addition of Deer Flat National Wildlife Refuge, Oregon, to the list of areas open to hunting of migratory birds, upland game, and big game.

The portion of Deer Flat National Wildlife Refuge in Idaho is currently open to hunting of migratory birds, upland game and big game under 50 CFR Part 32.

It has been determined that regulated hunting of migratory birds, upland game and big game may be permitted as designated on the Oregon segment of the above refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections, with respect to the proposed amendment, to the Director, Fish and Wildlife Service, Washington, D.C. 20240, on or before October 3, 1974.

Accordingly, § 32.11, *List of open areas; migratory game birds*, §§ 2.21, *List of open areas; upland game*, and § 32.31, *List of open areas; big game*, are amended by the following addition:

OREGON

DEER FLAT NATIONAL WILDLIFE REFUGE

NATHANIEL P. RAND,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc.74-20225 Filed 8-30-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO IN AREA NO. 2

Proposed Handling Limitations

This proposal, designed to promote orderly marketing of Colorado Area No. 2 potatoes, would impose minimum quality standards and would require inspection of fresh shipments to keep undesirable, low quality potatoes from being shipped to consumers.

Consideration is being given to issuing a handling regulation which was recommended by the Colorado Area No. 2 Committee. It is established under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948). This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1974 crop in Area No. 2 and of the marketing prospects for this season. Shipments are expected to be in significant volume by late September so the regulation should become effective by that time. The grade, size, and maturity requirements provided herein are necessary to prevent potatoes of lesser maturities, undesirable sizes, or low quality from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments may be made to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Seed is so exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed are likewise exempt. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same, in two copies, with the Hearing Clerk, Room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than September 20, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

§ 948.372 **Handling regulation.**

From the effective date of this handling regulation, through June 30, 1975, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraph (d), (e), or (f) of this section. The maturity requirements specified in paragraph (b) shall terminate October 31, 1974, at 11:59 p.m., m.s.t.

(a) *Minimum grade and size requirements*—(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 1⅞ inches minimum diameter.

(3) *All varieties.* Size B, if U.S. No. 1, or better, grade.

(b) *Maturity (skinning) requirements*—(1) *Russet Burbank and Red McClure varieties.* For U.S. No. 2 grade not more than "moderately skinned" and for other grades not more than "slightly skinned."

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.* (1) The grade, size, maturity and inspection requirements of paragraphs (a), (b) and (c) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Relief or charity; or

(iii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The grade, size, maturity and inspection requirements of paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of seed pursuant to § 948.6 but such shipments shall be subject to assessments.

(e) *Safeguards.* Each handler of potatoes which do not meet the grade, size, and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (d) for any of the special purposes set forth therein shall,

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee.

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a), (b) and (c) of this section, but this exception shall not apply to any shipment which exceeds 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540-51.1566 of this title, effective September 1, 1971, as amended), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1, *Import regulations* (7 CFR 980.1), Irish potatoes of the red skinned round type, except certified seed potatoes, imported into the United States during the effective date of this handling regulation through June 30, 1975, shall meet the grade, size, and quality requirements specified in paragraph (a) of this section, and during the effective date of this handling regulation through October 31, 1974, shall be not more than "moderately skinned."

Dated: August 28, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-20307 Filed 8-30-74;8:45 am]

Soil Conservation Service

[7 CFR Part 650]

RELATED ENVIRONMENTAL CONCERNS

Proposed Guidelines

Proposed Subpart B—"Related Environmental Concerns" to be added to Part 650 is herein published for review and comment by interested parties. The proposals were developed with informal consultation of other agencies with leadership roles or major concerns for the specific sections.

Comments will be received on or before October 3, 1974, after which final guidelines for related environmental concerns will be published. Comments and suggestions should be sent to Kenneth E. Grant, Administrator, Soil Conservation Service, Washington, D.C., 20250.

KENNETH E. GRANT,
Administrator.

PART 650—COMPLIANCE WITH NEPA

Subpart B—Related Environmental Concerns

Sec.

650.20 Archeological and historical data and historic sites.

650.21 Working relations with the U.S. Environmental Protection Agency (EPA) and related state environmental agencies.

650.22 Rare, threatened, and endangered species of plants and animals.

650.23 Natural areas.

650.24 Scenic beauty (visual resource).

AUTHORITY: Pub. L. 86-523, 74 Stat. 220 as amended, Pub. L. 93-291, 88 Stat. 174 (16 U.S.C. 469); Pub. L. 89-665, 80 Stat. 915 (16 U.S.C. 470); Pub. L. 93-205, 87 Stat. 884 (16 U.S.C. 1531 et seq.); Secretary of Agriculture Memorandum 1695, May 28, 1970.

Subpart B—Related Environmental Concerns

§ 650.20 **Archeological and historical data and historic sites.**

(a) *Background.* (1) Executive Order 11593 (36 FR 8921, 3 CFR 1971 Comp. p. 154), Protection and Enhancement of the Cultural Environment, provides that the federal government shall furnish leadership in preserving, restoring, and maintaining the historic and cultural environment of the nation, and that federal agencies shall administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations; initiate measures necessary to direct their policies, plans, and programs in such a way that federally owned sites, structures, and objects of historical, architectural, or archeological significance are preserved, restored, and maintained; and in consultation with the Advisory Council on Historic Preservation, institute procedures to assure that federal plans and programs contribute to the preservation and enhancement of nonfederally owned sites, structures, and objects of historical, architectural, or archeological significance.

(2) The Act of June 27, 1960 relating to the preservation of historical and archeological data, Pub. L. 86-523, 74 Stat. 220, as amended May 24, 1974; Pub. L. 93-291, 88 Stat. 174 (16 U.S.C. 469); Pub. L. 89-665, 80 Stat. 915, provides for the preservation of historical and archeological materials or data, including relics and specimens, that might otherwise be lost or destroyed as a result of flooding, building of access roads, relocation of railroads and highways, or other alterations of the terrain caused by the construction of a dam with assistance from or licensed by an agency of the United States, or any alteration of the terrain caused as a result of any federal construction project or federally licensed project, activity, or program; and that:

(i) Written notice to the Secretary of the Interior is required when a federal agency undertakes construction of or issuance of a license for certain dams, or finds, or is notified in writing by an appropriate authority, that its activities in connection with any federal construction project or federally licensed project, activity, or program will cause irreparable loss or destruction of significant scientific, prehistorical, historical, or archeological data.

(ii) Federal construction or licensing agencies may request the Secretary of the Interior to undertake recovery, protection, and preservation of such data; may transfer project funds to the Secretary of the Interior for this purpose; or may undertake such preservation activities with funds appropriated for the project, program, or activity.

(iii) The Secretary of the Interior may conduct and pay for data preservation and recovery which he determines is necessary as a result of any federal or federally assisted or licensed project, activity, or program.

(3) The National Historic Preservation Act, Pub. L. 89-665, 80 Stat. 915 (16 U.S.C. 470) provides for the preservation of certain properties including historic districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, and culture and for an Advisory Council on Historic Preservation appointed by the President that will maintain a National Register of such sites. This law relates primarily to the preservation of such things as buildings, structures, sites, areas, places, and objects as listed in the National Register of Historic Places as opposed to preservation of archeological artifacts. Section 106 of the Act (16 U.S.C.

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470f) requires that no federal funds may be expended on such work until the Advisory Council on Historic Preservation has had a reasonable opportunity to comment.

(b) *Policy.* SCS recognizes that archeological and historical resources are an important part of our national heritage and that appropriate measures must be taken to protect those which should be preserved. Accordingly, SCS will comply with applicable federal and state laws relating to archeological and historical data and historic sites and will take all reasonable precautions to avoid damaging any place, building structure, or object that has national, state or local significance. SCS will also encourage conservation districts and other units of government, organizations and cooperators to do likewise.

(c) *Responsibility*—(1) *SCS national office.* The Administrator is responsible for establishing and maintaining necessary contacts with other agencies and councils at the national level, and for collecting, preparing and distributing pertinent material to state conservationists.

(2) *SCS state office.* The state conservationist is responsible for implementing the provisions of this section in his state. He is also responsible for establishing and maintaining necessary contacts with state agencies, preparing and distributing pertinent information to SCS personnel under his jurisdiction, appraising each situation and determining the best course of action to take, and distributing current data from the National Register of Historic Places to each field office with instructions on use of the material.

(d) *Coordination and implementation.* (1) Federal property under SCS custody. Inventories and evaluations will be made by SCS whenever federal property under SCS custody that might qualify for inclusion in the National Rights of Historic Places is to be sold, transferred, demolished, substantially altered, or affected by proposed actions of other agencies, or that is to be acquired for and placed under SCS custody.

(2) Applicability to Conservation Operations Technical Assistance, Part 610 of this chapter, and to the Great Plains Conservation Program, Part 631 of this chapter.

(i) State conservationists, under SCS policy, will notify the Secretary of the Interior, through the National Park System Archeological or Service Center serving their states, of evidence indicating that significant scientific, prehistorical, historical, or archeological data might be irrevocably lost or destroyed as a result of any SCS assisted activity. For activities involving SCS technical assistance furnished to another federal agency, the state conservationist will notify the responsible agency. The Secretary is authorized, with the consent of all persons, associations, or public entities having a legal interest in the property involved, to conduct a survey of the affected site; undertake the recovery, protection, and preservation of such data; and to compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or nonfederally owned lands.

(ii) National Register of Historic Places. Each field office will consult current data from the National Register of Historic Places prior to the approval of the expenditure of any federal funds for any undertaking, including the furnishing of SCS technical assistance. If the undertaking is likely to affect places listed in the National Register of Historic Places, the field office will request the state conservationist to determine the course of action in accordance with paragraphs (a) (3) and (c) (2) of this section.

(iii) Other sites. In addition to historic and archeological sites, structures, or objects of national significance, including those listed in the National Register of Historic Places, there are various others that may have state or local significance. Existing federal laws do not cover these specifically but it is appropriate for the federal government to assist state and local governments in expanding and accelerating their preservation programs and activities. If sites not listed in the National Register of Historic Places are found in the course of SCS work, persons in state or local government or other concerned institutions are to be requested by the state conservationist to appraise their significance. A decision as to the best course of action should be reached jointly, preferably including consultation with local conservation district governing body or other sponsoring organization(s). Final decisions must be retained as a part of the administrative file for the action at the appropriate SCS state or field office.

(3) Applicability to project-type activities (Watershed and Flood Prevention Programs, Parts 622 and 623 of this chapter, and Resource Conservation and Development Projects (RC&D), Parts 640 through 643 of this chapter).

(i) *Planning activities.* (A) Consideration of cultural and scientific resources will begin at the earliest stages of planning in project-type programs. Instructions for each stage of environmental assessment, plan formulation, review, and approval are contained in Subpart A of this part.

(B) The state conservationist will establish procedures to assure that the state historic preservation officer and the state archeologist, or equivalent, are contacted at the earliest stage of planning or environmental assessment and request assistance in determining needed survey procedures, sources of assistance, and whether a plan (watershed or RC&D measure plan) may affect historical, archeological, or cultural values. Places in or eligible for inclusion in the National Register of Historic Places will be considered. Other available expertise will be invited to participate in this determination.

(C) The state conservationist will establish a procedure for a records check and field surveys to the extent necessary and as determined in (B) of this subdivision. He will employ professional expertise as needed and not otherwise available.

(D) If significant values are likely to be adversely affected by a project measure, the state conservationist will notify the Secretary of the Interior in writing, provide appropriate information and, in accordance with paragraph (a) (2) (ii) of this section, request the Secretary of the Interior to undertake recovery, protection and preservation of significant values with funds available to the Department of the Interior for that purpose. After receiving a written response from the Secretary of the Interior, the state conservationist may provide for the use of SCS funds during the operations phase of the project to undertake, or to assist with, the salvage and recovery operations discussed in paragraph (a) (2) (ii) of this section if necessary to accomplish the salvage and recovery operations in a timely manner. The provisions for salvage, estimated costs, and responsible agency must be included in the plan. Further guidance on actions to be taken if significant values are or may be affected and the functions of the U.S. National Park Service and the Council on Historic Preservation in this respect are contained in 36 CFR Part 800.

(ii) *Operations activities.* (A) Following authorization to provide the federal installation assistance, if a need develops for recovery, protection, and preservation which was not provided for during planning, the state conservationist will notify the Secretary of the Interior in writing, provide appropriate information, and request him to undertake these activities with funds available to the Department of the Interior for that purpose. After receiving a written response from the Secretary of the Interior, the state conservationist may use SCS funds to undertake, or to assist with, the salvage and recovery operations discussed in paragraph (a) (2) (ii) of this section if necessary to accomplish the salvage and recovery actions in a timely manner. In any event, the state conservationist will notify the Secretary of the Interior whenever he intends to assist with the construction of any dam that creates a reservoir of 40 surface acres or more and any floodwater retarding dam providing 5000 acre-feet or more of detention capacity. For smaller dams and reservoirs, the state conservationist will notify the Secretary of the Interior if he finds or is presented with evidence indicating that historical or archeological materials exist or may be present in a proposed reservoir area. For dams involving SCS technical assistance furnished to another federal agency, the state conservationist will notify the responsible agency.

(B) State conservationist will send required SCS notifications to the National Park System Archeological or Service Center serving their states. Notification will be given as early as possible after authorization of federal installation assistance and before construction. The notice

will include site location, approximate area to be flooded, approximate area to be disturbed, such additional data as may be useful to the Secretary of the Interior in making his decision, and a request that the Secretary undertake the recovery, protection, and preservation of data as needed. Construction should not begin or be continued until the Secretary has responded to the notice and request. The Secretary of the Interior is to initiate the survey or recovery effort within 60 days after notification or within such other time as may be agreed upon with the Administrator, and to keep SCS informed at all times of the survey or recovery effort so there will be as little disruption or delay as possible in carrying out SCS functions. The survey and recovery programs will terminate at a time mutually agreed upon by the Secretary and the Administrator, SCS.

(C) Prior to undertaking surveys and recovery operations, the Secretary of the Interior is to obtain the consent of all persons, associations, or public entities having a legal interest in the property involved. He is to compensate any person, association, or public entity damaged as a result of delays in construction or as a result of the temporary loss of the use of private or any nonfederally owned lands. No survey or recovery work will be required which in the determination of the Administrator would impede SCS activities in connection with any emergency.

(D) National Register of Historic Places. Each field office will consult current data from the National Register of Historic Places prior to the approval of the expenditure of any federal funds for any undertaking, including the furnishing of SCS technical assistance. If the undertaking is likely to affect places listed in the National Register of Historic Places, the field office will request the state conservationist to determine the course of action in accordance with paragraphs (a) (3) and (c) (2) of this section.

(E) Other sites. In addition to historic and archeological sites, structures or objects of national significance, including those listed in the National Register of Historic Places, there are various others that may have state or local significance. Existing federal laws do not cover these specifically, but it is appropriate for the federal government to assist state and local governments in expanding and accelerating their preservation programs and activities. If sites not listed in the National Register of Historic Places are found in the course of SCS work, persons in state or local government or other concerned institutions are to be requested by the state conservationist to appraise their significance. A decision as to the best course of action should be reached jointly, preferably including consultation with local conservation district governing body or other sponsoring organization(s). Final decisions must be retained as part of the administrative file for the action at the appropriate SCS state or field office.

§ 650.21 Working relations with the U.S. Environmental Protection Agency (EPA) and state environmental agencies.

(a) *Background.* The authorities and missions of SCS, EPA, and state environmental agencies make it imperative that an effective cooperative and cooordinative working relationship be developed and maintained in areas of mutual concern. These common areas include air quality, water quality, pesticides, waste recycling and disposal, environmental considerations in land use, Environmental Impact Statements (EIS's) and environmental considerations in the conservation and development of natural resources.

(b) *Policy.* SCS will work closely with EPA in accordance with the provisions of the EPA-USDA Memorandum of Understanding July 31, 1974, at all administrative levels and with related state agencies to meet statutory requirements and to achieve harmonious implementation of all actions of mutual concern directed to improving or maintaining the quality of the environment.

(c) *Responsibility*—(1) *SCS national office.* The Deputy Administrator for Field Services is responsible for overall coordination with EPA at the national office level. The Deputy Administrator for Water Resources is responsible for contacts with EPA in relation to activities of the Water Resources Council on water and related land resource planning and for coordinating work with EPA on EIS development.

(2) *Technical service center.* The TSC director is responsible for contacts and coordination with EPA regional offices within the group of states served by the TSC.

(3) *SCS state office.* The state conservationist is responsible for contacts and coordination with regional representatives of EPA and state environmental agencies in matters of mutual concern within his state.

(d) *Coordination and implementation.* (1) The SCS national office will:

(i) Within the framework of USDA agreements and guidelines, develop agreements for undertaking specific activities or projects of national significance and mutual advantage.

(ii) Assist EPA as requested in developing EPA policy, guidelines, and standards.

(iii) Consider EPA needs in soil survey and land, inventory, and monitoring activities.

(iv) Maintain needed liaison and develop mutual guidelines with EPA on water resources work and in coordinating EIS's.

(v) Advise EPA regarding soils, plant materials, and soil and water conservation techniques, including erosion and sediment control.

(vi) Establish procedures for periodic review of SCS national standards for treatment systems and practices for agricultural pollution abatement.

(2) The TSC director will:

(i) Within the framework of SCS memorandums and guidelines coordinate with the EPA regional administrator the development of needed agreements for undertaking specific activities or projects of multistate significance and mutual advantage.

(3) The state conservationist will:

(i) Obtain early input of EPA and interested state and local environmental agencies in the planning process for projects or measures within the state impacting on the environment.

(ii) Coordinate preparation of SCS practice standards and procedures for agricultural pollution abatement within the state with EPA and related state agencies.

(iii) Encourage the development of a coordinated review and approval process within the state with EPA and appropriate state and local agencies including conservation districts for actions of mutual concern.

(iv) Attempt to resolve all EPA areas of concern on SCS assisted project-type actions within the state before a final EIS is prepared.

§ 650.22 Rare, threatened, and endangered species of plants and animals.

(a) *Background.* (1) A variety of plant and animal species of the United States are so reduced in numbers that they are threatened with extinction. The disappearance of any of these would be a biological, cultural, and in some instances an economic loss. Their existence contributes to scientific knowledge and understanding, and their presence adds interest and variety to life.

(2) The principal hazard to threatened and endangered species is the destruction or deterioration of their habitats by human activities such as industrialization, urbanization, agriculture, lumbering, recreation, and transportation. These activities of man will continue but the necessity of recognizing their adverse impacts and selecting alternatives that minimize or eliminate such impacts on threatened and endangered species is imperative.

(3) The Endangered Species Act of 1973 (Pub. L. 93-205, 87 Stat. 884 (16 U.S.C. 1531 et seq.)) provides a means whereby the ecosystems upon which endangered and threatened species depend may be maintained and a program for the conservation of such species. The Act also provides that, in addition to the Department of the Interior, "All other federal departments and agencies shall, in consultation with and with the assistance of the Secretary (of Interior), utilize their authorities for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected states, to be critical." The Act also:

(i) Defines endangered species as any species in danger of extinction throughout all or a significant portion of its

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range and threatened species as any species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act uses the category "threatened". The term "rare" is not used.

(ii) Further defines species as including any subspecies of fish or wildlife or plants and any other group of fish and wildlife of the same species or smaller taxa in common spatial arrangements that interbreed when mature.

(iii) Provides for the Secretary of the Interior to enter into cooperative agreements with states for the purpose of implementing state programs for the conservation of endangered and threatened fish and wildlife. This assistance may include financial grants.

(iv) Provides national lists of endangered and threatened animal and plant species to be maintained by the Secretary of the Interior and published in the FEDERAL REGISTER. When resident fish and wildlife are added to the list, the affected states are to be consulted by the Secretary. The Secretary of the Smithsonian Institution is preparing a list of endangered or threatened plant species.

(b) *Policy.* The Act gives SCS additional direction for participation in the conservation and protection of endangered and threatened species. As the principal federal agency concerned with land use planning of privately owned rural land and with professional conservation employees headquartered in almost every county, SCS is uniquely capable of playing a vital role. Additional training will be provided as needed to meet SCS responsibilities. SCS will assist in the conservation of threatened and endangered species and consistent with other compelling needs avoid or prevent activities detrimental to such species. SCS concern for these species will not be limited to those listed by the Secretary of the Interior and published in the FEDERAL REGISTER, but will include species designated by state agencies as rare, threatened, endangered, etc.

(c) *Responsibility*—(1) *SCS national office.* The Administrator will arrange for consultation and coordination of SCS national office activities with the U.S. Fish and Wildlife Service, other federal agencies, and national organizations.

(2) *Technical service center.* The TSC director will, within the group of states served by the TSC arrange for consultation and coordination with regional representatives of the U.S. Fish and Wildlife Service, other federal agencies, and national and regional organizations.

(3) *SCS state office.* The state conservationist will arrange for consultation and coordination with the state fish and game or conservation agency, other state agencies, state organizations and foundations, conservation districts, and state representatives of federal agencies and national organizations.

(d) *Coordination and implementation.* (1) The SCS national office will:

(i) Within the framework of national legislation, USDA agreements, and SCS objectives, develop SCS policies and directives for guiding agency efforts that will protect threatened and endangered species and for avoiding actions that jeopardize the continued existence of such species.

(ii) Maintain needed liaison and develop mutual understanding with the U.S. Fish and Wildlife Service and other concerned federal agencies.

(iii) Establish procedures for periodic review of SCS participation in the national effort to conserve these species.

(2) The TSC director will: (i) Within the framework of SCS policies and guidelines, arrange for needed liaison and understanding with regional counterparts of other federal agencies within the group of states served by the TSC and keep state conservationists informed of developments within such states.

(ii) Provide guidance and assistance to state conservationists in carrying out SCS policies and guidelines.

(3) The state conservationist will develop procedures to establish working relationships with other concerned federal agencies, state fish and wildlife or conservation agencies, conservation districts, concerned scientists in state university systems and natural history museums, and other informed persons and organizations to offer assistance in:

(i) Preparing or maintaining lists of the state's threatened and endangered species,

(ii) Determining the geographic occurrence of these species and the nature of the habitat occupied by them.

(iii) Discussing the kinds of measures important to preserve their habitat.

(iv) A monitoring program that would obtain advance warning of actions or conditions that could further endanger these species, thereby enabling SCS and others to take appropriate protective action.

(v) Assisting recovery teams, as appropriate, in preparing species recovery plans of those endangered and threatened species included in Federal lists.

(4) The state conservationist will also:

(i) Keep SCS area and field offices informed of species listed as being threatened or endangered, geographic area in which they are found, and information such as their numbers, preferred habitat, and critical factors.

(ii) Review the status of threatened and endangered species each December and send a report of the review to the Administrator.

(5) SCS district conservationists within the geographic range of threatened and endangered species will examine conservation district programs and SCS operations to evaluate their effects on these species, and recommend to district officials and the state conservationist any action needed for their protection.

(6) SCS field employees within the geographic range of threatened and endangered species will be continually alert to conditions, actions, or trends that may adversely affect the welfare of these species and report adverse situations to the state conservationist.

§ 650.23 Natural areas.

(a) *Background.* (1) Natural areas are defined as land or water units where natural conditions are maintained insofar as possible. Natural conditions usually result from allowing ordinary physical and biological processes to operate with a minimum of human intervention. Manipulations may be required on natural areas to maintain or restore features that the areas were established to protect.

(2) Natural areas may be designated areas of federal, nonfederal government, or privately controlled land. Designation may be formal as provided for under federal regulations for areas of federal land to be administered as natural areas or by foundations or conservation organizations specifically created to acquire and maintain natural areas. Designation may be informal in the case of private landowners who designate a specific area as a natural area and manage it accordingly. Several professional societies concerned with renewable natural resources encourage establishment of natural areas withdrawn from economic uses and recognition of natural areas maintained and managed in economic enterprises.

(3) Natural areas are established and maintained for a variety of purposes including:

(i) *Furthering science and education.* Natural areas provide sites for research and outdoor classrooms for study of plant and animal communities in environments with particular ecological conditions.

(ii) *Monitoring the surrounding environment.* Natural areas serve as gauges against which to evaluate changes in land use, vegetation, animal life, air quality, or other environmental values.

(iii) *Providing recreation attractions.* Natural areas are valued by many people for their scenic, wild, and undisturbed character but must be protected, as needed, to prevent disturbance or alteration of the resources.

(iv) *Preserving unique values.* Natural areas may be established to protect scenic, biologic, geologic, or paleontologic features.

(v) *Serving as a genetic base for native plants and animals.* Natural areas may be established to preserve examples of land and water ecosystems with their full range of genetic diversity of native plants and animals including threatened and endangered species.

(b) *Policy.* SCS will recognize natural areas, if so dedicated, as a land use, and will support the designation of appropriate natural areas.

(c) *Responsibility*—(1) *SCS national office.* The Administrator will designate a member of the national office staff to act as SCS representative on the Federal Committee for Ecological Preserves and to provide appropriate liaison with other federal agencies and nonfederal groups concerned with natural areas.

(2) *Technical service center.* The TSC director will designate a TSC plant sciences discipline leader to provide leadership, appropriate liaison, and assistance on natural areas to SCS state offices.

(3) *SCS state office.* The state conservationist will designate an appropriate SCS representative to work with other agencies and groups, and will coordinate assistance on natural areas needed by area and field offices.

(d) *Coordination and implementation.* (1) SCS technical assistance will be furnished to representatives of administering agencies, foundations, groups, and individuals when requested through conservation districts. Conservation district officers will be encouraged to recognize appropriate natural areas concepts and programs and to participate in them.

(2) SCS employees will report to state conservationists abuses and potential or actual damages to natural areas that may be found in the course of ordinary business.

(3) SCS will cooperate with professional societies, groups, and individuals in locating areas suitable for and needed as natural areas.

(4) SCS employees providing technical assistance to land users must inform them about the impact their decisions may have on adjacent or nearby natural areas. Land users will be encourged to consult with concerned agencies, societies, and individuals to arrive at mutually satisfactory land use and treatment.

(5) Recommended classification systems for characterizing areas designated as ecological preserves or as natural areas are contained in the following publications:

Soil Taxonomy, a Basic System of Soil Classification for Making and Interpreting Soil Surveys, USDA–SCS Agricultural Handbook 436.

Forest Cover Types of North America Exclusive of Mexico, Report of the Committee on Forest Cover Types, Society of American Foresters, 1964.

Potential Natural Vegetation of Coterminous United States, A. W. Kuchler, American Geographical Society Special Publication 36, 1964.

Wetlands classification described by the U.S. Fish and Wildlife Service in its Circular 39.

SCS will, to the extent feasible, use these classification systems when providing technical assistance on public and private natural areas and ecological preserves.

(6) The SCS published National List of Scientific Plant Names will be used when scientific names or name symbols are needed for automatic data processing.

§ 650.24 Scenic beauty (visual resource).

(a) *Background.* Contributions to scenic beauty are a normal product of SCS work. Strip-cropping, field borders, field windbreaks, and ponds are examples. Emphasis is given to those soil and water conservation measures that contribute to a productive and efficient agriculture and increase the attractiveness of rural America and are in line with goals and objectives of conservation districts. This is best accomplished by considering the landscape visual resource when providing planning assistance to individual landowners, groups, units of government, and watershed and resource conservation development project sponsors. SCS responsibilities in recreation also offer opportunities to develop the scenic beauty of the rural landscape. Department of Agriculture Secretary's Memorandum 1695, May 28, 1970, "Protecting and Improving The Quality of the Environment," includes scenic beauty as an objective of the Department's programs.

(b) *Policy.* SCS will: (1) Provide technical assistance with full consideration of alternative management and development systems that preserve scenic beauty or improve the visual resource; (2) emphasize the application of conservation practices having scenic beauty or visual resource values particularly in waste management systems; field borders, field windbreaks wetland management, access roads, critical area treatment; design and management of ponds, stream margins odd areas, and farmsteads; siting or positioning of structures and buildings to be in harmony with the landscape while reducing the potential for erosion; using native and other adaptable plants for conservation which enhance scenic beauty and create variety while linking beauty with utility; (3) promote personal pride in landowners in the installation, maintenance, and appearance of conservation practices and their properties; (4) select suitable areas for waste products and use of screens to hide "eye-sore" areas, and (5) encourage conservation districts to include practices which promote scenic beauty in their annual and long-range programs.

(c) *Responsibility.* The Soil Conservation Service will provide technical assistance through conservation districts to landowners, operators, communities, and state and local governments in developing programs relating to scenic beauty.

(1) *SCS national office.* The Administrator will:

(i) Assign appropriate SCS national office leadership to insure that enhancement of scenic beauty is included in national information. policy, guidelines, standards, guides to specifications for conservation practices without impairing basic soil and water conservation functions.

(ii) Emphasize in plant material center management and in plant materials functions that locating and evaluating plants for forage, erosion control, and recreation or wildlife uses be carried out with full attention to visual resource value.

(2) *SCS state office.* The state conservationist will:

(i) Assign appropriate staff member(s) to provide leadership in carrying out scenic beauty policy and procedure within the state.

(ii) Develop and keep current a landscape management plan to improve and maintain the appearance of all real properties under SCS control, and provide appropriate assistance to owners and managers of properties leased or rented by SCS.

(iii) Give emphasis to preserving scenic beauty and contributing to the visual resource in the SCS information program whenever opportunities exist.

(d) *Coordination and implementation.* (1) The governing body of each conservation district will be encouraged to revise or update its district program to appropriately provide for beautification of the countryside through applicable land use changes and effective soil and water conservation treatment.

(2) In providing assistance to watershed and resource conservation and development project sponsors and other resource planning groups for soil, water, and related resources, emphasis will be given to measures that preserve natural beauty or contribute to the quality of the visual resource.

(3) Local organizations and groups interested in scenic beauty will be contacted and consulted for cooperation in and coordination with SCS and conservation district efforts.

[FR Doc.74–20201 Filed 8–30–74; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 121]

[Docket No. 13989; Notice No. 74–30]

AIRBORNE VIBRATION MONITORS

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering amending § 121.307 of the Federal Aviation Regulations to provide that no person may conduct an operation under Part 121 of the Federal Aviation Regulations in a Boeing Model B–747, Lockheed Model L–1011, or McDonnell Douglas Model DC–10 aircraft without having installed in the aircraft an indicator to indicate to the flight crew rotor system unbalance for each engine.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before November 4, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The FAA believes that the utilization of operable airborne vibration monitor (AVM) system in the wide body jet fleet would result in a significant reduction in the frequency of uncontained engine failures with a minimum economic burden being placed on the aviation industry.

In the past, AVM systems have been installed in older jet aircraft to detect

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engine rotor unbalance that would indicate to the pilot the possibility of an impending engine failure. Those earlier systems provided varying degrees of reliability. Because of the problems with the earlier systems and because of the advent of the wide body jets that incorporate engines with massive moving parts which could, during an engine failure, penetrate the cabin and cause serious damage to the aircraft and injuries to its occupants, the aircraft manufacturers have applied updated technology and have developed AVM systems that do provide a reliable indication of rotor system unbalance in wide body jets.

All U.S. registered wide body jets incorporate AVM systems of a type that would be required under the proposal; however, a number of the AVM systems have been disconnected instead of repaired when it appeared that the AVM system was malfunctioning. By amending § 121.307 to require the incorporation of AVM systems, operations with an aircraft so equipped would not be permitted unless such equipment were in an operable condition under the provisions of § 121.303(d)(2).

It should be noted that Amendments 25-35 and 33-5, issued January 8, 1974 and made effective March 1, 1974 (39 FR 1831), added requirements to Parts 25 and 33 of the Federal Aviation Regulations to require that for the type certification of turbojet engine powered transport category airplanes an indicator to indicate rotor system unbalance be installed and that for the type certification of turbojet engines a means of connecting the indicating system be provided.

This amendment is proposed under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 121.307 of Part 121 of the Federal Aviation Regulations by adding a new paragraph (m) to read as follows:

§ 121.307 Engine instruments.

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(m) For Boeing Model B-747, Lockheed Model L-1011, and McDonnell Douglas Model DC-10 aircraft, an indicator to indicate rotor system unbalance for each engine to the flight crew.

Issued in Washington, D.C., on August 23, 1974.

C. R. MELUGIN, JR.,
Acting Director,
Flight Standards Service.

[FR Doc.74-20190 Filed 8-30-74;8:45 am]

ACTION

[45 CFR Part 1215]

INSPECTION AND COPYING OF RECORDS

Compliance With Public Information Act

The provisions of the Public Information Act, 5 U.S.C. 552, require that each agency of the Federal Government make available to the public at established places identifiable records of the agency as therein specified.

Notice is hereby given that the Director of ACTION proposes to amend Chapter XII of Title 45, Code of Federal Regulations, to add a new Part 1215 to provide for regulations permitting the inspection and copying of documents of the ACTION agency.

Inquiries may be addressed and comments and views concerning the proposed new subpart may be submitted to ACTION, 806 Connecticut Avenue, NW., Washington, D.C., 20525, Attn: The Deputy Director. All comments received on or before October 3, 1974 will be considered. All comments and responses to this proposal will be available for public inspection during normal business hours at the foregoing address.

It is therefore proposed to add a new part 1215 to Chapter XII of Title 45 of the Code of Federal Regulations as follows:

PART 1215—INSPECTION AND COPYING OF RECORDS: RULES FOR COMPLIANCE OF PUBLIC INFORMATION ACT

Sec.

1215.1 Purpose.
1215.2 Definitions.
1215.3 Availability of records.
1215.4 Records which may be exempt from disclosure.
1215.5 Authority to release and certify records.
1215.6 Location of records.
1215.7 Records generally available.
1215.8 Identification of records.
1215.9 Manner of requesting records.
1215.10 Schedule of fees.

AUTHORITY: Sec. 402(12), 3420, Pub. L. 93-113, 87 Stat. 394, 414.

§ 1215.1 Purpose.

The purpose of this part is to prescribe rules for the inspection and copying of opinions, policy statements, staff manuals, instructions, and other records of ACTION pursuant to 5 U.S.C. 552.

§ 1215.2 Definitions.

As used in this part, the following definitions shall apply:

(a) "The Agency" means ACTION.

(b) "Record" includes all books, papers, maps, photographs, or other documentary material or copies thereof, regardless of physical form or characteristics, made in or received by ACTION and preserved as evidence of its organization, functions, policies, decisions, procedures, operations or other activities, but does not include books, magazines, or other materials acquired solely for library purposes and available to any officially designated library of the office.

(c) "Identifiable" means, in the context of a request for a record, a reasonably specific description of the particular record sought, such as dates, format, and subject matter, which will permit its location.

§ 1215.3 Availability of records.

All identifiable records of ACTION requested under 5 U.S.C. 552 shall be made available to the public upon compliance with the procedures established in this part, except to the extent that the determination is made, in accord with the procedures set forth herein, that a record is exempt from disclosure and is to be withheld in the public interest. All publications, and other documents heretofore provided by ACTION in the normal course of business will continue to be made available without charge, upon request to the appropriate unit of the Agency.

§ 1215.4 Records which may be exempt from disclosure.

The following categories are examples of records maintained by ACTION which, under 5 U.S.C. 552(b), may be exempted from disclosure:

(a) Records required to be withheld by Executive Order or other authority, relating to national defense or foreign policy. Included in this category are records required by Executive Order No. 10501, as amended, to be kept secret in the interest of national defense or foreign policy.

(b) Records related solely to internal personnel rules and practices. Included in this category are internal rules and practices relating to management operations which cannot be disclosed to the public without substantial prejudice to the effective performance of a significant function of the agency.

(c) Records specifically exempted from disclosure by statute. Included in this category are records relating to the officers and employees of the Agency.

(d) Information given in confidence. Included in this category are records reflecting commercial and financial information, as well as other information, obtained from any person and customarily regarded as privileged and confidential by the person from whom they were obtained, such as information provided to physicians or psychologists regarding volunteers or volunteer applicants for Peace Corps, VISTA, or other ACTION volunteer programs.

(e) Interagency or intra-agency memoranda or letters. Included in this category are records such as interagency communications and internal drafts, memoranda between officials and between agencies, opinions and interpretations prepared by staff or consultants; records of the deliberations of staff; and records the premature disclosure of which would interfere with the achievement of the purpose for which they were being prepared.

(f) Personnel, medical and other files. Included in this category are personnel and medical files of staff and volunteers and other files containing private or personnel information, the public disclosure of would amount to a clearly unwarranted invasion of the privacy of any person to whom the information pertains.

(g) Investigatory files. Included in this category are files compiled for the enforcement of all laws, or prepared in connection with government litigation and adjudicative proceedings, except for those portions of such files which are by law available to persons in litigation with the government, in which case such portion shall be made available to such litigant.

§ 1215.5 Authority to release and certify records.

(a) Authority is hereby delegated to the Chief of the Administrative Services Division, Office of Administration and Finance, to furnish, pursuant to these regulations, copies of records to any person entitled thereto, and upon request to provide certified copies thereof for use in judicial proceedings or other official matters as provided below. —

(1) The Chief of the Administrative Services Division, and his deputy, are hereby designated to act as authentication officers. When the authentication officer is unavailable, any other person within such division delegated by the Director may act in his place instead. The authentication officer is hereby authorized to sign and initial certificates of authentication for and in the name of the Director of ACTION. The form of authentication shall be as follows:

In testimony whereof, I _____, Director of ACTION, have hereunder caused my name to be subscribed by the authentication officer of said agency at _____ this _____ day of _____, 19_____.

_____
Director of ACTION

By _____
Authentication Officer
ACTION

(2) The authentication officer is also hereby authorized to issue such statements, certificates, or other documents as may be required in connection with judicial proceedings or other official matters to show that, after thorough search of ACTION records, a requested record has not been found (See Rule 44(b), Federal Rules of Civil Procedure for the U.S. District Court).

§ 1215.6 Location of records.

(a) The agency will maintain a central records room at its headquarters in Washington, D.C. The headquarters of ACTION is presently located at 806 Connecticut Avenue, NW., Washington, D.C. The specific location of the central records room shall be the ACTION library, the location of which may change from time to time. The specific location of the library may be determined by requesting such information from the ACTION receptionist in the Office of the Director of ACTION.

(b) The agency has regional offices in the following places:

Region I
John W. McCormack Federal Building
Room 1405
Boston, Massachusetts 02109

Region II
26 Federal Plaza
New York, New York 10007

Region III
1405 Locust Street
Philadelphia, Pennsylvania 19102

Region IV
730 Peachtree Street, NE.
Atlanta, Georgia 30308

Region V
1 North Wacker Drive
Chicago, Illinois 60606

Region VI
212 No. St. Paul Street
Dallas, Texas 75202

Region VII
Two Gateway Center
5th & State
Kansas City, Kansas 66101

Region VIII
514 Prudential Plaza
1050 17th Street
Denver, Colorado 80202

Region IX
100 McAllister Street
San Francisco, California 94102

Region X
1602 2nd Avenue
Seattle, Washington 98101

Although it may not always be feasible in these offices to set aside rooms for the exclusive or primary use of the public, every reasonable effort will be made to accommodate members of the public who wish to use regional office facilities for the purpose of inspecting and copying records. The office will also endeavor to maintain and have readily available in its regional offices materials generally available in the central records room and each regional office will designate a records officer to receive and handle requests submitted pursuant to this part.

§ 1215.7 Records generally available.

The agency will attempt to make promptly available to any member of the public the following documents subject to the limitations contained in § 1215.4: (a) All final opinions and orders made in the adjudication of cases which have or may have precedential effect; (b) statements of policy and interpretation adopted by the office which have not been published in the FEDERAL REGISTER which have been or may be cited and relied upon as precedents; (c) administrative staff manuals and instructions to the staff which affect the public; (d) a current index covering so much of the foregoing materials as may have been issued, adopted or promulgated after October 1, 1973.

§ 1215.8 Identification of records.

(a) In order for the Agency to locate records and make them available it is necessary that it be able to identify the specific records sought. Persons wishing to inspect or secure copies of records should therefore seek to identify them as fully and as accurately as possible. In cases where requests are submitted which are not sufficient to permit identification, the records officer receiving the request will endeavor to assist the person seeking the records in filling in necessary details.

(b) Among the kinds of information which a person seeking records should try to provide in order to permit an identification of a record are the following:

(1) The unit or program of the agency which may be responsible for or may have produced the record such as VISTA, Peace Corps, or UYA.

(2) The specific event or action, if any, and if known, to which the record refers.

(3) The date of the record or the period to which it refers or relates if known.

(4) The type of record, such as an application, a contract, a grant or a report.

(5) Personnel of the office who may have prepared or have knowledge of the record.

(6) Citation to newspapers or publications which are known to have referred to the record.

§ 1215.9 Manner of requesting records.

(a) Requests under the Freedom of Information Act (5 U.S.C. 552) for access to ACTION records may be filed in person or by mail with the Chief of Administrative Services of the aforesaid at ACTION headquarters, 806 Connecticut Avenue, NW., Washington, D.C. 20525. Personal requests shall be received from between 10 a.m. and 4 p.m., Monday through Friday, except for official holidays. Records will be made available as promptly as is reasonably possible under the particular circumstances involved.

(b) Requests relating to any other Federal agency's records, copies of which are on file in ACTION, will normally be referred to that agency for consideration.

(c) Personal requests for access to records shall be made on ACTION forms, copies of which are available in the ACTION library in the Office of the Chief of Administrative Services. In the case of requests made by mail, the form will be completed by the Office of the Chief of Administrative Services.

(d) Upon receipt of request for a record, the Chief of the Office of Administrative Services will make an initial determination as to whether the request of the record is identifiable within the meaning of § 1215.8 hereof. Upon making an initial affirmative determination, he shall refer the request to the head of the unit concerned and so advice the requestor. Upon the receipt of the request the head of the unit shall determine whether the record is identifiable within the meaning of § 1215.8.

(e) If the Chief of Administrative Services or the head of the unit concerned determines that a requestor's record is not identifiable within the meaning of § 1215.8 hereof, the requestor shall be so advised and shall be permitted to amend his request to provide any additional information that would make the record identifiable. The requestor may seek appropriate assistance from the head of the unit concerned or the Chief of Administrative Services or any member of their staff.

(f) If the record requested is identifiable, the head of the unit concerned shall make it available unless he determines

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that disclosure may be contrary to the public interest in accord with the exceptions described in § 1215.4. When he so determines, he shall immediately refer the request and record concerned to the Director of the office in which his unit is located. If that Director determines that the requestor's record should be withheld as exempt from disclosure from public interest, he shall immediately refer the request and the record concerned to the General Counsel.

(g) The General Counsel shall promptly advise the appropriate director whether or not the record concerned is exempt under 5 U.S.C. 552(b).

(h) If the General Counsel advises that the record is exempt, the Office Director, in consultation with the Chief of Administrative Services, shall then determine whether or not the record should, in the public interest, be withheld. If the decision is to withhold the record, the General Counsel's Office shall notify the requestor in writing, clearly stating the reasons for the decision reached.

(i) If the requestor's record is identifiable and the unit head of office director concerned has found no reason to withhold it, or if after receiving the General Counsel's advice, the Office Director decides not to withhold the record, the requested record shall be made available to the requester.

(j) Any requester may request the Director of ACTION, or his designate, to review a determination that an identifiable record be withheld. Requests for review may be made by a letter or other written statement setting forth the pertinent facts. The Director will promptly consider each request for review and notify the requester involved, in writing, of his decision.

§ 1215.10 Schedule of fees.

It is the policy of ACTION to encourage the widest possible distribution of information concerning programs under this jurisdiction. To the extent practicable, that policy will be applied under this part so as to permit requests for inspection or copies of records to be met without substantial cost to the person making the request. The following charges will be made for any copies requested by a requester.

(a) Copies made by photostat or otherwise (per page)—$.10.

(b) Certification of any record as a true copy—$.75.

(c) Certified statement of failure to locate record—$.75.

(d) When no specific fee has been established for a service or the requested service does not fall in one of the above categories, the Chief of the Administrative Services Division is authorized to establish an appropriate fee pursuant to criteria established in Office of Management and Budget Circular No. A-25 entitled "User Charges."

(e) Payment shall be made to the Chief of the Administrative Services Division in cash or by personal check, money order, etc. Checks or other remittances shall be made payable to ACTION. A receipt for any fees paid will be provided upon request.

Issued at Washington, D.C., on August 28, 1974.

JOHN L. GANLEY,
Deputy Director, ACTION.

[FR Doc.74-20191 Filed 8-30-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1120]

CONSUMER PRODUCT SAFETY COMPLAINTS: RECORDS, ACCESS, AND INFORMATION

Proposed Recordkeeping Requirements

The purpose of this notice is to propose requirements that manufacturers, importers, private labelers, and distributors of consumer products maintain and permit access to records and provide information relating to consumer product safety complaints. These requirements are proposed under section 16(b) of the Consumer Product Safety Act (15 U.S.C. 2065(b)). Comments on this proposal are invited on or before October 3, 1974.

Section 16(b) of the Act requires every manufacturer (including importer), private labeler, or distributor of a consumer product to establish and maintain such records, make such reports, and provide such information as the Consumer Product Safety Commission may by rule reasonably require for the purposes of implementing the Act or to determine compliance with rules or orders prescribed under the Act. Section 16(b) also requires every manufacturer (including importer), private labeler, or distributor of a consumer product, upon request of an officer or employee duly designated by the Commission, to permit the inspection of appropriate books, records, and papers relevant to determining whether such person has acted for is acting in compliance with the Act and rules under the Act.

The proposal under consideration would require records of all consumer product safety complaints to be maintained in an accessible location for a period of at least five years from receipt. All complaints, even those deemed by persons subject to the rule to be of no merit, would have to be maintained, so that the Commission could obtain a full picture of all consumer product safety complaints received in regard to any particular consumer product. The proposed rule would also require that duly designated officers, agents, or employees of the Commission be given immediate access to the records required to be maintained and that information required by the Commission be supplied immediately upon request.

Under the proposal, importers would be subject to the same requirements manufacturers are required to follow, since the term manufacturer, as defined in section 3(a)(4) of the Act (15 U.S.C. 2052(a)(4)), includes the term importer.

The rule, as proposed, would apply to manufacturers, importers, private labelers, and distributors of consumer products subject to regulation under the Consumer Product Safety Act and under authority of the Acts transferred to the Commission by section 30 of the Act (15 U.S.C. 2079), namely, the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) and the Refrigerator Safety Act (15 U.S.C. 1211 et seq.).

Section 30(d) of the Consumer Product Safety Act states that risks of injury associated with a consumer product which could be eliminated or reduced to a sufficient extent by action taken under the transferred acts may be regulated by the Commission only in accordance with the provisions of those acts. The proposed rule is based, in part, on the premise that these requirements as to Consumer Product Safety Complaints are essential to the purpose of protecting the public against unreasonable risks of injury associated with consumer products and, moreover, that it is essential for the Commission to be able to obtain information on consumer product safety complaints from all manufacturers, importers, private labelers, and distributors of consumer products. At this time the Commission believes that risks of injury associated with consumer products cannot be eliminated or reduced to a sufficient extent by action taken under the transferred acts and proposes this rule to apply to manufacturers, importers, private labelers, and distributors of consumer products subject to the transferred acts and the Consumer Product Safety Act. Comments and legal arguments on this issue may, of course, be presented in response to this notice.

Information collected under any final rule would allow the Commission to determine the number and extent of consumer product safety complaints which have been received relating to a specific product. It would help the Commission determine priorities for future rules and determine the hazards which future regulations should address. It would also assist the Commission in determining compliance with the Consumer Product Safety Act, particularly sections 15 and 17 of the Act, and the transferred acts, as well as with consumer product safety rules or other rules and orders prescribed by the Commission.

Although the proposed rule may have an effect on private products liability litigation, the Commission believes that the proposed rule is within its authority and it believes that the benefit to be obtained from the ability to monitor consumer product safety complaints requires that the rule proposed be issued. One of the purposes of this notice is to provide opportunity for comment and legal argument on this issue.

Failure to comply with the requirements of any rule that may be promulgated in final form would constitute a violation of section 19(a)(3) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(3)), and could subject the violator to the civil and criminal penalties set forth in sections 20 and 21 of the Act (15 U.S.C. 2069, 2070).

The Commission does not view the proposed rule as the sole rule to be issued under section 16(b) of the Act. Rather, it will consider adoption of such additional rules under section 16(b) as it finds are necessary for implementing the Act or determining compliance with rules or orders prescribed under the Act.

The Commission proposes that any final rule promulgated would (1) become effective thirty days after its publication in the FEDERAL REGISTER, and (2) apply to all consumer product safety complaints received after the effective date of the rule.

Therefore, under the authority of section 16(b) of the Consumer Product Safety Act (Pub. Law 92-573, 86 stat. 1222, 15 U.S.C. 2065(b)), the Consumer Product Safety Commission proposes the following Part 1120:

PART 1120—RECORDKEEPING

Subpart A—Consumer Product Safety Complaints: Records, Access, and Information

Sec.
1120.1 Purpose and scope.
1120.2 Definitions.
1120.3 Records.
1120.4 Access.
1120.5 Information.

AUTHORITY: sec. 16(b), Pub. L. 92-573; 86 Stat. 1222; 15 U.S.C. 2065(b)

Subpart A—Consumer Product Safety Complaints: Records, Access, and Information

§ 1120.1 Purpose and scope.

(a) This subpart is promulgated under the authority of section 16(b) of the Consumer Product Safety Act. (15 U.S.C. 2065(b)).

(b) The purpose of this subpart is to state requirements for all manufacturers, importers, private labelers, and distributors of consumer products to maintain records of all consumer product safety complaints received, to make reports of consumer product safety complaints as required in this subpart, and, upon request, to provide certain information to the Consumer Product Safety Commission concerning consumer product safety complaints. This subpart also requires that those subject to this subpart permit the inspection and copying of all consumer product safety complaints and books, records, and papers related to those complaints.

(c) This subpart applies to all consumer product safety complaints received by every manufacturer (including importer), private labeler, and distributor of a consumer product on or after the effective date of this section.

(d) This subpart applies, pursuant to section 30(d) of the Consumer Product Safety Act (15 U.S.C. 2079), to every manufacturer, importer, private labeler, and distributor of a consumer product subject to regulation under the Consumer Product Safety Act and under authority of the Acts transferred to the Commission by section 30 of Act, namely, the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), the Flammable Fabrics Act (15 U.S.C. 1191 et seq.) and the Refrigerator Safety Act (15 U.S.C. 1211 et seq.).

§ 1120.2 Definitions.

(a) The definitions of terms set forth in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) shall apply to such terms as used in this subpart.

(b)(1) The term "consumer product safety complaint" means any oral or written communication, regardless of the truth of the allegations contained therein, received by a manufacturer, importer, private labeler, or distributor, from any individual or organization, concerning a death, illness, or injury or potential death, illness, or injury related to a consumer product or any complaint related to the safety of a consumer product. The term also includes written memoranda of any oral communication, and records of law suits related to consumer product safety.

(2) The term "consumer product safety complaint" includes the analysis, if any, by those subject to this subpart (and their agents or contractors) of any consumer product safety complaint and the written response and/or written memorandum of the oral response, if any, to any consumer product safety complaint. The analysis of the consumer product safety complaint includes such records as technical studies, tests, or other records of investigation of the complaint and the conclusion thereon, if any.

§ 1120.3 Records.

(a) Every manufacturer, importer, private labeler, or distributor of any consumer product shall maintain, for a period of at least five years from date of receipt of consumer product safety complaints, records as described in paragraph (d) of this section, organized according to the consumer product about which the complaint was made. The records so required shall be identifiable and readily accessible for inspection and copying, upon request, to duly designated officers, agents, or employees of the Consumer Product Safety Commission.

(b) Such records shall be maintained at the main corporate headquarters or principal place of business in the United States of each person subject to this section: *Provided*, That the records may be maintained at such other location(s) within the United States as may be designated by the manufacturer, importer, private labeler, or distributor subject to this subpart, if a list of the location(s) of such records is additionally maintained at such location where records are maintained and at the main corporate headquarters or principal place of business in the United States of each person subject to this subpart.

(c) The distributor or private labeler of a consumer product may delegate the responsibility for maintaining records required by this subpart to the manufacturer or importer of the consumer product: *Provided*,

(1) The manufacturer or importer agrees, in writing, to maintain the records required by this subpart in accordance with the provisions of this subpart; and

(2) The distributor or private labeler agrees, in writing, to transmit to the manufacturer or importer, all consumer product safety complaints related to the safety of the consumer product; and

(3) The distributor or private labeler maintains a copy of the delegation of responsibility and agreements required by this paragraph and a list of the person(s) to whom and location(s) to which the consumer product safety complaints have been transmitted at the main corporate headquarters or principal place of business in the United States of the distributor or private labeler; and

(4) The distributor or private labeler immediately provides the Commission access (for inspection and copying) to and information about such delegation, agreement, and list pursuant to §§ 1120.4 and 1120.5.

(d) The records of consumer product safety complaints shall contain at least the following:

(1) At least one copy of any written consumer product safety complaint;

(2) A written memorandum of each oral consumer product safety complaint;

(3) A record of any law suit(s) filed regarding or related to a consumer product safety complaint, including the date filed, the court and the docket number involved, a copy of the complaint filed, and the outcome of any such law suit, if concluded;

(4) An analysis, if any, by those persons subject to this section (and their agents or contractors) of the allegations of any consumer product safety complaint;

(5) The written response, if any, by those subject to this section to any consumer product safety complaint. If the response is oral, a written memorandum of the response shall be maintained.

(e) The records required by this subpart may be maintained in hard copies or microfilm or microfiche, or other similar manner. They may not be maintained, for the purposes of this section, on computer tape.

§ 1120.4 Access.

(a) Immediately upon an oral or written request of an officer, agent, or employee duly designated by the Commission, every manufacturer, importer, private labeler, or distributor of a consumer product shall permit inspection and copying of books, records, and papers relating to consumer product safety complaints required by this subpart.

(b) Immediately upon an oral or written request of an officer, agent, or employee duly designated by the Commission, every manufacturer, importer, private labeler, or distributor of a consumer product shall permit access to and copying of list(s) of location(s) at which the records required by this subpart are maintained.

§ 1120.5 Information.

Each manufacturer, importer, private labeler, or distributor of a consumer

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product shall immediately provide to the Commission upon oral or written request of any duly designated officer, agent, or employee of the Commission:

(a) A list of the locations of records kept in compliance with this subpart; and

(b) Answers to questions from the Commission as to whether any consumer product safety complaints have been received with regard to any particular consumer product.

Comments and views on this notice may be submitted, preferably with five copies, to the Secretary, Consumer Product Safety Commission, Room 1025, 1750 K Street, NW., Washington, D.C. 20207, until October 3, 1974. Comments received after that date will not be considered. All comments timely received will be on public view in the Office of the Secretary during normal working hours, Monday through Friday.

(Sec. 16(b), Pub. L. 92-573, 86 Stat. 1222; (15 U.S.C. 2065(b)))

Dated: August 27, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-20186 Filed 8-30-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 256-5]

TENNESSEE

Proposed Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout its territory. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all stationary sources of air pollution must be in compliance with any applicable requirement of the plan.

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of the Tennessee State implementation plan. On June 20, 1973 (38 FR 16144), the Administrator approved a number of individually negotiated compliance schedules, but noted that the Tennessee plan failed to meet the requirements of 40 CFR 51.15(c) since compliance schedules with adequate increments of progress had not been submitted by the State for every source for which they were required.

On March 19, 1974 (39 FR 10273), the Administrator announced that Tennessee had submitted additional individual compliance schedules, some of which were proposed for approval. In the present notice, the Administrator announces the submittal of still more individual schedules, proposes certain of them for approval, and invites public comment on his proposal.

The schedules which are the subject of this notice were submitted, pursuant to 40 CFR 51.6 and 51.15, on October 16 and December 26, 1973, and on February 20, 1974, for the Agency's approval, and are, in effect, plan revisions. Each proposed revision establishes a new date by which an individual air pollution source must attain compliance with an emission limitation of the State implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with interim dates for achieving those steps. While the table below does not list these interim dates, the actual schedules do. These schedules are proposed as additions to the table published at 40 CFR 52.2223(c)(1). They are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
Region IV
1421 Peachtree St., NE.
Atlanta, Georgia 30309

Division of Air Pollution Control
Tennessee Department of Public Health
C2-212, Cordell Hull Building
Nashville, Tennessee 37219

Each compliance schedule was adopted by the Tennessee Air Pollution Control Board, and was submitted to the Agency after notice and public hearing in accordance with the procedural requirements of 40 CFR 51.4. Moreover, each has been determined to be consistent with the approved control strategies of the Tennessee plan. An evaluation of the Tennessee compliance schedule submittal may be consulted by the public at the Atlanta location given above.

All interested parties are encouraged to submit written comments on these proposed plan revisions. All relevant comments will be weighed carefully by the Agency before it approves or disapproves these changes in the Tennessee plan. Comments will be accepted on or before October 3, 1974, and should be addressed to the Acting Director, Air Programs Office Environmental Protection Agency, Region IV, 1421 Peachtree St., NE., Atlanta, Georgia 30309, Attention: Mr. Thomas A. Strickland.

(Sec. 110(a), Clean Air Act, as amended 1970 (42 U.S.C. 1857c-5(a)))

Dated: August 16, 1974.

JACK E. RAVAN,
Regional Administrator, Region IV.

It is proposed to amend Part 52 of Chapter I, Title 40, Code of Federal Regulations as follows:

Subpart RR—Tennessee

Section 52.2223 is amended by adding new lines to the table in paragraph (c)(1) as follows:

§ 52.2223 Compliance schedules.

* * * * *

(c)(1) * * *

Tennessee

Source	Location	State regulation involved	Date of adoption	Effective date	Final compliance date
Aluminum Co. of America, sources 22 and 23 (carbon anode baking).	Alcoa	Ch. V, sec. II.B.	Nov. 28, 1973	Immediately	July 9, 1974
Berkline Corp., plant No. 1, collector No. 6.	Morristown	Ch. V, sec. II.B; ch. VII, sec. II.	do	do	June 9, 1974
E. I. DuPont: 3 steam boilers, particulate emissions, SO_2 emissions.	New Johnsonville.	Ch. V, sec. II.B; ch. V, sec. II.A(2).	Feb. 6, 1974	do	June 1975
Industrial Products Co., Inc.: Control equipment.	Mt. Pleasant	Ch. V, sec. II.B; ch. VII, sec. II.	Nov. 28, 1973	do	Jan. 1, 1974
Interstate Foundry & Maching Co.: Cupola.	Johnson City	Ch. V, sec. II.B; ch. VII, sec. IX.B.	do	do	Feb. 9, 1974
Laminite Plastics Corp.: Moldow system (phase I only).	Morristown	Ch. V, sec. II.B; ch. VII, sec. II.	do	do	Apr. 30, 1974
Lea Industries:					
Plant No. 4; process emissions	do	do	do	do	Jan. 1, 1974
Plant No. 5; process emissions	do	do	do	do	Aug. 9, 1974
Plant No. 6; process emissions	do	do	do	do	Do.
Plant No. 6, boiler	do	Ch. V	do	do	Feb. 1, 1974
Lewisburg Casting Co., Inc.: Cupola.	Lewisburg	do	do	do	June 9, 1974
A. B. Long Quarries, Inc.: Limestone quarry and crusher.	Harriman	Ch. V, sec. II.B; ch. VII, sec. II; ch. VIII.	do	do	Mar. 30, 1974
Monsanto Industrial Chemical Co.	Columbia	Ch. VII	Feb. 6, 1973	do	July 1, 1975
Penn-Dixie Cement Corp.: Cement plant.	Richard City	Ch. V, sec. II.B; ch. VII, sec. II.	Nov. 28, 1973	do	June 1, 1975
Plough, Inc.: Boiler	Shelbyville	Ch. V, sec. II.B; ch. VI, sec. II.A(2).	do	do	May 30, 1974
Powermatic-Houdaille, Inc.: Two No. 5 cupolas.	McMinnville	Ch. V, sec. II.B; ch. VII, sec. II.	do	do	Aug. 9, 1974
Royal Oak Charcoal Co.: Kilns 1, 2, 3, 4, 5.	Cookeville	do	do	do	Do.
Don P. Smith Chair Co.: Drying kiln.	Loudin	do	do	do	June 30, 1974
Temple Industries: Conlale burner.	Savannah	Ch. V, sec. II.B; ch. VI, sec. II.D.	do	do	Apr. 30, 1974

Tennessee

Source	Location	State regulation involved	Date of adoption	Effective date	Final compliance date
Tennilite, Inc.: Two rotary kilns	Green Brier	Ch. V, sec. II.B; ch. VII, sec. II.	do	do	July 30, 1974
Tenn. Asphalt Co. & Road Builders, Inc.: Asphalt batching plant.	Cumberland City.	Ch. V, sec. II.B; ch. VII, secs. II and IX.G; ch. VIII.	do	do	Dec. 17, 1974
Vulcan Materials Co.: Furniture sanding machine.	Emory Gap	Ch. V, sec. II.B; ch. VII, sec. II; ch. VIII.	do	do	Mar. 31, 1974
Do	Savannah	Ch. V, sec. II.B; ch. VII, sec. II; ch. VIII.	do	do	June 21, 1974
Do	Parsons	do	do	do	Feb. 18, 1974
Cities Service (41-0073)	Copperhill	Ch. VII, sec. 8	June 19, 1973	do	July 1, 1975
Cities Service (42-0073)	do	do	do	do	Do.
Penn Dixie Cement	Kingsport	Ch. VII, sec. 2	Oct. 9, 1973	do	Do.

[FR Doc.74-19978 Filed 8-30-74;8:45 am]

[40 CFR Part 180]

[FRL 259-6]

ISOBUTYRIC ACID

Proposal To Exempt From Requirement of Tolerances

Tolerances have been established (§ 180.320) for residues of isobutyric acid in or on various raw agricultural commodities at 17,000 parts per million from postharvest application of the fungicides ammonium isobutyrate and/or isobutyric acid. W. R. Grace & Co., Washington Research Center, Columbia, MD 21044, now proposes that residues of isobutyric acid resulting from these uses of ammonium isobutyrate be exempted from the requirement of a tolerance and the restriction that limits application to grains and grasses intended for use as animal feed be deleted.

Based on consideration given data submitted it is concluded that:

1. Residues of isobutyric acid resulting from application of ammonium isobutyrate to the raw agricultural commodities specified in § 180.320 should be exempted from the requirement of tolerances.

2. Further, residues of isobutyric acid resulting from application of isobutyric acid to the raw agricultural commodities specified in § 180.320 should likewise be exempted from the requirement of tolerances.

3. The restriction in § 180.320 that limits application of ammonium isobutyrate or isobutyric acid to raw agricultural commodities intended for use as animal feed should be deleted.

4. The above revisions will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), it is proposed that Part 180 be amended as follows:

§ 180.320 [Deleted]

1. Section 180.320 *Isobutyric acid; tolerances for residues* is deleted from Subpart C.

2. The following new section is established in Subpart D:

§ 180.1030 Isobutyric acid; exemption from the requirement of a tolerance.

The fungicide isobutyric acid is exempted from the requirement of a tolerance for residues resulting from postharvest application of isobutyric acid and/or the fungicide ammonium isobutyrate in or on raw agricultural commodities as follows:

Alfalfa, Bermuda grass, brome grass, clover, fescue, lespedeza, orchard grass, sorghum grain, and timothy from postharvest application of ammonium isobutyrate.

Grains of barley, oats, sorghum, and wheat from postharvest application of isobutyric acid.

Corn from postharvest application of ammonium isobutyrate and/or isobutyric acid.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before October 3, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room B-1, East Tower, 401 M Street, SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received on or before October 3, 1974, and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 5 p.m. Monday through Friday.

Dated: August 23, 1974.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.74-20176 Filed 8-30-74;8:45 am]

V 39 171 SEP 3 74 XUM

[40 CFR Part 180]

[FRL 260-3]

CERTAIN INERT INGREDIENTS IN PESTICIDE FORMULATIONS

Proposed Exemptions From Requirement of Tolerance

The Administrator of the Environmental Protection Agency has received requests to exempt additional inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements under the provisions of section 408 of the Federal Food, Drug, and Cosmetic Act. Based on a review of the history of use and available information on the chemistry and toxicity of these substances, the Administrator finds that these substances are useful as adjuvants and, when used in accordance with good agricultural practice, will not result in a hazard to the public health.

Therefore, pursuant to provisions of the act (sec. 408(c), (e), 68 Stat. 512, 514; 21 U.S.C. 346a(c)(e)), it is proposed that § 180.1001(d) be amended by revising the item "Diethylene glycol • • •" in the table and by alphabetically inserting new items, as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

(d) • • •

Inert ingredients	Limits	Uses
• • •	• • •	• • •
Coal (derived only from anthracite and bituminous coals).	Soil application only	Carrier, extender.
• • •	• • •	• • •
Coke (from anthracite and bituminous coals only and petroleum).	do	Do.
• • •	• • •	• • •
Cyclohexanol		Solvent, cosolvent.
• • •	• • •	• • •
Diethylene glycol and diethylene glycol monobutyl, monoethyl, and monomethyl ethers.		Deactivator for formulations used before crop emerges from soil, stabilizer.
• • •	• • •	• • •
Dipropylene glycol monomethyl ether		Stabilizer.
• • •	• • •	• • •
Ferric chloride	Not greater than 2 percent of pesticide formulation.	Suspending, dispersing agent.
• • •	• • •	• • •
Isobutyl alcohol		Solvent.
• • •	• • •	• • •
Maleic anhydride methylvinyl ether copolymer; average molecular weight 250,000.	Not more than 3 percent of pesticide formulation.	Suspending, dispersing agent.
• • •	• • •	• • •
Propylene glycol monomethylether		Solvent.
• • •	• • •	• • •
Sodium pentachlorophenate	Not more than 0.2 percent of pesticide formulation.	Preservative.
• • •	• • •	• • •

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before October 3, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room B-1, East Tower, 401 M Street, SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received on or before October 3, 1974, and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: August 23, 1974.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.74-20177 Filed 8-30-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 211]

WEEKLY PETROLEUM REPORTING SYSTEM

Proposed Modification of Definition

The Federal Energy Administration hereby gives notice of a proposal to amend Title 10 of the Code of Federal Regulations, Part 211, to make certain changes in the Weekly Petroleum Reporting System.

This proposal would modify the definitions of "Crude oil pipeline" and "Petroleum products pipeline" set forth in § 211.224(b), to specify that crude oil and petroleum products contained in intrastate and intracompany pipelines, as well as interstate pipelines, must be reported to FEA under § 211.224.

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed regulations set forth in this notice to the Executive Secretariat, Federal Energy Administration, Box AX, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to the FEA Executive Secretariat with the designation "Weekly Petroleum Reporting System". Fifteen copies should be submitted. All comments received by September 13, 1974, and all relevant information, will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 211, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., August 29, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

Section 211.224 is revised in paragraph (b) in the definitions of "Crude oil pipeline" and "Petroleum products pipeline" to read as follows:

§ 211.224 Weekly petroleum reporting system.

• • • • •

(b) *Definitions.* • • •

"Crude oil pipeline" means a pipeline which performs the trunk function as defined in 49 CFR 1204.4-3(b) and which carries crude oil, including interstate, intrastate and intracompany pipelines.

"Petroleum products pipeline" means a pipeline which performs the trunk function as defined in 49 CFR 1204.4-3 (b) and which carries petroleum products, including interstate, intrastate and intracompany pipelines.

• • • • •

[FR Doc.74-20384 Filed 8-29-74;4:55 pm]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-10969; File No. S7-432]

QUOTATIONS OF SPECIALISTS AND OVER-THE-COUNTER MARKET MAKERS

Proposed Reporting Requirements

The Commission is releasing for public comment a revision of proposed Rule 17a-14 (17 CFR 240.17a-14) under the Securities Exchange Act of 1934 (the "Act"). The rule, which differs substantially from the version in which it was proposed in March of 1972, and published

in the FEDERAL REGISTER (37 FR 5760), has been revised in view of the many comments which were received thereon, the recommendations of the Commission's Advisory Committee on Market Disclosure (the "Advisory Committee") regarding a composite quotation system, which were submitted on November 21, 1972, and the Commission's experience to date with Rule 17a-15 (17 CFR 240.-17a-15) under the Act.

The revised rule incorporates the recommendation of many commentators on the original proposal that it require the reporting of quotations pursuant to a plan similar to that required by Rule 17a-15. Accordingly, it provides that every registered national securities exchange and national securities association having one or more members which act as market makers or specialists in listed securities must report to the Commission quotations of their respective members in such securities, and every broker-dealer which is not a member of such a self-regulatory organization and which acts as a market maker in listed securities must report to the Commission its quotations, in each case by making such quotations available on a real-time, current and continuing basis in accordance with the terms and provisions of a plan providing for the collection, processing and dissemination of such quotations filed with and declared effective by the Commission.

It is the Commission's view that the self-regulatory organizations, because of their unique role in the statutory scheme, including their obligation to enforce the federal securities laws subject to the Commission's review, are the most appropriate bodies to collect, process and make available consolidated, real-time quotation data. In keeping with this concept of self-regulation embodied in the federal securities laws, therefore, any exchange or association (individually or jointly with any other exchange, association or other person) would, if the proposed version of Rule 17a-14 is adopted, have the first opportunity to file such a plan with the Commission. Vendors would be permitted to contract with the sponsor or sponsors of any plan for access to the quotation data stream and could compete for customers by offering to resell the data coupled with various equipment and software packages.

The Commission is aware that, for a variety of reasons, it is possible that no self-regulatory organization will file a plan under the rule, or that no plan will be filed which can be declared effective within a reasonable time after adoption of the rule. In order to maximize the prompt availability of consolidated quotation information in the unlikely event this occurs, the rule provides that if no such plan from a self-regulatory organization has been received and declared effective by February 1, 1975 (or such later date as the Commission may determine), the Commission will entertain such a plan from any person. The Commission is particularly interested in receiving comment on this aspect of the proposed rule.

The Advisory Committee and many of the commentators on the rule as proposed originally recommended that the rule permit self-regulatory organizations to establish joint procedures for collecting, processing, distributing and displaying quotations. Such joint procedures would be permitted under the revised rule. Since it appears to the Commission that it is appropriate in the public interest and for the protection of investors to effect the centralization of all quotations in listed securities, with a view to the rapid and efficient development of a central market system, the Commission recognizes that, to a significant degree, a uniformity of approach to the development of a composite quotation system will be necessary. Thus, the revised rule would require all self-regulatory organizations to report to the Commission the quotations of their members by making such quotations available on a real-time, current and continuing basis in accordance with the provisions of an effective plan, the terms of which will ensure such uniformity.

To ensure the comprehensiveness of quotations disseminated pursuant to an effective plan, the revised rule would provide further that after any plan has been declared effective and has become operational no person (including a market maker or specialist) may communicate market makers' or specialists' quotations in listed securities otherwise than in accordance with the provisions of such a plan. Consequently, a subscriber to the system will have access to all quotations available in any security quoted in the system.

The revised rule would not impose any minimum market-making obligations upon specialists or market makers whose quotations are to be reported in accordance with an effective plan. Commentators should be aware that the question of an appropriate regulatory framework to govern the activities of all specialists, market makers and block positioners in the context of a central market system is currently being considered both by the Commission's Advisory Committee on the Implementation of a Central Market System (the "CMS Advisory Committee") and the Commission's staff. The Commission believes that it is neither necessary nor appropriate to defer the prompt development of a communications system offering current information concerning quotations in the various markets pending resolution of the complex central market system questions now before the CMS Advisory Committee and the Commission's staff. Nevertheless, the Commission does contemplate that each plan filed under the revised rule will specify those characteristics which each quotation reported in accordance therewith must share. These specifications should include such matters as a requirement that every bid and offer submitted as a specialist's or a market maker's quotation represent, until superseded by a new quotation from that same specialist or market maker, a standardized minimum amount of the security quoted which such specialist or market maker will be obligated to buy and sell at the prices quoted. Additionally, each plan should specify the circumstances under which and the manner in which a specialist or market maker may communicate his willingness to buy or sell securities in a specified quantity at a price away from either side of his current quotation, without being required to report such a bid or offer as a quotation to be disseminated pursuant to an effective plan and without being required to change his current quotation.

The quotation system contemplated by the Commission under the revised rule would reflect only two-sided quotations made on a regular and continuing basis by specialists and market makers. The Commission is aware, however, that it might be appropriate at some point to permit (or, perhaps, under some circumstances, even to require) so-called block positioners and others to reflect their buy and sell interest in the system, but the Commission believes that it would be premature for it to attempt to resolve such questions in the absence of specific proposals with respect to the operation of the system.

The provisions of the revised rule have been made parallel, in a number of respects, to those of Rule 17a-15, adopted by the Commission in November of 1972 (37 FR 24172). For example, to ensure access to the quotations reported pursuant to the rule on a non-discriminatory basis, the revised rule would provide for Commission review of denials of access and would require that any plan provide that no display of quotations disseminated pursuant thereto may exclude quotations based upon the market from which a quotation was entered. Additionally, as with Rule 17a-15, it is the Commission's intention to place any plan filed with the Commission in its public file so that the Commission may secure the benefits of public comment thereon. Before the Commission would impose changes in or otherwise condition the effectiveness of any plan or any amendment thereto, or itself initiate any amendment to the plan after effectiveness, the plan's sponsors would be afforded an opportunity to comment on any such action.

The Commission recognizes that a test of the composite quotation system may be appropriate before it becomes fully operational. In view of the provisions in the consolidated tape plan declared effective by the Commission for such a test of that system, the Commission will permit any plan filed pursuant to revised Rule 17a-14 to provide that the composite quotation system will not become fully operational until after a test phase.

TEXT OF PROPOSED RULE

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934,

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and particularly sections 2, 6, 9, 10, 11, 15, 15A, 17, 19 and 23 thereof, hereby proposes to amend Part 240 of Title 17 of the Code of Federal Regulations by adopting § 240.17a–14 as follows:

§ 240.17a–14 **Reporting of market quotations for securities listed or traded on exchanges.**

(a) Every registered national securities exchange ("exchange") and every registered national securities association ("association") having one or more members which act as market makers or specialists (as defined in paragraph (i) hereof) in securities registered on an exchange pursuant to section 12(b) of the Securities Exchange Act of 1934 (the "Act") or admitted to unlisted trading privileges on an exchange pursuant to section 12(f) of the Act ("listed securities") shall report to the Commission all bids for and offers of such securities ("quotations") made by such members or broker or dealer, and every broker or dealer which is not a member of an exchange or association ("non-member broker or dealer") and which acts as a market maker in such securities shall report to the Commission its quotations in each case by making such quotations available on a real-time, current and continuing basis in accordance with the terms and provisions of a plan providing for the collection, processing and dissemination of such quotations filed with and declared effective by the Commission pursuant to paragraph (b) of this section.

(b) Plans may be filed under this rule as follows:

(1) Any exchange or association (individually or jointly with any other exchange, association or other person) may file with the Commission a plan for the collection, processing and dissemination of quotations to be made available pursuant to paragraph (a) of this section, which plan shall comply with the requirements of paragraphs (c), (d) and (e) of this section.

(2) In the event a plan filed with the Commission pursuant to paragraph (b)(1) of this section is not effective by February 1, 1975 (or such later date as the Commission may determine), any person thereafter may file with the Commission such a plan.

(3) The Commission, having due regard for the maintenance of fair and orderly markets, the public interest and the protection of investors, may declare any plan and any amendments thereto filed pursuant to paragraphs (b)(1) or (2) of this section effective upon such terms and conditions relating to the provisions thereof as the Commission may deem necessary or appropriate. After any plan is declared effective, the Commission, having due regard for the maintenance of fair and orderly markets, the public interest and the protection of investors, may initiate such changes with respect thereto as the Commission may deem necessary or appropriate.

(c) Each plan filed pursuant to paragraph (b) of this section shall include copies of all rules, by-laws and other constituent instruments (including instruments relating to: any entity which may be established to implement such plan, any exchange, association or non-member broker or dealer from whom quotations are to be collected and any quotation vendor, as defined in paragraph (i) of this section, or other person to whom quotations are to be disseminated) and all other documents pertaining to its implementation and operation. Each such plan shall specify, among other things:

(1) The manner, method and place of collecting, processing, disseminating and displaying quotations made available pursuant to paragraph (a) of this section in compliance with the requirements of this rule, including the functions to be performed by quotation vendors;

(2) The standards and methods to be utilized to ensure promptness of the collection, processing and dissemination of quotations and the accuracy and completeness of such quotations;

(3) The terms and conditions upon which users (including quotation vendors) of quotations disseminated pursuant to the plan will be granted or denied access thereto, including (i) specific standards and procedures governing the granting or denial of such access; (ii) specific provisions governing the sale of quotations to users and the resale thereof by users; and (iii) the basis for computing any fee to be charged in connection with the purchase and sale of quotations;

(4) That no display of quotations disseminated pursuant thereto may (i) exclude quotations based upon the market in which a quotation was entered; (ii) fail to identify the specialist or market maker which entered a quotation; or (iii) fail to specify any minimum number of round lots or other units of trading of the security which a market maker or specialist indicates that it is willing to buy at the bid price and sell at the offer price comprising its quotation (the "quotation size"), if such market maker or specialist elects to make such quotation size available in accordance with the provisions of the plan; and

(5) An estimate of (i) the time required to implement and make fully operational the procedures contemplated by the plan, and (ii) the aggregate costs of implementing the plan, identifying each component thereof which amounts to 5 percent or more of such aggregate costs associated with making the plan fully operational or of costs to be incurred subsequently on a regular basis to continue the plan in operation.

(d) Every member of an exchange or association shall maintain and keep current, and promptly transmit on a real-time, current and continuing basis to the exchange or association of which it is a member, all information required to be reported to the Commission by such exchange or association pursuant to paragraph (a) of this section in the manner prescribed in any effective plan.

(e) The Commission may entertain appeals in connection with the operation of any effective plan as follows:

(1) Any action taken or any failure to act by any person in connection with an effective plan (including but not limited to denial, limitation or termination of access to quotations) shall be subject to review by the Commission on its own motion, or upon application by any person aggrieved thereby (including but not limited to exchanges, associations, brokers, dealers, issuers, quotations vendors and other users of quotations) filed within 30 days after such action or failure to act or within such longer period as the Commission may determine.

(2) Application to the Commission for review, or the institution of review by the Commission on its own motion, shall not operate as a stay of any such action, unless the Commission determines otherwise, after notice and opportunity for hearing on the question of a stay (which hearing may consist only of affidavits or oral arguments).

(3) In any proceeding for review, if the Commission, after appropriate notice and opportunity for hearing, and upon consideration of any proceedings conducted in connection with such action or failure to act and such other evidence as it deems relevant, determines that the action or failure to act is in accord with the applicable provisions of such plan and is consistent with the maintenance of fair and orderly markets, the public interest and the protection of investors, the Commission shall dismiss the proceeding. Otherwise, the Commission shall require the taking of such action with respect to the matter reviewed as the Commission deems appropriate in accordance with the public interest and consistent with such plan.

(f) After the date on which any plan filed with and declared effective by the Commission pursuant to paragraph (b) of this section becomes operational in accordance with its terms, no person may communicate any market makers' or specialists' quotations in any manner otherwise than in accordance with the provisions of such a plan.

(g) To the extent any provision of this section or of any effective plan is inconsistent with any rule, contractual arrangement or practice of any exchange or association, the provisions of this section and of any such plan shall prevail.

(h) The Commission may exempt from any of or all the provisions of this section, either unconditionally or on specified terms and conditions, any exchange, association, broker, dealer, quotation vendor, other person or class of securities if the Commission determines that it is not necessary for the maintenance of fair and orderly markets, the public interest or for the protection of investors that any such person or class of securities be subject to such provisions.

(i) For purposes of this section, the following terms shall have the meanings set forth below:

(1) The term "market maker" shall mean a registered broker-dealer which, with respect to a listed security, holds itself out as being willing to buy and sell such security for its own account on a regular or continuous basis.

(2) The term "specialist" shall mean any member of an exchange which is registered as a specialist pursuant to the rules and regulations of such exchange.

(3) The term "quotation vendor" shall mean any person, other than a market maker or specialist, engaged in the business of disseminating, on a real-time or current and continuing basis, quotations for listed securities, whether distributed through an electronic communications network or displayed on a terminal or other device or otherwise.

All interested persons may submit written comments on the above proposal, which should be addressed to Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, no later than September 16, 1974. All communications should refer to File No. S7–432, and will be available for public inspection in the Commission's Public Reference Room.

(Secs. 2, 6, 9, 10, 11, 15, 15A, 17, 19, 23; 48 Stat. 881, 48 Stat. 885, 48 Stat. 889, 48 Stat. 891, 48 Stat. 891, as amended 68 Stat. 686, 48 Stat. 895, as amended 49 Stat. 1377, 57 Stat. 1075, 78 Stat. 570, 84 Stat. 1653, 52 Stat. 1070, as amended 78 Stat. 574, 48 Stat. 897, as amended 49 Stat. 704, 49 Stat. 1379, 52 Stat. 1076, 48 Stat. 898, as amended 75 Stat. 465, 76 Stat. 247, 82 Stat. 453, 83 Stat. 141, 84 Stat. 862, 48 Stat. 901, as amended 49 Stat. 704, 49 Stat. 1379, 78 Stat. 580 (15 U.S.C. 78b, 15 U.S.C. 78f, 15 U.S.C. 78l, 15 U.S.C. 78j, 15 U.S.C. 78k, 15 U.S.C. 78o, 15 US.C. 78o–3, 15 U.S.C. 78q, 15 U.S.C. 78s, 15 U.S.C. 78w))

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

AUGUST 14, 1974.

[FR Doc.74–19952 Filed 8–30–74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM–159]

LAW OF THE SEA ADVISORY COMMITTEE

Notice of Closed Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the Advisory Committee on the Law of the Sea will hold a closed meeting on Thursday and Friday, September 19 and 20 and on the morning of Saturday, September 21, 1974. There will be a session open to the general public from 3 until 5 p.m. on September 21 at Constitution Hall in Washington, D.C. Attendees are asked to use the Main Entrance on 18th St. NW. between "C" and "D" Streets.

The purpose of these meetings is to discuss issues relating to the Third United Nations Conference on the Law of the Sea. During the closed session, documents classified under the provisions of Executive Order 11652 will be discussed. These classified documents contain background information and proposals relating to the issues which the U.S. is negotiating at the Conference, and are exempt under 5 U.S.C. 552(b)(1) and that in the public interest are required to be withheld from disclosure. The issues cover such subjects as transit rights through international straits, access to marine resources, the breadth of the territorial sea, and other related topics involving U.S. national security matters.

The Advisory Committee on the Law of the Sea comprises a broad cross-section of industries, professions, academic disciplines and other public groups. As such, it will comprehensively review the issues which will come before the Conference.

Dated: August 27, 1974.

OTHO E. ESKIN,
Acting Staff Director.

[FR Doc.74–20229 Filed 8–30–74;8:45 am]

[Public Notice 431; Delegation of Authority No. 120–1]

PROJECT MANAGER OF THE INTERNATIONAL CENTER PROJECT

Delegation of Authority

Pursuant to authority contained in section 4 of the Act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658), as amended, and by virtue of authority vested in me by Delegation of Authority No. 120 (Public Notice No. 318, 34 FR 18095, November 8, 1969), I hereby delegate to the Project Manager of the International Center Project, the authority to sign contracts, as contracting officer for the Department of State, pursuant to his duties as project manager.

The authority hereby delegated is subject to the policies and regulations prescribed in the Foreign Affairs Manual and the Department of State Procurement Regulations.

The delegation of authority is retroactive to August 19, 1974.

Dated: August 21, 1974.

[SEAL] J. M. THOMAS,
Assistant Secretary for Administration.

[FR Doc.74–20218 Filed 8–30–74;8:45 am]

[Public Notice CM–158]

SHIPPING COORDINATING COMMITTEE

Notice of Meeting

A meeting of the Shipping Coordinating Committee will be held at 9:30 a.m. on Wednesday, September 25, 1974, in Room 7200, Coast Guard Headquarters, 400 Seventh Street SW., Washington, D.C. The meeting will be open to the public.

The purpose of the meeting is to discuss preparations for the Thirty-third Session of the IMCO Council meeting scheduled to meet in London, October 1, 1974.

Dated: August 23, 1974.

RICHARD K. BANK,
Acting Chairman,
Shipping Coordinating Committee.

[FR Doc.74–20199 Filed 8–30–74;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

ADVISORY COMMITTEE ON EXPLOSIVES TAGGING

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 10(a)(2)), notice is hereby given that a meeting of the Advisory Committee on Explosives Tagging will be held on October 16, 1974, at the Benjamin Franklin Post Office Building, beginning at 9:30 a.m. in Room 5041ABC.

The Technical Subcommittee will report to the Advisory Committee and disclose detailed proprietary scientific and technical data concerning various candidate explosive tagging systems that can be used in the detection and identification of explosives.

The information which will be reported by the Technical Subcommittee during the meeting will constitute trade secrets and commercial or financial information obtained from a person and confidential within the ambit of Title 5, United States Code, section 552(b)(4). Accordingly, the meeting of the Advisory Committee will, under the authority of section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App. 10(d)), not be open to the public.

All communications regarding this Advisory Committee meeting should be addressed to the Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, Attention: Mr. Robert F. Dexter, Committees Manager, Technical Services Division, Explosive Technology Branch, Room 8239.

Dated: August 23, 1974.

[SEAL] REX D. DAVIS,
Director.

[FR Doc.74–20291 Filed 8–30–74;8:45 am]

Internal Revenue Service

[Order No. 148]

ASSISTANT COMMISSIONER (COMPLIANCE), ET AL.

Delegation of Authority

1. The authority granted the Commissioner of Internal Revenue by Treasury Department Order No. 233–1 is hereby redelegated to the Assistant Commissioner (Compliance), Regional Commissioners, Assistant Regional Commissioners (Audit) and District Directors and also to Key District Directors to exercise in and for the related Associate Districts. Key District Directors will exercise functional supervision over Stabilization activities in related Associate Districts.

2. This authority may be redelegated by the Assistant Commissioner (Compliance), Regional Commissioners, Assistant Regional Commissioners (Audit) and District Directors and may not be further redelegated.

3. This delegation shall be effective as of July 1, 1974.

Date of issue: August 16, 1974.

[SEAL] DONALD C. ALEXANDER,
Commissioner.

[FR Doc.74–20292 Filed 8–30–74;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of section 10 of Pub. L. 92–463, effective January 5, 1973, notice is hereby given that a closed Panel meeting of the DIA Scientific Advisory Committee will be held at the Pentagon, Washington, D.C. on:

Tuesday & Wednesday, 10–11 September 1974

The entire meeting commencing at 0900 hrs. is devoted to the discussion of classified information as defined in section 552(b), title 5 of the U.S. Code, therefore will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

AUGUST 27, 1974.

[FR Doc.74–20212 Filed 8–30–74;8:45 am]

DEPARTMENT OF JUSTICE

Office of the Attorney General

EXAMINERS APPOINTMENT, TWIGGS COUNTY, GEORGIA

Certification of Attorney General of Voting Rights Act of 1965

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States in Twiggs County, Georgia. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 FR 9897).

WILLIAM B. SAXBE,
Attorney General of the United States.

AUGUST 29, 1974.

[FR Doc.74–20407 Filed 8–30–74;10:38 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

COLORADO RIVER INTERNATIONAL SALINITY CONTROL PROJECT

Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior, in cooperation with the Department of State, has prepared a draft environmental statement for the Colorado River International Salinity Control Project and a supplement to that statement. The draft statement (INT DES 74–39, dated April 1, 1974) was made available to the public on April 11, 1974. The supplemental statement (INT DES 74–83, dated August 27, 1974) was made available to the public on August 30, 1974.

The draft environmental statement deals with the construction of a desalting complex to treat saline return flows from the Wellton-Mohawk Irrigation and Drainage District; construction of an extension of the main outlet drain to bypass the desalting complex reject stream to the Santa Clara Slough in Mexico; lining of the first 49 miles of the Coachella Canal; and modification of irrigation practices in the Wellton-Mohawk area. The supplemental statement considers modifications to the proposed project, with particular consideration to protective and regulatory ground-water pumping, as a result of enactment of Pub. L. 93–320, the "Colorado River Basin Salinity Control Act," dated June 24, 1974.

A public hearing will be held in Yuma, Arizona, in the auditorium of the Mary Elizabeth Post School, 400 West Fifth Street, Yuma, Arizona, at 9:30 a.m. on October 5, 1974, to receive views and comments from interested organizations or individuals relating to the environmental impacts of the project. Oral statements at the hearing will be limited to a period of 15 minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional comment after all persons wishing to comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letters or telephone requests whenever possible, and any scheduled speaker not present when called will lose his or her privilege in the scheduled order, and his or her name will be recalled at the end of the scheduled speakers. Requests for scheduled presentations will be accepted up to 4 p.m., October 3, 1974, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentations.

Organizations or individuals desiring to present statements at the hearing should contact Regional Director E. A. Lundberg, Bureau of Reclamation, PO Box 427, Boulder City, Nevada 89005, telephone (702) 293–8411, and announce their intentions to participate. Written comments from those unable to attend, and from those wishing to supplement their oral presentations at the hearing, should be received by October 15, 1974, for inclusion in the hearing record.

Dated: August 28, 1974.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.74–20231 Filed 8–30–74;8:45 am]

EASTERN NEW MEXICO WATER SUPPLY PROJECT, NEW MEXICO

Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Eastern New Mexico Water Supply Project, New Mexico. This statement (INT DES 74–78, dated July 24, 1974) was filed with the Council on Environmental Quality on July 24 and was made available to the public on August 5, 1974.

The draft environmental statement covers the impacts on the environment of the proposed project, which consists of constructing a 248-mile aqueduct system to deliver a supplemental supply of municipal and industrial water from State owned and operated Ute Reservoir on the Canadian River to nine eastern New Mexico cities in Quay, Curry, Roosevelt, and Lea Counties.

A public hearing will be held in Portales, New Mexico, in the ZIA room, Eastern New Mexico University, 10 a.m., m.d.t., October 8, 1974, and will continue into the evening if necessary, to receive views and comments from interested organizations or individuals relating to the environmental impacts of this project. Oral statements at the hearing will be limited to a period of 10 minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comment after all persons wishing to comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letter or telephone request whenever possible, and any scheduled speaker not present when called will lose his privilege in the scheduled order and his name will be recalled at the end of the scheduled speakers. Requests for scheduled presentation will be accepted up to 4 p.m., c.d.t., October 4, 1974, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentation.

Organizations or individuals desiring to present statements at the hearing should contact the Office of the Regional Director, Bureau of Reclamation, Herring Plaza, Room 1418, 317 East Third, Amarillo, Texas 79101; telephone 376–2401, and announce their intention to participate. Written comments from those unable to attend and from those wishing to supplement their oral presentation at the hearing should be received by October 14, 1974, for inclusion in the hearing record.

Dated: August 28, 1974.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.74–20232 Filed 8–30–74;8:45 am]

Fish and Wildlife Service

CHARLES A. REPENNING

Issuance of Permit for Marine Mammals

On May 28, 1974, a notice was published in the FEDERAL REGISTER (39 FR 18484) that an application had been filed with the Fish and Wildlife Service by the Branch of Paleontology and Stratigraphy, U.S. Geological Survey, 345 Middlefield Road, Menlo Park, California, (C. A. Repenning), for a permit to import skeletal parts of one polar bear already obtained and being held by the Canadian Wildlife Service, for scientific purposes.

Notice is hereby given that on August 6, 1974, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Fish and Wildlife Service issued a permit to Mr.

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Charles A. Repenning, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 600, 1612 K Street, NW., Washington, D.C. 20240.

Dated: August 21, 1974.

LORON K. PANCHOR,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-20299 Filed 8-30-74;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Dr. Thomas G. Scott, Director, Denver Wildlife Research Center, Building 16, Federal Center, Denver, Colorado 80225.

To: Director, U.S. Fish and Wildlife Service, Washington, D.C. (WR).

From: Director, Denver Wildlife Research Center, Denver, Colorado.

SUBJECT: APPLICATION FOR PERMIT TO IMPORT ENDANGERED FOREIGN WILDLIFE

JUNE 4, 1974.

I wish to apply for a permit to import endangered foreign wildlife into the United States through nondesignated ports of entry for the calendar years of 1974 and 1975 effective as soon as possible. This permit is necessary to facilitate research by my staff on the relationships between pesticides and the population status of the brown pelican on the Pacific Coast of North America.

The permit should be issued to:

Dr. Thomas G. Scott
Director
Denver Wildlife Research Center
Bldg. 16, Federal Center
Denver, Colorado 80225
Phone number (303) 234-2283

My staff wishes to annually import skins, skulls, and frozen tissues of 20 brown pelicans (*Pelecanus occidentalis*) of mixed sexes, 20 pelican eggs, and skulls, bones and other parts of birds found dead, all of which will be collected in Mexico. At the time of this application, birds to be collected are still in the wild. No live birds will be imported. Collection dates, and thereby importation dates, will vary each year depending on the chronology of the pelican breeding season. An exception is requested, therefore, to import these samples over the specific period of time between March 1 through November 30 each year. As samples must be maintained in a frozen condition, we request authority to import the samples through nondesignated ports of entry (Nogales and Tucson, Arizona) to prevent deterioration of samples and loss of their scientific value. Samples will be carried by a Center biologist and imported either in a U.S. Government vehicle at the port of Nogales, or on Aero Mexico Airlines at Tucson.

Samples to be imported will be used to assess the pesticide residue levels, hormone levels, and body condition of pelicans breeding in the Gulf of California, Mexico. Laboratories at the Denver Wildlife Research Center are well equipped with facilities and staff to perform these analyses. Tissues and eggs of the pelicans will be destroyed after laboratory work is completed.

Reproductive success in Mexican colonies has recently been highly variable and may be insufficient to maintain the migratory population that is found on the Pacific Coast of the United States in fall and winter. Our objective is to evaluate the factors responsible for poor reproduction success and to assess the population status of the species on the Pacific Coast. As field collections are to be coordinated with our field studies, it is not possible to obtain the necessary samples from other sources, which would preclude the removal of additional animals from the wild.

A copy of our permit issued by the Mexican Government to authorize collecting brown pelicans in Mexico is attached.

I hereby certify that the importation of specimens of brown pelicans is necessary in our research program and that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

THOMAS G. SCOTT.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Washington, D.C. 20240. All relevant comments received on or before October 3, 1974, will be considered.

Dated: August 21, 1974.

LORON K. PANCHOR,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-20300 Filed 8-30-74;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant. Great Adventure, Inc., 320 East 65th Street, New York, N.Y. 10021.

1. Great Adventure, a subsidiary corporation of Hardwicke Companies Incorporated (hereinafter referred to as "Company") applies for permission to purchase animals of an endangered species, namely 4 Bengal tigers (Panthera tigris tigris) as follows:

Sex, and date of birth	*Origin*
1.1 Nov. 5, 1973	Busch Gardens, Tampa, Fla.
1.1 Oct. 12, 1973	Salt Lake City Zoo, Utah.

2. These tigers will be purchased specifically for purposes of propagation, education exhibition and scientific research. The tigers will be exhibited on a 1500 acre wild animal preserve located in Jackson Township, New Jersey (see Appendix I). Great Adventure wishes to purchase this group of tigers to add to our existing group of Bengal tigers in order to increase the potential for reproduction. The enhanced reproduction of the species will benefit the species due to the growth of the population and its potential to supply captive-born animals for dissemination to parks within our own Company and zoological parks throughout the U.S. The larger population of Bengal tigers within our own borders decreases the demand for the animals to be taken from the wild and thereby allows the existing foreign, native population to flourish.

In other words, conservation is the first priority. Management has developed methods to insure reproduction in captivity and it is confidentially expected that the tigers will breed when maturity is reached.

The display will be of prime educational value. The public will view the animals in an environment similar to the natural habitat of the Bengal tiger.

3. The tigers we wish to purchase are all captive-born and therefore represent no damage to the wild stock. In this regard, the intent of the Lacey Act is fully upheld. (Since all animals were born in captivity, the Lacey Act provisions for lawful capture do not apply.)

4. The tigers will be maintained in enclosures encompassing an area of approximately 15 acres containing trees, shrubs, and other vegetation; they will be provided shade and shelter and water sources such as streams and ponds (see attached map, Appendix I). The shelters have indoor and outdoor sections. Sleeping dens are provided within the shelters.

Food preparation and feeding facilities, with easy access, are conveniently located. Individual dens and shelters are provided so that the tigers may enter the shelters voluntarily to find seclusion. Individual animals may also be isolated from the group for the sake of parturition, lactation, breeding and treatment of injury or illness. Facilities will be available in a central location to facilitate medical treatment or surgery should this become necessary. This facility will be located on the premises. Should intense medical care be required, Dr. Klein's medical facility, located within fifteen minutes from the park is well equipped to render such care.

The tiger enclosure will be surrounded by a 14' high chain link fence 9 gauge x 2" mesh with a two foot overhang toward the tigers of 2" x 11 gauge set at an angle of 90°. Tension wire to be fixed at the top, bottom and middle of the fence.

An underground skirt 18" wide of 2" chain link is buried at an angle of 45° along the bottom and firmly attached to the main fence. In all cases where the fence adjoins the boundary of the park an inner fence 8' high is constructed 15' inside the main fence.

This arrangement has proved entirely safe in other safari parks. Visitors drive through the enclosure on a winding road, observing the animals from the security of their cars. Entry and exit are provided through a lock arrangement of double gates. The two sets of gates are never opened simultaneously, thereby affording full security. A plan of the area and the central location is attached.

5. The animal collection at Great Adventure is managed by experienced keeper personnel who have looked after a similar group of tigers at our park in Canada.

Rodney Dring (see Resumé, Appendix 2) Director of Wildlife of the animal preserve has been responsible for the housing, feeding, care and acclimation of a similar group of tigers at our park in Canada. Mr. Dring is experienced in all matters of animal husbandry.

Rodney Dring was trained in the British Safari Parks owned and managed by the Chipperfield Organization since the inception of the Safari Park concept.

The preserve in Parc Safari Africain was established on the basis of the experience and knowledge of the Chipperfield Organization, which originated the Safari Park concept in England in 1965. Since 1965, the Chipperfield Organization has either owned or managed on behalf of others, 12 safari parks in six different countries. Their experience in the operation of safari parks is the most comprehensive in the world. Tigers are exhibited in most of the Chipperfield parks.

6. Great Adventure has employed as a Consultant Harold Tong (see Appendix 3) former Director of Whipsnade Zoo for 23 years. Mr. Tong is an expert in the field of maintaining mammals in similar parks to that of Great Adventure and was employed as General Manager of Woburn Wild Animal Kingdom for a period of two years.

During Mr. Tong's 23 years at Whipsnade, tigers were bred and reared; and a breeding group of cheetahs established. Cheetahs were first bred under the jurisdiction of Harold Tong. These animals have continued to breed since Mr. Tong's retirement and second generation animals are now breeding. Additionally, five cheetahs have been bred and reared at Beekse Bergen Park in Holland under the jurisdiction of Julian Tong, (in consultation with his father, Harold Tong).

The Company has retained two veterinarians who will be responsible for the health of the tigers as well as the rest of the animal population. A local veterinarian, Dr. Richard A. Klein (see Resume, Appendix 4) will be making routine calls and will be available on a 24-hour basis for emergency medical care of the animals. Dr. Klein has had extensive experience in the care of exotic species.

In addition, the Company has retained, as a consultant, Dr. Martin R. Dinnes (see Resume, Appendix 5) of Los Angeles, California. Dr. Dinnes has had considerable experience in the care and maintenance of large populations of adult tigers, including setting up breeding programs and maintenance of their offspring. He has extensive experience with exotic animals in zoos and drive-through safari parks throughout the country. Dr. Dinnes is the Chairman of the Research Committee of the American Association of Zoo Veterinarians. A major project of this Committee is the collection of normal physiological data to be retained in a computer system for dissemination to any zoo or park which requests such information.

Great Adventure will be a major contributor, by virtue of the size of its proposed animal population, for the gathering of data in support of the above project.

7. Since the animals are already in captivity, no capture operation needs to be accomplished. The origins of the tigers are listed on Page 1, Paragraph 1.

It is Great Adventure's plan to purchase 1.1 Bengal tigers from Busch Gardens, Tampa, Florida and 1.1 Bengal tigers from Charles P. Chase, Miami, Florida.

8. While a formal studbook does not exist at the present time, Great Adventure is most willing to contribute to same if one should be initiated.

Our plans are to actively participate in cooperative breeding programs relative to this species. Proper records will be kept for identification of the animals and their offspring.

All useful information gained through experience in the maintenance and breeding of these animals will be made available to all interested parties through various publications and upon requested consultation. The physiological data gained while working with these animals will be disseminated to all interested parties through the proper channels.

To the best of our knowledge, broad spectrum, cooperative breeding programs for this species do not exist at present. By virtue of the number of animals which we will have, we will be in an excellent position to cooperate with other zoos and parks in an active program for the exchange of breeding stock and the dissemination of the progeny. To minimize in-breeding, we shall also be interested in an exchange to preserve the strength and purity of the species.

9. Great Adventure is a member, in good standing, of the AAZPA as defined by the bylaws of the AAZPA—Article V, Section VI.

10. The objective of this organization is to follow the aims and objectives of other zoos and organizations in establishing natural environmental habitats for Endangered Species.

It has been established by some of the major zoos that animals will breed in their natural habitat and we are following the suggestions and recommendations of these zoos resulting from studies of animals in the wild, i.e. Cheetah, San Diego Wild Animal Park; Toledo Zoo; Lion Country Safari Park, Atlanta, the Portland Oregon Wild Life Park, etc.

The Company has invested considerable funds in designing one of the outstanding wildlife parks in the world. It has drawn on its expertise in developing and operating similar parks in Canada and England.

As a successful corporation, with vast amounts of funds being invested in the establishment of wildlife in a near natural habitat, no talent or funds has been spared to engage top personnel, advisors and consultants in the management of this wild animal park.

In addition, the Company is the major shareholder of Wild Animal Kingdoms, Limited, which operates a Safari Park outside Madrid, Spain and will open one Safari Park in France and one in Germany in 1974.

Furthermore, the Company is fully confident that with the help of organizations such as the AAZPA there will be little difficulty in relocating any animals, should it become necessary. This will be done in accordance with recommendations made by these organizations based upon the needs of its constituent members for the species.

11. The tigers will be shipped in chartered air space. The flights will originate in Florida and will arrive at Kennedy Airport, New York.

The animals will be shipped in steel reinforced wooden crates. Each shipping crate will have sliding doors at each end. Each door will carry a padlock (attendant will have keys). There will be an inward opening flap at the bottom of each crate in order to facilitate feeding and watering of the tigers.

Crates will be wide enough to allow each animal to turn around and lie in lateral recombency and there will be at least two feet of height above the head of each animal.

The animals will be transported from Kennedy Airport to our facility in Jackson, New Jersey on a flat bed stake truck with hydraulic lift gates in order to facilitate adequate ventilation. Each crate will be individually latched to the bed and to the stakes on the truck. The truck will carry a tarpaulin for additional shielding of wind or rain, should such conditions exist.

The trip from Florida to our facility in New Jersey will be accomplished in approximately 7 hours.

12. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and other applicable part in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

GREAT ADVENTURE, INC.,
FRANK GRANAT,
Executive Vice President.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Washington, D.C. 20240. All relevant comments received on or before October 3, 1974, will be considered.

Dated: August 21, 1974.

LORON K. PANCHOR,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-20301 Filed 8-30-74;8:45 am]

SEA WORLD, INC.

Receipt of Amendments to Marine Mammal Permit

A permit to take Pacific Walrus for public display was issued to Sea World, Inc., on May 7, 1974, pursuant to the Marine Mammal Protection Act of 1972. A notice containing the application for the permit was published in the FEDERAL REGISTER on March 21, 1974 (39 FR 10635), soliciting public comment for a period of 30 days. A notice of the issuance of the permit was published on May 17, 1974 (39 FR 17571).

The permittee has submitted a request for significant amendments to the permit. Published herewith is a copy of the terms of the permit, and the permittee's request for amendments. This request is being considered pursuant to § 13.23 of Fish and Wildlife regulations, Title 50 of the Code of Federal Regulations (see 39 FR 1162).

JUNE 7, 1974.

Please consider this letter a formal request to amend Marine Mammal Public Display Permit No. PD MM-1 issued to Sea World, Inc., 1720 South Shores Road, San Diego, California 92109, on May 7, 1974. This permit was issued to Sea World, Inc. pursuant to the Marine Mammal Protection Act of 1972 in accordance with section 101 and the regulations issued thereunder and pursuant to the letter of application submitted by Sea World, Inc. on January 15, 1974 to take in a humane manner by capturing by hand eight (8) immature live Pacific Walrus, *Odobenus rosmarus divergens.*

SECTION 3, Part D. Each animal, until it reaches the age of two months, shall be provided with at least 150 square feet of haulout area and access to water for active swimming (pool size should be at least 4 x 8 x 2 feet for up to, but not more than, two animals).

It has been our experience in the past several years of raising, successfully to adulthood, live walrus pups that a pool size as indicated in the permit is more than adequate for animals in excess of the age of

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two months old and in fact that these animals at this age are still in such a delicately balanced condition that should they be placed in a larger facility they may become emotionally depressed and unable to cope with their environment, i.e. normal weight gain. Further, it has been our experience in the past that if we separated the animals at this age into groups of two that we would be making a mistake from several aspects. First of all, the animals are extremely gregarious and are fond of getting together in groups of four to six or more for the purpose of sleeping and for general emotional fulfillment. The separation of these young animals into groups of two at this age would obviate the need for more intimate contact with others of their companions and would place undue stress upon them. It has further been our experience in the past that as many as twelve animals would play with each other in a pool of this size and enjoy the experience tremendously on a day-to-day basis. It has been our experience in the past to allow the animals access to several pools of this approximate size and their swimming and haulout areas. We have allowed the animals free access to all areas where these pools exist. This accentuates the normal pairing off process these animals undergo as they mature and allows them to emotionally develop at a rate which they set for themselves, not one that is forced upon them arbitrarily.

We therefore request that part D be changed to read: "Each animal until it reaches the age determined by the attending veterinary medical and curatorial staff shall be provided with approximately 150 square feet of haulout area and access to water for active swimming (pool size should be approximately 4 x 8 x 2 feet and the animals shall be allowed to utilize this pool area at their own discretion). If more than one pool and area of this size is provided, the animals shall be allowed access to two or more of these areas at their own discretion under the supervision of the attending veterinary medical and curatorial staff."

SECTION 3, Part E. Each animal, after it reaches the age of two months, shall be provided with permanent living quarters containing a pool of at least 30 feet in diameter and of 6 feet in depth with a haulout area of 250 square feet, such a facility being adequate for up to, but not more than, four animals.

We would request that part E also be amended for the same reasons given in part D, part E to read: "Each animal, at the discretion of the attending veterinary medical and curatorial staff and upon their recommendation, shall be provided with permanent living quarters containing a pool of adequate size to allow for swimming to develop normal muscular tone and allow regular exercise. Pool structure and design can be of varying shape and consistency, but a distance of approximately 20 to 30 feet in length, 15 feet in width, and at least 8 feet deep shall be provided along with a haulout area of 250 square feet or larger, such a facility being adequate for up to six animals provided that sexual dominance does not become an emotional or health hazard to any of the animals contained." (It can be noted here that walrus and elephant seals and certain other types of seals require very little haulout area space because they do not generally move actively on land but utilize the haulout area as a sleeping area the great majority of the time.)

SECTION 3, *Part F.* Animals, when public display, shall not be permitted direct access to the public and be screened in such a way as to prevent foreign objects from entering their pools.

Part F should be amended for the following reasons: In my experience of almost eleven years as a veterinarian, I have found that the incidence of foreign body ingestion as a health hazard by marine mammals is so small as to almost be nonexistent. Further, in a recent hearing held by the National Marine Fisheries Service it was stated by several veterinarians in testimony that they also rarely encountered health problems as a result of the ingestion of foreign bodies by marine mammals. I believe that we generally feel that the incidence of other types of diseases is much greater than the possibility of the ingestion of a foreign object. It was further stated at this hearing by numerous veterinarians that animals on public display allowed contact with the public are generally the healthiest animals in any given aspect as a result of their constant low-grade exposure to immunizing agents (i.e. the public) that allows them to develop immunity to a greater variety of disease processes than those animals kept in exclusion. Further, and probably most important, the educational experience made available to the general public by the one-to-one contact with a marine mammal in a public display institution is undeniable and in fact it is probably this type of experience that has provided the public education which provided the support for the Marine Mammal Protection Act of 1972. We therefore request that part F be amended to read:

"Animals, when on public display, shall be observed closely to assure that the possibility of foreign objects entering their pools be kept to an absolute minimum."

SECTION 3, *Part G.* Adequate access to water shall be provided to assume heat dissipation and recreational opportunities.

Part G should be deleted from the permit in its entirety for the following reason: Parts D and E adequately provide for the accessibility of water; therefore, part G is redundant and in fact unnecessary.

SECTION 3, *Part H.* Food shall be tested, as determined necessary by the resident veterinarian, to insure fitness for human consumption. (A report of the diet being fed and the tests conducted on the ingredients shall be submitted to the Director (FSF/LE), U.S. Fish and Wildlife Service every month for the first year. These tests shall include, but are not limited to, testing for heavy metals.)

This is an acceptable and in fact practiced procedure for many years and we feel there is no reason to change or delete it.

SECTION 3, Part I. Weights and measurements of the animals shall be recorded at capture and subsequently at least every second day for one month, weekly for three months, and thence monthly. (A report of such weights by individual animal shall be submitted to the Director (FSF/LE), U.S. Fish and Wildlife Service every month for the first year.

Part I should also be amended. Again we must site that part I, as it now is stated, would provide for unnecessary harassment of the animals in that if the animals are handled for the weighing and measuring process it generally takes a day or so for them to calm down enough to get back on their regular schedule. Therefore, if we weigh the animals and measure them every other day as is indicated by part I, the animals will very likely be under constant stress and be unable to consume normal quantities of food and may even be stressed enough to cause secondary disease processes to occur. We would recommend that part I be changed to read as follows:

"Weights and measurements of the animals shall be recorded at capture and subsequently on a weekly basis until it is no longer feasible to handle the animals because of undue weight or equipment capabilities."

SECTION 3, Part J. At the first sign of ill health, Permittee shall obtain the services of a qualified marine mammal veterinarian, in addition to their resident veterinarian, and take all steps possible to insure the health and safety of the animals.

Part J is certainly an acceptable and in fact in the past often practiced procedure. However, it should be noted that it is the concensus of most veterinarians that no outside consulting veterinarian could possibly do more than advise in any given situation since he first of all has no responsibility toward the animals, and secondly does not know the animals as intimately as would the resident veterinarian.

SECTION 3, *Part K.* Research on nutrition and tusk wear shall be initiated, noting there is some indication that tusk wear may be alleviated by cypress (or other non-splintering) wooden haulout.

Part K should be amended in that a search of the literature reveals that there has been no research done that would indicate that cypress or other non-splintering wooden haulout areas would have any alleviative effect on tusk wear. Tusk wear has historically been caused by the animals' normal rooting and bottom-searching activities against a concrete surface at the bottom and sides of the pools. Many varieties of materials have been tried at the various parks maintaining walrus and none of those tried have been found suitable to withstand the wear and tear placed upon them by the animals in the pool as a surfacing agent. In addition, the use of wooden haulout areas would provide for a horrendous and filthy unsanitary facility. The death rate among animals kept on such structures would, we think, be phenomenal. Such a structure would not be capable of being disinfected through any means known to man except ultra-high temperature sterilization, which is impossible. Such a porous object as a wooden haulout area would provide for the growth of untold numbers of bacterial and viral agents. Such a structure would also remain constantly unsightly and covered by fecal material and dropped food. I think for these reasons the use of wooden facilities in zoos and marine parks was discarded many, many years ago. We would also like clarification on part K in that if research on tusk wear and nutrition is initiated as we plan it to be and was suggested by the Marine Mammal Commission, as it must have been, we assume that monies will be made available by the Marine Mammal Commission for use on such a project.

SECTION 4: Permittee shall submit a complete and full written report to the Director (FSF/LE), U.S. Fish and Wildlife Service, within 20 days at the completion of the collecting trip describing the operation in full, including but not limited to the number of animals taken and imported, the date and location of each taking, the number of fatalities, the approximate age and condition of each animal, and the identification assigned to each animal.

We feel this is a satisfactory and meaningful regulation and would encourage its use in the future.

SECTION 5: The death of any walrus obtained under this permit must be reported in writing to the Director (FSF/LE), U.S. Fish and Wildlife Service, within 48 hours. A necropsy of the animal must be conducted by two pathologists with marine mammal experience, at least one of which must not be employed by Permittee on a permanent or retainer basis, and a certified copy of the report of necropsy must be submitted to the Director within 30 days of death. The remains of the animal will be disposed of to a scientific institution approved by the Director. Escape must be reported by telephone or telegraph, within a period of 48 hours.

We feel this is a useful regulation and we would encourage its use in the future, except that as it is stated the use of two pathologists with marine mammal experience to conduct a necropsy will very likely be impossible since there are very few marine mammal pathologists within the confines of the United States, and their availability is very limited. We would assume that what the Commission actually meant was that a necropsy would be conducted by two veterinarians with marine mammal experience and in addition pathologists would be used for histopathological studies, cultures, etc. This procedure is commonly used by all veterinarians caring for exotic animals of all types in the United States today and is the basis for the practice of veterinary medicine.

SECTION 6: No walrus obtained under this permit, nor any progeny thereof, may be sold, donated, or transferred to any other institution or individual unless such person or institution has the prior approval of the Director, U.S. Fish and Wildlife Service.

Section 6 is a useful regulation and we do not recommend a change.

SECTION 7: This permit must be in the possession of the person to whom it is issued, or an authorized agent of such person, during:

(A) The time of the taking or importation;

(B) The period of any transit by such person or agent which is incidental to such taking; and

(C) Any other time any walrus or parts thereof, taken or imported under this permit is in the possession of such person or agent.

Section 7 is a useful regulation and we do not recommend a change.

SECTION 8: A duplicate copy of this permit must be physically attached to the container, package, enclosure, or other means of containment, in which the walrus or parts are placed for the purposes of storage, transit, supervision, or care.

Section 8 is a useful regulation and we do not recommend a change, except that we would request clarification in that we do not understand just exactly where the Department would like to have the permit attached or displayed, or if it is enough to maintain a copy of the permit in the files of the establishment holding the animals.

SECTION 9: An employee of the U.S. Fish and Wildlife Service shall accompany the Permittee during the time of taking. The Permittee shall make all necessary arrangements for food, lodging and transportation for the observer, but shall not be responsible for the costs thereof.

Section 9 is a useful regulation and we feel in addition that the observer that was sent with us on this expedition, Mr. Don Fortenbery, was an extremely valuable member of our expedition. While he did not possess any marine mammal experience, he was an experienced field trip individual and provided much help to all of us during the expedition. We would recommend that this man and more men of his calibre continue to do this type of work in the future and we would be proud to work with him in the future.

SECTION 10: The Permittee shall allow inspection of his facilities and records by any authorized employee of the U.S. Fish and Wildlife Service during regular business hours.

Section 10 we feel is a useful regulation and we assume that this will be true in any case whether regulated or not as it has been in the past.

SECTION 11: The grant of this permit acknowledges receipt of a permit fee of $200.

We realize that the permit must be processed and that some fee must be paid. However, it may be noted that we felt that this fee could be considered slightly excessive.

The suggested amendments to Public Display Permit No. PD MM–1 issued May 7, 1974 to Sea World, Inc. I am recommending after great consideration and much experience in handling marine mammals of all types, and specifically years of experience in the care of walrus by both myself, and Mr. Ed Asper, Curator of Mammals and Birds, Sea World of Florida, as well as a search of the literature including papers written on the original walrus housed at Marineland of the Pacific, which we both in the past have cared for, and other information gathered by us in the course of our studying this material.

We hope that these amendments will be undertaken by your department for the safety and well-being of these five remaining walrus pups. Thank you for your consideration on this matter.

Sincerely yours,

LANNY H. CORNELL, B.S., D.V.M.,
Curator of Mammals.

Date: May 7, 1974.

Effective: May 7, 1974.

Expires: July 15, 1974.

Permittee. Sea World, Inc., 1720 South Shores Road, Mission Bay, San Diego, California 92109.

[Marine Mammal; Public Display; Permit No. PDMM–1]

1. In accordance with section 101 of the Marine Mammal Protection Act of 1972 and the regulations issued thereunder, and pursuant to the letter of application submitted on January 15, 1974; Sea World of San Diego, through its authorized agent, is authorized: *TO TAKE*—in a humane manner by capturing by hand up to eight (8) immature live PACIFIC WALRUS (*Odobenus rosmarus divergens*) in and around the offshore waters including the ice floes and/or other locations as they may inhabit around St. Lawrence Island, Little Diomede Island, or from the offshore mainland of Alaska, and *TO IMPORT*—said eight animals into the United States for public display purposes. In order to minimize harassment, the Permittee is limited to the actual capture of eight (8) immature live Pacific walrus. The Permittee may not replace any walrus lost after actual capture.

2. All the activities authorized in this permit must be carried out in accordance with and for the purposes described in the letter of application and subject to all conditions and requirements of this permit, the applicable regulations, and applicable State and Federal law. The conditions and requirements of this permit, shall continue in relation to the animals taken hereunder beyond the expiration date hereof, until amended or modified.

3. The eight (8) Pacific walrus authorized to be taken and imported pursuant to this permit must be held by the Permittee under the following conditions:

(a) Warm (approximately 15°C thermoneutral zone), dry, clean holding facilities shall be provided at the capture site;

(b) Animals may be held at the capture site no longer than one week;

(c) A veterinarian shall be in attendance during capture and care at the capture site and accompany the animals during transportation to Sea World, San Diego;

(d) Each animal, until it reaches the age of two months, shall be provided with at least 150 square feet of haulout area and access to water for active swimming (pool size should be at least 4' x 8' x 2' for up to, but not more than, two animals);

(e) Each animal, after it reaches the age of two months, shall be provided with permanent living quarters containing a pool of at least 30 feet in diameter and 6 feet in depth with a haulout area of 250 square feet, such a facility being adequate for up to, but not more than, four animals;

(f) Animals, when on public display, shall not be permitted direct access to the public and be screened in such a way as to prevent foreign objects from entering their pools;

(g) Adequate access to water shall be provided to assure heat dissipation and recreational opportunities;

(h) Food shall be tested, as determined necessary by the resident veterinarian, to insure fitness for human consumption, [A report of the diet being fed and the tests conducted on the ingredients shall be submitted to the Director (FSF/LE), U.S. Fish and Wildlife Service every month for the first year. These tests shall include, but are not limited to, testing for heavy metals.];

(i) Weights and measurements of the animals shall be recorded at capture and subsequently at least every second day for one month, weekly for three months, and thence monthly, [A report of such weights by individual animal shall be submitted to the Director (FSF/LE), U.S. Fish and Wildlife Service every month for the first year.];

(j) At the first sign of ill health, Permittee shall obtain the services of a qualified marine mammal veterinarian, in addition to their resident veterinarian, and take all steps possible to insure the health and safety of the animals; and

(k) Research on nutrition and tusk wear shall be initiated, noting there is some indication that tusk wear may be alleviated by cypress (or other non-splintering) wooden haulout.

4. Permittee shall submit a complete and full written report to the Director (FSF/LE), U.S. Fish and Wildlife Service, within 20 days of the completion of the collecting trip describing the operation in full, including but not limited to the number of animals taken and imported, the date and location of each taking, the number of fatalities, the approximate age and condition of each animal, and the identification assigned to each animal.

5. The death of any walrus obtained under this permit must be reported in writing to the Director (FSF/LE), U.S. Fish and Wildlife Service, within 48 hours. A necropsy of the animal must be conducted by two pathologists with marine mammal experience, at least one of which must not be employed by Permittee on a permanent or retainer basis, and a certified copy of the report of necropsy must be submitted to the Director within 30 days of death. The remains of the animal will be disposed of to a scientific institution approved by the Director. Escape must be reported by telephone or telegraph, within a period of 48 hours.

6. No walrus obtained under this permit, nor any progeny thereof, may not be sold, donated, or transferred to any other institution or individual unless such person or institution has the prior approval of the Director, U.S. Fish and Wildlife Service.

7. This permit must be in the possession of the person to whom it is issued, or an authorized agent of such person, during:

(a) The time of the taking or importation;

(b) The period of any transit by such person or agent which is incidental to such taking; and

(c) Any other time any walrus or parts thereof, taken or imported under this permit is in the possession of such person or agent.

8. A duplicate copy of this permit must be physically attached to the container, package, enclosure, or other means of containment, in which the walrus or parts are

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placed for the purposes of storage, transit, supervision, or care.

9. An employee of the U.S. Fish and Wildlife Service shall accompany the Permittee during the time of taking. The Permittee shall make all necessary arrangements for food, lodging and transportation for the observer, but shall not be responsible for the costs thereof.

10. The Permittee shall allow inspection of his facilities and records by any authorized employee of the U.S. Fish and Wildlife Service during regular business hours.

11. The grant of this permit acknowledges receipt of a permit fee of $200.

C. R. BAVIN,
Chief, Division of Law Enforcement.

In keeping with the spirit of the Marine Mammal Protection Act of 1972, this notice is being published to allow public comment on the request for amendments. Interested persons may comment on these amendments by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Washington, D.C. 20240. All relevant comments received on or before October 3, 1974, will be considered.

Dated: August 21, 1974.

LORON K. PANCHOR,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-20298 Filed 8-30-74;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 19, 1974, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 5, 1974 (pp. 8357–8362), April 2, (pp. 12042–12046), May 7, 1974 (pp. 16173–16177), June 4, 1974 (pp. 19791–19796), July 2, 1974 (pp. 24383–24388), and August 6, 1974 (pp. 28295–28301). Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, (16 U.S.C. 470).

The following properties have been added to the National Register since August 6, 1974:

ARIZONA

Yavapai County

Clarkdale vicinity, *Hatalacva Ruin*, northeast of Clarkdale (7–24–74).

ARKANSAS

Clark County

Arkadelphia, *Barkman, James E. M., House*, 406 North 10th (7–30–74).

Desha County

Rohwer, *Rohwer Relocation Center Site*, Arkansas 1 (7–30–74).

Jefferson County

Pine Bluff, *Trinity Episcopal Church*, Third and Oak Streets (7–30–74).

Newton County

Boxley vicinity, *Villines Mill (Whiteley Mill)*, north of Boxley on Arkansas 43 (7–31–74).

Pulaski County

Little Rock, *Capital Hotel*, 117 West Markham (7–30–74).
Little Rock, *Hornibrook House*, 2120 South Louisiana (7–30–74).

COLORADO

Lake County

Twin Lakes, *Twin Lakes District*, both sides of Colorado 82 (7–30–74).

Pueblo County

Pueblo, *Rosemount*, 419 West 14th Street (7–30–74).
Pueblo vicinity, *Goodnight Barn*, west of Pueblo at Colorado 96 West and Siloam Road (7–30–74).

FLORIDA

Collier County

Chokoloskee Island, *Smallwood, Ted, Store*, Florida 29 in Everglades National Park (7–24–74).

Dade County

Coconut Grove, *Plymouth Congregational Church*, 3429 Devon Road (7–23–74).
Coral Gables, *Coral Gables City Hall*, 405 Biltmore Way (7–24–74).
Miami, *Gesu Church*, 118 Northeast Second Street (7–18–74).

Escambia County

Pensacola, *Dorr, Clara Barkley, House*, 311 South Adams Street (7–24–74).

Hillsborough County

Ruskin, *Miller, George McA., House*, 508 Tamiami Trail (7–23–74).
Tampa, *Centro Asturiano*, 1913 Nebraska Avenue (7–24–74).
Tampa, *Chapin House*, 4607 Bayshore Boulevard (7–24–74).
Tampa, *El Centro Espanol of West Tampa*, 2306 North Howard Street (7–30–74).
Tampa, *Johnson-Wolf House*, 6823 South DeSoto Street (7–24–74).
Tampa, *Lewick House*, 2202 North Highland Street (7–30–74).

GEORGIA

Meriwether County

Warm Springs, *Warm Springs Historic District*, south of Georgia 194 and west of Georgia 85 west (7–30–74).

HAWAII

Hawaii County

Hilo vicinity, *Kilauea Crater*, southwest of Hilo in Hawaii Volcanoes National Park (7–24–74).
Hilo vicinity, *Old Volcano House #42*, southwest of Hilo on Hawaii 11 in Hawaii Volcanoes National Park (7–24–74).
Hilo vicinity, *Whitney Seismograph Vault #29*, southwest of Hilo on Hawaii 11 in Hawaii Volcanoes National Park (7–24–74).
Hilo vicinity, *Wilkes Campsite*, west of Hilo at summit of Mauna Loa Volcano in Hawaii Volcanoes National Park (7–24–74).

IDAHO

Franklin County

Weston vicinity, *Weston Canyon Rockshelter*, northwest of Weston in Caribou National Forest (7–25–74).

Idaho County

White Bird vicinity, *White Bird Battlefield*, north of White Bird off U.S. 95 (7–18–74).
White Bird vicinity, *White Bird Grade*, northeast of White Bird (7–30–74).

ILLINOIS

Cook County

Chicago, *Delaware Building*, 36 West Randolph (7–18–74).
Evanston, *Carter, Frederick B. Jr., House*, 1024 Judson Avenue (7–30–74).

Madison County

Alton, *Guertler House*, 101 Blair Street (7–30–74).
Alton, *Haskell Playhouse*, Henry Street in Haskell Park (7–30–74).

Sangamon County

Springfield, *Dana, Susan Lawrence, House*, 301 Lawrence Avenue (7–30–74).

INDIANA

Marion County

Indianapolis, *Indianapolis Union Railroad Station*, 39 Jackson Place (7–19–74).

IOWA

Clayton County

Clayton, *Clayton School*, First Street (7–30–74).

Guthrie County

Panora, *Panora-Linden High School*, bounded by Main, Vine, Market, and Second Streets (7–23–74).

Muscatine County

Muscatine, *Old Jail*, 411 East Fourth Street (7–24–74).
Muscatine vicinity, *Sinnett Octagon House*, north of Muscatine near Iowa 38 (7–18–74).

Scott County

Davenport, *Schick Apartments*, 310–314 Gaines Street (7–24–74).

MAINE

Androscoggin County

Poland, *Maine State Building*, Poland Spring (7–18–74).

Cumberland County

Cape Elizabeth, *Brown, C. A., Cottage*, 9 Delano Park (7–30–74).

Franklin County

Farmington, *First Congregational Church, United Church of Christ*, Main Street (7–25–74).

Kennebec County

Augusta, *Kennebec County Courthouse*, 95 State Street (7–25–74).
Augusta, *Lithgow Library*, Winthrop Street (7–24–74).
Augusta, *Morrill, Lot, House*, 113 Winthrop Street (7–18–74).
Augusta, *Old Post Office*, Water Street (7–18–74).

Penobscot County

Bangor, *Wheelwright Block*, 34 Hammond Street (7–18–74).
Corinna, *Stewart Free Library*, Maine 11/43 (7–30–74).

Somerset County

Skowhegan, *Coburn, Governor Abner, House*, Main Street (7–30–74).

MARYLAND

Anne Arundel County

Davidsonville vicinity, *Summer Hill*, east of Davidsonville off Maryland 214 (7–25–74).

Baltimore County

Phoenix, *Eagle's Nest*, Jarrettsville Pike (Maryland 146) (7–25–74).

Charles County

Mason's Springs vicinity, *Araby*, southeast of Mason's Springs off Maryland 225 (7–25–74).
Patuxent vicinity, *Maxwell Hall*, east of Patuxent on Teagues Point Road (7–30–74).

Frederick County

Frederick, *Scheifferstadt*, West Second and Rosemont Street (7–22–74).
Libertytown, *Jones, Abraham, House*, Main Street (7–24–74).

Talbot County

Easton vicinity, *Anchorage*, northwest of Easton off Maryland 370 (7–30–74).
St. Michaels, *Crooked Intention*, west of Maryland 33 (7–24–74).
Trappe vicinity, *Compton*, west of Trappe on Howell Point Road (7–25–74).
Trappe vicinity, *Wilderness*, southwest of Trappe on Island Neck Road (7–25–74).

Washington County

Boonsboro vicinity, *Keedy House*, northwest of Boonsboro off U.S. 40A on Barnes Road (7–25–74).
Hagerstown vicinity, *Brightwood*, north of Hagerstown off Maryland 60 (7–30–74).
Williamsport vicinity, *Springfield Farm*, south of U.S. 11 (7–30–74).

MASSACHUSETTS

Hampden County

Chicopee, *City Hall*, Market Square (7–30–74).

Middlesex County

Arlington, *Arlington Town Center District*, bounded by Massachusetts Avenue, Academy, Pleasant, and Maple Streets (7–18–74).

MICHIGAN

Calhoun County

Battle Creek, *Federal Center, Main Building*, 74 North Washington Street (7–30–74).

Ionia County

Ionia, *Blanchard, John C., House*, 253 East Main Street (7–24–74).
Ionia, *Lovell-Webber House*, 111 East Main Street (7–30–74).

MINNESOTA

Blue Earth County

Mankato, *Old First National Bank of Mankato*, 229 South Front Street (7–30–74).

MISSISSIPPI

Bolivar County

Alligator vicinity, *Alligator Mounds*, west of Alligator (7–24–74).

MISSOURI

New Madrid County

La Forge vicinity, *La Plant Archaeological Site*, east of La Forge (7–25–74).
Portageville vicinity, *Double Bridges Archaeological Site*, east of Portageville (7–25–74).

Pemiscot County

Cooter vicinity, *Campbell Archaeological Site*, southeast of Cooter (7–24–74).
Portageville vicinity, *Delta Center Mound*, southeast of Portageville (7–24–74).

Perry County

Perryville, *Shelby-Nicholson-Schindler House*, 701 West St. Joseph Street (7–24–74).

Phelps County

St. James vicinity, *Verkamp Shelter*, southeast of St. James (7–30–74).

St. Louis County

Chesterfield, *Thornhill*, Olive Street Road in Faust County Park (7–18–74).
Florissant vicinity, *Sioux Passage Park Archaeological Site*, Old Jamestown Road west of Valle (7–24–74).

Vernon County

Shell City vicinity, *Halleys Bluff Site*, west of Shell City (7–24–74).

NEBRASKA

Cedar County

St. Helena vicinity, *Schulte Archeological Site*, north of St. Helena (7–30–74).

Colfax County

Schuyler vicinity, *Wolfe Archeological Site*, northwest of Schuyler (7–30–74).

Hitchcock County

Trenton vicinity, *Massacre Canyon Battlefield*, northeast of Trenton (7–25–74).

Pawnee County

Pawnee City, *Hotel Pawnee*, 700 G Street (7–24–74).

Sherman County

Sweetwater vicinity, *Sweetwater Archeological Site*, northwest of Sweetwater (7–29–74).

NEVADA

Mineral County

Hawthorne vicinity, *Aurora*, southwest of Hawthorne (7–30–74).

Washoe County

Carson City vicinity, *Old Winters Ranch/Winters Mansion*, north of Carson City on U.S. 395 (7–30–74).

NEW JERSEY

Monmouth County

Shrewsbury, *Wardell House*, 419 Sycamore Avenue (7–24–74).

Morris County

Chester, *Chester House Inn*, Main Street and Hillside Road (7–18–74).

Passaic County

Haledon, *Botto, Pietro, House*, 83 Norwood Street (7–30–74).

NEW MEXICO

Dona Ana County

Las Cruces vicinity, *Fort Fillmore*, southeast of Las Cruces (7–30–74).

Rio Arriba County

Santa Fe vicinity, *San Juan Pueblo (Oke' owi)*, north of Santa Fe (7–30–74).

NEW YORK

Albany County

Albany, *Cathedral of All Saints*, South Swan Street (7–25–74).
Albany, *Nut Grove*, McCarty Avenue (7–30–74).

Columbia County

Kinderhook, *Kinderhook Village District*, both sides of U.S. 9 (7–24–74).

Genesee County

Batavia, *Richmond Memorial Library*, 19 Ross Street (7–24–74).

Nassau County

Hicksville, *Heitz Place Courthouse*, Heitz Place (7–30–74).

New York County

New York, *Salmagundi Club*, 47 Fifth Avenue (7–25–74).

Niagara County

Lewiston, *Lewiston Portage Landing Site*, Lewiston State Park on Niagara River (7–18–74).

Oneida County

Rome, *Arsenal House*, 514 West Dominick Street (7–18–74).

Onondaga County

Syracuse, *Crouse College, Syracuse University*, Syracuse University campus (7–30–74).

Orange County

Campbell Hall, *Bull Stone House*, Hamptonburgh Road (7–18–74).

Rensselaer County

Schodack, *Muitzes Kill Historic District*, in an irregular pattern on both sides of Schodack Landing Road (7–24–74).

Richmond County

Staten Island, *Ft. Tompkins Quadrangle*, Building No. 137, Fort Wadsworth (7–30–74).

NORTH CAROLINA

Nash County

Red Oak vicinity, *Black Jack*, North of Red Oak (7–31–74).

Stokes County

Danbury vicinity, *Moratock Iron Furnace*, east of Danbury off North Carolina 8/89 (7–30–74).

OHIO

Adams County

Stout vicinity, *Wamsely Village Site*, west of Stout (7–30–74).
Wrightsville vicinity, *Dayton Power and Light Company Mound*, east of Wrightsville (7–30–74).

Allen County

Lima, *Allen County Courthouse*, Courthouse Square (7–24–74).

Ashtabula County

Conneaut, *Conneaut Works*, off Mill Road (7–30–74).
Rays Corner, *House, Colonel Erastus, House*, Ohio 46 and Richmond-Footville Road (7–30–74).
Wayne vicinity, *Boice Fort and Village Site*, southeast of Wayne (7–24–74).

Butler County

Ross vicinity, *Shaw Farm*, 3357 Cincinnati-Brookville Road (7–24–74).
Oxford vicinity, *Unzicker-Cook House*, 2975 Oxford-Middletown Road (7–24–74).

Champaign County

Urbana, *Ward, John Q. A., House*, 335 College Street (7–30–74).

Clark County

Springfield, *Westcott House*, 1340 East High Street (7–24–74).

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Clermont County

Neville, *Snead Mound*, off U.S. 52 (7-30-74).

Cuyahoga County

Bratenahl, *Hanna, Howard M. Jr., House*, 11505 Lake Shore Boulevard (7-24-74).
Cleveland, *Dunham Tavern*, 6709 Euclid Avenue (7-25-74).
North Olmsted vicinity, *Fort Hill*, east of North Olmstead off Ohio 252 (7-25-74).
Seven Hills, *Froelich, John, House*, 7095 Broadview Road (7-30-74).

Delaware County

Delaware vicinity, *Ufferman Site*, north of Delaware (7-24-74).

Erie County

Milan, *Andrews, Ebenezer, House*, 200 South Main Street (7-25-74).

Fairfield County

Rushville vicinity, *Winegardner Village*, northwest of Rushville (7-30-74).

Franklin County

Columbus, *Coe Mound*, west of High Street (7-18-74).
Columbus, *Ohio State Arsenal*, 139 West Main Street (7-18-74).

Hamilton County

Cincinnati, *Benham Mound*, Grand Vista Avenue (7-30-74).
Cincinnati, *Court Street Firehouse*, 311 West Court Street (7-18-74).
Springdale vicinity, *Becker House*, 179 West Crescentville Road (7-18-74).

Hardin County

Roundhead vicinity, *Zimmerman Kame*, northeast of Roundhead (7-30-74).

Harrison County

Cadiz, *Harrison County Courthouse*, Courthouse Square (7-18-74).

Holmes County

Millersburg, *Holmes County Courthouse and Jail*, Courthouse Square (7-25-74).

Lake County

Madison vicinity, *Madison Fort*, southeast of Madison (7-30-74).
Painesville, *Octagon House*, 1615 Mentor Avenue (7-25-74).
Painesville vicinity, *Indian Point Fort*, east of Painesville (7-30-74).

Logan County

Huntsville vicinity, *Dunns Pond Mound*, northwest of Huntsville (7-30-74).

Madison County

West Jefferson vicinity, *Skunk Hill Mounds*, south of West Jefferson (7-30-74).

Mahoning County

Canfield, *Newton, Judge Eben, House*, 105 North Broad Street (7-18-74).
Youngstown vicinity, *Austintown Log House*, west of Youngstown on Raccoon Road (7-30-74).

Marion County

Marion, *Marion County Courthouse*, Courthouse Square (7-25-74).

Morrow County

Mount Gilead, *Morrow County Courthouse and Jail*, Courthouse Square (7-25-74).

Pickaway County

Circleville vicinity, *Ariedge Mounds I and II*, southeast of Circleville (7-30-74).
Circleville vicinity, *Mound Oval (Tolbert House)*, off U.S. 23 (7-25-74).

Portage County

Kent, *Masonic Temple*, 409 West Main Street (7-18-74).

Stark County

Alliance, *Haines House*, 186 West Market Street (7-30-74).

Summit County

Twinsburg vicinity, *Herrick, Jonathan, House*, 8327 Darrow Road (7-18-74).

Union County

Marysville vicinity, *Ellis Mounds*, northeast of Marysville (7-30-74).

Van Wert County

Van Wert, *Van Wert County Courthouse*, 121 East Main Street (7-30-74).

Wayne County

Wooster, *McSweeney, John, House*, 531 North Market Street (7-30-74).

PENNSYLVANIA

Allegheny County

Pittsburgh, *Butler Street Gatehouse*, 4734 Butler Street (7-30-74).

Fayette County

Mill Run vicinity, *Fallingwater*, off Pennsylvania 381 (7-23-74).

Washington County

Washington, *Washington County Courthouse*, South Main Street (7-30-74).
Washington, *Washington County Jail*, Cherry Street (7-30-74).

RHODE ISLAND

Kent County

Coventry, *Waterman Tavern*, Maple Valley Road (7-24-74).

Providence County

Saylesville vicinity, *Great Road Historic District*, west of Saylesville at Great and Breakneck Hill roads (7-22-74).
Union Village, *Arnold, Peleg, House*, Woonsocket Hill Road (7-30-74).

SOUTH CAROLINA

Calhoun County

St. Matthews vicinity, *Prehistoric Indian Village—Arant's Field*, north of St. Matthews (7-30-74).
St. Matthews vicinity, *Puritan Farm*, west of St. Matthews (7-25-74).

Charleston County

Edisto Island vicinity, *Windsor Plantation*, northeast of Edisto Island off South Carolina 174 (7-23-74).
McClellanville vicinity, *Fairfield Plantation*, north of McClellanville (7-25-74).

Dillon County

Bingham vicinity, *Selkirk Farm*, east of Bingham on old Cashua Perry Road (7-24-74).

Dorchester County

St. George vicinity, *Carroll Place*, intersection of Quaker and Wire Roads (7-25-74).

Fairfield County

Jenkinsville vicinity, *Kincaid-Anderson House (Fairfield)*, northeast of Jenkinsville off South Carolina 213 (7-30-74).

Florence County

Mars Bluff, *Slave Houses, Gregg Plantation*, Francis Marion College campus (7-22-74).

Laurens County

Laurens, *Simpson, William Dunlap, House*, 726 West Main (7-24-74).

Spartanburg County

Roebuck vicinity, *Smith's Tavern*, southeast of Roebuck off South Carolina 49 (7-29-74).

TEXAS

Bexar County

San Antonio, *Pershing House (Quarters No. 6, Staff Post)*, Staff Post Road, Fort Sam Houston (7-30-74).
San Antonio, *Quadrangle*, Grayson Street, Fort Sam Houston (7-30-74).

Hill County

Lake Whitney Estates vicinity, *Buzzard Cave*, northwest of Lake Whitney Estates (7-18-74).

Travis county

Austin, *Brizendine House*, 507 West 11th (7-22-74).

UTAH

Salt Lake County

Salt Lake City, *Dinwoody, Henry, House*, 411 East 100 South (7-24-74).

VERMONT

Caledonia County

Lyndon, *Chamberlin Mill Covered Bridge*, west of Vermont 114 (7-30-74).

Orange County

East Randolph vicinity, *Gifford Covered Bridge*, south of East Randolph off Vermont 14 (7-30-74).
East Randolph vicinity, *Kingsbury Covered Bridge*, south of East Randolph off Vermont 14 (7-30-74).
North Tunbridge vicinity, *Larkin Covered Bridge*, northeast of North Tunbridge off Vermont 110 (7-30-74).
Tunbridge, *Mill Covered Bridge*, west of Vermont 110 (7-30-74).

VIRGINIA

Accomack County

Accomac, *Bank Building*, No. 1 Court House Avenue (7-23-74).

Albermarle County

Cobham vicinity, *Cobham Park*, south of Virginia 22 (7-18-74).

Botetourt County

Fincastle vicinity, *Santillane*, west of U.S. 220 (7-24-74).

Charles City County

Charles City vicinity, *Belle Air*, north of Virginia 5 (7-18-74).

Colonial Heights (independent city)

Oak Hill, 151 Carroll Avenue (7-30-74).
Violet Bank, Royal Oak Avenue (7-30-74).

Hanover County

Montpelier vicinity, *Oakland*, north of Montpelier off Virginia 715 (7-30-74).
Montpelier vicinity, *Sycamore Tavern*, southwest side of U.S. 33 (7-24-74).

Loudoun County

Lincoln, *Goose Creek Meetinghouse Complex*, south of Virginia 7 (7-24-74).

Lynchburg (independent city)

Western Hotel, Fifth and Madison Streets (7-22-74).

Norfolk (independent city)

Boush-Tazewell House, 6225 Powhatan Avenue (7-18-74).

Roanoke (independent city)

Buena Vista, Penmar Avenue and Ninth Southeast (7-30-74).

Roanoke County

Roanoke vicinity, *Monterey*, Tinker Creek Lane, Northeast (7-30-74).

Washington County

Abingdon, *Montcalm*, west of Virginia 75 (7-18-74).

WASHINGTON

Garfield County

Pomeroy, *Garfield County Courthouse*, Eighth and Main Street (7-24-74).

King County

Snoqualmie, *Snoqualmie Depot*, 109 King Street (7-24-74).

Pierce County

Steilacoom, *Steilacoom Catholic Church*, 1810 Nisqually (7-30-74).

Whitman County

Uniontown vicinity, *Collins House and Granary*, southeast of Uniontown off U.S. 195 (7-30-74).

WEST VIRGINIA

Kanawha County

Charleston, *Sunrise*, 746 Myrtle Road (7-24-74).

Nicholas County

Kesslers Cross Lanes vicinity, *Carnifex Ferry State Park*, south of Kesslers Cross Lanes off West Virginia 129 (7-24-74).

Wirt County

Elizabeth, *Beauchamp-Newman House*, Court Street (7-24-74).

Wood County

Williamstown, *Tomlinson Mansion*, 901 West Third Street (7-24-74).

WISCONSIN

Dane County

Madison, *Jacobs, Herbert A., House*, 441 Toepfer Avenue (7-24-74).

Dunn County

Menomonie, *Tainter, Louis Smith, House*, Broadway at Crescent (7-18-74).

Eau Claire County

Eau Claire, *Community House, First Congregational Church*, 310 Broadway (7-18-74).
Eau Claire, *Drummond, David, House*, Oakwood Place and Park Avenue (7-30-74).

Iowa County

Spring Green vicinity *Unity Chapel*, south of Spring Green off Wisconsin 23 (7-18-74).

Milwaukee County

St. Francis, *Henni Hall*, 3257 South Lake Drive (7-24-74).
St. Francis, Old St. Peter's Church, 3257 South Lake Drive (7-25-74).

St. Croix County

Hudson, *Moffat, John S., House*, 1004 Third Street (7-18-74).

The following are corrections for properties previously listed in the FEDERAL REGISTER:

FLORIDA

Brevard County

Sabastian vicinity, *Salvors Camp for Spanish Wrecks (1715)*, between the town of Sebastian and Sebastian Inlet on the Atlantic Ocean (8-12-70).

GEORGIA

Thomas County

Thomasville, *Hansell, Augustine, House* (Jeffries House), 429 South Hansell Street (6-22-70).

IOWA

Washington County

Washington, *Conger, Jonathan Clark, House*, 903 East Washington Street (6-28-74).

KENTUCKY

Clark County

Winchester, *Clark, Governor James, Mansion (Holly Rood)*, Burns Avenue and Belmont Street (8-13-74).

OHIO

Montgomery County

Dayton, *Dunbar, Paul Laurence, House*, 219 North Summit Street.

RHODE ISLAND

Providence County

Providence, *Hope-Power-Cooke Streets Historic District*, roughly bounded by Angell, Governor, Williams, and Brook Streets (1-16-73).

SOUTH CAROLINA

Union County

Union vicinity, *Padgett's Creek Baptist Church*, southwest of Union on South Carolina 18 (5-6-71).

The following property has been removed from the National Register:

MAINE

Cumberland County

Portland, *Gothic House (John J. Brown House)*, 86 Spring Street.

Historic properties which are either (1) eligible for nomination to the National Register of Historic Places or (2) nominated but not yet listed are entitled to protection under Executive Order 11593. Before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal. Authorization for such comment are in section 1(3) and section 2(b) of Executive Order 11593.

The Secretary of the Interior has determined that the following properties may be eligible for inclusion in the National Register of Historic Places and are therefore entitled to protection under section 1(3) and section 2(b) of Executive Order 11593 and other applicable Federal legislation. All determinations of eligibility are made under the Secretary of the Interior's authorities in sections 2(b) and 3(f) of Executive Order 11593. This list is not complete. As required by Executive Order 11593, an agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion in the National Register.

ALABAMA

Dallas County

Selma, *Gill House*, 1109 Selma Avenue.

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

ALASKA

Northwestern District

Little Diomede Island, *Iyapana, John, House*.

ARIZONA

Cochise County

Sierra Vista, *Garden Canyon Petroglyphs*, Garden Canyon Road.
Sierra Vista vicinity, *Old Fort Huachuca*, west of Sierra Vista.

Coconino County

Grand Canyon, *El Tovar Hotel*, Park Route.
Grand Canyon, *Grand Canyon Railroad Station*, Park Route 8a.
Grand Canyon National Park, *Old Post Office*.
Grand Canyon National Park, *O'Neill, Buckey, Cabin*.
Grand Canyon National Park, *Ranger's Dormitory*.
Grand Canyon National Park, *Stables-Blacksmith Shop Complex*.
Grand Canyon National Park, *Superintendent's Residence*.
Grand Canyon National Park, *Water Disposal Plant*.
Sedona vicinity, *Mayhew's Lodge*, north of Sedona on U.S. 89A in Coconino National Forest.

Pima County

Tucson vicinity, *Old Santan*, northwest of Tucson.

Yuma County

Yuma, *Southern Pacific Depot*.

ARKANSAS

Ouachita County

Camden, *Old Post Office*, Washington Street.

Pulaski County

North Little Rock, *Fort Loban H. Roots Military Post*, Scenic Hill Drive.

CALIFORNIA

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District*.

Marin County

Point Reyes, *Point Reyes Light Station*.

Modoc County

Alturas vicinity, *Rail Spring*, about 30 miles north of Alturas in Modoc National Forest.
Alturas vicinity, *Yellowjackets Landing*, northwest of Alturas in Modoc National Forest.
Canby vicinity, *Sevenmile Flat*, northwest of Canby in Modoc National Forest.

Monterey County

Big Sur, *Point Sur Light Station*.
King City vicinity, *Painted Cave*, southwest of King City in Hunter Liggett Military Reservation.
Pacific Grove, *Point Pinos Light Station*.

Riverside County

Blythe vicinity, *Blythe Intaglios, Indian Intaglios*, north of Blythe on U.S. 95.

San Luis Obispo County

San Luis Obispo, *San Luis Obispo Light Station*.

San Mateo County

Ano Nuevo vicinity, *Pigeon Point Light Station*.
Hillsborough, *Point Montara Light Station*.

Shasta County

Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

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Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Santa Rosa, *Santa Rosa Post Office.*

COLORADO

Denver County

Denver, *Eisenhower Memorial Chapel*, Building No. 27, Reeves Street, on Lowry AFB.

Eagle County

Wolcott, *Wolcott Stage Station.*

Rio Blanco County

Meeker vicinity, *Thornburgh Monument*, northeast of Meeker on Thornburgh Road, 9 miles from junction Colorado 13 and 789.
Rangely vicinity, *Canon Pintado*, south of Rangely on Highway 139.
Rangely vicinity, *Carrot Men Pictograph Site*, southwest of Rangely and west of Rangely Dragon Road.

CONNECTICUT

Hartford County

Hartford, *Church of the Good Shepherd and Parish House*, intersection of Wyllys Street and Van Block Avenue.
Hartford, *Colt Factory Housing*, Huyshope Avenue between Sequassen and Weehasset Streets.
Hartford, *Colt Factory Housing ("Potsdam Village")*, Curcombe Street between Hendricksen Avenue and Locust Street.
Hartford, *Colt Park*, bounded by Wethersfield Avenue, Stonington Street, Wawarme, Curcombe, and Marseek Streets, and by Huyshope and Van Block Avenues.
Hartford, *Colt, Colonel Samuel, Armory, and related factory buildings*, Van Dyke Avenue.
Hartford, *Flat-iron Building (Motto Building)*, intersection of Congress Street and Maple Avenue.
Hartford, *Houses on both sides of Congress Street.*
Hartford, *Houses on Charter Oak Place.*
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Streets, particularly Nos. 97–81, 65.

Middlesex County

Middletown, *Mather - Douglas - Santangelo House*, 11 South Main Street.

New Haven County

New Haven, *Tannery Building and appended office*, 202 George Street.

New London County

New London, *Thames Shipyard*, west bank of Thames River north of U.S. Coast Guard Academy.

DELAWARE

Suffolk County

Lewes, *Delaware Breakwater.*
Lewes, *Harbor of Refuge Breakwater.*

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th Street southwest.
Riggs Bank, 800 17th Street northwest.

FLORIDA

Hillsborough County

Tampa, *Firehouse No. 10*, Ybor City.

GEORGIA

Bryan County

Fort Stewart, *Site of Old Fort Argyle*, northeast of Headquarters via Georgia 144, east Georgia 67 North, east to Ogeechee River.

Chatham County

Archeological Site, north end of Skidway Island.

Clay County

Archeological Site WGC–73, downstream from Walter F. George Dam.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Stewart County

Road Mounds.

Sumter County

Americus, *Aboriginal Chert Quarry*, Souther Field.

HAWAII

Moanalua Valley.

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail.*

Maui County

Hana vicinity, *Kipahulu Historic District*, southwest of Hana on Route 31.

IDAHO

Ada County

Boise, *Ada Theater*, 700 Main Street.
Boise, *Alexanders*, 826 Main Street.
Boise, *Falks Department Store*, 100 North Eighth Street.
Boise, *Idaho Building*, 216 North Eighth
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho Street.
Boise, *Union Building*, 712½ Idaho Street.

Clearwater County

Orofino vicinity, *Canoe Camp—Site 13*, west of Orofino on U.S. 12 in Nez Perce National Historical Park.

Custer County

Challis, *Challis Bison Jump.*

Idaho County

Kamiah vicinity, *East Kamiah—Site 15*, southeast of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail First Flag Unfurling.*
Tendoy, *Lewis and Clark Trail Pattee Creek Camp.*

Lewis County

Jacques Spur vicinity, *St. Joseph's Mission (Slickpoo)*, south of Jacques Spur on Mission Creek off U.S. 95.

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Drive and C Street in Nez Perce National Park.
Lapwai, *Spalding.*

ILLINOIS

Cook County

Chicago, *McCarthy Building (Landfield Building)*, northeast corner of Dearborn and Washington.
Chicago, *Methodist Book Concern* (later Stop and Shop Warehouse), 12 West Washington.
Chicago, *Ogden Building*, 130 West Lake Street.
Chicago, *Oliver Building*, 159 North Dearborn Street.
Chicago, *Springer Block* (Bay, State and Kranz Buildings), 126–146 North State.
Chicago, *Unity Building*, 127 North Dearborn Street.

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of Sixth and Lincoln Streets.

Lake County

Fort Sheridan, *Water Tower*, Building 49, Leonard Wood Avenue.

INDIANA

Monroe County

Bloomington, *Carnegie Library.*

KENTUCKY

Jefferson County

Louisville, *Old Louisville Historic District*, bounded on north by Broadway; on the west by Seventh and the Louisville/Nashville Railroad tracks; on the east by Interstate 65 and Brook Street; on the south by Eastern Parkway and Gaulbert Avenue.

MARYLAND

Anne Arundel County

Annapolis, *Thomas Point Shoals Light Station*, on Kent Island in Chesapeake Bay.
Chestertown, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore County

Fort Howard, *Craighill Channel Upper Range Front Light*, on Chesapeake Bay.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.

Cecil County

Perryville, *Perry Point Mansion House*, Veterans Administration Hospital Grounds.
Perryville, *Perry Point Mill*, Veterans Administration Hospital Grounds.
Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoopersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

Harford County

Havre De Grace, *Havre De Grace Light.*

St. Marys County

Piney Point, *Piney Point Light Station.*
St. Inigoes, *St. Inigoes Manor House*, Naval Electronics Systems Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilgman Island, *Sharps Island Light*, on Chesapeake Bay.

MICHIGAN

Livingston County

Fenton, *Fenton Downtown Historic District*, east and west sides of Leroy Street in two blocks bounded by Ellen on the south and Silver Lake on the north, north side of Caroline Street and east side of River Street.

MINNESOTA

Cook County

Grand Marais vicinity, *Height of Land*, northwest of Grand Marais in Superior National Forest.

Winona County

Winona, *Second Street Commercial Block.*

MISSOURI

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Route 1.

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by Fourth Street on West, Robidoux on South, 10th on East, and Michel, Corby, and Ridenbaugh on North.

Clay County

Smithville, *Aker Cemetery.*

Dent County

Lake Spring, *Hyer, John, House.*

Jackson County

Kansas City, *Folly's (Standard) Theater*, 12th and Central Streets.

MONTANA

Carbon County

Barry's Landing, *Bad Pass Trail (Sioux Trail)*, Big Horn Canyon National Recreation Area.
Hardin, *Pretty Creek Site (Hough Creek Site)*, Big Horn Canyon National Recreation Area.

Lewis and Clark County

Marysville, *Marysville Historic District.*

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

Ravalli County

Conner vicinity, *Alta Ranger Station*, south of Conner in Bitterroot National Forest.

NEBRASKA

Madison County

Norfolk, *Federal Building (U.S. Post Office and Courthouse)*, corner of Fourth Street and Madison Avenue.

NEVADA

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 miles northwest of Las Vegas on U.S. 95.

Storey County (also in Washoe County)

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 miles east of Sparks, along Interstate 80.

NEW HAMPSHIRE

Grafton County

Bedell Covered Bridge.

NEW JERSEY

Middlesex County

New Brunswick, *Delaware and Raritan Canal*, between Albany Street Bridge and Landing Lane Bridge.

Warren County (also in Sussex County)

Old Mine Road Historic Dislrict.

NEW YORK

Bronx County

New York, *North Brothers Island Light Station*, in center of East River.

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.

Suffolk County

New York, *Fire Island Light Station*, U.S. Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, located south of Fishers Island, 10 miles north of Orient Point.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at junction of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower southwest portion of Long Island Sound.
White Plains, *Westchester County Courthouse Complex*, corner of Main and Court Streets.

NORTH CAROLINA

U.S.S. Monitor, Outer Continental Shelf, about 15 miles off coast of North Carolina.

Brunswick County

Southport, *Fort Johnston*, Moore Street.

Cumberland County

Fayetteville, *Veterans Administration Hospital Confederate Breastworks*, 23 Ramsey Street.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Hyde County

Ocracoke, *Ocracoke Lighthouse.*

New Hanover County

Wilmington, *Market Street Mansions District*, both sides of Market Street between 17th and 18th Streets.

OHIO

Clermont County

Neville vicinity, *Maynard House*, 2 miles east of Neville off U.S. 52.

Pickaway County

Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 miles northwest of Williamsport.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 South Washington Street.

OKLAHOMA

Haskell County

Keota vicinity, *Otter Creek Archeological Site (34HS25)*, southwest of Keota.

Kay County

Newkirk vicinity, *Bryson Archeological Site*, northeast of Newkirk.

OREGON

Coos County

Charleston, *Cape Arago Light Station.*

Curry County

Port Orford, *Cape Blanco Light Station.*
Wolf Creek, *Rogue River Ranch*, Star Route, Box 78.

Douglas County

Winchester Bay, *Umpqua River Light House.*

Josephine County

Whisky Creek Cabin.

Klamath County

Crater Lake National Park, *Crater Lake Lodge.*

Lane County

Roosevelt Beach, *Heceta Head Light House.*
Roosevelt Beach, *Heceta Head Light Station.*

Lincoln County

Agate Beach, *Yaquina Head Lighthouse.*

Sherman County

Grass Valley vicinity, *Mack Canyon Archeological Site*, at end of BLM access road adjacent to Deschutes River 25 miles north of Maupin.

Tillamook County

Tillamook, *Cape Meares Lighthouse.*

PENNSYLVANIA

Brumbaugh Homestead, Raystown Lake Project.

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.
Gettysburg, *Gettysburg Battlefield Historic District.*

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Road.

Clinton County

Lockhaven, *Apsley House*, 302 East Church Street.
Lockhaven, *Harvey, Judge, House*, 29 North Jay Street.
Lockhaven, *McCormick, Robert, House*, 234 East Church Street.
Lockhaven, *McCormick, Robert, House*, 234 Jay Street.

Mercer County

Greenville vicinity, *Kidd's Mills Historical Area* (Shenango River Lake), via 58 and Township Road 653.
Greenville vicinity, *New Hamburg Historical Area*, south of Greenville on both banks of the Shenango River, off Pennsylvania 58.

Northampton County

Dorneyville, *King George Inn and two other stone houses*, intersection of Hamilton and Cedar Crest Boulevards.

Westmoreland County

Blairsville vicinity, *Western Division-Pennsylvania Canal* (Conemaugh River Lake), east of Blairsville.

TENNESSEE

Cheatham County

Achland City, vicinity, *Indian Town Bluff*, near confluence of Harpeth and Cumberland Rivers.

TEXAS

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Streets.

Potter County

Lake Meredith Recreation Area, *McBride Ranch House.*

UTAH

Tooele County

Wendover vicinity, *Wendover Air Force Base*, south of Wendover.

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VERMONT

Franklin County

Highgate Falls, *Lenticular or Parabolic Truss Bridge*, over Missisquoi River.

Windsor County

Weathersfield, *Historic Crown Point Road.*
Windsor, *Post Office Building.*

WASHINGTON

Clallam County

Sequim, *New Dungeness Light Station.*

Clark County

Vancouver, *Officers Row*, Fort Vancouver Barracks.

Grays Harbor County

Westport, *Grays Harbor Light Station.*

King County

Burton, *Point Robinson Light Station.*
Seattle, *Alki Point Light Station.*
Seattle, *West Point Light Station.*

Kitsap County

Hansville, *Point No Point Light Station.*

Pacific County

Ilwaco, *Cape Disappointment Light Station.*
Ilwaco, *North Head Light Station.*

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site.*

San Juan County

San Juan Islands, *Patos Island Light Station.*

Snohomish County

Mukilteo, *Mukilteo Light Station.*

WEST VIRGINIA

Cabell County

Huntington, *Old Bank Building*, 1208 Third Avenue.

Wood County

Parkersburg, *Wood County Courthouse.*

WISCONSIN

Door County

Chambers Island, *Chambers Island Lighthouse Dwelling*, northern tip, Chambers Island in Green Bay, Lake Michigan.

WYOMING

Goshen County

Torrington, *Union Pacific Depot.*

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts.*

ERNEST A. CONNALLY,
Associate Director,
Professional Services.

[FR Doc.74-20069 Filed 8-30-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A065]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Texas:

Briscoe
Fisher

The Secretary has found that this need exists as a result of a natural disaster consisting of drought October 1973 to May 1974; windstorms and hailstorms May 21 and June 1, 2, and 3, 1974; and excessive rainfall June 13, 1974, in Briscoe County; and drought September 15, 1973, through July 23, 1974, in Fisher County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than October 18, 1974, for physical losses and May 20, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 26th day of August 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-20219 Filed 8-30-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CHILDREN'S HOSPITAL OF PHILADELPHIA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00321-33-46040. Applicant: The Children's Hospital of Philadelphia, Department of Pathology, 1740 Bainbridge Street, Philadelphia, Pa. 19146. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article will be used in the following research and clinical diagnostic projects:

(1) Research into the role of bilirubin in the pathogenesis of intrahepatic cholestasis, as investigated through the manganese-bilirubin model, with studies on bile composition;

(2) Research into the effect of Novobiocin on bile flow rate, and the pathogenesis of such effects, with studies of bile composition;

(3) Research into the evolution of the pathologic lesions of childhood inherited renal disease, particularly cystinosis, in order to elucidate the mechanisms of tissue injury in this disease;

(4) Study of renal biopsy material for the purposes of diagnosis, prognostication, and evaluation of therapeutic approaches in childhood renal disease;

(5) Examination of tumors for the purposes of diagnosis classification, and evaluation of therapy; and

(6) Examination of various other tissues removed in the course of surgical and/or autopsy procedures for diagnosis of conditions in which this procedure is of established value (e.g., primary myopathies, storage disorders, etc.)

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 74-00021-37-46040 which was denied without prejudice to resubmission on October 31, 1973 for informational deficiencies. In the reply to Question 8 the applicant alleged that the foreign article provided the following pertinent characteristics:

(1) New design.
(2) Simplicity of operation.
(3) Outstanding stability.
(4) Good frequency of repair record.
(5) Readily available service.
(6) A magnification range of from 200x to 200,000x without the change of pole piece or the necessity of breaking or interrupting the column using the same sample holder.
(7) Outstanding illumination and contrast due to the new minicondenser lens which allows high contrast and coherency in the face of minimum specimen charge.
(8) Use for study of negatively stained sections.

The Department of Health, Education, and Welfare (HEW) reviewed this application and compared the article to the most closely comparable domestic instrument, the Model EMU-4C electron microscope available from the Adam David Company.

HEW advises in its memorandum dated May 6, 1974 that the applicant's intended research and teaching purposes do not establish a pertinent characteristic within the meaning of § 701.2(n) of the regulations that upholds duty-free entry. Specifically, with respect to the alleged pertinent characteristics listed above, HEW advises that the Model EMU-4C provides an equivalent magnification range (6), may be equipped with one or two condenser lenses (7), and may be used for study of negative stained specimens (8). HEW also advises that the other features alleged pertinent, (1), (2), (3), (4), and (5), must be classed as either conveniences or cost-related features that are not relevant to duty-free entry.

For these reasons, we find the Model EMU-4C is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-20295 Filed 8-30-74;8:45 am]

STATE UNIVERSITY OF NEW YORK AT BUFFALO, ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00479-00-46500. Applicant: State University of New York at Buffalo, Department of Pathology, Bell Facility, 180 Race Street, Buffalo, N.Y. 14207. Article: Cryokit, Model LKB 14800-1. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to obtain ultrathin frozen sections of the adrenal gland for the study of the processes by which steroids are secreted from the cell in the adrenal gland of normal animal models and animals in which hypertension has been experimentally induced. In addition to research the article will be demonstrated as part of the laboratory for a course in electron microscopy. Application received by Commissioner of Customs: May 15, 1974. Advice submitted by the Department of Health, Education, and Welfare on: August 7, 1974.

Docket Number: 74-00491-00-46040. Applicant: Rutgers Medical School, College of Medicine and Dentistry of New Jersey, Hoes Lane, Piscataway, New Jersey 08854. Article: High Resolution Universal Goniometer, Model IB 1003. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope to permit the viewing of one specimen from different tilt angles (45°) and the rotation of a specimen up to 360°. The article will greatly enhance the usefulness of the electron microscope in interpreting the ultrastructure of cells and subcellular fractions. Medical students enrolled in special summer sessions will be instructed in the use of one or more of the capabilities of the electron microscope equipped with the high resolution goniometer. Application received by Commissioner of Customs: May 22, 1974. Advice submitted by the Department of Health, Education, and Welfare on: August 8, 1974.

Docket Number: 74-00495-00-46040. Applicant: National Bureau of Standards, Institute for Materials/Polymers Division, National Bureau of Standards, Wash., D.C. 20234. Article: Scanning Attachment (PW6570/00). Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used for the investigation of synthetic organic polymers. The properties and phenomena to be investigated will include:

(1) The fine structure of polymers crystallized under a variety of conditions—studies are aimed at characterizing the nature of the molecular organization and the nature of disorder in such objects.

(2) The mechanisms of deformation of polymeric materials—studies involve the examination of how single polymer crystals and spherulites deform and what are the morphological changes which occur on a fine scale at different strain levels.

(3) Polymer surfaces—studies include the examination of a variety of samples such as synthetic fibers, films, synthetic polymer implants, permeation tubes, and polymer surfaces which have been exposed to radiofrequency gas discharges. The overall objectives of these various investigations are, the detailed characterization of the fine structure of polymers, the manner in which they deform, the dependence of mechanical properties upon fine structure, and the modification of surfaces and surface properties. Application received by Commissioner of Customs: May 29, 1974. Advice submitted by the Department of Health, Education, and Welfare on: August 8, 1974.

Docket Number: 74-00497-00-46040. Applicant: USDA-ARS, Southern Regional Research Center, 1100 Robert E. Lee Blvd., New Orleans, La. 70179. Article: Goniometer Stage. Manufacturer: Philips. Analytical Equipment, The Netherlands. Intended use of article: The article is intended to be used with an existing electron microscope for the purposes of studying ultrastructural morphology of agricultural commodities as well as an interface between said microscope and an energy dispersive x-ray analyzer which will allow essential elemental analysis of said commodities. In particular, the combination microscope, goniometer stage and energy dispersive x-ray analyzer will be used in a research effort to ascertain the location and amount of chemical reactants in microsamples of cotton fibers which have been removed from fabrics chemically modified to instill flame retardancy. Application received by Commissioner of Customs: May 29, 1974. Advice submitted by the Department of Health, Education, and Welfare on August 8, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-20297 Filed 8-30-74;8:45 am]

YALE UNIVERSITY, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before October 14, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00021-33-46040. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, Conn. 06520. Article: Electron

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Microscope, Model EM 10 with Goniometer Stage. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to examine the ultrastructural characteristics of a variety of transporting epithelia. The tissues which will be studied will include kidney tubules from rats, and tubules and urinary bladders of several species of amphibians and several species of fish. The structural characteristics of various transporting epithelia will be studied in a variety of normal and pathologic states and it is intended to correlate the ultrastructure with function at the cellular level and with function at the cellular level and to approach rental physiology and pathology from an integrated standpoint. Of particular interest from the ultrastructural standpoint are the characteristics of the cell membranes, the junctional complexes between cells, the basal labyrinthine spaces and the structure of intracellular organelles. The article will also be used in the postgraduate training of pathologists, physiologists and cell biologists preparing for a career in the investigation of transporting epithelia. Residents and trainees will be familiarized with the methods and techniques of electron microscopy as applied to the study of transporting epithelia. Application received by Commissioner of Customs: July 17, 1974.

Docket Number: 75-00046-33-46500. Applicant: Massachusetts General Hospital, Department of Renal Biophysics, Fruit Street, Boston, Mass. 02114. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article is intended to be used for the investigation of ultrastructural changes in the urinary bladder of amphibians under various experimental conditions. Experiments will be conducted to show structural changes in the rate-limiting tight junctions (extracellular path) with paralleled changes in the electrical characteristics of the epithelium. Application received by Commissioner of Customs: August 8, 1974.

Docket Number: 75-00047-80-23900. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87544. Article: Microplotter, Lighted Surface. Manufacturer: Mutoh Industries Limited, Japan. Intended use of article: The article is intended to be used for highly precise point to point measurements of radiographs for the Laboratory's weapons' program. Application received by the Commissioner of Customs: August 8, 1974.

Docket Number: 75-00048-33-46040. Applicant: University of Texas Medical Branch, Galveston, Texas 77550. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for ultrastructural studies on human pituitary tissue obtained from autopsies and surgical specimens, a major component of an ongoing correlated light and electron microscopic study of the normal and pathological human pituitary gland. The article will also be used for ultrastructural studies of human brain and muscle biopsies. In addition the article will be used for training to familiarize residents in neurosurgery, neurology and pathology with the diagnostic potential of electron microscopy and the necessity for proper procedure in obtaining tissue for electron microscopy as well as to impart factual knowledge regarding the ultrastructural characteristics of various neurological and muscular disorders. Application received by Commissioner of Customs: August 9, 1974.

Docket Number: 75-00050-33-46040. Applicant: University of Massachusetts, Massachusetts Agricultural Exp. Station, College of Food and Natural Resources, Stockbridge Hall, Amherst, Massachusetts 01002. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the resolution of many different research problems. The planned research includes the following:

(1) Studies of virus diseases of apple trees and vegetable crops for accurate identification of the viruses, viroids, and mycoplasms that are causative organisms.

(2) Localization of pectic enzymes produced by a soft-rot bacterium in potato and cucumber storage tissues, and the relationship of these enzymes to destruction and death of these storage tissues, and the relationship of these enzymes to destruction and death of these stored foods.

(3) Identification of mosquito viruses, with the goal of cataloging the naturally occurring mosquito viruses in Massachusetts so that their value for biological control may be assessed.

(4) Study of the roles of hormones in reproduction by mosquitoes.

(5) Study of the role of various glands of the adult apple maggot and their relationship to infestation of apple fruits.

(6) Study of the nature of ammonium toxicity to tomato plants, and the ability of some mutants to resist ammonium toxicity.

(7) Study of the role of calcium in delaying deterioration and death of stored apples.

(8) Determination of the fine structure of chicken and beef muscle as well as of banana, potato, and carrot tissues.

(9) Identification of food-spoilage bacteria and determination of their molecular biology.

(10) Localization, study and control of viruses causing tumors in soft tissues of domestic animals.

(11) Studies on the relationship between cytogenetics and reduced fitness in domestic animals.

The article will also be used in the courses Plant Pathology-Plant Virology and Entomology-Insect Microbiology and Pathology, to familiarize students with the preparation of material and the operation of the electron microscope. Application received by Commissioner of Customs: August 9, 1974.

Docket Number: 75-00051-38-74700. Applicant: Indiana University, Purchasing Department, 1101 East 17th Street, Bloomington, IN 47401. Article: OVE-IIId Digitally Controlled Serial Speech Synthesizer. Manufacturer: AB Fonema, Sweden. Intended use of article: The article is intended to be used for basic research into the perception of speech sounds primarily in real time computer controlled perceptual experiments dealing with speech synthesis, perception and analysis, dichotic listening, selective attention, information processing and short-term memory. The article will be used by the principal investigator in collaboration with faculty and graduate students in Psychology, Linguistics and Speech Science for original independent research and teaching of course in these areas. Application received by Commissioner of Customs: August 9, 1974.

Docket Number: 75-00052-01-77030. Applicant: University of North Carolina, Department of Chemistry, Chapel Hill, N.C. 27514. Article: NMR Pulse Spectrometer, CPS-2. Manufacturer: Spin-Lock Electronics Co., Canada. Intended use of article: The article is intended to be used to study glasses, molecular solids, proteins in solution, and gases. In these studies the following quantities will be measured:

(a) The nuclear spin relaxation times T_1, $T_{1\rho}$, and T_r for nuclei in the solids.

(b) The NMR line shapes for the solids by Fourier transforming the free induction decays.

(c) The nuclear relaxation time T_2 for liquids and the diffusion coefficient D.

(d) The relaxation time T_1 for nuclei in gases.

(e) The frequency dependence for T_1 for nuclei in solids.

The article will also be used in the training of graduate students and post doctoral research associates in the graduate course entitled Research Methodology in Physical Chemistry and Doctoral Dissertation. The students will learn to use the equipment and will carry out original research projects. Application received by Commissioner of Customs: August 13, 1974.

Docket Number: 75-00053-33-10100. Applicant: University of Miami School of Medicine, Department of Pharmacology, P.O. Box 520875 Biscayne Annex, 1600 N.W. 10th Ave., 4th Flr., Miami, Florida 33156. Article: Temperature Jump Apparatus. Manufacturer: Bodo Schmidt, West Germany. Intended use of article: The article is intended to be used in a project in which the kinetics of Ca^{2+} binding, and the attendant membrane structural changes are to be studied with fluorescent and absorption indicators, and by the use of fluorescent probes in conjunction with the temperature jump technique. Application received by Commissioner of Customs: August 13, 1974.

Docket Number: 75-00054-33-46040. Applicant: Kean College of New Jersey, Pathology Department, Morris Avenue, Union, New Jersey 07083. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article:

The article is intended to be used for studies of tissues, cells, bacteria and viruses to localize enzymatic activity at the subcellular level and to develop selective stains for cellular components. The article will also be used in a course, Biology 4200, to teach biochemical concepts governing the preparation of biological specimens for electron microscopy. Application received by Commissioner of Customs: August 13, 1974.

Docket Number: 75-00055-01-77040. Applicant: New York State Department of Health, Division of Laboratories and Research, New Scotland Avenue, Albany, N.Y. 12201. Article: Mass Spectrometer, MS 30. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended be used for studies of epoxy and phenolic metabolites of polychlorinated biphenyl (PCB) arising from metabolism by liver microsomal mixed functional oxidases of commercially produced PCB plasticizer mixtures. Investigations will be conducted (a) to determine the metabolites and intermediates produced in liver metabolism of PCB, (b) to determine which oxidase is responsible for metabolism of PCB and (c) to determine whether the metabolites characterized are implicated in the toxicity of PCB preparations.

In another research project, phenolic and alcoholic metabolites of "warfarin" produced by liver metabolism in the rat and human will be studied in pursuit of the following:

(a) elucidation of the path of detoxification of warfarin in rodents,

(b) a search for possible substitutes for warfarin for rodent control and also in human medicine, and

(c) elucidation of the mechanism of liver mixed functional oxidase metabolism of aromatic compounds.

Organic constituents of lake and stream water extracted from large volumes of natural waters at different pH and with different extracting solvents will also be investigated. Application received by Commissioner of Customs: August 13, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Program Division.

[FR Doc. 74-20296 Filed 8-30-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the National Advisory Council on Adult Education will be held on September 19-20, 1974, from 9 a.m. to 9 p.m., and on September 21, 1974, from 9 a.m. to 12 noon, at the Portland Hilton, 921 SW. Sixth Avenue, Portland, Oregon.

The National Advisory Council on Adult Education is established under section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council shall be open to the public. The proposed agenda includes:

Committee assignments, duties, and responsibilities.
Executive Director's report.
Proposed rules and regulations for the Education Amendments of 1974.
Annual Report content and format.
Regional program officer's report for Region X.
Meetings with the adult education state directors from Alaska, Idaho, Oregon, Washington.
Council committee meetings.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Adult Education located in Room 323, Pennsylvania Bldg., 425 13th Street, NW., Washington, D.C. 20004).

Signed at Washington, D.C., on August 26, 1974.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc.74-20196 Filed 8-30-74;8:45 am]

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION (EXECUTIVE COMMITTEE)

Notice of Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the National Advisory Council on Indian Education (Executive Committee) will be held on September 17, 1974 at 11 a.m. at 400 Maryland Ave., South West, Washington, D.C.

The National Advisory Council on Indian Education is established under section 401 of the Indian Education Act (Pub. L. 92-318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other federal laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The first portion of this meeting of the Council and the U.S. Commissioner of Education will meet from 11 a.m. to 11:30 a.m., shall be closed to the public, under the authority of the Federal Advisory Committee Act (Pub. L. 92-463) and under the exemptions contained in section 552(b) (2) and (6) of the Freedom of Information Act (Pub. L. 90-23).

Discussion of the second portion of the agenda will be open to the public beginning at 11:30 a.m. to 1 p.m. Both meetings will be held in Room 3000, FOB #6, 400 Maryland Ave., SW., Washington, D.C. (small conference room).

The proposed agenda includes:

1. Identifying the candidates for the position of Deputy Commissioner of Indian Education.

2. National Advisory Council on Indian Education's responsibilities, functions and their relationship with the Office of Education.

Because of limited space persons who plan to attend the open portion of the meeting, please notify the Executive Director at 202/963-3544, Room 326, 425 13th St., NW., Washington, D.C. 20004

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th St., NW., Room 326, Washington, D.C. 20004).

Signed at Washington, D.C., on August 27, 1974.

DORRANCE D. STEELE,
Acting Executive Director, National Advisory Council on Indian Education.

[FR Doc.74-20211 Filed 8-30-74;8:45 am]

RIGHT TO READ SCHOOL BASED PROJECTS

Closing Date for Receipt of Non-Competing Continuation Applications

Notice is hereby given that pursuant to the authority contained in the Cooperative Research Act (Pub. L. 83-531, as amended, 20 U.S.C. 331), applications are being accepted for continuation of grants under the Right to Read School Based Program. No new grants will be awarded under this program.

V 39 171 SEP 3 74 XUM

Applications must be received by the U.S. Office of Education, Application Control Center on or before October 8, 1974.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13:533. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C.

Hand delivered applications will be accepted daily between the hours of 8:30 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays or Federal Holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Authority.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the General Provisions for Right to Read (45 CFR Part 151, Subpart A; published in the FEDERAL REGISTER on June 20, 1974, at 39 FR 22147). In addition, a notice of proposed rulemaking providing rules specifically governing the School-Based Program was published in the FEDERAL REGISTER on August 19, 1974, at 39 FR 29929.

D. *Program information and forms.* Information and application forms may be obtained from the Right to Read Program, U.S. Office of Education, Room 2131, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(20 U.S.C. 331a(a)(1))

(Catalog of Federal Domestic Assistance Number 13.533; Right to Read—Elimination of Illiteracy)

Dated: August 28, 1974.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.74-20275 Filed 8-30-74;8:45 am]

Social Security Administration

ADVISORY COUNCIL ON SOCIAL SECURITY

Notice of Public Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Advisory Council on Social Security, established pursuant to section 706(a) of the Social Security Act, as amended, will meet on Saturday, September 21, 1974, from 10 a.m. to 4 p.m., and Sunday, September 22, 1974, from 9 a.m. to 5 p.m. in Room 5051 HEW-North Building, Third and Independence Avenues, SW., Washington, D.C. Beginning at 4 p.m. on Saturday, September 21, two subcommittees of the Advisory Council will meet. One subcommittee deals with social security financing, the other with treatment of men and women under social security with respect to sex and marital status. A task force on the purposes, objectives, and principles of the social security program will meet at 4 p.m. on Saturday, September 21. The meetings of the Advisory Council, its subcommittees, and the task force are open to the public.

Further information on the Council and the task force may be obtained from John Trout, Executive Secretary of the Council, Room 440 Altmeyer Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-2510. Further information on the Council's subcommittee on financing may be obtained from Mary Ross, Executive Secretary of the Subcommittee, Room 438 Altmeyer Building, telephone (301) 594-2514. Further information on the Council's subcommittee on treatment of men and women under social security may be obtained from James Crum, Executive Secretary of the Subcommittee, Room 454 Altmeyer Building, telephone (301) 594-2834. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Programs Numbers 13.800-13.807, Social Security Programs)

Dated: August 28, 1974.

JOHN TROUT,
Executive Secretary, Advisory Council on Social Security.

[FR Doc.74-20276 Filed 8-30-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-295 & 50-304]

COMMONWEALTH EDISON CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Atomic Energy Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR-39 and DPR-48 issued to Commonwealth Edison Company for operation of the Zion Nuclear Power Station, Unit 1 and Unit 2, located in Zion, Lake County, Illinois.

These licenses presently authorize operation of the facilities at steady state power levels up to a maximum of 2760 megawatts (thermal) each, the power limit (85 percent of rated power) being based on the functional capabilities of the initially installed and temporarily modified main steam line check valves.

The proposed amendments would remove this power restriction based on the capabilities of the newly modified main stream line check valves and would therefore increase the authorized steady state power level up to a maximum of 3250 megawatts (thermal) each in accordance with Commonwealth Edison Company's application dated April 16, 1974.

The initial decision of the Atomic Safety and Licensing Board dated October 5, 1973, authorized the issuance of a license up to 3250 megawatts (100 percent of rated power). However, after reviewing the dockets for 50-295 and 50-304, the Director of Regulation had determined that the docket did not contain sufficient information on the steam line check valves to justify operation in excess of 85 percent of rated power and, thus, issued the license for that maximum power level. Commonwealth Edison Company submitted the required information by letter dated December 28, 1973, that transmitted Supplement D to the Zion Station Special Report No. 8, "Main Steam Line Check Valve Final Modification".

The Commission has issued a safety evaluation relating to this proposed action concluding, inter alia, that there is reasonable assurance that the issuance of this amendment will not be inimical to the health and safety of the public. Prior to issuance of the proposed license amendment, the Commission will have made the remainder of the findings required by the Act and the Commission's regulations.

By October 3, 1974, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the application for amendment dated April 16, 1974, and (2) the Commission's related safety evaluation which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085. A copy of item (2) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Md., this 22nd day of August, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.74-20241 Filed 8-30-74;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

Northern States Power Co. (Monticello Nuclear Generating Plant) Docket No. 50-263, Provisional Operating License No. DPR-22.

This action is in reference to the proposed issuance of amendment to provisional operating license published by the Commission in the above matter on July 22, 1974 (39 FR 26661).

The members of the Board are:

Robert M. Lazo, Esq., Chairman
Atomic Safety and Licensing Board Panel
U.S. Atomic Energy Commission
Washington, D.C. 20545

Dr. John C. Geyer, Member
Department of Geography and Environmental Engineering
513 Ames Hall
Johns Hopkins University
Baltimore, Maryland 21218

Dr. Walter H. Jordan, Member
881 W. Outer Drive
Oak Ridge, Tennessee 37830

Dated at: Bethesda, Md., this 28th day of August 1974.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.74-20240 Filed 8-30-74;8:45 am]

[Docket Nos. 50-496-A, 50-497-A]

NORTHEAST NUCLEAR ENERGY COMPANY, ET AL.

Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters

Northeast Nuclear Energy Company, acting for itself and as the representative of the other applicants listed below, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application which was docketed on July 12, 1974, for authorization to construct and operate two generating units utilizing two boiling water nuclear reactors. It is proposed that Northeast Nuclear Energy Company will design, construct, and operate these units, but will not participate in ownership interest in the units. The application was tendered on May 2, 1974. Following a preliminary review for completeness, the application was accepted for docketing on June 13, 1974. Docket Nos. 50-496 and 50-497 have been assigned to the application and these numbers should be referenced in any correspondence relating to the application.

The proposed facilities, designated by the applicants as the Montague Nuclear Power Station, Units 1 & 2 are located on a 1900-acre site in the northern Massachusetts town of Montague, Franklin County, 1.8 miles east of the Connecticut River. Each unit is designed for initial operation at approximately 3579 megawatts thermal with a net electrical output of approximately 1150 megawatts.

The proposed Montague units are to be jointly owned by a minimum of nine and a maximum of twenty-nine of the below-named applicants. The nine applicants which are committed to become owners of the units and the maximum percentage of ownership of each are as follows: The Connecticut Light and Power Company (39.75%); The Hartford Electric Light Company (21.00%); Western Massachusetts Electric Company (14.25%); New England Power Company (13.00%); Central Maine Power Company (3.00%); New Bedford Gas and Edison Light Company (4.50%); Montaup Electric Company (2.00%); Central Vermont Public Service Corporation (1.74%); and Fitchburg Gas and Electric Light Company (0.76%). Twenty consumer-owner systems may exercise their respective options to acquire portions of the ownership interests which the aforementioned nine applicants are committed to acquire. Those consumer-owned systems and the maximum ownership interests which they may respectively acquire are: Burlington Electric Department (0.22%); Town of Reading Municipal Light Department (0.29%); City of Chicopee Municipal Lighting Plant (0.26%); City of Holyoke Gas and Electric Department (0.16%); Peabody Electric Department (0.16%); City of Westfield Gas and Electric Light Department (0.16%); Town of Shrewsbury Municipal Light Department (0.12%); Town of Wakefield Municipal Light Department (0.11%); Town of South Hadley Electric Light Department (0.09%); Town of Hudson Light and Power Department (0.08%); Marblehead Municipal Light Department (0.07%); North Attleborough Electric Department (0.07%); Holden Municipal Light Department (0.06%); Town of Littleton Electric Light and Water Department (0.05%); Town of West Boylston Municipal Lighting Plant (0.04%); Ashburnham Municipal Light Plant (0.02%); Town of Boylston Municipal Light Department (0.02%); Paxton Municipal Light Department (0.02%); Sterling Municipal Electric Light Department (0.02%); Templeton Municipal Light Plant (0.02%).

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 12, 1974. The request should be filed in connection with Docket Nos. 50-496-A and 50-497-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Carnegie Library, Avenue A, Turners Falls, Massachusetts 01376.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an Environmental Report, dated July 12, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities is being made available for public inspection at the aforementioned locations and at the Office of State Planning and Management, Leverett Saltonstall Building, 100 Can Bridge Street, Room 909, Boston, Massachusetts 02202, and at the Franklin County Planning Department, 425 Main Street, Greenfield, Massachusetts 01301.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, notice of the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 31st day of July 1974.

For the Atomic Energy Commission.

WALTER A. PAULSON,
Acting Chief, Light Water Reactors Branch 1-2, Directorate of Licensing.

[FR Doc.74-18315 Filed 8-12-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Order No. 74-8-68; Docket No. 25280; Agreement Nos. C.A.B. 24289 R-1 through R-6, C.A.B. 24265 R-3]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Cargo Rate Matters

Correction

In FR Doc. 74-19311, appearing at page 30188, of the Wednesday, August 21, 1974 issue, make the following changes:

1. The bracket should read as set forth above.

2. In the twelfth line of the first paragraph of the second column on page 30188, insert "IATA" between "Initial"

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and "proposals", so that the corrected line read, "Board disapproval of initial IATA proposals".

3. In the second column on page 30189, transpose the last two lines.

CIVIL RIGHTS COMMISSION

CONNECTICUT STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut State Advisory Committee (SAC will convene at 7 p.m. on September 18, 1974, at the Holiday Inn, 900 East Main Street, Meriden, Connecticut 06450.

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, Federal Building, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to (1) discuss projects proposed for study by the Connecticut SAC during the balance of FY 1975, and (2) consider rechartering the Connecticut SAC.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 28, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-20237 Filed 8-30-74;8:45 am]

MASSACHUSETTS STATE ADVISORY COMMITTEE

Notice of Meeting; Correction

In FR Doc. 74-18558, appearing at page 29044 of the issue of Tuesday, August 13, 1974, the date of the Massachusetts State Advisory Committee meeting in Springfield, Massachusetts, now reading "September 5, 1974," should read "September 6, 1974."

Dated at Washington, D.C., August 28, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-20236 Filed 8-30-74;8:45 am]

MONTANA STATE ADVISORY COMMITTEE

Cancellation of Meeting

The meeting of the Montana State Advisory Committee to the United States Commission on Civil Rights, originally scheduled for September 6, 1974, a notice of which was previously published on page 29044 in the FEDERAL REGISTER on Tuesday, August 13, 1974 (39 FR Doc. 74-18560), is cancelled.

Dated at Washington, D.C., August 28, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-20235 Filed 8-30-74;8:45 am]

NEW HAMPSHIRE STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on September 25, 1974, at the New Hampshire Highway Motel, Concord, New Hampshire 03301.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to (1) discuss New Hampshire SAC project proposals for FY 75 and (2) give consideration to the proposed followup to the New Hampshire Prison Project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., August 28, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-20238 Filed 8-30-74;8:45 am]

UTAH STATE ADVISORY COMMITTEE

Cancellation of Meeting

The meeting of the Utah State Advisory Committee to the United States Commission on Civil Rights, originally scheduled for September 16, 1974, a notice of which was previously published on page 29044 in the FEDERAL REGISTER on Tuesday, August 13, 1974 (39 FR Doc. 74-18561) has been cancelled.

Dated at Washington, D.C., August 28, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-20234 Filed 8-30-74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Director, Commodity Operations Division, Agricultural Stabilization and Conservation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-20246 Filed 8-30-74;8:45 am]

DEPARTMENT OF DEFENSE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary (Public Affairs), Office of the Assistant Secretary of Defense (Public Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-20249 Filed 8-30-74;8:45 am]

DEPARTMENT OF DEFENSE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary (Operations), Office of the Assistant Secretary of Defense (Public Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-20252 Filed 8-30-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Administrator, New Communities Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-20247 Filed 8-30-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Office of New Communities Development, Office of the Director, Office of the Assistant Secretary for Community Planning and Management.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-20253 Filed 8-30-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Bureau of Outdoor Recreation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-20250 Filed 8-30-74;8:45 am]

DEPARTMENT OF THE ARMY

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Army to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary of the Army (Installations and Logistics), Office, Assistant Secretary of the Army (Installations and Logistics), Office, Secretary of the Army.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-20248 Filed 8-30-74;8:45 am]

DEPARTMENT OF THE NAVY

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Navy to fill by noncareer executive assignment in the excepted service the position of Principal Deputy General Counsel, Office of the General Counsel, Executive Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-20251 Filed 8-30-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal From Warehouse for Consumption

AUGUST 27, 1974.

On February 27, 1974, there was published in the FEDERAL REGISTER (39 FR 7612) a letter dated February 22, 1974, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs directing that additional amounts of ex-quota cotton yarn and/or fabric be permitted entry into the United States for consumption from the countries indicated, pursuant to the ad hoc offer of October 30, 1973 by the United States Government to each of its cotton textile agreement partners. (38 FR 30050)

When the offer was made, the Government of Mexico requested, and the United States Government acceded to the request that the following increments from the previously-allocated 12 million square yards be permitted entry into the United States in the categories indicated during the twelve-month period which began on May 1, 1974:

	Ex-quota amounts (square yards)
5-27, part 64 (knit fabrics)	3,490,000
9/10	1,343,000
22/23	582,000
26/27 and part of 64 (knit fabrics)	1,565,000

Accordingly, there is published below a letter of August 27, 1974, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, directing that the specified additional amounts should be permitted entry during the twelve-month period which began on May 1, 1974.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

AUGUST 27, 1974.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive issued to you on February 22, 1974 by the Chairman of the Committee for the Implementation of Textile Agreements pursuant to the offer by the United States Government to all of its bilateral cotton textile agreement partners to export on a one-time basis additional quantities of cotton yarn and/or fabric. This directive was previously amended on April 22, 1974 and June 4, 1974.

Pursuant to the foregoing directive of February 22, 1974, you are hereby directed to permit entry of the following ex-quota amounts from Mexico in Categories 9/10, 22/23, and 26/27 and part 64 (knit fabrics) during the twelve-month period which began on May 1, 1974:

Category:	*Ex-Quota Amount (square yards)*
5-27, part 64 (knit fabrics)	3,490,000
9/10	1,343,000
22/23	582,000
26/27 and part of 64 (knit fabrics)	1,565,000

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementations of 5 U.S.C. 553. This letter will be publ-affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc. 74-20294 Filed 8-30-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

BICYCLES

Notice of Meeting

The Consumer Product Safety Commission gives notice that a public meeting concerning the Commission's regulations which establish safety requirements for bicycles (16 CFR 1500.18 (a)(12) and 16 CFR Part 1512) will be held on September 9, 1974, at 10 a.m. in Room 450 of the Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland. The purpose of this meeting is to receive information supporting requests for delayed effective date and changes in various requirements of these regulations.

The regulations which are the subject for discussion at this meeting were published in the FEDERAL REGISTER on July 16, 1974 (39 FR 2u100), to become effective on January 1, 1975. They were issued by the Commission under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) and section 30(a) of the Consumer Product Safety Act (15 U.S.C. 2079(a)). Provisions of 16 CFR Part 1512 establish safety-related design and performance requirements for bicycles. Provisions of 16 CFR 1500.18(a)(12) classify any bicycle which is introduced into interstate commerce on or after January 1, 1975, and which does not comply with the requirements of 16 CFR Part 1512 as a banned toy or other article intended for use by children. Introduction or receipt in interstate commerce of any banned toy or article intended for use by children is prohibited by section 4 of the Federal Hazardous Substances Act (15 U.S.C. 1263) and is made punishable by fine or imprisonment or both by section 5 of the Act (15 U.S.C. 1264). Additionally, section 6 of the Act (15 U.S.C. 1265) authorizes seizure of any such toy or article which is introduced into interstate commerce; and section 15 of the Act (15 U.S.C. 1274)

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and regulations issued by the Commission (16 CFR 1500.202) require repurchase of any banned toy or other article intended for use by children which is introduced into interstate commerce.

On August 12, 1974, Schwinn Bicycle Company (Schwinn) submitted to the Commission a list of written objections to the regulations issued on July 16, 1974, and requested a public hearing in accordance with provisions of 16 CFR 1500.201, a procedural regulation issued by the Commission which is applicable to the issuance, amendment, or repeal of certain regulations under the Federal Hazardous Substances Act. The Commission also received documents which state objections to the bicycle safety regulations and request a public hearing in accordance with 16 CFR 1500.201 from Bicycle Manufacturers Association of America (BMA); Bendix Corporation, Bicycle and Ignition Components Division (Bendix); Raleigh Industries of America, and Raleigh Industries Limited (Raleigh); and Shimano American Corporation, and Shimano Industrial Company, Ltd. (Shimano).

The provisions of 16 CFR 1500.201 are applicable to the "issuance, amendment, or repeal of any regulation provided for in section 3(a) or 2(q) of the act, declaring particular substances to be hazardous substances or banned hazardous substances." The regulations establishing safety requirements for bicycles were issued in accordance with section 3(e) of the Federal Hazardous Substances Act, which prescribes the procedures to be followed for issuing regulations to classify a toy or other article intended for use by children that presents an electrical, mechanical, or thermal hazard as a "hazardous substance" as that term is defined in section 2(f)1(D) of the Act. Although section 2(q)(1)(A) of the Act does define the term "banned hazardous substance" to include "any toy, or other article intended for use by children, which is a hazardous substance * * *" and for that reason was included in the citation of authority for issuing the bicycle safety regulations in the notice of July 16, 1974, the procedures for issuing certain regulations which are set forth elsewhere in section 2(q) of the Act are not applicable to and were not used in the proceeding by which the bicycle regulations were issued.

Because the bicycle safety regulations were not issued in accordance with the procedures of sections 3(a) or 2(q) of the Act, the Commission concludes that provisions of 16 CFR 1500.201, relating to the filing of objections and requests for public hearings are not applicable in this matter.

The Schwinn submission requested that if the Commission deemed that provisions of 16 CFR 1500.201 were not applicable, the list of objections should be considered as a petition to amend 16 CFR 1500.18(a)(12) and 16 CFR Part 1512 in accordance with the procedures specified in 5 U.S.C. 553. Submissions from BMA and Bendix also contain recommendations for modification of various provisions of the regulation, as do written communications which have been received by the Commission since July 16, 1974, from several other interested persons. The Commission considers all of these documents to be petitions for the amendment of the bicycle safety regulations under 5 U.S.C. 553. Copies of all petitions objecting to or requesting modification of the bicycle regulations are available for inspection in the Office of the Secretary, 10th Floor, 1750 K Street NW., Washington, D.C.

The purpose of the public meeting on September 9, 1974, is to allow these petitioners, and any other interested persons, to present information to be used by the Commission staff in the evaluation of the petitions, and in the preparation of a recommendation to the Commission for disposition of these petitions.

The Schwinn petition requests that the effective date of 16 CFR 1500.18(a)(12) and 16 CFR Part 1512 be changed from January 1, 1975, to July 1, 1975, or that the Commission repropose the provisions in those regulations for an effective date to give interested persons an opportunity to comment on the suitability of the proposed effective date. Several other petitions request an extension of the effective date for some or all of the provisions of 16 CFR Part 1512 until July 1, 1975.

Several petitions state that the stopping distances specified in § 1512.5 Requirements for braking system, are too short and should be increased. Several petitions also allege that various sections of 16 CFR Part 1512 contain requirements which were not present in the proposed regulation published on May 10, 1973, and were not subject to comment by interested persons. Sections which were subjects of this objection include § 1512.5(c)(3) *Crank differential;* § 1512.9(a) *Chain guard;* § 1512.16(d) *Rear reflector;* § 1512.18(h)(1)(ii) *Handlebar stem-to-fork clamp test criteria;* § 1512.18(k)(1) *Fork test* by its reference to Figure 1. The petitions also contain allegations that the language of several sections is ambiguous or unclear, or contradicts language appearing elsewhere in the regulation. According to the petitions, these sections include § 1512.4(e) *Protrusions;* § 1512.4(g) *Projections;* § 1512.5(b)(9) *Hand Lever Extensions;* § 1512.12(a) *Locking devices;* § 1512.14 Requirements for Frame and § 1512.18(k)(2)(ii) *Criteria* (for frame test); § 1512.18(o)(2)(iii) and (iv) *Retroreflective tire test procedures for Measurement and Criteria;* and the title of Table 3. Some of the petitions also allege that provisions of the following sections either detract from bicycle safety or add significant costs to manufacturing bicycles without improving safety: § 1512.4(j) *Control cables; abrasion;* § 1512.7(b) *Toe clips;* § 1512.9(a) *Chain guard;* and § 1512.5(e)(3) *Sidewalk bicycles.*

The meeting on September 9, 1974, will be attended by members of the Commission staff from the Office of the General Counsel, Office of Field Coordination, Office of the Medical Director, Bureau of Epidemiology, Bureau of Engineering Sciences, Bureau of Information and Education, Bureau of Compliance, Bureau of Economic Analysis, and Office of Standards Coordination and Appraisal. Any person who wishes to attend this meeting should notify Don Early, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 496-7197.

Neither the decision to conduct a public meeting on September 9, 1974, to receive information concerning these petitions, nor anything contained in this notice shall extend the 60-day period specified in Section 3(e)(3)(A) of the Federal Hazardous Substances Act (15 U.S.C. 1262(e)(3)(A)) during which any adversely affected person may file a petition in an appropriate U.S. Court of Appeals to request judicial review of 16 CFR 1500.18(a)(12) and 16 CFR Part 1512.

Dated: August 27, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-20187 Filed 8-30-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 259-7; OPP-180019]

NEW HAMPSHIRE DEPARTMENT OF AGRICULTURE AND DIVISION OF PUBLIC HEALTH

Issuance of Specific Exemption To Use DDT for Emergency Rabid Bat Control

The Environmental Protection Agency (EPA) has granted a specific exemption to the New Hampshire Department of Agriculture and Division of Public Health to use DDT for emergency rabid bat control as provided in section 16 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 995) and the regulations thereunder (40 CFR Part 166 et seq.).

Background. The rabies virus is endemic to New Hampshire populations of the big brown bat (*Eptesious fuscus*) and the little brown bat (*Myotis lucifugus*). Both species of bats cohabit with humans in New Hampshire from April to September or October. Some bats will remain year round in areas of houses or other structures which offer protection and warmth. Nine bat bites were reported in humans in New Hampshire in 1972 and nine more in 1973. Bites by confirmed rabid bats necessitate the long series of painful rabies post-exposure shots. Bat bites in domestic animals particularly in cats which are often in contact with bats (especially downed bats which may well be diseased) is believed to occur frequently.

Cats in New Hampshire are not generally immunized against rabies.

There is a real possibility that rabies may be transmitted from bats to humans. Even though this possibility is small, the fact that it exists creates a fear in the minds of people and can lead to widespread concern. Naphthalene is the only pesticide registered with the EPA for use against bats. However, this chemical is only partially effective. Furthermore, since it is only a repellent, it would not kill those populations suspected of having rabies, but only drive them from one location to another. The registration of DDT, the only toxicant ever registered for bat control, has been cancelled except for control of vector diseases by the U.S. Public Health Service, pursuant to the Order of the Administrator, filed June 14, 1972, and published in the FEDERAL REGISTER of July 7, 1972 (37 FR 13369).

Conclusion. The EPA granted a specific exemption to the New Hampshire Department of Agriculture and Division of Public Health to use DDT against bats if a danger to human health exists with the following provisions:

1. The bats are cohabiting with humans.
2. The above is confirmed by local health agents, with concurrence that control measures are necessary.
3. No application of DDT is made until the licensed applicator obtains a permit from the New Hampshire Department of Agriculture.
4. The DDT is placed in exits and/or in places where bats rest, if such are accessible or access can be provided.
5. The property owner or occupant agrees to to make the necessary structural modifications to prevent reinfestations.
6. The applicator reports to the New Hampshire Department of Agriculture within three days after treatment the amount of DDT used.
7. All pest control operators exposed to bats have preexposure, duck-embryo rabies vaccine. Operators refusing the vaccine must not be used.
8. The actual control operation be under the supervision of State health officials or competent local health agents approved by State officials.
9. A final report be submitted to the EPA Regional Office detailing the use of DDT (names, locations, dates, amounts used, reason for use, etc.).
10. The program be terminated on October 30, 1974.

Since DDT will only be applied in a judiciously supervised program to the attics of houses or to the exit holes of roofs where bats may be located, no irreversible adverse environmental effects are anticipated as a result of the proposed use of DDT in this control program.

The official file on this subject is available during regular business hours (8 a.m. to 4:30 p.m.) in the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, Room 347, East Tower, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Notice of this exemption is given pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 995), and the regulations thereunder (40 CFR 166.10).

Dated: August 27, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-20185 Filed 8-30-74;8:45 am]

[FRL 260-1]

ANSUL CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5H5060) has been filed by The Ansul Co., Marinette, WI 54143, proposing establishment of food additive tolerances (21 CFR Part 121) for residues of the herbicide methanearsonic acid (expressed as As_2O_3) in or on bagasse, molasses, sirup, and sugar at 1 part per million resulting from application of its di- and monosodium salts to sugarcane.

Dated: August 23, 1974.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.74-20178 Filed 8-30-74;8:45 am]

[FRL 259-5]

FMC CORP.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1530) has been filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing establishment of a tolerance for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodity sweetpotatoes at 2 parts per million, of which no more than 0.6 part per million is carbamates.

The analytical method proposed in the petition for determining residues of carbofuran and its carbamate metabolite is a gas chromatographic procedure using a nitrogen detector. The analytical method proposed for determining residues of the phenolic metabolites is one in which the residues are converted to 2,4-dinitrophenyl ethers with 1-fluoro-2,4-dinitrobenzene and determined by gas chromatography using a nitrogen specific detector.

Dated: August 23, 1974.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.74-20183 Filed 8-30-74;8:45 am]

[FRL 260-2]

FMC CORP.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1527) has been filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing establishment of a tolerance for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-*N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodity sweetpotatoes at 2 parts per million, of which no more than 0.6 part per million is carbamates.

The analytical method proposed in the petition for determining residues of carbofuran and its carbamate metabolite is a gas chromatographic procedure using a nitrogen specific microcoulometric detector. The analytical method proposed for determining residues of the phenolic metabolites is one in which the residues are converted to 2,4-dinitrophenyl ethers with 1-fluoro-2,4-dinitrobenzene and determined by gas chromatography using a nitrogen specific detector.

Dated: August 23, 1974.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.74-20182 Filed 8-30-74;8:45 am]

[FRL 260-4]

RHODIA, INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5H5058) has been filed by Rhodia, Inc., Chipman Division, 23 Belmont Drive, Somerset, NJ 08873, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the insecticide phosalone (*S*-[6-choloro-3-(mercaptomethyl)-2-benzoxazolinone] *O,O*-diethyl phosphorodithioate) in dried grape pomace at 45 parts per million

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resulting from application of the insecticide to growing grapes.

Dated: August 23, 1974.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.74-20181 Filed 8-30-74;8:45 am]

[FRL 259-4]

SHELL CHEMICAL CO.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1532) has been filed by Shell Chemical Co., 1025 Connecticut Avenue, NW., Washington, DC 20036, proposing establishment of tolerances (40 CFR Part 180) for negligible residues of the herbicide 2 - [[4 - chloro-6-(ethylamino)-s-triazin-2-yl]amino] - 2 - methylpropionitrile in or on the raw agricultural commodities sorghum fodder, forage, and grain at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure using an alkali flame ionization detector.

Dated: August 23, 1974.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.74-20184 Filed 8-30-74;8:45 am]

[FRL 259-8]

UNIROYAL CHEMICAL

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 4F1520) has been filed by Uniroyal Chemical, Bethany, CT 06525, proposing establishment of tolerances (40 CFR Part 180) for residues of the insecticide propargite (2-(*p-tert*-butylpheonoxy) cyclohexyl 2-propynyl sulfite) in or on the raw agricultural commodities beans (succulent) at 20 parts per million; sorghum fodder, forage, and grain at 10 parts per million; and beans (dry) at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a specific sulfur detector. Flame photometric or microcoulometric detectors are suitable.

Dated: August 23, 1974.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.74-20179 Filed 8-30-74;8:45 am]

[FRL 260-5]

UNIROYAL CHEMICAL

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1525) has been filed by Uniroyal Chemical, Bethany, CT 06525, proposing establishment of tolerances for combined residues of the fungicide carboxin (5,6-dihydro-2-methyl-1,4- oxathiin - 3 - carboxanilide) and its metabolite 5,6-dihydro-3-carboxanilide-2 - methyl - 1,4-oxathiin-4-oxide (calculated as carboxin) in or on the raw agricultural commodities corn grain, rice, and rice straw at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the fungicide is a procedure in which caustic digestion cleaves aniline from the fungicide. The aniline is removed by steam distillation and analyzed with a gas chromatograph using a microcoulometric nitrogen detector.

Dated: August 23, 1974.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.74-20180 Filed 8-30-74;8:45 am]

[FRL 257-2; OPP-32000/105]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION DATA TO BE CONSIDERED IN SUPPORT OF APPLCATIONS

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the Federal Register a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before November 4, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 4, 1974.

APPLICATIONS RECEIVED

EPA Reg. No. 264-243. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. ORNAMENTAL WEEDER A GRANULAR HERBICIDE. Active Ingredients: Ammonium salt of chloramben (3-amino-2,5-dichlorobenzoic acid) 3.9%; Ammonium salts of related aminodichlorobenzoic acids 0.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 264-105. Amchem Products, Inc. BUTYRAC 200. Active ingredients: 4-2,4-Dichlorophenoxy) Butyric acid, dimethylamine salt 26.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 264-2. Amchem Products, Inc. WEEDAR 64 BROAD LEAF HERBICIDE. Active Ingredients: Dimethylamine salt of 2,4-dichlorophenoxyacetic acid 49.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 241-94. American Cyanamid Co., PO Box 400, Princeton NJ 08540. CYGON 267 SYSTEMIC INSECTICIDE. Active Ingredients: Dimethoate [O,O-dimethyl S-(N-methylcarbamoylmethyl) phosphorodithioate] 80.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 30565-E. Arapahoe Chemicals, Inc., 2855 Walnut St., Boulder CO 80301. ARAPAHOE TECHNICAL BUTYL DIMETHYL DIHYDRO-GAMMA-PYRONE CARBOXYLATE. Active Ingredients: Technical Butyl dimethyl dihydro-gamma-pyrone carboxylate 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7078-U. Arbrook Inc., PO Box 130, Arlington TX 76010. AQUEOUS CIDEX 4. Active Ingredients: Glutaraldehyde 2.0%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 32690-T. Bio-Chemical, Inc., 1353 Ellsworth Ind., Dr., N.W., Atlanta GA 30318. BIO-CHEMICAL CONCENTRATED SWIMMING POOL ALGAECIDE. Active Ingredients: N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5185-ELO. Bio-Lab, Inc., PO Box 1489, Decatur GA 30031. BIO-GUARD WCF-SUPRA 200 CHERRY BOUQUET. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 2.50%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl benzyl ammonium chloride 1.25%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl) ethyl ammonium bromide 1.25%; Sodium carbonate 1.00%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.38%; Essential Oils 0.50%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5185-EAT. Bio-Lab, Inc. BIO-GUARD MBQ-SUPRA 200 MINT BOUQUET. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 2.50%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.25%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 1.25%; Sodium carbonate 1.00%; Sodium metasilicate 1.00%; Essential Oils 1.00%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.38%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5185-EAA. Bio-Lab, Inc. BIO-GUARD CBQ-SUPRA 100 CHERRY BOUQUET. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 1.250%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.625%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide, 0.625%; Sodium carbonate 0.500%; Sodium metasilicate 0.500%; Essential oils 0.500%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.190%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5185-ELT. Bio-Lab, Inc. BIO-GUARD OBQ-SUPRA 200 ORANGE BOUQUET. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 2.50%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.25%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 1.25%; Sodium carbonate 1.00%; Sodium metasilicate 1.00%; Essential Oils 1.00%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.38%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5185-ELI. Bio-Lab, Inc. BIO-GUARD MBQ-SUPRA 100 MINT BOUQUET. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 1.250%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.625%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 0.625%; Sodium carbonate 0.500%; Sodium metasilicate 0.500%; Essential oils 0.500%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.190%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5185-EAE. Bio-Lab, Inc. BIO-GUARD WLF-SUPRA 100 LEMON FRAGRANT. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 1.250%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.625%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 0.625%; Sodium carbonate 0.500%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.190%; Essential Oils 0.500%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5185-EAR. Bio-Lab, Inc. BIO-GUARD LBQ-SUPRA 100 LEMON BOUQUET. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 1.250%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.625%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 0.625%; Sodium carbonate 0.500%; Sodium metasilicate 0.500%; Essential oils 0.500%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.190%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5185-EAI. Bio-Lab, Inc. BIO-GUARD CBQ-200 CHERRY BOUQUET. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 2.50%; Alkyl (C15 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.25%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 1.25%; Sodium carbonate 1.00%; Sodium metasilate 1.00%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.38%; Essential Oils 0.25%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5185-ETN. Bio-Lab, Inc. BIO-GUARD MBQ-100 MINT BOUQUET. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 1.250%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.625%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 0.625%; Sodium carbonate 0.500%; Sodium metasilicate 0.500%; Essential Oils 0.250%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.190%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5185-EAO. Bio-Lab, Inc. BIO-GUARD WMF-100 MINT FRAGRANT. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 1.250%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.625%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 0.625%; Sodium carbonate 0.500%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.190%; Essential Oils 0.250%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5185-EAU. Bio-Lab, Inc. BIO-GUARD WOF-SUPRA 200 ORANGE BOUQUET. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 2.50%; Alkyl C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.25%; Alykl C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 1.25%; Sodium carbonate 1.00%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.38%; Essential Oils 0.50%; Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5185-EAL. Bio-Lab, Inc. BIO-GUARD WLF-SUPRA 200 LEMON FRAGRANT. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 2.50%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.25%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 1.25%; Sodium carbonate 1.00%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.38%; Essential Oils 0.50%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5185-ELA. Bio-Lab, Inc. BIO-GUARD CBQ-100 CHERRY BOUQUET. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 1.250%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.625%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 0.625%; Sodium carbonate 0.500%; Sodium metasilicate 0.500%; Essential oils 0.250%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.38%; Essential Oils 0.25%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 19760-O. Cardinal Chemical Co., 257 Dutchess Tnpk, Poughkeepsie NY 12603. CARDINAL RODENT-RID. Active Ingredients: Warfarin (3-(a-acetonylbenzyl(-4-Hydroxycoumarin 0.025%; Malathion (O,O-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate) 0.010%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 239-2286. Chevron Chemical Co., Ortho Division, 940 Hensley St., Richmond CA 94804. ORTHO 'GRAMOXONE'CL. Active Ingredients: Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride) 29.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 59-RTI. Cooper U.S.A., Inc., PO Box 12338, Research Triangle Park NC 27709. COOPER-PHOS LIVESTOCK SPRAY AND DIP. Active Ingredients: 2-Chloro-1-(2,4-dichlorophenyl) vinyl diethyl phosphate 21.1%; Aromatic Petroleum Distillates 63.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 677-GEA. Agricultural Chemicals Div., Diamond Shamrock Corp., 1100 Superior Ave., Cleveland OH 44114. CHLOROTHALONIL FLOWABLE 2.88. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 29.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5736-UL. DuBois Chemicals, Div., of Chemed Corp., 3630 E. Kemper Road, Sharonville OH 45241. WATER BASE TROUNCE SYNTHETIC INSECT KILLER. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropane carboxylate, Related compounds, d-trans allethrin (allyl homolog of Cinerin I), Related compounds 0.278%. Method of Support: Application proceeds under 2(c) of interim policy.

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EPA File Symbol 10654-A. Environmental Control Systems, Inc., 2951 East 56th St., Indianapolis IN 46220. STERI PLUS II DISINFECTANT-CLEANER ODOR COUNTERACTANT. Active Ingredients: n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (C12 68%, C14 32%) dimethylethyl benzyl ammonium chlorides 2.25%; Sodium carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%; Essential oils 0.20%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 279-2715. Niagara Chemical Division, FMC Corp., 100 Niagara St., Middleport NY 14105. NIAGARA PYRENONE CROP SPRAY INSECTICIDE. Active Ingredients: Technical piperonyl butoxide 60.0%; Pyrethrins 6.0%; Petroleum Distillates 16.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 279-EIIG. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. THIODAN 2 BAIT. Active Ingredients: Endosulfan; Hexachlorohexahydromethano - 2,4,3 - benzodioxathiepin oxide) 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34294-R. Foresight, Inc., 4275 Broadway, Denver CO 80202. FORESIGHT F-101 INDUSTRIAL AND INSTITUTIONAL CLEANER-DISINFECTANT. Active Ingredients: Glycol Ether 3.7%; Non-Ionic Surfactant 7.3%; Amine Tallow Soap 5.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5785-11. Great Lakes Chemical Corp., c/o Lawrence, Laurence & Wellan, Crystal Plaza One, Suite 805, 2001 Jefferson Davis Hgwy., Arlington VA 22202. METH-O-GAS. Active Ingredients: Methyl Bromide 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 569-AA. Haver-Lockhart Laboratories, PO Box 390, Shawnee Mission KA 66201. PARA-S—1 BOMB AEROSOL. Active Ingredients: Pyrethrins 0.06%; Piperonyl butoxide, technical 0.48%; Methoxychlor, technical 0.50%; Carbaryl (1-Naphthyl N-methylcarbamate) 0.50%; 2,3,4,5-bis (2 butylene) tetrahydro-2-furaldehyde 0.24%; Petroleum distillate 22.84%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1658-ER. Hillyard Chemical Co., 4th & Jules St., St. Joseph MO 64502. #119 CLEAN-O-LITE II. CONCENTRATED DISINFECTANT-DETERGENT-DEODORIZER. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 453-EAU. Koppers Co., Inc., Wood Treating Chemicals Dept., 5137 Southwest Ave., St. Louis MO 63110. KOPPERS TIMBERTOX 7½ WOOD PRESERVATIVE. Active Ingredients: Pentachlorophenol 6.721%; Other Chlorophenols and Related Compounds 0.782%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1471-79. Elanco Products Co., A Div. of Eli Lilly and Co., PO Box 1750, Indianapolis IN 46206. ELANCO PAARLAN EMULSIFIABLE CONCENTRATE. Active Ingredients: Isopropalin (2,6-dinitro-N, N-dipropylcumidine 68.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1471-35. Elanco Products Co., A Div. of Eli Lilly and Co., PO Box 1750, Indianapolis IN 46206. ELANCO TREFLAN E.C. Active Ingredients: Trifluralin (a,a,a-trifluoro-2,6-dinitro-N,N-dipropyl-p-toluidine) 44.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2224-37. Mobil Chemical Co., PO Box 26683, Richmond VA 23261. MOBIL MOCAP 10% GRANULAR NEMATICIDE-INSECTICIDE. Active Ingredients: O-Ethyl S,S-Dipropyl Phosphorodithioate 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3635-ENR. Oxford Chemicals, PO Box 80202, Atlanta GA 30341. SUPER CHLOR-AVAIL. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 34%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2217-355. PBI-Gordon Corp., 300 South Third St., Kansas City KS 66118. GORDON'S CHEMICALS 50% MALATHION GARDEN SPRAY. Active Ingredients: Malathion 50.00%; Xylene 40.81%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 335-ERU. Pennwalt Corp., Three Parkway, Phila. PA 19102. PENBRITE-S POWDERED BACTERIOSTATIC LAUNDRY DETERGENT. Active Ingredients: 5-Chloro - 2-[2,4 - Dichlorophenoxy] 1.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 4581-GEN. Pennwalt Corp., Agchem-Decco Div., Three Parkway Phila. PA 19102. PENNWALT PENNCAP M TOBACCO SPRAY. Active Ingredients: O,O-Dimethyl O-(p-nitrophenyl) thiophosphate 22.00%; Xylene base Aromatic Solvent 5.61%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 24053-T. Peterson Exterminating Co., 559 East 63rd St., Chicago IL 60637. PETERSON'S PDQ INSECT SPRAY. Active Ingredients: O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.5%; Pyrethrins 1%; Technical piperonyl Butoxide 0.5%; 6-propylpiperonyl) ether and other related compounds 0.52%; Petroleum Distillates 98.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5009-EL. Petrolite Corp., Tretolite Div., 369 Marshall Ave., St. Louis MO 63119. X-CIDE 18 INDUSTRIAL MICROBIOCIDE. Active Ingredients: 2,2-Dibromo-3-nitrilo propionamide 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 572-175. Rockland Chemical Co., Inc. PO Box 204 West Caldwell NJ 07006. ROCKLAND 3% CIODRIN INSECTICIDE. Active Ingredients: Dimethyl Phosphate of *Alpha*-Methylbenzyl 3-hydroxy-cis-crotonate 3.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 10226-9. Rockwood Chemical Co., PO Box 34, Brawley CA 92227. ROCKWOOD BRAND MALATHION-PERTHANE DUST NO. 4-10. Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 4.21%; Diethyl diphenyl dichlorethane 9.50%; Related reaction products 0.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1193-TI. 707 Co., 1530 Stillwell Ave., New York NY 10461. 707 FORMULA ROACH AND INSECT BOMB NT-FORMULA 40 Active Ingredients: Pyrethrins 0.20%; N-Octyl Bicycloheptene Dicarboximide 1.00%; Petroleum Distillates 18.73%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 201-158. Shell Chemical Co., A Div. of Shell Oil Co., 1025 Conn. Ave. N.W., Suite 200, Washington, DC 20036. VAPONA EMULSIFIABLE FLY MOSQUITO CONTROL. Active Ingredients: 2,2-Dichlorovinyl dimethyl phosphate 21.8%; Related Compounds 1.6%; Petroleum Hydrocarbons 71.6%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 201-227. Shell Chemical Co., 1700 K St. N.W., Suite 300, Washington, DC 20006. RABON 50 WP LIVESTOCK, POULTRY & PREMISE SPRAY. Active Ingredients: 2-chloro-1-(2,4,5 - trichlorophenyl) vinyl dimethyl phosphate 50.0%. Method of Support: Application proceeds under 2 (b) of interim policy.

EPA File Symbol 4000-AG. Southern Chemical Products Co., PO Box 205, Macon GA 31202. NON-CONDUCTING WASP AND HORNET KILLER. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.150%; Related Compounds 0.020%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 26.375%; Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12434-A. Springbok, Chemical Co., PO Box 398, Pendleton OR 97801. SPRINGBOK CHEMICAL CO CHLORDANE 8-E AN EMULSIFIABLE INSECTICIDE LIQUID. Active Ingredients: Technical Chlordane 71.9%; Xylene Range Aromatic Hydrocarbon Solvent 22.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9897-0. Star Chemical Co., 2530 N.W. 77th St., Miami FL 33147. SP-110. Active Ingredients: Disodium cyanodithioimidocarbonate 4.23%; Ethylenediamine 1.60%; Potassium N-methyldithiocarbamate 5.83%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 148-1117. Thompson-Hayward Chemical Co., PO Box 2382, Kansas City, KS 66110. DED-WEED LFB. Active Ingredients: 2,4-dichlorophenoxyacetic acid isooctyl ester 67.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 148-615. Thompson-Hayward Chemical Co., PO Box 2382, Kansas City, KS 66110. CASORON W-50. Active Ingredients: Dichlobenil 50.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15596-R. Troy Chemical Industries, Inc., 14576 West Park, Burton, OH 44021. TROY 1609 DETERGENT DISINFECTANT HOSPITAL TYPE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 15596-E. Troy Chemical Industries, Inc., 14576 West Park, Burton, OH 44021. TROY 1612 HEAVY DUTY DETERGENT DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7547-RT. Western Chemical Co., 1345 Taney North Kansas City, MO 64116. WESTERN ALGAE & SLIME CONTROL NC CONCENTRATED LIQUID. Active Ingredients: Disodium cyanodithioimidocarbonate 6.35%; Ethylenediamine 2.40%; Potassium N-methyldithiocarbamate 8.75%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7547-RI. Western Chemical Co., 1345 Taney North Kansas City MO 64116. WESTERN ALGAE & SLIME CONTROL NR REGULAR LIQUID. Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithio-carbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1270-RTA. Zep Manufacturing Co., PO Box 2015, Atlanta, GA 30301. ZEP SUPER-3 INSECTICIDE. Active Ingredients: Pyrethrins 3%; Piperonyl butoxide, technical 6%; N-octyl bicycloheptene dicarboximide 10%; Petroleum distillate 81%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: August 22, 1974.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.74-19975 Filed 8-30-74;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT LINES AND ITALIAN LINES

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 13, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

James N. Jacobi, Esquire
Kurrus and Jacobi
2000 K Street NW.
Washington, D.C. 20008

Agreement No. 10106-1 between the above named parties, extends the effective period of approval of the basic agreement through April 30, 1975.

Dated: August 28, 1974.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-20279 Filed 8-30-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-4485, CI73-46]

AMERADA HESS CORP. AND AMOCO PRODUCTION CO.

Certificates of Public Convenience; Correction

AUGUST 21, 1974.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, cancelling docket numbers, granting petition to intervene, and accepting rate schedules and rate schedule supplements for filing, issued July 23, 1974, and published in the FEDERAL REGISTER on July 31, 1974, 39 FR 27724, Page 27726, Docket No. CI73-46, fifth column: Change "583" to read "593".

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20290 Filed 8-30-74;8:45 am]

[Docket No. E-8938]

KANSAS GAS & ELECTRIC CO.

Electric Interconnection Agreement

AUGUST 27, 1974.

Take notice that by letter dated July 26, 1974 the Kansas Gas & Electric Company filed with the Federal Power Commission an Electric Interconnection Agreement dated July 2, 1967 and Service Schedules with the City of Augusta, Kansas. The Service Schedules cover the quantity, conditions and the period of time that electric power will be made available by the Kansas Gas & Electric Company. Additionally, the Agreement covers electric power which may be supplied by one party to the other under emergency conditions. Under the Agreement the monthly rate is $1.725 per kw per month of billing demand, plus 4.5 mills per kwh for energy delivered thereunder; or cost of procurement, plus 0.6 mills per kwh if necessary for seller to purchase firm power from other sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-20281 Filed 8-30-74;8:45 am]

[Docket No. E-8426]

MINNESOTA POWER & LIGHT CO.

Supplemental Filing

AUGUST 27, 1974.

Take notice that by letter dated May 13, 1974, the Minnesota Power & Light Company submitted for filing with the Commission certain information supplementing the filing of an initial rate agreement between the Minnesota Power & Light Company and the Lake Superior District Power Company on September 25, 1973. By letter dated November 2, 1973, the Commission had advised Minnesota Power & Light Company that the filing was deficient with regard to the requirements of § 35.12b of the Commission's regulations and that cost supporting data to justify the proposed capacity changes contained in the submittal should be provided.

The proposed capacity changes are the same as the 4th step of the increases provided for by Supplement No. 14 dated February 9, 1971 to the Upper Mississippi Valley Power Pool Agreement (UMVPP). Minnesota Power & Light Company and Lake Superior District Power Company are members of the UMVPP, which agreement was filed with the Commission by Northern States Power Company.

Supplement No. 14 provides for increasing the capacity charge for Seasonal Participation Power Interchange Service, Schedule B, in four steps from $1,250.00 per month per MW to $1,666.66 per MW, the final step to be effective November 1, 1974. This Supplement was filed on February 18, 1971 and correspondence has been exchanged between Northern States Power Company and the Commission since that time regarding the rates contained in the Supplement. Included in the exchange is an explanation of how the rates were arrived at and data to support the increase.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20278 Filed 8-30-74;8:45 am]

[Docket No. RP74-35]

NATIONAL FUEL GAS SUPPLY CORP. SUCCESSOR TO UNITED NATURAL GAS CO.

Proposed PGA Rate Adjustment; Correction

AUGUST 20, 1974.

Take notice that the notice of proposed PGA rate adjustment issued on August 14, 1974 and published in the FEDERAL REGISTER on August 21, 1974, 39 FR 30204, in National Fuel Gas Supply Corporation, Docket No. RP74-35 should be corrected to read:

National Fuel Gas Supply Corporation, Successor to United Natural Gas Company, Docket No. RP74-35.

Due to the possibility of confusion regarding the company involved in this proceeding the protest and intervention filing date is hereby extended to August 30, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20288 Filed 8-30-74;8:45 am]

[Docket No. RP74-100]

NATIONAL FUEL GAS SUPPLY CORP.

Suspension of Proposed Rate Increase; Correction

AUGUST 21, 1974.

In the order accepting tariff sheets for filing, suspending proposed rate increase, permitting intervention and establishing procedures, issued August 9, 1974 and published in the FEDERAL REGISTER on August 19, 1974, 39 FR 29969, ordering paragraph (C) on page 29970: change "November 13, 1974" (Intervenor Service Date) to "December 13, 1974".

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20287 Filed 8-30-74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FINANCE

Designation of Additional Member

AUGUST 27, 1974.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committee on Finance.

2. Membership. An additional member of the Technical Advisory Committee on Finance, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Mr. Dan E. Albertson, Director, Public Utility Management, General Services Administration.

Mr. Albertson replaces Mr. H. Dean Miller.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20282 Filed 8-30-74;8:45 am]

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Designation of Additional Member

AUGUST 27, 1974.

The Federal Power Commission, by order issued August 11, 1972, established the Executive Advisory Committee of the National Power Survey.

2. *Membership.* An additional member of the Executive Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Lieutenant-General William C. Gribble, Chief of Engineers, Department of the Army.

Lieutenant-General Gribble replaces Lieutenant-General F. J. Clarke.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20283 Filed 8-30-74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON THE IMPACT OF INADEQUATE ELECTRIC POWER SUPPLY

Designation of Additional Members

AUGUST 27, 1974.

The Federal Power Commission, by order issued February 28, 1974, established the National Power Survey Technical Advisory Committee on the Impact of Inadequate Electric Power Supply.

2. Membership. Additional members of the Technical Advisory Committee on the Impact of Inadequate Electric Power Supply, as selected by the Chairman of the Commission, with the approval of the Commission are as follows:

Dr. Lawrence I. Moss, President, Sierra Club.
Mr. Michael Maupin, Attorney, Hunton, Williams, Gay and Gibson.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20284 Filed 8-30-74;8:45 am]

[Docket No. E-8925]

PHILADELPHIA ELECTRIC CO.

Interconnection Agreement

AUGUST 27, 1974.

Take notice that on July 22, 1974, Philadelphia Electric Company (PE) with the concurrence of Delmarva Power and Light Company (DPL) tendered for filing pursuant to section 205 of the Federal Power Act and part 35 of the regulations issued thereunder a June 1, 1974, supplemental agreement to the original interconnection agreement between PE and DPL, dated November 29, 1967, as supplemented, providing for further strengthening of operational coordination between the parties.

The supplemental agreement requires each party to plan to meet its forecast electric generating obligations by (1) its own installed system capacity, (2) purchase of capacity independent of the Interconnection Agreement, and (3) capacity purchase from the other party having excess capacity under terms of the interconnection agreement.

The capacity rate under the supplemental agreement will continue to be the same as the then-prevailing capacity rate under the Pennsylvania-New Jersey-Maryland Agreement.

The supplemental agreement also reflects (1) revised investments in the 230 kv line extending from Keeney switching station via Harmony, Edge Moore and Claymont in Delaware to Chichester Substation in Pennsylvania (2) the retirement by DPL of the 69 kv transmission circuits between Christiana Substation of DPL and Deepwater Substation of Atlantic City Electric Company, and (3) the continued use of the existing 69 kv transmission circuits extending between Chichester Substation of PE and Christiana of DPL.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20286 Filed 8-30-74;8:45 am]

[Docket No. E-8926]

PHILADELPHIA ELECTRIC CO.

Interconnection Agreement

AUGUST 27, 1974.

Take notice that by letter dated July 22, 1974, Philadelphia Electric Company with the concurrence of Atlantic City Electric Company tendered for filing pursuant to section 205 of the Federal Power Act and part 35 of the regulations issued thereunder a supplemental agreement to an original interconnection agreement between Philadelphia Electric Company and Atlantic City Electric Company dated November 17, 1967. This agreement provides for further strengthening of planning operation coordination between the parties through the determination of forecast electric generating obligations and the establishment of responsibilities and accounting pursuant thereto.

The supplemental agreement requires each party to plan to meet its forecast electric generating obligations by (1) its own installed system capacity, (2) purchase of capacity independent of the interconnection agreement, and (3) capacity purchase from the other party having excess capacity under terms of the interconnection agreement.

The capacity rate under the supplemental agreement will continue to be the same as the then-prevailing capacity rate under the Pennsylvania-New Jersey-Maryland Agreement, dated September 26, 1956 as amended and supplemented.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20285 Filed 8-30-74;8:45 am]

[Docket Nos. RI75-18, etc.]

TEXACO INC., ET AL.

Proposed Rate Changes: Correction

AUGUST 16, 1974.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued August 7, 1974 and published in the FEDERAL REGISTER on August 15, 1974, 39 FR 29424, Appendix "A" page 29424, first paragraph, 3rd line, change "699" to "662".

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20289 Filed 8-30-74;8:45 am]

[Docket No. E-8939]

WISCONSIN PUBLIC SERVICE CORP.

Filing of New Service Schedule Agreement

AUGUST 27, 1974.

Take notice that on July 25, 1973 the Wisconsin Public Service Corporation tendered for filing with the Federal Power Commission a Service Schedule A revision effective July 15, 1974 to the Power Pool Agreement dated July 26, 1973 between the Wisconsin Power and Light Company, the Wisconsin Public Service Corporation and Madison Gas and Electric Company. Also included in the filing was a Service Schedule A to the master Interconnection Agreement dated January 5, 1966 between Wisconsin Public Service Corporation and Wisconsin Power and Light Company.

These service schedules set the contract energy charges equal to the selling parties' total fuel expense of FPC Accounts 501 and 547 per net kwh generated for the 3 month period beginning 4 months prior to the first day of the calendar month of contract energy delivery multiplied by 1.20.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20280 Filed 8-30-74;8:45 am]

FEDERAL RESERVE SYSTEM

BRONSON AGENCY, INC.

Formation of Bank Holding Company and Retention of Insurance Agency Activities

Bronson Agency, Inc., Bronson, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The Bank of Bronson, Bronson, Kansas ("Bank"). The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)). Applicant has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to continue its present general agency business in a community not exceeding 5,000 people. Such activity has been determined by the Board in § 225.4(a)(9)(iii)(a) of Regulation Y as permissible for bank holding companies subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Notice of the applications, affording opportunity for interested persons to submit comments and views has been given. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in sections 3(c) and 4(c)(8) of the Act.

Applicant was recently organized by the present owners of Bank and conducts a general insurance business from the premises of Bank (deposits of $3.2 million dollars).[1] Bank ranks second among three commercial banks located in the relevant banking market with approximately 43 percent of the deposits in commercial banks there.[2] This proposal to acquire Bank merely represents a restructuring of the ownership of Bank from individuals to a corporation with the same individuals as shareholders. Since Applicant has no banking subsidiaries, the acquisition of Bank by Applicant would have no adverse effects on competition and the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and Bank are satisfactory and consistent with approval of the application. Similarly, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the acquisition of Bank by Applicant would be in the public interest and that such application should be approved.

Concurrently with the application by Applicant to acquire Bank, Applicant has filed a 4(c)(8) application to retain its present general insurance agency business pursuant to § 225.4(a)(9)(iii)(a) of Regulation Y. Bronson is a town with a population not exceeding 5,000 persons and the operation of a general insurance agency in such a community is an activity the Board has found to be closely related to banking. There is no evidence in the record that would indicate that Applicant's retention of its general insurance agency business would result in an undue concentration of resources, decreased or unfair competition, conflicts of interests, unsound banking practices or any other adverse effects on the public interest. On the contrary, approval of the retention application would insure that a convenient source of insurance services would remain available to consumers in the Bronson area, which result the Board regards as being in the public interest.

In its consideration of this application, the Board has considered certain covenants not to compete given by shareholders of The Bank of Bronson. The Board finds that the provisions of these covenants are reasonable in scope, duration and geographic area and do not constitute grounds for denying these applications.

[1] All banking data are as of December 31, 1973.

[2] The relevant banking market is approximated by Bourbon and Allen Counties.

V 39 171 SEP 3 74 XUM

Based on the foregoing and other considerations reflected in the record,[1] the Board has determined that the balance of the public interest factors that the Board is required to consider under section 4(c)(8) is favorable, and the application should be approved.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of the holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the provisions and purposes of the Act and to the Board's regulations and orders issued thereunder or to prevent evasion thereof.

By order of the Board of Governors,[2] effective August 26, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-20260 Filed 8-30-74;8:45 am]

BANK OF FLORIDA CORP.

Formation of Bank Holding Co.

Bank of Florida Corporation, St. Petersburg, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Bank of Florida in St. Petersburg, St. Petersburg, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 20, 1974.

Board of Governors of the Federal Reserve System, August 22, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-20270 Filed 8-30-74;8:45 am]

[1] Dissenting Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[2] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Holland, and Wallich. Voting against this action: Governor Brimmer. Absent and not voting: Chairman Burns and Governor Bucher.

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of International Bank of Commerce of Laredo, Laredo, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than September 19, 1974.

Board of Governors of the Federal Reserve System, August 22, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-20271 Filed 8-30-74;8:45 am]

CENTRAL STATES BANCOR, INC.

Order Denying Formation of Bank Holding Co.

Central States Bancor, Inc., Des Moines, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 90.31 percent of the voting shares of Capital City State Bank, Des Moines, Iowa ("Bank").

Notice of receipt of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a nonoperating corporation with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank ($51 million in deposits) is the fifth largest of 23 banks in the Des Moines SMSA banking market and controls approximately 4.2 percent of the total deposits held by commercial banks in the market.[1] Upon acquisition of Bank, Applicant would control 0.5 percent of total commercial bank deposits in the State. Since the purpose of the proposed transaction is essentially a reorganization to effect a transfer of the ownership of Bank from individuals to a corporation owned by the same individuals, consummation of the proposal would not eliminate any existing competition, nor would it appear to have any adverse effects on other banks or on the development of competition in the relevant market. Therefore, competitive considerations are consistent with approval of the application.

Under the Bank Holding Company Act, the Board is required to take into consideration the financial and managerial resources and future prospects of the proposed holding company and the bank to be acquired. In the exercise of that responsibility, the Board finds that considerations relating to the financial resources of Applicant warrant denial of the application. Applicant's earnings prospects are entirely dependent upon the earnings of Bank; Applicant expects to service a $4.5 million debt over a 12-year period through Bank dividends of 60 percent of Bank's projected annual income. The projected earnings for Bank do not, in the Board's view, provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirements as well as any unexpected problems that might arise at Bank. Furthermore, if Bank's rate of growth is consistent with the average annual growth rate for banks in Iowa, total capital funds as related to its total assets would become insufficient because of Applicant's inability to augment Bank's capital due to its substantial debt servicing requirements. The above factors strongly suggest that these financial requirements could place an undue strain on the financial condition of Bank and thus impair Bank's ability to remain a viable banking organization in meeting the banking needs of the community which it serves. Such considerations lend weight toward denial of the application.

The Board notes that the principals of Applicant are already principals in another bank holding company which controls a bank with a capital ratio which has been declining under the policy of its present management. This precedent lends support to the view that the similar financial plan in the instant case may not generate sufficient income from the earnings of Bank to service its acquisition debt and to maintain Bank's capital under a financially sound program.

With respect to questions of acquisition debt and debt-equity ratios, the Board has been relatively liberal in the standards it has applied in cases where a current or prospective owner-chief executive is establishing, or has established, a one-bank holding company to hold the direct equity interest in his bank. Such relative liberality is regarded as in the public interest in order to facilitate management succession on the community level at the nation's many smaller independent banks. However, in situations such as the instant proposal where this special consideration does not pertain, the Board believes it is prudent to apply somewhat more restrictive standards, as is regularly done in analyzing multibank holding companies.

Under the above circumstances, in addition to other facts of record, considerations relating to the financial condition and prospects of Applicant lend weight for denial of the application. While the Board recognizes that denial of the application would not necessarily affect immediately the control of Bank, the Board cannot sanction the use of a holding company structure that, because of limited financial resources, could impair the financial condition of the bank to be acquired, nor would the public interest be served by such Board action.

Consummation of the transaction would have no immediate effect on area banking needs. Applicant has proposed some changes which could ultimately benefit the community, but at the same time Applicant has also indicated that certain other banking services will be curtailed in order to help alleviate Applicant's debt servicing problem. Thus, considerations relating to the convenience and needs of the community to be served lend no weight toward approval of the application.

On the basis of all the facts in the record, and in light of the factors set forth in section 3(c) of the Act, it is the Board's judgment that the proposed acquisition would result in a bank holding company with financial resources inadequate to service its debt while maintaining Bank's capital account and that such condition could impair the ability of Bank to meet the needs of the community which it serves. Accordingly, the Board concludes that consummation of the proposal would not be in the public interest and that the application should be denied.

By order of the Board of Governors,[2] effective August 22, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-20267 Filed 8-30-74;8:45 am]

[1] Banking data are as of December 31, 1973.

COMMERCIAL BANK INVESTMENT CO. AND COMMERCIAL BANCORPORATION OF COLORADO

Acquisition of Bank

Commercial Bank Investment Company ("CBIC") and its subsidiary, Commercial Bancorporation of Colorado ("Bancorporation"), both of Sterling, Colorado, which are bank holding companies within the meaning of the Bank Holding Company Act, have applied, in separate applications, for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 95 percent or more of the voting shares of The Bank of Colorado, Colorado Springs, Colorado ("Bank"). The acquisition will be made by Bancorporation and as a result CBIC will indirectly acquire voting shares of Bank. Inasmuch as CBIC's principal asset is its ownership interest in Bancorporation, the applications are treated herein as the proposed acquisition of Bank by Bancorporation.

[2] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns and Governor Brimmer.

Notice of the proposed acquisition, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the proposal and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Bancorporation controls one bank, Commercial Savings Bank of Sterling, Sterling, Colorado, with deposits of $26.2 million, representing 0.4 per cent of the total deposits in commercial banks in the State.[1] Bank, with deposits of $7.4 million, is the 17th largest of 20 banks in the Colorado Springs banking market and holds 1.5 percent of total deposits therein. Colorado Springs is located on the eastern slope of the Rocky Mountains approximately 70 miles south of Denver. Of the twenty banks in the market, nine are subsidiaries of multi-bank holding companies, which companies control in the aggregate approximately 68 percent of total deposits in the market. Bancorporation's subsidiary bank is located 190 miles northeast of Colorado Springs; accordingly, no competition exists between Bancorporation and Bank, and it appears that none is likely to develop in the future. On the other hand, approval of the proposal should save a salutary effect on competition by introducing an alternative multibank holding company to compete with the much larger banking organizations in the State. Therefore, competitive considerations are consistent with approval of the proposal.

The financial and managerial resources of Bancorporation, its banking subsidiary, and Bank are generally satisfactory and future prospects for each appear favorable. While Bancorporation has assumed large debt in connection with the proposal, the amount of this indebtedness is not considered excessive in view of the overall capital position of Bancorporation and the ability of its subsidiary bank and Bank to generate sufficient income to meet the annual debt servicing requirements of Bancorporation. There is no evidence that the convenience and needs of the community to be served are not being adequately met. However, approval would enable Bank to more readily obtain participations in loans over its present lending limit and should improve Bank's overall ability to compete more effectively in its market. Considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective August 23, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-20261 Filed 8-30-74;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Bank of Almeda, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than September 20, 1974.

Board of Governors of the Federal Reserve System, August 23, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-20266 Filed 8-30-74;8:45 am]

FIRST NATIONAL CHARTER CORP.

Acquisition of Bank

First National Charter Corporation, Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First National Bank of Cassville, Cassville, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 20, 1974.

[1] All banking data are as of December 31, 1973, and reflect bank holding company formation and acquisitions approved by the Board through July 31, 1974.

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, Bucher, and Wallich. Absent and not voting: Governors Mitchell and Holland.

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Board of Governors of the Federal Reserve System, August 22, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-20272 Filed 8-30-74;8:45 am]

FUJI BANK, LTD.

Formation of Bank Holding Co.

The Fuji Bank, Limited, Tokyo, Japan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of The Fuji Bank and Trust Company, New York, New York, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 20, 1974.

Board of Governors of the Federal Reserve System, August 23, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-20264 Filed 8-30-74;8:45 am]

LANDMARK BANKING CORPORATION OF FLORIDA

Acquisition of Banks

Landmark Banking Corporation of Florida, Fort Lauderdale, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Brandon State Bank, Brandon, Florida, ("Brandon Bank"), and Bank of Riverview, Riverview, Florida, ("Riverview Bank").

Notice of the applications affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and this Federal Reserve Bank has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the eighth largest banking organization in Florida, controls 16 banks (existing and approved) which have deposits of $715.9 million or 3.1 percent of deposits in all commercial banks of the state. (All banking data are as of December 31, 1973, and reflect acquisitions and formations approved by the Board through July 1, 1974.) Acquisition of Brandon Bank, having deposits of $28 million, and Riverview Bank, having deposits of $3 million, would increase Applicant's share of Florida commercial bank deposits by less than one percent and would not change Applicant's rank in size among other banking organizations in the state as measured by aggregate commercial bank deposits. No undue concentration of lending resources in Florida would result.

Applicant is the fourth largest banking organization in the relevant banking market, which includes Tampa, Hillsborough County, and Land O'Lakes in Pasco County, with two banks holding $66 million or 4 percent of commercial bank deposits in the market. By acquiring Banks which have deposits representing 2 percent of the market, Applicant will not be gaining a dominant position.

Applicant's closest subsidiary bank is located in Tampa, and is 18 miles northwest of Riverview Bank and 20 miles northwest of Brandon Bank. Applicant would be acquiring two affiliated banks. No significant direct competition exists between Applicant's two subsidiary banks in the market and Banks. Applicant's non-banking subsidiary, North American Mortgage Company, makes VA-FHA loans in Brandon and Riverview, while Banks make only conventional mortgage loans for shorter terms; however, both North American Mortgage and Banks have relatively small shares of the total mortgage originations in the market and it appears that any existing competition between them is insignificant.

Several factors make the development of future competition unlikely between Applicant and Brandon Bank and Riverview Bank. These are the distances between Brandon Bank and Riverview Bank and Applicant's other subsidiaries in the market; the lack of overlap between the primary service areas of Applicant's other market subsidiaries and either Brandon Bank or Riverview Bank; the number of intervening banks; Florida's restrictions on branching; and the relatively small size of both Brandon Bank and Riverview Bank. Accordingly, consummation of the proposed transaction would not adversely affect competition in any relevant area.

The financial and managerial resources of Applicant, its subsidiaries, and Banks are considered to be satisfactory in light of Applicant's commitment to increase equity capital; future prospects for all are favorable. There is no evidence that the banking needs of the community are not being served; however, acquisition by Applicant will strengthen Brandon Bank's and Riverview Bank's ability to provide existing services. Therefore, considerations relating to convenience and needs of the community to be served lend weight toward approval. It is this Federal Reserve Bank's judgment that consummation of the proposed acquisitions is in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be consummated (a) before the thirtieth calendar day following the effective date of this order, or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System effective August 20, 1974.

[SEAL] KYLE K. FOSSUM,
First Vice President.

[FR Doc.74-20268 Filed 8-30-74;8:45 am]

NBC CORP.

Formation of Bank Holding Co.

NBC Corporation, Altus, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of more than 80 percent of the voting shares of The National Bank of Commerce of Altus, Altus, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 19, 1974.

Board of Governors of the Federal Reserve System, August 22, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-20269 Filed 8-30-74;8:45 am]

SOUTHLAND BANCORPORATION

Formation of Bank Holding Co.

Southland Bancorporation, Mobile, Alabama, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the successors by merger to The Merchants National Bank of Mobile, Mobile, Alabama, and City National Bank of Birmingham, Birmingham, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than September 20, 1974.

Board of Governors of the Federal Reserve System, August 22, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-20273 Filed 8-30-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. G-17]

REDUCTION IN MOTOR VEHICLE FUEL CONSUMPTION

Policies and Procedures

1. *Purpose.* This regulation prescribes policies and procedures to be followed to achieve and maintain a 15 percent reduction in fuel consumed by Government-owned, commercially leased or rented, and privately owned vehicles authorized for use on official Government business.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER.

3. *Expiration date.* This regulation expires June 30, 1975, unless sooner revised or superseded.

4. *Applicability.* The provisions of this regulation apply to all executive agencies. Other Federal agencies are urged to establish similar policies and procedures to ensure that maximum benefits may be realized in reducing fuel consumption by Government-owned and operated motor vehicles and privately owned vehicles used on official Government business.

5. *Background.* a. In support of the President's program to reduce energy consumption by Federal agencies and in consonance with the energy conservation policy in Federal Management Circular (FMC) 74-1, GSA issued two FPMR temporary regulations restricting the use of motor vehicles used in the conduct of official Government business. These regulations are FPMR Temporary Regulations G-15, as amended, dated January 28, 1974; and G-16, as amended, dated March 12, 1974; titled respectively, Reduction in motor vehicle fuel consumption, and Reduction in fuel consumed by certain types of motor vehicles in the Interagency Motor Pool System.

b. Revisions are required to FPMR Temporary Regulations G-15 and G-16 to encourage improvement of individual vehicle utilization and to provide for changes in vehicle usage patterns. Therefore, it is appropriate to cancel those temporary regulations and, in lieu thereof, publish revised policies and procedures in a single regulation.

6. *General policy.* a. Executive agencies shall reduce by 15 percent the total number of miles operated by sedans, station wagons, and trucks in the categories of motor vehicles listed in (1) through (3), below. Such reduction shall be based upon fiscal year 1973 mileage, as adjusted for changes in program requirements affecting total vehicle travel. Vehicles affected by this regulation are:

(1) Government-owned motor vehicles including vehicles in the Interagency Motor Pool System;

(2) Commercially leased or rented motor vehicles; and

(3) Privately owned motor vehicles used on official Government business.

b. When agencies fail to meet the objective in a, above, for any quarter of fiscal year 1975, GSA may reduce the number of Interagency Motor Pool System vehicles in service. The number of vehicles to be removed will be sufficient to enable agencies to meet the above stated objective. However, such removals will occur only after consultation with national headquarters officials of the affected agencies.

7. *Reporting requirements.* a. Each agency shall prepare a quarterly mileage report, in accordance with the format shown in attachment A, for agency motor vehicle operations subject to the provisions of this regulation. Agency reports shall be submitted to the General Services Administration (FZ), Washington, D.C. 20406, within 45 calendar days following the end of the reporting period. (The report required by this regulation is in conformance with the provisions of FPMR 101-11.11 and has been assigned Interagency Reports Control Number 0018-GSA-OG-W.)

b. Upon receipt of each agency's reports, GSA will review the reports and forward a consolidated report to the Federal Energy Administration with appropriate comments.

8. *Assistance.* Agencies may request the assistance of GSA in complying with the provisions of this regulation by contacting the General Services Administration (FZT), Washington, D.C. 20406, telephone number: (703) 557-3075.

9. *Appeal procedures.* An agency which cannot achieve a 15 percent overall reduction in agency-wide mileage because of mileage required for emergency and essential health services shall appeal in writing to the Administrator of General Services (A), Washington, D.C. 20405, for exceptions of such mileage. GSA will review the appeal and submit it with recommendations to the Federal Energy Administration for a final decision.

10. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations should be submitted to the General Services Administration (FF), Washington, D.C. 20406, no later than October 31, 1974, for possible incorporation into the permanent regulation.

11. *Effect on other issuances.* FPMR Temporary Regulation G-15 dated January 28, 1974 (and its Supplements 1 and 2) and FPMR Temporary Regulation G-16, dated Macrh 12, 1974, (and its Supplements 1 and 2) are canceled.

ARTHUR F. SAMPSON,
Administrator of General Services.

AUGUST 29, 1974.

AGENCY QUARTERLY MILEAGE REPORT

1. Agencies are to achieve a 15 percent reduction in total miles operated for the categories of vehicles listed in the report format shown below. The adjusted baseline for measuring agency mileage reduction is the total miles operated in the corresponding period of the base year (fiscal year 1973) as adjusted for changes in program requirements affecting total vehicle travel.

2. To assist agencies in establishing adjusted baseline mileage and in reporting mileage for fiscal year 1975, GSA will furnish mileage data for the base period and for each quarter of fiscal year 1975 to each agency utilizing Interagency Motor Pool System vehicles. The adjusted baseline developed from information on Interagency Motor Pool System vehicles is to be added to the adjusted baseline data for agency-held, commercially leased and rented, and privately owned vehicles as developed by each agency to establish the total adjusted baseline.

3. If, in addition to any adjustments to baseline mileage made to reflect program changes in fiscal year 1974, further adjustments are necessary to reflect program changes in fiscal year 1975, such adjustments are to be justified in an attachment to the agency's quarterly report. The justification is to show:

a. For an expanding program, correlation between change in either personnel levels, funding, or workload and change in required vehicle mileage; or

b. For a new program, a projection of mileage by comparison to vehicle utilization in similar programs.

4. Each agency shall submit to GSA a quarterly mileage report in accordance with the following format:

REDUCTION IN MILES OPERATED

Agency _____ Report for quarter ending _____
Refer questions to _____ Telephone _____

Vehicle category:	*Miles*
Agency-held	
Commercially leased	
Commercially rented	
Privately owned	
Interagency motor pool system	
Total	
Adjusted baseline	
Percent reduction	

5. As used in this regulation, the following terms have the definitions stated below:

a. "Commercially leased" means those vehicles leased for 30 or more calendar days from other than the Interagency Motor Pool System.

b. "Commercial rented" means those vehicles rented for less than 30 calendar days, excluding charter services and vehicles obtained from the Interagency Motor Pool System.

c. "Privately owned" means those vehicles which are privately owned and authorized for use on official Government business.

[FR Doc.74-20411 Filed 8-30-74;11:03 am]

[GSA Bulletin FPMR G-99]

CONSERVATION OF MOTOR VEHICLE FUELS

Revised Program

1. *Purpose.* This bulletin sets forth a revised program for the conservation of motor vehicle fuels through proper driving techniques and recommended service and operating procedures.

2. *Expiration date.* This bulletin provides information of a continuing nature and will remain in effect until revised or canceled.

3. *Background.* During the early stages of the Nation's energy crisis, GSA Bulletin FPMR G-82, Conservation of motor

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vehicle fuels, was issued. The fuel conservation guidance provided by the bulletin has been instrumental in enabling agencies to achieve a reduction in fuel consumed in their motor vehicle operations. Therefore, that guidance has been revised and updated so that it may continue to be available as an effective source from which agencies may develop instructions to their vehicle operators on conserving fuel.

4. *Suggested action.* a. The Federal Government should take the lead in conserving fuels by ensuring that motor vehicle travel is curtailed to the maximum extent practicable without jeopardizing essential business.

b. Each agency should take positive action to conserve fuels by giving wide publication to the driving techniques listed below and requiring that all vehicle operators diligently follow them.

(1) Travel at reduced speeds. Fuel consumption increases significantly with speed. Limit maximum speed to 55 miles per hour.

(2) Avoid sudden bursts of speed and pumping the accelerator pedal while the vehicle is not in motion.

(3) Use routes with a minimum number of traffic signals and stop signs.

(4) Avoid sudden stops to the extent practicable. Plan ahead to avoid waiting for traffic signals.

(5) Do not idle engine for long periods of time. Limit idle time to approximately 1 minute.

(6) Eliminate weight unnecessary to the particular trip; empty trunk and storage compartments of excess tires, chains, tools, etc.

(7) Minimize air resistance; remove any unneeded appurtenances such as hang-on type luggage racks.

(8) Refuel vehicle during the early part of the day.

(9) Avoid over-filling the fuel tank to prevent spillage caused by fuel expansion.

(10) Use the air-conditioner sparingly (disconnecting will damage seals and cause excess maintenance), but operate at least 10 minutes each week throughout the year.

(11) Avoid one-person trips. Use one vehicle for several passengers traveling in the same general area. Always consider, "Is this trip necessary?" "Can the job be accomplished by some other means?" Use the telephone when practicable.

(12) Travel during off-peak traffic times.

(13) Rent an appropriate size vehicle to accommodate the number of passengers and luggage when using authorized commercial rental vehicles.

(14) Use the smallest vehicle that is feasible for the job.

(15) Use fuel with the minimum octane rating recommended by the vehicle manufacturer.

c. Each agency should take positive action by enforcing the following service and operating procedures:

(1) Tune the engine in accordance with the provisions of FPMR 101–38.–1003, following the manufacturer's latest specifications with special attention to these items:

(a) Check the air cleaner element and replace it if necessary.

(b) Inspect and adjust the choke to specifications.

(c) Clean or replace the PCV valve; remove gum or sludge from hoses and exhaust recirculating valves with approved cleaning solution available from the Federal Supply Schedule program.

(d) Check all electrical ignition circuits and connections for voltage drop and resistance. Clean, tighten, and replace as necessary.

(e) Inspect ignition points and condenser; replace if necessary.

(f) Check the ignition advance mechanism (mechanical and vacuum). Test vacuum check valves.

(g) Check the cooling system. Flush and replace the antifreeze only if it is contaminated. Remove bugs and foreign matter from front of radiator and air-conditioner condenser.

(h) Check the muffler for clogging or restrictions.

(i) Check the exhaust and tail pipes for kinks or restrictions that would impede the flow of exhaust.

(2) Maintain tire pressure to tire manufacturers' recommendations to reduce rolling resistance. Check pressure at least once each month.

(3) Check and adjust wheel alignment to manufacturer's specifications. Proper alignment will reduce rolling resistance.

5. *Cancellation.* GSA Bulletin FPMR G–82, dated July 5, 1973, and Supplement 1 thereto, are canceled.

ARTHUR F. SAMPSON,
Administrator of General Service.

AUGUST 29, 1974.

[FR Doc.74–20412 Filed 8–30–74;11:03 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

W & B COAL CO., ET AL.

Applications for Renewal Permits, Electric Face Equipment Standard, Opportunity for Public Hearing

Applications for renewal permits for noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4261–000, W & B Coal Company, Elkhorn Seam No. 3 and No. 3 Mine, Mine ID No. 15 02307 0, Mousie, Kentucky,
ICP Permit No. 4261–002 (Kersey Rubber Tired Mining Scoop, Ser. No. 691C7).

(2) ICP Docket No. 4374–000, Buchanan County Coal Corporation, Mine No. 8, Mine ID No. 44 01748 0, Big Rock, Virginia,
ICP Permit No. 4374–002 (Mescher HD–12 Tractor, I.D. No. L4–1).

(3) ICP Docket No. 4384–000, Blankenship & Comptom Coal Company, Mine No. 1, Mine ID No. 44 00462 0, Grundy, Virginia,
ICP Permit No. 4384–001 (Jeffrey 100 L Continuous Miner, Ser. No. 34336).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before September 18, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

AUGUST 27, 1974.

[FR Doc.74–20197 Filed 8–30–74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NASA APPLICATIONS COMMITTEE

Notice of Meeting

The NASA Applications Committee will meet on September 18, 1974, at the Headquarters of the National Aeronautics and Space Administration. The meeting will be held in room 226 of Federal Office Building 10B, 600 Independence Avenue, SW., Washington, D.C. 20546. Members of the public will be admitted to the meeting beginning at 9:00 a.m., on a first come first served basis up to the seating capacity of the room, which can accommodate about 35 persons. The approved agenda for the meeting is noted below.

The NASA Applications Committee serves in an advisory capacity only. It is concerned with the total range of applications of space-derived, space-related technology including communications, meteorology, earth resources survey (includes agriculture/forestry, cartography, geography, geology/hydrology, oceanography), earth and ocean physics, solar energy conversion, space processing, and other technology applications. Currently, the Committee comprises 11 members, and a recording secretary, Louis B. C. Fong, who can be contacted for further information at (202) 755–2070.

The following is the approved agenda and schedule for the September 18, 1974, meeting of the SPAC Applications Committee:

Time:	Topic
9:00 a.m.	*Chairman's Remarks.* a. Follow-up action from May 1, 1974, meeting on NASA's potential role in the solar energy field generally. b. National Academy of Engineering (NAE) Space Applications Board (SAB) response to concerns of the Applications Committee on NASA's continuing role in the satellite communications program.
10:15 a.m.	*The 1974 NAE Applications Summer Study.* Some personal observations.
1:15 p.m.	*Future Activities of the Applications Committee.*
2:15 p.m.	*New Members.*
3:30 p.m.	*Adjourn.*

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

AUGUST 29, 1974.

[FR Doc.74–20333 Filed 8–30–74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ENERGY RESEARCH AND DEVELOPMENT ADVISORY COUNCIL

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Energy Research and Development Advisory Council to be held at 9 a.m. on September 17, 1974, in Room 540 of the National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

The purpose of the Council is to help ensure the development of comprehensive technological programs to meet the Nation's energy needs.

The agenda for this meeting shall include discussions on the following topics:

1. Status Report of Project Independence Blueprint.
2. Proposed Council Resolution on Helium Conservation.
3. Report by Fission Energy Working Group.

This meeting shall be open to the public. Individuals who wish to attend should inform Dr. Paul P. Craig, Director, Office of Energy R&D Policy, by telephone (202) 632–7800 or by mail (Room 537, 1800 G Street NW., Washington, D.C. 20550) prior to the meeting. Persons requiring further information concerning this meeting should contact Dr. Paul P. Craig at the above address. Summary minutes of this meeting may be obtained from the Management Analysis Office, Room K–720, 1800 G Street NW., Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

AUGUST 28, 1974.

[FR Doc.74–20330 Filed 8–30–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on August 28, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529).

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental: Health Insurance Study, Medical History, Form A, Form OS 36–74, Occasional, Caywood, Enrolled households in Dayton.

DEPARTMENT OF THE INTERIOR

Departmental: Alaska Natives Survey, Form ----, single time, Planchon, Individuals.

DEPARTMENT OF TRANSPORTATION

Departmental: Minneapolis Area Traffic Survey, Form ----, Single time, Strasser, Drivers of motor vehicles in Minn., Central Business District.

REVISIONS

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service: Application for Certificate of Citizenship, Form N–600, Occasional, Sheftel, Citizen who derived citizenship at or after birth.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service: Livestock Feed Program Regulations, Form Part 1475, Occasional, Evinger, Firms handling feeds.

Statistical Reporting Service: Lamp Crop and Wool Production—July, Form ----, Annual, Evinger, Sheep ranchers.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service:
Assistance for United States Citizens Returned from Foreign Countries—Expenditure Statement and Claim for Reimbursement Form APA 2048, Occasional, Evinger (x).
Assistance for U.S. Citizens Returned from Foreign Countries—Report of Referral, Form APA 2061, Occasional, Evinger (x).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development:
Loan Management Report Revenue Bonds—Public Facility Loans Program, Form HUD 4370, Occasional, CVA.
Supplement No. 4, Land Acquisition and Relocation—Water and Sewer Facilities Grant Program, Form 41401.4, Occasional, CVA.
Land Acquisition Policy and Relocation Payments and Assistance Requirements—Water and Sewer Facilities Grant Program, Form 41401.4A, Occasional, CVA.
Loan Management Report—General Obligation Bonds—Public Facility Loans Program, Form HUD 4370A, Occasional, CVA.
Preliminary Proposal for Development of Water or Sewer Facility by Private Nonprofit Corporation "Public Facility Loans Program, Form HUD 4701P, Occasional, CVA.
Code Enforcement Project Budget—Under Sec. 117 of the Housing Act of 1949 as Amended, Form HUD 6171, Occasional, CVA.
Certificate of Financial Settlement—Neighborhood Development Program, Form HUD 6282, Annual, CVA.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–20327 Filed 8–30–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812–3656]

ASHLAND OIL FINANCE CORP.

Filing of Application

AUGUST, 26, 1974.

Notice is hereby given that Ashland Oil Finance Corporation, 1409 Winchester Avenue, Ashland, Kentucky 41101 ("Applicant"), a Delaware corporation, has filed an application, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized under the laws of the State of Delaware, and all its outstanding shares of capital stock are owned by Owensboro-Ashland Company ("Owensboro"), a Delaware corporation. All the outstanding shares of capital stock of Owensboro are owned by Ashland Pipe Line Company, an Ohio corporation, all the outstanding shares of capital stock of which are owned by Ashland Oil, Inc. ("Ashland"), a Kentucky corporation. Applicant represents that it does not intend to issue any securities to any person other than Ashland or other companies all the outstanding capital stock of which is owned, directly or indirectly, by Ashland (collectively the "Ashland Group"), and Ashland and any such companies will not dispose of any such securities except to Applicant, Ashland or members of the

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Ashland Group. Ashland engages, directly or through its subsidiary corporations, in producing, refining and distributing petroleum products and related items.

On June 28, 1974, Ashland Overseas Finance Corporation ("Overseas"), a Delaware corporation, was merged into Applicant. Overseas was organized in December 1967 in order to raise funds abroad for use in financing Ashland's expanding foreign operations in a manner which would not adversely affect the United States balance of payments. Overseas sold $20,000,000 of its 5 percent Subordinated Guaranteed Debentures Due 1988 ("Debentures") to a group of underwriters for offering outside of the United States. The Debentures are bearer coupon debentures in the principal amount of $1,000 and are convertible into shares of common stock of Ashland at a conversion price of $40 per share. This conversion price is substantially in excess of the current market value of Ashland's common stock. Ashland unconditionally guaranteed the principal and interest payments on, and conversion rights of, the Debentures, such guarantee being subordinated to certain outstanding indebtedness of Ashland.

Applicant represents that the assets of Overseas, exclusive of United States Government securities and cash items and short-term investments in foreign government and commercial paper, were invested in or loaned to companies which are either foreign companies or domestic companies all or substantially all of whose business is carried on abroad, and which are primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities and with respect to which Ashland or Overseas owned directly or indirectly 10 percent or more of the voting stock. Overseas did not acquire the securities representing its loans or investments for the purpose of resale and did not trade in such securities.

By financing its foreign operations through Overseas rather than through the sale of its own debt obligations, Ashland utilized an instrumentality the acquisition of whose debt obligations by United States persons would, generally, have subjected United States persons (as defined in the Interest Equalization Tax Act) to the interest equalization tax, thus discouraging them from purchasing such debt obligations. The Underwriting Agreement, Agreement Among Underwriters and Selling Agreement regarding the distribution of the Debentures contained provisions which in substance provided that the underwriters and selected dealers would not offer, sell or deliver any Debentures in the United States of America or its territories or possessions, or to citizens, nationals or residents of, or corporations or partnerships created or organized in, the United States of America or its territories or to possessions, or to others for reoffering, resale or delivery in the United States of America or its territories or possessions, or to such citizens, nationals, residents, corporations or partnerships. Ashland, Overseas and Applicant represent that they have no reason to believe any of the Debentures are presently owned by a citizen, national or resident of, or a corporation or partnership created or organized in, the United States of America or its territories or possessions.

Overseas was originally exempted upon application from all provisions of the Act by order of the Commission (Investment Company Act Release No. 5244, January 24, 1968). Such order was subsequently rescinded in connection with the Commission's adoption of Rule 6c–1 which thereafter afforded a general exemption for subsidiaries organized to finance the foreign operations of domestic companies. Applicant represents that, except for its initial capitalization of $1,000, its assets and liabilities are identical to those of Overseas immediately prior to the merger of Overseas into Applicant.

Applicant now wishes to be in a position to lend a portion or all of its assets to Ashland as well as other members of the Ashland Group within the United States. Applicant states that this would permit maximization of the investment and credit potential of Applicant's cash resources by enabling Ashland to deploy the assets of all members of the Ashland Group in the most efficient manner, instead of requiring Applicant to make such investments or loans for Ashland. Monies loaned to Ashland for investment in the Ashland Group would be retained for use by Ashland or, within a short period of time, invested in other members of the Ashland Group, as either loans or equity investments. Applicant intends that all its assets will be invested in or loans to companies which are primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities and which will be members of the Ashland Group. Applicant will not acquire the securities representing its loans or investments for the purpose of resale and will not trade in such securities.

The application states that the assets of Ashland and other members of the Ashland Group (excluding Applicant) presently invested in or loaned to companies which are either foreign companies or domestic companies all or substantially all of whose business is carried on abroad, and which are primarily engaged in a business or businesses other than the business of investing, reinvesting, owning, holding or trading in securities and with respect to which Ashland or other members of the Ashland Group owned directly or indirectly 10 percent or more of the voting stocks, if held by Applicant would exceed the amount of the assets presently held by it. In addition, the result desired to be accomplished by the requested order could have been achieved by merging Overseas into Ashland which would have eliminated any need for an exemption from the Act, but such a merger would have been undesirable for business reasons.

The application states that under the Internal Revenue Code as amended in 1971, it is no longer necessary, in order to exempt securities of a United States company from United States withholding tax, that 80 percent of the company's gross income be derived from sources without the United States. Debt obligations will be exempt from such withholding tax if, prior to June 30, 1974, they were assumed by a United States affiliate of the obligor and designated as being subject to the Interest Equalization Tax and if certain other conditions were met. Applicant has designated the Debentures as subject to the Interest Equalization Tax and, because the other requirements for exemption from withholding taxes have also been met, no withholding tax will be due on the interest paid on the Debentures.

Applicant states that it will constitute an investment company subject to the provisions of the Act in the absence of an order exempting it from the provisions of the Act or the availability of an exemption under a rule of general application. Rule 6c–1 under the Act afforded such a general exemption for Overseas. However, because Applicant proposes to loan a portion of its assets to Ashland (its parent corporation), Applicant will not comply with subparagraphs (6) and (7) of paragraph (b) of Rule 6c–1, which requires 80 percent of the finance subsidiary's assets to be invested in foreign companies (or domestic companies, substantially all the business of which is conducted outside the United States) and 90 percent of the finance subsidiary's assets to be invested in or loaned to companies at least 10% of the equity securities of which are owned by the parent company. Therefore, the exemption provided by Rule 6c–1 will not be available to Applicant. However, since the proceeds of the Debentures which Applicant proposes to invest were borrowed outside the United States in a manner which improved the balance of payments position of the United States and since the Internal Revenue Code no longer requires that 80 percent of Applicant's gross income be derived from sources outside the United States in order to avoid the payment of withholding tax on interest payments to holders of the Debentures, Applicant perceives no policy reason for continuing to insist upon compliance with such a requirement in order to be entitled to an exemption from the Act. Moreover, Applicant asserts, no policy reason exists for not permitting Ashland, which is the guarantor of the payment of the Debentures, to receive assets of Applicant for retention or distribution.

Applicant further represents that (1) Applicant will not deal or trade in securities; (2) the public policy underlying the Act is not applicable to it; (3) the security holders of Applicant do not require the protection of the Act because the payment of the Debentures does not depend on the operations or investment policy of Applicant, but rather, since the payment of the Debentures is guaranteed by Ashland, the Debentureholders look primarily to the business enterprise of Ashland; (4) none of the equity securities of Applicant will be held by any person other than Ashland or a member of the Ashland Group; (5) the Debentures were offered and sold abroad to foreign nationals under circumstances which were intended to preclude any reoffering or resale in the United States, its territories or possessions or to any United States national, citizen or resident, and, to the best of Ashland's and Applicant's knowledge, no Debenture is owned by any United States national, citizen, or resident; (6) Applicant's security holders have had and will continue to have the benefit of the disclosure and reporting provisions of the New York Stock Exchange and the Luxembourg Stock Exchange and of the Securities Exchange Act of 1934; and (7) it is irrelevant for purposes of the Act whether investments in members of the Ashland Group are made through advances to Ashland or by direct loans to or investments in members of the Ashland Group.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant agrees and consents that, if the Commission grants an order exempting it from all provisions of the Act, such order be subject to the following conditions:

(1) Applicant will comply with all the requirements of subparagraphs (1)–(5) and (8) of paragraph (b) of Rule 6c–1;

(2) at least 90 percent of the assets of Applicant, exclusive of United States Government securities and cash items and short-term investments in foreign government and commercial paper, will be invested in or loaned to its parent company and companies at least 10 percent of the equity securities of which are, or at the completion of the investment will be, owned, directly or indirectly, by the parent company; and any assets of Applicant not invested in its parent company and such companies will only be invested in or loaned to companies which are customers or suppliers of the parent company or a subsidiary of the parent company; and any of the assets invested in or loaned to investment companies will only be invested in or loaned to investment companies which are wholly owned subsidiaries of the parent company; and

(3) in the event the Interest Equalization Tax is not reenacted, or is reenacted and expires or is repealed or the rate thereof is reduced to zero and such tax is not replaced by another tax providing a comparable deterrent to the purchase of Applicant's securities by United States persons, Applicant will not issue (except to Ashland or a member of the Ashland Group which is not an investment company) any securities without a further order of the Commission; provided, however, that in the event that Applicant becomes exempt from each and every provision of the Act or the Commission adopts, amends, or interprets a Rule under the Act which would exempt Applicant from each and every provision of the Act, nothing contained in the order requested by this application, or the conditions to which it may be subject, shall preclude Applicant from being exempt from the Act by virtue solely of the applicability of said Rule or interpretation.

Notice is further given that any interested person may, not later than September 20, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–20203 Filed 8–30–74;8:45 am]

[File No. 500–1]

BBI, INC.

Suspension of Trading

AUGUST 26, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from August 27, 1974 through September 5, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–20204 Filed 8–30–74;8:45 am]

[File No. 500–1]

NICOA CORP.

Suspension of Trading

AUGUST 26, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from August 27, 1974 through September 5, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–20205 Filed 8–30–74;8:45 am]

[Release No. 34–10980]

NATIONAL STOCK EXCHANGE

Plan To Regulate Floor Trading

On April 23, 1974, in Securities Exchange Act Release No. 10735 (39 FR 13819), the Securities and Exchange Commission announced that it had under consideration a proposed plan of the National Stock Exchange ("NSE"), filed pursuant to Securities Exchange Act Rules 17a–8 (17 CFR 240.17a–8), 11a–1 (17 CFR 240.11a–1) and 19b–2 (17 CFR 240.19b–2), for the regulation of floor trading on the NSE, even though the NSE, together with a number of regional stock exchanges, has been exempted from the requirements of Rule 11a–1. The NSE filed its plan with the Commission so that transactions effected by its members in accordance with the plan may be classified as "public securities business" for purposes of Securities Exchange Act Rule 19b–2.

In adopting Rule 19b–2, it was the Commission's intention that paragraph (a)(6) of that rule incorporate the standards imposed by Rule 11a–1(b)(7) under the Securities Exchange Act for qualification of an acceptable floor trading plan. The plan must therefore be

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declared effective by the Commission, having due regard for the maintenance of fair and orderly markets, the public interest and the protection of investors. The background of Rule 11a–1 and the harmful aspects of floor trading which are intended to be eliminated by the provisions of an acceptable plan are discussed in Securities Exchange Act Release Nos. 7290 dated April 9, 1964 (29 FR 5168) and 7330 dated June 2, 1964 (29 FR 7380).

The plan filed by the NSE, which is discussed in detail in Release No. 10735, consists of essentially the following provisions.

1. A minimum net capital requirement of $25,000 for registered traders (the minimum permitted by Rule 15c3–1 (17 CFR 240.15c3–1) under the Act).

2. A flexible standard for suspension of registered traders where the provisions of the plan have been violated.

3. A rule providing that in establishing or increasing a position on the floor for an account in which he has an interest, a registered trader must yield priority, parity and precedence to an off-floor order.

4. A rule providing that in liquidating a position on the floor for an account in which he has an interest, a registered trader must yield precedence based on size to an off-floor order.

5. An interpretation prohibiting more than three registered traders from being present in the trading crowd for one stock at the same time when liquidating, as well as establishing or increasing, a position.

6. An interpretation classifying as "on-floor" orders transactions for a member firm which result from an order entered off the floor following a conversation relating thereto with, or the unsolicited submission of a quotation in a stock and the size of the market by, an employee, a partner or a stockholder of such member firm on the floor.

The Commission, acting pursuant to the Securities Exchange Act, particularly sections 11(a), 19(b), and 23(a) thereof and Rules 11a–1 and 19b–2 thereunder, having due regard for the maintenance of fair and orderly markets, the public interest and the protection of investors, and finding that the floor trading plan of the NSE filed with the Commission on February 20, 1974 is designed to eliminate floor trading activities not beneficial to the market, hereby declares such plan effective as of August 23, 1974. If at any time it appears to the Commission to be necessary or appropriate in the public interest, or for the protection of investors, or for the maintenance of fair and orderly markets, whether because the plan has not eliminated the harmful effects of floor trading or for other reasons, the Commission may suspend or terminate the effectiveness of the plan upon sixty days written notice to the NSE.

(Secs. 11(a), 19b, 23a; 48 Stat. 891, as amended 68 Stat. 686, 48 Stat. 898 as amended, 75 Stat. 465, 76 Stat. 247, 82 Stat. 453, 83 Stat. 141, 84 Stat. 862, 48 Stat. 901, as amended, 48 Stat. 901, 49 Stat. 704, 49 Stat. 1329, 78 Stat. 580; (15 U.S.C. 78k, 15 U.S.C. 78s, 15 U.S.C. 78w))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

AUGUST 23, 1974.

[FR Doc.74–20206 Filed 8–30–74;8:45 am]

[70–5425]

NORTHEAST UTILITIES ET AL.

Bank Credit Lines and Utility Subsidiary Matters

AUGUST 26, 1974.

Northeast Utilities ("NU"), a registered holding company, The Connecticut Light and Power Company, Selden Street, Berlin, Connecticut 06037, ("CL&P"), The Hartford Electric Light Company, 176 Cumberland Avenue, Wethersfield, Connecticut 06109, ("HELCO") and Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089, ("WMECO"), each a wholly-owned electric utility subsidiary company of NU, have filed a post-effective amendment to their previously amended application-declaration filed in this proceeding pursuant to sections 6, 7 and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and rules 45 and 50(a)(2) promulgated thereunder regarding the following transactions. All interested persons are referred to the amended application-declaration, as further amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By order dated January 14, 1974 (Holding Company Act Release No. 18255), the Commission authorized applicants-declarants, among other things, to issue and sell through March 31, 1975, short-term notes to banks and commercial paper to a dealer in commercial paper, the aggregate amount of all such short-term indebtedness at any time outstanding not to exceed $150,000,000 in the case of NU, and in the cases of CL&P, HELCO and WMECO, $168,000,000, $73,000,000 and $53,600,000, respectively. It was contemplated that upon the sale of additional common shares by NU prior to March 31, 1975, the maximum amount of authorized short-term borrowings which NU may have outstanding at any one time would be reduced by the amount of the net proceeds of such sale of common shares.

Applicants-declarants state, however, that in view of the present climate of the securities markets and the depressed prices of utility stocks generally, it will not be possible for NU to raise the additional amounts of capital through the sale of its common shares which had been contemplated as a means to reduce its outstanding short-term borrowings. NU states it proposes to issue 5,000,000 additional common shares through a negotiated underwriting in September, 1974, with estimated net proceeds therefrom at approximately $35,000,000 (File No. 70–5520). This compares with estimated net proceeds which had earlier been anticipated of approximately $60,000,000 for the same number of shares. NU asserts that it is committed to make a $35,000,000 capital contribution to CL&P in October, 1974 and that CL&P, HELCO and WMECO are presently unable to issue additional long-term debt or preferred stock because of their inability to meet coverage requirements. For these reasons, NU states that it is necessary for it to retain its present short-term borrowing limits of $150,000,000 through March 31, 1975, after the issue and sale of the additional common shares.

Applicants-declarants, particularly NU, state that it has become more difficult to issue commercial paper at an effective interest rate cost competitive with bank notes and as a result propose to substantially increase bank credit lines. Borrowings thereunder will be evidenced by notes issued to banks ("Notes") dated the date of issue (in no event later than March 31, 1975), will mature within 9 months with right of renewal, will bear interest at various rates ranging from the prime rate up to 120 percent of prime, depending on the lending bank, and will be subject to prepayment at any time without penalty.

Such borrowings will be effected from banks as follows:

	New York banks	Non-New York banks
Northeast Utilities	6	30
The Connecticut Light & Power Co.	7	21
The Hartford Electric Light Co.	7	7
Western Massachusetts Electric Co.	7	15

In those banks (primarily the New York banks) where the borrowing company's normal working balances are insufficient to support credit lines, compensating balances ranging from 10 percent–20 percent of credit lines are required. Based upon a 12-percent prime interest rate, a 10 percent–20 percent balance will result in an effective cost of borrowing of 13.33 percent–15.00 percent per annum.

Applicants-declarants additionally propose to increase the maximum limit on short-term indebtedness in the case of WMECO from the presently authorized amount of $53,600,000 to $60,300,000 (an amount represented to be equal to 20 percent of WMECO's capitalization), in order to provide WMECO with needed flexibility to meet its short-term obligations.

NU further proposes, in addition to the presently authorized amount of $3,000,000, to make an open-account advance and/or capital contributions of not more than $2,000,000 to the Holyoke Water Power Company ("HWP"), a wholly-owned subsidiary of NU, in order that HWP be in a position to make a fuel oil commitment for its Mt. Tom generating station.

No State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 19, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration as further amended by said post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–20312 Filed 8–30–74;8:45 am]

[70–5540]

SYSTEM FUELS, INC.

Acquisition of Land for Coal Production

AUGUST 26, 1974.

Notice is hereby given that System Fuels, Inc., 225 Baronne Street, New Orleans, Louisiana 70112 ("SFI"), a jointly-owned nonutility subsidiary company of Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service, Inc., each an electric utility subsidiary company of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

The application states that, pursuant to authority heretofore granted to SFI and in fulfillment of its responsibilities as the supplier of fuel for the Middle South Utilities System ("System") and to meet the System's increasing coal supply needs, SFI has, at a cost of $19,200, acquired through a nominee an option from an unaffiliated person to purchase by warranty deed ("Option Agreement") a 3,840 acre (more or less) cattle-grazing ranch in the Powder River Basin of Wyoming ("Ranch"), under which 425,000,000 to 475,000,000 tons of coal have been estimated to be located. The option to purchase the Ranch under the Option Agreement excludes any interest of the present owner in the oil, gas, and minerals underlying the land, except coal now owned or in any manner hereafter acquired. The option to purchase the Ranch, which expires on October 1, 1974, was acquired on the advice of a coal consulting firm, which firm has been conducting an exploration program for SFI in the Powder River Basin. Should the estimate of the coal consulting firm not be significantly diminished within the option period, SFI intends to exercise its option to purchase the Ranch for a price of $1,920,000, subject to certain adjustments stated in the option agreement.

Ownership of the Ranch does not insure that SFI will obtain the rights to remove the underlying coal. The coal deposits under the Ranch and the rights to mine such coal were reserved by the United States of America at the time the Federal Government originally transferred title to the land. The Secretary of the Interior is authorized to offer for leasing, at his discretion, deposits of coal owned by the Federal Government. Such offers are made through a public offer of the deposits by means of competitive bidding, and SFI is in a position to initiate this process by filing an application with the Bureau of Land Management, Department of the Interior. Should SFI fail to be the successful bidder, and thus have only surface rights to the Ranch, SFI intends to divest itself of the Ranch.

If SFI purchases the Ranch, it would proceed, as and when the coal reserves are required by the System, to seek to acquire the rights to remove the coal located under the Ranch and to attain any regulatory approvals then required to mine such coal, and, upon receipt of such approvals, to contract for the development and operation of a mine on the Ranch. The developer and operator of the mine will be unaffiliated with the System. Prior to proceeding with contractual arrangements for the development and operation of the mine, SFI will furnish the Commission with details of such arrangements, including the identity of the developer of the mine, the identity of the operator of the mine, the form of the development and operation contracts, and estimated costs of development and operation.

SFI will obtain funds to purchase the Ranch by means of loans from Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc., pursuant to the Loan Agreement dated January 1, 1974, previously authorized by the Commission in File No. 70–5415.

Fees and expenses to be incurred in connection with the proposed transaction are estimated at $22,500, including legal fees estimated not to exceed $20,000. No State or Federal commission, other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 23, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–20202 Filed 8–30–74;8:45 am]

[Release No. 34–10977]

STOCK EXCHANGE COMMISSION RATE PROPOSALS

Public Investigatory Hearing

The Securities and Exchange Commission announced on August 20, 1974, that it has issued an order for the institution of an investigation and a public investigatory hearing, pursuant to section 21(a) of the Securities Exchange Act of 1934, to consider whether any changes should be made in the rules, policies, practices, and procedures of one or more registered national securities exchanges concerning commission rate schedules.

In an August 7, 1974 letter to Chairman Garrett, the New York Stock Exchange ("NYSE") stated that on August 5, 1974 its Board of Directors authorized submission to the Securities and Exchange Commission of a request for a commission rate increase of up to 10 percent on orders valued between $2,000 and $300,000. The effect of inflation on member firm costs and profits and the continuing unprofitability of many of these firms were cited as the cause behind the

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request. In a letter dated August 15, 1974, the NYSE stated that the amount of the rate increase requested would be 6 to 8 percent, the exact amount to be announced when compilation of economic data has been completed. The NYSE plans to have the economic data and the report in support of the increase completed during the first week in September. That report will be available to all interested persons in the Public Reference Section, Room 6101, 1100 L Street, NW., Washington, D.C. 20005 and at each of the Commission's regional offices. Persons who wish to obtain a copy of that report may do so by writing to Dr. William C. Freund, Vice President and Chief Economist, New York Stock Exchange, Inc., Eleven Wall Street, New York, New York 10005.

The Commission announced that the public investigatory hearing on stock exchange commission rate proposals will convene at 10 a.m. Tuesday, September 24, 1974 at the Commission's headquarters, 500 North Capitol Street, NW., Washington, D.C., to receive testimony and other relevant data on the foregoing NYSE commission rate proposal. The Commission has requested representatives of the NYSE to appear at that time to present testimony and relevant data and invites all other interested persons to submit their views. Persons who wish to appear and present factual material at the hearing are invited to notify the hearing officer (William E. Toomey, Room 788, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549 (202) 755–1240) of that desire as soon as possible and not later than September 24, 1974.

Witnesses will be expected to file with the hearing officer 25 copies of their prepared statements 48 hours prior to their appearance and are invited to make available additional copies at the time of their appearance for the benefit of the press and other interested persons.

Persons wishing to transmit written submissions for inclusion in the record in lieu of personally appearing should file 25 copies thereof to facilitate examination of the record by all interested persons. Such material should be submitted not later than October 4, 1974. All other communications should be filed in triplicate. All communications should refer to File No. 4–174, and will be available for public inspection in the Commission's Public Reference Room.

(Sec. 21(a); 48 Stat. 899; 15 U.S.C. 78u(a).)

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

AUGUST 20, 1974.

[FR Doc.74-20311 Filed 8-30-74;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from August 28, 1974 through September 6, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-20313 Filed 8-30-74;8:45 am]

TARIFF COMMISSION

[337-L-75]

CERTAIN ELECTRONIC PRINTING CALCULATORS

Complaint Received

The United States Tariff Commission hereby gives notice of the receipt on August 1, 1974, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Addmaster Corporation, of San Gabriel, California, alleging unfair methods of competition and unfair acts in the importation and sale of certain electronic printing calculators by reason of their being embraced within the claim(s) in U.S. Patent No. 3,094,278 owned by the complainant. Eiko Business Machines Company, Ltd., PO. Box 24, Trade Center, Tokyo 105, Japan, and Unitrex of America, Inc., 350 5th Avenue, New York City, New York, has been named as either offering for sale or importing the subject product.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the issues raised in the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York office of the Tariff Commission located at 6 World Trade Center.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than October 14, 1974. Extensions of time for submitting information will not be granted unless good and sufficient cause is shown thereon. Such information should be sent to the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: August 28, 1974.

By order of the Commission:

KENNETH R. MASON, *Secretary.*

[FR Doc.74-20277 Filed 8-30-74;8:45 am]

VETERANS ADMINISTRATION

CHIEF MEDICAL DIRECTOR'S AD HOC ADVISORY COMMITTEE ON SPINAL CORD INJURY

Notice of Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Chief Medical Director's Ad Hoc Advisory Committee on Spinal Cord Injury will be held in Room 817 at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C. on October 1 and 2, 1974 at 9 a.m. The meeting will be for the purpose of receiving consumer advice on program plans, specialized facilities and equipment as they relate to the treatment of spinal cord injured patients in Veterans Administration hospitals.

The meeting will be open to the public up to the seating capacity of the room. Because of the limited seating capacity of the room, those who plan to attend should contact Dr. Peter C. Hofstra, Director, Spinal Cord Injury Service, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C. (202-389-3032) prior to September 24, 1974.

Dated: August 27, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH, *Deputy Administrator.*

[FR Doc.74-20256 Filed 8-30-74;8:45 am]

VETERANS ADMINISTRATION WAGE COMMITTEE

Notice of Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on:

Thursday, October 10, 1974
Thursday, October 24, 1974
Thursday, November 7, 1974
Thursday, November 21, 1974
Thursday, December 5, 1974
Thursday, December 19, 1974

The meetings will convene at 2:30 p.m. and will be held in Room 1144C, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommendations, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Administrator of Veterans Affairs has determined that these meetings will be closed to the public based on the review of wage data for which confidentiality has been assured to companies participating in Federal wage surveys.

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue, NW., Washington, D.C.

Dated: August 27, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH, *Deputy Administrator.*

[FR Doc.74-20258 Filed 8-30-74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

EMPLOYMENT RETIREMENT INCOME SECURITY ACT OF 1974

Notices Due September 12, 1974 for Certain Plan Terminations Occurring After June 30, 1974 and Before September 2, 1974

Certain private pension plans which have been terminated after June 30, 1974, and before September 2, 1974, may qualify for payment of benefits under terms of the Employee Retirement Income Security Act of 1974, which was signed into law by the President on Monday, September 2, 1974. Notice of eligibility for such coverage must be filed with the Secretary of Labor, and received by him not later than Thursday, September 12, 1974 (10 days after the date of enactment of the Act) in order to qualify for such payment. However, if reasonable cause is shown for failure to meet this 10-day deadline, notice may be filed with the Secretary of Labor later, provided that it is received by him not later than October 31, 1974. Section 4082(b) of the Act provides that the corporation shall not pay benefits guaranteed under Title IV with respect to any plan unless the corporation finds substantial evidence that the plan was terminated for a reasonable business purpose and not for the purpose of obtaining the payment of benefits by the corporation under Title IV or for the purpose of avoiding the liability which might be imposed under subtitle D of Title IV if the plan terminated on or after the date of enactment of the Act.

CONTENT OF NOTICE

Each notice must allege that the private pension plan for which such notice is being given

(1) Was not a multiemployer plan,

(2) Was terminated after June 30, 1974 and before the date of enactment of the Act; and

(3) Was a plan to which section 4021 of the Act would have applied if that section had been effective beginning on July 1, 1974.

Each notice shall include the name, address, and telephone number of the plan administrator, the Internal Revenue Service employer identification number of the employer and of each trust under the plan, the number assigned to the plan by the U.S. Department of Labor under the Welfare and Pension Rules Disclosure Act, if any such number has been so assigned, and the signature and relationship to the plan of the person filing the notice.

ADDRESS AND DELIVERY

Each notice must be submitted, in an envelope, to the Secretary of Labor, United States Department of Labor, Room 3311, 14th Street and Constitution Avenue NW., Washington, D.C. 20210. Notices may be filed by mail (preferably by certified or registered mail), by telegram, or by presentation at the above address during normal working hours of the Department of Labor. Upon request, the Secretary will provide a receipt showing time of delivery for any notice so presented at Room 3311.

FILING DEADLINES

Each notice must be received by the Secretary of Labor not later than Thursday, September 12, 1974 (10 days after the date of enactment of the Act). The Pension Benefit Guaranty Corporation is not authorized to pay benefits with respect to a plan for which no notice is received within 10 days of the date of enactment of the Act, except where reasonable cause for later filing is shown and notice is received by the Secretary of Labor not later than October 31, 1974.

The following guidelines, stated by the Senate and House conferees on H.R. 2, will be followed in ruling on the adequacy of cause for late filing of notices:

The opportunity to give notice as late as October 31, 1974 (where good cause is shown), is not intended to apply to situations where the failure to give timely notice was the result of inconvenience or inadvertence. In determining where there is reasonable cause shown for not having given notice within the 10-day period, it is intended that the showing be by clear and convincing evidence that it was not reasonably possible to have given notice within the time allowed (H. Rept. 93-1280, 93rd Cong., 2d Sess. 381).

Signed at Washington, D.C., this 2d day of September 1974.

PETER J. BRENNAN, *Secretary of Labor.*

[FR Doc.74-20417 Filed 8-30-74;4:00 pm]

Pension Benefit Guaranty Corporation

PENSION PLAN

Filing of Notice of Intent To Terminate

Section 4041 of the Employee Retirement Income Security Act of 1974 provides for the filing, under certain enumerated circumstances, of a notice that a plan covered under the terms of section 4021 of the Act is to be terminated on a proposed date.

Pending the development by the Corporation of permanent rules for the content and processing of such notices, and in order to provide an interim method of processing them, it has been determined that the plan administrator (within the meaning of section 3(16)(A) of the Act) shall file such a notice, signed by him, with the Corporation by certified or registered mail. Each notice shall be mailed to the Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044 and shall include the name, address and telephone number of the plan administrator, the Internal Revenue Service employer identification number of the employer and of each trust under the plan, and the number assigned to the plan by the U.S. Department of Labor under the Welfare and Pension Rules Disclosure Act, if any such number has been so assigned.

In order to comply with the provisions of section 4041 of the Act, each notice must be filed not later than 10 days before the proposed termination date.

Signed at Washington, D.C., this 2d day of September 1974.

PETER J. BRENNAN, *Chairman, Board of Directors, Pension Benefit Guaranty Corporation.*

[FR Doc.74-20416 Filed 8-30-74;4:00 pm]

INTERSTATE COMMERCE COMMISSION

[Notice 582]

ASSIGNMENT OF HEARINGS

AUGUST 28, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after September 3, 1974.

MC 139343 Sub 2, Mexicoach, Inc., now assigned September 12, 1974, will be held in the Embassy Auditorium, 847 South Grand Street, Suite 201, Los Angeles, Calif.

MC 113678 Sub 523, Curtis, Inc., now assigned September 16, 1974, will be held in the Embassy Auditorium, 847 S. Grand St., Suite 201, Los Angeles, Calif.

MC 56640 Sub 31, Delta Lines, Inc., now assigned September 17, 1974, will be held in the Embassy Auditorium, 847 South Grand St., Suite 201, Los Angeles, Calif.

MC 19227 Sub 200, Leonard Brothers Trucking Co., Inc., now assigned September 23, 1974, will be held in Room 422, 312 N. Spring St., Los Angeles, Calif.

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MC-F-12113, Nationwide Carriers, Inc.—Purchase—Mabel Lynn Michael (Nevin H. Fiery, Executor), now being assigned November 4, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12155, Ace Doran Hauling & Rigging Co.—Purchase (Portion—Tri-State Motor Transit Co., now being assigned November 11, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8332, Chemical Leaman Tank Lines, Inc.—v. Central Transport, Inc., now being assigned November 13, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128383 Sub-47, Pinto Trucking Service, Inc., now being assigned November 13, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 55896 Sub-44, R-W Service System, Inc., now being assigned November 19, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 123407 Sub-156, Sawyer Transport, Inc., now being assigned November 20, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 109689 Sub 265, W. S. Hatch Co., now assigned September 24, 1974, will be held in Room 422, 312 North Spring St., Los Angeles, Calif.

MC 106644 Sub 174, Superior Trucking Company, Inc., now assigned September 26, 1974 will be held in Room 422, 312 North Spring St., Los Angeles, Calif.

NO. 35794, Northville Dock Pipe Line Corp. and Consolidated Petroleum Terminal, Inc.—Petition For Declaratory Order Or Investigation, and NO. 35852, Northville Dock Pipe Line Corp., Northville Industries Corp., Consolidated Petroleum Terminal, Inc. and Total Resources, Inc.—Investigation of Operations—now assigned for prehearing conference on September 18, 1974, at Washington, D.C., is postponed to October 18, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

NO. 35940, Investigation into the Lawfulness of Interchange Arrangements Between the Bangor and Aroostook Railroad and CP Rail at Brownville Junction, Maine, NO. 35987, Maine Central Railroad Company-V-Bangor and Aroostook Railroad Company, NO. 36013, Penn Central Transportation Company, George P. Baker, Robert W. Blanchette and Richard C. Bond, Trustees-V-Bangor and Aroostook Railroad Company, and NO. 36013 (Sub-1), Boston and Maine Corporation, Robert W. Meserve and Benjamin R. Lacy, Trustees-V-Bangor and Aroostook Railroad Company, now assigned pre-hearing conference September 11, 1974, at Washington, D.C., postponed to September 24, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-20303 Filed 8-30-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

AUGUST 28, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 13, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-730 (Sub-No. E46), filed May 8, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, California 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Wyoming to points in Nevada. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah, and points within 10 miles thereof.

No. MC-730 (Sub-No. E58), filed May 13, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 638, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Portland, Linnton, Willbridge, The Dalles, and Astoria, Oreg., to points in that part of Idaho in and north of Idaho County. The purpose of this filing is to eliminate the gateway of Pasco, Wash.

No. MC-730 (Sub-No. E63), filed May 31, 1974. Applicant: PACIFIC INTERMOUNTAIN, EXPRESS CO., 1417 Clay Street, Oakland, California 94612. Applicant's representative: R. N. Cooledge (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier, Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Sacramento, Stockton, and Coalinga, Calif., points within 30 miles of Coalinga, Calif., and points in those parts of Alameda, Contra Costa, and Solano Counties, Calif., on and south of California Highway 12, to points in that part of Washington in and east of Benton, Grant, Chelan, and Okanogan Counties. The purpose of this filing is to eliminate the gateways of Sparks, Nev., and Baker, Oreg.

No. MC-3468 (Sub-No. E2), filed May 16, 1974. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., P.O. Box 308, Flint, Mich. 48501. Applicant's representative: Wilmer B. Hill, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobile*, in secondary movements, in truckaway service, from Detroit, Mich., to points in that part of Indiana or and west of a line beginning at Jeffersonville, thence along Indiana Highway 3 to Greensburg, thence along U.S. Highway 421 to junction Indiana Highway 9, thence along Indiana Highway 9 to Greenfield, thence along Indiana Highway 13 to Fortville, thence along Indiana Highway 238 to Noblesville, thence along Indiana Highway 38 to Antlock, thence along Indiana Highway 39 to the Indiana-Michigan State line. The purpose of this filing is to eliminate the gateway of Flint, Mich.

No. MC-3468 (Sub-No. E5), filed May 16, 1974. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., P.O. Box 308, Flint, Mich. 48501. Applicant's representative: Wilmer B. Hill, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway service, from New York, N.Y., and Port Neward and Port Elizabeth, N.J., to points in that part of Indiana on and west of a line beginning at the Indiana-Illinois State line, thence along Indiana Highway 26 to Lafayette, thence along Indiana Highway 25 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 9, thence along Indiana Highway 9 to the Indiana-Michigan State line. The purpose of this filing is to eliminate the gateway of Flint, Mich.

No. MC-3468 (Sub-No. E7), filed May 16, 1974. Applicant: F. J. Boutell, DRIVEWAY CO., INC., P.O. Box 308, Flint, Mich. 48501. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and new trucks*, in secondary movements, in truckaway service, during the season of open navigation on the Great Lakes, from points in Michigan, that part of Ohio west and north of a line beginning at Ironton, thence along Ohio Highway 93 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Pennsylvania State line, and that part of Pennsylvania north and west of a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 224, to junction U.S. Highway 422, thence along U.S. Highway 422 to junction Interstate Highway 79, thence along U.S. Highway 79 to Erie, to points in Connecticut, Maine, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Erie, Pa.

No. MC-3468 (Sub-No. E8), filed May 16, 1974. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., P.O. Box 308, Flint, Mich. 48501. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and new trucks*, in secondary movements, in driveaway service, during the season of open navigation on the Great Lakes, from points in Indiana, Kentucky, and the Chicago, Ill., Commercial Zone, to points in Maine, New Hampshire, Vermont, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC-3468 (Sub-No. E9), filed May 16, 1974. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., P.O. Box 308, Flint, Mich. 48501. Applicant's representative: Wilmer B. Hill, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles and new trucks*, in secondary movement, in truckaway and driveaway service, during the season of open navigation on the Great Lakes, from Pittsburgh, Pa., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Erie, Pa.

No. MC-3468 (Sub-No. E10), filed May 16, 1974. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., P.O. Box 308, Flint, Mich. 48501. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway service, from Lansing, Mich., to Evansville, Ind. The purpose of this filing is to eliminate the gateway of Flint, Mich.

No. MC-3468 (Sub-No. E12), filed May 16, 1974. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., P.O. Box 308, Flint, Mich. 48501. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway and driveaway service, during the season of open navigation on the Great Lakes, from points in that part of New York on, north, and west of a line beginning at St. Regis, thence along New York Highway 37 to junction New York Highway 56, thence along New York Highway 56 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 104, thence along New York Highway 104 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction New York 19, thence along New York Highway 19 to junction New York Highway 38, thence along New York Highway 38 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction New York Highway 474, thence along New York Highway 474 to the New York-Pennsylvania State line, to points in Virginia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC-5470 (Sub-No. E45), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5 Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, minerals, ores, and silicon metals* (that can be unloaded by dumping), from any railhead in East Liverpool, Ohio, to points in Delaware. The purpose of this filing is to eliminate the gateway of Monaca, Pa.

No. MC-5470 (Sub-No. E46), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5 Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, pig iron, and silicon metals* (that can be unloaded by dumping), from West Elizabeth, Pa., to points in New Jersey (except points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties). The purpose of this filing is to eliminate the gateway of Monaca, Pa.

No. MC-5470 (Sub-No. E53), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5 Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 Sixteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from Erie, Pa., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Portsmouth, Ohio.

No. MC-5470 (Sub-No. E74), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro-alloys*, in bulk in dump vehicles, from Bridgeport, Conn., Newark, N.J., and Newport News, Va., to points in Michigan and Illinois. The purpose of this filing is to eliminate the gateway of Van Coram, Ohio.

No. MC-5470 (Sub-No. E76), filed May 29, 1974. Applicant: TAJON INC., R.D. 5 Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro-alloys*, in bulk in dump vehicles, from Philadelphia, Pa., to points in Kentucky, Indiana, Michigan, and Illinois. The purpose of this filing is to eliminate the gateway of Van Coram, Ohio.

No. MC-6870 (Sub-No. E1), filed June 4, 1974. Applicant: NEWBURGH MOVING AND STORAGE, INC., Newburgh, N.Y. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Maine, New Hampshire, and Vermont, on the one hand, and, on the other, points in New Jersey and Pennsylvania; (2) between points in Maine and Vermont, on the one hand, and, on the other, points in that part of Connecticut on, west, and south of U.S. Highway 91; (3) between points in New Hampshire, on the one hand, and, on the other, points in that part of Connecticut on, west, and south of Connecticut Highway 8; (4) between points in New Hampshire and Vermont, on the one hand, and, on the other, points in that part of New York on and south of a line beginning at the Massachusetts-New York State line, thence along New York Highway 23 to junction New York Highway 145, thence along New York Highway 145 to junction New York Highway 30, thence along New York Highway 30 to junction Interstate Highway 90, thence along Interstate Highway 90 to Buffalo; and (5) between points in Maine, on the one hand, and, on the other, points in that part of New York on and south of a line beginning at the New York-Vermont State line, thence along the northern boundary lines of Rensselear, Albany, and Schenectady Counties to junction Interstate Highway 90, thence along Interstate Highway 90 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Millbrook, N.Y., and points within 30 miles thereof.

No. MC-29886 (Sub-No. E6), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Front end shovel loaders*, assembled, and industrial lift trucks, assembled, which because of size or weight require special equipment, (1) between South Carolina, Georgia, and Florida, on the one hand, and, on the other, points in California (except Inyo, Tulare, Kings, Kern, San Bernardino, Ventura, Los Angeles, Orange, Riverside, San Diego and Imperial Counties, Calif.), points in Washoe, Churchill, Storey, Ormsby, Douglas, Lyon, and Mineral Counties, Nev., and points in Tillamook, Yamhill, Polk, Lincoln, Benton, Linn, Lane, Deschutes, Douglas, Coos, Cury, Josephine, Jackson, Klamath, and Lake Counties Oreg.; (2) between Michigan, Indiana, and Ohio, on the one hand, and, on the other, points in California (except Mono, Inyo, Tulare, Kern, San

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Bernardino, Los Angeles, Ventura, Riverside, San Diego, Imperial Counties, Calif.), points in Ormsby and Douglas Counties, Nev., and points in Douglas, Coos, Curry, Josephine, Jackson, and Klamath Counties, Oreg. (3) between Wisconsin, on the one hand, and, on the other, points in California (except in Mono, Inyo, San Bernardino, Riverside, San Diego, Imperial, Modoc, and Lossen Counties, Calif.). The purpose of this filing is to eliminate the gateway of San Leandro, Calif.

No. MC-29886 (Sub-No. E11), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dump truck bodies*, (1) from points in Michigan to points in Florida, Georgia, South Carolina, North Carolina, West Virginia, Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, and points in that part of Pennsylvania east of U.S. Highway 219; (2) from points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 24 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Indiana State line to points in West Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, the District of Columbia, and points in that part of Pennsylvania east of U.S. Highway 219; (3) from points in that part of Indiana bounded by a line beginning at Illinois-Indiana State Line and extending along U.S. Highway 24 to junction U.S. Highway 224, thence along U.S. Highway 24 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Indiana State line, thence south along the Ohio-Indiana State line to junction U.S. Highway 50, thence along U.S. Highway 50 to the Illinois-Indiana State line, thence north along the Illinois-Indiana State line to the point of beginning to points in Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Delaware, the District of Columbia, and points in that part of Pennsylvania on and east of U.S. Highway 219; (4) from points in that part of Indiana on and south of U.S. Highway 50 to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and points in that part of Pennsylvania east of U.S. Highway 219. The purpose of this filing is to eliminate the gateways of Marion, Ohio, in (1) above; Galion, Ohio, in (2) and (3) above, and Galion, Ohio, in (4) above.

No. MC-43670 (Sub-No. E1), filed May 14, 1974. Applicant: DELCHER BROTHERS STORAGE CO., P.O. Box 507, Jacksonville, Fla. 32201. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Texas, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, that part of Ohio on, south, and east of a line beginning at Sandusky, thence along Ohio Highway 4 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Indiana State line, that part of Tennessee on and east of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 79 to Clarksville, thence along Tennessee Highway 13 to Cunningham, thence along Tennessee Highway 48 to Dickson, thence along Tennessee Highway 46 to junction Tennessee Highway 100, thence along Tennessee Highway 100 to Linden, thence along Tennessee Highway 13 to junction Tennessee Highway 128, thence along Tennessee Highway 128 to Pickwick Dam, thence along Tennessee Highway 57 to the Tennessee-Mississippi State line, and the District of Columbia (Florence, Ala.) *; (2) between points in Texas, on the one hand, and, on the other, points in that part of Tennessee east of and including Wayne, Lewis, Hickman, Dickson, and Montgomery Counties, that part of Kentucky east of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 41 to junction Alternate U.S. Highway 41, thence along Alternate U.S. Highway 41 to the Kentucky-Tennessee State line, and Adams, Allen, Bartholomew, Clark, Crawford, Dearborn, Decatur, Floyd, Franklin, Harrison, Ohio, Perry, Posey, Randolph, Ripley, Scott, Spencer, Switzerland, Steuben, and De Kalb Counties, Ind. (Florence, Ala.) *.

(3) Between points in that part of Texas south of a line beginning at the Texas-New Mexico State line, thence along the Texas-New Mexico State line to junction El Paso-Hudspeth County line, thence along the El Paso-Hudspeth County line to junction U.S. Highway 80, thence along U.S. Highway 80 to Big Spring, thence along U.S. Highway 87 to junction Tom Green-Coke County line, thence along the Tom Green-Coke County line, the Tom Green-Runnels County line, and the Tom Green-Concho County line to junction U.S. Highway 87, thence along U.S. Highway 87 to Fredericksburg, thence along U.S. Highway 290 to junction Harris-Waller County line, thence along the Harris-Waller County line, the Harris-Montgomery County line, the Harris-Liberty County line, and the Harris-Chambers County line to junction Interstate Highway 10, thence along Interstate Highway 10 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Indiana, and Cook County, Ill. (Florence, Ala.) *; (4) between points in Oklahoma, on the one hand, and, on the other, points in that part of Alabama south and east of a line beginning at Mobile, thence along U.S. Highway 65 to junction Lowndes-Butler County line, thence along the Lowndes-Butler County line, the Montgomery-Crenshaw County line, the Montgomery-Pike County line, the Bullock-Barbour County line, and the Russell-Barbour County line to the Alabama-Georgia State line, that part of Georgia south of a line beginning at the Georgia-Alabama State line, thence along the Harris-Muscogee County line, and the Talbot-Muscogee County line to junction Georgia Highway 22, thence along Georgia Highway 22 to Geneva, thence along Georgia Highway 96 to junction Georgia Highway 358, thence along Georgia Highway 358 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Effingham-Chatham County line, thence along the Effingham-Chatham County line to the Savannah River, and that part of South Carolina south and east of a line beginning at the South Carolina-Georgia State line, thence along U.S. Highway 17 to junction Alternate U.S. Highway 17, thence along Alternate U.S. Highway 17 to Walterboro, thence along U.S. Highway 15 to Santee, thence along Interstate Highway 95 to the South Carolina-North Carolina State line (points in Florida) *.

(5) Between points in that part of Oklahoma south and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 60 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Texas State line, on the one hand, and, on the other, points in that part of Alabama east and south of a line beginning at the Alabama-Mississippi State line, thence along the Washington-Mobile County line and the Mobile-Baldwin County line to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Montgomery-Lowndes County line, thence along the Montgomery-Lowndes County line, the Montgomery-Autauga County line, the Montgomery-Elmore County line, and the Montgomery-Macon County line to junction Interstate Highway 85, thence along Interstate Highway 85 to the Alabama-Georgia State line, that part of Georgia south and east of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 80 to Macon, thence along Georgia Highway 22 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Georgia-South Carolina State line, that part of South Carolina east of a line beginning at the Georgia-South Carolina State line, thence along U.S. Highway 20 to junction U.S. Highway 1, thence along U.S. Highway 1 to the South Carolina-North Carolina State line, that part of North Carolina east of a line beginning at the South Carolina-North Carolina State line, thence along U.S. Highway 1 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 85, thence along U.S. Highway 85 to the North Carolina-Virginia State line, that part of Virginia east and south of a line beginning at the North Carolina State line, thence along thence along Interstate Highway 85 to Petersburg, thence along Virginia Highway 36 to Hopewell, thence along Virginia Highway 36 to junction Virginia Highway 156, thence along Virginia Highway 156 to junction Virginia Highway 5, thence along Virginia Highway 5 to Yorktown (points in Florida) *.

(6) Between points in Cimmaron, Texas, and Beaver Counties, Oklahoma, on the one hand, and, on the other, points in South Carolina, Jefferson, Orleans, and St. Tammany Parishes, La., Hancock, Harrison, and Jacoson Counties, Miss., that part of Alabama south and east of a line beginning at the Alabama-Mississippi State line, thence along the Washington-Mobile County line and the Mobile-Baldwin County line to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Montgomery-Lowndes County line, thence along the Montgomery-Lowndes County line, the Montgomery-Elmore County line, and the Montgomery-Macon County line to junction Interstate Highway 85, thence along Interstate Highway 85 to the Alabama-Georgia State line, that part of Georgia south and east of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 29 to junction Fulton-Coweta County line, thence along the Fulton-Coweta County line, the Fulton-Carroll County line, the Fulton-Douglas County line, the Cobb-Douglas County line, the Cobb-Paulding County line, the Cobb-Bartow County line, the Cobb-Cherokee County line, the Fulton-Cherokee County line, the Fulton-Forsyth County line, the Fulton-Gwinett County line, and the Fulton-DeKalb County line to junction U.S. Highway 23, thence along U.S. Highway 23 to the Georgia-North Carolina State line, that part of North Carolina south and east of a line beginning at the North Carolina-South Carolina State line, thence along Interstate Highway 85 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line, and that part of Virginia south and east of a line beginning at the Virginia-North Carolina State line, thence along Interstate Highway 85 to Petersburg, thence along Interstate Highway 95 to Richmond, thence along Interstate Highway 64 to junction Virginia Highway 238, thence along Virginia Highway 238 to Chesapeake Bay (points in Florida).*

(7) Between points in Maine, on the one hand, and, on the other, points in Louisiana, Texas, that part of Mississippi south of U.S. Highway 82, that part of Alabama south of a line beginning at the Alabama-Mississippi State line, thence along U.S. Highway 80 to Montgomery, thence along Interstate Highway 85 to the Alabama-Georgia State line, and that part of Georgia south of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 280 to McRae, thence along U.S. Highway 341 to Brunswick (Pensacola, Fla.) *; (8) between points in Monroe, Lenawee, Wayne, Washtenaw, Oakland, and Macomb Counties, Mich., on the one hand, and, on the other, points in that part of Georgia south of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 29 to Atlanta, thence along Interstate Highway 85 to the Georgia-South Carolina State line, that part of Alabama south of a line beginning at the Alabama-Mississippi State line, thence along the Mobile-Washington County line, the Baldwin-Washington County line, the Baldwin-Clarke County line, the Baldwin-Monroe County line, and the Baldwin-Escambia County line to junction Interstate Highway 65, thence along Interstate Highway 65 to Montgomery, thence along Interstate Highway 85 to the Alabama-Georgia State line, that part of Mississippi south of and including Greene, Perry, Forrest, Lamar, Marion and Walthall Counties, and that part of Pike County west of Interstate Highway 55, that part of Louisiana south and east of a line beginning at the Louisiana-Texas State line, thence along Louisiana Highway 12 to Ragley, thence along U.S. Highway 190 to Scotlandville, thence along the Mississippi River to the Louisiana-Mississippi State line, and that part of Texas south and east of a line beginning at the Texas-Louisiana State line, thence along Interstate Highway 10 to junction Harris-Chambers County line, thence along the Harris-Chambers County line, the Harris-Liberty County line, the Harris-Montgomery County line, the Harris-Waller County line, and the Harris-Ft. Bend County line to junction U.S. Highway 59, thence along U.S. Highway 59 to Laredo (Greenville, S.C.) *.

(9) Between points in Michigan, on the one hand, and, on the other, points in that part of Georgia south and east of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 29 to Atlanta, thence along Interstate Highway 85 to the Georgia-South Carolina State line (Greenville, S.C.) *; (10) between points in Wisconsin, on the one hand, and, on the other, points in North Carolina, Chesapeake, Hampton, Newport News, Norfolk, Franklin, Portsmouth, Suffolk, and Virginia Beach, Va., Isle of Wight, Nansemond, Southampton, Franklin, Greensville, Brunswick, and Mecklenburg Counties, Va., and that part of Georgia south and east of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 29 to Atlanta, thence along Interstate Highway 85 to the Georgia-South Carolina State line (Greenville, S.C.) *; (11) between points in Kansas, on the one hand, and, on the other, points in North Carolina, that part of Georgia south and east of a line beginning at the Georgia-South Carolina State line, thence along Interstate Highway 85 to junction Georgia Highway 15A, thence along Georgia Highway 15A to Athens, thence along U.S. Highway 129/441 to Madison, thence along Georgia Highway 24 to Eatonton, thence along Georgia Highway 44 to Macon, thence along Interstate Highway 75 to the Georgia-Florida State line, Baltimore City, Md., and Anne Arundel, Baltimore, and Howard Counties, Md. (Greenville, S.C.) *; (13 between points in Iowa, on the one hand, and, on the other, points in North Carolina, Chesapeake, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, Va. Brunswick, Greensville, Southampton, Sussex, Isle of Wight, and Nansemond Counties, Va., and that part of Georgia south and east of a line beginning at the Georgia-South Carolina State line, thence along Interstate Highway 85 to junction Georgia Highway 15A, thence along Georgia Highway 15A to Athens, thence along U.S. Highway 129/441 to Madison, thence along Georgia Highway 24 to Eatontown, thence along Georgia Highway 44 to Macon, thence along Interstate Highway 75 to the Georgia-Florida State line (Greenville, S.C.) *.

(14) Between points in Iowa, on the one hand, and, on the other, points in Jefferson, Orleans, Plaguemines, St. Bernard, and St. Tammany Parishes, La., that part of Mississippi south of and including Pearl River, Stone, and George Counties, that part of Alabama south and east of a line beginning at the Alabama-Mississippi State line, thence along the Mobile-Washington County line and the Mobile-Baldwin County line to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Butler-Conecuh County line, thence along the Butler-Conecuh County line, the Butler-Monroe County line, the Butler-Wilcox County line, the Butler-Lowndes County line, the Crenshaw-Lowndes County line, the Crenshaw-Montgomery County line, the Pike-Montgomery County line, the Pike-Bullock County line, the Barbour-Bullock County line, and the Barbour-Russell County line to the Alabama-Georgia State line, and that part of Georgia south of a line beginning at the Georgia-Alabama State line, thence along U.S.

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Highway 82 to Dawson, thence along Georgia Highway 118 to Leslie, thence along U.S. Highway 280 to junction Interstate Highway 16, thence along Interstate Highway 16 to junction Chatham-Effingham County line, thence along the Chatham-Effingham County line to the Georgia-South Carolina State line (Paxton, Fla)*;

(15) Between points in Kansas, on the one hand, and, on the other, points in that part of Mississippi east and south of a line beginning at the Mississippi-Louisiana State line, thence along Interstate Highway 59 to junction Lamar-Pearl River County line, thence along the Lamar-Pearl River County line, the Forrest-Pearl River County line, the Forrest-Stone County line, the Perry-Stone County line, the Perry-George County line, and the Greene-George County line to the Mississippi-Alabama State line, that part of Alabama south and east of a line beginning at the Alabama-Mississippi State line, thence along the Mobile-Washington County line and the Mobile-Baldwin County line to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Montgomery-Lowndes County line, thence along the Montgomery-Lowndes County line, the Montgomery-Autauga County line, the Montgomery-Elmore County line, and the Montgomery-Macon County line to junction Interstate Highway 85, thence along Interstate Highway 85 to the Alabama-Georgia State line, and that part of Georgia south of and including Burke, Jefferson, Washington, Baldwin, Jones, Monroe, Lamar, Pike, Meriwether, and Troup Counties (points in Florida)*.

(16) Between points in Michigan, on the one hand, and, on the other, points in Orange, Jefferson, Hardin, Jasper, and Newton Counties, Tex., that part of Louisiana south of a line beginning at the Louisiana-Texas State line, thence along U.S. Highway 190 to Scotlandville, thence along the Mississippi River to the Gulf of Mexico, and east of the Mississippi River from the Louisiana-Mississippi State line to the Gulf of Mexico, that part of Mississippi east and south of a line beginning at the Mississippi-Louisiana State line, thence along Interstate Highway 55 to junction Pike-Lincoln County line, thence along the Pike-Lincoln County line, the Walthall-Lincoln County line, the Walthall-Lawrence County line, the Marion-Lawrence County line, the Marion-Jefferson Davis County line, the Lamar-Jefferson Davis County line, the Lamar-Covington County line, the Forrest-Covington County line, the Forrest-Jones County line, the Perry-Jones County line, the Perry-Wayne County line, and the Greene-Wayne County line to the Louisiana-Alabama State line, that part of Alabama south of and including Washington, Clarke, Monroe, Butler, Crenshaw, Pike, and Barbour Counties, and that part of Georgia south of and including Quitman, Randolph, Terrill, Lee, Worth, Turner, Irwin, Coffee, Bacon, Pierce, Wayne, and McIntosh Counties (points in Florida)*; (17) between points in Wisconsin, on the one hand, and, on the other, points in that part of Louisiana east of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 51 to junction St. John the Baptist-Tangipahoa Parish line, thence along the St. John the Baptist-Tangipahoa Parish line, the St. John the Baptist-Livingston Parish line, the St. John the Baptist-Ascension Parish line, the St. John the Baptist-St. James Parish line, the St. John the Baptist-Lafourche Parish line, the St. Charles-Lafourche Parish line, and the Jefferson-Lafourche Parish line, to the Gulf of Mexico, that part of Mississippi south of and including Pearl River, Stone, and George Counties, that part of Alabama south of and including Washington, Clarke, Monroe, Butler, Crenshaw, Pike, and Barbour Counties, and that part of Georgia south of a line beginning at the Georgia-Alabama State line, thence along the Muscogee-Harris County line and the Muscogee-Talbot County line to junction Georgia Highway 22, thence along Georgia Highway 22 to Geneva, thence along Georgia Highway 96 to junction Interstate Highway 16, thence along Interstate Highway 16 to junction Georgia Highway 29, thence along Georgia Highway 29 to Soperton, thence along Georgia Highway 46 to junction U.S. Highway 80, thence along U.S. Highway 80 to Blitchton, thence along U.S. Highway 280 to junction Interstate Highway 16, thence along Interstate Highway 16 to junction Chatham-Effingham County line, thence along the Chatham-Effingham County line to the Georgia-South Carolina State line (points in Florida)*; and

(18) Between points in Arkansas, on the one hand, and, on the other, points in that part of Alabama south of a line beginning at the Alabama-Mississippi State line, thence along the Mobile-Washington County line and the Mobile-Baldwin County line to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Conecuh-Escambia County line, thence along the Conecuh-Escambia County line, the Conecuh-Monroe County line, the Conecuh-Butler County line, the Covington-Butler County line, the Covington-Crenshaw County line, the Coffee-Pike County line, the Dale-Pike County line, the Dale-Barbour County line, and the Henry-Barbour County line to the Alabama-Georgia State line, and that part of Georgia south of and including Bryan, Chatham, Crisp, Evans, Lee, Montgomery, Quitman, Randolph, Tattnall, Telfair, Terrell, Toombs, Wheeler, and Wilcox Counties (points in Florida)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-52657 (Sub-No. E7), filed April 20, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th St., Chicago, Ill. 60624. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Motor vehicle bodies*, from Mobile, Ala., to points in California, Connecticut, Delaware, Idaho, those in Illinois north of U.S. Highway 50, Iowa, those in Kentucky east of U.S. Highway 41, Maine, Maryland, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia;

(2) *New bodies*, without wheels, from Philadelphia, Pa., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming;

(3) *Motor vehicle bodies*, from Philadelphia, Pa., to points in Maine, New Hampshire, and Vermont;

(4) *Truck bodies* and *trailer bodies*, from De Kalb, Ill., to points in Arizona, Colorado, Montana, New Mexico, Utah, and Wyoming;

(5) *Motor vehicle bodies*, from De Kalb, Ill., to points in California, Idaho, Nevada, Oregon, and Washington;

(6) *Motor vehicle bodies*, from De Kalb, Ill., to points in Maine, New Hampshire, and Vermont;

(7) *Motor vehicle bodies*, from Jacksonville, Fla., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, Nevada, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming;

(8) *Motor vehicle bodies*, from Jacksonville, Fla., to points in Texas (except that portion of Texas south and east of a line commencing at the Texas-Louisiana State line near Loraine, Tex., west on U.S. Highway 20 to junction Texas Highway 31 near Longview, thence southwest on Texas Highway 31 to junction U.S. Highway 35 at Waco, thence south on U.S. Highway 35 to junction U.S. Highway 190 at Belton, thence west on U.S. Highway 190 to junction U.S. Highway 281 at Lampasas, thence south on U.S. Highway 281 to junction Texas Highway 29 at Burnet, thence west on Texas Highway 29 to junction U.S. Highway 377 at Mason, thence southwest on U.S. Highway 377 to the United States-Mexico International Boundary line near Del Rio, Tex.);

(9) *Truck and trailer bodies*, from East Peoria, Ill., to points in Maine, New Hampshire, and Vermont;

(10) *Bodies*, from East Peoria, Ill., to points in Minnesota;

(11) *Truck bodies*, from East Peoria, Ill., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas;

(12) *Bodies*, from East Peoria, Ill., to points in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia;

(13) *Truck bodies* and *trailer bodies*, from East Peoria, Ill., to points in Arizona, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming;

(14) *New bodies*, without wheels, from East Peoria, Ill., to points in Ohio;

(15) *New bodies*, without wheels, from East Peoria, Ill., to points in Kentucky (except that portion of Kentucky west of a line commencing at the Kentucky-Indiana State line near Brandenburg, and extending south on Kentucky Highway 79 to junction U.S. Highway 431 at Russellville, thence south along U.S. 431 to the Kentucky-Tennessee State line);

(16) *New bodies*, without wheels, from Wooster, Ohio, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming;

(17) *Motor Vehicle bodies*, from Wooster, Ohio, to points in Maine, New Hampshire, and Vermont;

(18) *Motor vehicle bodies*, from New Orleans, La., to points in Connecticut, Delaware, Idaho, those in Kentucky east of a line beginning at the Kentucky-Tennessee State line and extending along Kentucky Highway 139 to junction Kentucky Highway 293, thence over Kentucky Highway 293 to junction Alternate U.S. Highway 41, thence over Alternate U.S. Highway 41 to junction U.S. Highway 41, thence over U.S. Highway 41 to the Kentucky-Indiana State line, Maine, Maryland, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Vermont, Virginia, Washington, West Virginia, and Wisconsin;

(19) *Motor vehicle bodies*, from New Orleans, La., to points in Illinois (except that portion of Illinois south of Illinois Highway 9 commencing at the Illinois-Indiana State line near Hoopeston, thence west on Illinois Highway 9 to the Illinois-Iowa State line near Dallas City);

(20) *Motor vehicle bodies*, from New Orleans, La., to points in South Dakota (except that portion of South Dakota lying east of a line commencing with South Dakota Highway 47 at the North Dakota-South Dakota State line, south on South Dakota Highway 47 to junction South Dakota Highway 10, thence west on South Dakota Highway 10 to junction South Dakota Highway 47 at Eureka, thence south on South Dakota Highway 47 to the South Dakota-Nebraska State line);

(21) *Truck bodies*, from New Orleans, La., to points in Massachusetts and Rhode Island;

(22) *Truck and trailer bodies*, from Gary, Ind., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming;

(23) *Motor vehicle bodies*, from Gary, Ind., to points in Maine, New Hampshire, and Vermont;

(24) *Motor vehicle bodies*, from Akron, Ohio, to points in Maine, Vermont, and New Hampshire;

(25) *New bodies*, without wheels, from Akron, Ohio, to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming;

(26) *New bodies*, without wheels, from New York, N.Y., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; and

(27) *New foreign-made automobiles*, in secondary movements, in truckaway service, from points in Ohio to points in Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming. The purpose of this filing is to eliminate the gateways of Ft. Payne, Ala., in (1), (7), (8), (18), (19) and (20); Marion, Ohio, in (2), (16), (25) and (26); Lansdale, Pa., in (3); Cedar Rapids, Iowa, in (4) and (13); Streator, Ill., in (5), (14), and (15); Buffalo, N.Y., in (6), (17), (23) and (24); Michigan City, Ind., in (9) and (22); DeKalb, Ill., in (10); Jerseyville, Ill., in (11); Gary, Ind., in (12); Exeter, Pa., in (21); and Kenosha, Wis., or Kansas City, Mo., in (27).

No. MC-63417 (Sub-No. E18), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 14, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture*, from points in New York, Pennsylvania, and in that part of West Virginia on, east, and north of a line beginning at the Pennsylvania-West Virginia State line, and extending along U.S. Highway 19 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line, to points in Louisiana, Mississippi, and Texas. The purpose of this filing is to eliminate the gateways of Rocky Mount, Va., and Macon, Ga. The purpose of this correction is to reflect the complete description of the origin territory.

No. MC-63417 (Sub-No. E29), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 14, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Atlanta, Ga., to points in that part of Virginia east of a line beginning at the Virginia-West Virginia State line, thence along Virginia Highway 311 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Stanleytown, Va. The purpose of this correction is to establish the correct docket number—previously published as MC-100666 (Sub-No. E59).

No. MC-76177 (Sub-No. E42), filed April 15, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32nd Street, Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives, and blasting supplies*, between points in Ohio and West Virginia on the one hand, and, on the other, points in Missouri both south of U.S. Highway 36 and north of Interstate Highway 44. The purpose of this filing is to eliminate the gateway of Grafton, Ill.

No. MC-83539 (Sub-No. E3) (Correction), filed May 11, 1974, published in the FEDERAL REGISTER June 19, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 West Commerce St., Dallas, Tex. 75208. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, requires the use of special equipment and *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by the carrier of commodities which, because of size or weight, requires the use of special equipment; (A) between points in Delaware, on the one hand, and, on the other, (1) points in Arizona and New Mexico (Philadelphia, Pa., and points in Texas)*, (2) points in Idaho, Oregon, and Washington (Philadelphia, Pa., and Butte, Mont.)*, and (3) points in Montana, North Dakota, South Dakota, Texas, Wyoming, New Jersey, New York, and those parts of Pennsylvania (a) on and east of a line beginning at Philadelphia, thence along Pennsylvania Highway 309 to Wilkes-Barre, thence along Interstate Highway 81 to the Pennsylvania-New York State line, and (b) on and west of U.S. Highway 219 (Philadelphia, Pa.)*; (B) between the District of Columbia, on the one hand, and, on the other, (1) points in Arizona and New Mexico (Philadelphia, Pa., and points in Texas)*, (2) points in Idaho, Oregon, and Washington (Philadelphia, Pa., and Butte, Mont.)*, (3) points in Montana, New Jersey, North Dakota, South Dakota, Texas, and Wyoming (Philadelphia, Pa.)*; and (4) points in Oklahoma (Philadelphia and Braddock, Pa.)* . . . The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to add Pennsylvania points under (A)(3) above and to add points in Oklahoma under (B)(4) above. The remainder of the letter-notice remains as previously published.

No. MC-86913 (Sub-No. E6), filed May 20, 1974. Applicant: EASTERN

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MOTOR LINES, INC., Box 649, Warrenton, N.C. 27589. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hard board* (1) between points in North Carolina, on the one hand, and, on the other, points in Delaware, New Jersey, that part of Virginia east of Interstate Highway 95 and north of a line beginning at the junction of Interstate Highway 95 and Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 10, thence along Virginia Highway 10 to junction unnumbered highway at or near Surrey, thence along said unnumbered highway to Scotland, that part of Maryland east of Interstate 95, that part of Pennsylvania east of a line beginning at the Pennsylvania-Delaware State line, thence along U.S. Highway 202 to junction Pennsylvania Turnpike Northeast Extension, thence along Pennsylvania Turnpike Northeast Extension to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-New York State line, and that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along Interstate Highway 81 to junction New York Highway 48, thence along New York Highway 48 to Oswego; and (2) from points in North Carolina to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of Murfreesboro, N.C.

No. MC–95540 (Sub-No. E219), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Arizona on and south of a line beginning at the Arizona-New Mexico State line and extending along Arizona Highway 26 to Tuba City; thence along U.S. Highway 160 to its junction with U.S. Highway 64; thence along U.S. Highway 64 to its junction with Interstate 40; thence along Interstate 40 to its junction with U.S. Highway 93, thence along U.S. Highway 93 to the Arizona-Nevada State line, to points in Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along Interstate 81 to its junction with U.S. Highway 315; thence U.S. Highway 315 to its junction with Interstate 81, thence along Interstate 81 to Harrisburg; thence along U.S. Highway 15 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Dothan, Ala.

No. MC–95540 (Sub-No. E220), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Arizona to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Dothan, Ala.

No. MC–95540 (Sub-No. E252), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chickasha, Okla., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E261), filed May 3, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen packing house and frozen dairy products, frozen eggs, and frozen poultry*, restricted to commodities which are fit for human consumption, from Moultrie, Ga., to points in West Virginia on, north, and east of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to its junction with U.S. Highway 250 to its junction with West Virginia Highway 76; thence along West Virginia Highway 76 to Clarksburg; thence along U.S. Highway 19 to its junction with West Virginia Highway 20; thence along West Virginia Highway 20 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC–95540 (Sub-No. E262), filed May 3, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California, to points in Pennsylvania (except Philadelphia, and points in its commercial zone). The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E265), filed May 3, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along Ohio State Highway 14–14A to Salem; thence along Ohio State Highway 173 to Alliance; thence along U.S. Highway 62 to Canton; thence along U.S. Highway 30 to its junction with U.S. Highway 30S; thence along U.S. Highway 30S to Marion; thence along Ohio Highway 4 to Dayton; thence along U.S. Highway 35 to its junction with Ohio Highway 122; thence along Ohio Highway 122 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E464), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER August 14, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk, in tank vehicles), from Buffalo, N.Y., to points in New Mexico on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 66 to its junction with New Mexico Highway 104 to Las Vegas, thence along Interstate Highway 25 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to its junction with New Mexico Highway 4, thence along New Mexico Highway 4 to its junction with New Mexico Highway 126, thence along New Mexico Highway 126 to its junction with New Mexico Highway 44, thence along New Mexico Highway 44 to the New Mexico-Colorado State line. The purpose of this filing is to eliminate the gateway of points in Tennessee (except Memphis, Tenn., and points in the commercial zone thereof). The purpose of this correction is to establish the correct "E" number—previously published as E404.

No. MC–95540 (Sub-No. E507), (Correction), filed May 16, 1974, published in the FEDERAL REGISTER August 6, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and coconuts and pineapples*, when moving in the same vehicle and at the same time with bananas, from Milford, Pa., to points in California on and south of a line beginning at the California-Nevada State line, and extending along Interstate Highway 10 to its junction with U.S. Highway 101, thence along U.S. Highway 101 to Ventura. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss. The purpose of this correction is to clarify the destination territory.

No. MC–95540 (Sub-No. E572), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* and articles distributed by meat packinghouses, as described in lists A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except canned goods as set forth in List C of the Appendix), and restricted to those commodities which are fit for human consumption, from Cincinnati, Ohio, to points in Georgia extending on and south of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 6 to its junction with Georgia Highway 92, thence along Georgia Highway 92 to its junction with Georgia Highway 372, thence along Georgia Highway 372 to its junction with U.S. Highway 19, thence along U.S. Highway 19 to its junction with Georgia Highway 120, thence along Georgia Highway 120 to its junction with U.S. Highway 29, thence along U.S. Highway 29 to junction with Georgia Highway 72, thence along Georgia Highway 72 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of Gainsville, Ga.

No. MC–95540 (Sub-No. E618), filed May 8, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61, M.C.C. 209 and 766, from Detroit, Mich., to points in Arizona. The purpose of this filing is to eliminate the gateway of points in Alabama.

No. MC–95540 (Sub-No. 652), filed May 11, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, not coldpack or frozen, from Red Creek, Waterloo, Rushville, Penn Yan, Egypt, Fairport, Lyons, Newark, and Syracuse, N.Y. to points in Georgia on and east of a line beginning at the Georgia-Alabama State line and extending along Interstate Highway 85, to its junction with U.S. Highway 23 thence along U.S. Highway 23, to junction with Georgia Highway 60; thence along Georgia Highway 60 to Dahlonega; thence along Georgia Highway 9 to its junction with U.S. Highway 19/129 thence along U.S. Highway 19/129 to Blairsville; thence along Georgia Highway 11 to the Georgia-North Carolina State line. The purpose of this filing is to eliminate the gateway of points in Delaware, south of the Chesapeake and Delaware Canal.

No. MC–103051 (Sub-No. E2), filed May 19, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid tallow, animal oils, animal fats, animal greases, and animal oils blended with vegetable oils*, in bulk, in tank vehicles, from points in North Carolina to points in Alabama and Florida, eliminating the gateway of Clarke County, Ga. (2) *Liquid tallow, animal oils, animal fats, animal greases, and animal oils blended with vegetable oils*, in bulk, in tank vehicles, from points in South Carolina to points in Alabama, eliminating the gateway of Clarke County, Ga. (3) *Animal oils and animal oils blended with vegetable oils* from points in Alabama to points in North Carolina, New York (except Rochester), Virginia Kentucky (except Jefferson County), Michigan, Illinois (except Jacksonville and points within 5 miles thereof, Champaign and Chicago), Indiana, Ohio (except Columbus and Cincinnati), and Pennsylvania. (4) *Animal oils and animal oils blended with vegetable oils*, in bulk, in tank vehicles, from points in Mississippi to points in North Carolina, New York (except Rochester), Virginia, Kentucky (except Jefferson County), Michigan, Pennsylvania, eliminating the gateway of Chattanooga, Hamilton County, Tenn. The purpose of this filing is to eliminate the gateways of Clarke County, Ga. in proposals numbers 1 and 2 above; and Chattanooga, Tenn. in proposals 3 and 4 above.

No. MC–106775 (Sub-No. E1), filed May 21, 1974. Applicant: ATLAS TRUCK LINE, INC., P.O. Box 9848, Houston, Tex. 77015. Applicant's representative: James McCurdy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, other than oilfield pipe as described in *Mercer Extension*, 74 M.C.C. 459, from the plantsite and warehouse facilities of Jones and Laughlin Steel Corporation at or near Gainesville, Tex., to points in the commercial zone thereof as defined by the commission, Georgia, Florida, and Tennessee (except Memphis and points in the commercial zone thereof as defined by the Commission). The purpose of this filing is to eliminate the gateway of Lone Star, Tex.

No. MC–106775 (Sub-No. E2), filed May 21, 1974. Applicant: ATLAS TRUCK LINE, INC., P.O. Box 9848, Houston, Texas 77015. Applicant's representative: James McCurdy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, other than oil field tubing, from the plantsite of Gulf States Tube Corporation at Rosenberg, Tex., to points in Alabama (except Mobile and points in the commercial zone thereof as defined by the Commission), Georgia, Florida, and Tennessee (except Memphis, and points in the commercial zone thereof as defined by the Commission). The purpose of this filing is to eliminate the gateway of Lone Star, Tex.

No. MC–106775 (Sub-No. E3), filed May 21, 1974. Applicant: ATLAS TRUCK LINE, INC., P.O. Box 9848, Houston, Tex. 77015. Applicant's representative: James McCurdy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement asbestos pipe*, from Hillsboro, Texas to (a) points in Alabama on and north of a line beginning at the Mississippi-Alabama State line and extending along Alabama Highway 118 to its junction with U.S. Highway 78, thence along U.S. Highway 78 to the Alabama-Georgia State line; (b) points in that part of Florida on, south and east of a line beginning at West Coast line of Florida, and extending along Florida Highway 50 to its junction with Interstate Highway 4, thence along Interstate Highway 4 to the East Coast of Florida; (c) points in that part of Georgia on, north and east, of a line beginning at the Alabama-Georgia State line, and extending along Georgia Highway 18 to its junction with Georgia Highway 27, thence along Georgia Highway 27 to its junction with Georgia Highway 190, thence along Georgia Highway 190 to its junction with Georgia Highway 41, thence along Georgia Highway 41 to its junction with Georgia Highway 80, thence along Georgia Highway 80 to its junction with Interstate Highway 16, thence along Interstate Highway 16 to the East Coast of Georgia; (d) points in Illinois, Indiana, Kentucky, Tennessee, South Dakota, North Dakota, Missouri, and Montana; (e) points in Nebraska on, north and east of a line beginning at the Wyoming-Nebraska State line, and extending along Nebraska Highway 20 to its junction with U.S. Highway 275, thence along U.S. Highway 275 to its junction with U.S. Highway 77, thence along U.S. Highway 77 to its intersection at the Nebraska-Kansas State line; (f) points in Wyoming, on and north of a line beginning at the Utah-Wyoming State line, and extending along Wyoming Highway 89 to its junction with U.S. Highway 189, thence along U.S. Highway 189 to its junction with U.S. Highway 187, thence along U.S. Highway 187 to its junction with Wyoming Highway 28, thence along Wyoming Highway 28 to its junction with Wyoming Highway 289, thence along Wyoming Highway 289 to its junction with U.S. Highway 26, thence along U.S. Highway 26 to its junction with U.S. Highway 25, thence along U.S. Highway 25 to its junction with U.S. Highway 20 thence along U.S. Highway 20 to its intersection at the Wyoming-Nebraska State line. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

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No. MC-107515 (Sub-No. E57), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Milton, Pa., to points in Arkansas and Texas, that part of Oklahoma on and south of a line beginning at the Texas-Oklahoma State line, thence along Oklahoma Highway 15 to Foreman, thence along U.S. Highway 60 to Enid, thence along U.S. Highway 64 to Tulsa, thence along U.S. Highway 66 to Claremore, thence along Oklahoma Highway 20 to the Oklahoma-Arkansas State line, and that part of Utah on and south of a line beginning at the Colorado-Utah State line, thence along the White River to junction with an unnamed road to Ouray, thence along Utah Highway 88 to Fort Duchesne, thence along U.S. Highway 40 to Heber City, thence along U.S. Highway 189 to Provo, thence along U.S. Highway 50 to Salt Lake City, thence along Interstate Highway 80 to the Utah-Nevada State line, restricted to traffic originating at the named origin. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-107515 (Sub-No. 80), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, in vehicles equipped with mechancial refrigeration, from Philadelphia, Pa., to points in Indiana and Illinois (except that no service is authorized to Chicago, Ill., or that part of Illinois within 10 miles of Chicago not included within the commercial zone). The purpose of this filing is to eliminate the gateway of Sturgis, Mich.

No. MC-107515 (Sub-No. E81), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Philadelphia, Pa., to points in Idaho, Utah, and Nevada. The purpose of this filing is to eliminate the gateways of (1) Richmond, Va., and (2) Gainesville, Ga.

No. MC-107515 (Sub-No. E82), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tulsa, Okla., to that part of Ohio on and east of a line beginning at the Ohio-Kentucky State line at Ironton, thence over Ohio Highway 93 to junction Ohio Highway 346 at Jackson, thence over Ohio Highway 346 to junction Ohio Highway 13, thence over Ohio Highway 13 to junction Ohio Highway 78 at Glouster, thence over Ohio Highway 78 to junction Interstate Highway 77, thence over Interstate Highway 77 to junction Ohio Highway 800, thence over Ohio Highway 800 to junction Ohio Highway 183, thence over Ohio Highway 183 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Ohio Highway 9, thence over Ohio Highway 9 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction U.S. Highway 224, thence over U.S. Highway 224, to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-107515 (Sub-No. E94), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from York, Pa., to points in that part of Idaho on and south of Interstate Highway 80N. The purpose of this filing is to eliminate the gateways of (1) Richmond, Va., and (2) Gainesville, Ga.

No. MC-107515 (Sub-No. E97), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), and frozen foods, from York, Pa., to points in Alabama, Georgia, Florida, Tennessee, Louisiana, Mississippi, and Kentucky on and south of Interstate Highway 64 restricted to transportation in vehicles equipped with mechanical refrigeration. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-107515 (Sub-No. E98), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquid commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Scranton, Pa., to points in that part of Texas on and south of Interstate Highway 40. The purpose of this filing is to eliminate the gateways of (1) Richmond, Va., and (2) Montgomery, Ala.

No. MC-107515 (Sub-No. E102), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from Allentown, Pa., to Minneapolis, Minn. The purpose of this filing is to eliminate the gateway of Frankfort, Mich.

No. MC-107515 (Sub-No. E103), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, in vehicles equipped with mechanical refrigeration, from Philadelphia, Pa., to points in Nevada, Utah, and that part of Idaho on and south of a line beginning at the Wyoming-Idaho State line, thence along U.S. Highway 30 to junction Interstate Highway 15W, thence along Interstate Highway 15W to Pocatello, thence along Interstate Highway 15 to junction U.S. Highway 80N, thence along U.S. Highway 80N to the Idaho-Oregon State line. The purpose of this filing is to eliminate the gateways of (1) Jackson, Ohio, and (2) Florence, Ala.

No. MC-107515 (Sub-No. E104), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, in vehicles equipped with mechanical refrigeration, from Philadelphia, Pa., to that part of Tennessee on and west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC-107515 (Sub-No. E106), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chambersburg, Pa., to points in Nevada, and that portion of Idaho on and south of a line beginning at the Idaho-Wyoming State line, thence along Idaho Highway 33 to junction U.S. Highway 20/191, thence along U.S. Highway 20/191 to junction Idaho Highway 88, thence along Idaho Highway 88 to junction Alternate U.S. Highway 93, thence along Alternate U.S. Highway 93 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Idaho Highway 21, thence along Idaho Highway 21 to junction Idaho Highway 55, thence along Idaho Highway 55 to junction U.S. Highway 95, thence along U.S. Highway 95 to the Idaho-Washington State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-107515 (Sub-No. E107), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chickasha, Okla., to points in Kentucky on and east of a line beginning at the Kentucky-Missouri State line, thence over U.S. Highway 60 to junction U.S. Highway 231, thence over U.S. Highway 231 to the Kentucky-Ohio State line, and that part of Ohio on and east of a line beginning at the Ohio-Indiana State line, thence over U.S. Highway 40 to junction Interstate Highway 75, thence over Interstate Highway 74 to the Ohio-Michigan State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-107515 (Sub-No. E111), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Chambersburg, Pa., to points in Minnesota, Missouri, that part of Illinois on and south of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 15 to junction Illinois Highway 133, thence along Illinois Highway 133 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction Illinois Highway 10/47, thence along Illinois Highway 10/47 to junction Illinois Highway 48, thence along Illinois Highway 48 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Mississippi River, that part of Wisconsin on and north of a line beginning at the Mississippi River, thence along Interstate Highway 90 to junction Wisconsin Highway 106, thence along Wisconsin Highway 106 to junction Wisconsin Highway 71, thence along Wisconsin Highway 71 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 153, thence along Wisconsin Highway 153 to junction Wisconsin Highway 107, thence along Wisconsin Highway 107 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Michigan State line, that part of Iowa on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 52 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 13, thence along Iowa Highway 13 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 70, thence along Iowa Highway 70 to junction Iowa Highway 22, thence along Iowa Highway 22 to the Mississippi River, and that part of Indiana on and south of a line beginning at the Kentucky-Indiana State line, thence along Indiana Highway 7 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 252, thence along Indiana Highway 252 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction U.S. Highway 231, thence along Indiana Highway 231 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC-107515 (Sub-No. E112), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and meats, meat products, and meat byproducts* as described in Section A of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from New York, N.Y., to points in Georgia, Alabama, Florida, Mississippi, Tennessee, Louisiana, and Kentucky. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-107515 (Sub-No. E117), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to points in Idaho, Nevada, and Utah. The purpose of this filing is to eliminate the gateways of (1) Jackson or Columbus, Ohio and (2) Florence, Ala.

No. MC-107515 (Sub-No. E118), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to points in Alabama. The purpose of this filing is to eliminate the gateway of Jackson, or Columbus, Ohio.

No. MC-107515 (Sub-No. E119), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Prattsville, N.Y., to points in Arkansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-107515 (Sub-No. E114), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from New York, N.Y., to points in Texas and those parts of Oklahoma and Arkansas on and south of Interstate Highway 40. The purpose of this filing is to eliminate the gateways of (1) Richmond, Va., and (2) Montgomery, Ala.

No. MC-107515 (Sub-No. E115), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and meats, meat products, and meat byproducts* as described in Section A of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from New York, N.Y., to points in Georgia, Alabama, Florida, Mississippi, Tennessee, Louisiana, and Kentucky. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-107515 (Sub-No. E117), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to points in Idaho, Nevada, and Utah. The purpose of this filing is to eliminate the gateways of (1) Jackson or Columbus, Ohio and (2) Florence, Ala.

No. MC-107515 (Sub-No. E118), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to points in Alabama. The purpose of this filing is to eliminate the gateway of Jackson, or Columbus, Ohio.

No. MC-107515 (Sub-No. E119), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Prattsville, N.Y., to points in Arkansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-107515 (Sub-No. E114), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from New York, N.Y., to points in Texas and those parts of Oklahoma and Arkansas on and south of Interstate Highway 40. The purpose of this filing is to eliminate the gateways of (1) Richmond, Va., and (2) Montgomery, Ala.

No. MC-107515 (Sub-No. E115), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, and meats, meat products, and meat byproducts* as described in Section A of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, from New York, N.Y., to points in Georgia, Alabama, Florida, Mississippi, Tennessee, Louisiana, and Kentucky. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-107515 (Sub-No. E117), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to points in Idaho, Nevada, and Utah. The purpose of this filing is to eliminate the gateways of (1) Jackson or Columbus, Ohio and (2) Florence, Ala.

No. MC-107515 (Sub-No. E118), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to points in Alabama. The purpose of this filing is to eliminate the gateway of Jackson, or Columbus, Ohio.

No. MC-107515 (Sub-No. E119), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Vineland and Swedesboro, N.J., to points in Nevada, Utah, and that part of Idaho on and south of a line beginning at the Oregon-Idaho State line, thence along Interstate

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Highway 80 to junction Interstate Highway 15W, thence along Interstate Highway 15W to Idaho Falls, thence along U.S. Highway 20 to the Idaho-Montana State line. The purpose of this filing is to eliminate the gateways of (1) Jackson, Ohio, and (2) Florence, Ala.

No. MC–107515 (Sub-No. E120), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Buffalo, N.Y., to points in Missouri, that part of Indiana on and south of a line beginning at the Indiana-Ohio State line, thence along Indiana Highway 46 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Indiana-Illinois State line, that part of Illinois on and south of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 40 to junction Illinois Highway 133, thence along Illinois Highway 133 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 101/61, thence along Illinois Highway 101/61 to junction Illinois Highway 94, thence along Illinois Highway 94 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Mississippi River, and that part of Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 218 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Iowa-Nebraska State line. The purpose of this filing is to eliminate the gateway of the plantsite of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC–107515 (Sub-No. E130), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Seabrook, Glassboro, Haddonfield, Vineland, and Swedesboro, N.J., to points in Colorado. The purpose of this filing is to eliminate the gateway of the plantsite of Chef-Pierce, Inc., at Traverse City, Mich.

No. MC–107515 (Sub-No. E356), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Green Bay, Wis., to points in Florida. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC–107515 (Sub-No. E357), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, from Cudahy, Wis., to points in Florida. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC–110525 (Sub-No. E301), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Maryland to points in Wyoming. The purpose of this filing is to eliminate the gateways of S. Charleston, W.Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E756), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Virginia to points in Wisconsin. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–112822 (Sub-No. E98), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in that part of Kansas on and west of U.S. Highway 169 to points in Alabama, Arkansas, Louisiana, Mississippi, and points in that part of Missouri on, south, and east of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 50 to Jefferson City, thence along U.S. Highway 54 to Camdenton, thence along Missouri Highway 5 to Lebanon, thence along U.S. Highway 66 to Springfield, thence along U.S. Highway 65 to the Missouri-Arkansas State line (except points in the St. Louis, Mo., Commercial Zone, as defined by the Commission. The purpose of this filing is to eliminate the gateways of Coffeyville, El Dorado, Wichita, or Kansas City, Kans.

No. MC–112822 (Sub-No. E111), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in that part of Missouri-Kansas State line and extending along U.S. Highway 50 to Jefferson City, thence along U.S. Highway 54 to Camdentown, thence along Missouri Highway 5 to Lebanon, thence along U.S. Highway 66 to Sorngfield, thence along U.S. Highway 65 to the Missouri-Arkansas State line to points in Colorado. The purpose of this filing is to eliminate the gateway of El Dorado, Kans.

No. MC–113362 (Sub-No. E22), filed May 14, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Ia. 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, (1) from Austin and Albert Lea, Minn., and points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont (points in that part of Kossuth County, Iowa, within 15 miles of Elmore, Minn., and Celar Rapids, Iowa),* and (2) from points in Kossuth County, Iowa to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont (points in that part of Faribault County, Minn., within 15 miles of Elmore, Minn., and Cedar Rapids, Iowa).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–113362 (Sub-No. E23), filed May 14, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Ia. 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Austin and Albert Lea, Minn., on the one hand, and, on the other, points in that part of Iowa on and west of a line beginning at the Iowa-Missouri State line, thence along Interstate Highway 35 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Iowa Highway 17, thence along Iowa Highway 17 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa

Highway 111, thence along Iowa Highway 111 to junction Iowa Highway 254, thence along Iowa Highway 254 to the Iowa-Minnesota State line; (2) between Albert Lea, Minn., on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 71 to junction Minnesota Highway 72 to the International Boundary line between the United States and Canada; (3) between Austin, Minn., on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along Minnesota Highway 34 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the International Boundary line between the United States and Canada; (4) between points in Faribault County, Minn., on the one hand, and, on the other, points in that part of Iowa on, west, and south of a line beginning at the Minnesota-Iowa State line, thence along Iowa Highway 254 to junction Iowa Highway 111, thence along Iowa Highway 111 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 69 to Des Moines, thence along Iowa Highway 163 to junction Iowa Highway 192, thence along Iowa Highway 192 to junction U.S. Highway 61, thence along U.S. Highway 61 to Davenport; (5) between points in Martin and Faribault Counties, Minn., on the one hand, and, on the other, points in that part of Minnesota on and north of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 75 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to Duluth; (6) between points in Martin County, Minn., on the one hand, and, on the other, points in that part of Iowa on and south of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 30 to junction Iowa Highway 39, thence along Iowa Highway 39 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 4, thence along Iowa Highway 4 to junction Iowa Highway 15, thence along Iowa Highway 15 to the Iowa-Minnesota State line; (7) between points in Kossuth County, Iowa, on the one hand, and, on the other, points in that part of Iowa on and east of a line beginning at Dubuque, thence along U.S. Highway 151 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction U.S. Highway 218, thence along U.S. Highway 218 to Keokuk; and (8) between points in Kossuth County, Iowa, on the one hand, and, on the other, points in Minnesota (except points in Martin and Faribault Counties). The purpose of this filing is to eliminate the gateway of Elmore, Minn., and points within 15 miles thereof.

No. MC–113908 (Sub-No. E54), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock, and apple juice*, from Fremont, Bailey, and Beldong, Mich., to Lake Wales, Fla. The purpose of this filing is to eliminate the gateway of points in Pennsylvania.

No. MC–113908 (Sub-No. E57), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar stock*, in bulk, in tank vehicles, from Fremont, Mich., to points in California. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC–113908 (Sub-No. E58), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage base*, used as alcoholic liquors and neutral spirits, in bulk, in tank vehicles, from Auburndale and Lake Alfred, Fla., to Denver, Colo. The purpose of this filing is to eliminate the gateway of Cicero, Ill.

No. MC–113908 (Sub-No. E60), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Fremont, Bailey, and Belding, Mich., to points in California. The purpose of this filing is to eliminate the gateway of Colorado.

No. MC–110525 (Sub-No. E756), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in Virginia to points in Wisconsin. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–112822 (Sub-No. E98), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in that part of Missouri-Kansas State line and extending along U.S. Highway 50 to Jefferson City, thence along U.S. Highway 54 to Camdentown, thence along Missouri Highway 5 to Lebanon, thence along U.S. Highway 66 to Sorngfield, thence along U.S. Highway 65 to the Missouri-Arkansas State line to points in Colorado. The purpose of this filing is to eliminate the gateway of El Dorado, Kans.

No. MC–113362 (Sub-No. E22), filed May 14, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, (1) from Austin and Albert Lea, Minn., and points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont (points in that part of Kossoth County, Iowa, within 15 miles of Elmore, Minn., and Cedar Rapids, Iowa),* and (2) from points in Kossuth County, Iowa to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont (points in that part of Faribault County, Minn., within 15 miles of Elmore, Minn., and Cedar Rapids, Iowa).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–113362 (Sub-No. E23), filed May 14, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Ia. 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in that part of Kansas on and west of U.S. Highway 169 to points in Alabama, Arkansas, Louisiana, Mississippi, and points in that part of Missouri on, south, and east of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 50 to Jefferson City, thence along U.S. Highway 54 to Camdenton, thence along Missouri Highway 5 to Lebanon, thence along U.S. Highway 66 to Springfield, thence along U.S. Highway 65 to the Missouri-Arkansas State line (except points in the St. Louis, Mo., Commercial Zone, as defined by the Commission). The purpose of this filing is to eliminate the gateway of Coffeyville, El Dorado, Wichita, or Kansas City, Kans.

No. MC–112822 (Sub-No. E111), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in that part of Missouri-Kansas State line and extending along U.S. Highway 50 to Jefferson City, thence along U.S. Highway 54 to Camdentown, thence along Missouri Highway 5 to Lebanon, thence along U.S. Highway 66 to Sorngfield, thence along U.S. Highway 65 to the Missouri-Arkansas State line to points in Colorado. The purpose of this filing is to eliminate the gateway of El Dorado, Kans.

No. MC–113362 (Sub-No. E22), filed May 14, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, (1) from Austin and Albert Lea, Minn., and points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont (points in that part of Kossoth County, Iowa, within 15 miles of Elmore, Minn., and Cedar Rapids, Iowa),* and (2) from points in Kossuth County, Iowa to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont (points in that part of Faribault County, Minn., within 15 miles of Elmore, Minn., and Cedar Rapids, Iowa).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–113362 (Sub-No. E23), filed May 14, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Ia. 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

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transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Austin and Albert Lea, Minn., on the one hand, and, on the other, points in that part of Iowa on and west of a line beginning at the Iowa-Missouri State line, thence along Interstate Highway 35 to junction Iowa Highway 141, thence along Iowa Highway 141 to junction Iowa Highway 17, thence along Iowa Highway 17 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 111, thence along Iowa Highway 111 to junction Iowa Highway 254, thence along Iowa Highway 254 to the Iowa-Minnesota State line; (2) between Albert Lea, Minn., on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 71 to junction Minnesota Highway 72 to the International Boundary line between the United States and Canada; (3) between Austin, Minn., on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along Minnesota Highway 34 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the International Boundary line between the United States and Canada; (4) between points in Fairbault County, Minn., on the one hand, and, on the other, points in that part of Iowa on, west, and south of a line beginning at the Minnesota-Iowa State line, thence along Iowa Highway 254 to junction Iowa Highway 111, thence along Iowa Highway 111 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 69 to Des Moines, thence along Iowa Highway 163 to junction Iowa Highway 192, thence along Iowa Highway 192 to junction U.S. Highway 61, thence along U.S. Highway 61 to Davenport; (5) between points in Martin and Fairbault Counties, Minn., on the one hand, and, on the other, points in that part of Minnesota on and north of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 75 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to Duluth; (6) between points in Martin County, Minn., on the one hand, and, on the other, points in that part of Iowa on and south of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 30 to junction Iowa Highway 39, thence along Iowa Highway 39 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20, to junction Iowa Highway 4, thence along Iowa Highway 4 to junction Iowa Highway 15, thence along Iowa Highway 15 to the Iowa-Minnesota State line; (7) between points in Kossuth County, Iowa, on the one hand, and, on the other, points in that part of Iowa on and east of a line beginning at Dubuque, thence along U.S. Highway 151 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction U.S. Highway 218, thence along U.S. Highway 218 to Keokuk; and (8) between points in Kossuth County, Iowa, on the one hand, and, on the other, points in Minnesota (except points in Martin and Fairbault Counties). The purpose of this filing is to eliminate the gateway of Elmore, Minn., and points within 15 miles thereof.

No. MC–113908 (Sub-No. E54.), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock, and apple juice*, from Fremont, Bailey, and Beldong, Mich., to Lake Wales, Fla. The purpose of this filing is to eliminate the gateway of points in Pennsylvania.

No. MC–113908 (Sub-No. E57), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar stock*, in bulk, in tank vehicles, from Fremont, Mich., to points in California. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC–113908 (Sub-No. E58), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage base*, used as alcoholic liquors and neutral spirits, in bulk, in tank vehicles, from Auburndale and Lake Alfred, Fla., to Denver, Colo. The purpose of this filing is to eliminate the gateway of Cicero, Ill.

No. MC–113908 (Sub-No. E60), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Fremont, Bailey, and Belding, Mich., to points in California. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC–113908 (Sub-No. E61), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine vinegar*, in bulk, in tank vehicles, from Canadaigua, N.Y., to points in California. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC–113908 (Sub-No. E64), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport: *Corn syrup*, in bulk, in tank vehicles, from Grimes, Iowa, to Bismark, Dickinson, and Mandan, N. Dak. The purpose of this filing is to eliminate the gateway of Lincoln, Nebr.

No. MC–113908 (Sub-No. E81), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Missouri 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Apple juice*, in bulk, in tank vehicles, from points in Wayne County, N.Y., to points in Arkansas, Oklahoma, Texas, and Louisiana. The purpose of this filing is to eliminate the gateway of Belding, Mich.

No. MC–113908 (Sub-No. E111), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from points in that portion of the New York, N.Y., Commercial Zone, as defined in the fifth supplemental report of Commercial Zones and Terminal Areas, 53 M.C.C. 451 (1951), within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Act (the "exempt zone"), to points in California. The purpose of this filing is to eliminate the gateway of Silica, Mich.

No. MC–113908 (Sub-No. E115), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfiled, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans., 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from points in that part of the New York, N.Y., Commercial Zone, as defined in the fifth supplemental report in Commercial Zones and Terminal Areas,

53 MCC 451 (1951), within which local operations may be conducted pursuant to the practical exemption of section 203(b)(8) of the Act (the "exempt zone"), to points in California. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC–113908 (Sub-No. E118), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from points in Michigan to points in Jasper County, Mo. The purpose of this filing is to eliminate the gateway of Rogers, Ark.

No. MC–113908 (Sub-No. E121), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Missouri 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycerine, fatty acids, and inedible tallows*, used as liquid animal and poultry feed supplements, in bulk, in tank vehicles, from Springfield and Verona, Mo., to points in Michigan, Pennsylvania, points in that part of Indiana on and north of Indiana Highway 26, and points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 33 to junction Ohio Highway 385, thence along Ohio Highway 385 to junction Ohio Highway 67, thence along Ohio Highway 67 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of the plant site of Armour Grocery Products, Inc., near Aurora, Ill.

No. MC–113908 (Sub-No. E122), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, used as liquid animal and poultry feed supplements, in bulk, in tank vehicles, from Springfield and Verona, Mo., to points in Minnesota, Wisconsin, and points in that part of Nebraska on and west of U.S. Highway 83. The purpose of this filing is to eliminate the gateway of Grimes, Iowa.

No. MC–113908 (Sub-No. E123), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 1180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and animal oils*, used as liquid animal and poultry feed supplements, in bulk, in tank vehicles, from Springfield and Verona, Mo., to points in North Dakota, South Dakota, Minnesota, points in Knox, Antelope, Holt, Boyd, Rock, Cherry, Brown, Keya, Paha, Sheridan, Dawes, Box, Butte, and Sioux Counties, Nebr., and points in that part of Pennsylvania on, east, and north of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 81 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of the plant site of Wilson and Co., Inc., at or near Cherokee, Iowa.

No. MC–113908 (Sub-No. E124), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage base*, used as alcoholic liquors and neutral spirits, in bulk, in tank vehicles, from Auburndale and Lake Alfred, Fla., to Reedley, Calif. The purpose of this filing is to eliminate the gateway of Cicero, Ill.

No. MC–113908 (Sub-No. E125), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine vinegar*, in bulk, in tank vehicles, to points in Washington, and points in that part of California in and north of San Francisco, Alameda, Joaquin, Calaveras, and Alpine Counties. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–113908 (Sub-No. E126), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage base*, used as brandy and wine, in bulk, in tank vehicles, from Lake Alfred, Fla., to Denver, Colo. The purpose of this filing is to eliminate the gateway of Cicero, Ill.

No. MC–113908 (Sub-No. E127), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, in bulk, in tank vehicles, from Kansas City, Mo., to points in that part of Wisconsin on and east of a line beginning at the Michigan-Wisconsin State line, thence along U.S. Highway 51 to junction Wisconsin Highway 78, thence along Wisconsin Highway 78 to the Wisconsin-Illinois State line. The purpose of this filing is to eliminate the gateway of the plant site of Lonza, Inc., at or near Mapleton, Ill.

No. MC–113908 (Sub-No. E128), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from points in California to points in Illinois. The purpose of this filing is to eliminate the gateway of Nixa, Mo.

No. MC–113908 (Sub-No. E130), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, used as liquid animal and poultry feed supplements, in bulk, in tank vehicles, from Springfield and Verona, Mo., to Ravenna, Nebr. The purpose of this filing is to eliminate the gateway of Malvern, Iowa.

No. MC–113908 (Sub-No. E131), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Choline chloride*, used as liquid animal and poultry feed supplements, in bulk, in tank vehicles, from Springfield and Verona, Mo., to points in that part of Missouri on, north, and west of a line beginning at the Nebraska-Iowa State line, thence along Iowa Highway 2 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

No. MC–113908 (Sub-No. E132), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from points in California, to points in Illinois, Indiana, and Ohio. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC–113908 (Sub-No. E133), filed June 4, 1974. Applicant: ERICKSON

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TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Missouri 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine vinegar*, in bulk, in tank vehicles, from Lake Alfred, Fla., to points in that part of California in and north of Alpine, San Mateo, Santa Clara, Stanislaus, and Tuolumne Counties. The purpose of this filing is to eliminate the gateway of points in Michigan.

No. MC–113908 (Sub-No. E134), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Missouri 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar* in bulk, in tank vehicles, (1) from points in Washington, to points in that part of Michigan south of Michigan Highway 55; and (2) from points in California, to points in Illinois, and points in that part of Michigan south of Michigan Highway 55. The purpose of this filing is to eliminate the gateway of Nixa, Mo.

No. MC–113908 (Sub-No. E135), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Missouri 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fatty acids and inedible tallow*, used as liquid animal and poultry feed supplements, in bulk, in tank vehicles, from Springfield and Verona, Mo., to points in Wisconsin and Michigan. The purpose of this filing is to eliminate the gateway of the plant site of the Armour Grocery Products, Co., near Aurora, Ill.

No. MC–113908 (Sub-No. E136), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Missouri 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Hutchinson and Wichita, Kans., to points in California. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC–113908 (Sub-No. E137), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Missouri 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from points in California on, north, and east of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to junction U.S. Highway 270, thence along U.S. Highway 270 to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateway of Marionville, Mo.

No. MC–115554 (Sub-No. E10), filed June 4, 1974. Applicant: SCOTTS TRANSPORTATION SERVICE, INC., P.O. Box 1634, Des Moines, Iowa 50306. Applicant's representative: James R. Madler, 1255 North Sandburg Terrace, Chicago, Ill. 60610. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, refrigeration and electrical equipment, appliances, and parts, materials, and supplies* used in the manufacture, repair, and distribution of such commodities between points in Ohio on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Amana, Iowa.

No. MC–115554 (Sub-No. E14), filed June 4, 1974. Applicant: SCOTT'S TRANSPORTATION SERVICE, INC., P.O. Box 1634, Des Moines, Iowa 50309. Applicant's representative: James R. Madler, 1255 North Sandburg Terrace, Chicago, Ill. 60610. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, refrigeration and electrical equipment, appliances, and parts, materials, and supplies* used in the manufacture, repair, and distribution of such commodities between points in Minnesota on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, New Jersey, New York, Pennsylvania, Maryland, Delaware, Rhode Island, West Virginia, Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Alabama, Florida, Mississippi, Arkansas, Louisiana, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Amana, Iowa.

No. MC–115554 (Sub-No. E19), filed June 4, 1974. Applicant: SCOTT'S TRANSPORTATION SERVICE, INC., P.O. Box 1634, Des Moines, Iowa 50306. Applicant's representative: James R. Madler, 1255 North Sandburg Terrace, Chicago, Ill. 60610. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigeration and electrical equipment, appliances, and parts, materials, and supplies* used in the manufacture, repair, and distribution of such commodities between points in Indiana on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Montana, Idaho, Utah, Arizona, Wyoming, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Amana, Iowa.

No. MC–119226 (Sub-No. E1) (Correction), filed May 8, 1974, published in the FEDERAL REGISTER August 5, 1974. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Ave., Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 1320 North Meridan St., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: • • • Proposal 4: *Vegetable oils*, in bulk, in tank vehicles, (1) from points in the Lower Peninsula of Michigan and Illinois to points in Alabama, Georgia, North Carolina, South Carolina, Virginia, West Virginia, and Tennessee, (2) from points in Michigan to points in Alabama and Arkansas and points in Tennessee on and west of Interstate Highway 75, (3) from points in Ohio to points in Alabama, Arkansas, Georgia, and Tennessee, and (4) from points in Indiana to points in Alabama, Georgia, North Carolina, South Carolina, West Virginia, Virginia, and Tennessee. The purpose of this filing is to elminate the gateway of Louisville, Ky. • • • Proposal 6: *Inedible greases and tallow*, in bulk, in tank vehicles, (1) from points in Illinois to points in Michigan, New York, Pennsylvania, Delaware, New Jersey, and Maryland. The purpose of this filing is to eliminate the gateway of Columbus, Ohio • • • Proposal 8: *Lards, greases, and fats* (except vegetable oils, and except hydrolized and stabilized fats), in bulk, in tank vehicles, (1) from points in Illinois to points in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, North Carolina, New Jersey, New York, South Carolina, Virginia, West Virginia, and the District of Columbia, (2) from points in Indiana to Memphis, Tenn., and points in Alabama, Arkansas, Delaware, Florida, Georgia, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, New Jersey, New York, Oklahoma, South Carolina, Texas, Virginia, West Virginia, and the District of Columbia (3) from points in Michigan to Memphis, Tenn., Alabama, Arkansas, Delaware, Florida, Georgia, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas, Virginia, and the District of Columbia (4) from points in Ohio to Memphis, Tenn., and points in Alabama, Arkansas, Florida, Georgia, Kansas, Kentucky, Louisiana, Nebraska, Oklahoma, and Texas, and (5) from points in Kentucky to points in Delaware, Illinois, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Louisville, Ky. The purpose of this partial correction is to correct the destination states in Proposal 4 above; delete Kentucky and Michigan from origin states in Proposal 6 above; and to delete Louisiana and Texas from the destination territory in Proposal 8 above. The remainder of the letter-notice remains as previously published.

No. MC–119531 (Sub-No. E166), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Louisville, Ky., and Jeffersonville, Ind., to points in Missouri (except points east of Missouri Highway 21, restricted to traffic originating at the plant and warehouse sites of Container Corporation of America at Louisville and Jeffersonville). The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC–119531 (Sub-No. E167), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and supplies* (except in bulk) used in the manufacture of pulpboard, from points in West Virginia on and north of U.S. Highway 33, to Noblesville, Ind. The purpose of this filing is to eliminate the gateway of Coshocton, Ohio.

No. MC–119531 (Sub-No. E179), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, pulpboard products, and machinery* used in the manufacture of pulpboard, and pulpboard products, between Cleveland, Ohio, on the one hand, and, on the other, (a) Louisville, Ky., and (b) Covington, Ky. The purpose of this filing is to eliminate the gateways of (1) Cincinnati, Ohio, for (a) above, and (2) Circleville, Ohio; for (b) above.

No. MC–119531 (Sub-No. E180), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* (except in bulk) used in the manufacture of paper and paper products, from points in Pennsylvania, and points in New York on and west of a line beginning at Oswego and extending along New York Highway 57 to Syracuse, and points in Pennsylvania on and west of U.S. Highway 220 to the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind. The purpose of this filing is to eliminate the gateway of Coshocton, Ohio.

No. MC–119531 (Sub-No. E182), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons*, from Rockdale, Ill., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Circleville, Ohio.

No. MC–119531 (Sub-No. E186), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard cans*, from Piqua, Ohio, to points in New Jersey. The purpose of this filing is to eliminate the gateway of Bradford, Pa.

No. MC–119531 (Sub-No. E188), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Zanesville, Ohio, to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Midland Glass Company, Inc., at or near Terre Haute, Ind.

No. MC–119531 (Sub-No. E187), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery used in or incidental to the manufacture, sale, and distribution of pulpboard and pulpboard products* (except commodities in bulk), from points in Michigan to Cleveland, Ohio. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites.

No. MC–119531 (Sub-No. E189), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* (except in bulk), used in the manufacture, sale, and distribution of paper and paper products, from points in West Virginia and Kentucky, to Cleveland, Ohio. The purpose of this filing is to eliminate the gateway of Coshocton, Ohio.

No. MC–123048 (Sub-No. E152), filed June 4, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), from Chicago, Ill., to points in Arizona, California, Colorado, Idaho, Louisiana, Nevada, New Mexico, Oregon, Texas, Utah, and Washington, points in Arkansas on the west of a line from the Missouri-Arkansas State line along U.S. Highway 67 to Little Rock, thence along U.S. 167 to the Arkansas-Louisiana State line, and points in Mississippi on and south of a line from the Arkansas-Mississippi State line along U.S. Highway 62 to Greenville, thence along U.S. Highway 61 to Anguilla, thence along Mississippi Highway 14 to the junction of U.S. Highway 49, thence along U.S. Highway 49 to Magee, thence along Mississippi Highway 28 to Laurel, thence along U.S. Highway 84 to Waynesboro, thence along U.S. Highway 45 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of Burlington, Iowa.

No. MC–123048 (Sub-No. E153), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), when used as road building and maintenance machinery and equipment, from Des Moines, Iowa, to points in Oregon, Washington, points in Idaho on and north of U.S. Highway 12, and points in Montana on and west of Interstate Highway 15. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC–123048 (Sub-No. E154), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors* from Duluth, Minn., to points in Indiana, Ohio, Kentucky, Tennessee, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, Maine, and New Hampshire. RESTRICTION: (1) restricted to shipments having an immediate prior movement by water and (2) restricted to shipments destined to the plant sites, warehouses, and dealers of Deere and Company. The purpose of this filing is to eliminate the gateway of West Bend, Wis.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74–20306 Filed 8–30–74;8:40 am]

[Notice 147]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 3, 1974.

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on

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the quality of the human environment resulting from approval of the application. As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 3, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74929. By order entered July 30, 1974, the Division 3, acting as an Appellate Division approved the transfer to T. E. Quinn Truck Lines, Ltd., Niagara Falls, Ontario, Canada, of that portion of the operating rights set forth in Certificate No. MC-335 (Sub-No. 1), issued July 7, 1971, to Motek Transport Systems, Inc., Lansdale, Pa., authorizing the transportation of frozen foods, empty frozen food containers, packinghouse products, fresh fruits, fresh vegetables, and the commodities described in paragraphs A, B, and C, in the appendix to the report in "Modification of Permits Packing-House Products," 48 M.C.C. 628, from, to, or between points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and the District of Columbia. Maxwell A. Howell, 1511 K Street NW., Washington, D.C. 20005, attorney for transferor, & Herbert M. Canter, 315 Seltz Building 201 East Jefferson St., Syracuse, N.Y. 13202, attorney for transferee.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20302 Filed 8-30-74;8:45 am]

[Notice 148]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 3, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 23, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75182. By order of August 23, 1974, the Motor Carrier Board, on reconsideration, approved the transfer to Cape Cod Moving & Storage Co., Inc., Hyannis, Mass., of the operating rights in Certificate No. MC-11714 issued February 17, 1972, to Cape Cod Moving and Storage, Inc., Hyannis, Mass., authorizing the transportation of household goods as defined by the Commission, between Chatham, Mass., and points within 25 miles of Chatham, Mass., on the one hand, and, on the other, points in Connecticut, New York, and Rhode Island, and lumber and forest products, from Portsmouth, R.I., to Chatham, Orleans, and Wellfleet, Mass. Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187, and James T. Hilliard, 19 Orleans Road, Norwood, Mass. 02062, attorneys for applicants.

No. MC-FC-75203. By order of August 22, 1974, the Motor Carrier Board approved the transfer to Atlas Trucking Company Limited, LaSalle, Quebec, Canada, of the operating rights in Certificates Nos. MC-125497 (Sub-No. 1), MC-125497 (Sub-No. 6), and MC-125497 (Sub-No. 19) issued February 14, 1969, July 7, 1970, and May 9, 1974, respectively, to L. Woods & Son Transport Ltd., LaSalle, Quebec, Canada, authorizing the transportation of various commodities from ports of entry on the United States-Canada boundary line to points in Maine, New Hampshire, Vermont, Rhode Island, New York, Connecticut, Massachusetts, New Jersey, Delaware, Maryland, Pennsylvania, and the District of Columbia. S. Harrison Kahn, 733 Investment Bldg., Washington, D.C. 20005, attorney for applicants.

No. MC-FC-75227. By order of August 20, 1974, the Motor Carrier Board approved the transfer to Tarpon Transportation, Inc., Tampa, Fla., of the operating rights in Certificate No. MC-129193 issued June 10, 1970, to Harrison Transport, Inc., Tampa, Fla., authorizing the transportation of general commodities, usual exceptions, which are at the time moving on bills of lading of freight forwarders, from Tampa, Fla., to points in Pasco, Pinellas, Polk, Hillsborough, Manatee, Sarasota, Charlotte and Lee Counties, Fla., Richard B. Austin, 214 Palm Coast II Building, 5255 N.W. 87th Avenue, Miami, Fla. 33166, attorney for applicants.

No. MC-FC-75320. By order of August 23, 1974 the Motor Carrier Board approved the transfer to Bestwick, Inc., Sabetha, Kan., of the operating rights in Permits No. MC-116879 and MC-116879 (Sub-No. 2) issued April 8, 1968, and December 6, 1967, respectively to Richard T. Bestwick, Sabetha, Kan., authorizing the transportation of various commodities from and to Sabetha, Kan., and specified points and areas in Nebraska, Kansas, and Missouri. Clyde N. Christey, 641 Harrison St., Topeka, Kansas 66603, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20304 Filed 8-30-74;8:45 am]

[Notice 125]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 27, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a (a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before September 18, 1974. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 104675 (Sub-No. 33 TA), filed August 20, 1974. Applicant: FRONTIER DELIVERY, INC., 620 Elk Street, Buffalo, N.Y. 14210. Applicant's representative: E. Russell Whiteman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in dump or tank vehicles, from Solvay (Syracuse), N.Y., to Henderson, N.C., for 180 days. SUPPORTING SHIPPER: Laurens Glass Company, P.O. Drawer 9, Laurens, S.C. 29360. SEND PROTESTS TO: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Bldg., 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 114552 (Sub-No. 103 TA), filed August 19, 1974. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the facilities of Evans Products Company at Chesapeake, Va., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. SUPPORTING SHIPPER: Evans Products Company, 201 Dexter Street West, Chesapeake, Va. 23324. SEND PROTESTS TO: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 115092 (Sub-No. 32 TA), filed August 16, 1974. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: Thomas M. Zarr, P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, (1) from points in Archuleta, La Plata, Rio Grande, and Montezuma Counties, Colo., to points in Wyoming; (2) from points in San Juan County, Utah, to points in Texas and Wyoming; and (3) from points in Uintah County, Utah, to points in Wyoming and Kansas, for 180 days. SUPPORTING SHIPPER: Bloch Lumber Company, P.O. Box 10310, Albuquerque, N. Mex. 87114 (Frank Stanek, V.P. SW. Divn.); San Juan Lumber Co., P.O. Box 7, Blanding, Utah (John Nelson, Sales Manager); Kennedy Lumber, Inc., P.O. Box 14008, Albuquerque, N. Mex. 87111 (J. R. Kennedy, President); New Mexico Timber, Box 3308, Albuquerque, N. Mex. 87110 (Ted Schifani, V.P.—Sales); and Pioneer Lumber Sales, Inc., Box 248, Albuquerque, N. Mex. 87103 (Parrill L. Stribling, President). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 116014 (Sub-No. 67 TA), filed August 20, 1974. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Ray Witt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plant site and storage facilities of Evans Products Company, located at or near Chesapeake, Va., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Minnesota, Michigan, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, West Virginia, Virginia, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Joseph D. Sharpe, Assistant to the General Traffic Manager, Building Materials Group, Evans Products Company, 201 Dexter Street, West, Chesapeake, Va. 23324. SEND PROTESTS TO: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 118159 (Sub-No. 149 TA), filed August 19, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1931 North Sheridan Road, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Tulsa, Okla., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, for 180 days. SUPPORTING SHIPPER: Ford Motor Company, Edward M. Gosvener, T. M., P.O. Box 555, Tulsa, Okla. 74102. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Building, 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 119493 (Sub-No. 123 TA), filed August 20, 1974. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Ray F. Kempt, P.O. Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing paper, building paper, roofing cement, asphaltum, roofing asphalt, prepared roofing, prepared shingles, filter felt, and materials and supplies* used in the manufacture and installation thereof (except liquid in bulk, in tank vehicles); and (2) *Materials and supplies* used in the manufacture of items in (1) above (except liquid in bulk, in tank vehicles), (1) from plantsite of Tamko Asphalt Products Co. in Tuscaloosa, Ala., to points Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Illinois, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, West Virginia, and Virginia and (2) from the destination states in (1) above, to Tuscaloosa, Ala., for 180 days. SUPPORTING SHIPPER: Tamko Asphalt Products, Inc., 601 North High Street, P.O. Box 1404, Joplin, Mo. 64801. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 124211 (Sub-No. 252TA), filed August 19, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellular paper products*, from the plant site and warehouse facilities of Celadyn, a division of Lancaster Research & Development Corporation, located at or near Michigan City, Ind., to points in Kansas, Minnesota, New Jersey, New York, and North Carolina, and to Douglas and Louisville, Ga.; Williamsburg, Ky.; and Lancaster, Pa., for 180 days. SUPPORTING SHIPPER: Celadyn, Division of Lancaster Research & Development Corporation, Virgil Smith, Corporate Traffic Manager, P.O. Box 3333, Marion, Ind. 46952. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620 Union Pacific Plaza, 110 No. 14 St., Omaha, Nebr. 68102.

No. MC 125909 (Sub-No. 2TA), filed August 7, 1974. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 268, Rapid City, S. Dak. 57701. Applicant's representative: Barry C. Burnette (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated wooden post and poles*, from Sheridan, Wyo., to points in Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming, for 180 days. SUPPORTING SHIPPER: Sheridan Forest Products, P.O. Box 6327, Sheridan, Wyo. 82801. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 133681 (Sub-No. 3 TA), filed August 19, 1974. Applicant: BIG CHET & SONS TRUCKING, INC., Woodmont Road, P.O. Box 442, East Fishkill, N.Y. 12524. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, cosmetics, and materials and supplies* used in the preparation of toilet preparations and cosmetics, (1) between Holmdel, N.J., and points in that part of the New York, N.Y., Commercial Zone as defined in the Fifth Supplemental Report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), on the one hand, and, on the other, Lakewood, Holmdel, and Totowa, N.J. RESTRICTION: The operations proposed in (1) above are limited to a transportation service to be performed under a continuing contract or contracts with the following shippers: Lanvin-Charles of the Ritz, its subsidiaries and divisions, and Sacoma Cosmetiques, Inc.

NOTE.—Applicant is currently authorized to perform a portion of the service under Docket No. MC 133681 for these shippers, but duplicating authority is not requested.

(2) between Carlstadt, N.J., and points in that part of the New York, N.Y., *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone). RESTRICTION: The operations proposed in (2) above are limited to a transportation service to be performed under a continuing contract, or contracts with the following shipper; Eden Co., Inc., for 180 days. SUPPORTING SHIPPER: (1) Eden Company, 545 Dell Road, Carlstadt, N.J. 07072; (2) LCR Manufacturing Division, P.O. Box 638, Red Bank, N.J. 07701; and (3) Sacoma Cosmetiques, Inc., 253 W. 28th Street, New York, N.Y. SEND PROTESTS TO: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

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No. MC-135760 (Sub-No. 19TA), filed August 19, 1974. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, N.C. 28445. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pork and pork products and meat*, (a) between Detroit and Grand Rapids, Mich., on the one hand, and, on the other, points in Arkansas, Colorado, Minnesota, Nebraska, Missouri, Iowa, South Dakota, Oklahoma, Kansas, Louisiana, and Texas, and (b) from points in Illinois, Indiana, and Kentucky, to Detroit and Grand Rapids, Mich., for 180 days. SUPPORTING SHIPPER: Frederick & Herrud, Inc., 1487 Farnsworth, Detroit, Mich. 48211. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC-135773 (Sub-No. 4TA), filed August 19, 1974. Applicant: DONALD E. SEARS, Rt. 1, Box 477, Woodland, Wash. 98674. Applicant's representative: George Kargianis, 2120 Pacific Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Red cedar shakes and shingles*, from Sekiu, Wash., mill site, to points in California and Nevada, for 180 days. SUPPORTING SHIPPER: Nehalem Bay Shake & Shingle Co., Route 2, Box 19F, Sekiu, Wash. 98381. SEND PROTESTS TO: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97202.

No. MC-139566 (Sub-No. 3TA), filed August 20, 1974. Applicant: FEDERAL ARMORED EXPRESS, INC., P.O. Box 333, Baltimore, Md. 21203. Applicant's representative: Timothy M. Biddle, 1100 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Special nuclear materials*, for the account of Edlow International Co., between Lynchburg, Va., and Sargents, Ohio, for 180 days. SUPPORTING SHIPPER: Jack Edlow, Vice President, Edlow International Company, 1100 17th Street NW., Suite 404, Washington, D.C. 20036. SEND PROTESTS TO: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC-140029 (Sub-No. 1TA), filed August 19, 1974. Applicant: CLIFFORD H. HALL, INC., Bliss, N.Y. 14024. Applicant's representative: William J. Hirsch, 43 Court Street, Suite 1125, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*; by motor vehicle, over irregular routes, transporting: *Liquid feed and feed ingredients*, from the town of Arcade (Wyoming County), N.Y., to points in Pennsylvania, and *returned shipments* in return, for 180 days. SUPPORTING SHIPPER: Ruminent Nitrogen Products Company, 770 Riverside Drive, Adrian, Mich. 49221. SEND PROTESTS TO: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Bldg., 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 140118 TA, filed August 19, 1974. Applicant: S. T. L. TRANSPORT, INC., 1000 Jefferson Road, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paperboard, or pulpboard boxes, pails, and trays, and cellulose or plastic film or foil when moving therewith* and (2) *Pulpboard*, (1) from Newark, N.Y., to points in New York, N.Y., Commercial Zone as defined by the Commission in 1 M.C.C. 665, Mamaroneck, N.Y.; Roslyn and Brentwood, Long Island, N.Y., Blue Anchor, Cranford, Edison, Englishtown, Fairlawn, Kearny, Lakewood, Moonachie, Passaic, Pennsville, Ridgewood, Secaucus, Sharptown, South Hackensack, Trenton, Union, Verona, Vineland, West Caldwell, and Woodbridge, N.J.; Baltimore, Cumberland, and Hyattsville, Md.; Bristol, Carnegie, Erie, Harrisburg, Lancaster, Lebanon, Philadelphia, Pittsburgh, Scranton, Smock, Uniontown, Warminster, Williamsport, and York, Pa.; Austintown, Barnesville, Bedford, Bedford Heights, Canton, Chagrin Falls, Cincinnati, Cleveland, Columbus, Dayton, Elyria, Gallipolis, North Jackson, Utica, Versailles, Wapakoneta, Warren, and Willoughby, Ohio; Cambridge, Canton, Dorchester, East Weymouth, Fall River, Lawrence, Mansfield, Pittsfield, Somerville, Springfield, and Woburn, Mass.; East Hartford, Meriden, Stratford, Waterbury, and West Haven, Conn.; and (2) from New Haven and Versailles, Conn.; East Stroudsburg and Philadelphia, Pa., to Newark, N.Y., for 180 days. SUPPORTING SHIPPER: Fibreboard Corporation, San Francisco, Calif. 94133, Patrick W. Pollock, Director, Transportation & Distribution. SEND PROTESTS TO: Morris H. Gross, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 104, 301 Erie Blvd., West, Syracuse, N.Y. 13202.

No. MC 140119 TA, filed August 20, 1974. Applicant: RAYMOND J. GALLAHER, Irvona, Pa. 16656. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Centre and Clearfield Counties, Pa., to the plants of Potomac Electric Power Company at Dickerson, Md., Aquasco, Md., and Morgantown, Md., for 180 days. SUPPORTING SHIPPER: Erickson Coal Sales, 213 Bloomfield Street, Johnstown, Pa. 15904. SEND PROTESTS TO: District Supervisor James C. Donaldson, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

MOTOR CARRIERS OF PASSENGERS

No. MC 140113 TA, filed August 16, 1974. Applicant: MAPLEWOOD EQUIPMENT COMPANY, 419 Anderson Avenue, Fairview, N.J. 07022. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commuting passengers and their baggage* with their baggage in the same vehicle with passengers, between Smoke Rise and Kinnelon, N.J., and New York, N.Y., for 180 days. SUPPORTING SHIPPER: Smoke Rise Association, Smoke Rise, Kinnelon, N.J. (consisting of 650 residents). SEND PROTESTS TO: District Supervisor Evert L. Bono, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-20305 Filed 8-30-74;8:45 am]

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TUESDAY, SEPTEMBER 3, 1974

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PART II

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

■

INDIANS, INDIAN ORGANIZATIONS AND INDIAN TRIBES

Economic Development

No. 171—Pt. II——1

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 80]

INDIAN BUSINESS DEVELOPMENT PROGRAM

Proposed Revision

AUGUST 27, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2

Notice is hereby given that it is proposed to revise Part 80, Subchapter H, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in section 404 of the Act of April 12, 1974 (88 Stat. 77).

The purpose of this revision of Part 80 is to prescribe the regulations and procedures under which non-reimbursable grants will be used to stimulate and increase Indian entrepreneurship and employment through acquisition, establishment and expansion of profit-making Indian-owned economic enterprises which will contribute to the economy of an Indian reservation.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed revision to the Director, Office of Tribal Resources Development, Bureau of Indian Affairs, Washington, D.C. 20245, on or before October 3, 1974.

It is proposed to revise Part 80, Subchapter H, Chapter I, of Title 25 of the Code of Federal Regulations to read as follows:

PART 80—INDIAN BUSINESS DEVELOPMENT PROGRAM

Sec.
80.1 Definitions.
80.2 Purpose.
80.3 Eligible applicants.
80.4 Eligible economic enterprises.
80.5 Location of enterprise.
80.6 Priority criteria.
80.7 Environmental and flood disaster protection.
80.8 Preservation of historical and archeological data.
80.9 Management and technical assistance.
80.10 Content of application.
80.11 Application procedures.
80.12 Grant approval authority.
80.13 Limits of authority.
80.14 Disbursement of grant funds.
80.15 Reports.

AUTHORITY: Sec. 404, 88 Stat. 77.

§ 80.1 Definitions.

As used in this Part:

(a) "Secretary" means the Secretary of the Interior.

(b) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(c) "Area Director" means the Bureau official in charge of an Area Office or his authorized representative.

(d) "Superintendent" means the Bureau official in charge of a Bureau Agency office or other local office reporting to an Area Director.

(e) "Indian" means any person who is a member of any Indian tribe, band, group, pueblo or community which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs and any "Native" as defined in paragraph (f) of this section.

(f) "Native" means a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community) Eskimo, or Aleut blood, or combination thereof. The term includes any Natives as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group.

(g) "Tribe" means any Indian tribe, band, group, pueblo or community and any Native village or Native group (including corporations organized by Kenai, Juneau, Sitka and Kodiak) as defined in paragraphs (h) and (i) of this section, which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

(h) "Native village" means any tribe, band, clan, group, village, community, or association in Alaska listed in sections 11 and 16 of the Alaska Native Claims Settlement Act (85 Stat. 688), or which meets the requirements of the Act, and which the Secretary determines was, on the 1970 census enumeration date (as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance), composed of twenty-five or more Natives.

(i) "Native group" means any tribe, band, clan, village, community, or village association of Natives in Alaska composed of less than twenty-five Natives, who comprise a majority of the residents of the locality.

(j) "Reservation" means an Indian reservation, public domain Indian allotment, former Indian reservation in Oklahoma, and land held by incorporated Native groups, regional corporations and village corporations under the provisions of the Alaska Native Claims Settlement Act (85 Stat. 688).

(k) "Economic enterprise" means any Indian-owned, commercial, industrial or business activity established or organized for the purpose of profit, providing eligible Indian ownership constitutes not less than 51 percent of the enterprise.

(l) "Organization" means the governing body of any Indian tribe, as defined in paragraph (g) of this section, or entity established or recognized by such governing body for the purpose of the Indian Financing Act of 1974 (88 Stat. 77).

(m) "Other organizations" means any non-Indian individual, firm, corporation, partnership, or association.

(n) "Personally operated enterprise" means a business activity personally owned and operated, and managed by an individual grantee on a full or part-time basis, with or without hired labor.

(o) "Profits" mean the net income earned after deducting operating expenses from operating revenues.

§ 80.2 Purpose.

The purpose of this Part is to prescribe the regulations and procedures under which non-reimbursable grants may be made to eligible applicants to stimulate and increase Indian entrepreneurship and employment through establishment, acquisition or expansion of profit-making Indian-owned economic enterprises which will contribute to the economy of a reservation.

§ 80.3 Eligible applicants.

Applications for grants may be accepted only from individual Indians or Indian tribes, Indian partnerships and corporations or associations authorized to do business under State or Federal law; having a form of organization acceptable to the Commissioner and unable to meet their total financing needs from their own resources and by loans from other sources such as banks, Farmers Home Administration, Small Business Administration, Production Credit Associations and Federal Land Banks. Associations, corporations or partnerships shall be at least 51 percent owned by eligible Indians or an eligible Indian tribe who actively participates in the management and operation.

§ 80.4 Eligible economic enterprises.

Any legal economic enterprise is eligible to receive equity capital through non-reimbursable grants if it is self-sustaining and profit-oriented, will create employment for Indians, and is Indian-owned or controlled by an Indian organization or an individual Indian. In the case of Indian-owned cooperative associations, they must distribute profits to their patrons.

§ 80.5 Location of enterprise.

To be eligible for a grant an economic enterprise, whether tribal or individually owned, must be located on an Indian reservation or located where it makes or will make an economic contribution to a nearby reservation by providing employment to tribal members residing thereon and/or profits, a substantial portion of which are expended for materials or services on or needed by the reservation.

§ 80.6 Priority criteria.

The following criteria will be used in the order shown in selecting economic enterprises for grant funding:

(a) *First priority.* First priority will be given to economic enterprises located on a reservation that will:

(1) Utilize Indian resources, both natural and human.

(2) Create the highest ratio of Indian jobs to the total amount of dollars to be invested, including market value of materials and equipment contributed to the project.

(3) Create the highest ratio of income to a tribe or its members in relation to the total amount of dollars to be invested, including market value of materials or equipment contributed to the project.

(4) Generate the most non-Bureau financing.

(b) *Second priority.* Second priority will be given to projects located in the immediate vicinity of a reservation that will:

(1) Utilize Indian resources, both natural and human.

(2) Create the highest ratio of Indian jobs to the total amount of dollars to be invested, including market value of materials and equipment contributed to the project.

(3) Generate the most non-Bureau financing.

The same criteria will apply in considering applications for grants from individuals, partnerships, and cooperative associations.

§ 80.7 Environmental and flood disaster protection.

Grant funds will not be advanced until there is assurance of compliance with any applicable provisions of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), the National Environmental Policy Act (Pub. L. 91-190), 42 U.S.C. 4321 and Executive Order 11514.

§ 80.8 Preservation of historical and archeological data.

The Commissioner will assure compliance with the applicable provisions of the Act of June 27, 1960 (74 Stat. 220; 16 U.S.C. 469), as amended by the Act of May 24, 1974 (Pub. L. 93-291, 88 Stat. 174), relating to the preservation of historical and archeological data.

§ 80.9 Management and technical assistance.

(a) Concurrent with the approval of a grant to finance an economic enterprise, either tribal or individual, the Commissioner will insure that competent management and technical assistance is available to the grantee consistent with the grantee's knowledge and experience and the nature and complexity of the economic enterprise being financed. Assistance may be provided by available Bureau of Indian Affairs staff, other government agencies including states, a tribe, or other sources which the Commissioner considers competent to provide needed assistance. It is intended that contracting for management and technical assistance be used only when adequate assistance is not available without cost. Contracts for providing grantees with competent management and technical assistance shall be in accordance with applicable sections of the Federal Procurement Regulations.

(b) The prime lender providing the loan funds to finance an economic enterprise will include with the grantee's application the need for equity capital, the lender's evaluation of the applicant's need for management and technical assistance, specific areas of need and whether the lender will provide such assistance to the applicant.

§ 80.10 Content of application.

Applications shall be on a form prescribed by the Commissioner which shall at least show:

(a) Total capital requirement, including operating capital required until such time as the cash generated from operations will be sufficient to make the enterprise self-sustaining.

(b) Amount of total financing required obtainable from other sources including the applicant's personal resources, and a statement of terms and conditions under which any borrowed portion is obtainable.

(c) Capital deficiency, which will be the basis for the amount of grant requested.

(d) Pro forma operating statements showing estimated expenses, income and net profit from operations for three years following receipt of the requested grant.

(e) Annual operating statements and balance sheets, audited if available, for the prior two years for enterprises already in operation.

(f) Current financial statements, consisting of a balance sheet and operating statement.

§ 80.11 Application procedures.

Applications are to be submitted to the Superintendent of the reservation on which an enterprise will be or is located. If the enterprise site is near two or more reservations, application is to be made to the Superintendent having administrative jurisdiction over the reservation near which the enterprise will be located and which the enterprise will benefit economically. If the applicant is not a member of the tribe of the reservation which the enterprise will benefit economically, the application will be made to the nearest Superintendent. Applicants for a grant which is disapproved will be notified by letter, stating the reasons for disapproval. A copy of the letter will be sent to the prospective lender.

§ 80.12 Grant approval authority.

Applications for grants require approval by the Commissioner.

§ 80.13 Limits of authority.

(a) Grants will be made to assist in establishing new enterprises, or in purchasing or expanding established ones. However, a grant may be made only when in the opinion of the Commissioner the applicant is unable to obtain adequate financing from other sources such as banks, Farmers Home Administration, Small Business Administration, Production Credit Associations, Federal Land Banks or to obtain guaranteed and insured loans pursuant to Part 93 of this chapter on reasonable terms and conditions. Prior to making any grant, the Commissioner shall assure that, where practical, the applicant has reasonably made available for loan security and/or for input into the economic enterprise collateral or funds from his own financial resources. Applicants may be required to furnish proof of their inability to obtain the financing required without a grant.

(b) A grant may be made only to an applicant who is able to obtain at least 60 percent of the necessary financing from other sources.

(c) No grant in excess of $50,000 may be made to any applicant.

(d) Revolving loan funds as prescribed in Part 91 of this chapter and guaranteed or insured loans as prescribed in Part 93 of this chapter may not be used as the sources of the loan portion of the total financing requirement if financing from other governmental or institutional lenders is available on reasonable terms and conditions. If a loan is not available from other sources, guaranteed or insured loans under the provisions of Part 93 of this chapter may then be considered. Loans under the provisions of Part 91 of this chapter may be considered as the last source. Applicants for a loan from either source must meet the eligibility requirements as prescribed in Part 91 or Part 93 of this chapter.

(e) A grant will not be approved for an applicant unless there is assurance the applicant can and will be provided with needed competent technical and management assistance commensurate with the nature of the enterprise to be funded and the knowledge and management skills of the applicant.

(f) Grant funds may not be used for refinancing or debt consolidation.

(g) No more than one grant will be made for a project. In certain circumstances a second grant may be made to the same applicant for a new project or expansion of the original project. An additional grant will not be approved for an economic enterprise previously funded under the provisions of Title IV of the Indian Financing Act of 1974 except for expanding a successful enterprise, provided the total of grants made shall not exceed $50,000. Information to be submitted with the application will include at a minimum the following:

(1) Use made of the prior grant.

(2) Evidence of competent management.

(3) Maintenance of adequate accounting records.

(4) That the operation is profitable as evidenced by operating statements and balance sheets prepared from the accounting records.

(5) That expansion will increase the net profit and/or increase Indian employment.

(h) An applicant for an expansion grant must meet the same eligibility requirements as an original applicant.

§ 80.14 Disbursement of grant funds.

Unless otherwise provided by an agreement between a lender and the grantee, the Commissioner may in his discretion advance grant funds directly to a grantee. He may require the funds to be deposited in an IIM account at the appropriate Agency headquarters office or

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deposited in a joint account in a bank and disbursed as needed by the grantee.

§ 89.15 Reports.

(a) Grantees are required to furnish comparative balance sheets and profit and loss statements for the first two full years of operation following receipt of the grant to the office of the grant approving officer. These may be copies of financial statements required by and furnished to the lender which provided the loan portion of the total financing required. If the lender does not require financial statements, the statements furnished shall be those considered satisfactory by the grant approving officer.

(b) The Commissioner will establish accounting and reporting systems which will appropriately show the status of Indian Business Development Program at all times.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74-20226 Filed 8-30-74;8:45 am]

[25 CFR Part 91]

GENERAL CREDIT TO INDIANS

Proposed Revision

AUGUST 27, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to revise Part 91, Subchapter I, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in section 109 of the Act of April 12, 1974 (Pub. L. 93-262, 88 Stat. 77).

The purpose of this revision is to update the regulations to reflect the provisions of the Indian Financing Act of 1974 (Pub. L. 93-262, 88 Stat. 77) which provides for financing the economic development of Indians, Indian organizations and Indian tribes.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed revision to the Director, Office of Tribal Resources Development, Bureau of Indian Affairs, Washington, D.C. 20245, on or before October 3, 1974.

It is proposed to revise Part 91, Subchapter I, Chapter I, of Title 25 of the Code of Federal Regulations to read as follows:

PART 91—LOANS TO INDIANS FROM THE REVOLVING LOAN FUND

Sec.
91.1 Definitions.
91.2 Kinds of loans.
91.3 Eligible borrowers.
91.4 Applications.
91.5 Approval of loans.
91.6 Modification of loans.
91.7 Management and technical assistance.
91.8 Environmental and Flood Disaster Acts.
91.9 Preservation of historical and archaeological data.
91.10 Interest.
91.11 Records and reports.
91.12 Security.
91.13 Maturity.
91.14 Penalties and default.
91.15 Uncollectible loans.
91.16 Assignment of loans.
91.17 Tribal funds.
91.18 Relending by borrower.
91.19 Repayments.
91.20 Approval of articles of association and bylaws.
91.21 Loans for expert assistance.

AUTHORITY: Sec. 109, 88 Stat. 77.

§ 91.1 Definitions.

Wherever used in the regulations in this part, the terms defined in this section shall have the meanings stated:

(a) "Secretary" means the Secretary of the Interior.

(b) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(c) "Indian" means any person who is a member of any Indian tribe, band, group, pueblo or community which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs and any "Native" as defined in paragraph (d) of this section.

(d) "Native" means a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group.

(e) "Tribe" means any Indian tribe, band, group, pueblo, or community, including Native villages and Native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in paragraphs (f) and (g) of this section, which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

(f) "Native village" means any tribe, band, clan, group, village, community, or association in Alaska listed in sections 11 and 16 of the Alaska Native Claims Settlement Act (85 Stat. 688) or which meets the requirements of this Act, and which the Secretary determines was, on the 1970 census enumeration date (as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance), composed of twenty-five or more Natives.

(g) "Native group" means any tribe, band, clan, village, community, or village association of Natives in Alaska composed of less than twenty-five Natives, who comprise a majority of the residents of the locality.

(h) "Reservation" includes Indian reservations and other lands held in trust by the United States for Indians, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act (85 Stat. 688).

(i) "Economic enterprise" means any Indian-owned, commercial, industrial or business activity established or organized for the purpose of profit, provided eligible Indian ownership constitutes not less than 51 per centum of the enterprise.

(j) "Organization" means the governing body of any Indian tribe, as defined in paragraph (e) of this section, or in entity established or recognized by such governing body for the purpose of this Act.

(k) "Other organizations" means any non-Indian individual, firm, corporation, partnership, or association.

(l) "Profits" mean the net income earned after deducting operating expenses from operating revenues.

(m) "Revolving loan fund" means all funds that are now or hereafter a part of the revolving fund authorized by the Act of June 18, 1934 (48 Stat. 986), the Act of June 26, 1936 (49 Stat. 1968), and the Act of April 19, 1950 (64 Stat. 44), as amended and supplemented, including sums received in settlement of debts for livestock pursuant to the Act of May 24, 1950 (64 Stat. 190) and sums collected in repayment of loans made including interest or other charges on loans and any funds appropriated pursuant to section 108 of the Indian Financing Act of 1974 (88 Stat. 77).

§ 91.2 Kinds of loans.

(a) Loans from the Indian Revolving Loan Fund shall be made to improve and promote economic development of Indian reservations. Loans may be made to eligible tribes and organizations for relending to members, associations of members and subordinate bands for any purpose which will promote the economic development of the group or individual; for purposes of obtaining college level education by individuals; or to finance tribal economic enterprises to be operated for profit, the operation of which will contribute to the improvement of the economy of a reservation. Eligible individual Indians may receive direct loans from the United States for financing economic enterprises, the operation of which, wherever located, contributes beneficially to the economy of a reservation and/or the members thereof, for the purchase or construction of housing on a reservation and to eligible Indians to attend institutions of higher learning to obtain a degree in a field which will provide employment opportunities. Loans may be made to finance attendance at recognized schools which will provide the applicant with specific skills in a field having employment opportunities. However, no loan shall be made if the applicant can obtain funding from other Federal or state programs or is able to obtain a grant from any source

in an amount sufficient to meet the applicant's needs.

(b) Loans may be made to eligible tribes and Indian organizations for use in attracting industries and economic enterprises to operate in localities where the operation will contribute to the economy of a reservation. Tribes and Indian organizations may receive loans from the revolving loan fund for investment in or lending to other organizations regardless of whether they are organizations of Indians. However, not more than 50 percent of the loan made to an Indian organization may be used for the purpose of making a loan to or investing in other organizations. Applications for loans to provide funds for lending to or investing in other organizations already in operation will be accompanied by (1) audited balance sheets and operating statements of the other organization for the immediate three preceding years; (2) pro forma operating statements reflecting the results of operations after injection of the additional funds; (3) names of owners or if a corporation and stock has been issued, names of major stockholders; (4) a copy of the articles of incorporation and bylaws, if incorporated; (5) names of members of the board of directors and officers with resume of education and experience; (6) purpose for which loan or investment will be used; and (7) if for manufacturing, selling or providing services, a market and capacity report will be prepared. If a proposed operation is to be established, the information in subparagraphs (2) through (7) of this paragraph will be furnished. The Commissioner may require additional information on the other organization, if needed, to adequately evaluate the benefits which the Indian organization will receive and the economic benefits which will accrue to a reservation. If the loan is for relending to another organization, the application must show what security is being offered. If the loan is for investment in other organizations, the equity to be obtained must be shown. Copies of all agreements, contracts or other documents to be executed by the Indian organization and the other organization in connection with a loan or investment are to be submitted with the application for a loan and will require Commissioner approval prior to disbursement of loan funds to the Indian organization unless an exception is approved by the Commissioner.

§ 91.3 Eligible borrowers.

Loans may be made from the revolving loan fund to tribes and eligible Indian organizations having a form of organization satisfactory to the Commissioner. Individual Indians who are members of tribes which are not making loans to its members and are not members of or eligible for membership in an organization which is making loans to its members are eligible for direct loans. Loans may be made to an applicant only when, in the judgment of the Commissioner, there is a reasonable prospect of repayment. Loans may be made only to applicants who, in the opinion of the Commissioner, are unable to obtain financing on reasonable terms and conditions from other sources such as banks, Farmers Home Administration, Small Business Administration, Production Credit Associations, Federal Land Banks or are unable to obtain guaranteed and insured loans pursuant to Part 93 of this chapter. The establishment of a United States direct revolving loan program on a reservation(s) for making direct loans to eligible Indians and cooperative associations organized by eligible Indians residing thereon will require the approval of the Commissioner. Requests by a Superintendent or tribe for the establishment of a direct revolving loan program will be accompanied by reasons for need, estimate of financing needs, and other sources of financing available to meet the needs. The Commissioner in approving a direct loan program may require the preparation and approval of a plan of operation for conducting the program.

§ 91.4 Applications.

An applicant for a loan will submit an application on a form approved by the Commissioner. Applications will indicate the purposes for which the loan is to be used, management experience of the applicant, current financial statements, budgets, the period of the loan, the security to be offered, and the procedures to be followed in handling and repaying the loan. Applications for loans and requests for advance of tribal trust funds for relending under the provisions of this part shall be accompanied by a declaration of policy and plan of operation or other acceptable plan for conducting the program. Applications for loans to establish, operate or expand an Indian-owned economic enterprise shall be accompanied by an enterprise application and agreement which will include a plan of operation. Declarations of policy and enterprise applications and agreements or other plans for conducting a relending program and economic enterprise operations require approval of the Commissioner before becoming effective.

§ 91.5 Approval of loans.

Loan agreements, including those used by tribes in a relending program, must be executed on a form approved by the Commissioner. The borrower will furnish security, if available, up to an amount adequate to protect the loan. On loans from the United States the Commissioner will approve the loan by issuing a commitment order covering the terms and conditions for making the loan.

§ 91.6 Modification of loans.

Any modification of the terms and provisions of a loan agreement must be agreed to in writing by the borrower and approved by the Commissioner. The borrower will submit a request for modification in writing. The request will indicate the section(s) of the loan agreement to be modified together with a justification. Requests for modification of loan agreements will include an agreement to abide by the provisions of the regulations in this Part 91 and future amendments and modifications thereof.

§ 91.7 Management and technical assistance.

Concurrent with the approval of a loan to finance an economic enterprise, either tribal or individual, the Commissioner will insure that competent management and technical assistance is available to the borrower consistent with the borrower's knowledge and experience and the nature and complexity of the economic enterprise being financed. Assistance may be provided by available Bureau of Indian Affairs staff, other government agencies including states, the tribe or other sources which the Commissioner considers competent to provide needed assistance. Fund limitations require that contracting for management and technical assistance be used only when adequate assistance is not available without cost. Contracts for providing borrowers with competent management and technical assistance shall be in accordance with applicable Federal Procurement Regulations.

§ 91.8 Environmental and Flood Disaster Acts.

Loans will not be approved unless there is assurance of compliance with any applicable provisions of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 975), the National Environmental Policy Act of 1969 (Pub. L. 91-190), 42 U.S.C. 4321 and Executive Order 11514.

§ 91.9 Preservation of historical and archaeological data.

The Commissioner will assure compliance with the applicable provisions of the Act of June 27, 1960 (74 Stat. 220; 16 U.S.C. 469), as amended by the Act of May 24, 1974 (Pub. L. 93-291, 88 Stat. 174), relating to the preservation of historical and archaeological data.

§ 91.10 Interest.

(a) The interest to be charged on loans by the United States shall be at a rate determined by the Secretary of the Treasury in accordance with Section 104, Title I of the Indian Financing Act of 1974 (P. L. 93-262, 88 Stat. 77). The interest rate shall be determined monthly and shall be effective on loans made during the succeeding calendar month. The interest rate shall be stated in the promissory note(s) executed by the borrower(s) evidencing the advance(s).

(b) Additional charges to cover loan administration costs may be determined and charged borrowers.

(c) Educational loans may provide for waiver of interest accruals while the borrower is in school or in the armed forces of the United States. Interest shall start on the first day of the month following one year from the date of completion of the educational course or receipt of a degree for which the loan was made. If the course is not completed, interest shall start on the first day of the month following the date the borrower drops out

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of school. For borrowers in the armed forces, interest will start on the first day of the month following discharge from service, or following completion of his initial enlistment term or four years whichever is less.

(d) The interest rate on loans made by Indian organizations which are conducting relending programs shall not be less than the rate the organization pays on its loan(s) from the United States. Organizations which adopt the same interest rate and follow the same procedure in calculating interest on educational loans as is followed on educational loans made by the United States will not be charged interest on loans from the United States on the amount outstanding on educational loans during the period the organization is not charging its borrowers interest.

(e) Interest rates on loan advances made by the United States as shown in promissory notes dated April 12, 1974, will remain in effect until the loan is paid in full or refinanced. Unless otherwise specifically provided in a loan contract, the interest rate on advances made after April 12, 1974, under the provision of a loan contract will be at a rate determined pursuant to section 104 of the Indian Financing Act of 1974. The interest rate on loans for expert assistance will be at a rate established in § 91.21(b).

§ 91.11 Records and reports.

Loan contracts between the United States and Indian organizations, cooperative associations and individual Indians for economic enterprises and to tribes and organizations for relending to members will require that borrowers establish and maintain accounting and operating records that are satisfactory to the Commissioner and submit signed reports as required by the Commissioner. The records, accounts, and loan files shall be available for examination and audit by the Commissioner at any reasonable time. Unless an exception is approved by the Commissioner, borrowers will be required to have an annual audit made of the records of relending programs, tribal economic enterprises and cooperative associations financed with revolving loan funds, by a certified public accountant or a firm of certified public accountants or other qualified public accountants satisfactory to the Commissioner.

§ 91.12 Security.

(a) Loans shall be secured by such security as the Commissioner may require.

(b) Land purchased by an individual Indian with the proceeds of a loan may be encumbered as security for a loan. Land purchased by a tribe or Indian organization with the proceeds of a loan with title taken in a trust or restricted status may not be encumbered as security for a loan.

(1) Title to any land purchased by a tribe or by an individual Indian with loan funds may be taken in trust or restricted status unless the land is located outside the boundaries of a reservation or a tribal consolidation area approved by the Secretary. Title to any land purchased by a tribe or an individual Indian which is outside the boundaries of a reservation or approved consolidation area may be taken in trust if the purchaser was the owner of trust or restricted interests in the land before the purchase. Otherwise title shall be taken in the name of the purchaser without any restrictions on alienation, control or use.

(c) Title to any personal property purchased with a loan shall be taken in the name of the purchaser.

(d) Any Indian organization receiving a loan from the revolving loan fund shall be required to assign to the United States as security for the loan all securities acquired in connection with the loans made to its members, sub-organizations or associations from such funds, unless the Commissioner determines that the repayment of a loan to the United States is otherwise reasonably assured. Funds advanced to finance a corporate or tribal economic enterprise shall be secured by an assignment of net income and net assets of the enterprise, unless the Commissioner determines that repayment of the loan to the United States is otherwise reasonably assured.

(e) Securing documents shall be filed or recorded in accordance with applicable state or Federal laws including compliance with the requirements of the Uniform Commercial Code except those customarily filed in Bureau of Indian Affairs offices.

§ 91.13 Maturity.

The maturity of any loan shall not exceed thirty years.

§ 91.14 Penalties on default.

Unless otherwise provided in the loan agreement, failure on the part of the borrower to conform to the terms of the loan agreement will be deemed grounds for any one or all of the following steps to be taken by the Commissioner.

(a) Discontinue any further advances of funds contemplated by the agreement.

(b) Take possession of any or all collateral given as security, and in the case of individuals and cooperative associations, the property purchased with borrowed funds.

(c) Prosecute legal action against the borrower or against officers of corporations, organizations, tribes or bands, credit associations and cooperative associations.

(d) Declare the entire amount advanced immediately due and payable.

(e) Prevent further disbursement of credit funds under the control of the borrower.

(f) Withdraw any unobligated funds from the borrower.

(g) In the case of organizations, tribes, and credit associations conducting a relending program, require that all repayments on loans be applied to liquidate the indebtedness to the United States.

(h) In the case of credit associations and tribes conducting relending programs, take possession of the assets of the borrower and exercise or arrange for the exercise of its power until the Commissioner has received acceptable assurance of its repayment of the loan and compliance with the provisions of the loan agreement.

(i) In the case of organization and tribal economic enterprises and cooperative associations, liquidate or operate or arrange for the operation of the enterprise or association until its indebtedness is paid or until the Commissioner has received acceptable assurance of its repayment and compliance with the loan agreement.

§ 91.15 Uncollectible loans.

If the Secretary determines that a loan is uncollectible in whole or in part or is collectible only at an unreasonable cost or when such actions would in his judgment be in the best interest of the United States, he may cancel, adjust, compromise, or reduce the amount of any loan or any portion of any loan made from the revolving loan fund. The Commissioner may adjust, compromise, subordinate or modify the terms of any mortgage, lease, assignment, contract, agreement or other document taken as security for loans. However, the cancellation of all or part of a loan shall be effective only after the following steps have been taken:

(a) The Secretary submits to the Congress a report on adjustments made during the preceding fiscal year with recommendations for cancellations for the current fiscal year.

(b) Congress by concurrent resolution approves the cancellation within sixty legislative days after receipt of the report and recommendations or,

(c) Congress does not take action approving or disapproving the cancellation within sixty legislative days after receipt of the report.

(47 Stat. 564 (25 U.S.C. 386a))

§ 91.16 Assignment of loans.

A borrower may not assign his loan agreement or any interest in it to a third party without the consent of the Commissioner.

§ 91.17 Tribal funds.

(a) Tribal trust funds may be advanced to tribes when authorized by Congress, requested by the governing body, and approved by the Commissioner for the establishment, operation or expansion of economic enterprises and for relending in accordance with paragraphs (b) and (c) of this section and § 91.18. No interest shall be paid to the United States on such funds. The Commissioner may require the tribe to prepare a plan of operation for the enterprise and a plan establishing the policies and procedures for making loans to members from tribal funds.

(b) Support loans may be made to old, indigent or disabled members and loans may be made for burial expenses of members when there is reasonable assurance that the loans will be repaid. Interest may be waived on such loans. These loans, unless otherwise authorized by the Commissioner, shall be accounted for separately by the tribe and administered under a separate plan of operation from the plans governing housing, business, education and agricultural loans.

(c) In order for individuals to be eligible for loans of tribal funds, they must be members of the tribe to which the funds belong.

(d) Failure of a tribe to use tribal funds advanced under paragraph (a) of this section in accordance with the regulations and purposes for which requested shall be grounds for any or all of the following steps to be taken by the Commissioner:

(1) Discontinue further advance of funds requested.

(2) Require that the entire amount advanced be returned to the Treasury.

(3) Prevent further disbursement of tribal funds in the account of an economic enterprise or tribal relending program under the control of the tribe.

(4) Withdraw any unobligated funds from the tribe and deposit the same in the Treasury.

(5) Require that all repayments on loans made by the tribe be used to replace funds advanced to the tribe from the Treasury.

(6) In the case of tribal economic enterprises operated with tribal funds, liquidate or operate or arrange for the operation of the enterprise until all tribal trust funds advanced to the tribe have been replaced in the tribe's Treasury account, or until the Commissioner has received acceptable assurance that the funds will be replaced or that the enterprise will be operated in a manner satisfactory to him.

§ 91.18 Relending by borrower.

(a) A tribe or credit association may relean funds loaned to it by the United States with the approval of the Commissioner. The Commissioner may authorize such lenders to approve applications for particular types of loans up to a specified amount.

(b) Loans shall be secured by such securities as the lender and the approving officer may require. Individually owned trust or restricted land may be mortgaged as security for such loans in accordance with 25 CFR 121.34 and the Act of March 29, 1956 (70 Stat. 62; 25 U.S.C. 483a). Securing documents shall be filed or recorded in accordance with State law, except those customarily filed at a Bureau of Indian Affairs office.

(c) Title to personal property purchased with loans received from relending organizations using revolving loan funds in its relending program shall be taken in the name of the borrower.

(d) The term of a loan made by an organization conducting a relending program shall not extend beyond the maturity date of its loan from the United States, unless the organization has funds available from which to make scheduled repayment on its loan from the United States.

(e) When an organization making loans to its membership from moneys borrowed from the United States rejects a loan application from an eligible member, the Commissioner may, in his discretion, make a direct loan from the revolving fund to the applicant if he determines that the rejection is unwarranted. In making this determination, the Commissioner will review in detail the reasons why the organization rejected the application; the soundness and feasibility of the applicant's proposal; and the applicant's repayment ability, industry and work habits.

§ 91.19 Repayments.

Repayments on loans by the United States shall be made to the designated collection officer of the Bureau of Indian Affairs who shall issue an official receipt for the repayment and deposit the collection in the revolving loan fund.

§ 91.20 Approval of articles of association and bylaws.

Articles of association and bylaws of credit and cooperative associations and amendments require approval of the Commissioner if they make application for a revolving credit loan.

§ 91.21 Loans for expert assistance.

(a) Loans may be made to Indian tribes to be used in obtaining expert assistance other than the assistance of counsel for the preparation and trial of claims pending before the Indian Claims Commission. Applications will be submitted on forms approved by the Commissioner. Loans will be approved by issuance of a commitment order by the Commissioner.

(b) Loans shall bear interest at the rate of 5½ percent per annum from the date funds are advanced until repaid.

(c) No loan shall be approved if the applicant has funds available on deposit in the United States Treasury or elsewhere in an amount adequate to obtain the expert assistance he needs or if, in the opinion of the Commissioner, the fees to be paid the experts are unreasonable on the basis of the services to be performed by them.

(d) Loan funds will be advanced only as needed to pay obligations incurred under approved contracts for expert assistance.

(e) The principal amount of the loan advanced plus interest shall be repayable from the proceeds of any judgment received by the borrower at the time funds from the award become available to make the payment.

(77 Stat. 301 (25 U.S.C. 70n–1 to 70n–7))

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74–20227 Filed 8–30–74;8:45 am]

[25 CFR Part 93]

LOAN GUARANTY, INSURANCE, AND INTEREST SUBSIDY

Proposed Establishment

AUGUST 27, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to add a new Part 93 to Subchapter I, Chapter I, of Title 25 of the Code of Federal Regulations. These regulations are proposed pursuant to the authority contained in section 218 of the Act of April 12, 1974 (88 Stat. 77).

The purpose of this new Part 93 is to prescribe the terms and conditions under which Indians may more fully avail themselves of the services offered by private money sources which otherwise would not be available to them. The program provides that private lending institutions may make loans to eligible tribes, Indian organizations and individual Indians that may be guaranteed or insured by the United States. The program also provides for interest subsidies on loans that are guaranteed or insured in amounts necessary to reduce the rates payable by the Indian borrower to the rate determined by the Secretary of the Treasury under Section 104 of Title I of the Indian Financing Act of 1974 (Pub. L. 93–262, 88 Stat. 77). Part 93 will enable Indians to obtain financing needed to develop and manage their reservation resources to a higher degree.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulations to the Director, Office of Tribal Resources Development, Bureau of Indian Affairs, Washington, D.C. 20245, on or before October 3, 1974.

It is proposed to add Part 93 to Subchapter I, Chapter I, of Title 25 of the Code of Federal Regulations to read as follows:

PART 93—LOAN GUARANTY, INSURANCE, AND INTEREST SUBSIDY

Sec.

93.1 Definitions.
93.2 Purpose.
93.3 Kinds of loans.
93.4 Management and technical assistance.
93.5 Preservation of historical and archeological data.
93.6 Environmental and flood disaster protection.
93.7 Eligible organizations.
93.8 Eligible individuals.
93.9 Eligible lenders.
93.10 Ineligible loans.
93.11 Guaranteed loans.
93.12 Insured loans.
93.13 Amount of guaranty.
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93.18 Furnishing additional information.
93.19 Approval of guaranteed loans.
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93.21 Modification of loan agreements.
93.22 Additional advances.
93.23 Increase in principal of loans.
93.24 Maturity.
93.25 Amortization.
93.26 Prepayments.
93.27 Amount of security.
93.28 Filing and recording.
93.29 Property purchased with loan funds.
93.30 Land.
93.31 Chattels.
93.32 Crop mortgages.

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Sec.
93.33 Assignments of income.
93.34 Restrictions.
93.35 Releases.
93.36 Default on guaranteed loans.
93.37 Default on insured loans.
93.38 Subrogated and assigned rights.
93.39 Cancellation.
93.40 Charges upon liquidation.
93.41 Interest.
93.42 Interest subsidy.
93.43 Premium charges.
93.44 Lender's service charges.
93.45 Late charge.
93.46 Loan servicing.
93.47 Restrictions on lenders.
93.48 Title to property purchased with loans.
93.49 Fraud or misrepresentation.
93.50 Loan guaranty and insurance fund.
93.51 Sale or assignment of guaranteed loans.
93.52 Records.
93.53 Suspension of lenders.
93.54 Probate.

AUTHORITY: Sec. 218, 88 Stat. 77.

§ 93.1 Definitions.

Whenever used in the regulations in this part, the terms defined in this section shall have the meanings stated:

(a) "Secretary" means the Secretary of the Interior.

(b) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(c) "Indian" means any person who is a member of any Indian tribe, band, group, pueblo or community which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs and any "Native" as defined in paragraph (d) of this section.

(d) "Native" means a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group.

(e) "Tribe" means any Indian tribe, band, group, pueblo, or community, including Native villages and Native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in paragraphs (f) and (g) of this section, which is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs.

(f) "Native village" means any tribe, band, clan, group, village, community, or association in Alaska listed in sections 11 and 16 of the Alaska Native Claims Settlement Act (85 Stat. 688), or which meets the requirements of this Act, and which the Secretary determines was, on the 1970 census enumeration date (as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance) composed of twenty-five or more Natives.

(g) "Native group" means any tribe, band, clan, village, community, or village association of Natives in Alaska composed of less than twenty-five Natives, who comprise a majority of the residents of the locality.

(h) "Reservation" includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act (85 Stat. 688).

(i) "Economic enterprise" means any Indian-owned, as determined by the Commissioner, commercial, industrial, or business activity established or organized for the purpose of profit, providing the eligible Indian ownership constitutes not less than 51 per centum.

(j) "Organization" means the governing body of any Indian tribe, as defined in paragraph (e) of this section, or entity established or recognized by such governing body for the purpose of this Act.

(k) "Other organizations" means any non-Indian individual, firm, corporation, partnership, or association.

(l) "Borrower" means the Indian organization or individual Indian receiving a guaranteed or insured loan.

(m) "Guaranty" means the obligation assumed by the United States to repay a specific percentage of a loan upon default of the borrower pursuant to the regulations in this Part 93.

(n) "Guaranteed loan" means a loan guaranteed by the United States pursuant to the regulations in this Part 93.

(o) "Insured loan" means a loan made pursuant to an agreement approved by the Commissioner with a financial institution, under which an obligation is assumed by the United States to indemnify the lender for a percentage of a loss on loans, pursuant to the regulations in this Part 93.

(p) "Premium" means the charge made to lenders for guaranteeing or insuring loans under provisions for reimbursement of lenders by the United States for a percentage of losses incurred.

(q) "Interest subsidy" means payments which may be made by the United States to lenders making insured or guaranteed loans to reduce the interest rate which borrowers pay the lenders to the rate established pursuant to section 104 of the Indian Financing Act of 1974 (88 Stat. 77).

(r) "Default" means failure of a borrower to make scheduled payments on a loan or to comply with the convenants, obligations, or terms of a loan.

§ 93.2 Purpose.

(a) The purpose of this Part 93 is to prescribe the terms, conditions and provisions under which loans made to eligible tribes, Indian organizations and individual Indians for financing economic enterprises which contribute beneficially to the economy of an Indian reservation, for housing on a reservation, or for education may be guaranteed or insured by the United States. Lenders are reimbursed for a percentage of a loss or losses incurred on loans made under the provisions of this Part, as evidenced by an approved guaranty certificate or insurance agreement.

(b) It is also the purpose of the part to prescribe procedures for payment of an interest subsidy to lenders making guaranteed or insured loans to reduce the interest to be paid by the borrowers, for establishing loan guaranty and insurance premiums to be charged, and for collection of the premium. This program will provide Indians with additional sources of financing needed to develop and manage their reservation resources to a higher degree.

§ 93.3 Kinds of loans.

(a) Loans to tribes, eligible Indian organizations, and Indian individuals for financing economic enterprises which contribute to the economy of a reservation or its members or for housing on a reservation to be occupied by the borrower may be guaranteed or insured. Loans for educational purposes may be guaranteed or insured only when other sources of financing, including scholarships or grants or loans from the revolving loan fund made under Part 91 of this chapter, are not available.

(b) Loans to tribes and organizations for the purchase of land may be guaranteed or insured only for purchasing land within the exterior boundaries of a reservation or land outside the exterior boundaries of a reservation which will be used by the borrower and/or its members for an economic enterprise and the use of which will contribute to the economy of a reservation. Loans to individuals for the purchase of land may be guaranteed or insured only for purchasing trust land in which the borrower owns an interest or land within the exterior or outside the boundaries of a reservation to be used by the borrower in operating an economic enterprise which will contribute to the economy of a reservation. The Commissioner may require an applicant for a guaranteed or insured loan for the purchase of land to provide information showing that financing from other sources is not available on reasonable terms and conditions. Title to land purchased with a guaranteed or insured loan may be taken in trust or restricted status unless the land is located outside the boundaries of a reservation or a tribal consolidation area approved by the Secretary. Title to any land purchased by a tribe or an individual Indian which is outside the boundaries of a reservation or approved consolidation area may be taken in trust if the purchaser was the owner of trust or restricted interests in the land before the purchase. Otherwise title shall be taken in the name of the purchaser without any restrictions on alienation, control or use.

(c) Funds included in loans for the purchase of non-recoverable items, furniture, passenger carrying automobiles, trucks or pickups, televisions, radios, and household appliances are not eligible

for guaranty or insurance unless required in the direct operation of an economic enterprise. Funds included in loans for payment of personal bills or obligations and unsecured debts are not eligible for guaranty or insurance.

(d) No loans will be guaranteed or insured for the financing of a relending program.

§ 93.4 Management and technical assistance.

(a) Concurrent with the issuance of a guaranty certificate for a loan to finance an economic enterprise, either tribal or individual, the Commissioner will insure that competent management and technical assistance is available to the borrower consistent with the borrower's knowledge and experience and the nature and complexity of the economic enterprise being financed. Assistance may be provided by available Bureau of Indian Affairs staff, other government agencies including states, a tribe, or other sources which the Commissioner considers as competent to provide the needed assistance. It is intended that contracting for management and technical assistance be used only when adequate assistance is not available without cost. Contracts for providing borrowers with competent management and technical assistance shall be in accordance with applicable sections of the Federal Procurement Regulations.

(b) When submitting to the Commissioner a request for guaranty or insurance of a loan to finance an economic enterprise, a lender will include, as part of the request or separately, its evaluation of the applicant's need for management and technical assistance, specific areas of need, and whether the lender will provide such assistance to the applicant. A lender making loans under the provisions of a general insurance agreement may determine each applicant's need for management and technical assistance when financing of an economic enterprise is involved. If, subsequent to making a loan, the lender determines that an applicant will need management and technical assistance, it will notify the Commissioner in writing indicating the specific areas of need, and whether it will provide such assistance.

§ 93.5 Preservation of historical and archeological data.

Lenders making guaranteed or insured loans to finance activities involving excavations, road construction, and land development or involving the disturbance of land on known or reported historical or archeological sites will take appropriate action to assure compliance with applicable provisions of the Act of June 27, 1960 (74 Stat. 220; 16 U.S.C. 469), as amended by the Act of May 24, 1974 (Pub. L. 93-291, 88 Stat. 174), relating to the preservation of historical and archeological data.

§ 93.6 Environmental and flood disaster protection.

Applications for loans to purchase or construct buildings or other improvements which require compliance with any provisions of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 975), and provisions of the National Environmental Policy Act of 1969 (Pub. L. 91-190) will not be approved until the lender has received assurance of compliance with any applicable provisions of these acts.

§ 93.7 Eligible organizations.

Tribes and organizations having a form of organization satisfactory to the Commissioner, recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs, and indicating reasonable assurance of repayment of a loan are eligible for guaranteed or insured loans.

§ 93.8 Eligible individuals.

Indians who are members of tribes recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs which are not making loans to its members and who are not members of or eligible for membership in an organization which is making loans to its members are eligible for guaranteed or insured loans.

§ 93.9 Eligible lenders.

(a) Those financial institutions subject to examination and supervision by an agency of the United States, a State, or the District of Columbia having the capacity to evaluate, process, disburse and service loans and Indian tribes making loans from their own funds to other tribes or organizations of Indians are eligible to have loans insured under these regulations. Loans made by any lender satisfactory to the Commissioner may be guaranteed. Any national bank or federal savings and loan association, or any bank, trust company, building and loan association, or insurance company authorized to do business in the District of Columbia may make any loan of which at least 20 percent is guaranteed under this Part 93 without regard to the limitations and restrictions of any other Federal statute with respect to (1) ratio of amount of loan to the value of the property, (2) maturity of loans, (3) requirement of mortgage or other security, (4) priority of lien, or (5) percentage of assets which may be invested in real estate loans.

(b) Any guaranty certificate issued pursuant to this part or any loan insured pursuant to an agreement with a lender approved in accordance with this part shall be conclusive evidence that the loan was eligible for guaranty or insurance.

§ 93.10 Ineligible loans.

The following loans are not eligible for guaranty or insurance under these regulations:

(a) Loans made by any agency or instrumentality of the Federal Government.

(b) Loans made by an organization of Indians making loans from funds borrowed from the United States.

(c) Loans where the interest income is not included as taxable income under Chapter 1 of the Internal Revenue Code of 1954, as amended.

(d) Loans with repayment terms exceeding thirty years.

§ 93.11 Guaranteed loans.

Loans, except those excluded in § 93.10, made by any lender satisfactory to the Commissioner may be guaranteed. Applications for guaranty will be considered on a loan by loan basis. No guaranty shall be effective until issuance of a guaranty certificate by the Commissioner and receipt of the premium from the lender. A guaranty certificate shall be issued only when, in the judgment of the Commissioner, there is reasonable prospect for repayment of the loan.

§ 93.12 Insured loans.

Eligible lenders as prescribed in § 93.9 and tribes making loans from their own funds to other tribes or Indian organizations may make insured loans, except those excluded in § 93.10, pursuant to the provisions of an insurance agreement between the Commissioner and the lender on a form of agreement approved by the Commissioner. Lenders will make loans only when there is reasonable prospect for repayment. The insurance on any loan made under the provisions of an insurance agreement will not be effective until receipt of the premium by the Commissioner.

§ 93.13 Amount of guaranty.

(a) The percentage of a loan that is guaranteed shall be the minimum necessary to obtain financing for an applicant, but may not exceed 90 percent of the unpaid principal and interest on any guaranteed loan. The liability under the guaranty shall increase or decrease pro rata with any increase or decrease in the unpaid portion of the principal amount of the obligation. No loan to an individual Indian may be guaranteed for an unpaid principal amount in excess of $100,000. No loan to an individual Indian will be guaranteed for a principal amount of less than $2,500 or for a term of less than one year. No loan to a tribe or Indian organization will be guaranteed for a principal amount less than $10,000 or for a term of less than one year.

(b) Applications of minors as determined by applicable state and Federal law, may not be approved unless the parents or guardians, with reputations as being responsible individuals, co-sign the promissory note(s) and securing document. Not more than one guaranteed loan may be in effect with the same borrower at any time without the prior approval of the Commissioner.

§ 93.14 Amount of insurance.

(a) The insurance provisions will apply to loans made by a particular lender under the terms of an insurance agreement entered into between the Commissioner and the lender. The insurance procedure will be used primarily for loans to finance individual Indians and small

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economic enterprises of tribes and Indian organizations. A lender may be reimbursed for a loss on a particular loan in an amount not to exceed 90 percent of the loss on principal and unpaid accrued interest on the loan. However, the total reimbursement to a lender for losses may not exceed 15 percent of the aggregate of insured loans made by it. Loans for any amount made by tribes from their own funds to other tribes or Indian organizations will not be insured without the prior approval of the Commissioner. No loan to finance an economic enterprise with a principal amount in excess of $50,000 shall be insured without the prior approval of the Commissioner. No loan to an individual Indian may be insured which would cause the total unpaid principal amount to exceed $100,000. Any loan to an individual Indian having a principal amount in excess of $50,000 will require prior approval of the Commissioner. No loan to an individual with a principal amount of less than $2,500 or for a term of less than one year may be insured. No loan to a tribe or Indian organization for a principal amount of less than $10,000 or for a term of less than one year may be insured.

(b) Applications of minors may not be approved unless the parents or guardians, with reputations as being responsible individuals, co-sign the promissory note(s) and securing documents. Not more than one insured loan may be in effect with the same borrower at any time without the prior approval of the Commissioner.

§ 93.15 Applications for loans.

Applicants will deal directly with lenders for both guaranteed and insured loans. The form of loan application will be determined by the lender. The application or attachment thereto must show the purpose and the amount of the loan; security to be given; insurance to be carried; interest rate; repayment schedules; repayment source; how title to property purchased with the loan is to be taken; current financial statements of the applicant; description and dollar value of the personal investment to be made by the applicant; charges pursuant to § 93.44, pro forma operating statements and cash flow statements for at least three succeeding years; if already in operation, balance sheets and operating statements for the two preceding years; and the lender's evaluation of the economic feasibility of the enterprise. Applications for guaranteed loans will also show the percentage of guaranty requested. Reasonable assurance of repayment will be considered to exist:

(a) In the case of individuals, where past operations and future prospects of the applicant's operations demonstrate ability to repay the loan from production, earnings, or other assets. Full consideration will be given to the applicant's managerial ability and experience.

(b) In the case of tribes and Indian organizations, where past operations or future plans of operation indicate that the economic enterprise for which financing is requested is economically sound. Full consideration will be given to arrangements for efficient management of the enterprise for which financing is requested. The Commissioner may require that a written plan of operation for enterprises be prepared and approved by the organization, the lender and the Commissioner.

§ 93.16 Loan otherwise available.

In order to be eligible for either guaranteed or insured loans which require individual approval, applicants are required to show as evidenced by rejection letters from other sources, that financing is not otherwise available on reasonable terms and conditions, and that there is reasonable assurance of repayment of the loan. A lender making loans under the provisions of an insurance agreement approved by the Commissioner will determine that financing is not otherwise available on reasonable terms and conditions without the benefit of the insurance.

§ 93.17 Refinancing.

(a) Applications for loans to refinance indebtedness will be approved only if justified and required due to the applicant's financial position and is clearly to the advantage of the applicant. Applications to refinance loans to economic enterprises will include balance sheets and operating statements for the past three years or from the start of the business if it has been operating less than three years.

(b) Applications for refinancing of loans not guaranteed or insured under this part will not be approved for guaranty or insurance if, in the opinion of the Commissioner, the submittal of an application is motivated primarily to obtain guaranty or insurance of a loan which otherwise would be made.

§ 93.18 Furnishing additional information.

The Commissioner may require either the lender or the borrower or both to furnish additional information or justification for a loan prior to issuance of a guaranty certificate or insurance agreement where Commissioner approval of an individual insured loan is required.

§ 93.19 Approval of guaranteed loans.

(a) Upon a lender's approval of an application for a guaranteed loan, the lender will forward the application in duplicate to the Commissioner with a "Request for Guaranty". The Commissioner will approve the application by issuance of a "Guaranty Certificate" which will show the percentage amount of the loan guaranteed, the premium to be paid to the Commissioner and the interest subsidy to be paid on the loan by the United States.

(b) If the application is not approved, the original will be returned to the lender with an explanation, and a copy furnished the loan applicant.

§ 93.20 Approval of insured loans.

After a lender approves a loan eligible for insurance in accordance with an approved insurance agreement, the lender will proceed as authorized by the agreement. Applications for insured loans which require approval by the Commissioner as prescribed in § 93.14 will be forwarded in duplicate to the Commissioner with a "Request for Insurance" signed by the lender. The Commissioner will approve the application by issuance of an "Insurance Agreement". If the application is not approved, the original will be returned to the lender with an explanation.

§ 93.21 Modification of loan agreements.

Both guaranteed and insured loan agreements may be modified with the approval of the parties to the original loan agreements. Repayment terms may not be extended more than 30 years from the date of the first advance. All lenders making loans under the provisions of an insurance agreement shall notify the Commissioner not later than 15 days after approval of a modification of a loan. Modification of guaranteed loans require approval by the Commissioner. Modification of insured loans on which an individual insurance agreement was issued require approval by the Commissioner.

§ 93.22 Additional advances.

When provided for in a loan agreement and subject to the limitations on the amounts and terms of loans as provided in this Part, lenders may advance, for certain purposes, up to 10 percent of the amount for which a guaranteed or insured loan to an individual was approved originally. The advance may be made for purposes necessary and proper for the maintenance or repair of the property purchased with or given to secure the loan; for accrued taxes, special assessments, ground and water rents, and insurance premiums; and for any other purposes necessary for the protection of the interest of the lender or borrower, if the borrower is unable to provide the funds or refuses to do so. The additional advance will be charged against the borrower; however, the unpaid principal balance on the loan may not exceed the limitations prescribed in §§ 93.10, 93.13 and 93.14. Repayment of the additional advance shall be automatically guaranteed or insured at the same percentage as applied to the original amount of the loan upon the Commissioner receiving notice from the lender that an additional amount has been advanced and the necessity and purpose(s) of the advance with the payment of the premium for the additional amount pursuant to § 93.43. The amount of any additional advance shall be scheduled for repayment proportionately over the remaining installments of the unpaid principal balance of the loan. The interest rate charged on an additional advance as provided in this section will be the same rate as charged on the original loan or a lesser rate if the current rate being charged by the lender for similar purposes is less than the rate for the original loan.

§ 93.23 Increase in principal of loans.

Borrowers requiring additional funds may refinance guaranteed or insured loans with the same lender. The application must show why refinancing is necessary and that the refinancing meets the requirements of this part. Refinancing of loans must meet all of the requirements of original loans.

§ 93.24 Maturity.

The period of maturity of guaranteed and insured loans will be determined according to the circumstances, but may not extend beyond 30 years from the date of the first advance. All maturities will be consistent with sound business practices and customs of lenders in the area. Loans will be scheduled for repayment at the earliest possible date consistent with the purposes for which the loan is made and the indicated repayment capacity of the borrower.

§ 93.25 Amortization.

(a) All loans, the maturity of which extends five years or more beyond the date of the first advance, shall be amortized in accordance with any generally recognized plan of amortization for loans made by lenders in the area for the same purpose(s). Depending on the term and amount of the loan, principal installments during the first five years of a loan may be deferred or reduced. After that time a principal reduction shall be required not less than annually. The reduction shall bear a proper relationship to the borrower's anticipated income and expenses and projection of income available for debt reduction. Balloon installments will be avoided.

(b) Loans, the maturity of which is five years or less from the date of the first advance, need not require a principal reduction annually but the repayment schedule must bear a proper relationship to the borrower's anticipated income and expenses and funds available for loan repayment.

§ 93.26 Prepayments.

Borrowers whose loans are guaranteed or insured under this Part 93 shall have the right to prepay all or any part of the indebtedness at any time without penalty. Lenders and borrowers may agree that any prepayment not previously applied in satisfaction of matured installments may be reapplied to cure or prevent any subsequent default. The Commissioner shall be notified promptly by the lender when payments are made in advance of due dates.

§ 93.27 Amount of security.

Lenders will require borrowers to give security, if available, up to an amount adequate to protect the loan, without consideration of the guaranty or insurance.

§ 93.28 Filing and recording.

(a) All securing documents, except assignments of income from trust land and mortgages on documented vessels, shall be filed or recorded in the appropriate county or other public office in accordance with State law. Mortgages on documented vessels will be filed at the Customs House designated as the home port of the vessel as shown on the marine document. Security interests in personal property will be perfected in accordance with the provisions of Article 9 of the Uniform Commercial Code in States in which the code has been adopted.

(b) Lenders are responsible for filing a copy of assignments of income from trust land in the office of the Bureau of Indian Affairs official having jurisdiction over the trust land involved and for filing or recording other securing instruments pursuant to the laws of the State in which the property is located or in the proper Customs House. Lenders must also see that: (1) Effective liens are maintained at all times; (2) taxes on the property included in the securing instruments are paid promptly to prevent such taxes from becoming a lien taking priority over a mortgage; and (3) insurance is obtained and maintained in an amount sufficient to protect the security against the risks or hazards to which it may be subjected, to the extent customary in the locality. Failure of a lender to discharge any of these responsibilities will diminish the amount of the guaranty or insurance to the extent of any loss caused by the lender's failure unless there are extenuating circumstances which in the judgment of the Commissioner does not justify a reduction of the amount guaranteed or insured.

§ 93.29 Property purchased with loan funds.

Lenders will require that any property purchased with a guaranteed or insured loan, except land purchased by a tribe title to which is taken in a trust or restricted status, be mortgaged to the lender as security for the loan, unless the loan is otherwise adequately secured.

§ 93.30 Land.

(a) Tribes, organizations and Indian individuals may execute mortgages or deeds of trust on nontrust or unrestricted land as security without the approval of any Federal official.

(b) Tribal land, title to which is in a trust or restricted status, may not be mortgaged. Individually-owned trust or restricted land may be mortgaged as security with the approval of the Commissioner. Mortgages on trust or restricted land shall be subject to foreclosure or sale pursuant to the terms of the mortgage. For the purposes of any foreclosure or sales proceedings, the owner shall be regarded as vested with an unrestricted fee simple title to the land. The United States shall not be a necessary party to the proceedings. Any conveyance of the land pursuant to the proceedings shall divest the United States of title to the land.

(c) Tribes, organizations and Indian individuals leasing trust or restricted land may, when provided in the lease and approved by the lessor and the Commissioner, encumber their leasehold interest in the leased premises for the purpose of borrowing capital for the development and improvement of the leased premises. (70 Stat. 82 (25 U.S.C. 4832))

§ 93.31 Chattels.

Tribes, organizations and Indian individuals may execute mortgages on nontrust and unrestricted chattels as security without the approval of any Federal official. If a lender requires, the Commissioner may approve mortgages of trust or restricted chattels given to secure guaranteed or insured loans. A tribe must adhere to the provisions of its constitution, bylaws, charter, or other organizational document in encumbering chattels. Encumbered chattels shall be subject to foreclosure or sale pursuant to the terms of the mortgage or security agreement in accordance with the laws of the State in which the chattels are located.

§ 93.32 Crop mortgages.

Crops grown on trust or restricted land, both tribally and individually-owned, may, prior to severance from the land, be mortgaged as security with the approval of the lessor and the Commissioner. Crops grown on trust or restricted land after severance from the land and crops grown on nontrust and unrestricted land may be mortgaged as security without the approval of any Federal official.

§ 93.33 Assignments of income.

(a) A Tribe or organization may execute assignments of trust income from specific sources as security for loans, pursuant to authorization in its constitution, bylaws, charter, or other organization papers. Tribes may not execute general assignments of trust income as security for loans. Assignments of trust income require approval by the Commissioner before becoming effective.

(b) Assignments of income from the trust or restricted land of an Indian individual may be executed as security for loans with the approval of the Commissioner. However, restricted land of heirs or devisees of members of the Five Civilized Tribes of Oklahoma is subject to the jurisdiction of Oklahoma State courts under the Act of August 4, 1947 (61 Stat. 73).

§ 93.34 Restrictions.

Unless the security for a loan requires approval of a Federal official, no restrictions shall be placed by any official upon the security that may be given for a loan. Lenders will use caution to make certain that the security taken is unencumbered. Lenders will follow as prudent procedures as would be followed if the borrower were a non-Indian or a non-Indian organization.

§ 93.35 Releases.

Lenders may release security given for loans when payments on the loans are made, the amount owing is reduced and the release is in accordance with the policies of the lender when releasing security for loans which are not guaranteed or insured. Releases of security involving trust income, trust or restricted land and security which involves a major portion of the security given for a loan will require prior approval by the Commissioner.

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§ 93.36 Default on guaranteed loans.

Within 21 days after the occurrence of a default, the holder of a guaranty certificate shall notify the Commissioner by certified or registered mail showing the name of borrower, guaranty certificate number, amount of unpaid principal owing, amount of principal delinquent, amount of interest accrued and unpaid to date of notice, amount of interest delinquent at time of notice, and other failure of borrower to comply with other provisions of the loan agreement. Within 45 days after default on a loan, the holder of a guaranty certificate shall proceed as prescribed in either paragraph (a), (b), or (c) of this section unless an extension of time is requested and approved by the Commissioner. The request for an extension of time shall explain the reason why a delay is necessary and the estimated date on which action will be initiated. Failure of a certificate holder to proceed with action within 45 days or the date to which an extension is approved by the Commissioner shall cause the guaranty certificate to cease to be in force or effect. If the Commissioner is not notified of the failure of a borrower to make a scheduled payment or of order default within the required 21 days, the Commissioner will proceed on the assumption that the scheduled payment was made and the loan agreement is current and in good standing. The Commissioner will then decrease the amount of the guaranty pro rata by the amount of the due installment and the lender will have no further claim for guaranty as it applies to the installment, except for the interest subsidy which may be due.

(a) The guaranty certificate holder may make written requests that payment be made pursuant to the provisions of the guaranty certificate. If the Commissioner finds that a loss has been suffered, he shall pay to such holder the pro rata portion of the amount guaranteed including unpaid interest.

(b) The borrower and the guaranty certificate holder may agree upon an extension of the repayment terms or other forbearance for the benefit of the borrower. Certificate holders may extend all reasonable forbearance if a borrower becomes unable to meet the terms of a loan. However, such forbearance will not be extended if it will increase the likelihood of a loss on a loan. Agreements between a certificate holder and a borrower shall be in writing and will require approval by the Commissioner.

(c) The certificate holder may advise the Commissioner in writing that suit or foreclosure is considered necessary and proceed to liquidate the security to the extent feasible. On completion of foreclosure, if the Commissioner determines that a loss has been suffered, he will reimburse the lender the pro rata portion of the amount guaranteed. A guaranty certificate holder will submit a claim for reimbursement for losses on a form furnished by the Commissioner and will furnish any additional information needed to establish the amount of the claim. On reimbursement of a lender or guaranty certificate holder for the pro rata amount of the loss guaranteed as provided in the guaranty certificate, the lender will subrogate its rights and interest in the loan to the United States and assign the loan, obligations and security for the loan to the United States. The lender shall have no further claim against the United States or the borrower. The Commissioner may establish the date on which accrual of interest or charges shall cease. This date may not be later than the date of judgment and decree of foreclosure or sale. The Commissioner will take any action necessary to protect the interest of the United States. Any collections or proceeds from the liquidation of security shall be for the account of the United States up to the amount paid on the guaranty and other costs incurred in protecting, managing, and disposing of the collateral. Collections will be deposited in the loan guaranty and insurance fund established pursuant to this Part 93.

§ 93.37 Default on insured loans.

Within 21 days after the occurrence of a default of a loan made under the provisions of an insurance agreement, the lender shall notify the Commissioner by certified or registered mail giving the name of the borrower, insurance agreement number, amount of unpaid principal, amount of delinquent principal, accrued interest unpaid to date of notice, amount of delinquent interest and description of default. Within 45 days after default on an insured loan, the lender shall proceed as prescribed in paragraphs (a) or (b) of this section unless it has requested, and the Commissioner has approved, an extension of time. A request for an extension of time will explain the necessity for an extension and the estimated date on which action will be initiated. Failure of the lender to proceed within 45 days or the extended time approved by the Commissioner, will be grounds for the Commissioner to terminate the loan insurance on the loan involved.

(a) The lender and borrower may agree upon an extension of the repayment terms of a loan or other forbearance for the benefit of the borrower. However, such forebearance will not be extended if it will increase the likelihood of a loss on a loan. Insured loans made under the provisions of a general insurance agreement authorizing a lender to make loans under the terms prescribed in the agreement will not require Commissioner approval of agreements made by the lender and borrower. The lender shall immediately notify the Commissioner within 15 days of changes made in the agreement. Insured loans made which required the issuance of a separate insurance agreement by the Commissioner will require Commissioner approval of changes in the provisions of such loans.

(b) If an insured lender determines that proceeding under paragraph (a) of this section is contrary to its customary lending practices and requirements or sound lending practices or is not in the interest of a borrower, it will be required to exhaust all reasonable efforts to collect the loan and to liquidate the security to the fullest extent feasible before submitting a claim for reimbursement of a loss.

(c) If a lender proceeds under the provisions of paragraph (b) of this section and suffers a loss, a portion of which is insured, it may submit a claim for reimbursement on a form furnished by the Commissioner and will furnish any additional information needed to establish the amount of the claim. Claims will be submitted to the Commissioner within 30 days after completion of the procedures prescribed in this section. All claims shall be accompanied by evidence showing that all reasonable efforts to collect the loan have been exhausted and that security given for the loan has been liquidated to the extent feasible. If the Commissioner agrees that a loss has occurred, he will reimburse the lender pursuant to the terms of the approved insurance agreement under which the loan was insured. Upon reimbursement by the Commissioner to the lender in whole or in part for the loss insured, the note and security for the loan or judgment evidencing the debt shall be assigned to the United States. The lender shall have no further claim against the United States or the borrower. The Commissioner will then take such further collection action as may be warranted. The Commissioner may establish a date upon which accrual of interest or charges shall cease.

§ 93.38 Subrogated and assigned rights.

The Commissioner will take such action as he deems appropriate to realize the maximum recovery upon the rights to which the United States is subrogated and the security assigned to the United States. Any amount collected will be deposited in the loan guaranty and insurance fund.

§ 93.39 Cancellation.

The Secretary may cancel the uncollectible portion of any obligation assigned to the United States or rights to which the United States is subrogated. However, the cancellation of all or part of a loan shall be effective only after the following steps have been taken:

(a) The Secretary submits to the Congress a report on adjustments made during the preceding fiscal year with recommendations for cancellations for the current fiscal year.

(b) Congress by concurrent resolution approves the cancellation within sixty legislative days after receipt of the report and recommendations or;

(c) Congress does not take action approving or disapproving the cancellation within sixty legislative days after receipt of the report.

(47 Stat. 564 (25 U.S.C. 386a))

§ 93.40 Charges upon liquidation.

Lenders may charge the following against the gross amounts collected from the sale of security in determining the amounts to be claimed under a guaranty certificate or insurance agreement:

(a) Reasonable and necessary expenses for preservation of the security;

(b) Court and attorney costs in a foreclosure or proper judicial proceeding, involving the security.

(c) Other reasonable expenses necessary for collecting the debt or for repossession, protection, and liquidation of the security.

(d) Other expenses or fees approved in advance by the Commissioner.

(e) Accrued unpaid interest to the date of judgment and decree of foreclosure or sale, or the date established by the Commissioner that accrued interest shall cease pursuant to §§ 93.36 and 93.37 may be paid from the proceeds of the sale of security.

§ 93.41 Interest.

Interest rates charged by lenders on guaranteed and insured loans, exclusive of premium charges for guaranty or insurance of loans and service charges, if any, shall not exceed such percent per annum on the principal obligation outstanding as the Commissioner determines to be reasonable and legal at the time a loan is guaranteed or insured, taking into account the range of rates prevailing in the private market for similar loans and the risks assumed by the United States. Each loan shall show the rate of interest to be charged. Interest shall be payable at least annually. Once a loan is closed, the interest rate may not be increased even though the lender increases the rate on new loans. Lenders may not charge interest on funds used for payment of premiums or for loan charges.

§ 93.42 Interest subsidy.

(a) The Commissioner will pay an interest subsidy to the lenders on loans which are guaranteed or insured under this Part at rates which are necessary to reduce the interest rate payable by the borrowers to a rate determined in accordance with Section 104 of the Indian Financing Act of 1974 (Pub. L. 93-262, 88 Stat. 77). The rate of interest subsidy will be established by the Commissioner at the time of issuance of a guaranty certificate or insurance agreement on loans requiring approval by the Commissioner. The rate will be in effect during the term of the loan.

(b) The lender shall notify the Commissioner within twenty days after making an insured loan or modifying a loan under the provisions of a general insurance agreement and provide the following information:

(1) Name and address of borrower.
(2) Tribal affiliation of borrower.
(3) Amount of loan and purpose(s).
(4) Repayment schedule.
(5) Interest rate charged borrower.
(6) Date(s) funds were advanced.

After receiving notice from the lender, the Commissioner will establish the interest subsidy rate and notify the lender of the rate established. The interest subsidy rate established by the Commissioner will remain in effect for the term of the loan for which the interest subsidy rate is established. The Commissioner may establish procedures requiring lenders to provide reports which will expedite the prompt payment of interest subsidies. Interest subsidies will be paid annually or semi-annually depending on the time interest is scheduled to be paid and as near the due date as feasible but not before. Lenders shall notify the Commissioner promptly when borrowers pay interest or principal in advance of the due date(s) provided in the loan agreement.

§ 93.43 Premium charges.

(a) A premium will be charged lenders annually on the unpaid principal balance of guaranteed and insured loans at a rate established by the Commissioner. The Commissioner will establish the premium rate to be charged on guaranteed and insured loans made during a specified period of time and will notify lenders of the rate which will be charged during the period established. By advance written notice to lenders making guaranteed or insured loans, the Commissioner may change or continue the rate established for the preceding period. The premium rate established for loans made during a given period of time will remain in effect for the duration of the loan. In his discretion, the Commissioner may require a change in the premium rate on refinanced guaranteed and insured loans to the rate in effect at the time of refinancing.

(b) The first premium shall be remitted to the Commissioner by the lender when the loan is closed. The guaranty or insurance of a loan will not be effective until the Commissioner receives the premium. Premiums will be deposited in the Loan Guaranty and Insurance Fund pursuant to § 93.51. On each anniversary of a loan the lender will remit the premium on the unpaid balance of principal to the Commissioner. The guaranty or insurance shall cease to be effective if the premium is not received by the Commissioner within 30 days of the loan anniversary date unless a longer period, not to exceed 60 days, is authorized by the Commissioner.

§ 93.44 Lender's service charges.

Lenders may charge borrowers reasonable fees for appraisers and compliance inspections; for lien searches and filing and recording; for tax assessments and similar items necessary to protect the integrity of loan property; for insurance premiums, survey costs, title examinations and insurance; and for such other charges as may be authorized by the Commissioner at the time a loan is made. Service charges, if any, may be paid from the proceeds of a guaranteed or insured loan when authorized in the loan agreement if the borrower cannot pay the charges from his own funds. Service charges included in a loan may not bear interest pursuant to § 93.41.

§ 93.45 Late charge.

Lenders may assess borrowers a late charge on any loan installment, principal only, received more than 30 days after its due date if the loan agreement at the time of approval contains an authorization to this effect. The rate shall be specified in the loan agreement. The amount of late charges assessed may not be guaranteed or insured. Interest may not be charged on late charges.

§ 93.46 Loan servicing.

The guaranty or insurance of a loan by the Commissioner and issuance of an insurance agreement will be based on the requirement that adequate loan servicing will be performed by the lender. Loan servicing will be without cost to the borrower, unless the Commissioner authorizes a charge at the time the loan is made pursuant to § 93.44. Authorizations for such charges shall be in writing and included in the loan agreement. Lenders are expected to follow accepted standards employed by prudent lenders in servicing similar type loans. In servicing loans, lenders will make every effort to prevent and minimize potential losses. Lenders will require borrowers to use loan proceeds only for the purposes for which the loans were approved. Unless approved by the Commissioner, any amounts disbursed for purposes other than those provided in the loan agreement shall be excluded in computing the amount for which the lender may be reimbursed in the event of a loss on loans.

§ 93.47 Restrictions on lenders.

Loan agreements shall not provide that the lender shall have the right to declare the indebtedness due, or to pursue one or more legal remedies, if the lender "shall feel insecure". This restriction shall not prevent a lender from taking action against a borrower due to any act or omission on the part of the borrower which, by the terms of a note, mortgage, or other loan document, would allow the lender to declare a loan in default, nor to take action to minimize the loss on a loan.

§ 93.48 Title to property purchased with loans.

Title to personal property purchased with a guaranteed or insured loan shall be taken in the name of the borrower unrestricted. Title to land purchased with a guaranteed or insured loan may be taken pursuant to § 93.3. Transactions involving taking title to land purchases in trust or restricted status require approval of the Commissioner.

§ 93.49 Fraud or misrepresentation.

There shall be no liability on account of a guaranty or insurance of a loan if signature to a note, mortgage, or any other is a forgery; if any other paper is a forgery; or if any material misrepresentation is contained in the application or supporting papers except as to a purchaser, assignee, or transferee of a guaranteed loan who acquired the loan before maturity for value and who has not directly or by agent participated in the fraud or misrepresentation. The burden of proof is upon the lender to show that there was no willful misrepresentation or fraud.

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§ 93.50 Loan guaranty and insurance fund.

The loan guaranty and insurance fund shall be utilized for all loan guaranty and insurance operations pursuant to the regulations in this Part 93. All receipts from operations including premium charges shall be deposited in this fund. All disbursements incident to administering guaranteed and insured loans shall be made from this fund. All cash, claims, notes, mortgages, contracts, and property acquired by the Secretary under this Part 93 shall constitute assets of the fund. All liabilities and obligations of such assets shall be liabilities and obligations of the fund.

(a) The Commissioner will design an accounting system that will reflect at all times the financial condition of the fund and the results from its operation.

(b) Interest subsidies paid by the Commissioner pursuant to § 93.42 shall be paid from the loan guaranty and insurance fund and charged against an "interest subsidy account" as an expense of the fund.

§ 93.51 Sale or assignment of guaranteed loans.

Any guaranteed loan, including the security and guaranty certificate, may be sold, assigned, or transferred by the lender to any financial institution that is subject to examination and supervision by an agency of the United States, a State or the District of Columbia. The institution acquiring the loan shall notify the Commissioner in writing within 30 days after acquisition. The notice will give the name of the borrower, the certificate number, the amount of principal and interest unpaid on the loan, and the security acquired. Failure of the acquirer to notify the Commissioner within 30 days of acquisition will void the guaranty unless the Commissioner authorizes an exception because of extenuating circumstances.

§ 93.52 Records.

Lenders will maintain adequate records on guaranteed and insured loans made and will submit reports to keep the Commissioner informed regarding guaranteed and insured loans made. The Commissioner may prescribed the number of reports to be submitted annually, the dates, and the forms to be used for reporting. The Commissioner may have the records of lenders inspected at any reasonable time during regular business days and hours.

§ 93.53 Suspension of lenders.

Whenever the Commissioner finds that any lender or holder of a guaranty certificate or insured loan fails to maintain adequate accounting records, to demonstrate proper ability to adequately service loans guaranteed or insured, or to exercise proper credit judgment, or has willfully or negligently engaged in practices detrimental to the interests of a borrower or of the United States, he may refuse, either temporarily or permanently, to guarantee or insure any additional loans made by such lender or certificate holder. He may also bar such lender or certificate holder from acquiring additional loans guaranteed under this Part 93. However, the Commissioner shall not refuse to pay a valid guaranty or insurance claim on loans previously made in good faith.

§ 93.54 Probate.

The estates of deceased borrowers who die possessed of trust property or funds and who gave as security for a guaranteed or insured loan an assignment of income from trust property, a mortgage or deed of trust on trust or restricted land, or a lien on trust chattels or crops growing on trust land will be probated in accordance with the applicable regulations in Subpart D of 43 CFR Part 4 and in Parts 16 and 17 of this title. The Superintendent or other Bureau official having jurisdiction over the trust property and trust funds of a decedent shall promptly notify the lender on receipt of information confirming the demise of a borrower. The notice may be given by furnishing the lender with a copy of the Superintendent's report to the Hearing Examiner or by separate letter.

(a) A lender receiving information from the Superintendent or otherwise learning of the demise of a borrower shall notify the Hearing Examiner of the lender's claim against the decedent's trust estate. The lender's notice to the Hearing Examiner shall include:

(1) Name of the borrower.

(2) Balance owing on the loan.

(3) Trust property or income given as security for the loan.

(4) Copy of securing documents.

(5) Copy of guaranty certificate or insurance agreement.

(b) Within 15 days after receiving information that a borrower has died, the lender shall notify the Commissioner by furnishing a copy of the information provided to the Hearing Examiner or by separate letter furnishing:

(1) Name of the borrower.

(2) Guaranty certificate number or insurance agreement number.

(3) Balance owing on loan.

(4) Anticipated action which will be taken to protect the interests of the lender and the United States.

The notice shall be sent by registered or certified mail.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74-20228 Filed 8-30-74;8:45 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 4—Accounts

CHAPTER I—GENERAL ACCOUNTING OFFICE

SUBCHAPTER A—GENERAL PROCEDURES

PART 6—EMPLOYEES RESPONSIBILITIES AND CONDUCT

Standards of Performance

Part 6 is revised to incorporate clarifying interpretations issued by the Department of State concerning employees' acceptance of gifts from foreign governments and a number of clarifications of existing internal regulations pertaining to outside activities of GAO employees and special employees, as well as to reflect the realignment of material consistent with the recently issued GAO operations manual.

Part 6 is revised in its entirety, as follows:

Sec.
6.1 Foreword.

Subpart A—Purpose and General Information

6.2 Purpose, scope, and applicability.
6.3 Forms.
6.4 Definitions.
6.5 Standards of conduct for Government service.
6.6 General policy on conduct for General Accounting Office employees.
6.7 Proscribed actions.
6.8 Interpretation and advisory service.
6.9 Appointment of deputy counselors.
6.10 Compliance.
6.11 Disciplinary and other remedial action.
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6.13 Access to pertinent laws and related materials.
6.14 Miscellaneous statutory provisions.

Subpart B—Policy Pertaining to Gifts, Entertainment, and Favors

6.15 Proscribed gifts, entertainment, and favors.
6.16 Permissible gifts, entertainment, and favors.
6.17 Gifts to superiors.
6.18 Gifts and decorations from foreign governments.
6.19 Reimbursement of travel and living expenses.

Subpart C—Miscellaneous Prohibited Practices

6.20 Indebtedness of employees.
6.21 Gambling, betting, and lotteries.
6.22 Use of Government property.
6.23 Misuse of information.
6.24 Prohibited financial interests.
6.25 Bribery, graft, and conflicts of interest.
6.26 Conflicts resulting from assignments.
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Subpart D—Employment Outside the General Accounting Office

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6.33 Criteria for considering outside employment.
6.34 Requesting permission to engage in outside employment.
6.35 The head of the division or office will evaluate executed Form GAO 256 and make recommendations.
6.36 Review by the Director, Office of Personnel Management.
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Subpart E—Instructions Governing Ethical and Other Conduct and Responsibilities of Special Government Employees

6.42 Use of Government employment.
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6.44 Teaching, lecturing, and writing.
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6.46 Gifts, entertainment, and favors.
6.47 Miscellaneous statutory provisions.

Subpart F—Prohibited Activities by Former Employees

6.48 Prohibited activity at anytime after termination of Government employment.
6.49 Prohibited for 1 year after termination of Government employment.

Subpart G—Statements of Employment and Financial Interests

6.50 Employees required to submit statements of employment and financial interests.
6.51 Employees not required to submit statements.
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6.62 Findings of no conflict of interest.
6.63 Findings of conflict of interest.
6.64 Effect of employees' statements on other requirements.

AUTHORITY: Sec. 311, 42 Stat. 25, as amended (31 U.S.C. 52; interpret or apply 18 U.S.C. 201–218).

§ 6.1 Foreword.

Government service requires the maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees. This assures the proper performance of Government business and confidence in the Government by its citizens. This part sets forth standards of conduct for all employees of the General Accounting Office.

Subpart A—Purpose and General Information

§ 6.2 Purpose, scope, and applicability.

This part sets forth the policies of the General Accounting Office which prescribe standards of conduct and responsibilities for its employees and special Government employees.

§ 6.3 Forms.

This part prescribes:

(a) GAO Form 256, Request for Permission to Engage in Outside Employment.

(b) GAO Form 310, Confidential Statement of Employment and Financial Interests (GAO Employees).

(c) GAO Form 311, Confidential Statement of Employment and Financial Interests (Special Government Employees).

§ 6.4 Definitions.

In this part:

(a) "Employee" means an officer or employee of the General Accounting Office other than a special Government employee.

(b) "Special Government employee" means an officer or employee who is retained, designated, appointed, or employed to perform, with or without compensation, for a period not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis (18 U.S.C. 202). (Specific provisions pertaining to special employees are contained in Subpart E.)

(c) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(d) "Former employee" means a former General Accounting Office employee or former special Government employee (as defined in paragraph (b) of this section). (Specific provisions are discussed in Subpart F.)

(e) Words importing the masculine gender include the feminine as well, and words importing the plural include the singular.

§ 6.5 Standards of conduct for Government service.

The Government service requires the maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees to assure the proper performance of Government business and the maintenance of confidence by citizens in their Government. This is especially true of service

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in the U.S. General Accounting Office because of the unique functions and special trust placed upon the Office. General Accounting Office employees and special Government employees are therefore expected and required to exercise informed judgments to avoid misconduct.

§ 6.6 General policy on conduct for General Accounting Office employees.

The personal demeanor of employees of the General Accounting Office is subject to the closest public and official scrutiny and as representatives of the Office they are judged by their personal associates and activities as well as by their official actions and conduct. In all their dealings, employees of the General Accounting Office shall so conduct themselves as to permit no reasonable basis for suspicion of unethical conduct or practices. The obligation to protect fully the interests of the Government as a whole and the General Accounting Office as an agency of the Congress demands the avoidance of circumstances which invite conflict between self-interest and the integrity of employment with the General Accounting Office. Loyalty to the Office and its programs and purposes is a necessary attribute.

§ 6.7 Proscribed actions.

An employee shall avoid any action, whether or not specifically prohibited by this part which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving improper preferential treatment to any person;

(c) Impeding Government efficiency or economy;

(d) Losing complete independence or impartiality;

(e) Making a Government decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Government or its operations.

§ 6.8 Interpretation and advisory service.

The General Counsel, with the approval of the Comptroller General, shall designate a counselor for the General Accounting Office who shall be responsible for the coordination of counseling services provided under § 6.9 and for assuring that counsel and interpretations on questions of conflicts of interest matters covered by this part are available to deputy counselors designated under § 6.9.

§ 6.9 Appointment of deputy counselors.

Subject to the approval of the Comptroller General, the counselor named under § 6.8 may designate, when appropriate and needed, deputy counselors to assist General Accounting Office employees and special Government employees. Deputy counselors designated under this paragraph shall be qualified and in a position to give authoritative advice and guidance to employees and special Government employees who seek advice and guidance on conflicts of interest questions. In those divisions where no deputy counselor has been designated, the counselor for the General Accounting Office will be available to assist the employees and special Government employees.

§ 6.10 Compliance.

The heads of divisions and offices shall be responsible for seeing to it that this part is fully complied with in their respective divisions or offices. Except as otherwise specifically provided for in this part, any matter coming within the provisions of this part arising in the General Accounting Office will be referred immediately by the head of division or office or other official concerned to the Director, Office of Personnel Management, for appropriate disposition.

§ 6.11 Disciplinary and other remedial action.

(a) A violation of any of these regulations by an employee or special Government employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

(b) When, after consideration of the explanation of the employee or special Government employee provided by § 6.61, the Comptroller General decides that remedial action is required, he shall take immediate steps to end the conflicts of interest or the appearance of conflicts of interest. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of his conflicting interest;

(3) Disciplinary action; or

(4) Disqualification for a particular assignment.

§ 6.12 Effecting disciplinary and remedial actions.

Remedial action, whether disciplinary or otherwise, shall be effected in accordance with applicable laws and regulations.

§ 6.13 Access to pertinent laws and related materials.

Copies of pertinent laws, Executive Order No. 11222, as amended, GAO Orders and Civil Service Regulations and instructions relating to ethical and other conduct will be made available upon request by employees and special Government employees. Requests should be directed to the Associate Director, Personnel Operations, room 7536, GAO Building.

§ 6.14 Miscellaneous statutory provisions.

Each employee will acquaint himself with each statute that relates to his ethical and other conduct as an employee of the General Accounting Office with particular reference to the following:

(a) House Concurrent Resolution 175, 85th Congress, 2nd Session, 72 Stat. B12, the "Code of Ethics for Government Service."

(b) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783(b)); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against interference with civil service examinations (18 U.S.C. 1917).

(k) The prohibition against fraud or false statement in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against proscribed political activities—in subchapter III of chapter 73 of title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

Subpart B—Policy Pertaining to Gifts, Entertainment, and Favors

§ 6.15 Proscribed gifts, entertainment, and favors.

Except as provided in § 6.16 and § 6.19, an employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(a) Has, or is seeking to obtain, contractual or other business or financial relations with the Federal Government;

(b) Conducts operations or activities that are subject to audit, investigation, decision or regulation by the General Accounting Office; or

(c) Has interests that may be substantially affected by the performance or nonperformance of the employee's official duty.

§ 6.16 Permissible gifts, entertainment, and favors.

Despite the limitations established by § 6.15 above, the following exceptions are made:

(a) A gift, gratuity, favor, entertainment, loan, or other similar favor of monetary value may be accepted by the employee when it or they stem from a family or personal relationship, such as those between the employee and his parents, children, or spouse, and when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors.

(b) Food and refreshments of nominal value may be accepted on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where the employee may properly be in attendance.

(c) Loans from banks and other financial institutions may be accepted on customary terms to finance the proper and usual activities of employees, such as home mortgage loans.

(d) Unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars and other items of nominal intrinsic value may be accepted.

§ 6.17 Gifts to superiors.

An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior or accept a gift presented as a contribution from an employee receiving less pay than himself (5 U.S.C. 7351).

§ 6.18 Gifts and decorations from foreign governments.

(a) An employee may not request or otherwise encourage the tender of a gift or decoration from a foreign government or an official thereof.

(b) An employee may accept and retain:

(1) a gift of minimal value tendered or received as a souvenir or mark of courtesy;

(2) a gift of more than minimal value when it appears that to refuse the gift would be likely to cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States. However, a gift of more than minimal value is deemed to have been accepted on behalf of the United States Government and must be deposited with the Chief of Protocol of the Department of State for disposal. (A gift of minimal value is defined as any present or other thing, other than a decoration, which has a retail value not in excess of $50 in the United States.)

(c) An employee may accept, retain, and wear a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the Comptroller General and the concurrence of the Secretary of State.

(d) Members of an employee's family and household are also subject to the regulations contained in this paragraph. A member of an employee's family and household is defined as "a relative by blood, marriage, or adoption who is a resident of the household." See 22 CFR, Chapter 1, part 3.

§ 6.19 Reimbursement of travel and living expenses.

Neither § 6.15 nor § 6.30 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part when not engaged on official business. However, this section does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits. When traveling on official business, no reimbursement may be accepted from private sources. Notwithstanding this paragraph, the requirements relating to the acceptance of contributions and awards, travel, subsistence and other expenses in section 4111(a), title 5, United States Code, and the regulations thereunder in Subpart G, Part 410, Book III, Supplement 990–1, Federal Personnel Manual, continue to apply.

Subpart C—Miscellaneous Prohibited Practices

§ 6.20 Indebtedness of employees.

(a) *An employee is expected to handle just financial obligations in a proper manner.* An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purposes of this paragraph, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the General Accounting Office determines does not, in the circumstances, reflect adversely on the Office as his employer. In the event of a dispute between an employee and an alleged creditor, this paragraph does not require the General Accounting Office to determine the validity of the disputed debt.

(b) *Reports on indebtedness.* While the General Accounting Office will not become a collection agency for private creditors of an employee, each complaint of nonpayment of a debt will be referred to the employee concerned and the employee will be requested to report in writing as to what he proposes to do about the debt.

§ 6.21 Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

§ 6.22 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 6.23 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as provided in § 6.31 directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 6.24 Prohibited financial interests.

An employee shall not:

(a) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities.

(b) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information, obtained through his Government employment.

(c) See Subpart G for details on statements of employment and financial interests.

§ 6.25 Bribery, graft, and conflicts of interest.

An employee shall not engage in acts prohibited by chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest as appropriate to the employee concerned. Three of the more important "conflict of interest" provisions are summarized as follows:

(a) An employee may not, except as provided by law for the proper discharge of his official duties, ask or seek any compensation for services by him or another in connection with any proceeding, request for a ruling or other determination before any Government agency or officer in which the United States is a party or has a direct and substantial interest (18 U.S.C. 203).

(b) An employee may not, except in the discharge of his official duties, represent anyone else (with or without compensation) before a court or Government agency in a matter in which the United States is a party or has a direct or substantial interest (18 U.S.C. 205).

(c) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government (18 U.S.C. 209).

§ 6.26 Conflicts resulting from assignments.

An employee will not participate in any audit, investigation, survey, examination, ruling, decision or determination, contract, claim, controversy, or other matter before the General Accounting Office in which he, his spouse, minor

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child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest with the following exceptions:

(a) The employee need not disqualify himself if his financial holdings are in shares of widely held diversified mutual funds or regulated investment companies in which he does not serve as director, officer, partner, or advisor. The indirect interest in business entities which the holder of shares in a widely diversified mutual fund or regulated investment company derives from ownership by the fund or investment company of stocks in business entities is hereby exempted from the provisions of 18 U.S.C. 208(a) in accordance with the provisions of 18 U.S.C. 208(b)(2) as being too remote or inconsequential to affect the integrity of the employee's services.

(b) If the employee first informs the Comptroller General through his head of division or office, in writing, of the nature and circumstances of the audit, investigation, survey, examination, ruling, decision or determination, contract, claim, controversy, or other matter in which he is participating and makes full disclosure of the financial interest and receives in advance a written determination made by the Comptroller General that the interest is not so substantial as to be deemed likely to affect the integrity of the employees services, the employee need not consider himself disqualified (18 U.S.C. 208(b)).

§ 6.27 Disqualification procedure.

Where the employee, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person with whom he is negotiating or has an arrangement concerning prospective employment, has a financial interest in any matter in which he is participating as part of his official duties, he will so inform the Comptroller General through the head of his division or office in writing, and he will thereupon be relieved of his duties and responsibilities in that particular matter unless the head of division or office, after consultation with and the approval of the Comptroller General, finds that pursuant to § 6.26(b) above, the interest is too remote or too inconsequential to affect the integrity of the employee's services in which case the Comptroller General will notify the employee in writing. In cases of disqualification of the employee, the assignment of the employee will be changed or the matter will be reassigned to another employee. A memorandum of disqualification will be made and forwarded by the Comptroller General to the employee with copies to the head of the division or office concerned, the Director, Office of Personnel Management, and the counselor for the General Accounting Office.

§ 6.28 Nondisqualifying interests.

This part does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by applicable law or regulations.

§ 6.29 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government nor shall he conduct himself in such a manner as to give rise to a reasonable belief that he is engaging in criminal, infamous, immoral, or notoriously disgraceful conduct.

Subpart D—Employment Outside the General Accounting Office

§ 6.30 Policy.

An employee shall not engage in outside employment or other outside activity, with or without compensation, not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include but are not limited to:

(a) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; or

(b) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

§ 6.31 Engaging in teaching, lecturing, and writing.

Employees may (subject to the provisions of § 6.32(c)) engage in teaching, lecturing, and writing that is not prohibited by law, this part, or other GAO orders. An employee shall not, however, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the foreign service, that depends on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Comptroller General gives written authorization for the use of nonpublic information on the basis that such use is in the public interest. In addition, the Comptroller General shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance, the subject matter of which is devoted substantially to the responsibilities, programs, or operations, of the General Accounting Office, or which draws substantially on official data or ideas which have not become part of the body of public information.

§ 6.32 Permissible participation by employees.

This part does not preclude an employee from:

(a) Participation in the activities of national or State political parties not precluded by law.

(b) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit, educational and recreational, public service, or civic organization.

(c) Outside employment when permission has been granted in advance by the Director, Office of Personnel Management, or his designee, and the employee has been notified in writing of the approval. This permission will be granted in accordance with the policies, procedures, and limitations set forth in this part.

§ 6.33 Criteria for considering outside employment.

In considering requests for outside employment, the following criteria will be applied:

(a) The provisions of applicable law.

(b) The policies incorporated in this part including the possibility of conflicts of interest.

(c) The general attendance record of the employee.

(d) The nature of his official duties in relation to the nature of the duties which will comprise the outside employment.

(e) The financial need or other justification for such outside employment.

(f) The amount of time and hours of work required by the outside employment.

§ 6.34 Requesting permission to engage in outside employment.

An employee will request permission to engage in outside employment by executing, in full, Form GAO 256 and forwarding it through his immediate supervisor to the head of his division or office.

§ 6.35 The head of the division or office will evaluate executed Form GAO 256 and make recommendations.

The head of division or office will upon receipt of a fully executed Form GAO 256 evaluate the request in light of existing law, and policies and regulations provided by this part. Should the request be found proper and in the best interests of the Office and not in violation of law, regulations, and policies, the head of the division or office will transmit the request with his favorable recommendation to the Director, Office of Personnel Management. If the head of division or office finds otherwise, he will recommend that the request be denied, record his reasons, and transmit the request and related papers to the Director, Office of Personnel Management.

§ 6.36 Review by the Director, Office of Personnel Management.

The Director, Office of Personnel Management, or his designee, will review requests to engage in outside employment including the recommendation of the head of division or office for proper, fair, and uniform application of this part. If the head of division or office and the Director, Office of Personnel Management, or his designee, agree, the request may be officially approved or disapproved and the employee will be notified. If they do not agree, the request and all recommendations will be submitted to the Comptroller General for ultimate determination. The Comptroller General will thereupon consider the entire record, make the final determination, and cause the employee to be notified.

§ 6.37 Expiration of permission for outside employment.

Grants of permission to engage in outside employment will normally expire 3 calendar years from the date of last issue, unless sooner revoked or modified. Permission to engage in outside employment, which is about to expire, will be considered for renewal upon receipt of a request on Form GAO 256. Procedures for renewal will be the same as those for original application and should be made, if continuity of permission is desired, from 30 to 60 days before the expiration of current permission.

§ 6.38 Permission applies only to specific request for outside employment.

Permission to engage in outside employment extends only to the specific employment described in the request considered. New requests must be made in writing in accordance with these procedures to cover any changes or modifications in outside employment.

§ 6.39 Prohibited practices.

(a) An employee with permission to engage in outside employment will not hold himself out to the public as an attorney or accountant by such means as:

(1) Placing his name on an office door;

(2) Having his name listed in the classified section of the telephone directory;

(3) Using business stationery with his name on letterheads or envelopes.

(b) Permission to engage in outside employment will not be granted for the purpose of representing clients in court or before Government agencies except in rare cases when permission may be granted for specific appearances.

(c) An employee may not use his employment with the General Accounting Office as a means of soliciting or obtaining outside employment.

(d) An employee may not engage in outside employment while he is on sick leave from his duties. Deviations from this policy may be permitted in rare instances when prior approval is obtained from the Director, Office of Personnel Management, upon favorable recommendation from the head of division or office involved.

§ 6.40 Employees in grades GS–13 and above.

Employees in grades GS–13 and higher will not, normally, be given permission to engage in outside employment. Exceptions will be made for good and sufficient reasons, such as where a critical need exists for additional income by the employee or where the employment is found to be in the public interest in terms of opportunity for valuable experience beneficial both to the employee and to the General Accounting Office. Each request for an exception under this paragraph shall be in sufficient detail to permit a judgment that it is merited. If an exception is made for employees in grade GS–13 and higher, permission will be granted for 1-year intervals.

§ 6.41 Engaging in income tax work.

An employee may be permitted to engage in income tax work and to sign income tax returns as a preparer provided:

(a) The taxpayer has no Government contracts and has no business with the United States Government;

(b) The employee does not in any manner intercede with or appear for the taxpayer before the Internal Revenue Service, the courts, or other Government body;

(c) The employee is not engaged in the audit of the Internal Revenue Service by the General Accounting Office.

Subpart E—Instructions Governing Ethical and Other Conduct and Responsibilities of Special Government Employees

§ 6.42 Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 6.43 Use of inside information.

A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this paragraph, "inside information" means information obtained by reason of his Government employment which has not become part of the body of public information.

§ 6.44 Teaching, lecturing, and writing.

A special Government employee may, without prior approval, teach, lecture, or write in a manner not otherwise inconsistent with § 6.23.

§ 6.45 Coercion.

A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or financial ties.

§ 6.46 Gifts, entertainment, and favors.

Except as provided in § 6.16 (as in the case of employees), a special Government employee, while so employed or in connection with his employment, shall not receive or solicit, either for himself or another person, particularly one with whom he has family, business, or financial ties, anything of value as a gift, gratuity, loan, entertainment, or favor from a person who:

(a) Has, or is seeking to obtain, contractual or other business or financial relations with the General Accounting Office.

(b) Has interests that may be substantially affected by the performance or nonperformance of his official duties.

§ 6.47 Miscellaneous statutory provisions.

Each special Government employee shall acquaint himself with each statute that relates to his ethical and other conduct as a special Government employee of the General Accounting Office and the Government with particular reference to the statutes cited in § 6.14 and the following:

(a) A special Government employee may not, otherwise than as provided by law for the proper discharge of his official duties, receive or agree to receive, or solicit any compensation for any services by himself or another; and may not, except in the proper discharge of his duties, represent or assist anyone, with or without compensation, before a department, agency, court, court-martial, officer, or any civil, military, or naval commission in connection with a particular matter in which the United States is a party or has a direct or substantial interest, provided, however, that these restrictions apply to a special Government employee only in relation to a particular matter involving a specific party or parties:

(1) In which he has at any time participated personally and substantially as a Government employee or special Government employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or

(2) Which is pending in the department or agency of the Government in which he is serving, except that this provision (§ 6.47(a)(2)) shall not apply when he has served in such department or agency no more than 60 days during the immediately preceding period of 365 consecutive days. He is bound by the restraint of this provision (§ 6.47(a)(2)) despite the fact that the matter is not one in which he has ever participated personally and substantially (18 U.S.C. 203, 205).

(b) A special Government employee shall not participate in his governmental capacity in any matter in which to his knowledge he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest (18 U.S.C. 208).

(c) After his Government employment has ended, a special Government employee is subject to the prohibition pertaining to a "former employee" in matters connected with his former duties (18 U.S.C. 207).

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Subpart F—Prohibited Activities by Former Employees

§ 6.48 Prohibited activity at anytime after termination of Government employment.

A former employee shall not at any time after his Government employment has ended, knowingly represent anyone other than the United States in connection with a matter in which the United States is a party or has an interest and in which he participated personally and substantially for the Government (18 U.S.C. 207(a)).

§ 6.49 Prohibited for 1 year after termination of Government employment.

For 1 year after his Government employment has ended, a former employee shall not appear personally before any court or Government agency as agent or attorney for anyone other than the Government in connection with a matter in which the Government is a party or has a substantial interest and which was under his official responsibility as an employee of the Government at any time during the last year of his Government employment (18 U.S.C. 202(b) and 207(b)).

Subpart G—Statements of Employment and Financial Interests

§ 6.50 Employees required to submit statements of employment and financial interests.

(a) *Employees.* GAO Form 310, Confidential statement of Employment and Financial Interests (Rev. 4–74), is required from the following General Accounting Office (GAO) employees ("employee" is defined in § 6.4(a)):

(1) The Comptroller General, the Deputy Comptroller General, the Assistant Comptrollers General, and the General Counsel.

(2) Employees in positions in grades GS–15 or above.

(b) *Special Government employees.* (1) With the exception of those special Government employees exempted from this requirement by § 6.51(b) GAO Form 311, Confidential Statement of Employment and Financial Interests (Rev. 7–74), is required from each special Government employee ("special Government employee" is defined in § 6.4(b)).

(2) The requirement of subparagraph (b)(1) above becomes applicable to a special Government employee who is already employed but was exempted therefrom under § 6.51(b)(1) at the time of his employment, if the special Government employee is to be assigned to work on a specific audit, legal, or other problem.

(c) GAO Form 310 and GAO Form 311 may be referred to as "statements" hereafter in this chapter.

§ 6.51 Employees not required to submit statements.

(a) *Employees.* Employees in positions in grades GS–14 and below are excluded from the reporting requirements of this subpart. The likelihood of their involvement in conflict-of-interest situations is too remote or the degree of supervision over them and the review of their work is such that the integrity of the Government is protected. However, this exclusion does not in any way modify or limit an employee's responsibilities under § 6.24 through § 6.27.

(b) *Special Government employees* (1) The provision of § 6.50(b)(1) is waived for special Government employees who are employed to render advice, counsel, or expert services on recruiting, and staff development including CPA review courses, because the nature of their employment and level of responsibility is such that any financial interests that they might have would be too remote to affect the integrity of the Government.

(2) The Comptroller General or the General Counsel may waive the requirement of § 6.50(b)(1) when he finds that the submission of the statement is not necessary to protect the integrity of the Government.

§ 6.52 Employee's complaint on filing requirement.

An employee who feels that his position has been improperly included by this part as requiring the submission of a statement may obtain a review of that decision by filing a grievance with the Comptroller General in accordance with GAO Order 0846.1.

§ 6.53 Submission of statements.

(a) *Employees.* (1) The Comptroller General shall file GAO Form 310 with the Director, Office of Personnel Management (OPM) who shall retain it with other such statements.

(2) The Deputy Comptroller General, the Assistant Comptrollers General, the Information Officer, and the heads of divisions or offices shall submit their GAO Forms 310 to the Comptroller General.

(3) Each employee, below the level of head of division or office, who is required to submit GAO Form 310, shall submit it to his head of division or office.

(b) *Special Government Employees.* In most instances, special Government employees shall submit their GAO Forms 311 to the head of the division or office to which they are assigned. If they are assigned to work directly under an official above the level of head of division or office, e.g., the Comptroller General, an Assistant Comptroller General, etc., they will submit their statements to that official.

(c) *Retention of personal copy.* Each employee or special Government employee who is required to submit GAO Form 310 and 311, respectively, should make and retain a copy thereof for his own records.

§ 6.54 Time of submittal of statements.

(a) *Employees.* Each employee required to submit a statement shall submit it no later than 30 days after his assumption of a position subject to the reporting requirement of § 6.50(a).

(b) *Special Government employees.* Each special Government employee required to submit a statement shall submit it no later than the effective date of his appointment to GAO. Upon reappointment immediately following separation, a special Government employee shall file a new statement or certify that the latest statement on file is currently correct, whichever is appropriate.

§ 6.55 Supplementary statements.

(a) *Employees.* Changes in or additions to the information contained in an employee's statement shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative statement is required. Notwithstanding the filing of the annual statement each employee shall at all times avoid acquiring a financial interest that would result in taking an action which would result in a violation of the conflict-of-interest provisions of section 208 of title 18, United States Code of this part.

(b) *Special Government employees.* Changes in or additions to the information contained in a special Government employee's statement shall be reported in supplementary statements, submitted every 90 days after his appointment until he is no longer subject to § 6.50(b).

§ 6.56 Interests of relatives of employees.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be his interest. "Member of an employee's immediate household" means those relatives by blood who are residents of his household.

§ 6.57 Information not known by employees or special Government employees.

If any information required to be included in a statement or supplementary statement, including holdings placed in trust, is not known to the employee or special Government employee but is known to another person, the employee or special Government employee shall request the other person to submit information on his behalf.

§ 6.58 Information not required.

(a) This part does not require an employee or special Government employee to include in a statement or supplementary statement any information relating to his connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. Educational and other institutions doing research and development or related work involving grants of money from or contracts with the Government are considered to be "business enterprise" and are required to be included in an employee's or special Government employee's statement.

(b) An employee or special Government employee need not report in his statement shares of widely held diversified mutual funds or regulated investment companies in which he does not

serve as director, officer, partner, or advisor. The indirect interest in business entities which the holder of shares in a widely diversified mutual fund or regulated investment company derives from ownership by the fund or investment company of stocks in business entities is considered too remote or inconsequential to affect the integrity of the employee's or special Government employee's services.

§ 6.59 Confidentiality of statements and related documents.

The documents listed in paragraph (a) below shall be treated in strict confidence at all times!

(a) *Maintenance of documents.* The Director, Office of Personnel Management, shall retain the following documents in a confidential file, secured in an appropriate manner.

(1) Statements of employment and financial interests:

(i) GAO Form 310, filed by employees under § 6.50(a).

(ii) GAO Form 311, filed by special Government employees under § 6.50(b).

(2) Supplementary statements filed by employees and special Government employees under § 6.55.

(3) Documents submitted by an employee or special Government employee in connection with the investigation of a conflict or apparent conflict of interest under § 6.63.

(b) *Access to documents.* No persons other than the Comptroller General, the Deputy Comptroller General, the Assistant Comptrollers General, the appropriate head of division or office, the counselor for the GAO (see § 6.8), and the Director, Office of Personnel Management, shall have access to the documents listed in paragraph (a) above and then only to carry out the purposes of this part. No disclosure of information shall be made from such documents except as specifically authorized by the Comptroller General for good cause shown.

(c) *Transmission of documents.* The documents listed in paragraph (a) above shall be transmitted in such a manner as to ensure confidentiality. If messenger service is used, the documents should be sealed in an unfranked envelope marked "Confidential" and placed in a messenger envelope. Individual envelopes should be used for each employee. A description of the contents and an explanation of the reason for transmission should be included. If documents are being sent to the Director, Office of Personnel Management, for safekeeping, it will suffice to indicate the contents and the reviewer on the unfranked envelope, e.g.:

GAO Form 310 submitted by—name, title of position, division or office; Reviewed by—head of division or office.

§ 6.60 Reviewing official.

Reviewing officials are those to whom employees and special Government employees shall submit their statements in accordance with § 6.53 (a) (2), (3), and (b).

§ 6.61 Review of statements by reviewing official.

The reviewing official, for employees and special Government employees under his jurisdiction, will review each statement of employment and financial interests, each supplementary statement, and all relevant information from other sources, if any, to determine whether there are any conflicts or apparent conflicts of interest on the part of the employee or special Government employee submitting the statement. If it is pertinent to a conflict-of-interest decision, the reviewing official may request the employee or special Government employee to supplement the information in the statement by stating the number or amount of shares, stock options, bonds, and other securities owned by him, his spouse, minor child, or other member of his immediate household.

§ 6.62 Findings of no conflict of interest.

If the reviewing official finds that there are no conflicts or apparent conflicts of interest in individual cases, the matter will be considered resolved unless other information on the case becomes available or circumstances change.

(a) *Employees.* After such finding in the case of an employee, the reviewing official shall sign that employee's GAO Form 310, thereby certifying that he has reviewed it and has found no conflict or apparent conflict of interest. The GAO Form 310 shall then be forwarded, in accordance with the confidentiality safeguards prescribed in § 6.59(c), to the Director, Office of Personnel Management, for safekeeping.

(b) *Special Government employees.* After such finding in the case of a special Government employee, the reviewing official shall sign that special Government employee's GAO Form 311, thereby certifying that he has reviewed it and has found no conflict or apparent conflict of interest. The reviewing office shall then complete OPM Form 78, and the reviewing official shall sign it, again certifying that he has reviewed the special Government employee's GAO Form 311 and has found no conflict or apparent conflict of interest. (This duplicate certification is necessary because Civil Service Commission regulations require OPM to maintain documentation of such certification—OPM Form 78—in each special Government employee's Official Personnel Folder, while the actual GAO Form 311 is kept in a separate file in accordance with the requirements of § 6.59(a). The GAO Form 311 and OPM Form 78 shall then be forwarded, in accordance with the confidentiality safeguards prescribed in § 6.59(c), to the Director, Office of Personnel Management, for safekeeping. (An OPM Form 78 should accompany each GAO Form 311, but OPM Form 78 need not be sealed inside an unfranked envelope for transmission.)

(c) *Routing of no conflict finding.* In the case of either Government employees or special Government employees, whenever there is a finding of no conflict of interest the statement should not be forwarded to the counselor. It should be sent directly to the Director, Office of Personnel Management, for safekeeping in accordance with the confidentiality safeguards prescribed in § 6.59. Statements should be forwarded to the counselor, in accordance with § 6.63(b) only if the reviewing official believes that a conflict or apparent conflict exists.

§ 6.63 Findings of conflict of interest.

If the reviewing official believes that a statement of employment and financial interests or information from other sources discloses a conflict or apparent conflict of interest, the employee or special Government employee concerned shall be asked to explain the conflict or apparent conflict.

(a) *If the explanation is satisfactory.* If the employee's or special Government employee's explanation is satisfactory to the reviewing official and he determines that there is no conflict or apparent conflict of interest, the case will be considered closed unless further information or changed circumstances reactivate it. And the documents, including any produced in connection with explanation, along with the appropriate statement of certification (see § 6.62) shall be forwarded in accordance with the confidentiality safeguards prescribed in § 6.59(c) to the Director, Office of Personnel Management, for safekeeping.

(b) *If there is a possible conflict which requires a determination.* If the reviewing official determines that there is a conflict or apparent conflict of interest, he will present the case to the counselor for review. If the reviewing official and the counselor fail to agree or if both agree that there is a conflict or apparent conflict or interest, the counselor will make a report on the case to the Comptroller General for final disposition. The report will:

(1) contain a statement of the facts in the case;

(2) point out specifically the areas of conflict or apparent conflict and the reasons why it is felt that a conflict exists or does not exist;

(3) contain the views of the reviewing official and those of the counselor;

(4) contain a summary of the employee's or special Government employee's explanation, signed by him; and

(5) be signed by both the reviewing official and the counselor.

(c) *Decision by the Comptroller General.* Upon receipt of the report, the Comptroller General will consider the matter, afford the employee or special Government employee concerned an opportunity to explain the conflict or apparent conflict, make a final decision, and take appropriate action in accordance with § 6.11(b) and § 6.12.

(d) *If the possible conflict is resolved.* If, after consultation, the reviewing official and the counselor agree that there is no conflict or apparent conflict of interest, all pertinent documents, along with the appropriate statement of certi-

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(c) "Select" size raisins means that [illegible] that show development characteristics of [illegible] (5) Not more than 10 percent, by

fication (see § 6.62) shall be forwarded, in accordance with the confidentiality safeguards prescribed in § 6.59(c), to the Director, Office of Personnel Management, for safekeeping.

§ 6.64 Effect of employees' statements on other requirements.

The statements and supplementary statements required of employees are in addition to and not in substitution for or in derogation of any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit the employee or any other person to participate in a matter in which the employee's or the other person's participation is prohibited by law, order, or regulation.

[SEAL] ROBERT F. KELLER,
Deputy Comptroller General of the United States.

[FR Doc.74-20309 Filed 9-3-74;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 24—BOARD OF CONTRACT APPEALS, DEPARTMENT OF AGRICULTURE

Subpart A—Organization and Functions

Subpart B—Rules of Procedure

Correction

In FR Doc.74-19712 and FR Doc. 74-19713 appearing at pages 30912 and 30914, respectively, in the issue for Monday, August 26, 1974, make the following changes:

1. On page 30913, the penultimate line of the first column, the section reference reading "24.40" should read "24.4".

2. On page 30915, the third column, under Rule 26:

a. The last word in the fifth line which reads "quote" should read "after".

b. The word "benefit" in the sixth line should read "briefing".

3. On page 30915, the third column, under Rule 27, the parenthetical designation in line seven which reads "(1)" should read "(b)".

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

United States Standards for Grades of Processed Raisins [1]

On page 24515 of the FEDERAL REGISTER of July 3, 1974, and corrected on page 26650 of the FEDERAL REGISTER of July 22, 1974, a notice of proposed rulemaking was published that would amend the United States Standards for Grades of Processed Raisins by redefining "small" or "midget" size raisins; and to slightly reduce the percentage of substandard and undeveloped raisins allowed in select size; and to increase this allowance in the small size.

Statement of consideration leading to the amendments. The Raisin Administrative Committee requested two minor amendments to the U.S. Standards for Grades of Processed Raisins. The first requested revision was to redefine "small" or "midget" size raisins to permit a slight increase in the number of larger sized raisins. This will in turn permit the industry to market approximately 5 percent more of the total crop under the small (or midget) size classification. This size raisin is used primarily by the bakery and cereal industries.

The second requested revision slightly reduces the percentage of substandard and undeveloped raisins in select size raisins and slightly increases this allowance in small size. The net effect of this change is minimal although there will be a slight improvement in the quality of raisins in consumer size packages. At the same time there will be no appreciable effect upon small size since substandard and undeveloped raisins more closely approximate the midget size.

The only response to the request for comments to the proposal was received from the Raisin Administrative Committee reaffirming their support of the proposal. The Committee, which administers the Federal Marketing Agreement and Order Regulating the Handling of California Raisins, together with its Federal Raisin Advisory Board, is an elected body of knowledgeable growers, handlers, and processors.

No written objections have been received and the proposed amendments to the United States Standards for Grades of Processed Raisins are hereby promulgated without change, pursuant to the authority contained in the Agricultural Marketing Act of 1946, as amended (Sec. 205, 60 Stat. 1090, as amended (7 U.S.C. 1624)). Certain editorial changes and changes in presentation format are being made throughout the text of the standards.

Accordingly, the full text of the United States Standards for Grades of Processed Raisins with the adopted amendments is set forth below.

The amended standards are as follows:

Sec.
52.1841 Product description.
52.1841a Product description of Layer (or Cluster) Muscat Raisins.
52.1842 Summary of types (Varieties) of processed Raisins.

TYPE I—THOMPSON SEEDLESS RAISINS; SIZES, COLORS, GRADES

52.1843 Sizes of Thompson Seedless Raisins.
52.1844 Colors of Sulfur Bleached and Golden Thompson Seedless Raisins.
52.1845 Grades of Thompson Seedless Raisins.
52.1845a Definitions of maturity in Thompson Seedless Raisins.

TYPE II—MUSCAT RAISINS; SIZES, GRADES

Sec.
52.1846 Sizes of Muscat Raisins.
52.1846a Sizes of Layer (or Cluster) Muscat Raisins.
52.1847 Grades of Muscat Raisins.
52.1847a Grades of Layer (or Cluster) Muscat Raisins.

TYPE III—SULTANA RAISINS; SIZES, GRADES

52.1848 Sizes of Sultana Raisins.
52.1849 Grades of Sultana Raisins.

TYPE IV—MIXED TYPES OF RAISINS; GRADES

52.1850 Grades of mixed types.
52.1851 Definitions of terms.

AUTHORITY: §§ 52.1841 to 52.1851 issued under sec. 205, 60 Stat., 1090, as amended (7 U.S.C. 1624).

PRODUCT DESCRIPTION, SUMMARY OF TYPES

§ 52.1841 Product description.

Processed raisins are dried grapes of the Vinifera varieties, such as Thompson Seedless (Sultanina), Muscat of Alexandria, Muscatel Gordo Blanco, and Sultana. The processed raisins are prepared from clean, sound, dried grapes; are properly stemmed and capstemmed except for cluster or uncapstemmed raisins; and are sorted or cleaned, or both, and except for cluster or uncapstemmed raisins are washed in water to assure a wholesome product.

§ 52.1841a Product description of Layer (or Cluster) Muscat Raisins.

Muscat raisins of the variety Muscat of Alexandria when referred to as "Layer (or Cluster) Muscat raisins" means that the raisins have not been detached from the main bunch stem.

§ 52.1842 Summary of types (varieties) of processed raisins.

(a) Type I—Seedless:
(1) Unbleached (natural).
(2) Sulfur Bleached and Golden Seedless.
(3) Soda Dipped.
(b) Type II—Muscat:
(1) Seeded (seeds removed).
(2) Unseeded-capstemmed (loose).
(3) Unseeded-uncapstemmed (loose).
(4) Soda-dipped Unseeded-capstemmed (Valencia).
(5) Soda-dipped Unseeded-uncapstemmed (Valencia).
(6) Soda-dipped Seeded (Valencia).
(7) Layer (or Cluster).
(c) Type III—Sultana.
(d) Type IV—Mixed types. A mixture of two or more different types (varieties) of raisins including sub-types outlined in this section but other than (1) mixtures containing Layer (or Cluster) Muscats, (2) mixtures containing Unseeded-uncapstemmed Muscats, and (3) mixtures of Seeded and Unseeded Muscats.

TYPE I—THOMPSON SEEDLESS RAISINS; SIZES, COLORS, GRADES

§ 52.1843 Sizes of Thompson Seedless raisins.

The size designations and measurement requirements for the respective sizes are:

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and Regulations.

(a) *"Select"* size raisins means that not more than 60 percent, by weight, of all the raisins will pass through round perforations 22/64 inch in diameter, but not more than 10 percent, by weight, of all the raisins may pass through round perforations 20/64 inch in diameter.

(b) *"Small"* (or "midget") size raisins means that 95 percent, by weight, of all the raisins will pass through round perforations 24/64 inch in diameter, and not less than 70 percent, by weight, of all raisins will pass through round perforations 22/64 inch in diameter.

(c) *"Mixed"* size raisins means a mixture which does not meet either the requirements for "select" size or for "small" (or "midget") size.

§ 52.1844 Colors of Sulfur Bleached and Golden Thompson Seedless raisins.

The color of Sulfur Bleached and Golden Seedless Thompson Seedless Raisins is not a factor of quality for the purposes of these grades. The color requirements applicable to the respective color designations are as follows:

(a) *"Well-bleached color"* (or "extra fancy color") means that the raisins are practically uniform in color and may range from yellow or golden to light amber color with a predominating yellow or golden color and that not more than ½ of 1 percent, by weight, of all the raisins may be definitely dark berries.

(b) *"Reasonably well-bleached color"* (or "fancy color") means that the raisins are reasonably uniform in color and may range from yellow or golden or greenish yellow to light amber wherein the predominating color may be greenish yellow or light amber and that not more than 3 percent, by weight, of all the raisins may be definitely dark berries.

(c) *"Fairly well-bleached color"* (or "extra choice color") means that the raisins are fairly uniform in color and may range from yellow or greenish yellow to amber or light greenish amber and that not more than 6 percent, by weight, of all the raisins may be definitely dark berries.

(d) *"Bleached color"* (or "choice color") means that the raisins may be variable in color and may range from yellowish green to dark amber or dark greenish amber; that not more than 15 percent, by weight, of all the raisins may be definitely dark berries in Sulfur Bleached; that not more than 20 percent, by weight, of all the raisins may be definitely dark berries in Golden Seedless.

(e) *"Definitely dark berries"* means raisins which are definitely darker than dark amber and characteristic of naturally "raisined" grapes.

§ 52.1845 Grades of Thompson Seedless raisins.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of Thompson Seedless Raisins that have similar varietal characteristics; that in Unbleached and Soda Dipped raisins have a good typical color; that have a good characteristic flavor; that show development characteristics of raisins prepared from well-matured grapes with not less than 80 percent, by weight, of raisins that are well-matured or reasonably well-matured raisins, and not more than 1 percent, by weight, of select and mixed size raisins and 2 percent, by weight, of small (midget) size raisins may have substandard development (including undeveloped raisins); that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

(1) Not more than 1 piece of stem per 96 ounces of raisins may be present;

(2) Not more than 15 capstems per 16 ounces of raisins may be present;

(3) Not more than ½ percent, by weight, of select size raisins; 1 percent, by weight, of mixed size and small (midget) size raisins may be undeveloped;

(4) Not more than 4 percent, by weight, of raisins may be discolored, damaged, or moldy; *Provided*, That not more than 2 percent, by weight, may be damaged, and not more than 2 percent, by weight, may be moldy;

(5) Not more than 5 percent, by weight, of raisins may be sugared.

(6) The appearance or edibility of the product may not be affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of Thompson Seedless Raisins that have similar varietal characteristics; that in Unbleached and Soda Dipped raisins have a reasonably good typical color; that have a good characteristic flavor; that show development characteristics of raisins prepared from reasonably well-matured grapes with not less than 70 percent, by weight, of raisins that are well-matured or reasonably well-matured raisins and not more than 1½ percent, by weight, of select size raisins, 2 percent, by weight, of mixed size raisins, and 3 percent, by weight, of small (midget) size raisins have substandard development (including undeveloped raisins); that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart:

(1) Not more than 2 pieces of stem per 96 ounces of raisins may be present;

(2) Not more than 25 capstems per 16 ounces of raisins may be present;

(3) Not more than ½ percent, by weight, of select size raisins; 1 percent, by weight, of mixed size raisins; and 2 percent, by weight, of small (midget) size raisins may be undeveloped;

(4) Not more than 6 percent, by weight, of raisins may be discolored, damaged, or moldy; *Provided*, That not more than 3 percent, by weight, may be damaged, and not more than 3 percent, by weight, may be moldy;

(5) Not more than 10 percent, by weight, of raisins may be sugared;

(6) The appearance or edibility of the product may not be more than slightly affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "U.S. Grade C" or "U.S. Standard" is the quality of Thompson Seedless Raisins that have similar varietal characteristics; that in Unbleached and Soda Dipped raisins have a fairly good typical color; that have a fairly good flavor; that show development characteristics of raisins prepared from fairly well-matured grapes with not less than 55 percent, by weight, of raisins that are well-matured or reasonably well-matured raisins, and not more than 2 percent, by weight, of select size raisins; 3 percent, by weight, of mixed size raisins; or 5 percent, by weight, of small (midget) raisins may have substandard development (including undeveloped raisins); that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table I of this subpart;

(1) Not more than 4 pieces of stem per 96 ounces of raisins may be present;

(2) Not more than 35 capstems per 16 ounces of raisins may be present;

(3) Not more than 3 percent, by weight, of small (midget) size raisins may be undeveloped; and not more than 1 percent, by weight, of raisins other than small (midget) size may be undeveloped;

(4) Not more than 9 percent, by weight, of raisins may be discolored, damaged, or moldy: *Provided*, That not more than 5 percent, by weight, may be damaged, and not more than 4 percent, by weight, may be moldy;

(5) Not more than 15 percent, by weight, of raisins may be sugared;

(6) The appearance or edibility of the product may not be materially affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(7) Not more than a trace of grit, sand, or silt may be present that affects the appearance or edibility of the raisins.

(d) "Substandard" is the quality of Thompson Seedless Raisins that fail to meet the requirements of U.S. Grade C or U.S. Standard.

§ 52.1845a Definitions of maturity in Thompson Seedless raisins.

(a) "Well-matured raisins or reasonably well-matured raisins" means raisins that are full-fleshed and rounded in appearance.

(b) "Fairly well-matured" raisins means raisins that are thin-fleshed and angular in appearance.

(c) "Substandard development" means raisins that are practically lacking in flesh.

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TABLE I — ALLOWANCES FOR DEFECTS IN TYPE I, THOMPSON SEEDLESS RAISINS

Defects	U.S. Grade A or U.S. Fancy	U.S. Grade B or U.S. Choice	U.S. Grade C or U.S. Standard
	Maximum count (per 96 ounces)		
Pieces of stem	1	2	4
	Maximum count (per 16 ounces)		
Capstems	15	25	35
	Maximum (percent by weight)		
Sugared	5	10	15
Discolored, damaged or moldy raisins	4	6	9
Provided these limits are not exceeded:			
Damaged	2	3	5
Moldy	2	3	4
Substandard and Undeveloped	Total / Maximum Undeveloped	Total / Maximum Undeveloped	Total / Maximum Undeveloped
Select size	1 / 1/2	1-1/2 / 1/2	2 / 1
Mixed size	1 / 1	2 / 1	3 / 1
Small (midget) size	2 / 1	3 / 2	3 / 3
	Appearance or edibility of product		
Slightly discolored or damaged by fermentation or any other defect not described above	May not be affected	May not be more than slightly affected	May not be materially affected
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		Not more than a trace may be present that affects the appearance or edibility of the product.

TYPE II—MUSCAT RAISINS; SIZES, GRADES

§ 52.1846 Sizes of Muscat raisins.

The size of Muscat raisins except for Layer (or Cluster) Muscat raisins, are not incorporated in the grades of the finished product since size, as such, is not a factor of quality for the purposes of these grades. The common size designations and measurement requirements applicable thereto include, but are not limited to, the following:

(a) *Seeded.* (1) "Select" size raisins means that not less than 30 percent, by weight, of all the raisins will not pass through round perforations $^{22}/_{64}$ inch in diameter; and the balance will pass through round perforations $^{34}/_{64}$ inch in diameter but not more than 5 percent, by weight, of all the raisins may pass through round perforations $^{22}/_{64}$ inch in diameter.

(2) "Small" (or "midget") size raisins means that all of the raisins will pass through round perforations $^{34}/_{64}$ inch in diameter and not less than 90 percent, by weight, of all the raisins will pass through round perforations $^{22}/_{64}$ inch in diameter.

(3) "Mixed" size raisins means a mixture of sizes that do not meet the requirements of "select" size.

(b) *Unseeded.* (1) "4 Crown" means raisins that will not pass through round perforations $^{42}/_{64}$ inch in diameter.

(2) "3 Crown" means raisins that will pass through round perforations $^{42}/_{64}$ inch in diameter but will not pass through round perforations $^{34}/_{64}$ inch in diameter.

(3) "2 Crown" means raisins that will pass through round perforations $^{34}/_{64}$ inch in diameter but will not pass through round perforations $^{24}/_{64}$ inch in diameter

(4) "1 Crown" means raisins that will pass through round perforations $^{24}/_{64}$ inch in diameter.

§ 52.1846a Sizes of Layer (or Cluster) Muscat raisins.

The size of Layer (or Cluster) Muscat raisins is incorporated in the grades of the finished product. The size designation and measurement as applicable to Layer (or Cluster) Muscat Raisins are:

(a) *"3 Crown size or larger".* "3 Crown size or larger" in Layer (or Cluster) Muscat raisins means that the raisins, exclusive of stems and branches, are of such a size that they will not pass through round perforations $^{34}/_{64}$ inch in diameter.

§ 52.1847 Grades of Muscat raisins.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of Muscat Raisins that have similar varietal characteristics; that have a good typical color with not more than 10 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded or Seeded (Valencia) raisins; that have a good characteristic flavor; that show development characteristic of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that Seeded or Soda-Dipped Seeded raisins may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table II of this subpart:

(1) Not more than 1 piece of stem per 32 ounces of raisins may be present;

(2) Not more than 10 capstems per 16 ounces of raisins may be present in other than uncapstemmed raisins; and not more than 20 loose capstems per 16 ounces of raisins may be present in uncapstemmed raisins;

(3) Not more than 12 seeds per 16 ounces of raisins in Seeded or Soda-dipped Seeded raisins may be present;

(4) Not more than 1 percent, by weight, of raisins may be undeveloped;

(5) Not more than 5 percent, by weight, of raisins may be discolored, damaged, or moldy: *Provided*, That not more than 3 percent, by weight, may be damaged, and not more than 2 percent, by weight, may be moldy;

(6) Not more than 5 percent, by weight, of raisins may be sugared;

(7) The appearance or edibility of the product may not be affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of Muscat Raisins that have similar varietal characteristics; that have a reasonably good typical color with not more than 15 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded or Seeded (Valencia) raisins; that have a good characteristic flavor; that show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that Seeded or Soda-dipped Seeded raisins may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table II of this subpart:

(1) Not more than 2 pieces of stem per 32 ounces of raisins may be present;

(2) Not more than 15 capstems per 16 ounces of raisins may be present in other than uncapstemmed raisins; and not more than 20 loose capstems per 16 ounces of raisins may be present in uncapstemmed raisins;

(3) Not more than 15 seeds per 16 ounces of raisins in Seeded or Soda-dipped Seeded raisins may be present;

(4) Not more than 2 percent, by weight, of raisins may be undeveloped;

(5) Not more than 7 percent, by weight, of raisins may be discolored, damaged, or moldy: *Provided*, That not more than 4 percent, by weight, may be damaged, and not more than 3 percent, by weight, may be moldy;

(6) Not more than 10 percent, by weight, of raisins may be sugared;

(7) The appearance or edibility of the product may not be affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(8) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "U.S. Grade C" or "U.S. Standard" is the quality of Muscat Raisins that have similar varietal characteristics; that have a fairly good typical color with not more than 20 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded or Seeded (Valencia) raisins; that have a fairly good flavor; that show development characteristic of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that Seeded or Soda-dipped Seeded raisins may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table II of this subpart:

(1) Not more than 3 pieces of stem per 32 ounces of raisins may be present;

(2) Not more than 20 capstems per 16 ounces of raisins may be present in other than uncapstemmed raisins; and not more than 20 loose capstems per 16 ounces of raisins may be present in uncapstemmed raisins;

(3) Not more than 20 seeds per 16 ounces of raisins in Seeded or Soda-dipped Seeded raisins may be present;

(4) Not more than 2 percent, by weight, of raisins may be undeveloped;

(5) Not more than 9 percent, by weight, of raisins may be discolored, damaged, or moldy: *Provided*, That not more than 5 percent, by weight, may be damaged, and not more than 4 percent, by weight, may be moldy;

(6) Not more than 15 percent, by weight, of raisins may be sugared;

(7) The appearance or edibility of the product may not be affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(8) Not more than a trace of grit, sand, or silt may be present that affects the appearance or edibility of the raisins.

(d) "Substandard" is the quality of Muscat Raisins that fail to meet the requirements of U.S. Grade C or U.S. Standard.

§ 52.1847a Grades of Layer (or Cluster) Muscat raisins.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of Layer (or Cluster) Muscat raisins that have similar varietal characteristics; that have a good typical color; that have a good characteristic flavor; that are uniformly cured and show development characteristic of raisins prepared from well-matured grapes; that contain not more than 23 percent, by weight, of moisture; that not less than 30 percent, by weight, of the raisins, exclusive of stems and branches, are 3 Crown size or larger; and that meet the following additional requirements as also outlined in Table IIa of this subpart:

(1) The raisins are practically free from shattered (or loose) individual berries and small clusters of 2 or 3 berries each;

(2) Not more than 1 percent, by weight, of raisins may be undeveloped;

(3) Not more than 3 percent, by weight, of raisins may be damaged;

(4) Not more than 5 percent, by weight, of raisins may be sugared;

(5) Not more than 2 percent, by count, of raisins may be moldy;

(6) The appearance or edibility of the product may not be affected by raisins damaged by fermentation; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of Layer (or Cluster) Muscat raisins that have similar varietal characteristics; that have a reasonably good typical color; that have a good characteristic flavor; that are uniformly cured and show development characteristic of raisins prepared from reasonably well-mature grapes; that contain not more than 23 percent, by weight, of moisture; that not less than 30 percent, by weight, of the raisins, exclusive of stems and branches, are 3 Crown size or larger; and that meet the following additional requirements as also outlined in Table IIa of this subpart:

(1) The raisins are reasonably free from shattered (or loose) individual berries and small clusters of 2 or 3 berries each;

(2) Not more than 2 percent, by weight, of raisins may be undeveloped;

(3) Not more than 4 percent, by weight, of raisins may be damaged;

(4) Not more than 10 percent, by weight, of raisins may be sugared;

(5) Not more than 3 percent, by count, of raisins may be moldy;

(6) The appearance or edibility of the product may not be more than slightly affected by raisins damaged by fermentation; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) *"Substandard"* is the quality of Layer (or Cluster) Muscat raisins that fail to meet the requirements of "U.S. Grade B" or "U.S. Choice."

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TABLE II--ALLOWANCES FOR DEFECTS IN LAYER(OR CLUSTER)MUSCAT RAISINS

Defects	U.S. Grade A or U.S. Fancy	U.S. Grade B or U.S. Choice	U.S. Grade C or U.S. Standard
	Maximum (by weight) (percent)		
Undeveloped	1	2	3
Damaged	3	4	
Sugated	5	10	
Moldy raisins	2		
	Maximum (by count) (percent)		
	2	3	
Shattered (or loose) individual berries and small clusters of 2 or 3 berries each.	Practically free.	Reasonably free.	
Damaged by fermentation	Appearance or edibility of product may not be affected.	Appearance or edibility of product may not be more than slightly affected.	
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		

TABLE II--ALLOWANCES FOR DEFECTS IN TYPE II, MUSCAT RAISINS

Defects	U.S. Grade A or U.S. Fancy	U.S. Grade B or U.S. Choice	U.S. Grade C or U.S. Standard
	Maximum count (per 32 ounces)		
Pieces of stem	1	2	3
	Maximum count (per 16 ounces)		
Capstems in other than uncapstemmed type	10	15	20
Seeds in seeded types	12	15	20
Loose capstems in uncapstemmed type	20	20	20
	Maximum count (percent by weight)		
Undeveloped	1	2	2
Sugared	5	10	15
Discolored, damaged, or moldy	5	7	9
Provided these limits are not exceeded:			
Damaged	3	4	5
Moldy	2	3	4
	Appearance or edibility of product		
Slightly discolored or damaged by fermentation or any other defect not described above	May not be affected	May not be more than slightly affected	May not be materially affected
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		Not more than a trace may be present that affects the appearance or edibility of the product.

TYPE III—SULTANA RAISINS; SIZES, GRADES

§ 52.848 Sizes of Sultana raisins.

Size designations are not applicable to Sultana Raisins.

§ 52.1849 Grades of Sultana raisins.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of Sultana Raisins that have similar varietal characteristics; that have a good typical color; that have a good characteristic flavor; that show development characteristic of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table III of this subpart:

(1) Not more than 1 piece of stem per 32 ounces of raisins may be present;

(2) Not more than 25 capstems per 16 ounces of raisins may be present;

(3) Not more than 1 percent, by weight, of raisins may be undeveloped;

(4) Not more than 4 percent, by weight, of raisins may be discolored, damaged, or moldy; *Provided,* That not more than 2 percent, by weight, may be damaged, and not more than 2 percent, by weight, may be moldy;

(5) Not more than 5 percent, by weight, of raisins may be sugared;

(6) The appearance or edibility of the product may not be affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of Sultana Raisins that have similar varietal characteristics; that have a reasonably good typical color; that have a good characteristic flavor; that show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Tables III of this subpart:

(1) Not more than 2 pieces of stem per 32 ounces of raisins may be present;

(2) Not more than 45 capstems per 16 ounces of raisins may be present;

(3) Not more than 2 percent, by weight, of raisins may be undeveloped;

(4) Not more than 6 percent, by weight, of raisins may be discolored, damaged, or moldy; *Provided,* That not more than 3 percent, by weight, may be damaged, and not more than 3 percent, by weight, may be moldy;

(5) Not more than 10 percent, by weight, of raisins may be sugared;

(6) The appearance or edibility of the product may not be more than slightly affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(7) No grit, sand, or silt of any consequence may be present that affects the appearance or edibility of the raisins.

(c) "U.S. Grade C" or "U.S. Standard" is the quality of Sultana Raisins that have similar varietal characteristics; that have a fairly good typical color; that have a fairly good flavor; that show development characteristic of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements as also outlined in Table III of this subpart:

(1) Not more than 3 pieces of stem per 32 ounces of raisins may be present;

(2) Not more than 65 capstems per 16 ounces of raisins may be present;

(3) Not more than 2 percent, by weight, of raisins may be undeveloped;

(4) Not more than 9 percent, by weight, of raisins may be discolored, damaged or moldy; *Provided:* That not more than 5 percent, by weight, may be damaged, and not more than 4 percent, by weight, may be moldy;

(5) Not more than 15 percent, by weight, of raisins may be sugared;

(6) The appearance or edibility of the product may not be materially affected by slightly discolored raisins or raisins damaged by fermentation or any other defect not previously described; and

(7) Not more than a trace of grit, sand, or silt may be present that affects the appearance or edibility of the raisins.

(d) "Substandard" is the quality of Sultana Raisins that fails to meet the requirements of U.S. Grade C or U.S. Standard.

TABLE III--ALLOWANCES FOR DEFECTS IN TYPE III, SULTANA RAISINS

Defects	U.S. Grade A or U.S. Fancy	U.S. Grade B or U.S. Choice	U.S. Grade C or U.S. Standard
	Maximum count (per 32 ounces)		
Pieces of stems	1	2	3
	Maximum count (per 16 ounces)		
Capstems	25	45	65
	Maximum (percent by weight)		
Undeveloped	1	2	2
Sugared	5	10	15
Discolored, damaged, or moldy	4	6	9
Provided these limits are not exceeded:			
Damaged	2	3	5
Moldy	2	3	4
	Appearance or edibility of product		
Slightly discolored or damaged by fermentation or any other defect not described above	May not be affected	May not be more than slightly affected	May not be materially affected
Grit, sand, or silt	None of any consequence may be present that affects the appearance or edibility of the product.		Not more than a trace may be present that affects the appearance or edibility of the product.

TYPE IV—MIXED TYPES OF RAISINS GRADES

§ 52.1850 Grades of mixed types.

The grade for a lot of mixed types of processed raisins shall be the lower (or lowest) grade of any varietal type in the mixture based on the respective requirements for each type, except for moisture, in accordance with this subpart. Mixed types of processed raisins of U.S. Grade A or U.S. Fancy, U.S. Grade B or U.S. Choice, or U.S. Grade C or U.S. Standard may contain not more than 18 percent, by weight, of moisture. Mixed types of processed raisins that as a mixture exceed 18 percent, by weight, of moisture are "Substandard."

V 39 I 172 SEP 4 74 XUM

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1851 Definitions of terms.

(a) *"Capstems"* means small woody stems exceeding ⅛-inch in length which attach the raisins to the branches of the bunch.

(b) A "piece of stem" means a portion of the branch or main stem.

(c) "Seeds" refers to the whole, fully developed seeds which have not been removed during the processing of Muscat Seeded Raisins.

(d) "Undeveloped" refers to extremely light berries that are lacking in sugary tissue indicating incomplete development; are reddish in color; are completely shriveled and hard; have fine wrinkles on smaller units and moderately deep wrinkles on slightly larger units; and are commonly referred to as "worthless".

(e) "Damaged" raisins means raisins affected by sunburn, scars, mechanical injury, or other similar means which seriously affect the appearance, edibility, keeping quality, or shipping quality of the raisins. In Muscat Seeded Raisins, mechanical injury resulting from normal seeding operations is not considered damage.

(f) "Sugared" means either external or internal sugar crystals are present and the accumulation of such crystallized fruit sugars in the flesh of the raisins or on the surface are readily apparent.

(g) "Grit, sand, or silt" means any particle of earthy material.

(h) "Moisture" means the percentage by weight of the processed raisins, exclusive of branch and heavy stem material, that is moisture when determined by the "Dried Fruit Moisture Tester Method" or in accordance with methods that give equivalent results.

(i) "Slightly discolored" means a raisin affected by a brown to dark brown discolored area around the capstem end of the raisin that is less than the area of a circle ⅛-inch in diameter.

(j) "Discolored" means a raisin affected by a brown to dark brown discolored area around the capstem end of the raisin that equals or exceeds the area of a circle ⅛-inch in diameter; *Provided:* That the overall appearance, keeping quality, and edibility of the product are not seriously affected.

Effective date. This revision to the United States Standards for Grades of Processed Raisins shall be effective October 15, 1974, and shall supersede all previous issues.

Dated: August 28, 1974.

E. L. PETERSON,
Administrator.

[FR Doc.74-20308 Filed 9-3-74;8:45 am]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

DISCONTINUANCE OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR BARLEY CROP INSURANCE; APPENDIX

The counties listed below are hereby deleted from the list of counties published in the FEDERAL REGISTER on February 12, 1974 (39 FR 5303), which were designated for barley crop insurance for the 1975 crop year pursuant to the authority contained in § 401.101 of the above-identified regulations.

COLORADO	
Sedgwick	
Washington	

(Secs. 506, 516, 52 Stat. 73 as amended, 77, as amended (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-20388 Filed 9-3-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 932—OLIVES GROWN IN CALIFORNIA

Subpart—Rules and Regulations

The following amendment of the Subpart—Rules and Regulations prescribes the grade and size requirements for California olives processed during the 1974–75 crop year for use in the production of limited use styles (halved, quartered, segmented, sliced, chopped or minced) of canned ripe olives. It relaxes the size requirements that would otherwise apply to such olives during said crop year pursuant to the provisions of the Federal marketing order for olives grown in California.

The publication hereof gives notice of the approval of amendment, as hereinafter set forth, of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 932.108–932.161) currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California, hereinafter referred to collectively as the "order." This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment of said rules and regulations was unanimously recommended by the Olive Administrative Committee, established under said marketing agreement and order as the agency to administer the terms and provisions thereof.

The provisions of paragraphs § 932.52(a)(2) and (a)(3) of the order specify, in terms of minimum weights for individual olives according to variety, the minimum sizes of processed olives that may be used in the production of Whole or Pitted styles of canned ripe olives. Section 932.52(a)(3) also provides that processed olives smaller than the sizes so prescribed, as recommended annually by the committee and approved by the Secretary, may be authorized for limited use (production of Halved, Sliced, or Chopped or Minced styles of canned ripe olives) but any such limited use size olives so used shall be not smaller than the applicable size specified in the paragraph except for the tolerances recommended to, and approved by, the Secretary. Pursuant thereto this amendment establishes, for olives from the 1974–75 crop utilized for limited use, the minimum sizes specified in said § 932.52(a)(3) and includes a size tolerance of 25 percent for undersize Variety Group 1 olives and 20 percent for undersize Variety Group 2 olives. The same size requirements will apply to olives used in the production of quartered and segmented styles (segmented style olives means olives that meet the standards for quartered style except that the pitted olives shall each have been cut lengthwise into more than four approximately equal parts) pursuant to the provisions of § 932.155(d). The amendment includes, for olives used to produce the halved or sliced styles, the grade requirements specified in § 932.52 and modified in § 932.149. The minimum grade for the chopped or minced style is currently specified in § 932.149. The minimum grade of olives used to produce quartered or segmented styles is currently specified in § 932.155.

This liberalization reflects the committee's appraisal of the 1974–75 olive crop and marketing conditions and are its recommendations for the minimum grade and sizes of olives that will provide consumers with good quality fruit of the styles specified herein and for improving returns to producers pursuant to the declared policy of the act.

It is hereby found that amendment of said rules and regulations, as hereinafter set forth, is in accordance with the provisions of the marketing agreement and order, and will tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

The provisions of § 932.153 are revised to read as follows:

§ 932.153 Establishment of grade and size requirements for processed 1974–75 olives for limited use.

(a) *Grade.* On and after September 3, 1974, any handler may use processed olives of the respective variety groups in the production of halved or sliced styles of canned ripe olives if such olives were processed after September 2, 1974, and meet the grade requirements specified in § 932.52(a)(1) as modified by § 932.149.

(b) *Sizes.* On and after September 3, 1974, any handler may use processed olives in the production of halved, sliced or chopped or minced styles of canned ripe olives if such olives were processed during the period September 3, 1974, through August 31, 1975, and meet the following requirements:

(1) The processed olives shall be identified and kept separate and apart from any olives processed before September 3, 1974, or after August 31, 1975;

(2) Variety Group 1 olives, except the Ascolano, Barouni, or St. Agostino varieties, shall be of a size which individually weigh 1/90 pound: *Provided,* That not to exceed 25 percent of the olives in any lot or sublot may be smaller than 1/90 pound;

(3) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties shall be of a size which individually weigh 1/140 pound: *Provided,* That not to exceed 25 percent of the olives in any lot or sublot may be smaller than 1/140 pound;

(4) Variety Group 2 olives, except the Obliza variety, shall be of a size which individually wgeigh 1/140 pound: *Provided,* That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/180 pound;

(5) Variety Group 2 olives of the Obliza variety shall be of a size which individually weight 1/140 pound: *Provided,* That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/140 pound.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), and good cause exists for making the provisions hereof effective at the time hereinafter set forth, in that (1) the time intervening between the date when the information upon which this amendment is based became available and the time such amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) the handling of the 1974 crop of olives is expected to begin on or about the effective time hereof; (3) compliance with the amended rules and regulations will require of handlers no special preparation therefor which cannot be completed by the effective time hereof; and (4) this amendment relaxes restrictions on the handling of olives.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 602–674))

Dated, August 29, 1974, to become effective September 3, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-20330 Filed 9-3-74;8:45 am]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Handling Regulation

Correction

In FR Doc. 74–19375 appearing in the issue for Thursday, August 22, 1974, the following change should be made in the second line of the second column on page 30342: "paragraphs (9)(2), (4)(i), and (5) of this section," should be deleted and "subparagraph (2), (4)(i), and (5) of paragraph (g)" inserted.

CHAPTER XXIV—BOARD OF CONTRACT APPEALS, DEPARTMENT OF AGRICULTURE

PART 2400—ORGANIZATION, FUNCTIONS, AND RULES OF PROCEDURE

Technical Amendment

Correction

In FR Doc. 74 19711 appearing on page 30916 in the issue for Monday, August 26, 1974, make the following changes:

1. The first paragraph, the fifth line, which presently reads "137 and 139). In order to provide for" should read "30912). In order to provide for".

2. The second paragraph, the third line, which reads "cedure and 30 day effective date requrie-"should read "cedure and 30 day effective date require-".

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. J]

PART 210—COLLECTION OF CHECKS AND OTHER ITEMS BY FEDERAL RESERVE BANKS

Memorandum of Exchange Charges

The Federal Reserve Banks are prohibited from paying exchange charges by virtue of section 13 of the Federal Reserve Act, 12 U.S.C. 342, and cannot collect checks on banks demanding exchange charges. The Board of Governors has published a "Par List" for many years which lists cities in which checks will be cleared without the exaction of exchange charges. The list has become long and cumbersome, however, and the Board believes that a "Memorandum of Exchange Charges," which lists the banks at which exchange charges are made, would be a desirable alternative to the Par List. The Board is, therefore, amending Regulation J to reflect the new publication.

§ 210.2 [Amended]

Effective September 1, 1974, footnote 2 in § 210.2 is amended to read as follows:

[2] The Board of Governors publishes from time to time a "Memorandum on Exchange Charges" which indicates the banks that would make exchange charges on cash items forwarded by Federal Reserve Banks and consequently would not be paying their checks at par.

No change of policy is intended by virtue of the new publication and the Board is merely publishing a more convenient list of banks which exact an exchange charge. Public comment is, therefore, not necessary.

(5 U.S.C. 553(d))

By order of the Board of Governors, August 28, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-20317 Filed 9-3-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–WE–37–AD; Amdt. 39–1951]

PART 39—AIRWORTHINESS DIRECTIVES

Certain McDonnell Douglas Airplanes

The agency has received reports of numerous fan failures of CF6 turbine engines. One of the failures resulted in fan blade fragment ejection in the number two engine striking the main fuel supply hose to that engine. The hose was cut and a fire ensued.

Due to the drilled fan blade fragmentation characteristics, the manufacturer has developed a protective shield which the agency has determined to be an approved modification to afford the needed protection. This airworthiness directive requires the installation of the shield for the number two engine per the manufacturer's service bulletin, or an equivalent FAA-approved modification.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to install a protective shield for the main fuel supply hose for the number two engine on certain designated series models of DC–10 aircraft.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

McDONNELL DOUGLAS. Applies to DC-10-10, -10F, -30, -30F, Series Airplanes, Incorporating General Electric CF6 Turbine Engines, Certificated in all Categories

To provide additional fire protection for the number two engine main fuel hose, in the event of fan blade fragmentation, accomplish the following:

(1) On or before December 1, 1974, unless already accomplished, install a fuel hose shield, for the number two engine per McDonnell Douglas Service Bulletin No. 71-57, or later FAA-approved revisions, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(2) Aircraft may be flown to a base for the accomplishment of the modification described in this AD, per FAR's 21.197 and 21.199.

This amendment becomes effective September 6, 1974.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)))

Issued in Los Angeles, California on August 23, 1974.

ARVIN O. BASNIGHT,
Director,
FAA Western Region.

[FR Doc.74-20320 Filed 9-3-74;8:45 am]

[Airspace Docket No. 73-SW-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of an Amendment to Part 71

On April 26, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 10276) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign several airways in the vicinity of Monroe, La., simultaneously with the relocation of the Monroe VORTAC.

After due consideration of all comments the FAA, on July 10, 1973 (38 FR 18363), adopted the proposed amendment with a minor modification, effective November 8, 1973. Since that time the effective date has been postponed several times because of technical problems associated with the relocation of the Monroe, La. VORTAC.

It has now become apparent that the VORTAC will not be relocated this year. For this reason the FAA concludes that the amendment should be revoked.

The revocation of the amendment, however, does not preclude the FAA from issuing similar notices or rules in the future, or commit the FAA to any course of action.

This amendment revokes a rule that was issued over one year ago but, because of subsequent delaying amendments, has never become effective. This revocation imposes no burden upon any member of the public and is in the public interest in that the attendant regulations will conform with the existing airway structure. This action, therefore, is a minor amendment in which the public is not particularly interested and notice and public procedure thereon are unnecessary. However, in the interest of achieving that conformity at an early date, it may become effective on September 4, 1974.

In consideration of the foregoing, effective September 4, 1974, the amendment to Part 71, as published July 10, 1973, in the FEDERAL REGISTER (38 FR 18363) as Airspace Docket No. 73-SW-19, is revoked.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on August 28, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74-20323 Filed 9-3-74;8:45 am]

[Airspace Docket No. 74-WA-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of an Amendment to Part 71

On February 1, 1974, FR Doc. 74-2675 was published in the FEDERAL REGISTER (39 FR 4075) amending Part 71 of the Federal Aviation Regulations, by redescribing V-69 and V-69W between Shreveport, La., and El Dorado, Ark., effective May 23, 1974. These airways were based in part on relocation of the Monroe, La., VORTAC. Technical problems associated with commissioning of the Monroe VORTAC at the new location has caused the effective date of that amendment to be postponed several times.

It has now become apparent that the VORTAC will not be relocated this year. For this reason the Federal Aviation Administration (FAA) concludes that the amendment should be revoked.

The revocation of the amendment, however, does not preclude the FAA from issuing similar notices or rules in the future, or commit the FAA to any course of action.

This amendment revokes a rule that was issued over six months ago, but because of subsequent delaying amendments, has never become effective. This revocation imposes no burden upon any member of the public and is in the public interest in that the attendant regulations will conform with the existing airway structure. This action, therefore, is a minor amendment in which the public is not particularly interested and notice and public procedure thereon are unnecessary. However, in the interest of achieving that conformity at an early date, it may become effective on September 4, 1974.

In consideration of the foregoing, effective September 4, 1974 the amendment to Part 71, published February 1, 1974, in the FEDERAL REGISTER (39 FR 4075) as Airspace Docket No. 74-WA-4, is revoked.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C. on August 28, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74-20821 Filed 9-3-74;8:45 am]

[Airspace Docket No. 74-NW-11]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Routes

On July 1, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 24238) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would alter three jet routes in the Olympia, Wash., area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Two comments received were favorable. The Department of the Navy objected to the proposed alteration of Jet Route 54 on the basis that the route would transit airspace over the Olympic Peninsula currently used by the U.S. military for flight training and would have a serious derogatory effect on those activities.

The agency agrees that the route would transit airspace used by the military for flight training activities. However, the airspace in question is within area positive control airspace and ATC would provide separation service between aircraft on Jet Route 54 and all other air traffic including military training activities in the area. Accordingly, air traffic on Jet Route 54 could be recleared and rerouted if required to provide separation from military activities in the area. The agency does not agree therefore, that the proposed alteration to Jet Route 54 would have a derogatory effect on military flight operations.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 7, 1974, as hereinafter set forth.

Section 75.100 (39 FR 699-14585) is amended as follows:

1. In J-34: "Jet Route No. 34 (Seattle, Wash.; to Westminster, Md.) From Seattle, Wash., via Ephrata, Wash.; Helena, Mont." is deleted and "Jet Route No. 34 From Hoquiam, Wash., via Olympia, Wash., Moses Lake, Wash.; Helena, Mont.;" is substituted therefor.

2. J-54 is revised to read as follows: "Jet Route No. 54 From Pendleton, Oreg., via Olympia, Wash.; to Neah Bay, Wash., NDB."

3. J-126 is revised to read as follows: "Jet Route No. 126 From Los Angeles, Calif., via the INT of the Los Angeles 319° and the Avenal, Calif., 145° radials; Avenal; Stockton, Calif.; Sacramento, Calif.; Red Bluff, Calif.; Medford, Oreg.; Eugene, Oreg.; Newberg, Oreg.; Olympia, Wash.; to Vancouver, British Columbia, Canada."

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on August 28, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74-20322 Filed 9-3-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-872, Amdt. 20]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Reasonable Level of Compensation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 29, 1974, effective August 1, 1974.

In accordance with established procedures and methodology, the Board has completed its review of commercial fuel prices for foreign and overseas MAC air transportation services as of August 1, 1974, and is herein amending the surcharge provisions in Part 288 of its Economic Regulations (14 CFR Part 288) applicable to the rates established for those services.[1]

We have reviewed reported fuel price changes as of August 1, 1974, compared to average fuel prices during the base year ended December 31, 1973. These comparisons are set out in Appendices A and B.[2] On the basis of these results, we will adjust the fuel surcharge rates as follows: the long-range Category B and the Category A rate from 11.94 to 11.60 percent, the Pacific interisland short-range Category B rate from 2.60 to 2.59 percent, and the "all other" short-range Category B rate from 5.79 to 4.38 percent, to be effective retroactively to August 1, 1974.

Under established procedures, surcharge rates resulting from our monthly review of commercial fuel prices are made effective as adjusted final rates, retroactive to the first day of the month under review, and as temporary surcharge rates (subject to final adjustment) for the period commencing on the first day of the following month. Accordingly, we find good cause exists to make the within final and temporary rates effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) as follows:

1. Section 288.7 is amended in the second proviso following the tables in paragraph (a)(1), and in the proviso in paragraph (d)(2), as set forth below.

§ 288.7 Reasonable level of compensation.

* * *

(a) * * *

(1) * * *; *And, provided further,* That (i) effective August 1 through August 31, 1974, the total minimum compensation pursuant to the rates specified in paragraph (a)(1) of this section for (*a*) services performed with regular jet, wide-bodied jet and DC-8F-61-63 aircraft, (b) Pacific interisland services performed with B-727 aircraft, and (c) all other services performed with B-727 aircraft shall be further increased by surcharges of 11.60 percent, 2.59 percent and 4.38 percent, respectively; and, (ii) on and after September 1, 1974, the total minimum rates specified in paragraph (a)(1) of this section for (*a*) services performed with regular jet, wide-bodied jet and DC-8F-61-63 aircraft, (b) Pacific interisland services performed with B-727 aircraft, and (c) other services performed with B-727 aircraft shall be further increased by temporary surcharges of 11.60 percent, 2.59 percent and 4.38 percent, respectively, subject to amendment (upward or downward) upon final determination by the Board.[3]

* * *

(d) * * *

(2) * * *

Provided, however, That (i) effective August 1 through August 31, 1974, the total minimum compensation specified in paragraphs (d)(1) and (d)(2) above shall be further increased by a surcharge of 11.60 percent; and, (ii) on and after September 1, 1974, the total minimum compensation specified in paragraphs (d)(1) and (d)(2) above shall be further increased by a temporary surcharge of 11.60 percent, subject to amendment (upward or downward) upon final determination by the Board.

* * *

(Secs. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stats. 743, 758 and 771, as amended (49 U.S.C. 1324, 1373 and 1386))

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-20352 Filed 9-3-74;8:45 am]

SUBCHAPTER D—SPECIAL REGULATIONS

[Regulation SPR-79, Amdt. 7]

PART 372a—TRAVEL GROUP CHARTERS

Statements of Charges; Editorial Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., August 29, 1974, effective September 24, 1974.

By SPR-78, effective August 12, 1974, the Board amended Part 372a of its Special Regulations (14 CFR Part 372a), which sets forth the Travel Group Charters (TGC) rule, by revising various of its restrictions. Among the revised restrictions were: (1) The elimination of the standby list for eligible assignees of participants and, instead, permitting the interests of original participants to be assignable to the general public; and (2) the reduction of the deadline for filing the list of original participants from 90 to 60 days prior to the scheduled departure date.

Through inadvertence, SPR-78 did not include the necessary revision of § 372a.28(b) so as to reflect the above-described substantive rule changes. The purpose of this amendment is to cure the inadvertent omission.

This editorial amendment is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19 and shall become effective on September 24, 1974. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR 385.50 through 385.54).

Accordingly, the Board hereby amends § 372a.28 by revising paragraph (b) to read as follows:

§ 372a.28 Statements of charges.

* * * * * * *

(b) All such announcements, statements, or solicitation material shall identify the carrier(s) and the type of aircraft to be used for the charter, and shall state that for a person to be eligible to be a passenger on a charter flight, he must either be included in the list to be filed no later than sixty (60) days before flight departure or be the assignee of a charter participant so listed.

* * * * * * *

(Sec. 204(a), Federal Aviation Act of 1958, as amended; 72 Stat. 743; (49 U.S.C. 1324) Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; (49 U.S.C. 1324 (note)))

By the Civil Aeronautics Board:

[SEAL] THOMAS J. HEYE,
General Counsel.

[FR Doc.74-20351 Filed 9-3-74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74-227]

CUSTOMS BONDS

Miscellaneous Amendments

On September 17, 1973, a notice of proposed rulemaking pertaining to a revision of the Customs Regulations relating to Customs bonds was published in the FEDERAL REGISTER (38 FR 25995). Pursuant to this revision, a new part of the regulations, Part 113, entitled "Customs Bonds," would be added to the Customs Regulations, revising and replacing Part 25. This revision is part of the overall revision of the Customs Regula-

[1] ER-869, July 31, 1974.

[2] Appendices A and B filed as part of the original document.

[3] The surcharge provisions for services performed with B-727 aircraft will be applied to all other common-rated aircraft types.

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tions, which includes a rearrangement of the sequence of parts in Chapter I, Title 19, of the Code of Federal Regulations.

Previously, on July 20, 1973, Treasury Decision 73-197, which amended Part 25 of the Customs Regulations to permit the establishment of the Automated Bond Information System (ABIS) for certain Customs term bonds, was published in the FEDERAL REGISTER (38 FR 19361). On January 31, 1974, Treasury Decision 74-49 was published in the FEDERAL REGISTER (39 FR 3932) and amended the new provisions relating to the Automated Bond Information System to permit an importer submitting a bond on Customs Form 7553 for the first time to submit that bond and the accompanying bond transcript on, or at any time before, the effective date of the bond. None of these amendments were included in the notice of proposed rulemaking of September 17, 1973, setting forth the proposed revision of the Customs Regulations relating to Customs bonds. In order to incorporate the changes made by Treasury Decisions 73-197 and 74-49, the following changes have been made in the revised provisions originally proposed:

(1) Sections 113.26(a) and 113.62(b)(3) have been deleted inasmuch as these provisions have been invalidated by the new Automated Bond Information System procedures.

(2) Section 113.26(b), relating to the distribution to various ports of copies of blanket smelting and refining bonds, has been placed in a separate new section, § 113.27.

(3) A new § 113.26, entitled "Bond transcript for certain term bonds," now sets forth the procedure for handling the term bonds included in the Automated Bond Information System.

(4) Section 113.14(k)(2) has been changed to specify that the minimum amount of the Term Bond for Temporary Importation, Customs Form 7563-A, is $10,000. Under the Automated Bond Information System procedure, this bond is valid at all ports of entry.

On November 8, 1973, Treasury Decision 73-312, which amended, among other provisions of the Customs Regulations, § 25.18(a) relating to extensions of time for compliance with bond requirements and stipulations, was published in the FEDERAL REGISTER (38 FR 30882). In order to incorporate this change in the revised provisions relating to Customs bonds, § 113.43(a) has been changed to provide for the inapplicability of that section to invoices or documents required to be produced within 2 months of the transaction date in accordance with § 141.61(e) of the Customs Regulations.

After consideration of the comments received in response to the notice of proposed rulemaking of September 17, 1973, setting forth the proposed revision of the Customs Regulations relating to Customs bonds, the following additional changes have been made in the provisions originally proposed:

(1) In paragraph (c) of § 113.2, the clause "or such longer period as he may fix when in his opinion special circumstances existing in a particular instance require such longer period" has been added to the end of the paragraph in view of the fact that the Commissioner of Customs pursuant to 19 U.S.C. 1623(b)(3), may authorize for certain term bonds a term exceeding one year where, in his opinion, special circumstances warrant a longer period.

(2) Paragraph (gg) of § 113.14 described the Public Gauger bond as one of the bonds subject to approval by the district director of Customs. Under the procedure to become a licensed public gauger approved by Customs (§ 151.43(b) of the Customs Regulations), a prospective licensed public gauger may obtain the Public Gauger bond form from the district director, but this bond, together with a completed application and other necessary documentation, must be submitted directly to, and approved by, the Commissioner of Customs. Therefore, the Public Gauger bond has been placed in § 113.13, relating to bonds approved by the Commissioner of Customs. However, inasmuch as the other bonds requiring approval by the Commissioner of Customs must be submitted to the district director for forwarding to the Commissioner, they have been placed in a separate paragraph (a), under § 113.13, and the Public Gauger bond has been placed in paragraph (b) of that section.

(3) In § 113.14(e)(2), "and T.D. 55876" has been added after the words "in the form prescribed in T.D. 46594, as amended by T.D. 52626" in order to completely describe the form to be used for the term bond to produce the manifest and shipper's export declarations for goods exported to Canada.

(4) In § 113.14(i)(1), the amount in which the single entry Bond for Exportation or Transportation or for Transportation and Exportation, Customs Form 7557, shall be taken has been clarified. As originally proposed, § 113.14(i)(1) provided that this bond shall be taken in an amount equal to double the estimated duty. However, section 1.11 of the Customs Regulations defines "duties" as "Customs duties and any internal revenue taxes which attach upon importation". For clarification, therefore, § 113.14(i)(1) has been changed to state that the single entry Bond for Exportation or Transportation, or for Transportation and Exportation shall be taken in an amount equal to double the ordinary Customs duty on the merchandise (including any taxes required by law to be treated as duties) plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director.

(5) Section 113.14(p), as originally proposed, contained a description of the procedure to be followed by the district director of Customs upon his approval of, or his discontinuance of the use of, the Bond for the Control of Instruments of International Traffic, Customs Form 7587. This procedure is an internal Customs procedure and is not a proper subject to be covered by the Customs Regulations. Consequently, the second sentence of § 113.14(p), which contained this procedure, has been deleted.

(6) In § 113.14(r), the phrase "or landing bond in the form prescribed in T.D. 47886", has been added after the words "Landing Bond, Customs Form 7593," to permit the use of a bond following the format set forth in T.D. 47886 in the event Customs Bond Form 7593 is not obtainable.

(7) In § 113.14(y), the phrase "filed at the option of the drawback claimant" has been changed to read "filed by the drawback claimant" with respect to the filing of the Drawback Export Bond, Customs Form 7613, by drawback claimants using the exporter's summary procedure described in § 22.7 of the Customs Regulations. Although a drawback claimant using this procedure may file either the Drawback Export Bond or the General Term Bond for Entry of Merchandise, Customs Form 7595, he does not have the option of not filing any bond, as the original wording of § 113.14(y) may have indicated. The change described above will correct this misunderstanding.

(8) Section 113.14(bb), describing the special bond for the exportation of convict-made goods, has been deleted inasmuch as present Customs procedure renders the use of this bond obsolete. Pursuant to §§ 12.42 through 12.45 of the Customs Regulations, any article suspected of having been produced by the use of convict labor, forced labor, or indentured labor shall not be released until all questions relating to its admissibility have been resolved.

(9) Because of the deletion from § 113.14 of paragraphs (bb) (bond for the exportation of convict-made goods) and (gg) (Public Gauger bond), paragraphs (cc), (dd), (ee), and (ff) of section 113.14 have been redesignated (bb), (cc), (dd), and (ee), respectively, and paragraphs (hh) and (ii) of § 113.14 have been redesignated (ff) and (gg).

(10) Section 113.21(d), relating to the use of abbreviations, has been changed to permit the use on the bond of the abbreviation of the name of the State of incorporation of the principal or the surety. The failure to provide for the use on the bond of the abbreviations for State names was inadvertent.

(11) Section 113.34(d), relating to the execution of bonds by attorneys in fact, has been changed to include a cross-reference to § 141.46 of the Customs Regulations, which permits a customhouse broker to retain his powers of attorney in his office, provided he makes them available for inspection by representatives of the Department of the Treasury. Any other person having a power of attorney is required under § 141.44 of the Customs Regulations to file a copy of the power with the district director in which the power is to be exercised in a Customs matter.

In addition to the above changes, a number of editorial corrections have been made in the text of the revised provisions originally proposed.

Included as part of the revision is a parallel reference table showing the relationship of the sections in new Part 113 to the superseded sections of Part 25.

Accordingly, new Part 113, and conforming changes in Parts 10, 11, 12, 18, 19, 24, 25, 114, 133, 141, 142, and 172 of the Customs Regulations (Chapter I, Title 19, of the Code of Federal Regulations) are hereby adopted as set forth below.

Effective date. These amendments will be effective October 4, 1974.

VERNON D. ACREE,
Commissioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

Approved: August 21, 1974.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

In § 10.39, paragraph (a) is amended by substituting in the first sentence "§ 113.55" for "§ 25.15", and paragraph (d) is amended by adding a new subparagraph (3) to read as follows:

§ 10.39 Cancellation of bonds.

• • • • • •

(d) • • •

(3) *Demand for return to Customs custody.* When the demand for return to Customs custody is made in the case of merchandise entered under schedule 8, part 5C, Tariff Schedules of the United States (19 U.S.C. 1202), liquidated damages in an amount equal to double the estimated duties on the merchandise not returned shall be demanded, except that in the case of samples solely for use in taking orders, motion-picture advertising films, professional equipment, tools of trade, and repair components for professional equipment and tools of trade, the liquidated damages demanded shall be in an amount equal to 110 percent of the estimated duties.

• • • • • •

§ 10.41a [Amended]

In § 10.41a, the fifth sentence of paragraph (c) is amended by substituting "§ 113.14(p)" for "§ 25.4(a)(34)".

§§ 10.43 and 10.71 [Amended]

Sections 10.43(a) and 10.71(c) are amended by substituting "§ 113.42" for "§ 25.16(c)".

Section 10.112 and the centerhead before that section are amended to read as follows:

LATE FILING OF FREE ENTRY AND REDUCED DUTY DOCUMENTS

§ 10.112 Filing free entry documents or reduced duty documents after entry.

Whenever a free entry or a reduced duty document, form, or statement required to be filed in connection with the entry is not filed at the time of the entry or within the period for which a bond was filed for its production, but failure to file it was not due to willful negligence or fraudulent intent, such document, form, or statement may be filed at any time prior to liquidation of the entry or, if the entry was liquidated, before the liquidation becomes final. See § 113.43(c) of this chapter for satisfaction of the bond and cancellation of the bond charge.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 11—PACKING AND STAMPING; MARKING

§§ 11.12 and 11.12a [Amended]

Sections 11.12(c) and 11.12a(c) are amended by substituting "§ 113.14" for "§§ 25.3 and 25.4".

§ 11.12b [Amended]

In § 11.12b, paragraph (c) is amended by substituting "§ 113.14" for "§ 25.4".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 12—SPECIAL CLASSES OF MERCHANDISE

§§ 12.73 and 12.91 [Amended]

Sections 12.73(c), and 12.91(d) are amended by substituting "§ 113.14" for "§ 25.4(a)".

§ 12.80 [Amended]

Section 12.80(c) is amended by substituting "§ 113.14" for "§ 25.4(a)".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

§ 18.20 [Amended]

In § 18.20, paragraph (b) is amended by substituting § 113.55 for § 25.15.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS, AND CONTROL OF MERCHANDISE THEREIN

§ 19.17 [Amended]

In § 19.17, paragraph (e) is amended by substituting in the second sentence "T.D. 72-244" for "T.D. 50267, as amended by T.D. 52403".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

§ 24.11 [Amended]

In § 24.11, paragraph (a)(2) is amended by substituting "§ 113.14(u)" in place of "§ 25.4(a)(32)".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 25—CUSTOMS BONDS

§§ 25.1 through 25.19 [Deleted]

Chapter I of Title 19, Code of Federal Regulations, is amended by deleting Part 25.

(R.S. 251, as amended, secs. 623, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

PART 113—CUSTOMS BONDS

Chapter I of Title 19, Code of Federal Regulations, is amended by adding new Part 113 as follows:

Subpart A—General Provisions

Sec.
113.0 Scope.
113.1 Authority to require execution of bond or security.
113.2 Powers of Commissioner of Customs relating to bonds.
113.3 Liability of surety on a terminated bond.

Subpart B—Classes and Approval of Bonds

113.11 Name and classes of bonds.
113.12 Carnets.
113.13 Bonds approved by the Commissioner of Customs.
113.14 Bonds approved by the district director.
113.15 Approval of bond.
113.16 Amount of bond approved by district director.
113.17 Approved form of bond inadequate.
113.18 Retention of approved bonds.

Subpart C—General and Special Bond Requirements

113.21 Information required on the bond.
113.22 Witnesses required.
113.23 Changes made on the bond.
113.24 Seals.
113.25 Termination date for term bonds.
113.26 Bond transcript for certain term bonds.
113.27 Copies of blanket smelting and refining bonds.

Subpart D—Principals and Sureties

113.31 Information pertaining to principals and sureties on the bond.
113.32 Same party as principal and surety; attorney in fact.
113.33 Partnerships as principals.
113.34 Corporations as principals.
113.35 Individual sureties.
113.36 Partners acting as surety in behalf of a partner or in behalf of a partnership.
113.37 Corporate sureties.
113.38 Delinquent sureties.
113.39 Acceptance of cash deposits or obligations of the United States in lieu of sureties on bonds.

Subpart E—Production of Documents

113.41 Entry made prior to production of documents.
113.42 Time period for production of documents.
113.43 Extension of time period.
113.44 Assent of sureties to an extension of a bond.
113.45 Charge for production of a missing document made against a term bond.
113.46 Cancellation of bond charges resulting from failure to produce documents.

Subpart F—Assessment of Damages and Cancellation of Bond

113.51 Cancellation of bond or charge against the bond.
113.52 Failure to satisfy the bond.
113.53 Waiver of Customs requirement supported by a bond.
113.54 Cancellation of erroneous charges.
113.55 Cancellation of export bonds.

Subpart G—Special Provisions Concerning Consolidated Aircraft Bonds and General Term Bonds for the Entry of Merchandise

113.61 Consolidated Aircraft Bond.
113.62 General Term Bond for Entry of Merchandise.

AUTHORITY: R.S. 251, as amended, secs. 623, 624, 46 Stat. 759, as amended; (19 U.S.C. 66, 1623, 1624). Subpart E also issued under sec. 484, 46 Stat. 722, as amended (19 U.S.C. 1484). Additional authority and statutes in-

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terpreted or applied are cited in the text or following the sections affected.

§ 113.0 Scope.

This part sets forth the general requirements applicable to bonds. It contains the general authority and powers of the Commissioner of Customs in requiring bonds, the classes of bonds and their approval and execution, general and special bond requirements, the requirements which must be met to be either a principal or a surety, the requirements concerning the production of documents, and the authority and manner of assessing damages and of cancelling the bond or charges against a bond.

Subpart A—General Provisions

§ 113.1 Authority to require execution of bond or security.

Where a bond or other security is not specifically required by law, the Commissioner of Customs, pursuant to Treasury Department Order No. 165 Revised, as amended (T.D. 53654, 19 FR 7241), may by regulation or specific instruction require, or authorize the district director to require, such bonds or other security considered necessary for the protection of the revenue or to assure compliance with any pertinent law, regulation, or instruction.

§ 113.2 Powers of Commissioner of Customs relating to bonds.

Whenever a bond is required or authorized by law, regulations, or instructions, the Commissioner of Customs may:

(a) Prescribe the conditions and form of such bond, and fix the amount of penalty, whether for the payment of liquidated damages, or of a penal sum, except as otherwise specifically provided for by law.

(b) Provide for the approval of the sureties on the bond, without regard to any general provision of law.

(c) Authorize the execution of a term bond the conditions of which shall extend to and cover similar cases of importations over a period of time, not to exceed one year or such longer period as he may fix when in his opinion special circumstances existing in a particular instance require such longer period.

(d) Authorize the taking of a consolidated bond (single entry or term) in lieu of separate bonds to assure compliance with two or more provisions of law, regulations, or instructions. Such a consolidated bond shall have the same force and effect as the separate bonds in lieu of which it was taken. The Commissioner of Customs may fix the penalty of a consolidated bond without regard to any other provision of law, regulation, or instruction.

§ 113.3 Liability of surety on a terminated bond.

The surety, as well as the principal, remains liable on a terminated bond for obligations incurred prior to termination.

Subpart B—Classes and Approval of Bonds

§ 113.11 Name and classes of bonds.

(a) *Name.*—All bonds required to be given under the Customs statutes or regulations shall be known as Customs bonds.

(b) *Classes.*—Customs bonds shall consist of two classes:

(1) Those approved by the Commissioner of Customs (see § 113.13).

(2) Those approved by the district director (see § 113.14).

§ 113.12 Carnets.

A carnet is an international customs document which serves simultaneously as a customs entry document and as a customs bond. Therefore, carnets, provided for in Part 114 of this chapter, are ordinarily acceptable without posting further security under the Customs statutes or regulations requiring bonds.

§ 113.13 Bonds approved by the Commissioner of Customs.

(a) *Submitted to district director for forwarding to Commissioner of Customs.* The following bonds, after execution by the principals and sureties, shall be forwarded by the district director to the Commissioner of Customs for approval:

(1) *Proprietor's Manufacturing Warehouse Bond, Class 6, Customs Form 3583.*—Proprietor's Manufacturing Warehouse Bond, Class 6, Customs Form 3583, in an amount to be recommended by the district director, but not less than $5,000 on each building or area and not more than $50,000 on all buildings or areas, unless the Commissioner of Customs directs that additional security is necessary. Buildings connected by loading platforms or sheds shall be considered as separate buildings. This Customs bond shall be prepared in duplicate. The district director shall forward to the Commissioner, along with this bond, his recommendation, together with all reports, documents, and drawings filed in connection with the bond.

(2) *Blanket smelting and refining bond.*—Blanket smelting and refining bond in the form prescribed by T.D. 72–244, in an amount to be recommended by the district director and fixed by the Commissioner. The number of copies required for this bond are set forth in § 113.27.

(b) *Submitted directly to Commissioner of Customs.* Public Gauger bond, the form for which may be obtained from the district director, shall be submitted directly to the Commissioner of Customs in the amount of $10,000, in accordance with § 151.43(b) of this chapter.

§ 113.14 Bonds approved by the district director.

The following bonds are subject, after execution, to approval by the district director:

(a) *Proprietor's Warehouse Bond, Customs Form 3581.*—Proprietor's Warehouse Bond, Customs Form 3581, in the amount of $5,000 on each building or area covered, but not to exceed $50,000 on all buildings or areas, unless the district director believes additional security is necessary. Buildings connected by loading platforms or sheds shall be considered as separate buildings. All reports, documents, and drawings submitted in connection with the bonding of the warehouse shall be filed with the bond.

(b) *Bonds for the carriage of merchandise.*—(1) *Carrier's Bond, Customs Form 3587.*—Carrier's Bond, Customs Form 3587, for common carriers, contract carriers, and freight forwarders, in an amount to be determined by the district director, but in an amount not less than $25,000 in the case of motor and air carriers and in an amount not less than $50,000 in the case of other carriers.

(2) *Private Carrier's Bond, Customs Form 3588.*—Private Carrier's Bond, Customs Form 3588, in an amount to be determined by the district director.

(c) *Bond of Customs Cartman or Lighterman, Customs Form 3855.*—Bond of Customs Cartman or Lighterman, Customs Form 3855, in such amount as the district director deems necessary, but not less than $5,000, and not more than $50,000, unless the district director deems the latter amount insufficient. If the latter amount is considered by the district director insufficient, he shall report this fact to the Commissioner of Customs for the Commissioner's determination as to the amount of the bond.

(d) *Bond of Claimant of Seized Goods for Costs of Court, Customs Form 4615.*—Bond of Claimant of Seized Goods for Costs of Court, Customs Form 4615, in the amount of $250.

(e) *Bond to Produce Manifest and Shipper's Export Declarations for Goods Exported to Canada.*—(1) *Single entry bond, Customs Form 7303.*—Single entry Bond to Produce Manifest and Shipper's Export Declarations for Goods Exported to Canada, Customs Form 7303, in the amount of $1,000.

(2) *Term bond.*—Term bond to produce manifest and shipper's export declarations for goods exported to Canada, in the form prescribed in T.D. 46594, as amended by T.D. 52626 and T.D. 55876, in such amount as the district director may deem necessary.

(f) *Special carpet wool and camel's hair bond.*—(1) *Single entry bond, Customs Form 7547.*—Special single entry carpet wool and camel's hair bond, Customs Form 7547, in an amount equal to the value of the wool or hair involved plus double the estimated duty, as determined at the time of entry.

(2) *Term bond, Customs Form 7549.*—Special term carpet wool and camel's hair bond, Customs Form 7549, in the amount of $10,000, or such larger amount as the district director may deem necessary.

(g) *Immediate Delivery and Consumption Entry Bond.*—(1) *Single entry bond, Customs Form 7551.*—Immediate Delivery and Consumption Entry Bond (Single Entry), Customs Form 7551, in the amount equal to the value of the articles, as set forth in the entry, plus the estimated duty (including any taxes required by law to be treated as duties) and the estimated amount of any other taxes imposed upon or by reason of importation, as determined at the time of entry except that:

(i) *Merchandise entered at reduced rate of duty.*—When the bond is to cover merchandise granted a conditional right of entry at a reduced rate of duty, the amount of the bond shall be fixed in an amount equal to the value of the articles, as set forth in the entry, plus the maximum rate of duty prescribed by the law.

(ii) *Merchandise remaining in Customs custody.*—When the merchandise involved will remain in Customs custody until (*a*) the examination of the merchandise has been completed, (*b*) it is found to be truly and correctly invoiced, and (*c*) it is determined that its release is not precluded by law or regulation and it is entitled to admission into the commerce of the United States, the bond shall be in an amount equal to the aggregate sum of double the estimated amount of ordinary Customs duty on the merchandise (including any taxes required by law to be treated as duties) plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director.

(iii) *Merchandise unconditionally free of duty.*—When the merchandise appears to the satisfaction of the district director to be unconditionally free of duty and not prohibited from admission into the commerce of the United States, the amount of the bond may be in such lesser amount as, in the opinion of the district director, will be sufficient to accomplish the purpose for which the bond is given, but in no case less than $100.

(iv) *Immediate delivery.*—When the bond relates to an application for immediate delivery, the amount of the bond shall be fixed in the amount equal to the value of the articles, based on the information furnished in the application, plus the estimated duty (including any taxes required by law to be treated as duties) and the estimated amount of any taxes imposed upon or by reason of importation, as determined at the time of the application.

(2) *Term bond, Customs Form 7553.*—Immediate Delivery and Consumption Entry Bond (Term), Customs Form 7553, in the amount of $10,000, or such larger amount as the district director may deem necessary. This bond shall be taken to cover only entries to be made at a single port and shall not be modified to cover more than one port. The rules prescribed in paragraph (g)(1) of this section for determining the amount of the single entry immediate delivery and consumption entry bond shall be applied in making charges against immediate delivery and consumption entry term bonds.

(h) *Warehouse Entry Bond, Customs Form 7555.*—Warehouse Entry Bond, Customs Form 7555, in an amount equal to the aggregate sum of double the estimated amount of ordinary Customs duty on the merchandise (including any taxes required by law to be treated as duties) plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director. When the bond is to cover merchandise granted a conditional right of entry at a reduced rate of duty, the amount of the bond shall be fixed on the basis of the maximum rate of duty prescribed by the law.

(i) *Bond for Exportation or Transportation or for Transportation and Exportation.*—(1) *Single entry bond, Customs Form 7557.*—Single entry Bond for Exportation or Transportation or for Transportation and Exportation, Customs Form 7557, in an amount equal to the aggregate sum of double the ordinary Customs duty on the merchandise (including any taxes required by law to be treated as duties/plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director.

(2) *Term bond, Customs Form 7559.*—Term Bond for Exportation or Transportation or for Transportation and Exportation, Customs Form 7559, in the amount of $10,000, or such larger amount as the district director may deem necessary to afford ample security to the revenue.

(j) *Bond for Articles Entered or Withdrawn from Warehouse Conditionally Free of Duty, Customs Form 7561.*—Bond for Articles Entered or Withdrawn from Warehouse Conditionally Free of Duty, Customs Form 7561, in an amount equal to the aggregate sum of double the estimated amount of ordinary Customs duty on the merchandise (including any taxes required by law to be treated as duties) plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director. When the bond is to cover merchandise granted a conditional right of entry at a reduced rate of duty, the amount of the bond shall be fixed on the basis of the maximum rate of duty prescribed by the law.

(k) *Bond for Temporary Importations.*—(1) *Single entry, Customs Form 7563.*—Bond for Temporary Importations, Customs Form 7563, in an amount equal to double the duties which it is estimated would accrue (or such larger amount as the district director shall state in writing to the entrant, as is necessary to protect the revenue) had all the articles covered by the entry been entered under an ordinary consumption entry, except that in the case of samples solely for use in taking orders, motion-picture advertising films, professional equipment, tools of trade, and repair components for professional equipment and tools of trade, the bond shall be in an amount equal to 110 percent of the estimated duties.

(2) *Term bond, Customs Form 7563–A.*—Term Bond for Temporary Importations, Customs Form 7563–A, in such amount of $10,000 or such larger amount as may be fixed by the district director at the port where the bond is filed.

(l) *Bond for articles for exhibition, Customs Form 7565.*—Bond for articles for exhibition, Customs Form 7565, in an amount equal to the estimated duties, as determined at the time of entry.

(m) *Vessel, Vehicle, or Aircraft Bond.*—(1) *Single entry bond, Customs Form 7567.*—Vessel, Vehicle, or Aircraft Bond (Single Entry), Customs Form 7567, in such amount as the district director may deem necessary, but in no case less than $1,000.

(2) *Term bond, Customs Form 7569.*—Vessel, Vehicle, or Aircraft Bond (Term), Customs Form 7569, in the amount of $10,000, or such larger amount as may be fixed by the district director at the port where the bond is filed.

(n) *Single entry bond on entry for or withdrawal from manufacturing warehouse, Customs Form 7571.*—Bond on entry for or withdrawal from manufacturing warehouse (single entry), Customs Form 7571, in an amount equal to the aggregate sum of double the estimated amount of ordinary Customs duty on the merchandise, as determined at the time of entry (including any taxes required by law to be treated as duties) plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director.

(o) *Single entry bond to produce bill of lading, Customs Form 7581.*—Bond to Produce Bill of Lading (Single Entry), Customs Form 7581, in an amount equal to one and one-half times the invoice value.

(p) *Bond for control of instruments of international traffic, Customs Form 7587.*—Bond for the Control of Certain Instruments of International Traffic, Customs Form 7587, required by § 10.41a of this chapter in the amount of $10,000 or such larger amount as the district director may deem necessary to afford ample security to the revenue.

(q) *Antidumping Bond, Customs Form 7591.*—Antidumping Bond, Customs Form 7591, in an amount equal to the estimated value of the merchandise.

(r) *Landing bond for alcoholic beverages, Customs Form 7593.*—Landing Bond, Customs Form 7593, or landing bond in the form prescribed in T.D. 47886, to land spirits, wines, or other alcoholic liquors in foreign ports, in an amount equal to double the estimated duty.

(s) *General term bond for the entry of merchandise, Customs Form 7595.*—General Term Bond for Entry of Merchandise, Customs Form 7595, in the amount of $100,000, or such larger amount as may be fixed by the district director at the port where the bond is filed.

(t) *Bond to secure the payment of overtime services.*—(1) *Single entry bond, Customs Form 7597.*—Single entry bond, Customs Form 7597, in an amount deemed by the district director to be sufficient to secure the payment of overtime services requested by or on behalf of parties in interest.

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(2) *Term bond, Customs Form 7599.*—Term bond, Customs Form 7599, in an amount deemed by the district director to be sufficient to secure the payment of overtime services requested by or on behalf of parties in interest.

(u) *Superseding bond, Customs Form 7601.*—Superseding bond of the actual owner whose declaration has been filed pursuant to section 485(d), Tariff Act of 1930, as amended (19 U.S.C. 1485(d)), to pay increased and additional duties imposed upon or by reason of importation, to redeliver merchandise for marking and other purposes, and to perform all required acts with respect to merchandise not entitled to admission into the commerce of the United States, Customs Form 7601, in an amount equal to the amount of the single-entry bond or the bond charge which it supersedes.

(v) *Bond for conditionally-free withdrawal for supplies of fishing vessels, Customs Form 7603.*—Bond for Conditionally-Free Withdrawal of Distilled Spirits (Including Alcohol), Wines, or Beer, for Supplies of Fishing Vessels, Customs Form 7603, in an amount equal to the duties and taxes that would have been assessed had the supplies been regularly entered, or withdrawn, for consumption. When the form is used as a term bond, the bond shall be fixed in such larger amount as the district director may deem necessary.

(w) *Consolidated Aircraft Bond, Customs Form 7605.*—Consolidated Aircraft Bond, Customs Form 7605, filed with any district director at the option of the carrier, in the amount of $100,000, or such larger amount as may be fixed by the district director.

(x) *Bond for Accelerated Payment of Drawback.*— (1) *Single entry bond, Customs Form 7609.*—Bond for Accelerated Payment of Drawback (Single Entry), Customs Form 7609, in an amount equal to the amount of accelerated payment to be received on the entry covered.

(2) *Term bond, Customs Form 7611.*—Bond for Accelerated Payment of Drawback (Term), Customs Form 7611, in an amount sufficient to cover the maximum amount of accelerated payment to be outstanding at any time during the period of the bond.

(y) *Drawback Export Bond, Customs Form 7613.*—Drawback Export Bond, Customs Form 7613, filed by the drawback claimant using the exporter's summary procedure mentioned in § 22.7 of this chapter, in an amount equal to twenty five percent of the drawback claimed on entries filed by the principal (exporter-claimant) during the term of the bond.

(z) *Special bond for the entry of merchandise believed to involve unfair practices or unfair methods of competition.*—Special bond for the entry of merchandise believed to involve unfair practices or methods of competition, taken under the provisions of section 337(f), Tariff Act of 1930, as amended (19 U.S.C. 1337(f)), in the form prescribed in T.D. 45474. This bond shall be in an amount equal to the domestic value of the merchandise, as defined in § 12.39 (b) of this chapter.

(aa) *Special bond for the clearance of vessel penalized for carrying narcotics.*—Special bond for clearance of vessel penalized for carrying smoking opium or other narcotics under the provisions of section 584, Tariff Act of 1930, as amended (19 U.S.C. 1584), in the form prescribed in T.D. 45474. This bond shall be in an amount satisfactory to the district director to guarantee the payment of any fine imposed against the owner or master of the vessel.

(bb) *Special bond for the observance of neutrality.*—Special bond for observance of neutrality in the form prescribed in T.D. 45474, in an amount equal to double the value of the vessel and cargo on board, including her armament.

(cc) *Containerized Cargo Bond.*—Containerized Cargo Bond (Term), in the form prescribed in section 19.40 of this chapter, in the sum of $25,000, or such larger amount as the district director shall determine.

(dd) *Trade Fair Bond.*—Trade Fair Bond, in the form prescribed in § 147.3 of this chapter, in an amount to be determined by the district director.

(ee) *Copyright bond.*—Copyright bond, the form for which may be obtained from the district director, in an amount equal to the value of the articles, as set forth in the entry, plus the estimated duty. (See § 133.43 of this chapter.)

(ff) *Special bond for the importation of flammable fabrics.*—Special bond for the importation of flammable fabrics, the form for which may be obtained from the district director, in an amount equal to double the value of the merchandise.

(gg) *Bond of Customs Cartman for Issuance of Temporary Identification Card.*—Bond of Customs Cartman for Issuance of Temporary Identification Card, in the form prescribed in § 112.49(d) of this chapter, in an amount determined by the district director.

§ 113.15 Approval of bond.

The district director at the port where the bond is filed may approve any bonds described in § 113.14, if he is satisfied that:

(a) The amount of the bond is sufficient, and

(b) The bond is in proper form.

§ 113.16 Amount of bond approved by the district director.

The amount of any Customs bond approved by the district director shall not be less than $100, except when the law or regulation expressly provides that a lesser amount be taken. Fractional parts of a dollar shall be disregarded in computing the amount of the bond, which shall be stated always as the next highest dollar.

§ 113.17 Approved form of bond inadequate.

If a situation develops where the approved form of a bond, described in § 113.14, is deemed to be inapplicable, the district director may draft a form which he believes will be sufficient, but before the execution of the bond, the proposed form shall be submitted to the Commissioner of Customs for his consideration and approval.

§ 113.18 Retention of approved bonds.

All the bonds approved by the district director, described in § 113.14, except the Bond of Claimant of Seized Goods for Costs of Court, Customs Form 4615, shall remain on file in his office. The bond on Customs Form 4615, described in § 113.14(d), shall be transmitted to the United States attorney, as required by section 608, Tariff Act of 1930, as amended (19 U.S.C. 1608).

Subpart C—General and Special Bond Requirements

§ 113.21 Information required on the bond.

(a) *Identification of principal and sureties.*—The names of the principal and sureties and their respective places of residence shall appear in full in the body of the bond. In the case of a corporate principal or surety, its legal designation and the address of its principal place of business shall appear.

(b) *Date of execution.*—Each bond shall bear the date it was actually executed.

(c) *Statement of the amount.*—The amount of the bond shall be stated in both words and figures.

(d) *Use of abbreviations.*—Abbreviations shall not be used, except in dates, descriptions of merchandise, the marks and numbers on packages, and the State of incorporation of the principal or the surety.

(e) *Blank spaces on the bond.*—Lines shall be drawn through all spaces on the bond which are not filled in.

§ 113.22 Witnesses required.

(a) *Generally.*—The signature of each party to a bond executed by a noncorporate principal or surety shall be witnessed by two persons, who shall sign their names as witnesses, followed by their addresses.

(b) *Witness for both principal and surety.*—When two persons signing as witnesses act for both principal and surety, they shall so indicate by stating on the bond "as to both" or a similar term.

(c) *Corporate principal or surety.*—No witnesses are required where bonds are executed by properly authorized officers or agents of a corporate principal or corporate surety. For requirements concerning the execution of a bond by an authorized officer or agent of a corporate principal or surety, see §§ 113.34 and 113.37.

§ 113.23 Changes made on the bond.

(a) *Definition of the types of changes.*—(1) *Modification or interlineation.*—For the purpose of this section, modifications or interlineations are changes which go to the substance of the bond, or are basic revisions of the bond.

(2) *Alterations or erasures.*—Alterations or erasures consist of minor changes, such as correction of typographical errors, or change of address, which do not go to the substance, or result in basic revision, of the bond.

(b) *Prior to signing.*—When erasures, alterations, modifications, or interlineations are made on the bond prior to its signing by the parties to the bond, a statement by an agent of the surety company or by the personal sureties to that effect shall be placed upon the bond.

(c) *After signing.*—If erasures or alterations are made after the bond is signed, but prior to the approval of the bond by Customs, the consent of all the parties shall be written in the bond. Except in cases where a change in the bond is expressly authorized by regulation, or by the Commissioner, no modification or interlineation shall be made on the bond after execution. When modification or interlineation is desired, a new bond will be executed.

(d) *After approval of the bond by Customs.*—Except in cases where change in the bond is expressly authorized by regulations, or instructions from the Commissioner, the district director shall not permit a change as defined in paragraph (a) of this section after the bond has been approved by Customs. When changes are desired, a new bond is required, which, when approved, shall supersede the existing bond.

(e) *Stipulations.*—All stipulations expressly authorized by the Commissioner pursuant to this section shall be securely attached to the related bond to prevent their loss or misplacement.

§ 113.24 Seals.

(a) *Bonds approved by the Commissioner of Customs.*—Bonds which are approved by the Commissioner of Customs must be under seal. The seal on such bonds shall be affixed adjoining the signatures of principal and sureties, if individuals, and the corporate seal shall be affixed adjoining the signatures of persons signing on behalf of a corporation.

(b) *Bonds approved by the district director.*—Bonds approved by the district director shall be under seal in accordance with the law of the State in which executed. However, when the charter or governing statute of a corporation requires its acts to be evidenced by its corporate seal, such seal is required.

§ 113.25 Termination date for term bonds.

The termination date of every term bond shall be the last day of the period and not the first day of a succeeding period; for example, January 1, 19—, to and including December 31 of that same year, and not January 1, 19—, to January 1 of the next year.

§ 113.26 Bond transcript for certain term bonds.

(a) *Submission.* There shall be furnished to the district director with each bond on Customs Forms 7553, 7563-A, 7569, 7595, and 7599 a completed Bond Transcript on Customs Form 53, in triplicate. The bond and bond transcript shall be furnished at least 60 days before the date on which the bond shows it is to become effective, except that a bond on Customs Form 7553 and the related bond transcript may be accepted on, or at any time before, the effective date of the bond, from an importer who has not previously had such a bond. It shall be the responsibility of the importer or his agent to execute the bond transcript.

(b) *Request for termination.* Each request to terminate a bond of a type named in paragraph (a) of this section prior to the expiration date of the bond shall be filed with the district director of Customs in whose office the bond was approved. The request must be accompanied by a completed Customs Form 53, in triplicate, appropriately marked to terminate an existing bond.

(c) *Submission of new bond to replace existing bond.* When a new bond is submitted to replace an existing bond, two bond transcripts must be furnished. One must be submitted to initiate the new bond, as required by paragraph (a) of this section; the other must be submitted to terminate the existing bond, as required by paragraph (b) of this section.

(d) *Date of termination.*—(1) *When filed at least 60 days in advance of requested termination date.* The termination shall take effect on the date requested, if the request and bond transcript are filed at least 60 days in advance of the requested date.

(2) *When filed less than 60 days in advance of termination date.* If the request and bond transcript are not filed at least 60 days in advance of the requested date, the termination shall take effect on the 60th day after receipt by the district director.

(3) *When termination requested by surety without consent of the principal.* When termination of a bond is requested by the surety without the consent of the principal, it shall take effect on the 60th day after approval by the district director.

(4) *When new bond cannot be initiated.* When a new bond cannot be initiated because the Customs Form 53, as required by paragraph (a) of this section, is incorrect, any accompanying Customs Form 53 for termination of an existing bond shall not take effect until such time as both transcripts can take effect.

§ 113.27 Copies of blanket smelting and refining bonds.

Blanket smelting and refining bonds, described in § 113.13(b), requiring the approval of the Commissioner of Customs, shall be accompanied by a sufficient number of copies for transmittal by the Commissioner to each port at which the principal seeks to conduct business.

Subpart D—Principals and Sureties

§ 113.31 Information pertaining to principals and sureties on the bond.

The general information pertaining to the principal and sureties which must be given in the body of the bond is set forth in § 113.21(a).

§ 113.32 Same party as principal and surety; attorney in fact.

(a) *Same party as principal and surety.*—The same person, partnership, or corporation cannot be both principal and surety on a bond.

(b) *Attorney in fact for principal or surety.*—In executing a bond, a person may act as:

(1) Attorney in fact for both principal and surety;

(2) Surety and attorney in fact for the principal; or

(3) Principal and attorney in fact for the surety.

§ 113.33 Partnerships as principals.

(a) *Name of partners on the bond.*—Unless written notice of the full names of all partners in the firm has been previously filed with the district director, the names of all persons composing the partnership shall appear in the body of the bonds; for example, "Aaron A. Abel, Bertrand B. Bell and Charles C. Cole, composing the firm of Abel, Bell and Co.

(b) *Execution.*—Partnership bonds shall be executed in the firm name, with the name of the member or attorney of the firm executing it appearing immediately below the firm signature.

(c) *Action of one principal binding on all principals of the partnership.*—Pursuant to section 495 of the Tariff Act of 1930 (19 U.S.C. 1495), when a Customs bond is executed by any member of the partnership, the bond shall be binding on the other partners in like manner and to the same extent as if such other partners had personally joined in the execution.

§ 113.34 Corporations as principals.

(a) *Name of corporation on the bonds.*—The name of a corporation executing a Customs bond as a principal, may be printed or placed thereon by means of a rubber stamp or otherwise, followed by the written signature of the authorized officer or attorney.

(b) *Signature and seal of the corporation on the bond.*—The bond of a corporate principal shall be signed by an authorized officer or attorney of the corporation and the corporate seal shall be affixed immediately adjoining the signature of the person executing the bond, as provided for in § 113.24.

(c) *Bond executed by an authorized officer of corporation.*—When the bond is executed by an authorized officer of a corporation and no power of attorney has been filed with the district director, the following evidence of his authority to act shall be furnished:

(1) *Execution of Certificate as to Corporate Principal.*—The official character, authority, and signature of the person or persons executing the bond for the corporate principal may be certified by the secretary, assistant secretary, or other officer of the corporation. Such certification shall be made by executing, under corporate seal, the provision ap-

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pearing in the bond entitled "Certificate as to Corporate Principal."

(2) *Evidence in lieu of the certificate.*—In lieu of the above certificate, there may be attached to the bond so much of the records of the corporation as will show the official character, authority, and signature of the officer signing. The following documents should be attached:

(i) A certificate from the proper public officer showing the legal existence of the corporation. The district director, on bonds which he approves (§ 113.14), may waive the production of evidence of incorporation when such fact is a matter of common knowledge and he certifies this fact.

(ii) A copy of the bylaws, or so much thereof as authorizes the execution of such bonds, certified by the secretary of the corporation and authenticated by its corporate seal.

(iii) A copy of the document authorizing such officer to sign such bond, certified by the secretary of the corporation under the corporate seal, or a power of attorney executed in accordance with subpart C of Part 141 of this chapter containing such authority.

(iv) A document verifying the signature of the officer properly attested under the corporate seal.

(d) *Bond executed by an attorney in fact.*—When an attorney in fact executes a bond on behalf of a corporate principal and a power of attorney has not been filed with the district director (unless exempted from filing by § 141.46 of this chapter), there shall be attached a power of attorney executed under the corporate seal by an officer of the corporation whose authority to execute such power shall be shown as prescribed in paragraph (c) of this section.

§ 113.35 Individual sureties.

(a) *Number required.*—If individuals sign as sureties, there shall be two sureties on the bond. In the case of bonds approved by the district director, however, one surety may be accepted if the district director is satisfied that such surety is sufficient for the protection of the Government.

(b) *Qualifications to act as surety.*—(1) *Residency and citizenship.*—Every surety on a Customs bond must be both a resident and citizen of the United States.

(2) *Married women.*—A married woman may be accepted as a surety, unless the State in which the bond is executed prohibits her from acting that capacity.

(3) *Granting of power of attorney.*—Any individual other than a married woman in a State where she is prohibited from acting as a surety may grant a power of attorney to sign as surety on Customs bonds. If the power of attorney is limited to bonds of one or several importers, the importers shall be named in the power.

(4) *Property requirements.*—Each individual surety must have unencumbered property liable to execution within the limits of the Customs district in which the contract of suretyship is to be performed. The current market value of such property must be equal to the penalty of any bond executed by him. If a single surety is accepted, he shall qualify in an amount equal to twice the penalty of the bond.

(c) *Oath and evidence of solvency.*—Before being accepted as a surety, the individual shall:

(1) Take an oath on Customs Form 3579, setting forth:

(i) The amount of his assets over and above all his debts and liabilities and such exemptions as may be allowed by law; and

(ii) The general description and the location of one or more pieces of real estate owned by him within the limits of the Customs district and the value thereof over and above all encumbrances.

(2) Produce such evidence of solvency and financial responsibility as the district director may require.

(d) *Determination of financial responsibility.*—An individual surety shall not be accepted on a bond until he has satisfied the district director as to his financial responsibility. The district director may refer the matter to the special agent in charge for immediate investigation to verify the financial responsibility of the surety.

(e) *Continuance of financial responsibility.*—In order to follow the continued solvency and financial responsibility of individual sureties, the district director shall require a new oath and determine the financial responsibility of each such surety as prescribed in paragraphs (c) and (d) of this section at least once every 6 months, and more often if he deems it advisable.

§ 113.36 Partners acting as surety in behalf of a partner or in behalf of a partnership.

A person may act as surety for a business partner when such person is acting with respect to his separate property and in his individual capacity and as such must qualify as an individual surety, in accordance with § 113.35. A member of a partnership shall not be accepted as surety on a bond executed by the firm as principal.

§ 113.37 Corporate sureties.

(a) *Lists of corporations and limits of their bonds.*—A list of corporations authorized to act as sureties on bonds, with the amount in which each may be accepted, shall be furnished annually to all district directors by the Secretary of the Treasury. No corporation shall be accepted as surety on a bond unless named in the current list and no bond shall be for a greater amount than the respective limit stated in such list, unless the excess is protected as prescribed in § 223.11 of the Bureau of Accounts Regulations (31 CFR 223.11).

(b) *Name of corporation on the bond.*—The name of a corporation executing a Customs bond, as a surety, may be printed or placed thereon by means of a rubber stamp or otherwise, followed by the written signature of the authorized officer or attorney.

(c) *Name of agent or attorney on the bond.*—The agent or attorney acting for a corporate surety shall have stamped, printed, or typed on each bond executed by him, below his signature, his full name as it appears on the bond.

(d) *Signature and seal of the corporation on the bond.*—A bond executed by a corporate surety shall be signed by an authorized officer or attorney of the corporation and the corporate seal shall be affixed immediately adjoining the signature of the person executing the bond, as provided for in § 113.24.

(e) *Two or more corporations as sureties on the same obligation.*—Two or more corporations may be accepted as sureties on any obligation the amount of which does not exceed the limitations of their aggregate qualifying power as fixed and determined by the Secretary of the Treasury. The amount for which each corporation may act as surety in all cases must be within the limitation prescribed by the Secretary, unless such excess is protected as prescribed in § 223.11 of the Bureau of Accounts Regulations (31 CFR 223.11). Each corporation shall limit its liability to a definite specified amount, in terms, upon the face of the bond by attaching the following:

KNOW ALL MEN BY THESE PRESENTS:

That we, _____, of _____ as principal, and _____, a corporation existing under the laws of the State of _____, and _____, a corporation existing under the laws of the State of _____, as sureties, are held and firmly bound unto the United States of America, in the sum of _____ thousand dollars ($_____), jointly and severally with each surety as hereinafter specified, and the said _____ jointly and severally with said principal in the sum of _____ thousand dollars ($_____) of said penal sum and no more; and the said _____ jointly and severally with said principal in the sum of _____ thousand dollars ($_____) of said penal sum and no more; for the payment of which respective sums we bind ourselves, our heirs, executors, and administrators, successors and assigns, in the manner and in the respective sums hereinbefore set forth, firmly by these presents. The obligors herein expressly agree that for the purpose of allowing a joint action against any or all of them, and for that purpose only, this bond shall be treated as the joint and several as well as the several obligation of each of the obligors.

Sealed with our seals, and dated this _____ day of _____, in the year one thousand nine hundred and _____.

(f) *Power of attorney for the agent or attorney of the surety.*—Corporations may execute powers of attorney to act in their behalf in the following manner:

(1) *Execution and contents.*—The corporate surety power of attorney shall be executed on Customs Form 5297, and shall contain the following information:

(i) Corporate surety name and number,

(ii) Name and address of agent or attorney, and his social security number,

(iii) Districts in which the agent or attorney is authorized to act,

(iv) Date of the power of attorney,

(v) Seal of the corporate surety, and

(vi) Attestation of any two principal officers.

(2) *Extent of authorization.*—Authorization must be by Customs districts and may not be limited to a single port. A separate Customs Form 5297 shall be submitted for each district, except when the authorization for the agent or attorney to act is for all districts. If the power of attorney covers all districts, the word "All" shall be entered in the appropriate space on the power of attorney.

(3) *Filing.*—Corporate surety powers of attorney executed on Customs Form 5297 shall be filed in duplicate (original and copy) at any Customs port of entry. The separate powers of attorney providing authority for an agent or attorney in any number of districts may be filed at one time at the same port. The original of the power of attorney shall be sent by the port to the Customs Data Center. The Customs Data Center shall periodically issue computer printouts reflecting all corporate powers of attorney, which shall be sent to all applicable ports of entry. The copy of the power of attorney shall be retained at the port where the power was filed for use in connection with bonds executed at the port for the surety company by the person covered by the power of attorney, until the first computer printout reflecting the power of attorney has been received.

(4) *Use at port where power not filed before receipt of computer printout.*—If the grantee desires to use his power of attorney at a port covered by the power, but other than the one where his power was filed, before the first computer printout reflecting this power of attorney is received, he shall file Customs Form 5297 in triplicate (original and two copies), rather than duplicate. The second copy shall be validated by Customs and returned to the grantee. The grantee, at the time of filing a bond at a port other than the port where the power of attorney was filed, shall exhibit this validated copy of the power of attorney as proof of his grant of authority. The validity of this copy of the power shall expire when the first computer printout reflecting this power of attorney is received.

(5) *Term and revocation.*—Corporate surety powers of attorney shall continue in force and effect until revoked. Any surety desiring that a designated agent or attorney be divested of his power of attorney must execute a revocation on Customs Form 5297.

(6) *Change on the power of attorney.*—No change, including a change due to typographical error, or change of address, shall be made on the Customs Form 5297 after it has been approved by Customs. To correct the power of attorney two separate Customs Forms 5297 shall be submitted, one revoking the previous power of attorney, and one containing a new grant of authority.

§ 113.38 Delinquent sureties.

(a) *Acceptance as surety when in default as principal on another Customs bond.*—No person shall be accepted as surety on any Customs bond while he is in default as principal on any other Customs bond.

(b) *Acceptance as surety when in default as surety on another Customs bond.*—A surety on a Customs bond which is in default may be accepted as surety on other Customs bonds only to the extent that his assets are unencumbered by such default.

§ 113.39 Acceptance of cash deposits or obligations of the United States in lieu of sureties on bonds.

(a) *General provision.*—In lieu of sureties on any bond required or authorized by any law, regulation, or instruction which the Secretary of the Treasury or the Commissioner of Customs is authorized to enforce, the district director is authorized to accept United States money, United States bonds (except for savings bonds), United States certificates of indebtedness, Treasury notes, or Treasury bills in an amount equal to the amount of the bond.

(b) *Authority to sell United States obligations on default.*—At the time of deposit of any obligation of the United States, other than United States money, with the district director, the obligor shall deliver a duly executed power of attorney and agreement in a form similar to that prescribed in Treasury Department Circular 154, dated October 31, 1969, as amended, authorizing the district director, in case of any default in the performance of any of the conditions or stipulations of the bond, to sell such obligation so deposited and to apply the proceeds of such sale, in whole or in part, to the satisfaction of any damages, demands, or deficiency arising by reason of such default. The format of the power of attorney and agreement, when the obligor is a corporation, is set forth below, and shall be modified as appropriate when the obligor is either an individual or a partnership:

POWER OF ATTORNEY AND AGREEMENT

(For corporation)

Know all men by these presents, that _____, a corporation duly incorporated under the laws of the State of _____, and having its principal office in the city of _____, State of _____, in pursuance of a resolution of the board of directors of said corporation, passed on the _____ day of _____, 19__, a duly certified copy of which resolution is hereto attached, does hereby constitute and appoint (Name and official title of bond-approving officer), and his successors in office, as attorney for said corporation, for and in the name of said corporation to collect or to sell, assign, and transfer certain securities described as follows:

_____

_____

_____

such securities having been deposited by it, pursuant to authority conferred by 6 U.S.C. 15, and subject to the provisions thereof and of Treasury Circular No. 154, dated October 31, 1969, as amended, as security for the faithful performance of any and all of the conditions or stipulations of a certain obligation entered into by it with the United States, under date of _____, which is hereby made a part hereof, and the undersigned agrees that, in case of any default in the performance of any of the conditions and stipulations of such undertaking, its said attorney shall have full power to collect said securities or any part thereof, or to sell, assign, and transfer said securities or any part thereof without notice, at public or private sale, free from any equity of redemption and without appraisement or valuation, notice and right to redeem being waived, and to apply the proceeds of such sale or collection in whole or in part, to the satisfaction of any damages, demands, or deficiency arising by reason of such default, as its said attorney may deem best; and the undersigned further agrees that the authority herein granted is irrevocable.

And said corporation hereby for itself, its successors and assigns, ratifies and confirms whatever its said attorney shall do by virtue of these presents.

In witness whereof, _____, the corporation hereinabove named, by (Name and title of officer), duly authorized to act in the premises, has executed this instrument and caused the seal of the corporation to be hereto affixed this _____ day of _____, 19__.

[Corporate seal.]

By _____

By _____

Before me, the undersigned, a notary public within and for the county of _____, in the State of _____ (or the District of Columbia), personally appeared (Name and title of officer) and for and in behalf of said _____, a corporation, acknowledged the execution of the foregoing power of attorney.

Witness my hand and notarial seal this _____ day of _____, 19__.

[Notarial seal.] _____

Notary Public

NOTE.—Securities must be described by title, date of maturity, rate of interest, denomination, serial number, and whether coupon or registered. Failure to give complete description will warrant rejection of this power of attorney.

(c) *Application of United States money on default.*—If cash is deposited in lieu of sureties on the bond, the district director is authorized to apply such cash, in whole or in part, to the satisfaction of any damages, demands, or deficiency arising by reason of a default under the bond.

Subpart E—Production of Documents

§ 113.41 Entry made prior to production of documents.

When entry is made prior to the production of a required document, a card memorandum on Customs Form 5101 shall be prepared by the importer and presented with the entry, whether the importer gives bond on Customs Form 7551 or 7553, or other appropriate form, or stipulates to produce such document.

§ 113.42 Time period for production of documents.

Except when another period is fixed by law or regulations, any document for the production of which a bond or stipulation is given shall be delivered to the district director within 6 months from the date of the transaction in connection with which the bond or stipulation was given, or within any extension of such time which may be granted pursuant to § 113.43(a). If the period ends on a Saturday, Sunday, or holiday, delivery on the next business day shall be accepted as timely.

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§ 113.43 Extension of time period.

(a) *Application received within time period.*—If a document (other than an invoice or document which must be produced within 2 months, as provided in § 41.61(e) of this chapter) referred to in § 113.42 is not produced within 6 months from the date of the transaction in connection with which the bond or stipulation was given, the district director, in his discretion, upon written application of the importer, may extend the period for one further period of 2 months.

(b) *Late application.*—No application for the extension of the period of any bond or stipulation given to assure the production of a missing document shall be allowed by the district director if such application is received later than 2 months after the expiration of the period of the bond or stipulation, and any such extension shall not be allowed by the district director for a period of more than 2 months from the date of expiration of the period.

(c) *Acceptance of a free-entry or reduced-duty document prior to liquidation.*—When a bond or stipulation is given for the production of any free-entry or reduced-duty document and a satisfactory document is produced prior to liquidation of the entry or within the period during which a valid reliquidation may be completed, provided the failure to file was not due to willful negligence or fraudulent intent, it shall be accepted as satisfying the requirement that it be filed in connection with the entry, and the bond charge for its production shall be cancelled.

§ 113.44 Assent of sureties to an extension of a bond.

(a) *Extension prescribed by law or regulations.*—The assent of the sureties to any extension of the period prescribed in a bond is not necessary when the extension is authorized by law or regulations.

(b) *Other extension.*—The assent of the sureties shall be obtained before any extension of the period prescribed in a bond, other than an extension authorized by law or regulaton, is allowed.

§ 113.45 Charge for production of a missing document made against a term bond.

When a charge for the production of a missing document is made against a term bond, the charge shall be in the amount of the single entry bond that would have been taken had the transaction been covered by a single entry bond.

§ 113.46 Cancellation of bond charges resulting from failure to produce documents.

Section 172.22 of this chapter sets forth provisions relating to the cancellation of bond charges resulting from failure to produce documents.

Subpart F—Assessment of Damages and Cancellation of Bond

§ 113.51 Cancellation of bond or charge against the bond.

The Commissioner of Customs may authorize the cancellation of any bond provided for in this part or any charge that may have been made against such bond, in the event of a breach of any condition of the bond, upon payment of such lesser amount or penalty or upon such other terms and conditions as he may deem sufficient.

§ 113.52 Failure to satisfy the bond.

If any Customs bond, except one given only for the production of free-entry or reduced-duty documents (see §§ 113.43 (c) and 172.22(c) of this chapter), is unsatisfied upon the expiration of 90 days after liability has accrued thereunder, the matter shall be reported to the United States attorney for prosecution unless measures have been taken to file an application for relief in accordance with the provisions of Part 172 of this chapter or to effect a satisfactory settlement.

§ 113.53 Waiver of Customs requirement supported by a bond.

(a) *Waiver by the Commissioner of Customs.*—When a Customs requirement supported by a bond is waived by the Commissioner of Customs, the waiver may be:

(1) Unconditional, in which case the importer is relieved from the payment of liquidated damages;

(2) Conditioned upon prior settlement of the bond obligation by payment of liquidated damages; or

(3) Conditioned upon such other terms and conditions as the Commissioner may deem sufficient.

(b) *Waiver by the district director.*—When a Customs requirement supported by a bond is waived by the district director pursuant to the authority conferred upon him in these regulations, the waiver shall be unconditional.

§ 113.54 Cancellation of erroneous charges.

(a) *Bonds.*—Section 172.31 of this chapter sets forth the cancellation of erroneous charges against the bond when it is determined that liquidated damages assessed or paid under a bond did not in fact accrue.

(b) *Carnets.*—Section 114.34 of this chapter sets forth the cancellation of erroneous charges involving carnets.

§ 113.55 Cancellation of export bonds.

(a) *Definition of exportation.*—An exportation is a severance of goods from the mass of things belonging to this country with the intention of uniting them to the mass of things belonging to some foreign country. The shipment of merchandise abroad with the intention of returning it to the United States with a design to circumvent provisions of restriction or limitation in the tariff laws or to secure a benefit accruing to imported merchandise is not an exportation. Merchandise of foreign origin returned from abroad under these circumstances is dutiable according to its nature, weight, and value at the time of its original arrival in this country.

(b) *Manner of cancellation.*—A bond to assure the exportation of merchandise may be cancelled:

(1) *Upon exportation.*—Upon the specification of such merchandise on the outward manifest or outward bill of lading, the inspector's certificate of lading, the record of clearance of the vessel or of the departure of the vehicle, and the production of a foreign landing certificate if such certificate is required by the district director.

(2) *Upon payment of liquidated damages.*—Upon the payment of liquidated damages in accordance with the provisions of § 10.39 of this chapter, if exportation or destruction is not timely in the case of articles entered under schedule 8, part 5C, Tariff Schedules of the United States (19 U.S.C. 1202).

(c) *Cancellation of vessel, vehicle, or aircraft bond.*—The requirement of the vessel, vehicle, or aircraft bond, Customs Form 7567 or 7569, may be considered as having been complied with upon the production of the applicable documents mentioned in paragraph (b)(1) of this section.

(d) *Foreign landing certificate.*—A foreign landing certificate, when required, shall be produced within six months from the date of exportation and shall be signed by a revenue officer of the foreign country to which the merchandise is exported, unless it is shown that the country has no Customs administration, in which case the certificate may be signed by the consignee or by the vessel's agent at the place of lading. Landing certificates are required in the following cases:

(1) *Mandatory.*—A landing certificate shall be required in every case to establish the exportation of narcotic drugs or any equipment, stores (except such articles as are placed on board vessels or aircraft under the provisions of section 309 or 317, Tariff Act of 1930, as amended (19 U.S.C. 1309 and 1317)), or machinery for vessels.

(2) *Optional with the district director.*—A landing certificate may be required by the district director for merchandise exported from the United States, or residue cargo, when he deems such a certificate necessary for the protection of the revenue.

(3) *Waiver.*—Except as provided for in § 4.88 of this chapter, in cases where landing certificates are required and they cannot be produced, an application for waiver thereof may be made to the Commissioner of Customs through the district director, accompanied by such proofs of exportation and landing abroad as may be available.

(e) *Articles less than $10.*—In the case of articles for which the ordinary Customs duty estimated at the time of entry did not exceed $10 and which are exported within the period of the bond (including any lawful extension) but without Customs supervision, the bond may be cancelled upon production of evidence of a bona fide exportation satisfactory to the district director.

Subpart G—Special Provisions Concerning Consolidated Aircraft Bonds and General Term Bonds for the Entry of Merchandise

§ 113.61 Consolidated Aircraft Bond.

(a) *Bond not authorization for carriage of bonded merchandise.*—Approval of a Consolidated Aircraft Bond, Customs Form 7605, will not authorize an airline to act as a carrier for the transportation of bonded merchandise unless and until the airline filing the bond is qualified as a carrier for such transportation, in accordance with § 112.12 of this chapter.

(b) *Discontinuance of ordinary carrier's bond.*—When an airline has filed a bond on Customs Form 7605, and obtained Customs approval of the bond, it may obtain discontinuance of its bond on Customs Form 3587 by request to the district director at the port where the latter bond was approved.

§ 113.62 General Term Bond for Entry of Merchandise.

(a) *Application required.*—A principal desiring to execute the General Term Bond For Entry of Merchandise, Customs Form 7595, shall file with the district director an application for permission to file the bond.

(b) *Form of the application.*—The application for the General Term Bond For Entry of Merchandise, Customs Form 7595, shall show:

(1) The general character of the merchandise to be entered; and

(2) The total amount of ordinary Customs duties (including any taxes required by law to be treated as duties) accruing on all merchandise imported by the principal during the calendar year preceding the date of the application, plus the estimated amount of any other tax or taxes on the merchandise collectible by the district director. Such total amount of duties and taxes shall be that which would have been required to be deposited had the merchandise been entered for consumption, even though some of or all the merchandise may have been entered under bond. If no imports were made during the calendar year prior to the application, a statement of the duties and taxes it is estimated will accrue on all importations during the current year shall be submitted.

(c) *Determination dependent upon a construction of law.*—When the determination of whether or not the charge was erroneously made depends upon a construction of law, the charge shall not be cancelled without the approval of the Commissioner of Customs, unless there is in force a ruling by the Commissioner of Customs decisive of the issue. Approval of the Commissioner shall be requested in all doubtful cases. (See § 172.31 of this chapter.)

(R.S. 251, as amended, 77A Stat. 14, secs. 623, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1202 (Gen. Hdnte. 11), 1623, 1624))

PART 133—TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

§§ 133.24 and 133.46 [Amended]

Sections 133.24 and 133.46 are amended by substituting § 141.113(g) for § 25.17.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 141—ENTRY OF MERCHANDISE

§ 141.41 [Amended]

Section 141.41 is amended by substituting "Part 113" for "Part 25".

§ 141.102 [Amended]

In § 141.102, paragraph (d) is amended by substituting "Part 113" for "Part 25".

Section 141.113 is amended by adding a new paragraph (g) to read as follows:

§ 141.113 Recall of merchandise released from Customs custody.

* * * * *

(g) *Demand not complied with.*—When the demand of the district director for return of merchandise to Customs custody is not complied with, liquidated damages shall be assessed, except in the case of merchandise entered under schedule 8, part 5C, Tariff Schedules of the United States (19 U.S.C. 1202), in an amount equal to the value of the merchandise not returned, as determined at the time of entry, plus the estimated duties and taxes, if any. The amount of liquidated damages to be assessed on merchandise entered under schedule 8, part 5C, Tariff Schedules of the United States, are set forth in § 10.39 (d)(3) of this chapter.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624.)

PART 142—SPECIAL PERMITS FOR IMMEDIATE DELIVERY PRIOR TO ENTRY

§ 142.4 [Amended]

In § 142.4, paragraph (a) is amended by substituting "§ 113.14(g)(1)" for "§ 25.4(a)(9)", and paragraph (b) is amended by substituting "§ 113.14(g)(2)" for "§ 25.4(a)(10)".

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 172—LIQUIDATED DAMAGES

Section 172.31 is amended to read as follows:

§ 172.31 Act or omission did not occur.

(a) *Definite.*—If it is definitely determined that the act or omission forming the basis for a claim for liquidated damages did not in fact occur, the claim shall be cancelled by the district director. If the liquidated damages have already been paid, they shall be refunded by the regional commissioner of Customs, and an appropriate notation shall be made on Customs Form 5955–A, if the transaction has already been recorded thereon.

(b) *Dependent upon a construction of law.*—When the determination of whether or not the claim was erroneously made depends upon a construction of law, the claim shall not be cancelled without the approval of the Commissioner of Customs, unless there is in force a ruling decisive of the issue.

(c) *Doubtful cases.*—Approval of the Commissioner of Customs shall be requested in all doubtful cases.

(R.S. 251, as amended, secs. 623, 624, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624))

PARALLEL REFERENCE TABLE

NOTE: This table shows the relation of sections in revised Part 113 to superseded 19 CFR Part 25.

Revised Section	*Superseded Section*
113.0	None.
113.1	None.
113.2 and 113.3	None.
113.11	25.1.
113.12	25.1.
113.13(a)(1)	25.3(a)(1).
113.13(a)(2)	25.3(a)(3).
113.13(b)	New.
113.14(a)	25.4(a)(2).
113.14(b)(1)	25.4(a)(1)(i).
113.14(b)(2)	25.4(a)(1)(ii).
113.14(c)	25.4(a)(3).
113.14(d)	25.4(a)(4).
113.14(e)(1)	25.4(a)(5).
113.14(e)(2)	25.4(a)(6).
113.14(f)(1)	25.4(a)(7).
113.14(f)(2)	25.4(a)(8).
113.14(g)(1)	25.4(a)(9).
113.14(g)(2)	25.4(a)(10).
113.14(h)	25.4(a)(11).
113.14(i)(1)	25.4(a)(12).
113.14(i)(2)	25.4(a)(13).
113.14(j)	25.4(a)(14).
113.14(k)(1)	25.4(a)(15).
113.14(k)(2)	25.4(a)(16).
113.14(l)	25.4(a)(17).
113.14(m)(1)	25.4(a)(18).
113.14(m)(2)	25.4(a)(19).
113.14(n)	25.4(a)(21).
113.14(o)	25.4(a)(22).
113.14(p)	25.4(a)(34).
113.14(q)	25.4(a)(23).
113.14(r)	25.4(a)(24).
113.14(s)	25.4(a)(25).
113.14(t)(1)	25.4(a)(26).
113.14(t)(2)	25.4(a)(27).
113.14(u)	25.4(a)(33).
113.14(v)	25.4(a)(28).
113.14(w)	25.4(a)(35).
113.14(x)(1)–(2)	New.
113.14(y)	New.
113.14(z)	25.4(a)(29).
113.14(aa)	25.4(a)(30).
113.14(bb)	25.4(a)(32).
113.14(cc)–(gg)	New.
113.15	None.
113.16	25.4(b).
113.17	25.4(c).
113.18	25.4(a).
113.21(a)	25.5(a) and 25.8(a).

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Revised Section	Superseded Section
113.21(b)	25.5(c).
113.21(c)	25.4(d).
113.21(d)	25.4(b).
113.21(e)	25.4(b).
113.22(a)	25.5(a).
113.22(b)	25.5(b).
113.22(c)	25.5(a).
113.23(a)	None.
113.23(b)	25.5(d).
113.23(c)	25.5(d).
113.23 (d) and (e)	None.
113.24(a)	25.6(a).
113.24(b)	25.6(b).
113.25	25.5(c).
113.26(a)	25.2(a).
113.26(b)	25.2(b).
113.26(c) and (d)	25.2(b).
113.27	25.3(b).
113.31	None.
113.32(a)	25.13.
113.32(b)	25.13.
113.33(a)	25.7(b).
113.33(b)	25.7(a).
113.33(c)	None.
113.34(a)	25.8(d).
113.34(b)	25.8(a).
113.34(c)	25.8(a), 25.5(a) and 25.8(b).
113.34(d)	25.8(c).
113.35(a)	25.9(a).
113.35(b)	25.9(a), 25.9(e), 25.9(f), and 25.9(b).
113.35(c)	25.9(a).
113.35(d)	25.9(c).
113.35(e)	25.9(d).
113.36	25.11.
113.37(a)	25.12(a).
113.37(b)	25.8(d).
113.37(c)	None.
113.37(d)	25.8(a).
113.37(e)	25.12(b).
113.37(f)	25.12(c) and 25.12(d).
113.38(a)	25.10(a).
113.38(b)	25.10(b).
113.39(a)	25.14.
113.39(b)	25.14.
113.39(c)	25.14.
113.41	25.16(a).
113.42	25.16(c).
113.43(a)	25.18(a).
113.43 (b) and (c)	25.18(c).
113.44(a)	25.18(d).
113.44(b)	25.18(d).
113.45	25.16(b).
113.46	None.
113.51	None.
113.52	25.15(e).
113.53(a)	25.17(f).
113.53(b)	25.17(f).
113.54(a)	None.
113.54(b)	None.
113.55(a)	Footnote 5.
113.55 (b) and (c)	25.15(a).
113.55(d)	25.15(b), 25.15(a), and 25.15(c).
113.55(e)	25.15(d).
113.61(a)	25.4(a)(35).
113.61(b)	25.4(a)(35).
113.62(a)	25.4(a)(25).
113.62(b)	25.4(a)(25).

[FR Doc.74-20376 Filed 9-3-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974—)

Subpart A—Introduction, General Provisions, and Definitions

GRANDFATHER PROVISIONS AND DEFINITIONS

On January 14, 1974, there was published in the FEDERAL REGISTER (39 FR 1779) a notice of proposed rule making and a proposed amendment to Subpart A of Regulation No. 16. The proposed amendment provides definitions pertaining to grandfather provisions and policy relating to the Social Security Administration making determinations with respect to the receipt of aid or assistance for December 1973 under an approved State plan under title I, X, XIV, or XVI of the Social Security Act.

Interested parties were given the opportunity to submit within 30 days, data, comments, or arguments with regard to the proposed amendments.

Five comments were received that had objections to the proposed regulations. The Seattle Urban League, the Church Council of Greater Seattle, the Skid Road Community Council, and the Department of Social Services, State of New York, objected to paragraph (c) of § 416.121 because it leaves the determination as to whether an individual was a recipient of aid or assistance for December 1973 strictly to the Social Security Administration although the Social Security Administration did not originally determine eligibility. They are very concerned that the Social Security Administration will be reversing many of the States' eligibility determinations. No change has been made; since supplementary security income is a Federal program, it would be inconsistent for the State to make binding decisions affecting a Federal program. The determination by the Social Security Administration that the individual was or was not a recipient under the State plan for December 1973 applies only to whether the "grandfathering" provisions are applicable and does not affect the States' prior determination insofar as they pertain to the State program.

The Ohio Department of Public Welfare objected to paragraphs (a) and (b) because they could be read or interpreted to disallow grandfather status to individuals receiving aid in December 1973 without first providing them with a prior hearing. However, reductions, suspensions, or terminations of supplemental security income, are subject to the requirement of notice and opportunity for hearing as set forth in Subparts M and N of these regulations. The Seattle Urban League, the Church Council of Greater Seattle, and the Skid Road Community Council indicated that the provisions of paragraph (a) may result in denying assistance to persons who were eligible under the State program, but who were terminated due to a departmental error, or who were ineligible only for one month, due to overpayment. However, paragraph (a) states, "It also includes an individual who filed an application prior to January 1974 and was otherwise eligible for aid or assistance." Therefore, this suggestion was not adopted because individuals who did not receive aid or assistance for December 1973 due to a prior overpayment or departmental error will not be denied since they were "otherwise eligible."

The proposed amendments are hereby adopted without substantive change except for the addition of paragraph (d) which reflects the provision of Pub. L. 93-233 that to be "grandfathered," a recipient of aid or assistance (on the basis of disability) in December 1973 must have also received aid or assistance for at least one month prior to July 1973. Two editorial changes have been made for the sake of clarity.

(Secs. 1102, 1611(a), 1611(g), 1611(h), 1614(a), and 1631(d)(1), Social Security Act as amended; sections 211 and 212 of Pub. L. 93-66, and section 9(2) of Pub. L. 93-233, 49 Stat. 647, as amended, 86 Stat. 1471, and 1476, 87 Stat. 154, 155, 957; 42 U.S.C. 1302, 1382(a), 1382(g), 1382(h), 1382c(a), 1383(d)(1))

Effective date. The amendments shall be effective on September 4, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: August 6, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: August 28, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding § 416.121 to Subpart A to read as follows:

§ 416.121 Receipt of aid or assistance for December 1973 under an approved State plan under title I, X, XIV, or XVI of the Social Security Act.

(a) *Recipient of aid or assistance defined.* As used in this Part 416, the term "individual who was a recipient of aid or assistance for December 1973" under a State plan approved under title I, X, XIV, or XVI of the Social Security Act means an individual who correctly received aid or assistance under such plan for December 1973 even though such aid or assistance may have been received subsequent to December 1973. It also includes an individual who filed an application prior to January 1974 and was otherwise eligible for aid or assistance for December 1973 under the provisions ceive such aid or assistance. It does not include an individual who received aid or assistance because of the pdovisions of 45 CFR § 205.10(a) (pertaining to continuation of assistance until a fair hearing decision is rendered), as in effect in December 1973, and with respect to whom it is subsequently determined that such aid or assistance would not have been received without application of the provisions of such 45 CFR § 205.10(a).

(b) *Aid or assistance defined.* As used in this Part 416, the term "aid or assistance" means aid or assistance as defined in titles I, X, XIV, and XVI of the Social Security Act, as in effect in December 1973, and such aid or assistance is eligible for Federal financial participation in accordance with those titles and the provisions of 45 CFR Chapter II as in effect in December 1973.

(c) *Determinations of receipt of aid or assistance for December 1973.* For the purpose of application of the provisions of this Part 416, the determination as to whether an individual was a recipient of aid or assistance for December 1973 under a State plan approved under title I, X, XIV, or XVI of the Social Security Act will be made by the Social Security Administration. In making such determination, the Social Security Administration may take into consideration a prior determination by the appropriate State agency as to whether the individual was eligible for aid or assistance for December 1973 under such State plan. Such prior determination, however, shall not be considered as conclusive in determining whether an individual was a recipient of aid or assistance for December 1973 under a State plan approved under title I, X, XIV, or XVI of the Social Security Act for purposes of application of the provisions of this Part 416.

(d) *Special provision for disabled recipients.* For purposes of § 416.901(b), the criteria and definitions enumerated in paragraphs (a) through (c) of this section are applicable in determining whether an individual was a recipient of aid or assistance (on the basis of disability) under a State plan approved under title XIV or XVI of the Act for a month prior to July 1973. It is not necessary that the aid or assistance for December 1973 and for a month prior to July 1973 have been paid under the State plan of the same State.

[FR Doc.74-20354 Filed 9-3-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

N-(Mercaptomethyl) Phthalimide S-(O-O-Dimethyl Phosphorodithioate)

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (44-757V) filed by Stauffer Chemical Co., 1200 South 47th St., Richmond, CA 94804, proposing safe and effective use of *N*-(mercaptomethyl) phthalimide *S*-(*O*,*O*-dimethyl phosphorodithioate) for control of cattle ticks on beef cattle. The application also proposed label revisions regarding indications for use. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended in § 135a.14 by revising paragraph (c) to read as follows:

§ 135a.14 N-(Mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithioate) emulsifiable liquid.

* * * * *

(c) *Conditions of use*—(1) *Methods of application.* Methods of application to control the following conditions on beef cattle:

	To control Method of use
Grubs	Dip, pour-on, or spray.
Lice	Do.
Hornflies	Dip or spray.
Cattle ticks	Spray.
Southern cattle ticks	Do.

(i) *Dip vat procedure.* (*a*) Prior to charging vat, empty old contents and thoroughly clean the vat. Add water to the vat. Add the drug at a rate of 1 gallon to each 60 gallons water. Add triple super phosphate at a rate of 100 pounds per 1,000 gallons of vat solution. Super phosphate is added to control the pH of the solution and insure vat stability. Super phosphate is usually available at most fertilizer dealers as 0-45-0, or 0-46-0. Stir the vat thoroughly, preferably with a compressed air device; however, any form of thorough mixing is adequate. Re-stir vat contents prior to each use. During the dipping operation, each time the vat's volume is reduced by ¼ of its initial volume, replenish the vat with water and add the drug at a rate of 1 gallon for each 50 gallons water added. Also add super phosphate at a rate of 10 pounds per 100 gallons of additional solution. Stir well and resume dipping. Repeat replenishment process as necessary. For evaporation, add additional water accordingly. For added water due to rainfall, merely replenish vat with the product according to directions.

(*b*) Vat should be emptied, cleaned, and recharged each time one of the following occurs: When the vat has been charged for 60 days. When the dip becomes too foul for satisfactory use, within the 60-day limit. If the number of animals dipped equals the number of gallons of the initial bath volume, within the 60-day limit.

(ii) *Spray method.* To prepare the spray, mix 1 gallon of the drug with 49 gallons of water and stir thoroughly. Apply the fresh mixture as a high-pressure spray, taking care to wet the skin, not just the hair. Apply to the point of "runoff", about 1 gallon of diluted spray per adult animal. Lesser amounts will permit runoff for younger animals.

(iii) *Pour-on method.* Dilute 1 part of the drug with 2 parts of water by slowly adding the water to the product while stirring. Apply 1 ounce of the diluted mixture per 100 pounds of body weight (to a maximum of 8 ounces per head) down the center line of the back.

(2) *Timing of applications for cattle grub control.* For optimum cattle grub control, it is important to treat as soon as possible after the heel fly season, before the grub larvae reach the gullet or spinal canal, as the rapid kill of large numbers of larvae in these tissues may cause toxic side effects such as bloat, salivation, staggering, and paralysis.

(3) *Warnings.* The drug is a cholinesterase inhibitor. Do not use this drug on animals simultaneously or within a few days before or after treatment with or exposure to cholinesterase-inhibiting drugs, pesticides, or chemicals. Do not apply within 21 days of slaughter. For use on beef cattle only. Do not treat sick, convalescent, or stressed cattle, or calves less than 3 months old except in Federal or State eradication programs where immediate treatment of all animals in an infested herd is mandatory. Be sure free access to drinking water is available to cattle prior to dipping. Do not dip excessively thirsty animals. Do not dip animals when overheated. Repeat treatment as necessary but not more often than every 7 to 10 days. Treatment for lice, ticks, and hornflies may be made any time of the year except when cattle grub larvae are in the gullet or spinal canal. Treatment for lice and ticks may be made any time 7 to 10 days following treatment for grubs. Do not treat grubs when the grub larvae are in the gullet or spinal canal. Do not get in eyes, on skin, or on clothing. Do not breathe spray mist. Wear rubber gloves, goggles, and protective clothing. In case of skin contact, wash immediately with soap and water;

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for eyes, flush with water. Wash all contaminated clothing with soap and hot water before re-use.

• • • • •

Effective date. This order shall be effective September 4, 1974.

(Sec. 512(1), 82 Stat. 347 (21 U.S.C. 360b(1)))

Dated: August 29, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 74-20447 Filed 8-30-74; 12:23 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-286]

INSURED MORTGAGES

Interest Rate Change

The following amendments are being made to this chapter to change the maximum interest rate which may be charged on a mortgage insured by this Department from 9 percent to 9½ percent and to change the maximum interest rate which may be charged on a loan insured pursuant to section 232(i) of the National Housing Act from 9¼ percent to 9¾ percent. The Secretary has determined that such change is necessary to meet the mortgage market, in accordance with his authority contained in 12 U.S.C. 1709–1, as amended. The Secretary has, therefore, determined that advance notice and public procedure are unnecessary and that said cause exists for making this amendment effective August 14, 1974.

Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

1. In § 203.20 paragraph (a) is amended to read as follows:

§ 203.20 **Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages insured on or after August 14, 1974.

• • • • •

(Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b). Interpret or apply Sec. 203, 52 Stat. 10, as amended (12 U.S.C. 1709))

2. In § 203.74 paragraph (a) is amended to read as follows:

§ 203.74 **Maximum interest rate.**

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9½ percent per annum with respect to loans insured on or after August 14, 1974.

• • • • •

(Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b). Interprets or applies Sec. 207, 52 Stat. 16, as amended (12 U.S.C. 1713))

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

§ 205.50 **Maximum interest rate.**

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 14, 1974.

• • • • •

(Sec. 1011, formerly Sec. 1010, 79 Stat. 464 (12 U.S.C. 1749jj); renumbered Pub. L. 89-754, Sec. 401(a), 80 Stat. 1271)

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 207.7 paragraph (a) is amended to read as follows:

§ 207.7 **Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 14, 1974.

• • • • •

(Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b). Interprets or applies Sec. 207, 52 Stat. 16, as amended (12 U.S.C. 1713))

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

1. In § 213.10 paragraph (a) is amended to read as follows:

§ 213.10 **Maximum interest rate.**

(a) The mortgage or a supplementary loan shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, or the lender and the borrower, which rate shall not exceed 9½ percent per annum with respect to mortgages (or supplementary loans upon completion) on or after August 14, 1974.

• • • • •

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

2. In § 213.511 paragraph (a) is amended to read as follows:

§ 213.511 **Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages insured on or after August 14, 1974.

• • • • •

(Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b). Interpret or apply sec. 213, 64 Stat. 54, as amended (12 U.S.C. 1715e))

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

In § 220.576 paragraph (a) is amended to read as follows:

§ 220.576 **Maximum interest rate.**

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9½ percent per annum with respect to loans receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 14, 1974.

• • • • •

(Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b). Interpret or apply sec. 220, 68 Stat. 596, as amended (12 U.S.C. 1715k))

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

In § 221.518 paragraph (a) is amended to read as follows:

§ 221.518 **Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 14, 1974. Interest shall be payable in monthly installments on the principal amount of the mortgage outstanding on the due date of each installment.

• • • • •

(Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b). Interprets or applies Sec. 221, 68 Stat. 599, as amended (12 U.S.C. 1715l))

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

In § 232.29 paragraph (a) is amended to read as follows:

§ 232.29 **Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 14, 1974.

• • • • •

Subpart C—Eligibility Requirements—Supplemental Loans To Finance Purchase and Installation of Fire Safety Equipment

In § 232.560 paragraph (a) is amended to read as follows:

§ 232.560 **Maximum interest rate.**

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9¾ percent per annum with respect to loans insured on or after August 14, 1974.

• • • • •

(Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b). Interprets or applies Sec. 232, 78 Stat. 663 (12 U.S.C. 1715w))

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

In § 234.29 paragraph (a) is amended to read as follows:

§ 234.29 **Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages insured on or after August 14, 1974.

• • • • •

(Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b). Interprets or applies Sec. 234, 75 Stat. 160 (12 U.S.C. 1715y))

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

Section 235.540 is amended to read as follows:

§ 235.540 **Maximum interest rate.**

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages insured on or after August 14, 1974.

• • • • •

(Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b). Interprets or applies Sec. 235, 82 Stat. 477 (12 U.S.C. 1715z))

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Subpart A—Eligibility Requirements for Mortgage Insurance

Section 236.15 is amended to read as follows:

§ 236.15 **Maximum interest rate.**

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 14, 1974.

• • • • •

(Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b). Interprets or applies Sec. 236, 82 Stat. 498 (12 U.S.C. 1715z-1))

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Subpart A—Eligibility Requirements

Section 241.75 is amended to read as follows:

§ 241.75 **Maximum interest rate.**

The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9½ percent per annum with respect to loans insured on or after August 14, 1974. Interest shall be payable in monthly installments on the principal then outstanding.

• • • • •

(Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b). Interprets or applies Sec. 241, 82 Stat. 508 (12 U.S.C. 1715z-b))

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

Subpart A—Eligibility Requirements

Section 242.33 is amended to read as follows:

§ 242.33 **Maximum interest rate.**

The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 14, 1974. Interest shall be payable in monthly installments on the principal then outstanding.

(Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b). Interprets or applies sec. 242, 82 Stat. 5999 (12 U.S.C. 1715z-7))

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

In § 244.45 paragraph (a) is amended to read as follows:

§ 244.45 **Maximum interest rate.**

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9½ percent per annum with respect to mortgages receiving initial endorsement (or endorsement in cases involving insurance upon completion) on or after August 14, 1974.

• • • • •

(Sec. 211, 52 Stat. 23 (12 U.S.C. 1715b). Interprets or applies Sec. H04, 80 Stat. 1275 (12 U.S.C. 1749 aaa-3))

Effective date. These amendments are effective as of August 14, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

[FR Doc.74-20361 Filed 9-3-74; 8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 701—NEWLY COVERED EMPLOYMENT IN PUERTO RICO OTHER THAN GOVERNMENT SERVICE

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended (29 U.S.C. 205, 206, 208), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 54 Stat. 35), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 631 (39 FR 17976), the Secretary of Labor appointed and convened Industry Committee No. 123-B for Newly Covered Employment in Puerto Rico other than Government Service, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to such employees, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 123-B are hereby published. The nature of the various classifications of the industry involving newly-covered employments other than government service in Puerto Rico is sufficient to provide a new Part 701 to Title 29, Code of Federal Regulations, and includes a new title and §§ 701.1, 701.2 and 701.3.

Part 701 reads as follows:

Secs.
701.1 Definition.
701.2 Wage rates.
701.3 Notices.

AUTHORITY: Secs. 5, 6, 8, 52 Stat. 1062, 1064 (29 U.S.C. 205, 206, 208).

§ 701.1 **Definition.**

The 1974 Coverage classifications include all activities other than government service to which section 6 of the Act applies solely by reason of the Fair Labor Standards Amendments of 1974.

§ 701.2 **Wage rates.**

Wages at rates not less than those prescribed in this section shall be paid under section 6(c) of the Fair Labor Standards Act of 1938 by every employer to each of his employees who in any workweek is engaged in an activity brought within the purview of section 6 of the Act by the Fair Labor Standards Amendments of 1974.

(a) *Domestic service workers.* (1) The minimum wage for this classification is $1.40 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly the minimum

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rate will be $1.55 an hour effective May 1, 1975; $1.70 an hour effective May 1, 1976; $1.85 an hour effective May 1, 1977; $2.00 an hour effective May 1, 1978; $2.15 an hour effective May 1, 1979; and $2.30 an hour effective May 1, 1980.

(2) This classification is defined to include all services of a household nature performed by an employee in or about the private home of the person by whom he or she is employed. A private home is a fixed place of abode of an individual or family. A separate and distinct dwelling maintained by an individual or family in an apartment house or motel may constitute a private home. However, a dwelling house primarily used as a boarding or lodging house for the purpose of supplying such services to the public as a business enterprise is not a private home.

(3) Domestic service in and about a private home includes services performed by persons employed as cooks, butlers, valets, maids, housekeepers, governesses, janitors, laundresses, caretakers, handymen, gardeners, footmen, grooms and chauffeurs.

(b) *Small retail and service establishments.* (1) The minimum wage for this classification is $2.00 an hour beginning January 1, 1975; $2.20 an hour effective January 1, 1976; and $2.30 an hour effective January 1, 1977.

(2) This classification is defined to include employees employed in retail and service establishments that are parts of covered enterprises and that have an annual dollar volume of sales which is not less than $225,000 after January 1, 1975, and is not less than $200,000 after January 1, 1976, and in any amount after January 1, 1977.

(c) *Small telegraph agencies.* (1) The minimum wage for this classification is $1.90 an hour through December 31, 1974; $2.00 an hour effective January 1, 1975; $2.20 an hour effective January 1, 1976; and $2.30 an hour effective January 1, 1977.

(2) This classification is defined to include employees engaged in handling telegraphic messages for the public where the revenue does not exceed $500 a month.

(d) *Motion picture theaters.* This activity comprises every theater where motion pictures are exhibited.

(1) *First class theaters.* (i) This classification includes motion picture theaters charging more than $1.00 (excise tax included) for admission to adults at least three days a week. Drive-in theaters are included in this class.

(A) *Motion picture projectionists and managers.* (*1*) The minimum wage for this classification is $1.90 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $2.05 an hour effective May 1, 1975; $2.20 an hour effective May 1, 1976; and $2.30 an hour effective May 1, 1977.

(B) *Electricians, plumbers, drivers, painters, and other arts crafts employees.* (*1*) The minimum wage for this classification is $1.90 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly the minimum rate will be $2.05 an hour effective May 1, 1975; $2.20 an hour effective May 1, 1976; and $2.30 an hour effective May 1, 1977.

(C) *Box office cashiers, assistant motion picture projectionists and assistant managers.* (*1*) The minimum wage for this classification is $1.45 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $1.60 an hour effective May 1, 1975; $1.75 an hour effective May 1, 1976; $1.90 an hour effective May 1, 1977; $2.05 an hour effective May 1, 1978; $2.20 an hour effective May 1, 1979; and $2.30 an hour effective May 1, 1980.

(D) *Ticket takers, porters and other employees.* (*1*) The minimum wage for this classification is $1.40 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $1.55 an hour beginning May 1, 1975; $1.70 an hour effective May 1, 1976; $1.85 an hour effective May 1, 1977; $2.00 an hour effective May 1, 1978; $2.15 an hour effective May 1, 1979; and $2.30 an hour effective May 1, 1980.

(2) *Second class theaters.* (i) This classification includes motion picture theaters charging from $1.00 to more than 50 cents (excise tax included) for admission to adults, at least three days a week.

(A) *Motion picture projectionists and managers.* (*1*) The minimum wage for this classification is $1.60 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly the minimum rate will be $1.75 an hour effective May 1, 1975; $1.90 an hour effective May 1, 1976; $2.05 an hour effective May 1, 1977; $2.20 an hour effective May 1, 1978; and $2.30 an hour effective May 1, 1979.

(B) *Electricians, plumbers, drivers, painters and other arts and crafts employees.* (*1*) The minimum wage for this classification is $1.60 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $1.75 an hour beginning May 1, 1975; $1.90 an hour beginning May 1, 1976; $2.05 an hour effective May 1, 1977; $2.20 an hour beginning May 1, 1978; and $2.30 an hour effective May 1, 1979.

(C) *Box office cashiers, assistant motion picture projectionists and assistant managers.* (*1*) The minimum wage for this classification is $1.25 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $1.37 an hour effective May 1, 1975; $1.49 an hour effective May 1, 1976; $1.64 an hour effective May 1 1977; $1.79 an hour effective May 1, 1978; $1.94 an hour effective May 1, 1979; $2.09 an hour effective May 1, 1980; $2.24 an hour effective May 1, 1981; and $2.30 an hour effective May 1, 1982.

(D) *Ticket takers, porters and other employees.* (*1*) The minimum wage for this classification is $1.25 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $1.37 an hour effective May 1, 1975; $1.49 an hour effective May 1, 1976; $1.64 an hour effective May 1, 1977; $1.79 an hour effective May 1, 1978; $1.94 an hour effective May 1, 1979; $2.09 an hour effective May 1, 1980; $2.24 an hour effective May 1, 1981; and $2.30 an hour effective May 1, 1982.

(e) *Third class theaters.* (1) This classification includes motion picture theaters not comprised in the classes in paragraphs (b) and (c) of this section.

(i) *Motion picture projectionists and managers.* (A) The minimum wage for this classification is $1.50 an hour. Thereafter this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $1.65 an hour effective May 1, 1975; $1.80 an hour effective May 1, 1976; $1.95 an hour effective May 1, 1977; $2.10 an hour effective May 1, 1978; $2.25 an hour effective May 1, 1979; and $2.30 an hour effective May 1, 1980.

(ii) *Electricians, plumbers, drivers, painters and other arts crafts employees.* (A) The minimum wage for this classification is $1.50 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $1.65 an hour effective May 1, 1975; $1.80 an hour effective May 1, 1976; $1.95 and hour effective May 1, 1977; $2.10 an hour effective May 1, 1978; $2.25 an hour effective May 1, 1979; an $2.30 an hour effective May 1, 1980.

(iii) *Box office cashiers, assistant motion picture projectionists and assistant managers.* (A) The minimum wage for this classification is $1.15 an hour. Thereafter, this rate is subject to the automatic increases provided by section 6(a)(2)(B) of the Act. Accordingly, the minimum rate will be $1.27 an hour effective May 1, 1976; $1.39 an hour effective May 1, 1977; $1.51 an hour effective May 1, 1978; $1.66 an hour effective May 1, 1979; $1.81 an hour effective May 1, 1980; $1.96 an hour effective May 1, 1981; $2.11 an hour effective May 1, 1982; $2.26 an hour effective May 1, 1983 and $2.30 an hour effective May 1, 1984.

(f) *Processing of shade-grown tobacco.* (1) The minimum wage for this classification is $1.60 an hour through December 31, 1974; $1.80 an hour effective January 1, 1975; $2.00 an hour effective January 1, 1976; $2.20 an hour effective January 1, 1977; and $2.30 an hour effective January 1, 1978.

(2) This classification includes all agricultural employees engaged in processing shade-grown tobacco prior to stemming.

(g) *Small logging operations.* (1) The minimum wage for this classification is $1.60 an hour through December 31, 1974; $1.80 an hour effective January 1, 1975; $2.00 an hour effective January 1, 1976; $2.20 an hour effective January 1, 1977; and $2.30 an hour effective January 1, 1978.

(2) This classification includes employees in forestry or lumbering operations where the number of employees is eight or less.

(h) *Agricultural employees of large conglomerates.* (1) The minimum wage for this classification is $1.60 an hour through December 31, 1974; $1.80 an hour effective January 1, 1975; $2.00 an hour effective January 1, 1976; $2.20 an hour effective January 1, 1977; and $2.30 an hour effective January 1, 1978.

(2) This classification includes agricultural employees of conglomerates with an annual gross volume of sales exceeding $10,000,000 regardless of the number of employees engaged in agriculture.

§ 701.3 Notices.

Every employer subject to the provisions of § 701.2 shall post in a conspicuous place in each department of its establishment where employees subject to the provisions of § 701.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the U.S. Department of Labor and shall give such other notice as the Administrator may prescribe.

Effective date. The effective date for the commencement of these wage rates is September 20, 1974.

Signed at Washington, D.C. this 28th day of August, 1974.

BETTY SOUTHARD MURPHY,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.74-20358 Filed 9-3-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 204—DANGER ZONE REGULATIONS

Gulf of Mexico South of Pensacola Bay, Fla.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266 (33 U.S.C. 1)), § 204.-140 establishing and governing the use and navigation of a danger zone used as a naval firing range in the Gulf of Mexico south of Pensacola, Florida is hereby revoked, effective on September 4, 1974.

Since the revocation constitutes only an agency or procedural matter, notice of proposed rule making and public procedures thereto are considered unnecessary. Accordingly, § 204.140 of Title 33 of the Code of Federal Regulations is hereby revoked as follows:

§ 204.140 [Revoked]

[Regs. August 19, 1974, DAEN-CWO-N] (Sec. 7, 40 Stat. 266 (33 U.S.C. 1))

Dated: August 19, 1974.

By authority of the Secretary of the Army:

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army, Chief, Plans Office, TAGO.

[FR Doc.74-20375 Filed 9-3-74;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

NATIONAL FORESTS SURFACE USE UNDER U.S. MINING LAWS

Correction

In FR Doc. 74-19865 in the issue of Wednesday, August 28, 1974, the following change should be made on page 31320 in § 252.13(c): The reference to § 252.4(a) should be to § 252.4(d).

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-16—PROCUREMENT FORMS

Transfer of Provisions

This change to the General Services Administration Procurement Regulations (GSPR) is to update and transfer forms from Chapter 5, GSPR, to Chapter 5A, GSPR.

The table of contents for Part 5A-16 is amended to add the following:

§ 5A-16.901-1094 Standard Form 1094, U.S. Tax Exemption Certificate.
§ 5A-16.901-1165 Standard Form 1165, Receipt for Cash-Subvoucher.
§ 5A-16.950-1720 GSA Form 1720, Request for Release of Classified Information to U.S. Industry.

NOTE. Copies of the forms identified in this Part 5A-16 are filed with the original document.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Effective date. These regulations are effective on the date shown below.

Dated: August 9, 1974.

L. E. SPANGLER,
Acting Commissioner, FSS.

[FR Doc.74-20377 Filed 9-3-74;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 100—COST CONTAINMENT AND QUALITY CONTROL

Subpart A—Limitation on Federal Participation for Capital Expenditures

On June 27, 1974, there was published in the FEDERAL REGISTER (39 FR 23270) a notice of proposed rulemaking proposing certain amendments to 42 CFR Part 100, Subpart A, entitled "Limitation on Federal Participation for Capital Expenditures." The purposes of the amendments are (1) to clarify the definition of the term "health care facility" as applied to ambulatory health care facilities, and (2) to base the formula for distribution of funds to designated planning agencies as payment for the costs of agency review of capital expenditures for purposes of section 1122 of the Social Security Act on the amount of funds expended in each State to carry out sections 314 (a) and (b) of the Public Health Service Act during fiscal year 1974. Interested individuals were given until July 12, 1974, to submit comments and suggestions on the proposed amendments.

Comments were received with respect to both proposed changes to the regulation.

With respect to the change in the formula for distribution of funds, one commenter suggested that the formula be abandoned and replaced with a simple budget. Since the formula approach has been widely accepted we feel no need to change the methodology. A second commenter suggested that the change was acceptable but requested an adjustment to reflect changes in the cost of living since fiscal year 1974. The suggestion has not been accepted since funding from this source is not meant to cover all costs.

One commenter suggested that the definition of covered facilities be amended to include only facilities reimbursed under Part A of Title XVIII of the Social Security Act. Since the proposed change in the regulation was for the purpose of providing a more general definition of outpatient surgical facility, the suggested change has not been made at this time. However, because much interest has been raised with respect to facilities subject to review, the Department wishes to solicit comments and suggestions with respect to the definition found in § 100.102(e) concerning the term "organized ambulatory health care facilities". Comments and suggestions should be submitted to the Division of Comprehensive Health Planning, 5600 Fishers Lane, Rockville, Maryland 20852, no later than September 30, 1974. To the extent found necessary, a notice of proposed rule making will be published subsequent to September 30, 1974.

The proposed amendments are hereby adopted without change, as set forth below.

Effective date. These amendments are effective on September 4, 1974.

Dated: August 14, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: August 29, 1974.

FRANK CARLUCCI,
Acting Secretary.

1. Paragraph (e) of § 100.102 is amended by deleting the word "surgicenters" and inserting in lieu thereof "ambulatory surgical centers." As amended, such paragraph reads as follows:

§ 100.102 Definitions.

• • • • •

(e) "Health care facility" includes hospitals, psychiatric hospitals, tubercu-

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losis hospitals, skilled nursing facilities, home health agencies, and providers of outpatient physical therapy services (including speech pathology services) as defined in section 1861 (e), (f), (g), (j), (o), and (p), respectively, of the Act (except that such term shall not apply with respect to outpatient physical therapy services performed by a physical therapist in his office or in a patient's home); kidney disease treatment centers, including freestanding hemodialysis units; intermediate care facilities as defined in section 1905(c) of the Act; and organized ambulatory health care facilities such as health centers, family planning clinics, and facilities providing surgical treatment to patients not requiring hospitalization (ambulatory surgical centers), which are not part of a hospital but which are organized and operated to provide medical care to outpatients.

• • • • •

2. Paragraph (a)(1) of § 100.110 is amended to read as follows:

§ 100.110 Payment by Secretary of Costs of Agency Review

(a) • • •

(1) The Secretary will determine, on the basis of information furnished to him by the designated planning agency and such other information as may be available to him, (i) the amount of funds, both Federal and non-Federal, which were expended in such State during the fiscal year ending June 30, 1974, to carry out sections 314 (a) and (b) of the Public Health Service Act, and (ii) the amount of such funds which were expended for the purpose of cost containment.

[FR Doc.74-20355 Filed 9-3-74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-29; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires for Passenger Cars; Republication and Correction of Standard

Correction

In FR Doc. 74-18525, appearing at page 31322 in the issue of Wednesday, August 28, the numbers in the section heading preceding the last paragraph on page 31322 should read "571.109" and "109" respectively.

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Alamosa National Wildlife Refuge, CO

The following special regulation is issued and is effective on September 4, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

The public hunting of geese, ducks, coots, mergansers, mourning doves, sora and Virginia rails, and Wilson's snipe on the Alamosa National Wildlife Refuge, Colorado is permitted in accordance with conditions as outlined below, but only on the area designated by signs as open to hunting:

(1) *Ducks, coots and mergansers.* October 5, 1974 through October 13, 1974, inclusive, and November 9, 1974 through January 3, 1975, inclusive.

(2) *Canada geese.* November 1, 1974 through December 31, 1974, inclusive. Hunting of Canada geese is restricted to those persons who have secured a special Colorado state permit for the Special San Luis Valley Goose Hunt.

(3) *Mourning doves.* October 5, 1974 through October 13, 1974, inclusive.

(4) *Sora and Virginia rails.* October 5, 1974 through October 13, 1974, inclusive, and November 1, 1974 through November 9, 1974, inclusive.

(5) *Wilson's snipe.* October 5, 1974 through October 13, 1974, inclusive, and November 1, 1974 through November 4, 1974, inclusive.

This open area, comprising 3,946 acres, is delineated on maps available at refuge headquarters, Alamosa, Colorado, and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Ave., Denver, Colorado 80215. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese, ducks, coots, mergansers, mourning doves, sora and Virginia rails, and Wilson's snipe, subject to the following special conditions:

(1) Shooting hours will be from one-half hour before sunrise until sunset for ducks, geese, coots and mergansers.

(2) Shooting hours will be from sunrise to sunset on mourning doves, sora and Virginia rails, and Wilson's snipe.

(3) *Dogs.* No more than two dogs per hunter may be used in the hunting of the above species.

(4) *Admittance.* Entrance to the area open to hunting and parking of vehicles will be restricted to designated parking areas.

(5) *Boats.* The use of boats is prohibited. One- or two-man life rafts that can be carried by an individual from the parking areas to the hunting area may be used to retrieve dead or wounded birds.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 4, 1975.

HARVEY WILLOUGHBY,
Acting Regional Director, U.S. Fish and Wildlife Service, Denver, Colorado.

AUGUST 22, 1974.

[FR Doc.74-20379 Filed 9-3-74;8:45 am]

PART 32—HUNTING

Alamosa National Wildlife Refuge, CO

The following special regulation is issued and is effective on September 4, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

ALAMOSA NATIONAL WILDLIFE REFUGE

The public hunting of rabbits, skunk, badger, raccoon, coyote, bobcat, and feral cat on the Alamosa National Wildlife Refuge, Colorado is permitted from October 5, through October 13, 1974, inclusive, and from November 1, 1974 through January 3, 1975, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 3,946 acres, is delineated on maps available at refuge headquarters, Alamosa, Colorado and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West Sixth Avenue, Denver, Colorado 80215.

Hunting shall be in accordance with all applicable State regulations governing the hunting of rabbits, skunk, badger, raccoon, coyote, bobcat, and feral cat subject to the following conditions:

(1) Shooting hours for cottontail rabbits will be from sunrise to sunset.

(2) Shooting hours for jack rabbits, skunk, raccoon, coyote, badger, bobcat and feral cat shall coincide with those set by Federal and State proclamation for the hunting of migratory waterfowl.

(3) Dogs. Not to exceed two dogs per hunter, may be used in the hunting of the above species.

(4) Admittance. Entrance to the area open to hunting and parking of vehicles will be restricted to designated parking areas.

(5) Hunting with rifles and handguns is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 3, 1975.

ROBERT L. DARNELL,
Refuge Manager, Alamosa National Wildlife Refuge, Alamosa, Colorado.

AUGUST 21, 1974.

[FR Doc.74-20380 Filed 9-3-74;8:45 am]

PART 32—HUNTING

Sand Lake National Wildlife Refuge, SD

The following special regulation is issued and is effective on September 4, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of pheasants on the Sand Lake National Wildlife Refuge, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000

acres, is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of pheasants subject to the following conditions:

(1) The open season for hunting pheasants on the refuge is from December 2, 1974 through December 31, 1974, both dates inclusive.

(2) Hunters will not be allowed to drive on refuge maintained trails, but may park their vehicles outside of the refuge and hunt on foot.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1974.

THAD L. FULLER,
Acting Refuge Manager, Sand Lake National Wildlife Refuge.

AUGUST 26, 1974.

[FR Doc.74-20378 Filed 9-3-74;8:45 am]

PART 32—HUNTING

Migratory Game Bird Hunting

In the FEDERAL REGISTER, Volume 39, No. 139, page 26292, dated July 18, 1974, it was proposed that De Soto National Wildlife Refuge, Iowa and Nebraska, be added to the list of areas open to the hunting of migratory game birds.

The public was provided with a 30-day comment period and no comments were received.

Accordingly, § 32.11, List of open areas; migratory game birds, is amended as follows:

§ 32.11 List of open areas.

• • • • •

IOWA

DE SOTO NATIONAL WILDLIFE REFUGE

NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Effective date. This amendment becomes effective on Oct. 4, 1974.

F. N. SCHMIDT,
Deputy Director, U.S. Fish and Wildlife Service.

[FR Doc.74-20487 Filed 9-3-74;8:45 am]

PART 32—HUNTING

Restricting on Bow Hunting

In the FEDERAL REGISTER, Volume 30, No. 148, page 27689, dated July 31, 1974, a regulation was proposed which would restrict the type of archery equipment hunters may use on national wildlife refuges.

The public was provided with a 30-day comment period and no comments were received.

Accordingly, § 32.2, General provisions, is amended by the addition of paragraph (g) as follows:

§ 32.2 General provisions.

• • • • •

(g) The use of any drug on an arrow for bow hunting on national wildlife refuges is prohibited. Archers may not have arrows employing such drugs in their possession on any national wildlife refuge.

Effective date. This amendment becomes effective on Oct. 4, 1974.

F. N. SCHMIDT,
Deputy Director, U.S. Fish and Wildlife Service.

[FR Doc.74-20488 Filed 9-3-74;8:45 am]

Title 45—Public Welfare

CHAPTER VIII—UNITED STATES CIVIL SERVICE COMMISSION

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Georgia

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing", one additional place for filing in Georgia:

Georgia

County;	Place for filing;	beginning date.
•	•	•
Twiggs;	Jeffersonville—County Office Building;	State Highway 96; September 3, 1974.

(Secs. 7 and 9 of the Voting Rights Act of 1965; Pub. L. 89-110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRAY,
Executive Assistant to the Commissioners.

[FR Doc.74-20543 Filed 9-3-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 752—SCENIC ENHANCEMENT—LANDSCAPE AND ROADSIDE DEVELOPMENT

Rest Areas, Overlooks, and Information Centers

CORRECTIONS

1. In FR Doc. 74-15389, published at page 24630 in the issue dated Friday, July 5, 1974, the words "lands" is changed to "lanes" in the second sentence of § 752.106(d).

REVOCATION

2. In FR Doc. 74-15389, published at page 24630 in the issue dated Friday, July 9, 1974, paragraph e, including subparagraphs (1) through (5) of § 752.106 are hereby revoked and will be reissued as 23 CFR Part 650, Subpart E.

REVISION

3. In the above-mentioned document, § 752.107 is revised to clarify and correct inconsistencies contained therein. The revision reads as follows:

§ 752.107 Information centers.

(a) Safety rest areas may be provided with information centers for the purpose of advising the public of places of interest and such other information as a State may consider desirable. Section 319(a) or 319(b) funds may not be used for an information center in a separate building but may be used in establishing an information area in a safety rest area comfort and convenience building.

(b) Federal participation in comfort and convenience buildings, with or without information areas, will be determined by gross building square footage. Gross building square footage is to be computed as the area within the outer walls of the building, measured to the exterior wall surface. Basement or cellar areas are to be discounted by a factor of one-half and entrance foyers, breezeway areas, etc., by a factor of one-third.

(c) Federal participation in comfort and convenience buildings with provisions for dispensing information will be limited to the maximum gross building square footage determined by totaling a

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basic allowance of 200 square feet plus 120 square feet for each water closet and/or urinal. Federal participation in comfort and convenience buildings without provisions for dispensing information will be limited to the maximum gross building square footage determined by totaling a basic allowance for 200 square feet plus 70 square feet for each water closet and/or urinal.

(d) When a State proposes to provide and operate a separate structure as an information center, the roadways and parking areas necessary for the information center may be constructed with either section 319(a) or 319(b) funds.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-20363 Filed 9-3-74;8:45 am]

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 753—ACQUISITION PROCEDURES FOR LANDSCAPING AND SCENIC ENHANCEMENT

Chapter I of Title 23, Code of Federal Regulations, is amended by adding a new Part 753, Acquisition Procedures for Landscaping and Scenic Enhancement, as set forth below. This part codifies policy and procedures formerly contained in Federal Highway Administration Policy and Procedure Memorandum 80-9 pertaining to the landscaping and scenic enhancement program.

The provisions of the Administrative Procedure Act, 5 U.S.C. 553 requiring notice of proposed rule making, opportunity for public participation, and delay in the effective date do not apply pursuant to the exceptions contained in 5 U.S.C. 553(a).

These amendments to Title 23, Code of Federal Regulations, are prepared under authority of 23 U.S.C. 315, 319, and the delegation of authority by the Secretary of Transportation at 23 CFR 1.32, and 49 CFR 1.48.

These regulations are effective on the date of issuance set forth below.

Sec.
753.1 Purpose.
753.2 Applicability.
753.3 General provisions.
753.4 State organization, policies and procedures.
753.5 Rest areas, overlooks and scenic areas.
753.6 Program and authorizations—landscaping and scenic enhancement.

AUTHORITY: (23 U.S.C. 319, 23 U.S.C. 315) 23 CFR 1.32, and 49 CFR 1.48.

§ 753.1 Purpose.

This part sets forth the policies and procedures relating to Federal participation in the cost of acquiring the property interests necessary for landscaping and scenic enhancement as required to implement section 319(b) of Title 23, United States Code, as revised in Title III of the Highway Beautification Act of 1965.

§ 753.2 Applicability.

The provisions of this part are applicable to all landscaping and scenic enhancement projects on the Federal-aid Primary and Interstate Systems regardless of whether Federal funds participated in the construction thereof, and to projects for landscaping and scenic enhancement on selected portions of the Federal-Aid Secondary Systems.

§ 753.3 General provisions.

(a) *Applicability of right-of-way policies and procedures.* (1) The appraisal and acquisition of property interests required for highway rights-of-way and for landscaping and scenic enhancement projects are, to a large extent, similar. The Federal-aid policies and procedures and requirements set forth in 23 CFR 710–741 will, therefore, govern except as may be specifically amended or modified herein.

(2) The term "right-of-way acquisition" and similar terms contained in 23 CFR 710–741 will be considered to mean the acquisition of real property interests required for landscaping and scenic enhancement parcels and projects.

(3) The participation of Federal funds will not be permitted in the costs of acquiring a dwelling or its related buildings through eminent domain procedures although participation may be allowed if such buildings are acquired in limited special situations through negotiations. If the State acquires a dwelling by condemnation, with or without the use of Federal funds, on a landscaping and scenic enhancement project, there will be no Federal-aid participation in any costs of the project.

(4) Where a dwelling is to be acquired, or the rights being acquired will cause a displacement of the occupants, the provisions of 23 CFR 740 are applicable.

(5) Where a business concern (including the operation of a farm) or nonprofit organization is displaced, the provisions in 23 CFR 740 are applicable.

(b) *Valuations.* All valuations of real property interests will be supported by appraisals. The term "appraisal" and "appraiser" as used herein apply only to the valuation of real property interests.

(c) *Review requirements.* All appraisals will be reviewed by a qualified review appraiser as required in 23 CFR 720.

(d) *Land interests to be acquired.* (1) Funds provided by section 319(b) of Title 23, United States Code, may participate only in the costs of acquisition of those real property interests or rights necessary to accomplish the purposes of the Landscaping and Scenic Enhancement provisions of the Highway Beautification Act of 1965. The Federal Highway Administration [FHWA] may reach agreement with the State on the acquisition of fee title, or permanent easements which are tantamount to fee title, for scenic overlooks, rest and recreation areas, and specific types of scenic areas such as wooded areas. Authorization for the acquisition of fee title for other beautification purposes shall only be made:

(i) On a showing by the State, on an individual parcel basis, that such acquisition is in the public interest and the FHWA concurs; or

(ii) When the State agrees on a statewide basis, to dispose of the interests not required, in accordance with the procedures set forth in paragraph (e) herein. Federal funds may participate in the acquisition costs less the proportionate amount credited from the subsequent sale after disposal has been accomplished.

(2) Where the State (i) determines to acquire real property interests in excess of those necessary to accomplish the intent of the landscaping and scenic enhancement provisions of the Highway Beautification Act of 1965 or (ii) where State law does not permit the acquisition of less than full title or disposition of partial interests as shown above, Federal participation will be limited to the appraised value of the real property interests in the parcel that the FHWA determines is necessary to accomplish the intent of the landscaping and scenic enhancement provisions of the Highway Beautification Act.

(e) *Disposal of land interests.* (1) Where real property interests are acquired which need not be retained, the State may dispose of such interests within two years after acquisition or within two years after the highway is open to traffic, whichever is the later date. It shall be considered that disposal has been accomplished when the State has sold or attempted to sell under approved disposal procedures which will tend to secure the greatest net credit or smallest net loss to the project.

(2) When the State does not dispose of these property interests within the prescribed time period, Federal participation in the acquisition costs will be limited as shown in paragraph (d)(2) above.

(3) Any land areas or rights and interests in those areas in which Federal funds participated may be disposed of or relinquished by the highway department with the approval of the Federal Highway Administrator upon the showing that the disposal or relinquishment of the interests is in the public interest or that retention of the interests is no longer necessary to carry out the purposes of the Highway Beautification Act. Appropriate credit shall be made to Federal funds from the proceeds realized from the said disposal or relinquishment if for other than highway purposes.

(f) *Concurrent beautification and right-of-way projects.* (1) It is expected that each State will schedule its highway right-of-way and beautification project activities in such a manner as to produce the greatest efficiency and economy of operation consonant with the requirements of each program. The FHWA may withhold approval of authority to proceed on any project where is has reason to believe that concurrent operations would be substantially more economical regardless of funding, or otherwise in the public interest.

(2) The following criteria will govern the division of Federal-aid funds on concurrent projects:

(i) Where there is to be an acquisition of the whole property for right-of-way, right-of-way funds will be utilized for the acquisition and removal of property, real or personal, in accordance with 23 CFR 710–741.

(ii) When the same title in land is being acquired for the highway right-of-way and for landscaping and scenic enhancement purposes, the acquisition costs will be prorated to each fund in proportion to the land area required for each purpose. The costs of real property improvements will be charged in accordance with the purpose for which the land on which the improvements are located is being acquired.

(iii) Where land interests needed for landscaping and scenic enhancement projects differ from those required for the highway right-of-way, the cost of the acquisition of the landscaping and scenic enhancement interests will be charged to beautification funds. The "after" value of the right-of-way appraisal will be the "before" value of the property on which all or a portion of the rights are needed for the landscaping and scenic enhancement project.

(iv) Moving costs for personal property, other than household goods, unless entirely within the right-of-way, will be charged to beautification funds.

(g) *Reimbursement requirements.* The provisions for progress and final billings as contained in 23 CFR 710 apply to the Landscaping and Scenic Enhancement projects.

§ 753.104 State organization, policies and procedures.

(a) The State shall transmit to the FHWA four copies of information showing its organization, policies, procedures and control for accomplishing the provisions of this regulation. The FHWA shall not authorize the State to proceed with any landscaping and scenic enhancement projects covered by these provisions until such statement has been submitted. The statement shall be supplemented as the State obtains the necessary enabling legislation or where there have been substantial changes in previously stated practices and procedures.

(b) Two copies of the State's submission will be submitted to the Washington office accompanied by the recommendation from the division and regional offices. The Administrator will cause an examination to be made and will notify the State highway department of his findings and of the acceptance of all or selected portions of the State's submission. The State shall subsequently submit for examination all substantial changes in, or modification of, its practices and procedures either proposed or adopted for acceptance by the Administrator.

§ 753.5 Rest areas, overlooks and scenic areas.

(a) *General.* (1) Highway Beautification Act funds may be utilized to reimburse the State for the entire cost of acquisition of the necessary interests in strips of land adjacent to highway rights-of-way for the restoration, preservation and enhancement of scenic beauty. Such costs will be supported by appraisals.

(2) The acquisition of lands for safety rest and recreation areas and scenic overlooks is eligible for participation by either Beautification Act funds or regular highway funds as provided in 23 CFR 752.

(3) If lands for which a scenic area is programmed were purchased by the State as excess lands at the time of acquisition of the right-of-way, Federal participation under section 319(b) may be allowed under the following plan:

(i) If the final voucher has not been paid on the project, Federal participation would be limited to the difference, if any, between the original cost of the excess tract (such cost having been supported at the time of acquisition by acceptable appraisals) and the sale price of the property subject to the restrictive covenants as necessary to insure the development and maintenance of the scenic areas.

(ii) Advertisement and public sale to be conducted in accordance with normal State procedures.

(iii) If the sale of the property, subject to the restrictive covenants for scenic enhancement, does not show a loss of State highway funds there would be no Federal participation involved.

(iv) If it is deemed advisable for the proper protection and maintenance of the scenic area for the State to retain its original interest in the land, the Federal participation would be limited to the State's original cost as supported by appraisals at the time of acquisition. If only a portion of the excess area is needed for scenic enhancement, an area proration of the total cost of the excess only is considered a reasonable measure for establishing the amount to be charged to the beautification project.

(4) Where a scenic area has been acquired in fee and Federal funds have participated in the cost of only the necessary restrictive easement, the State may sell or lease the unneeded rights or interests. No credit to Federal funds is required. It is the State's responsibility to see that the restrictions or controls acquired or established by the State for the restoration, preservation or enhancement of a scenic strip are not violated. If the FHWA determines that the scenic restrictions or controls have been violated, it shall require the State to take the necessary corrective action or request that the amount of Federal participation in the parcel be refunded.

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§ 753.6 Programming and authorizations—landscaping and scenic enhancement.

Projects for landscaping and scenic enhancement shall be programmed and authorized in accordance with the provisions in 23 CFR Part 752.

This regulation will be effective on the date of issuance set forth below.

Issued on: August 22, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-20362 Filed 9-3-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 141]

ENTRY OF MERCHANDISE

Proposed Amendment of Regulations Relating to Completion of Entry Papers

Notice is hereby given that pursuant to the authority of R.S. 251, as amended ((19 U.S.C. 66), sections 481, 484, 624, 46 Stat. 719, 722, as amended, 759 (19 U.S.C. 1481, 1484, 1624)), it is proposed to amend § 141.61(f)(1) of the Customs Regulations (19 CFR 141.61(f)(1)) to specify where on the entry forms the invoice summary information described in that section should be placed.

Section 141.61(f)(1) of the Customs Regulations presently requires that for each invoice of dutiable, taxable, or conditionally free merchandise covered by an entry, there shall be placed, "in a conspicuous place among the entry data relating to such invoice," certain specified summary information from each of the invoices which, with appropriate summary deductions, will show a final amount representing the aggregate entered values of all of the merchandise on each invoice covered by the entry. To avoid confusion it is deemed desirable to amend § 141.61(f)(1) to specify where on the entry forms this summary information should be placed.

Accordingly, it is proposed to amend § 141.61(f)(1) of the Customs Regulations (19 CFR 141.61(f)(1)) to read as follows:

141.61 Completion of entry papers.

• • • • •

(f) *Value of each invoice*—(1) *Dutiable, taxable, or conditionally free merchandise.* For each invoice of dutiable, taxable, or conditionally free merchandise covered by the entry, there shall be shown among the entry data relating to such invoice the gross amount of such invoice, the deduction of the aggregate amount of any nondutiable charges included in such amount, the further deduction of the aggregate of any deductions from invoice values to make entered values, and the addition of the aggregate of any dutiable charges not included in the gross amount of the invoice and of any other additions to invoice values to make entered values, so that the final amount in the summary computation represents the aggregate of the entered values of all the merchandise on each invoice covered by the entry. All of the foregoing information should be placed in the lower part of column (2) (across columns (2a) and (2b)) on Customs Forms 7501 and 7502, and in the same location on any other entry forms on which such information is required to be shown pursuant to this paragraph.

• • • • •

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received on or before October 4, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: August 21, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-20383 Filed 9-3-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 72]

DISCHARGE OF WASTES FROM RAILROAD CONVEYANCES

Proposed Controls and Extension of Compliance Time

In the FEDERAL REGISTER of October 15, 1970 (35 FR 16179), the Commissioner of Food and Drugs proposed that the Public Health Service Interstate Quarantine Regulations (42 CFR Part 72) be amended by revising § 72.154 to prohibit enroute discharge of human wastes, garbage, etc., from new railroad conveyances except at servicing areas approved by the Commissioner. With regard to nonnew conveyances, the proposal provided that effective means of preventing contamination, such as the locking of toilets, must be employed when conveyances, occupied or open to occupancy by travelers, are at a station.

A final order was published in the FEDERAL REGISTER of June 8, 1971 (36 FR 11025). In response to the comments received, the final order was expanded to include retrofitting of existing conveyances and to allow for an extension of time for full compliance in cases of demonstrated need. The retrofitting process was to have been completed by industry by December 31, 1974, with provisions to extend the deadline to December 31, 1977, if justified, but in no case beyond that date.

The provisions in the current regulation allowing for the possibility of an extension of compliance time past December 31, 1974, but in no case beyond December 31, 1977, were included principally upon the recommendation of both the Department of Transportation's Federal Railroad Administration and the House of Representatives' Conservation and Natural Resources Subcommittee (Committee on Government Operations).

Seven individual railroads have filed petitions requesting the Commissioner to grant extensions of compliance time to December 31, 1977. A petition has also been filed by the Association of American Railroads requesting that the entire railroad industry be granted an extension of compliance time for retrofitting of existing conveyances to December 31, 1977. Copies of these petitions are on file in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The Association of American Railroads contends that since the regulation has been in effect the railroads have made sincere efforts to retrofit their existing equipment with the necessary toilet facilities, but that these efforts have been hampered by technical, operational, and financial difficulties. The Association stated in its petition that, in response to a recent questionnaire, 47 major United States railroad systems indicated the following: (1) 2,496 new units of equipment, equipped with toilet facilities complying with the regulation were placed in service after July 1, 1972; (2) 4,597 units of equipment have been retrofitted to date to conform to the regulation; and (3) 24,100 units of equipment remain to be retrofitted by those railroads.

The Association of American Railroads believes that under present conditions it is an impossible task for those railroads to complete the job by December 31, 1974. It is felt, however, that it is reasonable to require that the entire railroad industry complete their retrofitting programs by December 31, 1977.

Since an overwhelming majority of the railroads will not meet the compliance deadline date of December 31, 1974, the Commissioner concludes that the regulation should be amended to set a new final compliance date for the entire railroad industry.

Because of the large number of nonnew conveyances to be retrofitted and the total costs involved (estimated at $45,000,000), the Commissioner is proposing a new compliance date of December 31, 1977. However, provisions will not

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be included in the amended regulation to allow for any extension past December 31, 1977. Further, the proposed amendment would require that each railroad submit systematic documentation to the Food and Drug Administration regarding their progress towards compliance with the regulation. Additionally, the Commissioner is proposing a minimum compliance schedule for inclusion in the regulation. Railroads which have already exceeded this schedule will be expected during each succeeding year to progressively move towards complete compliance.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 361, 58 Stat. 703 (42 U.S.C. 264)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that § 72.154 be amended by revising paragraphs (b) and (d) and by adding new paragraphs (e) and (f) to read as follows:

§ 72.154 Railroad conveyances: discharge of wastes.

* * * * *

(b) *Nonnew railroad conveyances.* Human wastes, garbage, waste water, or other polluting materials shall not be discharged from any railroad conveyance after December 31, 1977, except at servicing areas approved by the Commissioner of Food and Drugs. In lieu of retention pending discharge at approved servicing areas, human wastes, garbage, waste water, or other polluting materials that have been suitably treated to prevent the spread of communicable diseases may be discharged from such conveyances, except at stations. The term "waste water or other polluting materials" does not include drainage of drinking water taps or lavatory facilities.

* * * * *

(d) *Submission of annual report.* Each railroad company shall submit to the Food and Drug Administration, beginning December 31, 1974, an annual report of accomplishments made toward compliance with this regulation. Annual reports shall be submitted until a report showing 100 percent compliance is submitted. No railroad company shall have less than 10 percent of the nonnew conveyances in operation in compliance by December 31, 1974, no less than 40 percent by December 31, 1975, and no less than 70 percent by December 31, 1976. All conveyances in operation after December 31, 1977, shall be in compliance with this section.

(e) *Requirements of annual report.* Annual reports, due on December 31 of each year, shall contain at least the following information:

(1) Company name and address.

(2) Name, title, and address of the company's chief operating official.

(3) Name, title, address, and telephone number of the person designated by the company to be directly responsible for compliance with this section.

(4) A statement that all new railroad conveyances placed into service after July 1, 1972, meet the requirements of this section.

(5) A complete, factual narrative statement explaining why retrofitting of noncomplying nonnew conveyances is incomplete.

(6) A statement of the percentage figure of conveyances retrofitted with waste discharge facilities in compliance with this section as of the reporting date and the percentage figure expected to be completed by December 31 of the following year.

(7) A tabular report with the following vertical columns: Equipment type, e.g., locomotive, caboose, passenger, and any others having toilets; number of toilets per conveyance; number of each equipment type in operation; and number of each to be retrofitted by December 31 of each year until 100 percent compliance with this section is achieved.

(f) *Requests for approval.* Requests for approval of servicing areas under the provisions of this section should be addressed to the Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Interested persons may, on or before October 4, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 28, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-20448 Filed 9-3-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 19995]

PROGRAM EXCLUSIVITY PROTECTION BY CABLE TELEVISION SYSTEMS

Order Extending Time for Filing Reply Comments

In the matter of amendment of subpart F of Part 76 of the Commission's rules and regulations with respect to network program exclusivity protection by Cable Television Systems.

1. On April 9, 1974, the Commission released its notice of inquiry and proposed rule making in Docket 19995. The time for filing comments in this proceeding was extended, by Order released July 11, 1974, to July 30, 1974, and the time for filing reply comments was extended to August 27, 1974 (39 FR 26429).

2. On August 19, 1974, the National Association of Broadcasters (NAB) filed a petition seeking an extension of time for filing reply comments in Docket 19995 to October 28, 1974. In its petition NAB argues that the 28 day period allotted by the Commission for filing replies is too brief to permit a proper analysis of the more than 200 comments filed in this proceeding and does not take into account several factors which would make adherence to the current deadline extremely difficult.

3. Under the existing circumstances we find that a reasonable extension of time is warranted. We note that comments in several other rule making proceedings will be due shortly. More importantly, however, we think it desirable to allow sufficient time for all parties to prepare comprehensive, substantive replies which will reach the heart of the issues raised in this proceeding. As we stated in our original notice of this proceeding, we expect that any general claims of harm made by commenting parties will be supported by specific data. So too do we expect that reply comments will be substantive in nature and not merely a rhetorical exercise on the part of advocates for a particular point of view. An extension of time will hopefully be in furtherance of that expectation.

4. In view of the foregoing we find that the public interest would be served by a partial grant of the petition filed by the National Association of Broadcasters. We, therefore, will grant an extension of 35 days for interested parties to file reply comments.

Accordingly, it is ordered, That the time for filing reply comments in Docket 19995 is extended to and including October 1, 1974.

This action is taken by the Chief, Cable Television Bureau, pursuant to authority delegated by § 0.289(c)(4) of the Commission's rules.

Adopted: August 23, 1974.

Released: August 27, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.74-20339 Filed 9-3-74;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 531]

[Docket No. 73-40]

FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE COMMERCE OF THE UNITED STATES

Enlargement of Time to Answer

Upon request of interested parties, and good cause appearing, time within which answers to Hearing Counsel's reply may be submitted in this proceeding is enlarged to and including September 9, 1974.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-20391 Filed 9-3-74;8:45 am]

POSTAL SERVICE

[39 CFR Parts 123, 124]

NONMAILABLE WRITINGS AND ARTICLES

Proposed Revision; Delayed Effective Date

By a notice of proposed rulemaking published June 5, 1974 (39 FR 19958) the Postal Service announced that it was considering a revision of 39 CFR Parts 123 and 124, which deal with matter the mailability of which is prohibited or conditioned by law. Comments were invited on the proposed revisions up to June 20, 1974, with a proposed effective date of July 1, 1974.

At the request of parties preparing comments, the comment period was extended to August 15, 1974, and the proposed effective date was changed to September 1, 1974. 39 FR 24244.

Because of the number and character of the comments received it is clear that the final regulations will not be ready for publication on September 1, 1974. Accordingly, the proposed September 1, 1974 effective date of the final regulations is cancelled. Notice and description of the changes in the regulations in light of the comments received, and the new effective date, will be published at a later time in the FEDERAL REGISTER in accordance with the incorporation by reference procedure of 39 CFR 111.3.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.74-20314 Filed 9-3-74;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 529]

PATIENT WORKERS IN HOSPITALS AND INSTITUTIONS

Proposed Employment at Subminimum Wages

Pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended (29 U.S.C. 214)), Reorganization Plan No. 6 of 1950 (3 CFR 1945-53 Comp., p. 1004), and Secretary Orders 13-71 and 15-71 (36 FR 8755 and 8756), I hereby propose 29 CFR Part 529 as set out below. The purpose of this proposal is to provide a regulation governing the employment at subminimum wages under the Fair Labor Standards Act of patients, whose earning or productive capacity is impaired, in hospitals and institutions primarily engaged in the residential care of the sick, the aged, or the mentally ill or defective.

Interested parties may present written data, views, and argument in quadruplicate to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210 on or before October 4, 1974. Such submission may bear on both the substance and details of the proposed regulations, Part 529. Upon consideration of such submissions, any changes as are appropriate, will be made in this part and published in the FEDERAL REGISTER.

Part 529 would read as follows:

PART 529—EMPLOYMENT OF PATIENT WORKERS IN HOSPITALS AND INSTITUTIONS AT SUBMINIMUM WAGES

Sec.
529.1 Statutory language and scope of regulations.
529.2 Definitions.
529.3 Advisory Committee on Sheltered Workshops.
529.4 Wage payments.
529.5 Deductions for services.
529.6 Application for certificates.
529.7 Criteria for consideration in issuance of certificates.
529.8 Issuance of certificates.
529.9 Terms and conditions of certificates.
529.10 Renewal of certificates.
529.11 Records to be kept.
529.12 Cancellation of a certificate.
529.13 Review.
529.14 Submission of information, investigations, and hearings.
529.15 Relation to other laws.
529.16 Issuance of certificates for experimental purposes.
529.17 Amendment of this part.

AUTHORITY: Sec. 14, 52 Stat. 1068, as amended (29 U.S.C. 214, unless otherwise noted).

§ 529.1 Statutory language and scope of regulations.

(a) The Fair Labor Standards Act as amended, among other things, makes provision for the employment of handicapped persons at subminimum wages under certificate. This provision is now designated as section 14(c) of the Act. It reads as follows:

(c)(1) Except as otherwise provided in paragraphs (2) and (3) of this subsection, the Secretary of Labor, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment under special certificates of individuals (including individuals employed in agriculture) whose earning or productive capacity is impaired by age or physical or mental deficiency or injury at wages which are lower than the minimum wage applicable under section 6 of this Act but not less than 50 per centum of such wage and which are commensurate with those paid nonhandicapped workers in industry in the vicinity for essentially the same type, quality, and quantity of work.

(2) The Secretary, pursuant to such regulations as he shall prescribe and upon certification of the State agency administering or supervising the administration of vocational rehabilitation services, may issue special certificates for the employment of—

(A) handicapped workers engaged in work which is incidental to training or evaluation programs, and

(B) multihandicapped individuals and other individuals whose earning capacity is so severely impaired that they are unable to engage in competitive employment, at wages which are less than those required by this subsection and which are related to the worker's productivity.

(3)(A) The Secretary may by regulation or order provide for the employment of handicapped clients in work activities centers under special certificates at wages which are less than the minimum applicable under section 6 of this Act or prescribed by paragraph (1) of this subsection and which constitute equitable compensation for such clients in work activities centers.

(B) For purposes of this section, the term "work activities centers" shall mean centers planned and designed exclusively to provide therapeutic activities for handicapped clients whose physical or mental impairment is so severe as to make their productive capacity inconsequential.

(b) Authority to promulgate the regulations and issue the certificates referred to in section 14(c) has been delegated by the Secretary to the Administrator of the Wage and Hour Division (Secretary's Orders 13-71 and 15-71 (36 FR 8755 and 8756)).

(c) The regulations in Part 529 govern certificates authorizing special minimum wages for patient workers in hospitals and institutions for the sick, the aged, and the mentally ill or defective with the following exceptions which are governed by Parts 524 and 525 of this chapter, as appropriate:

(1) Patients of hospitals or institutions working for employers other than the hospital or institution.

(2) Patients working in sheltered workshops, including work activities centers, as defined in Part 525, operated by the hospital or institution.

§ 529.2 Definitions.

(a) "Administrator" means the Administrator of the Wage and Hour Division, U.S. Department of Labor, or the Administrator's authorized representative.

(b) "Patient worker" means a sick, aged or mentally ill or defective individual who resides in a hospital or institution and has an employment relationship with such establishment, other than in a sheltered workshop program.

(c) "Hospital or institution," hereinafter referred to as "institution," is a public or private, nonprofit or profit facility primarily engaged in (i.e., more than 50 percent of the income is attributable to) providing residential care for the sick, the aged, or the mentally ill or defective, including but not limited to nursing homes, rest homes, convalescent homes, homes for the elderly and infirm, half-way houses, residential centers for drug addicts or alcoholics, and the like, whether licensed or not licensed.

(d) "Employment relationship" generally arises whenever a patient performs work of any consequential economic benefit to the institution. A patient does not, however, become an employee if he merely performs personal housekeeping chores such as maintaining his own quarters. Determination of an employment relationship does not depend on the level of performance of the patient, the replacement or nonreplacement of a nonhandicapped worker, or the impairment or nonimpairment of the employment opportunities of a nonhandicapped worker. The total facts surrounding a given situation determine whether the test is satisfied.

(e) "Evaluation and training" means a program, authorized pursuant to section 14(c)(2)(A) of the Act, which provides competent instruction and supervision and is designed to determine a working patient's potential and to teach adjustment to a work environment or the skills related to one or more types of work. The duration of the evaluation and training depends on the total facts of the situation, but in no case shall exceed 12 months. Time spent in an employment relationship in the institution prior to the effective date of these regulations shall be counted in determining the duration a patient worker is in evaluation and training. (Any workweek dur-

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ing which there was regular and recurrent engagement in work, even though small in amount, which gave rise to an employemnt relationship, shall be considered as a week spent in evaluation and training.)

(f) "Group minimum wage" means the minimum wage authorized pursuant to section 14(c)(1) of the Act which shall apply to all patient workers who have completed the evaluation and training program, if one has been authorized for the institution under this part (where no such program has been authorized, the group minimum wage applies immediately upon a patient's entering into an employment relationship with the institution), except for patient workers who are: Entitled to a commensurate wage higher than the group minimum wage; subject to an individual exception; or subject to a work activities center certificate, as defined in this part.

(g) "Individual exception" means authorization, pursuant to section 14(c)(2)(B) of the Act, to pay a particular patient worker whose earning or productive capacity is severely impaired less than the group minimum wage.

(h) "Work activities center" is an administrative classification given to a facility which has an approved program (other than a work activities center program as defined in Part 525), authorized pursuant to section 14(c)(3) of the Act, which is planned and designed exclusively to provide work activities for patients whose physical or mental impairment is so severe as to render their productive capacity inconsequential. The work activities shall be part of a recorded plan of therapy for such patients. Such activities need not, however, be restricted to a particular physical or program area of the institution, nor to a particular type of work. No program shall qualify for a work activities center certificate under this part unless the Administrator has first determined that the productive capacity of each individual in the program is so severely impaired as to make that person incapable of earning as commensurate pay at least 25 percent of the minimum wage under section 6 of the Act, and that the patient workers are participating in the program as a part of planned therapy. In making this determination, the Administrator may rely on representations made by a recognized voluntary monitoring agency or its duly designated representative, or by a member of the Advisory Committee on Sheltered Workshops.

(i) "Commensurate pay" (the term used in these regulations) is intended to have the same meaning as "equitable compensation" and "wages related to the worker's productivity," which terms are used in the statute, and means wages which are commensurate with those paid nonhandicapped workers in the institution or in industry in the vicinity for essentially the same type, quality, and quantity of work. So for example, the commensurate pay of a patient worker who is 75 percent as productive, considering quality and quantity, as the average nonhandicapped worker performing essentially similar work in the institution would be at least 75 percent of the wage paid to such nonhandicapped worker.

(j) "Voluntary monitoring agency" means a nonprofit, nongovernmental organization which has demonstrated an interest in the beneficial resolution of the problems of the sick, the aged, or the mentally ill or defective, and which has been so designated by the Administrator.

(k) "State agency" means the agency within the State which administers or supervises the administration of vocational rehabilitation services in any State of the United States, the District of Columbia, or any territory or possession of the United States.

(l) "The Act" means the Fair Labor Standards Act of 1938, as amended.

§ 529.3 Advisory Committee on Sheltered Workshops.

(a) The Advisory Committee on Sheltered Workshops, appointed periodically by the Secretary of Labor, shall advise and make recommendations to the Administrator concerning the administration and enforcement of this part and the need for amendments thereto and for such other purposes as may be desired by the Administrator.

(b) The Administrator may consult with the Advisory Committee on Sheltered Workshops prior to any action taken under this part and may afford the Committee 15 days, or such additional time as may be allowed, to present its views. The Administrator may also afford the Committee an opportunity to present its views in connection with any petition for review filed, any hearing held, and any petition for amendment of these regulations, or any proposed legislation by the Secretary of Labor pertaining to the problems dealt with in these regulations.

§ 529.4 Wage payments.

(a) A patient worker whose earning or productive capacity is not impaired shall be paid at least the statutory minimum wage. A patient worker whose earning or productive capacity is impaired to the extent that the individual is unable to earn at least the statutory minimum wage may be paid a subminimum wage but only after a certificate authorizing payment of such lower wage has been obtained from the Wage and Hour Division.

(b) Four types of certificates authorizing subminimum wages are available for patient workers in institutions: Evaluation and training, group minimum wage, individual exception, and work activities center. All but the individual exception are group certificates. Under a group certificate, the program is certificated and not the individual patient worker. In the case of the individual exception, authority to pay a subminimum wage must be obtained for each individual.

(c) Evaluation and training: Patient workers subject to an evaluation and training certificate shall receive at least commensurate pay; no minimum wage guarantee is required unless the Administrator, acting on his or her own initiative, or upon an adequately supported recommendation of a voluntary monitoring agency, shall determine it is in the best interest of the patient workers that a minimum wage guarantee be set.

(d) Group minimum wage: Patient workers subject to a group minimum wage certificate shall receive at least the minimum wage authorized in the certificate or commensurate pay, whichever is higher. The group minimum wage shall not be less, and may be more, than 50 percent of the minimum wage under section 6 of the Act.

(e) Individual exception: A patient worker subject to an individual exception shall receive not less than the minimum wage authorized in the individual exception certificate issued for that patient worker or commensurate pay, whichever is higher. An individual exception shall not be less, and may be more, than 25 percent of the minimum wage under section 6 of the Act.

(f) Work activities center: Patient workers subject to a work activities center certificate shall receive at least commensurate pay; no minimum wage guarantee is required unless the Administrator, acting upon his or her own initiative, or upon an adequately supported recommendation of a voluntary monitoring agency, shall determine it is in the best interest of the patient workers that a minimum wage guarantee be set.

(g) Compensable time for a patient worker starts when the individual begins to perform work involving an employment relationship.

(h) Each patient worker's work performance shall be reviewed by the institution at least every 3 months during the first year in an employment relationship, and at least every 6 months thereafter and his or her wages adjusted accordingly. The review shall relate the patient worker's quantity and quality of performance to that of nonhandicapped workers receiving the prevailing wage in the institution for similar work or work requiring similar skills. If similar work or work requiring similar skills is not performed by nonhandicapped workers in the institution, the prevailing wage paid nonhandicapped workers in the vicinity in industry maintaining acceptable labor standards shall be used.

§ 529.5 Deductions for services.

No part of the minimum wage and overtime earned by a patient worker can be deducted for the cost of room, board or services. The patient worker must receive his wages free and clear, except for legal payroll deductions. The institution may, thereafter, assess or collect the reasonable cost of room, board and other services actually provided to a patient worker to the extent authorized by State law and on the same basis as it assesses and collects from nonworking patients.

§ 529.6 Application for certificates.

(a) Application for a certificate for an evaluation and training program, a group minimum wage, an individual exception, or a work activities center may be filed by any institution with the Regional Office or Caribbean Director of the administrative region or area of the Wage and Hour Division, U.S. Department of Labor, in which the institution is located. Application forms may be obtained from the appropriate Office.

(b) An application for an evaluation and training certificate and for an individual exception certificate for payment of a wage below 50 percent of the minimum wage under section 6 of the Act shall also be filed with the State agency. Before the Wage and Hour Division can act on such an application, the State agency must certify that the evaluation and training program meets the standards defined in § 529.2 or, in the case of an individual exception, that the individual's earning capacity is so severely impaired that he or she is unable to earn at least 50 percent of the minimum wage under section 6 of the Act.

(c) An institution initially applying for a certificate, other than an individual exception certificate, which does not have the information called for in the application, may be issued a temporary certificate if it meets the requirements of, and provides assurance of compliance with, this Part.

(d) Application for an individual exception certificate may be filed at the time of applying for a group minimum wage certificate or during the life of the certificate. The application must show, among other things, that the patient worker is unable to earn the minimum wage authorized in the group minimum wage certificate.

(e) An application for an individual exception filed before the patient worker has completed evaluation and training shall be considered timely. In such case, if action on the application is not completed before the expiration of the evaluation and training period, the minimum wage requested in the application by the institution (not less than 25 percent of the minimum wage) shall be the interim minimum wage.

§ 529.7 Criteria for consideration in issuance of certificates.

The following criteria will be considered by the Administrator in determining the necessity of issuing a certificate or certificates and the conditions to be specified therein:

(a) The present and previous earnings of the patient workers.

(b) Whether the patient workers are receiving commensurate pay.

(a) The nature and extent of the disabilities of the patient workers and the degree to which these factors affect earning or productive capacity of the patient workers.

(d) Whether the conditions required for certification under this part have been met.

(e) Whether the certification by the State agency and the representations by a voluntary monitoring agency, as applicable, have been made in accordance with this part.

§ 529.8 Issuance of certificates.

(a) Upon consideration of criteria specified in § 529.7, the Administrator may issue a certificate or certificates, as appropriate.

(b) If a certificate is issued, a copy shall be sent to the institution. If denied, the institution shall be notified in writing of the denial and the reasons therefor.

(c) A group minimum wage certificate may be issued for the entire institution or a department or departments of the institution.

§ 529.9 Terms and conditions of certificates.

(a) A certificate shall specify the terms and conditions under which it is granted.

(b) A certificate shall apply to every patient worker in the program for which the certificate is granted.

(c) A certificate shall be effective for a period to be designated by the Administrator, generally for a period of 1 year. Patient workers may be paid wages lower than the statutory minimum only during the effective period of a certificate.

(d) A group minimum wage certificate shall set a special minimum wage of not less than 50 percent of the minimum wage under section 6 of the Act. An individual exception certificate shall set a special minimum wage not less than 25 percent of the minimum wage under section 6 of the Act.

(e) An evaluation and training certificate and a work activities center certificate need not set a special minimum wage other than that required by paragraph (f) of this section or provided for by § 529.4.

(f) All patient workers subject to a certificate shall be paid wages commensurate with those paid nonhandicapped workers in the institution in which they are patients or in the vicinity in industry maintaining acceptable labor standards for essentially the same type, quality, and quantity of work, but not less than the certificate rate applicable if such a rate has been authorized.

(g) Patient workers shall be paid not less than one and one half times the regular rate for all hours worked in excess of the maximum workweek applicable under section 7 of the Act.

(h) No patient worker shall be newly-employed under a certificate issued under these regulations while abnormal labor conditions, such as a strike, a lock-out, or other similar condition, exist in the institution.

(i) Each patient worker and his parent or guardian shall be informed promptly and in writing of the minimum wage applicable to him and of the terms of the certificate. Such information may be provided to the patient worker by notice in the individual's pay envelope, or other suitable method.

(j) The terms of any certificate may be amended for cause, upon request of the institution, or a patient worker or his parent or guardian, or upon the initiative of the Administrator.

§ 529.10 Renewal of certificates.

(a) Application may be filed for renewal of any certificate.

(b) If an application for renewal has been properly and timely filed prior to the expiration date of a certificate, the certificate shall remain in effect until the application for renewal has been granted or denied.

(c) Patient workers may be paid wages less than the statutory minimum after notice that the application for renewal has been denied, if review of such denial is requested in accordance with § 529.13: *Provided, however,* That if the denial is affirmed on review, the institution shall reimburse any person covered by the certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the effective date of denial.

§ 529.11 Records to be kept.

Every institution shall maintain and have available for inspection by the Administrator records of:

(a) Disability, which show the nature of each patient worker's disability.

(b) Productivity, which show the productivity of each patient worker on a continuing basis or at periodic intervals as defined in § 529.4(h).

(c) Prevailing wage, which show the prevailing wages paid nonhandicapped workers in the institution or in industry in the vicinity for essentially similar work to that performed by the patient workers.

(d) When an evaluaton and training program is authorized by certificate, records showing which patient workers are in the evaluation and training program, and the total period of time each worker has been in such a category.

(e) When an institution holds both a work activities center certificate and a group minimum wage certificate, records showing which patient workers are under each certificate.

(f) Records showing the patient workers for whom individual exceptions have been authorized.

(g) In addition, the records required under all the applicable provisions of Part 516 of this chapter.

(h) Every institution having patient workers who are entitled to benefits under the Act shall at all times display a poster, as prescribed by the Administrator, in a conspicuous place in the institution where it may be observed readily by the patient workers and other workers in the institution.

(i) Records required by this section shall be kept for the periods specified in Part 516 of this chapter.

§ 529.12 Cancellation of a certificate.

(a) The Administrator may cancel any certificate for cause. A certificate may be canceled (1) as of the date of issuance, if it is found that fraud has been utilized in obtaining the certificate or in permitting a patient worker to be employed thereunder; (2) as of the date of violation, if it is found that any of the provisions of the Act or of the terms of the

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certificate have been violated; or (3) as of the date of notice of cancellation, if it is found that the certificate is no longer necessary in order to prevent curtailment of opportunities for employment, or that the requirements of this part have not been complied with.

(b) If a petition for review is filed under § 529.13, the effective date of the cancellation shall be postponed until action is taken thereon: *Provided, however,* That if the cancellation order is affirmed on review, the institution shall reimburse any person covered by the certificate in an amount equal to the difference between the applicable minimum wage and any lower wage paid such person subsequent to the effective date of cancellation.

(c) Except in cases of willfulness or those in which the public interest requires otherwise, before any certificate shall be canceled, facts or conduct which may warrant such action shall be called to the attention of the institution in writing and it shall be afforded an opportunity to demonstrate or achieve compliance with all lawful requirements.

§ 529.13 Review.

Any person aggrieved by any action of an authorized representative of the Administrator taken pursuant to this part may, within 60 days or such additional time as the Administrator may allow, file with the Administrator a petition for review. Such review, if granted shall be made either by the Administrator or by an authorized representative who took no part in the action under review, who may, to the extent it is deemed appropriate, afford other interested persons an opportunity to present data and views.

§ 529.14 Submission of information, investigations, and hearings.

The Administrator may require at any time the submission of such information, other than that specified elsewhere in this part, as is deemed appropriate, or may conduct an investigation, which may include a hearing, prior to taking any action pursuant to this part. To the extent it is deemed appropriate, the Administrator may provide an opportunity to other interested persons to present data and views.

§ 529.15 Relation to other laws.

Nothing contained in this part shall be construed as authorizing any act that is contrary to any Federal or State law or municipal ordinance.

§ 529.16 Issuance of certificates for experimental purposes.

In addition to the issuance of certificates as provided in §§ 529.1 to 529.15, the Administrator may authorize the issuance of certificates to permit employment of patient workers in institutions at less than the applicable minimum wage under section 6 of the Act as part of experimental programs to increase employment opportunities for such persons. Such certificates shall be issued in such types of cases and on such terms and conditions within the scope of section 14 of the Act as the Administrator shall determine will best further any such experimental programs.

§ 529.17 Amendment of this part.

The Administrator may at any time upon his or her own motion or upon written request of any interested person setting forth reasonable ground therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of this part.

Signed at Washington, D.C. this 21st day of August 1974.

BETTY SOUTHARD MURPHY,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.74-20356 Filed 9-3-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[CM-180]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Notice of Meeting

A meeting of the Secretary of State's Advisory Committee on Private International Law will be held at 10:00 a.m. on Friday, September 27, 1974, in room 5519 of the Department of State. The Committee meeting will be open to the public.

The principal topics of the meeting will be questions relating to recognition and enforcement of foreign judgments, recognition abroad of decisions regarding marriages, and conflict of laws in matrimonial property matters.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to September 27, 1974, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-2107. All non-government attendees at the meeting should use the C Street entrance to the building.

Dated: August 26, 1974.

ROBERT E. DALTON,
Executive Director.

[FR Doc.74-20382 Filed 9-3-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

LAND RECORDS

Turtle Mountain Reservation; Turtle Mountain Public Domain Allotments; and Other Off-Reservation Lands

AUGUST 19, 1974.

This notice is published in accordance with 25 CFR 120 and in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by section 13(ff) of Secretarial Order 2508 (Amendment 49 published at 26 FR 11395).

Effective July 1, 1974, all source title documents and land records pertaining to trust or restricted Indian-owned lands on the Turtle Mountain Reservation in the State of North Dakota, and to Turtle Mountain public domain allotments in the States of North and South Dakota, are transferred from the Billings Title Plant to the Aberdeen Title Plant, Bureau of Indian Affairs, 115 4th Avenue, S.E., Aberdeen, South Dakota 57401.

The Aberdeen Title Plant has taken official custody of and is the office of record for the recording and maintenance of the aforementioned data and all records pertaining to other off-reservation lands in the States of North and South Dakota administered through the Turtle Mountain, Fort Berthold, Cheyenne River, and Fort Peck Agencies.

The Billings Title Plant, Bureau of Indian Affairs, Federal Building, 316 North 26th Street, Billings, Montana 59101, will retain official custody of all land records and source title documents pertaining to Indian-owned trust or restricted land included within the Turtle Mountain public domain allotments in the State of Montana administered through the Fort Balknap, Fort Peck, and Northern Cheyenne Agencies. Said title plant remains the office of record for the recording and maintenance of these land records.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.74-20381 Filed 9-3-74;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

APPLICANT

Dr. Leslie W. Knapp
Oceanographic Sorting Center
Smithsonian Institution
Washington, D.C. 20560

Application to the Director, Bureau of Sport Fisheries and Wildlife (Fish and Wildlife Service), for a permit to conduct a survey of the Maryland darter population (*Etheostoma sellar*) under Title 50, Chapter 1, Subchapter B, Part 13 of the Code of Federal Regulations, effective January 4, 1974.

1. Applicant:
Dr. Leslie Knapp
Oceanographic Sorting Center
Smithsonian Institution
Washington, D.C. 20560
phone: 202-381-5642.

2. Description of applicant:
a. date of birth: 17 November 1929
b. height: 5 feet 11 inches
c. weight: 170 pounds
d. color of hair: brown
e. color of eyes: brown
f. sex: male
g. Institutional affiliation: Smithsonian Institution, Washington, D.C. 20560

3. Principal supervisor:
Mr. Lynn Greenwalt
Director, U.S. Fish and Wildlife Service
Department of the Interior
Washington, D.C. 20240
phone: 202-343-4717

4. Location of activity:
Deer Creek, Susquehanna River and other likely tributaries in Harford and Cecil counties.

5. This permit is requested under Part 17, section 23 of subchapter B.

The new Stewartstown, Pennsylvania sewage treatment plant has proposed the discharge of chlorine treated waste into Deer Creek. An Environmental Protection Agency discharge permit is now under consideration. This Creek is the principle habitat of the Maryland darter (*Etheostoma sellare*) which appears on the U.S. List of Endangered Fauna. Seventy-six out of the 80 Maryland darters that have ever been identified have come from Deer Creek. This Creek may hold the only existing population of the Maryland darter. Section 7 of the Endangered Species Act of 1973 (16 U.S.C. §§ 1531-1543) requires all Federal departments and agencies to take steps necessary to insure that actions authorized or funded by them do not jeopardize the continued existence of any endangered species. In order to accurately assess the threat posed to the Maryland darter it will be necessary to conduct a survey of the population in Deer Creek and also in the Susquehanna River, and other likely tributaries in Harford and Cecil Counties.

The survey will be a cooperative effort including people with the State, U.S. National Museum, Pennsylvania Cooperative Fisheries Unit, as well as the Fish and Wildlife Service.

Because of the urgent need for information, the survey must be completed within 4-6 weeks. To do the best job possible when conditions permit, we plan to have several teams in the field at one time, seining in different areas. The overall survey will be under the direction of Dr. Leslie Knapp of the U.S. Fish and Wildlife Service. Each team will be supervised by one of the following, at one time or another:

Dr. Leslie Knapp, U.S. Fish and Wildlife Service, Washington, D.C.
Mr. Paul Hooper, Supervisor, Fishery Services, U.S. Fish and Wildlife Service, Boston, Mass.
Mr. John Sheridan, Project Leader, Division of Fishery Services, U.S. Fish and Wildlife Service, Yorktown, Va.
Dr. Robert Butler, Leader, Pennsylvania Cooperative Fishery Unit, U.S. Fish and Wildlife Service, State College, Pa.
Dr. Dean Arnold, Assistant Leader of Pennsylvania, Cooperative Fishery Unit, U.S. Fish and Wildlife Service, State College, Pa.

The Maryland State leaders will be:

Mr. W. R. Carter III, Biologist III, channelization project leader, staff specialist for environmental impact.
Mr. Harley Spier, Biologist II—Assistant channelization project leader.
Mr. Dale Weinrich, Biologist II—Assistant channelization project leader.

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These State personnel are employed by the Fisheries Administration, Department of Natural Resources, Annapolis, Maryland 21401.

Search for the darter will be with the means that is least harmful and still likely to produce results. At the present time, this is deemed to be the small one-eighth inch mesh seine worked carefully over the bottom where the darter is likely to occur. No specimens will be removed from the stream or killed. Any likely darters will be held in live cages for identification by Dr. Knapp and released into the exact location from which they were taken.

6. Certification:

I hereby certify that I have read and am familiar with the regulations contained in Title 50 Part 13, of the Code of Federal Regulations and the other applicable parts of Subchapter B of Chapter 1 of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

7. Desired effective date and duration: The permit will become effective at the conclusion of the 30 day period following the appearance of the notice in the FEDERAL REGISTER and extend for a period of 8 weeks following the date the permit becomes effective.

8. Date: Aug. 20, 1974.

9. Signature of applicant:

DR. LESLIE KNAPP,
U.S. Fish and Wildlife Service, Washington, D.C. 20240.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Washington, D.C. 20240. All relevant comments received on or before October 4, 1974 will be considered.

Dated: August 28, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-20673 Filed 9-3-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 2]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1975)

The CCC Monthly Sales List for the fiscal year ending June 30, 1975, published in 39 FR 24684 is amended as follows:

1. A section 29 is inserted and reads as follows:

29. *Butter Unrestricted use sales.* Market price but not less than 9 cents per pound over CCC's purchase price at each location. Sales are made under Announcement MP-14. Sales are in carlots only instore at storage location of products.

Effective date: August 20, 1974. Signed at Washington, D.C. on August 26, 1974.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-20287 Filed 9-3-74;8:45 am]

Soil Conservation Service

PINEY CREEK WATERSHED

Authorization for Planning

This provides notice of authorization dated August 26, 1974, to the concerned state conservationist of the Soil Conservation Service to provide planning assistance to specified local organizations for the indicated watershed. The state conservationist may now proceed with investigations and surveys as necessary to develop a watershed work plan under authority of the Watershed Protection and Flood Prevention Act (Pub. L. 83-566), as amended. Environmental assessments will be made in accordance with the requirements of the National Environmental Policy Act (Public Law 91-190), concurrently with the preparation of the watershed work plan.

Persons interested in this project may contact the local organizations or the state conservationist as indicated below: West Virginia: Piney Creek Watershed, 87,810 acres, Raleigh County.

Sponsors. Southern Soil Conservation District and Raleigh County Court.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: August 26, 1974.

KENNETH E. GRANT,
Administrator, Soil Conservation Service.

[FR Doc.74-20374 Filed 9-3-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BAYLOR COLLEGE OF MED.

Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00349-33-46040. Applicant: Baylor College of Medicine, 1200 Houston, Texas 77025. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used to examine biological material in a broad based study of normal and diseased mammalian myocardium. Studies of normal fine structure of mammalian fetal, neonatal and adult heart as well as continuing investigation of animal models for myocardial disease will be performed. Basic information about cell components, particularly the Z disc, the T system, the sarcoplasmic reticulum and the nucleus, is sought. The ultrastructural changes in ischemic, anoxic and hypertrophic myocardium will be compared using a single system of preparation, fixation and tissue sampling.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Numbers 74-00057-33-46040 and 73-00435-33-46040 which were denied without prejudice to resubmission on November 28, 1973 and June 29, 1973, respectively, for informational deficiencies. In reply to question 8 of this submission, the applicant alleged the foreign article provided the following pertinent features:

1. Flexibility, rugged, able to stand long use periods, and excellent service history;
2. The ability to use 70 millimeter film as well as standard slates;
3. Accelerating voltages with automatic correction of lens current;
4. Better illumination system;
5. Overall dimension 49 x 34 inches;
6. Shorter focal length of the objective lens providing 4 Angstroms resolution [Specifications submitted by the applicant guarantees 6 Angstroms point to point. The determination of scientific equivalency shall be based on a comparison of the guaranteed pertinent specification of the article with the similar guaranteed pertinent specifications of the most closely comparable domestic instrument according to § 701.11(a) of the regulations.];
7. Magnification range 1500 to 200,000 X with 200 X scanning magnification;
8. Wobbler focusing device;
9. Anticontamination device; and
10. Availability of a totally eucentric goniometer stage. The Department of Health, Education, and Welfare (HEW) reviewed this application and compared the alleged pertinent features of the article with those of the most closely comparable domestic electron microscope, the Model EMU-4C, formerly manufactured by the Forgflo Corporation and currently supplied by the Adam David Company. HEW advised in its memorandum dated May 24, 1974 that the Model EMU-4C guarantees 5 Angstroms resolution, which is equivalent to the foreign article; 400 X magnification for scanning (the EMU-4C's magnification range is 400 to 240,000 X); a focusing device; and an anticontamination device. With respect to features (1) through (5), cited above by the applicant, HEW advises that these are convenience features, none of which constitutes a "pertinent specification" within the meaning of § 701.2(n) of the regulations. HEW also advises that feature (10) is neither pertinent nor was it ordered with the article and, therefore, it cannot be considered in the determination of scientific equivalency according to §§ 701.2(d) and 701.6(a)(3) of the regulations.

Accordingly, we find that the Model EMU-4C is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-20324 Filed 9-3-74;8:45 am]

CALIFORNIA INSTITUTE OF TECHNOLOGY

Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00245-33-46040. Applicant: California Institute of Technology, 1201 E. California Blvd., Pasadena, California 91109. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in a series of investigations on cellular membranes wherein the membranes of normal cells and virally transformed or neoplastic cells will be compared utilizing both techniques that are already available and some presently under development.

Research on the organization of genetic material in various organisms will also be performed in which the basic experiments are to make a detailed investigation of the interrelationships of various cell types, the structure of their axon and dendrites, the arrangement, distribution and appearance of their synapses, both inhibitory and excitatory. Investigations of the mode of formation of intercellular contacts between hepatoma cells and studies on the structure of genetic materials will also be performed. The article will also be used in the following courses:

Bi 133—Biophysics of macromolecules laboratory—designed to provide intensive training in the techniques for the characterization of biological macromolecules.

Bi 136—Optical methods in biology laboratory—dealing with the practice of operation of various types of light and electron microscopes.

Comments: Comments have been received with respect to this application from the Adam David Company which alleges that its model EMU-4C is of equivalent scientific value to the foreign article.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 73-00564-33-46040 which was denied without prejudice to resubmission on September 14, 1973, for informational deficiencies. In the reply to Question 8 the applicant alleged that the foreign article provided the following pertinent characteristics:

1. Resolution 5Å guaranteed point-to-point.
2. Magnification range from 200 X to 200,000 X.
3. Electromagnetic compensator to allow connection of astigmatism.
4. Three objective apertures which can be used interchangeably.
5. Cameras which can all be used in sequence without breaking the vacuum.
6. An airlock in which specimen change takes approximately 8 seconds.
7. Simple to use because gun alignment requires 5 minutes; the combination of lens currents required for alignment is preprogrammed on 5 specific positions of a switch. No alignment of the condenser, intermediate or projector less is necessary.
8. A eucentric goniometer stage.
9. A standard device permitting precise tilting ±6°.

The Department of Health, Education, and Welfare (HEW) reviewed this application and found the instrument EMU-4C to be the most closely comparable domestic instrument.

HEW advises in its memorandum dated March 15, 1974, that the EMU-4C provides equal resolution and magnification range (pole-piece change is not necessary). The balance of the features alleged to be pertinent by the applicant are conveniences which according the § 701.2 (n) of the regulations are not considered pertinent characteristics of the article. Accordingly, HEW recommends that the application be denied since the research or teaching purposes intended do not establish a pertinent characteristic for the article that justifies duty-free entry. Therefore, we find that the EMU-4C is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-20325 Filed 9-3-74;8:45 am]

COLUMBIA UNIVERSITY

Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00368-33-46040. Applicant: Columbia University, 116th Street and Broadway, New York, N.Y. 10027. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used as a research tool in the following studies:

1. Origin and fate of synaptic vesicles,
2. Synaptic mechanisms in the vertebrate retina, and
3. Lysosomes in the adrenal medulla and in nervous tissue.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 74-00107-33-46040 which was denied without prejudice to resubmission on January 3, 1974 for informational deficiencies. In reply to Question 8 the applicant alleged the foreign article provided the following pertinent features:

1. The viewing screen and viewing system * * * provide an exceptionally clear image which makes for much convenience in visual selection of regions to be photographed.
2. A built-in anticontamination device.
3. A built-in wobbler focusing aid or device.
4. Simple routine maintenance.
5. Airlock at the specimen chamber level.
6. A goniometer (tilting) stage.
7. Good Service.

The Department of Health, Education, and Welfare (HEW) compared the alleged pertinent features of the article with those of the most closely comparable domestic electron microscope, the model EMU-4C, which is currently being supplied by Adam David Company. HEW advised in its memorandum dated June 7, 1974 that the description of the research and teaching does not establish a pertinent characteristic for the article that upholds duty-free entry. HEW also advised that: "Cost and cost related items are cited that are either not relevant or available with the EMU-4C, such

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as anticontamination device, focussing aid, prealigned filament, specimen airlock, tilt stage and service considerations. Viewing convenience is obviously a convenience not relevant or pertinent [within the meaning of § 701.2(n) of the regulation]." HEW also cited as a precedent Docket Number 74–00245–33–46040, also denied by the Department which conforms in essential elements with this application.

For these reasons, we find that the Model EMU–4C is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–20326 Filed 9–3–74;8:45 am]

National Oceanic and Atmospheric Administration

BIRMINGHAM ZOO

Issuance of Permit for Marine Mammals

On May 20, 1974, Notice was published in the FEDERAL REGISTER (39 FR 17784), that an application had been filed with the National Marine Fisheries Service by the Birmingham Zoo, 2630 Cahaba Road, Birmingham, Alabama 35233, to take one (1) male and six (6) female California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that, on August 23, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for one(1) male and four (4) female California sea lions (*Zalophus californianus*) to Birmingham zoo, subject to certain conditions set forth therein. The permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: August 23, 1974.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.74–20345 Filed 9–3–74;8:45 am]

BLAIR IRVINE

Notice of Receipt of Application for a Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Mr. Blair Irvine, Department of Zoology, University of Florida, Gainesville, Florida 32611, to take, by netting for tagging and release, up to 250 Atlantic bottlenosed dolphins (*Tursiops truncatus*), and an unlimited and unidentified number of stranded cetaceans for the purpose of scientific research.

The applicant proposes to radio tag six of the animals by fitting a small transmitter on a collar around the dorsal fin and attached by a bolt through the dorsal fin and held there by a time release nut. The transmitter will have up to a 20 mile range and will be located by a specially built automatic direction finder, each time the dolphin surfaces to breathe. One-quarter inch holes are made in the dorsal fin with a sharp instrument after the fin has been anesthetized. The instrument is heated red hot prior to application, so that the wound is immediately cauterized. The applicant cites that the dorsal fin is poorly enervated and has a minimum supply of blood vessels.

Previous use of this technique is described as usually eliciting little or no response from the dolphin. The animals that are to be radio tagged will also be freeze branded as an aid to individual recognition. The brands will be applied with −70° branding irons so that the resultant highly visible white scar has little chance of becoming infected.

A second program of the proposed research is to tag up to 250 dolphins with numbered colored plastic discs which are visible from an appreciable distance. They are attached through the dorsal fin with the procedure described for radio tag installation. The Applicant will launch a publicity campaign seeking sighting reports from boaters, yacht clubs and public marinas so that over a period of time such reports will provide data on the movements, group composition and activity patterns of various inshore groups of dolphins. The Applicant proposes the use of a tagging device, the spaghetti tag, which can be delivered without restraining the animal. The spaghetti tags are one-eighth inch in diameter by 13 inches long color coded flexible plastic tubes. They are quickly attached just under the blubber with a lance at close range. The Applicant states that the insertion of the spaghetti tag is not traumatic to the dolphins, as freshly tagged animals have often continued to ride the bow wave immediately after a tag was implanted.

A third program of this proposal is to place either disc or spaghetti tags on those individual cetaceans, among a group of stranded animals, which are most likely to survive.

The most likely species to be involved are the Atlantic pilot whale (*Globicephala macrohynchus*) and the false killer whale (*Pseudorca crassidens*). The Applicant plans to arrive at such a stranding and in cooperation with those in charge, apply tags, and record measurements of potential survivors. This work is intended to supply detailed information on the survivability of stranded animals returned to sea.

The applicant plans to request the assistance of dolphin collectors by accompanying them for the purpose of tagging the animals they might cull from their capture effort. This combined effort approach is stated to be desirable because of its dual usage of an expensive capture expedition, the minimum handling of the animals and the ability of later capture efforts to recognize undesirable animals.

The animals to be tagged by the applicant will be captured by a seine net and then assisted into specially designed stretchers to be sexed, measured and tagged while alongside the capture vessel. Those animals to be radio tagged will be taken aboard ship and kept moist while the tags are installed. To minimize handling of young animals, those under five feet will only be freeze-branded on the dorsal fin.

Mr. Irvine or his designated qualified assistant will perform all tagging procedures.

The purpose of this research is to establish basic biological information on free roaming Atlantic bottlenosed dolphins. The ability to readily identify individual animals will allow an analysis of seasonal movements or migration, daily movements and activity patterns, and the relationship of feeding activity to concentrations of fish. The Applicant will also study the relationship of the animal's behavior to physical factors such as tides, storms and concentrations of marine organisms.

Documents submitted with this application are available in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202–343–9445 and the Office of the Regional Director, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, telephone 813–893–3141.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors. Interested parties may submit written views on or before October 4, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: August 22, 1974.

JACK W. GEHRINGER,
Acting Director, National
Marine Fisheries Service.

[FR Doc.74–20342 Filed 9–3–74;8:45 am]

MARINELAND OF FLORIDA

Issuance of Permit for Marine Mammals

On May 20, 1974, notice was published in the FEDERAL REGISTER (39 FR 17784) that an application had been filed with the National Marine Fisheries Service, by Marineland of Florida, Route 2, Box 122, St. Augustine, Florida, to take two (2) Pacific pilot whales (*Globicephala*), for public display.

Notice is hereby given that, on August 20, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit to Marineland of Florida subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Offices of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702 and the Regional Director, National Marine Fisheries Service Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: August 20, 1974.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74–20346 Filed 9–3–74;8:45 am]

NORTHWEST FISHERIES CENTER

Notice of Receipt of Application for a Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Northwest Fisheries Center, National Marine Fisheries Service, Seattle, Washington 98112, to conduct scientific research on pinniped populations along the west coast of the United States.

The pinniped species involved in the research are:

Pacific harbor seal (*Phoca vitulina richardii*);
Northern elephant seal (*Mirounga angustirostris*);
Guadalupe fur seal (*Arctocephala townsendi*);
Hawaiian monk seal (*Monachus schauinslandi*);
California sea lion (*Zalophus californianus*);
Northern sea lion (*Eumetopias jubatus*).

The principal objectives of this research are to gather information on the population sizes, seasonal distribution and trends in abundance of pinniped species which inhabit coastal and offshore areas of the western United States and the Leeward Chain of the Hawaiian Islands. The proposed research will involve the following activities:

1. Up to 500 California sea lions (*Zalophus californianus*) and 500 Northern elephant seals (*Mirounga angustirostris*) will be experimentally tagged annually during FY 1975 and FY 1976. The primary means of tagging will be with a metal tag placed on one flipper. Other techniques, such as freeze-branding or laser branding may be used;

2. Aerial surveys and counts or estimates from the ground of pinniped populations on rookeries and hauling areas, and at sea, will be conducted in the areas of the Hawaiian Leeward Islands, the California Channel Islands, Ano Nuevo Island, the Farallon Islands, and the west coast of the United States and Mexico;

3. Assess the incidence and causes of premature birth among California sea lions during 1975. This will be conducted under contract, and a separate permit application has been submitted;

4. Annually, for a period of four years, take, by killing, up to 50 California sea lions, five (5) northern sea lions and five (5) Pacific harbor seals to obtain data of prey species, feeding habits and feeding areas;

5. Assess, primarily through interviews with commercial fishermen, the impact of California sea lions on commercial fishing operations;

6. Collect any and all dead pinnipeds of the above mentioned species which are found at sea or beached.

The proposed research is essential to the development of management and conservation programs which will allow effective protection of the pinniped species under consideration. Additionally the information obtained through the research will be of use in negotiations for instituting international conservation agreements.

The research will be conducted under the direction of Mr. Clifford Fiscus, Wildlife Biologist (Research), of the Marine Mammal Division, Northwest Fisheries Center, National Marine Fisheries Service.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, the Office of the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue, North, Seattle, Washington 98109, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on the application on or before October 4, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: August 23, 1974.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.74–20343 Filed 9–3–74;8:45 am]

WILLIAM F. SCHEVILL

Notice of Receipt of Application for a Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Mr. William F. Schevill, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts 02543 to take up to 24 marine mammals by tagging for scientific research.

The Applicant proposes to mark up to 24 cetaceans of the following species: 1. *Lagenorhynchus acutus*, Atlantic white-sided dolphin; 2. *Lagenorhynchus albirostris*, white beaked dolphin; 3. *Stenella* sp.; 4. *Delphinus delphis*, common dolphin; 5. *Tursiops truncatus*, Atlantic bottlenosed dolphin; 6. *Globicephala macrorhyncha*, short-finned blackfish; 7. *Globicephala malaena*, common pilot whale; 8. *Grampus griseus*, Risso's dolphin; 9. *Orcinus orca*, killer whale; 10. *Pseudorca crassidens*, false killer whale; and 11. *Balaenoptera acutorostrata*, minke whale.

by applying a non-lead base paint from a pressurized container on a long pole with a trigger mechanism. The proposed research is to test the feasibility of paint tagging versus other tagging methods such as radio tags, spaghetti tags and the Discovery mark. The applicant states that this technique involves no restraint of the animals and causes no injury. The paint marked animals will be visible at a distance and dependent on its durability will allow data to be gathered on herd movements and composition which are important parameters in the analysis of the stocks of the various species.

Mr. Schevill has been studying the ecology and natural history of whales and dolphins for the last 25 years, many of the studies having been at-sea observations of the species mentioned above.

The tagging procedures will be conducted in the North Atlantic Ocean between Bermuda and Nova Scotia and possibly off the coast of California. The work is to be conducted in the period of one year.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235; the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; and the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Sec-

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retary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of scientific Advisors.

Interested parties may submit written data or views on this data on or before October 4, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: August 23, 1974.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.74-20344 Filed 9-3-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

ASSISTANT SECRETARY FOR HEALTH ADMINISTRATOR, HEALTH SERVICES ADMINISTRATION

Delegation of Authority

Notice is hereby given that the following delegation and redelegation of authority, with authority for further redelegation, has been made under the Menominee Restoration Act of 1973 (Pub. L. 93-197).

1. Delegation from the Secretary to the Assistant Secretary for Health to perform all of the authorities vested in the Secretary of Health, Education, and Welfare, by the Menominee Restoration Act of 1973 (Pub. L. 93-197).

2. Redelegation from the Assistant Secretary for Health to the Administrator, Health Services Administration, to perform all of the authorities delegated to the Assistant Secretary for Health regarding the administration of the Menominee Restoration Act of 1973 (Pub. L. 93-197).

Dated: August 27, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management

[FR Doc.74-20328 Filed 9-3-74;8:45 am]

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Notice of Meeting

Notice is hereby given that the next meeting of the National Council on Educational Research will be held on September 6, 1974, in Washington, D.C.

The meeting will be held in Room 823 at the offices of the National Institute of Education, 1200 19th Street NW., Washington, D.C. 20208.

The National Council on Educational Research is established under section 405 (b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

The Chairman of the Council is Patrick Haggerty, Chairman of the Board, Texas Instruments, Incorporated, Dallas, Texas.

This meeting will be open to the public except for the closed session. The tentative agenda includes:

9:30 a.m.	Convene.
9:30 to 9:35	Minutes of July 12 meeting.
9:35 to 10	Director's Report.
10 to 11	NIE Studies of the Research and Development System.
11 to 4:30	Closed Session— NIE General Strategy for FY 1975 and FY 1976. FY 1975 Budget Alternatives. Education Voucher Program.

The public is invited to attend the open session. Written statements relevant to an agenda item may be submitted at any time and should be sent to the Chairman and the Executive Secretary of the Council at the address below. Requests to address the Council meeting should be submitted in writing to the Chairman and the Executive Secretary in advance of the meeting. The Chairman will determine whether a presentation should be scheduled.

In order to verify the agenda, assure adequate seating arrangements, or to obtain summaries of this meeting and copies of any resolutions adopted by the Council at this meeting, interested persons are requested to contact Mrs. Caroline Phillips, Executive Secretary, National Council on Educational Research, whose address and telephone number are listed below:

National Council on Educational Research, Office of Planning and Management, National Institute of Education, Washington, D.C. 20208, 202-254-7900.

THOMAS K. GLENNAN, Jr.,
Director.

[FR Doc.74-20628 Filed 9-3-74;12:10 p.m.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. D-74-289]

REGIONAL DIRECTORS OF FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Redelegation of Authority

Each Regional Director of the Federal Disaster Assistance Administration is authorized to exercise the power and authority of the Administrator with respect to Federal Disaster Assistance pursuant to section 1 of the Executive Order entitled, "Delegating Disaster Relief Functions Pursuant to the Disaster Relief Act of 1974" signed July 11, 1974 (E.O. 11795, 39 FR 25939) except:

1. The authority to issue rules and regulations pursuant to the Disaster Relief Act of 1974, hereinafter referred to as "the Act" (88 Stat. 143 (42 U.S.C. 5121 • • • Note));

2. The authority to make grants to States for disaster preparedness plans pursuant to section 201 of the Act;

3. The authority to appoint a Federal Coordinating Officer pursuant to section 303 of the Act;

4. The authority to enter into agreements with the American National Red Cross, The Salvation Army, the Mennonite Disaster Service and other relief or disaster assistance organizations pursuant to section 312(b) of the Act;

5. The authority to determine that a State plan of self-insurance is satisfactory pursuant to section 314 of the Act;

6. The authority to sell or otherwise make available temporary housing units directly to States, other governmental entities and voluntary organizations pursuant to section 404(d)(2) of the Act;

7. The authority to approve a community disaster loan pursuant to section 414 of the Act;

8. The authority to provide assistance for the suppression of fires pursuant to section 417 of the Act;

9. All those authorities which are reserved to or require the approval of the Administrator in the regulations of the Federal Disaster Assistance Administration.

(Disaster Relief Act of 1974, 88 Stat. 143, 42 U.S.C. 5121 • • • Note; Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)); E.O. 11795, signed July 11, 1974, 39 FR 25939.)

Effective date. This redelegation shall be effective as of August 5, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-20360 Filed 9-3-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON SUMMIT POWER STATION

Notice of Meeting

AUGUST 27, 1974.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Summit Power Station will hold a meeting on September 19, 1974 in the Pierce Arrow Room at the Holiday Inn at 1201 Christiana Road, Newark, Delaware 19711.

The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application by the Delmarva Power and Light Company for a permit to construct the Summit Power Station, Units 1 and 2.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Thursday, September 19, 1974, 1 p.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the Regulatory Staff and the Delmarva Power and Light Company, and will hold discussions with these groups pertinent to its review of matters related to the application for a construction permit for the Summit Power Station, Units 1 and 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 12:30 p.m. and at the end of the day to consider matters related to the above review. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold one or more closed sessions with representatives of the Regulatory Staff and Applicant for the purpose of discussing privileged information relating to the matters under review, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) U.S.C. 552(b) and that closed sessions may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than September 12, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and at the Newark Free Library, Elkton and Delaware Roads, Newark, Delaware 19711.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 2 p.m. and 4 p.m. on September 19, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on September 17, 1974, to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after September 23, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and within approximately nine days at the Newark Free Library, Elkton and Delaware Roads, Newark, Delaware 19711. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after December 18, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-20193 Filed 9-3-74;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR-36 issued to Maine Yankee Atomic Power Company which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station, located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment changes the Maine Yankee Technical Specifications to permit replacing 72 partially burned assemblies in the Maine Yankee core with unburned assemblies. The technical specification changes the description of the Maine Yankee core to include the new fuel and provides peak linear heat rates applicable to the reloaded core.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated May 21, 1974, and supplement dated August 13, 1974, (2) Amendment No. 5 to License No. DPR-36, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine 04578.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactors, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 23rd day of August, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.74-20348 Filed 9-3-74;8:45 am]

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SAVANNAH RIVER PLANT

Additional High Level Waste Facilities; Availability of Final Environmental Statement

Notice is hereby given that a Summary Sheet and Final Environmental Statement, "Additional High Level Waste Facilities," Savannah River Plant, Aiken, South Carolina (WASH-1530), issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(c) of the National Environmental Policy Act of 1969 are being placed in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and in the Commission's Albuquerque Operations Office, Albuquerque, New Mexico; Chicago Operations Office, 9500 South Cass Avenue, Argonne, Illinois; Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho; Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee; Richland Operations Office, Federal Building, Richland, Washington; San Francisco Operations Office, 1333 Broadway, Oakland, California; and Savannah River Operations Office, Aiken, South Carolina.

The statement was prepared in support of the Commission's legislative action related to the appropriation of funds for the project. Comments received on the Draft Statement issued February 5, 1974 and AEC responses are included in the statement.

A limited number of copies are available, and copies will be furnished upon request addressed to the Office of the Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 28th day of August, 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-20318 Filed 9-3-74;8:45 am]

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH SPEAKING PEOPLE

ADVISORY COMMITTEE MANAGEMENT

Issuance of Guidelines

The Cabinet Committee on Opportunities for Spanish Speaking People is publishing the following guidelines applicable to all advisory committees who provide advice to the committee. The committee has determined that these guidelines are in the public interest, and, therefore, that they should be published in the FEDERAL REGISTER to take effect on September 4, 1974.

SECTION 1.1 *Scope.* (a) This part contains the Cabinet Committee's regulations implementing the Federal Advisory Committee Act.

(b) The regulations provided in this part apply to all advisory committees providing advice to the Cabinet Committee or any of its officials, except to the extent that statutory provisions establishing an advisory committee may specifically provide otherwise, pursuant to section 7(b) of Pub. L. 91-181, which states, "The Advisory Council shall advise the Committee with respect to such matters as the Chairman of the Committee may request."

SEC. 1.2 *Definitions.* (a) "Act" means the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770 (5 U.S.C. App. I et seq.)).

(b) "Advisory committee," subject to exclusions described in subparagraph (3) below, means any committee, board, commission, council, conference, panel, task force, or other similar group or any subcommittee or other subgroup thereof which is established by statute or reorganization plan; o established or utilized by the President or one or more agencies or officers of the Federal Government.

(1) In determining whether a group is an advisory committee the following factors will be considered:

(i) Fixed membership including at least one person who is not a full-time Federal employee;

(ii) Establishment by a Federal official or law; or if not Federally-established, the initiative for its use as ah advisory body for the Federal Government comes from a Federal official rather than from a private group;

(iii) A defined purpose of providing advice regarding a particular subject or subjects;

(iv) An organizational structure (e.g., officers) and a staff;

(v) Regular or periodic meetings.

(2) The functions of an advisory committee are to be solely advisory. If a group provides advice to the Cabinet Committee, but the group's advisory function is incidental and inseparable from other (e.g., operational) functions, the provisions of this part do not apply. However, if the advisory function is separable, the group is subject to this part to the extent that the group operates as an advisory committee.

(3) Groups excluded from the effect of the provisions of this part include:

(i) Any committee, whether advisory, interagency, or intra-agency, which is composed wholly of full-time officers or employees of the Federal Government;

(ii) Any committee which is operational in nature (e.g., has functions which include making or implementing decisions, as opposed to the offering of advice or recommendations);

(iii) Any local civic group whose primary function is that of rendering a public service with respect to a Federal program;

(iv) The term "advisory committee" is not intended to include persons or organizations which have contractual relationships with agencies except those cases where the criteria described in subsection 1.2(b)(1), above, are present.

(c) Cabinet Committee means the Cabinet Committee on Opportunities for Spanish Speaking People.

(d) Chairman means the Chairman of the Cabinet Committee on Opportunities for Spanish Speaking People.

(e) OMB Secretariat is the office within OMB to administer the provisions of OMB Circular A-63.

(f) Statutory advisory committee is one established by the Congress or required to be established by the Congress.

(g) Non-statutory advisory committee is one established by the President or other Federal officer, including a committee which was authorized by, but not established by or required to be established by statute.

(h) Executive Secretary refers to the individual so designated by the Chairman to serve the advisory committee.

SEC. 1.3 *General policies.* (a) In interpreting this part, Cabinet Committee officials will be guided by the Act, the intent of Congress in enacting the Act, and the direction of the President as expressed in Executive Order 11686 and OMB Circular A-63.

SEC. 1.4 *Operation of advisory committee.* (a) *Meetings.* The provisions of this part shall apply to meetings of all Cabinet Committee advisory committees and all subgroups.

(1) *Calling of meetings and agenda.*

(i) No advisory committee shall hold any meeetings except at the call of or with the advance approval of the designated official.

(ii) No meeting shall be held in the absence of a quorum. Unless otherwise established in the charter of the committee, a quorum shall consist of a majority of the committee's authorized membership.

(iii) Each meeting of an advisory committee shall be conducted in accordance with an agenda prepared by the designated Cabinet Committee official. Ordinarily, copies of the agenda shall be distributed to the members of the committee prior to the date of the meeting. The agenda shall list the matters to be considered at the meeting and shall indicate whether any part of the meeting is concerned with matters which are within the exemptions of the Freedom of Information Act, 5 U.S.C. 552(b).

(2) *Notice of meetings.* (i) Except when the Director of the Office of Management and Budget determines otherwise for reasons of national security, notice of each advisory committee meeting shall be published in the FEDERAL REGISTER at least thirty (30) days prior to the meeting. The fact that a meeting is closed to the public pursuant to paragraph 10(d) of Pub. L. 92-463 does not affect the foregoing requirement. The notice shall state the name of the advisory committee, the time and place of the meeting, and the purposes of the meeting, and shall include a summary of the agenda. The notice shall state whether (or the extent to which) the public will be permitted to attend or participate in the meeting. If the meeting will be closed to the public, the notice shall also state the reasons for closing, including appropriate citation to the Freedom of Information Act. This notice shall be provided by the Cabinet Committee official, or his designee, to whom the advisory committee reports. In the case of a Presidential advisory committee this notice shall be provided by the

Executive Secretary of the Committee.

(ii) In addition to notice in the FEDERAL REGISTER, other forms of notice shall be used to the extent practicable.

(iii) When a meeting must be called without thirty days notice being given, the following steps shall be taken, to the extent possible:

(a) Advance notice shall be published in the FEDERAL REGISTER;

(b) Other forms of notice, such as newspaper publication, shall be utilized;

(c) In both a and b above, the notice must contain an explanation for the failure to give thirty days notice.

(d) In the event that no advance notice is given to the public, a notice of the meeting shall be published in the FEDERAL REGISTER as soon as possible after the meeting, containing insofar as applicable the information described in subsection 1.4(a)(2)(i).

(3) *Public participation at meetings.* (i) Subject to the exceptions described in subsection 1.4(a)(6) above, each advisory committee meeting shall be open to the public, and interested persons shall be permitted to attend, appear before, or file statements with, any advisory committee.

(ii) The Executive Secretary of each committee shall, with respect to any advisory committee meeting, all or part of which is open to the public, assure compliance with the following rules:

(a) Meetings shall be held at reasonable times and at places that are reasonably accessible to members of the public;

(b) The size of the meeting room shall be reasonable, considering such factors as the size of the advisory committee, the number of members of the public expected to seek to attend, and the resources and facilities available to the Cabinet Committee;

(c) Any member of the public who wishes to do so shall be permitted to file a written statement with the committee, before or after a meeting;

(d) To the extent that the time available for a meeting permits, interested persons may be permitted to present oral statements. Any person seeking to present an oral statement to a committee must obtain advance approval for such participation.

(e) Participation by members of the public in committee meetings or questioning of committee members or other participants shall not be permitted except with the authorization of the committee chairman.

(4) *Minutes and transcripts of meetings.* (i) Detailed minutes shall be kept of each meeting of each advisory committee, including meetings of formal and informal subgroups. The Executive Secretary of each advisory committee shall keep the minutes or designate some person to keep the minutes.

(ii) The minutes shall include at least the following: The time and place of the meeting; a list of advisory committee members and staff and agency employees present at the meeting; a detailed summary of matters discussed, including different positions advanced by members and conclusions reached by the committee; copies of all reports received, issued, or approved by the advisory committee; an explanation of the extent to which the meeting was open to the public; an explanation of the extent of public participation, including a list of members of the public who presented oral or written statements; and an estimate of the number of members of the public who attended the meeting.

(iii) Within a reasonable time after the meeting the minutes shall be completed and submitted to the chairman of the advisory committee.

(iv) Within a reasonable time after receipt of the minutes the chairman of the advisory committee shall certify to the accuracy of the minutes.

(5) *Designated Cabinet Committee Employee.* (i) Each advisory committee meeting will be chaired or attended by a designated Cabinet Committee employee. The Chairman shall designate the Cabinet Committee employee and determine whether he is to chair or attend the meetings. Ordinarily, the employee so designated will serve the advisory committee on a continuing basis.

(ii) No advisory committee shall conduct a meeting in the absence of the designated Cabinet Committee employee. If simultaneous subgroup meetings are to be held, each subgroup shall have a designated Cabinet Committee employee in attendance.

(6) *Closing advisory committee meetings.* (i) Subsection 10(d) of the Act provides that the provisions concerning open meetings and public participation not apply to any advisory committee which the President, or the head of the department to which the advisory committee reports, determines is concerned with matters listed in 5 U.S.C. 552(b) (popularly known as the Freedom of Information Act). In applying the provisions of 5 U.S.C. 552(b) to advisory committee meetings, liberal interpretations shall be assumed with respect to the openness of such meetings. Any determination to close a meeting (or portion) shall restrict such closing to the shortest reasonable time.

(ii) In applying the Freedom of Information Act exemptions to advisory committee meetings, the following rules shall be followed:

(a) If a meeting (or portion) will have the express purpose of discussing an existing document which is within one of the exemptions set forth in 5 U.S.C. 552(b), the meeting (or portion) may be closed to the public.

(b) Meetings closed solely on the basis that a document exempt from mandatory disclosure under exemption (5) (concerning intra-agency and inter-agency memoranda and letters) is to be discussed, may be closed only if the Chairman determines that it is essential to close such meeting (or portion) to protect the free exchange of internal views of committee members and avoid undue interference with agency or committee operation.

(c) A meeting (or portion) involving solely the internal expression of views and judgments of committee members, and not the discussion of an exempt document, may be closed if a finding is made that it is essential to close the meeting (or portion) to protect the free exchange of members' views and avoid undue interference with agency or committee operations, and such views if reduced to writing would be protected from mandatory disclosure under Section 552(b)(5) of Title 5 U.S.C. When feasible, the public shall be given an opportunity to present relevant information and views to the committee.

(d) If a meeting (or portion) will have the express purpose of discussing a matter which is within one of the exemptions set forth in 5 U.S.C. 552(b), other than exemption (5), the meeting (or portion) may be closed to the public, even though no specific exempt document is to be discussed.

(e) If the subject of a meeting will be such that none of subparagraphs (a) to (d) above furnishes a basis for closing it, the meeting shall be open to the public.

(f) When an advisory committee seeks to have a meeting (or portion) closed, the Executive Secretary shall make a request in writing for a determination by the Chairman. Such a request shall set forth the reasons why the meeting (or portion) should be closed. Whenever practical, the request shall be submitted at least thirty days before the scheduled date of the meeting.

(g) If the Chairman finds the request to be warranted and in accord with the policy of the Act and the Freedom of Information Act, the request shall be granted. The determination of the Chairman shall be in writing and shall contain a brief statement of the reasons for closing the meeting (or portion).

(h) If a meeting is to be held for the consideration of several separable matters, not all of which are within the exemptions of 5 U.S.C. 552(b), only the portion of the meeting dealing with exempt matters may be closed.

(i) When part of a meeting is to be closed, the agenda shall be arranged to facilitate attendance by the public at the open portion of the meeting.

(j) When a meeting (or portion) is closed, the advisory committee shall issue a report within fourteen (14) days setting forth a summary of its activities and related matters which are informative to the public consistent with the policy of 5 U.S.C. 552(b).

(b) *Access to Records.* (1) Subject to the provisions of 5 U.S.C. 552(b) and the Department's Public Information Regulation, all records, reports, and other documents of each advisory committee shall be available for public inspection and copying. Documents referred to herein include the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda or other documents which were made available to or prepared for or by each advisory committee.

(2) Available exemptions shall be waived whenever such waiver is appropriate.

(3) The requirements of public access apply only to records relating directly to

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"advisory committee" functions of groups which are utilized as advisory committees but were not established for that purpose.

(4) The advisory committee records determined to be available for public inspection are to be made available for inspection and copying at the Office of Public Information of the Cabinet Committee. The Office of Public Information shall make available to any person copies of transcripts of committee proceedings or meetings at cost determined in accordance with the appropriate fee schedule.

(5) Advisory committee records will be made available until the advisory committee ceases to exist.

SEC. 1.5 *Administration of advisory committees.* (a) The Cabinet Committee shall provide the services of such experts and consultants as may be necessary to carry out the advisory committee's function.

(b) Such supportive staff members as the advisory committee may require to perform its duties shall be provided by and from the Cabinet Committee staff.

(c) *Rates of Pay.* (1) Members' pay. Each member of the advisory committee who is appointed from private life shall receive $100 per day for each day during which he is engaged in the actual performance of his duties as a member of the committee. A member of the committee who is an officer or employee of the Federal Government shall serve without additional compensation.

(2) The pay for consultants and experts utilized by advisory committees shall be fixed after giving consideration to the qualifications required of the consultant or expert and the significance, scope, and technical complexity of the work to be undertaken by the consultant or expert. In no case shall the rate of pay to such a consultant or expert exceed the maximum rate of pay which the Cabinet Committee may generally pay experts and consultants under U.S.C. 3109, or other law, including the statute establishing a committee.

(3) *Expenses.* The members of an advisory committee, or the staff of an advisory committee, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses including per diem in lieu of subsistence as authorized by 5 U.S.C. 5703 for persons employed intermittently in the government service.

SEC. 1.6 *Annual review/periodic reports.* (a) The Cabinet Committee shall conduct an Annual Review of all advisory committees within its administrative jurisdiction. The Committee Management Officer will be responsible for coordinating this review on behalf of the Chairman and for preparing a report on said review for submission to the Office of Management and Budget in accordance with OMB Circular A-63.

(b) The Committee Management Officer shall coordinate the preparation of the Cabinet Committee's Annual Report on its advisory committees which shall be submitted annually to the General Services Administration as required by Executive Order 11769 dated February 21, 1974.

SEC. 1.7 *Committee management officer.* (a) The Chairman shall designate a Cabinet Committee employee to implement this part, and to consult with the Office of Management and Budget on his behalf.

REYNALDO P. MADURO,
Executive Director.

[FR Doc.74-20385 Filed 9-3-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

BOOKMATCHES

Proposed Safety Standards

The Consumer Product Safety Commission has preliminarily determined (1) that hazards associated with bookmatches present unreasonable risks of death or injury and (2) that one or more consumer product safety standards are necessary to eliminate or reduce those unreasonable risks of injury.

Accordingly, pursuant to section 7 of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1212-15 (15 U.S.C. 2056)), this notice commences a proceeding for the development of a consumer product safety standard applicable to bookmatches.

The development period for this standard shall end on February 1, 1975. The Commission, however, may extend the development time if it finds for good cause that a different period of time is appropriate. Any such extension will be announced by a notice in the FEDERAL REGISTER.

Persons interested in submitting existing standards or offering to develop a standard must follow the regulations (39 FR 16206 (May 7, 1974); 16 CFR Part 1105) concerning the submission of existing standards, offers to develop standards, and the development of standards. Relevant portions of the procedures prescribed by Part 1105 for submitting an existing standard as a proposed consumer product safety standard or offering to develop a consumer product safety standard are included below.

In accordance with section 7(b) of the Act and the regulations (16 CFR Part 1105) issued under section 7 of the Act, this notice (1) identifies the product and the nature of the risks of injury associated with the product, (2) is based on a determination that a consumer product safety standard is necessary to eliminate or reduce the risks of injury, (3) includes information with respect to existing standards known to the Commission that may be relevant to this proceeding, and (4) invites any person to submit an existing standard as a proposed consumer product safety standard or to submit an offer to develop a proposed consumer product safety standard for bookmatches.

This proceeding is concerned with the product category of bookmatches. Not included under this proceeding are individual safety matches packaged in boxes, survival matches, "strike anywhere" wooden "kitchen" matches, or other types of matches.

Data and other information about injuries associated with matches and the need for remedial action considered by the Consumer Product Safety Commission have been developed by the Commission staff and other sources, including the following:

1. Consumer Product Safety Commission files containing indepth investigations of burn injuries conducted by the Food and Drug Administration, 1965 through April 30, 1973.

2. National Commission on Fire Prevention and Control. *America Burning, Final Report to the President*, May 4, 1973.

3. National Electronic Injury Surveillance System (NEISS) Surveillance Data reported July 1, 1972 through January 1974.

4. Slater, James A.; Buchbinder, Benjamin; and Tovey, Henry, NBS Technical Note 750. *Matches and Lighters in Flammable Fabrics Incidents: The Magnitude of the Problem.* December 1972.

5. Trident Engineering Associates. *Design Concepts for Safer Matches and Lighters.* September 1972.

6. *Flammable Fabrics.* Fourth Annual Report by U.S. Department of Health, Education, and Welfare (Fiscal Year 1972).

The injuries associated with matches can roughly be classified into three general categories: (1) Those injuries associated with children playing with matches, (2) those associated with possible manufacturing and design defects, and (3) those injuries associated with general improper handling of matches.

The NEISS data indicate that during the period from July 1, 1972 through December 31, 1972, an estimated 6,200 cases treated in hospital emergency rooms resulted from accidents involving matches. Of the 93 in-depth investigations of match cases involving children at play, 55 resulted in clothing ignition. NBS Technical Note 750 states that file data current through September 1, 1972, indicate matches accounted for 370 of the 1,838 reported flammable fabrics incidents and that over 75 percent of the fatal Flammable Fabric incidents involved children under 11 or adults over 65. A review of the above injury data related to matches indicates that bookmatches are involved in a high percentage of the injuries.

A. *Nature of the risk of injury.* After review of the incidents reported by the sources cited above, the Commission has preliminarily determined that the nature of the hazards associated with bookmatches present, especially with regard to injuries associated with children, unreasonable risks of death, or injury.

(1) The primary hazard to be addressed by this standard is burn injuries sustained by children and others including mentally or physically impaired persons, who play with or otherwise improperly use bookmatches. All submissions of existing standards or offers to develop standards must address this hazard in addition to any other hazards that are addressed.

(2) Other hazards and the nature of the risks of injury include:

(i) Burn injuries sustained by persons who use bookmatches that spark or fragment, or have delayed ignition.

(ii) Eye injuries sustained by persons who use bookmatches that fragment and cause particles from such matches to lodge in a person's eye.

(iii) Burn injuries sustained by persons who use bookmatches that, when struck, ignite the remaining matches in the book.

(iv) Burn injuries sustained by persons, including children, using bookmatches that, after ignition, have been dropped on exposed parts of the body, or that have been dropped on and have ignited clothing, because such bookmatches have failed to extinguish in time to avoid such injuries.

(v) Burn injuries sustained by persons from fires that have resulted from unexpected ignition of bookmatches with no deliberate action by the user.

(vi) Burn injuries that have been sustained by persons from fires that have been set by the after-glow of extinguished bookmatches.

B. *Existing standards.* The Commission has received information about the existence and provisions of the following standards and specifications which may be relevant to this proceeding:

(1) Federal Specification EE-M-101; dated September 6, 1972.

(2) Canadian Government Specification Board—Standard for Matches: Book; dated March 1971.

(3) Canadian Regulations Respecting the Sale, Advertising and Importation of Matches; dated August 29, 1972.

(4) Indian Standard—Specification for Paper for Match Boxes; dated October 1965.

(5) Indian Standard—Specification for Safety Matches in Boxes; dated 1964.

(6) Israel Standard—Wood Matches; dated February 1958.

(7) British Standard—Specification for Matches and Amendment Slips 1 and 2; dated 1964.

With regard to these standards and specifications the Commission makes the following observations:

Federal Specification EE-M-101 is a purchasing specification, not a safety standard, and includes several provisions unrelated to reducing risks of injury associated with bookmatches. This specification lacks any provisions to control ignition of matches by children and mentally or physically impaired persons, or to prevent ignition of an entire book of matches when one match is struck. Neither the Canadian Specification nor the Canadian Regulations contain any provisions to control ignition of matches by children and mentally or physically impaired persons. The Indian Standard for paper for match boxes is applicable only to materials used for packaging matches and not to matches. The Indian Specifications for safety matches are applicable only to wooden matches; contain no provision to control ignition of matches by children and mentally or physically impaired persons; contain no provisions related to sparking, fragmenting or afterglow; and have limited humidity controls for testing. The Israel Standard is applicable only to wooden matches; contains no provision to control ignition of matches by children and mentally or physically impaired persons; has no provisions related to sparking; and contains no humidity controls for testing. The British Standard has no provision to control ignition of matches by children and mentally or physically impaired persons; has no provision relating to sparking, fragmenting or ignition of an entire book of matches when one match is struck; and recommends, but does not require, placement of the striker strip on the back side of match books. Some of the above standards do not contain reproducible test procedures to evaluate compliance or noncompliance with some or all of the safety performance criteria.

Several patents related to matches and match safety have been issued by the United States Patent Office. Copies of some of these patents are available for inspection at the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C. 20207. For patent information related to matches and match safety, the Patent Office should be consulted (703-557-3080).

C. *Invitation to offerors.* Pursuant to section 7 of the Act and the regulations thereunder (16 CFR part 1105), an invitation is hereby extended to all standards writing organizations, trade associations, consumer organizations, professional or technical societies, testing organizations and laboratories, university or college departments, wholesale or retail organizations, Federal, State, or local government agencies, engineering or research and development establishments, ad hoc associations, companies, and persons (all hereinafter called persons) to submit to the Commission on or before October 4, 1974, either of the following:

(1) One or more existing standards as a proposed consumer product safety standard in this proceeding.

(2) An offer to develop one or more proposed consumer product safety standards applicable to bookmatches to reduce or eliminate the primary hazard and any or all of the other hazards or unreasonable risks of injury associated with bookmatches identified in section A of this notice.

Persons who are not members of an established organization may form a group for the express purpose of submitting offers and developing standards. Such groups are referred to in the regulations as ad hoc associations (16 CFR 1105.5). An offer by an ad hoc association may be submitted on behalf of the members of the association. The individual member submitting the offer must submit to the Commission a notarized copy of a power of attorney from each member of the group authorizing that individual member to submit an offer on behalf of each other member.

D. *Submission of existing standards.* Persons may submit a standard previously issued or adopted by any private or public organization or agency, domestic or foreign, or any international standards organization, that contains safety-related requirements which the person believes would be adequate to prevent or reduce the primary hazard and any or all of the other hazards or the unreasonable risks of injury associated with bookmatches.

To be considered for publication as a proposed consumer product safety rule, standards previously issued or adopted must consist of (1) requirements as to performance, composition, contents, design, construction, finish, or packaging, or (2) requirements that a consumer product be marked with or accompanied by clear and adequate warnings or instructions, or requirements respecting the form of warnings or instruction, or (3) any combination of (1) and (2).

The submission should, to the extent possible:

(1) Identify the specific portions of the existing standard that are appropriate for inclusion in the proposed rule.

(2) Be accompanied, to the extent that such information is available, by a description of the procedures used to develop the standard and a listing of the persons and organizations that participated in the development and approval of the standard.

(3) Be supported by test data and other relevant documents or materials to the extent that they are available.

(4) Contain suitable test methods reasonably capable of being performed by the Commission and by persons subject to the Act or by private testing facilities.

(5) Include data and information to demonstrate that compliance with the standard would be technically practicable.

(6) Include data and information, to the extent that it can reasonably be obtained, on the potential economic effect of the standard, including the potential effect on small business and international trade. The economic information should include data indicating (a) the types and classes as well as the approximate number of consumer products that would be subject to the standard; (b) the probable effects of the standard on the utility, cost, and availability of the products; (c) any potential adverse effects of the standard on competition; and (d) the standard's potential disruption or dislocation, if any, of manufacturing and other commercial practices.

(7) Include information, to the extent that it can reasonably be obtained, concerning the potential environmental impact of the standard.

E. *Offers to develop standards.* 1. Any person may submit an offer to develop a proposed consumer product safety standard for bookmatches. Each offer shall include a detailed description of the procedure the offeror will utilize in developing the standard. Each offer shall also include:

(i) A description of the plan the offeror will use to give adequate and reasonable notice to interested persons (including individual consumers, manufacturers, distributors, retailers, importers, trade associations, professional and technical societies, testing laboratories, Federal and State agencies, educational institutions, and consumer organizations) of their right and opportunity to participate in the development of the standard;

(ii) A description of the method whereby interested persons who have re-

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sponded to the notice may participate, either in person or through correspondence, in the development of the standard; and

(iii) A realistic estimate of the time required to develop the standard, including a detailed schedule for each phase of the standard development period.

2. Each offeror shall submit with the offer the following information to supplement the description of the standard development procedure:

(i) A statement listing the number and experience of the personnel, including voluntary participants the offeror intends to utilize in developing the standard. This list should distinguish between (i) persons directly employed by the offeror, (ii) persons who have made a commitment to participate, (iii) organizations that have made commitments to provide a specific number of personnel, and (iv) other persons to be utilized, although unidentified and uncommitted at the time of submission of the offer. The educational and experience qualifications of these personnel relevant to the development of the standard should also be included in the statement. This list should include only those persons who will be directly involved in person in the development of the standard.

(ii) A statement describing the type of facilities or equipment the offeror plans to utilize in developing the standard and how the offeror plans to gain access to the facilities or equipment the offeror plans to utilize in developing the standard.

3. Prior to accepting an offer to develop a standard, the Commission may require minor modifications of the offer as a condition of acceptance.

F. *Contributions to the offeror's cost.*

1. The Commission may, in accepting an offer, agree to contribute to the offeror's cost in developing a proposed consumer product safety standard. It is the Commission's intent that contribution to the offeror's cost will be the exception rather than the rule. The Commission expects that the bulk of the offeror's work will be done by volunteers or funded by non-Commission sources. Where contributions are provided the Commission must determine:

(i) That a contribution is likely to result in a more satisfactory standard than would be developed without a contribution; and,

(ii) That the offeror is financially responsible.

2. If an offeror desires to be eligible to receive a financial contribution from the Commission toward the offeror's cost of developing a proposed consumer product safety standard, the offeror shall submit with his offer to develop a standard:

(i) A request for a specific contribution with an explanation as to why such a contribution is likely to result in a more satisfactory standard than would be developed without a contribution;

(ii) A statement asserting that the offeror will employ an adequate accounting system that is in accordance with generally accepted accounting principles to record standards development costs and expenditures; and

(iii) A request for an advance payment of funds if necessary to enable the offeror to meet operating expenses during the development period.

G. *Submission information.* All submissions, offers, inquiries, or other communications concerning this notice should be addressed to the Office of the Secretary, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C. 20207 (phone 202–634–7700). Submissions in response to this notice should be in five copies, if possible, and must be received by the Office of the Secretary not later than October 4, 1974, to be considered in this proceeding.

Dated: August 29, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74–20386 Filed 9–3–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP–32000/106; FRL 256–6]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before October 29, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after October 29, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 5535–RNG. J. & L. Adikes, Inc., 182–12 93rd Ave., Jamaica NY 11423. GRO-WELL DIAZINON 25E INSECT SPRAY. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 25.00 percent; Aromatic Petroleum Derivative Solvent 57.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34770–E. Ambion Corp., 1860 Thomaston Ave., Waterbury CT 06714. DUROQUAT. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5 percent; Tetrasodium ethylenediamine tetraacetate 2.0 percent; Sodium carbonate 1.5 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34770–R. Ambion Corp., 1860 Thomaston Ave., Waterbury CT 06714. AMBICIDE. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5 percent; Tetrasodium ethylenediamine tetraacetate 2.0 percent; Sodium carbonate 1.0 percent; Sodium metasilicate, anhydrous 0.5 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34429–R. American Chemical Corp., Bayamon, Puerto Rico 00619. SUPER PINE DISINFECTANT PINE OIL. Active Ingredients: Pine Oil 64 percent; Soap 16 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1730–3. American Cyanamid Co., 859 Berdan Ave., Wayne NJ 07470. PINE SOL. Active Ingredients: Pine oil 30.0 percent; Isopropanol 10.9 percent; Soap 10.0 percent; 4-Chlorol-2-Cyclopentylphenol and related compounds 0.1 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 239–2406. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. ORTHENE SYSTEMIC INSECT SPRAY. Active Ingredients: (O,S-Dimethyl acetylphosphoramidothioate) 75 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2909–A. Cramer Products, Inc., 153 W. Warren Gardner KS 66030. CRAMER CRAMER-SOL DISINFECTANT CLEANER. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 2.25 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 2.25 percent; Sodium Carbonate 3.0 percent; Tetrasodium ethylenediamine tetraacetate 1.0 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2909–L. Cramer Products, Inc. 153 W. Warren, Gardner KS 66030. CRAMER MATT-KLEEN DISINFECTANT CLEANER. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 2.25 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 2.25 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 32695–E. Dale-Alley Co., Box 444, St. Joseph MO 64502. ALLEY CO-RAL ANIMAL INSECTICIDE 1 percent BULK DUST. Active Ingredient: O,O-Diethyl O-(3-chloro-4-methyl-2-oxo-(2H)-1-benzopyran-7-yl) phosphorothioate 1.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13651–E. Advance Chemical Inc., 6127 West Vliet St., Milwaukee WI 53213. ADQUAT CONCENTRATED DETERGENT, SANITIZER, FUNGICIDE, DISINFECTANT, DEODORIZER. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 4.5 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 4.5 percent; Tetrasodium ethylenediamine tetraacetate 2.0 percent; Sodium Carbonate 4.0 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1990–GTE. Farmland Industries, Inc., PO Box 7305, Kansas City MO 64116. COOP TURBEX. Active Ingredients: Alkyl 1–3 Propylene diamine 0.03 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 12479–E. H–O–H Chemicals, Inc., 641 S. Vermont St., Palatine IL 60067. A–400 LIQUID ALGAECIDE. Active Ingredients: Disodium cyanodithioimidocarbonate 4.23 percent; Ethylenediamine 1.60 percent; Potassium N-methyldithiocarbamate 5.83 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5905–UEO. Helena Chemical Co., Clark Tower–5100 Poplar Ave., Suite 2900, Memphis TN 38137. HELENA 10 percent M GRANULES. Active Ingredients: O,O-dimethyl O-p-nitrophenyl phosphorothioate 10.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905–UGE. Helena Chemical Co., Clark Tower–5100 Poplar Ave., Suite 2900, Memphis TN 38137. HELENA PARACAP 7.5–25 WETTABLE. Active Ingredients. Captan 25.0 percent; Parathion 7.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 691–20. Hercules, Inc., Agr. Chemicals Synthetics Dept., Wilmington DE 19899. TOXAPHENE 60 percent EMULSIFIABLE CONCENTRATE INSECTICIDE. Active Ingredients: Toxaphene (technical chlorinated camphene containing 67.69 percent chlorine) 60 percent; Xylene 35 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2136–EO. J. L. Hoffman Co., Inc., 1415 Court St., Allentown PA 18102. HOFFMAN'S ROTENONE DUST. Active Ingredients: Rotenone 1.0 percent; Other Cube Resins 1.1 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 334–GOA. Hysan Corp., 919 West 39th St., Chicago Il 60609. P–150 INSECTICIDE. Active Ingredients: Petroleum Distillate 18.1 percent; N-Octyl Bicycloheptene Dicarboximide 1.0 percent; Technical Piperonyl Butoxide 0.6 percent; Pyrethins 0.3 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 635–AAO. E-Z-Flo Chemical Co., Div. of Kirsto Co., PO Box 808, Lansing MI 48903. E-Z-FLO GRAIN GUARD. Active Ingredients: Propionic Acid 100 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2881–AN. Lystads, Inc., 901 University Ave., Grand Forks ND 58201. LYSTADS SURACID II. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 5.0 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 5.0 percent; Phosphoric Acid 30.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 299–RIA. C. J. Martin Co., PO Box 1089, Nacogdoches TX 75961. ANT BAIT C. Active Ingredients: Technical Chlordane 1.50 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5743–E. Michigan Co., Inc., 400 E. Michigan Ave., Lansing MI 48933. MICHCO PORCELAIN TILE CLEANER. Active Ingredients: Orthophosphoric Acid 20.00 percent; n-Alkyl (50 percent C14, 40 percent C12, 10 percent C16) dimethyl benzyl ammonium chloride 0.10 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12488–E. Norman Chemical Co., 1630 Carroll Ave., St. Paul MN 55104. 962 BIOCIDE. Active Ingredients: Disodium cyanodithioimidocarbonate 3.18 percent; Ethylenediamine 1.20 percent; Potassium N-methyldithiocarbamate 4.37 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1948–GT. Northern States Laboratories, PO Box 969, Fremont NB 68025. SUPER I DISINFECTANT. Active Ingredients: alpha-(p-Nonylphenyl)-omega-hydroxypoly(oxyethylene)-iodine complex 18.05 percent; Phosphoric Acid 16.00 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 3624–RAU. Nova Products, Inc., PO Box 5086, Kansas Cit KS 66199. NOVO FOGGING CONCENTRATE. Active Ingredients: Pyrethrins 3 percent; Piperonyl butoxide, technical 6 percent; N-octyl bicycloheptene dicarboximide 10 percent; Petroleum distillate 81 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6720–EGN. Southern Mill Creek Products Co., PO Box 1096, Tampa FL 33601. SMCP TERMIFUME METHYL BROMIDE ODORIZED WITH CHLOROPICRIN. Active Ingredients: Methyl Bromide 98 percent; Chloropicrin 2 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6720–EEO. Southern Mill Creek Products Co., PO Box 1096, Tampa FL 33601. SMCP HOUSEHOLD INSECT SPRAY. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylate 0.250 percent; Related compounds 0.034 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3640–IN. Stearns Chemical Corp., 4200 Sycamore Ave., Madison WI 53704. SPRAY-DET A LOW-FOAM IODOPHOR SANITIZER. Active Ingredients: Butoxy polypropoxy polyethoxy ethanol-iodine complex 12.45 percent; Polyethoxy polypropoxy polyethoxy ethanol-iodine complex 0.37 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 876–EGT. Velsicol Chemical Corp., 341 E. Ohio St., Chicago IL 60611. VELSICOL BRISK BIOCIDE. Active Ingredients; Didecyl dimethyl ammonium chloride 4.5 percent; Tetrasodium ethylenediamine tetraacetate 2.0 percent; Sodium carbonate 1.0 percent; Sodium metasilicate, anhydrous 0.5 percent. Method of Support: Application proceeds under 2(b) of interim policy.

REPUBLISHED ITEM

The following item represents a correction and/or change in the list of Applications Received published in the FEDERAL REGISTER of July 12, 1974 (39 FR 25687).

EPA File Symbol 4713–I. The Kenya Pyrethrum Co., 744 Broad St., Newark NJ 07102. KENYA PYRETHRUM EXTRACT REFINED CONCENTRATE. Correction: EPA File Symbol 4713–L. The Pyrethrum Marketing Board, PO Box 420, Nakuru Kenya East Africa.

Dated: August 23, 1974.

DOUGLAS D. CAMPT,
Acting Director, Registration Division.

[FR Doc.74–19977 Filed 9–3–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 715]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

AUGUST 26, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

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governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20249–CD–P–75, Forward Electronics, Inc. (KRS672). C.P. to reinstate expired station license operating on 152.18 MHz located at Rib Mountain State Park, 5 Miles SW of city of Wausau, Rib Mountain, Wisconsin.

20250–CD–TC–75, Coosa Valley Telephone Company. Consent to Transfer of Control from Jean S. Brandli et al, Transferor, to Continental Telephone Corporation, Transferee. Station: KWB378, Pell City, Alabama.

20251–CD–P–75, Mobilephone of Texas, Inc. (KQZ708). C.P. to add additional facilities operating on 158.70 MHz to be located at Old U.S. Highway 90, near Vidor, Texas.

20252–CD–P–(2)–75, Gulf Central Communications & Electronics, Inc. (KLF621). C.P. for additional facilities to operate on 158.70 MHz located 1 mile North of Lafayette, Louisiana.

20253–CD–P–74, W. E. Mulkey d/b/a Auto-Phone Dispatch of Levelland (KLB674). C.P. to chg. antenna system and relocate facilities operating on 152.09 MHz to be located 1.5 miles West of Levelland, Texas.

20254–CD–P–75, Park Region Mutual Telephone Company (new). C.P. for a new station to operate on 152.54 MHz located 2½ miles North of Dalton, near Dalton, Minnesota.

20255–CD–P–75, Radio Contact Corp. (KTS 256). C.P. to add antenna Location No. 2 operating on 158.70 MHz located at Lookout Mountain, Golden, Colorado.

20256–CD–P/L–75, Hawkinsville Telephone Company (KTY590). C.P. and License to reinstate station operating on 152.51 MHz located 3.2 miles SW Hawkinsville, Georgia.

20257–CD–P–(3)–75, R.C.S., Inc. (KMD689). C.P. to add additional facilities operating on 454.100 MHz, located at 819 West Church Street, Santa Maria, California (Loc. No. 3); 152.12 located at Tepusquet Peak, approximately 13.5 miles ESE of Santa Maria, California (Loc. No. 4); and 459.100 at Loc. No. 4.

20258–CD–P–75, Autofone, Inc. (new). C.P. for new 1-way signaling station to operate on 158.70 MHz located Corner of Claxton Dairy Road and Brookwood Drive, Dublin, Georgia.

20259–CD–P–75, Mobilphone of Texas, Inc. (new). C.P. for new base station to operate on 454.150 MHz located at 6222 Skyline Drive, Houston, Texas.

20260–CD–P–(6)–75, Tel Illinois, Inc. (new). C.P. for a new station to operate on 35.22 and 35.58 MHz located at 1800 7th St., E. Moline, Illinois (Loc. No. 1); Coal Valley Water Tank, Coal Valley, Illinois (Loc. No. 2); Ridgewood Water Tank, Ginger Hill, Illinois (Loc. No. 3); St. Anthony's Hospital, Rock Island, Illinois (Loc. No. 4); End of 7th Street, E. Moline, Illinois (Loc. No. 5); 1811 15th St Pl, Moline, Illinois (Loc. No. 6); 454.275, 454.300 MHz (Control base) loc. 1811 15th St. Place, Moline, Illinois.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20261–CD–P–75, Answerphone of Lake Worth, Inc. (KIM914). C.P. to reinstate license operating on 152.09 MHz located 2.75 miles south of Coast Railroad station, east side of tracks, Delray Beach, Florida.

20262–CD–P–75, (Mrs.) Marion O. Scott (new). C.P. for a new 1-way signaling station operating on 152.24 MHz to be located near McFadden Park, Chehalis, Washington.

20248–CD–R–75, Michigan Bell Telephone Company (KQM40). Renewal of Developmental License expiring September 28, 1974. Term: 9–28–74 to 9–28–75.

20193–CD–P/ML–75, Calumet Radio Dispatch (KSC649). Permit and Mod. License to change antenna system and replace transmitter operating on 152.09 MHz located at 115 West 11th Street, Michigan City, Indiana.

MAJOR AMENDMENTS

21318–C2–P–74, Chillicothe Communications, Chillicothe, Ohio (new). Amend to change antenna system, radiation characteristics and effective radiated power. All other particulars of operation remain as reported in PN No. 699 dated May 6, 1974.

20674–C2–P–74, Mobilephone of Texas, Inc., near Vidor, Texas (KLB322). Amend to change frequency from 152.21 to 152.18 MHz and mobile frequency to 158.64 MHz. All other particulars of operation remain as reported in PN No. 679 dated December 17, 1973.

20496–C2–P–74, General Telephone Company of Pennsylvania, Titusville, Pennsylvania (KTR988). Amend frequency 35.8 MHz to read 35.58 MHz. All other particulars to remain the same as reported on PN No. 674 dated November 12, 1973.

CORRECTIONS

20184–CD–P–(4)–75, Michigan Bell Telephone Company (KRS714). Correct entry on PN No. 713 dated August 12, 1974 to read: C.P. for additional facilities to operate on 158.10 MHz at 4 new sites described as Loc. No. 6: 17045 Mack Ave., Detroit, Michigan; Loc. No. 7: 25189 Lasher Road, Southfield, Michigan; Loc. No. 8: One Parklande Blvd., Dearborn, Michigan; Loc. No. 9: 16333 Trenton Road, Southgate, Michigan.

20056–CD–P–(8)–75, Simon Rubinsky (new). Correct entry on Public Notice No. 710, dated 7–22–74 to read: C.P. for a new 2-way station to be operated on 454.100, 454.175, 454.225, 454.250 MHz at Loc. No. 1: New Hampshire Street, 0.5 miles W. of U.S. 77 and 83, Harlington, Texas; also to be operated on 454.275, 454.300, 454.325, 454.350 MHz at Loc. No. 2: Brownsville Navigation District, 7 miles N.E. of Brownsville, Texas.

RURAL RADIO SERVICE

60015–CR–P/L–75, Phillips H. Lovering (new). C.P. and License for new station operating on 150.8–174 located 6 miles west of Eastsound on Orcas Island, Waldron, Washington.

POINT TO POINT MICROWAVE RADIO SERVICE

341–CF–P–75 MCI New York West, Inc. (WLI70). John Hancock Bldg., 875 N. Michigan Avenue, Chicago, Illinois. Lat. 41°53'56" N., Long. 87°37'24" W. C.P. to replace transmitter and change freqs. 10975H and 10895H MHz to 6197.2V, 6256.5V, 6315.9V, and 6375.2V MHz toward Chicago South, Ill. on azimuth 182°03'.

342–CF–P–75, Same (WLI71), 87th Street, Chicago South, Illinois. Lat. 41°44'08", N., Long. 87°37'52" W. C.P. to replace, change power and change freqs. 11385H and 11545H MHz to 5945.2V, 6004.5V, 6063.8V, and 6123.1V MHz toward Chicago, Ill. on azimuth 2°02'; 11585V and 1134.5V MHz to 6226.9H, 6286.2H, 6345.5H, and 6404.8H MHz toward Hammond, Ind. on azimuth 134°13'.

343–CF–P–75, Same (WLI72), 3400 Block of Sheffield Avenue, Hammond, Indiana. Lat. 41°38'59" N., Long. 87°30'49" W. C.P. to replace transmitter, change power and change freqs. 11015V, and 10935V MHz to 5974.8H, 6034.2H, 6093.5H, and 6152.8H MHz toward Chicago South, Ill. on azimuth 314°18'; 10975V and 10895V MHz to 5945.2H, 6004.5H, 6063.8H, and 6123.1H MHz toward Gary, Ind. on azimuth 109°-56'.

344–CF–P–75, Same (WLI73), Gary National Bank Bldg., 504 Broadway St., Gary, Indiana. Lat. 41°36'06" N., Long. 87°20'15" W. C.P. to replace transmitter and change freqs. 11545V and 11465V MHz to 6197.2H, 6286.2V, 6315.9H, and 6375.2H MHz toward Hammond, Ind. on azimuth 290°03'.

345–CF–P–75, Carolina Telephone and Telegraph Company (KIA42). 6.5 Miles NNW of Nashville, North Carolina. Lat. 36°03'-05" N., Long. 78°01'57" W. C.P. to replace transmitter and change power on 6256.5V MHz toward Rocky Mount, N.C. on azimuth 120°19'; 6226.9H MHz toward New Hope, N.C. on azimuth 254°30'.

346–CF–P–75, Same (KIA45), 2.1 Miles West of New Hope, North Carolina. Lat. 35°58'-24" N., Long. 78°22'36" W. C.P. to replace transmitter and change power on 6034.2V MHz toward Raleigh, N.C. on azimuth 228°03; 5945.2H MHz toward Nashville, N.C. on azimuth 74°18'.

347–CF–P–75, Same (KIR33), 1.8 Miles SE of Rocky Mount, North Carolina. Lat. 35°-55'34" N., Long. 77°46'11" W. C.P. to replace transmitter and change power on 6034.2V MHz toward Nashville, N.C. on azimuth 300°28'.

348–CF–P–75, American Telephone and Telegraph Company (KTF91). Pyron, 5.2 Miles NE of Inadale, Texas. Lat. 32°36'04" N., Long. 100°37'33" W. C.P. to change geographical coordinates and add 4150V MHz toward Sweetwater, Tex. on azimuth 125°-09'; 4170V MHz toward Maryneal, Tex. on azimuth 164°47'.

349–CF–P–75, American Telephone and Telegraph Company (KYC95). 3.4 Miles WNW of Maryneal, Texas. Lat. 32°14'39" N., Long. 100°30'42" W. C.P. change geographical coordinates and add 4130V MHz toward Bronte, Tex. on azimuth 141°16"; 4130 MHz toward Pyron, Tex. on azimuth 344°51'.

350–CF–P–75, Same (KYC94). 5.1 Miles ENE of Bronte, Texas. Lat. 31°55'08" N., Long. 100°12'22" W. C.P. to change geographical coordinates and add 4170V MHz toward Maryneal, Tex. on azimuth 321°26'; 4170V MHz toward Mereta, Tex. on azimuth 176°-48'.

351–CF–P–75, Same (KYC93). 3.2 Miles NW of Mereta, Texas. Lat. 31°29'22" N., Long. 100°10'31" W. C.P. to change geographical coordinates and add 4130V MHz toward Bronte, Tex. on azimuth 356°50'.

352–CF–P–75, Wisconsin Telephone Company (KSO85), 221 West Washington Street, Appleton, Wisconsin. Lat. 44°15'45" N., Long. 88°24'30" W. C.P. to change power and alarm center location on 6100.9V, 6338.1V, 10995H MHz toward Osborn, Wisc. on azimuth 9°03'.

353–CF–P–75, Same (KSO86). Osborn, 3.7 Miles SW of Seymour, Wisconsin. Lat. 44°-27'58" N., Long. 88°21'47" W. C.P. to change power and alarm center location on 6056.4V, 6293.6V, and 11445H MHz toward Appleton, Wisc. on azimuth 189°04'; 6011.9H, 6249.1H, and 11325V MHz toward Green Bay, Wisc. on azimuth 79°29'.

354–CF–P–75, Same (KSO87), 205 South Jefferson Street, Green Bay, Wisconsin. Lat. 44°30'43" N., Long. 88°00'50" W. C.P. to change power and alarm center location on 6145.3H, 6412.2H, and 10875V MHz toward Osborn, Wisc. on azimuth 259°44'.

355–CF–P–75, Pacific Northwest Bell Telephone Company (New). Olympus Drive at Sylvan Way, Bremerton, Washington. Lat. 47°35'46" N., Long. 122°37'01" W. C.P. for a new station on 11155V MHz toward Seattle, Wash. on azimuth 86°49'.

356–CF–P–75, Same (KYS81), 1200 Third Avenue, Seattle, Washington. Lat. 47°36'-27" N., Long. 122°20'02" W. C.P. add 11245V MHz toward a new point of communication at Bremerton, Wash. on azimuth 266°70'

357–CF–P–75, The Mountain States Telephone and Telegraph Company (KYS30). 7.6 Miles NE of Mountain Home, Idaho. Lat. 43°12'19" N., Long. 115°33'52" W. C.P. to add 11585H and 11305V MHz toward a new point of communication at Mountain Home, Idaho on azimuth 232°01'.

358–CF–P–75, The Mountain States Telephone and Telegraph Company (new). 390 E. 2nd N., Mountain Home, Idaho. Lat. 43°-07'58" N., Long. 115°41'28" W. C.P. for a new station on 10875H and 11095V MHz toward (KYS30) Mountain Home, Idaho on azimuth 51°56'.

359–CF–P–75, The Mountain States Telephone and Telegraph Company (KPZ42). Era Ave. and Idaho St., Arco, Idaho. Lat. 43°38'06" N., Long 113°18'05" W. C.P. to add 10775V and 11115H MHz toward a new point of communication at Mackay, Idaho via Passive Reflector.

360–CF–P–75, Same (new), College Street and Main Avenue, Mackay, Idaho. Lat. 43°54'-45" N., Long. 113°36'51" W. C.P. for a new station on 11685V and 11565H MHz toward Arco, Idaho via Passive Reflector.

361–CF–P–75, N-Triple-C, Inc. (WOH60). 1.5 Miles NW of Glendale, Illinois. Lat. 41°-54'24" N., Long. 88°06'39" W. C.P. change control point location, alarm center location, points of communication, and change polarity on 6226.9 MHz to Horizontal toward Chicago, Ill. on azimuth 91°04'; 6197.2V MHz toward Lily Lake, Ill. on corrected azimuth 283°44'.

362–CF–P–75, Same (WOH61), 875 N. Michigan Avenue, Chicago, Illinois. Lat. 41°53'-56" N., Long. 87°37'24" W. C.P. to change antenna location, power, control point location, alarm center location and replace transmitter on 5974.8H MHz toward Glendale, Ill. on azimuth 271°23'.

363–CF–P–75, Same (WOH92), 4 Miles South of Everton, Missouri. Lat. 37°17'03" N., Long. 93°41'20" W. C.P. to change control point location, alarm center location and change 5974.8V to 6197.2H MHz toward Springfield, Mo. on azimuth 103°12'; 5974.-8H MHz toward Lamar, Mo. on azimuth 298°04'.

364–CF–P–75, Same (WOH93), Landers Bldg., Public Square, Springfield, Missouri. Lat. 37°12'33" N., Long. 93°12'33" N., Long. 93°17'33" W. C.P. to change antenna location, control point location, alarm center location and change 6226.9H to 6004.5H MHz toward Everton, Mo. on azimuth 283°26'.

365–CF–P–75, Same (WPE22), 2222 Grauwyler Road, Irving, Texas. Lat. 32°49'44" N., Long. 96°54'45" W. C.P. to add 6345.5V MHz toward a new point of communication at Alvarado, Tex. on azimuth 209°04'.

366–CF–P–75, Same (WOI38), 1 Mile East of Alvarado, Texas. Lat. 32°25'07" N., Long. 97°10'49" W. C.P. to change alarm center location, control point location and change 5974.8H to 6123.1H MHz toward changed point of communication at Irving, Tex. on azimuth 28°46'.

367–CF–P–75, Indiana Telephone Corporation (KVH90). 505 Newton Street, Jasper, Indiana. Lat. 38°23'27" N., Long. 86°55'56" W. C.P. to add 11525V MHz toward Jasper Hill, Ind. on azimuth 38°11'.

368–CF–P–75, Same (KVH92), Jasper Hill, 1.1 Miles NE of Jasper Courthouse, Jasper, Indiana. Lat. 38°24'12" N., Long. 86°55'11" W. C.P. to add 10995 MHz toward Jasper, Ind. on azimuth 218°12'.

369–CF–P–75, The Mountain States Telephone and Telegraph Company (KBC41). Rifle Junction, 1 Mile NE of Rifle, Colorado. Lat. 39°32'28" N., Long. 107°45'49" W. C.P. to add 11505V and 11265V MHz toward Lookout Point, Colo., via Passive Repeater.

370–CF–P–74, Same (KFA22), Lookout Point, 1.4 Miles East of Glenwood Springs, Colorado. Lat. 39°32'35" N., Long. 107°17'50" W. C.P. to add 10855V and 11175V MHz toward a new point of communication at Rifle Jct., Colo. via Passive Repeater.

283–CF–P–75, Eastern Microwave, Inc. (KTG27). Echo Mountain, New York. Lat. 42°10'16" N., Long. 78°32'58" W. C.P. to add, via path intercept, 6137.9V MHz toward Salamanca, N.Y. on azimuth 252°53'.

285–CF–P–75, United Video, Inc. (WPG33). 2.0 Miles East of Raytown, Missouri. Lat. 39°01'46" N., Long. 94°24'19" W. C.P. to add 11425V MHz toward Olathe, Kans. on azimuth 252°56'.

284–CF–P–75, Same (new), Olathe, Kansas. Lat. 38°55'37" N., Long. 94°49'52" W. C.P. for a new station on 10935V MHz toward Overland Park, Lawrence, Lenexa, and Leavenworth, Kansas on azimuths 138°35', 275°49', 44°58', and 349°51', respectively.

308–CF–P–75, United Video, Inc. (KEZ53). 3.0 Miles SW of Taylorville, Illinois. Lat. 39°30'43" N., Long. 89°15'02" W. C.P. to add 5974.8V MHz toward Decatur, Ill. on azimuth 26°48'. (Note: A waiver of Section 21.701(i) is requested by United.)

371–CF–P–75, Microwave Transmission Corporation (new). Palo Escrito Peak, 9.0 Miles West of Soledad, California. Lat. 36°24'22" N. Long. 121°29'26" W. C.P. for a new station on 11685H MHz toward Soledad Peak, Calif. on azimuth 114°09'.

372–CF–P–75, RCA Alaska Communications, Inc. (WGF60), 360 Outer Drive, Juneau, Alaska. Lat. 58°18'00" N. Long. 134°24'45" W. C.P. to change control point location, alarm center location and add 11155V and 11075V MHz toward a new point of communication at Eleven Mile, Alaska via Passive Reflector.

373–CF–P–75, RCA Alaska Communications, Inc. (WBP70). Point Lena Loop Road, 1.2 Miles from Glacier Hwy., Lena Point, Alaska. C.P to add 11155V and 11075H MHz toward a new point of communication at Eleven Mile, Alaska via Passive Reflector.

374–CF–P–75, Same (new), Glacier Highway at Eleven Mile, Alaska. Lat 58°22'13" N. Long. 134°38'29" W. C.P. for a new station on 11605V and 11525V MHz toward Juneau, Alaska via Passive Reflector: 11605V and 11525H MHz toward Lena Point, Alaska via Passive Reflector.

375–CF–P–75, N-Triple-C, Inc. (WOH52). 1.5 Miles NE of Iowa City, Iowa. Lat. 41°40'24" N. Long. 91°28'31" W. C.P. to add 6315.9V MHz toward Cedar Rapids, Iowa on azimuth 340°18'.

376–CF–P–75, Same (new), 5200 C Avenue NE., Cedar Rapids, Iowa. Lat. 42°02'01" N., Long. 91°38'56" W. C.P. for a new station on 6063.8V MHz toward Iowa City, Iowa on azimuth 16°04'.

377–CF–P–75, MCI Telecommunications Corporation (WPE23). 2001 Bryan Street, Dallas, Texas. Lat. 32°49'07" N. Long. 96°-47'45" W. C.P. to add 6004.5V MHz toward a new point of communication at Richardson, Tex. on azimuth 22°34'.

378–CF–P–75, Same (new), 906 N. Bowser Road, Richardson, Tex. Lat. 32°57'23" N. Long. 96°42'41" W. C.P. for a new station on 6256.5H MHz toward Dallas, Tex. on azimuth 202°40'.

379–CF–P–75, RCA Global Communications, Inc. (new). 60 Broad Street, New York City, New York. Lat. 40°42'19" N., Long. 74°00'42" W. C.P. for a new station on 6345.5V MHz toward Edison, N.J. on azimuth 238°54'.

380–CF–P–75, Same (new), Centennial Ave. and Kingsbridge Road, Piscataway, New Jersey. Lat. 40°32'39" N., Long. 74°29'48" W. C.P. for a new station on 10855V MHz toward Edison, N.J. on azimuth 100°41'.

381–CF–P–75, Same (new), Lat. 40°31'45" N., Long. 74°23'34" W. C.P. for a new station on 6123.1H MHz toward New York City, N.Y. on azimuth 58°39'; 6167.6H MHz toward Hightstown, N.J. on azimuth 208°27'; 11345V MHz toward Piscataway, N.J. on azimuth 280°45'.

382–CF–P–75, Same (new), Corner of Route 535 and Route 571, Hightstown, New Jersey. Lat. 40°17'28" N., Long. 74°33'40" W. C.P. for a new station on 6330.7H MHz toward Edison, N.J. on azimuth 28°20'; 6256.5H MHz toward Wyndmoor, Pa., on azimuth 246°34'.

383–CF–P–75, RCA Global Communications, Inc. (new). WPHL Broadcast Tower, 1230 E. Mermaid Lane, Wyndmoor, Pennsylvania. Lat. 40°04'58" N., Long. 75°10'54" W. C.P. for a new station on 6004.5V MHz toward Hightstown, N.J. on azimuth 66°10'; 10815V MHz toward Valley Forge, Pa. on azimuth 272°20'.

384–CF–P–75. Same (new), 240 Goddard Blvd., Bldg. 100, King of Prussia, Pennsylvania. Lat. 40°05'22" N., Long. 75°24'07" W. C.P. for a new station on 11425V MHz toward Wyndmoor, Pa. on azimuth 92°11'.

386–CF–P–75, American Television Relay, Inc. (KSV58). 3534 North 16th Street, Phoenix (KTVK), Arizona. Lat. 33°29'07" N., Long. 112°02'48" W. C.P. to add 3750H MHz toward Pinal Peak, Ariz. on azimuth 100°50'.

387–CF–P–75, Same (KPZ82), Pinal Peak, 8.5 Miles SSW of Globe, Arizona. Lat. 33°16'56" N., Long. 110°49'13.5" W. C.P. to add 5982.3V MHz toward Mt. Bigelow, Arizona on azimuth 174°01'.

388–CF–P–75, American Microwave & Communications, Inc. (KQN52). 3.5 Miles ESE of Talbot, Michigan. Lat. 45°29'40" N., Long. 87°31'50" W. C.P. to change polarity from 6037.5V MHz to 6037.5H MHz toward Iron Mountain, Mich. on azimuth 312°30'.

POINT TO POINT MICROWAVE SERVICE: (MAJOR AMENDMENTS)

6394–C1–P–73, Eastern Microwave, Inc. (KCK 71). Beech Hill, 7.0 Miles East of Marlboro, New Hampshire. Lat. 42°54'41" N., Long. 72°04'11" W. Application amended to change point of communication from Mt. Greylock (KCK70), Mass. to Equinox Mountain, Vermont on azimuth 288°36' (frequencies 6241.7H and 6301.0H MHz remain unchanged).

6395–C1–P–73, Same (KCL72), Equinox Mountain, 2.30 Miles West of Manchester, Vermont. Lat. 43°09'56" N., Long. 73°07' 14" W. Application amended (a) to relocate station KCL72, Mt. Greylock, Massachusetts to foregoing location and (b) to change azimuth toward Helderberg Mtn., New York to 230°53' (frequencies 5945.2H and 6063.8H remain unchanged).

226–CF–TC–(14)–75, United Wehco, Inc. Applications amended to add the following stations: KEX58, Goodman Mountain, Texas and KEX75, Walker's Mill, Texas. Total number of stations involved in Transfer of Control will now be Fourteen (14). (All other particulars same as reported on Public Notice No. 712, dated August 8, 1974.)

[FR Doc.74–20340 Filed 9–3–74;8:45 am]

DAVID ORTIZ RADIO CORP.

Standard Broadcast Applications Ready and Available for Processing

Correction

In FR Doc. 74–17441, appearing on page 27753 in the issue for Wednesday,

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July 31, 1974, the Appendix was incorrectly filed as part of the original document and should have appeared as set forth below:

APPENDIX

BP-19560
WEKO, Cabo Rojo, Puerto Rico
David Ortiz Radio Corporation
Has: 930 kHz, 500 W, DA, Day
Req: 930 kHz, 500 W, DA-2, U

BP-19612
NEW, Cave City, Kentucky
Twin City Broadcasting Company
Req: 800 kHz, 250 W, DA, Day

BP-19615
NEW, Lawrenceburg, Tennessee
Jones and Rowland Radio Company
Req: 1520 kHz, 500 W, Day

BP-19619
WPNO, Auburn, Maine
Andy Valley Broadcasting System, Inc.
Has: 1530 kHz, 1 kW, Day
Req: 1530 kHz, 10 kW, DA, Day

BP-19633
NEW, Whitley City, Kentucky
Country Roads Broadcasting Corporation
Req: 1220 kHz, 500 W, Day

BP-19634
WHOY, Salinas, Puerto Rico
Island Broadcasting Corporation
Has: 1210 kHz, 1 kW, Day
Req: 1210 kHz, 1 kW, DA-N, U

BP-19635
KPOI, Honolulu, Hawaii
Communico Oceanic Corporation
Has: 1380 kHz, 5 kW, U
Req: 990 kHz, 10 kW, 50 kW-LS, U

BP-19636
NEW, Agana, Guam
Trans World Radio Pacific
Req: 770 kHz, 10 kW, U

BP-19637
NEW, Huntingdon, Tennessee
David B. Jordan
Req: 1530 kHz, 1 kW (250 W, CH), Day

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE (CTAC) PANEL CHAIRMEN & EXECUTIVE COMMITTEE

Notice of Meeting

AUGUST 28, 1974.

Pursuant to section 10 of the Federal Advisory Committee Act, 5 U.S.C. App. I § 10 (Supp. II, 1972), notice is hereby given of a meeting of the CTAC Panel Chairmen & Executive Committee Meeting on September 16, 1974, to be held at 2025 M Street NW., Washington, D.C., Room 6331. The meeting is scheduled to commence at 10 a.m.

The agenda is as follows:

1. The Chairmen of Panels 1 thru 9 will present progress reports on panel studies. A joint review of the outlines of panel final reports will be conducted. [These panels are the functional study groups for particular technical aspects of cable television systems.]
2. The schedule for remaining CTAC activity will be discussed and reconfirmed.
3. The costs of completing CTAC activities and the impact on CTAC Fund, Inc. which supports these costs will be considered.
4. CTAC Fund, Inc. solicitation will be discussed.
5. An Editorial Board for the preparation of the Final CTAC Report will be discussed and its functions defined.
6. New Business.

Any member of the public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. A. M. Rutkowski, FCC, 1919 M Street NW., Washington, D.C. 20554—(202) 632-9797.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-20341 Filed 9-3-74;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 74-35]

BROOKLYN-PORT AUTHORITY MARINE TERMINAL

Order of Investigation

Agreement No. T-2880, as amended, between the Port Authority of New York and New Jersey (Port) and Barber Lines a/s (Barber Lines); agreement T-2882-1 and T-2882, as amended by T-2882-1 between the Port and Pittston Stevedoring Corporation (Pittston); agreement T-2883, as amended, among the Port, Nippon Yusen Kaisha, Limited (NYK) and International Terminal Operating Co., Inc. (ITO); agreement T-2884 as amended, and T-2885, as amended between the Port and Universal Maritime Service Corporation (UMS).

Subject Agreements were filed for approval[1] pursuant to section 15 of the Shipping Act, 1916, on October 29, 1973. Notice of their filing appeared in the FEDERAL REGISTER on January 23, 25, and 29, and February 7, 1974. The Agreements are similar, each providing for the lease of certain marine terminal facilities at the Brooklyn-Port Authority Marine Terminal, New York, New York, for use as public marine terminals. Each provides that the Port will be paid an amount equal to $2.00 per revenue ton handled with a maximum not to exceed the prior year's rental of $600,000 and a minimum not less than one-half of the prior year's rental ($300,000). The lessees are restricted by each agreement from operating cold storage facilities on the leased premises and are subject to all Port rules and regulations. With the exception of Agreement T-2883, the lessee has the exclusive right to collect dockage and wharf usage charges from vessels using the facility.

A protest against approval of these Agreements was filed by Pouch Terminal, Inc. (Pouch) on February 28, 1974. Pouch Terminal, Staten Island, consists of three breakbulk piers and adjacent warehouse facilities. Pouch has regularly rented its pier space to terminal operators or common carriers while retaining the operation of the adjacent warehouses. According to Pouch, the rental formula contained in subject agreements will reduce the annual rental of each tenant of the Port's Brooklyn piers. Pouch further asserts that Pittston Stevedoring Corporation was the terminal operator of the Pouch Terminal pursuant to a five-year lease which expired May 31, 1974. Pittston is now a party to Agreements Nos. T-2881 and T-2882, as amended, and will renew its lease with Pouch only if given the benefit of the Port's new rental formula. Pouch alleges that it has incurred substantial increases in expenses associated with taxes, insurance, repairs and maintenance during the years of Pittston's tenancy, that such costs are expected to continue to increase substantially in the future, and that it could not operate on as little as one half the rental previously received. Additionally, Pouch alleges that the Port, as a public body, is exempt from taxation and due to its enormous wealth is able to subsidize losses on some of its operations with profits from others. Since Pouch's only substantial source of income is from its pier rentals and adjacent warehouse operations, it could not survive if its piers were vacant for any extended period of time which is what Pouch believes will occur if the Port is permitted to implement its proposed rental formula. Finally, Pouch alleges that the Agreements violate sections 16 and 17 of the Shipping Act, 1916, in that they subject Pouch to undue and unreasonable prejudice and disadvantage and establish unjust and unreasonable regulations and practices in connection with the receiving, handling, storing, or delivery of property, and are detrimental to the public interest and commerce of the United States, and should therefore not be approved pursuant to section 15.

The Commission is of the opinion that these Agreements should be made the subject of a formal investigation to determine whether these Agreements should be approved, disapproved, or modified pursuant to section 15 of the Shipping Act, 1916.

Now therefore it is ordered, That the Commission enter upon an investigation and hearing pursuant to section 22 of the Shipping Act, 1916, to determine whether Agreements Nos. T-2880 between the Port and Barber Lines; T-2881, as amended by T-2881-1, and T-2882, as amended by T-2882-1, between the Port and Pittston; T-2883 as amended, between the Port and NYK and ITO; and T-2884, as amended, and T-2885, as amended, between the Port and Universal Maritime Service Corporation are agreements subject to section 15 of the Shipping Act, 1916, and if so, whether said Agreements should be approved, modified or disapproved pursuant to section 15 of the Shipping Act, 1916.

It is further ordered, That in the event there is any modification of these agreements such modification shall be filed with the Commission, and shall be made subject to this investigation for approval, disapproval or modification under the standards of section 15 of the Shipping Act, 1916;

[1] The Port Authority argues that these Agreements are not subject to Commission jurisdiction under section 15.

It is further ordered, That it be determined whether these agreements subject Pouch to undue or unreasonable prejudice or disadvantage or establish unjust and unreasonable regulations and practices in connection with the receiving, handling, storing or delivery of property in violation of sections 16 and/or 17 of the Shipping Act, 1916;

It is further ordered, That the Port Authority of New York and New Jersey, Barber Lines, Pittston Stevedoring Corporation, Nippon Yusen Kaisha, Ltd., International Terminal and Operating Company, Inc. and Universal Maritime Service Corporation be named as Respondents herein;

It is further ordered, That Pouch Terminal Inc. be named Petitioner;

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined and announced by the presiding Administrative Law Judge;

It is further ordered, That notice of this Order be published in the FEDERAL REGISTER, and a copy thereof be served upon Respondents and Petitioner;

It is further ordered, That any person other than respondents and petitioner, and the Bureau of Hearing Counsel, having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with rule 5(1), 46 CFR 502.72, of the Commission's rules of practice and procedure;

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding including notice of the time and place of hearing or prehearing conference shall be mailed directly to all parties of record.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-20392 Filed 9-3-74;8:45 am]

[Docket No. 74-36]

MATSON NAVIGATION CO.—INCREASE IN RATES ON MOTOR VEHICLES IN THE U.S. PACIFIC COAST/HAWAIIAN TRADE

Order of Investigation and Suspension

On July 25, 1974, Matson Navigation Company (Matson) filed a 25 percent increase in rates to apply to Automobiles, Buses, Fire Trucks and Trailers, effective September 1, 1974.[1]

By telegram received on August 19, 1974, the Hawaii Automobile Dealers Association (Association) protested the increase. The Association alleged it to be discriminatory, unjust and unreasonable because the increase applied exclusively to motor vehicles, and there is no practical alternative to shipping via Matson because of its market control. On August 26, 1974 Matson replied to that protest and furnished certain financial data in support of its increase.

The instant rate filings come at a time when Matson's 12.5 percent general rate increase of April 1973 is presently the subject of inquiry in Docket No. 73-22, Matson Navigation Company Proposed Changes in Rates Between U.S. Pacific Coast and Hawaii. Included in the considerations in that proceeding are automobile rates. However, the evidence adduced thereunder and the position taken by the State of Hawaii therein focus on whether such rates are too low and noncompensatory. The evidence necessary for a determination of the issues raised by the Association has not been developed to any extent in that case and it is doubtful whether such an exercise would be proper in a general revenue proceeding where the issue is not raised by the Order of Investigation. Moreover, the Association is not a party to Docket No. 73-22.

Upon consideration of the above matters, the Commission is of the opinion that the proposed increase should be suspended and made the subject of a separate public investigation and hearing to determine whether it is unjust, unreasonable, or otherwise unlawful under section 16, First and 18(a) of the Shipping Act, 1916, as amended, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, as amended. However, in view of the data supplied by Matson and the position taken by the State of Hawaii in Docket No. 73-22, we are of the opinion that an interim 12.5 percent increase would be warranted.

Therefore, it is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, as amended, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, as amended, an investigation is hereby ordered into the lawfulness of the proposed increase for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that the tariff matter hereby placed under investigation is further changed, amended, or reissued, such changes are hereby ordered to be made part of this investigation;

It is further ordered, That pursuant to section 3 of the Intercoastal Shipping Act, 1933, Matson's Seventh Revised Page 9 to Tariff FMC-F No. 143; First Revised Page 12-B, Third Revised Page 13 and Eighth Revised Page 14 to Tariff FMC-F No. 145 are hereby suspended and the use thereof deferred to and including December 31, 1974, unless otherwise ordered by this Commission.

It is further ordered, That there shall be filed immediately with this Commission by Matson Navigation Company consecutively numbered supplements to the aforesaid tariffs which supplements shall bear no effective date, shall fully reproduce this order and shall state that the aforesaid matter is suspended and may not be used until January 1, 1975, unless otherwise authorized by this Commission and that the suspended matter may not be changed until this proceeding has been disposed of or until the period of suspension has expired, whichever comes first, unless otherwise ordered by this Commission;

It is further ordered, That there may be filed by the Matson Navigation Company, the tariff matter necessary to effectuate an increase of not greater than 12.5 percent in rates to apply to Automobiles, Buses, Fire Trucks and Trailers, as specified on the pages listed in footnote "1" of this order, to be effective not earlier than September 1, 1974, unless otherwise ordered by this Commission;

It is further ordered, That pursuant to section 16, First of the Shipping Act, 1916, as amended, a determination shall be made as to whether Matson, by the subject increases, is proposing to subject any particular person, locality or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever within the meaning of that section;

It is further ordered, That Matson Navigation Company be named as respondent in this proceeding and that the Hawaii Automobile Dealers Association be named as complainant;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge;

It is further ordered, That (1) a copy of this order be forthwith served upon the respondent and complainant herein and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (2) the respondent, complainant and Hearing Counsel be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to the proceeding.

By the Commission.

[SEAL] JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-20390 Filed 9-3-74;8:45 am]

[1] The increase is reflected on Seventh Revised Page 9 to Tariff FMC-F No. 143; First Revised Page 12-B, Third Revised Page 13 and Eighth Revised Page 14 to Tariff FMC-F No. 145.

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JAPAN/KOREA—ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 24, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington D.C. 20036

Agreement No. 3103-54 has been entered into by the member lines of the Japan/Korea-Atlantic & Gulf Freight Conference, to further amend the approved agreement of that conference to incorporate the understanding that no conference member shall be entitled to attend meetings and/or vote upon matters within the authority of that conference so long as it operates as a nonconference line, or uses agents that represent nonconference line(s), in the conference trades and/or in the trades within the scope of the Trans-Pacific Freight Conference of Japan/Korea (Agreement No. 150, as amended).

By Order of the Federal Maritime Commission.

Dated: August 29, 1974.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-20396 Filed 9-3-74;8:45 am]

JAPAN/KOREA—ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762 (46 U.S.C. 813a)).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC. 20573, on or before September 24, 1974. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter, and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington D.C. 20036

Agreement No. 3103 DR-5 is an application on behalf of the member lines of the Japan/Korea-Atlantic & Gulf Freight Conference, for permission under Section 14b to modify the approved dual rate system and form of contract of that conference (1) by deleting from the disclosure provision of Article 3(f) the proviso (a) concerning merchant impelled investigations and (b) which authorizes disclosure of information to another carrier or its duly authorized agent; and (2) amending the damages for breach provision (Article 10(a)) to provide for the assessment of damages on the basis of an amount equal to 50 percent of the computed freight charges, without regard to the cost of loading and unloading which would have been incurred had the shipment moved on a vessel of a conference carrier.

By Order of the Federal Maritime Commission.

Dated: August 29, 1974.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-20399 Filed 9-3-74;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762 (46 U.S.C. 813a)).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573, on or before September 24, 1974. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036

Agreement No. 150 DR-5 is an application on behalf of the member lines of the Trans-Pacific Freight Conference of Japan/Korea, for permission under Section 14b to modify the approved dual rate system and form of contract of that conference (1) by deleting from the disclosure provision of Article 3(f) the proviso (a) concerning merchant impelled investigations and (b) which authorizes disclosure of information to another carrier or its duly authorized agent; and (2) amending the damages for breach provision of Article 10(a) to provide for the assessment of damages on the basis of an amount equal to 50 percent of the computed freight charges, without regard to the cost of loading and unloading which would have been incurred had the shipment moved on a vessel of a conference carrier.

By Order of the Federal Maritime Commission.

Dated: August 29, 1974.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-20398 Filed 9-3-74;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 24, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Ave., N.W.
Washington, D.C. 20036

Agreement No. 8600-4 is a further modification of the joint conference agreement comprising the member lines of the Trans-Pacific Freight Conference of Japan/Korea (Agreement No. 150, as amended), and the Japan/Korea-Atlantic & Gulf Freight Conference (Agreement No. 3103, as amended), to incorporate the understanding that any member line(s) to the joint conference agreement shall not be entitled to attend meetings and/or vote upon matters within the authority of said agreement so long as they operate as nonconference lines, or use agents that represent nonconference lines, in either of the trades of the respective conferences as defined in the joint conference agreement (Agreement No. 8600, as amended).

By Order of the Federal Maritime Commission.

Dated: August 29, 1974.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-20395 Filed 9-3-74;8:45 am]

[Agreement No. 8600]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA AND THE JAPAN KOREA—ATLANTIC AND GULF FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 24, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald C. Lord
General Manager
Trans-Pacific Passenger Conference
311 California Street
San Francisco, California 94104

Agreement No. 131-262 filed by the Trans-Pacific Passenger Conference modifies Article A-2 entitled "Purpose" to read as follows:

"The purpose of the Conference is to promote, improve and regulate the sale and handling of passenger ship traffic within the scope of its Agreement as outlined in Article B, to represent its Members in dealings with other conferences, organizations, associations, and Governmental Agencies, including participation in joint promotional and educational activities with said other conferences, organizations, associations and Governmental Agencies, and to coordinate action, harmonize policies and stabilize fares for the benefit of its Members, its Travel Agents and the traveling public. However, no joint action within the ambit of section 15 of the Shipping Act, 1916, shall be carried out without first obtaining approval of the Federal Maritime Commission."

The stated purpose of this modification of Article A-2 is to make clear that the Conference has the authority under Article A-2 of its Constitution to participate in joint promotional and educational activities with other industry conferences, organizations, associations, or governmental agencies.

By Order of the Federal Maritime Commission.

Dated: August 28, 1974.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-20393 Filed 9-3-74;8:45 am]

TRANS-PACIFIC PASSENGER CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

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TRANS-PACIFIC PASSENGER CONFERENCE AND INTERNATIONAL PASSENGER SHIP ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 24, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald C. Lord
General Manager
Trans-Pacific Passenger Conference
311 California Street
San Francisco, California 94104

Agreement No. 10010 between the Trans-Pacific Passenger Conference (TPPC) and the International Passenger Ship Association (IPSA) is a cooperative working agreement whereby TPPC and IPSA may undertake joint promotional and educational activities as they may determine from time to time will benefit them and the traveling public. Each party reserves the right to conduct independent promotional and educational activities.

By order of the Federal Maritime Commission.

Dated: August 28, 1974.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-20394 Filed 9-3-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RM74-22, E-8589, E-8550 et al.[1]]

NEW ENGLAND POWER POOL PARTICIPANTS ET AL.

Order Permitting Withdrawal of Petition and Accepting Rate Schedules, Permitting Withdrawal of Rate Schedules, Disposing of Procedural Matters, and Terminating Proceedings

AUGUST 26, 1974.

New England Power Pool Participants (NEPOOL), on January 10, 1974, filed a petition in Docket No. E-8589, seeking an "emergency" order of the Commission pursuant to section 202(c) of the Federal Power Act, 16 U.S.C. 824a(c), directing certain electric utilities to provide them with available electric power and energy, pursuant to the petroleum fuel conservation policy expressed in Commission Order No. 496, issued November 29, 1973, 38 FR 33641, and Order No. 497, issued December 7, 1973, 38 FR 34318.

In furtherance of the Commission's fuel conservation policy expressed in those orders, the Commission's Chief, Bureau of Power, by letter of December 4, 1973, requested the cooperation of the National Electric Reliability Council in a voluntary program under which utilities in each council area would prepare contingency schedules of emergency power transfers. The last mentioned activity was in progress when the NEPOOL petition was filed.

The record in Docket No. E-8589 was initiated by Commission order issued January 11, 1974, 39 FR 2398, in which the Commission directed that public conferences—with the Commission staff—be held inter alia, to discuss NEPOOL's petition of January 10, supra. As a result of a series of such public conferences held with participants shown in Appendix B[2] there are now pending before the Commission for its consideration, the proposed "Coal-by-Wire" settlement rate schedules, Docket No. RM74-22 et al. By various orders, a number of previously filed coal-by-wire rate schedule proposals had been suspended, subject to hearing and order in proceedings in Docket No. E-8550 et al., as listed in Appendix A.

These settlement rate schedules, and the action which we here take, are in furtherance of the Commission's program during the winter of 1973-74 to secure voluntary cooperation of all electric utilities in order to forestall imminent threats to the reliability of service in areas of the Nation, as a consequence of the Arab oil embargo. Pursuant to the policy expressed in Order No. 496, supra, a number of the Nation's electric utilities, upon a voluntary basis, transferred approximately 820,000 mwhs of coal-fired generation (primarily) to the eastern seaboard power pools over a period January-May 1974. These transfers of coal-fired energy were coordinated by the Commission's staff with petroleum allocations of the Federal Energy Administration, formerly the Federal Energy Office. The Commission did not find is necessary to determine an "emergency" within the meaning of section 202(c) of the Federal Power Act, as was requested by NEPOOL, to accomplish these fuel conservation power and energy transfers.

On April 30, 1974, in Docket No. RM74-22 et al., 39 FR 16367, the Commission issued a Notice of Settlement Rate Proposals and Request for Comments Pursuant to Informal Rulemaking Procedure. The Notice included an order permitting interventions, continuing hearings and prescribing procedures. Pursuant to the Commission's Notice, most of the conference participants listed in Appendix B hereto responded with comments favoring the settlement rates, including NEPOOL, two other power pools, New York Power Pool (NYPP) and Pennsylvania-New Jersey-Maryland Interconnection (PJM), and various interested state commissions. One conference participant, Richmond Power and Light, owned and operated by the City of Richmond, Indiana (Richmond), had filed a series of comments objecting to the settlement rates. In response to the April 30 Notice, supra, Richmond filed extensive factual and legal presentations opposing the settlement proposals. Comments objecting to the settlement rates were also received from Representative Michael J. Harrington, Massachusetts, as an intervenor, from Cities of Crawfordsville, Frankfort, Logansport, Peru and Washington, Indiana[3] (Interested Parties), and from the Commission's Chief, Office of Economics. As a part of the overall record here before us, these comments have been reviewed and are discussed infra.

By order issued April 8, 1974, 39 FR 13713, in Docket Nos. E-8550, E-8565, E-8567 and E-8591, portions of those proceedings were terminated which concerned rate schedules of various public utilities applicable to short-term power and limited-term power services. Previously, the Commission had set for hearing and suspended the application of proposed rates and charges for those particular types of services because of the insufficiency of supporting cost data. The relevant data were filed and the Commission's April 8, 1974, order terminated all such proceedings with respect to those services, all without objection by any party or Commission staff.

[1] See Appendix A, filed as part of the original document, for designations of all rate schedules, the names of all filing utilities and their respective docket numbers.

[2] Appendices B and C filed as part of the original document.

This order permits NEPOOL to withdraw its petition filed January 10, 1974, and thus terminate E-8589. This order allows and directs various affected public utilities in the consolidated dockets to file substitute rate schedules for fuel conservation services and others to withdraw their fuel conservation rate schedules, all as a basis for terminating the remaining portions of those dockets. Appendix A identifies the affected rate schedules and the filing (or withdrawing) public utilities and sets forth the proposed effective dates therefor. The order also disposes of a number of procedural points.

Rate Design, Cost Data and Related Matters. The basic question before the Commission, as resolved in this order, concerns the fixing of the rates and charges for these transfers. We accept the proposed settlement rates and charges as supported in the factual record here before the Commission. We believe, that in the particular circumstances of the power and energy transfers over the period January-May 1974, the application of the settlement rates will serve the public interest. The proposed rates and charges have been cost related upon the record here before us and they will not provide revenues to the respective generating or transmitting public utilities in excess of their respective allocated costs of rendering these services, when tested upon a basis of allocated operating and investment costs which the originating (generating or transmitting) utilities have assigned to fuel conservation service.

For the sole purpose of terminating this proceeding, we accept such cost allocations without inferring that such cost allocation methods would be appropriate in the future, a matter to be explored in the notice of proposed rulemaking issued concurrently herewith in Docket No. RM7- ——. The subject cost allocation methods are factually supported by data of each participating system which has supplied fuel conservation service in the period January-May 1974. The settlement rates and chargts are accepted also by the utilities, conference staff,[4] and by representatives of 10 participating state public service commissions. Appendix B lists the supplier systems, the transmitting systems, the purchasing systems or pools and state commissions whose representatives have participated in various phases of the conferences and rulemaking hearing record now before the Commission in the above entitled matters.

To date, the intersystem billings for fuel conservation services rendered have been under a series of differing rate schedules as the supplying utilities, generating or transmitting, may have had on file with the Commission at the time services were physically initiated or as such schedules may then have been proposed to the Commission for fuel conservation power and energy transfers. Throughout these proceedings, there has been general recognition by all systems that the billings and classifications of power and energy—as delivered from the midwestern and southeastern regions to the Middle Atlantic, New York and New England regions—were tentative, and subject to readjustment upon the Commission's conclusion of the rate determinations here before the Commission.

With the application of the settlement rates and charges to the actual deliveries of fuel conservation services rendered on and after January 1, 1974, there will be refunds approximating $730,000 to the New England Power Pool utilities, approximating $700,000 to the New York Power Pool utilities and approximating $700,000 to the Pennsylvania-New Jersey-Maryland Interconnection companies.[4] The precise dollar refunds to each utility will be ascertained, based upon the classification of the electric power and energy transfers according to electrical control area dispatching center operating data. The Commission's action in accepting the settlement rates and charges will result in refunds which the Commission could not order under its refund powers of the Federal Power Act, Section 205, 16 U.S.C. 825d. Accordingly, it must be recognized that this action will result in the lowest rates legally permissible to the particular services here under consideration.

The cost allocation methods, as reflected in the settlement rates and charges, recognize basic physical operating factors associated with the fuel conservation power and energy transfers which took place. For example, this type of service was operationally planned at the Commission's conference staff recommendation at the commencement of the public conference sessions: To be rendered up to a pre-determined number of hours per week, primarily from coal-fired base load steam-electric generating plants; to be transmitted by displacement through intervening electric transmission facilities connecting the midwestern and southeastern regions with the Middle Atlantic, New York and New England regions; and to be in such amounts of residual oil equivalents as the Commission's staff was then recommending to the Federal Energy Office, as reduced residual oil allocations for the eastern seaboard electric utilities under the petroleum allocation responsibilities of that Office. See conference Staff Recommendations, Revised April 12, 1974. See Federal Energy Office Rules and Regulations, 10 CFR, Chapter II, Part 211. Nighttime hours and weekend periods were adopted for these transfers to meet electrical load-capacity and other operating conditions upon the respective systems of the receiving utilities; electrical generating and operating conditions upon the systems intervening between the originating and receiving systems; and electrical generating and operating conditions upon originating (supplying) systems.[5] Recognizing that we are here looking at pre-scheduling and power supply from identifiable units, and not the supplier overall system demand, we do not apply the cost allocation methods which utilize off-peak system demand ratios. This is not to say that we might not in other circumstances apply such ratios.

In short, these particular fuel conservation power and energy transfers were designed to accomplish a transfer of eastern seaboard electric utility customer demands to electric generating resources in the midwestern and southeastern regions. They were accomplished through the mechanism of the existing electrical facilities, power pools and electric reliability councils, all in coordination with state public service commissions and Federal Power Commission staff personnel who participate in the Commission's adequacy and reliability program pursuant to section 202(a) of the Federal Power Act, 16 U.S.C. 824a(a).

The proposed rate schedules and supplements (designated in Appendix A) take the form of both new tariff (unilateral) rate filings and amendments to existing two-party agreements. The single-party tariff filings[6] provide for substantially similar service to the two-party agreement filings. Both forms of schedules, in most instances, provide for two types of services: (1) Supplying fuel conservation service from in-system generator units, including delivery of this service to that system's border; and (2) transmitting this service through displacement by third parties. In both forms of schedules, the respective parties can be either Seller or Buyer of energy generated and/or transferred.

The respective supplying and transmitting systems submitted cost data and

[3] The Commission's Deputy General Counsel and the Commission's Chief, Bureau of Power, were designated by order of the Commission issued January 11, 1974, Docket No. E-8589, *supra*, to conduct the public conferences which were held in respect to fuel conservation power and energy.

[4] These groups of power pool utilities are referred to throughout this order as NEPOOL, NYPP and PJM, respectively.

[5] Power and energy transfers through the interconnected alternating current system networks of the Nation's electric utilities is accomplished by a series of physical actions of over-generation or under-generation in electrical control regions. The process is controlled through electrical dispatching centers employing continuous circuitry control, communications and monitoring procedures. Each area has substantial amounts of custom designed equipment and highly specialized personnel to effect these controls. Interconnected operating conditions are dynamic and the ability of any system to transfer power and energy to another is dependent upon system operating conditions at that time. Such electric energy displacement is related to many factors, including the location of generators, the location of load centers, the voltage, conductor spacing, conductor size and length of transmission lines. Without continuous coordination among electrical dispatch centers, electrical instability will likely occur, and the reliability of interconnected power systems can not be maintained.

[6] Commonwealth Edison Company, Ohio Edison Company, Louisville Gas and Electric Company and Pennsylvania Power Company.

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analyses which, in a number of instances, show that costs—as allocated and which we accept for purposes of this case—exceed the settlement rates reflected in the respective filed rate schedules and that in no instance do the settlement rates exceed the respective allocated costs, as shown by the record here before the Commission. The rationale and the cost components underlying the proposed settlement rates follow two general patterns:

A. In system energy charges to cover generation and transmission to the purchasing entity's delivery point or points, generally including all out-of-pocket or incremental (variable) energy replacement costs, including the replacement price of fuel, plus an allocated portion of the supplier's fixed costs (depreciation, taxes and return) on its production and transmission plant used to accomplish the deliveries. The allocation of the fixed costs is a ratio of the reserved hours/week of fuel conservation power and energy to the total hours in a week, e.g., 72/168;

B. Transmission or displacing system charges to cover the displacement transmission action, generally including that system's out-of-pocket or incremental (variable) costs, including the cost of make-up power to cover electrical losses, plus an allocated portion of the fixed costs (depreciation, taxes and return), on its transmission plant used to accomplish the deliveries. The allocation of the fixed costs is a ratio of the reserved hours/week of fuel conservation power and energy to the total hours in a week, e.g., 72/168.

Generally, the fixed charges are stated in the form of demand rates for both generating capacity and transmission capacity so reserved, i.e., on the basis of cents per kilowatt-week (72 hours per week, available during nights and Sundays) for the generating or transmission capacity so reserved. In some instances, an equivalent demand rate appears as an energy charge in mills/kwh.

The settlement rate levels for in-system power and energy (paragraph A. above) may be summarized as follows. Thirteen of the two-party agreements include rate schedules with demand reservation charges for in-system power at 20¢ per kw-week for 72 hours service per week.[7] Energy in these 13 rate schedules (except for Public Service Company of Indiana and Louisville Gas and Electric Company) is priced at 110 percent of the out-of-pocket energy replacement costs. Commonwealth Edison Company's filed rate specifies a demand reservation charge of .133¢ per kw-week (56 hours availability per week). No other utility includes a demand reservation charge in the subject filings. However, eight of the other utilities' schedules, in addition to out-of-pocket costs (essentially cost of generation), include a facilities charge per kwh to recover fixed plant costs and losses. A three mills per kwh facility charge is included in six of these eight two-party schedules.[8] Ohio Edison Company's tariff filing includes a 2.5 mills per kwh facilities charge while Duke Power Company's tariff filing includes a 2.75 mills per kwh facilities charge.

The settlement transmission rates (paragraph B. above) covering power and energy generated by others, in addition to out-of-pocket costs, includes a demand reservation charge of 12.5¢ per kw-week in seven rate filings.[9] The 12.5¢ reflects allocated fixed costs and losses. All other transmission rates include a fixed charge per kwh which, in most cases, includes an allowance for losses. A 1.75 mill per kwh charge for transmission service, which includes a loss allowance, is proposed in four of the rate filings.[10] Duke Power Company and Ohio Edison Company each include a 1.5 mill per kwh charge in its tariff. However, losses are an extra charge in the Duke Power filing. A two mill charge, including a transmission loss allowance is included in two two-party filings.[11] Cleveland Electric Illuminating Company includes a 1.25 mill per kwh charge for transmission service, including losses. Unlike the previously listed systems, two filings specify a recovery of the demand and energy charges the Seller paid its supplier plus 110 percent of all other costs.[12]

The application of these settlement rates and charges to the amounts of power and energy transferred from the supplying utilities to the receiving systems (Appendix A) will result in charges at the production level (paragraph A. above) ranging from six mills/kwh to 12 mills/kwh, depending upon the generating utility source; and in charges at the transmitting or displacing level (paragraph B. above) ranging from one to two mills/kwh for each major power system or power pool area. Attached Appendix C is a map showing the Operating Power Dispatch Areas, Eastern United States.

Viewed as part of an overall fuel conservation program, fuel conservation transfers are not readily predictable. We believe it is in the public interest to accept the settlement rates and charges for the reasons set forth in this order. The variable or incremental costs are those allocable to the services rendered. The allocated portion of the total charges attributable to fixed costs, with respect of the production level, is from 2.5 to 3 mills/kwh, and approximately one mill/kwh with respect to the transmission level, after an allowance for losses.

In all cases, the settlement rates and charges are equal to or less than currently effective rates otherwise applicable to these generating services and power and energy transfers.

For purposes of this order, the Commission's analysis is that of testing the transmission rates and charges of the settlement proposals and as a part thereof we have reviewed the individual utility allocated system transmission costs. Also, we have considered the elements of the loss allowance. The record contains substantial commentary on this point. We find, however, the allocated costs support the projected unit transmission revenues of the particular systems under the settlement rates and charges, regardless of any allowance for losses.

We accept the position expessed in the utilities' rate filings and in their comments filed herein, and we find that the resulting respective revenues available for return on invested capital—based upon the proposed settlement rates—are not in excess of those amounts which the filing utilities could justify upon the basis of a full cost of service study, were we here undertaking to prescribe the system rates of return of each of these utilities.

The allowance for electrical losses, as reflected in the settlement rates and charges, are reasonable approximations which we accept for purposes of this order. They are not metered actual losses but, rather, loss approximations based on informed judgments utilizing load flow analyses of intersystem and intrasystem conditions which could be anticipated under power and energy flows from the midwestern and southeastern regions to the Middle Atlantic, New York and New England areas. The load flow study analyses were conducted by a technical advisory committee of the National Electric Reliability Council and they have been reviewed by the Commission's technical engineering staff.

It is an accepted practice of system interconnected operation to measure loss equivalents through an analytical process as was employed in this instance. For economic reasons, detailed metering instruments are not installed to measure actual losses on the myriad of individual transmission lines that are employed in transferring the power and energy either inter- or intra-system. Through load flow studies, overall losses are approximated and individual system conditions are then projected to experience losses in that relative amount.

In this instance, an overall 10 percent transmission systems loss factor was presented for Commission analysis purposes. The Commission believes that the load flow analyses developed for this particular type of intersystem power transfer provides a factual reference of the 10 percent loss factor. These case analyses are of more probative value for the approximation of losses than statistical averages of system losses.[13]

Normal flows in a power supply transmission network are from a generating station to the ultimate consumer at a load center or to pumped storage facilities. This normal flow is referred to as the transmission bias. With the increasing use of transmission facilities for the transfer of power outputs from mine mouth and other large base load generation, and the operation of pumped storage facilities, transmission loads on major interconnecting transmission lines may not materially change between day and nighttime or week and weekend periods. As available data show, the transmission line bias to be encountered in the displacement of fuel conservation power and energy is not a condition of light loading of transmission facilities during nighttime and weekend periods. On the contrary, the scheduling of fuel conservation power and energy from base load fossil-fired electric generating plants in the midwestern region tends to increase electrical losses in the eastern region, particularly in the Middle Atlantic and New York areas. Replacement fuel costs, to make up for transmission line losses, vary from system to system. Moreover, during the winter period here under review, these costs were steadily increasing, especially along the eastern seaboard, under the pressures of the Arab oil embargo.

For the purposes of this order and these particular fuel conservation power and energy transfers, we accept this method of approximating the loss allowance.

Objections. The opposition to the settlement rates and charges is reflected in positions taken by intervenors, City of Richmond, Indiana, Congressman Michael J. Harrington, the Commission's Chief, Office of Economics, and "Interested Parties", Cities of Crawfordsville, Frankfort, Logansport, Peru and Washington, Indiana.[14] As shown by the record here before us, each of the foregoing rulemaking participants advances a type of incremental cost ratemaking argument by which they would establish rates and charges for fuel conservation power and energy. For reasons set forth in this order, we accept the settlement rates and charges and the cost allocations therefor.

The several incremental cost ratemaking theories advanced by the foregoing participants, who oppose the settlement rates and charges[15], and by NEPOOL, which address the theoretical questions[16], are being set forth, along with other theories, as subject matters of a proposed rulemaking proceeding leading to the establishment of generally prestated ratemaking principles under which this Commission would test future inter-regional transfers of power and energy to meet regional or national fuel shortage conditions affecting electric utilities. The rulemaking notice, issued concurrently herewith, contemplates that under such pre-stated ratemaking principles, utility systems would know how the Commission would undertake to administer its emergency authority pur-

[7] Central Illinois Light Company-Illinois Power Company, Illinois Power Company-Indiana & Michigan Power Company (AEP), Central Illinois Public Service Company-Indiana & Michigan Power (AEP), Detroit Edison Company-Indiana & Michigan Power Company (AEP), Consumers Power Company-Indiana & Michigan Power Company (AEP), Indianapolis Power & Light Company-Indiana & Michigan Power Company (AEP), Northern Indiana Public Service Company-Indiana & Michigan Power Company (AEP), Dayton Power & Light-Ohio Power Company (AEP), Columbus & Southern Ohio Power Company-Ohio Power Company (AEP), Virginia Electric & Power Company-Appalachian Power Company (AEP), Monongahela Power Company-Ohio Power Company (AEP), Wisconsin Electric Power Company-Commonwealth Edison Company, and Louisville Gas & Electric Company-Public Service Company of Indiana.

[8] Carolina Power & Light Company-Virginia Electric & Power Company, Carolina Power & Light Company-South Carolina Electric & Gas, Virginia Electric & Power Company-Monongahela Power Company, Virginia Electric & Power Company-PJM Companies, Allegheny Power System Companies-PJM Companies, and Duquesne Light Company-West Penn Power Company

[9] Dayton Power & Light Company-Ohio Power Company, Columbus & Southern Ohio Power Company-Ohio Power Company, Indianapolis Power & Light Company-Indiana & Michigan Power Company, Central Illinois Public Service Company-Indiana & Michigan Power Company, Central Illinois Public Service Company-Indiana & Michigan Power Company, Northern Indiana Public Service Company-Indiana & Michigan Power Company, Consumers Power Company-Indiana & Michigan Power Company, and Detroit Edison Company-Indiana & Michigan Power Company.

[10] Public Service Company of Indiana-Indiana & Michigan Power Company, Virginia Electric & Power Company-PJM Companies, Allegheny Power System Companies-PJM Companies, and Allegheny Power System Companies-Virginia Electric & Power Company.

[11] Carolina Power & Light Company-Virginia Electric & Power Company, and Carolina Power & Light Company-South Carolina Electric & Gas Company.

[12] Commonwealth Edison Company, Wisconsin Electric Power Company-Commonwealth Edison Company.

[13] Suggestions set forth in the Comments of Richmond and others that the filing utilities are seeking a 40 percent loss factor misinterpret the analysis and filings. The Commission does not adopt any such loss allowance. Individual system facts vary and are so recognized. Nevertheless, an arithmetical example expressing the loss relationship is helpful to an understanding of the analysis employed by the conference staff. For example, with a replacement fuel cost of 15 mills/kwh, and a five percent transmission system loss, the calculation would justify a transmission "loss allowance" of .75 mills/kwh. Alternatively, a replacement fuel cost of 7½ mills/kwh and a loss of 10 percent would also justify a transmission "loss allowance" of .75 mills/kwh. The Commission directs certain additional rate schedule filings with respect to the electrical loss matter, ordering paragraph (G) infra.

[14] These Cities are not intervenors in these dockets and they do not request intervention. Their May 20 submittal is labeled as a "Statement In Response To Request For Comments." The Statement provides as follows (p. 4): "Cities do not desire to presently participate in the proposed fuel conservation energy transfer arrangements."

[15] The Commission's Chief, Office of Economics, states (Reply Comments, pp. 1–2): An examination of the various cost justifications indicates that they all include a pro rata portion of the fixed costs for production plant and transmission facilities. As argued in our initial comments on May 17, 1974, we believe that pro rata costs cannot be justified for an offpeak power service of the type contemplated in the "fuel-by-wire" program ordered by the Commission in Order No. 496 (November 29, 1973). If the Commission were to approve the proposed Fuel Conservation Rate Schedules based on these overstated costs, it would risk frustrating the essential purpose of the new service, which is to mitigate the effects of oil and natural gas shortages on the Nation's electric utilities.

The City of Richmond states (Comments, p. 5):

(ii) that the Commission determine generation supplier rates on the basis of incremental replacement costs plus such adder as will contribute to fixed costs and return to the extent the Commission determines necessary to maximize the flow of conservation energy consistent with objectives of the national program;

(iii) that the Commission authorize an alternative generation-supplier pricing mechanism, the 50–50 split of the savings between the incremental supplier costs and the decremental user costs; [footnote omitted] • • •

(v) that the Commission determine and direct the establishment of through off-peak transmission rates for utilities transmitting conservation energy, consisting of incremental transmission costs;

Congressman Harrington states (Comments, p. 5):

One, the FPC should promulgate guidelines regarding transmission surcharges. Utilities along the transmission route should certainly be entitled to recover 100 percent of the actual costs involved in the energy transfer. In addition, they should be entitled to a reasonable profit. This profit margin should be determined on a percentage basis by the Commission, not by the utilities themselves through negotiation. The rate should be one that legitimately reflects the economic cost of the transmission, but is not so high as to discourage otherwise efficient energy transfers.

Interested Parties, Cities of Crawfordsville, et al., state (Statement, p. 4):

• • • but Cities strongly believe that any arrangements approved by this Commission in the present docket should insure; (1) that all compensation for such transfers be strictly justified on a cost of service basis • • •.

[16] The Reply Comments of NEPOOL state (Comments, pp. 5–6):

As we emphasized in our prior comments, the NEPOOL Participants believe that as a matter of ratemaking theory, incremental cost rates are an appropriate basis for fuel shortage service charges. Thus, to the extent that the Office of Economics Comments are limited to the charge to be made for service furnished to alleviate a genuine situation of actual or prospective fuel shortage, the NEPOOL Participants have no basic disagreement with the theoretical analysis expressed in the Comments.

It has been the understanding of the NEPOOL Participants that the fuel conservation energy program was initiated by FPC and FEO as an adjunct to the residual oil allocation program and that it was designed to meet an oil shortage emergency and not the economic problem of high fuel costs. See Section II.A. above. If a similar program were initiated to meet the economic problem of high fuel costs, the NEPOOL Participants believe that quite different ratemaking principles would then be appropriate. They would emphasize, however, that the economic effect of the fuel conservation program on New England was to increase rather than lower New England costs and that there is nothing in New England's experience with the program which would indicate that a new program with economic objectives should be instituted. While New England clearly has a very burdensome problem of high fuel costs, the NEPOOL Participants would urge that other and more substantial measures be taken to meet that problem. [Footnote omitted.]

The NEPOOL Participants believe that however meritorious incremental cost rates may be in theory for fuel shortage emergency service, experience with the fuel conservation energy program amply demonstrates that such a program is likely to be greatly facilitated if, as Congressman Harrington suggests, a "reasonable profit" is provided to those system which are asked to provide generation or transmission service.

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suant to section 202(c) of the Federal Power Act, if called upon to act under that authority by reason of an electric utility fuel emergency occasioned by petroleum, coal or other fuel emergency conditions.

For purposes of testing the rates and charges for the fuel conservation power and energy transfers here before the Commission (the approximate 820,000 mwhs), we do not accept the position that these electric transfers were of such nature that no allocation of fixed costs of production and transmission is justified. These flows were pre-scheduled, they were designed to replace generating capacity on the receiving systems for which the petroleum fuel oil allocation cuts were directed by the Federal Energy Office at the recommendation of the Federal Power Commission staff, and they were utilized to displace such capacity. As described above, the allocated operating and fixed costs of the respective utilities are the appropriate means upon which to determine the lawfulness of the cost-revenue relationship of the settlement rates and charges, on facts and circumstances here before the Commission.

In addition to rate questions, the City of Richmond and Congressman Harrington raise other objections to the settlement rates and charges. In effect, they ask the Commission to establish area-wide wheeling or transmission rates and to direct the companies to perform those services as "common carriers", generally across several states from the Mississippi River to the Atlantic; that the Commission order revisions in the methods and procedures by which electrical control areas (power pools) coordinate and dispatch electric generation and operate the transmission facilities, intra-area and inter-area, all in a manner that would permit any electric system to contract with any other in the Nation, for the purpose of scheduling bulk power transactions between the two, utilizing intervening systems at will to displace or wheel such energy (Richmond conceives of this as a "spot market" in electric bulk power supply); that the Commission resolve the contractual purchase arrangement between the City and Indiana & Michigan Electric Company whereby Richmond would sell for resale fuel conservation energy to any system which wished to purchase. Richmond urges that the Commission must resolve, as a part of the rate proceeding, all of the anticompetitive conduct issues which it has raised; that the Commission should convert the Order No. 496 coal-by-wire program from a voluntary procedure utilizing the existing power pools, reliability councils and Federal-state commission cooperative procedures, into Richmond's electric spot market concept; directed by the Commission; and that the Commission should, in the administration of the Order No. 496 coal-by-wire program, direct the movement of power supplies inter-regionally upon a long-term basis, so as to conserve oil and gas, temper fuel oil prices and put the basic impact of electric utility fuel supplies upon midwestern, southern and western coal stocks. The underlying policy positions of Congressman Harrington and Crawfordsville, et al., are similar to Richmond's.

These proceedings are not ones in which we are properly called upon to resolve broad questions of resource allocation, industry pooling structures and operating procedures, all as raised by the foregoing contentions. These fuel conservation power and energy transfers were consummated at the Commission's request to meet physical fuel shortfall conditions, not to affect economic conditions. The Commission contemplated that these transfers would be accomplished within the framework of the existing power pools and electric reliability councils. An explanation of industry operational structure and practices, as they presently exist, will be helpful to an understanding of why we do not, and can not, accept the spot market concept of Richmond. That explanation follows infra.

We agree with the comments of a number of conference participants, filing electric utility systems, state commission personnel, the FPC's conference staff and other conference participants. These proceedings are rate hearings to determine the prices for services already rendered upon a voluntary basis to meet a specific problem—residual oil shortages along the Atlantic coast occasioned by the Arab oil embargo of 1973.

Legally, the Commission has determined that it lacks the jurisdiction to order wheeling or displacement of energy under its "public utility" regulatory jurisdiction. See for example, Order Denying Rehearing, Southern California Edison Co., issued June 5, 1974, Docket No. E–8570. Interstate electric utilities are not common carriers under the Federal Power Act. See Otter Tail Power Co. v. U.S., 410 U.S. 366, 375–6 (1973).

The spot market concept of Richmond for wholesale electric transactions presupposes legal authority under the Federal Power Act to direct electric systems to operate as power wheeling, displacement common carriers, which they are not. Moreover, even if the Commission possessed the requisite regulatory authority to direct those changes, the operational and electrical dispatch changes which would be required to implement a Nation-wide spot market in bulk power supply, can not be performed by the electrical control and operating equipment which is now in place and operational in the various power pools and electrical control areas. The Commission's emergency authority to direct power and energy transfers—not exercised in this instance because the Commission did not find the prerequisite emergency—would necessitate the use of this same in-place equipment.

Any physical restructuring of a power pool or system dispatch organization would necessitate extensive engineering studies of existing facilities and establishing requirements for new control facilities. New detailed operating procedures would be required, as well as the development of many trained system operations personnel. Following these actions, it would be possible to establish new electrical divisions to control the Nation's interconnected electrical networks, however, new hardware and control equipment would have to be procured. A power supply system can not operate reliably without highly technical controls. Unless proper controls and procedures are in use in a power pool, there will be system disturbances or blackouts on a regular basis.

The electric power supply systems in the eastern, southern and midwestern regions of the United States normally operate together in a synchronous manner to form a series of large interconnected electric power grids. Geographically, these interconnected systems extend from Maine to Florida and inland as far as Oklahoma, Nebraska and the Dakotas and include most power facilities in seven of the nine electric reliability councils. The far western states tend to operate as a separate series of power grids with weaker ties to the East. The interconnected systems in most of Texas operate as an electrically isolated power grid. Ownership of components of these systems is divided among investor owned utilities, agencies of the Federal Government and various publicly owned utility organizations and cooperatively owned systems. System reliability is accomplished under this Commission's administratively established adequacy and reliability program pursuant to section 202(a) of the Federal Power Act, and Order series 383, the latest being Order No. 383–3, 49 FPC 700 (1972). This program is voluntary, but it is the policy of the Commission that all electric systems shall have the opportunity to participate in the adequacy and reliability matters consistent with their needs. See Order series 383.

Development of these power supply systems has been in an orderly manner; load growth, equipment, fuel, sites and economic principles being major factors in determining the type and location of facilities to be constructed. The supply of electrical energy to the consumer is, in general, by a utility operating in a designated service area. Growth of load within such service area requires facility expansion since each utility is normally required to supply all load in its territory. This requirement causes area planning of facility expansion to be a major function of electric utility organizations, not the electric loads of another area or to operate an electric system as a transport or common carrier. Planning involves specifying facilities to supply the maximum expected load on a particular system.

Economic and reliability considerations make it desirable to interconnect these individual service areas. System interconnections are generally of mutual benefit for the interconnecting parties, provided there is required coordination of operations between such systems. Generally, electric utilities throughout the country operate their systems in this manner. Power pools are formed primarily for economic and reliability reasons and operate within the framework of adequacy and reliability factors. A power pool or a large operating utility employs a considerable amount of highly sophisticated control equipment, which is custom designed for its particular application and is the result of lengthy planning, specification and ordering periods. A major change in power pool dispatching or in system operations requires considerable lead time so that the proper control equipment can be ordered and installed.

Operation of an electric power system, whether on a power pool or on an owner-organization service area basis, normally employs a balanced net planned interchange, i.e., zero net unplanned flows. This concept requires each operating organization to provide adequate generation to carry its own load, including any planned import or export power plus a designated reserve margin.

Control of a multi-unit interconnected electric power system in this manner is accomplished at system operations or dispatch centers. Communications to the power generating centers within the system and to the dispatch centers of adjoining organizations are a vital link in the operation of the power systems.[17]

Capacity and energy transfers between electric power systems are a function of the system operating condition at a particular time. To attempt any transfer of capacity or energy through other than these dispatch communication channels is an invitation to a system blackout or other major system disturbance. This is true because power system conditions are dynamic and subject to many internal and external forces which could require major system adjustments. These adjustments require detailed knowledge of the involved system and some knowledge of the interconnected systems.

Anticompetitive allegations of Richmond and Congressman Harrington do not alter these physical facts or the legal constraints by enlarging the statutory authority of the Commission to direct public utilities to conduct wheeling, displacement or common carriage operations. Administrative agencies do not gainsay statutory limitations through the procedural means by which objections are framed. The anti-competitive objections which the City and Congressman Harrington urge to the settlement rates and charges incorrectly assume we possess such authority.

As noted supra, Order No. 496, by its terms, is a voluntary program. It was created to meet the supply conditions of the Arab oil embargo and not to equalize fuel costs or to change basic long-term fuel supply arrangements. The Commission, as a part of that program, directed its staff to work with the pools, councils and state commissions on a cooperative procedure basis. The conference staff did so, and that is basically how the 819,930 mwhs were moved to the East Coast this past winter with an associated oil saving of over a million barrels of residual oil.[18]

The Commission has not found an "emergency" within the meaning of section 202(c) of the Federal Power Act as requested by NEPOOL's petition in Docket No. E–8589. The Commission is not acting pursuant to its emergency authority in this order.

The proffered settlement rates and charges have been tendered pursuant to the Commission's normal interstate rate regulatory authority, sections 205, 206, 16 U.S.C. 824d, e, over public utilities.[19] NEPOOL, the originator of the section 202(c) proceeding in Docket No. E–8589, requests our approval of the settlement rates and seeks to terminate that, and all other litigation in the above dockets, as do the other pools, affected electric utilities and state public service commissions.

The anticompetitive issues raised in these proceedings spring from the aforementioned contractual dispute between Richmond, Indiana, and Indiana & Michigan Electric Company and offers by the City to sell fuel conservation power to the company or others. From that initial dispute, the City, and to some degree Congressman Harrington, presents a series of arguments directed chiefly against the American Electric Power (AEP) and Allegheny Power Systems (APS). The City claims these systems have engaged in illegal conduct in the alleged use of, or alleged withholding of, their electric transmission systems, and other alleged corporate conduct, including alleged actions of AEP in allegedly seeking to acquire Columbus and Southern Ohio Electric Company and Toledo Edison Company. The City's Comments state, at p. 54: "In addition, in view of the fact that blockages appear to have occurred within the two public utility holding company systems, AEP and Allegheny, the attention of SEC should be called to whether there exists within these systems a concentration of control inconsistent with the public interest under the Public Utility Holding Company Act." The record offered by City and the affected utility systems is voluminous.

The remedies which Richmond seeks are for the Commission to direct (a) the establishment of a bulk power supply electric spot market throughout the Nation, through the operation of electrical systems as common carriers by means of wheeling and displacement; (b) the immediate supervision of electrical dispatch centers and electric transfer operational procedures to accomplish intra-regional and inter-regional power and energy movements under (a) above; and (c) governmental review of the structure and status of the aforementioned utility holding company systems, i.e., the Commission should become operator not regulator, of the electric industry.

Related to these arguments is Richmond's request for procedural relief filed May 3, 1974, for the issuance of a Commission order for the production of documents by American Electric Power System companies or for a subpoena. American Electric Power System companies oppose the procedural request in the above entitled proceeding, contending that the matters, if relevant (which it denies), are, or should be, resolved in the pending Indiana and Michigan rate hearing, Docket No. E–7740, now before Administrative Law Judge Fribourg and involving concededly factually related questions. Because of its broad concepts as to what the Commission should decide in these dockets, Richmond opposes consideration of its request in that forum.

Indiana and Michigan Electric Company (an AEP affiliate), has tendered an executed form of power purchase contract to Richmond, at rates Richmond offered (the settlement rates to which City now objects), but Richmond's apparent position is that its broad questions on restructuring the industry must be resolved first.

The record shows that although Richmond's May 20, 1974, Comments oppose the settlement rates and charges, by letters to AEP's Counsel, dated May 13 and

[17] As a basic indicator of adequate generation, a dispatch center monitors system frequency and seeks to maintain a constant 60 cycles. Over-generation will cause the frequency to increase while under-generation causes the frequency to decline. Controlling system frequency requires detailed coordination with adjoining power dispatch centers, since under-generation on one system causes electrical power flows into that system, to maintain stable system operations. As a part of this coordination, voltage and power flow are monitored at key locations on each system. Results of this monitoring program require technical interpretation by individuals with appropriate training and experience to obtain the exact operating condition of the electric power system. The current total system status exists at no other location. Operating procedures require that changes in total system status be immediately communicated to the system dispatch center via automatic monitoring devices or personal contact means.

[18] During the period January 1974–May 26, 1974, an aggergate of 819,930 mwh were generated by the participating systems and transmitted to PJM, NYPP and NEPOOL, largely through the interconnecting transmission lines of the Allegheny Power System, the American Electric Power System, the Carolina-Virginia Systems, the PJM Systems and the NYPP. The approximate split of energy was 50 percent to PJM, 25 percent to New York Pool and 25 percent to NEPOOL. Some of the transmission was accomplished through the CAPCO systems and the Ontario Hydro system. (See Appendix C.) Upon an aggregate basis, these mwh translate into approximately 1,320,000 bbls. of residual oil. Not all of this transmitted energy will ultimately be classified as "fuel conservation energy" when transmitted. There are some amounts of economy interchange and other classes of service. Other than through scheduling, it is basically impossible to separate fuel conservation energy from other energy going through tieline meters.

[19] The Commission's statutory authority to act in emergency situations pursuant to section 202(c) of the Federal Power Act is not limited to "public utilities" (i.e., interstate investor owned systems). The companion notice of proposed rulemaking, issued concurrently herewith, would apply to all types of utility systems however owned, investor owned, publicly owned or cooperatively owned, Docket No. RM75–3.

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June 11, 1974, its Counsel proposed energy supply (generating) rates for Richmond which are the same as many of the settlement rates filed by other utilities. This correspondence accompanies a motion of Indiana & Michigan Electric Company filed June 28, 1974, for inclusion of such materials in the record in this matter. The Company, in tendering to Richmond an executed form of contract to purchase fuel conservation energy from the City, employed those rates. The City has not, however, executed the contract. Richmond, by answer filed July 8, 1974, states "• • • agreement has been reached on a tariff and the parties are close to finalizing the accompanying agreement • • • such tariff makes an encouraging step forward; however, it does not resolve most of the issues raised" in the City's comments.

Also included within that filing is a June 18, 1974, letter of the Chairman of the Indiana Public Service Commission indicating that the Indiana Commission has wholesale rate regulatory jurisdiction under Indiana law over Richmond, Indiana. A substantial amount of the controversy between the Company and Richmond on the conference record concerns the "requirements of Indiana law" under which the City would qualify itself to sell fuel conservation energy to Indiana & Michigan Electric Company or any other system. According to the Indiana Commission Chairman, Indiana State public utility law provides for State regulation of municipally owned utilities within Indiana. The City is not subject to the regulatory jurisdiction of this Commission as a "public utility" under the Federal Power Act, section 201(e), 16 U.S.C. 824(e).

For legal reasons set forth supra, the Commission can not order "public utilities" [2] to operate their systems as common carriers by means of wheeling and displacement. The Commission does not regulate as "public utilities" any publicly owned electric system or cooperatively owned electric system which is a borrower from the Rural Electrification Administration. See 16 U.S.C. 824(f); Dairyland Power Cooperative, 37 FPC 12 (1967); Salt River Project v. Colo. Ute Elec. Asso'n, Inc., 37 FPC 68 (1967), affirmed sub nom., Salt River Project Agr. Dist. v. FPC, 391 F. 2d 470 (CADC), cert. denied sub nom., Arkansas Valley G & T, Inc. v. FPC, 393 U.S. 857 (1968).

For electric operational and reliability reasons, the Commission would not direct the type of electric bulk power spot market operation which City seeks, even if the Commission had the statutory authority to do so. There is not now in existence the types of electrical control procedures and equipment which would be required to accomplish such result. Moreover, there are now established and functioning several thousand wholesale rate schedules by which electric utility systems buy, sell and interchange power and energy largely within, through or among power pools. The interstate wholesale services of "public utilities" are regulated by this Commission under well understood legal and administrative procedure. See sections 205 and 206 of the Federal Power Act.

Under other present regulatory requirements as described supra, electric utilities coordinate bulk power supply for adequacy and reliability purposes, i.e., pursuant to Federal Power Commission Order series 383. That administratively established program comports with the regulatory standards of section 202 of the Federal Power Act, and those standards do not charge the Commission with the duty of directing the supervision of electrical dispatching centers. That is a utility operational responsibility.

The requirements of the Federal Power Act compel utilities to discharge their public service operational responsibilities within the legislative policies and standards of the Act, but they do not substitute the Commission for utility managements. Richmond's proposals would have that substantive effect.

This Commission does not administer the Public Utility Holding Company Act, 49 Stat. 803. To the extent that Richmond and Congressman Harrington raise challenges to the status and functioning of the American Electric Power and Allegheny Power Systems as "holding companies", those questions are being brought to the attention of the Securities and Exchange Commission and the Department of Justice, through service of copies of this order. The fundamental power purchase contractual dispute between Indiana & Michigan Electric Company and Richmond, Indiana, from which all of the subject anticompetitive claims arose, appears now to have been resolved upon a negotiated basis by those parties, or to be resolvable upon such basis, considering the resolution which we here make of the broader issues raised by the City.

The Commission believes that these two directly affected contractual interests should have the opportunity to fully consider their respective positions in light of this order, and for each to have the opportunity to seek further Commission consideration and resolution of any remaining unresolved issue within the Commission's regulatory jurisdiction.

This order provides for the reporting to the Commission, within 20 days hereafter, by Richmond and Indiana & Michigan Electric Company, as to all matters then resolved and unresolved relative to City's sale of fuel conservation power and energy to the Company for resale and delivery to other systems seeking such service. If there are then outstanding unresolved issues within the Commission's regulatory jurisdiction, they will be set for hearing by a future Commission order. Accordingly, Richmond's request of May 3, 1974, for the production of documents or subpoena is denied hereinafter, but without prejudice to City's right to renew that request as a part of its report to the Commission hereafter. Any such request will be referred to the Administrative Law Judge for action by him in the first instance.

Fuel Supply and Overall Purposes. The implementation of fuel conservation power and energy services, as provided herein, will serve the purposes of the Federal Power Act, 16 U.S.C. 791(a) et seq., and the public interest, as set forth in Commission Order No. 496. By means of such transfers, approximately 820,000 mwhs. of fossil-fired electric generation in the Middle Atlantic, New York and northeastern regions of the Nation were displaced by non-oil and non-gas fired midwestern and southeastern generating units, with a consequent savings of approximately 1.3 million barrels of residual fuel oil.

The Federal Power Commission's staff monthly recommendations to the Federal Energy Office during the winter period 1973–74, relative to residual fuel oil requirements of electric utilities, reflected an assumed use of non-oil fired electric generating capacity. See Federal Power Commission Order No. 497, issued December 7, 1973, 36 FR 34318; FEO rules and regulations, §§ 211.123 and 211.163, 10 Code of Federal Regulations, Chapter II, and Commission Order No. 497–A, issued April 5, 1974, 39 FR 13529. The subject electric transfers are the summation of that activity from January 1974–May 1974.

There are limits, however, as to fuel-by-wire transfers. As the record shows, the sharply rising price of coal and its availability became matters of increasing concern to the coal burning electric systems. This concern is reflected in the conference record through positions taken by the affected potential supplying utilities, state regulatory commissions in such states and industrial customers served by those electric systems. The ability of coal burning utilities to supply fuel conservation services is dependent upon fuel supply inventories and the ability to replenish coal stocks burned for this purpose. The proffered fuel conservation power and energy rate schedules are appropriately stated to reflect the replacement cost of fuel and the Seller's commitment is limited by his fuel availability and his willingness to deplete fuel stocks, recognizing its individual public service responsibilities.

This Commission's Order No. 496 anticipated the potential development of such problems and our notice of proposed rulemaking in Docket No. RM75–3, issued concurrently herewith, undertakes to deal with future conditions under which emergency power and energy transfers may be required pursuant to Commission order under section 202(c) of the Federal Power Act.

Pursuant to staff's recommendation, as set forth on the conference record here before us, we hereby request utilities in the Middle Atlantic, New York and northeastern regions and elsewhere throughout the Nation, to continue to develop appropriate rate schedule supplements for the generation of electric energy as they may be capable of generating hereafter to help coal burning region utilities should the latter experience fuel supply emergencies. The forthcoming expiration of numerous coal mine labor employment contracts and the prospective labor negotiations involving coal mining operations, make these activities a matter of first importance to public service considerations. There are also prospective labor negotiations in the petroleum refinery sector of the economy. Mutual assistance arrangements from region-to-region are a logical development of the policies of interconnection, power pooling and coordination, all as referred to in Order No. 496. Staff's continuing responsibilities for the administration of Order No. 496, embrace this request.

For past periods, and the then extant fuel supply conditions, we are satisfied that the terms of the fuel conservation transfers here before the Commission did serve the interests of producing and consuming systems, their ultimate consumers and state and Federal regulatory concerns.

Looking to the future, we agree with a basic point of General Motors Corporation as set out in the record here before us—there is need for continuing surveillance of fuel conservation power and energy transfers in relation to electric fuel stocks and fuel supplies. Established reporting and regulatory procedures of the Commission accomplish that objective. The Commission's Bureau of Power is now engaged in a Nation-wide review of electric utility fuel supplies, all as set forth in the notice of proposed rulemaking in Docket No. RM75–3, issued concurrently herewith. Relevant data are now developed through existing report forms of the Commission. These report forms are as follows:

FPC Form 1. Annual Report—Electric.
FPC Form 4. Monthly Power Plant Report.
FPC Form 12E–1. Monthly Power Statement, Monthly Supplement to Power System Statement, FPC Form Number 12.[1]
FPC Form 23. Monthly Electric Utility Generation and Fuel Planning Report.
FPC Form 23A. Quarterly Electric Utility Generation and Fuel Planning Report.
FPC Form 237A and 237B. Weekly Fuel Emergency Report.
FPC Form 423. Monthly Report of Cost and Quality of Fuels for Steam Electric Plant.

Additionally, Commission Order No. 331, 36 FPC 1084, (1966), requires utilities to report outages to the FPC where 100 mw or more of load is lost or where one-half of system is involved. This same order requires reporting of all curtailments and voltage reductions to the FPC. Established policies of this Commission in relation to electric utility contingency planning procedures are set forth in Commission Order No. 445, 47 FPC 75 (1972).

The foregoing reports are used by the Commission and its staff in discharging the Commission's regulatory responsibilities. The data also are used by the FEA and other agencies of Federal and state government. Their existence and availability should be highlighted for the use of the general public. As a part of their recommendations in this proceeding, conference staff proposes that the Commission's Office of Public Information issue, as a monthly public news release, the total amounts of energy transferred into and from each party named as a supplier in this proceeding. This general concept will be implemented through a monthly press release. Similar data for the previous year will be included in this press release for comparative purposes.

In our judgment, further monthly reporting procedures, as suggested by General Motors Corporation [2], are not necessary at this time to serve the purposes which the Company seeks. The interests of General Motors Corporation are protected in the established report forms and publicly reported/ data. The Commission's Office of Public Information will assist all members of the general public in securing prompt access to the reported data.

Effective dates. In response to the request of Commission Order No. 496, the electric utilities here before the Commission supplied fuel conservation services recognizing that the question of rates and charges would ultimately be determined by the Commission. Those services have been rendered from time-to-time. Application of the settlement rates and charges, as currently proffered, will necessitate the assignment of appropriate effective dates for fuel conservation services as of January 1, 1974, or the respective date of commencement of service, whichever date first occurred. In some instances, these rate schedule adjustments will produce refunds of sums formerly billed. Action in this order to permit these changes is consistent with the purposes of the Federal Power Act and is in the public interest. Various of the fuel conservation power and energy rate schedules here before the Commission are not in final physical format or accompanied by the filing fee as specified in the Commission's Regulations under the Federal Power Act. A term of this order requires that submission of appropriate substitute filings be completed within 20 days hereafter, satisfactory to those Regulations.

Acceptance of Settlement Proposal. It is the Commission's statutory duty to consider and evaluate the settlement rates and charges. Pennsylvania Power and Water Co. v. F.P.C., 463 F. 2d 1242, 1250–1251 (CADC, 1972), citing cases. Southern California Edison Company, 49 FPC 717, 718 (1973). We have done so upon a factual and procedurally sufficient record. See notice of settlement supra, and authorities there cited; American Public Gas Association v. FPC, et al., ---- F. 2d ---- (CADC No. 71–1812, decided May 23, 1974); City of Huntingburg, Indiana v. FPC, et al., ---- F. 2d ---- (CADC No. 72–1890, decided May 6, 1974). The proffered settlement rates and charges for fuel conservation power and energy services in the above entitled proceedings have been factually supported. They are cost related and they will not provide revenues to the respective generating or transmitting public utilities in excess of their respective costs of rendering those services, when tested upon the basis of cost analysis and cost allocations which we here apply to those rates and charges. These power and energy transfers serve the purposes of the Federal Power Act and they are in the public interest. Acceptance of the subject rate schedules, upon the terms and conditions of this order, does not result in unlawful anticompetitive practices. Rate schedules reflecting the proposed settlement rates and charges, as directed herein, are lawful within the terms of the Federal Power Act, Sections 205 and 206.

Procedural Matters. Various procedural requests are here before the Commission. Consistent with our discussion and findings supra, they are referred to and disposed of in ordering paragraphs (C), (D), (E) and (F) below.

The Commission further finds. (1) It is necessary and appropriate for the purposes of the Federal Power Act, 16 U.S.C. 791(a) et seq., particularly 16 U.S.C. 824 a, d, e, f and 825 g and h, the Commission's rules of practice and procedure, and the Commission's regulations under the Federal Power Act, and there is good cause shown to order as hereinafter provided.

The Commission orders. (A) The respective rate schedules of the various public utilities, as identified and designated in Appendix A, shall become effective on the respective dates of commencement of service as set forth in that Appendix or as of January 1, 1974, whichever date first occurred, and the proceedings in Docket Nos. RM74–22 and in each docket listed in Appendix A, are hereby terminated, subject to conditions of this order.

(B) Billings for services as set forth in the rate schedules as referred to in paragraph (A) supra, shall be in accordance with the rates and charges as set forth therein, any prior orders of the Commission to the contrary notwithstanding. The relevant provisions of Part 35 of the Commission's Regulations under the Federal Power Act are waived to the extent necessary to facilitate acceptance of the aforesaid rate schedules as herein provided.

(C) The withdrawal of the petition of New England Power Pool Participants in Docket No. E–8589 is hereby permitted and that proceeding is terminated, subject to conditions of this order.

(D) The withdrawal of fuel conservation rate schedule submittals by Indianapolis Power & Light Company, Northern Indiana Public Service Company and Wisconsin Electric Power Company is hereby permitted.

(E) The March 28, 1974, motion of Richmond for an order directing American Electric Power System companies to purchase power from Rich-

[2] Basically, two hundred large interstate investor owned electric systems.

[1] Monthly Load Statement, formerly FPC Form 12E.

[2] The Company proposes a monitoring and surveillance procedure through public reporting, monthly, by all utilities concerned with fuel conservation energy transfers.

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mond and to transmit power for Richmond, is denied; the May 3 and June 12, 1974, Applications of Richmond for the production of Documents or Subpoena are denied, without prejudice to Richmond's right of renewal thereof as set forth supra; the May 20, and 24, 1974, motion of Richmond for leave to file comments out of time, is granted; the June 28, 1974, motion of Indiana and Michigan Electric Company for inclusion of certain matters in the record, is granted.

(F) All motions, petitions or requests in Docket Nos. RM74–22 and the dockets listed in Appendix A, including petitions for intervention, rehearing or reconsideration, not granted pursuant to the relief as set forth in paragraphs (A), (B), (C), (D) and (E) supra, are hereby denied.

(G) Within 20 days hereafter all public utilities whose rate schedule submittals, as identified in Appendix A, are not in final physical format satisfactory under the Commission's regulations, shall substitute appropriate filings in the form and with the filing fee as specified in the Commission's regulations under the Federal Power Act. Certain of the utilities' proposed rates contained provision for a transmission charge plus out-of-pocket costs of energy associated with losses. Pursuant to the conference advice of AEP's representatives to staff, no separate charge for losses is anticipated [3]. The final format of AEP system companies' rate schedules shall be revised accordingly. All other utilities which propose a separate charge for losses in their formal rate schedules shall specify the amount of such charge and the cost basis thereof. Within 20 days hereafter all public utilities, as identified in Appendix A, shall notify the Commission as to the date of commencement of service thereunder, and shall report to the Commission the amounts of refunds of charges made to each customer, the billing determinants of fuel conservation services rendered and the revenues resulting therefrom, as computed under the rates and charges actually billed under the fully effective (non-contingent) rates and charges heretofore applicable to such services and under the rates and charges contained in rate schedules listed in Appendix A, or amendments to such rate schedules required by this order.

(H) Within 20 days hereafter, Richmond, Indiana, and Indiana and Michigan Electric Company shall each report to the Commission on the status of their negotiations relative to the City's sale of fuel conservation power and energy as set forth supra.

(I) Our findings and determinations in these proceedings with respect to the basis of the rates and charges shall not be deemed to constitute precedent for the determination of such rates for the future. In the proceeding initiated by the notice of proposed rulemaking issued concurrently, various ratemaking methods and theories will be considered by the Commission.

(J) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER. The Secretary shall serve copies thereof upon the Attorney General and the Securities and Exchange Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20315 Filed 9-3-74;8:45 am]

[3] See p. 5 to Appendix D to the "Staff Recommendations For Further Commission Action Submitted by the Commission's Deputy General Counsel and Chief, Bureau of Power", dated April 12, 1974.

FEDERAL RESERVE SYSTEM

LANDMARK BANKING CORP. OF FLORIDA

Proposed Acquisition of Robert Wilmoth Associates, Inc.

Landmark Banking Corporation of Florida, Fort Lauderdale, Florida, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Robert Wilmoth Associates, Inc., Palm Beach, Florida. Notice of the application was published on:

Date	Newspaper	City and county
1974		
June 15	The Miami Herald	Miami, Dade County.
17	Fort Lauderdale News.	Fort Lauderdale, Broward County.
18	The Tampa Times.	Tampa, Hillsborough County.
19	The Palm Beach Post.	West Palm Beach, Palm Beach County.
20	Sentinel Star.	Orlando, Orange County.

Applicant states that the proposed subsidiary would engage in the activities of mortgage brokerage, mortgage banking, real estate appraising and servicing real estate loans. Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 20, 1974.

Board of Governors of the Federal Reserve System, August 23, 1974.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[FR Doc.74-20265 Filed 9-3-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (74-55)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON AERODYNAMICS AND CONFIGURATIONS

Notice of Meeting

The NASA Research and Technology Advisory Council Committee on Aerodynamics and Configurations will meet on September 25–27, 1974, at the NASA Langley Research Center, Hampton, Virginia 23665. The meeting will be held in Conference Room 225 of Building 1219. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 40 persons. All visitors must report to the Langley Research Center Receptionist in Building 1219.

The NASA Research and Technology Advisory Council Committee on Aerodynamics and Configurations serves in an advisory capacity only. The current Chairman is Mr. W. T. Hamilton. There are 12 members. The following list sets forth the approved agenda and schedule for the September 25–27, 1974, meeting of the Aerodynamics and Configurations Committee. For further information, please contact Mr. James J. Kramer, Area Code 202, 755–2403.

SEPTEMBER 25, 1974

Time	Topic
9 a.m.	Report of the Chairman. (Purpose: To summarize action taken at the May 1974 meeting of the Research and Technology Advisory Council.)
9:30 a.m.	Report of the Executive Secretary. (Purpose: To brief the Committee on recent or proposed changes in NASA organization and in pertinent aeronautics programs.)
10:15 a.m.	Langley Supersonic Cruise Aircraft Research (SCAR) Program Technology. (Purpose: To brief the Committee on recent results obtained in the Langley SCAR program.)
10:45 a.m.	NASA Transonic Research Tunnel (TRT) Status. (Purpose: To describe recent studies pertinent to the design of the TRT.)

Time	Topic
11:15 a.m.	Rotor Systems Research Aircraft (RSRA) and Rotors for RSRA Program. (Purpose: To brief the Committee on the status of development of the Army/NASA RSRA and of plans for determining and acquiring the rotors to be tested on it.)
1 p.m.	Tour of Airfoil Test Facilities. (Purpose: To show the Committee newly developed or modified two-dimensional tunnels described at previous meetings.)
1:45 p.m.	USAF/NASA Cooperative Study of an X-24C Hypersonic Research Vehicle. (Purpose: To inform the Committee of the status of an ongoing study examining a version of the Air Force's X-24C as a hypersonic research vehicle.)
2:05 p.m.	Discussion of Center Written Reports. (Purpose: To answer members' questions regarding items included in the previously-distributed written reports on pertinent aeronautical research areas prepared by the Ames, Flight, and Langley Research Centers.)
2:45 p.m.	Discussion of Member Written Reports. (Purpose: To provide elaboration on items included in the previously-distributed written reports provided by individual members of the Committee.)

SEPTEMBER 26, 1974

Time	Topic
8:30 a.m.	Laser Velocimeter Measurements of Helicopter Flow Fields. (Purpose: To brief the Committee on recent results obtained in studies at the Ames Research Center using the laser-doppler velocimeter to examine helicopter flow fields.)
9:15 a.m.	Langley Nozzle-Airframe Technology Program. (Purpose: To describe recent results of tests in the 16-foot transonic tunnel relating to fighter aircraft nozzle-airframe interaction effects.)
10:15 a.m.	Quiet Short-Haul Research Aircraft (QSRA) Program Status. (Purpose: To inform the Committee of QSRA program progress since the previous meeting.)
10:35 a.m.	Powered-Lift Technology Program Status. (Purpose: To summarize recent and planned research on the upper-surface blown flap and augmentor-wing powered-lift concepts.)
11:15 a.m.	Airframe Aerodynamic Noise Study Plans and Facilities. (Purpose: To describe proposed studies to gain a better understanding of airframe noise and means to reduce it, and the test facilities to be used.)
1 p.m.	Tour of Langley New Noise Facility.
2 p.m.	Fuel-Conservative Aircraft Research Progress. (Purpose: To inform the Committee of recent and planned experimental studies to reduce aircraft cruise drag.)
3 p.m.	Working Group Sessions on Basic Technology, Conventional - Takeoff - and - Landing (CTOL) Aircraft, and Vertical- and Short-Takeoff-and-Landing (V/STOL) Aircraft. (Purpose: To develop position statements and possible recommendations pertaining to the focus and scope of the technical programs reviewed earlier.)

SEPTEMBER 27, 1974

Time	Topic
8:30 a.m.	Committee Review of Working Group Reports. (Purpose: To prepare final Committee recommendations for consideration by the NASA Research and Technology Advisory Council, based on inputs from the Basic Technology, CTOL Aircraft, and V/STOL Aircraft Working Groups.)
11:30 a.m.	Adjournment.

BOYD C. MYERS II, *Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.*

AUGUST 29, 1974.

[FR Doc.74-20336 Filed 9-3-74;8:45 am]

[Notice (74-53)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON MATERIALS AND STRUCTURES

Notice of Meeting

The NASA Research and Technology Advisory Council (RTAC) Committee on Materials and Structures will meet on September 19 and 20, 1974, at the Renton Plant of The Boeing Company, Renton, Washington. The meeting will be held in Building 1060, Park Avenue and North 8th Street, Renton, Washington. The meeting is open to the public. Admittance will be on a first-come, first-served basis. The available seating capacity of the room is about 30 persons. Arrangements will be made to admit visitors through the lobby receptionist.

The NASA RTAC Committee on Materials and Structures serves in an advisory capacity only. In this capacity, the Committee is concerned with materials science, materials engineering, advanced concepts and materials applications, structural loads and dynamics. The current Chairman is Dr. Holt Ashley. There are 12 members. The following list sets forth the approved agenda and schedule for the September 19 and 20, 1974, meeting. For further information, please contact Mr. George C. Deutsch, Area Code 202, 755–3264.

SEPTEMBER 19, 1974

Time	Topic
8:30 a.m.	Chairman's and Executive Secretary's Reports. (Purpose: To approve past meeting minutes, to review results of the May 1974 RTAC meeting, and to discuss recent changes in the NASA organization.)
9:30 a.m.	Resolution on Computer Program Development. (Purpose: To take final action on a proposed resolution concerning development and maintenance of computer programs by NASA.)
10:15 a.m.	Materials in the Energy Program and the Activities of the Electric Power Research Institute (EPRI). (Purpose: To review and evaluate potential effects on the NASA materials program.)
11 a.m.	Critical Materials Resources Studies. (Purpose: The Committee will review and discuss studies of various materials critical to aerospace needs and possible alternate materials.)
1 p.m.	Properties Data for Turbine Materials. (Purpose: The Committee will review, discuss, and recommend action concerning high temperature properties data needed for turbine engine materials.)
2 p.m.	Boeing Program on Composites and Other Topics. (Purpose: Representatives of The Boeing Company will brief the Committee on recent Boeing activities in composite materials and other subjects related to NASA program interests.)
3:30 p.m.	Adjourn for the day.

SEPTEMBER 20, 1974

Time	Topic
8:30 a.m.	Shuttle Payload Studies. (Purpose: The Committee will be briefed on, and discuss, payloads involving materials and structures experiments and other missions for the shuttle.)

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Time	Topic
9:30 a.m.	NASA Center Reports. (Purpose: NASA Center representatives on the Committee will report on recent progress on materials and structures technology development programs.)
10:45 a.m.	Members' Reports. (Purpose: To present reports of recent accomplishments in research and development programs in members' organizations.)
1 p.m.	New Problem Areas. (Purpose: To review topics identified during preceding sessions and by members prior to the meeting, and decide on further Committee action concerning these.)
3:30 p.m.	Plans for Next Meeting. (Purpose: To discuss time, place, and agenda for next meeting.)
4 p.m.	Adjourn.

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

AUGUST 29, 1974.

[FR Doc.74-20334 Filed 9-3-74;8:45 am]

[Notice (74-54)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL PANEL ON SPACE VEHICLES

The NASA Research and Technology Advisory Council Panel on Space Vehicles will meet on September 25-26, 1974, at the NASA Johnson Space Center, Houston, Texas. The meeting will be held in Conference Room 966 of Building 1. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 50 persons. All visitors must report to the main gate of the Johnson Space Center.

The NASA Research and Technology Advisory Council Panel on Space Vehicles serves in an advisory capacity only. The current Chairman is Mr. R. James Gunkel. There are 9 members. The following list sets forth the approved agenda and schedule for the September 25-26, 1974, meeting of the Panel on Space Vehicles. For further information, please contact Mr. William C. Hayes, Jr., Executive Secretary, Area Code 202, 755-8504, or Dr. Maxime A. Faget, Area Code 713, 483-3973.

SEPTEMBER 25, 1974

Time	Topic
8:30 a.m.	Report of the Chairman. (Purpose: To summarize action taken at the May 1974 meeting of the Research and Technology Advisory Council.)
9 a.m.	Report of the Executive Secretary. (Purpose: To brief the Panel on recent or proposed changes in NASA policy and organization and the Space Vehicles program.)
9:15 a.m.	Report on Space Shuttle Development Program and Related Technology Areas. (Purpose: To update the technical, managerial, and hardware development progress of the Space Shuttle for review by the Space Vehicles Panel.)
4 p.m.	Report on "Lessons Learned" from the Skylab Project. (Purpose: To identify potential technology issues that may need to be incorporated into future technology programs.)

SEPTEMBER 26, 1974

Time	Topic
8:30 a.m.	Report on Detailed Space Shuttle Mission Model and Payload Costs. (Purpose: To provide potential users of the Space Shuttle with an update of flight loadings and types of payloads currently earmarked for the 1980's.)
9:30 a.m.	Report on Advanced Space Vehicle (Single-Stage-to-Orbit) Investigations. (Purpose: To alert other portions of the agency and industry to some of the possible advanced technology needs.)
10:30 a.m.	Report on Space Transportation Systems Technology Steering Committee. (Purpose: To inform the Space Vehicles Panel of the current technology needs for future NASA applications as identified by the Space Transportation Systems Technology Steering Committee's disciplinary working groups.)
11 a.m.	Group Discussion and Summary Comments. (Purpose: To recapitulate previous issues.)
1 p.m.	Future Use of Space. (Purpose: To discuss and categorize future operational and utilitarian aspects of space technology.)
3 p.m.	Summary recommendations of the Space Vehicles Panel. (Purpose: To have the Panel collectively make position recommendations for presentation to the Research and Technology Advisory Council.)
4 p.m.	Adjournment.

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Managemnet, National Aeronautics and Space Administration.

AUGUST 29, 1974.

[FR Doc.74-20335 Filed 9-3-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR RESEARCH APPLICATIONS POLICY

Notice of Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, it is hereby determined that the renewal of the Advisory Committee for Research Applications Policy is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 14 (a) (1) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

Authority for this advisory committee shall expire on September 1, 1976, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

H. GUYFORD STEVER,
Director.

[FR Doc.74-20349 Filed 9-3-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on August 29, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529).

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental: Health Care Registration Form A, Form OS 37-74-A, Single time, Lowry, Grantees.

DEPARTMENT OF JUSTICE

Departmental: Evaluators Interest Form, Form LEAA 2100/1, Occasional, Lowry, Members of the academic community.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, Airport Study Questioning Guide, Form ____, Single time, EGG/Lowry, Selected airport owners state aviation dept.

REVISIONS

VETERANS ADMINISTRATION

Claim for Disability Insurance Benefits, Form 29-357, Occasional, Caywood, Insureds.

EXTENSIONS

DEPARTMENT OF DEFENSE

Department of the Navy: High School and College Transcript Request, Form NAV PERS 1750/9, Annual, Evinger, School counselors.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:
List of Establishments or Reporting Units, Form SSA 5019, Occasional, Evinger.
Report of Student Beneficiary at End of School Year, Form SSA 1388, Annual, Evinger.
Annual State Agency Health Insurance Benefits Program Budget, Forms SSA 1465, 1465A, 1466, Annual, Evinger.
Financial Accountability Statement-HIB Program, Form SSA 1469, Annual, Evinger.
SSA Request for Carrier or Intermediary Assistance, Form SSA 1938, Occasional, Evinger.
Carrier or Intermediary Request for SSA Assistance, Form SSA 1980, Occasional, Evinger.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-20410 Filed 9-3-74;8:45 am]

VETERANS ADMINISTRATION

MEDICAL RESEARCH SERVICE MERIT REVIEW BOARDS

Notice of Meetings

The Veterans Administration gives notice pursuant to Pub. L. 92-463 of meetings of the following Merit Review Boards.

Merit review board	Date	Time	Location (room)
Basic sciences	Oct. 11, 1974	8:30 a.m. to 5 p.m.	[1] 139
Oncology	Oct. 15, 1974	do	[1] 119
Immunology	Oct. 22, 1974	do	[1] 817
Infectious diseases	Oct. 23, 1974	do	[2] B-103
Surgery	Oct. 25, 1974	1 p.m. to 6 p.m.	[1] 471
Neurobiology	Oct. 30, 1974	8:30 a.m. to 5 p.m.	[1] 817
Behavioral sciences	Nov. 5, 1974	do	[1] 817
Cardiovascular studies	Nov. 6, 1974	do	[1] 817
Endocrinology	Nov. 7, 1974	do	[1] 119
Hematology	Nov. 12, 1974	do	[1] 817

[1] Veterans Administration Central Office, 810 Vermont Ave. NW., Washington, D.C. 20420.
[2] Veterans Administration Hospital, 1310 24th Ave., South Nashville, Tenn. 37203.
[3] Fontainebleau Hotel, 4441 Collins Ave., Miami Beach, Fla. 33140.

These meetings will be for the purpose of evaluating the scientific merit of research conducted in each specialty by Veterans Administration investigators working in Veterans Administration hospitals and clinics.

The meetings will be open to the public up to the seating capacity of the rooms for one-half hour at the start of each meeting to discuss the general status of the program. The meetings will be closed thereafter for discussion and evaluation of individual programs. Because of the limited seating capacity of the rooms, those who plan to attend should contact Gerald Libman, Chief, Program Development and Review Division, Medical Research Service, Veterans Administration, Central Office, Washington, D.C. (202) 389-5065 at least two days prior to each meeting. Minutes of the meetings and rosters of the members of the Boards may be obtained from this source.

Dated: August 27, 1974.

By direction of the Administrator.

R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-20257 Filed 9-3-74;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

ILLINOIS

State and Local Government Equal Employment Opportunity Requirements for Federally Assisted Construction Contracts

1. *Background.* On April 11, 1974, in accordance with 41 CFR 60-1.4(b)(2) (39 FR 2365, January 21, 1974), I announced my determination in the FEDERAL REGISTER (39 FR 13209) that the Illinois rules and regulations for Public Contracts Prescribed by the Illinois Fair Employment Practices Commission are not inconsistent with Executive Order 11246, as amended, and not incompatible with the implementation of federal hometown and imposed plans in operation in the State of Illinois. My approval was, however, provisioned and conditioned upon a subsequent determination by the Comptroller General of the United States that the Illinois Fair Employment Practices Commission's rules and regulations are consistent with applicable federal procurement law requirements for federally assisted construction contracts. On July 2, 1974, the Comptroller General issued his decision (Comp. Gen. Op. B-167015) which states that the Illinois regulations do not comply with the basic principles of the competitive bidding system.

2. *Decision.* Therefore, on the basis of the Comptroller General's decision, I am rescinding my provisional approval of the Illinois rules and regulations for Public Contracts Prescribed by the Illinois Fair Employment Practices Commission.

3. *Rights of appeal.* On August 29, 1974, in accordance with 41 CFR 60-1.4 (b) (2), I communicated my determination to Mr. Melvin F. Jordan, Executive Director of the Illinois Fair Employment Practices Commission by registered mail, return receipt requested. Pursuant to 41 CFR 60-1.4(b) (2), the Illinois Fair Employment Practices Commission and any persons or groups affected by my determination, including construction contractors, labor organizations associations or other organizations of construction trades contractors and/or labor organizations, and minority community groups, may appeal this determination to Mr. Bernard E. DeLury, Assistant Secretary for Employment Standards, 14th Street and Constitution Avenue, NW., Washington, D.C. 20210, by requesting a hearing on or before September 25, 1974. Following this appeal period, if any requests for a hearing have been filed with the Assistant Secretary, the Department of Labor shall then designate an administrative law judge who shall conduct a hearing to make proposed findings and a recommended decision to the Assistant Secretary upon the basis of the record before him. The administrative law judge shall give reasonable notice of the opportunity to participate in such hearing by registered mail, return receipt requested, to those requesting the hearing and shall also give reasonable notice of such hearing in the FEDERAL REGISTER to inform all other persons, organizations and other entities affected by my determination of their opportunity to participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case, including such cross-examination as the administrative law judge may deem appropriate in the circumstances. Within 80 days of the close of the appeal period for requesting a hearing, the Assistant Secretary shall make a final decision on the basis of the record before him, which shall consist of the record for recommended decision, the rulings and recommended decision of the administrative law judge, and the exceptions and briefs filed subsequent to the administrative law judge's decision.

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Signed at Washington, D.C. this 29th day of August 1974.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.74-20350 Filed 9-3-74;8:45 am]

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON HAZARDOUS MATERIALS LABELING

Notice of Establishment and Meeting

Notice is hereby given that a Standards Advisory Committee on Hazardous Materials Labeling has been established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970, and that it will meet on Thursday, September 19, 1974, starting at 10 a.m. in Room 216 BCD, and on Friday, September 20, 1974, starting at 9 a.m. in Room 107 ABC Main Labor Building, Constitution Avenue and 14th Street NW., Washington, D.C.

The Standards Advisory Committee on Hazardous Materials Labeling has been established to make recommendations to the Assistant Secretary of Labor for Occupational Safety and Health regarding the development of guidelines for the implementation of section 6(b)(7) of the Act with respect to Hazardous Materials. The first major task of the Committee will be to develop guidelines for categorizing and ranking the hazards of materials. After completing this task, it will be necessary for the Committee to develop guidelines for prescribing the required warnings of such hazards and related information on symptomatology, protective steps and equipment, and safe handling procedures by such means as labels, data sheets and training requirements.

This will be the first meeting of the Committee. Items on the agenda will include a general orientation of the scope of Committee functions, a discussion of current approaches for the labeling and marking of hazardous materials, and the formation of subgroups to study various aspects of the first task of the Committee.

Any member of the public wishing to submit written presentations to the Committee may do so by filing such a statement, together with 20 duplicate copies, prior to September 13, 1974, with the Committee Management Officer. Such submissions will be provided to the members of the Committee and will be included in the record of the meeting.

All written statements shall be addressed to:

J. Jimeno
Committee Management Office
Occupational Safety and Health Administration
U.S. Department of Labor
1726 M Street, NW., Room 200
Washington, D.C. 20210

Signed at Washington, D.C. this 28th day of August, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-20357 Filed 9-3-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 583]

ASSIGNMENT OF HEARINGS

AUGUST 29, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 113678 Sub 536, Curtis, Inc., now being assigned hearing November 7, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 113267 Sub 313, Central and Southern Truck Lines, Inc., now being assigned hearing November 11, 1974 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 114211 Sub 225, Warren Transport, Inc., now being assigned hearing November 5, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC-F-12153, Tolle Freightways, Inc.—Control—S & C Transport Co., Inc., now assigned October 31, 1974, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 138926 Sub 2, Gencom, Inc., now assigned October 30, 1974, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 64932 Sub 522, Rogers Cartage Co., MC 85934 Sub 65, Michigan Transportation Co. MC 102616 Sub 891, Coastal Tank Lines, Inc., MC 107403 Sub 878, Matlack, Inc., MC 110525 Sub 1064, Chemical Leaman Tank Lines, Inc., MC 110988 Sub 307, Schneider Tank Lines, Inc., MC 112503 Sub 55, Ford Brothers, Inc., MC 112801 Sub 150, Transport Service Co., MC 115331 Sub 356, Truck Transport, Inc., MC 116273 Sub 166, D and L Transport, Inc., MC 117344 Sub 231, The Maxwell Co., MC 119702 Sub 43, Stahly Cartage Co., and MC 124070 Sub 30, Chemical Haulers, Inc., now being assigned hearing November 4, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139495, National Carriers, Inc., now assigned October 29, 1974, at Kansas City, Mo., will be held in Room 609 Federal Office Bldg., 911 Walnut Street.

MC 128007 Sub 58, Hofer, Inc., now assigned October 24, 1974, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 114211 Sub 214, Warren Transport, Inc., now assigned October 22, 1974, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC-C-8338, Hunt Truck Lines, Inc.—Investigation and Revocation of Certificate, now assigned October 21, 1974, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-20367 Filed 9-3-74;8:45 am]

[Finance Docket No. 26885]

CHESAPEAKE AND OHIO RAILWAY CO.

Abandonment Between the Village of Edmore and Village of Lakeview in Montcalm County, Michigan

AUGUST 29, 1974.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Montcalm County, Mich., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 22nd day of August, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated August 22, 1974, it has been determined that the proposed abandonment of a portion of the line of railroad of The Chesapeake and Ohio Railway Company (C&O) between Edmore and Lakeview, Mich., a distance of approximately 12.46 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. ss 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that inasmuch as the volume of traffic now moving over the line to be abandoned is minimal and an adequate network of highways traverses the affected area, there would be no significant effect on the area's transportation scheme. Furthermore, approval will be consistent with existing land use in the area since segments of the C&O right-of-way will revert to adjoining landowners. This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before September 19, 1974.

[FR Doc.74-20364 Filed 9-3-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

AUGUST 29, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42873—Ethylene Glycol to Points in Southern Territory. Filed by Southwestern Freight Bureau, Agent, (No. B-485), for interested rail carriers. Rates on ethylene glycol, in tank-car loads, as described in the application, from Bayport, Texas and Plaquemine, Louisiana, to Earl, Fiberton, N.C., Darlington and Greer, S.C.

Grounds for relief—Market competition.

Tariff—Supplement 24 to Southwestern Freight Bureau, Agent, tariff 11-F, I.C.C. No. 5082. Rates are published to become effective on September 28, 1974.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-20369 Filed 9-3-74;8:45 am]

[AB-31 (Sub-No. 1)]

GRAND TRUNK WESTERN RAILROAD CO.

Abandonment Between Lakeland and Jackson, in Livingston, Ingham and Jackson Counties, Michigan

AUGUST 29, 1974.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. ss 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Jackson, Ingham, and Livingston Counties, Mich., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 22nd day of August, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated August 22, 1974, it has been determined that the proposed abandonment of the line of railroad of the Grand Trunk Western Railroad Company of its line of railroad from Jackson to Lakeland in Jackson, Ingham, and Livingston Counties, Mich., a distance of approximately 35.57 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. ss 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed action are not considered significant because traffic handled over this line is minimal and any resultant diversion from rail to motor carrier service will have negligible impacts on air and water quality and ambient noise levels. The abandonment will not interfere with local developmental plans which project the majority of industrial expansion to occur in the urban area and urban fringe of the City of Jackson.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before September 19, 1974.

[FR Doc.74-20365 Filed 9-3-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

AUGUST 29, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 16, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-504 (Sub-No. E2) (Correction), filed June 15, 1974, published in the FEDERAL REGISTER August 5, 1974. Applicant: HARPER MOTOR LINES, INC., P.O. Box 460, Elberton, Ga. 30635. Applicant's representative: B. K. McClain, P.O. Box 6985, Atlanta, Ga. 30315. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from points in Virginia (except points south and east of Interstate Highway 95 extending from Arlington to Richmond, and points south and east of Interstate Highway 85 extending from Richmond to the Virginia-North Carolina State line), to points in North Carolina beginning at Sanford, and extending along U.S. Highway 1 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to U.S. Highway 701, thence along U.S. Highway 701, to its junction with U.S. Highway 76, thence along U.S. Highway 76 to its junction with North Carolina Highway 87, thence along North Carolina Highway 87 to Sanford; (2) from points in Virginia (except points west of U.S. Highway 220), to points in South Carolina on and south of U.S. Highway 1, extending from North Augusta, to Columbia, thence along U.S. Highway 378 to Conway, thence along U.S. Highway 501 to Myrtle Beach; (3) from the District of Columbia to points in Arnett, Lee, Sampson, Hoke, Cumberland, Bladen Robeson, Scotland, Richmond, Moore, Anson, Montgomery, Union, Stanly, Cabarrus, Rowan, Randolph, Davidson, and Davie Counties, N.C., and points in Iredell and Mecklenburg Counties east of U.S. Highway 21 and points in Columbus County (except those south of U.S. Highway 76 to its junction with U.S. Highway 701, thence along U.S. Highway 701 to North Carolina- South Carolina State line); and (4) from New York, N.Y., and points in New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia to points in South Carolina. The purpose of this filing is to eliminate the gateway of Sanford, N.C., and points within 30 miles of Laurinburg, N.C. The purpose of this correction is to correct typographical errors.

No. MC-2368 (Sub-No. E60), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Au-

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thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 85 to Durham, N.C., thence along U.S. Highway 15 to Sanford, N.C., thence along North Carolina Highway 87 to Fayetteville, N.C., thence along Interstate Highway 95 to the Virginia-North Carolina State line, to points in West Virginia on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub-No. E61), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to its junction with U.S. Highway 220 and thence along U.S. Highway 220 to the North Carolina-South Carolina State line, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub-No. E62), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina on, east, and north of a line beginning at the Virginia-North Carolina State line and proceeding south along Interstate Highway 95 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to the Atlantic Ocean, to Memphis, Tenn. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub-No. E63), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina on and west of Interstate Highway 95, to points in Delaware. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub-No. E64), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina on and west of U.S. Highway 29 to points in that part of Virginia on, east, and north of a line beginning at the Virginia-District of Columbia State line and extending along Interstate Highway 95 to Richmond, Va., thence along Interstate Highway 64 to its junction with Interstate 264, thence along Interstate Highway 264 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub-No. E65), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina, Tennessee, and South Carolina, and Pawtucket, R.I. The purpose of this filing is to eliminate the gateways of Richmond, Va., and Suffolk, Va.

No. MC-2368 (Sub-No. E66), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina on and east of Interstate Highway 95, to points in Virginia on and north of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 250 to Richmond, Va., thence along U.S. Highway 360 to the Chesapeake Bay. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub-No. E67), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina, to points in Pennsylvania on and east of U.S. Highway 219, those in Maryland (except that portion of Maryland on the Eastern Shore south of U.S. Highway 301), and the District of Columbia. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub-No. E68), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in West Virginia on and north of U.S. Highway 50 to points in South Carolina on and east of Interstate Highway 95 and that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 85 to Durham, thence along U.S. Highway 15 to Sanford, thence along North Carolina Highway 87 to Fayetteville, thence along Interstate Highway 95 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub-No. E69), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in West Virginia on, south, and west of a line beginning at the Kentucky-West Virginia State line and extending along Interstate Highway 64 to Charleston, thence along Interstate Highway 77 to the West Virginia-Virginia State line, to points in Virginia on, east, and south of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 95 to Fredericksburg, Va., thence along Virginia Highway 3 to the Chesapeake Bay and the District of Columbia. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub-No. E70), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in West Virginia on, south, and east of a line beginning at the Virginia-Kentucky State line and extending along Interstate Highway 64 to Charleston, W. Va., thence along U.S. Highway 60 to the Virginia-West Virginia State line, to points in Maryland, on and south of Interstate Highway 95, and Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub-No. E72), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank

vehicles, from points in Maryland (except points in the Delmarva Peninsula south of U.S. Highway 50), to points in South Carolina. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub-No. E73), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Maryland on and east of U.S. Highway 15 to points in Tennessee (except Chattanooga). The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub-No. E75), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, between points in Virginia on, west, and south of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 220 to Roanoke, Va., thence along U.S. Highway 460 to the West Virginia-Virginia State line north of Bluefield, W. Va., on the one hand, and, on the other, points in Virginia on, east, and north of a line beginning at the District of Columbia-Virginia State line and extending along U.S. Highway 1 to Petersburg, Va., thence along U.S. Highway 460 to Windsor, Va., thence along U.S. Highway 258 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub-No. E76), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, INC., P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from point in Virginia on, south, and west of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 85 to Petersburg Va., thence along Interstate Highway 95 to Richmond, Va., thence along U.S. Highway 360 to Burkeville, Va., thence along U.S. Highway 460 to Roanoke, Va., thence along Virginia Highway 311 to the Virginia-West Virginia State line, to points in Maryland on and south of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub-No. E77), filed May, 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Virginia on, south, and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to Lynchburg, thence along U.S. Highway 460 to Burkeville, thence along U.S. Highway 360 to Richmond, thence along Interstate Highway 64 to its junction with Interstate Highway 264, thence along Interstate Highway 264 to the Atlantic Ocean, to points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to Harrisburg, Pa., thence along U.S. Highway 15 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-7971 (Sub-No. E1), filed May 13, 1974. Applicant: AMERICAN SECURITY VANLINES, INC., 1240 Oakleigh Drive. (P.O. Box 968), Atlanta, Ga. 30344. Applicant's representative: H. W. Breffe (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Alabama, on the one hand, and, on the other, points in Michigan, New Jersey, Ohio, and Pennsylvania; (2) between points in Alabama, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (3) between points in Arkansas, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (4) between points in Florida, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, New Jersey, Ohio, and Pennsylvania; (5) between points in Florida, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (6) between points in Florida, on the one hand, and, on the other, points in Kansas; (7) between points in Florida (except those in Escambia and Santa Rosa Counties), on the one hand, and, on the other, points in Oklahoma; (8) between points in Georgia, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Michigan, New Jersey, Ohio, Oklahoma, and Pennsylvania; (9) between points in Georgia, on the one hand, and, on the other, points in Connecticut, Maine, New Hampshire, Rhode Island, and Vermont; (10) between points in Georgia, on the one hand, and, on the other, points in Kansas.

(11) Between points in Louisiana, on the one hand, and, on the other, points in Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and the District of Columbia; (12) between points in Louisiana, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (13) between points in Louisiana, on the one hand, and, on the other, points in Delaware; (14) between points in Maryland, on the one hand, and, on the other, points in Arkansas and Oklahoma; (15) between points in Mississippi, on the one hand, and, on the other, points in Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia; (16) between points in Mississippi, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (17) between points in North Carolina, on the one hand, and, on the other, points in Arkansas, Illinois, and Oklahoma; (18) between points in North Carolina, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont; (19) between points in Oklahoma, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island; (20) between points in South Carolina, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Kentucky, Michigan, and Oklahoma; (21) between points in South Carolina, on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont; (22) between points in South Carolina, on the one hand, and, on the other, points in Kansas; (23) between points in Tennessee, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

(24) between points in Texas, on the one hand, and, on the other, points in Maryland, New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia; (25) between points in Texas, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (26) between points in Texas, on the one hand, and, on the other, points in Delaware; (27) between points in Virginia, on the one hand, and, on the other, points in Arkansas and Oklahoma; and (28) between points in the District of Columbia, on the one hand, and, on the other, points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and points within 135 miles thereof, in (1), (4), (7), (8), (11), (14), (15), (17), (20), (24), (27), and (28) above; New York, N.Y., in (2), (5), (9), (18), (21), and (23) above; Atlanta, Ga., and points within 135 miles thereof, and New York, N.Y., in (12), (16), and (25) above; Atlanta, Ga., and points within 135 miles thereof, and Ft. Smith, Ark., in (6), (10), and (22) above; Atlanta, Ga., and points within 135 miles thereof, and White Plains, N.Y., in (3) and (19) above; and Atlanta, Ga., and points within 135 miles thereof, and points in Monmouth County, N.J., in (13) and (26) above.

No. MC-29833 (Sub-No. E2), filed May 18, 1974. Applicant: PRUNTY MOTOR EXPRESS, INC., P.O. Box 1724, Parkersburg, W. Va. 26401. Applicant's representative: John M. Friedman (same as above). Authority sought to operate as

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as *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock, and commodities injurious or contaminating to other lading), (1) between points in that part of Ohio, on, south, and west of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 40 to Summerford, thence along Ohio Highway 56 to Circleville, thence along U.S. Highway 23 to the Ohio-Kentucky State line, on the one hand, and on the other, points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 15 to Williamsport, thence along U.S. Highway 220 to junction Interstate Highway 80, thence along Interstate Highway 80 to DuBois, thence along U.S. Highway 19 to the Pennsylvania-Maryland State line; (2) between points in that part of Ohio south and west of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 35 to Chillicothe, thence along U.S. Highway 23 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in that part of Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 219 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 15, and on and west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 15 to junction Interstate Highway 80; and (3) between points in that part of Ohio on, west, and south of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 35 to Chillicothe, thence along U.S. Highway 23 to the Ohio-Kentucky State line, on the one hand, and, on the other, points in that part of Pennsylvania on and south of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 22 to junction U.S. Highway 219, and on and west of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 219 to junction U.S. Highway 22. The purpose of this filing is to eliminate the gateways of (1) Wood County, W. Va., and (2) points in that part of Ohio on, south, and east of a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 22 to Zanesville, thence along U.S. Highway 40 to Columbus, thence along U.S. Highway 23 to the Ohio-Kentucky State line.

No. MC-65112 (Sub-No. E24), filed May 30, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Louisiana on and east of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 51 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Louisiana Highway 45, thence along Louisiana Highway 45 to Little Lake, on the one hand, and, on the other, points in Arizona (except Apache, Greenlee, Graham, and Cochise Counties). The purpose of this filing is to eliminate the gateway of points in Florida, and Dallas, Fort Worth, or Houston, Tex.

No. MC-83539 (Sub-No. E4), (Correction), filed May 17, 1974, published in the FEDERAL REGISTER June 19, 1974. Applicant: C & H TRANSPORTATION, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment and *related machinery parts and related contractors' materials and supplies*, when their transportation is incidental to the transportation by the carrier of commodities which, because of size or weight, requires the use of special equipment; (II) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, restricted to commodities which are transported on trailers; and (III) *such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery, and *related machinery, tools, parts and supplies*, moving in connection therewith, restricted to commodities which are transported on trailers; as follows: (A) those commodities specified in (I) and (II) above, (except that no service shall be performed in connection with the stringing or picking up of pipe along pipelines), between points in Arizona, on the one hand, and, on the other, points in Montana and Wyoming (points in Colorado)*; (B) those commodities specified in (I) and (III) above, between points in Arkansas, on the one hand, and, on the other, points in Idaho (except that no service shall be performed in connection with stringing or picking up of pipe along maine or trunk pipeline rights of way, other than in the transportation, stringing or picking up of pipe (1) in connection with river crossings of pipelines, and (2) in connection with the operation, repair, and maintenance of pipelines), (points in Kansas, Nebraska, and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*.

(C) Those commodities specified in (I) and (II) above between points in Arkansas, on the one hand, and, on the other, points in Iowa restricted as in (B) above (points in Kansas)*; (D) those commodities specified in (I) and (II) above, between points in Arkansas, on the one hand, and, on the other, points in North Dakota, restricted as in (B) above (points in Oklahoma)*: (E) those commodities specified in (I) above (except aircraft and missiles, and parts thereof), between points in California, on the one hand, and, on the other, points in Florida (points in South Carolina)*; (F) those commodities specified in (I) and (III) above, between points in Idaho, on the one hand, and, on the other, (a) points in Iowa and Missouri, restricted as in (B) above, (points in Nebraska, and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*; (b) points in Montana (points in that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*; and (c) points in west Virginia (points in Utah, and that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*; (G) those commodities specified in (I) above, between points in Illinois, on the one hand, and, on the other (a) points in Kansas (points in Missouri)*; (b) points in Montana (points in Wyoming and Wisconsin, or points in Missouri and South Dakota)*; and (c) points in Wyoming (points in Iowa and South Dakota)*.

(H) Those commodities specified in (I) and (II) above, between points in Arkansas, on the one hand, and, on the other, points in South Dakota (points in Oklahoma)*; (I) (a) those commodities specified in (I) above, between points in Iowa, on the one hand, and, on the other, points in Michigan (points in Illinois)*; and (I) (b) those commodities specified in (I) and (II) above, between points in Iowa, on the one hand, and, on the other, points in Oklahoma (points in Kansas)*; restricted against the stringing or picking up of pipe in connection with oil or gas pipelines, and further restricted against the transportation of cast iron pressure pipe and fittings and accessories therefor when moving with such pipe, from Council Bluffs, Iowa; (J) those commodities specified in (I) and (II) above between points in Kansas, on the one hand, and, on the other, (a) points in North Dakota, restricted as in (B) above (points in South Dakota)*; and (b) points in West Virginia (points within a 50 mile radius of Nashville, Tenn.)*; (K) those commodities specified in (I) and (II) above between points in Montana, on the one hand, and, on the other, points in New Mexico (points in Colorado)*; (L) those commodities specified in (I) and (II) above, between points in Nebraska, on the one hand, and, on the other, (a) points in Ohio, restricted as in (A) above (points in South Dakota)*; and (b) points in West Virginia, restricted as in (B) above (points in Kansas and points within a 50 mile radius of Nashville, Tenn.)*.

(M) Those commodities specified in (I) and (III) above, between point in Ohio, on the one hand, and, on the other, points in Oregon and Washington, restricted as in (A) above (points in that part of Montana on and west of a line extending north and south through Dupuyer and Butte, Mont.)*; (N) those commodities specified in (I) and (II) above, between points in Oregon, on the one hand, and, on the other, points in Virginia (points in California)*; (O) those commodities specified in (I) above (except aircraft and missiles and parts thereof), between points in South Carolina, on the one hand, and, on the other, points in Tennessee (points in Georgia or North Carolina)*; (P) those commodities specified in (I) and (II) above, between points in Colorado, on the one hand, and, on the other, points in West Virginia (Wichita, Kans., and points within a 50 mile radius of Nashville, Tenn.)*; (Q) those commodities specified in (I) above, between points in Georgia, on the one hand, and, on the other, points in Michigan, restricted as in (A) above (points in Kentucky and Illinois, and points within a 50 mile radius of Nashville, Tenn.)*; (R) those commodities specified in (I) above, between points in Indiana, on the one hand, and, on the other, points in Missouri and Wisconsin, restricted as in (A) above (points in Illinois)*; (S) those commodities specified in (I) above, between points in Kentucky, on the one hand, and, on the other, points in Missouri, restricted as in (a) above and further restricted against the transportation of traffic between Todd, Christian, Caldwell, Lyon, Trigg, Marshall, Calloway, Graves, McCracken, Ballard, Carlisle, Hickman, and Fulton Counties, Ky., on the one hand, and, on the other, Howell, Shannon, Oregon, Ripley, Carter, Reynolds, Iron, Madison, Wayne, Butler, Bollinger, Stoddard, Scott, Mississippi, New Madrid, Pemiscot, and Dunklin Counties, Mo. (points in Illinois)*; (T) those commodities specified in (I) and (II) above, between points in Montana, on the one hand, and, on the other, points in Wisconsin, restricted as in (A) above (points in Wyoming)*; and (U) those commodities specified in (I) and (II) above, between points in Nebraska, on the one hand, and, on the other, points in New Mexico, restricted as in (B) above (points in Kansas)*. The purpose of this filing is to eliminate those gateways indicated by asterisks above. The purpose of this correction is to clarify points sought in the letter-notice.

No. MC-88368 (Sub-No. E21), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* (1) from points in Michigan to points in Alabama (points in Harlan County, Ky., Bloomington, Ill., and points within 25 miles thereof, points in Missouri and Mississippi and Florence, Sheffield, and Tuscumbia, Ala.)*; points in Florida (points in Harlan County, Ky., points in a described portion of Georgia, Bloomington, Ill., and points within 25 miles thereof, points in Mississippi and Missouri, and Florence, Sheffield, and Tuscumbia, Ala.)*, points in Georgia (points in Harlan County, Ky., Bloomington, Ill., points in Missouri, and Mississippi and Florence, Sheffield, and Tuscumbia, Ala.)*, points in Kansas (Bloomington, Ill., and points within 25 miles there)*; points in Louisiana (Bloomington, Ill., and points within 25 miles thereof, points in Missouri and Mississippi, and Florence, Sheffield, and Tuscumbia, Ala.)*; points in Mississippi (Bloomington, Ill., and points within 25 miles thereof and points in Missouri)*; points in Missouri (Bloomington, Ill., and points within 25 miles thereof)*; points in New Mexico (Bloomington, Ill., and points within 25 miles thereof*; points in Cowley County, Kans., and points in Canadian County, Okla.)*; points in Oklahoma (Bloomington, Ill., and points within 25 miles thereof, and points in Cowley County, Kans.)*; (2) from points in the Lower Peninsula of Michigan to points in Washington (Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 25 miles thereof, and points in Colorado)*; points in Oregon (Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Colorado)*; points in California in and north of Humboldt, Trinity, Shasta, and Lassen Counties (Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, points in Colorado, and points in Washington east of the Cascade Mountains)*; points in Idaho (Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, points in Colorado, Montana, and Wyoming, and points in Kimball, Banner, and Cheyenne Counties, Nebr.)*; and (3) from points in Michigan on and west of U.S. Highway 41 to points in Indiana within 100 miles of Danville, Ind. (Bloomington, Ill., and points within 25 miles thereof)*. The purpose of this filing is to eliminate the gateway indicated by asterisks above.

No. MC-95540 (Sub-No. E221), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Buffalo, N.Y. to points in Louisiana on and south of a line beginning at the Texas-Louisiana State line and extending along Louisiana Highway 8 to its junction with Louisiana Highway 1, thence along Louisiana Highway 1 to its junction with Louisiana Highway 28, thence along Louisiana Highway 28 to its junction with U.S. Highway 84, thence along U.S. Highway 84 to the Louisiana-Mississippi State line. The purpose of this filing is to eliminate the gateway of Pike or Spaulding Counties, Ga.

No. MC-95540 (Sub-No. E439), (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 8, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, in mixed loads with citrus products, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from points in Florida on and east of a line beginning at the Gulf of Mexico and extending along Florida Highway 363 to Wakulla, thence along U.S. Highway 319 to the Florida-Georgia State line to points in Oklahoma. The purpose of this filing is to eliminate the gateway of the plant site and warehouse sites of the Commercial Cold Storage, Inc., located at or near Doraville, Ga. The purpose of this correction is to set forth the destination state.

No. MC-95540 (Sub-No. E448) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 8, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in South Carolina, to points in Nevada on and south and west of a line beginning at the Nevada-California State line and extending along U.S. Highway 40 to its junction with U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with Nevada Highway 23, thence along Nevada Highway 23 to its junction with Nevada Highway 89, thence along Nevada Highway 89 to its junction with U.S. Highway 6/95, thence along U.S. Highway 6/95 to Tonopah, thence along U.S. Highway 95 to its junction with U.S. Highway 93, thence along U.S. Highway 93 to the Arizona-Nevada State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss. The purpose of this correction is to clarify the route description.

No. MC-95540 (Sub-No. E660), filed May 11, 1974. Applicant: WATKINS MOTOR LINES INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen fruits and vegetables*, in vehicles equipped with mechanical refrigeration (except in bulk), from points in Texas on and south of a line beginning at the Texas-New Mexico State line and extending along Texas Highway 116 to Lubbock; thence along U.S. Highway 62-82 to its junction with Texas Highway 199; thence along Texas Highway 199 to its junction with U.S. Highway 380 thence along U.S. Highway 380 to junction with Interstate Highway 30; thence on Interstate Highway 30 to its junction with Texas Highway 49; thence along

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Texas Highway 49 to its junction with Texas Highway 11; thence along Texas Highway 11 to its junction with Texas Secondary Highway 125, thence along Texas Secondary Highway 125 to the Texas-Louisiana State line, to points in Georgia on and south of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 29 to Atlanta; thence on Interstate Highway 20 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC–107496 (Sub-No. E584), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 5, 1974. Applicant: RUAN TRANSPORT CORP., P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Dundee Cement Company, at or near Clarville, Mo., to points in South Dakota. The purpose of this filing is to eliminate the gateway of the plantsite of Northwestern States Portland Cement Company at Mason City, Iowa. The purpose of this correction is to indicate the plantsite of Dundee Cement Company, at or near Clarville, Mo.

No. MC–107496 (Sub-No. E616), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 1, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Colorado on and west of U.S. Highway 85 and on and south of a line from the junction of U.S. Highway 85 and Colorado Highway 119, along Colorado Highway 119 to the junction of U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line, to points in Iowa. The purpose of this filing is to eliminate the gateway of Omaha, Nebr. The purpose of this correction is to reflect the destination points.

No. MC–107496 (Sub-No. E701), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 1, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonedible animal oils*, in bulk, in tank vehicles, from points in South Dakota (except points south of U.S. Highway 16 and east of U.S. Highway 83), to points in Illinois. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn. The purpose of this correction is to set forth the destination State.

No. MC–107515 (Sub-No. E87), filed May 29, 1974. Applicant: REFRIGERATED PRODUCTS CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Chickasha, Enid, Elk City, and Woodward, Okla., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC–107515 (Sub-No. E88), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in vehicles equipped with mechanical refrigeration, from Philadelphia, Pa., to that part of Texas on and south of a line beginning at Louisiana-Texas State line, thence along Interstate Highway 20 to junction Texas Highway 176, thence along Texas 176 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateways of (1) Richmond, Va., and (2) Montgomery, Ala.

No. MC–107515 (Sub-No. E90), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Scranton, Pa., to points in North Carolina and South Carolina, restricted to transportation in vehicles equipped with mechanical refrigeration. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–107515 (Sub-No. E108), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, fruits, and frozen berries, and frozen fish and shrimp* when moving at the same time and in the same vehicle with frozen vegetables, frozen fruits, or frozen berries, in vehicles equipped with mechanical refrigeration, from points in Oregon and Washington to points in Mississippi. The purpose of this filing is to eliminate the gateway of points in Texas. The purpose of this correction is to reflect the origin territory.

No. MC–110098 (Sub-No. E29), (Correction), filed June 1, 1974, published in the FEDERAL REGISTER July 24, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from points in that part of Texas (1) on and south of a line beginning at the Louisiana-Texas State line, thence along U.S. Highway 190 to junction Texas Highway 30, thence along Texas Highway 30 to junction Texas Highway 90, thence along Texas Highway 90 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 80, thence along U.S. Highway 80 the Texas-New Mexico State line, and (2) north of a line beginning at the Louisiana-Texas State line, thence along U.S. Highway 90 to Houston, thence along Interstate Highway 10 (or U.S. Highway 90) to San Antonio, thence along U.S. Highway 90 to junction Interstate Highway 10 and U.S. Highway 80 at Van Horn, thence along Interstate Highway 10 to the Texas-New Mexico State line, to points in that part of Kansas on and north of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 50 to junction Kansas Highway 68, thence along Kansas Highway 68 to the Kansas-Missouri State line, and that part of Missouri on and north of a line beginning at the Kansas-Missouri State line, thence along Missouri Highway 2 to junction Missouri Highway 13, thence along Missouri Highway 13, to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Kentucky State line. The purpose of this filing is to eliminate the gateway of points in that part of Texas on a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 90 to Houston, thence along Interstate Highway 10 (also over U.S. Highway 90) to San Antonio, thence along U.S. Highway 90 to junction Interstate Highway 10 and U.S. Highway 80 at Van Horn, thence along Interstate Highway 10 to the Texas-New Mexico State line. The purpose of this correction is to clarify the route description in Missouri.

No. MC–110098 (Sub-No. E10), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER July 24, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables, frozen fruits, and frozen berries, and frozen fish and shrimp* when moving at the same time and in the same vehicle with frozen vegetables, frozen fruits, or frozen berries, in vehicles equipped with mechanical refrigeration, from points in Oregon and Washington to points in Mississippi. The purpose of this filing is to eliminate the gateway of points in Texas. The purpose of this correction is to reflect the origin territory.

No. MC–110098 (Sub-No. E29), (Correction), filed June 1, 1974, published in the FEDERAL REGISTER July 24, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk), from points in that part of Texas (1) on and south of a line beginning at the Louisiana-Texas State line, thence along U.S. Highway 190 to junction Texas Highway 30, thence along Texas Highway 30 to junction Texas Highway 90, thence along Texas Highway 90 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 80, thence along U.S. Highway 80 the Texas-New Mexico State line, and (2) north of a line beginning at the Louisiana-Texas State line, thence along U.S. Highway 90 to Houston, thence along Interstate Highway 10 (or U.S. Highway 90) to San Antonio, thence along U.S. Highway 90 to junction Interstate Highway 10 and U.S. Highway 80 at Van Horn, thence along Interstate Highway 10 to the Texas-New Mexico State line, to points in that part of Kansas on and north of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 50 to junction Kansas Highway 68, thence along Kansas Highway 68 to the Kansas-Missouri State line, and that part of Missouri on and north of a line beginning at the Kansas-Missouri State line, thence along Missouri Highway 2 to junction Missouri Highway 13, thence along Missouri Highway 13, to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Kentucky State line. The purpose of this filing is to eliminate the gateway of points in that part of Texas on a line beginning at the Louisiana-Texas State line and extending along U.S. Highway 90 to Houston, thence along Interstate Highway 10 (also over U.S. Highway 90) to San Antonio, thence along U.S. Highway 90 to junction Interstate Highway 10 and U.S. Highway 80 at Van Horn, thence along Interstate Highway 10 to the Texas-New Mexico State line. The purpose of this correction is to clarify the route description in Missouri.

No. MC–110988 (Sub-No. E1), (Correction), filed May 23, 1974, published in the FEDERAL REGISTER on July 10, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 W. Cecil St., Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Chemicals used as fertilizer and fertilizer materials* (except liquid nitrogen, liquid hydrogen, liquid oxygen, and fertilizer and fertilizer materials manufactured from petroleum and petroleum products), in bulk; (a) from El Dorado and Kenosha, Wis., to points in New York and New Jersey; (b) from Marshall, Madison, Edmund, and Janesville, Wis., to points in New York, New Jersey, and the Lower Peninsula of Michigan; (c) from Kenosha and Janesville, Wis., to points in Minnesota on and north of U.S. Highway 16; (d) from Madison, Wis., to points in that part of Minnesota on, north, and west of a line beginning at Breckenridge, thence along Minnesota Highway 210 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to International Falls; (e) from Marshall, Wis., to points in that part of Minnesota on, north, and west of a line beginning at Breckenridge, thence along Minnesota Highway 210 to junction U.S. Highway 71, thence along U.S. Highway 71 to International Falls.

(2) *Chemicals used as fertilizer and fertilizer materials* (except fertilizer and fertilizer materials manufactured from petroleum and petroleum products), in bulk, in tank vehicles; (a) from Kenosha, Wis., to points in Wyoming, Colorado, Nebraska, Kansas, Missouri, Oklahoma, Texas, Arkansas, Louisiana, Alabama, points in that part of Tennessee, on and west of U.S. Highway 27, points in that part of Pennsylvania on and east of U.S. Highway 15, points in that part of North Dakota on and west of North Dakota Highway 3, and points in that part of South Dakota on, west, and south of a line beginning at the North Dakota-South Dakota State line, thence along U.S. Highway 83 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Iowa State line; (b) from El Dorado, Wis., to points in Colorado, Kansas, Missouri, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, West Virginia, Pennsylvania, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of Ohio on and south of U.S. Highway 50, points in that part of Indiana on, west, and south of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 150 to junction Indiana Highway 56, thence along Indiana Highway 56 to Aurora, points in that part of Nebraska on and south of a line beginning at the Wyoming-Nebraska State line.

Thence along U.S. Highway 20 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Nebraska Highway 91 to the Iowa-Nebraska State line, and those in that part of Wyoming on, west, and south of a line beginning at the Montana-Wyoming State line, thence along U.S. Highway 87 to junction U.S. Highway 20 to the Wyoming-Nebraska State line; (c) from Janesville, Wis., to points in Wyoming, Colorado, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, Pennsylvania, points in that part of Tennessee west of U.S. Highway 27, points in that part of Ohio south of U.S. Highway 24, points in that part of Indiana south U.S. Highway 20; (d) from Marshall, Wis., to points in Wyoming, Colorado, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, Pennsylvania, points in that part of Tennessee west of U.S. Highway 27, points in that part of Ohio south of U.S. Highway 27, points in that part of Ohio south of U.S. Highway 24, points in that part of Indiana south of U.S. Highway 24, and points in that part of Nebraska south of a line beginning at the Wyoming-Nebraska State line, thence along U.S. Highway 20 to junction U.S. Highway 281 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to the Nebraska-Iowa State line; (e) from Madison, Wis., to points in Wyoming, Colorado, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, Pennsylvania, points in that part of Tennessee west of U.S. Highway 27, points in that part of Ohio east and south of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 224 to junction U.S. Highway 25, thence along U.S. Highway 25 to the Michigan-Indiana State line, points in that part of Nebraska south and west of a line beginning at the Wyoming-Nebraska State line.

Thence along U.S. Highway 20 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line, points in that part of Wyoming south and west of a line beginning at the Montana-Wyoming State line, thence along Wyoming Highway 59 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Nebraska State line, and points in that part of Indiana south of U.S. Highway 24; (f) from Edmund, Wis., to points in Pennsylvania, Ohio, West Virginia, Kentucky, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, Texas, Indiana (except Lake and Porter Counties) points in that part of Tennessee west of U.S. Highway 27, points in that part of Colorado south and west of a line beginning at the Nebraska-Colorado State line, thence along Colorado-State Highway 71 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 385, thence along U.S. Highway 385 to the Colorado-Oklahoma State line, and points in that part of Wyoming south and west of a line beginning at the Montana-Wyoming State line, thence along Wyoming Highway 120 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Nebraska State line.

(3) *Phosphoric acid and phosphatic fertilizer solutions*, in bulk, in tank vehicles, from the plantsite of Hydrite Chemical Co., at Milwaukee, Wis., to points in New York, New Jersey, Wyoming, Nebraska, Colorado, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, points in that part of Michigan on and east of a line beginning at Bay City, thence along Michigan Highway 15 to junction U.S. Highway 10, thence along U.S. Highway 10 to Detroit, points in that part of Tennessee on and west of U.S. Highway 27, and points in that part of Pennsylvania on and east of U.S. Highway 15.

(4) *Lignin liquor*, in bulk, in tank vehicles; (a) from Park Falls, Wis., to Hazelhurst, Miss., and points in Arkansas, Louisiana, Oklahoma, Texas, points in that part of Kansas on, east, and south of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 81 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Kansas State line, and points in that part of Missouri on, south, and east of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Illinois State line; (b) from Green Bay, Wis., to Hazelhurst, Miss., and points in Louisiana, Arkansas, Missouri, Kansas, Oklahoma, Texas, Colorado, points in that part of Nebraska on, west, and south of a line beginning at the Nebraska-Wyoming State line, thence along U.S. Highway 20 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to the Nebraska-Iowa State line, and points in that part of Wyoming on, west, and south of a line beginning at the Wyoming-Montana State line, thence along Wyoming Highway 120 to junction U.S. Highway 201 thence along U.S. Highway 20 to the Wyoming-Nebraska State line; (c) from Rothschild, Wis., to points in Missouri, Kansas, Colorado, Oklahoma, Arkansas, Louisiana, and Texas.

(5) *Chemicals* (except liquid hydrogen, liquid oxygen, liquid nitrogen, wood preservatives, and water repellents), in bulk, in tank and hopper-type vehicles, from South Beloit, Ill., to points in Pennsylvania, West Virginia, and points in that part of Ohio on, north, and east of a line beginning at Toledo, thence along Ohio Highway 2 to junction U.S. Highway 13, thence along Ohio Highway 13

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to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line.

(6) *Chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, from South Beloit, Ill., to points in North Dakota, Louisiana, points in that part of Minnesota west of U.S. Highway 65, points in that part of South Dakota on and north of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 16 to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Minnesota State line, points in that part of Texas on and south of U.S. Highway 66, points in that part of Oklahoma on and south of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 66 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to the Oklahoma-Arkansas State line, points in that part of Mississippi on and south of U.S. Highway 80, points in that part of Alabama on and south of U.S. Highway 80, points in that part of Colorado on and west of U.S. Highway 85, and points in that part of Wyoming on, west, and south of a line beginning at the Wyoming-Montana State line, thence along Wyoming Highway 120 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Wyoming-Colorado State line.

(7) *Chemicals used as dry fertilizer and dry fertilizer materials* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, from the plant site of USS Agri-Chemicals, Inc., at Chicago Heights, Ill., to points in Minnesota, North Dakota, points in that part of Michigan on and west of a line beginning at the Wisconsin-Michigan State line, thence along U.S. Highway 45 to junction Michigan Highway 26, thence along Michigan Highway 26 to Cooper Harbor, and points in that part of Wisconsin in, north, and west of Vilas, Oneida, Lincoln, Marathon, Portage, Adams, Juneau, Sauk, Richland, and Crawford Counties, points in that part of South Dakota on and north of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 16 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Minnesota State line.

(8) *Dry fertilizer and dry fertilizer materials* (except fertilizer and fertilizer materials manufactured from petroleum products), in bulk, from the plant site of USS Agri-Chemicals, Inc., at Chicago Heights, Ill., to points in that part of Iowa on, north, and west of a line beginning at the Nebraska-Iowa State line, thence along Iowa Highway 2 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 18, thence along U.S. Highway 18 to the Iowa-Wisconsin State line.

(9) *Chemicals used as dry fertilizer and dry fertilizer materials* (except fertilizer and fertilizer materials manufactured from petroleum and petroleum products), in bulk, in tank vehicles; (a) from the plant site of USS Agri-Chemicals, Inc., at Chicago Heights, Ill., to points in Wyoming, Colorado, Texas, points in that part of Nebraska on and west of U.S. Highway 281, points in that part of Kansas on and west of U.S. Highway 81, points in that part of Louisiana on and south of a line beginning at the Arkansas-Louisiana State line, thence along U.S. Highway 71 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Louisiana State line, points in that part of Mississippi on and south of a line beginning at the Louisiana-Mississippi State line, thence along Mississippi Highway 26 to junction U.S. Highway 98, thence along U.S. Highway 98 to the Mississippi-Alabama State line, and points in that part of Alabama on and south of U.S. Highway 98; (b) from the plant site and warehouse facilities of Darling & Co., at Chicago, Ill., to points in Wyoming, Colorado, Kansas, Oklahoma, Texas, Louisiana, points in that part of Alabama on and south of U.S. Highway 80, points in that part of Mississippi on and south of U.S. Highway 80, points in that part of Arkansas on, west, and south of a line beginning at the Arkansas-Oklahoma State line, thence along U.S. Highway 62 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line, and points in that part of Nebraska on, west, and south of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 81 to intersection U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Iowa State line; (c) from the plant site of International Minerals & Chemical Corporation at Chicago Heights, Ill., to points in Wyoming, Colorado, Texas, points in that part of Nebraska on and west of U.S. Highway 281, points in that part of Kansas on and west of U.S. Highway 81, points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 35 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arkansas-Oklahoma State line, points in that part of Mississippi on and south of a line beginning at the Louisiana-Mississippi State line, thence along Mississippi Highway 26 to junction U.S. Highway 98, thence along U.S. Highway 98 to the Mississippi-Alabama State line, and points in that part of Alabama on and south of U.S. Highway 98.

(10) *Chemicals used as dry fertilizer and dry fertilizer materials* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk; (a) from the plant site and warehouse facilities of Darling & Co., at Chicago, Ill., to points in Minnesota, North Dakota, points in that part of Wisconsin on and north of a line beginning at Prescott, thence along Wisconsin Highway 29 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 41, thence along U.S. Highway 41 to Marinette, points in that part of Michigan on and west of a line beginning at Menominee, thence along U.S. Highway 41 to Marquette, and points in that part of South Dakota on and north of a line beginning at the South Dakota on and north of the South Dakota-Wyoming State line, thence along U.S. Highway 16 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Minnesota State line; (b) from the plant site of W. R. Grace & Co., located at or near Henry, Ill., to points in New York and New Jersey.

(11) *Dry fertilizer and dry fertilizer materials* (except fertilizer and fertilizer materials manufactured from petroleum products), in bulk, from the plant site and warehouse facilities of Darling & Co., at Chicago, Ill., to points in that part of Iowa on, north, and west of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 6 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 18, thence along U.S. Highway 18 to the Iowa-Wisconsin State line.

(12) *Chemicals used as dry fertilizer and dry fertilizer materials*, in bulk; (a) from the plant site of International Minerals & Chemical Corporation at Chicago Heights, Ill., to points in Minnesota, North Dakota, and points in that part of South Dakota on and north of U.S. Highway 14; (b) from the plant site of W. R. Grace & Co., located at or near Henry, Ill., to points in North Dakota, and points in that part of South Dakota on and north of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 14 to junction South Dakota Highway 37, thence along South Dakota Highway 37 to junction U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-Minnesota State line.

(13) *Chemicals used as fertilizer and fertilizer materials* (except wod preservatives and water repellants), in bulk, in tank or hopper-type vehicles, from the plant site of International Minerals and Chemical Corporation at Delmar, Iowa, to points in Pennsylvania, points in that part of West Virginia on and east of a line beginning at the West Virginia-Ohio State line, thence along U.S. Highway 50 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Virginia State line, and points in that part of Ohio on and east of a line beginning at Vermilion, Ohio, thence along Ohio Highway 60 to junction U.S. Highway 36, thence along Ohio Highway 36 to junction Ohio Highway 83, thence along Ohio Highway 83 to the Ohio-West Virginia State line.

(14) *Liquid fertilizer and liquid fertilizer ingredients* (except petroleum products), in bulk, in tank vehicles, from Streator, Ill., to points in that part of Ohio on, south, and east of a line beginning at the Ohio-Indiana State line, thence along Ohio Highway 81 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 4, thence along Ohio Highway 4 to Sandusky.

(15) *Chemicals* (except liquid hydrogen, liquid oxygen, liquid nitrogen, hydrofiousiliac acid, and chemicals derived from petroleum), in bulk, in tank or hopper-type vehicles, from Mason City, Iowa, to points in New York, New Jersey, the Lower Peninsula of Michigan, and points in that part of the Upper Peninsula of Michigan on, north, and east of a line beginning at Marquette, thence along U.S. Highway 41 to junction Michigan Highway 95, thence along Michigan Highway 95 to junction U.S. Highway 2, thence along U.S. Highway 2 to Escanaba.

(16) *Chemicals* (except liquid hydrogen, liquid oxygen, liquid nitrogen, hydrofiousiliac acid, chemicals derived from petroleum, wood preservatives, and water repellants), in bulk, in tank or hopper-type vehicles, from Mason City, Iowa, to points in Ohio, West Virginia, and Pennsylvania.

(17) *Chemicals* (except hydrofiousiliac acid and chemicals derived from petroleum), in bulk, in tank vehicles, from Mason City, Iowa, to points in Alabama, points in that part of Tennessee bounded by a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 27 to the Tennessee-Georgia State line, thence along the Tennessee-Georgia, Tennessee-Alabama, and Tennessee-Mississippi State lines to junction Tennessee Highway 22, thence along Tennessee Highway 22 to junction Tennessee Highway 77, thence along Tennessee Highway 77 to junction U.S. Highway 641, thence along U.S. Highway 641 to the Tennessee-Kentucky State line, points in that part of Mississippi on, south, and east of a line beginning at the Mississippi-Tennessee State line, thence along U.S. Highway 45 to junction U.S. Highway 82, thence along U.S. Highway 92 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Mississippi-Louisiana State line, and those points in Louisiana on and east of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 51 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi River, thence along the Mississippi River to the Gulf of Mexico.

(18) *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant sites of Farmland Industries, Inc., and W. R. Grace & Co., at or near Fort Dodge, Iowa, to points in New York, New Jersey, Indiana, Ohio, Pennsylvania, West Virginia, Kentucky, Alabama, Mississippi, points in the Lower Peninsula of Michigan, points in that part of the Upper Peninsula of Michigan on and east of a line beginning at Cooper Harbor, thence along U.S. Highway 41 to junction U.S. Highway 141, thence along U.S. Highway 141 to the Michigan-Wisconsin State line, points in that part of Wisconsin on and east of a line beginning at the Wisconsin-Michigan State line, thence along U.S. Highway 141 to junction Wisconsin Highway 22, thence along Wisconsin Highway 22 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line, points in that part of Tennessee on and west of U.S. Highway 27, and points in that part of Louisiana on and east of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 61 to the New Orleans, and the Mississippi River, thence along the Mississippi River to the Gulf of Mexico.

(19) *Lime and limestone products*, in bulk, in tank or hopper-type vehicles, from River Rouge, Mich., to points in Minnesota.

(20) *Lime and limestone products*, in bulk, in tank vehicles, from River Rouge, Mich., to points in North Dakota, South Dakota, Nebraska, Colorado, Kansas, Texas, Oklahoma, Arkansas, Louisiana, points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line, points in that part of Mississippi west of a line beginning at the Tennessee-Mississippi State line, thence along U.S. Highway 45 to junction Mississippi Highway 69, thence along Mississippi Highway 69 to the Alabama-Mississippi State line, and points in that part of Alabama on and south of a line beginning at Alabama-Mississippi State line, thence along U.S. Highway 84 to junction Alabama Highway 55, thence along Alabama Highway 55 to the Alabama-Florida State line.

(21) *Lignin pitch*, in bulk, in tank vehicles, from Appleton and Rhinelander, Wis., to Hazelhurst, Miss., points in Colorado, and points in that part of Nebraska on, south, and west of a line beginning at the Wyoming-Nebraska State line, thence along U.S. Highway 30 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Nebraska-Kansas State line.

(22) *Chemicals used as liquid fertilizer and liquid fertilizer ingredients* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Thorntown, Ind., to points in Minnesota, points in the Upper Peninsula of Michigan, on and west of a line beginning at Marquette, thence along U.S. Highway 41 to Escanaba, and points in that part of Wisconsin on, west, and north of a line beginning at the Wisconsin-Illinois State line, thence along U.S. Highway 51 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan.

(23) *Chemicals used as liquid fertilizer and liquid fertilizer ingredients*, in bulk, in tank vehicles, from Thorntown, Ind., to points in North Dakota, South Dakota, Wyoming, Colorado, Nebraska, points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 73 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Kansas-Oklahoma State line, points in that part of Oklahoma on and west of U.S. Highway 35, and points in that part of Texas on and west of U.S. Highway 69.

(24) *Lime, quick or hydrated*, in bulk, in tank vehicles, (a) from Chicago, Ill., to points in Pennsylvania, New York, West Virginia, Kentucky, North Dakota, South Dakota, Wyoming, Nebraska, Colorado, Kansas, Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Ohio (except points in Cuyahoga, Geauga, Portage, and Lorain Counties), the Lower Peninsula of Michigan, points in that part of Wisconsin north and west of a line beginning at the Wisconsin-Minnesota State line, thence along Wisconsin Highway 29 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Michigan State line, and points in that part of Tennessee on, west and south of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 45E to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 64 thence along U.S. Highway 65 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Georgia State line; (b) from Buffington, Ind., to points ming, Nebraska, South Dakota, Wyoming, Nebraska, Colorado, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, points in that part of Tennessee on, south, and west of a line beginning at the Kentucky-Tennessee State line, thence along Tennessee Highway 69 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line.

(25) *Lignin liquor*, in bulk, in tank or hopper-type vehicles, from Cloquet, Minn., to points in Michigan on and south of Michigan Highway 55.

(26) *Drychemicals used as animal and poultry feed ingredients*, in bulk, in tank or hopper-type vehicles, from Chicago Heights, Ill., to points in North Dakota, points in that part of South Dakota on and north of U.S. Highway 14, and points in that part of Michigan on and west of a line beginning at Marquette, thence along U.S. Highway 41 to Escanaba.

(27) *Aqua ammonia*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in New York and New Jersey.

(28) *Liquid aqua ammonia*, in bulk, in tank or hopper-type vehicles, from Milwaukee, Wis., to points in Pennsylvania, West Virginia and points in Ohio on and east of a line beginning at Toledo, thence along Ohio Highway 2 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 339, thence along Ohio Highway 339 to the Ohio-West Virginia State line.

(29) *Aqua ammonia*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Wyoming, Colorado, Kansas, Nebraska, Texas, Oklahoma, Missouri, Arkansas, Louisiana, Mississippi, Ala-

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bama, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of Kentucky on and south of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 231 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Kentucky-West Virginia State line, and points in that part of South Dakota on, south, and west of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 16 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line.

(30) *Chemicals used as liquid fertilizer and liquid fertilizer ingredients* (except petroleum products, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Warsaw, Ind., to points in Minnesota, points in that part of Michigan on and west of a line beginning at Marquette, thence along U.S. Highway 41 to Escanaba, points in that part of Wisconsin on and west of a line beginning at the Wisconsin-Michigan State line, thence along U.S. Highway 41 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line.

(31) *Chemicals used as liquid fertilizer and liquid fertilizer ingredients* (except petroleum products), in bulk, in tank vehicles, from Warsaw, Ind., to points in North Dakota, South Dakota, Wyoming, Nebraska, Colorado, Kansas, Oklahoma, Texas, Louisiana, Mississippi, points in that part of Missouri west of a line beginning at Cape Girardeau, thence along U.S. Highway 61 to the Missouri-Arkansas State line, and points in that part of Arkansas west of U.S. Highway 61.

(32) *Chemicals used as sand additives*, dry, in bulk, in tank vehicles; (a) from Belvidere, Ill., to points in Wyoming, Nebraska, Colorado, Kansas, Missouri, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of North Dakota on, west, and north of a line beginning at the North Dakota-South Dakota State line, thence along North Dakota Highway 1 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Minnesota State line, and points in that part of South Dakota on and west of a line beginning at the North Dakota-South Dakota State line, thence along South Dakota Highway 37 to junction South Dakota Highway 20, thence along South Dakota Highway 20 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Nebraska State line; (b) from Archbold and Woodworth, Ohio, to points in North Dakota, South Dakota, Wyoming, Nebraska, Colorado, Kansas, Oklahoma, Texas, points in that part of Missouri west of a line beginning at St. Louis, thence along U.S. Highway 67 to the Missouri-Arkansas State line, points in that part of Arkansas west of U.S. Highway 167, and points in that part of Louisiana west of a line beginning at Arkansas-Louisiana State line, thence along U.S. Highway 167 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Louisiana Highway 317, thence along Louisiana Highway 317 to the Gulf of Mexico.

(33) *Chemicals* (except lignin liquor and lignin pitch), in bulk, in tank or hopper-type vehicles, from Neenah, Menasha, Appleton, and Kimberly, Wis., to points in North Dakota and South Dakota.

(34) *Chemicals* (except lignin liquor, lignin pitch, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank or hopper-type vehicles, from Neenah, Menasha, Appleton, and Kimberly, Wis., to Detroit, Mich., and points in New York and New Jersey.

(35) *Chemicals* (except lignin liquor and lignin pitch), in bulk, in tank vehicles; (a) from Neenah, Menasha, Appleton, and Kimberly, Wis., to points in Colorado, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, West Virginia, Pennsylvania, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of Wyoming on and south of U.S. Highway 26, points in that part of Nebraska on and south of a line beginning at the Nebraska-Wyoming State line, thence along U.S. Highway 20 to junction Wyoming Highway 2, thence along Wyoming Highway 2 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line, and points in that part of Ohio on, south, and east of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 4 to Sandusky; (b) from Groos, Mich., to points in Iowa, Illinois, Missouri, and Indiana.

(36) *Lignin liquor*, in bulk, in tank vehicles, from Oconto Falls, Wis., to points in West Virginia, Kentucky, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, Florida, Georgia, South Carolina, North Carolina, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of Wyoming on, west, and south of a line beginning at the Montana-Wyoming State line, thence along Wyoming Highway 120 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Nebraska State line, points in that part of Virginia east of a line beginning at the Virginia-Tennessee State line, thence along U.S. Highway 81 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Virginia-West Virginia State line, and points in that part of Maryland east of U.S. Highway 522.

(37) *Chemicals, in bulk, in tank vehicles;* (a) from Groos, Mich., to points in North Dakota, South Dakota, Ohio, Indiana, Colorado, Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, points in that part of Illinois on, west, and south of a line beginning at the Illinois-Wisconsin State line, thence along Illinois Highway 47 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Illinois-Indiana State line, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of Wyoming on and south of U.S. Highway 26, points in that part of Nebraska on and south of a line beginning at the Wyoming-Nebraska State line, thence along U.S. Highway 26 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Iowa State line, points in that part of West Virginia on and south of U.S. Highway 33, and points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 220 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Maryland-Pennsylvania State line; (b) from Portage, Wis., to East St. Louis, Ill., points in Colorado, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, West Virginia, Pennsylvania, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of Wyoming on and south of U.S. Highway 26, and points in that part of Nebraska south of a line beginning at the Wyoming-Nebraska State line, thence along U.S. Highway 26 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line.

(38) *Chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Groos, Mich., to points in New York and New Jersey.

(39) *Chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Portage, Wis., to points in New York and New Jersey.

(40) *Chemicals* (except wood preservatives, water repellents, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank or hopper-type vehicles, from Otsego, Mich., to points in Minnesota on and east of U.S. Highway 65, and points in that part of Wisconsin on and west of a line beginning at the Wisconsin-Illinois State line, thence along U.S. Highway 51 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 41, to Wisconsin-Michigan State line.

(41) *Chemicals* (except wood preservatives and water repellents), in bulk, in tank vehicles, from Otsego, Mich., to East St. Louis, Ill., points in North Dakota, South Dakota, Wyoming, Nebraska, Colorado, Kansas, Missouri, Oklahoma, Texas, Arkansas, Mississippi, points in that part of Tennessee on and west of Tennessee Highway 69, and those points in Alabama on and west of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 43 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction Alabama Highway 41, thence along Alabama Highway 41 to the Alabama-Florida State line.

(42) *Dry glue*, in bulk, in tank or hopper type vehicles; (a) from Chicago, Ill., to points in the Upper Peninsula of Michigan, points in that part of Minnesota on, north, and west of a line beginning at the Iowa-Minnesota State line, thence along Minnesota Highway 4 to junction U.S. Highway 16, thence along U.S. Highway 16 to the Wisconsin-Minnesota State line, and points in that part of Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line, thence along Wisconsin highway 54 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 110, thence along Wisconsin Highway 110 to junction Wisconsin Highway 150, thence along Wisconsin Highway 150 to junction Wisconsin Highway 47, thence along Wisconsin Highway 47 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to Algoma; (b) from Indianapolis, Ind., to points in Minnesota, points in that part of Michigan west of a line beginning at Marquette, thence along U.S. Highway 41 to Escanaba, and points in that part of Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 16 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction Wisconsin Highway 55, thence along Wisconsin Highway 55 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to Algoma.

(43) *Chromium sulphate*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in New York, New Jersey, Alabama, Mississippi, Louisiana, Arkansas, Missouri, points in that part of Michigan on and east of a line beginning at Bay City, thence along Michigan Highway 15 to junction U.S. Highway 10, thence along U.S. Highway 10 to Detroit, points in that part of South Dakota on, south, and west of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 14 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line, and points in that part of Kentucky on and south of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 231 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Kentucky-West Virginia State line.

(44) *Lignin liquor*, in bulk, in tank vehicles, from Cloquet, Minn., to points in New York, Pennsylvania, New Jersey, Ohio, Indiana, Kentucky, West Virginia, Maryland, Virginia, North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, Florida, and Illinois (except points in Jo Daviess, Stephenson, Winnebago, Carroll, Ogle, Mercer, Henderson, Warren, Hancock, and McDonough Counties).

(45) *Fertilizer and fertilizer materials*, in bulk, in tank or hopper-type vehicles, from the plant site of International Minerals and Chemical Corporation at Delmar, Iowa, to points in that part of Minnesota on and north of a line beginning at the Minnesota-South Dakota State line, thence along Minnesota Highway 28 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction U.S. Highway 61, thence along U.S. Highway 61 to Duluth.

(46) *Chemicals* (except wood preservatives, water repellants, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Otsego, Mich., to points in Minnesota. The filing in (5) above is restricted against the transportation of dry chemicals in bulk.

The purpose of this filing is to eliminate the gateways (A) of South Beloit, Ill., for various points in (1)(a)(b), (3), (18), (22), (27), (30), (34), (39), and (43), above; (B) of South Beloit, Ill., and Portage, Wis., for various points in (1)(c)(d)(e), (46), (22), and (30) above; (C) of the plant site and warehouse facilities of Philadelphia Quartz Co., at Utica, Ill., for various points in (2)(a)(b)(c)(d)(e)(f), (4)(a)(b)(c), (6), (18), (20), (21), (23), (24), (29), (31), (32), (a)(b), (35), (36), (37)(b), (41), and (43) above; (D) of Otsego, Mich., for various points in (5) and (13)(a) above; (E) of Portage, Wis., for various points in (6), (10)(a), (12), (14), (19), (37), (40), and (45) above; (F) of Rothschild, Wis., for various points in (6), (12), (25), (26), (13)(b), (33), (37), and (44) above. (G) of that part of Rock County, Wis., which lies in the South Beloit, Ill., commercial zone, for various points in (7), (10)(a)(b), (15), (26), and (38) above; (H) of that part of Rock County, Wis., which lies in the South Beloit, Ill., commercial zone and Portage, Wis., for various points in (7) above; (I) of that part of Rock County, Wis., which lies on the South Beloit, Ill., commercial zone and Rothschild, Wis., for various points in (8) and (10) above; (J) of the plant site and warehouse facilities of Philadelphia Quartz Co., at Utica, Ill., and Kenosha, Wis., for various points in (9)(a)(b)(c) and (12) above; (K) of Kenosha, Wis., for various points in (11) above; (L) of Thorntown, Ind., for various points in (14) above; (M) of that part of Rock County, Wis., which lies in the South Beloit, Ill., commercial zone, and Otsego, Mich., for various points in (16) above; (N) of the plant site and warehouse facilities of Philadelphia Quartz Co., at Utica, Ill., and Portage, Wis., for various points in (17) and (37)(a) above; (O) of Buffington, Ind., for various points in (24) above; (Q) of Appleton, Wis., for various points in (35)(b) above; and (R) of the plant site of Central Paper Co., Inc., at Menasha, Wis., for various points in (42)(a)(b) above.

The purpose of this correction is to correct the territorial description to Hazelhurst, Miss., and points in Arkansas • • • "Which was inadvertently published as '• • • to Hazelhurst, Miss., to points in Arkansas • • •'" in (4)(a) above; to correct the territorial description "• • • to the Arkansas-Oklahoma State line • • • which was inadvertently published as "to the Arkansas-Louisiana State line • • •" in (9)(c) above; to correct the inadvertent omission of the commodity "limestone products" in (19) and (20) above; to correct the territorial description "• • • points in Ohio on and east of a line • • •" which was inadvertently published as "• • • points in Ohio on and west of a line • • •" in (28) above; to correct the territory description "• • • that part of South Dakota on and north of a line "• • • which was inadvertently published as "• • • that part of South Dakota on and south of a line • • •" in (12)(b) above; to correct the territory description "• • • points in that part of Illinois on, west, and south of a line • • •" which was inadvertently published as "• • • points in that part of Illinois north and east of a line • • •" in (37)(a) above; to correct the territory description "• • • to junction Interstate Highway 83 • • •" which was inadvertently published as '• • • to junction U.S. Highway 83 • • •' "• • • from Groos, Mich., • • • " which was inadvertently published as "• • • from Portage, Wis. • • •" in (38) above; and to correct the territory description "• • • thence along U.S. Highway 61 to Duluth," which was inadvertently published as "• • • thence along U.S. Highway 61 to Detroit."

No. MC–111545 (Sub-No. E304), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked-down, or in sections, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Alabama on and south of a line beginning at the Alabama-Mississippi State line, thence along U.S. Highway 11 to Attalla, thence along U.S. Highway 411 to the Alabama-Georgia State line, on the one hand, and on the other, points in that part of Illinois on and north of U.S. Highway 136, and points in that part of Indiana on and north of Interstate Highway 70, and points in Ohio, Michigan, and Wisconsin. The purpose of this filing is to eliminate the gateway of Piedmont, Ala.

No. MC–111545 (Sub-No. E305), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse-treatment equipment, and parts, attachments, and accessories*, for incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of North Carolina on,

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south, and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 401 to Louisburg, thence along North Carolina Highway 39 to Selma, thence along Alternate U.S. Highway 70 to junction U.S. Highway 70, thence along U.S. Highway 70 to Atlantic, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

No. MC–111545 (Sub-No. E306), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more (except buses), and *related machinery, tools, parts, and supplies* moving in connection therewith, from points in that part of Oklahoma on and west of a line beginning at the Oklahoma-Kansas State line, thence along Oklahoma Highway 34 to Woodward, thence along U.S. Highway 183 to the Oklahoma-Texas State line, to points in Vermont, restricted to the transportation of commodities when moving on trailers. The purpose of this filing is to eliminate the gateways of Atlanta and Toccoa, Ga.

No. MC–111545 (Sub-No. E307), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse-treatment equipment, and parts, attachments, and accessories*, for-incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Alabama on, east, and north of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 72 to Scottsboro, thence along Alabama Highway 79 to Birmingham, thence along U.S. Highway 31 to Montgomery, thence along U.S. Highway 80 to the Alabama-Georgia State line, to points in North Dakota. The purpose of this filing is to eliminate the gateways of Cedartown, Ga., and Springfield, Mo.

No. MC–111545 (Sub-No. E308), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Connecticut, on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at the Illinois-Missouri State line, thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to Murphysboro, thence along Illinois Highway 13 to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E309), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in New Jersey, that part of Massachusetts on and west of U.S. Highway 5, and that part of Pennsylvania on, east, and south of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 222 to Lancaster, thence along Pennsylvania Highway 501 to junction U.S. Highway 22, thence along U.S. Highway 22 to Strausstown, thence along Pennsylvania Highway 183 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Pottsville, thence along U.S. Highway 209 to Tamaqua, thence along Pennsylvania Highway 309 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at Chester, thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to Murphysboro, thence along Illinois Highway 13 to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E310), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Nebraska on, south, and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 83 to Thedford, thence along Nebraska Highway 2 to Crawford, thence along U.S. Highway 20 to the Nebraska-Wyoming State line, on the one hand, and, on the other, points in that part of Delaware on and north of Delaware Highway 18, and that part of Maine on and east of a line beginning tt the Boundary line between the United States and Canada, thence along U.S. Highway 201 to Brunswick, thence along Maine Highway 123 to South Harpswell. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Payne, Iowa.

No. MC–111545 (Sub-No. E311), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Maine, on the one hand, and, on the other, points in that part of Missouri on, south, and west of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 160 to junction Missouri Highway 39, thence along Missouri Highway 39 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Quapaw, Okla.

No. MC–111545 (Sub-No. E312), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Oklahoma on and east of a line beginning at the Oklahoma-Arkansas State line, thence along U.S. Highway 62 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line, to points in that part of Nebraska on and north of a line beginning at the Nebraska-Missouri State line, thence along Nebraska Highway 92 to Merna, thence along Nebraska Highway 92 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to Ogallala, thence along U.S. Highway 30 to the Nebraska-Wyoming State line. The purpose of this filing is to eliminate the gateways of points in Arkansas and Payne, Iowa.

No. MC–111545 (Sub-No. E313), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Virginia, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC–111545 (Sub-No. E517), filed June 2, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., PO Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more (except buses), and *related machinery, tools, parts and*

supplies moving in connection therewith, from points in those parts of Alabama, Georgia, and Mississippi within 175 miles of Chattanooga, Tenn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, Rhode Island, Vermont, and the District of Columbia, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Toccoa, Ga.

No. MC–113843 (Sub-No. E178), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, (1) from Dover, Del., to points in Colorado, Kansas, Minnesota, Oklahoma, and Wisconsin, points in Arkansas on, south, and west of U.S. Highway 71, and points in that part of Texas on and west of a line beginning at the Texas-Arkansas State line and extending along U.S. Highway 59 to junction U.S. Highway 80, thence along U.S. Highway 80 to Longview, thence along U.S. Highway 259 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 87, thence along U.S. Highway 87 to Levaca Bay; and (2) from points in those portions of Delaware and Maryland (except Pocomoke City, Cambridge, and Crisfield) east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal to points in Colorado, Kansas, Minnesota and Wisconsin, points in Benton, Boone, Carroll, Crawford, and Washington Counties, Ark., points in that part of Oklahoma on, north, and west of a line beginning at the Oklahoma-Arkansas State line and extending along Interstate Highway 40 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Oklahoma-Texas State line, and points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 75 to Dallas, thence along Interstate Highway 35 to the U.S.-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC–113908 (Sub-No. E26), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and animal oils*, in bulk, in tank vehicles, from the plantsite of Wilson & Co., Inc., at or near Cherokee, Iowa, to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of the plantsite of Armour Grocery Products Co., near Augateway of the plantsite of Armour Grorora, Ill.

No. MC–113908 (Sub-No. E29), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycerine, and fatty acids*, from the plantsite of the Armour Grocery Products Co., near Aurora, Ill., to Stockton, Calif. The purpose of this filing is to eliminate the gateway of Verona, Mo.

No. MC–113908 (Sub-No. E31), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycerine and fatty acids* from the plantsite of the Armour Grocery Products Co., near Aurora, Ill., to points in Louisiana, points in that part of Mississippi on and south of U.S. Highway 82, and points in that part of Arkansas on and west of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Arkansas Highway 11, thence along Arkansas Highway 11 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

No. MC–113908 (Sub-No. E32), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Marionville, Mo. to points in Texas. The purpose of this filing is to eliminate the gateway of Rogers, Ark.

No. MC–113908 (Sub-No. E36), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from North Rose, N.Y., commercial zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 (1951) within which local operations may be conducted pursuant to the partial exemption of section 203 (b) (8) of the Act (the "exempt zone"), to points in Texas, Oklahoma, and Arkansas. The purpose of this filing is to eliminate the gateway of points in Michigan.

No. MC–113908 (Sub-No. E44), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Auburndale, Fla., to Helena, Mont. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC–113908 (Sub-No. E74), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from North Rose, N.Y., to points in California. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC–113908 (Sub-No. E75), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Chicago, Ill., to points in that part of Colorado on, west, and south of a line beginning at the Colorado-Nebraska State line, thence along Colorado Highway 71 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line. The purpose of this filing is to eliminate the gateway of Nixa, Mo.

No. MC–113908 (Sub-No. E78), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock, and apple juice*, from points in that portion of the New York, N.Y., commercial zone, as defined in the fifth supplemental report in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 (1951) within which local operations may be conducted pursuant to the partial exemption of section 203 (b) (8) of the Act (the "exempt zone"), to points in Texas, Oklahoma, and Arkansas. The purpose of this filing is to eliminate the gateway of points in Michigan.

No. MC–113908 (Sub-No. E80), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from the site of the storage and production facilities of the

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Allied Chemical Corporation at or near Blytheville, Ark., to points in Arizona, California, Colorado, Kansas, Nevada, New Mexico, Utah, Washington, points in Benton and Washington Counties, Ark., and points in that part of Missouri west of Missouri Highway 5, points in that part of Oklahoma west of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 75 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to the Oklahoma-New Mexico State line. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

No. MC-113908 (Sub-No. E96), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Grimes, Iowa, to points in South Dakota, and points in that part of Kansas on and west of U.S. Highway 77. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC-115554 (Sub-No. E11), filed June 4, 1974. Applicant: SCOTTS TRANSPORTATION SERVICE, INC., P.O. Box 1634, Des Moines, Iowa 50309. Applicant's representative: James R. Madler, 1255 North Sandburg Terrace, Chicago, Ill. 60610. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, refrigeration and electrical equipment, appliances, and parts, materials, and supplies* used in the manufacture, repair and distribution of such commodities between points in Wisconsin on and south of U.S. Highway 151 on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, and points in Wyoming on and north of U.S. Highway 26. The purpose of this filing is to eliminate the gateway of Amana, Iowa.

No. MC-115554 (Sub-No. E12), filed June 4, 1974. Applicant: SCOTTS TRANSPORTATION SERVICE, INC., P.O. Box 1634, Des Moines, Iowa 50306. Applicant's representative: James R. Madler, 1255 North Sandburg Terrace, Chicago, Ill. 60610. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, refrigeration and electrical equipment, appliances, and parts, materials, and supplies* used in the manufacture, repair, and distribution of such commodities, between points in Wisconsin on the one hand, and, on the other, points in Washington, Oregon, California, Idaho, Nevada, Utah, Arizona, Colorado, New Mexico, Texas, Kansas, Oklahoma, and Louisiana, and points in Wyoming on and south of U.S. Highway 26. The purpose of this filing is to eliminate the gateway of Amana, Iowa.

No. MC-119531 (Sub-No. E175), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre drums*, from the plant and warehouse facilities of Container Corporation of America at Addison, Ill., to points in Maryland. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ohio.

No. MC-119531 (Sub-No. E176), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre drums*, from the plant and warehouse facilities of Container Corporation of America at Addison, Ill., to points in New York, New Jersey, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC-119531 (Sub-No. E177), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber cylindrical containers*, from the plant and warehouse sites of Container Corporation of America at Ravenna, Ohio, to points in Iowa and Wisconsin. The purpose of this filing is to eliminate the gateway of Addison, Ill.

No. MC-119531 (Sub-No. E178), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard containers*, from the plant and warehouse facilities of Container Corporation of America at Ravenna, Ohio, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Van Wert, Ohio.

No. MC-119531 (Sub-No. E205), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard cartons*, (1) from Ashtabula, Ohio, to points in Illinois; and (2) from Ashtabula, Ohio, to points in Wisconsin. The purpose of this filing is to eliminate the gateways of (a) Cleveland, Ohio, for (1) above; and (2) Cleveland, Ohio, and Rockdale, Ill., for (2) above.

No. MC-119531 (Sub-No. E206), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard shipping containers*, other than corrugated, (1) from Seymour, Ind., to points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 75 to Knoxville, thence along U.S. Highway 129, to the Tennessee-North Carolina State line; and (2) from Seymour, Ind., to points in Wisconsin and Iowa (except points south of a line beginning at Muscatine, Iowa and extending along Iowa State Highway 92 to Winterset, thence along U.S. Highway 169 to the Iowa-Missouri State line). The purpose of this filing is to eliminate the gateways of (a) Cincinnati, Ohio, for (1) above; and (b) Addison, Ill., for (2) above.

No. MC-119531 (Sub-No. E207), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard boxes*, from the plant site of Container Corporation of America at Carol Stream, Ill., (a) to points in Maryland; (b) to points in Tennessee on and east of U.S. Highway 231; and (c) to points in Kentucky on and east of Interstate Highway 65. The purpose of this filing is to eliminate the gateways of (1) Mt. Vernon, Ohio, for (a) above; (2) Cincinnati, Ohio, for (b) above; and (3) Columbus, Ind., for (c) above.

No. MC-119531 (Sub-No. E208), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard and pulpboard products*, from Massillon, Ohio, to points in Indiana on and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 231 to Hebron, thence along Indiana Highway 2 to South Bend, thence along U.S. Highway 31 to the Indiana-Michigan State line, and points in Illinois. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC-119531 (Sub-No. E209), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard and pulpboard products*, from Rock Island, Ill., to points in New York, New Jersey, and Pennsylvania; (2) *Pulpboard containers*, from Rock Island, Ill., to points in Maryland; and (3) *Pulpboard and pulpboard products*, from Rock Island, Ill., to points in West Virginia. The purpose of this filing is to eliminate the gateways of (a) Cleveland, Ohio, for (1) above; (b) Mt. Vernon, Ohio, for (2) above; and (c) Circleville, Ohio, for (3) above.

No. MC-119531 (Sub-No. E210), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard boxes*, from Chicago, Ill., (a) to points in New York, New Jersey, and Pennsylvania; (b) to points in Maryland; and (c) to points in West Virginia. The purpose of this filing is to eliminate the gateways of (1) Cleveland, Ohio, for (a) above; (2) Mt. Vernon, Ohio, for (b) above; and (3) Circleville, Ohio, for (c) above.

No. MC-119531 (Sub-No. E216), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) Pulpboard and pulpboard products, from Rock Island, Ill., (1) to points in Tennessee on and east of Interstate Highway 75, and (2) to points in Kentucky on and east of Interstate Highway 65; and (B) *corrugated fiberboard sheets*, from Rock Island, Ill., to Winchester, Va. The purpose of this filing is to eliminate the gateways of (1) Cincinnati, Ohio for (A) (1) above, and (2) the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., for (A) (2) above, and (3) Ashtabula, Ohio, for (B) above.

No. MC-119531 (Sub-No. E218), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fiberboard containers*, from Massillon, Ohio, to points in Minnesota; (B) *paper containers*, from Massillon, Ohio, to points in Missouri; and (C) *paper cartons*, from Massillon, Ohio, to points in Wisconsin. The purpose of this filing is to eliminate the gateways of (1) Anderson, Ind., for (A) above, (2) the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., for (B) above, and (3) Rockdale, Ill., for (C) above.

No. MC-119531 (Sub-No. E219), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Corrugated paper cartons*, from the plant sites and warehouse facilities of Container Corporation of American and Continental Can Company, Inc., at St. Louis, Mo., and from the plant site and warehouse facilities of Container Corporation of America at Chesterfield, Mo., to points in Maryland. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ohio.

No. MC-119531 (Sub-No. E220), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representatfve: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Honeycomb paper products*, from the plant and warehouse sites of Union Camp Corporation at Kalamazoo, Mich., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Circleville, Ohio.

No. MC-119531 (Sub-No. E221), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper cartons*, from the plant sites and warehouse facilities of Container Corporation of America and Continental Can Company, Inc., at St. Louis, Mo., and from the plant site and warehouse facilities of Container Corporation of America at Chesterfield, Mo., to points in Maryland. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ohio.

No. MC-119531 (Sub-No. E222), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Bartlett, Ill., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Massillon, Ohio.

No. MC-119531 (Sub-No. E223), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard in rolls, and indented pulpboard*, from Carthage, Ind., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Massillon, Ohio.

No. MC-120646 (Sub-No. E2), filed May 13, 1974. Applicant: BRADLEY FREIGHT LINES, INC., P.O. Box 5875, Asheville, N.C. 28803. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from points in Virginia on and east of U.S. Highway 220 and points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, thence along U.S. Highway 1 to the North Carolina-South Carolina State line, to points in Tennessee on and west of U.S. Highway 27; (2) from points in Tennessee on and west of U.S. Highway 27 to points in Virginia on and east of U.S. Highway 220; (3) from points in Virginia on and west of U.S. Highway 220 and east of Interstate Highway 77, and points in North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, thence along U.S. Highway 1 to the North Carolina-South Carolina State line and east of Interstate Highway 77, to points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 31W to Nashville, thence along U.S. Highway 31 to the Tennessee-Alabama State line; (4) from points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 31W to Nashville, thence along U.S. Highway 31 to the Tennessee-Alabama State line, to points in Virginia on and east of Interstate Highway 77 and on and west of U.S. Highway 220; (5) from points in Virginia on and west of Interstate Highway 77 (except Lee and Wise Counties), and points in North Carolina on and west of Interstate Highway 77 and on and east of a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 23 to Asheville, thence along Interstate Highway 26 to the North Carolina-South Carolina State line, to points in Tennessee west of the Tennessee River.

(6) From points in Tennessee west of the Tennessee River to points in Virginia on and west of Interstate Highway 77 (except Lee and Wise Counties); (7) from points in Virginia on and east of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 11 to Harrisonburg, thence along U.S. Highway 33 to the Virginia-West Virginia State line to points in

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Kentucky on and west of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 25E to Corbin, thence along U.S. Highway 25 to Mt. Vernon, thence along Interstate Highway 75 to Lexington, thence along Interstate Highway 64 to Louisville; (8) from points in North Carolina to points in Kentucky on and west of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 25E to Corbin, thence along U.S. Highway 25 to Mt. Vernon, thence along Interstate Highway 75 to the Kentucky-Ohio State line; (9) between points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 25 to Knoxville, thence along U.S. Highway 129 to the Tennessee-North Carolina State line (except points in Tennessee Highway 33 and U.S. Highway 25E between Knoxville and Cumberland Gap), on the one hand, and, on the other, points in Kentucky on and west of Interstate Highway 65; (10) from points in Virginia (except Lee and Wise Counties), and points in North Carolina on and east of a line beginning at the North Carolina-Tennessee State line and extending along Interstate Highway 40 to Asheville, thence along Interstate Highway 26 to the North Carolina-South Carolina State line, to points in Arkansas, Louisiana, and Texas; (11) from points in Virginia (except Lee and Wise Counties) to points in Mississippi and points in Alabama on and west of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 59 to Birmingham, thence along Interstate Highway 65 to Montgomery, thence along U.S. Highway 331 to the Alabama-Florida State line; (12) from points in Virginia (except Lee and Wise Counties) and points in North Carolina on and east of a line beginning at the North Carolina-Tennessee State line and extending along Interstate Highway 40 to Asheville, thence along Interstate Highway 26 to the North Carolina-South Carolina State line, to points in Missouri on and west of U.S. Highway 67; and (13) from points in Tennessee on and west of U.S. Highway 431, to points in Maine, Massachusetts, Vermont, New Hampshire, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of Ferndale Station, Ky., in (1) through (9); and Ferndale Station, Ky., and in McMinn or Bradley Counties, Tenn., in (10) through (13).

No. MC–123048 (Sub-No. E155), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial or farm-type tractors* (except truck tractors and tractors which because of size or weight, require special handling or the use of special equipment), from Muskegon, Mich., to points in California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Oshkosh, Wis.

No. MC–123048 (Sub-No. E156), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors and farm machinery* used in conjunction with tractors and *parts* thereof, from Fond du Lac, Wisc., to points in California, Idaho, Montana, Nevada, North Dakota, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC–123048 (Sub-No. E157), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels) from Duluth, Minn., to points in Nebraska and Missouri. RESTRICTION: (1) restricted to traffic having an immediate prior movement by water and (2) restricted to traffic destined to the plantsites, warehouses and dealer facilities of Deere and Company. The purpose of this filing is to eliminate the gateway of Duluth and Charles City, Iowa.

No. MC–123048 (Sub-No. E158), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* from Duluth, Minn., to points in Kansas. RESTRICTION: (1) restricted to shipments having an immediate prior movement by water and (2) restricted to shipments destined to plantsites, warehouses, and dealers of Deere and Company. The purpose of this filing is to eliminate the gateway of Owatonna, Minn.

No. MC–123048 (Sub-No. E159), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* from Milwaukee, Wis., to points in Indiana, the Lower Peninsula of Michigan, and Ohio. RESTRICTION: (1) Restricted to shipments having an immediate prior movement by water and (2) restricted to shipments destined to the plantsites, warehouses, and dealer facilities of Deere and Company. The purpose of this filing is to eliminate the gateway of Racine, Wis.

No. MC–123048 (Sub-No. E160), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* designed to be used in conjunction with tractors from Appleton, Wis., to points in Idaho. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC–123048 (Sub-No. E161), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and farm machinery* from Louisville, Miss., to points in North Dakota. RESTRICTION: Restricted to traffic originating at Louisville, Miss., and points within 5 miles thereof. The purpose of this filing is to eliminate the gateway of Oshkosh, Wis.

No. MC–123048 (Sub-No. E162), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors* used as loading and unloading equipment, from Marshfield, Wis., to points in Idaho and Washington. RESTRICTION: The authority herein is restricted to the transportation of shipments originating at the plantsite of Teco-Crab, Inc., at Marshfield, Wis. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC–123048 (Sub-No. E163), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (except tractors) and *parts and attachments thereof* from Indianola, Miss., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Oshkosh, Wis.

No. MC–123048 (Sub-No. E164), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* when used as road building and maintenance machinery and equipment from Des Moines, Iowa, to points in Connecticut, Delaware, Maine, Massachusetts, New Jersey, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Oshkosh, Wis.

No. MC–123048 (Sub-No. E165), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. BOX A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, parts, accessories, and attachments* from Laurel, Miss., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Oshkosh, Wis.

No. MC–123048 (Sub-No. E166), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. BOX A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors* from Milwaukee, Wis., to points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and West Virginia. RESTRICTION: (1) Restricted to shipments having an immediate prior movement by water and (2) restricted to shipments destined to the plantsites, warehouses, and dealer facilities of Deere and Company. The purpose of this filing is to eliminate the gateway of West Bend, Wis.

No. MC–123048 (Sub-No. E167), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels) from Duluth, Minn., to points in Colorado, New Mexico, Arizona, Utah, Idaho, Washington, Oregon, Nevada, and California. RESTRICTION: (1) Restricted to traffic having an immediate prior movement by water and (2) restricted to traffic destined to the plantsites, warehouses, and dealer facilities of Deere and Company. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC–123048 (Sub-No. E168), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors and tractor attachments* (except truck tractors and except commodities requiring the use of special equipment or special handling) from Detroit, Mich., to points in California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, and points in Wisconsin on and north of U.S. Highway 10. The purpose of this filing is to eliminate the gateway of Oshkosh, Wis.

No. MC–123048 (Sub-No. E169), filed June 2, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., P.O. Box A, Racine, Wis. 53401. Applicant's representative: Paul L. Martinson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors* used as loading and unloading equipment from Marshfield, Wis., to points in Iowa within 50 miles of Sioux Falls, S. Dak. RESTRICTION: The authority granted herein is restricted to the transportation of shipments originating at the plantsite of Teco-Crab, Inc., at Marshfield, Wis. The purpose of this filing is to eliminate the gateway of Charles City, Iowa.

No. MC–124078 (Sub-No. E36), filed May 23, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevelle (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Charleston, S.C., to points in Madison, Buncombe, Henderson, Haywood, Transylvania, Jackson, Swain, Macon, Graham, Clay, and Cherokee Counties, N.C. The purpose of this filing is to eliminate the gateway of Richmond County, Ga.

No. MC–124078 (Sub-No. E37), filed May 20, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Fairborn, Ohio to points in the Lower Peninsula of Michigan (except points in Berrien, Cass, St. Joseph, Branch, and Hillsdale Counties). The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20372 Filed 9-3-74;8:45 am]

[Notice 149]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 4, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 24, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75316. By order of August 23, 1974, the Motor Carrier Board approved the transfer to Hanson Transport, Inc., Fargo, N. Dak., of that portion of the operating rights in Certificates Nos. MC–60272, MC–60272 (Sub-No. 7), and MC–60272 (Sub-No. 8) issued October 31, 1960, April 15, 1965, and December 19, 1967, to Hanson Transfer, Inc., Mayville, N. Dak., authorizing the transportation of general commodities, with stated exceptions, (1) between Northwood, N. Dak., and junction U.S. Highway 2 and North Dakota Highway 18, serving all intermediate points, restricted against the transportation of traffic moving between Grand Forks, N. Dak., on the one hand, and, on the other, Fargo, West Fargo, Southwest Fargo, and Union Stockyards, N. Dak., and Moorhead, Minn.; (2) between Northwood, N. Dak., and Moorhead, Minn., serving the intermediate and off-route points of Hatton, Portland, Mayville, Blanchard, Hunter, Arthur, Amenia, Clifford, and Fargo, N. Dak.; (3) between West Fargo, N. Dak., and Northwood, N. Dak., serving the intermediate and off-route points of Clifford, Southwest Fargo, Union Stockyards, Hatton, Portland, Mayville, Blanchard, Hunter, Arthur, and Amenia, N. Dak.; (4) between junction U.S. Highway 81 and North Dakota Highway 15 and Aneta, N. Dak., serving all intermediate points; and (5) between junction U.S. Highway 81 and North Dakota Highway 15 and McVille, N. Dak., serving all intermediate points; household goods as defined by the Commission, between Mayville, N. Dak., and points in North Dakota within 25 miles of Mayville, on the one hand, and, on the other, points in Minnesota; and lumber and other forest products, from points in a defined area of Minnesota to Mayville, N. Dak., and points within 50 miles of Mayville. James M. Sanden, 502 First National Bank Building, Fargo, N. Dak. 58102, attorney for applicants.

No. MC–FC–75333. By order entered August 27, 1974 the Motor Carrier Board approved the transfer to Hedstrom Truck Line, Inc., Wilton, N. Dak., of the operating rights set forth in Certificate of Registration No. MC–54948 (Sub-No. 1) and Certificate No. MC–54948 (Sub-No. 3), issued June 10, 1965 and September 25, 1969, respectively, to Bert B. Hedstrom, Wilton, N. Dak., authorizing the transportation of livestock, agricultural commodities, heavy set-up farm and other machinery, fencing, building material and twine in the vicinity of Wilton, N. Dak., and fertilizer and fertilizer ingredients, from points in that part of

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the Fargo, N. Dak. Commercial Zone in North Dakota, to points in North Dakota. Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102, attorney for applicant.

No. MC-FC-75336. By order of August 26, 1974 the Motor Carrier Board approved the transfer to Link Transportation, Inc., 70 Christine Terrace, Milford, Conn. 06460, of the operating rights in Certificate No. MC-100825 (Sub-No. 1) issued May 18, 1942, to Lazo Stankovich and Arthur Roberts, a partnership, doing business as Merchants & Farmers Transportation, Plainfield, Conn., authorizing the transportation of general commodities, with exceptions, over regular routes, between specified points in Connecticut and Rhode Island.

No. MC-FC-75344. By order of August 26, 1974 the Motor Carrier Board approved the transfer to Ted W. Betley, Inc., Amberg, Wisc., of the operating rights in Certificates No. MC-128146, MC-128146 (Sub-No. 1), MC-128146 (Sub-No. 3), and MC-128146 (Sub-No. 5) issued February 27, 1967, December 4, 1968, November 2, 1970 and November 14, 1973 respectively to Ted W. Betley, Amberg, Wisc., authorizing the transportation of various commodities from and to specified points and areas in Wisconsin, Michigan and Minnesota. Edward Solle, 4513 Vernon Blvd., Madison, Wisc. 53705, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20370 Filed 9-3-74;8:45 am]

[Notice 126]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 28, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107496 (Sub-No. 966TA), filed August 20, 1974. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed ingredients*, in bulk, in tank vehicles, from Walcott, Iowa, to points in Kansas and Nebraska, for 150 days. SUPPORTING SHIPPER: International Multifoods Corporation, 1200 Multifoods Bldg., Minneapolis, Minn. 55402. SEND PROTESTS TO: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 108889 (Sub-No. 16TA), filed August 20, 1974. Applicant: WEBER TRUCK AND WAREHOUSE, 5035 Gifford Avenue, Vernon, Calif. 90058. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated cooling or freezing equipment, or parts thereof*, other than household goods, between Los Angeles, Calif., on the one hand, and, on the other, points in Kern, Los Angeles (except the Los Angeles Harbor Commercial Zone as defined by the Commission in the *Los Angeles Harbor California Commercial Zone* 3 M.C.C. 254), Orange, Riverside, San Bernardino, San Diego, and Ventura Counties, Calif., subject to prior or subsequent movement in interstate commerce, for 180 days. SUPPORTING SHIPPERS: Hussmann-Los Angeles, 4309 Exchange Avenue, Los Angeles, Calif. 90058 and Clark Equipment Company, R. W. Lester-Tyler Refrigeration Division, 4454 Union Pacific Avenue, Los Angeles, Calif. 90029. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 110420 (Sub-No. 722 TA), filed August 19, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Bristol, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate products and chocolate coating*, in bulk, in tank vehicles, from the plantsite of L. S. Heath & Sons at Robinson, Ill., to Tampa, Fla.; Sylacauga, Ala.; Columbus and Toledo, Ohio; Green Bay, Wis.; St. Paul, Minn.; Los Angeles, Calif.; and Oklahoma City, Okla., for 180 days. SUPPORTING SHIPPER: L. S. Heath & Sons, Inc., P.O. Box 251, Robinson, Ill. 62454 (Albert D. Wernz, Distribution Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 113459 (Sub-No. 90 TA), filed August 20, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Tulsa, Okla., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Nebraska, Nevada, New Mexico, North Dakota, Ohio, South Dakota, Texas, Utah, Wisconsin, Montana, and Wyoming, for 180 days. SUPPORTING SHIPPER: Ford Motor Company, Edward M. Gosvener, Traffic Rep., P.O. Box 555, Tulsa, Okla. 74102. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 204–Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 114457 (Sub-No. 203TA), filed August 20, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic shower stalls and tubs and accessories*, from Monroe, Ohio, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Minnesota, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Powers-Flat Corporation, 1 Michael Court, Plainview, N.Y. 11803. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg., 110 S. 4th Street, Minneapolis, Minn. 55401.

NOTE.—Applicant states that tacking is intended or possible.

No. MC 115524 (Sub-No. 26 TA), (Correction) filed July 17, 1974, published in the FEDERAL REGISTER issue of August 7, 1974, and republished as corrected this issue. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road NE., Albuquerque, N. Mex. 87107. Applicant's representative: Don P. Jones (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing products and insulating material, including composition and prepared roofing, asphalt shingles and composition or asphalt building board* (except in bulk), from the plantsite, warehouse and storage facilities of American Petrofina at Big Springs, Tex. and Daingerfield, Tex. and Lloyd A. Fry Roofing Company, Oklahoma City, Okla., to points in Arizona, Colorado, and New Mexico, for 180 days. SUPPORTING SHIPPER: Sagebrush Sales Company, P.O. Box 25606, Albuquerque, N. Mex. 87125. SEND PROTESTS TO: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue, S.W., Albuquerque, N. Mex. 87101.

NOTE.—The purpose of this republication is to show that the plant name is Daingerfield Manufacturing Company, Daingerfield, Tex., in lieu of Big Chief Roofing Company, Inc., Daingerfield, Tex., which was published in the FEDERAL REGISTER in error. Applicant states that it does not intend to tack or/and interline with any other carriers.

No. MC 118142 (Sub-No. 79TA) filed August 20, 1974. Applicant: M. BRUENGER & CO., a Corporation, 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester G. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Kansas Beef Industries, Inc., Wichita, Kans., to New Orleans, La., restricted, however, to shipments to New Orleans, La., to those moving at the same time and in the same vehicle with shipments to Pensacola, Fla. and Tifton, Ga., for 180 days. SUPPORTING SHIPPER: Kansas Beef Industries, Inc., 900 East 21st Street, Wichita, Kans. 67219. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 119777 (Sub-No. 307TA), filed August 19, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from Silsbee, Tex., to points in the United States, for 180 days. SUPPORTING SHIPPER: Vernon W. Smith, Manager, Traffic and Trucking, Kirby Lumber Company, P.O. Box 1514, Houston, Tex. 77001. SEND PROTESTS TO: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 120710 (Sub-No. 1TA), filed August 20, 1974. Applicant: D. C. STOTTS, doing business as D. C. STOTTS TRUCKING COMPANY, 3502 Quirt Avenue, Lubbock, Tex. 79404. Applicant's representative: Richard Hubbert, P.O. Box 2976, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete pressure pipe*, between points in Lubbock County, Tex. and Jackson and Tillman Counties, Okla., for 180 days. SUPPORTING SHIPPER: Cecil L. White, Division Manager, Gifford-Hill-American Inc., P.O. Box 5667, Lubbock, Tex. 79417. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4394 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134790 (Sub-No. 3TA), filed August 20, 1974. Applicant: DANIEL C. HAFFNER, doing business as HAFFNER TRUCKING SERVICE, R.R. #1, Farmington, Iowa 52626. Applicant's representative: Larry D. Knox, 9th Floor Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials* and (2) *buildings*, knocked down or in sections, including all *component parts, materials, supplies and fixtures and accessories* used in the erection and construction, from the facilities of Mitchell Engineering Company at or near Mt. Pleasant, Iowa, to points in Nebraska, Wyoming, Montana, Idaho, Utah, Nevada, Arizona, Oregon, Washington, New Mexico, and California, for 180 days. SUPPORTING SHIPPER: Mitchell Engineering Company, P.O. Box 186, Mt. Pleasant, Iowa 52641. SEND PROTESTS TO: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 136818 (Sub-No. 7TA), filed August 21, 1974. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in California, on the one hand, and, on the other, points in California, Utah, Idaho, Colorado, New Mexico, and Potter and Randall Counties, Tex., for 180 days. SUPPORTING SHIPPERS: (1) Soule Steel Company, Los Angeles, Calif.; (2) Bethlehem Steel Corporation, San Francisco, Calif.; (3) National Steel & Tube Distributors Inc., Los Angeles, Calif.; (4) A M Castle & Co., Salt Lake City, Utah; (5) Kaiser Steel Tubing, Los Angeles, Calif.; and (6) Capitol Metals Company, Inc., Los Angeles, Calif. SEND PROTESTS TO: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 230 North First Avenue, Room 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 139855 (Sub-No. 1 TA), filed August 20, 1974. Applicant: JOHN Q. HITE, JR., doing business as HITELAND FARMS, P.O. Box 196, Olmstead, Ky. 42265. Applicant's representative: Robert L. Baker, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and related items*, between points in Tennessee, Ohio, Alabama, Georgia, Arkansas, Mississippi, Indiana, Illinois, Missouri, and Kentucky, for 180 days. SUPPORTING SHIPPER: George T. Arnold, President, A-1 Corrugated Sheets, Inc., P.O. Box 487, Haydensville Road, Guthrie, Ky. 42234. SEND PROTESTS TO: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 140042 (Sub-No. 1 TA), filed August 20, 1974. Applicant: ROBERT H. DITTRICH, doing business as BOB DITTRICH TRUCKING, 1100 North Front Street, New Ulm, Minn. 56073. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty drums*, in shipper owned trailers, (a) from the plantsite of Minnesota Steel Drum Co., New Ulm, Minn., to the plantsite of Borden, Inc., at Augusta, Blair, Christie, Loyal, New London, and Plymouth, Wis.; (b) from the plantsite of Land O'Lakes Inc., New Ulm, Minn., to the plantsite of Land O'Lakes, Inc., at Spencer, Wis.; (c) from the plantsite of Borden, Inc., Plymouth, Wis., to the plantsite of Consolidated Container Co., at Minneapolis, Minn.; and (d) from the plantsite of Land O'Lakes, Inc., Spencer, Wis., to the plantsite of Consolidated Container Co., at Minneapolis, Minn., for 180 days. SUPPORTING SHIPPER: Consolidated Container Corporation, 763 North Third Street, Minneapolis, Minn. 55401. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 140061 (Sub-No. 1 TA), filed August 16, 1974. Applicant: DON MULDER TRUCKING, 1735 North 50th Street, Lincoln, Nebr. 68504. Applicant's representative: Don Mulder (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk), from the plant site and storage facilities of Neu Cheese Company, at or near Hartington, Nebr., to Los Angeles, Calif., San Francisco, Calif., Oakland, Calif., and their respective commercial zones, for 180 days. SUPPORTING SHIPPER: John J. Neu Jr., President, Neu Cheese Company, Box 577, Hartington, Nebr. 68739. SEND PROTESTS TO: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 520 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 140114 (Sub-No. 1 TA), filed August 14, 1974. Applicant: ROBERT J. SCHNEIDER, doing business as MAINTENANCE CARE SERVICE, 3962 Oxford, Millville Road, Oxford, Ohio 45056. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with the usual exceptions, between the stores and warehouse

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facilities of the W. T. Grant Co. at or near Oxford, Ohio, on the one hand, and, on the other, points in Indiana, under a continuing contract or contracts with W. T. Grant Co., for 180 days: SUPPORTING SHIPPER: W. T. Grant Co., South Locust and Spring Street, Oxford, Ohio 45056. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B FOB, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 140120 TA, filed August 19, 1974. Applicant: CORNELIUS J. MADIGAN, doing business as MADIGAN TRUCK COMPANY, 813 South Magnolia Street, Anaheim, Calif. 92804. Applicant's representative: John F. Kunath, Jr., Suite 405, Royal Savings Building, 23861 El Toro Road, El Toro, Calif. 92630. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, the transportation of which because of size or weight requires the use of special equipment, between the Los Angeles Harbor Commercial Zone and points in Orange County, Calif., for 180 days. SUPPORTING SHIPPERS: Bristol Socket Screw Co., 1350 South Manhattan, Fullerton, Calif. 92631; Brannstrom Machinery Company, 1251 South Beach Boulevard, La Habra, Calif. 90631; Johnson Machinery Company, 1861 West Commonwealth, Fullerton, Calif. 92633; and Aluminum Precision Products, 2621 South Susan Street, Santa Ana, Calif. 92704. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

NOTE.—Applicant states that it intends to interline with other carriers at points of origin at Los Angeles Harbor, at points of destination in Orange County, Calif., from overseas or from interstate carriers, and/or at applicant's Orange County yard regarding origin or destination points.

No. MC 140121 TA, filed August 19, 1974. Applicant: NAS TRANSPORTATION CO., 5320 Cook Street, Denver, Colo. 80216. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flattened vehicle bodies, scrap auto engines and transmissions, and scrap steel*, (1) from North Platte, Scottsbluff, and Sidney, Nebr., to Eitawanda, Calif.; Chicago and South Beloit, Ill.; and Fond du Lac, Wis.; and Las Vegas, Nev.; (2) from points in Colorado, to Los Angeles, Calif.; Chicago and South Beloit, Ill.; Las Vegas, Nev.; Fond du Lac and Madison, Wis.; and (3) from points in Montana, to Las Vegas, Nev.; Portland, Oreg.; and Spokane, Wash., for 180 days. SUPPORTING SHIPPER: National Auto Salvage, Inc., 5320 Cook Street, Denver, Colo. 80216. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20371 Filed 9-3-74;8:45 am]

[AB-12 (Sub-No. 2)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Lake Charles and De Ridder, in Clacasieu and Beauregard Parishes, Louisiana

AUGUST 29, 1974.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et. seq.; and good cause appearing therefor:

It is ordered, That applicant be, and is hereby, directed to publish the appended notice in newspapers of general circulation in Beauregard and Calcasieu Parishes, La., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 22nd day of August, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

The Interstate Commerce Commission hereby gives notice that by order dated August 22, 1974, it has been determined that the proposed abandonment of the line of Southern Pacific Transportation Company extending approximately 42.344 miles from the south bank of the Calcasieu River at Lake Charles, Calcasieu Parish to the end of the line within the city limits of De Ridder, Beauregard Parish, Louisiana, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed action are considered insignificant because (1) the area is predominantly rural and agriculturally oriented, (2) traffic over the subject line has been at a consistently low level, (3) alternate rail service and adequate highway transportation is available in the area, and (4) there is a lack of specific developmental planning in the area which would require rail service by Southern Pacific Transportation Company over the subject line, although there are plans for further industrial development near De Ridder, La.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before September 19, 1974.

[FR Doc.74-20366 Filed 9-3-74;8:45 am]

[Notice 10]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Inter-City Transport & Motor Co.: MC-75830 Sub-11	No. MC-75830 Sub-12	Nov. 6, 1973
McBride Transportation, Inc.: MC-80428 Sub-76	No. MC-80428 Sub-77	Nov. 15, 1973
Klipsch Hauling Co.:		
No. MC-82063 Sub-40	No. MC-82063 Sub-42	Nov. 20, 1973
No. MC-82063 Sub-41	do	Do.
West Nebraska Express, Inc.: No. MC-85465 Sub-48	No. MC-85465 Sub-53	Nov. 28, 1973
Mutual Transportation, Inc.: No. MC-92068 Sub-6	No. MC-92068 Sub-7	Nov. 16, 1973
Anderson Trucking Service, Inc.:		
No. MC-95876 Sub-112	No. MC-95876 Sub-117	Nov. 19, 1973
No. MC-95876 Sub-115	do	Do.
No. MC-136601 Sub-2	No. MC-136601 Sub-3	June 3, 1974

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20368 Filed 9-3-74;8:45 am]

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WEDNESDAY, SEPTEMBER 4, 1974

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Volume 39 ■ Number 172

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

LASER PRODUCTS

Proposed Performance Standard

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1010 and 1040]

LASER PRODUCTS

Proposed Performance Standard

In the FEDERAL REGISTER of December 10, 1973 (38 FR 34084), the Commissioner of Food and Drugs proposed to amend Chapter I of Title 21 of the Code of Federal Regulations by adding to Subchapter J a new Part 1040, prescribing a performance standard for laser products in new §§ 1040.10 and 1040.11 (21 CFR 1040.10 and 1040.11). Sixty days were provided for public comment. Comments were received from two trade associations representing manufacturers of laser products; two industrial associations and one physics education association representing users of laser products; two voluntary safety standards organizations; a university medical research laboratory; an independent research institute; the Department of Labor; the Department of the Army; four State radiation control agencies; and numerous individual laser product manufacturers and users.

In response to these comments and to provide further clarification, the Commissioner has determined that a number of changes are necessary in the proposed performance standard which are sufficiently substantive to warrant republication as a proposed rule to provide an opportunity for public comment on these changes. In order to show how the proposed changes relate to the unchanged portions of the previous proposal, the entire text of the new proposal is published in this second notice of proposed rule making.

The comments received regarding the December 10, 1973, proposal and the Commissioner's analysis and proposed action are summarized as follows:

1. In reference to proposed § 1040.10 (b), several comments stated that clarification of the interconnected definitions of "laser," "laser energy source," and "laser product" is needed. Comments on the definition of "laser" stated that it failed to include both lasers emitting in the shorter ultraviolet wavelengths and lasers which do not require a separate laser energy source. Comments on the definition of "laser product" stated that the proposed rule did not make clear whether lasers sold to other manufacturers as replacement components were subject to the standard, nor did it clarify how "portions of the architectural structure" of an installation could be considered as part of a laser product.

The Commissioner concludes that the proposed definition of "laser" includes all lasers emitting at wavelengths which present a significant risk of human exposure and for which adequate measurement instrumentation is available. The definition of "laser" has been revised to clarify the relationship between a laser and a laser energy source.

The Commissioner also concludes that revision of the proposed definition of "laser product" is necessary to make clear that lasers sold to other manufacturers as original or replacement components would not be separately subject to the standard unless supplied directly to a product user. A laser product consisting of an assemblage of components installed by a person engaged in the business of such assembly still would be subject to the standard, with the assembler having the option of using portions of the installation's architectural structure to meet such requirements as that for a protective housing. However, the Commissioner concludes that the definition of "laser product" should be revised to eliminate the specific reference to architectural structures in order to avoid possible confusion.

The definition of "laser product" is further revised to make it more concise and to clarify that a product which is intended to incorporate a laser or laser system is subject to the standard even if it does not incorporate such laser or laser system at the time of manufacture or sale. The Commissioner believes that the definition must include such products in order to assure the effective implementation of the provisions of the standard, and to protect the public health and safety.

2. Several comments suggested adding to § 1040.10(b) definitions of certain terms whose meaning in the text was not clear or whose definition and usage would clarify general concepts in the standard. Other comments suggested deleting the definitions of terms which did not serve to convey an important specific meaning.

Accordingly, the Commissioner concludes that explicit definitions of the terms "operaton," "maintenance," "service," and "sampling interval" should be added and that the definitions of "pulse interval" and "maximum emission duration" should be deleted along with deleting all references to maximum emission duration, thus providing the clarification suggested by the comments.

3. The classification provisions of § 1040.10(c) establish laser product classification upon a graded risk to public health and safety from accessible laser radiation. Comments were received expressing satisfaction with the consistency of the classifications with those promulgated by the American National Standards Institute (ANSI). This consistency is a result of substantial cooperation and exchange of concepts between the ANSI Z–136 Committee on the Safe Use of Lasers and the Food and Drug Administration during the development of the ANSI Standard for the Safe Use of Lasers. Other comments were received that indicated a desire for inclusion of the method and results of the risk analysis conducted by the ANSI Z–136 Committee as the biological basis for the graded risk system presented in the first proposed rule.

The Commissioner concludes that in arriving at the upper limit for any given class, the minimal values for injury production reported in the scientific and technical literature were considered by the Food and Drug Administration in the belief that such values provide a more suitable representation of probabilities of damage. Although ANSI used a different method of analysis in deriving exposure limits, the ANSI exposure limits are consistent with the accessible emission limits for products prescribed in the FDA proposed standard.

4. Several of the comments objected to the use of data obtained from experiments with animals instead of human experimental data. One of the comments considered the use of such data invalid because of the lack of results which indicate that levels that produce minimal lesions in monkeys will produce injuries in humans. Another comment stated that the anesthetized and dilated monkey eye is not valid as a surrogate human eye.

The Commissioner believes that, in the absence of data which directly relate animal data to possible human effects, it is appropriate in the interest of public health to utilize the probabilities of damage obtained from animal research in estimating the risks to man. In the immobilized, anesthetized state there is motion of the eye of the monkey of a magnitude equivalent to the motion of the human eye when fixated upon an object. Dilation of the monkey pupil does correspond to the expected worst case in humans. The monkey eye thus appears to be a valid surrogate for the human eye. From a public health and safety viewpoint, the Commissioner reiterates that the data obtained from experiments performed on monkeys must be utilized in estimating human risks.

5. Several comments addressed the need for a biological basis that is supported by instances of human injury. According to the comments, no restrictions should be imposed on laser products in the absence of such support. The comments referred to situations in which human exposure occurred, but no injury was reported.

The Commissioner believes that the cited lack of damage in humans does not constitute documentation that damage could not have occurred, as concluded by the comments, but only that evidence of acute damage was not observed. Consideration of animal data presently available indicates that there are significant risks of injury to justify the classification scheme in the proposed performance standard for laser products. A significant potential for human injury is a sufficient basis for action to protect the public health and safety.

6. One comment stated that a new Class V for enclosed laser products should be added to the proposed standard to correspond to the Class V in the American National Standards Institute (ANSI) Z–136.1–1973 Standard for the Safe Use of Lasers.

The Commissioner believes that an enclosed product is "enclosed" only to the extent that human access to laser radiation is prevented. A high-power laser in an enclosure could allow access to levels consistent with Class I, II or III as required by the function of the product. Thus, a separate Class V for "enclosed" products is unnecessary.

7. One comment stated that the term "spatially resolved" used in § 1040.10(c)(1) of the original proposed rule to distinguish between separate beams of laser radiation has a specialized meaning in the field of optics and that the term as used in the proposed standard should be clarified.

Because the specialized meaning which the comment attributed to the term "spatially resolved" is not consistent with the intended meaning in the original proposed rule, the Commissioner has decided to delete the original § 1040.10(c)(1) from the revised proposal and to distinguish operationally between those beams of laser radiation which can be treated separately in determining their hazard by means of the revised definition of "laser radiation" in § 1040.10(b) and the measurement provisions in § 1040.10(e)(3).

8. Several comments stated that Table I in § 1040.10(d) needs to be reorganized and clarified. Several additional comments indicated confusion over the meaning of the term "emission duration" in the text of the proposed standard and the use of the variable (t) in Table I. Throughout many of the comments, there was a common question concerning the mechanism for evaluating emissions from laser products which emit repetitively pulsed radiations.

The Commissioner accepts these comments. Table I has been divided into Tables I–A, I–B and I–C. They are more easily understood in this format. The revised format has allowed deletion of inapplicable and redundant portions. To remove an ambiguity between peak and average values, the accessible emission limits expressed in terms of radiant power, irradiance and source radiance have been expressed as the equivalent time-dependent functions of radiant energy, radiant exposure and integrated radiance. "Emission duration" has been redefined as a general term used to describe the accessible emission from a laser product. The emission duration of radiation is divided, as indicated in Tables I–A, I–B, and I–C, into several emission duration intervals. Each emission duration interval can be subdivided into a number of sampling intervals represented by the variable (t). A "sampling interval" is defined as the magnitude of the time during which the level of accessible laser or collateral radiation is determined by a measurement process. The determination of the level of accessible radiation need not necessarily be made over the entire sampling interval, if the measurement and an appropriate extrapolation procedure would yield an equivalent result.

The question concerning repetitively pulsed radiation has been clarified by redefining "emission duration" and distinguishing it from "sampling interval" and by the reorganization of units in Tables I–A, I–B, and I–C. Furthermore, the Class III accessible emission limits and emission duration intervals in Table I for laser radiation in the ultraviolet wavelengths have been revised in the new Table I–C to eliminate an unintended discontinuity in the emission limits for a sampling interval at the boundary between the originally proposed emission duration intervals.

9. Two comments requested deletion of the accessible emission limits for collateral radiation specified in Table III, Part A. These comments were predicated upon the belief that inclusion of such limits in the standard may be construed by some to imply that certain conventional light sources are unsuitable in general lighting applications.

The Commissioner intends that the purpose of setting limits for collateral radiation is to reduce unnecessary hazardous radiations arising from the operation of laser products. The Commissioner therefore concludes that Table III, Part A (referred to in this proposal as Table III, item 1), appropriately applies to laser products and should remain in the proposed standard.

10. Many comments concerning measurement requirements in § 1040.10(e)(2) were received. Several of these objected to requiring that the accessible emission level be the sum of the measured quantity of radiation and the cumulative measurement error, while some also objected to including the maximum expected increase in the measured quantity of radiation at any time after manufacture. One comment suggested use of the manufacturer's mean measured value as the accessible emission level for Class II laser products rather than the value for each laser product. Another comment suggested that measurement instruments should be required to be manufactured and certified in conformity with standards of the National Bureau of Standards (NBS) or other Federal agencies or with national consensus standards.

The Commissioner agrees that it may be confusing to express the accessible emission level as the sum of the measured emission, the cumulative measurement error and the maximum expected increase in the measured quantity of radiation at any time after manufacture. However, since the manufacturer must assure that each product which he certifies does not exceed the accessible emission limits applicable to that product at any time after manufacture, his tests and testing program for certification must take into account the measurement uncertainty as well as increases in emission and degradation of the product with age. Failure to do so could result in some products emitting above the limits upon which certification was based or otherwise failing to comply with the standard. The proposed standard has been revised to include these considerations and to clarify the intent of the Food and Drug Administration. The suggestion concerning use of the mean value of emissions for Class II laser products is rejected since the emission limits are intended to assure that no product exceeds them regardless of whether the mean emission of all such products is within those limits.

While the Commissioner agrees that it would be desirable for measurement instruments to be manufactured and certified to meet an appropriate NBS, other Federal, or national concensus standard, no adequate certification mechanism exists at this time. However, the comment has prompted a review of the need for specification of maximum allowable measurement error. The Commissioner concludes that a maximum measurement uncertainty of ±20 percent for measurement systems may not always be obtainable and, in certain cases, may not be necessary to assure full compliance with the standard. Therefore, in order to provide a greater degree of flexibility in making measurements for compliance, the requirement for a maximum measurement uncertainty of ±20 percent is deleted from the proposed standard, and appropriate guidelines will be issued by FDA to assist manufacturers in making compliance measurements.

11. In reference to the original § 1040.10(e)(1) concerning measurement conditions, one comment suggested that only controls and adjustments specified in user manuals should be required to be maximized during testing.

Since a laser product could be improperly adjusted by both the user and service personnel, the Commissioner concludes that the product must comply with the standard even when service controls are improperly adjusted. However, to clarify the original intent, the proposal has been revised to require maximizing the accessible emission levels by adjustment of maintenance controls as well as operation and service controls, whenever measurements are made to determine compliance.

12. For purposes of standardizing terminology, one comment requested that measurement of certain beam parameters, such as beam diameter, convergence and divergence, be included in the regulation.

While the Commissioner realizes that these parameters are of academic and engineering interest, he concludes that standardization of these terms is not necessary to protect the public health and safety.

13. Another comment suggested that all radiation measurements be made at a single fixed distance from the laser product which would then be defined as the point of closest human access.

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The Commissioner believes that such an approach is not feasible for the wide variety of laser products to be regulated by the standard. However, to clarify further the method of determining human access, the Commissioner has revised the definition of "human access" to specify test objects more appropriate for determining the potential for access to radiation from the wide variety of laser products.

14. Two comments were directed toward the measurement provision in § 1040.10(e)(3)(i) requiring use of an 80-millimeter aperture stop to measure radiant power or energy. One comment requested guidance for preferred procedures of collecting radiation within the 80-millimeter diameter field. The other comment argued that the use of an 80-millimeter aperture stop in the measurement should be required only for those laser products intended to be used in conjunction with optical viewing aids.

The Commissioner concludes that it is more appropriate to supply detailed measurement guidelines after publication of the final rule. The Commissioner also concludes that a manufacturer does not know, and cannot be expected to know, the actual conditions under which a product is used. It is thus reasonable to assume that viewing of the beam with optical aids will occasionally occur either accidentally or intentionally. Thus, the requirement of an 80-millimeter aperture stop pursuant to § 1040.10(e)(3)(i) is both warranted and necessary in the interest of protecting the public health and safety.

15. One comment stated that the requirement for a protective housing in § 1040.10(f)(1) should apply only to laser systems rather than to all laser products because a laser by itself cannot radiate without a laser energy source and, therefore, does not need a protective housing to prevent unnecessary human access to radiation.

Because many lasers are designed to be operated simply by connection to a compatible laser energy source without further incorporation into a product housing, the Commissioner concludes that each laser and laser system which is not sold to another manufacturer as a product component should itself meet the requirement for a protective housing, which in many instances could be satisfied by the external surfaces of existing laser products.

16. Several comments contended that the safety interlock requirements in § 1040.10(f)(2) of the proposed standard are unduly burdensome and that greater flexibility should be provided by permitting alternate types of interlock systems such as the dual interlock system required by the performance standard for microwave ovens in § 1030.10(c)(2)(21 CFR 1030.10(c)(2)), but without interlock concealment and monitoring.

The Commissioner concludes that the proposed safety interlock requirements, while conceptually different from those in the microwave oven standard, would provide sufficient flexibility by requiring only one monitored safety interlock for each removable portion of the protective housing. Each such interlock can consist of either a simple interlock with an independent monitor or a single fail-safe mechanism combining both the interlock and monitor. Furthermore, such interlocks do not have to be electrical but can be mechanical. The safety interlock requirement also has been revised to prevent, upon housing displacement, access to those levels of radiation to which access must be prevented by the protective housing during operation.

17. Several comments stated that the requirements for remote control connectors, key-actuated master controls, emission indicators, and beam attenuators in § 1040.10(f)(3), (4), (5), and (6) should be imposed only on Class IV laser systems, or, at most, include in addition only those Class III laser products which emit invisible radiation or exceed a visible emission of 5 milliwatts.

The Commissioner concludes that a remote control connector and a key-actuated master control are needed on all Class III and IV laser systems to permit remote control of an acute radiation hazard and to prevent unauthorized operation, particularly in the more open areas, such as construction sites, in which products emitting visible radiation up to 5 milliwatts are used. The Commissioner also concludes that an emission indicator and beam attenuator are needed on all Class II, III, and IV laser systems to alert the user to the hazardous radiation before accidental exposure and to permit reliable reduction of the radiation hazard during routine alignment and adjustment procedures when it is not feasible to stop the generation of radiation. In particular, a visible beam would not adequately meet the requirements for an emission indicator because it would not always be visible through protective eyewear and would not warn of the hazard prior to possible exposure. The requirement that the remote control connector be only a two-terminal connector has been revised to permit the use of any electrical connector. The requirement for a beam attenuator also has been revised for clarification and flexibility. The requirement in § 1040.10(f)(6) for only a mechanical means of attenuation has been deleted, thus allowing alternative means of attenuation.

18. Some comments stated that the requirements pertaining to viewing optics should be revised to allow transmission of laser radiation at levels equal to the ambient light intensity and should not apply during servicing of the laser product.

The Commissioner concludes that unknown ambient light levels in the user environment cannot be considered in prescribing product performance requirements and that viewing optics should not, under any circumstances, transmit levels of radiation which present a hazard from chronic viewing, whether during operation, maintenance, or servicing.

19. There were several general comments on the labeling requirements in § 1040.10(g), including statements that label proportions and minimum label and lettering sizes should be specified, that the laser hazard symbol should be required on all labels, and that manufacturers could not position all labels on laser products to "preclude" human access to hazardous radiation during reading of such labels.

The Commissioner concludes that it is not feasible to specify label proportions and minimum dimensions which would be appropriate for all of the great variety of laser products subject to the standard and, accordingly, has revised the label specifications pertaining to the minimum size product to which required labels must be affixed by deleting the fixed area specification of 25 square centimeters and providing for a product-by-product determination of feasibility. It is also concluded that the use of the laser hazard symbol on all labels could cause confusion with the primary hazard warning which the warning logotypes are intended to convey. However, to permit additional flexibility, the warning logotype requirements of § 1040.10(g) have been revised to permit separation of the certification statement required by § 1010.2 (21 CFR 1010.2) from the warning logotype; and the label positioning requirement has been revised to require that labels be positioned to make access to radiation unnecessary during reading and that they be visible during operation, maintenance, and service.

20. Several comments stated that the specialized warning, "LASER RADIATION—DO NOT STARE INTO BEAM OR VIEW WITH OPTICAL INSTRUMENTS", in § 1040.10(g)(3)(i) of the original proposal, could be misconstrued as warning against methods of viewing which would not be hazardous, such as off-axis viewing. Another comment stated that an aperture warning label should be required only for those apertures through which laser or collateral radiation in excess of the emission limits of Class I and Table III is emitted.

The Commissioner agrees that off-axis viewing would not be hazardous and concludes that the cited warning should be revised to warn only against viewing a beam directly with optical instruments, and that the aperture label requirement should be revised to warn against the emission of both laser and collateral radiation which is in excess of the emission limits of Class I or Table III.

21. One comment stated that protective housing labels should not be required for defeatably interlocked portions of the protective housing since an indicator is required by § 1040.10(f)(2)-(ii) to show when the interlock is defeated and access to radiation is permitted. The comment further stated that

such labels, if required, should warn only of a hazard upon interlock defeat and that manufacturers should be permitted to place all protective housing warning labels inside the protective housing unless radiation would exit from the product upon removal of such housing. It was also suggested that a further distinction be made on the required protective housing labels between levels of accessible visible laser radiation above 5 milliwatts and 2.5 milliwatts per square centimeter and levels below these values, and that the collateral radiation warnings be clarified to indicate that a hazard exists only when the housing is opened.

The Commissioner concludes that warning labels are needed on defeatably interlocked portions of the protective housing because the required defeat indicator merely alerts the user that the interlock is defeated but does not warn of the nature or degree of the radiation hazard. The Commissioner agrees that all protective housing labels should clearly indicate that a hazard exists when the housing is opened with any associated interlock defeated, but believes that protective housing warning labels should always be visible before removal of the housing. Additionally, as stated in the comments, since radiation might not be emitted from an opening created by removal of the housing but human access to radiation would still be possible, the Commissioner concludes that the protective housing labels should also be visible after removal of the protective housing. The Commissioner also agrees that the specific warnings should be revised to make the suggested additional distinction between accessible levels of visible laser radiation.

22. Several comments stated that manufacturers should not be required, as proposed in § 1040.10(h), to provide service instructions at cost to anyone without "legitimate need" because it was contended that FDA does not have authority to regulate the price charged for such instructions and that such a requirement might compel the release of proprietary information.

The Commissioner concludes that FDA has the authority to assure that radiation safety information is readily available and that this availability is not frustrated by a prohibitive cost. The Commissioner also concludes that radiation safety information relating to a product can and should be provided without necessitating the release of proprietary information. The radiation safety information that is required to be distributed to users has also been clarified by deleting the requirement that the method of measuring maximum output be specified and by adding the requirement that the maximum value shall include the measurement uncertainties and expected increases in the measured quantities at any time after manufacture.

23. A general comment on § 1040.11 concerning special use-group requirements suggested that any laser system used in an environment controlled by or subject to the authority of other Federal or State agencies which have established safe use programs for laser products should be exempted from the special use-group (specific purpose laser products) requirements.

The Commissioner believes that use of such products in a controlled environment does not negate the need for performance standards. The intent of the specific purpose laser product requirements, which incorporate unique product safety features, is to complement rather than supplant other safety requirements controlling the use of the laser product.

24. With respect to § 1040.11(a)(1) concerning medical laser products, one letter noted that the measurement accuracy requirement should not be more restrictive than that established for other laser products, and further stressed the need for reliability or repeatability of output rather than accuracy.

The Commissioner concludes that the intent of the measurement requirement is to insure accurate knowledge of the radiant power or energy which is intended for irradiation of patients. Without such knowledge, day-to-day reproducibility in patient irradiations would not be possible. However, based upon evaluations conducted by the Food and Drug Administration, the Commissioner agrees that the requirement for a ±10 percent measurement accuracy could present technological difficulty and is overly restrictive. The Commissioner concludes that a measurement accuracy of ±20 percent is sufficient to protect the public health and assess adequately the radiation levels intentionally applied to humans.

25. One comment questioned the necessity and practicality of a preset emission level for medical laser products. The comment noted that such a system could not compensate for unpredictable factors such as dust on optical components, mirror degradation, etc., and that extra adjustments would have to be made to regain the preset value after such perturbations have occurred.

The Commissioner concludes that the usefulness of a preset level could be offset by difficulties encountered in operation such as the perturbations mentioned. In addition, and more importantly, many new types of medical laser products are now being developed for which this requirement may not be appropriate. Therefore, the originally proposed § 1040.11(a)(2) has been deleted. The FDA will continue to explore the need for additional special requirements on medical laser products. Present needs which were identified and addressed in the revised proposal include the addition of products intended for surgical procedures to the definition of medical laser products and the requirement of an aperture label for laser and collateral radiation on medical laser products.

26. Concerning other special use-group requirements in § 1040.11(b) and (c), one comment suggested that maximum emission limits might be more effectively included in "use controls" or in "user standards" now being developed by various State and Federal agencies working with the assistance of the FDA.

The FDA is in active communication with other Federal agencies in an effort to ascertain the nature and extent of regulatory programs which are or will be implemented by those agencies. When a laser product is clearly intended only for uses controlled by another Federal or State agency, and when protection of the public health and safety is assured, FDA will reconsider the need for special performance requirements on the product. The Commissioner believes that any such user standards must provide equivalent protection for the health and safety of the public.

27. In reference to the maximum emission limits imposed on surveying, leveling, and alignment laser products by § 1040.11(b), several comments, to which extensive documentation and testimonials were attached, strongly stressed that an irradiance limit of 2.5 milliwatts per square centimeter is too low to allow sufficient power density for adequate performance of these laser products under conditions of high ambient illumination.

The Commissioner does not intend to preclude useful applications of laser products, but, instead, acknowledges that the use of potentially hazardous products is necessary to perform certain functions. The Commissioner agrees that adequate performance of surveying, leveling, and alignment laser products in high ambient light environments could be inhibited by the irradiance limit of 2.5 milliwatts per square centimeter. Above this level, however, there does exist a risk of acute injury to the eye should exposure occur. While the use of such products with known risks may be necessary, the use of hazardous radiation levels in excess of the ranges appropriate for the intended function cannot, under any rationale, be supported or condoned.

The Commissioner believes that, within the constraints of placing a limit on the total useful power, the other beam parameters for these special purposes are and will continue to be determined by the requirements for a particular application. The constraint of total useful power, together with lifetime variations in product output and quality control acceptance limits in the manufacturing process, define the upper limit of necessary hazardous radiation from such products. The data submitted on surveying, leveling, and alignment laser products indicate a need under high ambient illumination for 2 or 3 milliwatts of radiated power, but are not entirely clear concerning the utility of various levels of irradiance (power density). Many comments support the need for an emergent beam diameter of 8 to 10 millimeters, which would exceed the proposed irradiance limit with the cited optimum radiant

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power because of the relatively small beam diameter. Furthermore, FDA is aware that many of these products are not presently equipped to provide even this large a beam diameter nor, from the data submitted, would any useful purpose be served by requiring all products to have expanded beams.

For all of the reasons listed above, the irradiance limitation, but not the power limitation for surveying, leveling, and alignment laser products has been deleted from § 1040.11(b). In so doing, the FDA recognizes the necessity for useful but not excessive beam powers. However, any Class III laser product which exceeds an irradiance of 2.5×10^{-3} watts per square centimeter must be clearly labeled as dangerous pursuant to § 1040.10(g)(2).

28. Additional comments on § 1040.11 (b) suggested either increasing the accessible power limit for Class II laser products from 1.0×10^{-4} watts to 2.5×10^{-3} watts, or deleting the irradiance limit for surveying products entirely. It was also suggested that laser products for distance measurement also should be made subject to the requirements of § 1040.11(b).

The increase in Class II accessible emission limits is not supported by the available biological data. An increase in the limit is therefore not acceptable to the FDA. As noted above, the irradiance limit has been deleted. Imposition of the requirements of § 1040.11(b) on distance measurement laser products is not appropriate since substantially higher powers and different beam configurations are required for ranging purposes. The FDA will continue to explore the need for imposing special requirements on such products beyond the general requirements of the proposed standard.

29. An additional comment on the same provisions expressed the opinion that, a limitation on power or irradiance will only encourage a potential user to violate the law by purchasing a more powerful laser and adapting it for surveying, leveling, or alignment purposes.

The Commissioner believes that the revised requirements permit the manufacture of specific purpose laser products capable of performing any surveying, leveling or alignment function, and that it should not be necessary for a user to adapt a laser product not intended for such purpose. Furthermore, the use of any type of laser product in construction work is subject to radiation safety regulations promulgated by the Occupational Safety and Health Administration in 29 CFR 1926.54, as well as to some State regulations.

30. Section 1040.11(c) was commented upon at length by an organization representing physics teachers as well as by manufacturers of demonstration laser products. A question was raised concerning the meaning of the term "demonstration laser product" and what circumstances justify special requirements for these products. The human blink reflex, it was stated, would largely eliminate the acute risk of exposure to lasers emitting visible radiation up to 5 milliwatts. It was further stated that, with the risk eliminated by this reaction mechanism, such risk need not be included in the graded risk concept of classification.

The Commissioner concludes that the definition of "demonstration laser product" is sufficiently clear. The intent of the language is to cover only those products manufactured, designed, intended, or promoted for purposes of demonstration, entertainment, advertising display, or artistic composition. It does not include laser products intended for research or for other non-demonstration purposes, provided the product is not also intended to be a "demonstration laser product." The intent of the manufacturer can be determined by a variety of manifestations and is not limited to the content of the manufacturer's advertisements. Furthermore, the proposed performance standard in no way prohibits the purchase and use of any laser product for any purpose.

Concerning the justification for the proposed special requirements for demonstration laser products, the Commissioner concludes that there are sufficient animal data to indicate a definite hazard at the radiation levels in question. In addition, a field study conducted by FDA revealed that lasers are being used in demonstrations in ways which could cause unintended exposure of students. The Commissioner recognizes the educational value of demonstration laser products and does not intend to prohibit their continued use in a classroom environment. However, it has been concluded that a definite hazard to both students and instructors can exist in the classroom situation and appropriate safety features must be incorporated in the product. The Commissioner does not agree that the blink reflex constitutes a reliable safety factor since the literature shows that a blink did not occur in a majority of human subjects tested for response to a light stimulus. Even under those circumstances where a blink can be elicited, an individual can override the reflex so that its potential utility would be negated.

31. Three letters suggested that a new § 1040.11(d) be established to encompass visible output helium neon lasers which are contained in products designed for nonchronic viewing. It was suggested that such a product should be Class I if its radiation emission did not exceed a radiant power of 39 microwatts or a radiance of 2×10^{-1} watts per square centimeter per steradian because viewing for more than 100 seconds is unlikely.

The Commissioner has concluded that the manufacturer cannot know the specific purposes for which a laser product will be employed by each user. Thus, the manufacturer cannot know that a laser not intended for chronic viewing would not be so viewed. It is, therefore, necessary to provide a warning on any product not suitable for chronic viewing that it should not be so viewed. Such a warning against the chronic exposure hazard from low-powered visible lasers is required for Class II laser products.

In addition to the changes discussed above, a number of editorial changes have been made in the proposed §§ 1040.10 and 1040.11 for internal consistency and clarity. Changes are also proposed in the general provisions of Part 1010 on performance standards to extend their applicability to the New Part 1040. As presently worded, Part 1010 does not refer to the new Part 1040.

Pertinent background data and information supporting the Commissioner's conclusions with respect to this proposal are available for public review in the office of the Hearing Clerk, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, pursuant to provisions of the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179; 42 U.S.C. 263f) and under authority delegated (21 CFR 2.120), the Commissioner proposes to amend Chapter I of Title 21 of the Code of Federal Regulations as follows:

PART 1010—PERFORMANCE STANDARDS FOR ELECTRONIC PRODUCTS: GENERAL

1. By revising § 1010.1 to read as follows:

§ 1010.1 Scope.

The standards listed in this subchapter are prescribed pursuant to section 358 of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f) and are applicable to electronic products as specified herein, to control electronic product radiation from such products. Standards so prescribed are subject to amendment or revocation and additional standards may be prescribed as are determined necessary for the protection of the public health and safety.

2. By revising paragraphs (a) and (c) of § 1010.2 to read as follows:

§ 1010.2 Certification.

(a) Every manufacturer of an electronic product for which an applicable standard is in effect under this subchapter shall furnish to the dealer or distributor, at the time of delivery of such product, the certification that such product conforms to all applicable standards under this subchapter.

• • • • •

(c) Such certification shall be based upon a test, in accordance with the standard, of the individual article to which it is attached or upon a testing program which is in accordance with good manufacturing practices. The Secretary may disapprove such a testing program on the grounds that it does not assure the adequacy of safeguards against hazardous electronic product radiation or that it does not assure that electronic products comply with the standards prescribed under this subchapter.

• • • • •

3. By revising introductory portion of paragraph (a) and paragraph (c) of § 1010.3 to read as follows:

§ 1010.3 Identification.

(a) Every manufacturer of an electronic product to which a standard under this subchapter is applicable shall set forth the information specified in paragraphs (a)(1) and (2) of this section. This information shall be provided in the form of a tag or label permanently affixed or inscribed on such product so as to be legible and readily accessible to view when the product is fully assembled for use or in such other manner as may be prescribed in the applicable standard.

• • • • •

(c) Every manufacturer of an electronic product to which is applicable a standard under this subchapter shall provide the Secretary with a list identifying each brand name which is applied to the product together with the full name and address of the individual or company for whom each product so branded is manufactured.

4. By revising § 1010.13 to read as follows:

§ 1010.13 Special test procedures.

The Secretary may, on the basis of a written application by a manufacturer, authorize test programs other than those set forth in the standards under this subchapter for an electronic product if he determines that such products are not susceptible to satisfactory testing by the procedures set forth in the standard and that the alternative test procedures assure compliance with the standard.

5. By revising § 1010.20 to read as follows:

§ 1010.20 Electronic products intended for export.

The performance standards prescribed in this subchapter shall not apply to any electronic product which is intended solely for export if:

(a) Such product and the outside of any shipping container used in the export of such product are labeled or tagged to show that such product is intended for export, and

(b) Such product meets all the applicable requirements of the country to which such product is intended for export.

6. By adding a new Part 1040 to read as follows:

PART 1040—PERFORMANCE STANDARDS FOR LIGHT EMITTING PRODUCTS

Sec.
1040.10 Laser products.
1040.11 Specific purpose laser products.

AUTHORITY: Sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 263f).

§ 1040.10 Laser products.

(a) *Applicability.* The provisions of this section and § 1040.11 are applicable as specified herein to all laser products manufactured or assembled on or after (one year after the date the final order is published in the FEDERAL REGISTER).

(b) *Definitions.* As used in this section and § 1040.11, the following definitions apply:

(1) "Accessible emission level" means the magnitude of emission from a laser product of laser or collateral radiation of a wavelength and emission duration to which human access is possible as measured pursuant to paragraph (e) of this section.

(2) "Accessible emission limit" means the maximum accessible emission level permitted within a particular class as set forth in paragraphs (c), (d), and (e) of this section.

(3) "Aperture" means any opening in the protective housing or other enclosure of a laser product through which laser or collateral radiation is emitted, thereby allowing human access to such radiation.

(4) "Aperture stop" means an opening serving to limit the size and to define the shape of the area over which radiation is measured.

(5) "Class I laser product" means any laser product which does not permit human access to laser radiation in excess of the accessible emission limits of Class I for any emission duration.

(6) "Class II laser product" means any laser product which:

(i) Permits human access to laser radiation in excess of the accessible emission limits of Class I but not in excess of the accessible emission limits of Class II in the wavelength range of greater than 400 nanometers (nm) but less than or equal to 700 nm for emission durations greater than 0.25 second; and,

(ii) Does not permit human access to laser radiation in excess of the accessible emission limits of Class I for any other combination of emission duration and wavelength range.

(7) "Class III laser product" means any laser product which permits human access to laser radiation in excess of the accessible emission limits of Class I and Class II as applicable, but which does not permit human access to laser radiation in excess of the accessible emission limits of Class III for any emission duration.

(8) "Class IV laser product" means any laser product which permits human access to laser radiation in excess of the accessible emission limits of Class III.

(9) "Collateral radiation" means any electronic product radiation, except laser radiation, emitted by a laser product as a result of or necessary for the operation of a laser incorporated into that product.

(10) "Demonstration laser product" means any laser product manufactured, designed, intended, or promoted for purposes of demonstration, entertainment, advertising display or artistic composition. The term "demonstration laser product" does not apply to laser products which are designed and intended exclusively for other applications though they may be used for demonstration of those applications.

(11) "Emission duration" means the temporal duration of a pulse, of a series of pulses, or of continuous operation, expressed in seconds, during which human access to laser or collateral radiation could be permitted as a result of operation, maintenance or servicing of a laser product.

(12) "Human access" means access at a particular point to laser or collateral radiation by any part of the human body, by a straight object having a useful length of 100 centimeters, or by any other object having a useful length of 10 centimeters, when laser or collateral radiation is incident at that point.

(13) "Integrated radiance" means radiant energy per unit area of a radiating surface per unit solid angle of emission, expressed in joules per square centimeter per steradian ($J\ cm^{-2}\ sr^{-1}$).

(14) "Irradiance" means the radiant power incident on an element of a surface divided by the area of that element, expressed in watts per square centimeter centimeter ($W\ cm^{-2}$).

(15) "Laser" means any device which can be made to produce or amplify electromagnetic radiation in the wavelength range of greater than 250 nm but less than or equal to 13,000 nm primarily by the process of controlled stimulated emission.

(16) "Laser energy source" means any device intended for use in conjunction with a laser to supply energy for the operation of the laser. General energy sources such as electrical supply mains or batteries shall not be considered to constitute laser energy sources.

(17) "Laser product" means any product or assemblage of components which constitutes, incorporates or is intended to incorporate a laser or laser system, and which is not sold to another manufacturer for use as a component (or replacement for such component) of an electronic product.

(18) "Laser radiation" means all electromagnetic radiation emitted by a laser product within the spectral range specified in paragraph (b)(15) of this section which is produced as a result of controlled stimulated emission, or which is detectable with radiation so produced within the appropriate aperture stop specified in paragraph (e) of this section.

(19) "Laser system" means a laser in combination with an appropriate laser energy source with or without additional incorporated components.

(20) "Maintenance" means performance of those adjustments or procedures specified in user information provided by the manufacturer with the laser product which are to be performed by the user for the purpose of assuring the intended performance of the product. It does not include operation or service as defined in paragraph (b) (23) and (34) of this section.

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(21) "Maximum output" means the maximum radiant power and, where applicable, the maximum radiant energy per pulse of the total accessible laser radiation emitted in all directions by a laser product over the full range of operational capability at any time after manufacture.

(22) "Medical laser product" means any laser product manufactured, designed, intended or promoted for purposes of in vivo diagnostic, surgical, or therapeutic laser or collateral irradiation of any part of the human body.

(23) "Operation" means the performance of the laser product over the full range of its intended functions. It does not include maintenance or service as defined in paragraph (b)(20) and (34) of this section.

(24) "Protective housing" means those portions of a laser product which are designed to prevent human access to laser or collateral radiation in excess of the prescribed accessible emission limits under conditions specified in this section and in § 1040.11.

(25) "Pulse duration" means the time increment measured between the half-peak-power points at the leading and trailing edges of a pulse.

(26) "Radiance" means radiant power per unit area of a radiating surface per unit solid angle of emission, expressed in watts per square centimeter per steradian ($W\ cm^{-2}\ sr^{-1}$).

(27) "Radiant energy" means energy emitted, transferred or received in the form of radiation, expressed in joules (J).

(28) "Radiant exposure" means the radiant energy incident on an element of a surface divided by the area of that element, expressed in joules per square centimeter ($J\ cm^{-2}$).

(29) "Radiant power" means power emitted, transferred or received in the form of radiation, expressed in watts (W).

(30) "Remote control connector" means an electrical connector which permits the connection of external controls placed apart from other components of the laser product to prevent human access to all laser and collateral radiation in excess of the limits specified in this section and in § 1040.11.

(31) "Safety interlock" means a device associated with the protective housing of a laser product to prevent human access to excessive radiation in accordance with paragraph (f)(2) of this section.

(32) "Sampling interval" means the magnitude of the time interval during which the level of accessible laser or collateral radiation is determined by a measurement process. The sampling interval is represented by the symbol (t), expressed in seconds.

(33) "Scanned laser radiation" means laser radiation having a time-varying direction, origin or pattern of propagation with respect to a stationary frame of reference.

(34) "Service" means the performance of those procedures or adjustments described in the manufacturer's service instructions which may affect any aspect of the product's performance for which §§ 1040.10 and 1040.11 have applicable requirements. It does not include maintenance or operation as defined in paragraph (b)(20) and (23) of this section.

(35) "Surveying, leveling, or alignment laser product" means a laser product manufactured, designed, intended or promoted for one or more of the following uses:

(i) Determining and delineating the form, extent, or position of a point, body, or area by taking angular measurement.

(ii) Positioning or adjusting parts in proper relation to one another.

(iii) Defining a plane, level, elevation, or straight line.

(36) "Warning logotype" means a logotype as illustrated in either Figure 1 or Figure 2 of paragraph (g) of this section.

(37) "Wavelength" means the propagation wavelength in air of electromagnetic radiation.

(c) *Classification of laser products*—(1) *All laser products.* Each laser product shall be classified in accordance with definitions set forth in paragraph (b)(5) through (8) of this section on the basis of that combination of emission level(s), emission duration(s), and wavelength(s) of accessible laser radiation emitted over the full range of operational capability which results, at any time after manufacture, in the highest class specified in Tables I–A, I–B, and I–C of paragraph (d) of this section pursuant to paragraphs (d) and (e) of this section. For purposes of classification, Class II is higher than Class I, Class III is higher than Class II, and Class IV is higher than Class III.

(2) *Removable laser systems.* Any laser system which is incorporated into a laser product and is capable without modification of producing laser radiation when removed from the laser product, shall be considered a laser product and shall be separately subject to the applicable requirements for laser products of its class. It shall be classified on the basis of accessible emission of laser radiation when so removed.

(d) *Accessible emission limits.* Accessible emission limits for laser radiation in each class are specified in Tables I–A, I–B and I–C of this paragraph in terms of the factors, k_1 and k_2, for different ranges of wavelength and emission duration. These factors are given in Table II–A of this paragraph, with selected numerical values in Table II–B of this paragraph, for various subranges of wavelength and emission duration. The accessible emission limits in Tables I–A, I–B and I–C of this paragraph are also expressed in terms of the sampling interval (t) for some emission duration intervals; and the correction factors in Table II–A of this paragraph are expressed in terms of the specific wavelength (λ) and sampling interval (t) for some subranges of wavelength and subintervals of emission duration. Accessible emission limits for collateral radiation are specified in Table III of this paragraph.

Notes applicable to Tables I–A, I–B and I–C:

(1) The quantities presented in the Tables are radiant energy expressed in joules (J); radiant exposure expressed in joules per square centimeter ($J\ cm^{-2}$); and integrated radiance expressed in joules per square centimeter per steradian ($J\ cm^{-2}\ sr^{-1}$).

(2) The factors k_1 and k_2 are wavelength dependent correction factors determined from Table II–A.

(3) The variable t in the expressions of emission limits is the magnitude of the sampling interval in units of seconds.

(4) An accessible emission limit containing the units of joules, when divided by the sampling interval (t), is equivalent to an accessible emission limit containing the units of watts.

TABLE I–A

CLASS I ACCESSIBLE EMISSION LIMITS FOR LASER RADIATION

Wavelength (nanometers)	Emission duration interval (seconds)	Class I — Accessible emission limits
>250 but ≤400	$\leq 3.0 \times 10^4$	$2.4 \times 10^{-5} k_1 k_2$ J*
	$> 3.0 \times 10^4$	$8.0 \times 10^{-10} k_1 k_2 t$ J
>400 but ≤1400	$> 1.0 \times 10^{-9}$ to 2.0×10^{-5}	$2.0 \times 10^{-7} k_1 k_2$ J
	$> 2.0 \times 10^{-5}$ to 1.0×10^{1}	$7.0 \times 10^{-4} k_1 k_2 t^{3/4}$ J
	$> 1.0 \times 10^{1}$ to 1.0×10^{4}	$3.9 \times 10^{-3} k_1 k_2$ J
	$> 1.0 \times 10^{4}$	$3.9 \times 10^{-7} k_1 k_2 t$ J
	OR**	
	$> 1.0 \times 10^{-9}$ to 1.0×10^{1}	$10 k_1 k_2 t^{1/3}$ $J\ cm^{-2}\ sr^{-1}$
	$> 1.0 \times 10^{1}$ to 1.0×10^{4}	$20 k_1 k_2$ $J\ cm^{-2}\ sr^{-1}$
	$> 1.0 \times 10^{4}$	$2.0 \times 10^{-3} k_1 k_2 t$ $J\ cm^{-2}\ sr^{-1}$
>1400 but ≤13000	$> 1.0 \times 10^{-9}$ to 1.0×10^{-7}	$7.9 \times 10^{-5} k_1 k_2$ J
	$> 1.0 \times 10^{-7}$ to 1.0×10^{1}	$4.4 \times 10^{-3} k_1 k_2 t^{1/4}$ J
	$> 1.0 \times 10^{1}$	$7.9 \times 10^{-4} k_1 k_2 t$ J

* Class I accessible emission limits for the wavelength range of greater than 250 nm but less than or equal to 400 nm shall not exceed the Class I accessible emission limits for the wavelength range of greater than 1400 nm but less than or equal to 13000 nm with a k_1 and k_2 of 1.0 for comparable sampling intervals.

**Instructions for the Class I dual limits are set forth in paragraph (d)(4) of this section.

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TABLE I–B

CLASS II ACCESSIBLE EMISSION LIMITS FOR LASER RADIATION

Wavelength (nanometers)	Emission duration interval (seconds)	Class II – Accessible emission limits
> 400 but ≤ 700	$> 2.5 \times 10^{-1}$	$1.0 \times 10^{-3} k_1 k_2 t$ J

TABLE I–C

CLASS III ACCESSIBLE EMISSION LIMITS FOR LASER RADIATION

Wavelength (nanometers)	Emission duration interval (seconds)	Class III – Accessible emission limits
> 250 but ≤ 400	$\leq 2.5 \times 10^{-1}$	$3.8 \times 10^{-4} k_1 k_2$ J
	$> 2.5 \times 10^{-1}$	$1.5 \times 10^{-3} k_1 k_2 t$ J
> 400 but ≤ 1400	$> 1.0 \times 10^{-9}$ to 2.5×10^{-1}	$10 k_1 k_2 t^{1/3}$ J cm^{-2} to a maximum value of 10 J cm^{-2}
	$> 2.5 \times 10^{-1}$	$5.0 \times 10^{-1} t$ J
> 1400 but ≤ 13000	$> 1.0 \times 10^{-9}$ to 1.0×10^{1}	10 J cm^{-2}
	$> 1.0 \times 10^{1}$	$5.0 \times 10^{-1} t$ J

TABLE II–A

VALUES OF WAVELENGTH DEPENDENT CORRECTION FACTORS k_1 AND k_2

Wavelength band (nanometers)	k_1	k_2
250 to 302.4	1.0	1.0
> 302.4 to 315	$10^{\left[\frac{\lambda - 302.4}{5}\right]}$	1.0
> 315 to 400	330.0	1.0
> 400 to 700	1.0	1.0
> 700 to 800	$10^{\left[\frac{\lambda - 700}{515}\right]}$	if: $t \leq \frac{10100}{\lambda - 699}$ then: $k_2 = 1.0$
		if: $\frac{10100}{\lambda - 699} < t \leq 10^4$ then: $k_2 = \frac{t(\lambda - 699)}{10100}$
		if: $t > 10^4$ then: $k_2 = \frac{\lambda - 699}{1.01}$
> 800 to 1060	$10^{\left[\frac{\lambda - 700}{515}\right]}$	if: $t \leq 100$ then: $k_2 = 1.0$
		if: $100 < t \leq 10^4$ then: $k_2 = \frac{t}{100}$
		if: $t > 10^4$ then: $k_2 = 100$
> 1060 to 1400	5.0	1.0
> 1400 to 1535	1.0	1.0
> 1535 to 1545	$t \leq 10^{-7}$ $k_1 = 100.0$	1.0
	$t > 10^{-7}$ $k_1 = 1.0$	
> 1545 to 13000	1.0	1.0

Note: The variables in the expressions are the magnitudes of the sampling interval (t), in units of seconds, and the wavelength (λ), in units of nanometers.

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TABLE II–B

SELECTED NUMERICAL SOLUTIONS FOR k_1 AND k_2

Wavelength (nanometers)	k_1	k_2				
		$t \leq 100$	$t = 300$	$t = 1000$	$t = 3000$	$t \geq 10{,}000$
250	1.0					
300	1.0					
302	1.0					
303	1.32					
304	2.09					
305	3.31					
306	5.25					
307	8.32					
308	13.2					
309	20.9					
310	33.1			1.0		
311	52.5					
312	83.2					
313	132.0					
314	209.0					
315	330.0					
400	330.0					
401	1.0					
500	1.0					
600	1.0					
700	1.0					
710	1.05	1	1	1.1	3.3	11.0
720	1.09	1	1	2.1	6.3	21.0
730	1.14	1	1	3.1	9.3	31.0
740	1.20	1	1.2	4.1	12.0	41.0
750	1.25	1	1.5	5.0	15.0	50.0
760	1.31	1	1.8	6.0	18.0	60.0
770	1.37	1	2.1	7.0	21.0	70.0
780	1.43	1	2.4	8.0	24.0	80.0
790	1.50	1	2.7	9.0	27.0	90.0
800	1.56	1	3.0	10.0	30.0	100.0
850	1.95	1	3.0	10.0	30.0	100.0
900	2.44	1	3.0	10.0	30.0	100.0
950	3.05	1	3.0	10.0	30.0	100.0
1000	3.82	1	3.0	10.0	30.0	100.0
1050	4.78	1	3.0	10.0	30.0	100.0
1060	5.00	1	3.0	10.0	30.0	100.0
1100	5.00	1	3.0	10.0	30.0	100.0
1400	5.00	1	3.0	10.0	30.0	100.0
1500	1.0					
1540	100.0*			1.0		
1600	1.0					
13000	1.0					

* The factor $k_1 = 100.0$ when $t \leq 10^{-7}$, and $k_1 = 1.0$ when $t > 10^{-7}$

Note: The variable (t) is the magnitude of the sampling interval in units of seconds.

TABLE III

ACCESSIBLE EMISSION LIMITS FOR COLLATERAL RADIATION FROM LASER PRODUCTS

1. *Accessible emission limits* for collateral radiation having wavelengths greater than 250 nm but less than or equal to 13,000 nm are identical to the accessible emission limits of Class I laser radiation as determined from Tables I–A and II–A set forth in this paragraph for the appropriate wavelength(s) and emission duration interval.

2. *Accessible emission limit* for collateral radiation within the x-ray range of wavelengths is 0.5 milliroentgen in an hour, averaged over a cross-section parallel to the external surface of the product, having an area of 10 square centimeters with no dimension greater than 5 centimeters.

(1) *Beam of a single wavelength.* Laser or collateral radiation of a single wavelength exceeds the accessible emission limits of a class if its accessible emission level is greater than the accessible emission limit of that class within any of the emission duration intervals specified in Tables I–A, I–B and I–C of this paragraph.

(2) *Beam of multiple wavelengths in same range.* Laser or collateral radiation, having two or more wavelengths within any one of the wavelength ranges specified in Tables I–A, I–B and I–C of this paragraph, exceeds the accessible emission limits of a class if the sum of the ratios of the accessible emission level to the corresponding accessible emission limit at each such wavelength is greater than unity for that combination of emission duration and wavelength distribution which results in the maximum sum.

(3) *Beam with multiple wavelengths in different ranges.* Laser or collateral radiation having wavelengths within two or more of the wavelength ranges specified in Tables I–A, I–B and I–C of this paragraph exceeds the accessible emission limits of a class if it exceeds the applicable limits within any one of those wavelength ranges. This determination is made for each wavelength range in accordance with paragraph (d)(1) or (2) of this section.

(4) *Class I dual limits.* Laser or collateral radiation in the wavelength range of greater than 400 nm but less than or equal to 1,400 nm exceeds the accessible emission limits of Class I if it exceeds both:

(i) The Class I accessible emission limits for radiant energy within any corresponding emission duration interval specified in Table I–A of this paragraph; and,

(ii) The Class I accessible emission limits for integrated radiance within any corresponding emission duration interval specified in Table I–A of this paragraph.

(e) *Tests for determination of compliance*—(1) *Tests for certification.* Tests on which certification pursuant to § 1010.2 of this chapter is based shall account for all measurement errors and uncertainties. Because compliance is required for the useful life of a product, such tests shall also account for increases in emission and degradation in radiation safety with age.

(2) *Test conditions.* Tests for compliance with each of the applicable requirements of this section and § 1040.11 shall be made:

(i) Under those operational conditions and procedures which maximize the accessible emission levels including start-up, stabilized operation, and shut-down of the laser product; and,

(ii) With all controls and adjustments listed in the operation, maintenance and service instructions adjusted for the maximum accessible emission level of radiation which is not expected to be detrimental to the functional integrity of the product; and,

(iii) At points in space to which human access is possible in the product configuration during operation, maintenance or service which is necessary to determine compliance with each requirement, e.g., if operation may include removal of portions of the protective housing and defeat of safety interlocks, measurements shall be made at points accessible in that product configuration; and,

(iv) With the measuring instrument detector so positioned and so oriented with respect to the laser product as to result in the maximum detection of radiation by the instrument; and,

(v) For a laser product other than a laser system, with the laser coupled to that type of laser energy source which is specified as compatible by the laser product manufacturer and which produces the maximum emission level of accessible radiation from that product.

(3) *Measurement parameters.* Accessible emission levels of laser and collateral radiation shall be based upon the following measurements as appropriate, or their equivalent:

(i) The radiant power (W) or radiant energy (J) detectable within a circular aperture stop having a diameter of 80 millimeters (except for scanned laser radiation).

(ii) The irradiance (W cm^{-2}) or radiant exposure (J cm^{-2}) averaged over a circular aperture stop having a diameter of 7 millimeters.

(iii) The radiance (W cm^{-2} sr^{-1}) or integrated radiance (J cm^{-2} sr^{-1}) which is equivalent to the radiant power (W) or radiant energy (J) detectable through a circular aperture stop having a diameter of 7 millimeters and within an effective solid angle of acceptance of 10^{-4} sr, divided by that solid angle (sr) and by the area of the aperture stop (cm^2).

(4) *Measurement parameters for scanned laser radiation.* Accessible emission levels of scanned laser radiation shall be based upon the measurement of radiation detectable within a stationary circular aperture stop having a 7-millimeter diameter. The resulting temporal variation of detected radiation shall be considered as a pulse or series of pulses.

(f) *Operational requirements*—(1) *Protective housing.* Each laser product, regardless of its class, shall have a protective housing which, when in place, prevents human access during operation to:

(i) Laser radiation in excess of the accessible emission limits of Class I wherever and whenever human access to laser radiation exceeding the limits of Class I is not necessary for the performance of the intended function(s) of the product; and,

(ii) Laser radiation in excess of the accessible emission limits of Class II wherever and whenever human access to laser radiation exceeding the limits of Class II is not necessary for the performance of the intended function(s) of the product; and,

(iii) Laser radiation in excess of the accessible emission limits of Class III wherever and whenever human access to laser radiation exceeding the limits of Class III is not necessary for the performance of the intended function(s) of the product; and,

(iv) Collateral radiation in excess of the accessible emission limits specified in Table III in paragraph (d) of this section wherever and whenever human access to collateral radiation in excess of those limits is not necessary for the performance of the intended function(s) of the product.

(2) *Safety interlocks.* (i) Each laser product, regardless of its class, shall be provided with a safety interlock for each portion of the protective housing which is designed to be removed or displaced during operation or maintenance, if removal or displacement of such portion of the protective housing could permit human access to laser or collateral radiation in excess of the accessible emission limits applicable under paragraph (f)(1) of this section. Each required safety interlock, unless defeated, shall:

(*a*) Prevent such human access to laser and collateral radiation upon removal or displacement of such portion of the protective housing; and,

(*b*) Preclude removal or displacement of such portion of the protective housing upon failure to prevent human access to laser and collateral radiation as required in paragraph (f)(2)(i)(*a*) of this section.

(ii) Laser products which incorporate required safety interlocks designed to allow safety interlock defeat shall incorporate a means of visual or aural indication of interlock defeat. During interlock defeat, such indication shall be visible or audible whenever the laser product is energized, with and without the associated portion of the protective housing removed or displaced.

(iii) Replacement of a removed or displaced portion of the protective housing shall not be possible while required safety interlocks are defeated.

(3) *Remote control connector.* Each laser system classified as a Class III or IV laser product shall incorporate a

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readily accessible remote control connector having an electrical potential difference on the remote control connector no greater than 130 root-mean-square volts. When the terminals of the connector are not electrically joined, human access to all laser and collateral radiation from the laser product in excess of the accessible emission limits of Class I and Table III of paragraph (d) of this section shall be prevented.

(4) *Key control.* Each laser system classified as a Class III or IV laser product shall incorporate a key-actuated master control. The key shall be removable and the laser shall not be operable when the key is removed.

(5) *Laser radiation emission indicator.* Each laser system classified as a Class II, III, or IV laser product shall provide a visible or audible indication immediately before and during the emission of accessible laser radiation in excess of the limits of Class I. Any visual indicator shall be clearly visible through protective eyewear designed specifically for the wavelength(s) of the emitted laser radiation. If the laser and laser energy source are housed separately and can be operated at a separation distance of greater than 2 meters, both laser and laser energy source shall incorporate visual or aural indicators as described. The visual indicators shall be positioned so that viewing does not require human access to laser or collateral radiation in excess of the accessible emission limits of Class I and Table III.

(6) *Beam attenuator.* Each laser system classified as a Class II, III, or IV laser product shall be provided with one or more permanently attached means, other than laser energy source switch(es), electrical supply main connectors or the key-actuated master control, capable of preventing human access to all laser and collateral radiation in excess of the accessible emission limits of Class I and Table III.

(7) *Location of controls.* Each Class II, III, or IV laser product shall have operational and adjustment controls located so that human access to laser and collateral radiation in excess of the accessible emission limits of Class I and Table III of paragraph (d) of this section is unnecessary for operation or adjustment of controls.

(8) *Viewing optics.* All viewing optics, viewports, and display screens incorporated into a laser product, regardless of its class, shall attenuate at all times the accessible levels of transmitted laser and collateral radiation to less than the accessible emission limits of Class I and Table III of paragraph (d) of this section. For any shutter or variable attenuator incorporated into such viewing optics, viewpoints, or display screens, a means shall be provided:

(i) To prevent human access to laser and collateral radiation in excess of the accessible emission limits of Class I and Table III of paragraph (d) of this section whenever the shutter is opened or the attenuator varied; and,

(ii) To preclude, upon failure of such means as required in paragraph (f)(8)(i) of this section, opening the shutter or varying the attenuator when human access is possible to transmitted laser or collateral radiation in excess of the accessible emission limits of Class I and Table III of paragraph (d) of this section.

(9) *Scanning safeguard.* Laser products which emit accessible scanned laser radiation shall not, as a result of scan failure or other failure causing a change in either scan velocity or amplitude, permit human access to laser radiation in excess of the accessible emission limit(s) which are applicable to the scanned laser radiation when the product is functioning as intended.

(g) *Labeling requirements.* In addition to the requirements of §§ 1010.2 and 1010.3 of this chapter, each laser product shall be subject to the applicable labeling requirements of this paragraph.

(1) *Class II designation and warning.* Each Class II laser product shall have affixed a label bearing the warning logotype A (Figure 1 in this paragraph) and including the following wording:

(Position 1 on the logotype)
"LASER RADIATION—DO NOT STARE INTO BEAM"; and,
(Position 3 on the logotype)
"CLASS II LASER PRODUCT".

WARNING LOGOTYPE A

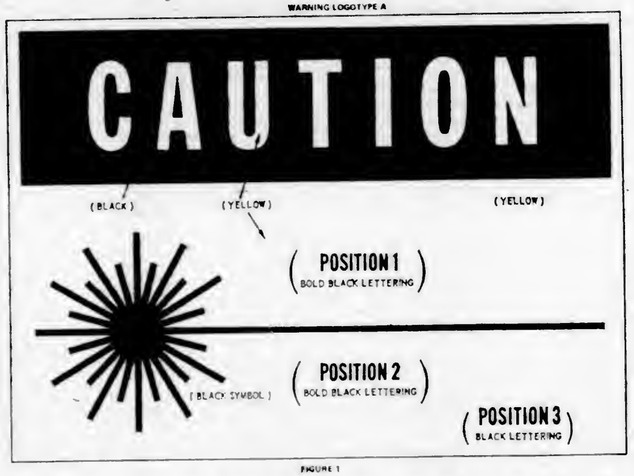


FIGURE 1

(2) *Class III designation and warning.* (i) Each laser product classified in Class III solely because of the emission of accessible laser radiation for emission durations greater than 3.8×10^{-4} second and in the wavelength range of greater than 400 nm but less than or equal to 700 nm, with an irradiance of less than or equal to 2.5×10^{-3} W cm^{-2} and with a peak radiant power of less than or equal to 5.0×10^{-3} W shall have affixed a label bearing the warning logotype A (Figure 1 of paragraph (g)(1) of this section) and including the following wording:

(Position 1 on the logotype)
"LASER RADIATION—DO NOT STARE INTO THE BEAM OR VIEW DIRECTLY WITH OPTICAL INSTRUMENTS"; and,
(Position 3 on the logotype)
"CLASS III LASER PRODUCT".

(ii) Each Class III laser product other than those described in paragraph (g)(2)(i) of this section shall have affixed a label bearing the warning logotype B (Figure 2 in this paragraph) and including the following wording:

(Position 1 on the logotype)
"LASER RADIATION—AVOID EXPOSURE TO BEAM"; and,
(Position 3 on the logotype)
"CLASS III LASER PRODUCT".

WARNING LOGOTYPE B

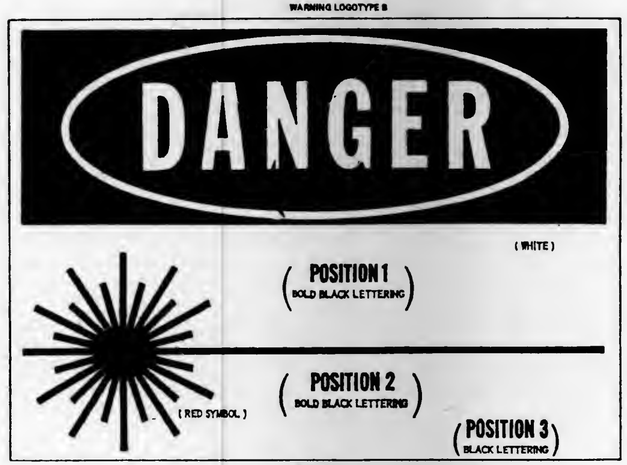


FIGURE 2

(3) *Class IV designation and warning.* Each Class IV laser product shall have affixed a label bearing the warning logotype B (Figure 2 of paragraph (g)(2)(ii) of this section), and including the following wording:

(Position 1 on the logotype)
"LASER RADIATION—AVOID EYE OR SKIN EXPOSURE TO DIRECT OR SCATTERED RADIATION"; and,
(Position 3 on the logotype)
"CLASS IV LASER PRODUCT".

(4) *Aperture label.* Each laser product, except medical laser products, shall have affixed, in close proximity to each aperture through which is emitted accessible laser or collateral radiation in excess of the accessible emission limits of Class I and Table III of paragraph (d) of this section, a label(s) bearing the following wording: "AVOID EXPOSURE—Radiation is emitted from this aperture."

(5) *Radiation output information.* Each Class II, III, and IV laser product shall state in appropriate units, at position 2 on the required warning logotype, the maximum output of laser radiation, the pulse duration when appropriate, and the laser medium or emitted wavelength(s).

(6) *Labels for noninterlocked protective housings.* For each laser product, labels shall be provided for each portion of the protective housing having no safety interlock, which is designed to be displaced or removed during operation, maintenance or servicing, and which thereby could permit human access to laser or collateral radiation in excess of the limits of Class I and Table III in paragraph (d) of this section. Such labels shall be visible on the protective housing prior to displacement or removal of the protective housing and visible on the product in close proximity to the opening created by removal or displacement of the protective housing, and shall include the wording:

(i) "CAUTION—Laser radiation when open. DO NOT STARE INTO BEAM." for accessible laser radiation:

(a) In excess of the accessible emission limits of Class I for emission durations greater than 0.25 second and in the wavelength range greater than 400 nm but less than or equal to 700 nm; and,

(b) Not in excess of the accessible emission limits of Class II; and,

(c) Not in excess of the accessible emission limits of Class I for any other combination of wavelength(s) and emission duration(s).

(ii) "CAUTION—Laser radiation when open. DO NOT STARE INTO BEAM OR VIEW DIRECTLY WITH OPTICAL INSTRUMENTS." for accessible laser radiation:

(a) In excess of the accessible emission limits of Class I for any other combination of wavelength(s) and emission duration(s).

(b) In excess of neither an irradiance of 2.5×10^{-3} W cm^{-2} nor a peak power of 5.0×10^{-6} W for emission durations greater than 3.8×10^{-4} second for wavelengths greater than 400 nm but less than or equal to 700 nm; and,

(c) Not in excess of the accessible emission limits of Class I for any other combination of wavelength(s) and emission duration(s).

(iii) "DANGER—Laser radiation when open. AVOID DIRECT EXPOSURE TO BEAM." for accessible laser radiation:

(a) Not in excess of the accessible emission limits of Class III for all wavelengths; and either,

(b) In excess of either an irradiance of 2.5×10^{-3} W cm^{-2} or a peak power of 5.0×10^{-3} W for emission durations greater than 3.8×10^{-4} second for wavelengths greater than 400 nm but less than or equal to 700 nm; or,

(c) In excess of the accessible emission limit of Class I for any other wavelength.

(iv) "DANGER—Laser radiation when open. AVOID EYE OR SKIN EXPOSURE TO DIRECT OR SCATTERED RADIATION." for accessible laser radiation in excess of the accessible emission limits of Class III for all wavelengths.

(v) "CAUTION—Hazardous electromagnetic radiation when open." for collateral radiation in excess of the accessible emission limits in Table III, item 1 of paragraph (d) of this section.

(vi) "CAUTION—Hazardous x-ray radiation when open." for collateral radiation in excess of the accessible emission limits in Table III, item 2 of paragraph (d) of this section.

(7) *Labels for defeatably interlocked protective housings.* For each laser product, labels shall be provided for each defeatably interlocked protective housing which is designed to be displaced or removed during operation, maintenance or servicing, and which thereby could permit human access to laser or collateral radiation in excess of the limits of Class I or Table III in paragraph (d) of this section. Such labels shall be visible on the protective housing prior to displacement or removal of the protective housing and visible on the product in close proximity to the opening created by the removal or displacement of the protective housing, and shall include the wording:

(i) "CAUTION—Laser radiation when open and interlock defeated. DO NOT STARE INTO BEAM." for accessible laser radiation:

(a) In excess of the accessible emission limits of Class I for emission durations greater than 0.25 second and in the wavelength range greater than 400 nm but less than or equal to 700 nm; and,

(b) Not in excess of the accessible emission limits of Class II; and,

(c) Not in excess of the accessible emission limits of Class I for any other combination of wavelength(s) and emission duration(s).

(ii) "CAUTION — Laser radiation when open and interlock defeated. DO NOT STARE INTO BEAM OR VIEW DIRECTLY WITH OPTICAL INSTRUMENTS." for accessible laser radiation:

(a) In excess of the accessible emission limits of Class II; and,

(b) In excess of neither an irradiance of 2.5×10^{-3} W cm^{-2} nor a peak power of 5.0×10^{-6} W for emission durations greater than 3.8×10^{-4} second for wavelengths greater than 400 nm but less than or equal to 700 nm; and,

(c) Not in excess of the accessible emission limits of Class I for any other combination of wavelength(s) and emission duration(s).

(iii) "DANGER—Laser radiation when open and interlock defeated. AVOID DIRECT EXPOSURE TO BEAM." for accessible laser radiation:

(a) Not in excess of the accessible emission limits of Class III for all wavelengths; and either,

(b) In excess of either an irradiance of 2.5×10^{-3} W cm^{-2} or a peak power of 5.0×10^{-3} W for emission durations

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greater than 3.8×10^{-4} second for wavelengths greater than 400 nm but less than or equal to 700 nm; or,

(c) In excess of the accessible emission limit of Class I for any other wavelength.

(iv) "DANGER—Laser radiation when open and interlock defeated. AVOID EYE OR SKIN EXPOSURE TO DIRECT OR SCATTERED RADIATION." for accessible laser radiation in excess of the accessible emission limits of Class III for all wavelengths.

(v) "CAUTION—Hazardous electromagnetic radiation when open and interlock defeated." for collateral radiation in excess of the accessible emission limits in Table III, item 1 of paragraph (d) of this section.

(vi) "CAUTION — Hazardous x-ray radiation when open and interlock defeated." for collateral radiation in excess of the accessible emission limits in Table III, item 2 of paragraph (d) of this section.

(8) *Warning for invisible radiation.* On the labels specified in this paragraph and § 1040.11, if the wavelength(s) of the laser or collateral radiation referred to is:

(i) Less than or equal to 400 nm or greater than 700 nm, the word "invisible" shall appropriately precede the word "radiation"; or,

(ii) In the range specified in paragraph (g) (8) (i) of this section and also within the range of greater than 400 nm but less than or equal to 700 nm, the words "visible and invisible" shall appropriately precede the word "radiation".

(9) *Positioning of labels.* All labels affixed to a laser product shall be positioned so as to make unnecessary, during reading, human access to laser and collateral radiation in excess of the accessible emission limits of Class I and Table III of paragraph (d) of this section.

(10) *Label specifications.* Labels required by this paragraph and § 1040.11 shall be permanently affixed to the laser product, legible, and clearly visible during operation, maintenance or service as appropriate. If the size, configuration, or design of the laser product would preclude compliance with the requirements for any required label, the Director, Bureau of Radiological Health, may approve alternate means of providing such label(s).

(h) *Informational requirements*—(1) *User information.* Manufacturers of laser products shall provide as an integral part of any user instruction or operation manual which is regularly supplied with the product, or, if not so supplied, shall cause to be provided with each laser product:

(i) Adequate instructions for proper assembly and safe use including clear warnings concerning precautions to avoid possible exposure to laser and collateral radiation in excess of the accessible emission limits in Tables I–A, I–B, I–C and III of paragraph (d) of this section, and a schedule of maintenance necessary to keep the product in compliance with this section and § 1040.11.

(ii) A statement in appropriate units of pulse duration(s) and maximum output, with the magnitudes of the cumulative measurement uncertainty and any expected increase in the measured quantities at any time after manufacture added to the values measured at the time of manufacture (duration of pulses resulting from unintentional mode-locking need not be specified; however, those conditions associated with the product known to result in unintentional mode-locking shall be specified).

(iii) Legible reproductions (color optional) of all labels and hazard warnings required by paragraph (g) of this section and § 1040.11 to be affixed to the laser product or provided with the laser product, including the information required for positions 1, 2, and 3 of the applicable logotype (Figure 1 or 2 of paragraph (g) (1) and (2) (ii) of this section). The corresponding position of each label affixed to the product shall be indicated or, if provided with the product, a statement that such labels could not be affixed to the product but were supplied with the product and a statement of the form and manner in which they were supplied shall be provided.

(iv) A listing of controls, adjustments and procedures for operation and maintenance, including the warning "Caution—use of controls or adjustments or performance of procedures other than those specified herein may result in hazardous radiation exposure."

(v) In the case of laser products other than laser systems, a statement of the compatibility requirements for a laser energy source that will assure compliance of the laser product with this section and § 1040.11.

(2) *Purchasing and servicing information.* Manufacturers of laser products shall provide or cause to be provided:

(i) In all catalogs, specification sheets and descriptive brochures pertaining to each laser product, a legible reproduction (color optional) of the warning logotype required to be affixed to that product, including the information required for positions 1, 2, and 3 of the applicable logotype (Figure 1 or 2 under paragraph (g) (1) and (2) (ii) of this section).

(ii) To servicing dealers and distributors, and to others upon request at a cost not to exceed the cost of preparation and distribution, adequate instructions for service adjustments and service procedures for each laser product model including clear warnings and precautions to be taken to avoid possible exposure to radiation and a schedule of maintenance necessary to keep the product in compliance with this section and § 1040.11; and, in all such service instructions a listing of those controls and procedures which could be utilized by persons other than the manufacturer or his agents to increase accessible emission levels of radiation, and a clear description of the location of displaceable portions of the protective housing which could allow access to laser or collateral radiation in excess of the accessible emission limits in Tables I–A, I–B, I–C and III of paragraph (d) of this section. The instructions shall include protective procedures for service personnel, and legible reproductions (color optional) of required labels and hazard warnings.

(i) *Modification of a certified product.* The modification of a laser product, previously certified pursuant to § 1010.2 of this chapter, by any person engaged in the business of manufacturing, assembling or modifying laser products shall be construed as manufacturing under the act if the modification affects any aspect of the product's performance or intended function(s) for which this section and § 1040.11 have an applicable requirement. The manufacturer who performs such modification shall recertify and reidentify the product in accordance with the provisions of §§ 1010.2 and 1010.3 of this chapter.

§ 1040.11 Specific purpose laser products.

(a) *Medical laser products.* Each medical laser product shall comply with all of the applicable requirements of § 1040.10 for laser products of its class. In addition, the manufacturer shall:

(1) On Class III or IV laser products, incorporate in each medical laser product a means for the measurement of the level of that laser radiation intended for irradiation of the human body with an error in measurement of no more than ±20 percent when calibrated in accordance with paragraph (a) (2) of this section. Indication of the measurement shall be in International System Units.

(2) Supply with each medical laser product instructions specifying a procedure and schedule for calibration of the measurement system required by paragraph (a) (1) of this section.

(3) Affix to each medical laser product, in close proximity to each aperture through which is emitted accessible laser or collateral radiation in excess of the accessible emission limits of Class I and Table III of § 1040.10(d), a label bearing the wording: "Radiation is emitted from this aperture."

(b) *Surveying, leveling, and alignment laser products.* Each surveying, leveling, or alignment laser product shall comply with all of the applicable requirements of § 1040.10 for a Class I, Class II, or Class III laser product and, in addition:

(1) Shall not permit human access to laser radiation in the wavelength range of greater than 400 nm but less than or equal to 700 nm with a peak radiant power that exceeds 5×10^{-3} W for any sampling interval greater than 3.8×10^{-4} second; and,

(2) Shall not permit human access to laser radiation in excess of the accessible emission limits of Class I for any other combination of emission duration and wavelength range.

(c) *Demonstration laser products.* Each demonstration laser product shall comply with all of the applicable requirements of § 1040.10 for a Class I or Class II laser product and shall not permit human access to laser radiation in excess of the accessible emission limits of Class I and Class II as applicable.

Interested persons may, on or before October 4, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 19, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–19655 Filed 9–3–74;8:45 am]

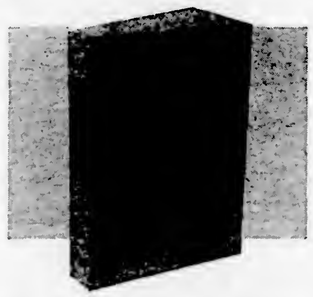
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WASHINGTON, D.C.

Volume 39 ■ Number 173

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Title 3—The President

EXECUTIVE ORDER 11802

General Creighton W. Abrams
Chief of Staff, United States Army

As a mark of respect to the memory of General Creighton W. Abrams, Chief of Staff, United States Army, it is hereby ordered, pursuant to the provisions of Section 4 of Proclamation 3044 of March 1, 1954, as amended, that until the day of interment the flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions. I also direct that the flag shall be flown at half-staff during this same period at all United States embassies, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

Gerald R. Ford

THE WHITE HOUSE,
September 4, 1974.

[FR Doc.74-20729 Filed 9-4-74;2:45 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 36—Parks, Forests, and Public Property

CHAPTER III—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 327—RULES AND REGULATIONS GOVERNING PUBLIC USE OF WATER RESOURCE DEVELOPMENT PROJECTS ADMINISTERED BY THE CHIEF OF ENGINEERS

Recreation Use Fees

In accordance with section 210 of Pub. L. 90-483, 82 Stat. 746, Public Law 88-578, 78 Stat. 897, Land and Water Conservation Act of 1965, as most recently amended by Pub. L. 93-81, 87 Stat. 178 and Pub. L. 93-303, 88 Stat. 192, this amendment sets forth the requirements for a special recreation use fee, as established by Pub. L. 93-303.

The above legislation directs subject to certain limitations, the collection of daily recreation use fees where the Federal Government provides specialized outdoor recreation sites, facilities, equipment, or services.

Use fee collection is required at all campgrounds having certain enumerated facilities. At each Corps lake or reservoir where camping is permitted, the Corps will provide at least one primitive campground where no fees will be charged.

General entrance or admission fee will not be collected at any Corps of Engineers recreation areas.

Amend § 327.25 to read:

§ 327.25 Recreation use fees.

(a) (1) Section 2 of 78 Stat. 897 (The Land and Water Conservation Fund Act of 1965), as amended, directs, subject to certain limitations, the collection of daily recreation use fees where the Federal government provides specialized outdoor recreation sites, facilities, equipment, or services at the place of use or any reasonably convenient location.

(2) At water resources development projects administered by the Secretary of the Army, acting through the Chief of Engineers, fees will not be charged for use in any combination of drinking water, wayside exhibits, roads, overlook sites, visitor centers, scenic drives, toilet facilities, picnic tables or boat ramps (except if mechanical or hydraulic boat lifts are provided).

(b) In addition, fees will not be charged for use of campgrounds which do not have the following: tent or trailer spaces, drinking water, access roads, refuse containers, toilet facilities, personal fee collection, reasonable visitor protection, and simple devices for containing campfires (if campfires are permitted).

(c) At each Corps lake or reservoir where camping is permitted, the District Engineer will provide at least one primitive campground, containing designated campsites, sanitary facilities, and vehicular access, where no fees will be charged.

(d) All use fees shall be fair and equitable and will be based on the following criteria:

(1) The direct and indirect amount of Federal expenditure.

(2) The benefit to the recipient.

(3) The public policy or interest served.

(4) The comparable recreation fees charged by other Federal and non-Federal public agencies within the service area of the management unit at which the fee is charged.

(5) The economic and administrative feasibility of fee collection.

(6) The extent of regular maintenance required, and

(7) Other pertinent factors.

Based on the above criteria, District Engineers have recommended to the Office, Chief of Engineers and the Chief has established fees for recreation facilities within the ranges set forth as follows:

$1-$4 per day for family camping.
$3-$25 per day for group camping.

A charge of $.50 for electrical service where available will be made for family campsites, but in no case will the daily fee for family camping exceed $4.

Fees for specialized outdoor recreation facilities not mentioned above may also be established in accordance with the criteria listed in this paragraph.

(e) (1) Any Golden Age Passport permittee shall be entitled upon presentation of such a permit to utilize special recreation facilities at a rate of 50 percent off the established use fee.

(2) Golden Eagle Passports however, do not affect the charging of use fees, since they apply only to entrance fees, which are not charged by the U.S. Army Corps of Engineers.

(f) The District Engineer shall insure that clear notice that a fee has been established is prominently posted at each such area and at appropriate locations therein, and that it be included in publications distributed at such areas.

(g) Failure to pay a prescribed use fee is a violation of the Land and Water Conservation Fund Act, as amended, and subjects the violator to a punishment by a fine of not more than $100.

(Pub. L. 93-81, 87 Stat. 178 and Pub. L. 93-303, 88 Stat. 192)

By authority of the Secretary of the Army.

Dated: August 15, 1974.

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.74-20465 Filed 9-4-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 243-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Arizona Transportation Control Plan; Revisions and Corrections

On April 11, 1973, the State of Arizona submitted a proposed transportation control plan to the Administrator pursuant to section 110 of the Clean Air Act (42 U.S.C. 1857c-5). Although several of the strategies to control carbon monoxide were approvable in concept, they were not set forth in the required regulatory detail. Accordingly, on June 15, 1973 the Administrator disapproved the plan (38 FR 16555, June 22, 1973). As required under section 110(c) of the Clean Air Act, the Administrator proposed on July 16, 1973, substitute regulations for attainment of the national standard for carbon monoxide (38 FR 18942).

The Governor of Arizona submitted a revised control strategy on September 11, 1973. After reviewing this revised plan, supplemental information and public comment, the Administrator conditionally approved the Arizona Transportation Control Plan on December 3, 1973 (38 FR 33368). (An evaluation report of the state plan is now available in the EPA regional office). In addition, EPA promulgated regulations which placed certain requirements and compliance dates on the implementation of each of the State's control measures. The promulgation of these implementation criteria was necessary to satisfy the requirements of 40 CFR Part 51 for approval. These requirements fell primarily on the employer carpool incentive program and the bus/carpool matching program. For example, EPA required that the employer carpool incentive program be made applicable immediately to employers with 200 spaces. The regulation also addressed the criteria for evaluating sufficiency of a plan, reporting requirements and procedures for EPA promulgation of such plans. In similar fashion, the bus/carpool matching program

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was required to be applicable to a certain number of employees within designated areas of Phoenix and Tucson. For both control strategies, a compliance schedule was included in the promulgated regulations to insure implementation on a timely basis.

In the November 6 General Preamble for all transportation control plans (38 FR 30626), the EPA stated that it would continually evaluate such plans, and make revisions providing they could be properly justified and not inconsistent with the statutory requirements for final attainment of the national standards. Since the December 3 plan was announced, various comments have been received, and the need for certain changes has become evident.

In defining the geographical boundaries for the employer carpool incentive program, a major employer in the Tucson area was omitted through error. These boundaries are being re-drawn to include this employer.

Regarding the carpool programs required of major employers, the regulation prescribed certain requirements as to content. It has been brought to our attention that these requirements might be construed not to allow sufficient flexibility for development of innovative carpool incentives. EPA concurs and is changing the wording in the appropriate paragraph (c) from "• • • shall contain provisions • • •" to "• • • should contain provisions • • •".

EPA is also specifying base periods and submittal dates for the reporting requirements described in the regulations for the employer carpool incentive program (§ 52.137) and the monitoring of transportation trends (§ 52.140).

On December 24, 1973, the State formally requested a 60-day extension for all compliance dates mentioned in the two regulations. According to the State, it was not possible to meet the original compliance schedule because of the late publication date of the regulations, the disruption caused by the Christmas holidays and the recent re-organization, and finally the considerable inter-departmental coordination needed to properly implement the regulations.

EPA reviewed the State's request, concurred that additional time was necessary for proper implementation, and so notified the State. Despite the delay, the State is making significant progress toward full implementation of both these programs. Accordingly, EPA is hereby formalizing the 60-day extension of compliance dates for the employer carpool incentive program and the bus/carpool matching program, which occurred in early 1974. It should be noted however that the nature of the delay does not justify extension of those compliance dates in 1975. This extension being granted applies only to those compliance dates in 1974 which affect employers maintaining at least 200 parking spaces. Compliance dates for employers maintaining 70 spaces remain unchanged. Similarly, those compliance dates for the bus/carpool matching program which fall in 1975 are not extended. This Notice amends 40 CFR Part 52 to reflect the extension of compliance dates.

These changes are effective on October 7, 1974, except that the Administrator finds good cause for making those changes to compliance dates effective immediately.

(Secs. 110c, 301 of the Clean Air Act, (42 U.S.C. 1857c-5 and 1857g))

Dated: August 29, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I Title 40 of the Code of Federal Regulations is amended as follows:

Subpart D—Arizona

1. Section 52.137 is amended by revising paragraphs (a), (c), (d), (e), (g), (h) to read as follows:

§ 52.137 Employer carpool incentive program.

(a) Definitions:

(1) "Metropolitan Phoenix Area" means the area bounded on the south by I–17 and Buckeye Road to the intersection with I–17, on the east by 48th Street, on the north by the Arizona Canal and Glendale Avenue, and on the west by 43rd Avenue.

(2) "Greater Tucson Area" means an area bounded by a line starting at the intersection of Sweetwater Drive and Silverbell Road, thence 7 miles east, thence 1 mile south, thence 5.5 miles east, thence 9 miles south, thence 5 miles west, thence 3.5 miles south, thence 5.5 miles west, thence 6 miles north, thence 2 miles west, thence 7.5 miles north to the point of origin.

• • • • •

(c) On or before March 1, 1974, the State of Arizona shall submit to the Administrator a compliance schedule implementing the approved employer carpool incentive program. This compliance schedule shall, at a minimum, provide that each employer in areas specified in paragraph (b) of this section who maintains more than 200 employee parking spaces shall, on or before April 1, 1974, submit to the State of Arizona an adequate incentive program designed to encourage the use of carpools and mass transit and discourage employees from using single-passenger automobiles to commute to work. Each program should contain provisions for preferential parking, covered parking and other benefits to employees who travel to work by carpool; subsidies to employees who use mass transit, reductions in the number of employee parking spaces or surcharges on the use of such spaces by employees; provision of special charter buses or other modes of mass transit for the use of employees; and/or any other measures acceptable to the Administrator. By June 1, 1974, the State of Arizona shall submit each programs so received, together with the State's evaluation of the program and the State's recommendation as to whether the program should be approved or disapproved, to the Administrator.

(d) On or before August 1, 1974, the Administrator shall approve or disapprove each program so submitted. Notice of such approval or disapproval shall be published in this Part 52.

(e) In order to be approvable by the Administrator, each program shall contain procedures whereby the employer will supply the State of Arizona and the Administrator with semi-annual certified reports. The semi-annual periods are January 1–June 30 and July 1–December 31, and the certified reports required by this section shall be submitted within 45 days after the end of each reporting period. The first such report shall be submitted no later than August 15, 1974. Such reports shall show, at a minimum, the following information:

(1) The number of employees at each of the employer's facilities within the areas specified in paragraph (b) of this section on December 31, 1973, and as of the date of the report.

(2) The number of (i) free and (ii) non-free employee parking spaces provided by the employer at each such employment facility on December 31, 1973, and as of the date of the report.

(3) The number of employees regularly commuting to and from work by (i) private automobile, (ii) carpool, and (iii) mass transit at each such employment facility on December 31, 1973, and as of the date of the report.

(4) Such other information as the Administrator may prescribe.

• • • • •

(g) By September 1, 1974, the Administrator shall prescribe a carpool incentive program for each employer to whom paragraph (b) of this section is applicable if such employer has not submitted a program. By October 1, 1974, the Administrator shall prescribe a carpool incentive program for each employer to whom paragraph (b) of this section is applicable if the program submitted is not adequate. Within 2 months after any revocation pursuant to paragraph (f) of this section, the Administrator shall prescribe a carpool incentive program for the affected employer. Any program prescribed by the Administrator shall be published in this Part 52.

(h) All programs approved under paragraph (d) or promulgated under paragraph (g) on account of an initial failure to submit a plan shall be fully implemented on or before November 1, 1974.

• • • • •

2. Section 52.138 is amended by revising paragraphs (a) and (c) to read as follows:

§ 52.138 Bus/carpool matching program.

(a) Definitions:

(1) "Metropolitan Phoenix Area" means the area bounded on the south by I–17 and Buckeye Road to the intersection with I–17, on the east by 48th Street, on the north by the Arizona Canal and Glendale Avenue, and on the west by 43rd Avenue.

(2) "Greater Tucson Area" means an area bounded by a line starting at the intersection of Sweetwater Drive and Silverbell Road, thence 7 miles east, thence 1 mile south, thence 5.5 miles east, thence 9 miles south, thence 5 miles west, thence 3.5 miles south, thence 5.5 miles west, then 6 miles north, thence 2 miles west, thence 7.5 miles north to the point of origin.

• • • • •

(c) On or before March 1, 1974, the State of Arizona shall submit to the Administrator a compliance schedule for implementing the approved bus/carpool matching program. This compliance schedule shall, at a minimum, provide for implementation of the program in the following phases:

(1) On or before May 1, 1974, bus/carpool matching shall be made available to the following employees:

(i) *Phoenix state capital area.* At least 10,000 employees whose work location is within the area bounded by Van Buren Street on the north, Jefferson Street on the south, Central Avenue on the east, and 19th Avenue on the west.

(ii) *Tucson central business district.* At least 2,000 employees whose work location is within an area bounded by a circle of 2-mile radius centered at the intersection of Congress Street and Stone Avenue.

(2) On or before November 1, 1974, bus/carpool matching shall be made available to the following employees.

(i) *Metropolitan Phoenix Area.* All employees in businesses having more than 250 employees.

(ii) *Greater Tucson Area.* All employees in businesses having more than 100 employees.

(3) On or before September 1, 1975, bus/carpool matching shall be made available to the following employees:

(i) *Metropolitan Phoenix Area.* All employees in businesses having more than 50 employees.

(ii) *Greater Tucson Area.* All employees in businesses having more than 50 employees.

• • • • •

3. Section 52.140 is amended by adding paragraph (e) to read as follows:

§ 52.140 Monitoring transportation trends.

• • • • •

(e) The quarterly reports specified in paragraphs (b) and (c) of this section shall be submitted to the Administrator through the Regional Office, and shall be due within 45 days after the end of each reporting period.

[FR Doc. 74-20404 Filed 9-4-74;8:45 am]

[FRL 258-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to Utah Plan

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator of the Environmental Protection Agency approved, with specific exceptions, a plan for implementation of the national ambient air quality standards submitted by Utah. On July 27, 1972 (37 FR 15094), the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the Utah plan. The proposed regulations include emissions limitations for particulate matter from process sources, fuel combustion, incineration and coke ovens in the Wasatch Front Intrastate Region.

Public hearings on the proposed regulations were conducted in Salt Lake City by the Environmental Protection Agency on September 14, 1972, and November 9, 1972. Interested parties presented their comments at these hearings and through the mail. Consideration of this information and further review of the proposed regulations led to only minor revisions. The particulate matter regulations were promulgated on May 14, 1973 (38 FR 12696).

Amendments Affecting United States Steel Corporation's Geneva Plant

Following the promulgation of the particulate matter regulations for the Wasatch Front Intrastate Region on May 14, 1973, United States Steel Corporation filed a "Petition for Reconsideration, for Clarification, for Modification and for Supplemental Hearing at which New Evidence may be Submitted" with the Environmental Protection Agency on June 11, 1973. On August 21, 1973, a meeting was held in Denver, Colorado between representatives of U.S. Steel and EPA at which the spokesman for the Corporation presented new evidence as requested in the Petition. Agency representatives visited the Corporation's Geneva Works near Provo, Utah, on September 11–12, 1973, to observe the plant operations and discuss technical aspects of the Corporation's presentations in Denver. Following a detailed review of the new data, as well as related testimony at the public hearings on the proposed regulations, the Administrator determined that a revision of the process weight regulation and a modification of the byproduct coke oven regulation would clarify the operating and maintenance responsibilities of the Corporation and simplify the Agency's surveillance and enforcement activities. The proposed revisions were published on April 16, 1974 (39 FR 13673).

At a public hearing conducted by EPA in Salt Lake City on May 16, 1974, U.S. Steel representatives raised objections to several of the proposed revisions and recommended alternative revisions. They also indicated that particulate matter emissions at the Geneva Works had been significantly reduced by the installation of stage-charging on the byproduct coke ovens. Supplemental information was submitted to EPA by the Corporation on May 28, June 5, and June 7, 1974, documenting the new emission reduction and providing supporting data for the recommendations presented at the public hearing. On the basis of this new evidence, the Administrator has determined that the proposed regulations should be modified as follows:

1. The 35-second limit for each pushing operation is increased to 45 seconds. In addition, an averaging time of four consecutive hours and specified observation areas for determining compliance are added to the regulation.

2. The 5 percent requirement pertaining to chuckdoors and elbow covers is increased to 10 percent. Observations will be taken 45 minutes apart from specified locations to determine compliance with this requirement.

3. The proposed emission limit of 0.022 gr/scf for the open hearth furnaces is changed to 0.027 gr/scf, and the averaging time for determining compliance is changed from 4 to 8 hours.

In the Administrator's judgement, the revised regulations, in conjunction with § 3.2, *Visible Emissions*, Utah Code of Air Conservation Regulations, will result in the attainment of the national standards for particulate matter throughout the Provo area (Utah County). The Utah Air Quality Section is currently conducting an extensive study of ambient levels of particulate matter in Utah County, including several monitoring locations near the Geneva Works. Should the results of this six-station study indicate that ambient levels of particulate matter in the vicinity of the U.S. Steel plant are higher than the concentration used in the development of the regulations promulgated today, the Administrator will propose the necessary revisions to these regulations.

Amendments Affecting Kennecott Copper Corporation's Utah Smelter

On June 8, 1973, Kennecott Copper Corporation filed a "Petition for Reconsideration" with the Agency requesting a revision in the federal compliance schedule which required all process sources subject to the particulate matter regulations promulgated on May 14, 1973 (§ 52.2330 (c)(1)) to demonstrate final compliance no later than July 31, 1975. At meetings with Environmental Protection Agency representatives on July 10, November 5 and November 13, 1973, Kennecott officials presented the results of fluorescent particle tracer studies and diffusion modeling which indicated that the national standards for particulate matter in the vicinity of the Magna copper smelter would not be attained even if the Corporation achieved compliance with the process weight rate table promulgated by the Agency. The data gathered by the Corporation in its field studies, and supported by diffusion model results, indicated that violations of the national standards near the plant were principally caused by low-level fugitive emissions which were not subject to the process weight regulations. In order to control particulate matter emissions to levels which would not result in violations of the national standards, the present smelter would require control equipment and physical alterations costing approximately $30 million and requiring until mid-1976 for completion, according to the Corporation's best estimates. By comparison, the Corporation is undertaking a major modification of its smelting process which, when completed, should provide it with best available

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control of fugitive emissions. The corporation plans to complete its modification program by July 31, 1977, and has indicated that efforts to achieve compliance with the process weight rate table on the existing facility would interfere with the timetable for the new process. The Corporation has notified the Agency that the modification program will consist of replacing the existing reverberatory furnaces with Noranda reactors and reducing the use of existing converters.

Based on an evaluation of the information developed by the Corporation, the Administrator determined that the existing regulations should be revised to require best available control of fugitive emissions and to specify the allowable particulate matter stack emissions from the smelting operations. Since these revisions will impose substantially greater demands on the Corporation than is presently the case, the Administrator also determined that a two-year extension is required for the attainment of the national standards for particulate matter in the Wasatch Front Intrastate Region. The federal compliance schedule applicable to the smelting operation requires the Corporation to comply with the revised regulation as expeditiously as practicable, but no later than July 31, 1977. The revised schedule in no way relieves the Corporation of its responsibility to comply with applicable portions of the present particulate matter regulations at its lime plant, molybdenite dryers, and power plant as expeditiously as practicable, but no later than July 31, 1975.

At the May 16, 1974 public hearing on the proposed revisions, Kennecott officials objected to the proposed particulate matter emission limitation of 137 pounds per hour, claiming that the 24-hour ambient measurement on which the proposed regulation was based was influenced by acid mist emissions from the smelter stacks as well as the solid particulate matter emissions used in EPA's calculations. The Kennecott representatives also testified that total stack emissions of particulate matter during the 24-hour measuring period were significantly greater than the average daily emissions previously reported by the Corporation. In addition, they requested that the impact of the new 1200-foot stack planned for the smelter be considered in determining the degree of control necessary to achieve the national standards for particulate matter. On June 10, 1974, Kennecott submitted supporting documentation regarding stack emissions and the sulfate fraction of the ambient sample on the day in question. On the basis of this new data, the final regulation is amended to limit total particulate matter emissions to 1058 pounds per hour, of which no more than 103 pounds per hour can be solid particulates and no more than 955 pounds per hour can be acid mist and aerosols as measured by the modified EPA stack sampling method included in the regulation. No consideration has been given to the new stack which the Corporation plans to build since the degree of control required to attain the national standards for particulate matter is reasonably available. This approach is consistent with the opinion of the Fifth Circuit Court of Appeals in *NRDC et al. vs. EPA*, 489 F. 2d 390 (CA5, 1974). In that case, the Court held that dispersion techniques such as tall stacks may not be utilized as a means of achieving ambient standards unless constant control techniques sufficient to achieve the standards are not reasonably available.

The provisions of the revised regulation affecting Kennecott's Utah Smelter are applicable to the Corporation whether or not it follows through with its plans to construct a modified smelting process. Accordingly, if the Corporation should decide to abandon or change its plans to construct a modified smelting process, the provisions of the revised regulation, including best available control of fugitive particulate matter emissions, will remain in effect.

The technical support document for the revision to Utah's particulate matter control strategy is available for public inspection at the Environmental Protection Agency, Office of Public Affairs, Region VIII, 1860 Lincoln Street, Denver, Colorado 80203, and at the Environmental Protection Agency, Room 329, 401 M Street, S.W., Washington, D.C. 20460.

The amendments which follow are effective on October 7, 1974.

(42 U.S.C. 1857c-5 (c) and (e))

Dated: August 28, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart TT—Utah

1. Section 52.2322 is amended by adding paragraph (f) as follows:

§ 52.2322 Extensions.

* * * * *

(f) The Administrator hereby extends for 2 years the attainment date for the primary standards for particulate matter in the Wasatch Front Intrastate Region.

2. In § 52.2327, paragraph (b) is revised to read as follows:

§ 52.2327 Compliance schedules.

* * * * *

(b) *Federal compliance schedule.* (1) Except as provided in paragraph (b) (2) of this section, the owner or operator of any stationary source subject to § 52.2330 (c) shall comply with such regulation on or before January 31, 1974. The owner or operator of the source subject to § 52.2330(b) of this chapter shall comply with such regulation at initial startup of such source unless a compliance schedule has been submitted pursuant to paragraph (b) (2) of this section.

(i) Any owner or operator in compliance with § 52.2330(c) on the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this paragraph.

(ii) Any owner or operator who achieves compliance with § 52.2330 (b) or (c) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to paragraph (b) (1) of this section may, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with § 52.2330 (b) or (c) (1) (i) as expeditiously as practicable but no later than July 31, 1975.

(3) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process change, or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of on-site construction or installation of emission control equipment or process modification; and final compliance.

(4) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

3. In § 52.2330, paragraphs (c) (1) and (c) (4) are revised.

As amended, § 52.2330 reads as follows:

§ 52.2330 Rules and regulations: Particulate matter.

* * * * *

(c) *Replacement for section 3.5 (Wasatch Front Intrastate Region)*

(1) *Regulation for control of process sources.* (i) No owner or operator of any process source, except open hearth furnaces, sintering plants, copper smelting operations (reactors and converters) and byproduct coke ovens, in the Wasatch Front Intrastate Region (§ 81.52 of this chapter) shall discharge or cause the discharge of particulate matter into the atmosphere in excess of the hourly rate shown in the following table for the process weight rate identified for each source.

POUNDS PER HOUR

Process weight rate:	Emission rate
100	0.551
200	0.877
600	1.830
1,000	2.580
5,000	7.580
10,000	12.00
20,000	19.20
60,000	40.00
80,000	42.80
120,000	46.30
160,000	49.20
200,000	51.70
1,000,000	68.00
2,000,000	77.60

(A) Interpolation of the data in the table for process weight rates up to 60,000 lb/h shall be accomplished by use of the equation:

$$E = 4.10P^{0.67} \text{ for } P \leq 30 < \text{tons/h}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/h shall be accomplished by use of the equation:

$$E = 55.0P^{0.11} - 40 \text{ for } P > 30 \text{ tons/h}$$

Where:
E = Emissions in pounds per hour.
P = Process weight in tons per hour.

(B) Process weight is the total weight of all materials and solid fuels introduced into any specific process. Liquid and gaseous fuels and combustion air will not be considered as part of the process weight. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a given period of time by the number of hours in that period.

(ii) No owner or operator of any open hearth furnace in the Wasatch Front Intrastate Region shall discharge or cause the discharge of particulate matter into the atmosphere from such furnaces in excess of 0.027 grains per standard cubic foot of exhaust gas, maximum 8-hour average.

(A) The owner or operator of any open hearth furnace subject to paragraph (c) (1) (ii) of this section shall comply with the compliance schedule specified below:

(*1*) October 1, 1974—Submit a control plan to the Administrator for meeting the requirements of paragraph (c) (1) (ii) of this section. Such plan shall be subject to approval by the Administrator.

(*2*) November 1, 1974—Let contracts or issue purchase orders for emission control systems and/or process modifications.

(*3*) December 1, 1974—Initiate on-site construction and/or installation of emission control equipment or process change.

(*4*) January 1, 1975—Complete on-site construction and/or installation of emission control system or process change.

(*5*) March 1, 1975—Achieve final compliance with requirements of paragraph (c) (1) (ii) of this section.

(B) The owner or operator of any open hearth furnace subject to this paragraph may submit to the Administrator, no later than thirty (30) days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after July 31, 1975. If approved by the Administrator, such schedule shall satisfy the compliance schedule requirement of this paragraph for the affected source.

(iii) No owner or operator of any sintering plant in the Wasatch Front Intrastate Region shall discharge or cause the discharge of particulate matter into the atmosphere from such plant in excess of 0.035 grains per standard cubic foot of exhaust gas, maximum 2-hour average.

(A) The owner or operator of any sintering plant subject to this paragraph shall comply with the requirements of paragraph (c) (1) (iii) within 30 days after the effective date of this regulation.

(B) If the owner or operator of any sintering plant subject to this paragraph cannot comply within thirty (30) days after promulgation of this regulation, he may submit to the Administrator, no later than thirty (30) days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after July 31, 1975. If approved by the Administrator, such schedule shall satisfy the compliance schedule requirements of this paragraph for the affected source.

(iv) No owner or operator of any copper smelting operation in the Wasatch Front Intrastate Region shall discharge or cause the discharge of particulate matter into the atmosphere from the stack or stacks serving the reactor and converter operations in excess of 1058 pounds per hour, maximum 6-hour average, of which no more than 103 pounds per hour shall be solid particulate matter and no more than 955 pounds per hour shall be sulfuric acid mist (including sulfur trioxide) or allow the escape of any fugitive particulate matter emissions which can be captured and controlled using best available techniques.

(A) The owner or operator of any smelter subject to this paragraph shall comply with the compliance schedule specified below:

(*1*) October 1, 1974—Submit a final plan to the Administrator for meeting the requirements of paragraph (c) (1) (iv) of this section. Such a plan shall be subject to approval by the Administrator.

(*2*) December 1, 1974—Let contracts or issue purchase orders for emission control systems and/or process modifications.

(*3*) April 1, 1975—Initiate on-site construction and/or installation of emission control equipment or process change.

(*4*) May 31, 1977—Complete on-site construction and/or installation of emission control system or process change.

(*5*) July 31, 1977—Achieve final compliance with the requirements of paragraph (c) (1) (iv) of this section.

(B) The owner or operator of any smelter subject to this paragraph may submit to the Administrator, no later than thirty (30) days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after July 31, 1977. If approved by the Administrator such schedule shall satisfy the compliance schedule requirements of this paragraph for the affected source.

* * * * *

(4) Byproduct coke ovens. No owner or operator of any byproduct coke oven in the Wasatch Front Intrastate Region (§ 81.52 of this chapter) shall operate any coke oven during the pushing and charging operations in such a manner as to cause, permit or allow the emissions of visible particulate matter except that visible emissions shall be allowed for a period or periods aggregating no more than 35 seconds for each charging operation and 45 seconds for each pushing operation, averaged over a period of any four consecutive hours for each battery. The charging operation shall be observed from the top side of the battery, downwind of the larry car where all ports and hoppers can be clearly observed (approximately 30 feet from the charging holes). The pushing operation shall be observed from immediately outside of the coke wharf in front of the coke oven being pushed. This paragraph does not exempt the pushing operations from compliance with section 3.2, *Visible Emissions*, Utah Code of Air Conservation Regulations which is part of the approved State Implementation Plan.

(i) No owner or operator of any coke oven subject to paragraph (c) (4) of this section shall discharge or cause the discharge into the atmosphere of any visible emissions except non-smoking flame, from more than 5 percent each of the coke oven doors, charging hole covers, and standpipes, and from more than 10 percent each of the chuckdoors and elbow covers. Compliance with this requirement shall be determined by observations taken not less than 45 minutes apart from the top side of the battery for the charging hole covers, standpipes and elbow covers; from outside the coke wharf area for coke-side doors; and from outside the pusher track area for the pusher-side doors and the chuckdoors. Only sources found to be discharging visible emissions during two consecutive observations shall be counted in determining violations.

(ii) No owner or operator of any coke oven subject to paragraph (c) (4) of this section shall operate a coke quenching tower unless such quenching tower is equipped with interior baffles.

(iii) The owner or operator of any coke oven subject to this paragraph shall comply with the requirements of paragraph (c) (4) of this section within 30 days after the effective date of this regulation.

(iv) If any owner or operator of the coke oven subject to this paragraph can not comply within 30 days after the effective date of this regulation, he may submit to the Administrator, no later than thirty (30) days after the effective date of this paragraph, a proposed compliance schedule. No such compliance schedule may provide for final compliance after July 31, 1975. If approved by the Administrator, such schedule shall satisfy the compliance schedule requirements of this paragraph for the affected source.

(5) The test methods and procedures used to determine compliance with paragraph (c) (1) of this section are set forth

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below. The methods referenced are contained in the appendix to part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) For each sampling repetition, the average concentration of particulate matter shall be determined by using method 5, except that compliance with (c) (1) (iv) shall be determined by modifying method 5 to maintain a gas temperature above the sulfuric acid dew point (320° F minimum) at the exit end of the sampling probe and to utilize 80 percent isopropanol as the reagent in the first two impingers in place of water. Determination of the sulfuric acid mist concentration (including sulfur trioxide) collected by this modified method shall be based on the procedures described in method 8. Traversing during sampling by method 5 shall be according to method 1. The minimum sampling time shall be 2 hours and the minimum sampling volume shall be 60 feet³ (1.170 m³) corrected to standard conditions on a dry basis.

(ii) The volumetric flow rate of the total effluent shall be determined by using method 2. Gas analysis shall be performed using the integrated sample technique of method 3, and moisture content shall be determined by the condenser technique of method 4.

(iii) All tests shall be conducted while the source is operating at the maximum production or combustion rate at which such source will be operated. During the tests, the source shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such other relevant conditions as the Administrator shall specify.

(6) The test methods and procedures used to determine compliance with paragraph (c) (2) of this section shall be those prescribed for particulate matter in § 60.46 of this chapter.

(7) The test methods and procedures used to determine compliance with paragraph (c) (3) of this section shall be those in § 60.54 of this chapter.

4. Section 52.2331 is revised to read as follows:

§ 52.2331 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Utah's plan, except where noted.

ATTAINMENT DATES FOR NATIONAL STANDARDS

Air quality control region	Pollutant						
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Wasatch Front intrastate	*July 1977*	*July 1977*	*July 1977*	*July 1977*	*July 1975*	*August 1975*	*July 1975*
Four Corners interstate	*July 1975*	*July 1975*	(1)	(1)	do	(1)	(1)
Utah intrastate	(1)	(1)	(1)	(1)	(1)	(1)	(1)

[1] Air quality levels presently below secondary standards.
NOTE.—Dates or footnotes which are italic are prescribed by the Administrator because the plans do not provide a specific date, or the date provided is not acceptable.

[FR Doc.74-20403 Filed 9-4-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Bear River Migratory Bird Refuge, Utah

The following special regulation is issued and is effective on September 5, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

The public hunting of ducks, coots, mergansers and whistling swans on the Bear River Migratory Bird Refuge, Utah, is permitted from October 5, 1974 through January 5, 1975, inclusive; and geese from October 12, 1974 through December 15, 1974, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 12,855 acres, is delineated on maps available at refuge headquarters, Brigham City, Utah and from the Area Office, Fish and Wildlife Service, Federal Building, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, mergansers and whistling swans subject to the following special conditions:

(1) *Steel shot.* The exclusive use of 12 gage steel shot in Area A will be required on even numbered days beginning October 6, 1974 and continue through the balance of the waterfowl hunting season. The possession of lead shot in Area A on even numbered days is prohibited and having lead shot in one's possession will be considered prima facie evidence that the person having such shot in his possession is engaged in hunting with same.

(2) *Hunting areas.* Area A—No hunting is permitted from roadways or within 100 yards of any roadway. Area B—No hunting is permitted from roadways or adjacent area as posted by signs.

(3) *Boat use.* The use of boats is permitted except that airthrust boats and aircycles may not be used in Unit 2 on weekends and holidays. Airthrust boats and aircycles may be launched only from designated boat ramps. Boats may be left at designated areas 1 week prior to and during the hunting season. All boats and trailers must be removed within 2 weeks after the close of the hunting season.

(4) *Parking.* Hunters may park cars only at designated areas within the refuge.

(5) *Hunter check station.* Each hunter who enters Area A is requested to register at the checking station and check out before leaving the refuge. Those hunting in Area B are not required to register on entering or leaving the refuge.

(6) Routes of travel—To reach open hunting areas, travel is permitted on foot or bicycle over roads between Units 1 and 2 and Units 2 and 3. Travel by boats from checking station using the canal between Units 1 and 2 or down main river channel into Unit 2, or using the canal between Units 2 and 3. Travel by boats and trailers over dike roads to designated parking and launching areas. Airthrust boats and aircycles may use designated travel lanes across a closed portion of the refuge leading to the open area south and southwest of the refuge.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in 50 CFR Part 32, and are effective through January 5, 1975.

HARVEY WILLOUGHBY,
Acting Regional Director.

AUGUST 26, 1974.

[FR Doc.74-20477 Filed 9-4-74;8:45 am]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on September 5, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of geese on the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from September 28 through November 17, 1974, and the hunting of ducks and coots is permitted from September 28 through November 17, 1974, and the hunting of common snipe (Wilson's) is permitted from September 14 through November 16, 1974, but only on the area designated by signs as open to migratory waterfowl hunting. This open area comprising 2,850 acres is delineated on a map available at the refuge headquarters, Upham, North Dakota, and from the Area Office, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

(1) Blinds—Temporary blinds of approved material may be constructed.

(2) Retrieving zones—Retrieving zones will be designated by signs. Possession of firearms in retrieving zones is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in 50 CFR Part 32, and are effective through November 17, 1974.

ROBERT C. FIELDS,
Refuge Manager, J. Clark Salyer National Wildlife Refuge, Upham, North Dakota 58789.

AUGUST 22, 1974.

[FR Doc.74-20476 Filed 9-4-74;8:45 am]

PART 32—HUNTING

Seedskadee National Wildlife Refuge

The following special regulation is issued and is effective on September 5, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

WYOMING

SEEDSKADEE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, coots, mergansers and snipe on the Seedskadee National Wildlife Refuge, Wyoming is permitted as follows: Geese from October 5 through November 18, 1974, inclusive, and November 30 through December 29, 1974, inclusive; Ducks, coots, mergansers and snipe from September 28 through December 29, 1974, inclusive. All of the refuge area, comprising 13,248 acres, and so designated by signs, is open to hunting. Maps of the area are available at the refuge office, Room 118, Courthouse, Green River, Wyoming, and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West Sixth Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of geese, coots, ducks, mergansers and snipe.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in 50 CFR Part 32, and are effective through December 29, 1974.

MERLE O. BENNETT,
Refuge Manager, Seedskadee National Wildlife Refuge, Green River, Wyoming.

AUGUST 26, 1974.

[FR Doc.74-20467 Filed 9-4-74;8:45 am]

PART 32—HUNTING

Tennessee; Reelfoot National Wildlife Refuge; Correction

In F.R. Doc. 74-17431, appearing on page 27675 of the issue for Wednesday, July 31, 1974, under § 32.22 *Raccoons*, insert item (2) as follows:

(2) Raccoons may be taken, without limit, on the Grassy Island refuge unit during the period September 30–October 5, 1974.

PHILLIP S. MORGAN,
Acting Regional Director, U.S. Fish and Wildlife Service.

AUGUST 26, 1974.

[FR Doc.74-20475 Filed 9-4-74;8:45 am]

PART 32—HUNTING

Rice Lake National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective on September 5, 1974.

§ 32.32 Special regulations; upland game; for individual wildlife refuge areas.

MINNESOTA

RICE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of ruffed grouse on the Rice Lake National Wildlife Refuge, is permitted from sunrise to sunset September 14 through October 29, 1974, only on the areas designated by signs as open to hunting. The open area of Rice Lake National Wildlife Refuge, comprising 2,000 acres, is delineated on a map available at refuge headquarters, McGregor, Minnesota and from the Regional Director, Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations governing the hunting of upland game.

DON E. ADAMS,
Refuge Manager, Rice Lake National Wildlife Refuge, McGregor, Minnesota 55760.

AUGUST 23, 1974.

[FR Doc.74-20501 Filed 9-4-74;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—MARINE MAMMALS

Incidental Taking in the Course of Commercial Fishing Operations

The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) provides in section 101(a)(2) that during the twenty-four month period initially following the date of enactment of the Act, the taking of marine mammals incidental to the course of commercial fishing operations shall be permitted and shall not be subject to the provisions of sections 103 and 104. Subsequent to such twenty-four month period marine mammals may be taken incidental to commercial fishing operations but under permits issued pursuant to section 104, subject to regulations promulgated in accordance with section 103 of the Act, and in accordance with procedures promulgated under section 104.

On March 13, 1974, a notice of intent to prescribe regulations was published in the FEDERAL REGISTER (39 FR 9685). Pursuant to that intent, proposed regulations were published in the FEDERAL REGISTER (39 FR 12356–61) on April 5, 1974.

Written views, comments or objections were considered if submitted prior to May 15, 1974. Comments timely received were presented and made a part of the record of an agency hearing which was held on May 15 and 16, 1974 in Seattle, Washington. In addition, ten witnesses representing the National Marine Fisheries Service, the fishing industry, the State of Alaska, and public groups appeared, presented testimony, and responded to cross-examination for the record. Following the hearing, four briefs were filed by certain of the parties represented at the hearing.

Based on the hearing record and the briefs submitted, the Administrative Law Judge issued his recommended decision on July 15, 1974, concluding, among other things, that the record fully supports the promulgation of regulations and that the proposed regulations as modified and amended by his decision should be adopted as the final regulations.

A draft environmental impact statement (DEIS) was prepared and submitted to the Council on Environmental Quality (CEQ) on April 5, 1974, concurrent with the publication of the proposed regulations. Public hearings regarding the DEIS were held in Washington, D.C., on May 7, 1974, and at Terminal Island, California, on May 9, 1974. A final environmental impact statement (FEIS) was transmitted to CEQ on August 29, 1974.

Copies of the Administrative Law Judge's decision and the FEIS are available for review in the offices of the Director, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235 or at the five regional offices listed below:

Director, Northwest Region
1700 Westlake Avenue North
Seattle, Washington 98109

Director, Southeast Region
Duval Building, 9450 Gandy Boulevard
St. Petersburg, Florida 33702

Director, Northeast Region
14 Elm Street
Gloucester, Massachusetts 01930

Director, Southwest Region
300 South Ferry Street
Terminal Island, California 90731

Director, Alaska Region
P.O. Box 1668
Juneau, Alaska, 99801

As a result of his analysis of the hearing record, the briefs submitted in connection therewith, recommendations from the Marine Mammal Commission, and the Administrative Law Judge's decision, the Director, National Marine Fisheries Service, has determined that certain changes be made in the proposed regulations (39 FR 12356–61, April 5, 1974). The changes in the proposed regulations are made below. Explanations are only provided where the Director's changes deviate from the Judge's decision. The reasons for the Judge's changes are set forth in his decision.

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1. Section 216.24(b)(1)(ii) and (iii) are amended.

2. Section 216.24(b)(2) is amended to provide for application for a general permit by organizations which represent members of a class.

3. Section 216.24(b)(3) is amended, and the expiration date for the initial general permits has been put at December 31, 1975, rather than being for an indefinite period as set forth in the proposed rule making of April 5, 1974. The Judge's recommendation to terminate the general permits on December 31, 1976 has not been accepted because such date is predicated on the imposition of certain other requirements relating to yellowfin tuna purse seine gear contained in the proposed regulations which the Judge rejected. In addition, an informal public hearing under section 553 of the Administrative Procedure Act is provided with respect to 103(d) information within three months prior to or subsequent to the expiration of the initial general permit. This latter change is based upon recommendations contained in the hearing record and briefs.

4. Section 216.24(c) is amended to further clarify application procedures, and to change the fees for certificates of inclusion to reflect the cost of administering the permit program for the different categories of permits and certificates of inclusion. It has been determined that with respect to most certificates, a $10.00 basic fee is appropriate to cover administrative costs, rather than the proposed $5.00 fee. Administrative costs are greater for the yellowfin tuna category than other categories; therefore, we are establishing a fee of $200. Provision is made for review of the fee. These changes are based on issues raised in the hearing record and are in addition to the Judge's recommendation.

5. Section 216.24(d) is amended.

6. Section 216.24(d)(1)(ii) is amended.

7. Section 216.24(d)(1)(iii) is amended. The Judge's recommendation is supplemented with an amendment to prevent the intentional killing or injuring of Atlantic bottlenosed dolphins. This is added to reflect the fact that the evidence disclosed that Atlantic bottlenosed dolphins do not cause the kind of damage or present the danger to fishermen that would justify the intentional killing or injuries permitted by this subsection.

8. Section 216.24(d)(1)(v) is amended.

9. Section 216.24(d)(2) and Section 216.24(d)(2)(i) are amended.

10. Section 216.24(d)(2)(iii) is amended.

11. Section 216.24(d)(2)(iv) is amended in subsections 216.24(d)(2)(iv)(A), (C), (D), (E)(2), and (E)(3). Section 216.24(d)(2)(iv)(E)(2) is amended beyond the Judge's recommendation to include a definition for the phrase "significant number of roll ups," for clarity. Corresponding figure No. 1 is also amended.

12. Section 216.24(d)(2)(v) is amended.

13. Section 216.24(d)(2)(vii) is amended to include the Judge's recommendation and also to replace the word "demonstrate" with the word "perform" to more accurately state what is required.

14. Section 216.24(d)(2)(viii) is amended and redesignated § 216.24(d)(2)(ix) and a new section 216.24(d)(2)(viii) is added.

15. Section 216.24(d)(3) is amended to clarify its title.

16. Section 216.24(d)(3)(ii) is amended to correspond to the amended § 216.24(d)(1)(ii).

17. Section 216.24(d)(3)(iii) is amended to correspond to the amended section 216.24(d)(1)(iii).

18. Section 216.24(d)(3)(v) is amended to correspond to the amended § 216.24(d)(1)(v).

19. Section 216.24(d)(4)(ii) is amended to correspond to the amended § 216.24(d)(1)(ii).

20. Section 216.24(d)(4)(iii) is amended to correspond to the amended § 216.24(d)(1)(iii).

21. Section 216.24(d)(4)(v) is amended to correspond to the amended § 216.24(d)(1)(v).

22. Section 216.24(d)(5)(ii) is amended to correspond to the amended § 216.24(d)(1)(ii).

23. Section 216.24(d)(5)(iii) is amended to correspond to the amended § 216.24(d)(1)(iii).

24. Section 216.24(d)(5)(v) is amended to correspond to the amended § 216.24(d)(1)(v).

25. Section 216.24(e)(1) is amended, adding in addition to the Judge's recommendation a phrase noting that any finding by the Director in respect to foreign fishing technology would be published in the FEDERAL REGISTER. Since the Act's section 101(a)(2)'s provision for an alternative method of certifying imported fish as caught in compliance with the Act requires an affirmative finding by the Director, the addition specifically recognizes federal rule making procedures.

26. Section 216.24(e)(2) is redesignated as § 216.24(e)(3), and amended to implement the new § 216.24(e)(2) as follows: "and" is added to subpart (i) and subpart (ii) is amended to require the quantity as well as species of fish to be shown on the shipping documentation. The change is a technical one designed to assure more positive identification of the shipment. These changes are in addition to the Judge's recommended changes.

27. A new § 216.24(e)(2) is added to provide a means for the Director to designate that certain species and categories of fish are not involved with commercial fishing operations which cause the death or injury of any marine mammals and therefore are not subject to the importation prohibitions and documentation requirements of § 216.24(e). This new section is an addition to the Judge's recommended changes. Such designation will eliminate a substantial amount of otherwise required documentation and will comply with and implement the intentions and requirements of the Act.

28. Section 216.24(e)(3)(iii) formerly § 216.24(e)(2)(iii), is amended to conform to the reworded subsection (e)(1). A phrase is added to the beginning of the subsection, for the reasons stated above with respect to (e)(1), that is, to note that this method of certifying compliance with the Act will not go into effect until such time as the Director makes and publishes an affirmative finding as to the rate of incidental kill or serious injury for particular foreign fishing technologies. These changes are based on issues raised in the hearing record and are in addition to the Judge's recommendations.

29. A phrase is added to § 216.24(e)(3)(iv), formerly § 216.24(e)(2)(iv), requiring that the government official's or fishing master's statement identify the exporter, species, and quantity of the fish presented for importation. The change is a technical one meant to connect such statements more specifically to the other shipping documentation. In addition, the subsection is clarified to make it clear that these regulations are the regulations referred to in the subsection. These changes are based on issues raised in the hearing record and are in addition to the Judge's recommendations.

30. A new § 216.24(e)(3)(v) is added to provide for, among other things, an additional way to import fish if it can be documented that the fish were caught prior to the effective date of these regulations. These changes are based on issues raised in the hearing record and are in addition to the Judge's recommendations.

31. Section 216.24(e)(3)(vi), formerly § 216.24(e)(2)(v), is amended to provide alternative forms for the presentation of the required certification. These changes are based on issues raised in the hearing and are in addition to the Judge's recommendations.

32. Certain minor subsection relettering is done to implement the FEDERAL REGISTER's suggested format for subsection numbering. These changes are in addition to the Judge's recommendations.

33. Section 216.24(g) is added.

34. To assure that the FEIS is available for 30 days before the final action is taken, the effective date of these regulations is delayed until September 30, 1974. Prior to that date, no formal action will be taken with respect to applications for permits. Modifications of these regulations prior to the effective date, to the extent such modifications are necessary and permissible, will be announced in the FEDERAL REGISTER.

These regulations are effective September 30, 1974.

Dated: August 29, 1974.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

§ 216.24 Taking and related acts incidental to commercial fishing operations.

(a) After October 20, 1974, no marine mammals may be taken in the course of a commercial fishing operation unless the taking constitutes an incidental catch as defined in § 216.3, a general permit and certificate of inclusion have been obtained in accordance with these regulations, and such taking is not in violation of such permit. It is the immediate goal that the incidental kill or serious injury of marine mammals occurring in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate.

(b) Permits: (1) General permits to allow the taking of marine mammals in connection with commercial fishing operations will be issued to persons using fishing gear within any one of the following five general categories:

(i) *Towed or Dragged Gear.* Shall include those commercial fishing operations utilizing towed or dragged gear such as bottom otter trawls, bottom pair trawls, multi-rig trawls, and dredging gear.

(ii) *Encircling Gear; Yellowfin Tuna Purse Seining.* Shall include those commercial fishing operations utilizing purse seines for yellowfin tuna.

(iii) *Encircling Gear; Seining other than Yellowfin Tuna.* Shall include those commercial fishing operations utilizing seines for species other than yellowfin tuna.

(iv) *Stationary Gear.* Shall include commercial fishing operations utilizing stationary gear such as traps, pots, wiers, and pound nets.

(v) *Other Gear.* Shall include those commercial fishing operations utilizing trolling, gill nets, hook and line gear, and any gear not classified under paragraph (b)(1)(i), (ii), (iii), or (iv) of this section.

(2) Permits shall be issued as general permits to a class of fishermen using one of the general categories of gear set forth above. Any member of such class or any organization representing members of a class may apply for a general permit on behalf of all members of the class. Subsequent to a grant of the general permit, individuals may make application to be included under the terms of a general permit.

(3) General permits shall be valid for one year. However, initial general permits shall expire on December 31, 1975. All permits issued thereafter shall expire on December 31 of the year issued. Such general permits shall be subject to review, modification, suspension or revocation and may contain terms and conditions prescribed in accordance with section 104(b)(2) (16 U.S.C. 1374(b)(2)) of the Act. The Director shall conduct an informal public hearing within three months prior to or subsequent to the expiration of such initial general permits at which he shall present information described in section 103(d)(1)–(4) of the Act with reference to the regulations and permits in effect and the research and development program.

(4) Upon proper application for inclusion under the general permit, certificates of inclusion shall be issued to masters or other persons in charge of vessels engaged in commercial fisheries, or if no vessels are involved, to those who participate in commercial fishing operations. Such certificates are not subject to public hearings prior to issuance. Such certificates shall not be transferable but will be valid on any vessel or boat for which the individual named in the permit is the master or person in charge.

(5) The certificate must be in the possession of the person to whom it was issued in the course of his fishing operations and shall be shown upon request to an enforcement agent or other designated agent of the National Marine Fisheries Service.

(6) Crew members of vessels are not required to possess permits.

(c) Applications: (1) Applications for a general permit will be accepted on the effective date of these regulations. After issuance of a general permit, applications for inclusion under such general permit will be accepted at any time. All persons included under a general permit will receive a certificate evidencing such inclusion and setting forth the period of time during which they may conduct fishing operations under the general permit. Initial certificates shall be valid through December 31, 1975. Thereafter, certificates will expire on December 31 of the year issued.

(2) Applications for certificates of inclusion should be addressed as follows:

Residents of the States of Washington, Oregon, Idaho, Montana, Wyoming, Colorado, North Dakota, South Dakota, and Utah, should make application to the Regional Director, National Marine Fisheries Service, Seattle, Washington 98102.

Residents of the States of California, Nevada, Arizona, Hawaii, and the territories of American Samoa, Guam, and Trust Territories, should make application to the Regional Director, National Marine Fisheries Service, Terminal Island, California 90731.

Residents of the State of Alaska should make application to the Regional Director, National Marine Fisheries Service, Juneau, Alaska 99801.

Residents of the States of Maine, Vermont, New Hampshire, New York, Massachusetts, Connecticut, Rhode Island, New Jersey, District of Columbia, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Michigan, Wisconsin, Illinois, Indiana, and Minnesota, should make application to the Regional Director, National Marine Fisheries Service, Gloucester, Massachusetts 01930.

Residents of the States of North Carolina, South Carolina, Florida, Mississippi, Louisiana, Texas, Georgia, Oklahoma, Alabama, Nebraska, Iowa, Tennessee, Missouri, New Mexico, Kentucky, Kansas, Puerto Rico, Virgin Islands, and Arkansas, should make application to the Regional Director, National Marine Fisheries Service, St. Petersburg, Florida 33702.

(3) Applications for certificates of inclusion should contain:

(i) The name of the person(s) which is to appear on the certificate of inclusion;

(ii) The category of the general permit under which the applicant(s) wishes to be included;

(iii) The species of fish sought and general area of operations;

(iv) Identity of State or local commercial fishing licenses. If any, under which fishing operations are conducted and dates of expiration;

(v) Name and signature of person, persons, or organization making application.

(4) Applications for certificates of inclusion must contain a payment in accordance with the following schedule for each person named in paragraph (c)(3)(i) of this section. The schedule of fee payment is:

Categories 1, 3, 4, and 5, Towed or Dragged Gear; Encircling Gear, Seining other than yellowfin; Stationary Gear; Other Gear; $10.00.

Category 2, Encircling Gear, Yellowfin Tuna Purse Seining: $200.00.

The Director may change the amount of said required payment at any time he determines the different payment to be reasonable, and said change may be accomplished by publication in the FEDERAL REGISTER of the new payment required, without the necessity of amending these regulations.

(5) The Regional Director receiving applications for a general permit shall determine the adequacy and completeness of such applications received by him and if found to be adequate and complete, will forward them to the Director, National Marine Fisheries Service, who will forthwith publish a notice of such application in the FEDERAL REGISTER, giving interested parties thirty days in which to submit written data or views with respect to the granting of such permit.

(6) If within thirty days after the date of publication of notice with respect to an application for a general permit any interested party or parties requests a hearing in connection therewith, the Director may conduct a hearing. Any hearing held in connection with a general permit shall be conducted in the same manner as hearings held in connection with scientific or display applications under § 216.33.

(7) The Regional Director receiving applications for certificates of inclusion shall determine the adequacy and completeness of such applications and, upon his determination that such applications are adequate and complete, he shall immediately approve such applications and thereafter notify the applicants of his approval and issue a certificate to approved applicants.

(d) Terms and conditions of fishing operations under general permits shall include but not be limited to the following:

(1) *Towed or dragged gear.* (i) A certificate holder may take marine mammals so long as such taking is an inci-

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dental occurrence in the course of normal commercial fishing operations. Marine mammals taken incidental to commercial fishing operations shall be immediately returned to the environment where captured without further injury.

(ii) A certificate holder may take such steps as are necessary to protect his catch, gear, or person from depredation, damage or personal injury without inflicting death or injury to any marine mammal.

(iii) Only after all means permitted by paragraph (d)(1)(ii) of this section have been taken to deter a marine mammal from depredating the catch, damaging the gear, or causing personal injury, may the certificate holder injure or kill the animal causing the depredation or immediate damage, or about to cause immediate personal injury; however, in no event shall a certificate holder kill or injure an Atlantic bottlenosed dolphin, *Tursiops truncatus*, under the provisions of this paragraph. In no event shall the certificate holder injure or kill any animal permitted to be killed or injured under this paragraph unless the infliction of such damage is substantial and immediate and is actually being caused at the time such steps are taken. In all cases, the burden is on the certificate holder to fully report and demonstrate that the animal was causing substantial and immediate damage or about to cause personal injury and that all possible steps to protect against such damage or injury as permitted by paragraph (d)(1)(ii) of this section were taken and that such attempts failed.

(iv) Marine mammals taken in the course of commercial fishing operations shall be subject to the provisions of § 216.3 with respect to "Incidental catch," and may not be retained except where a specific permit has been obtained authorizing the retention.

(v) All certificate holders shall maintain logs of incidental take of marine mammals in such form as prescribed by the Director. All occurrences resulting in death or injury to marine mammals in the course of commercial fishing operations under the conditions of a general permit shall be immediately recorded in the log and reported in writing to the Regional Director, National Marine Fisheries Service, where a certificate application was made, or to an enforcement agent or other designated agent of the National Marine Fisheries Service, at the earliest opportunity but no later than five days after such occurrence, except that if a vessel at sea returns to port later than five days after such occurrence, then it shall be reported within forty-eight hours after arrival in port. Reports must include:

(A) The location, time, and date of the death or injury

(B) The identity and number of marine mammals killed or injured; and

(C) A description of the circumstances which led up to and caused the death or injury.

(vi) Failure to comply with the provisions of the general permit including, but not limited to, failure to submit upon demand to an inspection by an authorized Federal enforcement agent, or failure to adhere to the provisions of these regulations will subject the certificate holder to a revocation of his certificate and also subject the certificate holder, vessel, and master to the penalties provided for under the Act.

(2) *Encircling Gear; Yellowfin Tuna Purse Seining*

(i) A certificate holder may take marine mammals, so long as such taking is an incidental occurrence in the course of normal commercial fishing operations. Marine mammals taken incidental to commercial fishing operations shall be immediately returned to the environment where captured without further injury. Each certificate holder shall take every possible step to minimize the incidental mortality and serious injury of marine mammals in the course of commercial fishing operations, including refraining from causing or permitting a purse seine under his control to be set around marine mammals when conditions of wind, sea, visibility, or the number of marine mammals and/or fish concerned would, in his judgment, be likely to prevent the effective use of the backdown and other procedures required herein. Such steps to minimize mortality and serious injury shall include, where appropriate, causing a purse seine already set on marine mammals to be released and/or opened to facilitate release of marine mammals where such a step will, in his judgment, be effective and conditions prevent the effective use of the procedures required hereunder. The Director may publish findings relating to conditions of wind, sea, visibility or numbers of marine mammals and fish concerned which prevent the effective use of equipment and procedures required hereunder and result in an unacceptably high rate of incidental mortality and serious injury of marine mammals and under which conditions it would not be permissible to cause a set to be made on marine mammals.

(ii) A certificate holder may take such steps as are necessary to protect his catch, gear, or person from depredation, damage, or threat of personal injury without inflicting death or injury to any marine mammal.

(iii) All certificate holders shall maintain daily logs, in such form as the Director may prescribe, of all sets in which marine mammals are taken. Such logs must include the location, time, and date of set; weather, and water conditions; estimated number and species of marine mammals upon which set was made; estimated number and species of marine mammals caught; method used to remove marine mammals from net; amount and kind of tuna caught; and an actual count of marine mammals killed, and seriously injured, if any, on each set. Such logs shall be subject to inspection at the discretion of the Regional Director, National Marine Fisheries Service, where a certificate application was made, or his designated agents. In addition, copies of all such logs shall be mailed or delivered to the Regional Director, NMFS, where a certificate application was made, at the earliest possible opportunity, but no later than 5 days after the most recent recording in the log, except that if a vessel at sea returns to port later than five days after such occurrence, then it shall be reported within forty-eight hours after arrival in port.

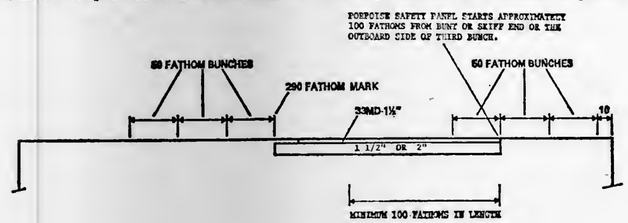
(iv) Certificates will be valid only on vessels equipped with a porpoise safety panel in their purse seine and using other gear and procedures as herein described. Porpoise safety panels and all other gear used in the course of catching and landing yellowfin tuna, backdown and other release procedures shall be maintained in a proper and seaworthy condition. The porpoise safety panel shall be installed as follows:

(A) Beginning approximately 100 fathoms from the bunt or skiff end of the net or on the outboard side of the third bunch with sufficient panel installed to protect the entire perimeter of the backdown area from the tie-down point, the porpoise safety panel shall be installed and extend a minimum of 100 fathoms in length. The minimum length of the panel in nets deeper than 10 panels shall be determined at a ratio of 10 fathoms in length for each panel that the net is deep. The porpoise safety panel shall consist of (*1*) one strip of 2" stretch mesh, commencing at the corkline, with a total minimum depth of 225 meshes, or (*2*) one strip of 280 meshes deep of 1½" stretch mesh, plus a corkline border strip 33 meshes deep, for a total of 313 meshes deep, minimum depth.

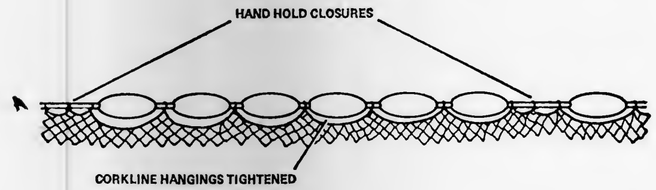
(B) Each end of the porpoise safety panel must be identified with an easily distinguishable marker which may be separate from the corkline or may be a single cork in the corkline of a different color than the one on either side.

(C) Throughout the length of the corkline in which the porpoise safety panel is located, hand hold openings are to be secured either by false hangings, the installation of small sections of 1½" or 2" stretch mesh, or by hand-constructed webbing of the same size as 1½" or 2" stretch mesh. In any event, by whatever means these areas are closed to prevent porpoise entrapment, proof of its utility to achieve the desired result shall be its resistance to the insertion of a cylindrical shaped object, no larger than one and three-eights inches in diameter.

(D) Porpoise safety panels installed in purse seines on the effective date of these regulations which have been certified by the master or owner of a vessel to the Regional Director, National Marine Fisheries Service, Terminal Island, California, pursuant to the interim regulations effective January 22, 1974 (39 FR 2481), and which have been conditionally approved by the Regional Director for use pending an initial inspection of the net by an authorized agent of the National Marine Fisheries Service or which has been inspected and found to be in conformity with such interim regulations by the Regional Director, as evidenced by notification to the master or owner of the vessel by the Regional Director, shall be deemed to meet the specifications described above for tuna purse seining encircling gear. Five figures are included in these regulations to illustrate and clarify some of the requirements of this class of permit.



LOCATION OF PORPOISE SAFETY PANEL INSERTION
Figure 1 - 216.24 d (2)(iv)



STANDARD SEINE
Figure 2 - 216.24 d (2)(iv)

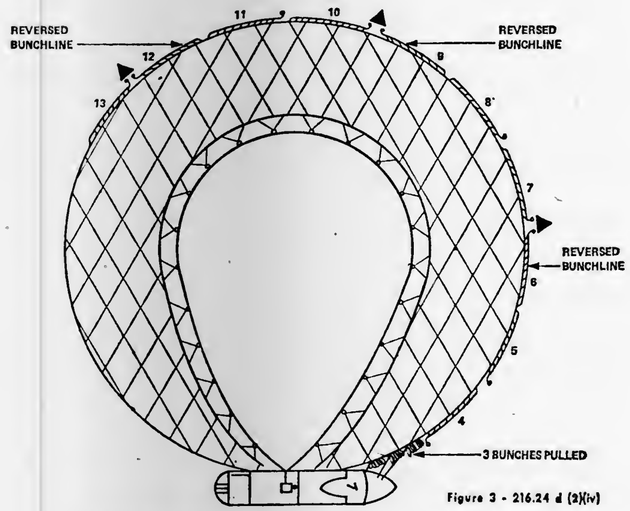


Figure 3 - 216.24 d (2)(iv)

LOCATION OF REVERSE BUNCHLINES FOR USE WITH SPEEDBOATS TO HOLD NET OPEN USING A TOTAL OF 13 BUNCH LINES. TRIANGLES DENOTE TOWING POINTS.

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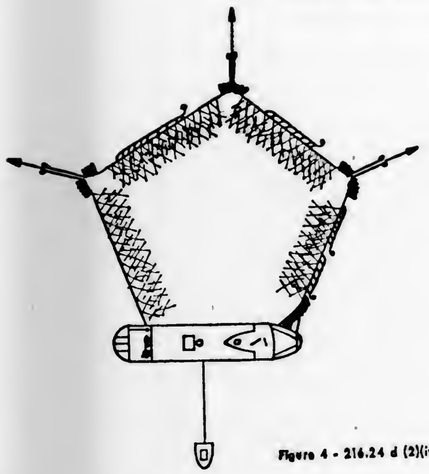


Figure 4 - 216.24 d (2)(iv)

SPEEDBOATS HOLDING NET OPEN, AFTER THE NET IS PURSED, UTILIZING THE THREE REVERSED BUNCH LINES.

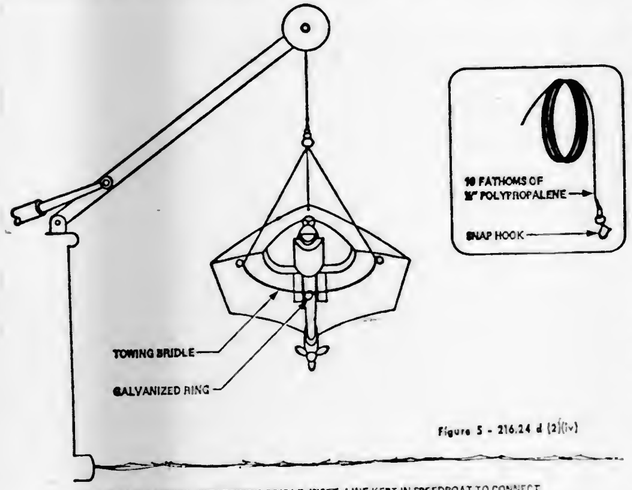


Figure 5 - 216.24 d (2)(iv)

SPEEDBOAT RIGGED WITH TOWING BRIDLE. INSET: LINE KEPT IN SPEEDBOAT TO CONNECT BUNCH LINES TO TOWING BRIDLE.

(E) Other required gear and procedures:

(*1*) Throughout the entire net, corkline hangings shall be inspected following each trip. Hangings found to have loosened to the extent that a cylindrical object with a 1⅜" diameter will not meet resistance when inserted between the cork and corkline hangings, must be tightened so that a cylindrical object with a one and three-eighths inch diameter cannot be inserted.

(2) Upon a determination by the Regional Director that a vessel is experiencing a significant number of roll-ups and that installation of torque-balanced cable would reduce such roll-up he shall require such vessel to install main purse lines consisting of torque-balanced cable with the exception of the centerpieces which may consist of standard cable of the necessary size and breaking strength. In those cases in which torque-balanced cable is required, at a minimum, the main purse line, and any excess purse line shall consist of torque-balanced cable. Torque-balanced cable is a three-strand preformed right lay wire rope which is resistant to rotation under load or strain in accordance with standards published by the Director in the FEDERAL REGISTER. The phrase "significant number of roll-ups" is defined as one or more sets during which a roll-up occurs and one or more porpoise are killed.

(3) Nets shall contain bunch lines arranged similar to the diagram reproduced herein. The arrangements of bunch lines should allow up to 5 bunch lines to be pulled in normal fishing operations and for the use of speed boats to hold the net open by towing or reversed bunch lines as indicated in figure 3. Each towing point at the conjunction of reversed bunch lines must be marked with a red 40" polyform float or equally visible marker so that towing points can be easily located. All vessels operated by certificate holders under this section shall be equipped with two or more auxiliary boats. Auxiliary boats shall be utilized to hook onto the reversed bunch lines and tow the net open to the pentagonal shape shown in figure 4 in order to prevent the collapse of the net as a required part of every set made on marine mammals. Certificate holders operating vessels that do not carry two or more auxiliary boats may not conduct fishing operations which involve setting purse seines on marine mammals with such vessels.

(v) All tuna purse seine vessels operated by a certificate holder shall be required to carry a porpoise basket suitable to be used over the side of the seine skiff to allow crew members to physically release live marine mammals during drying up and prior to final stages of brailing.

(vi) Following a net set where marine mammals are captured in the course of utilizing a purse seine for catching and landing tuna, backdown and other release procedures shall be continued until all live animals have been released from the net. "Backdown procedure" means a series of maneuvers, which take place after the net is tied down following a set and pursing, which keeps the net open to the greatest degree and allows porpoise or other marine mammals to leave the pursed net over the net floats which are submerged as a result of the vessel moving astern.

(vii) Purse seine nets and other gear and equipment utilized to catch and land fish under this section and to conduct backdown and other procedures herein required, shall be maintained in functional and seaworthy condition. All certificate holders shall maintain proficiency sufficient to perform the procedures required herein. Vessel gear and equipment as well as the proficiency of certificate holders will be subject to inspection and examination by authorized

NMFS personnel at any time at the discretion of the Director. Any vessel found to be equipped with gear which is not in conformity with these regulations or is not maintained in a functional and seaworthy condition shall be declared ineligible for use by a certificate holder for commercial fishing operations under this section and the certificate of any certificate holder who is found to lack proficiency in the procedures required herein shall be immediately suspended or revoked.

(viii) Director may publish a finding of the rate of incidental mortality and serious injury of marine mammals in the course of commercial fishing operations conducted pursuant to these regulations.

(ix) Failure to comply with the provisions of this permit or these regulations, including, but not limited to, failure to submit upon demand to an inspection or examination by an authorized agent of the National Marine Fisheries Service, falsification of logs and reports required hereunder, or failure to satisfy the requirements of any provisions of these regulations, will subject certificate holders, vessel masters, or owners to immediate revocation of the certificate and/or right to be included under a general permit and further subject certificate holders, vessels, masters, or owners to the penalties provided for under the Act.

(3) *Encircling Gear; Seining other than Yellowfin Tuna.*

(i) A certificate holder may take marine mammals so long as such taking is an incidental occurrence in the course of normal commercial fishing operations. Marine mammals taken incidental to commercial fishing operations shall be immediately returned to the environment where captured without further injury.

(ii) A certificate holder may take such steps as are necessary to protect his catch, gear, or person from depredation, damage or personal injury without inflicting death or injury to any marine mammal.

(iii) Only after all means permitted by paragraph (d) (3) (ii) of this section have been taken to deter a marine mammal from depredating the catch, damaging the gear, or causing personal injury, may the certificate holder injure or kill the animal causing the depredation or immediate damage, or about to cause immediate personal injury; however, in no event shall a certificate holder kill or injure an Atlantic bottlenosed dolphin, *Tursiops truncatus*, under the provisions of this paragraph. In no event shall the certificate holder injure or kill any animal permitted to be killed or injured under this paragraph unless the infliction of such damage is substantial and immediate and is actually being caused at the time such steps are taken. In all cases, the burden is on the certificate holder to fully report and demonstrate that the animal was causing substantial and immediate damage or about to cause personal injury and that all possible steps to protect against such damage or injury as permitted by paragraph (d) (3) (ii) of this section were taken and that such attempts failed.

(iv) Marine mammals taken in the course of commercial fishing operations shall be subject to the provisions of § 216.3 with respect to "Incidental catch," and may not be retained except where a specific permit has been obtained authorizing the retention.

(v) All certificate holders shall maintain logs of incidental take of marine mammals in such form as prescribed by the Director. All occurrences resulting in death or injury to marine mammals in the course of commercial fishing operations under the conditions of a general permit shall be immediately recorded in the log and reported in writing to the Regional Director, National Marine Fisheries Service, where a certificate application was made, or to an enforcement agent or other designated agent of the National Marine Fisheries Service, at the earliest opportunity but no later than five days after such occurrence, except that if a vessel at sea returns to port later than five days after such occurrence, then it shall be reported within forty-eight hours after arrival in port. Reports must include:

(A) the location, time, and date of the death or injury;

(B) the identity and number of marine mammals killed or injured; and

(C) a description of the circumstances which led up to and caused the death or injury.

(vi) Failure to comply with the provisions of the general permit including, but not limited to, failure to submit upon demand to an inspection by an authorized Federal enforcement agent, or failure to adhere to the provisions of these regulations will subject the certificate holder to a revocation of his certificate and also subject the certificate holder, vessel owner and master to the penalties provide for under the Act.

(4) *Stationary gear.* (i) A certificate holder may take marine mammals so long as such taking is an incidental occurrence in the course of normal commercial fishing operations. Marine mammals taken incidental to commercial fishing operations shall be immediately returned to the environment where captured without further injury.

(ii) A certificate holder may take such steps as are necessary to protect his catch, gear, or person from depredation, damage or personal injury without inflicting death or injury to any marine mammal.

(iii) Only after all means permitted by paragraph (d) (4) (ii) of this section have been taken to deter a marine mammal from depredating the catch, damaging the gear, or causing personal injury, may the certificate holder injure or kill the animal causing the depredation or immediate damage, or about to cause immediate personal injury; however, in no event shall a certificate holder kill or injure an Atlantic bottlenosed dolphin, *Tursiops truncatus*, under the provisions of this paragraph. In no event shall the certificate holder injure or kill any animal permitted to be killed or injured under this paragraph unless the infliction of such damage is substantial and immediate and is actually being caused at the time that steps are taken. In all cases, the burden is on the certificate holder to fully report and demonstrate that the animal was causing substantial and immediate damage or about to cause personal injury and that all possible steps to protect against such damage or injury as permitted by paragraph (d) (4) (ii) of this section were taken and that such attempts failed.

(iv) Marine mammals taken in the course of commercial fishing operations shall be subject to the provisions of § 216.3 with respect to "Incidental catch," and may not be retained except where a specific permit has been obtained authorizing the retention.

(v) All certificate holders shall maintain logs of incidental take of marine mammals in such form as prescribed by the Director. All occurrences resulting in death or injury to marine mammals in the course of commercial fishing operations under the conditions of a general permit shall be immediately recorded in the log and reported in writing to the Regional Director, National Marine Fisheries Service, where a certificate application was made, or to an enforcement agent or other designated agent of the National Marine Fisheries Service, at the earliest opportunity but no later than five days after such occurrence, except that if a vessel at sea returns to port later than five days after such occurrence, then it shall be reported within forty-eight hours after arrival in port.

Reports must include:

(A) the location, time, and date of the death or injury

(B) the identity and number of marine mammals killed or injured; and

(C) a description of the circumstances which led up to an caused the death or injury.

(vi) Failure to comply with the provisions of the general permit including, but not limited to, failure to submit upon demand to an inspection by an authorized Federal enforcement agent, or failure to adhere to the provisions of these regulations will subject the certificate holder to a revocation of his certificate and also subject the certificate holder, vessel, owner and master to the penalties provided for under the Act.

(5) *Other gear.* (i) A certificate holder may take marine mammals so long as such taking is an incidental occurrence in the course of normal commercial fishing operations. Marine mammals taken incidental to commercial fishing operations shall be immediately returned to the environment where captured without further injury.

(ii) A certificate holder may take such steps as are necessary to protect his catch, gear, or person from depredation, damage or personal injury without inflicting death or injury to any marine mammal.

(iii) Only after all means permitted by paragraph (d) (5) (ii) of this section have been taken to deter a marine mam-

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mal from depredating the catch, damaging the gear, or causing personal injury, may the certificate holder injure or kill the animal causing the depredation or immediate damage, or about to cause immediate personal injury; however, in no event shall a certificate holder kill or injure an Atlantic bottlenosed dolphin, *Tursiops truncatus*, under the provisions of this paragraph. In no event shall the certificate holder injure or kill any animal permitted to be killed or injured under this paragraph unless the infliction of such damage is substantial and immediate and is actually being caused at the time such steps are taken. In all cases, the burden is on the certificate holder to fully report and demonstrate that the animal was causing substantial and immediate damage or about to cause personal injury and that all possible steps to protect against such damage or injury as permitted by paragraph (d)(5)(ii) of this section were taken and that such attempts failed.

(iv) Marine mammals taken in the course of commercial fishing operations shall be subject to the provisions of § 216.3 with respect to "Incidental catch," and may not be retained except where a specific permit has been obtained authorizing the retention.

(v) All certificate holders shall maintain logs of incidental take of marine mammals in such form as prescribed by the Director. All occurrences resulting in death or injury to marine mammals in the course of commercial fishing operations under the conditions of a general permit shall be immediately recorded in the log and reported in writing to the Regional Director, National Marine Fisheries Service, where a certificate application was made, or to an enforcement agent or other designated agent of the National Marine Fisheries Service, at the earliest opportunity but no later than five days after such occurrence, except that if a vessel at sea returns to port later than 5 days after such occurrence, then it shall be reported within forty-eight hours after arrival in port. Reports must include:

(A) the location, time, and date of the death or injury

(B) the identity and number of marine mammals killed or injured; and

(C) a description of the circumstances which led up to and caused the death or injury.

(vi) Failure to comply with the provisions of the general permit including, but not limited to, failure to submit upon demand to an inspection by an authorized Federal enforcement agent, or failure to adhere to the provisions of these regulations will subject the certificate holder to a revocation of his certificate and also subject the certificate holder, vessel, and master to the penalties provided for under the Act.

(e) Importation: (1) It shall be illegal to import into the United States any fish, whether fresh, frozen or otherwise prepared, if such fish were caught in a manner prohibited by these regulations or in a manner that would not be allowed in circumstances where a person subject to the jurisdiction of the United States would be required to have a certificate of inclusion in a general permit hereunder, whether or not any marine mammals were in fact taken incident to the catching of the fish, unless the Director makes a finding and publishes such finding in the FEDERAL REGISTER, that such fishing, although not in conformity with the specific requirements of these regulations, is accomplished in a manner which does not result in an incidental mortality and serious injury rate in excess of that which results from fishing operations under these regulations.

(2) All fish are subject to the prohibitions and documentation requirements of this paragraph (e), except the following fish and categories of fish which the Director has determined are not involved with commercial fishing operations which cause the death or injury of any marine mammals—

(i) [Reserved]

(3) Effective October 21, 1974, all fish, except those fish exempted by paragraph (e)(2) of this section, shall be denied entry into the United States unless accompanied by shipping documentation showing:

(i) The country of origin; and

(ii) The identity and quantity of fish; and, either

(iii) After the Director has published the finding referred to in paragraph (e)(1) of this section, a statement from a responsible official of the country of origin that the fishing technology permitted by the country of origin with respect to the species of fish presented for importation into the United States does not result in a rate of serious injury or death to marine mammals in excess of that which results from the conduct of commercial fishing operations as prescribed by these regulations. Country of origin for the purposes of this section shall mean the country under whose flag the fish catching vessels are documented and whose fish are a part of any cargo or shipment of fish to be imported into the U.S. regardless of any transshipments; or

(iv) a statement by a responsible official of the country of origin or the master of the vessel which caught the fish that such fish were not caught in a manner prohibited for U.S. fishermen by these regulations. The statement shall identify the species, quantity, and exporter of the fish to which the statement refers; or

(v) a statement by a responsible official of the country of origin or the master of the vessel which caught the fish that (A) such fish in the shipment were caught prior to the effective date of these regulations; or, (B) if the fish in the shipment are yellowfin tuna, that (1) the yellowfin tuna were caught prior to April 1, 1974, or (2) if the yellowfin tuna was caught between April 1, 1974, and October 20, 1974, that the yellowfin tuna was caught in conformance with the interim regulations regarding tuna purse-seining operations (39 FR 2481, January 22, 1974). The statement shall identify the species, quantity, and exporter of the fish to which the statement refers; or

(vi) Any nation may certify to the Director either (A) that all of its vessels fishing under its flag are fishing in conformance with these regulations; or (B) a list of the vessels, by name and official number, fishing under such nation's flag which are fishing in conformance with these regulations; or (C) that all of its vessels fishing under such nation's flag, with the exception of any vessels specifically listed by name and official number, are fishing in conformance with these regulations. If methods (B) or (C) are used, the shipping documentation must also show the name and official number of the vessel which caught the fish presented for importation.

(f) Any duly authorized agents of the Secretary may from time to time, after timely oral or written notice to the vessel owner or charterer, board and/or accompany commercial fishing vessels documented under the laws of the United States, whenever the Secretary determines that there is space available, on regular fishing trips, for the purpose of conducting research or observation operations. Such research and observation operations shall be carried out in such manner as to minimize interference with commercial fishing operations. No masters, charterer, operator or owner of such vessel shall impair or in any way interfere with the research or observations being carried out. The Secretary shall provide for the payment of all reasonable costs directly related to the quartering and maintaining of such agents on board such vessels.

(g) Penalties and rewards: Any person or vessel, subject to the jurisdiction of the United States shall be subject to the penalties provided for under the Act for the conduct of fishing operations in violation of these regulations. The Secretary shall recommend to the Secretary of the Treasury that an amount equal to one-half of the fine incurred but not to exceed $2,500 be paid to any person who furnishes information which leads to a conviction for a violation of these regulations. Any officer, employee, or designated agent of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this section.

[FR Doc.74-20847 Filed 9-4-74;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 26—GRAIN STANDARDS

United States Standards for Oats

Statement of considerations. The United States Grain Standards Act, as amended (82 Stat. 762, 7 U.S.C. 76) provides for official U.S. standards to designate the levels of quality of grain for use by producers, merchandisers, and consumers in the domestic and export marketing of grain. Official grading service is provided under the Act upon request of the applicant and payment of a fee to cover the cost of the service.

Pursuant to section 4 of the Act, a notice concerning a proposed revision of the United States Standards for Oats (7 CFR 26.251 *et seq.*) was published in the FEDERAL REGISTER (38 FR 34668) on December 17, 1973, according to the administrative procedure provisions of Section 553 of Title 5, United States Code.

Approximately 600 reprints of the notice were sent to interested persons in the grain industry. Interested persons were given until January 31, 1974, to submit data, views, or recommendations concerning the proposed revisions.

Seven written comments were received in response to the notice. In general, the comments were favorable to the proposed revision. Three commentors opposed the proposed effective date of June 1, 1974, because the near proximity of the date would have created difficulty in processing outstanding futures contracts. As a result of the comments and after informal consultation with industry members, the effective date of the revised standards is changed to June 1, 1975.

One commentor objected to the deletion of the class names white, red, gray, black, and mixed because information as to the color of oats is needed in purchasing oats for feed for thoroughbred horses.

The classing of oats has been based on genetic background, as evidenced by kernel characteristics, and the color of the hulls. The kernel characteristics of oats vary by variety, location, and season. As a result, the classing of certain varieties of white oats (*Avena sativa*) and certain varieties of red oats (*Avena byzantina*) has been and is one of the more difficult grain grading activities. The classing of some of the newer varieties, such as Goodfield and Clintford, is especially difficult because they contain germ plasm and kernel characteristics of both red and white oats.

The problem in accurately classing white and red oats has resulted in intermarket grading differences and in trade complaints and is seriously detracting from the marketing of oats in one or more markets. It is concluded that the inspection problems and the trade complaints warrant deleting the genetic- and color-based class names. In instances where an applicant may desire an official inspector's opinion as to the general, overall color of a lot of oats, it may be shown, at the applicant's request, in the "remarks" space on the certificate of grade.

Other suggestions, which have been adopted, are:

1. Show only the definition for oats in § 26.251. Show all other definitions under "Definitions of other terms" in §26. 252. Redesignate all subsequent sections and paragraphs as needed.

2. In the definition of "Other grains," change "grain sorghum" to "sorghum" and list in the proper alphabetical order; and add the term "sunflower" in the proper alphabetical order.

3. Modify the section entitled "Temporary adjustments in equipment and procedures" for clarity.

4. In the definition of the special grade "Ergoty oats," change "0.1 percent" to "0.10 percent" to show the degree of accuracy desired.

5. Clarify the definition of the special grade "Weevily oats" by showing that the meaning of "infested" is defined in the Grain Inspection Manual.

6. Make other minor changes for purposes of clarity.

In consideration of the foregoing and other information available in the Department, the United States Standards for Oats (7 CFR 26.251 *et seq.*) are revised to read as follows:

UNITED STATES STANDARDS FOR OATS [1]

TERMS DEFINED

§ 26.251 Definition of oats.

Grain which consists of 50 percent or more of oats (*Avena sativa* L. and *A. byzantina* C. Koch) and may contain, singly or in combination, not more than 25 percent of wild oats and other grains for which standards have been established under the United States Grain Standards Act.

* * * * * *

§ 26.252 Definitions of other terms.

For the purposes of these standards the following terms shall have the meanings stated below:

(a) *Distinctly low quality.* Oats which are obviously of inferior quality because they contain foreign substances or because they are in an unusual state or condition, and which cannot be properly graded by use of the other grading factors provided in the standards.

(b) *Fine seeds.* All matter which may be removed from a test portion of the original sample by an approved device in accordance with procedures prescribed in the Grain Inspection Manual.[2] For the purpose of this paragraph, "approved device" shall be the 5/64 triangular-hole sieve.[3]

(c) *Foreign material.* All matter other than oats, wild oats, and other grains (see paragraph (f) of this section). Oat clippings and detached oat hulls are foreign material.

(d) *Heat-damaged kernels.* Kernels and pieces of kernels of oats, other grains (see paragraph (f) of this section), and wild oats which are materially discolored and damaged as a result of heating.

(e) *Moisture.* Water content in oats as determined by an approved device in accordance with procedures prescribed in the Grain Inspection Manual.[2] For the purpose of this paragraph "approved device" shall include the Motomco Moisture Meter and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(f) *Other grains.* Barley, corn, cultivated buckwheat, einkorn, emmer, flaxseed, guar, hull-less barley, nongrain sorghum, Polish wheat, popcorn, poulard wheat, rice, rye, sorghum, soybeans, spelt, sunflower, sweet corn, triticale, and wheat.

(g) *Sieves.* (1) *5/64 triangular-hole sieve.* A metal sieve 0.032 inch thick with equilateral triangular perforations the inscribed circles of which are 0.0781 (5/64) inch in diameter.

(2) *0.064 x 3/8 oblong-hole sieve.* A metal sieve 0.032 inch thick with oblong perforations 0.064 inch by 0.375 (3/8) inch.

(h) *Sound oats.* Kernels and pieces of kernels of oats (except wild oats) which are not badly ground-damaged, badly weather-damaged, diseased, frost-damaged, heat-damaged, insect-bored, mold-damaged, sprout-damaged, or otherwise materially damaged.

(i) *Stones.* Concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

(j) *Test weight per bushel.* Test weight per bushel shall be the weight per Winchester bushel (2,150.42 cubic inch capacity) as determined on a test portion of the original sample by an approved device in accordance with instructions in the Grain Inspection Manual.[2] For the purpose of this paragraph "approved device" shall include the Fairbanks-Morse or Ohaus Test Weight Per Bushel Apparatus and any other equipment that is approved by the Administrator as giving equivalent results.[3]

Test weight per bushel, for grade determination, shall be stated in terms of whole and half pounds; a fraction of a pound when equal to or greater than one-half shall be stated as one-half and when less than one-half shall be disregarded; e.g., 41.1 through 41.4 shall be 41.0 and 41.5 through 41.9 shall be 41.5.

(k) *Wild oats.* Seeds of *Avena fatua* and *A. sterilis.*

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 26.253 Basis of determination.

All determinations shall be on a test portion of the original sample.

§ 26.254 Temporary modifications in equipment and procedures.

The equipment and procedures referred to in the oats standards are applicable to oats produced and harvested under normal environmental conditions. Abnormal environmental conditions during the production and harvesting of

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

[2] Grain Inspection Manual, GR Instruction 918-6, effective August 28, 1972, as amended, U.S. Department of Agriculture, Agricultural Marketing Service. Copies may be obtained from the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782.

[3] Requests for information concerning approved devices and procedures, criteria for approved devices, and request for approval of devices should be directed to the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782.

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oats may require minor temporary modifications in the equipment or procedures to obtain results expected under normal conditions. When these adjustments are necessary; Grain Division Field Offices, official inspection agencies, and interested parties in the grain industry will be notified promptly in writing of the modification. Changes in interpretations of identity, quality, and condition are excluded and shall not be made.

§ 26.255 Percentages.

Percentages shall be determined on the basis of weight and shall be rounded off as follows:

(a) When the figure to be rounded is followed by a figure greater than 5, round to the next higher figure; e.g., 0.46, report as 0.5.

(b) When the figure to be rounded is followed by a figure less than 5, round to the next lowest figure; e.g., 0.54, report as 0.5.

(c) When the figure to be rounded is even and it is followed by the figure 5, retain the even figure. When the figure to be rounded is odd and it is followed by 5, round the figure to the next highest number; e.g., 0.45, report as 0.4; 0.55, report as 0.6.

Percentages, except when determining the quantity of ergot and the identity of oats, shall be stated in whole and tenth percent to the nearest tenth percent, unless otherwise prescribed in the Grain Inspection Manual.[2] The percentage of ergot shall be stated to the nearest hundredth percent. The percentage of oats, wild oats, and other grains in determining the identity of oats shall be stated to the nearest whole percent.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 26.256 Grades and grade requirements for oats.

(See also § 26.258.)

Grade	Minimum limits		Maximum limits		
	Test weight per bushel	Sound oats	Heat-damaged kernels	Foreign material	Wild oats
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	36.0	97.0	0.1	2.0	2.0
U.S. No. 2	33.0	94.0	.3	3.0	3.0
U.S. No. 3[1]	30.0	90.0	1.0	4.0	5.0
U.S. No. 4[2]	27.0	80.0	3.0	5.0	10.0
U.S. sample grade[3]	(4)	(4)	(4)	(4)	(4)

[1] Oats that are slightly weathered shall be graded not higher than U.S. No. 3.

[2] Oats that are badly stained or materially weathered shall be graded not higher than U.S. No. 4.

[3] U.S. Sample grade shall be oats which—

(a) Do not meet the requirements for the grades U.S. No. 1, 2, 3, or 4;

(b) Contain more than 7 stones which have an aggregate weight in excess of 0.2 percent of the sample weight or more than 2 crotalaria seeds (*Crotalaria* spp.) per 1,000 grams of oats or more than 16 percent of moisture,

(c) Have a musty, sour, or commercially objectionable foreign odor (except smut or garlic odor), or

(d) Are heating or otherwise of distinctly low quality.

§ 26.257 Grade designations.

The grade designations for oats shall include in the following order: (a) The letters "U.S.," (b) the number of the grade or the words "Sample grade," (c) certain special grade designations, if applicable (see § 26.259), (d) the word "oats," and (e) certain special grade designations, if applicable (see § 26.259).

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 26.258 Special grades and special grade requirements.

A special grade, when applicable, is supplemental to the grade assigned under § 26.256. Such special grades are established and determined as follows:

(a) *Bleached oats.* Oats which in whole or in part, have been treated with sulphurous acid or any other bleaching agent.

(b) *Bright oats.* Oats, except Bleached oats, that are of good natural color.

(c) *Ergoty oats.* Oats which contain ergot in excess of 0.10 percent.

(d) *Extra-heavy oats.* Oats which have a test weight per bushel of 40 pounds or more.

(e) *Garlicky oats.* Oats which contain 4 or more green garlic bulblets or an equivalent quantity of dry or partly dry bulblets in 500 grams of oats.

(f) *Heavy oats.* Oats which have a test weight per bushel of 38 pounds or more but less than 40 pounds.

(g) *Smutty oats.* Oats which have kernels covered with smut spores or which contain smut masses and smut balls in excess of 0.2 percent.

(h) *Thin oats.* Oats which contain more than 20.0 percent of oats and other matter, except "fine seeds," which may be removed from a test portion of the original sample by approved devices in accordance with the procedures prescribed in the Grain Inspection Manual.[2] For the purpose of this paragraph "approved devices" shall be the 0.064 x ⅜ oblong-hole sieve and the 5/64 triangular-hole sieve.[5]

(i) *Tough oats.* Oats which contain more than 14.0 percent but not more than 16.0 percent of moisture.

(j) *Weevily oats.* Oats which are infested with live weevils or other insects injurious to stored grain. As applied to oats, the meaning of the term "infested" is set forth in chapter VI of the Grain Inspection Manual.[2]

§ 26.259 Special grade designations.

(See also § 26.258.)

The grade designation for bright, extra-heavy, and heavy oats shall include, preceding the word "oats," the word(s) "Bright," "Extra-heavy," or "Heavy," as warranted, and all other information prescribed in § 26.257. The grade designation for bleached, ergoty, garlicky, smutty, thin, tough, and weevily oats shall include, following the word "oats," the word(s) "Bleached," "Ergoty," "Garlicky," "Smutty," "Thin," "Tough," or "Weevily," as warranted, and all other information prescribed in § 26.257.

Comments. The United States Grain Standards Act, as amended, requires that public notice shall be given on any amendment of the standards and that no changes shall become effective less than 1 year after promulgation thereof, unless, in the judment of the Secretary, the public health, interest, or safety require that they become effective sooner. It is desirable that amended standards become effective before the beginning of harvest to minimize possible disruption of normal marketing procedures. Accordingly, under the administrative procedure provisions of Section 553 of Title 5, United States Code, it is found upon good cause that further notice and other public procedure with respect to these amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 1 year after publication in the Federal Register.

After adoption of these amendments, official inspection personnel will, upon request, show as "Remarks" on inspection certificates, the overall color of the oat hulls. Also, for a period of 6 months after adoption of these amendments, official inspection personnel will, upon request, show on inspection certificates the grade under both the old and the revised standards.

Effective date. The foregoing standards supersede the United States Standards for Oats as amended effective January 8, 1974, and shall become effective June 1, 1975.

Done at Washington, D.C., on: AUGUST 30, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-20546 Filed 9-4-74;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

QUARANTINE AND REGULATIONS; CORRECTION

In the amendment of the list of Japanese beetle regulated articles (FR Doc. 74-14078) effective June 19, 1974, in 7 CFR 301.48, paragraph (b)(1)(vi) was published to read "Unused mechanized soil-moving equipment." It should have read "Used mechanized soil-moving equipment." Accordingly, in § 301.48, paragraph (b)(1)(vi) is corrected to read as follows:

§ 301.48 Quarantine; restriction on interstate movement of specified regulated articles.

* * * * * * *

(b) * * *

(1) * * *

(vi) Used mechanized soil-moving equipment;

* * * * * * *

Done at Washington, D.C., this 30th day of August 1974.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.74-20550 Filed 9-4-74;8:45 am]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amdt. 55]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

THE GRAIN SORGHUM ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1975 crop year in the following respects:

1. Subsection 4(e) of the Grain Sorghum Endorsement shown in § 401.129 of this chapter is amended to read as follows:

(e) Notwithstanding any other provision of this section for determining production to be counted, the production to be counted of any threshed grain sorghum which has in excess of 15 percent kernel damage, as defined in the "Official Grain Standards of the United States," or less than a 48-pound test weight per bushel due to insurable causes occurring within the insurance period shall be adjusted by (1) dividing the value per hundredweight of the damaged grain sorghum as determined by the Corporation, by the market price per hundredweight at the local market for grain sorghum grading No. 2 at the time the loss is adjusted, or if the damaged grain sorghum has been sold, by dividing the price per hundredweight received by the insured by the No. 2 price on the date of sale at the local market, and (2) multiplying the result thus obtained by the number of hundredweight of such damaged grain sorghum. If the grain sorghum does not have in excess of 15 percent kernel damage or less than a 48-pound test weight per bushel, and it is determined that the production contains a moisture content of 15 percent or more, such production shall be reduced 1.2 percent for each full percent of moisture in excess of 14 percent.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment establishes a formula for the downward adjustment in the production of grain sorghum to be counted because of poor quality due to insured causes which is different from the formula applicable in the current contract. The current contract provides for an adjustment in any grain sorghum production to be counted for which the quality has been damaged to the extent that the grain sorghum does not grade No. 4 or better (determined in accordance with Official Grain Standards of the United States). The production of any grain sorghum so damaged is adjusted downward by dividing the value per hundredweight of such damaged grain sorghum by the market price per hundredweight at the local market for grain sorghum grading No. 4 at the time the loss is adjusted and multiplying this result by the number of hundredweight of damaged grain sorghum.

Inasmuch as there are a few markets which now quote a price for No. 4 grain sorghum and the current formula no longer reflects present market practices, considerable dissatisfaction has arisen in recent years among both insureds and the field with respect to the method contained in the current contract for the downward adjustment of damage production of grain sorghum to be counted. The retention of the current quality provision would probably result in reduced sales and increased cancellations. The foregoing amendment is designed to correct this, and it is desirable it become effective in 1975. Notice of changes must be given insureds in the southern Texas counties by September 15, 1974. It would therefore be impossible to follow both the procedures for notice and public participation prescribed by 5 U.S.C. 553(b) and (c) prior to the adoption of this amendment and to comply with the contractual provisions with respect to filing such changes in time to be effective for the 1975 crop year.

Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on August 22, 1974.

[SEAL] LLOYD E. JONES,
Secretary, Federal Crop Insurance Corporation.

Approved on August 29, 1974.

EARL L. BUTZ,
Secretary.

[FR Doc.74-20419 Filed 9-4-74;8:45 am]

[Amdt. No. 57]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

THE RICE ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1975 crop year in the following respects:

1. Subsection 5(f) of the rice endorsement shown in § 401.132 of this chapter is amended effective beginning with the 1975 crop year by adding a sentence at the end thereto reading as follows:

"Production to be counted for any threshed rice with a moisture content of 15 percent or more not qualifying for the adjustment provided above shall be reduced 1.2 percent for each full one percent of moisture above 14 percent."

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment provides a formula whereby the production of threshed rice with a moisture content of at least 15 percent which does not qualify for a downward adjustment in production to be counted under the current contract, will be reduced 1.2 percent for each full percent of moisture in excess of 14 percent.

Under the current endorsement rice with excess moisture is counted without making allowance for such moisture in adjusting losses even though allowance for such moisture is made when the rice is sold at the market place. Insureds with proper drying equipment are able to remove this moisture before the loss is adjusted and thereby reduce the number of pounds of rice to be counted. This has created considerable dissatisfaction in recent years among insureds who do not have the proper equipment to dry rice and they have insisted that the present formula is not equitable.

The retention of the current quality provision in its present form would probably result in reduced sales and increased cancellations. The foregoing amendment is designed to correct this. It will also provide rice insureds who do not have drying equipment with a much more liberal formula for adjusting production.

Under the circumstances and because a sales campaign will soon be underway, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553(b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on August 22, 1974.

[SEAL] LLOYD E. JONES,
Secretary, Federal Crop Insurance Corporation.

Approved on August 29, 1974.

EARL L. BUTZ,
Secretary.

[FR Doc.74-20418 Filed 9-4-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

[Amdt. No. 56]

THE SOYBEAN ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act as amended, the above-identified regulations are amended effective beginning with the 1975 crop year in the following respects:

1. Subsection 4(e) of the Soybean Endorsement shown in § 401.134 of this chapter is amended to read as follows:

(e) Notwithstanding any other provision of this section for determining production to be counted, the production to be counted of any threshed soybeans which have in excess of 8 percent kernel damage, as defined in the "Official Grain Standards of the United States," due to insurable causes occurring within the insurance period shall be adjusted by (1) dividing the value per bushel of the damaged soybeans as determined by the Corporation, by the market price per bushel at the local market for soybeans grading No. 2 at the time the loss is adjusted, or if the damaged soybeans have been sold, by dividing the price per bushel received by the insured, by the No. 2 price on the date of sale at the local market, and (2) multiplying the

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result thus obtained by the number of bushels of such damaged soybeans. If the soybeans do not have in excess of 8 percent kernel damage and it is determined that the production contains a moisture content of 15 percent or more, such production shall be reduced 1.2 percent for each full percent of moisture in excess of 14 percent.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment establishes a formula for the downward adjustment in the production of soybeans to be counted because of poor quality due to insured causes which is different from the formula applicable in the current contract. The current contract provides for an adjustment in any soybean production to be counted for which the quality has been damaged to the extent that the soybeans do not grade No. 4 or better (determined in accordance with Official Grain Standards of the United States). The production of any soybeans so damaged is adjusted downward by dividing the value per bushel of such damaged soybeans by the market price per bushel at the local market for soybeans grading No. 4 at the time the loss is adjusted and multiplying this result by the number of bushels of damaged soybeans.

Inasmuch as there are few markets which now quote a price for No. 4 soybeans and the current formula no longer reflects present market practices, considerable dissatisfaction has arisen in recent years among both insureds and the field with respect to the method contained in the current contract for the downward adjustment of damaged production of soybeans to be counted. The retention of the current quality provision would probably result in reduced sales and increased cancellations. The foregoing amendment is designed to correct this. It will also provide soybean insureds with a much more liberal formula for adjusting production.

Under the circumstances, the Board of Directors found that it would be unnecessary and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553(b) and (c), as directed by the Secertary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on August 22, 1974.

[SEAL] LLOYD E. JONES,
Secretary, Federal Crop Insurance Corporation.

Approved on August 29, 1974.

EARL L. BUTZ,
Secretary.

[FR Doc.74-20420 Filed 9-4-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 481]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Sept. 6–12, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.781 Valencia Orange Regulation 481.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is expected to be generally active. Prices f.o.b. averaged $3.62 per carton on a reported sales volume of 677 carlots last week, compared with an average f.o.b. price of $3.63 per carton and sales of 552 carlots a week earlier. Track and rolling supplies at 380 cars were down 9 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 3, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 6, 1974, through September 12, 1974, are hereby fixed as follows:

(i) District 1: 358,000 cartons;

(ii) District 2: 317,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: September 4, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-20717 Filed 9-4-74;12:25 pm]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTERSTATE ACTIVITY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

List of Hog Cholera Eradication States; Commonwealth of Puerto Rico

This amendment adds the Commonwealth of Puerto Rico to the list of Hog Cholera Eradication States in 9 CFR 76.2(f) upon the basis of a determination that it is eligible for such listing under the criteria in § 76.2(f). The special provisions in 9 CFR Part 76, as amended, pertaining to the interstate movement of swine and swine products from Eradication or Free States are thereby made applicable to the Commonwealth of Puerto Rico. The special provisions contained in 9 CFR Part 76, as amended, pertaining to the interstate movement of swine and swine products from Hog Cholera Eradication or Free States apply to the Commonwealth of Puerto Rico. This addition of the Commonwealth of Puerto Rico to the list of those with hog cholera eradication status also affects the Federal indemnities payable under other regulations (9 CFR Part 56, as amended) for swine slaughtered because of hog cholera in the Commonwealth of Puerto Rico.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (f) is amended by adding thereto the name of the Commonwealth of Puerto Rico.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective on August 30, 1974.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of August 1974.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-20549 Filed 9-4-74;8:45 am]

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREA; CORRECTION

In FR Doc. 74–19314 (39 FR 30106–30107), appearing in the FEDERAL REGISTER of Wednesday, August 21, 1974, the State of Florida was inadvertently included as an exception to paragraph (a) of § 78.13. Accordingly, paragraph (a) of § 78.13 is corrected to read:

(a) All States of the United States are hereby designated as Modified Certified Brucellosis Areas except Oklahoma.

It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing action shall become effective September 5, 1974.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-20545 Filed 9-4-74;8:45 am]

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

The following county was deleted from the list of Modified Certified Brucellosis Areas in 9 CFR 78.13 on the specified date: Bryan County in Oklahoma on August 21, 1974. Since said date, it has been determined that this county again comes within the definition of § 78.1(i); and, therefore, it has been redesignated as a Modified Certified Brucellosis Area.

Accordingly, § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby revised to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

(a) All States of the United States are hereby designated as Modified Certified Brucellosis Areas except Oklahoma.

(b) The following State is hereby designated as a Modified Certified Brucellosis Area except for the county named:

(1) Oklahoma except Dewey County.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477, 38 FR 19141, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective September 5, 1974.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C., it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of August 1974.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-20547 Filed 9-4-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-8456]

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Interpretive Statement on Two-Tier Real Estate Investment Companies

In 1960, the Commission issued a release in which it discussed in part the circumstances under which a company which invests in securities of entities

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which invest in real estate might be subject to the Investment Company Act of 1940 (15 U.S.C. 80a et seq.) (the "Act").[1] As the Commission then indicated, in determining whether a real estate investment trust would be exempt from the Act under section 3(c)(5) (15 U.S.C. 80a-3)[2] thereof, as a person primarily engaged in the business of purchasing or otherwise acquiring mortgages and other liens on and interests in real estate, "the character of the trust's assets must be considered." However, a two-tier real estate company, i.e., a company which invests in companies which in turn invest in real estate, and which does not meet the section 3(c)(5) criteria, may, nevertheless, not come within the definition of an investment company contained in the Act. The position of the Division of Investment Management Regulation (the "Division") with respect to the status under the Act of various types of two-tier companies and its views as to the circumstances under which such a company—even if within the definition of an investment company contained in the Act—might qualify for an exemption from the Act, are set forth below.

In recent years, the question of the applicability of the Act to two-tier real estate companies has arisen most often in connection with limited partnerships which invest, as limited partners, in limited partnerships engaged in the real estate business.[3] The definition of an investment company contained in section 3(a)(1) (15 U.S.C. 80a-3) and 3(a)(3) (15 U.S.C. 80a-3) of the Act and the exception from the latter section provided by section 3(b)(2) (15 U.S.C. 80a-3) of the Act are the provisions of the Act which are most relevant to such companies.

Under section 3(a)(1) of the Act, an issuer is an investment company if it is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities.

In the opinion of the Division, any issuer which is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in limited partnerships engaged in the real estate business is an investment company within the meaning of section 3(a)(1) of the Act.[4] The fact that a company's assets consist of limited partnership interests in limited partnerships engaged in the real estate business or that a company intends that its assets should consist of such interests does not, however, require the conclusion that the company is an investment company within the meaning of section 3(a)(1) of the Act if other facts indicate that the company is, in fact, or proposes to be, primarily engaged, through its general partner acting on behalf of the company,[5] in the real estate business.

Ownership of limited partnership interests, however, might cause the company to fall within the definition of an investment company contained in section 3(a)(3) of the Act. Under that section, an issuer is an "investment company" if it is engaged or proposes to engage in the business of investing, reinvesting, owning, *holding*, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. As used in this section, the term "investment securities" includes all securities except (A) Government securities, (B) securities issued by employees' securities companies, and (C) securities issued by majority-owned subsidiaries of the owner which are not investment companies.

A "majority-owned subsidiary" of a person is, as defined by section 2(a)(24) (15 U.S.C. 80a-2) of the Act, a company 50 per centum or more of the outstanding voting securities of which are owned by such person; section 2(a)(42) (15 U.S.C. 80a-2) defines a "voting security" as any security presently entitling the owner or holder thereof to vote for the election of directors of a company; and section 2(a)(12) (15 U.S.C. 80a-2) defines the term "director" as used in the Act to mean any director of a corporation or any person performing similar functions with respect to any organization.

TWO-TIER REAL ESTATE COMPANIES WHICH MAY QUALIFY FOR A "NO-ACTION" POSITION

The Division believes that limited partnership interests owned by a two-tier real estate partnership may be sufficiently analogous to securities issued by majority-owned subsidiaries to warrant the Division not recommending an enforcement action to the Commission if (1) such company owns more than 50 percent of the limited partnership interests in all the limited partnerships in which it invests and has the right to dismiss and replace the general partners of such underlying companies and the limited partners of such company have the right to dismiss and replace their general partner or partners; (2) such company is not an investment company within the meaning of Section 3(a)(1) of the Act;[6] and (3) such company does not register under the Act in reliance upon an opinion of counsel that it is not an investment company within the meaning of Section 3(a)(3) of the Act.

TWO-TIER COMPANIES WHICH MAY QUALIFY FOR AN ORDER PURSUANT TO SECTION 3(b)(2)

In addition, two-tier partnerships which do not come within the definition of an investment company contained in Section 3(a)(1) of the Act, but do fall within the definition of an investment company contained in Section 3(a)(3) the Act, may be exempted from the latter definition pursuant to the provisions of Section 3(b)(2) of the Act, which provide that, notwithstanding Section 3(a)(3), an issuer is not an investment company if the Commission, upon application, finds and by order declares it to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses.

In connection with such an application, it would be the Division's position that a two-tier partnership, even though it owns only limited partnership interests in its underlying partnerships, may yet qualify for exemption under Section 3(b)(2) if it, in fact, is engaged in the real estate business through its control of its underlying partnerships. Of course, the business activities of the two-tier partnership would have to be carried out

[1] Investment Company Act Release No. 3140, Securities Act of 1933 Release No. 4298 (November 18, 1960) (25 FR 12178).

[2] Section 3(c)(5) of the Act was amended and renumbered section 3(c)(5) as part of the Investment Company Act Amendments Act of 1970, P.L. 91-547.

[3] These problems usually do not arise in connection with oil and gas drilling programs since Section 3(c)(9) (15 U.S.C. 80a-3) of the Act excepts from the definition of investment company "any person substantially all of whose business consists of owning or holding oil, gas, or other mineral royalties or leases, or fractional interests therein, or certificates of interest or participation in or investment contracts relative to such royalties, leases or fractional interests." Interests in oil and gas limited partnerships or joint ventures have generally been considered "certificates of interest or participation in or investment contracts relative to" oil or gas royalties or leases and thus limited partnerships or joint ventures owning such interests have been considered, generally, excepted from the provisions of the Act. However, the interpretive positions expressed in this release would apply to other types of business ventures such as cattle breeding and raising and agricultural activities.

[4] The definition of a "security" contained in Section 2(a)(36) (15 U.S.C. 80a-2) of the Act is the same as that contained in Section 2(1) of the Securities Act of 1933 (15 U.S.C. 77b). With respect to that section, the Commission has stated that,

"Under the Federal Securities Laws, an offering of limited partnership interests and interests in joint or profit-sharing real estate ventures generally constitutes an offering of a 'profit-sharing agreement,' or an 'investment contract' within the meaning of Section 2(1) of the Securities Act of 1933 * * * [t]he investor provides the capital and shares in the risk and the profits; the promoter or third party manages, operates and controls the enterprise * * *" Securities Act Release No. 4877 (August 8, 1967) (32 F.R. 11706)

[5] The history of the two-tier partnership and its general partner, the type of compensation of the general partner, the control by the limited partners of the two-tier partnership over its general partner and over the general partners of the underlying partnerships, may be relevant, together with other factors, to the determination of whether the general partner of a two-tier company, in engaging in activities related to the business of the underlying limited partnerships, is doing so on behalf of the two-tier partnership or on its own account.

[6] Section 3(a)(1) would be applicable, for example, if the 50% limited partnership interests were held as passive investments.

for the partnership by its general partner and, in order to qualify for the exemption, an issuer would have to demonstrate that in carrying on such activities its general partner would be acting on behalf of the partnership and not on its own behalf.[7]

TWO-TIER COMPANIES WHICH MAY QUALIFY FOR A SECTION 6(c) EXEMPTION

Two-tier partnerships that invest in limited partnerships engaged in the development and building of housing for low and moderate income persons may qualify for exemption from the Act pursuant to the provisions of Section 6(c) of the Act (15 U.S.C. 80a-6).[8] In order to qualify for such an exemption, limited partnership interests in the issuer should be sold only to persons for whom investment in limited profit, essentially tax-sheltered investments would not be unsuitable, and requirements for fair dealing by the general partner of the issuer with the limited partners of the issuer should be included in the basic organizational documents of the company.[9]

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 9, 1974.

[FR Doc.74-20515 Filed 9-4-74;8:45 am]

[7] See footnote 5 *supra*.

[8] Under Section 6(c) of the Act, the Commission may exempt any persons from any and all provisions of the Act if, and to the extent, such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Such exemption may not be necessary or appropriate if the Applicant would qualify for an order pursuant to section 3(b)(2) of the Act.

[9] See, for example, the application of National Housing Partnership—II, Investment Company Act Release Nos. 7947 (August 16, 1973) (38 FR 22585) and 7990 (September 12, 1973).

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-40]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Eighth Coast Guard District

These amendments revise the description of the captain of the port areas and the marine inspection zones of the Eighth Coast Guard District in 33 CFR Part 3.

The boundary between the Mobile Marine Inspection Zone (MIO) and the New Orleans MIO that is described in §§ 3.40-10(b) and 3.40-15(b) is moved westward to the east bank of the Pearl River. The Galveston MIO boundary that is described in § 3.40-30 is revised. The Mobile, New Orleans, Sabine, Houston, Galveston, and Corpus Christi Captain of the Port areas (COTP) are revised to coincide with the Mobile, New Orleans, Port Arthur, Houston, Galveston, and Corpus Christi MIO's, respectively. The descriptions of these COTP's, as amended by this document, are transferred to §§ 3.40-10, 3.40-15, 3.40-20, 3.40-25, 3.40-30, and 3.40-35, respectively. Accordingly, §§ 3.40-55, 3.40-60, 3.40-65, 3.40-70, 3.40-75, and 3.40-80, that contain the present descriptions of these areas, are deleted. The Port Isabel COTP is eliminated. Accordingly, § 3.40-85, that contains the description of this COTP, is deleted.

Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rule making requirements in 5 U.S.C. 553(b)(3)(A), and since these amendments announce an existing change in organization, they are effective immediately under 5 U.S.C. 553(d)(3).

In accordance with the foregoing, 33 CFR Part 3, is amended as follows:

1. Section 3.40-10 is revised to read as follows:

§ 3.40-10 The Mobile Marine Inspection Zone and Captain of the Port.

(a) The Mobile Marine Inspection Office and the Mobile Captain of the Port Office are located in Mobile, Alabama.

(b) The boundary of the Mobile Marine Inspection Zone and Captain of the Port area starts at the sea from the intersection of the Florida coast and longitude 83°50' W.; thence due north to a position 30°15' N., 83°50' W., thence due west to a position 30°15' N., 84°45' W.; thence due north to the intersection of the south shore of Jim Woodruff Reservoir; thence along the east shore of the Jim Woodruff Reservoir and the east bank of the Flint River upstream to 32°20' N., 84°02' W.; thence northwesterly to the intersection of the Georgia-Alabama boundary at 32°53' N. latitude; thence northerly along the Alabama-Georgia boundary to 34° N. latitude; thence west along 34° N. latitude to the Alabama-Mississippi boundary; thence south along the Alabama-Mississippi boundary to the southern boundary of Monroe County, Mississippi; thence westerly along the southern boundaries of Monroe and Chickasaw Counties, Mississippi to 89° W. longitude; thence south along 89° W. longitude to the junction of the east bank of the Pearl River; thence southwesterly along the east bank of the Pearl River; thence southwesterly along the east shore of the Ross Barnett Reservoir; thence southerly along the east bank of the Pearl River to the sea.

2. Section 3.40-15 is revised to read as follows:

§ 3.40-15 New Orleans Marine Inspection Zone and Captain of the Port.

(a) The New Orleans Marine Inspection Office and the New Orleans Captain of the Port Office are located in New Orleans, Louisiana.

(b) The boundary of the New Orleans Marine Inspection Zone and Captain of the Port area starts in Mississippi at the junction of the sea and the east bank of the Pearl River; thence northerly along the east bank of the Pearl River; thence northeasterly along the east shore of the Ross Barnett Reservoir; thence northeasterly along the east bank of the Pearl River to 89° W. longitude; thence north along 89° W. longitude to the southern boundary of Chickasaw County, Mississippi; thence westerly along the southern boundaries of Chickasaw, Calhoun, Granada, Lefiore, Sunflower, and Washington Counties to the Mississippi-Louisiana boundary; thence west along the Louisiana-Arkansas boundary to the Texas boundary; thence south along the Louisiana-Texas boundary to 32°23' N. latitude; thence southeasterly to 31°24' N. latitude, 93°20' W. longitude; thence southeasterly to 30°30' N., 92°24' W.; thence south along 92°24' W. longitude to the sea.

3. Section 3.40-20 is revised to read as follows:

§ 3.40-20 The Port Arthur Marine Inspection Zone and Sabine Captain of the Port.

(a) The Port Arthur Marine Inspection Office is located in Port Arthur, Texas. The Sabine Captain of the Port Office is located in Sabine, Texas.

(b) The boundary of the Port Arthur Marine Inspection Zone, and the Sabine Captain of the Port area, starts at the junction of the sea and 92°24' W. longitude; thence north along 92°24' W. longitude to 30°30' N. latitude; thence northwesterly to 31°24' N. latitude, 93°20' W. longitude; thence northwesterly to the junction of 32°23' N. latitude and the Louisiana-Texas boundary; thence north along the Louisiana-Texas boundary and the Texas-Arkansas boundary; thence westerly along the Texas-Arkansas boundary and the Texas-Oklahoma boundary to 97° W. longitude; thence south along 97° W. longitude to the southern boundary of Dallas County, Texas; thence easterly along the southern boundary of Dallas County, Texas, to the east bank of the Trinity River; thence southeasterly along the east bank of the Trinity River; thence southeasterly along the east shore of Lake Livingston; thence southerly along the east bank of the Trinity River to 30° N. latitude; thence east along 30° N. latitude to 94°23' W. longitude; thence south along 94°23' W. longitude to the sea.

4. Section 3.40-25 is revised to read as follows:

§ 3.40-25 Houston Marine Inspection Zone and Captain of the Port.

(a) The Houston Marine Inspection Office is located in Houston, Texas. The Houston Captain of the Port Office is located in Galena Park, Texas.

(b) The boundary of the Houston Marine Inspection Zone and Captain of the Port area starts at the junction of the east bank of the Trinity River and 30° N. latitude; thence northerly along

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the east bank of the Trinity River; thence northwesterly along the eastern shore of Lake Livingston; thence northwesterly along the east bank of the Trinity River to the southern boundary of Dallas County, Texas; thence westerly along the southern boundary of Dallas County, Texas to 97° W. longitude; thence north along 97° W. longitude to the Texas-Oklahoma boundary; thence northwesterly along the Texas-Oklahoma boundary; thence north along the New Mexico-Oklahoma boundary; thence west along the New Mexico-Colorado boundary; thence south along the New Mexico-Arizona boundary; thence easterly along the southern boundary of New Mexico to the southeast corner of New Mexico at 32° N. latitude; thence southeasterly to 29°18' N. latitude, 96°07' W. longitude; thence northeasterly to 29°35' N. Latitude, 94°55' W. longitude; thence north along 94°55' W. longitude to 30° N. latitude; thence east along 30° N. latitude to the east bank of the Trinity River.

5. Section 3.40-30 is revised to read as follows:

§ 3.40-30 Galveston Marine Inspection Zone and Captain of the Port.

(a) The Galveston Marine Inspection Office and the Galveston Captain of the Port Office are located in Galveston, Texas.

(b) The boundary of the Galveston Marine Inspection Zone and Captain of the Port area starts at the junction of the sea and 94°23' W. longitude; thence north along 94°23' W. longitude to 30° N. latitude; thence west along 30° N. latitude to 94°58' W. longitude; thence south to 29°35' N. latitude, 94°55' W. longitude; thence southwesterly to the east bank of the Colorado River at 29°18' N. latitude, 96°07' W. longitude; thence southerly along the east bank of the Colorado River to the sea.

6. Section 3.40-35 is revised to read as follows:

§ 3.40-35 Corpus Christi Marine Inspection Zone and Captain of the Port.

(a) The Corpus Christi Marine Inspection Office and the Corpus Christi Captain of the Port Office are located in Corpus Christi, Texas.

(b) The boundary of the Corpus Christi Marine Inspection Zone and Captain of the Port area starts at the junction of the sea and the east bank of the Colorado River; thence northerly along the east bank of the Colorado River to 29°18' N. latitude, 96°07' W. longitude; thence northwesterly to the southeast corner of New Mexico at 32° N. latitude; thence westerly along the Texas-New Mexico boundary to the international boundary; thence southeasterly along the international boundary to the sea.

§§ 3.40-55, 3.40-60, 3.40-65, 3.40-70, 3.40-75, 3.40-80, and 3.40-85 [Deleted]

7. Sections 3.40-55, 3.40-60, 3.40-65, 3.40-70, 3.40-75, 3.40-80, and 3.40-85 are deleted.

(5 U.S.C. 552; 14 U.S.C. 633; 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

Effective date. These amendments are effective on September 5, 1974.

Dated: August 29, 1974.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc.74-20494 Filed 9-4-74;8:45 am]

[OGD 73-182]

PART 128—REGULATED NAVIGATION AREAS

Chesapeake Bay Entrance

The amendments in this document—

(1) Establish a regulated navigation area for the entrance to Chesapeake Bay;

(2) Revise the authority citation for Part 128 to provide that the Ports and Waterways Safety Act of 1972 be the authority for Part 128, except for the regulations applicable to Apra Outer Harbor, Guam; and,

(3) Add general requirements for masters of vessels in regulated navigation areas and for persons who cause or authorize the operation of vessels in regulated navigation areas.

Interested persons were notified of the opportunity to participate in this rulemaking proceeding by the notice of proposed rulemaking published in the FEDERAL REGISTER of December 19, 1973 (38 FR 34778-80). A public hearing concerning these regulations was held in Norfolk, Virginia, on January 23, 1974. Statements made at this public hearing and all written comments received, were fully considered by the Coast Guard in promulgating these regulations. Except as noted and discussed in the following paragraphs, the regulations as proposed have been adopted without substantive changes.

1. Several comments were received supporting the proposed regulations. Most of these comments also noted that closing the Chesapeake Bay Bridge-Tunnel (CBBT) for repairs after each vessel collision with the structure has had an adverse economic effect on the Delmarva Peninsula and southeastern Virginia.

2. Seven comments objected to the proposed requirement in the notice of proposed rule making for vessels to proceed at 10 knots or less in the vicinity of the CBBT. Three of these comments stated that proceeding at 10 knots or less, rather than at a great speed, in the two channels crossing the CBBT impairs a vessel's maneuverability. One comment stated that reducing speed on approach to the CBBT poses a possibility of engine failure or of a dangerous overtaking situation. Three comments noted that compliance with the proposed speed limit will significantly increase the time needed to transit the regulated navigation area and, thus, jeopardize the competitive position of shippers and ports in the Hampton Roads area. Because of the comments received, the proposed speed limit will not be adopted at this time. However the issue of speed and its relation to safety, is not closed. The Coast Guard will continue to study the problem and the effectiveness of the regulations as now published, and if necessary it will issue regulations imposing a speed limit.

3. One comment recommended that the proposed requirement in § 128.501(c)(2) in the notice for a vessel over 100 gross tons under tow in the regulated navigation area to have a secondary towing rig be revised to exclude manned barges. The comment stated that no manned barge has ever collided with the CBBT and that the crew of a manned barge that has parted its towline in the regulated navigation area can reconnect a towline quickly or, if necessary, drop anchor to prevent a collision with the CBBT. This recommendation has not been adopted in the final rules. During severe weather conditions a crew member of a barge that has parted its towline often cannot work safely on deck to take on a towline or anchor the vessel. Use of a secondary towing rig will eliminate the need for a crew member to be on the deck of the barge while it is being recovered in tow.

4. One comment recommended that vessels proceeding on a route between upper Chesapeake Bay and Hampton Roads passing east of Thimble Shoal Light not be required to comply with the proposed requirement to carry a secondary towing rig. The comment recommended in the alternative that the western boundary of the regulated navigation area be moved eastward of Thimble Shoal Light. Neither recommendation has been adopted in the final rules. Use of a secondary towing rig on board a vessel that has parted its towline will allow quick recovery of the vessel in tow. A vessel that parts its towline in the regulated navigation area east of Thimble Shoal Light is close enough to the CBBT to make its quick recovery in tow essential to avoid the possibility of a subsequent collision with the structure.

5. One comment asked whether the proposed requirement to carry a secondary towing rig applies to integrated tows. Section 128.501(c)(2) has been clarified in the final rules to require that a secondary towing rig be carried on each vessel over 100 gross tons under tow in the regulated navigation area, and on at least one vessel in a tow having two or more vessels each of which is less than 100 gross tons and the total tonnage of which is greater than 100 gross tons. Several smaller vessels connected together in tow can cause significant damage upon collision with the CBBT. Use of a secondary towing rig on these vessels should allow their quick recovery in tow if the towline to the towing vessel is parted.

6. One comment requested that tugboats, which because of their configuration do not have anchors rigged for quick release, not be required to comply with the proposed requirement in the notice to post an anchor detail when underway within 2 miles of the CBBT. As a result of this comment, § 128.501(c)(3) has been revised in the final rules to exclude its application to tugboats equipped with bow fenderwork constructed in a way that the anchor cannot be rigged for quick release.

7. One comment recommended that the proposed requirement to prohibit a vessel drawing less than 25 feet from entering Thimble Shoal Channel, except to cross the channel, be revised to allow use of the channel by a vessel drawing less than 25 feet whenever use of an auxiliary channel will reduce its maneuverability. This proposal has not been adopted in the final rules. For shallow draft vessels with reduced maneuverability that cannot navigate safely in these auxiliary channels, an authorization can be obtained from the Captain of the Port under § 128.501(c)(9)(1) to use the main channel.

8. One comment recommended that a regulation be added requiring the use of a licensed pilot on board self-propelled vessels over 100 gross tons, and on towing vessels over 26 feet in length, whenever hazardous conditions exist in the regulated navigation area. This recommendation has not been adopted in the final rules. The Commonwealth of Virginia has laws governing the use of pilots in the regulated navigation area; and Title 46, U.S. Code, section 364 requires the use of pilots on board coastwise seagoing steam vessels that are subject to the laws of the United States and not sailing under register. Section 128.501(c)(7) is amended by deleting references to operative ship-to-shore communications equipment; the final rule prohibits the entry of a vessel over 100 gross tons in the regulated navigation area unless the Captain of the Port has been notified of the vessel's time and place of entry, or unless the vessel has navigation charts of the regulated navigation area and operative radar during reduced visibility, or unless the vessel has a pilot or other person on board with previous experience in navigating the waters of the regulated navigation area. For a vessel entering without navigation charts and operative radar during reduced visibility, and without a pilot or other person with previous experience in navigating the waters of the regulated navigation area, the Captain of the Port after notification from the vessel will normally provide an escort or provide the master of the vessel with information to assist its navigation through the regulated navigation area.

9. Minor revisions have been made to the final rules for purposes of clarification.

In consideration of the foregoing, 33 CFR Part 128 is amended as follows:

1. By revising the authority citation for Part 128 to read as follows:

AUTHORITY: Sec. 104, Pub. L. 92-340, 86 Stat. 424 (33 U.S.C. 1224); 49 CFR 1.46(o)(4) unless otherwise noted.

2. By adding a new paragraph (c) to § 128.05 to read as follows:

§ 128.05 Definitions.

* * * * *

(c) "Person" includes an individual, firm, corporation, association, partnership, and governmental entity.

3. By adding a new § 128.07 to read as follows:

§ 128.07 Vessel operation in a regulated navigation area.

(a) The master of a vessel in a regulated navigation area shall operate the vessel in accordance with the regulations in subpart B of this part.

(b) No person may cause or authorize the operation of a vessel in a regulated navigation area contrary to the regulations in this part.

4. By adding a new § 128.501 to read as follows:

§ 128.501 Chesapeake Bay Entrance.

(a) The following is a Regulated Navigation Area—The waters of the Atlantic Ocean and Chesapeake Bay enclosed by a line beginning at Fort Wool Light at latitude 36°59'12" N., longitude 76°18'-09" W.; thence to Cape Charles City Range Rear Light at latitude 37°14'54" N., longitude 76°01'16" W.; thence southerly along the shoreline to Wise Point at latitude 37°06'58" N., longitude 75°58'18" W.; thence to Cape Charles Light at latitude 37°07'22" N., longitude 75°54'24" W.; thence to Cape Henry Light at latitude 36°55'35" N., longitude 76°00'27" W.; thence westerly along the shoreline to the east side of the entrance to Little Creek at latitude 36°55'49" N., longitude 76°10'33" W.; thence to the west side of the entrance to Little Creek at latitude 36°55'53" N., longitude 76°-10'46" W.; thence westerly along the shoreline to the southernmost end of the Hampton Roads Tunnel south approach span at latitude 36°58'02" N., longitude 76°17'51" W.; thence northerly along that approach span to the point of beginning.

(b) For the purposes of this section—

(1) "CBBT" means Chesapeake Bay Bridge-Tunnel;

(2) Chesapeake Channel consists of the waters enclosed by a line beginning at Chesapeake Channel Lighted Buoy 7 at latitude 37°01'15" N., longitude 76°-03'08" W.; thence to Lighted Bell Buoy 11 at latitude 37°03'28" N., longitude 76°05'36" W.; thence to Lighted Buoy 12 at latitude 37°03'42" N., longitude 76°-05'13" W.; thence to Lighted Bell Buoy 8 at latitude 37°01'29" N., longitude 76°-02'47" W.; thence to the point of beginning;

(3) Thimble Shoal Channel consists of the waters enclosed by a line beginning at Thimble Shoal Channel Lighted Bell Buoy 1 at latitude 36°57'20" N., longitude 76°02'47" W.; thence to Lighted Buoy 19 at latitude 37°00'10" N., longitude 76°13'43" W.; thence to Lighted Gong Buoy 20 at latitude 37°00'19" N., longitude 76°13'39" W.; thence to Lighted Buoy 2 at latitude 36°57'30" N., longitude 76°02'45" W.; thence to the point of beginning;

(4) Thimble Shoal North Auxiliary Channel consists of the waters in a rectangular area 450 feet wide adjacent to the north side of Thimble Shoal Channel, the southern boundary of which extends from Lighted Buoy 2 at latitude 36°57'30" N., longitude 76°02'45" W., to Lighted Gong Buoy 20 at latitude 37°00'-19" N., longitude 76°13'39" W.; and

(5) Thimble Shoal South Auxiliary Channel consists of the waters in a rectangular area 450 feet wide adjacent to the south side of Thimble Shoal Channel, the northern boundary of which extends from Lighted Bell Buoy 1 at latitude 36°57'20" N., longitude 76°02'47" W. to Lighted Buoy 19 at latitude 37°00'-10" N., longitude 76°13'43" W.

(c) Regulations:

(1) *Anchoring Prohibition.* No vessel over 100 gross tons may anchor or moor in this regulated navigation area, except that a self-propelled vessel may anchor or moor in an anchorage ground designated under § 110.168(g) of this chapter if it—

(i) Can get underway within 30 minutes with sufficient power to maneuver to keep clear of the CBBT and other vessels; and

(ii) Has no impairment to its maneuverability such as defective steering equipment or defective main propulsion machinery.

(2) *Secondary Towing Rig.* (i) No vessel over 100 gross tons may be towed in this regulated navigation area unless it is equipped with a secondary towing rig in addition to its primary towing rig that—

(A) Is of sufficient strength for towing the vessel;

(B) Has a connecting device that can receive a shackle pin of at least two inches in diameter; and

(C) Is fitted with a recovery pick-up line led outboard of the vessel's hull.

(ii) For the purpose of this subparagraph a tow consisting of two or more vessels each of which is less than 100 gross tons, and the total gross tonnage of which is greater than 100 gross tons, shall be treated as if it were one vessel under tow that is over 100 gross tons.

(3) *Anchoring detail.* Whenever a self-propelled vessel over 100 gross tons equipped with an anchor or anchors, except a tugboat equipped with bow fenderwork of a type of construction that the anchor cannot be rigged for quick release, is underway within two nautical miles of the CBBT, its personnel must be stationed at locations where the vessel can be anchored in an emergency without delay.

(4) *Draft limitation.* No vessel drawing less than 25 feet may enter Thimble Shoal Channel except to cross that channel.

(5) *Direction of traffic.* No vessel may proceed in—

(i) Thimble Shoal North Auxiliary Channel except in a westbound direction or to cross that channel; or,

(ii) Thimble Shoal South Auxiliary Channel except in an eastbound direction or to cross that channel.

(6) *Impaired Vessel Maneuverability*—(i) *Before entry.* No vessel over 100 gross tons, the maneuverability of which is impaired because of any condition such as hazardous weather, defective steering equipment, defective main propulsion machinery, or damage to the

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vessel, may enter the regulated navigation area unless—

(A) It is attended by one or more tugboats with total sufficient power to ensure its safe passage through the regulated navigation area; or

(B) Its entry is otherwise authorized by the Captain of the Port.

(ii) *After entry.* If the maneuverability of a vessel over 100 gross tons underway in the regulated navigation area becomes impaired because of any condition, the master of the vessel shall as soon as possible thereafter—

(A) Report the impairment to the Captain of the Port; and

(B) Have the vessel attended by one or more tugboats described in subdivision (i)(A) of this subparagraph, except when otherwise authorized by the Captain of the Port.

(7) *Navigation charts, radar, and pilots.*

No vessel over 100 gross tons may enter the regulated navigation area unless—

(i) The vessel has on board navigation charts of the regulated navigation area and, during reduced visibility, operative radar; or

(ii) The vessel has a pilot or other person on board with previous experience in navigating the waters of the regulated navigation area; or

(iii) The Captain of the Port has been given notice of the time and place of entry of the vessel.

(8) *Emergencies.* In an emergency, any person may deviate from any regulation in this section to the extent necessary to avoid endangering persons, property, or the environment. However, each vessel over 100 gross tons, except for a self-propelled vessel that can get underway within 30 minutes with sufficient power to maneuver to keep clear of the CBBT and other vessels and that has no impairment to its maneuverability such as defective steering equipment or defective main propulsion machinery, that anchors or moors in the regulated navigation area because of an emergency, must as soon as possible—

(i) Notify the Captain of the Port of the place of anchoring or mooring; and

(ii) Be attended by one or more vessels of sufficient power to keep the vessel in the position where it is anchored or moored.

(9) *Waiver.* (i) The Captain of the Port may, upon request, waive any regulation in this paragraph if he finds that the proposed operations under the waiver can be done safely. An application for a waiver must state the need for the waiver and describe the proposed operations.

(ii) Compliance with this paragraph is not required to the extent necessary to carry out the following operations:

(A) Law enforcement.

(B) The servicing of aids to navigation, or the surveying, maintenance, or improvement of waters, in the regulated navigation area.

(d) *Control of vessel anchoring, mooring, and movement.* (1) When necessary to prevent damage to, or destruction or loss of, any vessel or the CBBT, the Captain of the Port may issue directions requiring the further anchoring, mooring, or movement of a vessel that has anchored or moored in this regulated navigation area because of an emergency.

(2) The master of a vessel in the regulated navigation area shall comply with each direction issued to him under this section.

5. By adding an authority citation for § 128.1401 to read as follows:

AUTHORITY: Sec. 1, 40 Stat. 220, as amended, (50 U.S.C. 191); sec. 6(b)(1), 80 Stat. 937 as amended (49 U.S.C. 1655(b)(1)); Proc. No. 2914, 3 CFR 1949–53 Comp. p. 99 (1950), E.O. 10637, 3 CFR 1954–58 Comp., p. 269 (1955); 49 CFR 1.46(b)

(86 Stat. 424 (33 U.S.C. 1224); 49 CFR 1.46(o)(4))

Effective date: Oct. 5, 1974.

Dated: August 30, 1974.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc.74-20493 Filed 9-4-74;8:45 am]

Title 34—Government Management

CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION

SUBCHAPTER B—PROCUREMENT MANAGEMENT

[FMC 74-6]

PART 213—OPERATIONAL EFFECTIVENESS OF DECENTRALIZED PURCHASING ACTIVITIES

This document implements Recommendation Part D, Number 5 of the report of the Commission on Government Procurement.

FMC 74-6, dated August 21, 1974, establishes a requirement that executive departments and establishments with decentralized purchasing activities develop and implement a continuing program aimed at the removal of impediments to improved decentralized purchasing activities.

Part 213, Operational effectiveness of decentralized purchasing activities, is added to read as set forth below.

Effective date. This regulation is effective immediately.

Dated: August 21, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

Sec.
213.1 Purpose.
213.2 Background.
213.3 Policy intent.
213.4 Applicability and scope.
213.5 Responsibilities.
213.6 Reporting requirement.
213.7 Inquiries.

AUTHORITY: E.O. 11717 (38 FR 12315, May 11, 1973).

§ 213.1 Purpose.

This part establishes a requirement that executive departments and establishments with decentralized purchasing activities develop and implement a continuing program aimed at the removal of impediments to improved decentralized purchasing activities.

§ 213.2 Background.

(a) The Commission on Government Procurement (COGP) in its report to Congress dated December 31, 1972, under Chapter 4 of Part D—Acquisition of Commerical Products, reported that the operational effectiveness of field procurement offices varies widely both among and within agencies. In reviewing purchasing offices at the field level, COGP found that many field personnel were unsure of their authority to develop procedures intended to simplify operations and provide more effective support. Also evident was a reluctance, especially in small field offices, to deviate from established procedures or to submit requests through channels for authorization to use innovative procurement techniques.

(b) COGP concluded that improvements in work-force productivity with consequent reductions in the cost of operation can be achieved through a more effective evaluation and selection of alternative systems of procurement and distribution. For example, it was noted that indefinite delivery contracts and certain authorized small purchase procedures when innovatively used with various pricing techniques and delivery systems provide extensive choices in tailoring contracts to respond to differing needs and conditions.

(c) As one means of improving operational effectiveness of decentralized purchasing activities, COGP recommended that the executive branch encourage agencies to use headquarters procurement staff personnel in conducting on-the-job training of field personnel to (1) implement techniques adapted to specific field activity needs and (2) identify possibilities for procurement innovations and technical transfusion.

(d) The findings and the recommendation of COGP have been considered by an interagency task group, the Office of Procurement Management, and the Interagency Procurement Policy Group's Planning Staff (composed of senior procurement officials of seven major agencies), and official agency comments have been received. The consensus of the foregoing is that the COGP recommendation has merit and that agencies should have a continuing program aimed at the removal of obstacles to improve decentralized purchasing activities at field locations.

§ 213.3 Policy intent.

It is the intent of this part to bring about improvements in the operational effectiveness of decentralized purchasing activities of the executive agencies through continuing agency programs that identify and remove the barriers to innovative cost-saving procurement techniques which are responsive to the activities' needs.

§ 213.4 Applicability and scope.

The provisions of this part apply to all executive departments and establishments having decentralized purchasing activities. The term "agency" throughout this part is synonymous with the term "departments and establishments" as defined in § 200.5.

§ 213.5 Responsibilities.

Heads of applicable executive departments and establishments shall establish within 180 calendar days from the date of this part a continuing program aimed at the removal of impediments to improve the decentralized purchasing activities. In establishing such a program, consideration shall be given to the use of headquarters procurement staff personnel in conducting on-the-job training of field procurement personnel to (a) implement techniques adapted to specific field activity needs and (b) identify possibilities for procurement innovations and technical transfusion.

§ 213.6 Reporting requirement.

A copy of agency programs established in response to this part shall be furnished within 180 calendar days from its effective date to the General Services Administration (AMC), Washington, DC 20405. This report is exempt from reports control.

§ 213.7 Inquiries.

Further information concerning this part may be obtained by contacting:

General Services Administration (AMC), Washington, D.C. 20405.
Telephone: IDS 183–7794, FTS (202) 343–7794.

[FR Doc.74-20113 Filed 9-4-74;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY TRANSPORTATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Part 393—Parts and Accessories Necessary For Safe Operation

Sleeper Berths in Commercial Motor Vehicles

The Director of the Bureau of Motor Carrier Safety has received four petitions for reconsideration of his action of April 16, 1974, revising § 393.76 of the Federal Motor Carrier Safety Regulations to increase the minimum dimensions of sleeper berths in commercial motor vehicles (39 FR 14710).

Three of the petitioners are manufacturers of heavy-duty truck tractors: International Harvester Co., White Motor Corp., and Freightliner Corp. The primary contention advanced by all three manufacturers was essentially a restatement of the position they took in their comments on the notice of proposed rulemaking that was published on September 14, 1973 (38 FR 25696). They unanimously said that the revision of § 393.76 would make it difficult, if not impossible, for them to produce sleeper-berth equipped cab-over-engine tractors having a bumper-to-back-of-cab (BBC) dimension short enough to enable the tractor to be operated in combination with twin 27-foot trailers in States which have a 65-foot overall length limit for combinations of motor vehicles. In addition, both White and Freightliner restated their request for a provision in the rule which would permit continuation of an inward slope of the rear wall of sleeper-berth compartments. White sought an allowable slope of seven degrees, while Freightliner requested an amendment to permit a five-and-one-half inward slope. Both of the manufacturers stated that the reason why the slope was needed was to accommodate articulation in the vertical plane between the exterior rear wall of a 74-inch BBC tractor and the front end of the first 27-foot trailer when the tractor is operated in combination with twin 27-foot trailers in a State having an overall length limit of 65 feet.

The fourth petition for reconsideration was filed by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers (IBT). IBT generally took the position that the revision was inadequate because it failed to provide sufficient sleeping room in the minimum-size berth. IBT noted that the specifications of the Coast Guard for minimum size of sleeping accommodations for crew members of merchant vessels require more space than is required under the revised § 393.76 for a motor vehicle sleeper berth. IBT also cited some 1961 U.S. Department of Health, Education, and Welfare data relating to the dimensions of the general population of the United States as evidence that drivers should have the 84- x 36- x 36-inch dimensions requested in IBT Local 222's original petition for rulemaking on this subject.

At noted above, the principal impact of the revised rules on manufacturers is felt in the design and construction of sleeper-berth equipped tractors with short BBC dimensions. Short BBC tractors equipped with sleeper berths represent a very small percentage of all sleeper-berth equipped models sold in this country. For example, International Harvester Co., one of the petitioners in this proceeding, stated in its petition that only six and one-half percent of its total sales of sleeper berth tractors are short BBC vehicles. Two other manufacturers of whom the Bureau has inquired indicated that approximately the same percentage of sales of their sleeper-berth equipped tractors was short-BBC tractors. It therefore appears that short-BBC tractors equipped with sleeper berths are used primarily in combination with twin 27-foot trailers in States which have an overall length limit of 65 feet and are then so used only in relatively small numbers.

When given a choice, motor carriers, including owner-operators who purchase their own equipment, preponderantly choose sleeper berths that are wider than berths which meet the minimum dimensional requirements of the regulations. For example, one manufacturer who offers three sizes of sleeper berths in his cab-over-engine type tractors, sells 85 percent of those vehicles equipped with 33-inch wide berths. Another manufacturer surveyed sells 77 percent of his sleeper-berth equipped C.O.E. tractors with 36-inch wide berths. The information the Bureau has received tends to support the conclusion that narrow sleeper berths are found only in tractors that are intended to be used in combination with twin 27-foot trailers in States having a 65-foot overall length limit. The Director has concluded that the impact of the increase in minimum sleeper berth dimensions generated by this rulemaking proceeding will be felt in only a relatively small proportion of all sleeper berth operations.

In this connection, it is interesting to note that the Bureau has not received any adverse comment on the new rules from motor carriers, who are the persons who will feel whatever adverse impact the increase in sleeper berth size may have on operating efficiency and to whom the rules directly apply.

The only study of human sleeping positions discovered during the Bureau's literature search (Johnson, H. M., Swan, T. H. & Weigand, G. E., *In What Position Do Healthy People Sleep?*, Journal of the American Medical Assn., June 28, 1930, p. 2058) found, using the technique of time-lapse photography, that the typical healthy sleeper changes from one distinct body position to another between 20 and 45 times during eight hours of sleep. He does so in order to stretch and relax various muscles and to prevent both localized muscle set and deprivation of blood supply to soft skin tissue that is under pressure from contact with the surface upon which the person is sleeping. The majority of the repertoire of positions the sleeper assumes are variations of prone positions, with the arms in many cases extended above or under the head. In addition, in many of the prone positions, one or both legs are flexed upward towards the region of the hips and chest. Seemingly contorted positions are often assumed in order to stretch and relax back mucles. The width of the bed used during the study was 39 inches.

None of the documented sleeping positions resembled a reclining individual in a rigid supine position with both arms tucked in close to his sides. Yet, two of the manufacturer-petitioners supplied the Bureau with depictions of a person in such a rigid position in order to demonstrate that a smaller space envelope than is permitted under the new rules would suffice. The petitioners also used these depictions as premises for arguing that the rules should permit a 24-inch wide berth having a "cutout" or narrowed area in the region of the sleeping driver's head. Few, if any, of the preferred sleeping positions noted in the study could be accommodated by such a berth. It will not do, therefore, to argue, as one of the petitioners has done, that no harm is done by allowing an incursion into the berth at the location of the head.

The above-mentioned study also made it clear that when the area of the sleeping surface is reduced in size, the number of positions that a sleeper can assume becomes limited. This limitation degrades the quality of his sleep.

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In general, the Bureau's survey of vehicle manufacturers indicated that reductions in the width of sleeper berths are accompanied by decreases in the remaining space within the cab. For example, one manufacturer who offers a 73-inch BBC C.O.E. tractor equipped with a sleeper berth fits the vehicle with a 23-inch-wide berth. This leaves a 50-inch longitudinal dimension for accommodation of the occupants, the steering wheel, the instrument panel, and related components. This same manufacturer offers an 86-inch BBC sleeper-berth equipped tractor fitted with a 32-inch wide berth, leaving 54 inches for the driver and interior components. This tendency would seem to indicate that it is probable that driver accommodations, as well as sleeper-berth accommodations, are compromised in the short BBC configuration.

One of the petitioners said that if the Bureau did not reduce the new minimum width of sleeper berths, it might be compelled to compromise driver accommodations in order to retain the overall BBC dimensions of its very short tractors. Such a compromise would most likely taken the form of a reduction in the length of the driver's seat fore-and-aft adjustment. If that proves to be the case, the Bureau would have no alternative except to consider rulemaking on the subject of minimum driver accommodations. The Bureau has already begun the initial phases of research that ultimately may provide answers to significant questions concerning the adequacy of present cab designs. The data resulting from this research, coupled with surveys of vehicles to ascertain whether in-cab dimensional conditions are sufficient, will decide whether additional regulation in this area is warranted. The Director understands the design limitations that manufacturers face, and he fully supports current efforts to increase unduly restrictive laws on maximum vehicle length. At the same time, the Director cannot ignore the fact that sleeper berths which are too narrow to allow a driver to secure proper rest portend safety consequences that may well outweigh the operating convenience of having a short BBC C.O.E. tractor pulling two 27-foot trailers in States which have an overall 65-foot length limit. This is the case regardless of whether the tractor is used in a single-driver operation or a two-driver operation. It is also true that there is nothing inviolable about the 27-foot trailer that requires the Director to countenance incursions into the minimum sleeper berth dimensions necessary for safe operation, particularly when the 27-foot length is an arbitrarily critical figure. This is especially true with regard to the question of sloping rear cab walls. As he said in the Preamble to the final rule on this subject, the Director is aware of the advantages of this design from the standpoint of maximizing the vehicle's cargo-carrying capability. At that time, the Director also noted that no safety benefits were apparent in such design. No new evidence or data has been submitted to the Director to warrant a change in that appraisal. A sloping rear cab wall is a compromise design that apparently is necessitated only by the desire to build a tractor with a BBC dimension in the 72- to 74-inch range. There is not even unanimity of opinion on this point. The International Harvester Co., for example, makes no mention of the need for sloping rear walls in its petition for reconsideration even though it produces a 74 inch BBC tractor comparable to the products of other petitioners.

Somewhere a balance must be struck, and it appears that the dimensions set forth in the new rule strikes the appropriate balance.

The Director will consider rulemaking on the subject of imposing a requirement for a pillow, interior padding, or both if a petition containing suitable justification for rulemaking action is filed under § 389.31 of the procedural rules, 49 CFR 389.31.

The Director is aware of the probability that the decision he made in this proceeding concerning minimum allowable sleeper berth dimensions will be fully satisfactory to none of the parties. He is also aware of the fact that vast impondera bles are necessarily involved in determining what the optimum criteria should be. Given the current state of knowledge, the critical question whether one or another set of dimensional criteria poses an unacceptable risk of driver fatigue, on the one hand, or unduly restricts the design of tractor models which, in the interests of economic efficiency, should be marketed, on the other, simply will not yield to a rationale as precise as a cost-benefit analysis. This is not an unusual phenomenon in rulemaking proceedings, and, as noted above, the Director is compelled to strike the balance between conflicting interests on a subjective basis. Judge Wright put the matter succinctly when, in a recent case, he wrote that in a rulemaking proceeding

> an agency's task is not to test raw evidence against a single, pre-established standard; rather the agency is to fashion a host of new legal standards—regulations—having prospective effect. A rule-making agency makes not one but dozens of "ultimate" decisions—not only because a set of regulations has many provisions, but also because adoption of any one provision constitutes simultaneous rejection of possible alternatives. Few if any of these "ultimate" decisions will depend on factual conclusions of the sort conventional in adjudication. Looking to the future, and commanded by Congress to make policy, a rule-making agency necessarily deals less with "evidentiary" disputes than with normative conflicts, projections from imperfect data, experiments and simulations, educated predictions, differing assessments of possible risks, and the like. The process is *quasi*-legislative in character, and one will search in vain for those intermediate "findings" of fact which mark the midway point in an adjudicator's linear march from raw evidence to single, ultimate conclusion.
>
> *Amoco Oil Co.* v. *Environmental Protection Agency*, No. 73-1117 (D.C. Cir. May 1, 1974).

For the foregoing reasons, the petitions for reconsideration are denied.

(Sec. 204, Interstate Commerce Act, 49 U.S.C. 304, sec. 6, Department of Transportation Act, 49 U.S.C. 1655, delegations of authority at 49 CFR 1.48. 389. 4.)

Issued on August 27, 1974.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.74-20483 Filed 9-4-74;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1123; Amdt. 3]

PART 1033—CAR SERVICE

Northwestern Oklahoma Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of August 1974.

Upon further consideration of Service Order No. 1123 (38 FR 5174, 24902, 25183 and 39 FR 83271), and good cause appearing therefor.

It is ordered, That:

Section 1033.1123 *Service Order No. 1123* (Frank W. Pollock, Jr., D/B/A Northwestern Oklahoma Railroad Co., authorized to operate over certain trackage abandoned by Missouri-Kansas-Texas Railroad Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., August 31, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17 (2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-20569 Filed 9-4-74;8:45 am]

[S.O. 1126, Amdt. 3]

PART 1033—CAR SERVICE

Baltimore and Ohio Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of August 1974.

Upon further consideration of Service Order No. 1126 (38 FR 6999, 22790 and 39 FR 8327), and good cause appearing therefor:

It is ordered, That:

Section 1033.1126 *Service Order No. 1126* (The Baltimore and Ohio Railroad Company authorized to operate over tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., August 31, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-20573 Filed 9-4-74;8:45 am]

[Corrected S.O. 1169, Amdt. 1]

PART 1033—CAR SERVICE

Providence and Worcester Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of August, 1974.

Upon further consideration of Service Order No. 1169 (39 FR 4783), and good cause appearing therefor:

It is ordered, That:

Section 1033. 1169 *Corrected Service Order No. 1169* (Providence and Worcester Company authorized to operate over tracks authorized to be abandoned by Boston and Maine Corporation, Robert W. Meserve and Benjamin H. Lacy, Trustees, and over tracks of Boston and Maine Corporation, Robert W. Meserve and Benjamin H. Lacy, trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

~~*Effective* date.~~ This amendment shall become effective at 11:59 p.m., August 31, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-20570 Filed 9-4-74;8:45 am]

[S.O. 1170, Amdt. 1]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Movement of Privately Owned Freight Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of August 1974.

Upon further consideration of Service Order No. 1170 (39 FR 3827), and good cause appearing therefor:

It is ordered, That:

Section 1033.1170 *Service Order No. 1170* Railroad operating regulations for movement of privately owned freight cars be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(e) *Effective date.* This amendment shall become effective at 11:59 p.m., August 31, 1974.

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(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17 (2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-20571 Filed 9-4-74;8:45 am]

[S.O. 1176, Amdt. 1]

PART 1033—CAR SERVICE

Kansas City Southern Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of August 1974.

Upon further consideration of Service Order No. 1176 (39 FR 13264), and good cause appearing therefor:

It is ordered, That:

Section 1033.1176 *Service Order No. 1176*. The Kansas City Southern Railway Company authorized to operate over certain tracks of St. Louis-San Francisco Railway Company be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date*. The provisions of this order shall expire at 11:59 p.m., February 28, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., August 31, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17 (2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-20572 Filed 9-4-74;8:45 am]

[S.O. 1180, Amdt. 1]

PART 1033—CAR SERVICE

Baltimore and Ohio Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of August, 1974.

Upon further consideration of Service Order No. 1180 (39 FR 11891), and good cause appearing therefor:

It is ordered, That:

Section 1033.1180. *Service Order No. 1180*. The Baltimore and Ohio Railroad Company authorized to operate over tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date*. The provisions of this order shall expire at 11:59 p.m., February 28, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., August 31, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-20574 Filed 9-4-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 223, 223a]

REENTRY PERMITS AND REFUGEE TRAVEL DOCUMENTS

Issuance

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of §§ 223.1 and 223a.3 of Chapter I of Title 8 of the Code of Federal Regulations, pertaining to the issuance of reentry permits and refugee travel documents, respectively.

To prevent possible abuse which might result from an alien being in possession of multiple documents entitling the holder to apply for admission to the United States as a returning resident, it is proposed to amend § 223.1 to provide that an applicant for a reentry permit who is a lawful permanent resident and who is in possession of a refugee travel document issued pursuant to 8 CFR 223a may not be issued a reentry permit unless he surrenders the refugee travel document to the Service. Likewise, it is proposed to amend § 223a.3 to provide that a lawful permanent resident alien who is in possession of a reentry permit issued pursuant to section 223 of the Immigration and Nationality Act and 8 CFR 223 may not be issued a refugee travel document unless he surrenders the reentry permit to the Service.

In accordance with section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100–C, 425 Eye Street, NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, relative to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received on or before October 3, 1974, will be considered.

In 8 CFR Part 223, Reentry permits, it is proposed to amend § 223.1 by adding the following sentence between the existing fifth and sixth sentences thereof:

§ 223.1 Application.

• • • A reentry permit applicant who is a lawful permanent resident alien and who is in possession of a refugee travel document issued pursuant to Part 223a of this chapter may be issued a reentry permit only if he surrenders the refugee travel document to the Service. • • •

In 8 CFR Part 223a, Refugee Travel Document, it is proposed to amend § 223a.3 by adding a new sentence at the end thereof to read as follows:

§ 223a.3 Eligibility.

• • • An alien who is a lawful permanent resident and who is in possession of a reentry permit issued pursuant to section 223 of the Act and Part 223 of this chapter may be issued a refugee travel document only if he surrenders the reentry permit to the Service.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: August 29, 1974.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.74-20408 Filed 9-4-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 78]

BRUCELLOSIS REGULATIONS

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114a–1, 115, 120, 121, 125, 134b, 135f), the Animal and Plant Health Inspection Service is considering revising Part 78, Title 9, Code of Federal Regulations, concerning brucellosis in cattle and bison:

Statement of considerations. As the goal of complete eradication of brucellosis in cattle is approached, it is necessary that the last foci of infection be eliminated and all means of preventing spread of this disease be employed. Added restrictions on the movement of cattle were requested by the Brucellosis Committee of the United States Animal Health Association (USAHA) in October 1971 and again in June 1972. The proposed changes in Part 78 reflect recommendations made by this Committee. The proposed revision would:

1. In § 78.1, include definitions of a Certified Brucellosis-Free herd(k), Certified Brucellosis-Free Area(l), Noncertified Area(n), Brucellosis Exposed Animal(z), and Herd of Unknown Status (aa).

2. In § 78.6, eliminate the provision for reshipment of purebred brucellosis reactors since such provisions are no longer deemed necessary and are not compatible with the goal of brucellosis eradication. In the proposed revision, the authority to allow such movements in specific cases would be available in § 78.12—Other Movements.

3. In § 78.8(c), provide for the movement of calves less than 6 months of age from infected herds for feeding, bleeding, or other purposes provided such calves are either from cows tested negative within 10 days from the date of movement or are from reactor cows and have been separated from their dams for at least 30 days prior to the date of movement.

4. In § 78.8(a) and § 78.8(b), require the heat branding with the letter "S" on the left jaw of exposed cattle before they leave the premises of origin to go to slaughter or to a quarantined feedlot or through an approved market to such destination. It is intended that exposed cattle originating in infected herds or exposed in channels of trade be permanently identified and go to slaughter or to quarantined feedlots rather than move into other herds.

5. In § 78.9(a), provide for the movement of cattle originating in Certified Brucellosis-Free Areas accompanied by a way bill or owner's statement which will indicate origin.

6. In § 78.9(b), provide for the movement of cattle from Modified Certified Brucellosis Areas. Cattle originating from Certified Brucellosis-Free herds in such areas must be accompanied by a health certificate. Cattle of the beef breeds under 24 months of age and other breeds under 20 months of age may move when accompanied by a waybill or owner's statement regardless of their vaccination status. Other cattle must be accompanied by a health certificate and must be tested negative within 30 days prior to movement or be tested at the first concentration point immediately upon arrival.

7. In § 78.10, provide for movement of cattle from qualified herds in noncertified areas.

8. In § 78.20, § 78.21, § 78.22, § 78.23, and § 78.24, list Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, Noncertified Areas, specifically approved stockyards, and specifically approved slaughtering establishments, respectively.

The Table of Contents and the Provisions in Part 78, Title 9, Code of Federal Regulations, would be amended to read as follows:

PART 78—BRUCELLOSIS

Subpart A—General Provisions

Sec.
78.1 Definitions.
78.2 Notice relating to existence of brucellosis.
78.3 Handling of certificates or permits for movement of animals.

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Sec.
78.4 Handling in transit of animals moved interstate.

Subpart B—Restrictions on Interstate Movement of Cattle Because of Brucellosis

78.5 General restrictions.
78.6 Steers and spayed heifers.
78.7 Brucellosis reactor cattle.
78.8 Brucellosis exposed cattle.
78.9 Cattle from herds not known to be affected with brucellosis.
78.10 Cattle from qualified herds.
78.11 Cattle from herds of unknown status.
78.12 Other movements.

Subpart C—Restrictions on Interstate Movement of Bison Because of Brucellosis

78.13 General restrictions.
78.14 Bison steers and spayed heifers.
78.15 Brucellosis reactor bison.
78.16 Brucellosis exposed bison.
78.17 Bison from herds not known to be affected with brucellosis.
78.18 Movement of bison from public zoo to public zoo.
78.19 Other movements.

Subpart D—Designation of Brucellosis Areas, Specifically Approved Stockyards and Slaughtering Establishments

78.20 Certified Brucellosis-Free Areas.
78.21 Modified Certified Brucellosis Areas.
78.22 Noncertified Areas.
78.23 Specifically approved stockyards.
78.24 Slaughtering establishments.
78.25 Designation of areas; approval of stockyards and slaughtering establishments.

Subpart A—General Provisions

§ 78.1 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section except as otherwise specified.

(a) *Brucellosis.* The contagious, infectious, and communicable disease caused by bacteria of the genus Brucella. It is also known as Bangs disease, undulant fever, and contagious abortion.

(b) *Veterinary services.* Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture.

(c) *Deputy Administrator.* The Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, or any other Veterinary Services official to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *State.* Any State, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, or Guam.

(e) *Person.* Any individual, corporation, company, association, firm, partnership, society, or joint stock company or other legal entity.

(f) *Veterinary Services representative.* A veterinarian or other person employed by Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, who is authorized to perform the function involved.

(g) *State representative.* A veterinarian or other person regularly employed in livestock sanitary work of a State or a political subdivision thereof, and who is authorized by such State or political subdivision to perform the function involved under a cooperative agreement with the United States Department of Agriculture.

(h) *Accredited veterinarian.* An accredited veterinarian as defined in Part 160 of this Chapter.

(i) *Interstate.* From any State into or through any other State.

(j) *Uniform Methods and Rules.* The Recommended Brucellosis Eradication Uniform Methods and Rules developed by the United States Animal Health Association and adopted by Veterinary Services, in its publication of April 1974. The provisions of the Uniform Methods and Rules are the minimum standards for achieving and maintaining certified herd and area status.[1]

(k) *Certified Brucellosis-Free herd.* A herd of cattle which has achieved and maintains status as a Certified Brucellosis-Free herd according to the provisions of the Uniform Methods and Rules,[1] Chapter 1, Parts I, II, III, and IV; *Provided*, That such Certified Brucellosis-Free herd status has been recommended by a State representative in the State in which the herd is located and has been approved by the Deputy Administrator.

(l) *Certified Brucellosis-Free Area.* A State, or a political subdivision of a State, or portion thereof, which has achieved and maintains status as a Certified Brucellosis-Free area according to the provisions of the Uniform Methods and Rules,[1] Chapter 1, Parts I, II, III, and VI; *Provided*, That such Certified Brucellosis-Free Area status has been recommended by a State representative in the State in which the area is located and has been approved by the Deputy Administrator. (Such areas are specified in § 78.20.)

(m) *Modified Certified Brucellosis Area.* A State, or a political subdivision of a State, or portion therof, which has achieved and maintains status as a Modified Certified Brucellosis Area according to the provisions of the Uniform Methods and Rules,[1] Chapter 1, Parts I, II, III, and V; *Provided*, That such Modified Certified Brucellosis Area status has been recommended by a State representative in the State in which the area is located and has been approved by the Deputy Administrator. (Such areas are specified in § 78.21.)

(n) *Noncertified area.* Any area listed in § 78.22.

(o) *Qualified herd.* Any herd of cattle in a noncertified area which is not known to be affected with brucellosis and for which the State has records showing that the herd has been tested for brucellosis in accordance with the procedures for herd tests for initial Modified Certified Brucellosis Area status specified in the Uniform Methods and Rules,[1] Chapter 1, Part V–A, within 12 months prior to interstate movement of any cattle from such herd.

(p) *Herd known to be affected.* Any herd in which any animal has been classified as a brucellosis reactor as defined in the Uniform Methods and Rules,[1] Chapter 1, Part I–A, and which has not been released from quarantine in accordance with such Uniform Methods and Rules,[1] Chapter 1, Part II–D.

(q) *Quarantined feedlot.*[2] Any confined area which has achieved and maintains status as a quarantined feedlot according to the provisions of the Uniform Methods and Rules,[1] Chapter 1, Part I–E.

(r) *Official test.* Any test for brucellosis as prescribed in the Uniform Methods and Rules,[1] Chapter 1, Part II–G.

(s) *Official vaccinate.* A female bovine animal vaccinated against brucellosis in accordance with the provisions prescribed in the Uniform Methods and Rules,[1] Chapter 1, Parts I–H, I, and J.

(t) *Moved.* Shipped, transported, or otherwise moved, or delivered or received for movement.

(u) *Certificate.* An official document issued by a Veterinary Services representative, State representative, or accredited veterinarian at the point of origin of a shipment of domestic animals to be moved under this Part which shows the identification tag, tattoo, or registration number or similar identification of each animal to be moved, the number of animals covered by the document, the purpose for which the animals are to be moved, the points of origin and destination, the consignor, and the consignee, and which states that the animal or animals identified on the certificate have been tested for brucellosis in accordance with the Uniform Methods and Rules [1] and has/have been found negative and otherwise meets the requirements of this Part.

(v) *Permit.* An official document issued for movement of animals under this Part by a Veterinary Services representative, State representative, or an accredited veterinarian which lists the identification tag, tattoo, backtag, or registration number or similar identification of each animal to be moved, the number of animals covered by the document, the purpose for which the animals are to be moved, the points of origin and destination, the consignor, and the consignee. In the case of any cattle or bison that is a brucellosis reactor, the document shall show the reactor tag number of each animal and the name of the owner of such animal when it was tested for brucellosis.

(w) *Owner's statement.* A statement signed by the owner or shipper of the animals, stating: (1) The destination of the animals; (2) the purpose for which they are to be moved; (3) the number of animals covered by the statement; (4) the point from which the animals are moved interstate; and (5) the name and address of the owner or shipper.

(x) *Specifically approved stockyard.* A stockyard specifically approved for the purposes of the regulations in this Part in accordance with § 78.23(b).

[1] Copies of the April 1974 Recommended Brucellosis Eradication Uniform Methods and Rules (APHIS 91–1) are available upon request from Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Federal Building, Hyattsville, Maryland 20782, filed as part of the original document.

(y) *Specifically approved slaughtering establishment.* A slaughtering establishment specifically approved for the purposes of the regulations in this Part in accordance with § 78.25(b).

(z) *Brucellosis exposed animal.* Any animal, except brucellosis reactor animals, that are part of a herd known to be affected or that have been in contact with a brucellosis reactor animal in marketing or other channels for a period of 24 hours or for a period of less than 24 hours if such brucellosis reactor animal has aborted or calved within the past 30 days or has a vaginal or uterine discharge.

(aa) *Herd of unknown status.* A herd of cattle in a noncertified area which has not been tested for brucellosis in accordance with the procedures for herd tests for initial modified certified area certification specified in Chapter 1, Part V–A of the Uniform Methods and Rules [1] within 12 months prior to the interstate movement of any cattle from such herd.

(bb) *Herd not known to be affected.* Any herd in which no animal has been classified as a brucellosis reactor as defined in the Uniform Methods and Rules,[1] Chapter 1, Part I–A; also, any herd in which any animal has been classified as a brucellosis reactor as defined in the Uniform Methods and Rules,[1] Chapter 1, Part I–A, and which has been released from quarantine in accordance with such Uniform Methods and Rules,[1] Chapter 1, Part II–D.

(cc) *Brucellosis reactor animal.* Any animal which has reacted to an official test for brucellosis as defined in the Uniform Methods and Rules,[1] Chapter 1, Part I–A and Part II–G.

§ 78.2 Notice relating to existence of brucellosis.

Notice is hereby given that the contagion of brucellosis may exist in domestic animals in each State.

§ 78.3 Handling of certificates or permits for movement of animals.

(a) Whenever the regulations in this Part require a certificate or a permit for movement of animals and the animals are moved by a transportation agency issuing waybills or other forms of billing covering the movement, the certificate or permit for movement shall be delivered to such transportation agency by the shipper or his agent at the time the animals are delivered for shipment; shall become the property of the transportation agency; shall be attached to the billing by the transportation agency; shall accompany such billing to the destination of the animals; and shall be filed with such billing for future reference.

(b) Whenever the regulations in this part require a certificate or a permit for movement of animals and the animals are moved by a transportation agency not issuing waybills or other forms of billing, or moved by any other means, the certificate or permit for movement shall accompany the animals to their destination and be delivered to the consignee, or, in case the consignor and the consignee are the same person, to the first person purchasing the animals during or after such movement, or to the person to whom the animals are delivered.

(c) The Veterinary Services representative, State representative, or accredited veterinarian, issuing a certificate or permit required for the interstate movement of cattle under the regulations in this Part shall forward a copy thereof to the proper livestock sanitary official of the State of destination of the animals.

§ 78.4 Handling in transit of animals moved interstate.

Animals moving interstate except cattle and bison consigned to immediate slaughter or to a quarantined feedlot,[2] shall be moved only in a means of conveyance which has been cleaned in accordance with the provisions of § 71.5, § 71.7, § 71.10, and § 71.11 of this subchapter, and if unloaded in the course of such movement, shall be handled only in pens at specifically approved stockyards cleaned in accordance with the provisions of § 71.4, § 71.7, § 71.10, and § 71.11 of this subchapter or in pens at feed, water, and rest stations cleaned in accordance with the provisions of § 71.4, § 71.7, § 71.10, and § 71.11 of this subchapter.

Subpart B—Restrictions on Interstate Movement of Cattle Because of Brucellosis

§ 78.5 General restrictions.

Cattle may not be moved interstate except in compliance with the regulations in this subpart.

§ 78.6 Steers and spayed heifers.

Steers and spayed heifers over 6 months of age may be moved interstate from any area without restrictions under this subpart.

§ 78.7 Brucellosis reactor cattle.

Brucellosis reactor cattle may only be moved interstate under this section for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), or a specifically approved slaughtering establishment, or to a specifically approved stockyard for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) *Marking of brucellosis reactor cattle.* Brucellosis reactor cattle shall be marked for identification by branding the letter "B" on the left jaw in letters not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U.S. Reacted" or a similar State reactor tag.

(b) *Required permit.* Brucellosis reactor cattle shall be accompanied to destination by a permit for movement of the animals in accordance with § 78.3.

(c) *Marking of records.* Each transportation agency moving brucellosis reactor cattle in the course of their interstate movement shall plainly write or stamp upon the face of each waybill, conductor's manifest, switch order, vehicle interchange record, or other document, which it prepares in connection with such movement, the words "Brucellosis Reactor."

(d) *Segregation of brucellosis reactor cattle en route interstate.* Brucellosis reactor cattle shall not be moved interstate in a railroad car, boat, truck, or other means of conveyance, containing nonreactor animals susceptible to brucellosis, unless all of the animals are for immediate slaughter, or unless reactor cattle are kept separate from the other animals by a partition securely affixed to the sides of the means of conveyance.

§ 78.8 Brucellosis exposed cattle.

Brucellosis exposed cattle may be moved interstate from any area only under the conditions specified in any of the following subparagraphs:

(a) *Movement of brucellosis exposed cattle to quarantined feedlots.*[2] Brucellosis exposed cattle may be moved interstate from any area directly to a quarantined feedlot,[2] or to a specifically approved stockyard for sale and shipment to a quarantined feedlot,[2] if such cattle are marked for identification by branding with heat the letter "S" on the left jaw, in letters not less than 2 nor more than 3 inches high, before the animals leave the premises from which they are moved interstate. Such cattle shall be accompanied by a permit as defined in § 78.1(v). If the movement is to a specifically approved stockyard for sale and shipment to a quarantined feedlot,[2] a separate permit shall be required for the subsequent interstate movement of such cattle from any such stockyard to a quarantined feedlot.[2]

(b) *Movement of brucellosis exposed cattle for immediate slaughter.* Brucellosis exposed cattle may be moved interstate from any area for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or directly to a specifically approved slaughtering establishment, or to a specifically approved stockyard for sale and shipment to such a slaughtering establishment, if such cattle are marked for identification by branding with heat the letter "S" on the left jaw in letters not less than 2 nor more than 3 inches high, before the animals leave the market premises from which they are moved interstate. Such cattle shall be accompanied by a permit as defined in § 78.1(v). A separate permit shall be required for the subsequent interstate movement of such cattle from any such stockyard to a slaughtering establishment.

(c) *Movement of brucellosis exposed cattle under 6 months of age for feeding, breeding, or other purposes.* Brucellosis exposed calves under 6 months of age from brucellosis exposed cows in a herd known to be affected with brucellosis may be moved interstate from any area into

[2] A list of quarantined feedlots in any State may be obtained from the State Representative.

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any area for any purpose if such brucellosis exposed calves are moved within 10 days after an entire herd test, and are from herds negative to the official test, and are accompanied by a certificate as defined in § 78.1(u). Brucellosis exposed calves under 6 months of age that are from brucellosis reactor cows but that have been separated from the dam for 30 days or more immediately preceding interestate movement, may be moved interstate from any area into any area for any purpose if such calves are accompanied by a certificate as defined in § 78.1(u).

§ 78.9 Cattle from herds not known to be affected with brucellosis.

Cattle from herds not known to be affected with brucellosis may be moved interstate from specified areas only as follows:

(a) *Certified Brucellosis-Free Areas.* Cattle from herds not known to be affected with brucellosis in any Certified Brucellosis-Free Area may be moved interstate from such area into any area for any purpose if such cattle are accompanied by a waybill or similar document or an owner's statement as defined in § 87.1(w).

(b) *Modified Certified Brucellosis Areas.* Cattle from herds not known to be affected with brucellosis in any Modified Certified Brucellosis Area may be moved interstate from such area into any area under the conditions specified in one or more of the following subparagraphs:

(1) *Movement for immediate slaughter.* Such cattle may be so moved for immediate slaughter if they are accompanied by a waybill or similar document or an owner's statement as defined in § 78.1(w).

(2) *Movement to quarantined feedlots.*[3] Such cattle may be so moved to a quarantined feedlot if they are accompanied by a waybill or similar document or an owner's statement as defined as § 78.1(w).

(3) *Movement for feeding, breeding, or for purposes other than in paragraphs (b) (1) and (2) of this section.* Such cattle may be so moved for feeding, breeding, or for purposes other than those specified in paragraphs (b) (1) and (2) of this section, as follows:

(i) Such cattle originating in Certified Brucellosis-Free herds may be so moved if they are accompanied by a certificate as defined in § 78.1(u), which also states that the cattle originated in a Certified Brucellosis-Free herd.

(ii) Such cattle of the beef breeds under 24 months of age and other breeds under 20 months of age which are not parturient (springers) or postparturient may be so moved if such cattle are accompanied by a waybill or similar document or an owner's statement as defined in § 78.1(w).

(iii) Other such cattle may be so moved if they are accompanied by a certificate as defined in § 78.1(u), are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement and the certificate shows in addition to items required under § 78.1(u), the test dates and results of the official tests; except that cattle moved directly from a farm of origin to a specifically approved stockyard shall be accompanied by a waybill or similar document or an owner's statement as defined in § 78.1(w), and the shipper causes such cattle to be subjected to an official test for brucellosis upon arrival and prior to losing identity with the herd of origin.

§ 78.10 Cattle from qualified herds.

Cattle from qualified herds in any noncertified area may be moved interstate into any area only under the conditions specified in one or more of the following paragraphs:

(a) *Movement for immediate slaughter.* Such cattle may be so moved for immediate slaughter if they are accompanied by a waybill or similar document or an owner's statement as defined in § 78.1(w).

(b) *Movement to quarantined feedlots.*[3] Such cattle may be so moved to a quarantined feedlot if they are accompanied by a waybill or similar document or an owner's statement as defined in § 78.1(w), and the shipper causes such cattle to be subjected to an official test for brucellosis upon arrival and prior to losing identity with the herd of origin.

(c) *Movement for feeding, breeding, or for purposes other than in paragraphs (a) and (b).* Such cattle may be so moved for feeding, breeding, or for purposes other than those specified in paragraphs (a) and (b) of this section, as follows:

(1) Such cattle originating in Certified Brucellosis-Free herds may be so moved when accompanied by a certificate as defined in § 78.1(u), which also states that the cattle originated in a Certified Brucellosis-Free herd.

(2) Official vaccinates of the beef breeds under 24 months of age and of other breeds under 20 months of age at the time of interstate movement may be so moved when accompanied by a certificate as defined in § 78.1(u).

(3) Other such cattle may be so moved when accompanied by a certificate as defined in § 78.1(u), if such cattle, except calves under 6 months of age, were subjected to an official test for brucellosis not less than 30 days after the date of the last qualifying herd test and not more than 30 days before the date of the interstate movement, and the certificate shows, in addition to items required under § 78.1(u), the test dates and results of any official test required by this paragraph.

§ 78.11 Cattle from herds of unknown status.[3]

Cattle which originate in herds of unknown status[3] in any noncertified area may be moved interstate only for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or to a specifically approved slaughtering establishment, or directly to a quarantined feedlot,[3] or to a specifically approved stockyard for sale and shipment to a quarantined feedlot[3] or such a slaughtering establishment, when accompanied by a permit as defined in § 78.1(v) of this Part.

§ 78.12 Other movements.

The Deputy Administrator, Veterinary Services, may, upon request, in specific cases, permit the interstate movement not otherwise provided for in this subpart of cattle under such conditions as he may prescribe in each case to prevent the spread of brucellosis. The Deputy Administrator, Veterinary Services, will promptly notify the appropriate livestock sanitary official of the States involved of any such action.

Subpart C—Restrictions on Interstate Movement of Bison Because of Brucellosis

§ 78.13 General restrictions.

Bison may not be moved interstate except in compliance with the regulations in this subpart.

§ 78.14 Bison steers and spayed heifers.

Bison steers and spayed heifers over 6 months of age may be moved interstate from any area without restriction under this subpart.

§ 78.15 Brucellosis reactor bison.

Brucellosis reactor bison may only be moved interstate under this section for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), or a specifically approved slaughtering establishment, or to a specifically approved stockyard for sale to such a slaughtering establishment, in accordance with the following requirements:

(a) *Marking of brucellosis reactor bison.* Brucellosis reactor bison shall be marked for identification by branding the letter "B" on the left jaw in letters not less than 2 nor more than 3 inches high, and attaching to the left ear a metal tag bearing a serial number and the inscription "U.S. Reacted," or a similar State reactor tag.

(b) *Required permit.* Brucellosis reactor bison shall be accompanied to destination by a permit for movement of the animals in accordance with § 78.3.

(c) *Marking of records.* Each transportation agency moving brucellosis reactor bison in the course of their interstate movement shall plainly write or stamp upon the face of each waybill, conductor's manifest, switch order, vehicle interchange record, or other document which it prepares in connection with such movement, the word "Brucellosis Reactors."

(d) *Segregation of brucellosis reactor bison en route interstate.* Brucellosis reactor bison shall not be moved interstate in a railroad car, boat, truck, or other means of conveyance containing nonreactor animals susceptible to brucellosis, unless all of the animals are for immediate slaughter, or unless the reactor bison are kept separate from the other animals by a partition securely affixed to the sides of the means of conveyance.

[3] A herd of unknown status may become a qualified herd as defined in § 78.1(o) upon compliance with the provisions of § 78.1(o).

§ 78.16 Brucellosis exposed bison.

Brucellosis exposed bison may be moved interstate from any area only under the conditions specified in any of the following paragraphs:

(a) *Movement of brucellosis exposed bison to quarantined feedlots.*[3] Brucellosis exposed bison may be moved interstate from any area directly to a quarantined feedlot,[3] or to a specifically approved stockyard for sale and shipment to a quarantined feedlot.[3] Such bison shall be accompanied by a permit as defined in § 78.1(v). If the movement is to a specifically approved stockyard for sale and shipment to a quarantined feedlot,[3] a separate permit shall be required for the subsequent interstate movement of such bison from any such stockyard to a quarantined feedlot.[3]

(b) *Movement by brucellosis exposed bison to immediate slaughter.* Brucellosis exposed bison may be moved interstate from any area for immediate slaughter directly to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), or directly to a specifically approved slaughtering establishment, or to a specifically approved stockyard for sale and shipment to such a slaughtering establishment. Such bison shall be accompanied by a permit as defined in § 87.1(v).

§ 78.17 Bison from herds not known to be affected with brucellosis.

Bison from herds not known to be affected with brucellosis may be moved interstate from any area only under the conditions specified in one or more of the following paragraphs:

(a) *Movement for immediate slaughter.* Such bison may be so moved for immediate slaughter if they are accompanied by a waybill or similar document or an owner's statement as defined in § 78.1(w).

(b) *Movement to quarantined feedlot.*[3] Such bison may be so moved to a quarantined feedlot if they are accompanied by a waybill or similar document or an owner's statement as defined in § 78.1(w).

(c) *Movement for feeding, breeding, or for purposes other than in paragraphs (a) and (b) of this section.* Such bison may be so moved for feeding, breeding, or for purposes other than those specified in paragraphs (a) and (b) of this section, as follows:

(1) Such bison calves under 6 months of age may be so moved when accompanied by a certificate as defined in § 78.1(u).

(2) Such officially vaccinated bison under 24 months of age which are not parturient (springers) or postparturient may be so moved when accompanied by a certificate as defined in § 78.1(u).

(3) Such bison from a herd which has been declared free of brucellosis by the cooperating State and Federal livestock sanitary officials of the State in which the herd is located may be moved when accompanied by a certificate as defined in § 78.1(u).

(4) Other such bison may be so moved if they are accompanied by a certificate as defined in § 78.1(u), are subjected to an official test for brucellosis and found negative within 30 days prior to such interstate movement and the certificate shows in addition to items required under § 78.1(u), the test dates and results of the official test.

§ 78.18 Movement of bison from public zoo to public zoo.

Bison from herds not known to be affected with brucellosis and shipped from a zoo owned by a governmental agency to another such zoo may be moved interstate from any area if handled in accordance with § 78.4.

§ 78.19 Other movements.

The Deputy Administrator, Veterinary Services, may upon request in specific cases, permit the interstate movement not otherwise provided for in this subpart of bison under such conditions as he may prescribe in each case to prevent the spread of brucellosis. The Deputy Administrator, Veterinary Services, will promptly notify the appropriate livestock sanitary official of the States involved of any such action.

Subpart D—Designation of Brucellosis Areas, Specifically Approved Stockyards and Slaughtering Establishments

§ 78.20 Certified Brucellosis-Free Areas.

The following States, or specified portions thereof, are hereby designated as Certified Brucellosis-Free Areas:

(a) *Entire States.*

Arizona, California, Connecticut, Delaware, Hawaii, Idaho, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

(b) *Specific Counties Within States.*

Alabama. Barbour, Cherokee, Clay, Cleburne, Dale, Etowah, Geneva, Henry, Houston, Lee.

Arkansas. Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Crawford, Dallas, Drew, Franklin, Fulton, Garland, Grant, Greene, Howard, Independence, Izard, Jackson, Johnson, Lafayette, Lawrence, Madison, Marion, Monroe, Montgomery, Newton, Ouachita, Perry, Pike, Poinsett, Polk, Pope, Prairie, Randolph, Saline, Scott, Searcy, Sebastian, Sharp, Stone, Union, Woodruff, Yell.

Colorado. Adams, Alamosa, Arapahoe, Archuleta, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Otero, Ouray, Park, Phillips, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld.

Florida. Baker, Bay, Brevard, Calhoun, Dade, Escambia, Franklin, Gadsden, Gulf, Hamilton, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Pasco, Santa Rosa, Sumter, Taylor, Wakulla, Walton, Washington.

Georgia. Appling, Atkinson, Bacon, Banks, Barrow, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Charlton, Chatham, Chattahoochee, Clarke, Clayton, Cook, Crawford, Dawson, De Kalb, Echols, Effingham, Evans, Fannin, Franklin, Glascock, Glynn, Greene, Habersham, Henry, Jeff Davis, Johnson, Jones, Lanier, Laurens, Liberty, Long, Madison, McIntosh, Monroe, Peach, Rabun, Richmond, Rockdale, Schley, Screven, Stephens, Taylor, Telfair, Toombs, Towns, Treutle, Twiggs, Upson, Ware, Washington, Wayne, Wheeler, White.

Illinois. Adams, Alexander, Boone, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Greene, Grundy, Hamilton, Hancock, Henderson, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSall, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Massac, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pulaski, Putnam Randolph, Richland, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, White, Whiteside, Will, Winnebago, Woodford.

Iowa. Adair, Adams, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clay, Clayton, Clinton, Dallas, Delaware, Des Moines, Dickinson, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kossuth, Lee, Linn, Lucas, Lyon, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Polk, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Washington, Webster, Winnebago, Woodbury, Worth, Wright.

Kansas. Comanche, Doniphan, Ford, Gove, Haskell, Hodgeman, Johnson, Lane, Marshall, Pawnee, Phillips, Riley, Scott, Trego, Washington.

Kentucky. Bell, Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Jackson, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan,

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Owsley, Pendleton, Perry, Pike, Robertson, Rowan, Trimble, Whitley, Wolfe.

Mississippi. Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

Missouri. Audrain, Carter, Dallas, Douglas, Dunklin, Franklin, Gasconade, Hickory, Iron, Jackson, Laclede, Lewis, Marion, Miller, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

New Mexico. Bernalillo, Catron, Dona Ana, Grant, Los Alamos, Luna, McKinley, Sandoval, Santa Fe, Sierra, Acoma Indian Reservation, Laguna Indian Reservation, Chociti Indian Reservation, Jemez Indian Reservation, Jicarilo Indian Reservation, Mescallero Indian Reservation, Navajo Indian Reservation, Zuni Indian Reservation, Canoncito Navajo Reservation.

South Dakota. Aurora, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Day, Deuel, Dewey, Douglas, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, Ziebach.

Tennessee. Anderson, Benton, Bledsoe, Blount, Campbell, Cannon, Carter, Cheatham, Clairborne, Cocke, Coffee, Cumberland, Davidson, Decatur, DeKalb, Dickson, Fentress, Grainger, Greene, Grundy, Hamblen, Hancock, Hardin, Hawkins, Houston, Jackson, Jefferson, Johnson, Knox, Lawrence, Lincoln, Loudon, Macon, McNairy, Meigs, Monroe, Montgomery, Morgan, Polk, Rhea, Roane, Robertson, Rutherford, Scott, Sevier, Sullivan, Sumner, Trousdale, Unicoi, Union, Van Buren, Warren, Washington, Wayne, White.

Texas. Crane, Ector, Jeff Davis, Loving, Terrell, Ward, Winkler.

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

Puerto Rico. Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Camuy, Canovanas (Loiza), Catano, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guayanilla, Gurabo, Hormigueros, Humacao, Isabela, Jayuya, Juana Diaz, Lajas, Lares, Las Marias, Luquillo, Manati, Maricao, Penuelas, Ponce, Quebradillas, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, San Sebastian, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa, Yauco.

§ 78.21 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

(a) *Entire States.*

Alaska, Louisiana, Nebraska.

(b) *Specific Counties Within States.*

Alabama. Autauga, Baldwin, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Chilton, Choctaw, Clarke, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Escambia, Fayette, Franklin, Greene, Hale, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

Arkansas. Arkansas, Chicot, Clark, Crittenden, Cross, Desha, Faulkner, Hempstead, Hot Spring, Jefferson, Lee, Lincoln, Little River, Logan, Lonoke, Miller, Mississippi, Nevada, Phillips, Pulaski, St. Francis, Sevier, Van Buren, Washington, White.

Colorado. Baca, Kiowa, Morgan, Prowers, Pueblo, Yuma, Southern Ute Indian Reservation, Ute Mountain Indian Reservation.

Florida. Alachua, Bradford, Broward, Charlotte, Citrus, Clay, Collier, Columbia, De Soto, Dixie, Duval, Flagler, Gilchrist, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Okeechobee, Osceola, Palm Beach, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Suwanee, Union, Volusia.

Georgia. Baker, Baldwin, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Decatur, Dodge, Dooly, Doughterty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Terrell, Thomas, Tift, Troup, Turner, Union, Walker, Walton, Warren, Webster, Whitfield, Wilcox, Wilkes, Wilkinson, Worth.

Illinois. Bond, Brown, Fulton, Gallatin, Hardin, Henry, Johnson, Mason, Pike, Pope, Wayne, Williamson.

Iowa. Allamakee, Appanoose, Clarke, Crawford, Davis, Decatur, Dubuque, Guthrie, Louisa, Madison, Pottawattamie, Poweshiek, Ringgold, Warren, Wayne, Winneshiek.

Kansas. Allen, Anderson, Atchison, Barber, Barton, Bourbon, Brown, Butler, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Cloud, Coffey, Cowley, Crawford, Decatur, Dickinson, Douglas, Edwards, Elk, Ellis, Ellsworth, Finney, Franklin, Geary, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Jackson, Jefferson, Jewell, Kearny, Kingman, Kiowa, Labette, Leavenworth, Lincoln, Linn, Logan, Lyon, Marion, McPherson, Meade, Miami, Mitchell, Montgomery, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osage, Osborne, Ottawa, Pottawatomie, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Sedgwick, Seward, Shawnee, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Wabaunsee, Wallace, Wichita, Wilson, Woodson, Wyandotte.

Kentucky. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckenridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Jessamine, Larue, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Powell, Pulaski, Rockcastle, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

Mississippi. Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Choctaw, Chickasaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, Leflore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

Missouri. Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Cass, Cedar, Charlton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Daviess, De Kalb, Dent, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Jasper, Jefferson, Johnson, Knox, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, McDonald, Mercer, Mississippi, Monroe, Morgan, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

New Mexico. Chaves, Colfax, Curry, De Baca, Eddy, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Los Alamos, Mora, Otero, Quay, Rio Arriba, Roosevelt, San Juan, San Miguel, Socorro, Taos, Torrance, Union, Valencia, Isleta Indian Reservation.

Oklahoma. Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Caddo, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, LeFlore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, Woodward.

South Dakota. Beadle, Brookings, Davidson, Edmunds, Jones, Kingsbury, Marshall, Sanborn, Stanley, Crow Creek Indian Reservation.

Tennessee. Bedford, Bradley, Carroll, Clay, Crockett, Dyer, Fayette, Franklin, Gibson, Giles, Hamilton, Hardeman, Haywood, Henderson, Henry, Hickman, Humphreys, Lake, Lauderdale, Lewis, Madison, Marion, Marshall, Maury, McMinn, Moore, Obion, Overton, Perry, Pickett, Putnam, Sequatchie, Shelby, Smith, Stewart, Tipton, Weakley, Williamson, Wilson.

Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Bordern, Bosque, Bowie, Brazoria, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collins, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crocket, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf, Smith, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glassock, Goliad, Gonzales, Gray, Grayson, Gregg, Grimes Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kenedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Llano, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Nueces, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Refugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Yoakum, Young, Zapata, Zavala.

Wyoming. Lincoln.

Puerto Rico. Arecibo, Carolina, Guaynabo, Hatillo, Juncos, Las Piedras, Naguabo.

§ 78.22 Noncertified Areas.

Oklahoma. Bryan and Dewey.

§ 78.23 Specifically approved stockyards.

Notices containing lists of stockyards specifically approved for the purposes of the regulations in this Part are published in the FEDERAL REGISTER. Information with respect to these stockyards may also be obtained from Veterinary Services representatives and State inspectors.

§ 78.24 Slaughtering establishments.

(a) Information with respect to the slaughtering establishments operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) may be obtained from the Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, and from the Veterinary Services representative and a State representative.

(b) Notices containing lists of slaughtering establishments specifically approved for the purposes of the regulations in this Part are published in the FEDERAL REGISTER. Information with respect to these slaughtering establishments may also be obtained from the Veterinary Services representative or a State representative.

§ 78.25 Designation of areas; approval of stockyards and slaughtering establishments.

(a) The Deputy Administrator, Veterinary Services, is authorized to amend § 78.20, § 78.21, and § 78.22 to designate States or political subdivisions or portions thereof as Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, or Noncertified Areas, respectively, when he determines that the areas come within the appropriate definitions in § 78.1 (l), (m), or (n), and to delete any area from any such list when he determines that the area no longer comes within the relevant definition.

(b) The Deputy Administrator is authorized to specifically approve stockyards for the purposes of the regulations in this Part and to promulgate notices listing such stockyards in accordance with § 78.23 when he determines that the inspection and handling of livestock at such stockyards are adequate to effectuate the purposes of the regulations in this Part and that Veterinary Services and the State in which such stockyards are located have entered into a Memorandum of Understanding setting forth certain standards for such stockyards. The Deputy Administrator may withdraw approval and remove any stockyard from the said list when he finds that the inspection or handling of livestock at such stockyard is no longer adequate to effectuate the purposes of such regulations, or when he determines that there is not full compliance with all provisions of the standards involved, or when such Memorandum of Understanding between Veterinary Services and the State within which such stockyard is located has been terminated. The Deputy Administrator is further authorized to specifically approve slaughtering establishments for the purposes of the regulations in this Part and to promulgate notices listing such slaughtering establishments in accordance with § 78.24(b) when he determines that the inspection and handling of livestock or carcasses or products thereof at such slaughtering establishment is adequate to effectuate the purposes of such regulations. The Deputy Administrator may remove any slaughtering establishment from the said list when he finds that the inspection or handling of livestock or carcasses or products thereof at such slaughtering establishment is no longer adequate to effectuate the purposes of such regulations.

Before the Deputy Administrator withdraws specific approval and removes any specifically approved stockyard or slaughtering establishment from respective approved lists, the owner of such establishment shall be given notice by the Deputy Administrator of the charges against him and shall have an opportunity to present his views. In those instances where there is a conflict as to the facts, a hearing shall be held to resolve such conflicts.

Any person who wishes to submit written data, views or arguments concerning this proposal may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, Room 870, Federal Building, U.S. Department of Agriculture, Hyattsville, Maryland 20782, before November 4, 1974.

All written submissions made pursuant to this notice will be made available for public inspection at Room 870, Federal Building, Hyattsville, Maryland 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 22nd day of August 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-20489 Filed 9-4-74;8:45 am]

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[9 CFR Part 92]

IMPORTATION OF BIRDS

Extension of Time To Submit Written Data, Views and Arguments

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the time for filing data, views, and arguments with respect to the proposed amendments of regulations contained in 9 CFR Part 92 to provide for the quarantine of imported zoological birds in approved zoological parks and clarify the permit requirements for commercial birds as well as the authority of the Deputy Administrator in § 92.2(a) to allow imports, in specific cases, of any animals and products; and birds for research purposes only, as published in the FEDERAL REGISTER, June 21, 1974 (39 FR 22272–22273), is extended to October 7, 1974.

Interested persons are to submit written comments, suggestions or objections regarding the proposed amendments to the Deputy Administrator, Animal and Plant Health Inspection Service, Veterinary Services, U.S. Department of Agriculture, Federal Building, Hyattsville, Maryland 20782.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 30th day of August 1974.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-20648 Filed 9-4-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 132]

DRUG LISTING ACT OF 1972

Proposed Revision of Implementing Regulations

On April 2, 1974, Bristol-Myers Co., 345 Park Ave., New York, N.Y. 10022, filed a petition proposing a revision of the regulations implementing the Drug Listing Act of 1972 (21 CFR Part 132). Although the petition addressed itself to the use of both the NDC (National Drug Code) and HRI (National Health Related Items Code) prefixes, the petitioner recognizes that any use of the National Health Related Items Code, which was established pursuant to a notice published in the FEDERAL REGISTER of January 1, 1971 (36 FR 27), and use of the prefix "HRI" are voluntary and are not governed by regulatory instructions. The petition proposes that:

(1) The single character "N" be adopted for use to replace both the NDC and HRI prefixes wherever the use of a prefix is prescribed by regulation or is requested to be used in a voluntary manner not covered by regulation. The petition contends that recognition of products as drugs or health related items could be achieved equally well if both three-character prefixes, NDC and HRI, were replaced by a single character "N." The use of a single abbreviated character would conserve valuable space on product labels and would avoid confusion by permitting more simplified instructions for manual recognition and processing procedures. The prefix "N" would also adequately distinguish drug and health related code numbers from the grocery Universal Product Code (UPC) and any other system of code numbers.

(2) The NDC or HRI human readable codes, which are printed as integral parts of the UPC symbols on consumer packages, be acceptable as meeting the Food and Drug Administration's labeling provisions for printing the codes on such consumer packages. Wherever the code would otherwise appear in accordance with Food and Drug Administration labeling instructions, the code format and placement would remain unaffected by the provisions of the recommendation contained in the petition. It is anticipated that the UPC symbol will appear only on that package form of the product which is considered the final trade package sold to the consumer. The UPC Symbol Specification Manual indicates that the UPC symbol may be placed in various positions on a consumer package, although the natural bottom is preferred. The petition states that, given a choice, most manufacturers who are already complying with many regulatory requirements governing their printing on packaging would prefer not to place the NDC codes in the UPC symbol and, again, in the upper third of the principal panel of the label, as required by § 132.8(b)(3)(i), because there would be a redundant printing of essentially the same code numbers in two places on the trade package.

The Commissioner of Food and Drugs has reviewed the petition and agrees to the adoption of a single digit or character to replace the present NDC and HRI prefixes, but has determined that the adoption of the same prefix for both NDC and HRI prefixes would not adequately distinguish a drug product code from a health related item code. Products listed in compliance with the Drug Listing Act of 1972 and products listed under the National Health Related Items Code System are listed under two separate operating systems. Any publication of the code numbers used to represent the products in these two systems would, at the present time, be printed in separate publications. To facilitate identification of a product from its code number by reference to a published list of such code numbers, it would be necessary to know whether the code number represented a drug product or a health-related item. Although the code formats for drug products and health-related items differ, this is not considered to be the most desirable method of identifying these two categories of products. The Commissioner, therefore, concludes that the recommendation of the petition regarding the adoption of "N" to replace the NDC/HRI prefixes be modified to adopt the single character "N" to replace the NDC prefix and the single character "H" to replace the HRI prefix.

The Commissioner concludes that placement of the NDC number as an integral part of the UPC symbol when such symbol appears on the bottom of a consumer package is not in compliance with the provisions of section 502(c) of the Federal Food, Drug, and Cosmetic Act as to prominence and conspicuousness. The Commissioner concludes that if the NDC number is shown on a drug label, it shall be placed prominently in the top third of the center panel of the label of the immediate container and of the outside container or wrapper if such there be. However, he proposes to modify § 132.8(b)(3)(i) to provide that, in addition, the NDC number may also appear as part of and contiguous to the UPC symbol wherever such symbol appears on consumer packages for over-the-counter drugs.

Copies of the petition are available on request from the Hearing Clerk, Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, Md. 20852.

In addition, the Commissioner concludes that it is no longer necessary for the prefix "NDC," or "N" as proposed in the petition, to be "in a different color or different type style (font) than that used to print the number if the label is printed rather than typewritten" as now specified in 21 CFR 132.8(b)(3)(ii). He therefore proposes to delete such wording in this section.

Section 510(f) of the act exempts from public disclosure any list of drugs containing a particular ingredient submitted pursuant to section 510(j)(3) of the act, unless such an exemption would be inconsistent with the protection of the public health. The Commissioner concludes that such an exemption for a list of drugs containing a particular active ingredient would be inconsistent with the protection of the public health. Section 132.9(a)(2)(iii) was never intended to prevent public disclosure of lists of drugs containing a particular active ingredient. The Commissioner proposes to modify this provision of the regulations to restrict it to a list of drugs containing a particular inactive ingredient.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 506, 507, 510, 512, 701(a), 704; 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055 and 1057 as amended, 55 Stat. 851, 59 Stat. 463 as amended, 76 Stat. 794 as amended, 82 Stat. 343–351; 21 U.S.C. 321, 352, 355, 356, 357, 360, 360b, 371(a), 374); the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262); and the Drug Listing Act of 1972 (Public Law 92–387; 86 Stat. 559–562) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 132 be amended as follows:

1. In § 132.8 by revising paragraph (b)(3)(i), (ii), and (iii) to read as follows:

§ 132.8 Notification of registrant; drug establishment registration number and drug listing number.

• • • • •

(b) • • •

(3) • • •

(i) The NDC number shall be placed prominently in the top third of the center panel of the label of the immediate container and of the outside container or wrapper if such there be. In addition, wherever the Universal Product Code (UPC) symbol appears on consumer packages for over-the-counter drugs, the NDC number may also appear as part of and contiguous to that symbol.

(ii) The NDC number shall be preceded by the initial "N" whenever it is used on a label or in labeling.

(iii) The Product-Package Code configuration shall be indicated and the segments of the number shall be separated by a dash, i.e., N 1564—3542—12, N 15643—542—12, or N 15643—5421—2.

• • • • •

2. In § 132.9 by revising paragraph (a)(2)(iii) to read as follows:

§ 132.9 Inspection of registrations and drug listings.

(a) • • •

(2) • • •

(iii) A list of drugs containing a particular inactive ingredient.

• • • • •

Interested persons may, on or before November 4, 1974, file written comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Md. 20852, regarding the petition and this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 28, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-20446 Filed 9-4-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 30, 31, 32, 33, 34, 35]

[CGD 74-127]

CONSTRUCTION AND EQUIPMENT OF TANK VESSELS

Advance Notice of Proposed Rulemaking

The United States Coast Guard is considering amending Subchapter D, Rules and Regulations for Tank Vessels, to include all of the provisions of IMCO Resolution A.271(VIII), entitled "Draft Regulations Concerning Fire Safety Measures for Tankers and Combination Carriers", which was adopted on 20 November 1973 by the Inter-Governmental Maritime Consultative Organization Assembly (IMCO).

This advance notice of proposed rulemaking is being issued to provide timely notice of the impending changes to the regulations for tank vessels. It is projected that the new requirements will become effective for vessels, the keels of which are laid or which are at a similar stage of construction, on or after 1 January 1975. The proposed structural fire protection requirements apply to all manned tank vessels and the proposed regulation changes concerning fire prevention and protection systems apply to all propelled tank vessels of 500 or more gross tons. Details of the proposed regulation changes are scheduled to be published in the FEDERAL REGISTER within a reasonable period of time following publication of this advanced notice. Interested persons may obtain a copy of IMCO Resolution A.271(VIII) by writing to U.S. Coast Guard (GCMC/82), Room 8234, 400 Seventh Street, S.W., Washington, D.C. 20590. Each inquiry should identify the notice (CGD 74–127) and include a name and complete return address.

Since many of the provisions of IMCO Resolution A.271(VIII) are already contained in 46 CFR, Subchapter D, the new requirements will not be published as a separate part, but will be included in the appropriate subparts of the existing regulations.

Some of the proposed regulation changes are already standard practice and should not result in significant changes. In general, the proposed changes will include, with some variation, the following:

1. Category A machinery spaces must be positioned aft of the cargo area and must be separated from the cargo pump rooms by "A" class boundaries. The casing doors on Category A machinery spaces must be self-closing. The surface of insulation on interior boundaries of such spaces must be impervious to oil and oil vapors.

2. Accommodation spaces, control stations, and service spaces must be positioned aft. Common boundaries separating cargo pump rooms or machinery spaces of Category A from accommodation and service spaces must be insulated to "A–60" requirements, as should the boundaries between pump rooms and control stations. In addition, exterior boundaries of deckhouses and superstructures enclosing accommodation and service spaces must be "A–60" Class for the portion facing the cargo tank and for 10 feet (3 meters) aft of the front boundary. The front boundary and 16 feet (5 meters) aft of the front boundary of deckhouses and superstructures facing the cargo tanks may not have doors on the main deck opening into spaces with access to accommodation and service areas, may only have fixed port lights, and may have port lights on the first tier of the main deck if fitted with inside covers of steel.

3. Concealed spaces behind ceilings, panelings, or linings must be divided by non-combustible draft stops not more than 45 feet (14 meters) apart.

4. Combustible veneers within accommodation and service areas may be increased to a maximum thickness of .079 inch (2 mm), except that within corridors, stairway, enclosures, and control stations the thickness may not exceed .059 inch (1.5 mm).

5. The passage of ventilation ducts from Category A machinery spaces through accommodation and service spaces and control stations is restricted. Similarly, the passage of ventilation ducts for accommodation and service spaces and control stations through machinery spaces of category A is restricted.

6. The foam concentrate storage requirements for the deck foam system are being increased to allow 20 minutes of foam generation. The capacity of any monitor must be at least .073 gallons per minute per square foot of deck area protected by that monitor, in addition to other sizing requirements based on cargo tank area and largest tank area. The design range of foam monitors may not exceed 75% of the throw determined by tests in still air conditions. On tankers of 100,000 dead weight tons or over and combination carriers of 50,000 dead weight tons and over, monitors and hose connections must be situated on the port and starboard sides of the house, facing the cargo deck. Effort should be made to assure that the deck foam system is capable of simple and rapid operation.

7. An inert gas system must be provided for protection of cargo tanks on crude oil tankers of 100,000 dead weight tons and over and on crude oil combination carriers of 50,000 dead weight tons and over. The system must be capable of providing a suitable oxygen deficient atmosphere, with an oxygen content not normally exceeding 5% by volume. The capacity of the inert gas system must be at least 125% of the rated cargo pump capacity and the system must be capable of supplying inert gas on demand to the cargo tanks.

Comments are welcome and should be addressed to the Commandant (G–CMC/82), U.S. Coast Guard, Washington, D.C. 20590. Specific details of the proposed changes will be published in the near future for formal comments. In addition, public hearings will be held prior to publication of the final rulemaking.

This advance notice of proposed rulemaking is issued under the authority of 46 U.S.C. 375, 391a, 416; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and E.O. 11239 (30 FR 9671).

Dated: August 28, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.74-20496 Filed 9-4-74;8:45 am]

[46 CFR Part 151]

[CGD 73-275]

UNMANNED BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES

Sodium Sulfide Solution (NTE 10%) and Sulfur Dioxide; Correction

In FR Document No. 74–16104, that was published at 39 FR 26042 in the issue of Tuesday, July 16, 1974, the word "Open" and the letters "SR" which describe the vent requirements for sodium sulfide solution and sulfur dioxide, respectively, were omitted from the amendment to Table 151.05 of Title 46. The amendment to Table 151.05 should read as follows:

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Sodium sulfide solution (NTE 80%)	Atmos.	Amb.	III	II 21	Integral Gravity	Open	Open	III	G-4	N R	Vent N	No	151.55-1(b)	NA	NA	G
Sulfur dioxide	Press.	Amb.	I	1NA 21	Ind. Pressure	SR	Closed	I	P-8	N R	Vent F	No	151.50-30 151.50-35	NA	NA	2

Dated: August 28, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.74-20408 Filed 9-4-74;8:45 am]

Urban Mass Transportation Administration

[49 CFR Ch. VI]

MASS TRANSIT AND SPECIAL USE HIGHWAY PROJECTS

Notice of Proposed Rule Making

CROSS REFERENCE: For a document issued by the Federal Highway Administration and the Urban Mass Transportation Administration proposing regulations for Mass Transit and Special Use Highway Projects, see FR Doc. 74-20540, which appears as Part IV of this issue.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

FM BROADCAST STATIONS

Proposed Table of Assignments, Anamosa, Iowa City, and Burlington, Iowa; Extension of Time for Comments

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Anamosa and Iowa City, Iowa; Burlington, Iowa), Docket No. 19161, RM-1540, RM-1823.

Order extending time for filing reply comments.

1. On April 16, 1974, the Commission adopted a memorandum opinion and order and notice of proposed rulemaking in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on May 2, 1974, 39 FR 15324. The date for filing comments has expired and reply comments are due on August 28, 1974.

2. On August 27, 1974, counsel for Dodge-Point Broadcasting Co., Inc. (Dodge-Point), filed a request for an extension of time in which to file reply comments to and including September 4, 1974. Counsel states that the additional time is necessary to allow for the completion of an additional exhibit to its reply comments. Other parties in the proceeding have consented to the requested extension of time.

3. We are of the opinion that the public interest would be served by extending the time in this proceeding. *Accordingly, it is ordered*, That the date for filing reply comments is extended to and including September 4, 1974.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: August 28, 1974.

Released: August 29, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-20457 Filed 9-4-74;8:45 am]

[47 CFR Parts 2, 89, 91]

[Docket No. 20149; FCC 74-886]

TELEMETRY AND REMOTE CONTROL OPERATIONS

Availability of Splinter Frequencies

In the matter of amendment of Part 89 and 91 of the Commission's rules and regulations to make available four 173 MHz splinter frequencies to the Local Government and Manufacturers Radio Services for telemetry and remote control operations.

1. Notice is hereby given of proposed rulemaking in the above-entitled matter.

2. For the past several years there has been an increasing demand for telemetry and remote control operations in the land mobile radio services. During this time the Commission has allocated numerous frequencies to various radio services for telemetry purposes.[1] These frequencies, however, were made available only to the radio services which had then demonstrated a need for telemetry operations. In recent years this need for telemetry operations has spread to other radio services.

3. There have been numerous inquiries concerning telemetry operations, especially in the field of air, noise, and water quality monitoring systems, from applicants eligible in the Local Government and Manufacturers Radio Services which, because of eligibility limitations, cannot use the frequencies available for telemetry and remote control purposes in the 173 MHz band. In the past, the Commission has considered such inquiries on a case-by-case basis and, where applicable, granted a rule waiver to permit the licensee the use of a channel in that band. However, recently these inquiries have become more numerous and it is no longer practical to continue solving the problem by rule waiver. It is for this reason that the Commission is proposing to allocate these frequencies to these radio services for telemetry and remote control operations.[2]

4. The 173 MHz narrow band channels are already shared between various Industrial Radio Services.[3] It appears that the sharing of frequency bands between additional radio services can readily be accomplished if the stations are limited to reasonable power levels, directional antenna systems are employed for most of the fixed point-to-point installations, and interservice coordination is required for all fixed station use.

5. Accordingly, we propose to amend Parts 2, 89, and 91 of our rules to make the four 173 MHz splinter bands available to licensees in the Local Government and Manufacturing Radio Services for telemetry and remote control operations.[4] Use of the bands in these services will be subject to the same limitations as applied to the licensees in the other Industrial Services.

6. In addition to this, we propose at this time to conform the mobile power limitations. As noted in footnote (2) the power limitation for mobile operations in all these services is 1 watt, except for Forest Products which is 3 watts. There are very few authorizations for mobile operation on these frequencies because the one watt power limitation has tended to limit the types of operations in the past. Since Forest Products operations have used 3 watts output successfully, we propose to amend the mobile power limitation in the other eligible services to permit 3 watts output.

[1] In Docket 17228 (9 FCC 2nd 839), four 173 MHz splinter frequencies were allocated to certain Industrial Services for telemetering; in Docket 18924 (24 FCC 2nd 554) the frequency band 216-220 to the Industrial Radio Services was made available for telemetering; In Docket 19451 (41 FCC 2nd 990) Land Mobile telemetry was provided for in the 1427-1435 MHz band; and in docket 19478 (41 FCC 2nd 8) we made provisions for medical telemetry on certain offset frequencies in the 460-470 MHz band in the Business Radio Service.

[2] 173.2075-173.2125, 173.3875-173.3925, 173.-3000-173.2075, and 173.3925-173.4000 MHz. These frequencies are available in the Power, Petroleum, and Special Industrial Radio Services with power limitations of one watt, mobile and fifty watts, fixed; in the Forest Products Radio Service with the limitation of three watts mobile and fifty watts fixed; and in the Business Radio Service with a power limitation of one watt, mobile. Fixed operation in business is not permitted. These frequencies are available on a shared basis for remote control and telemetering purposes. A petition (Rm. 1702) requesting that fixed use of these frequencies be allowed in the Business Radio Service is pending. However, because that proposal raised special issues, it will be considered separately.

[3] In the rules, only the center frequency of the band will be listed. Applications for frequencies other than the center channel of each the bands will be considered on a case-by-case basis provided the operation complies with the bandwidth limitations.

7. Authority for the proposed amendments is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before November 4, 1974, and reply comments on or before November 19, 1974. Relevant and timely comments will be considered by the Commission before final action in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

8. In accordance with the provisions of § 1.419 of the Commission's Rules an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: August 21, 1974.

Released: August 26, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[4]
VINCENT J. MULLINS,
Secretary.

APPENDIX

I. Part 2 of the commission's rules is amended as follows:

1. In § 2.106, Table, the frequencies 173.2-174. MHz are amended to read as follows:

§ 2.106 Table of Frequency Allocations.

United States		Federal Communications Commission					
Band (megahertz)	Allocation	Band (megahertz)	Service	Class of station	Frequency (megahertz)	Nature of service or stations	
5	6	7	8	9	10	11	
173.2-173.4	NG	173.2-173.4	Fixed land mobile.	Base fixed mobile.		PUBLIC SAFETY; INDUSTRIAL.	
173.4-174.0	G						

II. Part 89 of the Commission rules is amended as follows:

1. Section 89.259(f), Table, is amended by the addition of four 173 MHz frequency bands to the frequency table and five new limitations 14, 15, 16, 17, and 18 [are added] to paragraph (g) to read as follows:

§ 89.259 Frequencies available to the local government Radio Services.

(f) • • •

Frequency or band (megahertz)	Class of station(s)	Limitations
158.955	Mobile	14, 16, 17, 18
173.20875	Fixed or mobile	14, 15, 17, 18
173.2100	do	14, 15, 17, 18
173.3900	do	14, 15, 17, 18
173.39625	do	14, 16, 17, 18
216-220	Base or mobile	27

(g) • • •

(14) The maximum power output of the transmitter may not exceed 50 watts for fixed stations and 3 watts for mobile stations. A1, A2, F1, or F2 emission may be authorized and mobile stations used to control remote objects and devices may be operated in the continuous transmit mode.

(15) For FM transmitters the sum of the highest modulating frequency in hertz and the amount of frequency deviation or swing in hertz may not exceed 1700 Hz and the maximum deviation may not exceed 1.2 kHz. For AM transmitters the highest modulating frequency may not exceed 1200 Hz. The carrier frequency must be maintained within 0.0005 percent of the center of the frequency band, and the authorized bandwidth may not exceed 3 kHz.

(16) For FM transmitters the sum of the highest modulating frequency in hertz and the amount of frequency deviation or swing in hertz may not exceed 2800 Hz and the maximum deviation may not exceed 2.5 kHz. For AM transmitters the highest modulating frequency may not exceed 2000 Hz. The carrier frequency must be maintained within 0.0005 percent of the center of the frequency band, and the authorized bandwidth may not exceed 6 kHz.

(17) This frequency band is available on a shared basis with several Industrial Radio Services.

(18) Operational fixed stations must employ directional antennas having a front-to-back ratio of at least 20 dB. Omnidirectional antennas having unity gain may be employed for stations communicating with at least three receiving locations separated by 160° of azimuth.

III. Part 91 of the Commission's rules is amended as follows:

1. Section 91.254 (a) and (b) are amended to read as follows:

§ 91.254 Frequencies available.

(a) • • •

Frequency or band (megahertz)	Class of station(s)	Limitations
171.925	Operational fixed	4
173.20875	Fixed or mobile	18, 20, 22, 23
173.2100	do	20, 21, 22, 23
173.3900	Fixed or mobile	20, 21, 22, 23
173.39625	do	18, 20, 22, 23
216-220	Base or mobile	24

[4] Commissioners Reid and Hooks absent.

(b) • • •

(20) In this frequency band the maximum power output of the transmitter may not exceed 50 watts for fixed stations and 3 watts for mobile stations. A1, A2, F1, or F2 emission may be authorized, and mobile stations used to control remote objects and devices may be operated in the continuous transmit mode.

(23) This frequency band is available on a shared basis with the Local Government and several Industrial Radio Services.

2. Section 91.304(a), Table, and (b) (21) and (25) are amended to read as follows:

§ 91.304 Frequencies available.

(a) • • •

Frequency or band (megahertz)	Class of station(s)	Limitations
171.925	Operational fixed	2
173.20875	Fixed or mobile	21, 24, 25, 26
173.2100	do	21, 23, 25, 26
173.3900	Fixed or mobile	21, 23, 25, 26
173.39625	do	21, 24, 25, 26
216-220	Base or mobile	27

(b) • • •

(21) In this frequency band the maximum power output of the transmitter may not exceed 50 watts for fixed stations and 3 watts for mobile stations. A1, A2, F1, or F2 emission may be authorized, and mobile stations used to control remote objects and devices may be operated in the continuous transmit mode.

(25) This frequency band is available on a shared basis with the Local Government and several Industrial Radio Services.

3. Section 91.354(a), table, and (b) (24) and (26) are amended to read as follows:

§ 91.354 Frequencies available.

(a) • • •

Frequency or band (megahertz)	Class of station(s)	Limitations
171.925	Operational fixed	2
173.20375	Fixed or mobile	22, 24, 25, 26
173.2100	do	23, 24, 25, 26
173.3900	Fixed or mobile	23, 24, 25, 26
173.39625	do	22, 24, 25, 26
216-220	Base or mobile	7

(b) • • •

(24) In this frequency band the maximum power output of the transmitter may not exceed 50 watts for fixed stations and 3 watts for mobile stations. A1, A2, F1, or F2 emission may be authorized, and mobile stations used to control remote objects and devices may be operated in the continuous transmit mode.

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(26) This frequency band is available on a shared basis with the Local Government and several Industrial Radio Services.

• • • • • •

4. Section 91.504(a), table, and (b) (23) and (25) are amended to read as follows:

§ 91.504 Frequencies available.

(a) • • •

Frequency or band (megahertz)	Class of station(s)	General reference	Limitations
•	•	•	•
171.225	Operational fixed.	Hydrological.	4
173.30375	Fixed or mobile.	Permanent use.	21, 23, 24, 25
173.2100	do	do	22, 23, 24, 25
173.3900	do	do	22, 23, 24, 25
173.39625	do	do	21, 23, 24, 25
216–220	Base or mobile	Telemetry	30
•	•	•	•

(b) • • •

(23) In this frequency band the maximum power output of the transmitter may not exceed 50 watts for fixed stations and 3 watts for mobile stations. A1, A2, F1, or F2 emission may be authorized, and mobile stations used to control remote objects and devices may be operated in the continuous transmit mode.

• • • • • •

(25) This frequency band is available on a shared basis with the Local Government and several Industrial Radio Services.

• • • • • •

5. Section 91.554(a), table, and (b) (29) are amended to read as follows:

§ 91.554 Frequencies available.

(a) • • •

Frequency or band (megahertz)	Class of station(s)	General reference	Limitations
•	•	•	•
171.925	Operational fixed	Hydrological	4
173.30375	Mobile	Permanent use	29, 30
173.2100	do	do	29, 31
173.3900	do	do	29, 31
173.39625	do	do	29, 30
216–220	do	Telemetry	45
•	•	•	•

(b) • • •

(29) This frequency band is available on a shared basis with the Local Government and several Industrial Radio Services and may be used for low-power mobile operations for the purpose of remote control and telemetering. The maximum power output of the transmitter may not exceed 3 watts. A1, A2, F1, or F2 emission may be authorized and mobile stations used to control remote objects and devices may be operated in the continuous transmit mode.

• • • • • •

6. Section 91.730(a), table, is amended by the addition of four 173 MHz frequency bands to the frequency table and five new limitations 23, 24, 25, 26, and 27 are added to paragraph (b) to read as follows:

§ 91.730 Frequencies available.

(a) • • •

Frequency or band (megahertz)	Class of station(s)	Limitations
•	•	•
158.430	Base or mobile	1
173.30375	Fixed or mobile	23, 24, 26, 27
173.2100	do	24, 25, 26, 27
173.3900	do	24, 25, 26, 27
173.39625	do	23, 24, 26, 27
216–220	Base or mobile	19
•	•	•

(b) • • •

(23) For FM transmitters the sum of the highest modulating frequency in hertz and the amount of frequency deviation or swing in hertz may not exceed 2800 Hz. and the maximum frequency deviation may not exceed 2000 Hz. The carrier frequency must be maintained within 0.0005 percent of the center of the frequency band, and the authorized bandwidth may not exceed 6 kHz.

(24) In this frequency band the maximum power output of the transmitter may not exceed 50 watts for fixed stations and 3 watts for mobile stations. A1, A2, F1, or F2 emission may be authorized, and mobile stations used to control remote objects and devices may be operated in the continuous transmit mode.

(25) For FM transmitters the sum of the highest modulating frequency in hertz and the amount of frequency deviation or swing in hertz may not exceed 1700 Hz and the maximum deviation may not exceed 1.2 kHz. For AM transmitters the highest modulating frequency may not exceed 1200 Hz. The carrier frequency must be maintained within 0.0005 percent of the center of the frequency band, and the authorized bandwidth may not exceed 3 kHz.

(26) Operational fixed stations must employ directional antennas having a front-to-back ratio of at least 20 dB. Omnidirectional antennas having unity gain may be employed for stations communicating with at least three receiving locations separated by 160° of azimuth.

(27) This frequency band is available on a shared basis with the Local Government and several Industrial Radio Services.

• • • • • •

[FR Doc.74-20338 Filed 9-4-74;8:45 am]

[47 CFR Part 83]

[Docket No. 20148; FCC 74-883]

RADIO-TELEGRAPH AUTO ALARM

Proposed Amendment of Rules and Requirements

In the Matter of amendment of Part 83 to specify radio-telegraph auto alarm receiver timing tolerances, add requirements for reception of additional emissions, and to make editorial changes.

1. Notice of proposed rulemaking in the above entitled matter is hereby given.

2. Components of auto alarms—resistors, capacitances etc.—in general are manufactured to fall within specified tolerances. Variations from a desired nominal value, whether they arise from the manufacturing process itself, from climatic influences, or from degradation due to misuse or aging, are reflected in the auto alarm's timing, which, as a consequence, may take on any of a whole range of values.

3. Present-day marine equipment regulations both international and domestic, however, do not allow for these variations in timing. As the regulations are currently written, equipment is expected in all cases to accept a precisely defined signal and to reject, without exception all other signals, i.e., all signals not meeting the rigid terms of the definition.

4. Unfortunately, this is a desideratum rather than an achieveable goal; equipment designs can only be realized with physical components and, given a batch of them whose elements are all nominally of the same value, their electrical characteristics always exhibit a spread of values. Accordingly equipment manufacturers, unable to guarantee absolute uniformity in the operation of their product, find themselves in a difficult situation: if the equipment they build accepts all the signals it is required to accept, it will not be able to reject all the signals it is required to reject, and vice versa. This proceeding proposes to grant them relief by specifying tolerances on auto-alarm timing that will establish the degree of variation deemed to be acceptable.

5. The International Convention for the Safety of Life at Sea, 1960 (SOLAS), to which the United States is signatory, requires that a certain class of vessels be provided with radiotelegraph auto alarms. These are radio devices, usually unattended, which are capable of receiving over the air an alarm signal transmitted by a distant ship or shore station; they are designed to respond to the signal by actuating an alerting device such as a bell at a location where a watch stander is present. The alarm signal is a radio wave made up, ideally, of twelve four-second dashes separated from each other by one-second spaces.

6. To allow for inaccuracies in sending and for the effect of atmospherics and other unpredictable phenomena, auto-alarm receivers should respond to dashes which are somewhat less or somewhat greater than four seconds in duration and to spaces which may be correspondingly lengthened or shortened. For this reason, regulation 10(a)(ii) of Chapter IV of SOLAS requires that the auto alarm "shall be actuated • • • when the dashes vary in length from 3.5 to as near 6 seconds as possible and the spaces vary in length between 1.5 seconds and the lowest practicable value, preferably not greater than ten milliseconds." This language is essentially repeated in the implementing rule, § 83.554(a)(1) of Part 83 of the FCC Rules and Regulations.

7. The reason for requiring the auto-alarm receiver to accept dashes as short as 3.5 seconds and spaces as long as 1.5 seconds is to take into account guesswork and nervousness on the part of the sender in manual sending, malfunctions in automatic sending, rapid fading of the signal and other such likely but unforeseeable occurrences. The reason for requiring acceptance of dashes as long as 6 seconds and spaces as short as 10 milliseconds is based on the prime consideration that an auto-alarm receiver cannot distinguish between alarm signal dashes and continuous high-level noise or interference, and these may add to the apparent length of a given dash.

8. Assume a vessel at sea somewhere transmits an exact alarm signal—dashes exactly four seconds long separated by spaces exactly one second long. Assume that precisely at the end of a dash the receiving vessel receives a burst of static exactly one second long. Since the auto-alarm receiver cannot distinguish between the signal and atmospherics, it will hear in essence a nine-second dash and obviously will not interpret what it hears as part of an auto alarm signal sequence.

9. However, if a short interval of 10 milliseconds intervenes between the end of the static burst and the beginning of the succeeding four-second dash, and if the auto alarm has been designed to accept the 10 millisecond interval as a legitimate recognizable space, then the incoming signal will not be rejected. The auto alarm will have received what it takes to be a dash of 4.990 seconds (which is acceptable) followed by a space of .010 seconds (which is acceptable) followed in turn by a second acceptable dash.

10. As a worst case, the regulation makes provision for the following sequence: a four-second dash followed in turn by a 10 millisecond space, a 990 millisecond static burst, a four-second dash, another 990 millisecond static burst, a second 10 millisecond space, and then the alarm signal's third four-second dash. To the auto-alarm receiver, the combination of the second dash, flanked by the two 990 millisecond static bursts is indistinguishable from a dash of 5.980 seconds. It is this contingency for which the regulations attempt to allow when they call for acceptance by the auto alarm of dashes "as near six seconds as possible" and spaces at "the lowest practicable value, preferably not greater than ten milliseconds."

11. It is logical to proceed, then, on the assumption that the treaty and implementing regulations intend that auto alarm equipment be required to accept dashes at the lower end, as short as 3.5 seconds and, at the upper end, as close to 6 seconds as possible (but in any event with a duration of at least 5.980 seconds).

12. Since equipment can never be manufactured to exact specifications, manufacturers' tolerances must be considered in arriving at these figures. For the older auto-alarm receives a ±10% tolerance is taken to be reasonable in connection with the timing specifications. Here, setting any unit to have a response with a minimum dash length of 3.18 seconds would guarantee acceptance of a dash of 3.5 seconds by all units within the ±10% tolerance. A higher setting than 3.18 seconds clearly would be in violation of SOLAS and the FCC regulations, since it would ensure that some auto alarms within the ±10% tolerance would be unable to recognize a 3.5 second dash as acceptable.

13. The same may be said of the upper dash value. To strive for a setting of upper dash length of less than 6.66 seconds would make certain that some of the auto alarms falling within the manufacturer's specified 10% tolerance would not accept dashes of 5.98 seconds. This once again would lead to operation in contravention of the quoted SOLAS and FCC regulations.

14. For these reasons it is proposed in what follows that the older types of auto alarms, whose resistance-capacitance timing circuits are assumed to have a long-term tolerance of ±10%, be set at the factory or when serviced in the field, to accept minimum and maximum dash values of 3.18 and 6.67 seconds respectively. This will ensure acceptance by the auto-alarm in service of all dashes varying in length from 3.5 to 6.0 seconds.

15. Correspondingly, it is proposed that the upper value of space length be set at 1.7 seconds. This will make certain that equipment similarly limited by an equipment tolerance of ±10% will accept spaces of 1.5 seconds duration as required by the regulations.

16. One further point should be noted at this time. Regulation 10(a)(3) of Chapter IV of SOLAS and the Commission's implementing regulation, § 83.554(a)(1)(vi) of Part 83 of the FCC Rules and Regulations, require that signals not falling within the previously quoted limits, namely dashes of less than 3.5 or greater than 6 seconds and spaces greater than 1.5 seconds, be rejected by the auto-alarm. It is clear that the intent of these regulations must be reinterpreted to take into account the introduction of equipment tolerances. The limits of the dash interval outside of which dashes are to be rejected must, therefore, be extended on each side by twice the rated tolerance. This will require that dashes less than 2.86 or greater than 7.34 seconds be rejected and that spaces greater than 1.84 seconds also be rejected. Tests carried out by the FCC laboratory have shown a significant degradation of auto-alarm performance in the presence of interfering signals and noise whenever the lower limit of the space is reduced to durations of the order of one or two milliseconds. It is, therefore, also being proposed that a minimum acceptable space length of 5 milliseconds be established; spaces with a duration of less than 5 milliseconds are not to be accepted as a legitimate space.

17. For the newer auto-alarms, e.g., solid state auto-alarms having digital counters activated by stable clocks as the basic timing device, long-term tolerances of the order of ±2% may be expected and should be made mandatory. Under these conditions performance will be improved and the incidence of false calls reduced. For example, calculations given in the attached Annex demonstrate that with a time base of 511 milliseconds, counting 3, 6, and 12 times to establish maximum space, minimum dash, and maximum dash respectively, a tolerance of ±2% will ensure that.

(a) Spaces up to 1.5, and dashes of between 3.5 and 6 seconds will be accepted both in type approval test (under the specified conditions) and in service as installed; and

(b) Spaces greater than 1.6, dashes less than 3.0 or greater than 6.3 seconds will be rejected.

Values of this order are therefore being proposed. Their derivation is given in the Annex.

18. With respect to the number of dashes required to actuate an auto alarm, there is presently an inconsistency in the Commission rules. Section 83.457(a)(1) requires that the apparatus "respond to not less than 4 • • • consecutive dashes." Section 83.554(a)(1)(i) specifies, "The auto alarm shall be capable of being operated by either three or four consecutive dashes • • •" To remove this inconsistency, it is proposed to delete the words "either three or" from the quoted section. In this way the FCC rules, by being restricted to one of the two alternatives provided for in regulation 10(a)(ii) of Chapter IV of SOLAS, become self-consistent on this point.

19. Present regulations require the capability of response to A2 and B emissions. B is no longer a permissible emission and it is proposed to delete the reference to it in the present § 83.554(a)(1)(ii)(b). On the other hand, a change in the Radio Regulations of the International Telecommunications Union now requires reception of A2H emission. Further, since all U.S. approved auto alarms are capable of responding to A1 emission, it would be desirable to require a capability for its reception in the event such an alarm signal is actually transmitted. It is therefore proposed to include provision for the use of A1 and A2H emission in the above-quoted section.

20. Finally, some changes in the type approval test requirements have been proposed. These have to do with requiring tests with signals at additional input levels, emissions, modulating frequencies and percentages of modulation. A presently required noise test is being deleted because it is considered that present-day field tests conducted by the Commission's laboratory include a sufficient variety of noise conditions.

21. The proposed amendments to the rules, as set forth in the Appendix, are issued pursuant to the authority contained in sections 4(i) and 303 (e) and (r) of the Communications Act of 1934, as amended.

22. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before September 23, 1974, and reply comments on or before October 3, 1974. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information be-

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fore it, in addition to the specific comments invited by this Notice.

23. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission. Responses will be available for public inspection during business hours in the Commission's Public Reference Room in its headquarters in Washington, D.C.

Adopted: August 21, 1974.

Released: August 30, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS, *Secretary.*

ANNEX

We consider a system employing clocks and digital counters with a tolerance specified for the clock period. It is required to mark the duration of three intervals given the following constraints:

(a) The interval 0–1.5 seconds, where the indication of 1.5 seconds will come as close to the termination of a true 1.5 second duration as may reasonably be expected in the light of the specified clock tolerance, but in no event to come *before* the completion of the 1.5 second period;

(b) The interval 0–3.5 seconds, where the indication of 3.5 seconds will come as close to the termination of a true 3.5 second duration as may reasonably be expected in the light of the specified clock tolerance, but in no event to extend *beyond* the completion of the 3.5 second period;

(c) The interval 0–6 seconds with constraints similar to those in (a) above.

It is evident that in (a) we should set our clock timing, n, so that at the multiple, m, selected by the counter the interval will be greater than 1.5 seconds by at least an amount generated by the clock tolerance, Tmm. Let the difference mn−1.5=Tmm+p. Simultaneously, (b) requires that we should seek a second multiple, k, of the same clock rate, n, yielding an interval less than 3.5 by at least an amount due to the clock tolerance. Here let 3.5−kn=Tkn+q. If we wish to relate q to p by the ratio of the multiple chosen for each (i.e., if q should be $\frac{k}{m}$ or roughly $\frac{3.5}{1.5}$ times greater than p), then we may proceed as follows:

$$mn-Tmn=1.5+p \quad (1)$$

$$kn+Tkn=3.5+\frac{k}{m}p \quad (2)$$

or

$$bmn+bTmu=3.5+bp \quad (3)$$

where $b=\frac{k}{m}$;

n = the period of the clock in seconds;

m = smallest number of counts yielding an interval of ≧1.5 seconds;

k = greatest number of counts yielding an interval ≦3.5 seconds;

[1] Commissioners Reid and Hooks absent.

T = tolerance of the clock expressed as a decimal;

p = a kind of margin of safety in seconds defined by (1).

From (1) $bmn-bTmn=1.5b+bp$ (4)

From (3) and (4) $2bmn=3.5+1.5b$ (5)

or $mn=.75+\frac{1.75}{b}$ (6)

From (1) and (6)

$$(1-T)\left(.75+\frac{1.75}{b}\right)=1.5+p \quad (7)$$

The optimum case obviously occurs when p=0.

Under this limiting condition, we can solve for b, given any tolerance T.

Thus if we have a clock tolerance of .02, then the limiting value of b is 2.2418300653595. Since b is defined in terms of a rational fraction with integral numerator and denominator, its value may be approximated by the following series of ratios, all less than the limiting value.

TABLE I

Ratio:	Decimal Values
6:3	2.0
11:5	2.3
20:9	2.222
29:13	2.23076923 . . . .
38:17	2.235294 . . . .
47:21	2.238095 . . . .
56:25	2.24
65:29	2.2413793103448
Limit	2.2418300653595

Present day equipment is usually set up for a ratio of 7:3 with a clock timing of n = .5 seconds. This of course allows for a tolerance of zero as may be seen from equation (7).

$$(1-0)\left(.75+\frac{1.75}{\frac{7}{3}}\right)=\frac{3}{4}+\frac{\frac{7}{4}}{\frac{7}{3}}=\frac{3}{4}+\frac{3}{4}$$

$$=1.5$$

Consequently for this value T=p=0 and, therefore, this ratio 7:3 which equals 2.333 . . . . is unacceptable. However, from the point of view of retrofitting, it is desirable to leave n as close as possible to .5 seconds, to have b represented by a simple fraction whose numerator and denominator are integers as close to 7 and 3 respectively as is practicable, and whose T is of the order of .02.

With T equal to .02, three ratios from the table commend themselves to our attention: 6:3, 11:5, and 65:29. The first offers a great advantage in that the retrofit presents no substantial economic problem. The clock timing is changed from .5 seconds to .5416 seconds, and the second count is reduced from 7 to 6. Unfortunately, p is high—of the order of 6%—so that the overall reject is in the neighborhood of 10%. That is to say, with a two percent clock tolerance, when the timing is set to .5416 in order to ensure the legitimacy of a space 1.5 seconds in duration, we can not guarantee the rejection of any space less than 1.6575. And similarly with the upper and lower dash limits.

If we reduce the clock timing to .3091 seconds and use the ratio b = 11:5, then the reject value drops to 1.576 . . or approximately 5%. Here the possibility of false alarms is reduced but the price of retrofitting may be substantially increased.

Lastly, if we reduce the clock timing to .0528 and make use of the ratio b = 65:29, the reject value becomes 1.5614 or a little more than 4% (the theoretical minimum is .04 = 2T). Here the rejection is close to ideal but the retrofitting may pose still greater difficulties.

The analysis thus far is based on a tolerance of T = .02 and the requirement $q=\frac{kp}{m}$. In this connection the simple ratio 9:4 looks attractive but its decimal value is equal to 2.25 and this is clearly greater than the 2.24183 . . . . that is the limit for T=.02.

If however we solve equation (7) for T assuming values of b=2.25 and p=0, we arrive at a value of tolerance equal to .01818. This value is only slightly more difficult to meet than .02, but it gives us the advantages of a high clock period of approximately .382, with low counts of 4 and 9 for the 1.5 and 3.5 intervals respectively. The reject for 1.5 is 1.555 or the minimum possible since p=0 and the reject for 3.5 is 3.375 or the maximum possible since q =0.

Another avenue worth exploring is to remove the restriction that

$$q=\frac{k}{m}p.$$

Here, for a tolerance of .02, a ratio of 12:6:3, and a choice of n = .511, we may arrive at reject values of 1.5637 for 1.5, and 3.0 for 3.5. Other combinations may easily be found. A summary of the cases considered is given in Table II.

TABLE II

Clock tolerance T	$p=\frac{k}{m}$, 0.01818 . . .	$p=\frac{k}{m}$, 0.02			$p\neq\frac{k}{m}$,
Ratio j:k:m	16:9:4	12:6:3	20:11:5	116:65:29	12:6:3
Clock period n (seconds)	.5819444 . . .	.5416	.30909 . . .	.082785 . . .	.511
Mn	1.62777 . . .	1.625	1.54545 . . .	1.53076923 . . .	1.533
Tmn	.02777 . . .	.0325	.030909 . . .	.03061538 . . .	.03066
(1−T) mn	1.5	1.5925	1.514545 . . .	1.50153846	1.50234
(1−T) mn−1.5=p	0	.0925	.014545 . . .	.0001538	.00234
Reject 1.5=(1+T) mn	1.5555 . . .	1.6575	1.576363 . . .	1.56138461	1.56866
Kn	3.4275	3.25	3.4	3.43108448	3.066
Tkn	.0625	.065	.068	.06862069 . . .	.06132
(1+T) kn	3.5	3.315	3.468	3.49965517 . . .	3.12732
3.5−(1+T) kn=q	0	.185	.032	.00034483	.87268
Reject 3.5=(1−T) kn	3.375	3.185	3.532	3.36241379	3.03466

APPENDIX

In § 83.554(a), the introductory text and subparagraphs (1)(i), (1)(ii), (2)(i)(a), and (5)(i) are amended to read as follows:

§ 83.554 Requirements for radiotelegraph auto alarm.

(a) To be type approved by the Commission pursuant to section 3(x) of the Communications Act subsequent to July 1, 1975, radiotelegraph auto alarms shall comply with the following requirements:

(1) *Basic technical requirements.* (i) The auto alarm shall be capable of being operated by four consecutive dashes when the dashes vary in length from 6.0 to 3.5 seconds, and the intervening spaces vary in length between 1.5 seconds and 10 milliseconds. It shall not respond to dashes longer than 6.31 seconds or shorter than 3.33 seconds, nor to spaces longer than 1.58 seconds or shorter than 5 milliseconds except as follows:

(*a*) Auto alarms of the non-digital type employing resistance-capacitance timing covered by type approval granted before October 1, 1969, and placed in service on or before January 1, 1975, need only satisfy the following less stringent rejection limits; the auto alarm shall not respond to dashes longer than 7.40 seconds or shorter than 2.80 seconds, nor to spaces longer than 1.80 seconds or shorter than 5 milliseconds.[1] This exception shall not continue in effect after July 1, 1980.

(*b*) Auto alarms of the digital type employing a stable clock as the basic timing device covered by type approval granted before May 1, 1968, and placed in service on or before January 1, 1975, may be permitted additionally to accept dashes whose lower limit extends beyond 3.33 seconds down to 3.0 seconds.[1] This exception shall not continue in effect after July 1, 1980.

(ii) In the absence of interference of any kind, without manual adjustment during operation, the auto alarm shall be capable of positive and reliable operation with a minimum available signal of 100 microvolts RMS from the antenna circuit. It shall be capable under these conditions of operation on signals of the following classes of emission:

(*a*) A1;

(*b*) A2 (carrier modulated at any given modulation percentage from 30 to 100 percent at any given modulation frequency from 300 to 1350 hertz, inclusive);

(*c*) A2H (carrier keyed and emitted at any given power level from 3 to 6 decibels below peak envelope power, modulated at any given modulation frequency from 300 to 1350 hertz, inclusive).

• • • • • •

(2) • • •

(i) • • •

(*a*) A radio receiver capable of receiving emissions of classes A1, A2, and A2H over the entire frequency range 492 to 508 kHz, inclusive.

• • • • • •

(5) *Requirements as to laboratory tests.* (i) The following tests shall be conducted by the Commission's Laboratory at Laurel, Maryland, and shall be at the expense of the manufacturer or person submitting the auto alarm for approval, in the amounts specified in § 1.1120 of the Commission's Rules for the application filing fee and grant fee, respectively, plus shipping charges. The tests will be conducted using signals with A1, A2, and A2H emission, with modulation percentages and modulation frequencies as described in the following paragraphs, with the auto alarm connected to an artificial antenna consisting of a 20 microhenry inductance, a 500 picofarad capacitor, and a 5 ohm resistor connected in series. The receiver will be tested with its internal sensitivity control (if provided) set at maximum sensitivity, except where otherwise specified herein. The signal levels specified herein refer to the RMS value of signal present at the signal generator output terminal without external loading.

(*a*) Test of sensitivity of the auto alarm at the radio frequency 500 kHz to determine operation of the aural warning device.

(*1*) Measurements of minimum radio frequency signal input, keyed with alarm signal, 30 percent modulated with 300 Hz tone, required to operate aural warning device.

(*2*) Test of operation using 100 microvolts radio frequency input, keyed with alarm signal, 30 percent modulated with 300 Hz tone.

(*3*) Test of operation using 1 volt radio frequency input, keyed with alarm signal, 30 percent modulated with 300 Hz tone.

(*4*) Repeat of tests as in paragraph (a)(5)(i)(*a*)(*1*), (*2*), and (*3*), 30 percent modulated with 1350 Hz tone.

(*5*) Repeat of tests as in paragraph (a)(5)(i)(*a*)(*1*), (*2*), (*3*), *and* (*4*) *of* this section with 100 percent modulated signal.

(*b*) Test to determine operation of aural warning device from a 100 microvolts alarm signal, 30 percent modulated with a 300 hertz tone transmitted on any radio frequency or frequencies selected by the Commission from 492 to 508 kHz, inclusive.

(*c*) Test of auto-alarm operation with internal receiver sensitivity control (if provided) set at minimum setting at which 100 microvolts input on the radio frequency 492 kHz will operate aural warning device with simultaneous inputs of 100 microvolts auto-alarm signal, 30 percent modulation with an 800 hertz tone on 492 kHz and 200,000 microvolts, (800 hertz modulation) unkeyed signal on the frequency 350 kHz; similar tests with the same alarm signal and a 25,000 microvolts, (800 hertz modulation) unkeyed signal on the frequency 460 kHz; similar test with internal receiver sensitivity control (if provided) set at minimum setting at which 100 microvolts input on the frequency 508 kHz will operate aural warning device with simultaneous input of unkeyed signal on the frequency 540 kHz at 25,000 microvolts; and similar test with this latter signal on the frequency 650 kHz at 200,000 microvolts.

(*d*) Test of selector response to and rejection of dashes and spaces as provided in § 83.554(a)(1)(i). The tests will be made on the radio frequency 500 kHz with any input from 100 microvolts to 1 volt RMS, A1, A2, and A2H emission at any modulation from 30 to 100 percent, and any modulation frequency from 300 to 1350 Hz.

• • • • • •

[FR Doc.74-20337 Filed 9-4-74;8:45 am]

[1] The acceptability of an auto alarm during field inspection under the limits specified in this exception will be determined in the absence of interference of any kind.

FEDERAL POWER COMMISSION

[18 CFR Part 141]

[Docket No. RM75-5]

ENVIRONMENTAL PROTECTION FACILITIES AND ACTIVITIES

Cost Reporting Requirements

AUGUST 29, 1974.

Pursuant to 5 U.S.C. 553 and sections 301, 304, and 309 of the Federal Power Act (49 Stat. 854, 855–856, 858–859; 16 U.S.C. 825, 825c, 825h), the Commission gives notice it proposes to amend, effective for the reporting year 1974, certain schedule pages of the Commission's Annual Report Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B) prescribed by § 141.1, Chapter I, Title 18, CFR.

The Commission, considering the extensive environmental programs being undertaken by the electric utilities, believes that it is necessary and expedient for the Commission and the public to have an insight into the kind and magnitude of the costs being incurred for and the operating expenses of the environmental protection facilities and programs.

We recognize that the identification and quantification of "environmental costs" requires judgment. Some guidance is provided to aid in this process. At present, there is an absence of data being reported in the Form No. 1 concerning these costs. We believe that the suggested reporting system will yield valid and reliable information if sufficient objectivity is forthcoming. Obviously, overstated costs would be no better than insufficient data.

We are accordingly proposing the addition of two new schedules to the FPC Annual Report Form No. 1. The first of the proposed schedules would provide for the reporting of capital expenditures incurred in constructing new facilities or modifying existing facilities for the purpose of maintaining or upgrading the quality of the environment, concerning the production, transmission, and distribution of electrical energy. The expenses associated with the operation and maintenance of these facilities and with other environmental programs would be

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reported in the second proposed schedule. The areas of concern to be considered in the schedules would include:

CAPITAL COSTS

1. Air pollution control facilities.
2. Water pollution control facilities.
3. Solid waste disposal costs.
4. Nuclear radiation control facilities.
5. Noise abatement equipment.
6. Esthetic costs.
7. Miscellaneous, with significant costs being identified.

EXPENSE ITEMS

1. Depreciation.
2. Labor, maintenance, materials and supplies costs related to environmental facilities and programs.
3. Fuel related costs.
4. Replacement power, purchased or generated.
5. Interest expense.
6. Taxes and fees.
7. Other, with significant costs being identified.

It is intended that capital cost data (Attachment A)[1] be reported for all existing plant facilities, regardless of age, so long as they are readily identifiable as having been constructed for environmental protection rather than operational purposes. The presence or absence of legislation in each particular jurisdiction requiring specific facilities or activities should not be considered as a limiting factor in determining the applicability of the proposed reporting requirements.

Attachment B[2] provides for the reporting of expenses related to environmental protection activities on an annual basis. These expenses would include, among other things, the difference in cost of environmentally clean low sulfur or low ash fuels over currently available alternative fuels that would otherwise be used. Another item to be included in this schedule would be the cost of replacement power, whether purchased or generated, necessary to compensate for reduced salable output of the respondent's existing plant as a result of the addition of pollution control equipment, use of alternative environmentally preferable fuels or environmental regulations of governmental bodies.

In Attachment A the costs reported are to reflect the difference in cost of facilities or equipment installed for environmental considerations over the cost of alternative facilities which would otherwise be used without environmental considerations. In Attachment B the expenses reported are to reflect the additional costs incurred due to the operation of environmental protection equipment, facilities and programs over operating expenses that would otherwise be incurred without environmental considerations. The basis for determining costs without environmental considerations will be the best engineering design achievable without environmental restrictions.

In those instances where it will be necessary to apportion the cost of plant or determine the excess of one fuel cost over another or any similar instances, it is proposed that the respondents furnish, on the appropriate schedule page and such additional pages as are necessary, the basis of such apportionments or determinations when preparing the schedules.

It is not our intention, at this time, that utilities be required to establish accounting systems to provide for the accumulation of the costs and expenses of environmental protection facilities and programs. The reported costs should be on the basis of the original or actual costs if available, otherwise on a best estimates basis.

The proposed amendments to the FPC Form No. 1 would be issued under the authority granted the Federal Power Commission by the Federal Power Act, as amended, particularly sections 301, 304, and 309 (49 Stat. 854, 855–856, 858–859; 16 U.S.C. 825, 825c, 825h).

(A) It is proposed to amend paragraph (d) of § 141.1, Chapter I, Title 18 of the Code of Federal Regulations by adding two schedules entitled "Environmental Protection Facilities" and "Environmental Protection Expenses" immediately following the schedule entitled "Research and Development Activities." As so amended, that portion of § 141.1 (d) will read:

§ 141.1 Form No. 1 Annual Report for electric utilities, licensees and others (Class A and Class B).

. . . . . .

(d) • • •

Environmental Protection Facilities.
Environmental Protection Expenses.

. . . . . .

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, to be received by October 15, 1974, data, views, comments or suggestions in writing concerning all or part of the proposed revised report forms. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff on the Federal Power Commission to discuss the proposed revisions. The staff, in its discretion, may grant or deny requests for conference.

(B) Effective for the reporting year 1974, it is proposed to revise and add certain schedule pages of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B) prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments A, B, and C hereto.[1]

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-20634 Filed 9-4-74;8:45 am]

[1] Attachments A, B, and C are filed as part of the original document.

[18 CFR Parts 141, 260]

[Docket No. RM75-7]

SCHEDULE PAGES 104 AND 105, ANNUAL REPORT FORMS NO. 1 AND NO. 2

Proposed Amendments

AUGUST 29, 1974.

Pursuant to 5 U.S.C. 553, sections 3, 4, 301, 304, and 309 of the Federal Power Act (41 Stat. 1063, 1064, 1065, 1066; 46 Stat. 798; 49 Stat. 838, 839, 840, 841, 854, 855, 856, 858, 859; 61 Stat. 501; 16 U.S.C. 796, 797, 825, 825c, 825h) and sections 8, 10, and 15 U.S.C. 717g, 717i, 717o) of the Natural Gas Act, the Commission gives notice it proposes to amend, effective January 1, 1974:

A. Certain schedules of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B) prescribed by 18 CFR 141.1.

B. Certain schedules of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by 18 CFR 260.1.[1]

The provisions of this rulemaking would:

Revise instruction 7 on schedule page 104, Officers, and add a new instruction 8 to require disclosure of all officerships or directorships held by officers of the reporting company,

Revise instruction 2 and add two new instructions 4 and 5 on schedule page 105, Directors, to require disclosure of all officerships or directorships held by directors of the reporting company.

The proposed reporting requirements will basically be the same for both officers and directors as follows:

7. (4) Where an officer (director) holds an officership or directorship in another company (or companies), furnish an explanation to include the name and the primary business of the other company, the position held and the nature and extent of transactions between the respondent and the other company(s) during the year.

8. (5) Where an officer (director) maintains a controlling interest or 10 percent or more of the common stock of a company in which he is not an officer or director, disclose in column (e) [(g)] the name and primary business of the other company, and describe the means of control and the nature and extent of transactions between the respondent and the other company(s) during the year.

[1] Attachment filed as part of original document.

[1] Attachments A, B, and C filed as part of the original document.

Our present reporting requirements may not provide adequate disclosure of interlocking officerships and directorships between a regulated company and other companies that may have current or future business relationships with the regulated company. We are proposing that all such interlocking positions be fully disclosed so as to enable this Commission, in carrying out its regulatory responsibilities, and for stockholders, consumers, and the public in general to be cognizant of the possible influence that might be exercised over business operations of the regulated companies by virtue of the interlocking positions.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than October 16, 1974, data, views, comments, or suggestions in writing concerning all or part of the proposed revised report forms. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions. The staff, in its discretion, may grant or deny requests for conference.

(A) Effective for the reporting year 1974, it is proposed to:

(1) Revise schedule pages 104, Officers and 105, Directors, of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others, (Class A and Class B) prescribed by 18 CFR 141.1, all as set out in Attachment A hereto.

(2) Revise schedule pages 104, Officers, and 105, Directors, of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by 18 CFR 260.1, all as set out in Attachment A hereto.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20532 Filed 9-4-74;8:45 am]

[18 CFR Parts 141, 260]

[Docket No. RM75-4]

FPC FORMS

1974 Reporting Year

AUGUST 29, 1974.

Pursuant to 5 U.S.C. 553, sections 301, 304, and 309 of the Federal Power Act (49 Stat. 838, 854, 855–856, 858–859; 16 U.S.C. 825, 825c, 825h) and sections 8, 10, and 16 of the Natural Gas Act (52 Stat. 825–826, 830; 15 U.S.C. 717g, 717i, 717o), the Commission gives notice it proposes to revise for the reporting year 1974.

A. Certain schedules of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B) prescribed by Section 141.1, Chapter 1, Title 18, CFR.

B. Certain schedules of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18, CFR.

The proposed revisions will cause minor reporting changes to various pages in Annual Report Forms No. 1 and No. 2. Primarily the changes will add clarification to existing instructions with only a slight increase in reporting burden. The need for the proposed revisions stem from our past experience in working with the following affected schedules.

FPC FORMS NO. 1 AND NO. 2

Schedule Title	Proposed Changes	Attachment
Statement of retained earnings for the year.	Subheading "Transfers from Account 216.1" added to obtain uniform reporting.	A, p. 117.
Investments	Amends (1) instruction 3 to require reporting of date security is acquired and date of maturity, in column (e) rather than in columns (b) and (c) this will create space to add two new columns entitled "Purchases or Additions During Year" and "Sales or Other Dispositions During Year." These new columns will enlighten interested parties as to the annual activity in this area during the year consistent with similar schedules; and (2) Instruction 4 to clarify that advances subject to repayment currently be included in accounts 145 and 146 and not included in this schedule.	A, p. 202.
Deferred regulatory Commission Expenses.	Eliminates schedule page. This information will be reported on the regulatory Commission expense schedule, p. 353, thus eliminating reporting on this subject on 2 separate schedules.	A, p. 214.
Extraordinary Items	Amends the schedule to provide that column (c) entitled "Related Federal Taxes," will include all income taxes not just Federal income taxes, thus more inclusive reporting.	A, p. 306.
Regulatory Commission expenses	Revises schedule to incorporate information reported on another schedule page 214, deferred regulatory Commission expenses, aforementioned. This will consolidate all reported information relative to this subject on one single schedule. In addition, we are requesting information on annual amortization of these expenses and require that they be classified by departments and account. Ultimately, the information requested will be more meaningful than that now reported.	A, p. 353.
Distribution of salaries and wages	Reporting of the water department distribution of salaries and wages would be eliminated as the information is of little or no use to the Commission.	A, p. 356.

FPC FORM NO. 1

Electric plant acquisition adjustments and accumulated provision for amortization of electric plant acquisition adjustments.	Amends instruction 2 to require a separate subheading for each account "Electric Plant Acquisition Adjustments" and "Accumulated Provision for Amortization of Electric Plant Acquisition Adjustments", and amends instruction 5 to reflect any acquisition adjustment not currently being amortized. Additional columns are added to provide a format consistent with other similar schedules to reflect changes during the year. Information presently reported is not adequate to afford evaluation of activity in this important area.	B, p. 407.
Accumulated provision for depreciation of electric utility plant.	Amends instruction 4 to provide more detail reporting to the extent that retirement work in progress amounts will be reported on a functional basis at year end.	B, p. 408.

FPC FORM NO. 2

Accumulated provision for depreciation of gas utility plant.	Amends instruction 4 to provide more consistent reporting to the extent that retirement work in progress amounts will be reported on a functional basis at year end.	C, p. 508.
Gas plant acquisition adjustments and accumulated provision for amortization of gas plant acquisition adjustments.	Amends instruction 2 to require a separate subheading for each account "Gas Plant Acquisition Adjustments" and "Accumulated Provision for Amortization of Gas Plant Acquisition Adjustments" and amends instruction 5 to reflect any acquisition adjustment not currently being amortized. Additional columns are added to provide a format consistent with other similar schedules to reflect changes during the year. Information presently reported is not adequate to afford evaluation of activity in this important area.	C, p. 513.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, to be received no later than October 15, 1974, data, views, comments or suggestions in writing concerning all or part of the proposed revised report forms. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the

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person filing them requests a conference with the staff on the Federal Power Commission to discuss the proposed revisions. The staff, in its discretion, may grant or deny requests for conference.

(A) Effective for the reporting year 1974, it is proposed to:

(1) Revise certain schedule pages of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others, (Class A and Class B) prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, all as set out in Attachments A and B.[1]

(2) Revise certain schedule pages of FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations all as set out in Attachments A and C.[1]

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH PLUMB,
Secretary.

[FR Doc.74-20533 Filed 9-4-74;8:45 am]

[18 CFR Part 201]

[Docket No. RM75-6]

ADVANCES FOR GAS EXPLORATION, DEVELOPMENT AND PRODUCTION

Uniform System of Accounts

AUGUST 29, 1974.

Pursuant to 5 U.S.C. 553, sections 8, 10, and 16 of the Natural Gas Act (52 Stat. 825, 826, 830; 15 U.S.C. 71g, 717i, 717o), the Commission gives notice it proposes to amend Account 166, Advances for Gas Exploration, Development and Production, in the Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Chapter I, Title 18, CFR.

It has come to the attention of the Commission that a number of advance payment agreements on file with the Commission under Orders No. 465 and 499[2] either do not include provisions for the actual pricing of the gas to be sold to pipeline companies or may include pricing provisions that are inconsistent with our present policies. It has also been found that some contracts enacting advance payments do not provide for long-term commitment to the pipeline company of any natural gas discovered from expenditures of the advance payment.

Either the absence in contracts of pricing provisions or the presence of pricing stipulations inconsistent with our present policies may work to invalidate the advance payment contracts. While Paragraph E of Account 166[3] provides the customer of the pipeline some degree of rate protection, the principal objective of our advance payment program would not be fulfilled if gas does not flow to the advancing pipeline company.

With respect to commitment of any reserves found to the pipeline company, the Commission stated in Order No. 465 and again in Order Denying Rehearing of Order No. 499 (issued February 22, 1974) as a matter of policy that in considering rate base treatment for advances initially, the Commission would consider whether or not a sufficient portion of the gas reserves found as a result of an advance is dedicated to the pipeline making the advance.

The Commission, therefore, proposes to amend Account 166 by amending Paragraph A which would require, as an element of determining rate treatment, that all advance payment agreements shall require dedication to long-term contracts and specify that the selling price of the committed gas shall be governed by and limited to the applicable just and reasonable rate which has been prescribed by the Commission.

Comments are also requested from interested parties on the advisability of imposing an interest element to be included in the refunds when ordered, in compliance with Paragraph E, as a further assurance that the pipeline customers will be protected and compensated when refunds are ordered because the gas is not being sold to the pipeline company making the advance.

The proposed revision to Account 166, Advances for Gas Exploration, Development and Production, of the Commission's Uniform System of Accounts would be issued under authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 8, 10, and 16 (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o).

The following is a proposed amendment to the Uniform System of Accounts for Class A and Class B Natural Gas Companies in Part 201, Chapter I, Title 18 of the Code of Federal Regulations:

Amend the text of the balance sheet account by amending account "166, Advances for Gas Exploration, Development and Production," by adding a new sentence immediately after the second sentence of paragraph A and revising the second sentence of paragraph E. As so amended, account 166 will read:

166 Advances for gas exploration, development and production.

A. • • • All agreements executed after _____ (issuance date of Order No. __) shall specify that (1) the pipeline shall have first call on gas produced under long-term contracts, and (2) the selling price of the gas committed shall be governed by and limited to the applicable just and reasonable rate which has been prescribed by the Commission. • • •

• • • • •

E. • • • Any revenues collected as a result of the advance being included in rate base shall be refunded by the pipeline company to its customers, together with interest at the rate of seven percent per annum, from the date of payment until refunded, within 12 months after the removal of the advance from this account, unless otherwise directed by the Commission. • • •

• • • • •

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, to be received no later than October 15, 1974, data, views, comments or suggestions in writing concerning all or part of the proposals herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions. The staff, in its discretion, may grant or deny requests for conference.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20531 Filed 9-4-74;8:45 am]

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[1] Attachments A, B, and C are filed as part of the original document.

[2] Docket No. R-411 (Renotice), issued December 29, 1972, and Docket No. RM74-4, issued December 28, 1973, respectively.

[3] "When an advance which is or has been included in this account and in rate base results in a source of proven reserves of natural gas, gas deliveries commence but *no gas flows to the pipeline company making such advance*, the amount of the advance shall be removed from this account (and from rate base) and recorded in Account 167, Other Advances for Gas. Any revenues collected as a result of the advance being included in rate base shall be refunded by the pipeline company to its customers within 12 months after the removal of the advance from this account, unless otherwise directed by the Commission. Where there is partial recovery of the advance by gas, in this situation, the amount of the advance transferred from this account to Account 167 and the amount of revenues refunded shall be appropriately apportioned." (Italic added.)

VETERANS ADMINISTRATION

[38 CFR Part 21]

EDUCATIONAL BENEFITS

Extension of Delimiting Period

These changes to §§ 21.1041, 21.1042, 21.3041 and 21.3046 are intended to conform the regulations to the requirements enacted in Public Law 93-337 (88 Stat. 292) which extends the delimiting period from 8 to 10 years for veterans under Chapter 34, Title 38, United States Code and wives, husbands, widows, widowers and certain children under Chapter 35. In addition editorial changes were made in §§ 21.1041(a)(4), 21.3040 (c) and (d) and 21.3041(d) (1) and (3) designed to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans, their dependents and survivors.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (27A1), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before October 7, 1974 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed that amendments to §§ 21.1041(a)(3) and (d), 21.1042, 21.3041(d) introduction and subparagraph (8) and 21.3046 be made effective June 1, 1974.

1. In § 21.1041, paragraph (a)(3) and (4) and the introductory portion of paragraph (d) preceding subparagraph (1) are amended to read as follows:

§ 21.1041 **Periods of entitlement.**

(a) *General.* • • •

(3) The veteran may use his or her entitlement at any time during the 10-year period determined under § 21.1042. It is not required that the entitlement time will be used in consecutive months.

(4) The 36-months limitation may be exceeded where an extension is authorized under paragraph (d) of this section, or where no charge against entitlement is made based on a course or courses pursued at a secondary school level, as provided in § 21.1045(a), pursued by a veteran under the Program of Special Assistance for the Educationally Disadvantaged or by a serviceman or servicewoman under the Predischarge Education program, or pursued by a wife, husband, widow, or widower under the Special Assistance for the Educationally Disadvantaged program.

• • • • •

(d) *Extension.* The period of entitlement, including the 36-months period, may be extended, but not beyond the 10-year delimiting date specified in § 21.1042:

• • • • •

2. Section 21.1042 is revised to read as follows:

§ 21.1042 Ending dates of eligibility.

The ending date of eligibility will be the latest of the following dates:

(a) *General.* No educational assistance will be afforded a veteran later than 10 years after his or her last discharge or release from active duty after January 31, 1955.

(b) *Correction of military records.* If the veteran became eligible for educational assistance as the result of a correction of military records under 10 U.S.C. 1552 or a change, correction, or modification of a discharge or dismissal pursuant to 10 U.S.C. 1553, or other corrective action by competent military authority, educational assistance will not be afforded later than 10 years after the date his or her discharge or dismissal was changed, corrected or modified.

(c) *Initial eligibility*—(1) *Discharge or release before June 1, 1966.* Where eligibility is based on a discharge or release from active duty before June 1, 1966, educational assistance will not be afforded later than May 31, 1976.

(2) *Discharge or release before August 31, 1967.* Where eligibility is based on a discharge or release from active duty before August 31, 1967, educational or training assistance based on a course of apprentice or other on-the-job training, flight training, or farm cooperative training approved under the provisions of § 21.4261, 21.4262, 21.4263 or 21.4264 will not be afforded later than August 30, 1977. (38 U.S.C. 1662).

(d) *Discontinuance.* If the veteran is pursuing a course on the date of expiration of eligibility as determined under this section, the educational assistance allowance will be discontinued effective the day preceding the end of the 10-year period. (38 U.S.C. 1662).

(e) *Periods excluded.* There shall be excluded in computing the 10-year period of eligibility for educational assistance under this section, any period during which the eligible veteran subsequent to his or her last discharge or release from active duty was captured and held as a prisoner of war by a foreign government or power plus any period immediately following the veteran's release from detention during which he or she was hospitalized at a military, civilian, or Veterans Administration medical facility, provided:

(1) the veteran served on or after January 1, 1955, and

(2) the veteran was eligible for educational assistance under the provisions of chapter 34 or chapter 36 of title 38, United States Code. (38 U.S.C. 1662; Pub. L. 93-337; 88 Stat. 292)

3. In § 21.3040, paragraphs (c) and (d) are revised to read as follows:

§ 21.3040 Eligibility; child.

• • • • •

(c) *Age limitation for commencement.* No person is eligible for educational assistance who reached his or her 26th birthday on or before the effective date of a finding of permanent total service-connected disability, or on or before the date the veteran's death occurred, or on or before the 91st day of listing by the Secretary concerned of the member of the Armed Forces on whose service eligibility is claimed as being in one of the missing status categories of § 21.3021(a)(1)(iv) and (3)(ii).

(d) *Termination of eligibility.* No person is eligible for educational assistance beyond his or her 31st birthday, except as provided under § 21.3041(e)(3). In no event may educational assistance be provided after the period of entitlement has been exhausted. In an exceptional case special restorative training may be provided in excess of 36 months. See § 21.3300.

4. In § 21.3041(d), the introductory portion preceding subparagraph (1), and subparagraphs (1), (3) and (8) are amended to read as follows:

§ 21.3041 Periods of eligibility; child.

• • • • •

(d) *Modified ending date.* When one of the following occurs between ages 18 and 26, the ending date will be the eligible person's 26th birthday or 5 years from the date of happening specified in subparagraphs (1) to (7) of this paragraph and 10 years in subparagraph (8) of this paragraph, whichever is later. Where the ending date is subject to modification under more than one of subparagraphs (3), (4), (5), (6) or (7) of this paragraph the more favorable date will apply. In no case will the modified ending date extend beyond the eligible person's 31st birthday.

(1) Effective date of permanent total rating of veteran-parent or the date of notification to him or her of such rating, whichever is the more advantageous to the eligible person. (38 U.S.C. 1712)

• • • • •

(3) Date of first unconditional discharge or release from "duty with the Armed Forces" served as an eligible person if he or she served after age 18 and before age 26. See § 21.3042.

• • • • •

(8) Enactment of Public Law 92-540 (86 Stat. 1074) on October 24, 1972, providing for a course of apprentice or other on-the-job training approved under the provisions of § 21.4261 or 21.4262; that is October 24, 1982 or until age 31, whichever is earlier.

• • • • •

5. Section 21.3046 is revised to read as follows:

§ 21.3046 Periods of eligibility; wives, husbands, widows, and widowers.

The period of eligibility cannot exceed 10 years and can be extended only as provided in paragraph (c) of this section. If eligibility arises before Oc-

V 39 I 173 S EP 5 74 XUM

tober 24, 1972, educational assistance based on a course of apprentice or other on-the-job training, or correspondence approved under the provisions of §§ 21.-4256, 21.4261 and 21.4262 will not be afforded later than October 23, 1982. The period of eligibility of a wife or husband computed under the provisions of paragraph (a) of this section, however, will be recomputed under the provisions of paragraph (b) of this section if her or his status changes to that of widow or widower.

(a) *Wives or husbands.* (1) If the permanent total rating is effective before December 1, 1968, the beginning date of the 10-year period of eligibility is December 1, 1968.

(2) If the permanent total rating is effective on or after December 1, 1968, or the notification to the veteran of such rating was on or after that date, the beginning date of the 10-year period of eligibility is the effective date of the rating or the date of notification, whichever is more advantageous to the wife or husband.

(3) If eligibility arises under § 21.3021 (a) (3) (ii) the beginning date of the 10-year period is December 24, 1970, or the date the member of the Armed Forces on whose service eligibility is based was so listed by the Secretary concerned, whichever last occurs.

(b) *Widows or widowers.* (1) If the veteran's death occurred before December 1, 1968, the beginning date of the 10-year period is December 1, 1968.

(2) If the veteran's death occurred on or after December 1, 1968, the beginning date of the 10-year period is the date of death.

(c) *Extension to ending date.* Wife or husband is enrolled and eligibility ceases for a reason specified in subparagraph (1), (2) or (3): extended to end of quarter or semester for schools operating on quarter or semester system, or for schools not operating on quarter or semester system, to end of course or for 9 weeks, whichever is earlier. In a course pursued exclusively by correspondence, the period of eligibility will be extended to the end of the course or for the total additional amount of instruction that $462 will provide, whichever is less. No extension may exceed maximum entitlement or extend beyond the 10-year delimiting date specified in paragraph (a) of this section. Extension is authorized without regard to whether the midpoint of the quarter, semester or term has been reached. No extension of the period of eligibility will be made where training is pursued in a training establishment as defined in § 21.4200(c).

(1) Veteran is no longer rated permanently and totally disabled.

(2) Wife or husband is divorced from veteran without fault on her or his part.

(3) Spouse no longer is listed in any of the categories of § 21.3021(a) (3) (ii). (38 U.S.C. 1711(b), 1712(b))

Approved: August 29, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-20508 Filed 9-4-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-157]

ADVISORY COMMITTEE TO UNITED STATES SECTION, INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION

Notice of Meeting

Notice is hereby given, pursuant to the provisions of Pub. L. 92-463, that a meeting of the Advisory Committee to the United States Section, International North Pacific Fisheries Commission, will be convened on September 24, 1974 at Montlake Laboratory, Northwest Fisheries Center, National Marine Fisheries Service, 2725 Montlake Boulevard East, Seattle, Washington at 9 a.m. The agenda of the meeting will include discussion of surveillance of foreign fishing fleets, the progress of fisheries research, the Alaska salmon fisheries, the status of halibut and other groundfish stocks in the Bering Sea and Gulf of Alaska, the status of king and tanner crab stocks, the observer program, and world fishery developments as they affect the International North Pacific Fisheries Commission. The meeting on September 24 will be open to the public.

The Advisory Committee will also meet on September 25, 1974. This meeting will not be open to the public inasmuch as the discussion will involve classified matters pertaining to the United States negotiating position to be taken at the 21st Annual Meeting of the International North Pacific Fisheries Commission to be held in Seattle in November, 1974. Pursuant to the North Pacific Fisheries Act of 1954, 1023(c) U.S.C. 16, which provides that the "advisory committee . . . shall be granted opportunity to examine and to be heard on all proposed programs of study and investigation, reports, and recommendations of the United States Section", the members of the Advisory Committee will examine various options for the negotiating position at the Special Meeting, and these considerations must necessarily involve review of classified matters.

ALANSON G. BURT,
International Relations Officer.

AUGUST 22, 1974.

[FR Doc.74-20413 Filed 9-4-74;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T. D. 74-230]

FOREIGN CURRENCIES

Certification of Rates

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-191 for the following country. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Japan yen:	
August 12, 1974	$0.003310
August 13, 1974	.003313
August 14, 1974	.003306
August 15, 1974	.003303
August 16, 1974	.003301
August 19, 1974	.003299
August 20, 1974	.003299
August 21, 1974	.003295
August 22, 1974	.003291
August 23, 1974	.003299

[SEAL] R. N. MARRA,
Director,
Duty Assessment Division.

[FR Doc.74-20542 Filed 9-4-74;8:45 am]

Office of the Secretary

NON-POWERED MECHANICS' TOOLS FROM JAPAN

Antidumping Proceeding Notice

On August 5, 1974, information was received pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that certain non-powered mechanics' tools from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). For the purpose of this notice, the term "non-powered mechanics' tools" means chisels, punches, hammers and sledges, vises, C-clamps, micrometers, vernier calipers, dial indicators, and battery service tools.

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the United States Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

SEPTEMBER 3, 1974.

[FR Doc.74-20654 Filed 9-4-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Notice of Meeting

AUGUST 27, 1974.

The USAF Scientific Advisory Board Aeronautical Systems Division Advisory Group will held a closed meeting on September 19, 1974, from 9 a.m. until 5 p.m., at Air Force Aero Propulsion Laboratory, Wright-Patterson Air Force Base, Ohio.

The Group will receive classified and competition sensitive briefings and discussions on the proposed Tactical Air Command requirement for jet engine diagnostic capabilities including a status report on current technical developments in this area.

For further information, contact the Scientific Advisory Board Secretariat at 202-697-8845.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-20485 Filed 9-4-74;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

SUPERVISORY BOARDS OF CRIMINAL JUSTICE STATE PLANNING AGENCIES AND REGIONAL PLANNING UNITS

Guideline Regarding Representation of Minorities and Women

By virtue of the authority vested in it by 5 U.S.C. 301 and sections 501 and 518(c) of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3701, et seq., as amended by the Crime Control Act of 1973, Pub. L. 93-83, 87 Stat. 197, and consistent with the provisions of Title VI of the Civil Rights Act of 1964 and its implementing regulations, 28 CFR 42.101, et seq., Subpart C, the Law Enforcement Assistance Administration hereby issues this guideline relating to representation on State Planning Agency (SPA) supervisory boards and regional planning unit supervisory boards.

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1. *Purpose.* This guideline provides guidance relating to the requirements of Title VI of the Civil Rights Act of 1964 and section 518(c) of the Crime Control Act of 1973, as they may be applied concerning representation of minorities and women on SPA supervisory boards and regional planning unit supervisory boards.

2. *Scope.* The provisions of this guideline apply to all SPA supervisory boards and all regional planning unit supervisory boards administering LEAA funds.

3. *Requirement.* No individual on the basis of race, color, sex, or national origin shall be denied appointment or selection to serve on supervisory boards of SPAs or regional planning units existing pursuant to section 203(a) of the Crime Control Act of 1973.

4. *Legal implications.* a. The failure of the chief executive of a state to select, for membership on SPA supervisory boards pursuant to Section 203(a) of the Crime Control Act of 1973, otherwise qualified minority or female members of the law enforcement and criminal justice agencies, units of general local government, and public agencies maintaining programs to reduce and control crime, may constitute a violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and section 518(c) of the Crime Control Act of 1973.

b. Similarly, the failure of those responsible for the selection of supervisory boards of regional planning units pursuant to Section 203(a) of the Crime Control Act of 1973, to select otherwise qualified minority or female members of the law enforcement and criminal justice agencies, units of general local government, and public agencies maintaining programs to reduce and control crime, may constitute a violation of Title VI of the Civil Rights Act of 1964 and section 518(c) of the Crime Control Act of 1973.

5. *Effective date.* This guideline shall become effective on September 5, 1974.

DONALD E. SANTARELLI,
Administrator.

[FR Doc.74-20482 Filed 9-4-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Filing of Plat of Survey

1. Plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10 a.m. October 7, 1974.

COPPER RIVER MERIDIAN, ALASKA

T. 7 N., R. 1 W.,
Sec. 1: lots 1, 2, 3, 4, 5, 6, and 7, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 2: lots 1, 2, 3, 4, 5, and 6, S½N½, SW¼, N½SE¼;
Sec. 3: lots 1, 2, 3, 4, 5, and 6, S½N½, E½SW¼, SE¼;
Sec. 4: lots 1, 2, 3, 4, 5, 6, and 7;
Sec. 10: lots 1, 2, 3, 4, and 5, E½, E½NW¼;
Sec. 11: lots 1, 2, and 3, S½NE¼, W½, SE¼;
Sec. 12: lot 1, E½, S½NW¼, SW¼;
Sec. 13: all;
Sec. 14: lots 1 and 2, N½, N½SW¼, SE¼;
Sec. 15: lots 1, 2, 3, 4, 5, 6, and 7, E½E½NE¼;
Sec. 22: lots 1, 2, and 3;
Sec. 23: lots 1, 2, 3, 4, and 5, E½, SE¼NW¼, E½SW¼;
Sec. 24: all;
Sec. 25: all;
Sec. 26: all;
Sec. 27: lots 1, 2, 3, 4, and 5, E½SE¼;
Sec. 34: lots 1, 2, 3, 4, 5, and 6;
Sec. 35: all;
Sec. 36: all.

Containing 9,404.02 acres.

2. This survey is located along the Richardson Highway east of the Gulkana River approximately 5 miles northwest of Gakon, Alaska. The land is generally level except along the west side of the survey where it steps down over a series of benches to the Gulkana River. A great portion of the area within the survey is timbered with black spruce and birch with willow undergrowth. The soil is black loam over sandy clay. A large percentage of the land is swampy, with numerous small ponds and lakes.

3. The public lands affected by this order are open to the operation of the public land laws, subject to any valid existing rights, including PL 92-203, December 18, 1971, Public Land Order 5418, filed March 28, 1974, and the requirements of applicable law, rules and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

CLARK R. NOBLE,
Land Office Manager.

AUGUST 23, 1974.

[FR Doc.74-20479 Filed 9-4-74;8:45 am]

ALASKA

Notice of Filing of Plat of Survey

1. Plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10 a.m. October 7, 1974.

COPPER RIVER MERIDIAN, ALASKA

T. 9 N., R. 1 W.
Sec. 19: lots 1, 2, 3, and 4, E½, E½W½;
Sec. 30: lots 1, 2, 3, and 4, E½, E½W½;
Sec. 31: lots 1, 2, 3, and 4, E½, E½W½;
Sec. 32: all.

Containing 2,542.88 acres.

2. This portion of survey lies on the east side of the Richardson Highway near the small settlement of Sourdough, Alaska. The elevation is between 1950 and 2100 feet above sea level. The soil is mostly clay or black muck covered with 4 to 6 inches of moss and forest duff.

The land is nearly level with the exception of the rolling land along Sourdough Creek, which meanders along the lines between sections 19 and 24 and the north one-half between sections 25 and 30.

The timber is mostly black spruce, with some aspen on the higher ground and white spruce along the creek bottom.

Numerous, small swampy potholes and thickets of dense willow or alder undergrowth occur throughout the survey.

3. The public lands affected by this order are open to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 5418, filed March 28, 1974, and the requirements of applicable law, rules and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

CLARK R. NOBLE,
Land Office Manager.

AUGUST 23, 1974.

[FR Doc.74-20480 Filed 9-4-74;8:45 am]

ALASKA

Notice of Filing of Plat of Survey

1. Plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10 a.m., October 7, 1974.

COPPER RIVER MERIDIAN, ALASKA

T. 11 N., R. 8 E.
Sec. 14: lots 1, 2, 3, and 4, NW¼SE¼, N½SW¼, SE¼SW¼;
Sec. 15: lot 1, N½SE¼, SW¼, SW¼SE¼;
Sec. 16: S½;
Sec. 17: SE¼;
Sec. 19: lots 1 and 2, E½SW¼, SE¼;
Sec. 20: lots 1, 2, 3, and 4, E½NE¼SW¼, E½, S½SW¼SW¼;
Sec. 21: lots 1, 2, 3, 4, 5, 6, 7, and 8, NE¼SE¼NE¼, E½NW¼SE¼NE¼, SE¼NW¼, W½NW¼, N½SW¼, SW¼SW¼;
Sec. 22: lots 1, 2, 3, 4, 5, 6, 7, and 8, NW¼NE¼, N½NW¼;
Sec. 23: lots 1, 2, 3, 4 and 5, NE¼NW¼, S½NW¼;
Sec. 28: lot 1;
Sec. 29: lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, NE¼NW¼, N½NW¼NW¼;
Sec. 30: lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, N½NE¼NE¼, W½NW¼NE¼, NE¼NW¼NE¼, N½SE¼NW¼NE¼, SE¼NE¼NE¼, E½NW¼.

Containing 3,329.71 acres.

2. The land encompassed by this survey is situated around the village of Slana, Alaska, at the junction of Glenn Highway and Nabesna Road, about 65 miles southeast of Tok Junction.

The land is rolling, and varies in elevation from about 2200 feet to above 2600 feet above sea level.

The soil is thin and rocky throughout the area.

A heavy stand of cottonwood, spruce, birch and aspen cover the land, however, a large portion of this has been burned over in a recent forest fire.

The Glenn Highway traverses the entire length of the surveyed area in a northeast and southwesterly direction while the Nabesna Road crosses sections 29 and 30 in the southeast portion of the survey.

The Slana River forms the south boundary of the survey, flowing in a southeasterly direction.

3. The public lands affected by this order are open to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including PL 92-203, December 18, 1971, Public Land Order 5418, filed March 1974, and the requirements of applicable law, rules and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

CLARK R. NOBLE,
Land Office Manager.

AUGUST 23, 1974.

[FR Doc.74-20481 Filed 9-4-74;8:45 am]

[NM 22737]

NEW MEXICO

Notice of Application

AUGUST 26, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for a 6 and 8 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 16 S., R. 27 E.,
Sec. 12, SE¼NE¼, E½SE¼ and SW¼SE¼.
T. 17 S., R. 28 E.,
Sec. 3, Lot 20;
Sec. 10, N½NE¼, SW¼NE¼, SE¼NW¼, N½SW¼ and SW¼SW¼;
Sec. 21, NW¼NE¼ and E½NW¼;
Sec. 29, SW¼NE¼ and SE¼SW¼.
T. 16 S., R. 29 E.,
Sec. 6, E½SE¼;
Sec. 9, NW¼SW¼;
Sec. 17, N½NE¼, SW¼NE¼, SE¼NW¼, E½SW¼ and SW¼SW¼;
Sec. 19, SE¼NE¼ and NE¼SE¼;
Sec. 20, W½NW¼;
Sec. 30, Lots 3, 4 E½NW¼ and NE¼SW¼.

This pipeline will convey natural gas across 6.078 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-20503 Filed 9-4-74;8:45 am]

[NM 22774, 22775, 22776, 22778, 22781, 22782 and 22783]

NEW MEXICO

Notice of Applications

AUGUST 27, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for six 4½ inch and one 2⅜ inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 N., R. 6 W.,
Sec. 5, Lot 5;
Sec. 6, Lots 7, 8 and 10;
Sec. 12, S½NE¼;
Sec. 21, N½SW¼ and W½SE¼;
Sec. 35, Lots 7, 8 and 11.

These pipelines will convey natural gas across 1.444 miles of national resource lands in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-20504 Filed 9-4-74;8:45 am]

Bureau of Reclamation

FLATHEAD NATIONAL FOREST, MONTANA

Transfer of Administrative Jurisdiction of Land at Hungry Horse Project

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the act of July 9, 1965 (79 Stat. 213) and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 FR 3426), jurisdiction over the following described lands, which lie within the exterior boundaries of the Flathead National Forest, Montana, and which were acquired by the Bureau of Reclamation in the development of the Hungry Horse Dam and Reservoir, Hungry Horse Project, Montana, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes: Portions of sections 5 and 8, T. 30 N., R. 19 W., Montana Principal Meridian, Montana, as hereinafter more specifically described:

A tract of land containing two and 31/100 (2.31) acres, more or less, lying in and being that portion of Lot fourteen (14) in Section five (5), Township thirty (30) North, Range nineteen (19) West, M.P.M., identified as Lot forty-nine (49) of Wagsmith Villa as the same is shown platted on the official plat of the said Wagsmith Villa on file in the office of the County Clerk and Recorder, County of Flathead, State of Montana, and described by metes and bounds as follows: Beginning at the point of intersection of the South right-of-way boundary for existing Roosevelt Highway No. 2 with the South boundary of Section five (5), Township thirty (30) North, Range nineteen (19) West, M.P.M., said point being easterly a distance of 217.8 feet from the South quarter (S1/4) corner of said Section 5; thence along said South right-of-way boundary line on a curve to the left having a radius of 1472.5 feet, a distance of 130 feet, thence on a radial line South 20°16' East, a distance of 10 feet; thence continuing along said right-of-way boundary on a curve to the left having a radius of 1482.5 feet, a distance of 119.5 feet; thence along said right-of-way boundary North 69°44' East, a distance of 606.5 feet; thence South 269.6 feet to a point on the South boundary of said Section five (5); thence West along the said South boundary of Section five (5), a distance of approximately 826.8 feet to the point of beginning;

Also, a tract of land containing fifty-two and 07/100 (52.07) acres, more or less, lying in and being that portion of the North half of the Northeast quarter (N1/2 NE1/4) of Section eight (8), Township thirty (30) North, Range nineteen (19) West, M.P.M., particularly described as follows: Beginning at the North one-quarter (N1/4) corner of said Section 8; thence easterly along the North boundary thereof to a point being located a distance of 288.0 feet westerly from the Southeast corner of Lot 14 in Section 5, Township 30 North, Range 19 West, M.P.M., said point being also sometimes described as being easterly 1031.7 feet from the North one-quarter (N1/4) corner of said Section 8; thence approximately South 42° East, a distance of 1,000 feet; thence approximately South 58°31' East, a distance of 1104.4 feet, more or less, to the North 1/16 corner between Sections 8 and 9; thence westerly along the North 1/16 line of said Section 8 approximately 2,642.6 feet to the North 1/16 corner thereof; thence northerly along the North and South midsection line of said Section 8, a distance of 1,320 feet, more or less, to the North 1/4 corner thereof, the point of beginning;

Also, a tract of land containing fifty two and 8/100 (52.8) acres, more or less, lying in and being that portion of the northwest quarter (NW1/4) of Section eight (8), Township thirty (30) North, Range Nineteen (19) West, M.P.M., particularly described as follows: Beginning at the North 1/4 corner of said Section 8, Township 30 North, Range 19 West, M.P.M., thence westerly along the North boundary thereof a distance of 990 feet; thence southerly parallel to the North and South midsection line, a distance of 1320 feet, more or less, to the point of intersection with the North 1/16 line; thence easterly along the North 1/16 line, a distance of 481.80 feet, more or less, to the intersection with the extended East line of the east curb of Second Street of Hungry Horse Government Camp; thence South 00°01'34" West along the East line of the east curb of Second Street a distance of 990.34 feet, more or less, to the intersection with the South line of the south curb of South Street or Hungry Horse Government Camp, said point being North 56° 34'54" West a distance of 602.6 feet from the center of said Section 8; thence North 89°58'25" West along the South line of the south curb of South Street a distance of 980.56 feet; thence South 00°14'40" West a distance of 339.97 feet, more or less, to a point on the East and West midsection line of Section 8; thence easterly along the East and West midsection line, a distance of 1485 feet, more or less, to the center of said Section 8; thence northerly along the North and South midsection line, a distance of 2640 feet, more or less, to the point of beginning.

The total area in the aforementioned tracts is one hundred seven and 18/100 (107.18) acres.

Pursuant to said section 7(c) of the aforesaid act of July 9, 1965, the above lands shall become National Forest lands, provided, that all lands and waters within the Hungry Horse Project area needed or used for the operation of the project or for other Reclamation purposes shall

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continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective on September 5, 1974.

Dated: August 28, 1974.

GILBERT G. STAMM,
Commissioner,
Bureau of Reclamation.

[FR Doc.74-20463 Filed 9-4-74;8:45 am]

RIO GRANDE NATIONAL FOREST, COLORADO

Transfer of Administrative Jurisdiction of Land at Platoro Reservoir of the San Luis Project

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the act of July 9, 1965 (79 Stat. 213), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 FR 3426), jurisdiction over the following described lands, which lie within the exterior boundaries of the Rio Grande National Forest, Colorado, and which were acquired by the Bureau of Reclamation in the development of the Platoro Reservoir, San Luis Project, Colorado, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes: All or part of nine mining claims located in T. 36 N., R. 4 E., New Mexico Principal Meridian, as hereinafter more specifically described:

TRACT 1

"Ninety-six Lode" mining claim designated by the Surveyor-General as Lot No. 16746 embracing a portion of Township Thirty-Six North, Range Four East, New Mexico Meridian, Ute Mining District, within the County of Conejos, State of Colorado; "Annex Lode" mining claim designated by the Surveyor-General as Lot No. 19406 embracing a portion of Township Thirty-Six North, Range Four East, New Mexico Meridian, Ute Mining District, within the County of Conejos, State of Colorado; "Jim Walker Lode" mining claim designated by the Surveyor-General as Lot No. 19407 embracing a portion of Township Thirty-Six North, Range Four East, New Mexico Meridian, Ute Mining District, being 20.398 acres within the County of Conejos, State of Colorado.

TRACT 2

"Fortune Teller Lode" mining claim designated by the Surveyor-General as Lot No. 12847 embracing a portion of Township Thirty-Six North, Range Four East, New Mexico Meridian, Ute Mining District being 10.331 acres within the County of Conejos, State of Colorado.

TRACT 3

(1) "Julia Lode" mining claim designated by the Surveyor-General as Lot No. 6604 embracing a portion of Township Thirty-Six North, Ranged Four East, New Mexico Meridian, Ute Mining District, being 10.321 acres with the County of Conejos, State of Colorado.

(2) That part of the following mining claims lying below the high water line of the Platoro Reservoir: "Palmer Lode" mining claim designated by the Surveyor-General as Lot No. 6342A; "Forest King Lode" mining claim designated by the Surveyor-General as Lot No. 6342A; "Alta Lode" mining claim designated by the Surveyor-General as Lot No. 6342A; "Omaha Lode" mining claim designated by the Surveyor-General as Lot No. 6604, said high water line of the Platoro Reservoir is described as follows: "Beginning at a point where the high water line of the Platoro Reservoir crosses the western boundary of the Palmer claim of the Forest King group, coordinates of which are E 99,478 N 97,608, which point lies in a Southeasterly direction 1430 feet from the Northwest corner of the said Palmer claim, coordinates of which are E 99,172 N 99,000 and 75 feet Northwest of the Southwest corner of said Palmer claim, the coordinates of which are E 99,500 N 97,530; thence N 32°49' E 189 feet; thence N 34°09' E 156 feet; thence N 15°54' E 356 feet; thence N 16°20' E 199 feet; thence N 00°51' E 93 feet; thence N 45°06' E 330 feet; thence N 30°49' E 84 feet; thence N 06°34' E 327 feet; thence N 12°53' E 126 feet; thence N 19°06' E 103 feet; thence N 36°04' E 80 feet; thence N 50°05' E 92 feet; thence N 64°37' E 83 feet, to a point where the high water line crosses the eastern boundary of the Omaha claim, of the Forest King group, coordinates of which are E 100,332 N 99,838. From which point the Northeast corner of the Omaha claim lies 30 feet in a Northwesterly direction, the coordinates of which are E 100,325 N 99,962 being 18.914 acres more or less, within Conejos County, Colorado.

The lands described aggregate 59.964 acres, more or less.

Pursuant to said section 7(c) of the aforesaid act of July 9, 1965, the above lands shall become National Forest lands, provided, that all lands and waters within the Platoro Reservoir area needed or used for the operation of the project or for other Reclamation purposes shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective on September 5, 1974.

Dated: August 28, 1974.

GILBERT G. STAMM,
Commissioner,
Bureau of Reclamation.

[FR Doc.74-20464 Filed 9-4-74;8:45 am]

Geological Survey

OIL AND GAS PRODUCTION RATES, PREVENTION OF WASTE, AND PROTECTION OF CORRELATIVE RIGHTS

Notice of Proposed Order No. 11, Pacific Area

Notice is hereby given that pursuant to 30 CFR 250.1, 30 CFR 250.11 and in accordance with all other applicable provisions of 30 CFR Part 250, the Chief, Conservation Division, Geological Survey, proposes to initiate OCS Order No. 11 for the Pacific Area as set forth below.

The purpose of proposed OCS No. 11 is to provide oil and gas production rates, prevention of waste and protection of correlative rights in the Pacific OCS Area.

Interested persons may submit written comments, suggestions and objections concerning the proposed Order to the Director, U.S. Geological Survey, National Center, Mail Stop 101, 12201 Sunrise Valley Drive, Reston, Virginia 22092 on or before November 1, 1974.

V. E. MCKELVEY,
Director.

NOTICE TO LESSEES AND OPERATORS OF FEDERAL OIL AND GAS LEASES IN THE OUTER CONTINENTAL SHELF, PACIFIC AREA

[OCS Order No. 11]

Effective ____

OIL AND GAS PRODUCTION RATES, PREVENTION OF WASTE, AND PROTECTION OF CORRELATIVE RIGHTS

This Order is established pursuant to the authority prescribed in 30 CFR 250.1, 30 CFR 250.11, and in accordance with all other applicable provisions of 30 CFR Part 250, and the Notice appearing in the FEDERAL REGISTER, dated December 5, 1970 (35 FR 18559), to provide for the prevention of waste and conservation of the natural resources of the Outer Continental Shelf, and the protection of correlative rights therein. This Order shall be applicable to all oil and gas wells on Federal leases in the Outer Continental Shelf of the Pacific Area. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 250.12(b). References in this Order to approvals, determinations, and requirements for submitting of information or applications for approval are to those granted, made, or required by the Oil and Gas Supervisor or his delegated representative.

1. *Definition of Terms.* As used in this Order, the following terms shall have the meanings indicated:

A. *Waste of Oil and Gas.* The definition of waste appearing in 30 CFR 250.2(h) shall apply, and includes the failure to timely initiate enhanced recovery operations where such methods would result in an increased ultimate recovery of oil or gas under sound engineering and economic principles. Enhanced recovery operations refers to pressure maintenance operations, secondary and tertiary recovery, cycling, and similar recovery operations which alter the natural forces in a reservoir to increase the ultimate recovery of oil or gas.

B. *Correlative Rights.* The opportunity afforded each lessee or operator to produce without waste his just and equitable share of oil and gas from a common source of supply.

C. *Maximum Efficient Rate (MER).* The maximum sustainable daily oil or gas withdrawal rate from a reservoir which will permit economic development and depletion of that reservoir without detriment to ultimate recovery.

D. *Maximum Production Rate (MPR).* The approved maximum daily rate at which oil may be produced from a specified oil well completion or the maximum approved daily rate at which gas may be produced from a specified gas well completion.

E. *Interested Party.* The operators and lessees, as defined in 30 CFR 250.2 (f) and (g), of the lease or leases involved in any proceeding initiated under this Order.

F. *Reservoir.* An oil or gas accumulation which is separated from and not in oil or gas communication with any other such accumulation.

G. *Competitive Reservoir.* A reservoir as defined herein containing one or more producible or producing well completions on each of two or more leases, or portions thereof, in which the lease or operating interests are not the same.

H. *Property Line.* A boundary dividing leases, or portions thereof, in which the lease or operating interest is not the same. The boundaries of Federally approved unit areas shall be considered property lines. The boundaries dividing leased and unleased acreage shall be considered property lines for the purpose of this Order.

I. *Oil Reservoir.* A reservoir that contains hydrocarbons predominantly in a liquid (single-phase) state.

J. *Oil Well Completion.* A well completed in an oil reservoir or in the oil accumulation of an oil reservoir with an associated gas cap.

K. *Gas Reservoir.* A reservoir that contains hydrocarbons predominantly in a gaseous (single-phase) state.

L. *Gas Well Completion.* A well completed in a gas reservoir or in the gas cap of an oil reservoir with an associated gas cap.

M. *Oil Reservoir with an Associated Gas Cap.* A reservoir that contains hydrocarbons in both a liquid and a gaseous state (two-phase).

N. *Producible Well Completion.* A well which is physically capable of production and which is shut in at the wellhead or at the surface, but not necessarily connected to production facilities, and from which the operator plans future production.

2. *Classification of Reservoirs.*—A. *Initial Classification.* Each producing reservoir shall be classified by the operator, subject to approval by the Supervisor, as an oil reservoir, an oil reservoir with an associated gas cap, or a gas reservoir.

(1) The initial classification of each reservoir from which production is commenced subsequent to the date of this Order shall be submitted for approval with the initial submittal of MER data for the reservoir.

(2) Each reservoir from which production commenced on or prior to the date of this Order shall be classified by the operator, based on existing reservoir conditions. Such classification shall be determined and submitted to the Supervisor within six (6) months of the date of this Order.

B. *Reclassification.* A reservoir may be reclassified by the Supervisor, on his own initiative or upon application of an operator, during its productive life when information becomes available showing that such reclassification is warranted.

3. *Oil and Gas Production Rates.*—A. *Maximum Efficient Rate (MER).* The operator shall propose a maximum efficient rate (MER) for each producing reservoir based on sound engineering and economic principles. When approved at the proposed or other rate, such rate shall not be exceeded, except as provided in paragraph 4 of this Order.

(1) *Submittal of Initial MER.* Within 45 days after the date of first production or such longer period as may be approved, the operator shall submit a Request for Reservoir MER (Form 9–1866) with appropriate supporting information.

(2) *Revision of MER.* The operator may request a revision of an MER by submitting the proposed revision to the Supervisor on a Request for Reservoir MER (Form 9–1866) with appropriate supporting information. The Operator shall obtain approval to produce at test rates which exceed an approved MER when such testing is necessary to substantiate an increase in the MER.

(3) *Review of MER.* The MER for each reservoir will be reviewed by the operator annually, or at such other required or approved interval of time. The results of the review, with all current supporting information, shall be submitted on a Request for Reservoir MER (Form 9–1866).

(4) *Effective Data of MER.* The effective date of an MER, or revision thereof, will be determined by the Supervisor and shown on a Request for Reservoir MER (Form 9–1866) when the MER is approved. The effective data for an initial MER shall be the first day following the completion of an approved testing period. The effective date for a revised MER shall be the first day following the completion of an approved testing period, or if testing is not conducted, the date the revision is approved.

B. *Maximum Production Rate (MPR).* The operator shall propose a maximum production rate (MPR) for each producing well completion in a reservoir together with full information on the method used in its determination. When an MPR has been approved for a well completion, that rate shall not be exceeded except as provided in paragraph 4 of this Order. The MPR shall be based on well tests and any limitations imposed by (1) well tubing, safety equipment, artificial lift equipment, surface back pressure, and equipment capacity; (2) sand producing problems; (3) producing gas-oil and water-oil ratios; (4) relative structural position of the well with respect to gas-oil or water-oil contacts; (5) position of perforated interval within total production zone; and (6) prudent operating practices. The MPR established for well completion shall not exceed 110 percent of the rate demonstrated by a well test unless justified by supporting information.

(1) *Submittal of Initial MPR.* The operator shall have 30 days from the date of first continuous production within which to conduct a potential test, as specified under subparagraphs 5.B and 6.B of this Order, on all new and reworked well completions. Within 15 days after the date of the potential test, the operator shall submit a proposed MPR for the individual well completion on a Request for Well Maximum Production Rate (MPR) (Form 9–1867), with the results of the potential test on a Well Potential Test Report (Form 9–1868). Extension of the 30-day test period may be granted. The effective date for any approved initial MPR shall be the first day following the test period. During the 30-day period allowed for testing, or any approved extensions thereof, the operator may produce a new or reworked well completion at rates necessary to establish the MPR. The operator shall report the total production obtained during the test period, and approved extensions thereof, on the Well Potential Test Report (Form 9–1868).

(2) *Revision of MPR Increase.* If necessary to test a well completion at rates above the approved MPR to determine whether the MPR should be increased, notification of intent to test the well at such higher rates, not to exceed a stated maximum rate during a specified test period, shall be filed with the Supervisor. Such tests may commence on the day following the date of filing notification, unless otherwise ordered by the Supervisor. If an operator determines that the MPR should be increased he shall submit, within 15 days after the specified test period, a proposed increased MPR on a Request for Well Maximum Production Rate MPR) (Form 9–1867), and any other available data to support the requested revision, including the results of the potential test and the total production obtained during the test period on a Well Potential Test Report (Form 9–1868). Prior to approval of the proposed increased MPR, the operator may produce the well completion at a rate not to exceed the proposed increased MPR of the well. The effective date for any approved increased MPR shall be the first day following the test period. If testing rates or increased MPR rates result in production from the reservoir in excess of the approved MER, this excess production shall be balanced by underproduction from the reservoir under the provisions of subparagraph 4.B of this Order.

(3) *Revision of MPR Decrease.* When the quarterly test rate for an oil well completion or the semiannual test rate for a gas well completion required under subparagraphs 5.C and 6.C of this Order is less than 90 percent of the existing approved MPR for the well, a new reduced MPR will be established automatically for that well completion equal to 110 percent of the test rate submitted. The effective date for the new MPR for such well completion shall be the first day of the quarter following the required date of submittal of periodic well-test results under subparagraphs 5.C and 6.C of this Order. Also, the operator may notify the Supervisor on a Request for Well Maximum Production Rate (MPR) (Form 9–1867) of, or the Supervisor may require, a downward revision of a well MPR at any time when the well is no longer capable of producing its approved MPR on a sustained basis. The effective date for such reduced MPR for a well completion shall be the first day of the month following the date of notification.

(4) *Continuation of MPR.* If submittal of the results of a quarterly well test for an oil completion or a semi-annual well test for a gas well completion, as provided for in subparagraphs 5.C and 6.C of this Order, cannot be timely, continuation of production under the last approved MPR for the well may be authorized, provided an extension of time in which to submit the test results is requested and approved in advance.

(5) *Cancellation of MPR.* When a well completion ceases to produce, is shut in pending workover, or any other condition exists which causes the assigned MPR to be no longer appropriate, the operator shall notify the Supervisor accordingly on a Request for Well Maximum Production Rate (MPR) (Form 9–1867), indicating the date of last production from the well, and the MPR will be canceled. Reporting of temporary shut-ins by the operator for well maintenance, safety conditions, or other normal operating conditions is not required, except as is necessary for completion of the Monthly Report of Operations (Form 9–152).

C. *MER and MPR Relationship.* The withdrawal rate from a reservoir shall not exceed the approved MER and may be produced from any combination of well completions subject to any limitations imposed by the MPR established for each well completion. The rate of production from the reservoir shall not exceed the MER although the summation of individual well MPR's may be greater than the MER.

4. *Balancing of Production.*—A. *Production Variances.* Temporary well production rates, resulting from normal variations and fluctuations exceeding a well MPR or reservoir MER shall not be considered a violation of this Order, and such production may be sold or transferred pursuant to paragraph 8 of this Order. However, when normal variations and fluctuations result in production in excess of a reservoir MER, any operator who is overproduced shall balance such production in accordance with subparagraph 4.B below. Such operator shall advise the Supervisor of the amount of such excess production from the reservoir for the month at the same time as Form 9–152 is filed for that month.

B. *Balancing Periods.* As of the first day of the month following the month in which this Order becomes effective, all reservoirs shall be considered in balance. Balancing periods for overproduction of a reservoir MER shall end on January 1, April 1, July 1, and October 1 of each year. If a reservoir is produced at a rate in excess of the MER for any month, the operator who is overproduced shall take steps to balance production during the next succeeding month. In any event, all overproduction shall be balanced by the end of the next succeeding quarter following the quarter in which the overproduction occurred. The operator shall

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notify the Supervisor at the end of the month in which he has balanced the production from an overproduced reservoir.

C. *Shut-in for Overproduction.* Any operator in an overproduction status in any reservoir for two successive quarters which has not been brought into balance within the balancing period shall be shut in from that reservoir until the actual production equals that which would have occurred under the approved MER.

D. *Temporary Shut-in.* If, as the result of storm, hurricanes, emergencies, or other conditions peculiar to offshore operations, an operator is forced to curtail or shut in production from a reservoir, the Supervisor may, on request, approve makeup of all or part of this production loss.

5. *Oil Well Testing Procedures.*—A. *General.* Tests shall be conducted for not less than four consecutive hours. Immediately prior to the 4-hour test period, the well completion shall have produced under stabilized conditions for a period of not less than six consecutive hours. The 6-hour pretest period shall not begin until after recovery of a volume of fluid equivalent to the amount of fluids introduced into the formation for any purpose. Measured gas volumes shall be adjusted to the standard conditions of 15.025 psia and 60° F. for all tests. When orifice meters are used, a specific gravity shall be obtained or estimated for the gas and a specific gravity correction factor applied to the orifice coefficient. The Supervisor may require a prolonged test or retest of a well completion if such test is determined to be necessary for the establishment of a well MPR or a reservoir MER. The Supervisor may approve test periods of less than four hours and pretest stabilization periods of less than six hours for well completions, provided that test reliability can be demonstrated under such procedures.

B. *Potential Test.* Test data to establish or to increase an oil well MPR shall be submitted on a Well Potential Test Report (Form 9–1868). The total production obtained from all tests during the test period shall be reported on such form.

C. *Quarterly Test.* Tests shall be conducted on each producing oil well completion quarterly, and test results shall be submitted on a Quarterly Oil Well Test Report (Form 9–1869). Testing periods and submittal dates shall be as follows:

Testing period	Latest date for submittal of test results	For quarter beginning
September 11 to December 10	December 10	January 1
December 11 to March 10	March 10	April 1
March 11 to June 10	June 10	July 1
June 11 to September 10	September 10	October 1

There shall be a minimum of 45 days between quarterly tests for an oil well completion.

6. *Gas Well Testing Procedures.*—A. *General.* Testing procedures for gas well completions shall be the same as those specified for oil well completions in subparagraph 5.A except for the initial test which shall be a multi-point back-pressure test as described in paragraph 6.D.

B. *Potential Test.* Test data to establish or to increase a gas well MPR shall be submitted on a Well Potential Test Report (Form 9–1868).

C. *Semiannual Test.* Tests shall be conducted on each producing gas well completion semiannually, and test results shall be submitted on a Semiannual Gas Well Test Report (Form 9–1870). Testing periods and submittal dates shall be as follows:

Testing period	For submittal of test results	For semi-annual period beginning
June 11 to December 10	December 10	January 1
December 11 to June 10	June 10	July 1

There shall be a minimum of 90 days between semiannual tests for a gas well completion.

D. *Back-Pressure Tests.* A multi-point back-pressure test to determine the theoretical open-flow potential of gas wells shall be conducted within thirty days after connection to a pipeline. If bottom-hole pressures are not measured, such pressures shall be calculated from surface pressures using the method, or other similar method, found in the Interstate Oil Compact Commission (IOCC) Manual of Back-Pressure Testing of gas wells. The results of all back-pressure tests conducted by the operator shall be filed with the Supervisor, including all basic data used in determining the test results. The Supervisor may waive this requirement if multi-point back-pressure test information has previously been obtained on a representative number of wells in a reservoir.

7. *Witnessing Well Tests.* The Supervisor may have a representative witness any potential or periodic well tests on oil and gas well completions. Upon request, an operator shall notify the appropriate District office of the time and date of well tests.

8. *Sale or Transfer of Production.* Oil and gas produced pursuant to the provisions of this Order, including test production, may be sold to purchasers or transferred as production authorized for disposal hereunder.

9. *Bottom-Hole Pressure Tests.* Static bottom-hole pressure test shall be conducted annually on sufficient key wells to establish an average reservoir pressure in each producing reservoir unless a different frequency is approved. The Operator may be required to test specific wells. Results of bottom-hole pressure tests shall be submitted within 60 days after the date of the test.

10. *Flaring and Venting of Gas.* Oil- and gas-well gas shall not be flared or vented, except as provided herein.—A. *Small-Volume or Short-Term Flaring or Venting.* Oil- and gas-well gas may be flared or vented in small volumes or temporarily without the approval of the Supervisor in the following situations:

(1) *Gas Vapors.* When gas vapors are released from storage and other low pressure production vessels if such gas vapors cannot be economically recovered or retained.

(2) *Emergencies.* During temporary emergency situations, such as compressor or other equipment failure, or the relief of abnormal system pressures.

(3) *Well Purging and Evaluation Tests.* During the unloading or cleaning up of a well and during drillstem, producing, or other well evaluation tests not exceeding a period of 24 hours.

B. *Approval for Routine or Special Well Tests.* Oil- and gas-well gas may be flared or vented during routine and special well tests, other than those described in paragraph A above, only after approval of the Supervisor.

C. *Gas-Well Gas.* Except as provided in A and B above, gas-well gas shall not be flared or vented.

D. *Oil-Well Gas.* Except as provided in A and B above, oil-well gas shall not be flared or vented unless approved by the Supervisor. The Supervisor may approve an application for flaring or venting of oil-well gas for periods not exceeding one year if (1) the operator has initiated positive action which will eliminate flaring or venting, or (2) the operator has submitted an evaluation supported by engineering, geologic, and economic data indicating that rejection of an application to flare or vent the gas will result in an ultimate greater loss of equivalent total energy than could be recovered for beneficial use from the lease if flaring or venting were allowed.

E. *Contest of Application.* Applications under paragraph D above for existing operations, as of the date of this Notice, shall be filed within three months from the effective date of this Order. Applications under paragraph D(2) above shall include all appropriate engineering, geologic, and economic data in an evaluation showing that absence of approval to flare or vent the gas will result in premature abandonment of oil and gas production or curtailment of lease development. Applications shall include an estimate of the amount and value of the oil and gas reserves that would not be recovered if the application to flare or vent were rejected and an estimate of the total amount of oil to be recovered and associated gas that would be flared or vented if the application were approved.

11. *Disposition of Gas.* The disposition of all gas produced from each lease shall be reported monthly on, or attached to, Form 9–152. The report shall be submitted in the following manner:

[In thousand cubic feet]

	Oil-well gas (MCF)	Gas-well gas (MCF)
Sales		
Fuel		
Injected [1]		
Flared		
Vented		
Other (specify)		
Total		

[1] Gas produced from the lease and injected on or off the lease.

12. *Multiple and Selective Completions.*—A. *Number of Completions.* A well bore may contain any number of producible completions when justified and approved.

B. *Numbering Well Completions.* Well completions made after the date of this Order shall be designated using numerical and alphabetical nomenclature. Once designated as a reservoir completion, the well completion number shall not change. Appendix A contains a detailed explanation of procedures for naming well completions.

C. *Packer Tests.* Multiple and selective completions shall be equipped to isolate the respective producing reservoirs. A packer test or other appropriate reservoir isolation test shall be conducted prior to or immediately after initiating production and annually thereafter on all multiply completed wells. Should the reservoirs in any multiply completed well become intercommunicative the operator shall make repairs and again conduct reservoir isolation tests unless some other operational procedure is approved. The results of all tests shall be submitted on a Packer Test (Form 9–1871) within 30 days after the date of the test.

D. *Selective Completions.* Completion equipment may be installed to permit selective reservoir isolation or exposure in a well bore through wireline or other operations. All selective completions shall be designated in accordance with subparagraph 12.B when the application for approval of such completions is filed.

E. *Commingling.* Commingling of production from two or more separate reservoirs within a common well bore may be permitted if it is determined that, collectively, the ultimate recovery will not be decreased. An application to commingle hydrocarbons from multiple reservoirs within a common well bore shall be submitted for approval and shall include all pertinent well information, geologic and reservoir engineering data, and a schematic diagram of well equipment. For all competitive reservoirs, notice of the application shall be sent by the applicant to all other operators of interest in the reservoirs prior to submitting the application to the Supervisor. The application shall specify the well completion number to be used for subsequent reporting purposes.

13. *Gas-Cap Well Completions.* All existing and future wells completed in the gas cap of a reservoir which has been classified and approved as an associated oil reservoir shall be shut in until such time as the oil is depleted or the reservoir is reclassified as a gas reservoir; provided, however, that production from such wells may be approved when (1) it can be shown that such gas-cap production would not lead to waste of oil and gas, or (2) when necessary to protect correlative rights unless it can be shown that this production will lead to waste of oil and gas.

14. *Location of Wells.*—A. *General.* The location and spacing of all exploratory and development wells shall be in accordance with approved programs and plans required in 30 CFR 250.17 and 250.34. Such location and spacing shall be determined independently for each lease or reservoir in a manner which will locate wells in the optimum structural position for the most effective production of reservoir fluids and to avoid the drilling of unnecessary wells.

B. *Distance from Property Line.* An operator may drill exploratory or development wells at any location on a lease in accordance with approved plans; provided that no well directionally or vertically drilled and completed after the date of this Order in which the completed interval is less than 200 feet from a property line shall be produced unless approved by the Supervisor. For wells drilled as vertical holes, the surface location of the well shall be considered as the location of the completed interval but shall be subject to the provisions of 30 CFR 250.40(b). An operator requesting approval to produce a directionally drilled well in which the completed interval is located closer than 200 feet from a property line, or approval to produce a vertically drilled well with a surface location closer than 200 feet from a property line, shall furnish the Supervisor with letters expressing acceptance or objection from operators of offset properties.

15. *Enhanced Oil and Gas Recovery Operations.* Operators shall timely initiate enhanced oil and gas recovery operations for all competitive and noncompetitive reservoirs where such operations would result in an increased ultimate recovery of oil or gas under sound engineering and economic principles. A plan for such operations shall be submitted with the results of the annual MER review as required in paragraph 3A(3) of this Order.

16. *Competitive Reservoir Operations.* Development and production operations in a competitive reservoir may be required to be conducted under either pooling and drilling agreements or unitization agreements when the Conservation Manager determines, pursuant to 30 CFR 250.50 and delegated authority, that such agreements are practicable and necessary or advisable and in the interest of conservation.

A. *Competitive Reservoir Determination.* The Supervisor shall notify the operators when he has made a preliminary determination that a reservoir is competitive as defined in this Order. An operator may request at any time that the Supervisor make a preliminary determination as to whether a reservoir is competitive. The operators, within thirty (30) days of such preliminary notification or such extension of time as approved by the Supervisor, shall advise of their concurrence with such determination, or submit objections with supporting evidence. The Supervisor will make a final determination and notify the operators.

B. *Development and Production Plans.* When drilling and/or producing operations are conducted in a competitive reservoir, the operators shall submit for approval a plan governing the applicable operations. The plan shall be submitted within ninety (90) days after a determination by the Supervisor that a reservoir is competitive or within such extended period of time as approved by the Supervisor. The plan shall provide for the development and/or production of the reservoir, and may provide for the submittal of supplemental plans for approval by the Supervisor.

(1) *Development Plan.* When a competitive reservoir is still being developed or future development is contemplated, a development plan may be required in addition to a production plan. This plan shall include the information required in 30 CFR 250.34. If agreement to a joint development plan cannot be reached by the operators, each shall submit a separate plan and any differences may be resolved in accordance with paragraph 17 of this Order.

(2) *Production Plan.* A joint production plan is required for each competitive reservoir. This plan shall include (a) the proposed MER for the reservoir; (b) the proposed MPR for each completion in the reservoir; (c) the percentage allocation of reservoir MER for each lease involved; and (d) plans for secondary recovery or pressure maintenance operations. If agreement to a joint production plan cannot be reached by the operators, each shall submit a separate plan, and any differences may be resolved in accordance with paragraph 17 of this Order.

C. *Unitization.* The Conservation Manager shall determine when conservation will be best served by unitization of a competitive reservoir, or any reservoir reasonably delineated and determined to be productive, in lieu of a development and/or production plan or when the operators and lessees involved have been unable to voluntarily effect unitization. In such cases, the Conservation Manager may require that development and/or production operations be conducted under an approved unitization plan. Within six (6) months after notification by the Conservation Manager that such a unit plan is required, or within such extended period of time as approved by the Conservation Manager, the lessees and operators shall submit a proposed unit plan for designation of the unit area and approval of the form of agreement pursuant to 30 CFR 250.51.

17. *Conferences, Decisions and Appeals.* Conferences with interested parties may be held to discuss matters relating to applications and statements of position filed by the parties relating to operations conducted pursuant to this Order. The Supervisor or Conservation Manager may call a conference with one or more, or all, interested parties on his own initiative or at the request of any interested party. All interested parties shall be served with copies of the Supervisor's or Conservation Manager's decisions. Any interested party may appeal decisions of the Supervisor or Conservation Manager pursuant to 30 CFR 250.81. Decisions of the Supervisor or Conservation Manager shall remain in effect and shall not be suspended by reason of any appeal, except as provided in that regulation.

APPENDIX A

Subparagraph 12.B *"Numbering Well Completions.* Well completions made after the date of this Order shall be designated using numerical and alphabetical nomenclature. Once designated as a reservoir completion, the well completion number shall not change • • •."

The intent of this Subparagraph is not necessarily to change the existing well completion names but to change the method of naming well completions after the effective date of this Order in order to insure that a completion in a given reservoir and a specific well bore will be assigned a unique name and will retain that name permanently. For further clarification, the following guidelines and examples are offered:

1. Each well bore will have a distinct, permanent number.

2. Each reservoir completion in a well bore will have a unique permanent designation which includes the well bore number in its nomenclature.

3. For the purpose of this Subparagraph, a "completion" is defined as all perforations in a given reservoir in a specific well bore and is not necessarily associated with a tubing string or strings.

4. If more than one completion is made in a well bore, an alphabetical suffix must be used in the nomenclature to differentiate between completions.

5. An alphabetical prefix may be utilized to designate the platform from which the well will be produced.

Example No. 1: The first well drilled from the A Platform is a single completion.

WELL NO. A–1

(Should an operator wish to use an alphabetical suffix with a single completion, he may do so.)

Example No. 2: A well drilled by a mobile rig need not carry an alphabetical prefix.

WELL NO. 1

(If the well is later connected to and produced from a production platform, the well shall be redesignated to reflect an alphabetical prefix.)

Example No. 3: The second well drilled from the A Platform is a triple completion.

First Completion	*Second Completion*	*Third Completion*
A–2	A–2–D	A–2–T

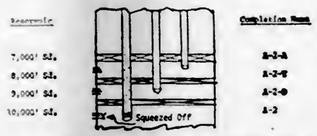
(In the above example, the letters "D" and "T" were used in naming the second and third completions utilizing current industry practice, although the intent is not to restrict operators to the use of these particular alphabetical suffixes. Any alphabetical suffix may be used as long as it is unique to the completion in that reservoir.)

Example No. 4: The drawing is shown to illustrate the fact that once a completion in a specific well bore is designated in a given reservoir, it will retain that name permanently. Let us consider the A–2 completion shown in Example No. 3. Should a recompletion be made in a different reservoir at a later date, it shall be renamed; however, the production from the reservoir associated with the original A–2 completion will always be identified with the A–2 completion. Once the A–2 completion in the 10,000' sand is squeezed and plugged off and the recompletion made to the 7,000' sand, the completion in the 7,000' sand would be designated A–2–A (or some other alphabetical suffix other than the "D" or "T" presently associated with other completions in the 9,000' and 8,000' sands).

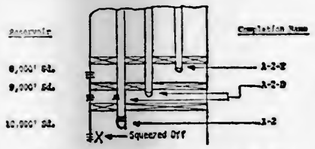
The Sundry notice (From 9–331) submitted to obtain approval for the workover shall be the vehicle for naming the new completion.

FEDERAL REGISTER, VOL. 39, NO. 173—THURSDAY, SEPTEMBER 5, 1974

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Example No. 5: If the A–2 completion in Example No. 4 had been recompleted from the 10,000' sand to the 9,000' sand (where the A–2–D is currently completed), the completion would still be named A–2–D as both tubing strings would be considered one completion for purposes of this Order.



[FR Doc.74–20401 Filed 9–4–74;8:45 am]

National Park Service

CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Public Law 92–463 that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, September 20, 1974, at 1:30 p.m., at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Mass.

The Commission was established by Public Law 87–126 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The purpose of the meeting is to consider the following agenda items: (1) Review of 1974 summer operations, (2) request by owners of Hall's cottages, North Eastham, for renewal of Certificate of Suspension of Condemnation of Commercial and Industrial Property for three years; and (3) showing of Alaska Areas film. The Superintendent will give a progress report covering current problems and items of interest, which will be reviewed and discussed.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Lawrence C. Hadley, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663 (telephone: 617–349–3785). Minutes of the meeting will be available for public inspection and copying four weeks after the meeting at Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

JERRY D. WAGERS,
Regional Director,
North Atlantic Region.

AUGUST 20, 1974.

[FR Doc.74–20580 Filed 9–4–74;8:45 am]

Office of the Secretary

COMMISSIONER OF INDIAN AFFAIRS AND SOLICITOR

Delegation of Authority

This notice is issued in accordance with the provisions of 5 U.S.C. 552(a)(1). The Acting Secretary of the Interior has issued a new delegation of authority to the Commissioner of Indian Affairs, and a revised delegation of authority to the Solicitor of the Department of the Interior. The delegations were issued by Departmental Manual Release No. 1666 dated August 16, 1974. A general program delegation of authority has been provided to the Commissioner of Indian Affairs in Chapter 1, Part 230 of the Departmental Manual. The general delegation is similar to that provided other bureau directors in the Department, and succeeds and replaces Secretary's Order 2508 of January 11, 1949, as amended through Amendment Number 104 dated February 28, 1974, which provided authority on an item-by-item basis. The delegation of authority to the Solicitor, published as Chapter 2, Part 210 of the Departmental Manual is revised to delete authority regarding disposition of appeals to the Secretary pertaining to enrollment of Indians, pursuant to 25 CFR Part 42. Such authority is now exercised by the Commissioner of Indian Affairs. Both delegations of authority are published in their entirety below. Further information regarding the delegations may be obtained from Mr. Everett T. Keech, Director, Office of Management Consulting, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202/343–2195.

Dated: August 28, 1974.

RICHARD R. HITE,
Deputy Assistant Secretary
of the Interior.

CHAPTER 2 SOLICITOR

.1 *General Authority.* The Solicitor is authorized to exercise all authority of the Secretary respecting the legal work of the Department, subject to the limitations contained in 200 DM 1.4.

.2 *Authority in Specified Matters.*

A. The Solicitor is authorized to exercise the authority of the Secretary:

(1) Conferred by the provisions of 28 U.S.C., sec. 2672, with respect to tort claims;

(2) With respect to claims under 25 U.S.C., sec. 388, for damage arising out of the survey, construction, operation, or maintenance of irrigation works on Indian irrigation projects; and under Public Works for Water Appropriation Acts, for damage to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation;

(3) With respect to the disposition of appeals to the Secretary;

(a) Involving estates of Indians of the Five Civilized Tribes and Osage Indians;

(b) From decisions of the Appellate Division of the High Court of American Samoa which affirm sentences of death pursuant to Section 3.0505, as amended, of the Code of American Samoa (1961 Ed.)

(4) To supervise, administer, and control all activities within or on behalf of the Department relating to intellectual property including patents, inventions, trademarks, and copyrights.

(5) When acting upon a proposal by a bureau, to acquire real estate for the United States by condemnation pursuant to section 1 of the Act of August 1, 1888, as amended (40 U.S.C., sec. 257) whenever in the opinion of the Solicitor it is necessary or advantageous to the Government to do so and to submit to the Attorney General of the United States applications for the institution of proceedings for condemnation;

(6) Under section 1 of the Act of February 26, 1931 (40 U.S.C., sec. 258a), to sign declarations of taking;

(7) When acting upon a proposal to acquire real estate for the United States pursuant to section 3 of the Helium Act (50 U.S.C., sec. 167a) by condemnation pursuant to section 1 of the Act of August 1, 1888, as amended (40 U.S.C., sec. 257) whenever the Solicitor determines that a satisfactory agreement to acquire such land or interests in land cannot be made and that such acquisition by condemnation is necessary in the national interest and to submit to the Attorney General of the United States applications for the institution of proceedings for condemnation;

(8) Under 43 CFR Part 2, with respect to the availability of official records and testimony of employees; and

(9) With respect to the settlement of claims against the United States by employees for damage to, or loss of personal property pursuant to the Military Personnel and Civilian Employees' Claims Act of 1964, as amended (31 U.S.C., secs. 240–243).

(10) Claims arising under the Act of March 9, 1920 (46 U.S.C., secs. 742, 747, 749 and 750), as amended by Public Law 92–417, also known as the Suits in Admiralty Act.

B. The Solicitor is authorized:

(1) To determine, compromise, and settle claims and demands of the United States pursuant to section 12 of the Act of August 20, 1937, as amended (16 U.S.C., sec. 832k);

(2) If he determines in connection with a claim under a contract that, as a matter of justice and equity, all or any part of the liquidated damages assessed on or after July 1, 1949, because of delay, against a party to a contract made by the Department on behalf of the Government should be remitted, to recommend to the Comptroller General that such remission be made, pursuant to the provisions of 41 U.S.C., sec. 256a;

(3) To accept on behalf of any Secretarial Officer service of judicial process and service of process issued by the legislation branch of the Government; and

(4) To enter into, modify or terminate contracts for services or supplies which are required for the Office of the Solicitor.

.3 *Authority to Redelegate.* The Solicitor may, in writing, redelegate or authorize written redelegation of any authority delegated to him in this chapter. For redelegations of authority see the Solicitor's Regulations.

PART 230 BUREAU OF INDIAN AFFAIRS

CHAPTER 1 GENERAL PROGRAM DELEGATION

.1 *Delegation.* Except as provided in 230 DM 1.2 below, the Commissioner of Indian Affairs is authorized to exercise the authority of the Secretary of the Interior with respect to the management of all Indian affairs and all matters arising out of Indian relations, including the supervision, management, and operation of the Bureau of Indian Affairs and related activities of the Department with respect to Indian program matters.

.2 *Limitations.* The authority granted in 230 DM 1.1 does not include:

A. Authority which the Secretary may not redelegate as set forth in 200 DM 1, Executive Order 10250 as amended by Executive Order 10732, and Executive Order 10355.

B. Authority delegated on a functional basis in 205 DM.

C. Authority to approve land allotments or allotment schedules or to issue land patents.

D. Authority over the Indian Arts and Crafts Board appointed under the Act of August 27, 1935 (25 U.S.C. 305), the functions of the Board, or the regulations in 25 CFR Chapter II.

E. Any authority delegated to the Director, Office of Hearings and Appeals, under 211 DM 13 or to the Solicitor under 210 DM 2 except that the Commissioner is authorized to decide enrollment appeals which were formerly decided by the Solicitor under 210 DM 2.2A(3)(b).

F. Authority to grant permits for the examination of ruins, the excavation of archeological sites, and the gathering of objects of antiquity on Indian tribal lands or on individually owned trust or restricted Indian lands.

G. Authority to revoke tribal constitutions.

H. Authority under the Alaska Native Claims Settlement Act of December 18, 1971 (PL 92–203, 85 Stat. 688), except as specified below:

(1) The Commissioner has the authority to prepare, and to correct by addition or deletion as may be necessary, a roll of all Natives born on or before the date of enactment and to enroll eligible Natives in one of the twelve regions and eligible Natives who are non-residents of Alaska in a thirteenth region if it is established under section 7(c), all as provided in section 5.

(2) The Commissioner has the authority to distribute Alaska Native Fund money among the Regional Corporations pursuant to section 6(c).

(3) The Commissioner has the authority to review all listed villages and determine, subject to the right of appeal as provided in 43 CFR Part 2651, if any disqualify under section 11(b)(2).

(4) The Commissioner has the authority to determine, subject to the right of appeal as provided in 43 CFR Part 2651, if any Native villages not listed qualify for land and benefits under section 11(b)(3).

(5) The Commissioner, after consultation with the National Park Service, has the authority to certify the existence of cemetery sites and historical places under section 14(h)(1). The Bureau of Land Management will establish the boundaries, withdraw the land, and convey the title of cemetery sites and historical places to the appropriate Regional Corporation.

(6) The Commissioner has the authority to certify the eligibility of certain Native groups for land under section 14(h)(2).

(7) The Commissioner has the authority to certify the eligibility of an individual Native who applied for a primary place of residence under section 14(h)(5).

(8) The Commissioner has the authority to certify the eligibility of an individual as a Native who applied for an allotment to be processed under section 18(a).

(9) The Commissioner has the authority to review claims referred by the Court of Claims and file answers when claims are to be contested under section 20(d)(5).

I. Under the Act of August 28, 1958 (72 Stat. 974) regarding liquidation of the Hoonah war housing project in Alaska,

(1) Authority to determine the fair value of land conveyed by Indians to the Hoonah Indian Association under section 2(d).

(2) Authority to acquire land or any interest in land by eminent domain under section 2(f).

J. Under the Act of August 12, 1958 (72 Stat. 619) regarding the distribution of land and assets of certain Indian rancherias and reservations in California,

(1) Authority for final disposition of objections made by Indians to plans for the distribution of assets.

K. Authority under the Act of October 19, 1973 (87 Stat. 466) which provides for the use or distribution of funds appropriated in satisfaction of certain judgements of the Indian Claims Commission and the Court of Claims.

L. Under the Indian Financing Act of 1974 (88 Stat. 77) regarding the financing and economic development of Indians and Indian organizations,

(1) Authority to cancel, adjust, compromise, or reduce all or part of any loan made from the revolving loan fund which is determined to be uncollectable or collectable only at unreasonable costs as prescribed by section 105.

(2) Authority to cancel the uncollectable part of any obligation to which the Secretary has an assignment or subrogated right as prescribed by section 211.

.3 *Restrictions on Redelegation.* The Commissioner may not redelegate authority to permit Indian tribes to direct Bureau employees under 25 U.S.C. 48.

.4 *Existing Redelegations.* Redelegations of authority which have been made pursuant to Secretary's Order 2508, as amended, and which are in force on the effective date of this release, shall remain in force until revoked or superseded by redelegations made pursuant to this release.

[FR Doc.74–20502 Filed 9–4–74;8:45 am]

[INT FES 74–50]

FY 1975 PROPOSED PROGRAM

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a Final Environmental Statement covering its Fiscal Year 1975 Proposed Program.

Copies of the final environmental statement are available for inspection in the library of the Headquarter's Office of BPA, 1002 N.E. Holladay Street, Portland, Oregon 97232; the Washington, D.C., office, in the Interior Building, Room 5600; and in the following Area and District Offices: Idaho Falls Area Office, 531 Lomax Street, P.O. Box 2558, Idaho Falls, Idaho 83401; Portland Area Office, Lloyd Plaza Bldg., 919 N.E. 19th Avenue, Room 201, P.O. Box 3621, Portland, Oregon 97208; Seattle Area Office, 415–1st Avenue North, Room 250, Seattle, Washington 98109; Spokane Area Office, Room 561, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington 99201; Walla Walla Area Office, West 101 Poplar, P.O. Box 1518, Walla Walla, Washington 99362; Eugene District Office, 834 Pearl Street, Eugene, Oregon 97401; Kalispell District Office (five miles east of Kalispell on Highway 2), P.O. Box 758, Kalispell, Montana 59901; and the Wenatchee District Office, Room G35, U.S. Federal Building and Post Office, 301 Yakima Street, P.O. Drawer 741, Wenatchee, Washington 98801.

A limited number of single copies are available and may be obtained by writing to the Environmental Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208.

Dated: August 23, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74–20478 Filed 9–4–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

AMERICAN FORK CANYON-PROVO PEAK PLANNING UNIT

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for American Fork Canyon-Provo Peak Planning Unit, Uinta National Forest, Utah. The Forest Service report number is USDA–FS–FES (Adm) R4–74–1.

The environmental statement identifies and evaluates the probable effects of the land use plan for the American Fork Canyon-Provo Peak Planning Unit on the Uinta National Forest in Utah. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects. Minor adverse effects from some development activities will be temporary stream sedimentation. Recreation use activities will cause short periods of air pollution. Recreation opportunities will receive minor modification with opportunities for developed type recreation increasing. The mix of uses provided for includes moderate levels of consumptive resource uses. Significant areas will remain undeveloped with options for future management remaining open.

This final environmental statement was transmitted to CEQ on August 27, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service

V 39 I 173 SEP 5 74 XUM

Federal Building, Room 4403
324-25th Street
Ogden, Utah 84401

Forest Supervisor
Uinta National Forest
88 West First South
Provo, Utah 84601

District Forest Ranger
Pleasant Grove Ranger District
390 North 100 East
Pleasant Grove, Utah 84062

A limited number of single copies are available upon request to Forest Supervisor Bruce B. Hronek, Uinta National Forest, P. O. Box 1428, Provo, Utah 84601.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

VERN HAMRE,
Regional Forester.

AUGUST 27, 1974.

[FR Doc.74-20474 Filed 9-4-74;8:45 am]

COLVILLE, OKANOGAN, AND WENATCHEE NATIONAL FORESTS, WASHINGTON

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for vegetation management using selective herbicides on the Colville, Okanogan, and Wenatchee National Forests, Washington, for the period January 1, 1974, through June 30, 1975. USDA-FS-R6-DES (Adm)-74-5.

The environmental statement concerns a proposed use of selective herbicides for vegetation management on three National Forests located in north-central, northeastern Washington. The proposed uses are for conifer crop tree release, site preparation prior to planting, utility and road right-of-way maintenance, range improvement, noxious weed control, recreation and administrative site maintenance, and indirect wildlife habitat improvement.

This final environmental statement was transmitted to CEQ on August 30, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97204

Colville National Forest
695 S. Main Street
Federal Building
Colville, Washington 99114

Okanogan National Forest
219 Second Ave., South
Okanogan, WA 98840

Wenatchee National Forest
301 Yakima Street
Wenatchee, WA 98801

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

D. B. TRASK,
Acting Regional Forester, R-6.

AUGUST 30, 1974.

[FR Doc.74-20484 Filed 9-4-74;8:45 am]

PACIFIC CREST NATIONAL SCENIC TRAIL ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that a meeting of the Pacific Crest National Scenic Trail Advisory Council will be held, beginning at 1 p.m. on September 19, and ending at 4:30 p.m. on September 20, 1974, at the Red Lion Motel, Medford, Oregon. The purpose of the Council is to advise the Secretary on matters relating to the Pacific Crest National Scenic Trail, including the selection of rights-of-way, standards of the erection and maintenance of markers along the Trail, and the administration of the Trail.

The agenda for this meeting will include:

1 P.M.-4:30 P.M.—THURSDAY, SEPTEMBER 19

1. Welcome and announcements.
2. Accomplishments inside federally-administered areas since the last meeting, including plans for the current fiscal year.
3. General discussion of accomplishments and FY 1975 plans.

8:30 A.M.-4:30 P.M.—FRIDAY, SEPTEMBER 20

1. Reports from Subgroup Chairman and/or Council Members concerning Trail matters.
2. General discussion of subgroup reports.
3. Future Council membership.
4. Open discussion—topics from the floor.

The meeting will be open to the public. For additional information, interested persons may contact the the Forest Service, Washington, D.C., by telephone (703-235-9843) or by mail (USDA, Forest Service, Washington, D.C. 20250) prior to the meeting.

RUSSELL P. MCROREY,
Chairman, Pacific Crest Trail Advisory Council.

AUGUST 30, 1974.

[FR Doc. 74-20551 Filed 9-4-74; 8:45 am]

FORKS UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Forks Planning Unit, Ouachita National Forest, Arkansas, USDA-FS-R8-DES (Adm.)-75-5.

This environmental statement concerns the proposed management direction and resource allocation for the Forks Unit, Ouachita National Forest.

This draft environmental statement was transmitted to CEQ on August 28, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
1720 Peachtree Road, NW., Room 804
Atlanta, Georgia 30309

USDA, Forest Service
Ouachita National Forest
P.O. Box 1270, Federal Building
Hot Springs, Arkansas 71901

A limited number of single copies are available upon request to Alvis Z. Owen, Forest Supervisor, Ouachita National Forest, P.O. Box 1270, Federal Building, Hot Springs, Arkansas 71901.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Alvis Z. Owen, Forest Supervisor, Ouachita National Forest, P.O. Box 1270, Federal Building, Hot Springs, Arkansas 71901. Comments must be received by October 28, 1974 in order to be considered in the preparation of the final environmental statement.

F. LEROY BOND,
Regional Forester.

AUGUST 28, 1974.

[FR Doc.74-20505 Filed 9-4-74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-422]

PACIFIC FAR EAST LINE, INC.

Notice of Application

Notice is hereby given that Pacific Far East Line, Inc., a subsidized Operator operating under Operating-Differential Subsidy Agreement, Contract No. FMB-81 has filed application dated August 14, 1974, for written permission, under the Merchant Marine Act, 1936, as amended, in connection with the proposed acquisition of 49.9 percent interest in the stock of Pacific Far East Line, Inc. by Freighters, Inc. Inasmuch as the proposed affiliated company of Pacific Far East Line, Inc., namely Freighters, Inc. owns a U.S. flag tanker which from time to time may operate in domestic intercoastal or coastwise trade, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required by Pacific Far East Line, Inc., if the transfer of stock is approved.

Pacific Far East Line, Inc. requests written permission under section 805(a) for its proposed affiliate to own and/or operate one U.S. flag vessel engaged in the transportation of bulk cargoes in domestic intercoastal or coastwise service.

As information, the U.S. flag tanker owned and operated by the proposed affiliate of Pacific Far East Line, Inc. is the SS AMERICAN WHEAT.

Interested parties may inspect this application in the Office of Subsidy Administration, Maritime Administration, Room No. 4085, Department of Commerce Building, Fourteenth & E Streets, NW., Washington, D.C. 20230.

Any person, firm or corporation having interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on Sept. 13, 1974, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

In the event that petitions for leave to intervene are received and a hearing is scheduled the purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated: August 30, 1974.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-20632 Filed 9-4-74;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 13, WORKLOAD DEFINITION AND BENCHMARKING

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972), notice is hereby given that the Federal Information Processing Standards Task Group 13 (FIPS TG-13), "Workload Definition and Benchmarking," will hold a meeting from 10:00 a.m. to 4:00 p.m. on Wednesday, October 9, 1974, in Room B-255, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to review the progress of three work groups and to further develop tasks which should be addressed by the Committee.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Executive Secretary, Mr. John F. Wood, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C., 20234 (Phone—301-921-3485).

RICHARD W. ROBERTS,
Director.

AUGUST 29, 1974.

[FR Doc.74-20400 Filed 9-4-74;8:45 am]

National Oceanic and Atmospheric Administration

MARINE FISHERIES ADVISORY COMMITTEE AND MARINE FISHERIES ADVISORY COMMITTEE SUBCOMMITTEE ON THE NATIONAL FISHERIES PLAN

Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I (Supp. II, 1972), notice is hereby given of meetings of the Marine Fisheries Advisory Committee Subcommittee on the National Fisheries Plan on Wednesday, September 18, 1974, to be followed by the meeting of the Marine Fisheries Advisory Committee on Wednesday, Thursday, and Friday, September 18, 19, and 20, 1974. The National Fisheries Plan Subcommittee meeting will commence at 9:30 a.m. on September 18 and adjourn promptly at 11:30 a.m. It will be held at Suffolk University, Boston, Massachusetts, in the President's Conference Room, Donahue Building, 41 Temple Street. The subcommittee meeting will be followed by a meeting of the Marine Fisheries Advisory Committee in Woods Hole, Massachusetts. The location of the meeting will be the Redfield Auditorium of the Woods Hole Oceanographic Institution, 45 Water Street, Woods Hole, Massachusetts. The meeting will commence at 2:00 p.m. on September 18. Morning sessions on September 19 and 20 will convene at 8:00 a.m.

The items for discussion at the meetings will include the following:

SEPTEMBER 18, 1974

9:30-11:30 a.m.	Meeting of the National Fisheries Plan Subcommittee Review Progress in development of the National Fisheries Plan.
2 p.m.	Convene Tenth Meeting of the Marine Fisheries Advisory Committee (MAFAC X).
	Welcome to new members.
2:30 p.m.	Introductions and Announcements.
3 p.m.	Results of LOS Caracas.
5 p.m.	Adjourn for the day.

SEPTEMBER 19, 1974

8 a.m.	ICNAF, An Appropriate Tool for Coastal Fishery Management?
9 a.m.	Enforcement and Surveillance Discussion, continued from MAFAC IX.
11 a.m.	National Fisheries Plan.
12 noon	Lunch Break.
1:30-6 p.m.	Woods Hole Open House and Tour.

SEPTEMBER 20, 1974

8 a.m.	Review of NMFS Programs and Budget, FY 1975 Reprogramming.
9 a.m.	Coastal Zone Management and Fisheries.
10 a.m.	Draft NMFS Gear Development Policy.
11 a.m.	Reserved for Report by Subcommittee Chairmen.
11:30 a.m.	Items Suggested by MAFAC members.
12 noon	Contingency Items. a. Report on Fisheries Legislation. b. Bluefin Tuna Briefing.
1 p.m.	Adjourn MAFAC X.

The meetings will be open to the public throughout.

Dated: August 28, 1974.

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

[FR Doc.74-20460 Filed 9-4-74;8:45 am]

Office of the Secretary

COMMERCE TECHNICAL ADVISORY BOARD

Change in Time and Location of Meeting

Notice was published in the FEDERAL REGISTER, Vol. 39, No. 163, on Wednesday, August 21, 1974, of a meeting to be held by the Commerce Technical Advisory Board.

This notice is to advise that the time and location for the meeting on Tuesday and Wednesday, September 10 and 11, 1974, have been changed, as follows.

September 10—8:30 a.m.-11 a.m., Room 6802, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.
11 a.m.-12:30 p.m., Room 1096, Main Commerce Building.
1:30 p.m.-5 p.m., Room 6802, Main Commerce Building.

September 11—9:30 a.m.-12 noon, Room 6802, Main Commerce Building.

There are no other changes from the original notice of August 21, 1974.

A limited number of seats will be available to the press and to the public. The public will be permitted to file written statements or inquiries with the Chairman before or after the meeting. Minutes of the meeting will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

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Persons desiring to obtain further information concerning the Board should contact Mrs. Florence S. Feinberg, Room 3877, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 967-5065.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

AUGUST 30, 1974.

[FR Doc.74-20541 Filed 9-4-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Drug Experience Advisory Committee.	September 13, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—John Palmer, M.D. (HFD-200), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4630.

Purpose. Advises the Commissioner of Food and Drugs on methods currently in use or on proposed methods for the collection of data on adverse drug reactions, recommends changes as appropriate, and evaluates the significance of information received in the system.

Agenda. Program activities over the past year; implementation of prior recommendations; and future role of the committee.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Cardiovascular Devices.	September 30, 9:30 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open—Glenn A. Rahmoeller (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of cardiovascular devices currently in use.

Agenda. Discussion of product development protocols for medical devices classified in the scientific review category: A representative from FDA's Bureau of Drugs will discuss safety and efficacy requirements for new drugs, and a representative from the National Heart and Lung Institute will discuss NIH's preclinical testing requirements for new devices developed with NIH grants and contracts.

Agenda items are subject to change as priorities dictate.

Dated: August 28, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-20332 Filed 9-4-74;8:45 am]

[FAP 1A2612]

CHATTEM DRUG & CHEMICAL CO.

Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Chattem Drug & Chemical Co., Chattanooga, TN 37409, has withdrawn its petition (FAP 1A2612), notice of which was published in the FEDERAL REGISTER of December 16, 1970 (35 FR 19035), proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for safe use of glycine as a diluent and flavor-masking agent for saccharin in sugar substitutes for table use and in refrigerated, prepared, ready-to-eat gelatin desserts.

Dated: August 26, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-20449 Filed 9-4-74;8:45 am]

[FAP 4H3021]

MALLINCKRODT CHEMICAL WORKS

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4H3021) has been filed by Mallinckrodt Chemical Works, Washine Division, c/o CFR Services, 2347 Paddock Lane, Reston, VA 22091, proposing that § 121.1186 *n-Heptyl p-hydrorybenzoate* (21 CFR 121.1186) be amended to recognize heptylparaben as the common or usual name for the food additive *n*-heptyl p-hydroxybenzoate.

Dated: August 26, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-20451 Filed 9-4-74;8:45 am]

[FAP 4B2932]

SHELL CHEMICAL CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B2932) has been filed by Shell Chemical Co., Division of Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, TX 77001, proposing that § 121.2622 *Styrene block polymers with 1,3-butadiene* (21 CFR 121.2622) be amended to provide for safe use of styrene block polymer with 1,3-butadiene, hydrogenated, as articles or components of articles intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: August 26, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-20450 Filed 9-4-74;8:45 am]

[FAP 3A2904]

TATE & LYLE ENTERPRISES LTD.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3A2904) has been filed by Tate & Lyle Enterprises Limited, 1 Cosmos House, Bromley Common, Bromley, BR2 9NA, England, proposing that § 121.1092 *Acrylate-acrylamide resins* (21 CFR 121.1092) be amended in paragraph (c)(1) to extend the use of acrylamide-acrylic acid resin (hydrolyzed polyacrylamide) as a flocculent in the clarification of beet sugar juice or cane sugar juice to include beet sugar liquor or cane sugar liquor in an amount not to exceed 10 parts per million by weight of the liquor.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: August 26, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-20453 Filed 9-4-74;8:45 am]

[FAP 4B3005]

W. R. GRACE & CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B3005) has been filed by W. R. Grace & Co., DAREX Desalting Plant Services, Industrial Chemicals Groups, 7379, Route 32, Columbia, MD 21044, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for safe use of a mixture of sodium polymethacrylate, acrylamide-sodium acrylate resin, and polyethylene glycol monolaurate as a scale and corrosion inhibitor in seawater desalination operations.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: August 26, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-20452 Filed 9-4-74;8:45 am]

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the Advisory Committee on Accreditation and Institutional Eligibility will be held on September 25-27, 1974, at 9 a.m. local time, in the auditorium of the HEW-North Building, 330 Independence Avenue, SW., Washington, D.C.

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veteran's Readjustment Assistance Act (Chapter 33, Title 38, U.S. code). The Committee is established to advise the Commissioner of Education in fulfilling his statutory obligations to publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authorities concerning the quality of training offered by educational institutions and programs. It also serves to advise the Commissioner in fulfilling his statutory obligation to publish a list of State agencies which he has determined to be reliable authorities concerning the quality of public postsecondary vocational education in their respective States, pursuant to section 438(b) of the Higher Education Act of 1965, as amended by P.L. 92-318.

The meeting of the Committee shall be open to the public from 9-11 a.m., September 25, and from 9 a.m. to 4:30 p.m., September 26, for presentations by representatives of nationally recognized and State agencies which have petitions for recognition pending before the Committee, and for review of a variety of policy items.

Under the authority of section 10(d) of the Federal Advisory Committee Act (P.L. 92-463) and clauses (4) and (6) of subsection (b) of section 552(b) of Title 5 of the United States Code, the meeting will be closed to the public from 11 a.m.-5 p.m., September 25 and from 9 a.m.-5 p.m., September 27. Closure of the meeting is to allow a free and frank discussion of the pending petitions for recognition and renewal of recognition. These petitions contain confidential financial information of institutions. In addition, matters are discussed, the release of which would amount to a clearly unwarranted invasion of privacy of individuals and groups. These portions of the petitions are exempt from disclosure under 5 U.S.C. 552(b)(4) and (6). A discussion of the petitioner and the working papers necessarily ranges back and forth from exempt and nonexempt material, and the exempt portion cannot be separated out during the Committee's deliberation. Records shall be kept of all Committee proceedings, and these will be available in the offices of the Accreditation and Institutional Eligibility Staff, Rooms 4068 and 4069, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

Signed at Washington, D.C., on August 23, 1974.

JOHN R. PROFFITT,
Director, Accreditation and Institutional Eligibility Staff, Office of Education.

[FR Doc.74-20486 Filed 9-4-74;8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Public Meeting

Notice is hereby given, pursuant to PL-92-463, that the next meeting of the National Advisory Council on Vocational Education will be held on October 3, 1974, from 9 a.m. to 5 p.m., local time and on October 4, 1974, from 9 a.m. to 4 p.m., local time, at the Embassy Row Hotel, Washington, D.C.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress, and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes:

October 3 and 4	New Vocational Education Legislation: A discussion with Congressmen.
	Report of the NAIEC School-to-Work Project.
	Discussion of Committee Work Plans.
	Final Report on Urban Vocational Education.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Council's Executive Director, located in Suite 412, 425-13th Street, N.W., Washington, D.C. 20004.

Signed at Washington, D.C., on August 28, 1974.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.74-20461 Filed 9-4-74;8:45 am]

Office of the Secretary

ASSISTANT SECRETARY FOR HEALTH

Delegation of Authority

Notice is hereby given that the following delegation of authority has been made under the Health Maintenance Organization Act of 1973 (Public Law 93-222).

Delegation from the Secretary to the Assistant Secretary for Health, with authority to redelegate, of all the authorities vested in the Secretary of Health, Education, and Welfare by the Health Maintenance Organization Act of 1973 (Pub. L. 93-222), except for the provisions of Section 1315 of Public Health Service Act, as amended, and section 5 of Public Law 93-222. The reference to section 1308(c) of the Public Health Service Act, as amended, in the Secretary's delegation of April 30, 1974, is superseded (39 FR 16915, 5/10/74). This delegation is effective immediately.

Dated: August 26, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-20422 Filed 9-4-74;8:45 am]

OFFICE OF FACILITIES ENGINEERING AND PROPERTY MANAGEMENT

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the statement of organization, functions, and delegations of authority for the Department of Health, Education, and Welfare is amended to modify section 1T80, Office of Facilities Engineering and Property Management, OFEPM, (38 FR 16406) June 22, 1973. A new Division of Construction has been established in the Office of Architectural and Engineering Services. This is accomplished by transferring to the new Division certain functions and staff formerly assigned to the Metropolitan

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Engineering Staff. The functional statement of OFEPM is modified as follows to reflect this change.

Add to sec. 1T80.10 under Office of Architectural and Engineering Services a new Division of Construction.

Add to sec. 1T80.20D. a new item 4. as follows: a. Monitoring and coordinating all construction related activities utilizing DHEW funding including the provision of expert advice and assistance on construction engineering methodology and techniques, and on advanced techniques in the construction field such as phased design with construction management concepts to provide quality construction faster and at lowest practical costs.

b. Evaluating construction activities and directing preparation of reports for construction planning purposes and construction program development including recommending to the Divisions of Engineering and Architecture post evaluation surveys when deemed appropriate.

c. Analyzing construction reports from the Regional Offices to isolate problem areas, to determine the cause of the problems, and to devise solutions thereto, including periodic visits to the Regional offices to analyze problems of construction and contract management techniques.

d. Providing assistance, guidance, consultation and coordination between GSA and HEW agencies in the construction of field facilities. Also provides appropriate services on special projects of high priority as identified by the Director, OFEPM.

e. Relating to direct Federal construction in the Washington/Baltimore Metropolitan area: conducts preconstruction conferences; evaluates monthly payment requests from contractors; investigates proposed changes and approves or disapproves such changes; evaluates periodic status reports; and makes final inspection.

Revise 1T80.20A.4.a to read as follows: Performing architectural/engineering and construction related technical services as pertinent and as listed in sections 1T02a2, 1T02a4 excluding 1T02a4(2), and 1T02a5 for direct Federal construction activities in the Washington/Baltimore Metropolitan area.

Date: AUGUST 29, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-20423 Filed 9-4-74;8:45 am]

ORDER OF SUCCESSION

Statement of Organization, Functions, and Delegations of Authority

Part 1A of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary is amended to add a new Section 1A.10B. Order of Succession. This Order of Succession supersedes the Order of Succession published in 36 F.R. 222 (11/17/71) and reads as follows:

Section 1A.10B. *Order of Succession.* 1. The Under Secretary acts as Secretary during the absence or disability of the Secretary.

2. During the absence or disability of the Secretary and Under Secretary or in the event of a simultaneous vacancy in the offices of the Secretary and Under Secretary, the Assistant Secretary who was appointed to his office through nomination by the President and confirmation by the Senate and who is senior according to date of his commission shall act as Secretary. In the event that the commissions of two or more Assistant Secretaries bear the same date, the Secretary will make a decision establishing an order of seniority between such positions.

3. During the absence, disability, or vacancy in the office of the Secretary, the Under Secretary, and the Assistant Secretaries, the General Counsel shall perform all functions and exercise all authority of the Secretary. (P.L. 853, 84th Congress, July 31, 1956, 70 Stat. 733, 5 U.S.C. 623b.(b) (1958))

Dated: August 28, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-20421 Filed 9-4-74;8:45 am]

NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Notice of Establishment and Approval of Charter

The Secretary of Health, Education, and Welfare announces his approval on August 23, 1974, of the Charter providing for the operation and functions of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research which was established by section 201(a) of Pub. L. 93-348, signed into law July 12, 1974. Subject to special provisions of law, the Panel shall be governed by the provisions of the Federal Advisory Committee Act (Public Law 92-463) setting forth standards for the formation and use of advisory committees.

In view of the legislative deadline of the establishment and appointment of members to this Commission, and in conformance with OMB Circular A-63, Part 6, the Office of Management and Budget, on August 21, 1974, waived part of the 15-day requirement between notice of establishment and filing of the charter for publication in the FEDERAL REGISTER.

This Commission shall (1) conduct a comprehensive investigation and study to identify the basic ethical principles which would underlie the conduct of biomedical and behavioral research involving human subjects; develop guidelines which should be followed in such research to assure that it is conducted in accordance with such principles; make recommendations to the Secretary for such administrative action as may be necessary, and concerning any other matter pertaining to the protection of human subjects of biomedical and behavioral research. (2) Identify the requirements for informed consent to participation in biomedical and behavioral research by children, prisoners, and the institutionalized mentally infirm. (3) Conduct an investigation and study to determine the need for a mechanism to assure that human subjects in biomedical and behavioral research not subject to regulation by the Secretary are protected. (4) Investigate the nature and extent of research involving living fetuses, the purposes for which such research has been undertaken, and alternative means for achieving such purposes. (5) Investigate the use of psychosurgery during the five-year period ending December 31, 1972. (6) Undertake a comprehensive study of the ethical, social, and legal implications of advances in biomedical and behavioral research and technology.

This Commission shall cease to exist 30 days following the submission of its final report, that report being submitted not later than ninety days after the expiration of a 24-month period, beginning on the first day of the first month after which all the members of the Commission have taken office.

Dated: August 30, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

[FR Doc.74-20544 Filed 9-4-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 74-196]

PROPOSED COAST GUARD ACADEMY EXPANSION

Preparation of Draft Environmental Impact Statement

The Coast Guard is preparing a draft environmental impact statement for a proposed expansion of the U.S. Coast Guard Academy, New London, Connecticut.

The statement will consider this proposed expansion, including the construction of a Coast Guard Research and Development Center and a new Coast Guard Station, New London. The estimated date of filing with the Council on Environmental Quality is October 1974.

The Coast Guard requests that any person who has information that may contribute to the preparation of this draft environmental impact statement please contact the Superintendent, U.S. Coast Guard Academy, New London, Connecticut 06320.

Dated: August 28, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-20492 Filed 9-4-74;8:45 am]

[OGD 74-205]

CHEMICAL TRANSPORTATION INDUSTRY ADVISORY COMMITTEE

Open Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (P.L. 92-463; 5 U.S.C. App. 1) of October 6, 1972 that the Chemical Transportation Industry Advisory Committee will conduct an open meeting on September 18, 1974 in Room 2232 of the Nassif Building, 400 7th Street SW., Washington, D.C. The meeting is scheduled to begin at 9:00 a.m. and is expected to last all day.

Items on the agenda are the following:

1. Call to Order.
2. Opening Remarks.
3. Committee Organization and Operating Procedures.
4. Project Status Reports:
   a. Liquefied Flammable Gas Vessel Regulations.
   b. Chemical Vessel Regulations.
   c. Bulk Liquid Facility Regulations.
   d. Bulk Liquefied Gas Facility Regulations.
   e. Commercial Explosives Regulations.
   f. Roll On-Roll Off Vessel Regulations.
   g. Tankerman Regulations.
5. Relevant Work of the National Academy of Sciences Committee on Hazardous Materials.
6. Summary of Recent and Planned National and International Regulations and Standards.
7. Committee Comments and Recommendations.
8. Miscellaneous.
9. Adjournment.

The Chemical Transportation Industry Advisory Committee was chartered by the Commandant of the Coast Guard on August 3, 1973 to provide advice and consultation with respect to the safe water transportation of hazardous materials. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Commandant (G-CMC)
U.S. Coast Guard
Washington, D.C. 20590

or by calling: 202-426-1477.

Dated: August 28, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.74-20497 Filed 9-4-74;8:45 am]

[CGD 74 203]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from June 3, 1974 to June 25, 1974 (List No. 13-74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46 U.S.C., section 1333 of Title 43 U.S.C., and section 198 of Title 50, U.S.C. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (46 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

Approval No. 160.011/37/2, Scott Demand Air-Pak IIa, Model No. 900000, self-contained one-half hour compressed air breathing apparatus, at least one extra fully charged cylinder of breathing air to be included as part of the complete unit, Scott's dwg. Nos. 900000 dated May 6, 1974; 900014 dated May 6, 1974; 800018 dated May 6, 1974; 800010 sheets 1 & 2 dated May 6, 1974 and Bureau of Mines and National Institute for Occupational Safety and Health Approval No. TC-13F-39; Scott Instruction Sheet No. 89006-01 rev. 4/74, manufactured by Scott Aviation Corporation, Lancaster, New York 14086, effective June 13, 1974. (It supersedes Approval No. 160.011/37/1 dated August 25, 1969.)

Approval No. 160.011/39/1, Scott Air-Pak IIa Pressure-Demand Model 900014 self-contained one-half hour compressed air breathing apparatus, at least one extra fully charged cylinder of breathing air to be included as part of complete unit, Scott's dwg. Nos. 900000 dated May 6, 1974; 900014 dated May 6, 1974; 800018 dated May 6, 1974; 800010 sheets 1 & 2 dated May 6, 1974; Scott's Instruction Sheet No. 89022-01 Rev. C 4/74, Bureau of Mines and National Institute for Occupational Safety and Health Approval No. TC-13F-40, manufactured by Scott Aviation Corporation, Lancaster, New York 14086, effective June 13, 1974. (It supersedes Approval No. 160.011/39/0 dated July 15, 1971.)

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

Approval No. 160.026/37/0, container for emergency provisions for lifeboats and life rafts, dwg. No. FL-1 dated May 17, 1974, Marking: ¼ Ration for lifeboats, ½ Ration for life rafts, manufactured by F & L Packing Corporation, 257 Water Street, Brooklyn, New York 11201, formerly manufactured by Globe Equipment Corporation, effective June 3, 1974. (It supersedes Approval No. 160.026/37/0 dated April 26, 1974 to show change in name of company.)

Approval No. 160.026/40/0, container for emergency provisions dwg. No. FL-2 dated May 17, 1974 and specification data sheet dated May 17, 1974, manufactured by F & L Packing Corporation, 257 Water Street, Brooklyn, New York 11201, effective June 4, 1974.

Approval No. 160.026/41/0, container for emergency drinking water dwg. No. FL-3 dated May 17, 1974, manufactured by F & L Packing Corporation, 257 Water Street, Brooklyn, New York 11201, effective June 4, 1974.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.033/52/1, Type B-1, Rottmer type releasing gear, approved for maximum working load of 14,000 pounds per set (7,000 pounds per hook), identified by assembly dwg. No. M-125-13, Rev. F dated May 5, 1969, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New York 07727, effective June 3, 1974. (It is an extension of Approval No. 160.033/52/1 dated August 28, 1969.)

LIFEBOATS

Approval No. 160.035/299/2, 24.0'x8.0' x3.5' aluminum, oar-propelled lifeboat, 40-person capacity, identified by construction and arrangement dwg. No. 24-9B, Rev. C dated June 27, 1969, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"=2,250 pounds; Condition "B"=9,771 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective June 3, 1974. (It is an extension of Approval No. 160.035/299/2 dated August 5, 1969.)

Approval No. 160.035/477/0, 30.0'x10.0' x4.33' fibrous glass reinforced plastic (FRP), totally enclosed (covered) Class 1 motor-propelled, lifeboat, 64-person capacity, identified by general arrangement dwg. No. P-30-2M, Rev. B dated September 21, 1973 and COMDT (GMMT-3/83) letter dated June 25, 1974. 46 CFR 160.035-13(c) Marking, Weights: Condition "A"=8,297 pounds; Condition "B"=20,150 pounds, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective June 25, 1974.

Approval No. 160.035/478/0, 26.0'x9.0' x3.83' fibrous glass reinforced plastic (FRP), totally enclosed (covered) Class 1 motor-propelled, lifeboat, 42-person capacity identified by general arrangement dwg. No. P-26-2M, Rev. A dated August 27, 1973 and COMDT(GMMT-3/83) letter dated June 25, 1974, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"=6,932 pounds; Condition "B"=14,785 pounds, manufactured by Marine Safety Equipment Corporation, Foot of

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Wycoff Road, Farmingdale, New Jersey 07727, effective June 25, 1974.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

Approval No. 160.049/63/0, special approval for 23"x13"x2½" rectangular, vinyl-dipped, unicellular plastic foam buoyant cushion, dwg. No. 5335-X, Rev. 1 dated August 14, 1964, Type IV PFD, manufactured by Goodenow Manufacturing, 1301 West 18th Street, Erie, Pennsylvania 16501, effective June 3, 1974. (It is an extension of Approval No. 160.049/63/0 dated August 20, 1969.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/7/1, unicellular plastic foam work vest as per military specification MIL-17653A, U.S.C.G. Specification Subpart 160.053, dwg. No. 21975 dated August 6, 1965, dwg. No. 8211-2 dated December 15, 1965, dwg. No. 8211/5/74 dated May 29, 1974 and dwg. No. 8211/4/74 dated April 22, 1974, Type V PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective June 20, 1974. (It supersedes Approval No. 160.053/7/1 dated January 11, 1971.)

FIRE-PROTECTIVE SYSTEMS

Approval No. 161.002/9/1, supervised automatic and manual fire alarm system consisting of a control unit containing up to forty zone modules (dwgs. 55-124, 55-125, 55-127), zone module assembly (dwg. 55-126) and battery charging panel, 5 amp (dwg. 55-129) or 10 amp (dwg. 55-128), this system is intended for use with two 24-volt storage batteries, one of which is on charge while the other is supplying the system, and bells, manual alarm stations, test stations, and thermostats approved by the U.S. Coast Guard, manufactured by Henschel Corporation, Amesbury, Massachusetts 01913, effective June 6, 1974. (It is an extension of Approval No. 161.002/9/1 dated August 27, 1969.)

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/38/2, sound-powered telephone station, desk type, with internal ringer, selective ringing, common talking, 2, 8, and 17 stations, dwg. No. 70-529-2, Alt. 0 dated October 10, 1964, for use in staterooms, offices, chart room, radio room, etc., manufactured by Henschel Corporation, Amesbury, Massachusetts 01913, effective June 6, 1974. (It is an extension of Approval No. 161.005/38/2 dated August 20, 1969.)

FLASHLIGHTS, ELECTRIC, HAND

Approval No. 161.008/13/0, N-36 watertight flashlight, Type I, size 2 (2-cell), Part Number N-36, each flashlight shall be plainly and permanently marked with the name of the manufacturer and the above part number, manufactured by Fulton Manufacturing, Division of Chromalloy American Corporation, Wauseon, Ohio 43567, effective June 6, 1974. (It is an extension of Approval No. 161.008/13/0 dated August 25, 1969.)

CARBON DIOXIDE TYPE FIRE EXTINGUISHING SYSTEMS

Approval No. 162.038/1/0, Kidde Carbon Dioxide Type Fire Extinguishing Systems, Typical Installation dwg. Nos. R-98686, Rev. C dated February 7, 1963; R-98687, Rev. C dated February 27, 1963; and L-98688, Rev. C dated February 27, 1963; and Parts List revised December 31, 1963, for parts used exclusively for the type RB Audible & Visual, Supervised Smoke Detecting Systems, see Certificate of Approval 161.002/6/0, manufactured by Walter Kidde & Company, Inc., Industrial and Marine Division, Belleville, New Jersey 07109, effective June 3, 1974. (It reinstates and supersedes Approval No. 162.038/1/0 terminated January 24, 1974.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/177/0, Bendix Model No. B175-61-2 backfire flame arresters, same as model approved by 162.041/72 with addition of external vent tube as used in model approved by 162.041/136, manufactured by Bendix Corporation, Fuel Devices Division, 696 Hart Avenue, Detroit, Michigan 48214, effective June 3, 1974.

Approval No. 162.041/178/0, Volvo Penta Model MB10A backfire flame arrester, cast aluminum housing, brass wire cloth element, stainless steel retainer and clamping screw, manufactured by Volvo of America Corporation, Rockleigh, New Jersey 07647, effective June 3, 1974.

STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

Approval No. 164.007/31/1, "Cafco Blaze Shield Type D C/F" sprayed fiber type structural insulation identical to that described in Underwriters' Laboratories, Inc. report file R3749-31, assignment 69NK2439 dated September 25, 1970, approved for use without other insulating materials to meet Class A-60 requirements in a 2" thickness and not less than 12 pounds per cubic food density, manufactured by United States Mineral Products Company, Stanhope, New Jersey 07874, effective June 10, 1974. (It supersedes Approval No. 164.007/31/0 dated May 28, 1970 to show material change.)

Approval No. 164.007/47/0, "Cafco Deck-Shield C/F" sprayed fiber type structural insulation identical to that described in Underwriters' Laboratories, Inc. report file R3749-28, assignment 69CH4131 dated March 11, 1970, approved for use without other insulating materials to meet Class-60 requirements in a 1½" thickness and an 18.4 pounds per cubic foot nominal density, manufactured by United States Mineral Products Company, Stanhope, New Jersey 07874, effective June 10, 1974.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/163/0, "Thermo-12" pipe and block insulation, identical to that described in Johns-Manville's letter of March 28, 1973 and in National Bureau of Standards Test Report FR 3844 dated May 24, 1973, manufactured by Johns-Manville Sales Corporation, Denver, Colorado 80217, Plants: Manville, New Jersey; Long Beach, California, effective June 4, 1974. (It supersedes Approval No. 164.009/163/0 dated July 2, 1973 to add new plant location.)

Approval No. 164.009/164/0, Marine Veneer, Colored Marine Veneer, Dekeran, and Textured Dekeran, plain or perforated, inorganic heavy density sheets as described in Johns-Manville letter of April 25, 1973, manufactured by Johns-Manville Sales Corporation, Denver, Colorado 80217, effective June 10, 1974. (It supersedes Approval No. 164.009/164/0 dated May 3, 1973 to show change of address of manufacturer.)

Dated: August 28, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.74-20500 Filed 9-4-74;8:45 am]

[CGD 74 198]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from June 4, 1974 to June 18, 1974 (List No. 14-74). These actions were taken in accordance with procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, U.S.C., section 1333 of Title 43, U.S.C., and section 198 of Title 50, U.S.C. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

The Davis Products, Scott Aviation Division of "Automatic" Sprinkler Corporation of America, 225 Erie Street, Lancaster, New York 14086, no longer manufactures certain supplied-air respirators and Approval Nos. 160.011/3/1 and 160.011/9/1 were terminated effective June 18, 1974.

The Davis Products, Scott Aviation Division of "Automatic" Sprinkler Corporation of America, 225 Erie Street, Lancaster, New York 14086, no longer manufactures certain gas masks and Approval Nos. 160.011/11/1 and 160.011/25/1 were therefore terminated effective June 18, 1974.

STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

The Johns-Manville Sales Corporation, Denver, Colorado 80217, no longer manufactures certain structural insulations and Approval Nos. 164.007/7/1 and 164.007/9/1 were therefore terminated effective June 4, 1974.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

The Johns-Manville Sales Corporation, Denver, Colorado 80217, no longer manufactures certain incombustible materials and Approval No. 164.009/43/0 was therefore terminated effective June 4, 1974.

The Johns-Manville Sales Corporation, Denver, Colorado 80217, no longer manufactures certain incombustible materials and Approval No. 164.009/98/0 was therefore terminated effective June 10, 1974.

Dated: August 28, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.74-20498 Filed 9-4-74;8:45 am]

[CGD 74 199]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from July 16, 1974 to July 31, 1974 (List No. 15-74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, U.S.C., section 1333 of Title 43, U.S.C., and section 198 of Title 50, U.S.C. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES

The Omega Marketing, Inc., 203 Pleasant Street, Marblehead, Massachusetts 01945, no longer manufactures certain special purpose water safety buoyant devices and Approval Nos. 160.064/490/0, 160.064/491/0, 160.064/492/0, 160.064/493/0 and 160.064/494/0 were therefore terminated effective July 30, 1974.

BROMOTRIFLUOROMETANE-TYPE FIRE EXTINGUISHING SYSTEMS

The Norris Industries, Fire & Safety Equipment Division, P.O. Box 2750, Newark, New Jersey 07114, no longer manufactures certain bromotrifluoromethane type fire extinguishing systems and Approval No. 162.035/2/1 was therefore terminated effective July 31, 1974.

STRUCTURAL INSULATIONS FOR MERCHANT VESSELS

The W. R. Grace and Company, 1511 K Street, NW., Washingotn, D.C. 20005, Approval No. 164.007/33/0 was terminated due to change in composition, effective July 29, 1974.

BULKHEAD PANELS FOR MERCHANT VESSELS

The Alliance Wall Corporation, Wyncote, Pennsylvania 19095, Approval No. 164.008/53/0 expired and was terminated effective July 16, 1974.

Dated: August 28, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.74-20499 Filed 9-4-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-500, 50-501]

TOLEDO EDISON CO. ET AL.

Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters

The Toledo Edison Company, The Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application for authorization to construct and operate two generating units utilizing two pressurized water nuclear reactors. The application was tendered on May 10, 1974. Following a preliminary review for completeness, the Environmental Report was found to be acceptable on July 19, 1974. The Preliminary Safety Analysis Report (PSAR) was rejected on June 12, 1974, because of deficiencies in the Quality Assurance Program description. The applicants submitted a revised Quality Assurance Program on July 24, 1974, and the application was docketed on August 9, 1974. Dockets Nos. 50-500 and 50-501 have been assigned to the application and should be referenced in any correspondence relating to it.

The proposed nuclear facility, designated by the applicants as the Davis-Besse Nuclear Power Station, Units 2 and 3, is located on Lake Erie in Ottawa County, Ohio. Each unit is designed for initial operation at 2772 megawatts thermal, with a net electrical output of 906 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before November 4, 1974. The request should be filed in connection with Docket Nos. 50-500-A and 50-501-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Ida Rupp Public Library, Port Clinton, Ohio.

The Environmental Report was filed by the applicants pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51. This report, which discusses environmental considerations related to the construction and operation of the proposed facility, is being made available for public inspection at the aforementioned locations and at the Ohio State Clearinghouse, Office of the Governor, 62 East Broad Street, Columbus, Ohio 43215.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement with a request for comments from interested persons on the

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draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 27th day of August 1974.

For the Atomic Energy Commission.

L. P. CROCKER,
Acting Chief, Light Water Reactors Branch 2-2, Directorate of Licensing.

[FR Doc.74-20606 Filed 9-4-74;8:45 am]

[Dockets Nos. 50-500, 50-501]

TOLEDO EDISON CO. ET AL.

Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Toledo Edison Company, The Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company and Pennsylvania Power Company (the applicants), for construction permits for two pressurized water nuclear reactors designated as the Davis-Besse Nuclear Power Station, Units 2 and 3 (the facilities), each of which will be designed for operation at approximately 2772 thermal megawatts with a net electrical output of approximately 906 megawatts. The proposed facilities are to be located on Lake Erie in Ottawa County, Ohio.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facilities, will be conducted by an Atomic Safety and Licensing Board (Board) which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Edward Luton, Esq., Chairman, Dr. Richard F. Cole, and Dr. David L. Hetrick.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicants:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicants have described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of contruction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicants are technically qualified to design and construct the proposed facilities;

3. Whether the applicants are financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine: (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's regulatory staff has been adequate to support the proposed findings to be made by the Director of Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) whether the review conducted by the Commission pursuant to NEPA has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1-5 above as a basis for determining whether the construction permits should be issued to the applicants.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with 10 CFR Part 51: (1) determine whether the requirements of section 102(2)(C) and (D) of NEPA and 10 CFR Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing and the respective notices will be published in the FEDERAL REGISTER.

Pursuant to 10 CFR 2.761a, a hearing by the Board on issues pursuant to NEPA and general site suitability and certain other possible issues may be held and a decision issued prior to and separate from the hearing and decision on other issues. In the event the Board, after the hearing, makes favorable findings on such issues, the Director of Regulation may, pursuant to 10 CFR 50.10(e), authorize the applicants to conduct certain onsite work entirely at their own risk prior to completion of the remainder of the proceeding.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1-5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others in the manner specified below.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by October 7, 1974. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)-(4) and § 2.714(d).

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicants by September 25, 1974.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, and to Leslie Henry, Esq., Fuller, Henry, Hodge & Snyder, 300 Madison Avenue, Toledo, Ohio 43604, and Gerald Charnoff, Esq., Shaw, Pittman, Potts & Trowbridge, 910 17th Street NW., Washington, D.C. 20006, attorneys for the applicants.

For further details, see the application for construction permits dated August 9, 1974, and amendments thereto, and the applicants' environmental report dated August 9, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of these documents are also available at the Ida Rupp Public Library, Port Clinton, Ohio, for inspection by members of the public between the hours of 10 a.m. and 8:30 p.m., Monday through Thursday, and 10 a.m. and 5:30 p.m., Friday and Saturday. As they become available, a copy of the safety evaluation report by the Commission's Directorate of Licensing, the Commission's draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, the transcripts of the prehearing conferences and of the hearing and other relevant documents, will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation report and the Commission's final environmental statement, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Dated at Washington, D.C. this 28th day of August 1974.

UNITED STATES ATOMIC ENERGY COMMISSION,
GORDON M. GRANT,
Assistant Secretary of the Commission.

[FR Doc.74-20607 Filed 9-4-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 28985]

AIR MANILA, INC. CHARTER PERMIT APPLICATION PHILIPPINES - UNITED STATES

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 24, 1974, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before September 13, 1974.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., August 30, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74-20539 Filed 9-4-74;8:45 am]

[Docket No. 25280; Order 74-8-118]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority, August 29, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA) and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter, dated August 16, 1974, sets forth a new item description and rate, applicable over the North Atlantic, and names additional rates under existing commodity descriptions as outlined in the attachment hereto.[1]

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, that:

1. Agreement C.A.B. 24595, R-1 through R-3, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained herein for purposes of tariff publication, provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and

2. The findings and approval herein shall not be deemed to modify the findings and Orders of the Board in its decision in *Agreements Adopted by IATA Relating to North Atlantic Cargo Rates*, Order 73-2-24 of February 6, 1973, Order 73-7-9 of July 5, 1973, Order 73-9-109 of September 28, 1973, Order 74-4-7 of April 2, 1974, Order 74-7-130 of July 29, 1974, and Order 74-8-54 of August 13, 1974, and are subject, where applicable, to all provisions of such orders.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may

[1] Attachment filed as part of the original document.

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file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN A. HOLLAND,
Secretary.

[FR Doc.74-20537 Filed 9-4-74;8:45 am]

[Docket 25513; Order 74-8-117]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares Within the Western Hemisphere

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of August 1974.

By Order 74-4-144 (April 26, 1974) the Board tentatively disapproved fare increases proposed by the carrier members of the International Air Transport Association (IATA) for travel between the United States, on the one hand, and South America (except Venezuela, Guyana, Surinam and French Guiana) and Central America, on the other hand. The Board also tentatively disapproved fare increases proposed between Los Angeles, San Francisco, San Diego, Portland and Seattle, on the one hand, and Mexico City and Acapulco, on the other hand. By the terms of the Board's order, these disapprovals were to become final on May 30, 1974 absent submission of further economic justification by the affected carriers no later than May 15, 1974.[1]

Braniff contends that its rate of return in Central/South America service will not, in fact, exceed 12 percent and argues that, in any event, it is not proper for the Board to limit its consideration of carrier earnings to a single division when acting on fare proposals for that division. If the Board refuses to permit occasional excess earnings in a particular division, the carrier's systemwide return, which is an average of all divisions, will allegedly never achieve a fair standard. Braniff has submitted a forecast of results under existing and proposed fares for the year ending March 31, 1975, which projects rates of return of 9.3 percent and 11.3 percent, respectively. Cost escalation over Braniff's previous forecast is attributed to higher unit costs experienced in the first quarter of 1974 projected to the end of the forecast period, and Braniff alleges that further increases due to inflation in South America will be experienced during the forecast period.

Pan American contends that the increases tentatively disapproved were more than supported by its original justification, and claims that the Board's adjustments to its forecast were incorrect and unwarranted.[2] Pan American has provided a forecast of financial results in Central/South America operations for the year ending March 31, 1975, which shows rates of return of −0.3 percent (Central America) and −0.8 percent (South America), or an average of −0.6 percent under the proposed fares. Under present fares return is forecast at an average of −2.4 percent. The decline in return from its earlier forecast for a 4.6 percent return for calendar 1974 (under present fares) is attributed to increased unit costs experienced for the year ended December 31, 1973 over the year ended September 30, 1973; further escalations in fuel prices; and a slight increase in available seat-miles resulting from schedule adjustments coupled with a greater impact from introduction of B-747 service in long-haul markets.

In support of the proposed five percent increase in U.S.-Colombia fares, Avianca alleges that it will have absorbed severe fuel cost increases well in excess of both previously approved fuel-related rate increases and the increase being considered herein. Avianca also cites the high inflation rate in Colombia which it expects will average 25 percent over the next 12 months. The Colombian carrier also contends that the 12 percent rate-of-return standard used by the Board in its order of tentative disapproval is inappropriate for multilateral rate agreements, and submits that the Board's review of IATA agreements should take into account larger political and economic considerations, and should not rest solely on an analysis of the fair rate of return developed for the particular purposes of rate proceedings in the United States.

Upon full consideration of the additional data supplied by the carriers, the Board has concluded to approve the proposed increases in U.S.-Central/South America fares. Although the forecasts of both Braniff and Pan American appear to understate return on investment to some extent, on the average the U.S. carriers serving Central/South America will not be in an excess-earnings position under the proposed fares.

Compared to the initial forecast for calendar 1974, upon which the Board relied in Order 74-4-144, Braniff's new forecast of results for the year ending March 31, 1975 shows a revenue improvement of two percent, an increase in operating expenses of 20.1 percent, and an unexplained increase in interest expense from $932,000 to $3,753,000. This forecast is based on projections and adjustments from the actual results experienced during the year ended March 31, 1974. However, the base includes revenues and expenses for charter and military operations as well as scheduled commercial service, and no explanation has been given for the adjustments which have been made to produce a forecast limited to scheduled service. Thus, the two sets of figures are not comparable, and the validity of Braniff's latest forecast cannot be accurately determined. Additionally, Braniff has provided no data on capacity or traffic for any period, historic or forecast.[3]

In these circumstances, we believe a more accurate projection of results may be obtained by taking the one figure not previously available—investment—and applying it to Braniff's original forecast for calendar 1974. Braniff forecasts a system investment of $396.2 million as of March 31, 1975, which is not out of line with its reported system investment of $384.5 million as of March 31, 1974. Averaging these figures gives a system investment for calender 1974 of $390.4 million, and allocating this on the basis of operating expense gives a Central/South America investment of $76.5 million, on which Braniff's return would be 15.9 percent, rather than the 18.5 percent previously estimated by the Board.[4]

Pan American's forecast for the year ending March 31, 1975 reflects an increase in operating expenses of $14.2 million over its initial forecast for calendar 1974. This increase is primarily attributable to higher unit costs experienced during the last quarter of 1973, as well as a clerical error which resulted in a $3.7 million understatement of aircraft and traffic servicing expense. However, the new forecast also includes additional cost escalations of over $27 million for labor, fuel, and decreased utilization. Pan American initially projected only $13.7 million in cost escalations for these items.

The carrier attributes $23.6 million of the increase to increases in fuel prices over those experienced in calendar 1973,

[1] The Board later extended this time period to May 31. Additional justification for the U.S.-Central/South America fare increases has been submitted by Braniff Airways, Inc. (Braniff), Pan American World Airways, Inc. (Pan American), and Aerovias Nacionales de Colombia, S.A. (Avianca). Justification for the U.S. west coast-Mexico fare increases has been submitted by Western Air Lines, Inc. (Western).

[2] Specifically, Pan American states that its forecast fuel costs were not anticipatory and were based on fuel price increases only through December 31, 1973; and that increases in historic unit costs for aircraft rentals, insurance, depreciation and amortization to reflect decreased aircraft utilization resulting from the reduced level of operations forecast were entirely proper.

[3] In Order 74-4-144, the Board stated that further justification should include "complete forecasts of revenue, expenses and returns on investment in these markets for the year ending March 31, 1975 under both existing and proposed fares, as well as forecasts of capacity and traffic for the same period. We will also require a comparable itemization of actual results for the year ended March 31, 1974. The other deficiencies in the forecasts referred to previously in this order should likewise be remedied."

[4] The investment figure of $65.7 million for Central/South American operations used in Order 74-4-144 was based on reported system investment of $341.1 million and international investment of $76.9 million, both as of December 31, 1973.

We note that most carriers allocate investment on a block-hour basis rather than in proportion to total operating expense. This may well be more accurate, but Braniff has furnished no data which would permit a block-hour allocation, and here there is no indication that a materially different result would emerge.

and it appears that a good portion of this is anticipatory.[4] Pan American's reported fuel prices at March 31, 1974 for Central/South American operations show a 98 percent increase over 1973 (as compared to 159 percent projected by Pan American), which equates to a $14.5-million increase in total fuel costs for the forecast period. Adjusting Pan American's financial forecast accordingly results in a return on investment of 4.2 percent rather than −0.6 percent as projected by the carrier.[5]

A more serious question arises with respect to the level of operations on which the forecast is based. Not only does Pan American's new forecast reflect significant increases over those projected in its initial forecast, it also shows a substantial cost increase over actual results experienced during the year ended March 31, 1974, which must be attributed to expanded U.S.-South America operations. Whereas Pan American anticipates a 6.0 percent reduction in Central America service from the year immediately preceding the present forecast (and a resulting 10 percent reduction in operating expenses at historical unit costs), the carrier forecasts a 28 percent increase in available seat-miles in South American service, and an 11 percent ($8.1 million) increase in operating expenses. Traffic is anticipated to increase 8.7 percent, after reflecting elasticity at the proposed higher fares. However, the resulting seat load factor is forecast to drop from 53.2 percent to 45.5 percent. Although it is within managerial prerogative to increase capacity, either by adding schedules or substituting wide-body aircraft for standard equipment, we do not believe a fare increase justified on this basis is warranted at this relatively moderate load-factor level. However, Pan American's actual results, for the year ended March 31, 1974 show rates of return of −4.4 percent and 4.3 percent, respectively, on Central and South American operations. Even assuming that the carrier maintained its 1973 level of operations in U.S.-South America service, these historical results would of themselves justify a fare increase, provided that it did not place the carrier in an excess-earnings position. Thus, taking into account Pan American's most recent unit-cost experience, the seven percent fare increase in the area in April 1974, and operations at historical rather than forecast levels, produce a 5.1 percent rate return for the Central and South America area including the instant fare increases of 5 percent and 3 percent, respectively. However, this figure may be overstated in that Pan American's reported May 1974 fuel costs in the area reflect a 6.9 percent increase over the March costs on which the Board's adjustments are predicated.

From our evaluation of the additional information supplied by the carriers, the Board concludes that, although Braniff will continue to be in an excess-earnings position, Pan American's return will be substandard, and that on the whole the U.S.-Central/South America service provided by U.S. carriers will not produce excess earnings as a result of the fare increases herein approved.[6]

Western, in support of the U.S. west coast-Mexico fares, alleges that its reported Form 41 return on investment of 25 percent in Latin American operations is actually overstated due to severe losses on the domestic portion of certain flights scheduled primarily to serve Mexico which are not reflected. Western states that its historical rate of return for the year ended March 31, 1974 was 22.5 percent, which will drop to 9.3 percent during the forecast period (year ending March 31, 1975) in the absence of a fare increase. With the fare increase, return is projected at 11.7 percent. The forecast rates of return are based on a level of operations which reflects a 12.3 percent increase in capacity over the base period; a 6.0 percent increase in traffic (1.1 percent after consideration of elasticity); a 13.5 percent increase in passenger revenue; and a 28.3 percent increase in operating expenses.

We are unable to conclude that the increase in U.S. west coast-Mexico fares is warranted at this time. For the past several years, including the most recent reported 12-month period, Western's Mexican operations have produced rates of return well in excess of 12 percent.[7] Western's forecast of a significant decline in earnings is based, in part, on traffic projections which appear extremely conservative in light of Western's recent experience. The carrier's U.S.-Mexico traffic increased by almost 9.7 percent during January-May 1974 over the same period in 1973, despite a January 1 fare increase of 6 percent to compensate for fuel cost increases. Yet Western now anticipates traffic growth of only 1.1 percent under the proposed fares. Thus, while Western forecasts increases in operating expenses amounting to $7.7 million, or 28.3 percent, due to escalations in fuel, labor and other costs, as well as increased capacity costs, we believe continuing normal traffic and revenue growth will offset a sufficient portion of these cost increases to preclude its return position from falling below a reasonable level in the foreseeable future. In this light, and in the absence of submissions from any other carrier providing direct west coast-Mexico service, the Board is unable to approve the proposed fare increases.

By this order the Board will also dispose of an Aeromexico filing under the provisions of IATA Resolution 072 (TC1 Creative Fares) to establish a Monterrey-Los Angeles round-trip excursion fare at $150 through March 31, 1975. The fare represents a reduction from the currently applicable excursion fare, has not been protested, and will be approved.

Pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a) and 412 thereof, the Board makes the following findings:

1. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	
24088:	*IATA Resolution*
R-2	100 (Mail 935) 001kk.
R-6	100 (Mail 935) 051 I.
R-8	100 (Mail 935) 061 I.
R-11	100 (Mail 935) 070cc.
R-12	100 (Mail 935) 071f.
R-15	100 (Mail 935) 076a.
R-16	100 (Mail 935) 084e.
R-17	100 (Mail 935) 084m.
R-18	100 (Mail 935) 084s.
R-21	100 (Mail 935) 096d.
R-22	100 (Mail 936) 071f.
R-23	100 (Mail 936) 076a.
R-24	100 (Mail 936) 084e.

[4] Pan American states that "Fuel cost for the quarter ending March 31, 1975 has been calculated at the same level as for the quarter ending December 31, 1974, the latest quarter for which Pan American has been able to *calculate its exposure* with any confidence due to the uncertainty of future worldwide price and supply trends." (emphasis added)

[5] We have also excluded increases in certain U.S.-South America expenses (aircraft rentals, insurance, depreciation and amortization) Pan American attributes to decreased aircraft utilization measured in block hours. Pan American actually anticipates an increase in block hours (and available seat-miles) in South American service. The same item for U.S.-Central America is inadequately documented, but we pass over the matter since its effect on the final result is *de minimis*. Pan American has recomputed its estimate of traffic elasticity to reflect a coefficient of −0.2 (as compared to −0.7 in its original justification). Resulting traffic loss is estimated at 0.9 percent for Central America and 0.6 percent for South America, and in light of these moderate declines Pan American submits, and we are inclined to agree, that its operations cannot be so finely tuned as to reduce the capacity offered by the amounts of traffic lost. In any event, we need not deal directly with this issue, since our evaluation of Pan American's results is based on its historical load factor.

[6] We will also approve a more recent IATA agreement involving technical adjustments to excursion fares between the United States and Brasilia which are based on the new fare levels.

[7] We do not accept Western's argument that its reported 25 percent return on investment in U.S.-Mexico operations is overstated due to losses on the domestic segments of flights which continue on to Mexico. Form 41 format constitutes the official procedures for the reporting of financial results in each market division (domestic *vis-a-vis* international in this case), and is appropriate for evaluation of fare proposals for each operating entity.

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Agreement C.A.B.	IATA No.	Title	Application
24139	006xx	Special Fare Adjustment Resolution (New)	1 (U.S.-Colombia/Central America).

Agreement	*IATA Resolution*
CAB 24362	100 (Mail 952) 070cc.
CAB 24383	072–TC1 creative fares, memoranda TC1 fares 2255 and 2262.

2. It is found that the following resolutions, to the extent they would establish fares between Los Angeles, San Francisco, San Diego, Portland and Seattle, on the one hand, and Mexico City and Acapulco, on the other hand, and which are incorporated in Agreement C.A.B. 24207 as indicated, are adverse to the public interest and in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
24207:			
R-3	001ee	Special Effectiveness Resolution (USA/Canada-Mexico) (New)	1
R-5	002	Standard Revalidation Resolution	1
R-6	051	TC1 First-Class Fares	1
R-8	061	TC1 Economy-Class Fares	1
R-9	070aa	TC1 Excursion Fares USA/Canada-Mexico (New)	1
R-10	076aa	TC1 Affinity and/or Own Use Group Fares USA-Mexico (New)	1
R-12	084ee	TC1 Group Inclusive-Tour Fares USA/Canada-Mexico	1

Accordingly, it is ordered, That:

1. Those portions of Agreements C.A.B. 24088, C.A.B. 24139, C.A.B. 24362 and C.A.B. 24383 set forth in finding paragraph 1 above be and hereby are approved; and

2. Those portions of Agreement C.A.B. 24207 set forth in finding paragraph 2 above be and hereby are disapproved to the extent they have direct application in air transportation as defined by the Act.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–20538 Filed 9–4–74;8:45 am]

[Docket 25280; Order 74–8–116]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

AUGUST 28, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names additional specific commodity rates as set forth below, reflecting reductions from general cargo rates; and was adopted pursuant to an unprotested notice to the carriers and promulgated in an IATA letter dated August 20, 1974.

Agreement C.A.B.	Specific commodity item No.	Description and rate
24605:		
R-1	3060	Aluminum Manufactures viz. Articles or Materials made principally of Aluminum: 214 cents per kg., minimum weight 500 kgs. From Johannesburg to New York.
R-2	1024	Fish, Live, Inedible [1] 120 cents per kg., minimum weight 300 kgs. From Nandi to Los Angeles.

[1] See tariff for complete commodity description.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered that:

Agreement C.A.B. 24605, R–1 and R–2, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–20353 Filed 9–4–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 257–4]

ENVIRONMENTAL FINANCING AUTHORITY

Notice of Interest Rate

Pursuant to section 12 of the Federal Water Pollution Control Act Amendments of 1972 (Environmental Financing Act) and 40 CFR § 39.105–5 thereunder (39 FR 20788), notice is hereby given that the Secretary of the Treasury has determined that as of July 1974, the interest rate for obligations purchased by the Environmental Financing Authority shall be eight per cent (8%).

Dated August 27, 1974.

ALVIN L. ALM,
Assistant Administrator for Planning and Management.

[FR Doc.74–20405 Filed 9–4–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20060–20062; File Nos. BP–19559 etc.; FCC 74R–315]

COMMUNITY BROADCASTING, INC., ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Community Broadcasting Company, Inc. (WKUN), Monroe, Georgia, Docket No. 20060, File No. BP–19559; James N. Williamson and Raymond Dehler, a joint venture, Monroe, Georgia, Docket No. 20061, File No. BP–19620; Monroe Broadcasting, Inc., Monroe, Georgia, Docket No. 20062, File No. BP–19621; for construction permits.

1. This proceeding involves the mutually exclusive applications of Community Broadcasting Company, Inc. (WKUN) (Community), James N. Williamson and Raymond Dehler, A Joint Venture (Joint Venture), and Monroe Broadcasting, Inc., for a permit to construct and operate a standard broadcast station in Monroe, Georgia. The applicants seek to replace the deleted facilities of Station WMRE. See *Walton Broadcasting Company*, 43 FCC 2d 1242, 28 RR 2d 1492 (1973). By Order, 39 FR 20101, published May 31, 1974, the Chief of the Broadcast Bureau, acting pursuant to delegated authority, designated the applications for consolidated hearing. Presently before the Review Board is a petition to enlarge issues, filed June 19, 1974, by Community, requesting the addition of site availability and Rule 1.65 issues against Joint Venture.[1]

2. In its petition, Community maintains that the transmitter site originally specified by Joint Venture became unavailable immediately upon the May 14, 1974, departure from Joint Venture of Charles Haasl, owner of the site, and an original member of Joint Venture.

[1] The Board also has before it for consideration the following related pleadings: (a) opposition, filed July 3, 1974, by the Broadcast Bureau; (b) opposition, filed July 3, 1974, by Joint Venture; and (c) reply, filed July 11, 1974, by Community.

Furthermore, Community asserts that Joint Venture failed to inform the Commission of a change of its transmitter site within thirty days from the date of Mr. Haasl's departure, as required by Rule 1.65.[2] In light of the foregoing, Community avers that site availability and Rule 1.65 issues are warranted against Joint Venture.

3. Opposing enlargement, Joint Venture first contends that it was not until July 1, 1974, that it definitely learned that Haasl had contracted to sell the property in question. Therefore, Joint Venture argues, Community's request for a Rule 1.65 issue is premature. With respect to the site availability issue, Joint Venture asserts that it will soon amend its application to specify as its new site the property of deleted Station WMRE that Joint Venture purchased on May 7, 1974;[3] and therefore requests that the Review Board's disposition of the request for a site availability issue await the Administrative Law Judge's action on Joint Venture's proposed amendment. The Broadcast Bureau, in its opposition, contends that the petition does not comply with the specificity requirements of Rule 1.229, and, therefore, should be denied.

4. From the foregoing, it appears that Joint Venture no longer has available the transmitter site specified in its application. Haasl's affidavit, which is attached to Joint Venture's opposition, indicates that a contract for the sale of the site was executed on June 13, 1974, and, therefore, the site was no longer available as of that date. Moreover, although Joint Venture did in fact file a petition for leave to amend its application on August 2, 1974, to reflect a change of site, that petition, as of yet, has not been acted upon by the Administrative Law Judge. Consequently, a site availability issue will be added. See *Fine Music, Inc.*, 7 FCC 2d 187, 9 RR 2d 917 (1967). However, we do not believe that a Rule 1.65 issue is warranted. While it appears that Joint Venture may have violated the Rule, the following circumstances convince us that an inquiry at the hearing is unnecessary: first, Joint Venture notified the Commission of the May 7, 1974, acquisition of the WMRE property on June 11, 1974; second, Joint Venture informed the Commission of the loss of its original site in Mr. Haasl's July 3, 1974, affidavit; third, Joint Venture amended its application to reflect a change of site a short time after the expiration date allotted by the rules; and, fourth, the failure to timely disclose the change of site appears to be isolated and no intent to withhold or conceal the information from the Commission has been shown. *Cf. David Ortiz Radio Corp.*, — FCC 2d —, 30 RR 2d 475 (1974).

5. *Accordingly, it is ordered,* That the petition to enlarge issues, filed June 19, 1974, by Community Broadcasting Company, Inc. (WKUN) is granted to the extent indicated herein, and is denied in all other respects; and

6. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issue: To determine whether the transmitter site specified by James N. Williamson and Raymond Dehler, A Joint Venture, is available to it.

7. *It is further ordered,* That the burdens of proceeding and proof under the foregoing issue shall be on James N. Williamson and Raymond Dehler, A Joint Venture.

Adopted: August 27, 1974.

Released: August 29, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–20456 Filed 9–4–74;8:45 am]

[2] Community acknowledges that Joint Venture amended its application on June 11, 1974, to reflect Haasl's departure and the executing of a Joint Venture agreement between teh remaining participants, Messrs. Williamson and Dehler.

[3] Joint Venture states that it amended its application on June 11, 1974, to reflect the acquisition of the WMRE properties, exclusive of the transmitter and studio equipment. The amendment was accepted by the Administrative Law Judge in an Order, FCC 74M–761, released June 27, 1974.

FEDERAL COMMUNICATIONS COMMISSION

[List No. 3]

CANADIAN TELEVISION STATIONS

Supplementary List of Changes, Additions, Deletions, and Corrections

AUGUST 28, 1974.

Supplementary list of changes, additions, deletions and corrections as of September 1, 1974 to the list of Canadian television stations within 250 miles of the border issued by the Commission dated April 1, 1973.

Call sign	Licensee	Location	Radiated power (kW)	Antenna: Directivity	Above ground	Above MSL	Above terrain	Offset
		Channel 2 (54–60 MHz)			*Feet*	*Feet*	*Feet*	
CKGN-TV-2		Bancroft, Ontario N. 45°03'31", W. 77°12'00"	67.20 V 10.10 A	D.A.	690	2,110	910	(+)
		Channel 5 (76–82 MHz)						
CBHFT–1 (call letters changed from CBHFBT).	Canadian Broadcasting Corp	Yarmouth, Nova Scotia N. 43°53'55", W. 66°06'10"	1.99 V 1.99 A	D.A.	470	620	558	(–)
CKVR–TV		Barrie, Ontario N. 44°21'05", W. 79°41'55"	100.00 V 10.00 A	Om.	1,000	2,090	1,118	(+)
CJAY-TV (call letters changed from CJAY–TV–2).	Relay Communications, Ltd	Brandon, Manitoba N. 49°40'05", W. 100°00'40"	55.00 V 11.00 A	D.A.	1,332	2,882	1,200	(+)
		Channel 7 (174–180 MHz)						
CKY–TV (call letters changed from CJAY–TV).	Channel 7 Television, Ltd	Winnipeg, Manitoba N. 49°31'48", W. 97°10'04"	325.00 V 325.00 A	Om.	925.5	1,704.5	932.5	(+)
		Channel 8 (180–186 MHz)						
CBDAT (call letters changed from CBYTE–TV–1).	Canadian Broadcasting Corp	Watson Lake, Yukon Territory N. 60°03'52", W. 128°42'52"	0.035 V 0.0035 A	D.A.	105	2,405	−29	(+)
		Channel 10 (192–198 MHz)						
CKNY–TV (call letters changed from CHCH–TV).	Tel-Ad Company, Ltd	North Bay, Ontario N. 46°12'15", W. 79°21'05"	119.00 V 23.80 A	D.A.	340	1,185	420	(–)
		Channel 11 (198–204 MHz)						
CBOFT–1		Chapeau, Quebec N. 45°55'15", W. 77°04'10"	0.55 V 0.09 A	D.A.	420	995	374	(+)

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc.74–20458 Filed 9–4–74;8:45 am]

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RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meetings

In accordance with Public Law 92-463, "Federal Advisory Committee Act," Radio Technical Commission for Marine Services (RTCM) meetings scheduled for the future are as follows:

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Special Committee No. 68, "Marine Radiotelephone Operator Education."
Notice of 1st Meeting.
Tuesday, September 17, 1974—9:30 a.m.
Conference Room 847, 1919 M Street NW., Washington, D.C.

AGENDA

1. Call to Order; Introduction of Federal Government Public Interest Designate.
2. Introduction of Attendees; Adoption of Agenda.
3. Discussion on Committee Organization.
4. Discussion on Committee Priorities.
5. Discussion of Problem Areas.
6. Acceptance of Work Assignments.
7. Other Business.
8. Establishment of Meeting Schedule.

A. Newell Garden, Chairman, SC-68, Raytheon Company, 141 Spring Street, Lexington, Massachusetts 02173, Phone: (617) 862-6600 (Ext. 414).
Special Committee No. 66, "Receiver Standards for the Maritime Mobile Service".
Notice of 24th Meeting.
Wednesday, September 18, 1974—9:00 a.m. (All-day meeting).
Conference Room A110, 1229 20th Street, NW., Washington, D.C.

AGENDA

1. Call to Order; Introduction of Federal Government Public Interest Designate.
2. Adoption of Agenda; Appointment of Rapporteurs.
3. Acceptance of SC-66 Summary Records.
4. Reports on Work Assignments.
a. Report as to whether or not information is available from USCG on the fading of VHF signals due to the roll and pitch of small craft—
b. Review of complete draft standard.
5. Continued preparation of VHF antenna standard.
6. Discussion of problem areas.
7. Solicitation of Work Assignments.
8. Other business.
9. Establishment of next meeting date.
H.R. Smith, Chairman, SC-66, ITT Mackay Marine, 441 U.S. Highway 1, Elizabeth, New Jersey 07202, Phone: (201) 527-0300.

EXECUTIVE COMMITTEE

The next Executive Committee Meeting will be on Thursday, September 19, 1974, at 9:30 a.m. in Conference Room 847, 1919 M Street, N.W., Washington, D.C.

AGENDA

1. Call to Order; Introduction of Federal Government Public Interest Designate.
2. Introduction of Attendees; Adoption of Agenda.
3. Approval of the Minutes of Executive Committee Meetings.
4. Progress Reports on Currently Active Committees.
SC-65: "Ship Radar".
SC-66: "Receiver Standards for the Maritime Mobile Service".
SC-68: "Marine Radiotelephone Operator Education".
5. Status Reports on Other Committees.
SC-67: "Maritime Mobile Satellite Communications".
SC-69: "Maritime Radiotelephone Systems".
SC-64: "MF, HF, and VHF Maritime Radioteleprinter and Data Systems and Operations".
SC-67: "Vessel Traffic Systems".
6. Reports of Standing Committees.
7. New Membership Applications for Executive Committee Approval.
Amoco Shipping Co., Chicago, Ill. (OSS).
Steering Systems, Inc., New Orleans, La. (EMG).
Moore-McCormack Lines, Brooklyn, N.Y. (OSS).
8. Status report on "Federal Advisory Committee Act" (PL 92-463) as relating to RTCM.
9. Acceptance of SC-59 Final Information Report.
10. Discussion on draft paper, "Special Committee Procedures and Reports."
11. Report on 1975 St. Louis Assembly Meeting.
12. Appointment of Budget Committee.
13. Summary Reports and Announcements.
14. New business.
15. Establishment of next meeting date.

Agendas, working papers, and other appropriate documentation for each committee meeting are available at that meeting. Those desiring more specific information may contact either the designated Committee Chairman or the RTCM Secretariat. (Phone: (202) 632-6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final reports are approved by the RTCM Executive Committee. All RTCM meetings are open to the public.

[FR Doc.74-20455 Filed 9-4-74;8:45 am]

FEDERAL MARITIME COMMISSION

PORT OF NEW ORLEANS AND J. YOUNG AND CO., INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before September 25, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularly. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

Mr. Cyrus C. Guidry, Port Counsel, Board of Commissioners of the Port of New Orleans, Post Office Box 60046, New Orleans, Louisiana 70160.

Agreement No. T-2990 is a five year lease between the Port of New Orleans (Port) and J. Young & Company, Inc. (JYC) covering France Road Berth No. 5, container terminal and marshalling area, subject to renewal for an additional five year period on the terms and conditions therein set forth. As rental JYC will pay a fixed annual sum for the first two years, and thereafter $15 per container with a guaranteed minimum annual payment. All dockage and wharfage charges billed by JYC, less 3%, will also be paid to Port as additional rental. Under the terms of the agreement, JYC is to operate the facility as a public container terminal and marshalling area open to any and all shippers or receivers of containers and general cargo that may be suitably handled. JYC is to publish and file with the Federal Maritime Commission a tariff covering dockage, wharfage, and other charges for terminal services rendered by it, subject to the rights of Container Lift International, Inc., who holds a permit under an agreement entered into January 4, 1973, for the erection and operation of crane or cranes at the facility. JYC's charges, rules and regulations will be subject to review and approval by the port.

Dated: August 30, 1974.

By order of the Federal Maritime Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-20510 Filed 9-4-74;8:45 am]

WORLD WIDE FILM TRANSPORT ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Hans Bermann d.b.a. World Wide Film Transport, 113 W. Grand Avenue, El Segundo, California 90245.

P. J. Whelan & Co., Patrick Joseph Whelan, Jr., d.b.a. 1712 Skyline Drive, Norfolk, Virginia 23518.

Angela M. Soo Hoo, 105 E. Port Hueneme Road, Port Hueneme, California 93041.

AAA Exports, Inc., 1115 Redondo Boulevard, Inglewood, California.

OFFICERS

Madeline Vergara, President.
Priscilla Vergara, Executive Vice President.
Laurie Paxmino, Assistant Secretary.

Southern States Forwarding, Inc., 307 Baronne Building, New Orleans, Louisiana 70112.

OFFICERS

John F. Kornfeld Sr., President.
Benno Friedman, Director.
Vera Kornfeld, Secretary/Treasurer.

Trade Express, Inc., P.O. Box 91090, World Way Postal Center, Los Angeles, California 90009.

OFFICERS

Frank X. Grabrijan, President.
Leah J. Grabrijan, Vice President.
Dorothy J. Grabrijan, Director.
Tony J. Krivz, Director.
Tihomir Krecic, Director.

Oscar L. Cauci, 1418 40th Street, Brooklyn, New York 11218.

Vincent Bastidas d.b.a. Basmar Export Co., 16 Beaver Street, New York, New York 10004.

Meteoro Express Corp., Inc., Building 2145 MIAD Intl. Airport, P.O. Box 412 (IAB), Miami, Florida 33148.

OFFICERS

Silvio R. Diaz, President.
Julio Hernandez, Treasurer.
Alberto Castillo, Vice President.
Digsil C. Diaz, Secretary.

By the Federal Maritime Commission.

Dated: August 30, 1974.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74-20509 Filed 9-4-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI75-19]

AMERICAN PETROFINA COMPANY OF TEXAS ET AL.

Notice of Petition for Special Relief

AUGUST 28, 1974.

Take notice that on August 15, 1974, American Petrofina Company of Texas (Operator), et al., (Petitioner), P.O. Box 2159, Dallas, Texas 75221, filed a petition for special relief in Docket No. RI75-19, pursuant to § 2.76 of the Commission's General Policy and Interpretations. Petitioner requests relief from the area rate established in Opinion No. 598 for the sale of natural gas from Coquille Bay Field, Plaquemines Parish, Louisiana to Southern Natural Gas Company under its FPC Gas Rate Schedule No. 87. The proposed rate is 31.9875 cents per Mcf in lieu of the current rate of 26.9875 cents per Mcf, inclusive of tax reimbursement. In consideration for the rate increase, Petitioner proposes to install and operate compression facilities and Petitioner's contract provides that Southern shall reimburse Petitioner 5.0 cents per Mcf on all gas compressed prior to delivery to Southern. Petitioner also states that approximately 2,000 MMcf of additional gas can be delivered from the Field after compression.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20440 Filed 9-4-74;8:45 am]

[Docket No. E-8624]

ARIZONA PUBLIC SERVICE CO.

Notice of Extension of Time and Postponement of Hearing

AUGUST 28, 1974.

On August 22, 1974, Arizona Electric Power Cooperative, Inc. and Papago Tribal Utility Authority, intervenors, filed a motion requesting an extension of procedural dates fixed in the Order of June 4, 1974, in the above-designated matter. The motion states that Staff Counsel, Arizona Public Service Company and Citizens Utilities Company, the only other intervenor, were all notified and have no objections.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of intervenor evidence.	Sept. 23, 1974.
Service of rebuttal evidence.	Oct. 7, 1974.
Hearing	Oct. 17, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20433 Filed 9-4-74;8:45 am]

[Docket No. E-8973]

ARKANSAS-MISSOURI POWER CO.

Notice of Filing of Initial Rate Schedule

AUGUST 27, 1974.

Take notice that by letter dated August 9, 1974, the Arkansas-Missouri Power Company filed with the Federal Power Commission a Rate Schedule supplementing the Interconnection Agreement between Union Electric Company and Arkansas-Missouri Power Company dated February 2, 1968 (FPC Rate Schedule No. 36) and copies of a Certificate of Concurrence dated August 9, 1974 on behalf of the Union Electric Company.

Under this Schedule the Arkansas-Missouri Power Company will deliver to the Union Electric Company 170 MW of firm power during a 22 week period beginning May 4, 1975 and continuing through October 4, 1975, and for a 15-month period beginning September 1, 1974 and continuing through November 30, 1975, during which time the Union Electric Company may return delivery of this 170 MW of firm power to the Arkansas-Missouri Power Company.

Applicant requests that this Schedule be permitted to become effective on September 1, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20432 Filed 9-4-74;8:45 am]

[Project No. 2488]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Application for Surrender of License (Minor)

AUGUST 29, 1974.

Public notice is hereby given that application was filed on May 20, 1974, under the Federal Power Act (16 U.S.C. 791a-825r) by Central Vermont Public Service Corporation (correspondence to: Mr. S. H. Robinson, Vice President, Operations and Construction, Central Vermont Public Service Corporation, 77 Grove Street, Rutland, Vermont 05701) for surrender of the license for its Bradford Hydroelectric Project No. 2488, located on the Waits River in Bradford Village, Orange County, Vermont. The project affects interstate commerce.

The Bradford Hydroelectric Project No. 2488 is comprised of a dam built of large cut stones capped with concrete, approximately 200 feet long, with a maximum height of 70 feet, having a 116-foot spillway section, five stanchion sections adjacent to the north abutment, and a concrete structure housing a set of trash racks and head gates; a 6.3-acre reservoir; a steel penstock five feet six inches in diameter extending 128 feet to a six-foot diameter surge tank and 80 feet of five-foot diameter penstock between the surge tank and the powerhouse; a powerhouse equipped with one 600 hp horizontal turbine with two wheels and two draft tubes, which drives two generators, each having a capacity of 180 kw; and appurtenant facilities.

The applicant proposes to surrender its license because (1) the deterioration of the two generators causes many mechanical breakdowns; (2) the internal turbine parts are considerably worn and it is not economically feasible to replace or rebuild them for the small amount of generation the station produces; (3)

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both units were removed from service in 1971; and (4) a considerable amount of silt has collected in front of the headworks so that there is no reservoir storage for generation.

Applicant proposes to remove the generating equipment, surge tank and building and eventually part of the dam. Ownership of the land and dam will be retained by Central Vermont Public Service Corporation, and the only value of the project will be as an historic and scenic attraction. There are no existing recreational facilities within the project boundary nor are any contemplated. It is the intent of the applicant to revegetate the area.

Any person desiring to be heard or to make protest with reference to said application should, on or before October 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20535 Filed 9-4-74;8:45 am]

[Docket No. CP75-42]

COLORADO INTERSTATE CORP.

Notice of Application

AUGUST 29, 1974.

Take notice that on August 15, 1974, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP75-42 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas gathering and pipeline facilities and the sale and exchange of natural gas, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to deliver initially approximately 2,857 Mcf per day to Mountain Fuel Supply Company (Mountain Fuel) from Applicant's Canyon Creek gathering system in sec. 34, T. 13 N., R. 101 W., Sweetwater County, Wyoming, at a point of interconnection with Mountain Fuel's existing 20-inch pipeline which crosses this field.[1] Mountain Fuel will have the option to purchase up to 25 percent of the volumes received and will return the balance to Applicant from its Spearhead Ranch and Antelope area supplies, which are currently connected to Applicant's transmission system.[2] Any out-of-balance situation occurring during any month will be adjusted insofar as practicable during the following month.

The purchase agreement between Applicant and Mountain Fuel provides for a price equal to the average price which Appl: purchases in the Canyon Creek Field, plus 4 cents per Mcf for gathering and plus reimbursement for advance payments made by Applicant to producers.

In order for Applicant to make deliveries under the agreement, it will be necessary to install approximately 2,500 feet of 6-inch pipeline and a sales meter station, estimated to cost a total of $24,871. Applicant also proposes to construct field gathering facilities in the Canyon Creek Field at an estimated cost of $207,849. The total cost of the proposed facilities will be financed from working funds on hand, funds from operations, short-term borrowings, or long-term financing.

Neither Applicant nor Mountain Fuel is obligated to increase transmission capacity in order to accept deliveries of gas under this arrangement. Applicant states that it has urgent need for the gas supplies from the Canyon Creek Field in order to meet the annual requirements of its existing customers.[3]

Any person desiring to be heard or to make any protest with reference to said application should on or before September 23, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the commission on this application if no petition to intervene is filed with the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20524 Filed 9-4-74;8:45 am]

[Docket No. RP74-77]

COLORADO INTERSTATE GAS CO.

Notice of Further Extension of Time and Postponement of Hearing

AUGUST 28, 1974.

On August 26, 1974, Staff Counsel filed a motion in the above-designated matter to extend the procedural dates fixed by order issued May 1, 1974, and modified by notice issued July 23, 1974. The motion states that Colorado Interstate Gas Company was notified and had no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of evidence by staff	Nov. 25, 1974
Service of evidence by Intervenor	Jan. 7, 1975
Service of rebuttal evidence by Colorado Interstate Gas Co.	Jan. 21, 1975
Hearing	Jan. 28, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20438 Filed 9-4-74;8:45 am]

[Docket No. RP74-77]

COLORADO INTERSTATE CORP.

Notice of Revised Changes in Rates

AUGUST 27, 1974.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on August 15, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. First Substitute Sixth Revised Sheet Nos. 5 and 6 of CIG's FPC Gas Tariff, Second Revised Volume No. 1, are proposed to be substituted for and to replace Sixth Revised Sheet Nos. 5 and 6 as filed with the Commission on March 29, 1974 in Docket No. RP74-77 and suspended by the Commission until October 1, 1974 in its order issued May 1, 1974. The purpose of the filing is to modify CIG's rate design in its pending rate increase proceeding to reflect the Commission's rate design policy as stated in the Commission's order of May 1, 1974. No change is proposed in CIG's jurisdictional test year cost of service nor in CIG's jurisdictional revenue requirements proposed in Docket No. RP74-77. CIG states that the change in rate structure is required to insure that, when the proceeding in Docket No. RP74-77 is concluded, CIG will not be required to make refunds to customers from which it overcollected demand charges while being also required to absorb undercollections of commodity charges. CIG also states that its filing herein restructures its increased rates using the Commission's 75-25 method for rate design while adhering to the unmodified Seaboard method for purposes of cost classification and allocation purposes since CIG's peak-period service capability is still closely equivalent to system capability.

CIG has requested waiver of the applicable provisions of § 154.66 of the Commission's regulations under the Natural Act. CIG states that simultaneously herewith, CIG is filing its motion to make First Substitute Sheet Nos. 5 and 6 filed herewith effective as of October 1, 1974. Said motion requests that, in the event said substitute sheets are not accepted by the Commission to be effective as of October 1, 1974, that Sixth Revised Sheet Nos. 5 and 6 as filed with the Commission on March 29, 1974 in Docket No. RP74-77 be placed into effect in lieu thereof.

Copies of this filing have been served upon the Company's jurisdictional customers and upon interested public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 12, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20427 Filed 9-4-74;8:45 am]

[Docket No. CP74-113 and Docket No. CI74-276]

CONSOLIDATED GAS SUPPLY CORP., ET AL.

Notice of Certification of Stipulation and Settlement

AUGUST 27, 1974.

Take notice that Consolidated Gas Supply Corporation (Consolidated Supply), CNG Producing Company (CNG Producing), and Consolidated Natural Gas Company (Consolidated Natural) together with the Staff and all intervening parties tendered a proposed Stipulation of Settlement in the above-mentioned dockets to the Presiding Administrative Law Judge on August 16, 1974. The Presiding Administrative Law Judge certified this Stipulation and the record of the prehearing conference to the Commission for action on August 20, 1974.

The proceeding involves a joint application by Consolidated Supply, CNG Producing and Consolidated Natural in Docket No. CP74-113 for a certificate of public convenience and necessity authorizing the transfer of Consolidated Supply's developed natural gas producing leases and related production facilities in the Louisiana area through Consolidated Natural to CNG Producing and the abandonment of those leases by Consolidated Supply. Also involved is an application by CNG Producing in Docket No. CI74-276 for authorization to continue, as successor in interest to Consolidated Supply, thirteen, off-system sales presently being made by Consolidated Supply in the South Louisiana, and to initiate eleven sales of gas to Consolidated Supply from production onshore and offshore Louisiana.

The proposed Stipulation of Settlement indicates that the applications in the two dockets will be approved subject to the following conditions or limitations:

1. The transfer approval is to be limited to the specific developed leasehold properties set forth in the applications.

2. CNG Producing shall file annual reports with the Commission stating the number of type of wells (oil, gas, dry holes and any other) newly-drilled and/or deepened on the transferred leaseholds and the estimated reserves of oil and gas attributable to such activity. Such reports shall be filed within 90 days of the close of CNG Producing's fiscal year, the initial report due, however, no later than March 31, 1975.

3. CNG Producing shall be limited to the applicable area or nationwide rate for gas sold from reservoirs discovered by Consolidated Supply prior to the effective date of the transfer of the leaseholds involved, such rates to be determined upon the basis of the dates of initial production therefrom or the dates of the commencement of individual wells thereon, whichever is later.

4. This stipulation is without prejudice to any findings or order which have been, or may be, made hereafter by the Commission, and is without prejudice to claims or contentions which may be made by Consolidated Supply, CNG Producing, the Commission Staff or any affected party herein, in any proceedings now pending, or hereafter instituted by or against Consolidated Supply or its affiliate CNG Producing or any other companies, person or parties affected by this order.

Objections or protests to the proposed Stipulation of Settlement may be filed on or before September 18, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20425 Filed 9-4-74;8:45 am]

[Docket No. CP73-258]

EL PASO EASTERN CO., ET AL.

Notice of Further Extension of Time

AUGUST 28, 1974.

On July 19, 1974, and July 24, 1974, the U.S. Department of Interior and the Department of Health, Education and Welfare requested an extension of time within which to comment on the Draft Environmental Impact Statement of the Staff.

On August 14, 1974, the Greenwich Township Environmental Commission, and on August 15, 1974, the U.S. Department of Commerce and the United States Coast Guard also requested such an extension.

Upon consideration, notice is hereby given that the time is further extended to and including September 16, 1974, within which comments may be filed on the Draft Environmental Impact Statement in the above matter.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20437 Filed 9-4-74;8:45 am]

[Docket No. CP75-48]

EL PASO NATURAL GAS CO.

Notice of Application

AUGUST 28, 1974.

Take notice that on August 21, 1974, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP75-48 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of an additional exchange point between Applicant and Northwest Pipeline Corporation (Northwest) at an existing point of interconnection between the gathering systems of Applicant and Northwest in Rio Arriba County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that by order issued September 21, 1973, in Docket CP74-14 Applicant was authorized to abandon its Northwest Division System facilities to Northwest. The application further states that as part of the implementation of such divestiture, Applicant and Northwest entered into the San Juan Gathering Agreement dated January 31, 1974, as amended, to provide for the mutual sharing and exchange of gas in the San Juan Basin area after divestiture. Applicant states that by order issued January 22, 1974, in Docket Nos. CP73-331, et al., the Commission approved such gathering arrangement and authorized Applicant and Northwest to operate two existing points of interconnection between their gathering systems in order

[1] Mountain Fuel has agreed to accept, on a firm basis, up to 13,000 Mcf per day of the Canyon Creek gas and any additional gas on a best efforts basis.

[2] Applications are pending in Docket Nos. CP74-62, 74-64, and 74-92 for approval of the gas exchange from the Spearhead Ranch area; and in Docket Nos. CP74-133 and CP74-144 for approval of the exchange from the Antelope area. Under the terms of the applicable agreements Applicant will purchase 25 percent of the gas delivered to its system and will return 75 percent to Mountain Fuel at Green River, Wyoming. Temporary authorizations were issued to all parties in these proceedings on June 10, 1974. The proposed Canyon Creek exchange in the instant docket would necessitate increasing the volumes under the exchange agreements involving the Spearhead Ranch and Antelope areas.

[3] The application contains data showing that, with an annual volume of 1,043,000 Mcf from Canyon Creek, Applicant expects an annual systemwide deficiency of 13,326,000 Mcf in fiscal 1975. Total recoverable reserves from the Canyon Creek Field are 10,429,000 Mcf.

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to make necessary exchange deliveries of gas.

Applicant requests authorization by this application to add a third point of exchange for use as an exchange balancing delivery point between gathering systems in the San Juan area to provide each party with greater flexibility and reliability in making balanced exchange deliveries. The application indicates that this proposed point will be operated by Applicant, together with the two existing exchange points to effectuate the authorized exchange of gas between parties in accordance with the San Juan Gathering Agreement.

Applicant states that Northwest will seek appropriate Commission authorization to enable performance by it under the abovedescribed agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 23, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20445 Filed 9-4-74;8:45 am]

[Docket No. RP74-57]

EL PASO NATURAL GAS CO.

Notice of Tariff Filing

AUGUST 28, 1974.

Take notice that on August 16, 1974, El Paso Natural Gas Company (El Paso) filed, pursuant to Part 154 of the Commission's regulations under the Natural Gas Act, the following tariff sheets modifying the rates heretofore made effective at Docket Nos. RP74-57 and RP72-155:

Original Volume No. 1

First Substitute Twelfth Revised Sheet No. 3-B.

Third Revised Volume No. 2

Substitute Second Revised Sheet No. 1-D.

Original Volume No. 2A

Substitute Fourth Revised Sheet No. 1-C.

El Paso states that the rates set forth on the tendered tariff sheets reflect: (i) the elimination from the rates which became effective on July 10, 1974, in Docket No. RP74-57 the amounts related to increased special overriding royalty and production payments as directed by the Commission orders issued July 15, 1974, and August 8, 1974, at Docket Nos. RP74-22 and RP74-57, et al., and (ii) the inclusion in such rates amounts relating to facilities for which permanent certificate authorization is pending in Docket No. CP74-47 as directed by ordering paragraph (B) of the Commission's order issued August 12, 1974, at Docket No. CP74-47, and RP74-57, et al.

El Paso further states that the amount to be eliminated from such rates associated with the increased special overriding royalty and production payments is $20,806,852, equivalent to a decrease of 1.99¢ per Mcf in the rates made effective on July 10, 1974, at Docket No. RP74-57, and that the amount to be included in such rates related to facilities, for which permanent certification is pending at Docket No. CP74-47, is $1,587,008, equivalent to an increase of approximately 0.02¢ per Mcf in the rates the subject of Docket No. RP74-57.

El Paso requested that the tariff sheets be permitted to become effective as of July 10, 1974.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before September 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20442 Filed 9-4-74;8:45 am]

[Docket Nos. G-13202, RP67-9]

EL PASO NATURAL GAS CO.

Notice of Report of Refunds

AUGUST 29, 1974.

Take notice that on August 5, 1974, El Paso Natural Gas Company (El Paso) tendered for filing a report of intended disposition of producer-supplier refunds retained pending flow through to certain of El Paso's former jurisdictional customers. El Paso states that the intended disposition is in accordance with the Stipulations and Agreement approved by the Commission in the above-docketed proceedings.

El Paso states that the principal jurisdictional refunds amount to $86,150.04.

El Paso requests that the instant disposition of refunds be its final disposition. El Paso also requests Commission approval to authorize El Paso to flow through the subject refund amounts concurrently with, and as a part of, El Paso's flow through of refund amounts pending in Docket Nos. RP71-14, et al.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20536 Filed 9-4-74;8:45 am]

[Docket Nos. RP74-19, etc.]

FLORIDA GAS TRANSMISSION CO.

Notice of Further Extension of Time and Postponement of Hearing

AUGUST 29, 1974.

On August 23, 1974, Florida Gas Transmission Company filed a motion for an extension of the procedural dates fixed by notice issued August 5, 1974, in the above-designated matter. The motion states that neither Staff Counsel nor counsel for any active intervenor was opposed to this.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Rebuttal evidence	Sept. 25, 1974.
Hearing	Oct. 9, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20525 Filed 9-4-74;8:45 am]

[Docket No. RI75-20]

JOHN C. GRAVES

Notice of Petition for Special Relief

AUGUST 28, 1974.

Take notice that on July 29, 1974, John C. Graves (Petitioner), 505 Union Center, Wichita, Kansas 67202, filed a petition for special relief in Docket No. RI75-20, pursuant to Order No. 481. Petitioner seeks a rate of 40 cents per Mcf for the sale of natural gas to Cities Service Gas Company, from certain oil and gas leaseholds covering these described lands:

W/2 of Section Thirty (30), Township Thirty-three (33) South, Range Fourteen (14) West, Barber County, Kansas.

In consideration thereof Petitioner states that it will install water removal equipment on its Lenkner No. 1 Well to prevent premature abandonment.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20439 Filed 9-4-74;8:45 am]

[Docket No. E-8867]

IDAHO POWER CO.

Notice of Transmission Agreement

AUGUST 27, 1974.

Take notice that by letter dated August 6, 1974, the Idaho Power Company filed with the Federal Power Commission an Operation Agreement between the Idaho Power Company and Pacific Power & Light Company dated September 22, 1969. The agreement provides for the operation and maintenance of a 1500 MW steam electric generating plant located in the Nine Mile area in Sweet Water County in southwestern Wyoming (herinafter referred to as the Jim Bridger Project). The first 500 MW generating unit is scheduled for commercial operation by October of 1967. The second 500 MW unit is scheduled to be completed in 1975 and a third unit is scheduled for completion prior to 1979.

Under the provisions of the Operation Agreement, Idaho Power Company will make available to Pacific Power & Light Company capacity in its transmission system for transmission by transfer or displacement in amounts equivalent to the transmission that would occur with its existing transmission system up to 1000 MW.

The operation agreement also provides for the utilization by either party for its own system loads of any unused capability of the other party in the project.

Applicant requests that the transmitted agreement be accepted for filing by the Commission and become effective 30 days thereafter.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20431 Filed 9-4-74;8:45 am]

[Docket No. E-8815]

IOWA PUBLIC SERVICE CO.

Notice of Filing of Proposed Settlement Agreement

AUGUST 28, 1974.

Take notice that on August 21, 1974, Iowa Public Service Company (IPSC) submitted for filing a proposed settlement agreement for electric service to Lincoln Light and Power Company, Farmers Cooperative Light and Power Company, and ten municipalities.[1]

The proposed rate increase filed on May 29, 1974, and designated as IPSC First Revised Sheet No. 1, FPC Electric Tariff, Original Volume No. 1 is amended by this proposed settlement agreement.

The agreement provides for an increase in overall rates of approximately $200,560, which is a reduction of $92,649 from the increase filed on May 29, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 9, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

[1] The municipal customers are the Iowa Cities of Anthon, Auburn, Aplington, Denver, Dunkerton, Fonda, Hudson, Livermore, Pocahontas and Sergeant Bluffs.

[Docket No. CP74-278]

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

Notice of Modification of Hearing Date

AUGUST 28, 1974.

On August 23, 1974, Farmland Industries, Inc., an intervenor, filed a motion to commence the hearing, fixed by notice of August 16, 1974, one day earlier. The motion states that the applicant, the Staff and the other intervenors have no objection to the change.

Upon consideration, notice is hereby given that the hearing in the above matter will commence on September 9, 1974, at 2:00 p.m., e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20441 Filed 9-4-74;8:45 am]

[Docket No. RP74-70]

MICHIGAN GAS STORAGE CO.

Notice of Further Extension of Time and Postponement of Hearing

AUGUST 28, 1974.

On August 22, 1974, Michigan Gas Storage Company filed a motion for an extension of procedural dates fixed by order issued April 29, 1974, and extended by notice dated July 10, 1974.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Rebuttal Evidence by Michigan Gas Storage Co., September 17, 1974.
Hearing, October 3, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20436 Filed 9-4-74;8:45 am]

[Docket No. E-8906]

MISSISSIPPI POWER CO.

Amendment to Interconnection Agreement

AUGUST 27, 1974.

Take notice that by letter dated July 12, 1974, the Mississippi Power Company tendered for filing with the Federal Power Commission an amendment to an interconnection agreement dated November 12, 1970, between the Mississippi Power Company and the South Mississippi Electric Power Association. The 1970 agreement has been designated as Mississippi Power Company Rate Schedule FPC No. 108.

The amendment tendered for filing provides for the establishment of a second interconnection point near Purvis, Mississippi, which will be utilized with respect to service rendered under the interconnection agreement. Service through the Purvis interconnection point is expected to begin by October 1, 1974.

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Applicant also submitted an agreement between the Mississippi Power Company and the South Mississippi Electric Power Association establishing an interim interconnection point near Cleo, Mississippi. Service through this interim point will be discontinued upon establishment of the interconnection point near Purvis, Mississippi.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procednre (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20424 Filed 9-4-74;8:45 am]

[Docket No. CP75-47]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

AUGUST 28, 1974.

Take notice that on August 19, 1974, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP75-47 an application pursuant to sections 7(c) and 7(b) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of natural gas pipeline compression facilities, and for permission to abandon certain existing compression facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to modernize its Perryville, Louisiana, Compressor Station by replacing seven 1,000 horsepower and two 1,200 horsepower horizontal engines with three new 2,080 horsepower integral angle engines. This will result in a reduction of the total horsepower at the Station from the present 12,000 horsepower to 8,840 horsepower.

Applicant states that the proposed abandonment involves the retirement of certain of the oldest compressors on Applicant's system. Applicant also states that the replacement of these units will result in improvements in the operating dependability and efficiency of Applicant's system, and thereby reduce the system's fuel gas requirements.

The application states that the program proposed herein involves no change in Applicant's sales and sales volumes and will not change total system delivery capacity. Applicant indicates that the estimated cost of the construction proposed herein will be $3,385,000, and will initially be financed from available funds and short term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 23, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20444 Filed 9-4-74;8:45 am]

[Docket No. RP74-97]

MONTANA-DAKOTA UTILITIES CO.

Notice of Filing of Tariff Sheets

AUGUST 28, 1974.

Take notice that on August 8, 1974, Montana-Dakota Utilities Company (MDU) tendered for filing to its FPC Gas Tariff, Original Volume No. 4: Substitute Original Sheet No. 3A, Substitute First Revised Sheet No. 16A, Substitute Original Sheet No. 16B, Substitute Original Sheet No. 16C, Substitute Original Sheet No. 16D, and Original Sheet No. 16E. According to MDU, these sheets are being filed in compliance with the order issued on July 15, 1974, in this docket whereby the Commission ordered MDU to make certain changes in its proposed Purchased Gas Cost Adjustment Provision.

MDU proposes an effective date of July 16, 1974, for this filing and requests waiver of Commission regulations requiring 30 days notice and a Statement of the Nature, the Reasons and the Basis for the proposed change.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 6, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20443 Filed 9-4-74;8:45 am]

[Docket No. RP75-12-1]

NORTHERN NATURAL GAS CO.

Notice of Petition for Extraordinary Relief

AUGUST 27, 1974.

Public notice is hereby given that on August 14, 1974, Northern Natural Gas Company (Northern) filed a petition for extraordinary relief pursuant to § 1.7(a) of the Commission's rules of practice and procedure. Northern requests Commission authorization to provide natural gas service to its existing utility customers in accordance with its presently effective Agricultural Crop Drying Service Rate Schedule ACDS-1 in order to make available, on a best efforts basis, volumes of gas for the drying of seed, grain and other agricultural crops. Northern estimates that it will have available for sale under ACDS-1 Rate Schedule a total of 750,000 Mcf for the period of September 15, 1974 through March 15, 1975.

On September 28, 1973, the Commission issued an order at Docket No. CP74-63 in Northern's application to provide natural gas service to its existing utility customers pursuant to a new Agricultural Crop Dryer Service, Rate Schedule ACDS-1. The Commission's order authorized Northern to provide natural gas service to its existing utility customers up to a maximum of 750,000 Mcf for a six month period pursuant to Rate Schedule ACDS-1 of its FPC Gas Tariff, Third Revised Volume No. 1. Due to favorable weather during the drying season and less than projected curtailment below contract demand, crop drying volumes sold on Northern's system during the period from September 15, 1973, through March 15, 1974, under ACDS-1 Rate Schedule totaled only 140,978 Mcf.

Northern states that its ACDS-1 Rate Schedule was designed to provide special relief for Northern utility customers during the projected crop drying season when curtailment of volumes below their firm entitlements would result in irrecoverable losses from inadequate supplies of crop drying fuel. Volumes under ACDS-1 would be made available by Northern on a best efforts basis pursuant to advanced operating arrangements on a daily basis. Northern states that service under ACDS-1 Rate Schedule is predicated upon utilizing existing facilities and no new facilities are proposed.

A shortened notice period in this proceeding may be in the public interest. Any person desiring to be heard or to make protest with reference to said petition should on or before September 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20426 Filed 9-4-74;8:45 am]

[Docket No. CP75-41]

NORTHERN NATURAL GAS CO.

Notice of Application

AUGUST 29, 1974.

Take notice that on August 13, 1974, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska filed in Docket No. CP75-41, an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate certain branchline and meter station facilities and for permission and approval to abandon certain branchline and meter station facilities, all located near Garden City, Kansas, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate 0.2 mile of 6-inch, 2.9 miles of 8-inch and 1.3 miles of 12-inch branchline and a new town border meter station to ensure the continuation of reliable and adequate service to the community of Garden City, Kansas. Further, applicant proposes to abandon its existing Garden City TBS #1 and TBS #16 measuring facilities and 1.3 miles of 8-inch branchline which will no longer be required.

Applicant states that these proposed facility changes are required to offset delivery capacity (pressure) decline occurring in supply sources fueling Garden City and will enable Applicant to maintain adequate and reliable service to that area during the 1974-75 heating season. Applicant indicates no additional services are proposed to be rendered as a result of the instant application.

The application states that the estimated cost of the proposed facilities is $536,400, which will be financed from cash on hand and from funds generated from operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 23, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval of the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20528 Filed 9-4-74;8:45 am]

[Docket No. E-8963]

NORTHERN STATES POWER CO.

Notice of Rate Filing

AUGUST 27, 1974.

Take notice that by letter dated August 2, 1974, Northern States Power Company filed with the Federal Power Commission copies of an agreement between the Northern States Power Company of Wisconsin and the city of Cornell, Wisconsin. This electric service resale agreement supersedes an agreement dated April 18, 1968, and Supplement No. 2 to this agreement (FPC Rate Schedule No. 47). Applicant states that the agreement has been negotiated with the City of Cornell at this time to accommodate the latter's request for a change in delivery voltage from 2,400 volts to 4,160 volts.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20435 Filed 9-4-74;8:45 am]

[Project No. 2370]

PENNSYLVANIA ELECTRIC CO.

Notice of Application for Approval of Revised Exhibit R (Recreational Use Plan) for Constructed Project

AUGUST 29, 1974.

Public notice is hereby given that an application has been filed under the Federal Power Act (16 USC 791a-825r) by Pennsylvania Electric Company (correspondence to: Mr. W. R. Thomas, Secretary and Treasurer, Pennsylvania Electric Company, 1001 Broad Street, Johnstown, Pennsylvania 15907) for Commission approval of a revised Exhibit R (recreational use plan) for Deep Creek Project No. 2370, located on Deep Creek in Garrett County, Maryland near the Village of Oakland.

According to the revised Exhibit R, the present development for the 65 miles of project boundary includes (1) three miles occupied by commercial establishment; (2) two miles by clubs and organizations; (3) 36 miles by private cottages; and (4) the remainder abuts either public roads or undeveloped land which is wooded to the water's edge.

The applicant proposes to develop recreational facilities at two locations on the project reservoir. Both locations will provide boat access, while one will provide other recreational facilities. Further, the applicant proposes to lease to the State of Maryland the project reservoir and associated buffer strip. Under the proposed lease, the State would supervise all recreational activities at the project including use by the public, abutting property owners, owners of nearby lots, commercial interests and all others.

Any person desiring to be heard or to make protest with reference to said application should on or before October 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, peti-

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tions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20529 Filed 9-4-74;8:45 am]

[Docket No. G-2629]

PHILLIPS PETROLEUM CO.

Notice of Petition To Amend

AUGUST 29, 1974.

Take notice that on August 2, 1974, Phillips Petroleum Company (Petitioner), Bartlesville, Oklahoma 74004, filed in Docket No. G-2629 a petition to amend the order of the Commission issued in the subject docket on September 28, 1956, pursuant to section 7(c) of the Natural Gas Act authorizing the sale of natural gas to Northern Natural Gas Company (Northern) from the Spraberry Plant, Midland County, Texas, so as to add certain undeveloped and previously unconnected leases not presently connected to Petitioner's gathering system, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The petition states that by order issued September 28, 1956, Petitioner was authorized to sell gas to Northern from the Spraberry Plant pursuant to the terms and provisions of Residue Gas Purchase Contract dated February 8, 1952, on file as Petitioner's FPC Gas Rate Schedule No. 18. The February 8, 1952, contract expired by its own terms on December 1, 1973, and the parties entered into a replacement contract dated October 30, 1973, to be effective on December 1, 1973. This new contract was filed with the Commission on November 13, 1973, and was accepted by Commission letter dated December 10, 1973, to be effective December 14, 1973. Said contract was designated as Petitioner's FPC Gas Rate Schedule No. 533, superseding, in part, FPC Gas Rate Schedule No. 18.

Petitioner states that by amendment dated June 21, 1974, entitled "Agreement Committing Acreage To And Amending Spraberry Plant Residue Gas Purchase Agreement Dated October 30, 1973," Petitioner and Northern agreed to amend the October 30, 1973, contract to add certain undeveloped leases and certain leases not presently connected to Petitioner's gathering system. This acreage was formerly committed to Northern under Residue Gas Purchase Contract dated February 9, 1962; however, Petitioner asserts the parties recognize that such acreage cannot be adequately developed and explored under existing price provisions of the 1962 contract. Petitioner further asserts the parties recognize that Petitioner is unable to connect new gas since the purchase costs under new plant supply contracts exceed revenue derived from the 1962 contract. Therefore, Northern and Petitioner agreed to the release of this acreage from said contract.

Petitioner proposes by this petition to add this released acreage and to sell gas produced therefrom to Northern. Petitioner proposes to sell such gas at a price of 50.0 cents per Mcf at 14.65 psia exclusive of tax reimbursement and Btu adjustment; however, Petitioner states that it is willing to accept the national ceiling rate determined in accordance with the Commission's Opinion No. 699 and order issued June 21, 1974, in Docket No. R-389-B (51 FPC ____).

Petitioner estimates initial sales volume at 30,000 Mcf of gas per month.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 23, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20526 Filed 9-4-74;8:45 am]

[Docket No. CP75-39]

SOUTHERN NATURAL GAS CO.

Notice of Application

AUGUST 29, 1974.

Take notice that on August 12, 1974, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP75-39 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing August 7, 1974, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally co-extensive with said system.

The application states that the total cost of the proposed facilities will not exceed $7,000,000, with no single offshore project costing in excess of $1,750,000, and no single onshore project costing in excess of $1,000,000. Applicant states that these costs will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 23, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20527 Filed 9-4-74;8:45 am]

[Docket No. E-8753]

SOUTHWESTERN PUBLIC SERVICE CO.

Notice of Amendment to Contract

AUGUST 29, 1974.

Take notice that on August 15, 1974, Southwestern Public Service Company (Southwestern) tendered for filing amendments to its contracts with Cochran Power and Light Company and with Community Public Service Company. The original contracts were filed with the Commission on April 25, 1974.

Southwestern states that the amendments to its contracts are intended to cure possible anti-competitive language

which was delineated in the Commission's order of June 28, 1974.

Southwestern requests the Commission to accept the amended contractual language and terminate its investigation without further hearing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 13, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20530 Filed 9-4-74;8:45 am]

[Docket No. RP73-3]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Purchased Gas Cost Adjustments to Rates and Charges

AUGUST 27, 1974.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on August 16, 1974, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 to become effective October 1, 1974. Pursuant to the Purchased Gas Adjustment Clause (PGA Clause) contained in its Tariff, Transco proposes to increase its rates effective October 1, 1974, to reflect the net effect of a current purchased gas cost increase and a deferred adjustment decrease.

Transco states that Second Substitute Tenth Revised Sheet No. 5 and Second Substitute Seventh Revised Sheet No. 6 included in Appendix A of the filing reflect a net rate increase of 0.8¢ per Mcf which is the result of a 2.3¢ per Mcf current gas cost increase and a Deferred Adjustment decrease of 1.5¢ per Mcf. The resulting Deferred Adjustment of (0.2)¢ is designed to reflect the credit balance in the Company's unrecovered purchase gas cost account as of June 30, 1974.

The Company states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspections.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20428 Filed 9-4-74;8:45 am]

[Docket No. E-8956]

VIRGINIA ELECTRIC & POWER CO.

Notice of Letter Agreement Filing

AUGUST 27, 1974.

Take notice that by letter dated August 2, 1974, the Virginia Electric & Power Company filed with the Federal Power Commission a letter agreement dated July 17, 1974, between itself and the City of Washington, North Carolina, confirming the amendment of Supplement B issued May 7, 1971. The agreement extends Applicant's 7,200/12,500 volt service for two additional years, from December 31, 1976 to December 31, 1978. The Virginia Electric & Power Company requests that this letter agreement become effective as of June 18, 1974, the date of acceptance by the City of Washington.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20429 Filed 9-4-74;8:45 am]

[Docket No. E-8946]

WISCONSIN POWER & LIGHT CO.

Notice of Filing of New Service Schedule Agreement

AUGUST 27, 1974.

Take notice that by letter dated July 25, 1974, Wisconsin Power & Light Company tendered for filing with the Federal Power Commission a Service Schedule to the Interconnection Agreement dated February 1, 1965 between the Wisconsin Power & Light Company and Madison Gas & Electric Company.

This Service Schedule sets the contract energy charges equal to the selling party's total fuel expense of FPC Accounts 501 and 547 per net kwh generated for the three month period beginning four months prior to the first day of the calendar month of contract energy delivery multiplied by 1.20.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 9, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20430 Filed 9-4-74;8:45 am]

[Docket No. RP74-102]

NORTHERN NATURAL GAS CO.

Change of Hearing Date

AUGUST 30, 1974.

On July 22, 1974, a notice was issued postponing the hearing fixed by order issued June 28, 1974, in the above-designated matter until September 4, 1974. It is necessary to change the date of the hearing to September 5, 1974, because of a conflict in the schedule of the Administrative Law Judge.

Notice is hereby given that the hearing in the above matter is postponed to September 5, 1974, at 10 a.m., e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20633 Filed 9-4-74;8:45 am]

[Docket No. RP74-102]

NORTHERN NATURAL GAS CO.

Redesignation of Docket Number

AUGUST 30, 1974.

Take notice that the curtailment proceeding, presently designated as Northern Natural Gas Company (Northern), Docket No. RP74-80—curtailment is herein redesignated as Docket No. RP74-102.

The June 28, 1974, order in Docket No. RP74-80 establishing hearing procedures, the July 15, 1974 order in Docket No. RP74-80 granting intervention, the July 22, 1974, notice in Docket No. RP74-80 postponing the hearing date, the July 26, 1974, order in Docket No. RP74-80—curtailment granting intervention and all subsequent documents pertaining to the curtailment provisions filed by Northern in Docket No. RP74-80 shall be hereby designated as Docket No. RP74-102.

All interventions granted in Docket No. RP74-80 or RP74-80—curtailment

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will be construed as interventions in Docket No. RP74–102.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–20634 Filed 9–4–74;8:45 am]

FEDERAL RESERVE SYSTEM

CANTON BANCORPORATION, INC.

Formation of Bank Holding Company

Canton Bancorporation, Inc., Canton, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 85 per cent of the voting shares of Bank of Canton, Canton, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than September 24, 1974.

Board of Governors of the Federal Reserve System, August 26, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–20471 Filed 9–4–74;8:45 am]

CROCKER NATIONAL CORP.

Proposed Acquisition of Western Bradford Trust Company, a De Novo Corporation

Crocker National Corporation, San Francisco, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage in a joint venture with Bradford Computer & Systems, Inc., New York, New York, and thereby to acquire voting shares of Western Bradford Trust Company, San Francisco, California, a de novo Corporation. Notices of the application were published on July 19, 1974, in the San Francisco Chronicle, the San Francisco Examiner and the Daily Commercial News, newspapers circulated in San Francisco, California and also on July 19, 1974, in the Los Angeles Daily Journal and the Los Angeles Times, newspapers circulated in Los Angeles, California.

Applicant states that the proposed subsidiary would perform corporate agency and related shareholder services and corporate trust functions associated with bond issues. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank-holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secertary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 28, 1974.

Board of Governors of the Federal Reserve System, August 26, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–20470 Filed 9–4–74;8:45 am]

FIRST COMMERCE CORP.

Order Approving Acquisition of First Boeing Data Services, Inc.

First Commerce Corporation, New Orleans, Louisiana, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to engage in a joint venture with Boeing Computer Services, Inc., Dover, New Jersey ("Boeing"). The joint venture would be carried out through First Boeing Data Services, Inc., New Orleans, Louisiana ("Company"), which would engage de novo in computer and recordkeeping services associated with a full range of financial data processing services. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(8)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 10189). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant controls one bank with aggregate deposits of $762 million, representing approximately 8 per cent of the total deposits in commercial banks in Louisiana, and is the second largest commercial banking organization in the State.[1] Applicant, through its banking subsidiary, First National Bank of Commerce, New Orleans, Louisiana ("Bank"), performs a full range of internal bank related data processing and other computer services authorized for national banks pursuant to a ruling of the Comptroller of the Currency (12 CFR 7.3500).

Boeing, a wholly-owned subsidiary of The Boeing Company, Seattle, Washington, is primarily a processor of scientific data, and is engaged in providing data processing services to its parent company and to certain other aeronautically related customers. In addition, since 1972, Boeing has been increasing and diversifying its services and presently offers such financial services as payroll, labor distribution, accounts payable, inventory, department and job cost, general ledger, accounts receivable, and billing services.

As part of the proposal, Applicant will transfer to Company the five existing data processing centers of Bank, which are located in Louisiana in the cities of New Orleans, Lafayette, Houma, Ruston, and Lake Charles, and all of Bank's existing data processing operations. Company, which will use Boeing data processing products, will provide to Applicant and its customers bookkeeping and data processing services, storage and processing of banking, financial or related economic data, such as performing payroll, accounts receivable or payable, and billing servies. While both Bank and Boeing offer similar financially related data processing services, consummation of the proposal would not eliminate any significant existing competition. Company will primarily serve customers in the State of Louisiana, an area from which Boeing derives a small amount of business. On the other hand, the combination of Applicant's familiarity with the financial and commercial needs of the area and Boeing's expertise in the data processing field will result in a viable competitive entity which would be capable of effectively competing not only with the regional but also with the large national data processing firms presently located in this area.

It is the Board's opinion, on the basis of the above and other facts of record, that the proposed acquisition would not have an adverse effect on existing competition. Furthermore, it does not appear that the proposal would foreclose the development of significant potential competition in view of the size of Company, the numerous other potential entrants, and the large number of competitors in the market. The Board concludes that consummation of the proposed acquisition would have no significant adverse effects on existing or potential competition in any relevant area.

The Board finds that the proposed joint venture would result in public benefits in terms of increased and improved services. The formation of the joint venture should enable Applicant to provide highly sophisticated data processing services at a lower cost. In addition, the joint venture would expand on the quality and the efficiency of the services presently offered by Bank.

There is no evidence in the record in this case indicating that consummation of the present proposal to engage in a joint venture would result in undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modifications or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasions thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective August 28, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–20468 Filed 9–4–74;8:45 am]

FIRST TENNESSEE NATIONAL CORP.

Order Amending Requirement for Divestiture of Ownership of Real Estate

By Order dated September 5, 1973, the Board approved an application of First Tennessee National Corporation, Memphis, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, to acquire not less than 99 per cent of the voting shares of Pence Mortgage Company, Louisville, Kentucky ("Company"). The Board's Order required divestiture of certain real property held for development by two of Company's subsidiaries within six months after consummation of the acquisition. The acquisition of Company by Applicant was consummated on October 1, 1973. By April 1, 1974, six months after consummation, Applicant had divested all of the property except one tract known as "Stray Winds". Applicant has demonstrated that it has made active efforts to sell the remaining tract of land. However, the sale of the tract has been hindered by economic conditions and natural forces in the form of a tornado.

By letter dated August 1, 1974, Applicant requested that the Board grant an extension of time during which the remaining property may be divested. Applicant has indicated that active efforts to sell the property are continuing.

The Board has concluded that the request should be granted. Accordingly, the Board's Order of September 5, 1973 is hereby amended to authorize retention of the remaining tract of land subject to the condition that Applicant divest such real estate property at the earliest possible date, but in no event later than eighteen months from the date of consummation of the proposal.

By order of the Board of Governors,[1] effective August 28, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–20473 Filed 9–4–74;8:45 am]

FIRST VIRGINIA BANK OF ROANOKE VALLEY

Order Approving Application for Merger of Banks

Before the Federal Reserve Bank of Richmond acting under delegated authority from the Board of Governors of the Federal Reserve System.

First Virginia Bank of Roanoke Valley, Roanoke, Virginia (Applicant), a member State bank of the Federal Reserve System, has applied to the Board of Governors of the Federal Reserve System for prior approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) to merge with The Farmers National Bank of Salem, Salem, Virginia (Farmers), the resulting bank to continue as a member State bank under the charter of Applicant with the name of Applicant. As an incident to the merger, the seven existing offices of Farmers would become authorized branch offices of the resulting bank.

As required by the Bank Merger Act, notice of the proposed merger, in form approved by the Board of Governors, has been published and reports on competitive factors have been requested from the Attorney General, the Comptroller of the Currency and the Federal Deposit Insurance Corporation.

The Federal Reserve Bank of Richmond (Reserve Bank), acting under authority delegated by the Board of Governors of the Federal Reserve System (12 CFR Part 265), has considered the application and all comments and reports received in the light of the factors set forth in the Bank Merger Act.

The relevant banking market for purposes of the proposed merger is the Roanoke SMSA, which includes the cities of Roanoke and Salem and the counties of Roanoke, Craig and Botetourt. The Applicant was established in this market in late 1972 as a wholly-owned, de novo subsidiary of First Virginia Bankshares Corporation, Falls Church, Virginia, a registered bank holding company. As of December 31, 1973, the latter controlled 20 banks with aggregate deposits of approximately $813 million and was ranked sixth in size among Virginia banking organizations. The closest of such banks to Applicant is 18 miles south of Salem beyond the Appalachian Mountains. In the Roanoke market, Applicant operates three offices and is the smallest of 14 competing banks with total deposits of approximately $854,000 as of June 30, 1973. This represents 0.1 percent of the total deposits in a banking market where one bank controls 43.8 percent of such deposits and the four leading banks control 84.6 percent.

Farmers, an independent bank, competes with Applicant in the relevant market through four offices in Salem and three in Roanoke County. These offices, as of June 30, 1973, held total deposits of approximately $35 million, representing 5.3 percent of the total market deposits.

The merger of Farmers into Applicant would result in the latter, and its parent company, holding only 5.4 percent of total market deposits. Applicant would replace Farmers as the fifth largest Roanoke bank while the relative position of its parent, First Virginia Bankshares Corporation, in the State (sixth) would be unchanged. In view of this and the small market shares of Farmers and Applicant, the Reserve Bank finds that the merger of the two would not have any significant effects on competition in the banking market. Moreover, the merger of Applicant and Farmers would result in a bank that should be a more vigorous competitor for the larger banks, which apparently dominate the market.

The financial and managerial resources and the future prospects of the two banks proposing to merge and the resulting institution have been considered. Both banks appear to be capably managed, however, Farmer's earnings have not been strong and its present capital is not considered to be adequate. First Virginia Bankshares Corporation intends to provide capital funds for the resulting bank, and, therefore, the financial and managerial aspects of the merger and the future prospects of the resulting bank are regarded as lending support toward approval.

Applicant offers a full line of banking services to the Roanoke market, however, Farmers does not. To the extent that such full services will be available at all offices of the resulting bank, public benefit considerations weigh in favor of approval of the application.

On the basis of the record in this case, the application is approved for the reasons summarized above. However, the transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Gov-

[1] All banking data are as of December 31, 1973 and reflect holding company formations and acquisitions approved by the Board through July 1, 1974.

[2] Voting for this action: Vice-Chairman Mitchell and Governors Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Brimmer.

[1] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Brimmer.

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ernors of the Federal Reserve System, effective August 22, 1974.

[SEAL] ROBERT P. BLACK,
President.

[FR Doc.74-20466 Filed 9-4-74;8:45 am]

INDUSTRIAL BANK OF JAPAN, LTD.

Formation of Bank Holding Company

The Industrial Bank of Japan, Ltd., Tokyo, Japan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 99.92 per cent of the voting shares of The Industrial Bank of Japan Trust Company, New York, New York, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 24, 1974.

Board of Governors of the Federal Reserve System, August 28, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-20469 Filed 9-4-74;8:45 am]

ROSELAND STATE CO.

Formation of Bank Holding Company

Roseland State Company, Roseland, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares of Roseland State Bank, Roseland, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Roseland State Company, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage in general insurance agency activities through Roseland Insurance Agency, Roseland, Nebraska. Notice of the application was published on July 25, 1974, in The Hastings Daily Tribune, a newspaper circulated in Adams County, Nebraska.

Applicant states that the proposed subsidiary would engage in the following activities: Sale of fire and casualty, credit life, accident and health and life insurance. Such insurance activities will be conducted in a community having less than 5,000 people. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than September 24, 1974.

Board of Governors of the Federal Reserve System, August 28, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-20472 Filed 9-4-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

CLARENCE MAGGARD COAL CO., INC. AND SPRING HOLLOW COAL CO.

Applications for Renewal Permits of Electric Face Equipment Standard and Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4068-000, Clarence Maggard Coal Co., Inc., Mine No. 8, Mine ID No. 15 04426 0, Hazard, Kentucky.
ICP Permit No. 4068-003-R-1 (Kersey 944 Rubber Tired Tractor, I.D. No. 104),
ICP Permit No. 4068-004-R-1 (Kersey BJ Rubber Tired Tractor, I.D. No. 101),
ICP Permit No. 4068-005-R-1 (Kersey BJ Rubber Tired Tractor, I.D. No. 102).

(2) ICP Docket No. 4210-000, Spring Hollow Coal Company, Mine No. 3, Mine ID No. 44 00793 0, Harman, Virginia,
ICP Permit No. 4210-003 (Stacy Loading Machine, I.D. No. 3).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before Sept. 20, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW, Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

AUGUST 29, 1974.

[FR Doc.74-20414 Filed 9-4-74;8:45 am]

KAISER STEEL CORP.

Application for Renewal Permit and Notice of Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20479, Kaiser Steel Corporation, Sunnyside Mine No. 1, Mine ID No. 42 00093 0, Sunnyside, Utah,
Section ID No. 025-0 (3rd South),
Section ID No. 026-0 (15th Right),
Section ID No. 029-0 (17th Left Outside),
Section ID No. 030-0 (Left Bleeders),
Section ID No. 031-0 (1st Left).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before Sept. 20, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

AUGUST 29, 1974.

[FR Doc.74-20415 Filed 9-4-74;8:45 am]

NATIONAL COMMISSION FOR THE REVIEW OF FEDERAL AND STATE LAWS RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE

NOTICE OF MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice hereby is given that the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance, established under the authority of section 804 of Pub. L. 90-351, June 19, 1968, as amended by section 20 of Pub. L. 91-644, January 2, 1971, will meet in the Rayburn Office Building at 9:30 a.m., September 16, 1974, in Room 2141, and at 9:30 a.m., September 17, 1974, in Room 2216, Washington, D.C.

The purpose of the meeting is to receive evidence and to hear testimony from representatives of the Justice and Treasury Departments concerning the use of wiretapping and electronic surveillance under the authority of Chapter 119 of Title 18, United States Code.

The meeting of the Commission will be open to the public, and interested persons are invited to attend. Under the rules of the Commission, copies of which may be obtained from its offices, any person desiring to present any matter to the Commission shall request authorization therefor by filing a written request with the Offices of the Commission at 1875 Connecticut Avenue, NW, Washington, D.C. 20009, not later than seven days prior to the meeting. The request shall include a concise description of the material to be presented. Within three days of receipt of such a request, the Chairman will notify the requesting person of his decision on the request.

KENNETH J. HODSON,
Executive Director.

[FR Doc.74-20402 Filed 9-4-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on August 30, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Economic Research Service: An Evaluation of the ASCS Public Access Pilot Program, Form ---, Single time, NRD/Planchon, Hunters, Farmers.

DEPARTMENT OF DEFENSE

Department of the Navy: Government Industry Data Exchange Program (GIDEP) ALERT, Form, Form DD 1938, Occasional, Sheftel, Major defense contractor govt labs.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Alcohol Education Media Materials Survey, Form OE 372, Single time, Lowry, Educational TV stations.
National Institute of Education:
Student Questionnaire C (Self Concept Measure), Form NIE 68, Occasional, Planchon, Students (Grades 4-6).
Student Questionnaire B (Measurement of Student Attitude), Form NIE 67, Occasional, Planchon, Students (Grades 4-6).
Student Questionnaire A (Measure of Locus of Control), Form NIE 66, Occasional, Planchon, Students (grades 4-6).
Social and Rehabilitation Service: Comprehensive Service Needs Study Survey Schedule, Form ----, Single time, Sunderhauf, Severely handicapped individuals.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: State Agency Schedule for Equipment Purchases for SSA Disability Program, Form SSA 871, Quarterly, Lowry, State agencies.

EXTENSIONS

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard:
Application and Permit to Handle Explosives or Other Dangerous Cargo, Form CG 4260, Occasional, Evinger (x).
Account of Wages and Effects of Deceased or Deserting Seaman, Form CG 1517, Occasional, Evinger (x).
Private Aids to Navigation Application, Form CG 2554, Occasional, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-20588 Filed 9-4-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1651]

BARCLAY GROWTH FUND, INC.

Application for Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 29, 1974.

Notice is hereby given that the Barclay Growth Fund, Inc. ("Applicant"), 55 Water Street, New York, New York 10041, registered as an open-end, diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section (f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant, under the name Barclay Fund, Inc., was incorporated under the laws of the State of New York on February 19, 1968 and registered under the Act on May 15, 1968 by filing a Notification of Registration on Form N-8A.

The application states that at a Special Meeting of the Shareholders of Applicant held on April 30, 1974, a resolution was adopted approving (1) an Agreement and Plan of Reorganization ("Agreement") which provided among other things for the acquisition by National Investors Corporation ("National Investors") of substantially all of the securities and cash of Applicant in exchange for Capital Stock of National Investors, Inc. (2) the subsequent dissolution of Applicant. On May 7, 1974 the transactions contemplated by the Agreement were consummated. The Certificate of Dissolution of Applicant was filed by the Secretary of State of the State of New York on May 22, 1974.

Applicant has no assets other than $35,000 retained in order to pay Applicant's remaining liabilities and its costs of liquidation. It is anticipated that the payment of such liabilities and costs of liquidation will require application of the entire $35,000.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 23, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponement thereof.

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For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-20517 Filed 9-4-74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Amendments to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed proposed amendments to its Option Plan pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1). CBOE proposes to amend Rules 602(c), 610(f), 610(h), 801, 802, 803, 805 and 806 of the Chicago Board Options Exchange Clearing Corporation (the Corporation). The Corporation's proposed amendments are primarily designed to eliminate the right of a Clearing Member to whom an exercise notice has been assigned (the Assigned Clearing Member) to retender the exercise notice.

The retender right, which is set forth in Rules 805 and 806 of the Corporation, was designed to serve two purposes. First it was designed to assure that assigned clearing members who had eliminated their short positions prior to the assignments of the exercise notice would not be obligated to honor the assignment. Under the Corporation's present Rule 803, exercise notices are assigned three times during each business day (other than the expiration date). The first two of the assignments are based on the positions of Clearing Members at the close of business on the preceding day. Since those positions may have been reduced or eliminated prior to the time of day when an exercise notice is assigned, the Assigned Clearing Member has been given the right of retender under Rule 805 to the extent the number of contracts subject to the exercise notice exceeds the Member's short position at the time the notice was issued.

Second, the right of the retender was thought to be useful to the performance by market-makers of their market-making functions. Accordingly, under Rule 805 a market-maker is permitted to retender to the extent the number of contracts subject to the exercise notice exceeds his short position at the time of retender.

After its experience with these procedures, the Corporation has reached the conclusion that it is not necessary to assign exercise notices three times during the day. Rather, the Corporation believes that it appears to be more feasible to assign the notices only once daily at the end of the day after the Corporation's position records have been updated to reflect that day's transactions. The Corporation further explains that the provision for retender by market-makers has been useful, but it has not been used sufficiently in its present form to justify the additional paperwork required by the retender process. For these reasons, as well as the desire to standardize option terms, the Corporation has concluded to eliminate the right of retender.

The Corporation believes the following rule changes are deemed advisable or necessary if the retender right is to be eliminated:

Rules 805 and 806 would be deleted in their entirety.

Rule 801 would be amended to provide that exercise notices on every day other than the expiration date must be filed by 3:00 p.m. Chicago time (4:00 New York time), which is two hours earlier than the present requirement. CBOE explains that this change is deemed necessary to accomplish the paperwork for a single run of assignments for the day. The times set forth in the proposed amendment to Rule 801 as well as Rule 803 are also designed to be standardized with comparable cut-off times in the American Stock Exchange Rules.

Rule 802 would be amended to eliminate the reference to acceptance of exercise notices prior to noon, since it will no longer matter at what time during the day notices are filed. The other proposed change in Rule 802 is simply a drafting change designed to avoid duplication of a provision of Rule 803.

Rule 803 would be amended to eliminate references to the retender right and the early assignment of exercise notices. In addition, it would make it clear that, with certain limited exceptions, the assignments would always be effective as of the following business day (thus eliminating a source of confusion under the existing rules). The exceptions would be those set forth in Rule 901 (relating to the time the Delivery Advice is issued) and Rules 912 and 913(d). The latter two exceptions—Rule 913(d) being a rule to be proposed in a filing to be made under separate cover—are designed to assure that a holder who exercises prior to an "ex-dividend" date will be entitled to receive the dividend, even though the exercise assignment notice is dated as of the following day for other purposes.

Rules 602(c), 610(f) and 610(h) would be amended to eliminate the reference to the retender right.

The Corporation hopes that the proposed amendments could be made effective at an early date, so that the procedures could be put into place in time to handle the bulk of the exercises of October 1974 options.

The proposed amendments will become effective upon the 30th day after this notice appears in the FEDERAL REGISTER, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54. The proposed amendments are and all such comments will be made available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

AUGUST 20, 1974.

[FR Doc.74-20522 Filed 9-4-74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Amendments to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed proposed amendments to its Option Plan pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1). CBOE proposes to amend new subparagraphs (bbb), (ccc), (ddd) and (eee) of Article I, Section 1 and Article VII, Sections 1 and 5 of the bylaws of the Chicago Board Options Exchange Clearing Corporation (the Corporation); amend Rules 101(i), 602(c) and 904; and adopt Rules 913, 914, and 915 of the Corporation.

These amendments are deemed by the Corporation to be advisable or necessary to permit it to establish interfaces with other clearing corporations, such as the Midwest Securities Company (MSTC), for the purpose of facilitating stock deliveries between its Clearing Members in respect of exercised options. When the amendments become effective, the Corporation intends to establish a CNS account with MSTC, with all of the Corporation's Clearing Members having subaccounts therein. The only positions that Clearing Members would maintain in these subaccounts, which will be called "exercise settlements accounts", will be CNS long value positions; short value positions and free positions—disregarding loan positions and provisions for borrowing stock in an exercise settlement account. Furthermore, MSTC would directly furnish Clearing Members with activity and position reports concerning their exercise settlement account. On the exercise settlement date for an options exercise, the activity report would show all of a Clearing Member's net settling transaction in the account, as well as other activity, on that day. Thereafter, the positions resulting from such transactions would be carried to MSTC on a continuing basis through its CNS system, and clearing members would deal directly with MSTC in making deliveries in respect to other short value and free positions, in making daily mark-to-the-market payments in respect of value positions, in making or receiving payments for stock that has been delivered to or by MSTC, and achieving automatic dividend protection under MSTC rules. Clearing members could transfer stock held in free or long value positions through bookkeeping entries to other MSTC positions or to the extent MSTC maintains interfaces with other clearing corporations.

The Corporation explains the purpose of the proposed arrangement is to achieve the maximum netting of security transactions in order to eliminate unnecessary paperwork, certificate handling and money movement, and to permit the delivery of stocks through bookkeeping entries at interfaced clearing corporations.

Inasmuch as the Corporation is the issuer of options, it will remain responsible for delivery of the underlying stock until the exercising Clearing Member has received delivery of the stock or it has been transferred by bookkeeping entry from the long value position in the exercise settlement account to a free position or to another position of the exercising Clearing Member. Thus, if MSTC should be unable to make delivery of stock held in a long value position for a period of 30 calendar days, the Clearing Member could, under proposed Rule 915, buy in the Corporation and receive as damages the difference between the price paid and the MSTC settlement price for the stock on the preceding day. For example, assume an option is exercised at an exercise price of 50, that on exercise settlement date the market price (and MSTC settlement price) for the stock is 60, that the Clearing Member unsuccessfully seeks to obtain delivery from MSTC for 30 days, that at the end of the 30-day period the MSTC settlement price is 100, and that on the following day the Corporation is bought in at a price of 102. Under the proposed Rule 915, the Corporation would be obligated to pay the Clearing Member $2 per share, since the Clearing Member would have previously received the difference between 100 and 50 through daily marks-to-the-market at MSTC. Under proposed Rule 915(e), Clearing Members could also buy in the Corporation if MSTC failed to get its obligations with respect to an exercise settlement account or if it should become insolvent.

The following is a description given by the Corporation with respect to the other rule changes. The proposed new subparagraphs in Article I Section 1 of the by-laws would add definitions of the terms "correspondent clearing corporation," "exercise settlement accounts," "free position," and "long value position." The proposed amendment to Rule 101(i) corrects a typographical error in the definition of "exercise settlement account."

The proposed amendments to Section 1 and 5 of Article VII of the by-laws would expand the availability of the clearing fund to cover losses sufficient in connection with the correspondent clearing corporation.

Proposed new Rule 913 spells out the procedure to be employed in settling exercises through correspondent clearing corporations. In this connection, it should be noted that, although the above discussions relate to MSTC, the rules are intended to be broad enough to cover arrangements with any clearing corporation having a CNS system.

Proposed new Rule 914 would prohibit Clearing Members from maintaining a long value position in excess of 30 consecutive days. It also contains the agreement of Clearing Members to be subject to the rules and procedures of the correspondent clearing corporations.

The proposed amendment to Rule 602 (c) would permit a Clearing Member to withdraw his margin in respect to an exercised contract on the day following exercise settlement date, since a mark-to-the-market payment would have been by it to the correspondent clearing corporation.

The proposed amendment to Rule 904 would provide for good delivery to be determined in accordance with the rules of the principal exchange on which the underlying security is traded.

It is the hope of the Corporation that the new rules can be made effective in time to permit an interface with MSTC that will be usable in connection with the exercise of the October 1974 series of options.

The proposed amendments will become effective upon the 30th day after this notice appears in the FEDERAL REGISTER, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54. The proposed amendments are and all such comments will be made available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

AUGUST 20, 1974.

[FR Doc.74-20523 Filed 9-4-74;8:45 am]

[File No. 600-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

AUGUST 29, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from August 30, 1974 through September 8, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-20512 Filed 9-4-74;8:45 am]

[811-753]

HERITAGE SECURITIES, INC. AND MONTHLY PURCHASE PLAN TO ACCUMULATE SHARES OF MUTUAL INVESTING FOUNDATION-MIF FUND

Application for Order Declaring That Company Has Ceased To Be an Investment Company

AUGUST 30, 1974.

Notice is hereby given that the Monthly Purchase Plan to Accumulate Shares of Mutual Investing Foundation-MIF Fund (formerly Monthly Purchase Plan to Accumulate Shares of Mutual Income Foundation) (the "Applicant"), 246 North High Street, Columbus, Ohio 43216, a unit investment trust registered under the Investment Company Act of 1940 (the "Act"), and Heritage Securities, Inc. ("Heritage"), the Sponsor and Depositor of Applicant, have filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant registered under the Act by filing a Notification of Registration on Form N-8A and a Registration Statement on Form N-8B-2 with the Commission on November 23, 1956.

Applicant was created for the purpose of permitting the purchase of shares of Mutual Investing Foundation-MIF Fund ("Fund"), an open-end, diversified management investment company, through monthly payments over a long term. The Applicant offered monthly purchase plans, both with and without insurance, to purchase shares of the Fund from May 1, 1957, until February 29, 1964.

As of October 31, 1973, all of Applicant's monthly payment plans were either completed by a full payment and delivery of the shares of the Fund or had been liquidated in accordance with the terms set forth in the Applicant's monthly purchase plan. Because there are no longer any funds being held by the Applicant, and there are no longer any monthly purchase plans being offered by the Applicant, Heritage and the National Bank of Detroit (custodian of the plans) entered into a termination agreement. This termination agreement, dated November 28, 1973, provided notice to the National Bank of Detroit that the Applicant's Monthly Purchase Plan had been completely liquidated and that the proceeds of the liquidation had been distributed to the Planholders. The custodianship of the Applicant's Monthly Purchase Plan has thus been terminated. Consequently, application has been made

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to the Commission for an order pursuant to section 8(f) of the Act that the Applicant has ceased to be an investment company as defined by the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 24, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the Application herein will be issued by the Commission as of course following, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–20519 Filed 9–4–74;8:45 am]

[File No. 500–1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

AUGUST 29, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from August 30, 1974 through September 8, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–20514 Filed 9–4–74;8:45 am]

[File No. 500–1]

OPEN ROAD INDUSTRIES, INC.

Suspension of Trading

AUGUST 29, 1974.

The common stock of Open Road Industries, Inc. being traded on the American and Pacific Stock Exchanges pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Open Road Industries, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 1:45 P.M. (EDT) on August 29, 1974 through midnight (EDT) on September 7, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–20511 Filed 9–4–74;8:45 am]

[File No. 24FW–1595]

PETROLEUM ENERGY INVESTORS, LTD.

Order Permanently Suspending Exemption

AUGUST 29, 1974.

I. Miller Management Services, Inc. ("MMS"), a California corporation organized December 7, 1970, with offices located at 2483 East Bayshore, Suite 208, Palo Alto, California, filed with the Commission on July 18, 1973, a Form 1–A Notification with attached exhibits, including an offering circular, relating to an offering of 100 limited partnership units at an offering price of $5,000 per unit in Petroleum Energy Investors, Ltd. ("Petroleum"), 2483 East Bayshore, Suite 208, Palo Alto, California 94303, a limited partnership to be formed to acquire, explore and develop oil and gas properties in Oklahoma, Texas and other states. MMS was to act as general partner for Petroleum. The purpose of this filing was to obtain an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and regulation A promulgated thereunder.

II. The Commission on May 2, 1974, temporarily suspended the Regulation A exemption of Miller Management Services, Inc. stating it had reasonable cause to believe that:

A. The notification and offering circular contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose all promoters and affiliates;

2. The failure to disclose the sale of unregistered securities;

3. the failure to disclose a temporary restraining order and subsequent preliminary injunction against the issuer and its president, Follis O. Miller; and

4. the failure to disclose that the issuer had been placed in receivership.

B. The terms and conditions of Regulation A had not been complied with in that:

No Regulation A exemption was available to MMS under the provisions of Rule 252(c)(4) and Rule 252(d)(2) in that MMS, Follis O. Miller and Sant Pallan, an affiliate of MMS, were subject to a decree of a court of competent jurisdiction of the State of California preliminarily enjoining and restraining such persons from engaging in any violations of the California Securities Act.

C. The proposed offering, if made, would have been in violation of section 17 of the Securities Act of 1933, as amended.

III. No hearing having been requested by Miller Management Services, Inc. within thirty days after the entry of an order temporarily suspending the exemption of the Issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be permanently suspended;

It is ordered, pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of Miller Management Services, Inc. under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–20516 Filed 9–4–74;8:45 am]

THIRD EMPIRE FUND, INC.

[811–1333]

Application for Order That Company Has Ceased To Be an Investment Company

AUGUST 29, 1974.

Notice is hereby given that Third Empire Fund, Inc. ("Applicant"), 701 William Penn Place, Pittsburgh, Pennsylvania 15230, registered as an open-end, diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant was organized as a corporation under the laws of the State of Maryland on September 3, 1965, and registered under the Act on October 1, 1965, by filing a Notification of Registration on Forms N–8A and N–8B1.

Applicant represents that on April 26, 1974 its shareholders approved an Agreement of Merger, various Supplemental Agreements of Merger, and Articles of Merger merging the Applicant into Fifth Empire Fund, Inc. ("Fifth Empire"), an open-end investment company registered under the Act.

The merger was effective on May 15, 1974 when the shares capital stock of the Applicant were converted into shares of Fifth Empire based on the relative net asset values of the two funds. In accordance with the laws of the State of Maryland and pursuant to the Plan and Agreement of Merger, the Applicant's corporate status ceased as of May 15, 1974.

The Applicants further represents that it has no remaining assets and does not intend to conduct business as a registered investment company.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than September 23, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–20521 Filed 9–4–74;8:45 am]

[File No. 500–1]

TR–3 INTERNATIONAL INC.

Suspension of Trading

AUGUST 28, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of TR–3 International Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2:45 P.M. (EDT) on August 28, 1974 through midnight (EDT) on September 6, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–20518 Filed 9–4–74;8:45 am]

[70–5542]

UTAH POWER & LIGHT CO.

Proposed Issue and Sale of Notes and Exception From Competitive Bidding

AUGUST 28, 1974.

Notice is hereby given that Utah Power & Light Company ("Utah"), 1407 West North Temple Street, P.O. Box 899, Salt Lake City, Utah 84110, an electric utility company and a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Utah proposes to issue and sell, from time to time prior to September 30, 1975, short-term notes in the form of commercial paper and notes to banks, in an aggregate amount not exceeding $80,000,000 at any one time outstanding. The determination of the type of note to be issued will be based on achieving the lowest net effective cost of the borrowings to Utah, the ability of the market to absorb Utah's commercial paper in the amount required, Utah's need to regularly incur bank borrowings and issue commercial paper and the ability of Utah to draw upon these sources of funds. Utah intends to utilize the proceeds of the sale of its notes for construction expenditures estimated to be approximately $99,000,000 for 1974 and $202,000,000 for 1975. Utah anticipates repaying the notes through the issue and sale of long-term debt and equity securities and through internally generated funds.

The proposed bank notes will mature not more than nine months after the date of issue, and will provide for payment in whole or in part at any time without penalty or premium. The notes will bear interest at the prime commercial rate then in effect for unsecured loans at the bank in which the note is issued, and any change in such rate shall become effective on date of the changes in the prime commercial rate at the bank to which the note is issued. Utah anticipates that it will be able to obtain lines of credit for the proposed borrowing with the fourteen commercial banks listed below up to the maximum amount indicated for each bank. Utah states that there are no specific compensating balances required by the lending banks, that a normal level of working capital is maintained by Utah to meet its cash needs and that such working capital is kept in the lending banks in approximate proportion to the lines of credit used by Utah in each bank. Such working capital has recently averaged 15% of the lines of credit maintained with the banks, and assuming a prime rate of interest of 12% and assuming that the balances maintained were required as compensating balances, the effective cost of the notes would be approximately 14%.

Name of bank	*Maximum amount to be borrowed*
The Continental Bank & Trust Co., Salt Lake City, Utah	$600,000
First Security Bank of Utah, N.A., Salt Lake City, Utah	5,500,000
Walker Bank & Trust Co., Salt Lake City, Utah	3,000,000
Zions First National Bank, Salt Lake City, Utah	2,500,000
United Bank of Denver, Denver, Colo	3,500,000
Bank of Utah, Ogden, Utah	300,000
Commercial Security Bank, Ogden, Utah	1,200,000
First Security State Bank, Salt Lake City, Utah	300,000
Valley Bank & Trust Co., South Salt Lake, Utah	800,000
The Chase Manhattan Bank, N.A., New York, N.Y.	17,000,000
Morgan Guaranty Trust Co. of New York, New York, N.Y.	14,700,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	14,600,000
Harris Trust and Savings Bank, Chicago, Ill.	8,000,000
Irving Trust Co., New York, N.Y.	8,000,000
Total	80,000,000

The proposed commercial paper will be in the form of promissory notes with varying maturities not to exceed nine months, will be issued in denominations of not less than $100,000 and will not be prepayable prior to maturity. The commercial paper will be sold by Utah di-

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rectly to a dealer in commercial paper; however, no commercial paper will be issued having a maturity of more than 60 days at an effective interest cost that exceeds the effective interest cost at which Utah could borrow from banks, unless Utah finds it impractical to do otherwise. No commission or fee will be payable in connection with the issue and sale of commercial paper. The dealer will reoffer and sell the commercial paper at a discount rate of ⅛ of 1% per annum less than the prevailing discount rate to Utah to not more than 200 customers of the dealer identified and designated in a list (non-public) prepared in advance by the dealer. No additions will be made to such list of customers without the approval of this Commission. No sale will be made to any purchasers unless and until such purchasers have received a current report of the financial condition of Utah. It is expected that such commercial paper will be held to maturity by the purchasers, but, if any such purchaser wishes to resell prior to maturity, the dealer will repurchase the paper for resale to others on said list of customers.

Utah requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper. Utah states that the proposed commercial paper notes will have a maturity of nine months or less, that current rates for commercial paper for such prime borrowers as Utah are published daily in financial publications and that it is not practical to invite bids for the purchase of commercial paper. Utah also requests authority to file certificates under Rule 24 on a quarterly basis with respect to the issue and sale of notes hereafter consummated pursuant to this proceeding.

Expenses to be incurred in connection with the proposed transaction are estimated to be less than $4,000. Utah states that the Idaho Public Utilities Commission has jurisdiction over the proposed transaction and that no other state commission and no federal commission, other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 19, 1974, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-20520 Filed 9-4-74;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

AUGUST 29, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from August 30, 1974 through September 8, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-20513 Filed 9-4-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1091]

PENNSYLVANIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August, because of the effects of a certain disaster, damage resulted to property located in the State of Pennsylvania;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Westmoreland County, Pennsylvania and adjacent affected areas, suffered damage or destruction resulting from flooding which occurred on or about August 12, 1974. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Office: Small Business Administration, District Office, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to October 28, 1974. EIDL applications will not be accepted subsequent to May 27, 1975.

Dated: August 27, 1974.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.74-20462 Filed 9-4-74;8:45 am]

TARIFF COMMISSION

[337-36]

DOXYCYCLINE

Notice of Hearing

Notice is hereby given that the United States Tariff Commission will hold a public hearing in connection with investigation No. 337-36, Doxycycline, on Tuesday, September 10, 1974, at 10 a.m., e.d.t., in the Hearing Room of the Tariff Commission Building, Eighth and E Streets, N.W., Washington, D.C., for the purpose of hearing oral arguments on the motion filed by International Rectifier Corp., and USV Pharmaceutical Corp. seeking a stay of the Commission's investigation during the pendency of two parallel Federal court actions, namely, *International Rectifier Corp.* v. *American Cyanamid Co., Pfizer, Inc., et al.*, D. Minn. 4-74-372, and *Pfizer, Inc.*, v. *International Rectifier Corp. and USV Pharmaceutical Corp.*, D. Minn. 4-73 Civ. 188.

Requests for appearances at the hearing should be filed, in writing, with the Secretary of the Commission at his office in Washington, D.C., by no later than noon, Friday, September 6, 1974.

Notice of the institution of the investigation and the ordering of a public hearing for July 9, 1974, was published in the FEDERAL REGISTER on May 29, 1974 (39 FR 18723-24). Notice of the withholding of proceedings and postponement of the public hearing scheduled for July 9, 1974, was published in the FEDERAL REGISTER on June 20, 1974 (39 FR 22196-97).

Issued: September 3, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.74-20653 Filed 9-4-74;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

CITY OF OAKLAND AND PORT OF OAKLAND EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS FOR FEDERALLY ASSISTED CONSTRUCTION CONTRACTS

Notice of Hearing

On July 12, 1974, in accordance with 41 CFR 60-1.4(b)(2) (39 FR 2365, January 21, 1974), the Director of the Office of Federal Contract Compliance announced his determinations in the FEDERAL REGISTER (39 FR 25710) and (39 FR 25711) that the Port of Oakland Affirmative Action Provisions for Public Works Contracts and the City of Oakland Affirmative Action Provisions for Public Works Contracts are not inconsistent with Executive Order 11246, as amended, and not incompatible with the implementation of the Federal Alameda Plan.

Pursuant to 41 CFR 60-1.4(b)(2), the Associated General Contractors of California appealed the OFCC Director's determinations to the Assistant Secretary of Labor for Employment Standards by requesting a hearing on each of the affirmative action plans. Inasmuch as the aforementioned EEO requirements of the City of Oakland and the Port of Oakland are almost identical, it is deemed proper to consolidate the appeal of both plans into one hearing. Accordingly, an administrative law judge has been designated to conduct a hearing commencing on September 19, 1974, at 9:30 a.m., in Room 315, City Hall, 14th and Washington Streets, Oakland, California, 94612, to make proposed findings and a recommended decision to the Assistant Secretary of Labor for Employment Standards upon the basis of the record before the administrative law judge as to each of the plans. In accordance with 41 CFR 60-1.4(b)(2), evidence may be presented at the hearing relevant to the issue of whether the City and/or the Port Affirmative Action Provisions for Public Works are inconsistent with Executive Order 11246, as amended, or incompatible with the effective implementation of the Federal Alameda Plan.

We have given the Associated General Contractors of California and the City of Oakland and the Port of Oakland notice of their opportunity to participate in the hearing by registered mail, return receipt requested. All other persons, organizations and other entities affected by the OFCC Director's determination may attend and participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case, including such cross examination as the administrative law judge may deem appropriate in the circumstances.

Interested persons, organizations and other entities affected by the OFCC Director's determination wishing to participate in the hearing should so notify Mr. H. Stephen Gordon, Chief Administrative Law Judge, U.S. Department of Labor, care of Altero D'Agostini, Regional Solicitor, P.O. Box 36017 Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102, by registered mail, return receipt requested, by the close of business, September 13, 1974. The notice of intention to participate (original and three copies) must state the name and address of the person to appear, and the approximate amount of time required for the presentation. In addition, to the extent practicable, the notice should also include, or be accompanied by, a general statement of the position to be taken with regard to the aforementioned Affirmative Action Provisions for Public Works Contracts and of the evidence to be adduced in support of that position. The use of prepared statements by participants, subject to cross-examination, is authorized. All documents intended to be submitted for the record at the hearing should be submitted in duplicate.

Signed at Washington, D.C., this 30th day of August, 1974.

FRANCIS F. DOWD, *Acting Chief Administrative Law Judge, U.S. Department of Labor.*

[FR Doc.74-20578 Filed 9-4-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 584]

ASSIGNMENT OF HEARINGS

AUGUST 30, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 139626 Sub 1, Ruse Transfer Co., now being assigned hearing November 5, 1974 (1 day), at Omaha, Nebr., in a hearing room to be later designated.

MC 124211 Sub 233, Hilt Truck Line, Inc., now being assigned continued hearing November 6, 1974 (3 days), at Omaha, Nebr., in a hearing room to be later designated.

MC 51146 Sub 332, Schneider Transport, Inc., now being assigned hearing November 11, 1974 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC-C-8060, The Maxwell Co., Et Al-V-American Bulk Transport, Inc. (Formerly), Eldon Miller, Inc., and MC-C-8411, American Bulk Transport Co.—Investigation and Revocation of Certificates, now assigned October 1, 1974, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

I & S No. 6968, Fuel Related Increases, X-305-A, now being assigned hearing December 2, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FF-C-55, Air Transportation Motor Service, Inc., dba Air Trans, Stone's Express, Inc., and John Morton Investigation of Operations, now being assigned hearing October 30, 1974 (1 day), at Boston, Mass., in a hearing room to be later designated.

MC 128343 Sub 27, C-Line, Inc., now being assigned hearing October 31, 1974 (2 days), at Boston, Mass., in a hearing room to be later designated.

MC 139247 Sub 1, Cooper Brothers, Inc., now being assigned hearing November 21, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117119 Sub 499, Willis Shaw Frozen Express, Inc., now being assigned hearing December 2, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 111729 Sub 421, Purolator Courier Corp., now being assigned hearing December 3, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135387 Sub 2, Habor Transfer, Inc., now being assigned hearing December 3, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 27817 Sub 111, H. C. Gabler, Inc., now being assigned hearing December 9, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 136343 Sub 26, Milton Transportation, Inc., now being assigned hearing December 11, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 60787 Sub 5, Garrison Van and Warehouse Corp., Inc., now being assigned hearing December 16, 1974, at the Offices of the Insterstate Commerce Commission, Washington, D.C.

MC 109478 Sub 132, Worster Motor Lines, Inc., now being assigned hearing December 17, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.74-20575 Filed 9-4-74;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 30, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Alaska Docket No. 74-229-MP/A filed August 13, 1974. Applicant: ALASKA TOUR AND MARKETING SERVICES, INC., Suite 312, Park Place Bldg., Seattle, Wash. 98101. Applicant's representative: Robert Gundorf (same address as applicant). Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of *Passengers and their baggage*, in limousine common carrier by bus(es), between the airport at Homer on the one hand, and, hotels/motels, and/or other points of passenger arrival or departure within a five mile radius on the other hand. Tour and sightseeing and charter, between all points within a 25 mile radius of Homer, including Homer, Alaska.

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HEARING: Date, time, and place not shown. Requests for porcedural information should be addressed to the Alaska Transportation Commission, 1000 MacKay Building, 338 Denali Street, Anchorage, Alaska, 99501, and should *not* be directed to the Interstate Commerce Commission.

Alaska Docket No. 74-235-MP/A filed August 19, 1974. Applicant: INSIDE ALASKA TOURS, INC., 345 N.E. 8th Ave., Portland, Oreg. 97232. Applicant's representative: Andrew E. Hoge, 921 West Sixth Ave., Anchorage, Alaska 99501. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of *Passengers*, between Fairbanks, Alaska and Prudhoe Bay, Alaska and all intermediate points within five mile radius via Alaska Highway No. 2 and the pipeline haul road by sightseeing tour and charter authority and within a 50 mile radius of Prudhoe Bay, Alaska including Prudhoe Bay, Alaska by sightseeing, tour and charter authority.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the Alaska Transportation Commission, 1000 MacKay Building, 338 Denali Street, Anchorage, Alaska, 99501, and should *not* be directed to the Interstate Commerce Commission.

California Docket No. 55096 filed August 2, 1974. Applicant: RELIABLE DELIVERY SERVICE, INC., 7701 East Rosecrans Avenue, Paramount, Calif. 90723. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of (A) *General Commodities*, Except: (1) Used household and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A; (2) Automobiles, trucks and buses, viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis, when such commodities require special equipment; (3) Livestock, viz: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, sows, steers, stags or swine; (4) Commodities requiring protection from heat by the use of ice (either water or solidified carbon dioxide) or by mechanical refrigeration; (5) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (6) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (7) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (8) Logs; (9) Furniture, new or used, as described under that heading in the Western Classification 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof, stoves, refrigerators and lamp standards or electric lamps and shades when the furniture or other articles are tendered to the carrier loose (not in packages nor completely wrapped); (10) All commodities in bulk; (11) Articles of extraordinary value as set forth in Rule 3 of Western Classification 77, J. P. Hackler, Tariff Publishing Officer, on the issue date thereof; (12) Commodities injurious or contaminating to other lading; (13) Commodities which, because of size or weight, require special equipment or handling; and (14) Explosives as described in and subject to the regulations of agent H. A. Campbell's Tariff No. 10. (B) BETWEEN: (1) Between all points and places in the Los Angeles Basin Territory, as described in Appendix A attached hereto, on the one hand, and all points and places and within 15 miles laterally of the following highways: (a) U.S. Highway 395 between Escondido and Temecula; and (b) State Highway 86 between Coachella and the Imperial County Line.

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeak & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County Boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning.

Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

California Docket No. 55110 filed August 13, 1974. Applicant: BOB'S DELIVERY SERVICE, INC., a corporation, 150 S. Ninth Avenue, City of Industry, Calif. 91744. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, between all points and places in the Los Angeles Basin Territory as described in Note A. Applicant shall not transport any shipment of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B; (2) Automobiles, trucks and buses, viz.; new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (4) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (5) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids, in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (6) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (7) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; and (8) Logs.

Note A.: Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the City of Hemet; southerly, westerly, and northerly along said corporate boundary to the Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; Southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the Orange County-San Diego County Boundary Line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20553 Filed 9-4-74;8:45 am]

[Notice 14]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 30, 1974.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1041.2 (c) (9) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2 (c) (9).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2 (c) (9) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 678) (Cancels Deviation Nos. 459 and 642), GREYHOUND LINES, INC.-EAST, Box 6903, 1400 W. Third Street, Cleveland, Ohio 44101, filed August 22, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (a) From Pittsburgh, Pa., over U.S. Highway 22 to junction Interstate Highway 79, thence over Interstate Highway 79 to junction Interstate Highway 70, thence over Interstate Highway 70 to Columbus, Ohio, with the following access routes: (1) from Washington, Pa., over city streets to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 79, (2) from Washington, Pa., over U.S. Highway 40, to Interstate Highway 70 west of Washington, Pa., (3) From Wheeling, W. Va. via city streets to junction Interstate Highway 70, (4) from St. Clairsville, Ohio over U.S. Highway 40 to junction Interstate Highway 70, (5) From St. Clairsville, Ohio over Ohio Highway 9 to junction Interstate Highway 70; (6) From Cambridge, Ohio over Ohio Highway 209 to its junction with Interstate Highway 70, south of Cambridge, Ohio; and (7) From Zanesville, Ohio over city streets to junction Interstate Highway 70, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Pittsburgh, Pa. over U.S. Highway 19 to Washington, Pa., thence over U.S. Highway 40 to Columbus, Ohio, and return over the same route.

No. MC-36364 (Deviation No. 3), MISSOURI, KANSAS AND OKLAHOMA COACH LINES, INC. (doing business as M.K. & O. Lines), 321 South Cincinnati, Tulsa, Okla. 74103, filed July 31, 1974. Applicant's representative: John L. Arrington, Jr., Fifth Floor Oklahoma Natural Building, Tulsa, Okla. 74119. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From the beginning of Cimarron Turnpike at U.S. Highway 64 near Westport, Okla., in Pawnee County, Okla., over Cimarron Turnpike to its termination at Interstate Highway 35 north of Perry, Okla., in Noble County, Okla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Keystone, Okla., over U.S. Highway 64 to Enid, Okla., and return over the same route.

No. MC-114271 (Deviation No. 11) CONTINENTAL CRESCENT LINES, INC., P.O. Box 8435, Jackson, Miss. 39024, filed August 22, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Pinson, Ala., over Alabama Highway 79 to Birmingham, Ala., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Pinson, Ala., over Alabama Highway 75 to Birmingham, Ala., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20556 Filed 9-4-74;8:45 am]

[Notice 28]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 30, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting

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from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–33641 (Deviation No. 64), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 16, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lansing, Mich., over U.S. Highway 127 to junction Interstate Highway 96, thence over Interstate Highway 96 to Detroit, Mich., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Lansing, Mich., over U.S. Highway 127 to Jackson, Mich., thence over Interstate Highway 94 (formerly U.S. Highway 12) to Detroit, Mich., and return over the same route.

No. MC–33641 (Deviation No. 65), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 16, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Flint, Mich., over Interstate Highway 75 to Detroit, Mich., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Flint, Mich., over U.S. Highway 23 to Ann Arbor, Mich., thence over Interstate Highway 94 to Detroit, Mich., and return over the same route.

No. MC–33641 (Deviation No. 66), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 16, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 94 and Interstate Highway 69 over Interstate Highway 69 to junction U.S. Highway 27 near Charlotte, Mich., thence over U.S. Highway 27 to Lansing, Mich., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From the junction of Interstate Highway 69 and Interstate Highway 94 over Interstate Highway 94 to Jackson, Mich., thence over U.S. Highway 127 to Lansing, Mich., and return over the same route.

No. MC–33641 (Deviation No. 67), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 22, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 94 and U.S. Highway 23, over U.S. Highway 23 to junction Michigan Highway 50 near Dundee, Mich., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From the junction of U.S. Highway 23 and Interstate Highway 94 (formerly U.S. Highway 12) over Interstate Highway 94 (U.S. Highway 12) to Jackson, Mich., thence over Michigan Highway 50 to junction U.S. Highway 23 near Dundee, Mich., and return over the same route.

No. MC–33641 (Deviation No. 68), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 22, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Michigan Highway 50 and U.S. Highway 23 near Dundee, Mich., over U.S. Highway 23 to junction U.S. Highway 223 near Sylvania, Ohio, thence over U.S. Highway 223 to Toledo, Ohio and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From the junction of Michigan Highway 50 and U.S. Highway 23 near Dundee, Mich., over Michigan Highway 50 to Monroe, Mich., thence over U.S. Highway 24 to Toledo, Ohio and return over the same route.

No. MC–33641 (Deviation No. 69), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 22, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Detroit Mich., over Interstate Highway 75 to Toledo, Ohio and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Detroit, Mich., over Interstate Highway 94 (formerly U.S. Highway 12) to Jackson, Mich., thence over Michigan Highway 50 to Monroe, Mich., thence over U.S. Highway 24 to Toledo, Ohio and return over the same route.

No. MC–33641 (Deviation No. 70), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 22, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Ft. Wayne, Ind., over Interstate Highway 60 to Indianapolis, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Ft. Wayne, Ind., over U.S. Highway 30 to junction U.S. Highway 41 near Schererville, Ind., thence over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, Ind., and return over the same route.

No. MC–4132 (Deviation No. 22), EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207, filed August 20, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From San Bernardino, Calif., over Interstate Highway 15 to junction California Highway 138, thence over California Highway 138 to junction California Highway 14, thence over California Highway 14 to junction California Highway 58, thence over California Highway 58 to Bakersfield, Calif., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From San Bernardino, Calif., over Interstate Highway 10 and U.S. Highway 66 to Los Angeles, Calif., thence over U.S. Highway 99 to Bakersfield, Calif., and return over the same route.

By the Commission.

(SEAL) ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20654 Filed 9-4-74;8:45 am]

[Notice 71]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 30, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 115162 (Sub-Nos. 5, 158, and 203) (Notice of filing of petition to modify its certificates) filed August 16, 1974. Petitioner: Poole Truck Line, Inc., P.O. Box 500, Evergreen, Ala. 36401. Petitioner's representative: Robert E. Tate (same address as petitioner). Petitioner presently holds a motor *common carrier* certificate in No. MC 115162 (Sub-Nos. 5, 158, and 203) issued March 2, 1971, November 25, 1969, and September 28, 1971 respectively, authorizing as pertinent transportation over irregular routes, (1) in Sub-5, of *athletic, gymnastic, and sporting goods equipment*, from points in Lee County, Ala., to points in Iowa, Michigan, Minnesota, and Wisconsin, (2) in Sub-158, of *physical fitness, gymnastic, athletic, and sporting goods equipment*, from points in Lee County, Ala., to points in Kentucky, Illinois (except points in the Chicago, Ill., Commercial Zones, as defined by the Commission) Indiana, Ohio (except points in the Akron, Cleveland, and Cincinnati Commercial Zones, as defined by the Commission), Pennsylvania (except points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission), and West Virginia, and (3) in Sub-203, of *physical fitness, gymnastic, athletic, and sporting goods equipment*, from points in Lee County, Ala., to points in Louisiana, Mississippi, and Texas. By the instant petition, petitioner seeks (1) in Sub-No. 5, to add: *Materials and supplies* used in the manufacture of athletic, gymnastic and sporting goods equipment, from points in Iowa, Michigan, Minnesota, and Wisconsin, to points in Lee County, Ala."; (2) in Sub-No. 158, to add: "*Materials and supplies* used in the manufacture of physical fitness, gymnastic, athletic, and sporting goods equipment, from points in Kentucky, Illinois (except points in the Chicago, Ill., Commercial Zones, as defined by the Commission), Indiana, Ohio (except points in the Akron, Cleveland, and Cincinnati Commercial Zones, as defined by the Commission), Pennsylvania (except points in the Philadelphia, Pa., Commercial Zone, as defined by the Commission), and West Virginia, to points in Lee County, Ala.; and (3) in Sub-No. 203, to add: "*Materials and supplies* used in the manufacture of physical fitness, gymnastic, athletic, and sporting goods equipment, from points in Louisiana, Mississippi, and Texas, to points in Lee County, Ala." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 116763 (Sub-No. 40) (Notice of filing of petition to modify certificate) filed August 19, 1974. Petitioner: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Petitioner's representative: H. M. Richters (same address as petitioner). Petitioner presently holds a motor *common carrier* certificate in No. MC 116763 (Sub-No. 40) issued February 18, 1965, authorizing transportation over irregular routes, of *fruit butter, preserves, jellies, syrup, and ice cream toppings*, in containers, from Orrville, Ohio, to points in Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, and that part of Maine on and south of Maine Highway 25, including Portland and Bangor, Maine, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks to add the commodities: "*Condiments, jams, sauces, juices, drinks, ketchup, pickles, peanut butter, peanut butter and jelly combined, cauliflower, peppers, and vegetables*, in containers" to the authority described above. In the alternative, if the Commission deems the above commodity description to be impractical, the petitioner requests the commodity description be modified to read "*Foodstuffs*, in containers". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 127999 (Sub-No. 1) (Correction of a notice of filing of petition to modify its permit), filed July 29, 1974, published in the FEDERAL REGISTER issue of August 14, 1974, republished as corrected in the FEDERAL REGISTER issue of August 21, 1974, and in third publication as corrected this issue. Petitioner: DUNN-RITE TRUCKING SERVICE, INC., 111 South Kensico Avenue, White Plains, N.Y. 10601. Petitioner's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Petitioner presently holds a motor *contract carrier* permit in No. MC 127999 (Sub-No. 1), issued March 26, 1968, authorizing, as pertinent, transportation, over irregular routes, of *New Furniture*, (1) between New Rochelle, White Plains, Forest Hills, and the Boroughs of Bronx and Brooklyn, N.Y., and Paramus, N.J.; and (2) between New Rochelle, White Plains, Forest Hills, and the Boroughs of Bronx and Brooklyn, N.Y., and Paramus, N.J., on the one hand, and, on the other, points in New Jersey on, north, and east of a line beginning at Atlantic City, N.J., and extending along U.S. Highway 30 to junction U.S. Highway 206, and thence along U.S. Highway 206 to Trenton, N.J.; (1) and (2) above, under a continuing contract or contracts with Mallary, Inc., of New Rochelle, N.Y. By the instant petition, petitioner seeks to modify its permit to read: "*New Furniture*, (1) Between New York, White Plains and Yonkers, N.Y., Ramsey, N.J., and Norwalk, Conn.; and (2) between points in New York, White Plains and Yonkers, N.Y., Ramsey, N.J., and Norwalk, Conn., on the one hand, and, on the other, points in New Jersey on, north and east of a line beginning at Atlantic City, N.J., and extending along U.S. Highway 30 to its intersection with U.S. Highway 206, thence over U.S. Highway 206 to Trenton, N.J., points in Fairfield County, Conn., Westchester, Putnam, Rockland, Nassau and Suffolk Counties, N.Y. and New York, N.Y., under a continuing contract or contracts with Klein Sleep Products, Inc. of White Plains, N.Y." Note: The purpose of this republication is to correct the purpose of this petition to include a modification in the territorial description as well as a substitution of the contracting shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–12023. (NOVO PACKAGE DELIVERY, INC.—PURCHASE (PORTION)—HOURLY MESSENGERS, INC., doing business as H. M. PACKAGE DELIVERY SERVICE), published in the November 7 and 21, 1973 issues of the FEDERAL REGISTER. Application filed August 20, 1974, for temporary authority under section 210a(b).

No. MC–F–12213 (Supplemental) (C & H TRANSPORTATION CO., INC—PURCHASE (PORTION)—A. A. MARTIN TRANSPORTATION CO., INC., published in the May 15, 1974 and July 10, 1974, issues of the FEDERAL REGISTER.

Under the proposed transaction vendee proposes to tack the authority sought with its present authority to perform service between New Hampshire and southern Maine, on the one hand, and, points through the United States, on the other. The joinder of vendee's present rights with those sought to be acquired will require observance of a 25 mile radius of Boston, Mass., gateway.

After the authority sought herein is authorized and the transaction consummated, vendee herein intends to file an application to eliminate any existing gateways.

No. MC–F–12233. Authority sought for purchase by McGUIRE LUMBER AND SUPPLY, INC., Wyliesburg, VA 23976, of the operating rights of RUSSELL BEVERLEY TRUCKING COMPANY, INCORPORATED, P.O. Box 8811, Richmond, VA 23225, and for acquisition by PENDLETON R. McGUIRE, Wyliesburg, Va. 23976, of control of such rights

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through the purchase. Applicants' attorney: 1100 17th St., NW., Washington, D.C. 20036. Operating rights sought to be transferred: *Malt beverages*, as a *common carrier* over irregular routes, from Baltimore, Md., to Richmond, Va.; and return with *empty malt-beverage containers; fertilizer*, from Baltimore, Md., to Richmond, Va.; *lumber*, from Richmond and Pemberton, Va., to Washington, D.C., and Harrisburg and Philadelphia, Pa., from Richmond, Va., to points in Maryland, from Baltimore, Md., to points in Virginia; slate, from Arvonia, Va., to Washington, D.C., Annapolis and Baltimore, Md., and points in Maryland within 25 miles of Washington, D.C., and points in North Carolina, with restriction; *luggage, beach chairs, card tables, book racks, novelties, and excelsior*, from Petersburg, Va., to Baltimore, Md., Philadelphia, Pa., Newark, N.J., and New York, N.Y.; *luggage, beach chairs, card tables, book racks, and novelties*, from Petersburg, Va., to Washington, D.C., Norfolk, Va., and Annapolis, Md.; excelsior, from Hallsboro, Va., to New York, N.Y., Baltimore, Md., Philadelphia, Pa., and Newark, N.J.; *canned goods, sulphur, borax, castor oil, extracts, tapioca, flour, nuts, such commodities* as are used in the manufacture of luggage, and *sugar*, from New York, N.Y., to Petersburg, Va.; *canned goods, sulphur, borax, castor oil, extracts, tapioca, flour, nuts, such commodities* as are used in the manufacture of luggage, *sugar, and roofing*, from Philadelphia, Pa., to Petersburg, Va.; *sulphur, borax, castor oil, and extracts*, from Jersey City, Camden, and Bayonne, N.J., to Petersburg, Va.; *sugar, canned goods, and such commodities* as are used in the manufacture of luggage, from Baltimore, Md., to Petersburg, Va.; *such commodities* as are used in the manufacture of luggage, from Newark, Trenton, Dunellen, New Brunswick, and Hackensack, N.J., Wilmington and Yorklyn, Del., and Washington, D.C., to Petersburg, Va.;

Canned goods and *bananas*, from Norfolk, Va., to Petersburg, Va.; *canned goods*, from Lewes, Bridgeville, and Milford, Del., Havre de Grace, Aberdeen, Hillsboro, Frederick, Westminster, Cambridge, Colora, Federalsburg, Fruitland, Hagerstown, Hebron, Preston, and Salisbury, Md., Bridgeton, Swedesboro, Vincentown, and Vineland, N.J., and Hanover, Pa., to Petersburg, Va.; *petroleum products*, in drums, cases, barrels, and kits, from Newark, N.J., to Washington, D.C., and South Washington, Richmond, Orange, Warsaw, Windsor, and Petersburg, Va.; *bananas, brooms*, and *roofing materials*, from Baltimore, Md., to Petersburg, Va.; *feed, produce, canned foods, dried beans, dried fruits*, and *groceries*, from Petersburg, Va., to Henderson and Warrenton, N.C., and return with *rejected shipments; paper chip board*, from Roanoke Rapids, N.C., to Petersburg, Va.; and return with *paper scrap board*, with restriction; *ink*, in bulk, in tank vehicles, from Richmond, Va., to points in North Carolina and South Carolina; *foodstuffs*, in vehicles equipped with mechanical refrigeration, from Richmond and Norfolk, Va., to points in North Carolina on and east of U.S. Highway 1, with restriction. Vendee is authorized to operate as a *common carrier* in Maryland, Virginia, North Carolina, Pennsylvania, Tennessee, West Virginia, Delaware, Ohio, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Illinois, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12294. Authority sought for purchase by R. F. TRUESDELL, INC., 1616 W. 47th St., Ashtabula, OH 44004, of the operating rights of RICHARD STICKEL, doing business as STICKEL TRUCKING CO., 1615 E. Crawford Ave., Connellsville, PA 15425, and for acquisition by R. F. TRUESDELL, 436 Jennie Jewel Drive, Orlando, FL 32806, of control of such rights through the purchase. Applicants' attorney: Edwin C. Reminger, 731 Leader Bldg., Cleveland, OH 44114. Operating rights sought to be transferred: *Finished men's pants*, as a *contract carrier*, over irregular routes, from Connellsville, Pa., to Cleveland, Ohio, and return with *empty containers* used in the above operation, and *cloth* used in the manufacture of the above described commodity. Vendee is authorized to operate as a *contract carrier* in Ohio, Pennsylvania, New York, West Virginia, New Jersey, North Carolina, South Carolina, Georgia, Florida, Delaware, Maryland, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Alabama, Kentucky, Louisiana, Mississippi, Tennessee, and Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12295. Authority sought for purchase by CARLSON TRANSPORT, INC., P.O. Box R, Byron, IL 61010, of the operating rights and property of WILLIAM G. BECK, Route 1, Box 410, Wilson Rd., New Buffalo, MI 49117, and for acquisition by ELMER W. CARLSON, also of Byron, IL 61010, of control of such rights and property through the purchase. Applicants' attorneys: Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603, and Loser & Loser, 320 N. Meridian St., Indianapolis, IN 46204. Operating rights sought to be transferred: *Sand*, as a *contract carrier* over irregular routes, from Michigan City, Inc., to certain specified points in Michigan, Illinois, and Ohio, from points in Berrien County, Mich., to certain specified points in Indiana, Illinois, and Ohio, from Oregon, Ill., to certain specified points in Indiana, Michigan, and Ohio, from Oregon, Ill., and points in Berrien County, Mich., to points in that part of Indiana south of U.S. Highway 40, from Oregon, Ill., Michigan City, Ind., and points in Berrien County, Mich., to certain specified points in Ohio, with restrictions. Vendee is authorized to operate as a *common carrier* in Illinois, Iowa, Wisconsin, Indiana, Ohio, Michigan, Kentucky, Minnesota, Missouri, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

NOTE:—MC–134369 (Sub-No. 5), is a matter directly related.

No. MC–F–12296. Authority sought for purchase by TWIN CITY FREIGHT, INC., 2280 Ellis Ave., St. Paul, MN 55114, of a portion of the operating rights and property of UNITED-BUCKINGHAM FREIGHT LINES, INC., P.O. Box 192, Littleton, CO 80120, and for acquisition by ROBERT W. ELSHOLTZ, W. E. ELSHOLTZ, JR., AND W. E. ELSHOLTZ, SR., all of St. Paul, MN 55114, of control of such rights and property through the purchase. Applicants' attorneys: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58102, and Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln St., Denver, C 80203. Operating rights sought to be transferred: *General Commodities*, with the usual exceptions, as a *common carrier* over regular routes, between Bismarck, and Velva, N. Dak., serving all intermediate points; and the off-route points of Garrison, N. Dak., between Fertile, Minn., and Grand Forks, N. Dak., serving all intermediate points; and various off-route points, between Thief River Falls, Minn., and Baudette (formerly Spooner), Minn., serving various intermediate and off-route points, between Moorhead and Crookston, Minn., serving no intermediate points, between Jamestown, and Minot, N. Dak., serving all intermediate points; and various off-route points, between Carrington, and Fessenden, N. Dak., serving all intermediate points, between Turtle Lake, N. Dak., and junction U.S. Highway 83 and North Dakota Highway 200 (formerly North Dakota Highway 7), between junction U.S. Highway 83 and North Dakota Highway 37, east of Garrison, N. Dak., and the Garrison Dam Site on the Missouri River, near Mannhaven, N. Dak., serving all intermediate points; and all off-route points within 15 miles of the Garrison Dam Site, between junction U.S. Highway 83 and unnumbered highway, near Coleharbor, N. Dak., and the Garrison Dam Site on the Missouri River, near Mannhaven, N. Dak., serving all intermediate points; and all off-route points within 15 miles of the Garrison Dam Site, between junction U.S. Highway 83 and unnumbered highway, at or near Underwood, N. Dak., and the Garrison Dam Site on the Missouri River, near Mannhaven, N. Dak., serving all intermediate points; and all off-route points within 15 miles of the Garrison Dam Site, between Bismarck, N. Dak., and Sidney, Mont., serving the intermediate points of Wibaux and Glendive, Mont.; *general commodities*, with the usual exceptions over irregular routes, between points in Minnesota within 35 miles of Breckenridge, Minn., including Breckenridge, Minn., on the one hand, and, on the other, certain specified points in North Dakota, between certain specified points in North Dakota, between points in Wibaux, Mont.; *salt*, from Williston, N. Dak., and points within 10 miles thereof, to points in Colorado, Iowa, Montana, Nebraska, South Dakota, and that part of Wisconsin on and west of Wisconsin Highway 13. Vendee is authorized to operate as a *common carrier* in Colorado, Idaho, Illinois, Indiana, Iowa, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Washington, Wisconsin and Wyoming. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC–111496 (Sub-No. 18), is a matter directly related.

No. MC–F–12297. Authority sought for purchase by JOHN T. SISK, Route 2, Box 182–B, Culpeper, VA 22701, of the operating rights and property of LANE TRANSFER CO., INC., Brandy Station, VA 22714. Applicants' attorney: Frank B. Hand, Jr., P.O. Box 163, Berryville, VA 22611. Operating rights sought to be transferred: *Steel wire*, as a *contract carrier* over irregular routes, from Baltimore, Md., to the plant site of the Rochester Corporation at Culpeper, Va.; *steel wire rope*, from the plant site of the Rochester Corporation at Culpeper, Va., to Baltimore, Md.; *concrete products*, from the plant site of Smith Cattleguard Company at Midland, Va., to points in North Carolina, Maryland, and the District of Columbia, with restrictions. Vendee is authorized to operate as a *contract carrier* in Virginia, Maryland, Pennsylvania, North Carolina, West Virginia, Delaware, New Jersey and the District of Columbia, and as a *common carrier* in Virginia, New York, Maryland, Pennsylvania, West Virginia, New Jersey, Delaware, Connecticut, Ohio, North Carolina, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

[SEAL] ROBERT L. OSWALD,
Secretary.

By the Commission.

[FR Doc.74–20555 Filed 9–4–74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

AUGUST 30, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 16, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC–504 (Sub-No. E7), filed May 26, 1974. Applicant: HARPER MOTOR LINES, INC., P.O. Box 6985, Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cotton and cotton goods* from points in Georgia, to points in New Jersey, Connecticut, Massachusetts, and Rhode Island, and Wilmington, Del., and Baltimore, Md., and points in Maryland on and west of Interstate Highway 83, including points in Maryland in the Del-Mar Peninsula and points in Pennsylvania on and east of U.S. Highway 15 from the New York-Pennsylvania State line to Harrisburg, Pa., thence along Interstate Highway 83 to Pennsylvania-Maryland State line, and points in New York on and east of Interstate Highway 81. (2) *Cotton and cotton goods* from points in Georgia, except points in Dade, Walker, Chattooga, Catoosa, Whitfield, Murray, Gilmer, Fannin, Union, Lumpkin, White, Townes, Habersham, and Rabun Counties, to points in Maryland west of Interstate Highway 83 (except Baltimore, Md.), and points in Pennsylvania east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to Harrisburg, Pa., thence along Interstate Highway 83 to the Pennsylvania-Maryland State line. (3) *Cotton and cotton goods* from points in Georgia on and east of U.S. Highway 29 beginning at the Alabama-Georgia State line to Atlanta, Ga., thence along U.S. Highway 23 to Cornelia, Ga., thence along U.S. Highway 123 to the Georgia-South Carolina State line to points in New York west of Interstate Highway 81. (4) *Cotton and cotton goods* from points in Georgia, (except points north of U.S. Highway 29 from the Alabama-Georgia State line, to Atlanta, Ga., thence along U.S. Highway 278 to the Georgia-South Carolina State line) to points in Virginia (except points west of U.S. Highway 220). The purpose of this filing is to eliminate the gateway of Sanford, N.C.

No. MC–504 (Sub-No. E9), filed May 24, 1974. Applicant: HARPER MOTOR LINES, INC., P.O. Box 6985, Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cotton and cotton goods* from points in North Carolina in Arnett, Lee, Sampson, Hoke, Cumberland, Bladen, Robeson, Scotland, Richmond, Moore, Anson Montgomery, Union, Stanly, Cabarrus, Rowan, Randolph, Davidson, Davie, Forsyth, Guilford, Alamance, Chatham, Durham, Orange, Wake, Johnston, Brunswick, Columbus, Iredell, Mecklenburg, Wayne, Lenoir, Jones, Onslow, Duplin, Pender, New Hanover, Alexander, Caldwell, Burke, Catawba, Lincoln, Cleveland, Gaston, Polk, Rutherford, McDowell, Yancey, Madison, Buncombe, Harwood, Henderson, Transylvania, Jackson, Swain, Graham, Cherokee, and Macon Counties, to points in New York, Connecticut, Massachusetts, Rhode Island, and points in New Jersey, on and north of Interstate Highways 78 and 287. (2) *Cotton and cotton goods* from points in North Carolina in Arnett, Lee, Sampson, Hoke, Cumberland, Bladen, Robeson, Scotland, Richmond, Moore, Anson, Montgomery, Union, Stanly, Cabarrus, Rowan, Randolph, Davidson, Davie, Forsyth, Guilford, Alamance, Chatham, Durham, Orange, Wake, Johnston, Iredell, Mecklenburg, Columbus, Brunswick, Alexander, Caldwell, Burke, Catawba, Lincoln, Cleveland, Gaston, Polk, Rutherford, McDowell, Yancey, Maddson, Buncombe, Harwood, Henderson, Transylvania, Jackson, Swain, Graham, Cherokee, and Macon Counties; Goldsboro, North Carolina, and points in Wayne, Duplin, Pender, and New Hanover Counties on and west of U.S. Highway 117, to Wilmington, Delaware, and points in New Jersey, south of Interstate Highways 78 and 287. The purpose of this filing is to eliminate the gateway of Sanford, N.C.

No. MC–2368 (Sub-No. E54), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Tennessee (except Chattanooga), to points in Delaware, that part of Maryland east of U.S. Highway 15, that part of Virginia on and east of U.S. Highway 1, Washington, D.C., that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along Interstate Highway 83 to Harrisburg, Pa., thence along Interstate Highway 81 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–2368 (Sub-No. E55), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* except liquid cocoa butter), in bulk, in tank vehicles, from Washington, D.C., to points in North Carolina, South Carolina, Tennessee (except Chattanooga), those in West Virginia on, south, and west of a line beginning at the Kentucky-West Virginia State line and extending east along Interstate Highway 64 to Charleston, W. Va., thence along Interstate Highway 77 to the West Virginia-Virginia State line, and that part of Virginia on and south of a line beginning at the Virginia-West Virginia State line and proceeding along Virginia Highway 311 to Roanoke, Va., thence along U.S. Highway 460 to its junction with U.S. Highway 360, thence along U.S. Highway 360 to Richmond, Va., thence along Interstate Highway 64 to its junction with

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Interstate Highway 264, thence along Interstate Highway 264 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub-No. E56), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, (except liquid cocoa butter), in bulk, in tank vehicles, from points in Delaware, to points in Tennessee (except Chattanooga), South Carolina, North Carolina on and west of Interstate Highway 95, West Virginia on and south of U.S. Highway 60, Virginia on, west, and south of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 95 to Richmond, thence along Interstate Highway 64 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub-No. E57), filed May 29, 1974. Applicant: BRALLEY-WILLET TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in South Carolina on and south of Interstate Highway 26, to points in Virginia on, east, and north of a line commencing at the Maryland-Virginia State line and proceeding along U.S. Highway 15 to its junction with U.S. Highway 29 thence along U.S. Highway 29 to its junction with Interstate Highway 64 thence along Interstate Highway 64 to its junction with Interstate Highway 264 thence along Interstate Highway 264 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub-No. E58) filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in South Carolina on and east of Interstate Highway 95, to points in West Virginia on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub-No. E59), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles from points in Virginia on, and west, and south of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 95 to Richmond, thence along Interstate Highway 64 to the Virginia-West Virginia State line, to points in Delaware. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-2368 (Sub.-No. E80), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Virginia, on, and east of Interstate Highway 95, to points in Tennessee (except Chattanooga). The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-5470 (Sub-No. E67), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 16th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal* (that can be unloaded by dumping), in dump vehicles, between Pittsburgh, Pa., and points in Pennsylvania within the radius of 60 miles of a railhead at Pittsburgh, on the one hand, and, on the other, points in Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, Missouri, Tennessee, and Wisconsin, restricted against the transportation of traffic between the storage facilities of the S. H. Bell Company at Braddock, Pa., and East Liverpool, Ohio, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of a railhead at Pittsburgh, Pa. (Allegheny County).

No. MC-5470 (Sub-No. E 69), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligat, 918 16th St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron* (that can be unloaded by dumping), in dump vehicles, between Pittsburgh, Pa., and points in Pennsylvania within the radius of 60 miles of railhead at Pittsburgh, on the one hand, and, on the other, points in Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, Missouri, Tennessee, and Wisconsin, restricted against the transportation of traffic between the storage facilities of the S. H. Bell Company at Braddock, Pa., and East Liverpool, Ohio, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa. (Allegheny County).

No. MC-8958 (Sub-No. E4), filed June 4, 1974. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Mr. John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* of the kind used in construction and manufacture, and *contractors' equipment and machinery*, between points in Massachusetts, Rhode Island, Connecticut, Delaware, and that part of Maryland on and east of U.S. Highway 15, and the District of Columbia, on the one hand, and, on the other, points in that part of Ohio on, east, and north of a line beginning at Lake Erie, thence along U.S. Highway 21 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in that part of Pennsylvania on and east of U.S. Highway 15.

No. MC-8958 (Sub-No. E5), filed June 4, 1974. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Mr. John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* of the kind used in construction and manufacture, and *contractor's equipment and machinery*, (1) between points in Massachusetts, Rhode Island, Connecticut, Delaware, and those parts of Pennsylvania and Maryland on and east of U.S. Highway 15, on the one hand, and, on the other, points in that part of Ohio on, north, and west of a line beginning at the West Virginia-Ohio State line, thence along U.S. Highway 22 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line (points in that part of Pennsylvania on and east of U.S. Highway 15, and Niles, Ohio)*; and (2) between points in New York and New Jersey, on the one hand, and, on the other, points in that part of Ohio on, north, and west of a line beginning at the West Virginia-Ohio State line, thence along U.S. Highway 22 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line (Niles, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-13569 (Sub-No. E1), filed June 5, 1974. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY; 1200 S. State Street, Girrard, Ohio 44420. Applicant's representative: A. David Millner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *General commodities*, (except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in those parts of Ohio and Pennsylvania bounded by a line beginning at Lorain, Ohio, thence along Lake Erie to Erie, Pa., thence along Pennsylvania Highway 8 to Franklin, thence along U.S. Highway 62 to Mercer, thence along U.S. Highway 19 to junction U.S. Highway 422, thence along U.S. Highway 422 to Butler, thence along Pennsylvania Highway 8 to Pittsburgh, thence along U.S. Highway 30 to Lisbon, Ohio, thence along Ohio Highway 45 to Salem, thence along U.S. Highway 62 to Canton, thence along U.S. Highway 30 to Massillon, thence along Ohio Highway 21 to junction Ohio Highway 82, thence along Ohio Highway 82 to junction Ohio Highway 57, thence along Ohio Highway 57 to Lorain, on the one hand, and, on the other, points in Essex, Union, Berger, Passaic, Hudson, and Middlesex Counties, N.J. (points in that part of Pennsylvania bounded by a line beginning at Pottsville, thence along Pennsylvania Highway 61 to Reading, thence along Pennsylvania Highway 10 to Oxford, thence along U.S. Highway 1 to the Maryland-Pennsylvania State line, thence along the Maryland-Pennsylvania State line to the Susquehanna River, thence along the Susquehanna River to Millersburg, thence along U.S. Highway 209 to Pottsville)*;

(B) *Iron and steel and iron and steel articles, and steel mill supplies* (except commodities in bulk, and those requiring special equipment), between the plant site of the Bethlehem Steel Corporation located at Burns Harbor, Ind., on the one hand, and, on the other, points in that part of New York south of U.S. Highway 104 and west of U.S. Highway 11, that part of Pennsylvania west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 11 to Pittston, thence along U.S. Highway 309 to Hazelton, thence along Pennsylvania Highway 93 to junction U.S. Highway 209, thence along U.S. Highway 209 to Pottsville, thence along Pennsylvania Highway 61 to Reading, thence along Pennsylvania Highway 10 to Oxford, thence along U.S. Highway 1 to the Pennsylvania-Maryland State line, and that part of West Virginia west of U.S. Highway 19 and north of U.S. Highway 60, including points and places on the indicated portions of the highways specified; (C) *Iron and steel articles* (except commodities in bulk, and those requiring special equipment), from the plant site of Jones &-Laughlin Steel Corporation, in Putnam County, Ill., to points in that part of New York south of U.S. Highway 104 and west of U.S. Highway 11, that part of Pennsylvania west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 11 to Pittston, thence along U.S. Highway 309 to Hazelton, thence along Pennsylvania Highway 93 to junction U.S. Highway 209, thence along U.S. Highway 209 to Pottsville, thence along Pennsylvania Highway 61 to Reading, thence along Pennsylvania Highway 10 to Oxford, thence along U.S. Highway 1 to the Pennsylvania-Maryland State line, and that part of West Virginia west of U.S. Highway 19 and north of U.S. Highway 60, including points and places on the indicated portions of the highways specified; and (D) *materials, equipment and supplies* used in the manufacturing and processing of iron and steel articles (except commodities in bulk, and those requiring special equipment), from those destinations points specified in (C) above to the plant site of Jones & Laughlin Steel Corporation, in Putnam County, Ill. (points in that part of Ohio on, north, and east of a line beginning at East Liverpool, thence along U.S. Highway 30 to Lisbon, thence along Ohio Highway 45 to Salem, thence along U.S. Highway 62 to Canton, thence along U.S. Highway 30 to Massillon, thence along Ohio Highway 21 to junction Ohio Highway 82, thence along Ohio Highway 82 to junction Ohio Highway 57, thence along Ohio Highway 57 to Lake Erie)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-34231 (Sub-No. E2), filed May 15, 1974. Applicant: D & H TRUCKING, INC., P.O. Box 9158, Tulsa, Okla. 74107. Applicant's representative: Marion F. Jones, Suite 1600, Lincoln Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products and *machinery, materials, equipment and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, and *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way (1) between points in Alfalfa, Beaver, Cimarron, Craig, Grant, Harper, Kay, Nowata, Osage, Ottawa, Texas, Washington, Woods, and Woodward Counties, Okla., on the one hand, and, on the other, points in Arkansas; (2) between points in Coal, Garvin, Johnston, Marshall, Pontotoc, Pottawatomie and Seminole Counties, Okla., on the one hand, and, on the other, points in Baxter, Boone, Carroll, Clay, Craighead, Fulton, Green, Independence, Izard, Jackson, Lawrence, Marion, Mississippi, Poinsett, Randolph, and Sharp Counties, Ark.; (3) between points in Carter, Jefferson, Love, Murray, and Stephens Counties, Okla., on the one hand, and, on the other, points in Baxter, Benton, Boone, Carroll, Clay, Craighead, Fulton, Green, Izard, Lawrence, Madison, Marion, Mississippi, Newton, Randolph, and Sharp Counties, Ark.;

(4) Between points in Adair, Cherokee, Comanche, Cotton, Hughes, Kiowa, McIntosh, Muskogee, and Tillman Counties, Okla., on the one hand, and, on the other, points in Baxter, Clay, Craighead, Crittenden, Fulton, Green, Izard, Lawrence, Marion, Mississippi, Poinsett, Randolph, and Sharp Counties, Ark., (5) between points in Beckham, Greer, Harmon, Jackson, Lincoln, Okfuskee, Oklahoma, Okmulgee, and Washita Counties, Okla., on the one hand, and, on the other, points in Baxter, Benton, Boone, Carroll, Clay, Craighead, Crittenden, Cross, Fulton, Greene, Independence, Izard, Jackson, Lawrence, Lee, Madison, Marion, Mississippi, Newton, Poinsett, Randolph, Saint Francis, Searcy, Sharp, and Stone Counties, Ark.; (6) between points in Caddo, Grady, and McClain Counties, Okla., on the one hand, and, on the other, points in Baxter, Benton, Boone, Carroll, Clay, Cleburne, Craighead, Crittenden, Cross, Fulton, Green, Independence, Izard, Jackson, Lawrence, Madison, Marion, Mississippi, Newton, Poinsett, Randolph, Saint Francis, Searcy, Sharp, Stone, Van Buren, White, and Woodruff Counties, Ark.; (7) between points in Blaine, Canadian, Creek, Custer, Kingfisher, Logan, Payne, Roger Mills, Tulsa, and Wagoner Counties, Okla., on the one hand, and, on the other, points in Arkansas, Baxter, Benton, Boone, Carroll, Chicot, Clay, Cleburne, Craighead, Crittenden, Cross, Desha, Fulton, Green, Independence, Izard, Jackson, Lawrence, Lee, Madison, Marion,

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Mississippi, Monroe, Newton, Phillips, Poinsett, Prairie, Randolph, Saint Francis, Searcy, Sharp, Stone, White, and Woodruff Counties, Ark.;

(8) Between points in Delaware, Dewey, Ellis, Garfield, Major, Mayes, Noble, Pawnee, and Rogers Counties, Okla., on the one hand, and, on the other, points in Arkansas, Ashley, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Chicot, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Crittenden, Cross, Dallas, Desha, Drew, Faulkner, Fulton, Garland, Grant, Greene, Hempstead, Hot Springs, Independence, Izard, Jackson, Jefferson, Lafayette, Lawrence, Lee, Lincoln, Lonoke, Madison, Marion, Miller, Mississippi, Montgomery, Monroe, Nevada, Newton, Quachita, Perry, Phillips, Pike, Poinsett, Pope, Prairie, Pulaski, Randolph, Saint Francis, Saline, Searcy, Sharp, Stone, Union, Van Buren, White, Woodruff, and Yell Counties, Ark.; (9) between points in Oklahoma on the one hand, and, on the other, points in Colorado, (except between points in Cimarron County, Okla., on the one hand, and, on the other, points in Alamosa, Baca, Bent, Conejos, Costilla, Huerfano, Las Animas, Otero, Prowers, and Pueblo Counties, Colo.; (10) between points in Oklahoma on the one hand, and, on the other, points in Illinois (except between points in McCurtain County, Okla., on the one hand, and, on the other, points in Alexandria, Franklin, Gallatin, Hamilton, Hardin, Jackson, Johnson, Nassac, Perry, Pope, Pulaski, Randolph, Saline, Union, and Williamson Counties, Ill.); (11) between points in Alfalfa, Beaver, Cimarron, Craig, Ellis, Garfield, Grant, Harper, Kay, Major, Noble, Nowata, Osage, Ottawa, Pawnee, Rogers, Texas, Washington, Woods, and Woodward Counties, Okla., on the one hand, and, on the other points in Louisiana;

(12) Between points in Blaine, Creek, Dewey, Delaware, Kingfisher, Logan, Mayes, Payne, Roger Mills, Tulsa, and Wagoner Counties, Okla., on the one hand, and, on the other, points in Arcadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, Concordia, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermillion, Washington, West Baton Rouge, and West Feliciana Counties, La.; (13) between points in Oklahoma, on the one hand, and, on the other, points in Missouri (except between points in McCurtain County, Okla., on the one hand, and, on the other, points in Butler, Dunklin, Mississippi, New Madrid, Pemiscot, Scott, and Stoddard Counties, Mo.; (14) between points in Oklahoma, on the one hand, and, on the other, points in Nebraska; (15) between points in Adair, Alfalfa, Beaver, Cherokee, Craig, Creek, Delaware, Garfield, Grant, Kay, Harper, Haskell, McIntosh, Mayes, Muskogee, Noble, Nowata, Okmulgee, Osage, Ottawa, Pawnee, Payne, Rogers, Sequoyah, Texas, Tulsa, Wagoner, Washington, and Woods Counties, Okla., on the one hand, and, on the other points in New Mexico; (16) between points in Otoka, Choctaw, Coal, Garvin, Hughes, Johnston, Lincoln, McCurtain, Murray, Okfuskee, Pontotoc, Pottawatomis, Pushmataha, Seminole, and Stephens Counties, Okla., on the one hand, and, on the other, points in Bernalillo, Catron, Colfax, DeBaca, Dona Ana, Grant, Guadalupe, Harding, Hidalgo, Lincoln, Los Alamos, Luna, McKinney, Mora, Otero, Quay, Rio Arriba, Sandoval, San Juan, San Miquel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, and Valencia Counties, N. Mex.; (17) between points in Bryan, Carter, Love, and Marshall Counties, Okla., on the one hand, and, on the other, points in Bernalillo, Catron, Colfax, Harding, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Union, and Valencia Counties, N. Mex.; (18) between points in Beckham, Comanche, Cotton, Greer, Harmon, Jackson, Jefferson, Kiowa, and Tillman Counties, Okla., on the one hand, and, on the other, points in McKinley, Rio Arriba, San Juan, and Taos Counties, N. Mex.;

(19) Between points in Latimer, Leflore, and Pittsburg Counties, Okla., on the one hand, and, on the other, points in Bernalillo, Catron, Chaves, Colfax, DeBaca, Dona Ana, Grant, Guadalupe, Harding, Hidalgo, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero, Quay, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, and Valencia Counties, N. Mex.; (20) between points in Blaine, Caddo, Canadian, Custer, Grady, McClain, Oklahoma, Roger Mills, and Washita Counties, Okla., on the one hand, and, on the other, points in Bernalillo, Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, and Valencia Counties, N. Mex.; (21) between points in Dewey, Ellis, Kingfisher, Logan, Major, and Woodward Counties, Okla., on the one hand, and, on the other, points in Bernalillo, Catron, Chaves, Colfax, DeBaca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero, Quay, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, and Valencia Counties, N. Mex.; (22) between points in Cimarron County, Okla., on the one hand, and, on the other, points in Bernalillo, Catron, Dona Ana, Eddy Grant, Hidalgo, Lea, Lincoln, Los Alamos, Luna, McKinley, Mora, Otero, San Juan, Sierra, Socorro, Torrance, and Valencia Counties, N. Mex.; and (23) between points in Oklahoma on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC-65112 (Sub-No. E5) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER on August 15, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Virginia on and west of U.S. Highway 81, on the one hand, and, on the other, points in Arizona, New Mexico (except Colfax, Union, and Taos Counties), and those in Texas on and south of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 180 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateways of points in Florida and Dallas, Fort Worth, or Houston, Texas. The purpose of this correction is to include the word "except" which was inadvertently omitted from the description of the New Mexico territory above, and to correct the Texas territorial description above, which was inadvertently published as ". . . thence along U.S. Highway 80 . . ." to read ". . . thence along U.S. Highway 180 . . .".

No. MC-65112 (Sub-No. E6) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER August 15, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Maryland, on and west of U.S. Highway 15, on the one hand, and, on the other, points in Yuma, Maricopa, Yavapai, Pima, Pinal, Santa Cruz, Gila, Graham, Greenlee, and Cochise Counties, Ariz., points in Lea, Eddy, Otero, Dona Ana, Sierra, Luna, Grant, and Hidalgo Counties, N. Mex., and points in that part of Texas on and south of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 180 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateways of points in Florida and Dallas, Fort Worth, or Houston, Texas. The purpose of this correction is to correct the spelling of Yavapai County, Ariz., and to correct the Texas territorial description above, which was inadvertently published as ". . . thence along U.S. Highway 80 . . ." to read ". . . thence along U.S. Highway 180 to junction U.S. Highway 80 . . .".

No. MC-65112 (Sub-No. E13) (correction), filed May 30, 1974, published in the FEDERAL REGISTER August 15, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., P.O. Box 3402, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of New York on and east of New York Highway 7, on the one hand, and on the other, points in Arizona, points in Hidalfo, Grant, Luna, Dona Ana, Otero, Eddy, and Lea Counties, N. Mex., and points in that part of Texas on and south of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 180 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Texas-Louisiana State line.

The purpose of this filing is to eliminate the gateway of Dallas, Fort Worth, or Houston, Texas, and points in Florida. The purpose of this correction is to correct the spelling of Luna County, N. Mex., which was inadvertently published as Luma County, N. Mex.

No. MC-82492 (Sub-No. E9), filed May 14, 1974. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, when moving in vehicles equipped with mechanical refrigeration, from Archbold, Ohio, to Aberdeen, Sioux Falls and Watertown, S. Dak., points in Iowa and Nebraska, and those in Minnesota on and south of U.S. Highway 12, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of traffic originating at the plant site and warehouse facilities, of Beatrice Foods Co., at Archbold, Ohio. The purpose of this filing is to eliminate the gateway of Plymouth, Ind., to all points (except points in the Minneapolis-St. Paul commercial zone), and Bentheim, Mich., to points in the Minneapolis-St. Paul commercial zone.

No. MC-107064 (Sub-No. E94), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except cottonseed products, animal fats, and vegetable oils), in bulk, from points in New Mexico to points in Alabama. The purpose of this filing is to eliminate the gateway of Amarillo, Tex.

No. MC-107064 (Sub-No. E95), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except cottonseed products, animal fats, and vegetable oils) in bulk, from points in New Mexico, to points in Mississippi. The purpose of this filing is to eliminate the gateway of Amarillo, Tex.

No. MC-107064 (Sub-No. E97), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except cottonseed products, animal fats, and vegetable oils), in bulk, from points in Arizona to points in Arkansas. The purpose of this filing is to eliminate the gateway of Amarillo, Tex.

No. MC-107064 (Sub-No. E98), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative. H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except cottonseed products, animal oils, and vegetable oils), in bulk, from points in Arizona, to points in Alabama. The purpose of this filing is to eliminate the gateway of Amarillo, Tex.

No. MC-107064 (Sub-No. E99), filed May 21, 1974. Applicant: STEERE TANK LINES, Inc., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, (except animal fats, vegetable oils, and cottonseed products), in bulk, from points in Arizona to points in Mississippi. The purpose of this filing is to eliminate the gateway of Amarillo, Tex.

No. MC-107064 (Sub-No. E100), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, (except cottonseed products, animal fats, and vegetable oils), from points in Arizona to points in Arkansas. The purpose of this filing is to eliminate the gateway of Amarillo, Tex.

No. MC-107064 (Sub-No. E101), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, (except cottonseed products, animal fats, and vegetable oils), in bulk, from points in Arizona to points in Florida. The purpose of this filing is to eliminate the gateway of Amarillo, Tex.

No. MC-107064 (Sub-No. E103), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, (except cottonseed products, animal fats, and vegetable oils), in bulk, from points in Arizona to points in Louisiana. The purpose of this filing is to eliminate the gateway of Amarillo, Tex.

No. MC-107064 (Sub-No. E104), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998; Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except cottonseed products, animal fats, and vegetable oils), in bulk, from points in Colorado to points in Alabama. The purpose of this filing is to eliminate the gateway of Amarillo, Tex.

No. MC-107064 (Sub-No. E105), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except vegetable oils, cottonseed products, and animal fats), in bulk, from points in Colorado to points in Mississippi. The purpose of this filing is to eliminate the gateway of Amarillo, Tex.

No. MC-107064 (Sub-No. E106), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex., 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except cottonseed products, animal fats, and vegetable oils), in bulk from points in Colorado to points in Louisiana. The purpose of this filing is to eliminate the gateway of Amarillo, Tex.

No. MC-107064 (Sub-No. E107), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* (except cottonseed products animal fats, and vegetable oils), in bulk, from points in Colorado to points in Florida. The purpose of this filing is to eliminate the gateway of Amarillo, Tex.

No. MC-107403 (Sub-No. E232) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER August 2, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from points in Indiana to points in New York, east of U.S. Highway 11. The purpose of this filing is to eliminate the gateway of Zanesville, Ohio and Lewistown, Pa. The purpose of this correction is to correctly describe the origin territory.

No. MC-107403 (Sub-No. E643), filed July 18, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's represent-

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ative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid resins*, in bulk, in tank vehicles, from points in New Castle County, Del., Hartford, and Cecil Counties, Md., Northampton, Lehigh, Berks, Chester, Bucks, Montgomery, and Philadelphia, Pa., to points in Texas. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa., Wheeling, W. Va., Newark, Ohio, and Valparaiso, Ind.

No. MC–107515 (Sub-No. E60), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from the plantsite or warehouses of Pet Milk Co., at Allentown, Pa., to points in Missouri (except St. Louis, Mo.) restricted to traffic originating at the named plantsite or warehouse. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC–107515 (Sub-No. E61), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in mechanically refrigerated vehicles, from the plant site or warehouses of Pet Milk Co., at Allentown, Pa., to points in Utah and Idaho, restricted to traffic originating at the named plantsite or warehouses. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–107515 (Sub-No. E62), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Scranton, Pa., to points in Texas, Arkansas, and that part of Oklahoma on and south of a line beginning at the Arkansas-Oklahoma State line, thence along Interstate Highway 40 to junction the Muskogee Turnpike, thence along the Muskogee Turnpike to Tulsa, thence along U.S. Highway 64 to the Oklahoma-New Mexico State line, restricted to transportation in vehicles equipped with mechanical refrigeration. The purpose of this filing is to eliminate the gateways of (1) Richmond, Va., and (2) Florence, Ala.

No. MC–107515 (Sub-No. E63), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from York, Pa., to points in Texas, Arkansas, and that part Oklahoma, on and south of a line beginning at the Oklahoma-Arkansas State line, thence along Oklahoma Highway 33 to junction to Tulsa, thence along Oklahoma Highway 20 to junction Oklahoma Highway 18, thence along Oklahoma Highway 18 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line, restricted to transportation in vehicles equipped with mechanical refrigeration. The purpose of this filing is to eliminate the gateways of (1) Richmond, Va., and (2) Florence, Ala.

No. MC–107515 (Sub-No. E64), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in vehicles equipped with mechanical refrigeration, from Harrisburg, Pa., to points in that part of Texas on and south U.S. Highway 66. The purpose of this filing is to eliminate the gateways of (1) Richmond, Va., and (2) Montgomery, Ala.

No. MC–107515 (Sub-No. E65), filed May 29, 1974. (Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), and *frozen foods*, from Scranton, Pa., to points in Alabama; Georgia, Florida, Tennessee, Louisiana, Mississippi, and that part of Kentucky on and south of a line beginning at the Kentucky, thence along U.S. Highway 460 to junction Kentucky Highway 1427, thence, along Kentucky Highway 1427 to junction Kentucky Highway 11, thence along Kentucky Highway 11 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Kentucky Highway 78, thence along Kentucky Highway 78 to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction Kentucky Highway 210, thence along Kentucky Highway 210 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Ohio River, restricted to transportation in vehicles with mechanical refrigeration. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–107515 (Sub-No. E66), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen foods*, from York, Pa., to points in North Carolina and South Carolina, restricted to transportation in vehicles equipped with mechanical refrigeration. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–107515 (Sub-No. E68), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except commodities in bulk, in tank vehicles), from Oklahoma City, Okla., to Evansville, Ind., the District of Columbia, points in Connecticut, Massachusetts, Rhode Island, Delaware, Kentucky, Maine, Maryland, Vermont, New Hampshire, West Virginia, Virginia, New Jersey, New York, Pennsylvania, and that part of Ohio on and south of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 40 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Ohio-New York State line. The purpose of this filing is to eliminate the gateway of Booneville, Miss.

No. MC–107515 (Sub-No. E83), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettelbaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* from Adair County, Okla., to the District of Columbia, points in Connecticut, Delaware, Maryland, Mississippi, Michigan, New Jersey, New York, Pennsylvana, Rhode Island, Ohio, and that part of Indiana on and east of a line beginning at the Indiana-Kentucky State line, thence along Indiana Highway 66 to injunction Indiana Highway 37, thence along Indiana Highway 37 to junction

U.S. Highway 421, thence along U.S. Highway 421 to junction Indiana Highway 29, thence along Indiana Highway 29 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Indiana 39, thence along Indiana Highway 39 to the Michigan-Indiana State line. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Ind., in Jefferson County, Ky.

No. MC–107515 (Sub-No. E84), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettelbaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Chickasha, Enid, Elk City, and Woodward, Okla., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of New Albany, Miss.

No. MC–107515 (Sub-No. E85), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. N.E., Atlanta, Ga. 30326: Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, from Oklahoma City, Okla., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC–107515 (Sub-No. E89), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Philadelphia, Pa., to points in North Carolina and South Carolina, restricted to tran rta-tion in vehicles equipped with mechanical refrigeration. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–107515 (Sub-No. E91), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk), and *frozen foods*, from Harrisburg, Pa., to points in Alabama, Georgia, Florida, Tennessee, Louisiana, Mississippi, and that part of Kentucky on and south of a line beginning at the Kentucky-Illinois State line, thence along Kentucky Highway 91 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Kentucky Highway 109, thence along Kentucky Highway 109 to junction U.S. Alternate Highway 41, thence along U.S. Alternate Highway 41 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky 40, thence along Kentucky Highway 40 to the Kentucky-West Virginia State line, restricted to the transportation of traffic in vehicles equipped with mechanical refrigeration. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–107515 (Sub-No. E92), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk), and *frozen foods*, from Philadelphia, Pa., to points in Alabama, Georgia, Florida, Tennessee, Kentucky, Louisiana, and Mississippi, restricted to transportation of traffic in vehicles equipped with mechanical refrigeration. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–107515 (Sub-No. E93), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from New York, N.Y., to points in North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC–107515 (Sub-No. E95), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Milton, Pa., to points in Georgia and Florida, restricted to the transportation of shipment originating at the named origin. The purpose of this filing is to eliminate the gateway of Henderson, N.C.

No. MC–107515 (Sub-No. E96), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (except frozen fruits, frozen berries, and frozen vegetables), from the plantsite or warehouse of Pet Milk Co. at Allentown, Pa., to points in Missouri, Oklahoma, and Texas, restricted to traffic originating at the named plantsite or warehouse; and destined to the named destination points. The purpose of this filing is to eliminate the gateway of the plantsite of Holloway House, Inc., at Lafayette, Ind.

No. MC–107515 (Sub-No. E100), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308; Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Bakery products*, from the plant site of warehouses of Pet Milk Co., at Allentown, Pa., to points in Colorado, restricted to traffic originating at the named plantsite or warehouses. The purpose of this filing is to eliminate the gateway of the plantsite of Chef Pierre, Inc., at Traverse City, Mich.

No. MC–107515 (Sub-No. E105), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308; Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Harrisburg, Pa., to points in Texas, Arkansas, and that part of Oklahoma on and south of a line beginning at the Arkansas-Oklahoma State line, thence along Interstate Highway 40 to junction Muskogee Turnpike, thence along Muskogee Turnpike to Tulsa, thence along U.S. Highway 64 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Oklahoma Highway 11, thence along Interstate Highway 11 to junction Oklahoma Highway 34, thence along Oklahoma Highway 34 to the Oklahoma-Kansas State line, restricted to transportation in vehicles equipped with mechanical refrigeration. The purpose of this filing is to eliminate the gateways of (1) Richmond, Va., and (2) Florence, Ala.

No. MC–107515 (Sub-No. E109), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Oklahoma City and Elk City, Okla., to the District of Columbia, and points in those parts of Virginia, Maryland, and Delaware on and east of Interstate Highway 95, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to junction U.S. Highway 30, thence along

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U.S. Highway 30 to junction U.S. Highway 222, thence along U.S. Highway 222 to junction Pennsylvania Turnpike Northeast Extension, thence along Pennsylvania Turnpike Northeast Extension to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New York State line, that part of New Jersey on and east of a line beginning at the New Jersey-Pennsylvania State line, thence along Interstate Highway 80 to junction New Jersey Highway 94, thence along New Jersey Highway 94 to the New York-New Jersey State line, and that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along Interstate Highway 84 to junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of Ayden, N.C.

No. MC-107515 (Sub-No. E110), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell; Suite 375; 3379 Peachtree Rd., N.E.; Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Elk City, Okla., to the District of Columbia, points in Connecticut, New Jersey, Massachusetts, those parts of Virginia, Delaware, and Maryland on and east of Interstate Highway 95, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 222, thence along U.S. Highway 222 to junction Pennsylvania Turnpike Northeast Extension, thence along Pennsylvania Turnpike Northeast Extension to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New York State line, and that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along Interstate Highway 84 to junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of Ayden, N.C.

No. MC-107515 (Sub-No. E129), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettelbaum, Suite 375, 3379 Peachtree Rd. N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Swedesboro and Glassboro, N.J., to points in Arkansas, Louisiana, Mississippi, Oklahoma, Texas, that part of Tennessee on and west of U.S. Highway 27, that part of Florida on and west of Florida Highway 79, and that part of Alabama on and west of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 78 to Alabama Highway 19, thence along Alabama Highway 19 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction Alabama Highway Highway 37, thence along Alabama Highway 37 to junction Alabama Highway 26, thence along Alabama Highway 26 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Alabama Highway 93, thence along Alabama Highway 93 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Alabama Highway 27, thence along Alabama Highway 27 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateways of Jackson or Columbus, Ohio.

No. MC-109542 (Sub-No. E1), filed May 15, 1974. Applicant: ELLIS TRANSFER AND STORAGE, INC., 1953 West Evans St., Florence, S.C. 29501. Applicant's representative: J. C. Tomlinson (same as above). Authority sought to operate as a *common carrier*, by motor over irregular routes, transporting: *Household goods*, between points in Florence and Darlington Counties, S.C. on the one hand, and, on the other, points in Tennessee and points in that part of Virginia on, west, and north of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 501 to South Boston, thence along Virginia Highway 304 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 360, thence along U.S. Highway 360 to Richmond, thence along Virginia Highway 5 to Williamsburg, thence along the Colonial National Historic Parkway to the Chesapeake Bay (except points in Virginia east of the Chesapeake Bay). The purpose of this filing is to eliminate the gateway of points in North Carolina within 35 miles of Clover, S.C.

No. MC-110525 (Sub-No. E301), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Maryland to points in Wyoming. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC-110686 (Sub-No. E1), filed May 9, 1974. Applicant, McCORMICK DRAY LINE, INC., Avis, Pa. Applicant's representative: William O. Turney, 2001 Mass. Ave., N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Machinery and machine parts*, from points in that part of New York on and east of a line beginning at the International Boundary line between the United States and Canada, thence along Interstate Highway 81 to Cortland, thence along New York Highway 13 to Elmira, thence along New York Highway 14 to the New York-Pennsylvania State line, to points in Kentucky on and south of Interstate Highway 64 (Muncie, Pa.)*.

(2) *Machinery and machine parts*, from points in that part of New York on and north of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 209, to junction U.S. Highway 44, thence along U.S. Highway 44 to the New York-Connecticut State line, and on and east of New York Highway 19, to points in Virginia (Muncy, Pa.)*.

(3) *Machinery and machine parts*, from points in that part of New York on and east of New York Highway 14, to points in West Virginia (Muncy, Pa.)*.

(4) *Machinery and machine parts*, from points in that part of New Jersey on and north of a line beginning at Trenton, thence along New Jersey Highway 33 to junction New Jersey Highway 71, thence along New Jersey Highway 71 to Asbury Park, to points in Kentucky (Muncy, Pa.)*.

(5) *Machinery and machine parts*, from points in that part of New Jersey on and north of a line beginning at Trenton, thence along U.S. Highway 1 to junction New Jersey Highway 18, thence along New Jersey Highway 18 to junction Interstate Highway 95, thence along Interstate Highway 95 to Newark, thence along Interstate Highway 78 to the Hudson River, to points in West Virginia (Muncy, Pa.)*.

(6) *Machinery and machine parts*, from points in that part of New Jersey north of a line beginning at the New Jersey-Pennsylvania State line, thence along Interstate Highway 80 to junction Garden State Parkway, thence along the Garden State Parkway to junction New Jersey Highway 6, thence along New Jersey Highway 6 to the Hudson River (Muncy, Pa.)*.

(7) *Machinery and machine parts* (except those requiring special handling because of size or weight), from points in Ohio to points in Connecticut (Muncy, Pa.)*.

(8) *Machinery and machine parts* (except those requiring special handling because of size or weight, from points in Ohio to points in Rhode Island (Muncy, Pa.)*.

(9) *Machinery and machine parts* (except those requiring special handling because of size or weight, from points in Ohio, to points in Massachusetts (Muncy, Pa.)*.

(10) *Machinery and machine parts* (except those requiring special handling because of size or weight) from points in that part of Maryland west of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 11 to Hagerstown, thence along U.S. Highway 40 to Frederick, thence along Interstate Highway 70S to junction Interstate Highway 495, thence along Interstate Highway 495 to the Potomac River, to points in that part of Massachusetts north and east of a line beginning at the Massachusetts-New York State line, thence along U.S. Highway 20 to Pittsfield, thence along Massachusetts Highway 9 to Northampton, thence along U.S. Highway 5 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Massachusetts Highway 32, thence along Massachusetts Highway 32 to the Massachusetts-Connecticut State line (Muncy, Pa.)*.

(11) *Machinery and machine parts* (except those requiring special handling because of size or weight), from points in that part of Maryland west of Interstate Highway 81, to points in Rhode Island (Muncy, Pa.)*.

(12) *Machinery and machine parts* (except those requiring special handling because of size or weight), from points in that part of Maryland west of Interstate Highway 81, to points in Connecticut north of a line beginning at the Connecticut-New York State line, thence along Interstate Highway 84 to Waterbury, thence along Connecticut Highway 66 to Middletown, thence along Connecticut Highway 9 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Connecticut River, and points east of the Connecticut River (Muncy, Pa.)*.

(13) *Iron and steel articles* (except those commodities which because of size or weight require the use of special equipment), from points in Kentucky, to points in Connecticut (Avis, Pa.)*.

(14) *Iron and steel articles* (except those commodities which because of size or weight require the use of special equipment), from points in Kentucky, to points in that part of New York on and east of New York Highway 19 (Avis, Pa.)*.

(15) *Iron and steel articles* (except those commodities which because of size or weight require the use of special equipment), from points in Kentucky to points in that part of New Jersey north of New Jersey Highway 33 (Avis, Pa.)*.

(16) *Iron and steel articles* (except commodities which because of size or weight require the use of special equipment), from points in that part of Virginia on and west of a line beginning at the Virginia-Maryland State line, thence along U.S. Highway 522 to Sperryville, thence along Virginia Highway 231 to Madison, thence along U.S. Highway 29 to Charlottesville, thence along Interstate Highway 64 to Zion Crossroads, thence along U.S. Highway 15 to the Virginia-North Carolina State line, and on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 52 to junction Interstate Highway 81, thence along Interstate Highway 81 to Newbern, thence along Virginia Highway 100 to the Virginia-West Virginia State line, to points in that part of New York on, north, and west of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to Elmira, thence along New York Highway 17 to Binghamton thence along New York Highway 7 to the New York-Vermont State line (Avis, Pa.)*.

(17) *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C 209, from points in Kentucky to points in Massachusetts, restricted against the transportation of those commodities which because of size or weight require the use of special equipment (Avis, Pa.)*.

(18) *Steel* (except steel which because of size or weight requires the use of special equipment), from Newark, N.J., to points in Kentucky and Tennessee (the plant sites of Avco Corporation, Darling Valve and Manufacturing Company, or Met-Fab, Inc., at Williamsport, Pa.)*.

(19) *Boilers*, from the plant site of E. S. Space Conditioning, Inc., located at or near Harrisonburg, Va., to points in Massachusetts, Rhode Island, that part of Connecticut on and north of a line beginning at Danbury, thence along Connecticut Highway 58 to Bridgeport, and that part of New York on and north of Interstate Highway 84, restricted against the transportation of commodities which because of size or weight require the use of special equipment or special handling) (Williamsport, Pa.)*.

(20) *Steel forgings* (except steel forgings which because of size, shape, weight, or inherent character require the use of special equipment or special handling), from the plant site of Canton Drop Forging and Manufacturing Co., at or near Canton, Ohio, and the plant site of Transue and Williams Steel Forging Corporation, at or near Alliance, Ohio, to Jersey City, N.J., and New York, N.Y. (Williamsport, Pa.)*.

(21) *Iron and steel forgings*, as are iron and steel articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from the plant site of Canton Drop Forgings and Manufacturing Co., at or near Canton, Ohio, and the plant site of Transue and Williams Steel Forging Corporation, at or near Alliance, Ohio, to points in Massachusetts, restricted against the transportation of iron and steel forgings which because of size, shape, weight, or inherent character require the use of special equipment or special handling (those points in the Williamsport, Pa., Commercial Zone, within 10 miles of Jersey City, Pa.)*.

(22) *Wire rope* (except wire rope requiring special handling), from Williamsport, Pa., to points in Ohio (Muncy, Pa.)*.

(23) *Copper wire*, from Bayway, Carteret and Roebling, N.J., and Hastings on the Hudson and Laurel Hill, N.Y., to points in that part of West Virginia on and west of U.S. Highway 19 (Jersey Shore, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-111545 (Sub-No. E514), filed June 2, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies*, moving in connection therewith, between points in that part of North Carolina within 150 miles of Charlotte, N.C. on the one hand, and, on the other, points in Mississippi and Tennessee, within 175 miles of Chattanooga, Tenn. restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in those parts of North Carolina and South Carolina within 150 miles of Charlotte, N.C., and within 175 miles of Chattanooga, Tenn.

No. MC-111545 (Sub-No. E516), filed June 2, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds, or more, and *related machinery, tools, parts and supplies*, moving in connection therewith, between points in that part of Illinois on, west, and north of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 36 to junction Illinois Highway 57, thence along Illinois Highway 57 to junction Illinois Highway 61, thence along Illinois Highway 61 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 67, thence along U.S. Highway 67, to junction Illinois Highway 116, thence along Illinois Highway 116, to junction Illinois Highway 41, thence along Illinois Highway 41 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 78, thence along Illinois

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Highway 78 to junction Illinois Highway 2, thence along Illinois Highway 2 to the Illinois-Wisconsin State line, on the one hand, and, on the other, points in that part of Tennessee on, south, and east of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 431 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 50, thence along Tennessee Highway 50 to junction Tennessee Highway 55, thence along Tennessee Highway 55 to junction U.S. Highway 70S, thence along U.S. Highway 70S to junction U.S. Highway 70, thence along U.S. Highway 70 to Kingston, thence along Tennessee Highway 58 to junction Tennessee Highway 72, thence along Tennessee Highway 72 to junction U.S. Highway 129, thence along U.S. Highway 129 to the Tennessee-North Carolina State line, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Clinton or Keokuk, Iowa.

No. MC–111545 (Sub-No. E518), filed June 2, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, (except buses), and *related machinery, tools, parts and supplies* from points in Texas, to points in Connecticut, Delaware, Maine, New Hampshire, Rhode Island, Vermont, Maryland, Massachusetts, and the District of Columbia, restricted to the transportation of commodities when moving on trailers, and, restricted against the transportation of machinery, equipment, material and supplies used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies used in or in connection with the construction, operation, repair, servicing, and picking up thereof. The purpose of this filing is to eliminate the gateways of points in Mississippi within 175 miles of Chattanooga, Tenn., and Toccoa, Ga.

No. MC–111545 (Sub-No. E521), filed June 2, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith between points in that part of Alabama within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in that part of North Carolina within 150 miles of Charlotte, N.C., restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Asheville, N.C.

No. MC–111545 (Sub-No. E525), filed June 2, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *Machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas or liquids, and (3) *parts, attachment, and accessories* for use in the installation and operation of (1) and (2) above, from points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 63 to Waterloo, thence along U.S. Highway 218 to the Iowa-Missouri State line, to points in that part of Louisiana on and south of a line beginning at the Louisiana-Texas State line, thence along Louisiana Highway 8 to Trout, thence along U.S. Highway 84 to the Louisiana-Mississippi State line, restricted in (1), (2), and (3) above to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of the plant and warehouse facilities of the Trane Company at Clarksville, Tenn.

No. MC–113908 (Sub-No. L37), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage base*, used as alcoholic liquors and neutral spirits, in bulk, in tank vehicles from Auburndale and Lake Alfred, Fla., to Reedley, Calif. The purpose of this filing is to eliminate the gateway of Cicero, Ill.

No. MC–113908 (Sub-No. E38), filed June 4, 1974. Applicant: ERIKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Missouri 65804. Applicant's representative: John E. Jandera 641 Harrison St. Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and animal oils*, in bulk, in tank vehicles, from the plant site of Wilson and Co., Inc., at or near Cherokee, Iowa, to points in Ohio, Pennsylvania, and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of the plant site of Armour Grocery Products, Co., near Aurora, Ill.

No. MC–113908 (Sub-No. E40), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Miss. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Fremont, Bailey, and Belding, Mich., to points in Louisiana, Oklahoma, Texas, points in that part of Arkansas on and west of a line beginning at the Missouri-Arkansas on and west of a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 63 to junction U.S. Highway 61 thence along U.S. Highway 61, to the Arkansas-Tennessee State line, and points in that part of Colorado on, south, and west of a line beginning at the Nebraska-Colorado State line, thence along Colorado Highway 71 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Colorado-Nebraska State line. The purpose of this filing is to eliminate the gateway of Nixa, Mo.

No. MC–113908 (Sub-No. E41), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Fremont, Bailey, and Belding, Mich., to points in Oklahoma, and points in that part of Arkansas on, west, and south of a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateway of Marionville, Mo.

No. MC–113908 (Sub-No. E42), filed June 4, 1974. (Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Fremont, Bailey, and Belding, Mich., to points in Oklahoma, points in that part of Arkansas on and west of a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 63 to junction U.S. Highway 61 thence along U.S. Highway 61, to the Arkansas-Tennessee State line, and points in that part of Colorado on, south, and west of a line beginning at the Nebraska-Colorado State line, thence along Colorado Highway 71 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Colorado-Nebraska State line. The purpose of this filing is to eliminate the gateway of Nixa, Mo.

No. MC–113908 (Sub-No. E43), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John

E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Lake Alfred, Fla., to Helena, Montana. The purpose of this filing is to eliminate the gateway of Bardstown, Ky.

No. MC–113908 (Sub-No. E46), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from North Rose, N.Y., to points in California. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC–113908 (Sub-No. E47), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION; P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock, and apple juice*, in bulk, in tank vehicles, from Corpus Christi, Tex., and points in Starr, Hidalgo, Willacy, and Cameron Counties, Tex., to points in New York, Pennsylvania, and points in that part of Ohio on, east, and north of a line beginning at Vermilion, thence along Ohio Highway 511 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Belding, Mich.

No. MC–113908 (Sub-No. E48), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (except animal fats, animal oils, vegetable oils, and blends thereof), from Verona, Mo., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, points in that part of Kentucky on and east of U.S. Highway 25, and points in that part of South Carolina on and east of U.S. Highway 251. The purpose of this filing is to eliminate the gateway of West Alexandria, Ohio.

No. MC–113908 (Sub-No. E49), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION. P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal and poultry feed supplements* (except animal fats, animal oils, vegetable oils, and blends thereof), in bulk, in tank vehicles, from Springfield and Verona, Mo., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, points in that part of Kentucky on and east of U.S. Highway 25, and points in that part of Tennessee on and east of U.S. Highway 25W. The purpose of this filing is to eliminate the gateway of West Alexandria, Ohio, and Chattanooga, Tenn.

No. MC–113908 (Sub-No. E50), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Choline chloride*, in bulk, in tank vehicles, to points in Washington, California, Nevada, Arizona, Texas (except Harris County), Arkansas, points in that part of New Mexico south of U.S. Highway 60, and points in Girardeau, Bollinger, Scott, Wayne, Stoddard, Mississippi, Butler, New Madrid, Pemiscot, Ripley, and Carter Counties, Mo. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

No. MC–113908 (Sub-No. E51), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION. P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Choline chloride*, in bulk, in tank vehicles, from Kansas City, Kans., to points in South Carolina, Maine, Rhode Island, Delaware, District of Columbia, Virginia, North Carolina, Georgia, Florida, points in that part of Alabama on and east of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 11 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Alabama Highway 1, thence along Alabama Highway 1 to the Alabama-Florida State line, points in that part of West Virginia on, east, and south of a line beginning at the West Virginia-Kentucky State line, thence along U.S. Highway 119 to junction Virginia Highway 39, thence along Virginia Highway 39 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Virginia State line, and points in that part of Tennessee on and east of a line beginning at the Tennessee-Georgia State line, thence along U.S. Highway 11 to junction Tennessee Highway 33, thence along Tennessee Highway 33 to the Virginia-Tennessee State line. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC–113908 (Sub-No. E52), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit juice concentrates*, in bulk, in tank vehicles, from points in Texas to Lawton, Mich., North East, Pa., and Brocton, Watkins Glen, and Westfield, N.Y. The purpose of this filing is to eliminate the gateway of Springdale, Ark.

No. MC–113908 (Sub-No. E53), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Apple juice*, in bulk, in tank vehicles, to points in Colorado, Kansas, Nebraska, points in that part of Iowa north and west of a line beginning at the Iowa-South Dakota State line, thence along U.S. Highway 218 to junction U.S. Highway 30, thence along U.S. Highway 30, to the Iowa-Nebraska State line, points in that part of Minnesota east and north of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 71 to junction U.S. Highway 212, thence along U.S. Highway 212 to the Minnesota-South Dakota State line, and points in that part of Missouri on and west of U.S. Highway 71. The purpose of this filing is to eliminate the gateway of Belding, Mich.

No. MC–113908 (Sub-No. E69), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicants' representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions*, in bulk, in tank vehicles, from Springfield and Verona, Mo., to points in Tennessee, and points in that part of Mississippi on, south, and east of a line beginning at the Arkansas-Mississippi State line, thence along Mississippi Highway 8 to junction U.S. Highway 49W, thence along U.S. Highway 49W to junction U.S. Highway 49, thence along U.S. Highway 49 to junction Mississippi Highway 13, thence along Mississippi Highway 13 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to the Mississippi-Louisiana State line. The purpose of this filing is to eliminate the gateway of Blytheville, Ark.

No. MC–113908 (Sub-No. E70), filed June 4, 1974. Applicant: ERICKSON

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TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Fremont, Bailey, and Belding, Mich., to points in Colorado, Oklahoma, Nevada, and points in that part of Texas on, north, and west of a line beginning at the Texas-Louisiana State line, thence along Texas Highway 21 to junction Texas Highway 90, thence along Texas Highway 90 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 36, thence along Texas Highway 36 to junction Texas Highway 60, thence along Texas Highway 60 to Matagorda. The purpose of this filing is to eliminate the gateway of Hutchinson or Wichita, Kans.

No. MC–113908 (Sub-No. E71), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from points in California and Washington, to points in Oklahoma, and points in that part of Arkansas, on, west, and south of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateway of Marionville, Mo.

No. MC–113908 (Sub-No. E72), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard*, in bulk, in tank vehicles, from the plant site of Wilson & Co., Inc., at or near Cherokee, Iowa, to points in Arkansas and Kansas (except points in Cheyenne County). The purpose of this filing is to eliminate the gateway of St. Joseph, Mo.

No. MC–113908 (Sub-No. E83), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Missouri 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, used as liquid instant food base, preheated, in bulk, in tank vehicles, from Evansville, Ind., to Washington, California, Nevada, Utah, Colorado, Kansas, Arizona, Texas (except points in Harris County), Oklahoma, and points in that part of Missouri west and south of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 160 to junction Missouri Highway 37, thence along Missouri Highway 37 to Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

No. MC–113908 (Sub-No. E84), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Missouri 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Grimes, Iowa, to Chattanooga, Tenn. The purpose of this filing is to eliminate the gateway of Cicero, Ill.

No. MC–113908 (Sub-No. E85), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Missouri 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine vinegar*, in bulk, in tank vehicles, from Lake Alfred, Fla., to points in that part of California in and north of Alpine, San Mateo, Santa Clara, Stanislaus, and Tuolumne Counties. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC–113908 (Sub-No. E86), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Missouri 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Grimes, Iowa, to points in Yuma County, Ariz., and points in that part of California on, south, and west of a line beginning at Santa Monica, thence along U.S. Highway 60 to junction California Highway 99, thence along California Highway 99 to the United States-New Mexico International Boundary line near San Ysidro. The purpose of this filing is to eliminate the gateway of the plant site of Lonza, Inc., at or near Mapleton, Ill.

No. MC–113908 (Sub-No. E87), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Missouri 65804. Applicant's representative: John E. Jandera, 641 Harrison Street Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycerine, soap stock, liquid soap, and fatty acids*, from the plant site of the Armour Grocery Products Co., near Aurora, Ill., to points in Arizona, California, Nevada, New Mexico, Oklahoma, Texas, points in that part of Arkansas on and west of Arkansas Highway 77, points in that part of Colorado in and south of Mesa, Pitkins, Lake Park, Teller, Paso, Lincoln, and Kit Carson Counties, points in that part of Kansas on, south, and west of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 159 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 52, thence along Kansas Highway 52 to the Kansas-Missouri State line, points in that part of Missouri on, south, and west of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 54 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Missouri-Arkansas State line, points in that part of Washington on and west of U.S. Highway 97, and points in Utah (except points in Box Elder, Cache, and Rich Counties). The purpose of this filing is to eliminate the gateway of Springfield, Mo.

No. MC–113908 (Sub-No. E88), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Missouri 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Choline chloride*, in bulk, in tank vehicles, from the plant sites of Lonza, Inc., at or near Mapleton, Ill., to Springfield, Ark., and Fort Worth, Tex. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

No. MC–113908 (Sub-No. E89), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Missouri 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar stock and vinegar*, in bulk, in tank vehicles, from points in California and Washington, to Lake Wales, Fla. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–113908 (Sub-No. E91), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal and poultry feed supplements* (except animal oils, vegetable oils, and blends thereof), in bulk, in tank vehicles, from Springfield, and Verona, Mo., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, points in that part of Alabama on and east of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 11 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction Alabama Highway 1, thence along Alabama Highway 1 to the Alabama-Florida State line, points in that part of Tennessee on and east of a line beginning at the Tennessee-Georgia State line, thence along U.S. Highway 11 to junction Tennessee Highway 33, thence along Tennessee Highway 33 to the Tennessee-Virginia State line, points in that part of West Virginia on, east, and south of a line beginning at the West Virginia-Maryland State line, thence along U.S. Highway 50 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Kentucky State line, and points in that part of New York on and east of New York Highway 30. The purpose of this filing is to eliminate the gateway of West Alexandria, Ohio or Chattanooga, Tenn.

No. MC–113908 (Sub-No. E 92), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Nica, Mo., to points in California. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC–113908 (Sub-No. E 94), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar stock, and vinegar* (1) from points in California and Washington (except points in Lincoln, Pend Oreille, Ferry, and Stevens Counties), to points in New York and Pennsylvania; and (2) from points in California and Washington, to Lake Wales, Fla., and points in Arkansas. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–113908 (Sub-No. E95), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Formaldehyde*, in bulk, in tank vehicles, from Demopolis, Ala., to points in Washington, California, Nevada, Utah, Arizona, Colorado, Kansas, points in that part of New Mexico on, north, and west of a line beginning at the New Mexico-Texas State line, thence along U.S. Highway 60 to junction U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line, points in that part of Oklahoma north of Oklahoma Highway 9, and points in that part of Missouri west of a line beginning at the Iowa-Missouri State line, thence along Missouri Highway 15 to junction Missouri Highway 19, thence along Missouri Highway 19 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

No. MC–113908 (Sub-No. E97), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Choline chloride*, in bulk, in tank vehicles, from Springfield and Verona, Mo., to Des Moines, Iowa, Port Huron, Mich., and points in Maryland. The purpose of this filing is to eliminate the gateway of the plant site of the Thompson-Hayward Chemical Company at or near Kansas City, Kans.

No. MC–113908 (Sub-No. E99), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Nixa, Mo., to points in California. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–115554 (Sub-No. E16), filed June 14, 1974. Applicant: SCOTT'S TRANSPORTATION SERVICE, INC., P.O. Box 1634, Des Moines, Iowa 50306. Applicant's representative: James R. Madler, 1255 North Sandburg Terrace, Chicago, Ill. 60610. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerators, refrigeration and electrical equipment, appliances, and parts, materials, and supplies* used in the manufacture, repair, and distribution of such commodities between points in Illinois, on the one hand, and, on the other points in Washington, Oregon, California, Nevada, Idaho, Montana, Utah, Wyoming, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of Amana, Iowa.

No. MC–116514 (Sub-No. E1), filed May 17, 1974. Applicant: EDWARDS TRUCKING, INC., P.O. Box 428, Hemingway, S.C. 29554. Applicant's representative: Edward G. Villalon, Suite 1032–13th and Pennsylvania Ave., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wool*, imported from any foreign county, (1) from Charleston and North Charleston, S.C., to Woonsocket, R.I., South Barre and North Chelmsford, Mass., Albany, Ga., and Whiteville and McAdenville, N.C. The purpose of this filing is to eliminate the gateway of Jamestown, S.C. (2) from Charleston, S.C., to Roanoke, Va., Adamston, Pa., Woonsocket, R.I., Brooklyn, Salamanca, and Mamaroneck, N.Y., Boston, Barre, and South Barre, Mass., Elizabeth and West Caldwell, N.J., and points in that part of North Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 601 to junction Interstate Highway 85, thence along Interstate Highway 85 to Greensboro, thence along U.S. Highway 220 to the North Carolina-Virginia State line; the purpose of this filing is to eliminate the gateway of Johnsonville, S.C. *Synthetic fibers and synthetic fiber waste*, between points in that part of North Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 601 to junction Interstate Highway 85, thence along Interstate Highway 85 to Greensboro, thence along U.S. Highway 220 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Johnsonville, S.C.

No. MC–119531 (Sub-No. E168), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Berry, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Supplies used in the manufacture of pulpboard (except in bulk), from points in Kentucky (except points east of U.S. Highway 127) and points in Missouri, to Cleveland, Ohio. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC–119531 (Sub-No. E170), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Berry, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard and pulpboard products*, from the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., to points in Michigan on and east of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 23 to Bay City, restricted against the transportation of the above-named commodities destined to the plant and warehouse sites of paper mills in that part of Michigan on and south of Interstate Highway 96, and on and west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Fremont Container Company at Fremont, Ohio.

No. MC–119531 (Sub-No. E171), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor ve-

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hicle, over irregular routes, transporting: *Glass containers and closures therefor* and paper cartons used in the packaging of glassware and glass containers, from Winchester, Ind., to points in Pennsylvania, restricted to shipments originating at Winchester, Ind.

The purpose of this filing is to eliminate the gateways of the plant site of the Liquid Box Corporation, Worthington, Ohio, or the plant site of Continental Can Company, Worthington, Ohio.

No. MC–119531 (Sub-No. E172), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal and fiber cylindrical containers, and molded plastic containers*, from Massillon, Ohio, to points in Iowa and Wisconsin. The purpose of this filing is to eliminate the gateway of Addison, Ill.

No. MC–119531 (Sub-No. E173), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper containers*, from Mt. Vernon, Ohio to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC–119531 (Sub-No. E199), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons*, from Three Rivers, Mich. to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Rockdale, Ill.

No. MC–119531 (Sub-No. E200), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard containers*, from Mt. Vernon, Ohio, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC–119531 (Sub-No. E201), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers and closures therefor*, from the facilities of Metro Glass, a division of Kraftco Corp. at Jersey City and Carteret, N.J., to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Midland Glass Co., Inc., at or near Terre Haute, Ind.

No. MC–119531 (Sub-No. E211), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard shipping containers*, other than corrugated, (1) from Seymour, Ind., to points in New York, New Jersey, and points in Pennsylvania on and north of the Pennsylvania Turnpike, and Philadelphia, Pa.; and (2) from Seymour, Ind., to points in Maryland. The purpose of this filing is to eliminate the gateways of (a) Cleveland, Ohio for (1) above, and (b) Mt. Vernon, Ohio for (2) above.

No. MC–119531 (Sub-No. E 212), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio, 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard shipping containers*, other than corrugated, from Seymour, Ind., (a) to points in Wisconsin, (b) to points in New Jersey and New York, and (c) to points in West Virginia. The purpose of this filing is to eliminate the gateways of (1) Rockdale, Ill., for (a) above, (2) Cleveland, Ohio for (b) above, and (3) Circleville, Ohio for (3) above.

No. MC–119531 (Sub-No. E 213), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard cartons*, from Washington, Pa., to points in Missouri and points in Illinois on and south of U.S. Highway 36. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC–119531 (Sub-No. E214), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Honeycomb paper products* (except in bulk), from the plant and warehouse sites of Union Camp Corporation at Glens Falls, N.Y., to points in West Virginia on and west of Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Coshocton, Ohio.

No. MC–120646 (Sub-No. E1), filed May 13, 1974. Applicant: BRADLEY FREIGHT LINES, INC., P.O. Box 5875, Ashville, N.C. 28803. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, (1) between points in South Carolina, on the one hand, and, on the other, points in Ohio (except Akron, and points within 25 miles thereof, and except Cleveland and points in the Cleveland, Ohio, Commercial Zone), Indiana, Michigan, Illinois, Wisconsin, Missouri, Arkansas, Texas, Oklahoma, Kansas, Nebraska, Iowa, South Dakota, North Dakota, and Minnesota; (2) between points in South Carolina on and north of a line beginning at the South Carolina–Georgia State line and extending along U.S. Highway 29 to Anderson, thence along U.S. Highway 76 to junction South Carolina Highway 72, thence along South Carolina Highway 72 to Whitmire, thence along U.S. Highway 176 to Union, thence along South Carolina Highway 49 to junction South Carolina Highway 322, thence along South Carolina Highway 322 to Rock Hill, thence along South Carolina Highway 5 to the South Carolina–North Carolina State line, on the one hand, and, on the other, points in Florida, on and south of Florida Highway 90; and (3) between points in South Carolina on and north of U.S. Highway 78, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateway of Oconee Mills at Westminister, S.C.

No. MC–126537 (Sub-No. E1), filed May 12, 1974. Applicant: KENT I. TURNER, KENNETH E. TURNER, AND ERVIN TURNER doing business as TURNER EXPEDITING SERVICE, P.O. Box 21333, Louisville, Kentucky 40202. Applicant's representative: George M. Catlett, Suite 703–706, McClure Bldg., Frankfort, Kentucky, 40601. Authority sought to operate as a *common carrier*, by motor over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lexington, Ky., and John F. Kennedy Airport, Jamaica, N.Y., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Standiford Field, Louisville, Ky.

No. MC–127487 (Sub-No. E1), filed May 8, 1974. Applicant: HOLT MOTOR EXPRESS, INC., 701 North Broadway, Gloucester City, N.J. 08030. Applicant's representative: Alan Kahn, Two Penn Center, Suite 1920, Kennedy Blvd. at 15th St., Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, lumber, meats, perishable food products, films, dairy products, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points within a radius of 200 miles of Philadelphia, on the one hand, and, on the other, Audubon, Berlin, Beverly, Bridgeton, Camden, Collingswood, Delair, Gloucester, Gibbstown, Merchantville, Millville, Newport, Paulsboro, Riverton, Salem, Trenton, Vineland, Westfield, and Yardville, N.J., Wilmington and Yorklyn, Del., and Philadelphia, Pa. (except (1) between points in Connecticut, New York, Massachusetts, Pennsylvania, and Rhode Island within a radius of 200 miles of Philadelphia, on the one hand, and, on the other, Trenton, Westfield, and Yardville, N.J., (2) between points in Delaware, Maryland, Pennsylvania, Virginia, and West Virginia within 200 miles of Philadelphia, on the one hand, and, on the other, Wilmington and Yorklyn, Del., and (3) between points in New Jersey and Delaware, on the one hand, and, on the other, Audubon, Berlin, Beverly, Bridgeton, Camden, Collingswood, Delair, Gloucester, Gibbstown, Merchantville, Millville, Newport, Paulsboro, Riverton, Salem, Trenton, Vineland, Westfield, and Yardville, N.J., and Wilmington and Yorklyn, Del.); and (2) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, lumber, meats, perishable food products, films, alcholic beverages, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points within a radius of 200 miles of Philadelphia, Pa. (except points in New Jersey and Delaware), on the one hand, and, on the other, Absecon, Longport, Ocean City, Pleasantville, Somers Point, N.J., and points in Cape May County, N.J. The purpose of this filing is to eliminate the gateway of Gloucester City, N.J.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–20552 Filed 9–4–75;8:45 am]

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PART II

FEDERAL ENERGY ADMINISTRATION

■

ADMINISTRATIVE PROCEDURES AND SANCTIONS

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Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

Revision of Procedural Regulations

A notice of proposed rulemaking containing a complete revision of Part 205 was issued by the Federal Energy Administration ("FEA") on July 5, 1974 (39 FR 25602, July 11, 1974). Comments were invited from interested persons, to be submitted by July 29, 1974. In response, approximately 50 comments were received by the FEA. All comments, including those received subsequent to July 29, 1974, have been considered. The amendment published here contains revisions to the proposed procedural rules which reflect the FEA's consideration of those comments and incorporate certain changes suggested therein. In addition, this amendment contains technical changes to Parts 211, 212 and 215 that will conform these parts to the revised Part 205.

A discussion of the major changes to the procedural rules as proposed in the July 5, 1974 notice and of certain of the comments received regarding the proposed rules follows.

General

Many of the comments reflected dissatisfaction with the seemingly discretionary nature of the notice requirements, and stated that too much discretion has been reserved to the FEA and that due process required that a higher degree of responsibility for notice be assumed by the FEA. In order to meet this objection, the notice provisions have been revised to require service of notice by the FEA upon any person readily identifiable by the FEA as one who will be aggrieved by the FEA action, and to provide for notice to be served on other participants in a proceeding, at the FEA's discretion, of comments submitted by third persons.

Service requirements have also been expanded to include service of orders upon all persons readily identifiable by the FEA as aggrieved by such orders. This will insure timely notice in the event an appeal is filed. A discretionary public notice provision has also been added to some subparts for use in those situations when the FEA finds that public participation would benefit its consideration of the issues involved, or when the group to whom the notice is required is too large to permit individual service.

Objections were raised to the timeliness section that appears in several subparts, *e.g.*, § 205.27. The comments expressed some concern about the open-ended nature of the time limitations. As originally written, these sections provided that a person could treat an application, petition or request as denied if the FEA failed to act within 60 days, but there were several situations in which that deadline could be suspended or extended by the FEA. These sections have been modified for all subparts except Subpart D-Exceptions and Subpart H-Appeals to allow a 90-day period for FEA action that cannot be extended or suspended by the FEA. It is anticipated that this change will be responsive to the majority of the objections.

Subpart A—General Provisions

The changes made in Subpart A are largely technical. However, it was determined in response to the comments received that the requirements regarding the designation of a duly authorized representative were too stringent. Therefore, the representation requirement has been simplified: any person filing documents with the FEA as a duly authorized representative need simply include a certification as to his authority. Also in response to comments, § 205.9(f) has been changed to provide for notice to and an opportunity for comment by any person whose claim of confidentiality has been disputed by the FEA or a State Office prior to public disclosure of the information for which confidential treatment has been claimed.

Subpart C—Adjustment

The most significant change to the proposed procedures is the reestablishment of the States' role in reviewing applications for assignment by new end-users. Although information available to the FEA prior to the July 5 rulemaking had indicated that the States were dissatisfied with having authority only to deny such applications or recommend them for FEA approval, the States who submitted comments almost unanimously rejected their proposed removal from the assignment process. The FEA recognizes the expertise and commitment of the State Offices, and will continue their function in the allocation system under this amendment.

The amendment revises the proposed "contents" of application section in this subpart, as well as in Subpart B, to require only the appropriate FEA form as an application (at the present time, the appropriate FEA form is the FEA–17). However, the "contents" section retains, as §§ 203.34(b) and 205.24(b), respectively, a description of the information that should be included in an application if an appropriate FEA form is not available because it is being revised or for other reasons.

In an effort to expedite the processing of applications that have been recommended for approval by a State Office, a new paragraph has been added to the "timeliness" section in this subpart. It provides that an applicant may treat as denied and therefore appeal from such denial, any such application not acted upon by the FEA within 30 days. This provision should facilitate processing of those applications already thoroughly investigated by a State Office.

Subpart D—Exception

This subpart contains a new timeliness provision that is responsive both to the comments and to the needs of the agency. The provision requires the FEA to notify all persons who have received notice of the proceeding when it has received all substantive information deemed necessary to process the application. If the FEA fails to act within 90 days of the service of such notice, the applicant may treat the application as having been denied in all respects. There is, however, an absolute 150-day time limit on FEA action on any application filed under this subpart, at the end of which period the applicant may treat the application as having been denied in all respects if the FEA has not acted.

Subpart F—Interpretation

This subpart now requires that appeals from interpretations, whether issued by the General Counsel or a Regional Counsel, be filed with the National Office of Exceptions and Appeals. This step was taken to insure greater uniformity among the regions in the application of the regulations.

Subpart H—Appeal

The appeal subpart has been changed to include a provision for an appeal from a prenotification order and it provides that appeals from all interpretations shall be filed with the National Office of Exceptions and Appeals. Many comments were critical of the lack of a timeliness section in the appeals subpart. Accordingly, it has been amended to include a timeliness section which parallels that in Subpart D, except that there is a 120-day time limit for FEA action on appeals. At the end of the 120-day period the appellant may treat the appeal as denied in all respects, and may seek judicial review thereof.

Subpart L—Rulemaking

This subpart is revised to provide that a petition for rulemaking, expressly designated as such, shall receive some response from the FEA. Therefore, this amendment requires that the FEA either institute a rulemaking, notify the petitioner that no rulemaking will be instituted and state the reasons therefor, or notify the petitioner that the matter is under ongoing consideration.

Subpart M—Conferences, Hearings and Public Hearings

Many of the comments received reflected a misunderstanding of the function of conferences and hearings within the FEA procedural system. Such conferences and hearings, despite their potential importance to the smooth functioning of the FEA programs involved, are not adjudicatory hearings within the meaning of the Administrative Procedure Act (5 U.S.C. 551 et. seq. (1970)) ("APA"). The APA section on adjudications applies " • • • in every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing • • •." (5 U.S.C. 554). There exists no such statutory requirement for FEA decisionmaking.

The FEA does believe, however, that due process considerations are served by the conferences and hearings as provided in these regulations. The informality of the procedures is intended to facilitate communication between the FEA and members of the public: It is in the public interest to provide access to the FEA at all stages of a proceeding, and the conference procedure is designed with this goal in mind. The limitation of the more formal hearing procedure to exceptions and appeals is consonant with the greater importance of these two proceedings. Further, it is anticipated that any significant issue raised in the preliminary stages of a proceeding will also be raised on appeal, when there may be expanded participation in the proceeding and a hearing may be requested.

As structured the conference and hearing procedures provide for maximum access and flexibility, and minimum delay and red tape. The interest of the public in expeditious and informed action by the FEA is advanced, as is the FEA's commitment to openness in its dealings with the public.

Subpart P—Investigations, Violations, Sanctions, and Judicial Actions

In Subpart P the only major change from the proposed rulemaking has been the inclusion of a section relating to FEA investigations. This section primarily describes the functions and authority of investigators. It imposes the requirement that a person be informed as to the general purpose for which information and documentary evidence is sought, and provides for the confidentiality of information received during the course of an investigation, including the identity of the person investigated and any other person who provides information during the investigation.

Subpart Q—State Offices

Subpart Q has been significantly changed from that which was proposed in the July 5 rulemaking. It reflects the reestablishment of States' role in processing of applications for assignment by new end-users and significantly modifies the procedures for the state set-aside system.

There was considerable objection to the specificity of the procedures for the set-aside as provided in the proposed regulations. Many expressed concern that the greater flexibility and responsiveness of the State Offices would be lost as a result of the additional requirements, particularly since many State Offices have developed sophisticated telephone application procedures.

In response to the comments received from the States, the FEA has revised the Subpart Q procedures to permit both verbal and written applications. However, there is certain minimum information that must be obtained from an applicant to process the application and to insure that the statutory and regulatory criteria for granting an assignment are met.

The timeliness section of this subpart has been changed to provide for a 10-day limit for action on set-aside applications. This more closely reflects the time constraints within which a State Office must act on an application if the set-aside system is to be effective. There is, however, an absolute 90-day limit for action on applications by new end-users for assignment.

As provided in the proposed rulemaking, the procedural regulations require the States to publish proposed procedural regulations in newspapers of statewide circulation and to provide an opportunity for comment on such regulations. Despite some State opposition to this section, absent publication of State procedures in the FEDERAL REGISTER the Federal Energy Administration Act of 1974 requires that notice of a proposal to establish such procedures be given adequate dissemination, and publication in newspapers is specifically contemplated by the Act. This amendment also retains certain minimum standards for any appellate procedures established by the States.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Chapter II of Title 10 of the Code of Federal Regulations is amended as set out below, effective September 1, 1974.

Issued in Washington, D.C., August 29, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

1. Part 205 of this chapter is revised to read as follows:

Subpart A—General Provisions

Sec.
205.1 Purpose and scope.
205.2 Definitions.
205.3 Appearance before the FEA or a State Office.
205.4 Filing of documents.
205.5 Computation of time.
205.6 Extension of time.
205.7 Service.
205.8 Subpoenas; witness fees.
205.9 General filing requirements.
205.10 Effective date of orders.
205.11 Order of precedence.
205.12 Address for filing documents with FEA.
205.13 Where to file.
205.14 Ratification of prior directives, orders, and actions.
205.15 Public docket room.

Subpart B—Adjustment

205.20 Purpose and scope.
205.21 What to file.
205.22 Where to file.
205.23 Notice.
205.24 Contents.
205.25 FEA evaluation.
205.26 Decision and order.
205.27 Timeliness.
205.28 Appeal.

Subpart C—Assignment

205.30 Purpose and scope.
205.31 What to file.
205.32 Where to file.
205.33 Notice.
205.34 Contents.
205.35 FEA evaluation.
205.36 Decision and order.
205.37 Timeliness.
205.38 Appeal.
205.39 Temporary assignment.

Subpart D—Exception

205.50 Purpose and scope.
205.51 What to file.
205.52 Where to file.
205.53 Notice.
205.54 Contents.
205.55 FEA evaluation.
205.56 Decision and order.
205.57 Timeliness.
205.58 Appeal.

Subpart E—Exemption

205.70 Purpose and scope.
205.71 Procedures.
205.72 What to file.
205.73 Where to file.
205.74 Contents.
205.75 FEA evaluation.
205.76 Decision and order.
205.77 Timeliness.
205.78 Appeal.

Subpart F—Interpretation

205.80 Purpose and scope.
205.81 What to file.
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Subpart G—Other Proceedings

205.90 Purpose and scope.
205.91 What to file.
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205.93 Contents.
205.94 FEA evaluation.
205.95 Decision and order.
205.96 Timeliness.
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Subpart H—Appeal

205.100 Purpose and scope.
205.101 Who may file.
205.102 What to file.
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205.106 FEA evaluation.
205.107 Decision and order.
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Subpart I—Stay

205.120 Purpose and scope.
205.121 What to file.
205.122 Where to file.
205.123 Notice.
205.124 Contents.
205.125 FEA evaluation.
205.126 Decision and order.

Subpart J—Modification or Rescission

205.130 Purpose and scope.
205.131 What to file.
205.132 Where to file.
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205.134 Contents.
205.135 FEA evaluation.
205.136 Decision and order.
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Subpart K—Rulings

205.150 Purpose and scope.
205.151 Criteria for issuance.
205.152 Modification or rescission.
205.153 Comments.
205.154 Appeal.

Subpart L—Rulemaking

205.160 Purpose and scope.
205.161 What to file.
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Subpart M—Conferences, Hearings, and Public Hearings

205.170 Purpose and scope.
205.171 Conferences.

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205.172 Hearings.
205.173 Public hearings.

Subpart N—Complaints

205.180 Purpose and scope.
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Subpart O—Notices of Probable Violation and Remedial Orders

205.190 Purpose and scope.
205.191 Notice of probable violation.
205.192 Remedial order.
205.193 Remedial order for immediate compliance.
205.194 Remedies.
205.195 Appeal.

Subpart P—Investigations, Violations, Sanctions, and Judicial Actions

205.200 Investigations.
205.201 Violations.
205.202 Sanctions.
205.203 Injunctions.

Subpart Q—State Offices

205.210 Purpose and scope.
205.211 Who may apply.
205.212 What to file.
205.213 Where to file.
205.214 Notice.
205.215 Contents.
205.216 State Office evaluation.
205.217 Decision and order.
205.218 Timeliness.
205.219 Appeal.
205.220 Establishment of procedures.

Subpart R—Office of Private Grievances and Redress

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205.230 Purpose and scope.
205.231 Who may file.
205.232 What to file.
205.233 Where to file.
205.234 Notice.
205.235 Contents.
205.236 FEA evaluation of request.
205.237 Decision and response.

AUTHORITY: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; Federal Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185.

Subpart A—General Provisions

§ 205.1 Purpose and scope.

(a) This part establishes the procedures to be utilized and identifies the sanctions that are available in proceedings before the Federal Energy Administration and State Offices, in accordance with Parts 210, 211, 212, and 215 of this chapter.

(b) This subpart defines certain terms and establishes procedures that are applicable to each proceeding described in this part.

§ 205.2 Definitions.

The definitions set forth in other parts of this chapter shall apply to this part, unless otherwise provided. In addition, as used in this part, the term:

"Action" means an order, interpretation, notice of probable violation or ruling issued, or a rulemaking undertaken by the FEA or, as appropriate, by a State Office.

"Adjustment" means a modification of the base period volume or other measure of allocation entitlement in accordance with Part 211 of this chapter.

"Aggrieved", for purposes of administrative proceedings, describes and means a person with an interest sought to be protected under the FEAA or EPAA who is adversely affected by an order or interpretation issued by the FEA or a State Office.

"Appropriate Regional Office or appropriate State Office" means the office located in the State or FEA region in which the product will be physically delivered.

"Assignment" means an action designating that an authorized purchaser be supplied at a specified entitlement level by a specified supplier.

"Conference" means an informal meeting, incident to any proceeding, between FEA or State officials and any person aggrieved by that proceeding.

"Duly authorized representative" means a person who has been designated to appear before the FEA or a State Office in connection with a proceeding on behalf of a person interested in or aggrieved by that proceeding. Such appearance may consist of the submission of applications, petitions, requests, statements, memoranda of law, other documents, or of a personal appearance, verbal communication, or any other participation in the proceeding.

"EPAA" means the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159).

"Exception" means the waiver or modification of the requirements of a regulation, ruling or generally applicable requirement under a specific set of facts.

"Exemption" means the release from the obligation to comply with any part or parts, or any subpart thereof, of this chapter.

"FEA" means the Federal Energy Administration, created by the FEAA and includes the FEA National Office and Regional Offices.

"FEAA" means the Federal Energy Administration Act of 1974 (Pub. L. 93–275).

"Federal legal holiday" means New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, and any other day appointed as a national holiday by the President or the Congress of the United States.

"Interpretation" means a written statement issued by the FEA General Counsel or a Regional Counsel, in response to a written request, that applies the regulations, rulings, and other precedents previously issued by the FEA to the particular facts of a prospective or completed act or transaction.

"Notice of probable violation" means a written statement issued to a person by the FEA that states one or more alleged violations of the provisions of this chapter or any order issued pursuant thereto.

"Order" means a written directive or verbal communication of a written directive, if promptly confirmed in writing, issued by the FEA or a State Office. It may be issued in response to an application, petition or request for FEA action or in response to an appeal from an order, or it may be a remedial order or other directive issued by the FEA or a State Office on its own initiative. A notice of probable violation is not an order. For purposes of this definition a "written directive" shall include telegrams, telecopies and similar transcriptions.

"Person" means any individual, firm, estate, trust, sole proprietorship, partnership, association, company, joint-venture, corporation, governmental unit or instrumentality thereof, or a charitable, educational or other institution, and includes any officer, director, owner or duly authorized representative thereof.

"Proceeding" means the process and activity, and any part thereof, instituted by the FEA or a State Office, either on its own initiative or in response to an application, complaint, petition or request submitted by a person, that may lead to an action by the FEA or a State Office.

"Remedial order" means a directive issued by the FEA requiring a person to cease a violation or to eliminate or to compensate for the effects of a violation, or both.

"Ruling" means an official interpretative statement of general applicability issued by the FEA General Counsel and published in the FEDERAL REGISTER that applies the FEA regulations to a specific set of circumstances.

"State Office" means a State Office of Petroleum Allocation certified by the FEA upon application pursuant to Part 211 of this chapter.

Throughout this part the use of a word or term in the singular shall include the plural and the use of the male gender shall include the female gender.

§ 205.3 Appearance before the FEA or a State Office.

(a) A person may make an appearance, including personal appearances in the discretion of the FEA, and participate in any proceeding described in this part on his own behalf or by a duly authorized representative. Any application, appeal, petition, request or complaint filed by a duly authorized representative shall contain a statement by such person certifying that he is a duly authorized representative, unless an FEA form requires otherwise. Falsification of such certification will subject such person to the sanctions stated in 18 U.S.C. 1001 (1970).

(b) Suspension and disqualification: The FEA or a State Office may deny, temporarily or permanently, the privilege of participating in proceedings, including oral presentation, to any individual who is found by the FEA—

(1) To have made false or misleading statements, either verbally or in writing;

(2) To have filed false or materially altered documents, affidavits or other writings;

(3) To lack the specific authority to represent the person seeking an FEA or State Office action; or

(4) To have engaged in or to be engaged in contumacious conduct that substantially disrupts a proceeding.

§ 205.4 Filing of documents.

(a) Any document, including, but not limited to, an application, request, complaint, petition and other documents submitted in connection therewith, filed with the FEA or a State Office under this chapter is considered to be filed when it has been received by the FEA National Office, a Regional Office or a State Office. Documents transmitted to the FEA must be addressed as required by § 205.12. All documents and exhibits submitted become part of an FEA or a State Office file and will not be returned.

(b) Notwithstanding the provisions of paragraph (a) of this section, an appeal, a response to a denial of an appeal or application for modification or recision in accordance with §§ 205.106(a)(3) and 205.135(a)(3), respectively, a reply to a notice of probable violation, the appeal of a remedial order or remedial order for immediate compliance, a response to denial of a claim of confidentiality, or a comment submitted in connection with any proceeding transmitted by registered or certified mail and addressed to the appropriate office is considered to be filed upon mailing.

(c) Hand-delivered documents to be filed with the Office of Exceptions and Appeals shall be submitted to Room 8002 at 2000 M Street, NW., Washington, D.C. All other hand-delivered documents to be filed with the FEA National Office shall be submitted to the Executive Secretariat at 12th and Pennsylvania Avenue, NW., Washington, D.C. Hand-delivered documents to be filed with a Regional Office shall be submitted to the Office of the Regional Administrator. Hand-delivered documents to be filed with a State Office shall be submitted to the office of the chief executive officer of such office.

(d) Documents received after regular business hours are deemed filed on the next regular business day. Regular business hours for the FEA National Office are 8 a.m. to 4:30 p.m. Regular business hours for a Regional Office or a State Office shall be established independently by each.

§ 205.5 Computation of time.

(a) *Days.* (1) Except as provided in paragraph (b) of this section, in computing any period of time prescribed or allowed by these regulations or by an order of the FEA or a State Office, the day of the act, event, or default from which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or Federal legal holiday, in which event the period runs until the end of the next day that is neither a Saturday, Sunday, nor a Federal legal holiday.

(2) Saturdays, Sundays or intervening Federal legal holidays shall be excluded from the computation of time when the period of time allowed or prescribed is 7 days or less.

(b) *Hours.* If the period of time prescribed in an order issued by the FEA or a State Office is stated in hours rather than days, the period of time shall begin to run upon actual notice of such order, whether by verbal or written communication, to the person directly affected, and shall run without interruption, unless otherwise provided in the order, or unless the order is stayed, modified, suspended or rescinded. When a written order is transmitted by verbal communication, the written order shall be served as soon thereafter as is feasible.

(c) *Additional time after service by mail.* Whenever a person is required to perform an act, to cease and desist therefrom, or to initiate a proceeding under this part within a prescribed period of time after issuance to such person of an order, notice, interpretation or other document and the order, notice, interpretation or other document is served by mail, 3 days shall be added to the prescribed period.

§ 205.6 Extension of time.

When a document is required to be filed within a prescribed time, an extension of time to file may be granted by the office with which the document is required to be filed upon good cause shown.

§ 205.7 Service.

(a) All orders, notices, interpretations or other documents required to be served under this part shall be served personally or by registered or certified mail or by regular United States mail (only when service is effected by the FEA or a State Office), except as otherwise provided.

(b) Service upon a person's duly authorized representative shall constitute service upon that person.

(c) Service by registered or certified mail is complete upon mailing. Official United States Postal Service receipts from such registered or certified mailing shall constitute *prima facie* evidence of service.

§ 205.8 Subpoenas; witness fees.

(a) The Administrator of the FEA, his duly authorized agent, the FEA General Counsel, or the agency official designated to conduct a hearing or public hearing convened in accordance with Subpart M of this part may sign and issue subpoenas either on his own initiative or, upon an adequate showing that the information sought will materially advance the proceeding, upon the request of any person participating in that proceeding.

(b) A subpoena may require the attendance of a witness, or the production of documentary or other tangible evidence in the possession or under the control of the person served, or both.

(c) A subpoena may be served personally by any person who is not an interested person and is not less than 18 years of age, or by certified or registered mail.

(d) Service of a subpoena under the person named therein shall be made by delivering a copy of the subpoena to such person and by tendering the fees for one day's attendance and mileage as specified by paragraph (f) of this section. When a subpoena is issued at the instance of any officer or agency of the United States, fees and mileage need not be tendered at the time of service. Delivery of a copy of a subpoena and tender of the fees to a natural person may be made by handing them to the person, leaving them at his office with the person in charge thereof, leaving them at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, by mailing them by registered or certified mail to him at his last known address, or by any method whereby actual notice is given to him and the fees are made available prior to the return date. When the person to be served is not a natural person, delivery of a copy of the subpoena and tender of the fees may be effected by handing them to a registered agent for service, or to any officer, director, or agent in charge of any office of such person, or by mailing them by registered or certified mail to such representative at his last known address or by any method whereby actual notice is given to such representative and the fees are made available prior to the return date. If any person is an entity with offices and operations in more than one jurisdiction, such person may designate one address to which any subpoena may be served by filing such designation with the General Counsel at the address specified in § 205.12.

(e) The original subpoena bearing a certificate of service shall be filed with the FEA office with the responsibility for the proceeding in connection with which the subpoena was issued.

(f) A witness subpoenaed by the FEA shall be paid the same fees and mileage as would be paid to a witness in a proceeding in the district courts of the United States. The witness fees and mileage shall be paid by the person at whose instance the subpoena was issued.

(g) Notwithstanding the provisions of paragraph (f) of this section, and upon request, the witness fees and mileage shall be paid by the FEA when it is shown that:

(1) The presence of the subpoenaed witness will materially advance the proceeding; and

(2) The person at whose instance the subpoena was issued would suffer a serious hardship if required to pay the witness fees and mileage.

The designated FEA official issuing the subpoena shall make the determination required by this paragraph.

(h)(1) Any person to whom a subpoena is directed may, prior to the time specified therein for compliance, but in no event more than 10 days after the date of service of such subpoena, apply to the designated FEA official who issued the subpoena, or if he is unavailable, to the Administrator, to quash or modify such subpoena. The application shall contain a brief statement of the reasons relied upon in support of the action sought therein.

(2) The Administrator or such other designated FEA official specified in paragraph (h)(1) of this section may (i) deny the application, (ii) quash or modify the subpoena, or (iii) condition denial of the application to quash or modify the subpoena upon the satisfaction of

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certain just and reasonable requirements. Such denial may be summary.

(i) If there is a refusal to obey a subpoena served upon any person under the provisions of this section, the FEA may request the Attorney General to seek the aid of the District Court of the United States for any district in which such person is found to compel such person, after notice, to appear and give testimony, or to appear and produce the subpoenaed documents before the agency, or both.

§ 205.9 General filing requirements.

(a) *Purpose and scope.* The provisions of this section shall apply to all documents required or permitted to be filed with the FEA or with a State Office.

(b) *Signing.* All applications, petitions, requests, appeals, comments or any other documents that are required to be signed, shall be signed by the person filing the document or a duly authorized representative. Any application, appeal, petition, request, complaint or other document filed by a duly authorized representative shall contain a statement by such person certifying that he is a duly authorized representative, unless an FEA form otherwise requires. (A false certification is unlawful under the provisions of 18 U.S.C. 1001 (1970)).

(c) *Labeling.* An application, petition, or other request for action by the FEA or a State Office should be clearly labeled according to the nature of the action involved (*e.g.*, "Application for Assignment") both on the document and on the outside of the envelope in which the document is transmitted.

(d) *Obligation to supply information.* A person who files an application, petition, complaint, appeal or other request for action is under a continuing obligation during the proceeding to provide the FEA or a State Office with any new or newly discovered information that is relevant to that proceeding. Such information includes, but is not limited to, information regarding any other application, petition, complaint, appeal or request for action that is subsequently filed by that person with any FEA office or State Office.

(e) *The same or related matters.* A person who files an application, petition, complaint, appeal or other request for action by the FEA or a State Office shall state whether, to the best knowledge of that person, the same or related issue, act or transaction has been or presently is being considered or investigated by any FEA office, other Federal agency, department or instrumentality; or by a State Office, a state or municipal agency or court; or by any law enforcement agency; including, but not limited to, a consideration or investigation in connection with any proceeding described in this part. In addition, the person shall state whether contact has been made by the person or one acting on his behalf with any person who is employed by the FEA or any State Office with regard to the same issue, act or transaction or a related issue, act or transaction arising out of the same factual situation; the name of the person contacted; whether the contact was verbal or in writing; the nature and substance of the contact; and the date or dates of the contact.

(f) *Request for confidential treatment.* (1) If any person filing a document with the FEA or a State Office claims that some or all the information contained in the document is exempt from the mandatory public disclosure requirements of the Freedom of Information Act (5 U.S.C. 552 (1970)), is information referred to in 18 U.S.C. 1905 (1970), or is otherwise exempt by law from public disclosure, and if such person requests the FEA or a State Office not to disclose such information, such person shall file together with the document a second copy of the document from which has been deleted the information for which such person wishes to claim confidential treatment. The person shall indicate in the original document that it is confidential or contains confidential information and may file a statement specifying the justification for non-disclosure of the information for which confidential treatment is claimed. If the person states that the information comes within the exception in 5 U.S.C. 552(b)(4) for trade secrets and commercial or financial information, such person shall include a statement specifying why such information is privileged or confidential. If the person filing a document does not submit a second copy of the document with the confidential information deleted, the FEA or a State Office may assume that there is no objection to public disclosure of the document in its entirety.

(2) The FEA or a State Office retains the right to make its own determination with regard to any claim of confidentiality. Notice of the decision by the FEA or a State Office to deny such claim, in whole or in part, and an opportunity to respond shall be given to a person claiming confidentiality of information no less than five days prior to its public disclosure.

(g) *Separate applications, petitions or requests.* Each application, petition or request for FEA action shall be submitted as a separate document, even if the applications, petitions, or requests deal with the same or a related issue, act or transaction, or are submitted in connection with the same proceeding.

§ 205.10 Effective date of orders.

Any order issued by the FEA or a State Office under this chapter is effective as against all persons having actual notice thereof upon issuance, in accordance with its terms, unless and until it is stayed, modified, suspended, or rescinded. An order is deemed to be issued on the date, as specified in the order, on which it is signed by an authorized representative of the FEA or a State Office, unless the order provides otherwise.

§ 205.11 Order of precedence.

(a) If there is any conflict or inconsistency between the provisions of this part and any other provision of this chapter, the provisions of this part shall control with respect to procedure.

(b) Notwithstanding paragraph (a) of this section, Subpart I of Part 212 of this chapter shall control with respect to prenotification and reporting and Subpart J of Part 212 of this chapter shall control with respect to accounting and financial reporting requirements.

§ 205.12 Addresses for filing documents with the FEA.

(a) All applications, requests, petitions, appeals, reports, FEA or FEO forms, written communications and other documents to be submitted to or filed with the FEA National Office in accordance with this chapter shall be addressed as provided in this section. The FEA National Office has facilities for the receipt of transmissions via TWX and FAX. The FAX is a 3M full duplex 4 or 6 minute (automatic) machine.

FAX Numbers	*TWX Numbers*
(202) 254–6175	(701) 822–9454
(202) 254–6461	(701) 822–9459

(1) Documents for which a specific address and/or code number is not provided in accordance with paragraphs (2)–(7) below shall be addressed as follows: Federal Energy Administration, Attn: (name of person to receive document, if known, or subject), Washington, D.C. 20461.

(2) Documents to be filed with the Office of Exceptions and Appeals, as provided in this part or otherwise, shall be addressed as follows: Office of Exceptions and Appeals, Federal Energy Administration, Attn: (name of person to receive document, if known, and/or labeling as specified in § 205.9(c)), Washington, D.C. 20461.

(3) Documents to be filed with the Office of General Counsel, as provided in this part or otherwise, shall be addressed as follows: Office of the General Counsel, Federal Energy Administration, Attn: (name of person to receive document, if known, and/or labeling as specified in § 205.9(c)), Washington, D.C. 20461.

(4) Documents to be filed with the Office of Private Grievances and Redress, as provided in this part or otherwise, shall be addressed as follows: Office of Private Grievances and Redress, Federal Energy Administration, Attn: (name of person to receive document, if known and/or labeling as specified in § 205.9(c)), Washington, D.C. 20461.

(5) All other documents filed, except those concerning price (see paragraph (a)(6) of this section), those designated as FEA or FEO forms (see paragraph (a)(7) of this section), and "Surplus Product Reports" (see paragraph (a)(8) of this section), but including those pertaining to compliance and allocation (adjustment and assignment) of allocated products, are to be identified by one of the code numbers stated below and addressed as follows: Federal Energy Administration, Code ——, labeling as specified in § 205.9(c), Washington, D.C. 20461.

CODE NUMBERS

Product:	Code
Crude oil	10
Naphtha and gas oil	15
Propane, butane and natural gasoline	25
Other products	30
Bunker fuel	40
Residual fuel (nonutility)	50
Motor gasoline	60
Middle distillates	70
Aviation fuels	80
Submissions by specific entities:	
Electric utilities	45
Department of Defense	55

(6) Documents pertaining to the price of covered products, except those to be submitted to other offices as provided in this part, shall be addressed to the Federal Energy Administration, Code 1000, Attn: (name of person to receive document, if known, and/or labeling as specified in § 205.9(c)), Washington, D.C. 20461.

(7) Documents designated as FEA or FEO forms shall be submitted in accordance with the instructions stated in the form.

(8) "Surplus Product Reports" shall be submitted to the Federal Energy Administration, Post Office Box 19407, Washington, D.C. 20036.

(b) All reports, applications, requests, notices, complaints, written communications and other documents to be submitted to or filed with an FEA Regional Office in accordance with this chapter shall be directed to one of the following addresses, as appropriate:

REGION 1

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont; Regional Office, Federal Energy Administration, 150 Causeway Street, Boston, Massachusetts 02114.

REGION 2

New Jersey, New York, Puerto Rico, Virgin Islands; Regional Office, Federal Energy Administration, 26 Federal Plaza, New York, New York 10007.

REGION 3

Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia; Regional Office, Federal Energy Administration, Federal Office Building, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

REGION 4

Alabama, Canal Zone, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina; Regional Office, Federal Energy Administration, 1655 Peachtree Street NW., Atlanta, Georgia 30309.

REGION 5

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin; Regional Office, Federal Energy Administration, 175 West Jackson Street, Chicago, Illinois 60604.

REGION 6

Arkansas, Louisiana, New Mexico, Oklahoma, Texas; Regional Office, Federal Energy Administration, 212 North Saint Paul Street, Dallas, Texas 75201.

REGION 7

Iowa, Kansas, Missouri, Nebraska; Regional Office, Federal Energy Administration, Federal Office Building, P.O. Box 15000, 112 East 12th Street, Kansas City, Missouri 64106.

REGION 8

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming; Regional Office, Federal Energy Administration, Post Office Box 26247, Belmar Branch, Denver, Colorado 80226.

REGION 9

American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Territory of the Pacific Islands; Regional Office, Federal Energy Administration, 111 Pine Street, San Francisco, California 94111.

REGION 10

Alaska, Idaho, Oregon, Washington; Regional Office, Federal Energy Administration, Federal Office Building, 909 First Avenue, Room 3098, Seattle, Washington 98104.

§ 205.13 Where to file.

(a) Except as otherwise specifically provided in other subparts of this part, all documents to be filed with the FEA pursuant to this part shall be filed with the appropriate FEA Regional Office, except that all documents shall be filed with the FEA National Office that relate to:

(1) The allocation and pricing of crude oil pursuant to Subpart C of Part 211 and Part 212 of this chapter;

(2) Refinery yield controls pursuant to Subpart C of Part 211 of this chapter;

(3) The allocation and pricing of butane and natural gasoline pursuant to Subpart E of Part 211 and Part 212 of this chapter;

(4) The allocation and pricing of aviation fuel pursuant to Subpart H of Part 211 and Part 212 of this chapter, filed by civil air carriers and public air carriers;

(5) The allocation and pricing of residual fuel oil pursuant to Subpart I of Part 211 and Part 212 of this chapter, filed by electric utilities;

(6) The allocation and pricing of naphtha and gas oil pursuant to Subpart J of Part 211 and Part 212 of this chapter;

(7) The allocation and pricing of other products pursuant to Subpart K of Part 211 and Part 212 of this chapter;

(8) An application for an exemption under Subpart E of this part; requests for a rulemaking proceeding under Subpart L of this part or for the issuance of a ruling under Subpart K of this part; and petitions to the Office of Private Grievances and Redress under Subpart R of this part;

(9) The pricing of products pursuant to Part 212 of this chapter, filed by a refiner; and

(10) The allocation of crude oil and other allocated products to meet Department of Defense needs pursuant to Part 211 of this chapter.

(b) Applications by end-users and wholesale purchasers for an allocation under the state set-aside system in accordance with § 211.17 shall be filed with the appropriate State Office.

(c) Applications to a State Office or an FEA Regional Office shall be directed to the office located in the state or region in which the allocated product will be physically delivered. An applicant doing business in more than one state or region must apply separately to each State or region in which a product will be physically delivered, unless the State Offices or Regional Offices involved agree otherwise.

§ 205.14 Ratification of prior directives, orders and actions.

All interpretations, orders, notices of probable violation or other directives issued, all proceedings initiated, and all other actions taken in accordance with Part 205 as it existed prior to the effective date of this amendment, are hereby confirmed and ratified, and shall remain in full force and effect as if issued under this amended Part 205, unless or until they are altered, amended, modified or rescinded in accordance with the provisions of this part.

§ 205.15 Public docket room.

There shall be established at the FEA National Office, 12th and Pennsylvania Avenue, NW., Washington, D.C., a public docket room in which shall be made available for public inspection and copying:

(a) A list of all persons who have applied for an exception, an exemption, or an appeal, and a digest of each application;

(b) Each decision and statement setting forth the relevant facts and legal basis of an order, with confidential information deleted, issued in response to an application for an exception or exemption or at the conclusion of an appeal;

(c) The comments received during each rulemaking proceeding, with a verbatim transcript of the public hearing if such a public hearing was held; and

(d) Any other information required by statute to be made available for public inspection and copying, and any information that the FEA determines should be made available to the public.

Subpart B—Adjustment

§ 205.20 Purpose and scope.

This subpart establishes the procedures for filing an application for an adjustment or a request for FEA validation of an adjustment as provided in Part 211, and the procedures for the consideration of such applications and requests by the FEA or a State Office, as appropriate.

§ 205.21 What to file.

(a) A person filing under this subpart shall file an "Application for Adjustment," which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 205.9 in addition to the requirements stated in this subpart.

(b) An application shall be the appropriate FEA form. If such form is not current or available, the application shall

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consist of the information required in § 205.24(b).

(c) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 205.9 (f) shall apply.

§ 205.22 Where to file.

(a) A wholesale purchaser shall submit an application for adjustment to his supplier prior to its submission to the FEA. The supplier shall certify that to the best of the supplier's knowledge the information contained in the application is correct and accurate and, within 10 days of receipt of the application, shall file the certification and the application with the FEA office specified in § 205.13, at the address provided in § 205.12.

(b) If the supplier cannot make such certification, the supplier shall file the application and provide an explanation for the absence of the certification.

(c) A request for FEA validation of an application for adjustment for unusual growth in accordance with § 211.13(b) or increased current requirements in accordance with § 211.13(d) shall be filed with the appropriate Regional Office at the address provided in § 205.12. Such request for validation shall be made not sooner than ten days after the certification has been presented to the supplier.

§ 205.23 Notice.

(a) The FEA shall serve notice on any person readily identifiable by the FEA as one who will be aggrieved by the FEA action and may serve notice on any other person that written comments regarding the application for adjustment will be accepted if filed within 10 days of service of the notice; or may determine that notice should be published in the FEDERAL REGISTER.

(b) Any person submitting written comments to the FEA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 205.9 (f), to the applicant. The person shall certify to the FEA that he has complied with the requirements of this paragraph. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 205.24 Contents.

(a) The application shall be the appropriate FEA form, which shall be completed in accordance with instructions that accompany the form. If there is not a current FEA form appropriate or available, the applicant shall file an application that contains the information required by paragraph (b) of this section.

(b) The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the application and to the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable); a complete statement of the business or other reasons that justify the act or transaction; a description of the acts or transactions that would be affected by the requested action; and a full discussion of the pertinent provisions and facts contained in any relevant documents. Copies of all contracts, agreements, leases, instruments, and other documents relevant to the application shall be submitted to the FEA upon its request. When the application pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information pertaining to the entire transaction shall be submitted. In addition to such information, the applicant shall include the following information:

(1) Description of applicant's business or end use of the product;

(2) The anticipated use of the product in applicant's operation, including the present and anticipated needs of priority customers, if applicable;

(3) An estimate of the anticipated effect that denial of the requested adjustment would have on the applicant's operations;

(4) A description of the extent to which the applicant has investigated the possibilities of converting to an alternative fuel or product, and the applicant's conclusion as to the feasibility of making that conversion;

(5) The identification of any previous order relevant to the present application that has been issued to the applicant or to any person who controls or is controlled by the applicant;

(6) A certification of the accuracy of the application by the chief executive officer of the applicant or his duly authorized representative; and

(7) A statement that the increased allocations shall be used only for the purpose stated in the application, shall not be diverted to other uses, and that if needs decline the applicant shall file an amended application for a downward adjustment to its base period use.

§ 205.25 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application and utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit and accept submissions from third persons relevant to any application provided that the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application, the FEA may consider any other source of information. The FEA on its own initiative may convene a conference, if, in its discretion, it considers that such will advance its evaluation of the application.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the FEA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice.

(b) *Criteria.* An application for adjustment will only be granted or validated in the circumstances permitted or required by Part 211 of this chapter. In considering such an application, the FEA will apply the criteria stated in § 4(b) of the EPAA.

§ 205.26 Decision and order.

(a) Upon consideration of the application or request and other relevant information received or obtained during the proceeding, the FEA shall issue an appropriate order.

(b) The order shall include a brief written statement summarizing the factual and legal basis upon which the order was issued. The order shall provide that any person aggrieved thereby may file an appeal with the FEA Office of Exceptions and Appeals or the appropriate Regional Office in accordance with Subpart H of this part.

(c) The FEA shall serve a copy of the order upon the applicant and any other person who participated in the proceeding and upon any other person readily identifiable by the FEA as one who is aggrieved by such order.

§ 205.27 Timeliness.

If the FEA fails to take action on any application filed under this subpart within 90 days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 205.28 Appeal.

Any person aggrieved by an order issued by the FEA under this subpart may file an appeal with the FEA Office of Exceptions and Appeals or with the appropriate Regional Office in accordance with Subpart H of this part. The appeal shall be filed within 30 days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart C—Assignment

§ 205.30 Purpose and scope.

This subpart establishes the procedures for the filing of an application for an assignment, other than an application for assignment under the state set-aside system as provided in Subpart Q of this part.

§ 205.31 What to file.

(a) A person filing under this subpart shall file an "Application for Assignment" or an "Application for Temporary Assignment" as provided in § 205.39, which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 205.9 in addition to the requirements stated in this subpart.

(b) An application shall be the appropriate FEA form. If such form is not available, the application shall consist of the information required in § 205.34(b).

(c) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 205.9(f) shall apply.

§ 205.32 Where to file.

(a) Except as provided in paragraph (b), all applications for assignment shall be filed with the office specified in § 205.13, at the address provided in § 205.12.

(b) All applications for assignment by a new end-user who cannot agree on an allocation requirement with his supplier or who cannot locate a supplier shall be filed with the appropriate State Office.

§ 205.33 Notice.

(a) The FEA shall serve notice on any person readily identifiable by the FEA as one who will be aggrieved by the FEA action and may serve notice on any other person that written comments regarding the application for assignment will be accepted if filed within 10 days of service of the notice; or may determine that notice should be published in the FEDERAL REGISTER.

(b) Any person submitting written comments to the FEA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 205.9(f), to the applicant. The person shall certify to the FEA that it has complied with the requirements of this paragraph. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 205.34 Contents.

(a) The application shall be the appropriate FEA form, which shall be completed in accordance with the instructions that accompany the form. If there is not a current FEA form appropriate or available, the applicant shall file an application that contains the information required by paragraph (b) of this section.

(b) The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the application and to the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable); a complete statement of the business or other reasons that justify the act or transaction; a description of the acts or transactions that would be affected by the requested action; and a full discussion of the pertinent provisions and facts contained in any relevant documents. Copies of all contracts, agreements, leases, instruments, and other documents relevant to the application shall be submitted to the FEA upon its request. When the application pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information pertaining to the entire transaction shall be submitted. In addition to such information, the applicant shall include the following information:

(1) Description of applicant's business;

(2) The anticipated use of the allocated product in applicant's operation, including present and anticipated needs of priority customers, if applicable;

(3) An estimate of the anticipated effect that denial of the requested assignment would have on the applicant's operation;

(4) A description of the extent to which the applicant has investigated the possibilities of converting to an alternative fuel or product, and the applicant's conclusion as to the feasibility of making such conversion;

(5) A description of applicant's efforts to find other suppliers;

(6) The identification of any previous assignment order relevant to the present application that has been issued to the applicant or to any person that controls or is controlled by the applicant.

(7) A statement as to whether the applicant had no supplier during the requisite base period, or as to whether the applicant's base period supplier or new supplier is unable to supply his requirements;

(8) The identification of any persons who will be aggrieved by the FEA action sought, including potential suppliers; and

(9) Wholesale purchasers shall provide documentary evidence justifying its proposed base period volume as normal and reasonable for its intended use.

§ 205.35 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application and utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit and accept submissions from third persons relevant to any application provided that the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application, the FEA may consider any other source of information. The FEA on its own initiative may convene a conference, if, in its discretion, it considers that a conference will advance its evaluation of the application.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the FEA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice.

(b) *Criteria.* (1) An application for assignment may be granted in the situations specified in Part 211 of this chapter when such assignment will assure an allocation that to the maximum extent possible provides for—

(i) The protection of public health, safety, and welfare, (including maintenance of residential heating, such as individual homes, apartments, and similar occupied dwelling units) and the national defense;

(ii) Maintenance of all public services (including facilities and services provided by municipally, cooperatively, or investor owned utilities or by any State or local government or authority, and including transportation facilities and services which serve the public at large);

(iii) Maintenance of agricultural operations, including farming, ranching, dairy, and fishing activities, and services directly related thereto;

(iv) Preservation of an economically sound and competitive petroleum industry; including the priority needs to restore and foster competition in the producing, refining, distribution, marketing, and petrochemical sectors of such industry, and to preserve the competitive viability of independent refiners, small refiners, non-branded independent marketers, and branded independent marketers;

(v) The allocation of suitable types, grades, and quality of crude oil to refineries in the United States to permit such refineries to operate at full capacity;

(vi) Equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry, including independent refiners, small refiners, non-branded independent marketers, branded independent marketers, and among all users;

(vii) Allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of, exploration for, and production or extraction of, fuels, and for required transportation related thereto;

(viii) Economic efficiency; and

(ix) Minimization of economic distortion, inflexibility, and unnecessary interference with market mechanisms.

(2) In the assignment of a base period volume to a wholesale purchaser, as defined in § 211.51, the FEA also shall consider the criteria provided in Part 211 of this chapter and FEA guidelines, rulings and decisions on appeal.

(3) In connection with the assignment of a supplier or a base period volume to a person planning to construct a synthetic natural gas plant after May 1, 1974, or to expand an existing one, the FEA also shall consider the criteria provided in § 211.29 of this chapter and FEA guidelines, rulings and decisions on appeal.

(4) In selecting a supplier for an assignment, the FEA shall consider the goal of equalizing allocation fractions among suppliers and the capability of the supplier to provide the product to an applicant on short notice.

(c) If an assignment is sought in connection with circumstances not referred to in Part 211 of this chapter, application for an exception should be filed with the FEA Office of Exceptions and Appeals at the address provided in § 205.12.

§ 205.36 Decision and order.

(a) Upon consideration of the application and other relevent information received or obtained during the proceeding, the FEA shall issue an appropriate order.

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The order shall state the duration of the assignment, which may be for the duration of the allocation program or for any lesser period specified therein.

(b) The order shall include a brief written statement summarizing the factual and legal basis upon which the order was issued. The order shall provide that any person aggrieved thereby may file an appeal with the FEA Office of Exceptions and Appeals or the appropriate Regional Office in accordance with Subpart H of this part.

(c) Prior to issuance of an assignment order, the FEA shall contact the proposed supplier for the purpose of determining the accuracy of the facts upon which it intends to base the proposed assignment order and the impact such order may have upon the proposed supplier's operations, and to give the supplier a reasonable opportunity to comment on the proposed order. To the extent a proposed supplier's comments present facts or other information that materially differs from those in the application, the applicant shall be advised and given an opportunity to respond verbally. The notice and comment provided herein may be in writing if time permits.

(d) The FEA shall serve a copy of the order upon the person who thereby will be directed to supply the product or to establish a base period volume, the applicant and upon any other person readily identifiable by the FEA as one who is aggrieved by said order.

§ 205.37 Timeliness.

(a) If the FEA fails to take action on any application filed under this subpart within 90 days of filing, the applicant may treat the application as having been denied in all respect and may appeal therefrom as provided in this subpart.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the FEA fails to take action on any application recommended for approval by a State Office pursuant to Subpart Q of this part within 30 days of receipt of such application by the FEA, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 205.38 Appeal.

(a) Any person aggrieved by an order issued by the FEA under this subpart may file an appeal with the FEA Office of Exceptions and Appeals or with the appropriate Regional Office in accordance with Subpart H of this part. The appeal shall be filed within 30 days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

(b) If an appeal is filed in connection with the issuance of an temporary assignment order in accordance with § 205.39, and subsequent to such appeal an assignment order from which said person also appeals is issued to the recipient of the temporary assignment order, the appeal from both the temporary assignment order and the subsequent assignment order shall be consolidated and considered in the same appellate proceeding.

§ 205.39 Temporary assignment.

(a) In certain circumstances and upon receipt of an application from a wholesale purchaser-reseller, other than one who requires an assignment to supply wholesale purchaser-consumers or end-users experiencing hardship or emergency, the FEA may issue a temporary assignment order to certain wholesale purchaser-resellers. End-users, wholesale purchaser-consumers and wholesale purchaser-resellers supplying end-users and wholesale purchaser-consumers experiencing hardship or emergency requirements shall apply to the appropriate State Office for an assignment from the state set-aside system, in accordance with Subpart Q of this part for emergency or hardship requirements. The ordering of a temporary assignment shall occur only in dire circumstances and when it is not feasible to issue an assignment order that conforms to the FEA guidelines, including, but not limited to, the requirement that assignment orders for a month be issued, to the maximum extent possible, by the 15th of the preceding month. Temporary assignments are intended to be issued when circumstance do not permit the issuance of an assignment order in the normal time period, i.e., prior to the 15th day of the month preceeding the month for which there is the requirement for the assignment. Thus, a temporary assignment is an "off-phase" order. The "Application for Temporary Assignment" is to conform to the requirements of § 205.-34, except that such requirements may be waived in whole or in part by the FEA for good cause shown. The application shall fully describe why the assignment must be made out of phase with the normal issuance of assignment orders. A temporary assignment order shall have a duration of not longer than 60 days. It is intended that a temporary assignment order shall be a one-time order that pertains to a specific situation, and it may not be extended by issuance of another temporary assignment order. If the applicant anticipates the requirement for an assignment of longer than 60 days duration, he shall file contemporaneously with the application for a temporary assignment, or as soon thereafter as feasible, an "Application for Assignment."

(b) A temporary assignment order shall conform to the requirements of § 205.35 and shall be issued only upon a finding that circumstances do not permit issuance of an assignment on-phase with the processing of assignment orders in accordance with FEA guidelines, which finding shall be stated in the order.

(c) The supplier selected shall be given notice of the temporary assignment order at least 24 hours in advance of its issuance.

(d) A temporary assignment order shall be appealable in accordance with § 205.38.

Subpart D—Exception

§ 205.50 Purpose and scope.

(a) This subpart establishes the procedures for applying for an exception from a regulation, ruling or generally applicable requirement based on an assertion of serious hardship or gross inequity and for the consideration of such application by the FEA.

(b) A request for an interpretation or other specific action which includes, or could be construed to include, an application for an exception may be treated solely as a request for an interpretation or other action, and processed as such by FEA.

(c) The filing of an appliction for an exception shall not constitute grounds for non-compliance with the requirements of the regulation, ruling or generally applicable requirement from which an exception is sought, unless a stay has been issued in accordance with Subpart I of this part.

§ 205.51 What to file.

(a) A person filing under this subpart shall file an "Application for Exception," which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 205.9 in addition to the requirements stated in this subpart.

(b) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 205.9(f) shall apply.

§ 205.52 Where to file.

(a) Except as provided in paragraph (b) of this section, all applications for exception shall be filed with the Office of Exceptions and Appeals at the address provided in § 205.12.

(b) All applications for exception to Part 212 that relate to the retail sale of motor gasoline, heating oil, diesel fuel, or propane shall be filed with the appropriate Regional Office at the address provided in § 205.12.

§ 205.53 Notice.

(a) The applicant shall send by United States mail a copy of the application and any subsequent amendments or other documents relating to the application, or a copy from which confidential information has been deleted in accordance with § 205.9(f), to each person who is reasonably ascertainable by the applicant as a person who will be aggrieved by the FEA action sought. The copy of the application shall be accompanied by a statement that the person may submit comments regarding the application to the FEA office with which the application was filed within 10 days. The application filed with the FEA shall include certification to the FEA that the applicant has complied with the requirements of this paragraph and shall include the names and addresses of each person to whom a copy of the application was sent.

(b) Notwithstanding the provisions of paragraph (a) of this section, if an applicant determines that compliance with paragraph (a) of this section would be impracticable, the applicant shall:

(1) Comply with the requirements of paragraph (a) of this section with regard to those persons whom it is reasonable and practicable to notify; and

(2) Include with the application a description of the persons or class or classes of persons to whom notice was not sent.

The FEA may require the applicant to provide additional or alternative notice, or may determine that the notice required by paragraph (a) of this section is not impracticable, or may determine that notice should be published in the FEDERAL REGISTER.

(c) The FEA shall serve notice on any other person readily identifiable by the FEA as one who will be aggrieved by the FEA action sought and may serve notice on any other person that written comments regarding the application will be accepted if filed within 10 days of service of such notice.

(d) Any person submitting written comments to the FEA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 205.9 (f), to the applicant. The person shall certify to the FEA that he has complied with the requirements of this paragraph. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

(e) At regular intervals, the FEA shall publish a list of all persons who have applied for an exception under this subpart, with a brief description of the factual situation and the relief requested.

§ 205.54 Contents.

(a) The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the application and to the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable); a complete statement of the business or other reasons that justify the act or transaction; a description of the acts or transactions that would be affected by the requested action; and a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the application. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the application. When the application pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information pertaining to the entire transaction shall be submitted.

(b) The applicant shall state whether he requests or intends to request that there be a conference or hearing regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference or hearing is held when it will be most beneficial. The request and the FEA's determination regarding it shall be made in accordance with Subpart M of this part.

(c) The application shall include a discussion of all relevant authorities, including, but not limited to, FEA rulings, regulations, interpretations and decisions on appeals and exceptions relied upon to support the particular action sought therein.

(d) The application shall specify the exact nature and extent of the relief requested.

§ 205.55 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application and utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit and accept submissions from third persons relevant to any application provided that the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application, the FEA may consider any other source of information. The FEA on its own initiative may convene a hearing or conference, if, in its discretion, it considers that such hearing or conference will advance its evaluation of the application.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if upon request additional information is not submitted by the applicant, the FEA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice. If the applicant fails to provide the notice required by § 205.53, the FEA may dismiss the application without prejudice.

(b) *Criteria.* (1) The FEA shall only consider an application for an exception when it determines that a more appropriate proceeding is not provided by this part.

(2) An application for an exception may be granted to alleviate or prevent serious hardship or gross inequity.

(3) An application for an exception shall be decided in a manner that is, to the extent possible, consistent with the disposition of previous applications for exception.

(4) With regard to an exception from the provisions of Part 215 of this chapter, the criteria shall be those provided in such part.

§ 205.56 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the FEA shall issue an order granting or denying the application.

(b) The order shall include a written statement setting forth the relevant facts and the legal basis of the order. The order shall provide that any person aggrieved thereby may file an appeal with the FEA Office of Exceptions and Appeals or the appropriate Regional Office in accordance with Subpart H of this part.

(c) The FEA shall serve a copy of the order upon the applicant, any other person who participated in the proceeding and upon any other person readily identifiable by the FEA as one who is aggrieved by such order. A copy of each order, with such modification as is necessary to insure the confidentiality of information protected from disclosure under 18 U.S.C. 1905 and 5 U.S.C. 552, will be on file in the public docket room described in § 205.15. If such copy contains information that has been claimed by an applicant or other person to be confidential, notice of the FEA's intention to place a copy in the docket room and an opportunity to respond shall be given to such person no less than five days prior to its placement in such room. The Office of Exceptions and Appeals shall publish periodically a digest of all orders issued.

§ 205.57 Timeliness.

(a) When the FEA has received all substantive information deemed necessary to process any application filed under this subpart, the FEA shall serve notice of that fact upon the applicant and all other persons who received notice of the proceeding pursuant to the provisions of § 205.53; and if the FEA fails to take action on the application within 90 days of serving such notice, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the FEA fails to take action on the application within 150 days from the filing of the application, the applicant may treat it as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 205.58 Appeal.

Any person aggrieved by an order issued by the FEA under this subpart may file an appeal with the FEA Office of Exceptions and Appeals or with the appropriate Regional Office in accordance with Subpart H of this part. The appeal must be filed within 30 days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart E—Exemption

§ 205.70 Purpose and scope.

This subpart establishes the procedures for filing an application for exemption and the consideration of such by the FEA. The applicant must be seeking an exemption from no less than an entire

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part, or subpart thereof, of this chapter. This subpart does not include the procedures for exemption of a product as provided in section 4(g) of the EPAA.

§ 205.71 Procedures.

(a) An exemption may be effected only by amendment to the regulations. Although an application for an exemption is a request for a rulemaking, the application is not subject to the procedures of Subpart L. If a rulemaking proceeding is convened, however, it shall be held in accordance with Subpart L.

(b) An application for an exemption shall be submitted separate and apart from any other application, appeal, petition or other request submitted in accordance with this part. If an application for exemption is included with any other application, appeal, petition, or other request, the application for exemption will not be processed, nor will it be severed for separate consideration.

§ 205.72 What to file.

A person filing under this subpart shall file an "Application for Exemption," which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 205.9 in addition to the requirements stated in this subpart.

§ 205.73 Where to file.

An application for exemption shall be filed with the Office of Private Grievances and Redress at the address provided in § 205.12.

§ 205.74 Contents.

The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the application and to the FEA action sought. The application shall identify the part or parts, or subparts thereof, of this chapter from which the exemption is sought; describe the business or other reason that would justify such exemption; identify the persons or classes of persons and acts or transactions that would be affected by such exemption and describe any adverse impact; describe the benefit to the person making the application, or others, that would result if the exemption were effected; and explain the reasons why the action sought by the application cannot be accomplished by any other proceeding provided in this part. Upon request, the applicant shall submit copies of relevant contracts, agreements, leases, instruments, and other documents that are representative of those that would be affected by the granting of the requested exemption.

§ 205.75 FEA evaluation.

(a) *Processing.* All applications for exemption shall be evaluated by FEA to determine if the institution of rulemaking is warranted and if the FEA action sought by the application could more appropriately be considered in any other proceeding provided by this part.

(b) *Criteria.* (1) Rulemaking proceedings for the purpose of considering an application for exemption will be instituted only if the FEA in its discretion determines that such a proceeding would be appropriate. Among the factors that the FEA will evaluate in making a determination with respect to a rulemaking are—

(i) The impact that granting the exemption would have on the regulatory scheme and objectives;

(ii) The number of persons who would be exempted; and

(iii) The economic justification for such exemption.

(2) The FEA may summarily deny an application for exemption if—

(i) The exemption sought is not from a part or parts, or a subpart thereof, of this chapter;

(ii) The granting of an exemption to the person making the application would not have sufficient national impact, economic or otherwise, to warrant rulemaking proceedings for the purpose of considering an amendment to the regulation;

(iii) It is determined that the statutory criteria cannot be met; or

(iv) It is determined that another proceeding provided by this part is more appropriate.

§ 205.76 Decision and order.

(a) Upon consideration of the application and other relevant information obtained during the proceeding, the FEA shall issue an appropriate order. If the application is not denied, the order shall provide for publication of a notice of proposed rulemaking regarding the application in the FEDERAL REGISTER.

(b) The order shall include a written statement setting forth the relevant facts and legal basis for the decision. The order denying the application shall state that any person aggrieved thereby may file an appeal with Office of Exceptions and Appeals in accordance with Subpart H of this part.

§ 205.77 Timeliness.

(a) If the FEA fails to take action on any application filed under this subpart within 90 days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 205.78 Appeal.

Any person aggrieved by an order issued by the FEA under this subpart that denies an application for exemption may file an appeal with the Office of Exceptions and Appeals in accordance with Subpart H of this part. The appeal must be filed within 30 days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart F—Interpretation

§ 205.80 Purpose and scope.

(a) This subpart establishes the procedures for the filing of a formal request for an interpretation and for the consideration of such request by the FEA. Interpretations shall be in writing and shall only be issued by the FEA General Counsel or by a Regional Counsel. Responses, which may include verbal or written responses to general inquiries or to other than formal written requests for interpretation filed with the General Counsel or a Regional Counsel are not interpretations and merely provide general information.

(b) A request for interpretation that includes, or could be construed to include an application for an exception or an exemption may be treated solely as a request for interpretation and processed as such.

§ 205.81 What to file.

(a) A person filing under this subpart shall file a "Request for Interpretation," which should be clearly labeled as such both on the request and on the outside of the envelope in which the request is transmitted, and shall be in writing and signed by the person filing the request. The person filing the request shall comply with the general filing requirements stated in § 205.9 in addition to the requirements stated in this subpart.

(b) If the person filing the request wishes to claim confidential treatment for any information contained in the request or other documents submitted under this subpart, the procedures set out in § 205.9(f) shall apply.

§ 205.82 Where to file.

A request for interpretation shall be filed with the General Counsel or with the appropriate Regional Counsel at the address provided in § 205.12.

§ 205.83 Contents.

(a) The request shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the request and to the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable) and a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the request. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the request. When the request pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information pertaining to the entire transaction must be submitted.

(b) The request for interpretation shall include a discussion of all relevant authorities, including, but not limited to, FEA rulings, regulations, interpretations and decisions on appeals and exceptions relied upon to support the particular interpretation sought therein.

§ 205.84 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in a request and utilize in its evaluation any relevant facts obtained by such investigation. The FEA may accept submissions from third persons relevant to any request for interpretation provided that the person making the request is afforded an opportunity to respond to all third person submissions. In evaluating a request for interpretation, the FEA may consider any other source of information. The FEA on its own initiative may convene a conference, if, in its discretion, it considers that such conference will advance its evaluation of the request.

(2) The FEA shall issue its interpretation on the basis of the information provided in the request, unless that information is supplemented by other information brought to the attention of the General Counsel or a Regional Counsel during the proceeding. The interpretation shall, therefore, depend for its authority on the accuracy of the factual statement and may be relied upon only to the extent that the facts of the actual situation correspond to those upon which the interpretation was based.

(3) If the FEA determines that there is insufficient information upon which to base a decision and if upon request additional information is not submitted by the person requesting the interpretation, the FEA may refuse to issue an interpretation.

(b) *Criteria.* (1) The FEA shall base an interpretation on the FEAA and EPAA and the regulations and published rulings of the FEA as applied to the specific factual situation.

(2) The FEA shall take into consideration previously issued interpretations dealing with the same or a related issue.

§ 205.85 Decision and effect.

(a) Upon consideration of the request for interpretation and other relevant information received or obtained during the proceeding, the General Counsel or a Regional Counsel shall issue a written interpretation.

(b) The interpretation shall contain a statement of the information upon which it is based and a legal analysis of and conclusions regarding the application of rulings, regulations and other precedent to the situation presented in the request.

(c) Only those persons to whom an intrepretation is specifically addressed and other persons upon whom the FEA serves the interpretation and who are directly involved in the same transaction or act may rely upon it. No person entitled to rely upon an interpretation shall be subject to civil or criminal penalties stated in Support P of this part for any act taken in reliance upon the interpretation, notwithstanding that the interpretation shall thereafter be declared by judicial or other competent authority to be invalid.

(d) An interpretation may be rescinded or modified at any time. Rescission or modification may be effected by notifying persons entitled to rely on the interpretation that it is rescinded or modified. This notification shall include a statement of the reasons for the recission or modification and, in the case of a modification, a restatement of the interpretation as modified.

(e) An interpretation is modified by a subsequent amendment to the regulations or ruling to the extent that it is inconsistent with the amended regulation or ruling.

§ 205.86 Appeal.

Any person aggrieved by an interpretation issued by the FEA, whether by the General Counsel or a Regional Counsel, under this subpart may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of this part. The appeal must be filed within 30 days of service of the interpretation from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart G—Othe: Proceedings

§ 205.90 Purpose and scope.

This subpart establishes the procedures for the filing of such other applications, petitions, or requests as may be required or permitted from time to time under the provisions of this chapter, but does not supplant any procedures presently provided for in this part, including petitions to the Office of Private Grievances and Redress filed in accordance with Subpart R of this part. This subpart specifically provides for applications by motor gasoline retail sales outlets in accordance with the provisions of § 211.106 and petitions to use multiple allocation fractions in accordance with the provisions of § 211.10(b) of this chapter.

§ 205.91 What to file.

(a) A person filing under this subpart shall file an "Application (petition or request, if applicable) for (identify action requested)," which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 205.9 in addition to the requirements stated in this subpart.

(b) If the person wishes to claim confidential treatment for any information contained in the application, petition, request, or other documents submitted under this subpart, the procedures set out in § 205.9(f) shall apply.

§ 205.92 Where to file.

(a) All applications, petitions or requests not described in other subparts of this part shall be filed in accordance with any FEA forms and instructions that relate thereto. If no such forms and instructions have been issued by the FEA, all such applications, petitions or requests shall be filed with the FEA office specified in § 205.13, at the address provided in § 205.12.

(b) An application by a motor gasoline retail sales outlet in accordance with the provisions § 211.106 shall be filed with the Regional Office for the region in which the retail sales outlets are located. Applications which involve retail sales outlets located in more than one region shall be filed with the appropriate Regional Office in each affected region.

(c) An application to use multiple allocation fractions in accordance with the provisions of § 211.10(b) shall be filed with the FEA National Office at the address provided in § 205.12.

§ 205.93 Contents.

(a) Any application, petition or request filed under this subpart shall contain all the information that the FEA by regulation, ruling, form or other instruction may require.

(b) An application by a motor gasoline retail sales outlet in accordance with § 211.106 of this chapter shall conform to the requirements of FEA Ruling 1974–13 and any future amendments to or modifications of that ruling.

§ 205.94 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application, petition or request and utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit and accept submissions from third persons relevant to any application, petition or request provided that the person who filed is afforded an opportunity to respond to all third person submissions. In evaluating an application, petition or request, the FEA may consider any other source of information. The FEA on its own initiative may convene a conference, if, in its discretion, it considers that such conference will advance its evaluation of the application, petition or request.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the FEA may dismiss the application, petition or request without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application, petition or request with prejudice.

(b) *Criteria.* In considering an application, petition or request, the FEA will apply the criteria stated in any FEA regulation, ruling, form or instruction that relates to such application, petition or request.

§ 205.95 Decision and order.

(a) Upon consideration of the application, petition or request and other relevant information received or obtained during the proceeding, if FEA action is required, the FEA shall issue an appropriate order.

(b) The order shall include a written statement setting forth the relevant facts and the legal basis of the order. The

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order shall provide that any person aggrieved thereby may file an appeal with the FEA Office of Exceptions and Appeals or the appropriate Regional Office in accordance with Subpart H of this part.

(c) The FEA shall serve a copy of the order upon the person who filed and any other person who participated in the proceeding and may serve a copy of the order upon any person who is readily identifiable as one who is aggrieved by said order.

§ 205.96 Timeliness.

If the FEA fails to take action on any application filed under this subpart within 90 days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 205.97 Appeal.

Any person aggrieved by an order issued by the FEA under this subpart may file an appeal with the FEA Office of Exceptions and Appeals or with the appropriate Regional Office in accordance with Subpart H of this part. The appeal shall be filed within 30 days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart H—Appeal

§ 205.100 Purpose and scope.

(a) This subpart establishes the procedures for the filing of an administrative appeal of FEA actions taken under Supparts B, C, D, E, F, G, or O of this part or Subpart I of Part 212 and the consideration of such appeal by the FEA. Appeals of orders issued by State Offices shall be in accordance with Subpart R.

(b) A person who has appeared before the FEA in connection with a matter arising under Subparts B, C, D, E, F, G or O of this part or Subpart I of Part 212 has not exhausted his administrative remedies until an appeal has been filed under this subpart and an order granting or denying the appeal has been issued.

§ 205.101 Who may file.

Any person aggrieved by an order or interpretation issued by the FEA under Subpart B, C, D, E, F, G or O of this part or Subpart I of Part 212 may file an appeal under this subpart.

§ 205.102 What to file.

(a) A person filing under this subpart shall file an "Appeal of Order" or an "Appeal of Interpretation," which should be clearly labeled as such both on the appeal and on the outside of the envelope in which the appeal is transmitted, and shall be in writing and signed by the person filing the appeal. The appellant shall comply with the general filing requirements stated in § 205.9 in addition to the requirements stated in this subpart.

(b) If the appellant wishes to claim confidential treatment for any information contained in the appeal or other documents submitted under this subpart, the procedures set out in § 205.9(f) shall apply.

§ 205.103 Where to file.

(a) When the order upon which the appeal is based was issued by the FEA National Office, the appeal shall be filed with the Office of Exceptions and Appeals at the address provided in § 205.12.

(b) When the order upon which the appeal is based was issued by a Regional Office, the appeal shall be filed with that Regional Office at the address provided in § 205.12.

(c) When the appeal is based upon an interpretation, whether issued by the General Counsel or a Regional Counsel, the appeal shall be filed with the Office of Exceptions and Appeals of the address provided in § 205.12.

§ 205.104 Notice.

(a) The appellant shall send by United States mail a copy of the appeal and any subsequent amendments or other documents relating to the appeal, or a copy from which confidential information has been deleted in accordance with § 205.9(f), to each person who is reasonably ascertainable by the appellant as a person who will be aggrieved by the FEA action sought, including those who participated in the prior proceeding. The copy of the appeal shall be accompanied by a statement that the person may submit comments regarding the appeal to the FEA office with which the appeal was filed within 10 days. The appeal filed with the FEA shall include certification to the FEA that the appellant has complied with the requirements of this paragraph and shall include the names and addresses of each person to whom a copy of the appeal was sent.

(b) Notwithstanding the provisions of paragraph (a) of this section, if an appellant determines that compliance with paragraph (a) of this section would be impracticable, the appellant shall:

(1) Comply with the requirements of paragraph (a) of this section with regard to those persons whom it is reasonable and possible to notify; and

(2) Include with the appeal a description of the persons or class or classes of persons to whom notice was not sent.

The FEA may require the appellant to provide additional or alternative notice, or may determine that the notice required by paragraph (a) of this section is not impracticable, or may determine that notice should be published in the FEDERAL REGISTER.

(c) The FEA shall serve notice on any other person readily identifiable by the FEA as one who will be aggrieved by the FEA action sought and may serve notice on any other person that written comments regarding the appeal will be accepted if filed within 10 days of service of that notice.

(d) Any person submitting written comments to the FEA with respect to an appeal filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 205.9(f), to the appellant. The person shall certify to the FEA that it has complied with the requirements of this paragraph. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 205.105 Contents.

(a) The appeal shall contain a concise statement of grounds upon which it is brought and a description of the relief sought. It shall include a discussion of all relevant authorities, including, but not limited to, FEA rulings, regulations, interpretations and decisions on appeals and exceptions relied upon to support the appeal. If the appeal includes a request for relief based on significantly changed circumstances, there shall be a complete description of the events, acts, or transactions that comprise the significantly changed circumstances, and the appellant shall state why, if the significantly changed circumstance is new or newly discovered facts, such facts were not or could not have been presented during the prior proceeding. For purposes of this subpart, the term "significantly changed circumstances" shall mean—

(1) The discovery of material facts that were not known or could not have been known at the time of the prior proceeding;

(2) The discovery of a law, regulation, interpretation, ruling, order or decision on an appeal or an exception that was in effect at the time of the proceeding upon which the order or interpretation is based and which, if such had been made known to FEA, would have been relevant to the proceeding and would have substantially altered the outcome; or

(3) A substantial change in the facts or circumstances upon which an outstanding and continuing order or interpretation affecting the appellant was issued, which change has occurred during the interval between issuance of the order or interpretation and the date of the appeal and was caused by forces or circumstances beyond the control of the appellant.

(b) A copy of the order or interpretation that is the subject of the appeal shall be submitted with the appeal.

(c) The appellant shall state whether to the best of his knowledge the same or a related issue, act or transaction that is the subject of the appeal has been or presently is being considered or investigated by any FEA office, other Federal agency, department or instrumentality; or by a State Office, a state or municipal agency or court, or by any law enforcement agency; including, but not limited to, a consideration or investigation in connection with an FEA proceeding described in this part, other than the proceeding from which the appeal is taken. In addition, the appellant shall state whether contact has been made by the appellant or one acting on his behalf with any person who is employed by the FEA or any State Office subsequent to service of the order or interpretation that is being appealed with regard to the issue, act or transaction that is the subject

of the appeal; the name of the person contacted; whether the contact was verbal or in writing; the nature and substance of the contact; and the date or dates of the contact. An appellant shall comply with this paragraph in lieu of § 205.9(e)).

(d) The appellant shall state whether he requests or intends to request that there be a conference or hearing regarding the appeal. Any request not made at the time the appeal is filed shall be made as soon thereafter as possible, to insure that the conference or hearing is held when it will be most beneficial. The request and the FEA's determination regarding it shall be made in accordance with Subpart M of this part.

§ 205.106 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an appeal and utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit and accept submissions from third persons relevant to any appeal provided that the appellant is afforded an opportunity to respond to all third person submissions. In evaluating an appeal, the FEA may consider any other source of information. The FEA on its own initiative may convene a conference or hearing if, in its discretion, it considers that such conference or hearing will advance its evaluation of the appeal.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if, upon request, the necessary additional information is not submitted, the FEA may dismiss the appeal with leave to amend within a specified time. If the failure to supply additional information is repeated or willful, the FEA may dismiss the appeal with prejudice. If the appellant fails to provide the notice required by § 205.104, the FEA may dismiss the appeal without prejudice.

(3) *Failure to satisfy requirements.* (i) If the appellant fails to satisfy the requirements of paragraph (b)(1) of this section, the FEA may issue an order denying the appeal. The order shall state the grounds for the denial and a copy of the order shall be served upon the appellant and any other person who participated in the proceeding.

(ii) The order denying the appeal shall become a final order of the FEA within 10 days of its service upon the appellant, unless within such 10-day period an amendment to the appeal that corrects the deficiencies identified in the order is filed with the Office of Exceptions and Appeals or the appropriate Regional Office.

(iii) Within 10 days of the filing of such amendment, as provided in paragraph (b)(1) of this section, the FEA shall notify the appellant whether the amendment corrects the specified deficiencies. If the amendment does not correct the deficiencies, that notice shall be an order dismissing the appeal as amended. Such order shall be a final order of the FEA of which appellant may seek judicial review.

(b) *Criteria.* (1) An appeal may be summarily denied if—

(i) It is not filed in a timely manner, unless good cause is shown; or

(ii) It is defective on its face for failure to state, and to present facts and legal argument in support thereof, that the FEA action was erroneous in fact or in law, or that it was arbitrary or capricious.

(2) The FEA may deny any appeal if the appellant does not establish that—

(i) The appeal was filed by a person aggrieved by an FEA action;

(ii) The FEA's action was erroneous in fact or in law; or

(iii) The FEA's action was arbitrary or capricious.

The denial of an appeal shall be a final order of FEA of which the appellant may seek judicial review.

§ 205.107 Decision and order.

(a) Upon consideration of the appeal and other relevant information received or obtained during the proceeding, the FEA shall enter an appropriate order, which may include the modification of the order or interpretation that is the subject of the appeal.

(b) The order shall include a written statement setting forth the relevant facts and the legal basis of the order. The order shall state that it is a final order of the FEA of which the appellant may seek judicial review.

(c) The FEA shall serve a copy of the order upon the appellant, any other person who participated in the proceeding and upon any other person readily identifiable by the FEA as one who is aggrieved by such order.

(d) A copy of each order, with such modification as is necessary to insure the confidentiality of information protected from disclosure under 18 U.S.C. 1905 and 5 U.S.C. 552, will be filed in the public docket room described in § 205.15. If such copy contains information that has been claimed by an appellant or other person, to be confidential, notice of the FEA's intention to place a copy in the docket room and an opportunity to respond shall be given to such person no less than five days prior to its placement in such room.

§ 205.108 Appeal of a remedial order.

The appeal of a remedial order shall be in accordance with the procedures stated in this subpart, *except:*

(a) The appeal must be filed within 10 days of the service of the remedial order; and

(b) If the appeal is of a remedial order that was issued subsequent to a notice of probable violation that relates to an order or interpretation previously issued by the FEA, with respect to which there was an exhaustion of administrative remedies, no issues will be considered on the current appeal that were raised in that prior proceeding.

(c) If an issue raised on an appeal of a remedial order is also being considered in connection with any other FEA proceeding, the FEA may consolidate such issues and consider them in the appellate proceeding for the remedial order.

§ 205.109 Timeliness.

(a) When the FEA has received all substantive information deemed necessary to process any appeal filed under this subpart, the FEA shall serve notice of that fact upon the appellant and all other persons who received notice of the proceeding pursuant to the provisions of § 205.104; and if the FEA fails to take action on the appeal within 90 days of serving such notice, the appellant may treat the appeal as having been denied in all respects and may seek judicial review thereof.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the FEA fails to take action on the appeal within 120 days of the filing of the appeal, the appellant may treat it as having been denied in all respects and may seek judicial review thereof.

Subpart I—Stay

§ 205.120 Purpose and scope.

This subpart establishes the procedures for the application for and granting of a stay by the FEA. An application for a stay will only be considered—

(a) Incident to or pending an appeal from an order of the FEA;

(b) Incident to an application for an exception from the application of any FEA regulations, rulings, or generally applicable requirements when the stay sought is of the same regulation, ruling or generally applicable requirement from which the exception is sought; or

(c) Pending judicial review.

All FEA orders, regulations, rulings, and generally applicable requirements shall be complied with unless and until an application for a stay is granted.

§ 205.121 What to file.

(a) A person filing under this subpart shall file an "Application for Stay," which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 205.9 in addition to the requirements stated in this subpart.

(b) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 205.9(f) shall apply.

§ 205.122 Where to file.

(a) An application for stay of an FEA order incident to an appeal from such order shall be filed with the Office of Exceptions and Appeals or with the appropriate Regional Office at the address provided in § 205.12.

(b) An application for stay of the application of any or all FEA regulations, rulings, or generally applicable requirements incident to an application for an exception therefrom shall be filed with the Office of Exceptions and Appeals or with the appropriate Regional Office as

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specified in § 205.52 at the address provided in § 205.12.

(c) An application for stay of an FEA order or of the application of any FEA regulations, rulings or generally applicable requirements pending judicial review shall be filed with the office that issued the order of which judicial review is sought.

§ 205.123 Notice.

(a) When administratively feasible, the FEA shall notify each person readily identifiable by the FEA as one who would be aggrieved by the FEA action sought that the applicant has filed for a stay and that the FEA will accept written comment on the application.

(b) Any person submitting written comments to the FEA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 205.9 (f), to the applicant. The person shall certify to the FEA that it has complied with the requirements of this paragraph. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 205.124 Contents.

(a) The application shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the application and to the FEA action sought. Such facts shall include, but not be limited to, all information that relates to the satisfaction of the criteria in § 205.125(b).

(b) The application shall include a description of the proceeding incident to which the stay is being sought. This description shall contain a discussion of all FEA actions relevant to the proceeding.

(c) The applicant shall state whether he requests or intends to request that there be a conference regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference is held when it will be most beneficial. The request and the FEA's determination regarding it shall be made in accordance with Subpart M of this part.

§ 205.125 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application and utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit and accept submissions from third persons relevant to any application provided that the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application, the FEA may consider any other source of information. The FEA on its own initiative may convene a conference, if, in its discretion, it considers that such conference will advance its evaluation of the application.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if upon request additional information is not submitted by the applicant, the FEA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice.

(3) The FEA shall process applications for stay as expeditiously as possible. When administratively feasible, the FEA shall grant or deny the application for stay within 10 business days after receipt of the application.

(4) Notwithstanding the provision for notice to third parties in § 205.123(a), the FEA may make a decision on an application for stay prior to the receipt of written comments.

(b) *Criteria.* The grounds for granting a stay are: (1) A showing that irreparable injury will result in the event that the stay is denied;

(2) A showing that denial of the stay will result in a more immediate serious hardship or gross inequity to the applicant than to the other persons affected by the proceeding;

(3) A showing that it would be desirable for public policy or other reasons to preserve the *status quo ante* pending a decision on the merits of the appeal or exception;

(4) A showing that it is impossible for the applicant to fulfill the requirements of the original order; and

(5) A showing that there is a likelihood of success on the merits.

§ 205.126 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the FEA shall issue an order granting or denying the application.

(b) The order shall include a written statement setting forth the relevant facts and the legal basis of the decision, and the terms and conditions of the stay.

(c) The FEA shall serve a copy of the order upon the applicant, any other person who participated in the proceeding and upon any other person readily identifiable by FEA as one who is aggrieved by such decision.

(d) The grant or denial of a stay is not an order of the FEA subject to administrative review.

(e) In its discretion and upon a determination that such is in accordance with the objectives of the regulations and the FEAA, or EPAA, the FEA may order a stay on its own initiative.

Subpart J—Modification or Rescission

§ 205.130 Purpose and scope.

This subpart establishes the procedures for the filing of an application for modification or rescission of an FEA order or interpretation. An application for modification or rescission is a summary proceeding that will be initiated only if the criteria described in § 205.135(b) are satisfied.

§ 205.131 What to file.

(a) A person filing under this subpart shall file an "Application for Modification (or Rescission)", which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 205.9 in addition to the requirements stated in this subpart.

(b) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 205.9 (f) shall apply.

§ 205.132 Where to file.

(a) When the order or interpretation sought to be modified or rescinded was issued by the FEA National Office, the application shall be filed with the Office of Exceptions and Appeals at the address provided in § 205.12.

(b) When the order or interpretation sought to be modified or rescinded was issued by a Regional Office, the application shall be filed with that Regional Office at the address provided in § 205.12.

§ 205.133 Notice.

(a) The applicant shall send by United States mail a copy of the application and any subsequent amendments or other documents relating to the application, from which confidential information has been deleted in accordance with § 205.9 (f), to each person who is reasonably ascertainable by the applicant as a person who will be aggrieved by the FEA action sought, including persons who participated in the prior proceeding. The copy of the application shall be accompanied by a statement that the person may submit comments regarding the application to the FEA office with which the application was filed within 10 days. The application filed with the FEA shall include certification to the FEA that the applicant has complied with the requirements of this paragraph and shall include the names and addresses of each person to whom a copy of the application was sent.

(b) Notwithstanding paragraph (a) of this section, if an applicant determines that compliance with paragraph (a) of this section would be impracticable, the applicant shall:

(1) Comply with the requirements of paragraph (a) of this section with regard to those persons whom it is reasonable and possible to notify; and

(2) Include with the application a description of the persons or class or classes of persons to whom notice was not sent.

The FEA may require the applicant to provide additional or alternative notice, or may determine that the notice required by paragraph (a) of this section is not impracticable, or may determine that notice should be published in the FEDERAL REGISTER.

(c) The FEA shall serve notice on any other person readily identifiable by the FEA as one who will be aggrieved by the FEA action sought and may serve notice on any other person that written comments regarding the application will be accepted if filed within 10 days of service of that notice.

(d) Any person submitting written comments to the FEA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 205.9 (f), to the applicant. The person shall certify to the FEA that it has complied with the requirements of this paragraph. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 205.134 Contents.

(a) The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the application and to the FEA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable); a complete statement of the business or other reasons that justify the act or transaction; a description of the acts or transactions that would be affected by the requested action; and a full description of the pertinent provisions and relevant facts contained in any relevant documents. Copies of all contracts, agreements, leases, instruments, and other documents relevant to the application shall be submitted to the FEA upon its request. A copy of the order or interpretation of which modification or rescission is sought shall be included with the application. When the application pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information pertaining to the entire transaction shall be submitted.

(b) The applicant shall state whether he requests or intends to request that there be a conference regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference is held when it will be most beneficial. The request and the FEA's determination regarding it shall be made in accordance with subpart M of this part.

(c) The applicant shall fully describe the events, acts, or transactions that comprise the significantly changed circumstances, as defined in § 205.135(b)(2), upon which the application is based. The applicant shall state why, if the significantly changed circumstance is new or newly discovered facts, such facts were not or could not have been presented during the prior proceeding.

(d) The application shall include a discussion of all relevant authorities, including, but not limited to, FEA rulings, regulations, interpretations and decisions on appeal and exception relied upon to support the action sought therein.

§ 205.135 FEA evaluation.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in an application and utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit and accept submissions from third persons relevant to any application for modification or rescission provided that the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application for modification or rescission, the FEA may convene a conference, on its own initiative, if, in its discretion, it considers that such conference will advance its evaluation of the application.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the FEA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the application with prejudice. If the applicant fails to provide the notice required by § 205.133, the FEA may dismiss the application without prejudice.

(3) *Failure to satisfy requirements.* (i) If the applicant fails to satisfy the requirements of paragraph (b)(1) of this section, the FEA shall issue an order denying the application. The order shall state the grounds for the denial.

(ii) The order denying the application shall become final within 10 days of its service upon the applicant, unless within such 10 day period an amendment to correct the deficiencies identified in the order is filed with the Office of Exceptions and Appeals or the appropriate Regional Office.

(iii) Within 10 days of the filing of such amendment, the FEA shall notify the applicant whether the amendment corrects the specified deficiencies. If the amendment does not correct the deficiencies, the notice shall be an order dismissing the application as amended. Such order shall be a final order of the FEA of which the applicant may seek judicial review.

(b) *Criteria.* (1) An application for modification or rescission of an order or interpretation shall be processed only if—

(i) The application demonstrates that it is based on significantly changed circumstances; and

(ii) The 30-day period within which a person may file an appeal has lapsed or, if an appeal has been filed, a final order has been issued.

(2) For purposes of this subpart, the term "significantly changed circumstances" shall mean—

(i) The discovery of material facts that were not known or could not have been known at the time of the proceeding and action upon which the application is based;

(ii) The discovery of a law, regulation, interpretation, ruling, order or decision on appeal or exception that was in effect at the time of the proceeding upon which the application is based and which, if such had been made known to the FEA, would have been relevant to the proceeding and would have substantially altered the outcome; or

(iii) There has been a substantial change in the facts or circumstances upon which an outstanding and continuing order or interpretation of the FEA affecting the applicant was issued, which change has occurred during the interval between issuance of such order or interpretation and the date of the application and was caused by forces or circumstances beyond the control of the applicant.

§ 205.136 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the FEA shall issue an order granting or denying the application.

(b) The order shall include a written statement setting forth the relevant facts and the legal basis of the order. The order shall state that it is a final order of which the applicant may seek judicial review.

(c) The FEA shall serve a copy of the order upon the applicant, any other person who participated in the proceeding and upon any other person readily identifiable by the FEA as one who is aggrieved by such order.

§ 205.137 Timeliness.

(a) If the FEA fails to take action on any application filed under this subpart within 90 days of filing, the applicant may treat the application as having been denied in all respects and may seek judicial review thereof.

Subpart K—Rulings

§ 205.150 Purpose and scope.

This subpart establishes the criteria for the issuance of interpretative rulings by the General Counsel. All rulings shall be published in the FEDERAL REGISTER. Any person is entitled to rely upon such ruling, to the extent provided in this subpart.

§ 205.151 Criteria for issuance.

(a) A ruling may be issued, in the discretion of the General Counsel, whenever there have been a substantial number of inquiries with regard to similar factual situations or a particular section of the regulations.

(b) The General Counsel may issue a ruling whenever it is determined that it will be of assistance to the public in applying the regulations to a specific situation.

§ 205.152 Modification or rescission.

(a) A ruling may be modified or rescinded by:

(1) Publication of the modification or rescission in the FEDERAL REGISTER; or

(2) A rulemaking proceeding in accordance with Subpart L of this part.

(b) Unless and until a ruling is modified or rescinded as provided in paragraph (a) of this section, no person shall be subject to the sanctions or penalties stated in Subpart P of this part for actions taken in reliance upon the ruling, notwithstanding that the ruling shall thereafter be declared by judicial or

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other competent authority to be invalid. Upon such declaration, no person shall be entitled to rely upon the ruling.

§ 205.153 Comments.

A written comment on or objection to a published ruling may be filed at any time with the General Counsel at the address specified in § 205.12.

§ 205.154 Appeal.

There is no administrative appeal of a ruling.

Subpart L—Rulemaking

§ 205.160 Purpose and scope.

(a) This subpart establishes the procedures that govern a rulemaking proceeding. The initiation of a rulemaking proceeding is within the sole discretion of the FEA.

(b) Rulemaking by the FEA shall be in accordance with the Administrative Procedure Act (5 U.S.C. 551, *et seq.* (1970)) and the FEAA.

§ 205.161 What to file.

(a) *Comments in connection with a rulemaking.* Any comments filed in connection with a rulemaking shall be filed in accordance with the instructions in the Notice of Proposed Rulemaking published in the FEDERAL REGISTER. Such comments shall be in writing and signed by the person filing them.

(b) *Petition for rulemaking.* (1) Any person may at any time file a petition regarding any FEA regulation or amendment thereto or, by letter, request that a rulemaking proceeding be instituted. Such petition or request shall be signed by the person filing it.

(2) Upon due consideration of a petition for rulemaking, expressly designated as such, the FEA shall either: (i) institute a rulemaking as proposed or as modified in its discretion; (ii) notify the petitioner in writing that it does not intend to institute a rulemaking as proposed or as modified and stating the reasons therefore; or (iii) notify the petitioner in writing that the matter is under continuing consideration and that no decision can be made at that time because of the inadequacy of available information, changing circumstances or other reasons as set forth therein.

§ 205.162 Where to file.

All comments filed in connection with a rulemaking shall be submitted in accordance with the instructions in the Notice of Proposed Rulemaking. Any other petition or request shall be filed with the FEA General Counsel at the address provided in § 205.12.

Subpart M—Conferences, Hearings, and Public Hearings

§ 205.170 Purpose and scope.

This subpart establishes the procedures for requesting and conducting an FEA conference, hearing, or public hearing. Such proceedings shall be convened in the discretion of the FEA, consistent with the requirements of the FEAA.

§ 205.171 Conferences.

(a) The FEA in its discretion may direct that a conference be convened, on its own initiative or upon request by a person, when it appears that such conference will materially advance the proceeding. The determination as to who may attend a conference convened under this subpart shall be in the discretion of the FEA, but a conference will usually not be open to the public.

(b) A conference may be requested in connection with any proceeding of the FEA by any person who might be aggrieved by that proceeding. The request may be made in writing or verbally, but must include a specific showing as to why such conference will materially advance the proceeding. The request shall be addressed to the FEA office that is conducting the proceeding.

(c) A conference may only be convened after actual notice of the time, place, and nature of the conference is provided to the person who requested the conference.

(d) When a conference is convened in accordance with this section, each person may present views as to the issue or issues involved. Documentary evidence may be presented at the conference, but will be treated as if submitted in the regular course of the proceedings. A transcript of the conference will not usually be prepared. However, the FEA in its discretion may have a verbatim transcript prepared.

(e) Because a conference is solely for the exchange of views incident to a proceeding, there will be no formal reports or findings unless the FEA in its discretion determines that such would be advisable.

§ 205.172 Hearings.

(a) The FEA in its discretion may direct that a hearing be convened, on its own initiative or upon request by a person, when it appears that such hearing will materially advance the proceeding. The determination as to who may attend a hearing convened under this subpart shall be in the discretion of the FEA, but a hearing will usually not be open to the public.

(b) A hearing may only be requested in connection with an application for an exception or an appeal. Such request may be by the applicant, appellant, or any other person who might be aggrieved by the FEA action sought. The request shall be in writing and shall include a specific showing as to why such hearing will materially advance the proceeding. The request shall be addressed to the FEA office that is considering the application for an exception or the appeal.

(c) The FEA will designate an agency official to conduct the hearing, and will specify the time and place for the hearing.

(d) A hearing may only be convened after actual notice of the time, place, and nature of the hearing is provided both to the applicant or appellant and to any other person readily identifiable by the FEA as one who will be aggrieved by the FEA action involved. The notice shall include, as appropriate:

(1) A statement that such person may participate in the hearing; or

(2) A statement that such person may request a separate conference or hearing regarding the application or appeal.

(e) When a hearing is convened in accordance with this section, each person may present views as to the issue or issues involved. Documentary evidence may be presented at the hearing, but will be treated as if submitted in the regular course of the proceedings. A transcript of the hearing will not usually be prepared. However, the FEA in its discretion may have a verbatim transcript prepared.

(f) The official conducting the hearing may administer oaths and affirmations, rule on the presentation of information, receive relevant information, dispose of procedural requests, determine the format of the hearing, and otherwise regulate the course of the hearing.

(g) Because a hearing is solely for the exchange of views incident to a proceeding, there will be no formal reports or findings unless the FEA in its discretion determines that such would be advisable.

§ 205.173 Public hearings.

(a) A public hearing shall be convened incident to a rulemaking:

(1) When the proposed rule or regulation is likely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses; or

(2) When the FEA determines that a public hearing would materially advance the consideration of the issue. A public hearing may be requested by any interested person in connection with a rulemaking proceeding, but shall only be convened on the initiative of the FEA unless otherwise required by statute.

(b) A public hearing may be convened incident to any proceeding when the FEA in its discretion determines that such public hearing would materially advance the consideration of the issue.

(c) A public hearing may only be convened after publication of a notice in the FEDERAL REGISTER, which shall include a statement of the time, place, and nature of the public hearing.

(d) Interested persons may file a request to participate in the public hearing in accordance with the instructions in the notice published in the FEDERAL REGISTER. The request shall be in writing and signed by the person making the request. It shall include a description of the person's interest in the issue or issues involved and of the anticipated content of the presentation. It shall also contain a statement explaining why the person would be an appropriate spokesperson for the particular view expressed.

(e) The FEA shall appoint a presiding officer to conduct the public hearing. An agenda shall be prepared that shall provide, to the extent practicable, for the

presentation of all relevant views by competent spokespersons.

(f) A verbatim transcript shall be made of the hearing. The transcript, together with any written comments submitted in the course of the proceeding, shall be made available for public inspection and copying in the public docket room, as provided in § 205.15.

(g) The information presented at the public hearing, together with the written comments submitted and other relevant information developed during the course of the proceeding, shall provide the basis for the FEA decision.

Subpart N—Complaints

§ 205.180 Purpose and scope.

This subpart establishes the procedures for the filing and consideration of complaints relating to alleged violations of the general regulations of Part 210, the allocation regulations of Part 211, the price regulations of Part 212 of this chapter and/or the low sulphur regulations of Part 215 of this chapter, or any ruling or order issued thereunder.

§ 205.181 What to file.

(a) A person filing under this subpart shall file a "Complaint," which should be clearly labeled as such both on the complaint and on the outside of the envelope in which the complaint is transmitted, and shall be in writing and signed by the person filing the complaint. The complainant shall comply with the general filing requirements stated in § 205.9 in addition to the requirements stated in this subpart. Verbal complaints that otherwise satisfy the requirements of this subpart will be accepted, but written verification may be requested by the FEA.

(b) The requirements of this section and § 205.183 may be satisfied by filing a form FEA–1.

§ 205.182 Where to file.

A complaint shall be filed with the FEA office specified in § 205.13 at the address provided in § 205.12.

§ 205.183 Contents.

The complaint shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the complaint and to the FEA action sought. Such facts shall include the names and addresses of all persons involved (if reasonably ascertainable) and a description of the events that led to the complaint. It shall include a statement describing the regulation, ruling, order or interpretation that allegedly has been violated.

§ 205.184 FEA evaluation.

(a) *Processing.* The FEA may initiate an investigation of any statement in a complaint and utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit and accept submissions relevant to a complaint from third persons to the proceeding. In evaluating a complaint, the FEA may consider any other source of information. The FEA on its own initiative may order a conference if, in its discretion, it considers such conference will advance its evaluation of the complaint.

(b) *Confidentiality of information.* Information received in the investigation of a complaint, including the identity of the complainant and any other person who provides information during the proceeding, shall remain confidential under the investigatory file exception to public disclosure unless, upon proper notice to the complainant and an opportunity to respond, the FEA determines that disclosure would be in the public interest.

§ 205.185 Decision.

After consideration of a written complaint and other relevant information received or obtained during the proceeding, the FEA may:

(a) Issue a notice of probable violation or remedial order for immediate compliance in accordance with the provisions of Subpart O of this part;

(b) Determine that no violation has occurred or that a notice of probable violation or a remedial order for immediate compliance would not be appropriate; or

(c) Take such other action as it deems appropriate.

Subpart O—Notice of Probable Violation and Remedial Order

§ 205.190 Purpose and scope.

(a) This subpart establishes the procedures for determining the nature and extent of violations of the FEA regulations and the procedures for issuance of a notice of probable violation, a remedial order or a remedial order for immediate compliance.

(b) When any report required by the FEA or any audit or investigation discloses, or the FEA otherwise discovers, that there is reason to believe a violation of any provision of this chapter, or any order issued thereunder, has occurred, is continuing or is about to occur, the FEA may conduct proceedings to determine the nature and extent of the violation and may issue a remedial order thereafter. The FEA may commence such proceeding by serving a notice of probable violation or by issuing a remedial order for immediate compliance.

§ 205.191 Notice of probable violation.

(a) The FEA may begin a proceeding under this subpart by issuing a notice of probable violation if the FEA has reason to believe that a violation has occurred, is continuing, or is about to occur.

(b) Within 10 days of the service of a notice of probable violation, the person upon whom the notice is served may file a reply with the FEA office that issued the notice of probable violation at the address provided in § 205.12. The FEA may extend the 10-day period for good cause shown.

(c) The reply shall be in writing and signed by the person filing it. The reply shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the notice of probable violation. Such facts shall include a complete statement of the business or other reasons that justify the act or transaction, if appropriate; a detailed description of the act or transaction; and a full discussion of the pertinent provisions and relevant facts reflected in any documents submitted with the reply. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the reply. When the notice of probable violation pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information regarding the entire transaction shall be submitted.

(d) The reply shall include a discussion of all relevant authorities, including, but not limited to, FEA rulings, regulations, interpretations, and decisions on appeals and exceptions relied upon to support the particular position taken.

(e) The reply should indicate whether the person requests or intends to request a conference regarding the notice. Any request not made at the time of the reply shall be made as soon thereafter as possible to insure that the conference is held when it will be most beneficial. A request for a conference must conform to the requirements of Subpart M of this part.

(f) If a person has not filed a reply with the FEA within the 10-day period provided, and the FEA has not extended the 10-day period, the person shall be deemed to have conceded the accuracy of the factual allegations and legal conclusions stated in the notice of probable violation.

(g) If the FEA finds, after the 10-day period provided in § 205.191(b), that no violation has occurred, is continuing, or is about to occur, or that for any reason the issuance of a remedial order would not be appropriate, it shall notify, in writing, the person to whom a notice of probable violation has been issued that the notice is rescinded.

§ 205.192 Remedial order.

(a) If the FEA finds, after the 10-day period provided in § 205.191(b), that a violation has occurred, is continuing, or is about to occur, the FEA may issue a remedial order. The order shall include a written opinion setting forth the relevant facts and the legal basis of the remedial order.

(b) A remedial order issued under this section shall be effective upon issuance, in accordance with its terms, until stayed, suspended, modified, or rescinded. A remedial order shall remain in effect notwithstanding the filing of an application to modify or rescind it under Subpart J of this part.

(c) A remedial order may be referred at any time to the Department of Justice for appropriate action in accordance with Subpart P of this part.

§ 205.193 Remedial order for immediate compliance.

(a) Notwithstanding the provisions of §§ 205.191 and 205.192, the FEA may issue a remedial order for immediate compliance, which shall be effective upon

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issuance, and until rescinded or suspended, if it finds:

(1) There is a strong probability that a violation has occurred, is continuing or is about to occur;

(2) Irreparable harm will occur unless the violation is remedied immediately; and

(3) The public interest requires the avoidance of such irreparable harm through immediate compliance and waiver of the procedures afforded under §§ 205.191 and 205.192.

(b) A remedial order for immediate compliance shall be served promptly upon the person against whom such order is issued by telex or telegram, with a copy served by registered or certified mail. The copy shall contain a written statement of the relevant facts and the legal basis fo rthe remedial order for immediate compliance, including the findings required by paragraph (a) of this section.

(c) The FEA may rescind or suspend a remedial order for immediate compliance if it appears that the criteria set forth in paragraph (a) of this section are no longer satisfied. When appropriate, however, such a suspension or rescission may be accompanied by a notice of probable violation issued under § 205.191.

(d) If at any time in the course of a proceeding commenced by a notice of probable violation the criteria set forth in paragraph (a) of this section are satisfied, the FEA may issue a remedial order for immediate compliance, even if the 10-day period for reply specified in § 205.191(b) has not expired.

(e) At any time after a remedial order for immediate compliance has become effective, the FEA may refer such order to the Department of Justice for appropriate action in accordance with Subpart P of this part.

§ 205.194 Remedies.

A remedial order or a remedial order for immediate compliance may require the person to whom it is directed to roll back prices, to refund amounts paid to such person that are in excess of the amount permitted under Part 212 of this chapter, or to take such other action as the FEA determines is necessary to eliminate or to compensate for the effects of a violation.

§ 205.195 Appeal.

(a) No notice of probable violation issued pursuant to this subpart shall be deemed to be an action of which there may be an administrative appeal pursuant to Subpart H.

(b) Any person to whom a remedial order or a remedial order for immediate compliance is issued under this subpart may file an appeal with the FEA Office of Exceptions and Appeals or with the appropriate Regional Office in accordance with Subpart H of this part. The appeal must be filed within 10 days of service of the order from which the appeal is taken.

Subpart P—Investigations, Violations, Sanctions, and Judicial Actions

§ 205.200 Investigations.

(a) *General.* The FEA may, in its discretion, initiate investigations relating to compliance by any person with any rule, regulation, or order promulgated by the FEA, any decree of court relating thereto, or any other agency action. The FEA encourages voluntary cooperation with its investigations. When the circumstances warrant, however, the FEA may issue subpoenas in accordance with and subject to § 205.8. The FEA may conduct investigative conferences and hearings in the course of any investigation in accordance with Subpart M of this part.

(b) *Investigators.* Investigations will be conducted by representatives of the FEA who are duly designated and authorized for such purposes. Such representatives have the authority to administer oaths and receive affirmations in any matter under investigation by the FEA.

(c) *Notification.* Any person who is under investigation by the FEA in accordance with this section and who is requested to furnish information or documentary evidence shall be notified as to the general purpose for which such information or evidence is sought.

(d) *Termination.* When the facts disclosed by an investigation indicate that further action is unnecessary or unwarranted at that time, the investigative file will be closed without prejudice to further investigation by the FEA at any time that circumstances so warrant.

(e) *Confidentiality.* Information received in an investigation under this section, including the identity of the person investigated and any other person who provides information during the investigation, shall, unless otherwise determined by the FEA, remain confidential under the investigatory file exception to public disclosure.

§ 205.201 Violations.

Any practice that circumvents or contravenes or results in a circumvention or contravention of the requirements of any provision of this chapter or any order issued pursuant thereto is a violation of the FEA regulations stated in this chapter.

§ 205.202 Sanctions.

(a) *General.* Any person who violates any provision of this chapter or any order issued pursuant thereto shall be subject to penalties and sanctions as provided herein.

(1) The provisions herein for penalties and sanctions shall be deemed cumulative and not mutually exclusive.

(2) Each day that a violation of the provisions of this chapter or any order issued pursuant thereto continues shall be deemed to constitute a separate violation within the meaning of the provisions of this chapter relating to criminal fines and civil penalties.

(b) *Criminal penalties.* Any person who willfully violates any provision of this chapter or any order issued pursuant thereto shall be subject to a fine of not more than $5,000 for each violation. Criminal violations are prosecuted by the Department of Justice upon referral by the FEA.

(c) *Civil penalties.* (1) Any person who violates any provision of this chapter or any order issued pursuant thereto shall be subject to a civil penalty of not more than $2,500 for each violation. Actions for civil penalties are prosecuted by the Department of Justice upon referral by the FEA.

(2) When the FEA considers it to be appropriate or advisable, the FEA may compromise and settle and collect civil penalties.

(d) *Other penalties.* Willful concealment of material facts, or false or fictitious or fraudulent statements or representations, or willful use of any false writing or document containing false, fictitious or fraudulent statements pertaining to matters within the scope of the EPAA or FEAA by any person shall subject such person to the criminal penalties provided in 18 U.S.C. 1001 (1970).

§ 205.203 Injunctions.

Whenever it appears to the Administrator of the FEA, or his delegates, that any person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of any regulation or order issued under this chapter, the Administrator, or his delegate, may request the Attorney General to bring an action in the appropriate district court of the United States to enjoin such acts or practices and, upon a proper showing, a temporary restraining order or a preliminary restraining order or a preliminary or permanent injunction shall be granted without bond. The relief sought may include a mandatory injunction commanding any person to comply with any such order or regulation, or the return of money received in violation of any such order or regulation.

Subpart Q—State Offices

§ 205.210 Purpose and scope.

This subpart establishes the procedures that govern applications for assignment under the state set-aside system, and applications for assignment by new end-users.

§ 205.211 Who may apply.

(a) *Set-aside.* A wholesale purchaser-consumer or an end-user, as defined in § 211.51, seeking an assignment from the state set-aside system as provided by § 211.17 to meet a hardship or emergency requirement, and a wholesale purchaser-reseller, as defined in § 211.51, seeking an assignment to enable him to supply such wholesale purchaser-consumers and end-users, may apply for an assignment under the state set-aside system.

(b) *Assignment.* A new end-user may apply for an assignment of an allocated product or a supplier.

§ 205.212 What to file.

(a) *Set-aside.* Application for assignment from a state set-aside system may be by the appropriate FEA form, by other written communication or by verbal, including telephonic request.

(b) *Assignment.* Applications for assignment by new end-users shall satisfy the requirements of Subpart C of this part.

(c) If any applicant wishes to claim confidential treatment for any information contained in an application or other documents filed under this subpart, the procedures set out in § 205.9(f) shall apply.

§ 205.213 Where to file.

(a) *Set-aside.* All applications shall be filed with, or verbal requests made to, the State Office located in the State in which the product will be physically delivered and in which the applicant is located.

(b) *Assignment.* All applications for assignment shall be filed with the State Office located in the State in which the product will be physically delivered.

§ 205.214 Notice.

(a) *Set-aside.* The State Office may notify any person that it determines will be aggrieved by the assignment that comments regarding the application will be accepted.

(b) *Assignment.* The notice requirements of Subpart C of this part shall apply.

§ 205.215 Contents.

(a) *Set-aside.* (1) The State Office shall insure that an applicant provide sufficient information in an application for an assignment from the state set-aside system, whether such application is in writing or by verbal request, to enable the State Office to determine that the proposed allocation satisfies the objectives of the EPAA and part 211 of this chapter. With respect to verbal applications, the State Offices shall establish internal procedures for the recording and verification of any information provided by an applicant. At a minimum, the information received by the State Office should be that required by form FEA–20. Such information shall include, but not be limited to:

(i) The identification of any previous assignment order from the state set-aside system that was issued to the applicant or to any person that controls or is controlled by the applicant; and

(ii) A statement that the applicant's base period supplier or new supplier is unable to supply his requirements or, if the applicant does not have a supplier, a statement that he has contacted two suppliers that could supply the allocated product and the identification of those suppliers.

(2) If the applicant is a wholesale purchaser-reseller, the application shall contain a description of the wholesale purchaser-consumers and end-users that will be supplied and their hardship and emergency requirements.

(b) *Assignment.* Applications for an assignment by new end-users shall conform to the requirements of Subpart C of this part.

§ 205.216 State office evaluation.

(a) *Set-aside*—(1) *Processing.* (i) The State Office may initiate an investigation of any statement in an application, whether written or verbal, and utilize in its evaluation any relevant facts obtained by such investigation. The State Office may solicit and accept submissions from third persons relevant to any application provided that the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application, the State Office may consider any other source of information. The State Office on its own initiative may convene a conference, if, in its discretion, it considers that a conference will advance its evaluation of the application.

(ii) If the State Office determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the State Office may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the State Office may dismiss the application with prejudice.

(2) *Criteria.* (i) There shall be assignments only to wholesale purchaser-consumers and end-users located within the State who demonstrate hardship or emergency requirements (or to wholesale purchaser-resellers to enable them to supply such persons) with respect to propane, middle distillate, motor gasoline and residual fuel oil (except that used by utilities or as bunker fuel for maritime shipping).

(ii) Any assignment ordered by a State Office shall conform to the requirements of section 4(b)(1) of the EPAA and 10 CFR 211.17.

(b) *Assignment*—(1) *Processing.* (i) The State Office may initiate an investigation of any statement in an application and utilize in its evaluation any relevant facts obtained by such investigation. The State Office may solicit and accept submissions from third persons relevant to any application provided that the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application, the State Office may consider any other source of information. The State Office on its own initiative may convene a conference, if, in its discretion, it considers that a conference will advance its evaluation of the application.

(ii) If the State Office determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the State Office may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the State Office may dismiss the application with prejudice.

(2) *Criteria.* (i) The State Office shall consider, among other relevant criteria, the quantity of allocated product previously sold or purchased at the end-user's site, the projected volume as calculated prior to construction of the end-user's site, the volume sold or purchsed by other similar end-users operating in circumstances similar to applicant's and the criteria in § 211.13(c)(1).

(ii) To be recommended for approval by a State Office, an application must conform to the requirements of the EPAA and 10 CFR Part 211.

(3) *Recommendations to the FEA.* (i) The State Office shall recommend in writing to the FEA those applications for assignment, other than applications for assignment from the state set-aside system, that it has determined warrant the issuance of an assignment order in accordance with Subpart C of this part, stating therein the reasons for the recommendation. The State Office may recommend that the application be approved as filed or with modification. Included with such recommendation shall be copies of all documents relevant to the proceeding, including the application.

(ii) Upon consideration of the recommendation and other relevant information received or obtained during the proceeding, the FEA will enter an appropriate order.

§ 205.217 Decision and order.

(a) *Set-aside.* (1) Upon consideration of the application, whether written or verbal, and other relevant information received or obtained during the proceeding, the State Office shall issue an order (for purposes of this section, an order may be the "authorizing document" referred to in § 211.17(e) of this chapter) denying or granting the application.

(2) The order shall include a brief written statement summarizing the factual and legal basis upon which the order was issued. The order shall provide that any person aggrieved thereby may file an appeal with the State Office in accordance with the procedures of such office.

(3) The order shall state that it is effective upon issuance and shall expire within 10 days of its issuance unless the applicant presents his copy of the order to the prime supplier or a designated local representative of such prime supplier within those 10 days.

(4) The State Office shall serve a copy of the order upon the applicant, the designated state representative of the prime supplier assigned to the applicant and any other person readily identifiable as one who will be aggrieved by said order.

(b) *Assignment.* (1) Upon consideration of an application and other relevant information received or obtained during the proceeding, the State Office may recommend to the FEA that such application be approved either as filed or with

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modification, or, as provided in Part 211 of this chapter, may deny the application in whole or in part.

(2) The order denying an application for assignment shall include a brief written statement summarizing the factual and legal basis upon which it was issued. The order shall provide that any person aggrieved thereby may file an appeal with the State Office in accordance with its appeals procedures.

(3) The State Office shall serve a copy of the order upon the applicant and any other person who participated in the proceeding or who is readily identifiable by the State Office as a person who is aggrieved by the order.

§ 205.218 Timeliness.

(a) *Set-aside.* (1) If the State Office fails to take action on an application, whether verbal or written, within 10 days of filing (if the application is verbal, it shall be considered to be filed on the date that it is verbally communicated to the State Office), the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

(2) Notwithstanding paragraph (a) of this section, the State Office may temporarily suspend the running of the 10-day period if it finds that additional information is necessary or that the application was improperly filed. The temporary suspension shall remain in effect until the State Office serves upon the person notice that the additional information has been received and accepted or that the application has been properly filed, as appropriate. Unless otherwise provided in writing by the State Office, the 10-day period shall resume running on the first day that is not a Saturday, Sunday, or Federal legal holiday and that follows the day on which the State Office serves upon the person the notice described in this paragraph.

(b) *Assignment.* If the State Office fails to take action on any application filed under this subpart within 90 days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 205.219 Appeal.

(a) *Set-aside.* Any person aggrieved by a state set-aside assignment order issued by the State Office may file an appeal with the State Office in accordance with the procedures established by such office. The appeal shall be filed within 15 days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

(b) *Assignment.* (1) Any person aggrieved by an order that denies an application for assignment may file an appeal with the State Office in accordance with the procedures established by such office. The appeal shall be filed within 30 days of service of the order from which the appeal taken. There has not been an exhaustion of administrative remedies until an appeal has been filed and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

(2) The appeal of the denial by the FEA of a State Office's recommendation that an application for assignment be granted shall be in accordance with the procedures stated in Subpart H of this part.

§ 205.220 Establishment of procedures.

(a) The establishment of procedures for the appeal of orders of assignment under the state set-aside system, the stay of such orders, the appeal of an order denying an application for assignment, or any other procedures shall be conducted in a manner designed to give as much notice of the procedures and as much opportunity for participation in the establishment thereof as is feasible. The notice of a proposal to establish procedures shall be published in a sufficient number of newspapers of statewide circulation calculated to receive the widest possible attention, shall be posted in a prominent location in the State Office and shall be widely circulated within the State by other appropriate methods. The State shall provide an opportunity for interested persons to present their views, including oral presentations, at least ten days before the proposed procedures become effective.

(b) Any appellate procedures established shall provide, at a minimum, for notice to persons aggrieved by the order that is the subject of the appeal, a final order that signals the exhaustion of administrative remedies and fully states the facts and legal basis for the order, and mandatory service of the order upon persons who participated in the appellate proceeding and upon any other persons readily identifiable by the State Office as one who is aggrieved by such order.

Subpart R—Office of Private Grievances and Redress

§ 205.230 Purpose and scope.

(a) This subpart establishes the procedures for the FEA Office of Private Grievances and Redress.

(b) The Office shall receive and consider petitions that seek special redress, relief or other extraordinary assistance apart from or in addition to the other proceedings described in this part. Such petitions shall include those seeking special assistance based on an assertion that the FEA or a State Office is not complying with the FEAA, EPAA, FEA regulations, orders or rulings, or otherwise.

(c) The Office also shall receive applications for exemption filed in accordance with Subpart E of this part. Such applications shall be processed by the Office in accordance with that subpart. Therefore the procedures provided in this subpart shall only be applicable to "Petitions for Special Redress or Other Relief."

§ 205.231 Who may file.

Any person aggrieved by the regulations contained in 10 CFR Ch. II may file a petition under this subpart.

§ 205.232 What to file.

The person aggrieved shall file a "Petition for Special Redress or Other Relief," which shall be clearly labeled as such both on the petition and on the outside of the envelope in which it is transmitted, and shall be in writing and signed by the person filing it. The petition shall comply with the general filing requirements stated in § 205.9 in addition to the requirements stated in this subpart.

§ 205.233 Where to file.

A petition shall be filed with the FEA Office of Private Grievances and Redress at the address provided in § 205.12.

§ 205.234 Notice.

(a) The person filing the petition, except a petition that asserts that the FEA or a State Office is not complying with the FEAA, EPAA, FEA regulations, orders or rulings or otherwise, shall send by United States mail a copy of the petition and any subsequent amendments or other documents relating to the petition, or a copy from which confidential information has been deleted in accordance with § 205.9(f), to each person who is reasonably ascertainable by the petitioner as a person who will be aggrieved by the FEA action sought. The copy of the petition shall be accompanied by a statement that the person may submit comments regarding the petition to the Office of Private Grievances and Redress within 10 days. The copy filed with the Office shall include certification to the FEA that the requirements of this paragraph have been complied with and shall include the names and addresses of each person to whom a copy of the petition was sent.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the petitioner determines that compliance with paragraph (a) of this section would be impracticable, the petitioner shall:

(1) Comply with the requirements of paragraph (a) of this section with regard to those persons whom it is reasonable and practicable to notify; and

(2) Include with the petition a description of the persons or class or classes of persons to whom notice was not sent.

The FEA may require the petitioner to provide additional or alternative notice, or may determine that the notice required by paragraph (a) of this section is not impracticable, or may determine that notice should be published in the FEDERAL REGISTER.

(c) The FEA shall serve notice on any other person readily identifiable by the FEA as one who will be aggrieved by the FEA action sought that written comments regarding the petition will be accepted if filed within 10 days of service of that notice.

(d) Any person submitting written comments to the FEA regarding a petition filed under this subpart shall send a

copy of the comments, or a copy from from which confidential information has been deleted in accordance with § 205.9 (f), to the petitioner. The person shall certify to the FEA that it has complied with the requirements of this paragraph. The FEA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 205.235 Contents.

The petition shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the petition and to the FEA action sought. Such facts shall include, but not be limited to, the names and addresses of all affected persons (if reasonably ascertainable); a complete statement of the business or other reasons that justify the act or transaction, if applicable; a description of the acts or transactions that would be affected by the requested action; a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the petition, and an explanation of how the petitioner is aggrieved by the regulation. Copies of all contracts, agreements, leases, instruments, and other documents relevant to the petition shall be submitted to the FEA upon its request. When the petition pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information pertaining to the entire transaction must be submitted.

§ 205.236 FEA evaluation of request.

(a) *Processing.* (1) The FEA may initiate an investigation of any statement in a petition and utilize in its evaluation any relevant facts obtained by such investigation. The FEA may solicit and accept submissions from third persons relevant to any petition provided that the petitioner is afforded an opportunity to respond to all third person submissions. In evaluating a petition, the FEA may consider any other source of information. The FEA on its own initiative may convene a conference, if, in its discretion, it considers that such will advance its evaluation of the petition.

(2) If the FEA determines that there is insufficient information upon which to base a decision and if, upon request, the necessary additional information is not submitted, the FEA may dismiss the petition without prejudice. If the failure to supply additional information is repeated or willful, the FEA may dismiss the petition with prejudice. If the petitioner fails to provide the notice required by § 205.234, the FEA may dismiss the petition without prejudice.

(b) *Criteria.* (1) The FEA will dismiss without prejudice a "Petition for Special Redress or Other Relief" if it determines that another more appropriate proceeding is provided by this part. Upon that determination, the Office will transmit the petition to the FEA Office responsible for such other proceeding and the petition thereafter will be processed as an application or request for such other FEA action. The petitioner shall be given a reasonable period of time to conform the petition to the procedural requirements of the other proceeding, if necessary.

(2) The FEA will dismiss with prejudice a "Petition for Special Redress or Other Relief" filed by a person who has exhausted his administrative remedies with respect to any proceeding provided by this part, as provided in Subpart H, and received a final order therefrom that deals with the same issue or transaction; and, similarly, will dismiss with prejudice such petition if filed by a person who has not exhausted his administrative remedies as provided in this part.

§ 205.237 Decision and response.

(a) Upon consideration of the petition and other relevant information received or obtained during the proceeding, the FEA will issue an order granting or denying the petition, except a petition regarding the FEA or a State Office. The latter petition will be considered to be advice only and no order shall be issued in response thereto.

(b) The order denying or granting the petition shall include a written statement setting forth the relevant facts and legal basis for the order. Such order shall state that it is a final order of the FEA of which the petitioner may seek judicial review.

PART 210—GENERAL ALLOCATION AND PRICE RULES

Subpart F [Deleted]

2. Part 210 of this chapter is amended by deleting Subpart F—Violations, Sanctions, and Judicial Action in its entirety.

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

3. Section 211.10 is amended in paragraph (b) by deleting the last sentence in that paragraph and inserting the following in lieu thereof:

§ 211.10 Supplier's method of allocation.

* * * * *

(b) *Allocation fraction.* * * * Suppliers with two or more distribution subsystems or regions independent of one another may apply to the FEA National Office, in accordance with Subpart G of Part 205 of this chapter, for permission to use multiple allocation fractions whenever use of a single allocation fraction would be impracticable or inconsistent with the objectives of the program.

* * * * *

4. Section 211.12 is amended by revising paragraphs (e)(2)(ii), (e)(3), (f)(2) and (h) to read as follows:

§ 211.12 Purchaser's allocation entitlement.

* * * * *

(e) *New wholesale purchasers.* * * *

(2) *New wholesale purchaser-reseller.* * * *

(ii) Wholesale purchaser-resellers without a base period supplier or a new supplier as provided in § 211.10(e)(1) must apply to FEA for assignment to a supplier and for assignment of a base period volume in accordance with Subpart C of Part 205 of this chapter.

* * * * *

(3) *Assignments.* Any wholesale purchaser which does not have a base period supplier or a new supplier as provided in § 211.10(e)(1) (including all wholesale purchaser-consumers which cannot locate a supplier under paragraph (e)(1) of this section) or whose base period supplier(s) or new supplier as provided in § 211.10(e)(1) is unable to supply it with sufficient amounts of allocated product may apply to FEA as provided in Subpart C of Part 205 of this chapter to be assigned a supplier and a base period volume on a temporary or permanent basis.

* * * * *

(f) *New end-users.* * * *

(2) If the supplier and new end-user cannot agree on an allocation requirement for the end-user or if the end-user cannot locate a supplier, the end-user may apply to the appropriate State Office in accordance with the procedures specified in Subpart Q of Part 205 of this chapter. In this event, the new end-user shall certify to the State Office documented evidence justifying the proposed allocation requirement as normal and reasonable for the intended use.

* * * * *

(h) *Curtailment of certain energy sources by Federal or State rule or order.* any end-user or wholesale purchaser-consumer which has been denied access to a source of energy other than an allocated product as a consequent of curtailment by, or pursuant to, a plan filed in compliance with a rule or order of a Federal or State agency, or where the end-user's or wholesale purchaser-consumer's supply of such fuel is unobtainable by reason of an abandonment of service permitted or ordered by a Federal or State agency may apply to the FEA, under the provisions of this section, as a new purchaser for an allocated product, provided, however, that a wholesale purchaser which is an interruptible customer for a source of energy other than an allocated product shall continue its base period supplier/purchaser relationships for an allocated product. Such application shall be in accordance with Subpart C of Part 205 of this chapter.

5. Section 211.13 is amended by revising paragraph (b)(3)(i), the first sentence in paragraph (c)(1), and paragraph (c)(2), to read as follows:

§ 211.13 Adjustments to base period volume.

* * * * *

(b) *Adjustments for unusual growth.* * * *

(3) *Wholesale purchaser initiated unusual growth application.* (i) Any wholesale purchaser which does not receive an adjustment under paragraph (b)(1) of this section or which disputes the adjustment made thereunder by one of its suppliers may apply to that supplier for an adjustment of its base period volume to compensate for unusual growth in 1973

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in accordance with Subpart B of Part 205 of this chapter.

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(c) *Adjustments for changed circumstances*—(1) *Wholesale purchasers.* Wholesale purchasers may apply to the FEA pursuant to Subpart B of Part 205 of this chapter for adjustments to their base period use for changed circumstances since January 1, 1973, which have not been reflected in an adjustment under paragraph (b) of this section. • • •

(2) *End-users.* End-users whose allocation level is a percentage of base period use may apply to the appropriate State Office to receive an adjustment to their base period volume for changed circumstances after January 1, 1974. The State Office shall process the application for adjustment and make recommnedations to the FEA in accordance with the procedures specified in Subpart Q of Part 205 of this chapter.

• • • • • •

6. Section 211.17 is amended in paragraphs (d) and (e), and the first two sentences of paragraph (f) are revised to read as follows:

§ 211.17 State set-aside.

• • • • • •

(d) *State action.* (1) All hardship and emergency applications for assignment from the State set-aside system and appeals thereof shall be filed with and resolved by the appropriate State Office in accordance with Subpart Q of Part 205 of this chapter. Applicants shall identify their existing supplier, or if they do not have a supplier, at least two suppliers which the applicant has contacted and which could provide the allocated product. The final decision of a State Office as embodied in the order issued at the completion of any appellate proceeding regarding an application for assignment due to hardship or emergency requirements shall be subject to judicial review as prescribed by Section 211 of the Economic Stabilization Act of 1970.

(2) If a State Office approves a hardship or emergency application, it shall assign a prime supplier and amount from the state set-aside to the applicant. To determine an appropriate prime supplier, the State Office may coordinate with the State representatives of the prime suppliers.

(e) *Authorizing document.* The State Office shall issue to an applicant granted an assignment a document authorizing such assignment. A copy of the authorizing document (or a summary) shall also be provided by the State Office to the designated State representative of the prime supplier assigned to the applicant. An authorizing document issued by the State Office pursuant to this section is effective upon issuance and represents a call on the prime supplier's set-aside volumes for the month of issuance, irrespective of the fact that delivery of the product subject to the authorizing document cannot be made until the following month. An authorizing document not presented to either the prime supplier or a designated local distributor of the prime supplier within ten (10) days of issuance shall expire after that time.

• • • • • •

(f) *Supplier's responsibilities.* Suppliers shall provide the assigned amount of an allocated product to an applicant when presented with an authorizing document. The authorizing document shall entitle the applicant to receive product from any convenient local distributor of the prime supplier from which the state set-aside assignment has been made. • • •

7. Section 211.27 is amended by deleting the third sentence and inserting the following in lieu thereof:

§ 211.27 Construction industry.

• • • Notwithstanding the provisions of § 211.27(f), if an end-user planning to award a construction contract cannot locate a supplier or if the supplier and the end-user are unable to agree upon the base period use needed to complete the construction project, the end-user may apply to the appropriate FEA Regional Office, at the address provided in § 205.12, for assignment of a supplier and/or for a base period use in accordance with Subpart C of Part 205 of this chapter. • • •

8. Section 211.29 is amended by deleting the introductory paragraph and inserting the following in lieu thereof:

§ 211.29 Synthetic natural gas production.

Notwithstanding any inconsistent provision of §§ 211.12 and 211.13, a firm which purchases crude oil and allocated products for use as feedstock in a synthetic natural gas plant which has requirements that exceed its base period volume or which has no base period volume may seek an adjustment of its base period volume or establishment of a base period volume only upon application to the FEA National Office in accordance with Subparts B or C, respectively, of Part 205 of this chapter. Firms which plan to construct new synthetic natural gas plants after May 1, 1974 or enter into a plant expansion program should apply to the FEA for assignment of a supplier and a base period volume prior to commencing construction of such facilities. The FEA shall, in granting or denying such adjustment or assignment, consider along with the criteria listed in §§ 205.25(b) and 205.35(b), the following factors:

• • • • • •

9. Section 211.51 is amended by adding in the appropriate alphabetical order, a definition of "FEA" to read as follows:

§ 211.51 General definitions.

• • • • • •

"FEA" means the Federal Energy Administration (the successor to the Federal Energy Office), the National or Regional Office thereof, or the delegate of either.

• • • • • •

10. Section 211.65 is amended in the second sentence of paragraph (b) (1) and in the third sentence of paragraph (h) (1) to read as follows:

§ 211.65 Method of allocation.

• • • • • •

(b) *Future refining capacity.* (1) • • • Each refiner-buyer that wishes to receive an allocation under this paragraph (b) shall apply to FEA in accordance with the procedures established in Subpart G of Part 205 of this chapter.

• • • • • •

(h) *Failure to negotiate transactions.* (1) • • • A refiner-buyer that is unable to negotiate a contract to purchase crude oil within 15 days of the publication of the notice specified in paragraph (e) of this section may request after the expiration of such 15 day period in accordance with the procedures established under Subpart G of Part 205 of this chapter, that the FEA direct one or more refiner-sellers to sell an acceptable type of crude oil to such refiner-buyer.

• • • • • •

11. Section 211.66 is amended by revising paragraph (a) to read as follows:

§ 211.66 Reporting requirements.

(a) All matters pertaining to the allocation of crude oil and the refinery yield control program shall be addressed to the FEA in accordance with § 205.12, unless otherwise provided.

• • • • • •

12. Section 211.87 is amended in paragraph (a) by deleting the first sentence and inserting the following in lieu thereof; and by revising paragraphs (b) and (d) to read as follows:

§ 211.87 Procedures and reporting requirements.

(a) All owners of storage facilities (or operators thereof) with a capacity in excess of 500,000 gallons which store propane shall report to the FEA National Office, at the address provided in § 205.12, the total volume, locations, and ownership of propane in storage including that owned by the storage owner or operator of affiliated companies, and that held in transit. • • •

(b) All applications for adjustment or assignment shall be filed with the appropriate State Office or FEA Regional Office in accordance with the procedures specified in Subparts B and C, respectively, of Part 205 of this chapter. All other matters pertaining to the allocation of propane shall be addressed to the appropriate FEA Regional Office at the address provided in § 205.12.

• • • • • •

(d) An application for an assignment from the state set-aside system, as provided in § 211.17, based on hardship or emergency requirements is to be filed with the appropriate State Office in accordance with the procedures stated in Subpart Q of Part 205 of this chapter.

• • • • • •

13. Section 211.96 is amended in paragraph (b) by deleting the second sentence and inserting the following in lieu thereof:

§ 211.96 Method of allocation.

• • • • • •

(b) • • • New wholesale purchaser-consumers must apply to the FEA National Office for an assignment pursuant to § 211.12(e)(3) in order to establish a supplier/purchaser relationship and a base period volume. Such applications shall be filed in accordance with Subpart C of Part 205 of this chapter.

• • • • • •

14. Section 211.97 is amended by revising paragraph (b) to read as follows:

§ 211.97 Procedures and reporting requirements.

• • • • • •

(b) All applications for adjustment and assignment of butane and natural gasoline shall be filed with the FEA National Office in accordance with Subparts B and C, respectively, of Part 205 of this chapter. All other matters pertaining to the allocation of butane and natural gasoline shall be addressed to the FEA National Office at the address provided in § 205.12, unless otherwise specified.

• • • • • •

15. Section 211.106 is amended by deleting the first sentence in paragraph (b) (2) and inserting the following in lieu thereof:

§ 211.106 Retail sales outlets.

• • • • • •

(b) *Retail sales outlets as a firm.* • • •

(2) An independent marketer, or a small or independent refiner, which operates two or more retail sales outlets may apply to the FEA for treatment of some or all of such outlets as a single firm in accordance with the procedures established in Subpart G of Part 205 of this chapter. • • •

§ 211.106 [Amended]

16. Section 211.106(b) (3) (i) is amended by deleting the words "a petition" in the second sentence and substituting in lieu thereof the words "an application."

17. Section 211.106(c) (2) (i) is amended by deleting the word "petition" from the first sentence and inserting in lieu thereof the words "apply to"; by deleting the words "a petition" from the last sentence and inserting in lieu thereof the words "an application"; and by deleting therefrom the word "interim."

18. Section 211.108 is amended by revising paragraph (c)(5) to read as follows:

§ 211.108 Allocation of unleaded gasoline.

• • • • • •

(c) *Method of allocation for unleaded gasoline.* • • •

(5) Any purchaser which has been notified that its supplier will not supply it with unleaded gasoline and which with reasonable diligence cannot otherwise obtain a supply of unleaded gasoline under the provisions of this part, may apply to the appropriate FEA Regional Office in accordance with Subpart C of Part 205 of this chapter for assignment of a supplier of unleaded gasoline.

• • • • • •

19. Section 211.109 is amended by revising paragraphs (a) and (c) to read as follows:

§ 211.109 Procedures and reporting requirements.

(a) All applications for adjustment or assignment of motor gasoline shall be filed with the appropriate State Office or FEA Regional Office in accordance with Subparts B and C of Part 205, respectively, of this chapter. All other matters pertaining to the allocation of motor gasoline shall be addressed to the appropriate FEA Regional Office at the address provided in § 212.12, unless otherwise specified.

• • • • • •

(c) An application for an assignment under the state set-aside system, as provided in § 211.17, for hardship or emergency requirements shall be submitted to the appropriate State Office in accordance with the procedures established in Subpart Q of Part 205 of this chapter.

20. Section 211.127 is amended by revising paragraphs (a) and (c) to read as follows:

§ 211.127 Procedures and reporting requirements.

(a) All applications for adjustment and assignment of middle distillate fuels, except to utility users, shall be filed with the appropriate State Office or FEA Regional Office in accordance with Subparts B and C, respectively, of Part 205 of this chapter. All other matters pertaining to the allocation of middle distillate fuels, except to utility users, shall be submitted to the appropriate FEA Regional Office at the address provided in § 205.12. All matters pertaining to the allocation of middle distillate fuels to utility users shall be addressed FEA National Office at the address provided in § 205.12, unless otherwise specified.

• • • • • •

(c) Applications for assignment from the state set-aside system for hardship or emergency requirements shall be submitted to the appropriate State Office in accordance with the procedures established in Subpart Q of Part 205 of this chapter.

21. Section 211.147 is amended by revising paragraph (a) and the last sentence of paragraph (b) to read as follows:

§ 211.147 Procedures and reporting requirements.

(a) All applications for adjustment or assignment of aviation fuels to civil air carriers (except air taxi/commercial operators) shall be filed with the FEA National Office in accordance with Subparts B and C, respectively, of Part 205 of this chapter. All other matters pertaining to the allocation of aviation fuels to civil air carriers (except air taxi/commercial operators) shall be addressed to the FEA National Office at the address provided in § 205.12, unless otherwise specified.

(b) • • • Any matters unresolved at the supplier level may be referred directly to the appropriate FEA Regional Office at the address provided in § 205.12.

• • • • • •

22. Section 211.166 is amended by revising (d) (4) to read as follows:

§ 211.166 Method of allocation.

• • • • • •

(d) *Utilities.* • • •

(4) Suppliers and utilities may apply to the FEA for adjustment to the requirement of § 211.165 and paragraph (d) (1) (i) of this section, or assignment of a new supplier, in accordance with Subparts B and C, respectively, of Part 205 of this chapter. Such applications must be filed by the tenth day of the current month in order to be considered for decision or relief with respect to adjustment to the allocation amounts to be published in the following month or assignment of a new supplier for the following month.

• • • • • •

23. Section 211.167 is amended by revising paragraphs (a), (b), and (e) to read as follows:

§ 211.167 Procedures and reporting requirements.

(a) All applications for adjustment and assignment of residual fuel oil for the electric utility industry shall be filed in accordance with Subparts B and C, respectively, of Part 205 of this chapter. All other matters pertaining to the allocation of residual fuel oil for the electric industry shall be addressed, separately, to the Chairman, Federal Power Commission and to the FEA National Office, at the address provided in § 205.12.

(b) All applications for adjustment and assignment of residual fuel oil to non-utility users of residual fuel oil shall be filed in accordance with Subparts B and C, respectively, of Part 205 of this chapter. All other matters pertaining to the allocation of residual fuel oil to non-utility users of residual fuel oil shall be addressed to the appropriate FEA Regional Office at the address provided in § 205.12.

• • • • • •

(e) Applications for assignment from the state set-aside system for hardship or emergency requirements shall be submitted to the appropriate State Office in accordance with Subpart Q of Part 205 of this chapter.

24. Section 211.186 is amended by revising paragraph (c) to read as follows:

§ 211.186 Procedures and reporting requirements.

• • • • • •

(c) All applications for adjustment or assignment of naphthas and gas oils shall

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be filed with the FEA National Office in accordance with Subparts B and C, respectively, of Part 205 of this chapter. All other matters pertaining to allocation of naphthas and gas oils shall be addressed to the FEA National Office at the address provided in § 205.12.

25. Section 211.207 is amended by revising paragraphs (a) and (b) to read as follows:

§ 211.207 Procedures and reporting requirements.

(a) All documents to be filed by wholesale purchasers pertaining to the allocation of other products shall be addressed to the FEA National Office at the address provided in § 205.12.

(b) All applications by end-users for adjustment or assignment of a base period volume of any other product shall be filed in accordance with Subparts B and C, respectively, of Part 205 of this chapter.

* * * * *

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

26. Subpart I is amended by adding a new § 212.131 to read as follows:

§ 212.131 Appeal.

Any person aggrieved by an order issued by the FEA under this subpart may file an appeal with the FEA Office of Exceptions and Appeals in accordance with Subpart H of Part 205. The appeal shall be filed within 30 days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart H of Part 205 and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

PART 215—LOW SULPHUR PETROLEUM PRODUCTS REGULATIONS

§ 215.6 [Amended]

27. Section 215.6 is amended in paragraph (a) by deleting the words "Subpart C of Part 205" and inserting in lieu thereof "Subpart D of Part 205 of this chapter."

§ 215.7 [Amended]

28. Section 215.7 is amended by deleting "Subpart C of Part 205" and inserting in lieu thereof "Subpart D of Part 205 of this chapter."

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PART III

FEDERAL COMMUNICATIONS COMMISSION

■

PUBLIC AND BROADCASTING; REVISED EDITION

Procedure Manual

No. 173—Pt. III——1

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FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-942]

BROADCAST PROCEDURE MANUAL

SEPTEMBER 5, 1974.

Notice is hereby given of a revised edition of a pamphlet entitled, "The Public and Broadcasting—A Procedure Manual." In the manual, an effort is made to outline the respective roles of the broadcast station, the Commission, and the concerned citizen in the establishment and preservation of quality broadcasting services, to outline procedures available to the citizen, and to provide practical advice concerning their use. We are hopeful that the manual will encourage participation by members of the community and that it will direct such participation along lines which are most effective and helpful to the Commission.

Action by the Commission, August 29, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

THE PUBLIC AND BROADCASTING—A PROCEDURE MANUAL

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INTRODUCTION

1. Establishing and maintaining quality broadcasting services in a community is the responsibility of broadcast station licensees and the Federal Communications Commission.[1a] It is also, however, a matter in which members of the community have a vital concern and in which they can and should play a prominent role.

2. Licensees of radio and television stations are required to make a diligent, positive, and continuing effort to discover and fulfill the problems, needs, and interests of the communities they serve. The Commission encourages a continuing dialog between stations and community members as a means of ascertaining the community's problems, needs, and interests and of devising ways to meet and fulfill them. Members of the community can help a station to provide better broadcast service and more responsive programing by making their needs, interests, and problems known to the station and by commenting, whether favorably or unfavorably, on the programing and practices of the station. Complaints concerning a station's operation should be communicated promptly to the station, and every effort should be made, by both the complainant and the licensee, to resolve any differences through discussion at the local level.

3. The Commission is responsible for seeing that stations do in fact meet their obligations to the community. It considers complaints by members, of the community against a station and before issuing or renewing a broadcast station license, must find that its action will serve the public interest, convenience, and necessity. However, to effectively invoke the Commission's processes, the citizen must not only concern himself with the quality of broadcasting but must know when, how, and to whom, to express his concern. On the one hand, the Commission is in large measure dependent on community members to bring up matters which warrant its attention. On the other, if resolute efforts are not first made to clear up problems at the local level, the Commission's processes become clogged by the sheer bulk of the matters brought before it.

4. If direct contact with a station does not produce satisfactory results, there are a number of formal and informal ways for members of the community to convey their grievances to the Commission and to participate in proceedings in which the performance of a station is judged and legitimate grievances are redressed. The purpose of this manual is to outline procedures available to the concerned citizen and to provide information and practical advice concerning their use. It is not a substitute for the rules of practice and procedure (47 CFR Part 1).[2] We are hopeful, however, that it will help community members to participate effectively and in a manner which is helpful to the Commission.

PROCEEDINGS INVOLVING PARTICULAR APPLICANTS AND LICENSEES

INITIATING A PROCEEDING

5. *Complaints generally.* A complaint against a broadcast station [3] can be filed with the Commission by any person at any time. You can go about it any way you wish; there are no particular procedural requirements, except as noted below. You should, however, bear the following facts in mind:

(a) During fiscal year 1973, the Commission received 84,525 complaints, comments, and inquiries concerning broadcast stations. Of this total, 61,322 were complaints.

(b) Almost all of these communications are initially considered and dealt with by approximately five Commission employees who are specially assigned this function. Additional personnel are assigned to a matter only if, on the initial examination, the complaint appears to raise novel or difficult legal questions or appears to warrant extensive inquiry, investigation, or formal proceedings. In light of this situation, there are a number of practical steps you can take which will be helpful to the Commission and will increase your effectiveness in making a complaint. These are set out below:

(1) Limit your complaint to matters on which the Commission can act. With minor exceptions (the provision of "equal time" for candidates for public office, for example), we cannot direct

[1] Commissioners Wiley (Chairman), Lee, Reid, Hooks, Quello, Washburn, and Robinson.

[1a] The Federal Communications Commission is an independent Government agency responsible for regulating interstate and foreign communication by radio and wire. One of its responsibilities is to determine who is to operate the limited number of broadcast stations, to regulate the manner in which they are operated, and to generally supervise their operation, to the end that such operation may serve the interests of the public. This booklet deals only with this one aspect of the Commission's responsibilities.

The FCC is composed of seven members, who are appointed by the President subject to confirmation by the Senate. Normally, one Commissioner is appointed or reappointed each year, for a term of 7 years. One of the Commissioners is designated by the President to serve as Chairman, or chief executive officer, of the Commission.

The Commissioners, functioning as a unit, supervise all activities of the Commission. They are assisted by a staff of approximately 1,500 persons. Note that the term "Commission" refers both to the seven Commissioners as a unit and to the entire agency, including the staff. For a general description of the Commission and its organization, see 47 CFR 0.1–0.5. For a full description of the Commission's functions and of authority delegated by the Commission to its staff, see 47 CFR Part 0. (The Commission's rules are printed in Volume 47 of the Code of Federal Regulations (CFR). See paras. 60 and 61 below.)

[2] The manual reflects procedures and policies in effect on August 1, 1974. Persons using this manual are cautioned that these procedures and policies are subject to change and that any changes made after August 1, 1974 are not reflected in this manual.

[3] Complaints relating to some of the operations of networks and other organizations associated with broadcasting can also be filed.

that a particular program be put on or taken off the air. Nor are we arbiters of taste. Our concern, moreover, is with matters which affect the community generally (the public interest) rather than with the personal preferences or grievances of individuals. Another publication, "The FCC and Broadcasting," contains more detailed information (in areas in which numerous complaints are received) regarding what the Commission can and cannot do. Copies will be furnished by the Complaints and Compliance Division of the Commission's Broadcast Bureau upon request.

(2) Submit your complaint first to the station involved. The station may well recognize the merit of your complaint and take corrective action, or may explain the matter to your satisfaction. If you are not satisfied with the station's response, it will aid and expedite action on your complaint to the Commission to enclose a copy of your complaint to the station and all subsequent correspondence between you and the station. (Though this way of proceeding is generally far preferable to complaining initially to the Commission, this is not always the case. If, for example, the complainant has reason for not disclosing his identity to the station, he may complain directly to the Commission, requesting that his identity not be disclosed.)

(3) Submit your complaint promptly after the event to which it relates.

(4) Include at least the following information in your letter of complaint:

a. The full name and address of the complainant.

b. The call letters and location of the station.

c. The name of any program to which the campaint relates and the date and time of its broadcast.

d. A statement of what the station has done or failed to do which causes you to file a complaint. Be as specific as possible: Furnish names, dates, places, and other details.

e. A statement setting forth what you want the station and/or the Commission to do.

f. A copy of any previous correspondence between you and the station concerning the subject of the complaint.

(5) Try to appreciate that the person reviewing your complaint must make rapid judgments regarding the gravity of the matters related and the action to be taken. There are a number of simple things you can do to make his job easier and to aid your own cause: State the facts fully and at the beginning. Subject to fully stating the facts, be as brief as possible. If the facts are self-explanatory, avoid argument; let the facts speak for themselves. Avoid repetition or exaggeration. If you think a specific law or regulation has been violated, tell us what it is. If possible, use a typewriter, but if you do write by hand, take special pains to write legibly.

6. A complaint received by the Commission is dealt with as follows:

(1) If the complaint does not allege a substantial violation of statute or of Commission rule or policy, if inadequate information is submitted, or if the factual statement is not sufficiently specific, a letter (which is often a form letter) explaining these matters is directed to the complainant.

(2) If the complaint does allege specific facts sufficient to indicate a substantial violation, it is investigated, either by correspondence with the station (which may produce a satisfactory explanation or remedial action) or, in rare instances, by field inquiry. (Since the Commission's investigatory staff is small, the number of complaints which can be investigated by field inquiry is limited.) If further information from the complainant is needed, he is asked to furnish it. If the staff concludes that there has been a violation, it may recommend to the Commission that sanctions be imposed on the station; it may direct remedial action (such as equal opportunities for a candidate for public office); or, where extenuating circumstances are present (as where the violation follows from an honest mistake or misjudgment or where the station otherwise has a good record), it may note the violation but not recommend a sanction. Possible Commission actions range from the imposition of monetary forfeitures not exceeding $10,000 and short-term renewal of license to revocation of license or denial of an application for renewal of license. The imposition of sanctions involves formal proceedings (which may include a hearing) and, in connection with such proceedings, the complainant may be asked to submit a sworn statement or to appear and give testimony at a hearing before an administrative law judge. In some circumstances, the complainant is entitled, and may choose, to participate as a party to the proceeding. A hearing is ordered in a renewal or revocation proceeding only if substantial questions have been raised concerning the licensee's qualifications.

7. Four types of complaint require compliance with specific procedures and submission of specific information. These complaints involve compliance with the requirement of equal time for political candidates, the fairness doctrine, the personal attack rule, and the rule governing political editorials. Generally, these matters should be taken up with the station before a complaint is filed with the Commission. However, where time is an important factor, you may find it advisable to complain simultaneously to the station and the Commission. In such circumstances, complaints are often submitted and answered by telegraph and, where the matter is most urgent, by telephone.

8. *Political broadcasting.* Section 315 of the Communications Act, 47 U.S.C. 315,[4] provides that if any Commission licensee shall permit any person "who is a legally qualified candidate for any public office" to use a broadcast station, he shall afford to all other candidates for that office equal opportunities to use the station's facilities. Appearances by candidates on the following types of programs are exempt from the equal opportunities requirement:

1. Bona fide newscast;
2. Bona fide news interview;
3. Bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or
4. On-the-spot coverage of bona fide news events (including but not limited to political conventions and activities incidental thereto).

However, where candidates appear on programs exempt from the equal opportunities requirement, broadcasters must nevertheless meet the obligation imposed upon them under the Communications Act (to operate in the public interest) and the fairness doctrine (to afford reasonable opportunity for the discussion of conflicting views on controversial issues of public importance). See paragraph 12 below. The equal opportunities and fairness doctrine requirements are applied to networks as well as to stations.

9. A request for equal opportunities must be made directly to the station or network and must be submitted within 1 week after the first broadcast giving rise to your right of equal opportunities. This is most important, as your right is lost by failure to make a timely request. To make it as clear as possible, we offer the following example:

A, B, and C are legally qualified candidates for the same public office. A makes an appearance on April 5 on a program not exempted by the statute. On April 12, B asks for an equal opportunity to appear on the station and does, in fact, appear on April 15. On April 16, C asks for an equal opportunity to appear. However, he is not entitled to do so, as he has failed to make his request within 1 week after A's appearance.

There is an exception to this requirement where the person requesting equal opportunities was not a candidate at the time of the first broadcast giving rise to the right of equal opportunities. See 47 CFR 73.120(e).

10. If you are a candidate or his designated agent and think that the candidate has been denied equal opportunities, you may complain to the Commission. A copy of this complaint should be sent to the station. Your letter of complaint should state (1) the name of the station or network involved; (2) the name of the candidate for the same office and the date of his appearance on the station's facilities; (3) whether the candidate who appeared was a legally qualified candidate for the office at the time of his appearance (this is determined by reference to the law of the State in which the election is being held); (4) whether the candidate seeking equal time is a legally qualified candidate for the same office; and (5) whether you or your candidate made a request for equal opportunities to the licensee within 1 week of the day on which the first broadcast giving rise to the right to equal opportunities occurred.

[4] The Communications Act is printed in title 47 of the United States Code (U.S.C.). See paragraph 59 below.

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11. A political broadcasting primer ("Use of Broadcast Facilities by Candidates for Public Office"), containing a summary of rulings interpreting the equal opportunities requirement, has been published in the FEDERAL REGISTER and in the FCC Reports[8] (35 F.R. 13048, 24 F.C.C. 2d 832) and is available from the Commission upon request, as is a question and answer pamphlet ("Use of Broadcast and Cablecast Facilities by Candidates for Public Office") (37 F.R. 5796, 34 F.C.C. 2d 510). See also 47 U.S.C. 315 and 47 CFR 73.120.

12. *Fairness doctrine.* Under the fairness doctrine, if there is a presentation of a point of view on a controversial issue of public importance over a station (or network), it is the duty of the station (or network), in its overall programing, to afford a reasonable opportunity for the presentation of contrasting views as to that issue. This duty applies to all station programing and not merely to editorials stating the station's position. The station may make offers of time to spokesmen for contrasting views or may present its own programing on the issue. It must present suitable contrasting views without charge if it is unable to secure payment from, or a sponsor for, the spokesman for such views. The broadcaster has considerable discretion as to the format of programs, the different shades of opinion to be presented, the spokesman for each point of view, and the time allowed. He is not required to provide equal time or equal opportunities; this requirement applies only to broadcasts by candidates for public office. The doctrine is based on the right of the public to be informed and not on the proposition that any particular person or group is entitled to be heard.

13. If you believe that a broadcaster (station or network) is not meeting its obligation to the public under the fairness doctrine, you should complain first to the broadcaster. If you believe that a point of view is not being presented and wish to act as spokesman for that point of view, you should first notify the broadcaster. Barring unusual circumstances, complaints should not be made to the Commission without affording the broadcaster an opportunity to rectify the situation, comply with your request, or explain its position.

14. If you do file a fairness doctrine complaint with the Commission, a copy should be sent to the station. The complaint should contain specific information concerning the following matters: (1) The name of the station or network involved; (2) the controversial issue of public importance on which a view was presented; (3) the date and time of its broadcast; (4) the basis for your claim that the issue is controversial and of public importance; (5) an accurate summary of the view of views broadcast; (6) the basis for your claim that the station or network has not broadcast contrasting views on the issue or issues in its overall programming; and (7) whether the station or network has afforded, or has expressed the intention to afford, a reasonable opportunity for the presentation of contrasting viewpoints on that issue. The requirement that you state the basis for your claim that the station or network has not broadcast contrasting views on the issue or issues in its overall programming does not mean that you must constantly monitor the station. As the Commission stated in its *Fairness Report:*

> While the Complainant must state the basis for this claim that the station has not presented contrasting views, that claim might be based on an assertion that the complainant is a regular listener or viewer; that is, a person who consistently or as a matter of routine listens to the news, public affairs and other non-entertainment carried by the station involved. This does not require that the complainant listen to or view the station 24 hours a day, seven days a week * * * Complainants should specify the nature and should indicate the period of time during which they have been regular members of the station's audience. *Fairness Report*, 39 FR 26372, 26379 (1974).

Further, a basis for your claim that the station has failed to present contrasting views might be provided by correspondence between you and the station or network involved. Thus if the station's or network's response to your correspondence states that no other programing has been presented on the subject and none is planned, such response would also provide a basis for your claim.

15. Following the Commission's broad-ranging inquiry into the efficacy of the fairness doctrine and related public interest policies, the Commission issued its *Fairness Report*, 39 FR 26372 (1974). Copies of this and an earlier fairness primer containing a summary of rulings interpreting the fairness doctrine ("Applicability of the Fairness Doctrine in the Handling of Controversial Issues of Public Importance," 29 FR 10416, 40 FCC 598 (1964) are available from the Commission upon request.

16. *Personal attacks.* The personal attack rule requires that when, during the presentation of views on a controversial issue of public importance, an attack is made upon the honesty, character, integrity, or like personal qualities of an identified person or group, the broadcaster must, within 1 week after the attack, transmit to the person or groups attacked (1) notification of the date, time and identification of the broadcast; (2) a script or tape (or an accurate summary if a script or tape is not available) of the attack; and (3) an offer of a reasonable opportunity to respond over the station's facilities free of charge. See 47 CFR 73.123(a). The personal attack rule does not apply to attacks made in the course of a bona fide newscast, a bona fide news interview, or on-the-spot coverage of a bona fide news event (including commentary or analysis by newsmen offered as part of such programs). Though the specific requirements of notice and an offer of an opportunity to respond do not apply to such programs, the other requirements of the fairness doctrine do apply. For other circumstances in which the personal attack rule does not apply, see 47 CFR 73.123(b). See also, the fairness primer, described above in paragraph 15.

17. If you believe that you or your group has been personally attacked during presentation of a controversial issue, and if you are not offered an opportunity to respond, you should complain first to the station or network involved. If you are not satisfied with the response, you may then complain to the Commission.

18. If you file a complaint with the Commission, a copy should be sent to the station. The complaint should contain specific information concerning the following matters: (1) The name of the station or network involved; (2) the words or statements broadcast; (3) the date and time the broadcast was made; (4) the basis for your view that the words broadcast constitute an attack upon the honesty, character, integrity, or like personal qualities of you or your group; (5) the basis for your view that the personal attack was broadcast during the presentation of views on a controversial issue of public importance; (6) the basis for your view that the matter discussed was a controversial issue of public importance, either nationally or in the station's local area, at the time of the broadcast; and (7) whether the station within 1 week of the alleged attack: (i) Notified you or your group of the broadcast; (ii) transmitted a script, tape, or accurate summary of the broadcast if a script or tape was not available; and (iii) offered a reasonable opportunity to respond over the station's facilities.

19. *Political editorials.* When a broadcast station, in an editorial, endorses a legally qualified candidate for public office, it is required to transmit to other qualified candidates for the same office (1) notice as to the date and time of the editorial, (2) a script or tape of the editorial, and (3) an offer of a reasonable opportunity for the other candidates or their spokesmen to respond to the editorial over the licensee's facilities free of charge. Where a broadcast station, in an editorial, opposes a legally qualified candidate for public office, it is required to send the notice and offer to the candidate opposed. The notice and offer must be sent within 24 hours after the editorial is broadcast. If the editorial is to be broadcast within 72 hours of election day, the station must transmit the notice and offer "sufficiently far in advance of the broadcast to enable the candidate or candidates to have a reasonable opportunity to prepare a response and to present it in timely fashion." See 47 CFR 73.123(c). See also, the fairness primer described above in paragraph 15.

20. If you are a candidate or his authorized spokesman and believe that the station, in an editorial has opposed the candidate or supported his opponent and has not complied fully with these requirements, you should complain to the station or network involved. If, in response to your complaint, the station does not offer what you consider to be a reasonable opportunity to respond to the editorial, you may complain to the Commission. Send a copy of your complaint to the station.

PARTICIPATION IN APPLICATION PROCEEDINGS

21. *General.* Public expression regarding the operation of broadcast stations is not limited to letters of complaint. You can also support or object to applications filed with the Commission, such as an application for a new license, a change in existing facilities (for example, an increase in tower height or transmitter power or a change in studio location), or the renewal or transfer of a current license. You may proceed either formally, by filing a "petition to deny," or informally, by filing an "informal objection." (See below.) You may raise any public interest question relating to the application or the applicant. Allegations have been made in the past, for example, that the station's programing does not serve the needs and interests of the community or that the station has engaged in discriminatory employment practices. The question raised need not relate directly to the authority sought by the applicant. Your purpose in participating could properly be to effect a change in the station's policies or practices, by negotiation or by Commission direction, rather than to have the application denied. It is desirable and important that you discuss your grievances with the station, as they occur, and try to work out a mutually acceptable solution, either prior to or in lieu of filing an objection to the grant of an application. The Commission does not look with favor on objections to a grant where grievances have been "stored up" during the license term, without being brought to the station's attention, and are disclosed for the first time in objections to an application.

22. With certain minor exceptions, all broadcast applicants are required to give notice to the community that they have filed an application with the Commission. See 47 CFR 1.580. In the case of most existing licensee-applicants the notice is broadcast over their facilities. Public notice of the filing of the application is also given by the Commission. Applicants and licensees are required to maintain locally for public inspection copies of applications and other documents as specified in the Commission's rules. See 47 CFR 1.526. The notice given locally by the station will state the address at which these documents can be inspected. Additional papers relating to the station, including most of those kept locally, are available for inspection at the Commission's office in the District of Columbia.[9] Except in the case of certain minor applications (see 47 U.S.C. 309), the Commission must give notice of the acceptance of the application for filing at least 30 days before acting on it. See paragraphs 33 and 34 below.

23. *Informal objection.* If you have information which you believe should be considered by the Commission in determining whether the grant of an application would serve the public interest, convenience and necessity, you may file an "informal objection". See 47 CFR 1.587. Such objections may be filed in writing with the Secretary of the Commission, Washington, D.C. 20554, at any time prior to action on the application, and must be signed by the person making them. There are no other requirements.

24. The informal objection procedure is designed for use by persons who cannot qualify as "parties in interest" (see paragraph 30 below) or who (though they qualify as parties in interest) do not choose to assert the rights or to assume the burdens of parties to the proceeding. In addition, pleadings, or communications, submitted by persons who desire to participate as parties to the proceeding but which fail to meet the requirements for "petitions to deny" (see paragraph 29 below) are treated as informal objections.

25. Informal objections are dealt with much in the same manner as complaints and should include at least the minimum information required for an effective complaint (see paragraph 5, above). They are associated with the application to which they relate, however, and are reviewed by elements of the staff responsible for taking or recommending action on that application.

26. If in the judgment of the Commission's staff, the objection does not raise a substantial public interest question, it will not be referred to the Commission (that is, the Commissioners) for consideration. In such cases, the staff will give notice of Commission or staff action on the application to persons who have filed an objection, advising them that their objection has been rejected by the staff as a basis for denying the application. An application for review of staff action by the Commission may be filed. Such an application must be filed prior to seeking judicial review. See 47 U.S.C. 155(d)(7); 47 CFR 1.115.

27. If in the judgment of the staff the objection raises a substantial public interest question, it is made the subject of field inquiry or is forwarded to the applicant for comment. If the applicant is asked to comment, he is required to serve a copy of his comments on the person who filed the objection, and that person is entitled to file a reply. If there is still a substantial question, it is referred to the Commission and is dealt with on its merits in conjunction with action on the application. If the Commission concludes that a substantial and material question of fact has been presented or if it is for any reason unable to find that a grant of the application would serve the public interest, it will order a hearing. Otherwise, it will grant the application. If a hearing is ordered, a person who has filed an informal objection will not ordinarily be named as a party to the proceeding, but may seek to participate as a witness or, within 30 days after publication of the hearing issues in the FEDERAL REGISTER, petition for intervention as a party. See paragraph 39 below.

28. If the objection is considered and disposed of in a Commission opinion granting the application, you may within 30 days petition for reconsiderations or seek judicial review. If you appeal or petition for reconsideration, you should be prepared to show that you are aggrieved or adversely affected by the Commission action (47 U.S.C. 402(b)(6) and 405). If you have not participated in proceedings resulting in a grant of the application (as by filing an informal objection), or if the Commission has not been afforded an opportunity to pass on the questions you intend to raise in court, you must file a petition for reconsideration before seeking judicial review.

29. *Petition to deny.* A petition to deny, which is a formal objection to grant of an application, is subject to the following statutory requirements (47 U.S.C. 309(d)):

(1) The petition must contain specific allegations of fact sufficient to show that the petitioner is a party in interest and which, if true, would demonstrate that a grant of the application would be inconsistent with the public interest, convenience and necessity.

(2) "Such allegations of fact shall, except for those of which official notice

[8] See paragraph 62 below.

[9] Most Commission records are routinely available for inspection under the Public Information Act (5 U.S.C. 552) and Commission rules implementing that Act (47 CFR 0.441–0.467). See, in particular, §§ 0.453 and 0.455. A person wishing to inspect such records has only to go to the office where they are kept and ask to see them. Requests for inspection of records not routinely available for inspection may be submitted, and are considered, under procedures set out in § 0.461 of the rules (47 CFR 0.461). Copies of records may be obtained for a fee from a private firm which contracts with the Commission to perform this service (see 47 CFR 0.465).

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may be taken, be supported by affidavit of a person or persons with personal knowledge thereof."

(3) The petitioner must serve a copy of the petition upon the applicant.

(4) The petition must be filed with the Commission within the time prescribed by the rules.

The requirements are discussed below at paragraphs 30–34. A petition opposing grant of an application which does not meet these requirements is treated as an informal objection. If you intend to appeal a grant of the application or wish to participate in any hearing held to determine whether the application should be granted or denied, or if you wish to assure Commission (rather than staff) action on your objections to the application, it is advisable to file a petition to deny rather than an informal objection. If you file a petition to deny, subsequent communication with Commissioners and certain other Commission personnel is limited by the rules governing ex parte communications, 47 CFR 1.1201–1.125.[1]

30. There is no hard and fast rule for determining whether a member of the listening public or a community group qualifies as a party in interest. Generally, under court precedents, members of the listening public who show that they would be aggrieved or adversely affected by a Commission action granting an application of a station in their area have standing to raise public interest questions. It is important to bear in mind this last point—that arguments for denial of the application must be directed to the public interest rather than to your own personal interest. For example, you may show that you are hurt by the activities or failing of the station to which you object, as by showing that you live or work in the area served by the station and, if the charges relate to racial discrimination, that you are a member of a racial minority being discriminated against; but the substance of your arguments must be related to the interests of the community as a whole. Since the purpose of your participation is to argue for the interests of your community as a whole, it is relevant to show your ties to the community and knowledge of its problems and needs. To make a stronger showing,[2] it is also helpful to demonstrate that you are well qualified to represent the interests of the community and to aid the Commission in reaching a decision that best serves the interests of the community. You may, for example, have a background which specifically qualifies you on matters relating to your charges against the station. You may have a background in broadcasting or previous experience in Commission proceedings which would contribute to your effectiveness as a representative of the community. You may have access to information concerning the station's operations which is not generally available, as would be indicated by previous correspondence (or discussion) with the station concerning the charges set out in your petition. You may be the only member of the community who is prepared to assume the personal and financial burden which participation in Commission proceedings involves. It will help to show that others join with you in your petition or that you are serving as an authorized spokesman for a representative community group or groups. If other members of the public have separately petitioned to deny the application, you should endeavor to show that the contribution you can make would be superior to or different from that made by others. You should consider the possibility of joining with other members of the public for the purpose of participating in the hearing. If a large number of persons or groups seek to participate on behalf of the public, it is possible that some would be required to consolidate their efforts.

31. In determining whether the grant of an application is consistent or inconsistent with the public interest, the Commission is guided by the Communications Act, other laws pertinent to the facts of the case and the matters at issue, its own rules and regulations and policy statements, and past decisions of both the Commission and the courts. Although the facts set out in the petition to deny and the precise public interest question presented may be novel, it would be rare indeed if none of these guides could be brought to bear upon the question. It is possible, of course, to simply set out allegations of fact in a petition to deny and assert that they show that "a grant of the application would be prima facie inconsistent with the public interest" (47 U.S.C. 309(d)). Obviously, however, it is far more effective for you, and helpful to the Commission, if the facts alleged are related specifically to the policy and precedent guidelines utilized by the Commission in making its determination. An experienced attorney will be familiar with these materials and will know how to use them in effectively presenting your position.

32. Not that the statute requires specific allegations of fact. Hearsay, rumor, opinion, or broad generalizations, do not meet this requirement. Note also that the allegations must "be supported by affidavit of a person or persons with personal knowledge" of the facts. The petitioner need not, himself, have personal knowledge of the facts if he submits affidavits signed by others who do. An affidavit is a written statement, the truth of which is sworn to or affirmed before an officer who has authority to administer an oath, such as a notary public. Service of the petition is accomplished by delivering or mailing a copy to the applicant, on or before the day on which the document is filed. See 47 CFR 1.47. If the applicant is represented by an attorney, it is the attorney who should be served. A certificate of service, signed by the person who delivered or mailed the petition and reciting the fact and method of service, must be attached to the petition.

33. With minor exceptions (see 47 U.S.C. 309 (c) and (f)), no broadcast application may be granted earlier than 30 days following the Commission's issuance of a public notice stating that the application, or any substantial amendment thereof, has been "accepted for filing" (47 U.S.C. 309(b)). Except in the case of standard broadcast (AM radio) applications and renewal applications, the petition to deny must be filed within this 30-day period. In the case of standard broadcast (other than renewal) applications, the Commission issues a second public notice stating that the application is "available and ready for processing" and specifying a "cut-off" date, on which processing of the application will commence. Petitions to deny must be filed before the cutoff date. See 47 CFR 1.580(i).

34. Applications for renewal of licenses of broadcast stations (except experimental and developmental stations) must be filed not later than the first day of the fourth full calendar month prior to the expiration date of the license (47 CFR 1.539).[3] A petition to deny a renewal application must be filed by the end of the first day of the last full calendar month of the expiring license term (47 CFR 1.580(i) and 1.516(e)). Thus, for example, the license of a television station located in Pennsylvania would ordinarily expire on August 1, 1975, the renewal application would be filed on or before April 1, 1975 and a petition to deny would have to be filed on or before July 1, 1975. There are two exceptions to the foregoing. First, the Commission may previously have issued a short-term license to the station in question; the license would in that case expire on a date specified by the Commission in its order making the short-term grant rather than on the date specified in footnote 9. Second, if the renewal application is filed late, the deadline for filing a petition to deny is the 90th day after the Commission has given public notice that the late filed application has been accepted for filing.

35. The applicant may file an opposition to your petition to deny within 30 days after the petition is filed. You may file a reply to the opposition within 20 days after the opposition is due or within 20 days after the opposition is filed, whichever is longer. Note that the papers must reach the Commission within these periods. Reasonable requests for extensions of time will be granted if both parties consent or upon a showing of good cause. Note that requirements applicable to the petition to deny (service, supporting affidavits, etc.) also apply to the opposition and the reply. The purpose of a reply pleading is to respond to points made in the opposition pleading; it is not intended to give a petitioner an opportunity to present new matters. Also, pursuant to § 1.45(c) of the Commission rules (47 CFR 1.45(c)), additional pleadings may not be filed unless specifically requested and authorized by the Commission.

36. Questions raised in a petition to deny are dealt with on their merits in conjunction with action on the application in an opinion issued by the Commission (that is, by the Commissioners and not by the staff under delegated authority). The Commission will either deny your petition and grant the application, deny your petition and set the application for hearing on issues other than those you have raised, or grant your petition and set the application for hearing on some or all of the issues you have raised. If the application is granted, you may petition for reconsideration (see 47 U.S.C. 405; 47 CFR 1.106) or appeal to the U.S. Court of Appeals for the District of Columbia Circuit (see 47 U.S.C. 402(b)(6)). If a hearing is ordered and you are not named as a party, you may petition for reconsideration or (if you have previously made clear your wish to participate as a party) you may appeal; you may also file a petition to intervene (see 47 U.S.C. 309(e); 47 CFR 1.223) or seek participation as a witness. See paragraph 39 below.

37. If you file a petition to deny but do not intend to participate as a party to a hearing on the application, you should so advise the Commission in your petition. Otherwise, it will be assumed that you are asserting the right to participate and offering to prove the allegations set out in your petition; and, if a hearing is ordered and you have established your right to participate, you will be named as a party and may be assigned the burden of proceeding with the introduction of evidence and the burden of proof on the issues raised in your petition. You will be expected to appear at the hearing, present evidence, and proceed in other respects as a party. You are not required to retain an attorney. However, it is most advisable that you do so, as it is unlikely that you will be able to participate effectively without the assistance of counsel. If you do intend to retain counsel, it is advisable to do so at an early date, so as to have his assistance in preparing the petition to deny.

PARTICIPATION IN A HEARING PROCEEDING

38. The rules governing hearing proceedings are set out in Subpart B of Part 1 of Title 47 of the Code of Federal Regulations. If you do not retain an attorney, it is important that you familiarize yourself thoroughly with those rules. It is also important that you become familiar with Subpart A, the general rules of practice and procedure, many of which apply in hearing proceedings. Though the following outline of the procedural stages of a hearing proceeding may be helpful, effective participation will require a more detailed knowledge of the rules.

39. When the Commission determines that a hearing should be held, it issues an order (called a designation order) specifying the issues upon which evidence will be received and naming known parties in interest as parties to the proceeding. Shortly thereafter, the Chief Administrative Law Judge issues an order naming a presiding officer, setting a time and place for an initial prehearing conference, and specifying the place of the hearing and the date for its commencement. If you are named as a party and wish to participate, you should, within 20 days after the designation order is mailed, file a notice of appearance stating that you will appear at the hearing. See 47 CFR 1.221. This notice and (except as otherwise expressly provided) all papers subsequently filed must be served on all other parties to the proceeding. See 47 CFR 1.47 and 1.211; see also, the rules governing ex parte presentations, 47 CFR 1.1201–1.1251. The notice of appearance should list the address at which you wish other parties to serve papers on you. If you are not named as a party, you may petition to intervene. See 47 CFR 1.223. To intervene as of right, you must show that you are a party in interest (see paragraph 30 above) and must file the petition within 30 days after the designation order is published in the FEDERAL REGISTER. It is not necessary for you to have participated in earlier stages of the proceeding. If the petition is filed later or if it fails to show that petitioner is a party in interest, his intervention as a party lies within the discretion of the presiding officer. You may appeal to the Review Board, as a matter of right, from an order denying your petition to intervene. See 47 CFR 1.301(a)(1). (For a description of the Review Board and its functions, see 47 CFR 0.361 and 0.365.) If the petition is denied, the person objecting may nevertheless request Commission counsel to call him as a witness. He may request other parties to the proceeding to call him as a witness. And, if these measures fail, he may appear at the hearing and ask that the presiding officer allow him to testify. If he shows that his testimony will be relevant, material, and competent, he will be allowed to testify. See 47 CFR 1.225(b). A person who has been permitted to participate as a party may move before the Chief Administrative Law Judge to hold the hearing in the community where the station is located, rather than in the District of Columbia. Action on that request lies within the discretion of the Chief Administrative Law Judge. Subject to budgetary limitations, hearings are held in the local community when it appears that there will be a sizable number of witnesses who live in that community.

40. If you are permitted to participate as a party, a number of new rights accrue to you. If you are dissatisfied with the issues listed by the Commission, you may petition for the addition or deletion

[1] It is important that you not communicate privately concerning the merits or outcome of any aspect of the case with persons who may participate in deciding it. Written communications must be served on parties to the proceeding. Oral communication must be preceded by notice to the parties affording them an opportunity to be present. Persons who may participate in the decision are (1) the Commissioners and their personal office staffs, (2) the Chief of the Office of Opinions and Review and his staff, (3) the Review Board and its staff, (4) the Chief Administrative Law Judge, the administrative law judges, and the staff of the Office of Administrative Law Judges, (5) the General Counsel and his staff, and (6) the Chief Engineer and his staff.

[2] We do not wish to imply that a showing with respect to all of these matters, or as to any particular matter, is necessarily required to sustain your claim, or that other information may not also be appropriate. To the extent that the suggested information is set forth, however, it will enhance your showing. Do not, however, be discouraged by the number of factors listed. Our intent is to give you a general idea as to the type of information which can be submitted in support of a claim—not to indicate that the required showing is necessarily difficult to make.

[3] Licenses for standard broadcast (AM), FM and television broadcast stations ordinarily expire at 3-year intervals from the following dates:

(1) For stations located in Iowa and Missouri, February 1, 1977.

(2) For stations located in Minnesota, North Dakota, South Dakota, Montana, and Colorado, April 1, 1977.

(3) For stations located in Kansas, Oklahoma, and Nebraska, June 1, 1977.

(4) For stations located in Texas, August 1, 1974.

(5) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico, and Idaho, October 1, 1974.

(6) For stations located in California, December 1, 1974.

(7) For stations located in Washington, Oregon, Alaska, Guam, and Hawaii, February 1, 1975.

(8) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, April 1, 1975.

(9) For stations located in New Jersey and New York, June 1, 1975.

(10) For stations located in Delaware and Pennsylvania, August 1, 1975.

(11) For stations located in Maryland, District of Columbia, Virginia, and West Virginia, October 1, 1975.

(12) For stations located in North Carolina and South Carolina, December 1, 1975.

(13) For stations located in Florida, Puerto Rico, and Virgin Islands, February 1, 1976.

(14) For stations located in Alabama and Georgia, April 1, 1976.

(15) For stations located in Arkansas, Louisiana, and Mississippi, June 1, 1976.

(16) For stations located in Tennessee, Kentucky, and Indiana, August 1, 1976.

(17) For stations located in Ohio and Michigan, October 1, 1976.

(18) For stations located in Illinois and Wisconsin, December 1, 1976.

For the expiration date of licenses of other classes of broadcast stations (for example, television booster and translator stations), see 47 CFR 74.15.

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of an issue or for the modification of those which are listed. See 47 CFR 1.229. Such petitions are acted on by the Review Board. You may utilize procedures for the discovery of facts relevant to the proceeding. See 47 CFR 1.311–1.325. You may file pleadings and oppose or support any motion or petition filed by any other party to the proceeding. You may ask the presiding officer to issue subpenas requiring the attendance of witnesses or the production of documents at the hearing. See 47 CFR 1.331–1.340. You may examine witnesses, object to the introduction of evidence, and cross-examine the witnesses of other parties. You are expected to be present at the hearing (either personally or by attorney) and to participate in the proceedings. If you subpena witnesses, you are responsible for payment of witness fees.

41. About 4 weeks after the proceeding is designated for hearing, the presiding officer holds an initial prehearing conference. See 47 CFR 1.248. Additional conferences may be held. At such conferences, the presiding officer works with counsel for the parties to devise a schedule for the completion of procedures (such as discovery and summary decision procedures) to be followed by counsel and to settle as many matters as possible before the evidentiary hearing. Counsel may, for example, enter into stipulations regarding undisputed facts and reach agreement as to the scope of the issues set for hearing. They may also agree as to the authenticity of exhibits and as to the qualifications of expert witnesses. Such agreement aids counsel in the preparation of his case, allowing him to concentrate on matters which remain in dispute. It also saves the time and expense which would otherwise be involved in establishing the facts agreed upon by testimony at the hearing. By the time you attend the conference, you should have a clear understanding of what you intend to prove, how (by what witnesses and exhibits) you intend to prove it, and of any collateral procedures you intend to follow, so that you can make full use of the prehearing technique.

42. A Commission hearing is much like a trial in a civil case in a court of law. Instead of a judge, there is a presiding officer, usually one of the Commission's administrative law judges. The administrative law judge is independent of the remainder of the agency and, with minor exceptions, his sole function is to preside over and initially decide Commission hearing proceedings. The Commission's Broadcast Bureau usually participates as a party to the proceeding, on behalf of the public, and is represented at the hearing by an attorney from its Hearing Division. At the hearing proper, witnesses testify under oath, are examined and cross-examined, and a transcript is made of their testimony; exhibits are offered in evidence; the rules of evidence are applied; and various motions are made, argued, and acted on. The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, constitute the exclusive record for decision.

43. When the testimony of all witnesses has been heard, the presiding officer closes the record (47 CFR 1.258) and certifies the transcript and exhibits as to identity (47 CFR 1.260). Parties are afforded an opportunity to move for correction of the transcript (47 CFR 1.261) and to file proposed findings of fact and conclusions of law, which may be supported by a brief (47 CFR 1.263, 1.264). The presiding officer then prepares and issues an initial decision, which becomes effective 50 days after its issuance unless it is appealed by a party or reviewed by the Commission on its own motion (47 CFR 1.267 and 1.277(d)).

44. If you are dissatisfied with the initial decision you may, within 30 days, file exceptions to the decision, which may be accompanied by a brief. See 47 CFR 1.271–1.279. You may also, within this period, file a statement supporting the initial decision. Reply briefs may be filed within 10 days. In cases involving the revocation or renewal or a broadcast station license, the decision is reviewed by the Commission. In other broadcast cases, unless the Commission specifies otherwise, the decision is reviewed by the Review Board (47 CFR 0.365(a)). After exceptions have been filed, the parties may request an opportunity for oral argument before the Commission or the Review Board, as the case may be (47 CFR 1.277). Such requests are ordinarily granted. Thereafter the Commission (or the Board) issues a final decision (47 CFR 1.282). Within 30 days after release of a final Commission decision, you may petition for reconsideration (47 U.S.C. 405; 47 CFR 1.106) or file a notice or appeal with the U.S. Court of Appeals for the District of Columbia Circuit (47 U.S.C. 402(b)). In the case of a Review Board decision, you may, within 30 days, file either a petition for reconsideration by the Board or an application for review of the decision by the Commission. See 47 U.S.C. 155(d); 47 CFR 1.101, 1.102, 1.104, 1.106, 1.113, 1.115, and 1.117. You must seek Commission review of a Board decision before seeking judicial review.

RULE MAKING

45. A rule is similar to a law. It is a statement of policy to be applied generally in the future. A rule making proceeding is the process, required by law, through which the Commission seeks information and ideas from interested persons, concerning a particular rule or rule amendment, which will aid it in making a sound policy judgment. There are other ways, when a rule is not under consideration, in which the Commission seeks information needed to meet its regulatory responsibilities. It may issue a Notice of Inquiry, in which interested persons are asked to furnish information on a given matter and their views as to whether and how the Commission should deal with it. If needed information cannot be obtained in proceedings on a Notice of Inquiry, the Commission can order an investigatory hearing, in which witnesses and records can be subpenaed. If the information obtained indicates that rules should be adopted, the Commission then initiates a rule making proceeding.

PETITION FOR RULE MAKING

46. The principal rules relating to broadcast matters are set out in the rules and regulations of the Commission as Subpart D of Part 1, Part 73 and Part 74. Other provisions relating to broadcasting will be found in Parts 0 and 1. If you think that any of these rules should be changed or that new rules relating to broadcasting should be adopted by the Commission, you are entitled to file a petition for rule making. 5 U.S.C. 553(e); 47 CFR 1.401–1.407. No specific form is required for such a petition, but it should be captioned "Petition for Rule Making" to make it clear that you regard your proposal as more than a casual suggestion. An original and 14 copies of the petition and all other pleadings in rule making matters should be filed.

47. The petition "shall set forth the text or substance of the proposed rule • • • together with views, arguments and data deemed to support the action requested • • •." 47 CFR 1.401(c). This is important, for unless statements supporting or opposing your proposal are filed, you are afforded no further opportunity, prior to Commission action on the petition, to explain or justify your proposal.

48. When a petition for rule making is received, it is given a file number (such as RM–1000) and public notice of its filing is given. The public notice briefly describes the proposal and invites interested persons to file statements supporting or opposing it. Statements must be filed within 30 days after the notice is issued and must be served on the petitioner, who may reply to such a statement within 15 days after it is filed. The reply must be served on the person who filed the statement to which the reply is directed.

49. If a petition for rule making is repetitive or moot or for other reasons plainly does not warrant consideration by the Commission, it can be dismissed or denied by the Chief of the Broadcast Bureau. See 47 CFR 0.280(bb). In that event, petitioner may file an application for review of the Bureau Chief's action by the Commission. See 47 CFR 1.115. In most cases, however, the petition for rule making is acted on by the Commission. Action is ordinarily deferred pending passage of the time for filing statements and replies. Where the changes proposed obviously have (or lack) merit, however, action may be taken without waiting for the submission of statements or replies. In acting on a petition for rule making, the Commission will issue (1) an order amending the rules, as proposed or modified, or (2) a notice of rule making proposing amendment of the rules, as proposed or modified, or (3) an order denying the petition. In the event of adverse action by the Commission, you may petition for reconsideration (47 CFR 1.106).

RULE MAKING WITHOUT PRIOR NOTICE AND PUBLIC PROCEDURE

50. Rule making proceedings are conducted under section 4 of the Administrative Procedure Act, 5 U.S.C. 553. See also, 47 CFR 1.411–1.427, section 4 provides that an agency may make rules without prior notice and public procedure in any of the following circumstances:

(a) Where the subject matter involves a military or foreign affairs function of the United States.

(b) Where the subject matter relates to agency management or personnel or to public property, loans, grants, benefits, or contracts.

(c) Where the rules made are interpretative rules, general statements of policy, or rules of agency organization, procedure or practice.

(d) Where the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issued) that notice and public procedure are impracticable, unnecessary, or contrary, to the public interest.

The rules of organization practice and procedure (47 CFR Parts 0 and 1) are rather frequently amended, often without prior notice and public procedure. However, prior public comment is requested if the matters involved are particularly significant or there is doubt or controversy concerning the wisdom, precise effect, or details of the rule. Where notice is omitted pursuant to (d) above, it is in circumstances where the effect of the rule could be undermined by actions taken during the period allowed for comment, where the rule merely repeats the provisions of a statute, where the provisions of the rule are beneficial to all and there is no reason to expect unfavorable public comment, or in other similar circumstances constituting good cause under the statute. The other exceptions to the requirement of prior notice are of lesser importance.

51. If you are dissatisfied with a rule made by the Commission without prior notice, you may file a petition for reconsideration. You may also request that the effect of the rule be stayed pending action on your petition. All orders changing the Commission's rules are published in the FEDERAL REGISTER, and the 30-day period for filing the petition for reconsideration runs from the date of publication.

RULE MAKING WITH PRIOR NOTICE AND PUBLIC PROCEDURE

52. Except in circumstances listed in paragraph 50 above, the Commission is required to give prior notice and to afford an opportunity for public comment before making or changing a rule. If you have something to say concerning the proposed rule, you are entitled to file comments. Notice is given by issuance of a notice of proposed rule making, and by publishing that notice in the FEDERAL REGISTER. The text of the proposed rule is usually set out in the notice. On occasion, however, the notice will instead indicate the subject involved and the result intended, leaving the precise method for obtaining that result to a later stage of the proceeding following consideration of public comment. Whether or not the text is set out, the notice contains an explanation of the proposed rule and a statement both as to the Commission's reasons for proposing the rule and its authority to adopt it. The notice also lists the dates by which comments and reply comments should be submitted and states whether there are limitations on Commission consideration of nonrecord communications concerning the proceeding.[10] Requests for extension of the time allowed for filing comments and reply comments may be filed.

53. Rule making proceedings are relatively informal. When a notice of proposed rule making is issued, the proceeding is given a docket number (such as Docket No. 15000). Papers relating to the proceeding are placed in a docket file bearing this number. This file is available for inspection in the Commission's Public Reference Room in Washington, D.C. Because comments and reply comments are sometimes filed by hundreds of persons, the Commission does not require that copies be served on others. To find out what others have said in their comments, you may inspect the docket file or arrange with a private firm (for a fee) to furnish copies of comments filed in the proceeding. See 47 CFR 0.465. Often, those who have filed comments will furnish copies as a courtesy upon request. All papers placed in the docket file are considered by the Commission before taking final action in the proceeding. To assure that your views are placed in the docket file and considered by the Commission, all comments, pleadings, and correspondence relating to the proceeding should (in the caption or otherwise) show the docket number.

54. The rules require that an original and 14 copies of comments be filed, that they be typed, doubled-spaced, timely filed, and so forth. See, e.g., 47 CFR 1.419. As a practical matter, it is important for you to meet these requirements. The 14 copies are needed for distribution to Commissioners and members of the staff involved in making a decision. If you submit only an original, it will be placed in or associated with the docket file and considered by the staff member assigned to write a decision but probably will not be seen by other Commission officials. Handwritten communications are also placed in the docket file and so considered. You should appreciate, however, that you are more likely to get your point of view across to the persons making the decision if your presentation is typewritten. In making a rule, the Commission is interested in getting as much information and the best thinking possible from the public before making a decision and does not reject comments on narrow technical grounds. However, failure to comply with the filing requirements adversely affects your right to have the comments considered and to complain if they do not receive what you consider to be full consideration.

55. The comments should explain who you are and what your interest is. They should recite the facts and authority which support your position. They should not ignore facts and authorities which tend to support a different position, but should deal with them and demonstrate that the public interest requires that the matter be resolved as you propose. They should be carefully worded and well organized and free of exaggeration or vituperative comment. They should be explicit. If the details of the proposed rule or one of several provisions only are objectionable, this should be made clear. Counterproposals may be submitted. If the rule would be acceptable only with certain safeguards, these should be spelled out, with the reasons why they are needed.

56. In rule making proceedings, the Commission's responsibility is to make a policy judgment and, in making that judgment, to obtain and consider comments filed in the proceeding. It may tap other sources of information. Unless otherwise expressly stated in the notice,[11] staff members working on the proceeding are generally prepared to meet with and discuss the proposed rule with anyone who is sufficiently interested. They may initiate correspondence or organize meetings to further develop pertinent information and ideas. They will utilize information available in the Commission's files and draw upon the knowledge and experience of other Commission personnel or of other Government agencies. Generally, the Commission hears oral argument only in rule making proceedings involving policy decisions of the greatest importance. However, you may request the Commission to hear argument in any proceeding, and that request will be considered and ruled upon. When argument is heard, interested persons appear before the Commissioners, orally present their views, and are questioned by the Commissioners. Other devices, such as panel discussions, have, on occasion, been used to further develop the information and ideas presented. An evidentiary hearing is not usual in rule making proceedings. Nevertheless, if you think the circumstances require an evidentiary hearing, you are entitled to ask that one be held.

57. After comments and reply comments and the record of oral argument (if any) have been reviewed, a policy judgment is made and a document announcing and explaining it is issued. There are a number of possibilities. The proposed rules may be adopted, with or without changes. They may be adopted in part and, in that event, further comment may be requested on portions of the proceeding which remain. The Commission may decide that no rules should be adopted or that inadequate information has been obtained and, thus, either terminate the proceeding or issue a further notice of proposed rule making requesting additional comment on particu-

[10] In rule making proceedings which involve "conflicting private claims to a valuable privilege," fairness precludes nonrecord communication between Commission personnel involved in making a decision and interested persons concerning the merits of the proceeding. Sangamon Valley Television Corp. v. F.C.C., 269 F. 2d 221, 224. In such proceedings, limitations on communication with the Commission are stated in the notice of proposed rule making.

[11] See footnote 10 above.

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lar matters. If final action as to all or any part of the proceeding is taken, the final action taken is subject to reconsideration (47 U.S.C. 405).

PETITION FOR WAIVER OF A RULE

58. Except as they implement mandatory statutory provisions, all of the Commission's rules are subject to waiver. 47 CFR 1.3. If there is something the rules prohibit which you wish to do, or if there is something the rules require which you do not wish to do, you may petition for waiver of the rules in question. The petition must contain a showing sufficient to convince the Commission that waiver is justified on public interest grounds (that is, the public interest would be served by not applying the rule in a particular situation) or, in some instances, on grounds of hardship or undue burden.

PUBLIC INSPECTION OF STATION DOCUMENTS

59. *Local public inspection file.* All radio and television stations maintain a local public inspection file which contains materials specified in 47 CFR 1.526. The file, which is available for public inspection at any time during regular business hours, is usually maintained at the main studio of the station, but the rules permit it to be located at any other publicly accessible place, such as a public registry for documents or an attorney's office. A prior appointment to examine the file is not required, but may prove of mutual benefit to the station and the inspecting party.

60. The local public inspection files of all radio and television stations include recent renewal applications (FCC-Form 303), ownership reports (FCC-Form 323), various reports regarding broadcasts by candidates for public office, annual employment reports (FCC-Form 395), letters received from members of the public concerning operation of the station (see 47 CFR 73.1202(f)), and a copy of this Manual. In addition, the local public inspection files of commercial television stations also include annual programming reports (FCC-Form 303–A) and annual listings of what the licensee believes to have been some of the significant problems and needs of the area served by the station during the preceding twelve months. All television licensees are required to make the materials in their local public inspection files available for machine reproduction, providing the requesting party pays any reasonable costs incurred in producing machine copies.

61. *Public inspection of television station program logs.* In response to formal requests from various citizen groups, the Commission's rules were amended in March 1974 to require television stations to make their program logs available for public inspection under certain circumstances. The contents of these logs are specified. See 47 CFR 73.112. It should be emphasized that because the logs are intended primarily to serve Commission needs, the information they contain is limited and is essentially statistical in nature. Although, for example, the logs include the title and type (that is, the program category such as news, entertainment, etc.) of the various programs carried by the station, and the times these programs were broadcast, the logging rules do not require descriptions of the actual content of individual programs nor a listing of program participants or issues discussed. Despite their limitations, however, the logs do contain relevant information concerning station programming, including commercial practices.

62. Television station program logs are available upon request for public inspection and reproduction at a location convenient and accessible for the residents of the community to which the station is licensed. All such requests for inspection are subject to the following procedural requirements set forth in 47 CFR 73.674:

(1) Parties wishing to inspect the logs shall make a prior appointment with the licensee and, at that time, identify themselves by name and address; identify the organization they represent, if any; and state the general purpose of the examination.

(2) Inspection of the logs shall take place at the station or at such other convenient and accessible location as may be specified by the licensee. The licensee, at its option, may make an exact copy available in lieu of the original program logs.

(3) Machine copies of the logs shall be made available upon request, provided the party making the request shall pay the reasonable costs of machine reproduction.

(4) An inspecting party shall have a reasonable time to examine the program logs. If examination is requested beyond a reasonable time, the licensee may condition such further inspection upon the inspecting party's willingness either to assume the expense of machine duplication of the logs or to reimburse the licensee for any reasonable expense incurred if supervision of continued examination of the original logs is deemed necessary.

(5) No log need be made available for public inspection until 45 days have elapsed from the day covered by the log in question.

63. 47 CFR 73.674 provides that the licensee may refuse to permit public inspection of the program logs where good cause exists. When it included this provision in its 1974 amendments to 47 CFR 73.674, the Commission indicated that lacking experience with the operation of public inspection of program logs, it was in no position to describe all situations in which there would be good cause for refusing to permit access. Two illustrations which it did offer, however, were (1) a request from a financial competitor of the station or of the station's advertisers which was based solely on competitive considerations and (2) a situation in which the request represented an attempt at harassment. Harassment would exist if the primary goal of requesting examination of the logs was the disruption of station operation or the creation of an annoyance. If, for example, an inspecting party or parties situated themselves in the inspection location hour after hour, day after day, refusing to indicate which, if any, logs it wished to have duplicated, and refusing to engage in dialogue with the licensee regarding further inspection, it would not be inappropriate to characterize that inspection as an attempt at harassment.

64. While the probability of misuse and abuse of requests to inspect program logs and the danger of harassment was not sufficient to cause the Commission to refrain from making the logs generally available, the provision regarding refusal of access for good cause was inserted in amended 47 CFR 73.674 as a recognition of legitimate concerns of broadcasters. In the rare case where an unresolved dispute arises between members of the public and a station regarding whether good cause exists for not making the logs available, the dispute can, of course, be brought to the Commission for resolution.

REFERENCE MATERIALS

65. Laws relating to communications have been compiled in title 47 of the United States Code, which is available in most libraries. The basic law under which the Commission operates is the Communications Act of 1934, as amended, 47 U.S.C. 151–609. A pamphlet containing the Communications Act, the Administrative Procedure Act, and other statutory materials, pertaining to communications may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Ask for the "The Communications Act of 1934" which includes all changes in the Act through January 1969.

66. The Commission's rules and regulations have been compiled in Chapter I of title 47 of the Code of Federal Regulations, which is available in many libraries. Chapter I is divided into four subchapters, which are printed in separate volumes, which may be purchased separately from the Superintendent of Documents. Those wishing to participate in broadcast matters will need two of these volumes:

Subchapter A—General
Subchapter C—Broadcast Radio Services

These volumes are revised annually.

67. The Commission's rules may also be purchased from the Superintendent of Documents in looseleaf form on a subscription basis. The rules are divided into 10 volumes, each containing several related parts. Each volume may be purchased separately. The purchase price includes a subscription to replacement pages reflecting changes in the rules until such time as the volume is revised. Those wishing to participate in broadcast matters will need two of these volumes:

Volume I—containing Parts 0, 1, 13, 17, and 19.
Volume III—cotaining Parts 73, 74, 76, and 78.

68. All documents adopted by the Commission which have precedential or historical significance are published in the FCC reports, which are available in some libraries. The reports are usually published weekly in pamphlet form. The pamphlets are available from the Superintendent of Documents on a subscription basis and are subsequently compiled and published in bound volumes.

69. A list of the Commission's printed publications (with prices) will be furnished by the Commission on request.

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MASS TRANSIT AND SPECIAL USE HIGHWAY PROJECTS

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 810]

[Docket No. 74-7]

MASS TRANSIT AND SPECIAL USE HIGHWAY PROJECTS

Notice of Proposed Rule Making

The Federal Highway Administration and the Urban Mass Transportation Administration are considering issuing regulations to implement certain provisions of title 23, United States Code, which permit approval of mass transit projects, mass-transit-related projects, and special use highway facilities. The proposed regulations would add Part 810 to Chapter I of title 23 of the Code of Federal Regulations. Existing regulations in title 23, CFR, are not affected by these proposed regulations.

The Federal-Aid Highway Act of 1973 (P.L. 93-87, 87 Stat. 250), hereinafter the 1973 Highway Act, added or amended several sections of title 23, United States Code, which allow considerable flexibility in the use of Federal-aid highway funds for mass transit and transit-related facilities and for special use highways. Section 142 of title 23, U.S.C., which was amended and considerably expanded by section 121 of the 1973 Highway Act, now allows exclusive and preferential busways, fringe and corridor parking facilities, and other highway-related mass transit facilities to be approved on any Federal-aid highway system. Prior to the 1973 legislation, these facilities were only approvable on Federal-aid systems in urbanized areas.

In addition, 23 U.S.C. 142 now allows nonhighway public mass transit projects to be approved as a part of the Federal-aid urban system. The law provides two methods for approval of these projects. Under 23 U.S.C. 142(c), which is applicable only to urbanized areas and to monies apportioned for the Federal-aid urban system in fiscal years 1974 and 1975, responsible local officials can determine that their needs require mass transit projects in lieu of highway projects which would be assisted by Federal-aid urban system monies, and general funds of the Treasury can be made available to pay the Federal share of these projects, with the State's urban system apportionment being reduced by the amount of general funds obligated on transit projects. Under 23 U.S.C. 142(a)(2), Highway Trust Fund monies apportioned for the Federal-aid urban system can be used for nonhighway public transit projects. These monies may be used for bus projects beginning with fiscal year 1975 and for rail projects beginning with fiscal year 1976.

Section 142 of title 23 U.S.C. also allows exclusive or preferential bus, truck, and emergency vehicle lanes or routes to be approved on the Federal-aid Interstate System, and exempts these special use lanes and routes from the requirement that Interstate highways be at least four lanes in width. The section also allows the Federal Highway Administrator to authorize States to make available Federal-aid highway rights-of-way without charge to publicly owned mass transit authorities for mass transit facilities.

These proposed regulations implement the provisions of 23 U.S.C. 142 and of two related sections of the same title. Under 23 U.S.C. 149, which as added by section 142 of the 1973 Highway Act, exclusive or preferential truck lanes may be approved on any Federal-aid highway system. Under 23 U.S.C. 137, which was not amended by the 1973 Highway Act, fringe and corridor parking facilities can be approved on the Federal-aid urban system. Because of the relationship between these sections and 23 U.S.C. 142, it was decided that the three sections could properly be implemented by one set of regulations.

A detailed explanation of the technical provisions of the proposed regulations follows:

PART 810, SUBPART A

Subpart A provides that terms used in these regulations have the same meaning as in title 23, United States Code, unless otherwise defined. Additional essential terms used in this Part are defined.

"Responsible local officials," who select Federal-aid urban system projects, including nonhighway public mass transit projects, are defined in two slightly varied ways, depending on the size of the area involved. In areas under 50,000 population, the term means the principal elected officials of general purpose local governments. In urbanized areas, the term means the principal elected officials of general purpose local governments acting through the areawide transportation planning agency designated by the Governor as responsible for carrying out the provisions of 23 U.S.C. 134. This definition means that in urbanized area actions or decisions of local officials must be presented to and endorsed by the areawide planning agency. It should be noted that title 23 U.S.C., uses the terms "responsible local officials" and "appropriate local officials" in a number of sections. While these terms are not necessarily synonymous, we can foresee no situation where "appropriate local officials" and "responsible local officials" would not be the same parties.

The statutory provisions which these proposed regulations implement contain several references to special use highway facilities: Under 23 U.S.C. 142(b), exclusive bus, truck, and emergency vehicle routes or lanes can be approved on the Interstate System; under 23 U.S.C. 142(a)(1), exclusive or preferential bus lanes can be approved on any Federal-aid highway system; under 23 U.S.C. 149, exclusive or preferential truck lanes can be approved on any Federal-aid highway system. We have combined these terms and defined "exclusive or preferential bus, truck, or emergency vehicle lane(s)" to mean one or more lanes of a highway facility, or an entire highway facility, which is reserved at all times or at regularly scheduled times, for exclusive or preferential use by buses, or trucks, or emergency vehicles or any combination of these. This definition is designed to give local authorities considerable flexibility in accommodating the special needs of certain kinds of traffic.

Another important definition in these regulations is "nonhighway public mass transit project." These projects may be approved as urban system projects under Subpart D of these regulations. The term is defined as meaning any undertaking to develop or improve a mass transit facility, and any phase in the development or improvement of such a facility. Although the statute only directly refers to purchase of passenger equipment and to construction or improvement of fixed rail facilities, the legislative intent was also to provide support facilities and equipment. Consequently, the definition provides for acquisition of support facilities and equipment, e.g., bus shelters and garages, provided they are part of a planned transit development program contemplating the purchase of buses, or other passenger rolling stock, or the construction of fixed rail facilities. It would not be necessary, however, that all projects included in the program necessarily be funded under the provisions of these proposed regulations. Further, so-called "people-movers" or personal rapid-transit-type projects are "nonhighway public mass transportation projects." Projects under this definition, although approvable as urban system projects, do not have to be located on a Federal-aid highway, e.g., a bus acquired pursuant to these provisions would not be restricted to operation on a route on the Federal-aid urban system. Phases of development, such as plan refinement, preliminary engineering, design, and right-of-way acquisition for a mass transit facility are within the purview of the definition.

These proposed regulations define the term "highway traffic control devices," which are eligible for funding on any Federal-aid system, as that term is defined in the Manual on Uniform Traffic Control Devices. That definition includes, but is not limited to, the actual display apparatus on the highway, the surveillance component to detect and measure traffic flow characteristics, the supervisory control component at a remote location or in authorized vehicles, the logic or software for data analysis and decision making, and the communications component which usually consists of interface units and transmission links.

Subpart A also discusses the planning requirements for projects authorized by the statutory provisions implemented in these proposed regulations. The planning requirements of 23 U.S.C. 134 are applicable to projects in urbanized areas. Further, pursuant to the statutory requirement of 23 U.S.C. 142(d), the regulations require that routes and schedules on public mass transportation systems in urbanized areas shall be based on the 23 U.S.C. 134 planning process when the routes or schedules are established or significantly altered as a result of Federal-aid assistance received under 23 U.S.C. 137 or 142.

PART 810, SUBPART B

The proposed Subpart B contains regulations to implement 23 U.S.C. 137, 142(a)(1), 142(b), and 149, which allow approval of various highway public mass transit improvements and special use highway facilities. Eligible projects include highway traffic control devices, bus passenger loading areas and facilities, and fringe and transportation corridor parking facilities. Exclusive or preferential bus, truck, or emergency vehicle lanes are also eligible projects under this Subpart, except that lanes that are to be exclusive or preferential only for emergency vehicles can only be approved on the Interstate System. This is because 23 U.S.C. 142(b), which authorizes exclusive or preferential emergency vehicle lanes, is limited to the Interstate System. On other Federal-aid systems, emergency vehicles could be given preferential treatment along with trucks or buses or both. Projects approved under this Subpart must be on or adjacent to a Federal-aid highway.

By virtue of 23 U.S.C. 137, certain special requirements attach to fringe and transportation corridor parking facilities approved under this Subpart. These are detailed in § 810.104 of the proposed regulations.

PART 810, SUBPART C

Subpart C of these proposed regulations implements 23 U.S.C. 142(g), which permits the Federal Highway Administrator to authorize States to make available, without charge, to publicly owned mass transit authorities, highway rights-of-way for rail or nonhighway public mass transit facilities.

The proposed regulations in this Subpart are applicable to the rights-of-way of all Federal-aid highways which have received or will receive Federal-aid assistance. Thus, if the right-of-way itself were acquired without Federal financial assistance, but Federal funds participated in other phases of the highway's development, these proposed regulations are applicable. On the other hand, these regulations are not applicable to a highway which has never received Federal financial assistance and has merely been designated a part of a Federal-aid highway system.

The regulations in this Subpart are concerned with the making available, without charge, of existing rights-of-way for utilization by mass transit facilities. They do not authorize acquisition of right-of-way for these purposes. However, under the provisions of Subparts B and D of these proposed regulations, acquisition of right-of-way necessary for transit, transit related and highway public transportation facilities is authorized. Rights-of-way made available under Subpart C may be used in combination with right-of-way available under Subparts B and D. For example, if a proposed mass transit facility would require 100 square feet, and half of that were made available from existing right-of-way under the provisions of Subpart C, the remainder would be eligible for acquisition under Subpart B or D.

The proposed regulations provide that a publicly owned mass transit authority which wishes to use existing Federal-aid highway right-of-way for a mass transit facility shall apply to the State highway department. The State highway department, after reviewing this application, may request the Federal Highway Administration to authorize it to make the necessary land available to the transit authority. The decision of whether or not to make this request is in the discretion of the State highway department. A request must be accompanied by evidence that the proposed use will not impair future highway improvements or the safety of highway users.

The Federal Highway Administrator may authorize the State to make the requested land available to the mass transit authority if he is satisfied that the public interest will be served thereby and that the proposed use will not impair future highway improvements or the safety of highway users, and that the request is in accord with a continuing comprehensive planning process under 23 U.S.C. 134. Upon receiving this authorization, the State shall enter into a written agreement with the mass transit authority relating to the use and occupancy of the land. The regulations do not specify the type of conveyance, i.e., license, covenant or other particular instrument, to be executed by State and local officials. This will allow the greatest possible flexibility for those officials to take into account such other considerations as the type of ownership which the State has in the right-of-way, and applicable State laws, including the tort liability of owners and occupants. In general, the rights conveyed should be limited to the rights and land necessary for the proposed project. The agreement shall be approved by the Administrator and shall contain certain essential conditions detailed in the regulations. The land shall be made available without charge to the mass transit authority, except that the authority shall bear any incidental costs of the delivery of use and occupancy.

PART 810, SUBPART D

Subpart D of these proposed regulations implement 23 U.S.C. 142(a)(2) and (c), which authorize approval of nonhighway public mass transit projects as or in lieu of Federal-aid urban system projects. Although the two statutory provisions differ somewhat in terms of eligible areas, sources of funding, and timing of eligibility, there are few real distinctions between the two sections. Accordingly, this Subpart implements both and minimizes the differences between them.

Under the regulations, nonhighway public mass transit projects may now be approved as urban system projects, with the single exception that projects involving the construction of fixed rail facilities (including the purchase of rolling stock for fixed rail) may be approved *only* in urbanized areas until January 1, 1975. This distinction is made because the provisions of 23 U.S.C. 142(c) authorize approval of fixed rail projects in lieu of urban system highway projects which would be financed with urban system funds apportioned for fiscal years 1974 and 1975. However, the provisions of 23 U.S.C. 142(a)(2) do not authorize approval of fixed rail projects as regular urban system projects until fiscal year 1976. While the provisions of 23 U.S.C. 142(a)(2) are applicable in all urban areas, the provisions of 23 U.S.C. 142(c) are only applicable in urbanized areas. Therefore, fixed rail projects are eligible for approval *only* in urbanized areas under 23 U.S.C. 142(c), until the rail provisions of 23 U.S.C. 142(a)(2) come into effect. This occurs on January 1, 1975, when the urban system apportionments for fiscal year 1976 become available for obligation.

The regulations require that a proposed urban system nonhighway public mass transit project must be included in a program of projects approved under the provisions of 23 U.S.C. 105. That provision of law requires the State highway department to submit a program of proposed projects for utilization of Federal-aid highway monies apportioned to the State for each fiscal year. With respect to programs of projects for the Federal-aid urban system, the law requires that the projects be selected by responsible local officials, with the concurrence of the State highway department and, in urbanized areas, in accordance with the 23 U.S.C. 134 planning process. By requiring inclusion of the proposed transit project in an approved program of projects, the regulations insure that the projects will have been selected by responsible local officials in accordance with appropriate planning requirements. This provision also accomplishes the statutory requirements of 23 U.S.C. 142(c), which requires that responsible local officials determine that their needs require a mass transit project and that the project be in accord with and entitled to priority under the 23 U.S.C. 134 planning process.

Under the proposed regulations, the actual application for an urban system transit project may be developed by the Governor or by any person or entity authorized by State or local law to plan, organize, operate, manage or otherwise provide mass transportation services in and for the urban area. This application, which constitutes the submission of plans, specifications, and estimates for the proposed project, must meet the requirements established by the Urban Mass Transportation Administration's External Operating Manual for a capital or technical studies grant, as appropriate. The application must also contain an assurance that the proposed project will be fully utilized by the public mass transportation system of the urban area. The application is forwarded to the State highway department, which submits the application to the Federal Highway Administrator, provided that it concurs in the full utilization assurance and endorses the proposed project.

There was considerable discussion as to who should submit and be the contracting party with respect to, urban system mass transit projects. Under 23 U.S.C. 110 and other basic provisions of

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title 23, United States Code, it is the State highway department which develops and submits the plans, specifications and estimates for proposed highway projects and which contracts with the Federal Government for project implementation. However, agencies other than State highway departments may be authorized under State and local law as responsible for transit. Under 23 U.S.C. 142(e)(2), urban system transit projects approved under 23 U.S.C. 142(a)(2) are subject to the provisions of title 23 U.S.C., except to the extent they are deemed inconsistent.

The Department believes that those provisions of title 23 which make the State highway department the sole eligible recipient of Federal-aid highway funds are inconsistent with the provisions allowing funding of urban system mass transit projects. For these reasons, we have structured these regulations so as to maximize flexibility while assuring that those persons or entities with the necessary authority or expertise will be eligible to develop mass transit projects.

The State highway department, because of its overall responsibility for the Federal-aid urban system, has the specific responsibility of submitting the proposed project. This is the case whether or not it developed the application and whether or not it will be the recipient of the financial assistance to be provided. Nothing in these proposed regulations is intended to preclude a State highway department from acting in either capacity.

The regulations provide that the application for a proposed urban system transit project is to be submitted to the Federal Highway Administrator. Actually, following normal FHWA delegations of authority, the application will be submitted to the FHWA Division Engineer, but the regulations do not reflect this level of delegation. FHWA will determine whether sufficient Federal-aid urban system funds have been reserved to finance the Federal share of the proposed project. If sufficient funds were not reserved at the programming stage, the necessary funds will be reserved upon request by the State highway department. This determination of fund availability is necessary whether the proposed project is being advanced under 23 U.S.C. 142(a)(2); pursuant to which Highway Trust Fund monies may be obligated, or 23 U.S.C. 142(c), pursuant to which general fund monies may be obligated. If the project is financed with general funds, the State's urban system apportionment must be reduced by an equivalent amount. The particular source of funding for a specific project is a matter of Federal-level bookkeeping which has no impact on the recipient.

FHWA forwards the urban system transit application to UMTA with the determination of fund availability. The monies for the proposed project remain reserved until UMTA notifies FHWA that the proposed project has been disapproved, or until the State highway department withdraws the project.

UMTA will review each application for a proposed urban system transit project to be sure that sufficient urban system funds have been reserved and that the assurance of full utilization is satisfactory. Proposed projects will be approved in accordance with the provisions of the UMTA External Operating Manual. Approval of the project by the Urban Mass Transportation Administrator obligates the United States to pay its proportional share of the project's cost. This proportional share is the same as for urban system highway projects; currently, that share is fixed at 70 percent.

Upon approval of the project, UMTA shall execute a grant contract covering implementation of the project with the Governor or with any person or entity which is designated by the Governor and which is authorized by State or local law to plan, organize, operate, manage, or otherwise provide mass transportation service in or for the urban area. As noted above, the question of who is to be the contracting party and the recipient of the financial assistance provided under this Subpart was a major one in the development of these regulations. We decided, consistent with our comments above, that the Governor is in the best position within the State to determine which person or entity with the necessary legal authority can best implement the project and undertake the necessary contractual responsibilities and guarantees. Therefore, the regulations allow the Governor or any properly authorized person or entity he may designate to be the contracting party for urban system nonhighway public mass transit projects approved under this Subpart.

Inquiries, comments, views, and arguments on these proposed regulations may be submitted to the Federal Highway Administration, DOT 512, Room 4226, Docket No. 74-7, 400 7th Street SW., Washington, D.C. 20590. All written communications received on or before October 1, 1974, will be considered before final action is taken on this proposal. Copies of all written communications received will be available for examination during normal business hours at the foregoing address.

These amendments to Title 23, Code of Federal Regulations, are proposed under the authority of 23 U.S.C. 137, 142, 149, and 315, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b) and 1.50(f).

In consideration of the foregoing, it is proposed to amend Chapter 1 of title 23 of the Code of Federal Regulations by adding a new Part 810 as set forth below.

Issued on August 30, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

J. E. HIRTEN,
Deputy Urban Mass Transportation Administrator.

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AUTHORITY: 23 U.S.C. 137, 142, 149, 315; Delegation of authority by the Secretary of Transportation, 40 CFR 1.48(b); 1.50(f).

Subpart A—General

§ 810.2 Purpose.

The purpose of the regulations in this Subpart is to implement sections 137, 142, and 149 of title 23 of the United States Code. Sections 137 and 142 relate generally to the use of Federal-aid highway funds for various types of public transportation projects; section 149 permits the Secretary to approve as a project on any Federal-aid system the construction of exclusive or preferential truck lines.

§ 810.4 Definitions.

(a) Except as otherwise provided, terms defined in 23 U.S.C. 101(a) are used in this Subpart as so defined.

(b) The following terms, where used in the regulations in this Subpart, have the following meaning—

"Responsible local officials" means—

(1) In areas under 50,000 population, principal elected officials of general purpose local governments; or

(2) In urbanized areas, principal elected officials of general purpose local governments (and until January 2, 1975, the Commissioner of the District of Columbia), acting through the areawide transportation planning agency designated by the Governor.

"Bus passenger loading areas and facilities (including shelters)" means areas and facilities located at or near passenger loading points for the safety, protection, comfort, or convenience of bus passengers. The term "areas and facilities" includes access roads, buildings, structures, equipment, improvements, and interests in land.

"Exclusive or preferential bus, truck, or emergency vehicle lane(s)" means one or more lanes of a highway facility or an entire highway facility where buses, trucks, emergency vehicles, or any combination thereof, are given, at all times or at any regularly scheduled times, a priority or preference over some or all other vehicles moving in the general stream of mixed highway traffic.

"Fringe and transportation corridor parking facilities" means those facilities located in fringe areas which are intended to be used for the temporary storage of vehicles and which are located and designed so as to facilitate the safe and convenient transfer of persons traveling in such vehicles to and from existing or planned public transportation facilities. The term "parking facilities" includes access roads, buildings, structures, equipment, improvements, and interests in land.

"Fringe areas" means those areas outside the central business district of an urban area.

"Highway traffic control devices" means traffic control devices as defined by the currently approved Manual on Uniform Traffic Control Devices.

"Nonhighway public mass transit project" means any undertaking to develop or improve public mass transit facilities or equipment. A project must be included in and related to a program for the development or improvement of an urban public mass transit which includes either the construction of fixed rail facilities, or the purchase of passenger equipment, or both. Passenger equipment includes buses, fixed rail rolling stock and other transportation equipment.

§ 810.6 Planning requirements for projects authorized by 23 U.S.C. 137, 142, or 149.

(a) Programs for projects in an urbanized area may not be approved by the Federal Highway Administrator and the Urban Mass Transportation Administrator unless they find that such projects are based on a continuing comprehensive transportation planning process, carried on in accordance with 23 U.S.C. 134.

(b) Routes and schedules on public mass transportation systems in urbanized areas which receive Federal-aid assistance under 23 U.S.C. 137 or 142, which are established or significantly altered as the result of receiving this assistance, shall be based upon a continuing comprehensive transportation planning process carried on in accordance with 23 U.S.C. 134.

Subpart B—Highway Public Transportation Projects and Special Use Highway Facilities

§ 810.100 Purpose.

The purpose of the regulations in this Subpart is to implement 23 U.S.C. 137, 142(a)(1), 142(b), and 149 which by delegation of the Secretary allow the Federal Highway Administrator to approve various highway public mass transportation improvements and special use highway facilities as Federal-aid highway projects.

§ 810.102 Eligible projects.

Projects may be approved by the Federal Highway Administrator under this Subpart, on all Federal-aid systems, which encourage the development, improvement, and use of public mass transportation systems operating motor vehicles (other than on rail) so as to increase the traffic capacity of the Federal-aid systems for the movement of persons. Eligible projects include—

(a) Exclusive or preferential bus, truck, or emergency vehicle lanes, except that exclusive or preferential lanes only for emergency vehicles can be approved only on the Federal-aid Interstate System;

(b) Highway traffic control devices;

(c) Bus passenger loading areas and facilities (including shelters) that are on or serve a Federal-aid system; and

(d) Fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers.

§ 810.104 Applicability of other provisions.

(a) Projects authorized under section 810.102 of this Subpart shall be deemed to be a highway project for all purposes of title 23, United States Code, and shall be subject to all regulations of title 23, Code of Federal Regulations.

(b) Projects approved under this Subpart on the Federal-aid Interstate System for exclusive or preferential bus, truck and emergency vehicle lanes are excepted from the minimum four-lane requirement of 23 U.S.C. 109(b).

(c) The Federal proportional share of a project approved under this Subpart shall be the same as that provided in 23 U.S.C. 120(a) for any other project on the Federal-aid system on which the project is located.

(d) Projects authorized under this Subpart will be approved only if the State has provided the Federal Highway Administrator with a satisfactory assurance that the proposed project will be fully utilized by the public mass transportation system, with a discussion of the relevant information provided by local transit operating officials and other bases of that assurance.

§ 810.106 Approval of fringe and transportation corridor parking facilities.

(a) In approving fringe and transportation corridor parking facilities, the Federal Highway Administrator—

(1) Shall make a determination that the proposed parking facility is located in a fringe area.

(2) Shall require that the parking facility be located and designed in conjunction with existing or planned public transportation facilities;

(3) May approve acquisition of land proximate to the right-of-way of the Federal-aid highway;

(4) May approve construction of publicly owned parking facilities on land acquired under paragraph (a)(3) of this section or within the Federal-aid highway right-of-way, including the use of the airspace above and below the established gradeline of the highway pavement; and

(5) May permit the charging of fees for the use of the facility, except that the rate of the fee shall not be in excess of that required for maintenance and operation (including compensation to any person for operating such facility), and for the retirement of the principal of municipal bonds issued to provide the local participating share in the construction costs.

(b) The Federal Highway Administrator shall not approve a fringe and transportation corridor parking facility project unless—

(1) He has determined that the State, or the political subdivision thereof, where the project is to be located, or any agency or instrumentality of such State or political subdivision, has the authority and capability of constructing, maintaining, and operating the facility;

(2) He has entered into an agreement governing the financing, maintenance, and operation of the parking facility with the State, political subdivision, agency, or instrumentality including necessary requirements to insure that adequate public transportation services will be available to persons using the facility and he has received assurance that the facility will remain in public ownership as long as it is needed and that any change in ownership shall have his prior approval; and

(3) He has approved design standards for constructing the facility developed in cooperation with the State highway department.

(c) A State political subdivsion, agency or instrumentality thereof may contract with any person to operate any parking facility constructed under this section.

Subpart C—Making Highway Rights-of-Way Available for Mass Transit Projects

§ 810.200 Purpose.

The purpose of the regulations in this Subpart is to implement 23 U.S.C. 142(g), which permits the Federal Highway Administrator to authorize a State to make available, to a publicly owned mass transit authority, highway rights-of-way for rail or nonhighway public mass transit facilities.

§ 810.202 Applicability.

(a) The provisions of this Subpart are applicable to the rights-of-way of all Federal-aid highways on which Federal-aid highway funds have participated or will participate in any part of the cost of the highway.

(b) The provisions of this Subpart do not preclude acquisition of rights-of-way for use involving mass transit facilities under the provisions of Subparts B and D of this Part. Rights-of-way made available under this Subpart may be used in combination with rights-of-way acquired under Subparts B and D of this Part.

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§ 810.204 Application by mass transit authority.

A publicly owned mass transit authority desiring to utilize land existing within publicly acquired right-of-way of any Federal-aid highway for a rail or nonhighway public mass transit facility may submit an application therefor to the State highway department.

§ 810.206 Review by the State highway department.

The State highway department, after reviewing the application, may request the Federal Highway Administrator to authorize the State to make available to the publicly owned mass transit authority the land needed for the proposed facility. A request shall be accompanied by evidence that utilization of the land for the proposed purposes will not impair future highway improvements or the safety of highway users.

§ 810.208 Action by the Federal Highway Administrator.

The Federal Highway Administrator may authorize the State to make available to the publicly owned mass transit authority the land needed for the proposed facility, if he finds:

(a) The evidence submitted by the State highway department under § 810.206 to be satisfactory;

(b) The public interest will be served thereby; and

(c) The proposed action is based on a continuing comprehensive transportation planning process carried on in accordance with 23 U.S.C. 134.

§ 810.210 Authorization for use and occupancy by mass transit.

(a) Upon being authorized by the Federal Highway Administrator, the State shall enter into a written agreement with the publicly owned mass transit authority relating to the use and occupancy of highway right-of-way subject to the following conditions:

(1) That any significant revision in the design, construction, or use of the facility for which the land was made available shall receive prior review and approval by the State highway department, subject to concurrence by the Federal Highway Administrator.

(2) That the use of the lands made available to the publicly owned mass transit authority shall not be transferred to another party without the prior approval of the State highway department, subject to concurrence by the Federal Highway Administrator.

(3) That, if the publicly owned mass transit authority falls within a reasonable or agreed time to use the land for the purpose for which it was made available, or if it abandons the land or the facility developed, such use shall terminate and any abandoned facility developed, or in development, by the publicly owned mass transit authority shall be disposed of in a manner prescribed by the State.

(b) A copy of the use and occupancy agreement shall be forwarded to the Federal Highway Administrator for approval.

§ 810.212 Use to be without charge.

The use and occupancy of the lands made available by the State to the publicly owned mass transit authority shall be without charge. Costs incidental to making the lands available for mass transit shall be borne by the publicly owned mass transit authority.

Subpart D—Federal-Aid Urban System Nonhighway Public Mass Transit Projects

§ 810.300 Purpose.

The purpose of the regulations in this Subpart is to implement 23 U.S.C. 142(a)(2), which allows the Urban Mass Transportation Administrator, by delegation of the Secretary, to approve nonhighway public mass transit projects as Federal-aid urban system projects, and 23 U.S.C. 142(c), which permits approval of nonhighway public mass transit projects in lieu of highway projects on the Federal-aid urban system in urbanized areas.

§ 810.302 Eligible projects.

(a) Subject to the limitation of paragraph (b) of this section, nonhighway public mass transit projects may be approved as Federal-aid urban system projects.

(b) Prior to January 1, 1975, nonhighway public mass transit projects involving the construction of fixed rail facilities, including the purchase of rolling stock for fixed rail, can be approved only within urbanized areas.

(c) On and after January 1, 1975, projects involving the reconstruction and improvement of fixed rail facilities shall be eligible for approval under this Subpart D as nonhighway public mass transit projects.

§ 810.304 Submission of projects.

(a) A proposed urban system nonhighway public mass transit project must be included in a program of projects approved pursuant to 23 U.S.C. 105, in whole or in part by the Federal Highway and Urban Mass Transportation Administrators.

(b) An application for an urban system nonhighway public mass transit project (which shall constitute the submission of plans, specifications, and estimates for the project) shall be developed by the Governor or by any person or entity authorized by State or local law to plan, organize, operate, manage, or otherwise provide mass transportation service in and for the urban area. The application shall—

(1) Meet the requirements for an application for capital or technical studies grant from the Urban Mass Transportation, as appropriate, as set forth in the UMTA External Operating Manual (UMTA Order 1000.2, dated August 22, 1972); and

(2) Contain an assurance that the public mass transportation system of the urban area will fully utilize the proposed project, with a discussion of the relevant information provided by local transit operating officials and other bases of that assurance.

(c) The application shall be forwarded to the State highway department. The State highway department shall submit the application to the Federal Highway Administrator, provided it—

(1) Endorses the proposed project; and

(2) Concurs in the assurance that the proposed project will be fully utilized by the public mass transportation system.

§ 810.306 Determination of fund availability.

(a) When the Federal Highway Administrator receives an application for an urban system nonhighway public mass transit project, he shall determine whether sufficient Federal-aid urban system funds have been reserved to finance the Federal share of the cost of the proposed project. If he determines that sufficient Federal-aid urban system funds are not reserved, he shall reserve the necessary funds if the State highway department requests him to do so.

(b) The Federal Highway Administrator shall forward the application for an urban system nonhighway public mass transit project to the Urban Mass Transportation Administrator, together with his determination of fund availability and other appropriate comments.

(c) The Urban Mass Transportation Administrator shall notify the Federal Highway Administrator of his approval or disapproval of each proposed urban system nonhighway public mass transit project forwarded to him. The funds reserved for the proposed project shall remain available for obligation on that project until the Federal Highway Administrator is notified that the project has been disapproved by the Urban Mass Transportation Administrator, or until the project is withdrawn by the State highway department.

§ 810.308 Urban Mass Transportation Administrator's review of application for urban system nonhighway public mass transit project.

The Urban Mass Transportation Administrator shall approve the application for an urban system nonhighway public mass transit project only if:

(a) The assurance that the public mass transportation system of the urban area will fully utilize the proposed project is satisfactory; and

(b) Sufficient Federal-aid urban system funds to pay the Federal share of the cost of the project are reserved for obligation on the project, as determined by the Federal Highway Administrator under § 810.306.

§ 810.310 Approval of urban system nonhighway public mass transit projects.

(a) An urban system nonhighway public mass transit project shall be approved by the Urban Mass Transportation Administrator in accordance with the provisions of the UMTA External Operating Manual (UMTA Order 1000.2, dated August 22, 1972) relating to capital assistance grants or technical studies, as appropriate. Approval of the plans, specifications, and estimates of a nonhighway public mass transit project shall be deemed to occur on the date the Urban Mass Transportation Administrator approves the project. This approval obligates the United States to pay its proportional share of the cost of the project.

(b) approval of an urban system nonhighway public mass transit project, the Urban Mass Transportation Administrator shall execute a grant contract covering implementation of the project with the Governor or with any person or entity designated by the Governor including the State highway department, which is authorized by State or local law to plan, organize, operate, manage, or otherwise provide mass transportation services and facilities in and for the urban area.

§ 810.312 Applicability of other provisions.

The Federal proportional share of the cost of an urban system nonhighway public mass transit project approved under this Subpart shall be equal to the Federal share which would have been paid if the project were a highway project, as determined under 23 U.S.C. 120(a).

[FR Doc.74-20540 Filed 9-4-74;8:45 am]

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PART V

FEDERAL ENERGY ADMINISTRATION

■

PETROLEUM ALLOCATION AND PRICE REGULATIONS

Miscellaneous Amendments

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Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Allocation of Crude Oil; Special Rule No. 2

On August 9, 1974, the Federal Energy Administration published two notices of proposed rulemaking to amend the reporting requirements of Subpart C of Part 211 (39 FR 28862) and to add to the Appendix of Subpart C of Part 211 Special Rule No. 2 (39 FR 28862). The FEA has reviewed the comments received with respect to these proposed rulemakings and is now adopting these proposals as final rules with certain modifications noted below.

No changes have been made in the amendments to § 211.66(d) from the form of such amendments in the notice of proposed rulemaking. Special Rule No. 2 as adopted hereby differs from its form in the notice of proposed rulemaking in two respects. First, Special Rule No. 2 as adopted makes it clear that the unsold quantity of crude oil under Special Rule No. 1 for May, 1974 (39 FR 12109; April 3, 1974) is calculated with reference to the total obligation of a refiner under paragraphs 3 (b) and (c) of Special Rule No. 1. In addition, Special Rule No. 2 as adopted provides that the volume of a refiner's crude oil runs to stills for May, 1974 for purposes of Special Rule No. 2 includes amounts sold under Special Rule No. 1 and excludes amounts purchased under Subpart C for the period February through April, 1974 and under Special Rule No. 1 for May, 1974.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., August 30, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

1. Section 211.66 is amended in paragraphs (d) and (e) to read as follows:

§ 211.66 Reporting requirements.

• • • • • •

(d) *Quarterly report.* Thirty days (or such other period as may be specified by the FEA) prior to each allocation quarter commencing after August 31, 1974, each refiner shall file with the FEA a report showing the following:

(1) The volume of crude oil runs to stills of such refiner for the allocation quarter or period preceding the current allocation quarter, taking into account, and specifying the amount of, the adjustments provided for in § 211.65(a)(2).

(2) The estimated volume of crude oil runs to stills for the forthcoming allocation quarter, taking into account, and specifying the amount of, the adjustments provided for in § 211.65(a)(2).

(3) Any change in refinery capacity since the previous report.

(4) Such other information as the FEA may request.

(e) All information required by paragraphs (c) and (d) of this section shall separately identify domestic and imported crude oil.

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2. The Appendix to Subpart C of Part 211 is amended by the addition of a Special Rule No. 2 to read as follows:

SPECIAL RULE NO. 2

1. *Scope.* This special rule applies to all refiner-buyers and refiner-sellers for the allocation quarter commencing September 1, 1974.

2. *Purpose.* This special rule provides for adjustments to the sale obligations of refiner-sellers and to the purchase opportunities of refiners-buyers in the allocation quarter commencing September 1, 1974, based on volumes required to be offered for sale, but not sold, in May, 1974 and on variances between the estimated crude oil runs to stills for February through April, 1974 (prorated for May) and reported crude oil runs to stills for May, 1974. The adjustments provided for in this special rule are in addition to adjustments set forth in § 211.65. This special rule also provides for a revised date for publication of the buy/sell list.

3. *Adjustments to Purchase Opportunities of Refiners-Buyers.* For the allocation quarter commencing September 1, 1974, in addition to the adjustments specified in § 211.65, the following adjustments shall be made to the purchase opportunities of refiner-buyers.

(a) The purchase opportunity of each refiner-buyer which was classified as a refiner-seller in May 1974, and did not sell the total quantity of crude oil that it was required to offer for sale in such period pursuant to paragraphs 3 (b) and (c) of Special Rule No. 1 for May 1974, shall be reduced by such unsold amount in the allocation quarter commencing September 1, 1974.

(b) The purchase opportunity of each refiner-buyer shall be (1) reduced by the excess of the volume of domestic crude oil runs to stills of that refiner-buyer for May 1974 over 31/89 of the reported estimated domestic crude oil runs to stills of that refiner-buyer for the period February through April 1974, and (ii) increased by (A) the excess of 31/89 of such estimated domestic crude oil runs to stills for such period over the volume of its domestic crude oil runs to stills for May 1974, and (B) the excess of 31/89 of the reported estimates of imported crude oil runs to stills of that refiner-buyer for the period February through April 1974, over the volume of its imported crude oil runs to stills for May 1974.

4. *Adjustments to Sale Obligations of Refiner-Sellers.* For the allocation quarter commencing September 1, 1974, in addition to the adjustments specified in § 211.65, the following adjustments shall be made to the sale obligations of refiner-sellers.

(a) Each refiner-seller that was classified as a refiner-seller in May 1974, and did not sell the total quantity of crude oil that it was required to offer for sale in such period pursuant to paragraphs 3 (b) and (c) of Special Rule No. 1, shall first be required to offer for sale such unsold amount (together with any unsold amounts specified in § 211.65 (d)(3)) to refiner-buyers; *provided, however,* That such unsold amounts shall constitute a sales obligation of a refiner-seller only for the allocation quarter commencing September 1, 1974.

(b) The quantity of crude oil that a refiner-seller shall be required to offer for sale shall be (1) increased by the excess of the volume of domestic crude oil runs to stills of that refiner-seller for May 1974 over 31/89 of the reported estimated domestic crude oil run to stills of that refiner-seller for the period February through April 1974, and (11) reduced by (A) the excess of 31/89 of such estimated domestic crude oil runs to stills for such period over the volume of its domestic crude oil runs to stills for May 1974, and (B) the excess of 31/89 of the reported estimates of imported crude oil runs to stills of that refiner-seller for the period February through April 1974 over the volume of its imported crude oil runs to stills for May 1974.

(c) Sales by a refiner-seller in the allocation quarter commencing September 1, 1974, shall be deemed to be first in satisfaction of that refiner-seller's obligations under § 211.65 (d)(3) and paragraph 4(a) of this special rule, to the extent of such obligations, and next in satisfaction of the balance of that refiner-seller's sale obligation under § 211.65.

5. *Adjustments for Purposes of Paragraphs (3) and (4).* For purposes of paragraphs (3) and (4) of this special rule, the volume of a refiner's crude oil runs to stills shall reflect the adjustments specified in § 211.65(a)(2), shall include amounts sold under Special Rule No. 1 for May 1974 and shall exclude amounts purchased under Subpart C for the period February through April 1974 and under Special Rule No. 1 for May 1974.

6. *Calculation of Sale Obligations of Refiner-Sellers.* For the allocation quarter commencing September 1, 1974, after calculation of the amount of each refiner-seller's fixed percentage share of the total allocation obligation less the quantities of crude oil required to be sold under § 211.65(d)(3) and under paragraph 4(a) of this special rule, the adjustments specified in paragraph 4(b) of this special rule shall be made to such amount. To the extent that the aggregate of such adjusted obligations of all refiner-sellers either exceeds or is less than the aggregate of such obligations prior to any adjustment, the adjusted obligation of each refiner-seller shall be either reduced or increased, as the case may be, by its fixed percentage share of such excess or shortfall.

7. *Date of Publication of Buy/Sell List.* Notwithstanding the provisions of § 211.65 (e), the notice specified in that section for the allocation quarter commencing September 1, 1974, shall be published by FEA on or prior to September 6, 1974.

8. *Provisions of Subpart C to Remain in Effect.* The provisions of Subpart C of Part 211 shall remain in full force and effect except as expressly modified by the provisions of this special rule.

[FR Doc.74-20559 Filed 9-3-74;9:45 am]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Carryover of Refiners' and Resellers' Unrecouped Increased Product Costs

The Federal Energy Administration hereby amends, effective September 1, 1974, the provisions of the Mandatory Petroleum Price Regulations governing the carryover of refiners' and resellers' unrecouped increased product costs (10 CFR 212.83(d) and 212.93(e)), to clarify and make explicit the requirement that prices charged for each covered product must reflect the equal application of increased product costs to each class of purchaser, and that failure to charge prices that reflect equal application of increased product costs except to the extent the seller is precluded from charging such prices by the price term of a contract in effect on September 1, 1974, will result in unrecouped increased product costs which the seller will not be permitted to recover in a subsequent month.

The concept of preserving the customary price differentials that existed as of May 15, 1973 among various classes of purchaser of a particular covered product is fundamental to the FEA system of price regulations, and has been expressed in various FEA rules. Under the refiners' price rules, for example, a formula is provided for determining a uniform cents per gallon increment of increased product cost which may be applied to the May 15, 1973 selling price to each class of purchaser, in order to determine the base price for that product to that class of purchaser. The base price is the maximum lawful price for the sale of that product to that class of purchaser. The intent of this regulatory framework was to preserve the "customary price differentials" between purchasers, which, in fact, serve to define "class of purchaser" in § 212.31, by requiring the application of equal amounts of increased product cost to the May 15, 1973 selling price to each class of purchaser.

In general, these regulations have resulted in the equal application of increased product costs among classes of purchaser. An ambiguity in the regulations, however, is that sellers are not specifically required actually to charge the prices arrived at under the regulations. As an improved supply situation has begun to have a restraining influence on prices, the FEA has become aware that certain sellers have taken the position that they may selectively "bank" increased product costs as to certain classes of purchaser, for recoupment in a subsequent month, as long as the prices charged to other classes of purchaser do not exceed the maximum lawful price.

Such practices could obviously serve to avoid the intent of the overall framework of the price regulations, and the FEA is undertaking to insure that these pricing practices are not put into effect.

At the same time, the FEA has concluded that its regulations should be clarified in this regard, so that all sellers will be expressly on notice that prices actually charged, and not merely prices calculated as a lawful maximum, must reflect the equal application of increased product costs, except where a pre-existing contract prevents the implementation of such a price.

In order to make this requirement explicit, which has been adhered to by most sellers, the FEA is amending its regulations providing for the carryover of unrecouped increased product costs by a seller. Thus, for each product the recoupment of increased product costs will be calculated on the assumption that the largest amount of increased product cost added to the May 15, 1973 selling price and included in the price charged to any class of purchaser, was equally applied to the May 15, 1973 prices and included in the price charged to all classes of purchaser, without regard to whether such prices were, in fact, charged. An exception to this requirement is provided to the extent that a seller can show that a lower price was required to be charged by virtue of the price terms of a contract which was in existence on or before September 1, 1974.

It should be noted that this clarification of the regulations does not alter in any respect the ability of a seller to charge prices to all classes of purchaser of a covered product which reflect the application of less than all available increased costs, and to carry forward the amount of increased costs which are not applied for recovery in a subsequent month. This clarification simply makes explicit the limitation that a seller may not select among classes of purchaser of the same product those classes as to which it will apply increased costs and those classes as to which it will "bank" increased costs.

This approach, which is implicit in the existing regulations, is consistent with the provisions of the Emergency Petroleum Allocation Act of 1973 respecting the pass through of increased product costs, since all sellers continue to be afforded the opportunity under the amended regulation to pass through all of their increased product costs. Where, however, a seller chooses to charge prices for a product which reflect disparate application of increased product costs among classes of purchaser, the carryover of unrecouped increased costs will not be permitted to the extent that any class of purchaser had a lesser amount of increased costs applied to its prices than did another class of purchaser of the same product.

The only circumstance in which a seller is permitted to carryover or "bank" unrecouped increased product costs due to sales at prices reflecting less than equal application of increased costs, is where the seller is required to make sales at lesser prices due to price terms contained in pre-existing contracts. Thus, to the extent that a seller is unable to charge prices reflecting equal application of increased costs because of a contract, it will not be precluded from applying such unrecovered costs to its prices in a subsequent month. This exceptional circumstance was set forth in FEO Ruling 1974–12, 39 FR 18423, May 20, 1974, and is made explicit within the regulations by the clarifications issued today.

With respect to this aspect of the regulations, a further clarifying change in the regulations is needed. At the time Ruling 1974–12 was issued, the FEO recognized that the existence of long-term, fixed-price contracts restricted the ability of certain sellers to increase their prices for products. As indicated above, the clarifications issued today continue to recognize the restrictions imposed by such contracts and to accommodate those sellers whose pricing options are thereby inhibited. However, in order to insure that, under present conditions, the fixed-price contract exception does not become a means whereby sellers can avoid the intent of the regulations to maintain price differentials between classes of purchaser, it will be limited to prices charged under contracts entered into on or before September 1, 1974, and will apply only to the extent that the maximum price which may be charged under the contract is less than the price that would otherwise result from the equal application of increased product costs. Thus, to the extent that a seller charges a price which is less than it is entitled to charge under a fixed-price contract and which is less than the price reflecting equal application of increased product costs, it may not carryover to a subsequent month the unrecouped increased costs represented by the difference between the actual price charged and the highest price that could have been charged under the contract.

The FEA has concluded that these amendments must be made effective on September 1, 1974, prior to opportunity for comment, upon a finding that an emergency exists. It has only recently come to FEA's attention that certain sellers have implemented and continue to implement prices which do not conform to the FEA concept of preserving May 15, 1973 price differentials among various classes of purchaser. To the extent that there is ambiguity in the current regulations, compliance efforts as to such sellers are more difficult. And, as the supply situation becomes more favorable, the incentive to depart from the equal application requirement becomes stronger. Moreover, announcement of these amendments as proposals would highlight current ambiguities in the regulations and could result in sellers seeking to take advantage of that ambiguity or of the contract exception to the regulation.

The FEA has determined that the continuation or initiation of such practices would be injurious to the public welfare, in view of the number of circumventions of FEA regulations and the substantial compliance difficulties which would result.

The FEA will, however, receive public comment on the amendments issued today. The FEA is preparing further proposed revisions to the price regulations. Public hearings respecting the proposed revisions and the amendments issued today are anticipated in September. The FEA will solicit written and oral comments during these proceedings, notice of which will appear in the FEDERAL REGISTER in the near future.

The provisions of section 7(1)(1)(B) of the Federal Energy Administration Act of 1974 (P.L. 93–275), with respect to notice and opportunity to comment are hereby waived upon a finding that strict compliance would cause serious harm or injury to the public health, safety, or welfare. Opportunity for written and oral

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comment on this amendment to the regulations will be provided within 45 days of this date.

The review provisions of section 7(c)(2) of the Federal Energy Administration Act of 1974 (P.L. 93-275) are hereby waived for a period of fourteen days, as provided for in that section, upon a finding that there is an emergency situation which requires immediate action.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, (39 FR 23185))

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective September 1, 1974.

Issued in Washington, D.C., August 30, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

1. Section 212.83 is amended in paragraph (d)(1) by adding a sentence between the second and last sentences in the paragraph to read as follows:

§ 212.83 Allocation of refiner's increased product costs.

• • • • • •

(d) *Carryover of costs.* • • •

(1) • • • With respect to each special product (i=1 and i=2), when a firm calculates the amount of increased product cost not recouped, which may be added to the May 15, 1973 selling prices to compute the base prices for that special product in a subsequent month, it shall calculate its revenues as though the greatest amount of increased product costs actually added to the May 15, 1973 selling price of that special product and included in the price charged to any class of purchaser, had been added, in the same amount, to the May 15, 1973 selling price of such product and included in the price charged to each class of purchaser; except that, where an equal amount of increased product cost is not included in the price charged to a purchaser because of a price term of a written contract covering the sale of such product which was entered into on or before September 1, 1974, that portion of the increased product costs not included in the price charged to such a purchaser need not be included in the calculation of revenues.

• • •

(2) • • • With respect to each covered product other than a special product, when a firm calculates the amount of increased product cost not recouped, which may be added to May 15, 1973 selling prices to compute base prices for covered products other than special products in the subsequent month, it shall calculate its revenues as though the greatest amount of increased product costs actually added to the May 15, 1973 selling price of each covered product other than a special product and included in the price charged to any class of purchaser, had been added, in the same amount, to the May 15, 1973 selling price of such product and included in the price charged to each class of purchaser; except that, where an equal amount of increased product cost is not included in the price charged to the purchaser because of a price term of a written contract covering the sale of such product which was entered into on or before September 1, 1974, such portion of the increased product costs not included in the price charged to such a purchaser need not be included in the calculation of revenues.

2. Section 212.93 is amended in paragraph (e) by adding a sentence at the end of the paragraph to read as follows:

§ 211.93 Price rule.

• • • • • •

(e) • • • With respect to each covered product, when a seller calculates its amount of increased cost not recouped under this paragraph, it shall calculate its revenues as though the greatest amount of increased costs actually added to the May 15, 1973 selling price of that covered product and included in the price charged to any class of purchaser, had been added, in the same amount, to the May 15, 1973 selling price of such covered product and included in the price charged to each class of purchaser; except that, where an equal amount of increased cost is not included in the price charged to a purchaser because of a price term of a written contract covering the sale of such product which was entered into on or before September 1, 1974, such portion of the increased costs not included in the price charged to such a purchaser need not be included in the calculation of revenues.

[FR Doc.74-20558 Filed 9-3-74;9:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

PRICE REGULATIONS IN PUERTO RICO

Notice of Proposed Rulemaking

The Federal Energy Administration hereby gives notice of a proposal to amend the manner of implementing its price regulations in Puerto Rico, as now set forth in the Opinion and Order issued on May 16, 1974 (39 FR 17764 May 20, 1974). This proposed amendment would modify the above Opinion and Order to eliminate, beginning October 1, 1974, certain price adjustments which are called for by the Opinion and Order.

The Opinion and Order of May 16, 1974, sought to avoid the severe adverse impact on the economy of Puerto Rico of sharply increased prices for petroleum products by adopting a regulation intended to maintain prices for petroleum products sold in Puerto Rico at approximately the same levels as in the mainland United States.

Certain mainland United States refiners, subject to the general FEA petroleum price regulations for refiners, control entities which operate in Puerto Rico, but these entities purchase the products they sell in Puerto Rico from Commonwealth Oil Refining Company, Inc. (CORCO). CORCO, which is not affiliated with any mainland United States refiner, refines only high-cost foreign source crude oil, which results in correspondingly higher prices to the Puerto Rican entities of mainland United States refiners.

In the context outlined above, the FEO (now the FEA) determined that the Puerto Rican entities of mainland United States refiners would be treated with their parent refiner firms under the refiner price rule. Such treatment of the Puerto Rican entities of mainland United States refining firms requires these entities in effect, to average the increased cost of products purchased in Puerto Rico from CORCO with the total increased costs of crude oil and purchased petroleum products of the mainland refiner, and to apply the same amount of increased product cost to prices in Puerto Rico as is applied to prices in the mainland United States. As a result, the entities of mainland United States refiners operating in Puerto Rico have maximum lawful prices in Puerto Rico which are at approximately the same level as the maximum lawful prices for the petroleum products sold by these companies in the mainland United States, subject to certain adjustments.

Additionally, the FEA, in its May 16, 1974 Opinion and Order, dealt specifically with the prices to be charged by CORCO to Shell (Puerto Rico), which is not owned, directly or indirectly, by a mainland United States refiner, and therefore can only be treated as a reseller under the price regulations. Under the reseller rule, Shell (Puerto Rico) may pass through in its prices, on a dollar-for-dollar basis, the increased cost of the products it purchases from CORCO.

The FEA concluded that the prospect of having one marketer on the island passing through directly the higher cost of CORCO's products, while the other marketers were averaging in CORCO's prices with their mainland refiner firms, had the potential of creating a disruptive condition in the marketplace, since the maximum lawful prices of Shell (Puerto Rico) would have been substantially in excess of those of the other marketers.

Therefore, to alleviate the potential of disruption, FEA determined that its price regulations in Puerto Rico would be implemented in a manner that would result in comparable prices at the retail level for all marketers. The FEA in its May 16, 1974 Opinion and Order directed that CORCO would be required to sell products to Shell (Puerto Rico) at a price adjusted downward pursuant to the method of adjustment established in the Opinion and Order, and to make a corresponding upward adjustment in the prices charged to its other customers.

In determining that a downward adjustment in the price of CORCO products to Shell (Puerto Rico) was appropriate, the FEA took into account the general market conditions at the time in the petroleum industry. In light of those conditions, the FEA concluded that the parent mainland United States refiner firms of CORCO's purchasers other than Shell (Puerto Rico) were in a position to pass through the increased costs of the products obtained from CORCO, including the increment which resulted from the adjustment to the prices charged to Shell (Puerto Rico). In the absence of an adjustment to the prices charged to Shell (Puerto Rico), Shell (Puerto Rico) would have been in a position to pass through the full amount of the increased cost of the products it purchased from CORCO. This pass through by Shell (Puerto Rico) would have resulted in retail prices for gasoline sold by Shell (Puerto Rico) of as much as 17 cents, or more, above the prices for gasoline sold by the other marketers on the island under the refiner price rule.

The FEA believes, however, that since the issuance of the Opinion and Order, the supply situation has improved considerably, and that market forces are beginning to have an impact on prices and to restrict somewhat the ability of sellers to pass through increased costs.

In light of these changed circumstances, FEA has reevaluated the equity of continuing to require CORCO purchasers other than Shell (Puerto Rico) to pay higher prices to offset lower prices to Shell (Puerto Rico). FEA proposes therefore, to eliminate entirely from the May 16, 1974 Opinion and Order, the provision which requires CORCO to adjust its prices to Shell (Puerto Rico) downward, and the corresponding provision as to upward adjustments in prices for all other purchasers. The effect of this amendment would be to reinstate the normal FEA refiners price regulations with respect to sales by CORCO to all its purchasers in Puerto Rico.

The FEA recognizes that Shell (Puerto Rico), as a reseller, would then be faced with the prospect of either seeking to sell products at prices that reflect a full pass through of increased cost, but which would not be competitive, or obtaining financial support from its parent company until such time as the costs to Shell (Puerto Rico) could again be recovered in the prices it charges in Puerto Rico. Nevertheless, the purpose of the May 16, 1974 Opinion and Order was not to protect Shell (Puerto Rico) from having to make this choice. (Indeed, the Puerto Rican entities of mainland United States refiners have been required by the operation of the refiner price regulations to obtain, in effect, financial assistance from their mainland parent firms.) Rather, the purpose of the May 16, 1974 Opinion and Order with respect to prices charged to Shell (Puerto Rico) was to avoid the disruptive impact on the Puerto Rican economy that the direct pass through of CORCO's high prices by Shell (Puerto Rico) would have had. This was the fundamental public interest consideration that formed the basis of the May 16, 1974 Opinion and Order. Since supplies of petroleum products now are significantly increased, the FEA believes that the removal of the Shell (Puerto Rico) price adjustment would not have the adverse impact on the public that it would have had in May.

The FEA also wishes to emphasize that it will seek to enforce its May 16, 1974 Opinion and Order in all respects as to all transactions that occur while it is in effect, in its current form, and that this proposal to modify the Opinion and Order relates only to the CORCO price adjustments. In all other respects the Opinion and Order of May 16, 1974 would remain operative; i.e., Shell (Puerto Rico) would continue to be treated under the reseller rule and the Puerto Rican marketing entities of United States refiners would continue to be treated under the refiner rule.

The rule proposed herein is limited in its principal effect to one section of the United States and directly affects only a few companies. It is not likely to have a substantial impact on the Nation's economy or upon large numbers of individuals or businesses. Written comments will be carefully considered. There is, therefore, no need for the oral presentation of views, data and arguments.

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments with respect to the proposed amendment set forth in this notice to the Executive Secretariat, Federal Energy Administration, Box AZ, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on the documents submitted to the Federal Energy Administration Executive Secretariat with the designation, "Price Regulations in Puerto Rico." Fifteen copies should be sub-

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mitted. All comments received by September 23, 1974 and all other relevant information will be considered by the Federal Energy Administration before final action is taken on the proposed amendment.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this Notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments to offer in this regard.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, 87 Stat. 627; Federal Energy Administration Act of 1974, Pub. L. 93-275, 88 Stat. 96; E.O. 11790, 39 FR 23185).

In consideration of the foregoing, it is proposed to amend the Opinion and Order of May 16, 1974, as set forth herein.

Issued in Washington, D.C., August 30, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

[FR Doc.74-20660 Filed 9-3-74;9:45 am]

[10 CFR Part 212]

MANDATORY PETROLEUM REGULATIONS

Computation of Landed Costs; Further Notice of Proposed Rulemaking and Public Hearing

On May 20, 1974, FEO (now the Federal Energy Administration) issued a notice of proposed rulemaking concerning the standards which it would apply in transactions between affiliated entities in disallowing costs pursuant to § 212.83(e) of its regulations (39 FR 17771, May 20, 1974). The notice set out in detail the origin and evolution of the current FEA regulations governing the computation of transfer prices between affiliated entities, and that notice should be read in conjunction with this further notice.

In particular, the notice indicated FEA's preliminary determination that the actual cost of covered product to a U.S. affiliate in a transaction with a related entity should be established at the price which would obtain if the product had been purchased in an arms-length transaction. This treatment was expected to minimize economic distortions which might otherwise occur and to result in all refiners of imported crude oils having as nearly as possible a comparable measure of cost regardless of whether the product was purchased from a related party.

To determine the arms-length price, FEA proposed the use of the "comparable sales method". This method would have required companies to set their interaffiliate transfer prices for each crude oil on the basis of all sales or purchases to unrelated parties of that crude oil in the month of measurement. The proposed regulations recognized that in some cases refiners would have insufficient third-party sales to use the comparable sales method; FEO proposed in those instances to apply the "net cost method". The net cost method would have essentially limited the overseas production affiliates' margins per barrel to those prevailing in May 1973. FEO indicated that it would apply the net cost method when the comparable sales method was not available unless "some other clearly appropriate method for determining a representative arms-length price is established as a result of public comments and suggestions in this rulemaking proceeding."

Twenty-two comments including detailed submissions from most of the major international oil companies were received by June 17, 1974, the closing date for comments, and several were received after that date. In addition, certain major international oil companies were ordered to provide the detailed price information requested in the notice. The comments raised many questions concerning both the basic concepts involved in the proposed regulations and matters of detail. All of the comments and data were carefully reviewed by FEA and the questions raised by them were discussed and evaluated.

II. On the basis of the comments and other information available to it, FEA reaffirms its basic decision that interaffiliate prices should be established at the levels which would have obtained if the affiliates had dealt with each other at arms-length. To determine arms-length prices, FEA, however, has decided to modify its proposed regulations. In order to allow for comment on the technical details of this modification, FEA is issuing this further notice of proposed rulemaking.

The proposed arms-length rule provides as nearly as possible equality of treatment under the price regulations for integrated and non-integrated refiners. At the same time, an arms-length standard will prevent possible abuse of the price regulations by affiliated oil companies and will assure the integrity of the domestic price control system. Such treatment is also consistent with the general principles applied by the Internal Revenue Service in allocating income between affiliated entities, although necessarily the rules utilized by FEA to determine arms-length prices differ from those employed by the IRS and the prices determined by the two agencies may differ.

A. GENERAL RULE. The comparable sales method which FEA proposed in its first notice as the general rule for determining acceptable levels of transfer prices would have required companies to calculate separate transfer prices for crude oils which were sold to an affiliated entity and which were landed during the month of measurement and to ascertain comparable prices for each crude oil from third-party transactions in that crude oil during the same period. In other words, it required separate crude-by-crude calculations based solely upon the company's own experience in sales of each crude oil to third parties.

FEA has concluded that this approach is deficient in several respects. First, it unduly limits the data base available to companies for determining comparable market prices by restricting the universe of data which each company may use to actual transactions by that company in the particular crude oil. The comments suggested, and FEA concurs, that it is appropriate to permit companies to take into account reported transactions by other companies and transactions involving other crude oils. Second, the proposal did not sufficiently recognize the fact that, in any given month, companies landing a particular crude oil in an interaffiliate transaction may have had no third-party sales whatever in that particular crude oil. Thus, there would be no basis for calculating a comparable market price for that crude under the proposal.

To eliminate these deficiencies, FEA now proposes a new general rule. It provides that, in the first instance, companies may establish arms-length prices based upon whatever information is available to them regardless of whether or not the particular company had substantial third-party sales or purchases in the particular crude oil. This corresponds to the method which many companies have traditionally used in calculating transfer prices and permits latitude in the exercise of company judgment and flexibility to respond to changing market conditions as perceived by the company.

Simultaneously, however, FEA will require the companies to submit information, on a monthly basis, reporting all crude oil purchases and sales by any affiliated entity of each company. Using this market data, FEA will calculate a representative arms-length price for each standard reference crude oil. FEA will compare the transfer prices computed by the companies with the representative arms-length prices which FEA computes and will disallow costs attributable to transfer prices which exceed by a fixed margin the representative arms-length price computed by FEA.

In establishing a representative arms-length price, FEA will review the prices for all reported arms-length transactions during the month of measurement. The median price of these transactions, i.e., the lowest price at or below which 50 percent or more of the reported monthly arms-length sales occur, will be considered the representative arms-length price. For non-reference crudes or for crudes in which the volume of third-party transactions is not significant, the price would be determined by calculating its value with respect to the reference crude most similar in quality. Transfer prices determined by affiliated entities which exceed the higher of (a) the representative price plus 10 cents per barrel or (b) the lowest price at which 65 percent or more (as measured by volume) of the reported monthly arms-length sales occur will be disallowed. Companies whose prices have been disallowed will be required to utilize the representative price.

To determine the representative price, FEA has chosen a measure which takes account of all arms-length transactions reported to it regardless of their nature. The market is, of course, composed of not one but many prices, particularly when the general level of prices is changing rapidly as it has this last year. In deciding what price to choose from those reported, FEA has selected the median because it reflects the middle level of all prices in the market, and although it takes account of all transactions, the median, unlike a weighted average, is not unduly affected from month-to-month by particular transactions at either the high or low end of the pricing range or by the particular mix of transactions reported to FEA. The median also should avoid the sharp monthly fluctuations which would occur if one used simply spot or short-term prices. On the other hand, it should not result in a price excessively dependent upon those contained in long-term contracts entered into several years ago which, notwithstanding escalator provisions for increases in government take, may not reflect the full range of arms-length prices prevailing between unaffiliated entities.

Firms will be given some room for discretion in determining their prices. The allowance of a price above the median takes account of the fact that individual situations vary and that the information available to individual firms may differ somewhat from that available to FEA. The higher maximum should embrace most reasonable estimates of appropriate arms-length prices. A study of sample data available to FEA for Arabian light, the most widely traded crude, indicates that the bulk of all third-party transactions occur at prices equal to or below the median price plus ten cents, and this range should give firms adequate leeway in estimating suitable arms-length prices for Arabian light and other reference crudes. The allowance of the price at which 65 percent or more of monthly sales take place should give firms added leeway in estimating suitable arms-length prices for reference crudes in months of exceptional price variability when the 10 cent rule might not embrace all good faith estimates.

The regulation encourages firms to set their transfer prices at the median rather than at a higher allowable price by requiring any firm whose transfer price exceeds the maximum permitted price to use the representative price. This requirement is intended to discourage intentional pricing in the grey area between the representative and maximum price.

B. *Elimination of Net Cost Method.* The most important change in the final regulations is the elimination of the net cost method. There are several major reasons for this change. First, FEA's preferred measure of cost has always been the arms-length standard. FEA has been and is primarily concerned with protecting the integrity of its domestic price controls which could be evaded by the use of transfer prices in excess of those which would obtain between independent entities. The net cost method was proposed for use in those cases in which FEA felt that it could not derive an arms-length price with sufficient precision to meet its regulatory obligations because of a narrow data base which resulted from the use of third-party data limited to a company by company basis. FEA now believes, however, upon the basis of the comments received and preliminary data collection, that it is feasible to establish a range of acceptable arms-length prices on the basis of pooled data collected from all the companies. Thus, there is no longer a need for the net cost method as an alternate ceiling price.

A second reason for not using the net cost method as proposed is that it would have discriminated against some companies. Companies having large foreign crude supplies that are marketed extensively to third-parties could have used the more favorable comparable sales method while companies which brought all or nearly all of their crude into the U.S. for use in their own refineries would have been relegated to the net cost method and the more narrow margins the method permits.

Finally, employment of the net cost method might have created a disincentive for production companies to export crude to the U.S. and might have materially lessened the ability of the U.S. to attract sufficient petroleum supplies during emergency periods. Many companies indicated that because the net cost method permits smaller returns, there would exist an inducement to dispose of their crude and product abroad or to rearrange their supply patterns so as to bring into the U.S. relatively high cost supply. While it is by no means certain that companies would actually act in accordance with this inducement (especially in light of foreign price controls), it is clear that in a tight market such as prevailed during the embargo any significant diversion would have serious consequences, and should be avoided.

C. *Crude Types and Prices.* FEA will compute representative and maximum prices for crudes periodically designated as reference crudes by considering all transactions reported to FEA for reference and related crudes. Presently designated reference crudes are listed in Appendix A to this notice. FEA will adjust third-party prices of related crudes to the reference crude using the differentials in the posted prices, tax-reference prices other official selling prices established by the host government for crude sales. In establishing the representative and maximum prices for non-reference crudes in countries for which there is one or more reference crudes, FEA will make similar adjustments from the prices of the most similar in quality reference crudes.

Inter-country comparisons will be made only when there is no reference crude from a particular country. In such cases the representative and maximum prices will be calculated with respect to the most similar in quality reference crude in the same geographical area, with adjustments made for the difference between the two crudes in gravity, sulphur content and the cost of transportation to the United States market.

For gravity a standard adjustment of 2 cents per degree API will be made. For sulphur FEA will determine the difference in market value on the basis of the yields of residual fuel oil and the fuel oil sulphur content. (Sulphur is not generally economically significant in other products.) FEA recognizes that some refiners are restricted in their crude choices by their inability to process sour crudes and the market value of products may not for such refiners reflect the full cost of sulphur. In setting a single sulphur penalty, however, FEA believes that product prices for residual are the best market measure.

To calculate the differential for sulphur, FEA will periodically publish values for the premium paid for low sulphur residual fuel oil in the appropriate market for comparison, usually the U.S. East Coast, upon the basis of the best information available to it. Initially FEA proposes to set this value at $1.25 per barrel for each percent of sulphur content, and interested parties are asked specifically to comment on the suitability of this value. This means that a fuel oil with one percent sulphur should sell at approximately $1.25 per barrel more than a fuel oil with 2 percent sulphur. It is further assumed that there is no additional penalty for sulphur for fuel oil with a sulphur content over 3 percent since prices for such oils are established in the bunker market where sulphur is not important. Given the low-sulphur premium, the yields of fuel oil from the two crudes being compared, and the sulphur content of the respective fuel oils, it is possible to calculate the differential value for crude oils due to sulphur content. This is done by comparing the premiums per barrel of crude against a hypothetical barrel of three percent sulphur oil. The method may be best illustrated by the following example.

EXAMPLE 1

Residual fuel yield: Crude I, 0.5; Crude II, 0.4.

Sulphur content of the residual fuel oil: Crude I, 2.2%; Crude II, 0.5%.

Market premium for low sulphur fuel oil per percent—$1.25:

Sulphur premium Crude I—yield × sulphur difference compared to 3% fuel oil × sulphur premium:

$$0.5 \times (3.0 - 2.2) \times \$1.25 = \$0.50$$

Sulphur premium Crude II—yield × sulphur difference compared to 3% fuel oil × sulphur premium:

$$0.4 \times (3.0 - 1.5) \times \$1.25 = \$0.75$$

Premium of Crude II over Crude I:

$$\$0.75 - \$0.50 = \$0.25$$

Transportation differentials for inter-country crude comparisons will be estab-

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lished on the basis of AFRA. AFRA should be also used to adjust delivered sales to an f.o.b. basis although FEA may permit companies to use other indexes if they can demonstrate to FEA that they have historically used some other index in a consistent fashion in computing transportation charges for transactions between affiliates. The regulation governing transportation may be subject to further adjustment in a subsequent rulemaking addressing directly the question of transportation charges between affiliated entities.

C. *Excluded Transactions.* In determining market prices, FEA will exclude certain transactions. First, FEA will exclude purchases of buy-back crude, i.e., repurchases of government crude by the former equity owners. The meaningful price in such cases is the weighted average of the company's buy-back and remaining equity crude; and, since the tax paid cost of equity crude is well below buy-back, companies with equity crude can pay substantial premiums for participation crude and still be competitive. In particular, a company may pay a high buy-back price in exchange for a reduction of its buy-back obligations. The net result of such a transaction may be a reduction in the company's average costs.

Secondly, as an initial matter, FEA believes that it is necessary to exclude exchange transactions. The nature of exchanges is such that a wide variety of formal prices may be attached to the exchange without affecting its substance; moreover, many non-price terms may be important. Hence, FEA does not believe that it can accurately rely upon the price attached to such transactions. FEA will, however, continue to collect data on both exchanges and repurchases of participation crude in order to more effectively monitor market developments and to supplement the other price information which it will obtain.

Other excluded transactions are sales to host governments at cost or cost plus nominal fees, sales of royalty oil to the extent taken "in kind" by host governments and overlift sales of crude between members of a joint venture.

E. *Timing of Cost Accruals.* Increased costs to a U.S. affiliate shall not be considered to be "incurred" before the crude is physically landed in the United States. The value of such crude shall be determined by the price for sales of the corresponding crude loaded during the same month. Thus, although a firm may only pass through costs attributable to cargoes landed during the month, the value of those cargoes will be established by reference to f.o.b. sales loaded during the same month. This rule is designed to provide equitable treatment for the various companies by insuring uniformity of treatment and should simplify the auditing process. The rule differs from existing accounting practices, and companies which would be affected are asked to specifically indicate any problems which this may cause.

F. *Contingent Transactions.* When sales or purchases are contingent or subject to further adjustment, companies will be required to make their best estimates of the expected final sale price. FEA will calculate the representative price for the month on the basis of these provisional estimates and other information available to it. As sale prices are adjusted, updated reports will have to be made to FEA, and FEA will accordingly adjust the maximum prices which it will permit. When the uncertainty surrounding major groups of transactions is large, FEA may initially allow a higher or lower price than that which it ultimately imposes or it may delay calculations of any set of maximum prices leaving the company's provisional transfer prices in effect.

G. *Resales.* The foregoing rules apply to crude transfers between affiliates only when at least part of the crude stream from the country of origin is equity crude or crude which is otherwise sold to or received by the international affiliate on a preferential basis. Crude obtained pursuant to Service Contracts, i.e., contracts in which a company provides exploratory and drilling services in exchange for a portion of any oil ultimately found, shall be considered crude received on a preferential basis. The cost of crude from countries in which the international affiliate does nothing more than purchase the oil from the host government or third parties and then resell it to its domestic affiliate should be measured using the price at which the oil is purchased from the third-party.

H. *Exchanges.* Although exchanges are not a problem in interaffiliate transfers as such, exchanges or a pattern of sales and purchases could be used to avoid the regulations applying to equity crude or crude received on a preferential basis. Instead of importing equity oil, firms could sell equity oil to third-parties and purchase their import requirements in the open market. In real market transactions this would not ordinarily be advantageous because the arms-length standard for affiliate pricing is oriented towards market prices, but if the sale and purchase price exceed the maximum price allowed on equity oil the possibility of abuse exists. In general, no problems result in this connection as long as crude imported into the United States is either equity crude of the affiliated entities or is crude purchased directly from the host country. Thus, FEA will be requiring data from the U.S. affiliate in order to monitor what percentage of its imports is purchased from non-affiliated entities other than the government of the country of origin. If this percentage has increased over May 1973, FEA may require evidence that the company has not engaged in transactions to artificially increase its landed costs. For purposes of determining net cost in ordinary exchanges, the oil purchased shall be given the cost basis of the oil sold plus or minus any net payments to the exchanging partner.

I. *Special Cases.* Companies receiving oil from Indonesia must use the official selling price as long as it is in fact reflective of the price at which the bulk of all market sales are taking place. For Canadian crude, prices should be determined directly by reference to posted prices. Since in these cases real market prices at which all crude moves may be determined directly, there is no need for the more elaborate procedure applicable elsewhere. Companies will have to continue to report all sales and purchases of such oil, however, in order that FEA may monitor the situation.

J. *October 1973–August 1974.* FEA proposes to use the same general principles in disallowing costs pursuant to 212.83(e) for the period from October 1973 to the present as it proposes to apply to later months. Companies whose prices have been disallowed for these months will be ordered by FEA to make appropriate adjustments.

K. *Data Collection.* To provide the data base for monitoring transfer prices and carrying out its other statutory responsibilities, FEA will systematically collect certain data on crude oil transactions between affiliated entities and crude oil transactions between unrelated parties. FEA will also require more detailed information than is currently provided on the form FEA 96 showing the buildup of total costs. In particular, FEA expects to require that all firms provide the following information:

1. By country of origin for all sales, purchases and exchanges between non-affiliated entities during the month.

a. Type of crude.
b. Gravity.
c. Sulphur content by weight.
d. Yield of residual fuel oil and the sulphur content of the residual fuel oil.
e. Date of loading.
f. Port of loading.
g. Expected port of discharge (if known).
h. Duration of contract pursuant to which the sale is made (beginning and ending dates of supply should be shown as should the next date on which the contract is subject to price renegotiation other than automatic price escalations).
i. Volume of the shipment.
j. F.o.b. price, point of loading. For delivered sales this should be calculated by subtracting freight, insurance and other included items. Freight for these purposes should be measured by AFRA.
k. Rebates, discounts or other consideration passing to or from, directly or indirectly, non-affiliated parties.
l. Net f.o.b. price (j less k).

Companies will be expected to identify and segregate transactions according to whether they are sales, purchases, or exchanges. Companies will be permitted to use representative values for items (b)–(d) for particular crude types and repeated submissions will not be required. Firms will be expected to indicate where estimates or adjustments have been made setting out briefly in notes the basis for such estimates or adjustments. All transactions between unaffiliated parties will have to be reported whether or not the crude is destined for import into the United States.

2. By country of origin for each crude type imported during the month from an affiliated entity:

a. Type of crude.
b. Gravity.
c. Sulphur content by weight.
d. Yield of residual fuel oil and the sulphur content of the residual fuel.
e. Port of loading (if several ports of loading are used, items (g) through (k) should be reported by port for each crude type).
f. Volume imported.
g. Weighted average (by volume) purchase price per 10 CFR 212.83(b).
h. Weighted average (by volume) transportation cost per 10 CFR 212.83(b).
i. Landed cost (h plus i) per 10 CFR 212.83(b).
j. Weighted average (by volume) cost at the port of loading. The computation of this item should show the percentage of equity oil and non-equity oil, the tax-paid cost of equity oil, and the purchase price of non-equity oil.

As in (1), companies may use representative values for (b)–(d) for particular crude types and repeated submissions will not be required.

Similar data may be required on a cargo-by-cargo basis for imported crude from both affiliated and non-affiliated entities in order to facilitate FEA's auditing procedures, and in appropriate cases FEA may require from U.S. companies information on transfer prices to their non-U.S. affiliates.

Data will be collected for the months of May 1973 and October 1973 through August 1974. FEA expects to give refiners 30 days to file these initial reports for prior months. Certain refiners have already submitted partial reports through April 1974, and further reports may be required. FEA will advise those refiners from which further reports are not required.

FEA recognizes that the information to be collected from companies is proprietary and FEA will treat such information as confidential to the extent that it is entitled to such treatment under Section 14 of the Federal Energy Administration Act of 1974. This information will, however, be aggregated to establish representative and maximum prices for major reference crudes, which prices FEA may make publicly available. This will be done only with a time lag sufficient to prevent FEA's announced prices from interacting with the market and thereby pegging or otherwise affecting price levels. It will also be done only to the extent compatible with preventing the identification of individual company data.

All companies which will be required to submit reports pursuant to these regulations should indicate to FEA as part of this rulemaking any problems which they may have in reporting in a timely fashion the required data.

III. This proposed rulemaking is directed solely to setting forth standards for the determination of transfer prices for crude oil. FEA is not at this time elaborating standards for transfer prices for products although it may address itself to this question in the future. FEA will, however, continue to monitor product prices generally to determine the reasonableness of product prices used by companies in interaffiliate transactions.

FEA will also examine product realizations to see whether they are consonant with the level of crude prices used by the companies in their interaffiliate transfers and the prices generated by the proposed rule. If it becomes apparent that product realizations are not consistent with the crude prices being used for transfer purposes, FEA will consider further modifications of the regulations to assure that crude prices for integrated companies are consonant with actual realizations for products in the market.

IV. Refiners which would be subject to these regulations and other interested parties are asked to direct themselves specifically to the following questions:

1. What additions or changes should be made in the listing of crude oils in Appendix A? In particular, companies should identify those crude types which they sell to or purchase from unaffiliated parties or which they expect to import into the United States. For each crude, firms should indicate the representative gravity and sulphur values of the crudes and the percentage yield of residual fuel oil and its sulphur content. In addition for each crude from a country for which no reference crude is designated, companies should indicate the reference crude most nearly similar in quality in the same geographical region.

2. For what crudes do differences in the posted prices, tax reference prices or other official selling prices for various crudes fail to approximate relative differences in market values of the crudes produced in the country? For any such crudes companies should indicate their estimate of the correct adjustment and the basis for their estimates.

3. For what crudes, if any, would the proposed intercountry adjustments fail reasonably to approximate relative market values? In particular, are the parameters used in determining the sulphur adjustment reasonable? What alternative procedures are available?

As required by section 7(c) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator's comments are contained in Appendix B to this notice.

Interested persons may participate in this rulemaking by submitting written data, views or arguments with respect to the proposed regulation and any information that is relevant to a decision in this matter, to the Executive Secretariat, Federal Energy Administration, 12th and Pennsylvania Avenue, N.W., Box AJ, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on the documents submitted to the Executive Secretariat, FEA, with the designation "Computation of Landed Costs."

Fifteen copies should be submitted. All comments received by September 19, 1974, and all other relevant information will be considered by the FEA before final action is taken on the proposed amendment.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted separately and in writing, one copy only. FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

A public hearing in the proceeding will be held beginning at 9:30 a.m., on Monday, September 23, 1974, at the New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., to receive comments from interested persons on the matters set forth herein. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. Such a request should be directed to the Executive Secretariat, FEA, and must be received before 4:30 p.m., E.D.S.T., September 16, 1974. Such a request may be hand delivered to Room 3309, New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m., and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through September 19, 1974. Each person selected to be heard will be so notified by the FEA before 5:30 p.m., e.d.s.t., September 19, 1974, and must submit 100 copies of his statement to the Executive Secretariat, FEA, Room 3315, New Post Office Building, Washington, D.C. 20461, before 9 a.m., e.d.s.t., September 23, 1974.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements

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were made and will be subject to time limitations.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 212, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., August 30, 1974.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

Section 212.83(b) is revised to read as follows:

§ 212.83 Allocation of refiner's increased product costs.

• • • • •

(b) "Landed cost" means: • • •

(3) For purposes of products, other than crude oil, purchased in a transaction between affiliated entities and shipped pursuant to an arms-length transaction, the cost of the product computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned plus the actual transportation cost.

(4) For purposes of products, other than crude oil, purchased and shipped pursuant to a transaction between affiliated entities, the costs of the product and the transportation both computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned.

(5) For purposes of crude oil purchased in a transaction between affiliated entities and shipped pursuant to an arms-length transaction, the cost of crude oil computed pursuant to § 212.84 plus the actual transportation cost.

(6) For purposes of crude oil purchased and shipped pursuant to a transaction between affiliated entities, the cost of crude oil computed pursuant to § 212.84 plus the cost of transportation computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned.

• • • • •

A new § 212.84 is added to read as follows:

§ 212.84 Disallowance of costs.

(a) *Scope.* This section prescribes the standards which firms shall use in determining the cost of imported crude oil purchased in a transaction between affiliated entities and the standards which FEA shall use to disallow and to allocate such costs pursuant to § 212.83(e).

(b) *Definitions.* For purposes of this section—

"AFRA" means the London Tanker Broker's average freight rate assessment for the largest class of tankers capable of loading and discharging on the route in question for the month of measurement.

"Host government" means the government, or any government controlled company engaged in the production, refining or marketing of crude oil or other covered product, of the country in which the crude oil is produced.

"Yield of residual fuel oil" means the percent by volume of residual fuel oil which is produced from particular crude oil as determined by the Bureau of Mines routine method or other equivalent methods.

(c) *Cost of crude oil.* The cost of crude oil in transactions between affiliates shall be equal to the price which would prevail if the affiliated entities consistently and continuously dealt with each other at arms-length. Affiliated entities shall initially set the cost of crude oil at a f.o.b. price at the port of loading in the country of origin which is representative of those prices prevailing in arms-length transactions according to the best information available to the affiliated entities. For transactions between affiliated entities in which delivery is made at a location other than the port of loading, the price shall be equal to the f.o.b. price at the port of loading plus the cost of transportation computed by use of the customary accounting procedures consistently and historically applied by the firm concerned.

(d) *Disallowance of costs.* (1) Whenever the weighted average (by volume) price set by affiliated entities for a crude type exceeds the maximum price for such crude, the costs attributable to such price shall be disallowed. The method of determination of the maximum price is set forth in paragraph (e) of this section.

(2) FEA shall notify firms in thirty days after the filing of the report required under paragraph (h) of this section, or as soon thereafter as practicable, of any disallowance occasioned by information contained in the report.

(3) Upon notification that its costs have been disallowed for any month beginning with September 1974, a firm shall recalculate its costs for the month of measurement using the representative price for that month. The difference between the firm's disallowed costs and its recalculated costs shall be subtracted from the amount of its costs computed for the month in which the firm receives notice of disallowance. The method of determination of the representative price is set forth in paragraph (e) of this section.

(4) Upon notification that its costs have been disallowed for any month from October 1973 through August 1974, a firm shall make appropriate adjustment as ordered by FEA.

(e) *Determination of representative and maximum prices.* (1) For a reference crude the representative price shall be the lowest price at which fifty percent or more (as measured by volume) of reported arms-length transactions loaded during the month of measurement take place.

(2) For a reference crude the maximum price for the month of measurement shall be the higher of—

(i) The representative price plus 20 cents per barrel, or

(ii) The lowest price at which 65 percent or more (as measured by volume) of reported arms-length transactions loaded during the month of measurement take place.

(3) In determining the representative and maximum price for a reference crude, FEA will consider all transactions reported to FEA for the reference and related crudes loaded during the month of measurement. A related crude is a non-reference crude which is more similar in quality to the reference crude to which it is deemed related than to any other reference crude. The prices of related crudes shall be adjusted to the reference crude on the basis of the difference in the posted prices, tax-reference prices or other official selling prices as established by the host government for crude sales.

(4) In determining the representative and maximum price FEA will exclude the following transactions:

(i) Purchases from the host government by companies also lifting equity crude or otherwise receiving crude oil on a preferential basis from the particular country.

(ii) Sales to host governments at cost or cost plus nominal fees.

(iii) Sales of royalty oil to the extent taken "in kind" by host governments.

(iv) Overlift sales of crude between members of a joint venture.

(v) Barter or exchange transactions.

(5) For a non-reference crude from a country for which there is one or more reference crudes, the representative and maximum prices shall be the representative and maximum prices of the most similar in quality reference crude adjusted for the difference in the posted prices, tax-reference prices or other official selling prices as established by the host government for the two crudes.

(6) For a crude from a country for which there is no reference crude, the representative and maximum prices shall be determined by adjusting the representative and maximum prices of the reference crude most nearly similar in quality in the same geographical region. The representative price of the reference crude shall be adjusted for the differences between the two crudes in gravity, sulphur content and the cost of the transportation to the relevant market for comparison.

(i) The transportation adjustment shall be the difference in AFRA rates for shipment from the points of loading to the appropriate points. FEA will periodically publish a list of the appropriate delivery ports.

(ii) The gravity adjustment shall be the difference in API gravity to the nearest degree times two cents.

(iii) The sulphur adjustment shall be determined by reference to the differences in the sulphur content and the yields of residual fuel oil for the crudes being compared. The difference in value shall be equal to the difference in the respective low-sulphur premiums for the two crudes. The low-sulphur premium for each crude shall be equal to—

(a) The percentage yield of residual fuel oil divided by 100, times,

(b) Three less the percent of sulphur in the residual fuel oil, times,

(c) The market premium per percent of sulphur.

The low-sulphur premium shall be zero if the percent of sulphur in the residual fuel is three or greater. The market premium for various geographic areas shall be published periodically by FEA. For the East Coast the market premium shall be $1.25 per barrel for each percent of sulphur content until otherwise ordered by FEA.

(7) FEA may provide by order for adjustments different from those provided in this section upon petition by any interested party or on its own initiative.

(f) *Selection of Reference Crudes.* FEA will periodically publish a list of all crudes designated as reference crudes. In general, FEA will designate as a reference crude any crude oil which is traded substantially or which is used as a pricing standard by the host government and the companies. FEA may in a particular month choose not to designate as a reference crude any crude for which, for them monthly transaction reported to FEA (excluding those set out in paragraph (e) (2) of this section).

(1) the total volume is less than 600,000 barrels,

(2) the number of independent transactions of at least 100,000 barrels each is less than four, or

(3) more than thirty-five percent of the transactions by volume are pursuant to a single contract.

(g) *Exceptions.* (1) the cost of crude oil from Canada shall be the posted price for such crude plus the Canadian export tax.

(2) The cost of crude oil from Indonesia shall be the official selling price unless FEA determines that significant transactions are taking place at prices other than the official selling price.

(3) The cost of crude oil produced in a country from which the affiliated entities obtain all of their crude oil in arms-length transactions from the host government or other unaffiliated entities shall be the price paid to the unaffiliated entities.

(h) Increased costs to a U.S. affiliate shall not be considered to be incurred before the crude is physically landed in the United States. In computing the cost of crudes landed in the month of measurement, reference shall be made to prices for cargoes loaded during the month of measurement; determination of representative and maximum prices by FEA will also be made on such a basis.

(i) *Reports.* (1) Companies claiming increased crude costs shall be required to provide to FEA detailed information concerning their transfer prices and the prices of all third-party purchases and sales by affiliated companies (whether or not destined for the United States) for the month of May 1973 and the month of measurement. Such reports shall be in accordance with forms and instructions provided by FEA. Prices shall be reported f.o.b. the port of loading and shall be adjusted for any rebates, discounts or other consideration passing to or from, directly or indirectly, non-affiliated parties. Reports shall be due fifteen days after the end of the month of measurement except that reports for the months of May 1973 and October 1973 through August 1974 shall be due on October 15, 1974.

(2) For transactions which are subject to material price adjustments, firms shall provide their best estimates of the expected price and the amounts actually paid or received pending final settlement. These estimates shall be subsequently adjusted on an interim or final basis as adjustments are made between the parties.

APPENDIX A

[The asterisk denotes a reference crude]

Country	Name	Typical API gravity (degrees)
Abu Dhabi	*Murban	39
	Zakum	44
Algeria	*Arzew	44
	Hassi Messaoud	42
	Zarzaitine	34
Angola	*Cabinda	33
Colombia	Onto	29
Ecuador	Oriente	34
Indonesia	*Sumatra Light	37
	Ardjuna	40
	Attaka	35
	Minas	32
Iran	*Light	31
	*Heavy	25
	Ahwaz	19
	Cyrus	22
	Norus	35
Iraq	*Basrah	31
Kuwait	*Kuwait	40
Libya	*Libyan	36
	Amna	40
	Brega	37
	Es-Sider	35
	Nafoora	38
	Sirtica	49
	Zuetina	34
Nigeria	*Nigerian	31
	Forcados	37
	Escarros	43
	Brass River	37
	Qua Ibo	26
	Medium	31
	Midwest	36
	Oban	34
Oman	*Oman	40
Qatar	*Dukhan	36
	Marine	34
Saudi Arabia	*Light	28
	*Heavy	30
	*Medium	39
	*Berri	31
Trinidad	*Trinidad	33
	Lo	28
	Mola	31
	Pan Am	31
Venezuela	*Tia Juana Light	24
	*Tia Juana Medium	35
	*Oficina Light	17
	*Bachaquero	36
	Centro Lago	17
	Lagunillas	24
	La Rosa	41
	San Joaquin	28
	Lagotreco	36
	Lagocheo	

APPENDIX B—ENVIRONMENTAL PROTECTION AGENCY COMMENTS

In response to your letter of August 27, 1974, the Environmental Protection Agency has reviewed the proposed Federal Energy Administration notice of proposed rule making setting forth revisions to 10 CFR 212.83 *Landed Cost*, and adding § 212.84 *Disallowance of Costs*. Under § 212.84(e) (7) (iii), FEA proposes to set the East Coast market premium per percent of sulphur at $1.25. In order that the public and EPA might evaluate the full implications of this proposal, we believe FEA should make available the information which it used to arrive at the above market premium figure. Only then will EPA be able to thoroughly review the environmental effects of the proposed rulemaking.

Thank you for the opportunity to review and comment on these proposed actions.

[FR Doc.74-20561 Filed 9-3-74;12:41 pm]

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Title 3—The President

PROCLAMATION 4310

National Hispanic Heritage Week, 1974

By the President of the United States of America

A Proclamation

Our country's Hispanic heritage reaches back more than four centuries. When the Pilgrim Fathers landed at Plymouth Rock, Hispanic civilization was already flourishing in what is now Florida and New Mexico. Since then the Hispanic contribution to America has been a consistent and vital influence in our country's cultural growth.

More than ten million Americans of Hispanic origin today contribute to our national diversity, enriching the quality of American life in the arts, the sciences, sports, religion and the small but important things of everyday living.

NOW, THEREFORE, I, Gerald R. Ford, President of the United States of America, do hereby proclaim the week beginning September 10, 1974, and ending September 16, 1974, as National Hispanic Heritage Week. I call upon all the people of the United States, especially the education community and those organizations concerned with the protection of human rights, to observe that week with appropriate ceremonies and activities.

In celebrating this occasion, I also call upon my fellow Americans to rededicate themselves to the principle of full and equal opportunity for all citizens, and to seize upon the broad spectrum of skills and abilities of those individuals of Hispanic heritage who have so significantly contributed to our Nation's growth and prosperity.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of September, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.74-20737 Filed 9-4-74;2:58 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 330—FEDERAL PLANT PEST REGULATIONS; GENERAL; PLANT PESTS; SOIL, STONE, AND QUARRY PRODUCTS; GARBAGE

Garbage

On January 14, 1974, a notice of public hearing and proposed rulemaking was published in the FEDERAL REGISTER (39 FR 1777) relating to proposed amendments of portions of 7 CFR Part 330 and 9 CFR Part 94 to regulate the handling of garbage moved on certain means of conveyance, to prevent the spread of plant pests and livestock or poultry diseases by such garbage. Public hearing was held on February 5, 1974, and due consideration has been given to all comments submitted by interested persons at the hearing or in writing and to all other relevant information in the U.S. Department of Agriculture.

Statement of considerations. It had previously been determined, after other public hearings, that in order to prevent the introduction into the United States of injurious plant diseases or insect pests and the spread within the United States of dangerous plant diseases and insect infestations new to or not widely prevalent or distributed within and throughout the United States, it was necessary to restrict or prohibit the movement into the United States from all foreign countries of fruits and vegetables because of injurious insects described in § 319.56 of this Chapter, and to quarantine the State of Hawaii, Puerto Rico, and the Virgin Islands of the United States, and Guam because of the presence therein of dangerous plant diseases and insect infestations, described, respectively, in §§ 318.13, 318.58, and 318.82 of this Chapter, and prohibit the movement from said State and Territories to certain other parts of the United States of fruits and vegetables and certain other articles, except under conditions prescribed in the regulations supplemental to said quarantines.

Section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306) prohibits the importation into the United States of fresh, chilled, or frozen meat of ruminants or swine from any foreign country in which the Secretary of Agriculture has declared and notified the Secretary of the Treasury that foot-and-mouth disease or rinderpest exists. Under this act and various other laws, regulations have been issued by the Secretary of Agriculture prohibiting or restricting the importation from certain foreign countries or the interstate movement of various meats, poultry, eggs, bones, and other animal products (e.g., 9 CFR Parts 94, 76, 82), to prevent the introduction or dissemination of livestock or poultry diseases.

Regulations were heretofore issued (7 CFR 330.400) providing for general surveillance of garbage on means of conveyance arriving in the United States from any place outside thereof, or arriving in the continental United States from Puerto Rico, the Virgin Islands of the United States, or Guam, or arriving in any such Territory or possession from any other such Territory or possession, in order to prevent the dissemination of plant pests by such garbage. Restrictions on the importation and unloading of garbage moved on certain means of conveyance were also imposed by regulations (9 CFR 94.5) to prevent the introduction or dissemination of livestock or poultry diseases by such garbage.

Garbage usually contains a conglomeration of animal and plant products, frequently of indeterminate origin. The probability is high that garbage carried on a means of conveyance moving from any foreign country, or from Hawaii, Puerto Rico, the Virgin Islands of the United States, Guam, or other Insular Possessions of the United States includes plant and animal products and other articles restricted or prohibited from movement into or within the United States by statute or by regulations of this Department as presenting a hazard of spread of plant pests or livestock or poultry diseases, or other products or articles presenting such hazards, except for garbage that has not been outside the territorial limits of the United States and Canada. It is impracticable or impossible to identify and separate such hazardous material from other waste materials in garbage, and it is therefore necessary to regulate all materials within the definition of "garbage" as provided in this document in order to effectuate the purposes of the acts under which this document is issued.

It is hereby determined, after public hearing, that in order to prevent the spread into or within the United States of injurious, dangerous plant diseases and insect infestations, and other plant pests, by fruits and vegetables and other materials contained in garbage moved into or within the United States as described in this document, it is necessary to quarantine Hawaii, Puerto Rico, the Virgin Islands of the United States, and Guam, and all other Insular Possessions of the United States, and to impose restrictions in connection with the movement of garbage from any of such places or from any foreign country, except for garbage that has not been outside the territorial limits of the United States and Canada, as provided in this document.

It is further determined that additional restrictions with respect to garbage as provided in this document are necessary to prevent the introduction into or dissemination within the United States or diseases of livestock or poultry.

Therefore, revised regulations relating to garbage are to appear in 7 CFR Part 330 and in 9 CFR Part 94. This document amends the regulations in 7 CFR Part 330 by changing the definition of "garbage" in § 330.100(u) to include types of waste and refuse, as there described, on board means of conveyance arriving in the United States, or moving between specified parts of the United States, that present a risk of disseminating plant pests and livestock or poultry diseases, and by changing the provisions contained in § 330.400 concerning the handling of such garbage to set forth more specific safeguards relating to garbage which is kept aboard such means of conveyance, as well as garbage unloaded from such means of conveyance, for disposal in the United States.

The provisions in this document differ in several respects from the proposal. In § 330.400(a) in the first sentence, the term "conterminous" is changed to "continental" to include Alaska within the sentence without the need for specific reference to Alaska. In § 334.400(b), the third sentence is changed to provide that application for approval of disposal facilities or sewage systems may be made by an authorized official of any carrier, as well as by an official having jurisdiction over a port or place of arrival of a means of conveyance. A definition of a "carrier" is added. These changes will provide more flexibility in procedures for obtaining such approvals. Endorsement of the application by the operator of the disposal facility or sewage system is also required in order to assure his consent to entry of his premises for the inspection required for approval. Procedure for withdrawal or denial of approval of such facilities and systems are added in the interest of due process of law. Specific quarantine provisions are added in § 330.400 for conformity with the provisions of the Plant Quarantine Act. Other changes are made for clarification.

Garbage that has not been outside the territorial limits of the United States and Canada is not being regulated under these amendments. The fruits, vegetables, meats, and other animal products

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normally found in such garbage contain no pests of quarantine significance; therefore, garbage generated from such fruits, vegetables, meats, and animal products presents little or no risk of spreading plant pests or livestock or poultry diseases.

In response to publication of the proposal, 17 written comments were received from Federal and State agencies and the public. All comments were favorable in whole or in part. A number of comments expressed objection to the expanded definition of garbage because it included nongrindable materials which would require special handling. Nonfood items, such as containers, which have been in contact with possibly contaminated food constitute a hazard of spread of plant pests or livestock or poultry disease. Under the regulations as adopted, adequate separation for disposal of food and nonfood items may be accomplished, and the nongrindable items disposed of by incineration or other approved means of disposal. The alternatives listed in the regulations provide a fairly wide latitude of choice for those affected by the regulations to achieve complete, acceptable disposal.

An objection was made to the definition of "sterilization" as not providing adequate criteria for treatment and it was recommended that a stipulation be included that such sterilized garbage not be fed to swine. Provisions are added to the definition of "sterilization" requiring that the residue of the cooked garbage be buried. Therefore under the disposal options allowed by the regulations, the garbage could not be fed to swine. Such feeding could result in a spread of livestock diseases.

A respondent commented that the proposed definition of "approved sewage system" did not provide specific criteria to be applied in evaluating sewage systems. An acceptable system must be designed and operated in such a way as to preclude the discharge of sewage effluents onto land surfaces and into lagoons or other stationary waters. This standard is added in the regulations as one criterion for approval. However, it is not possible to identify in advance all factors relevant to the determination whether a sewage system is adequate to prevent the dissemination of plant pests and livestock or poultry diseases. Therefore each sewage system must also be evaluated individually under this broader standard as provided in the regulations. Environmental aspects have been taken into consideration and it has been determined that these amendments do not constitute a major action with significant environmental effects within the provisions of section 102(2)(C) of the National Environmental Policy Act.

Accordingly, the provisions of 7 CFR 330.100 and 330.400 are amended as set forth below:

1. § 330.100 is amended by revising paragraph (u) to read as follows:

§ 330.100 Definitions.

• • • • • •

(u) *Garbage.* "Garbage" means all waste material derived in whole or in part from fruits, vegetables, meats, or other plant or animal (including poultry) material, and other refuse of any character whatsoever that has been associated with any such material on board any means of conveyance, and including food scraps, table refuse, galley refuse, food wrappers or packaging materials, and other waste material from stores, food preparation areas, passengers' or crews' quarters, dining rooms, or any other areas on vessels, aircraft, or other means of conveyance.

• • • • • •

2. § 330.400 is revised to read as follows:

§ 330.400 Garbage; quarantine; regulations on storage and movement on certain means of conveyance.

(a) Hawaii, Puerto Rico, the Virgin Islands of the United States, Guam, and all other Insular Possessions of the United States are hereby quarantined, and the movement therefrom to other parts of the United States of garbage is hereby regulated as provided in this section to prevent the spread of the dangerous plant diseases and insect pests specified in §§ 318.13, 318.58, and 318.82 or other plant pests which exist in such areas. Garbage on or unloaded from any means of conveyance arriving in the United States from any place outside thereof (except garbage that has not been outside the territorial limits of the United States and Canada), or arriving in the continental United States from Hawaii or any Territory or possession, or arriving in any Territory or possession from any other Territory or possession or from Hawaii, or arriving in Hawaii from any Territory or possession, shall be subject to general surveillance by Animal and Plant Health Inspection Service inspectors and to such disposal measures as are authorized by section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd), section 10 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 164a), section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), and section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), to prevent the dissemination of plant pests and livestock or poultry diseases.[1]

(b)(1) All garbage regulated in paragraph (a) of this section shall be contained in tight, leak-proof covered receptacles (inside the guard rail on vessels) during storage on board such means of conveyance while in the territorial waters or otherwise within the territory of the United States. Such garbage shall not be unloaded from such means of conveyance in the United States unless such garbage is removed in tight, leak-proof receptacles under the direction of an Animal and Plant Health Inspection Service inspector to an approved facility for incineration, sterilization, or grinding into an approved sewage system, under supervision by such an inspector, or such garbage is removed for other handling in such manner and under such supervision as may, upon request in specific cases, be approved by the Administrator as complying with the applicable laws for environmental protection and as adequate to prevent the dissemination into or within the United States of plant pests and livestock or poultry diseases.

(2) Application for approval of a facility or sewage system may be made in writing by the authorized representative of any carrier or by the official having jurisdiction over the port or place of arrival of the means of conveyance, to the Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. The application shall be endorsed by the operator of the facility or sewage system. Approval will be granted if the Administrator determines that the requirements set forth in this section are met. Approval may be denied or withdrawn at any time, if the Administrator determines that such requirements are not met, after notice of the proposed denial or withdrawal of the approval and the reasons therefor, and an opportunity to demonstrate or achieve compliance with such requirements, has been afforded to the operator of the facility or sewage system and to the applicant for approval. However, approval may also be withdrawn without such prior procedure in any case in which the public health, interest, or safety requires immediate action, and in such case, the operator of the facility or sewage system and the applicant for approval shall promptly thereafter be given notice of the withdrawal and the reasons therefor and an opportunity to show cause why the approval should be reinstated.

(c) The Plant Protection and Quarantine Programs and Veterinary Services, Animal and Plant Health Inspection Service, will cooperate with other Federal, State, and local agencies responsible for enforcing other statutes and regulations governing disposal of garbage to the end that such disposal shall be adequate to prevent the dissemination of plant pests and livestock or poultry diseases and comply with applicable laws for environmental protection. The inspectors, in maintaining surveillance over garbage movements and disposal, shall coordinate their activities with the activities of representatives of the Environmental Protection Agency and other Federal, State, and local agencies also having jurisdiction over such garbage.

(d) As used in this section:

(1) "sterilization" means cooking garbage at 212° F. for 30 minutes and disposal of the residue by burying;

(2) "incineration" means to reduce the garbage to ash by burning;

(3) "approved sewage system" means a sewage system approved by the Administrator, Animal and Plant Health Inspection Service, upon his determination that the system is designed and operated in such a way as to preclude the discharge of sewage effluents onto land surfaces or into lagoons or other stationary waters, and otherwise is adequate to prevent the dissemination of plant pests and livestock or poultry diseases, and that is certified by an appropriate Government official as currently complying with the applicable laws for environmental protection.

(4) "approved facility" means a facility approved by the Administrator, Animal and Plant Health Inspection Service, upon his determination that it has equipment and uses procedures that are adequate to prevent the dissemination of plant pests and livestock or poultry diseases, and that it is certified by an appropriate Government official as currently complying with the applicable laws for environmental protection.

(5) "carrier" means the principal operator of a means of conveyance.

(Sec. 106, 71 Stat. 33 (7 U.S.C. 150ee); secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); sec. 102, 58 Stat. 735, as amended (7 U.S.C. 147a); sec. 306, 46 Stat. 689, as amended (19 U.S.C. 1306); sec. 2, 32 Stat. 792, as amended (21 U.S.C. 111); sec. 11, 23 Stat. 32, as added at 58 Stat. 784, as amended (21 U.S.C. 1714a); 76 Stat. 663 (7 U.S.C. 450); secs. 101, 102, 83 Stat. 852, 853 (42 U.S.C. 4331, 4332); 37 FR 26464, 28477)

It does not appear that further public participation in rulemaking proceedings on these amendments would make additional information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedures concerning these amendments are impracticable and unnecessary.

Effective date. The effective date of these amendments will be September 8, 1975 to allow those affected thereby to acquire the necessary equipment to enable them to comply with the requirements imposed by such amendments.

Done at Washington, D.C., this 3rd day of September.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-20627 Filed 9-5-74;8:45 am]

[1] The provisions of this section for handling of garbage do not relieve any prohibition or restriction elsewhere in this Title on bringing any meat or other product or article into the United States or on the interstate movement of any product or article.

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 9]

PART 780—APPEAL REGULATIONS

Requests for Reconsideration and Appeals Requiring Special Handling

Section 780.11 is being revised to provide that, in addition to the items listed in paragraphs (a)(1) through (7) of this section, administrative determinations made by a State ASC committee with respect to the disaster provisions of the wheat, feed grain and upland cotton programs which conclude that a loss on a farm was due in whole or in part to causes other than the natural disaster or conditions beyond the control of the producer, are not appealable to the Deputy Administrator.

Section 780.11 of the appeal regulations, 7 CFR Part 780, is amended by revising paragraph (a) to read as follows:

§ 780.11 Requests for reconsideration and appeals requiring special handling.

(a) Determinations made by a State committee with respect to (1) the establishment of farm yields for wheat, feed grain, and cotton, (2) the establishment of wheat allotments, (3) the establishment of farm feed grain allotments, (4) the establishment of upland cotton base acreage allotments, (5) the establishment of conserving bases, (6) matters rising under the tobacco discount variety program, (7) eligibility provisions of the livestock feed program, and (8) the disaster provisions of the wheat, feed grain and upland cotton programs that a loss on a farm was due in whole or in part to causes other than the natural disaster or conditions beyond the control of the producer, are not appealable to the Deputy Administrator.

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Effective date. The changes in the foregoing amendment of Part 780 relate to its applicability to the 1974–77 programs for feed grains, wheat, and upland cotton. Farmers are completing their plans for the 1974 crop year, and it is essential that the foregoing amendment of Part 780 be made effective as soon as possible. It is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective September 6, 1974.

Signed at Washington, D.C., August 26, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization, and Conservation Service.

[FR Doc.74-20389 Filed 9-3-74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

[Docket No. 74-8; Notice 2]

NEW PNEUMATIC TIRES

Six-position Test Wheels

This notice amends Motor Vehicle Safety Standard No. 109 (49 CFR 571.109) to specify the use of test wheels having up to 6 test positions in NHTSA compliance testing. A notice of proposed rulemaking regarding this subject was published January 10, 1974 (39 FR 1516).

Standard No. 109 has not previously specified the number of test positions which may be present on any given test wheel. Agency testing has been conducted on test wheels having up to six positions, which appears to be the maximum capacity of these wheels. The NHTSA is of the opinion that this testing is fully consistent with the standard's test procedure, but in order to avoid legal disputes has decided to clarify the standard by specifically incorporating into it NHTSA's present compliance testing practice.

The one comment which was received regarding the proposal did not object to the amendment's substance, but requested that temperatures be carefully monitored in NHTSA testing. The test temperature is specified in the standard and applies to each test regardless of the number of positions on a given test wheel. The NHTSA will continue to carefully monitor its tire testing program to ensure the accuracy of the results obtained.

In light of the above, 49 CFR 571.109 (Motor Vehicle Safety Standard No. 109) is amended by the addition of a new paragraph (f) in S4.2.1 to read as follows:

§ 571.109 Standard No. 109; New pneumatic tires.

• • • • • •

S4.2 *Performance requirements.*

S4.2.1 *General.* • • •

• • • • • •

(f) It shall meet the requirements of S4.2.2.5 and S4.2.2.6 when tested on a test wheel described in S5.4.2.1 either alone or simultaneously with up to 5 other tires.

• • • • • •

This amendment is clarifying in nature, reflecting present practice, and poses no additional burden on any person. Consequently, good cause is found for an effective date less than 180 days from publication.

(Secs. 103, 108, 119, 210 and 202, Pub. L. 89-563; 80 Stat. 718; (15 U.S.C. 1392, 1397, 1407, 1421, 1422); delegations of authority at 49 CFR 1.51.)

Issued on August 30, 1974.

Effective date: October 7, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-20630 Filed 9-5-74;8:45 am]

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Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

Addition of Moses Lake, Washington, to List of Ports of Export

Statement of considerations. The purpose of this amendment is to add Moses Lake, Washington to the list of ports of export in section 91.3(a)(1) of Part 91, 9 CFR. The export facility at Moses Lake has been inspected by the Animal and Plant Health Inspection Service and found to be suitable for the exportation of animals under 9 CFR, Part 91.

Accordingly, in § 91.3, paragraph (a)(1)(i) is amended to read:

§ 91.3 Ports of export.

(a) • • •

(1) *Airports.* (i) Richmond, Virginia; Miami, Tampa, and St. Petersburg, Florida; Houston, Texas; San Francisco, California; Portland, Oregon; Moses Lake, Washington; and Honolulu, Hawaii.

• • • • • •

(Secs. 4, 5, 23 Stat. 32, as amended; sec. 1, 32 Stat. 791, as amended; sec. 10, 26 Stat. 417; secs. 12, 13, 14, 16, 34 Stat. 1263, as amended; 81 Stat. 584, 588, 592; secs. 3, 11, 76 Stat. 130, 132; sec. 1109, 72 Stat. 799, as amended; (21 U.S.C. 105, 112, 113, 120, 121, 134b, 134f, 612, 613, 614, 618; 49 U.S.C. 1509(d)); 37 FR 18464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective September 6, 1974.

The amendment relieves certain restrictions by permitting the exportation of livestock through an additional port of export, and should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3rd day of September 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-20678 Filed 9-5-74;8:45 am]

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, HOG CHOLERA, AND OTHER LIVESTOCK AND POULTRY DISEASES: PROHIBITED AND RESTRICTED IMPORTATIONS

Garbage

On January 14, 1974, a notice of public hearing and proposed rulemaking was published in the FEDERAL REGISTER (39 FR 1777) relating to proposed amendments of portions of 7 CFR Part 330 and 9 CFR Part 94 to regulate the handling of garbage moved on certain means of conveyance, to prevent the spread of plant pests and livestock or poultry diseases by such garbage. Public hearing was held on February 5, 1974 and due consideration has been given to all comments submitted by interested persons at the hearing or in writing and to all other relevant information in the Department of Agriculture.

Statement of considerations. It had previously been determined after other public hearings, that in order to prevent the introduction into the United States of injurious plant diseases or insect pests and the spread within the United States of dangerous plant diseases and insect infestations new to or not widely prevalent or distributed within and throughout the United States, it was necessary to restrict or prohibit the movement into the United States from all foreign countries of fruits and vegetables because of injurious insects described in 7 CFR § 319.56, and to quarantine the State of Hawaii, Puerto Rico and the Virgin Islands of the United States, and Guam because of the presence therein of dangerous plant diseases and insect infestations, described, respectively in 7 CFR §§ 318.13, 318.58, and 318.82, and prohibit the movement from said State and Territories to certain other parts of the United States of fruits and vegetables and certain other articles, except under conditions prescribed in the regulations supplemental to said quarantines.

Section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306) prohibits the importation into the United States of fresh, chilled, or frozen meat of ruminants or swine from any foreign country in which the Secretary of Agriculture has declared and notified the Secretary of the Treasury that foot-and-mouth disease or rinderpest exists. Under this Act and various other laws, regulations have been issued by the Secretary of Agriculture prohibiting or restricting the importation from certain foreign countries or the interstate movement of various meats, poultry, eggs, bones, and other animal products (e.g., 9 CFR Parts 94, 76, 82), to prevent the introduction or dissemination of livestock or poultry diseases.

Regulations were heretofore issued (7 CFR 330.400) providing for general surveillance of garbage on means of conveyance arriving in the United States from any place outside thereof, or arriving in the Continental United States from Puerto Rico, the Virgin Islands of the United States, or Guam, or arriving in any such Territory or possession from any other such Territory or possession, in order to prevent the dissemination of plant pests by such garbage. Restrictions on the importation and unloading of garbage moved on certain means of conveyance were also imposed by regulations (9 CFR 94.5) to prevent the introduction or dissemination of livestock or poultry diseases by such garbage.

Garbage usually contains a conglomeration of animal and plant products, frequently of indeterminate origin. The probability is high that garbage carried on a means of conveyance moving from any foreign country or from Hawaii, Puerto Rico, the Virgin Islands of the United States, Guam, or other Insular Possessions of the United States includes plant and animal products and other articles restricted or prohibited from movement into or within the United States by statute or by regulations of this Department as presenting a hazard of spread of plant pests or livestock or poultry diseases, or other products or articles presenting such hazards, except for garbage that has not been outside the territorial limits of the United States and Canada. It is impracticable or impossible to identify and separate such hazardous material from other waste materials in garbage and it is therefore necessary to regulate all materials within the definition of "garbage" as provided in this document in order to effectuate the purposes of the Acts under which this document is issued.

It has now been determined, after public hearing, that in order to prevent the

spread into or within the United States of injurious, dangerous plant diseases and insect infestations, and other plant pests, by fruits and vegetables and other materials contained in garbage moved into or within the United States as described in this document, it is necessary to quarantine Hawaii, Puerto Rico, the Virgin Islands of the United States, Guam, and all other Insular Possessions of the United States, and to impose restrictions in connection with the movement of garbage from any of such places or from any foreign country, except for garbage that has not been outside the territorial limits of the United States and Canada, as provided in this document.

It is hereby further determined that additional restrictions with respect to garbage as provided in this document are necessary to prevent the introduction into or dissemination within the United States of diseases of livestock or poultry.

Therefore, revised regulations relating to garbage are to appear in 9 CFR Part 94 and in 7 CFR Part 300. This document amends the regulations in 9 CFR Part 94 by adding a definition of "garbage" in § 94.5(d) to include types of waste and refuse, as therein described, on board means of conveyance arriving in the United States, or moving between specified parts of the United States, that present a risk of disseminating plant pests and livestock or poultry diseases, and by changing the provisions contained in § 94.5 concerning the handling of such garbage to set forth more specific safeguards relating to garbage which is kept aboard such means of conveyance, as well as garbage unloaded from such means of conveyance for disposal in the United States.

The provisions in this document differ in several respects from the proposal. In § 94.5(a) in the first sentence, the term "conterminous" is changed to "continental" to include Alaska within the sentence without the need for specific reference to Alaska. In § 94.5(b), the third sentence is changed to provide that application for approval of disposal facilities or sewage systems may be made by an authorized official of any carrier, as well as by an official having jurisdiction over a port or place of arrival of a means of conveyance. A definition of a "carrier" is added. These changes will provide more flexibility in procedures for obtaining such approvals. Endorsement of the application by the operator of the disposal facility or sewage system is also required in order to assure his consent to entry of his premises for the inspection required for approval. Procedures for withdrawal or denial of approval of such facilities and systems are added in the interest of due process of law. Other changes are made for clarification.

Garbage that has not been outside the territorial limits of the United States and Canada is not being regulated under these amendments. The fruits, vegetables, meats, and other animal products normally found in such garbage contain no pests of quarantine significance; therefore, garbage generated from such products presents little or no risk of spreading plant pests or livestock or poultry diseases.

In response to publication of the proposal, 17 written comments were received from Federal and State agencies and the public. All comments were favorable in whole or in part. A number of comments expressed objection to the expanded definition of garbage because it included nongrindable materials which would require special handling. Nonfood items, such as containers, which have been in contact with possibly contaminated food constitute a hazard of spread of plant pests or livestock or poultry disease. Under the regulations as adopted, adequate separation for disposal of food and nonfood items may be accomplished, and the nongrindable items disposed of by incineration or other approved means of disposal. The alternatives listed in the regulations provide a fairly wide latitude of choice for those affected by the regulations to achieve complete, acceptable disposal.

An objection was made to the definition of "sterilization" as not providing adequate criteria for treatment and it was recommended that a stipulation be included that such sterilized garbage not be fed to swine. Provisions are added to the definition of "sterilization" requiring that the residue of the cooked garbage be buried. Therefore under the disposal options allowed by the regulations, the garbage could not be fed to swine. Such feeding could result in a spread of livestock diseases.

A respondent commented that the proposed definition of "approved sewage system" did not provide specific criteria to be applied in evaluating sewage systems. An acceptable system must be designed and operated in such a way as to preclude the discharge of sewage effluents onto land surfaces and into lagoons or other stationary waters. This standard is added in the regulations as one criterion for approval. However it is not possible to identify in advance all factors relevant to the determination whether a sewage system is adequate to prevent the dissemination of plant pests and livestock or poultry diseases. Therefore each sewage system must also be evaluated individually under this broader standard as provided in the regulations. Environmental aspects have been taken into consideration and it has been determined that these amendments do not constitute a major action with significant environmental effects within the provisions of section 102(2)(C) of the National Environmental Policy Act.

Accordingly, the provisions of 9 CFR 94.5 are revised to read as set forth below:

§ 94.5 Garbage; regulations on storage and movement on certain means of conveyance.

(a) Garbage on or unloaded from any means of conveyance arriving in the United States from any place outside thereof (except garbage that has not been outside the territorial limits of the United States and Canada), or arriving in the continental United States from Hawaii or any Territory or possession, or arriving in any Territory or possession from any other Territory or possession or from Hawaii, or arriving in Hawaii from any Territory or possession, shall be subject to general surveillance by Animal and Plant Health Inspection Service inspectors and to such disposal measures as are authorized by section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd), section 10 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 164a), section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), and section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), to prevent the dissemination of plant pests and livestock or poultry diseases.[1]

(b) (1) All garbage regulated in paragraph (a) of this section shall be contained in tight, leak-proof covered receptacles (inside the guard rail on vessels) during storage on board such means of conveyance while in the territorial waters or otherwise within the territory of the United States. Such garbage shall not be unloaded from such means of conveyance in the United States unless such garbage is removed in tight, leak-proof receptacles under the direction of an Animal and Plant Health Inspection Service inspector to an approved facility for incineration, sterilization, or grinding into an approved sewage system, under supervision by such an inspector, or such garbage is removed for other handling in such manner and under such supervision as may, upon request in specific cases, be approved by the Administrator as complying with the applicable laws for environmental protection and as adequate to prevent the dissemination into or within the United States of plant pests and livestock or poultry diseases.

(2) Application for approval of a facility or sewage system may be made in writing by the authorized representative of any carrier or by the official having jurisdiction over the port or place of arrival of the means of conveyance, to the Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. The application shall be endorsed by the operator of the facility or sewage system. Approval will be granted if the Administrator determines that the requirements set forth in this section are met. Approval may be denied or withdrawn at any time, if the Administrator determines that such requirements are not met, after notice of the proposed denial or withdrawal of the approval and the reasons therefor, and an opportunity to demonstrate or achieve compliance with such requirements, has been afforded to the operator of the facility or sewage system and to the applicant for approval. However, approval may also be withdrawn without such prior procedure in

[1] The procisions of this section for handling of garbage do not relieve any prohibition or restriction elsewhere in this title on bringing any meat or other product or article into the United States or on the interstate movement of any product or article.

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any case in which the public health, interest or safety requires immediate action, and in such case, the operator of the facility or sewage system and the applicant for approval shall promptly thereafter be given notice of the withdrawal and the reasons therefor and an opportunity to show cause why the approval should be reinstated.

(c) The Plant Protection and Quarantine Programs and Veterinary Services, Animal and Plant Health Inspection Service, will cooperate with other Federal, State, and local agencies responsible for enforcing other statutes and regulations governing disposal of garbage to the end that such disposal shall be adequate to prevent the dissemination of plant pests and livestock or poultry diseases and comply with applicable laws for environmental protection. The inspectors, in maintaining surveillance over garbage movements and disposal, shall coordinate their activities with the activities of representatives of the Environmental Protection Agency and other Federal, State, and local agencies also having jurisdiction over such garbage.

(d) As used in this section:

(1) "Garbage" means all waste material derived in whole or in part from fruits, vegetables, meats or other plant or animal (including poultry) material, and other refuse of any character whatsoever that has been associated with any such material on board any means of conveyance, and including food scraps, table refuse, galley refuse, food wrappers or packaging materials, and other waste material from stores, food preparation areas, passengers' or crews' quarters, dining rooms, or any other areas on vessels, aircraft, or other means of conveyance.

(2) "Sterilization" means cooking garbage at 212° F. for 30 minutes and disposal of the residue by burying.

(3) "Incineration" means to reduce the garbage to ash by burning.

(4) "Approved sewage system" means a sewage system approved by the Administrator, Animal and Plant Health Inspection Service, upon his determination that the system is designed and operated in such a way as to preclude the discharge of sewage effluents onto land surfaces or into lagoons or other stationary waters, and otherwise is adequate to prevent the dissemination of plant pests and livestock or poultry diseases, and that it is certified by an appropriate government official as currently complying with the applicable laws for environmental protection.

(5) "Approved facility" means a facility approved by the Administrator, Animal and Plant Health Inspection Service, upon his determination that it has equipment and uses procedures that are adequate to prevent the dissemination of plant pests and livestock or poultry diseases, and that it is certified by an appropriate government official as currently complying with the applicable laws for environmental protection.

(6) "Carrier" means the principal operator of a means of conveyance.

(7) "United States" means the States, District of Columbia, Guam, Puerto Rico, and the Virgin Islands of the United States.

(8) "Territories or possessions" means Guam, Puerto Rico, and the Virgin Islands of the United States.

(Sec. 106, 71 Stat. 33 (7 U.S.C. 150ee); secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); sec. 102, 58 Stat. 735, as amended (7 U.S.C. 147a); sec. 306, 46 Stat. 689, as amended (19 U.S.C. 1306); sec. 2, 32 Stat. 792, as amended (21 U.S.C. 111); sec. 11, 23 Stat. 32, as added at 58 Stat. 734, as amended (21 U.S.C. 114a); 76 Stat. 663 (7 U.S.C. 450); secs. 101, 102, 83 Stat. 852, 853 (42 U.S.C. 4331, 4332); 37 FR 28464, 28477.)

It does not appear that further public participation in rulemaking proceedings on these amendments would make additional information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedures concerning these amendments are impracticable and unnecessary.

Effective date. The effective date of these amendments will be September 8, 1975, to allow those affected thereby to acquire the necessary equipment to enable them to comply with the requirements imposed by such amendments.

Done at Washington, D.C., this 3rd day of September 1974.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-20626 Filed 9-5-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 13992; Amdt. 39-1955]

PART 39—AIRWORTHINESS DIRECTIVES

Mitsubishi Heavy Industries Ltd. Model MU-2B-25 (S/N 264 through 320), and MU-2B-35 (S/N 586 through 656) Airplanes

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive (AD) was adopted on July 19, 1974, and made effective immediately upon receipt as to all known United States operators of Mitsubishi Heavy Industries Ltd. Model MU-2B-25 (S/N 264 through 320), and Model MU-2B-35 (S/N 586 through 656) airplanes, because of several incidents involving worn elevator trim tab control bracket bearing bushings, one of which reportedly resulted in failure of the elevator trim tab bracket. The AD requires inspection and eventual replacement of the elevator trim tab control bracket.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Mitsubishi Heavy Industries Ltd. Model MU-2B-25 (S/N 264 through 320), and Model MU-2B-35 (S/N 586 through 656) airplanes by individual airmail letters dated July 22, 1974. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation regulations to make it effective as to all persons.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

MITSUBISHI HEAVY INDUSTRIES LTD. Applies to Model MU-2B-25 (S/N 264 through 320) and Model MU-2B-35 (S/N 586 through 656) airplanes.

Compliance is required as indicated.

To prevent possible failures of the elevator trim tab brackets:

(a) Before further flight, except that the airplane may be flown in accordance with FAR's 21.197 and 21.199 to a base where the repair can be performed, and thereafter at intervals not to exceed 25 hours' time in service from the last inspection, inspect the R/H and L/H elevator trim tab control brackets (P/N 010A-22117) for worn bushings, both bronze and steel, by removing the connecting bolt between the bracket and the operating rod, and measuring the minimum outer diameter of the bushing.

(b) If, during an inspection required by paragraph (a) of this AD, the outer diameter of either a bronze or a steel bushing is found to be less than .360 of an inch—

(1) Replace it with a steel bushing, Mitsubishi P/N 220AS-04-040, in accordance with the instructions section of Mitsubishi Service Bulletin MU-2 No. 166 dated May 13, 1974, or an FAA approved equivalent, and thereafter continue to comply with paragraph (a) of this AD; or

(2) Comply with paragraph (d) of this AD.

(c) When the connecting bolt between the bracket and the operating rod is installed, following an inspection required by paragraph (a) of this AD, and when accomplishing the modification required by paragraph (d) of this AD, lubricate the bolt in accordance with Mitsubishi Service Bulletin MU-2 No. 166 dated May 13, 1974, or an FAA approved equivalent.

(d) Unless already accomplished, within the next 200 hours' time in service after the effective date of this AD, replace the existing bracket, Mitsubishi P/N 010A-22117, with a new bracket, Mitsubishi P/N 010A-22119, in accordance with the instructions section of Mitsubishi Service Bulletin MU-2 No. 166 dated May 13, 1974, or an FAA approved equivalent.

(e) The inspections required by paragraph (a) of this AD may be discontinued after compliance with paragraph (d) of this AD.

NOTE.—Mitsubishi maintenance manuals for the model MU-2B-25 and Model MU-2B-35 airplanes contain information relating to this inspection and replacement.

This amendment is effective September 6, 1974 as to all persons except those persons to whom it was made immediately effective upon receipt of the airmail letter dated July 22, 1974, which contained this amendment.

Issued in Washington, D.C. on August 28, 1974.

C. R. MELUGIN, JR.,
Acting Director, Flight Standards Service.

[FR Doc.74-20614 Filed 9-5-74;8:45 am]

[Docket No. 74-SO-90; Amdt. 39-1952]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA-28-235, PA-32, and PA-34 Series Airplanes

There have been cases of improperly formed outer wing spar lightening holes which could result in cracks in the radius of the lightening hole flange on Piper PA-28-235, PA-32, and PA-34 airplanes. Since this condition is likely to exist in other airplanes of the same type design an airworthiness directive is being issued to require inspection of the outer wing spars on Piper PA-28-235, PA-32, and PA-34 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to Piper PA-28-235 airplanes, serial numbers 28-7410001 through 28-7410090, PA-32-260 airplanes serial numbers 32-7400001 through 32-7400047, PA-32-300 airplanes 32-7440001 through 32-7440147, and PA-34-200 airplanes serial numbers 34-7450001 through 34-7450205 certificated in all categories.

Compliance required within the next ten hours time in service after the effective date of this AD, unless already accomplished.

To detect improperly formed lightening holes in the outer wing spars, accomplish the following:

(a) PA-28-235 and PA-32 series airplanes

(1) Remove the inspection plate on bottom of wing which is located adjacent to the aileron bellcrank.

(2) Inspect both sides of left and right spar around the first lightening hole outboard of the fish mouth of the main spar splice for evidence of a die stamping mark approximately six by six inches square surrounding the lightening hole area.

(3) Inspect the lightening hole flange radius for cracks.

(b) PA-34 series airplanes

(1) Remove the inspection plate on bottom of wing which is located adjacent to the aileron bellcrank and aft of the outboard fuel tank.

(2) Inspect as in paragraph (a) (2) around first and second lightening holes outboard of the fish mouth at the main spar splice.

(3) Inspect the lightening flange radii for cracks.

(c) If square die stamping mark is evident on the aft side of spar only and there are no cracks in the lightening hole flange radii, no further action is required.

(d) If square die stamping mark is evident on forward side of spar and/or if there are cracks in the lightening hole flange, replace the outboard spar with a serviceable spar of the same part number or repair in a method approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

(e) Report positive findings from paragraph (d) to Chief, Engineering and Manufacturing Branch, FAA Southern Region within 10 days of inspection.

(Reporting approved by the Bureau of the Budget under BOB No. 04-R0174.)

This amendment becomes effective September 7, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Georgia, on August 28, 1974.

P. M. SWATEK,
Director, Southern Region.

[FR Doc.74-20617 Filed 9-5-74;8:45 am]

[Airspace Docket No. 74-GL-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 24666 of the FEDERAL REGISTER dated July 5, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the transition area at Pekin, Illinois.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., November 7, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on August 16, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

PEKIN, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 6½ mile radius of the Pekin Municipal Airport (latitude 40°29'25" N., longitude 89°40'20" W.), and within a 5-mile radius of the Waddell Airport (latitude 40°29'28" N., longitude 89°46'38" W.); excluding the portion which overlies the Peoria, Illinois transition area.

[FR Doc.74-20619 Filed 9-5-74;8:45 am]

[Airspace Docket No. 74-GL-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 24666 of the FEDERAL REGISTER dated July 5, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at Little Falls, Minnesota.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., November 7, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Des Plaines, Illinois, on August 16, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

LITTLE FALLS, MINN.

That airspace extending upward from 700 feet above the surface within a five mile radius of Little Falls Municipal Airport (latitude 45°56'56" N., longitude 94°20'44" W.); within three miles each side of the 141° bearing from the airport, extending from the five mile radius to eight miles southeast of the airport excluding that portion which overlies the Camp Ripley, Minnesota transition area.

[FR Doc.74-20618 Filed 9-5-74;8:45 am]

[Airspace Docket No. 74-WA-28]

PART 73—SPECIAL USE AIRSPACE

Revocation of Prohibited Areas and Alteration of Restricted Area

On February 18, 1969, an amendment to Part 73 of the Federal Aviation Regulations was published in the FEDERAL REGISTER (34 FR 2306) designating a prohibited area, P-29, at Key Biscayne, Fla. On June 26, 1969, an amendment to Part 73 was published in the FEDERAL REGISTER (34 FR 9854) designating a prohibited area, P-25, at San Mateo Point, Calif. The June 26 amendment also altered the description of Restricted Area R-2533 Oceanside, Calif., to exclude P-25 from the airspace assigned to R-2533.

The conditions which prompted these amendments no longer exist. Therefore, the prohibited areas and the exclusion portion of the R-2533 description may now be revoked.

Since this amendment makes available for public use airspace from which the public was previously prohibited, thereby relieving a restriction upon the public, it is a minor matter in which the public would have no particular interest, therefore, notice and public procedure thereon are unnecessary. Moreover, since it relieves a restriction it may become effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective September 6, 1974 as hereinafter set forth.

1. In § 73.88 (39 FR 697) P-29 Key Biscayne, Fla., and all that follows is revoked.

2. In § 73.89 (39 FR 697) P-25 San Mateo Point, Calif., and all that follows is revoked.

3. In § 73.25 (39 FR 653) R-2533 Oceanside, Calif., "thence to the point of beginning, excluding that airspace

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within the San Mateo Point Prohibited Area P–25," is deleted and "thence to the point of beginning." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))))

Issued in Washington, D.C. on September 3, 1974.

ROBERT W. MARTIN,
Acting Director,
Air Traffic Service.

[FR Doc.74–20694 Filed 9–5–74;8:45 am]

[Reg. Docket No. 13991; Amdt. 95–250]

PART 95—IFR ALTITUDES

Miscellaneous Changes

The purpose of this amendment to Part 95 of the Federal Aviation regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of The Federal Aviation regulations is amended, effective October 10, 1974 as follows:

1. By amending Subpart C as follows:

Section 95.47 *Green Federal Airway 7* is amended to read in part:

From, to, MEA

Koyuk INT, Alaska; Galena, Alaska LF/RBN, 5,800.

Section 95.101 *Amber Federal Airway 1* is amended to read in part:

Sandspit, B.C. Can. LFR; Muzon INT, Alaska, 5,000.[1]
Muzon INT, Alaska; Port Alexandria INT, Alaska, 5,200.
Harbor Point INT, Alaska; Ocean Cape, Alaska LF/RBN, 6,000.
North River, Alaska LF/RBN; Fort Davis, Alaska LF/RBN, 3,000.

Section 95.115 *Amber Federal Airway 15* is amended to read in part:

Petersburg, Alaska LF/RBN; Coghlan Island, Alaska LF/RBN, 7,000.

Section 95.239 *Red Federal Airway 39* is amended to read in part:

Aniak, Alaska LF/RBN; Takotna River, Alaska LF/RBN, 6,000.

Section 95.250 *Red Federal Airway 50* is amended to read in part:

Bear Creek, Alaska LF/RBN; Chena, Alaska LF/RBN, 5,000.

[1] For that airspace over U.S. territory.

Section 95.626 *Blue Federal Airway 26* is amended to read in part:

Talkeetna, Alaska LF/RBN; Summitt, Alaska LF/RBN, 10,000.[2]
Chena, Alaska LF/RBN; Fort Yukon, Alaska LF/RBN, 7,000.

Section 95.679 *Blue Federal Airway 79* is amended to read in part:

U.S. Canadian Border; Nichols, Alaska LF/RBN, 5,000.
Nichols, Alaska LF/RBN; Sitka, Alaska LF/RBN, 6,900.
Sitka, Alaska LF/RBN; Sisters Island, Alaska LF/RBN, 6,500.
Sisters Island, Alaska LF/RBN; Harbor Point, INT, Alaska, 6,000.

Section 95.1001 *Direct Routes—U.S.*

Puerto Rico Routes

Route 1 is amended to delete:

*Hawaii INT, Puerto Rico; Arenas INT, Puerto Rico; **8,500. *9,500—MRA. *1,300—MOCA.
Arenas INT, Puerto Rico; *Anasco INT, Puerto Rico; 2,500. *4,500—MRA.
Anasco INT, Puerto Rico; Ramey, Puerto Rico VOR; 2,500.

Route 9 is amended to delete:

*Hawaii INT, Puerto Rico; Ponce, Puerto Rico VOR; **2,500. *8,500—MRA. **2,100—MOCA.

Route 1 is amended by adding:

Arenas INT, Puerto Rico; Mayaguez, Puerto Rico VOR; 2,700.
Mayaguez, Puerto Rico VOR; Ramey, Puerto Rico VOR; 2,800.

Route 9 is amended by adding:

*Drake INT, Puerto Rico; Ponce, Puerto Rico VOR; **2,500. *9,000—MRA. **2,100—MOCA.

Section 95.1001 *Direct Route—U.S.* is amended to read in part:

Azalea INT, S.C.; Yellow Tail INT, S.C., Via Control 1,152; 2,500. MAA—45,000.
Yellow Tail INT, S.C.; Smelt INT, S.C., Via Control 1,152; 2,500. MAA—45,000.

Section 95.1001 *Direct Routes—U.S.* is amended by adding:

Roswell, N.M., VOR; Texico, N.M. VOR; *7,000. *8,800—MOCA.
Tallahassee, Fla. VOR; Eufaula, Ala. VOR, COP 92 TLH; 2,200.
Greenville, Fla. VOR; Eufaula, Ala. VOR, COP 109 GKF; *3,700. *1,900—MOCA.

Section 95.1001 *Direct Routes—U.S.* is amended to delete:

Charleston, S.C. VOR; Norfolk, Va. VOR; 24,000. MAA—39,000.
Charleston, S.C. VOR; Richmond, Va. VOR; 19,000. MAA—37,000.

Section 95.5000 *High Altitude RNAV Routes.*

From/to; total distance; changeover point distance from geographic location; track angle; MEA; MAA
J844R is deleted:

Section 95.6003 *VOR Federal Airway 3* is amended to read in part:

From; To; MEA

Biscayne Bay, Fla. VOR, via E alter.; Palm Beach, Fla. VOR, via E alter.; 2,000.

Section 95.6012 *VOR Federal Airway 12* is amended to read in part:

[2] 5,000—MCA Talkeetna LF/RBN, N-bound.

Amarillo, Tex. VOR, via N alter.; Borger, Tex. VOR, via N alter.; 5,000.
Briscoe INT, Tex., via S alter.; Gage, Okla. VOR; via S alter.; *4,800. *4,200—MOCA.

Section 95.6014 *VOR Federal Airway 14* is amended to read in part:

Lubbock, Tex. VOR; Childress, Tex. VOR; 5,000.
Lubbock, Tex. VOR, via S alter.; Ralls INT, Tex., via S alter.; 5,000.
Ralls INT, Tex., via S alter.; Childress, Tex. VOR, via S alter.; *4,900. *4,300—MOCA.

Section 95.6018 *VOR Federal Airway 18* is amended to read in part:

Greater Southwest, Tex. VOR; Hubbard INT, Tex.; 2,200.
St. George INT, S.C.; Charleston, S.C. VOR; 1,800.
Augusta, Ga. VOR; Langley INT, S.C.; 2,900.
Langley INT, S.C.; *Norway INT, S.C.; **3,000. *4,000—MCA Norway INT, E-bound. **2,000—MOCA.

Section 95.6026 *VOR Federal Airway 26* is amended to read in part:

Trufant INT, Mich.; Orleans INT, Mich.; *2,700. *2,300—MOCA.

Section 95.6035 *VOR Federal Airway 35* is amended to read in part:

Ft. Myers, Fla. VOR; Murdock INT, Fla.; 2,000.
Murdock INT, Fla.; St. Petersburg, Fla. VOR; *2,000. *1,500—MOCA.

Section 95.6047 *VOR Federal Airway 47* is amended to read in part:

Rosewood, Ohio VOR, via W alter.; Bremen INT, Ohio, via W alter.; 2,800.

Section 95.6053 *VOR Federal Airway 53* is amended to read in part:

Charleston, S.C. VOR; St. George INT, S.C.; 1,800.

Section 95.6056 *VOR Federal Airway 56* is amended to read in part:

*Langley INT, S.C., via S alter.; Columbia, S.C. VOR, via S alter.; **2,300. *2,900—MCA Langley INT, SW-bound. **2,100—MOCA.

Section 95.6077 *VOR Federal Airway 77* is amended to read in part:

Wichita Falls, Tex. VOR, via E alter.; Temple INT, Okla., via E alter.; *3,000. *2,300—MOCA.

Section 95.6105 *VOR Federal Airway 105* is amended to read in part:

Phoenix, Ariz. VOR; Cactus INT, Ariz.; 5,000.
Cactus INT, Ariz.; Cave Creek INT, Ariz. NW-bound, 7,000. SE-bound, 5,000.
Cave Creek INT, Ariz.; Rock Springs INT, Ariz., NW-bound, *8,000. SE-bound, *7,000. *5,800—MOCA.

Section 95.6222 *VOR Federal Airway 222* is amended to read in part:

La Grange, Ga. VOR; Tyrone INT, Ga.; 2,700.

Section 95.6241 *VOR Federal Airway 241* is amended by adding:

Midway, INT, Ala., via W alter.; La Grange, Ga. VOR, via W alter.; 2,600.
La Grange, Ga. VOR, via W alter.; Tyrone INT, Ga., via W alter.; 2,700.

Section 95.6241 *VOR Federal Airway 241* is amended to delete:

Midway INT, Ala., via W alter.; Columbus, Ga. VOR, via W alter.; *2,500. *2,000—MOCA.

Section 95.6257 *VOR Federal Airway 257* is amended to read in part:

Phoenix, Ariz. VOR; Cactus INT, Ariz.; 5,000.
Cactus INT, Ariz.; Cave Creek INT, Ariz., NW-bound, 7,000. SE-bound, 5,000.
Cave Creek INT, Ariz.; Rock Springs INT, Ariz., NW-bound, *8,000. SE-bound, *7,000. *5,800—MOCA.

Section 95.6272 *VOR Federal Airway 272* is amended to read in part:

Sayre, Okla. VOR, via S alter.; *Washita INT, Okla., via S alter.; **4,000. *3,500—MRA. **3,500—MOCA.

Section 95.6277 *VOR Federal Airway 277* is amended to read in part:

Rosewood, Ohio VOR; *Neptune INT, Ohio; 2,800. *3,000—MRA.

Section 95.6295 *VOR Federal Airway 295* is amended to read in part:

Biscayne Bay, Fla. VOR; Pike INT, Fla.; 2,000.

Section 95.6304 *VOR Federal Airway 304* is amended to read in part:

Amorillo, Tex. VOR; Borger, Tex. VOR; 5,000.

Section 95.6443 *VOR Federal Airway 443* is amended to read in part:

Cleveland, Ohio VOR; Fairport INT, Ohio; 2,500.

Section 95.6450 *VOR Federal Airway 450* is amended to read in part:

Comstock INT, Mich.; Owosso INT, Mich.; *2,700. *2,300—MOCA.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C. on August 29, 1974.

JAMES M. VINES,
Chief, Aircraft
Programs Division.

[FR Doc.74–20616 Filed 9–5–74;8:45 am]

[Docket No. 13990; Amdt. No. 932]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAP's, effective October 17, 1974:

Bozeman, Mont.—Gallatin Field, VOR Rwy 12, Amdt. 10.
Key West, Fla.—Key West Int'l. Arpt., VOR–B, Amdt. 3.
Madison, Ga.—Madison Municipal Arpt., VOR/DME–A, Amdt. 1.
Spokane, Wash.—Felts Field, VOR/DME–A, Amdt. 3.
Spokane, Wash.—Felts Field, VOR Rwy 3, Orig., canceled.
Spokane, Wash.—Felts Field, VOR Rwy 3L, Orig.

• • • effective September 26, 1974:

Lawton, Okla.—Lawton Municipal Arpt., VOR Rwy 35, Amdt. 14.

• • • effective September 19, 1974:

Tulsa, Okla.—Tulsa Riverside Arpt., VOR/DME Rwy 36L, Amdt. 2.
Tulsa, Okla.—Tulsa Riverside Arpt., VOR Rwy 36L, Orig.

• • • effective August 22, 1974:

Chicago, Ill.—Chicago O'Hare Int'l. Arpt., VOR Rwy 9L, Amdt. 1.

2. Section 97.27 is amened dby originating, amending, or canceling the following NDB/ADF SIAP's, effective October 17, 1974:

Blackstone, Va.—Blackstone AAF-Allen C. Perkinson Municipal Arpt., NDB–A, Amdt. 6.
Bozeman, Mont.—Gallatin Field, NDB Rwy 12, Amdt. 1.
Bristol, Tenn.—Tri City Arpt., NDB Rwy 4, Amdt. 10.
Bristol, Tenn.—Tri City Arpt., NDB Rwy 22, Amdt. 12.
Key West, Fla.—Key West Int'l. Arpt., NDB–A, Amdt. 6.
Spokane, Wash.—Felts Field, NDB–B, Amdt. 1.

• • • effective August 22, 1974:

Charlottesville, Va.—Charlottesville-Albemarle Arpt., NDB Rwy 3, Amdt. 7.

3. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective October 17, 1974:

Bozeman, Mont.—Gallatin Field, ILS Rwy 12, Amdt. 2.
Bristol, Tenn.—Tri City Arpt., ILS Rwy 22, Amdt. 17.

• • • effective September 26, 1974:

Lawton, Okla.—Lawton Municipal Arpt., ILS Rwy 35, Orig.

• • • effective August 22, 1974:

Charlottesville, Va.—Charlottesville-Albemarle Arpt., ILS Rwy 3, Amdt. 2.

4. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAP's, effective October 17, 1974:

Bristol, Tenn.—Tri City Arpt., RADAR–1, Amdt. 8.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1438, 1354, 1421, 1512); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on August 29, 1974.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FR Doc.74–20615 Filed 9–5–74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart A—Hospital Insurance Benefits

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians; Appeals by Provider

Subpart E—Criteria for Determination of Reasonable Charges; Reimbursement for Services of Hospital Interns, Residents, and Supervising Physicians

COVERAGE OF AND REIMBURSEMENT FOR SERVICES OF PODIATRY INTERNS AND RESIDENTS-IN-TRAINING UNDER APPROVED TEACHING PROGRAMS

On January 31, 1974, there was published in the FEDERAL REGISTER (39 FR 3962) a notice of proposed rulemaking with proposed amendments to Subparts A, D, and E of Regulations No. 5. The proposed amendments (1) relate to the coverage of services of providers under Medicare and provide for the inclusion in allowable costs of the hospital's costs of services of podiatry interns and residents-in-training under a teaching program which is approved by the Council on Podiatry Education of the American Podiatry Association, and (2) give specific recognition to such programs in the regulations governing the reimbursement treatment of education costs.

Interested persons were given the opportunity to submit within 30 days, data, views, or arguments with regard to the proposed amendments. Two comments

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were received and given careful consideration. Neither was accepted.

(1) Request was made for inclusion in the list of approving bodies an organization for residency programs in hospital administration. This proposal was rejected because the list of approving bodies in the regulations is not intended to be all-inclusive but rather illustrative of professional and paramedical programs conducted by providers and national accrediting organizations for such activities. The list is currently being amended solely to conform this regulation to the specific statutory recognition given to podiatry programs by the 1972 amendments.

(2) Concern was expressed that the proposed regulation would increase program costs. The change, however, is made to conform the regulations with provisions of law and does not increase program costs.

Except for a clarifying change in the footnote to § 405.421(e), the amendments are adopted as proposed.

(Secs. 1102 and 1871, 49 Stat. 647, as amended, 79 Stat. 331, as amended (42 U.S.C. 1302, 1395hh.))

Effective date. These amendments shall be effective September 6, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: August 6, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: August 28, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405), are further amended as set forth below:

1. Paragraph (f) of § 405.116 is revised to read as follows:

§ 405.116 Inpatient hospital services; defined.

• • • • •

(f) *Medical or surgical services provided by a physician, intern, resident, or resident-in-training.* Medical or surgical services provided in a hospital by a physician or by a resident or intern, are excluded from the definition of "inpatient hospital services" unless such services are provided (1) by an intern or resident-in-training under a teaching program approved by the Council on Medical Education of the American Medical Association, or in the case of an osteopathic hospital, approved by the Committee on Hospitals of the Bureau of Professional Education of the American Osteopathic Association; or (2) in the case of a hospital or osteopathic hospital, by an intern or resident-in-training in the field of dentistry under a teaching program approved by the Council on Dental Education of the American Dental Association; or (3) for cost reporting periods beginning after December 31, 1972, by an intern or resident-in-training in the field of podiatry under a teaching program approved by the Council on Podiatry Education of the American Podiatry Association.

2. Paragraph (e) of § 405.421 is revised to read as follows:

§ 405.421 Cost of educational activities.

• • • • •

(e) *Approved programs.* In addition to approved medical, osteopathic, dental, and podiatry internships and residency programs,[1] recognized professional and paramedical educational and training programs now being conducted by provider institutions, and their approving bodies, include the following:

[1] See § 405.116(f) of Subpart A for a listing of such approved programs. For purposes of determination of educational costs in cost reporting periods beginning prior to January 1973, podiatry internships and residency programs approved by the Council on Podiatry Education of the American Podiatry Association were eligible for approval under paragraph (f) of this section.

Program	Approving bodies
(1) Cytotechnology	Council on Medical Education of the American Medical Association in collaboration with the Board of Schools of Medical Technology, American Society of Clinical Pathologists.
(2) Dietetic internships	The American Dietetic Association.
(3) Hospital administration residencies.	Members of the Association of University Programs in Hospital Administration.
(4) Inhalation therapy	Council on Medical Education of the American Medical Association in collaboration with the Board of Schools of Inhalation Therapy.
(5) Medical records	Council on Medical Education of the American Medical Association in collaboration with the Committee on Education and Registration of the American Association of Medical Record Librarians.
(6) Medical technology	Council on Medical Education of the American Medical Association in collaboration with the Board of Schools of Medical Technology, American Society of Clinical Pathologists.
(7) Nurse anesthetists	The American Association of Nurse Anesthetists.
(8) Professional nursing	Approved by the respective State approving authorities. Reported for the United States by the National League for Nursing.
(9) Practical nursing	Approved by the respective State approving authorities. Reported for the United States by the National League for Nursing.
(10) Occupational therapy	Council on Medical Education of the American Medical Association in collaboration with the Council on Education of the American Occupational Therapy Association.
(11) Pharmacy residencies	American Society of Hospital Pharmacists.
(12) Physical therapy	Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association.
(13) X-ray technology	Council on Medical Education of the American Medical Association in collaboration with the American College of Radiology.

3. Paragraphs (a), (b), and (c) of § 405.522 are revised to read as follows:

§ 405.522 Interns' and residents' services in approved teaching programs.

(a) Title XVIII of the Act gives recognition to hospital teaching programs which are duly approved in their respective fields by the Council on Medical Education of the American Medical Association, by the Committee on Hospitals of the Bureau of Professional Education of the American Osteopathic Association, by the Council on Dental Education of the American Dental Association, or, for provider cost reporting periods beginning after December 31, 1972, by the Council on Podiatry Education of the American Podiatry Association.

(b) Services of interns and residents in such approved programs are explicitly excluded from the definition of "physicians' services" and are covered as hospital services. This exclusion applies whether or not the intern or resident may be authorized to practice as a physician under the laws of the State in which he performs his services. In accordance with the basis for payment under the health insurance program for services provided by participating hospitals, the cost of the services of interns and residents is reimbursable to the hospital, specifically as a component of allowable costs defined by the principles of reimbursement for provider costs set forth in Subpart D of this Part. Under the principles discussed in Subpart D of this Part, an appropriate share of the provider's total allowable costs is reimbursable under the health insurance program. (For purposes of including services of interns and residents as an element of allowable cost in accordance with these principles, recording and reporting by the hospital of the specific services rendered to individual beneficiaries is not necessary.)

(c) Conversely, services of interns and residents are not reimbursable under the health insurance program on the basis which applies to physicians' services, i.e., reasonable charges (see §§ 405.501–405.508). This distinction with respect to the basis for the health insurance program reimbursement applies to services of interns and residents whether covered by the hospital insurance program or the supplementary medical insurance program. Outpatient services which are provided by a hospital, including intern and resident services where involved, are reimbursed to the hospital under the supplementary medical insurance program to the extent of 80 percent of the cost of the services rendered to beneficiaries after recognition of the deductible amount (see § 405.240(c)). The beneficiary will incur the expense of the deductible and coinsurance amounts as determined on the basis of the hospital's charges to the beneficiary. Hospital charges may include a charge for the services of interns and residents as a specific item, or these services may be included in the general charges to the beneficiary made by the hospital for the covered services it provides.

4. Section 405.525 is revised to read as follows:

§ 405.525 Basis of reimbursement to providers under the health insurance program for services interns and residents.[1]

[1] See §§ 1814(d) and 1835(b) of the Social Security Act concerning reimbursement for emergency services rendered by hospitals which are not providers under the health insurance program.

Status of patient	Status of intern or resident[1]	Reimbursement provided under [2]	Basis of payment [3]
Hospital inpatient	Under approved program	Part A	Cost.
	Other	Part B	80 percent of costs.
Hospital outpatient	Under approved program	---do	Do.
	Other	---do	Do.
Skilled nursing facility patient.	Under approved program of a hospital with which facility has a transfer agreement.	Part A	Cost.
	Other	Part B	80 percent of cost.
Home health plan patient.	Posthospital services furnished under approved program of hospital with which the home health agency is affiliated or under common control.	Part A	Cost.
	Other	Part B	Do.

[1] An "approved program" means a program approved by the Council on Medical Education of the American Medical Association, by the Committee on Hospitals of the Bureau of Professional Education of the American Osteopathic Association, or by the Council on Dental Education of the American Dental Association; or with respect to providers' accounting periods beginning after Dec. 31, 1972, by the Council on Podiatry Education of the American Podiatry Association. "Other" interns and residents include, in addition to interns and residents-in-training, a physician employed by the hospital who is authorized to practice only in the hospital setting.

[2] "Part A" refers to the hospital insurance program and "part B" refers to the supplementary medical insurance program.

[3] The term "cost" refers to reimbursement on a cost basis in accordance with the principles in subpart D of this part.

[FR Doc.74-20669 Filed 9-5-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[FI–155]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities with Special Hazard Areas; Correction

On June 27, 1973, at 38 FR 16865, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included map No. H 48 113 2800 15 which indicates that the first and second installments of Royal Valley Estates, a subdivision development in Grand Prairie, Texas, are within the Special Flood Hazard Area. A review of the above map by the Federal Insurance Administration indicates the area is located outside the Special Flood Hazard Area. Accordingly, effective July 6, 1973, map No. H 48 113 2800 15 is hereby corrected to reflect that the first and second installments of Royal Valley Estates, as shown on the final plat maps recorded in Volume 71205, page 1899 and Volume 72126, page 1874 of the Map Records of Dallas County, Texas, are not within the Special Flood Hazard Areas.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Public Law 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969)

Issued: August 16, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-20563 Filed 9-5-74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On August 17, 1971, at 36 FR 15532, the Federal Insurance Administrator published a list of flood prone areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Tulsa, Oklahoma, and included map No. H 40 143 4780 13 which indicates that Beekman Place Amended, is, in its entirety, within the Special Flood Hazard Area. A review of the above map by the Federal Insurance Administration indicates that, except for Lots 5, 6, and 7 of Block 1, Beekman Place Amended is not within the Special Flood Hazard Area. Accordingly, effective August 13, 1971, map No. H 40 143 4780 13 is hereby corrected to reflect that, except for Lots 5, 6, and 7 of Block 1, Beekman Place Amended, as shown on Plat Map #2974, dated October 25, 1968, is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Public Law 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969)

Issued: August 16, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-20562 Filed 9-5-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 252–8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

South Carolina; New Emission Limits

On May 31, 1974 (39 FR 19229), the Administrator announced a proposal to revise the approved South Carolina implementation plan, principally by changing the limits it provides for sulfur oxide emissions from fuel combustion sources. The proposed plan revision had received public hearing and had then been officially adopted by the State before being submitted to the Environmental Protection Agency on March 14, 1974.

Copies of the information submitted by South Carolina were made available for public inspection, and written comments were solicited. Three comments were received, all favoring approval of the revision.

The effect of the present revision would be to replace the existing SO_2 emission limits for fuel combustion sources with less stringent limits to be applied on the basis of a County classification system. The present limits are, until July 1, 1977, 2.3# $SO_2/10^6$ BTU input, and thereafter, 1.6 and 2.0# $SO_2/10^6$ BTU for liquid and solid fuels respectively. Under the new County classification system, the limits would be as follows:

Class I—3.5# $SO_2/10^6$ BTU input for sources with an input rated at up to and including 10 million BTU/hr,
or
2.3#$SO_2/10^6$ BTU input for sources with an inpitt rated at more than 10 million BTU/hr.

Class II—3.5# $SO_2/10^6$ BTU input for sources with an input rated at up to 1,000 million BTU/hr,
or

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2.3# $SO_2/10^6$ BTU input for sources with an input rated at 1,000 million BTU/hr or more.

Class III—3.5# $SO_2/10^6$ BTU input for all sources.

On the basis of diffusion modeling results and other considerations, the State's Counties are classified as follows:

Class I—Charleston County
Class II—Aiken and Anderson Counties
Class III—all others

These classifications are subject to review and change at intervals not to exceed three years.

South Carolina developed these new SO_2 emission limits with the cooperation of the Environmental Protection Agency's Region IV office, which rendered technical assistance in the area of diffusion modeling.

In the judgment of the Administrator, the approval of the present plan revision will not hinder the attainment and maintenance of the national ambient air quality standards in the State of South Carolina, and it is hereby approved.

This action is effective October 7, 1974.

(Sec. 110(a), Clean Air Act, as amended (42 U.S.C. 1857c-5(a)))

Dated: August 30, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart PP—South Carolina

In § 52.2120, paragraph (c)(4) is amended by inserting in proper chronological order the date "March 14, 1974."

[FR Doc.74-20585 Filed 9-5-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Certain Wildlife Refuges in New Mexico Arizona and California

The following special regulations are issued and are effective September 6, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of ring-necked and white-winged pheasants, quail, and rabbits on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted as follows: Pheasants, from December 14 through December 17, 1974, inclusive; quail, from November 28, 1974 through January 26, 1975, inclusive; and rabbits, from November 16, 1974 through January 19, 1975, inclusive, but only on the areas open to waterfowl hunting. These areas consist of 1,600 acres on the North Refuge Unit (Area B) and 1,800 acres on the South Refuge Unit (Area C). Hunting areas are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, quail and rabbits.

In addition, steel (iron) shot shotgun ammunition only may be used for the taking of pheasants, quail and rabbits on the South Refuge Unit (Area C) during the duck season, November 16, 1974 through January 19, 1975, inclusive. Steel (iron) shot shotgun ammunition is available from two commercial outlets in Roswell, New Mexico.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 26, 1975.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of quail, cottontail and jack rabbits on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 16,500 acres, is delineated on maps available at refuge headquarters, Martinez Lake, Arizona, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—Quail, from October 1, 1974 through February 16, 1975, inclusive; cottontail and jack rabbits, from October 1, 1974 through February 16, 1975, inclusive. California—Quail, from October 26, 1974 through January 31, 1975, inclusive. Cottontail and jack rabbits, from October 1, 1974 through January 31, 1975, inclusive. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail and rabbits subject to the following special conditions:

(1) Quail and rabbits may be taken with shotguns only. Possession of .22 caliber rimfire firearms is prohibited.

(2) A maximum of two dogs per hunter may be used while engaged in hunting so long as these animals are kept under strict control.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 16, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 7,000 acres, is delineated on maps available at refuge headquarters, Martinez Lake, Arizona, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—No open season. California—from September 26 through November 3, 1974, inclusive. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special condition:

(1) Except as provided under the special regulations covering the hunting of small game, doves and migratory waterfowl on the Imperial National Wildlife Refuge, possession of any firearms other than a legal deer hunting firearm, as defined by State hunting regulations, is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 3, 1974.

W. O. NELSON, JR.,
Regional Director,
U.S. Fish and Wildlife Service.

AUGUST 29, 1974.

[FR Doc.74-20594 Filed 9-5-74;8:45 am]

PART 32—HUNTING

Shiawassee National Wildlife Refuge, Michigan

The following special regulation is issued and is effective September 6, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MICHIGAN

SHIAWASSEE NATIONAL WILDLIFE REFUGE

Public hunting of deer with bow and arrow is permitted on the entire refuge area from 6:00 a.m. to 7:00 p.m. e.s.t. each day from December 1, 1974, through December 31, 1974, only.

Hunting shall be in accordance with all State regulations covering the hunting of deer, subject to the following conditions:

(1) All hunters must exhibit their hunting license, deer tag, game, and vehicle contents to Federal and State officers upon request.

(2) Bow and arrow hunters will require a Federal permit from December 1, 1974, through December 9, 1974. No Federal permit will be required from December 10, 1974, through December 31, 1974.

(3) Applications for Federal permits must be received at the refuge office on or before October 31, 1974.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1974.

ROBERT G. JOHNSON,
Acting Refuge Manager,
Shiawassee National Wildlife Refuge.

AUGUST 28, 1974.

[FR Doc.74-20602 Filed 9-5-74;8:45 am]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective September 6, 1974.

§ 32.22 Special regulations; big game; for individual refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer with legal firearms on the Tamarac National Wildlife Refuge is permitted over the entire refuge with exception of those areas posted as "Area Beyond This Sign Closed". The open area comprises 40,200 acres. Areas open for deer hunting are delineated on maps available at refuge headquarters, Rochert, Minnesota 56578 and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions.

(1) The open season for hunting deer with legal firearms is from sunrise to sunset, November 1, 1974 through November 30, 1974. Hunters have the choice of any 3 consecutive days November 1, 1974 through November 5, 1974; or any 6 consecutive days, November 6, 1974 through November 30, 1974.

Portions of Tamarac Refuge open to hunting is delineated on refuge hunting maps. In addition, no persons shall, for the purpose of hunting, enter or leave a refuge except by access roads which may be so designated; and all hunters shall comply with further regulations which the Refuge Manager may prescribe.

OMER N. SWENSON,
Refuge Manager,
Tamarac National Wildlife Refuge.

AUGUST 27, 1974.

[FR Doc.74-20602 Filed 9-5-74;8:45 am]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective September 6, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of ruffed grouse, gray and fox squirrels, cottontail, jack and snowshoe rabbits on the Tamarac National Wildlife Refuge, Rochert, Minnesota, is permitted in the area designated by signs as open to hunting. This open area comprising 12,500 acres is delineated on a map available at the Refuge Headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

An additional area of 18,000 acres will be open for public hunting of ruffed grouse only. This ruffed grouse only public hunting area is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be in accordance with all applicable State regulations during the seasons specified below. The hunting of other upland species as may be authorized by Minnesota State regulations is prohibited.

Open seasons: Ruffed grouse—September 14, 1974 through October 29, 1974 and the second season opens November 1, 1974 through December 31, 1974, inclusive with shooting hours from sunrise to sunset. Gray and fox squirrels—September 14, 1974 through December 31, 1974, inclusive with shooting hours from sunrise to sunset. Cottontail, jack and snowshoe rabbits—September 14, 1974 through March 1, 1975, inclusive with shooting hours from sunrise to sunset.

No person shall trap on Tamarac National Wildlife Refuge without first obtaining such permits and trap tags as may be required and issued by the Refuge Manager. Portions of Tamarac refuge open to hunting will be posted "Public Hunting Area" except as described in refuge hunting maps for ruffed grouse. In addition, no persons shall, for the purpose of hunting or trapping, enter or leave a refuge except by access roads which may be so designated; and all hunters and trappers shall comply with further regulations which the Refuge Manager may prescribe.

OMER N. SWENSON,
Refuge Manager,
Tamarac National Wildlife Refuge.

AUGUST 27, 1974.

[FR Doc.74-20603 Filed 9-5-74;8:45 am]

PART 32—HUNTING

Washita National Wildlife Refuge, Oklahoma

The following special regulation is issued and is effective September 6, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

OKLAHOMA

WASHITA NATIONAL WILDLIFE REFUGE

The public hunting of quail and cottontail rabbits on the Washita National Wildlife Refuge, Oklahoma, is permitted only on the areas designated by signs as open to hunting. This open area, comprising 2,200 acres, is delineated on maps available at refuge headquarters, Butler, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103.

Upland game hunting shall be in accordance with all applicable State regulations governing the hunting of quail and cottontail rabbits subject to the following special conditions:

(1) The open season for quail hunting on the refuge extends from November 20, 1974, through February 1, 1975, inclusive.

(2) The open season for cottontail rabbit hunting on the refuge extends from November 20, 1974, through February 1, 1975, inclusive.

(3) Hunting of either quail or cottontail rabbits is permitted only on Mondays, Tuesdays, Thursdays, Saturdays, and national holidays.

(4) Rifles and hand guns are prohibited on the refuge. Only shotguns are legal firearms for the taking of quail. Shotguns and/or long bows and arrows are legal weapons for the taking of cottontail rabbits.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 1, 1975.

W. O. NELSON, JR.,
Regional Director,
U.S. Fish and Wildlife Service.

AUGUST 29, 1974.

[FR Doc.74-20593 Filed 9-5-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 102]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the provisions contained in section 553 of title 5, United States Code, that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Part 102 of title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

An establishment license may be issued to a firm after an inspection of the premises, an evaluation of the manufacturing processes to be used has been made, and the ability of the personnel in the firm to consistently prepare satisfactory serials of a biological product has been established. The regulations provide that the first product license shall be issued simultaneously with the issuance of an establishment license. The amendments proposed herein provide that the initial product license cannot be for the preparation of an autogenous biologic and the establishment license cannot be retained when a licensee no longer holds an unexpired, unsuspended, or unrevoked product license or special license authorizing the preparation of a biological product other than an autogenous biologic.

Autogenous biologics are prepared during emergencies from fresh isolates of microorganisms obtained from sick or dead animals or birds. Such isolates are never the same and a normal variation between serials of autogenous biologics occurs. When the techniques of manufacture currently being used to prepare other licensed products can be adapted to the preparation of autogenous biologics, product licenses may be issued for such biologics.

The ability of the personnel in an establishment can be determined only when they prepare other licensed biological products without the variations found in autogenous biologics. A meaningful day to day check of the techniques used depends upon the uninterrupted preparation of other licensed products. Therefore, if the preparation of such other licensed biological products is discontinued, the preparation of autogenous biologics shall also be discontinued.

Sections 102.2 and 102.4(f) would be amended to clarify this policy.

1. § 102.2 is revised to read:

§ 102.2 Licenses required.

Every person operating an establishment in the United States in which any biological product is prepared for sale, barter, or exchange in the District of Columbia or in any Territory of, or place under the jurisdiction of, the United States, or for shipment or delivery for shipment from any State or Territory or the District of Columbia, shall hold an unexpired, unsuspended, and unrevoked U.S. Veterinary Biologics Establishment License and at least one unexpired, unsuspended, and unrevoked U.S. Veterinary Biological Product License or U.S. Veterinary Biological Product License (Special) issued by the Deputy Administrator to prepare a biological product other than an autogenous biologic in such establishment.

2. § 102.4(f) is revised to read:

§ 102.4 U.S. Veterinary Biologics Establishment License.

. . . . . .

(f) When a licensee no longer holds an unexpired, unsuspended, or unrevoked product license or special license authorizing the preparation of a biological product other than an autogenous biologic, any establishment license and any product licenses for autogenous biologics shall be submitted to the Deputy Administrator for termination.

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before October 7, 1974, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection of Biologics Licensing and Standards Staff, at the above address, during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 30th day of August 1974.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–20625 Filed 9–5–74;8:45 am.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 74–GL–18]

AIRWORTHINESS DIRECTIVES

B. F. Goodrich Engineered Systems Company Main Wheel Assembly

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation regulations by adding an airworthiness directive applicable to B. F. Goodrich main wheel assembly P/N 3–1306. B. F. Goodrich Engineered Systems Company (formerly B. F. Goodrich Aerospace and Defense Products) is a Division of the B. F. Goodrich Company. These wheels are typically used on, but not limited to, Boeing Aircraft Company Models 727 series aircraft.

Cracks have occurred in the wheel hub area caused by a manufacturing defect in the forging. The cracks are attributed to a condition known as "bright flake" fatigue and may progress until a wheel failure occurs. Since this condition is likely to exist or develop in other wheel assemblies of the same Technical Standard Order wheel design, an airworthiness directive is proposed to require inspection of the wheels in accordance with the B. F. Goodrich Service Letter No. 1177.

Interested persons are invited to participate in making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Director, Great Lakes Region, Federal Aviation Administration, Attention: Regional Counsel, Airworthiness Review Docket; 2300 East Devon Avenue; Des Plaines, Illinois 60018. All communications received on or before October 7, 1974, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation regulations by adding the following new airworthiness directive:

B. F. GOODRICH. Applies to B. F. Goodrich Main Wheel Assembly P/N 3–1306 Manufactured Under Technical Standard Order (TSO–C26b) Prior to January 1, 1972. These Wheel Assemblies are Typically Used on, but not Limited to, Boeing 727 Series Aircraft

Compliance required as indicated unless already accomplished.

To prevent possible failures in the hub area of the inboard wheel half, P/N 10–1202, at the second tire change, but not to exceed 500 hours' time in-service, perform a one time inspection of the hub area of the inboard wheel half for forging defects in accordance with the information contained in B. F. Goodrich Service Letter No. 1177 issued January 26, 1972, revised April 11, 1974, or an FAA approved equivalent.

Wheels which have positive indications of defects may be reworked in accordance with the information contained in the B. F. Goodrich Service Letter or an FAA approved equivalent.

Issued in Des Plaines, Illinois, on August 27, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.74–20622 Filed 9–5–74;8:45 am]

[14 CFR Part 39]

[Docket No. 74–SO–89]

AIRWORTHINESS DIRECTIVES

Pan Avion Model C–30A ( ) Life Rafts

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation regulations by adding an airworthiness directive applicable to Pan Avion Model C–30A( ) life rafts. There have been reports of leakage of the inflation system of Pan Avion Model C–30A( ) life rafts that could result in low pressure. Since this condition is likely to exist or develop in other life rafts of the same design, the proposed airworthiness directive would require rework of the inflation system on Pan Avion Model C–30A( ) life rafts.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Chief, Engineering and Manufacturing Branch, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before September 30, 1974, will be considered by the Administrator before taking action upon the proposed rule. the proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket Room 275, 3400 Whipple Ave., East Point, Ga. 30320, for examination by interested persons.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation regulations by adding the following new airworthiness directive:

PAN AVION. Applies to Pan Avion Model C–30A ( ) Life Rafts Serial Numbers 61 Through 716

Compliance required as indicated.

To prevent loss of pressure in the inflation system on the rafts, accomplish the following:

(a) Within 2 months time in service after the effective date of this AD, unless the modification described in paragraph (c) below has been accomplished, perform a pressure check of the gas regulator assembly, P/N 11402–11, and gas bottle.

(1) When pressure measures less than 2750 psig at 70° F, or an equivalent pressure at other temperatures, before return to service, comply with paragraph (c).

(2) When pressure measures more than 2750 psig at 70° F, or an equivalent pressure at other temperatures, within next 30 days, comply with paragraph (c).

(b) Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Southern Region may adjust the inspection and/or modification times specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for the operator.

(c) Modify the inflation system in accordance with paragraph 4 of Pan Avion Service Department Bulletin No. 26–74 dated 3/25/74 or later FAA approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

Issued in East Point, Georgia on August 26, 1974.

P. M. SWATEK,
Director, Southern Region.

[FR Doc.74–20620 Filed 9–5–74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74–EA–68]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a Penn Yan, N.Y., Transition Area.

A new NDB instrument approach procedure to Penn Yan Airport has been developed and will require designation of 700-foot floor transition area to encompass arrival and departure procedures at the airport. The instrument approach procedure is predicated on the Penn Yan, New York, nonfederal radio beacon.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in tripicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before October 7, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Penn Yan, New York, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation regulations by adding a Penn Yan, N.Y. 700-foot floor transition area as follows:

PENN YAN, N.Y.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Center 42°38'30"N., 77°03'22"W. of Penn Yan Airport, Penn Yan, N.Y.; within 3 miles each side of a 095° bearing from the Penn Yan, N.Y. RBN 42°38'38"N., 77°03'22" W., extending from the 5.5-mile radius area to 8.5 miles east of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on August 15, 1974.

JAMES BISPO,
Deputy Director, Eastern Region.

[FR Doc.74–20621 Filed 9–5–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1204, 1260, 1261]

[Ex Parte No. 306]

WILLIAMS BROTHERS PIPE LINE CO.

Valuation of Common Carrier Pipelines

At a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 28th day of August, 1974.

It appearing that in Valuation Docket No. 1423 (1971 Report) Williams Brothers Pipe Line Company,[1] hereinafter called the pipe line, a protest was filed on August 31, 1973, by interveners, American Petrofina Company of Texas, et al., to the tentative valuation report of the Commission's Valuation Board served June 28, 1973, and the pipe line filed a reply on September 14, 1973, which included a motion to reject the protest; and that in the same valuation docket (1972 Report), a protest was also filed by the same intervener protestants to the tentative valuation report of the Valuation Board served May 31, 1974, to which

[1] By tariff supplements, Williams Brothers Pipe Line Company has subsequently changed its name to Williams Pipe Line Company.

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the pipe line filed a motion to reject the protest on June 26, 1974;

It further appearing that both protests, among other things, raise issues concerning the Commission's valuation process for common carrier pipelines, including the methodology employed; that the issues raised would affect all common carrier pipelines; and that, therefore, for the purpose of permitting interested persons to present their views on whether any modifications are desirable in the rules, regulations and guidelines for pipeline valuation, a proceeding should be instituted; wherefore:

It is ordered that, based on the foregoing, a proceeding be, and it is hereby, instituted under part I of the Interstate Commerce Act (49 U.S.C. sec. 1), including section 19a thereof, relating to a valuation of common-carrier property, and pursuant to sections 553 and 554 of the Administrative Procedure Act (5 U.S.C. secs. 553 and 554), for the purpose of determining whether any modification is required in the rules and regulations contained in Part 1204 of Title 49 of the Code of Federal Regulations, entitled "Pipeline Companies, List of Instructions and Accounts," in Part 1260 of said Title 49, entitled "Reporting of Data for Initial Pipeline Valuations," and in Part 1261 of said Title 49, entitled "Regulations Governing the Reporting of Property Changes; Pipeline Carriers," or any modification in the methodology of valuation stated in Ajax Pipe Line Corporation, 50 Val Rep. 1.

It is further ordered, That all common carrier pipelines subject to part I of the Interstate Commerce Act be, and they are hereby, made respondents in the proceeding.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby, authorized and directed to participate in this proceeding.

It is further ordered, That Valuation Docket No. 1423 (1971 Report) and (1972 Report) be, and they are, hereby consolidated with the instant proceeding, and the said motions filed by the pipe line to reject protests in Valuation Docket No. 1423, as described above, be, and they are hereby, denied.

It is further ordered, That interested persons who wish to actively participate in the proceeding should file an original and one copy of a statement of intention to participate with the Interstate Commerce Commission, Office of Proceedings, Room 5342, 12th Street and Constitution Avenue, NW., Washington, D.C. 20423, on or before 30 days from the date of service of this order; that as soon as practicable after the date of indicating a desire to participate has passed, the Commission will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made; that the proceeding will be assigned for hearing as hereafter designated; and that the said protests in Valuation Docket No. 1423 (1971 Report) and (1972 Report) will be available in that docket for public inspection at the offices of the Commission during regular business hours.

It is further ordered, That this proceeding will be set for hearing at a time and place hereafter to be designated.

It is further ordered, That while this proceeding does not appear to be a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, parties may, at the hearing, present evidence that any modification of the rules, regulations, and guidelines for valuation of common carrier pipelines will cause or will not cause any effect on the quality of the human environment.

And it is further ordered, That statutory notice of the institution of this proceeding be given to the general public, including interested persons, by mailing a copy of this order to the Governor and the regulatory agency of every State, by depositing a copy with the Secretary of the Interstate Commerce Commission, and by delivering a copy to the Federal Register for publication therein; and a copy will be mailed to each respondent.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-20681 Filed 9-5-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Purpose of Surety Bond Guarantee Assistance

Currently the Small Business Size Standards Regulation (13 CFR Part 121) provides that a concern is small for the purpose of surety bond guarantee assistance if it qualifies as small for the purpose of a Small Business Administration loan (§ 121.3-10 of Part 121, Chapter I, Title 13 of the Code of Federal Regulations), except that any construction concern is small if its annual receipts for its preceding fiscal year or its average annual receipts for its preceding 3 fiscal years do not exceed $750,000.

Notice is hereby given that the Small Business Administration proposes to increase the surety bond guarantee assistance size standard applicable to construction concerns from $750,000 to $2 million in the case of general construction contractors and either $1 million or $2 million, depending on the industry, in the case of special trade contractors. The reason for the proposed change is that the $750,000 standard was based on the view at that time that a construction contractor with more than $750,000 in gross receipts would be able to obtain bonds in the marketplace without the SBA's guarantee. However, the record of the past 3 years has indicated that there are construction concerns with more than $750,000 in receipts, especially relatively new concerns without track records, that still cannot get bonds without a guarantee.

Specifically, it is proposed to revise § 121.3-15 of Part 121, Chapter I, Title 13 of the Code of Federal Regulations to read as follows:

§ 121.3-15 Definition of small business for the purpose of surety bond guarantee assistance.

A small business concern for the purpose of surety bond guarantee assistance is a concern that qualifies as small under Section 121.3-10, with the following exceptions:

(a) *Construction.* Any construction concern is small if its annual receipts for its preceding fiscal year or its average annual receipts for its preceding 3 fiscal years do not exceed $2 million: *Provided, however*, That, if the concern is primarily engaged in an industry set forth in Schedule I of this part, it is small if its annual receipts for its preceding fiscal year or its average annual receipts for its preceding 3 fiscal years do not exceed the maximum established therein for that industry.

Interested parties may file with the Small Business Administration on or before September 23, 1974, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington
Director
Office of Industry Studies
and Size Standards
Small Business Administration
1441 L Street, NW.
Washington, D.C. 20416

(Catalog of Federal Domestic Assistance Program No. 59.016, Bond Guarantees for Surety Companies.)

Dated: August 19, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-20662 Filed 9-5-74;8:45 am]

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business Cable Television Operator for the Purpose of Obtaining an SBA Loan

Notice is hereby given that the Small Business Administration proposes to establish a definition of a small business concern primarily engaged in cable television service rental to homes.

The current definition of a small business concern primarily engaged in services, not otherwise defined in § 121.3-10 of the Small Business Size Standards Regulation, is that it have annual receipts not exceeding $1 million. Available information indicates that this size standard is too low for the cable television industry. SBA size standards policy provides in part, that SBA assistance should be limited to concerns struggling to become or remain competitive. Approximately two-thirds of all cable television subscribers rent from the largest 20 concerns in the industry. For the most part, these concerns are themselves companies of great magnitude or are affiliated with companes which are large in other fields. The cable television industry is capital intensive, especially for concerns operating in urban markets where installation costs are high. Therefore, concerns with annual receipts of less than $1 million cannot effectively compete with large concerns for such subscribers.

Based on the foregoing, we have concluded that the size standard for concerns primarily engaged in cable television service rental to homes should be increased from annual receipts of $1 million to $2.5 million. Accordingly, it is proposed that Part 121 of Chapter I of Title 13 of the Code of Federal Regulations be amended by adding new subparagraph (11) to § 121.3-10(d) thereof to read as follows:

§ 121.3-10 Definition of small business for SBA loans.

. . . . . .

(d) *Services.* . . .

(11) As small if it is primarily engaged in providing cable television service rental to homes, and its annual receipts do not exceed $2.5 million. (See 13 CFR § 120.2(d)(4) for SBA policy which bars concerns that originate programs from receiving financial assistance. This policy limitation is not applicable to small business investment company assistance)

. . . . . .

Interested parties may file with the Small Business Administration on or before October 7, 1974, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington
Director
Office of Industry Studies and Size Standards
1441 L Street, NW.
Washington, D.C. 20416

(Catalog of Federal Domestic Assistance Program Nos. 59.011, Small Business Investment Companies; and 59.012, Small Business Loans)

Dated: August 20, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-20663 Filed 9-5-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-161]

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Notice of Meeting

The United States Advisory Commission on International Educational and Cultural Affairs will meet in open session on Tuesday, September 24, 1974, at Department of State Annex 2, 515 22d Street, NW., Room 507 from 9:30 a.m. to 12 noon. The agenda will include a report on the study of a North-South Center idea; a discussion of the Cultural Presentations Program of the Bureau of Educational and Cultural Affairs, Department of State; a discussion of awards programs; a report of the meetings of the Joint Panel on International Education and Cultural Relations; a report on one member's official visit to countries in Africa and South Africa; and such new business as may be brought to the attention of the members.

For purposes of fulfilling building security requirements, anyone wishing to attend the open session must advise the Staff Director by telephone in advance of the meeting. Telephone: 632-2764. Guests will be accommodated up to the seating capacity of the meeting room.

Dated: August 27, 1974.

MARGARET G. TWYMAN,
Staff Director,
Commission Secretariat.

[FR Doc.74-20665 Filed 9-5-74;8:45 am]

[Public Notice CM-162]

NATIONAL REVIEW BOARD FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

Notice of Meeting

The National Review Board for the Center for Cultural and Technical Interchange Between East and West (East-West Center) will meet in open session in Room 500 at 515 22nd Street, NW., Washington, D.C. on September 30, 1974, from 9 a.m. to 4 p.m.

The Board will discuss the incorporation of the East-West Center.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Executive Secretary by telephone in advance of the meeting. Telephone: 632-2841.

Dated: August 29, 1974.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.74-20666 Filed 9-5-74;8:45 am]

Agency for International Development

HOUSING GUARANTIES

Prescription of Rate

Pursuant to section 223(f) of the Foreign Assistance Act of 1961 as amended (the "Act"), contracts of guaranty to be entered into for loan investments in housing under Section 221 and Section 222 of the Act will be subject to the following restriction:

The maximum allowable rate of interest to an eligible U.S. investor shall not exceed ten per centum (10%) per annum.

This prescription of rate shall be effective immediately.

Dated: August 15, 1974.

W. H. MEINICKE,
Acting Assistant Administrator,
Bureau for Program and Management Services.

[FR Doc.74-20667 Filed 9-5-74;8:45 am]

DEPARTMENT OF THE TREASURY

Monetary Offices

FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS

Instructions Relating to Taxpayer Identification Numbers

On January 31, 1973, instructions were issued on this subject and published in the FEDERAL REGISTER (38 FR 3341 (1973)). These instructions have been revised, herein, to reflect changes in Social Security Administration procedures governing the issuance of social security numbers.

The Social Security Administration now generally requires evidence of age, citizenship, and identity of applicants for for social security numbers. Therefore, the Social Security Administration will no longer honor requests for numbers by financial institutions on behalf of customers.

Financial institutions must, within forty-five days after an account is opened, secure and maintain a record of taxpayer identification numbers of customers opening share or deposit accounts after June 30, 1972. For individuals, the taxpayer identification number is his social security number. If an account is opened in more than one individual's name, the financial institution should secure and maintain the social security number of at least one individual having a financial interest in that account. For corporations, partnerships, and other entities, it is the IRS employer identification number. Instances in which a taxpayer identification number need not be secured remain as printed in the FEDERAL REGISTER (38 FR 3341 (1973)).

If a financial institution has been unable to secure the required identification number within the forty-five day period, it shall be in compliance with this requirement if (i) it has made a reasonable effort to secure the number, and (ii) it maintains a list containing the names, addresses, and account numbers of those persons for whom it has been unable to secure an identification number and makes the names, addresses, and account numbers of those persons available to the Secretary as directed by him.

A reasonable effort to obtain a taxpayer identification number should include the mailing of a written request. The request should inform the customer that the bank is required to maintain, for the use of the Department of the Treasury, a list of customers who have failed to supply the financial institution with a TIN within the forty-five day period.

Dated: August 30, 1974.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary (Enforcement, Operations and Tariff Affairs).

[FR Doc.74-20661 Filed 9-5-74;8:45 am]

Office of Revenue Sharing

[Administrative Ruling 74-2]

REVENUE SHARING BONDS

Accounting for Appropriated Revenue Sharing Funds That Have Reverted to the Recipient Government's Trust Fund

Section 51.40(b) of the regulations (31 CFR 51.40(b)) promulgated pursuant to Title I of the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92-512), provides that beginning with the third entitlement period, revenue sharing funds must be used, obligated or appropriated within 24 months from the end of the entitlement period to which the revenue sharing check is applicable unless the Secretary of the Treasury approves an extension of time. Revenue sharing funds received in the first two entitlement periods must be used, obligated or appropriated within 24 months from the date of each check. Several recipient governments have reported that revenue sharing funds appropriated in accordance with § 51.40(b) have, for various reasons, reverted under local laws and procedures to their trust fund for reappropriation. Accordingly, this Administrative Ruling is published to clarify the Revenue Sharing Regulations as to the time limit and accounting procedures applicable when appropriated revenue sharing funds revert to the trust fund of a recipient government for reappropriation.

Upon the lawful appropriation of revenue sharing funds by a recipient government, the time limitation requirement of § 51.40(b) of the regulations is deemed satisfied with respect to those funds. If revenue sharing funds, once appropriated, for any reason revert to the trust fund, the reverted funds are held to be subject to the 24-month requirement, and thereafter must be used, obligated or reappropriated in accordance with the time limitation rule of § 51.40(b) of the regulations, as it is stated above.

In order to account for revenue sharing funds which have reverted to a recipient government's trust fund, the Department of the Treasury shall hereafter use the first-in first-out (FIFO) accounting method. By application of the FIFO procedure, the first revenue sharing funds received by a recipient government under the Act and placed in its trust fund are presumed to be the first subsequently appropriated. Accordingly, to determine compliance with the 24-month time limitation rule, the amount of revenue sharing funds used, obligated or permanently appropriated from the trust fund must equal at any time the amount of revenue sharing funds which the recipient government is required to have used, obligated or appropriated under § 51.40(b) of the regulations.

Dated September 3, 1974.

[SEAL] GRAHAM W. WATT,
Director, Office of Revenue Sharing.

[FR Doc.74-20677 Filed 9-5-74;8:45 am]

Office of the Secretary

TAPERED ROLLER BEARINGS FROM JAPAN

Antidumping; Determination of Sales at Less Than Fair Value

Information was received on October 31, 1973, that tapered roller bearings from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" was published in the FEDERAL REGISTER on June 5, 1974 (39 FR 19969).

I hereby determine that for the reasons stated below, tapered roller bearings from Japan are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based. The information before the U.S. Customs Service reveals that the proper basis of comparison for fair value purposes is between exporter's sales price and the adjusted home market price of such or similar merchandise.

Exporter's sales price was calculated on the basis of a resale price to unrelated purchasers in the United States, with deductions for U.S. duties, Customs brokerage fees, freight and insurance charges, commissions, inspection fees and selling expenses, as appropriate.

The adjusted home market price was calculated on the basis of a preponderant delivered price, with deduction for inland freight. Adjustments were made for differences in warranty costs, credit costs, technical service costs, selling expenses, and packing costs, as appropriate.

Using the above criteria, exporter's sales price was found to be lower than the adjusted home market price of such or similar merchandise.

The United States Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

SEPTEMBER 3, 1974.

[FR Doc.74-20686 Filed 9-5-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD AD HOC COMMITTEE ON ELECTRO-OPTICS TECHNOLOGY

Notice of Meeting

AUGUST 30, 1974.

The USAF Scientific Advisory Board of the ad hoc Committee on Electro-Optics Technology will hold a closed meeting on September 23 and 24, 1974, from 8 a.m. until 5 p.m., at the Pentagon, Washington, D.C.

The Committee will receive classified briefings and hold classified discussions on Air Force research and development programs in Electro-Optics.

For further information on this meeting, contact the USAF Scientific Advisory Board Secretariat at 202-697-8845.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-20598 Filed 9-5-74;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD COMMITTEE ON B-1 AERODYNAMICS

Notice of Meeting

AUGUST 30, 1974.

The USAF Scientific Advisory Board Committee on B-1 Aerodynamics will hold a closed meeting on October 8, 1974, from 8 a.m. until 5 p.m., and on October 9, 1974, from 8 a.m. until 3 p.m., at Rockwell International Plant, Los Angeles, California.

The Committee will receive classified briefings on the aerodynamic aspects of the B-1 development program.

For further information on this meeting, contact the USAF Scientific Advisory Board Secretariat at 202-697-8845.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-20601 Filed 9-5-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 47249]

WYOMING

Proposed Withdrawal and Reservation of Lands

AUGUST 28, 1974.

The Bureau of Land Management, United States Department of the Interior, has filed an application, Serial Number Wyoming 47249, for the withdrawal of the public lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, pursuant to authority of Executive Order 10355. The private lands in which the United States owns the mineral estate would be withdrawn from location and entry under the mining laws.

The applicant wishes to assure tenure of the lands for the protection of their identified values as the historical Bates Battlefield, which has been nominated for addition to the National Register of Historic Places.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than October 7, 1974, to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, Wyoming 82001.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

HOT SPRINGS COUNTY

Vacant Public Lands

T. 41 N., R. 90 W.,
Sec. 1, Lot 1, SE¼NE¼, E½SE¼, and SW¼SE¼;
Sec. 12, NE¼.

Patented lands with mineral estate owned by the United States

T. 41 N., R. 90 W.,
Sec. 1, lots 2, 3, 4, SW¼NE¼, S½NW¼, W½SW¼, and NW¼SE¼;
Sec. 12, NW¼, W½SW¼, and N½SE¼.

The areas described aggregate a total of 1,039.30 acres of public and privately-owned lands in which the United States owns the minerals.

DANIEL P. BAKER,
State Director.

[FR Doc.74-20600 Filed 9-5-74;8:45 am]

COOS BAY DISTRICT ADVISORY BOARD

Notice of Meeting and Agenda

Notice is hereby given that the Bureau of Land Management Coos Bay District Advisory Board will meet at 8:30 a.m. on

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September 26, 1974, at the district office located at 333 South 4th Street, Coos Bay, Oregon.

The agenda for the meeting is a field trip to observe redevelopment plans for the Loon Lake Recreation Site and district efforts in applying the Timber Production Capability Classification System. Prior to the field trip there will be an explanation of the classification system at the district office. No formal discussion is scheduled.

The meeting will be open to the public, but they will be required to furnish their own transportation and lunches.

RONALD L. KAUFMAN,
Acting District Manager.

AUGUST 29, 1974.

[FR Doc.74-20657 Filed 9-5-74;8:45 am]

[NM 22759]

NEW MEXICO

Notice of Application

AUGUST 30, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for a 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 5 W.,
Sec. 23, NE¼SW¼ and SE¼;
Sec. 24, N½S½.
T. 31 N., R. 5 W.,
Sec. 2, lots 3, 4, and N½SW¼;
Sec. 4, lot 2, N½SW¼ and NW¼SE¼;
Sec. 5, E½SE¼.
T. 32 N., R. 5 W.,
Sec. 32, NE¼ and W½;
Sec. 33, NW¼ and S½;
Sec. 34, S½;
Sec. 35, SW¼SW¼.
T. 32 N., R. 6 W.,
Sec. 26, NE¼ and SW¼.
T. 32 N., R. 11 W.,
Sec. 20, E½NE¼ and NE¼SE¼;
Sec. 21, N½NW¼ and NE¼SW¼.

This 50 ft. pipeline will convey natural gas across 6.572 miles of national resource and Forest lands in San Juan and Rio Arriba Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-20659 Filed 9-5-74;8:45 am]

[NM 21791]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands: Correction

FEDERAL REGISTER Document 74-18788 as published in the FEDERAL REGISTER of Thursday, August 15, 1974 at pages 29393 and 29394, is corrected as follows:

Page 29394, Line 21, first column is corrected to read, "of section 11, Township 3 S., Range 8 W., N.M."

Page 29394, Line 71, first column is corrected to read, "corner common to sections 19, 20, 29 and 30."

Page 29394, Line 53, second column and the last line of the document, change, "Croton" to "Catron."

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-20658 Filed 9-5-74;8:45 am]

National Park Service

GATEWAY NATIONAL RECREATION AREA ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Gateway National Recreation Area Advisory Commission will be held at 10:00 a.m., e.d.t. on September 25, 1974 at the Headquarters Building, Great Kills Park, Gateway National Recreation Area, Staten Island, New York.

The purpose of the Commission is to provide for the free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Gateway National Recreation Area.

The members of the Commission are as follows:

Honorable Alfred E. Driscoll, Chairman
Haddonfield, New Jersey
Mr. Alexander Aldrich
South Mall, Albany
Mr. Chester Apy
Little Silver, New Jersey
Mr. Donald H. Elliott
Brooklyn, New York
Mrs. Marian S. Heiskell
New York, New York
Mr. Gustav Heninburg
Newark, New Jersey
Mr. Ernest W. Laas
Interlaken, New Jersey
Mr. Edward H. Tuck
New York, New York
Reverend Horace Tyler
Brooklyn, New York
Mr. Nathaniel Washington
Newark, New Jersey
Honorable Joseph B. Williams
Brooklyn, New York

The purpose of this meeting is as follows:

1. A presentation and discussion on the master planning of the park, to date.
2. An inspection tour of the Staten Island unit of the Gateway N.R.A.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first come, first served basis. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Robert F. Mahoney, Public Affairs Officer, Gateway National Recreation Area, at Area Code (212) 264-4454. Minutes of the meeting will be available for public inspection two weeks after the meeting at the Gateway National Recreation Area Headquarters Building, Floyd Bennet Field, Brooklyn, New York 11234.

Dated: August 21, 1974.

JERRY D. WAGERS,
Regional Director, North Atlantic Region.

[FR Doc.74-20581 Filed 9-5-74;8:45 am]

LOWER SAINT CROIX NATIONAL SCENIC RIVERWAY MINNESOTA-WISCONSIN; MASTER PLAN

Extension of Time To Comment on Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement concerning possible actions under consideration related to a proposed master plan for Lower Saint Croix National Scenic Riverway, Minnesota-Wisconsin.

Written comments on the environmental statement are invited and will be accepted on or before October 18, 1974. Written comments should be addressed to the Superintendent, Saint Croix National Scenic Riverway, National Park Service, Post Office Box 579, St. Croix Falls, Wisconsin 54024.

For additional information regarding this matter see FEDERAL REGISTER of July 26, 1974, 39 FR 27336.

Dated: September 3, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-20720 Filed 9-5-74;8:45 am]

Office of the Secretary

[INT DES 74-84]

PROPOSED NORTH COUNTRY TRAIL

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed North Country Trail and invites written comments within forty-five (45) days of this notice. Comments from interested members of the public should be addressed to the Regional Director, Lake Central Region, Bureau of Outdoor Recreation, 3853 Research Park Drive, Ann Arbor, Michigan 48104.

The environmental statement considers the authorization by Congress of the concept of the North Country Trail within a corridor recommended in the Secretary of the Interior's proposed report. Such authorization would permit the eventual designation of a hiking trail approximately 3,246 miles in length originating at the Appalachian Trail in Vermont, traversing New York, Pennsylvania, Ohio, Michigan, Wisconsin, and Minnesota, terminating at the proposed Lewis and Clark Trail in North Dakota. The Secretary of the Interior would have the authority to designate some sections of the trail "scenic" and recognize others as "recreational."

Creation of the North Country Trail would preserve a green strip approximately 3,246 miles long by 200 feet wide. Development of the trail and support facilities, while providing a recreational facility, would cause some disturbance of soil and vegetation.

Forty-six percent of the trail would be located on public land. Right-of-way for the remainder would have to be obtained by fee, easement, or agreement. The project would cause some local reduction in the tax base and provide some jobs and capital investment. Recreational use of the trail would cause continued disturbance of vegetation and wildlife, and soil compaction along the trail itself. The project will serve regional, local, State and National recreational needs. Copies are available for inspection at the following locations:

Bureau of Outdoor Recreation, Lake Central Region, 3853 Research Park Drive, Ann Arbor, Michigan 48104
Bureau of Outdoor Recreation, Division of State Programs, Department of the Interior, Washington, D.C. 20240
Bureau of Outdoor Recreation, Northeast Region, Federal Building, 600 Arch Street, Room 9310, Philadelphia, Pennsylvania 19106
Bureau of Outdoor Recreation, Mid-Continent Region, Denver Federal Center, P.O. Box 25387, Denver, Colorado 80225 (mailing address); 603 Miller Court, Lakewood, Colorado (location)
State Planning Office, Office of the Governor, Montpelier, Vermont 05602
New York State Office of Planning Services, 488 Broadway, Albany, New York 12207
Office of State Planning and Development, Box 1323, Harrisburg, Pennsylvania 17120
Environmental Assessment Section, Environmental Protection Agency of Ohio, P.O. Box 1049, Columbus, Ohio 43216
Advisory Council for Environmental Quality, Room 1, The Capitol, Lansing, Michigan 48903
Bureau of Environmental Impact, Department of Natural Resources, 4610 University Avenue, Madison, Wisconsin 53702
Intergovernmental Planning, Minnesota State Planning Agency, 802 Capitol Square Building, St. Paul, Minnesota 55101
North Dakota State Planning Agency, State Capitol, Bismarck, North Dakota 58501

Copies may be obtained by writing the Environmental Law Institute, Suite 614, 1346 Connecticut Avenue, NW., Washington, D.C. 20036. Please refer to the statement number above.

Dated: August 30, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-20655 Filed 9-5-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

CONDOR ADVISORY COMMITTEE

Notice of Meeting

The Condor Advisory Committee will meet on October 2, 1974, at 8:30 a.m. in Conference Room 205, Angeles National Forest Headquarters, 150 South Los Robles Avenue, Pasadena, California.

This meeting is open to the public. Persons who wish to attend should notify Mr. Edward R. Schneegas, USDA, Forest Service, Wildlife Management Staff, 630 Sansome Street, San Francisco, California 94111 (415-556-5375). Written statements may be filed with the Committee before or after the meeting.

A public participation period is scheduled after the regular meeting.

DOUGLAS R. LEISZ,
Regional Forester.

AUGUST 29, 1974.

[FR Doc.74-20599 Filed 9-5-74;8:45 am]

MODOC NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Modoc National Forest Grazing Advisory Board will meet at 10 a.m., October 8, 1974 in the Forest Supervisors Office, 441 North Main, Alturas, California.

The purpose of this meeting is to discuss the status of the Wildhorse Management Plan, status of the Triangle Ranch Wetlands land exchange, status of Advisory Boards, District reports on Range Improvement, grazing permits, and other items related to grazing on the Modoc National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Kenneth C. Scoggin, Box 611, Alturas, California 96101, Telephone 916-233-3521. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public members may speak up at meeting after the regular board meeting is completed.

KENNETH C. SCOGGIN,
Forest Supervisor.

AUGUST 27, 1974.

[FR Doc.74-20589 Filed 9-5-74;8:45 am]

WINEMA NATIONAL FOREST GRAZING ADVISORY BOARD

Emergency Meeting

The Winema National Forest Grazing Advisory Board met at 2:00 p.m. on September 4, 1974, in the Post Office Building, Klamath Falls, Oregon.

The purpose of this meeting was to explain the upcoming Range Audit and to schedule input from the Range Permittees.

The meeting was open to the public. Persons were invited to attend through local public news releases. Written statements may be filed with the Board before or after the meeting.

The Board established the following rule for public participation: Public members may speak up at anytime.

E. F. BERRETH,
Acting Forest Supervisor.

AUGUST 28, 1974.

[FR Doc.74-20587 Filed 9-5-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[Order No. 43-1; Amdt. 1]

BUREAU OF INTERNATIONAL COMMERCE

Statement of Organization and Function

This order effective August 1, 1974 amends the material appearing at 39 FR 20621 of June 12, 1974.

DIBA Organization and Function Order 43-1 of March 25, 1974 is hereby amended, as follows:

1. Section 3.02 is revised to read, as follows:

.02 The Bureau of International Commerce shall consist of the following principal organizational elements:

Commerce Action Group for the Near East.
Office of Market Planning.
Office of Export Development.
Office of International Marketing.

2. Section 4k. is added to read:

k. Coordinate all DIBA activity on the Near East and provide liaison with all Commerce elements outside of DIBA whose functions contribute to the work of any Joint Commissions or similar relationships established with Near East countries.

TILTON H. DOBBIN,
Assistant Secretary for Domestic and International Business.

[FR Doc.74-20590 Filed 9-5-74;8:45 am]

[Order No. 44-1; Amdt. 1]

BUREAU OF RESOURCES AND TRADE ASSISTANCE

Statement of Organization and Function

This order effective August 21, 1974 amends the material appearing at 38 FR 9324 of April 13, 1973.

DIBA Organization and Function Order 44-1, dated November 17, 1972 is hereby amended, as follows:

1. *SECTION 2. Delegations of authority.* Section 2.01e. is amended to read, as follows:

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"e. Chapters 1 and 2 of Title III of the Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.), as implemented by Executive Orders 11075 of January 15, 1963 and 11106 of April 18, 1963, except the authority: 1. to certify or revoke adjustment proposals; 2. to permit modifications of adjustment proposals already certified; 3. to certify tax assistance and to revoke such certifications; 4. to make determinations as to the referral of adjustment proposals to other agencies; 5. to authorize the furnishing of financial assistance pursuant to Section 314 of the Act; and 6. to authorize the furnishing of technical assitance pursuant to Section 313 of the Act, however, authority is delegated to furnish technical assistance pursuant to Section 313, to firms experiencing difficulty in implementing their certified adjustment proposals, provided, that the technical assistance furnished pursuant to this delegation of authority shall not exceed in the aggregate $15,000 to any one firm, is necessary to aid the firm in carrying out its certified adjustment proposal, and can reasonably be expected to improve the likelihood of an orderly repayment of the financial assistance theretofore furnished to such firm."

TILTON H. DOSSIN,
Assistant Secretary for Domestic and International Business.

[FR Doc.74-20591 Filed 9-5-74;8:45 am]

LEO GOODWIN INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00344-33-46040. Applicant: Leo Goodwin Institute for Cancer Research, 3301 College Avenue, Fort Lauderdale, Florida 33314. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is to be used in a number of investigations on the nature of malignant disease including the study of viral and chemically induced tumors; the immune response in experimental cancers; the search for viruses in human and animal tumors; development of new chemotherapeutic drugs and the biochemical changes in malignant transformations. These projects employ viruses, cell segments, and similar materials of microscopic sizes. Other experiments involve the examination of tissues of germfree animals at intervals throughout their lifetime in an effort to detect agents which could account for the spontaneous tumors observed in such animals. Finally, the article will be used to conduct studies on the immune response of tumor-bearing animals. In addition, the article will be used in graduate courses leading to the Ph. D. in Microbiology with a specialty in experimental carcinogenesis and bio-chemistry. Predoctoral as well as domestic and international post-doctoral students are trained in virology, immunology, biochemistry and cytology. This training includes instruction in basic principles of electron microscopy as well as related techniques in photography.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Numbers 74-00027-33-46040 and 73-00177-33-46040 which were denied without prejudice to resubmission on November 16, 1973 and April 11, 1973, respectively for informational deficiencies. In reply to Question 8 the applicant alleged the foreign article provided for following pertinent features:

(1) Designed in 1971.
(2) Complete solid state circuitry.
(3) Negligible heat load.
(4) Space requirement of 1240 x 870 millimeters (mm).
(5) No auxiliary cabinets.
(6) Lower power consumption.
(7) Digital magnification read-out.
(8) 35 mm and plate cameras.
(9) 5 Angstroms resolution.
(10) Available eucentric goniometer stage.

The Department of Health, Education, and Welfare (HEW) reviewed this application and compared the alleged pertinent features of the article with those of the most closely comparable domestic electron microscope, the Model EMU-4C, formerly manufactured by Forgflo and now supplied by the Adam David Company. HEW advised in its memorandum dated May 24, 1974, that the cameras and 5 Angstroms resolution features (8) and (9), are available in the EMU-4C and that features (1) through (7), above, are convenience features, none of which constitutes a "pertinent specification" within the meaning of Section 701.2(n) of the regulations. Feature (10) was not ordered with the article and therefore cannot be considered in the determination of scientific equivalency according to Section 701.2(d) and 701.6(a)(3) of the regulations.

Accordingly, we find that the Model EMU-4C is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-20612 Filed 9-5-74;8:45 am]

STATE UNIVERSITY OF NEW YORK ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00476-33-46500. Applicant: State University of New York, School of Basic Health Sciences, Health Sciences Center, Stony Brook, New York 11790. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to obtain thin sections for high resolution electron microscopy in a variety of studies in smooth and striated muscle of both vertebrate and invertebrate specimens, ultrastructure of membrane and central nervous system and other cells and tissues. Investigations will involve specifically ultrastructure of frog iris, structural changes in shortening of striated muscle from horseshoe crab and other marine specimens, fine structure of mammalian spinal cord, morphology of a maternally transmitted infectious sex ratio organism in Drosophila, and anatomical organization of avian brain. Information obtained through research is incorporated into teaching material for medical, dental, nursing and allied health students as well as graduate and undergraduate research course work, whenever it can provide clarification or contribution of new data. In addition, post-doctoral fellows, graduate and undergraduate students in elective research projects are trained in techniques and applications of the instruments. Application received by Commissioner of Customs: May 15, 1974. Advice submitted by the Department of Health, Education, and Welfare on: August 7, 1974.

Docket number: 74-00477-33-46500. Applicant: University of South Alabama, College of Medicine, Department of Anatomy, 307 Gaillard Drive, Mobile, Alabama 36688. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article will be used in studies of biological materials with applications of specialized techniques to exhibit normal and pathological structures, e.g. histochemistries and immunological labeling, at a subcellular level. Specimens for these studies will be from both human biopsies and experimental animals. Application received by Commissioner of Customs: May 15, 1974. Advice submitted by the Department of Health, Education, and Welfare on: August 7, 1974.

Docket number: 74-00478-33-46500. Applicant: Southern Methodist University, Fondren Science Building, Dallas, Texas 75275. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological, mainly mammalian or parasitic, tissues derived from experimental animals, and exhibit both normal and pathological structure. To be conducted are experiments on the morphology of cells and tissues affected by post-parasite interactions. In addition, variations in the behavior of cells and tissues under experimental pathological conditions will be studied. Application received by Commissioner of Customs: May 15, 1974. Advice submitted by the Department of Health, Education, and Welfare on: August 7, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket Number 69-00666-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket Number 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments. For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special
Import Programs Division.

[FR Doc.74-20611 Filed 9-5-74;8:45 am]

V.A. HOSPITAL, ALBANY, N.Y.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00244-33-46040. Applicant: Veterans Administration Hospital, Holland Avenue, Albany, N.Y. 12203. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in the following investigations which require high resolution microscopy:

(1) Changes in distribution of endogenous peroxidases following trauma and chemical injury of biological tissues.
(2) Fine structure and cytochemistry of fertilization in coenocytic algae.
(3) Alterations in the vessel wall following chronic hemodynamic injury.
(4) Changes in the permeability of venous endothelium exposed to vibrational injury ferritin, colloidal iron and thorium as tracers and the capability of the tissues to interact with such staining reagents as ruthenium red and silver methanimine.
(5) Atherosclerosis research involving:
(a) High quality ultrastructural definition of cellular composition and components to allow for identification of both obscure cell types and of stages in their differentiation and/or dedifferentiation in both the lesion areas and in vitro experiments,
(b) Autoradiography, both qualitative and quantitative,
(c) Immune electron microscopy.

The article will also be used for educational purposes by a school of electron microscopy designed to train personnel at a variety of levels; i.e. post-doctoral, resident pathologists, medical students, Ph. D. candidates, college students and those already with a BS degree some of which intend to proceed to a master's degree.

Comments: Comments have been received from the Adam David Company (Adam David) which alleged inter alia that the Adam David modified EMU-4C is of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (April 27, 1973).

Reasons: The foreign article provides a guaranteed resolving capability of 3.5 Angstroms point-to-point and a continuous magnification range of 220 to 550,000x without changing the pole-piece. The most closely comparable domestic available at the time the article was ordered was the Model EMU-4C currently supplied by the Adam David Company. When the article was ordered the Model EMU-4C had a guaranteed resolving capability of 5.0 Angstroms point-to-point and with its standard pole-piece, had a specified range from 1,400 to 240,000 magnifications.

For survey and scanning with the EMU-4C, the lower end of this range could be reduced to 200 magnifications or less. But the continued reduction of magnification induces an increasingly greater distortion. The domestic manufacturer suggests in its literature on the Model EMU-4C that, for highest quality, low magnification electron micrographs in the magnification range between 500 and 70,000 magnifications and an optional low magnification pole-piece should be used. Changing the pole-piece on the Model EMU-4C requires a break in the vacuum of the column. HEW advises that breaking the vacuum in the column induces the danger of contamination which would very likely lead to the failure of the purposes for which this article is intended to be used.

The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated March 15, 1974, that the best resolution available and the article's full range of magnification without a pole piece change are pertinent to the applicant's purposes. HEW also advises that it knows of no domestic instrument which provides the combination of pertinent capabilities provided by the foreign article.

We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, at the time the article was ordered. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which

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was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-20613 Filed 9-5-74;8:45 am]

SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Semiconductor Technical Advisory Committee of the U.S. Department of Commerce will meet on Tuesday, October 8, 1974, at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor products, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Review of prior work.
4. Discussion of integrated circuits
5. Executive Session:
   a. Continuation of review of prior work.
   b. Continuation of discussion of integrated circuits.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (5), "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974, determined pursuant to section 10(d) of Public Law 92-463, that this agenda item should be exempt from the provision of sections 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202/967-4196).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Facility, U.S. Department of Commerce, Washington, D.C. 20230.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.74-20672 Filed 9-5-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 4B2996]

BETZ LABORATORIES, INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B2996) has been filed by Betz Laboratories, Inc., Somerton Road, Trevose, PA 19047, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for safe use of the sulfuric acid salt of the condensation polymer from *N,N*-dimethyl-1,3-propanediamine and 1-chloro-2,3-epoxypropane as a clarifier of water for the processing of paper and paperboard intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Room 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20852, during working hours, Monday through Friday.

Dated: August 28, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-20606 Filed 9-5-74;8:45 am]

Office of the Secretary

ASSISTANT SECRETARY FOR EDUCATION

Statement of Mission, Organization, Functions, and Order of Succession

Part 1, Office of the Secretary, Chapter 1K, Assistant Secretary for Education, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, published in the FEDERAL REGISTER on January 9, 1973, at 38 FR 1134 and on November 9, 1973, at 38 FR 31023, is hereby deleted and a new statement is added as follows. The purpose of this change is to add a National Center for Education Statistics in conformance with Sections 501 and 504 of the Education Amendments of 1974, Pub. L. 93-380, effective August 31, 1974, and to make other minor changes in the narrative which more specifically describe the functions of the Office of the Assistant Secretary for Education.

SEC. 1K.00 *Mission.* The Assistant Secretary for Education is responsible for general direction and supervision of the Education Division, provides leadership for education activities of the Department, and serves as key advocate for assuring that the Department provides professional and financial assistance to strengthen education in accordance with Federal laws and regulations. In addition, serves as principal advisor to the Secretary on education affairs.

SEC. 1K.10 *Organization.* A. The Office of the Assistant Secretary for Education is under the supervision of the Assistant Secretary for Education who heads the Education Division and reports directly to the Secretary.

B. The Office of the Assistant Secretary for Education includes the following:

Assistant Secretary for Education.
Deputy Assistant Secretary for Education.
Deputy Assistant Secretary (Policy Development).
Deputy Assistant Secretary (Policy Communication).
Administrator, National Center for Education Statistics.
National Center for Education Statistics Advisory Council on Education Statistics.
Director, Fund for the Improvement of Post-Secondary Education.

SEC. 1K.20 *Functions.* 1. Assistant Secretary for Education is the principal officer in the Department responsible to the Secretary for direction and supervision of the Education Division, and for coordination and general supervision of education activities wherever they are performed in the Department. Provides direct leadership for administration of the Emergency School Aid Act. Oversees operation of the National Center for Education Statistics.

2. Deputy Assistant Secretary for Education serves as principal assistant to the Assistant Secretary for Education and acts for the Assistant Secretary during an absence, or an inability to act, or if a vacancy occurs in the position of Assistant Secretary for Education. In addition, provides executive secretariat services for the Education Division.

3. Deputy Assistant Secretary (Policy Development) coordinates development of general policies in the Education Division including formulation of program and legislative initiatives. Provides guidance in determination of priorities, objectives, and goals for education including formulation of recommendations to the Assistant Secretary. Provides articulation aming components of the Division to insure effective implementation of short- and long-term policy decisions.

Coordinates 5-year plans, program evaluation, budget submissions, and operating plans for the Assistant Secretary for Education. Monitors research and

statistical activities in the agencies comprising the Education Division, as they relate to policy development. Coordinates budget construction among components of the Division. Advises the Assistant Secretary for Education on key implementation issues. Develops budget positions and testimony for the Assistant Secretary for Education for presentation before OMB, Congress, and the public.

Recommends program and policy issues for analysis, coordinates necessary studies and actions to be undertaken within the Education Division. Coordinates program information systems used at the level of the Assistant Secretary for Education and within the agencies comprising the Education Division.

4. Deputy Assistant Secretary (Policy Communication) represents the Assistant Secretary and interprets Federal education policies to the education community and the general public. Maintains a capability for monitoring the activities of the education community to provide timely accurate intelligence on their program and legislative objectives, and to assure that their views are reflected in the policymaking process of the Division.

Is responsible for development and implementation of information strategies to assure that the programs and policies of the Education Division are effectively communicated to the education community and the general public. Supervises all activities of the Division affecting relationships with the education community including appropriate State agencies.

Provides principal support and guidance to the Federal Interagency Committee on Education. Participates in shaping input into the policy development and implementation process as it pertains to the development of legislation. Advises and consults with the Assistant Secretary for Education and the public information offices of the agencies comprising the Education Division on new policy initiatives, setting of priorities, and provision of policy guidance to Education Division agencies' public information offices. Direct Federal Interagency Committee on Education, consistent with Executive Order No. 11185.

5. Administrator, National Center for Education Statistics collects and disseminates statistics and other data related to education in the United States and in other nations. Collects, collates, and, from time to time, reports full and complete statistics on the condition of education in the United States. Conducts and publishes reports on specialized analyses of the meaning and significance of such statistics. Assists State and local educational agencies in improving and automating their statistical and data collection activities. Reviews and reports on educational activities in foreign countries. Administers the program for the National Assessment of Educational Progress. Prepares the annual Data Acquisition Plan for the Education Division. Promotes formulation of statistical standards appropriate to the work of the National Center for Education Statistics. Conducts applied research in methods of educational statistics. Develops concepts and measurement instruments for new kinds of educational statistics.

The National Center for Education Statistics includes the following four divisions with these functions:

A. *Division of Survey Planning and Analysis.* Responsible for special educational surveys and for survey systems of multi-purpose educational statistics. Plans, designs, collects, analyzes, and publishes basic educational data. Extracts and displays statistical data relevant to current issues for the Assistant Secretary for Education, the Commissioner of Education, the Director of the National Institute of Education, the Bureaus, the Department and the Congress. Provides technical assistance to Bureaus and offices in planning for acquisition of data for evaluations using survey instruments. Conducts such surveys or provides technical monitorship for contracted data acquisition efforts. Provides survey advice and consultation on educational statistics as requested by other Federal agencies.

B. *Division of Intergovernmental Statistics.* Establishes and manages an integrated system of educational statistics to meet Federal, State, local, and institutional needs for planning, management, and evaluation. Develops standardized terminology and definitions to promote compatible reporting of educational data. Provides developmental assistance to State, local, and institutional educational agencies to assist in the development of integrated systems. Conducts studies of users' data requirements, converts these requirements into specifications for information systems, and designs surveys to collect data for these information systems. Conducts training programs necessary to meet division objectives. Performs analyses of data collected for use at the several levels of management served by the systems.

C. *Division of Survey Operations.* Provides operational support services for all NCES surveys, also provides statistical consultation to the Education Division and to State elements of the Federal-State integrated statistical system. Develops and improves statistical techniques for collecting, processing, and analyzing statistical information. Designs sampling plans and provides technical review of survey plans. Prepares final copy for all Center publications and implements Center's publications program.

D. *Division of Statistical Information and Studies.* Performs statistical analysis and reference services. Performs bith special and indepth analyses of statistical data addressed to basic education questions. Develops statistics on unit costs of the delivery of specific educational services to various target groups. Coordinates with directors of other Federal statistical programs. Conducts pilot and field tests and development for those cross-sectional surveys and studies that have progressed beyond initial conceptualization but have yet to be developed to the stage where they can be incorporated into one of the well developed data collection systems. Develops and conducts all longitudinal surveys and studies. Manages a National program for the more complete utilization of educational data from all sources and develops files for direct joint access to a consortium of Federal users.

6. Director, Fund for the Improvement of Post-Secondary Education is responsible for the planning and administration of the Fund including preparation of program and budgetary plans and supervision of staff necessary to implement those plans.

SEC. 1K.30 *Order of succession.* During the absence or disability of the Assistant Secretary for Education, or in the event of a vacancy in that position, the first official listed below who is available shall act as Assistant Secretary, except during a period of planned absence for which a different order has been designated under (b) below.

(a)(1) Deputy Assistant Secretary for Education.

(2) Deputy Assistant Secretary (Policy Communication).

(3) Deputy Assistant Secretary (Policy Development).

(4) Director, Office of Administration.

(b) For a planned period of absence, the Assistant Secretary may specify a different order of succession.

Dated: August 29, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-20670 Filed 9-5-74;8:45 am]

OFFICE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 2 (Office of Education) Section 2-B, Organization and Functions, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is amended by deletion of the National Center for Educational Statistics. The Education Amendments of 1974, (Pub. L. 93-380) transfers the Center to the Office of the Assistant Secretary for Education. Therefore, the statement published in the FEDERAL REGISTER of November 21, 1973 at 38 FR 32155 is amended as follows: The statement under the heading Office of Planning, National Center for Educational Statistics and the heading "National Center for Educational Statistics" are hereby deleted.

Dated: August 29, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-20671 Filed 9-5-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-330; FDAA-3002-EM]

PUERTO RICO

Notice of Emergency Declaration and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Devel-

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opment by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on August 29, 1974, the President declared an emergency as follows:

I have determined that the impact of a drought on the Commonwealth of Puerto Rico is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93–288. I therefore declare that such an emergency exists in the Commonwealth of Puerto Rico. You are to determine the specific areas within the Commonwealth eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Thomas R. Casey, HUD Region II, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas in the Commonwealth of Puerto Rico to have been adversely affected by this declared emergency:

The Municipalities of:

Albonito.	Fajardo
Arroyo.	Guanica.
Barranquitas	Guayama.
Cabo Rojo.	Guayanilla
Canovanas.	Juana Diaz
Carolina.	Lajas.
Cayey.	Penuelas.
Ceiba	Sabana Grande
Cidra.	Salinas.
Coama.	Santa Isabel
Comerio	Vieques.
Culebra.	Yauco.

Dated: August 29, 1974.

(Catalog of Federal Domestic Assistance No 14.701. Disaster Assistance)

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.74–20564 Filed 9–5–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

COMBINED STATION/TOWER AT BISMARCK, NORTH DAKOTA

Designation Change

Notice is hereby given that on Aug. 12, 1974, the station services was separated from the Combined Station/Tower at Bismarck, North Dakota, and the facility was designated as the Bismarck, North Dakota, Airport Traffic Control Tower. Station service to the aviation public of Bismarck, North Dakota, formerly provided by this facility will be provided by the Minot, North Dakota, Flight Service Station. This information will be reflected in the FAA Organization Statement the next time it is issued.

Issued in Aurora, Colorado, on August 21, 1974.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc 74–20623 Filed 9–5–74;8:45 am]

COMBINED STATION/TOWER AT CHEYENNE, WYOMING

Designation Change

Notice is hereby given that on or about September 15, 1974, the station services will be separated from the Combined Station/Tower at Cheyenne, Wyoming; and the facility will be designated as the Cheyenne, Wyoming, Airport Traffic Control Tower. Station service to the aviation public of Cheyenne, Wyoming, formerly provided by this facility will be provided by the Denver, Colorado, Flight Service Station. This information will be reflected in the FAA Organization Statement the next time it is issued.

Issued in Aurora, Colorado, on July 25, 1974.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.74–20624 Filed 9–5–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–400, 50–401, 50–402, 50–403]

CAROLINA POWER & LIGHT CO.

Shearon Harris Nuclear Power Plant, Units 1, 2, 3, and 4; Postponement of Hearing and Ruling on Final Environmental Statement Re-circulation

On August 13 the Applicant filed a motion to begin the construction permit hearing in this matter on September 10 (already scheduled) and to defer to the week of Septmeber 17 certain matters that were originally expected to be covered during the week of September 10. The Staff has advised the Board that it will not be ready to proceed on those two matters (need for power and financial qualifications) even during the week of September 17.

The Intervenor opposes the Applicant's motion to proceed on September 10 and makes two counter-proposals, one of which the Board now adopts.

Having given due consideration to the arguments of all parties, and in view of all the circumstances of this case, including the Applicant's recent plans to "stretch-out" construction with a 2-year delay in original "on line" estimates, the Board believes that no useful purpose can be served by further bifurcating or fractionizing this proceeding, beyond what is necessary to cover the several month delay now anticipated for appropriate analysis of the newly discovered geological fault problem.

Accordingly, the evidentiary hearing that had been scheduled for September 10 is now hereby postponed to October 8, 1974, at the same location and starting time.

* * * * *

As a separate matter, the Board has studied the submission of the parties on the question of the possible need for re-circulation of the re-revised Final Environmental (Impact) Statement (FES). The Board is persuaded that such a re-circulation for further comments is not required pursuant to the National Environmental Policy Act of 1969 (NEPA) nor the court decisions interpreting same. (If this position advanced by the Applicant and Staff ultimately proves to be incorrect, it is the Applicant and Staff that must bear the burden of any resulting forced delay generated by a need to re-trace their steps.)

It is so ordered.

Issued at Bethesda, Maryland, this 29th day of August, 1974.

ATOMIC SAFETY AND LICENSING BOARD,
THOMAS W. REILLY,
Chairman.

[FR Doc.74–20490 Filed 9–5–74;8:45 am]

REGULATORY GUIDES

Issuance and Availability

The Atomic Energy Commission has issued a new guide in its Regulatory Guide Series. The Regulatory Guide Series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.37, "In Situ Assay of Enriched Uranium Residual Holdup," describes procedures to measure this inventory component for material balance accounting.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in any published guides are encouraged at any time. Public comments on Regulatory Guide 5.37 will, however, be particularly useful in evaluating the need for an early revision if received by October 15, 1974. Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of the issued guide (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 5 Regulatory Guides currently being developed include the following:

- Minimizing Nuclear Material Holdup in Dry Process Operations.
- Organization for Materials and Plant Protection.
- Management Review of Materials and Plant Protection Program and Activities.
- Standards for Physical Barrier Construction.
- Plant Security Force Duties.
- Personnel Selection and Screening.
- Perimeter Intrusion Alarms.
- Coordination of Response Plan with Law Enforcement Authority.
- Monitoring Transfers of Special Nuclear Material.
- Internal Transfers of Nuclear Material.
- Material Control in Unirradiated Scrap Recovery Facilities.
- Dynamic Inventory Techniques.
- Prior Measurement Verification.
- Resolution of Shipper-Receiver Differences.
- Measurement Control Program for Materials Accounting in Nuclear Material Processing Plants.
- Determination of Measurement Bias and Systematic Errors.
- Training and Qualifying Measurement Control Personnel.
- Methods for the Accountability of Plutonium Oxide Powder.
- Methods for the Accountability of High-Enriched UO_2.
- Chemical, Nuclear, and Radiochemical Analysis of $UO_2(NO_3)_2$ Solutions.
- Guide for Mass and Scales Calibration.
- Guide for Mixing and Sampling Nuclear Materials.
- Preparation of $Pu(NO_3)_4$ Solution as a Working Standard.
- Preparation of $UO_2(NO_3)_2$ Solution as a Working Standard.
- Calibration and Error Estimation Methods for Nondestructive Assay.
- Nondestructive Assay of Plutonium-Bearing Fuel Rods.
- Nondestructive Assay of High-Enriched Uranium Fuel Plates by Gamma-Ray Spectroscopy.
- Nondestructive Assay of High-Enrichment Uranium Scrap by Active Neutron Interrogation.
- Control and Accountability of Plutonium in Waste Material.
- Radionuclide Analysis of Specially Prepared Plutonium Samples by Gamma-Ray Spectroscopy.
- Nondestructive Assay of Low Enrichment Uranium Fuel Rods.
- Protection of Nuclear Power Plants Against Industrial Sabotage.
- Verification of Prior Measurements by Nondestructive Assay.
- Radionuclide Analysis of Plutonium Process Materials by Nondestructive Gamma-Ray Spectroscopy.
- Shipping and Receiving Control of Nuclear Materials.
- Duties, Responsibilities, and Authority of Material Balance Area Custodians.
- Standard Format and Content for the Special Nuclear Material Control and Accounting Section of a License Application.
- Standard Format and Content for the Physical Protection Section of a License Application.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 27th day of August, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74–20491 Filed 9–5–74;8:45 am]

[Docket Nos. 50–254, 50–265]

COMMONWEALTH EDISON CO.

Issuance of Facility License Amendments

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-29 and Amendment No. 07 to Facility Operating License No. DPR-30 to the Commonwealth Edison Company Amendment No. 13 and Amendment No. 07 revise Technical Specifications Appendix B for operation of Quad-Cities Station, Units 1 and 2, respectively, located in County of Rock Island, State of Illinois.

The amendments terminate certain nonradiological environmental monitoring requirements. The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendments.

For further details with respect to these actions, see (1) the applications for the amendment dated July 20, 1973, November 14, 1973, and April 5, 1974; (2) Amendment No. 13 to License No. DPR–29; (3) Amendment No. 07 to License No. DPR-30; and (4) the negative Declaration.

All of the above items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at Moline Public Library, 504 17th Street, Moline, Illinois.

A copy of items (2) thru (4) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, ATTN: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 29th day of August 1974.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch No. 2, Directorate of Licensing.

[FR Doc.74–20608 Filed 9–5–74;8:45 am]

[Docket Nos. STN 50–454–50–457]

COMMONWEALTH EDISON CO.

Notice and Order for Evidentiary Hearing, Braidwood Station

In the matter of Commonwealth Edison Company (Byron Station, Units 1 and 2 and Braidwood Station, Units 1 and 2); Docket Nos. STN 50–454, STN 50–455, STN 50–456, STN 50–457.

Take notice that in the subject proceeding for the Braidwood Station, Units 1 and 2, an evidentiary hearing is hereby scheduled to take place on September 24, 1974, for the purpose of dealing with site suitability matters. Said hearing shall commence at 9:00 a.m., local time, in the Atomic Safety and Licensing Board Panel's hearing room, 12th floor, Landow Bldg., 7910 Woodmont Ave., Bethesda, Maryland 20014.

It is so ordered.

Issued at Bethesda, Maryland, this 30th day of August 1974.

ATOMIC SAFETY AND LICENSING BOARD,
CARL W. SCHWARZ,
Chairman.

[FR Doc.74–20610 Filed 9–5–74;8:45 am]

[Docket No. 50–268]

GENERAL ELECTRIC CO.

Issuance of Facility License for Possession Only

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Facility License For Possession Only No. CSF–2 to General Electric Company authorizing possession but not operation of the Midwest Fuel Recovery Plant. This license is effective on August 23, 1974, and will expire on May 22, 1975. The Midwest Fuel Recovery Plant was designed to recover uranium, plutonium, and neptunium from irradiated nuclear fuels and is located at the licensee's site in Grundy County, Illinois.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license.

Provisional Construction Permit CPCSF–3 was issued to General Electric on December 28, 1967, for construction of the Midwest Fuel Recovery Plant (MFRP). On January 11, 1971, General Electric filed with the Commission an application for a facility operating license. On August 11, 1972, the Commission published Notice of Consideration of Issuance of a License and Opportunity of Hearing with respect to the MFRP in the FEDERAL REGISTER (37 FR 16218). No petitions for leave to intervene or requests for hearing were received by the Commission. The Commission's Safety Evaluation Report with respect to application for the operating license and the Commission's Final Environmental Statement with respect to the construction and operation of the MFRP were issued in December 1972.

As originally issued, the provisional construction permit specified a latest completion date of July 1, 1970. The latest completion date was extended four times by the Commission. The last extension specified a latest completion date of April 1, 1974.

In a letter dated February 25, 1974, General Electric requested a further extension of the completion date to April 1, 1975. Prior to taking action thereon the Commission, in a letter dated April 25, 1974, requested further information from General Electric with respect to its request.

By letter dated July 8, 1974, General Electric responded to the Commission's request by enclosing a study which indi-

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cated that the MFRP should not be committed to radioactively hot operation and that the MFRP could not operate in conformity with the application for an operating license and the rules and regulations of the Commission. The study noted that General Electric had encountered fundamental technical problems in connection with the MFRP. These included: (1) High radiation level of the uranium nitrate stream which would occur after startup with irradiated fuel prohibiting contact operation and maintenance of the uranium conversion and purification loadout process; (2) the deposition of fission product fluorides in the uranium conversion and purification system which would occur after startup with irradiated fuel requiring remote operation and maintenance of this system's equipment; (3) vital canyon equipment that cannot be remotely operated and maintained as demonstrated through equipment testing and trial runs; and (4) inadequacies in plant configuration and the close coupling of process equipment that results in poor time operating efficiency. The study concluded that the only technically feasible solution to the problems of the MFRP lies in the development of a new process flowsheet and a new plant configuration.

Accordingly, the Commission has issued to General Electric a facility license for possession only which will expire on May 22, 1975. Within three months of the issuance of this license General Electric will file with the Commission for appropriate action a plan for rendering the facility inoperable and terminating this license. The facility license for possession only provides for the termination of the provisional construction permit and authorizes the continuation of Special Nuclear Materials Licenses Nos. SNM-1265 and SNM-1281 to the extent that General Electric may continue to (1) possess and store natural and depleted uranium presently at the facility; (2) receive, possess and store irradiated nuclear fuel elements; and (3) possess and use certain radioactive materials needed for instrument calibration and laboratory standards.

A copy of (1) Facility License for Possession Only No. CSF-2, and Special Nuclear Materials Licenses No. SNM-1265 and No. SNM-1281; (2) the report of the Advisory Committee on Reactor Safeguards, dated July 21, 1972; (3) the Directorate of Licensing's Safety Evaluation, dated December, 1972; (4) the Final Safety Analysis Report, dated December 12, 1970, and amendments thereto; (5) the applicant's Environmental Report, dated June, 1971, and supplements thereto; (6) the Draft Environmental Statement, dated March 17, 1972; and (7) the Final Environmental Statement dated December, 1972, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois. A copy of the license and the Safety Evaluation may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545. Attention: Deputy Director for Fuels and Materials, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 23rd day of August, 1974.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.74-20609 Filed 9-5-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON RIVER BEND STATION, UNITS 1 & 2

Notice of Meeting

AUGUST 27, 1974.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on River Bend Station, Units 1 & 2, will hold a meeting on September 21, 1974 in the Holiday Inn at St. Francisville, Louisiana. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of Gulf States Utilities Company for a permit to construct this nuclear power plant. The facility is located in West Feliciana Parish, two miles east of the Mississippi River and approximately 20 miles northnorthwest of Baton Rouge, Louisiana.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Saturday, September 21, 1974, 9:00 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the Regulatory Staff and Gulf States Utilities Company and will hold discussions with these groups pertinent to its review of the application of Gulf States Utilities Company for a permit to construct the River Bend Station, Units 1 & 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the Regulatory Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction and operation, if necessary.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than September 14, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545 and at the Audubon Library, W. Feliciana Branch, St. Francisville, Louisiana 70775.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on September 21, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on September 20, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5640) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW, Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after September 23, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW, Washington, D.C. 20545, and within approximately nine days at the Audubon Library, W. Feliciana Branch, St. Francisville, Louisiana 70775. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE, Washington, D.C. 20002 (telephone: 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW, Washington, D.C. 20545 after December 21, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-20194 Filed 9-5-74;8:45 am]

[Docket No. STN 50-482]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO.

Wolf Creek Generating Station, Unit No. 1; Receipt of Application for Construction Permit and Operating License; Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters

Kansas Gas and Electric Company and Kansas City Power and Light Company (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application, which was docketed May 17, 1974, for authorization to construct and operate a generating unit utilizing a standardized pressurized water reactor. The application was tendered on April 1, 1974. Following a preliminary review for completeness, the application was accepted on May 10, 1974, for docketing.

This application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or group of utilities. Docket No. STN 50-482 has been assigned to the application and should be referenced in any correspondence relating to the application. The other duplicate plants are: Docket Nos. STN 50-483 and STN 50-486 involving an application by Union Electric Company for construction permits for the Callaway Plant, Units 1 and 2, to be located in Callaway County, Missouri; Docket Nos. STN 50-484 and STN 50-487 involving an application by Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation, for construction permits for the Tyrone Energy Park, Units 1 and 2 to be located in Dunn County, Wisconsin, and Docket No. STN 50-485 involving an application by Rochester Gas and Electric Corporation for a construction permit for the Sterling Power Project Nuclear Unit 1 to be located in Cayuga County, New York.

The proposed nuclear facility, designated by the applicants as the Wolf Creek Generating Station Unit No. 1, is located approximately 3.6 miles east of the Neosho River and the spillway at the John Redmond Reservoir in Coffey County, Kansas, approximately 3.5 miles northeast of Burlington, Kansas, and is designed for initial operation at approximately 3411 megawatts (thermal), with a net electrical output of approximately 1120 megawatts.

A notice of hearing with opportunity for public participation will be published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 29, 1974. The request should be filed in connection with Docket No. STN 50-482-A.

A copy of the application is available for public inspection at the Commission's Public Reference Section, 1717 H Street, NW., Washington, D.C. 20545, and at the Office of County Clerk (Ms. Joan Cox), Coffey County Courthouse, Burlington, Kansas.

The applicants have also filed an Environmental Report, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, dated April 1, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations and at the Budget Division, Department of Administration, First Floor—State House, Topeka, Kansas 66612.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 16th day of August 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing.

[FR Doc.74-19984 Filed 8-29-74;8:45 am]

[Docket Nos. STN 50-484; STN 50-487]

NORTHERN STATES POWER CO. (MINNESOTA) AND NORTHERN STATES POWER CO. (WISCONSIN)

Tyrone Energy Park, Units 1 and 2; Receipt of Application for Construction Permits and Facility Licenses; Availability of Applicants' Environmental Report; Time for Submission of Views of Antitrust Matters

Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application, which was docketed June 21, 1974, for authorization to construct and operate two generating units utilizing two standardized pressurized water reactors. The application was tendered on April 30, 1974. Following a preliminary review for completeness, the application was accepted on June 18, 1974, for docketing.

This application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or group of utilities. Docket Nos. STN 50-484 and STN 50-487 have been assigned to the application and should be referenced in any correspondence relating to the application. The other duplicate plants are: Docket No. STN 50-482 involving an application by Kansas Gas and Electric Company and Kansas City Power and Light Company for a construction permit for the Wolf Creek Generating Station, Unit No. 1 to be located in Coffey County, Kansas; Docket Nos. STN 50-483 and STN 50-486 involving an application by Union Electric Company for construc-

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tion permits for the Callaway Plant, Units 1 and 2, to be located in Callaway County, Missouri, and Docket No. STN 50-485 involving an application by Rochester Gas and Electric Corporation for a construction permit for the Sterling Power Project Nuclear Unit 1 to be located in Cayuga County, New York.

The proposed nuclear facilities, designated by the applicants as the Tyrone Energy Park, Units 1 and 2, are located on the left descending bank of the Chippewa River in Dunn County, Wisconsin, approximately 19 miles westsouthwest of Eau Claire, Wisconsin, and are each designed for initial operation at approximately 3411 megawatts (thermal), with a net electrical output of approximately 1120 megawatts.

A notice of hearing with opportunity for public participation will be published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 29, 1974. The request should be filed in connection with Docket Nos. STN 50-484-A and STN 50-487-A.

A copy of the application is available for public inspection at the Commission's Public Reference Section, 1717 H Street NW., Washington, D.C. 20545, and at the Stout Library (Mr. John Jax, Director), University of Wisconsin, Menomonie, Wisconsin.

The applicants have also filed an Environmental Report, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, dated April 26, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Bureau of Planning and Budget, Department of Administration, One West Wilson Street, State Office Building, Madison, Wisconsin 53701.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 16th day of August 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing.

[FR Doc.74-19986 Filed 8-29-74;8:45 am]

[Docket No. STN 50-485]

ROCHESTER GAS AND ELECTRIC CORP.

Receipt of Application for Construction Permit; and Operating License; Time for Submission of Views on Antitrust Matters

Rochester Gas and Electric Corporation (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed June 21, 1974, for authorization to construct and operate a generating unit utilizing a standardized pressurized water reactor. The application was tendered on April 30, 1974. Following a preliminary review for completeness, the application was accepted on June 18, 1974, for docketing.

This application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or group of utilities. Docket No. STN 50-485 has been assigned to the application and should be referenced in any correspondence relating to the application. The other duplicate plants are: Docket No. STN 50-482 involving an application by Kansas Gas and Electric Company and Kansas City Power and Light Company for a construction permit for the Wolf Creek Generating Station, Unit No. 1 to be located in Coffey County, Kansas; Docket Nos. STN 50-483 and STN 50-486 involving an application by Union Electric Company for construction permits for the Callaway Plant, Units 1 and 2, to be located in Callaway County, Missouri, and Docket Nos. STN 50-484 and STN 50-487 involving an application by Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation, for construction permits for the Tyrone Energy Park, Units 1 and 2, to be located in Dunn County, Wisconsin.

The proposed nuclear facility, designated by the applicant as the Sterling Power Project Nuclear Unit 1, is bounded on the northwest by Lake Ontario, is located in Cayuga County, New York, and is designed for initial operation at approximately 3411 megawatts (thermal), with a net electrical output of approximately 1120 megawatts.

A notice of hearing with opportunity for public participation will be published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention, Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 29, 1974. The request should be filed in connection with Docket No. STN 50-485-A.

A copy of the application is available for public inspection at the Commission's Public Reference Section, 1717 H Street, NW., Washington, D.C. 20545, and at the Seymour Library (Mr. Erskine, Librarian), Case Memorial Building, 176 Genesee Street, Auburn, New York.

Approximately September 30, 1974 the applicant plans to file an Environmental Report, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51. The report will discuss environmental considerations related to the construction and operation of the proposed facility. After it is docketed, it will be available for public inspection at the aforementioned locations and at the Office of Environmental Analysis, New York Department of Environmental Conservation, Albany, New York 12210; at the New York State Atomic Energy Council, New York State Department of Commerce, 99 Washington Street, Albany, New York 12210; and at the Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, New York 13202. A notice of availability of Applicant's Environmental Report will be published following docketing of the Environmental Report.

Dated at Bethesda, Maryland, this 16th day of August, 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing.

[FR Doc.74-19987 Filed 8-29-74;8:45 am]

[Docket Nos. STN 50-483; STN 50-486]

UNION ELECTRIC CO.

Callaway Plant, Units 1 and 2; Receipt of Application for Construction Permits and Facility Licenses; Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

Union Electric Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed June 21, 1974, for authorization to construct and operate two generating units utilizing two standardized pressurized water reactors. The application was tendered on April 30, 1974. Following a preliminary review for completeness, the application was accepted on June 18, 1974, for docketing.

The application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or group of utilities. Docket Nos. STN 50-483 and STN 50-486 have been assigned to the application and should be referenced in any correspondence relating to the application. The other duplicate plants are: Docket No. STN 50-482 in which Kansas Gas and Electric Company and Kansas City Power and Light Company for a construction permit for the Wolf Creek Generating Unit No. 1 to be located in Coffey County, Kansas; Docket Nos. STN 50-484 and STN 50-487 involving an application by Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation, for construction permits for the Tyrone Energy Park, Units 1 and 2, to be located in Dunn County, Wisconsin, and Docket No. STN 50-485 involving an application by Rochester Gas and Electric Corporation for a construction permit for the Sterling Power Project Nuclear Unit 1 to be located in Cayuga County, New York.

The proposed nuclear facilities, designated by the applicants as the Callaway Plant, Units 1 and 2, are located approximately five miles north of the Missouri River in Callaway County, Missouri, approximately ten miles southeast of Fulton, Missouri, and are each designed for initial operation at approximately 3411 megawatts (thermal), with a net electrical output of approximately 1120 megawatts.

A notice of hearing with opportunity for public participation will be published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 29, 1974. The request should be filed in connection with Docket Nos. STN 50-483-A and STN 50-486-A.

A copy of the application is available for public inspection at the Commission's Public Reference Section, 1717 H Street, NW, Washington, D.C. 20545, and at the Fulton City Library (Mrs. Frieda Metweedle), 709 Market Street, Fulton, Missouri, and at the Olin Library of Washington University (Mrs. Ranata Rotkowicz), Skinker and Lindell Boulevards, St. Louis, Missouri.

The applicant has also filed an Environmental Report, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, dated May 30, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Division of Planning, Office of Administration, P.O. Box 809, Jefferson City, Missouri 65101, and at the Mid-Missouri Regional Planning Commission, 10 West Sixth Street, Fulton, Missouri 65251.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 16th day of August, 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing.

[FR Doc.74-19985 Filed 8-29-74;8:45 am]

[Docket Nos. STN 50-508, STN 50-509]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM, ET AL.

Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Washington Public Power Supply System, on behalf of itself and four investor-owned electric utilities, Pacific Power and Light Company, Portland General Electric Company, Puget Sound Power and Light Company, and The Washington Water Power Company (the applicants) pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed an application (Preliminary Safety Analysis Report, General and Financial Information and Antitrust) which was docketed on August 2, 1974, for authorization to construct and operate a generating unit utilizing a pressurized water nuclear reactor designated as the WPPSS Nuclear Project No. 3; and in which Washington Public Power Supply System (the applicant), on behalf of itself, requests authorization to construct and operate a generating unit utilizing a pressurized water nuclear reactor designated as the WPPSS Nuclear Project No. 5. The application was tendered on March 5, 1974. Following a preliminary review for completeness, the application (including the Environmental Report) was rejected on April 15, 1974 for lack of sufficient information. The applicants submitted a revised Preliminary Safety Analysis Report (application) on July 15, 1974, and the application was found to be acceptable for docketing. Docket Nos. STN 50-508 and STN 50-509 have been assigned to the application and they should be referenced in any correspondence relating to the application. The applicants will submit a revised Environmental Report on August 15, 1974. When the revised Environmental Report is found to be acceptable, a notice of availability of the Environmental Report will be published in the FEDERAL REGISTER.

This application has been filed utilizing the "reference system" option of the Commission's standardization policy for nuclear power plants, wherein a standard design that involves a major fraction of a nuclear facility may be referenced in license applications. This application references the standard nuclear steam supply system design of Combustion Engineering's Standard Safety Analysis Report (CESSAR), Docket No. STN 50-470, which is currently under staff review. The proposed nuclear facilities are to be located on Washington Public Power Supply System's site in Grays Harbor County, Washington, about 26 miles west of Olympia. Each unit is to be designed for initial operation at 3800 megawatts thermal, and an electrical output of approximately 1300 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 22, 1974. The request should be filed in connection with Docket Nos. STN 50-508-A and STN 50-509-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the W. H. Abel Memorial Library, 125 Main Street, South, Montesano, Washington 98563.

Dated at Bethesda, Maryland, this 6th day of August 1974.

For the Atomic Energy Commission.

OLAN D. PARR,
Chief, Light Water Reactors, Project Branch 1-3, Directorate of Licensing.

[FR Doc.74-19341 Filed 8-22-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

HOUSING RELATED PROJECTS

Notice of Meeting

The Consumer Product Safety Commission gives notice that on September 11, 1974, Mr. Russell Smith and other Commission staff will meet with the staff of the National Association of Home Builders. The meeting will be held at 9 a.m. in room 801, Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland.

The purpose of this meeting is to provide NAHB with a briefing on Commission activities related to products used by home builders, including aluminum wiring.

Persons interested in attending this meeting should contact Mr. Russell

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Smith, Office of Standards Coordination and Appraisal; telephone (301) 496–7197.

Dated: September 3, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74–20679 Filed 9–5–74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from August 26 through August 30, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (October 21, 1974.) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available, at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331–E, Administration Building, Washington, D.C. 20250, (202) 447–3965.

FOREST SERVICE

Final

Timber Management Plan, Klamath N.F., California and Oregon, August 30: The statement refers to a proposed timber management plan for the 1,695,000 acre Klamath National Forest, which is located within Siskiyou County, California, and Jackson County Oregon. The plan proposes an annual harvest of 267 million board feet; in carrying out the plan, between 1000 and 1100 miles of roadway will be constructed within the next ten years. Implementation of the plan will have impact upon water quality and quantity, air quality, aesthetic values, and fish and wildlife habitat: Comments made by: DOI, EPA, USDA, State agencies, and concerned citizens. (ELR Order No. 41375.)

Elgin Planning Unit, Umatilla National Forest, Umatilla and Union Counties, Oregon, August 26: The statement refers to the proposed management of six units of the 233,708 acre Elgin Planning of the Umatilla National Forest. Management will be directed towards such goals as timber production, recreational use, wildlife habitat maintenance, and the maintenance of back-country values. Impact will result from road construction, timber harvest, and recreation development. Comments made by: State and local agencies and concerned citizens. (ELR Order No. 41350.)

American Fork-Provo Peak Unit, Uinta N.F., Utah and Wasatch Counties, Utah, August 29: The statement refers to the proposed land use plan for the 130,848 acre American Fork Canyon-Provo Peak Planning Unit of the Uinta National Forest. The protection of watershed values and the continuation of recreational uses are the key items of the plan. Adverse impact will result from the construction of new campgrounds, roads, and other facilities. Expanded recreational use will have particular adverse effects upon wildlife habitat. Comments made by: DOI, EPA, State and local agencies, and concerned citizens. (ELR Order No. 41369.)

Asotin Planning Unit, Umatilla N.F., Garfield and Asotin Counties, Washington, August 28: The statement refers to a proposed land use plan for the 103,367 acre Asotin Planning Unit of the Umatilla National Forest. Under the plan the Unit would be divided into six sub-units, which would be managed for such values as wildlife habitat, livestock grazing, timber production, recreation, and back-country primitive experience. Comments made by: USDA, COE, HUD, DOI, EPA, State and local agencies, and concerned citizens. (ELR Order No. 41363.)

SOIL CONSERVATION SERVICE

Final

Cane Creek Recreational Development RC&D, Lincoln County, Arkansas, August 26: Proposed is a watershed protection and recreation development project on Cane Creek. Project measures will include a 1,750 acre recreational lake and a 1,900 acre state park. Production will be lost from 3,550 acres of forest land, 646 acres of cropland, 99 acres of grassland, and 85 acres of ponds; bottom land hardwood wildlife habitat will be lost on 1,220 acres (81 pages). Comments made by: COE, HEW, DOT, DOI, EPA, State agencies and concerned citizens. (ELR Order No. 41340.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Transmission Lines, Colorado-Ute Assoc., several counties, Colorado, August 26: Proposed is the granting of loans to the Colorado-Ute Electric Association for the financing of 42 miles of 115 kV transmission line from Bayfield to Pagosa Springs, and 16.5 miles of 115 kV line from Basalt to Aspen, along with related work. There will be negative visual impact, especially in the crossing of the Piedra River, which has been nominated for designation as a "scenic River". The lines will cross both the San Juan and White River National Forests. Soil erosion may affect nearby waterways, and minor limitations will be placed on use of adjacent lands. (ELR Order No. 41341.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E–201, AEC, Washington, D.C. 20545, (301) 973–4241. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P–722, AEC, Washington, D.C. 20545, (301) 973–7373.

Final

High Level Waste Facilities, Savannah River Plant Aiken and Barnwell Counties, South Carolina, August 27: The statement refers to proposed legislative authorization and appropriation for the design and construction of additional high level radioactive waste management facilities at the Savannah River Plant. New facilities will include a waste evaporator and associated auxiliaries, and six 1.3 million gallon steel tanks, each of which will be enclosed in a steel-lined, underground, concrete containment vessel. Nuclear wastes will be dewatered by a factor of one third. Impacts of the action will include those resulting from construction disruption, and the release of small amounts of radioactivity during operation of the evaporator (120 pages). Comments made by: USDA, HEW, DOI, EPA. (ELR Order No. 41355.)

DEPARTMENT OF DEFENSE

Draft

Rehabilitation of Enlwetok Atoll, Marshall Islands, August 30: The statement, prepared by the Defense Nuclear Agency with the assistance of the Atomic Energy Commission and the Department of the Interior, refers to the proposed clean-up of the island and the resettlement of the Enlwetok people. The island was used after World War II as a proving ground for modern weapons, including nuclear weapons, and clean-up will include the removal and disposal of materials which could pose radiation or other hazards. Among the adverse impacts of the action are a projected population increase which could result in overcrowding in future years; and expected fish kills from the biasting of ship channels in the lagoon. (ELR Order No. 41372.)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, (202) 693–7168.

Draft

Beach Erosion, So. Boulevard., Evanston, Illinois, August 26: Proposed is the construction of a 600 foot groin into Lake Michigan at South Boulevard Beach in Evanston, and beach nourishment with 30,000 cu. yds. of sand. Adverse impacts include: probable development of a scour hole directly downdrift from the groin; creation of a possible safety hazard; and disturbance to both human and aquatic populations during construction activities (Chicago District). (ELR Order No. 41349.)

Gas Turbine Facility, Glenwood, L.I., Nassau County, New York, August 26: Proposed is the issuance of a permit to the Long Island Lighting Co. for dredging and construction of a bulkhead, along with the placement of fill in Hempstead Harbor, in conjunction with a gas turbine power facility. Adverse impacts are the loss of 9 acres of harbor bottom, the temporary degradation of water quality, and the emission of various air pollutants (New York District). (ELR Order No. 41345.)

West Tennessee Tributaries Project, Tennessee, August 26: The project involves channel work on 225 miles of the Obion and Forked Deer River tributaries, in order to reduce the frequency, depth, and duration of flooding. Additionally, approximately 32,000 acres of woodlands will be acquired for wildlife management, recreational, and environmental purposes. Adverse impact will include erosion, water quality degradation, and loss of some wetlands (Memphis District). (ELR Order No. 41345.)

John Day and Dalles Locks and Dams, Columbia River, Oregon, August 28: The statement discusses the management of Corps facilities, properties, and authorities along the Columbia River from Umatilla, Oregon to the Dalles, Oregon. Action includes completion of construction and continuing operation of John Day development, and processing of real estate entitlements and Dept. of Army of permits. Adverse impacts are consumption of non-renewable mineral resources; loss of existing grassland vegetation and wildlife habitat; air and water pollution from aluminum production; and, solid waste problem associated with recreation sites (Portland District). (ELR Order No. 41362.)

Final

Corte Madera Creek Flood Control Project, Marin County, California, August 28: The Corte Madera Creek Flood Control Project involves dredging and channel excavation in lower tidal reaches (completed rectangular concrete channel on Tamalpais Creek (completed); rectangular concrete channel with stilling basin from earth channel to 600 feet below Laquinitos Road Bridge completed in 1971; and, rectangular concrete channel for the remaining 3,600 feet upstream to Sir Francis Drake Boulevard in Ross. Adverse impact is the loss of marshland and riparian woodlands along the banks (San Francisco District). Comments made by: EPA, DOI, USDA, State and local agencies, and concerned citizens. (ELR Order No. 41365.)

Port Hueneme Harbor, Ventura County, California, August 30: Proposed dredging of the Central Basin and Channel A of Port Hueneme Harbor to a depth of 35'. Marine ecosystems will be disturbed and/or destroyed by the dredge and dumping operations. Increased use of the harbor will increase the potential for oil spillage and leakage. Comments made by: USDA, DOC, HUD, DOI, USN, USCG, DOT, EPA, FPC, State agencies, and concerned citizens. (ELR Order No. 41373.)

James River Project, Virginia, August 26: The statement refers to the proposed maintenance dredging of the James River navigation channel to its authorized dimensions. The project extends from Hampton Roads to Richmond, a distance of 90.8 miles. Approximately 1.51 million cubic yards of spoil material will be removed. The action will remove or disturb benthic organisms such as oysters and clams, and may also disturb pelagic species through increased turbidity (Norfolk District) (200 p.). Comments made by: EPA, DOC, DOI, State and local agencies, and concerned citizens. (ELR Order No. 41344.)

Columbia Generating Station, Columbia County, Wisconsin, August 30: The statement refers to the proposed construction and operation of 527,000 kilowatt fossil fuel generating plant on the Wisconsin River in Columbia County. Facilities to be constructed or incorporated into the plant include a 22,000 volt tandem-compound turbine generating unit, a shell and tube surface condenser; feed water pumping equipment; two hot-side electrostatic precipitators; a water treatment system; accessory power station equipment; transmission facilities; a cooling lake; an ash basin; a coal yard; and an intake structure on the river. Adverse impacts are the loss of 850 acres of land, and increased air and water pollution (St. Paul District). Comments made by: DOI, DOT, EPA, FPC, State and regional agencies, and concerned citizens. (ELR Order No. 41371.)

Draft

West Point Lake, Chattahoochee River, Alabama and Georgia, August 29. (ELR Order No. 41366.)

NAVY

Contact: Mr. Peter W. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics), Washington, D.C. 20360, (202) 692–3222.

Final

Naval Air Station, Miramar, California, August 26: Proposed is the development of a 105-site, 40 acre camping facility on Navy owned land in San Clemente Canyon. The facility would be utilized by naval personnel and dependents. Some vegetation will be removed, and wildlife displaced. Comments made by: EPA, DOI, USDA, and local agency. (ELR Order No. 41377.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460, (202) 755–0940.

Final

Wastewater Treatment, Wailuku and Kahului, Maui County, Hawaii, August 27: Proposed is the construction of a new wastewater treatment and disposal system to serve Wailuku and Kahului, on the island of Maui. The project will include a 6 MGD activated sludge treatment plant with sand filtration, 16,000' of force main, 2 pump stations, and 4 deep wells for gravity injection disposal. The project will result in short-term inconvenience from construction disruption; the plant may encourage area population growth (appr. 400 pages). Comments made by: EPA, DOI, AHP, COE, DOT, USDA, HUD, State and local agencies, and concerned citizens. (ELR Order No. 41356.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, (202) 343–4161.

Draft

Disposal of Forbes AFB, Shawnee County, Kansas, August 28: The statement refers to the eventual disposal of the 3,152 acre Forbes AFB. Three parcels (known collectively as the 700 area), totalling 41.78 acres and 15 buildings are studied in this statement. The parcels would be ultimately conveyed or sold to the State of Kansas, for health laboratories, a printing plant, and highway department use. The remainder of the property will ultimately be disposed of for airport, housing, educational, recreational, and defense uses. (ELR Order No. 41359.)

Federal Youth Center, Memphis, Shelby County, Tennessee, August 27: The proposed action calls for construction of a Federal Youth Center in Memphis, Shelby County to be operated by the FBI. The Center will provide correctional treatment programs for Federal offenders from the Memphis and surrounding area. The Youth Center will contain a gross area of 165,000 sq. ft. in approximately 14 rectangular shaped buildings. There will be short-term inconveniences associated with normal construction activities (97 pages). (ELR Order No. 41352.)

Final

Richmond Naval Air Station, Dade County, Florida, August 26: Proposed is the disposal of 1,042 acres of land at the former Naval Air Station. Approximately 1,010 acres will be assigned to BOR of DOI for subsequent conveyance to Dade County for recreational and zoological purposes; 32 acres will be assigned to HEW for conveyance to Dade County for use for a vocational school; 217.17 acres and 32 buildings will be retained by GSA for possible further Federal use. (A total of 206.41 acres have already been transferred to the Justice Department for a Federal Youth Center. There will be adverse impacts from the various new uses; BOR and HEW will prepare impact statements on their proposals (55 pages). Comments made by: HEW, EPA, AHP, DOI. (ELR Order No. 41360.)

Federal Office Building, Ann Arbor, Michigan, August 28: Proposed is the construction of a Federal office building in Ann Arbor, in order to provide space for 255 employees of the Department of the Interior, the Department of Health, Education, and Welfare, and other Federal agencies. The three story facility will have a gross area of 76,300 sq. ft. parking will be provided for 90 vehicles (96 pages). Comments made by: AHP, COE, DOT, EPA, USDA, DOI, HEW, State and local agencies. (ELR Order No. 41304.)

DEPARTMENT OF HEW

Contact: Mr. Paul Cromwell, Acting Director, Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Room 5718 HEW—North, Washington, D.C. 20202, (202) 963–4456.

Final

Grant Hospital, Cook County, Illinois, August 26: The statement considers the renovation of 2 existing hospital buildings; the construction of an 11 story pavilion which would result in an increase in beds from 339 to 555; and the construction of a 350 car parking garage. Short term inconveniences associated with construction will result (102 pages). Comments made by: DOI, DOT, USDA, EPA, AEC, AHP, HUD, State and local agencies, and concerned businesses. (ELR Order No. 41348.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343–3891.

BUREAU OF RECLAMATION

Draft

Colorado River Salinity Control, Supplement, August 27: This draft supplement discusses the construction of a protective and regulatory groundwater pumping project. The proposed project, located in the extreme southwest corner of Yuma County includes acquisitions of 28,500 acres of land on Yuma Mesa and the construction, operation, and maintenance of two well fields. The purpose of the project is to protect and utilize the U.S. groundwater resource for the benefit of U.S. interests. Adverse impacts are loss of vegetation, and substantial losses of fish and wildlife (66 pages). (ELR Order No. 41354.)

BUREAU OF LAND MANAGEMENT

Draft

1974 OCS Lease Sale, Texas, August 28: Proposed is the sale of leases on 551 tracts, totalling 3,062,519.73 acres, offshore Texas. No leases are in water depths greater than 200 meters. The sale is scheduled for late fall, 1974. All tracts pose some degree of pollution risks to the environment and adjacent shoreline. Each tract is subjected to a matrix analytical technique in order to evaluate significant environmental impacts should leasing and subsequent oil and gas exploration and production ensue. (ELR Order No. 41358.)

BONNEVILLE POWER ADMINISTRATION

Final

Bonneville Power Administration 1975 Program, Washington, Oregon, and Idaho, August 28: The statement refers to the fiscal year 1975 new additions to BPA's electric transmission system. Included will be 600 miles of transmission line; 8 new substations and related structures; the maintenance of 12,873 miles of existing transmission lines and related works; and the control of vegetation on 16,152 acres. Impacts of the program will include those from construction activities, right-of-way commitment, and herbicide use in vegetation control (119 pages). Comments made by: DOI, USDA, HUD, EPA, AEC, FPC, AHP, COE, State and local agencies, and concerned citizens. (ELR Order No. 41361.)

DEPARTMENT OF LABOR

Final

Proposed Regulation of Vinyl Chloride, August 29: Proposed is the establishment by the Occupational Safety and Health Administration of a standard of "no detectable level" for vinyl chloride in order to protect employees potentially exposed to the substance from its health hazards, particularly liver angiosarcoma. Possible adverse impacts of the action will include increased capital expenses for manufacturers, overall reduced produc-

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tivity, and the substitution of scarce raw materials for vinyl chloride. Comments made by: CEQ, TREA, COE, AEO, DOC, USA, concerned citizens, and industry officials. (ELR Order No. 41370.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, (202) 426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Noise Standards, Propeller-Driven Small Airplanes, August 27: The statement refers to the amendment of Federal Aviation Regulations to add noise standards and noise type certification procedures for propeller driven small airplanes. The proposed standards have potential direct impact upon noise, air quality, and energy usage. Adverse impacts of the regulations are a slight increase in fuel consumption, and a negligible deterioration in air quality due to a very small increase in undesirable engine emissions (56 pages). Comments made by: EPA. (ELR Order No. 41351.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

West Peachtree Street Extension, Atlanta, Fulton County, Georgia, August 27: The statement refers to the proposed improvement of the West Peachtree Street Extension in Atlanta. The improvement extends northeastward approximately 2.6 miles from the Pershin Point area to Piedmont Road terminating at the intersection Marion Road. It is intended to be a multilane, controlled access facility. Adverse impacts are the displacement of 175 residential units and a maximum of 67 businesses, increased noise levels, and traffic disruptions during construction. (ELR Order No. 41357.)

I24, Marshall to Trigg County, Kentucky, August 26: The project involves the construction of I24 in Marshall, Livingston, Lyon, Caldwell, and Trigg Counties. The four lane facility will total 33.66 miles. Adverse impacts are the loss of land, displacement of homes, and increased air, noise and water pollution during construction. (ELR Order No. 41346.)

Loop 436, US 69, Panola County, Texas, August 26: The project involves the construction of Loop 436, which will extend for 6.1 miles from US 59 north of Carthage to US 59 south of Carthage. Adverse impacts are the acquisition of land for right-of-way, the displacement of 6 families, and negative impacts normally associated with construction. (ELR Order No. 41347.)

I79, Kanawha Co., West Virginia, August 26: The statement refers to the construction of I79, a four lane, limited access, divided highway, for 14 miles between Big Chimney and the Roane County Line. Adverse impacts are increased air and noise pollution, and the displacement of families and businesses. (ELR Order No. 41343.) (NTIS Order No. (none).)

US-10, Winnebago, Calumet, and Outagamie Counties, Wisconsin, August 27: The statement involves the reconstruction of 2.4 miles of USH 10 between its junction with STH 114 in Winnebago and Calumet Counties to the intersection of West Seymour Street in Outagamie County. Adverse impacts are the displacement of 3 families, and increased noise pollution (69 pages). (ELR Order No. 41353.)

Final

US 101, Green Timber Road, Tillamook County, Oregon, August 30: Proposed is the replacement of 21 miles of US 101 in southern Tillamook County. There will be some taking of land for right-of-way, and displacement of some families; a number of farms will be severed by the road. Comments made by: DOT, DOC, DOI, HUD, EPA, State agencies. (ELR Order No. 41376.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Lake Otis Parkway, Alaska, August 29. (ELR Order No. 41367.)

North and West Outer Loops, Oklahoma City, Oklahoma, August 30. (ELR Order No. 41374.)

SR 1 Bypass, Madison Co., Tennessee, August 29. (ELR Order No. 41368.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-20586 Filed 9-5-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 260-7]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Notice of Meeting

The Effluent Standards and Water Quality Information Advisory Committee will hold a Committee Meeting at one session of the Annual Meeting of the Water Pollution Control Federation, Denver Convention Center, Denver, Colorado. ES&WQIAC will meet Tuesday, October 8, 1974 from 9:30 a.m. to 12:30 p.m., Room ID, Denver Convention Center, 1323 Champa Street, Denver, Colorado.

The agenda will include the presentation of the finalized subcategorization process in the Sulfite Segment using the matrix; methods for reviewing with industry their engineering plants for process changes and use of technology transfer to help meet the 1983 Best Available Technology Limitations; a review of ES&WQIAC's presentation to the House of Representatives, Oversight Committee, Committee on Public Works; present state of litigation on limitations and discussion of papers on secion 307, Pub. L. 92-500 and toxic materials; and new business.

The meeting will be open to the public and under the direction of the Committee Chairman. Any member of the public wishing to attend or participate should contact Dr. Martha Sager, Chairman, Effluent Standards and Water Quality Information Advisory Committee, Environmental Protection Agency, Room 821, Crystal Mall, Bldg. #2, Washington, D.C. 20460 (Tel: 703 557-7390)

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-20582 Filed 9-5-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[TIAS-2594; Supplement No. 6]

CANADA-U.S.A. TV AGREEMENT OF 1952

Amendment of Table A

AUGUST 28, 1974.

Amendment to the table of Canadian television channel allocations within 250 miles of the Canada-U.S.A. border, dated March 21, 1973, as revised to January 20, 1973.

Pursuant to exchange of correspondence between the Department of Communications of Canada and the Federal Communications Commission, Table A of the Canadian-U.S.A. Television Agreement has been amended as follows:

City and province	Channel No. Delete	Channel No. Add
British Columbia: Castlar		7
Manitoba:		
Alonsa		11-L,[1] 57, 59, 49, 55
Altona	79	58
Baldy Mountain		47+
Beausejour	68	44
Birch River		9L,[1] 4-L[1], 43+
Boissevain	47+	53—
Brandon	19, 25, 78	21+, 37+, 63
Carberry	70	61
Carman	61	60
Dauphin	52, 60	6-L,[1] 18—, 67
Dawson Bay		19, 41+, 53+, 62+
Fisher Branch	54	33—, 45+
Foxwarren		9L,[1] 28+, 34—, 58+
Gimli	14	65
Interlake		8-L[1]
Killarney	41+	43
Lac du Bonnet	75	9L,[1] 15+, 24—, 46, 68
Matheson Island		35, 41, 55, 62—
Melita	76+	45
Minnedosa	49	59
Morden-Winkler	39	47—
Neepawa	27	29
Pembina Valley		19+, 35—, 41—, 64
Portage La Prairie	18, 53	17, 38
Roblin	55+	52+
Russel	63+	22
Ste. Rose du Lac		7-L[1]
Sherridon		21, 27, 33
Steinbeck	17	18
Swan River	77	14
Vassar		16, 26, 37, 52+, 62
Virden	17+	36
West Hawk		24, 40+, 50, 66
Northwest territories: Fort McPherson		13
Ontario: Huntsville		11-L[1]
Yukon territory:		
Clinton Creek		8
Dawson		10
Elsa		9
Faro		8
Mayo		7

[1] Limitation to protect CKX-TV-1, Foxwarren, Manitoba. Site coordinates: North Latitude 50°48'00", West Longitude 98°58'00".

[1] Limitation to protect CKBQ-TV, Melfort, Sask., and an allocation at Brandon, Man. Site coordinates: North Latitude 52°22'15", West Longitude 100°59'30".

[1] Limitation to protect CKBI-TV-3, Greenwater Lake, Sask. Site coordinates: North Latitude 52°22'15", West Longitude 100°59'30".

[1] Limitation to protect CHSS-TV, Wynard, Sask., CBWT, Winnipeg, Man., and an allocation at The Pas, Man. Site coordinates: North Latitude 51°28'15", West Longitude 102°42'00".

[1] Limitation to protect CKX-TV-2, Melita, Man., CBKRT, Regina, Sask., and an allocation at Winnipeg, Man. Site coordinates: North Latitude 50°31'14", West Longitude 101°04'32".

[1] Limitation to protect CKSS-TV, Dauphin, Man., and CBWAT, Kenora, Ontario. Site coordinates: North Latitude 50°54'21", West Longitude 97°18'40".

[1] Limitation to protect CKX-TV, Brandon, Man., and CBWCT, Fort Frances, Ontario. Site coordinates: North Latitude 50°15'30", West Longitude 95°57'20".

[1] Limitation to protect CKY-TV, Winnipeg, Man., and CFSS-TV, Carlyle Lake, Sask. Site coordinates: North Latitude 51°02'00", West Longitude 99°32'00".

[1] Limitation to protect CHCH-TV, Hamilton, Ontario, CKWS-TV, Kingston, Ontario, and CBOFT-1, Chapeau, Que.

Further amendments to Table A will be issued as public notices in the form of numbered supplements or recapitulated lists.

Copies of the basic Table of Allocations may be obtained from ABS Duplicators, Inc., 1732 Eye Street, Washington, D.C. 20006, telephone (202) 298-5537.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-20459 Filed 9-5-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

FOODSERVICE ADVISORY COMMITTEE

Change in Meeting Time

This notice is given to advise of a change in time of the meeting for the Foodservice Advisory Committee. The Committee will meet in the Colonial Room at the St. Francis Hotel, San Francisco, California, Friday, September 6, 1974, at 6:30 p.m. rather than at 4 p.m. as was previously announced. A Notice of Meeting was published in the issue of August 26, 1974 (39 FR 30858).

Issued at Washington, D.C., on September 3, 1974.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.74-20687 Filed 9-5-74;8:45 am]

FEDERAL MARITIME COMMISSION

PORT OF SEATTLE AND JAPAN LINE, LTD. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before September 26, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

PORT OF SEATTLE, AND JAPAN LINE, LTD., KAWASAKI KISEN KAISHA, LTD., MITSUI O.S.K. LINES, LTD., NIPPON YUSEN KAISHA, SHOWA, SHIPPING CO., LTD., YAMASHITA-SHINNIHON STEAMSHIP CO., LTD.

Notice of Agreement Filed by:
George H. Sutter, Acting Director
Department of Real Estate
Port of Seattle
P.O. Box 1209
Seattle, Washington 98111

Agreement No. T-[illegible]23-4, between the Port of Seattle (Port) and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha, Showa Shipping Co., Ltd. and Yamashita-Shinnihon Steamship Co., Ltd. (the Lines) modifies the parties' basic agreement providing for the preferential use of certain property at the Port's Terminal 18. The purpose of the modification is to establish a $25,418 maximum added annual compensation, payable by Lines for the first two-year extended term of the agreement.

By Order of the Federal Maritime Commission.

Dated: September 3, 1974.

JOSEPH C POLKING,
Assistant Secretary.

[FR Doc.74-20660 Filed 9-5-74;8:45 am]

IBERIAN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Petition Filed

Correction

In FR Doc. 74-20171 appearing at page 31695 in the issue for Friday, August 30, 1974, the agreement number in the penultimate paragraph should read "Agreement No. 9615 D.R.-3(a) • • •"

FEDERAL POWER COMMISSION

[Docket No. E-8524]

BLACKSTONE VALLEY ELECTRIC CO.

Postponement of Hearing

AUGUST 29, 1974.

On August 26, 1974, Blackstone Valley Electric Co. filed a motion for indefinite postponement of the hearing in the above-designated matter fixed by order issued June 26, 1974. The motion states that all parties and Staff Counsel concur.

Upon consideration, notice is hereby given that the hearing in the above matter is rescheduled for October 2, 1974, at 10 a.m. (E.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20644 Filed 9-5-74;8:45 am]

[Docket Nos. E-8949 and E-8445]

CAMBRIDGE ELECTRIC LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Providing for Hearing and Consolidating Dockets

AUGUST 30, 1974.

On August 1, 1974, Cambridge Electric Light Co. (Cambridge) filed in this docket a superseding service agreement[1] and a proposed revised rate schedule RS-1[2] which would increase rates charged for service to the Town of Belmont, Massachusetts by approximately $472,223 (20.34 percent) based on estimated sales for the 12 month period succeeding the proposed effective date of September 1, 1974.

In support of its filing, Cambridge states that the proposed increase in rate level is necessary because of increased operating expenses and capital costs, resulting from the continuing inflationary condition of the economy. Cambridge states that this has caused a serious erosion in its earnings, thereby impairing its ability to finance the capital requirements essential for adequate customer service.

Notice of the filing was issued on August 12, 1974, with comments, protests, or petitions to intervene due on or before August 26, 1974. A timely "Protest, Petition to Intervene and Motion to Reject" was filed by the Municipal Light Department of Belmont, Massachusetts (Belmont). The issues which Belmont has raised, namely rate of return, rate base, cost of service, fuel clause and rate design can best be dealt with in a full evidentiary hearing designed to allow each of the parties an opportunity to present its own case. Accordingly we shall deny Belmont's Motion to Reject. Belmont's Petition to Intervene, however, will be granted.

Our review of Cambridge's filing indicates that the proposed rates have not been shown to be just and reasonable and maybe unjust, unreasonable, unduly discriminatory or otherwise unlawful. We shall, therefore, accept the proposed rates for filing, suspend their effect for one day, and set the matter for hearing.

On August 13, 1974, Cambridge filed a motion to consolidate the instant proceeding with Docket No. E-8445. Cambridge also proposed in this filing that in the consolidation the twelve month period ending December 31, 1973, be designated as the test year for both dockets. Upon review of such motion and of the two dockets themselves, we conclude that certain issues of law and fact in the instant docket are substantially the same as those in Docket No. E-8445 which is currently set for hearing on November 12, 1974. We believe it appropriate that these two proceedings be consolidated for purposes of hearing and decision and that the twelve month period ending December 31, 1973, be designated as the test year for both dockets. In view of this action, we shall set service and hearing dates to be applicable to these dockets as noted below.

The Commission finds:

(1) Good cause exists to deny Belmont's Motion to Reject.

(2) Good cause exists to permit Belmont's intervention into the above-docketed proceeding.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal

[1] Designated as: Rate Schedule FPC No. 26 (supersedes FPC No. 25 as supplemented).

[2] Designated as: Supplement No. 1 to Rate Schedule FPC No. 26.

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Power Act that the Commission enter upon a hearing concerning the lawfulness of rates and charges contained in Cambridge's proposed rate schedule as filed in Docket No. E–8949; that Docket No. E–8949 be consolidated with Docket No. E–8445 for purposes of hearing and decision; and that the rate schedule tendered in Docket No. E–8949 be accepted for filing and suspended for one day.

The Commission orders:

(A) Belmont's Motion to Reject is hereby denied.

(B) Belmont's Petition to Intervene is hereby granted.

(C) Docket Nos. E–8949 and E–8445 are hereby consolidated for purposes of hearing and decision and the twelve month period ending December 31, 1973, shall be the test year for both dockets.

(D) Pursuant to the authority of the Federal Power Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act, a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and service contained in Cambridge's proposed rate schedule.

(E) On or before November 29, 1974, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before December 20, 1974. Any rebuttal evidence by Cambridge shall be served on or before January 10, 1975. The public hearing herein ordered shall convene on January 24, 1975, at 10 a.m., e.d.t.

(F) Pending hearing and decision thereon, the rate schedule tendered by Cambridge in Docket No. E–8949 is hereby accepted for filing, suspended for one day, and its use deferred, subject to refund, until September 2, 1974.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–20650 Filed 9–5–74;8:45 am]

[Docket No. E–8881]

CAROLINA POWER & LIGHT CO.

Revision of Procedural Dates

AUGUST 29, 1974.

On August 27, 1974, Carolina Power & Light Co. filed a motion to revise the procedural dates fixed by order issued August 5, 1974, as modified by notice issued August 22, 1974, in the above-designated matter. The motion states that all parties concur in the request.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Company rebuttal service date	Sept. 6, 1974
Hearing	September 10, 1974 (10 a.m. e.d.t.)

KENNETH P. PLUMB, *Secretary.*

[FR Doc.74–20643 Filed 9–5–74;8:45 am]

[Docket Nos. E–8885 and E–8546]

CINCINNATI GAS AND ELECTRIC CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Consolidating Dockets, and Granting Intervention

AUGUST 30, 1974.

On July 2, 1974, Cincinnati Gas and Electric Co. (CG&E) tendered for filing a proposed tariff[1] to supersede rate schedules currently on file with this Commission.[2] The proposed rates provide for an increase in revenues of $104,139 based on the test year ending December 31, 1973. CG&E requests an effective date of September 1, 1974. On July 11, 1974, CG&E filed a Motion to Consolidate Proceedings and Incorporate Data By Reference in this Docket and Village of Georgetown, Ohio v. The Cincinnati Gas & Electric Co., Docket No. E–8546.

Notice of the filing was issued on July 12, 1974, with petitions to intervene and protests due on or before July 24, 1974. On July 19, 1974, the Village of Georgetown, Ohio (Georgetown) filed a protest in this Docket, protesting the inclusion of the service to it in this docket and the proposed effective date in the filing. Georgetown also filed a Petition to Intervene in this Docket and an Objection to CG&E's Motion to Consolidate, all on July 19, 1974. On August 19, 1974 Georgetown filed a Complaint, requesting that the proposed rates be suspended for five months.

On May 23, 1974, in Docket No. E–8546, we instituted an investigation under section 206 of the Federal Power Act into CG&E's rates to Georgetown. In that order we directed CG&E to file a cost of service based on the test year of calendar year 1973. In its filing of the notice of rate changes on July 2, 1974, CG&E included such a cost of service study. Georgetown, in its objection to CG&E's Motion to Consolidate, states that the questions of law and fact in the two dockets are not common and accordingly the proceedings should not be consolidated. We believe otherwise. The investigation instituted by our order of May 23, 1974, and the hearing we shall establish by this order are both into the justness and reasonableness of CG&E's wholesale rates. We believe that to litigate the justness and reasonableness of CG&E's rates in two separate proceedings would require duplication of efforts by the parties and our Staff and would not be in the public interest. We shall accordingly consolidate the two proceedings for hearing and decision.

We note that the general terms and conditions includes language which restricts resales by the customers of the power and energy furnished by CG&E. Such provision may be unduly restrictive, anticompetitive and contrary to the public interest. This effect of this restriction should be fully developed in the consolidated hearing provided by this order.

Our review of CG&E's proposed rate increase indicates that it has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall therefore accept the proposed tariff for filing, suspend it for one day when it will be permitted to become effective, subject to refund, and establish hearing procedures to determine the justness and reasonableness of the proposed rates.

The Commission finds:

(1) It is necessary and proper and in the public interest and to aid in the enforcement of the Federal Power Act to accept CG&E's proposed tariff, suspend it for one day, and to enter into a hearing concerning the lawfulness of the rates contained in such tariff.

(2) Good cause exists to consolidate the investigation established by our order of May 23, 1974, and the hearing herein established for hearing and decision.

(3) Good cause exists to permit the intervention of petitioner Georgetown.

The Commission orders:

(A) CG&E's proposed rate change is accepted for filing and suspended for one day until September 2, 1974, when it will be permitted to become effective, subject to refund, pending hearing and decision on the lawfulness of such rates.

(B) Pursuant to the authority of the Federal Power Act, particularly section 205 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (16 CFR Chapter I), a public hearing shall be held on January 14, 1975, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of CG&E's proposed FPC Electric Tariff, Original Volume No. 1.

(C) On or before December 2, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any prepared testimony and exhibits of the intervenor shall be served on or before December 16, 1974. Any rebuttal evidence by CG&E shall be served on or before December 30, 1974.

(D) The investigation instituted by our order of May 23, 1974, is hereby consolidated for hearing and decision with the hearing instituted by this order.

(E) The Village of Georgetown, Ohio, is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That Georgetown's participation shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene and in its Complaint in Docket No. E–8546; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved by any order or orders issued by the Commission in this proceeding.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–20638 Filed 9–5–74;8:45 am]

[Docket No. E–7803]

CONSUMERS POWER CO.

Order Approving Settlement Agreement

AUGUST 30, 1974.

On November 6, 1972, Consumers Power Company (Consumers) filed for a rate increase directed to its resale customers to become effective January 6, 1973. The new rates would provide Consumers with increased revenues approximating $1,542,000 based upon a 1971 test period.

By Commission order of January 5, 1973, the proposed increase was suspended for five months to become effective on June 7, 1973, subject to refund. This order also granted the interventions filed by Edison Sault Electric Company (Edison), Alpena Power Company (Alpena) and a group of Michigan Cities and Cooperatives (Cities/Coops).[1]

On April 25, 1973, Consumers submitted a motion to supplement its November 6, 1972 filing. The supplemental filing, filed June 22, 1973, was based upon an updated 1972 test period; Consumers also requested an extension of the procedural dates set forth in the order issued January 5, 1973. Based upon the 1972 test period figures, the rate increase sought by Consumers approximated $1,715,000.

By Commission order issued May 22, 1973, anticompetitive issues that had been raised by Cities/Coops in this proceeding were ordered to be tried in accordance with the procedural dates set forth in prior Commission order dated January 5, 1973.

A settlement conference was held on September 20, 1973, followed by numerous other settlement conferences resulting in the settlement agreement that is presently before us. On June 11, 1974, Consumers filed an Offer of Settlement and the Presiding Administrative Law Judge certified the settlement agreement to the Commission on June 28, 1974. The certification was noticed on July 3, 1974, with provisions for comments to be filed on or before July 22, 1974. Cities/Coops filed comments supporting the settlement agreement.

The proposed settlement agreement provides for rate schedule changes which would reduce Consumers' proposed increase to the resale customers by about $685,000 on the 1972 test period sales. In addition to the rate level considerations, Consumers and its resale customers have agreed to a number of minor changes in the terms and conditions of the rate schedule. The important rate schedule changes are as follows: (1) Conjunctive billing is allowed for deliveries to the integrated systems of the Michigan Municipal Cooperative Power Pool; (2) in Consumers' determination of billing demand, the peak and off-peak hours are set forth; (3) provision has been made for a 60 percent ratchet in determining on-peak demand and a 30 percent ratchet in determining off-peak demand. Consumers has further agreed to maintain the settlement agreement rates through December 31, 1974. While the settlement agreement reaches an accord on all issues presented in this docket, Article 10 of the settlement agreement expressly reserves Cities/Coops' right to raise issues concerning alleged anticompetitive and discriminatory practices in any other proceeding.

Based upon our review of the record in this proceeding, including the filings by Consumers and the intervenors, the settlement agreement, and the appended settlement cost of service,[2] we find that the proposed settlement agreement is a just and reasonable resolution of the issues presented in this proceeding and should therefore be approved.

The Commission finds:

Approval of the settlement agreement in this docket certified to the Commission on June 28, 1974, is just and reasonable and in the interest of the public in carrying out the provisions of the Federal Power Act.

The Commission orders:

(A) The settlement agreement in this docket, certified to the Commission on June 28, 1974, is hereby approved and made effective as of June 7, 1973.

(B) Consumers shall be required to report the payment of refunds, including interest at 7 percent per annum.

(C) Consumers shall file within 30 days from the date of this order revised rate schedules pursuant to, and in conformity with, the settlement agreement.

(D) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Consumers or any person or party.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

CONSUMERS POWER COMPANY

Wholesale for resale cost of service for settlement, 1972

Item:	Amount
Rate base	$23,515,649
Return at 8.15 percent	1,916,525
Income tax	576,970
Taxes other than income	654,568
Operation and maintenance	6,067,080
Depreciation	819,466
Total cost of service for settlement	10,034,609
Revenue from settlement rates	10,034,974
Revenue from rates prior to filing	9,004,609
Revenue from rates as filed	10,719,518

[FR Doc.74–20637 Filed 9–5–74;8:45 am]

[Docket No. RP73–65]

COLUMBIA GAS TRANSMISSION CORP.

Order Accepting for Filing and Suspending Proposed PGA Rate Increase

AUGUST 30, 1974.

On July 16, 1974, Columbia Gas Transmission Corp. (Columbia) tendered for filing revised tariff sheets[1] pursuant to its PGA clause to track increased purchased gas costs of $37,648,798 per year and to recover the balance of $7,230,403 in the deferred purchase gas account. Included in the increase are small producer and emergency purchases at rates in excess of the national rate level established in Opinion No. 699 and anticipated increases in producer rates expected to become effective prior to September 1, 1974, pursuant to Opinion No. 699, but which have not yet been filed.

Notice of Columbia's filing was issued on August 1, 1974, with protests or petitions due on or before August 19, 1974. No such protests or petitions were received.

[1] FPC Electric Tariff, Original Volume No. 1. This tariff included Sheets 4 and 9, which are for service under CG&E's Rate Schedule FPC No. 36. These sheets were included for information only, so they will be deleted from the tariff and returned to CG&E.

[2] Rate Schedules FPC Nos. 22, 23, 24, 25, 26, and 15 for service to the Villages of Bethel, Blanchester, Georgetown, Hamersville, and Ripley, Ohio and to the West Harrison Gas and Electric Company.

[1] The Michigan Cities and Cooperatives intervening are as follows: Bay City, Charlevoix, Coldwater, Harbor Springs, Hillsdale, Marshall, Petoskey, St. Louis, Union City, Village of Chelsea, Northern Michigan Electric Cooperative, Inc., Southeastern Michigan Rural Electric Cooperative, Inc. and Wolverine Electric Cooperative, Inc.

[2] See appended settlement cost of service.

[1] Twelfth Revised Sheet No. 16, Fourth Revised Sheet No. 64A, and Sixth Revised Sheet No. 64B to FPC Gas Tariff, Original Volume No. 1.

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With regard to the anticipated producer increases that have not become effective, we conclude that these costs should properly be included in the rate filing; *Provided, however*, That should said costs not be effective on the date the proposed rates take effect, Columbia shall file substitute tariff sheets which reflect only those producer increases that have become effective. Those which become effective after September 1, 1974, should be reflected in Columbia's deferred purchased gas account.

As stated previously, our review of the proposed increase indicates that Columbia is making gas purchases from small producers at a rate in excess of the national rate established by Opinion No. 699. Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept Columbia's proposed rate increase filing and suspend it for one day, until September 2, 1974, when it shall be permitted to take effect, subject to refund. With regard to the question of the small producer purchases, we note that the Supreme Court has recently remanded the small producer rulemaking, Order No. 428, 45 FPC 454 (1971), in order for the Commisison to enunciate the standards it would apply in determining the justness and reasonableness of the prices for small producer purchases.[3] Order No. 491, regarding emergency purchases, is presently the subject of court action.[4] We believe, therefore, that it would be premature to establish a hearing schedule in this docket at this time.[4]

With the exception of those costs pertaining to small producer and emergency purchases in excess of the national rate and those increased costs related to producer increases which will not become effective by September 1, 1974, we find that Columbia's claimed increased costs contained in the filing of July 16, 1974, are fully justified and comply with the standards set forth in Docket No. R-406, and accordingly, should be permitted to take effect upon Columbia's filing of tariff sheets to be effective September 1, 1974, consistent with these findings.

The Commission finds:

It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that:

(1) The proposed increase submitted by Columbia on July 16, 1974, be accepted for filing, suspended for one day, and permitted to become effective September 2, 1974, subject to the terms and conditions of this order.

(2) The claimed increased costs other than those increased costs relating to small independent producer and emergency purchases discussed previously in this order have been reviewed and, except for those producer increases which will not become effective by September 1, 1974, are found to be just and reasonable and in compliance with the standards set forth in Docket No. R-406.

The Commission orders:

(A) Columbia's filing of July 16, 1974, is hereby accepted for filing, suspended for one day and permitted to become effective September 2, 1974, subject to the condition that said tariff sheets shall include only those producer increases filed and made effective by September 1, 1974, and that on or before September 10, 1974, Columbia shall file, to be effective September 1, 1974, such substitute tariff sheets as may be necessary to implement said condition.

(B) Columbia shall file, to be effective September 1, 1974, tariff sheets reflecting only that portion of Columbia's rate as filed on July 16, 1974, which reflects costs other than those increased costs associated with small independent producer and emergency purchases in excess of the national rate level established in Opinion No. 699; provided, however, that said tariff sheets shall include only these producer increases filed and made effective by September 1, 1974.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20639 Filed 9-5-74;8:45 am]

DISTRIGAS CORP., ET AL.

[Docket No. CP73-132, et al.]

Further Extension of Time

AUGUST 29, 1974.

In the matter of Distrigas Corp., Distrigas of New York Corp., Distrigas of Massachusetts Corp., Distrigas Pipeline Corp.

On August 16, 1974, Distrigas Corp. et al. (Applicants) filed a motion for a further extension of time to file a portion of applicants' direct case.

Notice is hereby given that the time is further extended to and including September 23, 1974, within which applicants shall file the remaining portion of the case-in-chief.

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20646 Filed 9-5-74;8:45 am]

[Docket Nos. RP72-155 and RP74-67]

EL PASO NATURAL GAS CO.

Proposed Change in Rate Pursuant to Purchased Gas Cost Adjustments

AUGUST 30, 1974.

Take notice that El Paso Natural Gas Co. (El Paso) on August 16, 1974, tendered for filing a notice of a change in rates for jurisdictional gas service rendered to customers served by its interstate gas system. Such service is rendered under rate schedules affected by and subject to Article 19, Purchased Gas Cost Adjustment Provision (PGAC), contained in the general terms and conditions applicable to El Paso's FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A, and under rate schedules affected by and subject to the PGAC—Clean High Pressure Gas Provision (PGAC-CHPG) contained in El Paso's FPC Gas Tariff, Original Volume No. 2A.

El Paso states the instant notice of change in rates is occasioned solely by, and will compensate El Paso only for, increases in the cost of purchased gas (including produced gas from leases acquired after October 7, 1969) which will become effective on or before September 30, 1974, applied to volumes purchased (or produced) for the twelve (12) month period ending June 30, 1974. However, El Paso states that the instant notice of change in rates does not reflect the total increased purchased gas costs which will result from the Commission's Opinion No. 699 and accompanying order, issued June 21, 1974, as amended, at Docket No. R-389-B for the reason that sufficient information and data are not presently available to determine the total impact of such opinion and order on El Paso's cost of purchased gas. The annualized increase in purchased gas costs as to the PGAC adjustments applicable to all rate schedules contained in El Paso's Original Volume No. 1 tariff and those special rate schedules contained in El Paso's Third Revised Volume No. 2 and Original Volume No. 2A is $24,826,880 based upon adjusted purchased gas volumes for the twelve (12) month period ending June 30, 1974. The special rate schedules subject as to this PGAC adjustment are Rate Schedules X-7, X-14, X-25 and X-30 of El Paso's FPC Gas Tariff, Third Revised Volume No. 2, and Rate Schedules PS-25, PS-26, PS-27, PS-28, PS-30, PS-35 and PS-45 if El Paso's FPC Gas Tariff, Original Volume No. 2A. When applied to El Paso's interstate system total volumes for the same period, the purchased gas cost increase equates to 1.86¢ per Mcf., according to the company.

In addition, El Paso has accrued in Account 191, Unrecovered Purchased Gas Cost, $23,445,373 applicable to increases in purchased gas cost which have occurred during the period January 1, 1974, through June 30, 1974. Such costs, the company claims, when applied to El Paso's jurisdictional sales volumes for the same period, produce an additional adjustment in rates 3.93¢ per Mcf to be applied as a surcharge to all rate schedules affected by such PGAC.

El Paso states the current adjustment applicable to those Original Volume No. 2A special rate schedules affected by the PGAC-CHPG is a net increase of 0.6282¢ per Mcf. Such current adjustment is comprised of an increase in the weighted average purchased cost of clean, high-pressure gas equating to 0.7099¢ per Mcf and a surcharge credit adjustment of 0.817¢ per Mcf resulting from the deferred purchased gas cost balance contained in Account 191 for the period March 17, 1974, through June 30, 1974, applicable under the PGAC-CHPG. The rate schedules subject to PGAC-CHPG are Rate Schedules FS-3, FS-6, FS-7, FS-10, FS-12, FS-31 and FS-32 contained in El Paso's Original Volume No. 2A tariff and based upon sales volumes under such special rate schedules for the twelve months ended June 30, 1974; the company estimates that said increase of 0.7099¢ per Mcf will produce additional revenues of $10,675 and based upon the gas sales volumes under the special rate schedules subject to the PGAC-CHPG for the six months period ending June 30, 1974, the surcharge credit adjustment of 0.0817¢ per Mcf will reduce revenues by $707 during the six month period subsequent to October 1, 1974.

El Paso further states that, it concurrently filed in accordance with the directives of the Commission contained in its orders dated July 15, 1974, and August 8, 1974, at Docket Nos. RP72-22 and RP 74-57, and August 12, 1974, at Docket Nos. CP74-47 and RP74-57, substitute tariff sheets to be effective July 10, 1974, at Docket No. RP74-57, designed to reflect the adjustments ordered by the Commission in El Paso's rates which become effective, subject to refund, on July 10, 1974, at Docket No. RP74-57. The Statement of Rates tariff sheets tendered by the instant notice and applicable to El Paso's Volume No. 1 Tariff and certain special keyed rate schedules contained in El Paso's Volume Nos. 2 and 2A tariffs reflects the PGAC increase in rates, for which notice of change is given, above the adjusted rates contained in said substitute tariff sheets filed concurrently with the subject filing.

El Paso has requested waiver of all applicable rules and regulations of the Commission as may be necessary to permit the tendered tariff sheets to become effective on October 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 11, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20640 Filed 9-5-74;8:45 am]

[Docket No. RM75-1]

NORTHWEST PIPELINE CORP.

Importation of Natural Gas Transported by Pipeline From the Dominion of Canada; Order Denying Motion for Clarification and Reconsideration

AUGUST 30, 1974.

On July 8, 1974, we issued an order denying petition for notice of proposed rulemaking and denying petition for the issuance of a declaratory order. On July 29, 1974, Northwest Pipeline Corporation (Northwest) submitted a motion for clarification and reconsideration of that order.

In its motion, Northwest makes several requests and allegations. Northwest requests that the Commission strike finding paragraph (2) of the July 8, 1974, order; Northwest alleges that the Commission, by finding that Northwest's proposed standard was not just and reasonable, went beyond an exercise of discretion and that our finding has the effect of a rule without providing adequate notice or an opportunity for interested persons to be heard; and Northwest repeats its request that a proposed rulemaking be issued to formulate a standard for price changes of exports of natural gas from Canada.

Northwest seems to believe that we have foreclosed or limited evidentiary presentations in individual cases by our finding paragraph (2) which states that "[t]he standard proposed by Northwest is not appropriate to assure the justness and reasonableness of rates charged to United States consumers". Rather than foreclosing or limiting evidentiary presentations, our action of rejecting Northwest's proposals has preserved the rights of all pipelines including Northwest in individual cases to offer whatever evidence they believe relevant and appropriate in the determination of just and reasonable rates.

Northwest requests reconsideration of our order and moves once again for the issuance of a notice of proposed rulemaking on this problem. We addressed ourselves to the merits of Northwest's proposal in our July 8, 1974 order and found that it does not assure the justness and reasonableness of the rates charged to United States consumers. We believe now, as we did in that order, that review of each case on its own merits is necessary to insure the justness and reasonableness of the rates, and that issuance of the proposed rulemaking with a request for comments would not be in the public interest.

Northwest's statement that we have gone beyond an exercise of discretion and made a definitive ruling implementing the just and reasonable standard of the Natural Gas Act is erroneous. To suggest that we did this and that we must comply with requirements of the Administrative Procedure Act relating to rulemaking is similarly erroneous. We believe that the procedure of examining each case on its merits and judging the propriety of the rates in individual cases against the standard of justness and reasonableness, as required by law, does not violate the Administrative Procedure Act nor can it be described as arbitrary and capricious.

In view of the above, we shall deny Northwest's motion for reconsideration of our order of July 8, 1974.

The Commission finds:

Northwest's motion for reconsideration presents no new facts or principles of law which would warrant modification of our order of July 8, 1974.

The Commission orders:

(A) Northwest's motion for reconsideration is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20647 Filed 9-5-74;8:45 am]

[Docket No. RP71-119 and RP74-31-21]

PANHANDLE EASTERN PIPE LINE CO. AND JAYHAWK PIPELINE CORP.

Order Granting Temporary Extraordinary Relief Consolidating Proceedings, Setting Matters for Hearing, Granting Interventions and Prescribing Procedures

AUGUST 29, 1974.

By Order issued November 6, 1973, in Docket No. RP71-119, we accepted and made effective as of November 1, 1973, revised tariff sheets tendered by Panhandle Eastern Pipe Line Co. (Panhandle). Those revised tariff sheets contain Panhandle's proposed curtailment plan which conformed to the curtailment procedures contained in the Commission's statement of policy, issued in Docket No. R-469, Order No. 467-B.

On July 5, 1974, Jayhawk Pipeline Corp. (Jayhawk) filed a petition requesting that it be afforded extraordinary relief from the natural gas curtailments imposed under the 467-B type curtailment plan presently in effect on Panhandle's system.

Jayhawk purchases natural gas for its own use directly from Panhandle. It uses this gas as fuel for pump engines at its Rolla and Meade Pump Stations located in Morton County and Meade County, Kansas, respectively. Six crude oil purchasers are currently shipping through that segment of Jayhawk's pipeline that relate to this proceeding and the crude oil transported therein is processed at refineries in the Central Kansas-Northern Oklahoma area. Meade Station is the central gathering point for three gathering systems and is the first pump station on the main line. Daily throughput at

[1] Federal Power Commission v. Texaco, Inc., et al., Docket Nos. 74-1490 and 73-1491, Opinion issued June 10, 1974.

[2] Consumer Federation of America v. F.P.C., CADC, Docket No. 73-2009, petition filed September 21, 1973.

[3] Valley Gas Transmission, Inc. Docket No. RP73-94, order issued July 26, 1974; and Mid-Louisiana Gas Company, Docket No. RP73-43, order issued July 31, 1974.

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Meade Station is approximately 38,000 to 40,000 barrels per day. Rolla Station is located on the interstate gathering system in far southwest Kansas. Daily throughput at Rolla is 12,000 barrels per day.

Jayhawk alleges in its petition that under the interim curtailment plan, Panhandle will be required to curtail Jayhawk up to 92.6 percent of its base period requirements in January 1975, which amounts to 143 Mcf per day and 4,422 Mcf per month. This curtailment would virtually eliminate Jayhawk's ability to transport crude oil during the 1974–75 heating season unless a supply of propane is obtained to replace the volume of natural gas curtailed. Jayhawk has requested Panhandle to exempt it from curtailment which that pipeline has refused to do. Jayhawk contends that its requirements from Panhandle are de minimus (160 Mcf on a peak day) and since its needs are relatively constant throughout the year that it does not have the ability to reduce its takes from Panhandle in order to repay any of the exempted volumes.

Jayhawk asserts that, due to the very essential use of the relatively small volumes that are involved, it should be afforded a complete exemption from curtailment by Panhandle. It notes that curtailing all or part of its small volumetric natural gas requirement, in the event propane is unavailable, would deprive the public of refined petroleum products containing energy hundreds of times greater than contained in the small amounts of gas it consumes. Jayhawk further contends that in the event the Commission deems it not to be in the public interest to grant it the full exemption that it seeks from Panhandle's presently effective curtailment plan that the volume requested for exemption should not be subject to curtailment until after all other volumes in category two have been curtailed.

Jayhawk notes that the presently effective curtailment plan of Panhandle will be in effect this winter and that it filed this petition in anticipation of curtailment under that plan this fall.

The volumes involved are relatively small and Jayhawk plays an important role in providing certain sectors of the nation with a portion of their energy requirements. The Commission cannot assess the impact that Jayhawk's inability to transport would have in these times of energy shortage. It shall be incumbent upon Jayhawk, however, to show on the evidentiary record that it will not be possible to pay-back the volumes over and above its curtailment entitlements which we are permitting it to take on a temporary basis. As part of such a showing, Jayhawk shall include all efforts undertaken to acquire supplies of alternate fuel, including its endeavors to obtain an allotment from the Federal Energy Agency for this coming winter and results of such efforts. Accordingly, the relief granted herein will be conditioned upon a pay-back provision being included in the event the evidentiary record reflects that Jayhawk should pay-back the volumes taken under this grant.

In view of the allegations made we feel compelled to afford Jayhawk extraordinary relief. However, we are not moved to grant the exemption requested nor the placement of Jayhaw's usage between categories 1 and 2. Instead we will allow Jayhawk's usage to be considered as Category 2 usage for the purposes of the relief herein granted and permit relief of up to 160 Mcf per day.

Several petitions to intervene in the matter relating to Jayhawk's petition for extraordinary relief in Docket No. RP74–31–21 have been filed with the Commission.[1] The petitioners seeking intervention in the latter docket have already been permitted to intervene in the proceeding relating to a permanent curtailment plan for Panhandle in Docket No. RP71–119. Since many of the parties in the latter docket may also wish to participate herein, they shall also be deemed parties in Docket No. RP74–31–21 with all the attendant rights attached thereto. However, in order to maintain an orderly procedure any intervener desiring to record objections and protests to the requested relief must file a formal protest to the notice of petition stating with particularity the nature of its objections.

In its petition to intervene, General Motors Corporation requested either (1) that a formal hearing be held or (2) that it would not object to Jayhawk's previous testimony heard at Docket No. RP71–119 being used as the basis for determination of Jayhawk's petition in this proceeding to avoid duplication. We believe that General Motors' alternate request (2) above should be explored by the parties, since, if agreed to, determination of Jayhawk's petition could be expedited and duplicative proceedings may be avoided. Accordingly, we will set Jayhawk's petition for hearing and require the hearing to commence with a prehearing conference where all parties will have an opportunity to explore whether Jayhawk's petition can be determined on the basis of evidence that is in the Docket No. RP71–119 record. If such procedure is not warranted, then the Presiding Administrative Law Judge shall set procedural dates on an expedited schedule to hear the issues involved in this proceeding.

The Commission orders:

(A) The petition for extraordinary relief filed by Jayhawk is granted to the extent indicated above, on a temporary basis, pending notice and hearing.

(B) The grant of the temporary relief in ordering paragraph (A) above is specifically conditioned as follows:

(1) That the Commisison may require Jayhawk to repay all or part of the volumes of gas taken under this grant if such action is deemed appropriate on the basis of the record in this proceeding.

(2) Jayhawk's usage shall be considered as Category 2 and shall be subject to curtailment along with other Category 2 requirements.

(3) This grant shall be effective during the duration of the interim Order No. 467–B curtailment plan now in effect or until a final order issues in this docket.

(C) A hearing shall be convened commencing with a prehearing conference as set forth in the body of this order at 10 a.m. (e.t.) on September 16, 1974, in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. before an Administrative Law Judge to determine whether extraordinary relief should be granted to Jayhawk on the basis requested in its petition for extraordinary relief.

(D) The Chief Administrative Law Judge will designate an appropriate Administrative Law Judge of the Commission to preside at this hearing pursuant to the Commission's Rules of Practice and Procedure, who shall prescribe relevant procedural matters not herein provided.

(E) Those petitioners seeking permission to intervene in the proceeding entitled Panhandle Eastern Pipe Line Co. (Jayhawk Pipeline Corporation) at Docket No. RP74–31–21, along with all other parties previously granted intervention in the proceeding entitled Panhandle Eastern Pipe Line Company in Docket No. RP71–119 are permitted to intervene in and participate in the above-styled proceeding relating to the petition for extraordinary relief filed by Jayhawk Pipeline Corp. in Docket No. RP74–31–21, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene; *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that subject interveners might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–20635 Filed 9–5–74;8:45 am]

[1] Petitions to intervene in this proceeding have been filed by Indiana Gas Company, Inc., Central Indiana Gas Company, Columbia Gas Transmission Corporation, and General Motors Corporation.

[Docket No. E–8882]

PUBLIC SERVICE COMPANY OF COLORADO

Order Accepting for Filing and Suspending Proposed Rate Increase, Providing for Hearing, Establishing Procedures, and Permitting Intervention

AUGUST 30, 1974.

On July 1, 1974, the Public Service Company of Colorado (PSCC) submitted for filing proposed increases in its rates for firm power service to its seven wholesale customers.[1] The proposed rates would result in an increase in jurisdictional revenues of $943,834 based on a twelve month test period ended March 31, 1974. PSCC proposes that the proposed increase become effective on September 1, 1974. According to PSCC, the additional revenue is necessary because of the adverse financial effects of inflation and the additional capital requirements necessitated by environmental programs.

Notice of the filing was issued on July 18, 1974, with comments, protests, or petitions to intervene due on or before July 24, 1974. On July 24, 1974, the Home Light and Power Company (Home Light) filed a comment stating that, although they were not going to protest the proposed increase, they felt the 5.83 percent rate of return the Company's study shows for Home Light is substantially understated. Home Light also stated that they were not in accord with the methods or the results of PSCC's cost of service study. On July 22, 1974, a timely petition to intervene was filed by Central Telephone & Utilities Corporation (CTU), and on August 5, 1974, an untimely petition to intervene was filed by the Public Utilities Commission of the State of Colorado.

CTU makes the following allegations: (1) The use of a twelve month test period following the effective date shows that the financial impact of the proposed increase to CTU is actually $639,685 instead of $92,238 as shown in the Company's filing; (2) PSCC has failed to comply with § 35.13(b)(4)(iii) of the Commission's regulations because no period II data was filed; (3) the test period revenues are less than $1,000,000 only because CTU and the Intermountain Rural Electric Association were served for only two months and three months, respectively, during this time span; (4) the proposed wholesale rates would be discriminatory inasmuch as PSCC would be receiving a much higher return for its sales of power to CTU than its other wholesale sales; and (5) the proposed increase is understated because PSCC has failed to update the base price in its fuel adjustment clause. In addition, PSCC requests that the proposed rate increase be suspended and set for hearing.

PSCC has included as part of its filing a recalculation which would increase the fuel cost adjustment factor from 0.115 mills/kWh to 0.121 mills/kWh. Furthermore, we note that PSCC's fuel adjustment clause imputes the company's own fuel cost variations to purchased power and net interchange power. In view of the above, the subject fuel adjustment clause may not be just and reasonable and therefore shall be subject to suspension. Also, we shall provide for the filing of a fuel adjustment clause which conforms to Opinion No. 633.

Our review of the instant filing and the issues raised therein shows that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed rate change for one day and establish hearing procedures to determine the justness and reasonableness of PSCC's proposed rates.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed rates and charges contained in PSCC's revised tariff sheets and that said tariff sheets be suspended as hereinafter ordered.

(2) Good cause exists to suspend PSCC's proposed rate change for one day to become effective on September 2, 1974.

(3) The participation in this proceeding of the above-named intervenors may be in the public interest.

(4) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held on February 18, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the revised tariff sheets proposed herein.

(B) Pending hearing and a final decision thereon, PSCC's proposed tariff sheets are hereby suspended for one day and the use thereof deferred until September 2, 1974.

(C) On or before January 10, 1975, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all the intervenors shall be served on or before January 24, 1975. Any rebuttal evidence by the Company shall be served on or before February 7, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Nothing contained herein should be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.8 of the Commission's rules of practice and procedure.

(F) PSCC shall file a fuel adjustment clause which is in conformance with Opinion No. 633 within 30 days of the issuance of this order.

(G) The above-named petitioners to intervene are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petitions to intervene.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–20656 Filed 9–5–74;8:45 am]

[1] City of Aspen, Town of Lyons, Home Light & Power Company, City of Glenwood Springs, Colorado Ute Electric Association, Inc., Central Telephone & Utilities Corporation (Southern Colorado Power Division), and Intermountain Rural Electric Association, Colorado.

[Docket No. E–8953]

SUPERIOR WATER LIGHT AND POWER CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, and Establishing Procedures

AUGUST 30, 1974.

On August 2, 1974, Superior Water, Light and Power (SWL&P) tendered for filing a proposed rate increase [1] for electric service to Dahlberg Light and Power Co. SWL&P states that the proposed increase results in an estimated increase of $148,482 for the 12 month test period ending July 31, 1974, and a realized rate of return of 8.78 percent. The proposed effective date is September 1, 1974.

In support of its request SWL&P stated that the proposed rate changes and rate charges are designed to increase the revenue from Dahlberg Light & Power Co., SWL&P's only jurisdictional customer, sufficiently to recover the proportionate share of the increase in the cost of purchased power from supplier and to raise the rate of return on the investment necessary to render service at an acceptable level.

Notice of SWL&P's filing was issued on August 12, 1974, with comments, protests, or petitions to intervene due on or before August 23, 1974.

Our review of SWL&P's filing including the proposed fuel clause indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed changes for one day and establish hearing procedures to determine the justness and reasonableness of SWL&P's filing.

We note that the following language is contained in SWL&P's proposed rate schedule:

> Service supplied under this schedule shall not be resold or otherwise disposed of except to ultimate customers, unless Company's consent thereto shall be given in writing.

Our review of this provision indicates that it may be anticompetitive and therefore unjust and unreasonable. Therefore, the parties to this proceeding should address themselves to this issue at the evidentiary hearing ordered herein.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained

[1] Superior Water, Light & Power Company, Supplement No. 2 to Rate Schedule FPC No. 12 (Supersedes Supplement No. 1 to Rate Schedule FPC No. 12).

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in SWL&P's revised rate schedules proposed in this docket and that the tendered rate schedules be suspended as hereinafter provided.

The Commission orders:

(A) Pending a hearing and a decision thereon, SWL&P's proposed changes in its rates and charges tendered on August 2, 1974, are accepted for filing, and suspended for one day and the use thereof deferred until September 2, 1974, subject to refund.

(B) Pursuant to authority of the Federal Power Act, particularly Section 205 thereof, and the Commission's Rules and Regulations (18 CFR, Chapter I), a hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the rates, charges and provisions in SWL&P's FPC Rate Schedule, as proposed to be amended herein shall be held commencing on January 28, 1975, at 10 a.m., E.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) On or before December 17, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence shall be filed on or before December 31, 1974. Any rebuttal evidence by company shall be served on or before January 14, 1975.

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expresin accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) Nothing contained herein shall be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's rules of practice and procedure.

(P) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20648 Filed 9-5-74;8:45 am]

[Docket No. RP75-11]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Tariff Changes

AUGUST 30, 1974.

Take notice that on August 14, 1974, Consolidated Gas Supply Corp. (Consolidated) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1. Consolidated requests an effective date of September 1, 1974.

Consolidated states that the proposed change is necessary to reflect increased transportation charges filed by Transcontinental Gas Pipe Line Corporation with the Commission on July 15, 1974, at Docket No. RP75-3.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before September 9, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20649 Filed 9-5-74;8:45 am]

[Docket No. RI74-240]

TERRA RESOURCES, INC.

Extension of Time and Postponement of Hearing

AUGUST 29, 1974.

On August 26, 1974, Staff Counsel filed a motion for extension of time in the above-designated matter from those fixed by order of July 23, 1974. The motion states that all parties have been informed of the proposed changes and agree to them.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Staff's direct testimony and evidence, September 4, 1974.
Rebuttal testimony, September 11, 1974.
Hearing, September 18, 1974 (10 a.m. E.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20645 Filed 9-5-74;8:45 am]

[Docket No. RP74-39-12]

TEXAS EASTERN TRANSMISSION CORP.

Petition for Extraordinary Relief

AUGUST 30, 1974.

Public notice is hereby given that on August 21, 1974, Philadelphia Electric Company (PEC) filed a petition for extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure. PEC requests that the Commission order its supplier of natural gas, Texas Eastern Transmission Corp. (TETCO), to increase its sales to PEC by 1,500 Mcf per day on a non-curtailable basis. PEC would then resell the 1,500 Mcf per day to Alan Wood Steel Company (Alan Wood), of Conshohocken, Pennsylvania.

PEC states that it filed its petition upon the express order of the Pennsylvania Public Utility Commission, which on July 24, 1974 ordered PEC to petition on behalf of Alan Wood.

Alan Wood is a producer of steel plate and hot and cold rolled strip steel. Its products, it states, are used in the mining industry, in the construction of ships, submarines, bridges, oil refineries, railroad cars, agricultural equipment, and power generating equipment.

Alan Wood states than 10 percent of its total Btu requirement is met with natural gas. Natural gas is used for two purposes at Alan Wood: (1) 300 Mcf per day are used to stabilize and enrich blast furnace gas and coke oven gas, both internally produced at the plant and used there as fuel, and (2) 2,200 Mcf per day are used to preheart scrap iron in the plant's basic oxygen furnaces. Thus Alan Wood's total gas requirements are 2,500 Mcf per day.

Alan Wood purchases gas from PEC under firm and interruptible contracts. Its firm volumes of 1,000 Mcf per day have not been curtailed, but its interruptible contract volumes of 7,000 Mcf per day have been completely curtailed.

Alan Wood states that it must have an additional 1,500 Mcf per day, a total of 2,500 Mcf per day, or cut production by 15 percent. A cut in production of 15 percent, Alan Wood states, will result in a layoff of 800 to 1000 employees for one to two weeks each month and will lower steel production by 200,000 tons per year. Alan Wood further states that because of a worldwide shortage of steel production, its customers could not obtain their supplies elsewhere in the face of a reduction of output.

Alan Wood claims that it has reduced its consumption of natural gas from a peak of 2,062,539 Mcf in 1966 to 912,500 Mcf, the amount requested for 1974.

Alan Wood states that it spent $500,000 to convert its basic oxygen furnaces to use fuel oil, but that the fuel oil, when used, burned out the furnace linings. Alan Wood claims that it cannot purchase sufficient replacement refractory material for its furnaces because it is in short supply and is being allocated to steel manufacturers.

Any person desiring to be heard or to make protest with reference to said petition should on or before September 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20641 Filed 9-5-74;8:45 am]

[Dockets Nos. RP75-3 and RP74-48]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Accepting for Filing and Suspending Proposed Rate Increase, Permitting Interventions, Consolidating Proceedings and Establishing Procedures

AUGUST 30, 1974.

On July 16, 1974, Transcontinental Gas Pipe Line Corp. (Transco) tendered for filing proposed revisions to its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2.[1] Transco states that the proposed tariff sheets provide for a general increase in Transco's sales, transportation and storage service rate schedules. Furthermore, Transco states that the proposed sheets will generate additional jurisdictional revenues of approximately $48,600,000 based upon a base period of twelve (12) months ended April 30, 1974, adjusted for changes which are known and measurable through January 31, 1975.

In its filing, Transco states that there are certain significant factors which make it necessary for Transco to file for a rate increase: (1) Decreased system gas supply resulting in a reduction in annual sales and causing an increase in unit costs; (2) Increase payroll and related costs; (3) Increased rate of return; (4) Costs related to unsuccessful projects which were undertaken to acquire alternative gas supplies; (5) Increased storage costs. Transco requests an effective date of September 1, 1974, for the tendered tariff sheets.

Furthermore, on July 16, 1974, Transco also tendered pro forma tariff sheets which will provide Transco the authority to track changes in the cost of storage service purchased from Consolidated Gas Supply Corporation (Con Gas) and Texas Eastern Transmission Corporation (Texas Eastern). In support of these proposed sheets, Transco asserts that such cost increases have been tracked by Transco as previously allowed by the Commission. Transco asserts approval of these pro forma sheets would alleviate the necessity of Commission approval in each instance of a storage cost increase to Transco. Transco also tendered pro forma tariff sheets incorporating a Volumetric Variation Adjustment Clause (VVAC) which would permit Transco to change its rates to reflect changes in unit fixed costs as a result of changes in Transco's gas supply. Transco states the these pro forma sheets will become effective upon final approval by the Commission rather than September 1, 1974.

Notice of the proposed filing was issued on July 25, 1974, with the due date for all comments and petitions to intervene due on or before August 9, 1974. Numerous petitions to intervene have been filed.[2]

[1] See Appendix A (filed as part of the original document).

[2] See Appendix B (filed as part of the original document).

Our review of the July 16, 1974, filing and the issues raised therein indicate that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall therefore order a suspension of the rates proposed herein for the full statutory period and establish hearing procedures into their justness and reasonableness.

In this context, we note that Transco tendered for filing Eleventh Revised Sheet No. 5 which reflects only the increase in rates from Con Gas for its general storage service to Transco. Transco states that it expects the Commission to suspend its proposed rate increase for the full statutory period (February 1, 1975). However, Transco states that the Con Gas rate increase for storage service will become effective December 1, 1974. Transco submits that unless it is permitted to track this increase on December 1, 1974, it will suffer an unrecoverable loss of over $137,000. Therefore, Transco requests that Eleventh Revised Sheet No. 5 be suspended only until December 1, 1974. We will grant Transco's request and suspend Eleventh Revised Sheet No. 5 and defer the use thereof until December 1, 1974.

In its filing of July 16, 1974, Transco also requested a waiver of §154.63(e)(v)(ii) of the Commission's regulations to permit reflection of costs concerned with facilities pending certification in Docket Nos. CP74-33 and CP75-8. We will grant the requested waiver provided that if the facilities are not certificated and in service on the date which the rates go into effect, Transco will file revised tariff sheets reflecting the elimination of such costs.

As previously noted, Transco's request for increased rates is based in part upon the fact that its deliverability of gas from connected sources is declining. The present gas shortage in this country, to which this Commission has often called attention, is a problem which is shared by most if not all major interstate transmission pipelines in varying degrees of magnitude. The effect upon the risk to capital invested in gas pipeline operations resulting from inadequate and declining gas supplies as well as the uncertainties and contingencies inherent in possible supplemental sources of supply are of direct and primary concern to us. It also seems clear that the gas shortage may result in situations where the useful or economic life of gas pipeline facilities may be substantially less than their physical life. Accordingly, we request that the evidence in this proceeding, including that to be filed by our Staff, give full and careful consideration to these factors in the development of recommendations on the issues of rate of return and depreciation so as to enable this Commission to formulate sound regulatory policies in these areas.

Finally, we note that on December 17, 1973, Transco filed for a general rate increase in Docket No. RP74-48. Common issues of law and fact are raised with respect to the July 16, 1974, filing and the filing in Docket No. RP74-48. Accordingly, we will consolidate Docket No. RP74-48 with the present proceeding. Consistent with this action, the procedural dates established in the January 31, 1973, order in Docket No. RP74-48 shall be amended as hereinafter ordered.

The Commission finds:

(1) The proposed changes in Transco's FPC Gas Tariff, as shown in Appendix A,[3] with the exception of Eleventh Revised Sheet No. 5, should be accepted for filing, suspended, and the use thereof deferred until February 1, 1975.

(2) Eleventh Revised Sheet No. 5 should be accepted for filing, suspended, and the use thereof deferred until December 1, 1974.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed rates and charges in Transco's FPC Gas Tariff, as proposed to be amended in this docket.

(4) Good cause exists to grant waiver of § 154.63(e)(v)(ii) of the Commission's regulations provided if the facilities in Docket Nos. CP74-33 and CP75-8 are not certificated by February 1, 1975, Transco will file revised tariff sheets which reflect the elimination of costs associated with said facilities.

(5) Good cause exists to consolidate Docket No. RP74-48 with Docket No. RP75-3.

(6) The procedural dates established by our January 31, 1974 order in Docket No. RP74-48 should be amended as hereinafter ordered.

(7) Good cause exists to permit the intervention of petitioners designated in Appendix B.[4]

(8) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

The Commission orders:

(A) Pending a hearing and decision thereon, the proposed tariff sheets as shown in Appendix A, with the exception of Eleventh Revised Sheet No. 5, are accepted for filing and suspended for the full statutory period and the use thereof deferred until February 1, 1975, or until such time as they are made effective in the manner provided in the Natural Gas Act.

(B) Eleventh Revised Sheet No. 5, tendered on July 16, 1974, is hereby accepted for filing, suspended and the use thereof deferred until December 1, 1974.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held commencing January 28, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications,

[3] Appendices A and B filed as part of the original document.

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and service contained in Transco's FPC Gas Tariff, as proposed to be amended.

(D) On or before November 27, 1974, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before December 23, 1974. Any rebuttal evidence shall be served on or before January 15, 1975.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, shall control this proceeding in accordance with the policies expressed in section 2.59 of the Commission's rules of practice and procedure.

(F) The parties designated in Appendix B are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene, and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Docket Nos. RP74–48 and RP75–3 are hereby consolidated.

(H) The procedural dates established by our January 31, 1974, order in Docket No. RP74–48 are hereby amended to conform with the procedural dates set forth in Ordering Paragraphs (C) and (D) of this order.

(I) Pending such hearing and decision thereon, Transco's proposed revised tariff sheets are hereby suspended and the use thereof deferred until February 1, 1975, or until such time as they are made effective in the manner provided in the Natural Gas Act; provided that such tariff sheets reflect inclusion of only those facilities which are the subject of Docket Nos. CP74–33 and CP75–8 certified and in service on or before February 1, 1975.

(J) Nothing contained herein shall be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's rules of practice and procedure.

(K) The pro forma sheets filed on July 16, 1974, and discussed herein will be a subject for review in this proceeding and any determination by this Commission with respect to the pro forma sheets will have prospective effect only.

(L) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–20636 Filed 9–5–74;8:45 am]

[Docket No. RP74–52]

TRANSWESTERN PIPELINE CO.

Filing of Revised Tariff Sheets

SEPTEMBER 3, 1974.

Take notice that on August 16, 1974, Transwestern Pipeline Company (Transwestern) submitted for filing First Revised Sheet No. 3–A and First Revised Sheet No. 3–B to its FPC Gas Tariff, First Revised Volume No. 1.

Transwestern states that the change in its rates reflects a cost of gas adjustment to track increased purchased gas costs and a surcharge adjustment to clear the balance of the Gas Cost Adjustment Account.

Transwestern requests an effective date of October 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 16, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–20642 Filed 9–5–74;8:45 am]

[Docket No. CP73–191]

TRANSWESTERN PIPELINE CO.

Petition To Amend

AUGUST 30, 1974.

Take notice that on August 19, 1974, Transwestern Pipeline Company (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP73–191 a petition to amend the order issued in said docket on April 13, 1973 (49 FPC 1000), pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to exchange natural gas with High Plains Natural Gas Company (High Plains) during the 1974–75 and 1975–76 winter heating seasons, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order of April 13, 1973, Petitioner was authorized to exchange natural gas with High Plains pursuant to an exchange agreement dated January 15, 1973. Under this agreement Petitioner delivered up to 1,000 Mcf of gas per day to High Plains at a point near Spearman, Texas, and High Plains redelivered within 30 days 105 percent of the amount actually received to Petitioner at a point near Magic City, Texas. This agreement was intended to meet emergency winter peaking demands and covered only the 1972–73 and 1973–74 winter heating seasons as High Plains planned to meet its future emergency needs by constructing a butane peak shaving plant. Petitioner states that High Plains has advised it that plans for such a plant are no longer practical in light of the radically altered supply of butane. Petitioner, therefore, proposes to renew its winter season gas exchange with High Plains pursuant to an amendment dated August 1, 1974, to the exchange agreement, which amendment provides for the exchange of up to 1,500 Mcf of gas per day on a best efforts basis for a term from November 1, 1974, to April 1, 1975, and from November 1, 1975, to April 1, 1976.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 23, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–20631 Filed 9–5–74;8:45 am]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 121]

ST. JONES RIVER CUT-OFFS; DOVER TO LEBANON, DELAWARE

Transfer of Property

Pursuant to section 2 of Pub. L. 537, 80th Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America dated July 16, 1974, the property comprising approximately 29.97 acres of unimproved land identified as St. Jones River Cut-Offs, Dover to Lebanon, Delaware (D–DE–440) has been conveyed to the State of Delaware.

2. The above described property was conveyed for wildlife purposes in accordance with the provisions of section 1 of said Pub. L. 537 (16 U.S.C. 667b), as amended, by Pub. L. 92–432.

Dated: August 26, 1974.

L. F. ROUSH,
Commissioner,
Public Buildings Service.

[FR Doc.74–20608 Filed 9–5–74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

SHERMAN COAL CO. AND DEBBIE COAL CO.

Applications for Renewal Permits; Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4335–000, SHERMAN COAL COMPANY, Mine No. 2, Mine ID No. 46 01721 0, Iaeger, West Virginia,
ICP Permit No. 4335–001 (Jeffrey 35–L Cutting Machine, Ser. No. 265).

(2) ICP Docket No. 4336–000, DEBBIE COAL COMPANY, Mine No. 4, Mine ID No. 46 01703 0, Iaeger, West Virginia,
ICP Permit No. 4336–001 (Jeffrey 35–L Cutting Machine, Ser. No. 30194).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11298, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

SEPTEMBER 3, 1974.

[FR Doc.74–20629 Filed 9–5–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 3, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529).

NEW FORMS

DEPARTMENT OF DEFENSE

Department of the Navy:
First Article Inspection Procedure (DD 1664–DI–T–4901), Form ----, Annual, Sheftel, Contractor inspectors.
Report, Contractor Employee (MCO P12306B), Form ----, Monthly, Sheftel, Contractor technical representatives.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: U.S. Study of Dental Manpower Systems in Relation to Oral Health Status: The Private System, Form HRABHRD 0503, Single time, Collins/Lowry, Consumers & providers of dentistry in Baltimore, Md.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management: Land Use Questionnaire (Malad Planning Unit, Idaho), Form ----, S.T., Planchon, Business firms.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Pretest—Survey of Occupational Training in Selected Metalworking Industries, 1974, Form BLS 3050–P, Single time, Johnson, Business firms.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration:
Questionnaire—Socio-Economic and Environmental Aspects of Freight Terminal Location, Form ---, Single time, Strasser, Households near freight terminals plus nearby business.
Traffic Control for Construction and Maintenance Work Sites Municipal and State Survey Questionnaire, Form ----, Single time, Lowry, State highway departments and municipal governments.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:
State Agency Budget Request for SSA Disability Programs, Form SSA 870, Annual, Lowry, State agencies.
State Agency Budget List of Part-Time and Temporary Positions for SSA Disability Programs, Form SSA 870B, Annual, Lowry, State agencies.
State Agency Budget List of Full-Time Positions for SSA Disability Programs, Form SSA 870A, Annual, Lowry, State Agencies.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service:
Regulations—Fresh Irish Potato Livestock Feed Diversion Program, Form ----, Occasional, Evinger, Potato diverters.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management:
Notice of Default Status on Multifamily Housing Projects, Form HUD 92426, Occasional, Evinger (x).
Annual Operating Budget for Cooperative Housing Corporations, Form HUD 93240, Occasional, Evinger (x).
Report on Initial Occupancy, Form HUD 52209, Monthly, Evinger (x).
Expenditures Budget (NDP Program), Form HUD 6275, Annual, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–20701 Filed 9–5–74;8:45 am]

RAILROAD RETIREMENT BOARD

RAILROAD RETIREMENT SUPPLEMENTAL ANNUITY PROGRAM

Determination of Quarterly Rate of Excise Tax

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)) as amended by section 5(a) of Pub. L. 91–215, the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning October 1, 1974, shall be at the rate of seven and one-half cents.

Dated: August 27, 1974.

By authority of the Board.

[SEAL] R. F. BUTLER,
Secretary of the Board.

[FR Doc.74–20604 Filed 9–5–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

AUGUST 30, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 2, 1974 through September 11, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–20673 Filed 9–5–74;8:45 am]

[File No. 500–1]

FRANKLIN NATIONAL BANK

Notice of Suspension of Trading

AUGUST 30, 1974.

It appearing to the Securities and Exchange Commission that the summary

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suspension of trading in the preferred stock and 4.75% debentures of Franklin National Bank (New York, N.Y.) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 2, 1974 through September 11, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-20674 Filed 9-5-74;8:45 am]

[File No. 500-1]

FRANKLIN NEW YORK CORP.

Notice of Suspension of Trading

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock and 7.30 percent notes of Franklin New York Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 2, 1974 through September 11, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-20675 Filed 9-5-74;8:45 am]

[Rel. No. 18549; 70-5539]

NORTHEAST UTILITIES

Proposal To Issue and Sell Common Stock Through Dividend Reinvestment and Common Share Purchase Plan

AUGUST 30, 1974.

Notice is hereby given that Northeast Utilities ("Northeast"), 174 Brush Hill Avenue, West Springfield, Massachusetts 01089, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Northeast proposes to issue and sell from time to time through November 15, 1975, 500,000 shares of its common stock, par value $5.00 per share, to the holders of record of its outstanding common stock. Such new shares will be issued through a voluntary dividend reinvestment and common share purchase plan ("Plan"), under which shareholders may elect to invest regular cash dividends and/or optional cash payments of between $25 and $500 per quarter in such additional shares. It is stated that the purchase price will be the average of the closing sales price for Northeast's common stock on the New York Stock Exchange during the first fifteen trading days of the twenty trading days preceding the dividend payment. The net proceeds from the sale of shares pursuant to the Plan, estimated at $3,750,000 will be applied to Northeast's construction program.

The Plan will be administered by The First National Bank of Boston ("Agent"), and all shares purchased will be held for the exclusive benefit of the Plan participants. All record holders of Northeast's outstanding common stock are eligible to participate in the Plan and may join by executing an authorization form and returning it to the Agent. A participant may withdraw from the Plan at any time upon giving written notice to the Agent. Upon withdrawal, certificates for whole shares credited to a participant's account will be issued and a cash payment will be made for any fractional shares so credited. The Plan provides that a participant may also request that certificates for any number of full shares credited to his account be issued to him even though he wishes to remain in the Plan.

It is stated that all costs for administering the Plan will be paid by Northeast and that there will be no brokerage fees when shares are purchased under the Plan. However, if a participant withdrawing from the Plan requests the Agent to sell his shares, there will be brokerage commissions.

The Agent will not vote any shares held by it under the Plan. Participants will receive a single proxy with respect to full shares which they own of record or which are credited to their accounts under the Plan.

A statement of the fees, commissions, and expenses incurred or to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no State commission and no Federal Commission other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 24, 1974, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-20676 Filed 9-5-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

MINNEAPOLIS DISTRICT ADVISORY COUNCIL

Notice of Meeting

The Small Business Administration Minneapolis District Advisory Council will meet at 10 a.m., central daylight time, Wednesday, September 25, 1974, at the School of Business Administration offices, St. Cloud State College in St. Cloud to discuss such business as may be presented by members and the staff of the Small Business Administration.

Dated: August 23, 1974.

JOHN JAMESON, *Director, Office of Advisory Councils, Small Business Administration.*

[FR Doc.20595 Filed 9-5-74;8:45 am]

NATIONAL SBIC ADVISORY COUNCIL

Notice of Meeting

A meeting of the Small Business Administration National Small Business Investment Company (SBIC) Advisory Council will be held at 9:30 a.m., Central Daylight Time, Tuesday, September 10, 1974, at the O'Hare International Tower, Chicago, Illinois. There will be a discussion of SBIC regulations and other matters which members may bring up.

Dated: August 23, 1974.

JOHN JAMESON, *Director, Office of Advisory Councils, Small Business Administration.*

[FR Doc.74-20597 Filed 9-5-74;8:45 am]

SALT LAKE CITY DISTRICT ADVISORY COUNCIL

Notice of Meeting

The Small Business Administration, Salt Lake City District Advisory Council will meet at 9 a.m., Mountain Daylight Time, Friday, September 20, 1974, at the Country Club in Ogden, Utah, to discuss such business as may be presented by members and the staff of the Small Business Administration.

Dated: August 23, 1974.

JOHN JAMESON, *Director, Office of Advisory Councils, Small Business Administration.*

[FR Doc.74-20596 Filed 9-5-74;8:45 am]

[Declaration of Disaster Loan Area 1090]

IOWA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August, because of the effects of a certain disaster, damage resulted to property located in the State of Iowa;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Delaware County, Iowa and adjacent affected areas, suffered damage or destruction resulting from severe storms which occurred during the period August 10–13, 1974. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Office: Small Business Administration, District Office, 210 Walnut Street, Des Moines, Iowa 50309.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to October 25, 1974. EIDL applications will not be accepted subsequent to May 26, 1975.

Dated: August 26, 1974.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.74-20664 Filed 9-5-74;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER.

Current Page Check List, revised June 30, 1974.
Current Temporary Instructions Check List, revised June 30, 1974.
Current Forms Check List and Index, July 1974.
Temporary Instruction No. 632-16.
Temporary Instruction No. 632-17.
Section 680.4, revised July 23, 1974.

BYRON V. PEPITONE, *Director.*

AUGUST 26, 1974.

REGISTRANTS PROCESSING MANUAL

CURRENT PAGE CHECK LIST

Chapter	Page numbers	Date
600	Index 600-1	Oct. 1, 1972
600	1 through 3	Do.
600	Table 600-1	May 18, 1973
600	Check list (page) 600-1a through 600-1e.	June 30, 1974
600	Check list (T.L) 600-2	Do.
601	Index 601-1	July 1, 1973
601	1 through 5	Do.
603	Index 603-1	Jan. 1, 1973
603	1 and 2	May 27, 1972
603	3 and 4	Jan. 1, 1973
603	5 and 6	May 27, 1972
603	7 and 8	Jan. 1, 1973
603	9 and 10	May 27, 1972
603	11 through 17	Jan. 1, 1973
604	Index 604-1	Mar. 30, 1974
604	1 through 10	Do.
608	Index 608-1	Dec. 20, 1973
608	Index 608-2	Oct. 18, 1973
608	1 through 4	Dec. 20, 1973
608	5 through 16	Oct. 18, 1973
608	17 and 18	Dec. 20, 1973
608	19 and 20	Oct. 18, 1973
608	Attachment 608-1	Do.
611	Index 611-1	Aug. 1, 1973
611	1 through 4	Jan. 1, 1973
611	5 and 6	Aug. 1, 1973
612	Index 612-1	Aug. 10, 1973
612	1 through 3	Do.
613	Index 613-1 and 2	Jan. 21, 1974
613	1 through 24	Do.
613	Attachments 613-1 and 613-2	Do.
619	Index 619 -1	Jan. 1, 1973
619	1 and 2	May 31, 1972
619	3	Jan. 1, 1973
619	Attachment 619-1	Undated
621	Index 621-1	Sept. 10, 1973
621	1 through 4	Do.
621	5	Oct. 25, 1973
621	Table 621-1	Sept. 10, 1973
622	Index 622-1 and 2	Sept. 15, 1973
622	1 through 40	Do.
622	Attachment 622-1	Do.
623	Index 623-1	Jan. 21, 1974
623	1 and 2	Aug. 10, 1973
623	3 through 6	Jan. 21, 1974
623	7	Aug. 10, 1973
623	Attachment 623-1	Do.
624	Index 624-1	Jan. 1, 1973
624	1 through 11	Do.
624	Attachments 624-1 and 2	Do.
625	1 and 2	May 1, 1972
625	3 through 5	Sept. 1, 1972
625	Attachment 625-1	Aug. 14, 1972
626	Index 626-1	Apr. 1, 1973
626	1 through 6	Jan. 1, 1973
626	7 through 12	Apr. 1, 1973
626	13	Jan. 21, 1974
626	Attachment 626-1	Apr. 1, 1973
627	Index 627-1	Jan. 1, 1973
627	1 and 2	Jan. 21, 1974
627	3 and 4	Jan. 1, 1973
627	5 and 6	Jan. 21, 1974
627	7 and 8	Jan. 1, 1973
627	9 and 10	Jan. 21, 1974
628	Index 628-1 and 2	Mar. 18, 1974
628	1 through 34	Do.
628	Attachments 628-1 through 8	Do.
630	Index 630-1	Jan. 1, 1973
630	1 through 4	Do.
631	Index 631-1 and 2	Sept. 1, 1973
631	1 and 2	Do.
631	3 and 4	Jan. 1, 1973
631	5 through 13	Sept. 1, 1973
631	Tables 631-3 through 12	Undated
631	Table 631-13	Mar. 20, 1974
631	Table 631-14	Apr. 19, 1974
632	Index 632-1	Sept. 1, 1973
632	1 and 2	Do.
632	3 through 14	Jan. 1, 1973
632	15 through 18	Sept. 1, 1973
632	19 through 26	Jan. 1, 1973
632	27 and 28	Sept. 1, 1973
632	29	Jan. 1, 1973
632	Attachment 632-1	Undated
632	Attachment 632-2	Jan. 1, 1973
632	Attachment 632-3	Sept. 1, 1973
641	Index 641-1	Mar. 4, 1974
641	1 and 2	Do.
641	3 and 4	Jan. 1, 1973
641	5 and 6	Mar. 4, 1974
641	7	Sept. 10, 1973
642	Index 642-1 and 2	Jan. 25, 1974
642	1 through 19	Do.
642	Attachments 642-1 through 6	Undated
643	1 through 5	Oct. 1, 1972
655	Index 655-1	Do.
655	1 through 4	Jan. 1, 1973
655	5 and 6	Oct. 1, 1972
655	7 through 16	Do.
655	Attachments 655-1a through c, 2a and b, and 3a through c.	Dec. 1, 1972
660	Index 660-1	Dec. 20, 1973
660	1 through 6	Dec. 1, 1972
660	7 through 22	Dec. 20, 1973
660	23 through 25	Dec. 1, 1972
660	Attachment 660-1	Jan. 1, 1973
661	Index 661-1	Do.
661	1 through 11	Oct. 22, 1973
670	Index 670-1	Do.
670	1 and 2	Sept. 10, 1973
680	Index 680-1	Do.
680	1 through 18	Do.
680	Attachments 680-1 and 2a through c.	

CURRENT TEMPORARY INSTRUCTIONS CHECK LIST

1. The following list sets forth all current Temporary Instructions as of June 30, 1974. Where two numbers are shown for a Temporary Instruction, it is issued in sufficient quantity so that a copy may be filed under each number.

Temporary instruction number	Date issued or amended	Termination date
Appendix 1-6	July 23, 1973	Upon amendment or rescission.
Appendix 1-7	Oct. 17, 1973	Do.
Appendix 1-8/608-3	Dec. 18, 1973	Upon receipt of revised SSS form 725 or upon rescission thereof.
Appendix 1-10	Jan. 21, 1974	Upon amendment or rescission.
613-2	Dec. 19, 1972	Upon publication of revision to RPM changing references from SSS form 2 and 110 to SSS form 7.
613-6	Apr. 29, 1974	May 31, 1975.
619-3	Mar. 8, 1974	Upon publication of revision of chapter 619, RPM.
621-5/631-14	Mar. 30, 1974	Upon amendment or rescission.
622-3	June 29, 1973	Upon revision of chapters 622 and 619.
622-4	Oct. 15, 1973	Upon amendment or rescission.
622-5/680-2	Nov. 30, 1973	Do.
622-6	Apr. 26, 1974	Do.
632-16	June 17, 1974	Upon receipt of revision to section 632.9 of the RPM.
632-17	do	If notice is received that inductions are to be resumed.

2. All Temporary Instructions not appearing in the above list have been terminated or rescinded.

APPENDIX 1

Current Forms Check List and Index

1. *Introduction.* The following list sets forth all current Selective Service System Operations forms and procedural directives as of June 30, 1974. Only approved Operations forms are listed. No "Test" or temporary forms are included. Also listed are those forms of other agencies used in the processing of registrants. Each listed form and its procedural directive should be filed in Appendix 1 of the Registrant Processing Manual (RPM).

2. *Dates of forms.* a. Dates of forms and procedural directives shown on this check list/index reflect only the month and year of publication.

b. The date shown in the "Date of Form" column is the date of publication of the current edition of the form. When the date shown in the "Date of Form" column is followed by an asterisk (*), the previous edition of the form may be used until exhausted.

3. *Forms listing.* a. SSS Forms and Procedural Directives

V 39 I 174 SEP 6 74 XUM

SSS form number	Title	Date of form	Procedural directive
	RIB OCR forms—General		March 1974 (p. 1), January 1974 (pp. 2–7).
1	Registration card	November 1973*.	January 1973 (pp. 1–4), June 1973 (attachment 1–1).
1—Mailer	do	do	November 1973.
4	Tally sheet	Undated or August 1948.	January 1968.
7	Status card (OCR)	January 1974*.	January 1974 (pp. 1, 2, 4–7) (attachment (pp. 1–4, 6), March 1974 (p. 3) (attachment p. 5).
80	Standby reserve questionnaire	June 1967*.	January 1968.
81	Standby reserve register	August 1960*.	Do.
90	Standby reserve folder	May 1965*.	Do.
100–S	Classification questionnaire, minutes of action continued	October 1954.	Do.
101	Registrant file folder	January 1973.	January 1973.
102	Classification record	October 1964.	October 1970.
102–S	Classification record (supplement)	June 1954.	January 1968.
103	Graduate or professional college student certificate	October 1967.	Do.
103–A	do	do	Do.
109	Student certificate	June 1969.	February 1970.
109–A	do	do	Do.
112	Minutes of local or appeal board meeting	January 1974.	January 1974.
112–A	Minutes of local or appeal board meeting continuation sheet.	do	Do.
114	Order for transfer for classification	Undated or February 1948.	January 1968.
116	Report of manpower inventory	July 1973.	July 1973.
117	Availability of registrants	July 1972.	July 1972.
117–A	Availability of extended priority selection group—Classes 1–A and 1–A–O.	October 1972	None.
118	Dependency questionnaire	March 1969	August 1969.
119	Report of information	February 1974*.	February 1974.
120	Individual appeal record (OCR)	September 1972*.	August 1972 (pp. 1–6, 8, 9), December 1972 (p. 7).
120–A	Action by appeal board	Undated	Undated or August 1971.
121	Docket book of appeal board	Undated or October 1948.	January 1968.
123	Cover sheet transmittal and receipt	Undated or June 1969.	September 1969.
127	Current information questionnaire	January 1973	January 1973.
130	Request for relief from training and service in the armed forces of the United States.	July 1972	Undated.
131	Special form for alien or dual national	do	July 1972.
150	Special form for conscientious objector	April 1972	April 1972.
151	Application of volunteer for alternate service	January 1972	January 1968.
152	Conscientious objector skills questionnaire	December 1971	February 1970.
153	Order to report for alternate service	November 1972	November 1972.
153–A	Amendment to order to report for alternate service	July 1973	July 1973.
154	Certificate of release from alternate service	July 1972	Undated.
156	Employer's statement of availability of job as alternate service.	December 1971	November 1973.
157	Monthly report of availability of class 1–O registrants	May 1973	May 1973.
158	Monthly activity report of class 1–W registrants	do	Do.
172	Special form for divinity student	September 1972	Undated
173	Special form for registrant with court record	do	Do.
174	Special form for surviving son	do	September 1972.
175	Special form for minister of religion	do	Do.
201	Notice of call on local board	July 1973	July 1973.
202	Physical examination call on local board	October 1973	October 1973.
204	Procedural rights notice (OCR)	April 1972	August 1972.
204–A	Notice of decision of local board not to reopen classification (OCR).	do	December 1972 (p. 1), August 1972 (p. 2–7).
205	Inductions and medical determinations	do	July 1972.
220	Record of results of Armed Forces Examination (OCR)	September 1972*	January 1974.
223	Order to report for Armed Forces examination (OCR)	do	Undated.
225	Physical examination list	December 1963	January 1968.
225–A	Physical examination list continuation sheet	September 1960	Do.
230	Transfer for Armed Forces examination	May 1972	May 1972.
252	Order to report for induction (OCR)	December 1971	August 1972.
253	Notice of rescheduled induction reporting date (OCR)	do	Do.
254	Application for voluntary induction	October 1964*	January 1968.
255	Notice of cancellation (OCR)	April 1972	August 1972.
261	Delivery list	August 1960*	January 1971.
261–A	Delivery list continuation sheet	do	Do.
264	Postponement of induction	October 1969*	January 1968.
301	Report of violation	October 1972	January 1974.
305	Notice of confinement or release from confinement	October 1967	January 1968.
340	Appointment of leader or assistant leader	December 1960	Do.
360	Correspondence postal card	August 1958	Do.
364	Employer development contact record	September 1972	Undated.
367	Alternate service control card	do	Do.
368	1–W control card	do	Do.
369	Alternate service employer	do	Do.
710	Charge-out card	June 1956*	January 1968.
711	Locator file charge-out card	July 1954	Do.
720	Request for Armed Forces information	February 1973	February 1973.
721	Transcript of military record	May 1960*	January 1968.
725	Authorization for release of information	March 1966	Do.

b. Forms of Other Agencies:

Form number	Title	Date of form	Date of procedural directive
DD 44	Record of military status of registrant	October 1969	January 1968.
DD 47	Record of induction	June 1970*	Do.
DD 53	Notification of entry into active military service	April 1969	Do.
DD 62	Statement of acceptability	March 1968	Do.
DD 214	Armed Forces of the United States report of transfer or discharge.	November 1972	Do.
DD 215	Correction to DD Form 214, Armed Forces of the United States report of transfer or discharge.	do	Do.
DD 398	Statement of personal history	March 1964*	Do.
DD 689	Standby reserve control	September 1964	Do.
DD 1300	Report of casualty	February 1973	Do.
DD 1343	Notification of change in service member's official records	June 1969	Do.
PHS 1867	Statement of service—Verification of status of commissioned officers of the U.S. Public Health Service.	August 1963	Do.
SF–88	Report of medical examination	April 1968	February 1970.
SF–93	Report of medical history	January 1971	August 1972.

4. *Forms and procedural directives discontinued or suspended.* a. Use of SSS Forms 171, Apprentice Deferment Request, and 392, Local Board Inquiry has been discontinued. The facsimiles of these forms and their associated procedural directive will be withdrawn from Appendix 1 of the RPM and destroyed. Stock balances of the forms will be removed from inventory and destroyed.

b. Submission of SSS Forms 117, 117–A, 157, and 206 has been suspended until further notice.

c. No discontinued, superseded or use-suspended form is to be destroyed unless that destruction authority appears on the current edition of the form or specific written direction to destroy the form is received from National Headquarters. Authorized stocks of use-suspended forms will be maintained pending resumption of use or receipt of written destruction authority from National Headquarters.

5. *Other agency forms.* a. Facsimiles of the current forms of other agencies listed in this check list index will be supplied by National Headquarters as they become available. Until such time as those current facsimiles are received, the version presently contained in Appendix 1 should be retained.

b. The Department of Defense has cancelled use of the DD Form 98, Armed Forces Security Questionnaire. The facsimile of this form and its associated procedural directive will be withdrawn from Appendix 1 of the RPM and destroyed. Stock balances of the form will be removed from inventory and destroyed.

[Temp. Instruction No. 632–16]

Issued: June 17, 1974.

Subject: Change in AFEES Procedures (Collection of Status Cards)

By agreement between the Selective Service System and the United States Army Recruiting Command, the Armed Forces Examining and Entrance Stations (AFEES) will no longer collect the Status Card (SSS Form 7), Registration Certificate (SSS Form 3) or Notice of Classification (SSS Form 110) from a registrant who enters the military service. This is a permanent change of procedure.

This Temporary Instruction will terminate upon receipt of a revision to section 632.9 of the RPM.

BYRON V. PEPITONE

[Temporary Instruction No. 632–17]

Issued: June 17, 1974.

Subject: Change in AFEES Procedures (Submission of DD Form 44).

By agreement between the Selective Service System and the United States Army Recruiting Command, the Armed Forces Examining and Entrance Stations (AFEES) will suspend the practice of submitting a Record of Military Status of Registrant (DD Form 44) when a registrant enlists in a Delayed Entry Program (DEP), but will submit notification when he enters upon active duty. If inductions are reinstated at some future time, AFEES will resume submission of DD Forms 44 for DEP enlistees, including men previously enlisted who have not yet entered upon active duty.

This Temporary Instruction will terminate if notice is received that inductions are to be resumed.

BYRON V. PEPITONE.

Paragraph 5 of section 680.4 is revised, effective July 23, 1974, to read as follows:

5. Through the submission of Status Cards (SSS Form 7) to the Computer Service Center, the Registrant Information Bank (RIB) will receive notice of each medical specialist, identified by specialty. This will enable the RIB to print out reports of medical specialists.

Attachments 680–2a, b, and c (SEP 10, 1973) are rescinded, effective July 23, 1974, and shall be removed from the RPM.

[FR Doc.74–20409 Filed 9–5–74;8:45 am]

VETERANS ADMINISTRATION

ADVISORY COMMITTEE ON STRUCTURAL SAFETY OF VETERANS ADMINISTRATION FACILITIES

Notice of Meeting

The Veterans Administration gives notice pursuant to Public Law 92–463 that a meeting of the Advisory Committee on Structural Safety of Veterans Administration Facilities will be held in Room 442 at the Veterans Administration Central Office, 811 Vermont Avenue, NW., Washington, DC on October 11, 1974 at 10 a.m. The Committee members will review Veterans Administration construction standards and criteria relating to fire, earthquake, and other disaster resistant construction.

The meeting will be open to the public up to the seating capacity of the room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. James Lefter, Director, Civil Engineering Service, Office of Construction, Veterans Administration Central Office (phone 202–389–2868), prior to October 9, 1974.

Dated: August 30, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74–20653 Filed 9–5–74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

ADVISORY COMMITTEE ON WOMEN TO THE SECRETARY OF LABOR

Notice of Meeting

It is hereby announced that a meeting will be held by the Advisory Committee on Women to the Secretary of Labor, pursuant to the Secretary's establishment of the Committee on September 12, 1973 under Sec. 9(c) of the Federal Advisory Committee Act (Pub. L. 92–463).

The meeting will convene at 9:30 on September 24, 1974 in Conference Room B at the rear of the Departmental Auditorium, between 12th and 14th Streets on Constitution Avenue NW., Washington, D.C. It will be reconvened at 9:30 a.m. on September 25 in Conference Room B.

Subjects to be discussed during the meeting will be: Review of Agenda, Recommendations and Proposals made by the Committee members at the previous meeting; New Directions in Employment Service; Pension Legislation; Equal Employment Opportunity; International Women's Year; and the Intradepartmental Coordinating Committee on Women.

Members of the public are invited to attend the discussions. Any written data, views, or arguments pertaining to the agenda must be received on or before September 17, 1974 by the Committee's executive secretary. Twenty-five duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

Persons wishing to address the Committee members during the meeting should submit to the executive secretary no later than September 17, 1974, a request to be heard, stating the nature of their intended presentation and the amount of time needed. The chairman will announce at the beginning of the meeting the extent to which time will permit the granting of such reguests.

Communications to the executive secretary should be addressed as follows:

Elaine M. Ambrose, Executive Secretary, Advisory Committee on Women to the Secretary of Labor, Department of Labor Building, Room 1335, Washington, D.C. 20210.

Signed at Washington, D.C., this 30th day of August 1974.

CARMEN R. MAYMI,
Director, Women's Bureau and Executive Director, Advisory Committee on Women to the Secretary of Labor.

[FR Doc.74–20579 Filed 9–5–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 70]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

AUGUST 30, 1974.

The following applications (except as otherwise specifically noted, each appli-

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cant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commissions' rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC-2368 (Sub-No. 42), filed August 12, 1974. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Harry C. Ames, Jr., 666 11th Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Richmond, Va., to points in West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 2780 (Sub-No. 5), filed August 5, 1974. Applicant: HORN'S MOTOR EXPRESS, INC., 2020 Lincoln Way East, Chambersburg, Pa. 17201. Applicant's representative: John M. Musselman, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except high explosives, household goods when transported as a separate and distinct service in connection with so-called household moving, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving York, Pa. and Newberrytown, Pa., as off-route points in connection with applicant's regular route authority between Harrisburg, Pa. and Baltimore, Md., restricted to traffic having a prior or subsequent movement by interline.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa. or Washington, D.C.

No. MC 4405 (Sub-No. 512), filed August 6, 1974. Applicant: DEALERS TRANSIT, INC., 2200 E 170th Street, P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Control modules and control vans and parts* thereof, from Pittsburgh, Pa., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC-10761 (Sub-No. 268), filed August 14, 1974. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 5650 Foremost Drive SW., Grand Rapids, Mich. 59506. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of Hiram Walker & Sons, Inc., at or near Delavan, Ill., as an off-route point in connection with applicant's operations via Peoria, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Peoria, Ill.

No. MC 18121 (Sub-No. 16), filed August 5, 1974. Applicant: ADVANCE TRANSPORTATION COMPANY, a Corporation, 5005 South Sixth Street, Milwaukee, Wis. 53221. Applicant's representative: Eugene L. Cohn, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical transformers and parts thereof*, between the plantsites and warehouses of R.T. & E. Corp., at or near Waukesha, Wis. and Pewaukee, Wis., on the one hand, and, on the other, points in Illinois, restricted to transportation of shipments originating at and destined to the above named points.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC-18416 (Sub-No. 19), filed August 5, 1974. Applicant: CLAWGES TRANSFER CO., a Corporation, 695 University Avenue, Morgantown, W. Va. 26505. Applicant's representative: James W. Lawson, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Parkersburg and Clarksburg, W. Va.: From Parkersburg over U.S. Highway 50 to Clarksburg, serving no intermediate points; (2) Between Clarksburg, W. Va. and the junction of U.S. Highway 50 and Interstate Highway 79: From Clarksburg over U.S. Highway 50 to junction Interstate Highway 79, serving no intermediate points; and (3) Between Morgantown, W. Va., and the junction of Interstate Highway 79 and U.S. Highway 33: From Morgantown over Interstate Highway 79 to junction U.S. Highway 33, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Morgantown, W. Va. or Washington, D.C.

No. MC 19227 (Sub-No. 203), filed July 5, 1974. Applicant: LEONARD BROS., TRUCKING CO., INC., 2515 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles*, ½ ounce, round, empty, from plants located at or near Millville, N.J. and Baltimore, Md., to Dallas, Tex.

NOTE.—Common control was approved in No. MC-FC-734181 and No. MC-FC-74615. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 25798 (Sub-No. 264), filed August 1, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery and advertising and promotional materials* when moving in mixed loads with candy and confectionery, from Freehold, N.J., to points in Virginia, North Carolina, South Carolina, Georgia, and Florida.

NOTE.—Common control was approved in No. MC-F-8953. If a hearing is deemed necessary, the applicant requests it be held at either Tampa, Fla., or Washington, D.C.

No. MC 28060 (Sub-No. 27), filed July 26, 1974. Applicant: WILLERS, INC., doing business as WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, S. Dak. 57101. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, as defined by the Commission in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from Sioux Falls, S. Dak., to points in Colorado, restricted to traffic originating at the plantsite or storage facilities of John Morrell and Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis-St. Paul, Minn. or Chicago, Ill.

No. MC 35628 (Sub-No. 362), filed July 31, 1974. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville, SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Uniroyal, Inc. near Port Clinton, Ohio as an off-route point in connection with applicant's existing authority.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC-40978 (Sub-No. 23), filed August 12, 1974. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, a Corporation, 3321 Business 141 South, Sheboygan, Wis. 53081. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New institutional, household, and office furniture, fixtures, and equipment*, (1) from points in Minnesota, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin; and (2) from points in the Upper Peninsula of Michigan, to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 50069 (Sub-No. 492), filed August 5, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon (Toledo), Ohio 43616. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar emulsions*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Georgia, Illinois, Indiana, Kentucky, Michigan, Nebraska, Pennsylvania, Tennessee, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC-52657 (Sub-No. 718), filed July 25, 1974. Applicant: ARCO AUTO CARRIERS, INC., 1240 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailer converter dollies*, in truckaway service, *motor vehicle bodies, packers, cargo containers, refuse containers, storage containers, and materials handling containers, and materials, supplies, and parts* (except commodities in bulk) used in the manufacture, assembly, and servicing thereof, from Fort Payne, Ala., to points in Indiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or Chicago, Ill.

No. MC 52657 (Sub-No. 720), filed July 31, 1974. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. S. Eisen, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, and buses* as described in the report to the Commission in *Descriptions in Motor carrier Certificates*, 61 M.C.C. 209 and 766, in secondary movements, in truckaway service, from Wilmington, Del., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, North Carolina, South Carolina, and the District of Columbia; and (2) *wrecked, disabled, and rejected vehicles*, on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC-53965 (Sub-No. 102), filed August 12, 1974. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, P.O. Box 838, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, Kans. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washing, cleaning, and scouring compounds, soap and soap products, textile softeners, syrup-nonmedicated, shortening, margarine, vegetable oil compound, aerated, toilet preparations, and dessert preparations* (except commodities in bulk), from the plant and warehouse facilities of Lever Brothers Company, located in the Commercial Zone of St. Louis, Mo., and East St. Louis, Illinois, to points in Kansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Kansas City, or St. Louis, Mo.

No. MC-56170 (Sub-No. 3), filed July 31, 1974. Applicant: HENDERSON TRUCKING, INC., 173 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet goods and cosmetics, and raw materials, supplies, and equipment* used in the manufacture and sale thereof, *machinery, office furniture, printed materials and premiums* incidental to the sale of toilet goods and cosmetics, from South Kearny, N.J. and North Bergen, N.J., to West Nyack, N.Y., and Rye, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y. or Newark, N.J.

No. MC 59583 (Sub-No. 143), filed August 2, 1974. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), serving the Holiday Industrial Park in DeSoto County, Miss. as an off-route point in connection with applicant's regular-route operations to and from Memphis, Tenn.

NOTE.—Common control was approved in No. MC-F-6347. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC-61396 (Sub-No. 272), filed July 31, 1974. Applicant: HERMAN

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BROS. INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: Steve Cipich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Tennessee, Mississippi, Arkansas, and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr. or Memphis, Tenn.

No. MC 61592 (Sub-No. 321), filed August 6, 1974. Applicant: JENKINS TRUCK LINE, INC., Rural Route 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, Moline Branch Office, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, from Wilton, Iowa, to points in the United States (except Alaska and Hawaii) and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the above specified commodities (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to Wilton, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 71459 (Sub-No. 44), filed August 6, 1974. Applicant: O.N.C. FREIGHT SYSTEMS, 2800 West Bayshore Road, P.O. Box 10280, Palo Alto, Calif. 94303. Applicant's representative: Roland Rice, Suite 618, Perpetual Bldg., 1111 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Amarillo, Tex.

No. MC 72243 (Sub-No. 44), filed August 9, 1974. Applicant: THE AETNA FREIGHT LINES, INC., 2507 Youngstown Road, P.O. Box 350, Warren, Ohio 44482. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, pipe, fittings, valves, hydrants and equipment, materials, and supplies* used or useful in the installation thereof, from the plantsite and storage facilities of Mueller Co. at or near Chattanooga, Tenn., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia, restricted to traffic originating at said plantsite and storage facilities and destined to points in the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 73165 (Sub-No. 352), filed August 9, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33rd Street, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boilers and parts, attachments, and accessories* for boilers, from Danville, Ky., to points in the United States (except Alaska and Hawaii), and (2) *equipment, materials, and supplies* (except commodities in bulk) used in the manufacture and distribution of the articles named in (1) above, from points in the United States (except Alaska and Hawaii), to Danville, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 74321 (Sub-No. 104), filed August 2, 1974. Applicant: B. F. WALKER, INC., P.O. Box 17-B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel reinforcing bars, smooth rounds, and grinding balls*, from the plantsite and storage facilities of Border Steel Rolling Mills, Inc., located at or near El Paso, Tex., to points in Colorado, New Mexico, Utah, Kansas, Oklahoma, Arkansas, Montana, Wyoming, and Nebraska, and (2) *materials, equipment, and supplies* used in the manufacture of iron and steel reinforcing bars, smooth rounds, and grinding balls, from points in Colorado, California, Arizona, New Mexico, Utah, Kansas, Oklahoma, Arkansas, Montana, Wyoming, and Nebraska, to the plant and storage facilities of Border Steel Rolling Mills, Inc., at or near El Paso, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either El Paso, Tex. or Denver, Colo.

No. MC 83835 (Sub-No. 117), filed August 9, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of Chaparral Steel Company, Inc., Ellis County, Tex., to points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma and Tennessee; and (2) *Scrap iron and steel*, including scrap automobile bodies, from points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma and Tennessee, to the plantsite and storage facilities of Chaparral Steel Company, Inc., Ellis County, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 86247 (Sub-No. 5), filed August 8, 1974. Applicant: I.C.L. INTERNATIONAL CARRIERS LIMITED, 1333 College Avenue, Windsor, Ontario, Canada, N9C 3Y9. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from Rockwood, Mich. and Vassar, Mich., to Ports of entry on the International Boundary Line between the United States and Canada, located at Port Huron, Mich. and Detroit, Mich., restricted to shipments destined to points in Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC-94350 (Sub-No. 354), filed August 2, 1974. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood R. at Transit Dr., Greenville, South Carolina 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, in initial movements, from points in the United States (except Alaska and Hawaii), and (2) *trailers* designed to be drawn by passenger automobiles, in initial movements, and, *buildings*, in sections, mounted on wheeled undercarriages, from points in Woodbury County, Iowa, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 99569 (Sub-No. 4), filed August 1, 1974. Applicant: STOTT & DAVIS MOTOR EXPRESS, INC., P.O. Box 186, 18 Garfield Street, Auburn, N.Y. 13021. Applicant's representative: Norman M. Pinsky, 345 South Warren Street, Syracuse, N.Y. 13202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Onondaga, Cayuga, Courtland, and Oswego Counties, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Syracuse, N.Y.

No. MC 103051 (Sub-No. 319), filed August 2, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave. North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay slurry and black liquor skimmings*, in bulk, in tank vehicles, from points in Georgia (except Decatur and Thomas Counties), to Franklin, Va.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn., or Atlanta, Ga.

No. MC 103051 (Sub-No. 320), filed August 2, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Ave., North, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil and black liquor skimming*, in bulk, in tank vehicles, from Franklin, Va., to Savannah, Ga.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn. or Atlanta, Ga.

No. MC 103435 (Sub-No. 221) (Correction), filed July 8, 1974, published in the FEDERAL REGISTER issue of August 15, 1974, and republished as corrected this issue. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince St., P.O. Box 192, Littleton, Colo. 80120. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Great Bend, Kans. and Denver, Colo., serving no intermediate points and serving Denver, Colo., for the purpose of joinder, or for the purpose of interline with Ringsby Truck Lines, Inc. only: From Great Bend, Kans., over U.S. Highway 281 to junction Interstate Highway 70, thence over Interstate Highway 70 to Denver, and return over the same route.

NOTE.—The purpose of this republication is to indicate that applicant does not seek authority for intermediate point service. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo. or Wichita, Kans.

No. MC-103498 (Sub-No. 42), filed August 9, 1974. Applicant: W. D. SMITH TRUCK LINE, INC., P.O. Drawer C, DeQueen, Ark. 71832. Applicant's representative: Donald T. Jack, Jr., 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from Silsbee, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 103926 (Sub-No. 38), filed August 5, 1974. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a Corporation, 1560 Bankhead Highway, NW., P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: Wm. H. Driskell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes, crane attachments, and accessories and parts* for such commodities when moving incidentally thereto as part of the same shipment, from Horry County, S.C., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Washintgon, D.C., or Charleston, S.C.

No. MC 105045 (Sub-No. 52), filed August 5, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box No. 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sewage treatment equipment and sewage pumping equipment* which by reason of size or weight require the use of special equipment, from points in Cambria County, Pa., to points in Connecticut, Florida, Maryland, Massachusetts, Maine, Michigan, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC-105813 (Sub-No. 197), filed August 12, 1974. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible flour*, from points in New York to points in Florida, Georgia, North Carolina, and South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 106398 (Sub-No. 709), filed July 29, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Box Elder County, Utah, to points in Montana, Wyoming, Nevada, Colorado, New Mexico, Arizona, and Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 106398 (Sub-No. 710), filed August 2, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels;* (3) *parts and accessories* used in the installation and completion of the commodities in (1) and (2) above; and (4) *metal prefabricated structural components and panels and accessories* used in the installation and completion thereof, from the plantsite and storage facilities of Armco Steel Corporation in Gregg County, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC-106398 (Sub-No. 711), filed July 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Richland Parish, La., to points in Alabama, Arkansas, Kentucky, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Shreveport, La.

No. MC 106603 (Sub-No. 136), filed August 9, 1974. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Centerville, Iowa, to points in Alabama, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, from points in Alabama, Illinois, Indiana, Kentucky, Michigan, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee and Wisconsin, to Centerville, Iowa.

NOTE.—Applicant holds contract carrier authority in Docket No. MC-46240 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

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No. MC-106688 (Sub-No. 23), filed July 19, 1974. Applicant: EDWARD M. RUDE CARRIER CORP., R.F.D. No. 1, Falling Waters, W. Va. 25419. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nitro carbo nitrate*, from Sullivan, W. Va., to points in Maine, Massachusetts, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, Tennessee, Kentucky, Ohio, the District of Columbia and Van Wyck, S.C., under a continuing contract or contracts with E. I. DuPont de Nemours and Company.

NOTE.—Applicant holds common carrier authority in MC-113499, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Wilmington, Del., or Washington, D.C.

No. MC-107295 (Sub-No. 731), filed July 29, 1974. Applicant: PRE-FAB TRANSIT, CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels*, (3) *parts and accessories*, used in the installation and the completion of commodities in (1) and (2) above; and (4) *metal prefabricated structural components and panels and accessories* used in the installation and completion thereof; from the plantsite and storage facilities of Armco Steel Corporation located in Gregg County, Tex.; to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 107295 (Sub-No. 733), filed August 1, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment, switches, and transformers*, from Greenville, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 107295 (Sub-No. 734), filed August 2, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Silsbee, Tex., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC-107295 (Sub-No. 735), filed August 2, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Midlothian, Tex., to points in Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas; and (2) *materials, equipment, and supplies*, used in the manufacture and processing of iron and steel articles, from points in Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas, to Midlothian, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC-107403 (Sub-No. 914), filed August 9, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Landsdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Universal, Pa., to points in Ohio, Indiana, Massachusetts, New Jersey, New York, and West Virginia.

NOTE.—Common control was approved in Docket No. MC-F-10612. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC-107445 (Sub-No. 7), filed July 22, 1974. Applicant: UNDERWOOD MACHINERY TRANSPORT, INC., 940 West Troy Avenue, Indianapolis, Ind. 46225. Applicant's representative: K. Clay Smith, P.O Box 33051, Indianapolis, Ind. 46203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation at Lackawana, N.Y., to points in Illinois, Indiana, Ohio, Michigan, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Pittsburgh, Pa.

No. MC 107495 (Sub-No. 965), filed August 5, 1974. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Flour*, in bulk, from Kansas City, Mo., to points in Iowa; (2) *sugar, corn syrup, and blends thereof*, in bulk, from Memphis, Tenn., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Missouri, Kentucky, and Oklahoma; (3) *chemicals*, in bulk, in tank or hoppertype vehicles, between Union, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Minnesota, Missouri, New York, Ohio, Wisconsin, Tennessee, Texas, Montana, Kentucky, New Jersey, and Maryland.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa or Kansas City, Mo.

No. MC 107515 (Sub-No. 938), filed August 5, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carpet and carpet products*, from Winchester, Tenn., to points in Louisiana, Oklahoma, and Texas; and (2) *carpet, yarn, and textile products*, from Ringgold, Ga., to points in Florida.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 107515 (Sub-No. 940), filed August 5, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unexposed photographic paper*, in vehicles equipped with mechanical refrigeration, from Carlstadt, N.J., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC-107515 (Sub-No. 941), filed August 9, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, meats, and meat products* (except hides and commodities in bulk), from points in Colorado, to points in the United States in and east of Ohio, Kentucky, Tennessee, Mississippi, and Louisiana (except Maine, New Hampshire, and Vermont).

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 108523 (Sub-No. 6), filed August 5, 1974. Applicant: POLMAN TRANSFER, INC., Rt. No. 3, Wadena, Minn. 56482. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cut lumber*, treated with creosote and other materials, or untreated; *wooden posts, poles, pilings, and snow fence; bridges*, wooden, in sections; *hardware, bridge assembly; banding or cable, steel; compounds* (except in bulk), *wood treating; and salt*, between Cass Lake and Grand Rapids, Minn. and Whitewood, S. Dak., on the one hand, and, on the other, points in North Dakota, Iowa, Kansas, Missouri, Illinois, Michigan, Minnesota, Montana, New Jersey, Pennsylvania, Ohio, New York, Wyoming, Colorado, Nebraska, Indiana, Wisconsin, South Dakota, and Idaho, under a continuing contract or contracts with Wheeler Division-St. Regis Paper Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 108884 (Sub-No. 31), filed August 5, 1974. Applicant: ROGERS TRANSFER, INC., Route 46, P.O. Box 175, Great Meadows, N.J. 07838. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Erie County, N.Y., to points in Maryland, Delaware, Pennsylvania, New York on and east of Interstate Highway 81, New Jersey, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 109689 (Sub-No. 279), filed August 2, 1974. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulfuric acid*, from Conda, Idaho, to points in Arizona, California, Colorado, Nevada, Oregon, Utah, and Wyoming; and (2) *cleaning, scouring, or washing compounds*, in boxes, when shipped in conjunction with sodium bicarbonate, sodium carbonate, and sodium borate products, from Alchem, Wyo., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 110420 (Sub-No. 720), filed August 9, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, varnish, resin, and related articles*, in bulk, in tank vehicles, from Chicago Heights, Ill., to points in Indiana, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110420 (Sub-No. 721), filed August 9, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrol corn sugar final molasses*, in bulk, in tank vehicles, from Chicago, Ill., Pekin, Ill., and North Kansas City, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110563 (Sub-No. 142), filed August 1, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747 (Ohio Building), Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mechanical refrigerated equipment (except commodities in bulk), from St. Louis, Mo. and E. St. Louis, Ill., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsites and warehouse facilities of PVO International, located at or near the above origin points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 110686 (Sub-No. 47), filed August 2, 1974. Applicant: McCORMICK DRAY LINE, INC., Avis, Pa. 17721. Applicant's representative: David A. Sutherland, 2001 Massachusetts Avenue, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beds, cots, and bed and cot parts*, from Harvey, Ill., to Columbia, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be handled under Modified Procedure.

No. MC 111545 (Sub-No. 204), filed August 7, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and *buildings*, in sections, from Reform, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 112822 (Sub-No. 340), filed August 2, 1974. Applicant: BRAY LINES, INC., 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides, herbicides, and chemicals* (except commodities in bulk), from the plantsite of Monsanto Company, located at or near Muscatine, Iowa, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held on consolidated record at the same time and the same place as other similar applications.

No. MC-112822 (Sub-No. 341), filed August 5, 1974. Applicant: BRAY LINES INC., 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared edible flour*, from the plantsite of Modern Maid Food Products, Inc., located at or near Evansville, Ind., to points in Alabama, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Kansas, Kentucky, Missouri, Ohio, Oregon, Texas, Washington, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky. or Chicago, Ill.

No. MC 113459 (Sub-No. 87), filed August 9, 1974. Applicant: H. J. JEFFRIES TRUCK LINES, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of Chaparral Steel Company, Inc., located in Ellis County, Tex., to points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee, and (2) *scrap iron and steel, including scrap automobile bodies*, from points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee, to the plantsite and storage facilities of Chaparral Steel Company, Inc. located in Ellis County, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 113459 (Sub-No. 88), filed August 9, 1974. Applicant: H. J. JEFFRIES TRUCK LINES, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Ap-

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plicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings* complete, knocked down, or in sections, and (2) *building sections and building panels*, and (3) *parts and accessories* used in the installation and completion of commodities in (1) and (2) above, and (4) *metal prefabricated structural components and panels and accessories* used in the installation and completion thereof, from the plantsite and storage facilities of Armco Steel Corporation in Gregg County, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 113459 (Sub-No. 89), filed August 12, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refined copper and materials and supplies* used in the manufacture and distribution of refined copper; and (2) *metal of extraordinary value*, between Amarillo, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 113651 (Sub-No. 176), filed August 1, 1974. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, N.Y., Port Newark, N.J., and Baltimore, Md., to points in Wisconsin, Iowa, Illinois, Indiana, Ohio, Michigan, and Pittsburgh, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 114194 (Sub-No. 177), filed August 12, 1974. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, including flakes, granules, lumps, pellets, powder, or solid mass (except expanded), in bulk, from Mt. Vernon, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Indianapolis, Ind.

No. MC 114273 (Sub-No. 216), filed August 5, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk in tank vehicles, from Denver, Colo., to points in Virginia, North Carolina, South Carolina, Pennsylvania, New York, New Jersey, Delaware, Maryland, West Virginia, Connecticut, New Hampshire, Vermont, Maine, Rhode Island, Ohio, Michigan, Indiana, Massachusetts, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 202), filed August 1, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: James C. Hardman, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Container closures*, from Chicago, Ill., to points in Minnesota, Iowa, Missouri, Kansas, Nebraska, North Dakota, and South Dakota, restricted to traffic originating at Chicago, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill. or St. Paul, Minn.

No. MC 114552 (Sub-No. 104), filed August 9, 1974. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the facilities of Evans Products Company, at Chesapeake, Va., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbia, S.C.

No. MC 115092 (Sub-No. 33), filed August 2, 1974. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, Utah, 84078. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the plantsite and warehouse facilities of PPG Industries, Inc. located at or near Wichita Falls, Tex., to points in the United States in and west of Louisiana, Arkansas, Missouri, Illinois, Wisconsin, and Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa., or Dallas, Tex.

No. MC–115524 (Sub-No. 27), filed July 26, 1974. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road NE., Albuquerque, N. Mex. 87107. Applicant's representative: James E. Snead, P.O. Box 2228, 215 Lincoln Ave., Santa Fe, N. Mex. 87501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing products and insulating materials*, including composition or prepared roofing, *asphalt shingles and composition or asphalt building board and asphalt* (except in bulk), from Ponca City, Okla. and El Paso, Tex., to points in Arizona, Colorado, and New Mexico; (2) *forest products and byproducts, including lumber, plywood, particleboard, hardboard, shingles, flooring, millwork, molding, doors and windows, and frames and accessories* used in the installation thereof (except in bulk), from points in California, Oregon, and Washington, to points in Arizona, Colorado, and New Mexico; and (3) *lumber and lumber products*, from points in Nevada, South Dakota, Utah, and Wyoming, to points in Arizona, Colorado, and New Mexico, under a continuing contract or contracts with Sagebrush Sales Company.

NOTE.—Common control may be involved. Applicant holds common carrier authority in MC–135082 and subs thereunder, therefore dual operations may also be involved. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex. or Phoenix, Ariz.

No. MC–116273 (Sub-No. 186), filed August 13, 1974. Applicant: D. & L. TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lubrication oil*, in bulk, in tank vehicles, from Flint, Mich., to points in Massachusetts, Indiana, Ohio, Pennsylvania, and New York; and (2) *spent lubricating oil*, in bulk, in tank vehicles, from points in Massachusetts, Indiana, Ohio, Pennsylvania, and New York, to Detroit, and Flint, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC–116544 (Sub-No. 152), filed August 6, 1974. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 2619 N Street, P.O. Box 7364, South Omaha, Nebr. 68107. Applicant's representative: Roland Rice, 1111 E St., NW., Suite 618, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed*

by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Amarillo, Tex.

No. MC 116915 (Sub-No. 13), filed August 8, 1974. Applicant: ECK MILLER TRANSPORTATION CORPORATION, P.O. Box 1279, Owensboro, Ky. 42301. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as require the use of special equipment by reason of size or weight, and *parts thereof*, when moving in connection therewith, *aluminum and aluminum products, pipe* and *materials, equipment, and supplies* used in the manufacture, installation, or distribution of the foregoing commodities between points in Alabama, Georgia, and Tennessee, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Louisville, Ky.

No. MC–117940 (Sub-No. 143), filed August 7, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Titanium dioxide*, in containers, from Sayreville, N.J. and St. Louis, Mo., to points in Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, West Virginia, Wisconsin, and Denver, Colo.

NOTE.—Applicant holds contract carrier authority in MC–114789 sub 1 and other subs, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Minneapolis, Minn.

No. MC 117940 (Sub-No. 144), filed August 8, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen, from Winchester, Va., to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama, Kentucky, and Florida.

NOTE.—Applicant holds contract carrier authority in MC 114789 sub 1 and other subs, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Minneapolis, Minn.

No. MC–117940 (Sub-No. 145), filed August 5, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and foodstuffs* in mechanically refrigerated vehicles, from Madison, Wis., to Shreveport, La. and points in Texas.

NOTE.—Applicant holds contract carrier authority in MC–114789 sub 1 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 118089 (Sub-No. 17), filed August 5, 1974. Applicant: ROBERT HEATH TRUCKING, INC., 2909 Avenue C, P.O. Box 2501, Lubbock, Tex. 79408. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Arkansas, Arizona, California, Colorado, Connection, District of Columbia, Florida, Georgia, Idaho, Kansas, Louisiana, Maryland, Massachusetts, Mississippi, Montana, New Mexico, New Jersey, New York, Nevada, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 118142 (Sub-No. 75), filed August 9, 1974. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages*, in containers, and *related advertising material*, from the plantsite of the Schlitz Brewery Company at Memphis, Tenn., to Emporia, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC–118142 (Sub-No. 77), filed August 12, 1974. Applicant: M. BRUENGER & CO., INC., 6250 N. Broadway, Wichita, Kans. 67219. Applicant's representative: M. Bruenger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and commodities used by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Wichita, Kans., and points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wichita, Kansas or Kansas City, Mo.

No. MC 118142 (Sub-No. 78), filed August 5, 1974. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and manufacturing facilities of Cudahy Foods Co., at Wichita, Kans., to Denver, Colo., restricted to shipments to Denver, Colo., to those moving at the same time and in the same vehicle with shipments to points in Utah and California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC–118959 (Sub-No. 117), filed August 5, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick, Cape Girardeau, Mo. 63701. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets and parts and accessories* thereof, from Richmond, Ind., to points in Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118989 (Sub-No. 114), filed July 26, 1974. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers*, and *container ends*, from Obetz, Ohio, to points in Michigan, Indiana, Kentucky, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, and Missouri.

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NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119443 (Sub-No. 31), filed July 29, 1974. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, N.J. 08343. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate products, chocolate liquor, confectioner's products, and cocoa butter*, in bulk, in tank vehicles, from Dover, Del., to points in Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119619 (Sub-No. 73), filed August 2, 1974. Applicant: DISTRIBUTORS SERVICE CO., a Corporation, 2000 West 43rd Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, between the plantsites and storage facilities of Rich Products Corp., of Buffalo, N.Y., on the one hand, and, on the other, points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Massachusetts, New Jersey, Pennsylvania, Connecticut, and Rhode Island.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC–119656 (Sub-No. 32), filed July 26, 1974. Applicant: NORTH EXPRESS, INC., 219 E. Main Street, Winamac, Ind. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal tubing*, (1) from Indianapolis, Ind., to points in Michigan, Ohio, Illinois, and Kentucky; and (2) from points in Michigan, Ohio, Illinois, and Kentucky, to Indianapolis, Ind.

NOTE.—Applicant states it intends to tack the authority requested in (1) and (2) above at the plantsite of Tubular Sales, located at or near Indianapolis, Ind., to provide service between points in Michigan, Ohio, Illinois, and Kentucky in non-radial movements. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 119815 (Sub-No. 16), filed August 8, 1974. Applicant: INTERSTATE HIGHWAY EXPRESS, INC., 814 Norton Avenue, Bedford, Ind. 47421. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coiled sheet, flat sheet, corrugated sheet, lineal shapes, marine wall, bin wall, docks, corlix pipe, riveted pipe, structural plate, pipe end sections, and other miscellaneous metal products and supplies* (except in bulk), between the plantsite of the Kaiser Aluminum & Chemical Corporation located at Bedford, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Kaiser Aluminum & Chemical Corporation of Bedford, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind. or Washington, D.C. or Los Angeles, Calif.

No. MC–123194 (Sub-No. 6), filed August 9, 1974. Applicant: SPRAGUE, INC., 7300 West 15th Ave., Gary, Ind. 46406. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food ingredients, food products, pet foods, and commodities* used or usuable in the dispensing of food and food products, from Chicago, Ill., to Indianapolis, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 123407 (Sub-No. 193), filed August 9, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from the plantsite of Eastmont Forest Products, Inc., located at or near Ashland, Mont., to points in Kansas, Indiana, Ohio, Michigan, Missouri, and Illinois.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont. or Washington, D.C.

No. MC–123407 (Sub-No. 194), filed August 13, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, skids, bases, bores, crates, crating, veneer, baskets, treads, risers, sills, molding, cardboard cartons, nails, flooring, lumber, treated poles, treated piling, treated lumber, treated crossarms, and treated crossties*, from points in Louisiana, Texas, Arkansas, Oklahoma, and Mississippi to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Washington, D.C.

No. MC–123407 (Sub-No. 195), filed August 13, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and lumber products* (except commodities in bulk, in tank vehicles), from points in Sheridan County, Wyo., to points in Missouri.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., or Washington, D.C.

No. MC–123407 (Sub-No. 196), filed August 12, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert Loser, Chamber of Commerce Building, 320 North Meridian Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellular vitreous* (commonly known as glass foam insulation), from the plant site of PPG Industries, Inc., at or near Sedalia, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Washington, D.C.

No. MC–123819 (Sub-No. 37), filed August 1, 1974. Applicant: ACE FREIGHT LINE, INC., P.O. Box 2103, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, Suite 101 Emerson Center, 2814 New Spring Rd., Atlanta, Ga. 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Alma and Van Buren, Ark., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Louisiana, Mississippi, Arkansas, and Oklahoma.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark.; Tulsa, Okla.; or Little Rock, Ark.

No. MC 124078 (Sub-No. 606), filed August 5, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral spirits*, in bulk, in tank vehicles, between Douglasville, Ga., on the one hand, and, on the other, Jacksonville, Largo, Orlando, Pompano Beach, and Tampa, Fla.; Athens, Dolomite, and Prichard, Ala.; and Jackson, Miss.; (2) *fly ash*, in bulk, in tank vehicles, from Oak Creek, Wis., to points in Lake, Porter, La Porte, St. Joseph, and Elkhart Counties, Ind.; and (3) *fly ash*, from Wilsonville, Ala., to Cleveland, Ohio.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga. or Chicago, Ill.

No. MC 124078 (Sub-No. 607), filed July 3, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Macon, Ga., to Berryville, Ark., Elgin, Ill., Jackson, Miss., Cincinnati, Ohio, Marysville, Ohio, Baton Rouge, La., Detroit, Mich., Staten Island, N.Y., Bristol, Tenn., Chattanooga, Tenn., Jackson, Tenn., and Shelbyville, Tenn., and Dallas, Tex.

NOTE.—Applicant holds contract carrier authority in MC 113832 (Sub-No. 68) therefore dual operations may be involved. Common control was approved in MC–F–9737. If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati, Ohio, or Atlanta, Ga.

No. MC 124078 (Sub-No. 609), filed July 31, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Macon, Ga., to points in Wisconsin.

NOTE.—Common control was approved in No. MC–F–9737. Applicant holds a motor contract carrier permit in No. MC–113832 (Sub-No. 68), however dual operations do not appear to be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio or Atlanta, Ga.

No. MC 124154 (Sub-No. 63), filed August 1, 1974. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, Ga. 31702. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals, and agricultural chemical materials*, in containers, (1) from points in Dale County, Ala., to points in Arkansas, Delaware, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, Nebraska, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and Wisconsin; and (2) from points in Lawrence County, Ark., to points in Alabama, Illinois, Indiana, Iowa, Louisiana, Minnesota, Mississippi, Missouri, Wisconsin, Tennessee, Oklahoma, Kansas, Nebraska, Texas, and Colorado.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Albany or Atlanta, Ga., or Birmingham, Ala.

No. MC–124211 (Sub-No. 251), filed August 1, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) REGULAR ROUTES: *Such commodities* as are dealt in and used by banking and financial institutions, serving points in Burt and Madison Counties, Nebr. as off-route points in connection with carrier's authorized regular route operations; and (B), IRREGULAR ROUTES: (1) *Such commodities* as are dealt in and used by banking and financial institutions, between points in Burt and Madison Counties, Nebr., on the one hand, and, on the other, points in California and Texas; and (2) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Clarinda, Iowa, to points in Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 124221 (Sub-No. 47), filed July 18, 1974. Applicant: HOWARD BAER, P.O. Box 27, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bakery goods and advertising and display materials* when shipped in mixed loads with bakery goods, from St. Louis, Mo., Columbus and Cleveland, Ohio, Detroit, Mich., Roanoke, Va., Indianapolis, Ind., and Memphis, Tenn., to Atlanta, Ga., Charleston, W. Va., Cincinnati, Cleveland, and Columbus, Ohio, Detroit and Grand Rapids, Mich., Fort Wayne and Indianapolis, Ind., Peoria, Ill., Louisville, Ky., St. Louis and Kansas City, Mo., Pittsburgh, Pa., Memphis and Nashville, Tenn., Little Rock, Ark., and Roanoke, Va., restricted to traffic originating at Kroger bakeries and destined to Kroger distribution facilities and stores, and (2) *shipments* of outdated or unsold merchandise on return, under a continuing contract or contracts with the Kroger Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Chicago, Ill. or Washington, D.C.

No. MC–124692 (Sub-No. 138), filed August 2, 1974. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic fiberglass siding, sheets, and panels and accessories and material*, used in the installation thereof, from the plant and warehouse facilities of Artcraft, Inc., located at or near Berlin, Wis., to points in Washington, Oregon, California, Nevada, Idaho, Montana, Utah, Arizona, Wyoming, New Mexico, North Dakota, and South Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at (1) Milwaukee, Wis.; (2) Chicago, Ill.; or (3) St. Paul, Minn.

No. MC–124774 (Sub-No. 92), filed July 29, 1974. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, Nebr. 68117. Applicant's representative: Clifford J. Polts (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plant site and/or storage facilities utilized by Iowa Beef Processors, Inc. at or near Amarillo, Tex., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Chicago, Ill.

No. MC 124796 (Sub-No. 132), filed August 1, 1974. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials, equipment, and supplies* utilized in the manufacture, sale, and distribution of buffing, polishing, cleaning, scouring, washing, and bleaching compounds, (except commodities in bulk, and those which by reason of size or weight require the use of special equipment), from Streamwood, Ill., to the plantsite and facilities utilized by The Clorox Company, at or near Cleveland, Ohio and Jersey City, N.J., and (2) *aerosol products*, from Danville, Ill. and Niles, Ill., to the plantsite and facilities utilized by The Clorox Company, at or near Cleveland, Ohio, under a continuing contract or contracts with The Clorox Company of Louisville, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124947 (Sub-No. 27), filed August 8, 1974. Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Road, (Box 417), Stroud, Okla. 74079. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment, fork lifts*, and *parts, accessories*, and *attachments* for the commodities named above, from Port Washington, Wis., to points in the United States including Alaska but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Milwaukee, Wis. or Chicago, Ill.

No. MC 124947 (Sub-No. 28), filed August 2, 1974. Applicant: MACHINERY TRANSPORTS, INC., 116 Allied Road (Box 417), Stroud, Okla. 74079. Applicant's representative: T. M. Brown, 600

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Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, machinery, parts, and attachments*, from points in Kay County, Okla., to points in the United States (except Alaska and Hawaii); and (2) *equipment, materials, and supplies* used in the manufacture or distribution of the commodities in (1) above (except commodities in bulk), from points in the United States (except Alaska and Hawaii), to points in Kay County, Okla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 125708 (Sub-No. 139), filed August 5, 1974. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., Highway 32 East, Crawfordsville, Ind. 47933. Applicant's representative: Donald W. Smith, Suite 2465—One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over common routes, transporting: *Buildings*, complete, knocked down, or in sections, *materials, supplies*, and *accessories* for buildings, *wood products, composition wood products, laminated products*, and *parts and accessories* for the above described commodities, from the plantsite and warehouse facilities of Marshall Erdman & Associates, Inc. at Waunakee, Wis. and Madison, Wis., Princeton, N.J., Dallas, Tex., and Atlanta, Ga., to points in the United States (except Alaska and Hawaii), with return of *supplies and materials* from points in the United States (except Alaska and Hawaii) to plant and warehouse facilities in Waunakee, Wis., Madison, Wis., Princeton, N.J., Dallas, Tex., and Atlanta, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 126276 (Sub-No. 101), filed August 5, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures, container components, materials, and supplies* used in the selling, manufacture, or distribution of containers, from the plantsites and/or warehouse sites of American Can Company located in Fairport, N.Y., Forks Township, Pa. and Hillside, N.J., to points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin, under contract or contracts with American Can Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126276 (Sub-No. 102), filed August 8, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from the plantsite of National Can Corporation at Millis, Mass., to points in Wisconsin, under contract with National Can Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126477 (Sub-No. 4), filed August 8, 1974. Applicant: JET AIR FREIGHT & PARCEL DELIVERY, INC., R.R. #4, Baer Field, Fort Wayne, Ind. 46809. Applicant's representative: Richard D. Logan, 1435 Lincoln Bank Tower, Fort Wayne, Ind. 46802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, and those requiring special equipment), between Kosciusko County, Ind., on the one hand, and, on the other, O'Hare International Airport at or near Chicago, Ill., restricted to the transportation of traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Warsaw or Fort Wayne, Ind.

No. MC 127587 (Sub-No. 8), filed August 6, 1974. Applicant: MEXICANA REEFER SERVICE, LTD., 880 Malkin Avenue, Vancouver, British Columbia, Canada. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh or frozen*, in vehicles equipped with mechanical refrigeration, from Ellensburg and Seattle, Wash., to Ports of Entry on the International Boundary line between the United States and Canada located at or near Blaine and Sumas, Wash., under a continuing contract, or contracts with Cudahy Co.; Superior Packing Co., Inc.; Flavorland Industries, Inc.; and Fulton Provision Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC–128247 (Sub-No. 25), filed August 1, 1974. Applicant: BURSAL TRANSPORT, INC., 3839 South La Fountain, Kokomo, Ind. 46901. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and building and construction materials*, from the plantsite of Continental Steel Corporation and its subsidiaries, Enterprise Wire Company, Hausman Corporation, and Phoenix Manufacturing Company, at Kokomo and Fort Wayne, Ind., Joliet and Blue Island, Ill., Lansing and Grand Rapids, Mich., and Toledo and Columbus, Ohio, to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials, equipment and supplies*, used in the manufacture and distribution of iron and steel articles, and *building and construction materials*, from points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, to the plantsites of Continental Steel Corporation and its subsidiaries, Enterprise Wire Company, Hausman Corporation, and Phoenix Manufacturing Company, at Kokomo and Fort Wayne, Ind., Joliet and Blue Island, Ill., Lansing and Grand Rapids, Mich., and Toledo and Columbus, Ohio, under continuing contracts with Continental Steel Corporation and its subsidiaries, Enterprise Wire Company, Hausman Corporation, and Phoenix Manufacturing Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128247 (Sub-No. 26), filed August 6, 1974. Applicant: BURSAL TRANSPORT, INC., 3839 South La Fountain, Kokomo, Ind. 46901. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular route, transporting: (1) *Iron and steel articles*, from Centerville, Iowa, to points in Alabama, Arkansas, Georgia, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin and (2) *materials, equipment, and supplies* used in the manufacture and distribution of iron and steel articles, from points in Alabama, Arkansas, Georgia, Florida, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, to Centerville, Iowa, under a continuing contract with Iowa Steel & Wire Co. of Centerville, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC–128383 (Sub-No. 58), filed July 31, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, and motor vehicles requiring the use of special equipment), having a prior or subsequent movement by air, between John F. Kennedy International Airport, New York, N.Y., on the one hand, and, on the other, the Greater Southwest International Airport located at or near Ft. Worth, Tex.; the plantsite of Behr of America, Inc. located at or near Ft. Worth, Tex.; Dallas Love Field located at or near Dallas, Tex. and Houston Intercontinental Airport located at or near Houston, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128639 (Sub-No. 8), filed July 22, 1974. Applicant: CURRIER TRUCKING CORPORATION, 103 Lancaster Road, Gorham, N.H. 03581. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and sawdust*, in bulk, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Concord, N.H. or Boston, Mass.

No. MC 129588 (Sub-No. 7), filed July 19, 1974. Applicant: R. J. (RED) ANDREWS, doing business as R. J. (RED) ANDREWS TRUCK LINE, P.O. Box 4, Corsicana, Tex. 75110. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, from Pittsburg, Gainesville, and Kerens, Tex., to points in Arkansas, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, and Oklahoma, under a continuing contract or contracts with Nipak, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 129635 (Sub-No. 4), filed August 12, 1974. Applicant: ROYAL'S MOTOR SERVICE, INC., P.O. Box 1124, Grand Prairie, Tex. 75050. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors) weighing 15,000 pounds or less, and *implements and attachments*, from Houston and Dallas, Tex., to points in Arizona, California, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC–129830 (Sub-No. 7), filed August 12, 1974. Applicant: JACOBSMA TRANSPORTATION COMPANY, a Corporation, 108 South Virginia, Sioux City, Iowa 51101. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed and scrapped vehicles, implements, and machinery*, from points in Woodbury and Plymouth Counties, Iowa, Dakota County, Nebr., and Union and Clay Counties, S. Dak., to points in Minnesota, Illinois, Wisconsin, and Missouri; and (2) *aluminum castings, and iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (1952), from the facilities of State Steel Supply Co., at Sioux City, Iowa, and the facilities of Sioux City Foundry Co., at Sioux City, Iowa and South Sioux City, Nebr., to points in Wisconsin and Illinois.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 133106 (Sub-No. 45), filed August 5, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is manufactured or distributed by Warner-Lambert Company and *related advertising material*, from the plantsites and storage facilities utilized by Warner-Lambert Company located at or near Anaheim, Calif., to points in New York, New Jersey, Pennsylvania, Illinois, Georgia, and Texas, under continuing contract or contracts with Warner-Lambert Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y. or Kansas City, Mo.

No. MC 133154 (Sub-No. 6), filed August 12, 1974. Applicant: DICK BELL TRUCKING, INC., 16036 Valley Blvd., Fontana, Calif. 92335. Applicant's representative: Jed L. Kelson, 3701 Wilshire Blvd., Seventh Floor, East Tower, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beds*, in containers, and *bed accessories and promotional items* in mixed shipments with beds, mattresses, and box springs, including, *headboards, frames, benches, foundations, bolsters, pillows, cushions, pillow cases, sheets, blankets, bedspreads, padding, arm caps, tables, chairs, stereos, televisions, radios, cameras, clocks, lamps, ovenware, and silver services*, from Los Angeles, Calif., to points in Arizona, Colorado, Nevada, Oregon, Utah, and Washington, under a continuing contract or contracts with Ortho Mattress, Inc.

NOTE.—It is the applicant's contention that it already holds the above authority; therefore, a concurrent Motion to Dismiss has been filed with the above application. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC–133655 (Sub-No. 78), filed August 5, 1974. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. Du Jardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are manufactured or distributed by manufacturers, or converters of cellulose materials and products and paper and paper products; and (2) *equipment materials, and supplies* used in the manufacture and distribution of the commodities described in (1) above, between Lakeville, Minn., on the one hand, and, on the other, points in Wyoming and Montana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC –133708 (Sub-No. 13), filed August 12, 1974. Applicant: FIKSE BROS., INC., 12647 East South Street, Artesia, Calif. 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Cushenbury, Calif., to Port Hueneme, Calif., and points in the Los Angeles Harbor Commercial Zone.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134387 (Sub-No. 22), filed August 14, 1974. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, Calif. 90280. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty can and can ends*, from points in Los Angeles County, Calif., to Casa Grande, Ariz.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC–134599 (Sub-No. 113), filed August 5, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products, advertising materials, and equipment;* and (2) *materials and supplies* used in the manufacture of the above items, from Muskegon, Mich., to points in Utah, Idaho, Arizona, and Oregon, under a continuing contract or contracts with Scott Paper Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Lincoln, Nebr.

No. MC 134599 (Sub-No. 114), filed August 5, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849,

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Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Games and toys and miscellaneous plastic articles*, manufactured and distributed by standard plastics, a Division of Mattel, Inc.; and (2) *materials, parts, and supplies*, used in the manufacture of these items (except commodities in bulk or which, because of size or weight require special handling or special equipment), from Metuchen and South Plainfield, N.J., to points in Wisconsin, West Virginia, Ohio, Nebraska, Kentucky, Arkansas, Alabama, Louisiana, South Carolina, Missouri, Pennsylvania, Colorado, and Arizona, under a continuing contract or contracts with Mattel, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah or Lincoln, Nebr.

No. MC 134755 (Sub-No. 44), filed August 5, 1974. Applicant: CHARTER EXPRESS, INC., 1959 East Turner, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Bldg., 101 West Eleventh St., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* (except in bulk), from Carthage, Mo., to Richmond, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City or Springfield, Mo.

No. MC 134772 (Sub-No. 1), filed July 29, 1974. Applicant: GEORGE LANGE TRUCKING, INC., 790 Ringwood Avenue, Menlo Park, Calif. 94025. Applicant's representative: Robert K. Lancerfield, P.O. Box 11415, 2470 El Camino Real, Suite 108, Palo Alto, Calif. 94306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furnaces, dishwashers, refrigerators, coolers, ranges, mashers, household laundry washing machines, household laundry drying machines, commercial laundry machines, air coolers, hand tools and implements, hardware*, and *tires*, mounted on steel rims and pneumatic, from points in Alameda, Contra Costa, Fresno, San Francisco, San Joaquin, San Mateo, and Santa Clara Counties, Calif., to points in Alameda, Butte, Colusa, Contra Costa, Fresno, Glenn, Kern, Kings, Madera, Merced, San Francisco, San Joaquin, San Mateo, Santa Clara, Shasta, Tehama, Tulare, and Yolo Counties, Calif., restricted to traffic having a prior movement by rail or water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Jose or San Francisco, Calif.

No. MC–134783 (Sub-No. 23), filed August 6, 1974. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Arizona, California, Colorado, District of Columbia, Illinois, Indiana, Iowa, Kansas, Maryland, Nebraska, New Jersey, New Mexico, New York, Ohio, Pennsylvania, Texas, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC–134806 (Sub-No. 27), filed August 1, 1974. Applicant: B-D-R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tanned leather, soles, and heels* for shoes, from points in Massachusetts, New Hampshire, and Vermont, to Wilton, Maine, under a continuing contract or contracts with G. H. Bass & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 134922 (Sub-No. 95), filed July 23, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Washington, Idaho, Oregon, and California, to points in Oklahoma, Missouri, Iowa, Illinois, and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla. or Little Rock, Ark.

No. MC–135364 (Sub-No. 18), filed August 12, 1974. Applicant: MORWALL TRUCKING, INC., Box 76C, R.D. No. 3, Moscow, Pa. 18444. Applicant's representative: J. G. Dall, Jr., 1111 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pressure sensitive adhesive coated papers; aluminum-paper insulation facings; and gummed reinforced sealing tape*, from Newark, Monmouth Junction, and Netcong, N.J., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies*, used in the manufacture of commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to Newark, Monmouth Junction, and Netcong, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135539 (Sub-No. 1), filed August 1, 1974. Applicant: FARM SERVICE & SUPPLIES, INC., P.O. Box 5351, 2029 Washington, Evansville, Ind. 47715. Applicant's representative: William P. Whitney, Jr., 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrostatic precipitators and collectors*, from the plantsite of Litco, Inc., at Carpentersville, Ill., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Litco, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC–135874 (Sub-No. 48), filed August 2, 1974. Applicant: LTL PERISHABLES, INC., 9949 J STREET, Box 37468, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 7100 W. Center Road, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Wichita, Kans., to points in Iowa, Nebraska, South Dakota, North Dakota, Illinois, Minnesota, and Wisconsin, restricted to traffic originating at the named origin and destined to the named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 136008 (Sub-No. 36), filed July 23, 1974. Applicant: JOE BROWN COMPANY, INC., 20 Third Street NE., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk or in bags, from the plantsite and storage facilities of Cooperative Farm Chemicals Association, at or near Lawrence, Kans., to points in Arkansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla. or Kansas City, Mo.

No. MC–136032 (Sub-No. 5), filed August 13, 1974. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is manufactured and distributed by Warner-Lambert Company, and its divisions*, when moving in mechanically refrigerated equipment, (1) from Cavendish, Vt.; West Haven, Conn.; Long Island City, N.Y.; North Bergen, and South Brunswick, N.J.; and Lititz and Philadelphia, Pa., to Atlanta, Ga.; Portland, Oreg.; Grand Prairie, Tex.; Anaheim, Calif.; Rockford, Ill.; and Elk Grove Village, and Chicago, Ill.; and (2) from Rockford, Ill., to Portland, Oreg.; Anaheim, Calif.; Grand Prairie, Tex.; Atlanta, Ga.; and South Brunswick, N.J., under a continuing contract with Warner-Lambert Company.

NOTE.—Applicant holds common carrier authority in MC–133095 Sub 1 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC–136285 (Sub-No. 8) (CORRECTION), filed January 18, 1974, published in the FEDERAL REGISTER issue of August 15, 1974, and republished as corrected this issue. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 9165, Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay*, in containers, (1) from points in Gadsden County, Fla., to Savannah, Ga., restricted to the transportation of shipments having an immediately subsequent movement by water, and (2) *empty containers*, from Savannah, Ga., to points in Gadsden County, Fla.

NOTE.—The purpose of this republication is to correctly define the restriction as applying only to Part One of the application, and not to both parts. If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

No. MC 136318 (Sub-No. 19), filed January 21, 1974. Applicant: COYOTE TRUCK LINE, INC., 395 West Fleming Drive, Morganton, N.C. 28655. Applicant's representative: Allan Rachles, 5367 W. 86th Street, Indianapolis, Ind. 46268. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *New furniture, new store fixtures, new laboratory equipment, new lamps and accessories, home, commercial, and institutional furnishings*, (b) *materials, supplies, and equipment* used in the manufacture, production, distribution, and installation of the commodities in (1) (a), from points in Georgia, North Carolina, and Tennessee, to points in Indiana and points in the United States in and west of Arkansas, Illinois, Louisiana, Missouri, and Wisconsin, and (2) *materials, supplies, and equipment* used in the manufacture, production, and distribution of the commodities set forth in (1) above, from points in Indiana, and points in the United States in and west of Arkansas, Illinois, Louisiana, Missouri, and Wisconsin, to points in Georgia, North Carolina, and Tennessee, and (3) (a) *home, commercial, and institutional furnishings*, (b) *materials, supplies, and equipment* used in the manufacture, production, distribution, and installation of the commodities in (3) (a), from points in California, to points in the United States in and west of Iowa, Missouri, North Dakota, Oklahoma, South Dakota, and Texas, and (4) *returned, refused, and rejected shipments* of the commodities in (1), (2), and (3) above, from the destination points set forth in (1), (2), and (3) above, to the origin points set forth in (1), (2), and (3) above, restricted against the transportation of commodities in bulk, restricted to traffic either originating at or destined to the plantsites and facilities of Champion International Corporation, under a continuing contract or contracts with Champion International Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif. or Washington, D.C.

No. MC 136433 (Sub-No. 1) (CORRECTION), filed June 28, 1974, and published in the FEDERAL REGISTER issue of August 15, 1974, and republished as corrected this issue. Applicant: F QUARTER CIRCLE RANCH, INC., doing business as PONY EXPRESS, Route 3, Billings, Mont. 59101. Applicant's representative: Joe Gerbase, 100 Transwestern Building, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary horses, and *stable equipment and supplies* used in their care and exhibition; *mascots; personal effects* of their attendants, trainers, and exhibitors; and *livestock tack and show equipment*, (1) between points in Arizona, Colorado, Oklahoma, Texas, and Wyoming, and (2) between points in Arizona, Colorado, Oklahoma, Texas, and Wyoming, on the one hand, and, on the other, points in Nebraska, Iowa, Minnesota, Wisconsin, Indiana, Ohio, Pennsylvania, New Jersey, and New York.

NOTE.—The purpose of this republication is to correct the commodity description to read, "horses, other than ordinary horses" in lieu of "race horses" as previously published. If a hearing is deemed necessary, the applicant requests it be held at Phoenix, Ariz., or Billings, Mont.

No. MC 136711 (Sub-No. 13), filed July 29, 1974. Applicant: DAVID G. McCORKLE, doing business as McCORKLE TRUCK LINE, 2780 S. High, P.O. Box 95181, Oklahoma City, Okla. 73109. Applicant's representative: G. Timothy Armstrong, Suite 280 National Foundation Life Building, 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal* (1) from points in Oklahoma, to points in Arkansas, Missouri, and Tennessee; and (2) between points in Oklahoma restricted in (2) above, to traffic having a prior or subsequent movement by rail or water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC–136912 (Sub-No. 1), filed July 22, 1974. Applicant: LAKE TRUCK LINES, INC., 8410 Wallisville Rd., Houston, Tex. 77029. Applicant's representative: Joe P. Cain, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barite* in bulk (drilling mud) in tank vehicles, from Houston, Tex., to Lake Charles, Abbeville, Cameron, and Intracoastal City, La.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Beaumont, or Dallas, Tex.

No. MC 138065 (Sub-No. 2), filed May 9, 1974. Applicant: LOUIS BOLOGNA, doing business as LOU BOLE CARPET CARRIERS, 230 Green Street, Brooklyn, N.Y. 11222. Applicant's representative: Michael R. Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering and materials, supplies, and equipment* used in the installation thereof (except commodities in bulk), between New York, N.Y., on the one hand, and, on the other, points in Rockland and Westchester Counties, N.Y.; Fairfield County, Conn.; and those in that part of New Jersey on and north of a line beginning at the New Jersey-Pennsylvania State Boundary Line and extending along U.S. Highway 195 to intersection New Jersey Highway 526, thence along New Jersey Highway 526 to intersection New Jersey Highway 549 to the Atlantic Ocean, restricted to inside deliveries.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 138415 (Sub-No. 10), filed AUPRESS, INC., Box 327, Topeka, Ind. 46571. Applicant's representative: Michael M. Yoder, Box 321, Topeka, Ind. 46571. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor homes and van conversion units* in driveaway service, and (2) *motor homes, folding camping trailers, travel trailers, fifth wheel travel trailers, and pick up campers* by truckaway service, from the plantsite of Travel Equipment Corporation on U.S. Highway 33 located at or near Goshen, Ind., to points in the United States (except Alaska and Hawaii), under contract or contracts with Travel Equipment Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Chicago, Ill. or Indianapolis, Ind.

No. MC–138750 (Sub-No. 5), filed August 5, 1974. Applicant: W. F. BARTHELME, doing business as, W. F. BARTHELME DIST. CO., 1602 North Broadway, Pittsburg, Kans. 66762. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, Kans. 67202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green hides*, in containers, from Dodge City and Garden City, Kans., to Amarillo, Tex., under a continuing contract or contracts with A. J. Hollander, Inc., at Amarillo, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC–138991 (Sub-No. 6), filed August 2, 1974. Applicant: K. J. TRANS-

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PORTATION, INC., P.O. Box 9764, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* (except imported malt beverages), from Brooklyn, N.Y. and Lehigh, Pa., to Rochester, N.Y. under contract with Lake Beverage Corp., (2) *empty steel drums*, from Rochester, N.Y. to Newark, N.J. under contract with Bayonne Barrel & Drum Company, and (3) *beverages* (except malt beverages), from Union, N.J., to points in New York, New Jersey, and points in Pennsylvania on and north of Interstate 80, under contract with Shasta Beverages, Division of Consolidated Foods Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 139728 (Sub-No. 1), filed August 9, 1974. Applicant: J. D. WINGARD AND LOREN WINGARD, a Partnership, doing business as, WINGARD DISTRIBUTORS, P.O. Box 164, Turbeville, S.C. 29162. Applicant's representative: Edward J. Morrison, P.O. Box 67, Lexington, S.C. 29072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal bricketts*, in bags, on pallets, in shipper's trailers, from Lake City, S.C., to points in Alabama, Florida, Georgia, North Carolina, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbia or Florence, S.C.; or Augusta, Ga.

No. MC 139780 (Sub-No. 1), filed August 8, 1974. Applicant: AMERICAN SECURITY STORAGE OF ANNAPOLIS, INC., 1812 Virginia Street, Annapolis, Md. 21401. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Anne Arundel, Baltimore, Calvert, Carroll, Charles, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, and Queen Anne Counties, Md., and Baltimore, Md., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC–139791 (Sub-No. 2), filed August 1, 1974. Applicant: T. R. SCHULTZ & SON, INC., R.R., Gladbrook, Iowa 50675. Applicant's representative: T. R. Schultz (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soybean products*, consisting of soybean meal, flour, grits, and fish bait and related products in bags, from Gladbrook, Iowa, to points in Wisconsin and Chicago, Ill., Minneapolis, Minn., Sherman, Tex., and Kansas City, Mo. and their repective Commercial Zones, under a continuing contract or contracts with C.I.B.M. Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa.

No. MC–139796 (Sub-No. 1), filed August 8, 1974. Applicant: POPE DREIER, Route #1, Bonne Terre, Mo. 63628. Applicant's representative: Ernest A. Brooks, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, from the plantsite and storage facilities of Dixie Mills Company, at East St. Louis, Ill., to points in Missouri on and east of U.S. Highway 65, under a continuing contract or contracts with Dixie Mills Company, of East St. Louis, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC–139963 (Sub-No. 2), filed July 29, 1974. Applicant: ROY BROADFOOT TRUCKING LTD., Box 332, Invermere, British Columbia, Canada. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lead and zinc concentrates*, from the port of entry on the International Boundary Line between the United States and Canada, at or near Eastport, Idaho, to Kellogg, Idaho, under a continuing contract or contracts with Purcell Development Co. LTD. of Invermere, B.C., Canada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC–140000, filed June 10, 1974. Applicant: FIELD VIEW FARM TRANSPORTATION, INC., 707 Darby Avenue, Orange, Conn. 06477. Applicant's representative: William J. Meuser, 86 Cherry Street, P.O. Box 507, Milford, Conn. 06460. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizers, insecticides, weed killing compound, hand sprayers, birdseed, and outdoor bird feeders*, in mixed shipments, in bottles, bags, or boxes, between Derby, Conn., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, and Pennsylvania, under a continuing contract or contracts with Derby Feed Co., Inc. of Derby, Conn.

NOTE.—Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.

No. MC 140062 (Sub-No. 1), filed August 2, 1974. Applicant: BERNARD S. NIEMEYER, doing business as CLAY TRUCK RENTAL, P.O. Box 622, Spencer, Iowa 51301. Applicant's representative: George L. Hirschbach, 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed junk motor vehicles; salvage motor vehicles and parts; and metals, paper, and wood* derived from motor vehicles as described above for recycling, between points in Iowa, Minnesota, South Dakota, Nebraska, Wisconsin, Illinois, Missouri, Kansas, Indiana, North Dakota, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC–140085 (Sub-No. 2), filed August 5, 1974. Applicant: HONEYCOMB TRANSPORT, INC., 1433—11th Street, P.O. Box 27, Gering, Nebr. 69341. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: (1) *Cottonseed meal and cake*, from points in Texas and Oklahoma, to points in Nebraska, Wyoming, Montana, North Dakota, South Dakota, and Colorado; (2) *dehydrated alfalfa products*, from points in Nebraska, to points in Colorado, Wyoming, Montana, North Dakota, South Dakota, Oklahoma, and Texas; (3) *soybean meal and pellets*, from Fremont and Lincoln, Nebr.; and Sheldon, Iowa, to points in Oklahoma, Texas, Montana, and New Mexico; and (4) *mineral, blocks, and bags*, from Hannibal, Mo., to points in Wyoming, Nebraska, Colorado, South Dakota, and Montana, restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted to a transportation service to be performed under a continuing contract or contracts with Gallup Cattle Co., Inc., and its divisions.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at (1) Denver, Colo.; or (2) Omaha, Nebr.

No. MC 140095, filed August 5, 1974. Applicant: CLOIS RAINEY, doing business as DAY & KNIGHT TRANSFER SERVICE, 5019 West 29th Place, Cicero, Ill. 60650. Applicant's representative: James R. Madler, 1255 Sandberg Terrace, Room 1608, Chicago, Ill. 60610. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from Milwaukee, Wis., to Forrest, Ill., under a continuing contract or contracts with Phoenix Closures, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC–140097, filed July 19, 1974. Applicant: RYMES HEATING OILS, INC., P.O. Box 327, Antrim, N.H. 03440. Applicant's representative: James T. Rymes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from

points in New Hampshire to points in Maine, New York, and Rhode Island.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Concord, N.H.

No. MC 140102, filed July 29, 1974. Applicant: DONALD E. UHL, SR., doing business as, D. E. UHL TRUCKING, P.O. Box 236, Greenville, Ind. 47124. Applicant's representative: Harry J. Harman, 8130 South Meridian Street, Indianapolis, Ind. 46217. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precast concrete, concrete products, brick, and building materials*, from New Albany, Ind., to points in Illinois, Kentucky, Ohio, Tennessee, and West Virginia; and (2) *brick*, from points in Kentucky, Tennessee, and Ohio, to New Albany, Ind., on return movements, under a continuing contract, or contracts, with L. Thorn Company, Inc. at New Albany, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Albany, Ind. or Indianapolis, Ind.

No. MC 140104 (Sub-No. 2), filed August 12, 1974. Applicant: TOLEDO FRIGID LINES, INC., 4117 Fitch Road, Toledo, Ohio 43613. Applicant's representative: David L. Pemberton, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Ice cream, ice cream confections, ice confections, ice water confections, frozen desserts, and pallets used in the transportation thereof*, in vehicles equipped with mechanical refrigeration, from Toledo, Ohio, to points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, District of Columbia, and points on the International Boundary line between the United States and Canada, located in Michigan, New York, Vermont, Maine, and New Hampshire; and (b) *materials, ingredients, equipment, and supplies*, used in the manufacture of the aforementioned commodities, from points in the above named destination states, to Stamford, Conn., under a continuing contract or contracts with Vroman Foods of New York, Inc.; and (3)(a) *baked goods*, from Toledo, Ohio, to points in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, District of Columbia, and points on the International Boundary line between the United States and Canada, located in Michigan, New York, Vermont, Maine, and New Hampshire; and (b) *materials, ingredients, equipment, and supplies*, used in the manufacture of the aforementioned commodities, from points in the above named destination states, to Toledo, Ohio, under a continuing contract or contracts with The Bakery, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Toledo, or Columbus, Ohio.

No. MC–140115, filed August 6, 1974. Applicant: LOUIS SANTORA, JR., doing business as, AAA—UNITED LIMOUSINE SERVICE, P.O. Box 114, Raritan, N.J. 08869. Applicant's representative: L. C. Major, Jr., Suite 301, Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Computer printout data and related documents*, between the plantsite of American Hoechst Corporation in Bridgewater Township, Somerset County, N.J., on the one hand, and, on the other, New York, N.Y. and the Newark Airport, Newark, N.J.; under a continuing contract, or contracts, with American Hoechst Corporation; and (2) *commercial paper and business documents*, between the office of The Singer Company located in Piscataway, Middlesex County, N.J., on the one hand, and, on the other, New York, N.Y. and the Newark Airport, Newark, N.J., under a continuing contract or contracts with The Singer Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Somerville, N.J.

PASSENGER APPLICATIONS

No. MC–138141 (Sub-No. 3), filed August 6, 1974. Applicant: LOUIS SANTORA, JR., doing business as, AAA—UNITED LIMOUSINE SERVICE, P.O. Box 114, Raritan, N.J. 08869. Applicant's representative: L. C. Major, Jr., Suite 301 Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter limousine operations, in non-scheduled door-to-door service, no more than six passengers in any one vehicle, not including the driver, between points in Union, Monmouth, Mercer, Somerset, Middlesex, and Hunterdon Counties, N.J., and Mendham Boro (Morris County), N.J., on the one hand, and, on the other, New York, N.Y.; points in Nassau, Westchester, and Putnam Counties, N.Y.; and points in Philadelphia, Bucks, Montgomery, and Delaware Counties, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Somerville, N.J.

No. MC 139886 (Sub-No. 2), filed June 27, 1974. Applicant: A–ABC SKI VIEW TAXI CAB INC., P.O. Box 172, Somerville, N.J. 08876. Applicant's representative: Lucy P. N. Sharp, 45 East High Street, Somerville, N.J. 08876. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between points in Somerset, Hunterdon, Mercer, Middlesex, and Morris Counties, N.J., on the one hand, and, on the other, New York City, N.Y. and points in Nassau and Suffolk Counties, N.Y., and points in New Jersey, and Bucks, Delaware, Montgomery, and Philadelphia Counties, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J., or New York, N.Y.

BROKER APPLICATION(S)

No. MC 130256, filed July 11, 1974. Applicant: VERA IREY, 408 Ninth Avenue, Clarence, Iowa 52216. Applicant's representative: Roger D. Freese, 508 Main Street, Lowden, Iowa 52255. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Clarence, Iowa, to sell or offer to sell the transportation of *passengers or groups of passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending in Clarence, Iowa, and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Tipton, Iowa, Cedar Rapids, Iowa, or Davenport, Iowa.

No. MC–130262, filed August 5, 1974. Applicant: CRIMSON TRAVEL SERVICE, INC., doing business as CRIMSON TRAVEL SERVICE, 39 Boylston Street, Cambridge, Mass. 02138. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Cambridge, Mass., and Boston, Mass., to sell or offer to sell the transportation of *passengers and their baggage*, by motor common carrier in both single line service and joint arrangements with air, water, and rail carriers, between points in the United States including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

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WATER CARRIER APPLICATIONS

No. W-381 (Sub-No. 19), filed August 2, 1974. Applicant: FEDERAL BARGE LINES, INC., 611 East Marceau Street, St. Louis, Mo. 63111. Applicant's representative: Charles W. Chapman, 425 13th Street NW., Washington, D.C. 20004. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier* by water in the transportation of *General commodities*, by non-self propelled vessels with the use of separate towing vessels and by towing vessels in the performance of general towage, between ports and points on the Kaskaskia River.

NOTE.—Common control may be involved. Applicant states that it intends to tack the requested authority at the confluence of the Mississippi River and the Kaskaskia River, to provide service between the requested authority and the Eleventh Amended Certificate of Public Convenience and Necessity No. W-381 (Sub-no. 16), which includes ports and points generally along the Illinois, Mississippi, Missouri, St. Croix, Mobile, Tombigbee, Warrior, Black Warrior, Short Creek, Minnesota River, Alabama, Mobile, Ohio, Allegheny, Monongahela, Tennessee, Cumberland, Green, and Hiwassee Rivers, and the Pacific Coast and Atlantic Coast and tributary waterways, the Gulf of Mexico west of but not including New Orleans, Lake Michigan, the Illinois Waterway, the Gulf-Intracoastal Waterway, the Mississippi River-Gulf Outlet Channel and the Arkansas-Verdigris Waterway. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. W-1280, filed August 21, 1974. Applicant: MAINSTREAM SHIPYARDS & SUPPLY, INC., P.O. Box 1559, Greenville, Miss. 38701. Applicant's representative: J. Raymond Clark, Suite 600—1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to engage in operation, in interstate or foreign commerce, as a *contract carrier by water*, in furnishing at Greenville, Miss. charter of a *vessel*, for compensation to a person other than a carrier, to be used by such person in the transportation of its own property, under contract with Industrial Sugars, Inc.

NOTE.—The authority requested herein is directly related to W-1280 (Sub-No. 1 EX) in which applicant seeks exemption as a vessel furnisher pursuant to Section 302(e) of the Interstate Commerce Act. Should the Commission find that the applicant can perform operations as specified in Section 302(e), applicant seeks dismissal of the instant application. If a hearing is deemed necessary, applicant requests it be held at either Memphis, Tenn. or New Orleans, La. on consolidated record with W-1280 (Sub-No. 1 EX).

No. W-1280 (Sub-No. 1 EX), filed August 21, 1974. Applicant: MAINSTREAM SHIPYARDS & SUPPLY, INC., P.O. Box 1559, Greenville, Miss. 38701. Applicant's representative: J. Raymond Clark, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought for an exemption or a certificate of exemption to engage in operation, in interstate or foreign commerce, as a *water carrier*, in furnishing at Greenville, Miss. charter of a *vessel*, for compensation to a person other than a carrier, to be used by such person in the transportation of its own property, under contract with Industrial Sugars, Inc.

NOTE.—The authority requested herein is directly related to W-1280 in which applicant alternatively seeks issuance of a permit as a vessel furnisher pursuant to Section 309 of the Interstate Commerce Act. Should the Commission find that applicant requires authority requested in W-1280, applicant seeks dismissal of the instant application. If a hearing is deemed necessary, applicant requests it be held at either Memphis, Tenn. or New Orleans, La. on consolidated record with W-1280.

FREIGHT FORWARDER APPLICATION (S)

No. FF-455, filed August 12, 1974. Applicant: NATIONAL WAREHOUSE & DISTRIBUTION CO., doing business as, NATIONAL DISTRIBUTION SYSTEMS, P.O. Box 1448—Freeport Center, Clearfield, Utah 84016. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail and motor vehicle, in the transportation of *general commodities* (except commodities in bulk, in tank vehicles), from Clearfield, Utah, to points in Idaho, Wyoming, Colorado, Nevada, Montana, Washington, Oregon, California, Arizona, New Mexico, Hawaii, and Alaska.

NOTE. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20557 Filed 9-5-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

SEPTEMBER 3, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 16, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-8958 (Sub-No. E1), filed June 4, 1974. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Mr. Hohn P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, of the kind used in construction and manufacture, (1) from Delaware and that part of Maryland on and east of U.S. Highway 15, and the District of Columbia, to points in that part of Michigan east of U.S. Highway 27 and south of Michigan Highway 20 and Saginaw Bay (points in that part of Pennsylvania on and east of U.S. Highway 15 and points in that part of Ohio on and north of U.S. Highway 30, and on and east of Ohio Highway 13)*; and (2) from points in New Jersey, New York, and Pennsylvania, to points in that part of Michigan east of U.S. Highway 27 and south of Michigan Highway 20 and Saginaw Bay (points in that part of Ohio on and north of U.S. Highway 30 and on and east of Ohio Highway 13)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-8958 (Sub-No. E2), filed June 4, 1974. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Mr. John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* of the kind used in construction and manufacture, (1) from Monroe, Mich., and points in Wayne County, Mich., to points in New Jersey, New York, and Pennsylvania (points in that part of Ohio on and north of U.S. Highway 30 and on and east of Ohio Highway 13)*; and (2) from Monroe, Mich., and points in Wayne County, Mich., to points in Massachusetts, Rhode Island, Connecticut, Delaware, and that part of Maryland on and east of U.S. Highway 15, and the District of Columbia (points in that part of Ohio on and north of U.S. Highway 13, and points in that part of Pennsylvania on and east of U.S. Highway 15)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-8958 (Sub-No. E12), filed June 4, 1974. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Mr. John P. McMahon, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, of the kind used in construction and manufacture, and contractors' equipment and machinery, between points in that part of Ohio south of U.S. Highway 22 and on, north, and east of a line beginning at the junction of U.S. Highway 22 and U.S.

Highway 250, thence along U.S. Highway 250 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in that part of Michigan on and south of Michigan Highway 21 and on and east of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Niles, Ohio.

No. MC-8958 (Sub-No. E13), filed June 4, 1974. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Mr. John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* of the kind used in construction and manufacture, and contractors' equipment and machinery, from points in that part of West Virginia on, north, and east of U.S. Highway 250 to points in that part of Ohio on, west, and north of a line beginning at Lake Erie, thence along U.S. Highway 42 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30 near Delphos, thence along U.S. Highway 30 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Niles, Ohio, or junction Interstate Highway 80 and Ohio Highway 18.

No. MC-8958 (Sub-No. E14), filed June 4, 1974. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Mr. John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* of the kind used in construction and manufacture, and *contractors' equipment and machinery*, from points in that part of Ohio on, west, and north of a line beginning at Lake Erie, thence along U.S. Highway 42 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line, to points in that part of West Virginia on, north, and east of U.S. Highway 250. The purpose of this filing is to eliminate the gateway of Niles, Ohio, or junction Interstate Highway 80 and Ohio Highway 18.

No. MC-8958 (Sub-No. E18), filed June 4, 1974. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Mr. John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal, metal products, asphalt, roofing cement, and prepared roofing materials*, from Toledo, Ohio, and points in that part of Ohio on and east of Ohio Highway 13, and on and north of U.S. Highway 30, to the plant site of Jones & Laughlin Steel Corporation located in Putnam County, Ill., restricted to the transportation of such above-specified commodities as are materials, equipment, or supplies used in the manufacture and processing of iron and steel articles. The purpose of this filing is to eliminate the gateway of the junction of Interstate Highway 80/90 and U.S. Highway 27, also known as Indiana Toll Road Interchange Number 12.

No. MC-8958 (Sub-No. E24), filed June 4, 1974. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal St., Youngstown, Ohio 44501. Applicant's representative: Mr. John P. McMahon, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, classes A and B explosives, and household goods as defined by the Commission), between points in that part of Porter County, Ind., on and north of U.S. Highway 30, on the one hand, and, on the other, Detroit, Mich. The purpose of this filing is to eliminate the gateway of points in Cook County, Ill.

No. MC-16903 (Sub-No. E1), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Finished building stone* from Elberton, Ga., to points in Kentucky, Indiana, Michigan, Wisconsin, Illinois, Iowa, Ohio, Missouri, Kansas, New York, Massachusetts, Rhode Island, Connecticut, South Dakota, and Colorado.

The purpose of this filing is to eliminate the gateways of Knox County, Tenn., and Monroe County, Ind.

No. MC-16903 (Sub-No. E3), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, cut, uncut, finished, and in the rough* from Fond Du Lac, Milwaukee, Racine, and Waukeska, Wisc., to points in Texas, Florida, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

The purpose of this filing is to eliminate the gateways of points in Jasper County, Mo., Franklin County, Ala., Holmes County, Ohio, and Union County, Ill.

No. MC-16903 (Sub-No. E7), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, cut, uncut, finished, and in the rough from points in Providence County, R.I., to points in Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Missouri, Kansas, Colorado, Nebraska, Iowa, South Dakota, North Dakota, Minnesota, and Wisconsin.

The purpose of this filing is to eliminate the gateways of points in Knox County, Tenn., Union County, Ill., Monroe County, Ind., Blue Earth County, Minn., and Milwaukee County, Wis.

No. MC-16903 (Sub-No. E16), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone and marble* from Clifton, N.J., Boston, Mass., points in Hampden County, Mass., and points in that New York Commercial Zone as defined by the Commission to points in Texas (points in Union County, Ill.)*. (2) *Stone, marble, and granite* (except when moving or in bulk), from Clifton, N.J., Boston, Mass., points in Hampden County, Mass., and points in the New York Commercial Zone as defined by the Commission to points in Colorado (Monroe County, Ind.)*.

The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC-16903 (Sub-No. E17), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dressed and sawed stone* from points in Albemarle, Buckingham, and Nelson Counties, Va., to points in Nebraska, North Dakota, and South Dakota (points in Monroe County, Ind.)* (2) *Stone*, from points in Albemarle, Buckingham, and Nelson Counties, Va., to points in Iowa and Kansas (points in Monroe County, Ind.)* (3) *Stone, marble, and granite* (except when moving in bulk) from points in Albemarle, Buckingham, and Nelson Counties, Va., to points in Colorado (points in Monroe County, Ind.)*, and points in Oklahoma, Arkansas, and Mississippi (points in Cumberland County, Tenn.)* and points in Georgia (points in Knox County, Tenn.)*.

The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC-16903 (Sub-No. E18), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275,

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Bloomington, Ind., 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dressed and sawed stone*, from points in Susquehanna County, Penn., to points in Arkansas, Louisiana, Mississippi, Oklahoma, Kansas, Alabama, Nebraska, South Dakota, North Dakota, and Minnesota (points in Monroe County Ind.)*. (2) *Stone, marble, and granite* (except when moving in bulk) from points in Susquehanna County, Penn., to points in Colorado (points in Monroe County, Ind.)*. (3) *Stone and marble* (except in bulk) from points in Susquehanna County, Penn., to points in Texas (points in Union County, Ill.)*. (4) *Stone* from points in Susquehanna County, Penn., to points in Iowa (points in Monroe County, Ind.)*.

The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC-16903 (Sub-No. E20), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr. 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone, slate, marble, and granite* (except when moving in bulk and except commodities the transportation of which because of size and weight require the use of special equipment) from points in Albany County, N.Y., to points in Tennessee and Texas (points in Albemarle County, Va.)* (2) *Stone, cut, uncut, finished, and in the rough* (except when moving in bulk and except commodities the transportation of which because of size and weight require the use of special equipment) from points in Albany County, N.Y., to points in Kentucky, Mississippi, Louisiana, Arkansas, Oklahoma, and Missouri (points in Scioto County, Ohio)* points in Indiana, Illinois, Iowa, Wisconsin, and Minnesota (points in Coshocton County, Ohio)*, points in North Dakota and South Dakota (points in Coshocton County, Ohio and Blue Earth County, Minn.)* and points in Minnesota (points in Coshocton County, Ohio and Milwaukee County Wis.)* (3) *Dressed and sawed stone* (except when moving in bulk, and except commodities the transportation of which require the use of special equipment) from points in Albany County, N.Y., to points in Nebraska and Kansas (points in Coshocton County, Ohio and Monroe County, Ind.)* (4) *Stone*, cut, uncut, finished, and in the rough (except when moving in bulk and except commodities the transportation of which require the use of special equipment) from points in Albany County, N.Y., to points in Colorado (points in Coshocton County, Ohio and Monroe County, Ind.)*

The purpose of this filing to to eliminate the gateways marked with asterisks above.

No. MC-16903 (Sub-No. E28), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone, marble, and granite*, cut, uncut, finished, and in the rough (except when moving in bulk), from points in Boulder and Larimer Counties, Colo., to points in Arkansas, Louisiana, Mississippi, Alabama, Georgia, Tennessee, and West Virginia) points in Jasper County, Mo.), and points in North Carolina and Virginia (points in Jasper County, Mo., and Knox County, Tenn.)*; (2) *stone*, cut, uncut, finished, and in the rough (except when moving in bulk), from points in Boulder and Larimer Counties, Colo., to points in Florida and South Carolina (points in Jasper County, Mo. and Franklin County, Ala.)*; (3) *stone* (except when moving in bulk), from points in Boulder and Larimer Counties, Colo., to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia (points in Monroe County, Ind.)*; (4) *dressed and sawed stone* (except when moving in bulk) from points in Boulder and Larimer Counties, Colo., to points in Connecticut, Rhode Island, and Massachusetts (points in Monroe County, Ind.)*; and (5) *stone, marble, and granite* (except when moving in bulk) from points in Boulder and Larimer Counties, Colo., to points in vermont, New Hampshire, (points in Holmes County, Ohio)* and Maine (points in Holmes County, Ohio and points in Union County, Ill.)*.

The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC-16903 (Sub-No. E31), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Indiana 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Indiana 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone* (cut, uncut, finished, and in the rough) from points in Wyoming County, N.Y., to points in North Carolina, Georgia, Florida, and Alabama (points in Campbell County, Va.)*, points in Tennessee, Kentucky, Mississippi, Louisiana, and Arkansas (points in Scioto County, Ohio)*, points in Iowa (points in Coshocton County, Ohio), points in Nebraska, South Dakota, North Dakota, and Minnesota (points in Milwaukee County, Wis.),* and points in South Carolina (points in Campbell County, Va., and Surry County, N.C.)*, (2) *Dressed and sawed stone* from points in Wyoming County, N.Y., to points in Oklahoma (points in Monroe County, Ind.)*, (3) *Stone* (except when moving in bulk) from points in Wyoming County, N.Y., to points in Texas (points in Union County, Ill.) and points in Colorado (points in Monroe County, Ind.),* (4) *Stone*, from points in Wyoming County, N.Y., to points in Missouri and Kansas (points in Monroe County, Ind.)*. The purpose of this filing is to eliminate the gateways marked with asterisks.

No. MC-29919 (Sub-No. E1), filed May 13, 1974. Applicant: KOWALSKY'S EXPRESS SERVICE, 2235 West Main Street, Millville, N.J. 08332. Applicant's representative: James Romanik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between New York, N.Y., and points in New Jersey within 30 miles of City Hall, New York, N.Y., on the one hand, and, on the other, points in Maryland and Delaware bounded by a line beginning at the Pennsylvania-Maryland State line at U.S. Highway 1 in Maryland, thence along U.S. Highway 1 to Baltimore, Md., thence southeast, across the Chesapeake Bay to Centreville, Md., thence through Carville and Ingleside, Md., to the Maryland-Delaware State line, at or near Marydel, Md., thence along Delaware Highway 8 to Dover, Del., thence north along the Delaware River to the Delaware-Pennsylvania State line, thence along the Delaware-Pennsylvania State line to point of beginning, including all points on described line. (2) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in the Philadelphia, Pa., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in Maryland and Delaware bounded by a line beginning at the Pennsylvania-Maryland State line at U.S. Highway 1 to Baltimore, Md., thence southeast across the Chesapeake Bay to Centreville, Md., thence through Carville and Ingleside, Md., to the Maryland-Delaware State line at or near Marydel, Md., thence along Delaware Highway 8 to Dover, Del., thence north along the Delaware River to the Delaware Memorial Bridge, thence along Delaware Highway 273 to U.S. Highway 1, including all points on described line.

(3) *Glassware, plastic articles and closures* therefor, from points in Maryland and Delaware bounded by a line beginning at the Pennsylvania-Maryland State line at U.S. Highway 1 to Baltimore, Md., thence southeast, across the Chesapeake Bay to Centreville, Md., thence through Carville and Ingleside, Md., to the Maryland-Delaware State line at or near Marydel, Md., thence along Delaware Highway 8 to Dover, Del., thence north along the Delaware River to the Delaware Memorial Bridge, thence along Delaware Highway 273 to U.S. Highway 1, including all points on

described line, to Suffern, N.Y., and points in Nassau and Suffolk Counties, N.Y. (4) *Pallets and containers* used for the commodities specified in (3) above, from Suffern, N.Y., and points in Nassau and Suffolk, Counties, N.Y., to the Maryland and Delaware territory described in (3) above (5) *Glassware*, from Baltimore, Md., to points in Connecticut. (6) *Glass bottles*, not exceeding one gallon in capacity, from Baltimore, Md., to Pearl River, N.Y.

(7) *Rejected shipments of glass bottles* specified in (6) above, from Pearl River, N.Y., to Baltimore, Md. (8) *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in the New York, N.Y., commercial zone, as defined by the Commission, on the one hand, and, on the other, points in the Philadelphia, Pa., commercial zone, as defined by the Commission. The purpose of this filing is to eliminate the gateways of Buena, N.J., in (1) above; Mullica Hill, N.J., in (2); Millville, N.J., in (3), (4), (5), (6), and (7); and Glassboro, N.J., in (8).

No. MC-31436 (Sub-No. E1) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER July 30, 1974. Applicant: ROY O. WETZ, d.b.a. R. O. WETZ TRANSPORTATION, 212 Pike Street, Marietta, Ga. 45750. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. The purpose of this abbreviated correction is to set forth the gateways to be eliminated as Waterford Township and Marietta, Ohio. The remainder of this letter-notice remains as previously published.

No. MC-34231 (Sub-No. E1), filed May 15, 1974. Applicant: D & H TRUCKING, INC., P.O. Box 9158, Tulsa, Okla. 74107. Applicant's representative: Marion F. Jones, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products and *machinery, materials, equipment, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, and *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments, moving to or from pipeline rights of way, (1) between points in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, and Presidio Counties, Tex., on the one hand, and, on the other, points in Arkansas, Baxter, Benton, Boone, Carroll, Clay, Cleburne, Conway, Craighead, Crawford, Crittenden, Cross, Desha, Faulkner, Franklin, Fulton, Greene, Independence, Izard, Jackson, Jefferson, Johnson, Lawrence, Lee, Lincoln, Logan, Lonoke, Madison, Marion, Mississippi, Monroe, Newton, Perry, Phillips, Poinsett, Pope, Prairie, Pulaski, Randolph, St. Francis, Saline, Searcy, Sebastian, Sharp, Stone, Van Buren, Washington, White, Woodruff, and Yell Counties, Ark.

(2) Between points in Andrews, Borden, Briscoe, Childress, Collingsworth, Cottle, Crane, Crosby, Dawson, Dickens, Donley, Ector, Fisher, Floyd, Foard, Gaines, Garza, Glasscock, Hale, Hall, Hardeman, Hockley, Howard, Kent, King, Loving, Lubbock, Lynn, Martin, Midland, Mitchell, Motley, Pecos, Reagan, Reeves, Scurry, Stonewall, Terry, Upton, Ward, Winkler, and Yoakum Counties, Tex., on the one hand, and, on the other, points in Baxter, Benton, Boone, Carroll, Clay, Cleburne, Craighead, Crittenden, Cross, Fulton, Greene, Independence, Izard, Jackson, Lawrence, Madison, Marion, Mississippi, Newton, Poinsett, Randolph, Saint Francis, Seardy, Sharp, Stone, Van Buren, Washington, White, and Woodruff Counties, Ark.; (3) between points in Archer, Baylor, Callahan, Clay, Coke, Coleman, Concho, Crockett, Edwards, Haskell, Irion, Jack, Jones, Kimble, Knox, Menard, Nolan, Runnels, Schleicher, Shackelford, Stephens, Sterling, Sutton, Taylor, Terrell, Throckmorton, Tom Green, Val Verde, Wichita, Wilbarger, and Young Counties, Tex., on the one hand, and, on the other, points in Baxter, Benton, Boone, Carroll, Clay, Craighead, Fulton, Greene, Independence, Izard, Jackson, Lawrence, Madison, Marion, Mississippi, Newton, Poinsett, Randolph, Searcy, Sharp, and Stone Counties, Ark.; (4) between points in Armstrong, Bailey, Cochran, Carson, Castro, Dallam, Deaf Smith, Gray, Hansford Hartley, Hemphill, Hutchinson, Lamb, Lipscomb, Moore, Ochiltree, Oldham; Parmer, Potter, Randall, Roberts, Sherman, Swisher, and Wheeler Counties, Tex., on the one hand, and, on the other, points in Arkansas, Baxter, Benton, Boone, Bradley, Calhoun, Carroll, Chicot, Clark, Clay, Cleburne, Cleveland, Columbia, Conway, Craighead, Crawford, Crittenden, Cross, Dallas, Desha, Faulkner, Franklin, Fulton, Garland, Grant, Greene, Hot Springs, Howard, Independence, Izard, Jackson, Jefferson, Johnson, Lawrence, Lee, Lincoln, Logan, Lonoke, Madison, Marion, Mississippi, Monroe, Montgomery, Newton, Perry, Phillips, Poinsett, Pope, Prairie, Pulaski, Randolph, Saint Francis, Saline, Scott, Searcy, Sebastian, Sharp, Stone, Van Buren, Washington, White, Woodruff, and Yell Counties, Ark.

(5) Between points in Texas, on the one hand, and on the other, points in Colorado (except (a) between points in Culberson, El Paso, Hudspeth, Jeff Davis, and Loving, Reeves, Ward, and Winkler Counties, Tex., on the one hand, and, on the other, points in Alamosa, Archuleta, Baca, Chaffee, Conejos, Costilla, Custer, Delta, Dolores, Eagle, El Paso, Fremont, Garfield, Gunnison, Hinsdale, Huerfano, Lake, La Plata, Las Animas, Mesa, Mineral, Moffat, Montezuma, Montrose, Otero, Ouray, Park, Pitkin, Pueblo, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Summit, and Teller Counties, Colo., and (b) between points in Brewster, Deaf Smith, Oldham, Pecos, Potter, Presidio, Randall, and Terrell Counties, Tex., on the one hand, and on the other, points in Baca, Costilla, and Las Animas Counties, Colo., (c) between points in Andrews, Armstrong, Bailey, Carson, Castro, Cochran, Crane, Dawson, Ector, Gaines, Hale, Hockley, Lamb, Lubbock, Lynn, Martin, Parmer, Swisher, Terry, and Yoakum Counties, Tex., on one hand, and on the other, points in Alamosa, Archuleta, Conejos, Costilla, Dolores, Hinsdale, Huerfano, La Plata, Las Animas, Mineral, Montezuma, Rio Grande and San Juan Counties, Colo., and (d) between points in Borden, Briscoe, Coke, Crockett, Crosby, Dickens, Donley, Fisher, Floyd, Garza, Glasscock, Gray, Howard, Irion, Kent, Midland, Mitchell, Reagan, Scurry, Sterling, Stonewall and Upton Counties, Tex., on the one hand, and, on the other, points in Archuleta, Dolores, La Plata, Montezuma, and San Juan Counties, Colo.).

(6) Between points in Texas, on the one hand, and, on the other, points in Illinois (except (a) between points in Anderson, Bowie, Brazoria, Camp, Chambers, Cherokee, Fort Bend, Franklin, Galveston, Grimes, Harris, Henderson, Houston, Liberty, Montgomery, Polk, San Jacinto, Smith, Titus, Trinity, Walker, Waller, and Wood Counties, Tex., on the one hand, and, on the other, points in Alexandria, Massac, and Pulaski Counties, Ill., (b) between points in Angelina, Cass, Gregg, Hardin, Harrison, Jasper, Jefferson, Marion, Morris, Nacogdoches, Newton, Orange, Panola, Sabine, San Augustine, Shelby, Tyler, and Upshur Counties, Tex., on the one hand, and, on the other, points in Alexandria, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Saline, Union, and Williamson Counties, Ill.).

(7) Between points in Texas, on the one hand, and, on the other, points in Missouri (except (a) between points in Anderson, Brazoria, Fort Bend, Franklin, Galveston, Harris, Houston, Montgomery, Red River, San Jacinto, Trinity, and Waller Counties, Tex., on the one hand, and, on the other, points in Bollinger, Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Perry, Riplet, Scott, Stoddard, and Wayne Counties, Mo., (b) between points in Angelina, Camp, Chambers, Cherokee, Hardin, Jefferson, Liberty, Morris, Orange, Polk, Smith, Titus, Tyler, Upshur, and Wood Counties, Tex., on the one hand, and, on the other, points in Bollinger, Butler, Cape Girardeau, Carter,

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Dunklin, Howell, Madison, Mississippi, New Madrid, Oregon, Ozark, Pemiscot, Perry, Ripley, Scott, Stoddard, and Wayne Counties, Mo., (c) between points in Austin, Brazos, Burleson, Colorado, Freeston, Grimes, Henderson, Jackson, Lee, Leon, Madison, Matagorda, Milam, Rains, Robertson, Van Zandt, Walker, Washington, and Wharton Counties, Tex., on the one hand, and, on the other, points in Butler, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, and Stoddard Counties, Mo., and (d) between points in Bowie, Cass, Gregg, Harrison, Jasper, Nacogdoches, Newton, Panola, Rusk, Sabine, San Augustine, and Shelby Counties, Tex., on the one hand, and, on the other, points in Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Ozark, Pemiscot, Perry, Reynolds, Ripley, Sainte Genevieve, Saint Francis, Scott, Shannon, Stoddard, and Wayne Counties, Mo.); (8) between points in Texas, on the one hand, and, on the other, points in Nebraska; (9) between points in Archer, Bastrop, Bee, Bell, Caldwell, Cameron, Comanche, Coryell, De Witt, Eastland, Falls, Goliad, Gonzales, Hamilton, Hays, Jim Wells, Kannes, Kenedy, Kleberg, Live Oak, McLenan, Milam, Nueces, Refugio, San Patricio, Stephens, Travis, Wichita, Willacy, Williamson, Wilson, and Young Counties, Tex., on the one hand, and, on the other, points in Colfax, Rio Arriba, San Juan, Taos, and Union Counties, N. Mex.;

(10) Between points in Austin, Bosque, Brazoria, Brazos, Burleson, Calhoun, Clay, Collin, Colorado, Cooke, Dallas, Denton, Ellis, Erath, Fayette, Fort Bend, Freestone, Grayson, Hill, Hood, Jack, Jackson, Johnson, Lavaca, Lee Leon, Limestone, Matagorda, Montague, Navarro, Palo Pinto, Parker, Robertson, Rockwell, Somervell, Tarrant, Victoria, Washington, Wharton, and Wise Counties, Tex., on the one hand, and, on the other, points in Colfax, Harding, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, Taos, and Union Counties, N. Mex.; (11) between points in Bowie, Camp, Cass, Chambers, Delta, Franklin, Galveston, Hopkins, Jefferson, Lamar, Marion, Morris, Orange, Red River, Titus, Upshur, and Wood Counties, Tex., on the one hand, and, on the other, points in Bernalillo, Catron, Colfax, Guadalupe, Harding, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union, and Valencia Counties, N. Mex.; (12) between points in Anderson, Angelina, Cherokee, Fannin, Gregg, Grimes, Hardin, Harris, Harrison, Henderson, Houston, Hunt, Jasper, Kaufman, Liberty, Madison, Montgomery, Nacogdoches, Newton, Panola, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Trinity, Tyler, Van Zandt, Walker, and Waller Counties, Tex., on the one hand, and, on the other, points in Bernalillo, Colfax, Harding, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos, Union, and Valencia Counties, N. Mex.; and (13) between points in Texas, on the one hand, and, on the other, points in Wyoming (except between points in El Paso County, Tex., on the one hand, and, on the other, points in Sweetwater and Uinta Counties, Wyo.). The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC-35628 (Sub-No. E1), (correction), filed May 14, 1974, published in the FEDERAL REGISTER August 2, 1974. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Ave. SW., Grand Rapids, Mich. 49502. Applicant's representative: Chandler VanOrman, Southern Building, 15th & H Streets NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Proposal 2: The *commodities* described in proposal 1 above, from points in Arkansas to Leavenworth, Topeka, Atchison, and Lawrence, Kans. The purpose of this filing is to eliminate the gateway of Kansas City, Mo. The purpose of this correction is to include Leavenworth as a destination point. The remainder remains as previously published.

No. MC-47583 (Sub-No. E1), filed May 16, 1974. Applicant: TOLLIE FREIGHTWAYS, INC., P.O. Box 225, Lawrence, Kans. 66044. Applicant's representative: D. S. Hutts (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Kansas City, Mo., to Oklahoma City and Tulsa, Okla. The purpose of this filing is to eliminate the gateway of Independence, Kans.

No. MC-51146 (Sub-No. E9), filed May 9, 1974. Applicant: SCHNEIDER TRANSPORT, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. E. Martin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glassware and glass containers, and caps, covers, tops, stoppers, and accessories for glass containers, and paper cartons*, which are materials and supplies used by a glass manufacturing plant from Gas City, Ind., to points in Minnesota (Plainfield, Ill.) •; (2) *glass jars and bottles* utilized by food business houses (except commodities in bulk), from Marion, Ind., to points in the Upper Peninsula of Michigan on and west of U.S. Highway 41 (the plant and warehouse facilities of Haskon, Bingham/Risdon Division, at Ashwaubenon, Wis.) •; (3) *glass jars and bottles* utilized by food business houses (except commodities in bulk), from Marion, Ind., to points in Washington, Oregon, California, Nevada, Idaho, Montana, North Dakota, points in Minnesota on and north of a line from the Wisconsin-Minnesota State line along U.S. Highway 14 to the junction of Minnesota Highway 60, thence along Minnesota Highway 60 to the junction of U.S. Highway 16, thence along U.S. Highway 16 to the Minnesota-South Dakota State line, points in South Dakota on and north of a line from the Minnesota-South Dakota State line along U.S. Highway 16 to the junction of South Dakota Highway 73, thence along South Dakota Highway 73 to the South Dakota-Nebraska State line, points in Wyoming on and north of a line from the Nebraska-Wyoming State line along U.S. Highway 26 to the junction of Wyoming Highway 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line, points in Utah on and west of a line from the Wyoming-Utah State line along U.S. Highway 189 to the junction of U.S. Highway 6, thence along U.S. Highway 6 to the junction of U.S. Highway 163, thence along U.S. Highway 163 to the Utah-Arizona State line, and points in Arizona on and west of a line from the Nevada-Arizona State line along U.S. Highway 93 to the junction of Arizona Highway 93, thence along Arizona Highway 93 to the Arizona-Mexico Boundary (the plant and warehouse facilities of Haskon, Bingham/Risdon Division, at Ashwaubenon, Wis.) •.

(4) *Glass jars and bottles* produced or distributed by manufacturers and converters of paper and paper products (except drums, pails and cans, and commodities in bulk, in tank or hopper-type vehicles), from Marion, Ind., to points in North Dakota and points in South Dakota on, north, and west of a line from the Minnesota-South Dakota State line along U.S. Highway 16 to the junction of U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line (Mosinee, Wis.) •; (5) *glass products* (except glass containers), from Gas City, Ind., to points in Ohio on and east of a line from the Indiana-Ohio State line along U.S. Highway 36 to the junction of U.S. Highway 25, thence along U.S. Highway 25 to the junction of U.S. Highway 6, thence along U.S. Highway 6 to Lake Erie at Sandusky, Ohio (Muncie, Ind.) •; (6) *cellulose materials and products, paper and paper products, and materials, equipment, and supplies* (except commodities in bulk), between points in Virginia on and east of Interstate Highway 95 (except points in Arlington, Fairfax, and Prince William Counties), on the one hand, and, on the other, points in Minnesota, Wisconsin, points in Michigan on and north of Michigan Highway 32, points in Illinois on and north of U.S. Highway 6 (except points in the Chicago Commercial Zone as defined by the Commission), and points in Iowa on, north, and west of a line from the Illinois-Iowa State line along U.S. Highway 6 to the junction of U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line (Paxinos, Pa.) •. Restriction: The operations authorized immediately above are restricted against the transportation of traffic originating at the excluded (i.e. "except") points in Virginia. (7) *Prefinished and unfinished plywood*,

from Baltimore, Md., to points in North Dakota, South Dakota, points in Iowa on and north of a line from the Wisconsin-Iowa State line along U.S. Highway 18 to the junction of U.S. Highway 65, thence along U.S. Highway 65 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line, points in Nebraska on and north of a line from the Iowa-Nebraska State line along Nebraska Highway 35 to the junction of U.S. Highway 81, thence along U.S. Highway 81 to the junction of U.S. Highway 30, thence along U.S. Highway 30 to the Nebraska-Wyoming State line (Marshfield, Wis.) •. Restriction: The authority grant herein is restricted to the transportation of traffic (1) originating at the warehouse facilities of the Weyerhaeuser Co., at Baltimore, Md., and (2) having a prior movement by water.

(8) *Prefinished and unfinished plywood* as is manufactured or distributed by manufacturers or converters of cellulose materials and products and paper products, from Baltimore, Md., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, points in Colorado on and west of a line from the Nebraska-Colorado State line along Colorado Highway 71 to the junction of U.S. Highway 350, thence along U.S. Highway 350 to the junction of Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line, points in New Mexico on and west of a line from the Colorado-New Mexico State line along U.S. Highway 85 to the junction of U.S. Highway 285, thence along U.S. Highway 285 to the junction of U.S. 54, thence along U.S. Highway 54 to the New Mexico-Texas State line (Green Bay, Wis.) •. Restriction: The authority granted herein is restricted to the transportation of traffic (1) originating at the warehouse facilities of the Weyerhaeuser Co., at Baltimore, Md., and (2) having a prior movement by water. (9) (a) *Paper and paper products* (except commodities in bulk), from points in Virginia on and east of Interstate Highway 95 (except points in Arlington, Fairfax and Prince William Counties, Va.) to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, North Dakota, South Dakota, Nebraska, points in Kansas on and west of U.S. Highway 81 and points in New Mexico on and north of U.S. Highway 54. Restriction: The operations authorized immediately above are restricted against the transportation of traffic originating at the excluded (i.e., "excepted") points in Virginia. (b) *Materials and supplies* used in the manufacture and distribution of the commodities in (9) (a) above from points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, North Dakota, South Dakota, Nebraska, points in Kansas on and west of U.S. Highway 81, and points in New Mexico on and north of U.S. Highway 54 to points in Virginia on and east of Interstate Highway 95 (except points in Arlington, Fairfax, and Prince William Counties) (Paxinos, Pa., and Muncie, Ind.) •.

(10) *Wood pulp* (except in bulk), between points in Milwaukee, Racine, and Kenosha Counties, Wis., on the one hand, and, on the other points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, points in Michigan south and east of a line from the Indiana-Michigan State line along U.S. Highway 27 to the junction of Michigan Highway 46, thence along Michigan Highway 46 to Lake Huron, points in Indiana on, south, and east of a line from the Illinois-Indiana State line along U.S. Highway 36 to the junction of Interstate Highway 69, thence along Interstate Highway 69 to the Indiana-Michigan State line, and points in Illinois on and north of a line from the Iowa-Illinois State line along U.S. Highway 50 to the junction of Illinois Highway 121, thence along Illinois Highway 121 to the junction of U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Indiana State line (Lake Geneva, Wis.) •; (11) *wood pulp* (except commodities in bulk) between points in Milwaukee, Racine, and Kenosha Counties, Wis., on the one hand, and, on the other, points in Minnesota and points in Michigan on and north of Michigan Highway 32 (Waukesha, Wis.) •; (12) *wood pulp* (except commodities in bulk) as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, between points in Wisconsin on, east, and north of a line from Lake Superior at Ashland, Wis., along Wisconsin Highway 13 to the junction of Wisconsin Highway 54, thence along Wisconsin Highway 54 to Lake Michigan, on the one hand, and, on the other, points in Arizona, New Mexico, points in California on, west, and south of a line from the Oregon-California State line along Interstate Highway 5 to the junction of California Highway 20, thence along California Highway 20 to the junction of Interstate Highway 80, thence along Interstate Highway 80 to the California-Nevada State line, points in Colorado on, south, and west of a line from the Colorado-Utah State line along U.S. Highway 50 to the junction of U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line, points in Nevada on and south of U.S. Highway 50, points in Oregon on and west of Interstate Highway 5, points in Utah on and south of a line from the Nevada-Utah State line along U.S. Highway 50 to the junction of Utah Highway 26, thence along Utah Highway 26 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to the Utah-Colorado State line, points in Washington south and west of a line from the Washington-Oregon State line along Interstate Highway 5 to the junction of U.S. Highway 12, thence along U.S. Highway 12 to the Pacific Ocean at Aberdeen, Wash. (Green Bay, Wis.) •.

(13) (a) *Wood pulp* (except commodities in bulk), produced or distributed by manufacturers and converters of paper and paper products (except drums, pails, and cans), from points in Wisconsin on, east, and north of a line from Lake Superior at Ashland, Wis., along Wisconsin Highway 13 to the junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to Lake Michigan, to points in Texas, Oklahoma, Kansas, Louisiana, points in Arkansas on and west of U.S. Highway 65, points in Missouri on and west of a line from the Arkansas-Missouri State line along U.S. Highway 71 to the junction of U.S. Highway 36, thence along U.S. Highway 36, to the Missouri-Kansas State line, and points in Nebraska on and west of a line from the Kansas-Nebraska State line along U.S. Highway 281 to the junction of Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-South Dakota State line; (b) *wood pulp* (except commodities in bulk) which is a material or supply used in the manufacture and distribution of the products authorized in (13) (a) above from points in Texas, Oklahoma, Kansas, Louisiana, points in Arkansas on and west of U.S. Highway 65, points in Missouri on and west of a line from the Arkansas-Missouri State line along U.S. Highway 71 to the junction of U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line, and points in Nebraska on and west of a line from the Kansas-Nebraska State line along U.S. Highway 281 to the junction of Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-South Dakota State line, to points in Wisconsin on, east, and north of a line from Lake Superior at Ashland, Wis., along Wisconsin Highway 13 to the junction of Wisconsin Highway 54, thence along Wisconsin Highway 54 to Lake Michigan (Mosinee, Wis.) •.

(14) (a) *Wood pulp* produced or distributed by manufacturers and converters of paper and paper products (except drums, pails, and cans, and commodities in bulk), from points in Wisconsin on and north of U.S. Highway 10 to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, and points in New York on and east of a line from the New York-Canadian Boundary at Clayton, N.Y., along New York Highway 12 to the junction of New York Highway 8, thence along New York Highway 8 to the New York-Pennsylvania State line; (b) *wood pulp* which is a material or supply used in the manufacture and distribution of the products described in (14) (a) above (except commodities in bulk) from points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, and points in New York on and east of a line from the New York-Canadian Boundary at Clayton, N.Y., along New York Highway 12 to the junction of New York Highway 8, thence along New York Highway 8 to the New York-Pennsylvania State line to points in Wisconsin on and

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north of U.S. Highway 10 (Mosinee, Wis.)*.

(15)(a) *Wood pulp* produced or distributed by manufacturers and converters of paper and paper products (except drums, pails and cans and commodities in bulk), from points in Wisconsin on and north of U.S. Highway 10 to points in Florida, points in Virginia on, south, and east of a line from the Chesapeake Bay along U.S. Highway 360 to the junction of Interstate Highway 95, thence along Interstate Highway 95 to the Virginia-North Carolina State line, points in North Carolina on and east of North Carolina Highway 49, points in South Carolina on and east of South Carolina Highway 72, points in Georgia on and south of a line from the South Carolina-Georgia State line along Georgia Highway 72 to the junction of U.S. Highway 129, thence along U.S. Highway 129 to the junction of U.S. Highway 80, thence along U.S. Highway 80 to the Georgia-Alabama State line, points in Alabama on and south of a line from the Georgia-Alabama State line along U.S. Highway 80 to the junction of U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Mississippi State line, and points in Mississippi on and south of U.S. Highway 82, to points in Wisconsin on and north of U.S. Highway 10.

(16) *Cellulose materials and products, paper and paper products, and materials, equipment, and supplies* used in the production and distribution of the above-described commodities (except in each instance commodities in bulk), between points in Virginia on and east of Interstate Highway 95 (except points in Arlington, Fairfax, and Prince William Counties, Va.), and points in Washington, Oregon, Idaho, Montana, points in Utah on and north of U.S. Highway 80, points in Nevada on and north of U.S. Highway 6, and points in California in and north of Monterey, Fresno and Mono Counties, Calif. Restriction: The operations authorized immediately above are restricted against the transportation of traffic originating at the excluded (i.e., "excepted") points in Virginia, (Paxinos, Pa., and Green Bay, Wis.)*. (17) *Glassware, and glass containers* utilized by food business houses (except commodities in bulk), from Evansville, Ind., to points in Washington, Oregon, Montana, North Dakota, the Upper Peninsula of Michigan, points in Wisconsin on and north of U.S. Highway 10, points in Minnesota on and north of Minnesota Highway 19, points in South Dakota on and north of a line from the Minnesota-South Dakota State line along U.S. Highway 14 to the junction of U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Wyoming State line, points in Wyoming on and north of a line from the South Dakota-Wyoming State line along U.S. Highway 16 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Montana State line, points in Idaho on and north of a line from the Montana Idaho State line along U.S. Highway 20 to the junction of U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line, points in Nevada west of a line from the Oregon-Nevada State line along U.S. Highway 95 to the junction of U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line, and points in California in and north of Santa Cruz, Santa Clara, Merced, Mariposa, and Mono Counties, Calif. (Plainfield, Ill., and Ashwaubenon, Wis.)*.

(18) *Glass containers and glass container caps, corrugated cardboard, and fibreboard sheets*, which are materials and supplies which are used by glass manufacturing plants and produced or distributed by manufacturers or converters of paper and paper products, from Evansville, Ind., to points in North Dakota, and points in South Dakota on and north of a line from the Minnesota-South Dakota State line along U.S. Highway 14 to the junction of U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Wyoming State line, and points in the Upper Peninsula of Michigan on and west of a line from Lake Superior at Marquette, Mich., along U.S. Highway 41 to the junction of Michigan Highway 95, thence along Michigan Highway 95 to the Michigan-Wisconsin State line (Streator, Ill., and Mosinee, Wis.)*; (19) *glassware, glass containers, and caps, covers, tops, stippers, and accessories* for glass containers which are materials or supplies used by a glass manufacturing plant, from Evansville, Ind., to points in Minnesota, points in Michigan on and north of Michigan Highway 55 (except points in the Upper Peninsula of Michigan), and points in Wisconsin on and west of a line from Green Bay, Wis., along U.S. Highway 41 to the junction of Wisconsin Highway 67, thence along Wisconsin Highway 67 to the Wisconsin-Illinois State line (Plainfield, Ill.)*; (20) *glass products* (except glass containers), from Evansville, Ind., to points in Ohio on and north of U.S. Highway 35 (Muncie, Ind.)*; (21)(a) *rolls of paper and corrugated cartons*, from points in Virginia on and east of a line from the West Virginia-Virginia State line along U.S. Highway 11 to the junction of U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line (except points in Clarke, Loudoun, Fauquier, Prince William, Fairfax, Arlington, Northampton, and Accomack Counties, Va.), to points in New Hampshire on and north of U.S. Highway 2, points in Vermont on and north of U.S. Highway 2, points in New York on and north of a line from the Pennsylvania-New York State line along New York Highway 30 to the junction of New York Highway 29, thence along New York Highway 29 to the punction of New York Highway 153, thence along New York Highway 153, to the New York-Vermont State line (except points west of a line from Lake Ontario near Rochester, N.Y., south over unnumbered highway to the junction of U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line).

(21)(b) *Paper business forms* from points in New Hampshire on and north of U.S. Highway 2 (except Nashua and Merrimack), points in Vermont on and north of U.S. Highway 2 (except Gilman), points in New York on and north of a line from the Pennsylvania-New York State line along New York Highway 30 to the junction of New York Highway 29, thence along New York Highway 29 to the junction of New York Highway 153, thence along New York Highway 153 to the New York-Vermont State line (except points west of a line from Lake Ontario near Rochester, N.Y., south over unnumbered highway to the junction of U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line and except Lyons Falls, Plattsburg, Utica, and Gildenland Center, N.Y.) (Mechanicsburg, Pa., and Paxinos, Pa.)*; (22) *glass containers and glass container caps* used as materials or supplies by a glass manufacturing plant, from Evansville, Ind., to points in Iowa on and west of U.S. Highway 69, and points in Missouri on and north of a line from the Kansas-Missouri State line along U.S. Highway 50 to the junction of U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Illinois State line (Hillsboro, Ill.)*; (23)(a) *rolls of paper and corrugated cartons*, from points in North Carolina (except points in Currituck, Camden, Jackson, Swain, Macon, Graham, Clay, and Cherokee Counties, N.C.), to points in New York on and north of a line from the Pennsylvania-New York State line along New York Highway 30 to the junction of New York Highway 67, thence along New York Highway 67 to the New York-Vermont State line (except points west of a line from Lake Erie at Buffalo, New York along U.S. Highway 20 to the junction of U.S. Highway 15 to the Pennsylvania-New York State line), points in Vermont on and north of U.S. Highway 4, points in New Hampshire on and north of New Hampshire Highway 25, and points in

Maine on and north of a line from the New Hampshire-Maine State line along U.S. Highway 2 to the junction of Alternate U.S. Highway 1, thence along Alternate U.S. Highway 1 to the junction of Maine Highway 3, thence along Maine Highway 3 to the Atlantic Ocean.

(23)(b) *Paper business forms* from points in New York on and north of a line from the Pennsylvania-New York State line along New York Highway 30 to the junction of New York Highway 67, thence along New York Highway 67 to the New York-Vermont State line (except points west of a line from Lake Erie at Buffalo, N.Y., along U.S. Highway 20 to the junction of U.S. Highway 15, thence along U.S. Highway to the Pennsylvania-New York State line), points in Vermont on and north of U.S. Highway 4 (except Gilman), points in New Hampshire on and north of New Hampshire Highway 25 (except Nashua and Merrimack), and points in Maine on and north of a line from the New Hampshire-Maine State line along U.S. Highway 2 to the junction of Alternate U.S. Highway 1, thence along Alternate U.S. Highway 1 to the junction of Maine Highway 3, thence along Maine Highway 3 to the Atlantic Ocean (except Lincoln, Millinocket, East Millinocket, Numford, Westbrook, and Woodland), to points in North Carolina (except points in Currituck, Camden, Jackson, Swain, Macon, Graham, Clay, and Cherokee Counties). Restriction: The operations authorized in (b) above are restricted against the transportation of traffic originating at the excluded (i.e., "excepted") points above.

(24) *Cellulose materials and products, paper and paper products, and materials, equipment, and supplies* used in the production and distribution of the above-described (except in each instance commodities in bulk), between points in New York on and north of Interstate Highway 84 (except points west of a line from Lake Ontario at Oswego, N.Y. along New York Highway 57 to the junction of U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line) (Paxinos, Pa., and Muncie, Ind.)*. Restriction: The operations authorized immediately above are restricted against the transportation of traffic originating from Lyons Falls, Plattsburg, Utica, and Gildenland Center, N.Y. (25)(a) Paper and paper products (except commodities in bulk), from points in New York on and north of Interstate Highway 84 (except points west of a line from Lake Ontario at Oswego, N.Y. along New York Highway 57 to the junction of U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line), to points in North Dakota, South Dakota, Nebraska, Missouri, Arkansas, Mississippi, and to points in all States west thereof, points in Illinois on and south of U.S. Highway 460, and to East St. Louis, Ill., and Evansville, Ind.

(25)(b) *Materials and supplies* (except commodities in bulk) used in the manufacture or distribution of paper and paper products from points in North Dakota, South Dakota, Nebraska, Missouri, Arkansas, Mississippi, and points in all States west thereof, points in Illinois on and south of U.S. Highway 460, and from East St. Louis, Ill., and Evansville, Ind., to points in New York on and north of Interstate Highway 84 (except points west of a line from Lake Ontario at Oswego, N.Y., along New York Highway 57 to the junction of U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line) (Paxinos, Pa., and Muncie, Ind.)*. Restriction: The operations authorized immediately above are restricted against the transportation of traffic originating from Lyons Falls, Plattsburg, Utica, and Gildenland Center, N.Y. (26) *Paper and paper products* (except commodities in bulk), from points in New York on and north of Interstate Highway 84 (except points west of a line from Lake Ontario at Oswego, N.Y., along New York Highway 57 to the junction of U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line), to Memphis, Tenn. (Paxinos, Pa., and South Bend, Ind.)*. Restriction: The operations authorized immediately above are restricted against the transportation of traffic originating from Lyons Falls, Plattsburg, Utica, and Gildenland Center, N.Y. (27) *Cellulose materials and products, paper and paper products, and materials, equipment, and supplies* used in the production and distribution of the above-described commodities (except in each instance commodities in bulk), from points in New York on and north of Interstate Highway 84 (except points west of a line from Lake Ontario at Oswego, N.Y., along New York Highway 57 to the junction of U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line), to points in Washington, Oregon, California, Nevada, Montana, Idaho, Utah, points in Wyoming on and north of U.S. Highway 26, and points in Arizona on and west of U.S. Highway 89 (Paxinos, Pa., and Green Bay, Wis.)*. Restriction: The operations authorized immediately above are restricted against the transportation of traffic originating from Lyons Falls, Plattsburg, Utica, and Gildenland Center, N.Y.

(28) *Glassware and glass containers* utilized by food business houses (except commodities in bulk), from Terre Haute, Ind., to points in Washington, Oregon, Montana, North Dakota, points in Minnesota on and north of a line from the Wisconsin-Minnesota State line along U.S. Highway 61 to the junction of Minnesota Highway 19, thence along Minnesota Highway 19 to the Minnesota-South Dakota State line, points in South Dakota on and north of a line from the Minnesota-South Dakota State line along U.S. Highway 14 to the junction of U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Wyoming State line, points in Wyoming on and north of a line from the South Dakota-Wyoming State line along U.S. Highway 16 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the junction of U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Idaho State line, points in Idaho on and north of a line from the Wyoming-Idaho State line along U.S. Highway 26 to the junction of Alternate U.S. Highway 93, thence along Alternate U.S. Highway 93 to the junction of U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line, points in Nevada on and west of a line from the Idaho-Nevada State line along U.S. Highway 93 to the junction of U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line, points in California on, north, and west of a line from the Nevada-California State line along U.S. Highway 50 to the junction of California Highway 99, thence along California Highway 99 to the junction of California Highway 41, thence along California Highway 41 to the Pacific Ocean (Plainfield, Ill., and Ashwaubenon, Wis.)*; (29) *glass containers* which may be produced or distributed by manufacturers and converters of paper and paper products (except drums, pails, and cans, and commodities in bulk) from Terre Haute, Ind., to points in North Dakota, points in South Dakota on and north of U.S. Highway 14, and points in the Upper Peninsula of Michigan on and west of a line from Lake Superior along U.S. Highway 41 to the junction of U.S. Highway 141, thence along U.S. Highway 141 to the junction of U.S. Highway 2, thence along U.S. Highway 2 to the junction of U.S. Highway 45, thence along

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U.S. Highway 45 to the Michigan-Wisconsin State line (Streator, Ill., and Mosine, Wis.)*.

(30) *Glassware and glass containers, and incidental thereto, caps, covers, tops, stoppers, and accessories* for glass containers which are materials and supplies used by a glass manufacturing plant, from Terre Haute, Ind., to points in Minnesota, points in Wisconsin on and west of a line from the Michigan-Wisconsin State line along U.S. Highway 41 to the junction of Wisconsin Highway 67, thence along Wisconsin Highway 67 to the Wisconsin-Illinois State line, and points in the Lower Peninsula of Michigan east and north of a line from Traverse City, Mich., along Michigan Highway 37 to the junction of Michigan Highway 113, thence along Michigan Highway 113 to the junction of U.S. Highway 131, thence along U.S. Highway 131 to the junction of U.S. Highway 10, thence along U.S. Highway 10 to Saginaw, and thence along Michigan 46 to Port Sanilac (Plainfield, Ill.)*; (31) *glass containers, and incidental thereto, glass container caps*, used by a glass manufacturing plant, from Terre Haute, Ind., to points in Missouri on and north of U.S. Highway 50 (except St. Louis and Hannibal, Mo.) (Hillsboro, Ill.)*; (32) *glass containers, and incidental thereto, glass container caps, corrugated cardboard, fibreboard sheets*, which are supplies or materials used by a glass manufacturing plant, from Terre Haute, Ind., to points in Iowa on and west of U.S. Highway 69 (Streator, Ill.)*; (33) (a) *paper and paper products* (except commodities in bulk), from points in New York on and west of a line from Oswego, N.Y., along New York Highway 57 to the junction of U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line (except points west of a line from Lake Ontario along unnumbered highway to Rochester, N.Y., thence along U.S. Highway 15 to the New York-Pennsylvania State line), to points in Montana, Wyoming, Colorado, Oklahoma, Texas, and to points in all States west thereof, points in Louisiana, points in Kansas on and south of Interstate Highway 70, points in Arkansas on and west of U.S. Highway 65, and Kansas City, Mo.

(33) (b) *Materials and supplies* (except commodities in bulk) from points in Montana, Wyoming, Colorado, Oklahoma, Texas, and to points in all States west thereof, points in Louisiana, points in Kansas on and south of Interstate Highway 70, points in Arkansas on and west of U.S. Highway 65, and Kansas City, Mo., to points in New York on and west of a line from Oswego, N.Y., along New York Highway 57 to the junction of U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line (except points west of a line from Lake Ontario along unnumbered highway to Rochester, N.Y., thence along U.S. Highway 15 to the New York-Pennsylvania State line). (Paxinos, Pa., and Muncie, Ind.)* Restriction: The operations authorized in (33) (a) are restricted against the transportation of traffic originating from Lyons Falls and Utica, N.Y. (except St. Louis and Hannibal, Mo.) (Streator, Ill.)*; (34) *Cellulose materials and products, paper and paper products, and materials and supplies* used in the production and distribution of the above-described commodities (except in each instance, commodities in bulk), between points in New York on and west of a line from Oswego, N.Y., along New York Highway 57 to the junction of U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line (except points west of a line from Lake Ontario along an unnumbered highway to Rochester, N.Y., thence along U.S. Highway 15 to the New York-Pennsylvania State line), on the one hand, and, on the other, points in Washington, Oregon, points in Idaho on and west of Interstate Highway 15, points in Nevada on and north of Interstate Highway 15, and points in California on, north, and west of Interstate Highway 15 (Paxinos, Pa., and Green Bay, Wis.)*. Restriction: The operations authorized above are restricted against the transportation of traffic originating from Lyons Falls and Utica, N.Y. (35) *Glassware and glass containers*, utilized by food business houses (except commodities in bulk), from Terre Haute, Ind., to points in Wisconsin on and north of a line from the Minnesota-Wisconsin State line along U.S. Highway 10 to the junction of U.S. Highway 41, thence along U.S. Highway 41 to the Wisconsin-Michigan State line, and points in the Upper Peninsula of Michigan (except Mackinac and Luce and Chippewa Counties, Mich.) (Plainfield, Ill., and Ashwaubenon, Wis.)*.

(36) *Glass products* (except glass containers), from Terre Haute, Ind., to points in Ohio on, north, and east of a line from the Indiana-Ohio State line along U.S. Highway 27 to the junction of Ohio Highway 73 near Oxford, Ohio, thence along Ohio Highway 73 to the junction of U.S. Highway 68 at Wilmington, Ohio, thence along U.S. Highway 68 to the Ohio-Kentucky State line (Muncie, Ind.)*; (37) (a) *paper and paper products* (except commodities in bulk), from points in New York on and west of a line from Lake Ontario south over an unnumbered highway to Rochester, N.Y., thence over U.S. Highway 15 to the New York-Pennsylvania State line, to points in California, points in Oregon on and west of Interstate Highway 5, and points in Washington on and west of Interstate Highway 5; (37) (b) *materials and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in California, points in Oregon on and west of Interstate Highway 5, and points in Washington on and west of Interstate Highway 5, to points in New York on and west of a line from Lake Ontario south over an unnumbered highway to Rochester, N.Y., thence over U.S. Highway 15 to the New York-Pennsylvania State line (Paxinos, Pa., and Muncie, Ind.)*; (38) *glass containers, and glass container caps*, from the plant site of Foster-Forbes Glass Company, located at or near Burlington, Wis., to points in Missouri on and north of U.S. Highway 50 (except St. Louis and Hannibal, Mo.) (Streator, Ill.)*; (39) *glass containers, caps, covers, tops, stoppers, and accessories* for glass containers utilized by food business houses (except commodities in bulk), from the plant site of Foster-Forbes Glass Company, located at or near Burlington, Wis., to points in Washington, Oregon, California, Nevada, points in Montana on and west of a line from the United States-Canadian Boundary along Montana Highway 242 to the junction of U.S. Highway 191, thence along U.S. Highway 191 to the Montana-Idaho State line, points in Idaho on and west of U.S. Highway 191, and points in Arizona on, south, and west of a line from the California-Arizona State line along U.S. Highway 66 to the junction of U.S. Highway 89, thence along U.S. Highway 89 to the United States-Mexican Boundary line (Plainfield, Ill., and Ashwaubenon, Wis.)*.

(40) *Glass containers, caps, covers, tops, stoppers, and accessories for glass containers*, from the plant site of Foster-Forbes Glass Company, located at or near Burlington, Wis., to points in Missouri south of U.S. Highway 50, and St. Louis and Hannibal, Mo. (Plainfield, Ill.)*; (41) *wood pulp* as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), between points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in New Mexico, Utah, Arizona, Nevada, California, Oregon, points in Washington on and west of a line from the United States-Canadian Boundary line along U.S. Highway 395 to the junction of Interstate Highway 90, thence along Interstate Highway 90 to the Washington-Idaho State line, points in Idaho on and south of a line from the Oregon-Idaho State line along U.S. Highway 30 to the junction of U.S. Highway 30N, thence along U.S. Highway 30N to the Idaho-Wyoming State line, points in Wyoming on and south of a line from the Idaho-Wyoming State line along U.S. Highway 30N to the junction of U.S. Highway 30, thence along U.S. Highway 30 to the junction of U.S. Highway 287, thence along U.S. Highway 287 to the Wyoming-Colorado State line, and points in Colorado on, west, and south of a line from the Nebraska-Colorado State line along Colorado Highway 71 to the junction of U.S. Highway 24, thence along U.S. Highway 24 to the Colorado-Kansas State line (Green Bay, Wis.)*; (42) *wood pulp* as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Oregon, Washington, California, Nevada, Arizona, Utah, Idaho, Montana, and points in Wyoming on and north of a line from the Nebraska-Wyoming State line along U.S. Highway 20 to the junction of Wyoming Highway 220, thence along Wyoming Highway 220

to the junction of Wyoming Highway 789, thence along Wyoming Highway 789 to the Wyoming-Colorado State line (Green Bay, Wis.)*.

(43) *Wood pulp* as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), between points in Illinois on, east, and north of a line from the Wisconsin-Illinois State line along U.S. Highway 51 to the junction of Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Washington, Oregon, Montana, points in Idaho on and west of a line from the Montana-Idaho State line along U.S. Highway 191 to the junction of U.S. Highway 30N, thence along U.S. Highway 30N to the junction of U.S. Highway 30, thence along U.S. Highway 30 to the junction of U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line, points in Wyoming on and north of a line from the South Dakota-Wyoming State line along U.S. Highway 14 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Montana State line, points in Nevada north of Interstate Highway 15, and points in California on and west of a line from the Nevada-California State line along Interstate Highway 15 to the junction of Interstate Highway 10, thence along Interstate Highway 10 to the junction of California Highway 111, thence along California Highway 111 to the U.S.-Mexican Boundary line (Green Bay, Wis.)*; (44) *wood pulp* as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, between Chicago, Ill., on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, points in Wyoming on and west of a line from the Nebraska-Wyoming State line along U.S. Highway 20 to the junction of Wyoming Highway 220, thence along Wyoming Highway 220 to the junction of Wyoming Highway 789, thence along Wyoming Highway 789, to the Wyoming-Colorado State line, points in Colorado on and west of Colorado Highway 789, and points in New Mexico on and west of U.S. Highway 285 (Green Bay, Wis.)*.

(45) *Wood pulp* as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), between points in Indiana on the one hand, and, on the other, points in Wyoming on and north of a line from the South Dakota-Wyoming State line along U.S. Highway 14 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the Wyoming-Montana State line, points in Idaho on and west of a line from the Montana-Idaho State line along U.S. Highway 91 to the junction of U.S. Highway 30N, thence along U.S. Highway 30N to the junction of U.S. Highway 30, thence along U.S. Highway 30 to the junction of U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line, points in Nevada on and north of a line from the Idaho-Nevada State line along U.S. Highway 93 to the junction of U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-California State line, points in California on and north of a line from the Nevada-California State line along Interstate 80 to the Pacific Ocean at San Francisco, Calif.; (46) *wood pulp* as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), between points in Ohio, on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, points in Wyoming on and north of a line from the Nebraska-Wyoming State line along U.S. Highway 20 to the junction of Wyoming Highway 220, thence along Wyoming Highway 220 to the junction of Wyoming Highway 789, thence along Wyoming Highway 789 to the junction of U.S. Highway 30, thence along U.S. Highway 30 to the Wyoming-Utah State line, points in Utah on and west of a line from the Wyoming-Utah State line along U.S. Highway 30S to the junction of U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line, points in Nevada on and north of U.S. Highway 91, and points in California on and west of a line from the Nevada-California State line along Interstate Highway 15 to the junction of Interstate Highway 10, thence along Interstate Highway 10 to the junction of California Highway 111, thence along California Highway 111 to the U.S.-Mexican Boundary line (Green Bay, Wis.)*.

(47) *Wood pulp* as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), between points in New York and Pennsylvania on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Utah, Idaho, Wyoming, Montana, points in Colorado on and west of a line from the Wyoming-Colorado State line along U.S. Highway 87 to the junction of U.S. Highway 285, thence along U.S. Highway 285 to the junction of U.S. Highway 50, thence along U.S. Highway 50 to the junction of U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line, and points in Arizona on and west of a line from the Utah-Arizona State line along an unnumbered highway to the junction of Arizona Highway 63, thence along Arizona Highway 63 to the junction of U.S. Highway 66, thence along U.S. Highway 66 to the junction of U.S. Highway 180, thence along U.S. Highway 180 to the Arizona-New Mexico State line (Green Bay, Wis.)*; (48) *wood pulp* as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), between points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, and Montana (Green Bay, Wis.)*; (49) *wood pulp* as is manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products (except commodities in bulk), between points in West Virginia, Maryland, Delaware, Virginia, and the District of Columbia, on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, points in Wyoming on and north of a line from the Nebraska-Wyoming State line along U.S. Highway 20 to the junction of Wyoming Highway 220, thence along Wyoming Highway 220 to the junction of Wyoming Highway 789, thence along Wyoming Highway 789 to the junction of U.S. Highway 30, thence along U.S. Highway 30 to the Wyoming-Utah State line, points in Utah on and west of a line from the Wyoming-Utah State line along U.S. Highway 189 to the junction of U.S. Highway 91, thence Arizona State line, points in Nevada on along U.S. Highway 91 to the Utah- and north of a line from the Arizona-Nevada State line along U.S. Highway 91 to the junction of U.S. Highway 95, thence along U.S. Highway 95 to the junction of Nevada Highway 29, thence along Nevada Highway 29 to the Nevada-California State line, and points in California north of San Bernardino, San Luis Obispo, and Kern Counties, Calif. (Green Bay, Wis.)*.

(50) (a) *Rolls of paper and corrugated cartons* from New Hanover, Brunswick, Columbus, Robeson, Bladen, Pender, and Onslow Counties, N.C., to points in New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, and points in New Jersey on and north of a line from the Pennsylvania-New Jersey State line along U.S. Highway 22 to the junction of Interstate Highway 78, south of Newark, N.J., thence along Interstate Highway 78 to the Upper Bay; (50) (b) *paper business forms* from points in New York (except Lyon Falls, Plattsburg, Utica, and Gildenland Center), Vermont (except Gilman), New Hampshire (except Nashua and Merrimack, N.H.), Maine (except Lincoln, Millinocket, East Millinocket, Rumford, Westbrook, and Woodland), Massachusetts (except Lee), Connecticut (except New Milford), Rhode Island, and points in New Jersey on and north of a line from the Pennsylvania-New Jersey State line along U.S. Highway 22 to the junction of Interstate Highway 78, thence along Interstate Highway 78 to Upper Bay (except Hugesville) to points in New Hanover, Brunswick, Columbus, Robeson, Bladen, Pender, and Onslow Counties, N.C. (Mechanicsburg and Paxinos, Pa.)*. Restriction: The operations authorized immediately above are restricted against the transportation of traffic originating at the excluded (i.e., "excepted") points in New York, New Jersey, Connecticut, Massachusetts, Maine, New Hampshire, and Vermont. (51) (a) *Rolls of paper and corrugated cartons*, from points in Maryland on and south of a line from the West Virginia-Maryland State line along

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U.S. Highway 340 to the junction of U.S. Highway 40, thence along U.S. Highway 40 to the Chesapeake Bay at Baltimore, and points in the District of Columbia, to points in New York on and north of a line from Lake Erie at Buffalo, N.Y., along U.S. Highway 20 to the junction of New York Highway 30, thence along New York Highway 30 to the junction of New York Highway 67, thence along New York Highway 67 to the New York-Vermont State line, points in Vermont on and north of U.S. Highway 4, points in New Hampshire on and north of New Hampshire Highway 25, and points in Maine on and north of Oxford, Androscoggin, Kennebec, and Lincoln Counties, Maine.

(51)(B) *Paper business forms* from points in New York on and north of a line from Lake Erie at Buffalo, N.Y., along U.S. Highway 20 to the junction of New York Highway 30, thence along New York Highway 30 to the junction of New York Highway 67, thence along New York Highway 67 to the New York-Vermont State line (except Lyons Falls, Plattsburg, Utica, and Gildenland Center), points in Vermont on and north of U.S. Highway 67 (except Gilman), points in New Hampshire on and north of New Hampshire Highway 25 (except Nashua and Merrimack), and points in Maine in and north of Oxford, Androscoggin, Kennebec, and Lincoln Counties (except Lincoln, Millinocket, East Millinocket, Rumford, Westbrook, and Woodland), to points in Maryland on and south of a line from the West Virginia-Maryland State line along U.S. Highway 340 to the junction of U.S. Highway 40, thence along U.S. Highway 40 to the Chesapeake Bay at Baltimore and points in the District of Columbia (Mechanicsburg and Paxinos, Pa.)*; Restriction: The operations authorized immediately above are restricted against the transportation of traffic originating at the excluded (i.e., "excepted") points in New York, Vermont, New Hampshire, and Maine. (52) *Glass containers and glass container caps*, produced or distributed by manufacturers and converters of paper and paper products (except drums, pails, and cans, and commodities in bulk), from Muncie, Ind., to points in North Dakota, points in South Dakota on, north, and west of a line from the Minnesota-South Dakota State line along U.S. Highway 16 to the junction of U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line (Mosinee, Wis.)*.

(53) *Glass containers and glass container caps* utilized by food business houses (except commodities in bulk), from Muncie, Ind., to points in Washington, Oregon, Idaho, Montana, North Dakota, points in the Upper Peninsula of Michigan on and west of a line from Lake Superior at Marquette, Mich., along U.S. Highway 41 to the Michigan-Wisconsin State line, points in Wisconsin on and north of a line from Lake Michigan along U.S. Highway 10 to the junction of U.S. Highway 53, thence along U.S. Highway 53 to the Mississippi River at LaCrosse, Wis., points in Minnesota on and north of U.S. Highway 16, points in South Dakota on and north of U.S. Highway 16, points in Wyoming on and north of a line from the Nebraska-Wyoming State line along U.S. Highway 20 to the junction of Wyoming Highway 789, thence along Wyoming Highway 789 to the junction of Interstate Highway 80, thence along Interstate Highway 80 to the Wyoming-Utah State line, points in Utah on and west of a line from the Wyoming-Utah State line along U.S. Highway 189 to the junction of U.S. Highway 89, thence along U.S. Highway 89 to the Utah-Arizona State line, points in Nevada on and north of Interstate Highway 15, and points in California on, north, and west of a line from the Nevada-California State line along Interstate Highway 15 to the junction of Interstate Highway 10, thence along Interstate Highway 10 to the California-Arizona State line (Ashwaubenon, Wis.)*; (54) (a) *wood pulp* produced or distributed by manufacturers and converters of paper and paper products (except commodities in bulk), from points in the Upper Peninsula of Michigan to points in Iowa, Nebraska, points in Minnesota on and south of U.S. Highway 16, and points in South Dakota on and south of a line from the Minnesota-South Dakota State line along U.S. Highway 16 to the junction of South Dakota Highway 37, thence along South Dakota Highway 37 to the junction of U.S. Highway 16, thence along U.S. Highway 16 to the junction of South Dakota Highway 34, thence along South Dakota Highway 34 to the South Dakota-Wyoming State line.

(54) (b) *Wood pulp* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in Iowa, Nebraska, points in Minnesota on and south of U.S. Highway 16, and points in South Dakota on and south of a line from the Minnesota-South Dakota State line along U.S. Highway 16 to the junction of South Dakota Highway 37, thence along South Dakota Highway 37 to the junction of U.S. Highway 16, thence along U.S. Highway 16 to the junction of South Dakota Highway 34, thence along South Dakota Highway 34 to the South Dakota-Wyoming State line, to points in the Upper Peninsula of Michigan; (55)(a) *wood pulp* produced or distributed by manufacturers and converters of paper and paper products (except commodities in bulk), from points in the Lower Peninsula of Michigan, to points in North Dakota, points in South Dakota on, north, and west of a line from the Minnesota-South Dakota State line along U.S. Highway 16 to the junction of U.S. Highway 183, thence along U.S. Highway 183 to the South Dakota-Nebraska State line, and points in Minnesota on and south of a line from the Wisconsin-Minnesota State line along Minnesota Highway 95 from Taylors Falls, Minn., to St. Cloud, Minn., thence along U.S. Highway 10 to the Minnesota-North Dakota State line (except points in Minnesota south of Minnesota Highway 60); (55)(b) *wood pulp* used in the manufacture and distribution of paper and paper products from points in North Dakota, points in South Dakota on, north, and west of a line from the Minnesota-South Dakota State line along U.S. Highway 16 to the junction of U.S. Highway 183, thence along U.S. Highway 183 to the South Dakota-Nebraska State line, and points in Minnesota on and south of a line from the Wisconsin-Minnesota State line along Minnesota Highway 95 from Taylors Falls, Minn., to St. Cloud, Minn., thence along U.S. Highway 10 to the Minnesota-North Dakota State line (except points in Minnesota south of Minnesota Highway 60), to points in the Lower Peninsula of Michigan (Mosinee, Wis.)*.

(56)(a) *Wood pulp* produced or distributed by manufacturers and converters of paper and paper products (except commodities in bulk), from points in Illinois on, east and north of a line from the Wisconsin-Illinois State line along U.S. Highway 51 to the junction of Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line, to points in North Dakota, points in South Dakota on and north of U.S. Highway 14, and points in Minnesota on and north of a line from the Wisconsin-Minnesota State line along U.S. Highway 12 to the junction of Minnesota Highway 7 at Minneapolis, thence along Minnesota Highway 7 to the junction of U.S. Highway 212 to Montevideo, Minn., thence along U.S. Highway 212 to the Minnesota-South Dakota State line; (55)(b) *wood pulp* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in North Dakota, points in South Dakota on and north of U.S. Highway 14, and points in Minnesota on and north of a line from the Wisconsin-Minnesota State line along U.S. Highway 12 to the junction of Minnesota Highway 7 at Minneapolis, thence along Minnesota Highway 7 to the junction of U.S. Highway 212 at Montevideo, Minn., thence along U.S. Highway 212 to the Minnesota-South Dakota State line, to points in Illinois on, east, and north of a line from the Wisconsin-Illinois State line along U.S. Highway 51 to the junction of Illinois Highway 17, thence along Illinois Highway 17 to the Illinois-Indiana State line (Mosinee, Wis.)*; (57) (a) *wood pulp* produced or distributed by manufacturers and converters of paper and paper products (except commodities in bulk), from points in Indiana to points in North Dakota, and points in Minnesota on and north of a line from Red Wing, Minn., along U.S. Highway 61 to the intersection of Minnesota Highway 19, thence west along Minnesota Highway 19 to the Minnesota-South Dakota State line; (57)(b) *wood pulp* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in North Dakota, and points in Minnesota on and north of a line from Red Wing, Minn., along U.S. Highway 61 to the intersection of Minnesota Highway 19, thence west along Minnesota Highway 19 to the Minnesota-South Dakota State line, to points in Indiana (Mosinee, Wis.)*.

(58)(a) *Wood pulp* produced or distributed by manufacturers and converters of paper and paper products (except commodities in bulk), from points in Ohio to points in North Dakota, points in Minnesota on and north of a line from the Wisconsin-Minnesota State line along U.S. Highway 14 to the junction of U.S. Highway 65, thence along U.S. Highway 65 to the junction of U.S. Highway 16, thence along U.S. Highway 16 to the Minnesota-South Dakota State line, and points in South Dakota on and north of a line from the Iowa-South Dakota State line along U.S. Highway 18 to the junction of U.S. Highway 183, thence along U.S. Highway 183 to the South Dakota-Nebraska State line; 58(b) *wood pulp* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in North Dakota, points in Minnesota on and north of a line from the Wisconsin-Minnesota State line along U.S. Highway 14 to the junction of U.S. Highway 65, thence along U.S. Highway 65 to the junction of U.S. Highway 16, thence along U.S. Highway 16 to the Minnesota-South Dakota State line, and points in South Dakota on and north of a line from the Iowa-South Dakota State line along U.S. Highway 18 to the junction of U.S. Highway 183, thence along U.S. Highway 183 to the South Dakota-Nebraska State line, to points in Ohio; (59)(a) *wood pulp* produced or distributed by manufacturers and converters of paper and paper products (except in bulk), from points in New York and Pennsylvania to points in North Dakota, South Dakota, and Minnesota; (59)(b) *wood pulp* used in the manufacture and distribution of paper and paper products (except in bulk), from points in North Dakota, South Dakota, and Minnesota to points in New York and Pennsylvania (Mosinee, Wis.)*; (60)(a) *wood pulp* produced or distributed by manufacturers and converters of paper and paper products (except in bulk), from points in Maine, New Hampshire, Rhode Island, and Connecticut to points in Minnesota, North Dakota, South Dakota, points in Nebraska on, north and west of a line from the Iowa-Nebraska State line along U.S. Highway 30 to the junction of Nebraska Highway 15, thence along Nebraska Highway 15 to the Nebraska-Kansas State line, and points in Iowa on and north of a line from the Wisconsin-Iowa State line along U.S. Highway 18 to the junction of U.S. Highway 65, thence along U.S. Highway 65 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line;

(60)(b) *Wood pulp* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in Minnesota, North Dakota, South Dakota, points in Nebraska on, north and west of a line from the Iowa-Nebraska State line along U.S. Highway 30 to the junction of Nebraska Highway 15, thence along Nebraska Highway 15 to the Nebraska-Kansas State line, and points in Iowa on and south of a line from the Wisconsin-Iowa State line along U.S. Highway 18 to the junction of U.S. Highway 65, thence along U.S. Highway 65 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-Nebraska State line, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut; (Mosinee, Wis.)*; (61)(a) *wood pulp* produced or distributed by manufacturers and converters of paper and paper products (except commodities in bulk), from points in Maryland, Delaware, West Virginia, and Virginia to points in North Dakota, Minnesota, and points in South Dakota on and north of a line from the Iowa-South Dakota State line along South Dakota Highway 46 to the junction of U.S. Highway 81, thence along U.S. Highway 81 to the Iowa-Nebraska State line; (61)(b) *wood pulp* used in the manufacture and distribution of paper and paper products (except in bulk), from points in North Dakota, Minnesota, and points in South Dakota on and north of a line from the Iowa-South Dakota State line along South Dakota Highway 46 to the junction of U.S. Highway 81, thence along U.S. Highway 81 to the Iowa-Nebraska State line, to points in Maryland, Delaware, West Virginia, and Virginia (Mosinee, Wis.)*.

(62) *Waste paper or scrap paper* manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in Indiana to points in Montana, Washington, Oregon, points in Wyoming on and north of U.S. Highway 14, points in Idaho on and west of a line from the Montana-Idaho State line along U.S. Highway 191 to the junction of U.S. Highway 30N, thence along U.S. Highway 30N to the junction of U.S. Highway 30, thence along U.S. Highway 30 to the junction of U.S. Highway 93, thence along U.S. Highway 93 to the Idaho-Nevada State line, points in Nevada on and north of a line from the Idaho-Nevada State line along U.S. Highway 93, to the junction of U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-California State line, and points in California on and north of Interstate Highway 80 (Green Bay, Wis.)*; (63) *waste paper or scrap paper* manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in Indiana on and north of U.S. Highway 24, to points in Washington, Oregon, California, Nevada, Idaho, and Montana (Green Bay, Wis.)*; (64) *waste paper or scrap paper* manufactured or distributed by manufacturers of converters of cellulose materials and products, and paper products, from points in Ohio to points in Washington, Oregon, Idaho, Montana, points in Wyoming on and north of a line from the Nebraska-Wyoming State line along U.S. Highway 20 to the junction of Wyoming Highway 220, thence along Wyoming Highway 220 to the junction of Wyoming Highway 789, thence along Wyoming Highway 789 to the junction of U.S. Highway 30, thence along U.S. Highway 30 to the Wyoming-Utah State line, points in Utah on and west of a line from the Wyoming-Utah State line along U.S. Highway 30 to the junction of U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line, points in Nevada on and north of U.S. Highway 91, and points in California on and north of a line from the Nevada-California State line along Interstate Highway 15, to the junction of Interstate Highway 10, thence along Interstate Highway 10 to the junction of California Highway 111, thence along California Highway 111 to the United States-Mexican Boundary line (Green Bay, Wis.)*.

(65) *Waste paper or scrap paper* manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in New York, New Jersey, and Pennsylvania, to points in Washington, Oregon, California, Nevada, Utah, Wyoming, Montana, points in Arizona on and west of a line from the Utah-Arizona State line over unnumbered highway to the junction of Arizona Highway 63, thence along Arizona Highway 63 to the junction of U.S. Highway 66, thence along U.S. Highway 66 to the junction of U.S. Highway 180, thence along U.S. Highway 180 to the Arizona-New Mexico State line, and points in Colorado on and west of a line from the Wyoming-Colorado State line along U.S. Highway 87 to the junction of U.S. Highway 85, thence along U.S. Highway 85 to the junction of U.S. Highway 50, thence along U.S. Highway 50 to the junction of U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line (Green Bay, Wis.)*; (66) *waste paper or scrap paper* manufactured or distributed by manufacturers or converters of cellulose materials and products, and paper products, from points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, to points in Washington, Oregon, Nevada, California, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, and New Mexico (Green Bay, Wis.)*; and (67) *glass containers and glass containcr caps, corrugated cardboard, fibreboard sheets, containers, and wooden boxes* which are materials or supplies used by glass manufacturing plants from Gas City, Ind., to points in Iowa on and west of U.S. Highway 69 (Streator, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC-59393 (Sub-No. E2) (CORRECTION), filed May 14, 1974, published in the FEDERAL REGISTER August 19, 1974. Applicant: BESTWAY VAN LINES, INC., 401 Vine St., North Little Rock, Ark. 72114. Applicant's representative: Sheldon Silverman, Suite 550, Federal Bar Bldg., West, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, *and emigrant movables*, (1) between Wichita and Nueces Counties, Tex., and points in that part of Texas

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west of U.S. Highway 281 and south of Interstate Highway 40, on the one hand, and, on the other, points in that part of Kansas on and east of U.S. Highway 281; and (2) between points in that part of Oklahoma south of Interstate Highway 40, on the one hand, and, on the other, points in that part of Kansas on and west of U.S. Highway 283. The purpose of this filing is to eliminate the gateway of Hobart, Okla., and points within 20 miles thereof. The purpose of this correction is to correct the route descriptions.

No. MC-60186 (Sub-No. E1) (CORRECTION), filed May 14, 1974, published in the FEDERAL REGISTER July 12, 1974. Applicant: NELSON FREIGHTWAYS, INC., P.O. Box 356, Rockville, Conn. 06066. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Pennsylvania Avenue and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:
Proposal 1:
(b) Between points in Maine (except points in Aroostook and Washington Counties), on the one hand, and, on the other, points in Delaware, Maryland, Pennsylvania, and Allegany, Broome, Cattaraugus, Chautauqua, Chemung, Dutchess, Erie, Niagara, Orange, Putnam, Rockland, Schuyler, Steuben, Sullivan, Tioga, Tompkins, and Ulster Counties, N.Y., and the District of Columbia. The purpose of this filing of this proposal is to eliminate the gateways of Billerica, Mass., and points in Fairfield County, Conn.
Proposal 3:
Between Ayer, Billerica, Fall River, Fitchburg, Gardner, Greenfield, Lawrence, Lowell, Lunenburg, Monroe, North Adams, Pittsfield, Shrewsbury, and Worcester, Mass., on the one hand, and, on the other, points in Delaware, Maryland, Pennsylvania (except points in Bradford, Crawford, Erie, McKean, Potter, Susquehanna, Tioga, Warren, and Wayne Counties), and the District of Columbia. The purpose of this filing of this proposal is to eliminate the gateway points in Fairfield County, Conn.
Proposal 6:
Between points in Belknap, Carroll, Coos, Hillsboro, Merrimack, Rockingham, and Stratford Counties, N.H., on the one hand, and, on the other, points in Delaware, Maryland, and points in Adams, Allegheny, Armstrong, Beaver, Bedford, Berks, Blair, Bucks, Butler, Cambria, Cameron, Carbon, Centre, Chester, Clarion, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Elk, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lancaster, Lawrence, Lebanon, Lehigh, Luzerne, Lycoming, Mercer, Mifflin, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Schuylkill, Snyder, Somerset, Sullivan, Union, Vanango, Washington, Westmoreland, and York Counties, Pa., and the District of Columbia. The purpose of this filing of this proposal is to eliminate the gateways of Billerica, Mass., and points in Fairfield County, Conn. The purpose of this correction is to correct the inadvertent omission of the territory of Pennsylvania appearing in proposal 1(b) above; to delete the word "• • • counties • • •", which was inadvertently inserted in the Massachusetts territory description appearing in proposal (3) above; and to correct the inadvertent exclusion of the Pennsylvania counties appearing in proposal (6) above by deleting the word "• • • except • • •", which was inadvertently inserted in the original publication. The remainder remains as previously published.

No. MC-63417 (Sub-No. E22) (CORRECTION), filed June 4, 1974, published in the FEDERAL REGISTER August 15, 1974. Applicant BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road, NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Galax, Va., to points in Louisiana, Oklahoma, and Texas. The purpose of this filing is to eleminate the gateway of Macon, Ga. The purpose of this correction is to set forth the origin point as Galax, Va.

No. MC-72465 (Sub-No. E1) (CORRECTION), filed May 10, 1974, republished in the FEDERAL REGISTER August 7, 1974. Applicant: DANIELS TRANSPORTATION CO., INC., Lebanon, N.H. 03766. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Station, Peabody, Mass. 01960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Hampshire, and Vermont within 25 miles of Lebanon, N.H., on the one hand, and, on the other, points in Illinois, Michigan, Wisconsin, and points in that part of Ohio on and south of a line beginning at the Ohio-Indiana State line and extending along Interstate Highway 80 to junction Ohio Highway 109, thence along Ohio Highway 109 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa. The purpose of this correction is to redefine the destination territories.

No. MC-95540 (Sub-No. E226), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* from points in Maryland, Delaware, and Virginia, east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, to points in Arkansas. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-95540 (Sub-No. E230), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pizza, salads, and sandwich spreads*, in vehicles equipped with mechanical refrigeration, from Greensboro, N.C., to points in Minnesota, on, north, and west of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 8 to its junction with U.S. Highway 61, thence along U.S. Highway 61 to its junction with Interstate 35, thence along Interstate 35 to its junction with U.S. Highway 169, thence along U.S. Highway 169 to its junction with Minnesota Highway 60, thence along Minnesota Highway 60 to its junction with Minnesota Highway 4, thence along Minnesota Highway 4 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC-95540 (Sub-No. E231), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Jacksonville, Fla., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Tifton, Ga., and Florence, Ala.

No. MC-95540 (Sub-No. E254), filed May 5, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen packing house and dairy products, frozen eggs, and frozen poultry*, restricted to the transportation of commodities which are fit for human consumption, from Moultrie, Ga., to points in Virginia on, east, and north of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 501 to Lexington, thence along Interstate Highway 81 to its junction with U.S. Highway 33, thence along U.S. Highway 33 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC-95540 (Sub-No. E268), filed May 3, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-95540 (Sub-No. E274), filed May 3, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Michigan. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-95540 (Sub-No. E358), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER August 12, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen fruits and vegetables*, in vehicles equipped with mechanical refrigeration (except in bulk), from points in Texas on and south of a line beginning at the Texas-New Mexico State line and extending along Texas Highway 116 to Lubbock, thence on U.S. Highway 82 to its junction with Texas Highway 199, thence along Texas Highway 199 to its junction with U.S. Highway 380, thence along U.S. Highway 380 to its junction with Interstate Highway 30, thence along Interstate Highway 30 to its junction with Texas Highway 49, thence along Texas Highway 49 to its junction with Texas Highway 11, thence along Texas Highway 11 to its junction with Texas Secondary Highway 125 to the Texas-Louisiana State line, to points in New Jersey. The purpose of this filing is to eliminate the gateway of points in Florida. The purpose of this correction is to change Texas Highway 119 to Texas Highway 199.

No. MC-95540 (Sub-No. E377), (Correction), filed May 15, 1974, published in the FEDERAL REGISTER August 14, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, not coldpack or frozen, from Red Creek, Waterloo, Rushville, Penn Yan, Egypt, Fairport, Lyons, Newark, and Syracuse, N.Y., to points in Alabama on and south of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 80 to its junction with Alabama Highway 14, thence along Alabama Highway 14 to its junction with Interstate Highway 85, thence along Interstate Highway 85 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of points in Delaware (except those south of the Chesapeake and Delaware). The purpose of this correction is to reflect the correct Interstate Highway.

No. MC-95540 (Sub-No. E530), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from North East, Pa., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-95540 (Sub-No. E533), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, frozen meat products, and frozen meat byproducts*, restricted to those commodities which are fit for human consumption, from Detroit, Mich., to points in California on and south of a line beginning at Eureka, and extending along U.S. Highway 101 to Alton, thence along California Highway 36 to its junction with U.S. Highway 395, thence along U.S. Highway 395 to unnumbered California Highway, thence along unnumbered California Highway thriugh Wendel, to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC-95540 (Sub-No. E536), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities used by Ore-Ida Foods, Inc., located at Montcalm, Mich., to points in Florida on, east, and south of a line beginning at the Georgia-Florida State line, and extending along U.S. Highway 717 to its junction with Interstate Highway 4, thence along Interstate Highway 4 to Tampa, thence along Florida Highway 60 to Clearwater. The purpose of this filing is to eliminate the gateway of Crozet, Va.

No. MC-95540 (Sub-No. E537), filed May 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Rd., NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Delaware (except those south of the Chesapeake and Delaware Canal), to points in Texas. The purpose of this filing is to eliminate the gateway of points in Pike and Spaulding Counties, Ga.

No. MC-95540 (Sub-No. E659), filed May 11, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212-5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen fruits and vegetables*, in vehicles equipped with mechanical refrigeration (except in bulk), from points in Texas on and south of a line beginning at Presidio, and extending along U.S. Highway 67 to Brownwood, thence along U.S. Highway 84 to its junction with Texas Highway 294, thence along Texas Highway 294 to its junction with Highway 21, thence along Texas Highway 21 to the Texas-Louisiana State line, points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to Watertown, thence along New York Highway 3 to its junction with New York Highway 185, thence along New York Highway 185 to its junction with New York Highway 37, thence along New York Highway 37 to its junction with New York Highway 58, thence along New York Highway 58 to the St. Lawrence River at Morristown. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC-101075 (Sub-No. E1), filed May 16, 1974. Applicant: TRANSPORT, INC., P.O. Box 396, Moorhead, Minn. 56560. Applicant's representative: Ronald B. Pitsenbarger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Petroleum products*, as described in Appendix XIII to the report, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Superior, Wis., to points in North Dakota, and (B) *petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Superior, Wis., to points in South Dakota. The purpose of this filing is to eliminate gateways of (1) the site of the Duluth Petroleum Products Terminal located approximately four miles west of Duluth, Minn., and points within two miles thereof, for (A) above, and (2) Marshall, Minn., or the site of Williams Brothers Pipeline Company Terminal at or near St. Cloud, Minn., for (B) above.

No. MC-106274 (Sub-No. E11) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER August 7, 1974. Applicant: RAEFORD TRUCKING COMPANY, P.O. Box 219, Sanford, N.C. 27330. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, veneer, and furniture panels*, (1) from Moncure, N.C., points in Bladen, Cumberland, Duplin, Edgecombe, Franklin, Granville, Greene, Halifax, Harnett,

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Hoke, Johnston, Lee, Lenoir, Nash, Northampton, Pitt, Sampson, Vance, Wake, Warren, Wayne, and Wilson Counties, N.C., points in those parts of Beaufort, Craven, Jones, Martin, and Onslow Counties, N.C., on and west of U.S. Highway 17, and points in that part of Pender County, N.C., on and west of U.S. Highway 117, to points in Georgia, and (2) from points in Columbus, Durham, Hoke, and Robeson Counties, N.C., to points in that part of Georgia on and south of a line beginning at Brunswick, thence along U.S. Highway 25 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Georgia-Tennessee State line. Restriction: The operations authorized herein are restricted to traffic originating at points in the above-named origin territory. The purpose of this filing is to eliminate the gateway of points in Sampson County, N.C. The purpose of this correction is to correct the inadvertent omission of the North Carolina territory description appearing as "• • • points in those parts of Beaufort, Craven, Jones, Martin, and Onslow Counties, N.C. • • •" in (1) above.

No. MC–107403 (Sub-No. E113) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER August 2, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oils*, in bulk, in tank vehicles, from points in New Jersey to points in South Carolina, and (2) *Fish oils, sea animal oils, and vegetable oils, and blends thereof*, in bulk, in tank vehicles, from points in New Jersey to points in Alabama, Florida, Georgia, North Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of Newark, N.J. The purpose of this correction is to clarify the destination territory involved.

No. MC–107403 (Sub-No. E129) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER July 31, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar*, in bulk, from Detroit, Mich., to points in Kentucky, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind. The purpose of this correction is to correctly describe the involved destination territory.

No. MC–107515 (Sub-No. E58), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pies*, in mechanically refrigerated vehicles, from the plantsite or warehouses of Pet Milk Co., at Allentown, Pa., to points in Colorado, restricted to traffic originating at the named plantsite or warehouse. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–107515 (Sub-No. E59), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in mechanically refrigerated vehicles, from the plantsite or warehouses of Pet Milk Co., at Allentown, Pa., to points in Texas, Arkansas, and Oklahoma, restricted to traffic originating at the named plantsite or warehouse. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–113908 (Sub-No. E30), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., GLEN STONE STATION, P.O. Box 3180, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glycerine, coconut oil, and fatty acids* (except animal fats, animal oils, vegetable oils, and blends thereof), in bulk, in tank vehicles, from the plantsite of the Armour Grocery Products Co., near Aurora, Ill., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, New York, Maryland, District of Columbia, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, points in that part of Tennessee on and east of U.S. Highway 27, points in that part of Kentucky on and east of U.S. Highway 127, points in Pennsylvania (except points in Erie and Crawford Counties), and points in Ohio (except points in Ashtabula, Lake, Geauga, Trumbull, Cuyahoga, and Lorrin Counties). The purpose of this filing is to eliminate the gateway of West Alexandria, Ohio.

No. MC–113908 (Sub-No. E76), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage base*, used as alcoholic liquors and neutral spirits, in bulk, in tank vehicles, from Lake Alfred and Auburndale, Fla. to Denver, Colorado. The purpose of this filing is to eliminate the gateway of Cicero, Ill.

No. MC–113908 (Sub-No. E106), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, (1) from points in that part of Washington east of a line beginning at the United States-Canada International Boundary line near Danville, thence along Washington Highway 21 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Washington-Oregon State line, to points in Ohio, Arkansas, Louisiana, Mississippi, points in that part of Iowa on, east, and south of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 63 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Illinois State line, points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line, thence along Interstate Highway 35 to junction Interstate Highway 45, thence along Interstate Highway 45 to Galveston, and points in that part of Indiana on and south of U.S. Highway 24; (2) from points in that part of Washington on and west of a line beginning at the United States-Canada International Boundary line near Danville, thence along Washington Highway 21 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Washington-Oregon State line, to points in Indiana, Ohio, Arkansas, Louisiana, Mississippi, points in that part of Iowa on, south, and east of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 63 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Illinois State line, points in that part of Oklahoma on and east of U.S. Highway 81, and points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 281 to junction U.S. Highway 81, thence along U.S. Highway 81 to the United States-Canada International Boundary line near Laredo; and (3) from points in California to points in Mississippi, Louisiana, Ohio, Indiana, Arkansas, points in that part of Iowa on, east, and south of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 63 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Illinois State line, and points in that part of Oklahoma on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Nixa, Mo.

No. MC–115495 (Sub-No. E1), filed May 14, 1974. Applicant: UNITED PARCEL SERVICE, 643 43rd Street, New York, N.Y. 10036. Applicant's representative: S. Harrison Kahn, 723 Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading, perishable commodities, and traffic having a prior or subsequent movement by air at Denver,

Colo.), between points in Wyoming, Colorado, and New Mexico, on the one hand, and, on the other, points in Adair, Atchison, Andrew, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Charlton, Christian, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, DeKalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Jasper, Johnson, Laclede, Lafayette, Lawrence, Linn, Livingston, McDonald, Macon, Mercer, Miller, Moniteau, Morgan, Newton, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Schuyler, Stone, Sullivan, Taney, Vernon, Webster, and Worth Counties, Mo. Restriction: The service proposed herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment.

No service shall be rendered between department stores, specialty shops, and retail stores or between department stores, specialty shops, and retail stores or the branches or warehouses thereof, on the one hand, and, on the other, the premises of the customers of such stores. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location during a single day. No service shall be provided in the transportation of motion picture film, material, equipment, concession and supplies between motion picture distributors and suppliers, on the one hand, and, on the other, motion picture theaters and television stations. No service shall be rendered in the transportation of shipments received from or to be delivered to any other motor carrier for movement to or from any points beyond those specifically granted herein. No service delivery service shall be provided under the authority granted herein to the premises of persons who or which have entered into contracts with applicant or with its affiliates, and are served by them pursuant to permits issued by the Commission. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

No. MC–119531 (Sub-No. E26), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Dolton, Ill., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Zanesville, Ohio.

No. MC–119531 (Sub-No. E176), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons*, from the plantsite of Midland Glass Company, Inc., at or near Terre Haute, Ind., to points in Maryland. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ohio.

No. MC–119531 (Sub-No. E184), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Circleville, Ohio, to points in Illinois and Missouri. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC–119531 (Sub-No. E185), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper containers*, from the plant and warehouse site of Weyerhaeuser Company at Columbus, Indiana to points in Maryland. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ohio.

No. MC–19531 (Sub-No. E191), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass products*, from the facilities of Metro Glass, a division of Kraftco Corp., at Jersey City and Carteret, N.J., to points in West Virginia on and west of Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Zanesville, Ohio.

No. MC–119531 (Sub-No. E192), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Louisville, Ky. and Jeffersonville, Ind., to points in West Virginia on and north of U.S. Highway 33, restricted to traffic originating at the plant and warehouse sites of Container Corporation of America at Louisville, Ky. and Jeffersonville, Ind. The purpose of this filing is to eliminate the gateway of Circleville, Ohio.

No. MC–119531 (Sub-No. E193), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant and warehouse sites of Union Camp Corporation at Affton, Mo., to points in Ohio, restricted to the transportation of traffic originating at the named origin point. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC–119531 (Sub-No. E194), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard containers*, from Chicago, Ill., (a) to points in Kentucky on and east of U.S. Highway 41, and (b) to points in Maryland. The purpose of this filing is to eliminate the gateways of (1) the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., for (a) above, and (2) Mt. Vernon, Ohio for (b) above.

No. MC–119531 (Sub-No. E195), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons*, from Mt. Vernon, Ohio, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Rockdale, Ill.

No. MC–119531 (Sub-No. E197), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier, by* motor vehicle, over irregular routes, transporting: *Glass containers*, from the facilities of Metro Glass, a division of Kraftco Corporation at Carteret and Jersey City, N.J., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Dolton, Ill.

No. MC–119531 (Sub-No. E198), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper containers*, from Three Rivers, Mich., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC–119531 (Sub-No. E215), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate

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as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard shipping drums*, other than corrugated, (1) from Seymour, Ind., to points in West Virginia, and (2) from Seymour, Ind., to points in Michigan (except points west of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 27 to Lansing, and thence along Interstate Highway 96 to the shore of Lake Michigan). The purpose of this filing is to eliminate the gateways of (a) Circleville, Ohio for (1) above, and (b) Van Wert, Ohio for (2) above.

No. MC–119531 (Sub-No. E224), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from Carthage, Ind., to points in New Jersey and New York. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–119531 (Sub-No. E226), filed May 24, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper cartons*, from the plantsite and warehouse facilities of Container Corporation of America and Continental Can Corporation at St. Louis, Mo., and from the plantsite and warehouse facilities of Container Corporation of America at Chesterfield, Mo., to points in Wisconsin on and east of a line beginning at the Illinois-Wisconsin State line and extending along Interstate Highway 90 to Madison and thence along Interstate Highway 94 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of Rockdale, Ill.

No. MC–119531 (Sub-No. E227), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberboard cartons*, from Erie and Butler Counties, Pa. (a) to points in Kentucky and points in Indiana on and south of U.S. Highway 52, and (b) to points in Wisconsin and Minnesota. The purpose of this filing is to eliminate the gateways of (1) Circleville, Ohio from (a) above, and (2) Circleville, Ohio and Anderson, Ind. for (b) above.

No. MC–119531 (Sub-No. E228), filed May 17, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant and warehouse sites of Union Camp Corporation at Normal, Ill., to points in West Virginia, restricted to transportation of traffic originating at the named origin. The purpose of this filing is to eliminate the gateway of Circleville, Ohio.

No. MC–119531 (Sub-No. E229), filed May 17, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant and warehouse sites of Union Camp Corporation at Normal, Ill., to Columbus, Ohio. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC–119531 (Sub-No. E231), filed May 17, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant and warehouse sites of Union Camp Corporation at Affton, Mo., to points in West Virginia, restricted to transportation of traffic originating at the named origin. The purpose of this filing is to eliminate the gateway of Circleville, Ohio.

No. MC–119531 (Sub-No. E232), filed May 17, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Cleveland, Ohio, to points in Tennessee. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC–119531 (Sub-No. E233), filed May 17, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Cleveland, Ohio, to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC–119531 (Sub-No. E234), filed May 17, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Cleveland, Ohio, to points in Kentucky. The purpose of this filing is to eliminate the gateway of Medina, Ohio.

No. MC–119531 (Sub-No. E235), filed May 17, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, and machinery* (except in bulk) *that are a material, equipment, or supply* used in the manufacture, sale, and distribution of paper and paper products, from points in West Virginia and Kentucky, to Cleveland, Ohio. The purpose of this filing is to eliminate the gateway of Coshocton, Ohio.

No. MC–119531 (Sub-No. E236), filed May 17, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except in bulk), from Coshocton, Ohio, to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC–119531 (Sub-No. E237), filed May 17, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* from the plant and warehouse sites of Container Corporation of America at Ravenna, Ohio, to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC–119531 (Sub-No. E238), filed May 17, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and products*, from Cleveland, Ohio, to points in West Virginia. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Container Corporation of America at Ravenna, Ohio.

No. MC–119531 (Sub-No. E239), filed May 17, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., to points in West Virginia. The purpose of

this filing is to eliminate the gateway of Circleville, Ohio.

No. MC–119531 (Sub-No. E240), filed May 17, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., to points in New York and Pennsylvania. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Container Corporation of America at Ravenna, Ohio.

No. MC–119656 (Sub-No. E3), filed May 31, 1974. Applicant: NORTH EXPRESS, INC., 219 E. Main Street, Winamac, Ind. 46996. Applicant's representative: Donald W. Smith, Suite 2465, One Indian Square, Indianapolis, Indiana 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal tubing*, from Milwaukee, Wisconsin, to points in Ohio. The purpose of this filing is to eliminate the gateway of the plantsite of Plymouth Tube Division of Van Pelt Corporation at Winamac, Ind.

No. MC–124078 (Sub-No. E35), filed May 22, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 St., Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, dry (except sulphate), in bulk, in tank or hopper type vehicles, from Atlanta, Ga., to points in Arkansas, Illinois (except East St. Louis and points in its Commercial Zone as defined by the Commission), Indiana, Kentucky, Louisiana, Mississippi, Missouri (except St. Louis and points in its Commercial Zone as defined by the Commission), Texas (except points in Chambers, Montgomery, Harris, Fort Bend, Galveston, Liberty, and Brazoria Counties), Virginia, West Virginia, and Wisconsin, restricted against the transportation of (1) potassium silicate and sodium silicate, to points in Mississippi and Tennessee; and (2) of orthodichlorobenzene, barium carbonate, barium chloride, and ammonium sulfide, to points in Kentucky, Louisiana, Mississippi, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of points in Bartow County, Ga.

No. MC–124078 (Sub-No. E38), filed May 30, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, liquid, in bulk, in tank vehicles, from Brunswick and Savannah, Ga., to points in Michigan (except points in Wayne, Monroe, and Lenawee Counties) and points in Ohio, west, and north of Ottawa, Sandusky, Seneca, Wyandot, Hardin, Logan, Champaign, Clark, Greene, Warren, and Hamilton Counties, Ohio. The purpose of this filing is to eliminate the gateways of points in Marshall County, Ala. and Robertson County, Tenn.

No. MC–124692 (Sub-No. E11), (Correction), filed May 13, 1974, published in the FEDERAL REGISTER August 20, 1974. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, Montana 59801. Applicant's representative: GENE P. JOHNSON, 425 Gate City Bldg., Fargo, North Dakota 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard building materials*, from Missoula, Montana, to points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Big Horn County, Wyo. The purpose of this correction is to reflect the correct "E" number previously published as E1.

No. MC–125335 (Sub-No. E6), filed June 4, 1974. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, Pa. 17405. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food* (except dressed poultry) (1) from points in Virginia on and east of Interstate Highway 95 to Hagerstown, Md., points in Pennsylvania, Maryland, Virginia, and West Virginia within 40 miles of Hagerstown, points in Pennsylvania (except as previously noted) on and west of a line from the Maryland-Pennsylvania State line along U.S. Highway 220 to Williamsport, thence along Interstate Highway 81 to the Pennsylvania-New York State line, points in New York on, north, and west of a line from the Pennsylvania-New York State line along Interstate Highway 81 to the junction of Interstate Highway 90, thence along Interstate Highway 90 to Utica, thence along New York Highway 12 to Watertown, thence along U.S. Highway 11 to junction of Interstate Highway 87, thence along Interstate Highway 87 to the United States-Canadian International Boundary line, points in Maryland west of a line from the West Virginia-Maryland State line along U.S. Highway 522 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to the Maryland-Pennsylvania State line, points in West Virginia on and north of U.S. Highway 50, and points in Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, and Louisiana; (2) from points in Virginia on and west of Interstate Highway 95 to Hagerstown Md., and points in Pennsylvania, Maryland, Virginia, and West Virginia within 40 miles of Hagerstown, Md., points in Pennsylvania (except as previously noted) on and west of Interstate Highway 79 and on and east of U.S. Highway 309, points in New Jersey on and north of New Jersey Highway 33, and points in New York, Connecticut, Massachusetts, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, and Nebraska, The purpose of this filing is to eliminate the gateways of Hagerstown, Md., and Winchester, Va.

No. MC–125335 (Sub-No. E7), filed June 4, 1974. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, Pa. 17405. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except dressed poultry) (1) from points in Pennsylvania on and west of Interstate Highway 219 to Hagerstown, Md., points in Maryland, West Virginia, Virginia, and Pennsylvania within 40 miles of Hagerstown, points in Maryland (except as previously noted) east of Interstate Highway 81, and points in the District of Columbia, (2) from points in Pennsylvania and New York on and east of U.S. Highway 219 and on and west of Interstate Highway 81 to Hagerstown, Md., and points in Pennsylvania, Maryland, Virginia, and West Virginia within 40 miles of Hagerstown and points in Maryland (except as previously noted) on and east of Interstate Highway 83 and on and west of U.S. Highway 81, points in the District of Columbia and points in West Virginia (except as previously noted), (3) from points in New York on and east of Interstate Highway 81 and north of Interstate Highway 84, and points in Pennsylvania on and east of Interstate Highway 81 and on and north of Interstate Highway 78 to Hagerstown, Md., and points in Maryland, Pennsylvania, and Virginia within 40 miles of Hagerstown, and points in West Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateways of Hagerstown, Md., and Winchester, Va.

No. MC–125335 (Sub-No. E8), filed June 4, 1974. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, Pa. 17405. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except dressed poultry) from points in West Virginia on and west of Interstate Highway 77 to points in Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, and Maryland, points in Pennsylvania, Virginia, and West Virginia within a 40 mile radius of Hagerstown, points in Pennsylvania (except those within 40 miles of Hagerstown) on, north, and east of a line from the Maryland-Pennsylvania State line along U.S. Highway 11 to Scranton, thence along U.S. Highway 6 to Towanda, thence along U.S. Highway 220 to the Pennsylvania-New York State line, and points in New York on and east of New York Highway 14. The purpose of this filing is to eliminate the gateways of Hagerstown, Md., and Winchester, Va.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–20685 Filed 9–5–74;8:45 am]

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[Notice No. 585]

ASSIGNMENT OF HEARINGS

SEPTEMBER 3, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after September 6, 1974.

MC 106644 Sub 168, Superior Trucking Co., Inc., MC 108341 Sub 34, Moss Trucking Co., Inc., MC 108676 Sub 56, A. J. Metler Hauling & Rigging, Inc., MC 109397 Sub 293, Tri-State Motor Transit Co., MC 127834 Sub 96, Cherokee Hauling & Rigging, Inc., now assigned September 30, 1974, will be held in Room 556, Federal Office Bldg., 275 Peachtree St. NE., Atlanta, Ga.

MC-C-8412, Bowman Transportation, Inc.—Investigation and Revocation of Certificates, now assigned October 7, 1974, will be held in Room 556, Federal Office Bldg., 275 Peachtree St. NE., Atlanta, Ga.

MC 139122 Sub 1, Jack G. Roberts, dba Jack's Trucking Co., now assigned October 1, 1974, will be held in Room 1001, Federal Office Bldg., 400 W. Bay St., Jacksonville, Fla.

MC 110525 Sub 1024, Chemical Leaman Tank Lines, Inc., MC 116459 Sub 42, Russ Transport, Inc., Extension—Chattanooga, Tenn., MC 124078 Sub 503, Schwerman Trucking Co., Extension—Chattanooga, Tenn., MC 136903 Sub 7, Intermodal Transport, Inc., now assigned October 9, 1974, will be held in Room 556, Federal Office Bldg., 275 Peachtree St. NE., Atlanta, Ga.

MC 124078 Sub 568, Schwerman Trucking Co., now assigned October 3, 1974, will be held in Room 1001, Federal Office Building, 400 W. Bay St., Jacksonville, Fla.

MC 105813 Sub 193, Belford Trucking Co., Inc., now assigned October 7, 1974, will be held at the Columbus Hotel, 50 Biscayne Blvd., Miami, Fla.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-20683 Filed 9-5-74;8:45 am]

[Amdt. No. 1 to I.C.C. Order No. 111; Rev. Service Order No. 994]

LAMOILLE COUNTY RAILROAD, INC.

Rerouting Traffic

Upon further consideration of I.C.C. Order No. 111 and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 111 be, and it is hereby, amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* This order shall expire at 11:59 p.m., November 30, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., August 31, 1974, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 27, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-20684 Filed 9-5-74;8:45 am]

[Notice No. 150]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 5, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75366. By application filed August 28, 1974, COLLINS MOVING SYSTEMS, INC., 904 W. Morgan St., Kokomo, IN 46901, seeks temporary authority to lease the operating rights of LAMBERT'S MOVING & STORAGE, INC., 211 W. 5th St., Connersville, IN 47331, under section 210a(b). The transfer to COLLINS MOVING SYSTEMS, INC., of the operating rights of LAMBERT'S MOVING & STORAGE, INC., is presently pending.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-20682 Filed 9-5-74;8:45 am]

[Rule 19; Ex Parte 241; Exemption No. 84]

NATIONAL RAILWAYS OF MEXICO

Exemption From Mandatory Car Service Rules

It appearing, That cars are being returned by the National Railways of Mexico (NDM) at Brownsville, Texas, and at Laredo, Texas, contrary to normal routing because of congestion on the NDM; that the Missouri Pacific Railroad Company (MP) has agreed to accept empty cars from the NDM at Brownsville, Texas, or at Laredo, Texas, regardless of their rights to refuse to accept such empty cars under Car Service Rule 2 and despite their inability to use such cars at those points.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, empty cars received by the MP from the NDM at Brownsville, Texas, or at Laredo, Texas, may be used by the MP for one trip only to any destination in the United States regardless of the provisions of Car Service Rules 1 and 2. Such cars must not be used for loading to points in Mexico.

Effective August 21, 1974.

Expires September 15, 1974.

Issued August 21, 1974.

R. D. PFAHLER,
Director.

[FR Doc.74-20680 Filed 9-5-74;8:45 am]

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federal register

FRIDAY, SEPTEMBER 6, 1974

WASHINGTON, D.C.

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PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner [Federal Housing Administration]

■

MAXIMUM MORTGAGE AMOUNTS

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Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION], DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-74-289]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Increase in Loan Amounts and Terms

The Department of Housing and Urban Development is amending Part 201 of Title 24 of the Code of Federal Regulations, Subpart A, "Property Improvement Loans". The amendments would require that:

(1) The maximum maturity of property improvement loans would be increased from 7 years and 32 days to 12 years and 32 days.

(2) Loans in excess of $7,500 would be required to be secured by a recorded lien upon the improved property.

(3) The maximum amount of property improvement loans other than multi-family dwellings would be increased from $5,000 to $10,000.

(4) The maximum amount of loans to improve multi-family dwellings would be increased from a maximum amount of $2,500 to $5,000 per dwelling unit and the maximum loan for the improved structure would be increased from $15,000 to $25,000.

The Secretary has determined that advance notice and public procedure are unnecessary and would delay the amendments from becoming effective and it is in the public interest that the amendments become effective in less than the 30 day period referred to in 5 U.S.C. 553 (d) and that good cause exists for making these amendments effective on August 22, 1974. Interested persons may submit written comments or suggestions, addressed to the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. A copy of each communication will be available for public inspection during regular business hours at the above address.

Accordingly, Subchapter B of Chapter II is amended as follows:

1. In § 201.2 paragraphs (d)(2) and (f) are revised to read as follows:

§ 201.2 Eligible notes.

(d) • • •

(2) *Maximum maturity.* The maximum permissible maturity of a note evidencing:

(i) A Class 1(a), 1(b), or 2(a) loan is 12 years and 32 days from the date of the note.

(ii) A Class 2(b) loan is 12 years and 32 days from the date of the note, except that if a Class 2(b) loan is secured by a first mortgage, first deed of trust, or other security instrument constituting a first lien upon the improved property, the loan may have a final maturity not in excess of 15 years and 32 days from the date of the note.

(iii) A combination of any of the above classes of loans shall be no greater than the maximum maturity governing that component part of the loan having the shortest maturity if made alone.

• • • • • •

(f) *Secured notes.* Loans in excess of $7,500, exclusive of financing charges, shall be secured by a recorded lien upon the improved property.

2. In § 201.3, paragraphs (a), (b), and (c) are revised to read as follows:

§ 201.3 Maximum amount of loans.

(a) *Class 1(a) loan.* A Class 1(a) loan shall not involve a principal amount, exclusive of financing charges, in excess of $10,000.

(b) *Class 1(b) loan.* A Class 1(b) loan shall not involve a principal amount, exclusive of financing charges, in excess of $5,000 per dwelling unit in the improved structure and shall not exceed $25,000.

(c) *Class 2 loans.* A Class 2 loan shall not involve a principal amount, exclusive of financing charges, in excess of $10,000.

• • • • • •

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d); sec. 2, 48 Stat. 1246 12 U.S.C. 1703, as amended by P.L. 93-383))

Effective date. This amendment is effective August 22, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.74-20567 Filed 9-5-74;8:45 am]

[Docket No. R-74-290]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Property Improvement Interest Rate Increase

The Department of Housing and Urban Development is amending § 201.4 to revise the maximum allowable interest rate on property improvement loans insured under this part to a maximum annual percentage of 12.

The Secretary has determined that such change is necessary to meet the loan market in accordance with his authority contained in 12 U.S.C. 1709-1, as amended by Public Law 93-234, and Public Law 93-383.

The Secretary has also determined that advance notice and public procedure are unnecessary and that good cause exists for making this amendment effective in less than the 30 day period referred to in 5 U.S.C. 3535(d).

Accordingly, § 201.4 is amended as follows:

(1) Paragraph (a) is revised to read as follows, and subparagraphs (1), (2), (3) and (4) are deleted.

§ 201.4 Financing charges.

(a) *Maximum financing charges.* The maximum permissible financing charge exclusive of fees and charges as provided by paragraph (b) of this section which may be directly or indirectly paid to, or collected by, the insured in connection with the loan transaction, shall not exceed a 12 percent annual rate. No points or discounts of any kind may be assessed or collected in connection with the loan transaction. Finance charges for individual loans shall be made in accordance with tables of calculation issued by the Commissioner.

• • • • • •

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246 12 U.S.C. 1703; 12 U.S.C. 1709-1 as amended by P.L. 93-234 and P.L. 93-383).

Effective date. This amendment is effective August 22, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner, Housing Production Mortgage Credit.

[FR Doc.74-20565 Filed 9-5-74;8:45 am]

[Docket No. R-74-287]

CHANGES IN MAXIMUM MORTGAGE AMOUNT; MINIMUM DOWNPAYMENT REQUIREMENTS; RECERTIFICATION OF INCOME

The following amendments are being made to this chapter to increase the maximum mortgage amounts and to decrease the minimum downpayment requirements under sections 203(b)(2), 220(d)(3)(A), 221(d)(2)(A), 222(b)(3) and 234(c) of the National Housing Act; to increase the maximum mortgage amount under section 235 of the National Housing Act and to revise the minimum downpayment requirements to 3 percent of the Secretary's estimate of the cost of acquisition under section 235; and to revise the mortgagor's recertification of income under section 235 from a biennial to an annual recertification of income. The Secretary has determined that such changes are necessary to comply with the purposes and intent of the Housing and Community Development Act of 1974, in accordance with his authority contained in 12 U.S.C. 1715(b). The Secretary has, therefore, determined that advance notice and public procedure are unnecessary and that said cause exists for making this amendment effective August 22, 1974.

Accordingly, Chapter II is amended as follows:

Part 203—Mutual Mortgage Insurance and Insured Home Improvement Loans

Subpart A—Eligibility Requirements

ELIGIBLE MORTGAGES

In § 203.18, paragraph (a)(1), (a)(2) and (a)(3) are amended as follows:

§ 203.18 Maximum mortgage amounts.

(a) *Occupant mortgagors.* • • •

(1) *Dollar Limitation.* A dollar limitation of:

(i) $45,000 for a one-family residence.
(ii) $48,750 for a two-family residence.
(iii) $48,750 for a three-family residence.
(iv) $58,000 for a four-family residence.

(2) *Loan-to-value limitation—approval prior to construction.* • • •

(i) 97 percent of the first $25,000 of such value (100 percent of $25,000 of such value or the sum of such value not in excess of $25,000 and the items of prepaid expense approved by the Commissioner minus $200, whichever appraisal amount or sum is the lesser, in the case of a mortgagor qualifying as a veteran).
(ii) 90 percent of such value in excess of $25,000, but not in excess of $35,000.
(iii) 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of such value in excess of $35,000.

(3) *Loan-to-value limitation—no prior approval.* A loan-to-value limitation of 90 percent of $35,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of such value in excess of $35,000, if the dwelling does not meet the requirements in the introductory text of paragraph (a)(2) of this section.

• • • • • •

(12 U.S.C. 1715 b. Interpret or apply 12 U.S.C. 1709)

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart A—Eligibility Requirements—Homes

HOME MORTGAGE INSURANCE

1. Section 220.25 is revised as follows:

§ 220.25 Maximum mortgage amounts—dollar limitation.

Depending upon the design of the structure, a mortgage shall not exceed the lesser of the following:

(a) $45,000 for a one-family residence.
(b) $48,750 for a two-family residence.
(c) $48,750 for a three-family residence.
(d) $58,000 for a four-family residence.
(e) $58,000 plus not to exceed $7,700 for each additional family unit in excess of four.

2. In §220.30, paragraphs (a)(1), (a)(2), (a)(3) and (a)(4) are amended as follows:

§ 220.30 Maximum mortgage amounts—loan to value limitation.

(a) *Occupant mortgagors.* • • •

(1) *New construction—prior approval.* • • •

(i) 97 percent of the first $25,000 of such value (100 percent of $25,000 of such value or the sum of such value not in excess of $25,000 and the items of prepaid expense approved by the Commissioner minus $200, whichever appraisal amount or sum is the lesser, in the case of a mortgagor qualifying as a veteran).
(ii) 90 percent of such estimate in excess of $25,000 but not in excess of $35,000.
(iii) 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of the amount of such estimate in excess of $35,000.

(2) *New construction—no prior approval.* • • •

(i) 90 percent of the first $35,000 of such estimate.
(ii) 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of the amount of such estimate in excess of $35,000.

(3) *Existing construction—prior approval.* • • •

(i) 97 percent of the first $25,000 of the sum of such estimates (100 percent of $25,000 of the sum of such estimates or an amount derived by adding to the sum of such estimates not in excess of $25,000 the items of prepaid expense approved by the Commissioner and deducting $200, whichever appraisal amount or total amount is the lesser, in the case of a mortgagor qualifying as a veteran).
(ii) 90 percent of the sum of such estimates in excess of $25,000, but not in excess of $35,000.
(iii) 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of the sum of such estimates in excess of $35,000.

(4) *Existing construction—no prior approval.* • • •

(i) 90 percent of the first $35,000 of the sum of such estimates.
(ii) 80 percent (85 percent in the case of a mortgagor qualifying as a veteran) of the sum of such estimates in excess of $35,000.

• • • • • •

(12 U.S.C. 1715b. Interpret or apply 12 U.S.C. 1715k)

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Low Cost Homes

INSURANCE UNDER 221(d)(2)

1. Section 221.10 is revised as follows:

§ 221.10 Maximum mortgage amount—dollar limitation.

A mortgage executed by a mortgagor who is an occupant of the property shall not exceed:

(a) $21,600 for a one-family residence, except that such amount may be increased to $25,200 in the case of a family with five or more persons.
(b) $28,000 for a two-family residence.
(c) $38,880 for a three-family residence.
(d) $47,520 for a four-family residence.

2. Section 221.11 is revised as follows:

§ 221.11 Increased mortgage amount—high cost areas.

In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase the dollar amount limitations set forth in § 221.10 to amounts not to exceed:

(a) $25,200 for a one-family residence, except that such amount may be increased to $28,800 in the case of a family with five or more persons.
(b) $36,000 for a two-family residence.
(c) $46,080 for a three-family residence.
(d) $54,720 for a four-family residence.

3. In § 221.50, paragraphs (b)(1) and (b)(2) are amended as follows:

§ 221.50 Mortgagor's minimum investment.

• • • • • • •

(b) • • •

(1) *Loan-to-value limitation—approval prior to construction.* • • •

(i) 97 percent of the first $25,000 of such value.
(ii) 90 percent of such value in excess of $25,000, but not in excess of $35,000.
(iii) 80 percent of such value in excess of $35,000.

(2) *Loan-to-value limitation—no prior approval.* A loan-to-value limitation of 90 percent of $35,000 of the appraised value of the property as of the date the mortgage is accepted for insurance, and 80 percent of such value in excess of $35,000 is required if the dwelling does not meet the requirements contained in paragraph (b)(1) of this section.

• • • • • •

(12 U.S.C. 1715b. Interpret or apply 12 U.S.C. 1715l)

PART 222—SERVICEMEN'S MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

1. Section 222.3 is revised as follows:

§ 222.3 Maximum mortgage amount; dollar limitation.

The mortgage shall involve a principal obligation in an amount not in excess of $45,000, except that a mortgage meeting the requirements of §§ 203.18(d), 221.10, or 221.11 of this chapter shall not exceed the dollar limitation provided in the applicable section.

2. In § 222.4, the introductory text of paragraph (a) and paragraph (b) are revised as follows:

§ 222.4 Maximum mortgage amount; ratio of loan-to-value limitation.

The mortgage shall not exceed the lesser of the following:

(a) 97 percent of $25,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 90 percent of such value in excess of $25,000 but not in excess of $35,000, and 80 percent of such value in excess of $35,000, if:

• • • • • •

(b) 90 percent of $35,000 of the appraised value of the property, as of the date the mortgage is accepted for insurance, and 80 percent of such value in excess of $35,000 if the dwelling does not

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meet the requirements of paragraph (a) of this section.

• • • • • •

(12 U.S.C. 1715b. Interpret or apply 12 U.S.C. 1715m)

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

ELIGIBLE MORTGAGES

1. In § 234.27, paragraph (a) is revised as follows:

§ 234.27 Maximum mortgage amounts.

(a) *Occupant mortgagors.* A mortgage executed by a mortgagor who is an occupant of the unit shall not exceed the lesser of the following:

(1) $45,000.

(2) 97 percent of the first $25,000 of the Commissioner's estimate of appraised value of the family unit, as of the date the mortgage is accepted for insurance, and 90 percent of such value in excess of $25,000 but not in excess of $35,000 and 80 percent of such value in excess of $35,000.

• • • • • •

(12 U.S.C. 1715b. Interpret or apply 12 U.S.C. 1715y)

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart A—Eligibility Requirements—Homes for Lower Income Families

1. Section 235.25 is revised as follows:

§ 235.25 Maximum mortgage amount.

A mortgage shall not exceed the following:

(a) $21,600 for a single-family dwelling or a one-family unit in a condominium project, except that such amount may be increased to $25,200 in the case of a family with five or more persons.

(b) $28,000 for a two-family dwelling.

2. Section 235.30 is revised as follows:

§ 235.30 Increased mortgage amount—high cost areas.

In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase the dollar amount limitations set forth in § 235.25 to an amount not to exceed the following:

(a) $25,200 for a single-family dwelling or a one-family unit in a condominium project, except that such amount may be increased to $28,800 in the case of a family with five or more persons.

(b) $36,000 for a two-family dwelling.

3. Section 235.35 is revised to read as follows:

§ 235.35 Mortgagor's investment.

At the time a mortgage is insured, the mortgagor shall have paid on account of the property, in cash or its equivalent, at least an amount equal to 3 percent of the Secretary's estimate of the cost of acquisition.

(12 U.S.C. 1715b. Interpret or apply 12 U.S.C. 1715z)

Subpart C—Assistance Payments—Homes for Lower Income Families

1. Section 235.330 is revised as follows:

§ 235.330 Cooperative units eligible for assistance payments.

The maximum amount of the mortgage attributed to the dwelling unit of the cooperative member shall not exceed $21,600 except that such amount may be increased to $25,200 in the case of a family of five or more persons. These amounts may be increased to $25,200 and $28,800 respectively, in any geographical area where the Commissioner finds cost levels so require.

2. In § 235.350, the heading and text are revised to read as set forth below. A corresponding revision should be made in the list of sections in Part 235.

§ 235.350 Mortgagor's required recertification.

The mortgagee shall obtain from the homeowner (or from the cooperative association on behalf of the cooperative member), on a form prescribed by the Assistant Secretary a recertification as to occupancy, employment, income, and family composition whenever one of the following events takes place:

(a) Annually, no earlier than 60 days before and no later than 30 days after the anniversary date of the mortgage or at such other anniversary date as set by the Assistant Secretary;

(b) No more than 30 days after the mortgagee is notified by the mortgagor or learns from any source, that the mortgagor or any adult (21 years or older) member of the family residing in the household changes or begins employment which results in an increase in the family income reported in the original application for assistance or the most recent recertification;

(c) At such other times as the Assistant Secretary may require.

3. Section 235.355 is revised as follows:

§ 235.355 Mortgagor's optional recertification.

Upon request of the mortgagor or cooperative member, the mortgagee shall accept recertification whenever the mortgagor, his or her spouse or an adult (21 years or older) member of the family changes or loses employment which results in a decrease in the family income reported in the most recent certification or recertification. This recertification shall be on a form prescribed by the Assistant Secretary.

4. Section 235.360 is revised as follows:

§ 235.360 Adjustment in assistance payments.

The mortgagee shall make appropriate adjustments in the amount of the requested assistance payments to reflect changes in family income reported in any required or optional recertification of the homeowner or cooperative member. The adjustment shall not be retroactive except at the discretion of the Assistant Secretary. The adjustment shall apply only to assistance payments beginning with the payment due no earlier than the first day of the month following and no later than the first day of the second month following the date the mortgagor's recertification is received by the mortgagee.

5. Section 235.365 is revised as follows:

§ 235.365 Mortgagee records.

The mortgagee shall maintain such records as the Assistant Secretary may require with respect to the mortgagor's payments, the mortgage assistance payments received from the Assistant Secretary, and the annual recertifications of financial status from the homeowner or mortgagor. Such records shall be kept on file for a period of time and in a manner prescribed by the Assistant Secretary and shall be available, when requested, for review and inspection by the Assistant Secretary or the Comptroller General of the United States.

(12 U.S.C. 1715b. Interpret or apply 12 U.S.C. 1715z)

Effective date. These amendments are effective August 22, 1974.

SHELDON B. LUBAR,
Assistant Secretary Commissioner for Housing Production and Mortgage Credit.

[FR Doc.74-20568 Filed 9-5-74;8:45 am]

[Docket No. R-74-288]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are being made to this chapter (1) to increase the maximum per unit mortgage amounts for the multifamily mortgage insurance programs, with the exception of Part 236, (2) to eliminate the maximum dollar limitations on mortgage amounts for the hospital, nursing home, group practice, land development, and multifamily mortgage insurance programs, (3) to increase the loan to value ratio for management type cooperatives from 97 percent to 98 percent, (4) to extend the group practice facilities (Title XI) mortgage insurance program to include osteopathy and podiatry, (5) to increase the maximum load to value limitation in the land development program (Title X), and (6) to add a new provision to Part 236 to limit the maximum per unit mortgage amounts to those in effect for that part prior to the effective date of these amendments. The amendments described in (1) through (5) are authorized by Title III of the Housing and Community Development Act of 1974. The amendment described in item (6) is a technical amendment to the regulations so that the maximum per unit mortgage amounts under section 236 will remain unchanged. Without this amendment, the amounts would be increased to those in effect under section 221, as amended herein, by incorporation by reference. The Secretary has determined that those changes authorized by Title III of the Housing and Community Development Act of 1974 should be implemented immediately to reflect Congressional intent, and that the amendment to Part 236 is a technical amendment and, therefore, advance notice and public procedure are unnecessary and good cause exists for making these amendments effective on August 22, 1974.

Accordingly, Chapter II is amended as follows:

PART 205—MORTGAGE INSURANCE FOR LAND DEVELOPMENT (TITLE X)

1. The table of contents shall be amended as follows:

Sec.
205.52 [Revoked]

§ 205.52 [Revoked]

2. Section 205.52, "Maximum mortgage amount—dollar limitation," is revoked.

3. Section 205.55 is revised to read:

§ 205.55 Maximum mortgage amount—loan-to-value limitation.

A mortgage shall involve a principal obligation not in excess of the lesser of the following:

(a) 85 percent of the Commissioner's estimated value of the property after the completion of the development; or

(b) 80 percent of the Commissioner's estimate of the value of the land before development plus 90 percent of the Commissioner's estimated cost of such development.

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

4. Section 207.4(a), (b) and (c)(1) are revised to read as follows:

§ 207.4 Maximum mortgage amounts.

(a) *Dollar and loan-to-value limitations.* A mortgage may involve a principal obligation not in excess of the lesser of the following:

(1) 90 percent of the estimated value (replacement cost if project is located in Alaska or Guam) of the project; or

(2) For such part of the property or project attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner) an amount per family unit, depending upon number of bedrooms, which may be:

(i) $13,000 without a bedroom.
(ii) $18,000 with one bedroom.
(iii) $21,500 with two bedrooms.
(iv) $26,500 with three bedrooms.
(v) $30,000 with four or more bedrooms.

(b) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher costs incident to construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitations per family unit as provided in paragraph (a)(2) of this section not to exceed:

(1) $15,000 per family unit without a bedroom.

(2) $21,000 per family unit with one bedroom.

(3) $25,750 per family unit with two bedrooms.

(4) $32,250 per family unit with three bedrooms.

(5) $36,465 per family unit with four or more bedrooms.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase by not to exceed 45 percent, the dollar amount limitations set forth in paragraphs (a)(2) and (b) of this section.

• • • • • •

5. In § 207.33, paragraphs (b)(1), (b)(2) and (c) are revised to read as follows:

§ 207.33 Eligibility of mortgages on mobile home courts or parks.

• • • • • •

(b) • • •

(1) An amount not exceeding the lesser of $3,250 per space (as defined by the Commissioner), or 90 percent of the estimated value of the property after the improvements are completed.

(2) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase by not to exceed 45 percent, the $3,250 limitation set forth in paragraph (b)(1) of this section.

(c) A mortgage on a mobile home court or park is not subject to the provisions of § 207.4, except that the provisions of § 207.4(e) (relating to a reduction in mortgage amout where the mortgage is on a leasehold estate) and the provisions of § 207.4(f) (relating to loans to cover 2-year operating losses) shall be applicable.

• • • • • •

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

6. In § 213.7 paragraphs (a), (c), (d)(1), and (g) are revised as follows:

§ 213.7 Maximum insurable amounts.

(a) *Management project.* The mortgage covering a Management Project shall not exceed the lesser of the following:

(1) 98 percent of the Commissioner's estimate of the replacement cost of the project; or

(2) For such part of the property or project attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner) an amount per family unit, depending on the number of bedrooms, which may be:

(i) $13,000 without a bedroom.
(ii) $18,000 with one bedroom.
(iii) $21,500 with two bedrooms.
(iv) $26,500 with three bedrooms.
(v) $30,000 with four or more bedrooms.

(c) *Sales project.* The mortgage covering a sales project shall not exceed a sum equal to the aggregate total of the maximum allowable mortgage amounts, if separate mortgages each meeting the requirements of section 203(b)(2) of the Act relating to occupant mortgagors, were placed upon each of the single-family units comprising the project.

(d) *Increased mortgage amounts—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 45 percent, the dollar amount limitations set forth in paragraphs (a)(2) and (g) of this section.

• • • • • •

(g) *Increased mortgage amount—elevator type structures.* In order to compensate for the higher costs incident to construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitations per family unit as provided in paragraph (a)(2) of this section not to exceed:

(1) $15,000 per family unit without a bedroom.

(2) $21,000 per family unit with one bedroom.

(3) $25,750 per family unit with two bedrooms.

(4) $32,250 per family unit with three bedrooms.

(5) $36,465 per family unit with four or more bedrooms.

• • • • • •

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

7. In § 220.507 paragraphs (a), (b) and (c)(1) are revised as follows:

§ 220.507 Maximum mortgage amounts.

(a) *Dollar limitation—in general.* A mortgage may involve a principal obligation not in excess of the following:

(1) For such part of the property or project attributable to dwelling use (excluding exterior land improvements as defined by the Commissioner), an amount per family unit, depending on the number of bedrooms, which may be:

(i) $13,000 without a bedroom.
(ii) $18,000 with one bedroom.
(iii) $21,500 with two bedrooms.
(iv) $26,500 with three bedrooms.
(v) $30,000 with four or more bedrooms.

(2) Where the project involves the rehabilitation of not more than five family units, the mortgage amounts per family unit designated in paragraph (a)(1) of this section may be increased by 25 percent as follows:

(i) $26,875 for a two bedroom unit.
(ii) $33,125 for a three bedroom unit.
(iii) $37,500 for a four or more bedroom unit.

(b) *Increased dollar limitation—elevator type structure.* In order to compensate for higher costs incident to the construction of elevator type structures, the Commissioner may increase the dollar amounts per family unit, in paragraph (a)(1) of this section, as follows:

(1) With respect to any elevator type structure:

(i) $15,000 without a bedroom.
(ii) $21,000 with one bedroom.
(iii) $25,750 with two bedrooms.
(iv) $32,250 with three bedrooms.
(v) $36,465 with four or more bedrooms.

(2) With respect to an elevator type project involving the rehabilitation of

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not more than five family units, the dollar amounts per family unit, in subparagraph (1) of this paragraph may be increased by 25 percent as follows:

(i) $32,187.50 for a two bedroom unit.

(ii) $40,312.50 for a three bedroom unit.

(iii) $45,581.25 for a four or more bedroom unit.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 45 percent, the dollar limitations set forth in paragraphs (a) and (b) of this section.

* * * * *

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

8. In § 221.514 paragraphs (a)(1), (b) and (c) are revised to read as follows:

§ 221.514 Maximum mortgage amounts.

(a) The mortgage shall involve a principal objection not in excess of the lesser of the following:

(1) *Dollar limitations on units.* For such part of the property or project attributable to dwelling use (excluding exterior land improvement as defined by the Commissioner) an amount per family unit, depending on the number of bedrooms, which may be:

(i) For projects to be insured under section 221(d)(3) of the Act:

(*a*) $11,240 without a bedroom.

(*b*) $15,540 with one bedroom.

(*c*) $18,830 with two bedrooms.

(*d*) $23,460 with three bedrooms.

(*e*) $26,570 with four or more bedrooms.

(ii) For projects to be insured under section 221(d)(4) of the Act:

(*a*) $12,300 without a bedroom.

(*b*) $17,188 with one bedroom.

(*c*) $20,525 with two bedrooms.

(*d*) $24,700 with three bedrooms.

(*e*) $29,038 with four or more bedrooms.

* * * * *

(b) *Increased mortgage amount—elevator type structures.* In order to compensate for higher costs incident to construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitations per family unit as provided in paragraph (a) of this section not to exceed:

(1) For projects to be insured under section 221(d)(3) of the Act:

(i) $13,120 per family unit without a bedroom.

(ii) $16,200 per family unit with one bedroom.

(iii) $22,080 per family unit with two bedrooms.

(iv) $27,600 per family unit with three bedrooms.

(v) $32,000 per family unit with four or more bedrooms.

(2) For projects to be insured under section 221(d)(4) of the Act:

(i) $13,975 per family unit without a bedroom.

(ii) $20,025 per family unit with one bedroom.

(iii) $24,350 per family unit with two bedrooms.

(iv) $31,500 per family unit with three bedrooms.

(v) $34,578 per family unit with four or more bedrooms.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 45 percent, the dollar limitations set forth in paragraphs (a) and (b) of this section.

* * * * *

PART 227—ARMED SERVICES HOUSING—IMPACTED AREAS (SEC. 810)

§ 227.35 [Amended]

9. In § 227.35 paragraph (a) is deleted and present paragraphs (b) and (c) are redesignated (a) and (b), respectively.

10. Section 227.40 is revised to read as follows:

§ 227.40 Maximum mortgage amounts—multifamily sales projects.

A mortgage on a Multifamily Sales Project may involve a principal obligation not in excess of a sum computed on the basis of a separate mortgage for each single-family dwelling comprising the project, equal to the total of each of the maximum principal obligations of such mortgages which would meet the requirements of section 203(b)(2) of the Act if the mortgagor were the owner and occupant who had made any required payment on account of the property described in such section of the Act; provided that special escrow arrangements, satisfactory to the Commissioner, are made by the mortgagor with respect to mortgage proceeds in excess of 90 percent of the estimated value.

§ 227.45 [Amended]

11. In § 227.45 the reference in paragraph (a) to § 227.35(c) is changed to § 227.35(b).

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

12. In § 231.3 paragraph (a) is deleted, paragraphs (b), (c) and (d) are redesignated as (a), (b) and (c) respectively and the redesignated paragraph (a) is revised to read as follows:

§ 231.3 Maximum mortgage amounts—new construction.

The mortgage shall involve a principal obligation not in excess of the lesser of the following:

(a) Family unit limitations. For such part of the property or project attributable to dwelling use (excluding exterior land improvement as defined by the Commissioner) an amount per family unit, depending on the number of bedrooms, which may be:

(1) $12,300 without a bedroom.

(2) $17,188 with one bedroom.

(3) $20,525 with two bedrooms.

(4) $24,700 with three bedrooms.

(5) $29,038 with four or more bedrooms.

* * * * *

13. Section 231.5 is revised to read as follows:

§ 231.5 Increased mortgage amounts—elevator type structures.

In order to compensate for the higher costs incident to construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitations per family unit as provided in § 231.3(a) not to exceed:

(a) $13,975 per family unit without a bedroom.

(b) $20,025 per family unit with one bedroom.

(c) $24,350 per family unit with two bedrooms.

(d) $31,500 per family unit with three bedrooms.

(e) $34,578 per family unit with four or more bedrooms.

§ 231.6 [Amended]

14. In § 231.6(a) the reference to § 231.3(b) should be changed to § 231.3(a).

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

15. Section 232.30 is revised to read as follows:

§ 232.30 Maximum mortgage amounts.

The mortgage shall involve a principal obligation not in excess of 90 percent of the Commissioner's estimate of the value of the property or project, including equipment to be used in its operation, when the proposed improvements are completed and the equipment is installed.

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

16. In § 234.525 paragraph (a) is deleted and present paragraphs (b), (c), and (d) are redesignated (a), (b), and (c) respectively, and the paragraph redesignated as (b) is revised to read as follows:

§ 234.525 Maximum mortgage amounts—new construction.

The mortgage may involve a principal obligation not in excess of the lowest of the following limitations:

* * * * *

(b) *Family unit limitation.* For such part of the property or project attributable to dwelling use (excluding exterior land improvement as defined by the Commissioner) an amount per family unit, depending on the number of bedrooms, which may be:

(1) $13,000 without a bedroom.

(2) $18,000 with one bedroom.

(3) $21,500 with two bedrooms.

(4) $26,500 with three bedrooms.

(5) $30,000 with four or more bedrooms.

* * * * *

17. In § 234.530 paragraph (a) is revised and the reference in paragraph (b) to § 234.525(c) is changed to § 234.525(b). The revised paragraph (a) reads as follows:

§ 234.530 Increased mortgage amounts.

(a) *Elevator type structures.* In order to compensate for the higher costs incident to construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitation per family unit as provided in § 234.525(b) to not to exceed:

(1) $15,000 per family unit without a bedroom.

(2) $21,000 per family unit with one bedroom.

(3) $25,750 per family unit with two bedrooms.

(4) $32,250 per family unit with three bedrooms.

(5) $36,465 per family unit with four or more bedrooms.

* * * * *

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

18. The table of contents is amended to include a new section numbered 236.12 and designated, Maximum mortgage amounts, as follows:

Sec.
236.12 Maximum mortgage amounts.

19. The following amendment is made to the exceptions to the incorporation by reference contained in § 236.1:

§ 236.1 Incorporation by reference.

* * * * *

Sec.
221.514 Maximum mortgage amounts.

* * * * *

20. The following new section is added and designated as § 236.12:

§ 236.12 Maximum mortgage amounts.

(a) The mortgage shall involve a principal obligation not in excess of the lowest of the following:

(1) *Dollar limitations on units.* For such part of the property or project attributable to dwelling use (excluding exterior land improvement as defined by the Commissioner) an amount per family unit, depending on the number of bedrooms, which may be:

(i) $9,200 without a bedroom.

(ii) $12,937.50 with one bedroom.

(iii) $15,525 with two bedrooms.

(iv) $19,550 with three bedrooms.

(v) $22,137.50 with four or more bedrooms.

(2) *New construction.* (i) In the case of new construction where the mortgagor is a nonprofit, builder-seller, cooperative, or investor-sponsor, the Commissioner's estimate of replacement cost of the property or project when the improvements are completed. The replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction, and other miscellaneous charges incident to construction and approved by the Commissioner.

(ii) In the case of new construction where the mortgagor is a limited distribution mortgagor, 90 percent of the Commissioner's estimate of the replacement cost of the property or project when the proposed improvements are completed. The replacement cost may include the land, the proposed physical improvements, utilities within the boundaries of the land, architect's fees, taxes, interest during construction, and other miscellaneous charges incident to construction and approved by the Commissioner and shall include an allowance for builder's and sponsor's profit and risk of 10 percent of the foregoing items exclusive of land unless the Commissioner, after determining such allowance is unreasonable, prescribes a lesser percentage.

(3) *Repair or rehabilitation.* (i) In the case of a project which is to be repaired or rehabilitated where the mortgagor is a nonprofit, builder-seller, cooperative, or investor-sponsor, the sum of the estimated cost of the repairs or rehabilitation of the project and the Commissioner's estimate of the value of the property before repairs or rehabilitation.

(ii) In the case of a project which is to be repaired or rehabilitated where the mortgagor is a limited distribution mortgagor, 90 percent of the sum of the estimated cost of the repairs and rehabilitation of the project and the Commissioner's estimate of the value of the property before repair and rehabilitation.

(b) *Increased mortgage amount—elevator type structures.* In order to compensate for higher costs incident to construction of elevator type structures of sound standards of construction and design, the Commissioner may increase the dollar amount limitations per family unit as provided in paragraph (a)(1) of this section not to exceed:

(1) $10,925 per family unit without a bedroom.

(2) $15,525 per family unit with one bedroom.

(3) $18,400 per family unit with two bedrooms.

(4) $23,000 per family unit with three bedrooms.

(5) $26,162.50 per family unit with four or more bedrooms.

(c) *Increased mortgage amount—high cost areas.* (1) In any geographical area where the Commissioner finds cost levels so require, the Commissioner may increase, by not to exceed 45 percent, the dollar amount limitations set forth in paragraphs (a)(1) and (b) of this section.

(2) If the Commissioner finds that because of high costs in Alaska, Guam, or Hawaii it is not feasible to construct dwellings without the sacrifice of sound standards of construction, design, and livability within the limitations of maximum mortgage amounts provided in this section, the principal obligation of mortgages may be increased in such amounts as may be necessary to compensate for such costs, but not to exceed in any event the maximum, including high cost area increases, if any, otherwise applicable by more than one-half thereof.

(d) *Maximum mortgage amount—leaseholds.* In the event the mortgage is on a leasehold estate rather than on a fee simple holding, the value or replacement cost of the property on which the mortgage is based is the value or replacement cost of the property in fee simple, reduced by an amount equal to the capitalized value of the ground rent.

(e) *Loans to cover 2-year operating loss.*—(1) *Operating loss determination.* When the Commissioner determines that an operating loss has occurred during the first 2 years following completion of the project, he may, in his discretion, accept for insurance under this part, a loan to cover such loss. For the purposes of this section, an operating loss shall occur when the Commissioner determines that the total of the taxes, interest on the mortgage debt, mortgage insurance premiums, hazard insurance premiums, and the expense of maintenance and operation of the project (excluding depreciation) exceeds the project income.

(2) *Security instrument.* The loan shall be secured by an instrument in a form approved by the Commissioner for use in the jurisdiction in which the project is located.

(3) *Maximum interest rate.* The loan may bear interest at such rate as may be agreed upon by the mortgagee and mortgagor, but in no case shall such rate exceed the rate in effect under § 236.15 on the date the commitment is issued. Interest shall be payable in monthly installments on the principal then outstanding.

(4) *Maturity.* The loan shall be limited to a term not exceeding the unexpired term of the original mortgage.

PART 242—MORTGAGE INSURANCE FOR HOSPITALS

21. Section 242.27 is revised to read as follows:

§ 242.27 Maximum mortgage amounts.

The mortgage shall involve a principal obligation not in excess of 90 percent of the Commissioner's estimate of the replacement cost of the hospital, including the equipment to be used in its operation when the proposed improvements are completed and the equipment is installed.

PART 244—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES (TITLE XI)

22. In § 244.1 paragraphs (b), (c) (1) and (2) and (d) are revised as follows:

§ 244.1 Definitions.

* * * * *

(b) "Group practice facility" means an establishment designed for operation primarily by a medical or dental group which provides preventive, diagnostic, and treatment services to ambulatory patients under the professional super-

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vision of persons licensed to practice dentistry, medicine, osteopathy, optometry, or podiatry in the State.

(c) • • •

(1) An organization which undertakes to provide (directly or through arrangements with a medical or dental group) complete dental, medical, optometric, osteopathic or podiatric care, or any combination thereof. It may also provide health insurance to members or subscribers on a group practice prepayment basis.

(2) An organization established for the purpose of providing dental, medical, optometric, osteopathic, or podiatric care or for performing functions related to such care through arrangements for the use of the group practice facility by a medical or dental group.

(d) "Medical or dental group" means a partnership or other association of persons licensed to practice dentistry, medicine, optometry, osteopathy, or podiatry in the State who, as their principal professional activity and as a group responsibility, engage in the coordinated practice of their profession in one or more group practice facilities. The group shall share common overhead expenses, shall jointly establish medical and other records and shall jointly use substantial portions of the equipment and the services of professional, technical, and administrative staffs. It shall be composed of such types of professional personnel and shall make available such health services as may be required to meet the standards prescribed by the Commissioner.

• • • • • •

§ 244.30 [Removed]

23. The table of contents and the text are amended by deleting the center heading, Maximum mortgage amounts, as it first appears, and by deleting § 244.30 *Maximum mortgage amounts—dollar limitations.*

24. Section 244.32 is revised as follows:

§ 244.32 Maximum mortgage amount—loan-to-value limitation.

The mortgage shall involve a principal obligation not in excess of 90 percent of the Commissioner's estimate of the replacement cost of the property when construction or rehabilitation is completed. The cost of the property may include the land and proposed physical improvements, equipment, utilities within the boundaries of the property, architect's fees, taxes and interest accruing during construction, and other miscellaneous charges approved by the Commissioner as incident to the construction or rehabilitation.

25. Section 244.35 is amended by revising the introductory paragraph as follows:

§ 244.35 Adjusted mortgage amount—rehabilitation projects.

In addition to meeting the loan-to-value limitation of § 244.32, a mortgage financing the rehabilitation of existing improvements shall be subject to the following additional limitations:

• • • • • •

(Sec. 7(d), Department of Housing and Urban Development Act; (42 U.S.C. 3535(d))

Effective date. These amendments will be effective as of *August 22, 1974.*

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner.

[FR Doc.74-20566 Filed 9-5-74;8:45 am]

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FRIDAY, SEPTEMBER 6, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 174

PART III

DEPARTMENT OF LABOR

Employment Standards Administration

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions, Modifications, and Supersedeas Decisions; Index

No. 174—Pt. III——1

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

North Carolina	AR–4031

MODIFICATION TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Kentucky:	
AR–4018	Aug. 19, 1974
Louisiana:	
AR–12	Aug. 16, 1974
Nebraska:	
AQ–119	June 21, 1974
AR–13; AR–14	Aug. 16, 1974
New Mexico:	
AQ–18	Aug. 10, 1973
AR–6	July 12, 1974
Virginia:	
AR–2025	Aug. 23, 1974
Washington, D.C.:	
AR–2026	Aug. 23, 1974

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

Georgia:	
AQ–4068(AR–4029)	Feb. 15, 1974
Guam:	
AQ–1034(AR–1029)	Sept. 14, 1973
Kentucky:	
AQ–4024(AR–4023)	Oct. 12, 1973
Maryland:	
AQ–2101(AR–2050)	Apr. 19, 1974
Mississippi:	
AQ–4111(AR–3030)	May 3, 1974
New Jersey:	
AQ–2091(AR–2043)	Mar. 29, 1974
AQ–2119(AR–2044)	May 10, 1974
Virginia:	
AQ–2024(AR–2048)	Oct. 19, 1973
AQ–2074(AR–2049)	Mar. 8, 1974
AQ–2109(AR–2047)	May 3, 1974
Utah:	
AQ–1101(AR–1020)	May 3, 1974

Signed at Washington, D.C., this 30th day of August 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: North Carolina
DECISION NUMBER: AR-4031
DESCRIPTION OF WORK: Residental construction consisting of single family homes and garden type apartments up to 4 stories.

COUNTY: * See below
DATE: Date of Publication

65-HC-4-D

*Counties: Brunswick, New Hanover, Onslow, & Pender	Basic Hourly Rates	Fringe Benefit Payments: H&W	Pensions	Vacation	App. Tr.
Air conditioning mechanic	$4.26				
Bricklayers	5.00				
Carpenters	4.50				
Cement masons	4.73				
Electricians	4.60				
Ironworkers, reinforcing	3.65				
Laborers	2.56				
Painters, brush	4.00				
Plumbers & pipefitters	4.63				
Roofers	3.35				
Sheet metal workers	3.59				
Soft floor layers	4.09				
Tile setters	5.00				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt paver	3.56				
Backhoe	4.60				
Bulldozer	3.73				
Dragline	3.30				
Loader	4.07				
Roller	3.56				
Scraper	4.00				
Tractor	3.42				

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MODIFICATIONS P. 1

DECISION NO. AR-4018 - Mod. #1	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
(39 FR-28836-August 19, 1974) Fayette County, Kentucky					
Change: Electricians	$9.35	.40	7%	.50	2% of 1%
DECISION NO. AR-12-mod. #1 (39FR29764 - August 16, 1974) Statewide, Louisiana					
CHANGE: Roofers Zone 2:	$6.80	.45	.45		.25
DECISION NO. AQ-119 - Mod. #3 (39 FR 22398 - June 21, 1974) Statewide (except Douglas and Sarpy Counties), Nebraska					
Change: Modification No. one in Federal Register issued August 30, 1974 to read "Modification No. two"					

MODIFICATIONS P. 2

DECISION NO AR-13 - Mod. #1 (39 FR 29884 - August 16, 1974) Douglas and Sarpy Counties, Nebraska	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CHANGE: POWER EQUIPMENT OPERATORS:					
GROUP I					
Oilers; greasers; mechanics helpers	$6.78	.35	.30		
GROUP II					
Oiler drivers (motor truck crane)	6.88	.35	.30		
GROUP III					
Conveyors; heaters; tractors, 35 HP or under; Air compressors pump and welding machine op.	7.13	.35	.30		
GROUP IV					
Bulldozers; forklifts; concrete pumps; tractors over 35 HP; one drum hoist; straddle trucks; spread oiler	8.02	.35	.30		
GROUP V					
Blades; end loaders; self propelled scrapers	8.12	.35	.30		
GROUP VI					
Two drum hoists; trenching machines; pile drivers; dredges; heavy duty mechanics; shovels; draglines; clamshells; orange peels; cranes; derricks; backhoes; winch trucks and side booms or cat booms; locomotives; firemen used on high pressure boilers in construction work; economobile; electric hammers and extractors	8.37	.35	.30		

MODIFICATIONS P. 3

DECISION NO AR-14 - Mod. #1 (39 FR 29885 - August 16, 1974) Douglas and Sarpy Counties, Nebraska	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CHANGE: BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:					
GROUP I					
Oilers; greasers; mechanics helpers	$6.78	.35	.30		
GROUP II					
Oiler drivers (motor truck crane)	6.88	.35	.30		
GROUP III					
Conveyors; heaters; tractors, 35 HP or under; air compressors; pump and welding machine op.	7.13	.35	.30		
GROUP IV					
Bulldozers; forklifts; concrete pumps; tractors over 35 HP; one drum hoist; straddle trucks; spread oiler	8.02	.35	.30		
GROUP V					
Blades; end loaders; self propelled scrapers	8.12	.35	.30		
GROUP VI					
Two drum hoists; trenching machines; pile drivers; dredges; heavy duty mechanics; shovels; draglines; clamshells; orange peels; cranes; derricks; backhoes; winch trucks and side booms or cat booms; locomotives; firemen used on high pressure boilers in construction work; economobile; electric hammers and extractors	8.37	.35	.30		

MODIFICATIONS P. 4

DECISION NO AQ-18 - Mod. #2 (38 FR 21714 - August 10, 1973) Statewide, New Mexico	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CHANGE:					
Ironworkers; structural	$7.59	.50	.65		
Power Equipment Operators:					
Bulldozer (multiple units); scraper (multiple units)	5.42	.15	.10		.01
Line Construction:					
Statewide (except Bernalillo County)					
Cable splicers	8.42	.30	1%		1/2%
Linemen	7.85	.30	1%		1/2%
Technicians	7.85	.30	1%		1/2%
Equipment operators	7.46	.30	1%		1/2%
Equipment mechanics	6.82	.30	1%		1/2%
Powdermen	6.82	.30	1%		1/2%
Groundmen & Jackhammer op.:					
1st 6 months	4.13	.30	1%		1/2%
2nd 6 months	4.69	.30	1%		1/2%
Experienced	5.49	.30	1%		1/2%
Bernalillo County					
Cable splicers	7.71	.30	1%		1/2%
Linemen	7.17	.30	1%		1/2%
Technicians	7.17	.30	1%		1/2%
Equipment operators	6.82	.30	1%		1/2%
Equipment mechanics	6.25	.30	1%		1/2%
Powderman	6.25	.30	1%		1/2%
Groundmen & Jackhammer Op.:					
1st 6 months	3.77	.30	1%		1/2%
2nd 6 months	4.29	.30	1%		1/2%
Experienced	5.02	.30	1%		1/2%
DECISION NO AR-6 - Mod. #4 (39 FR 25680 - July 12, 1974) Statewide, New Mexico					
CHANGE: LINE CONSTRUCTION: Statewide (except Bernalillo County): Technicians	$7.85	.30	1%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2025 - Mod. #1 (39 FR 30763 - August 23, 1974) Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, the City of Alexandria and Dulles International Airport, Virginia					
Change: Plasterers	$9.02	.45	.25		.06
DECISION #AR-2026 - Mod. #1 (39 FR 30814 - August 23, 1974 Washington, D. C.					
Change: Plasterers	9.02	.45	.25		.06

SUPERSEDEAS DECISION

State: Georgia
Decision Number: AR-4029

County: Fulton, Clayton, Cobb, and DeKalb
Date: Date of Publication

Supersedes Decision No. AQ-4068 in 39 FR 5975 dated February 15, 1974
Description of Work: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway construction

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$7.90	.35	.35		.02
Boilermakers	7.13	.40	.70		.01
Bricklayers:					
Bricklayers and Stonemasons	7.80	.30	.30		.05
Marble Masons, Terrazzo Workers and tile setters	8.05	.30	.30		
Carpenters:					
Carpenters and Soft Floor Layers	7.95	.40	.45		.02
Millwrights	8.70				
Piledrivermen	8.10	.40	.45		.02
Cement Masons	7.60	.35	.55		
Electricians	9.55	6%	7%+1%		½ of 1%
Elevator Constructors	7.81	.345	.23	2%+a,b	.015
Elevator Constructors' Helpers	5.87	.345	.23	2%+a,b	.015
Elevator Constructors' Helpers (prob.)	3.905				
Glaziers	7.25	.45	.24	.25	.055
Ironworkers:					
Structural, Ornamental, & Reinforcing	7.90	.40	.47		.07
Lathers	7.60	.20	.10	.50	.04
Leadburners	7.80	.30		c	.01
Painters:					
Brush	7.90	.45	.55		.04
Spray and Sandblasting	8.90	.45	.55		.04
Paperhanging	8.15	.45	.55		.04
Plasterers	7.77	.35	.55		
Plumbers and Steamfitters	8.95	.35	.50		.05
Roofers:					
Roofers and Weatherproofers	6.25	.20	.20		
Slate, Tile, and Asbestos Shingles	6.50	.20	.20		
Sheet Metal Workers	8.30	.35	.35		.06
Sprinkler Fitters	8.20	.40	.60		.07
Welders--receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day: D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App.
LABORERS:					
Group A Batch plant men; buggy rollers (Ga.); cleaners (brick or lumber), clearing of right of way and building site (hand tools), concrete curer-sealer and liquid hardner, conveyor operator (used by tenders of plasterers and bricklayers), electrician laborer, excavator, backfiller grader (hand), forklift operator, walk type tending bricklayers and plasterers, form oiler, form stripper, metal pan handler, plumber-laborer, pipe dopar, precast slab layer (floors, roofs, walks, curbs), concrete puddlers, rail porter, railroad track laborer, reinforcing steal handlar, scaffolds and staging for masons and plasterers, erecting and removing scarifyer, concrete (machanical and hand), sheating and shoring laborers, steam jannies (used in cleaning equipment), tenders (all crafts), truck spotter dumper, winch handler (manual), wrecking buildings and miscellaneous structures.	$5.20	.20	.20		.05
Group B Bucket-dumpman (concrete), mixer-mortar, grout clay, etc. (hand or machine), power post hole digger, power cleaning machine operator, power wheelbarrow, mortar mixer-hose for gypsum roofs, plastering, asbestos fiber sound proofing, etc.	5.32	.20	.20		.05
Group C Burner-demolition, chain saw operator, power concrete saw operator, steal form setter, sewer pipe layer, yarner, wiper, potman, slip form raiser (steal or wood) jack or screw type.	5.42	.20	.20		.05
Group D Wagon drill operator (track or wheel type), and like used in drilling for blasting.	5.50	.20	.20		.05
Group E Powderman-helper	5.70	.20	.20		.05
Group F Powderman, nozzleman (concrete pneumatic)	6.10	.20	.20		.05
Group G Caisson holeman 25¢ above rate for classification working chimney or stacks isolated.					

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payment H & W	Pensions	Vacation	App.
Power Equipment Operators					
Group A Backhoe operators, clamshell operator, conc. mix operator, cant. mix plant, conc. pump operator-Ridley or similar type, crane operator (truck, tower, crawler, or locomotive), derrick operator, dragline operator, drill operator-caisson foundation type, elevating grader operator, fork-lift operator that comes within the juriadiction of the Operating Engineers, hoisting engine operator, locomotive operator, mechanics-heavy duty, oilers on cranes with earth boring drill attached with a separate power source, concrete paving mixer operator, pile driver operator, rock crusher operator, shovel operator, trenching machine operator over 6 ft. depth capacity, well point system operator (including the operation of all pumps on project operated by the contractor), generator operator-75 K. VA and over, tugger hoist operator, winch truck operator, hoisting material, air compressor operator, 365 C.F.M. and over furnishing air simultaneously for more than one contractor.	$8.00	.35	.20		.07
Group B Bulldozer operator, dozer shovel operator, drill operator-Quarry master type, fireman-stationary or portable, motor grader operator, motor scraper operator (pans), pusher dozer operator, self-propelled compactor operator, with blade, tractor operator with special equipment, trenching machine operator up to and including 6 ft. depth capacity.	7.65	.35	.20		.07
Group C Air compressor operator 600 cu. ft. and over, air compressor operator batt. of two, 300 cu. ft. and over, hydrohammer operator, concrete batch plant operator.	6.13	.35	.20		.07
Group D Oiler-truck or locomotive cranes	6.48	.35	.20		.07
Group E Oiler-unspecified, pump operator over 8" up to batteries of 4, welding machine operator, batteries of two 300 amps and over.	5.58	.35	.20		.07
Group F Concrete mixer operator skip types except paving mixers, concrete finishing machine operator, concrete paving machine operator, roller operator, well drill operator	5.93	.35	.20		.07
Group G Air compressor operator up to and including 300 cu. ft. or one machine over 300 but less than 600 cu. ft., conveyor operator, belt type, sand blasting machine operator, water pump operator 4" or less, water pump operator over 4" (one only), welding machine operator 300 amps and over	4.91	.35	.20		.07

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Trucks up to and including 2½ tons tractor, farm types	$5.60	.15			
Trucks from 2½ tons up to and including 5 tons all low-boys and other trailer pulled by tractor except farm type tractor with ratings up to and including 5 tons.	5.70	.15			
Trucks over 5 tons including all euclids up to and including 10 tons.	5.95	.15			
Euclids over 10 tons	6.00	.15			

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Bricklayers	$2.50				
Carpenters	2.75				
Cement Masons	2.47				
Ironworkers, Structural	5.09				
Ironworkers, Reinforcing	2.35				
Electricians	8.85	6%	7+1%		.7%
Laborers:					
Air Tool Operators (jackhammer, vibrator)	2.00				
Asphalt Rakers	2.26				
Drillers	2.00				
Fine Graders	2.00				
Landscape Workers	2.00				
Pipelayers	2.25				
Powderman, Blasters	2.25				
Unskilled	2.00				
Painters	2.50				
Painters, Structural Steel & Bridge	2.50				
Power Equipment Operators:					
Air Compressors	2.00				
Asphalt Distributors-spreaders	2.78				
Asphalt Plant	2.34				
Backhoes	2.65				
Bulldozers	2.75				
Cranes, Derricks, & Draglines	3.00				
Concrete Batching Plants	2.25				
Concrete Curing Machines	2.75				
Concrete Finishing Machines	3.00				
Concrete Paving Machines	3.00				
Concrete Saws	2.57				
Drilling Machines	2.40				
Loaders (all types)	2.35				
Mechanics	3.00				
Mixers	2.00				
Motor Patrols	2.73				
Oilers-Greasers	2.25				
Piledrivers	2.80				
Rollers	2.20				
Aggregate Spreader	2.00				
Shovels	3.00				
Scrapers (pan)	2.75				
Tractors, Farm	2.31				
Tractors, Crawler	2.85				
Truck Drivers:					
Up to 2½ tons	2.00				
Over 2½ tons	2.25				
Welders	3.00				

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SUPERSEDEAS DECISION

STATE: Guam
DECISION NUMBER: AR-1029 DATE: Date of Publication
Supersedes Decision No. AQ-1034 dated September 14, 1973, in 38 FR 25848
DESCRIPTION OF WORK: Building, Residential, Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Refrigeration and Air Conditioning	$3.70				
Machinist	3.36				
Heavy Equipment Repairman	3.31				
Heavy Equipment Operator	3.24				
Electrician	3.22				
Plumber	3.20				
Welders	3.16				
Sheet Metal Worker	3.12				
Mason	3.05				
Lt. Equipment and General Truck Driver	3.03				
Carpenter	3.03				
Painter	2.94				
Structural Ironworker	2.90				

SUPERSEDEAS DECISION

STATE: Kentucky COUNTY: Warren
DECISION NUMBER: AR-4023 DATE: Date of Publication
Supersedes Decision No. AQ-4024 dated October 12, 1973 in 38 FR 28527.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.29	.35	.21		
Boilermakers	8.10	.30	.70	.55	.01
Bricklayers and stone masons	6.74				
Carpenters	8.40	.30	.30		
Cement masons	5.75	.20	.10		.01
Electricians	8.20		7%		½ of 1%
Elevator Constructors	8.73	.395	.26	2½% +a&b	.02
Elevator Constructors' Helpers	6.11	.395	.26	2½% + a&b	.02
Elevator Constructors' Helpers, (Prob.)	4.365				
Glaziers	7.15	.45	.35		.02
Ironworkers:					
Structural, ornamental and reinforcing	6.55	.30	.10		.04
Laborers:					
Unskilled	5.10	.25	.25		
Mason tenders, mortar mixers, air tools and vibrators, power driven Georgia buggies, chain-saw, pipe layers, joint makers, plasterers tenders, marble tenders, tile tenders and sewer bottom men	5.25	.25	.25		
Wagon drill and concrete saw	5.35	.25	.25		
Sand hogs, tunnel laborers and caisson workers	5.55	.25	.25		
Hard rock miners	5.85	.25	.25		
Asphalt rakers	5.40	.25	.25		
Side rail form setters	5.45	.25	.25		
Powdermen	5.50	.25	.25		
Lathers	6.30		.20		.01
Leadburners	8.25	.30		o	.01
Line Construction:					
Linemen	8.20		7%		½ of 1%
Line truck, hole digger and cable splicer	8.20		7%		½ of 1%
Groundmen	6.70		7%		½ of 1%
Painters:					
Brush	4.50				
Spray	5.50				
Structural steel up to 40'	4.50				
Piledrivermen	8.40	.30	.30		
Plasterers	5.75	.20	.10		.01
Plumbers	8.55	.33	.50	.77	.07
Roofers:					
Composition	5.70		.10	d	
Slate and tile	5.95		.10	d	
Sheet metal workers	9.30	.60	.60		.05

AR-4023 P. 2

114-KY-1-3 (2-2)

ROOFERS CONT'D:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Soft floor layers	$8.40	.30	.30		
Sprinkler fitters	9.50	.50	.70		.08
Steam fitters	8.65	.30	.60	.60	.07
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					

Footnotes:

a. Six paid holidays

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years.
Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Three paid holidays: C - D - F.

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
CLASS A	$8.35	.25	.25			
CLASS B	6.51	.25	.25			
CLASS C	6.02	.25	.25			

CLASS A:
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift, (regardless of lift height), all types of boom cats, core drill, hopt tow or push boat, concrete paver, Gradeall, hoist, hyster, pumpcrete, Ross carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KaCal loader, tower cranes (French, German and other types), hydr crane, backfiller, gurries, sub-grader

CLASS B:
All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp. and over) bull float, finish machine, outboard motor boat, flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, Whirley oiler, self-propelled compactor, tractair and road widening cruncher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor

CLASS C:
Bituminous distributor, cement gun, conveyor, mud jacks, joint machine, roller (earth), tamping machine, tractors (under 50 hp.), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
GROUP I	$6.00	a	a	b		
GROUP II	5.90	a	a	b		
GROUP III	5.83	a	a	b		
GROUP IV	5.72	a	a	b		
GROUP V	5.60	a	a	b		

GROUP I: Euclid and other heavy moving equipment and lowboy; Winch truck and A-Frame and monorail truck used to transport building materials; Fork lift truck when used to transport building materials

GROUP II: Mechanic; Concrete mixers (all types), hauling only on job site

GROUP III: Over 3 tons; Semi-trailer, tandem axle or pole trailers & dumps

GROUP IV: 3 tons and under; Mechanic helpers; greasers and tire changers

GROUP V: Helpers

FOOTNOTE:
a. Employer contributes $13.50 per week to Health & Welfare; and $14.00 per week to Pensions for each employee whose name appears on the payroll that week who has been employed a minimum of 20 work days within any 90 consecutive day period.

b. Employees who have been regularly employed on a project by an employer for one year and who have worked a minimum of 1200 hours during the year receive a vacation and pay for 40 hours. Employees who have been regularly employed on a project by an employer for one year, and who have worked a minimum of 650 hours during the year receive a vacation and pay for 20 hours. Employees who have worked 1200 hours since their 2nd year of employment and have completed three years receive an additional week vacation (40 hours)

SUPERSEDEAS DECISION

STATE: Maryland COUNTY: Anne Arundel
DECISION NO.: AR-2050 DATE: Date of Publication
Supersedes Decision No. AQ-2101, dated April 19, 1974 in 39 FR 14150.
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4-stories) Heavy Construction (excluding Sewer and Water Line Construction), and Highway Construction.

BUILDING & HEAVY CONSTRUCTION 2-MD-1-2-E 1 of 4

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$7.65	.60	.45		.02
Boilermakers	8.65	.60	.70		.02
Bricklayers:					
From Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School	9.00	.40	.50		.01
Remainder of County	8.95	.25		5	
Carpenters:					
All areas north of a line starting at Priest Bridge and continuing northeast to Benfield, Pasadena, Arminger and Fort Smallwood	8.10	.60	.54		.05
Remainder of County	8.50	.35	.39		.07
Cement Masons:					
North of and including Benfield, Arminger and Pasadena but excluding the D. C. Training School	8.62	.25	.30		
The D. C. Training School	9.99	.335	.35		.07
Remainder of County	8.95	.25		5	
Electricians	8.50	.50	1¾+.20		¾
Elevator Constructors	8.45	.395	.26	2½%+$h	.02
Elevator Constructors' Helpers	5.915	.395	.26	2½%+$h	.02
Elevator Constructors' Helpers (probationary)	4.225				
Glaziers:					
Glaziers	7.70	.25	.30		
Swinging scaffold or boson chair	7.95	.25	.30		
Ironworkers:					
Structural, ornamental, rodmen, finishers, pre-cast & pre-stress erectors	8.22	.60	1.05		.04
Sheeters	8.47	.60	1.05		.04
Laborers:					
Unskilled	5.75	.275	.30		.05
Rod carriers	6.15	.275	.30		.05
Plasterers' laborers	5.90	.275	.30		.05
Power tool operator	5.85	.275	.30		.05
Pipelayers	5.95	.275	.30		.05
Wagon Drill operator	6.00	.275	.30		.05
Mason tenders	6.05	.275	.30		.05
Scaffold builders	6.25	.275	.30		.05

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BUILDING & HEAVY CONSTRUCTION 2-MD-1-2-E 2 of 4

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Lathers	8.84		.35		.01
Lead Burners	9.25	.35		c	.01
Line Construction:					
Linemen, Cable Splicers	8.95	.25	1%		1%
Groundmen (experienced)	5.70	.25	1%		1%
Marble Setters:					
From Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School	9.00	.40	.50		.07
Remainder of County	8.95	.25		5	
Millwrights:					
All areas north of a line starting at Priest Bridge & continuing northeast to Benfield, Pasadena, Arminger & Ft. Smallwood	8.04	.60	.45		.05
Remainder of County	8.81	.35	.39		.07
Painters:					
Brush	7.445	.85	.45		.05
Structural steel, spray (steel), steamcleaning & sandblasting	7.945	.85	.45		.05
Speckling, taping & wall coverings	7.595	.85	.45		.05
Spray (except steel)	7.695	.85	.45		.05
Piledriverman:					
All areas north of a line starting at Priest Bridge and continuing northeast to Benfield, Pasadena, Arminger and Fort Smallwood	8.10	.60	.54		.05
Remainder of County	8.665	.35	.39		.07
Plasterers:					
The D. C. Training School	9.27	.45	.25		.06
Remainder of County	8.95	.25		5	
Plumbers	8.68	.35	.45		.10
Roofers:					
Roofers, damp & waterproofers	6.40	.35	.40		.05
Slate, tile, asbestos & asphalt	6.85	.35	.40		.05
Precast & wood block	7.40	.35	.40		.05

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BUILDING & HEAVY CONSTRUCTION

2-MD-1-2-E

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Sheet Metal Workers	$8.17	.55	.50		.05
Soft Floor Layers:					
All areas north of a line starting at Priest Bridge & continuing northeast to Penfield, Pasadena, Arminger and Fort Smallwood	8.10	.60	.54		.05
Remainder of County	8.50	.35	.39		.07
Sprinkler Fitters	9.25	.50	.70		.08
Steamfitters	8.41	.45	.60		.12
Stone Masons:					
From Rodkin Point including Fort Meade but excluding the D. C. Training School	9.00	.40	.50		.07
Remainder of County	8.95	.25		g	
Terrazzo Workers:					
Northern part of County from Laurel to Rodkin Point incl., Ft. Meade but excluding the D. C. Training School	7.26	.40	.40		.04
The D. C. Training School	8.81	.40	.30		
Remainder of County	8.95	.25		g	
Terrazzo Workers Helpers:					
The D. C. Training School	7.10	f	.20		
Remainder of County	6.00	.20	.20		
Tile Setters:					
Northern part of County from Laurel to Rodkin Point incl., Ft. Meade but excluding the D. C. Training School	7.26	.40	.40		.04
The D. C. Training School	8.81	.40	.30		
Remainder of County	8.95	.25		g	
Tile Setters Helpers:					
The D. C. Training School	7.10	f	.20		
Remainder of County	6.00	.20	.20		
Truck Drivers:					
Goose-necks, drop frame trailers	7.35	.50	.30	d+e	
All A-Frames, winch trucks, fork lifts and trailers	7.15	.50	.30	d+e	
Flat beds and pick-ups	6.70	.50	.30	d+e	
Helpers	6.40	.50	.30	d+e	
Mixers with agitator of 12 yds. capacity	5.05	.50	.30	d+e	

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BUILDING & HEAVY CONSTRUCTION

2-MD-1-2-E

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers (contd.):					
Mixers with agitator over 12 yds., capacity	$5.48	.50	.30	d+e	
Euclid wagons and dumpsters	5.97	.50	.30	d+e	
Dump trucks	5.66	.50	.30	d+e	
Truck Drivers (Excavation) :					
Dump trucks	5.31	.35	.30	h+j	
Euclid wagon and dumpster	5.62	.35	.30	h+j	
Drop frame, goose neck & trailer	5.51	.35	.30	h+j	
Pick-up	5.13	.35	.30	h+j	
Helpers	5.18	.35	.30	h+j	
Welders - receive rates prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, provided employee has worked at least 45 full days during the 190 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
d. Employee with one year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided the employee has worked 125 days in the previous contract year.
e. Holidays: A through F plus the employee's birthday, the day after Thanksgiving and Christmas Eve, provided the employee has worked one day and has been available for work during the holiday week.
f. $37.92 per man per month.
g. One paid holiday: Christmas Day.
h. Employee with 1 year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided the employee has worked 100 days in the contract year.
j. Holidays: A through F plus Good Friday, Employee's birthday and Christmas Eve, provided the employee has worked one day and was available for work during the holiday week.

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3-MD-PED-1-2-F

BUILDING & HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.93	.50	.50	a	.07
GROUP 2	7.48	.50	.50	a	.07
GROUP 3	7.37	.50	.50	a	.07
GROUP 4	7.25	.50	.50	a	.07
GROUP 5	7.14	.50	.50	a	.07
GROUP 6	6.97	.50	.50	a	.07
GROUP 7	6.80	.50	.50	a	.07
GROUP 8	6.62	.50	.50	a	.07
GROUP 9	6.30	.50	.50	a	.07
GROUP 10	6.09	.50	.50	a	.07
GROUP 11	5.98	.50	.50	a	.07

FOOTNOTE: a. 6 paid holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day

CLASSIFICATIONS

GROUP 1 - Backfiller, backhoe, concrete mixing plants, scale type batching plants, cableway, derrick, derrick boat, boat captain, dragline, elevating grader, excavating scoop (25 yds., and over), hoist (2 active drums or more), pile driving machine, tower crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, Zimco type overhead loader, whirley rig, welder, concrete paver, double concrete pump, front end loader (1-3/4 yds., and over), multiple conveyor, mighty midget with compressor, repair mechanic, twin engine scraper, gradall
GROUP 2 - Tractor with attachments (2 or more), autopetrol type grader
GROUP 3 - Compressors (2 or more), conveyors (2 or more), space heaters, over 4 welders (more than 6, another man), well point system
GROUP 4 - Front end tractor loader (under 1-3/4 yds.), bulldozer
GROUP 5 - Concrete mixer, concrete pump, one drum hoist, elevator operator, narrow gauge locomotive, stone crusher, hi-lift, fork lift
GROUP 6 - Excavating scoop (under 25 yds.), caterpillar type tractor
GROUP 7 - Finishing machine, bull float, sub grader, longitudinal float, screeding machine, concrete spreader, asphalt spreader
GROUP 8 - Single compressor, grout pump, power roller, pumps, well drill, engine driven welders (up to 4), space heaters (up to 4), steam hammer, pile extractor, conveyor
GROUP 9 - Firemen, truck crane oiler, grease truck, fuel truck
GROUP 10 - Wheel tractor
GROUP 11 - Oiler, deck hand, mechanic's helper

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2-MD-3-A

HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters	$4.73					
Cement masons	4.80					
Ironworkers	4.25					
Laborers:						
Laborers	3.00					
Air tool op.(jackhammer, vibrator)	3.70					
Asphalt rakers	3.75					
Hydro seeder	3.25					
Mulch blower	3.00					
Truck drivers	3.00					
Power Equipment Operators:						
Bulldozer	3.40					
Crane	4.25					
Gradall	4.32					
Grader	4.75					
Loader	4.25					
Mechanics	4.16					
Paver	4.08					
Roller	4.25					

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: Hinds
DECISION NUMBER: AR-A030 DATE: Date of Publication
Supersedes Decision No. AQ-A111 in 39 FR 15647 dated May 3, 1974
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including four stories).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$7.78	.30			
Boilermakers	7.13	.40	.70		.01
Bricklayers	6.22				.02
Carpenters:					
Carpenters	6.35	.30	.20		.05
Millwrights	6.70	.30	.20		.05
Piledriverman	6.70	.30	.20		.05
Soft Floor Layers	6.35	.30	.20		.05
Cement Masons	5.65	.25			
Traveling and/or Floating Machine & Power Grinder Operators	5.85	.25			
Electricians	7.15		1%+.50		.1%
Cable Splicers	7.80		1%+.50		.1%
Elevator Constructors	6.39	.345	.23	2%+a+b	
Elevator Constructors' Helpers	4.47	.345	.23	2%+a+b	
Elevator Constructors' Helpers (prob)	3.20				
Glaziers	5.90				
Ironworkers:					
Structural, Ornamental, and Reinforcing	6.65	.30	.35		.04
Laborers:					
Laborers, Unskilled, Wrecking, and Demolition	3.95	.15	.15		
Mortar Mixers, Machanical Tools, Motorized (Georgia Buggy Op.)	4.20	.15	.15		
Brickmason Tenders, Cement and Plasterer Tenders, Sewer Pipe Layers	4.10	.15	.15		
Line Construction:					
Lineman	7.63		1%	c	
Groundman (over 1 year)	4.63		1%	c	
Groundman (less than 1 year)	4.29		1%	c	
Cable Splicers (electric)	7.94		1%	c	
Lathers	6.45				.01
Painters:					
Brush	5.95	.15			
Structural Steel (Brush)	6.20				
Spray	6.45	.15			
Swing Stage	6.20	.15			
Paperhangers	5.95	.15			
Structural Steel (Spray)	6.70	.15			
Plasterers	$6.35	.25			.01
Plumbers and Steamfitters	7.72	.30	.50		
Roofers	6.20				
Helper	4.40				
Sheet Metal Workers	6.90	.30	.35		
Sprinkler Fitters	8.60	.50	.70		.08
Stone Masons	6.22				.02
Truck Drivers:					
1½ to 5 tons	4.25				
Over 5 tons	4.90				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:

A-New Year's Day, B-Memorial Day, C-Independance Day,
D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F

b. Employer contributes 8% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation Pay Credit for employee who has worked in business less than 5 years

c. One week paid vacation after one year's service

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group A					
Engineer, operating under air pressure	$7.75	.25	.25		
Group B					
Mechanic	6.80	.25	.25		
Group C					
Asphalt plant, backhoe, blacksmith, boom-tractor, bulldosar, central mixing plant, cherry picker, clamshell, crane, derrick, derrick car, derrick boat, dragline, dredge, elavating grader, excavator (power belt), fork lift (5 tons & over), hoists (2 drum in active use), locomotive engineer, marine engineer (chief), master pilot, mixermobile, motor patrol and similar equipment, paver (21 c.f. or larger), pile driver, recharger, scoop (skipmer), scraper, shovel, trenching machine (over 18" bucket line width), turnapull (DW-10 and similar pull type scrapers), Traxcavator and similar endloaders, welder, welding machines and pumps (operating 2 to 6 machines), well driller, well point pumps	6.55	.25	.25		
Group D					
Asphalt spreader (bituminous distributor), asphalt spreader (bituminous mixer), back-filling machine, conveyor, drill (earth), finishing machine, fireman, forklift (over 2 tons and less than 5 tons), heating plant, hoist (one drum), marine engineer's assistant, mixer, payloader and similar endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), tranching machine (18" or smaller bucke line width), tugboat, well driller (1st helper), winch truck and tractor, small rubber tired with backhoe attachment	6.10	.25	.25		
Group E					
Air Compressor, batch scale, deckhand, fork-lift (2 tons & under), form grader, locomotive hostler, mechanic helper, motorboat (in or outboard), oiler, pump, roughneck, scowman, tractor (with attachments), welding machine	5.40	.25	.25		
Booms, including jib:					
25¢ per hour above regular rate-100 feet to and including 200 feet.					
50¢ per hour above regular rate-201 feet to and including 300 feet.					
75¢ per hour above regular rate-301 feet and above.					
Operators servicing other crafts shall draw rate of pay not less than journeyman rate of craft being serviced.					

SUPERSEDEAS DECISION

STATE: NEW JERSEY
DECISION NO.: AR-2043
COUNTY: SOMERSET
DATE: DATE OF PUBLICATION
Supersedeas Decision No. AQ-2091 dated March 29, 1974 in 39 FR 11830
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers:					
Bedminster, Bernards, Bernardsville, Bound Brook, Bridgewater, Far Hills, Gladstone, Peapack, Raritan, Somerville & Warren	$ 9.202	.5803	.4974		.02
Remainder of County	9.30	.50	.50		.025
Boilermakers	8.75	8%	10%	10%	.01
Boilermakers' helpers	8.22	8%	10%	10%	.01
Bricklayers, cement masons, plasterers, and stone masons:					
Franklin Park	9.70	.45	.45		
Bernardsville, Peapack, Gladstone, Far Hills, Bedminster, Liberty Corner and Basking Ridge	9.25	.75	.70		.02
N. Plainfield and Watchung Twps.	9.25	.75	.70		.02
Remainder of County	9.40	.40	.50		
Carpenters:					
Watchung & No. Plainfield:					
Carpenters	9.73	6%	6%		.02
Millwrights	9.98	6%	6%		.02
Skillman, and Blawenburg:					
Carpenters and insulators	9.85	.50	.55		.02
Millwrights	9.85	.50	.55		.02
Remainder of County:					
Carpenters & insulators	9.73	6%	6%		.02
Millwrights	9.98	6%	6%		.02
Dock builders and Piledriversen	9.36	.90	1.53	.56	.02
Electricians:					
Electricians, & cable splicers	10.11	.40	1%+.30		3/4of1%
Elevator Constructors:					
Elevator constructors	9.10	.395	.26+a	b+c	.015
Elevator constructors' helpers	6.83	.395	.26+a	b+c	.015
Elevator constructors' helpers (prob.)	4.55				
Modernization	8.33	.395	.26+a	b+c	.015
Modernization helper	6.25	.395	.26+a	b+c	.015
Repair	7.48	.395	.26+a	b+c	.015
Repair helpers	5.61	.395	.26+a	b+c	.015

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Glaziers					
Bernardsville, Basking Ridge, Watchung	$ 9.05	.61	.65		.02
Remainder of County	8.70	.70	.65	d	.02
Ironworkers, structural, ornamental & reinforcing-nearest town listed below:					
Easton, Pennsylvania	8.78	h			
Trenton	8.92	.64	1.06	10%	.05
Perth Amboy	9.62	.67	2.21	.95	.10
Laborers, Building:					
Bernardsville, Peapack, Gladstone, Far Hills, Basking Ridge, Liberty Corners, Lyons (VA Hospital)	7.05	.45	.40		
N. Plainfield, Warren and Watchung:					
Laborers	6.95	.60	.50		
Air tool op., mason tenders, mortar mixers, plasters' tenders	6.95	.60	.50		
E. Millstone and Franklin Twps:					
Laborers	7.00	.35	.35		
Mason tenders, mortar mixers, demolition and plasterers' tenders	7.00	.35	.35		
Scaffold builders	7.00	.35	.35		
Jackhammer and vibrator operator	7.25	.35	.35		
Remainder of County	6.95	.55	.55		
Lathers:					
Bridgewater, Branchburg, Bound Brook, Belle Mead, E. Millstone, Finderne, Flagtown, Franklin, Green Brook, Briggstown, Hamington, Martinsville, Millstone, Pluckemin, Raritan, Rocky Hill, Middlebush, Manville, N. Branch, Meschanic Station, S. Bound Brook Somerville, Watchung, Warren and Zarephath, Franklin Park	6.65	.25	.25		.01
Remainder of County	6.65	.25	.25		.01
Lead burners	9.25	.35		e	.01
Marble setters	7.80	.78	.94		
Marble setters' helpers	7.33	.74	.88		

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BUILDING , HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters:					
Franklin Township:					
Commercial	$ 7.15	.65	.50		
Steel, tanks, towers, steeples, stacks and bridges	8.25	.65	.50		
Spray	8.25	.65	.50		
Remainder of County:					
Commercial	8.40	.50	.50	110	
Exterior work exceeding 30', Interior work over 20' and structural steel under 30'	8.55	.50	.50	.10	
Spray	9.00	.50	.50	.10	
Bridges, towers and structural steel over 30'	9.00	.50	.50	.10	
Plumbers and steamfitters	9.32	.40	.90	1.00	.15
Roofers:					
Rocky Hill, Harlingen, Bell Meade, Neshanic, Montgomery, Zion, Skillman, Clover Hill, Stoutsburg Blawenburg, Centerville, and Kingston	9.70	.40	.50		
Remainder of County:					
Roofers, composition, damp & waterproofing	9.45	.50	.325		
Slate and tile	9.67	.50	.325		
Slate and tile helper	8.50	.50	.325		
Sheet metal workers	9.75	5%	4%+.03		.02
Soft floor layers	8.63	6%	5%	4%	4%
Sprinkler fitters:					
Bernardsville, Basking Ridge, Mine Brook, Far Hills, Lyons, Mt. Bethel, Watchung, N. Plainfield, Martinville, and Somerville	10.12	.40	.60		.07
Remainder of County	9.85	.50	.70		.08
Terrazzo workers	8.70	1.23	1.26		
Terrazzo workers' helpers	7.43	.925	.475		
Terrazzo machine operator	7.68	.925	.475		
Tile setters	8.10	.60	1.50		
Welders - rate prescribed for craft performing operation to which welding is incidental.					

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PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $9.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

c. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week vacation after one year's work; 2 weeks' vacation after 4 years' work; 3 weeks' vacation after 15 years' work.

e. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior and following the holiday.

f. $1.50 per employer contribution to a combined health, welfare and pension fund.

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.90	.50	.75	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.50	.75	a	
Timberman	7.50	.50	.75	a	
Form setter	7.45	.50	.75	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.50	.75	a	
Wagon drill op. and drill master	7.35	.50	.75	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.50	.75	a	
Jackhamer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.50	.75	a	
Signal man	7.05	.50	.75	a	
Wrapping and coating of all pipe	6.85	.50	.75	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.80	.50	.75	a	
Rakers and tampers on cold patch work	6.80	.50	.75	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen; change house attendants, top laborers)	7.20	.50	.75	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LABORERS, ASPHALT						
Streets:						
Head rakers	$6.50	.51	.54	a		
Rakers	6.25	.51	.54	a		
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.10	.51	.54	a		
Plant:						
Scale mixer and burner men	6.35	.51	.54	a		
Feeders and dust men	6.10	.51	.54	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

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NOTICES

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, pilledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house care or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house care, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexonatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laidervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier tranaformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipeline, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

NOTICES

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BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

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POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-contn,. subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, pileDriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping systes, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumperete (unit type), pumperete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Boom), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instencrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, self propelled ride on type, also maintains

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POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.: compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of powar), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

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HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Day provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Winch Trailers	$6.28	a		b		
Euclid, International Haversters, Wabcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom rear and side dump, carryalls and scrapers (not self-loading), over the top, water sprinkler, trailers, water pulls, and similar types of vehicles	6.18	a		b		
Tractor and trailer type vehicles, flet floats, 1-8aam, low beds, water sprinkler, bituminous, transit-mix, road oil fuel, bottom dump hopper, rear dump, office shanty, epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing pole, spread, bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer, and similar types of vehicles	6.18	a		b		
Straight three-axle materials:						
Trucks and floats	6.08	a		b		
Straight dumps, flats, floats, pick-ups container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumpcrete, transit-mixers, agitator mix, half-track, winch truck, side-o-matic, dynamite, powder, X-ray, welding, skid, jeep, station wagon, stringer, A-Frame, all dual purpose trucks) mechanical tail gates, batch, seeding, mulching, fertilizer, air compressor trucks (in transit), escort scissor, hi-lift, telescope. concrete breaker, gin pole, stone, sand, asphalt-distributor and spreader, nipper, fuel trucks (driver on fuel truck including handling of hose and nozzle-entire unit), team drivers, vacuum or vac-all trucks, skid truck (debris container-antire unit), concrete mobile trucks (entire unit), beltcrete trucks, pumpcrete trucks, line trucks, reel, wreckers or tow trucks, utility, tack trucks, broyhill coal tar epoxy, little ford bituminous distributor, slurry seal truck or vehicle, thiokol track master pick-up (swamp cat pick-up), bucket loader dump, rubber tired tractor used in pulling and towing farm wagon and trailers of any discription	6.03	a		b		

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS (Cont'd):						
Teamster mechanic	$6.03	a		b		
Mechanic helper	5.80	a		b		

FOOTNOTES:

a. Employer contributes $.89 per hour to a combined Health, Welfare and Pension fund.

b. Employees worked or received pay: 80 days within a year receive one week's vacation, 125 days within a year receive two weeks' vacation, 145 days within a year receive 15 days' vacation, 15 years seniority and 145 days within a year receive four weeks' vacation.

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STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

SUPERSEDEAS DECISION

STATE: New Jersey COUNTY: Union
DECISION NO. AR-2044 DATE: Date of Publication
Supersedes Decision No. AQ-2119 dated May 10, 1974 in 39 FR 17061
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy & highway construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Asbestos workers	$9.202	.5803	.4974	17%	.02
Boilermakers	8.75	8%	18%	10%	.01
Boilermakers' helpers	8.22	8%	18%	10%	.01
Bricklayers, cement masons, plasterers & stone masons:					
Hill side Twp.	9.75	.70	.45		.02
Elizabeth, Linden, Roselle, Roselle Park & Winfield	9.25	.75	.70		.02
Summit, Springfield, Union, New Providence, Murray Hill & Berkeley Heights	9.25	.75	.70		.02
Remainder of County	9.25	.75	.70		.02
Carpenters & Insulators	9.73	6%	6%		.02
Dock builders & piledrivermen	9.36	.90	1.53	.56	.02
Electricians:					
Plainfield	10.11	.40	.30+1%		3/4%
Mountainside, Summit, New Providence	11.25	4%	4%		.02
Remainder of County	11.25	4%	4%		.02
Elevator constructors	9.10	.395	.26 + a	b+c	.015
Elevator constructors' helpers	6.83	.395	.26 + a	b+c	.015
Elevator constructors' helpers (Prob.)	4.55				
Elevator constructors modernization	8.33	.395	.26 + a	b+c	.015
Elevator constructors modernization helpers	6.25	.395	.26 + a	b+c	.015
Elevator constructors repair	7.48	.395	.26 + a	b+c	.015
Elevator constructors repair helper	5.61	.395	.26 + a	b+c	.015
Glaziers:					
Carteret, Port Reading, Fords, Woodbridge	9.05	.61	.65		.02
Remainder of County	8.70	.70	.65	d	.02
Ironworkers:					
Structural, ornamental, reinforcing	9.62	.67	2.21	.95	.10
Laborers, Building:					
Springfield & Union Twps.	6.95	.60	.50		
Remainder of County:					
Laborers, air tool op., masons tenders mortar mixers, plasters' tenders	6.95	.60	.50		
Lathers:					
Scotch Plains, Westfield, New Providence N. Plainfield, Garwood Mountainside, Murray Hill, Berkeley Heights & Fanwood	6.65	.25	.25		.01

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Remainder of County	6.65	.25	.25		.01
Lead burners	9.25	.35		e	.01
Marble setters	7.80	.63+.15	.66+.28		
Marble setters' helpers	7.33	.59+.15	.63+.25		
Millwrights	9.98	6%	6%		.02
Painters:					
Commercial	8.40	.50	.50	.10	
Exterior work exceeding 3 stories in height, open structural steel under 3 stories	8.55	.50	.50	.10	
Bridges, television & radio towers structural steel & tank over 30'	9.00	.50	.50	.10	
Spray	9.00	.50	.50	.10	
Plumbers:					
Fanwood, Netherwood, Plainfield & Plainfield Twp.	9.46	.40	.90	.85	.11
Ashbrook, Berkeley Hgts., Great Island Murray Hill, Springfield, Springfield Twp., Unionbury, Unionville, Vauxhall, Warners, Summit, Summit Twp., New Providence Twp., Chatham	9.57	.40	.90	.75	.10
Remainder of County	8.85	.62	.70	1.06	1%
Roofers:					
Scotch Plains, Plainfield, Clark & Rahway:					
Composition, damp & waterproofing	9.45	.50	.325		
Slate & tile	9.67	.50	.325		
Slate & tile helper	8.50	.50	.325		
Remainder of County:					
Composition, damp & waterproofing	10.27	.70	.50		
Slate, tile & asbestos	9.05	.30	.20		
Slate, tile & asbestos helpers	7.95	.30	.20		
Sheet metal workers	9.75	5%	4%+.03		.07
Soft floor layers	8.63	6%	5%	4%	
Sprinkler fitters	10.12	.40	.60		.07
Steamfitters:					
Ashbrook, Berkeley Hgts., Great Island Murray Hill, Springfield, Springfield Twp., Unionbury, Unionville, Chatham, Vauxhall, Warniers, Summit, Summit Twp., New Providence & New Providence Twp.	9.57	.40	.90	.75	.10
Remainder of County	9.85	6%	7%	10%	2%
Terrazzo workers	8.70	.78+.45	1.26		

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20-NJ-1-2-3-Y

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Terrazzo workers' helpers	7.43	.475+.45	.475		
Terrazzo machine operator	7.68	.475+.45	.475		
Tile setters	8.10	.60	1.50		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

BUILDING, HEAVY HIGHWAY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day to Annuity Fund.

b. Holidays: A through F: Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, and Armistice Day.

c. Employer contributes 6.1% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week's vacation after one year's work: two weeks' vacation after 4 years' work, 3 weeks vacation after 15 years' work.

e. Holidays: A through F, Washington's Birthday, and Good Friday providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Laborers:					
Blasters	$7.90	.50	.75	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.50	.75	a	
Timberman	7.50	.50	.75	a	
Form setter	7.45	.50	.75	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.50	.75	a	
Wagon drill op. and drill master	7.35	.50	.75	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.50	.75	a	
Signal man	7.05	.50	.75	a	
Wrapping and coating of all pipe	6.85	.50	.75	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.80	.50	.75	a	
Rakers and tampers on cold patch work	6.80	.50	.75	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS, ASPHALT						
Streets:						
Head rakers	$6.50	.51	.54	a		
Rakers	6.25	.51	.54	a		
Tampers and smoothers, kettleman, paincers, top shovelers and roller boys	6.10	.51	.54	a		
Plant:						
Scale mixer and burner men	6.35	.51	.54	a		
Feeders and dust men	6.10	.51	.54	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, pilediver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary (except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde curb trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skinner machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:
curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn,. subgrader, base NTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combo. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumperete, squeezerete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting maching, heater planer, pans (letourneau, dw's ukes), pumperete (unit type), pumprete machines (squeezerete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeezerete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetsel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.:

compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch auction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch auction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tarping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Day provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

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STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

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New Jersey 1-TD-1-2-3-F 1 of 2

South of the inclusive line formed by Scotch Plains, Cranford and Roselle
BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Winch Trailers	$6.28	a		b		
Euclid, International Haversters, Webcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom rear and side dump, carryalls and scrapers (not self-loading), over the top, water sprinkler, trailers, water pulls, and similar types of vehicles	6.18	a		b		
Tractor and trailer type vehicles, flat floats, I-Beam, low beds, water sprinkler, bituminous, transit-mix, road oil, fuel, bottom dump hopper, rear dump, office shanty, epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing pole, spread, bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer, and similar types of vehicles	6.18	a		b		
Straight three-axle materials: Trucks and floats	6.08	a		b		
Straight dumps, flats, floats, pick-ups container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumpcrete, transit-mixers, agitator mix, half-track, winch truck, side-o-matic, dynamite, powder, X-ray, welding, skid, jeep, station wagon, stringer, A-Frame, all dual purpose trucks, mechanical tail gates, batch, seeding, mulching, fertilizer, air compressor trucks (in transit), escort, scissor, hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt-distributor and spreader, nipper, fuel trucks (driver on fuel truck including handling of hose and nozzle-entire unit), team drivers, vacuum or vac-all trucks, skid truck (debris container-entire unit), concrete mobile trucks (entire unit), beltcrete trucks, pumpcrete trucks, line trucks, reel, wreckers or tow trucks, utility, tack trucks, broyhill coal ter epoxy, littleford bituminous distributor, slurry seal truck or vehicle, thiokol track master pick-up (swamp cat pick-up), bucket loader dump, rubber tired tractor used in pulling and towing farm wagon and trailers of any discription	6.03	a		b		

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS (Cont'd):						
Teamster mechanic	$6.03	a		b		
Mechanic helper	5.80	a		b		

FOOTNOTES:

a. Employer contributes $.89 per hour to a combined Health, Welfare and Pension fund.

b. Employees worked or received pay: 80 days within a year receive one week's vacation, 125 days within a year receive two weeks' vacation, 145 days within a year receive 15 days' vacation, 15 years seniority and 145 days within a year receive four weeks' vacation.

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Northern portion
BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Winch Trailers	$6.14	a	.51	b+c		
Euclids, international harvesters, webcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom, rear and side dump, carry-alls and scrapers (not self-loading - loading over the top), water sprinkler trailers, water pulls and similar types of vehicles	6.04	a	.51	b+c		
Tractor and trailer type vehicles, flat floats, I-Beams, low beds, water sprinkler, bituminous, transit mix, road oil, fuel, botton dump hopper, rear dump, office, shanty, epoxy, asphalt, agitator mixer, mulching stringer, seeding, fertilizing pole, spread bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer	6.04	a	.51	b+c		
Straight three axle materials: Trucks and floats	5.94	a	.51	b+c		
Straight dumps, flats, floats, pickups, container haulers, fuel, water sprinkler, road oil, stringer, bead, hot pass, bus, dumpcrete transit mixers, agitator mixer, half track, winch truck, side-o-matic, dynamite, powder, x-ray, welding, skid, jeep, station wagon, stringer A-Frame, all dual purpose trucks, trucks with mechanical tail gates, asphalt distributor, batch trucks, seeding, mulching, fertilizer, air compressor trucks (in transit), escort, scissor, hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt distributor and spreader nipper, fuel trucks (drivers on fuel trucks including handling of hose and nozzle - entire unit), team drivers, vacuum or vac-all trucks (entire/unit) concrete mobile trucks (entire unit), expeditor, beltcrete trucks, line truck reel truck, wreakers or tow trucks, utility trucks, tack trucks	5.89	a	.51	b+c		

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS: (Cont'd)						
Helper, when required on broyhill coal tar epoxy truck, asphalt, bituminous distributor truck	$5.89	a	.51	b+c		
Drivers on broyhill coal tar epoxy trucks, littleford bituminous distributor, slurry seal truck or vehicle, thiokol trackmaster pickup (swamp cat pickup), bucket loader dump truck or any rubber tired tractor used in pulling and towing farm wagons and trailers of any description	5.89	a	.51	b+c		
Teamster mechanic	5.89	a	.51	b+c		
Mechanic helper	5.66	a	.51	b+c		

FOOTNOTES:

a. Employer contributes $67.00 per month to a Health & Welfare Fond.

b. Employees worked or received: 85 days within a year receive 1 full week's vacation, 130 days - 2 full weeks' vacation, 130 days - 15 days vacation, and 15 years of servic or more and has worked 150 days receive 4 weeks' vacation.

c. Paid Holidays: New Year's Day, Washington's Birthday, Goud Friday, Memorial Day, Independence Day, Labor Day, Election Day, Columbus Day, Vetefans' Day, Thanksgiving Day, Christmas Day and any new holiday proclaimed by the State of New Jersey or Federal Government except days of mourning.

SUPERSEDEAS DECISION

STATE: Virginia

LOCATION: The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia

DECISION NO.: AR-2047

DATE: Date of Publication

Supersedes Decision No. AQ-2109, dated May 3, 1974, in 39 FR 15687.

DESCRIPTION OF WORK: Building Construction (excluding all residential construction).

BUILDING CONSTRUCTION — 65-VA-(Zone 1)-1-D — 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$7.20	.30	.25		.01
Boilermakers	8.45	.40	.70		.02
Bricklayers & Stone Masons:					
Bricklayers & Stone Masons	7.00	.35	.20		.02
Stacks or chimneys over 50'	7.25	.35	.20		.02
Carpenters & Soft Floor Layers	6.20	.20	.20		.01
Cement Masons:					
Cement Masons	5.80				
Machines & Scaffold Men	5.90				
Electricians	7.20	5%	1%+3%		1%
Elevator Constructors	6.49	.395	.26	2½%+a&b	.02
Elevator Constructors' Helpers	4.54	.395	.26	2½%+a&b	.02
Elevator Constructors' Helpers (probationary)	3.245				
Glaziers	5.95	.30	.10		.01
Ironworkers:					
Structural, ornamental, machinery movers, riggers, fence erectors and reinforcing	7.10	.45	.40		.04
Laborers:					
Unskilled	3.90	.10	.10		.03
Tenders, motorized Georgia Buggy opers., nozzlemen (gunite or sandblasting), concrete saw opers., air tool & vibrator opers.	4.00	.10	.10		.03
Mortar mixers, hod carriers, pipelayers, caulkers & marble, tile & terrazzo workers helpers	4.15	.10	.10		.03
Burners (wrecking)	4.25	.10	.10		.03
Floor, base & terrazzo grinders	4.30	.10	.10		.03
Wagon drill & air Tract	4.40	.10	.10		.03
Powdermen	4.65	.10	.10		.03
Lathers	6.59		.25		.01
Linemen:					
Linemen & Cable Splicers	7.20	5%	1%+3%		1%
Lead Burners	9.25	.35		c	.01
Marble Setters	5.75	.35	.20		
Millwrights	7.45	.20	.20		.01

BUILDING CONSTRUCTION — 65-VA-(Zone 1)-1-D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters:					
Brush & roller	$6.45		.20		
Structural steel from ground to 74'	6.95		.20		
Spray, paperhangers & glove work	6.80		.20		
Any work over 74' from ground	7.75		.20		
Bituminous coating & hot creosote	8.10		.20		
Swing stage (under 40'), rollers (with handles 6' & over), epoxy (brushed or rolled)	6.70		.20		
Swing stage over 40' up to 74'	6.95		.20		
Sandblasting	7.20		.20		
Piledrivermen & dock builders	5.65	.20	.20		.01
Plasterers	7.45				.05
Plumbers & Steamfitters	6.51	.40	.35		
Roofers:					
Composition	4.85				
Helpers	3.45				
Sheet Metal Workers	6.45	.35	.20		
Sprinkler Fitters	7.77	.50	.70		.08
Terrazzo Workers & Tile Setters	5.55	.35	.20		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years service as vacation pay credit.
b. Holidays: A through F.
c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding & following the holiday).

65-VA-PED-1- H

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 1	$6.95	.225	.20		.06	
Group 2	5.54	.225	.20		.06	
Group 3	4.66	.225	.20		.06	
Group 4	4.48	.225	.20		.06	
Group 5	4.31	.225	.20		.06	

CLASSIFICATIONS:

GROUP 1
Tunnel machine, cranes, derricks, pile drivers, pavers, two or more drum hoist, finish motor grader, mechanic, batch plant, gradall, quad

GROUP 2
Cableways, tractors with attachments, combination front end loader and backhoe, front end loader, rubber tired scraper and pans, rough motor grader, 20-ton locomotive, bulldozers, pump crete, trenching machine, mixer larger than 16 S, fork lift

GROUP 3
Compressor over 125 cu. ft., bottom and end dumps, tractors without attachments, 1 drum hoist, rollers, welding machines (gas or diesel), locomotive under 20-tons, power plant, generator (1200 KW or larger), pumps (over 2 inches, including wellpoints), A-frame trucks, mechanic's helper

GROUP 4
Firemen

GROUP 5
Oilers

SUPERSEDEAS DECISION

STATE: Virginia

COUNTIES: Henrico County and the City of Richmond, Virginia

DECISION NO.: AR-2048

DATE: Date of Publication

Supersedes Decision No. AQ-2024, dated October 19, 1973 in FR 38 FR 29195.

DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4-stories).

BUILDING CONSTRUCTION — 44-(I)-VA-1-0 — 1 of 3

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$7.43	.30	.10		.01
Boilermakers	8.45	.40	.70		.02
Bricklayers & stonemasons	7.35	.45	.20		.01
Carpenters & soft floor layers	6.60	.20	.20		.01
Cement masons:					
Cement masons	5.95				
Machine men	6.05				
Scaffolds 30' & over	6.20				
Electricians:					
Zone 1 - within the city of Richmond	8.06	5%	1%		1%
Zone 2 - within 15 miles of the city of Richmond	8.31	5%	1%		1%
Zone 3 - beyond 15 miles of the city of Richmond	8.56	5%	1%		1%
Elevator constructors	6.67	.395	.26	2½%+a&b	.02
Elevator constructors' helpers	4.67	.395	.26	2½%+a&b	.02
Elevator constructors' helpers (probationary)	3.335				
Ironworkers - structural, ornamental and reinforcing:					
Zone 1 - up to 10 miles from Capital Square	6.85	.30	.30		.05
Zone 2 - 10 miles to 30 miles from Capital Square	7.10	.30	.30		.05
Zone 3 - 30 miles and beyond Capital Square	7.35	.30	.30		.05
Laborers:					
Unskilled	3.90	.10	.10		.03
Tenders, motorized Georgia buggy opers., nozzlemen (gunite or sandblasting), concrete saw opers., air tool & vibrator opers.	4.00	.10	.10		.03
Mortar mixers, hod carriers, pipelayers, caulkers & marble, tile & terrazzo workers' helpers	4.15	.10	.10		.03
Burners (wrecking)	4.25	.10	.10		.03
Floor, base & terrazzo grinders	4.20	.10	.10		.03
Weapon drill & air tract	4.40	.10	.10		.03
Powdermen	4.65	.10	.10		.03

AR-2048 P. 2 — 2 of 3

BUILDING CONSTRUCTION — 44-(I)-VA-1-0

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Lathers:					
Lathers (plaster finish)	$7.24		.10		.01
Lathers (dry wall finish)	6.99		.10		.01
Sheet rock applicator	5.90		.10		.01
Lead burners	9.25		.35	c	.01
Linemen:					
Zone 1 - within a 7 mile air air radius of Boulevard & Broad Sts., in the city of Richmond					
Linemen & cable splicers	8.06	5%	1%		1%
Zone 2 - the city of Richmond and within a line 15 miles beyond	9.41	5%	1%		1%
Zone 3 - over 15 miles beyond the city of Richmond	9.66	5%	1%		1%
Marble, tile & terrazzo workers	6.10				
Millwrights	7.45	.20	.20		.01
Painters:					
Brush, paperhangers & sandblaster	5.75				
Structural steel, stage & boson chair	6.00				
Spray	6.25				
Piledrivermen & dock builders	5.65	.20	.20		
Plasterers	7.35				
Plumbers & steamfitters	7.25	.40	.30		.05
Roofers:					
Composition	4.85				
Helpers	3.45				
Sheet metal workers:					
The city of Richmond	7.22	.20	.20		.005
Remainder of County	7.42	.20	.20		.005
Sprinkler fitters	7.77	.50	.70		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

AR-2048 P. 3 — 3 of 3

44-(I)-VA-1-0

PAID HOLIDAYS (Where applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. Holidays: A through F.
c. Hilidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve (provided employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding & following the holiday).

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BUILDING CONSTRUCTION — VA-44-PED-1-B

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP 1	$3.34				
Group 2	3.25				
GROUP 3	2.87				
GROUP 4	2.67				
GROUP 5	2.30				
GROUP 6	2.12				
GROUP 7	2.11				
GROUP 8	2.08				
GROUP 9	2.00				

CLASSIFICATIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Tunnel machines
GROUP 2 - Cranes, caterpillers (rubber mounted with or without attachments), derricks, pile drivers or other floating equipment, compressors air (bank 4 or more regardless of motive power), pavers, mechanics (heavy duty), hoists (more than 1 drum active), welding machines (gas or diesel driven, bank of 4 or more), shovels, distributors
GROUP 3 - Cableways, tractors (with attachments), high lifts, booms, motor patrols, motor graders, tournapulls, cobra & euclid scrapers, locomotives (over 20 tons), blade graders
GROUP 4 - Bulldozers, pumperetes, trenching machines, mixers (larger than 16-S), pans, finishing machines
GROUP 5 - Compressors air (larger than 115 cu. ft.), truck euclids (when manned by operator), tractors (without attachments), hoists (1 drum active), rollers (asphalt), welding machines (gas or diesel driven - 1 or more larger than 300 amps), locomotives (up to 20 tons), power plant operator, pumps (over 2' discharge including well points), A-frame trucks (with power driven winches)
GROUP 6 - Rollers (earth)
GROUP 7 - Mixers (16-S or smaller, bank of more than 2), deck engines
GROUP 8 - Firemen
GROUP 9 - Oilers (including truck crane oilers)

39 FR 32474 Sep 6, 1974
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SUPERSEDEAS DECISION

STATE: Virginia

COUNTIES: York County and the Cities of Hampton and Newport News including Langley AFB, Fort Eustis and Fort Monroe

DECISION NO.: AR-2049

DATE: Date of Publication

Supersedes Decision No. AQ-2074, dated March 8, 1974 in 39 FR 9341.

DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4-stories), Heavy Construction and Sewer & Water Lines.

BUILDING CONSTRUCTION — 42-VA-1-H — 1 of 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$7.20	.30	.25		.01
Boilermakers	8.45	.40	.70		.02
Bricklayers & Stone Masons	7.25	.30			
Carpenters & Soft Floor Layers	6.20	.20	.20		.01
Cement Masons:					
Cement Masons	5.75				
Machine & Scaffold Men	5.85				
Electricians:					
Zone 1 - within 15 miles radius of 1600 - 25th St., Newport News:					
Electricians & Linemen	7.50	.35	1%		1%
Cable Splicers	7.75	.35	1%		1%
Zone 2 - within 15 to 30 miles radius of 1600 - 25th St., Newport News:					
Electricians & Linemen	7.80	.35	1%		1%
Cable Splicers	8.05	.35	1%		1%
Zone 3 - beyond 30 miles radius of 1600 - 25th St., Newport News:					
Electricians & Linemen	8.20	.35	1%		1%
Cable Splicers	8.45	.35	1%		1%
Elevator Constructors	6.49	.395	.26	2½%+a&b	.02
Elevator Constructors' Helpers	4.54	.395	.26	2½%+a&b	.02
Elevator Constructors' Helpers (probationary)	3.245				
Glaziers	5.95	.30	.10		.01
Ironworkers:					
Structural, ornamental, riggers, reinforcing, fence erectors, machinery movers	7.10	.45	.40		.04
Laborers:					
Unskilled	3.90	.10	.10		.03
Tenders, motorized Georgia Buggy opers., nozzlemen (gunite or sandblasting), concrete saw opers., air tool & vibrator opers.	4.00	.10	.10		.03
Mortar mixers, hod carriers, pipelayers, caulkers & marble, tile & terrazzo workers' helpers	4.15	.10	.10		.03

AR-2049 P. 2 — 2 of 3

BUILDING CONSTRUCTION — 42-VA-1-H

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers (Cont'd.):					
Burners (wrecking)	4.25	.10	.10		.03
Floor, base & terrazzo grinders	4.30	.10	.10		.03
Wagon drill & air tract	4.40	.10	.10		.03
Powdermen	4.65	.10	.10		.03
Lathers	6.59		.25		.01
Marble Setters	7.25	.30			
Millwrights	7.45	.20	.20		.01
Painters:					
(York Co., from a point on the north shore of Queens Creek at the intersection of York River due west to a point on the eastern shore of James River including all cities therein; the cities of Hampton and Newport News):					
Brush & roller	6.10				
Paperhanger, taper, spray, roller (handle 6' or over), structural steel (to 74' from ground up), swing stage & bosun chair (from ground up), sandblasting	6.45				
All work over 74' from ground	6.60				
Bituminus coatings, hot creosote	7.50				
Sign	6.75				
(The remainder of York County):					
Brush & roller	6.70				
Paperhanger, taper, spray, roller (handle 6' or over), structural steel (to 74' from ground up), swing stage & bosun chair (from ground up), sandblasting	7.05				
All work over 74' from ground	7.20				
Bituminus coatings, hot creosote	8.10				
Sign	7.35				
Piledrivermen & Dock Builders	5.85	.20	.20		

AR-2049 P. 3 — 3 of 3

BUILDING CONSTRUCTION — 42-VA-1-H

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plasterers	6.55				
Plumbers & Steamfitters	7.30	.30	.30		.01
Roofers:					
Composition	4.85				
Helpers	3.45				
Sheet Metal Workers:					
Newport News & Hampton	6.70	.35	.20		
York County	6.95	.35	.20		
Sprinkler Fitters	7.77	.50	.70		.08
Terrazzo Workers & Tile Setters	6.05				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B- Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.
b. Employer contributes 4% of basic hourly rate for 5 years or more of service of 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

AR-2049 P. 4

42-VA-PED-1-I

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 1	$6.95	.225	.20		.06	
Group 2	5.54	.225	.20		.06	
Group 3	4.66	.225	.20		.06	
Group 4	4.48	.225	.20		.06	
Group 5	4.31	.225	.20		.06	

CLASSIFICATIONS:

GROUP 1
Tunnel machine, cranes, derricks, pile drivers, pavers, two or more drum hoist, finish motor grader, mechanic, batch plant, gradall, quad

GROUP 2
Cableways, tractors with attachments, combination front end loader and backhoe, front end loader, rubber tired scraper and pans, rough motor grader, 20-ton locomotive, bulldozers, pump crete, trenching machine, mixer larger than 16 S, fork lift

GROUP 3
Compressor over 125 cu. ft., bottom and end dumps, tractors without attachments, 1 drum hoist, rollers, welding machines (gas or diesel), locomotive under 20-tons, power plant, generator (1200 KW or larger), pumps (over 2-inches, including wellpoints), A-frame trucks, mechanic's helper

GROUP 4
Firemen

GROUP 5
Oilers

AR 2049 P. 5

42-VA-4

SEWER & WATER CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.	Other
Cement masons	$4.00					
Laborers:						
Laborers	2.42					
Air tool op. (jackhammer, vibrator)	2.73					
Asphalt raker	3.00					
Pipelayers	3.65	.10	.10		.03	
Truck drivers	2.42					
Power Equipment Operators:						
Asphalt dristibutor	2.50					
Backhoe	3.65					
Bulldozers	3.50					
Cranes	5.25	.225	.10		.04	
Front end loader	3.00					
Roller	2.50					
Motor grader	3.30					

42-VA-2-E

HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Carpenters	$5.85	.20	.20		.01	
Cement masons	4.70					
Electricians	6.85	.25	1%		.005	
Ironworkers	6.15	.30	.30		.03	
Laborers:						
Laborers	3.50	.10	.10		.03	
Air tool operator	3.75	.10	.10		.03	
Mortar mixers	3.75	.10	.10		.03	
Form setters	4.00					
Piledrivermen	5.15	.20	.20			
Plumbers	6.35	.20	.30			
Truck drivers	2.20					
Power Equipment Operators:						
Backhoe	4.42					
Oilers	3.80					
Cranes	5.90	.225	.10		.03	
Bulldozers	3.53					
Grader	3.30					
Roller	3.13					
Gradall	3.40					
Firemen	3.40					
Mechanics	6.30	.225	.10		.03	

SUPERSEDEAS DECISION

AR-1020 P. 2

STATE: Utah COUNTIES: Statewide
DECISION NUMBER: AR-1020 DATE: Date of Publication
Supersedes Decision No. AQ-1101 dated May 3, 1974, in 29 FR 15679
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.71	.50	.72		
BOILERMAKERS	7.95	.65	1.00	.50	.02
BRICKLAYERS	8.44	.24	.22		.07
CARPENTERS:					
Zone 1: (40 road miles or less from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	7.51	.55	.55	.25	.03
Zone 2: (Beyond 40 thru 50 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	8.26	.55	.55	.25	.03
Zone 3: (Beyond 50 thru 60 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	8.385	.55	.55	.25	.03
Zone 4: (Over 60 road miles from Brigham City-Cedar City-Kanab-Logan-Ogden-Price-Provo-Richfield-Salt Lake City-Vernal)	8.51	.55	.55	.25	.03
Saw filers; Saw operators and carpenters handling creosote materials:					
Zone 1	7.635	.55	.55	.25	.03
Zone 2	8.385	.55	.55	.25	.03
Zone 3	8.51	.55	.55	.25	.03
Zone 4	8.575	.55	.55	.25	.03
Millwrights (all Zones)	7.76	.55	.55	.25	.03
CEMENT MASONS:					
Cement Masons	7.28	.55	.55	.25	
Machine operator; Mastic floor materials; Swing scaffold; Swing stage	7.405	.55	.55	.25	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DRYWALL INSTALLERS:					
Taping, finishing and texturing (hand or machine)	$7.96	.21	.20		.02
ELECTRICIANS:					
Zone I					
Cache-Davis Counties (north of 41st parallel)-Weber County:					
Electricians	8.48	.40	1%+.25		8/10%
Cable Splicers	8.73	.40	1%+.25		8/10%
Zone II					
Box Elder County (east of 112.5° longitude)-Morgan County:					
Electricians	8.98	.40	1%+.25		8/10%
Cable Splicers	9.23	.40	1%+.25		8/10%
Zone III					
Box Elder County (west of 112.5° longitude)-Rich County:					
Electricians	10.48	.40	1%+.25		8/10%
Cable Splicers	10.73	.40	1%+.25		8/10%
On any job or project not exceeding $35,000 electrical, labor and material incl., Zone 1 rates shall apply					
Salt Lake County and that portion of Davis County lying south of 41st parallel; and that portion of Utah County lying north of the 40th parallel.					
10 miles East or West from Interstate Hwy. #15:					
Electricians	8.48	.40	1%+.25		8/10%
Cable Splicers	8.73	.40	1%+.25		8/10%
Over 10 miles East or West from Interstate Hwy. #15:					
Electricians	8.98	.40	1%+.25		8/10%
Cable Splicers	9.23	.40	1%+.25		8/10%
Remainder of State:					
Electricians	10.48	.40	1%+.25		8/10%
Cable Splicers	10.73	.40	1%+.25		8/10%

39 FR 32478 SEPTEMBER 6, 1974

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS	$7.23	.345	.23	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Weber and Davis (North of the 41st parallel) Counties	6.65	.245		.515	
Davis (South of the 41st parallel) and Remaining Counties	7.05	.21		.74	
IRONWORKERS:					
Ornamental-Reinforcing-Fence	8.28	.50	.75		.05
Erector-Structural	7.04	.45	.50		.01
LATHERS	6.05			.25	
MARBLE SETTERS					
PAINTERS:					
Area North of 41st parallel:					
Brush; Roller; Taper	6.62	.21	.18		.02
Spray; Sandblast; Steeple Jack	6.87	.21	.18		.02
Spray (swing stage); Sandblaster (swing stage)	7.12	.21	.18		.02
Remaining part of State:					
Brush; Roller	6.62	.21	.18		.02
Brush (swing stage); Brush, (steel and bridge); Spray; Sandblaster; Steeple jack; Wall covering hanger	6.87	.21	.18		.02
Spray (swing stage); Spray (steel and bridge); Sandblaster (swing stage)	7.12	.21	.18		.02
PILEDRIVERMEN:					
Bridge, Wharf, and Dock Carpenters, Riggers, Boom Men	8.78	.55	.55	.25	.03
PLASTERERS	7.46	.45	.45		.01
PLUMBERS; Pipefitters:					
Zone 1 - 15 miles radius from center of each city, namely Salt Lake City, Ogden and Provo	7.65	.36	.50		.04
Zone 2 - Zone 1 plus 15 miles	7.95	.36	.50		.04
Zone 3 - Zone 2 plus 15 miles	8.30	.36	.50		.04
Zone 4 - All areas beyond Zone 3	9.15	.36	.50		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
REFRIGERATION & AIR CONDITIONING:					
50 tons or over:					
Zone 1 - 15 mi. radius from center of each city, namely Salt Lake City, Ogden and Provo	$7.65	.36	.50		.04
Zone 2 - Zone 1 plus 15 miles	7.95	.36	.50		.04
Zone 3 - Zone 2 plus 15 miles	8.30	.36	.50		.04
Zone 4 - All areas beyond Zone 3	9.15	.36	.50		.04
Under 50 tons:					
All Zones	6.60	.36	.50		.04
ROOFERS	6.85	.15	.15		
SHEET METAL WORKERS	7.32	.31	.20		.02
SOFT FLOOR LAYERS	7.30	.21	.12		
SPRINKLER FITTERS	8.50	.50	.70		.08
TERRAZZO WORKERS	6.70			.25	
TILE SETTERS	6.70			.25	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays:

UTAH-LINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION:						
Lineman	$7.03	.25	1%		3/4%	
Cable splicers	7.72	.25	1%		3/4%	
Line equipment operators	6.34	.25	1%		3/4%	
Groundman	5.25	.25	1%		3/4%	
Line equipment mechanic; Line equipment serviceman	6.24	.25	1%		3/4%	

TRUCK DRIVERS

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
	AREA I	AREA II	H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS - Water Level Capacity (Bottom end or side) (including Dumpster Trucks, Euclid Type Trucks, Turnawagons, Turnarockers and Dumpcrete)						
Less than 8 yds.	$7.10	$8.10	.50	.40	.45	.10
8 yds. & less than 14 yds	7.25	8.25	.50	.40	.45	.10
14 yds. & less than 35 yds.	7.40	8.40	.50	.40	.45	.10
35 yds. & less than 55 yds.	7.60	8.60	.50	.40	.45	.10
55 yds. & less than 75 yds.	7.80	8.80	.50	.40	.45	.10
75 yds. & less than 95 yds.	8.00	9.00	.50	.40	.45	.10
95 yds. & less than 105 yds.	8.20	9.20	.50	.40	.45	.10
Over 105 yds.	8.32	9.32	.50	.40	.45	.10
When doubles are used, the drivers will be paid under the appropriate yardage schedule as outlined plus 25c per hour.						
When three (3) or more trailers are put into operation, use the appropriate yardage rate as outlined above plus 25c per hour for the third(3rd) and each additional trailer which is pulled by one power unit.						
Whenever additional power units are used and operated by one driver, he shall receive an additional 50c per hour for operating such equipment.						
FLAT RACK TRUCKS, BULK Cement Trucks, Transport Trucks, Semi-trailer, (carrying capacity):						
Pickup	6.925	7.925	.50	.40	.45	.10
Less than 10 tons	7.00	8.00	.50	.40	.45	.10
10 tons and less than 15 tons	7.15	8.15	.50	.40	.45	.10
15 tons and less than 20 tons	7.25	8.25	.50	.40	.45	.10
20 tons and over	7.40	8.40	.50	.40	.45	.10

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
	AREA I	AREA II	H & W	Pensions	Vacation	App. Tr.
Employees driving any of the above on Flat Rack Trucks with Winch, Hoist Attachments or "A" Frames shall receive $.125 additional per hour when such winch hoist or "A" Frame are in use.						
When drivers load and unload sack cement, explosives and/or railroad ties by hand they shall receive $.15 per hour additional for actual hours worked.						
TRANSIT MIX TRUCKS:						
4½ yds. capacity and less	$7.125	$8.125	.50	.40	.45	.10
Over 4½ yds. capacity to and including 6½ yds.	7.225	8.225	.50	.40	.45	.10
Over 6½ yds.	7.325	8.325	.50	.40	.45	.10
Concrete Pumping Trucks	7.325	8.325	.50	.40	.45	.10
WATER, FUEL & OIL TANK TRUCKS:						
0 to 1200 gals.	6.975	7.975	.50	.40	.45	.10
1200 gals. to 2500 gals.	7.10	8.10	.50	.40	.45	.10
2500 gals. to 4000 gals.	7.25	8.25	.50	.40	.45	.10
4000 gals. to 6000 gals.	7.55	8.55	.50	.40	.45	.10
6000 gals. to less than 10,000 gals.	7.80	8.80	.50	.40	.45	.10
10,000 gals. to less than 15,000 gals.	8.05	9.05	.50	.40	.45	.10
15,000 gals. to less than 20,000 gals.	8.30	9.30	.50	.40	.45	.10
20,000 gals. to less than 25,000 gals.	8.55	9.55	.50	.40	.45	.10
Over 25,000 gals.	8.80	9.80	.50	.40	.45	.10
Whenever two water tanks are pulled, driver will receive 25c per hour in addition to the combined water gallonage rates.						
Oil Spreader Operator (on single man operation where boot man is not required)	7.80	8.80	.50	.40	.45	.10
CONSTRUCTION JOB SERVICEMEN:						
Telescopic Manlift Truck	7.30	8.30	.50	.40	.45	.10
Fork Lift (under 6 tons) and Straddle Truck	7.30	8.30	.50	.40	.45	.10

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	AREA I	AREA II				
Truck Driver Helper	$6.875	7.875	.50	.40	.45	.10
Chauffeurs	6.875	7.875	.50	.40	.45	.10
Bunkers and Truck Loaders	7.00	8.00	.50	.40	.45	.10
Warehousemen (Counter Clerk)	7.05	8.05	.50	.40	.45	.10
Warehousemen	6.925	7.925	.50	.40	.45	.10
Washers, Greasers and Tiremen	7.075	8.075	.50	.40	.45	.10
Gas Station Attendants	6.925	7.925	.50	.40	.45	.10
Fork Lift (Over 6 tons)	7.40	8.40	.50	.40	.45	.10
Teamster Mechanic	8.11	9.11	.50	.40	.45	.10
Teamster Mechanic Helper	7.86	8.86	.50	.40	.45	.10
Teamster Welder	8.11	9.11	.50	.40	.45	.10
Teamster Driving Two Horses	7.875	8.875	.50	.40	.45	.10
Teamster Driving three or more Horses	7.975	8.975	.50	.40	.45	.10
Sweeper or Vacuum Truck	7.25	8.25	.50	.40	.45	.10

POWER EQUIPMENT OPERATORS (Piledriving)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1-a: Assistant to Engineer (Fireman, Oiler, Deckhand)	$6.99	.57	.725	.45	.10
Group 1-b: Compressor Operator (electrically, gas or diesel powered, etc.)	7.26	.57	.725	.45	.10
Group 1-c: Truck Crane Oiler	7.38	.57	.725	.45	.10
Group 2-a: Operator of Tugger Hoist (hoisting materials only)	7.89	.57	.725	.45	.10
Group 2-b: Compressor Operator (2 to 6)(electrically, gas or diesel powered); Generator Op. (electrically, gas or diesel driven, 100 KW; Pump Operator (2 to 6); Welding Machine Operator (2 to 6)(gas or diesel powered)	8.06	.57	.725	.45	.10
Group 3: "A" Frames; Deck Engineer; Fork Lift Operator; Self-propelled Boom Type Lifting Device	8.30	.57	.725	.45	.10
Group 3-a: Heavy Duty Repairman and/or welder	8.61	.57	.725	.45	.10
Group 4: Operating Engineer in lieu of assistant to engineer tending boiler or compressor attached to crane piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of Diesel or gasoline powered Crane Piledriver (w/o boiler) up to and incl. 1 cu. yd. rating; Truck Crane Operator (up to and incl. 25 tons) (hoisting material only) (Assistant to engineer required) (not driving piles)	9.06	.57	.725	.45	.10
Group 5: Operator of diesal or gasoline powered Crane Piledriver (w/o boiler) over 1 cu. yd. rating; Operator of Crane (w/steam flash boiler, pump or compressor attached); Operator of steam powered crawler or universal type driver (Raymond or similar type); Truck Crane Op.)over 25 tons); (Hoisting material or performing Piledriving work)	9.18	.57	.725	.45	.10

POWER EQUIPMENT OPERATORS (Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1: Assistant to Engineer (Oiler)	$7.35	.57	.725	.45	.10
Group 2: Assistant to Engineer (Truck Crane Oiler); Compressor; Generator, gasoline or diesel driver (100 KW)	7.66	.57	.725	.45	.10
Group 3: Compressors, Generators and/or Welding Machines or Combination (2 to 6); Deck Engineer; Instrument Man; Signalman (using mechanical equipment); Fork Lift	8.47	.57	.725	.45	.10
Group 4: Heavy Duty Repairman; Tractor Operator	8.59	.57	.725	.45	.10
Group 4-A: Combination Heavy Duty Repairman; Welder	8.82	.57	.725	.45	.10
Group 5: "A" Frame or Boom Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons m.r.c. or less) Self-propelled Boom Type Lifting Device; Single Drum Hoist; Tugger Hoist; Chief of Party	9.21	.57	.725	.45	.10
Group 6: Crawler Cranes and Truck Cranes (over 15 tons m.r.c.); Derricks (2 operators required when swing engine remote from hoist); Universal Liebher and Tower Cranes (and similar types)(In the erection, dismantling and moving of equipment, there shall be an additional operating engineer); Two or more Drum Hoist	9.54	.57	.725	.45	.10

LABORERS*	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	AREA 1	AREA 2				
Group 1	$6.005	$7.005	.25	.25	.30	.04
Group 2	6.13	7.13	.25	.25	.30	.04
Group 3	6.255	7.255	.25	.25	.30	.04
Group 4	6.38	7.38	.25	.25	.30	.04
Group 5:	6.73	7.73	.25	.25	.30	.04
Group 6	7.23	8.23	.25	.25	.30	.04
LABORERS** (Tunnel and Shaft Work)						
Group 1	6.13	7.13	.25	.25	.30	.04
Group 2	6.23	7.23	.25	.25	.30	.04
Group 3	6.33	7.33	.25	.25	.30	.04
Group 4	6.43	7.43	.25	.25	.30	.04
Group 5	6.73	7.73	.25	.25	.30	.04
POWER EQUIPMENT OPERATORS** (Except Piledriving and Steel Erection)						
Group 1	6.21	7.21	.57	.725	.45	.10
Group 2	6.46	7.46	.57	.725	.45	.10
Group 3	6.78	7.78	.57	.725	.45	.10
Group 4	6.94	7.94	.57	.725	.45	.10
Group 5	7.04	8.04	.57	.725	.45	.10
Group 6	7.45	8.45	.57	.725	.45	.10
Group 7	7.58	8.58	.57	.725	.45	.10
Group 7-A	7.68	8.68	.57	.725	.45	.10
Group 8	7.95	8.95	.57	.725	.45	.10
Group 8-A	8.00	9.00	.57	.725	.45	.10
Group 9	8.05	9.05	.57	.725	.45	.10
Group 10	8.20	9.20	.57	.725	.45	.10
Group 11	8.59	9.59	.57	.725	.45	.10
Group 11-A	9.45	10.45	.57	.725	.45	.10
Group 11-B	9.85	10.85	.57	.725	.45	.10

LABORERS

GROUP I: Boxman; Carpenter Tender; Cement Finisher Helper; Chat Boxman; Choker Setter; Clearing and Grading; Cleaning of equipment and parts in connection with concrete; Concrete Crew; Dock-hand and Cleaning Man; Fence Erector and Installer (includes installation and erection of fences, guard rails, median rails, reference post, guide post, and right-of-way markers); Flagman; Form Stripper; Gardener Helper; General Laborer; Grizzlev Op. (whether by power or hand); Group Pump Op.; Heater Tender; Helpers (all not herein separately classified); House Movers; Landscaping Helper; Laborers on Wrecking and Demolition; Nurserymen Helper; Prewaterman; Riprap man (hand placed); Sloper, Spreader and Weighman; Stake Jumper; Stripping and Cleaning of steel and pans; Tool Dispatcher and Checker (full time); Unloading and packing of reinforcing steel rods and mesh

GROUP II: Air-track Helper; Asphalt Rakers and Ironers; Dumpman; Gunnite Reboundman; Metal Form Setter (airport paving and highway); Pipe Wrapper; Pot Tender and Joint Maker; Rollers; Screen and Clean-up Man; Signal and Dumpman on Concrete Construction; Tunnel and Belt Man

GROUP III: Barko Vibratory Ruller and similar type compacting machines; Concrete Cutting Torch; Hand and Chain Saw Op. (Bucking and Falling Timbers); High Pressure Water Nozzleman; J Tampers and similar type tampers; Jackhammer and Pavement Breaker; Mortar and Grout Mixer; Multi-plate Installer; Op. of pneumatic and electric tools and compressors and concrete saw; Op. of Power-Type Form Cleaner and Oiling Machine; Pipelayer; Powderman Helper; Power Type Buggies; Pumpcrete Op.; Refinery Tank and Vessel Cleaners; Sand-Blasters; Sandblaster Pot Tender; Vibrator Op.; Work of all type using cutting torches and tools needed in wrecking; Laser Beam Operator

GROUP IV: Air-track and Core Diamond Drillers; Drill Machanic (on job site); High Scaler operating jackhammer or breaker; Mailn Vibrators and similar types 70 lbs.; Multiple Side Boom Driller; Wagon Driller

GROUP V: Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman;
GROUP VI: Powderman

** TUNNEL AND SHAFT WORK

GROUP I: Underground Laborers

GROUP II: Brakeman; Chucktender; Dumpman; Powderman Helper; Puddler

GROUP III: Nipper; Screedman; Vibrator; Tapman

GROUP IV: Cutting Machine Op.; Drill Doctor Finisher; Gunnite Gunman; Miners; Powder Make-up Man; Spader and Tuggers; Steelman; Timberman

GROUP V: Gunnite Groundman; Gunnite Nozzleman; Gunnite Rodman

*** POWER EQUIPMENT OPERATORS

GROUP 1: Chainman; Rodman

GROUP 2: Asphalt Plant Fireman; Brakeman - Locomotive; Elevator Operator; Oiler, Boxman; Rear Chainman; Fireman; Hydraulic Monitor; Material Loader or Conveyor; Partsman - Field; Gradeaetter - Repairman Helper - Field

GROUP 3: Air Compressor Operator: Concrete Mixer Operator (skip type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinkey Operator; Generator (100 KW or over); Mixer Box Operator (Concrete or Asphalt Plant) (continuous mix or similar); Pump Operator; Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Screedman; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper - Multiple Purpose; Front End Loader up to and including 1 c.y. Struck MRC; Hoist Operator 1 Drum; Line Master; Lubrication & Service Engineer (Mobile & Grease Rack); Slip Form Pumps

GROUP 5: Air Compressor Operator (two or more Compressors); Batch Operator (Asphalt Plant); Motorman; Pavement Breaker Operator (Emsco & similar type); Signalman; Shuttlecar; Small Rubber Tired Tractors; Small Self-propelled Pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more)

GROUP 6: A-Frame Truck & Tugger Hoist; Concrete Saws (self-propelled unit on streets, highways, airports and canals)1 Engineer, Locomotive; Fork lift (construction job site); Kolman Loader (and similar); Maginnis Internal Full Slab Vibrator (on airports, highways, canels and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Road Mixing Machine Operator; Ross Carrier, or similar type; Small Rubber Tired Tractor (with attachments, including backhoe); Small Tractor with Boom; Surface Heater (self-propelled); Loader Operator (over 1 c.y. up to and including 2 c.y. struck MRC; Power Jumbo Operator (setting slip forms, etc. in tunnels); Small Rubber Tired Trenching Machine

GROUP 7: Bridge Crane; Chip Box Spreader (Fleherty type and similar); Concrete Mixer Operator (paving or batch plant); Deck Engineers (Marine); Drilling Machine Operator (well or diamond); Duel Drum Mixers; Elevating Grader Oper.; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as quarry master, joy drills or equal; Hoist Operator - 2 drums; Instrument Man; Mechanical Finisher Operator (Asphalt or concrete); Mine or Shaft Hoist; Pavement Breaker (Pavement Breaker with compressor combination); Pavement Breaker, Truck mounted, compressor combination; Refrigeration Plant; Self-propelled Pipeline, Wrapping Machine Perault, CRC, or similar types); Slusher Operator; Tractor Operator (Sheep's foot and compacting equipment); Trenching Machine, Tractor-Compressor Drill Combination; No-Joint Pipe Laying Machine; Lull High Lift (40 ft. or similar); Roller Operator or self-propelled compactor

Power Equipment Operators and Truck Drivers

AREA 1: All areas included in the description defined below which is based upon township and range-lines as referenced to the Salt Lake City Base and Meridian:

Commencing at the intersection of the Utah-Nevada border and the northerly line of township 36S, thence easterly along the northerly lines of township 36S to the northeast corner of township 36S, range 17W;
Thence northerly to the N.W. corner of township 35S, range 16W;
Thence easterly to the N.E. corner of township 35S, range 16W;
Thence northerly to the N.W. corner of township 31S, range 15W;
Thence easterly to the N.E. corner of township 31S, range 15W;
Thence northerly to the N.W. corner of township 26S, range 14W;
Thence easterly to the N.E. corner of township 26S, range 14W;
Thence northerly to the N.W. corner of township 25S, range 13W;
Thence easterly to the N.E. corner of township 25S, range 13W;
Thence northerly to the N.W. corner of township 24S, range 12W;
Thence easterly to the N.E. corner of township 24S, range 12W;
Thence northerly to the N.W. corner of township 19S, range 11W;
Thence easterly to the N.E. corner of township 19S, range 11W;
Thence northerly to the N.W. corner of township 17S, range 10W;
Thence easterly to the N.E. corner of township 17S, range 10W;
Thence northerly to the N.W. corner of township 16S, range 9W;
Thence easterly to the N.E. corner of township 16S, range 9W;
Thence northerly to the N.W. corner of township 15S, range 8W;
Thence easterly to the N.E. corner of township 15S, range 8W;
Thence northerly to the S.W. corner of township 7S, range 7W;
Thence westerly to the S.W. corner of township 7S, range 10W;
Thence northerly crossing the Salt Lake Base Line to the N.W. corner of township 6N, range 10W;
Thence easterly to the N.W. corner of township 6N, range 8W;
Thence northerly to the N.W. corner of township 12N, range 8W;
Thence easterly to the N.E. corner of township 12N, range 8W;
Thence northerly along the westerly line of range 7W to the Utah-Idaho Border
Thence easterly along the Utah-Idaho Border crossing the Salt Lake Meridian to the intersection of the Utah-Idaho-Wyoming Borders
Thence southerly along the Utah-Wyoming Border
Thence easterly along the Utah-Wyoming Border to the easterly line of range 11E;
Thence southerly along the east line of range 11E, crossing the Salt Lake Base Line to the N.E. corner of township 4S, range 11E;
Thence easterly to the N.W. corner of township 4S, range 18E;
Thence northerly to the N.W. corner of township 1S, range 18E;
Thence easterly along the Salt Lake Base Line to the N.E. corner of township 1S, range 24E;
Thence southerly to the N.E. corner of township 3S, range 24E;
Thence easterly along the northern line of township 3S to the Utah-Colorado border;
Thence southerly along the Utah-Colorado Border, to the southerly line of township 6S;
Thence westerly to the N.E. corner of township 7S, range 23E;
Thence southerly to the S.E. corner of township 7S, range 23E;
Thence westerly to the S.W. corner of township 7S, range 20E;

POWER EQUIPMENT OPERATORS (Cont'd)

GROUP 7A: Side Boom Operator; Asphalt Plant Engineer; Engineer Crushing Plant; Tractor Operator (Bulldozer, Scraper or drag-type shovel or boom attachment) (up to and including D-7 or similar)

GROUP 8: Do-Hor Loader and Adams Elegrader; Euclid Loader and similar types; Chicago Boom (including Stiff Leg and Sheer Pole); Chief of Party; Combination Slusher and Motor Operator; Concrete Batch Plant Multiple unit); Koehring Skooper (or similar, up to 5 c.y. Struck MRC); Loader Operator over 2 c.y. up to and including 5 c.y. Struck MRC; Mucking Machine Operator; Saurman Type Dragline (under 5 c.y. Struck MRC); Self-propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Subgrader (automatic subgrader - fine - grader); Self-propelled Boom Type lifting device; Mechanical Trench Shield; Rubber Tired Scraper (under 35 c.y. Struck MRC); Tri-Batch Paver; Tunnel (Mole or similar)

GROUP 8A: Heavy Duty Repairman or Welder; Tractor Operator Bulldozer, Scraper or Drag Type Shovel or Boom Attachment Larger than D-7 or similer

GROUP 9: Combination Mixer & Compressor (Gunnite) Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar designs and capacity) (in the erection, dismantling and moving of equipment there shall be additional Operator Engineer)

GROUP 10: High Cableway Operator (Signalman required); Lift Slab Machine (Vagtborg and similar types); Locomotive (over 100 tons) (single or multiple units); Pre-Stress wire Wrapping Machine; Saurman type dragline (5 c.y. Struck MRC and over; Tractor Tandem Scrapers; DW 10, 20 etc. (Tandem Scraper); Universal Equipment Operator (shovel, backhoe, dragline, derrick, derrick barge, clamshell crane, gradeall, etc. (up to and including 5 c.y.) Struck MRC; Loader (over 5 c.y. up to and including 12 c.y. Struck MRC)

GROUP 11: Automatic Concrete Slip Form Paver (Gradesetter, Screedman); Koehring Skooper (or similar) (5 cu. yds. and over Struck MRC); Multiple Propulsion Power Unit Earth Movers (up to and including 75 c.y. Struck MRC); Remote Controlled Cranes and Derricks; Power Equipment with shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. Struck MRC; Rubber Tired Scraper (35 cu. yds. and over Struck MRC); Self-propelled Compactor (with multiple propulsion power units); Slip Form Paver (Concrete or asphalt) (1 operator and 2 screedmen when required); Tandem Tractors, Tower Cranes Mobile

GROUP 11A: Multi-Purpose Earth Moving Machines: (two (2) or more scrapers (over 75 c.y. Struck MRC); Power Shovels and Draglines (over 7 c.y. Struck MRC; Loader over 12 c.y. Struck MRC)

GROUP 11B: Operator of Helicopter (when used in erection work)

Power Equipment Operators and Truck Drivers

AREA 1: (Cont'd)

Thence southerly to the S.E. corner of township 8S, range 19E;
Thence westerly to the S.E. corner of township 8S, range 16E;
Thence southerly to the S.E. corner of township 11S, range 16E;
Thence westerly to the S.E. corner of township 11S, range 14E;
Thence southerly to the S.E. corner of township 16S, range 14E;
Thence westerly to the S.E. corner of township 16S, range 12E;
Thence southerly to the S.E. corner of township 20S, range 12E;
Thence westerly to the S.E. corner of township 20S, range 8E;
Thence southerly to the S.E. corner of township 21S, range 8E;
Thence westerly to the S.E. corner of township 21S, range 6E;
Thence southerly to the S.E. corner of township 23S, range 6E;
Thence westerly to the S.E. corner of township 23S, range 5E;
Thence southerly to the N.E. corner of township 27S, range 5E;
Thence easterly to the N.E. corner of township 27S, range 7E;
Thence southerly to the S.E. corner of township 30S, range 7E;
Thence westerly to the S.E. corner of township 30S, range 4E;
Thence southerly to the S.E. corner of township 31S, range 4E;
Thence westerly to the S.W. corner of township 31S, range 4E;
Thence southerly to the S.E. corner of township 35S, range 3E;
Thence westerly to the S.W. corner of township 35S, range 3E;
Thence southerly to the S.E. corner of township 37S, range 2E;
Thence westerly to the S.W. corner of township 37S, range 2E;
Thence southerly to the S.E. corner of township 39S, range 1E;
Thence westerly crossing the Salt Lake Meridian to the S.E. corner of township 39S, range 2W;
Thence southerly to the S.E. corner of township 41S, range 2W;
Thence westerly to the S.E. corner of township 41S, range 4W;
Thence southerly along the easterly line of range 4W, to the Utah-Arizona Border;
Thence westerly along the Utah-Arizona Border to the S.W. corner of Utah;
Thence northerly along the Utah-Nevada Border to the point of beginning;
Commencing at the intersection of the Utah-Colorado Border and the southerly line of township 34S,
Thence westerly to the S.W. corner of township 34S, range 21E;
Thence northerly to the S.W. corner of township 29S, range 21E;
Thence westerly to the S.W. corner of township 29S, range 19E;
Thence northerly to the N.W. corner of township 23S, range 19E;
Thence easterly to the N.W. corner of township 23S, range 22E;
Thence northerly to the N.W. corner of township 21S, range 22E;
Thence easterly to the N.E. corner of township 21S, range 24E;

AREA 2: All areas not included within Area 1 as defined above.

LABORERS

AREA 1: That area of Utah within 45 road miles of the County seats excluding Daggett County.

AREA 2: That area in Utah beyond 45 miles of the County Seats including Daggett County.

[FR Doc.74-20507 Filed 9-5-74;8:45 am]

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF AUGUST 2, 1974

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and county. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction
(D)—Dredging Construction
(F)—Flood Control Construction
(H)—Heavy Construction
(Hw)—Highway Construction
(R)—Residential Construction
Mod.—Modification
(HE)—Heavy Engineering
(LE)—Light Engineering
(U)—Utility
(S)—Streets
(W&S)—Water and Sewer Lines

Signed at Washington, D.C., this 30th day of August 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
AUTAUGA COUNTY
Decision #AQ-4088 (Hw)(Excluding Airport Construction)
39 FR 10085 - 3/15/74
(D) - See Statewide
BALDWIN COUNTY
Decision #AQ-4060 (R)
39 FR 3374 - 1/25/74
Decision #AO-4038 (Hw)
38 FR 33215 - 11/30/73
(D) - See Statewide
(Hw) - See Autauga County
BARBOUR COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BIBB COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BLOUNT COUNTY
Decision #AM-448 (R)
36 FR 16359 - 8/20/71
(D) - See Statewide
(Hw) - See Autauga County
BULLOCK COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BUTLER COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CALHOUN COUNTY
(Hw) - See Autauga County
(D) - See Statewide
CHAMBERS COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CHEROKEE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CHILTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CHOCTAW COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CLARKE COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALABAMA (Cont'd)

CLAY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CLEBURNE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COFFEE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COLBERT COUNTY
Decision #AR-4011 (S)
39 FR 26553 - 7/19/74
Mod. #1 - 39 FR 28002 - 8/2/74
(Hw) - See Autauga County
(D) - See Statewide
CONECUH COUNTY
(D) - See Statewide
(Hw) - See Autauga County
(R) - See Baldwin County
COOSA COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COVINGTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CRENSHAW COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CULLMAN COUNTY
(D) - See Statewide
(Hw) - See Autauga County
DALE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
DALLAS COUNTY
(D) - See Statewide
(Hw) - See Autauga County
DE KALB COUNTY
(D) - See Statewide
(Hw) - See Autauga County
ELMORE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
ESCAMBIA COUNTY
(D) - See Statewide
(Hw) - See Autauga County
ETOWAH COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALABAMA (Cont'd)

FAYETTE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
FRANKLIN COUNTY
(D) - See Statewide
(Hw) - See Autauga County
GENEVA COUNTY
(D) - See Statewide
(Hw) - See Autauga County
GREENE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
HALE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
HENRY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
HOUSTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
JACKSON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
JEFFERSON COUNTY
Decision #AR-4012 (B)
39 FR 26566 - 7/19/74
Mod. #1 - 39 FR 28802 - 8/2/74
(D) - See Statewide
(S) - See Blount County
(Hw) - See Autauga County
LAMAR COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LAUDERDALE COUNTY
(S) - See Colbert County
(D) - See Statewide
(Hw) - See Autauga County
LAWRENCE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LEE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LIMESTONE COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALABAMA (cont'd)

LOWNDES COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MACON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MADISON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MARENGO COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MARION COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MARSHALL COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MOBILE COUNTY
Decision #AQ-4096 (S)
39 FR 11819 - 3/29/74
Mod. #1 - 39 FR 13409 - 4/12/74
Mod. #2 - 39 FR 14843 - 4/26/74
Mod. #3 - 39 FR 25781 - 7/12/74
Mod. #4 - 39 FR 26566 - 7/19/74
(D) - See Statewide
(R) - See Baldwin County
(Hw) - See Autauga County
MONROE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MONTGOMERY COUNTY
Decision #AP-184 (B)
38 FR 11244 - 5/4/73
Mod. # 1 - 38 FR 13103 - 5/18/73
Mod. #2 - 39 FR 26781 - 7/5/74
Decision #AO-4082 (R)
39 FR 8100 - 3/1/74
(D) - See Statewide
(Hw) - See Autauga County
MORGAN COUNTY
(D) - See Statewide
(Hw) - See Autauga County
PERRY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
PICKENS COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALABAMA (Cont'd)

PIKE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
RANDOLPH COUNTY
(D) - See Statewide
(Hw) - See Autauga County
RUSSELL COUNTY
(D) - See Statewide
(Hw) - See Autauga County
SAINT CLAIR COUNTY
(D) - See Statewide
(Hw) - See Autauga County
(R) - See Blount County
SHELBY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
(R) - See Blount County
SUMTER COUNTY
(D) - See Statewide
(Hw) - See Autauga County
TALLADEGA COUNTY
(D) - See Statewide
(Hw) - See Autauga County
(R) - See Blount County
TALLAPOOSA COUNTY
(D) - See Statewide
(Hw) - See Autauga County
TUSCALOOSA COUNTY
(D) - See Statewide
(Hw)- See Autauga County
Decision #AQ-4125 (B)
39 FR 20911 - 6/14/74
WALKER COUNTY
(D) - See Statewide
(Hw) - See Autauga County
WASHINGTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
(R) - See Baldwin County
WILCOX COUNTY
(D) - See Statewide
(Hw) - See Autauga County
WINSTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALASKA

STATEWIDE
Decision #AR-1000 (B,H,Hw,D,R)
39 FR 24788 - 7/5/74

ARIZONA

STATEWIDE
Decision #AO-1085 (B,H,Hw)
39 FR 5952 - 2/15/74
Mod. #1 - 39 FR 12582 - 4/5/74
Mod. #2 - 39 FR 15602 - 5/3/74
Mod. #3 - 39 FR 19386 - 5/31/74
Mod. #4 - 39 FR 25781 - 7/12/74
APACHE COUNTY
Decision #AO-1086 (R)
(Navajo and Hopi Indian Reservations Only)
39 FR 6987 - 2/22/74
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AQ-1073 (R)
39 FR 4288 - 2/1/74
Mod. #1 - 39 FR 15602 - 5/3/74
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
(B,H,Hw) - See Statewide
Decision #AQ-1074 (R)
39 FR 4295 - 2/1/74
Mod. #1 - 39 FR 12582 - 4/5/74
Mod. #2 - 39 FR 15602 - 5/3/74
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AQ-89 (Construction, Alteration, and/or repair of streets, highways, runways, and Water & Sewer Utilities)
39 FR 11822 - 3/29/74
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
ARKANSAS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Mod. #1 - 39 FR 15603 - 5/3/74
ASHLEY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

CLARK COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(H,Hw) - See Statewide
(D)- See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRITTENDEN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CROSS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HOT SPRING COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LONOKE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(H,Hw) - See Statewide
(D) - see Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D) - See Statewide
(H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

POPE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PRAIRIE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
Decision #AO-95 (B)
39 FR 15613 - 5/3/74
Mod. #1 - 39 FR 18402 - 5/24/74
Mod. #2 - 39 FR 20913 - 6/14/74
Mod. #3 - 39 FR 25781 - 7/12/74
Mod. #4 - 39 FR 26556 - 7/19/74
Decision #AP-356 (R)
37 FR 23489 - 11/3/72
RANDOLPH COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
SEVIER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

XUM

ARKANSAS (CONT'D)

STONE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
UNION COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
Decision #AQ-110 (B)
39 FR 18410 - 5/24/74
Mod. #1 - 39 FR 20913 - 6/14/74
VAN BUREN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #AQ-1088 (B,H,Hw,D)
39 FR 8103 - 3/1/74
Mod. #1 - 39 FR 10998 - 3/22/74
Mod. #2 - 39 FR 14844 - 4/26/74
Mod. #3 - 39 FR 18402 - 5/24/74
Mod. #4 - 39 FR 24171 - 6/28/74
Decision #AQ-1087 (R)
39 FR 7021 - 2/22/74
Mod. #1 - 39 FR 10998 - 3/22/74
Mod. #2 - 39 FR 14844 - 4/26/74
Mod. #3 - 39 FR 18402 - 5/24/74
Mod. #4 - 39 FR 24171 - 6/28/74
ALPINE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
AMADOR COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County

CALIFORNIA (Cont'd.)

BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
DELNORTE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ELDORADO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
FRESNO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
IMPERIAL COUNTY
Decision #AQ-1094 (B,H,Hw,D)
39 FR 11004 - 3/22/74
Mod. #1 - 39 FR 13409 - 4/12/74
Mod. #2 - 39 FR 16985 - 5/10/74
Mod. #3 - 39 FR 17651 - 5/17/74
Mod. #4 - 39 FR 24781 - 7/5/74
Decision #AQ-1095 (R)
39 FR 11013 - 3/22/74
Mod. #1 - 39 FR 13409 - 4/12/74
Mod. #2 - 39 FR 16986 - 5/10/74
Mod. #3 - 39 FR 17652 - 5/17/74
Mod. #4 - 39 FR 24781 - 7/5/74
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County

CALIFORNIA (Cont'd)

KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MARIPOSA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NAPA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NEVADA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ORANGE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
PLACER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SACRAMENTO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BERNARDINO COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SAN DIEGO COUNTY
Decision #AQ-1092 (B,H,Hw,D)
39 FR 10086 - 3/15/74
Mod. #1 - 39 FR 17651 - 5/17/74

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision #AQ-1093 (R)
39 FR 10092 - 3/15/74
Mod. #1 - 39 FR 17651 - 5/17/74
SAN FRANCISCO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN JOAQUIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SAN MATEO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA BARBARA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SANTA CLARA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA CRUZ COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SHASTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SIERRA COUNTY
(B,H,Hw,D) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SONOMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TEHAMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
VENTURA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County

CALIFORNIA (Cont'd)

YOLO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County

COLORADO

STATEWIDE
Decision #AQ-1115 (Hw)
39 FR 22375 - 6/21/74
Mod. #1 - 39 FR 24781 - 7/5/74
Mod. #2 - 39 FR 27387 - 7/26/74
ADAMS COUNTY
Decision #AR-1001 (B,H)
39 FR 24794 - 7/5/74
Mod. #1 - 39 FR 27390 - 7/26/74
(Hw) - See Statewide
Decision #AQ-1099 (R)
39 FR 14123 - 4/19/74
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPHOE COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHYENNE COUNTY
(Hw) - See Statewide
CLEAR CREEK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
CONEJOS COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

CLEAR CREEK
(B,H) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
EAGLE COUNTY
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
EL PASO COUNTY
(Hw) - See Statewide
Decision #AQ-1116 (B,H)
39 FR 22380 - 6/21/74
Mod. #1 - 39 FR 27388 - 7/26/74
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
Decision #AQ-1118 (B,H)
39 FR 22391 - 6/21/74
Mod. #1 - 39 FR 25781 - 7/12/74
Mod. #2 - 39 FR 27389 - 7/26/74
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
GRAND COUNTY
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

JEFFERSON COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(Hw) - See Statewide
LAPLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #AR-1003 (B,H)
39 FR 26568 - 7/19/74
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
OTERO COUNTY
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County

COLORADO (Cont'd)

RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #AR-3025 (B,H,Hw,R)
39 FR 26574 - 7/19/74
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Decision #AQ-3035 (R)
38 FR 31088 - 11/9/73
Mod. #1 - 38 FR 34571 - 12/14/73
Mod. #2 - 39 FR 4270 - 2/1/74
HARTFORD COUNTY
Decision #AR-3026 (B,H,Hw)
39 FR 26579 - 7/19/74
Decision #AQ-3096 (R)
39 FR 5961 - 2/15/74
(D) - See Fairfield County
LITCHFIELD COUNTY
Decision #AR-3027 (B,H,Hw,R)
39 FR 25791 - 7/12/74
MIDDLESEX COUNTY
Decision #AR-3028 (B,H,Hw)
39 FR 26584 - 7/19/74
(D) - See Fairfield County
NEW HAVEN COUNTY
Decision #AR-3029 (B,H,Hw)
39 FR 26588 - 7/19/74
(D) - See Fairfield County
NEW LONDON COUNTY
Decision #AR-3030 (B,H,Hw,R)
39 FR 25796 - 7/12/74
(D) - See Fairfield County
TOLLAND COUNTY
Decision #AR-3031 (B,H,Hw)
39 FR 25800 - 7/12/74
WINDHAM COUNTY
Decision #AR-3032 (B,H,Hw,R)
39 FR 25804 - 7/12/74

DELAWARE

STATEWIDE
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Decision #AQ-2122 (B,H,Hw)
39 FR 18412 - 5/24/74
Mod. #1 - 39 FR 20282 - 6/7/74
Mod. #2 - 39 FR 25782 - 7/12/74
Mod. #3 - 39 FR 26556 - 7/19/74
Mod. #4 - 39 FR 28002 - 8/2/74
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide
SUSSEX COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #AQ-4070 (B)
39 FR 5971 - 2/15/74
Mod. #1 - 39 FR 9344 - 3/8/74
Mod. #2 - 39 FR 12583 - 4/5/74
Mod. #3 - 39 FR 26557 - 7/19/74
Decision #AQ-4031 (Hw)
38 FR 31092 - 11/9/73
BAKER COUNTY
Decision #AQ-4004 (Hw)
38 FR 22841 - 8/24/73
BAY COUNTY
Decision #AQ-4107 (B)
39 FR 15638 - 5/3/74
Mod. #1 - 39 FR 26558 - 7/19/74
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AQ-4030 (Hw)
38 FR 29727 - 10/26/73
Mod. #1 - 38 FR 31098 - 11/9/73
BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Cape Kennedy Kennedy Space Flight Center & Patrick AFB only)
Decision #AQ-4123 (B,H,Hw)
39 FR 20300 - 6/7/74
Decision #AQ-4067 (D)
39 FR 5069 - 2/8/74
(Remainder of County)
Decision #AQ-4006 (Hw)
38 FR 22842 - 8/24/73
Mod. #1 - 39 FR 5047 - 2/8/74
BROWARD COUNTY
Decision #AQ-4003 (Hw)
38 FR 22841 - 8/24/73
Decision #AQ-4091 (B)
39 FR 10991 - 3/22/74
Mod. #1 - 39 FR 17652 - 5/17/74
Mod. #2 - 39 FR 26557 - 7/19/74
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Bay County
CHARLOTTE COUNTY
Decision #AQ-4019 (Hw)
38 FR 27703 - 10/5/73
(D) - See Brevard County
CITRUS COUNTY
Decision #AP-4000 (R)
39 FR 24775 - 7/5/74
Decision #AQ-4039 (Hw)
38 FR 33203 - 11/30/73
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLOMBIA COUNTY
(Hw) - See Alachua County

FLORIDA (cont'd)

DADE COUNTY
Decision #AQ-4115 (B)
39 FR 17659 - 5/17/74
Mod. #1 - 39 FR 26588 - 7/19/74
(D) - See Brevard County
(Hw) - See Broward County
DESOTO COUNTY
Decision #AQ-4017 (Hw)
38 FR 27718 - 10/5/73
DIXIE COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
DUVAL COUNTY
Decision #AQ-4071 (B)
39 FR 5973 - 2/15/74
Mod. #1 - 39 FR 22366 - 6/21/74
Mod. #2 - 39 FR 26557 - 7/19/74
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #AQ-4055 (B)
39 FR 3388 - 1/25/74
Mod. #1 - 39 FR 12583 - 4/5/74
Mod. #2 - 39 FR 22366 - 6/21/74
Mod. #3 - 39 FR 26557 - 7/19/74
Decision #AP-178 (R)
38 FR 11259 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
(D) - See Bay County
Decision #AQ-4005 (Hw)
38 FR 22842 - 8/24/73
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Bay County
GADSDEN COUNTY
Decision #AP-179 (R)
38 FR 11260 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
(Hw) - See Bay County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
Decision #AQ-4040 (R)
38 FR 34565 - 12/14/73
(Hw) - See De Soto County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D) - See Brevard County
(Hw) - See Citrus County
(R) - See Citrus County

FLORIDA (cont'd)

HILLSBOROUGH COUNTY
Decision #AQ-4099 (B)
39 FR 13423 - 4/12/74
Mod. #1 - 39 FR 20282 - 6/7/74
Mod. #2 - 39 FR 24174 - 6/28/74
Mod. #3 - 39 FR 26558 - 7/19/74
Decision #AQ-4018 (Hw)
38 FR 27703 - 10/5/73
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Bay County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Bay County
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
(Hw) - See Bay County
LAFAYETTE COUNTY
(Hw) - See Alachua County
LAKE COUNTY
Decision #AP-181 (R)
38 FR 11261 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
(Hw) - See Brevard Co. (Remainder of Co.)
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #AQ-4050 (B)
39 FR 1689 - 1/11/74
Mod. #1 - 39 FR 12583 - 4/5/74
Mod. #2 - 39 FR 24174 - 6/28/74
Mod. #3 - 39 FR 26557 - 7/19/74
(Hw) - See Bay County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Citrus County
LIBERTY COUNTY
(Hw) - See Bay County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
MARION COUNTY
(Hw) - See Citrus County
MARTIN COUNTY
Decision #AQ-4092 (B)
39 FR 10993 - 3/22/74
Mod. #1 - 39 FR 17652 - 5/17/74
Mod. #2 - 39 FR 25558 - 7/19/74
(D) - See Brevard County
(Hw) - See Broward County

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Escambia County
Decision #AP-180 (R)
38 FR 11260 - 5/4/74
Mod. #1 - 39 FR 15604 - 5/3/74
OKEECHOBEE COUNTY
(Hw) - See DeSoto County
ORANGE COUNTY
Decision #AQ-4127 (B)
39 FR 24190 - 6/28/74
Mod. #1 - 39 FR 26558 - 7/19/74
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
(R) - See Citrus County
PINELLAS COUNTY
Decision #AQ-4100 (B)
39 FR 13425 - 4/12/74
Mod. #1 - 39 FR 26558 - 7/19/74
Decision #AR-4000 (R)
39 FR 24775 - 7/5/74
(D) - See Brevard County
(Hw) - See Hillsborough County
(R) - See Citrus County
POLK COUNTY
(Hw) - See DeSoto County
(R) - See Hardee County
PUTNAM COUNTY
(Hw) - See Baker County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
SANTA ROSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Escambia County
(R) - See Okaloosa County

FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(Hw) - See Citrus County
(R) - See Citrus County
SUWANNEE COUNTY
(Hw) - See Alachua County
TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
(Hw) - See Alachua County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY (Except Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base on & including Melabar Rader Site)
Decision #AR-4001 (B)
39 FR 24776 - 7/5/74
Mod. #1 - 39 FR 26558 - 7/19/74
Mod. #2 - 39 FR 27391 - 7/26/74
(B,H,Hw) - See Brevard County (Cape Kennedy)
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co.)
WAKULLA COUNTY
(D) - See Bay County
(HW) - See Bay County
WALTON COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Bay County

GEORGIA

APPLING COUNTY
Decision #AQ-4104 (Hw)
39 FR 15640 - 5/3/74
Mod. #1 - 39 FR 17652 - 5/17/74
ATKINSON COUNTY
(Hw) - See Appling County
BACON COUNTY
(Hw) - See Appling County
BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
(Hw) - See Appling County
BALDWIN COUNTY
(Hw) - See Appling County
BANKS COUNTY
(Hw) - See Appling County
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Banks County
BARTOW COUNTY
(Hw) - See Banks County
BEN HILL COUNTY
(Hw) - See Appling County
BERRIEN COUNTY
(Hw) - See Appling County
BIBB COUNTY
(Hw) - See Baldwin County
BLECKLEY COUNTY
(Hw) - See Appling County
BRANTLEY COUNTY
(Hw) - See Appling County
BROOKS COUNTY
(Hw) - See Appling County
BRYAN COUNTY
(Hw) - See Appling County
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
BULLOCH COUNTY
(Hw) - See Appling County
BURKE COUNTY
Decision #AQ-4085 (R)
39 FR 9333 - 3/8/74
(Hw) - See Baldwin County
BUTTS COUNTY
(Hw) - See Baldwin County
CALHOUN COUNTY
(Hw) - See Appling County
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Appling County
CANDLER COUNTY
(Hw) - See Appling County
CARROLL COUNTY
(Hw) - See Baldwin County

XUM

GEORGIA (Cont'd)

CATOOSA COUNTY
(Hw) - See Banks County
CHARLTON COUNTY
(Hw) - See Appling
CHATHAM COUNTY
Decision #AQ-4069 (H,Hw)
39 FR 5979 - 2/15/74
Mod. #1 - 39 FR 9345 - 3/8/74
Mod. #2 - 39 FR 15605 - 5/3/74
Decision #AQ-4058 (R)
39 FR 3394 - 1/25/74
(D) - See Bryan County
CHATTAHOOCHEE COUNTY
Decision #AQ-4086 (R)
39 FR 9334 - 3/8/74
(Hw) - See Baldwin County
CHATTOOGA COUNTY
(Hw) - See Banks County
CHEROKEE COUNTY
(Hw) - See Banks County
CLARKE COUNTY
(Hw) - See Baldwin County
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Appling County
CLAYTON COUNTY
(Hw) - See Appling County
CLINCH COUNTY
(Hw) - See Appling County
COBB COUNTY
(B,H,Hw) - See Fulton County
(R) - See Fulton County
COFFEE COUNTY
(Hw) - See Appling County
COLQUITT COUNTY
(Hw) - See Appling County
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Baldwin County
COOK COUNTY
(Hw) - See Appling County
COWETA COUNTY
(Hw) - See Baldwin County
CRAWFORD COUNTY
(Hw) - See Baldwin County
CRISP COUNTY
(Hw) - See Baldwin County
DADE COUNTY
(Hw) - See Banks County
DAWSON COUNTY
(Hw) - See Banks County
DECATUR COUNTY
(Hw) - See Appling County
(R) - See Baker County
DEKALB COUNTY
(B,H,Hw) - See Fulton County
(R) - See Fulton County

GEORGIA (Cont'd)

DODGE COUNTY
(Hw) - See Appling County
DOOLY COUNTY
(Hw) - See Baldwin County
DOUGHERTY COUNTY
(Hw) - See Appling County
(R) - See Baker County
DOUGLAS COUNTY
(Hw) - See Banks County
EARLY COUNTY
(Hw) - See Appling County
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Appling County
EFFINGHAM COUNTY
(Hw) - See Appling County
ELBERT COUNTY
(Hw) - See Banks County
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Baldwin County
EVANS COUNTY
(Hw) - See Appling County
FANNIN COUNTY
(Hw) - See Banks County
FAYETTE COUNTY
(Hw) - See Baldwin County
FLOYD COUNTY
(Hw) - See Banks County
FORSYTH COUNTY
(Hw) - See Banks County
FRANKLIN COUNTY
(Hw) - See Banks County
FULTON COUNTY
Decision #AQ-4068 (B,H,Hw)
39 FR 5975 - 2/15/74
Mod. #1 - 39 FR 9344 - 3/8/74
Mod. #2 - 39 FR 11814 - 3/29/74
Mod. #3 - 39 FR 15605 - 5/3/74
Mod. #4 - 39 FR 20913 - 6/14/74
Decision #AQ-4052 (R)
39 FR 2328 - 1/18/74
GILMER COUNTY
(Hw) - See Banks County
GLASCOCK COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Appling County
GORDON COUNTY
(Hw) - See Banks County
GRADY COUNTY
(Hw) - See Appling COunty
(R) - See Baker County
GREENE COUNTY
(Hw) - See Appling County
(R) - See Barrow County

GEORGIA (Cont'd)

GWINNETT COUNTY
(Hw) - See Banks County
HABERSHAM COUNTY
(Hw) - See Banks County
HALL COUNTY
(Hw) - See Banks County
HANCOCK COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Banks County
HARRIS COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Banks County
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Baldwin County
HENRY COUNTY
(Hw) - See Clayton County
HOUSTON COUNTY
(Hw)-See Baldwin County
IRWIN COUNTY
(Hw) - See Appling County
JACKSON COUNTY
(Hw) - See Banks County
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Baldwin County
JEFF DAVIS COUNTY
(Hw) - See Appling County
JEFFERSON COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Baldwin County
JONES OCUNTY
(Hw) - See Baldwin County
LAMAR COUNTY
(Hw) - See Baldwin County
LANIER COUNTY
(Hw) - See Appling County
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
(Hw) - See Appling County
LEE COUNTY
(Hw) - See Appling County
(R) - See Baker County
LIBERTY COUNTY
(D) - See Bryan County
(Hw) - See Bryan County
LINCOLN COUNTY
(Hw) - See Baldwin County
(R) - See Burke County

GEORGIA (Cont'd)

LOWNDES COUNTY
(Hw) - See Appling County
LUMPKIN COUNTY
(Hw) - See Banks County
MCDUFFIE COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Appling County
MACON COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Banks County
(R) - See Barrow County
MARION COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
MERIWETHER COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
MILLER COUNTY
(Hw) - See Appling County
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Appling County
(R) - See Baker County
MONROE COUNTY
(Hw) - See Baldwin County
MONTGOMERY COUNTY
(HW) - See Appling County
MORGAN COUNTY
(Hw) - See Baldwin County
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Banks County
MUSCOGEE COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
NEWTON COUNTY
(Hw) - See Baldwin County
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Baldwin County
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Baldwin County
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Banks County
PEACH COUNTY
(Hw) - See Baldwin County
PICKENS COUNTY
(Hw) - See Banks County
PIERCE COUNTY
(Hw) - See Appling County
PIKE COUNTY
(Hw) - See Baldwin County

GEORGIA (Cont'd)

POLK COUNTY
(Hw) - See Banks County
PULASKI COUNTY
(Hw) - See Baldwin County
PUTNAM COUNTY
(Hw) - See Baldwin County
QUITMAN COUNTY
(Hw) - See Appling County
(R) - See Baker County
RABUN COUNTY
(Hw) - See Banks County
RANDOLPH COUNTY
(Hw) - See Appling County
(R) - See Baker County
RICHMOND COUNTY
Decision #AQ-4106 (B)
39 FR 15601 - 5/3/74
Mod. #1 - 39 FR 17653 - 5/17/74
Mod. #2 - 39 FR 22366 - 6/21/74
(Hw) - See Baldwin County
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Baldwin County
SCHLEY COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
SCREVEN COUNTY
(Hw) - See Baldwin County
SEMINOLE COUNTY
(Hw) - See Appling County
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Baldwin County
STEPHENS COUNTY
(Hw) - See Banks County
STEWART COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Appling County
TAYLOR COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Appling County
TERRELL COUNTY
(Hw) - See Appling County
(R) - See Baker County
THOMAS COUNTY
(Hw) - See Appling County

GEORGIA (Cont'd)

TIFT COUNTY
(Hw) - See Appling County
TOOMBS COUNTY
(Hw) - See Appling County
TOWNS COUNTY
(Hw) - See Banks County
TREUTLEN COUNTY
(Hw) - See Appling County
TROUP COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Appling County
TWIGGS COUNTY
(Hw) - See Baldwin County
UNION COUNTY
(Hw) - See Banks County
UPSON COUNTY
(Hw) - See Baldwin County
WALKER COUNTY
(Hw) - See Banks County
WALTON COUNTY
(Hw) - See Baldwin County
(R) - See Barron County
WARE COUNTY
Decision #AP-155 (B)
38 FR 4073 - 2/9/73
Mod. #1 - 38 FR 5088 - 2/23/73
Decision #AP-160 (R)
38 FR 5083 - 2/23/73
Mod. #1 - 38 FR 10573 4/27/73
(Hw) - See Appling County
WARREN COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Baldwin County
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Appling County
WEBSTER COUNTY
(Hw) - See Baldwin County
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Appling County
WHITE COUNTY
(Hw) - See Banks county
WHITFIELD COUNTY
(Hw) - See Banks County
WILCOX COUNTY
(Hw) - See Baldwin County
WILKES COUNTY
(Hw) - See Baldwin County
(P) - See Burke County
WILKINSON COUNTY
(Hw) - See Baldwin County
WORTH COUNTY
(Hw) - See Appling County

GUAM

GUAM
Decision #AQ-1034 (B,R,H,Hw)
38 FR 25848 - 9/14/73

HAWAII

STATEWIDE
Decision #AQ-1096 (B,H,Hw,D,R)
39 FR 14124 - 4/19/74

IDAHO

STATEWIDE
Decision #AQ-1110 (B,H,Hw)
39 FR 19414 - 5/31/74
Mod. #1 - 39 FR 22366 - 6/21/74
Mod. #2 - 39 FR 28002 - 8/2/74
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd)

FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide
KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #AR-3059 (H,Hw)
39 FR 28030 - 8/2/74
ALEXANDER COUNTY
Decision #AR-3062 (H,Hw)
39 FR 28041 - 8/2/74
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
BOND COUNTY
Decision #AR-3061 (H,Hw)
39 FR 28037 - 8/2/74
BOONE COUNTY
Decision #AR-3055 (H,Hw)
39 FR 28014 - 8/2/74
BROWN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #AR-3056 (H,Hw)
39 FR 28018 - 8/2/74
CALHOUN COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #AQ-3161 (B)
39 FR 14858 - 4/26/74
Mod. #1 - 39 FR 19388 - 5/31/74
Decision #AR-3058 (H,Hw)
39 FR 28026 - 8/2/74
CHRISTIAN COUNTY
(H,Hw) - See Adams County
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #AR-3060 (H,Hw)
39 FR 28033 - 8/2/74
Mod. #1 - 39 FR 14847 - 4/26/74
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #AQ-3151 (B,H,Hw,R)
39 FR 13427 - 4/12/74

ILLINOIS

CRAWFORD COUNTY
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #AQ-3152 (B,R)
39 FR 13431 - 4/12/74
(H,Hw) - See Boone County
EDGAR COUNTY
(H,Hw) - See Champaign County
EDWARDS COUNTY
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
None
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #AQ-3057 (H,Hw)
39 FR 28022 - 8/2/74
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
None
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
HENDERSON COUNTY
(H,Hw) - See Fulton County
HENRY COUNTY
(H,Hw) - See Bureau County
IROQUIIS COUNTY
None

ILLINOIS (Cont'd)

JACKSON COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
Decision #AQ-3153 (B,R)
39 FR 13433 - 4/12/74
(H,Hw) - See Boone County
KANKAKEE COUNTY
None
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
Decision #AQ-3154 (B,R)
39 FR 13435 - 4/12/74
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
None
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
None
LOGAN COUNTY
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
McCLEAN COUNTY
None
MACON COUNTY
(H,Hw) - See Champaign County
MADDOPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #AQ-3155 (B,R)
39 FR 13437 - 4/12/74
(H,Hw) - See Bond County

ILLINOIS (Cont'd)

MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
None
MASON COUNTY
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #AR-3156 (B,R,D)
39 FR 13441 - 4/12/74
Mod. #1 - 39 FR 19388 - 5/31/74
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(H,Hw) - See Champaign County
PIKE COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
None
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #AQ-3162 (B)
39 FR 14861 - 4/26/74
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
Decision #AQ-3157 (B,R)
39 FR 13446 - 4/12/74
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #AQ-3158 (B,R)
39 FR 13450 - 4/12/74
Mod. #1 - 39 FR 18405 - 5/24/74
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
Decision #AQ-3163 (B)
39 FR 14864 - 4/26/74
(H,Hw) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITESIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
Decision #AQ-3159 (B,R)
39 FR 13453 - 4/12/74
Mod. #1 - 39 FR 19388 - 5/31/74
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #AQ-3164 (B)
39 FR 14868 - 4/26/74
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
Decision #AQ-3165 (B)
39 FR 14871 - 4/26/74
(H,Hw) - See Bureau County
WOODFORD COUNTY
None

INDIANA

ADAMS COUNTY
Decision #AQ-3139 (H,Hw)
39 FR 11026 - 3/22/74
Mod. #1 - 39 FR 18405 - 5/24/74
Mod. #2 - 39 FR 20283 - 6/7/74
ALLEN COUNTY
Decision #AQ-3125 (B)
39 FR 12593 - 4/5/74
Decision #AQ-3000 (R)
39 FR 22341 - 8/17/73
(H,Hw) - See Adams County
BARTHOLOMEW COUNTY
Decision #AQ-3126 (B)
39 FR 12596 - 4/5/74
Decision #AQ-3143 (H,Hw)
39 FR 11048 - 3/22/74
BENTON COUNTY
Decision #AQ-3127 (B)
39 FR 12599 - 4/5/74
Decision #AQ-3140 (H,Hw)
39 FR 11032 - 3/22/74
BLACKFORD COUNTY
Decision #AQ-3141 (H,Hw)
39 FR 11038 - 3/22/74
Mod. #1 - 39 FR 28002 - 8/2/74
BOONE COUNTY
Decision #AM-668 (R)
38 FR 13247 - 5/18/74
Decision #AQ-3142 (H,Hw)
39 FR 11043 - 3/22/74
Mod. #1 - 39 FR 19388 - 5/31/74
Mod. #2 - 39 FR 24175 - 6/28/74
BROWN COUNTY
(H,Hw) - See Bartholomew County
CARROLL COUNTY
(H,Hw) - See Benton County
CASS COUNTY
(H,Hw) - See Benton County
CLARK COUNTY
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Bartholomew County
CLAY COUNTY
(H,Hw) - See Boone County
CLINTON COUNTY
(H,HW) - See Benton County
CRAWFORD COUNTY
Decision #AQ-3144 (H,Hw)
39 FR 11054 - 3/22/74
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Boone County
DEARBORN COUNTY
Decision #AQ-3128 (B)
39 FR 12603 - 4/5/74
(D) - See Clark County
(H,Hw) - See Bartholomew County

INDIANA (cont'd)

DECATUR COUNTY
(H,HW) - See Bartholomew County
DEKALB COUNTY
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #AQ-3129 (B)
39 FR 12606 - 4/5/74
Mod. #1 - 39 FR 15605 - 5/3/74
(H,Hw) - See Blackford County
DUBOIS COUNTY
(H,Hw) - See Crawford County
ELKHART COUNTY
(H,Hw) - See Adams County
FAYETTE COUNTY
(H,Hw) - See Blackford County
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
FOUNTAIN COUNTY
(H,Hw) - See Boone County
FRANKLIN COUNTY
(H,Hw) - See Bartholomew County
FULTON COUNTY
(H,Hw) - See Benton County
GIBSON COUNTY
(H,Hw) - See Crawford County
GRANT COUNTY
Decision #AQ-3130 (B)
39 FR 12609 - 4/5/74
(H,Hw) - See Blackford County
GREENE COUNTY
(H,Hw) - See Boone County
HAMILTON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
HENDRICKS COUNTY
(H,Hw) - See Boone County
(R) - See Boone County
HENRY COUNTY
(H,Hw) - See Blackford County
HOWARD COUNTY
(H,Hw) - See Benton County
HUNTINGTON COUNTY
(H,Hw) - See Adams County
JACKSON COUNTY
(H,Hw) - See Bartholomew County
JASPER COUNTY
(H,Hw) - See Benton County
JAY COUNTY
(H,Hw) - See Blackford County

INDIANA (Cont'd)

JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
JENNINGS COUNTY
(H,Hw) - See Bartholomew County
JOHNSON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
KNOX COUNTY
(H,Hw) - See Boone County
KOSCIUSKO COUNTY
(H,Hw) - See Adams County
LAGRANGE COUNTY
(H,Hw) - See Adams County
LAKE COUNTY
Decision #AQ-3131 (B,H,Hw)
39 FR 12612 - 4/5/74
Mod. #1 - 39 FR 15605 - 5/3/74
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
LAPORTE COUNTY
Decision #AQ-3132 (B,H,Hw)
39 FR 12617 - 4/5/74
Mod. #1 - 39 FR 15605 - 5/3/74
Mod. #2 - 39 FR 24782 - 7/5/74
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Bartholomew County
MADISON COUNTY
(H,Hw) - See Blackford County
MARION COUNTY
Decision #AQ-3133 (B)
39 FR 12622 - 4/5/74
Mod. #1 - 39 FR 18405 - 5/24/74
(R) - See Boone County
(H,Hw) - See Blackford County
MARSHALL COUNTY
(H,Hw) - See Adams County
MARTIN COUNTY
(H,Hw) - See Bartholomew County
MIAMI COUNTY
(H,Hw) - See Benton County
MONROE COUNTY
Decision #AQ-3134 (B)
39 FR 12625 - 4/5/74
(H,Hw) - See Bartholomew County
MONTGOMERY COUNTY
(H,Hw) - See Boone County
MORGAN COUNTY
(R) - See Boone County
(H,Hw) - See Boone
NEWTON COUNTY
(H,Hw) - See Benton County
NOBLE COUNTY
(H,Hw) - See Adams County

INDIANA (Cont'd)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
ORANGE COUNTY
(H,Hw) - See Bartholomew County
OWEN COUNTY
(H,Hw) - See Boone County
PARKE COUNTY
(H,Hw) - See Boone County
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PIKE COUNTY
(H,Hw) - See Crawford County
PORTER COUNTY
Decision #AQ-3135 (B,H,Hw)
39 FR 12628 - 4/5/74
Mod. #1 - 39 FR 15606 - 5/3/74
Mod. #2 - 39 FR 24782 - 7/5/74
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PULASKI COUNTY
(H,Hw) - See Benton County
PUTNAM COUNTY
(H,Hw) - See Boone County
RANDOLPH COUNTY
(H,Hw) - See Blackford County
RIPLEY COUNTY
(H,Hw) - See Bartholomew County
RUSH COUNTY
(H,Hw) - See Blackford County
SAINT JOSEPH COUNTY
Decision #AQ-3136 (B,H,Hw)
39 FR 12633 - 4/5/74
Mod. #1 - 39 FR 15606 - 5/3/74
SCOTT COUNTY
(H,Hw) - See Bartholomew County
SHELBY COUNTY
(R) - See Boone County
(H,Hw) - See Blackford County
SPENCER COUNTY
(D) - See Clark County
(H,Hw) See Crawford County
STARKE COUNTY
(H,Hw) - See Adams County
STEUBEN COUNTY
(H,Hw) - See Adams County
SULLIVAN COUNTY
(H,Hw) - See Boone County
SWITZERLAND COUNTY
(D) - See Bartholomew County
(H,Hw) - See Bartholomew County

INDIANA (Cont'd)

TIPPECANOE COUNTY
(B,H,Hw) - See Benton County
TIPTON COUNTY
(H,Hw) - See Benton County
UNION COUNTY
(H,Hw) - See Blackford County
VANDERBURGH COUNTY
Decision #AQ-3137 (R)
39 FR 12638 - 4/5/74
(D) - See Clark County
(H,Hw) - See Crawford County
VERMILLION COUNTY
(H,Hw) - See Boone County
VIGO COUNTY
Decision #AQ-3138 (B)
39 FR 12641 - 4/5/74
Mod. #1 - 39 FR 24175 - 6/28/74
(H,Hw) - See Boone County
WABASH COUNTY
(H,Hw) - See Benton County
WARREN COUNTY
(H,Hw) - See Boone County
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
WASHINGTON COUNTY
(H,Hw) - See Bartholomew County
WAYNE COUNTY
(H,Hw) - See Blackford County
WELLS COUNTY
(H,Hw) - See Adams County
WHITE COUNTY
(H,Hw) - See Benton County
WHITLEY COUNTY
(H,Hw) - See Adams County

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
None
AUDUBON COUNTY
None
BENTON COUNTY
None
BLACK HAWK COUNTY
Decision #AQ-17 (B,H,Hw) (City of Waterloo & abutting Municipalities
38 FR 21078 - 8/3/73
Mod. #1 - 38 FR 22849 - 8/24/73
Mod. #2 - 38 FR 26545 - 9/21/73
Mod. #3 - 38 FR 29145 - 10/19/73
Mod. #4 - 38 FR 31754 - 11/16/73
Mod. #5 - 39 FR 10074 - 3/15/74
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #AM-6,712 (H,Hw)
37 FR 7429 - 4-14-72
CASS COUNTY
(H,Hw) - See Carroll County
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON CITY)
Decision #AQ-101 (B,H,Hw)
39 FR 13456 - 4/12/74
Mod. #1 - 39 FR 16988 - 5/10/74
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

NOTICES

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #AQ-108 (B,H,Hw)
39 FR 17019 - 5/10/74
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
None
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities and Burlington Ordnance Plant)
Decision #AQ-16 (B,H,Hw)
38 FR 21074 - 8/3/73
Mod. #1 - 38 FR 22849 - 8/24/73
Mod. #2 - 38 FR 26545 - 9/21/73
Mod. #3 - 38 FR 29145 - 10/19/73
Mod. #4 - 38 FR 31097 - 11/9/73
Mod. #5 - 39 FR 11814 - 3/29/74
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #AQ-13 (B,H,Hw)
38 FR 21062 - 8/3/73
Mod. #1 - 38 FR 22846 - 8/24/73
Mod. #2 - 38 FR 26544 - 9/21/73
Mod. #3 - 38 FR 29144 - 10/19/73
Mod. #4 - 39 FR 14848 - 4/26/74
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
None
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None
HOWARD COUNTY
(H,Hw) - See Carroll County
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
None
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
None
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #AQ-20 (B,H,Hw)
38 FR 22861 - 8/24/73
Mod. #1 - 38 FR 26545 - 9/21/73
Mod. #2 - 38 FR 29145 - 10/19/73
Mod. #3 - 38 FR 31754 - 11/16/73
Mod. #4 - 39 FR 14848 - 4/26/74
JONES COUNTY
None
KEOKUK COUNTY
None
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY (City of Cedar Rapids and Abutting Municipalities)
Decision #AQ-19 (B,H,Hw)
38 FR 22857 - 8/24/73
Mod. #1 - 38 FR 26545 - 9/21/73
Mod. #2 - 38 FR 29145 - 10/19/73
Mod. #3 - 38 FR 31754 - 11/16/73
Mod. #4 - 39 FR 14848 - 4/26/74
LINN COUNTY (Except City of Cedar Rapids and Abutting Municipalities)
Decision #AP-536 (H,Hw)
38 FR 18139 - 7/6/73

IOWA (Cont.d)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
None
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
None
MITCHELL COUNTY
None
MONONA COUNTY
(H,Hw) - See Carroll County
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,Hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY (City of Des Moines and Abutting Municipalities)
Decision #AQ-15 (B,H,Hw)
38 FR 21070 - 8/3/73
Mod. #1 - 38 FR 22848 - 8/24/73
Mod. #2 - 38 FR 26545 - 9/21/73
Mod. #3 - 38 FR 29145 - 10/19/73
Mod. #4 - 38 FR 30313 - 11/2/73
Mod. #5 - 38 FR 31097 - 11/9/73
POLK COUNTY (Except City of Des Moines and Abutting Municipalities)
Decision #AP-215 (H,Hw)
37 FR 16266 - 8-11-72
Mod. #1 - 39 FR 17653 - 5/17/74
Mod. #2 - 39 FR 18406 - 5/24/74
Mod. #3 - 39 FR 20284 - 6/7/74

IOWA (Cont'd)

POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City limits)
Decision #AM-2,455 (B,H,Hw)
36 FR 16820 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
POWESHIEK COUNTY
None
RINGGOLD COUNTY
(H,Hw) - See Carroll County
SAC COUNTY
None
SCOTT COUNTY
Decision #AQ-107 (B,H,Hw)
39 FR 17016 - 5/10/74
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #AQ-14 (B,H,Hw)
38 FR 21066 - 8/3/73
Mod. #1 - 38 FR 22847 - 8/24/73
Mod. #2 - 38 FR 26545 - 9/21/73
Mod. #3 - 38 FR 29145 - 10/19/73
Mod. #4 - 38 FR 30313 - 11/2/73
Mod. #5 - 38 FR 31097 - 11/9/73
TAMA COUNTY
None
TAYLOR COUNTY
(H,Hw) - See Carroll County
UNION COUNTY
None
VAN BUREN COUNTY
(H,Hw) - See Carroll County
WAPELLO COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
None
WEBSTER COUNTY (FORT DODGE)
Decision #AQ-102 (B,H,Hw)
39 FR 13460 - 4/12/74
Mod. #1 - 39 FR 16988 - 5/10/74
WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None

NOTICES

MICROFILM

IOWA (Cont'd)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #AQ-11 (R)
38 FR 21055 - 8/3/73
Mod. #1 - 38 FR 22845 - 8/24/73
Mod. #2 - 38 FR 23653 - 8/31/73
Mod. #3 - 38 FR 26544 - 9/21/73
Mod. #4 - 38 FR 29144 - 10/19/73
Mod. #5 - 38 FR 31097 - 11/9/73
Mod. #6 - 39 FR 11814 - 3/29/74
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #AP-519 (Hw)
38 FR 7732 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
ANDERSON COUNTY
(Hw) - See Allen County
ATCHISON COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/73
(Hw) - See Allen County
BARBER COUNTY
Decision #AP-521 (Hw)
38 FR 7734 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
BARTON COUNTY
(Hw) - See Barber County
BOURBON COUNTY
(Hw) - See Allen County
BROWN COUNTY
(Hw) - See Allen County
BUTLER COUNTY
(Hw) - See Allen County
CHASE COUNTY
(Hw) - See Allen County
CHAUTAUQUA COUNTY
(Hw) - See Allen County
CHEROKEE COUNTY
(Hw) - See Allen County
CHEYENNE COUNTY
(Hw) - See Barber County
CLARK COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

CLAY COUNTY
(Hw) - See Allen County
CLOUD COUNTY
(Hw) - See Allen County
COFFEY COUNTY
(Hw) - See Allen County
COMANCHE COUNTY
(Hw) - See Barber County
COWLEY COUNTY
(Hw) - See Allen County
CRAWFORD COUNTY
(Hw) - See Allen County
DECATUR COUNTY
(Hw) - See Barber County
DICKINSON COUNTY
(Hw) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw) - See Allen County
DOUGLAS COUNTY
Decision #AP-503 (Hw)
37 FR 17349 - 8-25-72
Mod. #1-37 FR 20389 - 9-29-72
Mod. #2-38 FR 6523 - 3/9/73
Mod. #3-38 FR 9389 - 4/13/73
Mod. #4-38 FR 20164 - 7/27/73
Mod. #5-38 FR 22850 - 8/24/73
EDWARDS COUNTY
(Hw) - See Barber County
ELK COUNTY
(Hw) - See Allen County
ELLIS COUNTY
(Hw) - See Barber County
ELLSWORTH COUNTY
(Hw) - See Barber County
FINNEY COUNTY
(Hw) - See Barber County
FORD COUNTY
(Hw) - See Barber County
FRANKLIN COUNTY
(Hw) - See Allen County
GEARY COUNTY
Decision #AQ-88 (F)
39 FR 11791 - 3/29/74
(Hw) - See Allen County
GOVE COUNTY
(Hw) - See Barber County
GRAHAM COUNTY
(Hw) - See Barber County
GRANT COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

GRAY COUNTY
(Hw) - See Barber County
GREELEY COUNTY
(Hw) - See Barber County
GREENWOOD COUNTY
(Hw) - See Allen County
HAMILTON COUNTY
(Hw) - See Barber County
HARPER COUNTY
(Hw) - See Allen County
HARVEY COUNTY
(Hw) - See Allen County
HASKELL COUNTY
(Hw) - See Barber County
HODGEMAN COUNTY
(Hw) - See Barber County
JACKSON COUNTY
(Hw) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw) - See Barber County
JOHNSON COUNTY
Decision #AQ-44 (B,H,Hw)
38 FR 31780 - 11/16/73
Mod. #1 - 39 FR 26559 - 7/19/74
Decision #AQ-62 (R)
38 FR 32388 - 11/23/73
KEARNY COUNTY
(Hw) - See Barber County
KINGMAN COUNTY
(Hw) - See Allen County
KIOWA COUNTY
(Hw) - See Barber County
LABETTE COUNTY
(Hw) - See Allen County
LANE COUNTY
(Hw) - See Barber County
LEAVENWORTH COUNTY
Decision #AQ-36 (B)
38 FR 28511 - 10/24/73
Mod. #1 - 38 FR 31754 - 11/16/73
(Hw) - See Douglas County
(D) - See Atchison County
LINCOLN COUNTY
(Hw) - See Barber County
LINN COUNTY
(H,Hw) - See Allen County
LOGAN COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

LYON COUNTY
(Hw) - See Allen County
McPHERSON COUNTY
(Hw) - See Allen County
MARION COUNTY
(Hw) - See Allen County
MARSHALL COUNTY
(Hw) - See Allen County
MEADE COUNTY
(Hw) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw) - See Barber County
MONTGOMERY COUNTY
(Hw) - See Allen County
MORRIS COUNTY
(Hw) - See Allen County
MORTON COUNTY
(Hw) - See Barber County
NEMAHA COUNTY
(Hw) - See Allen County
NEOSHO COUNTY
(Hw) - See Allen County
NESS COUNTY
(Hw) - See Barber County
NORTON COUNTY
(Hw) - See Barber County
OSAGE COUNTY
(Hw) - See Allen County
OSBORNE COUNTY
(Hw) - See Barber County
OTTAWA COUNTY
(Hw) - See Allen County
PAWNEE COUNTY
(Hw) - See Barber County
PHILLIPS COUNTY
(Hw) - See Barber County
POTTAWATOMIE COUNTY
(Hw) - See Allen County
PRATT COUNTY
(Hw) - See Barber County
RAWLINS COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

RENO COUNTY
(Hw) - See Allen County
REPUBLIC COUNTY
(Hw) - See Allen County
RICE COUNTY
(Hw) - See Barber County
RILEY COUNTY
(Hw) - See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw) - See Barber County
RUSH COUNTY
(Hw) - See Barber County
RUSSELL COUNTY
(Hw) - See Barber County
SALINE COUNTY
(Hw) - See Allen County
SCOTT COUNTY
(Hw) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #AP-532 (B)
38 FR 13922 - 5/25/73
Mod. #1 - 38 FR 20166 - 7/27/73
Mod. #2 - 38 FR 27163 - 9/28/73
Decision #AP-520 (Hw)
38 FR 7733 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
SEWARD COUNTY
(Hw) - See Barber County
SHAWNEE COUNTY
Decision #AQ-32 (B)
38 FR 27169 - 9/28/73
(Hw) - See Douglas County
Decision #AQ-33 (R)
38 FR 27172 - 9/28/73

KANSAS (Cont'd)

SHERIDAN COUNTY
(Hw) - See Barber County
SHERMAN COUNTY
(Hw) - See Barber County
SMITH COUNTY
(Hw) - See Barber County
STAFFORD COUNTY
(Hw) - See Barber County
STANTON COUNTY
(Hw) - See Barber County
STEVENS COUNTY
(Hw) - See Barber County
SUMNER COUNTY
(Hw) - See Allen County
THOMAS COUNTY
(Hw) - See Barber County
TREGO COUNTY
(Hw) - See Barber County
WABAUNSEE COUNTY
(Hw) - See Allen County
WALLACE COUNTY
(Hw) - See Barber County
WASHINGTON COUNTY
(Hw) - See Allen County
WICHITA COUNTY
(Hw) - See Barber County
WILSON COUNTY
(Hw) - See Allen County
WOODSON COUNTY
(Hw) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw) - See Johnson County
(R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #AQ-4075 (H,Hw)
39 FR 5983 - 2/15/74
Mod. #1 - 39 FR 8102 - 3/1/74
Mod. #2 - 39 FR 20913 - 6/14/74
ALLEN COUNTY
Decision #AQ-4084 (H,Hw)
39 FR 8118 - 3/1/74
Mod. #1 - 39 FR 14849 - 4/26/74
Mod. #2 - 39 FR 20913 - 6/14/74
ANDERSON COUNTY
Decision #AQ-4116 (H,Hw)
39 FR 17661 - 5/17/74
Mod. #1 - 39 FR 20914 - 6/14/74
BALLARD COUNTY
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #AQ-4066 (R)
39 FR 4305 - 2/1/74
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #AQ-4013 (B)
38 FR 27175 - 9/28/73
Mod. #1 - 38 FR 24176 - 6/28/74
Decision #AQ-4036 (H,Hw)
38 FR 32349 - 11/23/73
Mod. #1 - 38 FR 33879 - 12/7/73
Mod. #2 - 39 FR 1189 - 1/4/74
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
BOURBON COUNTY
(Hw,H) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #AQ-4020 (B)
38 FR 28516 - 10/12/73
(H,Hw) - See Anderson County
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
Decision #AQ-4076 (H,Hw)
39 FR 5987 - 2/15/74
Mod. #1 - 39 FR 8102 - 3/1/74

KENTUCKY (Cont'd)

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(H,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
Decision #AQ-4122 (B)
39 FR 20281 - 6/7/74
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd.)

FAYETTE COUNTY
Decision #AQ-4021 (B)
38 FR 28519 - 10/12/73
Mod. #1 - 39 FR 10075 - 3/15/74
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Breathitt County
FRANKLIN COUNTY
Decision #AQ-4101 (B)
39 FR 14113 - 4/19/74
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

KENTUCKY (Cont'd.)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
Decision #AQ-4093 (B)
39 FR 10994 - 3/22/74
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #AQ-4102 (B)
39 FR 14128 - 4/19/74
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY
Decision #AQ-4080 (H,Hw)
39 FR 7033 - 2/22/74
Mod. #1 - 39 FR 14848 - 4/26/74
Mod. #2 - 39 FR 20913 - 6/14/74
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Breathitt County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Johnson County
LEE COUNTY
(H,Hw) - See Adair County
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Breathitt County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #AR-4014 (B)
39 FR 28044 - 8/2/74
(D) - See Boone County
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Breathitt County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Breathitt County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(H,Hw) - See Boone County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Breathitt County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Breathitt County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County
RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AQ-4024 (B)
38 FR 28527 - 10/12/73
(H,Hw) - See Allen County
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AQ-90 (Hw, Roads, Streets, Parking Area)(Except those with a building contract)
39 FR 11792 - 3/29/74
Mod. #1 - 39 FR 14120 - 4/19/74
Mod. #2 - 39 FR 19389 - 5/31/74
Mod. #3 - 39 FR 20284 - 6/7/74
Mod. #4 - 39 FR 25782 - 7/12/74
Decision #AQ-99 (B)
39 FR 14131 - 4/19/74
Mod. #1 - 39 FR 15606 - 5/3/74
Mod. #2 - 39 FR 19389 - 5/31/74
Mod. #3 - 39 FR 20284 - 6/7/74
Mod. #4 - 39 FR 20914 - 6/14/74
Mod. #5 - 39 FR 25782 - 7/12/74
ACADIA PARISH
(D) - See Statewide
(Hw) - See Statewide
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Mod. #1 - 39 FR 15602 - 5/3/74
(B) - See Statewide
ALLEN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ASCENSION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ASSUMPTION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
AVOYELLES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
BEAUREGARD PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
BIENVILLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
BOSSIER PARISH
(B,R) - See Statewide
(D) - See Statewide
(F) - See Acadia Parish
(Hw) - See Statewide
CADDO PARISH
(D) - See Statewide
(B,R) - See Statewide
(Hw) - See Statewide

LOUISIANA (Cont'd)

CALCASIEU PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw) - See Statewide
(B,R) - See Statewide
CALDWELL PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CAMERON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CATAHOULA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CLAIBORNE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CONCORDIA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
DE SOTO PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
EAST BATON ROUGE PARISH
(D) - See Statewide
(B)(Hw) - See Statewide
EAST CARROLL PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
EAST FELICIANA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
EVANGELINE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
FRANKLIN COUNTY
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
GRANT PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
IBERIA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide

LOUISIANA (Cont'd)

IBERVILLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
JACKSON COUNTY
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
JEFFERSON DAVIS PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
LAFAYETTE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
LAFOURCHE PARISH
(D) - See Statewide
(F) - See Acadia Paris
(B)(Hw) - See Statewide
LA SALLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
LINCOLN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
LIVINGSTON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
MADISON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
MOREHOUSE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
NATCHITOTOCHES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ORLEANS PARISH
(D) - See Statewide
(B)(Hw) - SEe Statewide
(R) - See Jefferson Parish
OUACHITA PARISH
(D) - See Statewide
Decision #AQ-116 (F)
39 FR 22397 - 6/21/74
(B)(Hw) - See Statewide

LOUISIANA (Cont'd)

PLAQUEMINES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
RAPIDES PARISH
(D) - See Statewide
(B)(Hw) - See Statewide
RED RIVER PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
RICHLAND PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
SABINE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. BERNARD PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. HELENA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. JAMES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. LANDRY PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. MARTIN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. MARY PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide

LOUISIANA (Cont'd)

ST. TAMMANY PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
TANGIPAHOA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
TENSAS PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
TERREBONE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
UNION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
VERMILLION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
VERNON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WASHINGTON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEBSTER PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEST BATON ROUGE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEST CARROLL PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEST FELICIANA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WINN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
None
ANNE ARUNDEL COUNTY
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
Decision #AQ-2101 (B,H,Hw)
39 FR 14150 - 4/19/74
Mod. #1 - 39 FR 15606 - 5/3/74
Mod. #2 - 39 FR 22367 - 6/21/74
Mod. #3 - 39 FR 24176 - 6/28/74
BALTIMORE CITY & BALTIMORE COUNTY
Decision #AQ-2100 (B,H)
39 FR 14148 - 4/19/74
Mod. #1 - 39 FR 15606 - 5/3/74
Mod. #2 - 39 FR 22367 - 6/21/74
Mod. #3 - 39 FR 24176 - 6/28/74
Decision #AQ-2072 (R)
39 FR 8122 - 3/1/74
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
CALVERT COUNTY
(D) - See Anne Arundel County
CAROLINE COUNTY
None
CARROLL COUNTY
None
CECIL COUNTY
(R) - See Baltimore County
CHARLES COUNTY
(D) - See Anne Arundel County
DORCHESTER COUNTY
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
GARRETT COUNTY
None
HARFORD COUNTY
(R) - See Baltimore County
(D) - See Anne Arundel County
HOWARD COUNTY
(R) - See Baltimore County
KENT COUNTY
(D) - See Anne Arundel County

MARYLAND (cont'd)

MONTGOMERY COUNTY
Decision #AQ-2111 (B)
39 FR 15641 - 5/3/74
Mod. #1 - 39 FR 17658 - 5/17/74
Mod. #2 - 39 FR 19410 - 5/31/74
Mod. #3 - 39 FR 22374 - 6/21/74
Mod. #4 - 39 FR 24787 - 7/5/74
Mod. #5 - 39 FR 26565 - 7/19/74
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
PRINCE GEORGES COUNTY
(B)-See Montgomery County
(R) - See Montgomery County
(D) - See Anne Arundel County
QUEEN ANNES COUNTY
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D) - See Anne Arundel County
SOMERSET COUNTY
(D) - See Anne Arundel County
TALBOT COUNTY
(D) - See Anne Arundel County
WASHINGTON COUNTY
None
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14849 - 4/26/74
(D) - See Anne Arundel County
WORCESTER COUNTY
(D) - See Baltimore County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #AQ-3171 (B,H,Hw, & Marine)
39 FR 17022 - 5/10/74
Mod. #1 - 39 FR 20914 - 6/14/74
Mod. #2 - 39 FR 24176 - 6/28/74
Mod. #3 - 39 FR 25783 - 7/12/74
Mod. #4 - 39 FR 27391 - 7/26/74
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
BERKSHIRE COUNTY
Decision #AQ-3180 (B,H,Hw)
39 FR 19367 - 5/31/74
Mod. #1 - 39 FR 20916 - 6/14/74
Mod. #2 - 39 FR 24177 - 6/28/74
Mod. #3 - 39 FR 27392 - 7/26/74
BRISTOL COUNTY
Decision #AQ-3172 (B,H,Hw,R, & Marine)
39 FR 17026 - 5/10/74
Mod. #1 - 39 FR 20285 - 6/7/74
Mod. #2 - 39 FR 20914 - 6/14/74
Mod. #3 - 39 FR 24176 - 6/28/74
Mod. #4 - 39 FR 25784 - 7/12/74
Mod. #5 - 39 FR 27391 - 7/26/74
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #AQ-3173 (B,H,Hw, & Marine)
39 FR 17030 - 5/10/74
Mod. #1 - 39 FR 20285 - 6/7/74
Mod. #2 - 39 FR 20914 - 6/14/74
Mod. #3 - 39 FR 24176 - 6/28/74
Mod. #4 - 39 FR 25784 - 7/12/74
Mod. #5 - 39 FR 27391 - 7/26/74
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #AQ-3181 (B,H,Hw)
39 FR 19371 - 5/31/74
Mod. #1 - 39 FR 20916 - 6/14/74
Mod. #2 - 39 FR 24178 - 6/28/74
Mod. #3 - 39 FR 27393 - 7/26/74
HAMPDEN COUNTY
Decision #AQ-3174 (B,H,Hw,R)
39 FR 17035 - 5/10/74
Mod. #1 - 39 FR 20285 - 6/7/74
Mod. #2 - 39 FR 20915 - 6/14/74
Mod. #3 - 39 FR 24177 - 6/28/74
Mod. #4 - 39 FR 27392 - 7/26/74
HAMPSHIRE COUNTY
Decision #AQ-3182 (B,H,Hw)
39 FR 19375 - 5/31/74
Mod. #1 - 39 FR 20916 - 6/14/74
Mod. #2 - 39 FR 24178 - 6/28/74
Mod. #3 - 39 FR 27393 - 7/26/74

MASSACHUSETTS (Cont'd.)

MIDDLESEX COUNTY
Decision #AQ-3175 (B,H,Hw,R, & Marine)
39 FR 17039 - 5/10/74
Mod. #1 - 39 FR 20288 - 6/7/74
Mod. #2 - 39 FR 20915 - 6/14/74
Mod. #3 - 39 FR 24177 - 6/28/74
Mod. #4 - 39 FR 25785 - 7/12/74
Mod. #5 - 39 FR 27392 - 7/26/74
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County
NORFOLK COUNTY
Decision #AQ-3176 (B,H,Hw,R)
39 FR 17045 - 5/10/74
Mod. #1 - 39 FR 20288 - 6/7/74
Mod. #2 - 39 FR 20915 - 6/14/74
Mod. #3 - 39 FR 24177 - 6/28/74
Mod. #4 - 39 FR 25785 - 7/12/74
Mod. #5 - 39 FR 27392 - 7/26/74
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #AQ-3177 (B,H,Hw,R)
39 FR 17048 - 5/10/74
Mod. #1 - 39 FR 20288 - 6/7/74
Mod. #2 - 39 FR 20915 - 6/14/74
Mod. #3 - 39 FR 24177 - 6/28/74
Mod. #4 - 39 FR 25786 - 7/12/74
Mod. #5 - 39 FR 27392 - 7/26/74
SUFFOLK COUNTY
Decision #AQ-3178 (B,H,Hw,D,R, & Marine
39 FR 17052 - 5/10/74
Mod. #1 - 39 FR 20288 - 6/7/74
Mod. #2 - 39 FR 24177 - 6/28/74
Mod. #3 - 39 FR 25786 - 7/12/74
Mod. #4 - 39 FR 27392 - 7/26/74
WORCESTER COUNTY
Decision #AQ-3183 (B,H,Hw,R)
39 FR 20923 - 6/14/74
Mod. #1 - 39 FR 24178 - 6/28/74
Mod. #2 - 39 FR 25787 - 7/12/74
Mod. #3 - 39 FR 27393 - 7/26/74

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MICHIGAN

ALCONA COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
Decision #AP-78 (Highway, Bridge, Airport & Sewer Cons, excl. of Bldgs.)
37 FR 28377 - 12/22/72
Mod. #1 - 38 FR 936 - 1/5/73
Mod. #2 - 38 FR 4629 - 2/16/73
ALGER COUNTY
(Hw) (D) - See Alcona County
ALLEGAN COUNTY
Decision #AR-3001 (B,H)
39 FR 26593 - 7/19/74
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
Decision #AP-77 (Highway, Bridge, Airport & Sewer Cons, excl. of Bldg.)
37 FR 28374 - 12/22/72
Mod. #1 - 38 FR 4629 - 2/16/73
Mod. #2 - 38 FR 21012 - 8/3/73
(D) - See Alcona County
ALPENA COUNTY
Decision #AR-3002 (B,H)
39 FR 25808 - 7/12/74
(D,Hw) - See Alcona County
ANTRIM COUNTY
(Hw,D) - See Alcona County
ARENAC COUNTY
(Hw,D) - See Alcona County
BARAGA COUNTY
Decision #AR-3003 (B,H)
39 FR 25812 - 7/12/74
(Hw,D) - See Alcona County
BARRY COUNTY
(Hw) - See Allegan County
BAY COUNTY
(D) - See Alcona County
(Hw) - See Allegan County

MICHIGAN (Cont'd)

BENZIE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
BERRIEN COUNTY
Decision #AR-3004 (B,H)
39 FR 25815 - 7/12/74
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw) - See Allegan County
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw) - See Allegan County
CALHOUN COUNTY
Decision #AR-3005 (B,H)
39 FR 25819 - 7/12/74
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw) - See Allegan County
CASS COUNTY
(Hw) - See Allegan County
(R) - See Branch County
CHARLEVOIX COUNTY
Decision #AR-3006 (B,H)
39 FR 25823 - 7/12/74
(Hw,D) - See Alcona County
CHEBOYGAN COUNTY
(Hw,D) - See Alcona County
CHIPPEWA COUNTY
Decisio #AR-3007 (B,H)
39 FR 26596 - 7/19/74
(Hw,D) - See Alcona County
CLARE COUNTY
(Hw) - See Alcona County
CLINTON COUNTY
(Hw) - See Allegan County

MICHIGAN (cont'd)

CRAWFORD COUNTY
(Hw) - See Alcona County
DELTA COUNTY
(Hw,D) - See Alcona County
DICKINSON COUNTY
(Hw) - See Alcona County
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(Hw) - See Allegan County
EMMET COUNTY
Decision #AR-3008 (B,H)
39 FR 25827 - 7/12/74
(Hw,D) - See Alcona County
GENESEE COUNTY
Decision #AR-3009 (B,H,R)
39 FR 26598 - 7/19/74
Decision AP-76 (Highway, Bridge, Airport & Sewer Cons., excl. of Bldg.)
37 FR 28372 - 12/22/72
Mod. #1 - 38 FR 4628 - 2/16/73
GLADWIN COUNTY
(Hw) - See Alcona County
GOGEBIC COUNTY
Decision #AR-3010 (B,H)
39 FR 26602 - 7/19/74
(Hw,D) - See Alcona County
GRAND TRAVERSE COUNTY
Decision #AR-3011 (B,H)
39 FR 26605 - 7/19/74
(Hw,D) - See Alcona County
GRATIOT COUNTY
(Hw) - See Allegan County
HILLSDALE COUNTY
(Hw) - See Allegan County
HOUGHTON COUNTY
(B,H) - See Baraga County
(Hw,D) - See Alcona County
HURON COUNTY
Decision #AR-3012 (B,H)
39 FR 26600 - 7/19/74
(D) - See Alcona County
(Hw) - See Allegan County
INGHAM COUNTY
Decision #AR-3013 (B,H)
39 FR 25831 - 7/12/74
(Hw) - See Allegan County
(R) - See Eaton County

MICHIGAN (Cont'd)

IONIA COUNTY
(Hw) - See Allegan County
IOSCO COUNTY
(D,Hw) - See Alcona County
IRON COUNTY
(Hw) - See Alcona County
ISABELLA COUNTY
(Hw) - See Alcona County
JACKSON COUNTY
(Hw) - See Allegan County
KALAMAZOO COUNTY
Decision #AR-3014 (B,H)
39 FR 25835 - 7/12/74
(Hw) - See Allegan County
(R) - See Branch County
KALKASKA COUNTY
(Hw) - See Alcona County
KENT COUNTY
Decision #AR-3054 (B,H)
39 FR 25858 - 7/12/74
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw) - See Allegan County
KEWEENAW COUNTY
(B,H) - See Baraga County
(Hw) - See Alcona County
LAKE COUNTY
(Hw) - See Alcona County
LAPEER COUNTY
(B,H) - See Gennessee County
(Hw) - See Allegan County
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw) - See Alcona County
LENAWEE COUNTY
(Hw) - See Allegan County
LIVINGSTON COUNTY
(Hw) - See Allegan County
LUCE COUNTY
(Hw,D) - See Alcona County
MACKINAC COUNTY
(B,H) - See Chippewa County
(Hw) - See Alcona County
MACOMB COUNTY
Decision #AR-3021 (B,H,R)
39 FR 26615 - 7/19/74
(D) - See Alcona County
(Hw) - See Geneasee County

MICHIGAN (CONT'D)

MANISTEE COUNTY
(Hw,D) - See Alcona County
MARQUETTE COUNTY
Decision #AR-3015 (B,H)
39 FR 25839 - 7/12/74
(Hw,D) - See Alcona County
MASON COUNTY
Decision #AR-3016 (B,H)
39 FR 25842 - 7/12/74
(Hw,D) - See Alcona County
MECOSTA COUNTY
(Hw) - See Alcona County
MENOMINEE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
MIDLAND COUNTY
(Hw) - See Allegan County
MISSAUKEE COUNTY
(Hw) - See Alcona County
MONROE COUNTY
(D) - See Alcona County
(Hw) - See Genessee County
MONTCALM COUNTY
(Hw) - See Allegan County
(R) - See Kent County
MONTMORENCY COUNTY
(Hw) - See Alcona County
MUSKEGON COUNTY
Decision #AR-3018 (B,H)
39 FR 25846 - 7/12/74
Decision #AM-403 (R)
36 FR 15896 - 8/18/71
(D) - See Alcona County
(Hw) - See Allegan County
NEWAYGO COUNTY
(Hw) - See Alcona County
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw) - See Genessee County
OCEANA COUNTY
(B,H,R) - See Muskegon County
(D) - See Alcona County
(Hw) - See Allegan County
OGEMAW COUNTY
(Hw) - See Alcona County
ONTONAGON COUNTY
(B,H) - See Baraga County
(Hw,D) - See Alcona County
OSCEOLA COUNTY
(Hw) - See Alcona County

MICHIGAN (Cont'd)

OSCODA COUNTY
(Hw) - See Alcona County
OTSEGO COUNTY
(Hw) - See Alcona County
OTTAWA COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
(R) - See Allegan County
PRESQUE ISLE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
ROSCOMMON COUNTY
(Hw) - See Alcona County
SAGINAW COUNTY
Decision #AR-3017 (B,H)
39 FR 26612 - 7/19/74
(Hw) - See Allegan County
SAINT CLAIR COUNTY
Decision #AR-3019 (B,H)
39 FR 25850 - 7/12/74
(Hw) - See Allegan County
SAINT JOSEPH COUNTY
(Hw) - See Allegan County
(R) - See Branch County
SANILAC COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
SHIAWASSEE COUNTY
(B,H) - See Genessee County
(Hw) - See Allegan County
TUSCOLA COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
VAN BUREN COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
WASHTENAW COUNTY
Decision #AR-3020 (B,H)
39 FR 25854 - 7/12/74
(Hw) - See Genessee County
WAYNE COUNTY
(B,h,R) - See Macomb County
(D) - See Alcona County
(Hw) - See Genesee County
WEXFORD COUNTY
(Hw) - See Alcona County

MINNESOTA

AITKIN COUNTY
(H,Hw) - See Anoka County
ANOKA COUNTY
Decision #AR-3049 (B,R)
39 FR 25861 - 7/12/74
Decision AR-3053 (H,Hw)
39 FR 25873 - 7/12/74
Mod. #1 - 39 FR 19391 - 5/31/74
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
None
BENTON COUNTY
(H,Hw) - See Anoka County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
(H,Hw) - See Anoka County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Anoka County
CARVER COUNTY
Decision #AR-3050 (B,R)
39 FR 25864 - 7/12/74
Mod. #1 - 39 FR 27394 - 7/26/74
(H,Hw) - See Anoka County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Anoka County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
None
COOK COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
(H,Hw) - See Anoka County
COTTONWOOD COUNTY
Decision #AO-3124 (H,Hw)
39 FR 9335 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Anoka County
DAKOTA COUNTY
Decision #AR-3051 (B,R)
39 FR 25867 - 7/12/74
(H,Hw) - See Anoka County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Anoka County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(H,Hw) - See Anoka County
FILLMORE COUNTY
(H,Hw) - See Anoka County
FREEBORN COUNTY
(H,Hw) - See Anoka County
GOODHUE COUNTY
(H,Hw) - See Anoka County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Carver
(H,Hw) - See Anoka County
HOUSTON COUNTY
(H,Hw) - See Anoka County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Anoka County
ITASKA COUNTY
(H,Hw) - See Anoka County
JACKSON COUNTY
(H,Hw) - See Anoka County
KANABEC COUNTY
(H,Hw) - See Anoka County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
None
KOOCHICHING COUNTY
(H,Hw) - See Anoka County
LAC QUI PARLE COUNTY
(H,Hw) - See Big STone County
LAKE COUNTY
(H,Hw) - See Anoka County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
None
LE SHUEUR COUNTY
(H,Hw) - See Anoka County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County

MINNESOTA (Cont'd.)

LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Anoka County
MAHNOMEN COUNTY
None
MARSHALL COUNTY
None
MARTIN COUNTY
(H,Hw) - See Anoka County
MEEKER COUNTY
(H,Hw) - See Anoka County
MILLE LACS COUNTY
(H,Hw) - See Anoka County
MORRISON COUNTY
(H,Hw) - See Anoka County
MOWER COUNTY
(H,Hw) - See Anoka County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Anoka County
NOBLES COUNTY
(H,Hw) - See Anoka County
NORMAN COUNTY
None
OLMSTEAD COUNTY
(H,Hw) - See Anoka County
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
None
PINE COUNTY
(H,Hw) - See Anoka County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
None
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Dakota County
(H,Hw) - See Ancka County
RED LAKE COUNTY
None
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Anoka County
ROCK COUNTY
(H,Hw) - See Anoka County

MINNESOTA (Cont'd.)

ROSEAU COUNTY
None
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Anoka County
CITY OF DULUTH
Decision #AR-3052 (B,R)
39 FR 25870 - 7/12/74
SCOTT COUNTY
(H,Hw) - See Anoka County
(B,R) - See Carver County
SHERBURNE COUNTY
(H,Hw) - See Anoka County
SIBLEY COUNTY
(H,Hw) - See Anoka County
STEARNS COUNTY
(H,Hw) - See Anoka County
STEELE COUNTY
(H,Hw) - See Anoka County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Becker County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Anoka County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Anoka County
WASHINGTON COUNTY
(B,R) - See Dakota County
(H,Hw) - See Anoka County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Anoka County
WRIGHT COUNTY
(H,Hw) - See Anoka County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Mod. #1 - 39 FR 15602 - 5/3/74
ADAMS COUNTY
Decision #AQ-4113 (H,Hw)
39 FR 17664 - 5/17/74
(D) - See Statewide
(F) - See Statewide
ALCORN COUNTY
(H,Hw) - See Adams County
(D) - See Statewide
(F) - See Statewide
AMITE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
ATTALA COUNTY
(H,Hw) - See Adams County
(D) - See Statewide
(F) - See Statewide
BENTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
BOLIVAR COUNTY
(H,Hw) - See Adams County
(D) - See Statewide
(F) - See Statewide
CALHOUN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
CARROLL COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
CHICKASAW COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
CHOCTAW COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
CLAIBORNE COUNTY
(H,Hw) - See Adams County
(D) - See Statewide
(F) - See Statewide
CLARKE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County

MISSISSIPPI (cont'd)

CLAY COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
COAHOMA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
COPIAH COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
(R) - See Hinds County
COVINGTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
DE SOTO COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
FORREST COUNTY
Decision #AM-8264 (R)
37 FR 13017 - 6/30/72
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
FRANKLIN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
GEORGE COUNTY
(H,Hw) - See Adams County
(D) - See Statewide
(F) - See Statewide
(R) - See Harrison County
GREENE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
GRENADA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
HANCOCK COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
(R) - See Harrison County
HARRISON COUNTY
Decision #AO-4110 (B,H,Hw,W&S)
39 FR 15644 - 5/3/74
Decision #AP-174 (R)
38 FR 10584 - 4/27/73
Mod. #1 - 39 FR 8102 - 3/1/74
(D,F) - See Statewide

MISSISSIPPI (cont'd)

HINDS COUNTY
Decision #AQ-4111 (B)
39 FR 15647 - 5/3/74
Decision #AQ-4120 (R)
39 FR 20302 - 6/7/74
(D,F) - See Statewide
(Hw) - See Claiborne County
HOLMES COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
HUMPHREYS COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
ISSAQUENA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
ITAWAMBA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
JACKSON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
(R) - See Harrison County
JASPER COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
JEFFERSON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
JEFFERSON DAVIS COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
JONES COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
(R) - See Forest County
KEMPER COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
LAFAYETTE COUNTY
(D) - See Statewide
(R) - See Statewide
(H,Hw) - See Adams County

MISSISSIPPI (cont'd)

LAMAR COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
LAUDERDALE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
LAWRENCE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
LEAKE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
LEE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
LEFLORE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
LINCOLN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
LOWNDES COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
MADISON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
(R) - See Hinds County
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
MARSHALL COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
MONROE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
MONTGOMERY COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County

MISSISSIPPI (Cont'd)

NESHOBA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
NEWTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
NOXUBEE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
OKTIBBEHA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
PANOLA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
PEARL RIVER COUNTY
(B,H) - See Hinds County
(D) - See Statewide
(F) - See Statewide
(B,H,Hw,W&S) - See Harrison County
(R) - See Harrison County
PERRY COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
PIKE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
PONTOTOC COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
PRENTISS COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
QUITMAN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
RANKIN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
(R) - See Hinds County

MISSISSIPPI (Cont'd)

SCOTT COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
SHARKEY COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
SIMPSON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
(R) - See Hinds County
SMITH COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
STONE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
(R) - See Harrison County
SUNFLOWER COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
TALLAHATCHIE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
TATE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
TIPPAH COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
TISHOMINGO COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
TUNICA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
UNION COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County

V 47 6 SEP 74 1193 V
XUM

MISSISSIPPI (Cont'd)

WALTHALL COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
WARREN COUNTY
Decision #AQ-4112 (R)
39 FR 16978 - 5/10/74
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
WASHINGTON COUNTY
Decision #AO-4072 (B)
39 FR 5933 - 2/15/74
(D) - See Statewide
(F) - See Statewide
WAYNE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
WEBSTER COUNTY
(H,Hw) - See Adams County
(D) - See Statewide
(F) - See Statewide
WILKINSON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
WINSTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
YALOBUSHA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
YAZOO COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Adams County
(R) - See Hinds County

MISSOURI

ADAIR COUNTY
Decision #AO-85 (H,Hw)
39 FR 9371 - 3/8/74
Mod. #1 - 39 FR 11815 - 3/29/74
Mod. #2 - 39 FR 15607 - 5/3/74
ANDREW COUNTY
Decision #AO-21 (D)
38 FR 23647 - 8/31/73
(H,Hw) - See Adair County
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
AUDRAIN COUNTY
(H,Hw) - See Adair County
BARRY COUNTY
(H,Hw) - See Adair County
BARTON COUNTY
(H,Hw) - See Adair County
BATES COUNTY
(H,Hw) - See Adair County
BENTON COUNTY
(H,Hw) - See Adair County
BOLLINGER COUNTY
(H,Hw) - See Adair County
BOONE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
BUTLER COUNTY
(H,Hw) - See Adair County
CALDWELL COUNTY
(H,Hw) - See Adair County
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CAMDEN COUNTY
(H,Hw) - See Adair County
CAPE GIRARDEAU COUNTY
Decision #AO-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Adair County
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CARTER COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd)

CASS COUNTY
Decision #AQ-44 (D',Hw)
38 FR 31780 - 11/16/73
Decision AQ-62 (R)
38 FR 32388 - 11/23/73
CEDAR COUNTY
(H,Hw) - See Adair County
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(Hw) - See Adair County
CLARK COUNTY
(H,Hw) - See Adair County
CLAY COUNTY
(H,Hw) - See Cass County
(D) - See Andrew County
(R) - See Cass County
CLINTON COUNTY
(H,Hw) - See Adair County
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CRAWFORD COUNTY
(H,Hw) - See Adair County
DADE COUNTY
(H,Hw) - See Adair County
DALLAS COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
(H,Hw) - See Adair County
DE KALB COUNTY
(H,Hw) - See Adair County
DENT COUNTY
(Hw) - See Adair County
DOUGLAS COUNTY
(Hw) - See Adair County
DUNKLIN COUNTY
(Hw) - See Adair County
FRANKLIN COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
GENTRY COUNTY
(H,Hw) - See Adair County
GREENE COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd)

GRUNDY COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Adair County
HENRY COUNTY
(H,Hw) - See Adair County
HICKORY COUNTY
(H,Hw) - See Adair County
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
HOWELL COUNTY
(Hw) - See Adair County
IRON COUNTY
(Hw) - See Adair County
JACKSON COUNTY
(H,Hw) - See Cass County
(D) - See Andrew County
(R) - See Cass County
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(H,Hw) - See Adair County
JOHNSON COUNTY
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LACLEDE COUNTY
(Hw) - See Adair County
LAFAYETTE COUNTY
(D) - See Andrew County
(Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Adair County
LEWIS COUNTY
(H,Hw) - See Adair County
LINCOLN COUNTY
(H,Hw) - See Adair County
LINN COUNTY
(H,Hw) - See Adair County
LIVINGSTON COUNTY
(H,Hw) - See Adair County
MC DONALD COUNTY
None
MACON COUNTY
(H,Hw) - See Adair County
MADISON COUNTY
(H,Hw) - See Adair County
MARIES COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Adair County
MILLER COUNTY
(H,Hw) - See Adair County
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Adair County
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
MORGAN COUNTY
(H,Hw) - See Adair County
NEW MADRID COUNTY
(Hw) - See Adair County
NEWTON COUNTY
(H,Hw) - See Adair County
NODAWAY COUNTY
(H,Hw) - See Adair County
OREGON COUNTY
(Hw) - See Adair County
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
OZARK COUNTY
(Hw) - See Adair County
PEMISCOT COUNTY
(Hw) - See Adair County
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Adair County
PETTIS COUNTY
(H,Hw) - See Adair County
PHELPS COUNTY
(H,Hw) - See Adair County
PIKE COUNTY
(H,Hw) - See Adair County
PLATTE COUNTY
(H,Hw) - See Cass County
(D) - See Andrew County
(R) - See Cass County
POLK COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd.)

PULASKI COUNTY
(H,Hw) - See Adair County
PUTNAM COUNTY
(H,Hw) - See Adair County
RALLS COUNTY
(H,Hw) - See Adair County
RANDOLPH COUNTY
(H,Hw) - See Adair County
RAY COUNTY
(H,Hw) - See Cass County
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Adair County
RIPLEY COUNTY
(Hw) - See Adair County
ST. CHARLES COUNTY
Decision #AO-91 (B)
39 FR 14157 - 4/19/74
(D) - See Andrew County
Decision #AO-94 (R)
39 FR 15649 - 5/3/74
(D) - See Cape Girardeau County
ST. CLAIR COUNTY
(H,Hw) - See Adair County
ST. FRANCOIS COUNTY
(H,Hw) - See Adair County
ST. LOUIS COUNTY
(B,R) - See St. Charles County
(D) - See Cape Girardeau County
(D) - See Andrew County
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Adair County
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
SCHUYLER COUNTY
(H,Hw) - See Adair County
SCOTLAND COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(D) - See Cape Girardeau County
(Hw) - See Adair County
SHANNON COUNTY
(Hw) - See Adair County
SHELBY COUNTY
(H,Hw) - See Adair County
STODDARD COUNTY
(Hw) - See Adair County

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Adair County
SULLIVAN COUNTY
(H,Hw) - See Adair County
TANEY COUNTY
(Hw) - See Adair County
TEXAS COUNTY
(Hw) - See Adair County
VERNON COUNTY
(H,Hw) - See Adair County
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
WASHINGTON COUNTY
(H,Hw) - See Adair County
WAYNE COUNTY
(Hw) - See Adair County
WEBSTER COUNTY
(Hw) - See Adair County
WORTH COUNTY
(H,Hw) - See Adair County
WRIGHT COUNTY
(Hw) - See Adair County

MONTANA

STATEWIDE
Decision #AR-1007 (B)
39 FR 28057 - 8/2/74
Decision #AR-1006 (H,Hw)
39 FR 28046 - 8/2/74
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #AO-1076 (R)
39 FR 4361 - 2/1/74
Mod. #1 - 39 FR 5949 - 2/15/74
Mod. #2 - 39 FR 9351 - 3/8/74
Mod. #3 - 39 FR 12588 - 4/5/74
Mod. #4 - 39 FR 27394 - 7/26/74
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEERLODGE COUNTY
(B,H,Hw) - See Statewide
Decision #AO-1075 (R)
39 FR 4354 - 2/1/74
Mod. #1 - 39 FR 5949 - 2/15/74

FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Deerlodge County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd)

GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw)- See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd)

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVERBOW COUNTY
(R) - See Deerlodge County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEETGRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOW STONE COUNTY
(B,H,Hw) - See Statewide

NEBRASKA

STATEWIDE (Except Douglas & Sarpy)
Decision #AQ-119 (Constr., alteration & repair of streets, roads, highways (excluding bridges across navigable waterways), runways, and water and sewer utilities.
39 FR 22398 - 6/21/74
ADAMS COUNTY
(H,Hw) - See Statewide
ANTELOPE COUNTY
(H,Hw) - See Statewide
ARTHUR COUNTY
(H,Hw) - See Statewide
BANNER COUNTY
Decision #AQ-79 (H)
39 FR 5933 - 2/15/74
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
BOYD COUNTY
(H,Hw) - SEe Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BURT COUNTY
(H,Hw) - See Statewide
BUTLER COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CEDAR COUNTY
Decision #AQ-93 (B)
39 FR 15653 - 5/3/74
(H,Hw) - See Statewide
CHASE COUNTY
(H,Hw) - See Statewide
CHERRY COUNTY
(H,Hw) - See Statewide
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COLFAX COUNTY
(H,Hw) - See Statewide
CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Statewide

NEBRASKA (Cont'd.)

CUSTER COUNTY
(H,Hw) - See Statewide
DAKOTA COUNTY
(H,Hw) - See Statewide
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DUEL COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
DIXON COUNTY
(H,Hw) - See Statewide
DODGE COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
Decision #AR-63 (B,H,Hw)
38 FR 33895 - 12/7/73
Mod. #1 - 38 FR 35570 - 12/28/73
Mod. #2 - 39 FR 18406 - 5/24/74
Mod. #3 - 39 FR 20917 - 6/14/74
Mod. #4 - 39 FR 26560 - 7/19/74
Mod. #5 - 39 FR 27394 - 7/26/74
Decision #AO-25 (R)
38 FR 24540 - 9/7/73
Mod. #1 - 38 FR 31099 - 11/9/73
Mod. #2 - 38 FR 33879 - 12/7/73
Mod. #3 - 39 FR 24178 - 6/28/74
Mod. #4 - 39 FR 25650 - 7/19/74
DUNDY COUNTY
(H,Hw) - See Statewide
FILLMORE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FRONTIER COUNTY
(H,Hw) - See Statewide
FURNAS COUNTY
(H,Hw) - See Statewide
GAGE COUNTY
(H,Hw) - See Statewide
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
GARFIELD COUNTY
(H,Hw) - See Statewide
GOSPER COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREELEY COUNTY
(H,Hw) - See Statewide

NEBRASKA (Cont'd.)

HALL COUNTY
Decision #AQ-24 (B)
38 FR 24486 - 9/7/73
Mod. #1 - 38 FR 30330 - 11/2/73
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HARLAN COUNTY
(H,Hw) - See Statewide
HAYES COUNTY
(H,Hw) - See Statewide
HITCHOCK COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(H,Hw) - See Statewide
HOOKER COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KEARNEY COUNTY
(H,Hw) - See Statewide
KIETH COUNTY
(H,Hw) - See Statewide
KEYAPAHA COUNTY
(H,Hw) - See Statewide
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LANCASTER COUNTY
Decision #AQ-65 (B)
38 FR 34597 - 12/14/73
Mod. #1 - 39 FR 22367 - 6/21/74
Mod. #2 - 39 FR 26560 - 7/19/74
Mod. #3 - 39 FR 27394 - 7/26/74
Decision #AH-6140 (R)
36 FR 21736 - 11/12/71
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LOGAN COUNTY
(H,Hw) - See Statewide
LOUP COUNTY
(H,Hw) - See Statewide
MC PHERSON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide

NEBRASKA (Cont'd.)

MERRICK COUNTY
(H,Hw) - See Statewide
MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
NANCE COUNTY
(H,Hw) - See Statewide
NEMAHA COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/73
(H,Hw) - See Statewide
NUCKOLLS COUNTY
(H,Hw) - See Statewide
OTOE COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Statewide
PLATTE COUNTY
(H,Hw) - See Statewide
POLK COUNTY
(H,Hw) - See Statewide
RED WILLOW COUNTY
(H,Hw) - See Statewide
RICHARDSON COUNTY
(D) - See Neemaha County
(H,Hw) - See Statewide
ROCK COUNTY
(H,Hw) - See Statewide
SALINE COUNTY
(H,Hw) - See Statewide
SARPY COUNTY
(B,H,Hw) - See Douglas County
SAUNDERS COUNTY
(H,Hw) - See Statewide
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
SEWARD COUNTY
(H,Hw) - See Statewide
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Statewide

NEBRASKA (Cont'd)

STANTON COUNTY
(B) - See Cedar County
(Hw) - See Adams County
THAYER COUNTY
(Hw) - See Adams County
THOMAS COUNTY
(Hw) - See Adams County
THURSTON COUNTY
(Hw) - See Adams County
VALLEY COUNTY
(Hw) - See Adams County
WASHINGTON COUNTY
(Hw) - See Adams County
WAYNE COUNTY
(B) - See Cedar County
(Hw) - See Adams County
WEBSTER COUNTY
(Hw) - See Adams County
WHEELER COUNTY
(Hw) - See Adams County
YORK COUNTY

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #AQ-1080 (B,H,Hw)
39 FR 5131 - 2/8/74
Mod. #1 - 39 FR 22369 - 6/21/74
Mod. #2 - 39 FR 24178 - 6/28/74
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #AQ-1081 (R) (Excluding the Nevada Test Site)
39 FR 5992 - 2/15/74
Mod. #1-39 FR 22369 - 6/21/74
(B,H,Hw) - See Statewide
Decision #AQ-1083 (B,H,Hw) (Nevada Test Site including the Tonopah Test Range
39 FR 6001 - 2/15/74
Mod. #1 - 39 FR 22369 - 6/21/74
Mod. #2 - 39 FR 24178 - 6/28/74
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark County (Nevada Test Site)
(B,H,Hw) - See Statewide
ORMSBY COUNTY
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #AQ-1082 (R)
39 FR 5996 - 2/15/74
Mod. #1 - 39 FR 22369 - 6/21/74
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #AQ-3147 (B,H,Hw,R & Marine)
39 FR 13464 - 4/12/74
Mod. #1 - 39 FR 19392 - 5/31/74
MERRIMACK COUNTY
Decision #AQ-3145 (B,H,Hw, & Marine)
39 FR 13401 - 4/12/74
Mod. #1 - 39 FR 19392 - 5/31/74
ROCKINGHAM COUNTY
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Decision #AQ-3148 (B,H,Hw, & Marine)
39 FR 13468 - 4/12/74
Mod. #1, - 39 FR 19393 - 5/31/74
STRAFFORD COUNTY
Decision #AQ-3146 (B,H,Hw,R & Marine)
39 FR 13405 - 4/12/74
Mod. #1 - 39 FR 19392 - 5/31/74
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #AQ-2094 (B,H,Hw)
39 FR 12657 - 4/5/74
Mod. #1 - 39 FR 14120 - 4/19/74
Mod. #2 - 39 FR 19397 - 5/31/74
Mod. #3 - 39 FR 28003 - 8/2/74
Decision #AQ-2125 (D)
39 FR 19143 - 5/31/74
BERGEN COUNTY
Decision #AQ-2105 (B,H,Hw)
39 FR 14873 - 4/26/74
Mod. #1 - 39 FR 19403 - 5/31/74
Mod. #2 - 39 FR 24179 - 6/28/74
(D) - See Atlantic County
BURLINGTON COUNTY
Decision #AQ-2098 (B,H,Hw)
39 FR 13491 - 4/12/74
Mod. #1 - 39 FR 14851 - 4/26/74
Mod. #2 - 39 FR 19399 - 5/31/74
(D) - See Atlantic County
CAMDEN COUNTY
Decision #AQ-2093 (B,H,Hw)
39 FR 12651 - 4/5/74
Mod. #1 - 39 FR 14120 - 4/19/74
Mod. #2 - 39 FR 19396 - 5/31/74
(D) - See Atlantic County
CAPE MAY COUNTY
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
Decision #AQ-2097 (B,H,Hw)
39 FR 13485 - 4/12/74
Mod. #1 - 39 FR 20291 - 6/7/74
(D) - See Atlantic County
ESSEX COUNTY
Decision #AQ-2102 (B,H,Hw)
39 FR 14161 - 4/19/74
Mod. #1 - 39 FR 19400 - 5/31/74
Mod. #2 - 39 FR 24782 - 7/5/74
GLOUCESTER COUNTY
(B,H,Hw) - See Camden County
(D) - See Atlantic County
HUDSON COUNTY
Decision #AQ-2090 (B,H,Hw)
39 FR 11823 - 3/29/74
Mod. #1 - 39 FR 14850 - 4/26/74
Mod. #2 - 39 FR 19393 - 5/31/74
(D) - See Atlantic County
HUNTERDON COUNTY
None
MERCER COUNTY
Decision #AQ-2104 (B,H,Hw)
39 FR 14168 - 4/19/74
Mod. #1 - 19402 - 5/31/74
(D) - See Atlantic County
MIDDLESEX COUNTY
Decision #AQ-2115 (B,H,Hw)
39 FR 15661 - 5/3/74
Mod. #1 - 39 FR 19406 - 5/31/74
(D) - See Atlantic County

NEW JERSEY (Cont'd.)

MONMOUTH COUNTY
Decision #AQ-2096 (B,H,Hw)
39 FR 13478 - 4/12/74
Mod. #1 - 39 FR 20290 - 6/7/74
(D) - See Atlantic County
MORRIS COUNTY
Decision #AQ-2113 (B,H,Hw)
39 FR 15654 - 5/3/74
Mod. #1 - 39 FR 19405 - 5/31/74
(D) - See Atlantic County
OCEAN COUNTY
Decision #AQ-2106 (B,H,Hw)
39 FR 14880 - 4/26/74
Mod. #1 - 39 FR 20293 - 6/7/74
(D) - See Atlantic County
PASSAIC COUNTY
Decision #AQ-2095 (B,H,Hw,R)
39 FR 13472 - 4/12/74
Mod. #1 - 39 FR 14850 - 4/26/74
Mod. #2 - 39 FR 20289 - 6/7/74
(D) - See Atlantic County
SALEM COUNTY
(D) - See Atlantic County
SOMERSET COUNTY
Decision #AQ-2091 (B,H,Hw)
39 FR 11830 - 3/29/74
Mod. #1 - 39 FR 14850 - 4/26/74
Mod. #2 - 39 FR 16989 - 5/10/74
Mod. #3 - 39 FR 19395 - 5/31/74
(D) - See Atlantic County
SUSSEX COUNTY
None
UNION COUNTY
Decision #AQ-2119 (B,H,Hw)
39 FR 17061 - 5/10/74
Mod. #1 - 39 FR 20294 - 6/7/74
(D) - See Atlantic County
WARREN COUNTY
None

NEW MEXICO

STATEWIDE
Decision #AQ-18 (Streets, Highways, Utilities and Light Engineering Construction)
38 FR 21714 - 8/10/73
Mod. #1 - 38 FR 22853 - 8/24/73
Decision #AR-6 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos.) and Heavy engineering construction.
39 FR 25880 - 7/12/74
Mod. #1 - 39 FR 27395 - 7/26/74
BERNALILLO COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CATRON COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CHAVES COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
COLFAX COUNTY
(B,HE,8,Hw,U,LE) - See Statewide
CURRY COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
DE BACA COUNTY
(B,He,S,Hw,U,LE) - See Statewide
DONA ANA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
Decision #AP-340 (R)
37 FR 19869 - 9/22/72
EDDY COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
GRANT COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
GUADALUPE COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
HARDING COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
HIDALGO COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
LEA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
LINCOLN COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
LOS ALAMOS COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
LUNA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
McKINLEY COUNTY
(B,HE,S,Hw,U,LE) - See STatewide
MORA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide

NEW MEXICO (Cont'd)

OTERO COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
QUAY COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
RIO ARRIBA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
ROOSEVELT COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
SANDOVAL COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
SAN JUAN COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
SAN MIGUEL COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
SANTA FE COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SIERRA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SOCORRO COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
TAOS COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
TORRANCE COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
UNION COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
VALENCIA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #AP-452 (H,B,Hw)
37 FR 26782 - 12/15/72
Mod. #1 - 38 FR 9397 - 4/13/73
Mod. #2 - 38 FR 18819 - 7/13/73
Mod. #3 - 38 FR 21016 - 8/3/73
Mod. #4 - 38 FR 26569 - 9/21/73
Mod. #5 - 39 FR 4280 - 2/1/74
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #AQ-2107 (B,H,Hw)
39 FR 14887 - 4/26/74
Decision #AQ-2120 (R)
39 FR 17670 - 5/17/74
Mod. #1 - 39 FR 20918 - 6/14/74
Decision #AQ-2125 (D)
39 FR 19143 - 5/31/74
BROOME COUNTY
Decision #AP-469 (B,H,Hw)
38 FR 4169 - 2/9/73
Mod. #1 - 38 FR 9397 - 4/13/73
Mod. #2 - 38 FR 18126 - 7/6/73
Mod. #3 - 38 FR 21022 - 8/3/73
Mod. #4 - 38 FR 22854 - 8/24/73
Mod. #5 - 38 FR 24491 - 9/7/73
Mod. #6 - 39 FR 4280 - 2/1/74
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
CHAUTAUGUA COUNTY
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None

NEW YORK (Cont'd)

CORTLAND COUNTY
None
DELAWARE COUNTY
None
DUTCHESS COUNTY
Decision AQ-2028 (B,H,Hw)
36 FR 31135 - 11/9/73
Mod. #1 - 39 FR 5066 - 2/8/74
(D) - See Bronx County
ERIE COUNTY
Decision #AP-800 (B,H,Hw)
38 FR 8404 - 3/30/73
Mod. #1 - 38 FR 9398 - 4/13/73
Mod. #2 - 38 FR 18820 - 7/13/73
Mod. #3 - 38 FR 22854 - 8/24/73
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #AR-2013 (B)
39 FR 28078 - 8/2/74
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None

NEW YORK (Cont'd)

LIVINGSTON COUNTY
None
MADISON COUNTY
None
MONROE COUNTY
Decision #AQ-2037 (B,H,Hw)
38 FR 35188 - 12/21/73
Mod. #1 - 39 FR 15609 - 5/3/74
Mod. #2 - 39 FR 24782 - 7/5/74
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #AQ-2001 (B,H,Hw)
38 FR 18845 - 7/13/73
Mod. #1 - 38 FR 24491 - 9/7/73
Mod. #2 - 39 FR 5950 - 2/15/74
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #AQ-2048 (B,H,Hw)
39 FR 4368 - 2/1/74
(D) - See Cayuga County
ONEIDA COUNTY
Decision #AP-844 (B,H,Hw)
38 FR 15341 - 6/8/73
Mod. #1 - 38 FR 18822 - 7/13/73
Mod. #2 - 38 FR 21026 - 8/3/73
Mod. #3 - 38 FR 29149 - 10/19/73
Mod. #4 - 38 FR 35571 - 12/28/73
ONONDAGA COUNTY
Decision #AQ-2118 (B,H,Hw)
39 FR 17665 - 5/17/74
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #AP-845 (B,H,Hw)
38 FR 15346 - 6/8/73
Mod. #1 - 38 FR 18820 - 7/13/73
Mod. #2 - 39 FR 5950 - 2/15/74
Mod. #3 - 39 FR 25787 - 7/12/74
(D) - See Bronx County
ORLEANS COUNTY
(D)- See Cayuga County

NEW YORK (Cont'd)

OSWEGO COUNTY
(D) - See Cayuga County
OTSEGO COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R,D) - See Bronx County
RENSSELAER COUNTY
Decision #AR-2010 (B,H,Hw)
39 FR 27398 - 7/26/74
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Albany County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
Decision #AQ-2114 (B,H,Hw)
39 FR 15673 - 5/3/74
SCHENECTADY COUNTY
Decision #AP-859 (B,H,Hw)
38 FR 18156 - 7/6/73
Mod. #1 - 38 FR 21028 - 8/3/73
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #AQ-2126 (B,H,Hw,R)
39 FR 20303 - 6/7/74
Mod. #1 - 39 FR 24783 - 7/5/74
SUFFOLK COUNTY
Decision #AR-2011 (B,H,Hw)
39 FR 27402 - 7/26/74
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (cont'd)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #AQ-2128 (B,H,Hw)
39 FR 24163 - 6/28/74
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #AQ-2041 (B,H,Hw)
39 FR 3421 - 1/25/74
Mod. #1 - 39 FR 17654 - 5/17/74
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #AQ-4064 (H,Hw)
39 FR 4371 - 2/1/74
Mod. #1 - 39 FR 7018 - 2/22/74
Mod. #2 - 39 FR 15609 - 5/3/74
Decision #AP-156 (Sewer & Water)
38 FR 4618 - 2/16/73
ALAMANCE COUNTY
Decision #AQ-4078 (R)
39 FR 7010 - 2/22/74
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #AQ-4079 (R)
39 FR 7010 - 2/22/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
BUNCOMBE COUNTY
Decision #AR-4005 (B)
39 FR 24778 - 7/5/74
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #AQ-4083 (R)
39 FR 4101 - 3/1/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R)-See Burke County
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

CHATHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
Decision #AQ-4087 (R)
39 FR 9337 - 3/8/74
(Sewer & Water, H,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DARE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
FORSYTH COUNTY
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County

NORTH CAROLINA (Cont'd)

GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
HARNETT COUNTY
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
JONES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
LEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
MECKLENBURG COUNTY
Decision #AP-161 (B)
38 FR 5753 - 3/2/73
Mod. #1 - 38 FR 7166 - 3/16/73
Mod. #2 - 38 FR 31770 - 11/16/73
(Sewer & Water, H,Hw) - See Statewide
MITCHELL COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(Sewer & Water, H,Hw) - See STatewide
NEW HANOVER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
ONSLOW COUNTY
(Sewer & Water, H,Hw) - See Statewide
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
PAMLICO COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
PASQUOTANK COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PERQUIMANS COUNTY
(D) - See Beaufort County
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
PORT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Cumberland County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
(Sewer & Water, H,Hw) - See Statewide
TYRRELL COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WAKE COUNTY
Decision #AQ-4032 (B)
38 FR 31093 - 11/9/73
Mod. #1 - 39 FR 5066 - 2/8/74
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Craven County
WILKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #AQ-1000 (Hw)
38 FR 18849 - 7/13/73
Mod. #1 - 38 FR 33800 - 12/7/73
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
(Hw) - See Statewide
Decision AQ-1066 (B)
38 FR 33899 - 12/7/73
Mod. #1 - 39 FR 12589 - 4/5/74
Mod. #2 - 39 FR 24179 - 6/28/74
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LAMOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #AR-3048 (H,Hw)
39 FR 27992 - 8/2/74
ADAMS COUNTY
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Statewide
ALLEN COUNTY
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide
ASHTABULA COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #AP-669 (B)
38 FR 13991 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Mod. #2 - 38 FR 22316 - 8/17/73
Mod. #3 - 38 FR 27712 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30334 - 11/2/73
Mod. #6 - 38 FR 31100 - 11/9/73
Mod. #7 - 39 FR 9355 - 3/8/74
Decision #AP-683 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #AP-670 (B)
38 FR 13996 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Mod. #2 - 38 FR 22316 - 8/17/73
Mod. #3 - 38 FR 27712 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30334 - 11/2/73
Mod. #6 - 38 FR 31100 - 11/9/73
Mod. #7 - 39 FR 9355 - 3/8/74
DEcision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #AM-685 (R)
38 FR 14050 - 5/25/73
(D) - See Adams County
(H,Hw) - See Statewide

OHIO (Cont'd)

CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #AP-671 (B)
38 FR 14000 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Mod. #2 - 39 FR 22317 - 8/17/73
Mod. #3 - 38 FR 27713 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30335 - 11/2/73
Mod. #6 - 39 FR 9356 - 3/8/74
Decision #AP-686 - (R)
38 FR 14050 - 5/25/73
Mod. #1 - 38 FR 14537 - 6/1/73
Mod. #2 - 38 FR 22319 - 8/17/73
Mod. #3 - 38 FR 27716 - 10/5/73
Mod. #4 - 38 FR 31100 - 11/9/73
(H,Hw) - See Statewide
DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #AP-672 (B)
38 FR 14004 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Mod. #2 - 38 FR 22317 - 8/17/73
Mod. #3 - 38 FR 27713 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30335 - 11/2/73
Mod. #6 - 39 FR 9355 - 3/8/74
(D) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide

OHIO (Cont'd)

GREENE COUNTY
Decision #AP-673 (B)
38 FR 14008 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Mod. #2 - 38 FR 22317 - 8/17/73
Mod. #3 - 38 FR 27713 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30336 - 11/2/73
Mod. #6 - 38 FR 31100 - 11/9/73
Mod. #7 - 39 FR 9356 - 3/8/74
Decision #AM-422 (R)
36 FR 15965 - 8/18/71
Mod. #1 - 37 FR 8619 - 4/28/72
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #AQ-3022 (B)
38 FR 27726 - 10/5/73
Mod. #1 - 38 FR 30340 - 11/2/73
Mod. #2 - 38 FR 31101 - 11/9/73
Mod. #3 - 39 FR 9356 - 3/8/74
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide
HANCOCK COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(D) - See Ashtabula County
(H,Hw) - See Statewide
LAWRENCE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #AP-675 (B)
38 FR 14017 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
Mod. #2 - 38 FR 22317 - 8/17/73
Mod. #3 - 38 FR 27713 - 10/5/73

OHIO (Cont'd.)

LICKING COUNTY (Cont'd.)
Mod. #4 - 38 FR 30336 - 11/2/73
Mod. #5 - 39 FR 9356 - 3/8/74
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #AQ-3036 (B)
38 FR 31142 - 11/9/73
(D) - See AShtabula County
(H,Hw) - See Statewide
MADISON COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
MAHONING COUNTY
Decision #AP-687 - (R)
38 FR 13903 - 5/25/73
Mod. #1 - 38 FR 22319 - 8/17/73
Mod. #2 - 38 FR 27716 - 10/5/73
Mod. #3 - 38 FR 31100 - 11/9/73
Mod. #4 - 38 FR 35572 - 12/28/73
Decision #AP-677 (B)
38 FR 14026 - 5/25/73
Mod. #1 - 38 FR 15792 - 6/15/73
Mod. #2 - 38 FR 22318 - 8/17/73
Mod. #3 - 38 FR 27714 - 10/5/73
Mod. #4 - 38 FR 30337 - 11/2/73
Mod. #5 - 38 FR 31100 - 11/9/73
Mod. #6 - 38 FR 35571 - 12/28/73
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B,H,Hw) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #AP-678 (B)
38 FR 14029 - 5/25/73

OHIO (Cont'd)

MUSKINGUM COUNTY (Cont'd.)
Mod. #1 - 38 FR 14536 - 6/1/73
Mod. #2 - 38 FR 22318 - 8/17/73
Mod. #3 - 38 FR 27714 - 10/5/73
Mod. #4 - 38 FR 30338 - 11/2/73
Mod. #5 - 38 FR 31100 - 11/9/73
Mod. #6 - 39 FR 9356 - 3/8/74
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(D) - See AShtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B,H,Hw) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #AQ-3118 (B)
39 FR 7057 - 2/22/74
(H,Hw) - See Statewide
PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
(H,Hw) - See Statewide
ROSS COUNTY
(H,Hw) - See Statewide
SANDUSKY COUNTY
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #AQ-3037 (B)
38 FR 31147 - 11/9/73
(H,Hw) - See Statewide
SUMMITT COUNTY
Decision #AP-681 (B)
38 FR 14042 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
Mod. #2 - 38 FR 22318 - 8/17/73
Mod. #3 - 38 FR 27715 - 10/5/73
Mod. #4 - 38 FR 29742 - 10/26/73
Mod. #5 - 38 FR 30339 - 11/2/73
Mod. #6 - 38 FR 31100 - 11/9/73
Mod. #7 - 39 FR 9356 - 3/8/74
(H,Hw) - See Statewide

OHIO (CONT'D.)

TRUMBULL COUNTY
Decision #AQ-3082 (R)
39 FR 4375 - 2/1/74
Decision #AQ-3081 (B)
39 FR 4372 - 2/1/74
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #AQ-124 (Constr., alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities)
39 FR 24194 - 6/28/74
ADAIR COUNTY
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #AP-341 (R)
37 FR 19870 - 9/22/72
CADDO COUNTY
(H,Hw) - See Statewide
CANADIAN COUNTY
(H,Hw) - See Statewide
(B) - See Oklahoma County
(R) - See Oklahoma County
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(R) - See Oklahoma County
(B) - See Oklahoma County
COAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #AP-741 (R)
38 FR 18164 - 7/6/73
COTTON COUNTY
(H,Hw) - SEe Statewide
CRAIG COUNTY
(H,Hw) - See Statewide
CREEK COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(H,Hw) - See Statewide
KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(R) - See Oklahoma County
(B) - See Oklahoma County
LOGAN COUNTY
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide
McCLAIN COUNTY
(H,Hw) - See Statewide
McCURTAIN COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

MCINTOSH COUNTY
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #AQ-120 (B,H,Hw)
39 FR 24169 - 6/28/74
Mod. #1 - 39 FR 26561 - 7/19/74
Mod. #2 - 39 FR 28007 - 8/2/74
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
Decision #AQ-96 (B)
39 FR 17069 - 5/10/74
Mod. #1 - 39 FR 24179 - 6/28/74
Mod. #2 - 39 FR 24784 - 7/5/74
Mod. #3 - 39 FR 25787 - 7/12/74
Mod. #4 - 39 FR 26561 - 7/19/74
Mod. #5 - 39 FR 28007 - 8/2/74
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1 - 37 FR 28799 - 12/28/72
Mod. #2 - 38 FR 4078 - 2/9/73
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide
PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(R) - See Oklahoma County
(B) - See Oklahoma County
PUSHMATAHA COUNTY
(H,Hw) - See Statewide
ROGER MILLS COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd)

ROGERS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #AQ-123 (B)
39 FR 24192 - 6/28/74
Mod. #1 - 39 FR 26562 - 7/19/74
(H,Hw) - See Statewide
Decision #AP-320 (R)
37 FR 17899 - 9/1/72
Mod. #1 - 38 FR 5099 - 2/23/73
WAGONER COUNTY
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

OREGON

STATEWIDE
Decision #AQ-1102 (B,H,Hw,D)
39 FR 17072 - 5/10/74
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #AQ-1103 (R)
39 FR 17079 - 5/10/74
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(H,Hw,B,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(Hw,H,B,D) - See Statewide
JACKSON COUNTY
(H,Hw,B,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

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PENNSYLVANIA

ADAMS COUNTY
Decision #AP-489 (H,Hw)
38 FR 6622 - 3/9/73
Mod. #1 - 38 FR 18826 - 7/13/73
Mod. #2 - 39 FR 10079 - 3/15/74
Mod. #3 - 39 FR 17655 - 5/17/74
Mod. #4 - 39 FR 20918 - 6/14/74
Mod. #5 - 39 FR 22370 - 6/21/74
Decision #AQ-2042 (B)
39 FR 5044 - 2/8/74
Mod. #1 - 39 FR 14121 - 4/19/74
Mod. #2 - 39 FR 24785 - 7/5/74
ALLEGHENY COUNTY
Decision #AQ-2065 (B)
39 FR 6022 - 2/15/74
Mod. #1 - 39 FR 11002 - 3/22/74
Mod. #2 - 39 FR 13411 - 4/12/74
Mod. #3 - 39 FR 14122 - 4/19/74
Mod. #4 - 39 FR 17655 - 5/17/74
Decision #AQ-2049 (R)
39 FR 5043 - 2/8/74
Mod. #1 - 39 FR 22370 - 6/21/74
Mod. #2 - 39 FR 26562 - 7/19/74
Mod. #3 - 39 FR 28008 - 8/2/74
(H,Hw) - See Beaver County
ARMSTRONG COUNTY
Decision #AQ-2058 (H,Hw)
39 FR 9410 - 3/8/74
Decision #AQ-2082 (B)
39 FR 12574 - 4/5/74
BEAVER COUNTY
Decision #AQ-2059 (H,Hw)
39 FR 6004 - 2/15/74
Mod. #1 - 39 FR 22370 - 6/21/74
Mod. #2 - 39 FR 26562 - 7/19/74
Mod. #3 - 39 FR 28008 - 8/2/74
Decision #AQ-2057 (B)
39 FR 5943 - 2/15/74
Mod. #1 - 39 FR 11002 - 3/22/74
BEDFORD COUNTY
Decision #AQ-2060 (H,Hw)
39 FR 9410 - 3/8/74
Mod. #1 - 39 FR 20919 - 6/14/74
Decision #AQ-2084 (B)
39 FR 11808 - 3/29/74
Mod. #1 - 39 FR 13411 - 4/12/74
Mod. #2 - 39 FR 20919 - 6/14/74
Mod. #3 - 39 FR 28008 - 8/2/74
BERKS COUNTY
Decision #AQ-2025 (B)
38 FR 29184 - 10/19/73
Mod. #1 - 39 FR 1688 - 1/11/74
Mod. #2 - 39 FR 5067 - 2/8/74
Mod. #3 - 39 FR 16989 - 5/10/74
(Hw) - See Adams County
BLAIR COUNTY
Decision #AQ-2083 (B)
39 FR 12578 - 4/5/74
Mod. #1 - 39 FR 20919 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74

PENNSYLVANIA (Cont'd)

BLAIR COUNTY (Cont'd.)
(H,Hw) - See Armstrong County
BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #AR-2006 (R)
39 FR 25905 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Decision #AQ-2011 (H,Hw)
38 FR 22341 - 8/17/73
Mod. #1 - 39 FR 11000 - 3/22/74
Mod. #2 - 39 FR 22371 - 6/21/74
Mod. #3 - 39 FR 28007 - 8/2/74
BUTLER COUNTY
Decision #AQ-2124 (B)
39 FR 19382 - 5/31/74
Decision #AQ-2062 (H,Hw)
39 FR 6011 - 2/15/74
Mod. #1 - 39 FR 14121 - 4/19/74
Mod. #2 - 39 FR 22373 - 6/21/74
CAMBRIA COUNTY
Decision #AQ-2081 (B)
39 FR 11805 - 3/29/74
Mod. #1 - 39 FR 20919 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
(H,Hw) - See Butler County
CAMERON COUNTY
(H,Hw) - See Bedford County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
Decision #AQ-2061 (H,Hw)
39 FR 6008 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
Mod. #2 - 39 FR 14121 - 4/19/74
Mod. #3 - 39 FR 22373 - 6/21/74
CHESTER COUNTY
(H,Hw,R) - See Bucks County
Decision #AR-2003 (B)
39 FR 25895 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
CLARION COUNTY
(H,Hw) - See Bedford County
CLEARFIELD COUNTY
(H,Hw) - See Centre County
CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
Decision #AQ-2123 (B)
39 FR 19379 - 5/31/74
Mod. #1 - 39 FR 28008 - 8/2/74
(H,Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #AR-2009 (B)
39 FR 26619 - 7/19/74
(Hw) - See Adams County
DAUPHIN COUNTY
(H,Hw) - See Adams County
(B) - See Cumberland County

PENNSYLVANIA (Cont'd)

DELAWARE COUNTY
Decision #AR-2002 (B)
39 FR 25892 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
(R,H,Hw) - See Bucks County
ELK COUNTY
Decision #AQ-2046 (B)
39 FR 9338 - 3/8/74
Mod. #1 - 39 FR 18408 - 5/24/74
Mod. #2 - 39 FR 20919 - 6/14/74
Mod. #3 - 39 FR 28008 - 8/2/74
ERIE COUNTY
Decision #AQ-2067 (B)
39 FR 6030 - 2/15/74
(H,Hw) - SEe Butler County
FAYETTE COUNTY
(B) - See Butler County
(H,Hw) - See Butler County
FOREST COUNTY
Decision #AQ-2121 (B)
39 FR 18398 - 5/24/74
Mod. #1 - 39 FR 20920 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
(H,Hw) - See Bedford County
FRANKLIN COUNTY
Decision #AQ-2001 (B)
39 FR 24803 - 7/5/74
Mod. #1 - 39 FR 26562 - 7/19/74
(H,Hw) - See Bedford County
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
(H,Hw) - See Centre County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY
Decision #AQ-2045 (B)
39 FR 5934 - 2/15/74
Mod. #1 - 39 FR 11002 - 3/22/74
Mod. #2 - 39 FR 13411 - 4/12/74
(H,Hw) - See Armstrong County
JEFFERSON COUNTY
(H,Hw) - See Centre County
JUNITA COUNTY
(H,Hw) - See Adams County
(B) - See Cumberland County
LACKAWANNA COUNTY
Decision #AQ-2092 (B)
39 FR 13499 - 4/12/74
LANCASTER COUNTY
Decision #AQ-2055 (B)
39 FR 5940 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
Mod. #2 - 39 FR 14121 - 4/19/74
Mod. #3 - 39 FR 16990 - 5/10/74
Mod. #4 - 39 FR 18409 - 5/24/74
Mod. #5 - 39 FR 24785 - 7/5/74
(Hw) - See Adams County

PENNSYLVANIA (Cont'd)

LAWRENCE COUNTY
Decision #AQ-2068 (B)
39 FR 6034 - 2/15/74
Mod. #1 - 39 FR 18409 - 5/24/74
(H,Hw) - See Butler County
LEBANON COUNTY
Decision #AQ-2080 (B)
39 FR 12571 - 4/5/74
Mod. #1 - 39 FR 24785 - 7/5/74
Mod. #2 - 39 FR 26564 - 7/19/74
LEHIGH COUNTY
Decision #AQ-2099 (B)
39 FR 14175 - 4/19/74
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #AR-2008 (B)
39 FR 27406 - 7/26/74
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #AQ-2079 (B)
39 FR 11803 - 3/29/74
(Hw) - See Adams County
MC KEAN COUNTY
(Hw) - See Adams County
(R) - See Forest County
MERCER COUNTY
Decision #AQ-2066 (B)
39 FR 6026 - 2/15/74
Mod. #1 - 39 FR 13411 - 4/12/74
Mod. #2 - 39 FR 18409 - 5/24/74
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Adams County
MONROE COUNTY
(H,Hw) - See Adams County
MONTGOMERY COUNTY
Decision #AR-2004 (B)
39 FR 25898 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
(H,Hw,R) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
Decision #AQ-2044 (B)
39 FR 7014 - 2/22/74
Mod. #1 - 39 FR 10079 - 3/15/74
Mod. #2 - 39 FR 16990 - 5/10/74
Mod. #3 - 39 FR 24785 - 7/5/74
(H,Hw) - See Adams County
PERRY COUNTY
(Hw) - See Adams County
(B) - See Cumberland County
PHILADELPHIA COUNTY
Decision #AR-2005 (B)
39 FR 25902 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74

PENNSYLVANIA (Cont'd.)

PHILADELPHIA COUNTY (Cont'd.)
Decision #AQ-2012 (B)
Mod. #2 - 39 FR 5067 - 2/8/74
Decision AQ-2125 (D)
39 FR 19143 - 5/31/74
(H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHUYKILL COUNTY
Decision #AQ-2050 (B)
39 FR 5938 - 2/15/74
Mod. #1 - 39 FR 10079 - 3/15/74
Mod. #2 - 39 FR 16990 - 5/10/74
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #AQ-2070 (B)
39 FR 10070 - 3/15/74
Mod. #1 - 39 FR 26562 - 7/19/74
(H,Hw) - See Adams County
SUSQUEHANNA COUNTY
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
Decision #AQ-2043 (B)
39 FR 7011 - 2/22/74
Mod. #1 - 39 FR 18408 - 5/24/74
Mod. #2 - 39 FR 20919 - 6/14/74
Mod. #3 - 39 FR 28008 - 8/2/74
(H,Hw) - See Armstrong County
WARREN COUNTY
Decision #AQ-2085 (B)
39 FR 14115 - 4/19/74
Mod. #1 - 39 FR 20920 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
(H,Hw) - See Armstrong county
WASHINGTON COUNTY
Decision #AQ-2064 (B)
39 FR 6018 - 2/15/74
Mod. #1 - 39 FR 11002 - 3/22/74
Mod. #2 - 39 FR 13411 - 4/12/74
Mod. #3 - 39 FR 17655 - 5/17/74
(H,Hw) - See Butler County
WAYNE COUNTY
(H,Hw) - See Adams County
WESTMORELAND COUNTY
Decision #AQ-2063 (B)
39 FR 6044 - 2/15/74
Mod. #1 - 39 FR 11002 - 3/22/74
Mod. #2 - 39 FR 13411 - 4/12/74
(H,Hw) - See Butler County

PENNSYLVANIA (Cont'd.)

WYCOMING COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)

PUERTO RICO

PUERTO RICO
Decision #AQ-2127 (R)
39 FR 24197 - 6/28/74
Mod. #1 - 39 FR 27395 - 7/26/74
Decision #AQ-2052 (B)
39 FR 5141 - 2/8/74
Decision #AQ-2019 (H,Hw)
38 FR 24847 - 9/14/73

RHODE ISLAND

STATEWIDE
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
BRISTOL COUNTY
(D) - See Statewide
(B,H,Hw,& Marine) - See Procidence Co.
KENT COUNTY
(B,H,Hw,& Marine) - See Providence Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #AR-3078 (B,H,Hw,R, & Marine)
39 FR 28087 - 8/2/74
(D) - See Statewide
PROVIDENCE COUNTY
Decision #AR-3077 (B,H,Hw,R, & Marine)
39 FR 28083 - 8/2/74
(D) - See Statewide
WASHINGTON COUNTY
Decision #AR-3079 (B,H,Hw,R, & Marine)
39 FR 28090 - 8/2/74
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #AQ-4065 (H,Hw)
39 FR 4381 - 2/1/74
Mod. #1 - 39 FR 7018 - 2/22/74
Mod. #2 - 39 FR 15610 - 5/3/74
Decision #AP-157 (Sewer & Water)
38 FR 4619 - 2/16/73
ABBEVILLE COUNTY
Decision #AR04003 (B)
39 FR 26554 - 7/19/74
(Sewer & Water, H,Hw) - See Statewide
AIKEN COUNTY
Decision #AR-4008 (R)
39 FR 26555 - 7/19/74
(Sewer & Water, H,Hw) - See Statewide
ALLENDALE COUNTY
Decision #AR-4006 (R)
39 FR 24780 - 7/5/74
(Sewer & Water, H,Hw) - See Statewide
ANDERSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
BAMBERG COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
BARNWELL COUNTY
(R) - See Aitkin County
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
(Sewer & Water, H,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
Decision #AQ-4029 (R)
38 FR 31153 - 11/9/73
CALHOUN COUNTY
(R) - See Allendale County
(Sewer & Water, H,Hw) - See Statewide
CHARLESTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Berkeley County
CHEROKEE COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
CHESTER COUNTY
Decision #AR-4009 (B)
39 FR 25778 - 7/12/74
(Sewer & Water, H,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLARENDON COUNTY
(Sewer & Water, H,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide

SOUTH CAROLINA (Cont'd)

DARLINGTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DILLON COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGEFIELD COUNTY
(R) - See Aitkin County
(Sewer & Water, H,Hw) - See Statewide
FAIRFIELD COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
FLORENCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GEORGETOWN COUNTY
(D) - See Beaufort
(Sewer & Water, H,Hw) - See Statewide
GREENVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water, H,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water, H,Hw) - See Statewide
LANCASTER COUNTY
(B) - See Chester County
(Sewer & Water, H,Hw) - See Statewide
LAURENS COUNTY
(Sewer & Water, H,Hw) - See Statewide
LEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
LEXINGTON COUNTY
Decision #AR-4004 (B)
39 FR 24779 - 7/5/74
(Sewer & Water, H,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARION COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARLBORO COUNTY
(Sewer & Water, H,Hw) - See Statewide
NEWBERRY COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
OCONEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
ORANGEBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Allendale County
PICKENS COUNTY
(Sewer & Water, H,Hw) - See Statewide
RICHLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Lexington County

SOUTH CAROLINA (CONT'D)

SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #AQ-4097 (B)
39 FR 12581 - 4/5/74
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
WILLIAMSBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #AP-908 (Hw)
38 FR 15807 - 6/15/73
AURORA COUNTY
(Hw) - See Statewide
BEADLE COUNTY
Decision #AQ-1084 (H)
39 FR 5162 - 2/8/74
(Hw) - See Statewide
BENNETT COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BON HOMME COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BROOKINGS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BROWN COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BRULE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BUFFALO COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BUTTE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CHARLES COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CLAY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CLARK COUNTY
(Hw) - See Statewide
CODINGTON COUNTY
(Hw) - See Statewide
(H) - See Beadle County
CORSON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CUSTER COUNTY
(H) - See Statewide
(Hw) - See Statewide
DAVISON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
DAY COUNTY
(Hw) - See Statewide
DEUEL COUNTY
(Hw) - See Statewide
DEWEY COUNTY
(H) - See Beadle County
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

DOUGLAS COUNTY
(Hw) - See Statewide
EDMUNDS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
FALL RIVER COUNTY
(H) - See Beadle County
(Hw) - See Statewide
FAULK COUNTY
(Hw) - See Statewide
GRANT COUNTY
(H) - See Beadle County
(Hw) - See Statewide
GREGORY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HAAKON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HAMLIN COUNTY
(Hw) - See Statewide
HAND COUNTY
(Hw) - See Statewide
HANSON COUNTY
(Hw) - See Statewide
HARDING COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HUGHES COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HUTCHINSON COUNTY
(Hw) - See Statewide
HYDE COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
JERAULD COUNTY
(Hw) - See Statewide
JONES COUNTY
(H) - See Beadle County
(Hw) - See Statewide
KINGSBURY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LAKE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LAWRENCE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LINCOLN COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LYMAN COUNTY
(H) - See Beadle County
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

Mc COOK COUNTY
(Hw) - See Statewide
Mc PHERSON COUNTY
(Hw) - See Statewide
MARSHALL COUNTY
(Hw) - See Statewide
MEADE COUNTY
Decision #AQ-1090 (B,H)
39 FR 8144 - 3/1/74
(Hw) - See Statewide
MELLETTE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
MINER COUNTY
(Hw) - See Statewide
MINNEHAHA COUNTY
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
Decision #AQ-1089 (B,H)
39 FR 8142 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
(Hw) - See Statewide
MOODY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
PENNINGTON COUNTY
(B,H) - See Meade County
(Hw) - See Statewide
PERKINS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
POTTER COUNTY
(H) - See Beadle County
(Hw) - See Statewide
ROBERTS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
SANBORN COUNTY
(Hw)- See Statewide
SHANNON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
SPINK COUNTY
(H) - See Beadle County
(Hw) - See Statewide
STANLEY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
SULLY COUNTY
(H) - See Beadle County
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(H) - See Beadle County
(Hw) - See Statewide
TRIPP COUNTY
(H) - See Beadle County
(Hw) - See Statewide
TURNER COUNTY
(Hw) - See Statewide
UNION COUNTY
(H) - See Beadle County
(Hw) - See Statewide
WALWORTH COUNTY
(H) - See Beadle County
(Hw) - See Statewide
WASHABOUGH COUNTY
(H) - See Beadle County
(Hw) - See Statewide
YANKTON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
ZIEBACH COUNTY
(H) - See Beadle County
(Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Mod. #1 - 39 FR 15602 - 5/3/74
Decision #AQ-4049 (Hw)
39 FR 1712 - 1/11/74
Mod. #1 - 39 FR 3373 - 1/25/74
Mod. #2 - 39 FR 25788 - 7/12/74
ANDERSON COUNTY
Decision #AR-4007 (B)
39 FR 24806 - 7/5/74
Mod. #1 - 39 FR 26564 - 7/19/74
Mod. #2 - 39 FR 28013 - 8/2/74
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F) - See Statewide
(Hw) - See Statewide
BENTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLEDSOE COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLOUNT COUNTY
(F) - See Statewide
(Hw) - See Statewide
BRADLEY COUNTY
(F) - See Statewide
(Hw) - See Statewide
CAMPBELL COUNTY
(F) - See Statewide
(Hw) - See Statewide
CANNON COUNTY
(F) - See Statewide
(Hw) - See Statewide
CARROLL COUNTY
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
(F) - See Statewide
(Hw) - See Statewide
CARTER COUNTY
Decision #AP-104 (B)
37 FR 13915 - 7/14/72
(F) - See Statewide
(Hw) - See Statewide
CHEATHAM COUNTY
Decision #AQ-4061 (R)
39 FR 3426 - 1/25/74
(F) - See Statewide
(Hw) - See Statewide
CHESTER COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (CONT'D.)

CLAIBORNE COUNTY
(F) - See Statewide
(Hw) - See Statewide
CLAY COUNTY
(F) - See Statewide
(Hw) - See Statewide
COCKE COUNTY
(F) - See Statewide
(Hw) - See Statewide
COFFEE COUNTY
(F) - See Statewide
(Hw) - See Statewide
CROCKETT COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
CUMBERLAND COUNTY
(F) - See Statewide
(Hw) - See Statewide
DAVIDSON COUNTY
Decision #AQ-4098 (B)
39 FR 13502 - 4/12/74
Mod. #1 - 39 FR 20296 - 6/7/74
Mod. #2 - 39 FR 24786 - 7/5/74
Mod. #3 - 39 FR 25788 - 7/12/74
Mod. #4 - 39 FR 28013 - 8/2/74
(R) - See Cheatham County
(F) - See Statewide
(Hw) - See Statewide
DECATUR COUNTY
(F) - See Statewide
(Hw) - See Statewide
DEKALB COUNTY
(F) - See Statewide
(Hw) - See Statewide
DICKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #AQ-4073 (B)
39 FR 5947 - 2/15/74
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FAYETTE COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
(B) - See Dyer County
GILES COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (Cont'd)

GRAINGER COUNTY
(F) - See Statewide
(Hw) - See Statewide
GREENE COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRUNDY COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMBLEN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMILTON COUNTY
Decision #AQ-4118 (B,H)
39 FR 19424 - 5/31/74
Mod. #1 - 39 FR 25789 - 7/12/74
MOd. #2 - 39 FR 26564 - 7/19/74
Mod. #3 - 39 FR 27395 - 7/26/74
(F) - See Statewide
(Hw) - See Statewide
HANCOCK COUNTY
(F) - See Statewide
(Hw) - See Statewide
HARDEMAN COUNTY
(D) - See Carroll County
(Hw) - See Statewide
(F) - See Statewide
HARDIN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAWKINS COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAYWOOD COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
HENDERSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
HENRY COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
HICKMAN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HOUSTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
HUMPHREYS COUNTY
(F) - See Statewide
(Hw) - See Statewide
JACKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
KICKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
JOHNSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
KNOX COUNTY
Decision #AQ-4119 (B)
39 FR 19427 - 5/31/74
Mod. #1 - 39 FR 24786 - 7/5/74
Mod. #2 - 39 FR 25788 - 7/12/74
Mod. #3 - 39 FR 26564 - 7/19/74
Mod. #4 - 39 FR 27395 - 7/26/74
Decision #AQ-4051 (F)
39 FR 2321 - 1/18/74
(F) - See Statewide
(Hw) - See Statewide
LAKE COUNTY
Decision #AQ-4074 (B)
39 FR 5947 - 2/15/74
(F) - See Statewide
(Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Carroll County
(F) - See Statewise
(Hw) - See Statewide
LAWRENCE COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F) - See Statewide
(Hw) - See Statewide
LINCOLN COUNTY
(F) - See Statewide
(Hw) - See Statewide
LOUDON COUNTY
(F) - See Statewide
(Hw) - See Statewide
MC MINN COUNTY
(F) - See Statewide
(Hw) - See Statewide
MC NAIRY COUNTY
(F) - See Statewide
(Hw) - See Statewide
MACON COUNTY
(F) - See Statewide
(Hw) - See Statewide
MADISON, COUNTY
Decision #AQ-4094 (B)
39 FR 10997 - 3/22/74
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F) - See Statewide
(Hw) - Statewide
MONROE COUNTY
(F) - See Statewide
(Hw) - See Statewide
MONTGOMERY COUNTY
(F) - See Statewide
(Hw) - See Statewide
MOORE COUNTY
(F) - See Statewide
(Hw) - See Statewide
MORGAN COUNTY
(F) - See Statewide
(Hw) - See Statewide
OBION COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
OVERTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
PENTRESS COUNTY
(F) - See Statewide
(Hw) - See Statewide
PERRY COUNTY
(F) - See Statewide
(Hw) - See Statewide
PICKETT COUNTY
(F) - See Statewide
(Hw) - See Statewide
POLK COUNTY
(F) - See Statewide
(Hw) - See Statewide
PUTNAM COUNTY
(F) - See Statewide
(Hw) - See Statewide
RHEA COUNTY
(F) - See Statewide
(Hw) - See Statewide
ROANE COUNTY
(B) - See Anderson County
(F) - See Statewide
(Hw) - See Statewide
ROBERTSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #AQ-4114 (B)
39 FR 16980 - 5/10/74
Mod. #1 - 39 FR 28013 - 8/2/74
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEQUATCHIE COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEVIER COUNTY
(F) - See Statewide
(Hw) - See Statewide
SHELBY COUNTY
Decision #AR-4010 (B,H, & Utility)
39 FR 25921 - 7/12/74
Mod. #1 - 39 FR 27395 - 7/26/74
Mod. #2 - 39 FR 28013 - 8/2/74
Decision #AP-152 (R)
38 FR 4176 - 2/9/73
(D) - See Carroll County
(Hw) - See Statewide
SMITH COUNTY
(F) - See Statewide
(Hw) - See Statewide
STEWART COUNTY
(F) - See Statewide
(Hw) - See Statewide
SULLIVAN COUNTY
Decision #AM-8623 (B)
37 FR 12013 - 6/16/72
Mod. #1 - 37 FR 23065 - 10/27/72
Mod. #2 - 39 FR 11815 - 3/29/74
Mod. #3 - 39 FR 17655 - 5/17/74
Decision #AQ-4128 (R)
39 FR 24198 - 6/28/74
(F) - See Statewide
(Hw) - See Statewide
SUMNER COUNTY
(Hw) - See Statewide
(F) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
TROUSDALE COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (cont'd)

UNICOI COUNTY
(F) - See Statewide
(Hw) - See Statewide
UNION COUNTY
(F) - See Statewide
(Hw) - See Statewide
VAN BUREN COUNTY
(F) - See Statewide
(Hw) - See Statewide
WARREN COUNTY
(F) - See Statewide
(Hw) - See Statewide
WASHINGTON COUNTY
Decision #AP-100 (B)
37 FR 13419 - 7/7/72
Mod. #1 - 37 FR 17316 - 8/25/72
Mod. #2 - 37 FR 22708 - 10/20/72
(R) - See Sullivan County
(F) - See Statewide
(Hw) - See Statewide
WAYNE COUNTY
(F) - See Statewide
(Hw) - See Statewide
WEAKLEY COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
WHITE COUNTY
(F) - See Statewide
(Hw) - See Statewide
WILLIAMSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(R) - See Cheatham County
(Hw) - See Statewide

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #AQ-118 (Streets, Highways, Runways, Water & Sewer Lines, Floadwater, Retarding Structures, Incidental Shore Work & Paving & Incidental to General Building Conatruction)
39 FR 22401 - 6/21/74
Mod. #1 - 39 FR 14857 - 4/26/74
Mod. #2 - 39 FR 15611 - 5/3/74
ANDERSON COUNTY
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #AR-10 (B)
39 FR 27412 - 7/26/74
(H,Hw) - See Statewide
Decision #AQ-121 (R)
39 FR 24199 - 6/28/74
Mod. #1 - 39 FR 27396 - 7/26/74
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #AP-352 (R)
37 FR 21786 - 10/13/72
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #AQ-97 (B)
39 FR 16981 - 5/10/74
Mod. #1 - 39 FR 20299 - 6/7/74
Mod. #2 - 39 FR 24180 - 6/28/74
Mod. #3 - 39 FR 25790 - 7/12/74
Mod. #4 - 39 FR 27396 - 7/26/74

TEXAS (Cont'd)

BEXAR COUNTY
Decision #AQ-74 (B)
39 FR 4382 - 2/1/74
Mod. #1 - 39 FR 12591 - 4/5/74
Mod. #2 - 39 FR 24180 - 6/28/74
Mod. #3 - 39 FR 25789 - 7/12/74
(H,Hw) - See Statewide
Decision #AQ-122 (R)
39 FR 24201 - 6/28/74
BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AM-7488 (R)
36 FR 21737 - 11/12/71
Mod. #1 - 37 FR 10695 - 5/26/72
(D) - See Aransas County
BRAZOS COUNTY
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,Hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide
CAMERON COUNTY
Decision #AR-8 (B)
39 FR 27410 - 7/26/74
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #AR-2 (R)
39 FR 24810 - 7/5/74
Mod. #1 - 39 FR 27397 - 7/26/74
Mod. #2 - 39 FR 28013 - 8/2/74
CAMP COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CARSON COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
CLAY COUNTY
(H,Hw) - See STatewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AR-4 (B-excluding Dallas-Fort Worth Regional Airport)
39 FR 25924 - 7/12/74
Mod. #1 - 39 FR 27397 - 7/26/74
Decision #AQ-87 (R)
39 FR 10106 - 3/15/74
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See Statewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
COTTLE COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd.)

CRANE COUNTY
(H,Hw) - See Statewide
Decision #AP-347 (R)
37 FR 20499 - 9/29/72
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(H,Hw) - See Statewide
DENTON COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
(H,Hw) - See Statewide
DONLEY COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #AR-5 (B)
39 FR 25928 - 7/17/74
(H,Hw) - See Statewide
ERATH COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FREESTONE COUNTY
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
Decision #AQ-106 (B)
39 FR 17084 - 5/10/74
Mod. #1 - 39 FR 20922 - 6/14/74
Mod. #2 - 39 FR 24182 - 6/28/74
Mod. #3 - 39 FR 27396 - 7/26/74
Mod. #4 - 39 FR 28013 - 8/2/74
Decision #AP-348 (R)
37 FR 20501 - 9/29/72
(D) - See Aransas County
(H,Hw) - See Statewide
GARZA COUNTY
(R) - See BAiley County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R&B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #AQ-112 (B)
39 FR 22360 - 6/21/74
(H,Hw) - See Statewide

TEXAS (Cont'd)

GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See BAiley County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R&B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HARTLEY COUNTY
(R&B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R&B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(H,Hw) - See Statewide
HIDALGO COUNTY
(P&B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See BAiley County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #AP-301 (R)
37 FR 15232 - 7/28/72
Mod. #1 - 37 FR 20395 - 9/29/72
(H,Hw) - See Statewide

TEXAS (Cont'd)

HOPKINS COUNTY
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AQ-105 (B,R)
39 FR 17082 - 5/10/74
Mod. #1 - 39 FR 20299 - 6/7/74
Mod. #2 - 39 FR 20922 - 6/14/74
(Hw) - See Statewide
(D) - See Aransas County
JIM HOGG COUNTY
(H,Hw) - See Statewide
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(R&B) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
Decision #AQ-98 (B)
39 FR 17080 - 5/10/74
Mod. #1 - 39 FR 24182 - 6/28/74
Mod. #2 - 39 FR 25790 - 7/12/74
Mod. #3 - 39 FR 27396 - 7/26/74
(D) - See Aransas County
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See BAiley County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #AR-9 (B)
39 FR 27411 - 7/26/74
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(H,Hw) - See Statewide

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XUM

TEXAS (Cont'd)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Kleberg County
(D) - See Aransas County
(H,Hw) - See Statewide
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See STatewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AQ-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(H,Hw) - See Statewide
TOM GREEN COUNTY
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #AR-7 (B)
39 FR 27409 - 7/26/74
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See STatewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County

TEXAS (Cont'd)

WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
Decision #AQ-113 (B)
39 FR 22361 - 6/21/74
(H,Hw) - See STatewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #AQ-114 (R)
39 FR 22362 - 6/21/74
Decision #AQ-115 (B)
39 FR 22364 - 6/21/74
Mod. #1 - 39 FR 27396 - 7/26/74
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(H,Hw) - See Statewide
ZAVALA COUNTY
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #AQ-1101 (B,H,Hw)
39 FR 15679 - 5/3/74
Mod. #1 - 39 FR 24182 - 6/28/74
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE OCUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UNITAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #AQ-3184 (Hw)
39 FR 24203 - 6/28/74
Mod. #1 - 39 FR 27397 - 7/26/74
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
ALBERMARLE COUNTY
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
ALEXANDRIA CITY
Decision #AQ-2111 (B)
39 FR 15641 - 5/3/74
Mod. #1 - 39 FR 17658 - 5/17/74
Mod. #2 - 39 FR 19140 - 5/31/74
Mod. #3 - 39 FR 22374 - 6/21/74
Mod. #4 - 39 FR 24787 - 7/5/74
Mod. #5 - 39 FR 26565 - 7/19/74
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
ALLEGHENY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
AMELIA COUNTY
Decision #AQ-2108 (Hw)
39 FR 15686 - 5/3/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 32259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
AGUSTA COUNTY
Decision #AM-9320 (R)
37 FR 10267 - 5/19/72
(Hw) - See Allegheny County
BATH COUNTY
(Hw) - See Allegheny County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
BOTETOURT COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA COUNTY
(Hw) - See Allegheny County
CAMPBELL COUNTY
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #AQ-2109 (B)
39 FR 15687 - 5/3/74
Mod. #1 - 39 FR 24185 - 6/28/74
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARK COUNTY
Decision #AP-406 (R)
37 FR 15234 - 7/28/72
(Hw) - See Allegheny County
CLIFTON FORGE CITY
(Hw) - See Allegheny County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Allegheny County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
(R) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
(R) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Accomack County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Allegheny County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bland County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albermarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #AQ-2103 (R)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Allegheny County
HENRICO COUNTY
Decision #AQ-2024 (B)
38 FR 29195 - 10/19/73
Mod. #1 - 38 FR 35143 - 12/21/73
Mod. #2 - 38 FR 35572 - 12/28/73
Mod. #3 - 39 FR 3373 - 1/25/74
Mod. #4 - 39 FR 15611 - 5/3/74
Mod. #5 - 39 FR 24184 - 6/28/74
(Hw) - See Amelia County

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Allegheny County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
JAMES CITY COUNTY
Decision #AP-407 (R)
37 FR 15235 - 7/28/72
(Hw) - See Accomack County
(D) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albermarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Alemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton County
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albemarle County

NOTICES

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Allegheny County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albermarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
(Hw) - See Bedford County
RAPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Allegheny County
ROCKINGHAM COUNTY
(R) - See Clarke County
(Hw) - See Allegheny County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Allegheny County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Allegheny County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
Decision #AM-9321 (R)
37 FR 10266 - 5/19/72
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(R) - See Clarke County
(Hw) - See Allegheny County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY.
(Hw) - See Allegheny County
WESTMORELAND COUNTY
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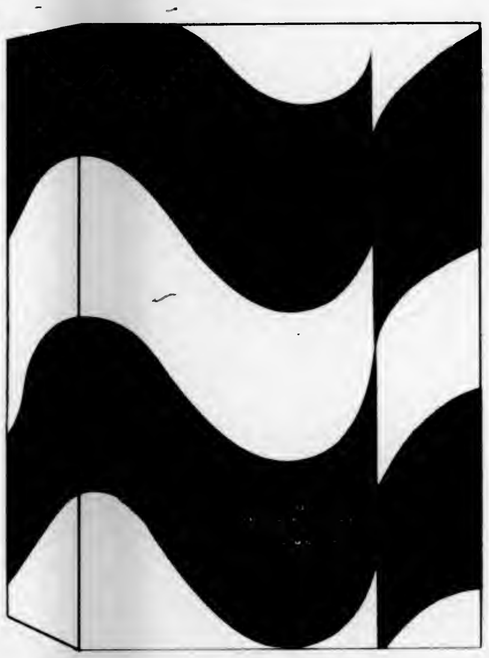
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MONDAY, SEPTEMBER 9, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 175

Pages 32537–32600

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

REVISION OF APPEALS SYSTEM

Substantial changes are made in Parts 532, 713, 731, 752, 771, 772 of Title 5 of the Code of Federal Regulations to reflect the elimination of agency appeals systems and to reflect the reorganization of the appellate structure in the Commission. Specifically, Part 532 is revised to reflect new terminology and procedures for appeals of changes to lower grade; Part 713 is revised to provide for temporary restoration of an appellant pending the outcome of a request to reopen and reconsider a final decision; Part 731 is revised by adding Subpart D to provide an appellate procedure for applicants disqualified, or employees removed, under this part of the regulations; Part 752 is revised to require that the decision on an adverse action be made at a higher level than the individual who proposed the adverse action, and to reflect the finality of the Commission decision and the requirement for agency compliance; Part 771 is revised to delete the provisions for administrative (agency) appeals from adverse actions and to make certain technical changes required by this deletion; and Part 772 is revised to reflect the change in the Commission's organizational structure for handling appeals from adverse actions, including the finality of the appellate decision and the criteria for reopening by the Appeals Review Board. Parts 294, 300, 315, 330, 351, 352, 353, 531, 831, 870, 871, 890, and 891 are revised to reflect the right of appeal therefrom to the new Federal Employee Appeals Authority or to the Appeals Review Board as appropriate.

PART 294—AVAILABILITY OF OFFICIAL INFORMATION

§ 294.105 [Amended]

(1) Section 294.105(a) under "Subject Matter" where it says "Appeals" the "Bureau or Staff Office" should be listed as "Federal Employee Appeals Authority; where it says "Official Personnel Folder" the "Bureau or Staff Office" should be listed as "Bureau of Manpower Information Systems"; and the first sentence of § 294.801(a) is amended as set out below.

§ 294.801 Agency administrative appeals.

(a) An appeal file established under an agency administrative appeals system or a complaint file established under § 713.222 of this chapter shall be disclosed to the parties concerned, subject to the proscription against the disclosure of medical information in § 294.401.

• • • • •

(5 U.S.C. 552, 1104, unless otherwise noted)

PART 300—EMPLOYMENT (GENERAL)

§ 300.104 [Amended]

(2) Section 300.104(a)(2) in the fourth line, "Board of Appeals and Review" is changed to "Appeals Review Board".

(5 U.S.C. secs. 3301, 3302, E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218; unless otherwise noted. Secs. 300.101–300.104 also issued under 5 U.S.C. secs. 7151, 7154; E.O. 11478, 3 CFR, 1966–70 Comp. p. 803)

PART 315—CAREER AND CAREER-CONDITIONAL EMPLOYMENT

(3) Section 315.806 is amended by adding a new paragraph (e) and § 315.807 is revised in its entirety as set out below.

§ 315.806 Appeal rights to the Commission.

(e) *Finality of the decision.* The decision of the office of the Commission having appellate jurisdiction is final. However, either party to the appeal may petition the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

§ 315.807 Agency action when Commission recommends restoration or other corrective action.

Compliance with the recommendation for corrective action is mandatory unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218)

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

(4) Section 330.204 is revised in its entirety as set out below.

§ 330.204 Agency action when Commission recommends corrective action.

It is mandatory that the agency take all corrective action recommended in the Commission's decision on an appeal unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218)

PART 351—REDUCTION IN FORCE

(5) Section 351.901 is amended by adding a new paragraph (d) and § 351.902 is revised in its entirety as set out below.

§ 351.901 Initial appeals.

• • • • •

(d) The decision of the office of the Commission having appellate jurisdiction is final. However, either party to the appeal may petition the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

§ 351.902 Agency action when Commission recommends corrective action.

It is mandatory that the agency take all corrective action recommended in the decision of the Commission office having appellate jurisdiction unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(5 U.S.C. 1302, 3502)

PART 352—REEMPLOYMENT RIGHTS

(6) Sections 352.313 and 352.508 are revised in their entirety as set out below.

§ 352.313 Failure to reemploy and right of appeal.

(a) When an agency fails to reemploy an employee within 30 days of his application, it shall notify him in writing of the reasons and of his right to appeal within 15 calendar days to the appellate office of the Federal Employee Appeals Authority, U.S. Civil Service Commission, Washington, D.C. 20415. The Commission may extend this time limit on an appeal on a showing by the employee that he was not notified of the applicable time limit, and was not otherwise aware of the limit, or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

(b) If the agency fails to reach and issue a decision to the employee within 30 days from his application for reemployment, the employee is entitled to appeal the failure of the agency to the Commission within a reasonable time thereafter.

(c) An appeal alleging that the agency has failed to comply with any of the other provisions of sections 3343 and 3581–3584 of title 5, United States Code, or of this part may be submitted to the Commission only within a reasonable time after the alleged violation occurred.

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(d) The decision of the Commission is final unless either party to the appeal petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(e) Compliance with the recommendation of the Commission for corrective action is mandatory unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(f) When an appeal under this subpart is filed properly before the death of an appellant, the Commission shall process it to completion and adjudicate it. The Commission, in recommending corrective action in the decision on such an appeal, may provide for amendment of the agency's records to show retroactive restoration and the appellant's continuance on the rolls in an active duty status to the date of death.

(5 U.S.C. 3584; E.O. 11552, 3 CFR, 1970 Comp.)

§ 352.508 Appeals to the Commission.

(a) *Right to appeal.* (1) If an agency determines that an employee who has applied for reinstatement is not eligible for reinstatement, it shall notify the employee as promptly as possible of its decision, of the basis therefor, and of the employee's appeal rights under this subpart. The employee is entitled to appeal the decision to the Commission within 15 calendar days after he receives notice of the decision.

(2) If an agency fails to reinstate an employee within the time limits specified in § 352.507, the employee is entitled to appeal to the Commission within 15 calendar days after the applicable time limit expires.

(3) If an employee considers that his reinstatement is not in accordance with the act and this subpart, he is entitled to appeal to the Commission within 15 calendar days after his reinstatement becomes effective.

(b) *Where appeals are filed.* Appeals under this part are to be filed with the appellate office of the Federal Employee Appeals Authority, U.S. Civil Service Commission, Washington, DC 20415.

(c) *Finality of the appeal decision.* The decision of the Commission is final unless either party to the appeal petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(d) *Agency action when the Commission recommends corrective action.* Compliance with the recommendation of the Commission for corrective action is mandatory unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(e) *General provisions governing appeals*—(1) *Delayed appeals.* The Commission may extend the time limits in paragraphs (a) and (d) of this section on a showing by the appellant that he was not notified of the applicable time limit, or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

(2) *Appeal decisions.* The Commission shall submit its decision on an appeal in writing to each appellant and to each agency concerned. An appeal decision may order that the reinstatement of an appellant be made retroactive to the date on which the applicable time limit specified in § 352.507 expired.

(3) *Cancellation of appeals.* The Commission shall cancel an appeal and the appellant and his agency will be so notified, on receipt of the appellant's written request for cancellation or upon failure of the appellant to furnish information requested by the Commission.

(4) *Death of appellant.* When an appeal under this subpart is filed properly before the death of an appellant, the Commission shall process it to completion and adjudicate it. The Commission, in recommending corrective action in the decision on such an appeal, may provide for amendment of the agency's records to show retroactive restoration and the appellant's continuance on the rolls in an active duty status to the date of death.

(Sec. 625, 75 Stat. 449; 22 U.S.C. 2385; E.O. 10973, 3 CFR 1959–1963 Comp., p. 493)

PART 353—RESTORATION AFTER MILITARY DUTY

(7) Subpart G of Part 353 is revised in its entirety as set out below.

Subpart G—Appeals to the Commission

Sec.
353.701 Appeals to the Commission.
353.702 Where appeals are filed.
353.703 Finality of appeal decision.
353.704 Agency action when the Commission recommends corrective action.
353.705 General provisions governing appeals.

AUTHORITY: Sec. 9, 62 Stat. 614, as amended (50 U.S.C. App. 459).

Subpart G—Appeals to the Commission

§ 353.701 Appeals to the Commission.

(a) *Executive branch and District of Columbia employees.* (1) An employee who left an agency with right to restoration under section 9(b) or section 9(g) (1), (2), (3) of the act may appeal to the Commission in furtherance of this right, as follows:

(i) *Failure of restoration.* If the agency concerned fails to restore an employee within 30 days after receipt of his application for restoration, filed in accordance with the Act, he may appeal to the Commission not later than 15 calendar days after the 30-day period has expired.

(ii) *Not feasible to restore.* If the agency concerned decides that it is not feasible to restore an employee, he may appeal this decision to the Commission not later than 15 calendar days after receipt of notice from the agency.

(iii) *Refusal of restoration.* If the agency concerned refuses to restore an employee, he may appeal to the Commission not later than 15 calendar days after receipt of notice from the agency.

(iv) *Improper restoration.* If an employee considers that he has been improperly restored, he may appeal to the Commission not later than 15 calendar days after his restoration.

(v) *Former agency abolished.* If the agency in which an employee was employed when he left for military duty is abolished and its functions are not transferred to another agency, the employee may appeal to the Commission not later than 15 calendar days after expiration of the period specified in the Act for applying for restoration.

(2) An employee who left a position in an agency with right to return to his position under section 9(g)(4) or section 9(g)(5) of the Act may appeal to the Commission in furtherance of his right to return to work in accordance with the provisions of section 9(g)(4) or section 9(g)(5) of the Act and this part.

(b) *Legislative employees.* An employee of the legislative branch who is entitled to appeal to the Commission under section 9(e)(2) of the Act may appeal not later than 15 calendar days after expiration of the period specified in the Act for applying for restoration.

§ 353.702 Where appeals are filed.

Appeals under this subpart are to be filed with the office of the Commission having appellate jurisdiction.

§ 353.703 Finality of appeal decision.

The decision of the office of the Commission having appellate jurisdiction is final. However, either party to the appeal may petition the Appeals Review Board to reopen and reconsider the decision under § 72.310 of this chapter.

§ 353.704 Agency action when the Commission recommends corrective action.

Compliance with the recommendation of the Commission for corrective action is mandatory unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

§ 353.705 General provisions governing appeals.

(a) *Delayed appeals.* The Commission may extend the time limits in §§ 353.701 and 353.704 when the appellant shows that he was not notified of these limits, and was not otherwise aware of them, or that circumstances beyond his control prevented him from filing an appeal within the prescribed limits.

(b) *Ascertainment of facts.* Each appellant shall submit in writing all facts that he considers pertinent to his appeal. The Commission may also conduct such appropriate investigations as it considers necessary.

(c) *Notification of appeal decisions.* The Commission shall submit its decision on an appeal in writing to each appellant and to each agency concerned.

(d) *Cancellation of appeals.* The Commission shall cancel an appeal, and the appellant and the agency concerned will be so notified on receipt of the appellant's written request for cancellation, or on failure of the appellant to furnish information requested by the Commission.

(e) *Death of appellant.* When an appeal under this subpart is filed properly before the death of an appellant, the Commission shall process it to completion and adjudicate it. The Commission, in recommending corrective action in the decision on such an appeal, may provide for amendment of the agency's records to show retroactive restoration and the appellant's continuance on the rolls in an active duty status to the date of death.

PART 531—PAY UNDER THE GENERAL SCHEDULE

(8) Section 531.407(e) is amended as set out below.

§ 531.407 Work of an acceptable level of competence.

* * * * *

(e) *Appeal to the Commission.* (1) an employee may appeal to the Commission the decision by his agency sustaining the negative determination by writing to the office of the Commission having appellate jurisdiction not later than 15 calendar days after his receipt of the decision. The office of the Commission having appellate jurisdiction may extend this time limit when it finds that the employee—

(i) Was not notified of the time limit and was not otherwise aware of it, or

(ii) Was prevented by circumstances beyond his control from appealing within the time limit.

(2) The office of the Commission having appellate jurisdiction shall make its decision on the record established in the reconsideration proceedings in the agency.

(3) The decision of the office of the Commission having appellate jurisdiction is final. However, either party to the appeal may petition the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(4) It is mandatory that the agency take all corrective action recommended in the decision of the Commission office having appellate jurisdiction unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(5) Section 531.517 (c), (d), (e) and (f) are amended as set out below.

§ 531.517 Appeals to the Commission.

* * * * *

(c) *Time limit*—(1) *General.* An employee may submit an appeal to the office of the Commission having appellate jurisdiction at any time after his receipt of a decision to deny or terminate salary retention but not later than 15 calendar days after his demotion or reassignment has been effected.

(2) *Exceptions.* The office of the Commission having appellate jurisdiction may extend the time limits in this paragraph when the employee shows that he was not informed of his right of appeal or of the applicable time limit and was not otherwise aware of that right or that time limit, or that he was prevented by circumstances beyond his control from appealing within the time limit.

(d) *How submitted.* The appeal shall be in writing and shall set forth the employee's reasons why he considers the agency's decision erroneous, with such offer of proof and evidence as he is able to submit.

(e) *Finality of the decision.* The decision of the office of the Commission having appellate jurisdiction is final. However, either party to the appeal may petition the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(f) *Agency action when Commission recommends corrective action.* It is mandatory that the agency take all corrective action recommended in the decision of the Commission office having appellate jurisdiction unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(5 U.S.C. 5115, 5338)

PART 532—PAY UNDER PREVAILING RATE SYSTEMS

(10) Section 532.702 is revised in its entirety as set out below:

§ 532.702 Agency responsibility.

(a) Each agency shall establish a system for processing an application by an employee for a review of the correctness of the classification of his position (referred to in this subpart as an application), including the title or series when appropriate.

(b) In establishing the system required by this section, an agency, as a minimum, shall provide that:

(1) The provisions of the system shall be published and its employees shall be informed where a published copy is available for review.

(2) An application shall be in writing and contain the reasons the employee believes his position is erroneously classified.

(3) An application may be filed at any time. However, when a classification action results in a change to lower grade, in order to be entitled to retroactive corrective action:

(i) An employee covered by Subpart B of Part 752 of this chapter must appeal the change to lower grade under the provisions of § 752.203 of this chapter. An appeal under Subpart B of Part 752 of this chapter precludes the employee from filing an application under this section; or

(ii) An employee not covered by Subpart B of Part 752 of this chapter must request review under the provisions of this subpart within 15 calendar days of the effective date of the change to lower grade.

(4) An employee may select a representative of his own choosing and the employee (and his representative when the representative is also employed by the agency) shall be granted a reasonable time in presenting his application, and shall be assured freedom from restraint, interference, coercion, or reprisal in presenting his application. An employee's representative does not have a right to be present during a desk audit conducted by the Commission.

(5) The application shall be processed and decided promptly, with a provision that when a decision has not been issued within 60 days of the date the employee filed the application, he may request the next higher level in the agency with classification authority to assume jurisdiction of his application and the next higher level will promptly process and decide it.

(6) An employee shall promptly furnish such facts as may be requested by the agency.

(7) An application shall be canceled and the employee so notified in the following circumstances:

(i) On receipt of a written request by an employee;

(ii) On failure to prosecute when an employee does not furnish requested information and duly proceed with the advancement of his application; however, instead of cancellation for failure to prosecute, the application may be adjudicated if the information is sufficient for that purpose; or

(iii) On notice that an employee has left the position, except when he would be entitled to retroactive benefits including benefits allowable after the death of an employee.

(8) No more than one level of review may be established within an agency before a final decision may be issued, and that level of review, when possible, must be above the level of classification authority which classified the position.

(9) When an employee not subject to Subpart B of Part 752 of this chapter requests a review of a downgrading or other classification action that resulted in a reduction of pay and the decision of an agency reverses in whole or in part the downgrading or other classification action, the effective date of that decision shall be retroactive to the effective date of the action being reviewed when the initial application to the agency was submitted not later than 15 calendar days after the effective date of the action taken as a result of the classification decision. However, when the agency decision raises the grade or level of the position above its grade or level immediately preceding the downgrading, retroactivity will apply only to the extent of restoration to the grade or level immediately preceding the downgrading.

(10) The right of a retroactive effective date is preserved when an agency finds that an employee was not notified of the applicable time limit for review and was not otherwise aware of the limit, or that circumstances beyond his control prevented him from filing his application within the prescribed time limit.

(11) The effective date of a change in the classification of a position shall be specified in the agency decision and, unless otherwise required by this subpart, may not be earlier than the date of the decision but in no case may it be later than the beginning of the first pay period which begins after the 60th day from the date the application was filed. However, when the agency decision will result in a downgrading or other classification action that will reduce the pay

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of the incumbent of the position, the effective date may not be earlier than the time required to effect the decision in accordance with procedures required by applicable law and regulation.

(12) When an application has been properly filed before the death of an employee and a favorable decision would entitle the employee to retroactive corrective action, it shall be processed to completion after his death and any appropriate corrective action made by amendment of the records of the agency.

(13) The decision on an application shall (i) be based on the record, (ii) be in writing, (iii) inform the employee either in the decision or as an attachment to the decision of the reasons for the decision, including an analysis of the classification of the position (i.e., a comparison of the position with the standard appropriate to the position), and (iv) inform the employee of his right to appeal the decision to the Commission and of the time limits within which the appeal must be filed.

(c) The agency is responsible for compiling and maintaining a classification review file which shall constitute the record and which shall not contain any document or information which the employee has not been given an opportunity to review.

(5 U.S.C. 5345)

PART 713—EQUAL OPPORTUNITY

(11) Sections 713.219, 713.232, 713.233, 713.234, and 713.235 are revised as set out below.

§ 713.219 Relationship to other agency appellate procedures.

When an employee makes a written allegation of discrimination on grounds of race, color, religion, sex, or national origin, in connection with an action that would otherwise be processed under a grievance or other system of the agency, the allegation of discrimination shall be processed under this part.

§ 713.232 Where to appeal.

The complainant shall file his appeal in writing, either personally or by mail, with the Appeals Review Board, U.S. Civil Service Commission, Washington, D.C. 20415.

§ 713.233 Time limit.

(a) Except as provided in paragraph (b) of this section, a complainant may file an appeal at any time after receipt of his agency's notice of final decision on his complaint but not later than 15 calendar days after receipt of that notice.

(b) The time limit in paragraph (a) of this section may be extended in the discretion of the Appeals Review Board, upon a showing by the complainant that he was not notified of the prescribed time limit and was not otherwise aware of it or that circumstances beyond his control prevented him from filing an appeal within the prescribed time limit.

§ 713.234 Appellate procedures.

The Appeals Review Board shall review the complaint file and all relevant written representations made to the board. The board may remand a complaint to the agency for further investigation or a rehearing if it considers that action necessary or have additional investigation conducted by Commission personnel. This subpart applies to any further investigation or rehearing resulting from a remand from the board. There is no right to a hearing before the board. The board shall issue a written decision setting forth its reasons for the decision and shall send copies thereof to the complainant, his designated representative, and the agency. When corrective action is ordered, the agency shall report promptly to the board that the corrective action has been taken. The decision of the board is final, but shall contain a notice of the right to file a civil action in accordance with § 713.282.

§ 713.235 Review by the Commissioners.

(a) The Commissioners may, in their discretion, reopen and reconsider any previous decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(1) New and material evidence is available that was not readily available when the previous decision was issued;

(2) The previous decision involves an erroneous interpretation of law or regulation or misapplication of established policy; or

(3) The previous decision is of a precedential nature involving a new or unreviewed policy consideration that may have effects beyond the actual case at hand, or is otherwise of such an exceptional nature as to merit the personal attention of the Commissioners.

(b) When an agency gives notice of intent to request reopening within the time specified in the decision of the Appeals Review Board for the agency report of corrective action, the agency may not effect the corrective action recommended by the Board except as provided in this paragraph. When the agency gives notice of intent to request reopening, and when the appeal involves removal, separation, or suspension continuing beyond the date of the request for reopening, and when the Board decision recommends retroactive restoration, the agency shall comply with the Board decision only to the extent of the temporary or conditional restoration of the employee to duty status in the position recommended by the Board pending the outcome of the agency request for reopening. The agency shall notify the Board and the employee in writing that the corrective action it takes is temporary or conditional at the same time it gives notice of intent to request reopening. When the agency does not give notice of intent to request reopening within the time specified in the Board decision for the agency report of corrective action, or when, after giving notice of intent to request reopening, the agency does not file a request for reopening within 30 days from the date of the Board decision, or when a request to reopen is denied, the agency shall effect the corrective action recommended by the Board, and there is no further right by the agency to request reopening.

However, service under the temporary or conditional restoration provisions of this paragraph may not be credited toward the completion of a probationary or trial period, eligibility for a within-grade increase, or the completion of the service requirement for career tenure.

(5 U.S.C. 1301, 3301, 3302, 7151–7154, 7301; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218; E.O. 11222, 3 CFR, 1964–1965 Comp., p. 306; E.O. 11478, 3 CFR, 1969 Comp., p. 133)

PART 731—SUITABILITY

(12) Section 731.302 and Subpart D are revised in their entirety and a new Subpart E is added as set out below.

§ 731.302 Actions against employees by the Commission.

(a) For a period of 1 year after the effective date of an appointment subject to investigation under § 731.301, the Commission may instruct an agency to remove an appointee when it finds that he is not qualified or is unsuitable for any of the reasons cited in § 731.201. Part 754 of this chapter does not apply to this action.

(b) Thereafter, the Commission may require the removal of an employee on the basis of intentional false statement or deception or fraud in examination or appointment. Part 754 of this chapter applies to this action.

(c) An action to remove an appointee or employee taken pursuant to an instruction by the Commission is not subject to Part 752 of this chapter. Part 752 of this chapter applies when removal or other disciplinary action covered by that part is initiated by an agency.

(d) When the Commission instructs an agency to remove an appointee under this part it shall notify the agency and the appointee of its decision in writing, giving reasons for the decision, and informing the agency and the appointee of the right to appeal to the appropriate office of the Commission as provided in § 731.401(b).

Subpart D—Appeal to the Commission's Federal Employee Appeals Authority

Sec.
731.401 Right to appeal.
731.402 Compliance with the decision.

Subpart E—Reemployment Eligibility

731.501 Reemployment eligibility of certain former Federal employees.

AUTHORITY: 5 U.S.C. 3301, 3302, 7301; E.O. 10577, 3 CFR 1954–1958 Comp. p. 218; E.O. 11222, 3 CFR, 1964–1965 Comp. p. 306.

Subpart D—Appeal to the Commission's Federal Employee Appeals Authority

§ 731.401 Right to appeal.

Right of appeal to the Commission's Federal Employee Appeals Authority (hereinafter referred to as the Appeals Authority).

(a) Any applicant or eligible who is disqualified from examination or appointment by the Commission for any reason named in § 731.201 may appeal to the appropriate office of the Appeals Authority within 15 calendar days after receipt of the Commission's notice of disqualification.

(b) An appointee who is disqualified by the Commission for any reason named in § 731.201 or his employing agency may appeal to the Appeals Authority at any time before the effective date of the removal action the Commission instructed the agency to take.

(1) An appointee who appeals a removal directed by the Commission shall notify the agency of his appeal prior to the effective date of the action.

(2) When the Commission has instructed the agency to remove an appointee and either the agency or the appointee appeals, the agency shall suspend the appointee effective the day following the date on which the removal was to have been effected pending adjudication of the appeal unless the agency desires to retain the appointee in an active duty status for that period, in which event the agency shall so notify the appointee. Part 752 of this chapter does not apply to the suspension.

(c) The decision of the Appeals Authority is final unless the applicant, appointee, or agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

§ 731.402 Compliance with the decision of the Appeals Authority.

(a) Compliance with the decision of the Appeals Authority directing the agency to remove an appointee under this part is mandatory unless a petition to reopen the decision is filed with the board under § 772.310 of this chapter. When a petition to reopen is filed the recommended action will be held in abeyance pending decision of the board.

(b) An agency may not request the board to reopen and reconsider a decision of an appeals officer when that decision reverses an original decision of the Commission disqualifying an appointee under this part.

Subpart E—Reemployment Eligibility

§ 731.501 Reemployment eligibility of certain former Federal employees.

(a) *Request for suitability determination.* When an employee has been removed by an agency on charges (other than security or loyalty) or has resigned on learning the agency planned to prefer charges, or while charges were pending, the former employee may request the Commission to determine his eligibility for further employment in the competitive service, insofar as his suitability and fitness are concerned. The Commission shall consider the request only if the former employee:

(1) Has completed any required probationary period;

(2) Has basic eligibility for reinstatement; and

(3) Includes a sworn statement with the request which sets forth fully and in detail the facts surrounding his removal or resignation.

(b) *Action by Commission.* (1) After appropriate consideration, including such investigation as the Commission considers necessary, the Commission shall inform the former employee whether it has found him suitable for further employment in the competitive service.

(2) If the former employee is found unsuitable and has had an opportunity to comment on the reasons for this finding, or has furnished his comments to the Commission, it may cancel his reinstatement eligibility if that eligibility resulted from his last Federal employment and was obtained through fraud. In addition, the Commission may prescribe a period of debarment from the competitive service not to exceed three years.

PART 752—ADVERSE ACTIONS BY AGENCIES

(13) Sections 752.102, 752.104 and 752.105 are revised in their entirety as set out below.

§ 752.102 Definitions.

In this part: Days mean calendar days and not workdays.

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§ 752.104 General standards.

(a) An agency may not take an adverse action against an employee covered by this part except for such cause as will promote the efficiency of the service. Among the reasons that constitute "such cause as will promote the efficiency of the service" for this purpose are the reasons for disqualification of an applicant listed in § 731.201(b)—(g) of this chapter. These reasons may be based on pre-appointment factors as well as on post-appointment factors.

(b) Except when required by statute, an agency may not take an adverse action against an employee covered by this part because of marital status or for partisan political reasons.

§ 752.105 Agency records.

Each agency shall make a part of its records, copies of the notice of proposed adverse action, the material relied on by the agency to support the reasons in that notice, any answer made by the employee and the notice of decision.

(5 U.S.C. 1302, 3301, 3302, 7701; E.O. 10577, 3 CFR, 1954–58 Comp. p. 218; E.O. 11491, 3 CFR 1966–70 Comp. p. 861.)

(14) Part 752, Subpart B is revised in its entirety as set out below.

Subpart B—Removal, Suspension for More Than 30 Days, Furlough Without Pay, and Reduction in Rank or Pay

Sec.
752.201 Coverage.
752.202 Procedures.
752.203 Right of appeal to the Commission.

AUTHORITY: 5 U.S.C. 1302, 3301, 3302, 7701; E.O. 10577, 3 CFR, 1954–1958 Comp. p. 218; E.O. 11491, 3 CFR, 1966–70 Comp. p. 861.

§ 752.201 Coverage.

(a) *Employees covered.* This subpart applies to:

(1) (i) Any career, career-conditional overseas limited, indefinite, or term employee, or any employee serving under a career executive assignment, in a competitive position who is not serving a probationary or trial period and (ii) any employee serving in a competitive position who has completed 1 year of current continuous employment except one serving under a temporary appointment with a definite time limitation or a limited executive assignment;

(2) Any employee having a competitive status who occupies a position in Schedule B of Part 213 of this chapter under a nontemporary appointment; and

(3) Any preference eligible employee who has completed 1 year of current continuous employment in a position outside the competitive service.

(b) *Adverse actions covered.* This subpart applies to:

(1) Removal;

(2) Suspension for more than 30 days;

(3) Furlough without pay; and

(4) Reduction in rank or pay, including that taken at the election of the agency after a position classification decision by the Commission.

(c) *Exclusions.* This subpart does not apply to an employee or adverse action excluded by § 752.103.

§ 752.202 Procedures.

(a) *Notice of proposed adverse action.* (1) Except as provided in paragraph (c) of this section, an employee against whom adverse action is sought is entitled to at least 30 full days' advance written notice stating any and all reasons, specifically and in detail, for the proposed action.

(2) Subject to the provisions of subparagraph (3) of this paragraph, the material on which the notice is based and which is relied on to support the reasons in that notice, including statements of witnesses, documents, and investigative reports or extracts therefrom, shall be assembled and made available to the employee for his review. The notice shall inform the employee where he may review that material.

(3) Material which cannot be disclosed to the employee, or to his designated physician under § 294.401 of this chapter, may not be used by an agency to support the reasons in the notice.

(b) *Employee's answer.* Except as provided in paragraph (c) of this section, an employee is entitled to a reasonable time for answering a notice of proposed adverse action and for furnishing affi-

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davits in support of his answer. The time to be allowed depends on the facts and circumstances of the case, and shall be sufficient to afford the employee ample opportunity to review the material relied on by the agency to support the reasons in the notice and to prepare an answer and secure affidavits. The agency shall provide the employee a reasonable amount of official time for these purposes if he is otherwise in an active duty status. If the employee answers, the agency shall consider his answer in reaching its decision. The employee is entitled to answer personally, or in writing, or both personally and in writing. The right to answer personally includes the right to answer orally in person by being given a reasonable opportunity to make any representations which the employee believes might sway the final decision on his case, but does not include the right to a trial or formal hearing with examination of witnesses. When the employee requests an opportunity to answer personally, the agency shall make a representative or representatives available to hear his answer. The representative or representatives designated to hear the answer shall be persons who have authority either to make a final decision on the proposed adverse action or to recommend what final decision should be made.

(c) *Exceptions to notice period and opportunity to prepare answer.* (1) Advance written notice and opportunity to answer are not necessary in cases of furlough without pay due to unforeseeable circumstances, such as sudden breakdowns in equipment, acts of God, or emergencies requiring immediate curtailment of activities.

(2) When there is reasonable cause to believe an employee is guilty of a crime for which a sentence of imprisonment can be imposed, the agency is not required to give the employee the full 30 days' advance written notice, but shall give him such less number of days advance notice and opportunity to answer as under the circumstances is reasonable and can be justified.

(d) *Duty status during notice period.* Except as provided in paragraph (e) of this section, an employee against whom adverse action is proposed is entitled to be retained in an active duty status during the notice period. When circumstances are such that the retention of the employee in an active duty status in his position may result in damage to Government property or may be detrimental to the interests of the Government or injurious to the employee, his fellow workers, or the general public, the agency may temporarily assign him to duties in which these conditions will not exist or place him on leave with his consent.

(e) *Suspensions during notice period.* In an emergency case when, because of the circumstances described in paragraph (d) of this section, an employee cannot be kept in an active duty status during the notice period, the agency may suspend him. This suspension is a separate adverse action. An employee whose suspension under this paragraph is proposed is entitled, in connection with the suspension, to the following:

(1) If the suspension is for more than 30 days, to the procedures required by this subpart;

(2) If the suspension is for 30 days or less and the employee is covered under § 752.301, to the procedures required by Subpart C of this part; or

(3) If the suspension is for 30 days or less and the employee is in the excepted service and not covered by § 752.301, to a written notice at least 24 hours in advance of the effective date of the suspension. The agency shall include in the notice of suspension the reasons for not retaining the employee in an active duty status during the notice period. If the employee appeals from the final adverse decision, the Commission reviews the reasons for not retaining him in an active duty status to determine their consonance with the circumstances described in paragraph (d) of this section. The agency may place the employee in a non-duty status with pay for such time, not to exceed 5 days, as is necessary to effect the suspension.

(f) *Notice of adverse decision.* The employee is entitled to notice of the agency's decision at the earliest practicable date. The decision shall be made by a higher level official of the agency, when that exists, than the office who proposed the adverse action. The agency shall deliver the notice of decision to the employee at or before the time the action will be made effective. The notice shall be in writing, be dated, and inform the employee:

(1) Which of the reasons in the notice of proposed adverse action have been found sustained and which have been found not sustained;

(2) Of his right of appeal to the appropriate office of the Commission;

(3) Of the time limit for appealing as provided in section 752.204; and,

(4) Where he may obtain information on how to pursue an appeal.

§ 752.203 Right of appeal to the Commission.

An employee is entitled to appeal to the Commission from an adverse action covered by this subpart. The appeal shall be in writing and shall set forth the employee's reasons for contesting the adverse action, with such offer of proof and pertinent documents as he is able to submit.

(a) *Time limit for appeal.* An employee may submit an appeal at any time after receipt of the notice of adverse decision but not later than 15 days after the adverse action has been effected. The Commission may extend the time limit on an appeal to it when the appellant shows that he was not notified of the time limit and was not otherwise aware of it, or that he was prevented by circumstances beyond his control from appealing within the time limit.

(b) *Finality of the decision.* The decision of the office of the Commission having appellate jurisdiction is final. However, either party to the appeal may petition the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(15) Section 752.304(d) is added as set out below.

§ 752.304 Appeal rights to the Commission.

* * * * *

(d) *Finality of decision.* The decision of the office of the Commission having appellate jurisdiction is final. However, either party to the appeal may petition the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(16) Section 752.401 is revised in its entirety as set out below.

§ 752.401 Agency action when Commission recommends restoration or other corrective action.

It is mandatory that the agency take all corrective action recommended in the decision of the Commission office having appellate jurisdiction unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

(5 U.S.C. 1302, 3301, 3302, 7701; E.O. 10577, 3 CFR, 1954–1958 Comp. p. 218; E.O. 11491, 3 CFR, 1966–70 Comp. p. 861.)

PART 771—EMPLOYEE GRIEVANCE

(17) Part 771 is revised in its entirety as set out below.

Subpart A—General Provisions

Sec.
771.101 Purpose.
771.102 Definitions.

Coverage

771.103 Agency coverage.
771.104 Establishment and publication.
771.105 Presentation of grievance.
771.106 Allegations of unfair labor practices.
771.107 Employee coverage.
771.108 Grievance coverage.

The Grievance

771.109 Right to present grievance.
771.110 Avoidance of delay.
771.111 Cancellation of grievance.

Informal Grievance Procedure

771.112 Establishment of informal procedure.
771.113 Presenting grievance under informal procedure.
771.114 Mandatory use of informal procedure.

Formal Grievance Procedure

771.115 Presenting grievance under formal procedure.
771.116 Processing grievance under formal procedure.

Negotiated Grievance Systems

771.117 Negotiated grievance systems.

Commission Action

771.118 Employee requests for review.
771.119 Review of grievance systems.

AUTHORITY: 5 U.S.C. 1302, 3301, 3302; E.O. 10577, 3 CFR, 1954-1958 Comp., p. 218; E.O. 10987, 3 CFR, 1959-1963 Comp., p. 519.

Subpart A—General Provisions

§ 771.101 Purpose.

This part sets forth the regulations under which each agency shall establish an agency grievance system.

§ 771.102 Definitions.

In this part:

(a) Days mean calendar days.

(b) Employee includes a former employee of an agency.

(c) Examiner means a person utilized by an agency to conduct an inquiry, and, when necessary, hold a hearing on a grievance.

(d) Grievance means a request by an employee, or by a group of employees acting as individuals, for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

Coverage

§ 771.103 Agency coverage.

(a) *Agencies covered.* Except as provided in paragraph (b) of this section, this part applies to the executive agencies and military departments as defined by sections 105 and 102 of title 5, United States Code, and to those portions of the legislative and judicial branches and of the government of the District of Columbia having positions in the competitive service.

(b) *Agencies not covered.* This part does not apply to the Central Intelligence Agency, the National Security Agency, the Federal Bureau of Investigation, the Atomic Energy Commission, the Tennessee Valley Authority, and the U.S. Postal Service.

§ 771.104 Establishment and publication.

(a) Each agency shall establish and administer an agency grievance system in accordance with this part.

(b) In the development of its grievance system, each agency shall give its employees an opportunity to express their views and shall consult or negotiate with recognized labor organizations as required under the form of recognition held.

(c) Each agency shall publish the provisions of its grievance system; make copies available to employees, their representatives, veterans organizations, and recognized labor organizations; and notify employees where copies are available for review.

§ 771.105 Presentation of grievance.

(a) An employee, in presenting a grievance under an agency grievance system, shall:

(1) Be assured freedom from restraint, interference, coercion, discrimination, or reprisal;

(2) Have the right to be accompanied, represented, and advised by a representative of his own choosing; and

(3) Be assured a reasonable amount of official time if he is otherwise in an active duty status.

(b) When an employee designates another employee of the agency as his representative, the representative, in presenting a grievance under an agency grievance system shall:

(1) Be assured freedom from restraint, interference, coercion, discrimination, or reprisal; and

(2) Be assured a reasonable amount of official time if he is otherwise in an active duty status.

§ 771.106 Allegations of unfair labor practices.

(a) An allegation of an unfair labor practice made in connection with a grievance under this part shall be incorporated in the grievance and processed under this part; however, the decision on the grievance may not be construed as an unfair labor practice decision under Executive Order 11491, as amended.

(b) If an allegation of an unfair labor practice made in connection with a grievance under Subpart C of this part has already been filed with the Assistant Secretary of Labor, the grievance may not be processed under this part.

§ 771.107 Employee coverage.

(a) *Employees covered.* Except as provided in paragraph (b) of this section, this subpart applies to all employees of an agency.

(b) *Employees not covered.* This subpart does not apply to:

(1) A noncitizen appointed under Civil Service Rule VIII, § 8.3 of this chapter;

(2) An alien appointed under section 1471(5) of title 22, United States Code;

(3) A nonappropriated-fund employee as defined in section 2105(c) of title 5 or section 4202(5) of title 38, United States Code;

(4) A physician, dentist, or nurse appointed under chapter 73 of title 38, United States Code;

(5) A Foreign Service officer, Foreign Service Reserve officer, Foreign Service Information officer, and staff officers and employees appointed under chapter 14, chapter 14A, or chapter 32 of title 22, United States Code; and

(6) An employee otherwise included under paragraph (a) of this section when he is a member of a class of employees excluded from coverage by the Commission on the recommendation of the head of the agency concerned.

§ 771.108 Grievance coverage.

(a) Except as provided in paragraphs (b) and (c) of this section, this subpart applies to any matter of concern or dissatisfaction to an employee which is subject to the control of agency management.

(b) This subpart does not apply to:

(1) A matter which is subject to final administrative review outside the agency under law or the regulations of the Commission;

(2) The content of published agency policy;

(3) Nonselection for promotion from a group of properly ranked and certified candidates;

(4) A grievance over the interpretation or application of an agreement negotiated under section 11 of Executive Order 11491, as amended;

(5) An action terminating a temporary promotion within a maximum period of 2 years and returning the employee to the position from which he was temporarily promoted or reassigning or demoting him to a different position that is not at a lower grade or level than the position from which he was temporarily promoted;

(6) Nonadoption of a suggestion or disapproval of a quality salary increase, performance award, or other kind of honorary or discretionary award; or,

(7) A preliminary warning or notice of an action which, if effected, would be covered under the grievance system or excluded from coverage under subparagraph (1) of this paragraph.

(c) This subpart does not apply to a separation action. However, an agency may extend the coverage of its grievance system to any aspect of a separation action that is not subject to final administrative review outside the agency under law or the regulations of the Commission.

The Grievance

§ 771.109 Right to present grievance.

(a) An employee is entitled to present a grievance under the agency grievance system. The agency shall accept and process a properly presented grievance in accordance with its grievance system except that an allegation of discrimination made in connection with a grievance shall be processed under Part 713 of this chapter.

(b) An employee, in presenting his grievance, is entitled to communicate with and seek advice from:

(1) His servicing personnel office;

(2) The Director of Equal Employment Opportunity of the agency or an Equal Employment Opportunity Officer or Counselor designated under Part 713 of this chapter;

(3) The counselor of the agency, or his deputy, designated under Part 735 of this chapter; and

(4) A supervisory or management official of higher rank than the employee's immediate supervisor.

§ 771.110 Avoidance of delay.

(a) An agency shall give each grievance full, impartial, and prompt consideration and shall require that the decision on a grievance be issued within 90 days after initiation of the informal procedure established under § 771.112.

(b) To insure orderly processing, an agency shall establish time limits for:

(1) Completion of action under the informal procedure;

(2) Filing a grievance under the formal procedure after completion of action under the informal procedure;

(3) Adjustment or referral of the grievance under § 771.316(b);

(4) Completion of the examiner's inquiry; and

(5) Issuance of the decision after completion of the examiner's inquiry.

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§ 771.111 Cancellation of grievance.

An agency shall cancel a grievance:
(a) At the employee's request;
(b) Upon termination of the employee's employment with the agency unless the personal relief sought by the employee may be granted after termination of his employment;
(c) Upon the death of the employee unless the grievance involves a question of pay; or
(d) For failure to prosecute if the employee does not furnish required information and duly proceed with the advancement of his grievance.

INFORMAL GRIEVANCE PROCEDURE

§ 771.112 Establishment of informal procedure.

Each agency shall establish a procedure appropriate to its organization and delegations of authority for the informal adjustment of grievances.

§ 771.113 Presenting grievance under informal procedure.

(a) *Time limit.* (1) An employee may present a grievance concerning a continuing practice or condition at any time.

(2) An employee shall present a grievance concerning a particular act or occurrence within 15 days of the date of that act or occurrence or the date he became aware of that act or occurrence. The agency may extend the time limit in this subparagraph for good cause shown by the employee.

(b) *Form of grievance.* An employee may present a grievance under the informal procedure either orally or in writing.

§ 771.114 Mandatory use of informal procedure.

Each agency shall require that an employee complete action under the informal procedure before a grievance concerning the same matter will be accepted from him for processing under the formal procedure.

FORMAL GRIEVANCE PROCEDURE

§ 771.115 Presenting grievance under formal procedure.

(a) An employee is entitled to present a grievance under the formal procedure if he (1) has completed action under the informal procedure and (2) presents the grievance within the time limit established by the agency under § 771.110 (b) (2).

(b) The grievance shall (1) be in writing, (2) contain sufficient detail to identify and clarify the basis for the grievance, and (3) specify the personal relief requested by the employee.

§ 771.116 Processing grievance under formal procedure.

(a) The grievance shall be referred to a deciding official at a level of management designated by the agency. The deciding official shall be at a higher administrative level than any official who could have adjusted the grievance under the informal procedure.

(b) The deciding official shall attempt to resolve the grievance. If he cannot resolve the grievance in a manner acceptable to the employee, he shall refer the grievance for inquiry by an examiner.

(c) An examiner who meets the standards of experience and training prescribed by the Commission shall conduct an inquiry on a grievance referred under paragraph (b) of this section. The agency shall provide a method for selecting an examiner who (1) is fair, impartial, and objective, and (2) does not occupy a position which is, directly or indirectly, under the jurisdiction of an official involved in the grievance or the deciding official, except when such an official is the head of the agency. If an agency desires to use an examiner from another agency, the agency shall make the arrangements. When these arrangements are made, the examiner is on a reimbursable detail to the requesting agency.

(d) The examiner shall conduct an inquiry of a nature and scope appropriate to the issues involved in the grievance. At the examiner's discretion, the inquiry may consist of:

(1) The securing of documentary evidence;
(2) Personal interviews;
(3) A group meeting;
(4) A hearing; or
(5) Any combination of subparagraphs (1) through (4) of this paragraph.

(e) If a group meeting or hearing is held, a labor organization which holds exclusive recognition for the unit where the employee is located shall be given an opportunity to be represented.

(f) If a hearing is held the examiner shall conduct the hearing to conform with the following. (1) Except as provided in paragraph (e) of this section attendance at a hearing is limited to persons determined by the examiner to have a direct connection with the grievance.

(2) The hearing is conducted so as to bring out pertinent facts, including the production of pertinent records.

(3) Rules of evidence are not applied strictly, but the examiner shall exclude irrelevant or unduly repetitious testimony.

(4) Decisions on the admissibility of evidence or testimony are made by the examiner.

(5) Testimony is under oath or affirmation.

(6) The examiner shall give the parties opportunity to cross-examine witnesses who appear and testify.

(7) The examiner may exclude any person from the hearing for contumacious conduct or misbehavior that obstructs the hearing.

(8) Both parties are entitled to produce witnesses.

(9) The agency shall make its employees available as witness before an examiner when requested by the examiner after consideration of a request by the employee or the agency.

(10) If the agency determines that it is not administratively practicable to comply with the request of the examiner, it shall notify him in writing of the reasons for that determination. If, in the examiner's judgment, compliance with his request is essential to a full and fair hearing, he may postpone the hearing until such time as the agency complies with his request.

(11) Employees of the agency are in a duty status during the time they are made available as witnesses.

(12) The agency shall assure witnesses freedom from restraint, interference, coercion, discrimination, or reprisal in presenting their testimony.

(13) The examiner, in his discretion, shall determine how the hearing shall be reported and shall have a verbatim transcript or written summary of the hearing prepared, including all pertinent documents submitted to and accepted by him. When the hearing is reported verbatim, the examiner shall make the transcript a part of the record of the proceedings. When the hearing is not reported verbatim, a suitable summary of the pertinent testimony shall be made. When agreed to in writing by the parties, the summary constitutes the report of the hearing and is made a part of the record of the proceedings. If the examiner and the parties fail to agree on the summary, the parties are entitled to submit written exceptions to any part of the summary, and those written exceptions and the summary constitute the report of the hearing and are made a part of the record of the proceedings.

(g) The examiner shall establish a grievance file containing all documents related to the grievance, including statements of witnesses, records or copies thereof, and the report of the hearing when a hearing was held. On completion of his inquiry, the examiner shall make the grievance file available to the employee and his representative for review and comment. Their comments, if any, shall be included in the file.

(h) After the employee and his representative have been given an opportunity to review the grievance file, the examiner shall prepare a report of his findings and recommendations and submit that report, with the grievance file, to the deciding official. The examiner shall also furnish the employee and his representative a copy of the report.

(i) The deciding official shall accept the examiner's recommendations and issue the decision on the grievance, except that:

(1) If the head of the agency is the deciding official, he shall consider the grievance file and make the decision on the basis thereof.

(2) If the deciding official decides to grant the relief sought by the employee, he shall issue the decision accordingly without regard to the examiner's recommendations.

(3) If the deciding official determines that the examiner's recommendations are unacceptable, he shall transmit the grievance file with a specific statement of the basis for that determination to a higher level of authority, designated by the agency, for decision. The deciding official shall also furnish the employee and his representative a copy of that statement.

(j) The decision on the grievance shall be in writing and shall contain findings on all issues covered by the examiner's inquiry.

NEGOTIATED GRIEVANCE SYSTEMS

§ 771.117 Negotiated grievance systems.

This subpart does not apply to a grievance system established through a negotiated agreement between an agency and a labor organization to which exclusive recognition has been granted.

COMMISSION ACTION

§ 771.118 Employee requests for review.

The Commission does not act on a request by an employee for a review of an agency's action under an agency grievance system.

§ 771.119 Review of grievance systems.

The Commission reviews agency grievance systems through its inspection activity. When it finds that a system or operations thereunder do not conform with the requirements of this part, the Commission requires corrective action to bring the system or operations into conformity.

PART 772—APPEALS TO THE COMMISSION

(18) New Subpart A is added to Part 772 and Subpart C is revised in its entirety as set out below.

Subpart A—Offices of the Commission Authorized To Decide Appeals

Sec.
772.101 The Federal Employee Appeals Authority.
772.102 The Appeals Review Board.

Subpart B—[Reserved]

Subpart C—Commission's Appellate Review of Actions Against Employees

772.301 Coverage.
772.302 Time limit for appeal.
772.303 Failure to prosecute.
772.304 Death of appellant.
772.305 Evidence.
772.306 Allegations of discrimination.
772.307 Hearings.
772.308 Closing the record.
772.309 Decision on appeal.
772.310. Reopening and reconsideration by the Appeals Review Board.
772.311 Board procedures in appeals directly to the board.
772.312 Review by the Commissioners.

AUTHORITY: 5 U.S.C. secs. 1302, 2301, 3302, 5115, 5338, 7512, 7701, 8347; E.O. 10577, 3 CFR, 1954–1958 Comp. p. 218; E.O. 11491, 3 CFR, 1966–70 Comp. p. 803; 772.401–772.404 also issued under 5 U.S.C. secs. 7151, 7154; E.O. 11478, 3 CFR, 1966–70 Comp. p. 861.

Subpart A—Offices of the Commission Authorized To Decide Appeals

§ 772.101 The Federal Employee Appeals Authority.

The Federal Employee Appeals Authority reports directly to the Commission and has authority to make final decisions on appeals to the Commission except as otherwise provided.

§ 772.102 The Appeals Review Board.

The Appeals Review Board reports directly to the Commission. The board has authority to reopen and reconsider any decision of the Federal Employee Appeals Authority as provided in § 772.310 and has original jurisdiction of appeals to the Commission under Parts 300, 713, 831 except Subpart L, 870, 871, 890 and 891 of this chapter.

Subpart B—[Reserved]

Subpart C—Commission's Appellate Review of Actions Against Employees

§ 772.301 Coverage.

(a) *Agency-initiated actions.* Except as otherwise provided, this subpart applies to appeals to the Federal Employee Appeals Authority (hereinafter referred to as the Appeals Authority) under Subpart H of Part 315 of this chapter, Subpart B of Part 330 of this chapter, Subpart I of Part 351 of this chapter, Subparts B, C, E and F of Part 352 of this chapter, Subpart G of Part 353 of this chapter, Subparts D and E of Part 531 of this chapter, and Subparts B and C of Part 752 of this chapter.

(b) *Commission-initiated actions.* Except as otherwise provided, this subpart applies to appeals to the Appeals Authority from adverse suitability determinations under Part 731 of this chapter, adverse actions effected under Part 754 of this chapter, and from decisions of the Bureau of Retirement, Insurance, and Occupational Health on applications for disability retirement effected under Part 831 of this chapter, and to appeals to the Appeals Review Board from decisions of the Bureau of Retirement, Insurance, and Occupational Health on issues of entitlement to rights or benefits by claimants under Parts 831, 870, 871, 890 and 891 of this chapter. In appeals under Part 754 of this chapter, the Commission's Bureau of Personnel Investigations is deemed the agency as that term is used in this subpart.

§ 772.302 Time limit for appeal.

(a) The Appeals Authority may consider an appeal only if the appeal is submitted within the time provided in the part of the regulations of this chapter concerning the subject of the appeal.

(b) The Appeals Authority may extend the time limit on an appeal when the appellant shows that he was not notified of the time limit and was not otherwise aware of it, or that he was prevented by circumstances beyond his control from appealing within the time limit. When an appellant has not been notified of a right of appeal, the Appeals Authority will accept an appeal only when the appellant has exercised due diligence in discovering and pursuing the administrative appeal available.

§ 772.303 Failure to prosecute.

The Appeals Authority shall close an appeal for failure to prosecute if an appellant does not furnish required information and duly proceed with the advancement of his appeal. However, instead of closing for failure to prosecute, the Appeals Authority may adjudicate the appeal if sufficient information for that purpose is available. The Appeals Authority may reopen an appeal closed under this section only on a showing by the appellant that circumstances beyond his control prevented him from prosecuting his appeal.

§ 772.304 Death of appellant.

When an appeal covered by this part is filed properly before the death of an appellant, the Commission shall process it to completion and adjudicate it unless the redress sought, or any other benefit that would accrue from a decision favorable to the appellant, is nullified by the death of the appellant. The Appeals Authority, in recommending corrective action in the decision on such an appeal, may provide for amendment of the agency's records to show retroactive restoration and the appellant's continuance on the rolls in an active duty status to the date of death.

§ 772.305 Evidence.

(a) *Affidavits.* Statements of witnesses shall be by affidavit, when practicable, and relative to the adverse decision. It is the responsibility of both parties to the appeal to submit all evidence to the appropriate office of the Appeals Authority having jurisdiction.

(b) *Availability of evidence and representations.* A representative of the Appeals Authority shall discuss all revelent representations and evidence with both parties and make the representations and evidence available to them for review. However, when adverse action has been taken, or decision on an application for disability retirement has been made, on the basis of the reported mental condition of the appellant or another condition of such a nature that a prudent physician would hesitate to inform a person suffering from it as to its exact nature and probable outcome, the representative of the Appeals Authority shall make the medical evidence available only to a duly licensed physician designated in writing by the appellant or the appellant's representative.

§ 772.306 Allegations of discrimination.

(a) Except as provided in paragraph (e) of this section, when an employee makes a timely allegation in writing in connection with an appeal under this subpart that the agency's action was based in whole or in part on discrimination because of race, color, religion, sex, or national origin, the Appeals Authority shall determine whether the appellant has been informed by the agency of his right to proceed under this subpart or under Part 713 of this chapter and of the scope of review provided in each procedure. If the appellant has not been informed of the separate rights of appeal, the Appeals Authority shall refer the matter to the agency so the agency may explain the alternate rights of appeal to the appellant as provided in § 713.236 of Part 713 of this chapter and afford him the opportunity, if appropriate, to elect which avenue of appeal he wishes to pursue.

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(1) The allegation of discrimination in connection with an action otherwise appealable to the Commission may not serve as a basis for extending the time for filing a complaint as provided in § 713.214 of this chapter.

(2) If the employee chooses to pursue an appeal under the provisions of Part 713 he may not concurrently pursue an appeal to the Commission of the action that is otherwise appealable to the Commission. However, on appeal of the decision of the agency to the Commission under § 713.231 of this chapter, the Commission will review all issues raised in connection with the action taken against the employee.

(b) Where an appellant elects to appeal directly to the Appeals Authority and alleges discrimination in connection with the action appealed to the Appeals Authority, the Appeals Authority shall process the case under the regulations appropriate to that appeal. The allegation of discrimination shall be referred to the Equal Employment Opportunity Officer of the agency for investigation in accordance with § 713.216 of this chapter. The investigative file and a report thereon shall be sent to the Commission to be incorporated in and become a part of the appeal file under this subpart.

(c) A decision on the appeal under this subpart may be made only after completion of investigation of the allegation of discrimination, except when the decision on the appeal under this subpart is to reverse the appealed action on the basis of failure to comply with procedural requirements.

(d) The decision on the allegation of discrimination shall be incorporated in and become a part of the decision on the appeal under this subpart, except when the decision has previously been issued as provided in paragraph (c) of this section.

(e) When the allegation of discrimination is presented for the first time in a hearing under this subpart, and the employee shows good reason for not having presented the allegation when the appeal was filed, the appeals officer shall suspend the hearing and refer the allegation for investigation and processing as provided in paragraphs (a) through (c) of this section. If the appeals officer determines that the employee did not have good reason, the hearing shall be broadened to include evidence and testimony on the issue of discrimination without referral to the agency for investigation.

§ 772.307 Hearings.

(a) *Coverage.* This section applies only to appeals under Subpart B of Part 752 of this chapter, Part 754 of this chapter, and Subpart L of Part 831 of this chapter.

(b) *Right to a hearing.* An appellant is entitled to a hearing before the office of the Appeals Authority having jurisdiction of the appeal. That office shall inform the appellant of his right to a hearing. If the appellant does not desire a hearing, he shall so advise that office in writing.

(c) *Hearing procedures.* (1) An appellant is entitled to appear at the hearing on his appeal personally or through or accompanied by his representative. The agency is also entitled to participate in the hearing. Both parties are entitled to produce witnesses. The Appeals Authority is not authorized to subpoena witnesses.

(2) Any agency that has employees entitled to appeal to the Appeals Authority under this part shall make its employees available as witnesses at the hearing when (i) requested by the Appeals Authority after consideration of a request by the appellant or the agency and (ii) it is administratively practicable to comply with the request of the Appeals Authority. If the agency determines that it is not administratively practicable to comply with the request of the Appeals Authority, it shall submit to the Appeals Authority its written reasons for the declination. If the reason for the declination is adequate, the Appeals Officer shall insert the explanation in the record, notify the appellant that his request for the witness(es) has been denied and provide the appellant with the reason for the denial. Employees of the agency shall be in a duty status during the time they are made available as witnesses. Employees of the agency shall be free from restraint, interference, coercion, discrimination, or reprisal in presenting their testimony.

(3) An appeals officer of the Appeals Authority shall conduct the hearing and shall afford the parties opportunity to introduce evidence (including testimony and statements by the appellant, his representative, representatives of the agency, and witnesses), and to cross-examine witnesses. Testimony is under oath or affirmation. Rules of evidence are not applied strictly, but the appeals officer shall exclude irrelevant or unduly repetitious testimony. The appeals officer may exclude any person from the hearing for contumacious conduct or misbehavior that obstructs the hearing.

(4) Except as provided in subparagraph (5) of this paragraph, attendance at the hearing will be limited to persons determined by the appeals officer to have a direct connection with the appeal.

(5) When requested by the appellant and the agency does not object, the appeals officer shall hold a public hearing. When the agency objects, the appeals officer may deny the appellant's request only when he determines this action to be in the best public interest. The appeals officer in his discretion, may close one or more sessions of a public hearing, when he determines that this action is in the best interest of the appellant, a witness, or the Government. The reasons for the appeals officer's decision to deny a request for a public hearing or to close one or more sessions of a public hearing shall be made a part of the record.

(6) The hearing is reported verbatim. The transcript is part of the record of the proceedings and a copy of the transcript shall be furnished to each party.

§ 772.308 Closing the record.

(a) The Appeals Authority shall close the record in any case after the parties to the appeal have had a full opportunity to present any and all relevant and material evidence. When there is a hearing, the record shall be closed at the conclusion of the hearing except that the appeals officer has discretion to permit the parties to submit written argument or briefs after the record is closed.

(b) When the record is closed there is no right to submit additional evidence into the record.

§ 772.309 Decision on appeal.

(a) The office of the Appeals Authority having initial jurisdiction of the appeal shall issue a written decision and send copies thereof to the appellant, his representative, and the agency. The decision on each appeal covered by this part shall contain an analysis of the evidence, findings, a statement of the reasons for the conclusions reached, and recommendation for any corrective action required. The agency shall report, within 30 calendar days after receipt of the decision, that it has carried the decision into effect or that it is petitioning the Appeals Review Board to reopen and reconsider the decision under section 772.310 of this chapter.

(b) The decision of the appeals officer is final and there is no further right of appeal.

§ 772.310 Reopening and reconsideration by the Appeals Review Board.

(a) *Request for reopening and reconsideration.* Either party may request the Appeals Review Board (hereinafter referred to as "Board") to reopen and reconsider any previous decision of an appeals officer. The Board may reopen and reconsider the decision when the party requesting reopening submits written argument or evidence which tends to establish that:

(1) New and material evidence is available that was not readily available when the decision of the appeals officer was issued;

(2) The previous decision of the appeals officer involves an erroneous interpretation of law or regulation, or a misapplication of established policy; or

(3) The decision of the appeals officer is of a precedential nature involving new or unreviewed policy considerations that may have effect beyond the case at hand.

(b) *Limitations on agency request to reopen.* (1) An agency may not request the Board to reopen and reconsider a decision of an appeals officer when that decision reverses an original decision of the Commission under Part 731 or Part 754 of this chapter.

(2) The Board may not consider an agency request to reopen and reconsider a decision of an appeals officer after the agency has complied with the recommended corrective action.

(3) A request by an agency to reopen and reconsider a decision of an appeals officer shall be filed no later than 30 days after receipt of the appeals officer's decision.

(c) *Where to file.* Requests to reopen and reconsider a decision of an appeals officer shall be filed with the Appeals Review Board, U.S. Civil Service Commission, Washington, D.C. 20415.

(d) *How to file.* A request to reopen and reconsider a decision of an appeals officer shall be in writing and set forth in detail the reasons for the request.

(e) *Impact of a request to reopen upon the previous decision.* (1) When an employee or agency requests the Board to reopen and reconsider a decision of an appeals officer affirming an original adverse decision of the Commission under Part 731 or Part 754 of this chapter, or a decision of an appeals officer affirming or reversing the original adverse decision of the Bureau of Retirement, Insurance and Occupational Health under Subpart L of Part 831 of this chapter, that decision may not be given effect pending decision by the Board.

(2) An agency request for reopening under paragraph (a) of this section shall stay the corrective action recommended by the appeals officer except in those cases where the appeals officer has recommended:

(i) The retroactive restoration of an employee who was removed under Subpart B of Part 752 of this chapter, Part 351 of this chapter or Subpart H of Part 315 of this chapter, or

(ii) The cancellation of an indefinite suspension under Subpart B of Part 752 of this chapter.

The immediate action in such cases shall be a temporary appointment, a temporary restoration to duty status to a position of like grade or pay, or a similar condtional action pending decision of the Board on the case. Evidence of temporary or conditional compliance with the appeals officer's recommended corrective action must accompany the agency's request for reopening to the Board under subparagraph (1) or (2) of this paragraph. However, service by the employee under the provisions of this paragraph may not be credited toward the completion of a probationary or trial period, eligibility for a within-grade increase, or the completion of the service requirement for career tenure.

(f) *Board procedures.* The Board shall review any request to reopen to determine whether a basis for reopening under § 772.310(a) has been established. When the Board determines that the request does not establish a basis for reopening the Board shall notify the requesting party in writing of its decision to deny the request. When the Board reopens a previous decision, the Board will determine and conduct whatever further investigation is necessary. There is no right to a hearing before the Board. The Board may, in its discretion, afford the parties an opportunity to appear personally and present oral argument and representations.

(g) *Reconsideration decision of the board.* When the Appeals Review Board has reopened an appeals officer's decision for reconsideration, it shall review the record of the proceedings and all written representations. The board shall issue a written decision and shall send copies thereof to the parties and to the employee's representative. The decision of the board is final. When corrective action is recommended, the agency shall report promptly to the board that the corrective action has been taken.

§ 772.311 Board procedures in appeals directly to the board.

(a) When a person files a timely appeal of an action appealable directly to the board, other than under Subpart D of this part, the board will review the record of the proceedings and all relevant written representations submitted by the parties to the appeal. There is no right to a hearing before the board. The board may, in its discretion, afford the parties an opportunity to appeal personally and present oral arguments and representations.

(b) The board shall issue a written decision and shall send a copy to each party and to the employee's representative. The decision of the board is final. When corrective action is recommended, the agency shall report within thirty days that it has carried the decision into effect or that it is petitioning the Commissioners to reopen and reconsider the decision under § 772.312.

§ 772.312 Review by the Commissioners.

(a) The Commissioners may, in their discretion, reopen and reconsider any previous decision on their own motion or when the party requesting reopening submits written argument or evidence which tends to establish that:

(1) The previous decision of the Board on a request to reopen and reconsider involves policy implications extending beyond the case at hand of such significance as to merit the personal attention of the Commissioners; or

(2) A basis for reopening exists for the same reasons as those set out under § 772.310(a) in cases where the Board issued the original appellate decision.

(b) When an agency gives notice of intent to request reopening within the time specified in the decision of the Appeals Review Board for the agency report of corrective action, the agency may not effect the corrective action recommended by the Board except as provided in this paragraph. When the agency gives notice of intent to request reopening, and when the appeal involves removal, separation, or suspension continuing beyond the date of the request for reopening, and when the Board decision recommends retroactive restoration, the agency shall comply with the Board decision only to the extent of the temporary or conditional restoration of the employee to duty status in the position recommended by the Board pending decision of the Commissioners on the agency request for reopening. The agency shall notify the Board and the employee in writing that the corrective action it takes is temporary or conditional at the same time it gives notice of intent to request reopening. When the agency does not give notice of intent to request reopening within the time specified in the Board decision for the agency report of corrective action, or when, after giving notice of intent to request reopening, the agency does not file a request for reopening within 30 days from the date of the Board decision, or when a request to reopen is denied, the agency shall effect the corrective action recommended by the Board, and there is no further right by the agency to request reopening. However, service under the temporary or conditional restoration provisions of this paragraph may not be credited toward the completion of a probationary or trial period, eligibility for a within-grade increase, or the completion of the service requirement for career tenure.

(19) Sections 772.401, 772.403, and 772.404 are revised in their entirety as set out below.

§ 772.401 Coverage.

This subpart applies to appeals to the Appeals Review Board under Subpart A of Part 300 of this chapter.

§ 772.403 Processing of appeal.

(a) *Right to a hearing.* Except when an appeal is rejected on the basis of timeliness or on the basis of a prior final administrative decision, the appellant is entitled to a hearing on his appeal. He shall be notified in writing of his right to a hearing and allowed a reasonable time to reply in writing either requesting a hearing or stating that he does not desire a hearing.

(b) *Hearing.* (1) A hearing shall be conducted by a member of the board or by an appeals officer designated by the Appeals Authority for that purpose. The member or appeals officer, as appropriate, shall schedule the hearing, considering the convenience of the parties as to time and place, and shall notify the parties of the time and place at least 15 days in advance. The member or appeals officer, as appropriate, shall take all action needed to control the hearing and shall conduct the hearing in accordance with § 772.307(c).

(2) The hearing shall be recorded verbatim by an official reporter furnished by the Commission. The transcript of the official reporter is the sole official transcript. The transcript shall be made part of the record and the official reporter shall supply the parties, at their own expense, with a copy of the transcript at a rate not in excess of the maximum rate fixed by contract between the Commission and the reporter.

(3) When the hearing is conducted by an appeals officer, he shall prepare a

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report of findings and recommendations for submission to the Board.

(c) *Decision of the board.* The Appeals Review Board shall issue a written decision and send copies thereof to the parties and to the appellant's representative. When the appeal is sustained, the decision shall inform the appellant of the corrective action directed by the Board. The decision of the Board is final and there is no further right of appeal.

§ 772.404 Review by the Commissioners.

The Commissioners may reopen and reconsider any previous decision on their own motion or under the principles set forth in §772.310.

PART 831—RETIREMENT

(20) Section 831.107 is revised as set out below.

§ 831.107 Appeals.

(a) Except as provided in Subparts K and L of this part, a department, agency, or individual whose rights or interest under Subchapter III of Chapter 83 of Title 5, United States Code, are adversely affected by a final action or order of the Bureau may appeal to the Commission's Appeals Review Board from the action or order, as provided in this section, or as provided in § 831.1205 in the case of an appeal from a final action or order of the Bureau that involves an application for disability retirement filed by an employee or by an agency. As used in this section days means calendar days and not workdays.

(b) The individual or his authorized representatives may file the appeal with the Commission's Appeals Review Board. However, the Board shall not accept an appeal until the Bureau has completed action.

(c) (1) Except as provided in this paragraph, the time for filing an appeal is not later than 6 months from the date of mailing notice of the final action or order of which complaint is made.

(2) When the Bureau finds, on medical examination, that a disability annuitant has recovered, or determines that he has been restored to earning capacity, the time for filing an appeal is not later than 90 days from the date of receipt of final notice of the proposed discontinuance of annuity. When the Bureau denies reinstatement of the disability annuity of a former disability annuitant, the time for filing an appeal is not later than 90 days from the date of receipt of final notice of the denial.

(3) When the Bureau allows one of simultaneously contested claims and disallows another, the time for filing an appeal is not later than 60 days from the date of receipt of notice of the adverse decision. When an appeal is filed, the Commission shall notify, by certified letter, each party whose interest may be adversely affected by the decision on appeal. This notice shall inform the party of the filing of the appeal and of the substance thereof. Each party may file a brief of argument in answer within 30 days after receipt of notice of the appeal. A certified letter of appeal which is addressed to the last known post office address of a party is deemed sufficient evidence of notice even though it is returned unclaimed.

(d) Each appeal shall show the name and post office address of appellant, his retirement claim number, the date and substance of the action from which the appeal is taken, and full reasons for the appeal.

(e) When the Bureau decides that a party does not have a right to appeal or that this section does not authorize consideration of the appeal, the party may apply to the Commissioners for an order directing the Bureau to forward the record to the Appeals Review Board for adjudication as an appeal. The application shall be in writing and shall set forth fully and specifically the grounds on which it is based.

(f) Except as provided in this section, the Bureau shall execute the decision of the Appeals Review Board within 60 days from the date of receipt of notice of the decision, unless the Board sooner recalls the decision. The Appeals Review Board shall mail an explanation of its decision to the appellant or his authorized representative.

(g) In a simultaneously contested claim referred to in paragraph (c) (4) of this section, the Bureau shall not execute the decision of the Appeals Review Board for 30 days. Within this period a party may file a motion for reconsideration.

(h) The Appeals Review Board will consider an appeal to review a decision of the Secretary of the Interior before July 21, 1930, or of the Administrator of Veterans' Affairs before September 1, 1934, on a civil service retirement case only when the Bureau has reconsidered the case on the basis of newly discovered material evidence. This section applies to the Bureau's decision on reconsideration.

(21) Section 831.1205 is revised as set out below.

§ 831.1205 Appeal and hearing.

(a) Right of appeal and hearing. An agency or an employee may appeal the decision of the Bureau that involves an application for disability retirement filed by an employee or by an agency to the appropriate office of the Commission having appellate jurisdiction. The appeal shall be in writing, set forth the reasons for the appeal, request a hearing if the appellant desires a hearing, and be filed with the appropriate office within 15 calendar days after receipt of the decision of the Bureau. The Commission may extend this time limit for good cause shown.

(b) Subpart C of Part 772 of this chapter applies to appeals to the Commission from the decisions of the Bureau involving applications for disability retirement.

(5 U.S.C. 8347, unless otherwise noted.)

PART 870—REGULAR LIFE INSURANCE

(2) Section 870.205 is revised as set out below.

§ 870.205 Appeals.

(a) A person may appeal an action of his employing office denying regular insurance coverage to the Bureau of Retirement, Insurance, and Occupational Health, United States Civil Service Commission, Washington, D.C. 20415.

(b) An appeal may be taken to the Commission's Appeals Review Board from the final action or order of the Bureau of Retirement, Insurance, and Occupational Health denying regular insurance coverage.

(c) The time for filing an appeal is not later than six months from the date of mailing notice of the final action or order of which complaint is made.

(5 U.S.C. 8716)

PART 871—OPTIONAL LIFE INSURANCE

(23) Section 871.206 is revised as set out below.

§ 871.206 Appeals.

(a) A person may appeal an action of his employing office denying optional insurance coverage to the Bureau of Retirement, Insurance, and Occupational Health, United States Civil Service Commission, Washington, D.C. 20415.

(b) An appeal may be taken to the Commission's Appeals Review Board from the final action or order of the Bureau of Retirement, Insurance, and Occupational Health denying optional insurance coverage.

(c) The time for filing an appeal is not later than six months from the date of mailing notice of the final action or order of which complaint is made.

(5 U.S.C. 8716. Interprets and applies 5 U.S.C. 8714a)

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

(24) Part 890.103 is revised as set out below.

§ 890.103 Employee appeals, corrections, and adjustments.

(a) An employee or annuitant may appeal a refusal of an employing office to permit him to register to enroll, or to change enrollment. The appeal shall be made in writing, within 30 days of the refusal, to the Bureau of Retirement, Insurance, and Occupational Health, United States Civil Service Commission, Washington, D.C. 20415.

(b) An employee or annuitant may appeal a refusal of the Bureau of Retirement, Insurance, and Occupational Health to permit him to register to enroll, or to change enrollment. The appeal shall be made in writing, within 90 days of the refusal, to the Appeals Review Board, United States Civil Service Commission, Washington, D.C. 20415.

(c) (1) The employing office may make prospective correction of administrative errors as to enrollment at any time.

(2) The Bureau of Retirement, Insurance, and Occupational Health may order correction of an error, mistake, or omission upon a showing satisfactory to the Bureau that it would be against equity and good conscience not to do so.

(3) The Bureau of Retirement, Insurance, and Occupational Health may order the termination of an employee's or annuitant's enrollment in a group practice plan and permit his enrollment in another plan upon a showing satisfactory to the Bureau that the furnishing of adequate medical care is jeopardized by a seriously impaired relationship between a patient and the plan's medical staff.

(d) The Commission does not adjudicate individual claims for payment or service under health benefits plans, nor does it arbitrate or attempt to compromise disputes between an employee or annuitant and his carrier as to claims for payment or service.

(5 U.S.C. 8913)

PART 891—RETIRED FEDERAL EMPLOYEES HEALTH BENEFITS

(25) Section 891.105 is revised as set out below.

§ 891.105 Appeals.

(a) A retired employee may appeal any determination by the Bureau of Retirement, Insurance, and Occupational Health that he is not eligible to make an election or to receive a Government contribution under this part. The appeal shall be made in writing, within 90 calendar days of the determination, to the Appeals Review Board, United States Civil Service Commission, Washington, D.C. 20415.

(b) The Commission may order correction of administrative errors at any time.

(c) The Commission does not adjudicate individual claims for payment or service under health benefits plans, nor does it arbitrate or attempt to compromise disputes between retired employees and carriers as to claims for payment or service.

(80 Stat. 607; 5 U.S.C. 8913)

Effective date: September 9, 1974.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-20774 Filed 9-6-74;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 655]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Sept. 8–14, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.955 Lemon Regulation 655.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons has decreased because of cool and rainy weather in several Mid-West areas. Average f.o.b. price was $6.60 per carton the week ended August 31, 1974, compared to $7.12 per carton the previous week. Track and rolling supplies at 161 cars were down 21 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held September 3, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 8, 1974, through September 14, tember 8, 1974, through September 14,

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 5, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-20808 Filed 9-5-74;12:21 pm]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-SW-26; Amdt. 39-1954]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A and 206B Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a modification of the inboard ribs on certain right and left stabilizers of Bell Model 206A and 206B helicopters was published in 39 FR 20994.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One written comment was received objecting to the issuance of the AD which duplicates Bell Service Bulletins Nos. 206–01–73–7 and 206–01–74–1.

The FAA is responsible for issuing AD's to correct unsafe conditions. Service Bulletins issued by the manufacturer to correct unsafe conditions are not enforceable and the manufacturer cannot assure compliance with the service bulletins. Therefore it is incumbent on the FAA to issue AD's to require compliance with certain service bulletins. The AD does not require further work if the modifications in Service Bulletins Nos. 206–01–73–7 and 206–01–74–1 have already been accomplished.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

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BELL. Applies to Bell Model 206A and 206B helicopters as noted herein, certificated in all categories.

Compliance required within 100 hours time in service after the effective date of this A.D., unless already accomplished.

To prevent possible failure of the inboard ribs with possible loss of a stabilizer on Model 206A and 206B helicopters, serial numbers 1 through 913 equipped with horizontal stabilizer, P/N 206-020-119, replace any cracked inboard ribs and modify all inboard ribs by installing a doubler specified in and using the applicable procedures described in Items 3 through 24, Bell Helicopter Company Service Bulletin No. 206-01-73-7, Revision A, dated December 11, 1973 or later FAA approved revision.

To prevent excessive movement of the horizontal stabilizer install Horizontal Stabilizer Stop Kit, P/N 206-704-096-3, on Model 206A and 206B helicopters, Serial Numbers 1 through 1251, in accordance with Bell Helicopter Company Service Bulletin No. 206-01-74-1, Revision A, dated May 6, 1974 or later FAA approved revision.

This amendment becomes effective October 13, 1974.

(Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Texas on August 29, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74-20696 Filed 9-6-74;8:45 am]

[Airworthiness Docket No. 74-SW-37; Amdt. 39-1950]

PART 39—AIRWORTHINESS DIRECTIVES

Swearingen Models SA226-T, SA226-AT, and SA226-TC Airplanes

There have been four cases of cracking of the Swearingen Model SA226-TC left horizontal stabilizer rear spar at the outboard elevator hinge bracket attachment that could result in failure of the horizontal stabilizer and possible loss of the aircraft. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive inspections of the horizontal stabilizer for cracks and repair if necessary on Swearingen Models SA226-T, SA226-AT, and SA226-TC aircraft. The Models SA226-T and SA226-AT use the same stabilizer design and are possibly subject to the same conditions as the Model SA226-TC.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 31 FR 13697, § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive.

SWEARINGEN. Applies to Models SA226-T, SA226-AT, and SA226-TC.
Compliance required as indicated.

To detect cracking of the horizontal stabilizer spar at the outboard elevator hinge bracket attachment accomplish the following:

After the effective date of this AD

(1) For the Swearingen Model SA226-TC before next flight, inspect right and left rear horizontal stabilizer spar in the vicinity of the outboard elevator hinge bracket attachment for cracks above and below the hinge bracket in the radii of the rear spar flanges running spanwise.

(2) For the Swearingen Models SA226-AT and SA226-T airplane accomplish the same inspection as called out in paragraph (1) above before the next 10 hours of flight time.

(3) If no cracks are found, accomplish repetitive inspections in accordance with paragraph (1) after initial inspection at intervals not to exceed 50 hours of flight.

(4) If cracks are found before further flight repair rear horizontal stabilizer in accordance with Swearingen Aviation Corp. Service Bulletin No. A27-40-2064-3067-4067, dated August 23, 1974, or later FAA approved revision, or in a manner approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, and continue repetitive inspections in accordance with paragraphs (1) and (3) above.

This amendment becomes effective to owners and operators on receipt of the amendment and becomes effective to all other persons on September 2, 1974.

(Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Texas on August 23, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74-20697 Filed 9-6-74;8:45 am]

[Airspace Docket No. 74-SO-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area: Withdrawal

On June 6, 1974, F.R. Doc. No. 74-13034 was published in the FEDERAL REGISTER (39 FR 20191) amending Part 71 of the Federal Aviation regulations by altering the Jacksonville, Fla., transition area.

Subsequent to publication of the rule, it was determined that the instrument approach procedure (RADAR-A) to Herlong Airport, Jacksonville, Fla., would not be implemented.

In consideration of the foregoing, the amendment contained in Airspace Docket No. 74-SO-40 (F.R. Doc. No. 74-13034) is withdrawn.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Ga., on August 30, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-20698 Filed 9-6-74;8:45 am]

[Airspace Docket No. 74-SO-91]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to revoke the Greenwood, S.C., control zone.

The Greenwood control zone is described in § 71.171 (39 FR 354), and was designated under the provision that Southern Airways perform the required weather observation and dissemination service.

Since Southern Airways suspended scheduled service into Greenwood County Airport on August 4, 1974, and discontinued weather observation and dissemination service, the criteria for retention of the control zone no longer exists. It is necessary to revoke the control zone.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (39 FR 354), the Greenwood, S.C., control zone is revoked.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in East Point, Ga., on August 29, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-20699 Filed 9-6-74;8:45 am]

[Airspace Docket No. 74-CE-17]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to alter the Clinton, Missouri, transition area.

The Clinton NDB (non-directional beacon) is described in the Clinton, Missouri, transition area designation. There are also Clinton NDB's described in the Clinton, Iowa, and Clinton, Oklahoma, transition area designations. To avoid duplication and the possibility of misleading pilots, the Clinton, Missouri, NDB is being renamed the Golden Valley NDB. Accordingly, alteration of the Clinton, Missouri, transition area is necessary to reflect this name change.

Since this amendment is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended effective 0901 GMT, November 7, 1974, as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

CLINTON, MISSOURI

That airspace extending upward from 700 feet above the surface, within five miles of the Golden Valley, Missouri NDB (latitude 38°21'32" N., longitude 93°41'17" W.); and within three miles either side of the 064° bearing from the NDB extending from the five-mile radius to eight miles northeast of the RBN.

(Section 307(a) the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on August 26, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-20700 Filed 9-6-74;8:45 am]

[Docket No. 12425; Amdt. No. 93-29]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

Anchorage, Alaska, Airport Traffic Area

The purpose of this amendment is to make several modifications to the Anchorage, Alaska, Airport traffic area. The modifications include a minor revision in the boundary separating the Lake Hood and Merrill segments, elimination of the exclusion of the airspace below 300 feet over the water along the west side of the Anchorage Airport traffic area, an increase in the ceiling of the airport traffic area from 2,700 feet MSL to 3,000 feet MSL, modification of the communication rules for the airport traffic area and the Merrill segment, and a minor change in the description of the airport traffic area.

On December 9, 1972, a notice of proposed rulemaking (Notice 72-32) was published in the FEDERAL REGISTER (37 FR 26344) proposing to amend Part 93 of the Federal Aviation regulations by making several minor modifications to the Anchorage, Alaska, Airport traffic area. Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments.

Two comments were received in response to the notice. One commentator concurred in the proposal. The other suggested that Lake Hood traffic continue to communicate with Anchorage International Airport Control Tower when the Lake Hood Control Tower is not operating, and suggested that the Anchorage Flight Service Station serve Merrill traffic when the Merrill Control Tower is not operating. As discussed below, these suggestions are adopted herein.

The notice proposed a revision in the boundary separating the Lake Hood and Merrill segments in order to provide an additional segment of airspace for Merrill traffic which was of minimal use and benefit to Lake Hood traffic. The notice also proposed elimination of the 300-foot exception to the airport traffic area overlying the tidal flats of Knik Arm and Turnagain Arm. Additionally, the notice proposed raising the ceiling of the area from 2,700 feet to 3,000 feet. No objections were made to these modifications; therefore, they are adopted as proposed.

While no objection was made with respect to eliminating the exclusion of the airspace below 300 feet along the west side of the Anchorage Airport traffic area, one comment stated that it was not clear what effect this change would have on float plane operators that have previously operated in the excluded airspace. Under this amendment, those operators, as suggested in this comment, must remain west of the airport traffic area (but may be operated east of Fire Island).

It was proposed in the notice to amend § 93.53 to exclude the Merrill and Lake Hood segments from the airport traffic area when the control towers were not in operation. After further consideration, the FAA believes that this would have the undesirable effect of suspending the basic airport traffic area rules in this airspace, and, therefore, withdraws this proposal.

It was also proposed in the notice to delete §§ 93.61(c) and 93.63(d) which require persons piloting aircraft within the Lake Hood and Merrill segments to communicate with the Anchorage International Airport control tower when the towers within those segments were not operating. However, the FAA now believes that communication is desirable, in the interest of safety, under those conditions.

The FAA, after further consideration, has determined that this communication can be preserved by remoting the Lake Hood frequencies to Anchorage tower when Lake Hood tower is not operating. This will allow Anchorage tower to retain communications with pilots on the Lake Hood frequencies within the Lake Hood segment when Lake Hood tower is not operating. Similarly, Merrill tower frequencies are remoted to the Anchorage Flight Service Station when the Merrill tower is not in operation. Pilots within the Merrill segment will be provided service by communicating with the Anchorage Flight Service Station. Section 93.61(c) is, therefore, not amended, and § 93.63(d) is amended to provide that pilots communicate with Anchorage Flight Service Station when the Merrill tower is not in operation.

The notice proposed to revoke § 93.67 (b) as being a redundant rule regarding compliance with the Bryant traffic pattern. After further consideration the FAA believes this rule is necessary to retain the basic Bryant traffic pattern rules when the Bryant tower is not operating and, therefore, withdraws the proposal.

Further review of the Anchorage Airport traffic area rules indicated that a minor change to § 93.57(e) should be made for clarification. Accordingly, the section is changed from referring to radio communication with the "control tower serving the airport" to refer instead to the "control tower serving the segment containing the airport of landing or takeoff." This will eliminate possible confusion in the situation where the control tower within a specific segment is closed and another facility is serving that particular segment. For consistency with the provisions of § 93.63(d), that paragraph is excepted from the revised provisions of § 93.57(e).

Finally, several nonsubstantive changes to the landmarks used in describing boundaries of the airport traffic area and changes to the appropriate diagrams in Appendix A resulting from the amendments adopted herein have been made.

This amendment has been charted by the National Oceanic and Atmospheric Administration. The revised charts are effective on July 18, 1974. Safety requires that there be no inconsistency between the charted upper limit of the Anchorage, Alaska, Airport Traffic Area and the upper limit prescribed in this amendment. To prevent this inconsistency, it is essential that this amendment be effective at the earliest possible time. The FAA, therefore, finds that good cause exists for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER. It is accordingly made effective upon such publication.

(Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 93 is amended, effective September 9, 1974 as follows:

1. Section 93.53 is amended to read as follows:

§ 93.53 Description of area.

The Anchorage Airport traffic area is designated as that airspace extending upward from the surface to, but not including, 3,000 feet MSL. It is bounded by a line beginning at Point MacKenzie extending westerly along the bank of Knik Arm to a point intersecting an arc of five-statute-mile radius circle centered on the geographical center of Anchorage International Airport; thence counterclockwise along that arc to its intersection with the new Seward Highway; thence northerly along the new Seward Highway to its intersection with Tudor Road; thence easterly along Tudor Road to its intersection with Muldoon Road; thence northerly along Muldoon Road to a point one-half statute mile south of Palmer Highway; thence northeasterly along a line one-half statute mile east of and parallel to Palmer Highway to its intersection with a line one-half statute mile east of and parallel to Bryant Airport runway 16/34; thence northeastward along this line to its intersection with the south boundary of Restricted Area R-2203A; thence west along the southern boundaries of R-2203A and R-2203B; thence north along the west boundary of R-2203B to its intersection with an arc of a five-statute-mile radius circle centered on the geographical center of Elmendorf Air Force Base; thence counterclockwise along this arc to its intersection with the west bank of Knik Arm; thence southerly along the

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west bank of Knik Arm to the point of beginning. However, it does not include the following:

(a) That airspace at and below 600 feet MSL, north of a line beginning at the intersection of Farrell Road and the northeast boundary of the airport traffic area extending westerly along Farrell Road to the east end of Sixmile Lake; thence along a line bearing on the middle of Lake Lorraine to the boundary of the airport traffic area.

(b) That airspace at and below 600 feet MSL, south of a line beginning at the intersection of the new Seward Highway and Dimond Boulevard extending westerly along Dimond Boulevard to Sand Lake Road thence due west to the boundary of the airport traffic area.

(c) [Reserved]

(d) That airspace described as the "Bryant segment" in § 93.55(e), when the Bryant control tower is not in operation.

2. Section 93.55(b) is amended to read as follows:

§ 93.55 Subdivision of area.

* * * * * *

(b) *Merrill segment*—that area lying within a line begining at Point MacKenzie extending directly to the mouth of Fish Creek; thence along Fish Creek to Northern Lights Boulevard; thence direct to the intersection of Tudor Road and the new Seward Highway; thence east and north along the airport traffic area boundary to a point directly east of the intersection of Palmer Highway and Boniface Parkway; thence due west on a direct line through that intersection to Ship Creek; thence along Ship Creek to its mouth; thence on a direct line toward the center of Lake Lorraine to the airport traffic area boundary; thence counterclockwise along the airport traffic area boundary to the point of beginning.

3. Section 93.57(e) is amended to read as follows:

§ 93.57 General rules; all segments.

* * * * * *

(e) Except as provided in § 93.63(d), each person piloting an aircraft shall maintain two-way radio communications with the control tower serving the segment containing the airport of landing or takeoff.

§ 93.63 [Amended]

4. Section 93.63(d) is amended by deleting the words "Anchorage International Airport Control Tower" and inserting the words "Anchorage Flight Service Station" in place thereof.

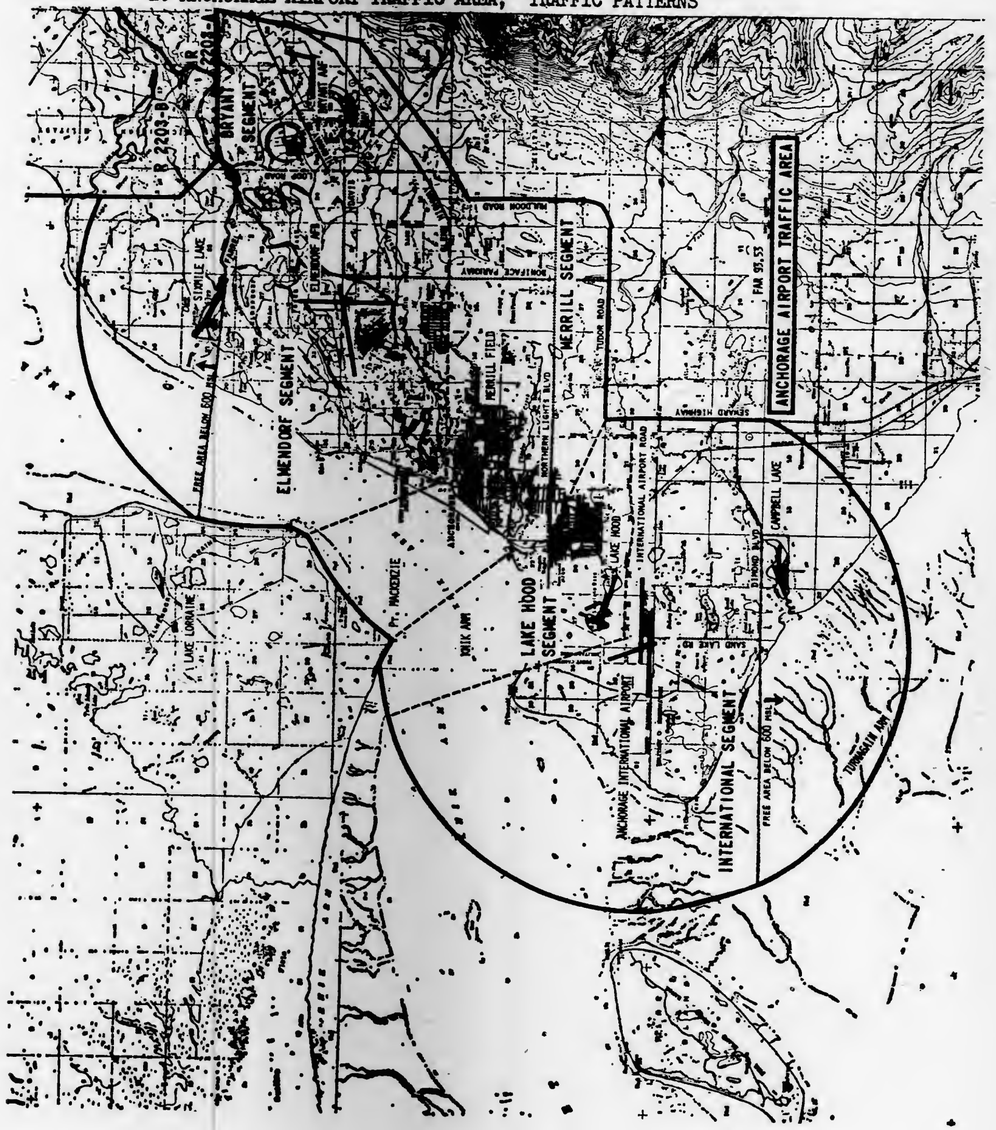
5. The first two diagrams (Anchorage Airport Traffic Area) in Appendix A are amended to reflect the changes effected by Items 1 and 2, above. The two diagrams, as amended, are set forth below.

Issued in Washington, D.C., on August 20, 1974.

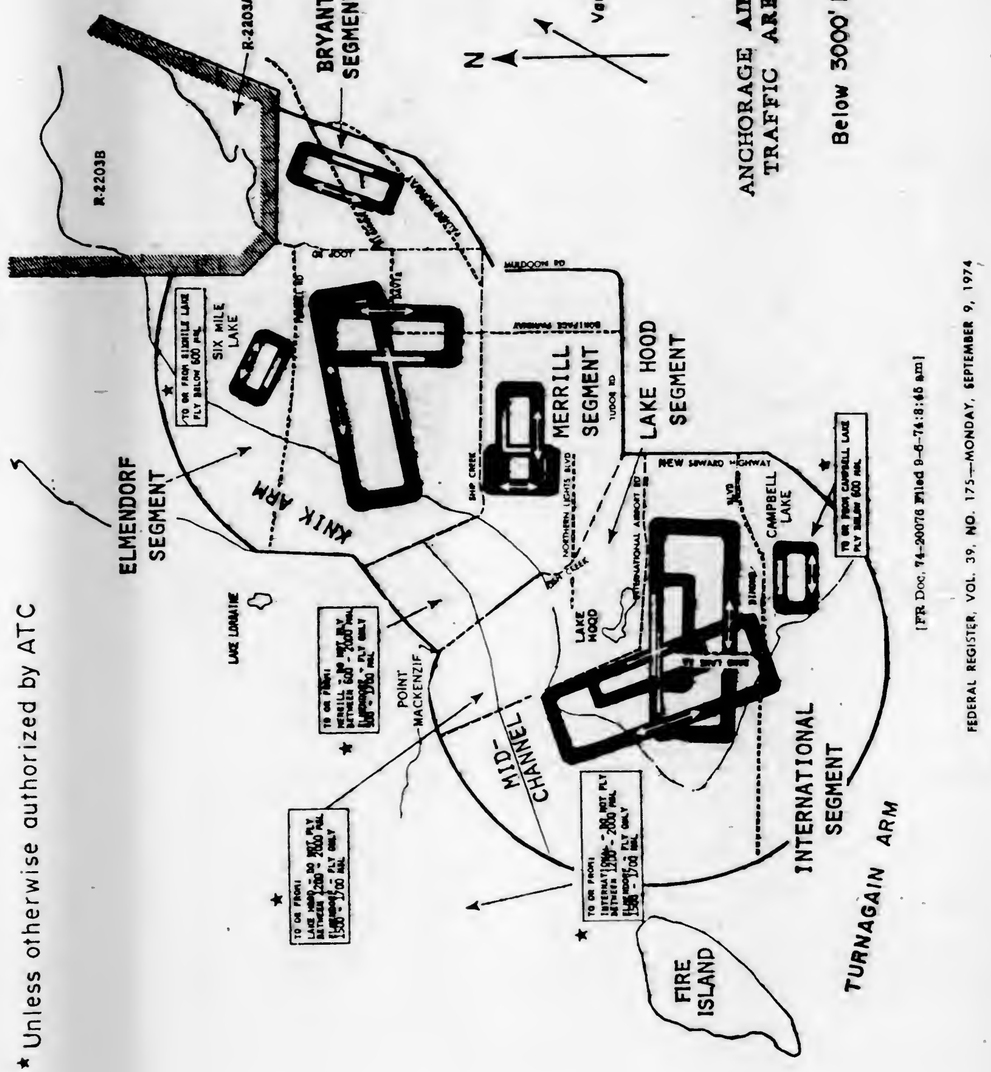
JAMES E. DOW,
Acting Administrator.

APPENDIX A.

I. ANCHORAGE AIRPORT TRAFFIC AREA; TRAFFIC PATTERNS



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[FR Doc. 74-20078 Filed 9-6-74;8:45 am]

FEDERAL REGISTER, VOL. 39, NO. 175—MONDAY, SEPTEMBER 9, 1974

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8898-o]

PART 13—PROHIBITED TRADE PRACTICES

Beauty-Style Modernizers, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; 13.73–92 Truth in Lending Act; § 13.155—Prices; 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 Formal regulatory and statutory requirements; 13.1623–95 Truth in Lending Act. —Prices: § 13.1823 Terms and conditions; 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852–75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; (15 U.S.C. 45, 1601–1605)) [Cease and desist order, Beauty-Style Modernizers, Inc., et al., Newark, N.J., Docket 8898 June 11, 1974]

In the Matter of Beauty Style Modernizers, Inc., a corporation, and Morris Jakel and Saul Jakel, individually and as officers of said corporation.

Order requiring a Newark, N.J., seller of home improvement materials, supplies, and installation services, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The final order, including further order requiring report of compliance therewith is as follows: [1]

This matter having been heard by the Commission upon respondents' appeal from the administrative law judge's initial decision, and upon briefs and oral argument in support thereof and in opposition thereto; and the Commission having rendered its decision denying the appeal and adopting the initial decision:

It is ordered, That respondents, Beauty-Style Modernizers, Inc., Morris Jakel and Saul Jakel shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Commissioner Nye did not participate.

The order to cease and desist contained in the initial decision is as follows:

It is ordered, That respondents, Beauty-Style Modernizers, Inc., a corporation, its successors and assigns, Morris Jakel, individually, and as an officer of said corporation, and Saul Jakel, individually, and as General Manager of said corporation, and respondents' officers, agents, representatives, and employees directly or through any corporation, subsidiary, division, or other device, in connection with any consumer credit sale or any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

2. Failing to use the term "cash downpayment" to disclose and describe the amount of the downpayment in money made in connection with the credit sale, as required by § 226.8(c)(2) of Regulation Z.

3. Failing to use the term "unpaid balance of cash price" to disclose and describe the difference between the cash price and the cash downpayment, trade-in, or total downpayment, as required by § 226.8(c)(3) of Regulation Z.

4. Failing to use the term "amount financed" to disclose and describe the amount of credit which the customer has the actual use of, as required by § 226.8 (c)(7) of Regulation Z.

5. Failing to use the term "total of payments" to disclose and describe the sum of the payments scheduled to repay the indebtedness, as required by § 226.8 (b)(3) of Regulation Z.

6. Representing, directly or by implication, in any advertisement as "advertisement" is defined in Regulation Z the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z:

(i) The cash price;

(ii) The amount of the downpayment required or that no downpayment is required, as applicable;

(iii) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

(iv) The amount of the finance charge expressed as an annual percentage rate; and

(v) The deferred payment price.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That each individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

Final order of the Commission issued on June 11, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-20733 Filed 9-6-74;8:45 am]

[1] Copies of the complaint, initial decision, opinion, and final order filed with the original document.

[Docket C-2516]

PART 13—PROHIBITED TRADE PRACTICES

Doyle Dane Bernbach, Inc.

Subpart—Advertising falsely or misleadingly: § 13.20 Comparative data or merits; § 13.170 Qualities or properties of product or service; 13.170–2 Air conditioning; 13.170–20 Cooling, refrigerating; § 13.280 Unique nature or advantages. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 Comparative data or merits; § 13.1710 Qualities or properties: § 13.1770 Unique nature or advantages.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45).) [Cease and desist order, Doyle Dane Bernbach, Inc., New York, N.Y., Docket C-2516, June 25, 1974.]

In the Matter of Doyle Dane Bernbach, Inc., a corporation.

Consent order requiring a New York City, advertising agency, among other things to cease misrepresenting air cooling products as having unique features, and the cooling, circulation, or dehumidification capabilities of such products as well as the amount of electric power used by such products.

The Decision and Order, including further order requiring report of compliance therewith is as follows.[1]

It is ordered, That respondent Doyle Dane Bernbach Inc., its successors and assigns, officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertis-

[1] Copies of the complaint, decision and order, filed with the original document.

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ing, offering for sale, sale or distribution of any room air cooling product or central air cooling system, hereinafter referred to as "such products," in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the button which activates the highest fan speed on any room air cooling product is a unique feature of such room air cooling product;

2. Representing, directly or by implication, that any such products have a button, control, device, or other feature which is unique, unless such is the fact;

3. Representing, directly or by implication, that any such products are unique in any other material respect, unless such is the fact;

4. Representing, directly or by implication, that any such room air cooling products have an initial cooling capability which is substantially greater than that of comparable room air conditioners made by other companies, unless, at the time such representation is made, respondent has a reasonable basis for such representation, which shall consist of competent scientific, engineering, or other similar objective material. (For the purposes of this paragraph the term "initial cooling capability" shall refer to the speed with which a room air conditioner, upon initial activation of the unit, is able to lower the temperature to a given temperature in the area being cooled);

5. Making, directly or by implication, any other statements or representations as to:

(a) The air cooling, circulation, or dehumidification capabilities of such products, unless, at the time such representation is made, respondent has a reasonable basis for such representation, which shall consist of competent scientific, engineering or other similar objective material; and

(b) The efficiency of use of electric power of such products, unless, at the time such representation is made, respondent has a reasonable basis for such representation, which shall consist of competent scientific tests, or industry-wide standards based on such tests established by the Association of Home Appliance Manufacturers, the Air Conditioning and Refrigeration Institute, or a similar organization, or by an agency of the government of the United States.

Provided, however, that it shall be a defense under paragraphs (1), (2) and (3) of this Part that respondent can establish that it neither knew nor had reason to know of the falsity of the representation of uniqueness.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in it such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Decision and Order issued by the Commission June 25, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-20736 Filed 9-6-74;8:45 am]

[Docket 8921-o]

PART 13—PROHIBITED TRADE PRACTICES

Walco Toy Company, Inc., et al.

Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 Furnishing means and instrumentalities of misrepresentation or deception; § 13.1057 Packaging deceptively; 13.1057-40 Oversized containers. Subpart—Misrepresenting oneself and goods—Goods: § 13.1698 Packaging deceptively: § 13.1720 Quantity; § 13.1743 Size or weight. Subpart—Packaging or labeling of consumer commodities unfairly and/or deceptively: § 13.2100 Packaging or labeling of consumer commodities unfairly and/or deceptively.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45)) [Cease and desist order, Walco Toy Company, Inc., et al., New York, N.Y., Docket 8921-o, June 25, 1974]

In the Matter of Walco Toy Company, Inc., a Corporation, and Samuel S. Wallach, Individually and as an Officer of said Corporation.

Order requiring a New York, N.Y., seller and distributor of toys, gift and hobby products to jobbers and retailers, among other things to cease packaging its products in oversized boxes or other containers; packaging its products in boxes or other containers which misrepresent the size, amount, or quantity of products contained in such boxes or containers; and providing wholesalers, retailers, or other distributors of its products with means with which to deceive the purchasing public.

The final order, including further order requiring report of compliance therewith is as follows: [1]

This matter having been heard by the Commission upon respondents' appeal from the administrative law judge's initial decision, and upon briefs and oral argument in support thereof and in opposition thereto; and the Commission having rendered its decision denying the appeal and adopting the initial decision:

It is ordered, That respondents, Walco Toy Company, Inc., and Samuel S. Wallach shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Commissioner Nye did not participate.

The order to cease and desist contained in the initial decision is as follows:

It is ordered, That respondent Walco Toy Company, Inc., a corporation, and its officers, and Samuel Wallach, individually and as an officer of said corporation, and respondents' agents, representatives, employees, successors and assigns, directly or through any corporation, subsidiary, division, or other device, in or in connection with the offering for sale, sale and distribution of toy, gift and hobby products or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Packaging said products in oversized boxes or other containers so as to create the appearance or impression that the length, width, thickness and other dimensions of products contained in such boxes or containers are appreciably greater than is the fact, or that the amount or quantity of products contained in such boxes or containers is appreciably greater than is the fact; *Provided*, That nothing in this order shall be construed as prohibiting respondents from using oversized containers if respondents advise the Commission of the use of such containers and justify such usage as necessary for the efficient packaging of the products contained therein and establish that respondents have made all reasonable efforts to prevent any misleading appearance or impression from being created by the use of such containers;

2. Packaging said products in boxes or other containers which have pictorial and written matter, and box design, which misrepresent in any respect the length, width, thickness or other dimensions of products contained in such boxes or containers or which misrepresent in any respect the amount or quantity of products contained in such boxes or containers; and

3. Providing wholesalers, retailers, or other distributors of said products with any means or instrumentality with which to deceive the purchasing public in the manner described in Paragraphs 1 and 2 above.

It is further ordered, That respondents or their successors or assigns notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporate respondent which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include such respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondents distribute a copy of this Order to all firms, and to all individuals not associated with such firms, engaged in the design of respondents' product packages, and to all managerial, supervisory, and sales personnel of corporate respondent Walco Toy Company, Inc.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Final order of the Commission issued on June 25, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-20735 Filed 9-6-74;8:45 am]

[Docket C-2515]

PART 13—PROHIBITED TRADE PRACTICES

Whirlpool Corporation

Subpart—Advertising falsely or misleadingly: § 13.20 Comparative data or merits; § 13.170 Qualities or properties of product or service; 13.170-2 Air conditioning; 13.170-20 Cooling, refrigerating; § 13.280 Unique nature or advantages. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records; 13.1051-10 Accurate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 Comparative data or merits; § 13.1710 Qualities or properties; § 13.1770 Unique nature or advantages.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45).)) [Cease and desist order, Whirlpool Corporation, Benton Harbor, Mich., Docket C-2515, June 25, 1974.]

In the Matter of Whirlpool Corporation, a Corporation

Consent order requiring a Benton Harbor, Mich., seller and distributor of air conditioners, among other things to cease misrepresenting air cooling products as having unique features, and the cooling, circulation, or dehumidification capabilities of such products as well as the amount of electric power used by such products. The seller and distributor is further required to cease failing to maintain and produce records in support of claims for its air cooling products.

The Decision and Order, including further order requiring report of compliance therewith is as follows.[1]

It is ordered, That respondent Whirlpool Corporation, its successors and assigns, officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device in connection with the advertising, offering for sale, sale or distribution of Whirlpool brand room air cooling products or Whirlpool brand central air cooling systems, hereafter referred to as "such products," in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the button which activates the highest fan speed on any of Whirlpool brand room air cooling products is a unique feature of such room air cooling products;

2. Representing, directly or by implication, that any such products have a button, control, device, or other feature which is unique, unless such is the fact;

3. Representing, directly or by implication, that any such products are unique in any other material respect unless such is the fact;

4. Representing, directly or by implication, that any such Whirlpool brand room air cooling products have an initial cooling capability which is substantially greater than that of comparable room air conditioners made by other companies, unless, at the time such representation is made, respondent has a reasonable basis for such representation, which shall consist of competent scientific, engineering, or other similar objective material (for the purposes of this paragraph the term "initial cooling capability" shall refer to the speed with which a room air conditioner, upon initial activation of the unit, is able to lower the temperature to a given temperature in the area being cooled);

5. Making, directly or by implication, any other statements or representations as to:

(a) the air cooling, circulation, or dehumidification capabilities of such products, unless, at the time such representation is made, respondent has a reasonable basis for such representation, which shall consist of competent scientific, engineering, or other similar objective material; and

(b) the efficiency of use of electric power of such products, unless, at the time such representation is made, respondent has a reasonable basis for such representation, which shall consist of competent scientific tests, or industry-wide standards based on such tests established by the Association of Home Appliance Manufacturers, the Air Conditioning and Refrigeration Institute, or a similar organization, or by an agency of the government of the United States.

It is ordered, That respondent Whirlpool Corporation do forthwith cease and desist from failing to maintain and produce accurate records which may be inspected by duly authorized representatives of the Federal Trade Commission upon reasonable written notice by the Commission:

1. which consist of documentation in support of any claims covered under any paragraph of Section I of this Order which are included in advertising or sales promotional material for any such products;

2. which provided the basis upon which respondent relied as of the time those claims were made;

3. which shall be maintained by respondent for a period of three years from the date such advertising or sales promotional material was last disseminated by Whirlpool Corporation.

It is further ordered, That the provisions of this Section II shall expire ten years from the date this order becomes final.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondent corporation notify the Commission at least thirty (30) days prior to the effective date of any proposed change in corporate identity, such as dissolution, transfer or sale of assets, or merger or consolidation resulting in the emergence of a successor corporation or the creation or dissolution of subsidiaries, if such proposed change may affect compliance obligations arising out of this order.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Decision and Order issued by the Commission June 25, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-20734 Filed 9-6-74;8:45 am]

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[1] Copies of the complaint, initial decision, opinion and final order filed with the original document.

[1] Copies of the complaint, decision and order, filed with the original document.

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-10995]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Rule 17a-1, a Recordkeeping Rule; Suspension of Effective Date

The Securities and Exchange Commission has announced that it is suspending the effective date of Securities Exchange Act Rule 17a-1 (17 CFR 240.17a-1) from September 2, 1974 until December 2, 1974.

On May 17, 1974 the Commission announced the adoption, under the Securities Exchange Act of 1934, of Rule 17a-1, which requires every national securities exchange and association to keep on file for a period of five years all documents which it makes or receives in the course of its business as such and in the conduct of its self-regulatory activity. The Commission also announced, on that day, an amendment to Exchange Act Rule 17a-6 (17 CFR 240.17a-6) which was intended to avoid any undue burden which the adoption of Rule 17a-1 might impose on a self-regulatory organization. The amendment permits, pursuant to a plan, the destruction and/or the retention on

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microfilm or other recording medium of documents kept by national securities exchanges and associations. Both the new rule and the amendments were to become effective on September 2, 1974.[1] The effective date of new Rule 17a–1 is being postponed in order to provide the self-regulatory organizations additional time to prepare record destruction plans under Rule 17a–6 as amended.

(Secs. 17(a), 23(a); 48 Stat. 897, 901; as amended 49 Stat. 1379, 52 Stat. 1076; 15 U.S.C. 78q(a), 78w(a).)

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

AUGUST 30, 1974.

[FR Doc.74-20704 Filed 9-6-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Revision of Delegations of Authority Relating to Certification of Color Additives

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to provide for revised delegations relating to authority to certify color additives. A reorganization of the Bureau of Foods abolished the Office of Technology. (A statement of organization, functions, and delegations of authority for the Food and Drug Administration was published in the FEDERAL REGISTER of May 29, 1974 (39 FR 18696)). The Director of that Office has been designated as the Associate Director for Technology. The revision reflects this change in the delegation of authority.

Further redelegation of the authority redelegated hereby is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; (21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.121 by revising paragraph (f) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

• • • • •

(f) *Delegations regarding certification of color additives.* The Director and Deputy Director of the Bureau of Foods, the Associate Director and Deputy Associate Director for Technology, and the Director and Deputy Director of the Division of Color Technology of that Bureau are authorized to certify batches of color additives for use in foods, drugs, or cosmetics, under section 706 of the Federal Food, Drug, and Cosmetic Act.

• • • • •

Effective date. This order shall be effective September 9, 1974.

(Sec. 701(a), 52 Stat. 1055; (21 U.S.C. 371(a)))

Dated: August 30, 1974.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.74-20714 Filed 9-6-74;8:45 am]

[1] Securities Exchange Act Release No. 10809 (May 17, 1974) 39 FR 18765.

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-169]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

First Coast Guard District

These amendments revise the description of the three captain of the port areas and the three marine inspection zones of the First Coast Guard District in Part 3 of title 33, Code of Federal Regulations.

The boundary descriptions of the marine inspection zones in §§ 3.05–10(b), 3.05–15(b), and 3.05–20(b) are revised to clarify these boundaries by describing locations in terms of geographic coordinates. The Boston Captain of the Port, Providence Captain of the Port and Portland, Maine Captain of the Port areas are revised to coincide with the boundaries of the marine inspection zone in which each captain of the port is located. The descriptions of the three captain of the port areas, as amended by this document, are transferred to §§ 3.05–10, 3.05–15, and 3.05–20. Accordingly, §§ 3.05–55, 3.05–60, and 3.05–70, that contain the present descriptions of these areas, are deleted.

Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b)(3)(A), and since these amendments are not substantive, they may be made effective in less than 30 days after publication in the FEDERAL REGISTER under 5 U.S.C. 553(d).

In accordance with the foregoing, Part 3 of Chapter 1 of Title 33 of the Code of Federal Regulations is amended as follows:

1. Section 3.05–10 is revised to read as follows:

§ 3.05–10 Boston Marine Inspection Zone and Captain of the Port.

(a) The Boston Marine Inspection Office and Captain of the Port Office are located in Boston, Massachusetts.

(b) The foundary of the Boston Marine Inspection Zone and Captain of the Port area starts at 42°55′ N. latitude, 70°47.7′ W. longitude; thence due west to the New York-Vermont boundary; thence south along the New York State line to the southern boundary of Massachusetts; thence east along the southern boundary of Massachusetts, except the waters of Congamond Lakes, to 42°04.1′ N. latitude, 71°06 W. longitude; thence southeast to 41°40.6′ N. latitude, 70°43′ W. longitude, except the waters of Sippican Harbor, its bays, coves, and inlets; thence southeast to 41°32′ N. latitude and 70°42′ W. longitude; thence south to 41°31′ N. latitude, 70°41.6′ W. longitude; thence east through the passage between Woods Hole and Nonamesset Island; thence south to 41°30′ N. latitude, 70°40′ W. longitude; thence southwest to 41°22′ N. latitude and 70°51′ W. longitude.

2. Section 3.05–15 is revised to read as follows:

§ 3.05–15 Portland, Maine Marine Inspection Zone and Captain of the Port.

(a) The Portland, Maine Marine Inspection Office and Captain of the Port Office are located in Portland, Maine.

(b) The boundary of the Portland, Maine Marine Inspection Zone and Captain of the Port area starts at 42°55′ N. latitude, 70°47.7′ W. longitude; thence due west to the western boundary of the Vermont State line; thence north along the westernmost Vermont County boundaries of Bennington, Windsor, Orange, Washington, Lamoille, Caledonia, and Essex to the United States-Canada border; thence continuing along the United States-Canada border to 44°48.8′ N. latitude, 66°57′ W. longitude.

3. Section 3.05–20 is revised to read as follows:

§ 3.05–20 Providence Marine Inspection Zone and Captain of the Port.

(a) The Providence Marine Inspection Office and Captain of the Port Office are located in Providence, Rhode Island.

(b) The boundary of the Providence Marine Inspection Zone and Captain of the Port area starts at 41°18.2′ N. latitude, 71°51.6′ W. longitude, and proceeds north along the Rhode Island State line, including the waters of Beach Pond, to the Massachusetts State line; thence east to 42°04.1′ N. latitude, 71°06′ W. longitude; thence southeast to 41°-40.6′ N. latitude, 70°43′ W. longitude, including the waters of Sippican Harbor, its bays, coves, and inlets; thence southeast to 41°32′ N. latitude and 70°42′ W. longitude; thence south to 41°31′ N. latitude, 70°41.6′ W. longitude; thence east through the passage between Woods Hole and Nonamesset Island; thence south to 41°30′ N. latitude, 70°40′ W.; thence southwest to 41°22′ N. latitude, and 70°51′ W. longitude.

§§ 3.05–55, 3.05–60, 3.05–70 [Deleted]

4. Sections 3.05–55, 3.05–60, and 3.05–70 are deleted.

(5 U.S.C. 552; 14 U.S.C. 633; 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

Effective date: These amendments are effective on September 9, 1974.

Dated: August 30, 1974.

O. W. SILER, *Admiral, U.S. Coast Guard Commandant.*

[FR Doc.74-20695 Filed 9-6-74;8:45 am]

Title 34—Government Management

CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION

SUBCHAPTER B—PROCUREMENT MANAGEMENT

[FMC 74-3]

PART 212—GOVERNMENT-WIDE PROCEDURES FOR PROCESSING PREAWARD PROTESTS AGAINST CONTRACT AWARD

Processing Preaward Protests Against Contract Award

The purpose of this issuance is to revise certain portions of Federal Management Circular 74–3, appearing as FR Doc. 74–16688 on page 26641 in the July 22, 1974 issue. These revisions replace the originally published procedures for resolving protests while under consideration by the General Accounting Office and for award in exceptional circumstances prior to resolution of a protest. Section 212.4(c)(4) and (5) is revised to read as follows:

§ 212.4 Applicability and scope.

• • • • • •

(c) • • •

(4) *Resolution of protests during GAO consideration.* (i) When an agency has received and considered all information and evaluated all pertinent factors available at the time pertaining to a protest and has made a determination with respect to its disposition, prompt action to effect an award or other justifiable disposition should be taken; however, when a protest has been filed with the GAO, agencies should consider the desirability of withholding disposition of the bid protest and contract award pending completion of the GAO consideration. Such withholding may be authorized except when delay pending completion of consideration of a protest by the GAO is likely to significantly prejudice the agency's programs or otherwise seriously disadvantage the Government.

(ii) Prompt notice and explanation should be given to GAO where a protest is resolved and a decision is made to award or make other appropriate disposition.

(5) *Award in exceptional circumstances prior to resolution of protest.* (i) While every bid protest should be disposed of prior to any procurement action, exceptional circumstances may require an agency to make an award before adequate consideration can be given to the merits of a bid protest, including a protest under consideration by the GAO. However, no award shall be made prior to final disposition of bid protests unless it is authorized in advance by an official at an appropriate management level above the contracting officer, as designated by the head of an agency. The authorizing official shall promptly notify the head of the agency of each such authorization and award. Such notification shall include an explanation of the exceptional circumstances that justified making an award prior to resolution of the bid protest. The following are examples of considerations that may justify such prompt award:

(A) The items to be procured are urgently required.

(B) Delivery or performance will be delayed by failure to make award promptly.

(ii) Prompt notice and explanation should be given to GAO when a decision is made to award or make other appropriate disposition prior to completion of consideration of a protest by GAO.

AUTHORITY: Executive Order 11717 (38 FR 12315, May 11, 1973).

Effective date: This regulation is effective immediately.

Dated: August 29, 1974.

ARTHUR F. SAMPSON, *Administrator of General Services.*

[FR Doc.74-20758 Filed 9-6-74;8:45 am]

Title 40—Protection of Environment

[FRL 249-1]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

West Virginia: Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all stationary and mobile sources must be in compliance with any applicable requirement of the plan.

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of West Virginia's State Implementation Plan.

Pursuant to 40 CFR § 51.6, the State of West Virginia has submitted for the Environmental Protection Agency's approval, revisions to the compliance schedule portion of its plan. The approval of these revisions was proposed by the Administrator on April 30, 1974 (39 FR 15050). This publication approves these revisions with specific exceptions pursuant to the provisions of 40 CFR 51.8.

Fifty-six (56) compliance schedules were submitted by the State of West Virginia for the Environmental Protection Agency's approval. Of these, twenty-six (26) were evaluated and proposed for approval in the FEDERAL REGISTER on the above date. The remaining compliance schedules submitted by the State were not proposed for approval either because the dates for final compliance will have passed by the date of this publication, or because the Environmental Protection Agency is still negotiating with the State and the individual sources to correct deficiencies appearing in the schedules.

The Administrator will take no action with regard to the compliance schedules of three sources proposed for approval whose dates for final compliance will have passed by the date of this publication. The sources so affected include Preston County Coal & Coke Corporation, Brockway Glass Company, and Sharon Steel Corporation.

The Administrator has not received public comments concerning the proposed approval of the compliance schedules listed in the April 30, 1974, FEDERAL REGISTER notice.

Each revision established a date by which an individual air pollution source must attain compliance with an emission limitation specified by the State Implementation Plan. This date is indicated in the table below under the heading "Final compliance date". In most cases, the schedules include incremental steps toward compliance with interim dates for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. Evaluation reports have been prepared for each listed compliance schedule and are available for public inspection at the Region III Office in Philadelphia, Pennsylvania. All the compliance schedules listed here are available for public inspection at the following locations:

Environmental Protection Agency
Region III
Curtis Building
Sixth and Walnut Streets
Philadelphia, Pennsylvania 19106

West Virginia Air Pollution Control Commission
1558 Washington Street, East
Charleston, West Virginia 25311

Freedom of Information Center
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Each compliance schedule listed below has been adopted by the West Virginia Air Pollution Control Commission and submitted to the Environmental Protection Agency after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51.

The Administrator finds that these State submitted compliance schedules are presently in effect for all sources listed and EPA approval imposes no added burdens upon the sources. Accord-

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ingly, the Administrator finds good cause to make this regulation effective September 9, 1974.

(42 USC § 1857c–5)

Dated: August 29, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart XX—West Virginia

1. Section 52.2524(c) is amended by adding the paragraph as follows:

§ 52.2524 Compliance schedules.

* * * * *

(c) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State of West Virginia.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Monongahela Power Co., Rivesville Station.	Fairmont	II	Dec. 14, 1972	Immediately	Mar. 27, 1975
Chesapeake and Ohio Railway Co., Huntington Shops.	Huntington	II	Dec. 7, 1972	do	Oct. 31, 1974
Central Operating Co., Philip Sporn Plant.	New Haven	II	Dec. 14, 1972	do	June 30, 1975
E. I. DuPont deNemours & Co., Inc.	Parkersburg	II	July 12, 1973	do	Do.
International Nickel Co., Inc., Huntington Alloy Products Division.	Huntington	VII	do	do	Dec. 31, 1974
Koppers Co., Inc.	Follansbee	II	July 5, 1973	do	May 30, 1975
FPG Industries Inc.	New Martinsville	II	Dec. 7, 1972	do	July 1, 1975
Quaker State Oil Refining Corp., Ohio Valley Plant.	St. Marys	II	July 5, 1973	do	June 1, 1975
Mercury Coal and Coke, Inc.	Morgantown	VII	Sept. 20, 1973	do	June 30, 1975
Mountaineer Carbon Co.	Moundsville	VII	Dec. 14, 1972	do	Do.
Wierton Steel Division, National Steel Corp.	Wierton	II	Oct. 26, 1972	do	Dec. 31, 1974
Union Carbide Corp., Ferroalloys Division.	Alloy	VII	Oct. 29, 1970	do	Jan. 1, 1975
Monongahela Power Co., Albright Station.	Albright	II	Dec. 14, 1972	do	Feb. 1, 1975
Owens-Illinois Glass Works, Fairmont Plant.	Fairmont	VII	Oct. 30, 1973	do	July 1, 1975
Owens-Illinois Glass Works, Huntington Plant.	Huntington	VII	do	do	Jan 7, 1975
Johns-Manville Fiber Glass Plant.	Vienna	VII	Nov. 2, 1973	do	June 1, 1975
Quaker State Oil Refining Corp.	St. Marys	VII	July 5, 1973	do	Aug. 30, 1974
Sterling Faucet Co., Cast Products Plant.	Morgantown	VII	Dec. 14, 1973	do	Feb. 1, 1975
Sterling Faucet Co., Pittsburgh Valve Plant.	do	VII	do	do	Do.
Union Carbide Corp., Chemicals and Plastics Division.	Sistersville	II	do	do	Dec. 30, 1974
Wheeling Pittsburgh Steel Corp., Steubenville Plant, East Division, Byproduct Coke Plant.	Follansbee	II	Sept. 20, 1973	do	Sept. 30, 1974
Allied Chemical Corp., Industrial Chemical Division, South Plant.	Moundsville	II	Oct. 26, 1972	do	Mar. 1, 1975
American Cyanamid Co.	Willow Island	II	Dec. 7, 1972	do	Feb. 1, 1975

[FR Doc.74–20583 Filed 9–6–74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19860; FCC 74–930]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, FM Broadcast Stations

1. The Commission here considers the notice of proposed rulemaking proposing amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) by substituting a channel assignment at Victorville, California, because of an error in the Table of Assignments (FCC 73–1190; 38 FR 32518). The only party commenting is the First Assembly of God of Victorville (First Assembly).

2. Victorville, population 10,845, is located in San Bernardino County, population 684,072. When the First Assembly and Albert S. Medlinsky tendered applications for Channel 252A, which is assigned to Victorville, it was ascertained that that channel assignment is short-spaced by 17 miles to co-channel Station KBOB(FM), at West Covina, California. As a consequence, neither application could be accepted and the Commission proposed amendment of the Table of Assignments to substitute either Channel 276A or 280A. However, since Victorville is located in the 199-mile border area covered by the United States-Mexico FM Broadcasting Agreement (Agreement), effective August 9, 1973, it was also necessary to coordinate the proposed amendment with the United Mexican States under the procedure provided in the Agreement.

3. The United Mexican States has now indicated that it has no objection to assignment of either Channel 276A or 280A. The First Assembly has indicated that it is willing, ready, and able to proceed with its application and it will promptly construct a station, if its application is granted. We find that it would serve the public interest, convenience and necessity to substitute Channel 276A for Channel 252A at Victorville.

4. In view of the foregoing and pursuant to authority found in Sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is ordered, that effective October 11, 1974, the Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) is amended as concerns Victorville, California, to read as follows:

City	Channel No.
Victorville, Calif.	276A

5. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 (47 U.S.C. 154, 303, 307).)

Adopted: August 28, 1974.

Released: August 29, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–20724 Filed 9–6–74;8:45 am]

[Docket No. 20050; Rm No. 2306; FCC 74–915]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

Nome, Alaska, Petition for Waiver of Rules

1. By a notice of proposed rulemaking and order, released May 17, 1974 (39 FR 18470) (FCC 74–513), the Commission proposed to amend § 81.713 of its rules to permit use of the frequency 5370 kHz at Nome, Alaska. The time for filing comments and reply comments has passed.

2. Comments were filed in this proceeding by RCA Alaska Communications, Inc. (RCA Alascom), the petitioner for rule making, in support of the amendment. Comments were also filed by the Division of Communications of the State of Alaska's Department of Public Works (Alaska DPW). RCA Alascom filed reply comments to those of Alaska DPW.

3. Alaska DPW does not oppose adoption of the rule amendment as such. Rather, Alaska DPW objects to the use of the frequency 5134.5 kHz proposed to be paired with 5370 kHz at Nome. In support of its opposition, Alaska DPW cites the fact that it is licensed to use the frequency 5135.0 kHz at nearby locations and that the one-half kilohertz separation from 5134.5 kHz threatens possible interference to its operations.

4. The frequency assignment list makes 5134.5 assignable in all zones in Alaska. Accordingly, Alaska DPW is not entitled as a matter of right to be protected from possible interference which might result from assignment of 5134.5 kHz. Nevertheless, and as a general principle, it is desirous to avoid interference wherever possible. Consequently, we shall select another frequency available for assignment in all zones in Alaska, namely 5207.5 kHz to be paired with 5370 kHz at Nome. This selection enjoys more than the desired 3 kilohertz separation from Alaska DPW's assigned frequency.

5. For the reasons set forth above, the frequency 5207.5 kHz will be paired with 5370 kHz for use at Nome, Alaska. Except for this modification, the rule should otherwise be amended. For editorial reasons, columns and dates reflecting frequencies available before January 1, 1974, will be deleted, because those dates have passed.

6. Accordingly, pursuant to authority found in sections 4(i), 303 (g) and (r), of the Communications Act of 1934, as amended, *it is ordered*, That, § 81.713 of the rules is amended, effective October 11, 1974, to permit the use of frequency 5370 kHz and the paired frequency 5207.5 kHz at Nome, Alaska, in accordance with the attached Appendix.

7. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303).)

Adopted: August 28, 1974.

Released: August 30, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

In § 81.713, the paired frequencies 5370 kHz and 5207.5 are added, and the dates in the columns reflecting "Frequencies available" before 1–1–74 deleted to read as follows:

§ 81.713 Pairing of common carrier and Alaska-public fixed frequencies.

The pairing of frequencies available for communication between common carrier fixed stations (CCFS), as set forth in § 81.712, and Alaska-public fixed stations (APFS), as set forth in § 81.711, is given in the following table.

[1] Commissioners Lee, Reid, and Washburn absent.

For communication with common carrier stations located at	Frequencies available: CCFS transmit (kHz)	Frequencies available: APFS transmit (kHz)
Anchorage	3182	3265
		5137.5
		2598
Bethel	2604	2629
		5204.5
Cold Bay	3241	2691
Cordova	2312	2682
Fairbanks	3167.5	3354
		5207.5
Juneau	2784	2694
	3241	3357
Ketchikan	2604	2256
	3180	2776
King Salmon	3164.5	2466
Kodiak	2781	2474
Kotzebue	2601	2463
Nome	5370	5207.5
	2784	2471
Unalaska	3238	3362
	5370	5134.5

[FR Doc.74–20723 Filed 9–6–74;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Notice No. 74–19]

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

MISCELLANEOUS TECHNICAL AMENDMENTS

The Director of the Bureau of Motor Carrier Safety is making a number of technical, non-substantive amendments to the Federal Motor Carrier Safety regulations. The amendments consist of (1) changing the term "Motor Carrier Safety Regulations" to read "Federal Motor Carrier Safety Regulations" wherever it appears; (2) changing the term "Motor Vehicle Safety Standards" to read "Federal Motor Vehicle Safety Standards" wherever it appears; and (3) changing two references to the "National Highway Safety Bureau" in footnotes to § 393.93 to read "National Highway Traffic Safety Administration."

The objective of the latter amendment is to reflect changes in the organizational structure and nomenclature within the U.S. Department of Transportation. The purpose of adding the word "Federal" before the term "Motor Carrier Safety Regulations" and the term "Motor Vehicle Safety Standards" is to avoid confusion between rules issued by Federal agencies and rules issued by the States.

In consideration of the foregoing, Parts 389–397 and appendices thereto in Subchapter B of Chapter III in title 49, CFR are amended as follows:

1. The term "Motor Carrier Safety Regulations" is amended to read "Federal Motor Carrier Safety Regulations" wherever it appears.

2. The term "Motor Vehicle Safety Standards" is amended to read "Federal Motor Vehicle Safety Standards" wherever it appears.

3. Footnote 1 to § 393.93 in Part 393 is revised to read as follows:

[1] Individual copies of Federal Motor Vehicle Safety Standards may be obtained from the National Highway Traffic Safety Administration, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Since these amendments are nonsubstantive in character and do not affect the rights of any person, notice and public procedure thereon are unnecessary, and they are effective on the date of issuance set forth below.

(Sec. 204, Interstate Commerce Act (49 U.S.C. 304), sec. 6, Department of Transportation Act (49 U.S.C. 1655), delegations of authority at 49 CFR 1.48, 389.4)

Issued on August 29, 1974.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.74–20730 Filed 9–6–74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

CONVEYORS

Extension of Time for Comments; Hearing

On June 3, 1974, a notice of proposed rulemaking regarding a permanent occupational safety and health standard on conveyors used in general industry (29 CFR 1910.186), was published in the FEDERAL REGISTER (39 FR 19507). Interested persons were given until August 2, 1974, to submit written data, views, and arguments with respect to the proposal and to file objections and request a hearing thereon. Several requests for additional time to submit such materials were made. In view of the complexity of the issues raised and the breadth of application of the proposed standard, the period for the submission of written comments and for the filing of objections on the proposal is hereby extended until October 9, 1974. The written comments and objections should be submitted to the Docket Officer, Docket No. OSSN–1, Room 230, Occupational Safety and Health Administration, U.S. Department of Labor, 1726 M Street NW., Washington, D.C. 20210. Such data, views and arguments will be available for public inspection and copying at the above address.

Comments received by August 2, 1974, raised several objections to the proposal. It was argued, for example, that the proposed standard attempts to cover too broad a range of conveyor equipment with a limited number of specific requirements. Others felt that the proposal should exclude from its coverage certain types of conveyors. Finally, some commentors stated the proposal is too vague and does not cover all of the recognized hazards associated with conveyor use.

Also, as of August 2, 1974, seven requests for a hearing on the proposal had been received. Therefore, pursuant to section 6(b)(3) of the Occupational Safety and Health Act of 1970 (84 Stat. 1594; (29 U.S.C. 655)), Secretary of Labor's Order No. 12–71 (36 FR 8754), and 29 CFR 1911.11, an informal rulemaking hearing has been scheduled to begin at 10 a.m. on Tuesday, October 15, 1974, in the Commerce Auditorium of the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. The issues raised in the comments discussed above, together with the other issues raised or to be raised in the comments and objections, will be considered at the hearing. Oral data, views, and arguments concerning the proposed standard will be received by an administrative law judge, to be appointed by the Chief Administrative Law Judge of the Department of Labor, at the informal hearing. The hearing shall be conducted in accordance with the rules of procedure in 29 CFR Part 1911.

Any interested person desiring to participate at the hearing must file a notice of intention to appear with the Docket Officer, Docket No. OSSN–1, Room 230, Occupational Safety and Health Administration, U.S. Department of Labor, 1726 M Street NW., Washington, D.C. 20210, no later than October 9, 1974. The notice must state the name and address of the person to appear, the capacity in which he will appear, and the approximate amount of time required for his presentation. In addition, the notice should include or be accompanied by a statement of the position to be taken with regard to any provision of the proposed standard and of the evidence to be adduced in support of the position.

Upon consideration of the record of the hearing, and any written data, views, or arguments received, a determination may be made to adopt the proposal with or without changes or to withdraw the proposal.

Signed at Washington, D.C., this 4th day of September 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74–20770 Filed 9–6–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 20]

FROZEN DESSERTS

Proposed Identity Standards; Extension of Time for Filing Comments

In the FEDERAL REGISTER of July 25, 1974 (39 FR 27144), the Commissioner of Food and Drugs, on his own initiative, issued a proposal to amend the identity standards for frozen desserts under 21 CFR Part 20 taking into consideration a petition to amend the frozen dessert standards which had been received from the International Association of Ice Cream Manufacturers (IAICM), 910 17th St. NW., Washington, DC 20006. Interested persons were invited to file comments regarding the proposal and the IAICM petition on or before September 23, 1974.

The Commissioner has received a request from the Department of Agriculture and Commerce of the Commonwealth of Virginia for an extension of time to permit the filing of comments in this matter following the annual meeting of the National Association of State Departments of Agriculture which has been scheduled for September 22–26, 1974.

Good reason therefor appearing, the time for filing comments in this matter is extended to November 8, 1974.

(Secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: August 30, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–20712 Filed 9–6–74;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 250]

PAYMENTS—MEDICAL ASSISTANCE PROGRAMS

Limitation on Federal Participation for Capital Expenditures

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposal amends regulations for the Medicaid program, title XIX of the Social Security Act, to implement section 221 of Pub. L. 92–603, which sets limits on Federal financial participation in capital expenditures.

The law requires that Federal funds appropriated under titles V, XVIII and XIX are not to be used to support unnecessary capital expenditures made by or on behalf of health care facilities or health maintenance organizations which are reimbursed under any of such titles and that, to the extent possible, reimbursement under such titles shall support planning activities with respect to health services and facilities in the various States. The Department's regulations on agreements with States and on determinations as to allowability of capital expenditures under section 1122 are set forth in 42 CFR Part 100, Subpart A (38 FR 31380, November 13, 1973). These proposed regulations set forth the conditions under which the Secretary may determine that the expenses associated with capital expenditures are not to be reimbursed with Federal funds. They also identify typical expense categories, appropriate amounts of which are to be excluded from Federal financial participation pursuant to a determination by the Secretary that a capital expenditure is not allowable.

Prior to the final adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, on or before October 9, 1974. Comments received will be available for public inspection in Room 5326 of the Department's offices at 330 C Street, S.W., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–245–0950).

AUTHORITY: Section 1102, 49 Stat. 647; (42 U.S.C. 1302).

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program).

Dated: May 31, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: August 30, 1974.

FRANK CARLUCCI,
Acting Secretary.

Part 250, Chapter II, Title 45 of the Code of Federal Regulations is amended by adding a new Subpart C and § 250.210 thereunder as follows:

Subpart C—Fiscal Administration

§ 250.210 Limitation on Federal participation for capital expenditures.

(a) The provisions of this section shall apply where a State has entered into an agreement with the Secretary pursuant to section 1122 of the Social Security Act.

(b) Except as provided in section 1122 (d)(2) of the Act, if the Secretary determines, or reconsiders a determination and finds, in accordance with section 1122 of the Act and 42 CFR Part 100, Subpart A, that:

(1) The appropriate State planning agency designated pursuant to section 1122 has not been given timely written notice of the intention to make a capital expenditure in accordance with 42 CFR 100.106; or

(2) Such designated planning agency has, in accordance with the requirements of section 1122 and 42 CFR Part 100, Subpart A, submitted to the Secretary its finding that such expenditure is not consistent with the applicable standards, criteria, or plans developed pursuant to the Public Health Service Act (or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963);

Federal financial participation under title XIX of the Act is not available for any expenses which are attributable to such expenditure. Such expenses include depreciation, interest on borrowed funds, a return on equity capital (in the case of proprietary facilities), or other expenses related to such capital expenditures, or the reasonable equivalent of that portion of any rental expense incurred as part of a leasing arrangement that would have been excluded had an acquisition been by purchase. In the case of a leasing arrangement any amount deposited under the terms of the lease or comparable arrangement shall be deducted in computing the return on equity capital. Expenses in connection with capital assets which are acquired by donation or transfer are also subject to the provisions of this regulation.

Where payment is made on a per capita, fixed fee or negotiated rate basis, the amount to be excluded from Federal financial participation will be determined by the Secretary.

(c) Included in determining the amount of expenses associated with a capital expenditure, regardless of the manner in which such expenditure, is recorded in the provider's records, are the costs of: studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement, modernization, expansion, or replacement of the plan, buildings, and equipment (including, transportation, installation and start-up expenses, in-transit insurance, etc.). Also included in such determinations are expenses directly related to capital expenditures, including expenses with respect to grading, paving, taxes assessed during the construction period, and costs involved in demolishing or razing structures on land. Other costs related to such capital expenditures include title fees, permit and license fees, broker commissions, architect, legal, accounting, and appraisal fees, interest, finance, or carrying charges on bonds, notes, and other costs incurred for borrowing funds. Reasonable costs incurred by a provider for studies, surveys, etc., in order that the provider can properly determine whether the proposed capital expenditure would be in compliance with the State planning agency's need criteria shall not be excluded from Federal financial participation whether or not the capital expenditure is approved, except that such costs shall be excluded from Federal financial participation if the provider makes the proposed capital expenditure without the required approval.

(d) Upon request, any person or State, dissatisfied with a determination made under this section with respect to the availability of Federal financial participation, shall receive a reconsideration of such determination as provided in sections 1122(f) and 1116(d) of the Social Security Act as amended.

[FR Doc. 74–20732 Filed 9–6–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 575]

[Docket No. 25; Notice 14]

UNIFORM TIRE QUALITY GRADING SYSTEM

Proposed Tire Treadwear Test Procedures; Correction

In FR Doc. 74–18194, appearing at page 28644 in the issue of August 9, 1974, the formula specified in proposed § 575.104 (e)(2)(vii)(A), appearing in the first column on page 28645, should read:

$$R_n = 1.25 \times (\overline{m}_{n-1} - \overline{m}_n)$$

(Secs. 103, 112, 119, 201, 203, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on September 3, 1974.

ELWOOD T. DRIVER,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.74–20719 Filed 9–6–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 245–2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Compliance Schedules for North Carolina

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR part 51 require each State to submit a plan which provides for the attainment and maintenance of the National ambient air quality standards throughout the State. On May 31, 1972 (37 FR 10842), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of North Carolina's State Implementation Plan.

On November 20, 1973 and May 13, 1974, pursuant to 40 CFR § 51.15, the State of North Carolina submitted for the Environmental Protection Agency's approval additional compliance schedules. This publication proposes that certain of the compliance schedules be approved. Each proposed compliance schedule establishes a date by which an individual air pollution source must attain compliance with an emission limitation of the State implementation plan. This date is indicated in the succeeding tables under the heading "Final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with interim dates for achieving those steps. While the tables below do not list these interim dates, the actual compliance schedules do.

The schedules of this notice are additions to the table published in the FEDERAL REGISTER of June 20, 1973 (38 FR 16144), as satisfying the compliance schedule requirements for State implementation plans. Another group of schedules was proposed for inclusion in this table on March 20, 1974 (39 FR 10438).

All of the compliance schedules listed here are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
Region IV
1421 Peachtree Street, N.E.
Atlanta, Georgia 30309

State of North Carolina
Office of Water and Air Resources
226 West Jones Street
Raleigh, North Carolina 27611

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Each compliance schedule has been adopted by the Water and Air Quality Control Committee of the Board of Water and Air Resources and submitted to EPA after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51. Each also satisfies the substantive requirements of 40 CFR Part 51 pertaining to compliance schedules, and has been determined to be consistent with the approved control strategies for the State of North Carolina.

All interested parties are encouraged to submit written comments on the proposed compliance schedules. These comments will be weighed carefully by the Agency before it decides to approve or disapprove these changes in the North Carolina plan. The Administrator's decision, however, will be based primarily on his determination as to whether these schedules meet the requirements of section 110(a) of the Clean Air Act, as amended, and the Agency's implementing regulations published in 40 CFR Part 51. Comments will be accepted on or before October 9, 1974, and should be addressed to the Acting Director, Air Programs Office, Environmental Protection Agency, Region IV, 1421 Peachtree St., NE, Atlanta, Georgia 30309, Attention: Mr. Strickland.

AUTHORITY: Section 110(a) of the Clean Air Act, as amended 1970 (42 U.S.C. 1857c-5(a)).

Dated: August 28, 1974.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, Code of Federal Regulations as follows:

Subpart II—North Carolina

Section 52.1774 is amended by inserting in proper order in the table of paragraph (a) new lines as follows:

§ 52.1774 Compliance schedules.

(a) • • •

Source	Location	Permit number	Regulation involved	Date of adoption	Effective date	Final compliance date
ALAMANCE COUNTY						
Burlington Industries, Mayfair Plant	Burlington	T-2449	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	Mar. 31, 1975
Wilson Bradshaw Sawmill	Haw River	T-2431	II-1.3	do	do	July 31, 1974
ANSON COUNTY						
Wade Mfg. Co.	Wadesboro	T-2421	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	Dec. 31, 1974
BLADEN COUNTY						
Columbian Peanut Co.	Elizabethtown	T-2439	IV-2.30	Mar. 18, 1974	Immediately	July 1, 1974
BEAUFORT COUNTY						
Hackney & Sons, Inc.	Washington	T-2410	IV-2.60	Mar. 18, 1974	Immediately	Jan. 1, 1975
BRUNSWICK COUNTY						
Bolivia Lumber Co.	Navassa	T-2384	II-1.3	Aug. 23, 1973	Immediately	June 1, 1974
Standards Products, Inc.:						
(a) Evaporator	Southport	T-2216	II-5.2, IV-2.30	June 27, 1973	do	May 31, 1974
(b) Dryer	do	do	do	do	do	Do.
CLEVELAND COUNTY						
Oras Biggerstaff:						
Gin #1	Shelby	T-2454	II-2.2, IV-2.30	Mar. 19, 1974	Immediately	Sept. 30, 1974
Gin #2	Boiling Springs	T-2455	do	do	do	Do.
Gin #3	Shelby	T-2456	do	do	do	Do.
A. M. Bogas & Sons	Fallston	T-2458	do	Mar. 20, 1974	do	Do.
Boggs & Williams Gin Co.	Bellwood	T-2460	do	Mar. 22, 1974	do	Do.
Morgan & Company Inc.	Shelby	T-2450	do	Mar. 20, 1974	do	Do.
CUMBERLAND COUNTY						
Cape Fear Car Service, Inc.	Fayetteville	T-2435	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	July 15, 1974
DAVIDSON COUNTY						
Hekman Cabinets	Lexington	T-2417	IV-1.10, II-2.2, IV-2.30.	Mar. 18, 1974	Immediately	Nov. 1, 1974
E. E. Wilson Floor Covering, Inc.	do	T-2420	II-1.3	do	do	Mar. 1, 1974
Burlington Industries, Inc., Philpott Plant:						
(a) Furniture finishing	do	T-2338	IV-2.60	June 29, 1973	do	Dec. 18, 1974
(b) Dust cyclone	do	do	IV-2.30	do	do	July 1, 1974
(c) Wood waste boiler	do	do	II-2.2, IV-1.20	do	do	May 1, 1975
EDGECOMBE COUNTY						
Carolina Enterprise Inc.	Tarboro	T-2430	II-2.2, IV-2.30, IV-2.60.	Mar. 18, 1974	Immediately	Oct. 1, 1974
FRANKLIN COUNTY						
Rishel Furniture Co.	Louisburg	T-2452	IV-2.60	Mar. 18, 1974	Immediately	July 31, 1974
GRAHAM COUNTY						
Graham Board of Commissioners	Robbinsville	T-2268	II-2.2, IV-1.10, IV-2.40.	June 27, 1973	Immediately	Oct. 15, 1974

Source	Location	Permit number	Regulation involved	Date of adoption	Effective date	Final compliance date
GRANVILLE COUNTY						
Adams Products Co.	Oxford	T-2437	II-2.2, II-5.2, IV-2.30, IV-2.60.	Mar. 18, 1974	Immediately	Apr. 1, 1974
General Processors, Inc.	do	T-2424	II-2.2, IV-2.30	do	do	Aug. 1, 1974
Graystone Concrete Products Inc.	do	T-2444	do	do	do	Nov. 1, 1974
IMI Warp Knits	do	T-2428	do	do	do	June 1, 1974
Oxford Laundry & Cleaner	do	T-2225	II-2.2, IV-1.10, IV-2.40.	June 28, 1973	do	Sept. 30, 1974
HALIFAX COUNTY						
Columbian Peanut Co.	Enfield	T-2427	II-22, IV-2.30	Mar. 18, 1974	Immediately	Sept. 1, 1974
Do.	Scotland Neck	T-2450	IV-2.30	do	do	July 1, 1974
HARNETT COUNTY						
Perry Bros. Tire Service	Dunn Durham	T-2446	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	May 15, 1974
HENDERSON COUNTY						
Manning Fisher Co., Inc.	Hendersonville	T-2462	II-2.2, IV-2.30	Mar. 22, 1974	Immediately	June 1, 1974
HERTFORD COUNTY						
Colombian Peanut Co.	Ahoskie	T-2398	IV-2.30	Mar. 18, 1974	Immediately	July 1, 1974
IREDELL COUNTY						
Bayslate Milling Co.	Mooresville	T-2411	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	May 5, 1974
Statesville Chair Co.	Statesville	T-2418	do	do	do	Dec 31, 1974
Statesville Plywood & Veneer Co.	do	T-2413	do	do	do	July 1, 1974
JOHNSTON COUNTY						
Mitchell Concrete Products	Smithfield	T-2433	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	Aug. 31, 1974
Guy C. Lee Mfg. Co.	do	T-1963	II-2.2, IV-1.10, IV-2.40.	Dec. 3, 1972	do	June 1, 1973
LEE COUNTY						
Sanford Finishing Corp.	Sanford	T-2441	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	June 30, 1974
LINCOLN COUNTY						
Mohican Mills	Lincolnton	T-2304	II-2.2, IV-2.30	June 28, 1973	Immediately	Dec. 31, 1974
MARTIN COUNTY						
Martin Co. Board of Education, Robersonville Primary	Robersonville	T-885	II-1.3, II-2.2, IV-1.100	Apr. 27, 1971	Immediately	Sept. 30, 1973
NASH COUNTY						
Burlington Industries:						
(a) Sheffield Plant	Rocky Mount	T-2447	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	Sept. 30, 1974
(b) Finishing Plant	do	T-2448	do	Mar. 19, 1974	do	Mar. 31, 1975
China American Tobacco Company	do	T-2422	do	Mar. 18, 1974	do	July 10, 1974
Independent Tobacco Services Corp.	do	T-2434	do	do	do	Sept. 1, 1974
NEW HANOVER COUNTY						
Southern Box & Plywood	Wilmington	T-2374	IV-1.10, II-2.2	Aug. 23, 1973	Immediately	July 31, 1974
Carolina Methanol, Inc.	do	T-2467	IV-2.60	Oct. 26, 1973	do	Mar. 31, 1975
Babcock & Wilcox Company	do	T-2409	do	Mar. 18, 1974	do	Dec. 31, 1974
E. W. Godwin & Sons	do	T-2408	II-2.2, IV-1.10	do	do	Do.
Carolina Power & Light L. V. Sutton #2 Unit	do	T-1846	II-2.2, IV-1.10, IV-2.40.	Aug. 8, 1972	do	Do.
Hercules, Inc.	do	T-2197	IV-2.60	June 27, 1973	do	May 3, 1975
NORTHAMPTON COUNTY						
Severn Peanut Company, Inc.	Severn	T-2442	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	Oct. 1, 1974
E. L. Timberlake Jr. Company	Woodland	T-2432	do	do	do	June 1, 1974
ORANGE COUNTY						
Triem, Inc.	Carrboro	T-2425	IV-2.6	Mar. 18, 1974	Immediately	Sept. 30, 1974
Hines Liner Company (Liner Plant)	Hillsboro	T-1782	II-2.2, IV-1.10, IV-2.40.	June 29, 1972	do	July 31, 1973
PASQUOTANK COUNTY						
A. B. Houte & Sons, Inc.	Elizabeth City	T-2397	II-1.3	Oct. 15, 1973	Immediately	June 1, 1974
PENDER COUNTY						
Holt Hosiery Mills, Inc.	Penderlea	T-2396	II-2.2, IV-1.10, IV-2.40.	Oct. 15, 1973	Immediately	July 1, 1974
PERSON COUNTY						
The Loxcreen Co., Inc.	Roxboro	T-2423	II-2.2, IV-2.3	Mar. 13, 1974	Immediately	June 1, 1974
PITT COUNTY						
Town of Bethel	Bethel	T-287	II-1.3	Sept. 6, 1973	Immediately	Mar. 1, 1974

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Source	Location	Permit number	Regulation involved	Date of adoption	Effective date	Final compliance date
			RANDOLPH COUNTY			
W. R. Grace & Company, Const. Products Div.	High Point	T-2419	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	Oct. 1, 1974
			RUTHERFORD COUNTY			
Burlington Industries, Inc., J. C. Cowan Plant	Forest City	T-2461	II-2.2, IV-2.30, IV-2.60	Mar. 22, 1974	Immediately	Dec. 31, 1974
			SCOTLAND COUNTY			
Spring Mills, Crandall Plant	Wagram	T-504	II-1.3, II-2.2, IV-1.10, IV-2.40	Mar. 2, 1971	Immediately	Mar. 31, 1973
			SURRY COUNTY			
North Carolina Granite Company	Mt. Airy	T-2416	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	Apr. 1, 1974
			UNION COUNTY			
Spring Mills Inc.	Monroe	T-2412	II-2.2, IV-2.30	Mar. 18, 1971	Immediately	Mar. 18, 1971
			VANCE COUNTY			
Kerlon, Inc.	Henderson	T-2426	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	Dec. 31, 1974
Fram Corporation, General Products Div.	do	T-2438	do	do	do	June 1, 1974
			WAKE COUNTY			
Athey Products Corp.	Wake Forest	T-2443	IV-2.60	Mar. 18, 1974	Immediately	Aug. 30, 1974
Paul Beasley Concrete, Inc.	Fuquay-Varina	T-2436	II-2.2, IV-2.20	do	do	Do.
Cameron Court Apartments	Raleigh	T-2445	II-1.3, IV-1.30	do	do	July 17, 1974
Tobacco Growers Services	Fuquay-Varina	T-2429	II-2.2, IV-2.30	do	do	Aug. 31, 1974
			WARREN COUNTY			
General Box Company	Warrenton	T-2440	II-1.3	Mar. 31, 1974	Immediately	Aug. 1, 1974
			YADKIN COUNTY			
Yadkin Granite Ready Mix Company	Jonesville	T-2415	II-2.2, IV-2.30	Mar. 18, 1974	Immediately	July 1, 1974
			WILKES COUNTY			
Lowes Company Inc.	N. Wilkesboro	T-2395	II-2.2, IV-2.30	June 27, 1973	Immediately	Dec. 31, 1974

[FR Doc.74-20406 Filed 9-6-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 20154]

RADIO ASTRONOMY OPERATIONS

Planning Band Use To Minimize Potential Interference

1. Notice is hereby given of a proposed rulemaking in the above captioned matter.

2. The Commission, acting in conjunction with the Office of Telecommunications Policy (OTP) through the Interdepartment Radio Advisory Committee (IRAC), has under consideration a request by the Subcommittee on Radio Astronomy of the National Academy of Sciences to add a new footnote to the allocation table reflecting the need for special consideration in planning the use of certain bands for space and aeronautical use so as to minimize potential interference to radio astronomy operations in adjacent bands. The radio astronomy community believes that this section is justified in view of systems which presently operate or are planned to operate in adjacent bands and which cause or may cause harmful interference to their radio astronomy operations.

3. Of particular concern to the radio astronomers are bands which are intended to be employed in space stations which, during normal use, may appear within the main beam of the highly directional radio telescopes. Although permissible out-of-band energy levels from transmitters are controlled generally by international and national regulations, radio astronomers believe that the unique circumstance described above warrants some special consideration.

4. In response to the concerns of the radio astronomers, a new US footnote to the Table of Frequency Allocations has been developed in coordination with the IRAC (see Appendix). The purpose of this proposed footnote is to draw the attention of parties planning to implement systems in bands adjacent to exclusive radioastronomy bands to the special needs of radioastronomy and to urge them to take all practicable steps to protect radioastronomy operations from harmful interference. It should be emphasized, however, that the footnote proposed herein would in no way entitle the radio astronomy service to greater protection from out-of-band radiation than presently provided under footnote US74. Further, the Commission would not accept motions to deny applications for proposed space systems on the basis of such arguments. The Commission, however, believes that the development and planning of future space systems should take into account, to the degree practicable, the special needs of radio astronomy in adjacent bands.

5. It is not the Commission's intent to require the developers or planners of space communications systems to undergo alterations which would cause undue expense or seriously reduce the overall effectiveness of their system. However, the Commission believes that where several options are open and no significant disadvantages in the performance or cost of the system will be experienced, the interests of the radio astronomers should be considered. One such option might be the selection of space station transmitting frequencies as far removed as possible from adjoining radio astronomy bands. In this regard, it is expected that the radio astronomy community and those involved in space communications will cooperate to explore other alternatives which would yield satisfactory results to both parties.

6. The proposed amendment to the rules, as set forth in the Appendix, is issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

7. Pursuant to the applicable procedures set forth in § 1.145 of the Commission's rules, interested persons may file comments on or before October 11, 1974 and reply comment on or before October 21, 1974. All revelant and timely comments will considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it in addition to the specific comments invited by this notice. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of

all statements briefs or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its Headquarters in Washington, D.C.

Adopted: August 28, 1974.

Released: August 30, 1974.

FEDERAL COMMUNICATIONS COMMISSION[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 2.106 [Amended]

1. The Table in § 2.106 is amended in column 6 for the bands 1427–1429 MHz, 2500–2690 MHz, 5000–5250 MHz, 14.5–15.35, 15.4–15.7, 24–24.05, 31.5–31.8, 84–86, 122.5–130 and 220–230 GHz by adding footnote designator US 211.

2. The text of footnote US 211 is added in proper numerical sequence to the list of footnotes following the Table as follows:

US 211 In the bands 1427–1429, 2500–2690, and 5000–5250 MHz and 14.5–15.35, 15.4–15.7, 24–24.05, 31.5–31.8, 84–86, 122.5–130 and 220–230 GHz, applicants for space station assignments are urged to take all practicable steps to protect observations in the adjacent exclusive radio astronomy bands from harmful interference; however US 74 applies.

[FR Doc.74-20725 Filed 9-6-74;8:45 am]

[1] Commissioners Lee, Reid, and Wasburn absent.

[47 CFR Part 97]

[Docket No. 19723]

RADIO AMATEUR CIVIL EMERGENCY SERVICE (RACES)

Order Extending Time for Filing Comments

In the Matter of amendment of Subpart F Radio Amateur Civil Emergency Service (RACES) in Part 97.

By Chief, Safety and Special Radio Services Bureau.

1. On June 12, 1974, the Commission adopted a notice of proposed rulemaking in the referenced Docket. Publication was made in the FEDERAL REGISTER on June 21, 1974, at 39 FR 2282. Comments are due on or before September 25, 1974, and reply comments are due October 10, 1974.

2. On August 7, 1974, Patrick M. O'Block, Director for the Cook County Civil Defense Commission, Chicago, Illinois, filed a petition to extend the time to file comments and reply comments to October 25, 1974, and November 27, 1974, respectfully. In support of its request, Cook County states "the information gathering phase of our effort is concurrent with the summer vacation period", implying its reduced staff precludes timely submission of comments.

3. Many comments have been received. Most have expressed an urgent need for rule changes. In light of the rulemaking petitions urging us to adopt rules relating to civil defense emergency communications by licensed amateur radio operators, and in view of the comments concurring that a need for such rule change is long overdue, we are reluctant to unduly delay these proceedings and the ultimate benefit that will inure to the public.

4. Nevertheless, we are impressed with Cook County's statement that they "can make a significant contribution to the evidence being gathered" and would like to have as many knowledgeable comments as possible in this important matter. Therefore, we will extend the time period in which to file comments. However, we do not feel extensions to October 25 and November 27, 1974, for comments and reply comments are warranted in light of the time remaining, and in view of the fact any inordinate delay may materially affect the interests of other known parties whose situation is not dissimilar to Cook County's.

5. Accordingly, *it is ordered*, Pursuant to section 5(d) of the Communications Act of 1934, as amended, and § 0.331(b)(4) of the Commission's rules, the above described request for extension of time filed by Cook County Civil Defense Commission is granted. The time within which to file comments in the above-entitled proceeding is extended until October 9, 1974, and the time in which to file reply comments is extended to October 25, 1974.

Adopted: August 29, 1974.

Released: August 30, 1974.

[SEAL]
CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.74-20728 Filed 9-6-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE SEVENTH NATIONAL BANK REGION

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Seventh National Bank Region will be held at the Board of Directors Room, Exchange National Bank of Chicago, Lasalle and Adams Streets, Chicago, Illinois, on Friday, September 20, 1974, beginning at 9 a.m.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Seventh National Bank Region.

It is hereby determined pursuant to section 10(d) of Pub. L. 92–463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10(a) (1) and (3) of the Act (Pub. L. 92–463) relating to open meetings and public participation therein.

Dated: September 4, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74–20721 Filed 9–6–74;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

SCIENTIFIC ADVISORY GROUP TO THE JOINT STRATEGIC TARGET PLANNING STAFF

Notice of Closed Meeting

The Eighteenth meeting of the Scientific Advisory Group to the Joint Strategic Target Planning Staff will be held from 8 to 10 October 1974 at Offutt Air Force Base, Omaha, Nebraska, and in the interest of national security the meeting shall be closed to the public under the provisions of Section 552(b), Title 5 US Code. Subject matter is Soviet Union Attack Survivability Requirements.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

SEPTEMBER 3, 1974.

[FR Doc.74–20716 Filed 9–6–74;8:45 am]

DEPARTMENT OF JUSTICE

Anchorage, Alaska

JOINT NEWSPAPER OPERATING AGREEMENT

Notice is hereby given that the Assistant Attorney General for Administration has received an application for approval of a joint newspaper operating arrangement involving the two daily newspapers in Anchorage, Alaska. The application was filed on August 1, 1974, by the Anchorage Times Publishing Co., publisher of the Anchorage Times, and the Northern Publishing Co., publisher of the Anchorage Daily News. The proposed arrangement provides that the printing, circulation, and sale of advertising for both newspapers will be handled by the Times. The Times would publish a Sunday edition in place of the one published by the News. Under the agreement, each newspaper is to retain control over its own editorial policies and news content.

The Newspaper Preservation Act requires that joint newspaper operating arrangements such as that proposed by the Anchorage newspapers have the prior written consent of the Attorney General of the United States in order to qualify for the antitrust exemption provided by the Act. Before granting his consent, the Attorney General must find that one of the publications is a failing newspaper, and that approval of the arrangement would effectuate the policy and purpose of the Act.

In accordance with the Newspaper Preservation Act Regulations (28 CFR Part 48), published in the FEDERAL REGISTER on January 2, 1974, copies of the proposed agreement and other materials filed by the newspapers in support of their application are available for public inspection in the main offices of the newspapers involved and at the Department of Justice (DOJ File/Docket #44–03–24). Any person who believes that the Attorney General should or should not approve the proposed arrangement may file written comments stating the reasons why approval should or should not be granted, or request that a hearing be held on the application. A request for a hearing must set forth the issues of fact to be determined and the reason that a hearing is believed to be required to determine them. Comments should refer to the Newspaper Prevention Act, DOJ File/Docket #44–03–24, and be filed by mailing or delivering five copies to the Assistant Attorney General for Administration, Department of Justice, Washington, D.C. 20530, and must be received by October 9, 1974. Replies to any comments filed on or before that date may be filed on or before November 8, 1974.

Dated: September 3, 1974.

GLEN E. POMMERENING,
Assistant Attorney General for Administration.

[FR Doc.74–20745 Filed 9–6–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Group 539]

ARIZONA

Filing of Plats of Survey

AUGUST 30, 1974.

Plats of survey of the lands described below, accepted on July 9, 1974, will be officially filed in Arizona State Office effective 10 a.m., on October 17, 1974.

1. GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 42 N., R. 5 W.

A retracement of a portion of the north boundary (Arizona-Utah State Line), a dependent resurvey of the west boundary, and survey of a portion of the subdivisional lines.

sec. 31, Lots 1, 2, 3, and 4 and S½;
sec. 32, Lots 1, 2, 3, and 4 and S½;
sec. 33, Lots 1, 2, 3, and 4 and S½.

The area described aggregates 1,332.03 acres of national resource lands.

The area surveyed is largely rough and mountainous with some nearly level areas. The elevation ranges from 5,350 feet to about 6,134 feet. The low lands are covered with sagebrush and some cedar; the higher land has scattered sagebrush, cedar, and pinyon pine.

All rights of the State of Arizona to section 32 have been conveyed to the United States.

2. GILA AND SALT RIVER MERIDIAN, ARIZONA
T. 42 N., R. 6 W.

A retracement of a portion of the north boundary (Arizona-Utah State line), and a completion survey of the subdivisional lines.

sec. 33, Lots 1, 2, 3, and 4 and S½;
sec. 34, Lots 1, 2, 3, and 4 and S½;
sec. 35, Lots 1, 2, 3, and 4 and S½;
sec. 36, Lots 1, 2, 3, and 4 and S½.

The area described above aggregates 1,624.56 acres of national resource lands.

The area surveyed is extremely rough and mountainous. The elevation ranges from about 5,083 feet to about 6,450 feet. There is some timber on the level areas consisting of scrubby type of cedar, pinyon pine, and yellow pine. Vegetation on the lower and more level areas is mainly sagebrush with oakbrush in isolated areas.

All rights of the State of Arizona to the S½ of section 36 has been conveyed to the United States.

3 The national resource lands described in paragraphs 1 and 2 are open to petition, application, and selection, as outlined in paragraph 4 below. No application for these lands will be allowed under the nonmineral public land laws, unless or until the lands have been classified. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the national resource lands described above are hereby opened to filing of petition-application and selection in accordance with the following:

a. Applications and selections under the nonmineral public land laws, and offers under the mineral leasing laws may be presented to the Division of Technical Services, Arizona State Office, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications and selections under the nonmineral public land laws presented prior to 10 a.m., on October 17, 1974 will be considered as simultaneously filed at that hour. Rights under such applications and selections and offers filed after that hour will be governed by the time of filing.

5. Persons claiming preference rights based upon settlement, statutory preference, or equitable claims must enclose properly executed statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

CHARLES G. BAZAN, JR.,
Chief, Branch of Records and Data Management.

[FR Doc.74–20710 Filed 9–6–74;8:45 am]

OIL AND GAS LEASE SALE #36

Amendments and Corrections

The following amendments and corrections are hereby made to the FEDERAL REGISTER notice which appeared on Friday, August 30, 1974, beginning on page 31670 of Vol. 39, No. 170.

1. Strike the words "October 1, 1974" wherever they appear in the notice and substitute for them the words "October 16, 1974".

2. Strike the words "September 30, 1974" wherever they appear in the notice and substitute for them the words "October 15, 1974".

3. In paragraph 1, page 31671, strike the words "the Presidential Salon, Braniff Place, 1500 Canal Street, New Orleans, Louisiana 70112" and substitute for them the words "the International Room, Fairmont Hotel, University Place, New Orleans, Louisiana 70140".

4. In paragraph 3, page 31671, line 1, strike the tract designation "36–44" and substitute for it the tract designation "36–42." Also in Paragraph 3, page 31671, in the next to the last line, correct the spelling of the word "rayalty" to read "royalty".

5. In paragraph 7, page 31671, strike the words "the Presidential Salon, Braniff Place" and substitute for them the words "the International Room, Fairmont Hotel".

6. In paragraph 14, page 31673, strike the acreage figure for tract 36–190, appearing as "4999.98" and substitute for it the figure "4999.96".

Also in paragraph 14, page 31673, strike the acreage figure for tract 36–191, appearing as "3007.56" and substitute for it the figure "3007.52".

7. On page 31674, strike footnote #2, and substitute for it the following language:

"That portion of Block 253 located more than three marine leagues seaward of a line extending from a point on Shell Keys at latitude 29°24'32.15"N., longitude 91°51'16.59"W. (X=1,834,019, Y=270,301) northwesterly in a straight line to Tigre Point at latitude 29°32'-23.13" N., longitude 92°14'57.15" W. (X=1,708,756, Y=318,661). The coordinates used refer to the Louisiana Plane Coordinate System, South Zone."

GEORGE L. TURCOTT,
Associate Director, Bureau of Land Management.

Approved: September 4, 1974.

JOHN C. WHITAKER,
Under Secretary of the Interior.

[FR Doc.74–20829 Filed 9–6–74;8:45 am]

OUTER CONTINENTAL SHELF RESEARCH MANAGEMENT ADVISORY BOARD

Notice and Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. No. 92–463, 5 U.S.C. App. I and the Office of Management and Budget Circular No. A–63, Revised.

The Outer Continental Shelf Research Management Advisory Board will meet during the period 9:30 a.m. to 4 p.m., Rooms 7000 A and B, Department of the Interior, October 3 and 4. The meeting will cover the following agenda items:

1. Approval of Minutes of June 10 meeting
2. Status of Mississippi-Alabama-Florida (MAFLA) and Gulf of Alaska OCS benchmark data program
3. Overall plan and schedule for future environmental data collection on the OCS
4. Preliminary work plans for environmental monitoring, MAFLA area
5. Preliminary work plans for bench-mark data gathering, South Texas, Southern California, and Atlantic OCS.
6. NOAA report on marine environmental assessment
7. Regulations governing operations of the OCS Research Management Advisory Board
8. Other business

The meeting is open to the public and written or oral statements concerning the program content are welcome.

Those who expect to attend should communicate their intention not later than September 27 to the Board's Chairman:

Frank E. Clarke, Senior Scientist, U.S. Geological Survey, Room 4443, Interior Building, Washington, D.C. 20240, 202–343–3888.

Written comments or statements should be submitted to the Chairman not later than September 27.

GEORGE L. TURCOTT,
Associate Director, Bureau of Land Management.

Dated: September 5, 1974.

ROLAND G. ROBISON, JR.,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.74–20878 Filed 9–6–74;10:05 am]

DEPARTMENT OF AGRICULTURE

Forest Service

TIMBER MANAGEMENT KLAMATH NATIONAL FOREST

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Timber Management Plan, Klamath National Forest, California USDA–FS–R5–FES(Adm)–74–1.

The environmental statement concerns a proposed timber management plan for the management of the timber resources on the forest.

This final environmental statement was transmitted to CEQ on August 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
630 Sansome Street, Rm. 531
San Francisco, California 94111

Klamath National Forest
1215 S. Main Street
Yreka, California 96097

A limited number of single copies are available upon request to Regional Forester, Douglas R. Leisz, California Region, U.S. Forest Service, 630 Sansome Street, San Francisco, California 94111.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Dated: August 26, 1974.

DOUGLAS R. LEISZ,
Regional Forester.

[FR Doc.74–20711 Filed 9–6–74;8:45 am]

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DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ADVISORY COMMITTEE ON EAST-WEST TRADE

Notice of Meeting

A meeting of the Advisory Committee on East-West Trade will be held at 10 a.m., Wednesday, September 25, 1974 in Room 4830, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C.

The purpose of the Committee is to advise the Department, through the Deputy Assistant Secretary for East-West Trade, on ways to facilitate and coordinate the expansion of two-way trade with countries having centrally planned economies, so as to enhance the balance of trade and payments situation.

Agenda items are as follows:

1. Welcoming Statement.
2. Introductory Statement:
a. Report on status of Bureau of East-West Trade mission and programs;
b. Advisory Committee charter and functions;
c. Introduction of Committee Chairman and Vice-Chairman.
3. Discussion Topics:
a. Outlook for continued expansion of East-West Trade;
b. Identification of industry problems in East-West Trade;
c. Evaluation of Bureau of East-West Trade, trade statistics and other publications.
4. Agenda items suggested by Committee members.
5. Review of items submitted by the public.
6. Setting of date for next meeting.

The public will be permitted to attend the meeting, and a limited number of seats will be available to the public. Any member of the public who wishes to file a written statement with the Committee may do so before or after the meeting. Persons who wish to attend the meeting should contact Robert Frothingham III, Director, Liaison and Coordination Division, Office of Joint Commission Secretariat, Bureau of East-West Trade, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, Room 4814A, 202/967-4425.

Dated: September 3, 1974.

ROBERT FROTHINGHAM III,
Director, Liaison and Coordination Division, Office of Joint Commission Secretariat, Bureau of East-West Trade.

[FR Doc.74-20765 Filed 9-6-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 12339; Docket No. FDC-D-457; NDA No. 12-339]

CERTAIN COMBINATION DRUGS FOR INHALATION

Withdrawal of Approval of Parts of New Drug Application

A notice of opportunity for hearing (DESI 12339) was published in the FEDERAL REGISTER of May 24, 1974 (39 FR 18315), in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of parts of NDA 12-339 providing for Bronkometer Aerosol (isoetharine methanesulfonate, phenylephrine hydrochloride, and thenyldiamine hydrochloride) and Bronkospray Solution (isoetharine hydrochloride, phenylephrine hydrochloride, and thenyldiamine hydrochloride); Breon Laboratories, Inc., Subsidiary of Sterling Drug, Inc., 90 Park Avenue, New York, N.Y. 10016. The basis of the proposed action was the lack of substantial evidence of effectiveness as fixed combinations for the labeled indications.

Neither the holder of the application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of the opportunity for a hearing.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, Md. 20852.

The Director of the Bureau of Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and under authority delegated to him (21 CFR 2.121), finds that on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug products will have the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Therefore, pursuant to the foregoing findings, approval of those parts of new drug application No. 12-339 applying to Bronkometer Aerosol and Bronkospray Solution and all amendments and supplements applying thereto is withdrawn effective on September 19, 1974.

Shipment in interstate commerce of the above-listed products or of any identical, related, or similar products, not the subject of an approved new drug application, will then be unlawful.

Dated: August 30, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74-20715 Filed 9-6-74;8:45 am]

[DESI 5597; Docket No. FDC-D-688; NDA No. 11-702]

COMBINATION DRUG CONTAINING MEPROBAMATE, ETHOHEPTAZINE CITRATE AND ASPIRIN

Rescission of Notice Offering Opportunity for Hearing on Proposal to Withdraw Approval of New Drug Application

A notice published in the FEDERAL REGISTER of July 10, 1974 (39 FR 25375) offered an opportunity for hearing on a proposal to withdraw approval of that part of new drug application No. 11-702, held by Wyeth Laboratories, Division of American Home Products Corp., P.O. Box 8299, Philadelphia, Pa. 19101, providing for Equagesic Tablets (meprobamate, ethoheptazine, and aspirin).

That notice stated that no new evidence in support of effectiveness of the drug had been submitted. That statement was incorrect; the NDA holder had submitted evidence which is undergoing review. Therefore, the notice of July 10, 1974 is herewith rescinded.

Dated: August 30, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 74-20713 Filed 9-6-74;8:45 am]

Office of Education

TRAINING GRANTS

Closing Date for Receipt of Applications

Pursuant to the authority contained in sections 631, 632, and 634 of the Education of the Handicapped Act (20 U.S.C. 1431, 1432, and 1434), notice is hereby given that the U.S. Commissioner of Education has established the final closing date of October 15, 1974 for receipt of applications for new and continuation training grants under Part D of the Act.

A notice of proposed rulemaking governing grants for teacher training, authorized under Part D of the Act, was published in the FEDERAL REGISTER on October 11, 1973 (38 FR 28238-28240), and will govern the program when republished in the FEDERAL REGISTER as final regulations. Awards are also subject to the Office of Education General Provisions Regulations, 45 CFR Part 100a.

Applications must be received by the U.S. Office of Education Application Control Center on or before October 15, 1974.

A. *Applications sent by mail.*

An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.448 and 13.451. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.*

An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.*

Information and application forms may be obtained from the Division of Personnel Preparation, Bureau of Education for the Handicapped, U.S. Office of Education, Washington, D.C. 20202.

(20 U.S.C. 1431, 1432, 1434)

Dated: August 30, 1974.

T. H. BELL,
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Number 13.448 Handicapped Physical Education and Recreation Training and 13.451 Handicapped Teacher Education)

[FR Doc.74-20706 Filed 9-6-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-255]

CONSUMERS POWER CO.

Issuance of Amendment to Provisional Operating License and Proposed Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 10 (the interim amendment) and is considering the issuance of a further amendment (the proposed permanent amendment) revising Technical Specifications for operation of the Palisades Nuclear Generating Plant (the facility) located in Covert Township, Van Buren County, Michigan.

On August 11, 1973, the facility was shut down because of excess steam generator leakage. Subsequent investigations by the licensee disclosed that the leakage was caused by steam generator tube corrosion which was, in turn, caused by sulphur and phosphate salts theretofore utilized by the licensee for steam generator water chemistry control. As a result of its investigations and analyses, the licensee adopted a program involving (1) plugging of damaged tubes in accordance with a specified plugging criterion, (2) removal of the corrodents through a flushing program, and (3) implementation of a different method of water chemistry control. The plugging of damaged tubes has been completed, and the removal of corrodents and the change in the method of water chemistry control are in progress.

The licensee has stated, and the Directorate of Regulation has determined, that the corrodent flushing program should proceed without delay in the interest of arresting the corrosion process with minimum additional damage.

The interim amendment, which was made effective upon issuance and will remain in effect for a limited period of 90 days from the date of issuance, revises the Technical Specifications by reducing allowable primary system pressure limits and differential pressure limits and by incorporating an augmented inservice inspection program for steam generators. The interim amendment imposes further a limitation of 60 percent on the maximum core power level.

The interim amendment authorizes the licensee to conduct the corrodent flushing program subject to the Technical Specifications as revised. The licensee has represented that in keeping with the limited objective (flushing of corrodents) of initial operation, the facility will be operated substantially in accordance with guidelines which provide for an ascent from lower to higher power levels as the concentrations of the corrodents are reduced; limit cumulative operation at power plateaus above a nominal 30 percent power level; and require cycling of power levels such that periods of operation above a nominal 30 percent power level will be followed by periods of operation at levels not exceeding a nominal 30 percent.

The application for interim amendment, dated August 28, 1974, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made, with respect to the interim amendment, appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1. These findings are set forth in the interim amendment.

The proposed permanent amendment would revise the Technical Specifications as appropriate to permit completion of the flushing program and, following a required shutdown and inspection, a return to normal facility operation. The proposed permanent amendment, if adopted in the form requested by the licensee in its application dated August 20, 1974, would be substantially identical to the interim amendment, excluding the 90-day and 60 percent-power limitations set forth therein.

Prior to the issuance of the proposed amendment, the Commission will have made the findings required by the Act and the Commission's regulations.

By October 9, 1974, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's Request for Change to the Technical Specifications dated August 20, 1974, and its letter to the Directorate of Licensing dated August 28, 1974, requesting interim Technical Specifications, (2) Amendment No. 10 to License No. DPR-20, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washintgon, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan. As it becomes available, the Commission's Safety Evaluation related to operation beyond the 90-day interim period will be available at the above locations.

A copy of items (2) and (3), and of the Safety Evaluation related to operation beyond the 90-day interim period, when available, may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 30th day of August 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1 Directorate of Licensing.

[FR Doc.74-20702 Filed 9-6-74;8:45 am]

PROTECTION AGAINST ACCIDENTS IN NUCLEAR POWER REACTORS

Interim General Statement of Policy

Correction

In FR Doc. 74-19771 in the issue of Tuesday, August 27, 1974, make the following change:

The comment period deadline of October 11, 1974, referred to in the third column of page 30965, is changed to November 1, 1974.

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CIVIL AERONAUTICS BOARD

[Dockets 26838, 27003, Order 74–9–4]

CONTINENTAL AIR LINES, INC. AND WESTERN AIR LINES, INC.

Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of September, 1974.

By tariff revisions bearing the issue date of August 7, and marked to become effective September 6, 1974, Continental Air Lines, Inc. (Continental) proposes to establish premium general commodity rates for a new "Proud Bird Express" reserved freight service. The proposed rates amount to 130 percent of the applicable general commodity rates, with minimum charges per shipment equal to the charges per 100 pounds. The shipper is provided a reservation, which is defined as a commitment by the carrier to transport a predetermined volume of freight on a specific flight. Advance reservation must be made with the carrier at least 3 hours prior to the flight requested, and the shipment must be tendered to the carrier at least 45 minutes prior to the scheduled flight departure.

The shipper will be charged for the total volume reserved, whether or not actually tendered, on the basis of actual weight of the shipment or its cubic density at 10 pounds per cubic foot, whichever is greater. However, if the unutilized space does not exceed 10 percent of that reserved, the charge will be only for the actual or cubic weight shipped.

In the event the shipment is not carried on the agreed-upon flight, the shipper will be refunded the surcharge applicable for this service, and will be charged the applicable rates for standard service. The proposal bears an expiry date of December 31, 1974.

In support of its proposal, Continental contends essentially that (1) the proposed service is basically an extension of its existing small package tariff, a replacement for air express, and a new service for all types of shipments that require expedited service; (2) shippers of any size of shipment—not just small shipments—will have the ability to reserve space on a particular flight; (3) the reservation system will enable the carrier to preplan the flight and ensure that the higher priority shipment will be accommodated on the exact flight agreed upon; (4) the proposed service will attract traffic outside the present realm of air express—the documented growth of small package traffic testifies to the fact that confirmed traffic on an agreed flight is a service acceptable to shippers; and (5) in regard to capacity costs, the 30 percent markup is in line with the weighting applied to priority air freight in Docket 18381.

Complaints requesting rejection, or suspension and investigation of the proposed rates, were filed by The National Small Shipments Traffic Conference, Inc. (National) and REA Express, Inc. (REA).[1] National contends, inter alia, that (1) as a replacement service for air express, the proposed service is not comparable to the present service offered and it is unnecessary and unacceptable in its present form; (2) a service so limited in scope as a single line-service has minimal value for the shipping public; (3) the basis for the 30 percent rate increase is not appropriate and is strictly an inflationary rate which has not been cost justified; (4) the three-hour reservation restriction is an inconvenience that the increased rates certainly do not justify; and (5) the proposed service is inappropriate at this time because (a) REA has been granted an extension of the expiration date for air express; and (b) the airlines are still in the process of discussions concerning an industry-wide priority air freight service.

REA contends, inter alia, that (1) Continental's proposal fails to provide shippers who have used air express with the adequate replacement service they need; (2) the proposed tariff fails to provide armed-guard service, pick-up and delivery service, and will not guarantee same-day service; (3) the three-hour advance-reservation requirements does not permit shippers to get priority service upon tender less than an hour before flight time, as they can with air express; (4) Continental's tariff violates Section 404(a) of the Act if it intends to replace air express; (5) the proposal will deny shippers the right they presently have to get their traffic on the first available flight, no matter which carrier is operating, at a uniform rate level; and (6) Board Order 73–12–36 states that all airlines have an obligation to provide priority service, with inter-airline coordination as part of their obligation to provide adequate service under section 404(a), and the Board has no jurisdiction to modify this order since it is being reviewed by the Court.

In answer to the complaints, Continental asserts, inter alia, that its proposal is not comparable to current air express (and on this point it agrees with complainants), because it would apply also to large shipments than those carried by air express; that its 30 percent premium is appropriate; and that the airport-to-airport service proposed would satisfy most shippers requiring expedited service, in which shippers would provide their own pick-up and delivery service.

By Order 74–6–136, dated June 28, 1974, the Board instituted an investigation of the "Priority Reserved" air freight rates proposed by Western Air Lines, Inc. (Western), but permitted them to become effective. Continental's instant proposal is almost identical to Western's, and the reasons for our actions on the latter proposal are equally applicable to the instant filing. Consistent with the Board's finding regarding Western's filing and upon consideration of all relevant factors, the Board finds that Continental's tariff proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated.

There is a significant question as to whether the proposed service is subject to unreasonable and discriminatory limitations and provisions, and whether it is consistent with the Board's finding that the carrier is under an obligation to offer highly expedited inter-carrier priority service as a replacement for air express (Order 73–12–36).[2] Among other things, the Board is concerned about (1) the percentage of premiums for specific commodities, which will be greater than for general commodities because the rates for all traffic will be 30 percent above the GCR's; (2) the use of 10 pounds per cubic foot as the dimensional weight, which has not been fully substantiated; and (3) the adequacy of the cost justification in support of the premium service charge.

The Board has considered the request for rejection and finds no basis for such action.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. An investigation is instituted to determine whether the charges and provisions in Rule No. 71 on the Original Page 38–E and Original Page 38–F and reissues thereof of Tariff C.A.B. No. 169 issued by Airline Tariff Publishers, Inc., Agent, and rules, regulations, or practices affecting such charges and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions and rules, regulations, and practices affecting such provisions;

2. The investigation initiated herein, designated Docket 27003, is hereby consolidated into the *Priority Reserved Air Freight Rates Investigation*, Docket 26838;

3. Except to the extent granted herein, the complaints of The National Small Shipments Traffic Conference, Inc., in Docket 26967, and REA Express, Inc., in Docket 26955 are dismissed; and

4. Copies of this order shall be served upon Continental Air Lines, Inc., and REA Express, Inc., which are hereby made parties to Docket 26838.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–20743 Filed 9–6–74;8:45 am]

[1] REA requested rejection or suspension and investigation, while National requested suspension pending investigation.

[2] It should be noted that, while Continental states that this new priority service is intended as a replacement for air express, Continental still transports air express traffic. However, Continental has announced its intention to withdraw from the air express agreement effective December 28, 1974. In addition, the carrier is also a participant in the current inter-carrier discussions to decide on the procedures and details of how best to provide a coordinated interline priority service to replace air express.

[Docket 26838; Order 74–9–1]

HUGHES AIRWEST

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 3rd day of September, 1974.

By application filed April 22, 1974, Hughes Airwest requests amendment of its certificate of public convenience and necessity for route 76 so as to delete therefrom the points Sun Valley-Hailey-Ketchum (Sun Valley) and Burley-Rupert, Idaho. The carrier asks that the Board proceed by way of an order to show cause or, alternatively, set the matter for an expedited hearing.[1]

In support of its request for deletion, the carrier asserts that neither airport is adequate for F–27 aircraft—the smallest equipment type operated by Airwest at the time its application was filed;[2] that neither point is isolated in terms of ground travel; that both points receive regularly-scheduled commuter carrier service;[3] and that both points have been poor generators of traffic and as a result the subsidy need per passenger would be prohibitively high, estimated by Airwest at $21.25 per passenger.

No answers in opposition to the deletion application have been filed. Sun Valley Key Airlines has submitted a letter supporting the deletion, as has the Chairman of the Board of Trustees of the Southern Idaho Regional Airport (Burley).

Upon consideration of Airwest's application, the lack of any civic opposition, and all other relevant facts, the Board has determined to issue this order to show cause which proposes to grant the requested deletions. We tentatively find and conclude that the public convenience and necessity require the amendment of Airwest's certificate for route 76 so as to delete therefrom the points Sun Valley-Hailey-Ketchum, Idaho, and Burley-Rupert, Idaho.[4] In support of this ultimate conclusion we make the tentative findings and conclusions appearing below.

It is the Board's judgment that the overall air service needs of the two points in question are being efficiently and economically met by Part 298 commuter carrier service (in the case of Sun Valley) or by certificated service at Twin Falls (in the case of Burley-Rupert), upon which the points in question have relied for over three and one-half years. In the case of Sun Valley, the commuter carrier services appear to have won widespread acceptance by the community and the traveling public, as is evidenced by the lack of any civic opposition to Airwest's deletion application, and by the substantial O&D traffic growth in the last two years:[5]

Year:	O&D Traffic Sun Valley
1969	7,369
1970	2,088
1971	2,474
1972	12,239
1973	24,111

In addition, Sun Valley travelers may avail themselves of Airwest's services at Twin Falls. Under araringements with Airwest, direct bus service is provided between Sun Valley and Airwest's service at the Twin Falls airport.

In the case of Burley-Rupert, it appears that the certificated services at Twin Falls are meeting that community's needs. Indeed, direct Burley-Rupert commuter carrier traffic[6] has been declining since Airwest's suspension, averaging .43 passengers boarded and .39 passengers deplaned per flight for the nine-month period ending April 30, 1974.[7] It is clear that this level of traffic cannot economically support services by Airwest. Furthermore, the lack of objection to Airwest's application by any Burley-Rupert civic parties indicates those communities' satisfaction with Twin Falls certificated services in lieu of direct commuter carrier services.[8]

The situation here differs from the one before us last year when the Board denied Airwest's application for hyphenation of Sun Valley and Burley Rupert with Twin Falls, Order 73–6–115 (June 28, 1973), since here there is no opposition by any party and no question of traveler confusion over services actually provided.

The Board also finds that the proposed action will not have any significant environmental consequences, since it simply proposes to make permanent the environmental status quo existing for the past three and one-half years. Thus, the proposed deletion of Airwest is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Interested persons will be given twenty days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector shall state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That: 1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending the certificate of public convenience and necessity of Hughes Airwest for route 76 so as to delete Sun Valley-Hailey-Ketchum and Burley-Rupert, Idaho, therefrom;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons listed in Appendix A a statement of objections together with a summary of testimony, statistical data and other evi-

[1] Airwest has been suspended at both points for the past three and one-half years, subject to a condition requiring the continuation of existing regularly-scheduled commuter carrier services. See Orders 69–12–94 (December 23, 1969), 73–1–9 (January 3, 1973), and 73–2–87 (February 28, 1973). The condition has been recently lifted by the Board, pending final decision on this deletion application, Order 74–7–53 (July 12, 1974). The Board last year also denied an Airwest application seeking, through show cause procedures, the hyphenation of Sun Valley and Burley-Rupert with Twin Falls, Idaho, Order 73–6–115 (June 28, 1973).

[2] The carrier has now completed plans to dispose of its remaining F–27 aircraft, in favor of an all DC–9 fleet. Nonetheless, as we have recently observed, the carrier's lack of propjet equipment suitable for service at small communities will not be dispositive of any application to be relieved of its certificate obligations. See Order 74–8–45, dated August 12, 1974.

[3] At present Sun Valley Key Airlines, a commuter carrier, provides six round trips per day in the Boise-Sun Valley market and five round trips per day in the Salt Lake City-Sun Valley market. Official Airline Guide, July 15, 1974. Air Idaho (formerly Trans Magic), which had provided two round trips per day between Sun Valley, on the one hand, and Boise and Salt Lake City, on the other hand, and one round trip between Sun Valley and Twin Falls, as well as Burley-Rupert service, was recently authorized by the Idaho PUC to temporarily suspend all air carrier service within the State of Idaho pending a hearing on a further suspension. Idaho Public Utilities Commission Cases No. A–1001–16 and A–1001–17, Order No. 11585 (July 17, 1974). The cessation of Air Idaho's service has left Burley-Rupert without regularly-scheduled air services.

[4] We further tentatively find that Airwest is a citizen of the United States within the meaning of the Act and is fit, willing and able properly to perform the transportation pursuant to the amended certificate proposed and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[5] Data for 1970 thru 1973 submitted on Form 298 by Sun Valley Key Airlines and Air Idaho (formerly Trans Magic); 1969 is Airwest's on-line O&D traffic at Sun Valley.

[6] Carried, until its recent suspension by Air Idaho.

[7] Application of Air Idaho to the Idaho PUC for authority to suspend service to Burley. Air Idaho further alleges that the required breakeven enplaning and deplaning passenger count is 4.22 per arrival and departure.

[8] Burley is only 40 miles from Twin Falls via modern interstate highway, assuring easy access to the superior air transportation services available at Twin Falls.

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dence expected to be relied upon to support the stated objections;*

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon the persons listed in Appendix A, attached hereto.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

Copies of the foregoing Order have been served upon the following:

The Honorable Cecil B. Andrus
Governor of the State of Idaho
State Building
Boise, Idaho 83701

Mayor, City of Boise
City Hall
Boise, Idaho 83702

Mayor, City of Sun Valley
P.O. Box 43
Sun Valley, Idaho 83353

Mayor, City of Hailey
City Hall
Hailey, Idaho 83333

Mayor, City of Ketchum
City Hall
Ketchum, Idaho 83340

Mayor, City of Burley
City Hall
Burley, Idaho 83318

Mayor, City of Rupert
City Hall
Rupert, Idaho 83350

Mayor, City of Twin Falls
City Hall
Twin Falls, Idaho 83301

The Postmaster General
Attn: Asst. Postmaster General
Bureau of Transportation
Post Office Department
Washington, D.C. 20260

Sun Valley Corporation
Sun Valley, Idaho 83353

Southern Idaho Regional Airport Authority
Ponderosa Inn
Burley, Idaho 83318

Manager
Burley Municipal Airport
Burley, Idaho 83318

Manager
Twin Falls Municipal Airport
Twin Falls, Idaho 83301

Chairman
Blaine County Airport Commission
Hailey Friedman Memorial Airport
P.O. Box 307
Hailey, Idaho 83333

Idaho Department of Aeronautics
Boise Municipal Airport
3108 Airport Way
Boise, Idaho 83705

Idaho Public Utilities Commission
State Building
Boise, Idaho 83707

Air Idaho
Joslin Field
Twin Falls, Idaho 83301

Sun Valley Key
3909 South Airport Road
Ogden, Utah 84403

United Air Lines, Inc.
P.O. Box 66100
Chicago, Illinois 60666

Western Air Lines, Inc.
6060 Avion Drive
P.O. Box 92005
World Way Postal Center
Los Angeles, California 90009

Federal Aviation Administration
Department of Transportation
Attn: Director of Airport Services
800 Independence Avenue, S.W.
Washington, D.C. 20590

[FR Doc.74-20742 Filed 9-6-74;8:45 am]

[Docket 20472]

PHILADELPHIA-ROCHESTER/ SYRACUSE CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on October 1, 1974, at 10 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 3, 1974.

[SEAL] ROBERT M. JOHNSON,
Administrative Law Judge.

[FR Doc.74-20741 Filed 9-6-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

TEXTILE AGREEMENTS

Bilateral Discussions With Colombia

The Committee for the Implementation of Textile Agreements, as announced in its FEDERAL REGISTER notice of April 12, 1974, solicits comments on the United States Government actions implementing the GATT Arrangement Regarding International Trade in Textiles hereafter referred to as the Arrangement. In the April 12 notice the Committee announced that in the following 12 months bilateral discussions would be held to bring United States textile and apparel agreements into conformity with the Arrangement, and negotiations could be held to renew existing agreements or to reach new agreements. The notice invited the public to submit views or provide data or information on any or on all these agreements, the treatment of any product under them or any other aspect of the agreements.

The Committee anticipates holding textile and apparel agreement bilateral discussions between the Government of the United States and the Government of Colombia. Any party wishing to express a view or provide data or information with regard to the treatment of any product under this agreement and any other aspect thereof, or with respect to imports of other textile products from this country, is invited to submit such in ten copies to Mr. Seth M. Bodner, Chairman of the Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 3826, Washington, D.C. 20230. Comments on the bilateral textile discussions with Colombia should be received by September 30, 1974. Comments received after September 30, 1974 will be taken into consideration to the extent possible consistent with the schedule of discussions.

Views, data or information submitted under this procedure will be available for public inspection at the Central Reference and Records Inspection Facility, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 7043, Washington, D.C. 20230 and may be obtained upon written request pursuant to the Freedom of Information Act (5 U.S.C. 522) and the regulations of the Department of Commerce (15 CFR 4). Whenever practicable, public comment may be invited concerning views, comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments on any negotiation, consultation, market disruption or any other matter pursuant to this notice is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) and 554(a)(4) of the Administrative Procedure Act, relating to matters which constitute "a foreign affairs function of the United States."

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-20746 Filed 9-6-74;8:45 am]

* All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained.

COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

NATIONAL SECURITY, ARMS CONTROL, INTELLIGENCE, PUBLIC DIPLOMACY AND SUPPORT ACTIVITIES

Public Hearings

Notice is hereby given that the Commission on the Organization of the Government for the Conduct of Foreign Policy will hold public hearings, on the subject areas noted below, in Philadelphia, Pennsylvania, on October 8, 1974, at 9:30 a.m., at Congress Hall, on the southeast corner of Independence Square. The hearings are held in furtherance of the Commission's mandate, as stated in section 603(a) of Pub. L. 93-352 (92nd Congress, H.R. 14734):

Sec. 603(a) The Commission shall study and investigate the organization, methods of operation, and powers of all departments, agencies, independent establishments, and instrumentalities of the United States Government participating in the formulation and implementation of United States foreign policy and shall make recommendations which the Commission considers appropriate to provide improved governmental processes and programs in the formulation and implementation of such policy, including, but not limited to, recommendations with respect to—

(1) the reorganization of the departments, agencies, independent establishments, and instrumentalities of the executive branch participating in foreign policy matters;

(2) more effective arrangements between the executive branch and Congress, which will better enable each to carry out its constitutional responsibilities;

(3) improved procedures among departments, agencies, independent establishments, and instrumentalities of the United States Government to provide improved coordination and control with respect to the conduct of foreign policy;

(4) the abolition of services, activities, and functions not necessary to the efficient conduct of foreign policy; and

(5) other measures to promote peace, economy, efficiency, and improved administration of foreign policy.

The hearing will focus upon two specific subject areas:

1. *National Security, Arms Control, and Intelligence.*

The objective of the Commission in soliciting testimony from private sector witnesses on the subject of national security, arms control, and intelligence matters is to receive suggestions, comments, criticisms and recommendations aimed at improving the organization of the U.S. Government in the following specific functional areas:

National Security;
Arms Control; and
Intelligence.

Testimony should be directed at identifying problem areas and suggesting improvements in the organization, procedures, and effectiveness with which the U.S. Government formulates and implements National Security Policy, including the organization and procedures used in development of strategic doctrine so that foreign policy considerations are given adequate weight. Relevant areas also include the mechanisms for coordinating defense goals with other agencies in the national security structure, and the proper balance between defense needs and competitive domestic or economic considerations which also influence foreign policy. What obstacles stand in the way of more effective organization and procedures and what recommendations can be made toward improvement.

With respect to Arms Control, what in realistic terms are the principal obstacles in terms of organization, procedures, processes, and institutions which hinder effective arms control and disarmament planning in national security policy? How can better coordination of current arms control negotiations be achieved? What limitations impede the effectiveness of research, technical analysis, and field testing as necessary elements of arms control policy making in coordination of technical issues of arms control within the U.S. Government?

With respect to Intelligence, what is the essential role of intelligence in the conduct of foreign policy and how can this role be most efficiently pursued in a free and open society? How can congressional oversight be effective without being overly intrusive? What is the proper role, if any, of covert political actions?

Testimony need not be limited to the above issues. The only restriction is that witnesses confine themselves to organizational, structural, and procedural matters and not to substantive policy matters.

2. *Public Diplomacy and Support Activities.*

The objective of the Commission in soliciting testimony from private sector witnesses is to receive suggestions, comments and criticisms aimed at improving governmental organization in the following specific functional areas:

Public Diplomacy

Cultural affairs programs, including student, scientific, and artistic exchange;

Foreign information programs, including those of the U.S. Information Service, Voice of America, Radio Free Europe, and Radio Liberty.

Support Activities

Personnel management; Budgeting and program planning; and Organization and management of U.S. establishments overseas.

Testimony in the Public Diplomacy field should concentrate on issues and suggested improvements in concepts, jurisdiction, organizational structure, coordination, and improved procedures to make our informational and cultural affairs programs more effective. In the Support field, the Commission is particularly interested in learning how well the Government is organized for acquiring and utilizing the resources needed for the effective conduct of foreign relations, in Washington and at our missions abroad. Specifically, we would hope that testimony would include views on the types of personnel needed, what organizational and procedural steps should be taken to improve the personnel management, and budget processes and what systems could be used to mesh policy-making and resource allocation more effectively by foreign affairs agencies in Washington and by the Ambassadors and Country Teams abroad.

Testimony need not be limited to those issues. We do, however, request that witnesses confine themselves to organizational, procedural, and personnel matters and avoid substantive policy matters.

Interested persons are encouraged to present information and views in the course of the Commission hearing, subject to the following conditions and procedures:

(1) Any person wishing to present information and views to the Commission shall submit a request in writing, specifying the date of the hearing for which the request is made, a concise summary of the proposed presentation, and the amount of time requested for oral testimony (if any). Such request must be received at the offices of the Commission no less than 14 days prior to the proposed hearing date.

(2) The Chairman shall, within three days from receipt of any such request, notify the requesting person whether the proposed presentation is consistent with the legislative mandate of the Commission, and how much time (if any) can be allotted for oral testimony.

(3) Two typewritten copies of all material to be presented to the Commission shall be filed with the Commission no less than two business days prior to the hearing to which it relates. Any statement or material for which no time for oral presentation has been allotted or is available shall be included in the official hearing record.

(4) Any person who takes exception to any determination of the Commission may present in writing to any Commissioner the basis for such exception and thereafter the decision of the Chairman shall be considered by the Commission and may be overruled by a majority vote. Such person shall be notified by certified mail of the decision of the Commission, which shall be final.

Requests for further information, questions, and other communications should be addressed to the Executive Director, Commission on the Organization of the Government for the Conduct of Foreign Policy, 2025 M Street NW., Washington, D.C. 20506, Suite 3002, Telephone 202-254-9850 or to the World Affairs Council of Philadelphia, The John Wanamaker Store, Third Floor Gallery, 13th & Market Streets, Philadelphia, Pennsylvania 19107, Telephone 215-563-5363.

By the Commission.

FRANCIS O. WILCOX,
Executive Director.

[FR Doc.74-20722 Filed 9-6-74;8:45 am]

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DEFENSE MANPOWER COMMISSION

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on September 27, 1974, to be briefed by the Marine Corps. The briefings will be held at 9 a.m. at a location in the Pentagon to be identified by the briefers. The briefings had originally been scheduled for August 9, 1974, as anounced in the FEDERAL REGISTER on July 26, 1974.

The Commission was established by Pub. L. 93–155 to, among other things, conduct a comprehensive study and investigation of the overall manpower requirements of the Department of Defense on both a short and long term basis with a view to determining what the manpower requirements are currently and will likely be over the next ten years, and how manpower can be more effectively utilized in the Department of Defense.

In carrying out its study and investigation, the Commission has been directed to give special consideration to:

(1) The effectiveness with which civilian and active duty personnel are utilized, particularly in headquarters staffing and in the number of support forces in relation to combat forces;

(2) Whether the pay structure, including fringe benefits, is adequate and equitable at all levels;

(3) The distribution of grades within each armed force and the requirements for advancement in grade;

(4) The cost effectiveness and manpower utilization of the United States Armed Forces as compared with the armed forces of other countries;

(5) Whether the military retirement system is consistent with overall Department of Defense requirements and is comparable to civilian retirement plans;

(6) The methods and techniques used to attract and recruit personnel for the armed forces, and whether such methods and techniques might be improved or new and more effective ones utilized;

(7) The implications for the ability of the armed forces to fulfill their mission as a result of the change in the socio-economic composition of military enlistees since the enactment of new recruiting policies provided for in Pub. L. 92–129 and the implications for national policies of this change in the composition of the armed forces; and

(8) Such other matters related to manpower as the Commission deems pertinent to the study and investigation authorized by this title.

Attendant to these responsibilities, section 703(c) of the Act charged the Commission with the responsibility to "establish appropriate measures to insure the safeguarding of all classified information submitted to or inspected by it in carrying out its duties * * *". The briefings will be informational in nature and concerned with a wide variety of topics relating to the manpower systems of the services involved. The presentations to be provided at the briefings will contain classified information concerning military force structures programmed through 1980, which will contain information on proposed personnel plans in the area of personnel requirements, training, utilization, management, and costs which have not yet been approved by the services.

These briefings will include, among other things, presentations on the Operational Technical Managerial System, Marine Officer Promotions and Accessions, Aviation Warfare Officer Study, Enlisted Performance, Enlisted Retention Program, Marine Aviation Policy, Force Structure, Guerrilla Warfare, and Women Marines.

The briefings must be held under conditions which are conducive to an unrestricted presentation of information and materials while safeguarding classified information. The briefers have informed the Commission that all portions of the briefings will cover information which is classified and that since classified information will be integrated throughout both the briefings and question-answer periods it would be impractical to separate this information for purposes of separate presentations. This complete presentation of all relevant information on each subject area is a necessity if the briefings are to fulfill the purpose of a thorough indoctrination of the Commission members.

Therefore, in accordance with provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget that these briefings fall within Exemption (1) of 5 U.S.C. 552(b), and will not be open to the public.

Dated: August 28, 1974.

PAUL C. KEENAN, Jr.,
Acting Executive Director.

[FR Doc.74–20319 Filed 9–6–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP–180015; FRL 261–2]

PESTICIDE CARBARYL

Notice of Crisis Exemption

Pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 995) and the regulations thereunder (40 CFR 166.10), the Environmental Protection Agency (EPA) hereby gives notice of a crisis exemption use of the pesticide carbaryl to control the European alfalfa beetle, Subcoccinella 24-punctata (L.), which has been identified as a new pest to the United States. The first known occurrence of this threat has been confirmed in Bergen County, New Jersey. Because of the immediate threat posed by the insect, the United States Department of Agriculture availed itself of a crisis exemption under section 18 of the FIFRA, as amended (86 Stat. 995), and the regulations thereunder [40 CFR 166.-2(c)]. The regulations concerning exemptions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303).

The European alfalfa beetle is an economic plant pest of importance in Europe on legume forage crops and has been known to reduce alfalfa yields in Europe up to 80 percent. The introduction of the pest into the United States and the confirmation of its existence in Bergen County, New Jersey is considered a threat to alfalfa forage in that State.

No registered pesticide is available to control or eradicate this pest. However, carbaryl is registered for the control of the Mexican bean beetle, which is a member of the same sub-family, Epilachininae, as the European alfalfa beetle. At the time the infestation was confirmed, the insect was in the first generation in the immature state (pupae, perpupae, and larvae). Because this pest in the adult stage could spread to noninfested areas, the time element with respect to the application of a pesticide was critical. Therefore, the Department of Agriculture availed itself of a crisis exemption, and treatment and eradication efforts for this plant pest commenced on June 19, 1974.

The location of the pest and the site of the pesticide application is confined to about one acre in Bergen County in an isolated area that is removed from public access. No croplands are nearby and the area is adjacent to a salt marshland. Two and one-half pounds of carbaryl per acre were applied by qualified pesticide applicators with the use of ultra-low volume (ULV) mist sprayers and the salt marshland was protected.

In accordance with the regulations (40 CFR 166.8), the Department of Agriculture is required to submit to the EPA certified information concerning the nature and scope of the emergency, including the pest involved, and the particulars of the pesticide application. The official file concerning this exemption is available for inspection in the Office of the Director, Registration Division, EPA, 401 M Street SW., Room 347 East Tower, Washington, D.C. 20460.

Dated: September 3, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74–20692 Filed 9–6–74;8:45 am]

[OPP–32000/107; FRL 261–3]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–37, East Tower, 401 M Street SW., Washington, D.C. 20460.

By November 8, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 8, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 9403–O. Alken-Murray Corp., 111 Fifth Ave., New York NY 10003. **ALKEN V–6.** Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34144–E. Andersen Water Engineering Co., 843 W. Monroe St., Chicago IL 60607. **CHEMITROL ALGAECIDE N.** Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8959–RT. Applied Biochemists, Inc., 5300 West County Line Rd., 96N, Mequon WI 53092. **CHLORTRINE CONCENTRATED POOL CHLORINE.** Active Ingredients: Sodium Dichloro-S-Triazinetrione Dihydrate 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 12455–RR. Bell Laboratories, Inc., PO Box 5133 Madison WI 53705. **"RODENT CAKE" INDOOR OUTDOOR.** Active Ingredients: Warfarin, (3-(Alpha-Acetonylbenzyl)-4-Hydroxycoumarin 0.025%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33690–I. BioChemical, Inc., 1353 Ellsworth Ind. Dr., N.W., Atlanta GA 30318. **INDUSTRIAL CLEANER/DISINFECTANT CLEANER DEODORIZER DISINFECTANT FUNGICIDE.** Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate Anhydrous 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 30948–RG. Bionomical Chemicals and Services, Inc., 1003 Pineville Rd., Chattanooga TN 37405. **DM–310 LIQUID WEED KILLER.** Active Ingredients: Monuron Tichloroacetate (3-(p-chlorophenyl-1-1-dimethylurea trichloroacetate 1.59%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 106–51. Brulin & Co., Inc., PO Box 270–B, Indianapolis IN 46206. **JET-O-CIDE.** Active Ingredients: Orthophenylphenol 0.176%; Paratertiaryanylphenol 0.044%; Essential Oils 0.300%; Ethanol 53.460%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 106–60. Brulin & Co., Inc., PO Box 270–B, Indianapolis IN 46206. **DISINFECTANT CLEANER #6.** Active Ingredients: Isopropanol 10.00%; Potassium 4-chloro-2-cyclopentylphenate 4.03%; Potassium O-phenylphenate 2.76%; Potassium p-tertiary amylphenate 1.11%; Tetrasodium ethylene diamine tetraacetate 0.60%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 10445–RU. Calgon Corp., Calgon Center, PO Box 1346, Pittsburgh PA 15230. **CALGON B–60 MICROBIOCIDE.** Active Ingredients: Dideoyl Dimethyl Ammonium Chloride 20.0%; Isopropyl Alcohol 8.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 22521–R. Carrillo & Co., Ave. P.D. Corres, Num 6, Santa Barbara, Rio Piedras, P.R. 00923. **X–22 (INSECTICIDE).** Active Ingredients: Petroleum Oil 98.80%; Piperonil Butoxide 1.00%; Pyrethrins 0.20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 343–EO. Castle Chemical Co., 301 Moster Ave., Savage MN 55378. **CASTLE'S SUPERIOR DUSTS 5% SEVIN 6% DITHANE M–45.** Active Ingredients: Manganese ($C_4H_6N_2S_4$) 0.96%; Ethylene Bisdithiocarbamate 3.60%; 1 Napthyl N-methylcarbamate (Carbaryl) 5.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 343–GN. Castle Chemical Co., 301 Moster Ave., Savage MN 55378. **CASTLE'S SUPERIOR DUSTS 6% DITHANE M–45.** Active Ingredients: Manganese ($C_4H_6N_2S_4$) 0.96%; Ethylene Bisdithiocarbamate Ion 3.60%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 29910–I. Castle Chemical Corp., 830 Grand Blvd., Deer Park NY 11729. **CASTACIDE.** Active Ingredients: Pyrethrins 1.00%; Piperonyl Butoxide, Technical 10.00%; Amorphous Silica Gel 40.00%; Petroleum Hydrocarbons 49.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15146–RN. Chemwood Corp., 810 Washington Ave., PO Box 4270, Memphis TN 38104. **CHEMTOX–7.** Active Ingredients: Sodium Carbonate 25.6%; Sodium Pentachlorophenate 57.1%; Sodium Salts of Other Chlorophenols 7.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 239–EUKI. Chevron Chemical Co., 940 Hensley St., Ortho Div., Richmond CA 94804. **ORTHOCIDE HCB 2–2 FLOWABLE SEED PROTECTANT.** Active Ingredients: Captan 18%; Hexachlorobenzene 16%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8540–RO. Garratt-Callahan Co., 111 Rollins Rd., Millbrae CA 94030. **GARRATT-CALLAHAN FORMULA 38.** Active Ingredients: Disodium cyanodithioimidocarbonate 6.35%; Ethylenediamine 2.40%; Potassium N-methyldithiocarbamate 8.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6175–RN. Hart-Delta, Inc., 5055 Choctaw Dr., Baton Rouge LA 70805. **D–TICK LOTION.** Active Ingredients: Petroleum Distillate 0.86%; N-Octyl bicycloheptene dicarboximide 0.60%; 2,3:4,5-Bis-(2-butylene) tetrahydro-2-furaldehyde 0.50%; Piperonyl butoxide, technical 0.36%; Pyrethrins 0.18%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 407–GTO. Imperial Inc., PO Box 423, Shenandoah, IA 51601. **IMPERIAL SOD WEBWORM AND BILLBUG CONTROL NO. 1 CONTAINS DIAZINON.** Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-primidinyl) phosphorothioate 12.5%; Aromatic Petroleum derivative Solvent 73.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 961–GNE. Lebanon Chemical Corp., PO Box 180, Lebanon PA 17042. **GREENVIEW EXPEL GRANULAR LAWN WEED KILLER.** Active Ingredients: Isooctyl ester of 2,4-dichlorophenoxyacetic acid 1.72%; Isooctyl ester of silvex [2-(2,4,5-trichlorophenoxy) propionic acid] 0.83%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1266–RLT. Malter International Corp., PO Box 6099, New Orleans LA 70114. **BYE BYE BUG–II.** Active Ingredients: Petroleum distillates 18.270%; Essential Oils 0.300%; Tetramethrin 0.250%; and related compounds 0.034%; (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylprepenyl) cyclopropanecarboxylate 0.250%; and related compounds 0.033%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5743–G. Michigan Co., Inc., 400 E. Michigan Ave., Lansing MI 48933. **MICHCO INSTANT BOWL CLEANSE.** Active Ingredients: Hydrogen Chloride 21.-8%; Oxalic Acid 12%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8123–AN. Frank Miller & Sons, 13831 S. Emerald Ave., Chicago IL 60627. **AG–INSECTICIDE.** Active Ingredients: Malathion 57%; Methylated Naphthalenes 34%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 16928–R. Norman Manufacturing Co., 15780 E. Fourteen Mile Rd., Fraser MI 48026. **ALGAECIDE XHD.** Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 16928–E. Norman Manufacturing Co. **SWIM KING ALGAECIDE CONCENTRATE.** Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 16928–G. Norman Manufacturing Co. **SWIM KING ALGAECIDE.** Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Sup-

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port: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11541–I. O'Brien Industries, Inc., 513 W. Mount Pleasant Ave., Livingston NJ 07039. O'B ALGE 671. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene,(dimethyliminio)ethylene dichloride 15.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Sybol 11541–T. O'Brien Industries, Inc., 513 W. Mount Pleasant Ave., Livingston NJ 07039. O'B ALGE 670. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2217–AEI. PBI–Gordon Corp., 300 South 3rd, Kansas City MO 66116. METHOXYCHLOR 75 DUST BASE. Active Ingredients: Methoxychlor Technical 75.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2217–AEI. PBI–Gordon Corp., 300 South 3rd, Kansas City MO 66116. METHOXYCHLOR 25 DUST BASE SPECIAL. Active Ingredients: Methoxychlor Technical 25.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8022–E. Pool & Patio Supply, 11409 West 89th St., Overland Park KS 66214. HIGH POTENCY ALGAECIDE NF. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio) ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 677–ATT. Chipman Div. of Rhodia Inc., 23 Belmont Dr., Somerset NJ 08873. BUTOXONE A SELECTIVE WEED KILLER. Active Ingredients: Dimethylamine salt of 4-(2,4-dichlorophenoxy) butyric acid 23.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 538–EEA. O. M. Scott & Sons, Marysville OH 43040. STOP INSECTS LIQUID. Active Ingredients: O,O-diethyl O - (2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 12.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3282–UE. The d-Con Co., Inc., Subsidiary of Sterling Drug Inc., 90 Park Ave., New York NY 10016. d-CON PROFESSIONAL FORMULA TREE & SHRUB INSECT KILLER. Active Ingredients: Pyrenthrins 0.056%; Rotenone 0.024%; Other cube resins 0.048%; Methoxychlor, technical 0.500%; Petroleum distillate 10.280%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3282–UR. The d-Con Co., Inc., Subsidiary of Sterling Drug Inc. D-CON PROFESSIONAL FORMULA ANT & ROACH KILLER. Active Ingredients: Pyrethrins 0.30%; Ptperonyl butoxide technical 0.60%; N-octyl bicycloheptene dicarboximide 1.00%; Petroleum distillate 98.10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3282–UN. The d-Con Co., Inc., Subsidiary of Sterling Drug Inc. D-CON PROFESSIONAL FORMULA FLYING INSECT KILLER. Active Ingredients: Pyrethrins 0.50%; Piperonyl Butoxide, technical 1.00%; N-octyl bicycloheptene dicarboximide 1.00%; Petroleum distillate 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA 14775–GN. Asgrow Florida Co., Subsidiary of the Upjohn Co., PO Drawer D, Plant City FL 33566. PARATHION 8E. Active Ingredients: Parathion (O,O-diethyl O-p-nitrophenyl phosphorothioate) 78.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 14775–GR. Asgrow Florida Co., Subsidiary of the Upjohn Co., PO Drawer D, Plant City FL 33566. CHLOROPENE 15 SOIL FUNGICIDE AND NEMATICIDE. Active Ingredients: 1,3-Dichloropropene and related chlorinated alphatics 85%; Chloropicrin (Trichloronitromethane) 15%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8772–EG. Blue Cross Chemical Div. Zarov Chemical Co., 1301 S. First Ave., Maywood IL 60153. ALGAE-ZAP REGULAR. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio)ethylene dichloride] 7.5%. Method of Support: Application proceeds under 2(b) of interim policy.

Dated: August 31, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74–20691 Filed 9–6–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20143, 20144; File Nos. BPH–8320, BPH–8496]

ATLAS BROADCASTING CO. AND PACIFIC QUADRACASTING

Applications for Hearing

1. The Chief of the Broadcast Bureau, acting pursuant to delegated authority (§ 0.281 of the rules), has under consideration the above-captioned applications, which are mutually exclusive in that the applicants seek the same channel in Fresno, California.

2. An examination of the programming proposals is warranted when one applicant proposes predominantly specialized programming and the other, general market programming. Ward L. Jones, FCC 67–82(1967); "Policy Statement on Comparative Broadcast Hearings," 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, Atlas Broadcasting Company proposes 84 hours per week Spanish-language and music programming oriented toward the Mexican-American segment of the population and 35 additional hours per week English programming (scheduled for 1 p.m. to 6 p.m. daily) which will be oriented towards the Black segment of the community. Affiliation with the Mutual Black Network is proposed. Pacific Quadracasting proposes general market programming. Therefore, the relative need for programming of the applicants may be compared under the standard comparative issue.

3. In the community-leader portion of its ascertainment of community problems and needs, Pacific Quadracasting failed to give sufficient data concerning the Fresno business, educational, and religious organizations within the community. Further, the applicant apparently failed to contact any leaders of the following groups: labor unions, religion, and industry. In addition, we can find no leaders listed as representatives of the Mexican-American or Black communities. In view of the requirements of question and answer 11(a) of the "Primer on the Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650 (1971), and the Commission's recent decision in "Voice of Dixie, Inc.," 45 FCC 2d 1027 (1974), an appropriate issue has been included.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, *it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by Pacific Quadracasting to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet these problems.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

6. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 27, 1974.

Released: September 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74–20726 Filed 9–6–74;8:45 am]

[Docket Nos. 19697, 19698, 19900, 19901; File Nos. BP–19073, BP–19201, BP–19203, BP–19204]

CAVALLARO BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Regarding Construction Permits; Enlarging Issues

By the Review Board:

1. This proceeding involves the above-captioned mutually exclusive applications. Each seeks an authorization to construct a new standard broadcast station in its respective community to operate on 1030 kHz. By Commission Memorandum Opinion and Order, 44 FCC 922, released December 27, 1973, these applications were designated for consolidated hearing on various issues. Presently before the Review Board is a petition to add issues, filed January 22, 1974, by Cavallaro Broadcasting Corporation (Cavallaro), seeking the addition of ascertainment, legal qualification, and § 1.580(f)(1) issues against Vieques Radio Corporation (Vieques Radio).[1]

ASCERTAINMENT ISSUE

2. Cavallaro alleges that Vieques Radio's *Suburban* showing is deficient in at least four significant respects. First, Cavallaro alleges that Vieques Radio's initial general public survey was conducted to solicit program preferences and gain support for its application within the community rather than to ascertain community problems. Cavallaro also argues that, whereas Vieques Radio also conducted "various meetings" with members of the public, information with regard to these meetings is lacking as to how, when, and by whom the general public was polled; the number of contacts made; and whether a cross-section of the community was interviewed. Second, petitioner asserts that only two of twenty-eight community leaders interviewed by Vieques Radio were women and that neither of the two has been shown to be a leader of the community or of any community group. Cavallaro also argues that Vieques Radio's Suburban showing is deficient in that, while 99,150 persons reside within the proposed 5 mv/m contour, Vieques Radio has limited its ascertainment efforts to the island of Vieques (population 7,767). In this regard, Cavallaro asserts that Vieques Radio has not described its outlying service areas, and has consulted with but one nonresident of Vieques. Moreover, petitioner argues that, notwithstanding a disclaimer of service to these areas, Vieques Radio proposes substantial programming devoted to the Virgin Islands. Finally, Cavallaro argues that Vieques Radio has not adequately described programs which it proposes to meet community needs and no correlation between ascertained needs and programs proposed has been set forth as required by the "Primer on Ascertainment of Community Problems by Broadcast Applicants (Primer)," 27 FCC 2d 650, 21 RR 2d 1507 (1971), (Q. & A. 29).

3. In opposition, Vieques Radio first provides a lengthy description of the unique nature and size of Vieques, Puerto Rico.[2] The applicant then asserts that when considered in this unusual context, its ascertainment efforts were clearly designed to establish a dialogue with the community. Thus, Vieques Radio alleges that its president and his associates personally consulted with over 1,000 Viequeans and listed 374 of these interviewees, identifying them by name and background. It is alleged that a tabulation of these interviewees indicates that people from almost every segment of the population were interviewed. Additionally, Vieques Radio observes that its vice-president held various meetings for the purpose of airing problems and that several letters, written by community leaders to the Commission, document its assertions regarding these meetings. In response to the allegation that it solicited program preferences rather than information to identify community problems, Vieques Radio argues that its application and an amendment filed on September 11, 1972, identified numerous problems. Vieques Radio also argues that at long as problems are sought out and received, neither the discussion of the potential of a radio station to alleviate community problems, nor requests for program preferences, are disqualifying. Turning to Cavallaro's allegation that an insufficient number of female community leaders were interviewed, Vieques Radio argues that it cannot be faulted if the results of its survey indicate that the community leaders of Vieques are predominantly men. In addition, Vieques Radio argues that three of the 28 leaders it interviewed were women, not two as petitioner alleges. In response to the allegation that it failed to consult leaders in outlying areas to which programming is proposed, Vieques Radio argues that they are adequately served by existing stations, except that they do have a need for information about events on Vieques. This need, it is argued, stems from the fact that a large number of Viequeans have migrated to St. Croix and now live and work in the Virgin Islands. Consequently, Vieques Radio alleges, the programs with the words "Virgin Islands" in their title are not designed to serve the Virgin Islands, but only the many Viequans who live and work there. In regard to Cavallaro's final allegation, Vieques Radio argues that its application provides an adequate explanation of what specific programs are designed to meet problems which have been discovered.[4]

4. The Review Board is of the view that several of Cavallaro's allegations raise substantial questions as to the adequacy of Vieques Radio's *Suburban* showing. Therefore, we believe a *Suburban* issue is warranted. Initially, in light of Vieques Radio's failure to submit a complete demographic profile indicating the composition of the community it proposes to serve, it has not been possible for the Board to determine that the leaders contacted by the applicant are representative of the community. See *Jerry Lawrence*, FCC 74R–288, released August 13, 1974; *Robert Cowan Wagner*, 38 FCC 2d 403, 25 RR 2d 1095 (1972). Other than general statements indicating several factors which allegedly make the Island of Vieques unique, the application is almost devoid of data providing a breakdown of the population, economic activities, governmental structure and cultural and other significant organizations. Moreover, although Vieques Radio claims that 90% of the community is racially and ethnically homogenous, the applicant has failed to submit any data regarding the other 10 percent of the population of Vieques.[4]

The applicant also failed to identify who conducted its community leader survey in accordance with *Primer*, Q. & A. 11(a). And, although it did identify the principal conducting the "meetings" with members of the community, in the absence of specific detail as to these meetings, these contacts cannot be relied upon. Finally, although Vieques Radio disclaims any intention to serve those areas its signal will reach beyond the Island of Vieques, its concession that it will serve former residents of Vieques now living and working in the Virgin Islands, leads us to conclude that the applicant should have surveyed at least the leaders of that particular segment of the population of the Virgin Islands. *Cf. Tung Broadcasting Co.*, 33 FCC 2d 1145, 23 RR 2d 1185 (1972). In our view, it cannot be assumed that these former residents of Vieques will share the needs of the present inhabitants of that island. Moreover, the applicant has failed to submit information regarding major communities in its service area and specific reasons for not serving them.[5] See *Primer*, Q. & A. 6; compare "Gilroy Broadcasting Company, Inc.," 41 FCC 2d 20, 27 RR 2d 1034 (1973).

LEGAL COMPETENCY

5. The second issue that Cavallaro requests deals with Vieques Radio's legal qualifications to hold a station license. In support of this request, Cavallaro alleges that Vieques Radio has failed to demonstrate its compliance with section 310(a)(4) of the Communications Act of 1934,

[1] The Board also has before it for consideration the following related pleadings: (a) opposition, filed February 4, 1974, by Vieques Radio; (b) comments, filed March 4, 1974, by the Broadcast Bureau; (c) letter, filed March 22, 1974, by Cavallaro; (d) reply to opposition and comments, filed April 11, 1974, by Cavallaro.

[2] The applicant states that Vieques is an island located 18 miles southeast of the Puerto Rican mainland; The island is approximately 50 square miles in area. The U.S. Navy controls 71 percent of the island and the remaining 29 percent is the only inhabited area. There is only one major population center, Isabel Segunda, where approximately 6,000 of the Island's 7,900 persons reside. Vieques has no newspapers and newspapers from other areas are not available to the public at newsstands. Communication is had by word of mouth and loudspeakers mounted on cars.

[3] The Broadcast Bureau also opposes addition of the requested ascertainment issue.

[4] Although we agree with Vieques Radio that petitioner has not shown specific women's organizations or female leaders who were overlooked, because of the deficient demographic information submitted, we cannot conclude that this presumptively significant portion of the community was adequately surveyed.

[5] We do not, however, find that the incidental elicitation of program tastes together with community needs is a deficiency or that the allegations regarding description of programs and correlation to needs are borne out.

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as amended,[6] since no information has been furnished concerning the citizenship of two of Vieques Radio's subscribers, Raphael S. Carillo and Israel Delgado Ramos, whose combined interests allegedly comprise over 30 percent of Vieques Radio stock issued or subscribed. In opposition, Vieques Radio states that it has been "informed informally that both Raphael S. Carillo and Israel Delgado Ramos are citizens", and that Mr. Carillo is a naturalized citizen. Specific data as to Mr. Carillo's naturalization is provided.

6. The Board will add the requested legal qualifications issue. Question 7, Section II of Form 301 requests information for any party to this application who claims citizenship by reason of naturalization. Since Vieques Radio has not provided this information with regard to Raphael S. Carillo and Israel Delgado Ramos, we cannot conclude that "an affirmative showing of citizenship to at least a reasonable degree" has been made. "Kentucky Broadcast Corp., 6 FCC 776, 778 (1939). Furthermore, the "informal" information which Vieques Radio provides in its opposition does not comport with the support or specificity requirements of § 1.229(c) of the Commission's rules. Therefore, the issues must be enlarged to provide the applicant the opportunity to develop the necessary facts on the record.[7]

SECTION 1.580(f) (1)

7. Cavallaro also requests an issue to determine whether Vieques Radio has failed to give proper public notice of a proposed frequency change as required by § 1.580(f)(1) of the Commission's rules.[8]

Petitioner asserts that Vieques Radio did not comply with the requirements of § 1.580(f)(1), since its July, 1972 notice neglected to name Mr. Carillo, although he had subscription rights to 15,000 or 18 percent of the 81,500 shares then issued or subscribed. In opposition, Vieques Radio concedes that it failed to publish Mr. Carillo's name. However, it asserts that the notice did not seek to apprise the public of transfer of control, that the amendment as published was adequate to inform the public of Vieques Radio's filing, and that it was in substantial compliance with the requirements of § 1.580(f)(1). Additionally, Vieques Radio alleges that Mr. Carillo was previously identified as a minority stockholder in the original application. Finally, Vieques Radio submits that the omission of Mr. Carillo's name as a subscriber of 15,000 out of 146,500 shares, not 81,500 as alleged by Cavallaro, was inadvertent and does not raise a significant question as to its qualifications to be a Commission licensee.

8. The Review Board will add the requested issue. It is well established that an amendment proposing a change in frequency is a major amendment of an application which requires publication in accordance with § 1.580 of the Commission's rules. See § 1.571(b) of the Commission's rules; and "Lauderdale Broadcast, Inc." 20 FCC 2d 498, 17 RR 2d 1004 (1969). In addition, it appears that at the time of the amendment in question, Carillo had subscribed to 18 percent of Vieques Radio's outstanding stock; thus, his name was required in the publication. However, we have no reason to doubt Vieques Radio's claim of inadvertence, and in light of this fact and the fact that this isolated incident took place over two years ago, we will add the issue on a comparative basis only.

9. *Accordingly, it is ordered*, That the petition to add issues, filed January 22, 1974, by Cavallaro Broadcasting Corporation, is granted to the extent indicated herein, and is denied in all other respects; and

10. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine the efforts made by Vieques Radio Corporation to ascertain the community needs and interests of the area to be served by its proposed station and the means by which the applicant proposes to meet those needs and interests.

(b) To determine whether a grant of the application of Vieques Radio Corporation would be consistent with the provisions of section 310(a)(4) of the Communications Act of 1934, as amended.

(c) To determine whether the applicant has violated § 1.580(f)(1) of the Commission's rules and, if so, to determine the effect thereof upon the applicant's comparative qualifications to be a Commission licensee.

11. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under issues (a) and (b) added herein shall be on Vieques Radio Corporation.

Adopted: August 27, 1974.

Released: August 29, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-20727 Filed 9-6-74;8:45 am]

[6] Section 310(a)(4) of the Communications Act provides:

(a) The station license required hereby shall not be granted or held by—

(4) Any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country;

[7] Should the evidence adduced at hearing under this issue raise a substantial question as to the applicant's compliance with §§ 1.514 or 1.65, we would at that time entertain an appropriately filed petition to enlarge.

[8] Section 1.580(f)(1) of the Commission's rules provides, inter alia, that:

(f) The notice required * * * shall contain the following information, * * *

(1) * * * the names of those persons holding 10 percent or more of the capital stock or other ownership interest if the applicant is a corporation or an unincorporated association.

FEDERAL ENERGY ADMINISTRATION

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Wholesale Petroleum Advisory Committee will meet Monday, September 23, 1974, at 9 a.m. in the Garden Lounge, Del Webb Towne House Hotel, 8th & Market Streets, San Francisco, California.

The Committee was established to advise the Administrator, Federal Energy Administration, with expert and technical advice concerning the wholesale trade of selling heating oil, residual fuel, and gasoline.

The agenda for the meeting is as follows:

I. Old Business.
- A. Review and Discussion of Problems Concerning Allocation and Pricing of no lead gasoline.
- B. Comments on Market Share Situation.
- C. Committee Reorganization.

II. New Business.
- A. Discussion of Allowable Margins.
- B. Discussion of Antifreeze Availability.
- C. Review of Two-Tier Crude Oil Pricing System.
- D. Discussion of Deallocation of Fuels.
- E. Discussion of Class of Trade Allocation System.
- F. Review of Proposed Regulations.
- G. Remarks from the Floor (10 minute rule).

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Ms. Lois Weeks, Advisory Committee Management Office, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on September 3, 1974.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.74-20688 Filed 9-6-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP73-108]

PANHANDLE EASTERN PIPE LINE CO.

Order Approving Rate Settlement

AUGUST 30, 1974.

On August 1, 1974, the Presiding Administrative Law Judge certified to the Commission for approval a proposed settlement agreement in the above-entitled proceeding. If approved, the settlement agreement would resolve all issues in this proceeding. The proposed settlement rates would result in a reduction of approximately $16.7 million annually in Panhandle's presently effective rates.

This proceeding involves a general rate increase application filed by Panhandle on May 15, 1973, for jurisdictional natural gas sales and services of $36.9 million annually based on estimated costs and sales for the 12-month period ending January 31, 1973, as adjusted. By Commission order issued June 28, 1973, the proposed increase was suspended for the maximum statutory period of 5 months, following which the increased rates became effective on December 1, 1973, subject to refund.

Commencing on March 14, 1974, and continuing intermittently until July 29, 1974, conferences were held between and among the parties to the proceeding. The subject settlement agreement is the result of these conferences. The proposed settlement agreement was received as a part of the record on July 29, 1974, and was certified to the Commission, together with the entire hearing record relating thereto, on August 1, 1974. At the July 29, 1974, prehearing conference, all parties in attendance were provided the opportunity to state their positions with respect to the proposed settlement. All parties commenting either supported the settlement or took no position on it. No party opposed the settlement. Public notice of the settlement was issued on August 14, 1975, providing for comments to be filed on or before August 21, 1974. No additional comments have been received in response to the notice. The principal provisions of the settlement agreement may be summarized as follows:

(1) *Article I* is an introductory statement of the formal proceedings and settlement conferences in the subject docket. *Article II* is a statement of the settlement rates, referenced to the appropriate appendices, for the several time periods in which various rate changes occur as a result of PGA filings by Panhandle and for a major increase in Panhandle's employees salaries and wages. This article, and the appropriate appendices, set forth both the rates upon which refunds will be computed, as well as the rates which will be applied prospectively. Refunded amounts will include interest computed at 7 percent per annum for the period from date of payment to the date of refund.

(2) *Article III* sets forth the agreed-to jurisdictional cost of service, jurisdictional demand units and sales volumes, and total system sales volumes, which are reflected in the rates applicable to prospective jurisdictional sales.

(3) *Article IV* provides for a revision in Panhandle's depreciation rates from the previously Commission approved composite rate of 3.5 percent to new depreciation rates of 4 percent for transmission property, 8 percent for gathering property, and 3.5 percent for storage property. This article also provides that no further revision shall be made to Panhandle's depreciation rates prior to January 1, 1977.

(4) *Article V* provides for an "Advance Payment Tracker" to be reflected in the commodity charges of Panhandle's two-part rates and in its one-part rates. Advance payments for gas totaling $22,136,832 are included in the settlement cost of service rate base. The cost of service effect of advance payment changes from the established advance payment base will be computed by applying a return and income tax factor of 12.97 percent times the change in the advance payment base. The Commission is not precluded from suspending rate increases related to advance payments and allowing such rate changes to be made effective subject to refund.

(5) *Article VI* describes the manner in which any changes in Federal Income tax rates or imposition of new Federal Income taxes will be reflected in Panhandle's rates. If any such changes occur, the commodity component of its two-part rates and its one-part rates will be increased or decreased, as the case may be, by $0.0015 per Mcf for each 1 percent by which the new effective tax rate is more or less than 48 percent.

(6) *Article VII* provides for a moratorium on rate increases until November 1, 1975, except for increases to reflect adjustments for purchased gas costs, advance payments, and federal income tax rates. This article provides, however, that the moratorium shall not preclude Panhandle from proposing a research and development provision pursuant to Order No. 483 in Docket No. R-462, and to implement such provision if approved by the Commission.

(7) *Article VIII* incorporates certain procedural conditions and provides for waiver of the Commission's regulations if required to permit the settlement terms and provisions to become effective as proposed.

In addition, the settlement agreement incorporates certain proposed tariff sheets[1] pursuant to which Panhandle would apply a demand charge adjustment in the form of a commodity surcharge in computing charges to its customers. The proposed demand charge adjustment will allow Panhandle's distributor customers to recover increased costs of gas purchased by them during periods of curtailment in deliveries by Panhandle. Panhandle's ability to recover its proper level of revenues will not be affected. The proposed tariff sheets are attached to the settlement agreement as Appendix G(b).

The settlement incorporates rates applicable to four separate time periods. Rates for the period December 1, 1973, to February 1, 1974, are based on a total company cost of service of $335.8 million, as set forth in Appendix A hereto. Rates for the period Febraury 1, 1974, to May 1, 1974, are based on the previous cost of service adjusted for an increase in commodity rates of 2.35 cents per Mcf representing increased purchased gas costs which become effective February 1, 1974, in Docket No. RP73-36. Rates for the period May 1, 1974, to August 1, 1974, are based on a total company cost of service of approximately $339 million (Appendix A). This cost of service reflects the inclusion of $3.17 million of increased wage expenses which became effective on May 1 and May 6, 1974. Rates for the period from and after Aug. 1, 1974, are based on a total company cost of service of approximately $354.7 million (Appendix A). This cost of service reflects the further inclusion of $15.7 million of costs associated with the construction and operation of Panhandle's Denver-Julesburg Basin gas supply project certificated by the Commission in Docket No. CP 72-181. Inclusion of the Denver-Julesburg costs was contingent upon the project being placed in service prior to November 1, 1974. On August 1, 1974, Panhandle notified the Commission that the subject facilities had been completed and placed in service.

In addition, the August 1 rates include additional increased purchased gas costs of 3.79 cents per Mcf which became effective on August 2, 1974, in Docket No. RP73-36.

The settlement costs of service include a return on Panhandle's net investment rate base of 8.31 percent resulting in an allowance of 11.75 percent on common equity. The settlement capitalization and rate of return components are shown in Appendix B hereto. We find the settlement costs of service, rate of return, and resulting rates to be reasonable and in the public interest, and they are hereby approved.

Based on our review of the proposed settlement agreement, the entire record relating thereto, and the comments of the parties, we find that the settlement agreement represents a reasonable resolution of the issues in this proceeding in the public interest, and that accordingly it should be approved. However, that portion of Panhandle's rates represented by its most recent PGA increase in Docket No. RP73-36 should be made effective on August 2, 1974, rather than August 1 as contemplated by the settlement agreement.

The Commission finds: The settlement of this proceeding on the basis of the settlement agreement certified by the Presiding Judge on August 1, 1974, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and such agreement should be approved as hereinafter ordered.

The Commission orders: (A) The settlement agreement certified by the Presiding Judge on August 1, 1974, is incorporated by reference and made a part hereof, and is approved and adopted.

(B) Within 30 days from the date of this order, Panhandle shall file with the Commission revised tariff sheets in conformity with the terms of the settlement agreement.

[1] Interim Original Tariff Sheets 42-C.1 and 42-C.2, to Panhandle's FPC Gas Tariff, Original Volume No. 1.

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port: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11541–I. O'Brien Industries, Inc., 513 W. Mount Pleasant Ave., Livingston NJ 07039. O'B ALGE 671. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio)ethylene dichloride 15.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Sybol 11541–T O'Brien Industries, Inc., 513 W. Mount Pleasant Ave., Livingston NJ 07039. O'B ALGE 670. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2217–AEI. FBI Gordon Corp., 300 South 3rd, Kansas City MO 66118. METHOXYCHLOR 75 DUST BASE. Active Ingredients. Methoxychlor Technical 75.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2217–AEI. FBI-Gordon Corp., 300 South 3rd, Kansas City MO 66118. METHOXYCHLOR 25 DUST BASE SPECIAL. Active Ingredients. Methoxychlor Technical 25.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9022–E. Pool & Patio Supply, 11409 West 89th St., Overland Park KS 66214. HIGH POTENCY ALGAECIDE NF. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio) ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 677–ATT. Chipman Div. of Rhodia Inc., 23 Belmont Dr., Somerset NJ 08873. BUTOXONE A SELECTIVE WEED KILLER. Active Ingredients: Dimethylamine salt of 4-(2,4-dichlorophenoxy) butyric acid 23.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 538–REA. O. M. Scott & Sons, Marysville OH 43040. STOP INSECTS LIQUID. Active Ingredients: O,O-diethyl O - (2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 12.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3282–UE. The d-Con Co., Inc., Subsidiary of Sterling Drug Inc., 90 Park Ave., New York NY 10016. d-CON PROFESSIONAL FORMULA TREE & SHRUB INSECT KILLER. Active Ingredients: Pyrenthrins 0.056%; Rotenone 0.024%; Other cube resins 0.048%; Methoxychlor, technical 0.500%; Petroleum distillate 10.280%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3282–UR. The d-Con Co., Inc., Subsidiary of Sterling Drug Inc. D-CON PROFESSIONAL FORMULA ANT & ROACH KILLER. Active Ingredients: Pyrethrins 0.30%; Piperonyl butoxide technical 0.60%; N-octyl bicycloheptene dicarboximide 1.00%; Petroleum distillate 95.10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3282–UN. The d-Con Co., Inc., Subsidiary of Sterling Drug Inc. D-CON PROFESSIONAL FORMULA FLYING INSECT KILLER. Active Ingredients: Pyrethrins 0.50%; Piperonyl Butoxide, technical 1.00%; N-octyl bicycloheptene dicarboximide 1.00%; Petroleum distillate 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA 14775–GN. Asgrow Florida Co., Subsidiary of the Upjohn Co., PO Drawer D, Plant City FL 33566. PARATHION 8E. Active Ingredients: Parathion (O,O-diethyl O-p-nitrophenyl phosphorothioate) 78.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 14775–GR. Asgrow Florida Co., Subsidiary of the Upjohn Co., PO Drawer D, Plant City FL 33566. CHLOROPENE 15 SOIL FUNGICIDE AND NEMATICIDE. Active Ingredients: 1,3-Dichloropropene and related chlorinated aliphatics 85%. Chloropicrin (Trichloronitromethane) 15%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8772 EO. Blue Cross Chemical Div. Zarov Chemical Co., 1301 S. First Ave., Maywood IL 60153. ALGAE-ZAP REGULAR. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio)ethylene dichloride] 7.5%. Method of Support: Application proceeds under 2(b) of interim policy.

Dated: August 31, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc 74-20091 Filed 9-6-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 20143, 20144; File Nos. BPH-8320, BPH-8498]

ATLAS BROADCASTING CO. AND PACIFIC QUADRACASTING

Applications for Hearing

1. The Chief of the Broadcast Bureau, acting pursuant to delegated authority (§ 0.281 of the rules), has under consideration the above-captioned applications, which are mutually exclusive in that the applicants seek the same channel in Fresno, California.

2. An examination of the programming proposals is warranted when one applicant proposes predominantly specialized programming and the other, general market programming. Ward L. Jones, FCC 67–82 (1967); "Policy Statement on Comparative Broadcast Hearings," 1 FCC 2d 393, footnote 9 at 397 (1965). In this case, Atlas Broadcasting Company proposes 84 hours per week Spanish-language and music programming oriented toward the Mexican-American segment of the population and 35 additional hours per week English programming (scheduled for 1 p.m. to 6 p.m. daily) which will be oriented towards the Black segment of the community. Affiliation with the Mutual Black Network is proposed. Pacific Quadracasting proposes general market programming. Therefore, the relative need for programming of the applicants may be compared under the standard comparative issue.

3. In the community-leader portion of its ascertainment of community problems and needs, Pacific Quadracasting failed to give sufficient data concerning the Fresno business, educational, and religious organizations within the community. Further, the applicant apparently failed to contact any leaders of the following groups: labor unions, religion, and industry. In addition, we can find no leaders listed as representatives of the Mexican-American or Black communities. In view of the requirements of question and answer 11(a) of the "Primer on the Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650 (1971), and the Commission's recent decision in "Voice of Dixie, Inc.," 45 FCC 2d 1027 (1974), an appropriate issue has been included.

4 Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5 Accordingly, *it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by Pacific Quadracasting to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet these problems.

2. To determine which of the proposals would, on a comparative basis, better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

6. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 27, 1974.

Released: September 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc 74-20726 Filed 9-6-74;8:45 am]

[Docket Nos. 19897, 19898, 19900, 19901; File Nos. BP-19073, BP-19201, BP-19203, BP-19204]

CAVALLARO BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Regarding Construction Permits; Enlarging Issues

By the Review Board:

1. This proceeding involves the above-captioned mutually exclusive applications. Each seeks an authorization to construct a new standard broadcast station in its respective community to operate on 1030 kHz. By Commission Memorandum Opinion and Order, 44 FCC 922, released December 27, 1973, these applications were designated for consolidated hearing on various issues. Presently before the Review Board is a petition to add issues, filed January 22, 1974, by Cavallaro Broadcasting Corporation (Cavallaro), seeking the addition of ascertainment, legal qualification, and § 1.580(f)(1) issues against Vieques Radio Corporation (Vieques Radio).[1]

ASCERTAINMENT ISSUE

2. Cavallaro alleges that Vieques Radio's *Suburban* showing is deficient in at least four significant respects. First, Cavallaro alleges that Vieques Radio's initial general public survey was conducted to solicit program preferences and gain support for its application within the community rather than to ascertain community problems. Cavallaro also argues that, whereas Vieques Radio also conducted "various meetings" with members of the public, information with regard to these meetings is lacking as to how, when, and by whom the general public was polled; the number of contacts made; and whether a cross-section of the community was interviewed. Second, petitioner asserts that only two of twenty-eight community leaders interviewed by Vieques Radio were women and that neither of the two has been shown to be a leader of the community or of any community group. Cavallaro also argues that Vieques Radio's Suburban showing is deficient in that, while 99,150 persons reside within the proposed 5 mv/m contour, Vieques Radio has limited its ascertainment efforts to the island of Vieques (population 7,767). In this regard, Cavallaro asserts that Vieques Radio has not described its outlying service areas, and has consulted with but one nonresident of Vieques. Moreover, petitioner argues that, notwithstanding a disclaimer of service to these areas, Vieques Radio proposes substantial programming devoted to the Virgin Islands. Finally, Cavallaro argues that Vieques Radio has not adequately described programs which it proposes to meet community needs and no correlation between ascertained needs and programs proposed has been set forth as required by the "Primer on Ascertainment of Community Problems by Broadcast Applicants (Primer)," 27 FCC 2d 650, 21 RR 2d 1507 (1971), (Q. & A. 29).

3. In opposition, Vieques Radio first provides a lengthy description of the unique nature and size of Vieques, Puerto Rico.[2] The applicant then asserts that when considered in this unusual context, its ascertainment efforts were clearly designed to establish a dialogue with the community. Thus, Vieques Radio alleges that its president and his associates personally consulted with over 1,000 Viequeans and listed 374 of these interviewees, identifying them by name and background. It is alleged that a tabulation of these interviewees indicates that people from almost every segment of the population were interviewed. Additionally, Vieques Radio observes that its vice-president held various meetings for the purpose of airing problems and that several letters, written by community leaders to the Commission, document its assertions regarding these meetings. In response to the allegation that it solicited program preferences rather than information to identify community problems, Vieques Radio argues that its application and an amendment filed on September 11, 1972, identified numerous problems. Vieques Radio also argues that at long as problems are sought out and received, neither the discussion of the potential of a radio station to alleviate community problems, nor requests for program preferences, are disqualifying. Turning to Cavallaro's allegation that an insufficient number of female community leaders were interviewed, Vieques Radio argues that it cannot be faulted if the results of its survey indicate that the community leaders of Vieques are predominantly men. In addition, Vieques Radio argues that three of the 28 leaders it interviewed were women, not two as petitioner alleges. In response to the allegation that it failed to consult leaders in outlying areas to which programming is proposed, Vieques Radio argues that they are adequately served by existing stations, except that they do have a need for information about events on Vieques. This need, it is argued, stems from the fact that a large number of Viequeans have migrated to St. Croix and now live and work in the Virgin Islands. Consequently, Vieques Radio alleges, the programs with the words "Virgin Islands" in their title are not designed to serve the Virgin Islands, but only the many Viequans who live and work there. In regard to Cavallaro's final allegation, Vieques Radio argues that its application provides an adequate explanation of what specific programs are designed to meet problems which have been discovered.[3]

4. The Review Board is of the view that several of Cavallaro's allegations raise substantial questions as to the adequacy of Vieques Radio's *Suburban* showing. Therefore, we believe a *Suburban* issue is warranted. Initially, in light of Vieques Radio's failure to submit a complete demographic profile indicating the composition of the community it proposes to serve, it has not been possible for the Board to determine that the leaders contacted by the applicant are representative of the community. See *Jerry Lawrence*, FCC 74R–288, released August 13, 1974; *Robert Cowan Wagner*, 38 FCC 2d 403, 25 RR 2d 1095 (1972). Other than general statements indicating several factors which allegedly make the Island of Vieques unique, the application is almost devoid of data providing a breakdown of the population, economic activities, governmental structure and cultural and other significant organizations. Moreover, although Vieques Radio claims that 90% of the community is racially and ethnically homogenous, the applicant has failed to submit any data regarding the other 10 percent of the population of Vieques.[4]

The applicant also failed to identify who conducted its community leader survey in accordance with *Primer*, Q. & A. 11(a). And, although it did identify the principal conducting the "meetings" with members of the community, in the absence of specific detail as to these meetings, these contacts cannot be relied upon. Finally, although Vieques Radio disclaims any intention to serve those areas its signal will reach beyond the Island of Vieques, its concession that it will serve former residents of Vieques now living and working in the Virgin Islands, leads us to conclude that the applicant should have surveyed at least the leaders of that particular segment of the population of the Virgin Islands. *Cf. Tung Broadcasting Co.*, 33 FCC 2d 1145, 23 RR 2d 1185 (1972). In our view, it cannot be assumed that these former residents of Vieques will share the needs of the present inhabitants of that island. Moreover, the applicant has failed to submit information regarding major communities in its service area and specific reasons for not serving them.[5] See *Primer*, Q. & A. 6; compare "Gilroy Broadcasting Company, Inc.," 41 FCC 2d 20, 27 RR 2d 1034 (1973).

LEGAL COMPETENCY

5. The second issue that Cavallaro requests deals with Vieques Radio's legal qualifications to hold a station license. In support of this request, Cavallaro alleges that Vieques Radio has failed to demonstrate its compliance with section 310(a)(4) of the Communications Act of 1934.

[1] The Board also has before it for consideration the following related pleadings: (a) opposition, filed February 4, 1974, by Vieques Radio; (b) comments, filed March 4, 1974, by the Broadcast Bureau; (c) letter, filed March 22, 1974, by Cavallaro; (d) reply to opposition and comments, filed April 11, 1974, by Cavallaro.

[2] The applicant states that Vieques is an island located 18 miles southeast of the Puerto Rican mainland: The island is approximately 50 square miles in area. The U.S. Navy controls 71 percent of the island and the remaining 29 percent is the only inhabited area. There is only one major population center, Isabel Segunda, where approximately 5,000 of the Island's 7,800 persons reside. Vieques has no newspapers and newspapers from other areas are not available to the public at newsstands. Communication is had by word of mouth and loudspeakers mounted on cars.

[3] The Broadcast Bureau also opposes addition of the requested ascertainment issue.

[4] Although we agree with Vieques Radio that petitioner has not shown specific women's organizations or female leaders who were overlooked, because of the deficient demographic information submitted, we cannot conclude that this presumptively significant portion of the community was adequately surveyed.

[5] We do not, however, find that the incidental elicitation of program tastes together with community needs is a deficiency or that the allegations regarding description of programs and correlation to needs are borne out.

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as amended,[4] since no information has been furnished concerning the citizenship of two of Vieques Radio's subscribers, Raphael S. Carillo and Israel Delgado Ramos, whose combined interests allegedly comprise over 30 percent of Vieques Radio stock issued or subscribed. In opposition, Vieques Radio states that it has been "informed informally that both Raphael S. Carillo and Israel Delgado Ramos are citizens", and that Mr. Carillo is a naturalized citizen. Specific data as to Mr. Carillo's naturalization is provided.

6. The Board will add the requested legal qualifications issue. Question 7, Section II of Form 301 requests information for any party to this application who claims citizenship by reason of naturalization. Since Vieques Radio has not provided this information with regard to Raphael S. Carillo and Israel Delgado Ramos, we cannot conclude that "an affirmative showing of citizenship to at least a reasonable degree" has been made. "Kentucky Broadcast Corp., 6 FCC 776, 778 (1939). Furthermore, the "informal" information which Vieques Radio provides in its opposition does not comport with the support or specificity requirements of § 1.229(c) of the Commission's rules. Therefore, the issues must be enlarged to provide the applicant the opportunity to develop the necessary facts on the record.[5]

SECTION 1.580(f) (1)

7. Cavallaro also requests an issue to determine whether Vieques Radio has failed to give proper public notice of a proposed frequency change as required by § 1.580(f) (1) of the Commission's rules.[6]

Petitioner asserts that Vieques Radio did not comply with the requirements of § 1.580(f) (1), since its July, 1972 notice neglected to name Mr. Carillo, although he had subscription rights to 15,000 or 18 percent of the 81,500 shares then issued or subscribed. In opposition, Vieques Radio concedes that it failed to publish Mr. Carillo's name. However, it asserts that the notice did not seek to apprise the public of transfer of control, that the amendment as published was adequate to inform the public of Vieques Radio's filing, and that it was in substantial compliance with the requirements of § 1.580(f) (1). Additionally, Vieques Radio alleges that Mr. Carillo was previously identified as a minority stockholder in the original application. Finally, Vieques Radio submits that the omission of Mr. Carillo's name as a subscriber of 15,000 out of 146,500 shares, not 81,500 as alleged by Cavallaro, was inadvertent and does not raise a significant question as to its qualifications to be a Commission licensee.

8. The Review Board will add the requested issue. It is well established that an amendment proposing a change in frequency is a major amendment of an application which requires publication in accordance with § 1.580 of the Commission's rules. See § 1.571(b) of the Commission's rules; and "Lauderdale Broadcast, Inc." 20 FCC 2d 498, 17 RR 2d 1004 (1969). In addition, it appears that at the time of the amendment in question, Carillo had subscribed to 18 percent of Vieques Radio's outstanding stock; thus, his name was required in the publication. However, we have no reason to doubt Vieques Radio's claim of inadvertence, and in light of this fact and the fact that this isolated incident took place over two years ago, we will add the issue on a comparative basis only.

9. *Accordingly, it is ordered*, That the petition to add issues, filed January 22, 1974, by Cavallaro Broadcasting Corporation, is granted to the extent indicated herein, and is denied in all other respects; and

10. *It is further ordered*, That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine the efforts made by Vieques Radio Corporation to ascertain the community needs and interests of the area to be served by its proposed station and the means by which the applicant proposes to meet those needs and interests.

(b) To determine whether a grant of the application of Vieques Radio Corporation would be consistent with the provisions of section 310(a) (4) of the Communications Act of 1934, as amended.

(c) To determine whether the applicant has violated § 1.580(f) (1) of the Commission's rules and, if so, to determine the effect thereof upon the applicant's comparative qualifications to be a Commission licensee.

11. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under issues (a) and (b) added herein shall be on Vieques Radio Corporation.

Adopted: August 27, 1974.

Released: August 29, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-20727 Filed 9-6-74;8:45 am]

[4] Section 310(a) (4) of the Communications Act provides:

(a) The station license required hereby shall not be granted or held by—

(4) Any corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country;

[5] Should the evidence adduced at hearing under this issue raise a substantial question as to the applicant's compliance with §§ 1.514 or 1.65, we would at that time entertain an appropriately filed petition to enlarge.

[6] Section 1.580(f) (1) of the Commission's rules provides, inter alia, that:

(f) The notice required • • • shall contain the following information, • • •

(1) • • • the names of those persons holding 10 percent or more of the capital stock or other ownership interest if the applicant is a corporation or an unincorporated association.

FEDERAL ENERGY ADMINISTRATION

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Wholesale Petroleum Advisory Committee will meet Monday, September 23, 1974, at 9 a.m. in the Garden Lounge, Del Webb Towne House Hotel, 8th & Market Streets, San Francisco, California.

The Committee was established to advise the Administrator, Federal Energy Administration, with expert and technical advice concerning the wholesale trade of selling heating oil, residual fuel, and gasoline.

The agenda for the meeting is as follows:

I. Old Business.
- A. Review and Discussion of Problems Concerning Allocation and Pricing of no lead gasoline.
- B. Comments on Market Share Situation.
- C. Committee Reorganization.

II. New Business.
- A. Discussion of Allowable Margins.
- B. Discussion of Antifreeze Availability.
- C. Review of Two-Tier Crude Oil Pricing System.
- D. Discussion of Deallocation of Fuels.
- E. Discussion of Class of Trade Allocation System.
- F. Review of Proposed Regulations.
- G. Remarks from the Floor (10 minute rule).

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Ms. Lois Weeks, Advisory Committee Management Office, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on September 3, 1974.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.74-20688 Filed 9-6-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP73-108]

PANHANDLE EASTERN PIPE LINE CO.

Order Approving Rate Settlement

AUGUST 30, 1974.

On August 1, 1974, the Presiding Administrative Law Judge certified to the Commission for approval a proposed settlement agreement in the above-entitled proceeding. If approved, the settlement agreement would resolve all issues in this proceeding. The proposed settlement rates would result in a reduction of approximately $16.7 million annually in Panhandle's presently effective rates.

This proceeding involves a general rate increase application filed by Panhandle on May 15, 1973, for jurisdictional natural gas sales and services of $36.9 million annually based on estimated costs and sales for the 12-month period ending January 31, 1973, as adjusted. By Commission order issued June 28, 1973, the proposed increase was suspended for the maximum statutory period of 5 months, following which the increased rates became effective on December 1, 1973, subject to refund.

Commencing on March 14, 1974, and continuing intermittently until July 29, 1974, conferences were held between and among the parties to the proceeding. The subject settlement agreement is the result of these conferences. The proposed settlement agreement was received as a part of the record on July 29, 1974, and was certified to the Commission, together with the entire hearing record relating thereto, on August 1, 1974. At the July 29, 1974, prehearing conference, all parties in attendance were provided the opportunity to state their positions with respect to the proposed settlement. All parties commenting either supported the settlement or took no position on it. No party opposed the settlement. Public notice of the settlement was issued on August 14, 1975, providing for comments to be filed on or before August 21, 1974. No additional comments have been received in response to the notice. The principal provisions of the settlement agreement may be summarized as follows:

(1) *Article I* is an introductory statement of the formal proceedings and settlement conferences in the subject docket. *Article II* is a statement of the settlement rates, referenced to the appropriate appendices, for the several time periods in which various rate changes occur as a result of PGA filings by Panhandle and for a major increase in Panhandle's employees salaries and wages. This article, and the appropriate appendices, set forth both the rates upon which refunds will be computed, as well as the rates which will be applied prospectively. Refunded amounts will include interest computed at 7 percent per annum for the period from date of payment to the date of refund.

(2) *Article III* sets forth the agreed-to jurisdictional cost of service, jurisdictional demand units and sales volumes, and total system sales volumes, which are reflected in the rates applicable to prospective jurisdictional sales.

(3) *Article IV* provides for a revision in Panhandle's depreciation rates from the previously Commission approved composite rate of 3.5 percent to new depreciation rates of 4 percent for transmission property, 8 percent for gathering property, and 3.5 percent for storage property. This article also provides that no further revision shall be made to Panhandle's depreciation rates prior to January 1, 1977.

(4) *Article V* provides for an "Advance Payment Tracker" to be reflected in the commodity charges of Panhandle's two-part rates and in its one-part rates. Advance payments for gas totaling $22,136,832 are included in the settlement cost of service rate base. The cost of service effect of advance payment changes from the established advance payment base will be computed by applying a return and income tax factor of 12.97 percent times the change in the advance payment base. The Commission is not precluded from suspending rate increases related to advance payments and allowing such rate changes to be made effective subject to refund.

(5) *Article VI* describes the manner in which any changes in Federal Income tax rates or imposition of new Federal Income taxes will be reflected in Panhandle's rates. If any such changes occur, the commodity component of its two-part rates and its one-part rates will be increased or decreased, as the case may be, by $0.0015 per Mcf for each 1 percent by which the new effective tax rate is more or less than 48 percent.

(6) *Article VII* provides for a moratorium on rate increases until November 1, 1975, except for increases to reflect adjustments for purchased gas costs, advance payments, and federal income tax rates. This article provides, however, that the moratorium shall not preclude Panhandle from proposing a research and development provision pursuant to Order No. 483 in Docket No. R-462, and to implement such provision if approved by the Commission.

(7) *Article VIII* incorporates certain procedural conditions and provides for waiver of the Commission's regulations if required to permit the settlement terms and provisions to become effective as proposed.

In addition, the settlement agreement incorporates certain proposed tariff sheets[1] pursuant to which Panhandle would apply a demand charge adjustment in the form of a commodity surcharge in computing charges to its customers. The proposed demand charge adjustment will allow Panhandle's distributor customers to recover increased costs of gas purchased by them during periods of curtailment in deliveries by Panhandle. Panhandle's ability to recover its proper level of revenues will not be affected. The proposed tariff sheets are attached to the settlement agreement as Appendix G(b).

The settlement incorporates rates applicable to four separate time periods. Rates for the period December 1, 1973, to February 1, 1974, are based on a total company cost of service of $335.8 million, as set forth in Appendix A hereto. Rates for the period Febraury 1, 1974, to May 1, 1974, are based on the previous cost of service adjusted for an increase in commodity rates of 2.35 cents per Mcf representing increased purchased gas costs which become effective February 1, 1974, in Docket No. RP73-36. Rates for the period May 1, 1974, to August 1, 1974, are based on a total company cost of service of approximately $339 million (Appendix A). This cost of service reflects the inclusion of $3.17 million of increased wage expenses which became effective on May 1 and May 6, 1974. Rates for the period from and after Aug. 1, 1974, are based on a total company cost of service of approximately $354.7 million (Appendix A). This cost of service reflects the further inclusion of $15.7 million of costs associated with the construction and operation of Panhandle's Denver-Julesburg Basin gas supply project certificated by the Commission in Docket No. CP 72-181. Inclusion of the Denver-Julesburg costs was contingent upon the project being placed in service prior to November 1, 1974. On August 1, 1974, Panhandle notified the Commission that the subject facilities had been completed and placed in service.

In addition, the August 1 rates include additional increased purchased gas costs of 3.79 cents per Mcf which became effective on August 2, 1974, in Docket No. RP73-36.

The settlement costs of service include a return on Panhandle's net investment rate base of 8.31 percent resulting in an allowance of 11.75 percent on common equity. The settlement capitalization and rate of return components are shown in Appendix B hereto. We find the settlement costs of service, rate of return, and resulting rates to be reasonable and in the public interest, and they are hereby approved.

Based on our review of the proposed settlement agreement, the entire record relating thereto, and the comments of the parties, we find that the settlement agreement represents a reasonable resolution of the issues in this proceeding in the public interest, and that accordingly it should be approved. However, that portion of Panhandle's rates represented by its most recent PGA increase in Docket No. RP73-36 should be made effective on August 2, 1974, rather than August 1 as contemplated by the settlement agreement.

The Commission finds: The settlement of this proceeding on the basis of the settlement agreement certified by the Presiding Judge on August 1, 1974, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and such agreement should be approved as hereinafter ordered.

The Commission orders: (A) The settlement agreement certified by the Presiding Judge on August 1, 1974, is incorporated by reference and made a part hereof, and is approved and adopted.

(B) Within 30 days from the date of this order, Panhandle shall file with the Commission revised tariff sheets in conformity with the terms of the settlement agreement.

[1] Interim Original Tariff Sheets 42-C.1 and 42-C.2, to Panhandle's FPC Gas Tariff, Original Volume No. 1.

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(C) That portion of Panhandle's rates which represent the increased cost of purchased gas as filed by Panhandle on June 14, 1974, shall become effective on August 2, 1974, rather than August 1, in accordance with the Commission's order of July 31, 1974, in Docket No. RP73–36.

(D) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, Panhandle, or by any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against Panhandle or any other person or party.

(E) The Secretary shall cause the prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A.—*Panhandle Eastern Pipe Line Company Docket No. RP73-108*

Settlement Costs of Service

Item	December 1, 1973	May 1, 1974	August 1, 1974
Operation and maintenance	$235, 461, 633	$238, 572, 536	$251, 465, 167
Depreciation and amortization	32, 587, 643	32, 587, 643	34, 771, 963
Other gas revenues—credit	(8, 021, 125)	(8, 021, 125)	(12, 603, 813)
Return (8.31 percent)	37, 637, 945	37, 670, 332	40, 164, 168
Taxes—Federal income	25, 081, 289	25, 099, 728	27, 141, 434
State income	1, 946, 268	1, 947, 504	1, 970, 546
Other	11, 115, 210	11, 115, 210	11, 753, 878
Total cost of service	335, 808, 863	338, 979, 126	354, 663, 703

APPENDIX B.—*Panhandle Eastern Pipe Line Company*

Capitalization and Rate of Return, January 31, 1974, Docket No. RP73-108

Line No.		Amount	Ratio	Cost	Weighted return
			Percent	Percent	Percent
1	Long term debt	$324, 277, 000	57. 14	6. 38	3. 65
2	Preferred Stock	37, 821, 000	6. 66	6. 88	0. 46
3	Accumulated deferred income tax	2, 428, 082	0. 43	0. 00	0. 00
4	Common equity	203, 010, 116	35. 77	11. 75	4. 20
5	Total	$567, 536, 198	100. 00		8. 31

[FR Doc.74–20651 Filed 9–6–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 4, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Forest Service: Selway Bitterroot Wilderness Use Study, Form —, Annual, Planchon, Visitor groups in Selway Bitterroot Wilderness in Mont.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Departmental: Prototype Evaluation for the Basic Homes Program, Form—, Single time, CVAD, Individuals.

NATIONAL SCIENCE FOUNDATION

The General Public and Community Leaders View the Revenue-Sharing Program, Form 51259A, 51259B, Single time, Ellett/Wann, General public and community leaders.

Sewerage Facilities Planning Questionnaire Water Facilities, Planning Questionnaire, Form—, Single time, Ellett, Public works Directors of cities with 25,000-100,000 pop.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration: General Requirements of the Federal Motor Vehicle Standards, Form HS 189, Occasional, Lowry, Importers of nonconforming vehicles.

DEPARTMENT OF TRANSPORTATION

Departmental: Boston SMSA Manufacturers Space Use Survey, Form ____, Single time, Strasser/Ellett/Sunderhauf, Manufacturers in greater Boston area.

REVISIONS

None

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Regulations-Food Stamp Program and Disaster Procedures, Form ____, Occasional, Evinger, State and local agencies.

PHILLIP D. LARSEN, *Budget and Management Officer.*

[FR Doc. 74–20764 Filed 9–6–74;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

COMMUNITY ADVISORY GROUP

Notice of Meeting

Pursuant to the provisions of section 10 of Pub. L. 92–463, effective January 5, 1973, notice is hereby given that a meeting of the Community Advisory Group will be held on Thursday, September 19, 1974 at 2 p.m.

The meeting will be held in the conference room of the Pennsylvania Avenue Development Corporation, Suite 1148 of the Pennsylvania Building, 425 13th Street Northwest, Washington, D.C.

The purpose of the meeting will be to present a progress report and review of the unofficial Pennsylvania Avenue Plan 1974 as proposed. Potential landscape schemes as developed by the Corporation's consultants for the Avenue will also be discussed.

The meeting will be open to the public to the extent that space and facilities will permit.

For further information call Ms. Katherine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area code 202/343–9423.

PETER T. MESZOLY, *General Counsel.*

[FR Doc.74–20738 Filed 9–6–74;8:45 am]

OWNERS AND TENANTS ADVISORY BOARD

Notice of Meeting

Pursuant to the provisions of section 10 of Pub. L. 92–463, effective January 5, 1973, notice is hereby given that a meeting of the Owners and Tenants Advisory Board will be held on Wednesday, September 18, 1974 at 2 p.m.

The meeting will be held in the conference room of the Pennsylvania Avenue Development Corporation, Suite 1148 of the Pennsylvania Building, 425 13th Street Northwest, Washington, D.C.

The purpose of the meeting will be to present a progress report and review of the unofficial Pennsylvania Avenue Plan 1974 as proposed. Potential landscape schemes as developed by the Corporation's consultants for the Avenue will also be discussed.

The meeting will be open to the public to the extent that space and facilities will permit.

For further information call Ms. Katherine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area code 202/343–9423.

PETER T. MESZOLY, *General Counsel.*

[FR Doc.74–20739 Filed 9–6–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

BOSTON STOCK EXCHANGE

Application for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 30, 1974.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

MAREMONT CORPORATION (DELAWARE); FILE NO. 7–4645

Upon receipt of a request, on or before September 14, 1974, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–20705 Filed 9–6–74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Amendment to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed a proposed amendment to its Option Plan pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1).

The main thrust of the new proposal, which is a new Rule 4.17, would be to prohibit members from entering orders for opening purchase transactions and opening writing transactions (subject to several exceptions) in any series of options as to which, as of the last previous trading day's close, (i) the market price of the underlying stock was more than 5 points below the exercise price and (ii) the option premium was less than one-half point.

Under the proposal there would be automatic imposition and removal of restrictions at the commencement of each trading day depending on whether the stated conditions were met as of the previous close, without the need for any action or notice by the Exchange.

The proposed amendment will become effective upon the 30th day after this notice appears in the FEDERAL REGISTER, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendment to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10–54. The proposed amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

AUGUST 27, 1974.

[FR Doc.74–20703 Filed 9–6–74;8:45 am]

SMALL BUSINESS ADMINISTRATION

INVESAT CORP.

[License No. 04/04–0110]

Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA), pursuant to § 107.102 of the regulations governing small business investment companies (SBIC's) (13 CFR 107.102 (1974)) under the name of Invesat Corporation, Jackson, Mississippi for a license to operate in the State of Mississippi as an SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The applicant is registsering under the Securities Act of 1933 and the Investment Company Act of 1940. It appears that there will not be any single stockholder owning ten (10) or more percent of the issued and outstanding stock.

The proposed officers and directors are:

J. Thomas Noojin, 3077 E. Colonial Way, Atlanta, Georgia, President.

Reuben V. Anderson, 538½ North Farish Street, Jackson, Mississippi, Secretary-Treasurer, Director.

James B. Campbell, 4152 North Honeysuckle Dr., Jackson, Mississippi, Director.

Douglas L. Conner, 123 North Washington St., Starkville, Mississippi, Director.

Mel D. Ellis, First National Bank, Meridian, Mississippi, Director.

Miller P. Holmes, Delta National Bank, P.O. Box 750, Yazoo City, Mississippi, Director.

Thomas J. Long, 2605 13th Street, Gulf South Building, Gulfport, Mississippi, Chairman of the Board of Directors, Director.

Kent E. Lovelace, Jr., 2500 14th Street, Gulfport, Mississippi, Director.

Lewis F. Mallory, Jr., National Bank of Mississippi, P.O. Drawer 391, Starkville, Mississippi, Director.

Frank Oakes, P.O. Box 83, McComb, Mississippi, Director.

Harry D. Owen, 202 East Pearl Street, Jackson, Mississippi, Director.

Jerry Owens, 300 Katie Avenue, Hattiesburg, Mississippi, Director.

Thomas C. Parry, P.O. Box 388, Yazoo City, Mississippi, Director.

Herman Pride, 1072 Lynch Street, Jackson, Mississippi, Vice President, Director.

The company will begin operations with private capital of approximately $1.5 million. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns, with growth potential located primarily in the State of Mississippi.

In addition, the applicant plans to form a wholly-owned subsidiary known as Invesat Capital Corporation to operate as a section 301(d) licensee, as defined in the Act. A section 301(d) Licensee is a small business investment company, the investment policy of which is to provide equity funds, long-term loans and management assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantage.

It is anticipated that the wholly-owned subsidiary will have initial capital of $150,000 and the officers and directors of the parent will also serve on the subsidiary's Board of Directors.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than September 19, 1974 submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Jackson, Mississippi.

Dated: September 4, 1974.

JAMES THOMAS PHELAN, *Deputy Associate Administrator for Investment.*

[FR Doc.74–20756 Filed 9–5–74;10:17 am]

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[Declaration of Disaster Loan Area 1088; Amdt 1]

FLORIDA

Amendment to Declaration of Disaster Loan Area

As a result of heavy rains and flooding which occurred June 27 to July 1, 1974, the State of Florida was declared a disaster loan area. This amendment redefines the incidence period as having commenced on June 24, 1974. (See 39 FR 28481.)

All other conditions under this Declaration remain the same.

Dated: August 9, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-20709 Filed 9-6-74;8:45 am]

CASPER DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Casper District Advisory Council will convene at 1 p.m., e.d.t., Friday, September 27, 1974, in the Hospitality Room of the Pacific Power & Light Company, 206 South Third Street, Laramie, Wyoming, to discuss such business as may be presented by members and the staff of the Small Business Administration.

Dated: August 30, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.74-20708 Filed 9-6-74;8:45 am]

MONTPELIER DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Montpelier District Advisory Council will convene at 12 noon, e.d.t. Tuesday, September 24, 1974, at the Space Research Corporation, North Troy, Vermont, to discuss the assignment of projects for the Council in the coming year and to review the current programs in Vermont.

Dated: August 30, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.74-20707 Filed 9-6-74;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

STATE AND LOCAL GOVERNMENT EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENT FOR FEDERALLY ASSISTED CONSTRUCTION CONTRACTS

Approval of the County of San Diego Bid Conditions and Affirmative Action Requirements and Opportunity for Appeal

Background. 41 CFR 60-1.4(b)(2) (39 2365, January 21, 1974) prescribes procedures whereby State and local governments intending to impose affirmative action hiring and/or training requirements on federally assisted construction already subject to Federal minority hiring and/or training plans established pursuant to Executive Order 11246, as amended, shall submit such requirements to the Director of the Office of Federal Contract Compliance. Such State and local requirements will be deemed applicable to federally assisted construction contracts unless the OFCC Director, or in the case of an appeal of the Director's determination, the Assistant Secretary for Employment Standards, determines that such requirements are inconsistent with the Order or incompatible with the effective implementation of the Federal minority hiring and/or training plan (either voluntary or imposed) in the area.

Pursuant to 41 CFR 60-1.4(b)(2), the County of San Diego submitted its Bid Conditions and Affirmative Action Requirements for Equal Employment Opportunity to the OFCC Director. In relevant part, the County EEO bid conditions are substantially similar to the Federal EEO Bid Conditions incorporating the Federal hiring and training plan in effect in San Diego. The County EEO bid conditions, like the Federal EEO Bid Conditions, consist of four parts and operate in a similar manner.

Part I of the County EEO bid conditions incorporates the Federal hiring and training plan known as the San Diego Plan which was formulated by local contractors, contractors associations, building trades unions and minority organizations and includes annual employment goals for individual trades. Signatories of the Federal San Diego Plan are also subject to the terms and conditions of Part I of the County's EEO bid conditions when performing county assisted construction work.

For those contractors and unions not signatory to, or for any reason, not eligible to or desirous of participating in the Federal San Diego Plan, Part II of the County's EEO bid conditions sets forth mandatory affirmative action requirements generally paralleling those of the Federal San Diego Plan. The principal distinction with respect to the applications of Parts I and II is that the obligations of contractors under Part II are individual obligations that run to their own work forces and as to which they must make good faith efforts to reach goals for minority utilization. Under Part I of the Federal San Diego Plan, the minority utilization obligations are trade obligations and it is the administrative committee of the San Diego Plan that assigns "fair share" goals to the individual members of the trade. The ultimate goals for Part II of both the Federal and County bid conditions are 24 to 30 percent. The Federal EEO Bid Conditions, however, require achievement of these goals by 1976, while the County bid conditions are effective through 1977.

Part III of the County's EEO bid conditions consists of a Bidders' Certification form which is required to be completed by all bidders. The Bidders' Certification is a material condition of the bid conditions and failure to submit the certification will render the bid nonresponsive to the invitation for bids.

Part IV recites the terms and conditions under which contractors must perform their responsibilities under either Part I or Part II of the bid conditions. Furthermore, Part IV provides that those contractors or subcontractors who do not meet their goals or show a good faith effort to do so will be subject to one or more sanctions including termination, suspension and liquidated damages equal to ¼ of 1 percent of the contract price for each day of non-compliance, such amount to be no less than $25 per day but no more than $100 per day.

Copies of the County of San Diego Bid Conditions and Affirmative Action Requirements for Equal Opportunity may be obtained from the County Contract Compliance Office, Human Resources Agency, 5555 Overland Avenue, Building 11, San Diego, California 92123, or Philip J. Davis, Director, Office of Federal Contract Compliance, U.S. Department of Labor, 14th and Constitution Avenue, N.W., Washington, D.C. 20210.

Decision. After careful review of the County of San Diego Bid Conditions and Affirmative Action Requirements for Equal Employment Opportunity, in accordance with the provisions of 41 CFR 60-1.4(b)(2), I have determined that the County's EEO bid conditions are not inconsistent with Executive Order 11246, as amended, and not incompatible with the effective implementation of the Federal San Diego Plan. Accordingly, the County of San Diego may include its EEO bid conditions in federally assisted construction contracts.

Rights of Appeal. On August 30, 1974, in accordance with 41 CFR 60-1.4(b)(2), I communicated my determination to Mr. Victor L. Reed, Contract Compliance Coordinator, Human Resources Agency, by registered mail, return receipt requested.

Pursuant to 41 CFR 60-1.4(b)(2), any persons or groups affected by my determination, including construction contractors, labor organizations, associations or other organizations of construction trades contractors and/or labor organizations, and minority community groups, may appeal this determination to Mr. Bernard E. DeLury, Assistant Secretary for Employment Standards, 14th and Constitution Avenue, N.W., Washington, D.C. 20210, by requesting a hearing by September 30, 1974. Following this appeal period, if any requests for a hearing have been filed with the Assistant Secretary, the Department of Labor shall then designate an administrative law judge who shall conduct a hearing to make proposed findings and a recommended decision to the Assistant Secretary upon the basis of the record before him. The administrative law judge shall give reasonable notice of the opportunity to participate in such hearing by registered mail, return receipt requested, to those requesting the hearing and shall also give reasonable notice of such hearing in the FEDERAL REGISTER to inform all other persons, organizations and other entities affected by my determination of their opportunity to participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case, including such cross-examination as the administrative law judge may deem appropriate in the circumstances. Within 80 days of the close of the appeal period for requesting a hearing, the Assistant Secretary shall make a final decision on the basis of the record before him, which shall consist of the rulings and recommended decision of the administrative law judge, and the exceptions and briefs filed subsequent to the administrative law judge's decision.

Signed at Washington, D.C. this 30th day of August, 1974.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.74-20744 Filed 9-6-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 586]

ASSIGNMENT OF HEARINGS

SEPTEMBER 4, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after September 9, 1974.

MC 130228, Moreno Tours, Inc., now assigned September 9, 1974, at New York, N.Y., is postponed indefinitely.

MC 114211 Sub 222, Warren Transport, Inc., now assigned October 1, 1974, will be held in Room 1614, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Chicago, Ill.

MC 114273 Sub 161, Cedar Rapids Steel Transportation, Inc., now assigned October 2, 1974, will be held in Room 1614, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Chicago, Ill.

MC 139335 Sub 2, Jackson Transfer, Inc., now assigned October 3, 1974, will be held in Room 1614, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Chicago, Ill.

MC 116519 Sub 21, Frederick Transport Limited, now assigned October 7, 1974, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Chicago, Ill.

MC 123639 Sub 155, J. B. Montgomery, Inc., now assigned October 21, 1974, will be held in Room 595, U.S. Courthouse, 1929 Stout St., Denver, Colo.

FF-426 Sub 1, Express Forwarding and Storage Co., Inc., now assigned October 16, 1974, at New York, N.Y., will be held in Room B-2231, 26 Federal Plaza.

MC-F-12114, Preston Trucking Company, Inc.—Purchase (Portion)—Express/S.D.Z. (Irvin Klein, Trustee), now assigned October 7, 1974, at New York, N.Y., will be held in Room A-238, 26 Federal Plaza.

MC 139645, Service Motor Freight, Inc., now assigned October 9, 1974, at New York, N.Y., will be held in Room A-238, 26 Federal Plaza.

MC 99908 Sub 12, Skyline Transportation, Inc., now assigned October 1, 1974, will be held in Room LL-8, 301 Cumberland Bldg., Knoxville, Tenn.

MC 127834 Sub 99, Cherokee Hauling and Rigging, Inc., now assigned October 8, 1974, will be held in Room 844, 167 N. Main St., Memphis, Tenn.

MC 108676 Sub 58, A. J. Metler Hauling & Rigging, Inc., now assigned October 7, 1974, will be held in Room 844, 167 N. Main St., Memphis, Tenn.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-20748 Filed 9-6-74;8:45 am]

[Finance Docket No. 26877]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Winthrop, Sibley County, and Klossner, Nicollet County, Minnesota

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. ss 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Sibley and Nicollet Counties, Minn., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 27th day of August 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

INTERSTATE COMMERCE COMMISSION

NOTICE

[Finance Docket No. 26877]

THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN WINTHROP, SIBLEY COUNTY, AND KLOSSNER, NICOLLET COUNTY, MINNESOTA

The Interstate Commerce Commission hereby gives notice that by order dated August 27, 1974, it has been determined that the proposed abandonment of the line of the Chicago and North Western Transportation Company between Winthrop, Sibley County, and Klossner, Nicollet County, a distance of approximately 12.8 miles all in Minnesota, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321 et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed abandonment are insignificant because no major adverse ecological effects are anticipated if the action is authorized. The amount of freight shipped over the line is relatively minor, and there are no new developmental plans in the area dependent on this line for rail service. Furthermore, the Minnesota Department of Natural Resources has expressed its desire to purchase the right-of-way for recreational purposes or a wildlife habitat area.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before September 24, 1974.

[FR Doc.74-20750 Filed 9-6-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 4, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 19, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-2261 (Sub-No. E2), filed May 28, 1974. Applicant: KEENAN TRANSFER AND STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a

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common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Florida on, east, and southeast of a line from the Florida-Georgia State line along U.S. Highway 221 to Perry, thence along Florida Highway 361 to Keaton Beach on the Gulf of Mexico to points in Alabama and Georgia on, north, and east of a line from the Alabama-Mississippi State line along U.S. Highway 80 to the junction of Interstate Highway 85, thence along Interstate Highway 85 to the junction of U.S. Highway 27 at La Grange, Ga., thence along U.S. Highway 27 to the Georgia-Tennessee State line. The purpose of this filing is to eliminate the gateway of La Grange, Ga., and points within 35 miles thereof.

No. MC–2261 (Sub-No. E3), filed May 28, 1974. Applicant: KEENAN TRANSFER AND STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission from points in Florida on and east of a line from the Georgia-Florida State line along U.S. Highway 221 to Perry, thence along Florida Highway 361 to Keaton Beach and the Gulf of Mexico to points in Alabama and Georgia on, north, and east of a line from the Alabama-Mississippi State line along U.S. Highway 278 to the junction of U.S. Highway 78, thence along U.S. Highway 78 to the junction of Interstate Highway 20, thence along Interstate Highway 20 to the Alabama-Georgia State line, thence along the Alabama-Georgia State line to the southern boundary of Carroll County, Ga., thence along the southern boundary of Carroll County to Georgia Highway 100, thence along Georgia Highway 100 to the junction of Georgia Highway 18 thence along Georgia Highway 18, to Woodbury, thence along Georgia Highway 85 to Atlanta, thence along U.S. Highway 23 to the Georgia-North Carolina State line. The purpose of this filing is to eliminate the gateway of La Grange, Ga., and points within 35 miles thereof.

No. MC–2261 (Sub-No. E4), filed May 28, 1974. Applicant: KEENAN TRANSFER AND STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission from points in Florida on and west of a line from the Georgia-Florida State line along U.S. Highway 221 to Perry, thence along Florida Highway 361 to Keaton Beach and the Gulf of Mexico, to points in Georgia on, north, and west of Interstate Highway 85. The purpose of this filing is to eliminate the gateway of La Grange, Ga., and points within 35 miles thereof.

No. MC–2261 (Sub-No. E5), filed May 28, 1974. Applicant: KEENAN TRANSFER AND STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Florida on and west of a line from the Georgia-Florida State line along U.S. Highway 319 to Wakulla, thence along Florida Highway 363 to the Gulf of Mexico at St. Marks, to points in Georgia on and east of a line from the Georgia-Tennessee State line along U.S. Highway 27 to the junction of Georgia Highway 109 at La Grange, and on and north of a line from La Grange along Georgia Highway 109 to Greenville, thence along Georgia Highway 18 to the junction of U.S. Highway 19, thence along U.S. Highway 19 to the junction of Georgia Highway 16, thence along Georgia Highway 16 to Jackson, thence along Georgia Highway 36 to Covington, thence along Georgia Highway 81 to Walnutgrove thence along Georgia Highway 138 to the junction of U.S. Highway 78, thence along U.S. Highway 78 to Athens, thence along Georgia Highway 72 to the Georgia-South Carolina State line. The purpose of this filing is to eliminate the gateway of La Grange, Ga., and points within 35 miles thereof.

No. MC–2261 (Sub-No. E6), filed May 28, 1974. Applicant: KEENAN TRANSFER AND STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,, transporting: *Household goods*, as defined by the Commission from points in North Carolina and South Carolina on and east of a line from the North Carolina-Virginia State line along North Carolina Highway 18 to Wilkesboro, thence along North Carolina Highway 115 to Statesville, thence along U.S. Highway 70 to Salisburg, thence along Interstate Highway 85 to Kannapolis, thence along U.S. Highway 601 to Camden, S.C., thence along U.S. Highway 1 to Columbia, thence along Interstate Highway 20 to the South Carolina-Georgia State line and the Savannah River thence along the Savannah River to the Atlantic Ocean to points in Georgia and Alabama on and west of a line from the Tennessee-Alabama State line along U.S. Highway 231 to the junction of Alabama Highway 66, thence along Alabama Highway 66 to the junction of U.S. Highway 431, thence along U.S. Highway 431 to the junction of Alabama Highway 86, thence along Alabama Highway 86 to the Georgia-Alabama State line, thence along Georgia Highway 244 to the junction of Georgia Highway 109, thence along Georgia Highway 109 to the junction of U.S. Highway 29, thence along U.S. Highway 29 to La Grange, thence along U.S. Highway 27 to Columbus, thence along Alabama Highway 26 to the junction of U.S. Highway 82, thence along U.S. Highway 82 to the junction of U.S. Highway 29, thence along U.S. Highway 29 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateway of La Grange, Ga., and points within 35 miles thereof.

No. MC–2261 (Sub-No. E8), filed May 28, 1974. Applicant: KEENAN TRANSFER AND STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Tennessee, North Carolina, and South Carolina on and east of a line from the Tennessee-Kentucky State line along Tennessee Highway 56 to the junction of Tennessee Highway 108, thence along Tennessee Highway 108 to the junction of Tennessee Highway 27, thence along Tennessee Highway 27 to the Tennessee-Georgia State line and on and west of a line from Kitty Hawk, N.C., along U.S. Highway 158 to Elizabeth City, thence along U.S. Highway 17 to the junction of U.S. Highway 13, thence along U.S. Highway 13, to the junction of U.S. Highway 64, thence along U.S. Highway 64, to the junction of North Carolina Highway 49, thence along North Carolina 49 to Charlotte, thence along Interstate Highway 85 to the South Carolina-Georgia State line, to points in Georgia and Alabama on and south of a line from the Mississippi-Alabama State line along Interstate Highway 10 to Mobile, thence along Interstate Highway 65, to Montgomery, thence along Interstate Highway 85 to La Grange, Ga., thence along U.S. Highway 27 to Columbus, Ga., thence along U.S. Highway 280 to the junction of Georgia Highway 55, thence along Georgia Highway 55 to the junction of U.S. Highway 82, thence along U.S. Highway 82 to Albany, thence along U.S. Highway 19 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateway of La Grange, Ga., and points within 35 miles thereof.

No. MC–2261 (Sub-No. E9), filed May 28, 1974. Applicant: KEENAN TRANSFER AND STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission from points in Tennessee on and west of a line from the Tennessee-Virginia State line along U.S. Highway 23, to Kingsport, thence along U.S. Highway 11W to the junction of U.S. Highway 25E, thence along U.S. Highway 25E, to Knoxville, thence along U.S. Highway 11, via Tennessee Highway BR2 to Chattanooga, thence along U.S. Highway 27 to the Georgia-Tennessee State line to points in Alabama and Georgia on and south of a line from the Alabama-Florida State line along Alabama Highway 1 to Dothan, thence along U.S. Highway 431 to the junction of Alabama Highway 87, thence along Alabama Highway 87 to the junction of Interstate Highway 85, thence along Interstate Highway 85 to La Grange, Ga., thence along U.S. Highway 27 to the junction of Georgia Highway 190, thence along Georgia Highway 190 to Manchester, thence along Georgia Highway 41 to Buena Vista, thence along Georgia Highway to Americus, Ga., thence along U.S. Highway 280 to Cordele, Ga., thence along Interstate Highway 75 to Tifton, thence along U.S. Highway 82 to Waycross, thence along U.S. Highway 84 to Brunswick, thence along the unnumbered Toll Road to Sea Island. The purpose of this filing is to eliminate the gateway of La Grange, Ga., and points within 35 miles thereof.

No. MC–2261 (Sub-No. E10), filed May 28, 1974. Applicant: KEENAN TRANSFER & STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506 American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, from points in Georgia on and west of a line from Manchester, Ga., along Georgia Highway 41 to the junction of Georgia Highway 55, thence along Georgia Highway 55 to Dawson, thence along U.S. Highway 82 to Albany, thence along Georgia Highway 3 to Carmilla, thence along Georgia Highway 333 to the Georgia-Florida State line and points in Georgia east of a line from Manchester along U.S. Highway Alternate 27 to Columbus, thence along the Georgia-Alabama State line to the Florida State line to points in Tennessee and points in South Carolina and North Carolina on and north of a line from the Atlantic Ocean at Wilmington, N.C., along U.S. Highway 74 to the junction of North Carolina Highway 211, thence along North Carolina Highway 211 to the junction of U.S. Highway 220, thence along U.S. Highway 220 to the junction of North Carolina Highway 24, thence along North Carolina Highway 24 to Charlotte, thence along U.S. Highway 29 to the South Carolina-Georgia State line. The purpose of this filing is to eliminate the gateway of LaGrange, Ga., and points within 35 miles thereof.

No. MC–2261 (Sub-No. E11), filed May 28, 1974. Applicant: KEENAN TRANSFER & STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506 American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission from Columbus, Ga., to points in Florida, Tennessee, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of LaGrange, Ga., and points within 35 miles thereof.

No. MC–8958 (Sub-No. E6), filed June 4, 1974. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal St., Youngstown, Ohio 44501. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* of the kind used in construction and manufacture, *and contractors' equipment and machinery*, (1) between points in Ohio, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, and Delaware, and the District of Columbia (points in that part of Pennsylvania on and east of U.S. Highway 15 and Niles, Ohio)*; and (2) between points in Ohio, on the one hand, and, on the other, points in New York, that part of New Jersey on and north of a line beginning at the New York-New Jersey State line, thence along Interstate Highway 287 to junction New Jersey Highway 31, thence along New Jersey Highway 31 to junction Interstate Highway 80, thence along Interstate Highway 80 to the New Jersey-Pennsylvania State line, and that part of Pennsylvania on and north of Interstate Highway 80, and on and east of U.S. Highway 15 Niles, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–8958 (Sub-No. E7), filed June 4, 1974. Applicant: THE YOUNGSTOWN CARTAGE CO., 825 West Federal St., Youngstown, Ohio 44501. Applicant's representative: John P. McMahon, Suite 1800–100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* of the kind used in Construction and manufacture, *and contractors' equipment and machinery*, between points in Pennsylvania, on the one hand, and, on the other, points in that part of Ohio on, west, and north of a line beginning at Lake Erie, thence along Interstate Highway 71 to junction U:S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30S near Mansfield, thence along U.S. Highway 30S to junction U.S. Highway 30 near Delphos, thence along U.S. Highway 30 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Niles, Ohio.

No. MC–15897 (Sub-No. E38), filed June 2, 1974. Applicant: O.K. TRANSFER AND STORAGE COMPANY, 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, Suite 280 National Foundation Life Center, 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas, on, west, and north of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 87 to junction Texas Highway 349, thence along Texas Highway 349 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Texas Highway 118, thence along Texas Highway 118 to the United States-Mexico International Boundary line near Boquillas, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla., and Lamar County, Texas.

No. MC–15897 (Sub-No. E39), filed June 2, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, Suite 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on, south, and west of a line beginning at the United States-Mexico International Boundary line near El Paso, thence along Interstate Highway 10 to junction U.S. Highway 181, thence along U.S. Highway 181 to Corpus Christi, on the one hand, and on the other, points in Look, Lake, McHenry, Boone, Winnebago, Stephenson, and Jo Daviess Counties, Ill. The purpose of this filing is to eliminate

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the gateway of points in Creek County, Okla., and Lamar County, Texas.

No. MC–15897 (Sub-No. E49), filed June 2, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Mississippi on and north of U.S. Highway 80 and in and south of Coahoma, Tallahatchie, Yalobuscha, Calhoun, Chickasaw, and Monroe Counties, on the one hand, and, on the other, points in that part of Kansas on and west of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla., and Lamar County, Texas.

No. MC–16903 (Sub-No. E11), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone*, cut, uncut, finished, and in the rough from points in Potter, Cameron, and Clinton Counties, Pa., to points in Minnesota (points in Milwaukee County, Wis.)*, points in North Dakota and South Dakota (points in Blue Earth County, Minn.)*, points in Arkansas, Louisiana, and Mississippi (points in Cumberland County, Tenn.)*, and points in Florida (points in Campbell County, Va.)*; (2) *Dressed and sawed stone* from points in Potter, Cameron, and Clinton Counties, Pa., to points in Nebraska, Kansas, and Oklahoma (points in Monroe County, Ind.)*; (3) *Stone* (except when moving in bulk) from points in Potter, Cameron, and Clinton Counties, Pa., to points in Colorado (points in Monroe County, Ind.)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC–16903 (Sub-No. E13), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone, marble, and granite*, cut, uncut, finished or in the rough (except when moving in bulk), from Campbell County, Va., to points in Colorado (points in Monroe County, Ind.)*; (2) *Stone, marble, granite, and slate*, cut, uncut, finished or in the rough from points in Campbell County, Va., to points in South Carolina (points in Surry County, N.C.)*; (3) *Stone and marble* cut, uncut, finished, or in the rough from points in Campbell County, Va., to points in Texas (points in Union County, Ill.)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC–16903 (Sub-No. E14), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone, granite, and marble*, cut, uncut, finished or in the rough, from points in Pickens County, Ga., to points in Kansas, Missouri, Oklahoma, and Illinois (points in Cumberland County, Tenn.)*, points in Indiana, Michigan, Ohio, West Virginia, Pennsylvania, Maryland, Delaware, New Jersey, New York, Virginia, and the District of Columbia (points in Knox County, Tenn.)*, points in Kentucky (points in Cumberland County, Tenn., and Knox County, Tenn.)*, points in Vermont and New Hampshire (points in Knox County, Tenn., and Albemarle County, Va.)*, and points in Maine (points in Knox County, Tenn., and Albemarle County, Tenn.)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC–16903 (Sub-No. E15), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone and marble*, cut, uncut, finished and in the rough from points in Rutland County, Vt., to points in Texas (points in Union County, Ill.)*. The purpose of this filing is to eliminate the gateway marked with asterisks above.

No. MC–16903 (Sub-No. E19), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Stone*, cut, uncut, finished, and in the rough, from points in Sequatchie County, Tenn., to points in Minnesota, North Dakota, and South Dakota (points in Milwaukee County, Wis.)*, points in Oklahoma (points in Jasper County, Mo.)*, and points in New York, Pennsylvania, Massachusetts, Rhode Island, Connecticut, and New Jersey (points in Scioto County, Ohio)*; (2) *Stone* from points in Sequatchie County, Tenn., to points in Iowa (points in Monroe County, Ind.)*; (3) *Dressed and sawed stone* from points in Sequatchie County, Tenn., to points in Nebraska (points in Monroe County, Ind.)*; (4) *Stone, granite, and marble*, cut, uncut, finished and in the rough from points in Sequatchie County, Tenn., to points in Kansas (points in Jasper County, Mo.)*; (5) *Stone, marble, and granite* (except when moving in bulk), from points in Sequatchie County, Tenn., to points in Colorado (points in Monroe County, Ind.)*; and (6) *stone, slate, marble, and granite*, from points in Sequatchie County, Tenn., to points in Vermont, New Hampshire, and Maine (points in Holmes County, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–16903 (Sub-No. E21), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone*, cut, uncut, finished, and in the rough (except when moving in bulk and except commodities the transportation of which require the use of special equipment), from points in Delaware, Chester, Bucks, and Philadelphia Counties, Pa., to points in Minnesota, North Dakota, and South Dakota (points in Milwaukee County, Wis.)*; (2) *dressed and sawed stone* (except when moving in bulk and except commodities the transportation of which require the use of special equipment), from points in Delaware, Chester, Bucks, and Philadelphia Counties, Pa., to points in Nebraska, Oklahoma, Louisiana, Arkansas, and Mississippi (points in Monroe County, Ind.)*; (3) *stone* (except when moving in bulk, and except commodities the transportation of which require the use of special equipment), from points in Delaware, Chester, Bucks, and Philadelphia Counties, Pa., to points in Iowa, Missouri, and Kansas (points in Monroe County, Ind.)*; (4) *stone, marble, and granite* (except when moving in bulk, and except commodities the transportation of which require the use of special equipment), from points in Delaware, Chester, Bucks, and Philadelphia Counties, Pa., to points in Colorado (points in Monroe County, Ind.)*; and (5) *stone and marble* (except when moving in bulk and except commodities the transportation of which require the use of special equipment), from points in Delaware, Chester, Bucks, and Philadelphia Counties, Pa., to points in Texas (points in Union County, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–16903 (Sub-No. E22), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone*, cut, uncut, finished, and in the rough (except when moving in bulk and except commodities the size or weight of which require the use of special equipment), from points in Montgomery and Baltimore Counties, Md., to points in Minnesota, North Dakota, and South Dakota (points in Milwaukee County, Wis.)*; (2) *stone* (except when moving in bulk and except commodities the size or weight of which require the use of special equipment), from points in Montgomery and Baltimore Counties, Md., to points in Iowa and Kansas (points in Monroe County, Ind.)*; (3) *dressed and sawed stone* (except when moving in bulk and except commodities the size or weight of which require the use of special equipment), from points in Montgomery and Baltimore Counties, Md., to points in Nebraska, Oklahoma, and Arkansas (points in Monroe County, Ind.)*; (4) *stone, marble, and granite* (except when moving in bulk and except commodities the size or weight of which require the use of special equipment), from points in Montgomery and Baltimore Counties, Md., to points in Colorado (points in Monroe County, Ind.)*; and (5) *stone, granite, and marble*, cut, uncut, finished, and in the rough (except when moving in bulk and except commodities the size or weight of which require the use of special equipment), from points in Montgomery and Baltimore Counties, Md., to points in Texas (points in Jasper County, Mo., and Union County, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC–16903 (Sub-No. E24), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone* (except in bulk), from points in Las Cruses County, N. Mex., to (a) points in Michigan, Ohio, New York, Pennsylvania, New Jersey, and the District of Columbia (points in Monroe County, Ind.)*; (b) points in Vermont and New Hampshire (points in Monroe and Holmes Counties, Ind.)*; (2) *stone and marble* (except in bulk), from points in Las Cruces, N. Mex., to points in Maine (points in Union County, Ill.)*; (3) *stone and marble*, cut, uncut, finished, and in the rough (except in bulk) from points in Las Cruces County, N. Mex., to points in Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, and Georgia (points in Knox County, Tenn.)*; and (4) *dressed and sawed stone* (except in bulk), from points in Las Cruces County, N. Mex., to points in Massachusetts, Rhode Island, and Connecticut (points in Monroe County, Ind.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–16903 (Sub-No. E25), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone and marble*, cut, uncut, finished, and in the rough (except in bulk), from points in Etowah, Calhoun, and Talladega Counties, Al., to points in Indiana and Kentucky (points in Cumberland County, Tenn.)*; and points in Virginia, Maryland, Delaware, the District of Columbia, New Jersey, Pennsylvania, and New York (points in Surry County, N.C.)*; and (2) *marble* (except in bulk), from Gantts Quarry, Ala., to points in Indiana, Kentucky, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, and the District of Columbia (points in Cumberland County, Tenn., and Surry County, N.C.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–16903 (Sub-No. E26), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone and marble* (except in bulk) from points in Sumner and Cowley Counties, Kans., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island (points in Holmes County, Ohio)*; and (2) *stone*, cut, uncut, finished, and in the rough (except in bulk), from points in Sumner and Cowley Counties, Kans., to points in New York, New Jersey, Delaware, Maryland, and the District of Columbia (points in Cameron County, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–16903 (Sub-No. E27), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone and marble* (except in bulk), from points in Hartford County, Md., to points in Colorado. The purpose of this filing is to eliminate the gateway of points in Monroe County, Ind.

No. MC–16903 (Sub-No. E30), filed June 4, 1974. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, Ind. 47401. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dressed and sawed stone* (except machine finished stone), from points in Avery, Watauga, Mitchell, and Yancey Counties, N.C., to points in Minnesota, North Dakota, South Dakota, and Nebraska (points in Monroe County, Ind.)*; (2) *Stone* (except machine finished stone and except when moving in bulk), from points in Avery, Watauga, Mitchell, and Yancey Counties, N.C., to points in Colorado (points in Monroe County, Ind.)*; and points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine (points in Harford County, Md.)*; and (3) *stone* (except machine finished stone), from points in Avery, Watauga, Mitchell, and Yancey Counties, N.C., to points in Iowa, Kansas, and Missouri (points in Monroe County, Ind.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–59150 (Sub-No. E1), filed June 4, 1974. Applicant: PLOOF TRANSFER CO., INC., 1901 Hill St., Jacksonville, Fla. 32207. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special handling or rigging, between points in that part of Georgia in and south of Seminole, Decatur, Grady, Thomas, Brooks, Lowndes, Lanier, Clinch, Ware, Brantley, and Glynn Counties, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC–59150 (Sub-No. E2), filed June 4, 1974. Applicant: PLOOF TRANSFER CO., INC., 1901 Hill Street, Jacksonville, Florida 32207. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight, require the use of special handling or rigging, between points in Georgia, in and south of Early, Baker, Mitchell, Colquitt, Cook, Berrien, Atkinson, Ware, Pierce, Brantley, and Glynn Counties, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC–59150 (Sub-No. E4), filed June 4, 1974. Applicant: PLOOF TRANSFER CO., INC., 1901 Hill St., Jacksonville, Florida 32207. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of specialized handling or rigging, between points in that part of Georgia in and south of Early, Baker, Mitchell, Colquitt, Cook, Berrien, Atkinson, Ware, Pierce, Brantley, and Glynn Counties, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC–59150 (Sub-No. E5), filed June 4, 1974. Applicant: PLOOF TRANSFER CO., INC., 1901 Hill St., Jacksonville, Florida 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight, require the use of special handling or rigging between points in that part of Alabama in and south of Washington, Clarke, Monroe, Butler, Crenshaw, Pike, Dale, and Dothan Counties, on the one hand, and on the other, points in that part of Georgia in,

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south, and west of Seminole, Decatur, Mitchell, Worth, Crisp, Wilcox, Telfair, Jeff Davis, Appling, Wayne, Long, Liberty, Bryan, and Chatham Counties. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC–59150 (Sub-No. E7), filed June 4, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special handling or rigging, between points in Mobile and Baldwin Counties, Ala., on the one hand, and, on the other, points in that part of Georgia in and south of Floyd, Bartow, Cherokee, Forsyth, Hall, Banks, Franklin, and Hart Counties. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC–88368 (Sub-No. E28), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* (1) from points in Pennsylvania to points in Alabama (points in Jefferson County, Ohio, points in Harlan County, Ky., and points in Virginia) *; points in California in and north of Mendocino, Glenn, Butte, and Plumas Counties (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, points in Colorado, and points in Washington east of the Cascade Mountains) *; points in Colorado (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, and Newton, Kans., and points within 15 miles thereof) *; points in Idaho (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Colorado, Montana, and Wyoming, and points in Kimball, Banner, and Cheyenne Counties, Nebr.) *; points in Illinois within 100 miles of Danville, Ill., including Danville (points in Jefferson County, Ohio and Bloomington, Ill., and points within 25 miles thereof) *; Harlan, Iowa, and points in Iowa within 15 miles thereof (points in Jefferson County, Ohio and Bloomington, Ill., and points within 25 miles thereof) *; points in Kansas (points in Jefferson County, Ohio and Bloomington, Ill., and points within 25 miles thereof) *; points in Harlan County, Ky., points in Jefferson County, Ohio) *; points in Louisiana (points in Jefferson County, Ohio, points in Harlan County, Ky., and Birmingham, Ala., and points within 100 miles thereof) *; points in Mississippi (points in Jefferson County, Ohio, points in Harlan County, Ky., and points in Alabama within 100 miles of Birmingham, Ala.) *; points in Missouri (points in Jefferson County, Ohio, and Bloomington, Ill., and points within 25 miles thereof) *; points in Montana (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, points in Kimball, Banner, and Cheyenne Counties, Nebr.) *; and (2) from Philadelphia, Pa., to points in Maine, New Hampshire, Rhode Island, and Vermont (Boston, Mass., and points within 25 miles thereof) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

Points in Nebraska (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, and Newton, Kans., and points within 15 miles thereof) *; points in New Mexico (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, points in Cowley County, Kans., and points in Canadian County, Okla.) *; points in Oklahoma (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof and points in Cowley County, Kans.) *; points in Oregon (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, points in Colorado, and points in Washington east of the Cascade Mountains) *; points in Texas (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, points in Cowley County, Kans., points in Harlan County, Ky., Florence, Sheffield, and Tuscumbia, Ala., and points in Mississippi) *; points in Washington (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Colorado) *; and points in Wyoming (points in Jefferson County, Ohio, Bloomington, Ill., and points within 25 miles thereof, Newton, Kans., and points within 15 miles thereof, and points in Kimball, Banner, and Cheyenne Counties, Nebr.) *; and (2) from Philadelphia, Pa., to points in Maine, New Hampshire, Rhode Island, and Vermont (Boston, Mass., and points within 25 miles thereof) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–95540 (Sub-No. E276), filed May 3, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: CLYDE W. CARVER, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods*, from Tifton, Ga., to points in Kentucky on, north and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 421 to its junction with Kentucky Highway 55, thence along Kentucky Highway 55 to its junction with Kentucky Highway 44, thence along Kentucky Highway 44 to its junction with Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC–95540 (Sub-No. E601), filed May 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in New Jersey on and south of U.S. Highway 30, to points in Colorado on and south of U.S. Highway 160. The purpose of this filing is to eliminate the gateway of Pilse and Spaulding Counties, Ga.

No. MC–107515 (Sub-No. E7) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER August 16, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meats and meat products*, from Luling, Texas, to points in Massachusetts, New Jersey, Maryland, Delaware, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, that part of Pennsylvania on and east of U.S. Highway 219, that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 29 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Virginia Highway 29, thence along Virginia Highway 29 to junction Virginia Highway 39, thence along Virginia Highway 39 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-Maryland State line, and that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 220, to junction New York 70, thence along New York Highway 21 to the International Boundary line between the United States and Canada, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Gatesville, N.C. The purpose of this correction is to correct the spelling of the origin point.

No. MC–107515 (Sub-No. E8) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER August 16, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, and frozen edible meat products*, from Palestine, Texas, to points in West Virginia, and those parts of Virginia and Pennsylvania on and west of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. The purpose of this correction is to reflect the correct gateway to be eliminated.

No. MC–108449 (Sub-No. E15), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, in bulk, in tank vehicles, and restricted to the transportation of commodities moving in foreign commerce, from the port of entry at or near Noyes, Minn., on the United States-Canada Boundary line, to points in South Dakota on and north of U.S. Highway 12 and on and east of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of West Fargo, N. Dak.

No. MC–108449 (Sub-No. E16), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, and restricted to commodities moving in foreign commerce, from the port of entry at or near Noyes, Minn., on the United States-Canada Boundary line, to points in that part of South Dakota on, north, and west of a line beginning at Winship, and extending along U.S. Highway 281 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to Webster, thence along South Dakota Highway 25 to Howard, thence along South Dakota Highway 34 to Madison, thence along South Dakota Highway 19 to its junction with South Dakota Highway 46, thence along South Dakota Highway 46 to the South Dakota-Iowa State line. The purpose of this filing is to eliminate the gateway of the terminal facilities of the Kaneb Pipe Line Company located at or near Jamestown, N. Dak.

No. MC–108449 (Sub-No. E17), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., and points within ten miles thereof, to points in Illinois. The purpose of this filing is to eliminate the gateway of the storage facilities utilized by American Oil Company in Dubuque, Iowa.

No. MC–108449 (Sub-No. E18), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., and points within ten miles thereof, to points in Illinois. The purpose of this filing is to eliminate the gateway of the Williams Brothers Pipe Line Company Terminal located at or near Spencer or Spirit Lake, Iowa.

No. MC–108449 (Sub-No. E33), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., and points within ten miles thereof, to points in Wyoming. The purpose of this filing is to eliminate the gateway of the terminal facilities of the Kaneb Pipe Line Company located on or near Aberdeen, S. Dak.

No. MC–108449 (Sub-No. E34), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., and points within ten miles thereof, to points in Montana. The purpose of this filing is to eliminate the gateway of the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak.

No. MC–108449 (Sub-No. E35), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Winona, Minn., to points in Illinois. The purpose of this filing is to eliminate the gateways of La Crosse, Wis., and the storage facilities utilized by American Oil Co. in Dubuque, Iowa.

No. MC–108449 (Sub-No. E38), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minnesota 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the port of entry on the United States-Canada International Boundary line at Pine Creek, Minnesota, to points in Missouri.

NOTE.—The authority expires December 6, 1977.

The purpose of this filing is to eliminate the gateways of Mentor, Minn., and the Williams Brothers Pipe Line Company Terminal located at or near Spencer or Spirit Lake, Iowa.

No. MC–108449 (Sub-No. E40), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Fargo, N. Dak., and points within 10 miles thereof, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of McGregor, Minn.

No. MC–110525 (Sub-No. E824) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 22, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Pennsylvania to points in New Mexico. The purpose of this filing is to eliminate the gateway of Addyston, Ohio. The purpose of this correction is to establish the correct "E" number—previously published as E569.

No. MC–111545 (Sub-No. E371) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 31, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, indicator posts, floor stands, fittings, sleeves, and covers*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Alabama within 175 miles of Chattanooga, Tenn., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Anniston, Ala. The purpose of this correction is to indicate the complete list of destination States.

No. MC–111545 Sub-No. E526), filed June 2, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids; (2) *Machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and (3) *Parts, attachments, and accessories* for use in the installation and operation of (1) and (2) above, from points in that part of Minnesota on and east of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 218 to Owatonna, thence along Interstate Highway 35 to Minneapolis, thence along U.S. Highway 52 to the Minnesota-South Dakota State line, to points in that part of Louisiana on, east, and south of a

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line beginning at the Louisiana-Arkansas State line, thence along U.S. Highway 167 to Alexandria, thence along U.S. Highway 165 to junction Interstate Highway 10, thence along Interstate 10 to the Louisiana-Texas State line, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateways of Davenport, Iowa, and the plant and warehouse facilities of the Trane Company at Clarksville, Tenn.

No. MC–111545 (Sub-No. E531), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies*, moving in connection therewith, between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Mississippi River, thence along Missouri Highway 47 to Hawk Point, thence along Missouri Highway 47 to Old Mines, thence along Missouri Highway 21 to the Missouri-Arkansas State line, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Keokuk, Iowa.

No. MC–111545 (Sub-No. E532), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, from the District of Columbia to points in that part of Colorado on, south, and west of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 24 to Limon, thence along U.S. Highway 40 to Denver, thence along U.S. Highway 87 to the Colorado-Wyoming State line. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Miami, Okla.

No. MC–111545 (Sub-No. E533), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Ohio to points in Colorado. The purpose of this filing is to eliminate the gateways of Keokuk, Iowa, and St. Joseph, Mo.

No. MC–111545 (Sub-No. E543), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and contractor's equipment*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Minnesota to points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC–111545 (Sub-No. E544), filed May 30, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery and contractor's equipment*, the transportation of which, because of size or weight, requires the use of special equipment, points in Oklahoma and Texas, on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, and that part of Wisconsin within 300 miles of Ames, Iowa (points in Missouri)*; (2) *Heavy machinery and contractor's equipment*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Oklahoma and Texas, on the one hand, and, on the other, points in that part of Wisconsin, not within 300 miles of Ames, Iowa (points in Iowa and points in Missouri)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–111545 (Sub-No. E545), filed May 30, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such tractors* (except tractors used in pulling commercial highway trailers), *scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines and generators combined, welders, and road rollers*, as are machinery and contractor's equipment, from points in Iowa, Minnesota, Nebraska, Wisconsin, and points in that part of Illinois on and north of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 136 to Heyworth, thence along U.S. Highway 51 to Bloomington, thence along U.S. Highway 66 to Chenoa, thence along U.S. Highway 24 to the Illinois-Indiana State line, to points in Alabama, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment. The purpose of this filing is to eliminate the gateway of the plant site of Caterpillar Tractor Company, at or near Peoria, Ill.

No. MC–111545 (Sub-No. E546), filed May 30, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such tractors* (except tractors used in pulling commercial highway trailers), *scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines and generators combined, welders and road rollers*, as are highway and bridge construction and maintenance machinery and equipment and parts and attachments of and for such commodities from points in Iowa, that part of Illinois on and north of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 136 to Heyworth, thence along U.S. Highway 51 to Bloomington, thence along U.S. Highway 66 to Chenoa, thence along U.S. Highway 24 to the Illinois-Indiana State line, that part of Minnesota on and south of U.S. Highway 12, and points in Wisconsin, except Green Bay and points within 50 miles of Green Bay, to points in Alabama, Florida, Georgia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of the plant site of Caterpillar Tractor Co., at or near Peoria or Decatur, Ill.

No. MC–113908 (Sub-No. E15), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St. Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Nixa, Mo., to points in California. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC–113908 (Sub-No. E27), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar Stock and vinegar*, in bulk, in tank vehicles, from points in California and Washington, to points in New York and Pennsylvania. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–113908 (Sub-No. E39), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Nixa, Mo., to points in Texas. The purpose of this filing is to eliminate the gateway of Rogers, Ark.

No. MC–113908 (Sub-No. E55), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and animal oils*, in bulk, in tank vehicles, from the plant site of Wilson & Co., Inc., at or near Cherokee, Iowa, to points in Mississippi, Alabama, Georgia, South Carolina, Tennessee, and points in that part of Kentucky south of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of Springfield or Verona, Mo.

No. MC–113908 (Sub-No. E62), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St. Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Fremont, Bailey, and Belding, Mich., to points in California (except points in Del Norte, Siskiyou, Humboldt, Trinity, and Shasta Counties). The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC–113908 (Sub-No. E63), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage base*, used as alcoholic liquors and neutral spirits, in bulk, in tank vehicles, from Auburndale and Lake Alfred, Fla., to Denver, Colo. The purpose of this filing is to eliminate the gateway of Cicero, Ill.

No. MC–113908 (Sub-No. E65), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock, and apple juice*, in bulk, in tank vehicles, (1) from points in Texas, to points in New York, Pennsylvania, and Maryland; and (2) points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 81 to junction U.S. Highway 281, thence along U.S. Highway 281 to the United States-Mexico International Boundary line near Hidalgo to points in Delaware. The purpose of this filing is to eliminate the gateway of Belding, Mich.

No. MC–113908 (Sub-No. E100), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Nixa, Mo., to points in California. The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC–113908 (Sub-No. E108), filed June 4, 1974. Applicant: ERICKSON TRANSPORT, P.O. Box 3180, Glen Stone Station, Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicle, from Hutchinson, and Wichita, Kansas to points in that part of California in and north of San Francisco, Alameda, San Joaquin, Calaveras, and Alpine Counties. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC–113908 (Sub-No. E116), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from points in Washington, to points in that part of Oklahoma east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Marionville, Mo.

No. MC–113908 (Sub-No. E129), filed June 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen liquid fertilizer solution*, in bulk, in tank vehicles, from Nebraska City, Nebr., to points in that part of Iowa on and south of U.S. Highway 20, and points in that part of Kansas on and north of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 40 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Waverly, Mo.

No. MC–114301 (Sub-No. E11), filed May 30, 1974. Applicant: DELAWARE EXPRESS CO., P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Walter J. Winther (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Baltimore, Md., to points in Maryland, Pennsylvania, and Delaware, within 20 miles of Newark, Del., and Cranbury, N.J. The purpose of this filing is to eliminate the gateway of Newark, Del., and Havre de Grace, Md.

No. MC–119531 (Sub-No. E196), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre drums*, from Van Wert, Ohio, to points in Wisconsin and Iowa. The purpose of this filing is to eliminate the gateway of Addison, Ill.

No. MC–119531 (Sub-No. E241), filed May 17, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., to points in New Jersey. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC–119531 (Sub-No. E242), filed May 17, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant site of St. Regis Paper Co., at or near Willis, Mich., to Cleveland, Ohio. The purpose of this filing is to eliminate the gateway of that part of Ohio on, west, and north of a line beginning at Sandusky, Ohio, and extending along Ohio Highway 4 to Marion, thence along U.S. Highway 30S to junction U.S. Highway 30 near Delphos, and thence along U.S. Highway 30 to the Ohio-Indiana State line.

No. MC–119531 (Sub-No. E243), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Paper cartons*, from Bremen, Canal Winchester, and Lancaster, Ohio, (1) to points in Wisconsin and (2) to points in Missouri; and (B) *Fiberboard cartons*, to points in Minneosta. The purpose of this filing is to eliminate the gateways of (1) Rockdale, Ill., for (A)(1) above; (2) the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., for (A)(2) above; and (3) Anderson, Ind., for (B) above.

No. MC–119531 (Sub-No. E244), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard*, from Noblesville, Ind., (a) to points in West Virginia, and (b) to Cleveland, Ohio, and (2) *Pulpboard containers*, from Noblesville, Ind., to points in Maryland. The purpose of this filing is to eliminate the gateways of (a) Circleville, Ohio for (1)(a) above; (b) points in Ohio for (1)(b) above; and (c) Mt. Vernon, Ohio for (2) above.

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No. MC–119531 (Sub-No. E246), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) from the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., to points in New Jersey; (2) from the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., to points in New York and Pennsylvania. The purpose of this filing is to eliminate the gateways of (a) Cleveland, Ohio, for (1) above; and (b) the plant and warehouse sites of Container Corporation of America at Ravenna, Ohio, for (2) above.

No. MC–119531 (Sub-No. E247), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Pulpboard and pulpboard products*, from Medina, Ohio, to points in Indiana and Illinois; (B) *Fiberboard containers*, from Medina, Ohio, to points in Minnesota; (C) *Paper cartons*, from Medina, Ohio, to points in Wisconsin; and (D) *Pulpboard and pulpboard products*, from Medina, Ohio, to points in Missouri. The purpose of this filing is to eliminate the gateways of (1) Cleveland, Ohio for (A) above; (2) Cleveland, Ohio and Anderson, Ind. for (B) above; (3) Cleveland, Ohio and Rockdale, Ill. for (C) above; and (4) Cleveland, Ohio and the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind. for (D) above.

No. MC–119531 (Sub-No. E248), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard and pulpboard products*, from points in Indiana on and north of U.S. Highway 30 to that part of Kentucky on and east of Interstate Highway 75, and from points in Indiana on and east of a line beginning at the Michigan-Indiana State line and extending along Indiana State Highway 9 to Columbia City, thence along U.S. Highway 30 to the Indiana-Ohio State line, to points in Kentucky on and east of Interstate Highway 65 (except Louisville). The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC–119531 (Sub-No. E249), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper cartons*, knocked down, from the plant site and warehouse facilities of Container Corporation of America and Continental Can Company, Inc., at St. Louis, Mo., and from the plant site and warehouse facilities of Container Corporation of America at Chesterfield, Mo., points in Michigan on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to Saginaw, thence along U.S. Highway 23 to Bay City, thence along the shore of the Saginaw Bay to the shore of Lake Huron, and thence along the shore of Lake Huron to Port Huron. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC–119531 (Sub-No. E250), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper cartons*, from the plant and warehouse facilities of Container Corporation of America and Container Corporation of America and Continental Can Company, Inc., at St. Louis, Mo., and from the plant site and warehouse facilities of Container Corporation of America at Chesterfield, Mo., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Circleville, Ohio .

No. MC–119531 (Sub-No. E251), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul P. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, boxes*, from the plant site of Container Corporation of America at Carol Stream, Ill., (a) to points in New York, New Jersey, and Pennsylvania; and (b) to points in West Virginia. The purpose of this filing is to eliminate the gateways of (1) Cleveland, Ohio, for (a) above; and (2) Circleville, Ohio, for (b) above.

No. MC–119531 (Sub-No. E252), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Fiberboard containers*, from Cincinnati, Ohio, to points in Minnesota, and Wisconsin, and (B) *pulpboard and pulpboard products*, from Cincinnati, Ohio, to points in Missouri. The purpose of this filing is to eliminate the gateways of Anderson, Ind. for (A) above and (2) the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind., for (B) above.

No. MC–119531 (Sub-No. E253), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, closures* for metal containers, and *equipment*, used in the manufacture, sale, and distribution of metal containers and metal container closures, from Baltimore, Md., North Bergen, N.J., and Winchester, Va., to points in Arkansas, Kansas, Minnesota, and Nebraska, restricted (1) to the transportation of traffic originating at the plant site and warehouse facilities of Crown Cork and Seal Co., Inc. at Baltimore, Md., North Bergen, N.J., and Winchester, Va.; (2) against the transportation of commodities in bulk; (3) to movement in mixed loads with the commodities specified above; and (4) against the transportation of commodities requiring the use of special equipment. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC–119531 (Sub-No. E254), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber board containers*, from Indiana, (2) to points in Minnesota, and (3) to points in Kentucky on and west of Interstate Highway 65 and points in Missouri. The purpose of this filing is to eliminate the gateways of (A) Cleveland, Ohio for (1) above, (5) Cleveland, Ohio, and Anderson, Ind. for (2) above, and (C) Cleveland, Ohio and the plant site and warehouse site of Weyerhaeuser Company at Columbus, Ind.

No. MC–119531 (Sub-No. E255), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper and waste paper*, from points in West Virginia, to points in Missouri (except points east of a line beginning at Crystal City, Mo., and extending along U.S. Highway 67 to the Missouri-Arkansas State line). The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhaeuser Co. at Columbus, Ind.

No. MC–119531 (Sub-No. E256), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper boxes*, knocked down, from Louisville, Ky., and Jeffersonville, Ind., to points in Michigan on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to Saginaw, thence along U.S. Highway 23 to Bay City, thence along the shore of the Saginaw Bay to the shore of Lake Huron, and thence along the shore of Lake Huron to Port Huron, restricted to traffic originating at the plant and warehouse sites of Container Corporation of America at Louisville, Ky., and Jeffersonville, Ind. The purpose of this filing is to eliminate the gateway of Anderson, Ind.

No. MC–119531 (Sub-No. E257), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pulp, scrap paper, and supplies* (except commodities in bulk), used in the manufacture of pulpboard and pulpboard products, from points in Kentucky (except points east of a line beginning at the Indiana-Kentucky State line and extending along Kentucky Highway 69 to its intersection with U.S. Highway 231, thence along U.S. Highway 231 to its intersection with Interstate Highway 65, and thence along Interstate Highway 65 to the Kentucky-Tennessee State line) and points in Missouri, to Cincinnati, Ohio. The purpose of this filing is to eliminate the gateway of the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC–119531 (Sub-No. E259), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard cans*, from the plant and warehouse sites of Container Corporation of America at Ravenna, Ohio, to points in New Jersey on and north of U.S. Highway 30. The purpose of this filing is to eliminate the gateway of Bradford, Pa.

No. MC–119531 (Sub-No. E260), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibre drums*, from Louisville, Ky., to points in Wisconsin, and points in Iowa (except points south of a line beginning at Muscatine, Iowa, and extending along Iowa Highway 92 to Winterset, and thence along U.S. Highway 169 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of Addison, Ill.

No. MC–119531 (Sub-No. E261), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45266. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated pulpboard boxes*, from North Chicago, Ill., (a) to Cleveland, Ohio, (b) to points in New Jersey, New York, and Pennsylvania, and (c) to points in Kentucky on and east of Interstate Highway 65. The purpose of this filing is to eliminate the gateway of (1) points in Indiana for (a) above, (2) points in Indiana and Cleveland, Ohio for (b) above, and (3) the plant and warehouse sites of Weyerhaeuser Company at Columbus, Ind.

No. MC–119531 (Sub-No. E263), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molded plastic containers*, from the plant site and warehouse facilities of Continental Can Company, Inc., at Three Rivers, Mich., to points in Tennessee on and west of Tennessee Highway 69, restricted to the transportation of traffic originating at the above-described origin point. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–119531 (Sub-No. E264), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio, 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Rockdale, Ill., (a) to points in West Virginia, and (b) to New York, N.Y. The purpose of this filing is to eliminate the gateways of (1) Zanesville, Ohio, for (a) above, and (2) Zanesville, Ohio, and Vienna, W. Va. for (b) above.

No. MC–119531 (Sub-No. E265), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *Common carrier*, by motor vehicle, over irregular routes, transporting: *Molded plastic containers*, from Massillon, Ohio, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC–119531 (Sub-No. E266), filed June 2, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Pulpboard and pulpboard products*, from Circleville, Ohio, to Addison, Ill., and (B) *Fiber cylindrical containers*, from Circleville, Ohio, to points in Iowa (except points south of a line beginning at Muscatine, Iowa, and extending along Iowa Highway 92 to Winterset and thence along U.S. Highway 169 to the Iowa-Missouri State line). The purpose of this filing is to eliminate the gateways of (1) Anderson, Ind., for (A) above, and (2) Anderson, Ind., and Addison, Ill.

No. MC–119531 (Sub-No. E268), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Empty glass containers*, from the plant site of the Liquid Box Corp., and the plant site of Continental Can Company, Worthington, Ohio, to points in Minnesota and Iowa; and (B) *Glass containers*, from the plant site of the Liquid Box Corp., and the plant site of Continental Can Co., Worthington, Ohio, to points in Missouri. The purpose of this filing is to eliminate the gateways of (1) Lapel, Ind., for (A) above, and (2) the plant and warehouse sites of Midland Glass Co., Inc., at or near Terre Haute, Ind.

No. MC–119531 (Sub-No. E271), filed May 25, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from Zanesville, Ohio, to points in Wisconsin, Minnesota, and Iowa. The purpose of this filing is to eliminate the gateway of Lapel, Ind.

No. MC–119531 (Sub-No. E272), filed May 26, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard cartons*, from the plant and warehouse sites of Fremont Container Co. at Fremont, Ohio, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Rockdale, Ill.

No. MC–119531 (Sub-No. E274), filed May 26, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Supplies used in the manufacture of pulpboard* (except in bulk), from points in New York and Pennsylvania, to Chicago and Rock Island, Ill. The purpose of this filing is to eliminate the gateway of Coshocton, Ill.

No. MC–125335 (Sub-No. E9), filed June 4, 1974. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, Pa. 17405. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except dressed poultry) from points in West Virginia east of Interstate Highway 77 to points in Massachusetts, Connecticut, Rhode Island, New Jersey, and the District of Columbia, points in Maryland, Pennsylvania, Virginia, and West Virginia within 40 miles of Hagerstown, Md., points in Pennsylvania in excess of 40 miles of Ha-

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gerstown east of U.S. Highway 11 and south of U.S. Highway 22, points in New York on and east of Interstate Highway 87, points in North Carolina, and Georgia on and east of Interstate Highway 95, points in Florida and Louisiana, and Mobile, Ala. The purpose of this filing is to eliminate the gateway of Hagerstown, Md., and Winchester, Va.

No. MC–125335 (Sub-No. E10), filed June 4, 1974. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, Pa. 17405. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except dressed poultry), from points in the District of Columbia to points in West Virginia, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Louisiana, Florida, and Hagerstown, Maryland, and points in Maryland, Virginia, and Pennsylvania, within 40 miles of Hagerstown, points in Pennsylvania (except as previously noted) on, and west of U.S. Highway 219, and those points in Maryland west of a line from the Maryland-West Virginia State line along U.S. Highway 522 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to the Maryland-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of Winchester, Va., and Hagerstown, Md.

No. MC–125335 (Sub-No. E11), filed June 4, 1974. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, Pa. 17405. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food* (except dressed poultry), from points in Pennsylvania on and east of Interstate Highway 81 and south of Interstate Highway 78 to Hagerstown, Md., and points in Maryland, Virginia, and Pennsylvania within 40 miles of Hagerstown and points in Maryland (except as previously noted) west of a line from the Maryland-West Virginia State line along U.S. Highway 522 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to the Maryland-Pennsylvania State line, points in Pennsylvania (except as previously noted) on, and west of U.S. Highway 119 south of Interstate Highway 80 and on and west of U.S. Highway 219 north of Interstate Highway 80, and points in West Virginia, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, and Nebraska. The purpose of this filing is to eliminate the gateways of Hagerstown, Md., and Winchester, Va.

No. MC–125335 (Sub-No. E12), filed June 4, 1974. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, Pa. 17405. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except dressed poultry), from points in Massachusetts, Connecticut, New York, New Jersey, Delaware, Pennsylvania, the District of Columbia, and points in Maryland, West Virginia, and Virginia within 40 miles of Hagerstown, Md., to points in North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Alabama, Louisiana, and Florida. The purpose of this filing is to eliminate the gateway of Winchester, Va., and Hagerstown, Md.

No. MC–125335 (Sub-No. E13), filed June 4, 1974. Applicant: GOOD-WAY, INC., P.O. Box 2283, York, Pa. 17405. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except dressed poultry), (1) from points in Massachusetts and Connecticut to Hagerstown, Md., and points in Pennsylvania, Maryland, and Virginia within 40 miles of Hagerstown, points in Maryland (except as previously noted) west of a line from the Maryland-West Virginia State line along U.S. Highway 522 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to the Maryland-Pennsylvania State line, points in Pennsylvania (except as previously noted) on, and west of U.S. Highway 219, points in West Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, and Nebraska; (2) from points in New York on and south of U.S. Highway I–84, and points in New Jersey on and north of New Jersey Highway 33 to Hagerstown, Md., and points in Pennsylvania, Maryland, and Virginia within 40 miles of Hagerstown, Md., and points in Maryland (except as previously noted) west of a line from the Maryland-West Virginia State line along U.S. Highway 522 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to the Maryland-Pennsylvania State line, points in Pennsylvania (except as previously noted) on and west of U.S. Highway 219, and points in West Virginia, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, and Nebraska, and (3) from points in New Jersey on and south of New Jersey Highway 33, and points in Delaware to Hagerstown, Md., and points in Maryland, Pennsylvania, and Virginia within 40 miles of Hagerstown, points in Maryland (except as previously noted) west of a line from the Maryland-West Virginia State line along U.S. Highway 522 to the junction of Interstate Highway 70 to the Maryland-Pennsylvania State line, points in Pennsylvania (except as previously noted) on and west of U.S. Highway 119 south of U.S. Highway I–80, and on and west of U.S. Highway 219, north of U.S. Highway I–80, and points in West Virginia, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, and Nebraska. The purpose of this filing is to eliminate the gateway of Hagerstown, Md., and Winchester, Va.

No. MC–134755 (Sub-No. E1), filed June 4, 1974. Applicant: CHARTER EXPRESS, INC., 1959 East Turner, Springfield, Mo. 65804. Applicant's representative: Warren H. Sapp, Suite 910 Fairfax Bldg., 101 West Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products, and articles, distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions on Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk in tank vehicles), from the site of the plant of Iowa Beef Packers, Inc., located at or near Emporia, Kansas to points in Massachusetts, Maine, Connecticut, Vermont, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, and the District of Columbia (Springfield, Mo.);* (2) *Meats, meat products, and meat by-products, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant-site and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in Massachusetts, Maine, Connecticut, Vermont, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, West Virginia, Virginia, and the District of Columbia restricted to the transportation of traffic originating at the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo. (Macon, Mo.);* (3) *Unfrozen bakery goods*, from the plant-site of the United States Baking Co. at Seeleyville, Ind., to points in Colorado (Sedalia, Mo.);* (4) *Cheese*, from points in Kansas, to New York, N.Y., and Baltimore, and Hagerstown, Md. (Springfield, Mo.).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–136553 (Sub-No. E2), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags, and in bulk (except tank vehicles), from Dubuque, Iowa, to points in Nebraska on and west of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 83 to its junction with Nebraska Highway 2, thence along Nebraska Highway 2 to its junction with Nebraska Highway 21, thence along Nebraska Highway 21 to its junction with U.S. Highway 283, thence along U.S. Highway 283 to the Nebraska-Kansas State line. The purpose of this filing is to eliminate the gateway of Rock Island, Ill., and Webster City, Iowa.

No. MC–136553 (Sub-No. E3), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags, and in bulk (except in tank vehicles), from Rock Island, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC–136553 (Sub-No. E4), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Rock Island, Ill., to points in Indiana and those in that part of Michigan on and west of U.S. Highway 27, and on and south of Interstate Highway 96. The purpose of this filing is to eliminate the gateway of Streator, Ill.

No. MC–136553 (Sub-No. E6), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, from Fulton, Ill., to points in Nebraska on or west of U.S. Highway 385. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, Rock Island, Ill., and Webster City, Iowa.

No. MC–136553 (Sub-No. E7), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags and in bulk (except tank vehicles), from Streator, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC–136553 (Sub-No. E8), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags, and in bulk (except in tank vehicles), from Streator, Ill., to points in Nebraska (except points on, south, and east of a line beginning at the Iowa-Nebraska State line, and extending along U.S. Highway 30 to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line). The purpose of this filing is to eliminate the gateway of Webster City, Iowa.

No. MC–136553 (Sub-No. E9), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags, and in bulk (except in tank vehicles), from Dubuque, Iowa, to points in Indiana on and east of U.S. Highway 31 and on and south of U.S. Highway 24, and points in Michigan commencing at St. Joseph, Mich., and extending along Lake Michigan to Muskegon, thence along Interstate Highway 96 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, thence along the Michigan-Indiana State line to U.S. Highway 33, thence along U.S. Highway 33 to St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Streator, Ill.

No. MC–136553 (Sub-No. E10), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur Pape, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags, and in bulk (except tank vehicles), from Dubuque, Iowa, to points in Iowa on and south of a line beginning at Davenport, Iowa, and extend along U.S. Highway 61 to its junction with Iowa Highway 92, thence along Iowa Highway 92 to its junction with Iowa Highway 48, thence along Iowa Highway 48 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Nebraska State line. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC–136553 (Sub-No. E11), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags and in bulk (except tank vehicles), from Streator, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC–136553 (Sub-No. E12), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, in dump vehicles, from Clinton, Iowa, to points in Indiana east of U.S. Highway 31 and south of U.S. Highway 24, and points in Michigan within an area beginning at St. Joseph, and extending along Lake Michigan to Muskegon, thence along Interstate Highway 96 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, thence along the Michigan-Indiana State line to U.S. Highway 33, thence along U.S. Highway 33 to St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Streator, Ill.

No. MC–136553 (Sub-No. E13), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from Henry, Ill., to points in Nebraska (except points on, south, and east of a line beginning at the Iowa-Nebraska State line, and extending along Interstate Highway 80 to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line). The purpose of this filing is to eliminate the gateway of Webster City, Iowa.

No. MC–136553 (Sub-No. E14), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, in dump vehicles, from Clinton, Iowa, to points in Nebraska (except those points on, south, and east of a line beginning at the Iowa-Nebraska State line and extending along U.S. Highway 30 to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line, thence along U.S. Highway 66 to its junction with U.S. Highway 63, thence along U.S. Highway 63, to its junction with Missouri Highway 17, thence south along Missouri Highway 17 to its junction with U.S. Highway 63,

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thence south along U.S. Highway 63 to the Missouri-Arkansas State line (except points in Missouri within the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone); to points in Minnesota and points in Wisconsin on and north of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 151 to its junction with Wisconsin Highway 23 near Fond du Lac, Wis., thence along Wisconsin Highway 23 to Sheboygan, Wisconsin. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC–136553 (Sub-No. E16), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, and dry fertilizer materials*, from Prairie du Chien, Wis., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Webster City, Iowa.

No. MC–136553 (Sub-No. E17), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, from Prairie du Chien, Wis., to points in Michigan on, south, and west of a line beginning at Lake Michigan and extending along Interstate Highway 96 to its intersection with U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Indiana State line, and points in Indiana (except those on, north, and west of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 2 to its intersection with U.S. Highway 421, thence along U.S. Highway 421 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Streator, Ill.

No. MC–136553 (Sub-No. E18), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, in dump vehicles, from Marseilles, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC–136553 (Sub-No. E19), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, in dump vehicles, from Marseilles, Ill., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Webster City, Iowa.

No. MC–136553 (Sub-No. E20), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags and in bulk (except in tank vehicles), from Dubuque, Iowa, to points in Illinois south of U.S. Highway 136. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC–136553 (Sub-No. E21), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags and in bulk (except in tank vehicles), from Prairie du Chien, Wis., to points in Wisconsin on and south of a line beginning at the Illinois-Wisconsin State line and extending along Wisconsin Highway 69 to its junction with Wisconsin Highway 81, thence east along Wisconsin Highway 81 to its junction with Wisconsin Highway 15, thence along Wisconsin Highway 15 to its junction with Wisconsin Highway 11, thence along Wisconsin Highway 11 to Racine, Wis. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC–136553 (Sub-No. E22), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, in dump vehicles, from Clinton, Iowa, to points in Illinois south of U.S. Highway 136. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC–136553 (Sub-No. E23), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, in dump vehicles, from Clinton, Iowa, to points in Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 10 to its junction with Wisconsin Highway 27, thence along Wisconsin Highway 27 to its junction with U.S. Highway 8, thence along U.S. Highway 8 to its junction with Wisconsin Highway 47, thence along Wisconsin Highway 47 to its junction with Wisconsin Highway 22, thence east along U.S. Highway 22 to its junction with U.S. Highway 41, thence along U.S. Highway 41 to Marinetta, Wis. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

No. MC–136553 (Sub-No. E24), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden pallets*, and (2) *Lumber*, in mixed loads with wooden pallets, from Chicago, Ill., to points in Minnesota, points in Wisconsin on or west of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 61 to its junction with U.S. Highway 53, thence along U.S. Highway 53 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with Wisconsin Highway 27, thence along Wisconsin Highway 27 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to Ashland, Wis., and points in Missouri on and west of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 63 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to its junction with U.S. Highway 65, thence along U.S. Highway 65 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to its junction with U.S. Highway 71, thence along U.S. Highway 71 ending at the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC–136553 (Sub-No. E25), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except in bulk), from Chicago, Ill., to points in Minnesota, points in Wisconsin on and west of a line beginning at the Illinois-Wisconsin State line, and extending along U.S. Highway 61 to its junction with U.S. Highway 53, thence along U.S. Highway 53 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with Wisconsin Highway 27, thence along Wisconsin Highway 27 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to Ashland, Wis. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC–136553 (Sub-No. E26), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags, from Chicago, Ill., to points in Minnesota and points in Wisconsin south and west of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 61 to its junction with U.S. Highway 53, thence along U.S. Highway 53 to its junction with U.S. Highway 10 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC–136553 (Sub-No. E27), filed June 3, 1974. Applicant: AR T PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 52 to Dubuque, Iowa, on and within a line to points in Wisconsin commencing at the Illinois-Wisconsin State line and extending along U.S. Highway 151 to its junction with Wisconsin Highway 11, thence along Wisconsin Highway 11 to its junction with Wisconsin Highway 81, thence along Wisconsin Highway 81 to its junction with Wisconsin Highway 15, thence along Wisconsin Highway 15 to its junction with Wisconsin Highway 11, thence along Wisconsin Highway 11 to its junction with Wisconsin Highway 43, thence along Wisconsin Highway 43 to Kenosha, thence along Lake Michigan to the Wisconsin-Illinois State line, thence along the Wisconsin-Illinois State line to U.S. Highway 151. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC–136553 (Sub-No. E28), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, in dump vehicles, from Clinton, Iowa, to points in Iowa on, south, and east of a line beginning at the Minnesota State line and extending along U.S. Highway 63 to its intersection with U.S. Highway 18, thence along U.S. Highway 18 to the Wisconsin-Iowa State line. The purpose of this filing is to eliminate the gateway of Prairie du Chien, Wis.

No. MC–136553 (Sub-No. E29), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags, and in bulk (except in tank vehicles), from the plantsite and warehouse facilities of Eter Bros., Inc., located at or near Webster City, Iowa, to points in Illinois on, east, and north of a line beginning at the Iowa-Illinois State line, and extending along U.S. Highway 67 to its intersection with U.S. Highway 136, thence along U.S. Highway 136 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC–136553 (Sub-No. E31), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags, and in bulk (except in tank vehicles), from the warehouse of Etter Bros., Inc., at or near Webster City, Iowa, to points in Indiana, and those in Michigan on, west, and north of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 27 to its intersection with Interstate Highway 96, thence along Interstate Highway 96 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and Streator, Ill.

No. MC–136553 (Sub-No. E32), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bags, and in bulk (except in tank vehicles), from Dubuque, Iowa, to points in Iowa on and north of a line beginning at McGregor, and extending along Iowa Highway 76 to its junction with Iowa Highway 9, thence along Iowa Highway 9 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to its junction with Iowa Highway 24, thence along Iowa Highway 24 to its junction with U.S. Highway 18, thence along U.S. Highway 18 to its junction with Iowa Highway 4, thence along Iowa Highway 4 to its junction with Iowa Highway 3, thence along Iowa Highway 3 to its junction with U.S. Highway 75, thence along U.S. Highway 75 to Sioux City, Iowa. The purpose of this filing is to eliminate the gateway of Prairie Du Chien, Wis.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20747 Filed 9-6-74;8:45 am]

[Notice No. 151]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 30, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75332. By order of August 27, 1974 the Motor Carrier Board approved the transfer to W. N. Daul Transfer Lines, Inc., Kewaunee, Wis., of the operating rights in Certificate No. MC–68717 issued December 10, 1954, to Walter N. Daul, doing business as W. N. Daul Transfer Line, Kewaunee, Wis., authorizing the transportation of general commodities, with exceptions, over regular routes between specified points in Wisconsin and household goods between Kewaunee, Wis., on the one hand, and, on the other, points in the Chicago, Ill., commercial zone. Rolfe E. Hanson, 121 W. Doty St., Madison, Wis., 53703, attorney for applicants.

No. MC–FC–75339. By order of September 3, 1974, the Motor Carrier Board approved the transfer to Plegge Truck Service, Inc., 424 Park Drive, Bethalto, Ill., of the operating rights in Certificates Nos. MC–31122 and MC–31122 (Sub-No. 1) issued September 6, 1943, and August 1, 1949, to Edward W. Plegge, doing business as Plegge Truck Service, 424 Park Drive, Bethalto, Ill. 62010, authorizing the transportation of livestock and agricultural commodities, over a regular route from Bethalto, Ill., to St. Louis, Mo., and general commodities, usual exceptions, over the same regular route from St. Louis, Mo., to Bethalto, Ill., serving points in St. Louis County, Mo., within the St. Louis, Mo.-East St. Louis, Ill., commercial zone as defined by the Commission and points within 5 miles of Bethalto, Ill., as intermediate and off-route points.

No. MC–FC–75340. By order of August 27, 1974 the Motor Carrier Board approved the transfer to Shippers Best Express, Inc., Salt Lake City, Utah, of the operating rights in Permit No. MC–138056 (Sub-No. 1) issued June 21, 1973 to Dick Simon Trucking, Inc., Salt Lake City, Utah, authorizing the transportation of frozen cherries and bottled and canned fruit juices from plant sites at or near Payson, Provo and Moroni, Utah to points in California. Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005, attorney for applicants.

No. MC–FC–75348. By order of September 3, 1974, the Motor Carrier Board approved the transfer to Burkhardt Bros., Inc., Scituate, Mass., of Certificates Nos. MC–3844 and MC–3844 Sub-2 issued by the Commission November 17, 1959, and August 2, 1960, respectively, to Savin Hill Movers, Inc., Scituate, Mass., authorizing the transportation of household goods between Boston, Mass., on the one hand, and, on the other, points in Connecticut, New Hampshire, New York, Rhode Island, and Vermont, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island, between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, and

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the District of Columbia, potted flowers and plants from Norward, Pa., to Wilmington, Del., and New York, N.Y.; and household goods between Lynn, Mass., on the one hand, and, on the other, points in Massachusetts, New Hampshire, Maine, Rhode Island, Connecticut, and New York, respectively. Francis E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, Mass. 02043.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-20749 Filed 9-6-74;8:45 am]

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1974)

Title 32—National Defense (Parts 9–39)---------- $4.05

Title 35—Panama Canal---------- 3.25

[A Cumulative checklist of CFR issuances for 1974 appears in the first issue of the Federal Register each month under Title 1]

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federal register

September 10, 1974—Pages 32601–32731

TUESDAY, SEPTEMBER 10, 1974

WASHINGTON, D.C.

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presidential documents

Title 3—The President

PROCLAMATION 4311

Granting Pardon to Richard Nixon

By the President of the United States of America

A Proclamation

Richard Nixon became the thirty-seventh President of the United States on January 20, 1969 and was reelected in 1972 for a second term by the electors of forty-nine of the fifty states. His term in office continued until his resignation on August 9, 1974.

Pursuant to resolutions of the House of Representatives, its Committee on the Judiciary conducted an inquiry and investigation on the impeachment of the President extending over more than eight months. The hearings of the Committee and its deliberations, which received wide national publicity over television, radio, and in printed media, resulted in votes adverse to Richard Nixon on recommended Articles of Impeachment.

As a result of certain acts or omissions occurring before his resignation from the Office of President, Richard Nixon has become liable to possible indictment and trial for offenses against the United States. Whether or not he shall be so prosecuted depends on findings of the appropriate grand jury and on the discretion of the authorized prosecutor. Should an indictment ensue, the accused shall then be entitled to a fair trial by an impartial jury, as guaranteed to every individual by the Constitution.

It is believed that a trial of Richard Nixon, if it became necessary, could not fairly begin until a year or more has elapsed. In the meantime, the tranquility to which this nation has been restored by the events of recent weeks could be irreparably lost by the prospects of bringing to trial a former President of the United States. The prospects of such trial will cause prolonged and divisive debate over the propriety of exposing to further punishment and degradation a man who has already paid the unprecedented penalty of relinquishing the highest elective office of the United States.

NOW, THEREFORE, I, Gerald R. Ford, President of the United States, pursuant to the pardon power conferred upon me by Article II, Section 2, of the Constitution, have granted and by these presents do grant a full, free, and absolute pardon unto Richard Nixon for all offenses

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against the United States which he, Richard Nixon, has committed or may have committed or taken part in during the period from January 20, 1969 through August 9, 1974.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of September, in the year of our Lord nineteen hundred and seventy-four, and of the Independence of the United States of America the one hundred and ninety-ninth.

[FR Doc.74-21059 Filed 9-9-74;11:28 am]

Gerald R. Ford

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one additional position of Confidential Assistant to the Administrator, Food and Nutrition Service, is excepted under Schedule C.

Effective on September 10, 1974, § 213.3313(q)(1) is amended as set out below.

§ 213.3313 Department of Agriculture

• • • • • •

(q) *Food and Nutrition Service.*

(1) Three Confidential Assistants to the Administrator.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-20775 Filed 9-9-74;8:45 am]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one additional position of Confidential Assistant to the Administrator is excepted under Schedule C.

Effective on September 10, 1974, § 213.3337(a)(6) is amended as set out below.

§ 213.3337 General Services Administration.

(a) *Office of the Administrator.* • • •

(6) Eight Confidential Assistants to the Administrator.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 C.F.R. 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-20777 Filed 9-9-74;8:45 am]

PART 213—EXCEPTED SERVICE

National Credit Union Administration

Section 213.3357 is amended to show that one position of Public Information Officer is excepted under Schedule C.

Effective on September 10, 1974, § 213.3357(b) is added as set out below.

§ 213.3357 National Credit Union Administration.

• • • • • •

(b) One Public Information Officer.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 74-20778 Filed 9-9-74;8:45 am]

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Special Assistant to the Under Secretary is reestablished under Schedule C.

Effective on September 10, 1974, § 213.3305(a)(35) is amended as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* • • •

(35) One Special Assistant to the Under Secretary.

• • • • • •

(5 U.S.C. secs. 3301, 3302, E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-20776 Filed 9-9-74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Deputy Under Secretary for Management is excepted under Schedule C.

Effective on September 10, 1974, § 213.3384(a)(57) is added as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(57) Deputy Under Secretary for Management.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-20842 Filed 9-9-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-GL-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Page 25328 of the FEDERAL REGISTER dated July 10, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Troy, Ohio.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective November 7, 1974.

(Sec. 307(a) of the Federal Aviation Act of 1958 (47 U.S.C. 1308), and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on August 22, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

TROY, OHIO

That airspace extending upward from 700 feet above the surface within a 7 mile radius of the Troy Skypark Airport (latitude 39°59'27" N., longitude 84°16'14" W.), excluding that portion which lies within the Piqua, Ohio and Dayton, Ohio transition areas.

[FR Doc.74-20763 Filed 9-9-74;8:45 am]

[Docket No. 74-GL-19; Amdt. 39-1956]

PART 39—AIRWORTHINESS DIRECTIVES

Pathfinder Emergency Locator Transmitters

There have been numerous reports of corrosion of Pathfinder Corporation Emergency Locator Transmitters. The corrosion, caused by gas escaping from the lithium battery, jams the cylindrical G force sensor plunger so that the ELT will not automatically activate at the specified G forces. In some cases the corrosion has bridged the circuitry and has

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caused inadvertent transmission of an emergency signal. Since this condition is likely to exist or develop in other Pathfinder ELTs, an airworthiness directive is being issued to require inspection of these units, removal or repair of those units found to be corroded, and replacement with a serviceable ELT.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89 and 39 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PATHFINDER CORPORATION. Applies to Pathfinder Corporation Emergency Locator Transmitters, all Models. Compliance Required Within the Next 60 days, and Thereafter at Each Additional 60 day Interval

To detect corrosion which may, (1) jam the cylindrical G force sensor plunger, or (2) cause inadvertent transmission of an emergency signal, accomplish the following: Inspect the ELT for evidence of corrosion, particularly in the area of the G force sensor plunger, by removing the top dome assembly, reference Pathfinder Installation and Operation Manual. Determine that the plunger is free to move by manually sliding the plunger along the guide rod so as to actuate the switch, and determine that the ELT transmits properly. ELT test transmissions are authorized in the first five minutes of any hour, or at other times if coordinated with the nearest FAA tower or flight service station, for a total of three audio sweeps, reference Advisory Circular OO–35A or 20–81. If any evidence of corrosion or jamming of the plunger is found, or if the ELT does not transmit properly, repair or replace with a serviceable unit prior to next flight, except that flight may be conducted in accordance with the ferry flight provisions of FAR 91.52(e). Any repaired or replacement unit must comply with the provisions of FAR 91.52 (performance standards of TSO–C91), or be an equivalent unit approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region.

This amendment becomes effective September 13, 1974.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)))

Issued in Des Plaines, Illinois on August 30, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.74–20762 Filed 9–9–74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 30—TABLE SIRUPS

Establishment of Standards of Identity

Correction

In FR Doc. 74–13481, appearing at page 20879 in the issue for Friday, June 14, 1974, in the paragraph designated "14" in the summary of comments in the preamble, the word "igrum" in the ninth line should be changed to read "nigrum".

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 712—THE ACQUISITION FUNCTION

Federal Land Transfers and Direct Federal Acquisition

The regulations of the Federal Highway Administration in 23 CFR Part 712 are hereby amended by adding a new subpart, Subpart E entitled "Federal Land Transfers and Direct Federal Acquisition". This subpart prescribes Federal Highway Administration (FHWA) policies and procedures relating to transfers of Federal lands to States for highway purposes and the direct acquisition of land by the Federal Highway Administration for highway purposes.

The regulation codifies material in Federal-Aid Highway Program Manual (FHPM) Volume 7, Chapter 2, Section 5, which revised and consolidated material formerly contained in Federal Highway Administration Policy and Procedure Memorandums 80–7 and 80–8.

General notice of proposed rulemaking is not required because the material published relates to grants, benefits or contracts and is exempt under 5 U.S.C. § 553 (a)(2).

These regulations are effective on September 3, 1974.

Issued on: September 3, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Subpart E—Federal Land Transfers and Direct Federal Acquisition

Sec.
712.501 Purpose.
712.502 Applicability.
712.503 Federal land transfers.
712.504 Direct federal acquisition.
Appendix 1—Application for federal land transfers.

AUTHORITY: 23 U.S.C. 101(a), 107, 108 (a) and (b), 111, 204(a), 210(e), 308, 315, and 317; 42 U.S.C. 4633, 4651 and 4654; 23 C.F.R. 1.32; 49 C.F.R. 1.48(b) and Part 21.

Subpart E—Federal Land Transfers and Direct Federal Acquisition

§ 712.501 Purpose.

This regulation prescribes Federal Highway Administration (FHWA) policies and procedures relating to Federal land transfers and direct Federal acquisition.

§ 712.502 Applicability.

The provisions of 712.503 of this subpart apply to all projects on a Federal-aid system, direct Federal projects, or federally assisted highway projects. The provisions of 712.504 apply only to Interstate, Defense Access, and Forest highways.

§ 712.503 Federal land transfers.

(a) Title 23 U.S.C., sections 107(d) and 317, provide for the transfer of lands or interests in lands owned by the United States to a State Highway Department (SHD) or its nominee for highway purposes.

(b) If lands or interests in lands owned by the United States are needed for highway purposes, the SHD shall pursuant to 23 U.S.C. 107(d) and 317 file an application with the FHWA except that if such lands or interests therein are managed or controlled by the Army, Air Force, Navy, Veterans Administration, or Bureau of Indian Affairs, the SHD may make applications directly to said agencies or their land acquisition agent as indicated in Attachment 1. All applications shall include or be accompanied by the information shown in Attachment 1.

(c) Deeds for conveyance of lands or interests in lands owned by the United States shall be prepared by the SHD. Such deeds shall contain the clauses required by the FHWA and 49 CFR 21.7(a)(2). The SHD will submit the proposed deed to the FHWA for review, and execution. Following execution, the grantee shall record the deed in the appropriate land record office and so advise the FHWA of the recording data.

(d) When the need for the lands or the materials acquired under this subpart no longer exists, notice of that fact must be given by the SHD to the FHWA and to the concerned Federal agency, and such lands or materials will revert to the control of the Federal agency from which they were appropriated or to its assigns. The notice, in a form suitable for recording, shall state that the need for the lands or materials no longer exists for the purposes for which acquired.

§ 712.504 Direct federal acquisition.

(a) Title 23 U.S.C. 101(a), 107, and 210(e) authorize Federal acquisition of lands and interests in lands for any project authorized for Interstate, Defense Access or Forest highways where the State is unable to acquire the required rights-of-way or it is unable to obtain possession with sufficient promptness.

(b) To enable the FHWA to make the necessary findings to proceed with the acquisition of the rights-of-way, the SHD's written application for Federal acquisition shall include:

(1) Justification for the Federal acquisition of the lands or interests in lands;

(2) The date FHWA authorized the SHD to commence right-of-way acquisition, the date the project was advanced to Stage 2 program status, the date of the project agreement and a statement that the agreement contains the provisions required by sections 108(a), 108(b), and 111 of Title 23, U.S.C.;

(3) The necessity for acquisition of the particular lands under request;

(4) A statement of the specific interests in lands to be acquired, including the proposed treatment of control of access;

(5) The SHD's intentions with respect to the acquisition, subordination, or exclusion of outstanding interests, such as minerals and utility easements, in connection with the proposed acquisition;

(6) A statement on compliance with the provisions of PPM 90–1 published in 23 CFR Chapter 1, Appendix A;

(7) Adequate legal descriptions, plats, appraisals, and title data;

(8) An outline of the negotiations which have been conducted by the agency with landowners;

(9) An agreement that the SHD will pay its pro rata share of costs, including but not limited to those set forth in § 712.504(f) incurred in the acquisition of, or the attempt to acquire rights-of-way; and

(10) A statement that assures compliance with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601, et seq.).

(c) If the landowner tenders a right-of-entry at any time before the FHWA makes a determination that the SHD is unable to acquire the rights-of-way with sufficient promptness, the SHD is legally obligated to accept such tender and the FHWA many not proceed with Federal acquisition.

(d) If the SHD obtains title to a parcel prior to the filing of the Declaration of Taking, it shall notify the FHWA and immediately furnish the appropriate U.S. Attorney with a disclaimer together with a request that the action against the landowner be dismissed (ex parte) from the proceeding and the estimated just compensation deposited into the registry of the Court for the affected parcel be withdrawn after the appropriate motions are approved by the Court.

(e) When the United States obtains a court order granting possession of the real property, the FHWA shall authorize the SHD to take over supervision of the property. The authorization shall include, but need not be limited to, the following:

(1) The right to take possession of unoccupied properties;

(2) The right to give 90 days notice to owners to vacate occupied properties and the right to take possession of such properties when vacated;

(3) The right to permit continued occupancy of a property until it is required for construction and, in those instances where such occupancy is to be for a substantial period of time, the right to enter into rental agreements, as appropriate, to protect the public interest;

(4) The right to request assistance from the U.S. Attorney in obtaining physical possession where an owner declines to comply with the court order of possession;

(5) The right to clear improvements and other obstructions;

(6) Instructions that the U.S. Attorney be notified prior to actual clearing, so as to afford him an opportunity to view the lands and improvements, to obtain appropriate photographs, and to secure appraisals in connection with the preparation of the case for trial;

(7) The requirement for appropriate credits to the United States for any net salvage or net rentals obtained by the State, as in the case of right-of-way acquired by the State for Federal-aid projects; and

(8) Instructions that the authority granted to the SHD is not intended to preclude the U.S. Attorney from taking action, before the SHD has made arrangements for removal, to reach a settlement with the former owner which would include provision for removal.

(f) If the Federal Government initiates condemnation proceedings against the owner of real property in a Federal Court and the final judgment is that the Federal agency cannot acquire the real property by condemnation, or the proceeding is abandoned, the court is required by law to award such a sum to the owner of the real property as will in the opinion of the court reimburse him for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incured because of the condemnation proceedings.

(g) As soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of the compensation in a Federal condemnation, the FHWA shall reimburse the owner to the extent deemed fair and reasonable, the following costs:

(1) Recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the United States;

(2) Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(3) The pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the United States or the effective date of possession, whichever is the earlier.

(h) The lands or interests in lands, acquired under these provisions, will be conveyed to the State or the appropriate political subdivision thereof, upon agreement by the SHD, or said subdivision to:

(1) Maintain control of access where applicable;

(2) Accept title thereto;

(3) Maintain the project constructed thereon;

(4) Abide by any conditions which may be set forth in the deed; and

(5) Notify FHWA at the appropriate time that all the conditions have been performed by the State.

(i) The Deed from the United States to the State, or to the appropriate political subdivision thereof, shall include the conditions required by 49 C.F.R. Part 21. The deed shall be recorded by the grantee in the appropriate land record office, and the FHWA shall be advised of the recording date.

APPENDIX 1—APPLICATION FOR FEDERAL LAND TRANSFERS

(1) *Preparation of Application.* The State's application, referenced in § 712.503, shall include or be accompanied by the following information:

(a) The purpose for which the lands are to be used.

(b) The estate or interest in the land required by State statute.

(c) The Federal-aid project number.

(d) The name of the Federal agency exercising jurisdiction over the land and identity of the installation or activity in possession of the land.

(e) A commitment to construct the highway on or to remove materials from the lands to be transferred within a period of not more than 10 years following the transfer of the lands to the State.

(f) A map showing the survey of the lands to be acquired.

(g) A legal description of the lands desired.

(h) A statement on compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4332, et seq.), the Historic Preservation Act (16 U.S.C. 470(f)), and with provisions for Preservation of Parklands (49 U.S.C. 1653(f)), if applicable.

(2) *Submission of application.* The application referenced in § 712.503 shall be submitted to FHWA, except as otherwise prescribed herein. Certain Federal agencies have special legislation for granting rights-of-way over lands under their jurisdictions and may proceed under their own laws. In those cases, the SHD should file its application directly with the Federal agency. Although they have special authority, the Federal agencies sometimes wish to proceed under 23 U.S.C. 107(d) and 317 and, in such cases, the application should be filed with the FHWA. The agencies having special authority which would permit the State to file its application directly are as follows:

(a) *Bureau of Indian Affairs.* Application should be submitted directly to the Bureau of Indian Affairs, Washington, D.C., for rights-of-way across tribal lands or individually owned lands held in trust by the United States or encumbered by Federal restrictions. All other lands held by the Bureau of Indian Affairs are transferred under 23 U.S.C. 107(d) and 317.

(b) *Army or Air Force.* State should submit its application directly to the installation commander and the appropriate District Engineer, Corps of Engineers, Department of the Army.

(c) *Navy.* State should submit its application directly to the District Public Works Officer of the Naval District involved.

(d) *Veterans Administration.* State should submit its application directly to the Director, Veterans Administration, Washington D.C.

[FR Doc.74–20852 Filed 9–9–74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 17—MEDICAL

Miscellaneous Changes

Part 17 of Title 38, Code of Federal Regulations, is amended as follows. Section 17.46(b)(1) is amended to discontinue the requirement for obtaining formal authorization when emergency treatment is rendered to active duty members of the uniformed services. Eligibility for emergency treatment will be established by an appropriate military identification card. In §§ 17.45(d)(3) and 17.46(b)(2), references to Bureau of Employees' Compensation are changed to Office of Workers' Compensation Programs due to a reorganization within the Department of Labor. A minor editorial change is made in § 17.48(d). Section 17.49(a)(2) is amended to delete certain descriptive

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terms no longer appropriate, i.e., authorized pass, leave of absence, completion of bed occupancy care, elopement status and trial visit. Replacement of these obsolete terms with correct terminology is not necessary as the remainder of the section is sufficiently clear in meaning and authority. The title of Associate Chief Medical Director for Operations in § 17.51a is changed to Associate Deputy Chief Medical Director for Operations.

Compliance with the provisions of § 1.12 of this chapter, as to notice of proposed regulatory development and delayed effective date, is deemed unnecessary in this instance since these changes are nonsubstantive.

1. § 17.45, paragraph (d) (3) is revised to read as follows:

§ 17.45 Persons entitled to hospital observation and physical examination.

• • • • • •

(d) • • •

(3) Office of Workers' Compensation Programs—to determine identity, severity, or persistence of disability.

• • • • • •

2. In § 17.46, paragraph (b) (1) and (2) are revised to read as follows:

§ 17.46 Persons entitled to hospital or domiciliary care.

• • • • • •

(b) • • •

(1) Persons in the Armed Forces when duly referred with authorization therefor, may be furnished hospital care. Emergency treatment may be rendered, without obtaining formal authorization, to such persons upon their own application, when absent from their commands. Identification of active duty members of the uniformed services will be made by military identification card.

(2) Hospital care may be provided, upon authorization, for beneficiaries of the Public Health Service, Office of Workers' Compensation Programs, and other Federal agencies.

• • • • •

3. In § 17.48, paragraph (d) is revised to read as follows:

§ 17.48 Considerations applicable in determining eligibility for hospital or domiciliary care.

• • • • • •

(d) Persons hospitalized pursuant to paragraph (c) (1), (d) or (f) of § 17.47, who it is believed may be entitled to hospital care or medical or surgical treatment or to reimbursement for all or part of the cost thereof by reason of any one or more of the following:

(1) (i) Membership in a union, fraternal or other organization; (ii) rights under a group hospitalization plan, or under any of the prepay medical care or insurance contracts or plans which provide for payment or reimbursement in whole or in part, for the cost of medical or hospital care, and conditions the obligation of the insurer to pay upon payment or incurrence of liability by the person covered; (iii) "Workmen's Compensation" or "employer's liability" statutes, State or Federal; and (iv) right to maintenance and cure in admiralty; or

(2) By reason of statutory or other relationships with third parties, including those liable for damages because of negligence or other legal wrong;

will not be furnished hospital care, medical or surgical treatment, without charge therefor to the extent of the amount for which such parties, referred to in paragraph (d) (1) or (2) of this section, are, or will become liable. Such patients will be requested to execute an appropriate assignment as prescribed in this paragraph. Patients who, it is believed, may be entitled to care under any one of the plans in paragraph (d) (1) of this section, will be requested to execute VA Form 10–2361, Power of Attorney and Agreement. Those patients who, it is believed, may be entitled to hospital care under the circumstances prescribed in paragraph (d) (2) of this section will be requested to complete VA Form 2–4763, Power of Attorney and Assignment. Notice of this assignment will be mailed promptly to the party or parties believed to be liable. When the amount of charges is ascertained, bill therefor will be mailed such party or parties.

• • • • • •

4. In § 17.49, paragraph (a) (2) is revised to read as follows:

§ 17.49 Veterans Administration policy on priorities for hospital, nursing home and domiciliary care.

(a) • • •

(2) *Patients on hospital rolls and not occupying a bed.* As these patients are carried on the rolls of the hospital for further treatment of the condition for which they were originally hospitalized, readmission will be effected for treatment of this condition when required without regard to their entitlement under the priority groups set forth in paragraph (a) (3) of this section.

• • • • • •

5. Section 17.51a is revised to read as follows:

§ 17.51a Extensions of community nursing home care beyond 6 months.

The Chief Medical Director, his deputy, Associate Deputy Chief Medical Director for Operations, or the Director, Field Operations may authorize, for any veteran whose hospitalization was not primarily for service-connected disability, an extension of nursing care in a public or private nursing home care facility at Veterans Administration expense beyond 6 months for circumstances of an unusual nature such as when a medical and economic need continues to exist, additional time is required to complete other arrangements for care, or when readmission to a hospital is not deemed professionally advisable despite terminal deterioration of the veteran's medical condition.

Effective date. These VA regulations are effective September 3, 1974.

Approved: September 3, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-20630 Filed 9-9-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 254–8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval and Disapproval of Plan Revisions for Michigan and Wisconsin

On May 31, 1972 (37 FR 10482), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of the Michigan and Wisconsin plans for implementation of the national ambient air quality standards and the dates for attainment of these standards. On February 19, 1974 (39 FR 6126) compliance schedules submitted by the States of Illinois, Indiana, Michigan, Minnesota and Wisconsin were published as proposed rulemaking by the Administrator and public comment was invited. On August 5, 1974 (39 FR 28155), the Administrator promulgated the approval and disapproval of a portion of these revisions. All of the compliance schedules for the State of Indiana which were proposed on February 19th were included in the August 5, 1974 promulgation. Additional individual source compliance schedules were submitted by the States of Illinois, Michigan, Minnesota and Wisconsin and were proposed as plan revisions by the Administrator on April 22, 1974 (39 FR 14221). Some of these schedules (relating to Michigan and Wisconsin) plus a group of schedules that were proposed on February 19, 1974 (also relating to Michigan and Wisconsin) and given an extended public comment period on April 8, 1974 (39 FR 12769) are the subject of today's rulemaking. Final rulemaking on the Minnesota and Illinois schedules will be forthcoming.

Individual compliance schedules whether approved or disapproved are incorporated into the Federal regulations by reference only. The approved schedules were adopted by the States and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules, and have been determined to be consistent with the approved control strategies of the States involved. Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the Federally approved State Implementation plan. This date is identified in the table below, under the heading "Final Compliance Date". Where required, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do. These schedules are available for public inspection at the Region V office, One North Wacker Drive, Chicago, Illinois between the hours of 8:15 am and 4:45 pm, Monday through Friday.

In the February 19, FEDERAL REGISTER proposal, six compliance schedules affecting power plants in the State of Michigan were proposed as State Implementation Plan control strategy revisions to extend the final date for compliance with Rule 336.49 to January 1, 1980. With respect to the Consumer Power Company's Campbell plant and the Detroit Edison Company's Harbor Beach and Monroe Plants, approval of compliance schedules affecting these plants was made because the evidence examined unequivocally showed that all Federal ambient air standards are currently being met. In regards to the schedules affecting Consumers Power Company's Karn-Weadock complex and their Cobb plant, further evaluation of pertinent reports will be necessary before an approval/disapproval determination can be made. No action will be taken on the schedules affecting the Detroit Edison Company's St. Clair plant and Dow Chemical Company's South and West Side power plants, which were proposed in the April 22, 1974, FEDERAL REGISTER, because Michigan officials have advised that revised schedules will be forthcoming.

Several schedules have been disapproved because of failure to comply with substantive requirements relating to compliance schedules in 40 CFR 51.15. Many of these schedules are unenforceable by the State and are therefore not in accordance with § 51.15(c). Others do not contain sufficient number of increments of progress to permit close supervision for timely compliance or have final compliance dates which extend beyond the state implementation plan attainment dates.

The Administrator will take no action with regard to the compliance schedules of five sources proposed for approval in the April 22, 1974, FEDERAL REGISTER notices whose dates for final compliance will have passed by the date of this publication.

The air pollution sources on disapproved schedules remain subject either to Federally promulgated compliance schedules (August 23, 1973, 38 FR 22736, as amended) or to the immediate or future effective compliance dates as applicable in the Federally approved State implementation plans.

The regulations promulgated below do not affect the ability of States to develop new schedules or to correct deficiencies in schedules which are being disapproved at this time. In fact the States are encouraged to do so. If a State corrects deficiencies in a disapproved schedule and resubmits such schedule to EPA, that schedule will be reproposed for approval by the Administrator.

No written comments in connection with schedules which are the subject of today's rule-making have been submitted to the Regional Administrator for consideration in the evaluation of the schedules. Evaluation reports for all compliance schedule plan revisions and technical support documents for the approved control strategy revisions are available for public inspection at the Region V Office of the Environmental Protection Agency, One North Wacker Drive, Chicago, Illinois.

The regulations are effective immediately on the date of this FEDERAL REGISTER publication. The Administrator finds good cause for making these regulations immediately effective because the compliance schedules are already effective in the State and Federal approval imposes no additional requirements on the affected sources.

(Section 110(a) of the Clean Air Act, as amended (42 U.S.C. 1857–5(a)))

Dated: August 30, 1974.

RUSSELL E. TRAIN,
Administrator.

Subpart X—Michigan

1. In § 52.1170, paragraph (d) is amended as follows:

§ 52.1170 Identification of plan.

• • • • • •

(d) Revisions to the plan were submitted on:

• • • • •

(2) February 16, 1973, May 4, 1973.

2. In § 52.1175, the following schedules are added to paragraph (e):

§ 52.1175 Compliance schedules.

• • • • • •

(e) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

MICHIGAN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
ALLEGAN COUNTY				
Plainwell Paper Co	Plainwell	336.44, 46	Mar. 14, 1973	June 30, 1975
Menasha Corp	Otsego	336.49	do	[6] Dec. 31, 1977
EATON COUNTY				
Lansing Board of Water and Light (Erickson Station)	Lansing	336.49	Mar. 14, 1973	[3] July 1, 1975 [5] July 1, 1977
EMMET COUNTY				
Penn-Dixie Cement Corp	Resort Township	336.44	Jan. 18, 1974	May 1, 1974
GENESEE COUNTY				
GMC Flint Assembly Plant (Chevrolet Div.)	Flint	336.49	Mar. 21, 1973	[1] July 1, 1978
GMC Fisher Body Div.:				
(a) Cold Water Rd	do	do	Mar. 28, 1973	Do.
(b) No. 1 GMC	do	do	do	Do.
HURON COUNTY				
Detroit Edison (Harbor Beach Plant)	Harbor Beach	336.49	Nov. 9, 1973	Jan. 1, 1980
INGHAM COUNTY				
Morton Wheel Corp. (Centrifuse Div.):				
(a) Electric Arc Fur 1 & 2	Lansing	336.44, 46	Sept. 25, 1973	Aug. 1, 1975
(b) Electric Arc Fur	do	do	do	Dec. 1, 1975
Lansing Board of Water and Light (Eckert Station):				
All units	do	336.49	Mar. 14, 1973	[3] July 1, 1975 [5] July 1, 1977
(a) Units 1–3	do	336.44, 49	do	July 1, 1977
(b) Units 4–5	do	336.44, 46	do	Oct. 1, 1975
(c) Unit 6	do	do	do	Dec. 1, 1974
Lansing Board of Water and Light (Moores Park Station): Units 11–14	do	336.49	do	[3] July 1, 1975 [5] July 1, 1977
Lansing Board of Water and Light (Ottawa Station): Units 1–5	do	do	do	[3] July 1, 1975 [5] July 1, 1977
MACOMB COUNTY				
Ford Motor Co	Sterling Hts	336.49	Mar. 14, 1973	[3] July 1, 1975 [5] July 1, 1978
MONROE COUNTY				
Consolidated Packing Corp. Boiler 8	Monroe	336.44, 46	Mar. 23, 1973	Jan. 5, 1974
Detroit Edison (Monroe Plant) Unit 1–4	do	336.49	Sept. 13, 1973	Jan. 1, 1980
Dundee Cement Co	Dundee	336.44	May 25, 1973	Apr. 15, 1974
OTTAWA COUNTY				
Consumer Power (Campbell Plant)	West Olive	336.49	Sept. 18, 1973	Jan. 1, 1980
Holland Board of Public Works	Holland	336.44, 46	Mar. 30, 1973	June 1, 1975

See footnotes at end of table.

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MICHIGAN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
	SAGINAW COUNTY			
GMO Saginaw Steering Gear Saginaw: Plant 2 (Power Boiler 1, 2) Plant 3, Boilers 1-5.	Saginaw	336.49	Mar. 30, 1973	[3] July 1, 1978
	ST. CLAIR COUNTY			
Detroit Edison	Port Huron	336.49	Mar. 11, 1973	[1] July 1, 1975 [2] July 1, 1978

[1] For the attainment of the primary standard.
[2] For the attainment of the secondary standard.
[3] For the maintenance of the secondary standard.

Subpart YY—Wisconsin

3. In § 52.2570 paragraph (d) is amended as follows:

§ 52.2570 Identification of plan.

• • • • •

(d) Revisions to the plan were submitted on:

• • • • •

(2) October 11, 1973, October 19, 1973, November 10, 1973 and December 12, 1973.

4. In § 52.2578. the following schedules are added to paragraphs (d) and (e):

§ 52.2578 Compliance schedules.

• • • • •

(d) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

WISCONSIN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
	DOUGLAS COUNTY			
ADM Grain Co	Superior	NR154.11(4)(b)	July 18, 1973	July 15, 1974
M&O Elevators Inc.	do	do	Sept. 25, 1973	
(a) Units 1-6				June 30, 1974
(b) Units 7-11				Apr. 30, 1975
	KENOSHA COUNTY			
American Motors Corp. (Main Plant)	Kenosha	NR154.13(2)(f)	Sept. 25, 1973	Jan. 1, 1975
	LINCOLN COUNTY			
Owens-Ill, Inc. (Forest Products Div.):				
(a) Boilers 3, 4	Tomahawk	NR151.11(5)(b)	Sept. 25, 1973	Dec. 31, 1973
(b) Boilers 6, 7, 8	do	do	do	Dec. 31, 1974
	MARATHON COUNTY			
Weyerhaeuser Co	Rothschild	NR154.11(5)(b)	Sept. 17, 1973	Oct. 31, 1974
	ONEIDA COUNTY			
St. Regis Paper Co	Rhinelander	NR154.11(4)(b); (5)(b).	Oct. 11, 1973	Sept. 30, 1974
	OZAUKEE COUNTY			
Allis Chalmers Corp	Pt. Washington	NR154.13(2)(f)	July 13, 1973	Jan. 1, 1975
Doerr Electric Corp	Cedarburg	do	Sept. 4, 1973	Do.
ESP Co. Inc	Grafton	do	do	Do.
Jor-Mac Co. Inc	do	do	do	Do.
Tecumseh Products Co. (Power Products Div.).	do	do	July 13, 1973	June 1, 1974
	RACINE COUNTY			
Emerson Electric Co. (In-Sink-Erator Div.).	Racine	NR154.13(2)(f)	Sept. 4, 1973	Jan. 1, 1975
Jacobsen Mfg. Co	do	do	Sept. 27, 1973	Do.
Keystone Ferrule and Nut Corp	Burlington	do	Sept. 4, 1973	July 1, 1974
Western Publishing Co	Racine	do	Apr. 16, 1973	Jan. 1, 1975
	WALWORTH COUNTY			
Alpha Cast Inc	Whitewater	NR154.11(4)(b)	July 27, 1973	Dec. 31, 1974

WISCONSIN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
	WASHINGTON COUNTY			
Braun Mfg. Co. Inc	Hartford	NR154.13(2)(f)	Aug. 9, 1973	Jan. 1, 1975
Chrysler Outboard Corp	do	do	Sept. 4, 1973	Do.
Gehl Co	West Bend	do	Sept. 6, 1973	Do.
Kaston Mfg. Corp	Allenton	do	Sept. 25, 1973	June 1, 1974
International Stamping Co., Inc	Hartford	do	Sept. 12, 1973	Jan. 1, 1974
Regal Ware, Inc	Kewaskum	do	Aug. 6, 1973	Jan. 1, 1975
West Bend Co	West Bend	do	do	Mar. 1, 1974
	WAUKESHA COUNTY			
Aeroshade, Inc	Waukesha	NR154.13(2)(f)	Sept. 4, 1973	July 1, 1974
Amron Corp	do	do	July 6, 1973	Do.
C. D. Artz Inc	Brookfield	do	Sept. 6, 1973	Jan. 1, 1975
Oven System, Inc	New Berlin	do	Sept. 14, 1973	May 1, 1974
Westhe-Davidson Engineering Co	do	do	Sept. 4, 1973	Jan. 1, 1974
	WOOD COUNTY			
Nekoosa Edwards Paper Co., Inc	Pt. Edwards	NR154.11(5)(b)	Aug. 20, 1973	Sept. 28, 1974

(e) The compliance schedule for the source category identified below is disapproved as not meeting the requirements of § 51.15 of this chapter. All regulatons cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulations involved	Date schedule adopted
	DOUGLAS COUNTY		
M&O Elevators Inc. (e) Units 12-17	Superior	NR154.11 (4)(b)	Sept. 25, 1973

[FR Doc.74-20584 Filed 9-9-74;8:45 am]

[258-3]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Exclusion and Exemption of Motor Vehicles and Motor Vehicle Engines

On March 21, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 10601), setting forth the Environmental Protection Agency's proposed regulations under the Clean Air Act with respect to exclusion and exemption of motor vehicles and motor vehicle engines. Pursuant to that notice, which established a sixty day public comment period, several motor vehicle and motor vehicle engine manufacturers submitted comments on the proposed regulations. The regulations, as modified by the Agency to reflect the adopted comments, are promulgated below. A summary and explanation of the comments received follows:

Comments with regard to Exclusion. (1) Several comments were received which requested that EPA adopt lists of the specific vehicles excluded by the regulations. In this regard General Motors Corporation, Cummins Engine Company, and J. I. Case Company suggested incorporation of section 4580 A, B, C of the IRS Regulations, § 26.4061 of the IRS Code and Group Number 352 and 353 of the Standard Industrial Classification Manual respectively. While the proposed lists do contain many of the vehicles which will be excluded by the criteria stated in § 85.1703 of the regulations, there were vehicles on each list which would not be and, in EPA's judgment, should not be excluded. Also, future amendments to such lists might include vehicles not meriting exclusion. Some of the excluded items on the lists were machinery type attachments (e.g. shovels, rakes, cranes) which, while obviously excluded from the Act in their own right, might cause confusion when affixed to vehicles which would not be excluded. The confusion would arise from the possibility of someone observing the list, seeing the machinery attachment excluded, and necessarily concluding that the vehicle to which the attachment is affixed is also excluded. For these reasons, none of the lists were adopted. However, the Agency is of the opinion that industry needs would be served by promulgation of a list of excluded vehicles, particularly in those cases where the nature of the vehicle makes determinations as to exclusions difficult. Therefore, the Administrator will publish, from time to time, a list of excluded vehicles, by generic names, in order to address concerns of industry that specific guidance be available. The inclusion of any vehicle on the EPA exclusion list will be preceded by consultation with manufacturers who are concerned about the exclusion of such vehicles. The EPA exclusion list will be an Appendix to the 40 CFR Part 85 and will be published at such time as a sufficient number of exclusion determinations are made to warrant publication. Prior to publication, the list will be available from the Mobile Source Enforcement Division, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, Room 3220.

Recommendations were also received from the Specialty Equipment Manufacturers Association (SEMA) to exclude vehicles of limited production intended typically for show or hobby use (e.g., dune buggies) and from Diamond Reo Trucks, Inc., to exclude vehicles which incorporate special features which are designed primarily for vocational missions which would cause them to operate almost entirely off-road. The recommendation of SEMA was not accepted because such exclusion would be based solely upon the intended use by the purchaser rather than the capability of the vehicles. The Agency views a policy of exclusion based upon owner intent to be virtually unmanageable and inconsistent with the Act because vehicles with on-road, off-road capabilities are typically operated in both situations. The recommendation of Diamond Reo was not accepted because the Agency believes that it is not feasible to regulate a vehicle based on the use it is primarily designed for. In lieu of the "designed primarily for" test, we have adopted the "capable of" test which is consonant with the literal language and the apparent intent of the Act. A vehicle's capability is a more workable, objective standard than its intended or designed-for use, which is dependent upon the manufacturer's subjective determination of the ultimate use to which the vehicle will be put. Nevertheless, the criteria of § 85.1703 would operate to exclude most vehicles which, because of their inordinate size or the fact that their operation on the highway would be highly unlikely or impracticable, are primarily designed for off-road use.

(2) A number of comments were received on the 20 mph average speed criterion stated in § 85.1703(a)(1). General Motors recommended that a maximum speed of 35 mph be used, Cummins recommended a 45 mph maximum speed, and J. I. Case recommended that the average speed be increased to 40 mph. A maximum speed criterion would indeed has elected to adopt that approach. average speed criterion, and the Agency has elected to adopted that approach. Since a maximum speed criterion is explicitly objective and operates to exclude automatically any vehicles which fall within it, the Agency sought to ensure that no vehicles which are truly capable of significant on-road use would be excluded on the basis of maximum speed alone. An example would be a small vehicle manufactured for use in an urban environment where mobility and fuel economy are more critical than speed. Such a vehicle would obviously not be excluded by the criteria of § 85.1703(a)(2) and (3), but would become excluded by the maximum speed criterion if such limit was set too high, e.g., if such a vehicle could attain a maximum speed of only 30 mph and the maximum speed criterion was above 30 mph. Accordingly, the Agency determined that any vehicle unable to attain a maximum speed of 25 mph would be excluded. One factor used in this determination was that 25 mph

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is the speed limit prescribed in many urban areas. This maximum speed criterion in § 85.1703(a)(1) will operate to exclude a substantial number of off-road vehicles outright. It is felt that application of the criterion in § 85.1703(a)(2) and (3) will exclude vehicles which are not on-road vehicles, but which have maximum speeds in excess of 25 mph.

(3) General Motors proposed additions to the exclusion section which would exclude specifically: (a) firetrucks, because of their higher horsepower requirements, emergency use, and intermittent operation, (b) vehicles which do not require state licenses, (c) vehicles manufactured solely for construction or maintenance of roads, and (d) vehicles of an inordinate size so as to exceed state legal limits or require permits for operation. These proposals were not accepted for the following reasons (lettered to correspond to the above proposed additions): (a) Firetrucks are not considered a special case since no demonstration of an impairment of their mission due to the use of emission control systems have been evidenced to this Agency. With regard to concern raised by manufacturers who must certify the firetruck engines at a horsepower rating above that usually required by other engine applications, it is suggested that they present their concerns to the Certification and Surveillance Division of the Mobile Source Air Pollution Control Program, 2565 Plymouth Road, Ann Arbor, Michigan 48105. It is possible that these concerns may be resolved in a manner similar to the situation involving emergency fuel rates for military diesel engines. (See 40 CFR 85.974–5, and 85.874–5) (b) State licensing procedures vary and would not facilitate uniform application. Situations will arise where one state has a standard for licensing which would operate to exclude a vehicle which would not be excluded by the standards in any other state. If the Agency based its regulations solely on state practices, it would then either allow one state's law to have nationwide impact or exclude some vehicles only if sold in a particular state. Neither of these options presents a cohesive Federal policy. (c) The fact that vehicles are manufactured for construction and maintenance of roads does not per se lead to the conclusion that such vehicles are not capable of on-road use. Therefore, exclusion of such vehicles as a class is not warranted. Of course, such vehicles as earth movers or bulldozers would be excluded by operation of § 85.1703(a)(1), (2), and (3). (d) the Agency considers the "inordinate size" criterion to be closely linked with the "highly unlikely" criterion so that in some cases a vehicle's inordinate size might contribute to its use on the road being highly unlikely even though its dimensions fall within state limits. And, as stated in (b) above, application of the different state laws does not lend itself to uniform federal regulation.

(4) As recommended by GM, § 85.1703(a)(2) was changed to read "• • • such features including, but not being limited to, a reverse gear (except in the case of motorcycles), a differential or safety features required by state and/or federal law;" This section had previously read "• • • and safety features required by state and/or federal law;".

(5) Cummins recommended that the definition of vehicle in § 85.1703(b) be the Clean Air Act definition of motor vehicle in section 214(2). This suggestion was not accepted because the definition was intended to apply to the term "vehicle" which is used in the criteria of § 85.1703(b). Upon further evaluation, however, the Agency determined that the definition of vehicle constituted a possible source of confusion and therefore, deleted it. Instead, § 85.1703(a) was changed to indicate that a self-propelled vehicle capable of transporting a person or persons or any material, or permanently or temporarily affixed apparatus is a motor vehicle unless excluded by the listed criteria.

Comments with regard to exemptions. (1) Ford was concerned that EPA does not have statutory authority to grant exemptions for in-use motor vehicles or motor vehicle engines since the exemption provision of the Act refers literally only to new vehicles. In lieu of in-use exemption, Ford submitted a recommendation changing the regulations to indicate that modification of an in-use vehicle or engine by a manufacturer would not be considered tampering, even if emissions were increased, if the modification was (i) part of a bona fide good faith test (ii) adequate records were kept (iii) the vehicle or engine would be labeled as one for test and (iv) the modification was temporary and the vehicle or engine was subsequently placed in certified configuration. This proposal was not accepted for the following reasons. (a) Interpreting "removing or rendering inoperative" to be inapplicable in cases where modifications cause emissions to increase constitutes no less, if not more, of a strain on the literal wording of the Act than to interpret "new vehicles" to include in-use vehicles in the exemption context. (b) While the authority to grant in-use exemptions is not explicitly stated in the Act, a reasonable construction of the exemption provision would allow in-use exemptions. Under the literal reading of the Act, EPA may grant a new motor vehicle exemption, and under such exemption, modifications could be performed on the exempted vehicle after sale to an ultimate purchaser (e.g., where an exemption is obtained, the vehicle sold while still in certified configuration, and modifications subsequently made for purposes of test or otherwise). However, in Ford's view, EPA could not grant an exemption for the same vehicle if the exemption were requested after sale rather than prior to sale.

Considering that in both cases the purposes justifying the exemption are valid, it appears illogical to grant in one and deny in the other. Therefore, the in-use exemption has been retained as a practical and consistent means of effecting the intent of the Act. It is emphasized that exemptions for in-use motor vehicles or engines are only necessary in cases where modifications will cause emission standards to be exceeded. Therefore, in the particular case raised by Ford where a manufacturer obtains competitive make vehicles for modification and test, he would be required to obtain an exemption, or be liable under the tampering provision only if the modifications caused emission standards to be exceeded.

(2) Ford's comment regarding § 85.1702(a)(5) recommended specifying that a pre-certification vehicle engine exemption applied to "heavy duty engines" rather than "engine." Ford noted that the latter term may be interpreted to include light duty engines, and since no standards or regulations apply to light duty engines, an illogical conclusion would result (i.e., that exemptions must be obtained for light duty engines). This proposal was accepted. While EPA is studying the need for regulatory efforts in the area of light duty engines, it is considered advisable for clarification purposes, to reflect current policy in the Exclusion and Exemption regulations.

(3) Two additional comments by Ford were also accepted. Section 85.1705 (d), (e), and (h) was changed to clarify that reference was to test programs for vehicles or engines, whichever were appropriate, rather than vehicles and engines in every case, and § 85.1705(g) was changed to allow a vehicle exempt for purposes of display to be operated on the road to a very limited extent, e.g., travel from the rail ramp to the clean-up facility to the display area. The exemption for display had prohibited any on-road use.

(4) General Motors submitted a number of comments on § 85.1705, Testing Exemption. In general, GM proposed that requirements for a testing exemption should be the same as those for a pre-certification exemption. This proposal was not accepted. The more stringent testing exemption requirements are proposed because the terms of this exemption allow lease or sale of the vehicles, whereas vehicles under a pre-certification may not be sold or leased. For this reason, the Agency believes that requests for testing exemptions where sale or lease is involved should be scrutinized more carefully and supported by more information. A number of specific proposals were also submitted: (i) a proposal to amend § 85.1705(d) to permit manufacturers to determine "reasonableness" of the test was not accepted because EPA believes that this determination must be made by EPA in the discharge of its responsibility to administer the exemption provision; (ii) a proposal to amend § 85.1705(d)(2) to substitute a maximum instead of an absolute number of vehicles was accepted; (iii) a proposal to delete § 85.1705(d)(3) (total sales proportion) was not accepted since this information is relevant to the determination of the reasonableness of the exemption request, particularly when dealing with small volume manufacturers who may request exemptions for an unusually high percentage of their total production line and thus use the exemption to avoid certification for a particular model; (iv) a recommendation to delete § 85.1705(e)(2) (site of the test) was not accepted since all that is required is to identify the site (which may be read as general geographic location(s)) to the extent possible at the time of the application and this information is required by EPA in its efforts to audit vehicles on exempt status; (v) a proposal to change § 85.1705(e)(3) to read "time or mileage" vice "time and mileage" (comment also submitted by Cummins) was accepted; and (vi) a proposal to delete the § 85.1705(e)(6) requirement to submit Vehicle Identification Numbers and Engine Serial Numbers with the application was accepted, although the requirement that this information be kept by the manufacturers and made available to the Agency when the need arises is retained.

(5) GM proposed that § 85.1708 (fuel conversion exemption) clearly state that an exemption for conversion to liquid petroleum gas (LPG) is permitted. Since section 203(c) authorizes exemptions for engine modifications for the purpose of fuel conversion only if the conversion will not cause the emission standards to be exceeded, and since the Agency interprets the tampering provision (section 203(a)(3)) to be applicable only to modifications which cause emission standards to be exceeded, then an exemption for a fuel conversion which did not exceed standards would be unnecessary. Furthermore, most of the fuel conversions which EPA is aware of involve propane or butane which, in most cases, result in very low exhaust emissions of the controlled pollutants. Section 85.1708 has been deleted from the final regulations. However, any manufacturer or dealer contemplating a fuel conversion modification is responsible for assuring himself that the conversion will not result in emissions exceeding the standards applicable to the engine or vehicle being converted.

(6) At the urging of Cummins and Chrysler, § 85.1704(a) was modified to clearly indicate that an export exemption need not be applied for, but is granted by operation of the statute and conditioned as provided in the regulations.

The regulations promulgated below shall be effective immediately. These regulations are promulgated under the authority of the Clean Air Act, as amended, sections 203(b) [42 U.S.C. 1857 f–21, 214(2) [formerly 213(2), 42 U.S.C. 1857 f–7, changed to 214(2) by Pub. L. 93–318, June 22, 1974], and 301 [42 U.S.C. 1857 g].

Dated: September 4, 1974.

RUSSELL E. TRAIN,
Administrator.

Subpart R—Exclusion and Exemption of Motor Vehicles and Motor Vehicle Engines

Sec.
85.1701 General applicability.
85.1702 Definitions.
85.1703 Application of section 214(2).
85.1704 Who may request an exemption.
85.1705 Testing exemption.
85.1706 National security exemption.
85.1707 Export exemptions.
85.1708 Granting of exemptions.
85.1709 Submission of exemption requests.

AUTHORITY: Secs. 208(8) (42 U.S.C. 1857f–2), 214(2) (formally 213(2), 42 U.S.C. 1857f–7, changed to 214(2) by Pub. L. 93–319, June, 1974), and 301 (42 U.S.C. 1857g).

§ 85.1701 General applicability.

(a) The provisions of this subpart regarding exemption are applicable to new and in-use motor vehicles and motor vehicle engines.

(b) The provisions of this subpart regarding exclusion are applicable after the effective date of these regulations.

§ 85.1702 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act:

(1) "Export exemption" means an exemption granted by statute under section 203(b)(3) of the Act for the purpose of exporting new motor vehicles or new motor vehicle engines.

(2) "National security exemption" means an exemption which may be granted under section 203(b)(1) of the Act for the purpose of national security.

(3) "Pre-certification vehicle" means an uncertified vehicle which a manufacturer employs in fleets from year to year in the ordinary course of business for product development, production method assessment, and market promotion purposes, but in a manner not involving lease or sale.

(4) "Pre-certification vehicle engine" means an uncertified heavy duty engine used in a vehicle which a manufacturer employs in fleets from year to year in the ordinary course of business for product development, production method assessment, and market promotion purposes, but in a manner not involving lease or sale.

(5) "Testing exemption" means an exemption which may be granted under section 203(b)(1) for the purpose of research investigations, studies, demonstrations or training, but not including national security where lease or sale of the test vehicle or engine is involved.

§ 85.1703 Application of section 214(2).

(a) For the purpose of determining the applicability of section 214(2), a vehicle which is self-propelled and capable of transporting a person or persons or any material or any permanently or temporarily affixed apparatus shall be deemed a motor vehicle, unless any one or more of the criteria set forth below are met, in which case the vehicle shall be deemed not a motor vehicle and excluded from the operation of the Act:

(1) The vehicle cannot exceed a maximum speed of 25 miles per hour over level, paved surfaces; or

(2) The vehicle lacks features customarily associated with safe and practical street or highway use, such features including, but not being limited to, a reverse gear (except in the case of motorcycles), a differential, or safety features required by state and/or federal law; or

(3) The vehicle exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely, such features including, but not being limited to, tracked road contact means, an inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry.

(b) The Administrator will, from time to time, publish in the FEDERAL REGISTER a list of vehicles which have been determined to be excluded. This list will be in Appendix VI of 40 CFR Part 85.

§ 85.1704 Who may request an exemption.

(a) Any manufacturer may request any exemption provided by this subpart, or exempt, without application, vehicles as provided by § 85.1707. For heavy duty motor vehicle engines, exemption may be requested by the engine manufacturer or the vehicle manufacturer.

§ 85.1705 Testing exemption.

(a) Any manufacturer requesting a testing exemption must demonstrate the following:

(1) That the proposed test program has a purpose which constitutes an appropriate basis for an exemption in accordance with section 203(b)(1);

(2) That the proposed test program necessitates the granting of an exemption;

(3) That the proposed test program exhibits reasonableness in scope; and

(4) That the proposed test program exhibits a degree of control consonant with the purpose of the program and the Environmental Protection Agency's (hereafter EPA) monitoring requirements. Paragraphs (b), (c), (d), and (e) of this section describe what constitutes a sufficient demonstration for each of the four above identified elements.

(b) With respect to the purpose of the proposed test program, an appropriate purpose is one which is consistent with one or more of the bases for exemption set forth under section 203(b)(1), namely, research, investigations, studies, demonstrations, or training, but not including national security. A concise statement of purpose is a required item of information.

(c) With respect to the necessity that an exemption be granted, necessity arises from an inability to achieve the stated purpose in a practicable manner without performing one or more of the prohibited acts under section 203(a). In appropriate circumstances time constraints may be a sufficient basis for necessity, but the cost of certification alone, in the absence of extraordinary circumstances, is not a basis for necessity.

(d) With respect to reasonableness, a test program must exhibit a duration of reasonable length and affect a reasonable number of vehicles or engines. In

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this regard, required items of information include:

(1) An estimate of the program's duration;

(2) The maximum number of vehicles or engines involved; and

(3) The fraction of the applicant's total sales represented by the absolute number of (2).

(e) With respect to control, the test program must incorporate procedures consistent with the purpose of the test and be capable of affording EPA monitoring capability. As a minimum, required items of information include:

(1) The technical nature of the test;

(2) The site of the test;

(3) The time or mileage duration of the test;

(4) The ownership arrangement with regard to the vehicles or engines involved in the test;

(5) The intended final disposition of the vehicles or engines;

(6) The manner in which vehicle identification numbers or the engine serial numbers will be identified, recorded, and made available; and

(7) The means or procedure whereby test results will be recorded.

(f) Paragraph (a) of this section applies irrespective of the engine's or vehicle's place of manufacture.

(g) Where an uncertified vehicle or engine is a display vehicle or engine to be used solely for display purposes, will not be operated on the public streets or highways except for that operation incident and necessary to the display purpose, and will not be sold unless an applicable certificate of conformity has been received, no request for exemption of the vehicle or engine is necessary.

(h) Paragraph (a) of this section does not apply for pre-certification vehicles or pre-certification engines. In such cases a request for exemption is necessary; however, the only information required is a statement setting forth the general nature of the fleet activities, the number of vehicles involved, and a demonstration that adequate record keeping procedures for control purposes will be employed.

§ 85.1706 National security exemption.

A manufacturer requesting a national security exemption must state the purpose for which the exemption is required and the request must be endorsed by an agency of the Federal Government charged with responsibility for national defense.

§ 85.1707 Export exemptions.

(a) A new motor vehicle or new motor vehicle engine intended solely for export, and so labeled or tagged on the outside of the container and on the vehicle or engine itself, shall be subject to the provisions of section 203(a) of the Act, unless the importing country has new motor vehicle emission standards which differ from the USEPA standards.

(b) For the purpose of paragraph (a) of this section, a country having no standards, whatsoever, is deemed to be a country having emission standards which differ from USEPA standards.

(c) EPA shall periodically publish in the FEDERAL REGISTER a list of foreign countries which have in force emissions standards identical to USEPA standards and have so notified EPA. New motor vehicles or new motor vehicle engines exported to such countries shall comply with USEPA certification regulations.

(d) It is a condition of any exemption for the purpose of export under section 203(b)(3) of the Act, that such exemption shall be void ab initio with respect to a new motor vehicle or new motor vehicle engine intended solely for export where:

(1) Such motor vehicle or motor vehicle engine is sold, or offered for sale, to an ultimate purchaser in the United States for purposes other than export; and

(2) The motor vehicle or motor vehicle engine manufacturer had reason to believe that any such vehicle would be sold or offered for sale as described in (d)(1) of this section.

§ 85.1708 Granting of exemptions.

(a) If upon completion of the review of an exemption request, the granting of an exemption is deemed appropriate, a memorandum of exemption will be prepared and submitted to the manufacturer requesting the exemption. The memorandum will set forth the basis for the exemption, its scope, and such terms and conditions as are deemed necessary. Such terms and conditions will generally include, but are not limited to, agreements by the applicant to conduct the exempt activity in the manner described to EPA, create and maintain adequate records accessible to EPA at reasonable times, employ labels for the exempt engines or vehicles setting forth the nature of the exemption, take appropriate measures to assure that the terms of the exemption are met, and advise EPA of the termination of the activity and the ultimate disposition of the vehicles or engines.

(b) Any exemption granted pursuant to paragraph (a) of this section shall be deemed to cover any subject vehicle or engine only to the extent that the specified terms and conditions are complied with. A breach of any term or condition shall cause the exemption to be void ab initio with respect to any vehicle or engine. Consequently, the introduction or delivery for introduction into commerce of any subject vehicle other than in strict conformity with all terms and conditions of this exemption shall constitute a violation of section 203(a)(1) of the Clean Air Act, shall render the manufacturer or person to whom the exemption is granted, and any other person to whom the provisions of section 203 are applicable, liable to suit under sections 204 and 205 of the Act.

§ 85.1709 Submission of exemption requests.

Requests for exemption or further information concerning exemptions and/or the exemption request review procedure should be addressed to:

Director
Mobile Source Enforcement Division
Environmental Protection Agency
401 M Street, S.W.,
Washington, D.C. 20460

[FR Doc.74-20754 Filed 9-9-74;8:45 am]

[FRL 209-7]

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Low Emission Vehicles

On July 13, 1973 (38 FR 18686) EPA published a notice of proposed rulemaking (NPRM) to provide for the determination of low emission vehicle status for 1975 and later model year light duty vehicles, and for heavy duty vehicles, Section 212 of the Clean Air Act (42 U.S.C. 1857f-6e) established a process under which the Federal Government will pay premium prices for motor vehicles whose emissions control performance is significantly better than that required by the Federal standards in effect at the time of their procurement. To be eligible for these premium prices, a motor vehicle must first be classified as a "low emission vehicle" by EPA, and then approved by the interagency Low Emission Vehicle Certification Board as a suitable replacement for some class or model of vehicles that the Federal Government is then purchasing.

The provisions regarding light duty low emission vehicles have been revised to reflect EPA's current position on the required levels of oxides of nitrogen control. EPA has concluded that the oxides of nitrogen standard specified in the NPRM is in the near term more stringent than necessary from an air quality standpoint. Therefore, the regulations have been revised to specify that any light duty vehicle which meets the current statutory oxides of nitrogen standard (0.4 gms/mile) before such a standard becomes effective under section 202 will, subject to the other requirements in effect under section 212, qualify as a low emission vehicle. EPA has also reexamined the hydrocarbon and carbon monoxide standards specified in the NPRM with the view of considering a less stringent standard as adequate to qualify as a low emission vehicle, and has concluded that there is no justification for relaxing those standards. Thus no other changes from the NPRM were made regarding light duty low emission vehicles.

One commenter objected to the inclusion of heavy duty vehicles in the regulations. Heavy duty vehicles had been proposed to be included in the section 212 regulations based, in part, on an opinion from EPA's Office of General Counsel that section 212 was not intended by Congress to apply exclusively to light duty vehicles.

The current heavy duty vehicle regulations promulgated under section 206 apply to heavy duty engines, and not heavy duty vehicles. There are two types of heavy duty engines being produced now for use in heavy duty vehicles, heavy duty gasoline and heavy duty diesel engines. Both types of engines are required to meet the same emission standards promulgated under section 202. However, both engines do not exhibit similar emissions characteristics. Because diesels normally operate with more air than is necessary to support combustion, emissions of carbon monoxide are extremely low and emissions of unburned hydrocarbons are also relatively low compared to gasoline engines.

However, since both gasoline and diesel engines are currently required to meet the same section 202 emissions standard, the current section 202 heavy duty engine carbon monoxide emission standard is far less stringent for diesel engines that the level of carbon monoxide that the diesel engine normally emits. The current carbon monoxide emission standard for heavy duty engines (section 202) is 40 grams per brake horsepower hour (gm/bhp-hr). Several diesel engines that were certified for sale in the 1974 model year had measured carbon monoxide levels as low as 1.0 gm/bhp-hr.

Section 212 requires, in part, that any new vehicle which emits any air pollutant in amounts significantly below new motor vehicle standards applicable under section 202 at the time of procurement to that type of vehicle shall be considered a low emission vehicle. The NPRM proposed that the carbon monoxide level for qualification as a low emission heavy duty vehicle should be 1.0 gm/bhp-hr, which is a substantial reduction from the section 202 carbon monoxide standard of 40 gm/bhp-hr. However, the several diesel engines that were certified for sale in the 1974 model year with carbon monoxide levels as low as 1.0 gm/bhp-hr cannot be considered to incorporate "low polluting propulsion technology", a concept which section 212 seeks to promote. To promulgate low emission heavy duty vehicle standards which are substantially below the emission levels being currently achieved by heavy duty diesel engines would require a new, more accurate heavy duty test procedure, as a reduction below 1.0 gm/bhp-hr carbon monoxide measured on the current test would be meaningless.

The Agency is currently developing a heavy duty emissions test procedure which will more accurately represent emissions from heavy duty vehicles than does the current test procedure, and from which the emissions results can be used to predict the air quality impact of heavy duty vehicles. The test method under development will include transient engine modes, and will be modeled after the transient engine modes seen by heavy duty vehicles operated in an urban environment. The new test method will allow the Agency to develop heavy duty emissions standards which can be directly related to air quality benefits, and will support the imposition of more stringent heavy duty standards, should they be necessary. This new test procedure and associated standards will be proposed during 1977.

Therefore, to provide for the development of more reasonable standards and test procedures to reflect the intent of section 212, i.e., to foster and promote new design technology in the area of low emission heavy duty engines, the heavy duty portion of the NPRM has been withdrawn and will be proposed again at a later date.

The Agency will propose low emission vehicle standards for light duty trucks at a later date. In the interim, applications will be accepted for light duty trucks to meet light duty low emission vehicle standards.

These regulations are issued under authority of section 212 of the Clean Air Act as amended (42 U.S.C. 1857f-6e), 84 Stat. 1676, and are effective on October 10, 1974.

Dated: September 4, 1974.

JOHN QUARLES,
Acting Administrator.

Part 85, Subpart Q, Title 40 of the Code of Federal Regulations, is amended as follows:

1. Section 85.1601 is revised to read as follows:

§ 85.1601 Definitions.

(a) As used in this subpart, the term:

(1) "Motor vehicle" means any self-propelled vehicle designed for use in the United States on the highways, other than a vehicle designed or used for military field training, combat or tactical purposes.

(2) "Inherently low-polluting propulsion system" means a propulsion system that does not require control devices for exhaust emissions that are external to the energy releasing activities of the propulsion system.

(3) "Light duty vehicle" means both any light duty vehicle as defined in §§ 85.002(a)(5) and 85.102(a)(5), and any vehicle which may, in the judgment of the Administrator, be a suitable substitute for a light duty vehicle used by agencies of the Federal Government.

(4) "Board" means the Low Emission Vehicle Certification Board established by section 212 of the Act.

(5) "Federal Government" includes the legislative, executive, and judicial branches of the Government of the United States, and the Government of the District of Columbia.

(6) "Low emission vehicle" means a low emission light duty vehicle.

(b) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act or in this part.

2. Section 85.1602 is revised to read as follows:

§ 85.1602 Low emission vehicles.

(a) A "low emission light duty vehicle" is a light duty vehicle which, at the time of its procurement by the Federal Government, is covered by a determination made by EPA indicating that such a vehicle:

(1) Meets all emission standards then in effect under section 202 of the Act for light duty vehicles, and

(2) Meets the requirements of paragraph (b) of this section, and

(3) For vehicles purchased in model year 1975 and beyond, does not exceed the given level of one or more of the following pollutants:

(i) Hydrocarbons—0.08 grams per vehicle mile (gms/mile).

(ii) Carbon monoxide—0.7 gms/mile.

(iii) Oxides of nitrogen—0.4 gms/mile.

(b) No vehicle shall be considered to be a low emission vehicle unless such data as may be available to the Administrator indicate that it will not significantly increase the emissions of any air pollutant not subject to an emission standard under section 202 of the Act by comparison to the emissions of such pollutant by any class or model of motor vehicles for which the applicant vehicles may be a suitable substitute.

3. The heading and text of § 85.1603 is revised to read as follows:

§ 85.1602 Notice of intent to submit an application for certification.

(a) Any person desiring certification of a test vehicle under section 212 of the Act shall submit to the Administrator a notice of intent to submit a certification application with respect to such vehicle. The notice of intent shall contain a description of the vehicle, including the propulsion system and the fuel used by it and such other information as the Administrator may request.

(b) The Administrator shall, immediately upon receipt of the notice of intent, transmit a copy to the Board and publish in the FEDERAL REGISTER a notice of the receipt of the notice of intent, the name of the applicant, a brief description of the propulsion system and fuel used by the applicant vehicle, and information concerning the method by which the public may have access to data relating to the emission characteristics of the applicant vehicle. The FEDERAL REGISTER notice shall request written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of vehicle described in the notice of intent. If the Administrator subsequently determines that the vehicle is a low emission vehicle, the comments will be transmitted to the Board to be used in making their determination whether the vehicle is a suitable substitute for any class or model of vehicles presently being purchased by the Federal Government for use by its agencies.

4. The heading and text of § 85.1604 is revised to read as follows:

§ 85.1604 Test procedures.

(a) Unless the Administrator determines otherwise under paragraph (b) of this section, the test procedures for determining whether a vehicle meets the standards specified in § 85.1602(a) for classification as a low emission light duty vehicle shall be the applicable 1975 Federal Test Procedure.

(b) As soon as practicable after receipt of a notice of intent to submit a certification application for a low emission vehicle, the Administrator shall determine whether the relevant test procedures referred to in paragraph (a) of this section

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would result in satisfactory testing of that vehicle. If he determines that such test procedures would not, he shall, as soon as practicable after making the determination, promulgate new procedures to govern the testing of that vehicle.

5. The heading and text of § 85.1605 is revised to read as follows:

§ 85.1605 Selection of test vehicles.

Unless the Administrator determines otherwise, the applicant shall test or cause to be tested two durability data vehicles of each engine-system combination and four emission data vehicles of each engine family described in the notice of intent. The test vehicles shall be selected by the Administrator upon receipt of the notice of intent and after consultation with the Board to determine the models or classes of vehicles for which the applicant vehicle may be a suitable substitute.

6. The heading and text of § 85.1606 is revised to read as follows:

§ 85.1606 Testing.

All procedures specified in this part for obtaining a certificate of conformity under section 206 of the Act shall be applicable to low emission vehicles unless the Administrator determines that portions of the procedures are not relevant or practical as applied to the vehicle for which application is made.

7. The heading and text of § 85.1607 is revised to read as follows:

§ 85.1607 Application for certification.

(a) After completion of required testing of all test vehicles in accordance with applicable test procedures, the person desiring certification shall submit to the Administrator a written application signed by an authorized representative of the applicant. The application shall be in such form as the Administrator and the Board may require, and shall contain both (1) all emission data from the test of the emission data and durability test vehicles and (2) data required by the Board under § 400.4 of this title relative to the vehicle characteristics referred to therein.

(b) In addition to the information required under this section, and under § 400.4 of this title, the Administrator may require the applicant to submit any other information which the Administrator deems necessary in determining whether the applicant vehicle is a low emission vehicle. The application for certification may be considered incomplete unless all such information has been submitted.

8. The heading and text of § 85.1608 is revised to read as follows:

§ 85.1608 Administrator's determination.

(a) The Administrator will, within 90 days after receipt of a completed application for certification, determine whether the applicant vehicle meets the applicable requirements of § 85.1602.

(b) The Administrator will, upon making the determination required in paragraph (a) of this section, publish in the FEDERAL REGISTER notice of receipt of the formal low emission vehicle application, his determination whether the vehicle is a low emission vehicle, and the reasons therefor. If the Administrator determines the vehicle to be a low emission vehicle, he will state precisely the time period for which that vehicle will continue to qualify as a low emission vehicle under the emissions standards applicable to present and future model years.

(c) As long as a determination under paragraph (a) of this section is in effect for a vehicle, vehicles which are in all respects of the same design as the applicant vehicle as described by the required information in the application for certification will also be deemed low emission vehicles for all purposes of section 212 of the Act.

(d) Each determination under paragraph (a) of this section will serve as EPA certification of a vehicle under section 206 of the Act and will be made on the terms specified in §§ 85.075–30(a)(2) or 85.175–30(a)(2) for certificates of conformity.

(e) Each determination under paragraph (a) of this section shall be revocable whenever, owing to a change in emission standards, vehicles covered by it no longer meet the requirements of § 85.1602.

9. Section 85.1609 is added to read as follows:

§ 85.1609 Inherently low emitting propulsion system.

Whenever the Administrator makes a determination for a vehicle under § 85.1608, he will recommend to the Board whether or not, in his opinion, the vehicle is powered by an inherently low polluting propulsion system.

10. Section 85.1610 is added to read as follows:

§ 85.1610 Postcertification testing.

The Administrator will, at the request of the Board, test the emissions from vehicles certified under section 212 of the Act and purchased by the Federal Government. If these tests show that the emissions from such vehicles exceed the relevant standards contained in § 85.1602 and applicable at the time such vehicles were procured, the Administrator will notify the Board.

[FR Doc.74–20863 Filed 9–9–74;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 262–7]

PART 419—PETROLEUM REFINING POINT

Source Category; Correction

In FR Doc. 74–10448 appearing on pages 16560 through 16573 in the issue of May 9, 1974, make the following changes:

1. Page 16560, in the last paragraph in the first column, the entire 17th line which reads "Petroleum Refining Segment of the" is deleted.

2. Page 16560, in the tenth line of the second full paragraph in the second column, the word "Industry" is deleted and the word "Institute" is substituted in lieu thereof.

3. Page 16560, in the first line of the next to last paragraph in the third column, the word "date" is amended to read "data."

4. Page 16561, the first line of the second full paragraph in the first column, "(6)" is added before "TOC."

5. In § 419.12(c)(1), at page 16564, in the second line "(lb/mgal)" is changed to read "(lb/Mgal)".

6. In § 419.13(b)(2), at page 16565, the words "Process configuration" and "Process factor" are inserted above the left and right hand columns of figures, respectively, as in the table in § 419.15(b)(2) on the same page.

7. In § 419.13(c)(2), at page 16565, after the word "COD" which appears twice in that table, and before the words "In any case" in the reference paragraph just below the table, the superscript (1) is deleted and a superscript asterisk (*) is inserted in lieu thereof. § 419.15(c)(2), at page 16566; § 419.22(a), at page 16567; § 419.23(a), at page 16567; § 419.25, at page 16567; § 419.32(a), at page 16568; § 419.33(a), at page 16569; § 419.35(a), at page 16569; § 419.42(a), at page 16570; § 419.43(a), at page 16571; § 419.45(a), at page 16571; § 419.52(a), at page 16572; § 419.53(a), at page 16572; and § 419.55(a), at page 16573 are amended in the same manner.

8. In § 419.15(c)(2), at page 16566, in the second line, the expression "kg/cu m lb/Mgal" is changed to read "kg/cu m (lb/Mgal)".

9. In § 419.23(b)(1), at page 16567, the third line of the table which reads "70 to 109.9" is changed to read "75 to 109.9".

10. In § 419.23(b)(2), at page 16567, the second line of the table which reads "2.50 to 5.49" is changed to read "3.50 to 5.49".

11. In § 419.33(b)(1), at page 16569, the third line of the table which reads "100 to 149.9____1.13" is changed to read "100 to 149.9____1.04".

12. In § 419.42(b)(2), at page 16570, the table heading which reads "Progress factor" is changed to read "Process factor".

13. In § 419.42(b)(3), at page 16570, the table heading which reads "Example.—Lube refinery 125 1,000 bbl per stream day throughput" is changed to read "Example.—Lube refinery 125,000 bbl per stream day throughput".

14. In § 419.42(b)(3), at page 16570, in the second line of the notes to the example, "125 1,000 bbl" is changed to read "125,000 bbl".

15. In § 419.42(b)(3), at page 16570, the fourth line of the notes to the example which reads, "BOD5 limit (maximum for any 1 day)=11.8×0.88×0.93=9.7 lb per 1,000 bbl of feedstock" is amended to read "BOD5 limit (maximum for any 1 day)=17.9×0.88×0.93=14.6 lb per 1,000 bbl of feedstock".

16. At page 16560 in the third column, delete the second paragraph of item (4) which begins "The limits are set * * *." and substitute the following: "The specific 30 day period of reference in the

term 'average of daily values for 30 consecutive days' as used in the regulation may be established in an individual permit."

Dated: September 4, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74–20868 Filed 9–9–74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 60–5—WASHINGTON PLAN

Extension of Time

On December 22, 1970, the Department of Labor published the Washington Plan (35 FR 19352). The Washington Plan is intended to implement the provisions of Executive Order 11246 (as amended) and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors in the Washington area, including the District of Columbia, the Virginia cities of Alexandria, Fairfax and Falls Church, the Virginia counties of Arlington, Fairfax, Loudoun, and Prince William and the Maryland counties of Montgomery and Prince Georges. It is deemed appropriate to further extend the Washington Plan for an additional three months through November 30, 1974 to provide an opportunity to review the minority employment results obtained through the Washington Plan for purposes of future construction industry requirements in the Washington, D.C., Standard Metropolitan Statistical Area. Therefore, § 60–5.30 Appendix A of the Washington Plan must be included in all invitations or other solicitations for bids on federally involved construction contracts for projects, the estimated total cost of which exceeds $500,000 in the Washington area until November 30, 1974. The goals contained in § 60–5.30 Appendix A for the year ending May 31, 1974, will be applicable to invitations and other solicitations for bids on federally involved construction contracts covered by the Washington Plan until November 30, 1974, and all invitations or other solicitations should be revised to reflect this extension through a revised Appendix.

Signed at Washington, D.C., this 30th day of August 1974.

PETER J. BRENNAN,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.74–20856 Filed 9–9–74;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM–57; Amdts. Nos. 171–14, 172–14, 172–20, 173–61, 173–74, 174–14, 175–7, 177–21, 178–26]

CLASSIFICATION OF CORROSIVE HAZARDS

Postponement of Mandatory Effective Date

In the matter of Parts 171, 172, 173, 174, 175, 177, 178.

On October 12, 1973 (38 FR 28292), the Hazardous Materials Regulations Board ("the Board") published a revised text to the next to the last paragraph of FR Doc. 73–1594 (39 FR 20837) which read as follows:

Amendments Nos. 171–14, 172–14, 172–20, 173–61, 173–74, 174–14, 175–7, 177–21, 178–26, except as they pertain to materials corrosive only to aluminum, are effective December 31, 1973, and are effective in their entirety on September 30, 1974. However, compliance with the regulations, as amended therein, is authorized immediately.

The Council for Safe Transportation of Hazardous Articles (COSTHA) has petitioned for a further extension of the effective date on materials corrosive only to aluminum pending the resolution of matters in Docket HM–112. In that Docket (39 FR 3022), the Board proposed reclassification of these materials as Other Regulated Materials, Group B (ORM–B), which would have certain marking requirements but would otherwise not be substantively regulated unless shipped by aircraft.

COSTHA points out that:

The original date for close of the comment period of Docket No. HM–112 has been extended from May 28, 1974 to August 31, 1974. It is unlikely that there could be any administrative determination on the status of regulation of aluminum corrosives before September 30, 1974. Furthermore, necessary packaging changes and alteration in shipping practices require a lead time of at least 6 months for many shippers.

The Board agrees with this evaluation of the circumstances and hereby changes the mandatory effective date of Amendments Nos. 171–14, 172–14, 172–20, 173–61, 173–74, 174–14, 175–7, 177–21, 178–26 as they pertain to materials corrosive only to aluminum from September 30, 1974 to September 30, 1975. However, voluntary compliance with these regulations as they pertain to aluminum is authorized.

(Transportation of Explosives Act (18 U.S.C. 831–835); sec. 6, Department of Transportation Act (49 U.S.C. 1655); Title VI and sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h), and 1655(c)))

Issued in Washington, D.C. on September 5, 1974.

R. P. SKULLY,
Board Member, for the Federal Aviation Administration.

ROBERT A. KAYE,
Board Member, for the Federal Highway Administration.

JOHN W. INGRAM,
Board Member, for the Federal Railroad Administration.

[FR Doc.74–20840 Filed 9–9–74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 966]

TOMATOES GROWN IN FLORIDA

Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the Florida Tomato Committee to spend not more than $112,500 for its operations during the fiscal period ending July 31, 1975, and to collect one-half cent per 30-pound equivalent on assessable tomatoes handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 125 and Order No. 966, both as amended, regulating the handling of tomatoes grown in designated counties in the State of Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same, in duplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than September 25, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 966.211 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1975, by the Florida Tomato Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to $112,500.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one-half cent ($0.005) per 30-pound container or equivalent quantity, of tomatoes handled by him as the first handler thereof during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

Dated: September 4, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-20809 Filed 9-9-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 1, 100, 102]

FOOD AND LABELING

Correction

In the correction appearing on page 28291 in the issue for Tuesday, August 6, 1974, in the third line, the document number listed as "FR Doc. 74–13479", should be changed to read "FR Doc. 74–13467".

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 772]

[Docket No. 74–6]

NOISE STANDARDS AND PROCEDURES

Proposed Amendments

The Administrator, Federal Highway Administration (FHWA), is considering amending the noise standards and procedures contained in 23 CFR Part 772.

Pursuant to section 136(b) of the Federal-Aid Highway Act of 1970, Pub. L. No. 91–605 (the 1970 Act), which added section 109(i) to Title 23 of the U.S. Code, the FHWA developed noise standards for use in the planning and design of new highway projects. The standards were promulgated on February 8, 1973, and published on June 19, 1973 (38 FR 15953) amending 23 CFR by the addition of Part 772.

Section 114 of the Federal-Aid Highway Act of 1973, Pub. L. No. 93–87 (the 1973 Act), revised 23 U.S.C. 109(i) to permit the FHWA to develop and promulgate "standards" for the control of traffic noise on previously constructed highways on any of the Federal-aid systems. Interim regulations providing guidelines for the submission and approval of noise abatement projects on previously constructed highways were promulgated on February 13, 1974, and published on February 22, 1974 (39 FR 6696) amending 23 CFR Part 772 by the addition of § 772.30.

The proposed regulations published herein represent an integration of the mandatory requirements of the 1970 Act and the permissive authority granted by the 1973 Act. These regulations are designed to establish comprehensive policies and procedures for dealing with the abatement of highway traffic noise and highway-related construction noise. Greater consideration has been given to projects on previously constructed highways, and every attempt has been made to incorporate the most up-to-date and reliable noise analysis techniques which are best suited for highway use.

Since the matters affected relate to grants, benefits or contracts within the purview of 5 U.S.C. 553(a)(2), general notice of proposed rulemaking is not required. However, because of its desire that these regulations respond to the public needs to the greatest possible extent, the FHWA wishes to offer an opportunity to interested persons to submit written comments, suggestions or objections.

All comments submitted should refer to the docket number appearing at the top of this document and should be submitted to the Office of Environmental Policy (HEV–1), Federal Highway Administration, Washington, D.C. 20590. All comments received before the close of business on October 7, 1974, will be considered before further action is taken on this proposal. Comments will be available for examination in the Office of the Chief of Environmental Development Division, Room 3246, 400 Seventh Street SW., Washington, D.C., both before and after the closing date for comments.

These proposed amendments are issued under the authority of 23 U.S.C. 315 and the delegation of authority by the Secretary of Transportation in 49 CFR 1.48(b).

Issued on September 5, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Chapter I of Title 23 CFR would be amended by revising Part 772 to read as follows:

PART 772—NOISE STANDARDS AND PROCEDURES

Sec.

772.1 Purpose.
772.2 Definitions.
772.3 Retroactivity.
772.4 Applicability.
772.5 Analysis of noise impacts and abatement measures.
772.6 Design noise levels.
772.7 Procedure for requesting exceptions to the achievement of the design noise levels.
772.8 Coordination with local officials.
772.9 Noise abatement measures for lands which are undeveloped at the time of public knowledge of the highway project.
772.10 Federal participation.
772.11 Construction noise.
772.12 Traffic noise prediction method.

AUTHORITY: 23 U.S.C. 109(h) and 109(i); 49 CFR 1.48(b).

§ 772.1 Purpose.

(a) The purpose of this part is to promulgate for proposed Federal-aid system projects the following:

(1) Policies and procedures for noise studies and noise abatement measures,

(2) Design noise levels,

(3) Procedures for requesting exception to design noise levels, and

(4) Coordination with local officials.

(b) The highway traffic noise abatement procedures, coordination requirements, and design noise levels in this part constitute the noise standards mandated by section 109(i), Title 23, United States Code. All highway projects which are developed in conformance with this part shall be deemed in conformance with the FHWA noise standards.

§ 772.2 Definitions.

(a) *Date of Public Knowledge of a Proposed Highway Project*—the date that the highway agency holds the first public hearing for the highway sections. If a hearing is not held, it shall be the date the first notice of opportunity for a public hearing is published in a newspaper. The highway agency may, if it prefers, adopt as a "date of public knowledge of a proposed highway project" an alternate processing action which occurs later in the highway section development process than the date of the public hearing or date of notice of the opportunity for a public hearing indicated above. Such alternate processing action must be concurred in by the FHWA and made available to the public in the form of a public notice.

(b) *Type I project.* A proposed Federal or Federal-aid highway project for construction or reconstruction of a section of highway for which the highway location is approved after July 1, 1972, or the authorization to advertise for bids for the major grade and drain elements is given after July 1, 1975.

(c) *Type II project.* A proposed project for noise abatement on an existing section of a Federal-aid system highway for which construction or reconstruction of the roadway is not proposed.

(d) *Design noise level.* The noise levels established by this part for various activities or land uses. The design noise levels are used to determine the degree of impact of traffic noise on people's activities and for the evaluation of noise abatement measures.

(e) *Design year.* The future year used to estimate the probable traffic volume which is one of the primary bases for the roadway design. A time 20 years from construction is common for multilane and other major projects. Periods of 5 or 10 years are not uncommon for low volume roads.

(f) *Developed activities or land uses.* Those tracts of land or portions thereof which contain improvements or activities devoted to frequent human use or habitation. For improvements under construction or subsequently added, the date of issue of a building permit establishes the date of existence.

(g) L_{eq}. The equivalent steady sound level which in a stated period of time would contain the same acoustic energy as the time-varying sound level during the same time period.

(h) L_{10}. The sound level that is exceeded 10 percent of the time (the 90th percentile) for the period under consideration. This value is an indicator of both the magnitude and frequency of occurrence of the loudest noise events.

(i) *Level of Service C.* Traffic conditions (used and described in the Highway Capacity Manual—Highway Research Board, Special Report 87) where speed and maneuverability are closely controlled by high volumes, and where vehicles are restricted in their freedom to select speed, change lanes, or pass.

(j) *Location approval.* The approval given in the early 1970's by FHWA (at the request of a State highway agency) based upon a location study report and a corridor public hearing or opportunity therefor. This action established a particular location for a highway section and was prerequisite to authorization to proceed with design.

(k) *Noise level.* The weighted sound pressure level obtained by the use of a metering characteristic and weighting A as specified in American National Standard Institute Specification S1.4–1971. The abbreviation herein used is d.b.a.

(l) *Operating speed.* The highest overall speed at which a driver can travel on a given highway under favorable weather conditions and under prevailing traffic conditions, without at any time exceeding the safe speed as determined by the design speed on a section-by-section basis.

(m) *Project development.* Studies, surveys, coordination, reviews, approvals, or other activities and steps normally engaged in to determine the location and to design a highway project.

(n) *Truck.* A motor vehicle having a gross vehicle weight greater than 10,000 pounds and buses having a capacity exceeding 15 passengers.

§ 772.3 Retroactivity.

The requirements of this part are not retroactive. Approval actions taken in conformance with 23 CFR Part 772 as published on June 19, 1973 (38 FR 15953) and 23 CFR § 772.30 as published on February 22, 1974 (39 FR 6696) and with applicable FHWA directives in effect prior to publication of Part 772 shall remain in effect.

§ 772.4 Applicability.

(a) *Type I projects.* All requirements of this part apply to all Type I projects unless it is specifically indicated that a section applies only to Type II projects.

(b) The plans and specifications for Type I projects shall not be approved unless:

(1) The specifications include measures needed in accordance with § 772.11 (b) to minimize construction noise impacts,

(2) The project has been developed in accordance with the requirements of this part, and

(3) Noise abatement measures are incorporated to attain reductions to or below the design noise levels in Table I (§ 772.6) or incremental noise abatement measures (described in § 772.7(a)) are incorporated and exceptions to the design noise levels have been approved in writing for those activities and land uses where the design noise levels cannot be reasonably achieved.

(c) *Exceptions to the Achievement of Design Noise Levels for Type I Projects.* An exception to the achievement of the specified design noise level may be requested by the highway agency for an activity or land use or for a specific length or land use along Type I projects. Such requests may be made where the study and analysis required by this part demonstrate that abatement measures for such areas are not practicable or prudent (that is, the social, economic, and environmental consequences exceed noise abatement measure benefits).

(d) *Type II projects.* The development and implementation of Type II projects is not a requirement of 23 U.S.C. 109(i) and is therefore not a requirement of this part. The noise analysis procedure outlined in § 772.5(a) (1), (2) and (5) as well as provisions of §§ 772.5 (b) and (c), 772.10 (a), (b), (e), and (f), and 772.12 of this part, however, shall apply to the development and implementation of Type II projects when such projects are proposed for Federal-aid highway fund participation at the option of the highway agency.

§ 772.5 Analysis of noise impacts and abatement measures.

(a) For all Type I projects, the highway agency shall conduct a noise analysis during the project developement stage. The level of analysis will need to vary from simple calculations to evaluate the significance of the noise impact for rural and low volume highways to extensive analysis for high volume controlled access highways in urban areas. The noise analysis is to be conducted in the following manner:

(1) Identify existing activities or land uses which may be affected by noise from the highway section. The traffic noise analysis may be terminated if it is analytically determined that activities or developed land uses are not sufficiently close to the proposed highway improvement to be adversely affected by noise.

(2) Predict the highway generated noise level as described in § 772.12 (a) and (b) for each alternative under detailed study.

(3) Determine (by measurement) the existing noise levels for activities or developed land uses. Measurements will not normally be necessary where it is clear that the existing levels can be satisfactorily estimated using approved noise prediction methods. The purpose of these existing noise levels is to quantify the existing acoustic environment and provide a base for assessing the impact of noise level increases from the proposed highway.

(4) Compare the predicted noise levels for each alternative under detailed study with existing noise levels and with the design noise levels in Table I. (It would also be desirable to predict noise levels for the "do nothing" alternative in the design year. Such information should not be used as a basis for requesting exceptions, but will be useful in describing the

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noise impact of proposed highway improvements in contrast with noise levels likely to be reached in the same area if no highway improvement is undertaken.)

(5) Evaluate alternative noise abatement measures for reducing or eliminating the noise impact for activities on developed lands.

(6) Identify those lengths of highway (separately for each side of the highway) and individual land uses where noise abatement measures appear impracticable or imprudent and which may qualify under the exception procedures (§ 772.7 (a) and (b)).

(7) Prepare a noise study report including proposed noise abatement measures and recommended exceptions to the design noise levels. FHWA concurrence in the noise report will constitute its determination that adequate noise abatement measures have been taken to achieve the design noise levels.

(b) Highway agencies proposing to use Federal-aid highway funds for Type II projects shall perform a noise analysis similar to § 772.5(a) (1), (2) and (5) and shall prepare a report with recommendations.

(c) In requesting Federal funding for a Type II project, the highway agency shall indicate the critical nature of the proposed Type II project and its relationship with other critical noise problem highway sections. Some of the suggested factors which may be considered in the development of this relationship are:

(1) Applicable State law;
(2) Type of development to be protected;
(3) Magnitude of the traffic noise impact;
(4) Cost—benefits;
(5) Population density of the affected area;
(6) Day-night use of the property;
(7) Feasibility and practicability of noise abatement at the site;
(8) Availability of funds;
(9) Existing noise levels;
(10) Achievable noise reduction;
(11) Intrusiveness of highway noise (L_{eq}—L_{50});
(12) Public's attitude;
(13) Local governments' efforts to control land use adjacent to the highway;
(14) Date of construction of adjoining development;
(15) Increase in traffic noise since the development was constructed.

§ 772.6 Design noise levels.

(a) In Type I project development the highway agency is to seek a balance between the benefits achieved by noise abatement measures and other social, economic and environmental costs. The design noise levels in Table 1 represent an upper limit of desirable noise level conditions. Lower noise levels (below the design noise levels) may often be achieved with minimal increase in the social, economic and environmental cost. Every reasonable effort is to be used to achieve substantial noise reductions when predicted noise levels exceed these design noise levels. However, any significant reduction in the existing or predicted noise level will be a benefit, and abatement measures to achieve such reductions shall be included in the project development where they are consistent with other social, economic, and environmental considerations. On the other hand, the social, economic and environmental cost of providing abatement measures may be too high. For these cases, this part provides for the approval by FHWA of design noise level exceptions.

(b) The design noise levels in Table 1 are not to be applied to areas having limited human use or where lowered noise levels would produce little benefit. Such areas would include but not be limited to junkyards, industrial areas, railroad yards, parking lots, and storage yards.

(c) The exterior design noise levels apply to outdoor areas which have regular human use and in which a lowered noise level would be of benefit to the public. These design noise level values are to be applied at those points within the sphere of human activity (at approximate ear level height) where outdoor activities actually occur. The values do not apply to an entire tract upon which the activity is based, but only to that portion in which such activity normally occurs.

(d) The interior design noise level in Category E applies to:

(1) indoor activities for those situations where no exterior noise sensitive land use or activity is identified;

(2) those situations where the exterior activities on a tract are either remote from the highway or shielded in some manner so that the exterior activities will not be significantly affected by the noise, but the interior activities will.

(e) The interior design noise level in Category E may be considered as a basis for "sound-proofing" public use institutional structures in special situations when, in the judgment of the highway agency and concurred in by the FHWA, such consideration is in the best interest of the public (see § 772.10(c)).

(f) In the absence of noise insulating values for specific structures, interior noise level predictions may be estimated from the predicted outdoor noise level by using the following noise reduction factors:

Building type	Window condition [1]	Noise reduction due to exterior of the structure [2]
All	Open	10 dB
Light frame	Ordinary sash (closed)	20
	With storm windows	25
Masonry	Single glazed	25
Do	Double glazed	35

[1] The open/close window determination shall consider:
a. the position of the window for extended periods of time,
b. the relationship between the open window position and high traffic noise levels, and
c. the structure use during the open window position/high noise period.
Structures in cold climates where windows are open only a few days a year and structures with air-conditioning will normally be considered as a closed-window condition. Likewise, structures in climates where windows are open for only a few hours a day during the summer months and situations where the open window period does not coincide with a high noise level from the highway may qualify for a closed-window condition.

[2] Noise reduction factors higher than those shown above may be used when field measurements in the structure in question indicate that a higher value is justified.

TABLE 1.—Design noise level/activity relationships

Activity category	Design noise levels—dBA [1] L_{eq}	L_{50}	Description of activity category
A [2]	57 (exterior)	60 (exterior)	Tracts of land in which serenity and quiet are of extraordinary significance and serve an important public need, and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose. Such areas could include amphitheaters, particular parks or portions of parks, or open spaces which are dedicated or recognized by appropriate local officials for activities requiring special qualities of serenity and quiet.
B [2]	67 (exterior)	70 (exterior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, picnic areas, recreation areas, playgrounds, active sports areas, and parks.
C	72 (exterior)	75 (exterior)	Developed lands, properties or activities not included in categories A and B above.
D			For requirements on undeveloped lands see section 772.10(a).
E [3]	52 (interior)	55 (interior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums.

[1] Either L_{eq} or L_{50} design noise levels may be used.
[2] Parks in categories A and B include all such lands (public or private) which are actually used as parks as well as those public lands officially set aside or designated by a governmental agency as parks on the date of public knowledge of the proposed highway project.
[3] See section 772.6 (d) and (e) for method of application.

§ 772.7 Procedure for requesting exceptions to the achievement of the design noise levels.

(a) There may be situations along Type I highway projects where the existing or predicted noise level exceeds the design noise level specified for a particular activity or land use and where social, economic and environmental effects associated with the application of noise abatement measures exceed the benefits of abatement. In such situations, the noise analysis is to include evaluations of the effects and benefits of incremental reductions of the noise level. The purpose of this evaluation is to determine if a lesser level of noise abatement can be achieved and can correspondingly lessen the adverse noise impact.

(b) The highway agency may request an exception to the achievement of the specified design noise levels where it can be demonstrated that the adverse effects of achieving the specified design noise levels for specific activities or land uses along the highway exceed the benefits. The highway agency shall include the results of the following in the report required by § 772.5(a)(7):

(1) Identification of the individual noise sensitive activities or groups of activities along the sections of highway which are experiencing existing traffic noise levels or are expected to experience future highway traffic noise levels in excess of the design levels.

(2) An evaluation of the benefits and adverse effects of incremental noise abatement measures.

(3) A weighing of the costs or effects of the noise abatement measures considered against the benefits which can be achieved as well as against other conflicting values such as economic reasonableness, esthetic impact, air quality, highway safety, or other similar values. Such weighing should establish that reduction of noise levels to more desirable levels is not in the best overall public interest for the particular highway section. These decisions must ultimately be based upon case-by-case judgment. However, every effort should be made to obtain detailed information on the costs, benefits and effects involved to assure that final decisions utilize a systematic, and factually based assessment.

(4) Recommendations for incorporation in the project of the incremental noise abatement measures (described in paragraph (a) of this section) determined to have benefits consistent with adverse effects.

(c) In reviewing requests for exceptions, the FHWA will give consideration to the type of highway and the width of the right-of-way. New freeway projects and most projects for the major reconstruction or upgrading of freeways allow for the use of noise control measures. Noise control measures are progressively more difficult to apply on other highways, particularly on local roads and streets because of:

(1) Numerous points of access;
(2) At-grade intersections;
(3) Limited ability to acquire additional right-of-way as buffer zones;
(4) The impossibility of altering roadway grades;
(5) Difficulty of constructing noise barriers;
(6) The impossibility of taking advantage of the terrain and other natural features.

(d) Except in the most unusual situations, exceptions will be approved when the predicted traffic noise level from the highway improvement does not exceed the existing noise level (originating from sources other than the highway being improved or replaced) for the activity or land use in question.

(e) Initiation of Type II projects is optional. Therefore specified design noise levels are not established and the proposed noise abatement measures are not required to achieve the design noise levels. Exceptions are not required where the proposed abatement measures do not achieve the design noise levels.

§ 772.8 Coordination with local officials.

(a) Highway agencies have the responsibility for taking measures that are prudent and feasible to assure that the location and design of highways are compatible with existing land use. Local governments, on the other hand, have responsibility for land development control and zoning. Highway agencies can be of considerable assistance to local officials in these efforts with a view toward promoting compatibility between land development and highways. Therefore, for undeveloped lands or properties associated with Type I projects, highway agencies shall cooperate with local officials (within whose jurisdiction the highway project is located) by furnishing:

(1) Approximate generalized future noise levels for various distances from the highway improvement,

(2) Information that may be useful to local communities to protect future land development from becoming incompatible with anticipated highway noise levels, and

(3) The FHWA policy regarding land use development or changes which are initiated after issuance of this part, as outlined in section 772.10(e).

§ 772.9 Noise abatement measures for lands which are undeveloped at time of public knowledge of the proposed highway project.

(a) Noise abatement measures are not required for lands which are undeveloped at the time of public knowledge of the proposed highway project.

(b) A highway agency may request Federal-aid participation in the cost of providing noise abatement measures for Type I projects adjoining undeveloped lands when the noise analysis demonstrates a need in the following situations:

(1) Development occurs between the time of public knowledge of the proposed highway project and the actual construction of the project, or

(2) Development is expected to occur within a few years and a strong case can be made in favor of providing noise abatement measures as part of the highway project based on consideration of need, expected long-term benefits to the public interest, and the difficulty and increased cost of later incorporating abatement measures.

(c) For lands which are undeveloped at the time of public knowledge of the highway project, it is recommended that the highway agency consider the activity or land use as if it were in existence in the following situations:

(1) The development is planned at the same time as the highway project, or

(2) The development was planned before the highway studies but the development has been delayed.

§ 772.10 Federal participation.

(a) The use of noise abatement measures shall be limited to those situations where:

(1) A traffic noise impact has been identified,

(2) The noise abatement measures will provide a significant noise reduction, and

(3) The overall noise abatement benefits are judged to outweigh the overall social, economic, and environmental costs of the noise abatement measures.

(b) Traffic management measures (such as limitations on types of vehicles, limitations on time of travel for certain types of vehicles, or combinations of such measures) and noise impact reducing horizontal and vertical alignments and grades can be used as noise abatement measures. The following noise abatement measures may also be incorporated in either Type I or II projects to reduce highway-generated noise impacts and the costs of such measures may be included in Federal-aid participating project costs:

(1) The acquisition of property rights (either in fee or lesser interest) for installation or construction of noise abatement barriers or devices.

(2) The installation or construction of noise barriers or devices (including landscaping), whether within the highway right-of-way or on an easement obtained for that purpose.

(c) In some specific cases, there may be compelling reasons to consider measures to "sound-proof" public use institutional structures. Situations of this kind may be considered on a case-by-case basis for Type I projects when only a few buildings are involved and when other abatement measures are not physically possible or when the alternatives are unreasonably expensive. Proposals of this type, together with the State's recommendation for approval, shall be submitted to FHWA for consideration.

(d) In other specific cases, the FHWA Division Engineer may authorize the acquisition of unimproved property for buffer zones on Type I projects only. Acquisition of occasional improved parcels may be included in such buffer zone acquisitions. Acquisition of other improved parcels may be authorized when it can be demonstrated that noise reduction benefits will accrue to activities or land uses other than those acquired. In authorizing any buffer zone acquisition, consideration shall be given to the needs and desires of the community and the overall public interest.

(e) FHWA encourages development of compatible activities and land uses in the vicinity of heavily traveled roadways. Consequently, for Type II projects, noise abatement measures will not normally be approved for activities and land uses which come into existence after the effective date of this part. Noise abatement measures may be provided, however, in those instances where local authorities have taken measures to exercise land use control over the remaining undeveloped lands adjacent to highways in the local jurisdictions to prevent further development of incompatible activities.

(f) The Federal share on Type II projects shall be the same as that for

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the Federal-aid system on which the project is located.

§ 772.11 Construction noise.

The following general steps are to be performed for all Type I projects after the effective date of this part:

(a) Identify land uses or activities which may be affected by noise from construction of the highway. The identification is to be performed during the project development studies;

(b) Determine the special provisions which are needed in the contract documents to minimize or eliminate adverse construction noise impacts;

(c) Incorporate the needed special provisions in the contract documents.

§ 772.12 Traffic noise level prediction methods.

(a) Noise levels to be used in assessing noise impacts shall be obtained from a predictive method approved by FHWA.

(b) The predictive method and the noise level predictions shall account for variations in:

(1) Traffic characteristics (volume, speed, and truck traffic);

(2) Topography (vegetation, barriers, heigth, and distance); and

(3) Roadway characteristics (configuration and grades).

(c) The noise prediction method contained in National Cooperative Highway Research Program (NCHRP) Report 117 (as modified in NCHRP Report 144), the Barrier Nomograph (form FHWA 1443), and the method contained in Department of Transportation, Transportation Systems Center Report DOT-TSC-FHWA-72-1, are approved for use in applying the noise standards. Other noise prediction methods or variations of the above shall be furnished to the FHWA Office of Environmental Policy together with supporting and validation information for approval.

(d) In predicting the noise levels and assessing noise impacts, the following traffic characteristics shall be used:

(1) *Automotive volume.* The future volume (adjusted for truck traffic) obtained from the lesser of the design hourly volume or the maximum volume which can be handled under traffic level of service C conditions. For automobiles, level of service C is considered to be the combination of speed and volume which creates the worst noise conditions. The average hourly volume for the highest 3 hours on an average day for the design year may be used for those highway sections where the design hourly volume or the level of service C condition is not anticipated to occur on a regular basis during the design year.

(2) *Speed.* The operating speed which corresponds with the design year traffic volume selected in paragraph (d)(1) of this section and the truck traffic predicted from paragraph (d)(3) of this section. The operating speed must be consistent with the volume used.

(3) *Truck volume.* The design hourly truck volume shall be used for those cases where either the design hourly volume or level of service C was used for the automobile volume. Where the average hourly volume for the highest 3 hours on an average day was used for automobile traffic, comparable truck volumes should be used.

(e) As an optional alternative to paragraph (d) of this section, traffic characteristics may be selected to correspond with the critical times of day and night which will assess the most adverse traffic noise impacts upon the nearby activities and land uses.

[FR Doc.74-20853 Filed 9-9-74;8:45 am]

[49 CFR Part 395]

[Docket No. MC-47; Notice No. 74-20]

DRIVERS' DAILY LOGS; USE OF 7-DAY LOG FORM

Advance Notice of Proposed Rule Making

The Director of the Bureau of Motor Carrier Safety is considering an amendment to Part 395 of the Federal Motor Carrier Safety Regulations which would permit drivers of commercial motor vehicles engaged in interstate or foreign operations of motor carriers to make logs of their time on a new form. The major feature of the new form is that seven days' of driver activities would be recorded on a single sheet of paper.

This rulemaking proceeding stems from an experimental program of using a 7-day driver's daily log sheet which took place from April 1, 1973 to April 1, 1974. The program was announced by a Notice which the Director issued on January 31, 1973 (38 FR 4010). As the Director indicated in the Notice, the Bureau had been petitioned by the American Trucking Associations, Inc. to adopt a new form of daily log which would permit much of the information now required to be entered on a separate form, each occupying a single sheet of paper, to be compressed into seven forms occupying one sheet. The motivation for the petition, according to ATA, was to produce a saving in record-retention space and paperwork handling. ATA pointed out that the existing rules, which require a motor carrier to retain a daily log for at least one year for each driver he employs, create a substantial burden particularly for large carriers. It argued that the log form could be redesigned so that seven days of driver activities could be recorded on a single document without seriously detracting from the ability of drivers, carriers, and the Bureau to monitor compliance with the substantive hours-of-service rules, thereby producing a considerable saving in space, money and manpower.

Having reviewed the petition, the Director concluded that the ATA request may have virtues in the abstract, but its merits and weaknesses could not be assessed without a field trial involving the use of a 7-day drivers' log format in the actual operations of motor carriers. Accordingly, on January 31, 1973 he authorized 29 selected motor carriers (all of whom were volunteers) and their drivers to use the new format in lieu of the one prescribed in § 395.8 of the regulations (38 FR 3984). As noted above, the authorization became effective on April 1, 1973 and expired on April 1, 1974. During the program, the Bureau monitored the selected carriers and reviewed the logs submitted by their drivers on a continuing basis. Approximately 3,000 drivers participated in the experiment. The Bureau also solicited the informal comments of drivers and officials of carriers involved in the program to secure their views on the utility of the new format and their suggestions for changes in it.

In addition to the fact that the proposed 7-day log called for 7 days' activities to be recorded on a single sheet of paper, the new form differed from the present form of driver's log in the following principal respects:

1. The requirements for the driver to note his total mileage, his home terminal address, and his starting point and final destination were eliminated. Also eliminated was space for a co-driver's name.

2. The number of lines on the log "chart" was reduced from four to two. The two remaining lines were labelled for the depiction of driving time and on-duty time. Instructions accompanying the form told drivers to note time spent in off-duty status and time spent in a sleeper berth in the section of the form labelled "Remarks," found under the chart.

3. Instructional material, dealing with the proper way to fill out a log, was moved from the face of the form to the cover of the log book.

4. The right-hand margin of each long contained spaces for drivers to compute their hours of service expended and the remaining eligible hours at the close of each working day. There was also space for carriers to audit the driver's running account of his hours of service.

In the process of monitoring and evaluating the results of the experimental program, the Bureau examined thousands of logs, talked with many drivers and carrier officials, and secured the views of its field enforcement staff. While the program did clearly demonstrate that a reduction in paperwork resulted from use of the 7-day log, it also showed that there were serious deficiencies resulting from use of the new format.

The most prevalent problem was the inability of drivers to use the space provided on the right-hand margin of the form to compute their eligible hours. About half the logs examined contained errors in the computation, errors that were detectable merely by comparing the figures with the driver's report of how he spent his time each day. The prevalence of these types of errors is in sharp contrast with drivers' general ability to handle the task of correctly filling out the recapitulation section that appears on the right-hand side of the daily log form in general use today.

The form of log used during the experiment sharply reduced the size of the "Remarks" section, in which drivers must enter the location of each change of duty status. The result was that many logs contained entries pertaining to changes in duty status that were illegible because the drivers were forced to cramp them into small spaces. Furthermore, by eliminating the separate chart lines for entry of sleeper-berth time and off-duty time, the new form compelled drivers to note time spent in the berth or off-duty in the "Remarks" section, thus exacerbating the problem of illegible entries. A general comment from Safety Investigators who audited the new form of log was that they were unable to determine whether a driver was reporting himself in an off-duty status or in a sleeper berth. In addition, review of the experimental log forms indicated that the 7-day log did not contain sufficient space for certain entries, such as the vehicle identification number and shipping document numbers. The lack of space for a co-driver's name presented problems in auditing daily logs pertaining to operations using more than one driver.

One additional problem that carriers encountered with use of the 7-day log is that adoption of the new format necessarily precluded continuation of the practice of having drivers file the daily vehicle condition report required by § 396.7 of the Federal Motor Carrier Safety Regulations by filling out a form stamped or printed on the reverse side of the daily log. Since the 7-day log is not turned over to the motor carrier at the end of each day's work or tour of duty, the requirement for a daily vehicle condition report cannot be satisfied by having a driver complete a form on the reverse side of the 7-day log form.

Given the existence of these and other difficulties with use of a 7-day log, many of which were not anticipated when experimental use of the new format was originally authorized, the Director has tentatively concluded that a change in the Regulations to authorize its use must be accompanied by restrictions and limitations on its general use. The Director now contemplates that motor carriers and drivers would be allowed to use a 7-day log form only after they have applied for, and received, approval from the Bureau of Motor Carrier Safety to do so. Approval would be granted only for operations that are regular and repetitive in nature, with the driver either beginning and ending his tour of duty at the same terminal or operating over a regular route between two permanent terminals. Further, approval would be limited to runs on which the driver is not required to make frequent changes in his duty status and on which there is little possibility of exceeding the maximum driving time provisions in the hours-of-service rules. Finally, the Director is considering conditioning approval of the use of the 7-day log upon a requirement that the motor carrier must maintain a separate cumulative record of the on-duty time of a driver who reports his hours of service on the 7-day log format. Administration of the program would be delegated to the Regional offices of the Federal Highway Administration, and applications for approval of use of the 7-day log could be handled by correspondence with the Regional Motor Carrier Safety Office.

Some modifications in the form of the 7-day log are also proposed. A copy of the newly revised form, together with instructions for completing it, is reproduced below. The space in the right-hand margin previously used for the purpose of recapitulating hours of service expended and available to the driver is now devoted to information concerning the date, the vehicle number, the shipping document numbers, and the name of the co-driver, if any. This information had previously been required to be inserted in the "Remarks" section of the form. Changing the location of those entries proyides additional space in the "Remarks" section for notations relating to change of duty status.

In order to assist interested persons to make intelligent comments on this proposal, the Director believes that it is appropriate once again to advert to the policy framework in which the proposal is advanced. The Bureau has a responsibility, in accordance with the National Transportation Policy, to administer its program in a manner which does not impose undue red-tape and cost burdens on persons subject to its regulatory jurisdiction; changes in the rules that produce simplification and reduction of paperwork requirements, when feasible, are welcome steps that the Bureau will not hesitate to endorse. These considerations are, however, secondary to the overriding concern of the Bureau, which is safety of highway operations. Among the most frequent violations of the Federal Motor Carrier Safety Regulations encountered by the Bureau in the course of its inspection and surveillance activities is excessive hours of service. Violations of the hours-of-service rules are often accompanied by falsification of drivers' logs. These conditions are by no means universal, nor are they present in preponderance of the cases. They do occur with sufficient frequency to make it absolutely necessary for the Bureau to prescribe a drivers' log format which will provide the information carriers and the Bureau's enforcement staff must have in order to detect violations of the hour-of-service rules and to promote full compliance with those rules. Hence, the Bureau cannot sanction adoption of a new form of drivers' log which, by itself or by reason of the nature of the operations in which it is used, facilitates falsification or evasion of the substantive requirements relating to hours of service.

As noted above, a copy of the new format for the 7-day drivers' log, together with instructions for its use, is reproduced below. Comments on means of improving the organization of the format are solicited.

The Director invites interested persons to submit written data, views, or arguments pertaining to adoption of the new format subject to the constraints set forth in this Notice. All comments should refer to the docket number and notice number that appear at the top of this document and should be submitted in three copies to the Director, Bureau of Motor Carrier Safety, Washington, D.C. 20590. Comments received before the close of business on December 9, 1974 will be considered before further action is taken. Comments received will be available for examination by any interested person in the docket room of the Bureau of Motor Carrier Safety, Room 4136, 400 Seventh Street, SW., Washington, D.C. both before and after the closing date for comments.

This advance notice of proposed rule making is issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation at 49 CFR 1.48 and the Federal Highway Administrator at 49 CFR 389.4.

Issued on August 29, 1974.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

INSTRUCTIONS FOR USE OF 7-DAY DRIVER'S LOG

A. GENERAL INSTRUCTIONS

1. *Entries current.* Entries must be current to the time of the last change of duty status.

2. *Entries by driver only.* The driver must make all entries in his own handwriting. The only exception is that the carrier's name and address may be preprinted on the form.

3. *Filing logs.* After a log sheet is completed, the original must be filed with the carrier. If a driver reports for duty at his home terminal on the day after he has completed the sheet, he should file the sheet on the day he reports for duty. If a driver does not report for duty at his home terminal on the day after he has completed the sheet, he shoud mail the sheet to the carrier or, if he will return to his home terminal within 5 days after the sheet is completed, deliver it to his home terminal when he returns to it.

B. HOW TO COMPLETE THE LOG

1. *Name and address of carrier.* Show full name of carrier and location of driver's home terminal. When a driver works for more than one carrier on the same day, the name of the other carrier or carriers should be written in the Remarks section at the appropriate starting and ending time. The driver of a leased vehicle must write the name of the carrier performing the transportation.

2. *Driver signature.* Write your first name, middle name or initial, and last name. Sign the log before making entries in it. Do not print.

3. *Date.* Fill in a log for each day, whether or not you perform work on that day. Use the space at the right side of each log form to show the month, day, and year.

4. *Vehicle identification.* In the space provided, write the carrier's number(s) or license plate number and state of registration for each vehicle or unit of a combination you operated on the day.

5. *Shipping document.* Write the shipping document number(s) for shipments carried on the day in the space provided. If shipping documents are not numbered, write the name of the shipper and the commodity.

6. *Co-driver identification.* Enter the initials and last name of each co-driver.

7. *Time base.* Use the time standard in effect at your home terminal to make and maintain your logs. Each log form is made on the basis of a 24-hour calendar day, beginning at midnight. However, if the carrier has

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given written notification to the Direcor of the Regional Motor Carrier Safety Office for the Federal Highway Administration region in which his principal place of business is located, drivers for that carrier who work from any named terminal or terminals may prepare their logs on the basis of a 24-hour day beginning at noon and ending at noon of the following calendar day. If a driver makes his logs on a noon-to-noon basis, his eligible on-duty hours within a period of 7 or 8 consecutive days are computed by taking a period of 7 or 8 consecutive days beginning at 12:01 p.m. on any day.

8. *Driving time.* Use the top line of the log form to show driving time for each day. When driving time ends, draw a horizontal line from the time marker at the beginning of the driving period to the time marker at the end of the driving period.

9. *On-Duty time.* Use the bottom line of the log form to show on-duty—not-driving time. When on-duty—not-driving time ends, draw a horizontal line from the time marker at the beginning of the on-duty—not-driving time to the time marker at the end of the period of on-duty—not-driving time.

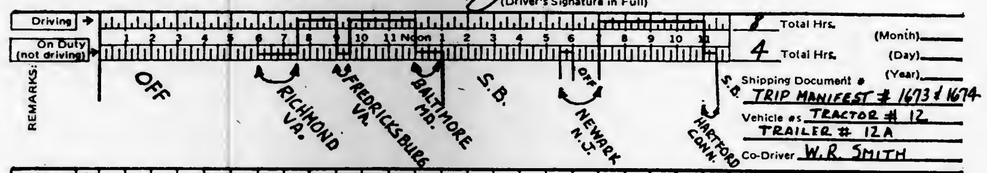
10. *Off-duty time.* When off-duty time begins, draw a short vertical line downward from the appropriate time marker into the remarks section and write the word "OFF." When off-duty time ends, draw a vertical line upward from the remarks section to the on-duty or driving line at the time marker corresponding to the time you went on driving status or on-duty—not-driving status.

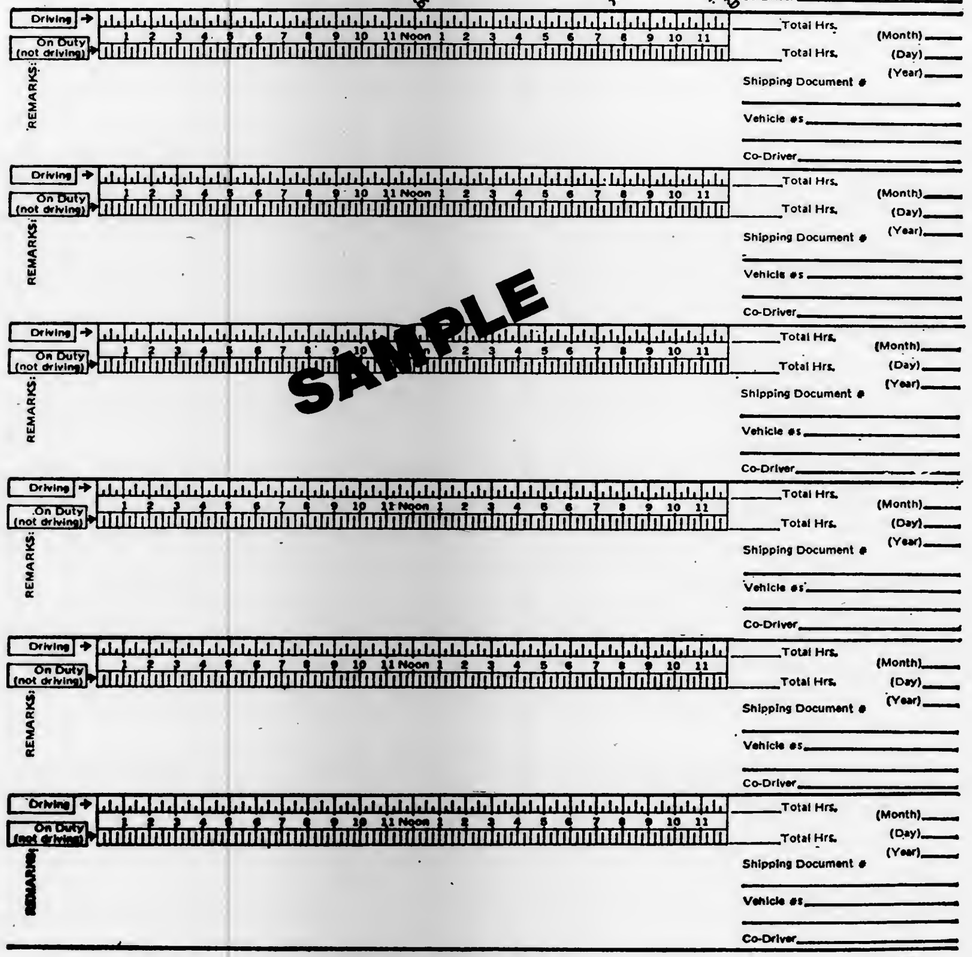
11. *Sleeper berth time.* When sleeper berth time begins, draw a short vertical line downward from the appropriate time marker into the remarks section and write "S.B." in the remarks section. When sleeper berth time ends, draw a vertical line upward from remarks section to the on-duty or driving line.

12. *Remarks.* At each change of duty time, write the name of the city and State at or near which the duty change took place. Also state the reason for any driving or on-duty time in excess of the time permitted.

Driver's Terminal Address WASHINGTON TRANSPORTATION CO. WASHINGTON, D.C.

I certify these entries are true and correct: John E. Doe (Driver's Signature in Full)





SAMPLE

[FR Doc.74-20731 Filed 9-9-74;8:45 am]

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Hazardous Materials Regulations Board

[49 CFR Parts 172, 173, 177, 178, 179]

[Docket No. HM-115]

CRYOGENIC LIQUIDS

Change of Status From Notice of Proposed Rule Making To Advance Notice of Proposed Rule Making; Comments Date Postponed

On March 1, 1974, the Hazardous Materials Regulations Board published Notice 74-3 (39 FR 7950) proposing amendments to the Department's hazardous materials regulations that pertain to the transportation of cryogenic liquids. The Board has decided to convert Notice 74-3 to an advance notice of proposed rule making in order that it may consider several technical points in greater detail, after which it will publish a new notice under Docket HM-115.

In consideration of the foregoing, Notice 74-3 has been redesignated by the Board as an advance notice of proposed rule making.

In view of this action, the Board is extending the comment period on the Advance Notice to October 17, 1974.

(Transportation of Explosives Act (18 U.S.C. 831-835) section 6 of the Department of Transportation Act, 49 U.S.C. 1655); Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h), and 1655(c)).)

Issued in Washington, D.C., on September 4, 1974.

ALAN I. ROBERTS,
Secretary, Hazardous Materials Regulations Board.

[FR Doc.74-20641 Filed 9-9-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-22; Notice 1]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Adjustment Requirements

This notice proposes an amendment of Standard No. 208, Occupant crash protection, 49 CFR 571.208, that would limit the use of "comfort clips" in conjunction with upper torso restraints and would require an emergency-locking retractor (ELR) for adjustment of any upper torso restraint furnished under the requirements of S4.1.2 and S4.1.3.

With several exceptions, S7.1.1 provides that an upper torso restraint "shall adjust by means of an emergency-locking retractor or manual adjusting device • • • to fit persons" of a certain size range. One exception is that an upper torso restraint provided in accordance with the ignition interlock option must be adjusted by an ELR and not a manual adjusting device.

Volkswagen of America has asked if these adjustment requirements permit the use of a "comfort clip" as S7.1.1 applies to its "passive belt" assembly. The Volkswagen system consists of an upper torso restraint, and in place of a lap belt, knee padding under the dashboard. It appears that this belt assembly may be offered in compliance with S4.1.2.2 of the standard.

The use of a "comfort clip" (which introduces slack into a belt for occupant comfort) has been approved for upper torso restraints under limited circumstances. In a March 9, 1973, letter to General Motors, it was pointed out that adjustment of the upper torso restraint is not as critical when the assembly includes an independently adjustable lap belt, and that a comfort clip is permissible under such limited circumstances. The NHTSA believes this interpretation should appear as an adjustment provision in the standard. This proposal would specifically limit the use of comfort clips with seat belts provided under the "third option" (S4.1.2.3) to assemblies which include an individually adjustable lap belt.

Seat belt assemblies provided under the other two options would be subjected to performance testing and must meet injury criteria levels established to ensure adequate occupant protection. In compliance testing of these systems which "require no action by vehicle occupants," they must be capable of passing the requirements when tested with the comfort clip in the position most adverse to occupant safety. Thus Volkswagen could use a comfort clip on its passive belt upper torso restraint, but the belt would be tested with the maximum amount of slack in the belt which could be introduced by the clip.

The Volkswagen request raised the further point that only the upper torso restraint of ignition interlock assemblies must be fitted with an ELR as S7.1.1 is presently written. The NHTSA believes that passive belt systems will be offered in some cases in satisfaction of the other options of S4.1.2 and S4.1.3 and that the convenience offered by the ELR should be available to all users of belts under S4.1.2 and S4.1.3.

Because ELR's are presently available in a configuration suitable for use with passive belt systems, it is proposed that the effective date of the amendments be 180 days following the date of publication of the final rule.

In consideration of the foregoing, it is proposed that Standard No. 208 (49 CFR 571.208) be amended in part as follows:

571.208 [Amended]

1. S7.1.1 would be amended by replacing "S7.1.1.1 and S7.1.1.2" with "S7.1.1.1 through S7.1.1.3" and by changing "S4.1.2.3.1(a)" to read "S4.1.2 and S4.1.3."

2. S7.1.1 would be further amended by the addition of a new S7.1.1.3 to read:

S7.1.1.3 In the case of a seat belt assembly provided under S4.1.2.3, a device used to limit retractive action of an emergency-locking retractor for the comfort of the occupant may be provided with the upper torso portion of the seat belt assembly only if it has an individually adjustable lap belt.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: November 12, 1974.

Proposed effective date: 180 days following publication of the final rule.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on September 5, 1974.

ELWOOD T. DRIVER,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.74-20651 Filed 9-9-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 55]

[FLR 258-8]

ENERGY RELATED AUTHORITY

Proposed Requirements for Temporary Suspensions and Compliance Date Extensions

Section 119 of the Clean Air Act (42 U.S.C. 1857, et seq., as amended by Pub. L. 91-604, 84 Stat. 1676, and Pub. L. 93-319, 88 Stat. 246), which became law on June 22, 1974, provides that the Administrator of the Environmental Protection Agency shall prescribe regulations, within 90 days of the date of enactment of the new section, for fuel-burning sources eligible for compliance date extensions under the Energy Supply and Environmental Coordination Act of 1974. The Administrator is proposing regulations herein to satisfy this requirement of the Act. These proposed regulations also include provisions for temporary suspensions. A notice for a public hearing on these proposed regulations was published in the FEDERAL REGISTER on August 29, 1974, at 39 FR 31548. The hearing will be held on September 30, 1974.

Section 2 of the Energy Supply and Environmental Coordination Act of 1974 authorizes the Administrator of the Federal Energy Administration (FEA) to order that certain powerplants and other major fuel-burning installations convert

to coal as their primary fuel, provided that certain practicality, supply, and economic conditions are met. FEA authority to issue such initial orders expires after June 30, 1975; all such orders expire on January 1, 1979. There are two general categories of orders which FEA may issue: short term (which expire by June 30, 1975) and long term (which extend past June 30, 1975).

SHORT-TERM ORDERS (TEMPORARY SUSPENSIONS)

Before a short-term FEA order to burn coal takes effect, the EPA administrator must certify to FEA the date by which the source will be able (exclusive of economic considerations) to comply with the applicable air pollution requirements. If the source receives a short-term FEA order to burn coal but does not qualify for a temporary suspension, the effective date of the FEA order can be no earlier than that specified by EPA as the date by which the source will be able to comply with all applicable air pollution requirements. If EPA will issue the source a temporary suspension of any stationary source fuel or emission limitation, the effective date of the FEA order can be no earlier than that certified by EPA as the date by which the source will be able to comply with conditions prescribed by EPA to protect national primary ambient air quality standards during the period covered by the suspension. Temporary suspensions, like FEA's short term orders to burn coal, may not extend past June 30, 1975.

Two categories of persons are eligible for temporary suspensions. The first category includes those found by EPA to be unable to comply with fuel or emission limitations solely because of the unavailability of fuels that would allow compliance (because of strikes or embargoes, for example, but not as a result of an FEA order to burn coal under section 2(a) of the Energy Supply and Environmental Coordination Act.) The second category includes (1) those installations prohibited from burning oil or gas by a section 2(a) FEA order and converted to burning coal after September 15, 1973, and (2) those which began conversion to coal during the period beginning on September 15, 1973 and ending on March 15, 1974, whether or not section 2(a) orders to convert were issued to such sources by FEA. A temporary suspension can be issued to a source in the second category only if EPA determines that the source can comply during the suspension with any necessary "primary standard conditions" (to prevent any national primary ambient air quality standard from being exceeded).

All suspensions will be conditioned on compliance with reasonable and practicable interim requirements which shall include, but need not be limited to, necessary reporting requirements, emergency measures to protect against imminent and substantial endangerment to human health, and (for suspensions for unavailability of conforming fuel) requirements for inapplicability of the suspension during any period for which EPA determines that conforming fuel has become in fact reasonably available. In making a determination that conforming fuel has become available, the Administrator will consider the costs associated with utilization of such fuel and the period of time during which such fuel will be available to the source.

If, during the period covered by a suspension issued to a source in the second category, EPA finds that (1) a source under an FEA section 2(a) order to burn coal is unable to comply with necessary primary standard conditions (except due solely to unavailability of fuel); (2) the source is not meeting a primary standard condition but enforcement of it has been judicially restrained; or (3) the burning of coal by the source will result in an increase in emissions of a pollutant for which national ambient air quality standards have not been promulgated, and that such increase may cause or materially contribute to a significant risk to public health, then EPA will certify its finding of such facts to FEA and, the section 2(a) FEA order to burn coal will be ineffective during the period of the certification.

LONG TERM ORDERS (COMPLIANCE DATE EXTENSIONS)

FEA is authorized, through June 30, 1975, to issue orders to become effective before January 1, 1979, to burn coal for periods extending over a long term (beyond June 30, 1975). If a source subject to such an order can meet applicable air pollution requirements without a "compliance date extension", EPA will certify to FEA the date by which such requirements can be, or have been, met. If a source ordered to burn coal is not eligible for a compliance date extension, EPA will certify to FEA the earliest date the source will be able to burn coal and comply with the applicable air pollution requirements. The applicable air pollution requirements involved in EPA's certification to FEA in both of these cases are those mandated by the applicable implementation plan as well as any other federal, state, or local requirements. If the source ordered by FEA to burn coal is eligible for a compliance date extension, EPA will certify the date the source will be able to meet the requirements which will be imposed as conditions on the compliance date extension itself. These requirements are twofold: first, EPA will prescribe appropriate conditions to protect national primary ambient air quality standards (the "primary standard conditions"); and, second, a source located in an air quality control region in which a national primary air quality standard for a specific pollutant is being exceeded, must meet the State implementation plan requirements for that pollutant (the "regional limitation").

The following sources are eligible for compliance date extensions: (A) a source issued a section 2(a) FEA order to burn coal which converted to coal after September 15, 1973; and (B) a source which voluntarily began conversion to coal during the period beginning September 15, 1973 and ending March 15, 1974. The compliance date extension may not be granted unless EPA finds that (i) the source cannot burn coal available to it in compliance with applicable air pollution requirements without an extension; and (ii) during the extension the source will be able to comply with applicable primary standard conditions and any applicable regional limitations; and (iii) the source has submitted and EPA has approved a compliance plan with certain specified features.

If a source receives a compliance date extension, air pollution requirements may not prohibit it from burning coal until the extension expires, except during a period when EPA certifies that (1) a source ordered to burn coal cannot comply with the primary standard condition or regional limitation; (2) such condition or limitation is not being met but enforcement of it has been judicially restrained; or (3) the burning of coal by the source will result in increased emissions of pollutants for which national standards have not been promulgated in amounts which may cause or contribute to a significant risk to public health. Whenever such circumstances exist, EPA must so certify to FEA, at which time the section 2(a) FEA order to burn coal becomes ineffective during the period of the certification.

In certifying the dates by which a source can comply with air pollution requirements, the EPA Administrator will consider only the physical and technological feasibility of compliance by the plant or installation. The reasonableness of the cost of compliance is a matter reserve exclusively for consideration by the Administrator of FEA in detremining the practicability of a section 2(a) prohibition order. In order to enable him to make the necessary determinations of feasibility of compliance, it is necessary for the EPA Administrator to request that sources submit certain data, much of which is described in these proposed regulations, whether or not such a source is eligible or has applied for a compliance date extension or temporary suspension. Under section 114 of the Clean Air Act, the EPA Administrator may require the submittal of information reasonably necessary to carry out section 119.

COMPLIANCE DATE EXTENSION APPLICATIONS

Section 119(c)(2)(B) of the Clean Air Act directs the EPA Administrator to prescribe regulations requiring that any source to which a compliance date extension applies submit and obtain approval of its means for and schedule of compliance with the requirements of the applicable State implementation plan requirements. Specifically, EPA must require that the source achieve the most stringent degree of emission reduction that such source would have been required to achieve under the applicable

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implementation plan which was in effect on the date of submittal of the source's plan for compliance (or if no applicable implementation plan was in effect on such date, under the first applicable implementation plan which takes effect after such date).

If an extension is granted, it may extend the date for compliance with all air pollution control requirements, whether imposed at the State, federal, or local level, and whether or not included in the applicable implementation plan. Therefore, it is possible that in some cases the compliance date extension will expire at some time after the schedule for compliance with applicable implementation plan provisions has been met and final compliance with such provisions has been achieved. Where the requirement affected by an extension is not federally enforceable (as in the case of a State or local requirement which is not part of an EPA approved implementation plan), EPA must certify to FEA the date by which the source can comply but does not have the authority to assure that a compliance plan has been developed and is being followed by the source.

These proposed regulations would require the submittal of revised schedules setting forth final dates for compliance for all air pollution requirements which are enforceable by EPA including new source performance standards, national emission standards for hazardous air pollutants, and requirements under State implementation plans. For compliance date extensions which are granted for State or local air pollution requirements not included in State implementation plans, it remains the responsibility of the respective State or local enforcement agencies to establish compliance schedules.

Section 119(c)(2)(C) also provides that EPA's regulations for compliance date extensions shall require that sources granted extensions achieve compliance as soon as practicable, but not later than December 31, 1978; except that, in the case of a source for which a continuous emission reduction system is required for sulfur-related emissions, reduction of such emissions shall be achieved on a date designated by the Administrator (but not later than January 1, 1979). These regulations require the source to specify its final compliance date in the compliance schedule it submits to the Administrator for approval. If the Administrator disapproves that date, then he will designate an acceptable one. If the date specified by the source is acceptable, the Administrator's approval of the compliance schedule will constitute his designation of the date for compliance.

It should be emphasized that the compliance date extension provision is applicable only to (1) certain sources which voluntarily began conversion from petroleum products or natural gas to coal during the period beginning September 15, 1973, and ending March 15, 1974, and which actually converted or (2) sources which converted from petroleum products or natural gas to coal as a result of an order issued by the Federal Energy Administrator under section 2 of the Energy Supply and Environmental Coordination Act of 1974. The compliance date extension provision does not apply to coal-burning sources which were burning coal prior to September 15, 1973, and which are ordered by FEA under section 2 to continue burning coal. In addition, any coal-burning source which temporarily converts to burning petroleum products or natural gas, after June 22, 1974, in anticipation of or for the purpose of obtaining a section 2 order, and which converts from coal for the purpose of establishing eligibility for a compliance date extension, will not be considered eligible for a compliance date extension because the compliance date extension provision was intended to cover only sources for which the normal plan of service would be interrupted by a section 2 FEA order to burn coal. The issuance of a compliance date extension to a source which does not convert in good faith would be inconsistent with the satement of purpose in section 1 of the Energy Supply and Environmental Coordination Act of 1974.

Primary standard conditions imposed on sources granted compliance date extensions or temporary suspensions will be emission limitations, requirements respecting pollution characteristics of coal, or other enforceable measures for control of emissions which the Administrator determines must be met by a source in order to assure that the burning of coal by that source will not cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard. The Administrator may require that the source use intermittent or alternative controls during such period if he determines that such measures are enforceable and will provide the necessary assurance that the national primary air quality standard will be attained and maintained.

The regional limitation, which applies to any source which is located in an air quality control region in which any national primary ambient air quality standard for a particular pollutant is being exceeded, precludes such a source from emitting that pollutant in amounts which exceed any emission limitation or violate any other air pollution requirement for that pollutant under the applicable implementation plan. Thus, for example, sulfur oxide emissions from a source located in a region in which primary standards for particulates are not being met, could exceed applicable implementation plan limitations for sulfur oxides so long as the source complies with the primary standard conditions designed to protect the national primary standards for sulfur oxides. The source would have to meet the regional limitation (the implementation plan requirements) for particulates. Moreover, if at any subsequent time it is determined that the national primary standard for particulates is being attained in the region, then such source would no longer be subject to the regional limitation (but of course would be subject to all necessary primary standard conditions).

These proposed regulations are not intended to permit delay of existing compliance schedules for control of particulate emissions. Some slight delay may be necessary in light of revised compliance schedules for control of sulfur-related emissions. However, under some circumstances where previous controls for particulates were inadequate, the Administrator will allow time for the installation of necessary particulate controls.

Section 119(c)(1) provides that if a compliance date extension is issued to a source, such a source shall not, until January 1, 1979, be prohibited, by reason of the application of any air pollution requirement, from burning coal. A compliance date extension may be granted for any period up to January 1, 1979. In a case where an extension is granted for a shorter time, State and local air pollution requirements which are not federally enforceable may be enforced, upon expiration of the extension, by the State or local authorities so long as their enforcement does not involve a prohibition of coal burning.

These proposed regulations require sources to which the compliance date extension provisions apply to submit revised compliance schedules to the Enforcement Division Director in the appropriate EPA regional office within 90 days after the effective date of these regulations (or 90 days after a source is ordered to convert to coal by FEA under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974). The reason for requiring submittal within 90 days was to prevent, in accordance with Congressional intent, any unnecessary delay in achieving clean air goals.

Temporary Suspensions

Although Congress did not require EPA to prescribe regulations for temporary suspensions, the Administrator believes it is desirable to publish regulations setting forth (1) the conditions of eligibility for a temporary suspension, and (2) instructions as to where an eligible person should apply for a temporary suspension. These regulations require that applications be forwarded to the Enforcement Division Director in the appropriate EPA regional office.

Non-Criteria Pollutants

The Administrator of EPA is authorized to assure that FEA orders prohibiting the burning of petroleum products or natural gas under section 2(a) of the Energy Supply and Environmental Coordination Act will not create major new threats to health as a result of increased emissions of air pollutants for which national standards have not been established. Such pollutants are not limited to but may include sulfuric acid aerosols, sulfate particles, nitrates, cadmium, arsenic, and particulate polycyclic organic matter. These proposed regulations provide that the Administrator may require the submittal of emissions data for such pollutants.

Compliance Schedules for Sources Not Granted Extensions

In order to assure that sources subject to FEA orders to burn coal will be in compliance with all implementation plan requirements at the time such orders expire, EPA must develop a procedure to provide for enforceable compliance schedules which are appropriate under the circumstances and which can be enforced against such sources during the period that the FEA order is in effect. If such sources do not receive compliance date extensions (because, for example, they are merely ordered to continue burning coal for a certain period), it is possible that no federally approved State or local compliance schedules will assure ultimate compliance, either because existing schedules are inappropriate under the circumstances or because no schedules have yet been made applicable to such sources.

These proposed regulations (§ 55.06 (a)(2)) require that such sources submit compliance schedules and any other required information in order to permit EPA to make the necessary certification to FEA that the source will be able to meet air pollution requirements. EPA does not, however, have authority under § 119 of the Clean Air Act, to promulgate or order compliance schedules for such sources without following the procedures set forth in § 110 of the Act for revision of State implementation plans. It is, therefore, the Administrator's intent that schedules submitted by the sources under this provision be evaluated and modified as necessary, that EPA's certification to FEA state clearly that the source will be able to comply by the end date of the schedule but that it will be necessary for the source to expend the funds required to meet the schedule and that if the FEA order becomes effective, EPA will take the action necessary to make the schedule enforceable. Such action will consist of proposing and promulgating the schedule in 40 CFR Part 52, to become effective within 60 days unless the State submits an equally stringent approvable schedule in that time. These schedules could be enforced by civil or criminal action, under sections 110 and 113 of the Clean Air Act.

Public Participation

Interested persons may participate in this rulemaking by submitting written comments (in duplicate) to the Division of Stationary Source Enforcement (EG-341), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attention: Mr. Richard D. Wilson, Director. The Administrator will welcome comments on all aspects of the proposed regulations. All relevant comments received not later than October 10, 1974, will be considered. Receipt of comments will be acknowledged, and the more important points will be discussed in the preamble to the final regulations. Comments received will be available for public inspection at the Office of Public Affairs, 401 M Street SW., Washington, D.C. 20460.

This notice of proposed rulemaking is issued under the authority of sections 114, 119 and 301 of the Clean Air Act, as amended.

Dated: September 4, 1974.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

It is proposed to add a new Part 55 to Chapter I, Title 40, Code of Federal Regulations, as follows:

PART 55—ENERGY RELATED AUTHORITY UNDER THE CLEAN AIR ACT

Subpart A—Compliance Date Extensions, Temporary Suspensions, and One Year Postponements for Power Plant Shut Down

Sec.

55.01 Applicability.
55.02 Definitions.
55.03 Address.
55.04 Compliance date extensions.
55.05 Temporary suspensions.
55.06 Sources ordered to burn coal which are not eligible to apply for either a compliance date extension or a temporary suspension.
55.07 Petitions by air pollution control agencies.
55.08 One year postponement of power plant shut down.
55.09 General requirements.

AUTHORITY: Secs. 114, 119, and 301, Clean Air Act (42 U.S.C. 1857, et seq.), as amended, Pub. L. 91-604, 84 Stat. 1676, and Pub. L. 93-319, 88 Stat. 246.

Subpart A—Compliance Date Extensions, Temporary Suspensions and One Year Postponements for Power Plant Shut Down

§ 55.01 Applicability.

(a) The provisions of this part apply to:

(1) Any fuel-burning stationary source which is eligible to apply for a compliance date extension,

(2) Any person to whom a stationary source fuel or emission limitation applies and who is eligible for a temporary suspension of such limitation,

(3) Any electric generating power plant which is eligible to apply, under section 119(1) of the Act, for a one-year postponement of any requirement of an applicable implementation plan, and

(4) Any fuel burning stationary source which is issued an order by the Federal Energy Administrator under section 2(a) of the Energy Supply and Environmental Coordination Act.

(b) The Administrator shall issue a compliance date extension (to be effective on the date of actual physical conversion) to any fuel-burning stationary source:

(1) Which is eligible to apply for a compliance date extension because:

(i) such source is prohibited from using petroleum products or natural gas by reason of an order to convert to coal which is in effect under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974, or

(ii) The Administrator determines that such source began conversion as defined in § 55.04(a)(3) to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974;

(2) Which, on or after September 15, 1973, converts to the use of coal as its primary energy source;

(3) Which the Administrator finds will not be able to burn coal (which is available to such source) in compliance with all applicable air pollution requirements without a compliance date extension;

(4) Which the Administrator finds will be able during the period of the compliance date extension to comply with all primary standard conditions applicable to such source, and with the regional limitation if applicable to such source; and

(5) Which has submitted to the Administrator a plan for compliance for such source which the Administrator has approved.

(c) The Administrator may, for any period beginning on or after June 22, 1974 and ending on or before June 30, 1975, temporarily suspend any stationary source fuel or emission limitation as it applies to any person:

(1) If the Administrator finds that such person will be unable to comply with any such limitation during such period solely because of unavailability of types or amounts of fuels (unless such unavailability results from an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974), or

(2) If such person is a source which is described in paragraph (b)(1) of this section, and which has converted to coal, and the Administrator finds that the source will be able to comply during the period of the suspension with all primary standard conditions which will be applicable to such source.

§ 55.02 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act:

(a) "Act" means the Clean Air Act (42 U.S.C. 1857 et seq., as amended by Pub. L. 91-604, 84 Stat. 1676, and Pub. L. 93-319, 88 Stat. 246).

(b) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(c) "Stationary source" or "source" means any building, structure, facility, or installation which emits or may emit any air pollutant, including any person who owns, leases, operates, controls, or supervises any such building, structure, facility, or installation.

(d) "Primary standard condition" means an enforceable limitation, requirement, or other measure prescribed by the Administrator (after consultation with appropriate States) for each source to which a suspension under paragraph (c)(2) of § 55.01 will apply, and for each source to which a compliance date extension will apply, for the purpose of assuring (throughout the period that the suspension or extension will be in effect) that the burning of coal by such source will not result in emissions which cause

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or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant.

(e) "Regional limitation" means the requirement that a source which is issued a compliance date extension, and which is located in an air quality control region in which a national primary ambient air quality standard for an air pollutant is not being met at any location in that region, may not emit such pollutant in amounts which exceed any emission limitation (and may not violate any other requirement) which applies to such source, under the applicable implementation plan for such pollutant.

(f) "Coal" means coal or coal derivatives.

(g) "Air pollution requirement" means any emission limitation, schedule or timetable for compliance, or other requirement, which is prescribed under any Federal, State, or local law or regulation, including the Act (except for any requirement prescribed under section 119(c) or (d), section 110(a)(2)(F)(v), or section 303 of the Act), and which limits stationary source emissions resulting from combustion of fuels (including a prohibition on, or specification of, the use of any fuel of any type, grade, or pollution characteristic.

(h) "Stationary source fuel or emission limitation" means any emission limitation, schedule or timetable of compliance, or other requirement, which is prescribed under the Act (other than section 119, section 111(b), section 112 or section 303 of the Act) or contained in any applicable implementation plan (other than a requirement imposed under authority described in section 110(a)(2)(F)(v) of the Act), and which limits, or is designed to limit, stationary source emissions resulting from combustion of fuels, including a prohibition on, or specification of, the use of any fuel of any type, grade, or pollution characteristic.

(i) "Person" includes (in addition to the meaning given that term in section 302(e) of the Act) a fuel supplier.

§ 55.03 Address.

All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate and addressed to the appropriate Regional Office of the Environmental Protection Agency, to the attention of the Director, Enforcement Division. The regional offices are as follows:

Region I (Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island, Vermont), John F. Kennedy Federal Building, Boston, Massachusetts 02203.

Region II (New York, New Jersey, Puerto Rico, Virgin Islands), Federal Office Building, 26 Federal Plaza (Foley Square), New York, N.Y. 10007.

Region III (Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, West Virginia), Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

Region IV (Alabama, Florida, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, Tennessee), Suite 300, 1421 Peachtree Street, Atlanta, Georgia 30309.

Region V (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin), 1 North Wacker Drive, Chicago, Illinois 60606.

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), 1600 Patterson Street, Dallas, Texas 75201.

Region VII (Iowa, Kansas, Missouri, Nebraska), 1735 Baltimore Street, Kansas City, Missouri 64108.

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), 916 Lincoln Towers, 1860 Lincoln Street, Denver, Colorado 80203.

Region IX (Arizona, California, Hawaii, Nevada, Guam, American Samoa), 100 California Street, San Francisco, California 94111.

Region X (Washington, Oregon, Idaho, Alaska), 1200 Sixth Avenue, Seattle, Washington 98101.

§ 55.04 Compliance date extensions.

(a) Any source which is eligible to apply for a compliance date extension under § 55.01 shall submit, within 90 days after the effective date of these regulations (or 90 days after an eligible source is issued an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974, if such source is issued an order after the effective date of the regulations), to the Administrator the following:

(1) If the source is not applying for a compliance date extension:

(i) A listing of all applicable State and local air pollution requirements together with a certification of the date that the source will be able to burn coal and comply with each applicable air pollution requirement without a compliance date extension, and (ii) a plan for compliance which includes the same provisions as specified in (B) through (G) of paragraph (a)(2)(i) or (B) through (G) of paragraph (a)(2)(ii).

(2)(i) If the source is applying for a compliance date extension, an approvable plan for compliance which includes as a minimum:

(A) The date by which the source will submit approvable contracts (or other obligations enforceable against such source) referred to in paragraph (a)(2)(i)(B) of this section,

B. The date by which the source will enter into (or has entered into, if entered into before June 22, 1974) contracts (or other obligations enforceable against such source) which the Administrator has approved as being adequate to provide for obtaining a long-term supply of coal which enables such source to achieve the emission reduction required by paragraph (a)(2)(i)(E),

(C) Date of initiation of on-site construction or installation of process changes, if necessary,

(D) Date by which on-site construction or installation of necessary process changes is to be completed.

(E) Date by which the source will be in compliance with all air pollution requirements (except those prescribed by any State or local law or regulation which is not a part of the applicable implementation plan) which were in effect on the date of submittal of this compliance schedule (or if there is no air pollution requirement in effect under the applicable implementation plan on such date, then the first air pollution requirement which takes effect under the applicable implementation plan after such date). The necessary emission reduction shall be achieved as soon as practicable, but not later than December 31, 1978.

(F) A provision in which the source agrees to notify the Administrator in writing no later than ten days after each requirement, specified under paragraphs (a)(2)(i)(B), (C), (D) and (E) of this section, has been obtained, and

(G) A provision in which the source agrees to take steps, when deemed necessary by the Administrator, to prevent imminent and substantial endangerment to health of persons, or:

(ii) An approvable plan for compliance which includes as a minimum:

(A) The date by which the source will submit approvable contracts (or other obligations enforceable against such source) referred to in paragraph (a)(2)(ii)(B) of this section,

(B) The date by which the source will enter into (or has entered into, if entered into before June 22, 1974) contracts (or other obligations enforceable against such source) which the Administrator has approved as being adequate to provide a long-term supply of coal and continuous emission reduction systems necessary to permit such source to burn such coal and to achieve the degree of emission reduction required by paragraph (a)(2)(ii)(E),

(C) Date of initiation of on-site construction or installation of continuous emission reduction systems,

(D) Date by which on-site construction or installation of continuous emission reduction systems is to be completed,

(E) Date by which the source will be in compliance with all air pollution requirements (except those prescribed by any State or local law or regulation which is not a part of the applicable implementation plan) which were in effect on the date of submittal of this compliance schedule (or if there is no air pollution requirement in effect under the applicable implementation plan on such date, then the first air pollution requirement which takes effect under the applicable implementation plan after such date). The necessary emission reduction shall be achieved as soon as practicable, but not later than December 31, 1978; except that, in the case of a source for which a continuous emission reduction system is required for sulfur-related emissions, reduction of such emissions shall be achieved as soon as practicable (unless otherwise specified by the Administrator) but not later than January 1, 1974,

(F) A provision in which the source agrees to notify the Administrator in writing, no later than ten days after each requirement, specified under paragraphs (a)(2)(ii)(B), (C), (D), and (E) of this section, has been attained, and

(G) A provision in which the source agrees to take steps, when deemed necessary by the Administrator, to prevent imminent and substantial endangerment to health of persons.

(3) If the source is applying for a compliance date extension under § 55.01(b)(1)(ii), evidence to support a determination by the Administrator that such source began conversion to the use of coal as its primary energy source during the period beginning on September 15, 1973, and ending on March 15, 1974. A source began conversion if the following conditions exist:

(i) During the period beginning on September 15, 1973, and ending on March 15, 1974, the source took affirmative action to convert, such as:

(A) Entering a long-term contract binding on such source for obtaining coal; or

(B) Entering a contract binding on such source for obtaining equipment or facilities to enable such source to use coal as its primary energy supply on a permanent basis; or

(C) Expending sums in amounts necessary to undertake a complete and permanent conversion to coal; or

(D) Formal application to the proper legal authorities for a variance from applicable implementation plan requirements to enable such source to burn coal; and

(ii) The Administrator finds that the action taken under (a)(3)(i) evidences:

(A) A decision made prior to March 15, 1974, to convert to coal as a result of the unavailability of an adequate supply of fuels required for compliance with the applicable implementation plan; and

(B) A good faith effort to expeditiously carry out such decision.

(4) If the source is applying for a compliance date extension, process and emissions data for purposes of determining any necessary primary standard conditions including as a minimum:

(i) For those sources which are required to submit to the Federal Power Commission the FPC Form 67 and Form 423:

(A) Verification of all data listed on the FPC Form 67 and Form 423 which are accurate,

(B) Correction of all data on the FPC Form 67 and Form 423 which are inaccurate and inclusion of any missing data,

(C) Notification of pending removal from service of any unit or units prior to January 1, 1980,

(D) Notification of proposed completion and startup of any new unit or units prior to January 1, 1979,

(E) For each new unit, projected operating and design data as required in Part I of the FPC Form 67,

(F) Listing of expected changes in average operation conditions and seasonal cycle of load use resulting from conversion to use of coal as its primary energy source, and

(G) Specification of the location of the source giving coordinates in the Universal Transverse Mercator system, or longitude and latitude.

(ii) For all sources except those identified in paragraph (a)(4)(i) of this section:

(A) Completion of all applicable sections of OMB form 158-R75, "Air Pollutant Emissions Report", including:

(1) In section I, the source location in UTMS or latitude-longitude coordinates,

(2) In sections II, V, and VI, required information for the source both prior to the proposed conversion to coal, and as projected after the proposed conversion to coal, and

(3) In all sections, all available data for projected new units,

(B) Notification of pending removal from service of any unit or units prior to January 1, 1979, and

(C) Notification of proposed completion and startup of any new unit or units prior to January 1, 1979, and

(5) If the source is applying for a compliance date extension, evidence that the source is not able to burn coal in compliance with all applicable air pollution requirements.

(6) If the source is applying for a compliance date extension, a listing of all applicable State and local air pollution requirements together with a certification of the date that the source will be able to burn coal and comply with each applicable air pollution requirement.

(b) The contracts or obligations referred to in paragraphs (a)(2)(i)(B) and (a)(2)(ii)(B) of this section shall be submitted to the Administrator for his approval before they become effective (except that a contract or obligation which became effective before June 22, 1974, shall be submitted for approval after it became effective).

(1) A contract (or other obligation enforceable against such source) to provide for obtaining a long-term supply of coal shall include, as a minimum, the following:

(i) Provisions (such as reasonable price escalation clauses, requirements for performance bonds, commitments to subject price disputes to arbitration, provision for liquidated damages, provision for alternative performance by delivery of conforming coal produced by other suppliers, and other incentives and disincentives) which reasonably insure performance by the supplier despite fluctuation in coal prices and other changes in market conditions;

(ii) A description (including the average sulfur, ash, heat content, and the limits of expected variations) of the grade and quality of the coal to be supplied which shall be sufficient to permit the Administrator to determine that such coal, together with any other emission reduction measures specified in the compliance schedule, would enable the source to achieve the emission reduction required by paragraph (a)(2)(i)(E) of this section;

(iii) A statement of the quantity of the coal to be supplied and/or delivered which is sufficient to enable the source to achieve the emission reduction required by paragraph (a)(2)(i)(E) of this section;

(iv) A contract provision (or separate contract or obligation) to assure delivery of such coal to the source; and

(v) A provision specifying the period during which such coal shall be supplied and/or delivered.

(2) A contract (or other obligation enforceable against such source) to provide for obtaining continuous emission reduction systems shall include, as a minimum, the following:

(i) An identification of the types of systems to be installed; and

(ii) A statement of the control efficiencies to be achieved by such systems and the conditions under which such control efficiencies will be met, including the quality and grade of coal required.

(3) A contract (or other obligation enforceable against such source) to provide for obtaining a long-term supply of coal or to provide for obtaining continuous emission reduction systems shall include, as a minimum, the following:

(i) The contract (or obligation) must be signed by the parties to it (or other evidence of firm commitment must be submitted);

(ii) For such contracts (or obligations) entered after June 22, 1974, a provision that the Administrator's written approval is a condition precedent to the existence of the contract (or obligation);

(iii) Deadlines for performance which insure that the approved schedule for compliance as required by paragraph (a)(2) of this section will be met;

(iv) A requirement that the supplier, vendor, or other party to a contract shall report to the source, at regular intervals, on progress toward or status of performance of such party's obligations, any existing or anticipated problems which would prevent or delay such performance, and what steps are being taken to remedy such problems; and

(v) A requirement that whenever the supplier, vendor, or other party to a contract encounters or anticipates problems which could prevent or delay performance of such party's obligations, such party shall immediately report all relevant circumstances and any remedial steps to the source.

(c) The Administrator shall approve, disapprove or modify any plan for compliance and any contract within 60 days after such plan or contract is submitted as required by paragraph (a)(2) and paragraph (b) of this section, respectively, of this section.

(d) The Administrator shall prescribe any necessary primary standard condition, regional limitation or such interim requirements as the Administrator determines are reasonable and practicable as conditions of approval for a plan of compliance. A source must submit as a part of its plan for compliance, proposed legally enforceable limitations, requirements, or other measures which will assure (throughout the period that the compliance date extension will be in effect) that the burning of coal by such source will not result in emissions which cause or contribute to concentrations of any air pollutant in excess of any national primary ambient air quality standard for such pollutant. Such submittal is

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subject to the Administrator's approval, disapproval or modification.

(e) The Administrator may require the monitoring of ambient air concentrations as a condition of approval for a plan of compliance.

(f) Six months after the Administrator approves the plan of compliance, submitted under paragraph (a)(2) of this section, and every six months thereafter, the source shall submit a report to the Administrator which details the source's progress toward achieving compliance with all applicable air pollution requirements.

(g) If a compliance date extension is issued to a source, such source shall not, during the period of the extension, be prohibited, by reason of the application of any air pollution requirement, from burning coal which is available to such source, except as provided under section 119(d)(3) of the Act.

(h) A source may, upon the expiration of a compliance date extension, receive from the Administrator a one-year postponement of the application of any requirement of an applicable implementation plan under the conditions and in the manner provided in section 110(f) of the Act.

(i) The Administrator may postpone for 30 days the time period for the submittal of the information required under paragraphs (a)(1), (2), (3), (4) or (5) of this section, if he finds that, despite the source's good faith efforts to meet the specified deadlines, good cause exists for such postponement.

(j) The Administrator may, where appropriate and necessary, require the submittal of contracts at the same time information is submitted as required by paragraph (a) of this section.

(k) Any source which is denied a request for a compliance date extension, shall submit to the Administrator, within 30 days after such denial, the information required under paragraphs (a)(1)(i) and (ii) of the section.

§ 55.05 Temporary suspensions.

(a) Any person (including a public officer or public agency) may apply for a temporary suspension from the Administrator.

(b) The Administrator may act on his own motion in issuing a temporary suspension.

(c) Any temporary suspension issued by the Administrator shall be conditioned upon compliance with such interim requirements as the Administrator determines are reasonable and practicable. Such interim requirements shall include, but need not be limited to:

(1) Submission of such reports as the Administrator determines may be necessary,

(2) Such measures as the Administrator determines are necessary to avoid an imminent and substantial endangerment to health of persons, and

(3) In the case of a person who is eligible for a suspension under § 55.01(c)(1), requirements that the suspension shall be inapplicable during any period during which fuels, which would enable compliance with the suspended stationary source fuel or emission limitations, are in fact reasonably available (as determined by the Administrator) to such person.

(d) In the case of a source which is eligible for a suspension under § 55.01(c)(2), the Administrator shall prescribe any necessary primary standard condition as a condition of the suspension.

(e) In the case of a source which applies to the Administrator for a suspension under § 55.01(c)(1), the source shall submit with the application the following information as a minimum:

(1) Present fuel inventory, by quantity and quality (including sulfur, ash and heat content) and storage capacity;

(2) Reasons why traditional fuel suppliers cannot meet the source's needs;

(3) Documentation of efforts made to obtain conforming fuel from other suppliers;

(4) Names of suppliers, dates of contract, and volumes and grades of fuel sought, and

(5) Description of fuel demands.

(f) In the case of a fuel supplier which applies to the Administrator for a suspension under § 55.01(c)(1), the fuel supplier shall submit the following information as a minimum:

(1) Present fuel inventory by quantity and quality (including sulfur, ash and heat content) and storage capacity;

(2) Comparison of present supplies and storage capacity with the inventories during comparable periods of the previous two years;

(3) Information regarding fuel demands by the users of the supplier within the air quality control regions for which the supplier is requesting a suspension;

(4) Documentation of the reasons why adequate supplies of conforming fuel can not be provided to the users by the supplier;

(5) Documentation of the efforts made by the supplier to obtain conforming fuels.

(g) Any source which is eligible to apply for a temporary suspension under § 55.01(c)(2) shall submit, within 90 days after the effective date of these regulations (or 90 days after an eligible source is issued an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974, if such source is issued an order after the effective date of the regulations), to the Administrator the following:

(1) If the source is not applying for a temporary suspension:

(i) A listing of all applicable State and local air pollution requirements together with a certification of the date that the source will be able to burn coal and comply with each applicable air pollution requirement without a temporary suspension and

(ii) A plan for compliance which includes the necessary steps the source must take to comply.

(2) If the source is applying for a temporary suspension:

(i) A certification of the date that the source will be able to burn coal without emitting any pollutants in amounts which cause or contribute to concentrations in excess of any national primary ambient air quality standard for such pollutant, and

(ii) A plan for compliance which includes the necessary steps the source must take to comply.

(h) The Administrator may postpone for 30 days the time period for the submittal of the information required under paragraph (g) of this section if he finds that, despite the source's good faith efforts to meet the specified deadlines, good cause exists for such postponement.

§ 55.06 Sources ordered to burn coal which are not eligible to apply for either a compliance date extension or a temporary suspension.

(a) Any source which is not eligible to apply for a compliance date extension or a temporary suspension shall submit, within 90 days after such source is issued an order under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 (or within 90 days after the effective date of these regulations, if such order is issued prior to the effective date of these regulations) to the Administrator the following:

(1) A certification of the date that the source will be able to burn coal and comply with all applicable air pollution requirements, and

(2) A plan for compliance which includes the necessary steps the source must take to comply.

(b) The Administrator may postpone for 30 days the time period for the submittal of the information required under paragraph (a) of this section if he finds that, despite the source's good faith efforts to meet the specified deadlines, good cause exists for such postponement.

§ 55.07 Petitions by air pollution control agencies.

(a) Any air pollution control agency may petition the Administrator to modify any primary standard condition in order to assure (throughout the period of a compliance date extension or a temporary suspension) that the source will not emit any air pollutant to a degree which causes or contributes to concentrations in excess of any national primary ambient air quality standard for such pollutant.

(b) Any air pollution control agency may petition the Administrator to certify to the Federal Energy Administrator that an order issued under section 2(a) of the Energy Supply and Environmental Coordination Act of 1974 shall not be in effect for any period during which the burning of coal by a source will result in an increase in emissions of any air pollutant for which national ambient air quality standards have not been promulgated (or an air pollutant which is transformed in the atmosphere into an air pollutant for which such a standard has not been promulgated), and that such increase may cause (or materially contribute to) a significant risk to public health.

(c) The Administrator may also initiate the proceedings referred to in paragraphs (a) and (b) of this section, on his own motion.

§ 55.08 One year postponement for power plant shutdown.

(a) An electric generating power plant may apply (with the concurrence of the Governor of the State in which such plant is located) to the Administrator to postpone the applicability of any requirement of an applicable implementation plan for not more than one year.

(b) Any electric generating power plant:

(1) Which, because of the age and condition of the plan, is to be taken out of service permanently no later than January 1, 1980, according to the power supply plan (in existence on January 1, 1974) of the owner or operator of such plant,

(2) For which a certification to that effect has been filed by the owner or operator of the plant with the Administrator and the Federal Power Commission, and

(3) For which such Commission has determined that the certification has been made in good faith and that the plan to cease operations no later than January 1, 1980, will be carried out as planned in light of existing and prospective power supply requirements,

is eligible for a postponement as provided in paragraph (a) of this section.

(c) If the Administrator determines, after considering the risk to public health and welfare which may be associated with a postponement, that compliance with any requirement of an applicable implementation plan is not reasonable in light of the projected useful life of the plant, the availability of rate base increases to pay for the costs of such compliance, and other appropriate factors, then the Administrator shall grant a postponement of any such requirement.

(d) The Administrator shall, as a condition of any postponement under this section, prescribe such interim requirements as are practicable and reasonable.

§ 55.09 General requirements.

The Administrator may require the submittal of any additional information, including emissions data for any air pollutant for which national ambient air quality standards have not been promulgated (or an air pollutant which is transformed in the atmosphere into an air pollutant for which such a standard has not been promulgated), which is reasonably necessary to implement section 119 of the Act.

[FR Doc.74-20864 Filed 9-9-74;8:45 am]

[40 CFR Part 87]

[FRL 262-4]

CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Extension of Comment Period for In-Use Aircraft Standards

On July 17, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (Volume 38, FR 19050) which described standards limiting emissions from in-use aircraft gas turbine engines rated at or above 29,000 pounds thrust, beginning January 1, 1983.

Comments were submitted by four organizations, which expressed uncertainty regarding the technological feasibility of meeting the proposed standards at reasonable cost. The Environmental Protection Agency (EPA) considers that more information on the technology for controlling aircraft emissions through retrofit is needed in order to either support the currently proposed standards or to determine what other emission reductions can be achieved. Thereby, EPA will assure that the best technology which can be applied is reflected in the standards.

EPA still fully intends to promulgate regulations to insure the retrofit of in-use aircraft, but will delay final regulatory action until a reassessment of retrofit technology utilizing information from current research programs, both government and privately sponsored, is complete. In the interim, the EPA will closely monitor the efforts of the industry and government to define the requisite technology. In addition, to insure that all the available information bearing on the feasibility of meeting the proposed standards is considered, a public hearing will be held prior to promulgation.

Accordingly, the notice of proposed rulemaking will remain open for written comments until the close of the hearing. Notice of the hearing will be published in the FEDERAL REGISTER and all individuals and organizations submitting comments will be notified by letter. The hearing is planned for mid-1975. Comments should be submitted preferably in quadruplicate to the Office of Mobile Source Air Pollution Control (AW-455), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Dated: September 4, 1974.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.74-20869 Filed 9-9-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 31]

[Docket No. 20110; RM-2338]

CLASS A AND CLASS B TELEPHONE COMPANIES

Order

In the matter of amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) to increase the monetary limit where capitalization is appropriate from $25 to $50.

1. The Commission has received a letter dated August 29, 1974 from The Western Union Telegraph Company (Western Union) requesting an extension from August 30, 1974 to October 31, 1974 in which to submit its views as to whether Part 35 of our Rules should be amended in the same manner as proposed for Part 31.

2. Western Union indicates that it desires to request a revision in Part 35 but due to time constraints it will not be able to develop the information requested by the Commission in paragraph 7 of the notice of proposed rule making in this matter by the due date of August 30, 1974 for filing comments.

3. It appears that it is in the public interest to allow additional time for comments. However, it is believed that an extension to September 30, 1974 rather than to October 31, 1974 as requested by Western Union would be more appropriate in order not to unduly delay action in this proceeding.

4. *Accordingly, It is ordered*, pursuant to authority delegated by § 0.303(c) of the Commission's rules, That the time for filing comments in the above captioned proceeding is hereby extended to September 30, 1974 and the time for filing reply comments is hereby extended to October 11, 1974.

Adopted: August 30, 1974.

Released: September 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.74-20818 Filed 9-9-74;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 436]

DISCLOSURE REQUIREMENTS AND PROHIBITIONS CONCERNING FRANCHISING

Proposed Trade Regulation Rule

Correction

In FR Doc. 74-19393, appearing at page 30360 in the issue for Thursday, August 22, 1974, make the following corrections:

1. In § 436.1, in the undesignated paragraph beneath paragraph (a)(2)(xx), the words "All of the foregoing information (1) to (20)" should be changed to read "All of the foregoing information (i) to (xx)".

2. In § 436.1(b)(2), in the first line, the word "basic" should be changed to read "basis".

LIBRARY OF CONGRESS

Copyright Office

[37 CFR Part 202]

MATERIAL NOT SUBJECT TO COPYRIGHT

Registration of Original Typeface Designs

The Copyright Office is considering amending § 202.1(a) of the Copyright Office Regulations to permit copyright registration for original typeface designs. The present Regulations prohibit registration for "mere variations of typographic ornamentation [or] lettering," and this prohibition is interpreted to include designs for type fonts within its scope.

This advance notice of proposed rulemaking is being issued to facilitate the

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widest possible public expression of views on the legal and policy questions implicit in the possible change in registration practices.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire to the Copyright Office, Office of the General Counsel, Washington, D.C. 20559. Each person submitting a comment should include his name and address, and give reasons for his recommendations. A public hearing will be held on November 6, 1974, from 10 a.m. to 4 p.m. in room 1112, Building 2, Crystal Mall, Arlington, Virginia.

All communications received on or before November 15, 1974, will be considered by the Register of Copyrights and the Librarian of Congress before taking action on the proposed rule. If it is determined to be in the public interest to proceed further after consideration of comments received in response to this notice, a notice of proposed rulemaking will be issued.

The Copyright Office registers claims to copyright in accordance with Title 17 U.S.C. in "writings of authors," that is, original works of authorship in the form of literary, musical, dramatic, pictorial, and sculptural expression. Typeface designs have not previously been accepted for registration. In view of developments in the industry, judicial developments, and conclusion of an international convention in Vienna in 1973 aimed at an international system of protection for typeface designs under copyright or other legal theories, it is proposed that the validity of the present prohibition on registration for typeface designs be reevaluated. Comments are specifically requested in the following areas:

(1) Whether type fonts, as "useful articles," can incorporate original design elements capable of being identified as "works of art" within the scope of the present copyright statute;

(2) The distinctions, if any, between calligraphy, ornamental lettering, and typeface designs for copyright purposes;

(3) Whether a typeface design can, by its nature, incorporate the degree of originality and creativity necessary to support a copyright;

(4) Whether, for purposes of copyright registration, workable standards can be established for distinguishing "new" designs based on previously-existing typefaces from mere copies or minor variants of earlier designs;

(5) Assuming the potential copyrightability of certain typeface designs, the practical means of complying with the formal requirements of the copyright law as to notice, deposit, and registration.

This advance notice of proposed rulemaking is issued under the authority of section 207 of the Copyright Code, Title 17 U.S.C.

Dated: August 29, 1974.

BARBARA RINGER,
Register of Copyrights.

Approved by:

L. QUINCY MUMFORD,
Librarian of Congress.

[FR Doc.74-20769 Filed 9-9-74;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 701]

CREDIT UNION SERVICE CENTER

Establishment and Operation

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 84 Stat. 1014, 12 U.S.C. 1789, proposes to amend Part 701 (12 CFR 701) by redesignating §§ 701.26 and 701.27 and by adding a new § 701.26 as set forth below.

The purpose of this amendment is to promulgate regulations governing the establishment and operation of a credit union service center, i.e., where one or more Federal credit unions contract with a vendor to provide physical facilities, centralized management, accounting services, and other routine credit union services.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Administrator, National Credit Union Administration, 2025 M St. NW., Washington, D.C. 20456. Comments received prior to October 30, 1974 will be considered before final action is taken on this proposal. Copies of all written comments received will be available for public inspection during normal business hours at the foregoing address.

AUGUST 30, 1974.

HERMAN NICKERSON, JR.,
Administrator.

1. Section 701.26 is redesignated as § 701.27-1, and the heading revised to read:

§ 701.27-1 Purchase of accounting services.

2. Section 701.27 is redesignated as § 701.27-2, and the heading revised to read:

§ 701.27-2 Participation in accounting service center.

3. A new § 701.26 is added to read as follows:

§ 701.26 Credit union service center.

(a) For the purposes of this section. (1) "Service Center" means a credit union service center which provides services to include, but not necessarily limited to, physical facilities, centralized management, and accounting services.

(2) "Accounting Service" means the maintenance of bookkeeping, accounting, or other records related to the purposes and functions of a credit union by manual, mechanical or electronic methods, and the furnishing of reports and information derived from such records.

(3) "Individual Identity" means that the identity of each participating Federal credit union is easily distinguishable from other credit unions and organizations participating in the service center activities.

(4) "Centralized management" means the single authority responsible for supervising, controlling and directing the day-to-day operations of the service center.

(b) (1) One or more Federal credit unions may contract with a vendor other than a Federal credit union to provide a credit union service center. The contract shall be in writing, shall have the approval of the Administrator, and shall expressly provide for:

(i) Segregating the credit union's assets and records;

(ii) Maintaining the credit union's individual identity;

(iii) Establishing minimum security devices and procedures in accordance with Part 748 (12 CFR 748);

(iv) Complying with the mandatory requirements with regard to the advertisement of insured status in accordance with Part 740 (12 CFR 740);

(v) Describing the services to be provided by the vendor and establishing the costs of these services subject to periodic review and negotiation;

(vi) Complying with the provisions of section 701.14 of this Part concerning all services performed;

(vii) Immediate availability and possession of the Federal credit union's books and records for examination by the Administrator and audit by the supervisory committee;

(viii) Establishing centralized management in consonance with the board of directors of each credit union directing and controlling the affairs of the credit union;

(ix) Notifying the credit union's surety company and obtaining written assurance from surety that coverage extends to the service center and its employees;

(x) Appointing the service center and its employees as agents of the credit union for purposes of transacting contracted services; and

(xi) Terminating, assigning, and mediating the contract.

(2) The files of the Federal credit union shall contain specific information concerning the procedures to be used by the vendor in complying with the terms of the contract. Such information may be in the form of a standard operating or users manual.

(3) A Federal credit union, in addition to regular payments for services as provided under the contract, shall not pay in advance the actual or estimated charges for more than 3 months' services. Where such advance payment is made it shall be amortized over a period not in excess of the period of the written agreement.

(c) (1) Requests for approval shall be submitted to the Regional Director in writing with a copy of the contract and all pertinent facts in support of the proposal not later than 60 days prior to the proposed implementation of the contract. A Federal credit union shall notify the Regional Director in writing within 30 days of the termination of the contract.

(2) The Regional Director will investigate each request to participate in a credit union service center activity and will make a recommendation as to whether it should be approved or disapproved. The request, contract and the recommendation of the Regional Director shall be forwarded to the Administrator, who shall approve or disapprove the application. The Regional Director will be informed of the Administrator's action on the application and will promptly notify the Federal credit union concerned.

(3) Notwithstanding the provisions of paragraph (c) (2) of this section, the Regional Director may approve a Federal credit union's request supported by a standard contract of the same service center which has received prior approval by the Administrator in accordance with the provisions of paragraph (c) (2) of this section.

(d) No official or employee of a participating Federal credit union may have a pecuniary interest in the credit union service center pursuant to this section. No official of a participating Federal credit union may receive from the vendor of such services any salary or compensation other than the reimbursement of necessary expenses incurred in connection with the vendor's activities.

[FR Doc.74-20768 Filed 9-9-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE SCIENCE BOARD TASK FORCE ON EXPORT OF U.S. TECHNOLOGY; IMPLICATIONS TO U.S. DEFENSE

Advisory Committee Meeting

The airframe subcommittee of a special advisory committee to the Defense Science Board on "Export of U.S. Technology; Implications to U.S. Defense" will meet in closed session on 25 September 1974 at the McDonnell Douglas Corporation, St. Louis, Missouri.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense. The special advisory committee will provide an assessment of the implications to U.S. Defense of current and impending exports of U.S. technology to serve as a basis for determination of Defense policy.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a) (1) and (a) (3) of section 10, Pub. L. 92-463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 5, 1974.

[FR Doc.74-20849 Filed 9-9-74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74-10]

PENNINGTON DRUG CO.

Notice of Hearing

Notice is hereby given that on May 14, 1974, the Drug Enforcement Administration, Department of Justice, issued to Pennington Drug Company, Joplin, Missouri, an order to show cause as to why the Drug Enforcement Administration should not deny the application for registration under the Controlled Substances Act of 1970, of the Respondent executed on March 8, 1974, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since said order was received by the Respondent and written request for a hearing having been filed with the Drug Enforcement Administration. Notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on September 17, 1974, in Room 1210, 1405 Eye Street, NW., Washington, D.C.

Dated: September 5, 1974.

ANDREW C. TARTAGLINO,
Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc.74-20859 Filed 9-9-74;8:45 am]

[Docket No. 74-12]

SERLING DRUG CO.

Notice of Hearing

Notice is hereby given that on May 16, 1974, the Drug Enforcement Administration, Department of Justice, issued to Serling Drug Company, Oak Park, Michigan, an order to show cause as to why the Drug Enforcement Administration should not deny the application for registration under the Controlled Substances Act of 1970, of the Respondent executed on February 28, 1974, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since said order was received by the Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on September 11, 1974, in Room 1210, 1405 Eye Street, NW, Washington, D.C.

Dated: September 5, 1974.

ANDREW C. TARTAGLINO,
Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc.74-20860 Filed 9-9-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

APPLICATION FOR A PERMIT TO OBTAIN, MOVE AND STUDY CAPTIVE REARED ALLIGATORS

(Alligator mississippiensis)

JULY 8, 1974.

Applicant's Name and Institutional Affiliation:

Dr. James C. Kroll, Assistant Professor of Wildlife Management, Box 6109, School of Forestry, Stephen F. Austin State University, Nacogdoches, Texas 75961.

President of Institution: Dr. Ralph W. Steen.

Justification for Proposed Project: See Attachment.

Location of Research: Eastern and southeast Texas.

Certification:

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

JAMES C. KROLL,
Assistant Professor of Wildlife Management.

PROJECT OUTLINE

Title. A Radiotelemetric Study of Movements and Behavior of Captive Raised Alligators (*Alligator mississippiensis*) Released in East Texas.

Cooperation. Division of Wildlife Services, Bureau of Sport Fisheries and Wildlife.

Project personnel. Dr. James C. Kroll, Assistant Professor of Forest Wildlife, School of Forestry, Stephen F. Austin State University, Nacogdoches, Texas.

Date of termination or reappraisal. June, 1976.

Objectives. The long-term objective of my research on alligators is to determine abilities of captive raised alligators to survive when released into the wild. In line with this, the specific objectives of this proposal are:

1. To study the behavior and movements of captive raised alligators released into an area devoid of wild individuals;

2. To study behavior and movements of captive raised alligators released into an area already inhabited by wild individuals; and,

3. To integrate these findings into a plan for restocking of alligators in areas where populations are currently depleted or non-existent.

Introduction. Each year hundreds of alligators are confiscated by state and federal law enforcement officers from pet shops, exhibitors, and private individuals. These animals usually end up in nearby zoological gardens. Unfortunately, however, zoos have become overstocked (C. Haessle, pers, comm.) and are unable to maintain large numbers of alligators at current operating budgets. These zoos represent a valuable, and as yet untapped, source of animals for restocking programs; yet, there are no studies to date on the abilities of captive raised alligators to survive under natural conditions or to incorporate into existing wild populations. Hence, the proposed study should produce valuable data which could be incorporated in future management plans for the American Alligator.

Background. The use of radiotelemetry in studies of reptilian behavior and physiology has expanded rapidly over the last few years (Stebbins and Barwick 1968, Fitch and Shirer 1971). MacKay (1964) studied thermoregulation in several Galapagos tortoises (*Geochelone elephantopus*) and a marine iguana (*Amblyhinchus cristatus*) by forcing transmitters down their digestive tracts. The tortoises were kept in outdoor enclosures, and the iguana was maintained in an indoor cage. The transmitters relayed core temperatures but transmission distance was extremely limited. A second iguana was released in the field with a transmitter of somewhat greater range (about 10 m) attached to the base of its tail, McGinnis and Brown (1966) studied thermoregulation in green iguanas (*Iguana iguana*) maintained in outdoor enclosures but transmission range was also limited. Stebbins and Barwick (1968) were able to study thermoregulation in a free-ranging lace monitor (*Varanus varius*) by implanting a transmitter in its abdominal cavity.

Smith (1972, 1974) recently used radio telemetry to study movements and thermoregulation in wild alligators. He used radio frequency transmitters which were screwed into the parietal bones of the skull; however, secondary infections were quite prevalent. He concluded that, in South Texas, movements of alligators were erratic without permanent residences ever being established. Most terrestrial movements were nocturnal and restricted to gulleys and stream beds. On the other hand, T. Jones (pers. comm.) of the Ellen Trout Zoo noted that several alligators have remained in or near the same lake (near Lufkin, Texas) for over three years. Hence, there appears to be some disagreement as to the existence, nature, and extent of home ranges in alligators. My study will hopefully provide additional information on the subject.

General procedures. Study Areas. Two types of study areas will be utilized in this study:

1. A large lake with no wild alligator population; and,

2. A similar sized lake with an established wild population.

Each study area will be located in remote areas.

Sources of Alligators. Numerous zoos (e.g. St. Louis, Houston, Dallas) have volunteered their surplus alligators for this study. In addition, the Texas Parks and Wildlife Department has expressed willingness to contribute confiscated animals to the project. All alligators used in this study will be maintained at the Ellen Trout Zoo under normal light and temperature regimes for two weeks prior to release.

Telemetry and Tagging Equipment. Prior to release, each alligator will be outfitted with a sonar or radiotelemetry transmitter sutured to the nuchal scales. Both sonar and radiotelemetry transmitters will be utilized in order to monitor both terrestrial and aquatic movements. Radio signals will be monitored using a Johnson Duo-Scan Receiver equipped with earphones and tuned-loop antenna.

Each alligator will also be marked with a metal identification tag and a color coded streamer. The streamer will also be attached to the nuchal scales and should allow observation from a considerable distance using a spotting scope or binoculars.

Procedures by objectives. There will be two periods of intensive field work; i.e., April to September, 1974 and the same period in 1975.

Objective one. During the first study period (April–September, 1974) ten radio-tagged and marked alligators (five males and five females) will be released into a lake devoid of wild alligators. Movements and behavior of these animals will be studied intensively during the first forty-eight hours; there will be subsequent twenty-four hour observations and tracking periods each week following this. The location of each animal, air temperature, water temperature and other climatological data will be recorded at half-hour intervals. Behavioral observations will be made on:

1. Interactions between individuals;

2. Reactions to environmental stimuli, excluding food;

3. Predators; and,

4. Feeding.

Nocturnal observations will be conducted using a U.S. Army infra-red spotting scope. Vocalizations will be recorded using a parabolic microphone and cassette tape recorder. Alligators with transmitters no longer functional will be captured and out-fitted with new transmitters. During the period of April to September 1975, those alligators still present in or around the lake will be captured, outfitted with new telemetry transmitters, and released back into the lake; data collected will be as given for 1974.

Objective two. During the first study period, ten radio-tagged and marked alligators (five males and five females) will be released into a lake where there is an established wild population of alligators. Movements and behavior will be studied as given for Objective one; however, additional behavioral observations will be made on:

1. Interactions between captive and wild individuals; and,

2. Interactions between captive individuals.

In addition, recordings will be made of possible vocalizations between captive and wild individuals. Ten alligators will be released the following year (1975) and their behavior and movements studied as given above. Observations will be made on interactions between previously released individuals and wild individuals.

Literature cited. Fitch, H. S., and H. W. Shirer. 1971. A radiotelemetric study of spatial relationships in some common snakes. Copeia 1971: 118–128.

MacKay, R. S. 1964. Galapagos tortoise and marine iguana deep body temperatures measured by radiotelemetry. Nature 204: 355–358.

McGinnis, S. M., and C. W. Brown. 1966. Thermal behavior of the green iguana, *Iguana iguana*. Herpetologica 22: 189–199.

Smith, N. E. 1973. The regulation of body temperature in the American alligator. Baylor Univ. Master's Thesis. 108 pp.

———. 1974. Growth rate and movements of the Texas Alligator. Meeting of the Texas Chapter of the Wildlife Soc.

Stebbins, R. C., and R. E. Barwick. 1968. Radiotelemetric study of thermoregulation in a lace monitor. Copeia 1968: 541–547.

Personnel. This study will be conducted by Dr. James C. Kroll.

Dr. Kroll, Assistant Professor of Wildlife Management at the School of Forestry, Stephen F. Austin State University, holds Bachelor and Master's degrees in Zoology from Baylor University and Ph. D. in Wildlife Science from Texas A&M University. He has been a NSF traineeship recipient and has published 29 times during the last five years.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Washington, D.C. 20240. All relevant comments received on or before October 10, 1974, will be considered.

Dated: September 4, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-20858 Filed 9-9-74;8:45 am]

JACK W. LENTFER

Receipt of Application for Marine Mammal Permit

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407).

Applicant:

Jack W. Lentfer
U.S. Fish and Wildlife Service
813 D Street
Anchorage, Alaska 99501

APPLICATION FOR POLAR BEAR RESEARCH PERMIT AS REQUIRED BY MARINE MAMMAL PROTECTION ACT OF 1972

Information required by 50 CFR 13.12.

1. Applicant's name, address, and phone number: Jack W. Lentfer, U.S.

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Fish and Wildlife Service, 813 D Street, Anchorage, Alaska 99501, Phone 907–265–4898.

2. Date of birth: May 13, 1931. Height: 6'1". Weight: 170 lbs. Color of hair: light. Color of eyes: Blue. Sex: male. Affiliation: Leader, Polar Bear Project, U.S. Fish and Wildlife Service.

3. Agency director: Lynn A. Greenwalt, Director, U.S. Fish and Wildlife Service, Washington, D.C.

4. Location of activity: North and northwest coast of Alaska.

5. Information required by 50 CFR 18.31 for marine mammal research permit:

(a) *Purpose.* To monitor movements of instrumented free ranging polar bears from an earth orbiting satellite. Specific objectives are to follow pregnant females to overwintering maternity dens and advance understanding of population discreteness. This will be part of the resarch program required by the Marine Mammal Protection Act of 1972 and the International Agreement on Conservation of Polar Bears prepared at Oslo, Norway in 1973. Data may be obtained on impact of Alaska's north coast oil and gas development on polar bear habitat, particularly as related to maternal denning.

Dates of taking. October 1974 through May 1977.

Location and manner of taking. One bear will be captured north of Point Barrow and held at the Naval Arctic Research Laboratory at Barrow for several months. It will be fitted with a harness and transmitter, and tests and adjustments made as necessary to improve the harness and send a signal to the Nimbus F satellite. This bear will be released at point of capture and other bears then brought to Barrow, one at a time, fitted with transmitters, observed for several days, and then released. If this phase is successful, bears may then be instrumented at other locations off the north and northwest coast of Alaska.

(b) *Stocks, numbers and products to be taken, weights, ages, sizes, sex, and condition.* Bears captured west and south of Point Lay belong to one subpopulation, and bears captured north and east of Point Lay belong to another subpopulation. Sizes of these populations are not known. Up to 15 bears will be instrumented and released. Emphasis will be on monitoring movements of pregnant females to maternal denning sites. Approximately two-thirds of the bears instrumented will be mature females and one-third will be mature males. Ages will range from 8 to 20 years. Weights for females will range from 400 to 650 pounds. Weights for males will range from 700 to 1200 pounds. A rudimentary premolar tooth will be collected from each animal for age determination, and blood and milk samples will be collected to aid in a study of population discreteness.

(c) *Methods for transport and holding.* Polar bears will be immobilized by injecting 1.6 milligrams per kilogram body weight of the immobilizing drug, Sernylan (phencyclidine hydrochloride), and .07–.11 milligram per kilogram body weight of the tranquillizing drug, Acepromazine, into a large rump muscle with a syringe gun from a helicopter. Bears to be held temporarily at Barrow will be transported by carrying on the cargo rack of a helicopter or slinging beneath a helicopter. Bears will be wrapped in blankets and canvas to protect from the wind. The method has been used for transporting bears without harm or mortality in the past.

Facilities for holding animals at Barrow will consist of an indoor cage 14 by 24 feet with a circular water tank 8 feet in diameter and 4 feet deep with continually circulating fresh water. Temperatures can be controlled so water does not freeze in winter. Bears will have unrestricted access to an outside cage 20 by 40 feet. Bears will be fed approximately one-half dead ringed seal, or the equivalent in whitefish, or the equivalent mixture of seal and whitefish every other day.

Holding facilities will have internal doors so that bears can be confined in one section while other sections are being cleaned. Animal colony personnel of the Naval Arctic Research Laboratory will be responsible for day to day care of captive animals. These methods, with the exception of free access between indoor and outdoor cages, have been used to hold polar bears at the Naval Arctic Research Laboratory since 1965. The permit applicant has conducted research on polar bears which necessitated handling and transporting animals since 1967. He has immobilized approximately 400 animals a total of 500 times and has lost two.

Certification by a licensed veterinarian that transporting and holding facilities are adequate is attached.

(d) Description of research project: The research proposal to the National Aeronautics and Space Administration is attached.

6. Documentation for importation from foreign country: Not applicable.

7. Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

8. Desired effective date of permit: October 15, 1974–May 31, 1977.

9. Date of application: July 31, 1974.

10. Signature of applicant: Jack W. Lentfer.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Washington, D.C. 20240. All relevant comments received on or before October 10, 1974, will be considered.

Dated: September 4, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74–20857 Filed 9–9–74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74–178]

ALLIED CHEMICAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Allied Chemical Corporation has filed a petition to modify the application of 30 CFR 75.1405 to its Harewood Mine, Gauley Bridge, Fayette County, West Virginia.

30 CFR 75.1405 provides:

> All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, petitioner states:

(1) Petitioner has been operating a mine known as the Harewood Mine Complex, of which the subject mine is a part, since 1938. The mine complex presently represents several millions of dollars of capital investment spread over 17,000 acres.

(2) In the Eagle seam of coal, which is the primary seam in this complex, 2,000 of the 17,000 acres were developed by other mining companies; and 6,000 acres are unsuitable for mining because of low coal, high reject, etc. The remaining 9,000 acres have either been or are presently being developed. Much of the development work was driven on either 75 or 100 foot centers. Prior to July 1, 1973, most crosscuts for track radii were either 80 to 90 degrees. Since July 1, 1973, all crosscuts for track radii have been turned on 60 degrees.

(3) There are over 30 miles of track in the Eagle seam with a maximum haulage distance of approximately seven (7) miles. Main line haulage is essentially 85 or 100 pound rails with 60 and 75 pound track used on the sections. The Harewood Complex has approximately eight hundred fifty (850) mine cars of 147 cubic foot capacity in service at this time and another 100 acres set aside for repairs.

(4) There are four (4) different makes of cars and their ages vary from four (4) to twenty (20) years. One hundred (100) of these cars were purchased

in 1970. The remainder were bought between 1954 and 1960, making their average age approximately 17 years. All of the mine cars are fitted with pin and swivel link coupling devices.

(5) In the Harewood Complex, mining is accomplished by the continuous mining method, that is, continuous mining machines, shuttle cars, roof drills, etc. Mining is also accomplished by conventional equipment, that is, cutting machines, loading machines, shuttle cars, roof and coal drills, etc. The mined coal from each operating section is loaded on the section into mine cars which are then pulled by electrical locomotives over a rail-haulage system to the outside of the mine for dumping.

(6) The mine cars used in this complex are rotary-dump, that is, they are pulled to a rotary dump where an electric mechanical spotter positions one car at a time for dumping. The car being dumped is locked into position and rotated to an upside-down position for dumping. It is then righted and moved ahead for the process to be repeated on the next car, etc. The dumping operation is made possible without uncoupling any of the cars because of the use of a swivel link in the coupling between cars. The mine cars are delivered to each operating section in strings of 25 to 70 cars, depending on the availability of cars for the particular section, the extent of the mining activity, and other logistical factors.

(7) At the loading point where shuttle cars discharge into the mine cars, a random car is hooked onto a cable which is affixed to a stationary hoisting device, which is electrically operated and which is used to position the cars in turn for loading under the dump into which the shuttle cars have deposited their load of coal. Once loaded, the mine cars are then hauled by electric locomotive to the outside rotary dump. The maximum distance traversed by mine cars is seven (7) miles with an average distance travelled of approximately five (5) miles. Slate hauling and delivery of supplies is accomplished by the same units of cars as are used in hauling coal.

(8) Many of the haulageway rail switches leading from the main line into the working areas of the complex were installed when the complex was first being developed and are of shorter radius than those which are now being installed. The switches cannot be replaced with wider-radius switches without removing portions of the adjacent coal pillars. Such removal of portions of adjacent pillars in the vicinity of these switches would materially affect the existing roof support in those areas. Any change in such support which has maintained a stable roof in these areas for many years would create a real hazard to men working in this mine.

(9) Further, removal of portions of these pillars would create exaggerated widths in the haulways and require extensive artificial roof support where there now is good natural support. Exchanging stable natural support for even the best artificial support would result in needless exposure to unstable roof.

(10) The foregoing provision of the regulations, if applied to the Harewood Complex, would result in a diminution of safety over the present system in effect. Beyond this, however, in order to better achieve the purposes sought to be achieved by the Act and regulations and thus to provide a standard which provides a better measure of protection to the miners in this mining complex. Petitioner proposes for approval and in modification of the aforementioned standard § 75.1405, the following alternate system as a satisfactory replacement of the standard, subject to the following understandings and conditions which are incorporated as parts of it.

(A) All coal cars in use at the Harewood Complex will be coupled individually using the alternate method. Presently the swivel end of the car is fitted with a pin and swivel held in place by welding a strap across the head of the pin. The alternate system incorporates a specially designed lever that aligns the swivel from side to side or vertically. This lever is operated from the clearance side of the track without the employee positioning himself between the cars being coupled. The pin end of the car is fitted with a specially designed lever to raise and lower the coupling pin during the coupling or uncoupling operation. This lever is also operated from the clearance side of the track without the employee positioning himself between the cars being coupled or uncoupled. Also, this lever is fitted with a lock to lock the pin in the raised position or to lock the lever and pin in the coupled position. The lock is also operated from the clearance side of the track and is located to allow an employee to operate it without positioning himself between the cars. With this lock in place, the cars will not accidentally become uncoupled, as is often the case with automatic couplers if irregular joints or knuckles appear in the tracks.

(B) All employees at the Harewood Complex will be trained and instructed in the proper operation and use of the coupling levers and swivel levers and their proper use will be mandatory requirements for the coupling and uncoupling of all mine haulage cars at this time. More specifically in this regard:

(1) All present employees at this Complex will, within thirty (30) days from beginning of installation of the alternate couplers, be instructed on the function and use of the swivel lever, the coupling lever, and the coupling pin lever lock.

(2) Thereafter, any new employee hired at the complex will be given instruction on the function and use of the swivel lever, the coupling lever, and the coupling pin lever lock as part of his orientation before he commences actual work.

(3) This instruction of all employees will be repeated at six (6) month intervals. The first such re-instruction shall be given during the first five (5) working days commencing on the first working day of the sixth month after beginning of the initial installation of the alternate couplings on the cars, the next during the first five (5) working days commencing on the first working day of the twelfth month after beginning of the initial installation of the alternate couplings, etc. Employees absent from work during these periods will be re-instructed within the first five (5) work days after they return to work.

(4) The company will maintain a permanent record of the names and dates when each complex employee received his instruction and re-instruction.

(5) Upon conversion of mine cars at this complex, swivel levers, coupling pin levers, and coupling pin lever locks shall be a mandatory safety rule and a notice to this effect shall be posted on the regular company and union bulletin boards at the complex.

(6) For a period beginning on the first working day of the complex after approval for use of the alternate coupling device and commencing on the last working day of the sixth month following approval, as each car is converted and placed into operation, it will be subject to the modified standard set forth and such car will only be coupled and uncoupled by use of the swivel levers, coupling levers, and coupling pin lever locks in accordance with the modified standard. Effective on the last working day of the sixth full month after approval for use of the coupling method, all mine cars in operation at this complex must have been converted and the modified standard will have become fully operative, except as an extension of time has been provided by stipulation of all of the parties or by an order of an Administrative Law Judge of the Office of Hearings and Appeals of the Department of the Interior.

(7) In the event shortages and/or unavailability of materials or other conditions beyond the control of Petitioner prevent completion of full conversion within the six-month installation period, the Petitioner will endeavor to arrange by stipulation with the other parties for a mutually agreeable period of extension. Failing to arrange for such agreement, the Petitioner may request from the Office of Hearings and Appeals the assignment of an Administrative Law Judge to conduct a hearing for the purpose of determining whether an extension of time shall be granted, and if granted, the duration of such extension. The parties by stipulation, or the assigned Administrative Law Judge by order following notice to all parties and hearing, shall have authority to provide for an appropriate extension if the circumstances make it reasonable to do so.

(8) The alternate method set forth above will provide no less than the same measure of protection to miners at the Harewood Complex than that sought to be afforded by section 314(f) of the Federal Coal Mine Health and Safety Act of 1969 and regulations 30 CFR 75.1405 and

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75.1405–1. Under the circumstances at this mine, it will actually provide greater protection and thus avoid the diminution of safety that would result if automatic couplers were used.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 10, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virgina 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

AUGUST 30, 1974.

[FR Doc.74-20812 Filed 9-9-74;8:45 am]

[Docket No. M 74-177]

ALLIED CHEMICAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Allied Chemical Corporation has filed a petition to modify the application of 30 CFR 75.1405 to its One Main Extension of its Harewood Complex, Gauley Bridge, Fayette County, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states:

(1) Petitioner has been operating a mine known as the Harewood Mine Complex, of which the subject mine is a part, since 1938. The mine complex presently represents several millions of dollars of capital investment spread over 17,000 acres.

(2) In the Eagle seam of coal, which is the primary seam in this complex, 2,000 of the 17,000 acres were developed by other mining companies; and 6,000 acres are unsuitable for mining because of low coal, high reject, etc. The remaining 9,000 acres have either been or are presently being developed. Much of the development work was driven on either 75 or 100 foot centers. Prior to July 1, 1973, most crosscuts for track radii were either 80 or 90 degrees. Since July 1, 1973, all crosscuts for track radii have been turned on 60 degrees.

(3) There are over 30 miles of track in the Eagle seam with a maximum haulage distance of approximately seven (7) miles. Main line haulage is essentially 85 or 100 pound rails with 60 and 75 pound track used on the sections. The Harewood Complex has approximately eight hundred fifty (850) mine cars of 147 cubic foot capacity in service at this time and another 100 acres set aside for repairs.

(4) There are four (4) different makes of cars and their ages vary from four (4) to twenty (20) years. One hundred (100) of these cars were purchased in 1970. The remainder were bought between 1954 and 1960, making their average age approximately 17 years. All of the mine cars are fitted with pin and swivel link coupling devices.

(5) In the Harewood Complex, mining is accomplished by the continuous mining method, that is, continuous mining machines, shuttle cars, roof drills, etc. Mining is also accomplished by conventional equipment, that is, cutting machines, loading machines, shuttle cars, roof and coal drills, etc. The mined coal from each operating section is loaded on the section into mine cars which are then pulled by electrical locomotives over a rail-haulage system to the outside of the mine for dumping.

(6) The mine cars used in this complex are rotary-dump, that is, they are pulled to a rotary dump where an electric mechanical spotter positions one car at a time for dumping. The car being dumped is locked into position and rotated to an upside-down position for dumping. It is then righted and moved ahead for the process to be repeated on the next car, etc. The dumping operation is made possible without uncoupling any of the cars because of the use of a swivel link in the coupling between cars. The mine cars are delivered to each operating section in strings of 25 to 70 cars, depending on the availability of cars for the particular section, the extent of the mining activity, and other logistical factors.

(7) At the loading point where shuttle cars discharge into the mine cars, a random car is hooked onto a cable which is affixed to a stationary hoisting device, which is electrically operated and which is used to position the cars in turn for loading under the dump into which the shuttle cars have deposited their load of coal. Once loaded, the mine cars are then hauled by electric locomotive to the outside rotary dump. The maximum distance traversed by mine cars is seven (7) miles with an average distance travelled of approximately five (5) miles. Slate hauling and delivery of supplies is accomplished by the same units of cars as are used in hauling coal.

(8) Many of the haulageway rail switches leading from the main line into the working areas of the complex were installed when the complex was first being developed and are of shorter radius than those which are now being installed. The switches cannot be replaced with wider-radius switches without removing portions of the adjacent coal pillars. Such removal of portions of adjacent pillars in the vicinity of these switches would materially affect the existing roof support in those areas. Any change in such support which has maintained a stable roof in these areas for many years would create a real hazard to men working in this mine.

(9) Further, removal of portions of these pillars would create exaggerated widths in the haulways and require extensive artificial roof support where there now is good natural support. Exchanging stable natural support for even the best artificial support would result in needless exposure to unstable roof.

(10) The foregoing provision of the regulations, if applied to the Harewood Complex, would result in a diminution of safety over the present system in effect. Beyond this, however, in order to better achieve the purpose sought to be achieved by the Act and regulations and thus to provide a standard which provides a better measure of protection to the miners in this mining complex, Petitioner proposes for approval and in modification of the aforementioned standard § 75.1405, the following alternate system as a satisfactory replacement of the standard, subject to the following understandings and conditions which are incorporated as parts of it.

(A) All coal cars in use at the Harewood Complex will be coupled individually using the alternate method. Presently the swivel end of the car is fitted with a pin and swivel held in place by welding a strap across the head of the pin. The alternate system incorporates a specially designed lever that aligns the swivel from side to side or vertically. This lever is operated from the clearance side of the track without the employee positioning himself between the cars being coupled. The pin end of the car is fitted with a specially designed lever to raise and lower the coupling pin during the coupling or uncoupling operation. This lever is also operated from the clearance side of the track without the employee positioning himself between the cars being coupled or uncoupled. Also, this lever is fitted with a lock to lock the pin in the raised position or to lock the lever and pin in the coupled position. The lock is also operated from the clearance side of the track and is located to allow an employee to operate it without positioning himself between the cars. With this lock in place, the cars will not accidentally become uncoupled, as is often the case with automatic couplers if irregular joints or knuckles appear in the tracks.

(B) All employees at the Harewood Complex will be trained and instructed in the proper operation and use of the coupling levers and swivel levers and their proper use will be mandatory requirements for the coupling and uncoupling of all mine haulage cars at this time. More specifically in this regard:

(1) All present employees at this Complex will, within thirty (30) days from beginning of installation of the alternate couplers, be instructed on the function and use of the swivel lever, the coupling lever, and the coupling pin lever lock.

(2) Thereafter, any new employee hired at the complex will be given instruction on the function and use of the swivel lever, the coupling lever, and the coupling pin lever lock as part of his orientation before he commences actual work.

(3) This instruction of all employees will be repeated at six (6) month intervals. The first such re-instruction shall be given during the first five (5) working days commencing on the first working day of the sixth month after beginning of the initial installation of the alternate couplings on the cars, the next during the first five (5) working days commencing on the first working day of the twelfth month after beginning of the initial installation of the alternate couplings, etc. Employees absent from work during these periods will be reinstructed within the first five (5) work days after they return to work.

(4) The company will maintain a permanent record of the names and dates when each complex employee received his instruction and re-instruction.

(5) Upon conversion of mine cars at this complex, swivel levers, coupling pin levers, and coupling pin lever locks shall be a mandatory safety rule and a notice to this effect shall be posted on the regular company and union bulletin boards at the complex.

(6) For a period beginning on the first working day of the complex after approval for use of the alternate coupling device and commencing on the last working day of the sixth month following approval, as each car is converted and placed into operation, it will be subject to the modified standard set forth and such car will only be coupled and uncoupled by use of the swivel levers, coupling levers, and coupling pin lever locks in accordance with the modified standard. Effective on the last working day of the sixth full month after approval for use of the coupling method, all mine cars in operation at this complex must have been converted and the modified standard will have become fully operative, except as an extension of time has been provided by stipulation of all of the parties or by an order of an Administrative Law Judge of the Office of Hearings and Appeals of the Department of the Interior.

(7) In the event shortages and/or unavailability of materials or other conditions beyond the control of Petitioner prevent completion of full conversion within the six-month installation period, the Petitioner will endeavor to arrange by stipulation with the other parties for a mutually agreeable period of extension. Failing to arrange for such agreement, the Petitioner may request from the Office of Hearings and Appeals the assignment of an Administrative Law Judge to conduct a hearing for the purpose of determining whether an extension of time shall be granted, and if granted, the duration of such extension. The parties by stipulation, or the assigned Administrative Law Judge by order following notice to all parties and hearing, shall have authority to provide for an appropriate extension if the circumstances make it reasonable to do so.

(8) The alternate method set forth above will provide no less than the same measure of protection to miners at the Harewood Complex than that sought to be afforded by section 314(f) of the Federal Coal Mine Health and Safety Act of 1969 and regulations 30 CFR 75.1405 and 75.1405–1. Under the circumstances at this mine, it will actually provide greater protection and thus avoid the diminution of safety that would result if automatic couplers were used.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 10, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

AUGUST 30, 1974.

[FR Doc.74-20813 Filed 9-9-74;8:45 am]

Office of the Secretary

[INT FES 74-52]

FONTENELLE RESERVOIR, SEEDSKADEE PROJECT, WYOMING

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed contract for the sale of municipal and industrial water from Fontenelle Reservoir of the Seedskadee Project in Wyoming.

The environmental statement concerns a proposed contract between the United States and the State of Wyoming that would convey to the State the right to use 60,000 acre-feet of capacity in Fontenelle Reservoir and 600 cubic feet per second of direct flow in the Green River, with the yield from the reservoir and the direct flow not to exceed 125,000 acre-feet annually. The water would be marketed by the State for irrigation and other uses associated with energy and trona resources found mainly in Sweetwater, Lincoln, and Uinta Counties in southwestern Wyoming.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, P.O. Box 11568, Salt Lake City, Utah 84111, Telephone (801) 524-5580.

Office of the Wyoming Reclamation Representative, Cheyenne, Wyoming, 2120 Capitol Avenue, Room 2220, P.O. Box 167, Cheyenne, Wyoming 82001, Telephone (307) 778-2345.

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation, the Regional Director, or the Wyoming Reclamation Representative. Please refer to the statement number above.

Dated: September 5, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-20832 Filed 9-9-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Notice of Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Board Room of the Flue-Cured Tobacco Cooperative Stabilization Corporation, 522 Fayetteville Street, Raleigh, North Carolina 27602, at 1 p.m., on Monday, September 16, 1974.

The purpose of the meeting is to readjust selling schedules for the remaining marketing areas after closing out of Area A, Georgia-Florida markets, and also to develop revised marketing schedules for individual warehouses in those areas following the second grower redesignation period which ends Friday, September 6, 1974. Also, matters, as specified in 7 CFR Part 29, Subpart G, § 29.9404 will be discussed.

Inasmuch as the date of this meeting was established at the August 29 meeting of the Committee, it is impossible to meet the 15 days' advance notice required by OMB Circular A–63, March 27, 1974.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members who wish to attend the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street, SW, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–2567.

E. L. PETERSON,
Administrator.

[FR Doc.74-20861 Filed 9-9-74;8:45 am]

DEPARTMENT OF COMMERCE

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON POPULATION STATISTICS

Notice of Public Meeting

The Census Advisory Committee on Population Statistics will convene on

V 39 I 176 SEP 10 74 XUM

October 4, 1974 at 9:30 a.m. The Committee will meet in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Population Statistics was established in 1965 to advise the Director, Bureau of the Census, on current programs, on plans for the 1970 Census of Population and on other matters dealing with the collection and issuance of population statistics.

The Committee is composed of 15 members appointed by the Secretary of Commerce.

The agenda for the meeting is: (1) Status of 1980 Census planning, (2) 1980 Pretest—Population Subjects, (3) New requirements for the Census Bureau in recent revenue sharing legislation, including problems of measuring unemployment by State, (4) Farm—nonfarm classification, (5) Measuring post-secondary education, and (6) Voter participation study.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Guidance and Control Officer, Mr. Daniel B. Levine, Associate Director for Demographic Fields, Bureau of the Census, Room 2061, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone 301-763-5167.

VINCENT P. BARABBA,
Director, Bureau of the Census.

SEPTEMBER 4, 1974.

[FR Doc.74-20810 Filed 9-9-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5597; Docket No. FDC-D-563; NDA No. 8-644]

CERTAIN PREPARATIONS CONTAINING CARBAZOCHROME SALICYLATE

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

Correction

In FR Doc. 47-17868 appearing at page 28306 in the issue for Tuesday, August 6, 1974, make the following changes:

1. In the fourth paragraph of the preamble, in the third line, the word "weighting" should be changed to read "weighing".

2. On page 28307, in the first column, the first line of the sixth paragraph now reading "In addition to the holder(s) of the" should be changed to read "to him at th etime of approvadl of the", and should be carried flush with the margin rather than paragraphed.

Food and Drug Administration

[FAP MF 3515V]

DEXTER CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP MF 3515V) has been filed by The Dexter Corp., Windsor Locks, CT 06096, proposing that § 121.234 Lignin sulfonates (21 CFR 121.234) be amended to provide for the safe use of lignin sulfonates derived from the sulfite digestion of sisal fiber as an alternate source of lignin sulfonate for addition to animal feeds.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 3, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-20767 Filed 9-9-74;8:45 am]

National Institutes of Health

BACTERIOLOGY AND MYCOLOGY STUDY SECTION

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Bacteriology and Mycology Study Section, Division of Research Grants, at 8:30 a.m., September 27, 1974, Connecticut Inn Motel, Washington, D.C.

This meeting will be open to the public on September 27, 1974 from 8:30 a.m. to 9 a.m. to discuss administrative details relating to Study Section business. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on September 27, 1974 at 9 a.m. to adjournment for the review, discussion, and evaluation of Fellowship and Research Career Development applications in the special areas covered by this study section. These applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Richard Turlington, Chief, Grants Inquiries Office of the Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20014, telephone area code 301-496-7441, will provide summaries of meetings and rosters of committee members. Dr. Milton Gordon, Executive Secretary, Room A-27, Westwood Building, Bethesda, Maryland 20014, telephone number 301-496-7340, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, 13.856, National Institutes of Health)

Dated: September 5, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.74-20894 Filed 9-9-74;8:45 am]

NATIONAL CANCER INSTITUTE

Statement of Organization, Functions, and Delegatitons of Authority

Part 8 Amendment

Part 8 (formerly Part 9, National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended to (1) revise the functions of the National Cancer Institute (8C) to reflect more clearly the two aspects of the National Cancer Program: research and control; (2) revise the functional statement for the Office of the Director by eliminating reference to cancer control activities, and (3) show the establishment of the Division of Cancer Control and Rehabilitation within the National Cancer Institute (8C).

With reference to the section on Organization and Functions (8B) of the aforementioned statement: (1) delete the heading and the opening paragraph of the functional statement for the National Cancer Institute (8C) and insert the following:

National Cancer Institute (8C) Plans, conducts, and coordinates a national program involving (a) research on the detection, diagnosis, cause, prevention, treatment, and palliation of cancers and on rehabilitation of the cancer patient and (b) demonstration of the effectiveness of cancer control methods and techniques. Specifically: (1) conducts and directs research performed in its own laboratories and through contracts; (2) supports and coordinates research projects by scientific institutions and individuals through research grants; (3) supports manpower training in fundamental sciences and clinical disciplines through training grants, fellowships, and career awards; (4) supports construction of laboratories and related facilities necessary for research on cancer; (5) supports field tests and community demonstration projects of methods and techniques for cancer control; (6) collaborates with voluntary organizations and other institutions engaged in cancer research, training, and control activities; (7) encourages and coordinates cancer research by industrial concerns where

such concerns evidence a particular capability for programmatic research; (8) collects and disseminates information on cancer research and cancer control; and (9) consults with appropriate individuals and agencies in the development, coordination, and support of cancer research programs in other countries. (2) Delete the heading office of the director (8C01) and insert the following heading and paragraph:

Office of the Director (8C01) (1) Serves as the focal point for the National Cancer Program; (2) develops a National Cancer Plan and monitors implementation of the Plan; (3) directs and coordinates the Institute's programs and activities; and (4) develops and provides policy guidance and staff direction to the Institute's programs in areas such as program coordination, program planning, clinical care, and administrative management. (3) Add a new division, the Division of Cancer Control and Rehabilitation, (8C14), to the division statements of the National Institute by inserting:

Division of Cancer Control and Rehabilitation (8C14) (1) Plans, directs, and coordinates an integrated program of cancer control and rehabilitation activities with the goal of identifying, testing, evaluating, demonstrating, communicating, and promoting the widespread application of available and new methods for reducing the incidence, morbidity, and mortality from cancer; (2) serves as the focal point of a coordinated national effort to control cancer, involving all appropriate elements of the Department of Health, Education, and Welfare, other Federal agencies, state and local health departments, voluntary health agencies and other elements of the private health community; (3) in collaboration with the research divisions of the National Cancer Institute, identifies candidate control techniques and methods for inclusion in the field test and demonstration activities of the Division; (4) serves as the focal point of the National Cancer Institute for research in cancer rehabilitation; and (5) participates in evaluation of and advises the Institute Director on program related aspects of grants and contracts as they relate to cancer control and rehabilitation.

Dated: September 3, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-20779 Filed 9-9-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting; Correction

The National Motor Vehicle Safety Advisory Council meetings scheduled for September 18-19 have been changed to September 17-18, 1974. These open meetings will be held at the DOT Headquarters Building, 400 Seventh Street SW., Washington, D.C.

The following meetings are subject to the approval of the Secretary of Transportation.

The Congress Committee scheduled for September 18 will now meet on September 17 at 8:30 a.m. in room 4234 with the following agenda:

Conclusions, Findings and Recommendations Resulting from Third International Congress on Automotive Safety.
Plans for Fourth International Congress on Automotive Safety.

The Accident Avoidance and Operating Systems Committee scheduled for September 18 will now meet on September 17 at 10:30 a.m. in room 3202 with the following agenda:

Research and Rulemaking on Vehicle Handling.
Defective Jack Stands.
Old Business.
New Business.

The Crashworthiness Committee scheduled for September 18 will meet on September 17 at 1 p.m. in room 4234 with the following agenda:

Report of July Meetings with Ford, Chrysler and General Motors.
Economic Analysis of FMVSS 215—Bumpers.
Seat Belt Injuries.
Human Tolerance Research and Advanced Anthropomorphic Dummy Program.
Belt Usage with Interlocks (FMVSS 208).
Dynamic Testing of Belt Restraint Systems (FMVSS 208).
Old Business.
New Business.

The previously scheduled agenda item on seat and head restraint standards (FMVSS 202 and 207) has been cancelled.

The full Council scheduled to meet on September 19 will meet on September 18 at 9 a.m. in room 4234 with the following agenda:

Report of Accident Avoidance and Operating Systems Committee.
Report of Congress Committee.
Report of Crashworthiness Committee.
The Energy Crisis and Highway Safety.
Old Business.
New Business.

For further information contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C., telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: August 30, 1974.

WM. H. MARSH,
Executive Secretary.

[FR Doc.74-20850 Filed 9-9-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-452, 50-453]

DETROIT EDISON CO.

Assignment of Members of Atomic Safety and Licensing Appeal Board

In the matter of Detroit Edison Co. (Greenwood Energy Center, Units 2 and 3).

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Alan S. Rosenthal, Chairman
Dr. John H. Buck, Member
Michael C. Farrar, Member

Dated: September 3, 1974.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74-20760 Filed 9-9-74;8:45 am]

[Docket Nos. 50-416, 50-417]

MISSISSIPPI POWER & LIGHT CO. AND MIDDLE SOUTH ENERGY, INC.

Availability of Initial Decisions and Issuance of Construction Permits

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, section A.9 and A.11, notice is hereby given that a partial Initial Decision on environmental issues dated April 5, 1974 and an Initial Decision dated August 30, 1974, by the Atomic Safety and Licensing Board in the above captioned proceeding authorizing issuance of construction permits to the Mississippi Power & Light Company and Middle South Energy, Inc. for construction of the Grand Gulf Nuclear Station, Units 1 & 2 located in Claiborne County, Mississippi, are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Chancery Clerk's Office, Claiborne County Courthouse, Port Gibson, Mississippi 39150.

The Initial Decision of August 30, 1974, which incorporated by reference the partial Initial Decision of April 5, 1974, is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

The Initial Decision and partial Initial Decision are also being made available at the Coordinator, Federal-State Programs, Room 510, Lamar Life Building, Jackson, Mississippi 39201 and at the Southwest Mississippi Planning & Development District, P.O. Box 686, McComb, Mississippi 39648.

Based upon the record developed in the public hearing in the above captioned matter, the Initial Decision, together with the partial Initial Decision, modified in certain respects the contents of the Final Environmental Statement relating to the construction of the Grand Gulf Nuclear Station, Units 1 & 2, prepared by the Commission's Directorate of Licensing. Pursuant to the provisions of 10 CFR Part 50, Appendix D, section A.11, the Final Environmental Statement is deemed modified to the extent that the findings and conclusions relating to environmental matters contained in the

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Initial Decision are different from those contained in the Final Environmental Statement, dated August 1973. A copy of the Initial Decision dated August 30, 1974 and a copy of the partial Initial Decision dated April 5, 1974, which modify the Final Environmental Statement, have been transmitted to the Council on Environmental Quality and distributed to the Environmental Protection Agency and other interested agencies and persons.

Pursuant to the above mentioned Initial Decision, the Atomic Energy Commission (the Commission) has issued Construction Permits CPPR–118 and CPPR–119 to the Mississippi Power & Light Company and Middle South Energy, Inc., for construction of two nuclear reactors, known as the Grand Gulf Nuclear Station, each designed for a rated power of approximately 3833 megawatts thermal with a net electrical output of approximately 1250 megawatts.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the construction permits. The application for the construction permits complies with the standards and requirements of the Act and of the Commission's rules and regulations.

The construction permits are effective as of their date of issuance. The earliest date for the completion of Unit 1 is April 1, 1979, and the latest date for completion is October 1, 1979. The earliest date for the completion of Unit 2 is October 1, 1980, and the latest date for completion is April 1, 1981. Each permit will expire on the latest date for completion of the facility.

In addition to the Initial Decision and partial Initial Decision, copies of: (1) Construction Permits CPPR–118 and CPPR–119; (2) the report of the Advisory Committee on Reactor Safeguards, dated May 15, 1974; (3) the Directorate of Licensing's Safety Evaluation, dated January 1974; (4) Supplement No. 1 to the Safety Evaluation, dated April 21, 1974; (5) Supplement No. 2 to the Safety Evaluation, dated June 21, 1974; (6) Supplement No. 3 to the Safety Evaluation, dated June 28, 1974; (7) Supplement No. 4 to the Safety Evaluation, dated July 24, 1974; (8) the Preliminary Safety Analysis Report and amendments thereto; (9) the Draft Environmental Statement, dated April 1973; and (10) the Final Environmental Statement, dated August 1973, are also available for public inspection at the above-designated locations in Washington, D.C. and Mississippi. Single copies of the Initial Decision and partial Initial Decision of the Atomic Safety and Licensing Board, the construction permits, the Final Environmental Statement, and the Safety Evaluation may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 4th day of September 1974.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch No. 1–2 Directorate of Licensing.

[FR Doc.74–20761 Filed 9–9–74;8:45 am]

[Docket No. 50–406]

TUSKEGEE INSTITUTE

Issuance of Facility Operating License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on February 14, 1973 (38 FR 4430), the Atomic Energy Commission ("the Commission") has issued Facility License No. R–122 to the Tuskegee Institute as proposed in that notice, except that the license wording has been modified to conform with the current Regulatory format. The license authorizes the Tuskegee Institute to possess, use and operate the AGN–201 (Serial No. 102) nuclear research reactor located on its campus in Tuskegee, Alabama, at steady state power levels up to a maximum of 100 milliwatts (thermal) for educational training, in accordance with the provisions of the license and the Technical Specifications issued therewith.

The facility has been inspected by a representative of the Commission and found to have been constructed substantially in accordance with the application and the provisions of Construction Permit No. CPRR–117.

The Commission has found that the application (as supplemented) for the license complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations as published in 10 CFR Chapter I. The Commission has made the remainder of the findings required by the Act and the Commission's regulations which are set forth in the license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. The Institute is being required to execute an amendment to the indemnity agreement as required by 10 CFR Part 140 of the Commission's regulations.

A copy of Facility License No. R–122, including the Technical Specifications, a copy of the Safety Evaluation issued concurrently with this notice, and the Safety Evaluation issued February 2, 1973 are available for inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., or may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 30th day of August, 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2 Directorate of Licensing.

[FR Doc.74–20759 Filed 9–9–74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25513; Agreement C.A.B. 24304; Order No. 74–9–11]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to North/Central Pacific Proportional Fares

Issued under delegated authority September 4, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted at the Composite Passenger and Cargo Traffic Conference, Montreux, March 1974 for effectiveness May 1, 1974, has been assigned the above C.A.B. agreement number.

The agreement proposes increases, reflecting the recent 7 percent fuel cost adjustment and Western Hemisphere fare increases, to proportional fares over Los Angeles used in constructing through fares between Mexican and South/Central American points, and points in the North/Central Pacific. With the exception of fares to/from Mexico City and Acapulco we will approve this agreement involving fares combinable with fares to/from United States points, which has indirect application in air transportation as defined by the Act. The Mexican proportional fares are being disapproved on the basis of the Board's recent disapproval of the underlying fare increases between Los Angeles and Mexico.[1]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found that those resolutions set forth in the appendix [2] hereto incorporated in Agreement C.A.B. 24304, R–1 through R–6 as indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act to the extent they would establish fares other than to/from Mexico City and Acapulco; and

2. It is found that those resolutions set forth in the appendix hereto, incorporated in Agreement C.A.B. 24304, R–1 through R–6 as indicated, and which have indirect application in air

[1] Order 74–8–117, August 29, 1974.

[2] Appendix A filed as part of the original document.

transportation as defined by the Act, are adverse to the public interest and in violation of the Act to the extent they would establish fares to/from Mexico City and Acapulco.

Accordingly, it is Ordered, That,

1. Those portions of Agreement C.A.B. 24304, R–1 through R–6, specified in finding paragraph 1 above, and which have indirect application in air transportation as defined by the Act, be and hereby are approved; and

2. Those portions of Agreement C.A.B. 24304, R–1 through R–6, specified in finding paragraph 2 above, and which have indirect application in air transportation as defined by the Act, be and hereby are disapproved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–20846 Filed 9–9–74;8:45 am]

[Docket No. 25260; Agreement C.A.B. 24569, 24570; Order No. 74–9–15]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority September 5, 1974.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at a special meeting of the North/Central Pacific Specific Commodity Rates Board and at the 37th meeting of the TCI Specific Commodity Rates Board both held at Ft. Lauderdale on June 24 and 25 respectively and have been assigned the above respective C.A.B. agreement numbers.

With respect to air transportation as defined by the Act, the agreements propose revisions to the specific commodity rate structures applicable over the North/Central Pacific[1] and within the Western Hemisphere. We will approve these revisions, outlined in the attachments hereto, which reflect reductions from otherwise applicable general cargo rates. We would note, however, that while certain rates in Agreement C.A.B. 24570 are excluded from intermediate application to other points, our condition on Resolution 590 which requires intermediate application, imposed in Order 74–6–93, will apply to the North/Central Pacific rates approved herein for the same reasons set forth in that order.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that Agreement C.A.B. 24569 and Agreement C.A.B. 24570 are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, It is ordered, That:

1. Agreement C.A.B. 24569 and Agreement C.A.B. 24570 [2] be and hereby are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and

2. With respect to the North/Central Pacific market area, specific commodity rates established pursuant to Resolution 590 with any United States point as an origin or destination, shall be available to and/or from any other United States city having an intermediate position based on shortest operated mileages, at levels no greater than those established for the more distant point.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–20847 Filed 9–9–74;8:45 am]

[Order 74–9–16]

TRANSPORTATION OF HOUSEHOLD GOODS

Extension of Temporary Relief

Issued under delegated authority September 5, 1974.

In the matter of extension of temporary relief granted to certain unauthorized indirect air carriers to transport household goods for the Department of Defense.

From time to time, at the request of the Department of Defense (DoD), the Board has granted relief from provisions of the Federal Aviation Act of 1958 (the Act) to permit otherwise unauthorized indirect air carriers to transport used household goods [1] of Department of Defense personnel. A condition for obtaining such relief was that the firm seeking it have on file with the Board an application for air freight forwarder authority. The relief was to expire 180 days after the Board's decision in the Household Goods Air Freight Forwarder Investigation, Docket 20812, became final [2] or, as to each individual company, upon Board disposition of such company's application for interstate and/or international air freight forwarder authority, whichever event shall occur first.[3]

Since the processing of a number of the applications could not be concluded prior to the expiration of the temporary relief, the Department of the Army, acting in behalf of DOD, requested extension of such relief. The Board initially extended the temporary relief for 90 days and subsequently granted further extensions.[4] Such relief is to expire on September 18, 1974.

Delays have been encountered in resolving control and/or interlocking relationship matters, some of which are complex. As a result, the applications of the two applicants named in the appendix will not be completed prior to expiration of the extended deadline. Furthermore, by letter dated July 6, 1973, the Department of the Army requested an extension of the temporary relief for a reasonable period in those cases where processing could not be completed by the time limit previously set. We construe that letter to be a request for whatever additional extension of the temporary relief is necessary to complete the processing.

In view of these circumstances and DOD's request, it is found, pursuant to authority delegated by the Board, that further extension of the temporary relief to those carriers named in the appendix hereto is in the public interest, and that such relief should be extended to December 18, 1974.

Accordingly, it is ordered,

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of

[1] Rates proposed for items 2741, 4416, 4417, 4435, 6827, 9207, and 9557 have been submitted to the Board in a separate agreement (C.A.B. 24488) and will be disposed of at a later date.

[2] Agreements filed as part of the original document.

[1] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment or supply of such stores, offices, museums, institutions, hospitals or other establishments, and (2) objects of art (other than personal effects), displays and exhibits.

[2] Order on reconsideration issued October 16, 1972. Temporary relief was to expire April 16, 1973.

[3] Order 71–10–56, dated October 13, 1971.

[4] Order 73–4–57, dated April 12, 1973, as supplemented by Order 73–7–56, dated July 13, 1973, Order 73–9–53, dated September 13, 1973, Order 73–12–13, dated December 4, 1973, Order 74–3–29, dated March 7, 1974, and Order 74–6–56, dated June 11, 1974.

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1958, as amended, the carriers listed in the appendix hereto are hereby relieved from the provisions of Title IV of the Act to the extent necessary to transport by air used household goods of personnel of DOD upon tender by the Department;

2. That the relief granted herein shall become effective September 19, 1974, and terminate on December 18, 1974, or as to each individual company named in the appendix hereto, upon Board disposition of such company's application for interstate and/or international air freight forwarder authority whichever event shall occur first;

3. That this order may be amended or revoked at any time in the discretion of the Board without hearing; and

4. That copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and the companies listed in the appendix hereto.

This order shall be published in the FEDERAL REGISTER.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file their petitions by September 13, 1974.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX

Garrett Forwarding Company
2055 Garrett Way
P.O. Box 4048
Pocatello, Idaho 83201

Smyth Worldwide Movers, Inc
11616 Aurora Avenue, North
Seattle, Washington 98133

[FR Doc.74-20848 Filed 9-9-74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Principal Deputy Assistant Secretary (Health and Environment), Office of the Assistant Secretary of Defense (Health and Environment), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-20845 Filed 9-9-74;8:45 am]

MANPOWER SHORTAGE

Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found effective August 27, 1974, that there is a manpower shortage for the single position of Director, District of Columbia Public Library. The appointee may be paid for the expense of travel and transportation to his first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-20843 Filed 9-9-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Small Business Administration to fill by noncareer executive assignment in the excepted service the position of Special Assistant and Director, Office of Equal Employment Opportunity and Compliance.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-20844 Filed 9-9-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 261-1]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of August 1, 1974 and August 15, 1974.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: August 29, 1974.

SHELDON MEYERS,
Director, Office of Federal Activities.

APPENDIX I.—Draft environmental impact statements for which comments were issued between Aug. 1, 1974 and Aug. 15, 1974

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-A65105-MT	Multiple use plan, Eureka-Grave Creek planning unit, Montana.	LO-1	I
D-AFS-A82367-00	Proposal for vegetation control by mechanical, chemical, and fire treatment in Arizona and New Mexico.	LO-1	G
D-AFS-G65001-LA	Timber management plan, Kisatchie National Forest, La.	LO-2	G
D-AFS-J65002-MT	Callahan planning unit, Kootenai National Forest, Mont.	LO-1	I
D-AFS-L61002-OR	Management of William Creek and Cougar Bluffs roadless areas, Oregon.	LO-2	K
D-SCS-A36403-NC	Chicod Creek watershed, Pitt and Beaufort Counties, N.C.	ER-2	E
D-SCS-A36406-WA	Newman Lake watershed project, Spokane County, Wash.	LO-1	K
Atomic Energy Commission:			
D-AEC-A06135-MD	Douglas Point nuclear generating station, units 1 and 2, Charles County, Md.	LO-1	A
D-AEC-A06137-LA	River Bend nuclear power station, units 1 and 2, Gulf States Utilities Company, docket numbers 50-458 and 50-459, located on the Mississippi River, West Feliciana Parish, La.	ER-2	A

APPENDIX I.—Draft environmental impact statements for which comments were issued between Aug. 1, 1974 and Aug. 15, 1974

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers:			
D-COE-A32510-AK	Proposed Humboldt Harbor, Sand Point, Alaska	LO-1	K
D-COE-A32516-TX	Maintenance dredging, channel to Port Bolivar, Galveston County, Tex.	ER-1	G
D-COE-A34129-PR	San Juan Harbor, survey-review report, navigation, Puerto Rico.	LO-2	C
D-COE-A35136-MS	Construction bulk transfer terminal, Bayou Casotte, Miss.	ER-2	E
D-COE-A35144-AL	Bon Secour River, Baldwin County, maintenance dredging, Alabama.	ER-2	E
D-COE-A35145-NY	Maintenance dredging of the Gowanus Creek Channel, Brooklyn, N.Y.	LO-1	C
D-COE-A36404-00	Degonia and Fountain Bluff levee and drainage, Missouri and Illinois.	LO-2	F
D-COE-C35001-PR	Ponce Harbor, maintenance dredging, Puerto Rico	LO-1	C
D-COE-E32001-FL	Blackwater River, maintenance dredging, Santa Rosa County, Fla.	ER-2	E
D-COE-A32511-AK	Proposed Haines small boat harbor project, Alaska	ER-2	K
Civil Aeronautics Board:			
D-CAB-A52076-00	Capacity reduction agreements case, docket number 22908.	LO-2	A
Department of Defense:			
D-USN-A11052-FL	Land acquisition and construction of 2 helicopter outlying fields at naval air station, Whiting Field, Milton, Fla.	ER-2	E
D-USN-A11001-CT	Naval submarine base, 5-year management plan, Groton, Conn.	LO-2	B
Department of Interior:			
D-BLM-A01027-WY	Coal resources, Eastern Powder River coal basin, Wyo.	3	I
D-NPS-A61251-AR	Proposed master plan, Buffalo National River, Ark.	LO-2	G
D-DOI-A61187-AK	Aniakchak Cladera National Monument, Alaska	LO-1	K
D-DOI-A65108-AK	Additions to the Chugach National Forest, Alaska	LO-1	K
D-DOI-A61198-AK	Birch Creek National Wild River, Alaska	LO-1	K
D-DOI-A61197-AK	Beaver Creek National Wild River, Alaska	LO-1	K
D-DOI-A64027-AK	Selawik National Wildlife Refuge, Alaska	LO-1	K
D-DOI-A61188-AK	Kobuk Valley National Monument, Alaska	LO-1	K
D-DOI-A64026-AK	Alaska Coastal National Wildlife Refuge, Alaska	LO-1	K
Department of Labor:			
RD-LAB-A86066-00	Proposed regulaiton to limit exposure of workers to vinyl chloride.	LO-2	A
Tennessee Valley Authority:			
D-TVA-E08001-AL	Widows Creek-West Jefferson 500-KV transmission line, Jackson, Marshall, Blount, Cullman, and Jefferson Counties, Ala.	LO-1	E
Department of Transportation:			
DS-FHW-A41886-KS	Project 24-105 U 072-1(16), Wyandotte County, Kansas City, Kans.	ER-1	H
DS-FHW-A42270-SC	North-south freeway, segment between I-26 in Lexington County and SC-48, Bluff Road in Richland County, S.C.	LO-2	E
D-FHW-A42279-KY	Woodford and Fayette Counties, Versailles and Lexington Road, Kentucky.	ER-3	E
D-FHW-A42282-IN	Tenth Street improvements, Columbus, Bartholomew County, Ind.	LO-2	F
D-FHW-A42283-MI	M-21 reconstruction, I-96 east to Ada, Kent County, Mich.	LO-2	F
D-FHW-A42285-KS	K-6, Kansas City, Kans.	ER-2	H
D-FHW-A42283-AL	Etoway County, Rainbow Drive to Meighan Boulevard with connection to APL 28-50, Alabama.	LO-2	E
D-FHW-A42297-IL	FA route 412, Rochelle to Rockford, Lee, Ogle, and Winnebago Counties, Ill.	LO-1	F
D-FHW-A42299-NM	Intersection of SR 4 and SR 30 east to intersection of SR 4 and U.S. 285/84, approximately 9.3 miles, Santa Fe County, N. Mex.	LO-2	G
DS-FHW-A40006-KS	U.S. 54, Sedgwick County, Kans.	ER-1	H
D-FHW-L40001-OR	Slater Creek, Mystic Creek section, State highway 42, Coos-Bay-Rosenburg, Douglas County, Oreg.	LO-1	K

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental impact of the action

LO—Lack of Objection.—EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations.—EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory.—EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the impact statement

Category 1—Adequate.—The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information.—EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate.—EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

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APPENDIX III.—*Final environmental impact statements for which comments were issued between Aug. 1, 1974 and Aug. 15, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers:			
F-COE-A36288-OH.	Chillicothe local protection, Ross County, Ohio.	The final statement adequately responded to comments expressed by EPA on the draft statement.	F
F-COE-A36336-MN.	Vermillion River, local flood protection, Hastings, Dakota County, Minn.	EPA believes the environmental compatibility of the project depends on the methods used to prevent degradation of water quality and the development of suitable floodplain land uses. EPA inquiries regarding the nature of bottom sediments in the Peary dam and channel modification areas were not adequately addressed and we requested that evidence of bottom sediment quality be submitted to EPA prior to commencement of the proposed project.	F
F-COE-A38009-IL..	Meredosia levee and drainage district local protection project in Rock Island and Whiteside counties, Ill.	EPA believes the adverse environmental impacts resulting from the proposed project will be minimal. For the most part, the final statement adequately responded to our comments on the draft statement; however, EPA was unable to locate any information regarding past flood record levels and flood damage to the Mississippi and Rock Rivers levees.	F
Department of Transportation:			
F-FHW-A40297-CT..	I-86, from Vernon to Willington, Conn.	EPA found that serious air quality problems exist in the area and that the documentation provided was insufficient to assure that this project will not exacerbate the situation. EPA also found that insufficient efforts have been made to coordinate this project with the Connecticut Environmental Protection Department's air implementation plan and that the mass transit option has not been adequately considered.	B
F-FHW-A41251-IL..	FAP 409 (U.S. 50) Centralia to Xenia, Clay, and Marion Counties, Ill.	The final statement selected a combination of alignments different from those presented in the draft statement. However, EPA believes that the project is substantially the same and that the adverse environmental effects will be minimal.	F
F-FHW-A41577-AL..	Mobile and Baldwin Counties, project I-10-1 (25) and F-346(9), Alabama.	EPA recommended that an air quality analysis be made to ascertain the expected carbon monoxide levels.	E
F-FHW-A41889-VT..	I-93, construction, Waterford, Vt., to Littleton, N.H., and Waterford, Vt., to St. Johnsbury, Vt.	EPA stated that additional construction on Interstate 93, prior to the completion of a comprehensive environmental impact statement which would include Franconia Notch, N.H., would be contrary to the intent of the National Environmental Policy Act, the CEQ Guidelines, and Federal Highway Administration PPM 90-1, relative to requirements on piece-mealing projects.	B
F-FHW-A42332-IL..	Freeway FAP 408, Jacksonville to Barry, in Morgan, Scott, and Pike Counties, Ill.	The final statement generally responded to EPA's comments on the draft statement. However, EPA's inquiries regarding collection of water quality data on streams crossed by the project and an analysis of the noise impacts associated with the project were not adequately addressed.	F
F-FHW-A41511-PA..	LR 313, LR 1053, Centre and Clearfield Counties, Pa.	EPA generally had no objections to the project as proposed.	D
Veterans Administration:			
F-VAD-A81149-CA..	120-bed rehabilitation/nursing home care building, Veterans Administration, Sepulveda, Los Angeles County, Calif.	....do	I
Department of Agriculture:			
F-AFS-A66014-IN..	Off-road vehicle policy, Hoosier National Forest, Ind.	EPA maintains the position that the operation of off-road vehicles, primarily motorcycles, is not compatible with normal multiple-use activities.	F
RF-AFS-67010-00..	36 CFR parts 251, 252, 302—Mineral resources on National forests, use under U.S. mining laws.	In EPA's view, the regulations represent a significant contribution to the Nation's effort to prevent unwarranted environmental degradation. Based on the review, EPA suggested modification to several sections of the regulations in an effort to strengthen them from an environmental point of view.	A

APPENDIX IV.—*Regulations, legislation, and other Federal agency actions for which comments were issued between Aug. 1, 1974 and Aug. 15, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Interior:			
R-IOS-A02069-00....	Notices—proposed OCS Order No. 9, Gulf of Mexico area, approval procedure for oil and gas pipeline.	EPA approved of the proposed changes in OCS Order No. 9 which bring USGS requirements in line with Department of Transportation testing and operating criteria. Other comments were centered about additional pipeline operation criteria that should have been addressed and consistency in definition of terms between the USGS order and DOT regulations.	A
R-NOA-A80062-00..	50 CFR 216—marine mammals, procedures for hearings on proposed regulations.	In EPA's view the proposed regulations were generally adequate, however, EPA suggested that provision be made for introducing the environmental impact statement into the hearing record.	A

APPENDIX V

SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Room 2303, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.74-20693 Filed 9-9-74;8:45 am]

[OPP-32000/108 (FRL 261-4)]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before November 11, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coodination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 11, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 4876-LL. AG Supply Co., 526 NW Fourth St., Hopkinsville KY 42240. TOBACCO BUDWORM BAIT CONTAINS DYLOX. Active Ingredients: Dimethyl(2,2,2-trichloro-1-hydroxyethyl) Phosphonate 4.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33458-G. Allied Chlorine & Chemical Products, Inc., 55 Jacobus Ave., Kearny, NJ 07032. SODIUM POOL GUARD CONCENTRATED GRANULAR. Active Ingredients: Sodium Dichloro-S-Triazinetrione Dihydrate 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32450-G. Cadillac Oil Co., 13650 Helen, Detroit, MI 48212. CADCO BIOCIDE 6000. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 32450-E. Cadillac Oil Co. CADCO BIOCIDE 2000. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 32450-R. Cadillac Oil Co. CADCO BIOCIDE 1000. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride]. 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10975-R. Chemilene Co., 4937 Telegraph Rd., Los Angeles CA 90022. CHEMILENE INDUSTRIAL AEROSOL INSECTICIDE. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 4.0%; Petroleum Distillate 10.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 4715-89. Colorado International Corp., 5321 Dahlia St., Commerce City CO 80022. PARATHION 4LB. EMULSIFIABLE SPRAY. Active Ingredients: Parathion: O,O-diethyl O-p-nitrophenyl phosphorothioate 45.00%; Xylene 49.32%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10163-AO. The Dune Company, Agricultural Chemicals, PO Box 458, 340 E. Main St., Calipatria CA 92233. PRO-KIL DIPEL 2 DUST. Active Ingredients: *Bacillus thuringiensis*, Berliner 0.05%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4482-RG. Epic Chemicals, Inc., 89 Coffey St., Brooklyn NY 11231. GUARD-ALL PINE ODOR COEF. 5-A.O.A.C. DISINFECTANT. Active Ingredients: n-Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chloride 3.0%; Pine Oil 3.0%; Isopropyl Alcohol 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 270-RNI. Farnam Companies, Inc., PO Box 21447, Phoenix AZ 85036. FARNAM ROLL-ON FLY REPELLENT B B. Active Ingredients: Cedar Leaf Oil 8.00%; Pine Oil 5.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1239-GA. Industrial Chemical Laboratories, Inc., 1015 N. 14 St., Omaha NB 68102. NON-PHOSPHATE D/S/D. Active Ingriedients: n-Alkyl (60% C14, 30%, C16, 5%, C12 5% C18) dimethyl benzyl ammonium chlorides 3.00%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 3.00%; Tetrasodium ethylene diamine tetraacetate 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 961-GNR. The Bishop Co., Div. of Lebanon Chemical Corp., PO Box 180, Lebanon PA 17042. GREENVIEW MODERN 2-WAY GREEN POWER LAWN FERTILIZER AND BROADLEAF WEED KILLER. Active Ingredients: Isooctyl ester of 2,4-dichlorophenoxyacetic acid 1.15%; Isooctyl ester of Silvex [2-(2,4,5-trichlorophenoxy)propionic acid] 0.55%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1266-RLA. Malter International Corp., Box 6099, New Orleans LA 70114. BYE BYE BUG IV. Active Ingredients: Pyrethrins 0.250%; Essential oils 0.300%; Piperonyl butoxide, technical 0.500%; N-octyl bicycloheptene dicarboximide 0.825%; Petroleum distillate 18.425%. Method of Support: Application proceeds under 2(c) of interim policy.

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EPA File Symbol 1486-U. Nutro Dog Food Co., 1907 W. Chico Ave., El Monte CA 91733. MACKALL'S TOPS ALL BRAND CAGE AND AVIARY SPRAY. Active Ingredients: Refined Petroleum 99.56%; Pyrethrins 0.06%; Technical Piperonal Butoxide 0.40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9556-RO. Ortex Products Inc., 500 Ferry St., Newark NJ 07105. ORTEX NEW FIRE RESISTANT STABILIZED CHLORINE GRANULAR 56. Active Ingredients: Sodium Dichloro-s-triazinetrione dihydrate 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 478-IT. Realex Corp., 2500 Summit, Box 78, Kansas City MO 64141. REAL-KILL INDOOR BUG ELIMINATOR. Active Ingredients: d-trans allethrin (allyl homolog of Cinerin I) 0.250%; (5-Benzyl-3-furyl) methyl-2, 2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Petroleum distillate 14.120%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11547-EE. Share Corp., PO Box 9, Brookfield WI 53005. SHARE CORP. SURFACE INSECTICIDE. Active Ingredients: Petroleum distillate 99.187%; O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.500%; Piperonyl Butoxide Technical 0.261%; Pyrethrins 0.052%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6720-RUI. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa, FL 33601. SMCP DURSBAN 1E INSECTICIDE. Active Ingredients: Chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 12.9%; Aromatic petroleum derivative solvent 78.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 4887-84. Stephenson Chemical Co., Inc., PO Box 87188, College Park GA 30337. STEPHENSON CHEMICALS DK-11 EMULSIFIABLE CONCENTRATE. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 11.11%; Related Compounds 0.84%; Ronnel (O,O-dimethyl O-(2,4,5-trichlorophenyl phosphorothioate) 12.00%; Tetrachloroethylene 5.00%; Xylene 59.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 148-125. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KA 66110. T-H PYRTOX CONTACT SPRAY. Active Ingredients: Pyrethrins 0.15%; Technical piperonyl butoxide 1.50%; Petroleum distillate 98.35%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 148-265. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KA 66110. T-H MALATHION PREMIUM GRADE MALATHION E-5. Active Ingredients: Malathion 57.0%; Xylene 33.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1386-124. Universal Cooperatives, Inc., 111 Glamorgan St., Alliance OH 44601. UNICO MALATHION-5 EMULSIFIABLE CONCENTRATE. Active Ingredients: Malathion 57.0%; Xylene 36.0%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: August 31, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74-20690 Filed 9-9-74;8:45 am]

[OPP-66004; FRL 263-1]

JUDGMENT UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Availability of Notices of Judgment

Pursuant to section 16(d) of the Federal Insecticide Fungicide and Rodenticide Act (FIFRA), as amended (86 Stat. 994), the Environmental Protection Agency is required to give notice by publication of all judgments in actions instituted under the Act.

The purpose of this publication is to make available to the public the results of court decisions and civil penalty proceedings involving pesticide products. Notices of Judgment Under the Federal Insecticide, Fungicide, and Rodenticide Act report cases involving seizure actions taken against products alleged to be in violation, and criminal and civil actions taken against firms or individuals charged with violations. The Notices of Judgment contain the following information; the responsible party, specific violations, dates of legal action, and the penalty imposed on the violator.

Copies of Notices of Judgment are available to government agencies and to the public from:

U.S. Environmental Protection Agency, Pesticides Enforcement Division (EG-342), 401 M Street SW., Washington, D.C. 20460.

Dated: September 5, 1974.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

[FR Doc.74-20662 Filed 9-9-74;8:45 am]

[OPP-66009; FRL 262-5]

PESTICIDES

Intent To Cancel Certain Registrations

Pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 984), the Environmental Protection Agency (EPA) has notified the following registrants of its intent to cancel the registrations of the pesticide products listed:

EPA Reg. No. 4-45, Bonide Chemical Co., Utica NY 13502. BONIDE CRO-TOX REPELLENT. Reasons: Lack of product efficacy data; labeling and directions not in compliance with the FIFRA.

EPA Reg. No. 537-1. Biocerts Corp., New York NY 10016. RATOPAX. Reasons: Lack of product efficacy data; labeling and directions not in compliance with the FIFRA.

EPA Reg. No. 4816-350. FMC Corp., Middleport NY 14105. FLEA & TICK SPRAY FOR DOGS. Reasons: Failure to remove dichlorophene from the product formulation or to submit scientific data to support safety and efficacy for the use of dichlorophene on the skin of animals.

EPA Reg. No. 9177-1. Buckeye Pest Control, Sylvania OH 43560. RITENOW INSECT DESTROYER. Reasons: Failure to submit required product formulation information; failure to submit corrected/finished labeling.

EPA Reg. No. 327-16. Texas Phenothiazine Co., Ft. Worth TX 76106. DR. ROGERS FORMULA NO. 1029 (for Control of "Spinose" of "Upland" Ear Tick). Reason: Lack of a tolerance to cover use of pyridine or dibutyl phalate on beef cattle or milk.

The registrants have not submitted the material necessary for continued registration as specified and therefore have not fully complied with the provisions of the FIFRA.

Cancellation of these registrations shall be effective at the end of 30 days from the receipt of notice by the registrant or publication of this notice in the FEDERAL REGISTER, whichever occurs later, unless the registrant makes the necessary corrections, if possible. Within this period of time, any person adversely affected by this notice may request a hearing as provided in section 6(b) of the FIFRA, and should file in accordance with the provisions of §§ 164.5 and 164.20 of Part 164, Title 40 CFR, of the regulations for the enforcement of the FIFRA, an original and two copies of the document stating his objections to the Administrator's intent to cancel these registrations. The request for hearings and such documents should be filed with the Hearing Clerk, Environmental Protection Agency, Room 1019 East Tower, 401 M Street SW., Washington, D.C. 20460.

Dated: September 4, 1974.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-20666 Filed 9-9-74;8:45 am]

[FRL 262-3]

HAWAII; CONTROL OF DISCHARGES OF POLLUTANTS TO NAVIGABLE WATERS

Public Hearing and Request for State Program Approval

The State of Hawaii has submitted a request for approval of its program to control discharges of pollutants to navigable waters under section 402 of the Federal Water Pollution Control Act Amendments of 1972 (the Act), 33 U.S.C.A. section 1342(b).

A public hearing to consider this request will be held on October 10, 1974, at the Legislative Auditorium, Chamber Level, State Capitol Building, Beretania and Richards Streets, Honolulu, Hawaii. The hearing will start at 1:30 p.m. and will reconvene at 7 p.m.

The hearing panel will consist of the Environmental Protection Agency Administrator, who will serve as the Presiding Officer, the Director of the Hawaii State Department of Health, and the Environmental Protection Agency Regional Administrator, Region IX, or the representatives of these persons.

Section 402(b) of the Act provides that the Governor of a State desiring to administer the National Pollutant Discharge Elimination System (NPDES) permit program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the United States Environmental Protection Agency (EPA) a full and complete description of the program the State intends to administer, including a statement from the State's Attorney General that its laws provide adequate authority to carry out the program described. The Administrator is required to approve each such submitted program unless it does not meet the requirements of section 402(b) and EPA's guidelines. To administer the NPDES program the State must have the authority, among others, to: (1) Issue permits which comply with all pertinent requirements of the Act, (2) abate violations of permits or the permit program including civil and criminal penalties, and (3) ensure that the Administrator, the public, and any affected States and agencies are given notice of and opportunity for a public hearing with regard to each permit application. The State must also have and commit itself to use manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act. (EPA's guidelines establishing State Program Elements Necessary for Participation in the NPDES were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR Part 124) beginning at page 28390.)

The State of Hawaii proposes that the Hawaii State Department of Health, Department of Health Building (Kinau Hale), Punchbowl and Beretania Streets, P.O. Box 3378, Honolulu, Hawaii 96801 (area code 808-548-3077), operate this program for control of discharges into navigable waters of the State in compliance with the Act. The chief officials are Jack Burns, Governor of Hawaii, Dr. Walter B. Quisenberry, Director, Hawaii State Department of Health, and Dr. Henri Minette, Assistant Director, Environmental Protection and Health Services Division of the Hawaii State Department of Health.

This request and program description may be inspected by the public at the offices of the Hawaii State Department of Health at the above address, the Environmental Protection Agency, Pacific Island Basins Office, 1000 Bishop Street, Suite 601, Honolulu, Hawaii 96813 (area code 808-546-8910), or at the United States Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California 94111 (area code 415-556-3450).

All interested persons wishing to comment upon the State's request or its program submission are invited to appear at the public hearing to present their views. Written comments may be presented at the hearing or submitted by October 15, 1974, either in person or by mail, to the Environmental Protection Agency, Region IX, at the previously mentioned address.

Oral statements will be received and considered, but for the accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to furnish additional copies for the use of the hearing panel and other interested persons. The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious or irrelevant to the decision to approve or require revision to State program as submitted.

All comments received by October 15, 1974, or presented at the public hearing will be considered by the Environmental Protection Agency in taking final action on Hawaii's request for state program approval.

Please bring the foregoing to the attention of persons whom you know would be interested.

ROBERT V. ZENER,
Acting Assistant Administrator for Enforcement and General Counsel.

SEPTEMBER 4, 1974.

[FR Doc.74-20867 Filed 9-9-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-941]

AMERICAN TELEPHONE AND TELEGRAPH CO. BELL SYSTEM TARIFF OFFERINGS

Order Suspending Tariff Provisions

1. On August 1, 1974 AT&T filed tariff revisions to its Wide Area Telecommunications Service, Private Line and Long Distance Telecommunications Service Tariffs FCC Nos. 259, 260 and 263. These revisions, effective August 31, 1974, place conditions on connection of services furnished by the telephone company with communications systems or channels which are connected to or utilize satellite facilities. In addition, each of 19 Bell System Operating Companies filed a new tariff, purportedly effective August 2, 1974, imposing corresponding conditions.

2. Petitions to reject these tariff revisions have been filed by American Satellite Corporation, Western Union Telegraph Company, and RCA Global Communications, Inc. It is claimed, among other things, that the tariff provisions, if permitted to become effective, will result in the termination of existing service to customers of Western Union. It is not possible for the Commission to act upon the merits the petitions to reject prior to the August 31, 1974 effective date of the AT&T tariff revisions.

3. In the circumstances, we will exercise our discretion and suspend the effectiveness of the challenged provisions in the revised tariffs for the three-month period provided for in section 204 of the Act. It may be that the suspension period will be shorter, depending upon the nature of our action on the petitions to reject or the achievement of some other resolution of this matter.

4. *Accordingly, It is ordered*, pursuant to the provisions of section 4 (i) and (j), 201-205, 214 and 403 of the Communications Act, that the following tariff provisions are suspended until November 30, 1974 or until further order of the Commission prior to November 30, 1974:

AT&T Tariff FCC No. 259
Section 2.8.4. (E)
Section 2.9.4 (F)
AT&T Tariff FCC No. 260
Section 2.6.3. (A) (9) (a) and (c)
Section 2.6.4 (D) (paragraph 3)
Section 2.6.4 (D) (2) and (3)
Section 2.6.9 (D) (a), (b) (1) (2) and (3), and (c)
Section 2.6.9 (A) (l) (1) and (4)
AT&T Tariff No. 263
Section 2.7.4 (E)
Section 2.8.4 (F) and (G)
19 Bell System Operating Tariffs
Section 2.7.2 (A) and (B) in the tariff of New York Telephone Company and like sections in the tariffs of the other Bell System Operating Companies, and in AT&T Tariff FCC No. 266.

Adopted: August 28, 1974.

Released: August 30, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-20814 Filed 9-9-74;8:45 am]

[Docket Nos. 20145, 20146; File Nos. BPH-8500, BPH 8563]

BROOKHAVEN BROADCASTING CO., INC. AND 21ST CENTURY BROADCASTERS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In the matter of Brookhaven Broadcasting Co., Inc., Brookhaven, Mississippi, requesting 92.1 mHz; channel No. 221; 1.81 kW(H&V); 184 feet, and 21st Century Broadcasters, Inc., Brookhaven, Mississippi, requesting 92.1 mHz; channel No. 221; 3 kW(H&V); 300 feet, for construction permits.

1. The Chief of the Broadcast Bureau, acting pursuant to delegated authority, § 0.281 of the rules, has under consideration the above-captioned applications, which are mutually exclusive in that the applicants seek the same channel in Brookhaven, Mississippi.

2. Data submitted by the applicants indicate that Brookhaven Broadcasting Co., Inc., will encompass an area of 287 square miles with a population of 27,300 in its 1 mV/m contour while 21st Century Broadcasters will cover an area of 638 square miles having a population of 29,966 in its 1 mV/m contour. Thus, there is a significant difference in the size of the areas which would receive service from the proposals. Consequently, for purposes of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary (1 mV/m or better in FM) aural services in such areas will be considered under the standard comparative issue for the purpose of determining whether

[1] Commissioners Lee, Reid, and Washburn absent.

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a comparative preference should accrue to either of the applicants.

3. Analysis of the financial portion of the application of Brookhaven Broadcasting Co., Inc. (Brookhaven), indicates that it will require $4,695 to construct and operate the proposed facility for a period of one year, without revenue, itemized as follows:

Equipment	$3,545
Miscellaneous items	550
Working capital requirement	600
Total	4,695

To meet this requirement, the applicant states that it will rely upon existing capital. Brookhaven further asserts that it need not file financial data in support of this claim since the amount required is less than $5,000. The section referred to by Brookhaven, however, was designed for use in major change applications. Further, the Commission cannot accept the applicant's estimate of $600 in first-year operating costs. This amount would hardly be sufficient to cover grant fees, if necessary, cost of hearing, salaries and programming. Since a more realistic evaluation of first-year operating costs would certainly result in a total requirement far in excess of the applicant's estimate, the Commission is unable to make the necessary determination that this applicant is financially qualified to construct and operate as proposed. Accordingly, a financial issue will be included.

4. 21st Century Broadcasters estimates that it will require $73,211 to construct and operate the proposed facility for a period of 11 months, without revenue, itemized as follows:

Down payment on equipment	$2,650
Eleven months' principal payments on equipment balance	5,477
Eleven months' interest payments on equipment balance	1,314
Land, buildings, and miscellaneous	10,000
Principal on bank loan	5,000
Interest on bank loan	4,000
Working capital requirement	44,770
Total	73,211

To meet this requirement, the applicant relies upon existing capital and two loans. The availability of one loan for $50,000 has been established. The applicant further asserts the availability of a second loan for $40,000, to be tendered by its principals. However, the Commission requires that loan commitments by principals be accompanied by a balance sheet not more than 90 days old at the date of filing. The commitment for $40,000 was submitted as an amendment on July 14, 1974. The balance sheet relied upon predates the loan by some 13 months. Therefore, the balance sheet is not acceptable to support the loan. In any event, analysis of the balance sheet shows only $38,500 rather than $40,000 available. Since the applicant has established the availability of only $50,000 to meet a $73,211 requirement, a financial issue will be included as to this applicant as well.

5. Brookhaven has apparently failed to interview any leaders of labor unions in its ascertainment of community problems and needs. In view of the requirements of question and answer 11(a) of the Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971), and the Commission's recent decision in Voice of Dixie, Inc., 45 FCC 2d 1027 (1974), an appropriate issue will be included.

6. The community ascertainment portion of the application of 21st Century fails to list the civic and social organizations of the community. In addition, the applicant has not specified with sufficient clarity the method by which a random sample of the general public was contacted, and has not given acceptable assurances that the survey was indeed random. Accordingly, an appropriate issue will be included as to this applicant as well.

7. Brookhaven proposes to operate a minimum of 14.5 hours per day and 113.5 hours per week, and proposes duplication of its commonly owned AM station WJMB 12 hours per day. 21st Century proposes 100 percent independent programming. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inherent inefficiency Jones T. Sudbury, 8 FCC 2d 360, 10 RR 114 (1967).

8. Brookhaven proposes to use the transmitter site of its AM station for the FM station. This site is approximately 103.6 miles from the transmitter site of station WCKW, LaPlace, Louisiana, which operates on channel 222. The spacing required by § 73.207 of the Commission's rules is 105 miles. It is stated that it would not be economically feasible for the applicant to construct a new tower and transmitter building at a new site in order to meet the spacing requirements. The Commission has waived short-spacings in excess of that proposed herein in numerous cases when the applicant proposed to use the site of the AM station which was located in a small city. Accordingly, we will waive the short-spacing.

9. 21st Century proposes to locate its studio at a site 2.5 miles north of Brookhaven, Mississippi. Section 73.210 of the Commission's rules provides that the main studio of a commercial FM station must be located in the proposed city of license, or that good cause must be shown for locating the main studio outside that community. In addition to a showing that the site is easily accessible to the residents of Brookhaven, the applicant has stated that there is some likelihood that, due to the rapid expansion in the area of the proposed studio site, the city limits may be moved north to include this area. Good cause to locate the studio at the proposed site has been shown in this instance, however, regardless of whether the city limits are to be expanded.

10. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

11. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to the application of Brookhaven Broadcasting Co., Inc.:

(a) The basis of the applicant's estimate of first-year operating costs and whether such estimate is reasonable;

(b) The amount required for working capital for the first year of operation; and

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, the applicant is qualified to construct and operate as proposed.

2. To determine, with respect to the application of 21st Century Broadcasters:

(a) Whether the $40,000 loan from the applicant's principals is available;

(b) Whether, in light of the evidence adduced pursuant to (a), above, the applicant is qualified to construct and operate as proposed.

3. To determine the efforts made by Brookhaven Broadcasting Co., Inc., and 21st Century to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet these problems.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

12. *It is further ordered*, That the requirements of § 73.207 of the Commission's rules with respect to the application of Brookhaven Broadcasting Co., Inc., are hereby waived.

13. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

14. *It is further ordered*, That the applicants herein shall, pursuant to section (a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: August 28, 1974.

Released: August 30, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-20817 Filed 9-9-74;8:45 am]

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE (CTAC) PANEL 9 (CODED TELEVISION AND NON-TELEVISION SYSTEMS)

Notice of Meeting

SEPTEMBER 3, 1974.

Pursuant to section 10 of the Federal Advisory Committee Act, 5 U.S.C. App. I § 10 (Supp. II, 1972), notice is hereby given of a meeting of the CTAC Panel 9 meeting on September 23, 1974, to be held at Warner Communications, Inc., in the Brown Room, 3rd Floor, 75 Rockefeller Plaza, New York, New York. The meeting is scheduled to commence at 10 a.m.

The agenda is as follows:

(1) Review of Minutes of Meeting on June 24, 1974.
(2) Report on Steering Committee Activities.
(3) Review of Panel 9 Final Report.
(4) Reports on Special Panel Assignments.
(5) New Business.
(6) Adjournment.

Any member of the public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. A. M. Rutkowski, FCC, 1919 M Street, NW., Washington, D.C. 20554—(202) 632-9797.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-20815 Filed 9-9-74;8:45 am]

[Report No. 717]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

SEPTEMBER 3, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earliest filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20263-CD-P-75, Continental Telephone Company of Texas (KKQ969). C.P. to change output power at lots 1-6, Block 143, 12th and Throckmorton Street, Vega, Texas operating on 152.51 MHz.
20264-CD-P-75, Empire Mobilcomm Systems, Inc. (KOP306). C.P. to change frequency to 152.18 MHz located 8.7 miles SE Coos Bay, Oregon.
20265-CD-P-75, General Communications, Inc. (KSV965). C.P. to add Loc. #6: on Rogers Road, 0.5 miles N. of Lithonia, Georgia operating on 35.22 MHz. (1-way).
20266-CD-MP-(2)-75, RAM Broadcasting of New Mexico, Inc. (KUO576). Mod. C.P. to change antenna system operating on 454.675 and 454.950 MHz located 1.25 miles NE of Intersection #83 and 285, Artesia, New Mexico. (Air-Ground).
20267-CD-P-75, Miami Valley Radiotelephone (KLF577). C.P. change antenna system operating on 35.22 MHz located at I 75 and WDAO Tower, Dayton, Ohio.
20268-CD-P-75, Portable Communications, Inc. (New). C.P. for a new 1-way signaling base station operating on 43.58 MHz located at #1 Marine Midland Center, Buffalo, New York.
20269-CD-P-75, Rad-Com Electronics, Inc. (New). C.P. for a new 2-way station operating on 152.09 MHz located at Crego Hill, approx. 9 miles SW of Chehalis, Wash.
20270-CD-P-75, Empire Mobilcomm Systems, Inc. (New). C.P. for a new 1-way signaling station operating on 152.24 MHz located 1 mile W. of Englewood and 1.75 miles SW of Coos Bay, Oregon.
20271-CD-PC-75, Charles H. Beard d/b/a Granbury Communications Company (New). C.P. for a new 2-way station to operate on 454.350 MHz located at City Water Tower, Springtown, Texas.
20272-CD-P-75, Radio Broadcasting Co. (New). C.P. for a new 1-way signaling station to operate on 152.24 MHz located at Griest Building, Penn Square and North Queen Street, Lancaster, Pennsylvania.
20273-CD-P-75, Airsignal International, Inc. (KAF245). C.P. to add Loc. #5: 9185 Bond, Overland Park, Kansas operating on 43.58 MHz.
20274-CD-P-75, South Georgia Telephone Company (New). C.P. for a new 2-way signaling station operating on 152.78 MHz located on Hwy. 280 at NE city limits of Reidsville, Georgia.
20275-CD-P-(2)-75, Nashville Mobilphone, Inc. (New). C.P. for a new 2-way station to operate on 454.175 and 454.250 MHz located on Anderson Lane, 2.4 miles East of Hendersonville, Tennessee.
20276-CD-P-75, William R. Mears d/b/a Southwestern Communications Service (KUC855). C.P. for additional facilities operating on 152.09 MHz located ½ mile W. of Carrizo Sprgs, Texas.
20277-CD-MP-75, Radio Dispatch, Inc. (KLB701). Mod. C.P. to replace facilities operating on 454.275 MHz located at Orchard Street and Highway #36, Rosenberg, Texas.
20278-CD-P-(2)-75, Charles L. Escue and H. B. Lee d/b/a Telpage, Ltd. (KIE366). C.P. to relocate facilities operating on 152.03 and 152.06 MHz located 1 mile south of Vulcan, Birmingham, Alabama.
Renewal of Air-Ground License expiring September 1, 1974. TERM: 9/1/74 through 9/1/79.
20279-CD-R-75, General Communications Svc., Inc. KWS213.
20280-CD-R-75, Mobilfone Service, Inc. KUC859.

Corrections

3485-C2-P-73, Delete the afore referenced file number on Public Notice #623, dated November 20, 1972. The particulars proposed therein are to be incorporated as part of file number 3486-C2-P-(5)-73 on the same Public Notice. All other particulars are to remain the same. (Radiotelephone Company of Gainsville).
20660-C2-P-(2)-74, AAA Anserphone, Inc.—Jackson (KKV692). Previously reported on Public Notice #682, dated January 7, 1974, should have been listed as a Major Amendment to File Number 20589-C2-P-(2)-74, which appeared on Public Notice #677, dated December 3, 1973. All other particulars are to remain as reported in the herein mentioned files.
20624-C2-P-74, AAA Answering Service, Inc (KLB703). Previously reported on Public Notice #678, dated December 10, 1973, should have been listed as a Major Amendment to File Number 20584-C2-P-74, which appeared on Public Notice #677, dated December 3, 1973. All other particulars are to remain as reported in the herein mentioned files.

RURAL RADIO SERVICE

60015-CR-MP-75, RCA Alaska Communications, Inc. (WAF835) Mod. C.P. for additional frequencies: 157.86, 158.01, 158.04 MHz located at Mary Alsworth Home, Port Alsworth, AK 105 miles WNW of Homer, Alaska.

POINT-TO-POINT MICROWAVE RADIO SERVICE

488-CF-P-75, The Mountain States Telephone & Telegraph Company (KBC48), 309 South 4th Street, Lamar, Colorado. Lat. 38°05'11" N., Long. 102°37'01" W. C.P. to add 2128.0V MHz toward Lamar, Colo., on azimuth 177°-40'.

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489–CF–P–75, Same (KCO79), 10.8 Miles South of Lamar, Colorado. Lat. 37°55'27" N., Long. 102°36'31" W. C.P. to add 2178.0V MHz toward Lamar, Colo., on azimuth 357°-40'; 2171.6V MHz toward a new point of communication at Wilde, Colo., on azimuth 181°55'.

490–CF–P–75, Same (new), Wilde, 17.9 Miles North of Springfield, Colorado. Lat. 37°39'-58" N., Long. 102°37'09" W. C.P. for a new station on 2121.6V MHz toward Lamar, Colo., on azimuth 1°54'; 2115.2H MHz toward Springfield, Colo., on azimuth 179°-13'.

491–CF–P–75, Same (new), 724 Main Street, Springfield, Colorado. Lat. 37°24'24" N., Long. 102°36'54" W. C.P. for a new station on 2165.2H MHz toward Wilde, Colo., on azimuth 359°13'.

492–CF–P–75, Michigan Bell Telephone Company (new), 230 Spring Street, Battle Creek, Michigan. Lat. 42°19'04" N., Long. 85°12'20" W. C.P. to change 6390H to 11525V MHz toward WUHQ–TV, Battle Creek, Mich., on azimuth 289°49'.

493–CF–P–75, Northwestern Bell Telephone Company (KAM33), 1823 16th Street North, Bismarck, North Dakota. Lat. 46°49'32" N., Long. 100°46'00" W. C.P. to add 6026.7H MHz toward Wilton, N. Dak., on azimuth 355°43'.

494–CF–P–75, Same (KAX41), 1.5 Miles SW of Wilton, North Dakota. Lat. 47°08'32" N., Long. 100°48'05" W. C.P. to add 6278.8H MHz toward Bismarck, N. Dak., on azimuth 175°42'.

495–CF–P–75, Northwestern Bell Telephone Company (KBC40), 5th Avenue, between Lilly and High Streets, Drake, North Dakota. Lat. 47°55'38" N., Long. 100°22'04" W. C.P. to correct geographical coordinates, change power, alarm center loc., antenna location, replace transmitter and change 6175 & 6415 MHz to 2128.0V MHz toward Benedict, N. Dak., on azimuth 269°40'.

496–CF–P–75, Same (KAX43), 6.5 Miles North of Benedict, North Dakota. Lat. 47°55'20" N., Long. 101°04'37" W. C.P. to change antenna location, power, replace transmitter and change 6055 & 6295 MHz to 2178.0V MHz toward Drake, N. Dak., on azimuth 89°08'.

497–CF–P–75, Puerto Rico Communications Authority (WWT52), El Yunque, Rd. No. 191, Luquillo, Puerto Rico. Lat. 18°18'00" N., Long. 65°47'31" W. C.P. to add 10995H MHz toward Drake, N. Dak., on azimuth at Fajardo, P.R., on azimuth 88°21'; 10915V MHz toward a new point of communication at Humacaco, P.R on azimuth 192°32'.

498–CF–P–75, Puerto Rico Communications Authority (new), Street "A", Pueblo Viejo Industrial Development, Fajardo, Puerto Rico. Lat. 18°20'15" N., Long. 65°38'16" W. C.P. for a new station on 11285H MHz toward El Yunque, P.R., on azimuth 268°31'.

499–CF–P–75, Same (new) Humacao, Puerto Rico. Lat. 18°06'26" N., Long. 65°49'43" W. C.P. for a new station on 11685V MHz toward El Yunque, P.R., on azimuth 12°32'.

501–CF–P–75, General Telephone Company of California (KTQ41), 39631 Menlo Avenue, Hemet, California. Lat. 33°45'28" N., Long. 116°58'04" W. C.P. to change antenna location on 6293.6H and 6412.2H MHz toward Red Mountain, Calif., on azimuth 141°49' to the foregoing coordinates.

503–CF–P–75, The Western Union Telegraph Company (KAA89), Arcade Bldg., N. 8th St., & Pine St., St. Louis, Missouri. Lat. 38°37'41" N., Long. 90°11'34" W. C.P. to replace authorized Western Union Type MLD–48 transmitters with Northern Electric Co., Ltd. Type RA–354 on 3870V and 4110V MHz toward Dorsey, Ill., on azimuth 24°02'.

504–CF–P–75, Same (KSN50), 7.5 Miles SE of Carlinville, Illinois. Lat. 39°13'33" N., Long. 89°45'56" W. C.P. to replace authorized Western Union Type MLD–48 transmitters with Northern Electric Co., Ltd. Type RA–354 transmitters on 3790H and 4030H MHz toward Dorsey, Ill., on azimuth 215°53'.

505–CF–P–75, The Western Union Telegraph Company (KSN51), 1 Mile NE of Dorsey, Illinois. Lat. 38°59'05" N., Long. 89°59'20" W. C.P. to replace authorized Western Union Type MLD–48 transmitters with Northern Electric Co., Ltd Type RA–354 transmitters on 3910H & 4150H MHz toward Carlinville, Ill., on azimuth 35°45'; 3750V & 3990V MHz toward St. Louis, Mo., on azimuth 204°10'.

509–CF–P/ML–75, Florida Telephone Corporation (KIO67), 202 East Meridian Avenue, Dade City, Florida. Lat. 28°21'49" N., Long. 82°11'28" W. C.P. and Mod. of License to add 5974.8V and 6093.5V MHz toward a new point of communication at Plant City, Fla., on azimuth 176°13'.

510–CF–P–75, The Pacific Telephone and Telegraph Company (KNL78), 3.5 Miles East of Corona Del Mar, California. Lat. 33°36'20" N., Long. 117°48'35" W. C.P. to replace transmitter, change power, alarm center location and change 10755 & 10915 MHz to 6256.5V & 6375.2V MHz toward San Clemente, Calif., on azimuth 130°58'.

511–CF–P–75, Same (KNL79), 2 Miles NE of San Clemente, California. Lat. 33°26'37" N., Long. 117°35'15" W. C.P. to replace transmitter, change power, alarm center and change 11365 & 11685 to 6004.5V and 6123.1V MHz toward San Marcos, Calif., on azimuth 123°47'; change 11345H & 11685H MHz to 6004.5V & 6123.1V MHz toward Corona Del Mar, Calif., on azimuth 311°05'.

512–CF–P–75, The Pacific Telephone and Telegraph Company (KNL80), 3.5 Miles NE of San Marcos, California. Lat. 33°11'-05" N., Long. 117°07'44" W. C.P. to replace transmitter, change power, alarm center location and change 10775H & 10935H MHz to 6256.5V & 6375.2V MHz toward San Clemente, Calif., on azimuth 304°02'.

513–CF–P–75, Same (KPP95), 5.6 Miles North of Julian, California. Lat. 33°09'33" N., Long. 116°36'53" W. C.P. to replace transmitter and change 5945.2V & 6063.8V MHz to 11345H & 11665H MHz toward San Marcos, Calif., on azimuth 273°31'.

[FR Doc.74–20816 Filed 9–9–74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

SECOND ELECTRICITY CONFERENCE

Notice of Meeting

Notice is hereby given that the Second Electricity Conference will meet September 19 and 20, 1974 at the Auditorium, 1st Floor, Department of Commerce, 14th & Constitution Avenue NW., Washington, D.C., at 9 a.m. to 12 noon, 1:45 p.m. to 6 p.m. on September 19 and 9 a.m. to 12:30 p.m. on September 20.

The agenda for the meeting is as follows:

September 19, 1974:

9:00– 9:15 Introduction—The role of electric utilities in the Federal Energy Program.
9:15– 9:45 The present crisis in electric utility financing.
9:45–10:30 Speeding rate hearings.
10:30–11:15 Putting utilities on a sound financial basis.
11:15–12:00 Sound funding of replacement equipment.
1:30– 2:10 Putting construction work-in-progress in the rate base.
2:10– 2:50 Protecting consumer interest.
2:50– 3:30 How to achieve a national approach on rate-making policies.
3:30–3:45 Summary/conclusions by moderator.
3:45– 4:30 Conservation ethic and its role in the electricity industry.
4:30– 5:15 Projections of electricity demand.
5:15– 6:00 Elasticity of demand.

September 20, 1974:

9:00– 9:45 Load management and reliability.
9:45–10:30 Industrial energy conservation.
10:30–11:10 Residential electricity conservation.
11:10–11:50 Conservation and public awareness.
11:50–12:30 Conservation can mean dollar savings to the consumer.

The conference will be divided into two parts. The first part will be devoted to electricity financing. The purpose will be to develop national guidelines for consideration by state regulatory commissions in order to accelerate the rate-making process. The second part of the Conference will be devoted to opportunities for electricity conservation and increased efficiency. Representatives of state utility regulatory commission, the utility industry, the capital financing and academic communities, and consumer and environmental groups will be attending the Conference.

The meeting is open to the public.

Further information concerning the Conference may be obtained from the Office of Finance and Incentives, Federal Energy Administration, (202) 961–8454 or 8455.

Issued at Washington, D.C. on September 4, 1974.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.74–20855 Filed 9–9–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP72–9]

ARKANSAS LOUISIANA GAS CO.

Application for Declaratory Order or for Amendment of Order Issuing Certificate of Public Convenience and Necessity

SEPTEMBER 3, 1974.

Take notice that on August 20, 1974, Arkansas Louisiana Gas Company (Applicant), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CP72–9 an application for interpretation of its budget-type certificate granted January 16, 1974, in Docket No. CP74–67 pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)). An interpretation as requested by applicant would permit the construction and operation of certain gathering lines and appurtenant facilities under said certificate. In the alternative, applicant requests in Docket No. CP72–9 pursuant to section 7(c) of the Natural Gas Act an amendment of the order issuing the certificate of public convenience and necessity in said docket by authorizing the construction of said facilities in the event the Commission finds that Applicant cannot properly construct the facilities under its budget-type certificate in Docket No. CP74–67. Applicant's proposals are more fully set forth in the application which is on file with the Commission and open to public inspection.

By order issued November 1, 1971, as amended, in Docket No. CP72–9 the Commission authorized the exchange of gas between Applicant and Cities Service Gas Company (Cities). On April, 1, 1974, applicant filed a petition to amend said order in which Applicant proposed to add three additional points of delivery of natural gas from Applicant to Cities.[1] In that petition to amend applicant stated that the facilities by which it would receive gas and deliver it to Cities at the additional delivery points would be constructed under Applicant's budget-type certificate issued in Docket No. CP74–67. Applicant states that it has been advised subsequently that it cannot properly construct facilities under its budget-type certificate in Docket No. CP74–67 to receive gas if the gas will be delivered to Cities' pipeline in exchange for gas Cities returns to applicant elsewhere on Applicant's system.

Applicant claims that the proposed gathering lines are directly related to the acquisition of supply for Applicant's system and the delivery to Cities is the most economic and expeditious way to get the gas, by displacement, to Applicant's system. Therefore, applicant requests a Commission determination that Applicant may construct and operate said gathering line, even though those facilities do involve an exchange of gas with Cities, under applicant's budget-type certificate in Docket No. CP74–67. Applicant further requests that upon such Commission determination applicant's filing of April 1, 1974, be processed and applicant be permitted to connect the three new delivery points.

If the Commission does not determine that applicant can construct said gathering facilities under its budget-type certificate, applicant requests the issuance of an order expressly certificating construction and operation of the following facilities in connection with the additional deliveries contemplated by its April 1, 1974, filing:

(1) At the exchange point on Cities' line in Woods County, Oklahoma, approximately 5.6 miles of 4½-inch O.D. pipe, Glycol Dehydrator, well meters and related facilities.

(2) At the Shattuck Exchange Point on Cities' line in Ellis County, Oklahoma, approximately 14 miles of 6⅝-inch and 4.5 miles of 4½-inch gathering lines, two 10,000 Mcf and two 5,000 Mcf Glycol dehydrators, well meters and related facilities. Applicant states that at the Shaller Well Exchange Point on Cities' line in Hemphill County, Texas, no new facilities are required.

Applicant estimates the total cost for the proposed facilities to be $894,880, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–20794 Filed 9–9–74;8:45 am]

[1] Notice of that petition was issued May 15, 1974, and published in the FEDERAL REGISTER May 23, 1974, 39 FR 18136.

[Docket No. E–8984]

CENTRAL MAINE POWER CO.

Proposed Rate Schedule

SEPTEMBER 4, 1974.

Take notice that on August 19, 1974, Central Maine Power Company (Central Maine) tendered for filing a proposed rate schedule for service to Green Mountain Power Corporation (Green Mountain). The proposed agreement is for the sale of a specified amount of capacity and energy output from Cape Station Gas Turbine Units No. 4 and 5 in South Portland, Maine. Said service would run from July 1, 1974 through October 31, 1974. The use of transmission facilities is also included.

Central Maine states that the capacity charge was determined by negotiation; the energy charges will be determined by actual costs; and the transmission charges will be the same as those in Central Maine's FPC Rate Schedule No. 33. The proposed effective date is July 1, 1974, and in order that such effective date be allowed, Central Maine asks that the prior notice requirements be waived.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–20798 Filed 9–9–74;8:45 am]

[Docket No. E–8650]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Further Extension of Time and Postponement of Hearing

SEPTEMBER 3, 1974.

On August 9, 1974, Counsel for the City of Westerville requested a further extension of the procedural dates in the above-designated matter fixed by notice issued July 18, 1974, which modified a notice of June 21, 1974, and the original Order issued April 30, 1974.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of prepared testimony and exhibits by Intervenors, September 6, 1974.
Service of rebuttal testimony and exhibits by Columbus and Southern Ohio Electric Company, September 18, 1974.
Hearing, September 25, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–20782 Filed 9–9–74;8:45 am]

[Docket No. E–8981]

DUKE POWER CO.

Supplement

SEPTEMBER 4, 1974.

Take notice that on August 19, 1974, Duke Power Company (DPC) tendered for filing with the Federal Power Commission, a contract supplement to DPC's Rate Schedule FPC No. 241 which involves a contract between DPC and the City of Easley. The effective date of the supplement is September 18, 1974.

DPC states that in order to provide service under this agreement, the 100 kV line east of Easley will be tapped and a 100–12.5 kV substation will be built at the requested delivery point.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–20797 Filed 9–9–74;8:45 am]

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[Docket No. E-7679]

FLORIDA POWER CORP.

Order Approving Settlement Agreements With Conditions

AUGUST 30, 1974.

On January 14, 1974, the Presiding Administrative Law Judge certified to the Commission for approval a proposed settlement agreement between Florida Power Corporation (Company) and twelve municipal customers (Cities)[1] in this docket. A proposed settlement agreement between the company and nine rural electric cooperative customers (Cooperatives)[2] had been certified to the Commission on March 2, 1973. If approved, the settlements would resolve all issues in this proceeding. The proposed settlement rates would result in a reduction of approximately $1.2 million in Florida Power's presently effective rates with approximately $600,000 of such reduction going to each of the intervenor groups.

This proceeding involves an application filed by the Company on November 12, 1971, requesting an increase in rates for jurisdictional sales and services of $3,402,929 based upon 1970 test year data. By Commission order issued January 10, 1972, the proposed increase was suspended for the maximum statutory period of five months to become effective on June 12, 1972 and the Cooperatives and Cities were permitted to intervene.

On February 8, 1973, after several months of negotiations, a proposed settlement agreement between the Company and the Cooperatives, dated January 24, 1973, was filed with the Presiding Administrative Law Judge. The settlement was certified to the Commission by the Presiding Judge on March 2, 1973. Public notice of certification of the settlement was issued on March 14, 1973 with comments by interested parties due on or before April 2, 1973. Comments were received from Staff and Cities, neither of whom opposed the settlement. However, Cities stated that they could not join in the settlement because the proposed rates, as they would apply to Cities, would be too high and the settlement did not resolve the Company's alleged anticompetitive practices.

On May 22, 1973, Mr. Arthur J. England, Jr., Consumer Advisor and Special Council to the Governor of Florida, filed comments which requested that this Commission, in its review of the settlement proposal, consider the Governor's position set forth in his brief to the Florida Commission and submitted to this Commission by letter dated December 1, 1972. Mr. England states that the Governor waives his right to plead further in this docket. In summary, the Governor's position is that the Florida state corporate income tax levied against the company should not be considered an operating expense when computing cost of service.

The principal provisions of the proposed settlement between the Company and the Cooperatives may be summarized as follows:

Article I provides for the filing of a revised wholesale tariff, which revisions would apply solely to the Rural Electric Cooperatives and would be effective as of June 12, 1972 with refunds of all amounts collected in excess of the revised rates with interest. Article I further provides that for purposes of settlement the Company's cost of service to the Cooperatives is agreed to be $6,710,640 on the basis of a 1970 test year and that the revised rates would produce revenues essentially equal to that cost of service. In addition, this Article provides that the Company will make any appropriate filing which may be necessary to make any fuel adjustment clause that may finally be approved by the Commission applicable prospectively to service to the Cooperatives.

Article II provides for the termination of Cooperative's participation in these proceedings upon the Commission's acceptance of the proposed settlement and provides further that the Cooperatives will not attempt to have any subsequent order in these proceedings apply to rates or service to them.

Article III contains a general reservation disclaiming reliance on any principle underlying or supposed to underlie the settlement as negotiated; provides for acceptance of the settlement in its entirety; and further provides for waiver of Sections 35.3 and 35.13 of the Commission's Regulations under the Federal Power Act.

From February 20, 1973 until January 4, 1974, active settlement negotiations between the Company and Cities continued. On January 4, 1974, the Company and Cities submitted their proposed settlement agreement to the Presiding Administrative Law Judge who, on January 14, 1974, certified such settlement agreement to the Commission. Public notice of the certification of this settlement was issued on January 29, 1974, with comments by interested parties due on or before February 25, 1974. The principal provisions of this proposed settlement agreement may be summarized as follows:

Article I provides for the filing of a revised wholesale tariff (FPC Electric Tariff, First Revised Volume No. 1) to become effective June 12, 1972 which provides for all requirements service at rates essentially equal to a cost of service established at $6,545,587 based on 1970 cost of service figures. In addition, Article I provides for refunds of excess rates back to June 12, 1972, with interest at seven percent per annum, and also provides for rates for transmission service and partial requirements service not yet being rendered, but based upon the same 1970 cost of service as the all requirements rate.

Article II provides that the Company is not to increase its rates or change the terms and conditions of the tariff prior to January 1, 1976 with the following exception:

(1) Should the Commission require the Company to file a revised fuel adjustment clause which would result in a change in revenues, the Company has the right, in the case of a revenue loss, to file for recovery of such losses, and the obligation, in the case of revenue increases, to file for a change of rates to eliminate the revenue gain. Computations are to be based upon the 1970 cost of service.

(2) Company or Cities may enter into separate pooling arrangements and obtain services pursuant to such arrangements which may supersede the provisions of the tariff.

(3) In the event that sales for resale to other than ultimate consumers result in a change in a City's load characteristics sufficient to warrant establishment of a separate wholesale service classification, the Company shall have the right to file an appropriate rate schedule with the Commission based upon the 1970 cost of service if such filing is to be effective prior to January 1, 1976.

(4) If transmission service requested by a City would require the Company to install new facilities it would not otherwise install or install them significantly earlier than it would otherwise install them, or otherwise incur exceptional expense, the Company has the right to offer such service at a compensatory rate based upon 1970 cost of service for schedules to become effective prior to January 1, 1976. In the case of new facilities or exceptional costs, costs will be actual or estimated costs.

(5) In the event partial requirements service is taken at an average hours use of demand of less than 350 KWH per KW per month and such use is non-compensatory, the Company has the right to file revisions which will be based upon the 1970 cost of service where such filing is to be effective prior to January 1, 1976.

Article III provides that: 1.) the Company shall cooperate with the Cities in arranging for transmission services to the Cities; 2.) upon request the Company shall arrange for delivery parts for the Cities at agreed upon voltages and locations provided such voltages exist at the locations at the time of request; 3.) an interchange agreement will be consummated for any City that has its own installed or purchased generation source, which agreement will provide for emergency, scheduled maintenance and energy interchange service; and 4.) Cities agree not to raise before the Commission in any future proceeding or to raise in any court or any state or federal regulatory agency, allegations of anticompetitive conduct by the Company which predates the filing of the proposed rate increase on November 12, 1971.

Article IV contains a general reservation disclaiming reliance on any principle underlying or supposed to underline the settlement as negotiated; provides for acceptance of the settlement in its entirety; and further provides for waiver of sections 35.3 and 35.13 of the Commission's Regulations under the Federal Power Act.

In response to the January 29, 1974 notice of certification, comments were filed by Cities and Staff. Cities urged Commission approval of the proposed settlement on the grounds that it settles complex rate issues including issues of coordination and access to transmission services and of competitive relationships; establishes a framework whereby the Company and the Cities can work together; and would establish filed rates for transmission and partial requirement services.

In its comments, Staff took issue with certain provisions of the tendered agreement stating that: (1) no cost of service data was submitted in support of the

[1] The Cities of Alachua, Bartow, Bushwell, Chattahoochee, Fort Meade, Lake Helen, Leesburg, Mount Dora, Newberry, Ocala, Quincy and Williston, all located in Florida.

[2] Central Florida Electric Cooperative, Clay Electric Cooperative, Glades Electric Cooperative, Peace River Electric Cooperative, Sumter Electric Cooperative, Suwannee Valley Electric Cooperative, Talquin Electric Cooperative, Tri-County Electric Cooperative and Withlacoochee River Electric Cooperative.

settlement; (2) the proposal includes rates for wheeling, interchange and partial requirements services which do not presently exist between the parties and for which no date for commencement has been specified, therefore evaluation of such rates cannot properly be considered; (3) the proposal contains a fuel adjustment clause which does not conform to the Commission's regulations, as interpreted in Commission Opinion No. 633, in that it imputes to purchased energy and net interchange energy received at the same base price the Company experiences on its own system; and (4) the settlement proposal provides for the use of 1970 cost data as the basis for rate adjustments during the time such agreement is in effect. Staff excepted to the latter provision on the ground that any tendered change in rates can only be evaluated properly by using the latest available cost data as prescribed in the Commission's regulations.

On April 15, 1974, in response to Staff's comments, the Company and Cities filed cost of service data in support of the settlement rates.

It should also be noted that although this proposed settlement agreement purports to be between the Company and Cities only, the tendered rates for transmission and partial requirements service are also extended by reference to the Cooperatives. The Cooperatives have not submitted comments in regard to the proposed settlement agreement.

The Cooperative settlement cost of service includes a return in the Company's net investment rate base of 7.77 percent yielding a return on common equity of 11.37 percent. The Cities' settlement cost of service includes a return on the Company's net investment rate base of 7.31 percent which yields a return on common equity of 10.11 percent. We find these settlement costs of service, rates and return, and resulting rates for full requirement service to be reasonable and in the public interest and they are hereby approved to be effective as of June 12, 1972. Upon review of these settlement agreements and the record of this proceeding, we refuse to eliminate Florida's corporate income tax as an operating expense in the cost of service since we find such item to be properly classified as an operating expense and to eliminate it would deny the Company the opportunity to earn its allowable return on investment.

The fuel adjustment clause agreed to in each settlement is identical to that which was incorporated within the Company's original tariff filing in this proceeding. In our order of January 10, 1972, we suspended operation of this clause for the full statutory period and permitted it to go into effect thereafter, subject to refund. As pointed out in staff's comments to the settlement with Cities, this clause does not conform to Opinion No. 633, in that it imputes to purchased energy and net interchange energy received the same base price as the Company experiences in its own system. The agreements recognise the possibility that this Commission will require the filing of a revised fuel clause and provide that should we do so, the new clause would become effective prospectively for the Cooperatives and, under the terms of the settlement with the Cities, the revenue effect of revising the fuel clause would be neutralized over the term of the moratorium by the filing of offsetting changes in the settlement all-requirements rates. This provision in the Cities' settlement is intended to permit the Company to continue to recover its 1970 cost of service as agreed to for settlement purposes.

We shall provide for the filing of a fuel clause which conforms to Opinion No. 633. However, since the parties to the settlements have agreed to procedures whereby refunds will not be necessary to compensate the Cooperatives and Cities for excess payments under the suspended fuel clause, we shall not enforce the refund provision of our order of January 10, 1972 as it applies to such fuel clause.

With regard to the agreement reached with the Cities providing proposed rates for wheeling, interchange and partial requirements services, we shall waive our notice requirements and permit the filing of such initial rates to become effective on the dates such services are initiated. However, in view of the fact that the settlement establishes 1970 cost of service data as the basis of such rates and there is no date specified for commencement of such services, we shall reserve the right to institute an investigation under Section 206 of the Federal Power Act to examine into the justness and reasonableness of the rates upon their taking effect.

Article II of the proposed settlement agreement with Cities provides for allowing the Company to file for a change of rates during the moratorium: (1) should Commission requirements for a revised fuel clause result in a revenue loss; (2) should a change in a City's load characteristics warrant establishment of a separate wholesale service classification; (3) should transmission service requested by a city result in exceptional expense; or (4) in the event partial requirements service is taken at less than a specified level and revenue for such use are non-compensatory. According to the provisions of the settlement, in each of these cases the revised rates would be based upon the 1970 cost of service. Under such terms, this Commission may possibly be placed in the position of evaluating the justness and reasonableness of proposed rates using cost of service data that is four, or possibly five years old. Such a provision is not in the public interest. Should the Company file for a rate increase pursuant to the exceptions set forth in its settlement with the Cities, it shall be required to provide, in addition to the cost of service data required by the settlement agreement, cost of service data pursuant to § 35.13 of our Regulations under the Federal Power Act.

Based upon our review of the proposed settlement agreements, the record relating thereto, and the comments of the parties, we find that the settlement agreements represent a reasonable resolution of the issues in this proceeding in the public interest, and that accordingly, they should be approved and adopted, subject to the terms and conditions of this order.

The Commission finds: The settlement of this proceeding on the basis of the settlement agreements certified herein by the Presiding Judge on March 2, 1973 and January 14, 1974, is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act, and such agreements should be approved as hereinafter ordered.

The Commission orders: (A) The settlement agreement with the Cities certified by the Presiding Judge on January 14, 1974, and the settlement agreement with the Cooperatives certified by the Presiding Judge on March 2, 1973, are incorporated by reference and made a part hereof, and are approved and adopted.

(B) Upon filing for rate increases pursuant to Article II of the settlement agreement between Cities and the Company, the Company shall provide, in addition to the cost of service data required by the settlement agreement, cost of service data pursuant to § 35.13 of the Commission's regulations under the Federal Power Act.

(C) The notice requirements of § 35.3 are hereby waived so as to permit acceptance for filing of the proposed initial rates for partial requirements, transmission and interchange services, to become effective on the dates such services are initiated; however, this Commission reserves the right to institute an investigation pursuant to section 206 of the Federal Power Act, to examine into the justness and reasonableness of such rates at the time they become effective.

(D) The Company's fuel adjustment clause imputes to purchased energy and net interchange energy received at the same price the Company experiences on its own system and therefore may produce revenues which are not just and reasonable. Therefore, within 30 days of the issuance of this order, a fuel adjustment clause which is consistent with Opinion No. 633 shall be filed to be made effective as provided for in the respective settlement agreements.

(E) Within 30 days the Company shall file revised sheets and rate schedules to conform with the proposed settlement agreements as herein approved.

(F) Within 30 days the Company shall make refunds to the Cooperatives and Cities of the respective differences between the rates presently in effect and the settlement rates, with interest at the rate of 7 percent per annum.

(G) Within 45 days the Company shall file with this Commission a statement of refunds pursuant to § 1.35 of the Commission's regulations under the Federal Power Act.

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(H) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by

Commission and is available for public inspection.

under an Automatic Dividend Reinvestment and Stock Purchase Plan.

rate schedule as set out in the settlement agreement. These revised sheets change

(C) Within 30 days of the issuance of this order, Jersey Central shall file the revised sheets contained in the proposed

ing as it applied to Cities. On July 23, 1973, KU filed for rehearing of our June 29, 1973 order asserting, inter alia, that

(H) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by this Commission, and it is without prejudice to any claims or contentions which may be made by the Commission, its Staff, the Company, or by any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against the Company or any other person or party.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20784 Filed 9-9-74;8:45 am]

[Docket No. E-8969]

GULF STATES UTILITIES CO.

Application

SEPTEMBER 3, 1974.

Take notice that on August 23, 1974, Gulf States Utilities Company (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the Applicant to enter into a Guaranty Agreement with the Trustee of the Bonds to be issued by the Industrial Development Board of the Parish of Calcasieu, Inc., to finance the construction of air and water pollution control facilities relating to the Roy S. Nelson Station located in the Parish of Calcasieu, Louisiana.

Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Texas, and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the City of Baton Rouge and vicinity.

Applicant will lease the Pollution Control Facilities to the Board pursuant to an equipment lease for a term commencing with the date of issue of the Bonds and ending one day following the expiration of the term of the Sublease. The Board will sublease the Pollution Control Facilities to Applicant for a term commencing with the date of the issue of the Bonds and terminating on the date of the final payment of the Bonds.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Federal Power Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20796 Filed 9-9-74;8:45 am]

[Docket No. E-8987]

INDIANA AND MICHIGAN ELECTRIC CO.

Tariff Change

SEPTEMBER 4, 1974.

Take notice that Indiana and Michigan Electric Co. (I&M), on August 21, 1974 tendered for filing an unsigned agreement with the City of Auburn, Indiana, pursuant to the Company's filed Tariff WS, filed with the Commission on June 12, 1972.

I&M states that the proposed changes would increase revenues from jurisdictional sales and service to Auburn by approximately $114,375 based on the twelve-month period ended October 31, 1974. I&M requests a waiver of § 35.13 of the Commission's regulations to the extent that the same would require I&M to prepare a new cost-of-service study.

I&M asserts that the reason for the proposed change is to modify the applicable rate for service to Auburn from Tariff IP to the Company's Tariff WS applicable to municipal wholesale customers. The proposed effective date is October 20, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20799 Filed 9-9-74;8:45 am]

[Docket No. E-8985]

IOWA POWER AND LIGHT CO.

Application

SEPTEMBER 3, 1974.

Take notice that on August 20, 1974, Iowa Power and Light Company (Applicant) of Des Moines, Iowa, filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of 50,000 shares of Common Stock, par value $10 per share.

Applicant proposes to issue and sell for cash the aforesaid 50,000 shares of Common Stock, par value $10 per share, under an Automatic Dividend Reinvestment and Stock Purchase Plan.

The purpose for which the Common Stock is to be issued is to obtain funds to pay a portion of short-term borrowings outstanding from commercial banking institutions and commercial paper from time to time and for general corporate purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20795 Filed 9-9-74;8:45 am]

[Docket No. E-8424]

JERSEY CENTRAL POWER AND LIGHT CO.

Order Approving Settlement Agreement and Terminating Proceedings

SEPTEMBER 4, 1974.

On July 11, 1974, Jersey Central Power and Light Company (Jersey Central) and the Boroughs of Madison, Butler, Lavallette, Pemberton, and Seaside Heights, New Jersey (Boroughs) filed a joint motion for approval of a proposed settlement agreement and termination of proceedings.

On September 3, 1973, Jersey Central tendered for filing a proposed tariff for its all-requirements wholesale customers which would increase jurisdictional revenues by $1,244,142, based on the test year. These customers are the Boroughs and one cooperative, the Sussex Rural Electric Cooperative.[1] This proposed tariff was accepted for filing and the use thereof suspended one day by order issued November 30, 1973. Procedural dates were also established by this order. Jersey Central, the Boroughs, who petitioned for and were permitted intervention by the November 30, 1973 order, and Staff engaged in settlement negotiations which produced the proposed settlement which would reduce the revenue increase by $11,360 in 1973, $68,823 in 1974, and $26,759 in 1975. The substantive provisions of the settlement agreement are as follows:

1. *Revision of Rate Schedules.* Jersey Central is to file revised sheets to its rate schedule as set out in the settlement agreement. These revised sheets change the "Determination of Billing Demand" provision to eliminate its application to measured demands prior to December 2, 1973, and to reduce the ratchet to 40 percent for computing billing demands in 1974, 50 percent for that computation in 1975, and 60 percent for the computation in 1976, and thereafter. The revised sheets also change the "Applicability" provision to make clear that power purchased under the rate schedule may be resold to other utilities, but provides that if the customer's load characteristics change, Jersey Central may file for a revision with the Commission.

2. *Refunds.* Jersey Central is to refund any amounts collected since December 2, 1973, in excess of the amounts which would have been collected under the revised rates to be filed pursuant to the agreement, with interest at 7 percent per annum.

3. *Moratorium.* Jersey Central shall not file a proposed rate increase to become effective prior to June 2, 1975. This moratorium does not apply, however, to the filing of a rate change to reflect a significant change in the load characteristics of a customer or to the filing of a revised fuel clause to conform to any changes in § 35.14 of the Commission's regulations.

4. *Cost of Service.* A settlement cost of service is included which reflects certain decreases in the revenues to be collected as a result of the changes in the rate schedules. (Appendix A).[2]

5. *Conditions.* There are various conditions to the settlement, including conditions that the settlement is not an admission by any of the parties of the validity of any allegations made, that no party is foreclosed from making any contentions in any proceeding, and that the Commission accept the settlement and grant certain waivers.

Notice of the proposed settlement was issued on August 5, 1974, with comments or protests due on or before August 21, 1974. No comments have been received.

Based on our review of the terms and conditions of the proposed settlement agreement, we believe that the agreement provides a reasonable and appropriate resolution of the issues raised by Jersey Central's September 3, 1973, filing and that it is in the public interest to approve the proposed settlement agreement.

The Commission finds: Approval of the proposed settlement agreement is just and reasonable in the public interest in carrying out the provisions of the Federal Power Act.

The Commission orders: (A) The proposed settlement agreement is incorporated herein by reference and made effective December 2, 1973, subject to the terms and conditions of this order.

(B) Jersey Central shall comply fully with the terms and conditions of the settlement agreement and of this order.

(C) Within 30 days of the issuance of this order, Jersey Central shall file the revised sheets contained in the proposed settlement agreement.

(D) Within 30 days of the filing of the revised sheets, Jersey Central shall refund to its customers the difference between the amounts collected since December 2, 1973, under the rates currently in effect and the amount which would have been collected under the proposed settlement rates, with interest at 7 percent per annum.

(E) Jersey Central shall file with the Commission, concurrently with the refunds ordered in Paragraph (D), a schedule of such refunds.

(F) This order is without prejudice to any findings or orders which have been or will be made by the Commission and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Jersey Central, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Jersey Central or any other person or party.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20802 Filed 9-9-74;8:45 am]

[Docket No. E-8172]

KENTUCKY UTILITIES CO.

Order Granting Motion To Dismiss Section 206 Investigation

SEPTEMBER 4, 1974.

On May 1, 1973, Kentucky Utilities Co. (KU) tendered for filing a wholesale rate increase to be applied to KU's wholly-owned subsidiary Old Dominion Power Company, the City of Paris, Kentucky, and eleven all-requirements municipal customers (Cities).[1] On June 14, 1973, Cities filed a petition to intervene and a motion to reject KU's filing as it pertained to them on the ground that their contracts with KU were fixed-rate contracts and thus prohibited unilateral changes in rates by KU under the Supreme Courts' decisions in the Mobile-Sierra cases.[2]

By order issued June 29, 1973, the Commission found that the contracts between KU and Cities were fixed-rate contracts within the terms of Mobil-Sierra and accordingly rejected KU's filing as it applied to Cities. On July 23, 1973, KU filed for rehearing of our June 29, 1973 order asserting, inter alia, that the KU-Cities contracts provided for certain maximum deliveries and that as to any deliveries which KU was making in excess of those maximums, KU's rates (proposed in its May 1, 1973 filing) were initial rates. On August 22, 1973, the Commission issued an order which found that as to those deliveries in excess of the maximum deliveries specified in the KU-Cities contracts, KU's proposed rates would be treated as initial rates and investigated under section 206 of the Federal Power Act. As to the rates for all other deliveries made to Cities (i.e. those contained in the KU-Cities contracts which were previously found to be fixed rates), the Commission instituted a section 206 investigation to determine whether those rates were in the public interest.

On September 18, 1973, Cities filed for rehearing of our August 22, 1973 order alleging that the KU-Cities contracts specifically provided for deliveries in excess of those claimed by KU to be maximum deliveries contemplated under the contracts. By order issued October 18, 1973, we agreed with Cities' contention in that we found that the contracts did provide for deliveries to be made in excess of the contractual maximums claimed by KU and thus the rates charged for such deliveries were not initial rates as previously determined. Accordingly, we ordered KU to refund all collections made in excess of its contract (fixed) rates and instituted a section 206 to determine whether the contract fixed rates charged by KU for all deliveries made to Cities were in the public interest.

On October 25, 1973, KU petitioned the United States Court of Appeals for the District of Columbia Circuit for review of our June 29, 1973 order (rehearing having been denied by our August 22, 1973 and October 18, 1973 orders) on the ground that we erred in finding that the KU-Cities contracts were fixed-rate and in accordingly rejecting KU's filing as it pertained to Cities.

Subsequently, the Staff and Cities served their evidence in this docket and KU served its rebuttal evidence. On March 25, 1973, Cities moved to dismiss the section 206 investigation of KU's rates to Cities on the ground that none of the evidence presented by any of the parties contested the lawfulness of the rates fixed by the contracts, nor did any of such evidence attempt to meet or challenge the criteria set out by Mobil-Sierra for finding that contractual fixed-rates are not in the public interest. On April 1, 1974, Staff filed its Response in Support of Intervenor Cities' Motion. In that Response, Staff stated its conclusion that it would be in the public interest for the section 206 investigation to be dismissed. On April 2, 1974, KU filed its Joinder to Cities' motion stating: (1) that it concurred with Cities' conclusion that no party had argued that KU's rates to Cities were unlawful under the Mobil-Sierra standards, (2) that KU did not

[1] Jersey Central agrees to apply the settlement rates to Allegheny Electric Cooperative, Inc., which now provides services to Sussex.

[2] Appendix A filed as part of the original document.

[1] The Electric and Water Plant Board of the City of Frankfort, the City Utilities Commission of Barbourville, the City of Bardstown, Bardwell City Utilities, the Electric Plant Board of Benham, Berea College, the City Utilities Commission of Corbin, the City of Falmouth, the City of Madisonville, the City of Nicholasville, and the Municipal Light and Water Plant of Providence, Kentucky.

[2] United Gas Pipeline Company v. Mobil Gas Service Corporation, 350 U.S. 322 (1956); F.P.C. v. Sierra Pacific Power Company, 350 U.S. 348 (1956).

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contend that the present contract rates to Cities are so low as to violate the public interest, (3) that KU was resting its efforts to raise its rate to Cities on its court appeal, and (4) that in the interest of avoiding unnecessary litigation KU would join in Cities' motion.

In light of all parties' agreement that insufficient evidence exists to prove KU's rates to intervenors are so low as to adversely affect the public interest, we believe the instant motion should be granted and the proceeding terminated. We do this with the understanding that should the Court of Appeals sustain KU by holding that we erred in rejecting KU's proposed rate increase to Cities under section 205, the record in this proceeding shall be reopened for the purpose of determining the just and reasonable rate applicable to Cities pursuant to section 205 of the Federal Power Act.

The Commission finds: (1) It is in the public interest to grant Cities' motion, filed March 25, 1974, and dismiss the section 206 investigation of KU's contract rates to Cities.

The Commission orders: (A) The Motion to Dismiss Investigation and Hearing, filed by Cities on March 25, 1974, is hereby granted.

(B) The section 206 investigation of KU's contract rates to Cities is hereby dismissed with recognition that should KU be sustained on appeal this dismissal is without prejudice to KU's right to reopen the record in this proceeding for the limited purpose of determining just and reasonable rates to Cities under section 205 of the Federal Power Act.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20804 Filed 9-9-74;8:45 am]

[Docket No. E-8172]

KENTUCKY UTILITIES CO.

Order Approving Settlement Agreements

SEPTEMBER 4, 1974.

On May 1, 1973, Kentucky Utilities Co. (KU) filed in Docket No. E-8172 a proposed rate increase applicable to KU's all-requirements customers (Cities),[1] KU's wholly owned subsidiary, Old Dominion Power Company (Old Dominion),[2] and KU's partial requirements customer, Paris, Kentucky.[3] The proposed increase would provide additional jurisdictional revenues of $733,000 annually, based on a 12 month test period ended July 31, 1972. By order issued June 29, 1973, the Commission suspended the proposed increase for Old Dominion and Paris for two months and set the matter for hearing. However, KU's proposed increase for the Cities was rejected because the Cities were served under fixed-rate contracts.[4]

The following statistics summarize the significant elements of the proposed settlement agreements:

Test period	Wholesale for resale customers	
	Paris	Old Dominion
Year ended July 31, 1972.		
Revenue at proposed settlement rates	$189, 535	$3, 141, 418
Revenue under prior rates	172, 535	2, 880, 418
Settlement increase	17, 000	261, 000
Percent increase (Percent)	9.85	9.06
Rate of return earned (Percent)	5.06	8.44

On January 17, 1974, KU filed an executed Settlement Agreement with Paris which was noticed on January 25, 1974, with protests or petitions to intervene due on or before February 11, 1974. On February 11, 1974, staff filed comments opposing the settlement because of KU's failure to provide adequate cost justification for the revenues earned for each of the various services rendered. KU submitted its response to these comments on March 15, 1974, asserting that only one service was being rendered and separate cost support data should not be required. By letter dated March 12, 1974, Paris requested that the settlement be approved.

Additional testimony on the question of whether the sum of KU's component services to Paris is effectively a single firm service was entered into the record at a pretrial conference held on April 1, 1974. Staff filed additional comments on April 3, 1974, which approved the proposed settlement agreement except for certain allegedly restrictive language. By response filed April 11, 1974, KU agreed to delete said language.

On April 15, 1974, the Presiding Administrative Law Judge certified to the Commission a proposed settlement agreement which would resolve all outstanding issues concerning KU's proposed increase to Old Dominion. The agreement would make the rate now in effect subject to refund, the finally effective rate.

Notice of the certification of the settlement agreement was issued on May 20, 1974, with protests due on or before May 30, 1974. No protests or petitions to intervene were received.

Upon our review of the record supporting the settlement proposals, including the settlement agreements, the pleadings, and the evidence and transcript from the pretrial conference, we conclude that the settlement agreements discussed above represent a reasonable resolution of the issues in this proceeding and that approval of said agreements would be in the public interest, and therefore, the settlement agreements should be approved.

The Commission finds: The settlement agreement filed on January 17, 1974, as modified by KU's response filed April 11, 1974, and the settlement agreement certified by the Presiding Administrative Law Judge to the Commission on April 15, 1974, should be approved and made effective.

The Commission orders: (A) The settlement agreement filed on January 17, 1974, as modified by KU's response filed on April 11, 1974, and the settlement certified to this Commission on April 15, 1974, are hereby approved and made effective.

(B) Within 30 days from the date of this order, KU shall file with this Commission revised rate schedules which are in conformance with the settlement agreements approved herein and the Commission's regulations under the Federal Power Act. Such schedules shall be effective as of September 1, 1973.

(C) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff or any party or person affected by this order, in any proceeding now pending or hereafter instituted by or against the Company or any other person or party.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.[5]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20805 Filed 9-9-74;8:45 am]

[Docket Nos. CP75-44, CP75-45, CP75-46]

LOWELL GAS CO. AND NEW ENGLAND LNG CO., INC.

Notice of Application

SEPTEMBER 3, 1974.

Take notice that on August 16, 1974, Lowell Gas Company (Lowell) and its affiliate, New England LNG Co., Inc. (NELNG), 95 East Merrimack Street, Lowell, Massachusetts 01863, have filed applications for the purpose of obtaining approval for the importation of liquefied natural gas (LNG) from Canada for sale to the ultimate consumer and for resale to various utility customers in New England, all as more fully set forth in the applications, which are on file with the Commission and open to public inspection.

NELNG has filed an application in Docket No. CP75-46 pursuant to section 3 of the Natural Gas Act for authorization to import up to 620,000,000 Btu equivalent of LNG which is to be purchased from Gaz Metropolitain, Inc.[1] (Gaz), a Canadian corporation. NELNG has entered into an agreement with Gaz to purchase 350,000,000 Btu equivalent on a firm basis, plus 150,000,000 Btu equivalent at NELNG's option to be exercised by October 1, 1974, plus 270,000,000 Btu equivalent as available. The application states that Lowell needs additional supplies of natural gas and can store at its Tewksbury, Massachusetts, LNG facility up to 250,000,000 Btu equivalent of LNG. Consequently, Lowell and NELNG have agreed to an assignment of no less than 150,000,000 Btu equivalent and no more than 250,000,000 Btu equivalent of LNG to Lowell. Lowell, accordingly, has filed an application in Docket No. CP 75-44 pursuant to section 3 of the Natural Gas Act for authorization to import up to 250,000,000 Btu equivalent of LNG from Canada. The application in Docket No. CP75-46, states that NELNG will be reassigned the balance of the available supply of LNG for resale to its customers.

Applicants state that they will take title to the LNG at the facilities of Gaz in Montreal and transport it by means of cryogenic semi-trailer tankers over the highways of the Province of Quebec and of the United States. NELNG will store the LNG at the storage facilities of Algonquin LNG, Inc., located in Providence, Rhode Island; and Lowell will store the LNG at its own Tewksbury facility.

NELNG filed an application in Docket No. CP75-45 pursuant to section 7(c) of the Natural Gas Act for authorization to sell the LNG which is the subject of its application in Docket No. CP75-46. NELNG intends to sell said LNG to prospective customers in liquid phase from the Algonquin LNG, Inc., storage facilities or in vapor phase through the facilities of Algonquin Gas Transmission Company.[2]

According to the applications in Docket Nos. CP75-44 and CP75-46, the price of the first 500,000,000 Btu under the agreement with Gaz for the subject LNG is approximately $1.80 per 1,000,000 Btu, f.o.b. Montreal. The remainder of the gas is subject to escalations on a pass-through basis of actual increases experienced by Gaz at the time of tender. The final cost to customers of NELNG, f.o.b. Providence is expected to be approximately $4.22 per 1,000,000 Btu equivalent of LNG.

Applicants state that the gas supply in New England remains critically short and that the LNG will be used to satisfy peak shaving requirements during the coming winter.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on the application in Docket No. CP 75-45 if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for NELNG to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20793 Filed 9-9-74;8:45 am]

MINNESOTA POWER & LIGHT CO.

[Docket No. E-8494]

Electric Wholesale Rates; Order Denying Reconsideration and Modification

SEPTEMBER 3, 1974.

Minnesota Power & Light Company (MP&L) on July 16, 1974, filed an application for reconsideration of the Commission's order issued June 17, 1974, in which the Commission denied MP&L's application for rehearing of the Commission's order of April 29, 1974.

This proceeding involves the increased rates and charges[1] filed by MP&L on November 16, 1973, which were accepted for filing, suspended and set for hearing by order issued February 15, 1974. The April 29 order, referred to above, granted the joint motion filed March 8, 1974, by the Village of Hibbing, the City of Two Harbors and the City of Virginia (collectively, Cities) to reject the increased rates and charges applicable to service to Cities other than service of Firm Power. Thus, insofar as they are applicable to Cities, the April 29 order limited the hearing to the proposed increase in the rates and charges for Firm Power.

As stated in our April 29 order, Cities contends that their contracts with MP&L[2] provide for unilateral changes in rates,[3] terms and conditions as they relate to Firm Power service only. Cities points to the fact that the provisions for such unilateral rate changes are physically contained in the Article of their contracts entitled, "4.04A Firm Power. Schedule of Rates". Cities concludes that the rates and charges for other services than Firm Power, such as "Economy Energy" and "Emergency Energy" are not subject to the provisions for unilateral changes in rates or terms and conditions of service. The contract contains no similar rate change provisions in dealing with such other services.

The questions presented to the Commission dealt with in the order of April 29 centered solely upon the language set forth in the contracts. Now, however, MP&L belatedly urges that we also give consideration to certain correspondence between MP&L and two of the three Cities, (Hibbing and Virginia), saying that subsequent to the issuance of the previous orders, the existence (relevance) of the letters came to the attention of MP&L's counsel for the first time.

In response to MP&L's July 16 application, Hibbing and Virginia filed a joint reply on July 23, 1974. Cities pleads for an end to this litigation and contends that we should not reopen our consideration of the contract interpretation issues unless we first find that the language itself and the placement of the unilateral change language in the Firm Power rate article (4.04) of the agreement raises an ambiguity. Moreover, Hibbing and Virginia contend that the Commission has twice construed the language of the contracts to permit unilateral rate changes only with respect to Firm Power and that, on neither occasion, did the Commission note any ambiguity which would necessitate reference to materials outside the contract for aid in the interpretation thereof.

The complete language of the article is as follows (italics added):

4.04 Firm Power

a. *Schedule of Rates.* Firm Power shall be available from Company at the rates and under the terms and conditions set forth herein and in the applicable rate schedule attached hereto and made part hereof and marked as Exhibit C, *or other superseding rate schedules effective as hereinafter provided.*

[1] The Electric and Water Plant Board of the City of Frankfort, the City Utilities Commission of Barbourville, the City of Bardstown, Bardwell City Utilities, the Electric Plant Board of Benhem, Berea College, the City Utilities Commission of Corbin, the City of Falmouth, the City of Madisonville, the City of Nicholasville, and the Municipal Light and Water Plant of Providence, Kentucky.

[2] Supplement No. 4 to FPC Rate Schedule No. 78.

[3] Supplement No. 1 to FPC Rate Schedule No. 83.

[4] United Gas Pipeline Company v. Mobile Service Corporation, 350 U.S. 332 (1956); and F.P.C. v. Sierra Pacific Power Company, 350 U.S. 348 (1956).

[5] Appendices A and B are filed as part of the original document.

[1] Gaz serves metropolitan Montreal. The source of Gaz' gas is Trans Canada Pipelines Limited.

[2] An application is pending in Docket No. CP75-14 for authorization to render the services necessary to sell the LNG from the storage facilities of Algonquin LNG, Inc., in Providence. Notice of the application was published in the Federal Register on August 7, 1974 (39 FR 28465).

[1] Increased rates and charges applicable to 18 municipal, 2 rural cooperative, and 1 privately operated distributor-customers.

[2] MP&L's FPC Nos. 105 (Hibbing), 10 (Two Harbors), and 102 (Virginia).

[3] "Unilateral" changes in rates means that the Company tendered the increased rates for filing without prior contractual consent of the Customers.

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This agreement and all the *rates* and *charges* herein subject to approval, amendment and change by any and all State or Federal regulatory bodies having jurisdiction thereof. *Both Company and Customer reserve the right to seek amendments, changes, increases or decreases in the rates and charges* set forth herein, in accordance with law, from any State of Federal regulatory body having jurisdiction thereof.

Service under this agreement is subject to the *Service Regulations* of the Company as they are now on file and *as they may in the future be amended* and filed with and approved by any State or Federal regulatory body having jurisdiction thereof.

In our June 17, 1974, order we noted that:

We have not taken issue with the language of the contracts as it relates to the *Memphis*[4] ruling. The contracts with Cities do provide for unilateral rate changes. The question is to which services under the contracts do the provisions for unilateral change apply.

• • • • • •

Section 4.05, *Excess Capacity*, 4.06, *Spinning Reserve*, 4.07, *Economy Energy*, and 4.08, *Emergency Energy and Scheduled Outage Energy*, contain no provision for the unilateral change of rates or terms and conditions of service. Nor does Section 4.11, *Billing*, which is generally applicable to *all* of the services provided for in Article IV, contain a provision for unilateral change.

In essence, MP&L seeks a reopening of the record in this proceeding based upon newly discovered evidence. Our review indicates that no basis exists upon which the reopening of the proceeding should be granted. MP&L asserts only that since the order denying rehearing—"the existence of certain correspondence between the parties • • • has come to the attention of counsel for the first time." It appears that the evidence was in the possession of MP&L at the time of our review of the pleading. There is no allegation that the evidence could not have been produced timely through reasonably diligent search of the plaintiff's files. "The mere fact that plaintiff's employees did not discover (the evidence) • • • and bring it to the attention of the plaintiff's attorney is not sufficient reason in law to grant a new trial." Lewis v. Kepple, 185 F. Supp. 884, (W. D. Pa. 1960), aff'd 287 F. Supp. 409 (3d. Circ. 1960). MP&L has not presented a basis for reopening on final orders herein.

Furthermore, if the offered evidence had been produced at the time of our review of these matters, it would not have altered our interpretation of the contract.

We note that the Uniform Commercial Code, which has now been adopted in all states, except Louisiana, has substantially altered the parol evidence rule relied upon by Cities. See Columbia Nitrogen Corp. v. Royster Co., 451 F. 2d 3 (4th Cir. 1971). A contract for the sale of electric power has been held to be a contract for the sale of "goods" within scope of Article 2 of the Uniform Commercial Code. Helvy v. Wabash County REMC, 275 N.E. 2d. 608 (Ind. App. 1972). Contra, Buckeye Union Fire Ins. v. Detroit Edison, 38 Mich. App. 325, 196 N.W. 2d 316 (Mich. App. 1972). Further, the Uniform Commercial Code represents the modern rules applicable to the interpretation and construction of commercial contracts. We believe that that fact warrants the application of relevant Uniform Commercial Code standards by analogy to the interpretation of contracts for the sale of electric power. See *e.g.* Northern Helex Co. v. United States, 445 F. 2d 546 (Ct. Cl. 1972); Transatlantic Financing Corp. v. United States, 363 F. 2d 212 (D.C. Cir. 1966); United States v. Wegematic Corp., 360 F. 2d. 674 (2d. Cir. 1966). The Uniform Commercial Code parol evidence rule provides that extrinsic evidence is admissible in all cases to "explain or supplement" a writing, but not to "contradict" the terms of the writing. U.C.C. § 2–202.

We do not believe that the interpretation urged by MP&L would have the effect of contradicting the terms of the written agreement. However, we find that the evidence belatedly offered by MP&L does not support the interpretation suggested by MP&L. The correspondence does not demonstrate the existence of a mutual intention that the Memphis clause should apply to rates other than the Firm Power Schedule. The correspondence from the Cities merely notes or questions the absence of a cancellation term in the draft agreement. The responding correspondence by MP&L asserts that the cancellation term was omitted because of the presence of the Memphis clause that is set forth in the Firm Power schedule. In our view, the inference that can be derived from this unilateral assertion by MP&L cannot overcome the inference that is derived from the mutual agreement that is evidenced by the placing of the Memphis clause in the Firm Power schedule and the omission of it from the billing and other paragraphs of the final written agreement.

We thus, find no basis for altering the orders issued on April 27, 1974, and June 17, 1974, and we, therefore, deny MP&L's application for reconsideration (reopening) and modification of those orders.

The Commission finds: MP&L's application for reconsideration and modification of our April 29, 1974, and June 17, 1974, orders in this docket presents no new facts or principles of law which were not considered in those orders, or which having now been considered, warrant any modification of our April 29, 1974, and June 17, 1974, orders in this docket.

The Commission orders: (A) The application, filed on July 16, 1974 by MP&L, for reconsideration and modification of our April 29, 1974, and June 17, 1974, orders is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–20785 Filed 9–9–74;8:45 am]

[4] United Gas Pipeline Co. v. Memphis Light, Gas and Water Division, 358 U.S. 103 (1958).

[Docket Nos. E–7718, E–8435]

PENNSYLVANIA ELECTRIC CO.

Order Approving Settlement Agreement With Condition

SEPTEMBER 3, 1974.

On December 11, 1972, Pennsylvania Electric Company (Penelec) filed a proposed settlement agreement which proposed increased rates for wheeling and supplemental power service to Allegheny Electric Cooperative (Allegheny) and proposed to increase the amount of power to be wheeled by Penelec from the Power Authority of the State of New York (PASNY) to Allegheny. Penelec proposed an effective date of November 10, 1973, for the settlement agreement.

On March 20, 1972, Penelec filed, inter alia, a request for an investigation under Section 206 of the Federal Power Act of its supplemental power rate in the fixed rate, fixed term contract which provided for supplemental and wheeling service to Allegheny. Included in Penelec's filing were copies of a proposed rate schedule for supplemental service to Allegheny and supporting testimony for the rates contained therein. On June 1, 1972, the Commission issued an order which, inter alia, granted Penelec's request for a section 206 investigation of the rate for supplemental service contained in Allegheny's contract and set appropriate procedural dates.

After a series of settlement discussions between Penelec and Allegheny, Penelec filed the settlement agreement which is now before us and indicated that Allegheny concurred with the agreement. The settlement was noticed on December 22, 1972, but no comments were received.

On October 5, 1973, Penelec tendered for filing a contract[1] identical to that submitted with the settlement agreement and requested that it be made effective November 10, 1973, as provided in the settlement. Penelec states that the then effective fixed rate, fixed term contract for supplemental and wheeling service, was due to expire on November 9, 1973, pursuant to 30 months contractual notice of termination given to Allegheny by Penelec by letter dated May 4, 1971. The October 5, 1973, filing was noticed on October 30, 1973, but no comments thereon were received.

The Commission issued an order on November 9, 1973, in Docket No. E–8435, which accepted the proposed contract for filing and permitted it to become effective, subject to refund, on Novembr 10, 1973, and subject to Commission action on the instant settlement agreement. The settlement agreement provides

[1] Designated as Rate Schedule No. 70 and Supplements 1 through 4 thereto.

that annual revenues from the supplemental service to Allegheny will increase by approximately $666,250 based upon sales for the twelve months ended November 30, 1973. Penelec also agrees to wheel an additional 30,000 kw from PASNY to Allegheny in addition to the 100,000 kw wheeled for Allegheny under the previous contract. The settlement agreement also prohibits any change in the settlement rates from becoming effective prior to May 10, 1975.

On May 20, 1974, the Commission issued an order which directed the Commission Staff to file comments concerning the lawfulness of the proposed settlement agreement. On May 31, 1974, the Commission Staff filed comments supporting the proposed settlement agreement subject to conditions. Staff stated in its comments that it prepared an updated study for wholesale service to Allegheny which uses the Penelec cost of service analysis submitted in Docket No. E–8446 and which reflects the normalization of the tax effect of liberalized depreciation on all utility property allocable to wholesale service to Allegheny.

Staff concluded that based on its study, the details of which are set forth in Appendix A[2] attached hereto, the settlement rates proposed in Docket No. E–7718 for Penelec's supplemental and wheeling service to Allegheny are reasonable, provided that Penelec adopts deferral accounting and ratemaking procedures reflecting normalization of the tax effect of liberalized depreciation on all jurisdictional utility property allocable to service to Allegheny. Staff also pointed out that the proposed fuel clause imputes fuel cost variations associated with its own fossil fuel generation to purchased and net interchange power in conflict with Opinion No. 633.

On June 24, 1974, Penelec filed a response to Staff's comments on the proposed settlement agreement. Penelec stated in its response that it objected to the .8 percent overall rate of return, including a return on equity of 11.55 percent, which was used by Staff in its analysis of the proposed settlement. Penelec stated that this rate of return is not adequate in view of today's high financing costs.

We note that Penelec included in its 1971 cost of service deferred accounting and ratemaking treatment under the comprehensive interperiod tax allocation procedures as originally proposed in Docket Nos. R–424 and R–446, including normalized treatment of deferred income taxes in four categories as follows:

(A) Deferred taxes resulting from the use of accelerated methods (liberalized depreciation).

(B) Deferred taxes resulting from differences between tax lives and book lives (guidelines for tax purposes).

(C) Deferred taxes resulting from capitalization of pensions and taxes.

(D) Capitalized interest component of the allowance for funds utilized during construction.

[2] Appendix A filed as part of the original document.

In order No. 504, issued February 11, 1974, the Commission deferred a decision on the propriety of implementing that part of Docket Nos. R–424 and R–446 which would permit normalization of deferred taxes as described in Items B, C, and D for accounting and ratemaking purposes. Moreover, we note that the propriety of the normalization of these items is an issue in Pennsylvania Electric Company, Docket Nos. E–8446 and E–8598 which is presently pending before an Administrative Law Judge. Therefore, the propriety of the normalization of Items B, C, and D for accounting purposes shall be determined by the resolution of that issue in Docket Nos. E–8446 and E–8598.

As to Item A, Penelec shall be permitted to use the normalized method of income tax computation resulting from the use of liberalized depreciation, and we shall require Penelec to maintain its accounts related to the wholesale service applicable to Allegheny in a manner consistent with the Commission's Uniform System of Accounts.

We note that Penelec's fuel adjustment clause imputes fuel cost variations associated with its own fossil fuel generation to purchased and net interchange power and therefore is subject to suspension since its implementation may result in rates which are not just and reasonable. Accordingly, we shall provide for the filing of a fuel adjustment clause which conforms to Opinion No. 633, and upon receipt of a filing in satisfactory compliance with Opinion No. 633 the suspension of the fuel clause will be lifted and further proceedings shall be terminated. Failure to file a revised fuel clause conforming to Opinion No. 633 will require a hearing in accordance with the schedule hereinafter ordered.

Based on our review of the record in this proceeding, including the filing by Penelec, the proposed settlement agreement, the attached cost of service study, and the comments of staff and Penelec, we find that the proposed settlement rates are reasonable and in the public interest, and accordingly should be approved. Therefore, we shall approve the settlement agreement subject to the condition that Penelec adopt deferral accounting and ratemaking procedures to reflect normalization of the tax effect of liberalized depreciation on jurisdictional utility property allowable to wholesale service to Allegheny.

The Commission finds: Approval of the settlement of this proceeding, as hereinafter ordered, on the basis of the settlement agreement filed on December 11, 1972, is reasonable and appropriate in the public interest in carrying out the provisions of the Federal Power Act.

The Commission orders: (A) The settlement agreement filed herein on December 11, 1972, is incorporated herein by reference, approved and made effective as of November 10, 1973, subject to the terms and conditions of this order.

(B) Penelec shall comply with the terms and conditions of this order.

(C) Penelec shall adopt deferral accounting and ratemaking procedures to reflect normalization of the tax effect of liberalized depreciation on jurisdictional utility property allowable to wholesale service to Allegheny.

(D) Penelec's proposed fuel adjustment clause shall remain subject to suspension, and Penelec shall file a revised fuel clause conforming to Opinion No. 633 within 30 days of the issuance of this order. Upon receipt of a revised fuel clause conforming to Opinion No. 633, the suspension of the fuel clause shall be lifted and further proceedings terminated. Failure to file a fuel clause conforming to Opinion No. 633 will result in the hearing as hereinafter ordered.

(E) Pursuant to authority of the Federal Power Act, particularly section 205 thereof, and the Commission's rules and regulations (18 CFR, Chapter I), a hearing for purposes of cross-examination concerning the lawfulness and reasonableness of Penelec's fuel adjustment clause, as proposed to be amended herein shall be held commencing on January 14, 1975, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(F) On or before November 19, 1974, Penelec shall serve its prepared testimony and exhibits. On or before December 3, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence shall be filed on or before December 17, 1974. Any rebuttal evidence by Penelec shall be served on or before December 31, 1974.

(G) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(H) This order is without prejudice to any findings or orders which have been made or may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Penelec, or any other party or person affected by this order, in any proceeding now pending or hereafter instituted by or against Penelec or any other person or party.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–20783 Filed 9–9–74;8:45 am]

[Project No. 559]

SAN DIEGO GAS AND ELECTRIC CO.

Order Consolidating Application for New License and Granting Petitions for Intervention

SEPTEMBER 3, 1974.

On March 4, 1974, the San Diego Gas and Electric Company (SDG&E) of San

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Diego, California, licensee for Project No. 559—Rincon Transmission Line, filed an application for a new license for the 12 kv portion of its transmission line which extends for approximately 2.42 miles from the Rincon Power House of Project No. 176, licensed to the Escondido Mutual Water Company (Escondido Mutual) to the Rincon Substation. This line was initially licensed in March 1925 for fifty years. It is partially located on the Rincon Indian Reservation in Northern San Diego County.

Public notice of the application was issued on April 3, 1974, and published in the FEDERAL REGISTER at 39 FR 12926. Any protests or petitions seeking intervention were to be filed on or before June 10, 1974.

The Rincon Band of Mission Indians timely filed a petition to intervene. A portion of the project transmission line traverses the Rincon Indian Reservation. On June 19, 1974, Escondido Mutual filed a petition to intervene out of time noting that the transmission line transmits power from its Rincon Power House which is a project work of Project No. 176. SDG&E filed its answer to the Rincon Band's petition in which it did not oppose the intervention. We believe it is in the public interest to grant both petitions.

An application for a new license for Project No. 176, has been filed with the Commission by the licensee, Escondido Mutual. In that proceeding, the Department of the Interior filed a complaint and recommended that the project be taken over by the Federal government. Five Bands of Mission Indians have filed an application for a non-power license. We consolidated these matters into one proceeding which is presently the subject of hearings.

Because Project No. 559 is connected directly to Mutual's Rincon Power House, we are persuaded that the public interest will best be served if the application for a new license in Project No. 559 is consolidated with the current proceeding in Project No. 176, et. al.

We will set dates herein for the filing of direct and rebuttal evidence concerning Project No. 559.

The Commission finds. (1) It is appropriate and in the public interest that the application for a new license for Project No. 559—Rincon Transmission Line, filed by the San Diego Gas and Electric Company be consolidated for hearing and determination with the current consolidated proceeding in Project No. 176, et al., presently the subject of hearings.

(2) It is in the public interest that the petitions for intervention in this proceeding filed by the Rincon Band of Mission Indians and the Escondido Mutual Water Company be granted.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly section 308 thereof, and the Commission's Rules of Practice and Procedure, the application for a new license for Project No. 559—Rincon Transmission Line, filed by San Diego Gas and Electric Company, is hereby consolidated for hearing and determination with the consolidated proceeding in Project No. 176, et al.—Escondido Mutual Water Company.

(B) All direct testimony concerning Project No. 559 shall be filed by all parties to the consolidated proceeding on or before October 15, 1974. All rebuttal testimony to said direct testimony shall be filed by all parties on or before November 25, 1974.

(C) The petitions for intervention filed by the Rincon Band of Mission Indians and the Escondido Mutual Water Company, respectively, in this proceeding are hereby granted.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20789 Filed 9-9-74;8:45 am]

[Docket No. CP74-304]

SECRETARY OF THE ARMY AND CITIES SERVICE GAS CO.

Order Setting Hearing Date and Prescribing Procedure

SEPTEMBER 4, 1974.

On May 28, 1974, the Secretary of the Army (Applicant), filed in Docket No. CP74-304, an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Company (Cities) to sell and deliver to Applicant at its Fort Leavenworth facilities natural gas for resale and distribution.

Applicant states he is presently engaged in the distribution, sale and resale of natural gas within the boundaries of the military reservation known as Fort Leavenworth, Kansas. Applicant requests that the Commission direct Cities to sell and deliver to Applicant at an interconnection of Applicant's distribution system at Fort Leavenworth with Cities' main transmission pipeline, which transverses Fort Leavenworth, the following estimated volumes of natural gas:

	Maximum day (Mcf)	Annual (Mcf)
Fiscal 1974	6,187	878,183
Fiscal 1975	6,200	867,775
Fiscal 1976	6,209	864,568

The instant application finds its beginnings in September 1973, when the Army (applicant herein) instituted proceedings before the Commission (FPC Docket No. RP64-17) claiming that the Commission should treat all the subject sales as sales for resale subject to its rate jurisdiction. On April 20, 1966, the Commission issued Opinion No. 489 in which it stated that "Sales to Army at issue in this proceeding are not sales for resale within the meaning of section 1(b), and are not subject to the Commission's jurisdiction." The Commission, however, gave the parties reasonable time to conduct negotiations to reach a mutually satisfactory resolution of their conflicting interests. The Commission further provided that if the negotiations did not resolve their existing differences the Army would be authorized to file such applications pursuant to section 7(a) of the Natural Gas Act as it deemed appropriate.

Applicant states that the sales in question are sales for resale and therefore subject to our jurisdiction. While Cities, in its answer of June 27, 1974, states that the Commission should issue an order determining, in accordance with Opinion 489, that the interruptible gas delivered by Cities to the Army at Fort Leavenworth is nonjurisdictional; that the firm gas delivered but not actually resold is nonjurisdictional, and that only the volumes of firm gas actually resold are subject to the Commission's jurisdiction. It is apparent that the parties have not resolved their differences and will not do so in the absence of Commission action. We shall therefore order that a formal hearing be held in order to resolve the issues raised by Applicant's filing.

Notice of applicant's filing was issued June 17, 1974, fixing July 8, as the final date for the filing of protests or petitions to intervene. No petitions to intervene or protests were filed but the State Corporation Commission of the State of Kansas desires to be kept cognizant of the proceeding.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders. (A) An Administrative Law Judge to be designated by the Chief Administrative Law Judge [See Delegation of Authority, 18 CFR 3.5(d)] shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(B) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held commencing on October 22, 1974, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the matters involved in and the issues presented by this application.

(C) On or before October 1, 1974, Applicant and Cities shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their position.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20801 Filed 9-9-74;8:45 am]

[Docket No. CI75-112]

SHELL OIL CO.

Notice of Application

SEPTEMBER 3, 1974.

Take notice that on August 21, 1974, Shell Oil Company (Applicant), P.O. Box 2463, Houston, Texas 77001, filed in Docket No. CI75-112 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas in interstate commerce to National Fuel Gas Supply Corporation (NFG), formerly Iroquois Gas Corporation, from the Sheridan Field, Colorado County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it was issued a certificate of public convenience and necessity in Docket No. G-4325 to sell gas to NFG under the terms of a contract between the parties dated December 1, 1952. Applicant points out that said contract expires on November 1, 1974, at which time Applicant will have delivered the full volumes it had agreed to sell to NFG, and, as a consequence, all gas then remaining will be "surplus gas" not committed to NFG or to the interstate market. Applicant asserts that it has a right to sell or use gas surplus to the NFG contract and that it has repeatedly exercised that right as evidenced by Commission certification, in Docket Nos. CI65-87 and CI68-1193, of sales of gas surplus to the NFG contract from the Sheridan Field.

Applicant states that the proposed abandonment is necessary because its available supply of natural gas is insufficient to support continued deliveries ot NFG if Applicant is to meet service obligations to other purchasers or to use the gas for its own purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before Sept. 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procdeure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20791 Filed 9-9-74;8:45 am]

[Project No. 1895]

SOUTH CAROLINA ELECTRIC & GAS CO.

Application for New License (Major)

SEPTEMBER 3, 1974.

Public notice is hereby given that application for new major license was filed on March 1, 1974, superseding a previous application originally filed June 19, 1969, and subsequently amended, under the Federal Power Act (16 USC 791a-825r) by South Carolina Electric & Gas Company (correspondence to : Mr. George H. Fischer, Esq., Vice President and General Counsel, South Carolina Electric & Gas Company, P.O. Box 764, Columbia, South Carolina 29218; copies of correspondence to Mr. Harry A. Poth Jr., Esq., Richard M. Merriman, Esq., Peyton G. Bowman, III, Esq., Reid & Priest, 1701 K Street NW., Washington, D.C. 20006), for its constructed Columbia Project No. 1895, located in Richland County, South Carolina, in part within the city limits of Columbia, on the Broad and Congaree Rivers. The project affects navigable waters of the United States and interstate commerce.

The existing Columbia project has an installed generator capacity of 10,600 kw. The project is comprised of a dam, a small reservoir, the Columbia Canal, and a power plant; a three mile-long peninsula bounded on the west by the Broad and Congaree Rivers, and on the east by the Columbia Canal; and a narrow, indented strip of land along the east bank of the Columbia Canal. The principal project works consist of (1) a dam with a rockfill timber crib overflow section 1009 feet long and 14 feet high, a 120-foot long non-overflow diversion section, and a 240-foot long canal headgate and lockgate section; (2) a 265-acre reservoir on the Broad River, approximately 3.5 miles long, with a controlled surface elevation of 153.8 feet, USGS; (3) a power canal approximately 200 feet wide, 3 miles long, and 85 acres in area, extending downstream from the dam; (4) a masonry and brick powerhouse at the downstream end of the canal containing five 1,600 kw generators and two 1,300 kw generators; and (5) all other facilities and interests appurtenant to operation of the project. The power generated by the project is transmitted directly into applicant's distribution system and is used for municipal, industrial, commercial, and residential purposes.

The applicant avers that (1) the estimated net investment is $591,269 as of June 30, 1973, which is less than the estimated fair value; (2) the estimated severance damages in the event of takeover are $1,179,000; and (3) the annual taxes paid to Federal, State, and local governments are approximately $80,000.

Because of rocky shoals, rapids and precipitous canal and river banks, applicant proposes to preserve the wilderness character of project land by reserving it as an Urban Natural Area for use only by cyclists, hikers and fishermen, who are willing to assume responsibility for their personal safety. In lieu of planned recreation development in the project area, applicant has contributed to the development of the Riverbanks Zoological Park located apart from the Columbia Project in Richland and Lexington Counties.

Any person desiring to be heard or to make protest with reference to said application should on or before October 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements fo the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person desiring to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance wiht the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20780 Filed 9-9-74;8:45 am]

[Docket No. RP74-93]

SOUTHERN NATURAL GAS CO.

Order Denying Petition for Declaratory Order

SEPTEMBER 4, 1974.

On May 15, 1974, Southern Natural Gas Company (Southern) filed a Petition for Declaratory Order (Petition). In its Petition, Southern requests that the Commission order that the cost of acquiring certain coal reserves to be dedicated to a coal gasification plant is an appropriate item for inclusion in Southern's rate base and cost of service in Account No. 105 as Gas Plant Held For Future Use.

In its Petition, Southern states that it has entered into an Option Agreement with Consolidation Coal Company (Consol) by which Southern was granted an exclusive option to purchase approximately one-half of Consol's "Hillsboro" reserves. The agreement provides that during the two-year period ending April 30, 1976, Southern may exercise its option to purchase said coal at a price of 10 cents a ton of recoverable coal. Southern estimates that the subject reserves

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amount to approximately 273,000,000 tons of recoverable coal.

Southern goes on to state that the gasification of the coal covered by the Southern option has been demonstrated to be commercially feasible using the Lurgi Mineral technik GMBH (Lurgi) process. The coal can be mined by deep shaft mining techniques and therefore Southern states that no threats to the environment are posed. Furthermore, Southern states that independent studies show that surface water is present in sufficient quantities in the immediate vicinity of the Hillsboro reserves to operate a Lurgi plant. Finally, the Petition states that three interstate natural gas transmission companies have pipelines within a fifty (50) mile radius of the Hillsboro reserves and accordingly gas produced at the gasification plant can be made available to Southern's system through displacement arrangements.

Finally, the Petition states that Southern undertakes to dedicate the coal reserves exclusively to a coal gasification project should the Commission allow the inclusion of the investment in the reserves in Account No. 105. Furthermore, Southern states that it would agree to a condition which would require that, if Southern does not utilize the coal reserves for a coal gasification project and if it subsequently sells the coal reserves, Southern will pay to its customers the amount, if any, of the excess of such sales price for the coal reserves over the cost of said coal reserves.

Notice of Southern's Petition was issued on June 6, 1974, providing for filing of protests or interventions on or before June 20, 1974. Numerous petitions to intervene have been filed.[1]

The issue of including costs associated with coal reserves in cost of service has been before this Commission in another proceeding, Michigan-Wisconsin Pipe Line Company (Mich-Wis), Docket No. RP73-102, orders issued June 26, 1974, and August 12, 1974.

While the issue in the Mich-Wis case was the propriety of including approximately $1,050,000 of annual delayed rental payments (coal option payments) in Mich-Wis' cost of service as an expense item, the rationale underlying our 1974 decision in that case is equally applicable to the instant case. In our order approving in that proceeding, we stated that with respect to the issue of delayed rentals:

> There is not adequate assurance that Mich-Wis will ever actually mine the coal or gasify it. We believe that the possible benefit is too far removed from the costs proposed to be borne by the natural gas consumer.

Similarly, in the present docket we believe that the benefits to Southern's customers are simply too far removed to grant Southern's Petition. In this context, we note that Southern presented no statement or facts as to when the coal gasification plant will go on the line. Indeed, there is no indication in the Petition that Southern has plans as to how the gasification plant will be designed. Accordingly, we must deny Southern's Petition to include Southern's payments in Account No. 105.

Even beyond the question of the certainty of consumer benefits is the issue of cost-benefit relationships. In our August 12, 1974 order denying Mich-Wis' application for modification we stated:

> Under the proposal, the ratepayers would pay in advance part of the costs of a coal gasification program which costs would otherwise be capitalized to that program and recouped through the rates charged for the gas produced. The ratepayer would pay in advance part of the cost of production while no provision is made to credit the payment of these expenses to the price of the gas produced. Thus, * * * the "benefit" to the ratepayer remains incomplete. Even if a workable crediting provision could be proposed, we are not at this time inclined, as a matter of policy, to permit the *ad hoc* inclusion in pipeline costs of service of expenses which would otherwise be capitalized to a planned coal gasification project.

In the present proceeding, Southern is requesting authority to earn a return on expenses which it may later recoup through rates charged for the gas produced. Therefore, our statement in Mich-Wis is directly applicable to this proceeding. Accordingly, Southern's Petition For Declaratory Order must be denied.

The Commission finds: Good cause does not exist to grant Southern's Petition For Declaratory Order.

The Commission orders: (A) Southern's Petition For Declaratory Order is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.[2]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20803 Filed 9-9-74;8:45 am]

[1] Appendix A filed as part of the original document.

[Docket No. E-8514]

SOUTHERN SERVICES, INC.

Extension of Time

SEPTEMBER 3, 1974.

On August 26, 1974, the Cities of Acworth, et al., and the Water, Light & Sinking Fund Commission, intervenors, filed a motion in the above-designated matter, for a prehearing conference and postponement of further procedural dates pending convening of the prehearing conference. The procedural dates were fixed by order issued May 8, 1974.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of evidence by interveners, September 17, 1974.
Service of evidence by staff, October 4, 1974.
Service of company rebuttal, November 4, 1974.
Hearing, November 26, 1974 (10 a.m. e.d.t.).

Action on the motion for a prehearing conference is deferred pending further notice.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20781 Filed 9-9-74;8:45 am]

[2] Commissioners Brooke and Springer's dissenting statements are filed as part of the original document.

[Docket Nos. RP73-114, RP74-24, RP74-73]

TENNESSEE GAS PIPELINE CO.

Filing of Tariff Sheets

SEPTEMBER 3, 1974.

Take notice that on August 23, 1974, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), tendered for filing proposed changes to Ninth Revised Volume No. 1 of its FPC Gas Tariff, to be effective on July 1, 1974, consisting of the following tariff sheets: Substitute Third Revised Sheet Nos. 12A and 12B.

Tennessee states that the purpose of the revised tariff sheets is to comply with the Commission's order of August 9, 1974, in this proceeding. Substitute Third Revised Sheet Nos. 12A and 12B have been filed to reflect a PGA increase exclusive of costs related to small producer and emergency purchases above the applicable area rate. Tennessee states that the instant filing is in full accord with the Commission's regulations and the Commission's order of August 9, 1974.

Tennessee states that copies of its filing have been mailed to all of its affected customers and interested state commissions and all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who have previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-20787 Filed 9-9-74;8:45 am]

[Docket Nos. RP73-114, RP74-24, RP74-73]

TENNESSEE GAS PIPELINE CO.

Filing of Alternate Tariff Sheets

SEPTEMBER 3, 1974.

Take notice that on August 26, 1974, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), tendered for filing proposed changes to Ninth Revised Volume No. 1 of its FPC Gas Tariff, to be effective on July 1, 1974, consisting of the following tariff sheets: Second Substitute Third Revised Sheet Nos. 12A and 12B.

Tennessee states that the sole purpose of the alternative tariff sheets is to reflect a PGA increase exclusive of costs related to small producer and emergency purchases above the area rate established by Opinion No. 699. Tennessee states that the instant filing is in full accord with the Commission's regulations and the Commission's order of August 9, 1974.

Tennessee states that copies of its filing have been mailed to all of its affected customers and interested state commissions and all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20788 Filed 9-9-74;8:45 am]

[Docket No. CP75-49]

TENNESSEE GAS PIPELINE CO.

Application

SEPTEMBER 3, 1974.

Take notice that on August 22, 1974, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed Docket No. CP75-49 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline facilities necessary to connect gas purchased from Tenneco Oil Company (Tenneco) and Texaco Inc. to the pipeline jointly owned by Columbia Gulf Transmission Company, Natural Gas Pipeline Company of America and Applicant (Columbia-Natural-Tennessee pipeline) in the Eugene Island Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate approximately 7.3 miles of 12-inch pipeline and certain metering facilities. Applicant states that the proposed gathering line will originate at the Tenneco-Texaco platform in Block 339, Eugene Island Area, interconnect with the Tenneco-Texaco "A" platform in Block 338, and then connect to the Columbia-Natural-Tennessee pipeline. Applicant explains that pursuant to certain agreements it will purchase 100 percent of the interest of Texaco and Tenneco in the gas produced in Block 338 and 75 percent of the interest of Tenneco in the gas produced in Block 339. Applicant estimates that approximately 62,433,000 Mcf of recoverable gas reserves and up to 19,000 Mcf per day of deliverability[1] will be available for transmission through the proposed facilities from Block 339,[2] and approximately 41,592,000 Mcf of recoverable gas reserves are available from Block 338.

Applicant claims that the construction of the proposed facilities is in the public interest because such facilities will enable Applicant to attach needed reserves in the Eugene Island Area and will provide the necessary capacity to move all of the reserves available to applicant from that area into its system.

Applicant estimates the cost of the proposed facilities to be $5,349,850, which initially will be financed from general company funds and/or borrowings under revolving credit agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commisison on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20792 Filed 9-9-74;8:45 am]

[1] Volumes at 14.73 psia and 60 degrees F.

[2] Applicant states that it is negotiating with Texaco for its 50 percent share of the reserves in Block 339.

[Docket Nos. RP71-130, RP72-58]

TEXAS EASTERN TRANSMISSION CORP.

Order Accepting Tariff Sheet for Filing

AUGUST 30, 1974.

On July 26, 1974, Texas Eastern Transmission Corp. (TETCO) tendered for filing a revised sheet[1] to its FPC Gas Tariff, Fourth Revised Volume No. 1, to extend, for one year, a provision exempting its small customers (those taking less than 10,200 dth per day per integrated system) from daily curtailment.

Since September 5, 1973, TETCO has been imposing on its customers an end-use curtailment plan reflecting the policies embodied in Commission Order No. 467-C. TETCO's original implementation of the plan subjected all of its customers to daily and annnual curtailment. On October 16, 1973, following conferences between TETCO and its customers, TETCO filed Substitute First Revised Sheet No. 92A to its then effective FPC Gas Tariff, Third Revised Volume No. 1. That sheet contained the same exemption from daily curtailment for small customers which we are now considering. By its own terms the exemption was to expire on August 31, 1974, or upon a final order in this docket on the justness and reasonableness of TETCO's curtailment plan, whichever first occurred.

TETCO's latest filing merely extends the small customer exemption for one year until August 31, 1975 or until a final order is issued in the curtailment proceeding, whichever first occurs. We accept for filing the sheet tendered by TETCO on July 26, 1974.

The experience of the last year has demonstrated that TETCO's smaller customers, i.e., those taking less than 10,000 Mcf per day[2] require the exemption to serve their high priority loads on a peak day. These smaller customers having little storage, and lacking substantial industrial load, lack the flexibility of the larger customers on the system.

The small customer exemption provides no relief from curtailment on an annual basis. Exempted customers must live within their curtailed Annual Quantity Entitlements as must the larger customers. Customers who take volumes in excess of their curtailed maximum daily quantities on one day must necessarily take less than their curtailed maximum daily quantities on other days in order to live within their Annual Quantity Entitlements.

[1] The revised sheet, designated as First Revised Sheet No. 95 supersedes Original Sheet No. 95.

[2] Texas Eastern, effective June 14, 1974, has converted gas volumes in its tariff from an Mcf basis to a dekatherm basis. Therefore, all customers taking less than 10,200 dekatherms per day are exempt under the filing of July 26, 1974.

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Public notice of the filing was given on August 1, 1974, with protests and petitions to intervene due by August 15, 1974.

The Algonquin Customer Group (Group) filed a protest on August 14, 1974, stating that the small customer exemption is discriminatory unless it is flowed through to the small customers of Algonquin Gas Transmission Corporation (Algonquin). The Group has advanced this argument on every occasion that an exemption for small customers has been filed by Texas Eastern. This argument was rejected by Commission Orders of December 1, 1972, and January 24, 1973, in the subject dockets, where the Commission stated that the problems of the customers of separate pipelines should be considered in curtailment proceedings relating to those pipelines. A small customer exemption for the small customers on the Algonquin system is an issue in Algonquin's curtailment case at Docket No. RP71–131 currently pending before the Administrative Law Judge.

On August 15, 1974, Algonquin filed a protest requiring rejection of the sheets or a five month suspension period. Algonquin states that the filing does not conform to Order No. 467, in that it provides for automatic special relief and is unfair to other customers.

Since the proposed exemption is only on a daily basis and since any exemption taken must be made up before the end of the annual curtailment period, the small customers are still subject to annual curtailment under Texas Eastern's curtailment plan. The annual quantity entitlements of the small customers who would be exempt under this provision constitute only two percent of the total annual entitlement of all customers. However, the effect of requiring strict adherence to the daily curtailments by these small customers would have a very adverse effect on each such customer. The de minimis effect of this daily exemption on other customers is outweighed by the adverse effects on the small customers with little or no flexibility in meeting their high priority requirements.

The Commission finds: Good cause exists to accept for filing First Revised Sheet No. 95, and thereby extend the small customer exemption for one year until August 31, 1975, or until a final order is issued in the curtailment proceedings, whichever first occurs.

The Commission orders: Substitute First Revised Sheet No. 95 is hereby accepted for filing, September 1, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–20786 Filed 9–9–74;8:45 am]

[Docket Nos. G–19618, CP63–270, CP65–123]

VALLEY GAS TRANSMISSION, INC.

Application and Petition To Amend

SEPTEMBER 3, 1974.

Take notice that on August 13, 1974, Valley Gas Transmission, Inc. (Applicant), P.O. Box 1188, Houston, Texas 77001, filed in Docket Nos. CP63–270 and CP65–123 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon sales of natural gas in interstate commerce to National Fuel Gas Distribution Corporation, formerly Iroquois Gas Corporation (Iroquois) of daily volumes totaling 35,000 Mcf. Take further notice that concurrently, Applicant also filed a petition to amend the Commission's order in Docket No. G–19618 issued December 29, 1960[1] (25 FPC 233), pursuant to section 7(c) of the Natural Gas Act authorizing the sale of natural gas to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), so as to provide that all of the production which is presently dedicated by Applicant to Iroquois will be added to the production already dedicated to Tennessee. Applicant's proposals are more fully set forth in the application and petition which are on file with the commission and open to public inspection.

Applicant currently makes two authorized sales of natural gas to Iroquois of 25,000 Mcf per day and 10,000 Mcf per day, as certificated in Docket Nos. CP63–270 (30 FPC 349) and CP65–123 (33 FPC 617) respectively. Applicant states that the 35,000 Mcf of gas per day sold to Iroquois is currently delivered into the interstate pipeline system of Tennessee, transported by the latter, and redelivered to Iroquois in Erie County, New York. Applicant seeks authority to abandon said two sales, but points out that pursuant to a settlement agreement in Docket No. RP73–94 Iroquois will continue receiving, from Tennessee rather than Applicant, 35,000 Mcf per day. Applicanat further seeks authority to add to the production dedicated by Applicant to Tennessee by order of December 29, 1960, all the production which is presently dedicated by Applicant to Iroquois, currently estimated to be approximately 96,000,000 Mcf of gas.

Applicant states that on July 24, 1974, in Docket No. RP73–94, Applicant submitted for the record a "Stipulation and Agreement of Settlement" by which Applicant, Iroquois, and Tennessee settled certain issues which had arisen in that proceeding. Applicant states that the agreement, as it relates to the instant filings, provides (1) existing contracts for the sale of 35,000 Mcf per day of gas by Applicant to Iroquois will be terminated (together with termination of a contract between Iroquois and Tennessee) for transportation of such gas, (2) Applicant's existing reserves now dedicated to Iroquois (from the Luby and Petronilla Fields) will be dedicated to Tennessee, (3) Applicant will cause its affiliate, HNG Fossil Fuels Company (HNG) to contract to sell to Tennesee all of HNG's interest in gas from certain offshore reserves, and (4) Tennessee will contract with Iroquois to provide Iroquois with 35,000 Mcf of gas per day pursuant to Tennessee's CD–5 rate schedule.

Applicant states that the instant proposals, which are necessary to implement the agreement in Docket No. RP73–94, will (1) end the underlying dispute among Applicant, Iroquois, and Tennessee, over the dedication of certain reserves and provide an equitable solution that is agreeable to all three parties, (2) provide that Iroquois will continue to receive 35,000 Mcf of gas per day, (3) assure Tennessee of the dedication of 126,000,000 Mcf of additional gas reserves, with the potential of adding other gas reserves in the area, and (4) give Applicant an opportunity to remain a viable natural gas company.

Any person desiring to be heard or to make any protest with reference to said application and petition to amend should on or before September 23, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on the application and petition to amend if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–20790 Filed 9–9–74;8:45 am]

[1] The order became effective as of January 30, 1961.

[Docket No. E–8979]

VIRGINIA ELECTRIC AND POWER CO.

Contract Supplement

SEPTEMBER 4, 1974.

Take notice that on August 19, 1974, Virginia Electric and Power Company (Virginia) tendered for filing a Contract Supplement dated July 15, 1974, to the Agreement designated as Virginia's Rate Schedule FPC No. 80–19 between Virginia and Northern Neck Electric Cooperative. Said supplement requests Commission authorization for the relocation of metering facilities from 12.5 kV at Folly Delivery Point, located west of Route 646 near Folly, Northumberland County, Virginia. The delivery voltage will remain at 34.5 kV.

Virginia requests the effective date be that of the date of relocation of metering facilities, which is May 22, 1974. Virginia asserts that due to an oversight, the supplement to the contract was not prepared in advance of May 22, 1974, thus preventing a timely filing. For the proposed effective date to be allowed, Virginia requests a waiver of the timely filing requirements. Virginia further asserts that as no increase in the unit cost of electricity to Northern Neck Electric Cooperative will take place, a waiver of the billing date requirements be allowed.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–20800 Filed 9–9–74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ATMOSPHERIC SCIENCES

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given of a meeting of the Advisory Panel for Atmospheric Sciences to be held at 9 a.m. on September 24–25, 1974, in Room 338 at 1800 G Street, NW, Washington, D.C. 20550.

The purpose of this Panel is to advise the Foundation of the impact of its research support program on the scientific community in the atmospheric sciences.

The agenda for this meeting shall include:

SEPTEMBER 24

MORNING

9:00— Introductory Remarks and Record of Actions, March 20–21, 1974 meeting—Panel Chairman/Vice Chairman.
9:15— NSF Highlights—Deputy Assistant Director for Research.
9:45— Divisional Highlights—Division Director, Environmental Sciences.
10:00— NSF Office for Climate Dynamics—plans, programs, and budget (both NSF and Federal)—NSF GARP Coordinator.
10:45— Status of International Magnetospheric Study (IMS)—Program Director, Solar Terrestrial Program.
11:00— Eclipse Related Research—Scientific Coordinator, National Center for Atmospheric Research.
11:30— Energy Related Research—Program Director, Meteorology Program/Program Director, Solar Terrestrial Program.
12:00— Proposal Review—Panel Member/NSF GARP Coordinator.
12:30— Recess for lunch.

AFTERNOON

1:30— Summary on Global Atomspheric Research Program Atlantic Tropical Experiment (GATE)—Panel Member/NSF GARP Coordinator.
2:15— MAJOR PROGRAMS (old and new):
1. National Center for Atmospheric Research—Scientific Coordinator for NCAR.
2. National Hail Research Experiment (NHRE), Review and Future Plans—Program Manager, Weather Modification Program.
3. Upper Atmosphere Observatory—Program Director, Aeronomy Program.
4. National Astronomy and Ionosphere Center—Program Director, Aeronomy Program:
a. High Frequency Facility.
b. Airglow Facility.
5:30— Adjourn.

SEPTEMBER 25

MORNING

9:00— Activities of the National Academy of Science (NAS)/Committee for Atmospheric Sciences—Institute of Atmospheric Physics/National Academy of Science.
9:30— Activities of the NAS/Committee on Solar Terrestrial Research—National Academy of Science.
10:00— Activities of the National Advisory Committee on Oceans and Atmosphere—NACOA.
10:30— Discussion Meeting of Panel and Staff:
Staff:
1. Lower Atmosphere—Panel Member (Room 338).
a. Review of Weather Modification Program (1 hour)—Program Director, Weather Modification Program.
b. AMS Cloud Physics Research—Program Director, Meteorology Program.
c. Priorities for the Future.
2. Upper Atmosphere—Panel Member (Room 511).
a. IMS Planning.
b. Solar Physics Research—Panel Member.
c. Priorities for the Future.
12:30— Recess for lunch.
1:30— Panel Discussion and Recommendations.
3:00— Suggestions for New Panel Members.
Date for Next Meeting.
Adjourn.

This meeting shall be open to the public. Individuals who wish to attend should inform Dr. Fred D. White, Section Head, Atmospheric Sciences Section, by telephone (202–632–4198) or by mail (room 312, 1800 G St., NW, Washington, D.C. 20550) prior to the meeting. Persons requiring further information concerning this Panel should contact Dr. Fred D. White at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K–720, 1800 G St., NW, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

SEPTEMBER 4, 1974.

[FR Doc.74–20755 Filed 9–9–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 5, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census:
Agriculture Questionnaire Listing, Form 74–A1(g) & 74–A2(g), Single Time, Lowry, Farms.
General Revenue Sharing Survey, Form RS–13, Annual, Ellett, Alaskan Native Village Officials.
General Revenue Sharing Survey, Form RS–14, Annual, Ellett, Indian Tribe Officials.
Bureau of Economic Analysis: Survey of Inventory Valuation Methods & Related Information, 1973, Forms BE–800, 801, 802, 803, 804, Single Time, Hulett, Manufacturers, Retailers.
National Bureau of Standards: ETIP—Va. Manufacturers' Questionnaire, Form ____, Suppliers of Medical Equipment & Supplies.

ENVIRONMENTAL PROTECTION AGENCY

Survey of Flue Gas: Desulfurization Process, Form ____, Single Time, Weiner, Owens and/or Manufacturers of FGD systems.

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DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Health Services Administration: Otitis Media Evaluation Study, Form HSAIHS 0804, Occasional, Sunderhauf, American Indian children & parents.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

National Institute of Education:
- Preliminary Exercise—Evaluation Training Unit, Form NIE 70, Single Time, Planchon, Teacher Trainees.
- Initial Questionnaire—Evaluation Training Unit, Form NIE 69, Single Time, Planchon, Teacher Trainees.
- Final Questionnaire—Evaluation Training Unit, Form NIE 71, Single Time, Planchon, Teacher Trainees.
- Final Exercise—Evaluation Training Unit, Form NIE 72, Single Time, Planchon, Teacher Trainees.
- Test Forms A & B for Setting Goals, Analyzing Problems & Deriving Objectives, Form NIE 73, Occasional, Planchon, Teacher Trainees.
- Unit Rating Form for Setting Goals, Analyzing Problems & Deriving Objectives, Form NIE 74, Occasional, Planchon, Teacher Trainees.
- "Preview" & "Epilog" of Designing Instructional Programs Training Unit, Form NIE 75, Occasional, Planchon, Preservice & Inservice Educators.

DEPARTMENT OF LABOR

Manpower Administration:
- University Minority Graduate Survey, Forms MA 7-149 & 7-49A, Annual, Strasser/Lowry, HEW List of Educational Institutions.
- A Comprehensive Evaluation of WIN II Program, Second Wave Client Interview, Form MT-1061-A-1, Single Time, HRD/Strasser, WIN Participants.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Livestock Mail Survey, Form ----, Semi-annual, Lowry, Livestock Farmers.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Livestock Mail Survey, Form ----, Semi-annual, Lowry, Livestock Farmers.

DEPARTMENT OF COMMERCE

Bureau of the Census:
- Annual Retail Trade Report, Forms BUS-024, 224, 224 Supplemental, 224 Supplemental Cont'd., Annual, Weiner, All types of retail business.
- Switchgear, Switchboard Apparatus, Relays, & Industrial Controls, Form MA-36A, Annual, Weiner, Manufacturing Establishments.
- Wiring Devices & Supplies, Form MA-36K, Annual, Weiner, Manufacturing Establishments.

EXTENSIONS

None

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-20901 Filed 9-9-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

ADVISORY COMMITTEE ON THE IMPLEMENTATION OF A CENTRAL MARKET SYSTEM

Notice of Meeting

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the Securities and Exchange Commission Advisory Committee on the Implementation of a Central Market System will conduct an open meeting on September 27, 1974, at the offices of Continental Illinois National Bank and Trust Company, Room 4, 23rd floor, 231 South LaSalle Street, Chicago, Illinois 60693, beginning at 8:30 A.M.

The summarized agenda for the meeting is as follows:

(1) Further definition of auction market principles;

(2) Discussion of access by participants to customers (New York Stock Exchange Rule 113);

(3) Discussion of the operation of a limit order book;

(4) Further discussion of capital requirements and use.

Further information may be obtained by writing:

Andrew P. Steffan, Director, Office of Policy Planning, United States Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS,
Advisory Committee Management Officer.

September 10, 1974.

[FR Doc.74-20839 Filed 9-9-74;8:45 am]

[File No. 7-4645, etc.]

ARA SERVICES, INC. ET AL.

Unlisted Trading Privileges and Opportunity for Hearing

SEPTEMBER 4, 1974.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
ARA Services, Inc.	7-4645
Day Mines, Inc.	7-4647
Diamond Shamrock Corp.	7-4648
First International Bancshares, Inc.	7-4649
First Pennsylvania Corp.	7-4650
Ideal Basic Industries, Inc.	7-4651
International Flavors & Fragrances, Inc.	7-4652
Purolator, Inc.	7-4653
Rexham Corp.	7-4654

Upon receipt of a request, on or before September 20, 1974 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-20834 Filed 9-9-74;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

SEPTEMBER 4, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from September 5, 1974 through September 14, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-20836 Filed 9-9-74;8:45 am]

[File No. 7-4646]

CONTINENTAL ILLINOIS REALTY

Unlisted Trading Privileges and Opportunity for Hearing

SEPTEMBER 4, 1974.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the shares of beneficial interest of the following company, which security is listed and registered on one or more other national securities exchanges:

Continental Illinois Realty, Shares of Beneficial Interest — File No. 7-4646

Upon receipt of a request, on or before September 20, 1974 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-20833 Filed 9-9-74;8:45 am]

[File No. 7-4655]

RORER-ANCHEM, INC., ET AL.

Unlisted Trading Privileges and Opportunity for Hearing

SEPTEMBER 4, 1974.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Rorer-Anchem, Inc.	7-4655
Southeast Banking Corp.	7-4656
Squibb Corp.	7-4657
STP Corporation	7-4658
United Gas Pipe Line Company	7-4659

Upon receipt of a request, on or before September 20, 1974 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-20835 Filed 9-9-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Notice of Suspension of Trading

SEPTEMBER 4, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 5, 1974 through September 14, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-20838 Filed 9-9-74;8:45 am]

[File No. 500-1]

WINNER INDUSTRIES, INC.

Notice of Suspension of Trading

SEPTEMBER 4, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 5, 1974 through September 14, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-20837 Filed 9-9-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

LOS ANGELES DISTRICT ADVISORY COUNCIL

Meeting

The Los Angeles District Advisory Council will meet at 7:30 p.m., Pacific Daylight Time, Wednesday, September 18, 1974, at the Rodger Young Center, 936 Washington Boulevard, Los Angeles, California, to discuss matters which may be presented by the members and the staff.

Dated: September 6, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.74-21023 Filed 9-9-74;8:57 am]

TARIFF COMMISSION

[337-L-65]

CERTAIN ELECTRONIC AUDIO AND RELATED EQUIPMENT

Receipt of Amendment to Complaint

The United States Tariff Commission hereby gives notice of the receipt on August 28, 1974, of an amendment to a complaint filed July 10, 1973, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), by District Sound, Inc., Washington, D.C., alleging unfair methods of competition and unfair acts in the importation and sale of certain electronic audio and related equipment, which unfair methods and acts have the effect or tendency to restrain or monopolize trade and commerce in the United States. The specific unfair acts are alleged to be (1) a refusal to deal with complainant, thereby effectuating illegal territorial restraints on the resale of goods, and (2) illegally maintaining a fair trade pricing program in a non-fair trade jurisdiction.

The amendment alleges that the complained of unfair acts have taken place with the knowledge of Victor Company of Japan, Ltd., a foreign corporation, and at its direction or pursuant to agreement with JVC America, Inc., its agents, distributors and dealers. The original complaint named only JVC America, Inc., Maspeth, New York, the U.S. subsidiary of Victor Company of Japan, Ltd., as engaging in the alleged unfair acts.

Notice of complaint received was published in the FEDERAL REGISTER on July 30, 1973 (38 FR 20303-04), and notice of extension of time for filing written views was published in the FEDERAL REGISTER on August 17, 1973 (38 FR 22259).

By order of the Commission.

Issued: September 5, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-20811 Filed 9-9-74;8:45 am]

VETERANS ADMINISTRATION

PENSIONS, BONUSES AND VETERANS' RELIEF

Continuance In Effect of All Current Regulations and Other Matters

All current Veterans Administration regulations, manuals, instructions, bulletins, circulars, Administrator's decisions, delegations of authority and other issues applicable to the Veterans Administration shall remain in full force and effect.

V 39 I 176 SEP 10 74 XUM

In addition all Veterans Administration issues applicable to the Veterans Administration which were approved by or pursuant to the authority of Donald E. Johnson to become effective on a date subsequent to the termination of his appointment as Administrator of Veterans' Affairs are hereby confirmed and approved as though the same had been approved by me.

All the above issues shall remain in full force and effect until such time as they may be specifically amended or revoked.

This issue is effective September 5, 1974.

[SEAL] RICHARD L. ROUDEBUSH,
Acting Administrator.

[FR Doc.74-20631 Filed 9-9-74;8:45 am]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on September 18, 1974, at 10 a.m., the Veterans Administration Regional Office, Atlanta, Georgia Station Committee on Educational Allowances shall at 730 Peachtree Street, NE., Atlanta, Georgia, Fifth Floor VA Conference Room conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in the University of Marietta, 1601 Church St., Extension, Marietta, Georgia shall be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

A. W. TATE,
Director, VA Regional Office.

[FR Doc.74-20757 Filed 9-9-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

MISSISSIPPI

Modifications to Developmental Plan

1. *Submission of modifications.* Pursuant to section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and 29 CFR 1902.12, notice is hereby given that modifications to the Occupational Safety and Health Plan for the State of Mississippi have been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The State modified its proposed plan in response to comments by the Occupational Safety and Health Administration and public comments received pursuant to the notice of submission of the Mississippi plan and its availability for public comment which appeared at 38 FR 4696 on February 20, 1973. The modifications also reflect the need to update the proposed developmental schedule as well as actions undertaken by the State since the previous submission.

The significant plan modifications include a revised developmental schedule with passage of enabling legislation in 1975 and commencement of enforcement activities in January 1976; clarifying amendments to the proposed legislation including among others, penalties identical to the Federal penalties, imminent danger restraining orders limited to 5 days, and discrimination complaints filed with the designee not directly with the courts; a copy of HB 1182 effective July 1, 1974, authorizing the designee to conduct a consultation, training, and statistical program but precluding enforcement; revised personnel and budget schedules; a letter from the State Attorney General stating that the scope of the public employee progam is a matter of legislative prerogative; and a letter from the Governor reaffirming support of the plan.

2. *Location of plan for inspection and copying.* A copy of the plan and the modifications may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room 850, 1726 M Street NW, Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, Room 587, 1375 Peachtree Street NE, Atlanta, Georgia 30309; and the offices of State Board of Health, Division of Occupational Safety and Health, 2628 Southerland Street, Jackson, Mississippi 39205.

3. *Public participation.* Interested persons are hereby given until October 10, 1974, in which to submit written data, views, and arguments concerning the plan. The submissions are to be addressed to the Associate Asistant Secretary for Regional Programs, Room 850, 1726 M Street NW, Washington, D.C. 20210. The written comments will be available for inspection and copying at the above address.

Any interested person(s) may request an informal hearing concerning the proposed plan as modified whenever particularized written objections are filed by the date specified above. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary of Labor for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented in determining whether to approve or disapprove the plan.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Washington, D.C. this 3rd day of Sept. 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-20771 Filed 9-9-74;8:45 am]

[V-73-25]

STAR TEXTILE AND RESEARCH, INC.

Grant of Variance

I. *Background.* Star Textile and Research, Inc., Cohoes, New York 12047 made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the safety standards prescribed in 29 CFR 1910.178 (m)(9) and 1910.262(a)(4). 29 CFR 1910.178(m)(9) requires that overhead guards be used on trucks as protection against falling objects; 29 CFR 1910.262(d)(4) requires that all textile opener lines be equipped with magnetic or tramp iron separators or other means for removing ferrous material. The facility that will be affected by this application is Star Textile and Research, Inc., Plant No. 1, Saratoga and Courtland Streets, Cohoes, New York 12047. Notice of the application was published in the FEDERAL REGISTER on October 11, 1973 (38 FR 28122). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No written comments and no request for a hearing have been received.

II. *Facts.* Concerning § 1910.178(m)(9), the applicant uses overhead guards on its trucks in most locations. However, in Plant No. 1 warehouse and Plant No. 1 third floor the clearance under the joists ranges from 6'2¼" to 7'5". This is not sufficient clearance for trucks with overhead guards. The applicant states that the trucks handle only bales of 200–1000 lbs., 2' x 3' x 3' to 6', which are lifted with hydraulic bale clamps rather than forks. If the clamps fail, the bale can only fall vertically in front of the truck. No small or loose packages are lifted, and nothing is stacked on pallets, so there is no danger from falling packages.

Concerning § 1910.262(d)(4), the applicant states that it processes only synthetic fibers (nylon, polyester, acrylic and polypropylene) in which any metallic contamination would be nonmagnetic in nature. Therefore, magnetic or tramp iron separators would not be useful. The applicant further states that the fibers are manually handled four times while being prepared for the picking machine. This eliminates the possibility of foreign material being fed into the picking machine.

III. *Decision.* Section 1910.178(m)(9) requires that overhead guards be used on trucks as protection against falling objects. This is intended to protect the operator from injury caused by small falling boxes, packages, etc., but is not intended to withstand a capacity load.

The applicant has shown that there is insufficient clearance in Plant #1 warehouse and the third floor of Plant #1 to utilize overhead guards on the trucks. Since the trucks in this area lift only 200–1000 lb. bales (2'x3'x3' to 6') using hydraulically operated clamps, there is no danger of these bales falling on the operator. Packages are not palletized so there is no danger of them falling from a pallet. Because the vertical clearance is not over 7'5", there is little or no danger from other falling objects. Therefore, the use of the trucks in these areas without overhead guards provides a place of employment as safe as that which would be obtained by complying with the standard.

Section 1910.262(d)(4) requires that all textile opener lines be equipped with magnetic-separators, tramp iron separators or other means for the removal of foreign ferrous material. This standard is primarily intended as a fire prevention measure for textile industries which process cotton fibers. In addition, the use of separators is most important when the preparation of fibers does not include the use of intervening feed tables, openers or cleaners where metal contamination can be removed through handling.

The applicant processes only synthetic fibers which are not as flammable as cotton. These fibers contain little metallic contamination. That which is occasionally found is non-magnetic grade stainless steel or aluminum which would not respond to magnetic or tramp separators. The aluminum does not present a fire hazard, and the hazard from the stainless steel is minimal. In addition, in the applicant's work process the fibers are manually handled four times before being fed into the picker feed rolls. This handling and shaking of the fibers removes any foreign objects before they would reach the picking machine. Therefore, the applicant is providing a place of employment as safe as that which would be obtained by using magnetic or tramp iron separators in accordance with § 1910.262(d)(4).

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 12-71 (36 FR 8754), it is ordered that Star Textile and Research, Inc. be, and it is hereby, authorized:

(1) To operate its powered industrial trucks without the overhead guards required by 29 CFR 1910.178(m)(9) in the low clearance areas of the Plant #1 warehouse and the third floor of Plant #1, in the manner and under the conditions described above. Overhead guards shall be utilized in all other areas of the plant;

(2) To process its fibers without the magnetic or tramp iron separators required by 29 CFR 1910.262(d)(4), provided that the fibers are manually handled four times before being fed into the picking machine, and that only the above-named synthetic fibers are processed.

As soon as possible Star Textile and Research, Inc. shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on October 10, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 4th day of Sept. 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-20772 Filed 9-9-74;8:45 am]

[V-73-35]

UNITED VIRGINIA BANKSHARES, INC.

Grant of Variance

I. *Background.* United Virginia Bankshares, Inc., 900 East Main Street, Richmond, Virginia 23219 made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the safety standards prescribed in 29 CFR 1910.66(b)(3). The standard requires that all new powered platforms for exterior building maintenance meet the requirements of Parts II and III of ANSI A120.1-1970. The facility that will be affected by this application is: United Virginia Bank Building, First Street and Church Avenue, Roanoke, Virginia 24011. Notice of the application was published in the FEDERAL REGISTER on November 8, 1973 (38 FR 30918). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. One written comment was received which questioned the need for a variance if the building is completed. This comment referred to powered platforms being exempt under § 1910.66(b)(2) if installed prior to the effective date of this standard. However, the applicant's building was in the construction stage and the powered platform was not installed prior to the effective date of this standard. Therefore, a variance is required. The comment letter also suggests the use of friction grips or other such devices to provide positive contact with the building face. It was decided that the use of building face rollers combined with tie-offs (eye-bolts) at each floor would serve the same purpose. No request for a hearing has been received.

II. *Facts.* The applicant's building is 180 feet in height and does not have continuous mullions, so it is impossible to provide guides to positively engage the platform and provide continuous contact with the building face as required by ANSI A120.1-1970, section 11.2.1. Instead the applicant will lower a 16 foot power driven staging platform from the roof. Eye-bolts will be used at each spandrel to provide positive anchoring to the building face. Positive tie-off will be maintained at all floors above the platform as it is being raised or lowered. The platform will be equipped with safety equipment as required by ANSI A120.1-1970, section 28, and personnel will be instructed in its use.

III. *Decision.* ANSI A120.1-1970, section 11.2.1 requires that the face of buildings over 130 feet in height be equipped with T-rails, indented mullions or equivalent guides to provide positive and continuous contact with the work platform. This is intended to absorb wind forces and horizontal components of dead and live loads on the working platforms.

The applicant's building has a rise of 180 feet. It is covered by the requirement in ANSI A120.1-1970, section 11.2.1 for positive contact guides. However, the building does not have continuous vertical mullions; therefore, continuous positive contact guides cannot be installed.

The applicant is providing the building face rollers and angulated roping that are required for buildings of less than 130 feet in ANSI A120.1-1970, section 13.8. The ANSI standard does not specify how often the platform should be tied-off. Placing eye-bolts at each floor for tie-off provides additional pull-in and restricts horizontal movement approximately every 10 feet, thereby, providing greater safety than that required by ANSI for buildings under 130 feet.

Considering the fact that building face rollers are used and that eye-bolts are provided at every floor, the applicant is providing a place of employment as safe as that required by 29 CFR 1910.66(b)(3) and ANSI A120.1-1970, section 11.2.1.

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 12-71 (36 FR 8754), it is ordered that United Virginia Bankshares, Inc. be, and it is hereby, authorized to operate the powered maintenance platform on its building at First Street and Church Avenue, Roanoke, Virginia without the positive contact guides required by § 1910.66(b)(3) and ANSI A120.1-1970, section 11.2.1, provided that building face rollers are provided on the powered platform, the platform is tied off to eye-bolts at each floor, and the tie-off is maintained at all floors above as the platform is raised or lowered.

As soon as possible United Virginia Bankshares, Inc. shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on October 10, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 4th day of September 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-20773 Filed 9-9-74;8:45 am]

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INTERSTATE COMMERCE COMMISSION

[AB 19 (Sub-No. 19)]

ALLEGHENY AND WESTERN RAILWAY CO., ET AL.

Abandonment of Lines

AUGUST 27, 1974.

Allegheny and Western Railway Company, Buffalo, Rochester and Pittsburgh Railway Company and the Baltimore and Ohio Railroad Company abandonment portion Craigsville Branch, near Craigsville, Armstrong County, Pennsylvania.

The Interstate Commerce Commission hereby gives notice that: 1. On Tuesday, July 2, 1974, notice was published in Armstrong County, Pa., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the July 2, 1974 notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20873 Filed 9-9-74;8:45 am]

[Notice 587]

ASSIGNMENT OF HEARINGS

SEPTEMBER 5, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after September 10, 1974.

I&S-M-27742, Household Goods, Increased Rates Nationwide, now assigned September 30, 1974, at Washington, D.C., is cancelled.

MC 136829 Sub 2, C. James, d.b.a. C. James Trucking, now assigned October 7, 1974, at Portland, Oregon, is postponed to October 21, 1974 (1 week), in Room 103, 555 SW. Yamhill St., Portland, Oregon.

MC 111401 Sub 396, Groendyke Transport, Inc., now assigned October 7, 1974, at Santa Fe, New Mexico, is cancelled and application dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20875 Filed 9-9-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 5, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-2261 (Sub-No. E7), filed May 28, 1974. Applicant: KEENAN TRANSFER AND STORAGE, INC., P.O. Box 3258, Albany, Ga. 31702. Applicant's representative: J. Sewell Elliott, Suite 506 American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission from points in North Carolina on, south, and east of a line from the Georgia-South Carolina State line along Interstate Highway 85 to Greenville, S.C., thence along U.S. Highway 25 to Asheville, thence along U.S. Highway 70 to the junction of North Carolina Highway 18, thence along North Carolina Highway 18 to Wilkesboro, thence along North Carolina Highway 268 to the junction of U.S. Highway 601, thence along U.S. Highway 601 to Mt. Airy, thence along U.S. Highway 52 to the North Carolina-Virginia State line, and points in South Carolina on, east, and north of a line from the Georgia-South Carolina State line along U.S. Highway 78 to the junction of South Carolina Highway 215, thence along South Carolina Highway 215, to the junction of South Carolina Highway 4, thence along South Carolina Highway 4 to the junction of U.S. Highway 301, thence along U.S. Highway 301 to Orangeburg, thence along U.S. Highway 178 to the junction of U.S. Highway 78 to the junction of Interstate Highway 26, thence along Interstate Highway 26 to the Atlantic Ocean to points in Georgia and Alabama on, south, and west of a line from the Mississippi-Alabama State line along U.S. Highway 78 to the junction of Alabama Highway 202, thence along Alabama Highway 202 to Anniston, thence along U.S. Highway 431 to the junction of Alabama Highway 50, thence along Alabama Highway 50 to the Georgia-Alabama State line, thence along the Georgia-Alabama State line to Phenix City, Ala., thence along Alabama Highway 165 to the junction with U.S. Highway 431, thence along U.S. Highway 431 to Pothan, thence along Alabama Highway 1 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateway of La Grange, Ga., and points within 35 miles thereof.

No. MC-15897 (Sub-No. E10), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, Suite 280, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in that part of Alabama on and south of U.S. Highway 82. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla., and Lamar County, Tex.

No. MC-15897 (Sub-No. E15), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, Suite 280, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Nebraska on and east of U.S. Highway 83, on the one hand, and, on the other, points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along Interstate Highway 35 to junction Interstate Highway 35W, thence along Interstate Highway 35W to junction Interstate Highway 35, thence along Interstate Highway 35 to the United States-Mexico International Boundary line near Laredo. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC-15897 (Sub-No. E34), filed June 3, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, Suite 280, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Shawnee, Okla., and points in Oklahoma within 135 miles of Shawnee (except points in Craig, Washington, Nowata, Rogers, Mayes, Delaware, Ottawa, Adair, Muskogee, Cherokee, and Sequoyah Counties), on the one hand, and, on the other, points in that part of Tennessee on and east of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 31W to junction U.S. Highway 31, thence along U.S. Highway 31 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of points in Lamar County, Tex.

No. MC-15897 (Sub-No. E36), filed June 3, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74801. Applicant's representative: Wilburn L. Williamson, Suite 280, 3535 Northwest 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Louisiana on and south of U.S. Highway 190, on the one hand, and, on the other, points in that part of Missouri on, north, and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 50 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla., and Lamar County, Tex.

No. MC-15897 (Sub-No. E37), filed June 3, 1974. Applicant: O. K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74801. Applicant's representative: Wilburn L. Williamson, Suite 280, 3535 Northwest 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Louisiana, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC-15897 (Sub-No. E40), filed June 2, 1974. Applicant: O. K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in El Paso County, Tex., on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla., and Lamar County, Tex.

No. MC-15897 (Sub-No, E41), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on and north of Interstate Highway 40, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC-15897 (Sub-No. E42), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas south of Interstate Highway 40, and on and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 281 to junction U.S. Highway 181, thence along U.S. Highway 181 to Corpus Christi, on the one hand, and, on the other, points in that part of Arkansas on and north of Interstate Highway 40. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC-15897 (Sub-No. E43), filed June 2, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 75 to junction U.S. Highway 77, thence along U.S. Highway 77 to the United States-Mexico International Boundary line near Brownsville, on the one hand, and, on the other, points in that part of Kansas west of U.S. Highway 81 (except points in Hamilton, Stanton, Morton, Kearney, Grant, Stevens, Finney, Haskell, Seward, Gray, Meade, Ford, Clark, Kiowa, Comanche, Pratt, Barker, Kingsman, Harper, and Sumner Counties). The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC-15897 (Sub-No. E44), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on, west, and north of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 70 to junction Texas Highway 70, thence along Texas Highway 70 to junction Texas Highway 208, thence along Texas Highway 208 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction Interstate Highway 10, thence along Interstate Highway 10 to the United States-Mexico International Boundary line near El Paso, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla., and Lamar County, Tex.

No. MC-15897 (Sub-No. E45), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in El Paso County, Tex., on the one hand, and, on the other, points in that part of Mississippi on and east of a line beginning at the Mississippi-Tennessee State line, thence along U.S. Highway 78 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Mississippi-Louisiana State line. The purpose of this filing to to eliminate the gateways of points in Creek County, Okla., and Lamar County, Tex.

No. MC-15897 (Sub-No. E46), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Mississippi on and east of Interstate Highway 55, on the one hand, and, on the other, points in that part of Texas on, north and west of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 380 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of points in Creek County, Okla., and Lamar County, Tex.

No. MC-15897 (Sub-No. E47), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Mississippi on and south of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 80 to junction Mississippi Highway 18, thence along Mississippi Highway 18 to junction Mississippi Highway 15, thence along Mississippi Highway 15 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Alabama State line, on the one hand, and, on the other, points in Kansas. The purpose of this ing is to eliminate the gateways of points in Creek County, Okla., and Lamar County, Tex.

No. MC-15897 (Sub-No. E48), filed June 2, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union,

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Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Mississippi on and south of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 80 to junction Mississippi Highway 18, thence along Mississippi Highway 18 to junction Mississippi Highway 15, thence along Mississippi Highway 15 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Alabama State line, on the one hand, and, on the other, points in that part of Missouri on and west of U.S. Highway 69. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla., and Lamar County, Tex.

No. MC–17868 (Sub-No. E22), filed May 31, 1974. Applicant: H. E. BRINKERHOFF & SONS TRANSPORTATION CO., 1001 South 14th St., Harrisburg, Pa. 17104. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Texas, on the one hand, and, on the other, points in Delaware, New York, Maryland, Connecticut, New Jersey, Rhode Island, New Hampshire, Vermont, Massachusetts, Maine, and the District of Columbia, and points in Pennsylvania beyond 75 miles of Harrisburg, Pa. The purpose of this filing is to eliminate the gateway of Harrisburg, Pa., and Wilmington, Del.

No. MC–24999 (Sub-No. E1), filed June 3, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Road, Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Illinois in and north of Henderson, Warren, Knox, Peoria, Woodford, Livingston, Ford, and Iroquois Counties. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–24999 (Sub-No. E2), filed June 3, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Road, Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in that part of Missouri in and east of Scott, Stoddard, and Dunklin Counties. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–24999 (Sub-No. E3), filed June 3, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Road, Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Sioux and Dawes Counties, Nebr., on the one hand, and, on the other, points in Choctaw, McCurtain, Le Flore, Latimer, Pittsburg, and Pushmataha Counties, Okla. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–24999 (Sub-No. E4), filed June 3, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Rd., Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Missouri, on the one hand, and, on the other, points in Dawes County, Nebr. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–24999 (Sub-No. E6), filed June 3, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Rd., Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Illinois in and north of Rock Island, Henry, Bureau, La Salle, Grundy, and Will Counties, on the one hand, and, on the other, points in that part of Missouri in and west of Mercer, Grundy, Livingston, Carroll, Saline, Pettis, Benton, Hickory, Dallas, Green, Christian, and Taney Counties. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–24999 (Sub-No. E7), filed June 3, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Rd., Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in South Dakota, on the one hand, and, on the other, points in that part of Missouri in, east, and south of Schuyler, Adair, Linn, Livingston, Carroll, Saline, Pettis, Henry, and Bates Counties, points in Linn, Bourbon, Crawford, and Cherokee Counties, Kans., and points in Oklahoma in and east of Craig, Mayes, Cherokee, Muskogee, McIntosh, Pittsburg, Pushmataha, and Choctan Counties. The purpose of this filing is to eliminate the gateway of Tekamah, Nebr., and Des Moines, Iowa.

No. MC–24999 (Sub-No. E8), filed June 3, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Rd., Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Oklahoma, on the one hand, and, on the other, points in that part of Illinois in and north of Henderson, Warren, Fulton, Tazewell, McLean, Ford, and Iroquois Counties; and (2) between points in Adams, Schuyler, Mason, Logan, DeWitt, Piatt, Champaign, Edgar, Vermillion, Douglas, Moultrie, Macon, Sangamon, Menard, Cass, Morgan, Scott, Brown, and Pike Counties, Ill., on the one hand, and, on the other, points in that part of Oklahoma in and west of Harper, Ellis, Roger Mills, Beckman, Green, and Jackson Counties, Okla. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–24999 (Sub-No. E9), filed June 3, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Road, Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Tekamah, Neb., and points in Nebraska within 25 miles thereof, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–24999 (Sub-No. E10), filed June 3, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Road, Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado and South Dakota. The purpose of this filing is to eliminate the gateway of Tekamah, Neb.

No. MC–24999 (Sub-No. E11), filed June 4, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Rd., Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Minnesota, on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC–30280 (Sub-No. E60), filed June 4, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, from points in Georgia to Wilmington, Del. The purpose of this filing is to eliminate the gateways of Gastonia, N.C., and Baltimore, Md.

No. MC–30280 (Sub-No. E61), filed June 4, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile products*, from points in Georgia to points in Cumberland, Gloucester, and Salem Counties, N.J. The purpose of this filing is to eliminate the gateways of Gastonia, N.C., and Baltimore, Md.

No. MC–63417 (Sub-No. E11), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Johnson City, Tenn., to points in that part of Mississippi on and south of a line beginning at the Louisiana-Mississippi State line and extending along Interstate Highway 20 to junction Mississippi Highway 18 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of Macon, Ga.

No. MC–63417 (Sub-No. E12), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Mullins, S.C., to points in Illinois, Indiana, Michigan, and points in that part of Kentucky on and north of a line beginning at the Missouri-Kentucky State line and extending along Kentucky Highway 80 to junction Kentucky Highway 15, thence along Kentucky Highway 15 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction Kentucky Highway 932, thence along Kentucky Highway 932 to Kentucky-Virginia State line. The purpose of this filing is to eliminate the gateway of Stanleytown, Va.

No. MC–63417 (Sub-No. E16), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from Lewisburg, Pa., to points in that part of Kentucky on, south, and west of a line beginning at the Illinois-Kentucky State line and extending along Kentucky Highway 453 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 91 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 119, thence along U.S. Highway 119 to the Kentucky-West Virginia State line and (2) from New York, N.Y., to points in that part of Kentucky on and south of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 460 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateway of Rocky Mount, Va.

No. MC–63417 (Sub-No. E19), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Dillon and Nichols, S.C., to points in Illinois, Indiana, Kentucky, Michigan, and Tennessee (except points in Bledsoe, Blount, Bradley, Carter, Cocke, Greene, Hamilton, Jefferson, Johnson, Knox, Loudon, Marion, McMinn, Meigs, Monroe, Polk, Rhea, Roane, Sequatchie, Sevier, Unicoi, and Washington Counties). The purpose of this filing is to eliminate the gateway of Stanleytown, Va.

No. MC–63417 (Sub-No. E20), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Chocowinity, N.C., to points in Louisiana, Oklahoma, Texas, that part of Arkansas on, south, and west of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 63 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 64, thence along U.S. Highway 64 to the Arkansas-Tennessee State line, and points in that part of Mississippi on and south of a line beginning at the Arkansas-Mississippi State line and extending along U.S. Highway 82 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to junction Mississippi Highway 14, thence along Mississippi Highway 14 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of Stanleytown, Va., points in Virginia, and Macon, Ga.

No. MC–63417 (Sub-No. E26), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Johnson City, Tenn., to points in Louisiana, points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line and extending along Oklahoma Highway 34 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Oklahoma Highway 6, thence along Oklahoma Highway 6 to junction U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas State line, and points in that part of Texas on, south, and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 81 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Texas Highway 77, thence along Texas Highway 77 to the Texas-Arkansas State line. The purpose of this filing is to eliminate the gateway of Macon, Ga.

No. MC–95540 (Sub-No. E630), filed May 8, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, (a) from points in Iowa to points in Louisiana on and east of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 165 to Mer Rouge, thence along Highway 133 to Girard, thence along U.S. Highway 80 to Rayville, thence along Louisiana Highway 137 to Wangham, thence along Louisiana Highway 15, to its intersection with Louisiana Highway I, thence along Louisiana Highway I to Simmesport, thence along Louisiana Highway 105 to its intersection with Interstate Highway 10, thence along Interstate Highway 10 to Lafayette, thence along U.S. Highway 167 to Abbeville, thence along Louisiana Highway 82 to Grand Chenier, thence along the Mermentau River to the Gulf of Mexico; (b) from points in Iowa on, north and east of the line beginning at the Iowa-South Dakota State line and extending along Iowa State Highway 9 to Rock Rapids, thence along U.S. Highway 75 to Perkins, thence along U.S. Highway 18 to Sheldon, thence along Iowa Highway 60 to Alton, thence along Iowa Highway 10 to its intersection with Iowa Highway 143, and thence along Iowa Highway 143 to its intersection with Iowa Highway 3, thence along Iowa Highway 3 to Cherokee, thence along Iowa Highway 7 to its intersection with Highway 71, thence along U.S. Highway 71 to its intersection with Iowa Highway 161, thence along Iowa Highway 161 to its intersection with Iowa Highway 141, thence along Iowa Highway 141 to its intersection with Iowa Highway 25, thence along Iowa Highway 25 to Greenfield, thence along Iowa Highway 92 to Winterset, thence along U.S. Highway 169 to its intersection with U.S. Highway

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34, thence along U.S. Highway 34 to Osceola, thence along U.S. Highway 69 to its intersection with Iowa Highway 2, thence along Iowa Highway 2 to its intersection with U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Missouri State line, to points in Louisiana on and east of the line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 165 to its intersection with Interstate Highway 10, thence along Interstate Highway 10 to Lake Charles, thence along Louisiana Highway 14 to its intersection with Highway 27, thence along Louisiana Highway 27 to Creole, thence along Louisiana Highway 82 to the Mermentau River, thence along the Mermentau River to the Gulf of Mexico.

(c) From points in Iowa on and east of a line beginning at the Iowa-Minnesota State line, and extending along U.S. Highway 71 to its intersection with Iowa Highway 9, thence along Iowa Highway 9 to Esterville, thence along Iowa Highway 4 to its intersection with U.S. Highway 18, thence along U.S. Highway 18 to its intersection with Iowa Highway 15, thence along Iowa Highway 15 to its intersection with Iowa Highway 222, thence along Iowa Highway 222 to its intersection with U.S. Highway 169, thence along U.S. Highway 169 to its intersection with Iowa Highway 141, thence along Iowa Highway 141 to its intersection with Interstate Highway 35, thence along Interstate Highway 35 to Des Moines, thence along U.S. Highway 65 to its intersection with U.S. Highway 34, thence along U.S. Highway 34 to Chariton, thence along Iowa Highway 14 to Corydon, thence along Iowa Highway 2 to its intersection with Iowa Highway 55, thence along Iowa Highway 55 to the Iowa-Missouri State line, to points in Louisiana on, south, and east of a line beginning at the Louisiana-Arkansas State line and extending along Louisiana Highway 33 to its intersection with Interstate Highway 20, thence along Interstate Highway 20 to its intersection with U.S. Highway 167, thence along U.S. Highway 167 to Quitman, thence along Louisiana Highway 155 to Saline, thence along Louisiana Highway 9 to its intersection with U.S. Highway 71, thence along U.S. Highway 71 to Clarence, thence along State Highway 6 to the Toledo Bend Reservoir; (d) from points in Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 65 to its intersection with Iowa Highway 117, thence along Iowa Highway 117 to its intersection with Iowa Highway 163, thence along Iowa Highway 163 to Monroe, thence along Iowa Highway 14 to Knoxville, thence along Iowa Highway 5 to the Iowa-Missouri State line, to points in Louisiana on, south, and east of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 79 to Shreveport, thence along Interstate Highway 20 to the Louisiana-Texas State line; and (e) from points in Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 218 in the north to Charles City, thence along Iowa Highway 14 to its intersection with U.S. Highway 30, thence along U.S. Highway 30 to its intersection with U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line, to points in Louisiana. The purpose of this filing is to eliminate the gateway of Union City, Tenn.

No. MC-107295 (Sub-No. E161), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulation materials* (except in bulk), from the plant site and storage facilities of Cleveland Fabricating Company at Houston, Tex., to points in Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Wisconsin, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Camden, Ark.

No. MC-107295 (Sub-No. E176), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Meridian, Miss., (1) to points in New York, Rhode Island, and Vermont (Port Clinton, Ohio)*, and (2) to points in Arizona, Idaho, Minnesota, North Dakota, and South Dakota (Truman, Ark).* The purpose of this filing is to eliminate the gateways indicated by Asterisks above.

No. MC-107295 (Sub-No. E187), filed May 14, 1974. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete curing compounds* (except in bulk), from the plant and warehouse sites of Upco Company at Cleveland, Ohio, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Elgin, Ill.

No. MC-107403 (Sub-No. E138) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER July 30, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquefied petroleum gas*, from Wayne County, Mich., to points in Delaware, New Jersey, and New York; and (2) *liquefied petroleum products*, from Mosherville and Owosso Township, Mich., to points in Delaware, New Jersey, and New York. The purpose of this filing is to eliminate the gateway of Petrolia, Pa., in proposal (1) above, and Neville Island, Pa., and Toledo, Ohio, in proposal (2) above. The purpose of this correction is to clarify the involved destination territory.

No. MC-107544 (Sub-No. E1), filed May 31, 1974. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, Va. 24354. Applicant's representative: Wilmer B. Hill, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 (except petro acids and chemicals, and asphalt and asphalt products), in bulk, in tank vehicles, from Salisburg and Thrift, N.C., to points in Caly, Greenbrier, Monroe, Nicholas, Pendleton, Pocahontas, Randolph, Tucker, Upshur, and Webster Counties, W. Va. The purpose of this filing is to eliminate the gateway of Roanoke, Va.

No. MC-107544 (Sub-No. E3), filed May 31, 1974. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, Va. 24354. Applicant's representative: Daryl J. Henry (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry carbon water treating compounds*, in bulk, in tank vehicles, from Charleston, S.C. to points in Colorado, Arizona, California, Connecticut, Delaware, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming, that part of Illinois on and north of U.S. Highway 36, and that part of Indiana on and north of a line beginning at the Ohio-Indiana State line, thence along Interstate Highway 465, thence along Interstate Highway 465 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of Covington, Va.

No. MC-107544 (Sub-No. E4), filed May 31, 1974. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, Va. 24354. Applicant's representative: Wilmer B. Hill, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda Ash*, in bulk, from Saltville, Va., to points in Ohio and that part of Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 11 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Nitro, W. Va.

No. MC-107544 (Sub-No. E7), filed May 31, 1974. Applicant: LEMMON

TRANSPORT CO., INC., P.O. Box 580, Marion, Va. 24354. Applicant's representative: Wilmer B. Hill, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry carbon*, in bulk, from Romeo (Marion County), Fla., to points in Idaho, Montana, North Dakota, Oregon, South Dakota, Washington, Wyoming, that part of California on and north of Interstate Highway 80, and that part of Nevada on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Covington, Va.

No. MC-108449 (Sub-No. E10), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from La Crosse, Wis., to points in Illinois. The purpose of this filing is to eliminate the gateway of the storage facilities of American Oil Company at or near Dubuque, Iowa.

No. MC-108449 (Sub-No. E11), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from La Crosse, Wis., to points in Iowa. The purpose of this filing is to eliminate the gateway of the pipeline terminal of American Oil Company at or near Spring Valley, Minn.

No. MC-108449 (Sub-No. E12) filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from La Crosse, Wis., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis and St. Paul, Minn., the terminal facilities of American Oil Company at or near Spring Valley, Minn., and the terminal of the Williams Brothers Pipe Line Company at or near Spencer or Spirit Lake, Iowa.

No. MC-108449 (Sub-No. E13), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the port of entry on the United States-Canada Boundary line at International Falls, Minn., to points in the Upper Peninsula of Michigan.

NOTE.—This authority expires December 6, 1977. The purpose of this filing is to eliminate the gateway of the site of the Duluth Petroleum Products terminal located approximately four miles west of Duluth, Minn. and points within two miles thereof.

No. MC-108449 (Sub-No. E14), filed May 21, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, from the port of entry or the United States-Canada Boundary line at Internationtal Falls, Minn., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of the site of the Duluth Petroleum Products terminal located approximately four miles west of Duluth, Minn., and points within two miles thereof.

No. MC-108449 (Sub-No. E20), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Superior, Wis., to points in Iowa. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC-108449 (Sub-No. E21), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Superior, Wis., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Wrenshall, Minn.

No. MC-108449 (Sub-No. E22), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Superior, Wis., to points in South Dakota. The purpose of this filing is to eliminate the gateway of McGregor, Minn.

No. MC-108449 (Sub-No. E23), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above), Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, in tank vehicle, from Superior, Wis., to points in South Dakota. The purpose of this filing is to eliminate the gateway of the terminal of Williams Brothers Pipe Line Company at or near St. Cloud, Minn.

No. MC-108449 (Sub-No. E24), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Winona, Minn., to points in North Dakota. The purpose of this filing is to eliminate the gateways of La-Crosse, Wis., and Ramsey County, Minn.

No. MC-108449 (Sub-No. E25), filed May 17, 1974. Applicant: INDIANAHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Fargo, N. Dak., and points in North Dakota within ten miles thereof, to points on and east of a line beginning at the Minnesota-Iowa State line, and extending along U.S. Highway 169 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to Iowa Highway 4, thence along Iowa Highway 4 to its junction with Iowa Highway 175, thence along Iowa Highway 175 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of the Williams Brothers Pipe Line Company terminal located at or near St. Cloud, Minn., and Minneapolis, Minn.

No. MC-108449 (Sub-No. E26), filed May 17, 1974. Applicant: INDIANAHEAD TRUCK LINE, INC., 1947 West County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Fargo, N. Dak., and 10 miles thereof to points in Illinois. The purpose of this filing is to eliminate the gateways of the terminal of Williams Brothers Pipe Line Company at or near St. Cloud, Minn., Minneapolis, Minn., and the storage facilities of American Oil Company at or near Dubuque, Iowa.

No. MC-108449 (Sub-No. E27), filed May 17, 1974. Applicant: INDIANAHEAD TRUCK LINE, INC., 1947 West County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Winona, Minn., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Eau Claire, Wis.

No. MC-108449 (Sub-No. E28), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to

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operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Winona, Minn., to points in Iowa, Minnesota, and South Dakota. The purpose of this filing is to eliminate the gateways of La Crosse, Wis., the pipeline terminal of American Oil Company at or near Spring Valley, Minn., and the terminal of Williams Brothers Pipe Line Company at or near Spencer or Spirit Lake, Iowa.

No. MC–108449 (Sub-No. E30), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the port of entry on the United States-Canada Boundary line at or near Noyes, Minn., to points in Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 71 to its junction with Iowa Highway 175, thence along Iowa Highway 175 to its junction with Iowa Highway 39, thence along Iowa Highway 39 to its junction with U.S. Highway 59, thence along U.S. Highway 59 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateways of Fargo, N. Dak., the Williams Brothers Pipe Line Company terminal located at or near St. Cloud, Minn., and Minneapolis, Minn., and points within ten miles thereof.

No. MC–108449 (Sub-No. E31), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the port of entry on the United States-Canada International Boundary line at Noyes, Minn., to points in Wyoming. The purpose of this filing is to eliminate the gateways of the terminal facilities of the Kaneb Pipe Line Company at or near Jamestown, N. Dak., or Aberdeen, S. Dak.

No. MC–108449 (Sub-No. E32), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the port of entry on the United States-Canada International Boundary line at Noyes, Minn., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of Grand Forks, N. Dak., and McGregor, Minn.

No. MC–108449 (Sub-No. E39), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum gas*, in bulk, in tank vehicles, from the port of entry on the United States-Canada International Boundary line at Noyes, Minn., to points in Iowa and Illinois.

NOTE.—This authority expires December 6, 1977. The purpose of this filing is to eliminate the gateways of Mentor, Minn., and the terminal Williams Brothers Pipe Line Co. at or near Spencer or Spirit Lake, Iowa.

No. MC–108449 (Sub-No. E41), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Fargo, N. Dak., and points within 10 miles thereof, to points in Minnesota. The purpose of this filing is to eliminate the gateway of McGregor, Minn.

No. MC–108449 (Sub-No. E42), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Fargo, N. Dak., and points within 10 miles thereof, to points in Minnesota. The purpose of this filing is to eliminate the gateway of the Williams Brothers Pipe Line Company terminal at or near St. Cloud, Minn.

No. MC–108449 (Sub-No. E47), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, from the port of entry on the United States-Canada Boundary line at Maida, N. Dak., to points in Wyoming.

NOTE.—This authority expires December 6, 1977. The purpose of this filing is to eliminate the gateways of the terminal facilities of the Kaneb Pipe Line Company at or near Jamestown, N. Dak., and Aberdeen, S. Dak.

No. MC–108449 (Sub-No. E156), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in hopper-type vehicles, from Davenport, Iowa, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of LaCrosse, Wis.

No. MC–108449 (Sub-No. E157), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Winona, Minn., to points in North Dakota. The purpose of this filing is to eliminate the gateway of the storage facility of the Dundee Cement Company at Minneapolis, Minn.

No. MC–108449 (Sub-No. E158), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Rd. C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from West Fargo, N. Dak., to points in Iowa on and east of a line beginning at the Iowa-Minnesota State line and extending along Iowa Highway 15 to its junction with Iowa Highway 3, thence along Iowa Highway 3 to its junction with Iowa Highway 4, thence along Iowa Highway 4 to its junction with Iowa Highway 175, thence along Iowa Highway 175 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of Columbia Heights, Robbinsdale, South St. Paul, North St. Paul, Inver Grove Heights, West St. Paul, Newport, St. Louis Park, Hopkins, Edina, Richfield, Fridley, Red Rock, McCarron, Lake, Fort Smelling, and, State Fair Grounds, Minn.

No. MC–109064 (Sub-No. E1), filed June 4, 1974. Applicant: TEX–O–KA–N TRANSPORTATION CO., INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, Sayers, Scurlock, Binion & Brackett, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies*, used in or

in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, over irregular routes, between points in that part of Texas south of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Colorado, Kansas, Montana, Oklahoma, Utah, Wyoming, and Lea and Eddy Counties, N. Mex. The purpose of this filing is to eliminate the gateway of points in that part of Texas on and north of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC–109064 (Sub-No. E2), filed June 4, 1974. Applicant: TEX–O–KA–N TRANSPORTATION COMPANY, INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines (other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage), between points in that part of Texas on and south of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Oklahoma, Kansas, Lea, and Eddy Counties, N. Mex., Colorado, Wyoming, Utah, and Montana, restricted to the transportation of commodities which because of size or weight require the use of special equipment, further restricted to the transportation of shipments moving to or from pipeline rights-of-way, and further restricted to the transportation of such commodities as are also classifiable as iron and steel articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209. The purpose of this filing is to eliminate the gateway of points in that part of Texas on and north of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC–109064 (Sub-No. E3), filed June 4, 1974. Applicant: TEX–O–KA–N TRANSPORTATION CO., INC., P.O. Box 8367, Forth Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewerage, including the stringing and picking up of pipe, from Corpus Christi, Galveston, and Houston, Tex., to points in Kansas, Oklahoma, Lea, and Eddy Counties, N. Mex., Colorado, Wyoming, Utah, and Montana, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way and further restricted to the transportation of such commodities as are iron and steel articles. The purpose of this filing is to eliminate the gateway of points in that part of Texas on and north of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC–109064 (Sub-No. E4), filed June 4, 1974. Applicant: TEX–O–KA–N TRANSPORTATION CO., INC., P.O. Box 8367, Forth Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Forth Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, between points in that part of Texas on and south of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Oklahoma, Kansas, Lea, and Eddy Counties, New Mexico, Colorado, Wyoming, Utah, and Montana, restricted to the transportation of commodities which because of size or weight require the use of special equipment, and further restricted to the transportation of such commodities as are also classifiable as iron and steel articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209. The purpose of this filing is to eliminate the gateway of points in that part of Texas on and north of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC–109064 (Sub-No. E5), filed June 4, 1974. Applicant: TEX–O–KA–N TRANSPORTATION COMPANY, INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, between points in that part of Texas on and south of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Oklahoma, Kansas, Lea, and Eddy Counties, New Mexico, Colorado, Wyoming, Utah, and Montana, restricted to the transportation of traffic originating at or destined to pipeline rights-of-way and further restricted to the transportation of such commodities as are iron and steel articles. The purpose of this filing is to eliminate the gateway of points in that part of Texas on and north of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC–109064 (Sub-No. E6), filed June 4, 1974. Applicant: TEX–O–KA–N TRANSPORTATION COMPANY, INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Forth Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, *and machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in that part of Texas on and east of a line beginning at the Texas-Arkansas State line, thence along U.S. Highway 59 to junction U.S. Highway 96, thence along U.S. Highway 96 to Port Arthur, on the one hand, and, on the other, points in that part of New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line, thence along New Mexico Highway 18 to junction U.S. Highway 54, thence along U.S. Highway 54 to Tucumcari, thence along New Mexico Highway 18 to the Texas-New Mexico State line, restricted to the transportation of traffic from or to actual oilfields. The purpose of this filing is to eliminate the gateway of points in Louisiana.

No. MC–109064 (Sub-No. E7), filed June 4, 1974. Applicant: TEX–O–KA–N TRANSPORTATION COMPANY, INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort

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Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, when such commodities also are iron and steel articles, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between points in that part of Texas on and south of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Oklahoma, Kansas, Lea and Eddy Counties, N. Mex., Colorado, Wyoming, Utah, and Montana; restricted to the transportation of traffic originating at or destined to pipeline rights-of-way, and further restricted to the transportation of commodities which because of size or weight require the use of special equipment. The purpose of this filing is to eliminate the gateway of that part of Texas on and north of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC–109064 (Sub-No. E8), filed June 4, 1974. Applicant: TEX–O–KA–N TRANSPORTATION COMPANY, INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, from Corpus Christi, Galveston, and Houston, Texas, to points in Oklahoma, Kansas, Lea and Eddy Counties, N. Mex., Colorado, Wyoming, Utah, and Montana; restricted to the transportation of shipments moving to or from pipeline right-of-way, and further restricted to the transportation of such above specified commodities as are iron and steel articles. The purpose of this application is to eliminate the gateway of points in that part of Texas on and north of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC–109064 (Sub-No. E11), filed June 4, 1974. Applicant: TEX–O–KA–N TRANSPORTATION COMPANY, INC., P.O. Box 8367, Fort Worth, Tex. 76112. Applicant's representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials, equipment, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Louisiana, on the one hand, and, on the other, points in Oklahoma, Kansas, Wyoming, Montana, Colorado, Utah, and Lea and Eddy Counties, N. Mex. The purpose of this filing is to eliminate the gateway of points in that part of Texas on and north of a line beginning at El Paso, thence along U.S. Highway 80 to Dallas, thence along U.S. Highway 175 to Jacksonville, thence along U.S. Highway 79 to the Texas-Louisiana State line.

No. MC–110525 (Sub-No. E491), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), from points in North Carolina to points in that part of Missouri on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Louisville, Ky.

No. MC–110525 (Sub-No. E514), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, NIC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Ohio to points in California. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E515), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Ohio on and east of U.S. Highway 23 to points in that part of Colorado on and west of Interstate Highway 25. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio.

No. MC–110525 (Sub-No. E561), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of coal tar), in bulk, in tank vehicles, from points in Pennsylvania to points in that part of Kentucky on and south of Interstate Highway 64. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and S. Point, Ohio.

No. MC–111545 (Sub-No. E547), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and contractors' equipment*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Iowa and that part of Wisconsin within 300 miles of Ames, Iowa, to points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC–111545 (Sub-No. E551), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, *and related machinery, tools, parts, and supplies*, moving in connection therewith, between points in that part of Kansas within 300 miles of Ames, Iowa, on the one hand, and, on the other, points in the Lower Peninsula of Michigan, and Ohio, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Keokuk, Iowa.

No. MC–111545 (Sub-No. E553), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, STATION A, MARIETA, GA. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in that part of Alabama within 175 miles of Chattanooga, Tenn., and on, east, and north of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 31 to Birmingham, thence along U.S. Highway 11 to Woodstock, thence along Alabama Highway 5 to junction U.S. Highway 82, thence along U.S. Highway 82 to Montgomery, thence along U.S. Highway 80 to the Alabama-Georgia State line, on the one hand, and, on the other, points in that part of Missouri on and north of a line beginning at the Missouri Illinois State line, thence along Missouri Highway 6 to junction Missouri Highway 11, thence along Missouri Highway 11 to Brookfield, thence along U.S. Highway 36 to the Missouri-Kansas State line,

restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of Clarksville, Tenn., and Keokuk, Iowa.

No. MC–111545 (Sub-No. E554), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (except knitting machines), between points in that part of Mississippi within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in that part of Michigan on and east of a line beginning at the Michigan-Ohio State line, thence along U.S. Highway 127 to Lansing, thence along U.S. Highway 27 to Clare, thence along Michigan Highway 115 to Frankfort, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E555), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and contractors' equipment* the transportation of which, because of size or weight, requires the use of special equipment, from points in Nebraska to points in Arkansas. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC–111545 (Sub-No. E556), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Oklahoma on, east, and south of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 77 to Oklahoma City, thence along Interstate Highway 40 to Checotah, thence along U.S. Highway 266 to Warner, thence along U.S. Highway 64 to the Oklahoma-Arkansas State line, on the one hand, and on the other, points in that part of West Virginia on, east, and south of a line beginning at the West Virginia-Virginia State line, thence along West Virginia Highway 83 to Ukon, thence along West Virginia Highway 16 to Beckley, thence along U.S. Highway 19 to Summersville, thence along West Virginia Highway 39 to Mill Point, thence along U.S. Highway 219 to the West Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of Greenville, S.C.

No. MC–111545 (Sub-No. E557), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, from points in South Carolina to points in Maryland. The purpose of this filing is to eliminate the gateway of the plant site of Continental Homes, Inc., at or near Rocky Mount, Va.

No. MC–111545 (Sub-No. E558), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on and east of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 431 to Franklin, thence along U.S. Highway 31 to the Tennessee-Alabama State line, to points in that part of New Mexico on and west of U.S. Highway 54. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Oklahoma City, Okla.

No. MC–111545 (Sub-No. E560), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Georgia on and east of a line beginning at the Georgia-North Carolina State line, thence along Georgia Highway 60 to Gainesville, thence along U.S. Highway 129 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateways of points in that part of Georgia within 175 miles of Chattanooga, Tenn., and points in that part of South Carolina within 175 miles of Chattanooga, Tenn.

No. MC–111545 (Sub-No. E562), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, the transportation of which, because of size or weight, requires the use of special equipment, from points in Utah to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted against the transportation of commodities to be used in, or in connection with, main or trunk pipelines. The purpose of this filing is to eliminate the gateways of points in Missouri within 100 miles of Kansas City, Kans., and the plant site of Continental Homes, Inc., at or near Malden, Mo.

No. MC–111812 (Sub-No. E19), filed May 14, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouse*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Peoria, Ill., to points in Idaho, Montana, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC–111812 (Sub-No. E20), filed May 26, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fergus Falls, Minn., and Hartley, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia and the District of Columbia. The purpose of this filing is to eliminate the gateway of Estherville, Iowa.

No. MC–111812 (Sub-No. E21), filed May 16, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Spencer and Hawarden, Iowa, and Luverne, Minn., to points

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in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the Lower Peninsula of Michigan, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Estherville, Iowa.

No. MC–111812 (Sub-No. E22), filed May 17, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, motion picture film, motion picture projection parts, advertising material, tickets, commodities in bulk, those injurious or contaminating to other lading, and those requiring special equipment), from points in Massachusetts and Connecticut to points in Audubon, Buena Vista, Calhoun, Carroll, Cass, Cerro Gordo, Cherokee, Clay, Crawford, Dickinson, Emmit, Fremont, Hancock, Harrison, Humboldt, Ida, Kossuth, Lyon, Mills, Monona, Montgomery, O'Brien, Osceola, Page, Palo Alto, Plymouth, Pocahontas, Pottawattamie, Sac, Shelby, Sioux, Webster, Winnebago, Woodbury, and Worth Counties, Iowa, and Aitkin, Anoka, Becker, Beltrami, Benton, Big Stone, Blue Earth, Brown, Carver, Cass, Chippewa, Chisago, Clay, Clearwater, Cottonwood, Crow Wing, Dakota, Douglas, Faribault, Freeborn, Grant, Hennepin, Hubbard, Isanti, Itasca, Jackson, Kenabec, Kandiyohi, Kittson, Koochiching, Lac Qui Parle, Lake of the Woods, Le Sueur, Lincoln, Lyon, Mahnomen, Marshall, Martin, McLeod, Meeker, Mille Lacs, Morrison, Murray, Nicholiet, Nobles, Norman, Otter Tail, Pennington, Pipestone, Polk, Pope, Ramsey, Red Lake, Redwood, Renville, Rice, Rock, Roseau, Scott, Sherburne, Sibley, Stearns, Steele, Stevens, Swift, Todd, Traverse, Wadena, Waseca, Washington, Watonwan, Wilkin, Wright, and Yellow Medicine Counties, Minn. The purpose of this filing is to eliminate the gateway of Lakefield, Minn., and points within 25 miles thereof.

No. MC–113828 (Sub-No. E27), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the terminal site of Southern Cement, division of Martin Marietta Corp., at Charlotte, N.C., to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Norfolk, Va.

No. MC–113828 (Sub-No. E33), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 12, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and invert sugar*, in bulk, in tank vehicles, from points in Massachusetts, Rhode Island, Connecticut, New York, and Pennsylvania (except those points west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219, to its intersection with Interstate Highway 80, thence along Interstate Highway 80 to its intersection with Pennsylvania Highway 42, thence along Pennsylvania Highway 42 to its intersection with Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to its intersection with Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line, to points in Tennessee (except from points in New York west of Interstate Highway 81, and those in Pennsylvania west of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to its intersection with Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to its intersection with Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line, and points in South Carolina. The purpose of this filing is to eliminate the gateways of Atlantic County, N.J., Baltimore, Md., and Richmond, Va. The purpose of this correction is to correct a typographical error and to correctly describe the involved commodities.

No. MC–114552 (Sub-No. E4), filed April 27, 1974. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), (A) from points in North Carolina on and west of a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 23 to its intersection with U.S. Highway 25, and thence along U.S. Highway 25 to the North Carolina-South Carolina State line, to points in Massachusetts. (B) (1) from points in North Carolina on and west of a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 23 to its intersection with U.S. Highway 25, and thence along U.S. Highway 25 to the North Carolina-South Carolina State line, to points in Rhode Island, and (2) from points in North Carolina on and west of U.S. Highway 221 and on and south of Interstate Highway 40, to points in New Hampshire and Vermont; (C) from points in North Carolina on, north, and east of a line beginning at Wilmington, N.C., and extending along U.S. Highway 421 to Siler City, thence along U.S. Highway 64 to Mocksville, and thence along U.S. Highway 601 to the North Carolina-Virginia State line (except points in Buncombe, Chatham, Cherokee, Columbus, Cumberland, Franklin, Guilford, Harnett, Henderson, Lee, Macon, Orange, Rockingham, Transylvania, Union, Beaufort, Hyde, Martin, Washington, Pitt, Craven, Pamlico, Jones, and Onslow Counties, points in Halifax County on and east of U.S. Highway 301, points in Edgecombe and Lenoir Counties on and east of U.S. Highway 258, points in Pender County on and east of U.S. Highway 117, and points in North Carolina within 50 miles of Sanford, N.C.), to points in Ohio on and west of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 23 to Marion, and thence along Ohio Highway 4 to the shore of Lake Erie.

(D) (1) From points in North Carolina on and east of Interstate Highway 77, to points in Arkansas and Minnesota, (2) from points in North Carolina on and east of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to its intersection with Interstate Highway 40, thence along Interstate Highway 40 to its intersection with Interstate Highway 77, and thence along Interstate Highway 77 to the North Carolina-South Carolina State line, to points in Missouri, (3) from points in North Carolina on and east of Interstate Highway 77 and on and south of U.S. Highway 64 to points in Wisconsin and Iowa, (4) from points in North Carolina, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, and Illinois. (E) (1) from points in North Carolina (except points in Buncombe, Chatham, Cherokee, Columbus, Cumberland, Franklin, Guilford, Harnett, Henderson, Lee, Macon, Orange, Rockingham, Transylvania, Union, Beaufort, Hyde, Martin, Washington, Pitt, Craven, Pamlico, Jones, and Onslow Counties, points in Halifax County on and east of U.S. Highway 258, points in Pender County on and east of U.S. Highway 117, and points in North Carolina within 50 miles of Sanford, N.C., to points in Kentucky and Indiana; (2) from points in North Carolina (except points in Buncombe, Chatham, Cherokee, Columbus, Cumberland, Franklin, Guilford, Harnett, Henderson, Lee, Macon, Orange, Rockingham, Transylvania, Union, Beaufort, Hyde, Martin, Washington, Pitt, Craven, Pamlico, Jones, and Onslow Counties, points in Halifax County on and east of U.S. Highway 258, points in Pender County on and east of U.S. Highway 117, points in North Carolina within 50 miles of Sanford, N.C., and those points in North Carolina on, north, or east of a line beginning at the North Carolina-Virginia State line and extending along North Carolina Highway 35 to its intersection with U.S. Highway 158, thence along U.S. Highway 158 to its intersection with North Carolina Highway 45, thence along North Carolina Highway 45 to its intersection with U.S. Highway 64, and thence along U.S. Highway 64 to its eastern terminus at or near Nags Head, N.C.), to points in Michigan; (F) from points in North Carolina on and west of U.S. Highway 221 and on and south of Interstate Highway 40, to points in Maine.

(G) (1) From points in North Carolina on, south, and west of a line beginning at the eastern terminus of U.S. Highway 74 at or near Wilmington, N.C., and extending along U.S. Highway 74 to its intersection with North Carolina Highway 211, thence along North Carolina Highway 211 to its intersection with U.S. Highway 220, thence along U.S. Highway 220 to its intersection with U.S. Highway 64, thence along U.S. Highway 64 to its intersection with U.S. Highway 601, thence along U.S. Highway 601 to its intersection with U.S. Highway 421, and thence along U.S. Highway 421 to the North Carolina-Tennessee State line, to points in New Jersey, (2) from points in North Carolina on, south, and west of a line beginning at the eastern terminus of U.S. Highway 74 at or near Wilmington, N.C., and extending along U.S. Highway 74 to its intersection with North Carolina Highway 211, thence along North Carolina Highway 211 to its intersection with U.S. Highway 220, thence along U.S. Highway 220 to its intersection with North Carolina Highway 24, thence along North Carolina Highway 24 to its intersection with U.S. Highway 52, thence along U.S. Highway 52 to its intersection with U.S. Highway 601, thence along U.S. Highway 601 to its intersection with U.S. Highway 421, thence along U.S. Highway 421 to the North Carolina-Tennessee State line, to points in Delaware, (3) from points in North Carolina on, south, and west of a line beginning at the eastern terminus of U.S. Highway 74 at or near Wilmington, N.C., and extending along U.S. Highway 74 to its intersection with North Carolina Highway 211, thence along North Carolina Highway 211 to its intersection with U.S. Highway 220, thence along U.S. Highway 220 to its intersection with U.S. Highway 64, thence along U.S. Highway 64 to its intersection with U.S. Highway 52, thence along U.S. Highway 52 to its intersection with U.S. Highway 70, thence along U.S. Highway 70 to its intersection with Interstate Highway 77, thence along Interstate Highway 77 to the North Carolina-Virginia State line, to points in New York; (J) from points in North Carolina on, west, or south of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 52 to its intersection with U.S. Highway 70, thence along U.S. Highway 70 to its intersection with Interstate Highway 77, thence along Interstate Highway 77 to the North Carolina-Virginia State line, to points in Tennessee; (K) from points in North Carolina on and west of a line beginning at Wilmington, N.C., and extending along U.S. Highway 421 to Siler City, thence along U.S. Highway 64 to Mocksville, thence along U.S. Highway 601 to the North Carolina-Virginia State line (except points in Buncombe, Chatham, Cherokee, Columbus, Cumberland, Franklin, Guilford, Harnett, Henderson, Lee, Macon, Orange, Rockingham, Transylvania, Union, Beaufort, Hyde, Martin, Washington, Pitt, Craven, Pamlico, Jones, and Onslow Counties, points in Halifax County, on and east of U.S. Highway 301, points in Edgecombe and Lenoir Counties on and east of U.S. Highway 258, points in Penderk County, on and east of U.S. Highway 117, and points in North Carolina within 50 miles of Sanford, N.C.) to points in Ohio.

(L) from points in North Carolina on, west, or south of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 52 to its intersection with U.S. Highway 70, thence along U.S. Highway 70 to its intersection with Interstate Highway 77, thence along Interstate Highway 77 to the North Carolina-Virginia State line, to points in West Virginia; (M) from points in North Carolina on, west, or south of a line beginning at Wilmington, N.C., and extending along U.S. Highway 421 to its intersection with U.S. Highway 64, thence along U.S. Highway 64 to its intersection with U.S. Highway 601, thence along U.S. Highway 601 to its intersection with U.S. Highway 421, thence along U.S. Highway 421 to the North Carolina-Tennessee State line, to points in Connecticut. The purpose of this filing is to eliminate the following gateways: (1) points in Georgia for (A) and (B) above; (2) points in Tennessee for (C), (E), (I), (J), (K), and (L) above; (3) points in Greenwood County, S.C., or points in Tennessee for (D) above; (4) points in South Carolina for (G), (H), and (M) above; and (5) points in Greenwood County, S.C., for (F) above.

No. MC–114569 (Sub-No. E1), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from points in the Upper Peninsula of Michigan and points in Wisconsin to points in Delaware, points in Maryland on and east of Interstate Highway 81, and points in New Jersey and the District of Columbia. The purpose of this filing is to eliminate the gateway of Milton, Pa.

No. MC–114569 (Sub-No. E2), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, from points in the Upper Peninsula of Michigan to points in New York on and east of a line from the junction of the Geneseo River and Lake Ontario along the Geneseo River to the junction of U.S. Highway 15, thence along U.S. Highway 15 to the junction of New York Highway 21, thence along New York Highway 21 to the junction of New York Highway 17, thence along New York Highway 17 to Wellsville, thence along New York Highway 17 to the Pennsylvania-New York State line, points in Virginia on and east of a line from the North Carolina-Virginia State line along U.S. Highway 15 to Sprouses Corner, thence along U.S. Highway 60 to the junction of Virginia Highway 56, thence along Virginia Highway 56 to Lovingston, thence along U.S. Highway 29 to the junction of Virginia Highway 6, thence along Virginia Highway 6 to the junction of U.S. Highway 250, thence along U.S. Highway 250 to the junction of Skyline Drive, thence along Skyline Drive to Front Royal, thence along U.S. Highway 522 to Winchester, thence along Interstate Highway 81 to the Virginia-West Virginia State line. (2) *Cheese*, from points in Wisconsin to points in New York on and east of a line from Sodus Point along New York Highway 14 to Watkins Glen, thence along New York Highway 414 to Corning, thence along New York Highway 17 to the junction of U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, points in Virginia on and east of a line from the North Carolina-Virginia State line along Interstate Highway 85 to the junction of Virginia Highway 138, thence along Virginia Highway 138 to Kenbridge, thence along Virginia Highway 40 to Blackstone, thence along Virginia Highways 625 and 614 to Amelia, thence along Virginia Highway 1002 to the junction of U.S. Highway 522, thence along U.S. Highway 522 to Culpeper, thence along Virginia Highway 729 to Flint Hill, thence along U.S. Highway 522 to the junction of U.S. Highway 340, thence along U.S. Highway 340 to the Virginia-West Virginia State line. The purpose of

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this filing is to eliminate the gateway of Milton, Pa.

No. MC–114569 (Sub-No. E3), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Bloomsburg, Pa., and Northumberland, Pa., and points within 5 miles thereof, to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, Wisconsin, and Wyoming, and points in Tennessee west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC–114569 (Sub-No. E4), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* from Bloomsburg and Northumberland, Pa., and points within five miles of Northumberland to Athens, Cleveland, Greeneville, Johnson City, Kingsport, Knoxville, LaFollette, Morristown, and Newport, Tenn., and that portion of Chattanooga, Tenn., east of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Berryville, Va.

No. MC–114569 (Sub-No. E5), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods* from Wilson, Webster, Geneseo, Lindenville, Newark, Holcomb, Morton, Dundee, Victor and Sodus, N.Y., to points in Arkansas, Delaware, Kansas, Maryland, New Jersey, Tennessee, Virginia, West Virginia, and the District of Columbia; (2) *Canned goods* from Dundee, N.Y., to points in Michigan, Missouri, and Wisconsin; (3) *Canned goods* from Webster, Newark, Holcomb, Morton, Victor, and Sodus, N.Y., to points in Missouri; (4) *Canned goods* from Newark, Victor, and Sodus, N.Y., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Milton, Pa.

No. MC–114569 (Sub-No. E6), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* not frozen, in packages or containers (except in bulk, in tank vehicles), from Milton, Pa., to point in Alabama, Georgia, Kentucky, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Winchestser, Va.

No. MC–114569 (Sub-No. E7), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* and *vinegar* in containers, from Milton, Pa., to points in Arizona, California, Colorado, Idaho, Iowa, Louisiana, Minnesota, Mississippi, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC–116915 (Sub-No. E1), filed May 28, 1974. Applicant: ECK MILLER TRANSPORTATION CORP., 1125 Sweeney St., Owensboro, Ky. 42301. Applicant's representative: William P. Sullivan, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum oil well and mine machinery, aluminum pipe, aluminum supplies, and supplies* used in the manufacture and processing thereof (except commodities in bulk), between points in West Virginia, on the one hand, and, on the other, points in Arkansas and Texas. The purpose of this filing is to eliminate the gateway of the facilities of National Aluminum Corporation at or near Hawesville, Ky.

No. MC–118959 (Sub-No. E1) (Correction), filed April 25, 1974, published in the FEDERAL REGISTER August 19, 1974. Applicant: JERRY LIPPS, INC., 919 18th St. NW., Washington, D.C. 20006. Applicant's representative: William P. Jackson, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: • • • (C) *plastic pipe, cement asbestos pipe, fittings, compounds, joint sealer, bonding cement, plastic siding, and materials and supplies* used in the installation of plastic and plastic products, from the plantsite of Certain-Teed Products Corporation at Social Circle, Ga., to points in California, Oregon, Washington, Montana, Idaho, Utah, Arizona, Colorado, Wyoming, North Dakota, South Dakota, Nebraska, Nevada, Kansas, Indiana, Michigan, Ohio, those parts of Oklahoma and New Mexico on, north, and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 169 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Texas-New Mexico State line, that part of Illinois on and north of a line beginning at the Illinois-Indiana State line, thence along Illinois Highway 141 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 3, thence along Illinois Highway 3 to Chester, thence along Illinois Highway 51 to the Illinois-Missouri State line, and those part of Massachusetts, Connecticut, New York, Pennsylvania, and West Virginia on, north, and west of a line beginning at the Atlantic Ocean, thence along U.S. Highway 6 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction West Virginia Highway 84, thence along West Virginia Highway 84 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 52, thence along U.S. Highway 52 to the West Virginia-Kentucky State line.

• • • (E) *building materials*, from Chicago, Ill., to points in South Carolina, North Carolina, Georgia, Alabama, Florida, that part of Virginia on and south of a line beginning at the Atlantic Ocean, thence along Virginia Highway 175 to junction U.S. Highway 13, thence along U.S. Highway 13 to Norfolk, thence along U.S. Highway 17 to Gloucester, thence along Virginia Highway 3 to Kilmarnock, Va., thence along Virginia Highway 200 to Burgess, thence along U.S. Highway 360 to Tappahannock, thence along U.S. Highway 17 to Port Royal, thence along U.S. Highway 301 to Bowling Green, thence along Virginia Highway 207 to junction Interstate Highway 95, thence along Interstate Highway 95 to Richmond, thence along U.S. Highway 33 to Ruckersville, thence along U.S. Highway 29 to Charlottesville, thence along U.S. Highway 250 to Staunton, thence along Interstate Highway 81 to junction Virginia Highway 39, thence along Virginia Highway 39 to the Virginia-West Virginia State line, that part of West Virginia on and south of a line beginning at the Virginia-West Virginia State line, thence along West Virginia Highway 39 to Gauley Bridge, thence along U.S. Highway 60 to the West Virginia-Kentucky State line, that part of Mississippi on, east, and south of a line beginning at the Alabama-Mississippi State line, thence along Mississippi Highway 25 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction Natchez Trace National Parkway, thence along Natchez Trace National Parkway to junction U.S. Highway 82, thence along U.S. Highway 82 to the Mississippi-Arkansas State line,

that part of Arkansas on, south, and east of a line beginning at the Mississippi-Arkansas State line, thence along U.S. Highway 82 to El Dorado, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, that part of Louisiana on, east, and south of a line beginning at the Arkansas-Louisiana State line, thence along U.S. Highway 167 to Homer, thence along U.S. Highway 79 to Shreveport, thence along U.S. Highway 80 to the Louisiana-Texas State line, that part of Texas on and south of a line beginning at the Louisiana-Texas State line, thence along U.S. Highway 80 to Gladewater, thence along U.S. Highway 271 to Tyler, thence along Texas Highway 31 to Corsicana, thence along Texas Highway 22 to Hamilton, thence along Texas Highway 218 to junction U.S. Highway 84, thence along U.S. Highway 84 to Brownwood, thence along U.S. Highway 67 to Ballinger, thence along Texas Highway 158 to junction U.S. Highway 385, thence along U.S. Highway 385 to Andrews, thence along Texas Highway 176 to the Texas-New Mexico State line, those parts of New Mexico (1) on and south of a line beginning at the Texas-New Mexico State line, thence along New Mexico Highway 176 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to Hobbs, thence southwest along U.S. Highway 62 to the Texas-New Mexico State line, and (2) on and south of Interstate Highway 10, that part of Arizona on, south, and west of a line beginning at the Arizona-New Mexico State line, thence along Interstate Highway 10 to Phoenix, thence along Interstate Highway 17 to junction Arizona Highway 69, thence along Arizona Highway 69 to Prescott, thence along U.S. Highway 89 to Congress, thence along Arizona Highway 71 to junction U.S. Highway 93, thence along U.S. Highway 93 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arizona-California State line, that part of California on, south and west of a line beginning at the Arizona-California State line, thence along Interstate Highway 40 to Barstow, thence along California Highway 58 to Bakersfield, thence along California Highway 99 to Merced, thence along California Highway 140 to Gustine, thence along California Highway 33 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 152, thence along California Highway 152 to Gilroy, thence along U.S. Highway 101 to junction California Highway 156, thence along California Highway 156 to the Pacific Ocean; (F) *composition board, asphalt roofing, and related accessories, and equipment, materials, and supplies*, • • • The purpose of this filing is to eliminate the gateway of the plantsite of Tech-Panel Corporation at or near Springfield, Ky. The purpose of this partial correction is to clarify the route descriptions. The remainder of the letter-notice remains as previously published.

No. MC–118959 (Sub-No. E3) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER August 12, 1974. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* . . . (2) from the plantsites and facilities of The Mead Corporation at or near Chillicothe and Schooleys, Ohio to points in that part of Alabama on and south of a line beginning at the Florida-Alabama State line, thence along U.S. Highway 331 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 56, thence along Alabama Highway 56 to the Alabama-Mississippi State line, that part of Mississippi on and south of a line beginning at the Alabama-Mississippi State line, thence along Mississippi Highway 42 to Hattiesburg, thence along U.S. Highway 98 to the Mississippi-Louisiana State line, and those parts of Louisiana and Texas on and south of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 84 to junction Louisiana Highway 28, thence along Louisiana Highway 28 to junction Louisiana Highway 8, thence along Louisiana Highway 8 to the Louisiana-Texas State line, thence along Texas Highway 63 to Jasper, thence along U.S. Highway 190 to Bryan, thence along Texas Highway 21 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 377, thence along U.S. Highway 377 to the International Boundary line between the United States and Mexico (the plantsite and storage facilities utilized by St. Regis Paper Company at or near Cantonment, Fla.) *; and

(3) From the plantsites and facilities of The Mead Corporation at or near Kingsport and Gray, Tenn., to points in Arizona, that part of Alabama on and south of a line beginning at the Alabama-Florida State line, thence along U.S. Highway 331 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 56, thence along Alabama Highway 56 to the Alabama-Mississippi State line, that part of Mississippi on and south of a line beginning at the Alabama-Mississippi State line, thence along Mississippi Highway 42 to Hattiesburg, thence along U.S. Highway 98 to the Mississippi State line, that part of Louisiana on and south of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 84 to junction Louisiana Highway 6, thence along Louisiana Highway 6 to the Louisiana-Texas State line, that part of Texas on, south, and west of a line beginning at at the Louisiana-Texas State line, thence along Texas Highway 21 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 287, thence along U.S. Highway 287 to Corsicana, thence along Texas Highway 22 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 36, thence along Texas Highway 36 to Abilene, thence along U.S. Highway 84 to the Texas-New Mexico State line, and that part of New Mexico on, south, and west of U.S. Highway 84 (the plantsite and storage facilities utilized by St. Regis Paper Company at or near Cantonment, Fla.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to add to the destination terrritories. The remainder of the letter-notice remains as previously published.

No. MC–118959 (Sub-No. E18), (Correction), filed May 9, 1974, published in the FEDERAL REGISTER August 16, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite and storage facilities utilized by Hudson Pulp and Paper Corp., in Putnam County, Fla., to points in Nebraska. The purpose of this filing is to eliminate the gateway of the plantsite of Union Camp Corporation at Normal, Ill. The purpose of this correction is to correct the plantsite and storage facilities.

No. MC–118959 (Sub-No. E30) (Correction), filed May 9, 1974, published in the FEDERAL REGISTER August 19, 1974. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 18th St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from the plantsite and storage facilities utilized by Hudson Pulp and Paper Corp., in Putnam County, Fla., to points in California and that part of Oklahoma on and north of a line beginning at the Arkansas-Oklahoma State line, thence along U.S. Highway 62 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Interstate Highway 40, thence along Interstate Highway 40 to Oklahoma City, thence along U.S. Highway 277 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Oklahoma-Texas State line; . . . The purpose of this filing is to eliminate the gateway of the plantsite of Charmin Paper Products Co., near Neely's Landing, Mo. The purpose of this partial correction is to clarify the route description. The remainder of the letter-notice remains as previously published.

No. MC–118959 (Sub-No. E36) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER August 19, 1974. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 18th St. NW.,

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Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: . . . (D) *plastic conduit, plastic siding, and plastic moldings*, from Waco, Tex., to the District of Columbia, and points in Oregon, Washington, Idaho, Montana, Wyoming, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, Pennsylvania, New York, New Jersey, Delaware, Vermont, New Hamphsire, Massachusetts, Connecticut, Rhode Island, Maine, that part of Utah on and north of a line beginning at the Nevada-Utah State line, thence along Utah Highway 56 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Utah Highway 20, thence along Utah Highway 20 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 4, thence along Utah Highway 4 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Utah-Colorado State line, that part of Missouri on and south of a line beginning at the Kansas-Missouri State line, thence along Interstate Highway 70 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Illinois State line, that part of Illinois on and north of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 54 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Indiana State line, that part of Indiana on and north of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 36 to the Indianapolis, thence along U.S. Highway 40 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Indiana-Ohio State line, that part of Ohio on and north of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 35 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway Alternate 50, thence along U.S. Highway Alternate 50 to the Ohio-West Virginia State line, that part of West Virginia on and north of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway Alternate 50 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Maryland State line, and those parts of Maryland and Virginia on and north of U.S. Highway 50 (McPherson, Kans.) * . . . The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to clarify the destination territory. The remainder of the letter-notice remains as previously published.

No. MC-119774 (Sub-No. E1), filed May 31, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* (except as described in *Mercer-Extension-Oil Field Commodities*, 74MC.C. 459), from Lone Star, Tex., to points in the District of Columbia. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC-124774 (Sub-No. E1), filed May 17, 1974. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., P.O. Box 7344, Omaha, Nebr. 68107. Applicant's representative: Clifford J. Foltz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 (except hides), from the plantsite and storage facilities of or utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa to points in Maine, New Hampshire, Vermont, and Virginia. The purpose of this filing is to eliminate the gateway of Norfolk, Nebr.

No. MC-127487 (Sub-No. E1), filed May 8, 1974. Applicant: HOLT MOTOR EXPRESS, INC., 701 North Broadway, Gloucester City, N.J. 08030. Applicant's representative: Alan Kahn, Two Penn Center Suite 1920, Kennedy Blvd. at 15th Street, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *General commodities* (except those of unusal value, Classes A and B explosives, household goods as defined by the Commission, lumber, meats, perishable food products, films, dairy products, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points within a radius of 200 miles of Philadelphia, on the one hand, and, on the other, Audubon, Berlin, Beverly, Bridgeton, Camden, Collingswood, Delair, Gloucester, Gibbstown, Merchantville, Millville, Newport, Paulsboro, Riverton, Salem, Trenton, Vineland, Westfield, and Yardville, N.J., Wilmington and Yorklyn, Del., and Philadelphia, Pa. (except (1) between points in Connecticut, New York, Massachusetts, and Rhode Island within a radius of 200 miles of Philadelphia, Pa., on the one hand, and, on the other, Trenton, Westfield, and Yardville, N.J., (2) between points in Delaware, Maryland, Pennsylvania, Virginia, and West Virginia within 200 miles of Philadelphia, on the one hand, and, on the other, Wilmington and Yorklyn, Del., and (3) between points in New Jersey and Delaware, on the one hand, and, on the other, Audubon, Berlin, Beverly, Bridgeton, Camden, Collingswood, Delair, Gloucester, Gibbstown, Merchantville, Millville, Newport, Paulsboro, Riverton, Salem, Trenton, Vineland, Westfield, and Yardville, N.J., and Wilmington and Yorklyn, Del.

(2) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, lumber, meats, perishable food products, films, alcoholic beverages, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points within a radius of 200 miles of Philadelphia, Pa. (except points in New Jersey and Delaware), on the one hand, and, on the other, Absecon, Longport, Ocean City, Pleasantville, Somers Point, N.J., and points in Cape May County, N.J. The purpose of this filing is to eliminate the gateway of Gloucester City, N.J.

No. MC-138514 (Sub-No. E1), filed May 15, 1974, Applicant: ARCTICARE TRANSPORT, INC., 307 Hartford Pike, Shrewsbury, Mass. 01545. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Avenue NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods, frozen foodstuffs, dairy products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *imitation liquid milk and cream*, and *chocolate candies*, in vehicles equipped with mechanical refrigeration; (1) (a) between points in Aroostook and Washington Counties, Maine, on the one hand, and, on the other, points in Delaware, Maryland, the District of Columbia, Pennsylvania, and points in Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenanga, Columbia, Cortland, Delaware, Dutchess, Erie, Genesee, Greene, Livingston, Madison, Monroe, Niagara, Oneida, Onondaga, Ontario, Orange, Orleans, Oswego, Otsego, Putnam, Rockland, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Ulster, Wayne, Wyoming, and Yates Counties, N.Y., and (b) between points in Maine (except points in Aroostook Counties, Maine), on the one hand, and, on the other, points in Pennsylvania, Delaware, Maryland, the District of Columbia, and points in Allegany, Broome, Cattaraugus, Chautauqua, Chemung, Dutchess, Erie, Niagara, Orange, Putnam, Rockland, Schuyler, Steuben, Sullivan, Tioga, Tompkins, and Ulster Counties, N.Y.; (2) between points in Connecticut, on the one hand, and, on the other, points in Maine and points in Belknap, Carroll, Coos, Rockingham, and Strafford Counties, N.H.; (3) between Ayer, Billerica, Fall River, Fitchburg, Gardner, Greenfield, Lawrence, Lowell, Lunenburg, Monroe Bridge, North Adams, Pittsfield, Shrewsbury, and Worcester, Mass., on the one hand, and, on the other, points in Delaware, Maryland, the District of Columbia, and Pennsylvania (except Bradford, Crawford, Erie, McKean, Potter, Susquehanna, Tioga, Warren, and Wayne Counties); (4) between points on Long Island, N.Y. west of New York Highway 112 located in Nassau and Suffolk Counties, on the one hand, and, on the other, points in Alleghany, Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Charles, Dorchester, Frederick, Garrett, Howard, Montgomery, Prince Georges, St. Marys, Somerset, Talbot, Washington, Wicomico, and Worcester Counties, Md., points in Adams, Allegheny, Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Cumberland, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, Lycoming, McKean, Mercer, Mifflin, Montour, Northumberland, Perry, Potter, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Washington, Westmoreland, and Wyoming Counties, Pa., and points in Kent and Sussex Counties, Del.;

(5) Between points in Westchester County, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, the District of Columbia, and points in Adams, Allegheny, Armstrong, Beaver, Bedford, Berks, Blair, Bucks, Butler, Cambria, Cameron, Centre, Chester, Clarion, Clearfield, Clinton, Crawford, Cumberland, Dauphin, Delaware, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lancaster, Lawrence, Lebanon, Lehigh, McKean, Mercer, Mifflin, Montgomery, Northumberland, Perry, Philadelphia, Potter, Schuylkill, Snyder, Somerset, Union, Venango, Warren, Washington, Westmoreland, and York Counties, Pa.; (6) between the following counties in New Hampshire, on the one hand, points in Belknap, Carroll, Coos, Hillsborough, Merrimack, Rockingham, and Strafford Counties, N.H., on the one hand, and, on the other, points in Delaware, Maryland, the District of Columbia, and points in Adams, Allegheny, Armstrong, Beaver, Bedford, Berks, Blair, Bucks, Butler, Cambria, Cameron, Carbon, Centre, Chester, Clarion, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Delaware, Elk, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lancaster, Lawrence, Lebanon, Lehigh, Luzerne, Lycoming, Mercer, Mifflin, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Schuylkill, Snyder, Somerset, Sullivan, Union, Venango, Washington, Westmoreland, and York Counties, Pa.; and (7) between points in Belknap, Hillsborough, Merrimack, Rockingham, and Strafford Counties, N.H., on the one hand, and, on the other, points in Allegany, Broome, Cattaraugus, Chautauqua, Chemung, Dutchess, Orange, Putnam, Rockland, Steuben, Sullivan, and Tioga Counties, N.Y. The purpose of this filing is to eliminate the gateways of (a) Billerica, Mass. and points in Fairfield County, Conn. for (1), (6), and (7) above, (b) Billerica, Mass. for (2) above, (c) points in Fairfield County, Conn. for (3), (4), and (5) above.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20876 Filed 9-9-74;8:45 am]

[AB 68 (Sub-No. 1); Finance Docket No. 27428]

LAKE SUPERIOR AND ISHPEMING RAILROAD CO.

Application To Acquire Trackage Rights and Abandonment of Certain Lines

AUGUST 27, 1974.

The Interstate Commerce Commission hereby gives notice that: 1. On Friday, July 5, 1974, notice was published in Marquette County, Mich., that an environmental threshold assessment survey was made in the above-entitled proceedings and based on that assessment an order was served finding that the proceedings did not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the July 5, 1974 notice. 3. These proceedings are now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20874 Filed 9-9-74;8:45 am]

[Notice No. 152]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 10, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before September 30, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75324. By order of September 3, 1974 the Motor Carrier Board approved the transfer to Veach Truck Service, Inc., Vienna, Ill., of Permit No. MC-138310 issued to Allen D. Veach, Vienna, Ill., January 4, 1974, authorizing the transportation of gasoline and diesel fuel, in bulk, from Mt. Vernon, Ind., Paducah, Ky., and Cape Girardeau and Scott City, Mo., to points in Alexander, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, and Union Counties, Ill. Robert T. Lawley, Esq., 300 Reisch Building, Springfield, Ill. 62701.

No. MC-FC-75327. By order of September 3, 1974, the Motor Carrier Board approved the transfer to Lorraine T. Dayton, doing business as R & L Trucking & Contracting, Kodiak, Alaska, of the operating rights in Certificate No. MC-126123 (Sub-No. 1) issued August 25, 1971, to Gary K. Wiggins, doing business as North Pacific Trucking & Contracting, Kodiak, Alaska, authorizing the transportation of general commodities, except those of unusual value, household goods as defined by the Commission, and Class A and B explosives, between points in Kodiak Island, Alaska. Robert J. Mahoney, 717 K Street, Suite 201, Anchorage, Alaska 99501. Attorney for applicants.

No. MC-FC-75330. By order of September 3, 1974, the Motor Carrier Board approved the transfer to Stephens Car Transport, Inc., Darlington, S.C., of the operating rights in Certificate No. MC-135541 (Sub-No. 1) issued May 3, 1973, to C. E. Lord, doing business as Lord Auto Sales, Beech Island, S.C., authorizing the transportation of used passenger automobiles, in truckaway service, between the site of The Clanton Auto Auction at Darlington, S.C., on the one hand, and, on the other, points in North Carolina, Virginia, Tennessee, Georgia, Florida, and Alabama. O. Allen Alexander, P.O. Box 581, Darlington, S.C. 29532. Attorney for applicants.

No. MC-FC-75335. By order of September 3, 1974, the Motor Carrier Board approved the transfer to Jerome Koenig, Fairfax, S. Dak., of the operating rights in Certificate No. MC-128989 issued December 9, 1969, to John Koenig and Robert Koenig, doing business as Koenig Trucking, Fairfax, S. Dak., authorizing the transportation of fertilizer, from the plantsite of the Crystal Chemical Company at South Sioux City, Nebr., to points in Gregory, Charles Mix, and Tripp Counties, S. Dak., and lumber and poultry and animal feed, from Sioux City, Iowa, to points in Gregory, Charles Mix, and Tripp Counties, S. Dak. Don A. Bierle, 322 Walnut Street, Yankton, S. Dak. 57078. Attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20870 Filed 9-9-74;8:45 am]

[AB 18 (Sub-No. 7)]

NICHOLAS, FAYETTE, AND GREENBRIER RAILROAD CO.

Abandonment Portion Greenbrier and Eastern Branch

AUGUST 27, 1974.

The Interstate Commerce Commission hereby gives notice that: 1. On Friday,

August 2, 1974, notice was published in [illegible] ings or the Office of Proceedings as [illegible] vey was made in the above-entitled proceeding and based on that assessment

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August 2, 1974, notice was published in Greenbrier County, West Virginia, that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the August 2, 1974 notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20871 Filed 9-9-74;8:45 am]

[AB 18 (Sub-No. 8)]

NICHOLAS, FAYETTE, AND GREENBRIER RAILROAD CO.

Abandonment Portion Hawley Branch

AUGUST 27, 1974.

The Interstate Commerce Commission hereby gives notice that: 1. Thursday, August 1, 1974, notice was published in Fayette County, West Virginia, that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the August 1, 1974 notice. 3. This proceeding is no ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-20872 Filed 9-9-74;8:45 am]

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PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

■

NATIONAL BLOOD POLICY

Department Response to Private Sector Implementation Plan

No. 176—Pt. II——1

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

NATIONAL BLOOD POLICY

Department Response to Private Sector Implementation Plan

Introduction. In the FEDERAL REGISTER of March 8, 1974, the Department of Health, Education, and Welfare published a proposed plan, developed by the private sector, to implement the National Blood Policy, and invited broad public participation in commenting on the plan and assessing its adequacy. Approximately 250 public comments were received by the close of the comment period on May 7. The Department has now completed its review of all these comments and is prepared to announce its decision regarding the proposed implementation plan. The purpose of this FEDERAL REGISTER notice is to state publicly, and for the record, the Department's response to the private sector's American Blood Commission plan. In order to provide a context which will enable the reader to understand fully the implications of the Departments' position, it is important to review the background against which the policy was developed, and the subsequent course of events since the policy was first announced.

Background. In March 1972, the President called upon the Department of Health, Education, and Welfare to make an intensive study and to recommend to him as soon as possible a plan for developing a safe, fast, and efficient nationwide blood collection and distribution system.

The Assistant Secretary for Health appointed a task force, chaired by his Special Assistant, to undertake a thorough investigation of the nation's blood collection and distribution system and recommend a national policy. The task force included representatives from the Food and Drug Administration, the National Institutes of Health, the Center for Disease Control, and the (then) Health Services and Mental Health Administration. A full statement of the major findings by the HEW Task Force on Blood Banking is included as an Appendix at the end of this FEDERAL REGISTER Notice.

The task force identified the following four major problems in the existing system:

1. *Supply.* The supply of blood and blood products is not always adequate to meet all of the treatment needs of the American people.

2. *Quality.* The quality of the blood supply is uneven. Reliance upon commercial sources of blood and blood components for transfusion therapy has contributed to an inordinate incidence of hepatitis.

Nationwide reporting of hepatitis is unreliable. Nevertheless, we estimate that there are 17,000 cases of overt posttransfusion hepatitis per year and about 850 deaths from this disease.

3. *Efficiency.* There are gross inefficiencies in the collection, processing, and utilization of this precious national resource. Approximately 25 percent of the 8.8 million units of whole blood collected annually for transfussion are never transfused. The vast majority of these non-transfused units are wasted through outdating.

4. *Accessibility.* The cost of blood and blood products is a burden to many people, especially those with low incomes, those with unusually large or frequent requirements, and those who require rare and expensive blood and blood products.

The task force concluded that these four problems cannot be solved without coordination of the now fragmented governmental, private non-profit, and commercial elements which comprise the present system. To achieve this coordination, and to provide a comprehensive framework for improving the blood service system, the task force formulated a National Blood Policy. The policy holds that coordination can best be brought about cooperatively by building upon existing strengths in the present system in an orderly and constructive way. Any other course of action towards solution of the complicated problems of blood collection and distribution—including an attempt to create a monolith—could jeopardize continuity of essential services and products.

The National Blood Policy thus calls for a pluralistic and evolutionary approach to the solution of blood collection and distribution problems. It seeks to accelerate development of an all-voluntary blood donor system. It establishes four goals and articulates nine policy elements designed to correct deficiencies in the present system and achieve these goals. The tenth and final policy element provides that the Secretary of the Department of Health, Education, and Welfare shall be responsible for the implementation of the total National Blood Policy. The implementation strategy depends on a two-pronged cooperative effort to be carried out by the Federal Government and the private sector, respectively. The Federal Government will be active in regulation, research, evaluation, and reimbursement, while the private sector, including donors, recipients, and everyone between, is charged with improving the organization of the Blood Service Complex and the operational aspects of blood collection, processing, and utilization to implement the National Policy.

Although this comprehensive policy accelerates the evolution of an all-voluntary supply of blood and blood components, it leaves untouched, for the time being, the commercial acquisition of plasma and the preparation and marketing of plasma derivatives, and the commercial acquisition of blood for preparation of diagnostic reagents. This distinction is necessary because of the enormous size and complexity of the plasmapheresis and plasma fractionation industry, and a lack of sufficient information and expertise upon which to make policy recommendations. The Policy will, however, promote the acquisition of information upon which future policy could be developed.

NATIONAL BLOOD POLICY

Blood transfusion and other forms of blood-based therapy are appropriately regarded as the earliest and presently most highly developed aspect of human tissue transplantation. This policy is directed exclusively to problems of the blood supply, processing and distribution system, and the use of blood. Its basic principles, however, though not necessarily the specific details, are appropriate to a broader system which must soon be developed to encompass all transplantable human tissues.

The Federal Government recognizes four principal goals in the provision of blood services:

1. *Supply.* A supply of blood and blood products adequate to meet all of the treatment and diagnostic needs of the population of this country.

2. *Quality.* Attainment of the highest standards of blood transfusion therapy through full application of currently available scientific knowledge, as well as through advancement of the scientific base.

3. *Accessibility.* Access to the national supply of blood and blood products by everyone in need, regardles of eocnomic status.

4. *Efficiency.* Efficient collection, processing, storage, and utilization of the national supply of blood and blood products.

Recognizing the eminent desirability of each of these goals, it is the policy of the United States Government:

(1) To encourage, foster, and support efforts designed to bring into being an all-voluntary blood donation system and to eliminate commercialism in the acquisition of whole blood and blood components for transfusion purposes. The ultimate aims of this policy are improvement in the quality of the supply of blood and blood products and development of an appropriate ethical climate for the increasing use of human tissues for therapeutic medical purposes. In this context, the term commercialism applies to the relationship between the donor and the blood bank and focuses primarily on those commercial relationships which have encouraged reliance on blood from sectors of society in which transmissible hepatitis is particularly prevalent. Although this policy seeks an end to the practice of purchasing whole blood and blood components from donors, it is not intended to preclude special arrangements where very rare blood or blood components are needed on an individual basis and can be obtained only by special consideration for unique donors who have been carefully evaluated. This policy does not attempt to eliminate reasonable charges for the service aspects of providing blood, blood products, and other tissues.

(2) To encourage, foster, and support establishment of a system for the collection and analysis of all relevant information concerning plasmapheresis operations and plasma fractionation operations and the flow of plasma and plasma products within the United States and other countries. Such information is needed to determine the sufficiency of domestic sources of plasma fractions. It would also aid in development of future positions on the relationship which plasmapheresis and plasma fractionation activities should bear to whole blood banking operations, and the degree of interdependence that should exist between the United States and other countries with respect to plasma and plasma products.

(3) To encourage, foster, and support development of data and information collection and processing systems which will identify and describe all elements and functions in the blood banking sphere on a continuing basis. This is necessary to acquire fundamental information on the nature and transmission of diseases by blood and blood products and the occurrence of transfusion mishaps, as well as to design and create changes which will enhance the effectiveness of the blood banking system.

(4) To encourage, foster, and support measures to enhance resource-sharing and area-wide cooperation in the collection, processing, distribution and utilization of blood, in order to make the most effective use of the national supply.

(5) To assure ample donation of blood and plasma:

(a) By encouraging, fostering, and supporting activities to develop accounting and reporting systems which identify the relationships between the costs and charges for all services and materials associated with transfusion therapy. Public confidence in the reasonableness of service charges will encourage voluntary donors.

(b) By encouraging, fostering, and supporting a variety of programs to educate both the public and the health professionals in their responsibilities for assuring adequate voluntary donations. Those responsible for conducting recruitment programs must recognize the preeminent role of the voluntary donor and must develop and utilize various approaches appealing to appropriate sectors of society.

(6) To encourage, foster, and support a variety of educational and other programs for health professionals to assure the most appropriate and safe use of blood and blood products.

(7) To employ the full regulatory authorities now vested in the Federal Government and to seek such additional authority as may be necessary and appropriate for the purpose of assuring uniform adherence to the highest attainable standards of practice in blood banking, including plasmapheresis and plasma fractionation.

(8) To encourage, foster, and support applied and fundamental research to improve application of existing information and simultaneously extend the scientific base with respect to the entire spectrum of blood banking and blood therapy activities, with emphasis on better characterization of human blood and blood products, identification and control of the diseases which may be transmitted by blood or blood products, extension of the shelf life of blood and blood products, more efficient utilization of these precious tissue resources through systems analysis and other management approaches, and with respect to other relevant matters as they may be identified.

(9) To include a benefit under National Health Insurance for the service aspects of providing and transfusing blood and blood products, and to encourage inclusion of a comparable benefit under all governmental and non-governmental health care insurance programs in order to assure access to blood and blood products by everyone in need, regardless of economic status. This policy recognizes a distinction with respect to service aspects between blood and blood components on the one hand, and plasma derivatives on the other. For blood and blood components, the term service aspects includes all services involved in making the products available to the patient, from the recruitment of voluntary donors, through processing, storage, and distribution, to cross-matching and administration, but excludes charges for the product itself (such as charges associated with commerical acquisition of whole blood) which are unrelated to services rendered the patient. For plasma derivatives, the term "service aspects" includes costs of commercial plasma acquisition in recognition that commercial acquisition may still be necessary.

(10) To identfy the Secretary of the Department of Health, Education, and Welfare, or his designee, as responsible for the implementation of the policies enunciated above.

These policies are intended to achieve certain goals but do not detail methods of implementation. In developing the most effective and suitable means of reaching these goals, the Secretary will involve, as appropriate, all relevant public and private sectors and Federal Government agencies in a cooperative effort to provide the best attainable blood services. Designation of the Secretary of HEW in this role is a reflection of the Department's extensive resources and expertise related to blood; it is not to abridge the independent authority of any other Federal agency. Although the implementation of the National Blood Policy should build, wherever possible, on existing strengths in the present system to assure continuity of essential services, this intent is not to be interpreted as a mandate to maintain the status quo. It is to allow gradual evolution to the most effective organization and operation of the Blood Service Complex without interruption of services now provided. However, if the private sector is unable to make satisfactory progress toward implementing these policies, a legislative and/or regulatory approach would have to be considered.

The following issues are to be examined critically in implementing these policies:

1. The adequacy of any proposed implementation action in meeting the extraordinary demands for blood that may arise in national and regional emergencies;

2. The appropriateness of the replacement fee in an all-voluntary system;

3. Systems approaches to the integration of various functions and segments of the blood banking industry;

4. Regionalization of blood services management;

5. Appropriate inducements and authorities, whether existing or to be sought, necessary to exclude commercial acquisition of whole blood or blood components;

6. Special problems of accessibility for hemophiliacs and others with continuing or extraordinary needs for blood or blood products; and

7. Other issues relevant to the four principal goals.

PROJECTED IMPACT OF THE POLICY

The policy will improve the quality of blood and blood products through a combination of efforts. It promotes maximum use of voluntary donors who have a lower probability of transmitting hepatitis. It encourages use of the best available technology to test for contaminated blood. It stimulates development and application of uniform performance standards by the Bureau of Biologics in the Food and Drug Administration. And it will conserve blood resources through optimal recovery and utilization of plasma and other blood components.

The policy will lead to a more efficient blood collection and distribution system through consolidation and regionalization of activities, and resource-sharing where appropriate. Such coordination of the system will at the same time compel solution of organizational and functional problems within the individual components of the system. Finally, the policy will bring about more appropriate use of blood through education of the medical profession.

The policy will improve access to the national blood resource by encouraging elimination of financial barriers. It recommends a blood service benefit under any future national health insurance plan and calls for appropriate modification of other financing programs, both governmental and private, to make blood service benefits compatible with the national policy.

Economic benefits. Nationwide reporting of hepatitis, of any origin or type, is unreliable. Nevertheless, several carefully conducted studies strongly suggest that there are currently about 17,000 cases of overt posttransfusion hepatitis per year, about 850 deaths from this disease, and about 5 times as many sub-clinical cases—a probable total of more than 100,000 cases of posttransfusion hepatitis per year.

The long-term sequelae of posttransfusion hepatitis in the surviving overt and sub-clinical cases are not fully known. However, persons with overt posttransfusion hepatitis are frequently severely ill

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and incapacitated for a few weeks to several months. The average hospital stay for such patients is about 28 days. In terms of economic cost alone, the problem of overt posttransfusion hepatitis now costs the Nation approximately $86 million per year. This estimate does not, however, include costs in terms of human suffering which cannot be measured. Transition to an all-voluntary system should produce savings of at least $18 million to $29 million annually in reduced illness and death from posttransfusion hepatitis alone.

THE IMPLEMENTATION STRATEGY

The Federal role in the implementation of this Policy is intended to be dual in nature: On the one hand, that of marriage broker and exhorter, bringing the fragments of the Blood Service Complex together to do essentially the same things they are now doing, but to do them much better; on the other, that of independent agent to strengthen and improve the activities that are appropriate to the Federal Government. In its active role, the Federal Government will continue to expand regulation of blood banking through the Bureau of Biologics in the Food and Drug Administration. It will continue to support research through the Division of Blood Diseases and Resources of the National Heart and Lung Institute. Finally, the Federal Government will pay for its share of blood service benefits under any Federal health service financing programs.

Together, the private sector and the Federal Government will develop and maintain information systems needed in the further development of blood policy, in hepatitis surveillance, and in evaluating the performance of the blood service complex; will develop auditing and accounting procedures to display the relationships between costs and charges for blood services; and will develop means to evaluate and enhance the appropriateness of blood utilization.

But it will be left to the private sector to do the lion's share of actually implementing the National Blood Policy. The private sector will be expected to accomplish the transition to an all-voluntary blood donor system; to establish and maintain data systems and networks needed for effective planning and management of blood service activities; to develop accounting systems which assure the reasonableness of charges; to conduct educational programs for the public and the health professionals; and probably most important, to plan and carry out a specific program for the gradual regional integration of functions and structures so that a coordinated system will ultimately replace the present fragmented situation.

ANNOUNCEMENT OF THE POLICY AND SUBSEQUENT COURSE OF EVENTS

On July 10, 1973, the Secretary of Health, Education, and Welfare announced the National Blood Policy. In order to gain the fullest possible cooperation of the private sector in implementing the Policy, the Secretary convened, on September 24, 1973, the first Secretary's Conference on Implementation of the National Blood Policy to begin the actual work of implementation. Those invited to participate included: Experts in blood banking and blood processing; representatives of major blood banking organizations; members of the medical professions responsible for utilization of blood and blood products; members of the disciplines concerned with hospital administration; representatives of the health insurance sector; members of the public who donate and receive blood; and representatives of Federal agencies with mandates and responsibilities relating to blood services and products. At this Conference, the Secretary called upon the private sector participants to undertake an intensive and concerted effort to produce a plan for implementing the operational aspects of the National Blood Policy. It was clearly stated that the Department thought it most desirable to leave responsibility for the day-to-day conduct of blood banking and operational management in the hands of the private sector, by which is meant the entire array of non-governmental organizations and agencies concerned with the provision of blood services. Broad guidelines for the private sector plan were outlined, including the intention to have the recipients of blood services, or their third-party payers, bear the costs of reasonable charges to maintain the operational system, and the necessity of involving the consumer in the system.

Over a period of four months, representatives of the private sector organizations worked to develop an implementation plan. In recognition of the need to create a single locus of accountability in blood banking, it was agreed that the American Medical Association would take the lead in bringing together the various interested organizations to prepare a unified plan that would appropriately involve all segments of the blood banking community, and the American people in general, in implementing the National Blood Policy.

In response to the Secretary's charge, an implementation plan was submitted to the Department on January 31, 1974, proposing the creation of an American Blood Commission. This proposed plan emerged from the efforts of the following organizations: American Association of Blood Banks, American Hospital Association, American Medical Association, American National Red Cross, American Society of Clinical Pathologists, College of American Pathologists, and Council of Community Blood Centers.

The American Blood Commission plan was published in the FEDERAL REGISTER on March 8 to solicit public comments on its adequacy. The Plan is reproduced here, without alteration, exactly as it was submitted and previously published.

AMERICAN BLOOD COMMISSION, NATIONAL BLOOD PROGRAM

INTRODUCTION

JANUARY 31, 1974.

In response to a 1972 directive from the President, the Department of Health, Education, and Welfare announced a National Blood Policy in June 1973. The private sector was subsequently called on to implement the policy with a coordinated program to solve the problems of blood collection and distribution. Following is a plan that builds on the strengths of the pluralistic system that is being called on to contribute to the implementation of the National Blood Policy.

The Policy focuses on the assurance of four primary features, the supply, safety, and accessibility of blood to all in need of transfusions and the efficiency of the organizations that provide blood services to the citizenry. Accordingly, the plan addresses these goals. Through the establishment of an organization capable of coordinating the activities of the existing pluralistic system, the American Blood Commission, many elements of the private sector will be brought together for the effort.

The participation of consumer organizations including those that are not primarily oriented toward health care will improve the nation's blood supply. These partners in the American Blood Commission can communicate the medical necessity of a dependable blood supply to the general public from which volunteer donors must come. The systematic coordinated recruitment of volunteer donors called for by this plan depends on a receptive public attitude. By the end of 1975 every blood bank associated with one of the three major blood banking organizations expects to be drawing 100 percent of their blood supply from volunteer donors. The effective supply of blood will also be increased by more efficient utilization of available blood through inventory controls made possible by regionalized organization.

The uniform appplication of the recognized operating standards already developed by the American Association of Blood Banks and the American National Red Cross, the reporting of an adverse reaction back to the blood bank that accepted the implicated unit of blood from the donor, the improved donor pool that will result as the need to rely on commercial blood sources is reduced, and other features of this plan, such as research and education, together are expected to help assure the safety of patients receiving blood by reducing risks to a minimum.

The recruitment of donors, the professional services required for the collection of blood, the crossmatching and safe transfusion of the blood, and the testing of the collected blood for disease before it is transfused all confer unavoidable costs to blood, including blood that is freely donated by volunteers. These costs may impinge on the accessibility of blood for some persons; therefore, the American Blood Commission would place a high priority on developing feasible solutions to the many facets of this problem.

The accessibility to the supply of safe blood and components will be facilitated in this plan immediately by improved efficiency in the utilization of collected blood. Efficiency should help to increase the effective supply and control costs. The coordination of inventories across the nation that is called for in the following plan will make better use of periodic surpluses and will help to even out blood supplies to minimize the effects of localized shortages and to reduce

the absolute number of donors who must be recruited during a given period.

The proposed Implementation Plan, as presented on the following pages, will organize blood banks and the transfusion facilities they serve within a national system that retains regional and local responsibility and authority. The plan will enhance the voluntary collection and distribution system that is essential to a high quality blood supply. Developed within the private sector, this plan recognizes the traditional role of hospitals and the responsibility of physicians in the procurement, distribution, and utilization of blood for transfusion to their patients.

IMPLEMENTATION PLAN

AMERICAN BLOOD COMMISSION

Membership in the American Blood Commission will be open to national organizations that have an interest and concern for the blood services provided to the American people. To achieve the goals of the National Blood Policy wide participation is needed and the following organizations, selected to suggest a wide range of bodies, and others are, therefore, called upon to join in this endeavor:

The Advertising Council;
The American Association of Blood Banks;
The American Blood Resources Association;
The American College of Physicians;
The American Federation of Labor—Council of Industrial Organizations;
The American Hospital Association;
The American Medical Association;
The American National Red Cross;
The American Public Health Association;
The American Society for Medical Technology;
The American Society of Clinical Pathologists;
The American Society of Internal Medicine,
The Blue Cross Association;
The College of American Pathologists;
The Consumer Federation of America;
The Council of Community Blood Centers;
The Health Insurance Council;
Independent National Labor Organizations;
The National Academy of Sciences;
The National Research Council;
The National Association of Blue Shield Plans;
The National Association of Manufacturers;
The National Council of Churches;
The National Health Council;
The National Hemophilia Foundation.
The National Medical Association;
The Pharmaceutical Manufacturers Association;
The United States Chamber of Commerce; and

Other interested organizations are welcome.

No governmental agencies are among those listed above only because there may be legislative or administrative restrictions on their participation; however, the Veterans' Administration, the Public Health Service, the military services, the Food and Drug Administration and other agencies are welcome.

The responsibility for implementing the recommendations of the Commission will be vested in an Executive Committee, elected by the Commission, consisting of seventeen (17) members as follows:

Nine permanent members will be elected from nominees proposed by: The American National Red Cross and the American Association of Blood Banks each nominating two representatives; the Council of Community Blood Centers, the American Medical Association, the College of American Pathologists, the American Society of Clinical Pathologists and the American Hospital Association, each nominating one representative.

Four members will be elected by the Commission annually from among the consumer representatives on the Commission.

Four other members will be elected from among outstanding professionals working in the Regional Programs. These professionals can include physicians, administrators, technicians, nurses, donor recruiters, or others contributing significantly to the provision of blood services in the region's area. Two of these professionals should be actively serving as Regional Program Directors.

All members of the Executive Committee, though elected by the Commission for one year terms, will serve at the pleasure of their own sponsoring organizations.

If a nominee of an organization entitled to a place on the Executive Committee is not elected to serve, the organization must be requested to propose another individual promptly for the Commission's consideration.

The Executive Committee will elect appropriate officers at its first meeting after all its members have been elected.

In addition to implementing the recommendations of the Commission, the Executive Committee will have the authority to act on its own decisions. The Committee will be accountable for the performance of the organization to the other elements of the Commission and to the nation.

Initially, staff for the Commission may be provided by the participating organizations; however, there may be a need for additional independent staff and, if so, the Executive Committee will decide on its size and organization.

While grants from organizations and/or government will be needed initially to help defray nonrecurring costs, the American Blood Commission is expected to become largely self-supporting.

The American Blood Commission Executive Committee will proceed toward fulfilling the National Blood Policy through the plan presented here and will appoint Commission task forces that will directly address themselves to the problems and mechanics of the implementation as the new regional system become operative. The task forces will be expected to monitor progress and identify problems and to advise the Executive Committee of the Commission regarding modifications of the implementation plan that experience may indicate to be appropriate.

Some suggested task forces follow; however, the list is not all inclusive and a need for additional task forces dealing with other major areas, such as hepatitis surveillance, may be determined by the Commission or its Executive Committee.

Initial Task Forces

Voluntary Donor Recruitment; Blood Utilization; Blood Inventory Control; Data and Statistical Analysis; Standards; Inspection and Accreditation; Cost Evaluation and Control; Plasma Production and Fractionation; Regional Program Development; Research; and Education.

The Executive Committee will appoint task force members who have special expertise or interest in the areas being studied. While most task force members will be members of organizations that are part of the American Blood Commission, membership will not be a requirement of service. No honoraria will be paid to any task force member by the American Blood Commission.

The following responsibilities are to be discharged by the Commission at an annual meeting:

1. The election of the seventeen (17) members of the Executive Committee in accordance with the proportional representation presented earlier in this document.

2. The development of policy recommendations to help guide the Executive Committee.

3. The review of the performance of the Executive Committee with regard to progress toward the goals of the National Blood Policy.

4. The review of the budget adopted by the Executive Committee.

REGIONALIZATION

An organization of voluntary non-profit blood banks and transfusion services that collectively can provide a full range of services will be officially designated as an Integrated Regional Program if it can substantially meet the following performance criteria:

1. Accept the responsibility for recruiting volunteer donors in the region.

2. Include at least one facility that is licensed to ship blood over state lines.

3. Provide for total blood service within its area on a schedule in keeping with the needs of the region.

4. Have the capacity to provide expert medical consultation on hemotherapy, compatibility problems and other blood related problems whenever needed.

5. Provide the range and quantity of blood components required in the region.

6. Meet current appropriate inspection and accreditation standards.

In local areas served by several blood banks the Integrated Regional Program will encompass all the blood services in the area, including transfusion services. Physicians and directors of the area blood banks should exert leadership in the establishment of an organization that can provide the services deemed necessary to the successful administration of an integrated program. The blood banks and the hospital services that will be served by these larger programs must be invited to participate as they would be in an area served by a single blood bank.

Each Regional Program will organize to provide quality services to the transfusion facilities in its area, recruit donors, and keep records on blood drawn and on adverse reactions. Hospital transfusion facilities receiving blood would keep inventory records, report to the Regional Program on transfusion reactions, and may be requested to draw blood if needed within the system. General policy for the national system will be recommended by the American Blood Commission and established by the Executive Committee, but most operating policies will be determined at the regional level. The plan is conceived of as being self-supporting.

Organization (Alternate 1). Interested individuals wishing to organize a blood program, in order to qualify for nomination as an Integrated Regional Program, will request a letter of intent to associate with the proposed Regional Program from each of the blood banks and the transfusion facilities that would be served. At the same time, the director of each of the blood banks and the hospital transfusion facilities will be invited to participate in the selection of a board to govern the activities of the new Regional Program. The hospitals' responses and the organizer's own letter of intent to lead an Integrated Regional Program will be filed with the medical society in the county and with the society(s) in the county(s) where the hospital blood facilities are located, or with the state medical society if it is the appropriate body in the area.

Nomination of an Integrated Regional Program will be a responsibility of the medical society, blood bank and hospital transfusion service directors, and lay leaders in the area in which a Program is located; all three groups will have continuing interest in the performance of the Regional Program. If the

three representative groups are satisfied that the Program substantially meets the criteria,

Reporting. Each hospital transfusion facility will report its inventory, including dat-

Exchanges. All exchanges of blood between facilities associated with different systems

Hemophilia and Other Chronic Blood Disorders. The Bureau of Biologics or the National Institutes of Health or the Social

While more organization likely will improve the quality of blood service, pluralism and local control are strengths of the present

success for a regional program. On the other hand, many of the respondents

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three representative groups are satisfied that the Program substantially meets the criteria, the Integrated Regional Program will be nominated for designation by the Executive Committee of the American Blood Commission. Copies of the letters of intent and a letter of nomination will be forwarded by the medical society to the American Blood Commission's Executive Committee. Upon designation, the American Blood Commission's Task Force on Regionalization will produce the initial national directory of Integrated Regional Blood Programs, organized by region to document the new system.

Should the local representative groups decide against nominating a particular interested organization to serve as a Regional Program, the decision may be appealed directly to the Executive Committee of the American Blood Commission; however, the local nominating authorities must be invited to present their views on the questioned organization at any such appeal.

If any designated Program fails to serve its system satisfactorily, the hospital transfusion services in the Program's system may petition for the nomination of another coordinating Program.

Advisory Council of Regional Program Directors. The Executive Committee will arrange a meeting of the directors of Regional Blood Programs for the purpose of organizing an Advisory Council.

Financing Activities. The reorganized blood services will be self-supporting; however, some outside financial aid may be needed to finance nonrecurring expenses. The directors of the Regional Programs are encouraged to apply for grants to support additional personnel, rent for additional space, and/or the purchase of services or equipment (computers, etc.) necessitated by the demands of the reorganization or research. The responsibility for developing adequate funds rests with a regional director.

Organization (Alternate 2). The method for selecting the organizations to serve as Integrated Regional Programs will be determined by the Executive Committee of the American Blood Commission with advice from the Task Force on Regionalization.

NOTE: The task force did not achieve a consensus on the method for selecting an integrated program presented in this plan.

OPERATION

This plan, while voluntary, is aimed at all blood facilities, private and public. The blood facilities maintained by the military establishment, the Veterans Administration, and the National Institutes of Health should be integrated into the civil system to the degree possible with due regard to their assigned missions. These public programs are important resources.

The American Blood Commission believes it is essential that the implementation of this plan be voluntary. It must be the responsibility of the leaders of a designated Regional Program to persuade the constituent users in the region of the benefits of the system; the designation of a Regional Program should be contingent on the willingness of the proposed Program to accept that responsibility. While it will be extremely difficult for most facilities to exist completely outside the system(s), the American Blood Commission recognizes that some will want to try. The performance of the system and the necessity of dealing with the Regional Programs to get blood into and out of the system should be ample persuasion to these facilities; however, members of the American Blood Commission will urge all blood service facilities to become part of the system. Physicians may be concerned about the use of blood from outside the system.

Reporting. Each hospital transfusion facility will report its inventory, including dating on each of the units, to its Regional Program on a regular schedule to be determined by the Program's director. The Regional Program will be responsible for all decisions regarding inventory and will have the authority to move blood within its system according to the requirements of the facilities that are being served.

It is the intent of this plan to eliminate the need for paid donors. During the necessary period of transition, while paid donors are needed in many areas, the Regional Programs periodically will report the number of units of blood brought in from other systems or purchased from commercial sources or donors to the hospital transfusion committees at each of the hospitals it serves, to the county medical society, to the Executive Committee of the American Blood Commission, and to other interested parties on request.

Blood banks and transfusion facilities will maintain adequate records on each unit of blood or components drawn or received. Records on any given unit of blood will be available at the blood bank where the blood was drawn and at the facility where the blood was administered. The records will include the final disposition of every unit drawn and any adverse reactions that may have been associated with the administration of each individual unit of blood. A transfusion facility will organize its files to indicate groupings of adverse reactions according to drawing stations and will report adverse reactions back to the drawing bank promptly. Each drawing bank will report all adverse reactions reported to it to the office of the Executive Committee monthly. Banks with disproportionately large numbers of adverse reactions will be required to improve their donor pool and review their procedures and equipment. Surveyors reviewing blood bank operations will be encouraged to review adverse reaction reports with the blood bank director on every visit.

The American Blood Commission believes that the responsibility for monitoring the records and the reporting practices within a hospital facility lies with the hospital medical staff, specifically the committee on transfusion. This committee should serve as a peer review mechanism monitoring the use of blood in the institution, and its interest should include the performance of its Regional Program. The American Blood Commission believes that the medical staff of a hospital must accept responsibility for the blood drawn or used within the institution.

The American Medical Association urges that the chief executive officer of every blood facility in every system be a physician. However, the director of a Regional Program blood facility should become an ex officio member of the transfusion committees of the hospital(s) his facility serves, and the director should be represented at the meetings of the tranafusion committee(s) periodically whether he or she be a physician or not.

Standards—Inspection and Accreditation. The standards for all blood banks would be those of the American Association of Blood Banks, the American National Red Cross, and the Food and Drug Administration's Bureau of Biologics. The inspection and accreditation program of the American Association of Blood Banks together with the programs of the American National Red Cross and the College of American Pathologists should be made universally applicable and should receive official recognition. As a practical matter the highly trained professionals who undertake these inspections cannot be duplicated by the government.

Exchanges. All exchanges of blood between facilities associated with different systems will be coordinated and arranged by their respective Regional Programs through the Clearinghouse Program of the American Association of Blood Banks or the Central Exchange of the American National Red Cross; these organizations will be responsible for monitoring the transfers of blood between Regional Programs. Since it is unlikely that many areas will need more blood than they can potentially produce, transfers of blood between programs should decline (except in the event of disaster and perhaps for rare types of blood) as the organization begins to function efficiently. This decline will be one measure of the organization's success.

Donor Recruiting. A designated Regional Program will plan and coordinate all blood drawing in the facilities it serves. It is the Program's responsibility to assure that members of the community can donate blood without undue travel or other inconveniences; it is the responsibility of a hospital service to cooperate by making its staff and facilities available as needed in an agreed upon program.

The expense of donor recruiting should be included as part of the charge to every patient receiving blood banks services. The charges should be high enough to provide an appropriate budget for recruiting activities. If a regional system is not large enough to support adequate recruiting activities, it should merge with another system. A community that is able to meet its blood needs with little promotional effort will receive blood at less expense than a more apathetic community that requires high expenditures for recruiting. All recruiting fees collected by hospitals should be utilized in recruiting efforts coordinated with the Regional Program that will be responsible for donor motivation in the area.

Efforts to recruit volunteer donors must be centrally coordinated in a geographic area and not competitive between systems. Every organization endorsing the goals of the National Blood Policy should use its influence to encourage this concept.

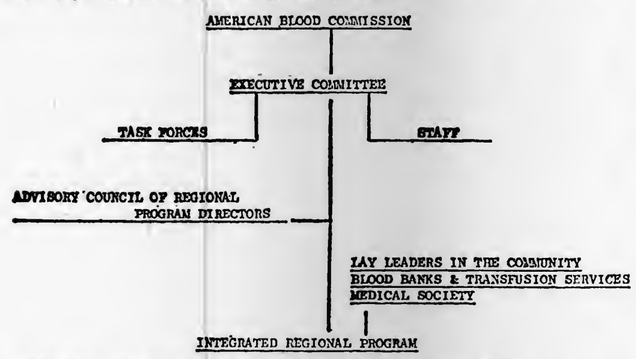
A non-replacement fee may be needed to maintain adequate supplies of blood within a regional system. Such fees are acceptable if a local need is agreed upon by the majority of the hospital facilities being served by the Integrated Regional Program. However, the need for a non-replacement fee should be studied carefully.

Regional Governing Board. Because a Regional Program will be making decisions that affect the supply of blood available for transfusion to the community, that control the inventory of blood in facilities for which others have more direct responsibility, and that result in the expenditures of funds intended for donor recruiting and other services in the entire region, it is imperative that a panel of lay leaders be selected to serve on the board governing the Program's activities along with respesentative directors of the transfusion services and blood banks, and physicians in the region. These three categories of board members should be represented in equal numbers on the governing board of the Program.

Supply. The American Blood Commission will accept no compromise of the present blood supply. No advantage is to be gained if supplies of blood and blood components are reduced in the process of reorganization. Adequate time must be allowed for this implementation to develop in an orderly manner. The Commission has no interest in an "appearance" of activity; the reorganization must be built on the strength of the present system within a time frame which will allow the system to respond with a minimum of diaruption.

Hemophilia and Other Chronic Blood Disorders. The Bureau of Biologics or the National Institutes of Health or the Social Security Administration should establish a substantial and continuing program budget to take advantage of the national media for the purpose of recruiting blood donors and to help assure the blood needs of hemophiliacs and others with chronic diseases requiring blood.

The American Blood Commission is aware that many details are left here unresolved. While more organization likely will improve the quality of blood service, pluralism and local control are strengths of the present blood service worth keeping. The different traditions, motivations, and state laws in the various parts of the country require allowances for local solutions. The American Blood Commission has confidence that blood banks, transfusion services, medicine and the citizenry that must provide the volunteer blood will respond appropriately to this call for action.



Synopsis of public comments. In response to the FEDERAL REGISTER notice of March 8, 1974, approximately 250 public comments on the proposed American Blood Commission plan were submitted to the Department. The Department has now completed its review and analysis of the public comments. The synopsis which follows presents a summary of the most significant points made by the commentators. A complete set of individual comments may be obtained by request to the address listed at the end of this FEDERAL REGISTER notice.

The vast majority of respondents (over 75 percent) appreciate the need to establish an overview body that could coordinate blood services on a nationwide basis, and give either tacit or explicit support to the creation of such a body. Although many of these affirmative commentators thoughtfully point out difficulties that may lie ahead, they are nevertheless persuaded that a beginning has to be made somewhere, and that the American Blood Commission is a concept worth trying. A distinct minority of the respondents (under 20 percent) are of the opinion that the American Blood Commission concept is not adequate to serve as the vehicle for implementing the National Blood Policy. The comments of those who responded in the negative range across the spectrum of objections to an American Blood Commission, from finding that the Commission would undoubtedly constitute a monolithic creature spawned by the Federal Government's unwelcome and unwarranted intrusion into the blood banking area, to finding that the Commission proposal is inadequate because the Governmental role is neither strong enough nor defined enough.

Although support for an American Blood Commission is clearly substantial, it is also evident that there are still several contentious issues on which an adequate consensus has not yet emerged. The first of these contentious issues is the question of what precise method to use in designating regions nationwide. Two alternate approaches were suggested in the American Blood Commission plan. Alternate 1 proposes a fairly specific method of regionalization, whereby the process of forming a regional program would begin with letters of intent, written by the transfusion facilities to be served by the program, indicating their willingness to affiliate with the proposed region. Three groups would be involved in nominating a regional progam: the medical society, blood banking and hospital transfusion service directors, and lay leaders in the community. If these three groups find that the proposed regional program is satisfactory, nomination of the prorgam would be effected by having the medical society forward the letters of intent, with a letter of nomination, to the American Blood Commission.

Alternate 2 proposes that the precise method for designating regional programs should be determined by the Executive Committee of the American Blood Commission, with advice from a task force on regionalization.

The public comments on this issue reflect the lack of a consensus, and demonstrate that there is substantial support for elements present in each of the Alternates. Many of the respondents commend Alternate 1 for describing specifically how the process of local approval and certification of a regional program would proceed. Many of the commentators also welcome the clarification provided by Alternate 1 that the quality of service rendered to transfusion facilities would be included among the criteria of success for a regional program. On the other hand, many of the respondents approve the flexibility that Alternate 2 offers the Commission in choosing the best approach to regionalization.

The other major unresolved issue is the question of how the Executive Committee of the Commission is to be composed. Some of the respondents feel that the Executive Committee as proposed in the plan provides inadequate representation for the lay public who are the donors and consumers of blood. Others think that, as proposed, the 17-member Executive Committee is unworkably large and should be pared down to a smaller group, more dominated by professionals. These conflicting perspectives are also reflected in differing views of how the Commission and its Executive Committee should divide responsibilities for policy-setting on the one hand, and policy implementation on the other.

Response of the Department. On the basis of the public comments synopsized above, and on the basis of the frank discussion that took place at the third Secretary's Conference on March 27, the Department has concluded that there is significant support for the concept of an American Blood Commission and rather widespread appreciation of the need for such a pluralistic body. Accordingly, the Department hereby announces that it finds sufficient merit in the American Blood Commission concept to warrant cooperation with the private sector in the effort to establish an American Blood Commission as an overview body to coordinate blood service activities on a nationwide basis. It is the Department's clear understanding that the Commission will be responsible for implementing the National Blood Policy in the private sector, that its pluralistic membership will represent all affected segments of society, and that it will serve as a locus of accountability in blood banking and as a national forum for resolving major issues related to blood services.

The Department's decision to enter into this joint effort with the private sector to create an American Blood Commission does not constitute endorsement of every provision contained in the Plan that was submitted on January 31, and published in the FEDERAL REGISTER as a proposal. There is still considerable disagreement over several significant issues, including the precise method of designating regions, and the exact composition of the Executive Committee. The Department has no desire to preempt the proper role of the nascent American Blood Commission in resolving these issues, and we are convinced that the private sector spokesmen will develop still better solutions than those that have been proposed thus far.

With regard to regionalization, the Department finds that neither Alternate 1 nor Alternate 2 is a fully adequate proposal in itself. Alternate 1 has the virtue of describing specifically how the process of local approval and certification of a regional program would proceed. It also makes clear that the quality of service provided to transfusion facilities will be included among the criteria of success for

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a regional program. However, Alternate 1 does not acknowledge the actual and potential role of duly constituted authority, such as State Departments of Health, in the process of designating regional programs. This is a significant omission, in light of the rather major role played by the Departments of Health in several States, and, particularly the future role that some Departments of Health will certainly play in the course of regionalizing their respective States' blood banking facilities. Alternate 2, on the other hand, has the virtue of flexibility in permitting the Commission to determine and select the best approach to regionalization. It, too, however, has serious deficiencies. It is a vague and nonspecific proposal, and offers no assurance that a truly substantial approach will emerge. Moreover, it assigns a dominant role to the Executive Committee without adequately defining how the Executive Committee is to be answerable to the Commission at large.

Since neither of the Alternates is capable of serving as the sole solution to regionalization, the Department seeks to amalgamate the two Alternates, retaining the strengths represented in each. Accordingly, the Department endorses the concepts, embodied in Alternate 1, of strong local input into the designation of regions, and service to transfusion facilities as one of the criteria of success for a regional program. The Department also endorses the concept, embodied in Alternate 2, that more information needs to be gathered about potential methods of regionalization, that expert opinion should be consulted in the process of regionalization, and that the emerging Commission must be allowed sufficient flexibility in choosing a method of designating regions. The Department, therefore, urges that the question of how to regionalize be addressed by the Commission through a suitably constituted task force on regionalization. To ensure timely progress toward resolving this vital issue, the Department expects that the task force will adopt as its first order of business the development of a timetable for submitting a regionalization proposal. The Department further expects that the recommendations of the task force will ultimately be subject to approval by the Commission generally; and that the recommendations of the task force will include the following features:

a. Local input in designating a regional program;

b. Adequacy of service as a criterion of success for a regional program; and

c. Due regard for the role of the county medical society, where appropriate, and duly constituted authority, such as the State Department of Health, where appropriate, in certifying the regional program.

With regard to the composition of the Executive Committee, the Department believes that this issue should be addressed by the Commission itself, since the Executive Committee will be expected to carry out the wishes of the Commission. However, there are several important principles regarding the Executive Committee that the Department finds essential. The Executive Committee should serve to execute policy, whereas the Commission should chart overall directions and formulate operating policy within the framework of the National Blood Policy. Ultimately, the Executive Committee is the implementing limb of the American Blood Commission, and the Committee must be answerable to the Commission as a whole. The Department expects that the final composition of the Executive Committee will reflect the involvement of 4 groups: Blood banking professionals, hospital and medical professionals, third-party payers, and the public at large.

Notwithstanding the existence of these unresolved issues, the Department recognizes that formation of the American Blood Commission as a coordinating body in the private sector is the sine qua non for moving forward at this time in implementing the National Blood Policy. Once the initial step of establishing an American Blood Commission has been taken, it will be possible to deal adequately with the entire range of blood banking issues that require attention. The Department will continue to work with the private sector to see to it that these issues are resolved in a satisfactory manner. But nothing else is so important to the success of the private sector implementation effort as the American Blood Commission as a first step.

Inaugural convention of the American Blood Commission and formation of Ad Hoc Committee to establish the American Blood Commission. Establishment of the American Blood Commission will require considerable preparatory work. Various groups in the private sector have called on the Department to sponsor the activities and the specific planning needed to bring the Commission into being. Officials of the Department feel that it would be appropriate for the Federal Government to continue to play a catalytic role in the formation of an American Blood Commission, so long as this is done without usurping the proper functions of the private sector, and so long as it is borne clearly in mind that the American Blood Commission must remain a private sector undertaking. Accordingly, the Department agrees that the inaugural convention of the American Blood Commission shall be convened under the auspices of the Department.

In order to make necessary arrangements to ensure the success of the inaugural convention, it is essential that the private sector form an ad hoc committee to establish the American Blood Commission, and select a suitable chairman to guide the committee's activities. The Department will encourage the private sector's efforts to form this committee. The ad hoc committee shall consist of 13 members, in addition to the chairman, and shall be composed of one representative from each of the following: Council of Community Blood Centers; American National Red Cross; American Association of Blood Banks; American Medical Association; American Hospital Association; American Society of Clinical Pathologists; College of American Pathologists; Blue Cross Association; Pharmaceutical Manufacturers Association; National Hemophilia Foundation; and three additional lay groups, to be selected shortly. The chairman shall be an individual with proven administrative abilities, and with no commitments to any of the organizations represented on the committee. Once this ad hoc committee is formed by the private sector, the Department will seek to cooperate and will consider providing financial support for the activities of the ad hoc committee in this planning phase.

It shall be the responsibility of the ad hoc committee to make all necessary preparations for the inaugural convention of the American Blood Commission. The ad hoc committee will be expected to accomplish the following tasks:

1. Write a draft charter for the American Blood Commission. This draft charter is to be presented, discussed, modified as appropriate, and then ratified at the inaugural convention. The draft charter may borrow, where appropriate, from the draft American Blood Commission plan, and should contain at least the following:

a. Preamble—purposes (goals), functions (objectives);

b. Structure of the Commission (organization);

c. Criteria for membership in the Commission;

d. Executive Committee: composition and tenure;

e. Frequency of meetings: American Blood Commission and Executive Committee;

f. Tasks and implementing actions of the Commission/Committee, defined in terms of elements of the National Blood Policy;

g. Designation of task forces as information-gathering instruments;

h. Mechanism for altering the charter;

i. Financing of the American Blood Commission;

j. Officers;

k. Staff;

2. Determine logistics of the inaugural convention (when and where);

3. Draw up a list of invitees and select the mechanism for announcing the inaugural convention;

4. Establish rules of participation in the inaugural convention;

5. Draft an agenda;

6. Propose funding of the convention;

7. Provide for recording of the convention proceedings;

8. Propose the legal status of the American Blood Commission; and

9. Establish working groups to accomplish all of the above.

Several points deserve particular emphasis at this time. The Department will consider financially supporting the activities of the ad hoc committee during the planning phase. In doing so, the Department intends to demonstrate its commitment to implementation of the National Blood Policy, and to fruitful cooperation with the private sector. The Department does not intend thereby to dominate the workings of the ad hoc committee, nor to underwrite the ongoing operations of the American Blood Commission. The Department fully expects that the private sector organizations, recipients of blood services, and third-party payers will bear most of the costs of operating regional programs and maintaining the American Blood Commission. Nevertheless, the Department recognizes the community's shared responsibility to maintain an adequate supply of blood, and to educate the members of the community to that responsibility. Inasmuch as all Americans will benefit from an improved nationwide blood service system, and will gain therefrom the assurance that high quality blood will be available when they need it, it is appropriate for the Department to consider offering financial support for starting up the Commission and for partial maintenance of such campaigns to educate the public as may be needed. In the main, however, the American Blood Commission and the blood service system generally should be self-supporting with regard to ongoing operations.

The precise nature of the relationship between the Federal Government and the American Blood Commission will come into sharper focus as the ad hoc committee progresses with its tasks, and as the Commission comes into being. Although the Department expects the ad hoc committee to consider how the Commission should relate to the Department, this is intended to foster creative and critical thinking on the part of the ad hoc committee, and not to commit the Federal Government to a particular course of action. The Department does have some broad guidelines on this subject. The Department has no wish to become deeply involved in blood banking operations and, indeed, the entire implementation strategy from which the American Blood Commission proposal has issued is based on a fervent desire to let the private sector do what it knows best. As long as the American Blood Commission and the ad hoc committee remain faithful to the principles of the National Blood Policy and the expectations for implementing the Policy that the Department has articulated, the Federal Government will be pleased to cooperate with the private sector, and to tailor Federal actions to be complementary to those of the American Blood Commission. The reader is implored to understand clearly that this FEDERAL REGISTER notice and the announcement of the Department's response do not constitute rulemaking or regulation setting. Rather, the Department is engaged in trying to fashion a partnership with the private sector to promote and protect the health of all the people of the United States.

Documents available on request. Copies of the following documents may be obtained by writing to: Dr. Ian A. Mitchell or Dr. James I. Cleeman, Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Room 17-A-43, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20852.

This FEDERAL REGISTER Notice.
FEDERAL REGISTER Notice of March 8, 1974.
Public Comments on the American Blood Commission Plan.
Transcripts of the three Secretary's Conferences on the National Blood Policy.

Dated: September 3, 1974.

THEODORE COOPER,
Acting Assistant Secretary for Health.

APPENDIX

BLOOD BANKING

Major Findings by HEW Task Force

JULY 1973.

Introduction. The following is a brief overview of blood banking in the United States. It draws primarily upon the work of the intra-departmental Blood Banking Task Force. The Task Force in turn drew upon a variety of information sources, but, in particular, utilized the findings of an extensive study done under contract with the National Heart and Lung Institute (NHLI's Blood Resource Studies).

The Blood Service Complex. The Blood Service Complex in the United States is the assemblage of organizations and institutions that acquire, process, store, deliver and administer blood and a variety of blood products. We estimate the gross annual income of this industry exceeds $500,000,000.

Although the Blood Service Complex has provided essential services and products, it has not consistently maintained an adequate supply or achieved the highest attainable quality of blood therapy. In part, this situation has developed because of undue reliance upon commercial donors, and because the national resource has not been managed effectively.

The Complex collects a total of about 8.8 million units of whole blood per year for transfusion. Approximately 39.5 percent is obtained by the American National Red Cross; 29 percent by community blood banks; 18 percent by hospitals; 11 percent by commercial blood banks, and 2.5 percent by the military. (Table 1).

We estimate that approximately 25 percent of this blood is never transfused, and that the vast majority of these non-transfused units are wasted through outdating. Under optimal conditions this rate could be reduced to 5 to 10 percent.

The Hepatitis problem. Approximately 10 to 15 percent of the total whole blood and blood component supply is obtained from commercial donors. This blood accounts for about 25 to 45 percent of posttransfusion hepatitis because commercial donors present a relatively high risk of transmitting hepatitis. Nationwide reporting of hepatitis of any origin or type is unreliable. Nevertheless, several carefully conducted studies strongly suggest that there are about 17,000 cases of overt posttransfusion hepatitis per year, and about 850 deaths from this disease. We estimate that there are over 100,000 total cases of posttransfusion hepatitis when we include subclinical cases.

Cost of hepatitis. The long-term sequelae of posttransfusion hepatitis in the surviving overt and subclinical cases are not fully known. However, persons with overt posttransfusion hepatitis are frequently severely ill and incapacitated for weeks to several months. The average hospital stay for such patients is about 28 days. From an economic standpoint, we estimate that the problem of overt posttransfusion hepatitis costs the nation about $66 million per year. The costs in terms of human suffering are immeasurable.

Blood Resource Management and Use. Reliance on commercially acquired blood evolved and continues where voluntary blood collectors fail to plan and manage donor recruitment and retention in an optimally effective way. Now, approximately 6 million donors, both commercial and voluntary, maintain the nation's blood supply. However, an estimated 90 to 100 million persons are eligible to donate. Many communities which have effective donor recruitment campaigns have found that they can satisfy all their needs using voluntary donors alone.

Once collected, the blood resource is managed poorly, placing an unnecessary burden on the supply system. Inventory control and inter-organizational sharing of this perishable material are inadequate. Whole blood is not used with sufficient discretion in treatment. A unit of whole blood is made up of various components, including red cells, white cells, platelets, and plasma, which can be used to meet the specific needs of several patients. The red cell component is used in about 20-25 percent of transfusions, but experts suggest that red cells, rather than whole blood, should be used in about 70 percent of cases.

There is evidence of unnecessary transfusions; transfusion-associated risks (hepatitis and others) can outweigh the benefits of the transfusion.

Extension of the shelf life of red blood cells has been proposed as a means to reduce stress on the blood supply. At present, the only feasible approach to extending shelf life lies in developing better preservatives. Work on this is proceeding, and the shelf life of whole blood may be extended beyond the current limit of 21 days.

Standards of blood banking practice vary from region to region and from city to city. Inspection of many intrastate blood banks has, until now, been inadequate or nonexistent. (Recent action by the FDA should improve this situation, *infra.*) There is no information system which can provide the basic data needed for intelligent management and use of the national blood resource. Particularly troublesome is the lack of information on the fate of each unit of blood drawn, the incidence of posttransfusion hepatitis and other adverse consequences, and the outcomes of transfusion therapy.

Frozen red cells. Freezing has potential as a means of preserving red blood cells. This technique is of crucial importance to persons with exceedingly rare blood types for whom it is difficult or almost impossible to find suitable donors. These individuals may place their red blood cells in frozen storage for indefinite periods, and have them available in times of need. However, freezing as a means of reducing the wastage of red blood cells through outdating is feasible only at certain centers under certain special circumstances.

Frozen red blood cells do not transmit as much hepatitis as red cells stored at refrigerated temperatures. Reduction in hepatitis transmissibility appears to be related to the washing process required to remove the freezing medium during thawing, and not to the freezing or frozen state itself. Currently, washing of red cells is not an effective method for hepatitis control, but its potential is being explored through research.

Large supplies of frozen red cells are expensive to maintain because of the technological complexities involved. Frozen red blood cells cannot be provided immediately upon demand, because the thawing and washing process requires from 1 to 2 hours. Under present conditions the red cells must then be used within 24 hours or be discarded. A major capital investment, extensive personnel training, further research, and technological developmet would, in any case, be required for frozen red cells to be considered a major factor in the blood supply system.

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Blood components. The medical demand for red blood cells as distinguished from other blood components sets the pace for collection of whole blood. Patients who need red cells often do not need the other components of whole blood. If red cells were given in place of whole blood, the leftover plasma could then be fractionated into needed plasma derivatives. Plasma derivatives are parts of blood that are usually separated by chemical processes. They are generally prepared from large batches or pools of plasma in a manufacturing plant. (See Flow Chart).

Most plasma for fractionation is now acquired through plasmapheresis. Less plasmapheresis would be needed if blood components were efficiently conserved and utilized. The bankers of whole blood and fractionators have not set up the machinery necessary to recover and fully utilize plasma available from blood separated into components and from outdated whole blood.

For numerous reasons, those engaged in large scale plasma fractionation find it advantageous to pool the plasma, which may come from as many as 1,000 donors. Some of this plasma may come from populations with high indigenous rates of hepatitis, and it only takes one unit to contaminate the pool. Although the plasma fractionation process destroys or removes the hepatitis agents in or from some of the products, they remain, for example, in the blood fraction used to treat hemophiliacs. As a result, many of the nation's 25,500 moderate and severe hemophiliacs acquire hepatitis at an early stage in their lifelong treatment.

Plasma collectors as well as fractionators (usually large pharmaceutical firms) have extended the plasma market to foreign countries in their search for a cheap and plentiful supply of plasma. About one-fifth of the U.S. supply of plasma is from foreign sources.

Efficient management of the Blood Service Complex coupled with increased use of component therapy could eliminate reliance on overseas sources of plasma. (See Table 2.)

Access. Paying for blood products and services can be a very substantial burden to the patient. In some cases the total charges for a unit of blood may run as high as $120. To cover these charges, there exist a wide variety of assurance and insurance plans with differing benefits for blood. Credits obtained for donation of blood in one locale may not be honored in another.

Blood is expensive, in part, because charges are imposed which bear no discernible rational relationship to costs. An especially glaring example is the non-replacement penalty. Its supporters contend that this penalty is essential as an inducement to "voluntary" donation, while its detractors maintain that it promotes the purchase of blood from donors and is used primarily as a source of income for the blood bank. Whatever the justification for its existence, the non-replacement penalty is not related to actual costs, yet constitutes a substantial portion of the patient's charges. This burden falls especially heavily on the elderly and others without friends or relatives who can readily donate replacement units. The lack of consistency and clear rationality in methods of donor recruitment and in arrangements for charging patients contributes to confusion in the mind of the public and may well discourage voluntary donors.

In addition, all these charges are a considerable expense to the Federal Government. Medicare beneficiaries now receive about one quarter of all blood transfused in the United States. The Social Security Administration spends approximately $17 million per year on the services associated with providing blood transfusions and $26 million to purchase blood. This latter figure represents charges for the purchase of all non-replaced blood beyond the first three units per beneficiary.

Hemophilia. A word of explanation is due on the problems of patients with hemophilia and other diseases requiring expensive products on a continuing basis. The recent Summary Report of the National Heart and Lung Institute's Blood Resource Studies clearly shows that the burden of hemophilia, both in terms of dollar costs and the quality of life, is enormous. Furthermore, the crises experienced by hemophiliacs, together with the sequelae, add greatly to the financial dependency of hemophiliacs.

The Current Federal Role in the Blood Service Complex. In addition to its role as a third-party payer for blood services and products, the Federal government performs several other important functions in the Blood Service Complex. The Federal government regulates blood, blood products, and blood banking activities, including plasmapheresis and plasma fractionation, through the Bureau of Biologics (BoB) in the Food and Drug Administration (formerly), the Division of Biologics Standards in the National Institutes of Health—transferred July 1, 1972). Federal regulation has, until now, been limited to interstate commerce, leaving 15 percent of collected whole blood to State regulation only, and 21 percent without regulation of any kind. On January 31, the Food and Drug Administration published revised regulations requiring all blood banks, including intrastate facilities, to register with the Bureau of Biologics by April 3, 1973, and to undergo biennial Federal inspection. Approximately 6,000 blood banks have complied with this registration requirement. Through this and other measures, BoB has acted to improve blood services, and to extend Federal regulation to include significant intrastate blood banking activities.

The Federal government has been a major source of support for research on blood, primarily through the National Heart and Lung Institute's National Blood Resource Program, which anticipated spending $6.5 million this fiscal year. In addition, other Institutes of the National Institutes of Health, the Health Services and Mental Health Administration, and the Department of Defense conduct or support programs of research. Much of the actual research takes place in the private sector.

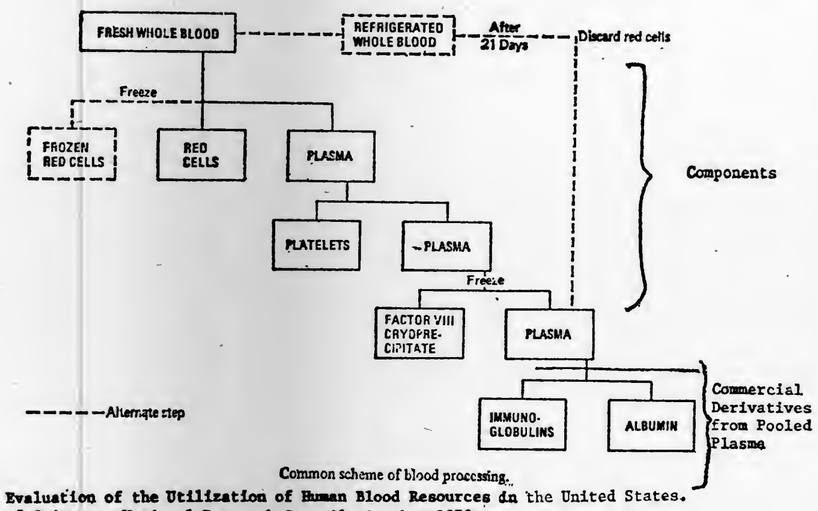
Finally, the Federal government acts as a provider of blood services in programs of direct care, such as those of the Veterans Administration, Department of Defense, and the Indian Health Service Hospitals.

Table 1

COLLECTIONS* OF WHOLE BLOOD BY LICENSED AND UNLICENSED SECTORS OF THE BLOOD SERVICE COMPLEX
(In Units)

	COMMUNITY	COMMERCIAL	RED CROSS	HOSPITAL	MILITARY HOSPITAL	TOTAL
TOTAL	2,558,700	964,000	3,480,008	1,579,300	217,700	8,799,700
FEDERAL LICENSE ONLY	791,100	346,100	2,331,800	151,900		3,620,700
STATE LICENSE ONLY	754,700	248,500	0	360,700	–	1,363,900
BOTH	414,800	351,100	1,148,400	91,200	–	2,005,500
NEITHER	598,100	18,300	0	965,500	217,700	1,819,600

*From National Heart and Lung Institute's Blood Resource Studies, June 30, 1972.



Common scheme of blood processing.

Adapted from An Evaluation of the Utilization of Human Blood Resources in the United States. National Academy of Sciences, National Research Council; October 1970

Table 2

TABLE DEPICTING POTENTIAL FOR QUANTITATIVE BENEFITS IN AN OPTIMALLY INTEGRATED BLOOD SERVICE COMPLEX, ASSUMING CERTAIN NATIONWIDE RATES OF OUTDATING OF BLOOD:

Reductions in collections of blood needed to meet current demands for transfused units of red cells, costs associated with discard of outdated blood, and amounts of plasma available for component and derivative therapy

(1) If outdating on a nationwide basis is:	(2) Then collections, to meet the demand for 6.4M transfused units of red cells, must total:	(3) And cost* of outdating is:	If, in addition, component therapy is: 22%	50%	70%
			then available plasma** is:		
27%	8.8M units	$36M	3.8M	5.6M	6.9M
15%	7.6M units	$18M	2.6M	4.4M	5.7M
10%	7.2M units	$12M	2.2M	4.0M	5.3M
5%	6.8M units	$ 6M***	1.8M	3.6M	4.9M

*The cost of outdating a unit of blood is taken to be approximately $15. This is a conservative estimate of the costs involved in collecting, processing, and distributing a unit of blood and accords well with the experience of the American National Red Cross. Total cost of outdating equals the number of units outdated times $15.

**Plasma, in units, available for further utilization is the sum of outdated units plus units actually separated into components. This assumes that all outdated units are returned for salvage of plasma. If component therapy is 22%, fresh plasma volume for use in the preparation of plasma derivatives, including those needed by hemophiliacs, equals 1.4M units. Correspondingly, if component therapy is 50%, fresh plasma volume is 3.2M units and, similarly, if component therapy is 70%, fresh plasma is 4.5M units.

***It should be noted that there is a level of outdating which is necessary to assure a surplus of supply over demand and to avoid shortages. The optimal nationwide level of outdating remains to be determined, but a rate of 5% has been achieved in highly organized regional systems. The cost of outdating, as presented in the table, is therefore the cost of total outdating, not the cost of excess or unnecessary outdating, which is probably about $6M less (since a 5% level may well be necessary).

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federal register

TUESDAY, SEPTEMBER 10, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 176

PART III

FEDERAL ENERGY ADMINISTRATION

■

REFINERS BUY-SELL LIST

Crude Oil Allocation

No. 176—Pt. III——1

V 39 — 176 SEP 10 74 XUM

FEDERAL ENERGY ADMINISTRATION

REFINERS BUY-SELL LIST

Crude Oil Allocation Notice

Pursuant to the authority of the Emergency Petroleum Allocation Act of 1973 and E.O. 11790, 39 FR 23185, and in accordance with the provisions of 10 CFR 211.65, the notice specified in § 211.65(e) is hereby published. The notice lists the sales obligations and purchase opportunities for refiners for the allocation quarter commencing September 1, 1974.

The buy-sell list is set forth as an appendix to this notice. Included as part of the list, as required by § 211.65(e), are: the quantity of crude oil each refiner-buyer is eligible to purchase, the total allocation obligation for all refiner-sellers, the fixed percentage share for each refiner-seller and the quantity of crude oil that each refiner-seller is obligated to offer for sale to refiner-buyers. The sales obligation of each refiner-seller includes unsold amounts, if any, of such refiner-seller under Special Rule No. 1 for May 1974 (39 FR 12109), and reflects adjustments for the pro-rated estimates for May 1974, as compared with actual crude oil runs to stills for that month, as required by Special Rule No. 2 for the Crude Oil Allocation Program. The amount of each sales obligation also reflects the adjustments provided for by § 211.65(d)(3). Similarly, the quantity of crude oil that each refiner-buyer is eligible to purchase has been adjusted pursuant to Special Rule No. 2. In addition, for purposes of calculating its purchase opportunity, the volume of each refiner-buyer's crude oil runs to stills for the period February through April, 1974 includes the volume of crude oil sold by that refiner-buyer in such period under Subpart C of Part 211.

The buy-sell list is applicable for the period September 1 to November 30, 1974. The provisions of 10 CFR 211, Subpart C, apply to all transactions made under the buy-sell list.

The buy-sell list covers PAD districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to § 211.65(d), refiner-sellers are required to offer the amount of crude oil listed by their names for sale to refiner-buyers. Under § 211.65(a), refiner-buyers have the opportunity to purchase crude oil up to the amounts listed by their names.

The procedures of 10 CFR 211, Subpart C, applicable to transactions under the buy-sell list provide that if a sale is not agreed upon within 15 days of the date of publication of this notice, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request FEA to direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such a request must be made within 30 days of the publication of this notice. Upon such request, FEA may direct one or more refiner-sellers which have not sold their allocation quarter quantity to sell crude oil to the refiner-buyer. If the refiner-buyer declines to purchase the crude oil specified by FEA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation quarter, providing that the refiner-seller or refiner-sellers in question have fully complied with the provisions of Subpart C. Refiner-buyers making such request must provide the FEA with the following information:

1. Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy-sell list transactions.

2. Names and locations of the refineries for which crude oil is sought, the amount of crude oil sought for each refinery, and the technical specification range of crude oil which can be processed in each refinery.

3. Names and locations of all refiner-sellers from which crude oil has been sought under the buy-sell list and the volume and specification of the crude oil sought from each.

4. Statement of any restrictions, limitations or constraints on the refiner-buyer's purchases of crude oil, with particular respect to manner or time of deliveries and price.

5. The response of each refiner-seller to which a request to purchase crude oil has been made, and the name and telephone number of the individual contacted at each such refiner-seller.

6. Such other pertinent information as FEA may request.

When a refiner-seller is directed by FEA to sell crude oil to a refiner-buyer, it is expected that every reasonable effort will be made to consummate a transaction. Upon either termination of negotiations or consummation of a transaction, FEA shall be advised of the outcome by both parties.

Each refiner-buyer and refiner-seller will report the details of each transaction under the buy-sell list to FEA on Form 903 (rev.).

Refiner-buyers wishing to receive an allocation in the allocation quarter commencing December 1, 1974, with respect to new or future refining capacity (as defined in 10 CFR 211.62) that is not presently taken into account in determining their respective purchase opportunities, must apply to the FEA for certification of that capacity no later than October 4, 1974.

All reports and applications made under this notice should be addressed to:

Fuel Manager (Crude Oil, Refinery Mix, and Petrochemical Feedstocks)
P.O. Box 2885
Washington, D.C. 20013

Issued in Washington, D.C., September 4, 1974.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

APPENDIX

The list of refiner-sellers and refiner-buyers for the period September 1, 1974, through November 30, 1974, is as follows. The list sets forth the identity of each refiner-seller and refiner-buyer, the fixed percentage share of each refiner-seller, and the volumes of crude oil (reflecting all adjustments required under § 211.65 and Special Rule No. 2) that each such refiner-seller or refiner-buyer is either obligated to offer for sale or is eligible to purchase, as the case may be.

FEDERAL ENERGY ADMINISTRATION

CRUDE OIL ALLOCATION PROGRAM FOR THE PERIOD SEPTEMBER–NOVEMBER 1974 SALES

	Percent	Barrels
Amoco Oil Company	0.099	5,906,635
Atlantic Richfield	.073	6,795,483
Cities Service Oil	.023	2,380,660
Continental Oil Co	.034	4,942,772
Exxon Corporation	.112	9,952,183
Getty/Skelly	.020	3,398,663
Gulf Oil Corp	.086	9,639,678
Marathon Oil Co	.022	1,310,650
Mobil Oil Corp	.080	7,816,226
Phillips Petroleum	.039	2,727,001
Shell Oil Co	.107	9,406,009
Texaco/Chevron	.096	8,508,816
Sun Oil Co	.062	4,370,071
Texaco, Inc	.105	10,835,844
Union Oil Co. of California	.043	5,337,361
Total sales		93,028,072

PURCHASES

	Barrels
Allied Materials Co	96,489
Amerada Hess Corp	11,534,484
American Petrofina	731,528
Apco Oil Corp	0
Arizona Fuels Corp	367,848
Ashland Oil, Inc	6,103,625
Bay/Dow	250,429
Bayou State Oil Corp	22,596
Beacon Oil Co	191,695
C & H Refining	26,489
Calumet Industries	0
Canal Refining Co	0
Caribou Four Corners	0
Champlin Petroleum	860,049
Charter Oil Co	568,371
Claiborne Gas Co	0
Clark Oil & Refining	1,531,166
Coastal States Gas	6,667,458
Commonwealth Oil Refining	2,525,750
Cra-Paranland Industries, Inc	1,909,750
Cross Oil & Refining—Arkansas	90,261
Crown Central Petro	1,701,922
Crown Refining Co	418,904
Crystal Oil Refining	96,480
Crystal Refining Co	179,480
Delta Refining Co	1,658,617
Diamond Shamrock Corp	0
Dingman Oil & Refining Co	30,081
Dorchester Gas	1,655
Eddy Refining Co	0
Edgington Oil Co	372,516
Edgington Oxnard Refining	908
Evangeline Refining	29,596
Famariss Oil Corp	1,782,852
Farmers Union Exchange	1,139,971
Fletcher Oil & Refining	238,594
Flint Chemical Corp	0
Gary Operating Co	131,150
Giant Industries	764,310
Gladieux Refinery	29,361
Golden Eagle Refining Co	372,300
Good Hope Refineries	380,009
Guam Oil & Refining	82,785
Hirl	806,250
Howell Corp	884,362
Hunt Oil Co	0
Husky Oil Co	1,557,850
Indiana Farm Bureau	322,875
J & W Refining, Inc	563,532
Kentucky Oil-Refining Co	153,597
Kerr McGee Corp	3,175,910
Koch Refining Co	1,393,037
La Gloria Oil-Gas Co	389,000
Lakeside Refining Co	9,157
Lakeson Asphalt Refining	138,625
Little America Refining	471,536

MacMillan Refining Oil Co	292,585	Plateau, Inc	0	Thriftway Co	17,540
Marion Corp	0	Powerine Oil Co	1,956,191	Thunderbird Resource	21,475
Mid America Refining	50,000	Pride Refining, Inc	377,527	Tonkawa Refining Co	41,857
Mid-Tex Refinery	233,672	Quaker State Oil Refining	0	Toro Petroleum	1,738,205
Midland Co-op, Inc	840,718	Road Oil Sales, Inc	7,244	Total Leonard, Inc	46,500
Mohawk Petroleum Co	241,309	Rock Island Refining	128,075	Union Texas Petroleum	0
Monsanto Co	327,200	San Joaquin Refining	772,927	United Refining Co	333,239
Morrison Petroleum	0	Seminole Asphalt Refining	178,180	US Oil Refining Co	344,749
Mountaineer Refinery	569	Somerset Refinery	0	Vickers Petroleum Co	675,906
Murphy Oil Corp	2,906,192	Sound Refining Inc	20,625	Vulcan Asphalt Refining	102,135
National Co-op Refining	1,103,311	South Hampton	159,438	Warrior Asphalt Corp	104,184
National Oil Recovery	238,847	Southland Oil Co	28,602	West Coast Oil Co	1,068,750
Navajo Refining Co	303,031	Southwestern Refining Co	5,304	Wickett Refining	60,899
Newhall Refining Co	348,730	Standard Oil of Ohio	18,725,421	Winston Refining Co	134,774
North American Petroleum	47,264	Sunland Refining Co	29,212	Wireback Oil Co	8,015
Northland Oil & Refining	398,078	Tenneco Oil Co	2,441,750	Witco Chemical Corp	514,447
Oil Shale Corp	2,235,514	Tesoro Petroleum Co	187,709	Wood County Refining	35,108
OKC Corp	0	Texas Asphalt & Refining	420,388	Yetter Oil Co	135
Oriental Refining Co	0	Texas City Refining	3,432,413	Young Refining Corp	264,552
Pasco, Inc	225,000	Texas Fuel & Asphalt	84,493	Total purchases	93,028,070
Pennzoil Co	0	Thagard Oil	27,934		
Pioneer Refining	56,542	The Refinery Corp	358,105		

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federal register

TUESDAY, SEPTEMBER 10, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 176

PART IV

FEDERAL ENERGY ADMINISTRATION

■

MANDATORY PETROLEUM PRICE REGULATIONS

Miscellaneous Proposals; Public Hearing

No. 176—Pt. IV——1

V 39 — 176 SEP 10 74 XUM

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 210, 212]

MANDATORY PETROLEUM PRICE REGULATIONS

Miscellaneous Proposals; Public Hearing

The Federal Energy Administration hereby gives notice of a proposal to amend Title 10, Parts 210 and 212 of the Code of Federal Regulations to revise the mandatory petroleum price regulations. The FEA will receive written comments and hold a public hearing with respect to this proposal.

INTRODUCTION

This proposal includes a number of significant changes in the price regulations, and is the first proposed comprehensive revision of those regulations since authority to control prices of crude oil and petroleum products was delegated to FEO by the Cost of Living Council in December 1973. The proposed changes reflect FEA's experience over eight months of operating under these regulations, and are an effort to correct various ambiguities and short-comings which have come to light during this period.

The overall objective of these proposed changes is to simplify and clarify the price regulations, while retaining the essential concepts of the regulations as they were initially issued. Thus, provisions for dollar-for-dollar passthrough of increased product costs are maintained, as are provisions which limit profit margins on covered products to the historical May 15, 1973 margins. The only exception to this historical profit margin limitation has been where it has been found necessary to stimulate increased domestic production in the case of crude oil and, as now proposed in this notice, in the case of natural gas liquids. The overall profit margin limitation which applies to any pass-through of increased non-product costs by refiners is also still maintained.

A further objective of these proposed changes is to eliminate regulatory restrictions that are no longer needed or are inappropriate in the context of current conditions. For example, the special products rule was relatively well-suited to allocating increased product costs to special products (gasoline, home heating oil and diesel fuel) before the price disparities of crude oil under the two-tier price system became as pronounced as they currently are. However, the problems caused by the two-tier price system are now in many instances exacerbated by the special products rule, which allocates an amount of increased product costs to products other than special products in an inflexible manner, and requires the pass-through of those costs to be taken on those products, if they are to be taken at all.

Finally, these proposals are also intended to help restore the role of competition within the overall structure of the price regulations, so that traditional market forces may begin to supplant the rigid controls of price regulations as the price setting mechanism. Thus, these proposals look toward eventual decontrol of petroleum prices and are intended to put the regulations on a path that will lead to decontrol with the least possible disruption in the marketplace.

The proposed amendments in the price regulations include:

(1) New regulations designed specifically to cover the prices of natural gas liquids, including propane produced from natural gas liquids, and a revised "Special Propane Rule" which is applicable to prices charged for propane by refiners, both of which were recently issued on an emergency basis subject to later comments and public hearing;

(2) Revisions to the regulations on the pass-through of non-product cost increases by refiners to eliminate the current "prenotification" procedure and to replace it with an automatic passthrough for certain increased non-product costs on a basis which retains the profit margin limitation on the passthrough of such costs, but which is otherwise similar to the procedure now used for the pass-through of increased product costs;

(3) Removal of the "Special Products Rule" restrictions with respect to products other than propane, and other modifications in the regulations to provide more flexibility in the manner in which increased product costs may be applied by refiners in determining prices for products and among classes of purchaser:

(4) Modification of the regulations to limit the extent to which increased product costs unrecouped in one month may be recouped in subsequent months; and

(5) Miscellaneous amendments to other provisions of the price regulations to make them better suited for current conditions and to clarify various ambiguities which may now exist.

I. *Natural gas liquids and propane*—A. *Background.* Natural gas liquids are liquids obtained from natural gas, which consist principally of ethane, butane, (iso-butane and normal butane), propane and natural gasoline.

The FEA price regulations, which are now administered under authority of The Emergency Petroleum Allocation Act of 1973 (Pub. L. 93-159) ("EPAA"), apply to natural gas liquids, other than ethane, and to all producers or processors of natural gas liquids.

Natural gas liquids have been within the scope of the petroleum price control program since the Cost of Living Council promulgated its Phase IV price controls for the petroleum industry in August, 1973, (6 CFR, Part 150, Subpart L, 38 FR 22536, August 22, 1973 [effective August 17, 1973]). These were the first comprehensive price control regulations designed specifically for the petroleum industry, and the products covered under the regulations were described as:

> • • • a product described in the 1972 edition, Standard Industrial Classification Manual, Industry Code 1311 (except natural gas), 1321 or 2911. (6 CFR 150.352)

The Council excluded natural gas from its controls in recognition of the fact that natural gas prices are generally regulated by the Federal Power Commission, but specifically included the liquid products processed from natural gas by the inclusion of SIC Code 1321 in the definition of covered products. SIC Code 1321 describes the production of liquid hydrocarbons from oil and gas field gases, and includes butane, propane and natural gas liquids. (These same products, refined from crude oil, are described in SIC Code 2911 as "Gases, liquified petroleum.")

Although the language of SIC Code 1321 uses the term "production," and SIC Code 2911 uses the term "refining," for price regulation purposes, the Council used the single term "refining" to encompass both "production" under SIC Code 1321 and "refining" under SIC Code 2911. Thus, the Council, the FEO, and now the FEA, have defined a "refiner" to include firms refining "liquid hydrocarbons from oil and gas field gases." To confirm this position, the Council issued a Question and Answer (CLC Release No. 467, Phase IV Q&A No. 18, November 30, 1973, Question No. 5) stating that natural gas liquids extracted from natural gas were subject to the regulations governing refiners' prices.

The Costs of Living Council Phase IV price controls for the petroleum industry have been continued in essentially their initial form to the present, and were in effect at the time the Congress considered and enacted the EPAA under the authority of which the FEA now administers the price control regulations. The FEA has concluded that this authority includes authority over the prices of natural gas liquids, and that the price control regulations with respect to natural gas liquids were therefore unaffected by the expiration on April 30, 1974, of the Economic Stabilization Act of 1970, as amended, the authority under which they were initially promulgated.

The products covered by the EPAA are "crude oil, residual fuel oil and refined petroleum products" (Section 4(a) of the EPAA), with refined petroleum products defined as "gasoline, kerosene, distillates (including Number 2 fuel oil), LPG, refined lubricating oils or diesel fuel," and LPG further defined as "propane and butane, but not ethane" (Sections 3 (5), (6) of the EPAA). While the Congress addressed specifically "refined petroleum products," FEA believes this term to have been used by the Congress in the same sense that it was used by the Cost of Living Council, and to include both the "refining" of certain products from crude oil and the "production" of those products from natural gas. Indeed, Congressional concern was focused on the prices and supplies of butane and propane when the EPAA was enacted, and it cannot be concluded that such concern was limited to these products only as they are made from crude oil in a "refinery." Most of the domestic supply of propane, in fact, is attributable to natural gas processing, and to exclude this process from regulation

would leave FEA unable to implement effectively a program for assuring supply and regulating prices of propane, one of the most important of the natural gas liquids involved.

The language of the statute under which FEA was established, the Federal Energy Administration Act of 1974 (Pub. L. 93-275) ("FEAA"), provides further support and insight into the scope of the controls program which FEA may implement. Section 5(b)(11) of that Act requires that in exercising price authority over propane, the FEA must provide "for equitable allocation of all component costs of producing propane gas." This language clearly indicates the scope of FEA authority is not limited to products "refined" from crude oil. The use of the word "producing" is parallel to the SIC Code 1321 language which has been used by the Council and FEA, and which is applicable to the processing of liquid hydrocarbons from natural gas.

It should also be noted that the FEA recently concluded that its authority under the EPAA extends to natural gasoline, when it adopted allocation regulations that specifically cover natural gasoline. In that connection, it was stated:

> FEA considers natural gasoline to be a gasoline included within the defined term "refined petroleum product" in the Act. In this regard, FEA does not view "refined" to be limited to processing at a refinery, but as including refining or separation from the natural gas stream. (39 FR 25224, July 9, 1974)

B. *Current regulations.* The provisions of 10 CFR Part 212 apply to processors of natural gas liquids, which are considered to be "refiners," as that term is defined in § 212.31.

The refiner price rules of the FEA are not, however, well-suited for regulating prices of liquid products produced from natural gas by gas processors, since the operations of a gas plant are quite different from those of a refinery. In effect, the application of the refiner price rules to gas plants has had the result of limiting the lawful prices of natural gas liquids to essentially their May 15, 1973 levels, since gas plants have typically had little or no increased cost of natural gas, from which natural gas liquids are produced. The natural gas from which these liquids are extracted is not consumed in the process, as is crude oil in the refining process. Rather, there is a "shrinkage" in the volume and BTU content of the gas. The regulation of most natural gas prices by the Federal Power Commission has meant that the price of the gas which is lost in the processing of natural gas liquids (i.e., the "shrinkage" cost) has not increased in any significant sense. This is, of course, in marked contrast to the dramatically increased cost of crude oil which most refiners have experienced. Further, the operating costs of gas plants have not increased in amounts sufficient to justify any significant price increases to reflect increased non-product costs, which could be obtained under the prenotification procedures of Subpart I of Part 212.

The lack of price regulations addressed specifically to natural gas liquids has been reflected in the price regulations at the refiner level for propane, which is produced both from natural gas and from crude oil. Until the recent issuance of an emergency amendment to the special propane rule, the increased product costs which a refiner could allocate to propane did not distinguish between those product cost increases attributable to crude oil and those product cost increases attributable to natural gas liquids.

C. *Issues and Proposal.* The principal objective of the proposed price regulations for natural gas liquids (particularly as to the propane component of the liquids) is that the prices permitted under the regulations will be as low as is reasonably possible without adversely affecting the availability of the product. The FEA is most concerned that its price regulations do not lead to a short supply situation with respect to propane.

A short supply could develop from prices that are too low, in the first instance, because it would no longer be economic to extract the liquids from natural gas. Secondly, if prices for propane are too low in relation to the prices of other fuels, particularly fuels derived exclusively from crude oil, excessive demand for propane would very likely result, especially from segments of the market which had not previously been using propane. Thus, for example, refiners that must use fuel in the refining process could well find it more economical to use propane produced from natural gas, if it were priced strictly in relationship to the controlled price of natural gas, rather than fuel refined from crude oil, which has increased in price. Residual fuel oil at $10 per barrel (or 24 cents a gallon) is approximately equivalent, on a BTU cost basis, for example, to propane at 15 cents per gallon.

May 15, 1973 prices for propane at the gas plant and refiner level were, on the average, about 7 cents per gallon. Immediately prior to the August 5, 1974 issuance of an emergency amendment to the special propane rule, prices at that distribution level were in the area of 18 cents to 19 cents per gallon, and there were indications that they would increase further. Since the issuance of the emergency amendment, certain refiners have announced propane price reductions of from 3 cents to 7.5 cents per gallon, bringing those refiners to a price level for propane of from 11 cents to 16 cents per gallon. The FEA is advised that prices of from 11 cents to 13 cents per gallon for propane produced from natural gas are needed to insure its continued production from natural gas, and that price levels of 15 cents per gallon are probably needed to stimulate additional production from natural gas.

A further problem exists under the current price rules, which limit maximum lawful prices for propane produced from natural gas to essentially their May 15, 1973 level, but which permit propane produced from crude oil to be priced at higher levels which reflect the increased cost of crude oil. As a result, there are sharp differences in maximum lawful prices for propane which depend on the extent to which a particular seller produces its propane from crude oil. Such price differences, in turn, are having disruptive effects on the distribution sector of the propane industry. Those distributors able to purchase the propane which is currently available at prices that are limited to levels as low as 4 cents per gallon (from sellers which operate only gas plants) are in a position to expand their markets, at the expense of those distributors that can only obtain propane from suppliers having lawful prices two or three times higher.

The foregoing considerations have led the FEA to propose a new Subpart K in Part 212 which is intended to deal specifically with natural gas liquids. As a part of this proposal, FEA has tentatively concluded that an increment to May 15, 1973 prices may be needed at the first sale level with respect to natural gas liquids. The amount of the increment that may be needed appears to be in the range of 3 cents to 5 cents per gallon. Comments on the need for such an increment and the appropriate amount of any increment are requested.

The FEA believes that such an increment, which would be comparable in nature to the $1.35 per barrel increase permitted to the May 15, 1973 prices for domestic crude oil, may be essential to maintain at least the current level of production of liquids from natural gas, and to avoid sharply increased demands for these liquids from non-traditional users because of the otherwise unrealistically low prices they would have in comparison to other fuels. Although any such increment to May 15, 1973 prices of natural gas liquids would not be related to any specific increased costs of processing, it should be noted that the prices of propane have historically had wide seasonal fluctuations and that May 15, 1973 prices reflect lower summer prices which may not be fairly representative of the margins obtained on propane by producers and gas processors on an annualized basis.

A complicating factor with respect to implementing such an increase to the May 15, 1973 selling price levels for natural gas liquids is that it cannot simply be added at the producer level because in many instances producers do not sell or transfer natural gas or natural gas liquids to gas processors at a specified price per unit of volume, as crude oil is typically sold or transferred to refiners. Instead, the producers may retain title to the liquids while they are processed and until they are finally sold in the form of propane, butane, or natural gasoline. Or, if title to the liquids is transferred from the producer to the gas processor, the price may be established by reference to a market price for the volumes of the products included in the liquids, or as a

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percentage of the actual sales revenues that are received for the products obtained from the liquids.

The FEA therefore is proposing a "first sale" price rule for natural gas liquids that will apply to the first sale of the liquids with respect to which a price per unit of volume is received by the seller, whether the seller is a producer, a royalty owner, or a processor. The actual May 15, 1973 price received in the first sale for which a price per unit of volume was established will form the basis for current lawful first sale prices. Any per gallon increment would be added to the May 15, 1973 price.

The FEA is also proposing procedures whereby increased product costs and certain increased non-product costs may be passed through in the form of increases to the May 15, 1973 prices for natural gas liquids. These rules for passing through increased costs of processing natural gas are intended to be analogous to those which apply to the pass-through of increased costs of refining crude oil, and include profit margin restrictions on the pass-through of non-product cost increases. The new rules attempt to take into account the differences between gas processing and crude oil refining by providing definitions specifically addressed to the operations of gas processing plants, and by providing for the implementation of such increased cost-justified price increases only to the extent that they are actually incurred by the party that would receive the revenues from the price increase.

The special propane rule of § 212.83 (c)(1)(iii), which was amended August 5, 1974, is subject to comment and testimony in this proceeding, and is also a part of the FEA proposal for passing through increased costs of processing natural gas liquids, as applied to the price of propane, in an equitable manner, taking into account the fact that propane is produced from natural gas and from crude oil.

The regulations on natural gas liquids and propane that are proposed in this notice, and the recent amendment to the special propane rule, are intended to reflect the intent of Congress, as expressed in § 5(b)(11) of the FEAA which provides that:

> • • • in administering any pricing authority, [the Administrator shall] provide by rule, for equitable allocation of all component costs of producing propane gas. Such rules may require that (a) only those costs directly related to propane may be allocated by any producer to such gas for purposes of establishing any price for propane, and (b) prices for propane shall be based on the prices for propane in effect on May 15, 1973.

Interested parties commenting on these proposed regulations should, therefore, take this provision of the FEAA into account.

The complex contractual arrangements under which natural gas liquids are processed and sold also pose problems for implementing provisions for the pass-through of increased costs because, under many such arrangements, the party that incurs increased costs no longer has title to the product at the time of the first sale, or is otherwise not in a position to adjust the selling price of the liquids in order to pass those cost increases through.

Accordingly, increased cost pass-through provisions are proposed, for both increased costs of natural gas shrinkage (the equivalent of increased product costs) and increased non-product costs, which could be implemented only to the extent that an increase in the first sale price would actually provide increased revenues to the party that incurred the increased costs.

The amount of the increment to May 15, 1973 prices that will be allowed in order to pass through increased costs will, however, be computed for each gas plant as though the total allowable increased costs for that plant were being passed through in equal amounts in the prices charged for all the liquids sold from that plant. Thus, if cost increases justifying a 1 cent per gallon price increase for all liquids processed in a particular plant were incurred by a party that had the right to increase the prices as to only 50 percent of the plant's production, only 1 cent could be added to the price of that 50 percent of the production. In effect, one half of the increased costs would not be recovered because the party receiving the revenues from one half of the plant's production would not have incurred any increased costs. The FEA has tentatively concluded that an increased cost pass-through provision that would let the party which actually incurred the increased costs pass them through, in their entirety, in the form of price increases in only those sales from which it received the revenues would result in wide and undesirable price disparities in prices for the same products produced in the same gas plant. For example, if all the cost increases at a particular gas plant were incurred by a party that received the revenues from only 10 percent of the products produced in that plant, and those cost increases were passed through in the prices charged charged for that 10 percent of the plant's production, significant price differences in the prices for the same products from that plant would result.

In order to encourage a single price for all products derived from liquids in a particular gas plant, the proposed regulations provide that to the extent that parties to gas processing agreements arrange to share the increased costs in proportion to their receipt of revenues from the first sale, a full pass-through of increased costs could be obtained, and single prices for the production of that gas plant would result.

For example, if a gas processor received from a producer 50 percent of the liquids processed, as a processing fee, and the producer retained title to the other 50 percent, which were also processed by the processor, and if the processor incurred increased costs averaging 1 cent per gallon for the entire quantity of liquids it processed, under the proposed increased cost pass-through provisions, the processor could increase its price by a maximum of 1 cent per gallon only as to the prices it charged for the 50 percent of the liquids it owned. The producer could not add 1 cent to the prices charged for the liquids to which it retained title, because it would not have incurred any increase in processing costs under its agreement with the processor. In order to encourage a single price for all liquids from a particular gas plant, however, the producer would be permitted to pass-through the 1 cent per gallon if it agreed to incur the amount of increased costs associated with the processing of its 50 percent of the liquids.

The special regulations being proposed in this notice for gas plants will also apply to gas plants owned or controlled by refiners, for purposes of determining the appropriate transfer price to the refiner. Increased product or non-product costs included in the transfer price of natural gas liquids to the refiner may not, of course, also be included as increased product or non-product costs under the general refiner price rules. The "special propane rule" (§ 212.83(c)(1)(iii)), as amended on August 5, 1974, is proposed to be kept in effect for refiners, except to the extent that the proposed new natural gas liquids price regulations would determine the transfer prices to refiners from affiliated gas plants.

In amending the special propane rule, refiners were not permitted to apportion to propane any increased product costs incurred prior to July 1, 1974, and not recovered through July 31, 1974. This aspect of the amendment was included because refiners are not required to report separately the amount of increased product cost that could be passed through on prices of propane under the former special propane rule, and the FEA could not estimate the price increases that could have resulted solely from passing through such unrecovered costs (i.e., increased costs that could have been apportioned to propane prior to July 31, 1974, but were not). In order for the FEA to determine the extent to which such unrecovered costs should now be permitted to be passed through on prices for propane, or on prices for other products, refiners are requested to comment specifically on the amount of such unrecouped increased costs, the extent, if any, to which they represent increased costs that could have been passed through on prices for propane under the current "special propane rule," and the effect on propane prices if they were to be passed through on propane over the remaining months prior to the scheduled expiration of the Emergency Petroleum Allocation Act of 1973. Comment is also requested on whether there is a need to extend the "Special Propane Rule" to cover butane and natural gasoline.

A possible alternative to the price regulations for natural gas liquids being proposed by the FEA would be to impose ceiling prices for natural gas liquids and the products derived from them at various levels of distribution, which would take the costs of production into account only generally, on an industry wide basis.

Comments are invited as to the feasibility of such an approach, particularly as to whether there are well-established levels of distribution as to which ceiling prices could apply, and as to what the minimum prices at those levels would need to be, to insure adequate supplies.

II. *Amendments to the increased non-product cost pass-through regulations for refiners.* Current FEA price regulations provide for the pass-through of increased non-product costs by refiners under a prenotification procedure. This procedure requires that increased non-product costs be submitted to the FEA for review and, upon approval by FEA, price increases to reflect such increased non-product costs may be implemented by a refiner. Once such a price increase is implemented, a refiner cannot exceed its base period profit margin, as defined in the regulations, for the fiscal year in which the prenotified price increase is charged. The prenotification procedures were initially adopted by the Cost of Living Council and were generally applicable to a wide variety of firms in all kinds of business activities. The prenotification procedure has not proved to be particularly well-suited for application to refiners, and it does not conform in many respects to the procedures established for the pass-through of increased product costs.

Accordingly, the FEA proposes to modify the procedures whereby refiners can pass through increased non-profit costs to eliminate the prenotification procedure, while retaining the essential substantive features of the current non-product cost pass-through regulations.

There are three important aspects of the proposed amendments on increased non-product cost pass-through.

First, the profit margin limitation as now set forth in § 212.11 will continue to apply if prices reflecting increased non-product costs are charged, but the profit margin will be determined only as to the activities of a firm with respect to covered products, as defined in § 212.31. Accordingly, a firm's activities concerning non-covered products will no longer be used in the profit margin calculation. Second, the prenotification requirements set forth in Subpart I will be deleted. Thus, firms will no longer be required to prenotify price increases based on allowable non-product cost increases calculated pursuant to § 212.82. Instead, firms will be permitted to pass through allowable non-product costs on a dollar-for-dollar basis using a method and form similar to that used to pass through increased product costs pursuant to § 212.83. A new Form FEA–96 will be issued to replace the present Forms FEA–96 and CLC–22. Third, allowable non-product costs which may be used to justify price increases will be defined to include only increases in refinery labor costs, refinery fuel costs, non-petroleum additive costs, and limited marketing costs.

A. *Profit margin.* The proposed amendment will require a refiner to compute a single profit margin for all of its manufacturing, service, retailing and wholesaling activities with respect to covered products as defined in § 212.31. In other words, only the revenues, costs, and sales of covered products will be used in the calculation of a refiner's "base period profit margin" and fiscal year-end "profit margin."

The present regulations require that a refiner compute a single profit margin for all of its activities. Therefore, under the proposed amendment, refiners will be required to recalculate their base period profit margin for purposes of increased non-product cost pass-through.

The proposed amendment will continue to provide that a refiner which charges a price higher than the base price for a covered product (i.e., a price reflecting pass-through of increased non-product costs) may not exceed its base period profit margin for the fiscal year in which the price in excess of base price is charged.

The definition of the profit margin may also need further modification in light of the substantial increases in crude oil prices which have occurred since the price regulations were first adopted. The profit margin is now defined essentially as the ratio of operating income to net sales, and in essence this permits companies to earn as profit the same percentage of their total sales as they earned during the base period. Although the profit margin in this form provides a reasonably good and easily administered measure of profits during periods of moderate price increases, it may not be appropriate in the peculiar circumstances of the oil industry today.

The major costs element in the industry, the costs of crude oil, has nearly tripled since the base period, and, setting aside certain non-product costs, application of the profit margin test in its present form permits a corresponding trebling of per unit profits. The current method of determining profit margin, therefore, produces a result which is not entirely consistent with the rationale for the dollar-for-dollar pass-through permitted for product cost increases and which could be considered unduly inflationary. As part of this rulemaking FEA also invites suggestions as to whether the profit margin definition should be amended in some manner such as by defining it in terms of an absolute dollar amount per unit of sales, e.g., dollars per barrel of crude oil refined, rather than as a percentage of total sales.

B. *Deletion of prenotification procedures.* At present, refiners may pass through increased costs in two ways: first, pursuant to § 212.83 and the Instructions to Form FEA–96, increased product costs may automatically be passed through on a dollar-for-dollar basis. This is part of the base price calculation. Second, pursuant to § 212.82 and Instructions to Form CLC–22, increased non-product costs may be passed through on a dollar-for-dollar basis after the firm has prenotified the FEA of its proposed price increases and waited 30 days, during which time the FEA can suspend, modify, alter, defer, or disapprove the price increase request. If the FEA takes no action, the price increase may be put into effect on transactions occurring after the expiration of the 30-day waiting period.

The Form CLC–22 requires firms to determine price increases based upon an increase in the rate at which costs are incurred. For example, a firm with an increase in a non-product cost from $5 to $7 per unit has incurred a rate increase of 40 percent. To calculate the percentage price increase allowed, under current prenotification procedures, this rate increase would be multiplied by the percent the non-product cost represented in the total costs of the product. Thus, if the non-product cost were 60 percent of the cost of the final product, the firm would be allowed a 24 percent price increase in the price for the product (40 percent×60 percent=24 percent). In contrast, pursuant to § 212.83 and Form FEA–96, price increases based on increased product costs are calculated by determining the dollar amount of the cost increase. For example, if a product cost increases from $5 to $7 per unit, a firm is allowed to pass through the differential times the quantity of product used. ($2×volume=$ cost increase). Thus, non-product cost increases are now calculated using the CLC–22 "rate" concept while product cost increases are calculated using the FEA–96 "dollar amount" concept.

Theoretically, assuming equal volumes, both methods of calculating cost increases result in the same dollar amount of cost pass-through. The use of the two methods, however, adds unnecessary complexity to the regulations and has caused some confusion.

Accordingly, FEA has concluded that a single method of calculating cost pass-through should be adopted. The proposed amendments and the issuance of a new Form FEA–96 will permit firms to calculate and pass through increases in product and non-product costs in the same manner, with the non-product cost pass-through remaining subject to a profit margin limitation. Also, the pass-through of non-product cost increases by refiners will continue to be subject to a 30-day delay, since increased non-product costs incurred in the month of measurement could not be passed through in the form of price increases until the following month.

C. *Definitions of non-product costs.* Pursuant to § 212.82(b)(2) an "allowable cost," which may be used to justify a prenotified price increase, is now defined to mean "non-product costs attributable to refining operations under the customary accounting procedures generally accepted and historically and consistently applied by the firm concerned and excludes any costs attributable to marketing operations," except as provided in § 212.82(b)(2)(i) through (vi). Accordingly, a refiner may generally pass through all of its non-product cost increases attributable to its refining operations. The proposed amendment will limit the increased non-product costs

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which a refiner may pass through in price increases to refinery labor costs, refinery fuel costs, non-petroleum additive costs, and marketing costs, to the extent currently permitted under § 212.82(b)(2)(i) through (vi). Increases in these costs will be passed through on a dollar-for-dollar basis similar to the way in which increased product costs are passed through, except that, as with the present regulations, a refiner that takes advantage of the increased non-product cost pass-through provisions will become subject to the profit margin limitation for the fiscal year in which the price increase above base price is made. Also, the productivity offset which is now set forth in § 212.85 will continue to be applied against any increased refinery labor costs.

The proposed pass-through provisions for non-product cost increases will be more prescriptive, and will define certain non-product costs which are common to the refining industry. The FEA will therefore be able to gather more valuable and complete data regarding non-product costs than is now possible with the Form CLC-22. Also, the FEA's monitoring of price increases based on non-product cost increases will be made easier.

There are two further reasons for proposing to limit, as stated above, the allowable non-product cost increases which may be passed through on a dollar-for-dollar basis by refiners. First, other non-product costs are difficult to define, calculate, and audit. Thus, the administration of the energy program by the FEA will become less burdensome and less complex. Second, the omitted costs have little overall impact on the actual selling price of petroleum products, as they comprise a relatively small proportion of most refiners' overall costs. The cost increases attributable to costs which are not defined in the proposed regulations as those which may be passed through are estimated to constitute 10 percent or less of the overall cost increases that have been incurred by refiners. If it appears that any significant cost item has been omitted from the cost pass-through provisions of the proposed regulations, the FEA will consider amending the regulations to include that item, or, if a particular refiner incurs unusually high increased costs in an area not covered by the proposed regulations, a pass-through of such increased costs would be considered by FEA on a case-by-case basis through the exceptions process.

III. *Application of increased product costs to May 15, 1973 selling prices.* A. *Elimination of the special product rule.* The FEA is proposing that the special product rule, which restricts the amount of increased product cost which refiners may allocate to special products (gasoline, No. 2 heating oil, and No. 2-D diesel fuel), be eliminated. This proposal is made in order to simplify the regulatory structure and to provide greated pricing flexibility so that refiners can have a better ability to respond to supply and demand situations, within the overall restraints of the increased cost pass-through provisions of the regulations. At the same time, the restriction to once a month price increases on special products would be removed.

The special products rule was initially promulgated when short supplies were imminent and disproportionate pass-through of increased product costs on special products was a real possibility. Since the defined special products are a significant portion of refinery output as to which demand is relatively inelastic, restrictions on the pass-through on these products was deemed to be appropriate.

Current and foreseeable supply outlooks indicate that the special products restraints are no longer appropriate, since market forces should serve, instead, to restrain the amount of cost pass-through on all products. Continuation of the special products rule would, on the other hand, continue to impose restraints on pricing that tend to have adverse effects on prices of "other than special products." the rule inflexibly allocates increased costs to these products, and because various refiners have different mixes of products, some are better able to pass through their increased product costs than others. The special products rule, for example, was at least partly responsible for increases in propane prices of many refiners, last fall and winter, because propane is one of the "other than special products." Elimination of the special products rule should permit refiners to price their products more in accordance with economic and market conditions. The special propane rule will be maintained, however, in part because of the complexities in the pricing of this product that result from the fact that it is produced from both natural gas and crude oil, and because of the Congressional intent evidenced in the Federal Energy Administration Act of 1974 with respect to propane price regulations.

There are certain alternatives short of eliminating the special products rule that would also provide added flexibility in pricing, but would not eliminate the rule altogether. The FEA wishes, however, to have comments on the proposal that the special products rule be eliminated in its entirety, since this is the kind of relaxation of the regulatory structure which FEA believes would most closely begin to approach free market conditions, so that in the event the regulatory program is terminated, there will not be severe changes in marketing practices and prices.

An alternate means of achieving approximately this result would be to retain the special products rule in a modified form, so that a greater amount of increased product costs could be passed through on special products, subject to certain specified limits. For example, the special products formula could be modified so that the "H" factor of the special products formula, whereby any amount of increased product cost may currently be transferred from special products to "other than special products," would be made a plus or minus factor, so that an amount of increased product cost could be transferred from "other than special products" to special products. This could also be subject to certain limits. For example, the amount transferred from "other than special products" to special products could be limited to an amount that would result in a price increase of not more than two cents per gallon for each special product.

Another alternative, which FEA would consider, is to eliminate the special products formula, but to retain an overall limitation with respect to the allocation of increased product costs to the price of each product. Such a limitation might be, for example, that in allocating increased product costs to any particular product, a refiner could not allocate more than one hundred fifty percent of the costs attributable to that product under the special product formula. This would be a means of retaining a general guideline that would serve to prevent prices that otherwise might be regarded as inequitable with respect to any particular product, but would also provide a greater amount of flexibility. Since the imposition of such a rule would involve certain administrative complexity, the FEA does not propose to adopt such a rule in the absence of a showing that it is needed.

It should be noted that, as a general policy, the FEA would take steps to modify any practices that resulted in excessively disproportionate pricing practices under the proposed new regulations.

B. *Modifications in the equal application of increased product costs requirements.* FEA price regulations generally require equal application of increased product costs to the May 15, 1973 prices of each product among all classes of purchaser of that product. This results in a maintenance of the May 15, 1973 price differentials among classes of purchaser of each product from a refiner.

In a recent amendment to the regulations which govern the carryover of unrecouped increased product costs for recovery in a subsequent month, the FEA clarified its requirements concerning the equal application of increased product costs to the May 15, 1973 selling prices of each product among classes of purchaser to make clear that, to the extent that there is unequal application of such increased product costs in prices actually charged, the difference between the largest amount of increased product cost actually applied to the price charged to any class of purchaser of a product and any lesser amount applied to the price charged to another class of purchaser may not be recouped in a subsequent month, except to the extent that a higher price could not be charged because of a pre-existing written contract (39 FR 32306, September 5, 1974).

The FEA is aware that the equal application of increased product cost requirements is responsible for an inflexibility in the price regulations which becomes more troublesome and causes

more dislocations in the market as supplies of petroleum products increase and there is greater need for the price mechanism to begin to play its customary role in the market.

A principal problem area with the current regulations results from the fact that some refiners market their products nationally, while others market on a regional basis. A refiner marketing on a national basis is required, for example, to add an equal increment to its May 15, 1973 prices for gasoline throughout the country. It may, however, be competing with regional marketers in one area that have prices on the average that are above its prices, while in another region, the regional marketers may have lower prices. The equal application requirement, in such circumstances, runs counter to the interests of independent regional marketers whose prices are higher than the national refiner's prices, since the national refiner would tend to expand its market at the expense of the higher-priced independent regional refiner in those circumstances.

In effect, a nationwide refiner is unable to adjust its prices on a regional basis and must, as a practical matter, choose an increment of increased product cost to add to its May 15, 1973 prices which results in selling prices that are too high to be competitive in some markets and are too low in other markets.

The FEA is aware that any relaxation of its equal application requirements on an area or regional basis could result in disproportionate pass-through of increased product costs in different regions of the country. On the other hand, there has traditionally been regional price flexibility which serves, among other things, to even out supply among various regions.

The FEA therefore proposes to modify its equal application requirements so that they will apply to all classes of purchaser of a product within the same recognized marketing area. The FEA has tentatively concluded that such price flexibility is needed, among other reasons, to help protect the independent sector of the market. In order to avoid the possibility of undue regional price disparities, however, a provision to limit the largest increment of increased product cost which may be applied to the price of a product to an amount that is not more than 10 percent greater than the smallest amount of increased product cost applied to that product in any other region is also included in this proposal. Comments are specifically requested on whether this limitation on proposed regional flexibility in pricing is needed and, if so, whether the proposed 10 percent limitation is appropriate.

The FEA is also aware that the equal application requirement with respect to classes of purchaser of a product, even if applied on a regional basis, creates an inflexibility that can have results that appear to be at odds with the objectives of the EPAA. For example, by applying the same increment of increased product cost to diesel fuel sold at retail as is applied to diesel fuel sold through independent marketers (who have been permitted certain increased non-product cost related price increases), a refiner is very likely to be selling diesel fuel at refiner-owned and operated retail outlets at a lower price than the independent marketer, because the same non-product cost related price increases cannot be implemented by a refiner unless it prenotifies and becomes subject to profit margin limitations. A special provision was added to the refiner's cost allocation formula to take this problem into account in sales of gasoline, but the problem remains as to other products.

Another example is that a refiner's ability to implement price increases which take into account the ability of a class of purchaser to absorb an increase, or to reflect the fact that a class of purchaser was paying atypically low prices on May 15, 1973, is restricted. Thus, for example, a petrochemical plant or other industrial user of propane may have a May 15, 1973 price for the product that is 3¢ per gallon less than the May 15, 1973 price to wholesale distributors of propane for residential use. Current price regulations preclude an increase in the amount of increased product cost applied to propane sold for industrial use, unless an equal increment is applied to the propane sold for residential use.

The FEA has concluded that the inflexibility of the equal application requirement should be modified also to take such problems into account. However, to the extent that the current requirement serves to protect the independent sector of the market, FEA has concluded that it must be retained. Accordingly, the FEA proposes to amend the equal application requirement so that different amounts of increased product costs may be added to the prices charged to different classes of purchaser of a product, provided that the amount added to the prices charged to any class of purchaser that includes independent marketers cannot be greater than the amount added to the prices charged to any other class of purchaser of the same product, except to the extent that a refiner is selling to a particular purchaser at a lower price under a pre-existing written contract.

Comments are specifically requested as to whether this provision will adequately protect the independent sector of the market, or whether other restrictions on the application of increased product costs are required and, if so, what they should be.

IV. *Modification of the "Banking" regulations*—A. *Modification of the refiners' "Banking" provisions.* Section 212.83(d) of the regulations permits refiners to carry over increased product costs which are not recouped in a current month for recovery in a subsequent month. This provision for carrying forward unrecouped increased product costs is expressed in the "G" factor of the general formula for allocation of increased product cost by refiners, and constitutes what is commonly referred to as a refiner's "bank" of unrecouped increased product costs.

This provision for carrying forward unrecouped increased product costs was initially intended to serve two primary functions. First, since the amount of increased product costs actually recouped by a refiner in a particular month depends upon the volume of each product which is sold in that month, refiners must necessarily make estimates as to sales volumes in each month in determining the expected total number of dollars to be recouped in that month. To the extent that such estimates of sales volumes prove to be inaccurate, refiners recoup greater or lesser amounts of increased product cost than anticipated. Thus, a means for taking into account in a subsequent month the actual recoupment of increased product costs in a current month is needed, and the "G" factor of the formula provides a means for making this adjustment. Second, the existence of the banking provision permits refiners to smooth out price adjustments over a period of time. Thus, if a refiner in a particular month experiences a product cost increase that could be passed through as a one-half cent per gallon increase in the price of gasoline in the next month, the banking provision permits the refiner to choose to delay implementing a one-half cent per gallon price increase until a subsequent month, when a further product cost increase might then justify a one cent per gallon price increase, or a decrease in product cost might eliminate the need for any price change.

The banking provision has, however, begun to serve another function. To the extent that increased supplies are leading to marketing conditions in which refiners are unable to take advantage of the full increased product cost pass-through provisions of the regulations, and are therefore selling products at prices that reflect less than a full pass-through of increased product costs, the amount of increased product costs being banked is increasing. These increased amounts of banked increased product costs pose a serious threat to price stability, even in the absence of further increases in the cost of products to refiners. If a shortage situation were to occur, the maximum lawful prices which refiners could charge under current regulations would include a full pass-through in a single month of all banked costs accumulated over all of the proceeding months. Although it is unlikely, this could result in drastic price increases.

The FEA is aware that certain refiners may have voluntarily incurred increased banked costs in an effort to keep prices at reasonable levels, possibly in reliance on the banking provisions of the regulations.

The FEA has therefore determined that it should propose limitations on the current total amount of banked increased product costs which can be passed through in any single month in the future. The proposed limitations reflect FEA's awareness that banked costs have already been accumulated in part in reliance on FEA regulations and in part because of efforts to keep prices down. They also reflect FEA's concern

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over maintaining market stability and avoiding the prospect of very high prices in the event of a shortage.

The FEA has also concluded that the banking provision should be substantially restricted in the future. The intent of the price regulations was never to guarantee into the indefinite future that refiners would be able ultimately to pass through the total amount of their increased product costs, without regard to market conditions. Rather, it was intended only to afford refiners the opportunity to pass through increased product costs on a reasonably current basis.

The FEA acknowledges that it may be more difficult for a refiner with higher average costs of crude oil to pass through the full amount of its increased product costs than it is for a refiner with lower average costs of crude oil. Accordingly, the proposal to allocate old crude oil among refiners is relevant to the impact that this proposal on modifying the banking provisions for refiners would have on particular refiners. The proposals are, however, independent of one another, and parties should comment on this proposal with respect to the banking provisions taking that fact into account.

The specific proposal with respect to refiners' banking provisions is that, beginning with November, 1974, a refiner could not apply to its prices for the current month an amount of unrecouped increased product costs carried forward under the "G" factor of the refiner's price formula in excess of 25 percent of the total amount available for application under that factor at the end of October, 1974.

This approach will result in a spreading of the current banked costs across the remaining months of the price regulation program under the Emergency Petroleum Allocation Act of 1973, which is scheduled to expire February 28, 1975. At the same time, the FEA proposes to restrict the amount of unrecouped increased product costs that could be carried forward from November 1974, and thereafter, to an amount which is limited to those increased costs which were unrecouped because actual sales volumes were less than estimated sales volumes for that month.

In connection with this review of banked costs which refiners have accumulated, the FEA has determined that an amendment to the regulations is necessary to reduce the amount of banked costs of refiners, to the extent that such unrecouped increased costs include increased costs calculated under the former § 212.88(e) of the regulations. Before it was deleted from the regulations on May 14, 1974, § 212.88(e) read as follows:

(e) *Reflection of costs.* Refiners required to sell crude oil under § 211.65 of this chapter shall be allowed to increase their product prices to reflect increased crude oil costs of all available crude oil prior to making crude oil sales to comply with § 211.65.

This provision, which was adopted at the outset of the first crude oil allocation program, has been the source of considerable confusion.

On the one hand, to the extent that the provision provided that the increased costs of all crude oil, including that sold in allocation sales, should be taken into account in determining the weighted average costs per barrel in each month, it was a necessary provision, since the weighted average price of all crude oil purchased in a month formed the basis for both the increased cost pass-through on covered products and for the selling price of crude oil sold under the allocation program.

On the other hand, to the extent that the provision permitted the increased cost of the barrels of crude oil sold in an allocation sale to be recovered both in the sale price of the crude oil and in the increased cost pass-through on covered products, it operated to permit a double recovery of the increased costs of each barrel of crude oil sold under the allocation program.

The FEA has determined that a minority of the refiner-sellers under the first buy-sell list have interpreted the provision as providing for double recovery. The FEA acknowledges that § 212.88(e) is susceptible to this interpretation.

The FEA has nevertheless concluded that such double recovery of increased costs is not appropriate. Accordingly, the FEA proposes to amend the refiners' cost allocation formula of § 212.83 to eliminate from the unrecouped increased product costs of each refiner any amount attributable to the "double recovery" interpretation of § 212.88(e). Based on a preliminary analysis, it appears that each refiner that followed the "double recovery" interpretation has a much larger total amount of unrecouped increased product costs than the amount of increased product costs attributable to the "double recovery" interpretation of § 212.88(e). Therefore, elimination of that portion of a refiner's unrecouped increased costs that are attributable to the "double recovery" interpretation will serve now to place all refiners on the same basis with respect to the application of the provisions of former § 212.88 (e).

B. *Elimination of reseller and retailer banking provisions.* The FEA is proposing to eliminate the banking provisions of the reseller and retailer price regulations. At the same time, the restriction on price increases by resellers and retailers to once a month would also be eliminated. Thus, there would no longer be any reason for a reseller or retailer to have any unrecouped increased product costs, other than as a direct result of current market conditions, since prices could be adjusted on a current basis to reflect changes in product cost.

It was not the intention of the FEA price regulations to permit resellers or retailers to charge less than the maximum lawful price because of market conditions, and thereby to accumulate "banked" increased product costs which would permit drastic price increases in the event of shortages.

The current banking provisions for resellers and retailers were adopted at a time when such entities were restricted to a single price increase per month. Thus, in the case of a reseller or retailer with multiple suppliers, two increases in product costs could be incurred in a single month, and the only way to permit a full pass-through of both cost increases would be to permit the second cost increase to be banked until another price increase could be made in a subsequent month. A reseller or retailer does not need to estimate volumes under FEA price regulations to predict recoupment of increased product costs. Rather, a reseller or retailer is required to compute its weighted average unit cost of product in inventory on a current basis, and an increase in that cost could, under the proposed regulation, also be passed through on a current basis. Since prices could be adjusted to reflect current weighted average unit cost in inventory, there would be no purpose served by continuing the banking provisions of the regulation with respect to resellers, particularly in a period of relatively stable price conditions.

The FEA is concerned that current market conditions may be contributing to large "banks" of unrecovered increased costs being accumulated by resellers and retailers, just as in the case of refiners. Accordingly, the amount of the banked costs incurred by resellers and retailers is proposed to be phased out in a manner similar to that which is proposed for refiners. Thus, to the extent that resellers and retailers have unrecovered increased costs, they will be permitted to pass through 20 percent of the total amount of such costs which exist on October 1, 1974, in each month, beginning in October. Since there is no reason for continuing a bank at the reseller/retailer level, no provision for accumulating further banked costs will be provided for, beginning October 1, 1974.

v. *Miscellaneous Amendments* — A. *Definitions of covered products.* The FEA is aware that, in order for its price regulations to have uniform applicability to each entity in the industry, there may be a need for a more comprehensive and definitive listing of products which are covered by those regulations. The FEA therefore wishes to take the opportunity afforded by this proceeding to invite comments from interested parties in areas where there may be some question as to whether particular products are covered by the regulations. The FEA is proposing, for example, to clarify the regulations by specifically including natural gasoline as a covered product.

B. *Refinery Fuel Costs.* A change in the refiner's increased product cost allocation formula is being proposed to make clear that the increased cost of crude oil which is consumed in the refining process as fuel may not be considered as an increased product cost for purposes of the increased product cost pass-through regulations. The principal reason for proposing this change is to make explicit the fact that the cost of refinery fuel is a non-product cost, and thereby to insure the equitable treatment of all refiners with respect to this cost item. The changes in procedures with respect to the pass-through of non-product cost increases proposed in this notice will permit refiners generally to pass through such increased costs of refinery fuels, subject to a profit margin limitation.

Since it is unclear under the current regulations whether the increased cost of crude oil consumed as refinery fuel could be passed through as an increased product cost, some refiners have sought to pass this cost through as an increased product cost, while others have not. At the same time, refiners that used fuels other than crude oil in the refining process were not permitted, under any interpretation of the rule, to treat costs of such fuels as increased product costs. Refinery fuel is generally accounted for separately from products refined for sale by refiners, and in determining whether to consume crude oil as fuel in the refinery process, refiners would generally compare the cost of the alternative products which could be purchased for use as refinery fuel.

Accordingly, in order to treat all refiners alike with respect to this important cost item, the increased cost of crude oil is consumed as fuel in the refining process will not be allowed as an increased product cost that can be passed through under the refiner's cost formula. Those refiners which included this item as an increased product cost pass-through in the past will be required to adjust their increased product cost recoupment accordingly. If there are any refiners that could have passed the increased cost of crude oil consumed as refinery fuel through as a non-product cost increase by the prenotified price increase procedure now provided for in the regulations, appropriate adjustments will be made by FEA on a case-by-case basis, so that such refiners will not be placed in a disadvantageous position in comparison with those refiners who used the prenotification process for passing through this non-product cost increase.

C. *Deletion of special petrochemical feedstock price regulations.* Sections 212.82(f)(1)(ii) and 212.93(b)(6) provide special price rules for allocation sales of petrochemical feedstocks. In light of the recent amendment to the allocation regulations which deleted the separate treatment of petrochemical feedstocks in Subpart J of Part 211, these provisions are no longer appropriate. Therefore, FEA proposes that they be deleted.

Conclusion

The FEA price regulations are complex and interrelated. Many of the specific proposals made herein affect various other aspects of these regulations. The nature and extent of the revisions being proposed in this notice of rulemaking are quite broad. Accordingly, to the extent that parties wish to comment in this proceeding on aspects of the price regulations which have not specifically been addressed in this notice, they are invited to do so. To the extent that additional significant problems are raised or proposals made, further notices of proposed rulemaking may be issued. Also, depending on the nature of the comments received in this proceeding, certain proposals in this notice may be placed into effect more quickly than others, although the objective is to have all these proposals placed into effect as soon as possible. It may well develop, however, that certain proposals will evoke comments that will require more extensive analysis than others.

Procedures for Written Comments and Public Hearing

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to both the proposed regulations set forth in this notice and the Emergency Amendment to the Special Propane Rule issued August 5, 1974, to Executive Communications, Federal Energy Administration, Box BA, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to FEA Executive Communications with the designation "Mandatory Petroleum Price Regulations." Twenty-five copies should be submitted. All comments received by September 27, 1974, and all relevant information, will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

The public hearing in this proceeding regarding the proposed amendments to the mandatory petroleum price regulations issued today, will be held beginning at 9:30 a.m., on September 30, 1974, and will be continued on October 1, 1974, at the New Post Office Building, 12th and Pennsylvania Avenue, NW, Washington, D.C., in order to receive comments from interested persons on the matters set forth herein.

The public hearing in this proceeding regarding the emergency amendment to the special propane rule issued on August 5, 1974, will be held beginning at 9:30 a.m., on September 19, 1974, and will be continued on September 30, 1974 and October 1, 1974, at the New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., in order to receive comments from interested persons on the matters set forth therein. Although the hearing on September 19, 1974, is specifically intended to afford an opportunity for testimony on the August 5, 1974 amendment to the "special propane rule," as required by section 7(1)(1)(C) of the FEAA, interested parties are encouraged to defer their testimony until the hearings beginning September 30, so that maximum time for analysis of these proposals will be available.

Any person who has an interest in the August 5, 1974 "emergency amendment to the special propane rule," or who is a representative of a group or class of persons which has an interest in the "emergency amendment," may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.t., September 13, 1974. Such a request may be hand delivered to Room 3309, New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through September 16, 1974. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., September 16, 1974, and must submit 100 copies of his statements to Executive Communications, FEA, Room 3315, New Post Office Building, Washington, D.C. 20461, before 4:30 p.m., e.d.t., on the last weekday preceding his appearance.

Any person who has an interest in the proposed amendments to the mandatory petroleum price regulations issued today, or who is a representative of a group or class of persons which has an interest in today's proposed amendments, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.t., September 23, 1974. Such a request may be hand delivered to Room 3309, New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through September 25, 1974. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t., September 25, 1974 and must submit 100 copies of his statement to Executive Communications, FEA, Room 3315, New Post Office Building, Washington, D.C. 20461, before 4:30 p.m., e.d.t., on the last weekday preceding his appearance.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings.

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Questions may be asked only by those conducting the hearings, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.d.t., September 18, 1974. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Public Reference Facility of the FEA, Room 3130, New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments to offer in this regard.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Parts 210 and 212, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., September 6, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administrator.

PART 210—GENERAL ALLOCATION AND PRICE RULES

1. Section 210.31 is revised to read as follows:

§ 210.31 Scope.

Price adjustments and allocation provisions with respect to items and transactions set forth in this Subpart are exempt from and not included within the coverage of this Chapter.

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

§ 212.3 [Deleted]

2. Section 212.3 is deleted.

§ 212.11 [Deleted]

3. Section 212.11 is deleted.

4. Section 212.31 is amended to delete the definitions of "Manufacturing," "Petrochemical feedstock," "Prenotification," "Product line," "Service," "Service activities," "Service Line," and "Special products" and to revise the definitions of "Base period," "Base period profit margin," "Profit margin," and "Refined petroleum product" to read as follows:

§ 212.31 Definitions.

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"Based period" means any two, at the option of the firm concerned, of the firm's fiscal years ending after August 15, 1968 except a fiscal year for which compliance is being measured.

"Base period profit margin" means with respect to covered products the ratio that the base period operating income (net sales less cost of goods sold and less normal and generally recurring costs of business operations including interest expense on long and short term debt determined before nonoperating items, extraordinary items, and income taxes) bears to the base period net sales as those net sales were reported on the firm's financial statement, or its financial statement as restated pursuant to Subpart J prepared in accordance with generally accepted accounting principles consistently applied. For purposes of computing a base period profit margin, only revenues and costs attributable to covered products shall be included.

"Profit margin" means with respect to covered products the ratio that operating income (net sales less cost of goods sold and less normal and generally recurring costs of business operations, interest expense on long and short term debt determined before nonoperating items, extraordinary items, and income taxes) bears to net sales as reported on the firm's financial statement or its financial statement as restated pursuant to Subpart J prepared in accordance with generally accepted accounting principles consistently applied. For purposes of computing a profit margin only revenues and costs of items and sales attributable to covered products shall be included.

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"Refined petroleum product" means gasoline (including natural gasoline), kerosene, middle distillates (including Number 2 fuel oil), LPG, refined lubricating oils, or diesel fuel.

• • • • •

5. Section 212.51 is revised to read as follows:

§ 212.51 General.

Prices charged with regard to the items and sales described in this subpart are exempt from the price rules prescribed in this part. However, revenues received from exempt sales of covered products are included in a firm's annual sales or revenues, as defined in § 212.31 for the purpose of computing profit margin.

6. Section 212.82 is revised to read as follows:

§ 212.82 Price rule.

(a) *Rule.* A refiner may not charge to any class of purchaser a price for a covered product in excess of the base price of that covered product except to the extent permitted pursuant to the provisions of paragraphs (c) through (e) of this section.

(b) *Base price*—(1) *General rule.* The base price for sales of an item by a refiner is the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus increased product costs incurred between the month of measurement and the month of May 1973 and measured pursuant to the provisions of § 212.83. In computing the base price, a firm may not exclude any temporary special sale, deal or allowance in effect on May 15, 1973.

(2) *Benzene and toluene.* Notwithstanding the provisions of paragraph (b)(1) of this section, the base price for sales of benzene and toluene by a refiner is the weighted average price at which such an item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus increased product costs incurred between the month of measurement and the month of May 1973, and measured pursuant to the provisions of § 212.83, plus a maximum of $.337 per gallon for benze, and $.288 per gallon for toluene.

(3) *Naphtha-base aviation fuel.* For purposes of computing the base price of naphtha-base aviation fuel pursuant to this paragraph, naphtha-base aviation fuel and kerosene-base aviation fuel shall be treated as a single item.

(4) *Imputed prices.* If no transaction occurred with respect to a particular product on May 15, 1973, the most recent day preceding May 15, 1973 when a transaction occurred shall be used for purposes of computing the base price. If a refiner first offered an item for sale after May 15, 1973 and prior to the effective date of this paragraph, the first day when the item was offered for sale shall be used for purposes of computing the base price.

(c) *Allowable price in excess of the base price.* A price in excess of the base price of a covered product may be charged only to recover on a dollar-for-dollar basis increased non-product costs incurred between the month of measurement and the month of May 1973 and measured pursuant to the provisions of § 212.87.

(d) *Application of allowable prices in excess of base price.* A firm which charges an allowable price in excess of base price shall apply the increased non-product costs, measured pursuant to the provisions of § 212.87, as provided in § 212.83.

(e) *Profit margin limitation*—(1) *Rule.* A refiner which charges a price for any item in excess of the base price for that item in any fiscal year may not for the fiscal year in which the price in excess of the base price is charged, exceed its base period profit margin as defined in § 212.31.

(2) *Scope.* A refiner shall compute a single profit margin for all of its activities with respect to covered products as defined in § 212.31. For the purposes of this section, a refiner is a parent and its consolidated entities and unconsolidated entities. Any refiner which has been authorized to adjust its base period profit margin pursuant to an exception granted under the authority of the Economic Stabilization Program or the FEA prior to October 1, 1974 may not continue to calculate its base period profit margin pursuant to that exception.

(f) *Certification.* Each refiner of gasoline must, with respect to each sale of gasoline other than a retail sale, certify in writing to the purchaser the octane number, as defined in § 212.31, of the gasoline sold.

7. Section 212.83 is revised to read as follows:

§ 212.83 Allocation of refiner's increased costs.

(a) *Scope.* Except as provided in Subpart F this section prescribes the requirements governing the inclusion of a refiner's increased product costs in the computation of its base price pursuant to § 212.82(b) and its inclusion of increased non-product costs in the computation of allowable price in excess of the base price pursuant to § 212.82(c), for covered products.

(b) *Definitions.* For purposes of this section—"Cost of crude petroleum" means:

(1) For purposes of domestic crude petroleum, (i) in arms-length transactions, the purchase price provided that with respect to sales of crude petroleum subject to Part 212, it conforms with the requirements of that Part; (ii) in a transaction between affiliated entities, the posted price for new crude petroleum, and released crude petroleum, and petroleum produced from stripper wells the first sale of which is exempt pursuant to § 212.54 and the posted price for old crude petroleum. If there is no posted price in a particular field, the related price for that grade of new domestic crude petroleum, released crude petroleum, petroleum produced from stripper wells, and old crude petroleum which is most similar in kind and quality at the nearest field for which the price is posted. Cost of crude petroleum also includes the cost of unfinished oils and natural gas liquids which are used in refining and are further refined, and which are covered products. The cost of domestic crude petroleum, unfinished oils and natural gas liquids includes transportation costs.

(2) For purposes of imported crude petroleum, the landed cost.

"Cost of petroleum product" means (1) For purposes of domestic petroleum products other than crude petroleum, the purchase price including transportation costs. (2) For purposes of imported petroleum products other than crude petroleum, the landed cost.

"Firm" means a parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls.

"Increased non-product costs" means non-product cost increases measured pursuant to the provisions of § 212.87.

"Increased product costs" means the sum of (1) the difference between the total cost of crude petroleum during the month of measurement and the total cost of crude petroleum during the month of May, 1973 plus (2) the difference between the total costs of petroleum product during the month of measurement and the total cost of petroleum product during the month of May, 1973. If a particular petroleum product was neither purchased nor landed during the month of May 1973, the cost of that petroleum product in May 1973 shall be imputed to be the lowest price at or above which at least 10 percent of that product was priced by the refiner in transactions during the month of May 1973.

"Landed cost" means: (1) For purposes of complete arms-length transactions, the purchase price at the point of origin plus the actual transportation cost. (2) For purposes of products purchased in arms-length transactions and shipped pursuant to a transaction between affiliated entities, the purchase price at the point of origin plus the transportation cost computed by use of the accounting procedures generally accepted and consistently and historically applied by the firm concerned. (3) For purposes of products purchased in a transaction between affiliated entities and shipped pursuant to an arms-length transaction, the cost of the product computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned plus the actual transportation cost. (4) For purposes of products purchased and shipped pursuant to a transaction between affiliated entities, the costs of the product and the transportation both computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned.

"Transaction between affiliated entities" means all transactions between entities which are part of the same firm and transactions with entities in which the firm has a beneficial interest to the extent of entitlement of covered product by reason of the beneficial interest.

(c) *Allocation of increased costs*—(1) *General rule*—(i) *Increased product costs.* In computing base prices for a covered product, a refiner may increase its May 15, 1973 selling price to each class of purchaser each month beginning with November 1973 by an amount to reflect the increased product costs attributable to sales of covered products using the differential between the month of measurement and the month of May, 1973, provided that the amount of increased costs used in computing a base price is calculated by use of the general formula set forth in paragraph (c)(3) of this section and provided that the amount of increased product costs included in computing base prices of a particular covered product must be equally applied to each class of purchaser. In apportioning any amount of increased product costs to covered products, a refiner may apportion the total amount of increased product costs to a particular covered product in whatever amount it deems appropriate.

(ii) *Increased non-product costs.* In computing allowable prices in excess of base prices for a covered product, a refiner may increase its price above base price to each class of purchaser each month beginning with October 1974 by an amount to reflect the increased non-product costs attributable to sales of covered products in the month of measurement, using the differential between the month of measurement and the month of May, 1973, provided that the amount of increased non-product costs used in computing an allowable price above base price is calculated pursuant to § 212.87 and provided that the amount of increased non-product costs included in computing allowable prices above base price of a particular covered product must be equally applied to each class of purchaser. In apportioning any amount of increased non-product costs to covered products, a refiner may apportion the total amount of increased non-product costs to a particular covered product in whatever amount it deems appropriate.

(iii) *Exceptions to equal application rule.* Notwithstanding the provisions of paragraphs (c)(1)(i) and (ii) above, a refiner may comply with the provisions of this pargaraph by applying increased costs equally among classes of purchaser within recognized marketing areas, and need not apply increased costs equally among classes of purchaser in different marketing areas, provided that the largest amount of increased product cost applied to the May 15, 1973 selling price of any product in any marketing area shall not exceed by more than 10 percent the amount of increased product cost applied to the May 15, 1973 selling price of that product in any other marketing area; and, further, a refiner may comply with the provisions of this paragraph within any particular marketing area by applying unequal amounts of increased costs among classes of purchaser of a product, provided that no greater amount of increased cost is applied to the May 15, 1973 selling price of any product in sales to any class of purchaser which includes an independent marketer as defined in § 211.51 of this Chapter, than is applied to the May 15, 1973 selling price of that product in sales to all other classes of purchaser in that marketing area.

(2) *Special propane rule.* Notwithstanding the provisions of paragraph (c)(1) of this section and paragraph (d) of this section, a refiner in computing

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base prices for propane for the seven month period of August 1, 1974, through February 28, 1974:

(i) May not apportion to propane a greater percentage of increased cost of crude petroleum purchased or landed in the seven month period of July 1, 1974, through January 31, 1975, than the percentage that the volume of propane produced by the refiner from crude petroleum and sold during the seven month period of August 1, 1974, thorugh February 28, 1975, is to the total volume of all products produced by it from crude petroleum (including other than covered products) and sold by it during the same seven month period;

(ii) May apportion to propane a percentage of the increased cost of natural gas liquids purchased or landed in the seven month period of July 1, 1974, through January 31, 1975, which is not more than the percentage that the volume of propane recoverable from such natural gas liquids is to the total volume of such natural gas liquids, and may apportion to propane the increased cost of propane purchased or landed in the seven month period of July 1, 1974, through January 31, 1975. Notwithstanding § 212.83(b), for purposes of this special propane rule, cost of crude petroleum shall not include the cost of unfinished oils or natural gas liquids; and

(iii) May not apportion to propane any increased product costs incurred prior to July 1, 1974, and not recovered through July 31, 1974.

(3) *General formula.*

$$D^o = A^t\left(\frac{v^o}{V^o}\right)+B^t+G^t+L^t+M^t$$

Where:

D^o = The total dollar amount a refiner may apportion in the period "u" (the current month) to covered products in whatever amounts it deems appropriate to each particular covered products, provided that the total dollar amount is reduced by an amount equal to the total number of gallons of benzene and toluene sold by the refiner during the month of May 1973 multiplied by $.20 and further multiplied by an amount equal to the total number of barrels of refinery input to crude oil distillation units processed during the month of measurement and measured in accordance with Bureau of Mines form 6–1300–M divided by the total number of such barrels processed during the month of May 1973.

$$A^t = R^t\left(\frac{C^t}{Q^t}-\frac{C^o}{Q^o}\right)$$

Which is the total increased cost of crude petroleum purchased or landed in the period "t" (the month of measurement). Where:

R^t = The total number of barrels of refinery input to crude oil distillation units processed during the month of measurement and measured in accordance with Bureau of Mines form 6–1300–M.

Q^t = The total quantity or volume of crude petroleum purchased in the period "t" (the month of measurement). For imported crude petroleum, the quantity or volume landed in the period "t" (the month of measurement).

Q^o = The total quantity or volume of crude petroleum purchased in the period "o" (the month of May 1973). For imported crude petroleum, the quantity or volume landed in.

C^o = The total cost of crude petroleum purchased or landed in the period "o" (the month of May 1973).

C^t = The total cost of crude petroleum purchased or landed in the period "t" (the month of measurement).

V^o = The total volume of all products refined by the refiner from crude petroleum, including other than covered products sold in the period "n" (the consecutive three-month period of the preceding year such that the middle month of the period corresponds to the current month "u").

v^o = The total volume of all covered products refined by the refiner from crude petroleum, sold in the period "n" (the consecutive three-month period of the preceding year such that the middle month of the period corresponds to the current month "u").

B^t = The sum of $B_i{}^t$ calculated for each specific covered product. The formula for the increased costs of all covered products purchased or landed shall be computed separately for each covered product, and the sum of the amounts so computed shall be used in the general formula.

Where,

$$B_i{}^t = c_i{}^t - c_i{}^o - Y_i(q_i{}^t - q_i{}^o)$$

Which is the total increased cost of a specific covered product of the type "i" purchased or landed in the period "t" (the month of measurement).

Where:

$c_i{}^o$ = The total cost of a covered product or products of the type "i" purchased in the period "o" (the month of May 1973). For imported products, the cost of products of the type "i" landed in the period "o" (the month of May 1973).

$c_i{}^t$ = The total cost of a covered product or products of the type "i" purchased in the period "t" (the month of measurement). For imported products, the cost of products of the type "i" landed in the period "t" (the month of measurement).

$q_i{}^o$ = The total quantity or volume of a covered product or products of the type "i" purchased in the period "o" (the month of May 1973). For imported products of the type "i", the total quantity or volume landed in the period "o" (the month of May 1973).

$q_i{}^t$ = The total quantity or volume of a covered product or products of the type "i" purchased in the period "t" (the month of measurement). For imported products of the type "i", the total quantity or volume landed in the period "t" (the month of measurement).

Y_i = The lowest price at or above which at least 10 percent of the product or products of type "i" were priced in transactions during the month of May 1973 or, if none occurred in that month, in the month next preceding May 1973 in which such transactions occurred.

Alternatively, the cost of the product or products concerned during the month of May 1973 may be used if computed by use of accounting procedures generally accepted and consistently and historically applied by the firm concerned and provided that the FEA has approved in writing of the cost figures used.

Increased costs of covered products to the period "t" (the month of measurement) not recovered in sales of products through the period "t", that have been carried forward pursuant to paragraph (d) of this section; or (ii) the total dollar amount by which increased costs of covered products to the period "t" (the month of measurement) have been overrecovered in sales of product through the period "t," that must be subtracted pursuant to paragraph (d) of this section. *Provided, however,* That the total dollar amount which may be applied pursuant to this "G" factor of the formula to prices in a single month, beginning with November 1974, shall not exceed 25 percent of the total dollar amount calculated pursuant to paragraph (d) of this section as the total amount of unrecouped increased costs through the month of October 1974, and provided further that the total dollar amount of increased product cost calculated pursuant to § 212.88(e) prior to June 1, 1974, shall be deducted from the total dollar amount of unrecouped increased costs.

L^t = The total dollar amount of non-product costs attributable to includable amount of commissions incurred during the period "t" (the month of measurement) beginning with June 1974 with respect to sales through consignee-agents of covered products. The includable amount of commission incurred with respect to each item sold through each consignee-agent is the dollar amount per unit of volume by which the commission in the period "t" (the month of measurement) exceeds the commission in effect on May 15, 1973, provided that the includable amount shall be an amount reasonably intended to cover increased non-product costs of the consignee-agent, and that it shall not exceed the amount of the non-product cost price increase that would be permitted if the consignee-agent took title to the product it distributes and were a seller subject to § 212.93(b) of this part.

M^t = The total dollar amount of increased non-product costs in the period "t" (the month of measurement) measured pursuant to the provisions of § 212.87.

The time period for measurement is referenced in the superscript; where:

n = The consecutive three-month period of the preceding year such that the middle month of the period corresponds to the current month.

o = The month of May 1973.

t = The month of measurement. (The month of measurement is the month preceding the current month.)

u = The current month. Quantities calculated for the current month will be estimates which should be based on the best available data.

The subscript "i" references a specific type of covered product.

(d) *Carryover of costs.* (1) If, in any month beginning with October 1973, and ending with September 1974, a firm charges prices for covered products which result in the recoupment of more or less total revenues than the entire

amount of increased product costs calculated pursuant to the general formula and allowable under paragraph (c)(1)(ii) of this section, the excess revenues recouped must be subtracted from the May 15, 1973 selling prices and the amount of increased product costs not recouped may be added to May 15, 1973 selling prices to compute base prices for covered products in the subsequent month provided that the amount of the increased product cost not recouped and included in computing the base prices of a particular covered product must be equally applied to each class of purchaser.

(2) If, in any month beginning with October 1974, a firm charges prices for covered products which result in the recoupment of more total revenues than the entire amount of increased product costs calculated pursuant to the general formula and allowable under paragraph (c)(1)(ii) of this section, the excess revenues recouped must be subtracted from the May 15, 1973 selling prices to compute base prices for covered products in the subsequent month. If, in any month beginning with October 1974, a firm charges prices for covered products which result in the recoupment of less total revenues than the amount of increased product costs calculated pursuant to the general formula, only the amount of increased product costs not recouped because of lesser sales volumes than were estimated for the current month may be added to May 15, 1973 selling prices to compute prices for covered products in the subsequent month.

(e) *Affiliated entities.* For purposes of this section, transactions between affiliated entities may be used to calculate increased product costs. Whenever a firm uses a landed cost which is computed by use of its customary accounting procedures, the FEA may allocate such costs between the affiliated entities if it determines that such allocation is necessary to reflect the actual costs of these entities or the FEA may disallow any costs which it determines to be in excess of the proper measurement of costs.

8. § 212.87 is added to read as follows:

§ 212.87 Increased non-product costs.

(a) *Scope.* This section prescribes the computation of a refiner's increased nonproduct costs which may be included in the general formula used to calculate increased costs in § 212.83(c)(3) and used to justify a price in excess of a base price pursuant to § 211.82(c).

(b) *General definition.* Increased nonproduct costs are, for each month of measurement, the sum of the recoverable refinery fuel cost increase, the recoverable labor cost increase, the recoverable additive cost increase, and the recoverable marketing cost increase for that month.

(1) *Recoverable refinery fuel cost.* Recoverable refinery fuel cost increase is the base refinery fuel usage (in supply units) multiplied by the throughput for the month of measurement, and multiplied by the amount which represents the difference between the average refinery fuel cost rate in the month of measurement and the average refinery fuel cost rate in the month of May, 1973, where:

"Average refinery fuel cost rate" means the weighted average rate of refinery fuel cost per unit of energy (such as dollar per million British Thermal Units (B.T.U.)) used in the refinery process. If the calculation of refinery fuel costs is not feasible in energy units, a refiner may substitute a method that is more reasonably consistent with the data available. In such cases, however, the refiner must prepare a schedule justifying the alternative method of calculation and explaining why the results represent the average refinery fuel cost rate;

"Base refinery fuel usage" means the amount of refinery fuel, in units of energy (e.g., million B.T.U.'s) used per barrel of refinery throughput during the month of May 1973. If the calculation of refinery fuel costs is not feasible in energy units, the refiner may substitute a method that is more reasonably consistent with the data available. In such cases, however, the refiner must prepare a schedule justifying the alternative method of calculation and explaining why the results represent the base refinery fuel usages; and

"Throughput" means the volume of crude petroleum, unfinished oils, and natural gas liquids refined during the time period specified.

(2) *Recoverable labor cost increase.* Recoverable labor cost increase is the base labor cost multiplied by an amount which represents the difference between the average labor rate in the month of measurement and the average labor rate in the month of May 1973, and multiplied by a productivity offset of 0.934 where:

"Average labor rate" means the weighted average direct and indirect remuneration or inducement for personal services which are reasonably subject to valuation (in dollars per man-hours) for those personnel employed at the refinery or those personnel directly involved with refinery operations. To substantiate the labor rate increase, a supporting document must be prepared which summarizes the personnel considered in the calculation and the date of their rate increases. Calculation of the average labor rate must be based on the historical accounting practices employed by the refiner; and

"Base labor cost" means the cost of refinery labor incurred during May 1973 calculated in accordance with the procedures and personnel used in determining the average labor rate.

(3) *Recoverable additive cost increase.* Recoverable additive cost increase is the month of measurement additive usage (in supply units) multiplied by the amount which represents the difference between the average additive cost rate in the month of measurement and the average additive cost rate in May 1973, where:

"Additive" means those materials and compounds including catalysts, which are not covered products, and are added or blended to the crude petroleum during the refining process;

"Month of measurement additive usage" means the amount of additive used in the refining process per barrel of throughput during the month of measurement measured in units per barrel of throughput (e.g., lbs/bbl) and weighted by the volume of the type of additive used; and

"Average additive cost rate" means the weighted average unit cost of the additives used in the refining process (e.g., dollars/lb). Such unit cost calculation must employ the same units as employed in the calculation of the "Month of measurement additive usage."

(4) *Recoverable marketing cost increase.* Recoverable marketing cost increase is the difference between the cost of marketing covered products in the month of measurement and the cost of marketing covered products in May 1973, provided, however, that the amount of recoverable marketing cost which may be applied to prices charged for covered products is limited to the extent that such costs:

(i) Allow an increase in the prices of diesel fuel above the prices otherwise permitted to be charged for such products pursuant to the provisions of this part by an amount not in excess of one cent per gallon with respect to retail sales and one half cent per gallon with respect to all other sales; and

(ii) Allow an increase in the price of gasoline above the prices otherwise permitted to be charged for gasoline pursuant to the provisions of this part, including paragraph (b)(4)(i) of this section by an amount not in excess of two cents per gallon with respect to retail sales; and

(iii) Allow an increase in the prices of gasoline above the prices otherwise permitted to be charged for such products pursuant to the provisions of this part including paragraph (b)(4)(i) of this section by an amount not in excess of one cent per gallon with respect to retail sales and not in excess of one-quarter cent per gallon with respect to all other sales; and

(iv) Allow an increase in the prices of middle distillates above the prices otherwise permitted to be charged for such products pursuant to the provisions of this part including paragraph (b)(4)(i) of this section by an amount not in excess of one cent per gallon with respect to retail sales and not in excess of one-quarter cent per gallon with respect to all other sales; and

(v) Allow an increase in the prices of propane above the prices otherwise permitted to be charged for such products pursuant to the provisions of paragraph (b)(4) of this section by an amount not in excess of one cent per gallon with respect to retail sales and one-half cent per gallon with respect to all other sales, and where:

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"Cost of marketing covered products" means the costs attributable to marketing operations with respect to covered products under the customary accounting procedures generally accepted and historically and consistently applied by the firm concerned. A refiner must prepare a schedule itemizing the principal costs included in this category and describing the accounting procedures by which they are calculated.

9. Section 212.93 is amended to delete paragraphs (b)(6) and (c)(2), to redesignate paragraph (c)(1) as paragraph (c), to delete the words "special products" in paragraph (b)(1) and to substitute therefor the words "gasoline, No. 2 heating oil and No. 2-D diesel fuel," and to revise paragraphs (b)(1)(iv), (c) and (e) to read as follows:

§ 212.93 Price rule.

* * * * *

(b) * * *

(1) * * *

(iv) A seller may adjust its selling price for an item at any time to an amount that is equal to or less than the selling price permitted under this Subpart.

* * * * *

(c) A seller which charges a price for a covered product which exceeds the weighted average price at which the product was lawfully priced by the seller in transactions on May 15, 1973 must decrease the price of that product whenever the costs of that product decrease.

* * * * *

(e) The dollar amount of increased cost not recouped which a seller has calculated as of September 30, 1974 pursuant to the provision of § 212.93(e), as in effect until September 30, 1974, may be applied pursuant to the provisions of this paragraph to prices charged by that seller, provided that not more than 20 percent of the total amount calculated under this paragraph may be recouped in a single month, and provided further, that beginning October 1, 1974, no unrecouped increased costs may be carried forward for recovery in subsequent time periods.

§§ 212.121, 212.122, 212.123, 212.124, 212.125 [Deleted]

10. Sections 212.121, 212.122, 212.123, 212.124, and 212.125 are deleted.

11. A new Subpart K is added to Part 212 to read as follows:

Subpart K—Natural Gas Liquids

Sec.
§ 212.141 Applicability.
§ 212.142 Definitions.
§ 212.143 First sale price rule.
§ 212.144 Application of increased costs.
§ 212.145 Increased product cost.
§ 212.146 Increased non-product cost.

§ 212.141 Applicability.

This subpart applies to the first sale of natural gas liquids by a producer or royalty owner, and to all sales, including any first sale, by a gas plant operator. All other sales of natural gas liquids are subject to the price regulations of Subparts E and F of this Part. This subpart does not apply to sales of ethane except to the extent that it is sold as an unfractionated natural gas liquid.

§ 212.142 Definitions.

For purposes of this Subpart:

"First sale" means, with respect to natural gas liquids, the first transfer for value to a class of purchaser by the producer, royalty owner, or gas plant operator for which the seller receives a price per unit of volume with respect to natural gas liquids.

"Natural gas liquids" means ethane, butane (iso-butane and normal butane), propane and natural gasoline, whether fractionated or unfractionated.

"Raw stream" means unfractionated natural gas liquids.

"Gas plant" means a facility in which the raw stream is separated from natural gas, or in which the raw stream is fractionated into its component products, or both.

"Gas plant operator" means a firm with an ownership interest in a gas plant.

"Increased product costs" means increased raw stream costs and increased natural gas shrinkage costs incurred with respect to the production of natural gas liquids, measured pursuant to the provisions of § 212.145.

"Increased non-product costs" means increased cost of labor, fuel and utilities, and chemical and other processing supplies incurred with respect to the processing of natural gas liquids, measured pursuant to the provisions of § 212.146.

§ 212.143 First sale price rule.

A firm may not charge a price for the first sale of a natural gas liquid which exceeds the May 15, 1973 price per gallon which that firm received for the first sale, plus __¢ per gallon. If the price for the first sale was stated separately for the component parts of the natural gas liquids on May 15, 1973, the first sale price may not exceed the May 15, 1973 first sale price, plus __¢ per gallon, for each component part of the natural gas liquid, other than ethane.

§ 212.144 Application of increased costs.

Any firm which incurs increased product costs or increased non-product costs with respect to processing or fractionating natural gas liquids in a particular plant may pass such costs through, in accordance with the cost pass through provisions for increased costs of Subpart E, provided, however, that where increased costs with respect to a gas plant are incurred by a firm in an amount that is not proportional to the volume of natural gas liquids from that gas plant as to which that firm receives the revenues from the first sale, only the proportion of the total increased costs for that gas plant which is proportional to the volume of natural gas liquids from that gas plant as to which that firm receives the revenues from the first sale may be passed through by that firm. It is the intent of this section, however, that a single maximum lawful price for natural gas liquids sold to a class of purchaser from a particular gas plant be maintained, insofar as practicable, and firms which are parties to agreements which allocate increased costs disproportionately are encouraged to agree to incur a proportionate share of the amount of increased costs, so that a uniform maximum lawful price for each product produced from a particular gas plant may be maintained.

§ 212.145 Increased product cost.

Increased product cost with respect to a gas plant is (a) the difference between the weighted average cost of natural gas liquids purchased in the month of May 1973 and the weighted average cost of natural gas liquids purchased in the month of measurement, multiplied by the volume of natural gas liquids purchased in the month of measurement, plus (b) the difference between the weighted average cost of natural gas shrinkage in the month of May 1972 and the weighted average cost of natural gas shrinkage in the month of measurement, multiplied by the volume of natural gas processed in the month of measurement, where:

"Cost of natural gas shrinkage" means the reduction in sale price of natural gas, per unit of volume or BTU content, of natural gas processed in a gas plant which is attributable to reduction in volume or BTU content by the removal of liquids in the gas plant. The reduction in sale price of natural gas shall be computed according to the method provided for under the sale contract for the natural gas which is processed.

§ 212.146 Increased non-product costs.

(a) *Scope.* This section prescribes the computation of a gas plant's increased non-product costs which may be used to calculate increased costs which may be applied to justify a price increase pursuant to § 212.144.

(b) *General definition.* Increased non-product costs with respect to a gas plant are, for each month of measurement, the sum of the recoverable gas plant fuel and utility cost increase, the recoverable labor cost increase, the recoverable chemical and other processing supply cost increase, and the recoverable marketing cost increase for that month.

(1) *Recoverable gas plant fuel and utility cost.* Recoverable gas plant fuel and utility cost increase is the base gas plant fuel and utility cost usage (in supply units) multiplied by the volume of production for the month of measurement, and multiplied by the amount which represents the difference between the average gas plant fuel and utility cost rate in the month of measurement and the average gas plant fuel and utility cost rate in the month of May, 1973, where:

"Average gas plant fuel and utility cost rate" means the weighted average rate of gas plant fuel and utility cost per unit of energy (such as dollars per million British Thermal Units (B.T.U.)) used in gas processing. If the calculation of gas plant fuel and utility costs is not feasible in energy units, a gas plant may substitute a method that is more reasonably consistent with the data available. In such cases, however, the gas plant must prepare a schedule justifying the alternative method of calculation and explaining why the results represent the average gas plant fuel and utility cost rate;

"Base gas plant fuel and utility usage" means the amount of gas plant fuel, in units of energy (e.g., million B.T.U.'s) used per gallon of gas plant production during the month of May 1973. If the calculation gas plant fuel and utility costs is not feasible in energy units, the gas plant may substitute a method that is more reasonably consistent with the data available. In such cases, however, the gas plant must prepare schedule justifying the alternative method of calculation and explaining why the results represent the base gas plant fuel and utility usages; and

"Gas plant production" means the volume of natural gas liquids produced during the time period specified.

(2) *Recoverable labor cost increase.* Recoverable labor cost increase is the base labor cost multiplied by an amount which represents the difference between the average labor rate in the month of measurement and the average labor rate in the month of May 1973, and multiplied by a productivity offset, of 0.934 where:

"Average labor rate" means the weighted average direct and indirect remuneration or inducement for personal services which are reasonably subject to valuation (in dollars per man-hours) for those personnel employed at the gas plant or those personnel directly involved with gas plant operations. To substantiate the labor rate increase, a supporting document must be prepared which summarizes the personnel considered in the calculation and the date of their rate increases. Calculation of the average labor rate must be based on the historical accounting practices employed by the gas plant; and

"Base labor cost" means the cost of gas plant labor incurred during May 1973 calculated in accordance with the procedure; and personnel used in determining the average labor rate.

(3) *Recoverable chemical and other processing supply cost increase.* Recoverable chemical and other processing supply cost increase is the month of measurement chemical and other processing supply usage (in supply units) multiplied by the amount which represents the difference between the average chemical and other processing supply cost rate in the month of measurement and the average chemical and other processing supply cost rate in May 1973, where:

"Chemical and other processing supply" means those chemicals and compounds including catalysts, which are not covered products, used in gas processing to recover natural gas liquids;

"Month of measurement chemical and other processing supply usage" means the amount of chemical and other processing supply used in gas processing per gallon of gas plant production during the month of measurement, measured in units per gallon of production (e.g., lbs/gal) and weighted by the volume of the tape of chemical and other processing supply used; and

"Average chemical and other processing supply cost rate" means the weighted average unit cost of the chemical and other processing supply used in gas processing (e.g., dollars/lb). Such unit cost calculation must employ the same units as employed in the calculation of the "Month of measurement chemical and other processing supply usage."

(4) *Recoverable marketing cost increase.* Recoverable marketing cost increase is the difference between the cost of marketing natural gas liquids in the month of measurement and the cost of marketing natural gas liquids in May 1973, provided, however, that the amount of recoverable marketing cost which may be applied to prices charged for natural gas liquids is limited to the extent that such costs allow an increase in the prices of propane above the prices otherwise permitted to be charged for such products pursuant to the provisions of this section by an amount not in excess of one cent per gallon with respect to retail sales and one-half cent per gallon with respect to all other sales, and where:

"Cost of marketing natural gas liquids" means the costs attributable to marketing operations with respect to natural gas liquids under the customary accounting procedures generally accepted and historically and consistently applied by the firm concerned. A gas plant must prepare a schedule itemizing the principal cost included in this category and describing the accounting procedures by which they are calculated.

§ 212.85 [Deleted]

12. Section 212.85 is deleted.

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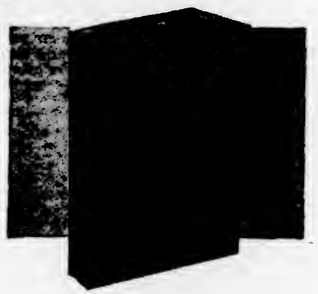
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Ohio State Advisory Committee; to be held at Cleveland, Ohio (open with restrictions) 9–21–74..... . 31547; 8–29–74

Utah State Advisory Committee; to be held at Salt Lake City, Utah (open with restrictions) 9–16–74 . 29044; 8–13–74

West Virginia State Advisory Committee; to be held in Charleston, West Virginia (contact committee chairman to attend) 9–19–74..... 30537; 8–23–74

COMMERCE DEPARTMENT

Semiconductor Technical Advisory Committee; to be held in Washington, D.C. (open with restrictions) 10–8–74..... .. 32342; 9–6–74

NBS

Advisory Committee for International Legal Metrology; to be held at Gaithersburg, Md. (open with restrictions) 9–17 and 9–18–74. 31543; 8–29–74

NOAA

Marine Fisheries Advisory Committee; Subcommittee on the National Fisheries Plan; to be held at Boston, Mass. (open) 9–18–74 .... 32169; 9–5–74

Marine Fisheries Advisory Committee; to be held at Woods Hole, Mass. (open) 9–18 thru 9–20–74. 32169; 9–5–74

SESA

Census Advisory Committee of the American Statistical Association; to be held at Suitland, Maryland (limited seating) 9–19 and 9–20–74..... 31354; 8–28–74

Census Advisory Committee on Privacy and Confidentiality; to be held in Suitland, Maryland, (limited seating, contact program planning office) 9–16–74.... 30533; 8–23–74

DEPARTMENT OF DEFENSE

Air Force Department

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USAF Scientific Advisory Board ad hoc Committee on Electro-Optics Technology; to be held in Washington, D.C. (closed) 9–23 and 9–24–74. 32337; 9–6–74

USAF Scientific Advisory Board Committee on B–1 Aerodynamics; to be held in Los Angeles, California (closed) 10–8 and 10–9–74. 32337; 9–6–74

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Coast Guard

Boating Safety Advisory B Council; to be held in Washington, D.C. (open), 9–19 and 9–20–74..... .. 31680; 8–30–74

Subcommittee of the Boating Safety Advisory Council; to be held in Washington, D.C. (open), 9–18–74. 31681; 8–30–74

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DCA Scientific Advisory Group; to be held at Arlington, Virginia (closed) 9–19 and 9–20–74..... . . 30958; 8–27–74

NHTSA

National Motor Vehicle Safety Advisory Council; to be held at Washington, D.C. (open), 9–18 and 9–19–74..... 30375; 8–22–74

ENVIRONMENTAL PROTECTION AGENCY

Effluent Standards and Water Quality Information Advisory Committee; to be held in Denver, Colorado (open) 10–8–74..... ..... 32352; 9–6–74

Hazardous Materials Advisory Committee; to be held in Arlington, Virginia (open) 9–17–74..... 30539; 8–23–74

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Cable Television Technical Advisory Committee (CTAC) Panel 6 (Technical Operations); to be held at Washington, D.C. (open) 9–17–74..... 31362; 8–28–74

FEDERAL MEDIATION AND CONCILITATION SERVICE

Arbitration Services Advisory Committee; to be held at Washington, D.C. (open) 9–19–74..... 31362; 8–28–74

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Pay systems for Federal prevailing rate employees; to be held in Washington, D.C. (closed) 9–19–74..... 29439; 8–15–74

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Clinical Psychopharmacology Research Review Committee; to be held at Rockville, Maryland (open with restrictions) 9–16 and 9–17–74. 30372; 8–22–74

Experimental Psychology Research Review Committee; to be held at Washington, D.C. (open with restrictions) 9–19 and 9–20–74.. 30372; 8–22–74

Narcotic Addiction and Drug Abuse Review Committee; to be held at Rockville, Md. (open with restrictions) 9–18 through 9–20–74 ..... 30373; 8–22–74

National Advisory Council on Alcohol Abuse and Alcoholism; to be held at Rockville, Maryland (open) 9–16 and 9–17–74..... 30372; 8–22–74

National Advisory Mental Health Council; to be held at Rockville, Maryland (open) 9–16 and 9–17–74.... 30372; 8–22–74

Personality and Cognition Research Research Review Committee; to be held at Bethesda, Maryland (open with restrictions) 9–21 and 9–22–74. 30372; 8–22–74

Alcohol, Drug Abuse and Mental Health Administration

Alcohol Training Review Committee; to be held at Rockville, Maryland (open) 9–23 and 9–24–74. 30374; 8–22–74

CDC

Safety and Occupational Health Study Section; to be held at Rockville, Maryland (open with restrictions) 9–19 and 9–20–74... . . 30961; 8–27–74

FDA

Six advisory committee meetings to be held the week of 9–16 thru 9–20–74; (open) to be held in Rockville, Md..... 30521; 8–23–74

HRA

Cooperative Health Statistics Advisory Committee; to be held at Arlington, Virginia (open) 9–16 thru 9–18–74. 29016; 8–13–74

NIH

National Heart and Lung Advisory Council; to be held at NIH, Building 31. (Open) 9–19 and 9–20–74. 27339; 7–26–74

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Study sections; to be held at Bethesda and Chevy Chase, Maryland (open with restrictions) 9–22 thru 9–29–74..... 28922; 8–12–74

Therapeutic Evaluations Committee; to be held at Bethesda, Maryland (open 8:30 to 9:30 and closed 9:30 to adjournment) 9–23–74. 29017; 8–13–74

Tropical Medicine and Parasitology Study Section, Division of Research Grants; to be held at Bethesda, Maryland (open with restrictions) 9–16–74 thru 9–18–74.... 31354; 8–28–74

Vision Research Program Committee; to be held at Bethesda, Maryland (open 9–19 and closed 9–20) 9–19 and 9–29–74 . 29017; 8–13–74

Education Office

National Advisory Council on Adult Education; to be held in Portland, Oregon (open) 9–19 through 9–21–74..... 31939; 9–3–74

Social Security Administration

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INTERIOR DEPARTMENT

Land Management Bureau

Coos Bay District Advisory Board; to be held in Coos Bay, Oregon (open) 9–26–74..... 32337; 9–6–74

National Park Service

Cape Cod National Seashore Advisory Committee; to be held at South Wellfleet, Mass. (open with restrictions) 9–20–74 .. 32166; 9–5–74

Gateway National Recreation Area Advisory Commission; to be held in Staten Island, New York (open with restrictions) 9–25–74.... 32338; 9–6–74

Midwest Regional Advisory Committee; to be held at Duluth, Minnesota (open) 9–19 and 9–20–74. 29011; 8–13–74

LABOR DEPARTMENT

Office of the Secretary

Advisory Committee on Women to the Secretary of Labor; to be held in Washington, D.C. (open) 9–24 and 9–25–74 ..... 32367; 9–6–74

Occupational Safety and Health Administration

Standards Advisory Committee on Hazardous Materials Labeling; to be held at Washington, D.C. (open) 9–19 and 9–20–74..... 32072; 9–4–74

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

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NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

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NASA

NASA Research and Technology Advisory Committee on Materials and Structures; to be held at Renton, Wash. (open with restrictions) 9–19 and 9–20–74..... 32069; 9–4–74

NATIONAL COMMISSION FOR THE REVIEW OF FEDERAL AND STATE LAWS RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE

To be held at Washington, D.C. (open) 9–16 and 9–17–74.. 32194; 9–5–74

NATIONAL ENDOWMENT FOR THE HUMANITIES

Advisory Committee Planning Panel; to be held at Washington, D.C. (closed) 9–19 and 9–20–74.. 30974; 8–27–74

Summer Seminar Panel; to be held in Washington, D.C. (closed) 9–21, 23, 27, 30, –74..... 29622; 8–16–74

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Arts—

Artists-in Schools Advisory Panel; to be held at Notre Dame, Indiana (closed) 9–22 through 9–24–74. 30387; 8–22–74

SMALL BUSINESS ADMINISTRATION

Marshall District Advisory Council; to be held at Nacogdoches, Texas 9–17–74. 30388; 8–22–74

Minneapolis District Advisory Council; to be held in St. Cloud, Minnesota, 9–25–74 ..... 32364; 9–6–74

Salt Lake City District Advisory Council; to be held in Ogden, Utah 9–20–74. 32364; 9–6–74

STATE DEPARTMENT

Federal Employees Pay Council; (closed) 9–18–74 ..... 29618; 9–16–74

Law of the Sea Advisory Committee; to be held in Washington, D.C. (closed) 9–19–74 and 9–20–74; (open) 9–21–74..... 31924; 9–3–74

National Review Board for the Center for Cultural and Technical Interchange Between East and West; to be held in Washington, D.C. (open with restrictions) 9–30–74 ..... 32336; 9–6–74

Study Group 1 of the U.S. National Committee for the International Telegraph and Telephone Consultative Committee (CCITT); to be held in Washington, D.C. (open with restrictions) 9–17–74, 29391; 8–15–74

U.S. Advisory Commission on International Educational and Cultural Affairs; to be held in Washington, D.C. (open with restrictions) 9–24–74. 32336; 9–6–74

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Modoc National Forest Grazing Advisory Board; to be held in Alturas, California (open) 10–8–74.. 32339; 9–6–74

Pacific Crest National Scenic Trail Advisory Council; to be held at Medford, Oregon (open) 9–20–74. 32168; 9–5–74

Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 2 ..... Pub. Law 93–406
Employee Retirement Income Security Act of 1974
(Sept. 1, 1974; 88 Stat. 829)

H.R. 3620..... Pub. Law 93–402
Great Dismal Swamp National Wildlife Refuge, Va.-N.C., establishment
(Aug. 30, 1974; 88 Stat. 801)

H.R. 6485..... Pub. Law 93–411
Tobacco marketing quota provisions, amendment
(Sept. 3, 1974; 88 Stat. 1089)

H.R. 11864..... Pub. Law 93–409
Solar Heating and Cooling Demonstration Act of 1974
(Sept. 3, 1974; 88 Stat. 1069)

H.R. 13999..... Pub. Law 93–413
National Science Foundation Authorization Act, 1975
(Sept. 4, 1974; 88 Stat. 1093)

H.R. 14402 ..... Pub. Law 93–397
Air Force officers, increases
(Aug. 29, 1974; 88 Stat. 795)

H.R. 14920..... Pub. Law 93–410
Geothermal Energy Research, Development, and Demonstration Act of 1974
(Sept. 3, 1974; 88 Stat. 1079)

H.R. 15205..... Pub. Law 93–403
Natural Gas Pipeline Safety Act Amendments
(Aug. 30, 1974; 88 Stat. 802)

H.R. 15581..... Pub. Law 93–405
District of Columbia Appropriation Act, 1975

H.R. 15842 ..... Pub. Law 93–407
District of Columbia, firemen, teachers, increase; retired teachers, annuities increase; real property taxes
(Sept. 3, 1974; 88 Stat. 1036)

H.R. 16027..... Pub. Law 93–404
Interior and Related Agencies Appropriation Act, 1975
(Aug. 31, 1974; 88 Stat. 803)

S. 1871 ..... Pub. Law 93–408
Youth Conservation Corps Act of 1972, amendment
(Sept. 3, 1974; 88 Stat. 1066)

S. 2510 ..... Pub. Law 93–400
Office of Federal Procurement Policy Act
(Aug. 30, 1974; 88 Stat. 796)

S. 3703 ..... Pub. Law 93–412
District of Columbia Criminal Justice Act
(Sept. 3, 1974; 88 Stat. 1089)

S. J. Res. 220 ..... Pub. Law 93–398
Dr. William A. M. Burden, appointment as citizen regent of the Smithsonian Institution Board of Regents
(Aug. 30, 1974; 88 Stat. 795)

S. J. Res. 221..... Pub. Law 93–399
Dr. Caryl P. Haskins, appointment as citizen regent of the Smithsonian Board of Regents
(Aug. 30, 1974; 88 Stat. 795)

S. J. Res. 222.. ..... Pub. Law 93–401
Dr. Murray Gell-Mann, appointment as citizen regent of the Smithsonian Institution Board of Regents
(Aug. 30, 1974; 88 Stat. 800)

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Correction

In FR Doc. 74–19856 appearing at page 31514 in the issue for Thursday, August 29, 1974, make the following corrections:

1. The 17th line of the first paragraph of the 3rd column on page 31514 which now reads "to the use of more than alternate food" should read "to the use of more than one alternate food."

2. On page 31515, the 2nd line of paragraph (4) *Slicing Character* of Appendix A to Part 210 which now reads "will slice to a 3½" x 3½" gram slice with-" should read "will slice to a 3½" x 3½" 21 gram slice with-".

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Salable and Reserve Percentages, Handler Reserve Obligation, and Undersized Prune Regulation for the 1974–75 Crop Year

Notice was published in the July 24, 1974, issue of the FEDERAL REGISTER (39 FR 26913), on proposals recommended by the Prune Administrative Committee to establish for the 1974–75 crop year (1) salable and reserve percentages for California dried prunes of 75 and 25 percent, respectively, and in connection therewith, the required composition of each handler's reserve obligation, and (2) an undersized prune regulation for prunes received by handlers from producers and dehydrators. The proposals were in accordance with the provisions of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

In arriving at these recommendations, the Committee considered various estimates including one that California's 1974 production of prunes would approximate 155,000 tons. These estimates resulted in computed percentages of 82 percent salable and 18 percent reserve. To protect against possible errors in estimation, the Committee included a seven percent adjustment in its recommendation, and thus the proposal to establish a salable percentage of 75 percent and a reserve percentage of 25 percent for the 1974–75 crop year. Information received by the Department since publication of the notice indicates that adverse weather conditions during July affected California's 1974 prune production so that the production will apparently not exceed 155,000 tons, and could be less. Thus, there is no need for the seven percent adjustment to protect against error in estimation included in the proposal published in the notice, and the salable and reserve percentages established for the 1974–75 crop year should be 82 percent and 18 percent, respectively.

The percentages apply to all prunes, excluding undersized prunes, received by handlers from producers and dehydrators during that crop year. Each handler's reserve obligation will reflect the average marketable content of his receipts, consistent with field pricing size categories, and the obligation will be the weighted average count per pound of all lots within each such category, as computed from inspection analysis.

The notice also contained a proposal to establish an undersized prune regulation for the 1974–75 crop year pursuant to § 993.49(c). Under this regulation, French variety prunes of a diameter of 23/32 inch or less, and non-French prunes of a diameter of 28/32 inch or less, are undersized prunes. Undersized prunes cannot be marketed by handlers for human consumption, but can be disposed of by them for nonhuman consumption purposes such as livetock feed. Undersized prunes received by handlers are not subject to volume regulation. In addition, undersized prunes are not inspected for the determination of grade defects. It is estimated that the 1974 production of California prunes will contain about 3,100 tons of undersized prunes. In order to establish an undersized regulation for the 1974–75 crop year, it is necessary to include a new subpart in Part 993 (7 CFR Part 993) entitled Subpart—Undersized Prune Regulation, and the undersized prune regulation for that year included in that subpart in a § 993.401 entitled Undersized prune regulation for the 1974–75 crop year.

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal, and 12 such comments were received. One comment was received from the Committee and recommended changes in certain of the field pricing size categories proposed to be set forth in paragraph (c) of § 993.210 to conform with field pricing size categories generally used in the California prune industry. The size categories recommended to be changed appear under the heading "Standard French Prunes". The Committee recommended that "71/80" be changed to "71/81", "81/101" be changed to "82/101", "122 or more" be separated into two categories—"122/135" and "136 or more". These changes should be made so as to conform with the field pricing size categories generally used in the industry.

One comment favored the proposals to establish a volume regulation and an undersized prune regulation for the 1974–75 crop year, and recommended the same changes in the field pricing size categories recommended by the Committee. The proponent indicated that the Committee's marketing policy estimates (as published in the notice) are reasonable based on information available to the Committee as of the date of its deliberations. Proponent also indicated that by exercising an undersized regulation and by applying an adjustment for possible error in estimation, the Committee, in its marketing policy deliberations utilized important provisions in the order consistent with a good objective appraisal of conditions facing the orderly marketing of the 1974 crop. As indicated previously, the seven percent adjustment for possible errors in estimation should not be made.

Ten comments opposed the proposals in whole or in part. All ten expressed opposition to the establishment of a volume regulation. One comment also expressed opposition to the establishment of an undersized regulation, but failed to give any reason for this opposition. Three commentators either favored the undersized regulation proposed in the notice or a regulation in which small or offgrade prunes would be placed in the reserve, or small prunes excluded from human consumption outlets.

The comments in opposition to the percentages proposed in the notice stated that: The percentages would be a hardship on small growers; weather conditions adversely affected the quality of California's 1974 prunes; the reserve should be made up of the least valuable portion of the crop; there is no oversupply of prunes: there is no oversupply of foods competitive with prunes; the reserve does not create orderly marketing; the reserve eliminates cash outlay by handlers for 25 percent of the crop; the reserve causes growers to pay to maintain part of the crop in handler

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storage; the reserve procedures established by the Committee enable handlers to trade old crop undesirable prunes for more desirable new crop prunes; and establishment of a reserve eliminates price bargaining between growers and handlers on that tonnage.

The influence of inclement weather upon California's 1974 prune production has been recognized by removal of the seven percent adjustment for possible errors in estimations. However, the estimated production of 155,000 tons coupled with the estimated carryout of about 53,000 tons on July 31, 1974 (indications now are that this carryout exceeds 54,000 tons), results in a supply of prunes in excess of 1974–75 requirements (trade demand plus desirable carryout) by about 27,500 tons. This quantity is of sufficient magnitude so as to warrant establishment of a volume regulation for the 1974–75 crop year to permit orderly marketing of the supply of prunes.

Comments dealing with reserve pool procedures or with matters not dealing with the basis for establishment of volume regulation for 1974–75 crop year are not relevant to the issues in the rulemaking procedure.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation of the Committee, the comments submitted pursuant to the notice, and other available information:

a. It is found that to establish the salable and reserve percentages and the required composition of each handler's reserve obligation for the 1974–75 crop year, as hereinafter set forth, will tend to effectuate the declared policy of the act.

b. The Committee's determination that supply conditions for the 1974–75 crop year warrant an undersized regulation, is hereby concurred in, and a new subpart entitled Subpart—Undersized Prune Regulation is included in Part 993 (7 CFR Part 993), and the undersized regulation for the 1974–75 crop year is prescribed in § 993.401 of that subpart.

Therefore, the salable and reserve percentages for prunes and handler reserve obligation, and the undersized regulation for the 1974–75 crop year shall be as follows:

1. Salable and reserve percentages and handler reserve obligation for the 1974–75 crop year:

§ 993.210 Salable and reserve percentages for prunes and handler reserve obligation for the 1974–75 crop year.

(a) *Percentages.* The salable and reserve percentages for the 1974–75 crop year shall be 82 percent and 18 percent, respectively.

(b) *Reserve obligation.* The reserve obligation of each handler shall, in accordance with § 993.56, be a weight of natural condition prunes equal to the sum of the results of applying the reserve percentages to the natural condition weight of each lot of prunes received by him from producers and dehydrators, excluding the quantity of undersized prunes determined pursuant to § 993.49 (c). The reserve obligation shall be comprised of natural condition prunes by variety and standard and substandard grade, and shall be consistent with the receipt by field pricing size categories: *Provided*, That a handler's reserve obligation with respect to all prunes received from producers and dehydrators shall be the weighted average size count of prunes exclusive of undersized prunes in all such lots within each such category, as computed from inspection analysis.

(c) *Field pricing size categories.* The field pricing size categories by variety and grade expressed in minimum and maximum numbers of prunes per pound for each are as follows:

Standard French prunes—33 or less, 34/50, 51/60, 61/70, 71/81, 82/101, 102/121, 122/135, and 136 or more;

Substandard French prunes—70 or less, 71/101, and 102 or more;

Standard non-French prunes—24 or less, 25/29, 30/33, 34/40; and

Substandard non-French prunes—70 or larger, 71/101, and 102 or more.

2. Add a new subpart, Subpart—Undersized Prune Regulation, to Part 993 (7 CFR Part 993) and include a § 993.401 in that subpart as follows:

Subpart—Undersized Prune Regulation

§ 993.401 Undersized prune regulation for the 1974–75 crop year.

Pursuant to § 993.49(c), an undersized prune regulation for the 1974–75 crop year is hereby established. Undersized prunes are prunes which pass freely through a round opening as follows: For French prunes, 23/32 inch in diameter; for non-French prunes, 28/32 inch in diameter.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said amended marketing agreement and this part require that salable and reserve percentages established for a particular crop year shall be applicable to all prunes received during the crop year by handlers from producers and dehydrators, excluding the quantity of undersized prunes determined pursuant to § 993.49(c); (2) the provisions of the amended marketing agreement and this part also require that an undersized regulation established for a particular crop year shall be applicable to all prunes received during the crop year by handlers from producers and dehydrators; (3) the current crop year began on August 1, 1974, and the percentages and undersized regulation established herein will apply automatically to such prunes beginning with such date; and (4) handlers are beginning to receive prunes in volume and no useful purpose would be served by delaying the effective time of this action.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 5, 1974.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.74–21002 Filed 9–10–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74–SO–35; Amdt. 39–1953]

PART 39—AIRWORTHINESS DIRECTIVES

HRS/H19 Military Surplus Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring that all HRS/H–19 series Helicopters comply with all ADs issued on S–55 series helicopters was published in 39 FR page 14979.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SIKORSKY.—Applies to all HRS/H–19 Series Helicopters Certificated in all Categories

Compliance with each of the following Airworthiness Directives for the Sikorsky S–55 Series Helicopters is required, except that the effective date of each will be the effective date of this Airworthiness Directive: 54–1–3, 54–13–1, 54–16–1, 54–19–2, 54–20–2, 55–25–4, 56–16–3, 56–23–3, 60–13–4, 63–5–2 (AD 63–5–2 extended service life to 1200 hours when operating in the Restricted Category and over sparsely populated areas), 65–8–2, 66–4–3 (AD 66–4–3 extended service life to 3500 hours, when operating in the Restricted Category and over sparsely populated areas), 67–17–6, 67–29–7 and 71–26–3.

This amendment becomes effective September 10, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; Sec. 6(c), Department of Transportation Act)

Issued in East Point, Georgia on August 28, 1974.

P. M. SWATEK,
Director, Southern Region.

[FR Doc.74–20948 Filed 9–10–74;8:45 am]

[Airspace Docket No. 74–GL–22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Page 26754 of the FEDERAL REGISTER dated July 23, 1974, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Winchester, Indiana.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted, subject to the following change:

The citation heading should be recited as "In Section 71.181 (39 FR 440), the following transition area is added:"

This amendment shall be effective 0901 G.m.t., November 7, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on August 23, 1974.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.171 (39 FR 354), the following control zone is added:

WINCHESTER, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Randolph County Airport (latitude 40°10'15" N., longitude 84°55'15" W.); within 2.5 miles either side of the 111° bearing extending from the 5 mile radius to 6 miles southeast of the airport.

[FR Doc.74–20947 Filed 9–10–74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

MODIFIED COTTONSEED PRODUCTS

A notice was published in the FEDERAL REGISTER of August 17, 1973 (38 FR 22241), proposing that § 121.1019 (21 CFR 121.1019) be amended by changing the name of the modified cottonseed product designated as "extracted, deglanded cottonseed flour" to "defatted cottonseed flour" and by further defining the product in the regulation as containing less than 1 percent fat. The simplified name adequately describes the additive which is a dry, finely ground product with virtually all fat removed in the processing. This amendment was proposed in accordance with a petition (FAP 3A2912) submitted by Grain Processing Corp., P.O. Box 341, Muscatine, IA 52761.

In response to the proposal, one comment was received. It suggested that the terminology "cottonseed flour" may be more appropriate than "defatted cottonseed flour". It was stated that the product is generally analogous in its composition and nutritional contribution to soybean flour. To permit the designation "soybean flour" while requiring that of "defatted cottonseed flour" implies a difference that does not exist.

The Commissioner of Food and Drugs concludes that the name "defatted cottonseed flour" is appropriate and should be adopted. The conventionally produced soybean flour, whether it is full fat, low fat, or defatted, is regarded as food. On the other hand, cottonseed contains gossypol, a naturally occurring polyphenol known to be toxic. Consequently, there is the necessity of modifying cottonseed for human consumption to reduce gossypol (to safe levels not in excess of 450 ppm) by removal or destruction using heat or mechanical means. The gossypol is in the pigment glands. The subject process removes gossypol intact by a cyclone process while removing the fat by a solvent extraction procedure.

Section 121.1019 was established to prescribe safe conditions of use for modified cottonseed products as food additives for human consumption. To assure safe use, § 121.1019 requires that the label of the food additive container declare the modified cottonseed product as named in the section to identify a food grade material. The designation "defatted" connotes a modified product, and thus unlike soybean flour, it is an important part of the product name in identifying food grade material.

Having considered the comment received and other relevant information, the Commissioner concludes that § 121.1019 should be amended as proposed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1019 is amended by revising paragraphs (a)(2) and (c) to read as follows:

§ 121.1019 Modified cottonseed products intended for human consumption.

• • • • • •

(a) • • •

(2) Decorticated, ground cottonseed kernels, in a process that utilizes *n*-hexane as an extracting solvent in such a way that no more than 60 parts per million of *n*-hexane residues and less than 1 percent fat by weight remain in the finished product.

• • • • • •

(c) To assure safe use of the additive, the label of the food additive container shall bear, in addition to other information required by the act, the name of the additive as follows:

(1) The additive identified in paragraph (a)(1) of this section as "partially defatted, cooked cottonseed flour."

(2) The additive identified in paragraph (a)(2) of this section as "defatted cottonseed flour."

Any person who will be adversely affected by the foregoing order may at any time on or before October 11, 1974 file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective September 11, 1974.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: September 4, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74–20926 Filed 9–10–74;8:45 am]

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Prednisolone Acetate-Neomycin Sulfate Sterile Suspension

The Commissioner of Food and Drugs has evaluated a new animal drug application (91–534V) filed by The Upjohn Co., Kalamazoo, MI 49001, proposing the safe and effective use of prednisolone acetate-neomycin sulfate sterile suspension for the treatment of the eyes and ears of dogs and cats. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b (i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding the following new section:

§ 135a.48 Prednisolone acetate-neomycin sulfate sterile suspension.

(a) *Specifications.* Prednisolone acetate-neomycin sulfate sterile suspension contains 2.5 milligrams of prednisolone acetate and 5 milligrams of neomycin sulfate (equivalent to 3.5 milligrams of neomycin base) in each milliliter of sterile suspension.

(b) *Sponsor.* See code No. 037 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is indicated for treating infectious, allergic and traumatic keratitis and conjunctivitis, acute otitis externa, and chronic otitis externa in dogs and cats.

(2) For beginning treatment of acute ocular inflammations 1 or 2 drops may be placed in the conjunctival sac 3 to 6 times during a 24 hour period. When improvement occurs, the dosage may be reduced to 1 drop 2 to 4 times daily. In otitis externa, 2 to 6 drops may be placed in the external ear canal 2 or 3 times daily.

(3) All topical ophthalmic preparations containing corticosteroids with or without an anti-microbial agent are contraindicated in the initial treatment of

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corneal ulcers. They should not be used until infection is under control and corneal regeneration is well underway.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective September 11, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: September 5, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-20928 Filed 9-10-74;8:45 am]

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Gentamicin Sulfate, Betamethasone Valerate Otic Solution

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (46-821V) filed by Schering Corp., 86 Orange St., Bloomfield, NJ 07003, proposing an additional indication for use for gentamicin sulfate, betamethasone valerate otic solution in dogs and cats. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a (21 CFR Part 135a) is amended in § 135a.22 by revising paragraph (c) (1), by revising the present paragraph (c) (2) and by redesignating it as paragraph (c) (2) (i), and by adding a new paragraph (c) (2) (ii) as follows:

§ 135a.22 Gentamicin sulfate, betamethasone valerate otic solution.

• • • • •

(c) *Conditions of use.* (1) The drug is used or indicated for use in dogs in the treatment of acute and chronic otitis externa caused by bacteria sensitive to gentamicin; the drug is also used or indicated for use in dogs and cats in the treatment of superficial infected lesions caused by bacteria sensitive to gentamicin.

(2) (i) For the treatment of acute and chronic canine otitis externa caused by bacteria sensitive to gentamicin, the drug is administered by instillation of 3 to 8 drops of solution into the ear canal twice daily for 7 to 14 days. Duration of treatment will depend upon the severity of the condition and the response obtained. The duration of treatment and/or frequency of the dosage may be reduced but care should be taken not to discontinue therapy prematurely. The external ear and ear canal should be properly cleaned and dried before treatment. Remove foreign material, debris, crusted exudates, etc., with suitable nonirritating solutions. Excessive hair should be clipped from the treatment area of the external ear.

(ii) For the treatment of canine and feline superficial infected lesions caused by bacteria sensitive to gentamicin, the lesion and adjacent area should be properly cleaned before treatment. Excessive hair should be removed. A sufficient amount of the drug should be applied to cover the treatment area. The drug should be administered twice daily for 7 to 14 days.

• • • • •

Effective date. This order shall be effective September 11, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: September 5, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-20927 Filed 9-10-74;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 331—ANTACID PRODUCTS FOR OVER-THE-COUNTER (OTC) HUMAN USE

PART 332—ANTIFLATULENT PRODUCTS FOR OVER-THE-COUNTER (OTC) HUMAN USE

Final Order for Antacid and Antiflatulent Products Generally Recognized as Safe and Effective and Not Misbranded; Correction

In FR Doc.74-12668 appearing at page 19862 in the issue of Tuesday, June 4, 1974, the following corrections are made:

1. On page 19874 in the left column, the first full sentence is corrected to read "Products which do not meet both of these requirements shall be subject to the requirements for Category II products."

2. On page 19874 in the center column at the end of paragraph No. 3 under "B. *Labeling*," the following paragraph is inserted:

All correspondence relating to these conditions should be submitted to the Assistant Director for Implementation, OTC Drug Products Evaluation Staff, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

3. On page 19876 in the center column, § 331.29 is corrected by changing the second sentence to read as follows:

§ 331.29 Test modifications.

• • • Any proposed modification and the data to support it shall be submitted to the Assistant Director for Implementation, OTC Drug Products Evaluation Staff, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, for approval prior to use.

Dated: September 4, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-20925 Filed 9-10-74;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Pyrantel Tartrate

The Commissioner of Food and Drugs has evaluated a new animal drug application (97-258V) filed by Ralston Purina Co., St. Louis, MO 63188, proposing safe and effective use of pyrantel tartrate as an anthelmintic in swine feed. The application is approved. Accordingly 21 CFR 135e.64 is being amended to indicate an additional sponsor.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.64 is amended by revising paragraph (a) to read as follows:

§ 135e.64 Pyrantel tartrate.

(a) *Approvals.* Premix level of 10.6 percent (48 grams per pound) granted to code Nos. 030 and 047 in § 135.501(c) of this chapter.

• • • • •

Effective date. This order shall be effective September 11, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: September 5, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-20931 Filed 9-10-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER IV—OFFICE OF ASSISTANT SECRETARY FOR HOUSING MANAGEMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-291]

SUBCHAPTER A—INSURED MULTIFAMILY HOUSING—MANAGEMENT AND MORTGAGE SERVICING

PART 401—NOTICE TO TENANTS AND CONSIDERATION OF THEIR COMMENTS IN EFFECTING RENT INCREASES

Subpart A—Procedures for Requesting Increases in Maximum Permissible Rents for Certain Subsidized Projects

SUBCHAPTER B—LOW-RENT PUBLIC HOUSING MANAGEMENT

PART 410—INCOME LIMITS, RENTS, AND OCCUPANCY

Subpart G—Rent Schedules and Rent Systems

INTERIM RULE

The Department of Housing and Urban Development is adding to Chapter IV of Title 24 two new subchapters: (1) Subchapter B, "Low-Rent Public Housing Management," a new Part 410, "Income Limits, Rents, and Occupancy," a new Subpart G, "Rent Schedules and Rent Systems," and new §§ 410.71 through 410.74, "Notice to Tenants and Consideration of Their Comments in Making Changes to Rent Schedules." The new sections set forth the procedures to be followed by local housing authorities (LHA's) in requesting the Department's approval of changes in rent schedules which may result in rent increases for occupancy of dwelling units assisted under the United States Housing Act of 1937, as amended. The procedures include (i) notification to tenants of the intention to submit to the Department (HUD) a request for approval of such a change in rent schedules; (ii) an opportunity for tenants to make written comments on the proposed changes in rent schedules to the LHA and HUD; and (iii) after HUD has considered all the submitted material, notification by the LHA to tenants of the reasons for approval or disapproval; and (2) Subchapter A, "Insured Multifamily Housing—Management and Mortgage Servicing," a new Part 401 "Notice to Tenants and Consideration of Their Comments in Effecting Rent Increases," and a new Subpart A, "Procedures for Requesting Increases in Maximum Permissible Rents for Certain Subsidized Projects." The new subpart sets forth the procedures to be followed by mortgagors of multifamily projects (with the exception of cooperative housing mortgagor corporations or associations) which receive the benefit of subsidy in the form of below-market interest rates pursuant to section 221(d)(3) and (5) or interest reduction payments pursuant to section 236 of the National Housing Act or rent supplement payments under section 101 of the Housing and Urban Development Act of 1965, when they wish to obtain approval by HUD of an increase in the maximum permissible rents that they can charge their tenants. The procedures include: (1) Notification to the tenants of intent to request approval of an increase in the maximum permissible rents; (2) an opportunity for tenants to make written comments on the proposed increase to the mortgagor and to HUD; and (3) after HUD has considered all the submitted material, notification to the tenants of the reasons for approval or disapproval.

Tenant participation in proposals to change public housing schedules potentially resulting in increased rents themselves and in proposals to increase maximum permissible rents for various other subsidized housing projects are both highly desirable. Moreover, a uniform nationwide policy for tenant participation in both public and subsidized rent increase proposals is urgently needed. For this reason, Part 401 and Part 410 are being issued as an interim rule which will become effective thirty days after publication in accordance with 5 U.S.C. 553(d). However, the Department invites interested persons to submit data, views, and suggestions with respect to this rule, and is providing sixty days in lieu of the usual thirty in which to file comments. All relevant material received on or before Nov. 12, 1974, will be considered by the Department before a final rule is adopted. Filings should refer to the above Docket number and should be filed in triplicate with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. Copies of comments submitted will be available during business hours at the above address for examination by interested persons.

Chapter IV of Title 24 is amended as follows:

1. A new Subchapter B is added to Chapter IV as follows:

Subpart G—Rent Schedules and Rent Systems

NOTICE TO TENANTS AND CONSIDERATION OF THEIR COMMENTS IN MAKING CHANGES TO RENT SCHEDULES

Sec.
410.71 Applicability of procedures.
410.72 Notice to tenants.
410.73 Request for approval of revisions to rent schedule.
410.74 Notification of action on LHA request.

AUTHORITY: Sec 7(d) of the HUD Act (42 U.S.C. 3535(d)).

Subpart G—Rent Schedules and Rent Systems

§ 410.71 Applicability of procedures.

Subject to the provisions of the United States Housing Act of 1937, as amended, the procedures set forth in §§ 410.71 through 410.74 shall be applicable to all requests submitted by an LHA to HUD for its approval of a change in a rent schedule which may result in rent increases for occupancy of dwelling units assisted under said Act. These procedures shall not apply to rent increases for individual families based upon the circumstances of the family, such as family income or composition.

§ 410.72 Notice to tenants.

Thirty (30) days before requesting HUD to approve a change in a rent schedule which may result in rent increases, an LHA shall post in not less than three (3) conspicuous places within each multifamily structure or building (i.e., containing more than four dwelling units) for which such a change is sought or in the project office and community facility, if any, in the case of other dwellings, a Notice to the tenants of the intention to request approval for such a change. The LHA shall take reasonable steps to assure that the posted notices remain intact and legible for a period of thirty (30) days from the date of posting. The Notice shall be in the following format:

NOTICE TO RESIDENTS OF INTENTION TO REQUEST HUD APPROVAL OF A CHANGE IN A RENT SCHEDULE WHICH MAY RESULT IN RENT INCREASES

Date of Posting

This is to advise you that 30 days from the date of posting noted above, we plan to request the United States Department of Housing and Urban Development to approve a change in a rent schedule which may result in rent increases. The proposed change is needed for the following reasons:

1.
2.
3.

The provisions of the rent schedule presently in effect which are proposed to be changed are as follows: [Describe fully, giving examples, if pertinent.]

The changes in the rent schedule for which we plan to request HUD approval are as follows: [Describe fully, giving examples of possible rent increases that might result.]

All materials that we plan to submit to HUD in support of our request will be available during normal business hours at [address] for a period of 30 days from the date of posting of this notice for inspection and copying by residents of [designate buildings and projects]. These residents may submit comments in writing for or against the proposed changed rent schedules to us at the address given below. These comments will be transmitted to HUD with our request for approval of the change in rent schedule. You may also send a copy of your comments directly to HUD at the following address:

U.S. Department of Housing and Urban Development [address of local HUD field office with jurisdiction over changes in rent schedules for the project].

Attention: Director, Housing Management Branch.

Re: Project No. _____

_____
(Names of Buildings and Projects)

HUD may approve all, some, or none of the proposed changes in the existing rent schedule. When HUD advises us in writing of its decision on our request, you will be notified at least 30 days before an allowable change in the rent schedule is put into effect.

[Name of Local Housing Authority]
[Address of Local Housing Authority]

The LHA shall comply with all representations made in the Notice.

§ 410.73 Request for approval of revisions to rent schedule.

(a) After the expiration of the period of thirty (30) days following the posting of the Notice as provided in § 410.72, the LHA may submit a request for approval of a change in a rent schedule to the appropriate local HUD office. To be acceptable for processing, such request will include, among other documents, the following:

(1) A copy of the written Notice to tenants;

(2) A Certification by the LHA following the requirements specified in paragraph (b) of this section;

(3) A written statement of the reasons for the request;

(4) Copies of all written comments submitted by the tenants to the LHA; and

(5) The LHA's evaluation of the tenant's comments with respect to the request.

(b) The Certification of the LHA as required by paragraph (a)(2) of this section shall attest to the following:

(1) That the Notice required by § 410.72 was posted in accordance with the requirements of that section;

(2) That the Notice was posted for at least thirty (30) consecutive days prior to the submission of the request for approval of a change in a rent schedule to HUD, and in particular, was posted from [date] to [date];

(3) That the LHA has taken reasonable steps to assure that the posted Notice remained intact and legible for the period of thirty (30) days from the date of posting;

(4) That the materials to be submitted in support of the proposed change in rent schedule were located in a place reasonably accessible to tenants affected

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by the proposed change and that requests by tenants to inspect such materials as provided for in the Notice, were honored; and

(5) That copies of all comments received from the tenants were considered and transmitted to HUD.

(c) The Certification of the LHA shall be made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States shall be fined not more than $10,000 or imprisoned for not more than five years or both.

§ 410.74 Notification of action on LHA request.

After HUD has considered the request for a revised rent schedule which meets the requirements of § 410.73, and has made a determination, the HUD field office will furnish the LHA with a written statement of the reasons for its determination. The LHA shall post a copy of the statement from HUD in all the places in which the notice of intention to request HUD approval of the proposed change in rent schedule were posted, and shall take reasonable steps to assure that the posted copies remain intact and legible for a period of thirty (30) days from the date the copies are posted.

2. A new Subchapter A is added to Chapter IV as follows:

Subpart A—Procedures for Requesting Increases in Maximum Permissible Rents for Certain Subsidized Projects

401.1 Applicability of procedures.
401.2 Notice to tenants.
401.3 Request for Increase.
401.4 Notification of action on application for increase.

AUTHORITY: Sec. 7(d) of the HUD Act (42 U.S.C. 3535(d)); Sec. 211, 52 Stat. 23, as amended) (12 U.S.C. 1715b).

Sec.

Subpart A—Procedures for Requesting Increases in Maximum Permissible Rents for Certain Subsidized Projects

§ 401.1 Applicability of procedures.

The procedures set forth in §§ 401.2 through 401.4 shall be applicable to all requests for increases in maximum permissible rents by the mortgagors of multifamily projects (with the exception of cooperative housing mortgagor corporations or associations) which receive the benefit of subsidy in the form of below-market interest rates pursuant to section 221(d) (3) and (5) or interest reduction payments pursuant to section 236 of the National Housing Act or rent supplement payments under section 101 of the Housing and Urban Development Act of 1965.

§ 401.2 Notice to tenants.

Thirty (30) days before filing an application to HUD for an increase in the maximum permissible rents, the mortgagor shall post in not less than three (3) conspicuous places within each structure or building of the project for which such an increase is sought a Notice to the tenants of the intention to request such an increase. The mortgagor shall take reasonable steps to assure that the posted notices remain intact and legible for a period of thirty (30) days from the date of posting. The Notice shall be in the following format:

NOTICE TO RESIDENTS OF INTENTION TO FILE AN APPLICATION TO HUD FOR AN INCREASE IN THE MAXIMUM PERMISSIBLE RENTS

_____
Date of Posting

This is to advise you that 30 days from the date of posting noted above, we plan to file an application for approval of an increase in the maximum permissible rents for [name of apartment complex] to the United States Department of Housing and Urban Development (HUD). The proposed increase is needed for the following reasons:

1.
2.
3.

The rent increases for which we plan to apply are:

Bedrooms	Present Rent [1]		Proposed Increase [1]		Proposed Rent [1]	
	Basic	Market	Basic	Market	Basic	Market
0	$	$	$	$	$	$
1						
2						
3						
4						
5						

[1] Separate columns for basic and market rent should be used only for projects assisted under Section 236 of the National Housing Act. In addition, in projects with more than one type of apartment having the same number of bedrooms but different rents, each type should be listed separately.

All materials that we intend to submit to HUD in support of our application will be available during normal business hours at [address] for a period of 30 days from the date of posting of this notice for inspection and copying by residents of [name of apartment complex].

Residents of [name of apartment complex] may submit comments in writing for or against the rental increase to us at [address]. These will be transmitted to HUD with our application for an increase. You may also send a copy of your comments directly to HUD at the following address:

U.S. Department of Housing and Urban Development [address of local HUD field office with jurisdiction over rent increases for the project].

Attention: Director, Housing Management Branch.

Re: FHA Project No. _____

_____
(Name of Apartment Complex)

HUD may approve all, some, or none of the proposed rental increase. When HUD advises us in writing of its decision on our application, you will be notified at least 30 days before any allowable increase is put into effect. For those residents who are currently under leases with a term of more than a month, any allowable rent increase will not take place until the end of the term of the lease.

Sincerely,

_____
(name of mortgagor or managing agent)

The mortgagor shall comply with all representations made in the Notice.

§ 401.3 Request for increase.

(a) At the expiration of the period of thirty (30) days following the posting of the Notice, as provided for in this section, the mortgagor may submit an application for an increase in the maximum permissible rents to the appropriate local HUD office. To be acceptable for processing, such applications will include, among other documents, the following:

(1) A copy of the written Notice to tenants;

(2) A Certification by the mortgagor following the requirements specified in paragraph (b) of this Section;

(3) The annual Statement of Receipts and Disbursements (cash flow statement) covering the most recently ended accounting year or monthly accountings from the date of the last Statement in the format acceptable to HUD;

(4) A written statement of the reasons for the request;

(5) Copies of all written comments submitted by the tenants to the mortgagor; and

(6) The mortgagor's evaluation of the tenant's comments with respect to the application.

(b) The certification of the mortgagor as required by paragraph (a)(2) of this section shall attest to the following:

(1) That the Notice required by section 401.2 was posted in appropriate conspicuous places on or within each structure or building of the project for which the increase is sought;

(2) That the Notice was posted for at least thirty (30) consecutive days prior to the submission of the application for an increase to HUD, and in particular, was posted from [date] to [date];

(3) That the mortgagor has taken reasonable steps to assure that the posted notice remained intact and legible for the period of thirty (30) days from the date of posting;

(4) That the materials to be submitted in support of the proposed increase were located in a place reasonably accessible to tenants in the project and that requests by tenants to inspect such materials, as provided for in the Notice, were honored;

(5) That copies of all comments received from the tenants were considered and transmitted to HUD; and

(6) That "under the penalties and provisions of Title 18, United States Code, Sections 1001 and 1010, the statements contained in this application and its attachments have been examined by me and are true, correct and complete."

§ 401.4 Notification of action on application for increase.

After HUD has considered the application for an increase in the maximum permissible rents which meets the requirements of § 401.3 and has made a determination to approve or disapprove the application, the local HUD office will furnish the mortgagor with a written statement of the reasons for approval or disapproval. The mortgagor shall post a copy of the statement from HUD in not less than three conspicuous places within each structure or building of the project for which the increase is sought and shall take reasonable steps to assure that the posted copies remain intact and legible for a period of thirty (30) days from the date the copies are posted.

Effective date. These amendments are effective as of October 14, 1974.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.74-20986 Filed 9-10-74;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Withholding of Federal Payments Under Medicaid With Respect to Certain Health Care Facilities

Correction

In FR Doc. 74-20034 appearing on page 31528 of the issue for Thursday, August 29, 1974, in the second line of § 250.220(b)(4), "Administrator will not notify" should read "Administrator will notify."

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-9]

PART 401—GREAT LAKES PILOTAGE REGULATIONS

Subpart D—Basic Rates, Charges, and Conditions for U.S. Pilotage Services

Correction

In FR Doc. 74-20073 appearing at page 31529 in the issue for Thursday, August 29, 1974, the following corrections are made as set forth below:

1. In the 6th line of paragraph 2 of the 2nd column on page 31529, "carrier" should read "carried."

2. In the third line of § 401.405(b)(1) on page 31530, "statue" should read "statute."

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 71-13; Notice 7]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Brake Fluids; Correction

In FR Doc. 74-19335 appearing at page 30353, in the issue of Tuesday, August 22, 1974, make the following corrections:

1. In S5.1.5.2, on page 30354, change lines 3, 4, 5, and 6 to read as follows: "According to S6.5.4, the change in temperature of the refluxing fluid mixture shall not exceed 3.0° C (5.4° F) plus 0.05° C (0.09° F) for each degree that the".

2. In S5.2.2.2(g) change the fraction in line 3 to "⅛".

3. Correct item 27 on page 30355 to read: "In S6.10.2, (f) is removed".

(Sec. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718 (15 USC 1392, 1401, 1407); delegation of authority at 49 CFR 1.51)

Issued on September 6, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-20997 Filed 9-10-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective during the period September 14, 1974 through March 15, 1975.

§ 32.12 Special regulations; upland game; for individual wildlife refuge areas.

PENNSLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of hares, rabbits, woodchucks, raccoons, squirrels, grouse, quail, pheasants, skunks, opossums, and foxes is permitted on portions of the Erie National Wildlife Refuge, Pennsylvania. Copies of a map delineating the open hunting areas are available at refuge headquarters, Guys Mills, Pennsylvania, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State regulations governing hunting of small game, furbearers, and foxes during the period September 14, 1974 through March 15, 1975 subject to the following special conditions:

(1) That portion of the refuge situated between Pennsylvania Routes 27 and 173 is closed to hunting with firearms from September 14, 1974 through November 25, 1975.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 15, 1975.

ROBERT H. SHIELDS,
Acting Regional Director, U.S. Fish and Wildlife Service.

AUGUST 30, 1974.

[FR Doc.74-20883 Filed 9-10-74;8:45 am]

PART 32—HUNTING

Parker River National Wildlife Refuge, Mass.

The following special regulation is issued and is effective during the period September 14, 1974 through March 15, 1975 subject to the following special conditions:

(1) That portion of the refuge situated between Pennsylvania Routes 27 and 173 is closed to hunting with firearms from September 14, 1974 through November 25, 1975.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 15, 1975.

ROBERT H. SHIELDS,
Acting Regional Director, U.S. Fish and Wildlife Service.

AUGUST 30, 1974.

[FR Doc.74-20884 Filed 9-10-74;8:45 am]

V 39 I 177 SEP 11 74 XUM

October 16, 1974 through January 31, 1975.

§ 32.12 Special regulation; migratory game birds; for individual wildlife refuge areas.

MASSACHUSETTS

PARKER RIVER NATIONAL WILDLIFE REFUGE

Public hunting of waterfowl and coots on the Parker River National Wildlife Refuge, Massachusetts, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 1,900 acres, and known as the Pine Island Hunting Area, Parker River Hunting Area, Nelson's Island Hunting Area, and the Youth Hunting Area, are delineated on maps available at refuge headquarters, Newburyport, Massachusetts or from the Regional Director, Fish and Wildlife Service, U.S. Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of migratory game birds, subject to the following special conditions:

(1) The number of hunters on the Pine Island Area will be limited to 100 each day, Parker River Area to 50 each day, and the Nelson's Island Area to 50 each day. Participation will be on a first-come, first-served basis from Monday through Friday, except holidays and opening day. Participation on opening day, Saturdays, and holidays will be by advance permit secured via mail. Hunters on all three areas are limited to 25 shotshells per day.

(2) The Youth Hunting Area will be open during the regular State waterfowl season for Young Waterfowl trainees on selected days except Sundays under the provisions of this special program. Literature describing this program is available at the refuge headquarters.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
Fish and Wildlife Service.

AUGUST 30, 1974.

[FR Doc.74-20888 Filed 9-10-74;8:45 am]

PART 32—HUNTING

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and effective during the period October 16, 1974 through December 31, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

The public hunting of migratory waterfowl on the Montezuma National Wildlife Refuge, New York, is permitted on the areas designated by the signs as open to waterfowl hunting. The waterfowl hunting area known as the Tschache Pool comprises 1,340 acres and is delineated on maps available at refuge headquarters, Seneca Falls, New York and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of migratory waterfowl subject to the following special conditions:

1. Hunting is permitted on Tuesdays, Thursdays, and Saturdays.

2. On designated days migratory waterfowl will be hunted with 12-gauge shotguns using steel short available at the refuge at a charge of not less than 16¢ per round.

3. Applications for blind reservations received no later than September 28 will be accepted. Reservations for blinds, for hunting from October 16 through November 23, will be selected by public drawing. Successful applicants must appear in person at the refuge waterfowl check station prior to 1 hour before legal shooting time on the date reserved. Unreserved and forfeited blinds will be awarded by a drawing on the morning of the hunt to hunters without reservations.

4. The first two Saturdays (and Sundays if necessary) of the season will be reserved for the Young Waterfowler's Training Program hunt. A brochure describing this program is also available.

5. No more than three persons are permitted in each blind.

6. Loaded guns are not permitted outside the blind except when in pursuit of a crippled bird.

7. Hunters must provide a minimum of six duck decoys and will be limited to fifteen shells each, with shot size no larger than No. 2.

8. All hunting ends each hunting day at 12 noon local time, and all hunters must check out at the waterfowl check station no later than 1 p.m. local time.

9. A user fee of $2 per blind will be charged.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1974.

ROBERT H. SHIELDS,
Acting Regional Director, U.S.
Fish and Wildlife Service.

AUGUST 30, 1974.

[FR Doc.74-20887 Filed 9-10-74;8:45 am]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective during the period September 28, 1974 through December 31, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of upland game on the Missisquoi National Wildlife Refuge, Vermont is permitted only on the areas delineated on maps available at refuge headquarters, RD 2, Swanton, Vermont 05488, and from the Regional Director, Fish and Wildlife Service, U.S. Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of migratory game birds subject to the following special condition: 1. In the open area south and east of State Route 78, with the exception of the lakeshore marsh along Maquam Bay, no permanent blinds are allowed. All materials used in blind construction must be removed from the area daily.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1974.

ROBERT H. SHIELDS,
Acting Regional Director,
Fish and Wildlife Service.

AUGUST 30, 1974.

[FR Doc.74-20885 Filed 9-10-74;8:45 am]

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective from September 28, 1974, through December 31, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of migratory game birds on the Missisquoi National Wildlife Refuge, Vermont is permitted only on the areas delineated on maps available at refuge headquarters, RD 2, Swanton, Vermont 05488, and from the Regional Director, Fish and Wildlife Service, U.S. Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of migratory game birds subject to the following special condition: 1. In the open area south and east of State Route 78, with the exception of the lakeshore marsh along Maquam Bay, no permanent blinds are allowed. All materials used in blind construction must be removed from the area daily.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
Fish and Wildlife Service.

AUGUST 30, 1974.

[FR Doc.74-20888 Filed 9-10-74;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period September 14, 1974 through April 30, 1975.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Prime Hook National Wildlife Refuge, Delaware, is permitted on Hunting Areas A and B within the regularly established 1974–75 hunting seasons of the State of Delaware. This open upland game hunting area, comprising approximately 6,100 acres, is delineated on maps available at refuge headquarters, Rural Delivery No. 1, Box 195, Milton, Delaware 19968, and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 30, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

AUGUST 30, 1974.

[FR Doc.74-20881 Filed 9-10-74;8:45 am]

PART 32—HUNTING

Erie National Wildlife Refuge, Pa.

The following special regulation is issued and is effective during the period September 20, 1974 through January 13, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

PENNSYLVANIA

ERIE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Erie National Wildlife Refuge, Pennsylvania, is permitted. The open hunting area is delineated on maps available at refuge headquarters, Guys Mills, Pennsylvania, and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations governing hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 13, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
U.S. Fish and Wildlife Service.

AUGUST 30, 1974.

[FR Doc.74-20882 Filed 9-10-74;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period September 14, 1974 through January 31, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer on Prime Hook National Wildlife Refuge, Delaware, is permitted within the regularly established 1974–75 hunting season of the State of Delaware. This open deer hunting area, comprising approximately 6,100 acres, is delineated on a map available at the refuge headquarters, Rural Delivery No. 1, Box 195, Milton, Delaware 19968, and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Archery hunters must show proof of completion of a weapons qualification test. This test will consist of placing 2 out of 5 arrows in the 9x14 inch chest area of a standard-size deer target at 25 yards.

(2) Primitive weapons hunters must show proof of completion of a weapons qualification test. This test will consist of placing three consecutive rounds in a 12 inch circle at 50 yards, firing from the offhand position. The type of weapon used for the qualification test must be the same type that is to be used for the hunt—percussion or flintlock.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1975.

ROBERT H. SHIELDS,
Acting Regional Director,
Fish and Wildlife Service.

AUGUST 30, 1974.

[FR Doc.74-20880 Filed 9-10-74;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER E—EDUCATION

PART 35—STUDENT RIGHTS AND DUE PROCESS PROCEDURES

SEPTEMBER 4, 1974.

This notice is published in the exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938).

The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and Sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 20489 of the June 11, 1974, FEDERAL REGISTER there was published a notice of proposed rulemaking to add a new Part 35 to Subchapter E, Chapter I, Title 25 of the Code of Federal Regulations. The purpose of the addition is to establish rules and regulations regarding the rights and due process procedures pertaining to students in Bureau of Indian Affairs schools. The regulations were proposed pursuant to 5 U.S.C. section 301.

Interested persons were given 30 days in which to submit written comments, suggestions or objections regarding the proposed regulations.

Comments have been received and evaluated and the proposed regulations are hereby adopted without change and are set forth below.

The new Part 35 shall become effective on October 11, 1974.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

Sec.
35.1 Purpose.
35.2 Application to Bureau schools.
35.3 Rights of the individual student.
35.4 Due process.
35.5 Application to schools under Bureau contract.

AUTHORITY: 5 U.S.C. sec. 301.

§ 35.1 Purpose.

The regulations in this part govern establishing programs of student rights and due process procedures in Bureau of Indian Affairs schools and in schools that are operating under contract with the Bureau of Indian Affairs.

§ 35.2 Application to Bureau schools.

All Bureau of Indian Affairs schools shall be governed by the regulations set forth in this part and said regulations shall be expressly included as a part of the local school regulations of each Bureau of Indian Affairs school. Upon admission, all students of Bureau of Indian Affairs schools shall be given a copy of the school regulations governing the conduct of students and shall be notified of any amendments thereto.

§ 35.3 Rights of the individual student.

Individual students at Bureau of Indian Affairs schools have, and shall be accorded, the following rights:

(a) The right to an education.

(b) The right to be free from unreasonable search and seizure of their person and property, to a reasonable degree of privacy, and to a safe and secure environment.

(c) The right to make his or her own decisions where applicable.

(d) The right to freedom of religion and culture.

(e) The right to freedom of speech and expression, including symbolic expression, such as display of buttons,

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posters, choice of dress, and length of hair, so long as the symbolic expression does not unreasonably and in fact disrupt the educational process or endanger the health and safety of the student or others.

(f) The right to freedom of the press, except where material in student publications is libelous, slanderous, or obscene.

(g) The right to peaceably assembly and to petition the redress of grievances.

(h) The right to freedom from discrimination.

(i) The right to due process. Every student is entitled to due process in every instance of disciplinary action for alleged violation of school regulations for which the student may be subjected to penalties of suspension, expulsion, or transfer.

§ 35.4 Due process.

Due process shall include:

(a) Written notice of charges within a reasonable time prior to a hearing. Notice of the charges shall include reference to the regulation allegedly violated, the facts alleged to constitute the violation, and notice of access to all statements of persons relating to the charge and to those parts of the student's school record which will be considered in rendering a disciplinary decision.

(b) A fair and impartial hearing prior to the imposition of disciplinary action absent the actual existence of an emergency situation seriously and immediately endangering the health or safety of the student or others. In an emergency situation the official may impose disciplinary action not to exceed a temporary suspension, but shall immediately thereafter report in writing the facts (not conclusions) giving rise to the emergency and shall afford the student a hearing which fully comports with due process, as set forth herein, as soon as practicable thereafter.

(c) The right to have present at the hearing the student's parent(s) or guardian(s) (or their designee) and to be represented by lay or legal counsel of the student's choice. Private attorney's fees are to be borne by the student.

(d) The right to produce, and have produced, witnesses on the student's behalf and to confront and examine all witnesses.

(e) The right to a record of hearings of disciplinary actions, including written findings of fact and conclusions in all cases of disciplinary action.

(f) The right to administrative review and appeal.

(g) The student shall not be compelled to testify against himself.

(h) The right to have allegations of misconduct and information pertaining thereto expunged from the student's school record in the event the student is found not guilty of the charges.

§ 35.5 Application to schools under Bureau contract.

Non-Bureau of Indian Affairs schools which are funded under contract with the Bureau of Indian Affairs must also recognize these student rights.

[FR Doc.74-20991 Filed 9-10-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 53]

CARCASS BEEF, SLAUGHTER CATTLE

Standards for Grades

Notice is hereby given, in accordance with the administrative procedure provisions of 5 U.S.C. 553, that pursuant to authority conferred by the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621, et seq.), it is proposed to amend (1) the standards for grades of carcass beef (7 CFR 53.100–53.105), and (2) the standards for grades of slaughter cattle (7 CFR 53.201–53.206).

Statement of Considerations. Under the Agricultural Marketing Act of 1946, as amended, the Department of Agriculture is responsible for providing meaningful and useful grade standards to facilitate the marketing of livestock and meat. The Act directs the Secretary of Agriculture to develop and improve standards for quality, condition, quantity, and grade, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practice, 7 U.S.C. 1622(c). The Act also directs the Secretary to inspect, certify, and identify the class, quality, and condition of agricultural products so that they may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality product they desire, but no person is required to use the service, 7 U.S.C. 1622(h).

In the grade standards for beef as originally promulgated in 1926, separate standards were provided for beef from steers, heifers, and cows. In these standards, marbling was recognized as a major factor in evaluating quality of the lean. The first major revision of these grades in 1939 combined the standards for steer, heifer, and cow beef and also established maturity as an important additional factor in evaluating quality. These two considerations—marbling and maturity—have been continued as the principal factors referenced in the standards to evaluate differences in lean quality and reflect the premises (1) that increases in marbling have a beneficial effect on palatability and (2) that advancing maturity has a deleterious effect on palatability. Since these factors have opposite effects on quality, in the specifications for each of the grades, increased marbling has been required as maturity increases. And, in the revision of the standards in 1965, these relationships were shown in graphic form. Eight grades are currently used to identify these quality differences—Prime, Choice, Good, Standard, Commercial, Utility, Cutter, and Canner.

In 1965, after more than ten years of extensive studies, a new dimension was added to beef grading—yield grades. Five numerical grades, 1 through 5, identify carcasses and wholesale cuts for their relative yields of retail cuts or "cutability". Quality and yield grades, which have been available for use separately or jointly, identify beef for the two most important factors that affect its acceptance and value, namely (1) eating quality—tenderness, juiciness, and flavor—and (2) yields of salable meat.

The Department has received specific recommendations for changes in the beef grade standards from groups representing several major segments of the cattle and beef industry. One of the recommendations—suggested by three of these groups—was that conformation be eliminated as a factor in determining the quality grade. The Department proposed this change in 1962 but it failed to receive sufficient support to justify its adoption at that time. However, as was the case in 1962, there is still no information which indicates that variations in conformation are related to differences in beef's palatability. Therefore, one of the important changes included in this proposal would eliminate consideration of conformation as a factor in determining the quality grade. Under the present standards, because of the manner in which variations in conformation affect the quality grade, beef included in most of these grades can be quite variable in quality. For example, the Good grade can include beef with Prime, Choice, Good, and Standard grade quality. Under the proposed standards, this variation would be eliminated—each quality grade would include only beef of that quality. This increased uniformity of quality within each grade would make the grades more useful and reliable guides to aid consumers in purchasing the kind of beef they prefer.

The Department acknowledges, however, that variations in conformation which reflect differences in muscling do affect yields of lean—and carcass value. At the same time, through, the Department has determined that this contribution is more accurately measured and reflected by the yield grades than by subjective evaluations of conformation. Therefore, when carcasses are federally graded, to insure that the grade reflects the contribution of conformation and other factors affecting cut-out value, it is proposed that the official grade identify both the quality grade and the yield grade. This change in the standards was very strongly recommended by some producer organizations. The quality and yield grades identify the major factors that affect beef's value and acceptance but which are not otherwise readily identifiable by the marketing system. Therefore, these producer spokesmen have pointed out that requiring officially graded carcasses to be identified for both quality and yield would increase the effectiveness of the grades as a tool for reflecting consumer preferences back through marketing channels to producers. The Department concurs with that view and also maintains that, if the market for beef and cattle reflected the full retail sales value differences associated with differences in both quality and cutability, producers would respond by increasing the production of high-quality, high-cutability beef. This would be advantageous to all segments of the industry and to consumers by providing leaner beef with less waste in keeping with consumer tastes. The significance of yield grades becomes evident when tests reveal that carcasses of the same quality grade—Choice for example—can vary in value by $75 or more due to differences in cutability.

This proposed change also would affect the grading of some wholesale cuts—only loins, short loins, and ribs could be graded as individual cuts. These are the only cuts which contain a cross section of the ribeye muscle at the 12th rib—a requirement in determining the yield grade. However, rounds, chucks, and other wholesale cuts could be graded as cuts if they remain attached to a rib, short loin, or loin.

Each segment of the cattle and beef industry that has suggested changes in the standards has recommended that the relative emphasis placed on marbling and maturity in determining the quality grade be changed. However, these recommendations were quite diverse. In recognition of the need for a more factual basis for the standards, the Department has continually encouraged and otherwise supported research designed to identify and evaluate the factors that affect beef palatability and a considerable amount of such research has been conducted. This research has confirmed that marbling and maturity are the two most important factors that can be used in grading to identify differences in palatability. However, some of the recent research indicates that as beef increases in maturity within the youngest maturity group referenced in the standards, an increase in marbling is not necessary to insure a comparable degree of palatability. Therefore, for such young beef, another of the major changes involved in

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this proposal would eliminate the requirements in the Prime, Choice, Good, and Standard grades that an increase in marbling be required for an increase in maturity within this maturity group. However, for the more mature beef in each of these grades, the marbling requirements would increase with increasing maturity but the marbling levels would be reduced to coordinate them with the marbling requirements proposed for the younger beef. These proposed requirements—and changes from the present standards—are shown graphically in Figure A. For example, in the Choice grade, this Figure shows that for all beef in this youngest (A) maturity group, the proposal requires the same minimum level of marbling—a minimum "small" amount. This also is the same amount of marbling now permitted in Choice for the youngest carcasses classified as beef. The same is true for the Prime and Standard grades. However, for the Good grade, the minimum marbling requirement is increased so that its "width"—with respect to marbling—is 1 degree of marbling instead of 1½ degrees as at present. It also should be noted that the maximum maturity for beef in the Good and Standard grades has been decreased to coincide with that permitted for Prime and Choice. These proposed changes would make the "new" Good grade very uniform and restrictive and one that could become very useful to retailers and others whose trade prefers beef with less internal and external fat than currently associated with Choice grade beef. These changes should reduce the general fatness of beef in each of these grades and also make the palatability of beef in each grade more uniform—factors which are particularly important to consumer acceptability.

PROPOSED CHANGES IN THE RELATIONSHIP BETWEEN MARBLING, MATURITY, AND QUALITY GRADE

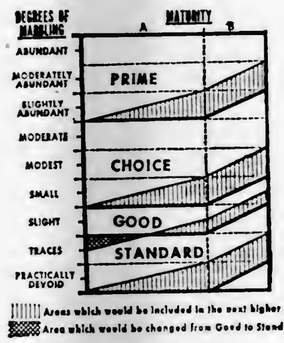


Figure A

Reducing the maximum maturity limits for Good and Standard would make a corresponding slight decrease in the minimum maturity limit for the youngest beef included in Commercial. This change would cause some carcasses now graded Good or Standard to be graded Commercial or Utility. However, the numbers of such carcasses would be minimal since relatively few animals are marketed which have carcasses in this very restricted range of maturity. Other than the elimination of conformation as a factor in determining the quality grade, no other changes are being proposed for the Commercial, Utility, Cutter, and Canner grades. Also, no changes are being proposed in the yield grades at this time.

The research supporting these changes is not as definitive as would be desirable. In this connection, however, the Department will continue to encourage and otherwise support research to evaluate the effects of marbling and maturity on beef palatability and to determine if there are other factors that could be used in grading to better identify these differences.

In summary, the significant changes involved in this proposed revision of the standards for grades of beef would provide for the following:

(1) Conformation would be eliminated as a factor in determining the quality grade.

(2) When officially graded, all beef carcasses (except bull carcasses) would be identified for both quality grade and yield grade.

(3) For beef carcasses throughout the A maturity group, the minimum marbling requirements in Prime, Choice, and Standard grades would be the same as now required for the youngest carcasses classified as beef. However, for more mature carcasses in each of these grades, increases in marbling would be required for increases in maturity but the minimum level of marbling would be decreased one degree.

(4) In the "new" Good grade, the same principles would apply to the requirements for marbling and maturity as described for Prime, Choice, and Standard. However, the minimum marbling requirements would be increased one-half degree for the very youngest carcasses classified as beef.

(5) The maximum maturity permitted in the Good and Standard grades would be reduced and would be the same as now permitted in Prime and Choice.

A few other minor changes also are proposed in the standards to improve clarity and facilitate uniform interpretation.

It also is proposed to revise the standards for grades of slaughter cattle to coordinate them with the proposed changes in standards for grades of carcass beef.

The official U.S. standards for grades of carcass beef and the official U.S. standards for grades of slaughter cattle would be revised by changing §§ 53.102, 53.104, 53.105, 53.203, 53.204, 53.205, and 53.206 to read as follows:

(a) The grade of a steer, heifer, cow, or bullock carcass consists of separate evaluations of two general considerations: (1) The indicated percent of trimmed, boneless, major retail cuts to be derived from the carcass, herein referred to as the "yield grade," and (2) the palatability-indicating characteristics of the lean herein referred to as the "quality grade." When officially graded, the grade of a steer, heifer, cow, (or bullock carcass will consist of both the quality grade and the yield grade. The grade of a bull carcass consists of the yield grade only.

(b) The carcass beef grade standards are written so that the quality grade and yield grade standards are contained in separate sections. The quality grade section is divided further into two separate sections applicable to carcasses from (1) steers, heifers, and cows, and (2) bullocks. Eight quality grade designations—Prime, Choice, Good, Standard, Commercial, Utility, Cutter, and Canner—are applicable to steer and heifer carcasses. Except for Prime, the same designations apply to cow carcasses. The quality grade designations for bullock carcasses are Prime, Choice, Good, Standard, and Utility. There are five yield grades applicable to all classes of beef, denoted by numbers 1 through 5, with Yield Grade 1 representing the highest degree of cutability.

(c) When officially graded, bullock and bull beef will be further identified for its sex condition; steer, heifer, and cow beef will not be so identified. The designated grades of bullock beef are not necessarily comparable in quality or cutability with a similarly designated grade of beef from steers, heifers, or cows. Neither is the cutability of a designated yield grade of bull beef necessarily comparable with a similarly designated yield grade of steer, heifer, cow, or bullock beef.

(d) The Department uses photographs and other objective aids in the correct interpretation and application of the standards.

(e) To determine the grade of a carcass, it must be split down the back into two sides and one or both sides must be partially separated into a hindquarter and forequarter by cutting it with a saw and knife insofar as practicable, as follows: A saw cut perpendicular to both the long axis and split surface of the vertebral column is made across the 12th thoracic vertebra at a point which leaves not more than one-half of this vertebra on the hindquarters. The knife cut across the ribeye muscle starts—or terminates—opposite the above-described saw cut. From that point it extends across the ribeye muscle perpendicular to the outside skin surface of the carcass at an angle toward the hindquarter which is slightly greater (more nearly horizontal) than the angle made by the 13th rib with the vertebral column of the hindquarter posterior to that point. As a result of this cut, the outer end of the cut surface of the ribeye muscle is closer to the 12th rib than is the end next to the chine bone. Beyond the ribeye, the knife cut shall continue between the 12th and 13th ribs to a point which will adequately expose the distribution of fat and lean in this area. The knife cut may be made prior to or following the saw cut

but must be smooth and even, such as would result from a single stroke of a very sharp knife.

(f) Other methods of ribbing may prevent an accurate evaluation of the grade determining characteristics. Therefore, carcasses ribbed by other methods will be eligible for grading only if an accurate grade determination can be made by the official grader under the standards.

(g) Beveling of the fat over the ribeye, application of pressure, or any other influences which alter the characteristics of the ribeye or the thickness of fat over the ribeye may prevent an accurate grade determination. Therefore, carcasses subjected to such influences may not be eligible for a grade determination. Also, carcasses with more than minor amounts of lean removed from the major sections of the round, loin, rib, or chuck will not be eligible for a grade determination.

(h) When both sides of a carcass have been ribbed prior to presentation for grading and the characteristics of the two ribeyes (area, marbling, color, texture, and firmness) would justify different quality and/or yield grades, the final grade of the carcass shall reflect the "highest" of each of these grades as determined from either side.

(i) The quality grade and yield grade descriptions are defined primarily in terms of beef carcasses. However, they also apply to the grading of hindquarters, forequarters, and certain individual primal cuts—loins, short loins, and ribs. A portion of these or other primal cuts as well as plates, flanks, shanks, and briskets likewise can be graded if attached by their natural attachments to a rib, loin, or short loin. Since bull carcasses are eligible for yield grade only, they may be graded only as carcasses, sides, or hindquarters. This is because yield grades for forequarters and forequarter cuts and for trimmed hindquarters and trimmed hindquarter cuts include consideration of standard percentages of kidney, pelvic, and heart fat based on the quality grade. Other special major cuts or carcasses ribbed other than between the 12th and 13th ribs may be approved for grading by the Agricultural Marketing Service provided such deviations are necessary to meet either the demand of export trade or changing trade practices. In such cases, grading shall be based on the requirements specified in these standards and shall be consistent with the normal development of grade characteristics in various parts of a carcass of the quality level involved.

(j) Carcasses qualifying for any particular grade may vary with respect to their relative development of the various grade factors. There will be carcasses which qualify for a particular grade, some of whose characteristics may be more nearly typical of another grade. For example, in comparison with the descriptions of maturity contained in the standards, a particular carcass might have a greater relative degree of ossification of the cartilages on the ends of its lumbar vertebrae than its other evidences of maturity. In such instances, the maturity of the carcass is not determined solely by the ossification of the lumbar vertebrae but neither is this ignored. All of the maturity-indicating factors are considered. In making any composite evaluation of two or more factors, it must be remembered that they seldom are developed to the same degree. Because it is impractical to describe the nearly limitless number of recognizable combinations of characteristics, the standards for each quality grade and yield grade describe only beef which has a relatively similar degree of development of the various factors affecting its quality and yield. Also, the quality grade and yield grade standards each describe beef which is representative of the lower limits of each quality grade and yield grade.

(k) For steer, heifer, and cow beef, quality of the lean is evaluated by considering its marbling and firmness as observed in a cut surface in relation to carcass evidences of maturity. The maturity of the carcass is determined by evaluating the size, shape, and ossification of the bones and cartilages—especially the split chine bones—and the color and texture of the lean flesh. In the split chine bones, ossification changes occur at an earlier stage of maturity in the posterior portion of the vertebral column (sacral vertebrae) and at progressively later stages of maturity in the lumbar and thoracic vertebrae. The ossification changes that occur in the cartilages on the ends of the split thoracic vertebrae are especially useful in evaluating maturity and these vertebrae are referred to frequently in the standards. Unless otherwise specified in the standards, whenever reference is made to the ossification of cartilages on the thoracic vertebrae, this shall be construed to refer to the cartilages attached to the thoracic vertebrae at the posterior end of the forequarter. The size and shape of the rib bones also are important considerations in evaluating differences in maturity. In the very youngest carcasses considered as "beef," the cartilages on the ends of the chine bones show no ossification, cartilage is evident on all of the vertebrae of the spinal column, and the sacral vertebrae show distinct separation. In addition, the split vertebrae usually are soft and porous and very red in color. In such carcasses, the rib bones have only a slight tendency toward flatness. In progressively more mature carcasses, ossification changes become evident first in the bones and cartilages of the sacral vertebrae, then in the lumbar vertebrae, and still later in the thoracic vertebrae. In beef which is very advanced in maturity, all the split vertebrae will be devoid of red color, very hard and flinty, and the cartilages on the ends of all the vertebrae will be entirely ossified. Likewise, with advancing maturity, the rib bones will become progressively wider and flatter until in very mature beef the ribs will be very wide and flat.

(l) In steer, heifer, and cow beef, the color and texture of the lean flesh also undergo progressive changes with advancing maturity. In the very youngest carcasses considered as "beef," the lean flesh will be very fine in texture and light grayish red in color. In progressively more mature carcasses, the texture of the lean will become progressively coarser and the color of the lean will become progressively darker red. In very mature beef, the lean flesh will be very coarse in texture and very dark red in color. Since color of lean also is affected by variations in quality, references to color of lean in the standards for a given degree of maturity vary slightly with different levels of quality. In determining the maturity of a carcass in which the skeletal evidences of maturity are different from those indicated by the color and texture of the lean, slightly more emphasis is placed on the characteristics of the bones and cartilages than on the characteristics of the lean. In no case can the overall maturity of the carcass be considered more than one full maturity group different from that indicated by its bones and cartilages.

(m) The preceding two paragraphs also are applicable to the determination of quality in bullock beef except for carcasses having darker colors of lean than specified in the standards for the quality level for which they would otherwise qualify. In such carcasses, maturity will be evaluated on the basis of skeletal characteristics only, and the final grade will be determined in accordance with the procedures specified in the standards for grading "dark-cutting beef."

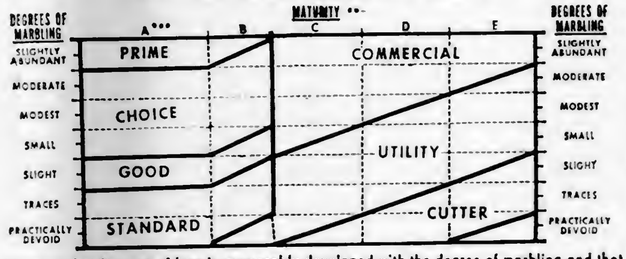
(n) In determining compliance with the maximum maturity limits for the Prime, Choice, Good, and Standard grades for steer, heifer, and cow carcasses, color and texture of the lean are considered only when the maturity-indicating factors other than color and texture of the lean indicate only a slightly more advanced degree of maturity than that specified as maximum for these grades, and provided further that the lean is considerably finer in texture and lighter in color than normal for the grade and maturity involved. The same principle, in reverse, is likewise applicable to determining compliance with the minimum maturity limits of the Commercial grade.

(o) These standards are applicable to the grading of beef throughout the full range of maturity within which cattle are marketed. However, in steer, heifer, and cow carcasses, the range of maturity permitted within each of the grades varies considerably. The Prime, Choice, Good, and Standard grades are restricted to beef from young cattle; the Commercial grade is restricted to beef from cattle too mature for Prime, Choice, Good, and Standard, and the Utility, Cutter, and Canner grades may include beef from animals of all ages. By definition, bullock carcasses are restricted to those whose evidences of maturity do not exceed those specified for the juncture of the two youngest maturity groups referenced in

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the standards for steer, heifer, and cow carcasses. Except for the youngest maturity group, within any specified grade, the requirements for marbling increase progressively with evidences of advancing maturity. In the youngest maturity group, the marbling requirements do not increase progressively with evidences of advancing maturity. For each grade, the firmness requirements are different for each maturity group, but, within each maturity group, the firmness requirements do not increase progressively with evidences of advancing maturity. Also, regardless of the extent to which marbling may exceed the minimum of a grade, a carcass must meet the minimum firmness requirements for its maturity to qualify for that grade. To facilitate the application of these principles, the standards recognize five different maturity groups and seven different degrees of marbling. The five maturity groups are identified in Figure 1 as A, B, C, D, and E in order of increasing maturity. The limits of these five maturity groups are specified in the grade descriptions for steer, heifer, and cow carcasses. The A maturity portion of the figure is the only portion applicable to bullock carcasses. The degrees of marbling referenced in the specifications, in order of descending quantity are: Slightly abundant, moderate, modest, small, slight, traces, and practically devoid. However, for carcass evaluation programs and other purposes, three higher degrees are recognized—moderately abundant, abundant, and very abundant. Illustrations of the lower limits of nine of these ten degrees of marbling are available from the Department of Agriculture.

RELATIONSHIP BETWEEN MARBLING, MATURITY, AND CARCASS QUALITY GRADE •



•Assumes that firmness of lean is comparably developed with the degree of marbling and that the carcass is not a "dark cutter."
••Maturity increases from left to right (A through E).
•••The A maturity portion of the Figure is the only portion applicable to bullock carcasses.

Figure 1

(p) The relationship between marbling, maturity, and quality grade is shown in Figure 1. This figure assumes that the firmness of lean is comparably developed with the degree of marbling and that the carcass is not a "dark cutter." From this figure it can be seen, for instance, that the minimum marbling requirement for Choice varies from a minimum small amount for carcasses throughout the youngest maturity group to a maximum small amount for carcasses having the maximum maturity permitted in Choice. Likewise, in the Commercial grade the minimum marbling requirement varies from a minimum small amount in beef with the minimum maturity permitted to a maximum moderate amount in beef from very mature animals. The marbling and other lean flesh characteristics specified for the various grades are based on their appearance in the ribeye muscle of properly chilled carcasses that are ribbed between the 12th and 13th ribs. For carcass evaluation programs and other purposes, in the Prime and Commercial grades, each additional degree of marbling (up to three) greater than specified as minimum for each of these grades is equal to one-third of a grade of higher quality.

(q) References to color of lean in the standards for steer, heifer, and cow beef involve only colors associated with changes in maturity. They are not intended to apply to colors of lean associated with so-called "dark-cutting beef." Dark-cutting beef is believed to be the result of a reduced sugar content of the lean at the time of slaughter. As a result, this condition does not have the same significance in grading as do the darker shades of red associated with advancing maturity. The dark color of the lean associated with "dark-cutting beef" is present in varying degrees from that which is barely evident to so-called "black cutters" in which the lean is actually nearly black in color and usually has a "gummy" texture. Although there is little or no evidence which indicates that the "dark cutting" condition has any adverse effect on palatability, it is considered in grading because of its effect on acceptability and value. Depending on the degree to which this characteristic is developed, the final grade of carcasses which otherwise would qualify for the Prime, Choice, or Good grades may be reduced as much as one full grade. In beef otherwise eligible for the Standard or Commercial grade, the final grade may be reduced as much as one-half of a grade. In the Utility, Cutter, and Canner grades, this condition is not considered.

(r) The yield grade of a beef carcass is determined by considering four characteristics: (1) The amount of external fat, (2) the amount of kidney, pelvic, and heart fat, (3) the area of the ribeye muscle, and (4) the carcass weight.

(s) The amount of external fat on a carcass is evaluated in terms of the thickness of this fat over the ribeye muscle, measured perpendicular to the outside surface at a point three-fourths of the length of the ribeye from its chine bone end. This measurement may be adjusted, as necessary, to reflect unusual amounts of fat on other parts of the carcass. In determining the amount of this adjustment, if any, particular attention is given to the amount of fat in such areas as the brisket, plate, flank, cod or udder, inside round, rump, and hips in relation to the actual thickness of fat over the ribeye. Thus, in a carcass which is fatter over other areas than is indicated by the fat measurement over the ribeye, the measurement is adjusted upward. Conversely, in a carcass which has less fat over the other areas than is indicated by the fat measurement over the ribeye, the measurement is adjusted downward. In many carcasses no such adjustment is necessary; however, an adjustment in the thickness of fat measurement of one-tenth or two-tenths of an inch is not uncommon. In some carcasses a greater adjustment may be necessary. As the amount of external fat increases, the percent of retail cuts decreases—each one-tenth inch change in adjusted fat thickness over the ribeye changes the yield grade by 25 percent of a yield grade.

(t) The amount of kidney, pelvic, and heart fat considered in determining the yield grade includes the kidney knob (kidney and surrounding fat), the lumbar and pelvic fat in the loin and round, and the heart fat in the chuck and brisket area which are removed in making closely trimmed retail cuts. The amount of these fats is evaluated subjectively and expressed as a percent of the carcass weight. As the amount of kidney, pelvic, and heart fat increases, the percent of retail cuts decreases—a change of 1 percent of the carcass weight in these fats changes the yield grade by 20 percent of a yield grade.

(u) The area of the ribeye is determined where this muscle is exposed by ribbing. This area usually is estimated subjectively; however, it may be measured. Area of ribeye measurements may be made by means of a grid calibrated in tenths of a square inch or by other devices designated by the Agricultural Marketing Service of the U.S. Department of Agriculture.[1] An increase in the area of ribeye increases the percent of retail cuts—a change of 1 square inch in area of ribeye changes the yield grade by approximately 30 percent of a yield grade.

[1] Information concerning such devices may be obtained from the Agricultural Marketing Service, Livestock Division.

(v) Hot carcass weight (or chilled carcass weight x 102 percent) is used in determining the yield grade. As carcass weight increases, the percent of retail cuts decreases—a change of 100 pounds in hot carcass weight changes the yield grade by approximately 40 percent of a yield grade.

(w) The standards include a mathematical equation for determining yield grade. This grade is expressed as a whole number; any fractional part of a designation is always dropped. For example, if the computation results in a designation of 3.9, the final grade is 3—it is not rounded to 4.

(x) The yield grade standards for each of the first four yield grades list characteristics of two carcasses of two different weights together with descriptions of the usual fat deposition pattern on various areas of the carcass. These descriptions are not specific requirements—they are included only as illustrations of carcasses which are near the borderlines between groups. For example, the characteristics listed for Yield Grade 1 represent carcasses which are near the borderline of Yield Grades 1 and 2.

These descriptions facilitate the subjective determination of the yield grade without making detailed measurements and computations. The yield grade for most beef carcasses can be determined accurately on the basis of a visual appraisal.

§ 53.104 Specifications for Official United States Standards for Grades of Carcass Beef (Quality—Steer, Heifer, Cow).

(a) *Prime.* (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Prime grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Prime grade.

(2) Carcasses in the younger group range from the youngest that are eligible for the beef class to those at the juncture of the two maturity groups, which have slightly red and slightly soft chine bones and cartilages on the ends of the thoracic vertebrae that have some evidences of ossification. In addition, the sacral vertebrae are completely fused and the cartilages on the ends of the lumbar vertebrae are nearly completely ossified. The rib bones are slightly wide and slightly flat and the ribeye muscle is light red in color and is fine in texture. In carcasses throughout the range of maturity included in this group, a minimum slightly abundant amount of marbling is required (see Figure 1) and the ribeye muscle is moderately firm.

(3) Carcasses in the older group range from those described above as representative of the juncture of the two groups to those at the maximum maturity permitted in the Prime grade, which have chine bones tinged with red and cartilages on the ends of the thoracic vertebrae that are partially ossified. In addition, the sacral vertebrae are completely fused, the cartilages on the ends of the lumbar vertebrae are completely ossified, and the cut surface of the lean tends to be fine in texture. The minimum degree of marbling required increases with advancing maturity throughout this group from a minimum slightly abundant to maximum slightly abundant (see Figure 1) and the ribeye muscle is firm.

(4) Beef produced from cows is not eligible for the Prime grade.

(b) *Choice.* (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Choice grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Choice grade.

(2) Carcasses in the younger group range from the youngest that are eligible for the beef class to those at the juncture of the two maturity groups, which have slightly red and slightly soft chine bones and cartilages on the ends of the thoracic vertebrae that have some evidence of ossification. In addition, the sacral vertebrae are completely fused and the cartilages on the ends of the lumbar vertebrae are nearly completely ossified. The rib bones are slightly wide and slightly flat and the ribeye muscle is moderately light red in color and is fine in texture. In carcasses throughout the range of maturity included in this group, a minimum small amount of marbling is required (see Figure 1) and the ribeye muscle may be slightly soft.

(3) Carcasses in the older group range from those described above as representative of the juncture of the two groups to those at the maximum maturity permitted in the Choice grade, which have chine bones tinged with red and cartilages on the ends of the thoracic vertebrae that are partially ossified. In addition, the sacral vertebrae are completely fused and the cartilages on the ends of the lumbar vertebrae are nearly completely ossified. The rib bones are slightly wide and slightly flat and the ribeye muscle is slightly light red in color and is fine in texture. The minimum degree of marbling required increases with advancing maturity throughout this group from minimum slightly abundant to maximum slightly abundant (see Figure 1) and the ribeye muscle is firm.

(c) *Good.* (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Good grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Good grade.

(2) Carcasses in the younger group range from the youngest that are eligible for the beef class to those at the juncture of the two maturity groups, which have slightly red and slightly soft chine bones and cartilages on the ends of the thoracic vertebrae that have some evidence of ossification. In addition, the sacral vertebrae are completely fused and the cartilages on the ends of the lumbar vertebrae are nearly completely ossified. The rib bones are slightly wide and slightly flat and the ribeye muscle is slightly dark red in color and is fine in texture. In carcasses throughout the range of maturity included in this group, a minimum slight amount of marbling is required (see Figure 1) and the ribeye muscle may be moderately soft.

(3) Carcasses in the older group range from those described above as representative of the juncture of the two groups to those at the maximum maturity permitted in the Good grade which have chine bones tinged with red and cartilages on the ends of the thoracic vertebrae that are partially ossified. In addition, the sacral vertebrae are completely fused, the cartilages on the ends of the lumbar vertebrae are completely ossified, and the cut surface of the lean tends to be fine in texture. The minimum degree of marbling required increases with advancing maturity throughout this group from a minimum slight amount to a maximum slight amount (see Figure 1) and the ribeye muscle may be slightly soft.

(d) *Standard.* (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Standard grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for two maturity groups which cover the entire range of maturity permitted in the Standard grade.

(2) Carcasses in the younger group range from the youngest that are eligible for the beef class to those at the juncture of the two maturity groups, which have slightly red and slightly soft chine bones and cartilages on the ends of the thoracic vertebrae that have some evidence of ossification. In addition, the sacral vertebrae are completely fused and the cartilages on the ends of the lumbar vertebrae are nearly completely ossified. The rib bones are slightly wide and slightly flat and the ribeye muscle is slightly dark red in color and is fine in texture. In carcasses throughout the range of maturity included in this group, a minimum practically devoid amount of marbling is required (see Figure 1) and the ribeye muscle may be soft.

(3) Carcasses in the older group range from those described above as representative of the juncture of the two groups to those at the maximum maturity permitted in the Standard grade, which have chine bones tinged with red and cartilages on the ends of the thoracic vertebrae that are partially ossified. In addition, the sacral vertebrae are completely fused, the cartilages on the ends of the lumbar vertebrae are completely ossified, and the cut surface of the lean tends to be fine in texture. The minimum degree of marbling required increases with advancing maturity throughout this group from minimum practically devoid to maximum practically devoid (see Figure 1) and the ribeye muscle may be moderately soft.

(e) *Commercial.* (1) Commercial grade beef carcasses and wholesale cuts are restricted to those with evidences of more

completely fused and the cartilages on the ends of the lumbar vertebrae are nearly completely ossified. The rib bones

this group, the ribeye muscle is devoid of marbling and may be very soft and

maturity for this class, the ribeye is slightly dark red in color.

(e) *Utility.* The Utility grade includes

any particular degree of fatness are considered to have higher quality than indicated by that degree of fatness.

is affected by variations in muscling and fatnes. While muscling of most cattle develops uniformly, fat is normally de-

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(e) *Commercial.* (1) Commercial grade beef carcasses and wholesale cuts are restricted to those with evidences of more advanced maturity than permitted in the Standard grade. Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Commercial grade vary in their other indications of quality as evidenced in the ribeye muscle. Minimum quality characteristics are described for the youngest and the most mature of these groups. The requirements for the intermediate group are determined by interpolation between the requirements indicated for the two groups described.

(2) Carcasses in the youngest group permitted in the Commercial grade range from those with indications of maturity barely more advanced than described as maximum for the Standard grade to those with moderately hard, rather white chine bones and with cartilages on the ends of the thoracic vertebrae that show considerable ossification but the outlines of the cartilages are still plainly visible. In addition, the rib bones are moderately wide and flat and the ribeye muscle is moderately dark red and slightly coarse in texture. The minimum degree of marbling required increases with advancing maturity throughout this group from a minimum small amount to a maximum small amount (see Figure 1) and the ribeye muscle is slightly firm.

(3) The youngest carcasses in the most mature group included in the Commercial grade have hard white chine bones and the outlines of the cartilages on the ends of the thoracic vertebrae are barely visible, the rib bones are wide and flat, and the ribeye muscle is dark red and coarse in texture. The range in maturity in this group extends to include carcasses from the oldest animals marketed. The minimum degree of marbling required increases with advancing maturity throughout this group from a minimum moderate amount to a maximum moderate amount (see Figure 1) and the ribeye muscle is firm.

(f) *Utility.* (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Utility grade vary in their other indications of quality as evidenced in the ribeye muscle. Carcasses within the full range of maturity classified as beef are included in the Utility grade. Thus, five maturity groups are recognized. Minimum quality requirements are described for three of these groups—the first or youngest, the third or intermediate, and the fifth or the most mature. The requirements for the second and fourth maturity groups are determined by interpolation between the requirements described for their adjoining groups.

(2) Carcasses in the first or youngest maturity group range from the youngest that are eligible for the beef class to those at the juncture of the first two maturity groups, which have slightly red and slightly soft chine bones and cartilages on the ends of the thoracic vertebrae that have some evidence of ossification. In addition, the sacral vertebrae are completely fused and the cartilages on the ends of the lumbar vertebrae are nearly completely ossified. The rib bones are slightly flat and the ribeye muscle is slightly dark red in color and fine in texture. In carcasses throughout the range of maturity included in this group, the ribeye muscle is devoid of marbling and may be soft and slightly watery.

(3) Carcasses in the third or intermediate maturity group range from those with indications of maturity barely more advanced than described as maximum for the Standard grade to those with moderately hard, rather white chine bones and with cartilages on the ends of the thoracic vertebrae that show considerable ossification but the outlines of the cartilages are still plainly visible. In addition, the rib bones are moderately wide and flat and the ribeye muscle is dark red in color and slightly coarse in texture. The minimum degree of marbling required increases with advancing maturity throughout this group from minimum practically devoid to maximum practically devoid (see Figure 1) and the ribeye muscle may be moderately soft.

(4) The youngest carcasses in the fifth or oldest maturity group have hard, white chine bones and the outlines of the cartilages on the ends of the thoracic vertebrae are barely visible, the rib bones are wide and flat, and the ribeye muscle is very dark red in color and coarse in texture. The range in maturity in this group extends to include carcasses from the oldest animals produced. The minimum degree of marbling required increases with advancing maturity throughout this group from a minimum slight amount to a maximum slight amount (see Figure 1) and the ribeye muscle is slightly firm.

(g) *Cutter.* (1) Depending on their degree of maturity, beef carcasses possessing the minimum requirements for the Cutter grade vary in their other indications of quality as evidenced in the ribeye muscle. Carcasses within the full range of maturity classified as beef are included in the Cutter grade. Thus, five maturity groups are recognized. Minimum quality requirements are described for three of these groups—the first or youngest, the third or intermediate, and the fifth or the most mature. The requirements for the second and fourth maturity groups are determined by interpolation between the requirements described for their adjoining groups.

(2) Carcasses in the first or youngest maturity group range from the youngest that are eligible for the beef class to those at the juncture of the first two maturity groups, which have slightly red and slightly soft chine bones and cartilages on the ends of the thoracic vertebrae that have some evidence of ossification. In addition, the sacral vertebrae are completely fused and the cartilages on the ends of the lumbar vertebrae are nearly completely ossified. The rib bones are slightly flat and the ribeye muscle is slightly dark red in color and fine in texture. In carcasses throughout the range of maturity included in this group, the ribeye muscle is devoid of marbling and may be very soft and watery.

(3) Carcasses in the third or intermediate maturity group range from those with indications of maturity barely more advanced than described as maximum for the Standard grade to those with moderately hard, rather white chine bones and with cartilages on the ends of the thoracic vertebrae that show considerable ossification but the outlines of the cartilages are still plainly visible. In addition, the rib bones are moderately wide and flat and the ribeye muscle is dark red in color and slightly coarse in texture. In carcasses throughout the range of maturity included in this group, the ribeye muscle is devoid of marbling and may be soft and watery.

(4) Carcasses in the fifth or oldest maturity group have hard white chine bones and the outlines of the cartilages on the ends of the thoracic vertebrae are barely visible, the rib bones are wide and flat, and the ribeye muscle is very dark red in color and coarse in texture. The range in maturity in this group extends to include carcasses from the oldest animals produced. The minimum degree of marbling required increases with advancing maturity throughout this group from minimum practically devoid to maximum practically devoid (see Figure 1) and the ribeye muscle is soft and slightly watery.

(h) *Canner.* The Canner grade includes only those carcasses that are inferior to the minimum requirements specified for the Cutter grade.

§ 53.105 Specifications for Official United States Standards for Grades of Carcass Beef (Quality—Bullock).

(a) *Prime.* For the Prime grade, the minimum degree of marbling required is a minimum slightly abundant amount for carcasses throughout the range of maturity permitted in the bullock class. The ribeye muscle is moderately firm and, in carcasses having the maximum maturity for this class, the ribeye is light red in color.

(b) *Choice.* For the Choice grade, the minimum degree of marbling required is a minimum small amount for carcasses throughout the range of maturity permitted in the bullock class. The ribeye muscle may be slightly soft and, in carcasses having the maximum maturity for this class, the ribeye is moderately light red in color.

(c) *Good.* For the Good grade, the minimum degree of marbling required is a minimum slight amount for carcasses throughout the range of maturity permitted in the bullock class. The ribeye muscle may be moderately soft and, in carcasses having the maximum maturity for this class, the ribeye is slightly light red in color.

(d) *Standard.* For the Standard grade, the minimum degree of marbling required is a minimum practically devoid amount for carcasses throughout the range of maturity permitted in the bullock class. The ribeye muscle may be soft and, in carcasses having the maximum maturity for this class, the ribeye is slightly dark red in color.

(e) *Utility.* The Utility grade includes only those carcasses that do not meet the minimum requirements specified for the Standard grade.

§ 53.203 Application of Standards for Grades of Slaughter Cattle.

(a) *General.* Grades of slaughter cattle are intended to be directly related to the grades of the carcasses they produce. To accomplish this, these slaughter cattle grade standards are based on factors which are related to the grades of beef carcasses. The quality and yield grade standards are contained in separate sections of the standards. The quality grade standards are further divided into two sections applicable to (1) steers, heifers, and cows and (2) bullocks. Eight quality designations—Prime, Choice, Good, Standard, Commercial, Utility, Cutter, and Canner—are applicable to steers and heifers. Except for Prime, the same designations also apply to cows. The quality designations for bullocks are Prime, Choice, Good, Standard, and Utility. There are five yield grades, which are applicable to all classes of slaughter cattle and are designated by numbers 1 through 5, with Yield Grade 1 representing the highest degree of cutability. The grades of slaughter cattle shall be a combination of both their quality and yield grades, except that slaughter bulls are yield graded only.

(b) *Quality Grades.* Slaughter cattle quality grades are based on an evaluation of factors related to the palatability of the lean, herein referred to as "quality." Quality in slaughter cattle is evaluated primarily by the amount and distribution of finish, the firmness of muscling, and the physical characteristics of the animal associated with maturity. Progressive changes in maturity past 30 months of age and in the amount and distribution of finish and firmness of muscling have opposite effects on quality. Therefore, for cattle over 30 months of age in each grade, the standards require a progressively greater development of the other quality-indicating factors. In cattle under about 30 months of age, a progressively greater development of the other quality-indicating characteristics is not required.

(2) Since carcass indices of quality are not directly evident in slaughter cattle, some other factors in which differences can be noted must be used to evaluate their quality. Therefore, the amount of external finish is included as a major grade factor herein, even though cattle with a specific degree of fatness may have widely varying degrees of quality. Identification of differences in quality among cattle with the same degree of fatness is based on distribution of finish and firmness of muscling. Descriptions of these factors are included in the specifications. For example, cattle which have more fullness of the brisket, flank, twist, and cod or udder and which have firmer muscling than that indicated by any particular degree of fatness are considered to have higher quality than indicated by that degree of fatness.

(3) The approximate maximum age limitation for the Prime, Choice, Good, and Standard grades of steers, heifers, and cows is 42 months. The Commercial grade for steers, heifers, and cows includes only cattle over approximately 42 months. There are no age limitations for the Utility, Cutter, and Canner grades of steers, heifers, and cows. The maximum age limitation for all grades of bullocks is approximately 24 months.[1]

(c) *Yield Grades.* (1) The yield grades for slaughter cattle are based on the same factors as used in the official yield grade standards for beef carcasses. Those factors and the change in each which is required to make a full yield grade change are as follows:

Factor	Effect of increase on yield grade [1]	Approximate change in each factor required to make a full yield grade change [2]
Thickness of fat over ribeye.	Decreases	4/10 in.
Percent of kidney, pelvic, and heart fat.	do	5%
Carcass weight	do	260 lb.
Area of ribeye	Increases	3 in.[2]

[1] The yield grades are denoted by numbers 1 through 5 with Yield Grade 1 representing the highest cutability or yield of closely trimmed retail cuts. Thus, an "increase" in cutability means a smaller yield grade number while a "decrease" in cutability means a larger yield grade number.

[2] This assumes no change in the other factors.

(2) When evaluating slaughter cattle for yield grade, each of these factors can be estimated and the yield grade determined therefrom by using the equation contained in the official standards for grades of carcass beef. However, a more practical method of appraising slaughter cattle for yield grade is to use only two factors normally considered in evaluating live cattle—muscling and fatness.

(3) In the latter approach to determining yield grade, evaluation of the thickness and fullness of muscling in relation to skeletal size largely accounts for the effects of two of the factors—area of ribeye and carcass weight. By the same token, an appraisal of the degree of external fatness largely accounts for the effects of thickness of fat over the ribeye and the percent of kidney, pelvic, and heart fat.

(4) These fatness and muscling evaluations can best be made simultaneously. This is accomplished by considering the development of the various parts based on an understanding of how each part is affected by variations in muscling and fatnes. While muscling of most cattle develops uniformly, fat is normally deposited at a considerably faster rate on some parts than on others. Therefore, muscling can be appraised best by giving primary consideration to the parts least affected by fatness, such as the round and the forearm. Differences in thickness and fullness of these parts—with appropriate adjustments for the effects of variations in fatness—are the best indicators of the overall degree of muscling in live cattle.

(5) On the other hand, the overall fatness of an animal can be determined best by observing those parts on which fat is deposited at a faster-than-average rate. These include the back, loin, rump, flank, cod or udder, twist, and brisket. As cattle increase in fatness, these parts appear progressively fuller, thicker, and more distended in relation to the thickness and fullness of the other parts, particularly the round. In thinly muscled cattle with a low degree of finish, the width of the back usually will be greater than the width through the center of the round. The back on either side of the backbone also will be flat or slightly sunken. Conversely, in thickly muscled cattle with a similar degree of finish, the thickness through the rounds will be greater than through the back and the back will appear full and rounded. At an intermediate degree of fatness, cattle which are thickly muscled will be about the same width through the round and back and the back will appear only slightly rounded. Thinly muscled cattle with an intermediate degree of finish will be considerably wider through the back than through the round and will be nearly flat across the back. Very fat cattle will be wider through the back than through the round, but this difference will be greater in thinly muscled cattle than in those that are thickly muscled. Such cattle with thin muscling also will have a distinct break from the back into the sides, while those with thick muscling will be nearly flat on top but will have a less distinct break into the sides. As cattle increase in fatness, they also become deeper bodied because of large deposits of fat in the flanks and brisket and along the underline. Fullness of the twist and cod or udder and the bulge of the flanks, best observed when an animal walks, are other indications of fatness.

(6) In determining yield grade, variations in fatness are much more important than variations in muscling.

(d) *Other considerations.* (1) Other factors such as heredity and management also may affect the development of the grade-determining characteristics in slaughter cattle. Although these factors do not lend themselves to description in the standards, the use of factual information of this nature is justifiable in determining the grade of slaughter cattle.

(2) Slaughter cattle qualifying for any particular grade may vary with respect to the relative development of the individual grade factors. In fact, some will

[1] Maximum maturity limits for bullock carcasses are the same as those described in the beef carcass grade standards for steers, heifers, and cows at about 30 months of age. However, bullocks develop carcass indicators of maturity at younger chronological ages than steers. Therefore, the approximate age at which bullocks develop carcass indicators of maximum maturity is shown herein as 24 months rather than 30 months.

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qualify for a particular grade although they have some characteristics more nearly typical of cattle of another grade. Because it is impractical to describe the nearly infinite number of recognizable combinations of characteristics, quality and yield grade standards describe only cattle which have a relatively similar development of the various quality and yield grade determining factors and which are near the lower limits of these grades. The requirements are given for two maturity groups in the quality grade standards for steers, heifers, and cows—but for only one maturity group for bullocks. In the yield grade standards, cattle with two levels of muscling are described and specific examples in terms of carcass characteristics also are included.

§ 53.204 Specifications for Official United States Standards for Grades of Slaughter Steers, Heifers, and Cows (Quality).

(a) *Prime.* (1) Slaughter steers and heifers 30 to 42 months of age possessing the minimum qualifications for Prime have a fat covering over the crops, back, ribs, loin, and rump that tends to be thick. The brisket, flanks, and cod or udder appear full and distended and the muscling is very firm. The fat covering tends to be smooth with only slight indications of patchiness. Steers and heifers under 30 months of age have a moderately thick but smooth covering of fat which extends over the back, ribs, loin, and rump. The brisket, flanks, and cod or udder show a marked fullness and the muscling is firm.

(2) Cattle qualifying for the minimum of the Prime grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Cattle with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described for the Prime grade. Such cattle have less width of back and loin and are less uniform in width than normal for the Prime grade. The thick, full muscling gives the back and loin a well-rounded appearance with very little evidence of flatness. The thickness through the middle part of the rounds is greater than over the top and the thick muscling through the shoulders causes them to be slightly prominent. Although such cattle have a lower degree of fatness over the back and loin than described as typical, evidence of more fatness than described is noticeable in the brisket, flanks, twist, and cod or udder and the muscling is firmer than described. Conversely, cattle with lower cutability than normal for this grade are thinly muscled and have a higher degree of fatness than described for the Prime grade. The distribution of fat is not typical, for it is thicker over the crops, back, loin, and rump than described while the brisket, flanks, twist, and cod or udder indicate less fatness. Such cattle are wide and nearly flat over the back and loin and there is a sharp break from these parts into the sides. The width over the back is much greater than through the rounds and shoulders.

(3) Cows are not eligible for the Prime grade.

(b) *Choice.* (1) Slaughter steers, heifers, and cows 30 to 42 months of age possessing the minimum qualifications for Choice have a fat covering over the crops, back, loin, rump, and ribs that tends to be moderately thick. The brisket, flanks, and cod or udder show a marked fullness and the muscling is firm. Cattle under 30 months of age carry a slightly thick fat covering over the top. The brisket, flanks, and cod or udder appear moderately full and the muscling is moderately firm.

(2) Cattle qualifying for the minimum of the Choice grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Cattle with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described for the Choice grade. Such cattle are less uniform in width than normal for the Choice grade. The thick, full muscling over the top results in a rounded appearance with little evidence of flatness. The thickness through the middle part of the rounds is greater than over the top and the thick muscling through the shoulders causes them to be slightly prominent. Although such cattle have a lower degree of fatness over the back and loin than described as typical, evidence of more fatness than described is especially noticeable in the brisket, flanks, twist, and cod or udder and the muscling is firmer than described. Conversely, cattle with lower cutability than normal for this grade are thinly muscled and have a higher degree of fatness than described for the Choice grade. The distribution of fat is not typical, for it is thicker over the crops, back, loin, and rump than described but with evidence of less fatness in the brisket, flanks, twist, and cod or udder. The back and loin break sharply into the sides and the width over the back is much greater than through the rounds and shoulders.

(c) *Good.* (1) Slaughter steers, heifers, and cows 30 to 42 months of age possessing the minimum qualifications for Good have a fat covering that tends to be slightly thin with some fullness evident in the brisket, flanks, twist, and cod or udder and the muscling is firm. Cattle under 30 months of age have a thin fat covering which is largely restricted to the back and loin. The brisket, flanks, twist, and cod or udder are slightly full and the muscling is slightly firm.

(2) Cattle qualifying for the minimum of the Good grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Cattle with higher cutability than normal for the grade are thickly muscled and have a lower degree of fatness than described for the Good grade. Such cattle are less uniform in width than normal for the grade. The thick, full muscling through the back gives the back and loin a well-rounded appearance. The thickness through the middle part of the rounds is greater than over the top and the thick muscling through the shoulders causes them to be prominent. Evidence of more fatness than described is especially noticeable in the brisket, flanks, twist, and cod or udder and the muscling is firmer than described. Conversely, cattle with lower cutability than normal for the grade are thinly muscled and have a higher degree of fatness than described for the Good grade. The distribution of fat is not typical, for it is thicker over the crops, back, loin, and rump than described while the brisket, flanks, twist, and cod or udder indicate less fatness. Such cattle are nearly flat over the back and loin and the width over the back is greater than through the rounds and shoulders.

(d) *Standard.* (1) Slaughter steers, heifers, and cows 30 to 42 months of age possessing the minimum qualifications for Standard have a fat covering primarily over the back, loin, and ribs which tends to be very thin. Cattle under 30 months of age have a very thin covering of fat which is largely restricted to the back, loin, and upper ribs.

(2) Cattle qualifying for the minimum of this grade vary relatively little in their degree of fatness. Therefore, the range in cutability among cattle that qualify for this grade is somewhat less than in the higher grades. Most of the cutability differences among cattle qualifying for this grade are due to a wide range in muscling. Cattle with higher cutability than normal for this grade may have a slightly lower degree of fatness than described but will have thick, well-rounded backs, wide loins, and prominent, thickly muscled shoulders. The width through the rounds will be greater than over the back. Cattle with lower cutability than normal for this grade may have slightly more finish than described and will be upstanding and narrow. The loin, rump, and rounds will appear slightly sunken.

(e) *Commercial.* (1) The Commercial grade is limited to steers, heifers, and cows over approximately 42 months of age. Slaughter cattle possessing the minimum qualifications for Commercial and which slightly exceed the minimum maturity for the Commercial grade have a slightly thick fat covering over the back, ribs, loin, and rump and the muscling is moderately firm. Very mature cattle usually have at least a moderately thick fat covering over the back, ribs, loin, and rump and considerable patchiness frequently is evident about the tailhead. The brisket, flanks, and cod or udder appear to be moderately full and the muscling is firm.

(2) Cattle qualifying for the minimum of the Commercial grade will differ considerably in cutability because of widely varying combinations of muscling and degree of fatness. Cattle with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described for the Commercial grade. The thick, full muscling over the top results in a rounded appearance with little evidence of flatness. The thickness through the middle part of the rounds is greater than over the top and the thick muscling through the shoulders causes them to be slightly prominent. Although such cattle have less thickness of fat over the back and loin than described as typical, evidence of more fatness than described is especially noticeable in the brisket, flanks, twist, and cod or udder and the muscling is firmer than described. Conversely, cattle with lower cutability than normal for this grade are thinly muscled and have a higher degree of fatness than described for the Commercial grade. The distribution of fat is not typical, for it is thicker over the crops, back, loin, and rump than described while the brisket, flanks, twist, and cod or udder indicate less fatness. Such cattle are nearly flat over the back and loin and the width over the back is greater than through the rounds and shoulders.

(f) *Utility.* (1) The minimum degree of finish required for slaughter steers, heifers, and cows to qualify for the Utility grade varies throughout the range of maturity permitted in this grade from a very thin covering of fat for cattle under 30 months of age to a slightly thick fat covering, generally restricted to the back, loin, and rump for the very mature cattle in this grade. In such mature cattle, the crops are slightly thin and the brisket, flanks, and cod or udder indicate very slight fullness.

(2) Cattle qualifying for the minimum of the Utility grade vary somewhat in cutability especially among older animals. Those under 42 months of age are required to have very little fatness to qualify for the minimum of the grade; thus most of the variation in cutability of such cattle is due to differences in muscling. Cattle over 42 months of age will vary in their degree of fatness as well as muscling. Thus, cattle with thicker muscling than normal and less external fat than specified for this grade will have higher cutability than cattle with thinner muscling and more fatness.

(g) *Cutter.* (1) In slaughter cattle in the Cutter grade, the degree of finish ranges from practically none in cattle under 30 months of age to very mature cattle which have only a very thin covering of fat.

(2) The range in cutability among cattle that qualify for the minimum of this grade will be narrow because of very small variations in fatness and muscling.

(h) *Canner.* Canner grade cattle are those which are inferior to the minimum specified for the Cutter grade.

§ 53.205 Specifications for Official United States Standards for Grades of Slaughter Bullocks (Quality).

(a) *Prime.* (1) Slaughter bullocks possessing the minimum qualifications for the Prime grade have a moderately thick but smooth covering of fat which extends over the back, ribs, loin, and rump. The brisket and flanks show a marked fullness and the muscling is firm.

(2) Bullocks qualifying for the minimum of the Prime grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Bullocks with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described as typical, evidence of more fatness than described is especially noticeable in the brisket, flanks, twist, and cod or udder and the muscling is firmer than described. Conversely, cattle with lower cutability than normal for this grade are thinly muscled and have a higher degree of fatness than described for the Commercial grade. The distribution of fat is not typical, being thicker over the crops, back, loin, and rump than described while the brisket, flanks, twist, and cod or udder indicate less fatness. The back and loin break sharply into the sides and the width over the back is much greater than through the rounds and shoulders.

(b) *Choice.* (1) Slaughter bullocks possessing minimum qualifications for the Choice grade carry a slightly thick fat covering over the top. The brisket and flanks appear moderately full and the muscling is moderately firm.

(2) Bullocks qualifying for the minimum of the Choice grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Bullocks with higher cutability than normal for this grade are thickly muscled and have a lower degree of fatness than described as minimum for the Choice grade but the muscling is firmer than described. Conversely, bullocks with lower cutability than normal for this grade are thinly muscled and have a higher degree of fatness than described as minimum for the Choice grade.

(c) *Good.* (1) Bullocks possessing minimum qualifications for the Good grade have a thin fat covering which is largely restricted to the back and loin. The brisket and flanks are slightly full and the muscling is slightly firm.

(2) Bullocks qualifying for the minimum of the Good grade will differ considerably in cutability because of varying combinations of muscling and degree of fatness. Bullocks with higher cutability than normal for the grade are thickly muscled and have a lower degree of fatness than described as minimum for the Good grade. Such bullocks are less uniform in width than described as typical of the grade but the muscling is firmer than described. Conversely, bullocks with lower cutability than normal for this grade have thinner muscling and a higher degree of fatness than described as minimum for the Good grade.

(d) *Standard.* (1) Slaughter bullocks possessing minimum qualifications for the Standard grade have only a very thin covering of fat which is largely restricted to the back, loin, and upper rib.

(2) Bullocks qualifying for the minimum of this grade vary relatively little in their degree of fatness. Therefore, the range in cutability among bullocks that qualify for this grade is somewhat less than in the higher grades. Most of the cutability differences among bullocks qualifying for this grade are due to a wide range in muscling. Bullocks with higher cutability than normal for this grade may have a slightly lower degree of fatness than described but will have thick, well-rounded backs, wide loins, and prominent, thickly muscled shoulders. The width through the rounds will be greater than over the back. Bullocks with lower cutability than normal for this grade may have slightly more finish than described and will be upstanding and narrow. The loin, rump, and rounds will appear slightly sunken.

(e) *Utility.* The Utility grade includes only those bullocks that do not meet the minimum requirements specified for the Standard grade.

§ 53.206 Specifications for Official United States Standards for Grades of Slaughter Cattle (Yield).

(a) *Yield Grade 1.* (1) Yield Grade 1 slaughter cattle produce carcasses with very high yields of boneless retail cuts. Cattle with characteristics qualifying them for the lower limits of Yield Grade 1 (near the borderline between Yield Grade 1 and Yield Grade 2) will differ considerably in appearance because of inherent differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled cattle typical of the minimum of this grade have a high proportion of lean to bone. They are moderately wide and the width through the shoulders and rounds is greater than through the back. The top is well-rounded with no evidence of flatness, and the back and loin are thick and full. The rounds are deep, thick, and full and the width through the middle part of the rounds is greater than through the back. The shoulders are slightly prominent and the forearms are thick and full. These cattle have only a thin covering of fat over the back and rump. The flanks are slightly shallow and the brisket and cod or udder have little evidence of fullness. Slaughter cattle of this description producing 600-pound carcasses usually have about 0.3 of an inch of fat over the ribeye and about 13.0 square inches of ribeye area.

(3) Because of the relatively low proportion of lean to bone, practically no thinly muscled cattle produce carcasses with an exceptionally high yield of boneless retail cuts. Therefore, it is unlikely that thinly muscled cattle will qualify for Yield Grade 1.

(4) Cattle qualifying for the minimum of Yield Grade 1 will differ widely in quality grade as a result of variations in distribution of finish and firmness of muscling. For example, young cattle which have considerable firmness of muscling and considerably greater deposits of fat in the brisket, flanks, twist, and cod or udder than described for Yield Grade 1 ordinarily will qualify for the Good or Choice grade. However, such cattle with typical or less than typical deposits of fat in the brisket, flanks, twist, and cod or udder usually will qualify for the Standard or Utility grade.

(b) *Yield Grade 2.* (1) Yield Grade 2 slaughter cattle produce carcasses with high yields of boneless retail cuts. Cattle with characteristics qualifying them for the lower limits of Yield Grade 2 (near the borderline between Yield Grade 2 and Yield Grade 3) will differ considerably in appearance because of differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled cattle typical of the minimum of this grade have a high proportion of lean to bone. They are wide through the back and loin and

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have slightly greater width through the shoulders and rounds than through the back. The top is well-rounded with little evidence of flatness and the back and loin are thick and full. The rounds are thick, full, and deep and the thickness through the middle part of the rounds is greater than that over the top. The shoulders are slightly prominent and the forearms are thick and full. There is a slightly thick covering of fat over the back and rump and the flanks are slightly deep. The brisket and cod or udder are slightly full. Slaughter cattle of this description producing 600-pound carcasses usually have about 0.6 of an inch of fat over the ribeye and about 12.5 square inches of ribeye area.

(3) Thinly muscled cattle typical of the minimum of this grade have a relatively low proportion of lean to bone. They tend to be flat and slightly narrow over the back and have slightly long, flat rounds. They are slightly wider over the back than through the rounds. The shoulders are slightly prominent and the forearms are only slightly thick. These cattle have a thin covering of fat over the back and rump. The flanks are slightly shallow and thin and the brisket and cod or udder have little evidence of fullness. Slaughter cattle of this description producing 600 pound carcasses usually have 0.3 of an inch of fat over the ribeye and about 10.0 square inches of ribeye area.

(4) Cattle qualifying for the minimum of Yield Grade 2 will differ greatly in quality grade as a result of variations in distribution of finish and firmness of muscling. For example, young cattle which have considerable firmness of muscling and typical or greater deposits of fat in the brisket, flanks, twist, and cod or udder than described for Yield Grade 2 ordinarily will qualify for Prime or Choice. Conversely, such cattle with less than typical deposits of fat in the brisket, flanks, twist, and cod or udder usually will qualify for the Good or Standard grade.

(c) *Yield Grade 3.* (1) Yield Grade 3 slaughter cattle produce carcasses with intermediate yields of boneless retail cuts. Cattle with characteristics qualifying them for the lower limits of Yield Grade 3 (near the borderline between Yield Grade 3 and 4) will differ considerably in appearance because of inherent differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled cattle typical of the minimum of this grade have a high proportion of lean to bone. They are very wide through the back and loin and are uniform in width from front to rear. The back or top is nearly flat with only a slight tendency toward roundness and there is a slight break into the sides. The back and loin are very full and thick. The rounds are deep, thick, and full. The shoulders are smooth and the forearms are thick and full. There is a moderately thick covering of fat over the back and rump. The flanks are deep and full and the brisket and cod or udder are full. Slaughter cattle of this description producing 600-pound carcasses usually have about 0.9 of an inch of fat over the ribeye and about 12.0 square inches of ribeye area.

(3) Thinly muscled cattle typical of the minimum of this grade have a relatively low proportion of lean to bone. They are flat and slightly wide over the back and loin and are wider over the back than through the rounds. The shoulders are slightly smooth and the forearms are only slightly thick. These cattle tend to have a slightly thick covering of fat over the back and rump. The flanks are slightly deep and full and the brisket and cod or udder are slightly full. Slaughter cattle of this description producing 600-pound carcasses usually have about 0.6 of an inch of fat over the ribeye and about 9.5 square inches of ribeye area.

(4) Cattle qualifying for the minimum of Yield Grade 3 will differ greatly in quality grade as a result of wide variations in distribution of finish and firmness of muscling. Cattle with higher quality than normal for the minimum of this grade will have very firm muscling and will have greater deposits of fat in the brisket, flanks, twist, and cod or udder than described for Yield Grade 3 and will normally qualify for the Prime or Choice grade. Conversely, cattle with lower quality than normal for the minimum of this grade will have less deposits of fat in the brisket, flanks, twist, and cod or udder than described herein, and may only qualify for the Good grade.

(d) *Yield Grade 4.* (1) Yield Grade 4 slaughter cattle produce carcasses with moderately low yields of boneless retail cuts. Cattle with characteristics qualifying them for the lower limits of Yield Grade 4 (near the borderline between Yield Grades 4 and 5) will differ considerably in appearance because of inherent differences in the development of their muscling and skeletal systems and related differences in fatness.

(2) Very thickly muscled cattle typical of the minimum of this grade have a high proportion of lean to bone. They appear wider over the top than through the shoulders or rounds. The back and loin are very thick and full, nearly flat, and break sharply into the sides. The rounds are deep, thick, and full. The shoulders are smooth and the forearms are thick and full. These cattle have a thick covering of fat over the back and rump. The flanks are very deep and full and the brisket and cod or udder are very full. Slaughter cattle of this description producing 600-pound carcasses usually have about 1.1 inches of fat over the ribeye and about 11.5 square inches of ribeye area.

(3) Thinly muscled cattle typical of the minimum of this grade have a relatively low ratio of lean to bone. They are flat over the back and loin and much wider through the back than through the shoulders or rounds. The rounds tend to be long and flat. The shoulders are smooth and the forearms are slightly thick. The cattle have a moderately thick covering of fat over the back and rump and the back breaks sharply into the sides. The flanks are deep and full and the brisket and cod or udder are full. Slaughter cattle of this description producing 600-pound carcasses usually have about 0.9 of an inch of fat over the ribeye and about 9.0 square inches of ribeye area.

(4) Cattle qualifying for the minimum of Yield Grade 4 will differ somewhat in quality grade as a result of variations in distribution of the finish and firmness of muscling. Most cattle at the minimum of this grade will qualify for the Prime or Choice grade. However, some cattle at the minimum of Yield Grade 4 with less deposits of fat in the brisket, flanks, twist, and cod or udder than described as typical may only qualify for the Good grade.

(e) *Yield Grade 5.* (1) Yield Grade 5 slaughter cattle produce carcasses with low yields of boneless retail cuts. Cattle of this grade consist of those not meeting the minimum requirements for Yield Grade 4 because of either more fat or less muscle or a combination of these characteristics.

(2) Because of the high degree of finish required for cattle of this grade, the range in quality grades will be somewhat small. Practically all cattle of this grade will qualify for either the Prime or Choice grade.

Any person who desires to submit written data, views, or arguments concerning the proposals set forth above may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250 by December 10, 1974.

Pursuant to 7 CFR 1.27(b), all written submissions made pursuant to this notice will be made available for public inspection during normal business hours at the Office of the Hearing Clerk, Room 113, Administration Building, United States Department of Agriculture, Washington, D.C. 20250.

Done at Washington, D.C., this 3rd day of September 1974.

E. L. PETERSON,
Administrator.

[FR Doc.74-20718 Filed 9-10-74;8:45 am]

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Proposed Expenses and Rate of Assessment for Crop Year 1974–75

Notice is hereby given of a proposal regarding expenses of the Prune Administrative Committee for the 1974–75 crop year and rate of assessment for that crop year, pursuant to §§ 993.80 and 993.81 of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Prune Administrative Committee has recommended for the crop year beginning August 1, 1974, a budget of expenses in the total amount of $136,710 and an assessment rate of $1.20 per ton of assessable prunes. Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth. The assessable tonnage is estimated by the Committee at 113,925 natural condition tons.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, no later than September 30, 1974. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 993.325 Expenses of the Prune Administrative Committee and rate of assessment for the 1974–75 crop year.

(a) *Expenses.* Expenses in the amount of $136,710 are reasonable and likely to be incurred by the Prune Administrative Committee during the crop year beginning August 1, 1974, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of the marketing agreement, as amended, and this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for such crop year which each handler is required, pursuant to § 933.81, to pay to the Prune Administrative Committee as his pro rata share of the said expenses is fixed at $1.20 per ton of salable prunes handled by him as the first handler thereof.

Dated: September 6, 1974.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.74-21001 Filed 9-10-74;8:45 am]

[7 CFR Part 1030]

MILK IN THE CHICAGO REGIONAL MARKETING AREA

Notice of Proposed Temporary Revision of Shipping Percentage

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the provisions of § 1030.7(b)(6) of the order, the temporary revision of certain provisions of the order regulating the handling of milk in the Chicago Regional marketing area is being considered for the month of September 1974.

All persons who desire to submit written data, views or arguments in connection with the proposed revision should file the same with the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, not later than September 16, 1974. All documents filed should be in quadruplicate. The period for filing views is being limited to the above-mentioned date to enable the timely consideration of this matter since the proposed action would be applicable to milk shipments made during September. Further, the proposed change provides some relaxation of pooling standards and thus will not require extensive preparation or substantial alteration in method of operation for handlers.

All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be revised are (1) the supply plant shipping percentage of 40 percent set forth in § 1030.7(b)(4) that is applicable during the month of September, and (2) § 1030.7(b)(7)(iii), the shipping requirement of 20 percent applicable to each plant in a unit of two or more plants (as defined in § 1030.7(b)(7)) during the month of September.

Pursuant to the provisions of § 1030.7(b)(6) the supply plant shipping percentages set forth in § 1030.7(b)(4) and § 1030.7(b)(7)(iii) shall be increased or decreased by up to 10 percentage points during the months of August–March, if necessary to obtain needed shipments or to prevent uneconomic shipments.

Associated Milk Producers, Inc., on behalf of itself and 11 other milk producer cooperative associations representing a majority of producers supplying the Chicago Regional market, requests that during September 1974 the supply plant shipping percentage be reduced 10 percentage points and the shipping percentage applicable to each plant within a unit be reduced 5 percentage points. This cooperative states that the 40 percent shipping requirement in September would cause uneconomic shipments of milk.

To fulfill their fluid milk requirements, distributing plants obtain a major portion of their milk supplies from supply plants, since about 80 percent of the market's milk supply is assembled at supply plants. In recent months, however, Class I sales have been significantly below a year ago. In July, for instance, Class I sales were down more than 3 million pounds compared to July 1973. Moreover, receipts of producer milk on the market increased by nearly 33 million pounds in July 1974 compared to July 1973.

There is a reduced demand for Class I milk and an increase in the milk supply on the market. Thus there is a reduced demand for supply plant milk in Class I use and a reduction in required shipments may, accordingly, be appropriate. A reduction in the required shipments of supply plant milk during September would allow greater flexibility in obtaining milk as among supply plants in the market and may prevent uneconomic movements of milk merely for purposes of pool plant qualification.

Therefore, it may be appropriate to reduce the aforementioned pool supply plant shipping percentage for the month of September 1974 to prevent uneconomic shipments.

Signed at Washington, D.C., on September 6, 1974.

P. W. HALNON,
Acting Director,
Dairy Division.

[FR Doc.74-21000 Filed 9-10-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 17]

EGG BREAD

Proposal To Amend Identity Standards for Bakery Products by Revising Optional Ingredient Requirements and Requiring Label Declaration of All Optional Ingredients

A. A petition has been filed by The Great Atlantic & Pacific Tea Company, Inc. (A & P), National Bakery Division, 420 Lexington Ave., New York, N.Y. 10017, proposing that the standards of identity for bread (21 CFR 17.1) and enriched bread (21 CFR 17.2) be amended to provide for use of the names "egg bread" and "enriched egg bread" when the food contains not less than 4.1 parts whole egg solids for each 100 parts by weight of flour used.

Grounds given in support of the proposal are that the amendments would help prevent controversy regarding the legality of breads, rolls, and buns called "egg bread," "challah," "egg rolls," "egg buns," etc., produced with or without artificial color or other materials which impart a color simulating the color of eggs; that such amendments would promote honesty and fair dealing in the interest of consumers in that there would be no deception by means of simulated color and that the food would contain a required minimum amount of whole egg solids.

The A & P petition proposes that Part 17 be amended as follows:

1. In § 17.1 by adding paragraph (d), as follows:

§ 17.1 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.

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(d) When the food contains not less than 4.1 parts whole egg solids derived from one or more of the appropriate optional ingredients listed in paragraph (a)(4) of this section for each 100 parts by weight of flour used (including any bromated or phosphated flour used) and when the food contains no spice, spice oil, or spice extract that simulates the color of eggs, the name of the food is "bread", "egg bread", "challah" (including any generally accepted variant spelling), "rolls", "egg rolls", "challah rolls", "buns", "egg buns", "challah buns", as appropriate, or words of similar import.

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2. In § 17.2 by adding paragraph (c), as follows:

§ 17.2 *Enriched bread and enriched rolls or enriched buns; identity; label statement of optional ingredients.*

. . . . . .

(c) When the enriched food contains not less than 4.1 parts whole egg solids derived from one or more of the appropriate optional ingredients listed in § 17.1(a)(4) for each 100 parts by weight of flour used (including any bromated or phosphated flour used) and when the food contains no spice, spice oil, or spice extract that simulates the color of eggs, the name of the food is "enriched bread", "enriched egg bread", "enriched challah" (including any generally accepted variant spelling), "enriched rolls", "enriched egg rolls", "enriched challah rolls", "enriched buns", "enriched egg buns", "enriched challah buns", as appropriate, or words of similar import.

PROVISION FOR "EGG BREAD"

B. The Commissioner of Food and Drugs is aware that there is confusion among consumers as to the identity of "egg bread" and that it would be in the interest of consumers to appropriately amend the standards of identity for bakery products to provide for "egg bread." In consideration of the problem, the Food and Drug Administration (FDA) arranged for the following two surveys to be conducted:

1. The survey covering manufacturers of "egg bread," "egg rolls," or "egg buns" was carried out by FDA personnel to determine how much whole egg solids is actually being used in these items labeled with the word "egg" in the name of the food (a copy of the results of this survey is on public display in the office of the Hearing Clerk). It was found that the number of eggs—or the equivalent in whole egg solids—in 21 such foods varied from less than one-tenth of an egg to about one and one-half eggs per 1-pound loaf of bread or 1 pound of rolls or buns, with an average of slightly less than half an egg.

2. The survey, "A Study of Consumer Concepts and Expectations Concerning Four Selected Bread Products and Their Associated Label Declarations," was conducted under a contract granted by FDA to study consumer concepts and expectations (a copy of this study is on public display in the office of the Hearing Clerk). This was a consumer survey on a national basis to determine how much egg the average consumer expects to be present in "egg bread" and how much he thinks really should be present. Almost 24 percent of the consumers expected one egg per 1-pound loaf; nearly 20 percent expected two eggs; and 14 percent expected three eggs. The frequency continued to diminish with the increasing number of eggs. There was no significant difference between these amounts and those that consumers thought really should be present.

The difference between the amount of egg that some consumers expect to be present in a 1-pound loaf of "egg bread" and the amount that actually is present shows that consumers are not adequately informed by the label of the product as to the amount of egg in "egg bread."

In the following discussion, the relationships between number of eggs and amount of whole egg solids are based on these values: (a) the edible portion of a medium-sized egg weighs 1.56 ounces and that of a large egg, 1.78 ounces; (b) the corresponding weights for whole egg solids (moisture-free basis) are, respectively, 0.41 ounce and 0.47 ounce; (c) 2½ cups of flour weigh 10 ounces; and (d) 10 ounces of flour yield 1 pound of bread. The sources of these data are: U.S. Department of Agriculture, "Composition of Food," Agriculture Handbook No. 8 and "Egg Grading Manual," Agriculture Handbook No. 75, U.S. Department of Agriculture, Washington, DC 20250; Summers, John C., "Science and Practices of Breads and Rolls Manufacture," Oklahoma A&M School of Baking, Okmulgee, OK 74447; and various cookbooks, including "The Basic Cook Book," Heseltine and Dow, Houghton Mifflin Co., Boston.

At public hearings in 1941, 1943, and 1948, FDA proposed that egg bread contain at least 5 parts of whole egg solids for each 100 parts by weight of flour used, equivalent to approximately one and one-fifth medium-sized eggs per pound of bread. The American Bakers Association at that time proposed two parts of whole egg solids. Two parts of whole egg solids per 100 parts by weight of flour used would be equivalent to approximately one-half of a medium-sized egg per 1-pound loaf of bread.

The fundamental issue is the minimum amount of whole egg solids that should be present in bread for it to be qualified for the name "egg bread." In addition, it seems essential to find a way of informing the consumer how much egg solids is actually present in egg bread.

The Findings of Fact (published in the FEDERAL REGISTER of May 15, 1952 (17 FR 4453)) emanating from the hearings in 1941 revealed that, based on evidence presented, a bread containing 2 parts of whole egg solids for each 100 parts by weight of flour used could not be distinguished by the ordinary consumer from the product commonly known as bread or white bread. This viewpoint prevailed through the subsequent hearings in 1943 and 1948. As a result, a standard for egg bread containing that quantity of egg solids was not promulgated.

The price differential between "egg bread" and standardized white bread indicates that consumers are willing to pay a premium price for a bread that is represented as containing a special ingredient even when that special ingredient is not readily detected. The Commissioner believes that a bread so represented should contain a significant amount of the special ingredient. The results of the surveys indicate that this condition is not being met by many of the breads that are marketed as "egg bread." A revision of the standard of identity for bread to provide for a food called "egg bread" would assure the consumer of at least a specified minimum amount of whole egg solids in the food.

In addition to the surveys of consumer expectations and industry practice, FDA summarized 24 recipes for egg bread taken from representative cookbooks and magazines published in the United States (a copy of this summary is on public display in the office of the Hearing Clerk). All recipes were expressed in household units of measure such as cups of flour and number of eggs. When the previously described weight and volume relationships for flour and bread were applied to the recipes, the number of eggs per pound of bread varied from 0.56 to 1.25 with an average of 0.91.

Assuming that a fair percentage of the individuals who bake bread in accordance with cookbook recipes use large eggs, the recipe average would represent 0.91 of a large egg per 1-pound loaf of bread, which is equivalent to slightly more than one medium-sized egg. The Commissioner is of the opinion that the "egg bread" provided for in the standard of identity should also contain the equivalent of at least one medium-sized egg per pound of bread. That amount would be equivalent to 2.56 percent by weight of whole egg solids in the bread or 4.10 parts of whole egg solids per 100 parts by weight of flour used. Accordingly, the Commissioner considers that the amount of whole egg solids proposed by the petitioner is appropriate. It should be noted that all figures in this preamble and in the proposed regulations relating to amounts of whole egg solids refer to the edible contents of eggs expressed on a moisture-free basis and exclusive of any nonegg solids which may be present in standardized and other commercial egg products.

To inform the consumer how much egg is present in the bread, the Commissioner is proposing that the name of the food, as it appears on the label, include a statement of the amount of egg present. The question is what method of declaration would be the most informative and the easiest to comprehend. In the trade, the amount of egg used in bread is usually expressed as parts of whole egg solids per 100 parts by weight of flour used. This method would obviously be rather meaningless to the consumer who is accustomed to thinking in terms of shell eggs, cups of flour, and loaves of bread. Another possible method of declaration would be as percent of whole egg solids in the bread. This approach goes only part of the way toward resolving the matter because the average consumer is not aware of the amount of egg solids in an egg. It appears that the most meaningful declaration would be derived from using one medium-sized egg as a common denominator and declaring the quantity of egg present in "egg bread" on that basis. The fact that the consumer survey referred to previously was reported in terms of number of eggs in a 1-pound loaf of bread lends support to this approach. Thus, the label would bear a statement of the egg content in terms of the number of medium-sized eggs per pound of bread. The Commissioner would

welcome comments on the merits of this or any other suggested methods of declaration.

In the proposal based on the industry petition, the word "challah" (including any generally accepted variant spelling), "challah rolls," "challah buns," "enriched challah," etc., were listed as alternative names for the food containing the specified amount of egg solids. Since the word "challah" has limited usage and is not known to many people who enter the marketplace, the Commissioner also desires comments on this issue. It should be pointed out that in permitting the use of an alternative name which is not a common or usual name it has been the practice to require that the name set forth in the standard immediately precede or follow the fanciful or alternative name so that all consumers will be informed as to the identity of the food.

For bread, regardless of whether or not it is labeled "egg bread," etc., not to appear to contain more egg than it does, the Commissioner is proposing that except for the use of butter which may have added color, as provided for below, the food contain no added color as such or as a component of another ingredient. The restriction would apply, among other materials, to spices, spice oils, or spice extracts that would impart a color simulating the color of egg to the bread. Butter with added color may be used if the intensity of the color of the butter does not exceed "medium high" (MH) when measured against the Munsell Butter Color Comparator. This color intensity corresponds with the highest color normally obtained in butter to which no color has been added. The MH designation corresponds to the Munsell renotation of 3.8Y 7.9/7.6. The Munsell Butter Color Comparator is used for butter grading purposes by the Inspection and Grading Branch, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, and is available from Munsell Color Co., 2441 N. Calvert St., Baltimore, MD 21218.

OPTIONAL INGREDIENT REQUIREMENT

The Commissioner is of the opinion that the recipe requirements of the food standards should be revised, where applicable, to permit the use of any safe and suitable ingredients which do not adversely affect the identity of the food. The Commissioner considers this provision to be in the interest of consumers because it permits manufacturers readily to adopt new advances in food technology to meet consumer demands without reducing the protection of the consumer. Accordingly, he proposes a complete revision of 21 CFR Part 17 to reflect the permitted use of such safe and suitable ingredients.

It is intended that the use of safe and suitable ingredients be permitted with as little restriction as practicable within the confines of any applicable food additive regulations. To safeguard the identity and integrity of the food, however, it is necessary that limited controls be maintained on some ingredients. Mono- and diglycerides, propylene glycol mono- and diesters, and diacetyl tartaric acid esters, for example, when used in excess in conjunction with shortening, may keep the bread soft and thus make it appear to be fresh beyond a reasonable shelf-life span. Excessive use of flours and meals of nonwheat sources, or dextrinized starches used as dusting flour and for other purposes can cause the food to lose its identity as bread or make it appear to be of better quality than it is. Improper use of yeast nutrients, oxidizing agents, and certain dough conditioners can result in excessive loaf volume which may be misleading to consumers.

In the proposal below, the amount of inactive dry yeast that may be used is limited to 2 parts per 100 parts by weight of flour because higher amounts tend to produce color and odor changes which affect the identity of the food. Enzyme active soy flour is used in breadmaking because of its bleaching effect on the flour. Since it is not necessary to use more than 0.5 part for each 100 parts by weight of flour, the proposal limits the use of the ingredient to that amount. The use of vital wheat gluten is limited to 4 parts for each 100 parts by weight of flour. The use of larger quantities could encourage the making of unwarranted nutritional claims. Milk and milk products in bread (§ 17.10) are limited to avoid a conflict with the standard of identity for milk bread. The maximum levels allowed in this proposal for the ingredients above are the same as those in the present identity standard for bread.

Other ingredients specifically provided for have no limitations placed on their use, except for limitations on vitamins and minerals in enriched bread, either because they contribute to meaningful nutritional improvement of the food or because they are self-limiting for technological reasons. These include salt, egg products, nutritive carbohydrate sweeteners, shortening, enzymes, lactic-acid-producing bacteria, reducing agents, and milk in standardized milk bread. The only criteria for use of other ingredients not specifically listed or limited in this proposal are that they be safe and suitable and that they not adversely affect the physical and nutritional characteristics or change the identity of the food.

With regard to enriched bread, the Commissioner calls attention to the recent orders published in the FEDERAL REGISTER of October 15, 1973 (38 FR 28558) and February 11, 1974 (39 FR 5188), regarding the nutrient levels of enriched flour, enriched self-rising flour, and enriched bread and to the public hearing conducted in April 1974, to receive evidence on the issues raised by objections to the order of October 15, 1973, regarding the provision for increasing the iron content of these three foods. The levels of vitamins and minerals prescribed by the orders cited above will govern the addition of nutrients to enriched bread pending the final resolution of the issue that was the subject of the hearing. In the proposal below, certain changes are proposed in the enriched bread standard so as to make this standard consistent with the overall revision of 21 CFR Part 17 and to incorporate provisions for an enriched "egg bread" and related products. These proposed changes do not involve the nutrient levels prescribed for enriched bread.

LABEL DECLARATION OF ALL OPTIONAL INGREDIENTS

The Commissioner is aware of the significant consumer interest in having the labels of food bear complete information regarding the ingredients used in such foods. Therefore, he proposes to amend all definitions and standards of identity for all bakery products covered by 21 CFR Part 17 to require the label declaration of all optional ingredients used in the preparation of the food. The Commissioner considers all ingredients provided for in the identity standard for bread to be optional since there is more than one type of flour permitted, and several moistening agents including water, eggs, and milk can be optionally selected for use. The function of salt in bread is its contribution to flavor. It is therefore not listed as a mandatory ingredient in the regulation. Accordingly, the Commissioner proposes that, in accordance with the provisions in 21 CFR 3.88, the common name of each optional ingredient used in the manufacture of bread be declared on the label.

As applicable, the provisions of the bread standard are being incorporated into the standards for enriched bread, milk bread, raisin bread, and whole wheat bread by cross reference.

As set forth below, the proposal amends the bakery products standards by revising and redesignating §§ 17.1, 17.2, 17.3, 17.4, and 17.5 as §§ 17.10, 17.20, 17.30, 17.40, and 17.50, respectively, and by adding a new § 17.1

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to him (21 CFR 2.120.), the Commissioner proposes that 21 CFR Part 17 be revised to read as follows:

PART 17—BAKERY PRODUCTS

Sec.

17.1 Definitions.
17.10 Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.
17.20 Enriched bread and enriched rolls or enriched buns; identity; label statement of optional ingredients.
17.30 Milk bread and milk rolls or milk buns; identity; label statement of optional ingredients.
17.40 Raisin bread and raisin rolls or raisin buns; identity; label statement of optional ingredients.
17.50 Whole wheat bread, graham bread, entire wheat bread, whole wheat rolls, graham rolls, entire wheat rolls, whole wheat buns, graham buns, entire wheat buns; identity; label statement of optional ingredients.

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§ 17.1 **Definitions.**

For purposes of this part, the following definitions apply:

(a) The word "bread" when used in the name of the food means the unit weighs one-half pound or more after cooling.

(b) The words "rolls" and "buns" when used in the name of the food mean the unit weighs less than one-half pound after cooling.

(c) "Vital wheat gluten" is wheat gluten which retains its elastic, film-forming, and strengthening properties and which is not denatured as determined by the test prescribed in "Approved Methods of the American Association of Cereal Chemists," Method 38—titled "Vital Wheat Gluten" (December 1962).[1]

§ 17.10 **Bread, white bread, and rolls, white rolls, or buns, white buns; identity; label statement of optional ingredients.**

(a) Each of the foods bread, white bread, rolls, white rolls, buns, and white buns is prepared by baking a mixed yeast-leavened dough made by moistening flour with water or with one or more of the optional liquid ingredients specified in this section or with any mixture of water and one or more of such ingredients. All ingredients from which the food is fabricated shall be safe and suitable. The term "flour," unqualified, as used in this section, includes flour, bromated flour, and phosphated flour. The potassium bromate in any bromated flour used and the monocalcium phosphate in any phosphated flour used shall be deemed to be optional ingredients in the bread or rolls. Each such food may contain additional optional ingredients as provided for in paragraph (b) of this section. Each of the foods contains not less than 62 percent total solids as determined by the method prescribed in paragraph (c) of this section.

(b) The following optional ingredients may be used:

(1) Salt.

(2) Shortening, in which or in conjunction with which may be used one or any combination of two or more of the following:

(i) Lecithin, hydroxylated lecithin complying with the provisions of § 121.1027 of this chapter (either of which may include related phosphatides derived from the corn oil or soybean oil from which such ingredients were obtained).

(ii) Mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, propylene glycol mono- and diesters of fat-forming fatty acids complying with the provisions of § 121.1113 of this chapter, or a combination of two or more of these. The total weight of these ingredients used does not exceed 20 percent by weight of the combination of such ingredients and the shortening, and the total amount of monoglyceride, diacetyl tartaric acid ester of monoglyceride, and propylene glycol monoester does not exceed 8 percent by weight of the combination; but if purified or concentrated monoglyceride alone is used, the amount does not exceed 10 percent by weight of the combination.

(3) Milk and milk products in such quantity and composition as not to meet the requirements for milk or milk products prescribed for milk bread by § 17.30. Whenever milk solids not fat in any form are used, carrageenan or salts of carrageenan may be used in a quantity not in excess of 0.8 percent by weight of such milk solids not fat.

(4) Egg products.

(5) Nutritive carbohydrate sweeteners.

(6) Enzyme active preparations.

(7) Inactive dried yeast, singly or in combination, or *Saccharomyces cerevisiae*, *Saccharomyces fragilis*, or *Candida utilis* (torula) if the total quantity is not more than 2 parts for each 100 parts by weight of the flour used.

(8) Lactic-acid-producing bacteria.

(9) Nonwheat flours, nonwheat meals, nonwheat grits, wheat and nonwheat starches, any of which may be wholly or in part dextrinized, dextrinized wheat flour, or any combination of two or more of these, if the total quantity is not more than 3 parts for each 100 parts by weight of flour used.

(10) Ground dehulled soybeans, which may be heat-treated and from which oil may be removed, but which retain enzymatic activity, if the quantity is not more than 0.5 part for each 100 parts by weight of flour used.

(11) Yeast nutrients and calcium salts, if the total quantity of such ingredients, with the exception of monocalcium phosphate, is not more than 0.25 part for each 100 parts by weight of flour used. The quantity of monocalcium phosphate, including any quantity in the flour used, is not more than 0.75 part for each 100 parts by weight of flour used.

(12) (i) Potassium bromate, calcium bromate, potassium iodate, calcium iodate, calcium peroxide, or any combination of two or more of these if the total quantity, including the potassium bromate in any bromated flour used, is not more than 0.0075 part for each 100 parts by weight of flour used.

(ii) Azodicarbonamide, if the total quantity, including any quantity in the flour used, is not more than 0.0045 part for each 100 parts by weight of flour used.

(iii) Ascorbic acid, if the total quantity, including any quantity in the flour used, is not more than 0.02 part for each 100 parts by weight of flour used.

(13) Other dough conditioners, not specifically listed in this paragraph, if the total quantities of such ingredients or combination is not more than 0.5 part for each 100 parts by weight of flour used.

(14) Reducing agents.

(15) Vital wheat gluten in such quantity that for bread not more than 2 parts and for rolls and buns not more than 4 parts are used for each 100 parts by weight of flour used.

(16) Spices, spice oil, and spice extract which do not impart a color simulating that of egg to the food.

(17) Natural or artificial colors may not be added as such or as part of another ingredient except that which may be present in butter if the intensity of the butter color does not exceed "medium high" (MH) when viewed under diffused light (7400 Kelvin) against the Munsell Butter Color Comparitor. The MH designation corresponds to the Munsell re-notation of 3.8Y 7.9/7.6.

(18) Other ingredients that do not adversely affect the physical and nutritional characteristics of the bread or make it appear to be better or of greater value than it is.

(c) Total solids are determined by the method prescribed in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th Ed. 1970, sec. 14.083(a),[2] except that if the baked unit weighs 1 pound or more, one entire unit is used for the determination; if the baked unit weighs less than 1 pound, enough units to weigh 1 pound or more are used.

(d) The name of the food is "bread", "white bread", "rolls", "white rolls", "buns", "white buns", as applicable. When the food contains not less than 2.56 percent by weight of whole egg solids, the name of the food may be "egg bread", "egg rolls", or "egg buns", as applicable, if the name includes the statement "Contains _____ medium-sized egg(s) per pound" in the manner prescribed by Part 102 of this chapter, the blank to be filled in with the number which represents the whole egg content of the food expressed to the nearest one-fifth egg but not greater than the amount actually present. For the purpose of this regulation, whole egg solids are the edible contents of eggs calculated on a moisture-free basis and exclusive of any nonegg solids which may be present in standardized and other commercial egg products. 0.41 ounce of whole egg solids is equivalent to one medium-sized egg.

(e) All optional ingredients used in the food shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

§ 17.20 **Enriched bread and enriched rolls or enriched buns; identity; label statement of optional ingredients.**

(a) Each of the foods enriched bread, enriched rolls, and enriched buns conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for bread and rolls or buns by § 17.10, except that:

(1) Each such food contains in each pound 1.8 milligrams of thiamin, 1.1 milligrams of riboflavin, 15 milligrams of niacin, and 25 milligrams of iron.

[1] Copies may be obtained from: American Association of Cereal Chemists, Inc., 3340 Pilot Knob Rd., St. Paul, MN 55121.

[2] Copies may be obtained from: Association of Official Analytical Chemists, Ben Franklin Station, P.O. Box 540, Washington, D.C. 20044.

NOTE.—By an order published in the FEDERAL REGISTER of February 11, 1974 (39 FR 5188), concerning nutritional requirements for standardized enriched bakery products, the requirement that the food contain 26 milligrams of iron per pound was stayed. Accordingly, the requirement for iron reverts to that in 21 CFR 17.2(a)(1) of not less than 8.0 milligrams and not more than 12.5 milligrams per pound pending resolution of the issue of the level of iron enrichment that was the subject of a hearing conducted in April 1974.

(2) Each such food may contain added calcium in such quantity that the total calcium content is 600 milligrams per pound. If insufficient calcium is added to meet the 600-milligram level per pound of the finished food, no claim may be made on the label for calcium as a nutrient.

(3) The requirements of paragraph (a)(1) and (2) of this section will be deemed to have been met if reasonable overages of the vitamins and minerals, within the limits of good manufacturing practice, are present to ensure that the required levels of the vitamins and minerals are maintained throughout the expected shelf life of the food under customary conditions of distribution and storage. The quantitative content of the following vitamins shall be calculated in terms of the following chemically identifiable reference forms:

Vitamin	Reference form		
	Name	Empirical formula	Molecular weight
Thiamine	Thiamine chloride hydrochloride	$C_{12}H_{17}ClN_4OS.HCl$	337.28
Riboflavin	Riboflavin	$C_{17}H_{20}N_4O_6$	376.37
Niacin	Niacin	$C_6H_5NO_2$	123.11

NOTE.—Pending resolution of the issue which was the subject of the hearing referred to in the note in paragraph (a)(1) of this section, the provision relating to overages of vitamins and minerals does not apply to iron.

(4) Each such food may also contain wheat germ or partly defatted wheat germ, but the total quantity thereof, including any wheat germ or partly defatted wheat germ in any enriched flour used, shall not be more than 5 percent of the flour ingredient.

(5) Enriched flour may be used, in whole or in part, instead of flour. As used in this section, the term "enriched flour" includes enriched bromated flour.

(6) The limitation prescribed by § 17.10(b)(3) on the quantity and composition of milk and milk products does not apply.

(7) The vitamins and minerals added to the food for enrichment purposes may be supplied by any safe and suitable substances. Niacin equivalents as derived from tryptophan content shall not be used in determining total niacin content.

(b) The name of the food is "enriched bread," "enriched rolls," or "enriched buns," as applicable. When the food contains not less than 2.56 percent by weight of whole egg solids, the name of the food may be "enriched egg bread," "enriched egg rolls," or "enriched egg buns," as applicable, if the name includes the statement "Contains _____ medium sized egg(s) per pound" in the manner prescribed by Part 102 of this chapter, the blank to be filled in with the number which represents the whole egg content of the food expressed to the nearest one-fifth egg but not greater than the amount actually present. For the purpose of this regulation, whole egg solids are the edible contents of eggs calculated on a moisture-free basis and exclusive of any nonegg solids which may be present in standardized and other commercial egg products. 0.41 ounce of whole egg solids is equivalent to one medium-sized egg.

§ 17.30 **Milk bread and milk rolls or milk buns; identity; label statement of optional ingredients.**

(a) Each of the foods milk bread, milk rolls, and milk buns conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for bread and rolls or buns by § 17.10, except that:

(1) The only moistening ingredient permitted in the preparation of the dough is milk or, as an alternative, a combination of dairy products in such a proportion that the weight of the nonfat milk solids is not more than 2.3 times and not less than 1.2 times the weight of the milk fat therein, with or without water, in a quantity that provides not less than 8.2 parts milk solids for each 100 parts by weight of flour.

(2) No buttermilk, buttermilk product, cheese whey, cheese whey product, or milk protein is used.

(b) The name of the food is "milk bread," "milk rolls", "milk buns," as applicable.

§ 17.40 **Raisin bread and raisin rolls or raisin buns, identity; label statement of optional ingredients.**

(a) Each of the foods raisin bread, raisin rolls, and raisin buns conforms to the definition and standard of identity and is subject to the requirements for label statement of optional ingredients prescribed for bread and rolls or buns by § 17.10, except that:

(1) Not less than 50 parts by weight of seeded or seedless raisins are used for each 100 parts by weight of flour used.

(2) Water extract of raisins may be used, but not to replace raisins.

(3) The baked units may bear icing or frosting.

(4) The limitation prescribed by § 17.10(b)(3) on the quantity and composition of milk and milk products does not apply.

(5) The optional vital wheat gluten ingredient described in § 17.1(c) may be used in a quantity not to exceed 4 parts for each 100 parts by weight of flour used.

(6) The total solids content is determined by the method described in § 17.10(c), except that section 14.083(b) on page 225 of "Official Methods of Analysis of the Association of Official Analytical Chemists" 11th Ed., 1970,[2] will apply.

(b) The name of the food is "raisin bread", "raisin rolls", "raisin buns", as applicable.

§ 17.50 **Whole wheat bread, graham bread, entire wheat bread, whole wheat rolls, graham rolls, entire wheat rolls, whole wheat buns, graham buns, entire wheat buns; identity; label statement of optional ingredients.**

(a) Each of the foods whole wheat bread, graham bread, entire wheat bread, whole wheat rolls, graham rolls, entire wheat rolls, whole wheat buns, graham buns, and entire wheat buns conforms to the definition and standard of identity and is subject to the label statement of optional ingredients prescribed for bread, rolls, and buns by § 17.10, except that:

(1) The dough is made from whole wheat flour, bromated whole wheat flour, or a combination of these. No flour, bromated flour, phosphated flour, or gluten ingredient is used.

(2) The limitation prescribed by § 17.10(b)(3) on the quantity and composition of milk and milk products does not apply.

(b) The name of the food is "whole wheat bread", "graham bread", "entire wheat bread", "whole wheat rolls", "graham rolls", "entire wheat rolls", "whole wheat buns", "graham buns", "entire wheat buns", as applicable.

Interested persons are invited to submit their views in writing (preferably in quintuplicate) regarding the petition and proposals on or before December 10, 1974. Such views and comments should be addressed to the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the office above during working hours, Monday through Friday.

Dated: September 3, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

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Social Security Administration

[20 CFR Parts 404, 416]

[Regs. No. 4, 16]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE; SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Substantial Gainful Activity

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the Disability Insurance regulations and proposed Supplemental Security Income for the Aged, Blind, and Disabled regulations set forth below in tentative form are proposed by the Commissioner of Social

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Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments provide:

1. Earnings averaging more than $200 (rather than $140) per month would be deemed to demonstrate an individual's ability to engage in substantial gainful activity, in the absence of evidence to the contrary.

2. Other corresponding changes in the earnings guidelines in regard to earnings at a rate of $130 to $200 a month and earnings at a monthly rate of less than $130.

The rules set forth in the proposed amendments revise Subpart I of Regulations No. 16 pertaining to the Supplemental Security Income program and will be applied by the Social Security Administration during the period of January 1, 1974, when the new program became effective, until final regulations are adopted. Since the disability insurance regulations and the Supplemental Security Income regulations implement identical statutory provisions pertaining to substantial gainful activity these amendments will be also applied in the disability insurance program until these regulations are published in final form.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, comments, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before October 11, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 205, 223, 1102, 1614, and 1631, 53 Stat. 1368, as amended, 70 Stat. 815, as amended, 49 Stat. 647, as amended, 86 Stat. 1471, 1475 as amended; 42 U.S.C. 405, 423, 1302, 1382c and 1383.

(Catalog of Federal Domestic Assistance Program No. 13.802, Disability Insurance; Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: August 9, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: August 30, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Paragraphs (b), (c), and (d) of § 404.1534 are revised to read as follows:

§ 404.1534 Evaluation of earnings from work.

* * * * *

(b) *Earnings at a monthly rate in excess of $200.* An individual's earnings from work activities averaging in excess of $200 a month shall be deemed to demonstrate his ability to engage in substantial gainful activity unless there is affirmative evidence that such work activities themselves establish that the individual does not have the ability to engage in substantial gainful activity under the criteria in §§ 404.1532 and 404.1533 and paragraph (a) of this section.

(c) *Earnings at a rate of $130 to $200 a month.* Where an individual's earnings from work activities average between $130 and $200 a month consideration of the amount of his earnings together with the other circumstances relating to his work activities (see §§ 404.1532 and 404.1533), the medical evidence relating to his impairment or impairments, and other factors (see § 404.1502) shall determine whether such individual is able to engage in substantial gainful activity. However, in the case of an individual working in a sheltered workshop (such as a workshop especially organized for disabled individuals) or comparable facility, whose activities are limited by his impairment so that his earnings average $200 a month or less, such activities and such earnings ordinarily would not establish the ability to engage in substantial gainful activity.

(d) *Earnings at a monthly rate of less than $130.* Earnings from work activities as an employee which average less than $130 a month do not show that the individual is able to engage in substantial gainful activity. However, an evaluation of the work performed (see § 416.932) may establish that the individual is able to engage in substantial gainful activity, regardless of the amount of his average monthly earnings.

* * * * *

2. Paragraphs (b), (c), and (d) of § 416.934 are revised to read as follows:

§ 416.934 Evaluation of earnings from work.

* * * * *

(b) *Earnings at a monthly rate in excess of $200.* An individual's earnings from work activities averaging in excess of $200 a month shall be deemed to demonstrate his ability to engage in substantial gainful activity unless there is affirmative evidence that such work activities themselves establish that the individual does not have the ability to engage in substantial gainful activity under the criteria in §§ 416.932 and 416.933 and paragraph (a) of this section.

(c) *Earnings at a rate of $130 to $200 a month.* Where an individual's earnings from work activities average between $130 and $200 a month, consideration of the amount of his earnings together with the other circumstances relating to his work activities (see § 416.932 and §416.933), the medical evidence relating to his impairment or impairments, and other factors (see § 416.902) shall determine whether such individual is able to engage in substantial gainful activity. However, in the case of an individual working in a sheltered workshop (such as a workshop especially organized for disabled individuals) or comparable facility, whose activities are limited by his impairment so that his earnings average $200 a month or less, such activities and such earnings ordinarily would not establish the ability to engage in substantial gainful activity.

(d) *Earnings at a monthly rate of less than $130.* Earnings from work activities as an employee which average less than $130 a month do not show that the individual is able to engage in substantial gainful activity. However, an evaluation of the work performed (see § 416.932) may establish that the individual is able to engage in substantial gainful activity, regardless of the amount of his average monthly earnings.

* * * * *

[FR Doc.74-20958 Filed 9-10-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-RM-14]

VOR AIRWAY

Proposed Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation regulations that would extend V-269 from Spruce Mountain Intersection, Nev., to Wells, Nev., via 145°T (128°M) radials.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207. All communications received on or before October 11, 1974 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW, Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would extend V-269 from the Spruce Mountain Intersection (Ely, Nev., 007°T (350°M) and Bonneville, Utah, 272°T (255°M) radials), to Wells, Nev., via Wells, Nev., 145°T (128°M) radials.

The extension of V-269 will provide an alternate airway to V-293 and a more direct routing between Ely, Nev., and Twin Falls, Idaho.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 4, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-20950 Filed 9-10-74;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 74-RM-13]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation regulations that would extend the southern boundary of Restricted Area R-2602 Fort Carson, Colo., to include a firing point for the Chapparel missile.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207. All communications received on or before October 11, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW, Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would expand the size of R-2602 by redefining its southern boundary to contain a relatively small portion of additional airspace in the southeast corner. The altered restricted area would be described as follows:

R-2602 FORT CARSON, COLO.

Boundaries. Beginning at Lat. 38°38'10"N., Long. 104°52'00"W.; thence to Lat. 38°36'20"N., Long. 104°52'00"W.; to Lat. 38°32'06"N., Long. 104°49'18"W.; to Lat. 38°32'06"N., Long. 104°45'00"W.; to Lat. 38°25'35"N., Long. 104°45'00"W.; to Lat. 38°25'35"N., Long. 104°49'00"W.; to Lat. 38°26'10"N., Long. 104°49'00"W.; to Lat. 38°26'10"N., Long. 104°57'13"W.; to Lat. 38°32'58"N., Long. 104°57'00"W.; thence northeast along Colorado Highway Number 115 to point of beginning.

Designated altitudes. Surface to and including 35,000 feet MSL; 35,000 feet MSL to and including 60,000 feet MSL, by NOTAM issued 24 hours in advance.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Denver ARTC Center.

Using agency. Commanding General, Fort Carson, Colorado.

Minor alteration of R-2602 as proposed would allow the using agency to establish a Chapparel missile firing point within the restricted area on the Fort Carson, Colo., military reservation. Other operations approved for R-2602 would remain unchanged. The Chapparel firing activities would therefore enhance the Fort Carson training capability and the overall utilization of the restricted area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Washington, D.C. on September 5, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-20949 Filed 9-10-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 261-6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Alabama Compliance Schedules

On November 29, 1973 (38 FR 33020), the Administrator proposed the approval of a number of individual compliance schedules submitted by the State of Alabama pursuant to 40 CFR 51.6. These schedules, which are in effect plan revisions, had been adopted by the Alabama Air Pollution Control Commission after notice and public hearing before being submitted to the Agency for its approval on February 15, 1973. The State subsequently extended the deadline by which certain of the sources involved were to achieve final compliance. These revised schedules are here proposed for approval, together with a number of schedules not previously announced.

Each proposed revision establishes a new date by which an individual air pollution source must attain compliance with an emission limitation of the State implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with interim dates for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. All of the compliance schedules listed here are available for public inspection at the following locations:

Air Programs Office, Environmental Protection Agency, Region IV, 1421 Peachtree Street NE., Atlanta, Georgia 30309.

Division of Air Pollution Control, State of Alabama Department of Public Health, 645 S. McDonough Street, Montgomery, Alabama 36104.

All interested parties are encouraged to submit written comments on the proposed plan revisions. These comments will be weighed carefully by EPA before the agency decides to approve or disapprove these changes in the Alabama plan. Comments will be accepted on or before October 11, 1974. These should be addressed to the Acting Director, Air Programs Office, Environmental Protection Agency, Region IV, 1421 Peachtree Street NE., Atlanta, Georgia 30309, Attention: Mr. Strickland.

(Sec. 110(a), Clean Air Act, as amended (42 U.S.C. 1857c-5(a)))

Dated: August 29, 1974.

JACK E. RAVAN,
Regional Administrator, Region IV.

It is proposed to amend Part 52 of Chapter 1, Title 40, Code of Federal Regulations as follows:

Subpart B—Alabama

A new § 52.55 is added as follows:

§ 52.55 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 of this chapter. All regulations cited are air pollution control regulations of the State.

ALABAMA

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
American Can Co., permit No:					
101-0001-W001	Naheola	4.7.2	Feb. 28, 1973	Immediately	May 31, 1973
101-0001-W002	do	4.7.2	do	do	Do.
101-0001-W003	do	4.7.2	do	do	Do.
101-0001-W006	do	4.7.2	do	do	Do.
B. H. Harmarr Construction Co. (Asphalt Engineers, Inc.), Permit No.: 104-0007-W001.	Selma	4.4.2	Nov. 24, 1973	do	Jan. 1, 1974
Gulf States Paper Corp., permit No.: 105-0001-W002.	Demopolis	4.7.2	Feb. 8, 1973	do	May 31, 1975
Claiborne Lime Plant, permit No.: 105-0001-W001.	Claiborne	4.4.2	May 25, 1974	do	June 1, 1974
Robinson & Smith Lumber Co., Inc., permit No.: 205-S003-W001.	Wetumpka	3.1	Sept. 25, 1973	do	June 30, 1974
Opelika Foundry, permit No.: 206-0004-W001.	Opelika	4.5.1	Mar. 5, 1974	do	June 15, 1974
Buchanan Lumber Co., Inc., Permit No.: 209-S008-W001.	Montgomery	3.3.4	Feb. 6, 1974	do	May 31, 1974
West Point Pepperell, Permit No.:					
206-0007-W001		4.3.1, 5.1.1	Feb. 6, 1973	Immediately	May 31, 1975
206-0007-W002		4.3.1, 5.1.1	do	do	Do.
206-0007-W003		4.3.1, 5.1.1	do	do	Do.
206-0007-W004		4.3.1, 5.1.1	do	do	Do.

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ALABAMA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Capital Veneer Works Inc., permit No.: 209-S007-W001.	Montgomery	4.8.2	Jan. 10, 1973	do	Mar. 31, 1973
Vulcan Materials Co., Southeast Division, Permit No.: 309-0014-W001.	do	4.4.1	June 28, 1973	do	Sept. 15, 1973
Alabama Pipe Co., Permit No.:					
301-0012-W001	Anniston	4.5.1	Mar. 3, 1971	do	Feb. 31, 1974
301-0014-W003	do	4.5.1	Aug. 24, 1973	do	Apr. 30, 1973
301-0014-W004	do	4.5.1	do	do	Do.
301-0015-W001	do	4.4.1	Mar. 13, 1974	do	May 31, 1974
301-0015-W002	do	4.4.1	do	do	Do.
Dixie Clay Co., Permit No.:					
301-0002-W001	Jacksonville	4.4.1	Mar. 5, 1974	do	June 30, 1974
301-0002-W002	do	4.4.1	do	do	Do.
301-0002-W003	do	4.4.1	do	Immediately	Do.
301-0002-W004	do	4.4.1	do	do	Do.
Donoho Clay Co., Permit No.: 301-0003-W002.	Anniston	4.4.1	do	do	Do.
Dresser Manufacturing Division, Dresser Industries, Inc., Permit No.:					
301-0006-W001	do	4.5.1	May 13, 1974	do	Dec. 31, 1974
301-0006-W002	do	4.5.2	do	do	Do.
301-0006-W003	do	4.4.1	do	do	Mar. 3, 1975
Kilby Steel—Division of FMC Corp., Permit No.:					
301-0022-W001	do	4.4.1	Mar. 13, 1974	do	May 31, 1974
301-0022-W002	do	4.4.1	do	do	Do.
301-0022-W003	do	4.4.1	do	do	Do.
Lee Brothers Co., Permit No.:					
301-0005-W001	do	4.4.1	May 25, 1974	do	Aug. 1, 1974
301-0005-W010	do	4.4.1	May 24, 1974	do	May 30, 1975
301-0005-W011	do	4.4.1	do	do	Do.
301-0005-W012	do	4.4.1	do	do	Do.
301-0005-W013	do	4.4.1	do	do	Do.
301-0005-W014	do	4.4.1	do	do	Do.
301-0005-W015	do	4.4.1	do	do	Do.
301-0005-W016	do	4.4.1	do	do	Do.
301-0005-W017	do	4.4.1	do	do	Do.
301-0005-W018	do	4.4.1	do	do	Do.
301-0005-W019	do	4.4.1	do	do	Do.
Kimberly Clarke Corp., Permit No 301-S001-W001	Mellow Valley	3.3.4	Mar. 5, 1974	do	April 1, 1974
West Point Pepperell, Permit No.:					
307-0003-W005		4.3.2	Feb. 6, 1973	do	May 31, 1975
307-0004-W006		4.3.2	do	do	Do.
307-0004-W007		4.3.2	do	do	Do.
307-0004-W008		4.3.2	do	do	Do.
307-0006-W009		4.3.2	do	do	Do.
Republic Steel, Permit No.: 307-0008-W001.	Gadsden	4.4.1	Jan. 22, 1973	do	Do.
Unscrolled Manufacturing Division, Permit No.: 307-0009-W001.	Attalla	4.5.1, 7.1	Dec. 21, 1973	do	Sept. 1, 1974
Alabama Calcium Products, Division of G. A. Marble Co., Permit No.:					
309-0001-W001	Gantt's Quarry	4.4.1	May 25, 1974	do	June 15, 1974
309-0001-W002	do	4.4.1	do	do	Aug. 15, 1974
Newbury Manufacturing Co., Permit No.:					
309-0010-W001	Talladega	4.5.1	Nov. 27, 1973	do	Aug. 1, 1974
309-0010-W002	do	4.5.1	do	do	Do.
309-0010-W003	do	4.4.1	do	do	May 1, 1974
309-0010-W004	do	4.4.1	do	do	Do.
Talladega Foundry Machine Co., Permit No.: 309-0011-W001.	do	4.5.1	Mar. 5, 1974	do	Jan. 31, 1975
Russell Pipe & Foundry Co., Inc., Permit No. 310-0007-W001.	Alexander City	4.5.1, 7.1	do	do	Aug. 15, 1974
Southern Stone Co., Permit No.:					
401-0007-W001	Woodstock	4.4.1	do	do	Apr. 1, 1974
401-0007-W002	do	4.2.1, 4.2.2	do	do	Do.
401-0007-W003	do	4.2.1, 4.2.2	do	do	Do.
401-0007-W004	do	4.2.1, 4.2.2	do	do	Do.
401-0007-W005	do	4.2.1, 4.2.2	do	do	Do.
401-0007-W006	do	4.2.1, 4.2.2	do	do	Do.
401-0007-W007	do	4.2.1, 4.2.2	do	do	Do.
401-0007-W008	do	4.2.1, 4.2.2	do	do	Aug. 15, 1974
401-0007-W009	do	4.2.1, 4.2.2	do	do	Do.
Favco, Inc., Permit No.: 404-0003-W001.	Fayette	4.4.1	Nov. 27, 1973	do	Jan. 1, 1974
Summerville Bros. Lumber Co., Inc., Permit No.: 409-S010-W001.	Alicevile	3.3.4	Nov. 20, 1973	do	Do.
Alabama Refractory Clay Co., Permit No. 411-0029-W002.	Montevallo	4.4.1	May 25, 1974	do	Jan. 1, 1975
Cheney Lime & Cement Co., Permit No.: 411-0019-W001.	Landmark	4.4.1	Mar. 5, 1974	do	Sept. 15, 1974
Longview Lime Co., Permit No.:					
411-0002-W001	Saginaw	4.4.1	May 24, 1974	do	Dec. 15, 1974
111-0002-W002	do	4.4.1	do	do	Do.
Montevallo Limestone Co., Permit No.: 411-0014-W002.	Montevallo	4.2.1, 4.2.2	Mar. 27, 1973	do	July 10, 1974
Southern Foundry Co., Permit No.: 411-0005-W001.	Calera	4.5.1	Mar. 5, 1974	do	Jan. 1, 1975

ALABAMA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Southern Stone Co., Permit No.:					
411-0009-W001	Maylene	4.2.1, 4.2.2	Mar. 8, 1973	do	June 1, 1974
411-0009-W002	do	4.2.1, 4.2.2	do	do	Do.
U.S. Gypsum Co. (Allied Production Co.), Permit No.:					
411-0008-W002	Montevallo	4.4.1	Mar. 5, 1974	do	Apr. 1, 1975
411-0008-W003	do	4.4.1	do	do	May 31, 1975
Tombigbee Lightweight Aggregate Corp., Permit No.:					
412-0009-W001	Livingston	4.4.1	Sept. 25, 1973	do	Nov. 30, 1973
412-0005-W003	do	4.4.1	do	do	Do.
Alabama Power Co., Gorgas Electric Generating Plant, Permit No: 414-0001-W003.	Parrish	4.3.1, 5.1.1, 5.1.2	June 18, 1973	do	May 31, 1975
Warren Brothers Co., Permit No.: 705-0006-W001.	Scottsboro	4.4.1	May 25, 1974	do	May 30, 1974
Mosaic Tile Co., Permit No.:					
706-0004-W001	Florence	4.4.1	Mar. 5, 1974	do	Apr. 1, 1975
706-0004-W002	do	4.4.1	do	do	Do.
706-0004-W003	do	4.4.1	do	do	Do.
706-0004-W004	do	4.4.1	do	do	Do.
The Thomas Alabama Kaolin Co., Permit No.: 710-0005-W001.	Hackleburg	4.4.1	do	do	Dec. 31, 1974
C. A. Langford Co., Inc., Permit No.:					
711-0002-W001	Guntersville	4.4.1	do	do	Apr. 1, 1974
711-0002-W002	do	4.2.1, 4.2.2	do	do	Do.
Amoco Chemicals Corp., Permit No.:					
712-0002-W010	Decatur	4.4.1	May 25, 1974	do	Dec. 31, 1974
712-0002-W011	do	4.4.1	May 24, 1974	do	Do.
G & W Asphalt Co., Inc., Permit No.: 712-0007-W001.	do	4.4.1	Mar. 8, 1974	do	May 15, 1975
Trinity Stone Co., Inc. (Trinity Quarries Inc.), Permit No.: 712-0012-W004.	Trinity	4.2.1, 4.2.2	Dec. 15, 1972	do	June 30, 1973
Trinity Stone Co., Inc. (Trinity Quarries, Inc.), Permit No.: 712-0013-W001.	Hulaco	4.2.1, 4.2.2	Mar. 5, 1974	do	May 15, 1974
Trinity Stone Co., Inc. (Trinity Quarries, Inc.), Permit No.:					
712-0014-W001	Lacon	4.2.1, 4.2.2	do	do	Do.
712-0014-W002	do	4.2.1, 4.2.2	do	do	Do.

JEFFERSON COUNTY

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
American Cast Iron Pipe Co., permit No.:					
407-0030-2107	Birmingham	6.1, 6.4	June 19, 1974	do	Sept. 30, 1974
407-0030-2108	do	6.4	do	do	May 31, 1975
407-0030-2109	do	6.4	do	do	Do.
407-0030-2110	do	6.4	do	do	Do.
407-0030-2111	do	6.4	do	do	Do.
407-0030-2112	do	6.4	do	do	Do.
407-0030-2113	do	6.4	do	do	Do.
407-0030-2119	do	6.1, 6.4, 9.1	July 18, 1973	do	Aug. 1, 1974
407-0030-2120	do	6.1, 6.4, 9.1	do	do	Do.
407-0030-2121	do	6.1, 6.4, 9.1	do	do	Do.
407-0030-2122	do	6.1, 6.4, 9.1	do	do	Do.
407-0030-2123	do	6.1, 6.4, 9.1	do	do	Do.
407-0030-2124	do	6.1, 6.4, 9.1	Dec. 19, 1973	do	Aug. 31, 1974
407-0030-2125	do	6.1, 6.4, 9.1	do	do	Do.
407-0030-2126	do	6.1, 6.4, 9.1	do	do	Do.
407-0030-2127	do	6.1, 6.4, 9.1	do	do	Do.
Barry Pattern Foundry Co., Permit No.: 407-0040-3101.	do	6.1, 6.5, 9.1	do	do	Apr. 1, 1975
Birmingham Stove & Range, Permit No.: 407-0060-2502.	do	6.1, 6.4, 9.1	Oct. 17, 1973	do	Jan. 31, 1975
Bristol Steel & Iron Works, Permit No.:					
407-0220-2101	Bessemer	6.1	Feb. 20, 1974	do	July 31, 1974
407-0220-2501	do	6.2	do	do	Do.
Buchanan Lumber Co., Permit No.: 407-0065-2301.	Birmingham	6.1, 6.4	do	do	Oct. 1, 1974
W.J. Bullock, Inc., Permit No.:					
407-0068-2101	Fairfield	6.1, 6.4	Apr. 10, 1974	do	June 15, 1974
407-0068-2102	do	6.1, 6.4	do	do	Do.
407-0068-2103	do	6.4	Feb. 20, 1974	do	Jan. 31, 1975
407-0068-2104	do	6.4	do	do	Do.
407-0068-2106	do	6.4	Apr. 10, 1974	do	July 1, 1974
Caldwell Foundry & Machine Co., Permit No.:					
407-0470-2101	Birmingham	6.4	May 15, 1974	do	Mar. 1, 1975
407-0470-2102	do	6.1, 6.4	do	do	Do.

ALABAMA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Jefferson County Coke Co., Permit No.: 407-0080-2101	Birmingham	6.1, 6.4	Mar. 5, 1974	do	Apr. 1, 1975
Jefferson County Coke Co., Permit No.: 407-0080-2102	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2103	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2104	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2105	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2106	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2107	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2108	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2109	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2110	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2111	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2112	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2113	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2114	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2115	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2116	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2117	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2118	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2119	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2120	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2121	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2122	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2123	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2124	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2125	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2126	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2127	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2128	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2129	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2130	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2131	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2132	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2133	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2134	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2135	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2136	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2137	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2138	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2139	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2140	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2141	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2142	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2143	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2144	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2145	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2146	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2147	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2148	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2149	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2150	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2151	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2152	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2153	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2154	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2155	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2156	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2157	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2158	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2159	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2160	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2161	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2162	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2163	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2164	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2165	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2166	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2167	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2168	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2169	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2170	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2171	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2172	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2173	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2174	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2175	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2176	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2177	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2178	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2179	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2180	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2181	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2182	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2183	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2184	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2185	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2186	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2187	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2188	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2189	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2190	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2191	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2192	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2193	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2194	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2195	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2196	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2197	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2198	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2199	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2200	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2201	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2202	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2203	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2204	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2205	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2206	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2207	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2208	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2209	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2210	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2211	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2212	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2213	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2214	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2215	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2216	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2217	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2218	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2219	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2220	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2221	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2222	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2223	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2224	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2225	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2226	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2227	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2228	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2229	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2230	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2231	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2232	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2233	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2234	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2235	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2236	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2237	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2238	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2239	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2240	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2241	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2242	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2243	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2244	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2245	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2246	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2247	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2248	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2249	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2250	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2251	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2252	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2253	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2254	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2255	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2256	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2257	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2258	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2259	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2260	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2261	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2262	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2263	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2264	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2265	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2266	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2267	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2268	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2269	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2270	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2271	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2272	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2273	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2274	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2275	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2276	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2277	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2278	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2279	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2280	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2281	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2282	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2283	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2284	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2285	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2286	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2287	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2288	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2289	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2290	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2291	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2292	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2293	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2294	do	6.1, 6.4	do	do	Do.
Jefferson County Coke Co., Permit No.: 407-0080-2295	do	6.1, 6.4	do

ALABAMA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Caldwell Foundry & Machine Co., Permit No.: 407-0471-2101.	Leeds	6.1, 6.4	Apr. 10, 1974	do	June 15, 1974
Celotex Corp., Permit No.:					
407-0069-2102	Birmingham	6.4	May 15, 1974	do	Jan. 17, 1975
407-0069-2103	do	6.4	do	do	Do.
Continental Can Co., Inc., Permit No.:					
407-0084-3101	Fairfield	6.1	Feb. 20, 1974	do	Mar. 1, 1975
407-0084-3103	do	6.1	do	do	Do.
407-0084-3104	do	6.1	do	do	May 17, 1974
Continental Can Co., Inc., Permit No.:					
407-0085-3101	do	6.1, 6.4	June 19, 1974	do	Aug. 17, 1974
407-0085-3101	do	6.1	Feb. 20, 1974	do	Nov. 15, 1974
Cooper Foundry, Permit No.:					
407-0100-2101	Birmingham	6.1, 6.5, 9.1	Dec. 19, 1973	do	Dec. 31, 1974
407-0100-2102	do	6.4	do	do	Sept. 30, 1974
Fairmont Foundry Co., Permit No.: 407-0130-2101	do	6.1, 6.5, 9.1	Oct. 1, 1973	do	May 11, 1975
Goslin-Birmingham, Inc., Permit No.: 407-0139-2101.	do	6.1, 6.4	May 15, 1974	do	Nov. 16, 1974
Lone Star Cement (Citadel), Permit No.					
407-0210-2502	do	6.1, 6.4	do	do	Nov. 15, 1974
407-0210-2503	do	6.1, 6.4	do	do	Do.
407-0210-2504	do	6.1, 6.4	do	do	Do.
McWane Cast Iron Pipe Co., Permit No.					
407-0230-2101	do	6.1	do	do	Mar. 31, 1975
407-0230-2102	do	6.1, 6.4	do	do	May 31, 1975
Stockton Valve & Fitting Co., Permit No.					
407-0270-2503	do	6.4	Dec. 19, 1973	do	Apr. 1, 1974
407-0270-2501	do	6.1, 6.4, 9.1	do	do	Sept. 1, 1974
U.S. Gypsum Co., Permit No.: 407-0300-2501		6.4	Apr. 10, 1974	do	Apr. 15, 1974
U.S. Pipe & Foundry Co., Permit No.					
407-0350-2301	do	6.3	Oct. 17, 1973	do	Nov. 1, 1974
407-0350-2303	do	6.3	do	do	Do.
407-0350-2304	do	6.3	do	do	Do.
407-0350-2310	do	6.3	do	do	Do.
407-0350-2311	do	6.3	do	do	Do.
407-0350-2312	do	6.3	do	do	Do.
U.S. Steel Corp., Permit No.:					
407-0370-2101	Fairfield	6.1, 6.4	June 19, 1974	do	Aug. 15, 1974
407-0370-2102	do	6.1, 6.4	do	do	Do.
407-0370-2103	do	6.1, 6.4	do	do	Do.
407-0370-2104	do	6.1, 6.4	do	do	July 31, 1974
407-0370-2105	do	6.1, 6.4	do	do	Aug. 31, 1974
407-0370-2106	do	6.1, 6.4	do	do	Dec. 1, 1974
407-0370-2107	do	6.1, 6.4	do	do	Do.
407-0370-2108	do	6.1, 6.4	do	do	Do.
407-0370-2109	do	6.1, 6.4	do	do	Do.
Vulcan Materials Co., Southeast Division, Permit No.: 407-0410-2502.	Parkwood	6.1, 6.4	May 15, 1974	do	July 15, 1974
Vulcan Materials Co., Southeast Division, Permit No.:					
407-0420-2103	Wylan	6.1, 6.4	Feb. 20, 1974	do	Sept. 1, 1974
407-0420-2501	do	6.1, 6.4	do	do	Do.
Alabama Power Co., Permit No.					
503-1002-0001	Chickasaw	6.3, 1, 7.1	Oct. 26, 1973	Immediately	May 31, 1975
503-1002-0003	do	6.3, 1, 7.1	do	do	Do.
503-1002-0005	do	6.3, 1, 7.1	do	do	Do.
Amerada Hess Corp., Permit No.					
503-3013-8407	Mobile	8.1.1	Dec. 15, 1972	do	Dec. 1, 1974
503-3013-8408	do	8.1.1	do	do	Do.
503-3013-8409	do	8.1.1	do	do	Do.
503-3013-8410	do	8.1.1	do	do	Do.
Citronco Services, Inc., Permit No.					
503-3011-8401	do	8.1.1	Feb. 25, 1974	do	Sept. 25, 1974
503-3011-8402	do	8.1.1	do	do	Do.
503-3011-8403	do	8.1.1	do	do	Do.
Ergon, Inc., Permit No.: 503-3934-8701.	Bucks	8.1.1	June 18, 1973	do	Oct. 1, 1974
GAF Corp., Permit No.:					
503-8804-0014	Mobile	8.6.1	June 25, 1974	do	Sept. 30, 1974
503-8804-0015	do	8.6.1	do	do	Do.
Gold Bond Building Product, Permit No.:					
503-2002-0001	do	6.4.1	Feb. 2, 1973	do	May 31, 1975
503-2002-0002	do	6.4.1	do	do	Do.
503-2002-0003	do	6.4.1	do	do	Do.
503-2002-0005	do	6.4.1	do	do	Do.
Alabama Refining Co. (Marion Corp. Refining Division), Permit No.:					
503-4001-8408	Theodore	8.1.1	Jan. 23, 1974	do	Aug. 1, 1974
503-4001-8409	do	8.1.1	do	do	Do.
503-4001-8410	do	8.1.1	do	do	Do.
503-4001-8411	do	8.1.1	do	do	Do.
503-4001-8412	do	8.1.1	do	do	Do.
503-4001-8413	do	8.1.1	do	do	Do.
503-4001-8414	do	8.1.1	do	do	Do.
503-4001-8415	do	8.1.1	do	do	Do.

ALABAMA—Continued

Source	Location	Regulation involved	Date of adoption	Effective	Final compliance date
Mobile Pulley & Machine Works, Permit No.:					
503-0004-0001	Mobile	6.4.1	May 31, 1974	do	Dec. 15, 1974
503-0004-0002	do	6.4.1	do	do	Do.
503-0004-0003	do	6.4.1	do	do	Do.
503-0004-0005	do	6.4.1	do	do	Do.
Oyster Shell Products, Permit No.: 503-8009-0001.	do	6.4.1	Dec. 15, 1972	do	Aug. 31, 1974
Gold Bond Building Products, Permit No.: 503-2002-0006.	do	6.4.1	June 25, 1974	do	Dec. 30, 1974
International Paper Co., Permit No.:					
503-2005-0012	do	6.7	Feb. 2, 1973	do	May 31, 1975
503-2005-0013	do	6.3	do	do	Do.
503-2005-0014	do	6.3	do	do	Do.
503-2005-0015	do	6.3	do	do	Do.
503-2005-0016	do	6.3	do	do	Do.
503-2005-0017	do	6.3	do	do	Do.
Scott Paper Co., Permit No.:					
503-2012-0002	do	6.6	do	do	Mar. 1, 1975
503-2012-0003	do	6.6	do	do	Do.
503-2012-0004	do	6.6	do	do	Apr. 15, 1975
503-2012-0006	do	6.6	do	do	Aug. 1, 1974
503-2012-0006	do	6.6	do	do	Jan. 1, 1975
503-2012-0007	do	6.6	do	do	Do.
503-2012-0008	do	6.6	do	do	Do.
503-2012-0010	do	6.6	Apr. 12, 1974	do	May 31, 1975
503-2012-0011	do	6.6	do	do	Do.
503-2012-0012	do	6.6	Feb. 2, 1973	do	Do.
503-2012-0023	do	6.3	do	do	Do.
503-2012-0024	do	6.3	do	do	Do.
503-2012-0025	do	6.3	do	do	Do.
503-2012-0026	do	6.7	do	do	Do.

[FR Doc.74-20753 Filed 9-10-74;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 1, 3, 4, 5, 16]

[Docket No. RM75-8]

APPLICATION PROCEDURES

Notice of Proposed Rulemaking

SEPTEMBER 5, 1974.

Pursuant to 5 U.S.C. 553, sections 308 and 309 of the Federal Power Act (FPA) (49 Stat. 858, 859; 16 U.S.C. §§ 825g, 825h) the Commission gives notice that it proposes to amend specific sections of the rules and regulations in order to provide for the setting of hearings in regard to many applications filed under Part I of the FPA.

The proposed amendments are intended to facilitate the Commission's statutory function of licensing jurisdictional hydroelectric projects by providing a hearing and its resulting formal record for certain applications filed with the Commission.

It is proposed herein to provide a hearing on applications for license authorizing construction of major projects, for license for constructed major projects, for renewal of licenses for major projects, and for substantial alteration to licenses for major projects.

While many hearings before an administrative law judge are ordered by the Commission, in its discretion, either upon its own motion or upon the motion of any party in interest, the Commission often decides the issues raised by applications without the aid of a formal hearing record. In such cases, the record relied on can consist of all filings or submittals in the matter or proceeding.

Under the FPA comments in all cases of application for license and in cases of amendment of license substantially affecting project facilities or project operation are requested of interested government agencies, officials and interested parties under section 4(e) and under the Fish and Wildlife Coordination Act, 16 U.S.C. section 661 et. seq. Similar requests for comments are made under National Environmental Policy Act procedure, 42 U.S.C. section 4321 et. seq., where applicable.[1] The applicant's response to these comments is also requested. Public notice is published under the FPA in the FEDERAL REGISTER and in local newspapers, which generates comments or petitions for leave to intervene on the merits of the proposed action. These are available for Commission consideration. All the foregoing materials, which are available in the Commission's public file, are the record upon which the Commission has determined what orders it will issue in non-contested proceedings.

Although such a record can be legally sufficient to serve as the basis for a valid decision, the provision for a hearing as to certain applications would appear to be more in the public interest.

Under this proposed rulemaking, the Commission's decision could be based on the pleadings, submittals and other evidence, pursuant to § 1.32(b) of the Commission's rules. The Commission, of course, may provide for a hearing before an administrative law judge.

The effect of the proposed amendments is intended to apply to those applications filed after the effective date of these amendments.

The proposed amendments to the Commission's rules and regulations under the Federal Power Act would be issued under the authority granted the Federal Power Commission by the Federal Power Act, as amended, particularly sections 308 and 309 (49 Stat. 858, 859; 16 U.S.C. §§ 825g, 825h).

1. It is proposed to amend § 1.32 of Part 1, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations in part as follows:

§ 1.32 Shortened procedures.

* * * * * *

(b) Noncontested proceedings. In any proceeding required by statute or the Commission's rules and regulations to be set for hearing, the Commission when it appears to be in the public interest and to the interest of the parties to grant the relief or authority requested in the initial pleading, and to omit the intermediate decision procedure, may after a hearing during which no opposition or contest develops, forthwith dispose of the proceedings upon consideration of the pleadings, submittals and other evidence filed and incorporated in the record; *Provided*, (1) the applicant or initial pleader requests that the intermediate decision procedure be omitted and waives oral hearing and opportunity for filing exceptions to the decision of the Commission; and (2) no issue of substance is raised by any requests to be heard, protest or petition filed subsequent to publication in the FEDERAL REGISTER of the notice of the filing of an initial pleading and notice or order fixing date of hearing, which notice or order shall state that the Commission considers the proceeding a proper one for disposition under the provisions of this section and shall otherwise conform with the requirements of § 1.19. Requests for the procedure provided by this section may be contained in the initial pleading or subsequent request in writing to the Commission. The decision of the Commission in such proceeding after noncontested hearing, will be final, subject to reconsideration by the Commission upon application for rehearing as provided by statute.

2. It is proposed to amend § 3.114 of Part 3, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations in part as follows:

§ 3.114 Licenses.

* * * * * *

(b) Applications under the Federal Power Act for license authorizing construction of major projects; for license for constructed major projects; and for renewal of licenses for major projects are processed in the manner stated in § 3.113, except that those for substantial alteration or surrender of licenses pursuant to section 6 of the Act may be acted on by the Commission after thirty (30) days' public notice by publication once in local newspapers and in the FEDERAL REGISTER, and except that a hearing will be held on applications for license authorizing construction of major projects; for license for constructed major projects; for renewal of licenses for major projects; and for substantial alteration to licenses for major projects.

[1] See Section 2.81 of the Commission's Rules (18 CFR § 2.81).

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(c) Except for the notice requirements, all other applications under this Act are processed similarly to the manner stated in § 3.113. In certain cases Special Use Permits may be issued by the U.S. Forest Service covering projects of less than 2,000 horsepower.

3. It is proposed to amend § 4.32 of Part 4, Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations to read as follows:

§ 4.32 Hearing on application.

(a) A hearing upon an application may be ordered by the Commission, in its discretion, either upon its own motion or upon the motion of any party in interest, except that in regard to those applications so designated in § 3.114(b) of this chapter, the Commission will schedule each application for hearing at the earliest possible date giving due consideration of statutory requirements and other matters pending, with notice thereof as provided by § 1.19(b) of this chapter.

(b) When it appears to be in the public interest and to the interest of the parties to grant the relief or authority requested in the application and to omit briefing and the intermediate decision, the Commission may in accordance with the provisions of § 1.32(b) of this chapter dispose of the proceeding upon consideration of the pleadings, submittals and other evidence filed and incorporated in the record, provided that no issue of substance is raised by any request to be heard, protest or petition.

(c) In the event of interventions raising an issue of substance, an order providing a hearing will be issued in accordance with the Commission's rules and regulations. However, if the formal parties including staff counsel can agree on a statement of facts, such factual statement shall be submitted together with other necessary exhibits for incorporation into the record and the parties shall proceed with the briefing schedule.

4. It is proposed to amend § 5.1 of Part 5, Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations to read as follows:

§ 5.1 Amendment of license.

Where a licensee desires to make a change in the physical features of the project or its boundary, and/or make an addition or betterment and/or abandonment or conversion, of such character as to constitute an alteration of the license, application for an amendment of the license shall be filed with the Commission, fully describing the changes licensee desires to make. Furthermore, the provisions of § 2.81(a) of this chapter shall apply to all applications for amendment of license as defined therein. If it is determined that approval of the application would represent a substantial alteration to a major project under § 3.114, a hearing will be held and the provisions and requirements of § 4.32 of this chapter shall apply. The application for amendment of license shall be verified, shall conform to § 131.30 of this chapter and shall be filed in accordance with § 4.31 of this chapter.

5. It is proposed to amend § 16.6 of Part 16, Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations in part as follows:

§ 16.6 Applications for new license for projects subject to Sections 14 and 15 of the Federal Power Act and all other major projects.

. . . . .

(f) As concerns each application for a new major license hereunder, a hearing will be held and the provisions and requirements of § 4.32 of this chapter shall apply. Each such hearing need not be limited to the issues raised by the application.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than Oct. 21, 1974, data, views, comments or suggestions in writing concerning all or part of the amendments proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, Washington, D.C. 20426 during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, and mailing address of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed amendments. The staff, in its discretion, may grant or deny requests for conferences.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By Direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20975 Filed 9-10-74;8:45 am]

[18 CFR Part 35]

[Docket No. R-479]

WHOLESALE RATE SCHEDULES

Fuel Adjustment Clause; Correction

SEPTEMBER 3, 1974.

In the notice of proposed rulemaking, issued August 6, 1974, and published in the FEDERAL REGISTER on August 12, 1974, 39 FR 28910, footnote 2 is incorrect. It should be changed to read 18 CFR Part 101, Definitions 5B.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20957 Filed 9-10-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Army, Engineers Corps

COASTAL ENGINEERING RESEARCH BOARD

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given of a meeting of the Coastal Engineering Research Board on 23-25 September 1974.

The meeting will be held at the Wilmington Hilton Hotel, Wilmington, NC, from 0900 hours to 1630 hours on 23 September and from 0900 hours to 1145 hours on 24 September 1974.

The 23 September morning session will be devoted to technical discussions of ongoing coastal engineering research projects, a status report on the establishment of the Shoreline Erosion Control Demonstration Act Advisory Panel and coastal problems in the South Atlantic Division of the Corps of Engineers. The afternoon session will be devoted to discussions of tidal inlet and coastal erosion problems in the Wilmington District.

The 24 September afternoon session between 1300 and 1330 hours will be devoted to a presentation on the split hull dump barge "Currituck."

The sessions will be open to the public subject to the following limitations:

1. Seating capacity of the meeting room at the Wilmington Hilton Hotel limits public attendance to not more than 20 people. Advance notice of intent to attend is requested in order to assure adequate and appropriate arrangements.

2. Written statements may be submitted prior to, or up to 30 days following the meeting, but oral participation by the public is precluded because of the time schedule.

The discussions between 0900 to 1145 hours on 24 September and the entire 25 September session will be closed to the public. The Board will be discussing budgetary and contractual matters, including funds proposed to be made available for proposed contractual studies which are subjects that fall within policies analogous to those recognized in section 552(b) of title 5 U.S.C. and as such are exempt from public disclosure.

Inquiries and notices to attend may be addressed to Colonel James L. Trayers, Commander and Director, U.S. Army Coastal Engineering Research Center, Kingman Building, Fort Belvoir, Virginia 22060; telephone 202-325-7000.

By authority of the Secretary of the Army.

Dated: September 5, 1974.

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.74-20879 Filed 9-10-74;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "TRAINING TECHNOLOGY"

Notice of Meeting

A Defense Science Board Task Force on "Training Technology" will meet in closed session on 17-18 September 1974 at the Institute for Defense Analyses, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will provide an evaluation of the current effectiveness of DoD programs and management in the R&D area of Training Technology to serve as the basis for DoD policy decisions to reduce costs and increase effectiveness and efficiency of DoD Training.

In accordance with Public Law 92-463, section 10, Paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States code, particulary Subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of Section 10, Public Law 92-463 are concerned.

MAURICE W. ROCHE, *Director,*
Correspondence and Directives,
OASD (Comptroller).

SEPTEMBER 6, 1974.

[FR Doc.74-20994 Filed 9-10-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Number AR 033503]

ARIZONA

Termination of Proposed Withdrawal and Reservation of Lands

Notice of application AR 033503, filed by the Bureau of Land Management, Department of the Interior, for withdrawal and reservation of the E½SW¼, sec. 19, Township 8 South, Range 17 East, Gila and Salt River Meridian, Arizona, to establish an addition to the existing Town of Mammoth for residential and recreational use and development was published as Federal Register Document No. 64-4280 on pages 5766 and 5767 of the issue for April 30, 1964. The applicant agency has canceled its application involving the lands described in the Federal Register publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR, Part 2091.2-5, such lands, upon publication of this notice in the FEDERAL REGISTER, will be relieved of the segregative effect of the above mentioned application.

This Termination is in furtherance of the right of the State of Arizona to file a school land indemnity selection application for the lands pursuant to sections 2275 and 2276, U.S. Revised Statutes, as amended, 43 U.S.C. 851, 852 (1970). Accordingly, the lands described in this notice are hereby classified, pursuant to section 7 of the Act of June 28, 1934, 48 Stat. 1272, as amended, 43 U.S.C. 315f (1970), as suitable for such selection. The lands, therefore, will not be subject to other use or disposition under the public land laws in the absence of a modification or revocation of such classification (43 CFR 2440.4).

Dated: September 3, 1974.

JOE T. FALLINI,
State Director.

[FR Doc.74-20990 Filed 9-10-74;8:45 am]

[NM 22881, 22882, 22883, 22884, 22886, 22916]

NEW MEXICO

Notice of Applications

AUGUST 30, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 2⅜ inch and three 4½ inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 9 W.,
Sec. 26, S½SE¼;
Sec. 27, W½NW¼ and SW¼SW¼;
Sec. 28, NE¼SE¼;
Sec. 34, N½NW¼;
Sec. 35, Lots 3, 4 and N½SE¼.

These pipelines will convey natural gas across .574 mile of national resource

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lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-20988 Filed 9-10-74;8:45 am]

[NM 22880]

NEW MEXICO

Notice of Application

AUGUST 30, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 26 E.,
Sec. 34, NE¼SW¼, W½NW¼SE¼ and W½E½NW¼SE¼.

This pipeline will convey natural gas across .233 mile of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-20989 Filed 9-10-74;8:45 am]

[R3557, R4584 & R5808]

CALIFORNIA

Notice of Classification of National Resource Lands for Disposal

Correction

In FR Doc. 74-19565 appearing at page 30525 of the issue for Friday, August 23, 1974, the following changes should be made:

1. Under "Bureau Motion Classification," the second line under "T. 7S, R. 4E", now reading "section 28, All", should read "section 32, All".

2. The first section number under "T. 8 S, R. 5 E", now reading "section 2", should read "section 4".

Office of the Secretary

MOORETOWN RANCHERIA IN CALIFORNIA AND INDIVIDUAL MEMBERS THEREOF

Notice of Termination of Federal Supervision Over Property; Correction

A notice of termination of the Federal trust relationship over the Mooretown Rancheria in Butte County, California, and other rancherias, was published on page 6875 of the August 1, 1961, issue of the FEDERAL REGISTER (26 FR 6875). The description of the real estate involved appearing in the subtitle to the section relating to the Mooretown Rancheria was incorrect.

The subtitle of the section relating to the Mooretown Rancheria should be corrected to read as follows: Mooretown Rancheria, 160 acres, N½ NE¼, Sec. 22, and N½ NE¼, Sec. 23, T. 20 N., R. 6 E., M.D.B. & M., Butte County, California.

ROGERS C. B. MORTON,
Secretary of the Interior.

SEPTEMBER 3, 1974.

[FR Doc.74-20891 Filed 9-10-74;8:45 am]

[INT DES 74-81]

PROPOSED OBED NATIONAL WILD AND SCENIC RIVER

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Bureau of Outdoor Recreation has prepared a draft environmental statement for the proposed Obed Wild and Scenic River, Tennessee.

The environmental statement considers the probable impact of establishing the Obed River as a component of the National Wild and Scenic Rivers System.

Comments are invited and should be submitted to the Regional Director, Bureau of Outdoor Recreation, Southeast Regional Office, 148 Cain Street, Atlanta, Georgia 30303, on or before October 29, 1974. Copies of the draft statement are available for inspection at the following locations:

Office of Communications
Department of the Interior, Room 7200
Washington, D.C. 20240
Telephone: (202) 343-4662

Office of Information
Bureau of Outdoor Recreation, Room 4427
Department of the Interior
Washington, D.C. 20240
Telephone: (202) 343-5726

Office of Regional Director
Bureau of Outdoor Recreation
Southeast Regional Office
148 Cain Street
Atlanta, Georgia 30303

State Clearinghouse
Office of Urban and Federal Affairs
Suite 1025
Andrew Jackson State Office Building
Nashville, Tennessee 37219

Upper Cumberland Development District
Burgess Falls Road
Cookeville, Tennessee 38501

Single copies are available to the public and may be obtained by writing to the Regional Director, Bureau of Outdoor Recreation, Southeast Regional Office, 148 Cain Street, Atlanta, Georgia 30303. Please refer to the statement number shown above.

Dated: August 22, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74-20945 Filed 9-10-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

AGREEMENT WITH AMERICAN SHEEP PRODUCERS COUNCIL, INC.

Notice of Referendum Among Producers and Procedure for Conduct of Referendum

A referendum is being held to determine producer approval of an agreement between the United States Department of Agriculture and the American Sheep Producers Council, Inc., for the advertising and sales promotion of lamb and wool pursuant to section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787). The procedure for conducting the referendum follows:

1. *Definitions.* For the purpose of this notice, the following terms shall have the following meanings:

(a) *ASC County Committee.* The group of persons elected within a county as the County Committee pursuant to the regulations governing the election and functioning of the Agricultural Stabilization and Conservation County Committees.

(b) *ASC State Committee.* The group of persons designated within any State to act as the Agricultural Stabilization and Conservation State Committee.

(c) *Cooperative association.* An incorporated group of producers which (1) is operated for the mutual benefit of its members as producers; (2) markets the members' sheep or wool; (3) does not deal in sheep and wool for nonmembers to an amount greater in value than the amount representing the value of sheep and wool handled by the association for members, and (4) permits every member to have only one vote irrespective of the amount of stock or membership capital he may own in the association.

(d) *Eligible voter.* An eligible voter is a producer who, continuously during a single period of at least 30 days during the calendar year 1973, owned in the United States any sheep or lambs 6 months of age or older. Two or more producers who are required by § 1472.1343 of the wool payment program regulations (36 FR 3889) to apply jointly for a payment constitute an eligible voter and only one ballot may be cast for all. A cooperative association which qualifies for voting in accordance with section 6(c) of this notice is an eligible voter and may cast one ballot for eligible voters who on the date the ballot is cast are members of, stockholders in, or are under contract to sell their wool or lambs through, the association in the 1974 marketing year (January 1 through December 31, 1974), which ballot shall be counted as votes in behalf of each such eligible voter who shall not otherwise cast a ballot.

(e) *Individual voter.* An individual voter is a producer who is an eligible voter and casts a ballot in this referendum, or two or more joint producers who constitute one eligible voter and cast one ballot in this referendum.

(f) *Producer.* A producer is any person (i.e., an individual, partnership, corporation, association, business trust, any organized unincorporated group of persons, or a State or any subdivision thereof) who has an interest in sheep as owner or part owner thereof or who, by agreement with such owner, furnishes labor in connection with caretaking, lamb production, or feeding in return for which he is entitled to a share of the wool or lambs produced or of the proceeds from the sale thereof.

(g) *Secretary of Agriculture.* The Secretary or Acting Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead. For purposes of administering section 708 of the National Wool Act of 1954, as amended, the Secretary of Agriculture has delegated authority (38 FR 22955) for conducting producer referendums and for withholding funds from payments made to producers under section 708 of that Act for advertising and promotion to the Assistant Secretary for International Affairs and Commodity Programs, who in turn delegated these authorities to the Administrator, Agricultural Stabilization and Conservation Service. The Secretary delegated authority for all other functions related to administering section 708 of that Act to the Assistant Secretary for Marketing and Consumer Services, who redelegated the authorities to the Administrator, Agricultural Marketing Service.

2. *Agreement considered in this referendum.* The agreement being considered in this referendum would be between the Administrator of the Agricultural Marketing Service and the American Sheep Producers Council, Inc., a nonprofit membership corporation organized under the laws of the State of Illinois, for the purpose of developing and conducting an advertising and sales promotion program and a program to develop and disseminate information on product quality, production management, and marketing improvement, for wool, sheep, and products thereof, subject to the determination by the Administrator that the agreement has the approval of the producers as provided in section 708 of the National Wool Act of 1954, as amended. The text of the agreement follows:

AGREEMENT

Pursuant to section 708 of the National Wool Act of 1954, as amended, agreements have been entered into, beginning with March 17, 1955, between the U.S. Secretary of Agriculture (hereinafter referred to as "Secretary") and the American Sheep Producers Council, Inc., a nonprofit membership corporation organized under the laws of the State of Illinois (hereinafter referred to as "Council"), providing for the conduct of advertising and sales promotion programs for wool and lambs and the products thereof, and the financing of such programs by deductions from incentive payments to wool producers. This agreement provides for continuing such advertising and sales promotion programs and provides for an additional program to develop and disseminate information on product quality, production management, and marketing improvement, for wool and sheep and the products thereof pursuant to section 708, as amended, to be financed by deductions from producer wool payments made under the Act for years commencing January 1, 1974, and ending December 31, 1977.

WITNESSETH

Whereas, the United States Department of Agriculture, pursuant to the National Wool Act of 1954, as amended, 7 U.S.C. 1781–1787 (hereinafter referred to as the "Act"), has announced an incentive payment program for wool marketed during 1974;

Whereas, it is anticipated that similar programs will be instituted for subsequent marketing years under the Act;

Whereas, any payments under such programs will be made by the Commodity Credit Corporation to producers of wool as soon as practicable after the end of the year in which the wool is marketed;

Whereas, section 708 of the Act authorizes the Secretary to enter into agreements with marketing cooperatives, trade associations or other organizations engaged or whose members are engaged in the handling of wool, sheep, or the products thereof, for the purpose of developing and conducting on a national, State, or regional basis advertising and sales promotion programs and programs for the development and dissemination of information on product quality, production management, and marketing improvement for wool and sheep and the products thereof;

Whereas, such advertising and sales promotion programs for wool, sheep, and the products thereof have been conducted since 1955 in accordance with agreements between the Secretary and the Council whereby deductions were made under the Act from incentive payments on wool; and

Whereas, it is desirable that there be continued an advertising and sales promotion program conducted on a national basis, and that there be an additional program for the development and dissemination of information on product quality, production management, and marketing improvement, for wool, sheep, and products thereof, to be financed by pro rata deductions from incentive payments to wool producers;

Now, therefore, the parties hereto agree as follows:

1. Whenever incentive payments are made to producers under the Act, the Administrator, Agricultural Stabilization and Conservation Service, will make a pro rata deduction from such payments and, at the direction of the Administrator, Agricultural Marketing Service (hereinafter referred to as "Administrator"), pay the amount so deducted to the Council to provide the funds necessary to defray the expenses of the Council incurred pursuant to this agreement. Deductions will be made only from payments, if any, which are made to producers for marketings during the years beginning January 1, 1974, and ending December 31, 1977. Deductions from payments for marketings during 1974 shall be at the rate of 1½ cents per pound of shorn wool marketed, and at a comparable rate, as determined by the Administrator, on unshorn lambs and yearlings (pulled wool) marketed; thereafter, the deductions shall be at such rates as the Administrator and Council may agree upon, but in no event shall be in excess of the rates specified for 1974.

2. For each fiscal year beginning July 1, 1974, until all activities are completed under this agreement, the Council shall develop and submit to the Administrator for approval proposed advertising and sales promotion programs and supporting budgets for wool and lambs and the products thereof and such amendment thereto as may be needed. The Council shall include in the budget each fiscal year such programs to develop and disseminate information on product quality, production management, and marketing improvement as it may plan to undertake. Each submission shall describe the annual plan of operation, commodities to be covered by each program, the proposed media and other methods which the Council intends to use in carrying out such programs, and the benefits expected to be derived by producers on a national basis. After the proposed programs and budgets, including amendments thereto, have been approved by the Administrator, the Council will enter into such agreements with advertising and promotional agencies, radio and television stations, and others, and employ such personnel, and will take such other action as the Council deems appropriate or necessary to effectuate such programs.

3. The Council shall furnish the Administrator with an annual report of its activities and a copy of an audit, prepared by a Certified Public Accountant, of its operations during each fiscal year. The Council shall also furnish the Administrator with a statement of assets and liabilities as of June 30 of each year and with such other reports and information as he may from time to time request. The Council shall keep accurate records of all its transactions, and these records shall be subject to inspection and audit by representatives of the Administrator at all times during regular business hours after the date of this agreement until 3 years after the Council has completed performance of all contracts made and obligations incurred hereunder.

4. Either party may terminate this agreement with respect to the continuation of all programs hereunder by delivering, or mailing by registered mail, a written notice of such termination effective on the date to be specified therein, but not earlier than 30 days after giving of such notice. After any such termination, the activities of the Council hereunder shall be liquidated promptly, and no deductions from payments to producers shall thereafter be made to defray expenses of the Council under this agreement except such deductions from payments made in connection with a prior marketing year as the Administrator determines necessary or desirable to effectuate such liquidation. If on or after January 1, 1975, the Administrator determines upon petition or referendum of the wool producers or otherwise that this agreement is no longer favored by the requisite number of producers, he shall so declare. After such determination, no deductions from payments to producers shall be made to defray the expenses of the Council under this agreement except deductions from payments made in connection with a prior marketing year.

5. Funds obtained by the Council pursuant to the agreement of August 11, 1971, and unobligated on the date when this agreement becomes effective shall become subject to the terms and conditions of this agreement and be available to finance, either separately or in combination with other funds made available under this agreement, sales promotion and advertising programs and information development and dissemination programs established pursuant to this agreement.

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6. Upon termination of all programs under this agreement, if all the funds of the Council were derived from deductions from wool payments (including interest earned thereon), all such funds remaining unobligated in the hands of the Council shall be returned to the Administrator, together with a statement explaining the various items which entered into the amount returned to the Administrator. If the Council received funds from sources other than the Administrator acting pursuant to this agreement, the Council shall return to the Administrator the same proportion of the unobligated funds as the funds contributed by the Administrator bore to all funds received by the Council. A statement of the assets and liabilities of the Council shall be furnished to the Administrator within 60 days after such termination becomes effective. The provision with respect to the return of unobligated funds shall also apply in case of dissolution or liquidation of the affairs of the Council.

7. Any amendments or additions to the charter or bylaws of the Council shall be subject to the approval of the Administrator.

8. The authority reserved to the Administrator under the provisions of this agreement may be exercised by an official or officials of the Department of Agriculture designated by him for such purpose.

9. During the performance of this agreement, it is further agreed that:

(1) The Council will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Council will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Council agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Administrator setting forth the provisions of this nondiscrimination clause.

(2) The Council will, in all solicitations or advertisements for employees, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The Council will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Administrator, advising the labor union or workers' representative of the Council's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, as amended, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Council will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Council will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the Administrator and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Council's noncompliance with the nondiscrimination clauses of this agreement or with any of such rules, regulations, or orders, this agreement may be cancelled, terminated or suspended in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Council will include the provisions of paragraphs (1) through (7) in every contract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, as amended, so that such provisions will be binding upon each contractor or vendor. The Council will take such action with respect to any contract or purchase order as the Administrator may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, That in the event the Council becomes involved in, or is threatened with, litigation with a contractor or vendor as a result of such direction by the Administrator, the Council may request the United States to enter into such litigation to protect the interests of the United States.

10. This agreement shall not become effective until and unless the Administrator has determined on the basis of a producer referendum that at least two-thirds of the total number of producers or two-thirds of the volume of production represented in such referendum approve his entering into this agreement.

3. *Agencies conducting referendum.* The Administrator, Agricultural Stabilization and Conservation Service, shall be in charge of conducting this referendum. Each ASC State Committee shall be in charge of conducting the referendum in its State and each ASC county committee shall be in charge of conducting the referendum in its county.

4. *Period of referendum.* ASCS county offices will have ballot boxes available from November 4, 1974, through November 15, 1974. Any completed ballot received by an ASCS county office before November 4, 1974, will be placed in the ballot box. Ballots reaching an ASCS county office after close of business November 15, 1974, cannot be counted.

5. *Notice of referendum.* Full and accurate public notice of the time and place of balloting in the referendum and the rules governing the eligibility to vote will be provided by the ASCS State and county offices by means of newspapers, radio, or any other method they deem desirable, without incurring advertising expense.

6. *Voting*—(a) *Mailing of ballots to eligible voters.* Each ASCS county office will mail ballots to all producers, of whom the committee has knowledge, having ranch or farm headquarters located in its county. The mailing of a ballot is not a determination of eligibility to vote, and if a producer has not received a ballot, he can obtain one in the ASCS State or county office upon request. The Program Operations Division, Agricultural Stabilization and Conservation Service, will mail ballots to all cooperative associations which qualify to vote on behalf of their members and others in accordance with paragraph (c) of this section.

(b) *Place and manner of voting by individuals.* The ASCS county office serving the county in which the producer's farm or ranch headquarters is located shall be his polling place. A ballot may be cast on Form CCC–1160 either by personal delivery to, or by mailing the form so that it will reach, the polling place on or before the close of business November 15, 1974.

(c) *Place and manner of voting by cooperative associations.* A cooperative association may cast only one ballot. The ballot shall be cast for all eligible voters who on the date the ballot is cast are members of, stockholders in, or under under contract to sell their wool or lambs through, the association in the 1974 marketing year. A cooperative association must qualify for voting by filing with the Director of the Program Operations Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 11, 1974, each of the following: (1) A certified copy of the articles of incorporation and bylaws of the association, and (2) a certified copy of the resolution adopted by the association's board of directors authorizing such vote. The Program Operations Division will send a ballot to each cooperative association which establishes eligibility to vote.

The cooperative association shall return the marked ballot to the Director, Program Operations Division, so that it will reach that office not later than November 15, 1974. Each ballot cast by a cooperative association shall be accompanied by the original and two copies of a listing showing the names and addresses of all producers, otherwise eligible to vote, who on the date the vote is cast are members of, stockholders in, or under contract to sell their wool or lambs through, the association in the 1974 marketing year. The producers' names shall be arranged alphabetically, on a separate sheet for each county. The listing for each county shall be headed by the name and address of the cooperative association and show whether voting "Yes" or "No" in the referendum. In preparing the listings, the cooperative association shall show for each producer the number of sheep and lambs 6 months of age or older which he owned continuously in the United States during a single period of at least 30 days during 1973. After checking the ballots and lists received from cooperative associations for completeness, the lists of producers for whom cooperative associations have voted will be forwarded by the Program Operations Division to the ASCS State offices concerned for distribution to the respective ASCS county offices.

7. *Determining volume of production represented.* The volume of production represented by each producer voting or for whom a cooperative ballot is cast will be determined by the number of sheep, 6 months of age or older, which he owned continuously in the United States during a single period, selected by the producer, of at least 30 days during 1973.

8. *Challenge of ballots.* A ballot may be challenged on the basis of the knowledge of any ASC State, county, or community committeeman, employee of an ASCS State or county office, or any other person. Before a challenged ballot is either counted or declared invalid, a determination shall be made by the ASC county committee in connection with such challenged ballot. The determination shall cover all questions as to the eligibility of the individual voter or any producer for whom a cooperative association has cast a ballot and the accuracy of the number of sheep represented. If two or more cooperative associations cast ballots for the same producer, and the ballots take the same position with reference to the agreement which is the subject of the referendum, the producer's vote will be counted only once. If they take different positions, his vote will not be counted.

9. *Canvass of ballots.* The ASC county committees will make a count of the eligible voting producers, determining (a) the number of eligible voting producers favoring the agreement and the number of sheep represented by them, (b) the number of eligible voting producers disapproving the agreement and the number of sheep represented by them, and (c) the number of voting producers found to be ineligible. All ballots shall be treated as confidential and the contents of the ballots shall not be divulged, except as provided in this notice or as the Administrator may direct.

10. *Reporting results of referendum.* Each ASCS county office will transmit a written summary of the results of the referendum in its county to its ASCS State office. Each ASCS State office will transmit a written summary of the referendum results received from the ASCS county offices within its State to the Director of the Program Operations Division, ASCS, Washington, D.C. 20250, and maintain one copy of the summary in the ASCS State office where it shall be available for public inspection for a period of 5 years following the end of the referendum period. The Director of the Program Operations Division, Agricultural Stabilization and Conservation Service, shall prepare and submit to the Administrator a report as to the results of the referendum.

11. *Additional instructions and forms.* The Administrator, Agricultural Stabilization and Conservation Service, is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this notice to govern the procedure to be followed in the conduct of this referendum.

(Sec. 708, 68 Stat. 912, as amended, 87 Stat. 224; 7 U.S.C. 1787)

Signed at Washington, D.C., on September 5, 1974.

JOHN C. BLUM,
Associate Administrator,
Agricultural Marketing Service.

[FR Doc.74–21003 Filed 9–10–74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[File No. 23(73)–2]

JOSE RESNICOV AND COMERCIAL SONORAMA

Order Denying Export Privileges for an Indefinite Period

In the matter of Jose Resnicov and Comercial Sonorama S. de R. L., Ave. Revolucion 921–4, Tijuana, B.C., Mexico, Respondents. File No. 23(73)–2.

The Director, Compliance Division, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce, has applied for an order denying to the above named respondents all export privileges for an indefinite period because the respondents failed to furnish answers to interrogatories, without good cause being shown. This application was made pursuant to § 388.6 of the Export Administration Regulations.

The application for an indefinite denial order was referred to the Hearing Commissioner, Bureau of East-West Trade, who after considering the evidence has recommended that the application be granted. The report of the Hearing Commissioner and the evidence supporting the application have been considered.

The evidence presented shows that the respondent Jose Resnicov, a citizen of Mexico, is and has been engaged in the business of importing, exporting and otherwise dealing in electronic equipment. Resnicov and other relatives appear to be the owners and operators of Comercial Sonorama S. de R.L., a retail store in Tijuana, Mexico which sells radios, phonographs, amplifiers, electronic parts, musical instruments, music and accessories.

The evidence developed by the Compliance Division in its investigation into the disposition of Resnicov and Sonorama of certain U.S.-origin electronic equipment of a strategic nature which they had obtained from various firms in the United States, was exported from San Ysidro, California on behalf of Sonorama without the benefit of required U.S. validated Export licenses and were thereafter transshipped to countries for which valid export licenses would not have been issued.

Relevant and material interrogatories and a request to furnish documents relating to the transactions in question were served on respondents pursuant to § 388.6 of the Export Administration regulations. Said respondents have declined to answer said interrogatories and furnish the relevant documents. It is thereby determined that the respondents have not shown good cause for their failure to answer the said interrogatories. I therefore find that an order denying all U.S. export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Act and regulations.

Accordingly, *It is hereby Ordered:*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of East-West Trade for cancellation.

II. The respondents, their successors or assigns, partners, representatives, agents, and employees, hereby are denied all privileges of participation directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or part or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad shall include participation, directly or indirectly, in any manner or capacity: (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing or any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) financing, forwarding, transporting, or other servicing or such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor, and to any person, firm, corporation, or business organization with which they or either of them now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct or export trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents, in response to the interrogatories heretofore served upon them, or give adequate reasons for not doing so, except insofar as this order may be amended or modified hereafter in accordance with the export regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect

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thereto, in any manner or capacity, on behalf of or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 388.15 of the export regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Hearing Commissioner, Bureau of East-West Trade, U.S. Department of Commerce, Washington, D.C. 20230 an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which if requested shall be held before the Hearing Commissioner, at Washington, D.C. at the earliest convenient date.

This order shall become effective on September 5, 1974.

Dated: September 5, 1974.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.74-20946 Filed 9-10-74;8:45 am]

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Telecommunications Equipment Technical Advisory Committee of the U.S. Department of Commerce will meet Wednesday, October 16, 1974, at 9:30 a.m. in Room 6705 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to telecommunications equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Report on Telecommunications Technical Seminars in Eastern Europe.
4. Report on Processors for Electronic Switching.
5. Discussion on content of Second Annual Report due March 1975.
6. Executive Session: Update on Conclusions and Recommendations.

The public will be permitted to attend the discussion of agenda items 1-5, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (6), "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974, determined, pursuant to section 10(d) of P.L. 92-463, that this agenda item should be exempt from the provisions of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202-967-4196).

Dated: September 5, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.74-20954 Filed 9-10-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

ADVISORY COMMITTEES

Notice of Meetings

The Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble the month of October 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
Social Problems Research Review Committee.	October 3 to 4, 9 a.m., Room No. 202, Fairfax Hotel, Washington, D.C.	Open—Oct. 3, 9 to 9:30 a.m., Closed—Otherwise Contact Herbert H. Coburn, 301-443-4843, Parklawn Bldg., Room 9C-14, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., October 3, the meeting will be open for discussion of administrative announcements and program developments. In accordance with the provisions set forth in section 552(b)(4), Title 5, U.S. Code and section 10(d) of P.L. 92-463, the remainder of the meeting will be closed to the public for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information.

Committee name	Date, time, place	Type of meeting and/or contact person
Social Sciences Research Review Committee.	October 3 to 5, 9 a.m., Embassy Row Hotel, Washington, D.C.	Open—Oct. 3, 9 to 9:30 a.m., Closed—Otherwise Contact Joyce B. Lazar, 301-443-3606, Parklawn Bldg., Room 10-95, 5600 Fishers Lane, Rockville, Md. 20852.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda. From 9 to 9:30 a.m., October 3, the meeting will be open for discussion of administrative announcements and program developments. In accordance with the provisions set forth in section 552(b)(4), Title 5, U.S. Code and section 10(d) of P.L. 92-463, the remainder of the meeting will be closed to the public for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information.

Committee name	Date, time, place	Type of meeting and/or contact person
Board of Scientific Counselors, NIMH.	October 25 to 26, 9:30 a.m., Bldg. 36, Conference Room 1B-07, National Institutes of Health, Bethesda, Md.	Open—Oct. 25, 9:30 to 10 a.m., Closed—Otherwise Contact John C. Eberhart, 301-496-3501, Bldg. 36, Room 1A-05, NIH, 9000 Rockville Pike, Bethesda, Md. 20014.

Purpose. The Board provides expert advice to the Director, NIMH, on the mental health intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performance of staff scientists.

Agenda. From 9:30 to 10 a.m., October 25, the meeting will be open for a report by the Director and Deputy Director of Intramural Research, NIMH, on recent administrative developments. In accordance with the provisions set forth in section 552(b)(6), Title 5, U.S. Code and section 10(d) of P.L. 92-463, the remainder of the meeting will be closed to the public for the review, discussion, and evaluation of individual programs and projects conducted by the National Institute of Mental Health, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Substantive information may be obtained from the contact persons listed above.

The NIMH Information Officer who will furnish summaries of the meetings and rosters of the committee members is Mr. Edwin M. Long, Deputy Director, Division of Scientific and Technical Information, National Institute of Mental Health, Room 15-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, Telephone No. 443-3600.

Dated: September 4, 1974.

ROBERT L. DUPONT,
Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.74-20987 Filed 9-10-74;8:45 am]

Food and Drug Administration

[FAP MF3587]

MITSUBISHI INTERNATIONAL CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP MF3587) has been filed by Mitsubishi International Corp., Suite 4040, 875 North Michigan Ave., Chicago, IL 60611, proposing issuance of a food additive regulation (21 CFR Part 121) to provide for safe use of isobutylidene diurea as a nonprotein nitrogen source for beef cattle. It is recommended as a protein supplement for range cattle or under confined feeding conditions where supplemental nitrogen is needed to meet protein requirements of weanling calves, yearling cattle, or mature cows and bulls.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 4, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-20933 Filed 9-10-74;8:45 am]

[NADA 35-361V]

BIO-NEERING INTERNATIONAL, INC.

Ironyet-100; Notice of Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following notice is issued:

Bio-Neering International, Inc., 930 Thompson Dr., Florissant, MO 63031, has requested withdrawal of approval in accordance with § 135.28(d) (21 CFR 135.28(d)) of NADA (new animal drug application) No. 35-361V for colloidal ferric oxide injectable, used in the treatment of anemia in swine, on the grounds that the drug is no longer marketed. Therefore, notice is given that approval of NADA 35-361V, including all amendments and supplements thereto, is hereby withdrawn effective September 11, 1974.

Dated: September 4, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-20924 Filed 9-10-74;8:45 am]

[DESI 6762; Docket No. FDC-D-625; NDA No. 7-696 etc.]

CERTAIN TOPICAL PREPARATIONS FOR OPHTHALMIC OR OTIC USE

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

The National Academy of Sciences-National Research Council, Drug Efficacy Study Group evaluated the effectiveness of the drug products described below and submitted to the Commissioner of Food and Drugs its reports finding the drugs to be either less-than-effective for all claims or in one instance (Metreton for relief of certain ocular symptoms), effective with the qualifying statement that "The company needs to document that this combination is more effective than the steroid alone in these conditions, * * *". Copies of those reports have previously been made publicly available and are on display at the office of the Food and Drug Administration's Hearing Clerk. After reviewing the Academy's reports and the available data and information, the Commissioner concluded that the drugs are less-than-effective and published his conclusions in the FEDERAL REGISTER of September 17, 1970 (35 FR 14577) that the drugs are possibly effective for their claimed indications:

NDA No.	Drug	NDA Holder
7-696...	Otodyne otic solution containing zolamine hydrochloride and euprocin hydrochloride.	Schering Corp., 1011 Morris Avenue, Union, N.J. 07083.
10-695	Metreton ophthalmic suspension containing prednisolone acetate and chlorpheniramine gluconate.	Schering Corp.
10-696...	Prednefrin 0.12 percent ophthalmic suspension containing prednisolone acetate, phenylephrine hydrochloride, and antipyrine.	Allergan Pharmaceuticals, 1000 South Grand Avenue, Santa Ana, Calif. 92705.
11-693...	Prednefrin-S 0.2 percent ophthalmic solution containing prednisolone and phenylephrine hydrochloride.	Allergan Pharmaceuticals.
12-107...	Prednefrin Forte 1 percent ophthalmic suspension containing prednisolone acetate, phenylephrine hydrochloride and antipyrine.	Allergan Pharmaceuticals.

Allergan submitted results of a study comparing the combination product Prednefrin 0.12 percent Ophthalmic Solution with Prednefrin minus phenylephrine. The study fails to meet the requirements of 21 CFR 3.86 on its face since it does not explore the contribution to effectiveness of the antipyrine component. In the study, patients with allergic conjunctivitis were treated in one eye with Prednefrin and in the other with Prednefrin minus phenylephrine. The study was double-blinded and the drug given to each eye was determined through randomization. Evaluation of results indicated no difference in symptoms or overall improvement between the two groups after 1, 2, 3, 4, or 5 days. There was, however, a reported statistically significant difference in the degree of erythema seen 15 minutes and 1 hour after drug use with the difference favoring Prednefrin. This advantage was quite small with approximately 75 percent of all eyes improving as much or more on Prednefrin minus phenylephrine.

It was the opinion of the NAS-NRC Panel which reviewed this drug product that "although phenylephrine may 'whiten' inflamed eyes by vasoconstriction, the therapeutic value of this is debatable. Cosmesis should not be an acceptable criterion for product ingredients." Even granting the acceptability of cosmesis, however, this combination product, apart from the total absence of evidence of a role for antipyrine, fails to meet the requirements of the Combination Policy (21 CFR 3.86). In addition to requiring that each component "make a contribution to the claimed effects," the Policy requires that "the dosage of each component (amount, frequency, duration) [must be] such that the combination is safe and effective for a significant patient population requiring such concurrent therapy." It is clear that the

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duration of action of the prednisolone and phenylephrine components are dissimilar. Thus, if phenylephrine is "required" to whiten eyes, it will be needed much more frequently than will prednisolone. Because Prednefrin is a fixed combination, however, its components must be administered together, resulting in either excess dosage of prednisolone or underdosage of phenylephrine. In addition, phenylephrine appears to confer no advantage at all after day one, so that its use throughout the course of treatment represents administration of a clearly ineffective component for all but the first day. Thus the dosage of each component with regard to frequency and duration is such that the combination cannot be considered effective.

Schering has reported results of studies comparing Metreton Ophthalmic Suspension with prednisolone. These studies, according to Schering, did not demonstrate in a statistically significant manner that Metreton was more effective than its prednisolone component. The studies also were not adequately controlled within the meaning of 21 CFR 3.86 in that there was no comparison of the combination product with a control containing the component chlorpheniramine gluconate as the only active ingredient. Thus, the studies do not constitute substantial evidence of effectiveness, and the combination product has not been shown to meet the fixed-combination drug requirements of 21 CFR 3.86.

No data were submitted concerning the other drugs listed above.

Also included in the notice of September 17, 1970 was NDA 11-530, Op-Predrin Ophthalmic Solution containing prednisolone and phenylephrine hydrochloride; Broemmel Pharmaceuticals, 1235 Sutter Street, San Francisco, CA 94109. This drug is no longer marketed, and approval has been withdrawn for failure to submit required reports (36 FR 14342, August 4, 1971). The conclusions concerning the effectiveness of this drug had not been reached at the time that the notice was published.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation conducted by experts qualified by scientific training and experience meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5) and 3.86, demonstrating the effectiveness of any of the drugs mentioned above.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)), withdrawing approval of the new drug application(s) (or if indicated above, those parts of the application(s) priviging for the drug product(s) listed above) and all amendments and supplements thereto on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, Md. 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before October 11, 1974, a written notice of appearance and request for hearing, and (2) on or before November 11, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC-20), Room 6-86, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: August 30, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74-20932 Filed 9-10-74;8:45 am]

National Institutes of Health

CANCER TREATMENT ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Treatment Advisory Committee, National Cancer Institute, October 1-2, 1974, 9 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 10.

This meeting will be open to the public on October 1-2, 1974, from 9 a.m. to 5 p.m. to discuss the Report on the Steering Subcommittee, NCI Programs in Cancer Treatment, and Discussion and Recommendations of the Committee. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A-16, National Institutes of Health, Bethesda, Maryland 20014, (301-496-5708) will furnish summaries of the open meeting and roster of subcommittee members.

Dr. Seymour Perry, Executive Secretary, Building 31, Room 3A-52, National Institutes of Health, Bethesda, Maryland 20014 (301-496-4291) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: September 4, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.74-20896 Filed 9-10-74;8:45 am]

DENTAL CARIES PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Dental Caries Program Advisory Committee, National Institute of Dental Research, October 7-8, 1974, National Institutes of Health, Building 31-C, Conference Room 7, Bethesda, Maryland.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on October 7, and from 9 a.m. to 12:30 p.m. on October 8, to discuss research progress and plans of the National Caries Program for FY 1975. Attendance by the public will be limited to space available. Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, Maryland 20014, (phone number 301-496-7239) will provide summaries of the meeting, rosters of the committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13,325 and 13,827, National Institutes of Health)

Dated: September 4, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.74-20897 Filed 9-10-74;8:45 am]

PERIODONTAL DISEASES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Periodontal Diseases Advisory Committee, National Institute of Dental Research, October 9-10, 1974, National Institutes of Health, Building 31-C, Conference Room 8, Bethesda, Maryland.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on October 9, and from 9 a.m. to 12:30 p.m. on October 10, for continuing discussions of manpower needs for future periodontal disease research. The Committee will also consider the results of a recent workshop to assess research progress on the role of dentobacterial plaque in oral disease and will hold special discussions on the various aspects of plaque formation to aid staff in planning programs consistent with an appropriate distribution of research funds. Attendance by the public will be limited to space available. Dr. Anthony A. Rizzo, Scientist Administrator, Extramural Programs, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 521, Bethesda, Maryland 20014, Phone number 301-496-7784, will provide summaries of the meeting and rosters of the committee members. Dr. Anthony A. Rizzo, Scientist Administrator, Extramural Programs, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 521, Bethesda, Maryland 20014 (phone number 301-496-7784), will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13,325 and 13,827, National Institutes of Health)

Dated: September 4, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.74-20895 Filed 9-10-74;8:45 am]

Office of Education

ADVISORY COMMITTEE ON THE EDUCATION OF BILINGUAL CHILDREN

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), that a meeting of the Advisory Committee on the Education of Bilingual Children will be held from 8:30 a.m. to 5 p.m. on Thursday September 26, 1974, and on Friday, September 27, 1974 from 8:30 a.m. to 5 p.m. The Committee will meet in the Director's Conference Room, Room 3600, Regional Office Building 3, at 7th and D Streets SW., Washington, D.C. on September 26. The meeting of Friday, September 27, will be held in Room 2328 of the same address.

This meeting shall be open to the public. The proposed agenda for the meeting is:

1. Discussion of the position paper on Bilingual Education as prepared by the Committee.

2. Discussion of the Rules and Regulations pursuant to H.R. 69, and the role of the Committee in the preparation of said rules.

3. Other relevant matters which the Advisory Committee deems germane to the issue shall also be discussed.

Records shall be kept of all proceedings, and shall be available for public inspection at Room 3600, Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202.

Signed at Washington, D.C., on September 5, 1974.

JOHN C. MOLINA,
Director, Division of Bilingual Education.

[FR Doc.74-20992 Filed 9-10-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 00-2BB Effective June 15, 1974]

FEDERAL AVIATION REGULATIONS

Advisory Circular Checklist and Status; Correction

FR Doc. 74-18645 (published in 39 FR 29144, August 13, 1974) should be corrected as indicated below.

1. On page 29164, En Route Air Traffic Control Handbook, 7110.9C—Change the foreign mailing price from "$10.60" to "$10.70."

2. In the "Conversion List of FAR Parts, Amendments and Changes thereto," on page 29166, prices for the following Parts should be corrected as indicated.

a. Part 43—Change the foreign mailing price from "$.865" to "$0.65."

b. Part 93—Change the price from "$2.95" to "$2.45."

c. Part 103—Change the foreign mailing price from "$.055" to "$0.55."

MORTON GLUCK,
Acting Director of Management Systems, AMS-1.

[FR Doc.74-20951 Filed 9-10-74;8:45 am]

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

Pursuant to Docket No. HM-1, Rule-making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277) 49 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during August 1974.

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Special permit No.	Issued to—Subject	Mode or modes of transportation
SP 6894	Lawrence Livermore Laboratory, Livermore, Calif., to ship non-liquefied, nonflammable compressed gases in an ASME pressure vessel assembly consisting of a steel cylinder having welded tubular extensions.	Motor vehicle, Rail freight, Rail express.
SP 6904	Cationics, Inc., Cleveland, Ohio, to ship Antimony pentafluoride (spectrograde) in DOT Specification 12A fiberboard box having inside glass bottles not exceeding 1 pint capacity, each individually packed and surrounded with vermiculite in a metal can.	Cargo-only aircraft, Motor vehicle.
SP 6905	The Parker Company, Detroit, Mich., to ship Iron or steel rust preventing or removing compounds in 55 gallon capacity DOT Specification 21P/28L composite container having a maximum net weight of 700 pounds.	Cargo vessel, Motor vehicle, Rail freight.
SP 6910	Cooper Laboratories, Inc., Wayne, N.J., to ship a Denture cleaning system containing phosphoric acid solution packed in the same outside container with a nonregulated article.	Cargo vessel, Motor vehicle.
SP 6913	Continental Oil Company, Houston, Texas, to ship Vinyl chloride in a non-DOT specification 1900 gallon water capacity cargo tank having a design pressure of 250 psi.	Motor vehicle.
SP 6918	AMVAC Chemical Corporation, Los Angeles, Calif., to ship certain Liquid organic phosphates, Class B poison, in one gallon capacity glass containers individually overpacked in a DOT Specification 33A polystyrene case; four cases packed in a DOT-12B fiberboard box.	Cargo vessel, Motor vehicle, Rail freight.

ALAN I. ROBERTS,
Secretary.

[FR Doc.74-20752 Filed 9-10-74;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX74-2; Notice 2]

CARROZZERIA ZAGATO

Petition for Temporary Exemption From Motor Vehicle Safety Standards

This notice grants the petition of Carrozzeria Zagato for a temporary exemption of its electrically-powered Elcar for 1 year from certain safety standards.

On July 15, 1974 (39 FR 25969) the NHTSA published notice of a petition by Carrozzeria Zagato for a 1-year exemption of its Elcar from portions of four safety standards on grounds that exemption would facilitate the development and field evaluation of a low-emission motor vehicle. The company cited the unavailability of suitable electric defrosting systems in its request for relief from Standard No. 103 (49 CFR 571.103). It requested relief from Standard No. 114 (49 CFR 571.114), as the design of its key insertion area will not allow additional electric circuits capable of accommodating an alarm system. It does not believe that the hinge load requirements specified by Standard No. 206 (49 CFR 571.206) are appropriate for lightweight vehicles, and it plans to use door hinges with steel reinforcements embedded in the fiberglass body structure. Seat belt assemblies required by Standard No. 208 (49 CFR 571.208) will have to be redesigned to incorporate warning systems, but passenger restraint systems are provided.

No comments were received in response to the notice. The NHTSA has determined that, by allowing production and sale of an electric vehicle, the exemption would facilitate the development and field evaluation of a low-emission vehicle. The impact of the exemption on motor vehicle safety should be minimal due to the limited nature of the exemption in scope and duration, and the low production of the Elcar. The exemption will also allow the public the choice of transportation independent of available supplies of gasoline. For these reasons the NHTSA has also determined that the exemption is consistent with the public interest and the objectives of the National Traffic and Motor Vehicle Safety Act.

In consideration of the foregoing, Carrozzeria Zagato is granted NHTSA Exemption No. 74-2, exempting its Elcar model manufactured for 1 year from the date of publication of this notice from Federal Motor Vehicle Safety Standards Nos. 103, 114, 206, and 208 (49 CFR 571.-103, 571.114, 571.206, 571.208).

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51)

Issued on September 6, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-20998 Filed 9-10-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

SEPTEMBER 5, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Perry Nuclear Power Plant, Units 1 & 2 will hold a meeting on October 1, 1974 in Room 1146, 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of the Cleveland Electric Illuminating Company for a permit to construct this nuclear power plant. The facility will be located on Lake Erie in Lake County, Ohio. The plantsite is approximately 35 miles northeast of Cleveland and 21 miles southwest of Ashtabula, Ohio.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Tuesday, October 1, 1974—9 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the Regulatory Staff and Cleveland Electric Illuminating Company and will hold discussions with these groups pertinent to its review of the application of Cleveland Electric Illuminating Company for a permit to construct the Perry Nuclear Power Plant, Units 1 & 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the Regulatory Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552 (b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than September 24, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make an oral statement concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on October 1, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on September 30, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5640) between 8:30 a.m. and 5:15 p.m., eastern daylight time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 2, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and within approximately nine days at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after January 1, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-20918 Filed 9-10-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

SEPTEMBER 5, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on St. Lucie Nuclear Generating Station, Unit 1, will hold a meeting on October 8, 1974, in Room 1046 at 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application for an operating license for St. Lucie Nuclear Generating Station, Unit 1, located in St. Lucie County, Florida, about halfway between Fort Pierce and Stuart on the East Coast.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Tuesday, October 8, 1974, 9:30 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the Regulatory Staff and the Florida Power and Light Company and will hold discussions with these groups pertinent to its review of matters related to the Operating License of St. Lucie Nuclear Generating Station, Unit 1.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 8:30 a.m. on October 8, and at the end of the day to consider matters related to the above review. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold one or more closed sessions with representatives of the Regulatory Staff and Florida Power and Light Company for the purpose of discussing privileged information relating to the matters under review, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that closed sessions may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than October 1, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make an oral statement concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on October 8.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on October 7, 1974, to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come-first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess.

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The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 10, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and within approximately nine days at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after January 8, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-20919 Filed 9-10-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

SEPTEMBER 5, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on St. Lucie Nuclear Generating Station, Unit 2, will hold a meeting on October 9, 1974, in Room 1046 at 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application for a permit to construct the St. Lucie Nuclear Generating Station, Unit 2, to be located in St. Lucie County, Florida, about halfway between Fort Pierce and Stuart on the East Coast.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, October 9, 1974, 9:30 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the Regulatory Staff and the Florida Power and Light Company and will hold discussions with these groups pertinent to its review of matters related to the construction of the St. Lucie Nuclear Generating Station, Unit 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 8:30 a.m. on October 9, and at the end of the day to consider matters related to the above review. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold one or more closed sessions with representatives of the Regulatory Staff and Florida Power and Light Company for the purpose of discussing privileged information relating to the matters under review, if necessary.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that closed sessions may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than October 1, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make an oral statement concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on October 9.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on October 8, 1974, to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come- first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 10, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and within approximately nine days at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after January 9, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-20920 Filed 9-10-74;8:45 am]

[Docket No. 50255]

CONSUMERS POWER CO.

Amendment to Provisional Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 9 to Provisional Operating License No. DPR-20 issued to Consumers Power Company which revised Technical Specifications for operation of the Palisades Plant, located in Covert Township, Van Buren County, Michigan. The amendment is effective as of its date of issuance.

The amendment permits a change in the Technical Specifications which requires that a surveillance program be initiated to monitor the reactor internals vibration and to provide a limitation on the maximum motion amplitude permitted for continued operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated July 30, 1974, (2) Amendment No. 9 to License No. DPR-20, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan 49006.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 30th day of August, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.74-20921 Filed 9-10-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26871]

GLOBUS TOURIST OFFICE, MANTEGAZZA & ALBEK, LTD.—FOREIGN INDIRECT AIR CARRIER PERMIT (SWISS)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on September 27, 1974, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., September 6, 1974.

[SEAL] GREER M. MURPHY,
Administrative Law Judge.

[FR Doc.74-20999 Filed 9-10-74;8:45 am]

[Docket No. 26494; Order 74-9-21]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding North and Mid Atlantic Passenger Fares

Issued under delegated authority; September 5, 1974.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which would establish the North and Mid Atlantic fare structure from November 1, 1974 through March 31, 1976, was adopted at the Montreux North and Mid Atlantic Traffic Conference in August 1974.

Generally speaking the agreement would increase all current fares by amounts ranging from 3.6 percent for the shoulder season normal economy fare to over 19 percent for the winter affinity group fare. The 14/21 day and 22/45 day excursion fares would be increased on the order of 7.5 percent and 18.0 percent, respectively.[1] The agreement also proposes a new, advance purchase excursion (APEX) fare at level somewhat above the present 22/45-day excursion fare. Reservations and full payment (subject to a 25 percent charge for cancellations prior to departure) would be required two calendar months before departure; a minimum/maximum stay of 22/45 days would apply; no stopovers would be permitted; and sales would be limited to 20 percent of each carrier's weekly economy class capacity between any two points.[2]

The agreement includes, as a recommended practice, rather than a binding agreement, the minimum charter rate structure tentatively agreed to at the Ft. Lauderdale meeting of North Atlantic passenger charter operators this June, and expected to be finalized at a meeting scheduled for September 7/9, 1974.[3] For U.S.-originating charters, the minimums (net price to carrier) range from 2.8 cents to 4.1 cents per seat-mile depending on the season and particular aircraft configuration (see appendix). The public selling price would be based on a 5.26 percent markup in the case of affinity/own use/incentive type charters, and a 25 percent markup in the case of ABC/TGC charters operated with aircraft having less than 230 seats.

Certain amendments in conditions applicable to various fares are also proposed. The minimum group size for the all-year 14/21-day group inclusive tour (GIT) fare would be reduced from 15 to 10 persons, and the minimum tour price increased from $100 to $120 for the first 14 days, and from $7 to $10 per day thereafter.[4] Youth fares from Canada to Europe would be retained, but a new residence requirement would exclude holders of U.S. passports from use of these fares during the peak season (with the exception of those who present either an official Canadian Immigrant Visa or Student Visa, or documentary evidence of at least three months' residence in Canada). Finally, the agreement includes a new 4/9-day incentive fare to Israel at New York/Boston-Tel Aviv levels of $461 winter, and $517 shoulder, applicable for groups of at least 80 passengers.

With respect to Mid Atlantic fares, the agreement proposes a general increase of five percent effective November 1. Fares between the Western Hemisphere and Traffic Conference 3 (Asia/Australia/Pacific) via Europe, Africa or the Middle East are proposed to be increased seven percent.

The purpose of this order is to establish procedural dates for the receipt of justification, comments and replies in support of, or in opposition to, the agreement. All U.S. carrier members of IATA operating passenger services over the North and Mid Atlantic are directed to submit complete and detailed justification in support of the agreement. The data presented in their justifications should include but not be limited to financial forecasts, including traffic and capacity projections, for the year ending December 31, 1975, with and without the proposed increases, and the revenue gain anticipated from implementing the instant agreement. The same data for the most recent available 12-month period should also be included.

Accordingly, it is ordered, that:

1. All United States air carrier members of the International Air Transport Association operating passenger services

[1] Present and proposed fares for New York-London travel are detailed in the appendix, which is filed as part of the original document.

[2] Sales would additionally be limited to 50 percent of the economy class capacity of the aircraft, or 80 seats, whichever is greater.

[3] The agreement on fares for scheduled service here before us includes an escape clause providing for a special IATA meeting to determine whether this package should become effective in the event such a charter rate agreement is not reached.

[4] In the case of the 7/8-day Winter GIT, the maximum stay period would be extended to 10 days for traffic originating at U.S. west coast points.

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over the North and Mid Atlantic shall file within fourteen calendar days after the date of service of this order, full documentation and economic justification (as described above) in support of the subject agreement;

2. Comments and/or objections from interested persons shall be submitted within fourteen calendar days after the date of service of this order;

3. Replies to justifications and comments submitted in response to ordering paragraphs 1 and 2 above, respectively, shall be submitted within twenty-four calendar days after the date of service of this order; and

4. Tariffs implementing the subject agreement shall not be filed in advance of Board action on the subject agreement.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-20998 Filed 9-10-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

INVESTIGATIONS OF AEROSOL SPRAY PRODUCTS

Notice of Meeting

The Consumer Product Safety Commission gives notice that Lucius Johnson and Alan Ehrlich of the Office of Standards Coordination and Appraisal will meet with Roger Quan of Standun, Inc., Los Angeles, to discuss the status of the Commission's investigations on aerosol spray products. The meeting will be held Friday, September 13, 1974, at 9:30 a.m. in room 810, Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland. The Commission held public hearings in February on alleged hazards of aerosol spray products in response to a petition from the Center for Science in the Public Interest.

For further information on the meeting, contact Harvey Tzuker, Office of Standards Coordination, (301) 496-7197.

Dated: September 5, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-20923 Filed 9-10-74;8:45 am]

BICYCLE REFLECTORS

Notice of Meeting

The Consumer Product Safety Commission gives notice that Kenneth W. Edinger of the Bureau of Engineering Sciences will meet with James E. Hadley of the MICO-FLEX Company, Wichita, Kansas, to discuss the company's reflective products as they pertain to use on bicycles. The Commission promulgated bicycle safety standards July 16, 1974 (39 FR 26100) to become effective January 1, 1975. The meeting will be held on September 19, 1974, at 10 a.m. in room 450, Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland.

For further information, or to arrange for attendance at this meeting, interested parties may contact Mr. Edinger, Bureau of Engineering Sciences, telephone (301) 496-7571.

Dated: September 5, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-20922 Filed 9-10-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 261-5; OPP-32000/109]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, S.W., Washington, D.C. 20460.

On or before November 11, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, S.W., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 11, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 2292-TN. A-M-R Products Co., Englewood Cliffs NJ 07632. KEM SULPHUR CANDLE FUMIGATOR FOR COCKROACHES-BEDBUGS-CLOTHES MOTHS. Active Ingredients: 100% Refined Sulphur. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12014-O. A & V Incorporated, PO Box 211, Butler WI 53007. AUTROL-Q. Active ingredients: Poly[oxyethylene(dimethylimino)ethylene(dimethylimino)ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 12014-I. A & V Incorporated. POOL PAL QAC. Active Ingredients: Poly[oxyethylene(dimenthylimino)ethylene (dimethylimino) ethylene dichloride] 40.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 12014-T. A & V Incorporated. POOL PAL QAC CONCENTRATE. Active Ingredients: Poly[oxyethylene(dimethylimino) ethylene (dimethylimino) ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1730-GG. American Cyanamid Co., Consumer Products Div., 859 Berdan Ave., Wayne NJ 07470. PINE-SOL B. Active Ingredients: Pine oil 30.0%; Isopropanol 10.9%; Soap 9.5%; 4-Chloro-2-Cyclopenthylphenol & related compounds 0.1%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 1730-GU. American Cyanamid Co., Consumer Products Div., 859 Berdan Ave., Wayne NJ 07470. PINE-SOL C. Active Ingredients: Pine Oil 35.2%; Soap 9.5%; Isopropanol 8.0%; 4-Chloro-2-Cyclopentylphenol & related compounds 0.1%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 12466-U. Aqua Laboratories, Inc., 36 High St., Amesbury MA 01913. AQUACIDE-356-B. Active Ingredients: Disodium cyanodithiotmidocarbonate 4.23%; Ethylenediamine 1.60%; Potassium N-methyldithiecarbamate 5.83%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 482-G. Ban Odor Chemical Co., 212 Blackman Ave., No. Duluth MN 55811. CRYSTALEN CLEANER DEODORANT DISINFECTANT FUNGICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10332-A. Barclay Chemical Co., 150 Coolidge Ave., Watertown MA 02172. ALGAECIDE E. Active Ingredients: Dideyl dimethyl ammonium chloride 50%; Isopropyl alcohol 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34276-E. Century Industries Corp., RD No. 1, New Waterford OH 44445. CENTURY CREOSOTE WOOD PRESERVER. Active Ingredients: Creosote oil 25% Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3125-164. Chemagro Corp., PO Box 4913, Kansas City MO 64120. DASANIT 10% GRANULAR INSECTIDE-NEMATOCIDE. Active Ingredients: O,O-Diethyl O-[p-(methylsulfinyl) phenyl] phosphorothioate 10%. Mthod of Support. Application proceeds under 2(c) of interim policy.

EPA File Symbol 7616-GL. Chem Lab Products, Inc., 2850 E. Coronado, Anaheim CA 92806. KEM TEK 25% LIQUID SWIMMING POOL ALGAECIDE. Active Ingredients: Poly oxethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride 25.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 1927-42. Terminix/Division of Cook Industries, Inc., CI, PO Box 16902, Memphis TN 38117. TERMINIX GP-MAL CONCENTRATE. Active Ingredients: Malathion 55.0%; Xylene 32.2%, Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1421-RIA. Dettel Buch Chemical Corp., 4181 Peachtree Rd. NE., Atlanta GA 30319. LETHANE-MALATHION FOGGING SPRAY. Active Ingredients: Malathion 15.0%; Beta-butoxy beta 'thiocyano diethyl ether 5.0%; Petroleum Distillates 62.5%; Xylene 17.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 19-A. The Emulso Corp., 301 Ellicott St., Buffalo NY 14203. "EMCO" INSECTICIDE. Active Ingredients: Pyrethrins 0.15%; Piperonyl Butoxide, Technical 1.50%; Petroleum Distillate 98.35%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 19-T. The Emulso Corp., 301 Ellicott St., Buffalo NY 14203. "EMCO" INSECTICIDE PRESSURIZED. Active Ingredients: Pyrethrins 0.3%; Piperonyl Butoxide, Technical 3.0%; Petroleum Distillate 86.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 168-310. Entrada Industries, Inc., Wasatch Chemical Div., PO Box 6219, Salt Lake City UT 84106. MORGRO LIQUID WEED & GRASS KILLER KILLS ALL VEGETATION. Active Ingredients: 2-methoxy-4,6-bis (isopropylamino) -s-triazine 2.00%; Pentachlorophenol 1.00%; Other Chlorinated Phenols 0.15%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 24310-R. Hercules Products Corp., PO Box N, Dunedin FL 33528. STAR • MAID EVANESCE MIRACLE MILDEW REMOVER. Active Ingredients: Lithium hypochlorite 4.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34688-G. Interstab Chemicals Inc., 500 Jersey Ave., New Brunswick NJ 08903. COPPER NAPHTHENATE 8%. Active Ingredients: Copper Naphthenate 60%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34688-E. Interstab Chemicals Inc. COPPER NAPHTHENATE 6%. Active Ingredients: Copper Naphthenate 60%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34688-R. Interstab Chemicals Inc. TRIBUTYLTIN NEODECANOATE. Active Ingredients: ributyltin Neodecanoate 98%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 802-510. The Chas. H. Lilly Co., 100 SE Alder St., Portland OR 97214. LILLY'S GO-WEST PELLETS. Active Ingredients: Sodium Fluosilicate 5.00%; Metaldehyde 3.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7001-ENN. Occidental Chemical Co., A Div. of Occidental Petroleum Corp., PO Box 198, Lathrop CA 95330. CRABGRASS PREVENTER-B & LAWN FOOD 12-3-6. Active Ingredients: S-(O,O-diisopropyl phosphorodithioate) of N-(2-mercaptoethyl) benzenesulfonamide 3.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7001-ENR. Occidental Chemical Co., A Div. of Occidental Petroleum Corp., PO Box 198, Lathrop CA 95330. LAWN & GARDEN DISEASE CONTROL. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 75.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2169-223. Patterson Chemical Co., 1400 Union Ave., Kansas City MO 64101. PATTERSON'S "GREEN-UP" SYSTEMIC BENOMYL FUNGICIDE WETTABLE POWDER. Active ingredients: Benomyl [Methyl] 1 (butylcarbamoyl)-2-benzimidazolecarbamate] 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 70-ENN. Rigo Co., Registration Dept., 1200 Ft. Wayne Natl Bank Bldg., Fort Wayne IN 46802. KILL KO 1 ¾% SEVIN DUST. Active Ingredients: Carbaryl (1-napththyl N-methylcarbamate) 1.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 148-987. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City MO 66110. LINDANE E-1. Active Ingredients: Gamma isomer of benzene hexachloride (from Lindane) 12.5%; Xylene 82.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876-EGO. Velsicol Chemical Corp., 341 E. Ohio St., Chicago IL 60611. VELSICOL CHLORDANE 40% W.P. Active Ingredients: Technical Chlordane 40.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 876-EGI. Velsicol Chemical Corp., 341 E. Ohio St., Chicago IL 60611. VELSICOL CHLORDANE 8 EC. Active Ingredients: Technical Chlordane 72.0%; Petroleum Distillate 21.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 2829-14. Ventron Corp., Chemicals Div., Congress St., Beverly MA 01915. CUNILATE 3174-P CONTROLS MOLD AND MILDEW. Active Ingredients: Copper 8-quinolinolate 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2935-UNN. Wilbur-Ellis Co., PO Box 1286, Fresno CA 93715. DIBROM 4 DUST. Active Ingredients: Naled 4%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated August 31, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-20689 Filed 9-10-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP73-112]

ALGONQUIN GAS TRANSMISSION CO.

Further Extension of Procedural Dates

SEPTEMBER 5, 1974.

On August 19, 1974, Staff Counsel filed a motion to extend the procedural dates fixed originally by order issued August 1, 1973. The motion states that Algonquin Gas Transmission Company has no objection.

Notice is hereby given that the procedural dates are modified as follows:

Service of Evidence by Staff, September 27, 1974.
Service of Evidence by Intervenor, October 18, 1974.
Service of Rebuttal Evidence, November 8, 1974.
Prehearing Conference, November 14, 1974 (10 a.m., e.d.t.).
Hearing, November 20, 1974 (10 a.m., e.d.t.)

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20970 Filed 9-10-74;8:45 am]

[Docket No. E-8881]

CAROLINA POWER & LIGHT CO.

Extension of Time and Postponement of Hearing; Correction

AUGUST 26, 1974.

In the Notice of Extension of Time and Postponement of Hearing issued August 22, 1974 and published in the FEDERAL REGISTER on August 30, 1974, 39 FR 31708, please change the procedural dates in the above notice as follows:

Staff and Intervener Service Date, August 30, 1974.
Company Rebuttal Service Date, September 10, 1974.
Hearing, September 16, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20956 Filed 9-10-74;8:45 am]

[Docket No. RP74-99]

CASCADE NATURAL GAS CORP.

Extension of Time

SEPTEMBER 5, 1974.

On August 28, 1974, Staff Counsel filed a motion to extend the procedural dates in the above-designated matter beyond those set by the order issued August 1, 1974. The motion states that Cascade Natural Gas Corporation and the Intervenors have consented.

Upon consideration, the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, September 25, 1974.
Service of Intervenor's Testimony, October 2, 1974.
Service of Company's Rebuttal, October 21, 1974.
Hearing (Unchanged), October 29, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20971 Filed 9-10-74;8:45 am]

[Docket No. E-8992]

CENTRAL ILLINOIS LIGHT CO.

Termination of Wholesale Electric Service

SEPTEMBER 5, 1974.

Take notice that Central Illinois Light Company (CILCO) on August 26, 1974, tendered for filing a notice of cancellation of its FPC Electric Rate Schedule No. 9, effective August 1, 1974, applicable to wholesale electric service rendered to Commonwealth Edison Company, which was terminated by mutual agreement. CILCO states that on August 1, 1974, it began serving the electric consumers in the Lincoln, Illinois area at retail, and

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that the wholesale electric service was no longer required.

Notice of the cancellation has been served upon Commonwealth Edison Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20959 Filed 9-10-74;8:45 am]

[Docket No. RP71-106 (1973 Phase)]

CITIES SERVICE GAS CO.

Order Approving Settlement

SEPTEMBER 5, 1974.

On April 24, 1974, the Presiding Administrative Law Judge certified to the Commission for approval a proposed settlement agreement in the above-entitled proceeding. If approved the settlement would resolve all the issues in this phase of the proceeding relating to a payment by Cities Service Gas Company (Cities Service) to Western Natural Gas Company (Western Natural) on December 18, 1972. The proposed settlement would permit Cities Service to collect from its jurisdictional customers the amount of $3,175,000.

This proceeding involves a temporary jurisdictional rate increase application filed by Cities Service on January 2, 1973, of 0.59¢ per Mcf to be effective for approximately three years. The purpose of the January 2, 1973, filing was to recover, with interest, the jurisdictional portion of a payment in the amount of $6,843,097.15 [1] which Cities made to Western Natural on December 18, 1972. The payment was in final satisfaction of a final and nonappealable judgment entered by the District Court, Oklahoma County, Oklahoma, in Case No. 175,435 (affirmed Cities Service Gas Company vs. Western Natural Gas Company, 507 Pad 1236 (1972); appeal dismissed and cert. denied, 409 U.S. 1092 (1972)).

The January 2, 1973, filing stated that the proposed increase was filed pursuant to section 3 of Article X of the Stipulation and Agreement approved by a Commission order issued March 1, 1972 in Docket No. RP71-106. The filing further stated that upon recoupment of the jurisdictional amount plus simple interest at 7 percent, 0.59¢ per Mcf would be eliminated from its then effective jurisdictional rates. Cities Service requested an effective date of February 23, 1973. The January 2, 1973, filing was noticed on February 1, 1973, with comments, protests or petitions to intervene due on or before February 16, 1973. Protests to the filing and petitions to intervene were filed jointly by Midwest Industrial and Commercial Gas Users Association and Armco Steel Corporation, the City Group Commission of the State of Kansas. A protest and petition for declaratory order was filed by the Kansas Municipal Intervenors Group. By order issued February 22, 1973, as modified by order issued April 24, 1973, the Commission permitted the temporary rate increase to become effective on March 23, 1973, subject to refund. Direct evidence was filed by Cities Service, answering evidence was filed by one intervenor and rebuttal evidence was filed by Cities Service.

After the filing of evidence, settlement negotiations commenced. As a result of these negotiations, a Stipulation and Agreement was filed with the Commission on April 24, 1974. The settlement agreement was noticed on April 30, 1974, with comments due on or before May 7, 1974. On May 6, 1974, Staff filed comments supporting the proposed settlement agreement. The principal provisions of the settlement agreement may be summarized as follows:

(1) Article I, section 1 states that the temporary rate increase of 0.59¢ per Mcf, filed on January 2, 1973, and which became effective on March 23, 1973, will continue in effect without refund obligations until Cities Service has collected $3,175,000 thereunder. The section further provides the amount of $3,175,000 is in full settlement of any and all claims between Cities Service and its jurisdictional customers with regard to Cities payment of $6,843,097.15 to Western Natural.

(2) Article I, section 2 states upon collecting $3,175,000 from its jurisdictional customers, Cities Service shall file a revised Tariff Sheet PGA-1 to reduce its rates by 0.59¢ per Mcf from the then effective Tariff Sheet PGA-1 to become effective on the first day of the billing month subsequent to the billing month during which Cities Service's recovery reaches $3,175,000. Section 3 provides that Cities Service shall refund to its jurisdictional customers the difference between the total revenues collected from the jurisdictional customers under the 0.59¢ per Mcf temporary rate increase through the end of the last billing month during which such rate increase is in effect and $3,175,000. Each jurisdictional customer will be entitled to a refund computed by multiplying the total refund to jurisdictional customers by the ratio of Cities Service's sales volumes to such customer to Cities Service's total jurisdictional sales volumes.

(3) Article II, section 1 provides Cities Service shall maintain a special memorandum account reflecting the cumulative amounts collected under the 0.59¢ per Mcf temporary increase. Cities Service will file monthly with the Commission and each party to this proceeding a report showing the total volumes of jurisdictional sales and the total revenues collected under the temporary increase during the previous month. Article II, section 2 provides within 10 days after making refunds, Cities Service shall file a refund report.

(4) Article III provides the Stipulation will only become effective and binding after a final and nonappealable, without modification, Commission approval of the Stipulation shall constitute termination of the 1973 Phase of Docket No. RP71-106.

(5) Article IV, section 1, contains a general reservation disclaiming reliance on any principle underlying or suppose to underlie the settlement as negotiated. Article IV, section 2 provides the provisions of the Stipulation relate only to the specific matters referred to in the settlement.

[1] The jurisdictional portion of the payment, with interest, totals $5,713,627.00. See Exhibit 28.

[Docket No. E-8950]

CENTRAL TELEPHONE & UTILITIES CORP.

Addendum to Contract

SEPTEMBER 5, 1974.

Take notice that on August 8, 1974, Central Telephone & Utilities Corporation (Central) tendered for filing an addendum dated June 12, 1974 to the contract between Central and Jewell-Mitchel Cooperative Electric Company, Inc., dated October 26, 1973.

The addendum was executed by duly authorized officers of both parties and reads:

Point of delivery	Delivery voltage	Kilowatt capacity	Metering location	Metering voltage
SW¼, Sec. 9, T.LOS., R15W, Osborne County (Natoma).	34.5 KV	1500	SE¼, Sec. 17, T9S, Osborne County.	2400 Delta.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20964 Filed 9-10-74;8:45 am]

Our review of the proposed Stipulation and Agreement indicates that the settlement fully resolves complex and difficult litigable issues of fact and law in a reasonable manner consistent with the public interest. We will approve the settlement without modification.

The Commission finds: The disposition of this proceeding on the basis of the proposed settlement filed on April 24, 1974, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and such agreement should be approved as hereinafter ordered.

The Commission orders: (A) The proposed settlement agreement, filed April 24, 1974, is incorporated by reference and made a part hereof, and is approved and adopted, without modification.

(B) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Cities Service, or by any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against Cities Service or any other person or party.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20966 Filed 9-10-74;8:45 am]

[Docket No. E-8988]

CONNECTICUT LIGHT AND POWER CO.

Purchase Agreement

SEPTEMBER 4, 1974.

Take notice that Connecticut Light and Power Company (CL&P) on August 22, 1974, tendered for filing a purchase agreement for the sale of specified percentages of capacity to the New Bedford Gas and Edison Light Company (New Bedford) from CL&P's Montville Unit No. 6 generating unit during the period November 1, 1974 through April 30, 1975.

Applicant states that copies of the rate schedule were sent to New Bedford.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20903 Filed 9-10-74;8:45 am]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes In FPC Gas Tariff

SEPTEMBER 4, 1974.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on August 22, 1974, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause for rates to be effective October 1, 1974. Consolidated states that the proposed rate increase would generate $1.9 million annually in additional jurisdictional revenues.

Consolidated states that the PGA filing was triggered by a rate increase filed by Transcontinental Gas Pipe Line Corporation to be effective October 1, 1974. Additionally, Consolidated is including in its rates the effect of Tennessee Gas Pipeline Company's R & D rate adjustment filed July 23, 1974, which became effective July 8, 1974 and the effect of Texas Eastern Transmission Corporation's DCA filing which became effective July 1, 1974 and was reflected in Texas Eastern's August 1, 1974 rates in a filing dated on or about August 16, 1974, neither of which have previously been reflected in Consolidated's jurisdictional rates.

Consolidated is requesting a waiver of the 45-day notice requirement contained in its PGA clause since it did not receive the supplier's revised rates in sufficient time to make a timely filing and further asks for a waiver of any other of the Commission's rules and regulations in order to permit the proposed rates to go into effect on October 1, 1974.

Consolidated states that copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 11, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20916 Filed 9-10-74;8:45 am]

[Docket No. RI75-23]

D. M. MAGEE CO.

Petition for Special Relief

SEPTEMBER 4, 1974.

Take notice that on August 23, 1974, D. M. Magee Company, (Petitioner), P.O. Box 1332, Alice, Texas 78332, filed a petition for special relief in Docket No. RI75-23, seeking a rate above the applicable area ceiling under Opinion No. 595. Petitioner seeks a price of 45 cents per Mcf for the sale of gas to Natural Gas Pipeline Company of America from two wells, the D.C. Stroman Nos. 10 and 11, in the Armstrong Field, Jim Hogg, Texas, with Btu adjustment, at 14.65 psia. The petition is based upon the need for compression facilities with remedial work on these wells in order to deplete them to their maximum limits.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20913 Filed 9-10-74;8:45 am]

[Docket No. E-8933]

DUKE POWER CO.

Supplement to Contract

SEPTEMBER 4, 1974.

Take notice that on July 26, 1974 Duke Power Company (Duke) tendered for filing a supplement to the Electric Power Contract designated Duke Power Company Rate Schedule FPC No. 131 between Duke and Blue Ridge Electric Membership Corporation (Blue Ridge). Duke asks for an effective date of September 18, 1974.

The supplement is in the form of two documents, both dated June 13, 1974. Document No. 1 provides for a decrease in demand from 9,000 kw to 7,000 kw for Delivery Point No. 2. Document No. 2 provides for 2,500 kw to Delivery Point No. 5, which is a new point of delivery. To provide service to Delivery Point No. 5, Duke will build approximately 600 feet of 44 kv tap line and construct a 44/12.47 kv substation at the requested point of delivery. Both changes were made at the request of the customer.

Any person desiring to be heard or to protest said filing should file a petition

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to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 13, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20905 Filed 9-10-74;8:45 am]

[Docket No. E-8982]

DUKE POWER CO.

Notice of Supplement

SEPTEMBER 6, 1974.

Take notice that on August 19, 1974, Duke Power Company (DPC) tendered for filing a supplement to DPC's electric power contract[1] with Cresent Electric Membership Corporation (CEMC). The effective date of this contract supplement is September 18, 1974.

The supplement is in the form of two documents, both dated June 28, 1973. Document No. 1 provides for an increase in demand from 1400 kw to 5500 kw for Delivery Point No. 9. Document No. 2 provides for an increase in demand from 2800 kw to 3800 kw for Delivery Point No. 13. Service will be provided by increasing the metering capacity for Delivery Point No. 9 and increasing the transformer capacity for Delivery Point No. 13.

Copies of this filing have been sent to CEMC.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 13, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20960 Filed 9-10-74;8:45 am]

[1] Duke Power Company Rate Schedule FPC No. 248.

[Docket No. CP74-269]

EL PASO NATURAL GAS CO.

Further Extension of Time and Postponement of Hearing

SEPTEMBER 5, 1974.

On August 30, 1974, El Paso Natural Gas Company filed a motion in the above-designated matter to extend the procedural dates fixed by notice issued August 26, 1974. The motion states that Staff Counsel and counsel for all intervenors have no objections.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of testimony and exhibits by applicant and supporting intervenors, September 4, 1974.
Hearing, September 26, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20974 Filed 9-10-74;8:45 am]

[Docket No. E-8975]

IOWA PUBLIC SERVICE CO.

Filing of Interchange Agreement

SEPTEMBER 5, 1974.

Take notice that by letter dated August 12, 1974, the Iowa Public Service Company tendered for filing with the Federal Power Commission a Supplement to an Electric Interconnection Agreement dated April 30, 1971, designated Iowa Public Service Company Rate Schedule FPC No. 52, and the attached Exhibit A dated October 19, 1973.

Under the new agreement, Iowa Public Service Company and the Northwest Iowa Power Cooperative will establish additional points of interconnection at Northwest Iowa Power Cooperative's Eagle Substation located in Sioux County, Iowa and at Iowa Public Service Company's Monona Substation located in Monona County, Iowa.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20979 Filed 9-10-74;8:45 am]

[Docket No. E-8365]

KANSAS CITY POWER AND LIGHT CO.

Settlement Agreement, Revised Schedules Conditionally Filed, Interventions and Terminating Proceedings

SEPTEMBER 4, 1974.

On April 26, 1974, Kansas City Power and Light (KCPL) filed with the Commission a document entitled, "Motion To Accept Settlement Agreement And For Order Accepting And Putting Into Effect Revised Schedules Conditionally Filed And Terminating These Proceedings" (hereinafter referred to as Motion) Attached as Exhibit I to the Motion is the Settlement Agreement (Settlement) and accompanying appendices. If approved, the Settlement would resolve all issues in the above-captioned proceeding and would reduce the amount of increase originally proposed from $743,333 to $530,819 based on 1972 test year period sales.

This proceeding involves a general rate increase application filed by KCPL on August 17, 1973. The proposed changes reflected an increase of $743,773 for demand and energy charges and a related pricing of the base "fuel cost" in the fuel adjustment clause at 30¢ per million Btu. In its August 17, 1973, filing, KCPL requested an effective date for the proposed changes of October 17, 1973, as to all of its jurisdictional customers except Missouri Public Service Company (MPSC) and Missouri Power and Light Company (MPLC). The proposed effective dates as to the changes for MPSC and MPLC were April 15, 1975, and June 1, 1974, respectively, when the contracts between KCPL and the two customers expire by their own terms.

Public notice of the August 17, 1973, filing was issued August 23, 1973, with comments, protests and petitions to intervene due on or before September 18, 1973. Timely petitions to intervene were filed by Coffey County Rural Electric Cooperative Association, Inc., and the City of Pomona, Franklin County, Kansas. On October 16, 1973, the Commission issued an order accepting for filing and suspending the proposed tariff changes. The rate schedule supplements as to KCPL's jurisdictional customers filed August 17, 1973, with the exception MPSC and MPLC were suspended and the use thereof deferred until March 18, 1974. The October 16, 1973 order stated that the rate increase application as to MPSC and MPLC should become effective, subject to refund upon the contractually specified dates and proper notice of such increase being filed with the Commission. The October 17, 1973, order also permitted the interventions of the above-named petitioners.

As a result of settlement conferences commencing on February 21, 1974, a settlement was reached, dated April 22, 1974, between MCPL and the Cooperatives. As stated previously, KCPL filed a Motion and settlement with the Commission on April 26, 1974. The Motion states that the Revised Schedules reflect an increase of $530,819 in annual revenues to KCPL based on sales to the wholesale customers during the 12-month test period ended December 21, 1972 and is designed to increase KCPL's rate of return to 7.75 percent (based on a 12 percent return on common equity) on its wholesale Firm Power Service to the wholesale customers on the basis of such test year. The major provisions of the settlement may be summarized as follows:

(1) Sections 1 and 2 contain a general reservation disclaiming reliance on any principle underlying or supposed to underlie the settlement as negotiated and that no party is bound by the settlement until approved, without modification, by a final and non-appealable Commission order.

(2) Section 3 states that upon execution of the settlement, KCPL will file a motion with the Commission requesting the Commission to accept the settlement, accept and put into effect the revised schedules attached to the settlement as Appendix A and terminate these proceedings.

(3) Section 4 provides that within 30 days of final and non-appealable Commission order, KCPL shall refund to its Wholesale Customers the difference between (a) the amounts received under the proposed rates and (b) the amounts which would have been received had the proposed rates been in effect with interest at a rate of 7 percent per annum.

Public notice of the motion and settlement, filed April 26, 1974, was issued on May 1, 1974, with comments and protests due on or before May 15, 1974. In response to the notice of the filing of the motion and settlement, the City of Higginsville, Missouri (Higginsville) filed on May 15, 1974, a document entitled "Higginsville's Petition To Intervene, Protest And Objection To Motion To Accept Settlement Agreement." (Petition) In its Petition, Higginsville alleges (a) that there is no adequate record justification for the minimum 70 percent demand ratchet included in the applicable Revised Schedule; (b) that the settlement rates are discriminatory on the face since the demand charged for the two cooperative customers would be $2.20 while the demand charge for Higginsville is $3.46 per KW; (c) that the effective date of March 18, 1974, for the application of the Revised Schedule to Higginsville is discriminatory because April 15, 1975 is the effective date for the MPSC Revised Schedule; and (b) that the Municipal Wholesale Power Contract of March 8, 1967, under which Higginsville purchases electric power and energy from KCPL is a full requirements contract which prevents Higginsville from utilizing its own generation equipment and purchasing from alternate area suppliers.

On June 3, 1974, KCPL filed "KCPL's Answer And Response To Petition To Intervene, Protest And Objections Filed by Higginsville, Missouri" (Answer). In its Answer, KCPL opposes the intervention of Higginsville as not being in the public interest. With respect to Higginsville's Protest and Objections to KCPL's Motion, KCPL replies (1) that Higginsville does not challenge the reasonableness of the ratchet provision; (2) that there is justification for a differential in demand charges for MPLC and other classes of customers; (3) that there is justification for a differential in demand charges for cooperatives and municipals; (4) that KCPL, because of Sierra Pacific and Mobile has no alternative but to wait until April 15, 1975, to change the rates for MPSC; (5) that KCPL would have no objection to serving Higginsville under a partial requirements rate provided the rate was fully compensatory to KCPL; (6) that the Commission has no authority to order wheeling and therefore, there is no need for KCPL to separately state a transmission wheeling rate.

Higginsville's Intervention was not filed until almost eight months after KCPL's filing of August 17, 1973, and seven months after opportunity for intervention had expired. In its Petition, Higginsville states that at the time of the Application, the Superintendent was terminating his position and the new Superintendent did not take over until January 14, 1974. We do not believe that changes in administrative personnel justifies a delay of eight months in filing a petition to intervene. KCPL complied with the Commission's regulations by serving a copy of the August 17, 1973 filing, on this Commission, its customers and other interested parties. In this regard, we note that Higginsville's Intervention does not allege it never received a copy of the August 17, 1973, filing or that it did not have notice of the filing. The Commission's regulations and all standards of fair notice were complied with. While we shall grant Higginsville's petition to intervene, we shall not permit such action to prejudice other parties who have acted in a responsible timely manner in pursuing their respective interests. Accordingly, Higginsville's objections will be viewed in light of the present record in these proceedings.

As to Higginsville's comments and protests, we do not find them persuasive. As previously noted, Higginsville alleges that the settlement rates are discriminatory because there is a differential between the demand charges for certain customer classes. With respect to the demand charge differential between MPLC and the municipals, we note that MPLC takes its service at 161 KV while all other resale customers are served through lower voltage facilities. With respect to the demand charges for the Cooperatives and the Municipal Customers, we note that Exhibit M, Schedule 27, of KCPL's August 17, 1973, filing demonstrates that the Municipal Customers have a high degree of coincidence of demand with KCPL's maximum annual system demand while, on the other hand, the Cooperatives have a much lower coincidence with the system. We believe these reasons justify a demand charge differential as to certain classes of KCPL's customers and therefore, the settlement rates are not discriminatory.

Higginsville's allegation that the settlement rates are discriminatory because the rate to MPSC goes into effect on April 15, 1975 is totally without merit. The contract between KCPL and MPSC is a fixed-term, fixed rate contract which cannot be changed without consent of all the parties involved or expiration of the contract by the terms themselves. Consequently, KCPL had no alternative but to request an effective date of April 15, 1975, after the fixed rate contract with MPSC has expired. Furthermore, our order of October 16, 1973, dealt with the effective date of the proposed rate schedule to MPSC and hence, this has already been resolved. Therefore, Higginsville's allegation of discrimination based on different effective dates for different rate schedules is without merit and must be rejected.

Higginsville states that there is no adequate justification for the inclusion of the 70 percent ratchet provision in the settlement rates and that this provision unreasonably penalizes it. This allegation overlooks the fact that the proposed settlement rates would recover the summary cost of service included in the settlement. Nothing in the record contradicts these costs or KCPL's filing herein. Therefore we believe that this provision should not be disturbed, as it is cost justified.

Higginsville further states that its contract with KCPL requires it to purchase its full requirements from KCPL which prevents Higginsville from utilizing its own generation facilities and from purchasing from alternative area suppliers.

Higginsville requests that we order a modification of its contract and the settlement. However, nothing in the record or allegations persuades us that such a revision of the contract, to which Higginsville is a party, is appropriate. Moreover, assuming arguendo that convincing evidence could be adduced to support Higginsville's request, the effect of such relief would be prospective only. We note also that KCPL, in its response to Higginsville's petition, states that it has no objection to serving Higginsville for other than full requirements service, provided its rates were appropriately adjusted to recover the costs of serving Higginsville under that changed condition. We therefore believe that this record does not support Higginsville's request and that this settlement is not the appropriate vehicle for testing Higginsville's allegations.

Finally, Higginsville requests that this Commission order KCPL to establish a separate rate for transmission service to be supplied to Higginsville. Such an order would be ineffective because as this Commission has stated in several orders (See: Southern California Edison Company, Docket No. E-8176, orders issued September 21, 1973, and November 2, 1973; Pacific Gas and Electric Company, Docket No. E-7777, order issued May 15, 1974), it does not have the authority to order wheeling (CF: Otter Tail Power Company v. U.S., 410 U.S. 366 (1973)).

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Therefore, an order requiring KCPL to develop a separate transmission rate would serve no purpose and hence, we will deny Higginsville's request.

Based upon review of the settlement, the entire record relating thereto and the comments of the parties, we find the settlement represents a reasonable resolution of the issues in this proceeding in the public interest, and that accordingly it should be approved and adopted. Therefore, we will grant KCPL's motion to accept the settlement, accept for filing and put into effect the Revised Schedules contained in Appendix A of the settlement and terminate the proceedings.

The Commission finds: (1) Good cause exists to grant KCPL's Motion To Accept settlement.

(2) Good cause exists to grant KCPL's Motion to accept and put into effect the Revised Schedules contained in Appendix A of the settlement.

(3) Good cause exists to grant Higginsville's petition to intervene.

(4) The settlement of this proceeding as filed with the Commission on April 26, 1974, is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act, and such agreement should be approved without modification.

The Commission orders: (A) The Settlement Agreement filed with this Commission on April 26, 1974, with accompanying Appendix A, is incorporated by reference and made a part hereof, and is approved and adopted.

(B) KCPL's Motion to accept settlement is hereby granted.

(C) KCPL's Motion to accept and put into effect the Revised Schedules as contained in Appendix A is hereby granted.

(D) Higginsville's petition to intervene is hereby granted.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, KCPL or by any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against KCPL or any other person or party.

(F) KCPL's Motion to terminate these proceedings is hereby granted.

(G) The Secretary shall cause prompt publication of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20961 Filed 9-10-74;8:45 am]

[Docket No. RP74-26]

LOUISIANA-NEVADA TRANSIT CO.

Postponement of Hearing

SEPTEMBER 4, 1974.

On August 26, 1974, Louisiana-Nevada Transit Company filed a motion to postpone the hearing fixed by order issued October 31, 1973, as most recently modified by notice issued May 31, 1974, in the above-designated matter. The motion states that Staff Counsel and Counsel for the City of DeQueen have no objection.

Notice is hereby given that the hearing date in the above matter is rescheduled for November 12, 1974, at 10 a.m. (e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20984 Filed 9-10-74;8:45 am]

[Docket No. E-8832]

METROPOLITAN EDISON CO.

Further Extension of Procedural Dates

SEPTEMBER 5, 1974.

On August 19, 1974, the Borough of Middletown filed a motion to extend the procedural dates fixed by order issued June 6, 1974, and modified by notice issued July 24, 1974, in the above-designated matter. On August 29, 1974, Metropolitan Edison Company filed a response in which they requested a further extension due to a conflict caused by dates suggested in the above motion. The latter request states that it is acceptable to all parties.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony and Exhibits, October 4, 1974.
Service of Company's Rebuttal, October 18, 1974.
Hearing for purpose of Cross-Examination, November 6, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20972 Filed 9-10-74;8:45 am]

[Docket No. CP68-190]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition To Amend

SEPTEMBER 5, 1974.

Take notice that on August 22, 1974, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP68-190 a petition to amend the order issued in said docket on April 15, 1968 (39 FPC 455), pursuant to section 7(c) of the Natural Gas Act authorizing, inter alia, the installation and operation of two 1,100 H.P. compressor units at the Bridgman, Michigan, Compressor Station (Bridgman) by granting permission and approval to abandon one of the compressor units, thereby permitting relocation of such compressor unit at the Weyauwega, Wisconsin, Compressor Station (Weyauwega), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that the two 1,100 H.P. compressor units authorized in the subject docket for installation at Bridgman are best suited to low load factor operations. Petitioner further states that with the advent of increased storage volumes and peak day deliveries into Wisconsin Bridgman has become a high load factor station, and, accordingly, Petitioner has installed a 12,000 H.P. compressor unit at Bridgman.[1] Petitioner maintains that installation of this 12,000 H.P. unit allows sufficient spare horsepower at Bridgman to remove one 1,100 H.P. unit without limiting station operations. Since Petitioner has been authorized to install one 1,100 H.P. compressor unit at Weyauwega,[2] Petitioner proposes to transfer a unit from Bridgman to Weyauwega, a low load factor station. Petitioner claims that such transfer will be more economical than installing a new unit at Weyauwega, and will permit a more efficient utilization of Petitioner's existing facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or September 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20983 Filed 9-10-74;8:45 am]

[Docket No. E-8494]

MINNESOTA POWER & LIGHT CO.

Further Extension of Procedural Dates

SEPTEMBER 5, 1974.

On August 28, 1974, the Municipal Intervenors in the above-designated matter filed a motion to extend the procedural dates fixed by order issued February 15, 1974, and most recently modified by notice issued July 31, 1974. The motion states that the Company and Staff Counsel were notified and had no objections.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of testimony by Intervenors, October 21, 1974.
Service of Rebuttal Evidence by Minnesota Power & Light Company, November 25, 1974.
Prehearing Conference and Hearing, December 17, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20977 Filed 9-10-74;8:45 am]

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[1] Under authorization granted March 30, 1973 in Docket No. CP72-175.
[2] Under authorization granted July 25, 1973 in Docket No. CP73-114.

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Notice of Meeting and Agenda

Meeting of the Task Force on Conservation and Fuel Supply Technical Advisory Committee on Conservation of Energy, September 13, 1974, 9:30 a.m., Room 5200.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
A. Review of "Power Generation: Conservation, Health and Fuel Supply", a report to the Task Force.
1. Demand growth, conservation, and rate structures (morning).
2. Health effects of sulfur emissions, the Clean Air Act, oil imports and Project Independence (afternoon).
3. Conclusions and recommendations (afternoon).
B. Other business.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20902 Filed 9-10-74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FINANCE

Notice of Meeting and Agenda

Meeting of the Technical Advisory Committee on Finance to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE, Washington, D.C., September 19, 1974, 10 a.m., Room 6200.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and Purposes of Meeting.
A. Review of draft material for TAC report.
B. Plans for presentation at October 10, 1974 EAC meeting.
C. Other Business.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20985 Filed 9-10-74;8:45 am]

[Docket No. E-8721]

NEVADA POWER CO.

Revised Fuel Adjustment Clause

SEPTEMBER 4, 1974.

Nevada Power Company (Nevada Power) on August 14, 1974, tendered for filing a revised Fuel Adjustment Clause pursuant to a letter from the Commission dated July 31, 1974. Nevada Power's rate filing of April 9, 1974, (of which this revised fuel adjustment clause is a part) was accepted by the Commission and suspended until November 1, 1974, by Order dated May 31, 1974.

Nevada Power states that copies of the revised fuel adjustment clause have been mailed to California-Pacific Utilities Company and interested State Commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 13, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20904 Filed 9-10-74;8:45 am]

[Docket No. E-8966]

NEVADA POWER CO.

Order Denying Request for Waiver

SEPTEMBER 4, 1974.

On August 5, 1974, Nevada Power Company (NPC) tendered for filing a proposed rate increase[1] for electric service to California-Pacific Utilities Company (Cal-Pac) at Henderson, Nevada and Needles, California. NPC contends that the proposed increase results in an estimated increase of $600,073 for the year ending September 30, 1973, and a realized rate of return of 15.13 percent. The proposed effective date is "as soon as legally possible."

On April 5, 1974, NPC filed a prior increase in energy charges to apply to Cal-Pac at Henderson and Needles which was suspended until November 1, 1974, by order dated May 31, 1974, in Docket No. E-8721. NPC requests special permission under § 35.17(b) of the regulations to file the present increase during the suspension period of the rate filing in Docket No. E-8721.

In support of its request NPC stated that the proposed change in rates is necessary because of very substantial and unprecedented increases in cost of service which has occurred since the preparation was initiated of the rates filed on April 9, 1974. NPC's cost of service study shows a realized rate of return of 15.13 percent with a 23.3 percent return on equity. The necessity for such rate of return was a primary reason provided in the testimony cited to support the showing of good cause required for permission to file under § 35.17(b) of the regulations.

Our review of NPC's request for permission to file a rate increase in this docket pursuant to § 35.17(b) of the regulations indicates that good cause has not been shown to grant such relief. Accordingly, we shall reject NPC's filing in Docket No. E-8966 without prejudice to NPC's right to refile its proposed rate increase after November 1, 1974, the date the suspension period in Docket No. E-8721 ends, with an updated test period in conformance with the Commission's regulations under the Federal Power Act.

The Commission finds: Good cause does not exist to grant NPC permission to file the proposed rate increase in Docket No. E-8966 during the suspension period of their prior filing in Docket No. E-8721.

The Commission orders: (A) NPC is not granted permission to file the proposed rate increase in Docket No. E-8966 during the suspension period of their prior filing in Docket No. E-8721.

(B) Denial of permission to file at this time is without prejudice to NPC's refiling at the end of the suspension period in Docket No. E-8721, with an updated test period in conformance with the Commission's regulations under the Federal Power Act.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20978 Filed 9-10-74;8:45 am]

[Docket No. E-8721]

NEVADA POWER CO.

Extension of Procedural Dates

SEPTEMBER 5, 1974.

On August 28, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued May 31, 1974, in the above-designated case. The motion states that the interested parties have been contacted, and no opposition was noted.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, October 4, 1974.
Service of Intervenor's Testimony, October 25, 1974.
Service of Company's Rebuttal, November 11, 1974.
Hearing, November 21, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-20973 Filed 9-10-74;8:45 am]

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[1] Nevada Power Company, Supplement No. 6 to Rate Schedule FPC No. 2 (Supersedes Supplement No. 5 to FPC No. 2). Supplement No. 7 to Rate Schedule FPC No. 1 (Supersedes Supplement No. 6 to FPC No. 1).

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[Docket No. E-8980]

NEW YORK STATE ELECTRIC & GAS CORP.

Notice of Cancellation

SEPTEMBER 5, 1974.

Take notice that New York State Electric and Gas Corporation (NYSEGC) on August 19, 1974 tendered for filing a notice of cancellation of their Rate Schedule FPC No. 42 which rate schedule became effective October 9, 1968. The subject rate schedule is an agreement dated July 17, 1968 providing for the borderline distribution sale of electric energy by NYSEGC to Consolidated Edison Company of New York, Inc. (CEC). The effective date of this cancellation is August 8, 1974.

NYSEGC states that notice of the proposed cancellation has been served upon CEC.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 16, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20969 Filed 9-10-74;8:45 am]

[Docket No. E-8980]

NEW YORK STATE ELECTRIC & GAS CORP.

Notice of Cancellation

SEPTEMBER 5, 1974.

Take notice that New York State Electric and Gas Corporation (NYSEGC) on August 19, 1974 tendered for filing a notice of cancellation of their Rate Schedule FPC No. 42 which rate schedule became effective October 9, 1968. The subject rate schedule is an agreement dated July 17, 1968 providing for the borderline distribution sale of electric energy by NYSEGC to Consolidated Edison Company of New York, Inc. (CEC). The effective date of this cancellation is August 8, 1974.

NYSEGC states that notice of the proposed cancellation has been served upon CEC.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 16, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20962 Filed 9-10-74;8:45 am]

[Dockets Nos. G-9279, etc. and RP69-1]

NORTHERN NATURAL GAS CO.

Order Requiring Payment of Refunds

SEPTEMBER 4, 1974.

Northern Natural Gas Company (Northern) is currently retaining, pursuant to Commission orders [1] refunds due to Kansas-Nebraska Natural Gas Company (Kansas-Nebraska), because of uncertainties concerning Kansas-Nebraska's disposition of such refunds.

On May 7, 1974, Kansas-Nebraska filed motions that the Commission order Northern to refund these amounts plus accumulated interest which Kansas-Nebraska states are due to it pursuant to these orders. Notice of these motions was issued on May 29, 1974, with protests or petitions to intervene due on or before June 7, 1974. No protests or petitions to intervene were received.

Kansas-Nebraska states in its motions that it will refund to its jurisdictional customer the amounts it receives from Northern by crediting such amounts to its Unrecovered Purchased Gas Cost Account. Kansas-Nebraska states that this procedure would be in accordance with the terms and conditions of its FPC Gas Tariff, Second Revised Volume No. 1.

Our review of Kansas-Nebraskas' proposals to credit these amounts to its Unrecovered Purchased Gas Cost Account satisfied the conditions in the orders involved for these refunds. Accordingly, we shall direct Northern to refund to Kansas-Nebraska the amounts due, plus accumulated interest and direct Kansas-Nebraska to credit these amounts to its Unrecovered Purchased Gas Cost Account.

The Commission finds: It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that the refunds which are the subject of these proceedings which are due to Kansas-Nebraska be paid by Northern to Kansas-Nebraska and further that such refunds be credited to Kansas-Nebraskas' Unrecovered Purchased Gas Cost Account.

The Commission orders: (A) Within 30 days of the issuance of this order, Northern shall pay to Kansas-Nebraska the refund monies plus accumulated interest in these proceedings and shall file a report with this Commission showing the principal and interest so refunded.

(B) Within 30 days of the receipt of such payments from Northern, Kansas-Nebraska shall credit such amounts to its Unrecovered Purchased Gas Cost Account and shall file a report with this Commission showing the principal and interest so credited.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20915 Filed 9-10-74;8:45 am]

[1] Docket No. RP69-1, issued July 28, 1969 and Docket No. G-9279, *et al.*, issued September 11, 1967.

[Docket No. CP75-55]

NORTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 5, 1974.

Take notice that on August 26, 1974, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP75-55 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1975, and operation of certain natural gas facilities to enable applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, and to maintain required mainline pressures and transport in interstate commerce additional volumes of gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

Applicant states that the total cost of the proposed facilities will not exceed $7,000,000, with no single project to exceed $1,000,000. Applicant states further that the proposed facilities will be financed from cash on hand and funds generated through operations.

Applicant notes that the Commission has issued a Notice of Proposed Rule-Making in Docket No. RM75-2,[1] wherein it is proposed to amend the aforesaid § 157.7(b). Should the Commission issue an order in Docket No. RM75-2 revising the definition of "gas-purchase facilities" and increasing the maximum total annual and single project cost limitations for such facilities, Applicant requests that the authorization herein requested incorporate such revisions.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] 39 FR 29988.

[FR Doc. 74-20965 Filed 9-10-74;8:45 am]

[Docket No. E-8888]

OHIO ELECTRIC CO.

Supplemental Filing of Rate Schedule

SEPTEMBER 5, 1974.

Take notice that on August 19, 1974, Ohio Electric Company (Ohio Electric) tendered for filing supplemental data pertaining to the initial rate schedule tendered for filing on July 3, 1974. This supplemental filing was submitted in response to a deficiency assessment of the initial filing. The rate schedule is applicable to a Power Agreement between Ohio Electric and Ohio Power Company (Ohio Power) dated February 1, 1972.

In the initial filing it was stated that on April 10, 1972, pursuant to authorization by the Securities and Exchange Commission in Order Authorizing Sale of Generating Plant To Newly-Organized Subsidiary Company and Related Transactions (70-5142) (Administrative Proceeding File No. 3-3533), Ohio Power transferred to Ohio Electric its interest in the General James M. Gavin Generating Plant (Plant) located on the Ohio River near Cheshire, Ohio. The Plant consists of two 1,300,000 kilowatt fossil-fired steam electric generating units and associated equipment and facilities. Under the Power Agreement, Ohio Power shall be the sole purchaser of power and energy generated at the Plant by Ohio Electric. Ohio Electric states that it does not now own, and has no present plans to own, any electric facilities other than the Plant.

According to the Supplemental filing, Ohio Electric estimates that the annual revenues it will receive from sales of power to Ohio Power during the first twelve months following the date of commercial operation of Unit No. 1 at the General James M. Gavin Generating Plant will aggregate $147,790,000, or an avoregae of approximately $12,316,000 of revenue during each of the months of said period.

The effective date sought in the initial filing was August 5, 1974. Ohio Electric asks that the same date, August 5, 1974, be the effective date in this supplemental filing, and in order that such date be allowed, Ohio Electric seeks a waiver of the timely filing requirements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20982 Filed 9-10-74;8:45 am]

[Docket No. CP75-54]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

SEPTEMBER 5, 1974.

Take notice that on August 26, 1974, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP75-54 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing on the date of Commission authorization, and operation of certain natural gas facilities to enable applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

Applicant states that the total cost of the proposed facilities will not exceed $7,000,000, with no single project to exceed $1,000,000. Applicant states further that the proposed facilities will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20976 Filed 9-10-74;8:45 am]

[Docket No. CI75-110]

PHILLIPS PETROLEUM CO.

Application

SEPTEMBER 4, 1974.

Take notice that on August 16, 1974, Phillips Petroleum Company (Applicant), Bartlesville, Oklahoma 74004, filed in Docket No. CI75-110 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas in interstate commerce to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. from the Hog Bayou Field, offshore Cameron Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it was issued a certificate of public convenience and necessity in Docket No. G-16612 authorizing the sale of natural gas to Tennessee

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from reservoirs located down to a depth of 10,000 feet below sea level underlying certain leases in the Hog Bayou Field pursuant to the terms of an agreement between Applicant and Niagara Gas Transmission Limited (predecessor in interest to Tennessee) dated February 6, 1953, on file as Applicant's FPC Gas Rate Schedule No. 330. Applicant further states that said agreement will expire by its own terms on November 1, 1974. Applicant relates that subsequently its interest in all gas underlying said Hog Bayou Field leases down to a depth of 15,000 feet below sea level was committed to American Louisiana Pipe Line Company (predecessor in interest to Michigan Wisconsin Pipe Line Company (Mich-Wisc)), subject to the reservation of quantities of gas required to satisfy the prior commitment to Tennessee. Applicant states that the gas is committed to Mich-Wisc by contract dated March 5, 1965, as amended September 27, 1965, on file as Applicant's FPC Gas Rate Schedule no. 411.

In view of the expiration on November 1, 1974, of the contract for the sale of gas by Applicant to Tennessee and the commitment of such gas to Mich-Wisc thereafter, Applicant requests permission and approval for the abandonment of the sale of gas to Tennessee on November 1, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20907 Filed 9-10-74;8:45 am]

[Project No. 135]

PORTLAND GENERAL ELECTRIC CO.

Issuance of Annual License

SEPTEMBER 5, 1974.

On February 19, 1970, Portland General Electric Company, Licensee for Project No. 135, located in Clackamas County, Oregon, on the Clackamas River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee amended its application on November 19, 1970.

The License for Project No. 135 was issued effective September 27, 1922, for a period ending September 26, 1972. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending Commission action on Licensee's amended application, it is appropriate and in the public interest to issue an annual license to Portland General Electric Company for continued operation and maintenance of Project No. 135.

Take notice that an annual license is issued to Portland General Electric Company (Licensee) under section 15 of the Federal Power Act for the period September 27, 1974, to September 16, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 135, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20980 Filed 9-10-74;8:45 am]

[Docket No. E-8983]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Tendered Rate Schedules

SEPTEMBER 4, 1974.

Take notice that on August 19, 1974, Public Service Company of Oklahoma (PSCO) tendered for filing amended Service Schedule ES dated July 1, 1974 between PSCO and Western Farmers Electric Cooperative to replace the existing Service Schedule B Emergency Service dated May 1, 1966 Supplement 2 to Rate Schedule FPC 172. The company states that the change made in this amended Service Schedule ES is the rate at which emergency service would be supplied and paid for. The proposed rate for such service is the higher of 17.5 mills per kilowatt-hour; the cost of fuel, plus startup costs plus 5 mills per kilowatt-hour; or 110% of PSCO's costs to purchase energy from another supplier so long as the 10% margin does not exceed 2 mills per kilowatt hour. No estimate of sales was included in PSCO's filing. The company requests an effective date of July 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 13, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20912 Filed 9-10-74;8:45 am]

[Docket No. E-8994]

PUGET SOUND POWER & LIGHT CO.

Filing of Agreement

SEPTEMBER 4, 1974.

Take notice that on August 26, 1974, Puget Sound Power & Light Company (PSP) tendered for filing an agreement between PSP and the City of Oak Harbor, Washington for the sale of power and energy by PSP to Oak Harbor for resale to its marina customers.

PSP requests an effective date of September 1, 1974, for this Agreement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 16, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20910 Filed 9-10-74;8:45 am]

[Docket No. E-8895]

PUGET SOUND POWER & LIGHT CO.

Notice of Concurrence

SEPTEMBER 6, 1974.

Take notice that on July 29, 1974 Idaho Power Company (Idaho) tendered for filing a certificate of concurrence to the power supply agreement filed by Puget Sound Power and Light Company (Puget) on July 10, 1974, Docket No. E-8895.

The purpose of the agreement is to supply surplus power and energy from the Puget System to the Idaho system.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the

Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 10, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20955 Filed 9-10-74;8:45 am]

[Docket No. CI75-107]

SHELL OIL CO.

Notice of Petition for Declaratory Order Disclaiming Jurisdiction

SEPTEMBER 5, 1974.

Take notice that on August 19, 1974, Shell Oil Company (Petitioner), P.O. Box 2463, Houston, Texas 77001, filed in Docket No. CI75-107 a petition pursuant to § 1.7(c) of the Commission's rules of practice and procedure (18 CFR 1.7(c)) for declaratory order disclaiming jurisdiction over Petitioner's sale of gas to Air Products and Chemicals, Inc. (Air Products), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The petition states that in 1964, Petitioner made arrangements to sell gas it produced within the state of Louisiana to Air Products, an industrial purchaser located in the State of Louisiana. In order to supply gas to Air Products, Petitioner and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), entered into a transportation agreement dated August 13, 1964, which provides that Tennessee will transport for Petitioner gas from various specified delivery points, all within the State of Louisiana, serving Tennessee's Delta-Portland Line to the Yscloskey Processing Plant in St. Bernard Parish, Louisiana, for redelivery to Petitioner. Petitioner also entered into a contract dated August 13, 1964 (since amended), with Creole Gas Pipeline Corporation (Creole) which provided that Creole would purchase gas from Petitioner at the tailgate of the Yscloskey Plant, specifically for delivery to Air Products. By letter to Air Products, Petitioner warranted the availability of reserves to fulfill its delivery obligations under the Petitioner-Creole contract.

Petitioner claims that, although its contract with Creole might appear to be a sale for resale, said sale of gas is a direct sale by Petitioner to Air Products. In support of such claim Petitioner cites: (1) Petitioner's direct negotiations and letter commitment with Air Products (2) Petitioner's undertaking of a direct obligation to deliver a certain daily quantity of gas to Creole during the term of the Petitioner-Creole contract (which term was coextensive with the contract between Creole and Air Products) (3) the interrelationship between the aforementioned Petitioner-Creole and Petitioner-Air Products contracts, and (4) related circumstances.

Petitioner states that Creole, on behalf of Air Products, has recently requested Petitioner to increase deliveries of gas by 7,500 Mcf per day because of the desire of Air Products to increase its daily takes from Creole. In turn, Petitioner has requested that Tennessee increase the quantity of gas to be transported for Petitioner under the August 13, 1964, transportation agreement. However, Petitioner claims that Tennessee intends to file an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing the transportation by Tennessee of the gas already being delivered for Petitioner to the Yscloskey Processing Plant plus the additional volumes requested.

In explanation of Tennessee's position that certification by the Commission for said transportation is necessary, Petitioner points to proceedings in Docket Nos. CI75-45 and CP75-23. Petitioner states that in transactions among Tenneco, Tennessee, Creole and Air Products, which are similar to the transactions among Petitioner, Tennessee, Creole and Air Products, Tenneco and Tennessee have reversed their original position and now maintain that Commission authorization under secton 7(c) of the Natural Gas Act is required not only for transportation by Tennessee of the volumes to be sold to Creole for delivery to Air Products, but for the sale by Tenneco to Creole for resale to Air Products. Accordingly, Tenneco in Docket No. CI75-45 and Tennessee in Docket No. CP75-23 have filed applications for certificates of public convenience and necessity authorizing the sale for resale of gas in interstate commerce and the transportation of gas in interstate commerce, respectively.

Since the application filed by Tenneco in Docket No. CI75-45, the application filed by Tennessee in Docket No. CP75-23, and the anticipated application by Tennessee with respect to transportation of gas for Petitioner all involve Air Products, Petitioner requests that the Commission consolidate this cause with those proceedings and disclaim jurisdiction over Petitioner's sale of gas to Air Products.

Any person desiring ot be heard or to make any protest with reference to said petition for declaratory order should on or before September 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20968 Filed 9-10-74;8:45 am]

[Docket No. RI75-24]

SOHIO PETROLEUM CO.

Petition for Special Relief

SEPTEMBER 4, 1974.

Take notice that on August 28, 1974, Sohio Petroleum Company, (Petitioner), 1100 Penn Tower, Oklahoma City, Oklahoma 73118, filed a petition for special relief in Docket No. RI75-24, seeking a rate above the applicable area ceiling under Opinion No. 598. Petitioner seeks a price of 43 cents per Mcf plus tax reimbursement of 5.8625 cents per Mcf for the sale of gas to Florida Gas Transmission Company under its FPC Gas Rate Schedule No. 49 from the Wilberts B-2 Well in the Grosse Tete Field, West Baton Rouge Parish, Louisiana. The petition is based upon the installation of a subsurface water disposed system, which Petitioner states will cost $45,000.

Any preson desiring to be heard or to make any protest with reference to said petition should on or before September 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20906 Filed 9-10-74;8:45 am]

[Docket No. CI75-104]

TENNECO OIL CO.

Notice of Application

SEPTEMBER 4, 1974.

Take notice that on August 19, 1974, Tenneco Oil Company (Applicant), 3000 One Shell Plaza, Houston, Texas 77002, filed in Docket No. CI75-104 for a certificate of public convenience and necessity, for an interim period, with pre-granted abandonment, pursuant to Section 7 of the Natural Gas Act and § 2.75 of the Federal Power Commission's rules of practice and procedure. This Applicant seeks to authorize the sale to United of all gas produced from Applicant's Terrebonne Land Development Corporation, et al. No. 1 Well located in Section 3, Township 21, South, Range 16 East, Terrebonne Parish, Louisiana at a price of 72.8 cents per Mcf, subject to Btu adjustment. The complete details of the sale of

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this interim sale of gas are set out more fully in the application on file with the Federal Power Commission.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20914 Filed 9-10-74;8:45 am]

[Docket No. RP74-91-5]

TENNESSEE GAS PIPELINE CO.

Order Granting Emergency Relief and Reallocating Curtailment Period Quantity Entitlement

SEPTEMBER 5, 1974.

On July 15, 1974, Pennsylvania and Southern Gas Company (Pennsylvania), filed a petition pursuant to § 1.7 of the Commission's rules of practice and procedure requesting that the Commission (1) waive a penalty of $74,140 imposed by Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) for violation of Tennessee's curtailment plan during the January–March, 1974, curtailment or retroactively transfer the amount of the overrun (7,414 Mcf) from the April–October curtailment period to the January–March curtailment period, and (2) direct and give Tennessee authorization to restructure its 1974 allocation to Pennsylvania.

Pennsylvania states that upon receipt of notice of the volumetric limitation of gas supply program from Tennessee, and in advance of the implementation of the program, Pennsylvania made extensive provisions to comply with the curtailment program and to hold total deliveries within the 880,000 Mcf allocation for the January–March curtailment period. Pennsylvania was unable to stay within its curtailment period quantity entitlement despite its March 12, 1974, cutoff of all interruptible service to industries, schools, and commercial users. An overrun of 7,414 Mcf occurred, thereby incurring a penalty of $74,140 ($10 per Mcf). Pennsylvania requests that the penalty imposed for the unauthorized overrun be waived or that the Commission retroactively move 7,414 Mcf to the January–March curtailment period from the allocation for the April–October period. We agree with Pennsylvania that waiver of the penalty in the instant proceeding is in order. It appears that Pennsylvania pursued every avenue open to it to control daily deliveries short of completely shutting off gas supplies to many small industries and communities. We shall also transfer the 7,414 Mcf since this will insure that Pennsylvania receives the same total yearly allotment of gas.

Pennsylvania also requests that its 1974 allocation be restructured by authorizing and directing Tennessee to transfer 48,000 Mcf from the April–October curtailment period to the November–December curtailment period. Since the reallocation will afford Pennsylvania a greater margin of safety with respect to avoiding overruns when it is most vulnerable to such a problem because of possible weather variations affecting residential heating loads, we shall grant Pennsylvania's request.

The Commission finds: (1) That Tennessee should waive the $74,140 penalty imposed on Pennsylvania for violation of its curtailment plan for overrun committed during the January–March, 1974, curtailment period.

(2) That Tennessee should transfer 7,414 Mcf to the January–March, 1974, curtailment period from the April–October, 1974, curtailment period.

(3) That Tennessee should be directed and authorized to restructure Pennsylvania's 1974 gas allocation by transferring 48,000 Mcf from the April–October, 1974, curtailment period to the November–December, 1974, curtailment period.

The Commission orders: (A) Tennessee to waive the $74,140 penalty imposed on Pennsylvania for violations of Tennessee's curtailment plan for overruns committed during the January–March, 1974, curtailment period.

(B) Tennessee to transfer 7,414 Mcf to the January–March, 1974, curtailment period from the April–October, 1974, curtailment period.

(C) Tennessee to transfer 48,000 Mcf from the April–October, 1974, curtailment period to the November–December, 1974, curtailment period.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-20967 Filed 9-10-74;8:45 am]

[Docket No. CP75-56]

TRUNKLINE GAS CO.

Notice of Application

SEPTEMBER 5, 1974.

Take notice that on August 26, 1974, Trunkline Gas Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP75-56 an application pursuant to section 7 (b) and (c) of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval of the abandonment, for the 12-month period commencing on the date of Commission authorization, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $3,000,000, nor will the cost of any single project exceed $500,000. Applicant states that the proposed facilities will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20963 Filed 9-10-74;8:45 am]

[Docket No. E-8978]

VERMONT ELECTRIC POWER CO., INC.

Filing of Rate Schedule

SEPTEMBER 4, 1974.

Take notice that by letter dated July 22, 1974, the Vermont Electric Power Company, Inc. tendered for filing with the Federal Power Commission a purchase agreement for the sale by Vermont Electric Power Company, Inc. of 45,000 kilowatts of electric power from an electric generating facility located in Bow, New Hampshire, owned by the Public Service Company of New Hampshire, designated as Merrimack No. 2, to the Connecticut Light and Power Company and the Hartford Electric Light Company.

Service under this Rate Schedule began on April 30, 1974, and will terminate on October 31, 1974. Applicant estimates that the amount of power to be sold under the contract/rate schedule in the months of May 1974 through October 1974 will be 24,500,000 kilowatt hours per month.

Applicant additionally requests that May 1, 1974 be designated as the effective date of this rate schedule.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20909 Filed 9-10-74;8:45 am]

[Docket No. E-8977]

VIRGINIA ELECTRIC AND POWER CO.

Filing of Contract Supplement

SEPTEMBER 4, 1974.

Take notice that by letter dated August 14, 1974, the Virginia Electric and Power Company filed with the Federal Power Commission a Contract Supplement dated July 9, 1974, to the agreement designated as Applicant's Rate Schedule FPC No. 87-20 between Applicant and the Virginia Electric Cooperative. Applicant requests Commission authorization for connection of a new delivery point located north of Route 30 near King William Courthouse in King William County, Virginia, to be designated the White Shop delivery point.

Applicant additionally requests that Commission authorization become effective on the date of connection of facilities which is now expected to occur in November 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20911 Filed 9-10-74;8:45 am]

[Docket No. E-8990]

VIRGINIA ELECTRIC AND POWER CO.

Contract Supplement

SEPTEMBER 4, 1974.

Take notice that on August 26, 1974, Virginia Electric and Power Company (Virginia) tendered for filing a Contract Supplement dated July 9, 1974, to the Agreement designated as Virginia's Rate Schedule FPC No. 84-26 between Virginia and Shenandoah Valley Electric Cooperative (Shenandoah). Said supplement requests Commission authorization for the relocation of metering facilities from 24 kV to 34.5 kV at Mount Jackson Delivery Point, located west of Route 698 near Mount Jackson, Shenandoah County, Virginia. The delivery voltage will remain at 34.5 kV.

Virginia requests the effective date be that of the date of connection of facilities, which is July 16, 1974. Virginia asserts that due to an oversight, the supplement to the contract was not prepared in advance of July 16, 1974, thus preventing a timely filing. For the proposed effective date to be allowed, Virginia requests a waiver of the timely filing requirements. Virginia further asserts that as no increase in the unit cost of electricity to Shenandoah will take place, a waiver of the billing data requirements be allowed.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20908 Filed 9-10-74;8:45 am]

[Docket No. E-8158]

WISCONSIN POWER AND LIGHT CO.

Order Approving Settlement Agreement With Condition

SEPTEMBER 4, 1974.

On April 18, 1974, Wisconsin Power and Light Company (Wisconsin) tendered for filing a proposed Stipulation and Agreement between Wisconsin and the Adams-Marquette Rural Electric Cooperative, Central Wisconsin Electric Cooperative, Columbus Rural Electric Cooperative, Rock County Electric Cooperative, Columbus Rural Electric Cooperative, and Washura Electric Cooperative (Cooperatives) and the Municipal Wholesale Power Group (Municipals).

On April 27, 1973, Wisconsin tendered for filing proposed rate increases for the Cooperatives under Rate Schedule W-2 and for the Municipals under Rate Schedule W-3. These rate changes were accepted for filing and the use thereof suspended until September 1, 1973, by order issued June 26, 1973. This same order also established a procedural schedule for the service of evidence and for hearing. Wisconsin, the Cooperatives, the Municipals and the Commission Staff engaged in settlement negotiations which produced this Stipulation and Agreement. The substantive provisions of the agreement are as follows:

1. *Rate Increase:* The rate schedules are to be amended to provide for an increase in rates to the customers served under the W-2 and W-3 Rate Schedules to provide for an increase in rates of $550,000. The original filing represented an increase of $926,000.

2. *Commission Acceptance:* The parties recommend that the Commission accept the amended rate schedules for filing to be effective September 1, 1973.

3. *Refunds:* Wisconsin is to refund to its customers the amounts collected since September 1, 1973, in excess of the amounts which would have been collected under the amended rate schedules in 1, supra, with interest at 7 percent per annum.

4. *Mobile Sierra:* Cooperatives and Municipals waive any objections they may have under the *Mobile-Sierra*[1] rule to this rate increase and to the proposed changes in the tariffs and rate schedules in this Stipulation and Agreement.

5. *Purchase of All Requirements:* Wisconsin is to delete language in the availability clause in its rate schedules which requires Cooperatives and Municipals to purchase all of their requirements from Wisconsin and substitute new language therefor. Such new language does not require the customers to purchase all their requirements from Wisconsin, but does require the customer to enter an appropriately amended contract in the event the customer takes its requirements from other suppliers.

6. *Termination:* The Commission is to terminate the proceedings in this docket by order.

[1] *United Gas Pipeline Company* v. *Mobile Gas Service Cooperative*, 350 U.S. 344 (1956); *F.P.C.* v. *Sierra Pacific Power Company*, 350 U.S. 348 (1956).

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Notice of this proposed settlement Agreement was issued on April 24, 1974, with comments and protests due on or before May 10, 1974. The Commission Staff filed the only such comments on May 1, 1974. Wisconsin filed a response to Staff's comments on May 16, 1974.

Staff comments indicate that the proposed Settlement is acceptable except for the inclusion in the rate schedules of language which would prohibit the sales of energy to other electric utilities or distributors by the customers while they are taking service from Wisconsin without express permission from Wisconsin. Staff also states that interconnections are similarly prohibited. Staff states that, while the availability clause has been amended to permit the customers to purchase from others, this restriction on resales renders the amendment of the availability clause meaningless, as the Company retains authority over the availability of the energy it sells. Staff states that this result is unduly restrictive, as language which prohibits further wholesaling of electric energy may be anticompetitive and contrary to the public interest.[1]

Wisconsin's response to Staff's comments proposes a revision in the language objected to. It states that its concern is with the effect of interconnections on the system. The new language would permit interconnection where the integrity of the system is not impaired and where the customer paid the cost of maintaining the integrity of the system.

The new language provides:

> While taking service from the Company under this schedule, the Customer shall not sell or otherwise dispose of electrical energy to any other electrical utility or electric distributing agency, unless such action is expressly permitted in writing by the Company, which permission shall not be unreasonably withheld.
>
> Except as provided for in the preceding paragraph, electrical connection of the Customer's utility or electric distributing agency will be permitted when such interconnection can be accomplished without impairing the integrity of the Company's system. In the event of such interconnection, the cost of establishing and maintaining integrity of the Company system shall be borne by the Customer.

Wisconsin states that the objective of these conditions is not anticompetitive, but based on the difference in rate levels of the two classes of customers, which is premised on differing load factors. It states that if a cooperative were to resell to a municipal utility, the justification for the lower rate would no longer exist. It further states that continuing Commission jurisdiction over these wholesale rates would prohibit the application of these provisions for anticompetitive purposes.

We note that the proposed restriction on resales and interconnections as amended by the new language proposed by Wisconsin's response to Staff comments is unduly restrictive and may be anticompetitive and contrary to the public interest. Therefore, we shall condition approval of the proposed settlement to require removal of the restrictive clause within 30 days of the issuance of this order.

Our review of the proposed settlement shows that it will provide a reasonable and appropriate resolution of the issues raised by Wisconsin's rate increase filing except for the restrictive clause as noted above. We shall therefore approve the proposed Stipulation and Agreement subject to the condition that the restrictive clause contained therein, as amended by the language proposed in Wisconsin's response to Staff comments, shall be removed within 30 days.

The Commission finds: Approval of the proposed Stipulation subject to the condition as hereinafter ordered is just and reasonable in the public interest in carrying out the provisions of the Federal Power Act.

The Commission orders: (A) The proposed Stipulation is incorporated herein by reference and made effective September 1, 1973, subject to the terms and conditions to this order.

(B) Wisconsin shall comply fully with each provision of the Stipulation and the terms and conditions of this order.

(C) Wisconsin shall remove from the proposed Stipulation the proposed restriction on resales and interconnections within 30 days of the issuance of this order.

(D) Within 30 days of the issuance of this order Wisconsin shall file the rate schedules contained in the proposed Stipulation.

(E) Within 30 days of the filing of the revised rate schedules, Wisconsin shall refund to its customers the difference between the amounts collected since September 1, 1973, under the rate schedules currently in effect and the amount which would have been collected under the proposed settlement rates, with interest at 7% per annum.

(F) Wisconsin shall file with the Commission, concurrently with the refunds ordered in Paragraph (D), a schedule of such refunds.

(G) This order is without prejudice to any findings or orders which have been or will be made by the Commission and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Wisconsin, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Wisconsin or any other person or party.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-20917 Filed 9-10-74;8:45 am]

[1] *Carolina Power and Light Company*, Docket No. E-7918, issued March 12, 1973.

[Docket No. R175-25]

RATE CHANGES

Order Providing for Hearing on and Suspension of Proposed Changes, and Allowing To Become Effective Subject to Refund

AUGUST 30, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.-102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
R175-25	Continental Oil Co.	259	[1] 19	El Paso Natural Gas Co. (Blanco Pictured Cliffs Area, San Juan County, N. Mex., San Juan Basin) (Rocky Mountain Area).	$415	7-31-74	----------	10-1-71	[2] 22.0	[2] 24.7680	

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Applies to acreage added by Supplement Nos. 6 and 8 dated after Oct. 1, 1968.
[2] Subject to Btu adjustment up and down from 1,000 Btu.

APPENDIX A

The proposed rate increase of Continental Oil Company exceeds the applicable area ceiling rate in Order No. 435 and is suspended for one day.

In regard to any sales of natural gas for which the proposed increased rate is filed under the provisions of Opinon No. 699, issued June 21, 1974, in Docket No. 3-89-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74-20806 Filed 9-10-74;8:45 am]

[Docket Nos. RI75-26]

RATE CHANGES

Order Providing for Hearing on and Suspension of Proposed Changes and Allowing To Become Effective Subject to Refund

SEPTEMBER 4, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter 1], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI75-26	The Superior Oil Co.	162	[1] 9	El Paso Natural Gas Co. (Rojo Caballos Field, Pecos Co., Tex.) (Permian Basin).	----------	8-5-74	9-5-74	[2] Accepted	----------		
			[3] 10	do	$37,392	8-5-74	9-5-74	[2] Accepted	----------		[4]
			[3] 11	do	18,760	8-5-74	----------	2-5-74	34.11	34.8917	

* Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Contract agreement dated July 26, 1974.
[2] Applicable only to production from the Fred Schlosser Estate No. 1 (Ellenburger) Well.
[3] Accepted to become effective Sept. 5, 1974, 30 days after filing.

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APPENDIX A

The proposed rate increase of Superior Oil Company to 34.8917 cents per Mcf is suspended for five months because it exceeds the applicable area ceiling rate in the Permian Basin Area.

[FR Doc.74-20807 Filed 9-10-74;8:45 am]

FEDERAL RESERVE SYSTEM

CHARTER BANCSHARES, INC.

Order Approving Formation of Bank Holding Company

Charter Bancshares, Inc., Northfield, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of Bank of Winfield, Winfield, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired. The application and all comments and views received have been considered in light of the public interest factors in section 3(c) of the Act (12 U.S.C. 1842(c)).

Bank, with deposits of $6.0 million as of December 31, 1973, is the 886th largest bank in Illinois, and holds 0.011 per cent of total State deposits. Bank is the 261st largest of 278 banks in the Chicago banking market with 0.015 per cent of total commercial bank deposits.

Applicant was recently organized by persons who control Bank and the proposal represents a corporate reorganization whereby those same persons will indirectly control Bank through Applicant. Among those persons who presently control Bank, are several who are principals in two other one-bank holding companies. The combined deposits of these three banking organizations account for 0.17 percent of the Chicago banking market's total deposits. Consummation of the subject proposal is not expected to result in any adverse competitive effects, nor will it result in undue concentration of banking resources in any relevant market.

The financial condition, managerial resources, and future prospects of Bank appear to be generally satisfactory. The management of Applicant is composed in part from Bank's directorate; and the financial condition of Applicant and its prospects, which will depend largely upon Bank at least initially, appear to be satisfactory.

Although consummation of the subject proposal will not result in any immediate public benefits, in the future the local community served by Bank should benefit from some convenience-related services. It is the Board's judgment that the transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

By order of the Board of Governors,[1] effective August 30, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-20935 Filed 9-10-74;8:45 am]

EASTERN BANK CORP.

Formation of Bank Holding Company

Eastern Bank Corporation, Bay Port, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 62.46 percent or more of the voting shares of Imlay City State Bank, Imlay City, Michigan; 55.98 percent or more of the voting shares of Akron State Bank, Akron, Michigan; and 54.38 percent or more of the voting shares of Bay Port State Bank, Bay Port, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 3, 1974.

Board of Governors of the Federal Reserve System, September 5, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-20937 Filed 9-10-74;8:45 am]

FARMERS ENTERPRISES, INC.

Formation of Bank Holding Company

Farmers Enterprises, Inc., Albert, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 84.2 percent of the voting shares of The Farmers State Bank, Albert, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Farmers Enterprises, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to continue to engage in the activities of a general insurance agency, including the sale of fire, casualty, automobile and credit life and health insurance. Such insurance activities will be conducted at the offices of The Farmers State Bank in Albert, Kansas, a community that has a population of less than 5,000 persons. Notice of the application was published on May 29, 1974, in The Great Bend Daily Tribune, a newspaper circulated in Albert, Kansas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 3, 1974.

Board of Governors of the Federal Reserve System, September 5, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-20939 Filed 9-10-74;8:45 am]

FIRSTBANK HOLDING CO.

Formation of Bank Holding Company

Firstbank Holding Company, Marietta, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Firstbank of Marietta, Marietta, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 25, 1974.

[1] Voting for this action: Vice Chairman Mitchell, and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

Board of Governors of the Federal Reserve System, September 3, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-20942 Filed 9-10-74;8:45 am]

FIRST MACOMB CORP.

Formation of Bank Holding Company

First Macomb Corporation, Mount Clemens, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of the successor by consolidation to Mount Clemens Bank, Mount Clemens, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 25, 1974.

Board of Governors of the Federal Reserve System, August 30, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-20889 Filed 9-10-74;8:45 am]

FIRST NATIONAL CHARTER CORP.

Acquisition of Bank

First National Charter Corporation, Kansas City, Missouri, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First National Bank of Richmond, Richmond, Missouri. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 1, 1974.

Board of Governors of the Federal Reserve System, September 3, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-20943 Filed 9-10-74;8:45 am]

SECURITY BANKSHARES, INC.

Acquisition of Bank

Security Bankshares, Inc., Waco, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of City State Bank in Wellington, Wellington, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 1, 1974.

Board of Governors of the Federal Reserve System, September 5, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-20938 Filed 9-10-74;8:45 am]

TENNESSEE VALLEY BANCORP, INC.

Order Approving Acquisition of Tennessee Valley Life Insurance Company

Tennessee Valley Bancorp, Inc., Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Tennessee Valley Life Insurance Company ("Company"), Phoenix, Arizona, a company to be organized de novo to engage in the underwriting, as reinsurer, of credit life insurance in connection with extension of credit by Applicant's subsidiaries. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors has been duly published (39 FR 24541). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant controls eight banks with aggregate deposits of $935 million representing about 8 percent of total deposits in commercial banks in Tennessee.[1] Company will be formed under Arizona law as a full reserve life insurance company. Since Company will be qualified to underwrite insurance directly only in Arizona, its activities will be limited to acting as reinsurer of credit life insurance policies made available in connection with extensions of credit by Applicant's subsidiaries located in Tennessee. Such insurance would be directly underwritten by an insurer qualified to underwrite in Tennessee and would thereafter be assigned or ceded to Company under a reinsurance agreement.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to insure payment of a loan in the event of death or disability of a borrower. In connection with the addition of the underwriting of such insurance to the list of permissible activities for bank holding companies, the Board has stated:

> To insure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an Applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that it will provide credit life insurance at rates that are 6.7 percent below the maximum rate of 75 cents per $100 of coverage as authorized by Tennessee. The Board believes that a reduction of this magnitude in the price of credit life insurance is a consideration favorable to the public interest. The Board concludes, therefore, that such public benefit, in the absence of any evidence in the record indicating the presence of any adverse statutory factors, provides support for the approval of the application to underwrite credit life insurance.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of the holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective September 4, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-20936 Filed 9-10-74;8:45 am]

[1] All banking data are as of December 31, 1973, and represent bank holding company acquisitions approved by the Board through July 31, 1974.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland, and Wallich. Absent and not voting: Governor Bucher.

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TRUST COMPANY OF GEORGIA

Acquisition of Bank Shares Held in a Fiduciary Capacity

Trust Company of Georgia, Atlanta, Georgia, has applied for the Board's permission under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to retain indirectly, through its wholly owned subsidiary, Trust Company of Georgia Associates, Atlanta, Georgia, 6.77 percent of the voting shares of Lowndes Bank of Clarksburg, Clarksburg, West Virginia, which shares are held by a subsidiary of Trust Company of Georgia Associates, The First National Bank & Trust Company in Macon, Macon, Georgia, in a fiduciary capacity with sole voting rights thereto as executor under a will. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 1, 1974.

Board of Governors of the Federal Reserve System, September 3, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-20940 Filed 9-10-74;8:45 am]

UNITED BANCSHARES OF NEBRASKA, INC.

Formation of Bank Holding Company

United Bancshares of Nebraska, Inc., Lincoln, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Old Mill National Bank, Douglas County, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than September 25, 1974.

Board of Governors of the Federal Reserve System, September 3, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-20941 Filed 9-10-74;8:45 am]

UNITED CAROLINA BANCSHARES CORP.

Order Approving Acquisition of Hometown Loan Corporation

United Carolina Bancshares Corporation, Whiteville, North Carolina, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Hometown Loan Corporation, Manchester, Georgia ("Company"), a company that engages in the activities of a consumer finance company and as sales agent for credit life, credit disability, and credit physical damage insurance directly related to its extensions of credit. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 19287). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the sixth largest banking organization in North Carolina, controls four banks with aggregate deposits of $348.2 million, representing three percent of the total deposits in commercial banks in the State.[1] Applicant's nonbanking subsidiaries engage in activities including consumer finance and making and servicing mortgage loans.

Company is a consumer loan company[2] operating under the Georgia Industrial Loan Act and is permitted to make personal cash loans not in excess of $2,500. It operates nine offices in the southwestern portion of Georgia and, as of January 31, 1974, had total net receivables of $2.6 million, which represents less than one percent of the total amount of such loans outstanding in the State. Applicant's consumer finance subsidiary, First Credit Corporation, Shallotte, North Carolina ("First Credit"), operates four offices in North Carolina and makes personal cash loans not in excess of $900. As of year end 1973, First Credit had total outstandings of $1.5 million. The closest office of First Credit to any office of Company is over 350 miles and it appears that First Credit does not derive any business from the geographic areas served by Company, and conversely, Company does not operate in any areas served by Applicant's lending subsidiaries. Accordingly, consummation of the proposal would not eliminate any existing competiton between Applicant and Company. Furthermore, Applicant is not considered to be a likely de novo entrant into areas served by Company in view of the size of the towns in which Company operates and their respective distances from Applicant. On the basis of these facts, the Board concludes that consummation of this proposal would have no adverse effect on existing or future competition.

Company is also engaged in the sale of credit life, credit disability, and credit physical damage insurance directly related to its extensions of credit and these insurance activities have been determined by the Board to be closely related to banking under § 225.4(a)(9)(ii) of Regulation Y. In addition, Company sells level term credit life insurance in connection with its installment loans.[3] Such insurance activities are permissible for bank holding companies, pursuant to § 225.4(a)(9)(iii) of Regulation Y, in communities with populations not exceeding 5,000 persons.[4] The balance of Company's insurance activities are in accordance with § 225.4(a)(9)(ii)(c) of Regulation Y. From the facts of record, and in view of the nature of Company's insurance business, it does not appear that the continuation of these insurance activities upon approval of the application would have any adverse effect on existing or future competition.

Consummation of the transaction would increase the financial resources available to Company, thereby enabling it to better serve the residents of the local areas in which Company operates. Applicant would also provide management direction and assist Company in becoming a more effective competitor in those areas. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond.

[1] All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved by the Board through July 31, 1974.

[2] Company also owns a furniture and jewelry store, but Applicant has committed that those activities will be divested by Company prior to the date of consummation of the acquisition.

[3] The Board does not regard the sale of level term credit life insurance in connection with installment lending as being directly related to an extension of credit under § 225.4(a)(9)(ii) of Regulation Y. (See application of Fidelity Corporation of Pennsylvania to acquire Local Finance Corporation, 1973 Federal Reserve *Bulletin* 472).

[4] In eight of the nine towns in which Company sells level term credit life insurance, the population is less than 5,000 persons.

By order of the Board of Governors,[5] effective August 30, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-20934 Filed 9-10-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

H & L COAL CO. AND MARY E. COAL CO. INC.

Applications for Renewal Permits; Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4076-000, H & L Coal Co., Mine No. 1, Mine ID No. 44 01776 0, Hurley, Va.:
ICP Permit No. 4076-007 (Jeffrey Miner, Ser. No. 33943).

(2) ICP Docket No. 4225-000, Mary E. Coal Co., Inc., Mine No. 2, Mine ID No. 44 00526 0, Whitewood, Va.:
ICP Permit No. 4225-001 (S&S 88 Tractor, I.D. No. ME-4),
ICP Permit No. 4225-002 (S&S 88 Tractor, Ser. No. 2161),
ICP Permit No. 4225-003 (S&S 120 Tractor, Ser. No. 43063),
ICP Permit No. 4225-004 (S&S 120 Tractor, Ser. No. 82984),
ICP Permit No. 4225-005 (S&S 100 Tractor, Ser. No. 9216),
ICP Permit No. 4225-012 (Stacy Spinner Loading Machine, I.D. No. S-SWB-ME-3),
ICP Permit No. 4225-013 (Stacy Spinner Loading Machine, I.D. No. S-SB-EH-ME-2),
ICP Permit No. 4225-014 (Stacy Spinner Loading Machine, I.D. No. S-SB-ME-1),
ICP Permit No. 4225-015 (Royal Cutting Machine, I.D. No. R-ME-2),
ICP Permit No. 4225-016 (Royal Cutting Machine, I.D. No. R-ME-1),
ICP Permit No. 4225-017 (Goodman 212 Cutting Machine, I.D. No. G-212-ME-3).

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

SEPTEMBER 4, 1974.

[FR Doc.74-20899 Filed 9-10-74;8:45 am]

M & C COAL CO. INC.

Application for Renewal Permit; Electric Face Equipment Standard; Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 has been received for the item of equipment in underground coal mine as follows:

ICP Docket No. 4061-000, M & C Coal Company, Inc.,
Mine No. 1, Mine ID No. 46 01973 0, Northfork, West Virginia,
ICP Permit No. 4061-001-R-1 (Kersey 944 Rubber Tire Tractor, I.D. No. 100).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before September 26, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

C. DONALD NAGLE,
Vice Chairman, Interim Compliance Panel.

SEPTEMBER 6, 1974.

[FR Doc.74-20898 Filed 9-10-74;8:45 am]

PECCO COAL CO. INC. ET AL.

Applications for Renewal Permits; Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4193-000, Pecco Coal Co., Inc., Mine No. 4, Mine ID No. 15 04236 0, Belfry, Ky.:
ICP Permit No. 4193-003-R-1 (Porter Battery Lizard, I.D. No. 12).
(2) ICP Docket No. 4197-000, Hobbs Bros. Coal Co., Inc., Mine No. 7, Mine ID No. 44 02705 0, Whitewood, Va.:
ICP Permit No. 4197-003 (S&S 80 Tractor, I.D. No. HB-1-7),
ICP Permit No. 4197-004 (S&S 88 Tractor, Ser. No. 1462),
ICP Permit No. 4197-005 (Stacy Spinner Loading Machine, I.D. No. S-SB-EH-EB-1),
ICP Permit No. 4197-009 (Goodman 212 Cutting Machine, I.D. No. G-212-HB-2-7).
(3) ICP Docket No. 4226-000, Hobbs Bros. Coal Co., Inc., Mine No. 15, Mine ID No. 44 00593 0, Whitewood, Va.:
ICP Permit No. 4226-005 (S&S 80 Tractor, I.D. No. HB-3-13),
ICP Permit No. 4226-008 (S&S 80 Battery Tractor, I.D. No. HB-5-15),
ICP Permit No. 4226-010 (Stacy's Spinner Loading Machine, I.D. No. S-SB-HB-2).
(4) ICP Docket No. 42900-000, Broyles & Dotson Coal Co., Mine No. 6, Mine ID No. 44 01539 0, Hurley, Va.:
ICP Permit No. 4290-006 (Epling GS102 3-Wheel Battery Powered Tractor, I.D. No. 6),
ICP Permit No. 4290-007 (Epling GS204 3-Wheel Battery Powered Tractor, I.D. No. 7).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before September 26, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

SEPTEMBER 4, 1974.

[FR Doc.74-20900 Filed 9-10-74;8:45 am]

INTERNATIONAL JOINT COMMISSION UNITED STATES AND CANADA

FURTHER REGULATION OF GREAT LAKES WATER LEVELS

Notice of Public Hearings

The Governments of Canada and the United States requested the International Joint Commission to determine whether it would be practicable and in the public interest to further regulate the Great Lakes or any of them so as to bring about a more beneficial range of water levels. The Commission's enquiry has entered its final phase with receipt of the technical report of its International Great Lakes Levels Board. Before

[5] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns.

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preparing its own report and recommendations to the two Governments, the Commission will conduct hearings to obtain the public's views concerning further regulation of Great Lakes Water Levels and its reactions to the Board's report.

Copies of the Board's report and an illustrated summary may be obtained without charge from the Secretary of either section upon request.

The hearings required by Treaty are international in nature and irrespective of the location in which they are being held, the citizens of both the United States and Canada are invited to attend and participate. At the hearings, information, statements and views may be presented orally or in writing. If written statements are to be submitted, it is requested that if possible, thirty (30) copies be provided 10 days before the hearing for the Commission's use. Additional copies may be deposited with the Secretaries at the hearings for the use of the news media and others present.

Times and Places of Hearings

Monday, October 21, 1974, 10 a.m., McGregor Memorial Conference Center, Wayne State University, Detroit, Mich.

Wednesday, October 23, 1974, 2 p.m. and 8 p.m., Centennial Room, Municipal Library, Sault Ste. Marie, Ontario.

Friday, October 25, 1974, 3 p.m. and 8 p.m., City Council Chambers, City Hall, Thunder Bay, Ontario.

Wednesday, November 6, 1974, 10 a.m., Ramada Inn, 2967 Henry Street, Muskegon, Mich.

Thursday, November 7, 1974, 3 p.m. and 8 p.m., Ramada Inn—Airport, 6401 South 13th Street, Milwaukee, Wis.

Friday, November 8, 1974, 3 p.m. and 8 p.m., Radisson Hotel, Great Hall, 505 West Superior St., Duluth, Minn.

Monday, November 18, 1974, 10 a.m., National Aeronautics and Space Administration, Lewis Research Center, Auditorium, 2100 Brook Park Road (near Hopkins Airport), Cleveland, Ohio.

Wednesday, November 20, 1974, 10 a.m., Flagship Rochester, Stuart Room, 70 State Street, Rochester, N.Y.

Thursday, November 21, 1974, 3 p.m., Board of Control Chambers, City Hall, Hamilton, Ontario.

Friday, November 22, 1974, 2 p.m. and 8 p.m., Holiday Inn, Owen Sound, Ontario.

Friday, December 6, 1974, 2 p.m. and 8 p.m., Montreal, Quebec (location to be announced).

William A. Bullard, Secretary, U.S. Section, International Joint Commission, 1717 H Street NW., Room 203, Washington, D.C. 20440, Phone: (202) 296-2142.

David G. Chance, Secretary, Canadian Section, International Joint Commission, 151 Slater Street, Suite 850, Ottawa, Ontario, Canada K1P 51, Phone: (613) 992-2945.

SEPTEMBER 5, 1974.

[FR Doc.74-20892 Filed 9-10-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-56]

DIRECT AWARDS OF $10 MILLION OR MORE

List of Aerospace Contractors

The following is a list of aerospace contractors which received direct NASA awards totalling $10 million or more in Fiscal Year 1974. This list is published pursuant to section 6 of Public Law 91-119, as amended by section 7 of Public Law 91-303 (84 Stat. 372; 42 U.S.C. 2462, 1970 Supp.). For related NASA reporting requirements, see 14 CFR Part 1208.

American Airlines, Inc.
633 Third Avenue
New York, NY 10017

The Bendix Corp.
Bendix Center
Southfield, MI 48076

The Boeing Company
7755 East Marginal Way
Seattle, WA 98124

California Institute of Technology
1201 E. California Blvd.
Pasadena, CA 91109

Chrysler Corp.
P.O. Box 757
Detroit, MI 48231

Computer Sciences Corp.
650 N. Sepulveda Blvd.
El Segundo, CA 90245

Fairchild Industries, Inc.
20301 Century Blvd.
Germantown, MD 20767

Federal Electric Corp.
621 Industrial Avenue
Paramus, NJ 07652

General Dynamics Corp.
Pierle Laclede Center
St. Louis, MO 63105

General Electric Company
3135 Easton Turnpike
Fairfield, CT 06431

Grumman Aerospace Corp.
South Oyster Bay Road
Bethpage, NY 11714

Harris Corp.
55 Public Square
Cleveland, OH 44113

Honeywell, Inc.
2701 Fourth Avenue South
Minneapolis, MN 55408

Hughes Aircraft Company
Centinela Avenue & Teale Street
Culver City, CA 90230

International Business Machines Corp.
Old Orchard Road
Armonk, NY 10504

LTV Aerospace Corp.
P.O. Box 5907
Dallas, TX 75222

Litton Systems, Inc.
360 North Crescent Drive
Beverly Hills, CA 90210

Lockheed Electronics Co., Inc.
U.S. Highway 22
Plainfield, NJ 07601

Martin Marietta Corp.
277 Park Avenue
New York, NY 10017

McDonnell Douglas Corp.
P.O. Box 516
St. Louis, MO 63166

Morrison-Knudsen Co., Inc.
P.O. Box 7808
Boise, ID 83729

Northrop Services, Inc.
500 East Orangethorpe Avenue
Anaheim, CA 92801

Philco-Ford Corp.
Union Meeting Road
Blue Bell, PA 19422

RCA Corp.
30 Rockefeller Plaza
New York, NY 10020

Rockwell International Corp.
600 Grant Street
Pittsburgh, PA 15219

Sperry Rand Corp.
1290 Avenue of the Americas
New York, NY 10019

TRW, Inc.
23555 Euclid Avenue
Cleveland, OH 44117

Teledyne Industries, Inc.
1901 Avenue of the Stars
Los Angeles, CA 90067

Textron, Inc.
40 Westminster Street
Providence, RI 02903

Thiokol Corp.
P.O. Box 27
Bristol, PA 19007

United Aircraft Corp.
400 Main Street
East Hartford, CT 06108

J. O'NEIL MACKEY, JR.,
Acting Assistant Administrator for Procurement.

[FR Doc.74-20893 Filed 9-10-74;8:45 am]

TARIFF COMMISSION

[TEA-W244]

BLUE RIDGE SHOE CO.

Notice of Investigation Regarding Workers' Petition for Determination

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Tifton, Georgia, plant of Blue Ridge Shoe Company, Wilkesboro, North Carolina, a wholly-owned subsidiary of Melville Shoe Corp., Harrison, New York, the United States Tariff Commission on September 6, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for men and boys (of the types provided for in item 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before September 23, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located at 6 World Trade Center.

Issued: September 6, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-20905 Filed 9-10-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

SCIENCE ADVISORY STAFFS

Notice of Meeting With Representatives of Scientific and Professional Societies

In order to improve channels of communication with members of scientific and professional societies, the Science Advisory Staffs hold informal discussions from time to time with various representatives of these societies to discuss issues of mutual interest. While these ad hoc informal discussions with the Science Advisory Staffs are not considered to be meetings of "advisory committees" as that term is defined in section 3 of the Federal Advisory Committee Act (P.L. 92-436), these sessions are believed to be of sufficient importance and interest to the general public to have them opened for public attendance and observation.

A meeting of representatives of various scientific and professional societies with the Science Advisory Staffs is scheduled to be held on Thursday, October 10, 1974, in the Board Room of the National Science Foundation, Room 540, at 1800 G Street NW., Washington, D.C. 20550. The meeting will begin at 9 o'clock a.m. and will conclude at or about 4 o'clock p.m. The subject matters for discussion include:

(1) The Development of Policy Alternatives within Societies.

(2) Public Interactions of Societies in Policy Areas.

(3) Society Programs—Present activities and Future Plans.

(4) Future Interactions between the NSF Science and Technology Policy Office and Scientific and Professional Societies.

Members of the public are invited to observe this meeting. Space will be available on a first-come, first-served basis. Public participation is limited to questions or statements submitted to the Chairman in writing or to such oral presentations as the Chairman may permit within available time. Persons wishing to attend such meeting are requested to either write or phone Dr. Robert Hughes, Science and Technology Policy Office, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550, telephone 202/632-9495.

Dated: September 4, 1974.

H. GUYFORD STEVER,
Director.

[FR Doc.74-20890 Filed 9-10-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 6, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

ACTION

School Mailer, Form ----, Annual, Lowry, Schools.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: Survey of Sheltered Workshop Programs and Services, Form ----, Single time, HRD/Sunderhauf, Sheltered workshop clients & staff.

DEPARTMENT OF THE INTERIOR

National Park Service: Monument Valley—Socio-Economic Survey: Form ----, Single time, NRD/Planchon, Navajo families owning grazing permits.

NATIONAL SCIENCE FOUNDATION

State Departments of Education—Questionnaire, Form ----, Single time, Planchon, State depts. of educ. officials.

DEPARTMENT OF TRANSPORTATION

Departmental: Battelle, Contract DOT OS 40023 and Questionnaire, Form, Single time, Strasser, Oil Pipeline operators.

REVISIONS

None.

EXTENSIONS

DEPARTMENT OF THE INTERIOR

Bureau of Land Management: Soldiers' Additional Homestead Application, Form 2221-2, Occasional, Evinger (x), Individuals.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-21052 Filed 9-10-74;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

SEPTEMBER 4, 1974.

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on September 19, 1974, at 10 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at Waco, Texas, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Draughon's Business College, Abilene, Texas, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: September 4, 1974.

JACK COKER,
Director, VA Regional Office, Waco, Texas 76710.

[FR Doc.74-20944 Filed 9-10-74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary of Labor's Order No. 20-74]

ASSISTANT SECRETARY FOR LABOR-MANAGEMENT RELATIONS

Delegation of Authority and Assignment of Responsibility

1. *Purpose.* To delegate authority to the Assistant Secretary for Labor-Management Relations.

2. *Background.* Section 4082(b) of the Employee Retirement Income Security Act of 1974 provides that notices of employee pension benefit plan terminations which occurred after June 30, 1974, and prior to September 2, 1974, shall be filed with the Secretary of Labor.

3. *Delegation of authority and assignment of responsibility.* The Assistant Secretary for Labor-Management Relations is delegated and authorized to receive notices described in section 4082(b), Employee Retirement Income Security Act of 1974, to give evidence of receipt of each such notice to the sender thereof; to certify to the Pension Benefit Guaranty Corporation the date of receipt of all such notices; and to transmit all such notices and certifications to the Executive Director of such Corporation.

4. *Reservation of authority.* Except for the delegation and assignment described in paragraph 3 of this Order, all other authority and responsibilities vested in the Secretary of Labor under the Employee Retirement Income Security Act of 1974 are expressly reserved.

5. *Redelegation and reassignment.* The authority and responsibility delegated in paragraph 3 of this Order may be redelegated and reassigned.

6. *Effective date.* This Order is effective September 3, 1974.

Signed at Washington, D.C., this 3rd day of September 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74-20952 Filed 9-10-74;8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Notice 588]

ASSIGNMENT OF HEARINGS

SEPTEMBER 6, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 116004 Sub 31, Texas-Oklahoma Express, Inc., now assigned September 9, 1974, at Oklahoma City, Okla., is cancelled and transferred to modified procedure.

MC 113678 Sub 504, Curtis, Inc., now assigned September 23, 1974, is cancelled and application dismissed.

MC 106644 Sub 173, Superior Trucking Company, Inc., now assigned September 16, 1974, at Chicago, Ill., is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21016 Filed 9-10-74;8:45 am]

[AB 6 (Sub-No. 5)]

BURLINGTON NORTHERN INC.

Notice of Abandonment

AUGUST 27, 1974.

In the matter of Burlington Northern Inc., abandonment between Amazonia and Savannah, Andrews County, Mo.

The Interstate Commerce Commission hereby gives notice that: 1. On Saturday, August 3, 1974, notice was published in Andrews County, Mo., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the August 3, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21011 Filed 9-10-74;8:45 am]

[AB 6 (Sub-No. 13)]

BURLINGTON NORTHERN INC.

Notice of Abandonment

AUGUST 27, 1974.

In the matter of Burlington Northern, Inc., abandonment, between Wadena Junction and Battle Lake, Wadena and Otter Tail Counties, Minn.

The Interstate Commerce Commission hereby gives notice that: 1. On Saturday, July 6, 1974, notice was published in Wadena and Otter Tail Counties, Minn., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the July 6, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21010 Filed 9-10-74;8:45 am]

[AB 86]

CHESWICK AND HARMAR RAILROAD CO.

Notice of Abandonment

AUGUST 27, 1974.

In the matter of Cheswick and Harmar Railroad Company, abandonment in Springdale Township, Allegheny County, Pennsylvania.

The Interstate Commerce Commission hereby gives notice that: 1. On Friday, August 2, 1974, notice was published in Allegheny County, Pa., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the August 2, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21073 Filed 9-10-74;8:45 am]

[AB 1 (Sub-No. 4)]

CHICAGO AND NORTHWESTERN TRANSPORTATION CO.

Notice of Abandonment

AUGUST 27, 1974.

In the matter of Chicago and Northwestern Transportation Company abandonment between Swanzy and New Swanzy, Marquette County, Michigan.

The Interstate Commerce Commission hereby gives notice that: 1. On Thursday, July 25, 1974, notice was published in Marquette County, Michigan, that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the July 25, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21015 Filed 9-10-74;8:45 am]

[AB 7 (Sub-No. 14)]

CHICAGO, MILWAUKEE, ST. PAUL, AND PACIFIC RAILROAD CO.

Notice of Abandonment

AUGUST 27, 1974.

In the matter of Chicago, Milwaukee, St. Paul and Pacific Railroad Company abandonment between Snoqualmie Falls and Monroe, in King and Snohomish Counties, Washington.

The Interstate Commerce Commission hereby gives notice that: 1. On Thursday, June 27, 1974, notice was published in King and Snohomish Counties, Washington, that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the June 27, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21012 Filed 9-10-74;8:45 am]

[Finance Docket No. 27606; AB 93]

PEORIA TERMINAL CO.

Notice of Abandonment

AUGUST 27, 1974.

In the matter of the Peoria Terminal Company abandonment Bridge Spanning Illinois River at Pekin, in Peoria and Tazewell Counties, Illinois.

The Peoria Terminal Company—trackage rights—Peoria and Pekin Union Railway Company in Peoria and Tazewell Counties, Illinois.

The Interstate Commerce Commission hereby gives notice that: 1. On Friday, June 28, 1974, notice was published in Peoria and Tazewell Counties, Ill., that an environmental threshold assessment survey was made in the above-entitled proceedings and based on that assessment an order was served finding that the proceedings did not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the June 28, 1974, notice. 3. These proceedings are now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21014 Filed 9-10-74;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 6, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 54642, filed February 8, 1974. Applicant: GHIGLIONE AND JENSEN, doing business as ROGERS TRUCKING, 14327 Washington Avenue, San Leandro, Calif. 94578. Applicant's representative: Pelton & Gunther, 315 Montgomery Street, San Francisco, Calif. 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except commodities in bulk, livestock, fresh fruits and vegetables, commodities of unusual value, uncrated used household goods, and commodities requiring mechanically refrigerated equipment: (A) Between all points in the San Francisco Territory, as more particularly described as follows: San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary line meets the Pacific Ocean; thence easterly along said boundary line to a Point 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos City limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

(B) Between all points on and within the following routes: (1) U.S. Highway 101, between San Francisco and Novato, inclusive; (2) Interstate Highway 80, between San Pablo and Vallejo, inclusive; (3) Interstate 680, between Vallejo and its intersection with State Highway 17; (4) Interstate 580, between Hayward and its intersection with Interstate 5, then on unmarked highway easterly to Stockton; (5) Interstate 5, commencing at its intersection with Interstate 580 to its intersection with Highway 132, inclusive; (6) Interstate 5, from its intersection with Highway 132 to Modesto, inclusive; (7) State Highway 17 between San Jose and Santa Cruz, inclusive; (8) U.S. Highway 101, between San Jose and Salinas, inclusive; (9) State Highway 68, between Salinas and Monterey, inclusive; (10) U.S. Highway 1, between Santa Cruz and Monterey, inclusive; (11) Unnumbered road and route between Pittsburg and Martinez, inclusive; (12) Unnumbered road and route between Martinez and Pittsburg, inclusive; (13) Unnumbered road and route between Pittsburgh and Antioch, inclusive; (14) State Highway 4, between Antioch and the Willow Pass Road Intersection, inclusive; (15) Willow Pass Road between its intersection with Highway 4 and the intersection of State Highway 24, inclusive; (16) State Highway 4 between its intersection with Willow Pass Road and its intersection with Port Chicago Highway, inclusive; (17) Unnumbered road and route between its intersection with State Highway 4 and its intersection with Interstate Highway 680, inclusive; (18) State Highway 4 between its intersection with Port Chicago Highway and its intersection with State Highway 24, inclusive; and (19) State Highway 24 between its intersection with State Highway 4 and its intersection with Interstate Highway 680, inclusive; (C) Through routes and rates may be established between any and all points specified in Paragraphs A and B above; and (D) All intermediate points on said routes and all off-route points within the outer perimeters of the routes designated herein may be served. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Michigan Docket No. C-239 Case #13 filed June 18, 1974. Applicant: INTERCITY TRUCKING SERVICE, INC., 14333 Goddard Street, Detroit, Mich. 48212. Applicant's representative: E. W. Klein (same address as applicant). Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, over a regular route as follows: Between Lansing and Jackson via U.S. Highway 127 subject to the following restrictions: (1) Carrier shall serve no intermediate points and shall transport only freight moving from or to carrier's terminal intermediate between Lansing and Jackson. (2) Freight originated at

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or destined to Jackson may not be transported over this route to, from or through Lansing. Intrastate, interstate and foreign commerce authority sought.

HEARING: September 17, 1974, at the Michigan Public Service Commission, Transportation Division, Suite 15, 1000 Long Commerce Park, Lansing, Mich., at 9:30 A.M. Requests for procedural information should be addressed to the Michigan Public Service Commission, Transportation Division, Suite 15, 1000 Long Commerce Park, Lansing, Mich. 48913, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 6232, filed June 20, 1974. Applicant: RED ARROW HEAVY HAULING, INC., 3901 Seguin Road, Box 1897, San Antonio, Tex. 78206. Applicant's representative: Phillip Robinson, The 904 Lavaca Building, Austin, Tex. 78701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Copper articles and metals* of extraordinary value (except gold or silver bullion and except in bulk in tank vehicles) viz: rods, billets, cakes, wire, bars, cathodes, and miscellaneous shapes, from the plantsites and warehouse facilities of American Smelting and Refining Company located in Potter County, Tex., to all points in Texas, and vice versa, over irregular routes. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Application will be set for hearing 30 days after publication in the FEDERAL REGISTER at the E. O. Thompson State Office Building, Austin, Tex. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capital Station, P.O. Drawer 12967, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21008 Filed 9-10-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 6, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 23, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-3854 (Sub-No. E1), filed May 15, 1974. Applicant: BURTON LINES, INC., 815 Ellis Road, P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton piece goods* (except in bulk), (1) from Norfolk, Portsmouth, Richmond, Altavista, and Danville, Va., to Greenville, Graniteville, Hartsville, and Lyman, S.C.; and (2) from Portsmouth, Richmond, Altavista, and Danville, Va., to Charleston, S.C. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.

No. MC-3854 (Sub-No. E2), filed May 15, 1974. Applicant: BURTON LINES, INC., 815 Ellis Road, P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* (except in bulk), from Baltimore, Md., to Danville, Va. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.

No. MC-3854 (Sub-No. E3), filed May 15, 1974. Applicant: BURTON LINES, INC., 815 Ellis Road, P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass jars and bottles*, from Huntington, W. Va., to Danville, Ga. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.

No. MC-3854 (Sub-No. E4), filed May 15, 1974. Applicant: BURTON LINES, INC., 815 Ellis Road, P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar* (except in bulk), from Winchester, Va., to Danville, Va. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.

No. MC-3854 (Sub-No. E5), filed May 15, 1974. Applimant: BURTON LINES, INC., 815 Ellis Road, P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials*, from York, Pa., to Danville, Va. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.

No. MC-3854 (Sub-No. E6), filed May 15, 1974. Applimant: BURTON LINES, INC., 815 Ellis Road, P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Groceries and food* (except in bulk), (1) from Mullins, S.C., to Portsmouth, Richmond, Altavista, and Danville, Va.; and (2) from Florence, S.C., to Norfolk, Portsmouth, Richmond, Altavista, and Danville, Va. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.

No. MC-3854 (Sub-No. E7), filed May 15, 1974. Applicant: BURTON LINES, INC., 815 Ellis Road, P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm implements and machinery*, from Nashville and Atlanta, Ga., to Norfolk, Portsmouth, Richmond, Altavista, and Danville, Va. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.

No. MC-3854 (Sub-No. E8), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reconstituted, reconstructed, or homogenized tobacco*, from Ancram, N.Y., and Spotswood, N.J., to Dillon, Pamplico, Mullins, Loris, Darlington, Timmonsville, Kingstree, Lake City, Hartsville, and Conway, S.C., points in that part of North Carolina east of U.S. Highway 52, to points in that part of Virginia on and south of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 52 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction U.S. Highway 15, thence along U.S. Highway 15 to the junction of U.S. Highway 60, thence along U.S. Highway 60 to Norfolk. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC-14706 (Sub-No. E1), filed June 4, 1974. Applicant: C. W. KELLEY TRANSPORT, INC., P.O. Box 3185, Enid, Okla. 73701. Applicant's representative: Gene Hibbs (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in that part of Oklahoma bounded by a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 66 to Oklahoma City, thence along U.S. Highway 270 to junction U.S. Highway 283, and thence along U.S. Highway 283 to the Kansas-Oklahoma State line, to points in Nebraska, and *empty containers* for petroleum products, from points in Nebraska to points in the above-described Oklahoma origin territory. The purpose of this filing is to eliminate the gateway of El Dorado, Kans.

No. MC-63417 (Sub-No. E33), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER CO., INC., 1814 Hollins Rd. NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Mt. Airy, N.C., to points in Florida. The purpose of this filing is to eliminate the gateway of Sumter, S.C.

No. MC-63417 (Sub-No. E34), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER CO., INC., 1814 Hollins Rd. NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Mullins, S.C., to points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Sumter, S.C.

No. MC-63417 (Sub-No. E35), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER CO., INC., 1814 Hollins Rd. NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Dillon and Nichols, S.C., to points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Stanleytown, Va., and points in Virginia.

No. MC-63417 (Sub-No. E36), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER CO., INC., 1814 Hollins Rd., NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Johnson City, Tenn., to points in that part of Florida in, east, and south of Jefferson County. The purpose of this filing is to eliminate the gateway of Sumter, S.C.

No. MC-63417 (Sub-No. E37), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER CO., INC., 1814 Hollins Rd. NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* from Atlanta, Ga., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, the District of Columbia, and that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 15 to junction North Carolina Highway 96, and extending along North Carolina Highway 96 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Martinsville, Va.

No. MC-63417 (Sub-No. E38), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER, CO., INC., 1814 Hollins Rd. NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Alabama to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Stanleytown, Va.

No. MC-63417 (Sub-No. E39), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), from points in South Carolina and that part of North Carolina on and east of U.S. Highway 21 to (1) Rocky Mount, Va., and (2) Roanoke, Va., restricted in (2) above to traffic moving by interchange of trailers at Roanoke and destined to points beyond Roanoke. The purpose of this filing is to eliminate the gateway of points in Henry County, Va.

No. MC-63417 (Sub-No. E40), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER CO., INC., 1814 Hollins Rd. NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* from Martinsville and Basset, Va., to points in Illinois, Indiana, Kentucky, Michigan, and Tennessee. The purpose of this filing is to eliminate the gateway of Rocky Mount, Va.

No. MC-63417 (Sub-No. E43), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER CO., INC., 1814 Hollins Rd. NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* from points in Alabama to points in Virginia on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateway of Stanleytown, Va.

No. MC-100666 (Sub-No. E87) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER August 16, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreeveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and creosoted timbers*, (a) from points in Mississippi to points in Missouri (except from points in Mississippi east and north of U.S. Highway 78 destined to points in Mississippi east of a line from the Arkansas-Missouri State line along U.S. Highway 67 to the Mississippi River near Crystal Springs) and Memphis, Tenn. (points in Tennessee within 250 miles of Texarkana, Tex.)*. Restriction: The service authorized herein is restricted against the transportation of lumber from Pascagoula, Miss.: (b) From points in Mississippi north of Interstate Highway 20 to points in Kansas and Oklahoma (points in Tennessee within 250 miles of Texarkana, Tex.)*; (c) from points in Mississippi north of Monroe, Chickasaw, Calbount, Yalobusha, Tallahatchie, and Coahoma Counties to points in Colorado (points in Tennessee within 250 miles of Texarkana, Tex.)*; (d) from points in Mississippi on, east, and north of a line from the Mississippi-Tennessee State line along Interstate Highway 55 to the junction of U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Mississippi State line to points in Arkansas on and north of a line from the Arkansas-Tennessee State line along U.S. Highway 70 to the junction of Arkansas Highway 8, thence along Arkansas Highway 8 to the Arkansas-Oklahoma State line (points in Tennessee within 250 miles of Texarkana, Tex.)*.

(2) *Lumber* from points in Mississippi (except Pascagoula) to points in Indiana (except from points in Mississippi north of U.S. Highway 78 destined to points in Indiana south of U.S. Highway 40), points in Iowa, Michigan, Minnesota, Nebraska, North Carolina (only from points in Mississippi on and west of Interstate Highway 55), points in North Dakota and Ohio (except from points in Mississippi north of U.S. Highway 78 destined to points in Ohio south and west of a line from the Indiana-Ohio State line along U.S. Highway 40 to junction of U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-West Virginia State line), points in Pennsylvania, South Dakota, and Virginia (except from points in Mississippi east of Interstate Highway 55 destined to points in Virginia south of a line from the Virginia-West Virginia State line along U.S. Highway 250 to junction Virginia Highway 20, thence

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along Virginia Highway 20 to the junction of U.S. Highway 17, thence along U.S. Highway 17 to the junction of U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay), and points in West Virginia and Wisconsin (points in Arkansas within 250 miles to Texarkana, Tex.)*; (3) *plywood* (a) from points in Mississippi (except Pascagoula) to points in Idaho, Montana, Nevada, Oregon, Utah, and Washington (points in Arkansas within 250 miles of Texarkana)*, (b) from points in Mississippi north of Interstate Highway 20 to points in California (points in Arkansas within 250 miles of Texarkana)*; (4) *plywood and molding* from points in Mississippi (except points north of U.S. Highway 78 and Pascagoula) to points in Illinois (Covington, Tenn.)*.

(5) *Plywood* from points in Arkansas over 250 miles from Texarkana, Tex., to points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington (points in Tennessee within 250 miles of Texarkana, Tex., and Pittsburg, Kans.)*; (6) *lumber, creosoted posts, creosoted poles, and creosoted pilings* from points in Arkansas over 250 miles from Texarkana, Tex., to points in Kansas, Louisiana, Oklahoma, and Texas in Excess of 250 miles from Texarkana, Tex. (points in Tennessee within 250 miles of Texarkana, Tex.)*; (7) *logs, posts, poles, pilings, pallets, crossties, and lumber* from points in Alabama (except lumber from Steelwood, Stockton, Mobile, Mt. Vernon, Greenville, Chapman, and Selma, and poles from Mobile), to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin (West Memphis, Ark.)*; (9) *lumber, pallets, creosoted posts, creosoted poles, and creosoted pilings* (a) from points in Alabama (except lumber from Steelwood, Stockton, Mobile, Mt. Vernon, Greenville, Chapman, and Selma, and poles from Mobile) to points in Louisiana and Texas (points in Mississippi and Louisiana)*, (b) from points in Alabama (except lumber from Steelwood, Stockton, Mobile, Mt. Vernon, Greenville, Chapman, and Selma, poles from Mobile, and pallets to Memphis, Tenn.) to points in Kansas, Missouri, Oklahoma, and points in Tennessee within 250 miles of Texarkana, Tex. (points in Arkansas within 250 miles of Texarkana, Tex.)*; (10) *wooden poles, posts, pilings, crossties, and lumber* from points in Alabama (except lumber from Steelwood, Stockton, Mobile, Mt. Vernon, Greenville, Chapman, and Selma, and poles from Mobile to points in Arizona) (Texarkana, Tex.)*; (11) *timber and creosoted posts, creosoted poles, and creosoted pilings* from points in Alabama (except lumber from Steelwood, Stockton, Mobile, Mt. Vernon, Greenville, Chapman, and Selma, and poles from Mobile) to points in Colorado and New Mexico (West Memphis and Texarkana, Ark., and Duke, Okla.)*; (12) *plywood* from points in Alabama (except Steelwood, Stockton, Mobile, Mt. Vernon, Greenville, Chapman, and Selma) to points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington (points in Arkansas and Pittsburg, Kans.)*.

(13) *Poles, posts, pilings, crossties, and creosoted or chemically treated lumber* from Alabama (except lumber from Steelwood, Stockton, Mobile, Mt. Vernon, Greenville, Chapman, and Selma, and poles from Mobile) to points in Maine, and New Hampshire, points in New York on and north of a line from the New York-Pennsylvania State line along New York Highway 26 to the junction of New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line and points in Vermont (Columbus, Miss.)*; (14) *lumber* from points in Alabama (except Steelwood, Stockton, Mobile, Mt. Vernon, Greenville, Chapman, and Selma) to points in Illinois (except from points in Alabama north of U.S. Highway 80 destined to points in Illinois south of U.S. Highway 24 and points in the Upper Peninsula of Michigan (points in Arkansas)*; (15) *logs, posts, poles, pilings, pallets, crossties, and creosoted or chemically treated lumber*, from points in Alabama (except lumber from Steelwood, Stockton, Mobile, Mt. Vernon, Greenville, Chapman, and Selma, and poles from Mobile) to points in Illinois, Indiana (except points in Alabama north of Alabama Highway 10 when destined to points in Indiana south and east of a line from the Illinois-Indiana State line along U.S. Highway 67 to the junction of Interstate Highway 69, thence along Interstate Highway 69 to the Indiana-Michigan State line), Michigan, Ohio (only from points in Alabama on and south of U.S. Highway 80), and Pennsylvania (only from points in Alabama on and west of Interstate Highway 65 to points in Pennsylvania north of a line from the Ohio-Pennsylvania State line along Interstate Highway 80 to the junction of Interstate Highway 81, thence along Interstate Highway 81 to the junction of U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line) (points in Mississippi)*; (16) *lumber, pallets, creosoted posts, creosoted poles, and creosoted pilings*, from points in Kentucky to points in Kansas (only from points in Kentucky on and south of a line from Paducah along U.S. Highway 45 to the junction of Kentucky Highway 80, thence along Kentucky Highway 80 to the junction of Interstate Highway 75, thence along Interstate Highway 75 to the Virginia-Tennessee State line), Louisiana, Oklahoma, Texas, and points in Tennessee within 250 miles of Texarkana, Tex. (except pallets) (points in Arkansas)*; (17) *lumber and creosoted posts, creosoted poles, and creosoted pilings* from points in Kentucky to points in New Mexico (points in Arkansas within 250 miles of Texarkana, Tex., and Duke, Okla., and points within 1 mile thereof)*.

(18) *Wooden poles, posts, pilings, cross-arms, cross-ties, and lumber* from points in Kentucky to points in Arizona (points in Arkansas and Texarkana, Tex.)*; (19) *plywood* from points in Kentucky to points in California, Idaho, Nevada, Oregon, Utah, Washington, and points in Montana on and west of a line from the United States-Canada International Boundary line along Interstate Highway 15 to the junction of U.S. Highway 287, thence along U.S. Highway 287 to the junction of Gallatin County and points in Gallatin County, (points in Arkansas and Pittsburg, Kans.)*; (20) *logs, posts, poles, pilings, pallets, cross-ties, and lumber* from points in Kentucky on and west of a line from the Kentucky-Indiana State line along the Green River Parkway to the junction of U.S. Highway 231, thence along U.S. Highway 231 to the Kentucky-Tennessee State line to points in Florida (points in Mississippi)*; (21) *poles, posts, pilings, cross-ties, and creosoted or chemically treated lumber*, from (a) points in Tennessee in and west of Pyer, Crockett, Madison, Chester, and McNairy Counties (except Memphis) to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont (Columbus, Miss.)*; (b) from points in Tennessee on and west of Tennessee Highway 69 (except Memphis) to points in Florida and South Carolina (points in Mississippi)*; (c) from points in Tennessee in and west of Pyer, Crockett, Madison, Chester, and McNairy Counties (except Memphis) to points in Georgia, North Carolina, and Virginia (points in Mississippi)*; (22) *lumber, pallets, and creosoted posts, creosoted poles, and creosoted pilings* from points in Tennessee (except Memphis) to points in Oklahoma, Texas, and Kansas, and Memphis, Tenn. (except pallets to Memphis) (points in Arkansas)*; (23) *poles, posts, pilings, lumber, and pallets* from points in Tennessee (except Memphis) to points in Louisiana (points in Mississippi)*; (24) *wooden poles, posts, pilings, cross-ties, and lumber* from points in Tennessee (except Memphis) to points in Arizona (Texarkana, Tex.)*; (25) *plywood* from points in Tennessee (except Memphis) to points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington (Pittsburg, Kans.)*; (26) *logs, posts, poles, pilings, pallets, cross-ties, and lumber* (a) from points in Tennessee (except Memphis) to points in Nebraska and South Dakota (points in Arkansas)*; (b) from points in Tennessee on and west of Tennessee Highway 69 (except Memphis) to points in Minnesota and North Dakota (points in Arkansas)*; (c) from points in Tennessee in and west of Pyer, Crockett, Madison, Chester, and McNairy Counties (except Memphis) to points in Iowa on and west of Interstate Highway 35, points in Michigan and Pennsylvania, and points in Wisconsin on, east, and north of Interstate Highway 94 (points in Arkansas)*; and (27) *lumber and creosoted posts, creosoted poles, and creosoted pilings*, from points in Tennessee to points in Colorado on and west of U.S. Highway 87 and points in New Mexico (points in Arkansas, Oklahoma, and Duke, Okla., and points within 1 mile thereof)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the territorial route descriptions.

No. MC-100666 (Sub-No. E138), filed May 13, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition roofing board and composition building board*, from Cornell, Wis., to points in Arizona and points in California in and south of San Bernardino, Kern, and Monterey Counties (points in Kansas and Oklahoma)*; and (2) *wallboard, fiberboard, particleboard, insulating, sheathing, and gypsum plaster products* from Cornell, Wis., to points in Tennessee on and west of a line from the Kentucky-Tennessee State line along Tennessee Highway 78 to the junction of Tennessee Highway 20, thence along Tennessee Highway 20 to the junction of U.S. Highway 45, thence along U.S. Highway 45 to the Mississippi-Tennessee State line (West Memphis), Ark)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-100666 (Sub-No. E139), filed May 13, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666. Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe* from the plant site of the Flintkote Company located at or near Ravenna, Ohio to points in Arizona, California, Nevada, New Mexico, Oregon, Utah, points in Colorado on and south of U.S. Highway 50 (Ft. Smith, Ark.)*; and points in Louisiana (the plant site of Smith Plastics, Inc., at Little Rock, Ark.)*; and (2) *pipe* (other than iron and steel) from the plant site of the Flintkote Company located at or near Ravenna, Ohio, to points in New Mexico and points in Colorado on and south of U.S. Highway 50 (Duke, Okla.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-100666 (Sub-No. E140), filed July 8, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing* from the plant site and warehouse facilities of G.A.F. Corporation at St. Louis, Mo., to points in Georgia (West Memphis, Ark.)*; and (2) *composition boards* used as roofing and siding from the plant site and warehouse facilities of G.A.F. Corporation at St. Louis, Mo., to points in South Carolina (points in Henry County, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-100666 (Sub-No. E142), filed May 14, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Urethan building, roofing, and insulating materials* from the plant site of the Philip Carey Company, Division of Panacon Corporation, at Elizabethtown, Ky., to points in New Mexico (Duke, Okla.)*; and (2) *urethane composition board* from the plant site of the Philip Carey Company, Division of Panacon Corporation, at Elizabethtown, Ky., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington (Pittsburg, Kans.)*, and points in Wyoming (points in Henry County, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-100666 (Sub-No. E143), filed June 2, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, gypsum plaster products, insulating wallboard, fiberboard, particleboard, and sheathing board* from the plant site and warehouse facilities of the Celotex Corporation in Wayne County, N.C., to points in Kansas, Oklahoma, Texas, and points in Shelby County, Tenn. (West Memphis, Ark.)*, and points in Colorado and New Mexico (West Memphis, Ark., and Duke, Okla.)*; and (2) *roofing board, wallboard, fiberboard, insulating board, sheathing board and gypsum board* from the plant site and warehouse facilities of the Celotex Corporation in Wayne County, N.C., to points in Arizona, California, Idaho, Montana, Nebraska, Nevada, Oregon, South Dakota, Utah, and Washington (West Memphis, Ark., and Pittsburg, Kans.)*, and points in Wyoming (West Memphis, Ark., and points in Henry County, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-100666 (Sub-No. E144), filed May 27, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum wallboard, gypsum insulating board, and gypsum paneling* from Briar, Ark., to points in Arizona (Craig, Okla., and the plant site of the Permaneer Corporation in Calhoun County, Ark.)*; (2) *Plywood* from the facilities of U.S. Plywood-Champion Papers at Charleston and Orangeburg, S.C., to points in Wyoming (the plant site of the Permaneer Corporation at Calhoun County, Ark.)*; (3) *Flakeboard, wallboard, insulating board, and paneling* (a) from Mobile, Ala., to points in Wyoming, (b) from the plant site of the Celotex Corporation at Marrero, La., to points in Arizona (the plant site of the Permaneer Corporation in Calhoun County, Ark.)*; (4) *Flakeboard, wallboard, insulating board, and paneling* from the plant sites and storage facilities of the National Gypsum Company at Westwego and New Orleans, La., to points in Arizona (the plant site of the Permaneer Corporation in Calhoun County, Ark.)*; (5) *Plywood* from Covington, Tenn., to points in Wyoming (the plant site of the Permaneer Corporation in Calhoun County, Ark.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC-100666 (Sub-No. E145), filed June 3, 1974. Applicant: MELTON TRUCK LINE, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper* and *paper products* from the plantsite and warehouse facilities of Bowaters Southern Paper Corporation in McMinn County, Tenn., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming (points in Little River County, Ark.)*; points in Colorado in and west of Costella, Alamosa, Saquache, Gunnison, Pitken, Garfield, Rio Blanco, and Moffat Counties (the plantsite of the Calcasieu Paper Company, Inc., at or near Elizabeth, La.)*; and points in Kansas on and west of a line from the Kansas-Nebraska State line along Kansas Highway 27 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to the junction of U.S. Highway 281, thence along U.S. Highway 281 to the Kansas-Oklahoma State line (the plantsite and storage facilities of the Weyerhauser Company located at or near Vallient, Okla.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC-100666 (Sub-No. E146), filed May 14, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cut stone* from Shreveport, La., to points in Colorado (Acme, Tex.)* and points in New Mexico (the plantsite of the Celotex Corporation at or near Hamlin, Tex.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC-100666 (Sub-No. E147), filed June 2, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666. Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board and plywood* from the plant site and warehouse of Westvaco Corporation at North Charleston, S.C., to points in Arizona, California, Idaho, points in Iowa on and west of Interstate Highway 35, points in Minnesota on and west of a line from the Iowa-Minnesota State line along U.S. Highway 169 to the Itasca-Aitkin County line and points in and west of Itasca and Koochiching Counties, and points in Montana, Nebraska, Nevada, North Dakota, Oregon,

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South Dakota, Utah, and Washington (Pittsburg, Kans.)*; (2) *wallboard, fiberboard, particleboard, roofing, insulating, sheathing and gypsum plaster products* from the plant site and warehouse of Westvaco Corporation at or near North Charleston, S.C., to points in Wyoming (West Memphis, Ark., and points in Henry County, Tenn.)*; and (3) *composition board and plywood* from the plant site and warehouse of Westvaco Corporation at or near North Charleston, S.C., to points in Colorado (Duke, Okla.)*, and points in New Mexico (points in Oklahoma and Duke, Okla.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC–107403 (Sub-No. E204), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER August 1, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles (except petroleum, petroleum products, coal car, and coal tar products), from the plant site of the E. I. DuPont de Nemours and Company at Niagara Falls, N.Y., to points in Maryland and Delaware within 100 miles of Philadelphia. (2) *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of the E. I. DuPont de Nemours and Company at Niagara Falls, N.Y., to points in South Carolina, Georgia, and North Carolina (except Greensboro). The purpose of this filing is to eliminate the gateway of Philadelphia, Pa., in proposals number (1) and (2) above. The purpose of this correction is to correctly describe the involved destination territory.

No. MC 107403 (Sub-No. E253) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER August 2, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-flammable liquid chemicals* (except petroleum and petroleum products other than medicinal petroleum products and liquid wax, and not including road oil, coal tar, and coal tar products), from points in Pennsylvania west of the Susquehanna River to points in West Virginia. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa. The purpose of this correction is to clarify the involved territory.

No. MC–107403 (Sub-No. E344), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from points in Michigan, in Lenawee, Monroe, Hillsdale, Jackson, Washtenaw, and Wayne Counties, those in Ohio in Lucas, Wood, Fulton, Ottawa, Sandusky, Erie, Henry, Williams, and Defiance Counties, and those in Indiana in Steuben, De Kalb, and Allen Counties, to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Birmingham and Painesville, Ohio, and Solvay, N.Y.

No. MC–107403 (Sub-No. E357), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, from points in Ohio within 150 miles of Monongahela, Pa., to points in Ohio (except those within 150 miles of Monongahela, Pa.). The purpose of this filing is to eliminate the gateway of Pataskala, Ohio.

No. MC–107403 (Sub-No. E401), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, liquid, in bulk, in tank vehicles, from points in Ohio on and north of a line beginning at the Ohio–Indiana State line, and extending along U.S. Highway 30 to its intersection with U.S. Highway 30S thence along U.S. Highway 30S to its intersection with U.S. Highway 30 thence along U.S. Highway 30 to the Ohio–Pennsylvania State line to points in Pennsylvania, West Virginia, and Maryland within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway of McKees Rocks, Pa.

No. MC–107515 (Sub-No. E27), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER August 21, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meats and meat products* (except canned goods), from Houston, Tex., to the District of Columbia and points in Massachusetts, New Jersey, Maryland, Delaware, Connecticut, New York, Rhode Island, New Hampshire, Vermont, Maine, that part of Pennsylvania on and east of U.S. Highway 219, and that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 29 to junction U.S. Highway 250, thence along U.S. Highway 250 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of Gatesville, N.C. The purpose of this correction is to include the District of Columbia in the destination territory.

No. MC–108449 (Sub-No. E19), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., and points within ten miles of each, to points in Nebraska. The purpose of this filing is to eliminate the gateway of the Williams Brothers Pipe Line Company Terminal located at or near Spirit Lake, Iowa.

No. MC–108449 (Sub-No. E48), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the port of entry on the United States–Canada International Boundary line at or near Pine Creek, Minn., to points in Iowa.

NOTE.—This authority expires December 6, 1977. The purpose of this filing is to eliminate the gateway of Mentor, Minn., and points within five miles thereof.

No. MC–108449 (Sub-No. E49), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the port of entry on the United States–Canada International Boundary line at or near Maida, N. Dak., to points in S. Dak.

NOTE.—This authority expires December 6, 1974. The purpose of this filing is to eliminate the gateway of the terminal facilities of the Kaneb Pipe Line Company located at or near Jamestown, N. Dak.

No. MC–108449 (Sub-No. E138), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum gas and natural gasoline*, in bulk, in tank vehicles, from Menton, Minn., and points within five miles thereof, to points in Wyoming. The purpose of this filing is to eliminate the gateway of the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak.

No. MC–108449 (Sub-No. E139), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler*, in bulk, from Superior, Wis., to points in Iowa. The purpose of this filing is to eliminate the gateway of points in Dakota, Hennepin, Ramsey, and Scott Counties, Minn.

No. MC–108449 (Sub-No. E139), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler*, in bulk, from points in Dakota, Hennepin, Ramsey, and Scott Counties, Minn., to points in the Upper Peninsula of Michigan (except points in that part of the Upper Peninsula of Michigan south of U.S. Highway 2 and on and west of Michigan Highway 35).

The purpose of this filing is to eliminate the gateway of Superior, Wis.

No. MC–108449 (Sub-No. E140), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 in bulk, in tank vehicles, from the site of the terminal outlet of the Mid-American Pipeline Company pipeline at or near Sanborn, Iowa, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of St. Paul, Minn., to points within ten miles thereof, and the site of the pipeline terminal of American Oil Company at or near Spring Valley, Minn.

No. MC–108449 (Sub-No. E141), filed May 24, 1974, Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the site of the terminal outlet of the Mid-American Pipeline Company pipeline at or near Sanborn, Iowa, to points in Montana. The purpose of this filing is to eliminate the gateway of the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak.

No. MC–108449 (Sub-No. E142), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the site of the terminal outlet of the Mid-America Pipeline Company at or near Sanborn, Iowa, to the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC–108449 (Sub-No. E143), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas* and *natural gasoline*, in bulk, in tank vehicles, from Mentor, Minn., and points within five miles thereof, to points in Montana. The purpose of this filing is to eliminate the gateway of the terminal facilities of the Kaneb Pipe Line Company located at or near Jamestown, N. Dak.

No. MC–108449 (Sub-No. E144), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plant site of the Marquette Cement Manufacturing Company and the Penn-Dixie Cement Corporation at Des Moines, Iowa, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Winona, Minn., and LaCrosse, Wis.

No. MC–108449 (Sub-No. E145), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible salt*, in bulk, from Chicago, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of LaCrosse, Wis.

No. MC–108449 (Sub-No. E146), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Minneapolis and Savage, Minn., to points in Illinois. The purpose of this filing is to eliminate the gateway of Prairie Du Chien, Wis.

No. MC–108449 (Sub-No. E147), filed May 24, 1974. Applicant: INDIANHEAD TRUCK EINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, and in mixed shipments in bulk and in packages, from Duluth, Minn., to points in Iowa. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC–108449 (Sub-No. E148), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Duluth, Minn., to points in Illinois. The purpose of this filing is to eliminate the gateway of Prairie du Chien, Wis.

No. MC–108449 (Sub-No. E149), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant site of Universal Atlas Cement, Division of United States Steel Corp., at Bettendorf, Iowa, to points in Nebraska. The purpose of this filing is to eliminate the gateway of the plant sites of the Marquette Cement Manufacturing Company and the Penn-Dixie Cement Corporation at Des Moines.

No. MC–108449 (Sub-No. E159), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plant site of the Marquette Cement Manufacturing Company and the Penn-Dixie Cement Corporation at Des Moines, Iowa, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Winona, Minn., and LaCrosse, Wis.

No. MC–108449 (Sub-No. E161), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from LaCrosse, Wis., to points in South Dakota. The purpose of this filing is to eliminate the gateway of the storage facility of the Dundee Cement Company at Minneapolis, Minn.

No. MC–108449 (Sub-No. E162), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from LaCrosse, Wis., to points in North Dakota. The purpose of this filing is to eliminate the gateway of the storage facilities of the Dundee Cement Company at Minneapolis, Minn.

No. MC–108449 (Sub-No. E163), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Winona, Minn., to points in Illinois. The purpose of this filing is to eliminate the gateway of La Crosse, Wis.

No. MC–108449 (Sub-No. E164), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Winona, Minn., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of La Crosse, Wis.

No. MC–108449 (Sub-No. E165), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought

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to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Winona, Minn., to points in South Dakota. The purpose of this filing is to eliminate the gateway of the storage facilities of the Dundee Cement Company at Minneapolis, Minn.

No. MC–110525 (Sub-No. E215), filed May 8, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in that part of Indiana on and north of a line beginning at the Ohio-Indiana State line, thence along Indiana Highway 38 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Indiana-Illinois State line, to points in that part of Florida on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 221 to junction Florida Highway 361A, thence along Florida Highway 361A to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC–110525 (Sub-No. E826), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from points in Erie and Niagara Counties, N.Y., to points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa.

No. MC–110525 (Sub-No. E827), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Liquid chemicals*, in bulk, in tank vehicles, from Monessen, Pa., to points in Maine and New Hampshire (Syracuse, N.Y.)*. (B) *Liquid chemicals* (except liquid oxygen, liquid hydrogen, and liquid nitrogen), in bulk, in tank vehicles, from Monessen, Pa., to points in Vermont (Syracuse, N.Y.)*. (C) *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from Monessen, Pa., to points in Connecticut, Rhode Island, and Massachusetts (Newark, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–110525 (Sub-No. E828), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Washington County, Pa., to points in Indiana and that part of Ohio on and west of U.S. Highway 23. The purpose of this filing is to eliminate the gateway of Follansbee, W. Va.

No. MC–110525 (Sub-No. E829), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid chemicals and coal tar products*, from points in New Castle County, Del., to points in Indiana and Ohio. The purpose of this filing is to eliminate the gateways of Harrisburg and Pittsburgh, Pa.

No. MC–110525 (Sub-No. E830), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Baltimore and Washington Counties, Md., and Chester, Franklin, Montgomery, Delaware, and Schuylkill Counties, Pa., to points in Indiana. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa.

No. MC–110525 (Sub-No. E831), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Atlantic County, N.J., to points in Connecticut, Massachusetts, and Rhode Island (Jersey City, N.J.).* (B) *Liquid chemicals*, in bulk, in tank vehicles, from points in Atlantic County, N.J., to points in that part of New Hampshire on and east of U.S. Highway 3 and on and south of U.S. Highway 302 (Jersey City, N.J., and Stoneham, Mass.).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–110525 (Sub-No. E832), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Chester, Franklin, Montgomery, Delaware, and Schuykill Counties, Pa., to points in Ohio. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa.

No. MC–110525 (Sub-No. E833), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Gloucester County, N.J., to points in Massachusetts, Connecticut, and Rhode Island (Jersey City, N.J.). (B) *Liquid chemicals*, in bulk, in tank vehicles, from points in Gloucester County, N.J., to points in that part of New Hampshire on and east of U.S. Highway 3 and on and east of U.S. Highway 302 (Jersey City, N.J., and Stoneham, Mass.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–110525 (Sub-No. E834), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from Baltimore, Md., to points in that part of New York on and west of Interstate Highway 81. The purpose of this filing is to eliminate the gateway of Johnstown, Pa.

No. MC–110525 (Sub-No. E836), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Butler, Cambria, Fayette, McKean, and Vanango Counties, Pa., to points in that part of New Hampshire on and south of U.S. Highway 302 and on and east of U.S. Highway 3. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Stoneham, Mass.

No. MC–110525 (Sub-No. E837), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Brooke, Hampshire, Hancock, Kanawha, and Monongalia Counties, W. Va., to points in that part of New Hampshire on and south of U.S. Highway 302 and on and east of U.S. Highway 3. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Stoneham, Mass.

No. MC–110525 (Sub-No. E838), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien

(same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Brooke, Hampshire, Hancock, Kanawha, and Monongalia Counties, W. Va., to points in that part of New Hampshire on and south of U.S. Highway 302 and on and east of U.S. Highway 3. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Stoneham, Mass.

No. MC–110525 (Sub-No. E839), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Butler, Hamilton, Lake, Mahoning, Trumbull, and Wayne Counties, Ohio, to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Jersey City, N.J.

No. MC–110525 (Sub-No. E840), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Butler, Hamilton, Lake, Mahoning, Trumbull, and Wayne Counties, Ohio, to points in that part of New Hampshire on and south of U.S. Highway 302 and on and south of U.S. Highway 3. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Stoneham, Mass.

No. MC–110525 (Sub-No. E841), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Butler, Cambria, Fayette, McKean, and Venango Counties, Pa., to points in that part of New Hampshire on and south of U.S. Highway 302 and on and east of U.S. Highway 3. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Stoneham, Mass.

No. MC–110525 (Sub-No. E842), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Philadelphia, Dauphin, Fayette, and Cambria Counties, Pa., to points in Ohio and Indiana. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa.

No. MC–110525 (Sub-No. E843), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and liquid coal tar products*, in bulk, in tank vehicles, from points in Allegheny, Beaver, and Butler Counties, Pa., to points in Maryland (except points in Baltimore and Washington Counties). The purpose of this filing is to eliminate the gateway of points in Fayette County, Pa.

No. MC–110525 (Sub-No. E844), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from Chicago, Ill., (1) to points in Virginia, that part of West Virginia on and east of U.S. Highway 19, that part of North Carolina on and east of U.S. Highway 21, that part of South Carolina on and east of U.S. Highway 15, and that part of Georgia on and south of a line beginning at the Atlantic Ocean, thence along U.S. Highway 82 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Georgia-Alabama State line (Follansbee, W. Va.)*; and (2) to points in Delaware, New Jersey, and Maryland (Follansbee, W. Va.), and the plant sites of the Aniline and Solvay divisions of the Allied Chemical Corporation, in Marshall County, W. Va. (approximately 4 miles south of Moundsville, W. Va.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–110525 (Sub-No. E845), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Pennsylvania on and north of U.S. Highway 40, to points in that part of West Virginia on and south of a line beginning at the Ohio-West Virginia State line, thence along West Virginia Highway 7 to Hundred, thence along U.S. Highway 250 to Pruntytown, thence along U.S. Highway 50 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va.

No. MC–110525 (Sub-No. E846), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Oswego, Oneida, Lewis, Jefferson, and St. Lawrence Counties, N.Y., to points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line, thence along U.S. Highway 70 to Berlin, thence along U.S. Highway 30 to Atlantic City. The purpose of this filing is to eliminate the gateways of Johnstown, Pa., Claymont, Del., and Lima, Pa.

No. MC–110525 (Sub-No. E847), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Chicago, Ill., to points in Maine, Vermont, and New Hampshire, restricted against the transportation of liquid oxygen, liquid hydrogen, and liquid nitrogen, to points in Vermont. The purpose of this filing is to eliminate the gateways of Clairton, Pa., and Syracuse, N.Y.

No. MC–110525 (Sub-No. E848), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Ohio on and east of Ohio Highway 83 and on and north of a line beginning at Wooster, thence along U.S. Highway 30 to junction Ohio Highway 154, thence along Ohio Highway 154 to the Ohio-Pennsylvania State line, to points in that part of West Virginia on and south of West Virginia Highway 27A. The purpose of this filing is to eliminate the gateway of Follansbee, W. Va.

No. MC–110525 (Sub-No. E849), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from Chicago, Ill., (1) to points in Monroe, Broome, Onondaga, Chemung, Schenectady, Chautauqua Counties, N.Y., and the New York, N.Y., Commercial Zone (Clairton, Pa.)*; (2) to points in Erie and Niagara Counties, N.Y. (Pittsburgh, Pa.)*; and (3) to points in Massachusetts, Connecticut, and Rhode Island (Clarion, Pa., and New York, N.Y.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–110525 (Sub-No. E850), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle,

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over irregular routes, transporting: (A) *Liquid chemicals*, in bulk, in tank vehicles, from points in Allegheny County, Pa., to points in Maine and New Hampshire (Syracuse, N.Y.)*; (B) *liquid chemicals* (except liquid oxygen, liquid hydrogen, and liquid nitrogen), in bulk, in tank vehicles, from points in Allegheny County, Pa., to points in Vermont (Syracuse, N.Y.)*; and (C) *liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Allegheny County, Pa., to points in Massachusetts, Connecticut, and Rhode Island (Newark, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–110525 (Sub-No. E851), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Allegheny and Beaver Counties, Pa., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC–110525 (Sub-No. E852), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Monroe County, N.Y., (1) to points in Illinois, Indiana, Michigan, and that part of Ohio on and west of U.S. Highway 23 (Painesville, Ohio)*; and (2) to points in Kentucky (Pittsburgh, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–110525 (Sub-No. E853), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Rhode Island and Massachusetts. The purpose of this filing is to eliminate the gateway of Fort Lee, N.J.

No. MC–111545 (Sub-No. E536), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Georgia on and south of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 78 to Atlanta, thence along Interstate Highway 20 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Kentucky within 175 miles of Chattanooga, Tenn. The purpose of this filing is to eliminate the gateway of points in Georgia within 175 miles of Chattanooga, Tenn.

No. MC–111545 (Sub-No. E539), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such road construction machinery and equipment*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, as are heavy machinery or contractor's equipment, from points in Minnesota and Nebraska to points in Florida and Georgia. (2) *Such road construction machinery and equipment*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, as are self-propelled articles, each weighing 15,000 pounds or more, from points in Minnesota and Nebraska to points in Florida and Georgia, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Keokuk or Mt. Ayr, Iowa.

No. MC–111545 (Sub-No. E540), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Such tractors* (except tractors used in pulling commercial highway trailers), *scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines and generators combined, welders and road rollers*, and *parts and attachments* of and for the commodities described above, as are contractor's equipment, from points in Iowa to points in Alabama, Florida, Georgia, North Carolina, and South Carolina; and (2) *Such tractors* (except tractors used in pulling commercial highway trailers), *scrapers, motor graders, wagons, engines* (except aircraft and missile engines), *generators, engines and generators combined, welders and road rollers*, and *parts and attachments* of and for the commodities described above, as are self-propelled articles, each weighing 15,000 pounds or more, from points in Iowa to points in Alabama, Florida, Georgia, North Carolina, and South Carolina, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of the plant site of Caterpillar Tractor Company, at or near Peoria, Ill.

No. MC–111545 (Sub-No. E541), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and contractor's equipment*, the transportation of which because of size or weight requires the use of special equipment, between points in Illinois and Missouri, on the one hand, and, on the other, points in Utah, restricted against the transportation of commodities to be used in, or in connection with, main or trunk pipelines. The purpose of this filing is to eliminate the gateway of points in Kansas and Missouri within 100 miles of Kansas City, Kans.

No. MC–111545 (Sub-No. E542), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery and contractor's equipment*, the transportation of which, because of size or weight, requires special equipment, between points in Arizona, on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, Missouri, and that part of Wisconsin within 300 miles of Ames, Iowa, restricted against the transportation of commodities to be used in, or in connection with, main or trunk pipelines (Kansas City, Kans., or points in those parts of Kansas or Missouri within 100 miles thereof)*; and (2) *heavy machinery and contractor's equipment*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Arizona, on the one hand, and, on the other, points in that part of Wisconsin not within 300 miles of Ames, Iowa, restricted against the transportation of commodities to be used in, or in connection with, main or truck pipelines ((1) Kansas City, Kans., or points in those parts of Kansas or Missouri within 100 miles there; and (2) points in Iowa)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–111545 (Sub-No. E563), filed May 31, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight, requires the use of special equipment, from points in that part of Texas, on and south of a line beginning at the Texas-New Mexico State line thence along U.S. Highway 180 to Fort Worth, thence along Interstate Highway 35 to the Texas-Oklahoma State line to points in Minnesota. The purpose of this filing is to eliminate the gateways of Arkoma, Oklahoma, Fort Smith, Ark., and Des Moines, Iowa.

No. MC–111545 (Sub-No. E564), filed May 31, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, the transportation of which, because of size or weight, requires the use of special equipment, (1) between the points in Arkansas, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and the District of Columbia; and (2) between points in that part of Arkansas on and south of U.S. Highway 64, on the one hand, and, on the other, points in those parts of New York and Pennsylvania on and east of U.S. Highway 11. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E576), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, unassembled, from points in that part of Tennessee on and west of U.S. Highway 127, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Marietta, Ga.

No. MC–111545 (Sub-No. E579), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, unassembled, from points in Arkansas and Texas to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Marietta, Ga.

No. MC–111545 (Sub-No. E580), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, the transportation of which, because of size or weight, requires the use of special equipment, (1) between points in Texas, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and the District of Columbia; and (2) between points in that part of Texas south of U.S. Highway 66, on the one hand, and, on the other, points in those parts of Pennsylvania and New York east of U.S. Highway 62. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E581), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, unassembled, from points in Indiana, Massachusetts, and Ohio. The purpose of this filing is to eliminate the gateway of Marietta, Ga.

No. MC–111545 (Sub-No. E582), filed May 31, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Ohio to points in New Mexico. The purpose of this filing is to eliminate the gateways of Keokuk, Iowa, and points in Missouri.

No. MC–111545 (Sub-No. E583), filed May 31, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Tennessee, on the one hand, and, on the other, points in Utah, restricted against the transportation of commodities to be used in, or in connection with, main or trunk pipelines. The purpose of this filing is to eliminate the gateways of (1) Keokuk, Iowa, and (2) points in that part of Missouri within 100 miles of Kansas City, Kansas, or points in that part of Kansas within 100 miles of Kansas City, Kansas, and within 300 miles of Ames, Iowa.

No. MC–111545 (Sub-No. E584), filed May 31, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation

No. MC–111545 (Sub-No. E574), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, the transportation of which, because of size or weight, requires the use of special equipment, between points in Alabama, Louisiana, and Mississippi, on the one hand, and, on the other, points in Iowa, Minnesota, and Nebraska. The purpose of this filing is to eliminate the gateways of (1) points in Arkansas or Tennessee, and (2) points in Iowa.

No. MC–111545 (Sub-No. E575), filed May 26, 1974. Applicant: HOME TRANSPORTATION, CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, the transportation of which, because of size or weight, requires the use of special equipment, (1) between the points in Arkansas, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and the District of Columbia; and (2) between points in that part of Arkansas on and south of U.S. Highway 64, on the one hand, and, on the other, points in those parts of New York and Pennsylvania on and east of U.S. Highway 11. The purpose of this filing is to eliminate the gateway of Ringgold, Ga.

No. MC–111545 (Sub-No. E567), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in that part of Alabama within 175 miles of Chattanooga, Tenn., and on and south of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 72 to Scottsboro, thence along Alabama Highway 79 to junction U.S. Highway 11, thence along U.S. Highway 11 to Tuscaloosa, thence along U.S. Highway 82 to the Alabama-Mississippi State line, on the one hand, and on the other, points in Oklahoma, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Piedmont, Ala.

No. MC–111545 (Sub-No. E577), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, unassembled, from points in that part of Oklahoma on, south, and west of a line beginning at the Oklahoma-Arkansas State line, thence along U.S. Highway 62 to Tahlequah, thence along Oklahoma Highway 51 to Tulsa, thence along U.S. Highway 75 to the Oklahoma-Kansas State line to points in that part of Illinois on and north of a line beginning at the Illinois-Iowa State line, thence along U.S. Highway 136 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateways of points in Arkansas and points in Iowa.

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of which, because of size or weight, requires the use of special equipment, from points in that part of New York on and east of a line beginning at the New Jersey-New York State line, thence along U.S. Highway 209 to Kingston, thence along Interstate Highway 87 to Albany, thence along Interstate Highway 90 to Schenectady, thence along New York Highway 50 to Glens Falls, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada to points in that part of Arkansas on and west of a line beginning at the Arkansas-Louisiana State line, thence along Arkansas Highway 7 to Russellville, thence along U.S. Highway 64 to Ozark, thence along Arkansas Highway 23 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and points in Oklahoma.

No. MC–113828 (Sub-No. E59), filed June 4, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. B. Grimm (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur dioxide gas*, in shipper-owned tank vehicles, from Copperhill, Tenn., to points in New Jersey, New York, Rhode Island, Pennsylvania, Massachusetts, Delaware, Connecticut, Maine, and Maryland, and those points in North Carolina in and east of Northampton, Bertie, Washington, Tyrell, and Dare Counties. The purpose of this filing is to eliminate the gateway of West Norfolk, Va.

No. MC–114569 (Sub-No. E8), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* from points in Adams County, Pa., to points in Illinoise, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, and Missouri. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC–114569 (Sub-No. E9), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk, in tank vehicles), from points in Derry Township (Dauphin County), Pa., to points in New York on and west of a line from the New York-Pennsylvania State line along U.S. Highway 219 to Orchard Park, thence along U.S. Alternate Highway 20 to the junction of New York Highway 98, thence along New York Highway 98 to Point Breeze, points in New York on and north of a line from Westport along New York Highway 9N to the junction of New York Highway 73, thence along New York Highway 73 to the junction of New York Highway 86, thence along New York Highway 86 to the junction of New York Highway 3, thence along New York Highway 3 to Sacketts Harbor, and points in Virginia and West Virginia. Restriction: The authority granted herein is restricted against the transportation of commodities having an immediate prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of the plant site of Duffy Mott Company, Inc., at Aspers, Pa.

No. MC–114569 (Sub-No. E10), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and except commodities in bulk, in tank vehicles), from points in Derry Township (Dauphin County), Pa., to points in Arizona, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Illinois, Indiana, Iowa, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of the plant site of Duffy Mott Company at Aspers, Pa.

No. MC–114569 (Sub-No. E11), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from Wilson, Webster, Geneseo, Lindenville, Newark, Holcomb, Morton, Dundee, Victor, and Sodus, N.Y., to points in Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, and Utah; (2) from Webster, Geneseo, Newark, Holcomb, Dundee, Victor, and Sodus, N.Y., to points in Colorado; (3) from Morton, N.Y., to points in Colorado on and west of Interstate Highway 25; (4) from Lindenville and Wilson, N.Y., to points in Colorado on, west and south of a line from the Colorado-New Mexico State line along Interstate Highway 25 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Utah State line; (5) from Newark and Holcomb, N.Y., to points in Kentucky, Mississippi, North Dakota, Oklahoma, and Wyoming; (6) from Webster, Morton, Victor, and Sodus, N.Y., to points in Mississippi, Oklahoma, and Wyoming; (7) from Dundee, N.Y., to points in Mississippi, North Dakota, Oklahoma, South Dakota, and Wyoming; (8) from Geneseo and Lindenville, N.Y., to points in Mississippi. The purpose of this filing is to eliminate the gateways of Milton, Pa., and Winchester, Va.

No. MC–114569 (Sub-No. E12), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from Fredonia, Medina, and Rochester, N.Y., to points in Arizona, California, Colorado, Idaho, Louisiana, Nevada, New Mexico, Oklahoma, Texas, Utah, Wyoming, and points in Tennessee west of U.S. Highway 27; (2) from Rochester and Medina, N.Y., to points in Arkansas and Mississippi; and (3) from Rochester, N.Y., to points in Kansas. The purpose of this filing is to eliminate the gateway of Martinsburg, W. Va.

No. MC–114569 (Sub-No. E13), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products, by-products, and parts* of dead or slaughtered animals unfit for human consumption (except in bulk, in tank vehicles), (1) between points in Illinois, Indiana, Iowa, Minnesota, Wisconsin, Missouri, Nebraska, Georgia, Kentucky, North Carolina, and Virginia, on the one hand, and, on the other, points in Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; (2) between points in Delaware and New Jersey, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Minnesota, Wisconsin, Missouri, Nebraska, Georgia and Kentucky; (3) between points in Illinois, Minnesota, Wisconsin, and Nebraska, on the one hand, and, on the other, points in Maryland on and east of Interstate Highway 81; (4) between points in New York, on the one hand, and, on the other, points in Georgia and South Carolina; (5) between points in Iowa and Missouri, on the one hand, and, on the other, points in Maryland on and east of U.S. Highway 220; and (6) between points in North Carolina, South Carolina, and Virginia, on the one hand, and, on the other, points in New Jersey on and north of Interstate Highway 78. The purpose of this filing is to eliminate the gateway of Elizabethville, Pa.

No. MC–114569 (Sub-No. E14), filed May 24, 1974. Applicant: SCHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products, by-products, and parts* of dead or slaughtered animals, unfit for human consumption (except in bulk, in tank vehicles), (1) between points in Indiana, Iowa, Minnesota, Nebraska, and Wisconsin, on the one hand, and, on the other, points in New York on and south of a line from the New York-Pennsylvania State line along U.S. Highway 220 to Waverly, thence along New York Highway 17 to Binghamton, thence along U.S. Highway 11 to the junction of New York Highway 7, thence

along New York Highway 7 to the New York-Vermont State line; (2) between points in Indiana, on the one hand, and, on the other, points in Pennsylvania on and east of a line from the Maryland-Pennsylvania State line along U.S. Highways 15 and 15 B.R. to Gettysburg, thence along Pennsylvania Highway 34 to the junction U.S. Highway 11/15, thence along U.S. Highway 11/15 to Shamokin Dam, thence along U.S. Highway 15 to Williamsport, thence along U.S. Highway 220 to the New York-Pennsylvania State line; (3) between points in Nebraska, on the one hand, and, on the other, points in Pennsylvania on and east of a line from the Maryland-Pennsylvania State line along U.S. Highway 11 to Carlisle, thence along Pennsylvania Highway 34 to the junction of U.S. Highway 11/15, thence along U.S. Highway 11/15 to Shamokin Dam, thence along U.S. Highway 15 to the New York-Pennsylvania State line; (4) between points in Illinois, on the one hand, and, on the other, points in New York east and south of a line from the New York-Pennsylvania State line along New York Highway 14 to the junction of New York Highway 17, thence along New York Highway 17 to the junction of New York Highway 13, thence along New York Highway 13 to Cazenovia, thence along U.S. Highway 20 to East Winfield, thence along New York Highway 51 to the Mohawk River, thence along the Mohawk River to Amsterdam, thence along New York Highway 67 to the junction of U.S. Highway 9, thence along U.S. Highway 9 to Glens Falls, thence along New York Highway 196 to the junction of New York Highway 40, thence along New York Highway 40 to the junction of New York Highway 149, thence along New York Highway 149 to the New York-Vermont State line.

(5) Between points in Missouri, on the one hand, and, on the other, points in New York east of a line from the New York-Pennsylvania State line along U.S. Highway 15 to Painted Post, thence along New York Highway 17 to the junction of New York Highway 14, thence along New York Highway 14 to Sodus Point; (6) between points in Kentucky, on the one hand, and, on the other, points in New York on and east of a line from the New York-Pennsylvania State line along New York Highway 14 to the junction of New York Highway 14/17, thence along New York Highway 14/17 to the junction of New York Highway 13, thence along New York Highway 13 to Cortland, thence along Interstate Highway 81 to the junction of New York Highway 13, thence along New York Highway 13 to Lake Ontario; (7) between points in North Carolina and Virginia, on the one hand, and, on the other, points in New York east and north of a line from the Pennsylvania-New York State line along New York Highway 19 to Caneadea, thence along New York Highway 243 to the junction of New York Highway 98, thence along New York Highway 98 to Arcade, thence along New York Highway 39 to Yorkshire, thence along New York Highway 16 to Buffalo.

(8) between points in Georgia, Kentucky, North Carolina, South Carolina, and Virginia, on the one hand, and, on the other, points in Pennsylvania on, north and east of a line from the New Jersey-Pennsylvania State line along Interstate Highway 78 to the junction of Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to Pottsville, thence along U.S. Highway 209 to the Susquehanna River, thence along the Susquehanna River to Shamokin Dam, thence along U.S. Highway 15 to Liberty, thence along Pennsylvania Highway 414 to the junction of Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to Wellsboro, thence along U.S. Highway 6 to the junction of Pennsylvania Highway 449, thence along Pennsylvania Highway 449 to the New York-Pennsylvania State line; (9) between points in Iowa, Minnesota and Missouri, on the one hand, and, on the other, points in Pennsylvania on and east of a line from the Maryland-Pennsylvania State line along U.S. Highway 11 to the junction Pennsylvania Highway 433, thence along Pennsylvania Highway 433 to Roxbury, thence along Pennsylvania Highway 641 to the junction of Pennsylvania Highway 75, thence along Pennsylvania Highway 75 to the junction of U.S. Highway 22/322, thence along U.S. Highway 22/322 to Lewistown, thence along U.S. Highway 322 to its junction of Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to the junction of U.S. Highway 220, thence along U.S. Highway 220 to the junction of Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to Tioga, thence along U.S. Highway 15 to the New York-Pennsylvania State line; (10) between points in Illinois, on the one hand, and, on the other, points in Pennsylvania on and east of a line from the Maryland-Pennsylvania State line along U.S. Highway 11 to Carlisle, thence along Pennsylvania Highway 34 to the junction of U.S. Highway 11/15, thence along U.S. Highway 11/15 to Shamokin Dam, thence along U.S. Highway 15 to the junction of Pennsylvania Highway 14, thence along Pennsylvania Highway 14 to the New York-Pennsylvania State line; (11) between points in Wisconsin, on the one hand, and, on the other, points in Pennsylvania on and east of a line from the Maryland-Pennsylvania State line along U.S. Highway 11 to Carlisle, thence along Pennsylvania Highway 34 to the junction of U.S. Highway 11/15, thence along U.S. Highway 11/15 to Shamokin Dam, thence along U.S. Highway 15 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Elizabethville, Pa.

No. MC–114569 (Sub-No. E15), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Milton, Pa., to points in Illinois and points in Indiana on and south of a line from the Indiana-Ohio State line along Interstate Highway 70 to the junction of U.S. Highway 35, thence along U.S. Highway 35 to the junction of Indiana Highway 22, thence along Indiana Highway 22 to the junction of Indiana Highway 29, thence along Indiana Highway 29 to the junction of Indiana Highway 26, thence along Indiana 26 to Lafayette, thence along U.S. Highway 52 to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC–114569 (Sub-No. E16), filed May 24, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Cade and Lozes, La., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of points in Adams County, Pa.

No. MC–114569 (Sub-No. E17), filed May 24, 1974. Applicant: SHAFFER TRUCKING INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese* from Fredericksburg and Preston, Iowa, to points in Delaware, and points in Virginia on and east of a line from the North Carolina-Virginia State line along Interstate Highway 85 to the junction of Virginia Highway 46, thence along Virginia Highway 46, to Blackstone, thence along Virginia Highway 625 and 614 to the junction of U.S. Highway 522, thence along U.S. Highway 522 to the junction of U.S. Highway 250, thence along U.S. Highway 250 to Charlottesville, thence along U.S. Highway 29 to the junction of U.S. Highway 33, thence along U.S. Highway 33 to the junction of U.S. Highway 340, thence along U.S. Highway 340 to the junction of U.S. Highway 211, thence along U.S. Highway 211 to the junction of Interstate Highway 81, thence along Interstate Highway 81 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of Milton, Pa.

No. MC–116063 (Sub-No. E8), filed May 25, 1974. Applicant: WESTERN COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar, and blends thereof*, in bulk, in tank vehicles, from Fort Worth, and Dallas, Tex., to points in Alabama, Florida, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateway of points in Louisiana.

No. MC–116915 (Sub-No. E4), filed May 28, 1974. Applicant: ECK MILLER TRANSPORTATION CORP., 1125 Sweeney St., Owensboro, Ky. 42301. Ap-

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plicant's representative: William P. Sullivan, 1819 H. St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum oil well and mine machinery, aluminum pipe, and aluminum supplies*, from points in West Virginia on and south of a line beginning at Kenova and extending along U.S. Highway 60 to Cedar Grove, thence along West Virginia Highway 39 to the West Virginia-Virginia State line, to Minneapolis, Minn., points in Iowa, and points in Wisconsin on and west of a line beginning at Superior and extending along U.S. Highway 53 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to Westby, thence along U.S. Highway 61 to the Wisconsin-Illinois State line. The purpose of this filing is to eliminate the gateway of the plant site of Harvey Aluminum, Inc., in Hancock County, Ky.

No. MC–117313 (Sub-No. E1), filed May 30, 1974. Applicant: TRYON TRUCKING, INC., P.O. Box 68, Fairless Hills, Pa. 19030. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tinplate, sheet metal, and tinners' and roofers' supplies*, the transportation of which, because of size or weight, require the use of special equipment, and *related machinery parts, and equipment* when their transportation is incidental to the transportation of commodities which by reason of size or weight require the use of special equipment, (a) between points in Ohio, on the one hand, and, on the other, points in New York on and south of Interstate Highway 84; points in New Jersey; points in Delaware north of a line beginning at the Delaware-Maryland State line and extending along Delaware Highway 44 to junction Delaware Highway 8, thence along Delaware Highway 8 to the Delaware River; points in Pennsylvania on and south and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 1 to junction Pennsylvania Highway 100, thence over Pennsylvania Highway 100 to junction U.S. Highway 22, thence over U.S. Highway 22 to the Pennsylvania-New Jersey State line; (b) between points in Pennsylvania on and south of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to New Castle, thence along U.S. Highway 422 to Indiana, thence along Pennsylvania Highway 56 to junction Interstate Highway 76, thence along Interstate Highway 76 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in New York on and south of Interstate Highway 84; and (c) between points in Pennsylvania on, west, and south of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Interstate Highway 76, thence along Interstate Highway 76 to the Pennsylvania-New Jersey State line, on the one hand, and, on the other, points in New Jersey on, east, and south of U.S. Highway 202; and (2) *tinplate, iron and steel sheet, and tinners' and roofers' supplies* which are iron and steel articles (except commodities which because of size or weight require the use of special equipment and/or handling), between the plantsite of the Bethlehem Steel Corporation at Burns Harbor, Porter County, Ind., on the one hand, and, on the other, points in Delaware, restricted to shipments originating at, or destined to said plantsite. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC–118831 (Sub-No. E21), filed June 5, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, North Carolina 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl terephthalate*, in bulk, from points in New Hanover County, N.C., and Spartanburg County, S.C., to points in Arkansas, Illinois, and Missouri. The purpose of this filing is to eliminate the gateway of Robertson County, Tenn.

No. MC–119774 (Sub-No. E4), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr., (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Florida on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways of points in Oklahoma and points in Arkansas.

No. MC–119774 (Sub-No. E5), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Florida on the one hand, and, on the other, points in Arkansas and Oklahoma.

No. MC–119774 (Sub-No. E6), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Florida on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–119774 (Sub-No. E7), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* as described in *Mercer Extension Oilfield Commodities*, 74 M.C.C. 459, from points in New Mexico to points in West Virginia. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., and Moffett, Okla.

No. MC–119774 (Sub-No. E8), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* as described in *Mercer Extension Oilfield Commodities*, 74 M.C.C. 459, from points in New Mexico to points in New Jersey. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., and Moffett, Okla.

No. MC–119774 (Sub-No. E9), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* as described in *Mercer Extension Oilfield Commodities*, 74 M.C.C. 459, from points in New Mexico to points in Maryland. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., and Moffett, Okla.

No. MC–123601 (Sub-No. E1), filed May 27, 1974. Applicant: STAPLE TRUCKING SERVICE, INC., 445 Winding Rd., Old Bethpage, N.Y. 11804. Applicant's representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incandescent lamps, and raw materials* used in the manufacture of incandescent lamps between New York, N.Y., and points in Nassau and Westchester Counties, N.Y., on the one hand, and, on the other, points in that part of New Jersey within 100 miles of Jersey City, N.J., including Jersey City but excluding Bergen and Passaic Counties, and points in Tioga, Bradford, Susquehanna, Pike, Lycoming, Wyoming, Sullivan, Lackawanna, Wayne, Columbia, Luzerne, Carbon, Monroe, Northampton, Lehigh, and Philadelphia Counties, Pa. The purpose of this filing is to eliminate the gateway of Hudson County, N.J.

No. MC–133689 (Sub-No. E3), filed May 27, 1974. Applicant: OVERLAND EXPRESS, INC., P.O. Box 2667, Newbrighton, Minn. 55112. Applicant's representative: Daniel C. Sullivan, 327 S. LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail department stores* (except foodstuffs), and in connection therewith, *materials and supplies* used in the conduct of such business; when such commodities are also such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business (except dairy products, beverages, and commodities in bulk), from points in Connecticut, Delaware, Illinois (except points north of U.S. Highway 24), Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey (except points in Essex, Hudson, Hunterdon, Mercer, Middlesex, Passaic, and Union Counties, N.J.), New York (except points east of New York Highway 12), North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia to Huron, S. Dak. The purpose of this filing is to eliminate the gateway of the facilities of World-Wide, Inc., and Erickson Petroleum Co., at Minneapolis-St. Paul, Minn.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21005 Filed 9-10-74;8:45 am]

[Notice 29]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 6, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application) to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–8948 (Deviation No. 5), WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. 90058, filed August 19, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction California Highway 99 (formerly U.S. Highway 99) and Interstate Highway 5 north of Wheeler Ridge, Calif., over Interstate Highway 5 to junction California Highway 152; (2) from junction California Highway 99 and Interstate Highway 5, over Interstate Highway 5 to junction U.S. Highway 50; and (3) from junction California Highway 99 and Interstate Highway 5, over Interstate Highway 5 to junction Interstate Highway 580, thence over Interstate Highway 580 to junction U.S. Highway 50, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Los Angeles, Calif., over Interstate Highway 5 to junction California Highway 99, thence over California Highway 99 via Bakersfield, Calif., to junction California Highway 152, thence over California Highway 152 to Gilroy, Calif.; (2) from Los Angeles, Calif., over Interstate Highway 5 to junction California Highway 99, thence over California Highway 99 to Sacramento, Calif.; and (3) from Los Angeles, Calif., over Interstate Highway 5 to junction California Highway 99, thence over California Highway 99 to Manteca, Calif., thence over California Highway 120 to junction U.S. Highway 50, thence over U.S. Highway 50 to San Francisco, Calif., and return over the same routes.

No. MC–29910 (Deviation No. 31), ARKANSAS-BEST FREIGHT SYSTEM, INC., General Offices, Fort Smith, Ark. 72901, filed August 28, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over U.S. Highway 67 to junction Arkansas Highway 29, thence over Arkansas Highway 29 to Arkansas-Louisiana State line, thence over Louisiana Highway 3 to junction U.S. Highway 80, thence over U.S. Highway 80 to Shreveport, La., thence over U.S. Highway 171 to junction Louisiana Highway 5, thence over Louisiana Highway 5 to junction U.S. Highway 84 near Logansport, La., thence over U.S. Highway 84 to junction U.S. Highway 59, thence over U.S. Highway 59 to Houston, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 67 to Texarkana, Arkansas-Texas, thence over U.S. Highway 59 to Marshall, Tex., thence over Texas Highway 43 to Henderson, Tex., thence over Texas Highway 26 to junction U.S. Highway 59, thence over U.S. Highway 59 to Houston, Tex., and return over the same route.

No. MC–33641 (Deviation No. 71), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 26, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Niles, Mich., over U.S. Highway 31 to junction U.S. Highway 30 near Plymouth, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Niles, Mich., over Michigan Highway 60 to junction U.S. Highway 12, thence over U.S. Highway 12 to Hammond, Ind., thence over U.S. Highway 41 to junction U.S. Highway 30 near Schererville, Ind., thence over U.S. Highway 30 to junction U.S. Highway 31 near Plymouth, Ind., and return over the same route.

No. MC–33641 (Deviation No. 72), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 26, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kalamazoo, Mich., over U.S. Highway 131 to Three Rivers, Mich., thence over Michigan Highway 60 to Niles, Mich., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kalamazoo, Mich., over U.S. Highway 12 (Interstate Highway 94) to New Buffalo, Mich., thence over Michigan Highway 60 to Niles, Mich., and return over the same route.

No. MC–33641 (Deviation No. 73), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 26, 1974. Carrier proposes

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to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Jackson, Mich., over U.S. Highway 127 to Van Wert, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Jackson, Mich., over U.S. Highway 12 (Interstate Highway 94) to Hammond, Ind., thence over U.S. Highway 41 to junction U.S. Highway 30 near Schererville, Ind., thence over U.S. Highway 30 to Van Wert, Ohio, and return over the same route.

No. MC-33641 (Deviation No. 74), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 26, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio, over Interstate Highway 75 to Lima, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Toledo, Ohio, over U.S. Highway 24 to Monroe, Mich., thence over Michigan Highway 50 to Jackson, Mich., thence over U.S. Highway 12 (Interstate Highway 94) to Hammond, Ind., thence over U.S. Highway 41 to junction U.S. Highway 30 near Schererville, Ind., thence over U.S. Highway 30 to junction U.S. Highway 30S near Delphos, Ohio, thence over U.S. Highway 30S to Lima, Ohio, and return over the same route.

No. MC-33641 (Deviation No. 75), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 26, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Toledo, Ohio, over Interstate Highway 75 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 76 near North Jackson, Ohio, thence over Interstate Highway 76 to junction U.S. Highway 22 near Monroeville, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Toledo, Ohio over U.S. Highway 24 to Monroe, Mich., thence over Michigan Highway 50 to Jackson, Mich., thence over U.S. Highway 12 (Interstate Highway 94) to Hammond, Ind., thence over U.S. Highway 41 to junction U.S. Highway 30 near Schererville, Ind., thence over U.S. Highway 30 to junction U.S. Highway 30S near Delphos, Ohio, thence over U.S. Highway 30S to Lima, Ohio, thence over U.S. Highway 25 to Piqua, Ohio, thence over U.S. Highway 36 to junction Ohio Highway 29 near Urbana, Ohio, thence over Ohio 29 to junction U.S. Highway 40 near West Jefferson, Ohio, thence over U.S. Highway 40 to junction Ohio Highway 440, thence over Ohio Highway 440 to junction U.S. Highway 40, thence over U.S. Highway 40 to Cambridge, Ohio, thence over U.S. Highway 22 to junction Interstate Highway 76 near Monroeville, Pa., and return over the same route.

No. MC-33641 (Deviation No. 76), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 26, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Interstate Highway 94 and Interstate Highway 69 near Marshall, Mich., over Interstate Highway 69 to Ft. Wayne, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From the junction of Interstate Highway 69 and U.S. Highway 12 (Interstate Highway 94) near Marshall, Mich., over U.S. Highway 12 to Hammond, Ind., thence over U.S. Highway 41 to Schererville, Ind., thence over U.S. Highway 30 to Ft. Wayne, Ind., and return over the same route.

No. MC-33641 (Deviation No. 77), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 26, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Gary, Ind., over Interstate Highway 80 to Toledo, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Gary, Ind., over U.S. Highway 12 (Interstate Highway 94) to Jackson, Mich., thence over Michigan Highway 50 to Monroe, Mich., thence over U.S. Highway 24 to Toledo, Ohio, and return over the same route.

No. MC-33641 (Deviation No. 78), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 26, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over Interstate Highway 70 to junction Interstate Highway 270, thence over Interstate Highway 270 to junction Interstate Highway 70, thence over Interstate Highway 70 to Indianapolis, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kansas City, Mo., over U.S. Highway 50 to junction Missouri Highway 100 near Gray Summit, Mo., thence over Missouri Highway 100 to St. Louis, Mo., thence over U.S. Highway 50 to Cincinnati, Ohio, thence over U.S. Highway 52 to Indianapolis, Ind., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-21006 Filed 9-10-74;8:45 am]

[Notice 73]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 6, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC-123872 (Sub-No. 21) (Republication), filed March 21, 1974, and published in the FEDERAL REGISTER issue of May 2, 1974, and republished this issue. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Box 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave NW., Washington, D.C. 20036. An Order of the Commission, Operating Rights Board, dated August 7, 1974, and served September 3, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, (1) of *furniture parts* from Ennis, Tex., Oklahoma City and Hominy, Okla., and (2) of *furniture materials and furniture packaging materials* from Dallas and Fort Worth, Tex., in both (1) and (2) above to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to change the commodity description. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC-128133 (Sub-No. 11) (Republication), filed April 19, 1973, published in the FEDERAL REGISTER issue of June 7, 1973, and republished this issue. Applicant: H. H. OMPS, INC., Route 5, Box 368, Winchester, Va. 22601. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. An Order of the Commission, Review Board Number 1, dated August 26, 1974 and served August 29, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of (1) *dry fertilizer and dry nitrogen, phosphate*, and *potash*, (a) between the plant facilities of Kerr-McGee Chemical Corporation at Winchester, Va., and Keymar, Md., and (b) from the plant facilities of Kerr-McGee Chemical Corporation at Winchester, Va., to points in Bedford and Huntingdon Counties, Pa., and (2) *dry fertilizer* from Milford, Va., to Gaithersburg, Md., subject to the condition that to the extent the authority granted duplicates applicant's existing authority, it shall not be construed as conferring more than a single operating right; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements, of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 2028 (Notice of filing of petition for modification, clarification, and amendment of certificate), filed May 15, 1974. Petitioner: GRAY FLEET TRUCKING CO., INC., 386 Liberty St., Little Ferry, N.J. 07643. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner presently holds a motor *common carrier* certificate in No. MC 2028, issued August 20, 1957, authorizing transportation over irregular routes, of *heavy industrial chemicals and empty chemical containers*, used as the receptacles of heavy industrial chemicals, between New York, N.Y., on the one hand, and, on the other, New Brunswick, N.J., and points in Bergen, Essex, Hudson, Morris, Somerset, Union, and Passaic Counties, N.J., and those in that part of Middlesex County, N.J., north of the Raritan River. By the instant petition, petitioner seeks (1) that the Commission issue an appropriate order that the petitioner be empowered and permitted to designate as its terminal area, all points within which local operations may be conducted in the New York, N.Y., Commercial Zone as established by the Commission, or (2) in the alternative, amend its territorial description to read: "between the New York, N.Y., Commercial Zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act, (the "exempt zone") and those points in New Jersey within 5 miles of New York, N.Y., and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y., on the one hand, and, on the other, New Brunswick, N.J., and points in Bergen, Essex, Hudson, Morris, Somerset, Union, and Passaic County, N.J., and those in that part of Middlesex County, N.J., north of the Raritan River." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 114552 (Sub-No. 72) (Notice of filing of petition to extend the destination points and to remove a restriction), filed August 23, 1974. Petitioner: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Petitioner's representative: William P. Jackson, Jr., 919 Eighteenth Street, Washington, D.C. 20006. Petitioner presently holds a motor *common carrier* certificate in No. MC 114552 (Sub-No. 72), issued August 20, 1974, authorizing transportation over irregular routes, of *construction materials*, from the facilities of Barclay Industries, Inc., at Deer Park, N.Y., and Lodi, N.J., to points in Alabama, Florida, Georgia, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, restricted to the transportation of shipments originating at the named shipper facilities and destined to points in the above named destination states. By the instant petition, petitioner seeks (1) to add the destination points of Kentucky, Louisiana, Mississippi, Arkansas, Texas, Illinois, and Indiana and (2) to delete the restriction described in the authority above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 120021 (Sub-No. 2) (Petition for modification of certificate), filed May 28, 1974. Petitioner: THE COTTER MOVING & STORAGE COMPANY, a Corporation, Akron, Ohio. Petitioner's representative: Thomas R. Kingsley, Todd, Dillon, and Sullivan, Federal Bar Building, 1819 H Street NW., Washington, D.C. 20006. Petitioner presently holds authority in No. MC-120021 (Sub-No. 2), to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) Between points in Ohio, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (2) Between Dayton, Ohio, and points within 25 miles thereof, on the one hand, and, on the other, points in Minnesota, Nebraska, Wisconsin, Missouri, Arkansas, Illinois, Indiana, Kentucky, North Carolina, West Virginia, Maryland, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia. The certificate authorizing the above-described operations was issued to petitioner on April 17, 1974. The Commission pursuant to its decision in Ex Parte 55 (Sub-No. 8), Gateway Elimination, 119 M.C.C. 530, requires that all certificates for operating authority issued after April 5, 1974 specifically state whether or not such certificates, or portions thereof, may or may not be tacked. As its certificate is silent in this regard, petitioner seeks modification of this certificate so as to specifically authorize the joinder of the separately stated grants of authority therein in order that it may eliminate the gateway created by such joinder under the Gateway Elimination Rules established by the Commission in 49 CFR 1065. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC-136913 (Sub-No. 1) (partial correction of a notice of filing of petition to extend the territorial description), filed August 9, 1974, published in the FEDERAL REGISTER issue of August 28, 1974, and republished, as corrected in part, this issue. Petitioner: FRED SNIDER, doing business as SUNDOWN LUMBER EXPRESS, P.O. Box 611, Silver Springs, Nev. 89429. Petitioner's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111.

NOTE.—The purpose of this partial republication is to correctly state that the petitioner holds motor *contract carrier* permit in MC-136913 (Sub-No. 1), in lieu of MC-136913. The rest of the notice remains as originally published. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Inter-

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state Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATION FOR CERTIFICATE OR PERMIT WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC-30605 (Sub-No. 154), filed May 21, 1974. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman Street, Wichita, Kans. 67202. Applicant's representative: Mert Starnes, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, livestock, commodities in bulk and those requiring special equipment), (1) Between Red Bluff, Calif., and Los Angeles, Calif.: From Red Bluff, Calif., over California Highway 99 to Los Angeles, Calif., and return over the same route, serving all intermediate points and serving Allensworth, Alpaugh, Atwater, Caruthers, Clovis, Conejo, Del Rey, Denair, Dinuba, Empire, Farmersville, Guernsey, Hughson, Laton, LeGrand, Lerdo, Lockeford, Parlier, Pinedale, Planada, Reedley, Richgrove, Riverdale, Sanger, Stoil, Sultana, Waukena, and Winton as off-route points; (2) Between Redding, Calif., and San Ysidro, Calif.: From Redding, Calif., over Interstate Highway 5 to San Ysidro, Calif., and return over the same route, serving all intermediate points, and serving Willows as an off-route point; (3) Between Williams, Calif., and Grass Valley, Calif.: From Williams, Calif., over California Highway 20 to Grass Valley, Calif., and return over the same route, serving all intermediate points; (4) Between Grass Valley, Calif., and Placerville, Calif.: From Grass Valley, Calif., over California Highway 49 to Placerville, Calif., and return over the same route, serving all intermediate points, and serving Colfax and Nevada City as off-route points.

(5) Between junction of California Highway 149 and California Highway 99 and junction of California Highway 70 and California Highway 99: From junction of California Highway 149 and California Highway 99, over California Highway 149 to its junction with California Highway 70 south of Paradise, thence over California Highway 70 to its junction with California Highway 99 near Trowbridge, and return over the same route, serving all intermediate points; (6) Between Marysville, Calif., and Roseville, Calif.: From Marysville, Calif., over California Highway 65 to Roseville, Calif., and return over the same route, serving all intermediate points; (7) Between Vacaville, Calif., and Dunnigan, Calif.: From Vacaville, Calif., over Interstate Highway 505 to Dunnigan, Calif., and return over the same route, serving all intermediate points; (8) Between San Francisco, Calif., and Auburn, Calif.: From San Francisco, Calif., over Interstate Highway 80 to Auburn, Calif., and return over the same route, serving all intermediate points, and serving Davis as an off-route point; (9) Between Oakland, Calif., and junction of Interstate Highway 5 and Interstate Highway 580: From Oakland, Calif., over Interstate Highway 580 to its junction with Interstate Highway 5, and return over the same route, serving all intermediate points, and serving Livermore as an off-route point.

(10) Between junction of Interstate Highway 580 and Interstate Highway 205 and junction California Highway 120 and California Highway 99: From junction of Interstate Highway 580 and Interstate Highway 205 over Interstate Highway 205 via Tracy and over by-pass Interstate Highway 205 to their junction with California Highway 120, thence over California Highway 120 to its junction with California Highway 99 at or near Manteca, and return over the same route, serving all intermediate points; (11) Between Sacramento, Calif., and Placerville, Calif.: From Sacramento, Calif., over U.S. Highway 50 to Placerville, Calif., and return over the same route, serving all intermediate points, and serving Fair Oaks, Folsom, and Perkins as off-route points; (12) Between San Rafael, Calif., and San Jose, Calif.: From San Rafael, Calif., over California Highway 17 to San Jose, Calif., and return over the same route, serving all intermediate points; (13) Between Vallejo, Calif., and San Jose, Calif.: From Vallejo, Calif., over Interstate Highway 680 to San Jose, Calif., and return over the same route, serving all intermediate points, and serving Pleasanton as an off-route point; (14) Between Oakland, Calif., and Pacheco, Calif.: From Oakland, Calif., over California Highway 24 to Pacheco, Calif., and return over the same route, serving all intermediate points; (15) Between Pinole, Calif., and Stockton, Calif.: From Pinole, Calif., over California Highway 4 to Stockton, Calif., and return over the same route, serving all intermediate points and serving Antioch, Byron, Knightsen, Pittsburg, and Port Chicago as off-route points; (16) Between Lodi, Calif., and Santa Rosa, Calif.: From Lodi, Calif., over California Highway 12 to Santa Rosa, Calif., and return over the same route, serving all intermediate points; (17) Between Antioch, Calif., and Sacramento, Calif.: From Antioch, Calif., over California Highway 160 to Sacramento, Calif., and return over the same route, serving all intermediate points; (18) Between Calistoga, Calif., and Vallejo, Calif.: From Calistoga, Calif., over California Highway 29 to Vallejo, Calif., and return over the same route, serving all intermediate points; (19) Between Ignacio, Calif., and Vallejo, Calif.: From Ignacio, Calif., over California Highway 37 to Vallejo, Calif., and return over the same route, serving all intermediate points; (20) Between San Francisco, Calif., and Carmel, Calif.: From San Francisco, Calif., over California Highway 1 to Carmel, Calif., and return over the same route, serving all intermediate points, and serving Ben Lomond, Boulder Creek, Brookdale, Felton and Scotts Valley as off-route points;

(21) Between Santa Rosa, Calif., and Salinas, Calif.: From Santa Rosa, Calif., over U.S. Highway 101 to Salinas, Calif., and return over the same route, serving all intermediate points, and serving Cotati, Petaluma, and Sebastopol as off-route points; (22) Between junction California Highway 156 and U.S. Highway 101 and junction of California Highway 156 and California Highway 152: From junction California Highway 156 and U.S. Highway 101, near San Juan Batista, over California Highway 156 to its junction with California Highway 152, near San Felipe, Calif., and return over the same route, serving all intermediate points; (23) Between Gilroy, Calif., and junction California Highway 152 and U.S. Highway 99: From Gilroy, Calif., over California Highway 152 to its junction with U.S. Highway 99, near Chowchilla, Calif., and return over the same route, serving all intermediate points; (24) Between junction of California Highway 33 and Interstate Highway 205 and junction of California Highway 166 and California Highway 99: From junction of California Highway 33 and Interstate Highway 205 at or near Banta, Calif., over California Highway 33 to Maricopa, Calif., thence over California Highway 166 to its junction with California Highway 99, and return over the same route, serving all intermediate points; (25) Between Coalinga, Calif., and Exeter, Calif.: From Coalinga, Calif., over California Highway 198 to Exeter, Calif., and return over the same route, serving all intermediate points, and serving Lemon Cove and Woodlake as off-route points; (26) Between Fresno, Calif., and junction California Highway 63 and California Highway 180: From Fresno, Calif., over California Highway 180 to its junction with California Highway 63, and return over the same route, serving all intermediate points; (27) Between Visalia, Calif., and junction of California Highway 63 and California Highway 180: From Visalia, Calif., over California Highway 63 to its junction with California Highway 180, and return over the same route, serving all intermediate points; (28) Between Fresno, Calif., and junction of Interstate Highway 5 and California Highway 41: From Fresno, Calif., over California Highway 41 to its junction with Interstate Highway 5 near Kettleman City, Calif., and return over the same route, serving all intermediate points; (29) Between Bakersfield, Calif., and Selma, Calif.: From Bakersfield, Calif., over California Highway 43 to Selma, Calif., and return over the same route, serving all intermediate points.

(30) Between Exeter, Calif., and Bakersfield, Calif.: From Exeter, Calif., over California Highway 65 to Bakersfield, Calif., and return over the same route, serving all intermediate points; (31) Between Pomona, Calif., and junction of California Highway 71 and U.S. Highway 395: From Pomona, Calif., over California Highway 71 to its junction with U.S. Highway 395 near Murrieta, and return over the same route, serving all intermediate points; (32) Between San Bernardino, Calif., and San Diego, Calif.: From San Bernardino, Calif., over U.S. Highway 395 to Escondido, Calif., thence over Interstate Highway 15 to San Diego, Calif., and return over the same route, serving all intermediate points; (33) Between Oceanside, Calif., and Escondido, Calif.: From Oceanside, Calif., over California Highway 78 to Escondido, Calif., and return over the same route, serving all intermediate points.

(34) Between Oceanside, Calif., and Fallbrook, Calif.: From Oceanside, Calif., over California Highway 76 to its junction with unnumbered highway (formerly U.S. Highway 395), thence over unnumbered highway to Fallbrook, Calif., and return over the same route, serving all intermediate points and serving Vista and Camp Pendleton as off-route points; (35) Between Manteca, Calif., and Modesto, Calif.: From Manteca, Calif., over California Highway 120 to Oakdale, Calif., thence over California Highway 108 to Modesto, Calif., and return over the same route, serving all intermediate points, serving all intermediate points on the foregoing routes (1) through (35) and all points lying within (15) miles of said routes as off-route points, and traversing on and over all public highways, streets, and roads between all points above authorized for operating convenience.

(36) Between Salinas, Calif., and Los Angeles, Calif.: From Salinas, Calif., over U.S. Highway 101 to Los Angeles, Calif., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (37) Between Paso Robles, Calif., and Famosa, Calif.: From Paso Robles, Calif., over California Highway 46 to Famosa, Calif., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (38) To and from and between all points and places located (a) within San Francisco Territory and (b) within Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma Counties, Calif., said San Francisco Territory being described as follows: San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point one mile west of U.S. Highway 101; southerly along an imaginary line one mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue;

Easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101.

Northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs, northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive, and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning.

(39) To and from and between all points and places located (a) within Los Angeles Basin Territory and (b) within Los Angeles, Orange, and Ventura Counties, Calif., said Los Angeles Basin Territory being described as follows: Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway 99; northwesterly along U.S. Highway 99 to the corporate boundary of the City of Redlands.

Westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway 60; southwesterly along U.S. Highways 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly, and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway 74; westerly along State Highway 74 to the corporate boundary of the City of Hemet; southerly westerly, and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway 395, 2.1 miles north of the unincorporated community of Temecula;

Southerly along said county road to U.S. Highway 395; southeasterly along U.S. Highway 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning; and (40) To and from and between all points and places located (a) within San Diego Territory and (b) San Diego County, said San Diego Territory being described as follows: San Diego Territory includes that area embraced by the following boundary: Between points in California within an area bounded by a line beginning at the northerly junction of U.S. Highways 101-E and 101-W (4 miles north of La Jolla); thence easterly to Miramar on U.S. Highway 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway (State Highway 67); thence southerly to Bostonia on U.S. Highway 80; thence southeasterly to Jamul on State Highway 94; thence due south to the International Boundary Line, west to the Pacific Ocean and north along the coast to point of beginning.

NOTE.—Common control may be involved. This is a matter directly related to the Section 5 proceeding in MC-F-12170 published in the FEDERAL REGISTER issue of March 27,

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1974. If a hearing is deemed necessary, the applicant requests it be held at San Francisco and Los Angeles, Calif.

No. MC–F–12101. (Amendment) (E. K. MOTOR SERVICE, INC.—MERGER—E. K. MOTOR SERVICE, INC. (MO.)), published in the January 23, 1974, issue of the FEDERAL REGISTER on page 2653. By petition filed June 17, 1974, applicant Tom B. Kretsinger seeks Commission approval of the control of E. K. MOTOR SERVICE, INC. (the proposed surviving corporation), through stock ownership and management, and the control of said corporation in a common interest with Grain Belt Transportation Company, and Tri-D Truck Line, Inc.

MC–F–12298. Authority sought for merger by PETROLEUM CARRIER CORPORATION OF FLORIDA, 155 E. 21st Street, Jacksonville FL 32206, of the operating rights and property of DIAMOND SAND & STONE CO., of the Jacksonville FL 32206 address, and for acquisition by FLORIDA ROCK INDUSTRIES, INC., also of Jacksonville, FL 32206, of control of such rights and property through the transaction. Applicants' attorney: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Operating rights sought to be merged: *Road building* and *construction aggregates*, in bulk, over irregular routes as a *common carrier* between those points in Alabama, which are south of the southern boundaries of Chambers, Tallapoosa, Coosa, Chilton, Perry, Hale and Sumter Counties, Alabama; those points in Georgia which are south of the southern boundaries of Harris, Talbot, Crawford, Bibb, Twiggs, Wilkinson, Johnson, Emanuel, Jenkins, and Screven Counties, Georgia; and those points in Florida which are north of the northern boundaries of Pasco, Sumter, Lake, Seminole, Brevard Counties, Florida, *dolomite*, in bulk, in dump vehicles from points in Taylor County, Florida, to points in Georgia and Alabama, *bauxite ore*, in bulk, in dump vehicles between points in Alabama, Florida, and Georgia, *ground dolomitic limestone* and *ground calcium limestone*, in bulk, in dump vehicles, from the facilities of Dixie Lime and Stone Company in Jackson County, Fla., southeast of Marianna, Fla., to points in Alabama and Georgia. PETROLEUM CARRIER CORPORATION, is authorized to operate as a *common carrier* in Florida, Alabama, Georgia, and South Carolina. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12299. Authority sought for control and merger by TERMINAL TRANSPORT COMPANY, INC., 248 Chester Ave. SE., Atlanta, GA 30316, of the operating rights and property of TROJAN FREIGHT LINES, INC., 909 Keowee St., Dayton, OH 45404, and for acquisition by AMERICAN COMMERCIAL LINES, 2919 Allen Parkway, Houston, TX 77019, and TEXAS GAS TRANSMISSION CORP., 3800 Frederica St., Owensboro, KY 42301, of control of such rights and property through the transaction. Applicants' attorneys: Harold H. Clockey, 1740 The Equitable Bldg., Atlanta, GA 30303, and Jack Goodman, 39 S. LaSalle St., Chicago, IL 60603. Operating rights sought to be controlled and merged: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Dayton, Ohio, and Indianapolis, Ind., between Dayton, Ohio, and junction of U.S. Highways 35 and 40, serving various off-route points. TERMINAL TRANSPORT COMPANY, INC., is authorized to operate as a *common carrier* in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, Tennessee, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12300. Authority sought for purchase by MIDWEST MOTOR EXPRESS, INC., 5015 E. Main St., Bismarck, ND 58501, of a portion of the operating rights and property of UNITED-BUCKINGHAM FREIGHT LINES, INC., P.O. Box 192, Littleton, CO 80120, and for acquisition by E. J. ROSWICK, also of Bismarck, ND 58501, of control of such rights and property through the purchase. Applicants' attorney: Ernest R. Fleck, P.O. Box 1436, Bismarck, ND 58501. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Minot and Portal, N. Dak., between Minot and Sherwood, N. Dak., between South St. Paul, Minn., and Bottineau, N. Dak., between Detroit Lakes and Crookston, Minn., between Fargo and Pembina, N. Dak., between Rolla, N. Dak., and the United States-Canada Boundary line, between Minot and Devils Lake, N. Dak., serving various intermediate and off-route points, over one alternate route for operating convenience only; *petroleum products* in containers, from Duluth, Minn., to Fargo, N. Dak., from Duluth, Minn., to Grand Forks, N. Dak., serving no intermediate points; general commodities, with exceptions, over irregular routes, between points in that part of North Dakota bounded by a line beginning at Minot, N. Dak., and extending north along U.S. Highway 83 to certain specified points in North Dakota and to point of beginning, including points on the indicated portions of the highways specified, on the one hand, and on the other, Minneapolis, St. Paul, South St. Paul, and Stillwater, Minn., between points in Minnesota within 35 miles of Breckenridge, Minn., including Breckenridge, Minn., on the one hand, and on the other, points in Benson, Bottineau, Burke, Cavalier, Divide, Grand Forks, McHenry, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, Walsh, Ward, and Williams Counties in North Dakota, between points in Benson, Bottineau, Burke, Cavalier, Divide, Grand Forks, McHenry, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, Walsh, Ward, and Williams Counties in North Dakota. Vendee is authorized to operate as a *common carrier* in Minnesota, Montana, North Dakota, South Dakota, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

NOTE.—Docket Nos. MC–2153 (Sub-No. 45) and MC–103435 (Sub-No. 224) are matters directly related.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–21009 Filed 9–10–74;8:45 am]

[Notice 153]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 11, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 1, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75326. By order entered September 4, 1974, the Motor Carrier Board approved the transfer to Brookhiser Trucking, Inc., Wever, Iowa, of the operating rights set forth in Certificate No. MC–113621, issued July 31, 1958, to William Brookhiser, Robert Brookhiser, and Harold Brookhiser, doing business as Brookhiser Trucking Company, Wever, Iowa, authorizing the transportation of agricultural implements, twine, feed, tankage, carnival paraphernalia, amusement rides, clay products, coal, empty barrels, fending, hay, straw, livestock, mill feed, feeding molasses, fertilizer, petroleum products, paper bags, roofing materials, pickles, poultry, egg cases, vinegar, and wooden tanks and vats, from, to, or between points in Illinois, Iowa, and Missouri. Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501, representative for applicants.

No. MC–FC–75328. By order of August 29, 1974, the Motor Carrier Board approved the transfer to John Bisgrove, Jr., Gerald Bisgrove, Mary Lou Jones, Betty Jean Kinsella, James A. Smith, and Intrans Express Lines, Ltd., a partnership, doing business as Doral Transport Company, St. Catherines, Ontario, Canada, of the operating rights in Certificate No. MC–92733 (Sub-No. 2), issued January 3, 1973, to Wallace Transport Co., Limited, Port Colborne, Ontario, Canada, authorizing the transportation of various commodities from, to and between the ports of entry on the United States-Canada Boundary line located at or near Buffalo, Niagara Falls, and Lewiston, N.Y., and specified points in New York, Ohio, and Pennsylvania, Leonard A. Jaskiewicz, 1730 M St. NW., Washington, D.C. 20036, attorney for applicants.

No. MC–FC–75350. By order of September 3, 1974, the Motor Carrier Board approved the transfer to Able Moving & Storage Co., Inc., Nashua, N.H., of a portion of the operating rights in Certificate No. MC–59557 issued January 13, 1949, to Auclair Transportation, Inc., Manchester, N.H., authorizing the transportation of household goods between points in specified counties in New Hampshire, on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Jersey, New York, Rhode Island, and Vermont. Frank J. Weiner, 15 Court Sq., Boston, Mass. 02108, attorney for transferee. Mary E. Kelley, 11 Riverside Ave., Medford, Mass. 02155, attorney for transferor.

No. MC–FC–75352. By order of August 30, 1974, the Motor Carrier Board approved the transfer to Stanley Kucemba, doing business as Star Parcel and Courier Service, Trenton, N.J., of the operating rights in Permit No. MC–110762 issued July 31, 1958, to Walter Emmons, Jr., doing business as Star Delivery Service, Crosswicks, N.J., authorizing the transportation of such merchandise as is dealt in by retail department stores from Trenton, N.J., to points in a described area of Pennsylvania. Seymour I. Marcus, 143 East State St., Trenton, N.J. 08608, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–21019 Filed 9–10–74;8:45 am]

[Notice 127]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 3, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 75651 (Sub-No. 71TA), filed August 21, 1974. Applicant: R. C. MOTOR LINES, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808. Applicant's representative: P. M. Witham, 1450 Wabash Avenue, Terre Haute, Ind. 47808. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Activated charcoal or coke in ocean containers* and (2) *Empty ocean containers*, (1) from Savannah, Ga., to Power Generating plan of Gulf Power Co. located at or near Boykin, Fla., and (2) from Power Generating plan of Gulf Power Co. located at or near Boykin, Fla., to Savannah, Ga., for 180 days. Supporting shipper: Frederick Richards of G., Inc., 620 Realty Building, P.O. Box 1246, Savannah, Ga. 31402. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 103191 (Sub-No. 47 TA), filed August 23, 1974. Applicant: THE GEO. A. RHEMAN CO., INC., 2019 Elgin Street, P.O. Box 2095, Station A, Charleston, S.C. 29403. Applicant's representative: Harris G. Andrews, P.O. Box 4255, Greenville, S.C. 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, between Savannah, Ga., on the one hand, and, on the other, Cincinnati, Ohio, and points in Kentucky, for 180 days. Supporting shipper: National Distillers Products Company, 11750 Chesterdale Road, Cincinnati, Ohio 45246. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 302 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

No. MC 103435 (Sub-No. 225 TA), filed August 22, 1974. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., P.O. Box 192, 5773 South Prince Street, Littleton, Colo. 80120. Applicant's representative: Alvin J. Meiklejohn, Jr., 1600 Lincoln Center Building, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: (A) *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the United States Air Force Base and points within 5 miles thereof, located approximately 10 to 20 miles north of Glasgow, Mont., as off-route points in connection with carrier's regular-route operations in Montana, (1) Between Minneapolis, Minn., and Fargo, N. Dak., serving no intermediate points: from Minneapolis over U.S. Highway 52 to Fargo, and return over the same route; (2) Between Bismarck, N. Dak., and Minot, N. Dak., serving no intermediate points and serving Bismarck and Minot, N. Dak., for the purpose of joinder only: from Bismarck over U.S. Highway 83 to Minot, and return over the same route; (3) Between Minot, N. Dak., and Devils Lake, N. Dak., serving no intermediate points, and serving the termini for the purposes of joinder only: from Minot over U.S. Highway 2 to Devils Lake, and return over the same route; (4) Between Devils Lake, N. Dak., and Minneapolis, Minn., serving the off-route points of St. Paul, South St. Paul, and Stillwater, Minn., and serving Devils Lake, N. Dak., for the purposes of joinder only: (a) from Devils Lake over U.S. Highway 2 to Grand Forks, N. Dak., thence over U.S. Highway 81 to Fargo, N. Dak., thence over U.S. Highway 10 to Anoka, Minn., thence over U.S. Highway 169 to Minneapolis, and return over the same route; (b) from Devils Lake to Fargo, N. Dak., as specified above, thence over U.S. Highway 52 via Evansville, Minn., to Minneapolis, and return over the same route; and (c) from Devils Lake over U.S. Highway 2 via Grand Forks, N. Dak., to junction U.S. Highway 59, thence over U.S. Highway 59 to Elbow Lake, Minn., thence over Minnesota Highway 79 to Evansville, Minn., thence as specified above to Minneapolis, and return over the same route; (5) Between Minot, N. Dak., and Culbertson, Mont., serving the intermediate points in Montana without restriction, and serving Minot, N. Dak., for the purposes of joinder only: from Minot over U.S. Highway 2 to Culbertson and return over the same route.

Restriction: Operations to and from Culbertson, Mont., are restricted against the handling of traffic moving to, from, or through points on U.S. Highway 2 west of Culbertson, Mont., and east of and including Glasgow, Mont., in connection with the regular route described immediately above; (B) *Classes A and B explosives*, Between Moorhead, Minn., and Fargo, N. Dak., serving all intermediate points: from Moorhead over U.S. Highway 10 to Fargo and return over the same route; (C) *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, other than those requiring special handling because of weight or size, and commodities injurious or contaminating to other lading) Between Fargo, N. Dak., and Grand Forks, N. Dak., serving no intermediate points and serving Grand Forks, N. Dak., for the purposes of joinder only: from Fargo over U.S. Highway 81 to Grand Forks, N. Dak., and return over the same route; and (D) *Agricultural machinery, and twine*, From Stillwater, Minn., to Fargo, N. Dak., serving the in-

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termediate point of St. Paul, Minn., and the off-route point of Minneapolis, Minn., both restricted to pickup only of agricultural machinery requiring special equipment: from Stillwater over Minnesota Highway 95 to junction Minnesota Highway 212, thence over Minnesota Highway 212 to St. Paul, Minn., thence over U.S. Highway 10 to Fargo, and return over the same route with no transportation for compensation except as otherwise authorized.

Alternate routes for operating convenience only: (A) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), Between junction U.S. Highway 52 and Minnesota Highway 55 near Robbinsdale, Minn., and junction Minnesota Highways 55 and 79 near Elbow Lake, Minn., serving no intermediate points: from junction U.S. Highway 52 and Minnesota Highway 55 over Minnesota Highway 55 to junction Minnesota Highway 79 and return over the same route; and (B) *General commodities* (except those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment), Between Fargo, N. Dak., and Bismarck, N. Dak., with no service at Bismarck, N. Dak., and serving no intermediate points: from Fargo over U.S. Highway 10 to Bismarck, and return over the same route. Irregular routes: (A) *Grain and seeds*, in bulk, between points in Valley, McCone, Richland, Roosevelt, Daniels, and Sheridan Counties, Mont., those in that part of North Dakota north of a line beginning at Fargo, N. Dak., and extending westerly along U.S. Highway 10 to the Missouri River, near Mandan, N. Dak., thence along the Missouri River to junction North Dakota Highway 23, and thence along North Dakota Highway 23 to the North Dakota-Montana State line, including Fargo, N. Dak., and points on the described segment of North Dakota Highway 23 (but not including points on U.S. Highway 10, other than Fargo, N. Dak.), on the one hand, and, on the other, Superior Wis., and points in Minnesota; (B) *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minneapolis and St. Paul, Minn., on the one hand, and, on the other, the site of the Twin City Ordnance Plant, in Mounds View Township, Ramsey County, Minn.; and (C) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Fargo, West Fargo, South West Fargo, and Union Stockyards, N. Dak.

Regular route: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission and Fargo, N. Dak., serving no intermediate points: from St. Paul over U.S. Highway 10 to Fargo, and return over the same route. Regular routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Sheridan, Wyo., and Birney, Mont., serving all intermediate points and all off-route points within 12 miles of the described route: from Sheridan over U.S. Highway 87 to Acme, Wyo., thence over unnumbered highway to the Wyoming-Montana State line, and thence over unnumbered highways via Decker, Mont., to Birney and return over the same route. Irregular routes: *General commodities* (except classes A and B explosives), Between Miles City, Mont., on the one hand, and, on the other, points in Montana within 150 miles thereof (except Jordan and Broadus, Mont., and all points intermediate thereto located on Montana Highway 22 and U.S. Highway 212, between Jordan and Broadus, Mont., other than Miles City, Mont.), for 180 days. Supporting shippers: There are approximately 66 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Roger L. Buchanan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Bldg., 1961 Stout Street, Denver, Colo. 80202.

NOTE.—Applicant already holds all of this authority in various Subs to MC 103435. This application is directly related to Section 5 applications described in the form. No duplicating authority is sought and applicant intends to tack all of these operating rights as it has done in the past under existing authority. Also applicant states that it will interline at all authorized service points as it does today.

No. MC 107403 (Sub-No. 915 TA), filed August 22, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxides*, in bulk, from West Pottsgrove Township, Montgomery County, Pa., to Trenton, N.J.; Port Jervis, N.Y.; Muirkirk, Md.; and Lynchburg, Va., for 180 days. Supporting shipper: James A. Catlin, Manager, Pottstown Division, Hammond Lead Products, Inc., Pottstown Division, P.O. Box 795, Pottstown, Pa. 19464. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 107743 (Sub-No. 30 TA), filed August 22, 1974. Applicant: SYSTEM TRANSPORT, INC., 6523 E. Broadway, P.O. Box 3456 TA, Spokane, Wash. 99220. Applicant's representative: S. J. Cully, Jr., P.O. Box 3456, Terminal Annex, Spokane, Wash. 99220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel bar*, from the plantsite of Jones & Laughlin Steel Corp., from Hammond, Ind., to Clearfield, Utah, for 180 days. Supporting shipper: Jones & Laughlin Steel Corporation, 141 4th Street, Hammond, Ind. 46320. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, 919 1st Avenue, Seattle, Wash. 98174.

No. MC 111302 (Sub-No. 80TA) filed August 22, 1974. Applicant: HIGHWAY TRANSPORT, INC., 1500 Amherst Road, Knoxville, Tenn. 37919. Applicant's representative: Jerome F. Marks, 1940 Drive, P.O. Box 1636, Atlanta, Ga. 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime products*, in bulk, in tank vehicles, from points in Knox County, Tenn., to points in Louisiana, Mississippi, Arkansas and those points in Ohio on and north of U.S. Highway 40, for 180 days. Supporting shipper: Tennessee Lime Company, Subsidiary Rangaire Corp., Route 8, Asbury Road, Knoxville, Tenn. 37914. Send protest to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 112963 (Sub-No. 56TA) filed August 23, 1974. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea formaldehyde resin*, in bulk, in tank vehicles, from Andover, Mass., to Plattsburg, N.Y., for 180 days. Supporting shipper: Reichhold Chemicals, Inc., RCI Building, While Plains, N.Y. 10602. Send protests to: District Supervisor Darrell Hammons, Interstate Commerce Commission, Bureau of Operations, Room 501, 150 Causeway Street, Boston, Mass. 02114.

No. MC 115162 (Sub-No. 299TA) August 21, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Box 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plantsite and storage facilities of Evans Products Company at or near Chesapeake, Va., to points in Alabama, Florida, Arkansas, Georgia, Louisiana, Mississippi, Tennessee, and Texas, for 180 days. Supporting shipper: Evans Products Company, 201 Dexter Street, West, Chesapeake, Va. 23324, Building Materials Group. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 115524 (Sub-No. 28TA) filed August 20, 1974. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road NE., Albuquerque, N. Mex. 87107. Applicant's representative: Don F. Jones (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, moulding, and particleboard*, (1) from points in Arizona, Colorado, New Mexico, and Utah, to points in Nebraska, Minnesota, Iowa, North Dakota, South Dakota, and Wyoming and (2) from El Paso, Tex., to points in Arizona and New Mexico, for 180 days. Supporting shipper: Duke City Lumber Company, Inc., P.O. Box 25807, Albuquerque, N. Mex. 87125. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

NOTE.—Applicant states that it intends to tack and/or interline with any other carrier with authority in MC 115524 Subs 2 and 14.

No. MC 117119 (Sub-No. 512TA) filed August 21, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and/or confectionery and related products* (except in bulk, and (2) *advertising matter, premiums, and display materials* when shipped in the same vehicle with commodities described in (1), in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities of M&M/Mars, a division of Mars, Inc., at Albany, Ga., to points in Arizona, Arkansas, California, Colorado, Minnesota, Missouri, Oregon, Texas, and Utah, for 180 days. Supporting shipper: M&M/Mars, a Division of Mars, Incorporated, High Street, Hackettstown, N.J. 07840. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 117574 (Sub-No. 250TA) filed August 21, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant) or James W. Hagar, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling systems, pallet storage racks, stacker cranes, parts of the systems, racks, and cranes*, and *materials, accessories and supplies* used in the construction, installation, or maintenance of such systems, racks, and cranes (except commodities in bulk), from Bonaparte, Iowa, West Willow, Willow Street, and Perkasie, Pa., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Control Flow Systems, Inc., P.O. Box 1446, Lancaster, Pa. 17604. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17604.

No. MC 119700 (Sub-No. 20 TA), filed August 23, 1974. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, Mo. 64125. Applicant's representative: James T. Allinder (same address as applicant), or Frank W. Taylor, Jr., 1221 Baltimore, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard and plywood*, from Silsbee and Bon Weir, Tex., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Michigan, Ohio, Minnesota, Nebraska, and Wisconsin, for 180 days. Supporting shipper: Kirby Lumber Co., P.O. Box 577, Silsbee, Tex. 77656. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 124078 (Sub-No. 611 TA), filed August 20, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum interface*, in bulk, from Green Bay, Wis., to East Chicago, Ill., for 180 days. Supporting shipper: Phillips Petroleum Company, 154 Phillips Building Annex, Bartlesville, Okla. 74004 (I. C. Dickerson, Director, Transportation Services). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 125777 (Sub-No. 146 TA), filed August 21, 1974. Applicant: JACK GRAY TRANSPORT, INC., 4600 East 15th Avenue, Gary, Ind. 46403. Applicant's representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, from Chicago, Ill., to points in Wisconsin, Iowa, Minnesota, Ohio, and Missouri, for 150 days. Supporting shipper: Miller and Company, 55 East Monroe St., Chicago, Ill. 60603. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 126709 (Sub-No. 6 TA), filed August 20, 1974. Applicant: SABER, INC., 514 South Floyd Blvd., Sioux City, Iowa 51101. Applicant's representative: Davey E. Delaney (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid blood*, in tank trucks, from Spencer, Iowa, to Schuyler, Nebr., for 180 days. Supporting shipper: Spencer Foods, Inc., P.O. Box 1228, Spencer, Iowa 51301. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 127577 (Sub-No. 9 TA), filed August 21, 1974. Applicant: D. DONNELLY LIMITED, 191 Murray Street, Montreal, Quebec, Canada H3C 2C9. Applicant's representative: W. Norman Charles, 80 Bay Street, Glens Falls, N.Y. 12801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite and illmenite ore*, in bulk, in dump vehicles, from Tahawus, N.Y., to the port of entry on the International Boundary line between the United States and Canada at or near Champlain, N.Y., restricted to traffic having an immediate subsequent movement in foreign commerce, for 180 days. Supporting shippers: Canada Cement Lafarge Ltd., P.O. Box 344, St. Constant, Co. Laprairie, Quebec, Canada; MacIntyre Development, Titanium Pigment Division, N L Industries, Inc., Tahawus, N.Y. 12879; and Quebec Iron and Titanium Corporation, Tracy, Quebec, Canada. Send protests to: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 127777 (Sub-No. 22 TA), filed August 20, 1974. Applicant: MOBILE HOME EXPRESS, INC., P.O. Box 547, Wausau, Wis. 54401. Applicant's representative: Harvey Thomas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motorized cargo vans*, from Elkhart, Ind., to points in the United States, for 180 days. Supporting shipper: Frolic Homes, Inc., 2600 S. Nappanee Street, P.O. Box 100, Elkhart, Ind. 46514. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 128030 (Sub-No. 81 TA), filed August 23, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor*, from the plantsite of Midland Glass Co., Terre Haute, Ind., to points in Arkansas, Iowa, and Minnesota, for 180 days. SUPPORTING SHIPPER: James V. L. Jones, Manager of Transportation, Midland Glass Co., Inc., P.O. Box 557, Cliffwood, N.J. 07721. SEND PROTESTS TO: R. G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 129886 (Sub-No. 10 TA), filed August 22, 1974. Applicant: CALVIN E. SUMMERS, 112 Spruce Street, Elizabethville, Pa. 17023. Applicant's representative: John W. Frame, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *contract carrier*, by motor ve-

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hicle, over irregular routes, transporting: *Foodstuffs* requiring mechanical refrigeration (except frozen foods), from the plantsite of Calvin E. Summers at Elizabethville, Pa., to points in Delaware, Maryland, New York, New Jersey, West Virginia, Ohio, and the District of Columbia, under a continuing contract with Sugardale Foods, Inc., 1600 Harmont Avenue NE., Canton, Ohio, for 180 days. SUPPORTING SHIPPER: Sugardale Foods, Inc., 1600 Harmont Avenue NE., Canton, Ohio 44711. SEND PROTESTS TO: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 133684 (Sub-No. 12 TA), filed August 22, 1974. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, Wash. 98422. Applicant's representative: Larry Gordon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Los Angeles Commercial Zone, to Tacoma, Wash., for 180 days. SUPPORTING SHIPPER: Western Beer Distributors, 712 East 26th, Tacoma, Wash. 98421. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, 909 1st Avenue, Seattle, Wash. 98174.

No. MC 134060 (Sub-No. 13 TA), filed August 20, 1974. Applicant: DAVINDER FREIGHTWAYS LTD., Duncan Financial Centre, Duncan, British Columbia, Canada V9L 2P8. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between ports of entry on the United States-Canada International Boundary line at or near Blaine, Lynden and Sumas, Wash., on the one hand, and, on the other, points in Oregon and Washington, for 180 days. SUPPORTING SHIPPERS: Coast Lumber, Inc., 517 White-Henry-Stuart Building, Seattle, Wash. 98101; MacMillan Bloedel Limited, 1075 West Georgia Street, Vancouver, British Columbia, Canada; Heidner & Co., Inc., 15 N. Broadway, Tacoma, Wash. 98403; CanAm Industries Ltd., 1670 West 8th Avenue, Vancouver, British Columbia, Canada; and Pacific Overland Timber Ltd., P.O. Box 34214, Station D, Vancouver, British Columbia, Canada. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, 909 1st Avenue, Seattle, Wash. 98174.

No. MC 134755 (Sub-No. 45 TA), filed August 23, 1974. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, 1959 East Turner St., Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and confectionery products* (except commodities in bulk, in tank vehicles) and *advertising matter, premiums, toys, and display materials*, when shipped in the same vehicle with candy, confectionery and confectionery products from the plant site and warehouse facilities of Leaf Confectionery Div., W. R. Grace, Inc., at Chicago, Ill., to points in Texas, Oklahoma, Missouri, Tennessee, and New Mexico, for 180 days. SUPPORTING SHIPPER: Leaf Confectionery Division, W. R. Grace & Co., 1155 N. Cicero Avenue, Chicago, Ill. 60651. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 136008 (Sub-No. 38 TA), filed August 23, 1974. Applicant: JOE BROWN COMPANY, INC., 20 Third Street, P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd St., Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock, Sand, and Gravel*, from points in Gray and Wheeler Counties, Tex., to points in Beckham County, Okla., for 180 days. SUPPORTING SHIPPER: Broce Construction Co., Inc., E. A. Taylor, Asst. Secretary, P.O. Box 247, Woodward, Okla. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 136342 (Sub-No. 4 TA), filed August 21, 1974. Applicant: JACKSON AND JOHNSON, INC., West Church Street, Box 7, Savannah, N.Y. 13146. Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cranberries and cranberry products*, from Hanson, Onset, and Middleboro, Mass., and Bordentown, N.J., to points in New York, for 180 days. SUPPORTING SHIPPER: Ocean Spray Cranberries, Inc., Hanson, Mass. 02341, Endre Endresen, Jr., Senior Vice President, Operations. SEND PROTESTS TO: Morris H. Gross, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 104, 301 Erie Blvd., West, Syracuse, N.Y. 13202.

No. MC 138438 (Sub-No. 9 TA) (AMENDMENT), filed July 29, 1974, published in the FEDERAL REGISTER issues of August 9, 1974 and August 26, 1974, and republished as corrected this issue. Applicant: D. M. BOWMAN, INC., Route 3, Box 26, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gabions*, in vehicles equipped with mechanical, rotating, articulating boom unloaders, from the plantsite of Maccaferri Gabions at or near Williamsport, Md., to points in New York, New Jersey, Delaware, the District of Columbia, Maryland, Virginia, West Virginia, Ohio, and Kentucky, for 180 days. Note: The purpose of this republication is to show the application in full whereas the original publication omitted the portion pertaining to use of specialized equipment for this transportation. The rest of the application will remain as previously published in the FEDERAL REGISTER.

No. MC 138668 (Sub-No. 3TA), filed August 21, 1974. Applicant: MERCHANTS DELIVERY AND WAREHOUSE CORPORATION, 1307 Baur Boulevard, St. Louis, Mo. 63141. Applicant's representative: H. J. Morgan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stretch bottles and greeting cards*, from St. Louis, Mo., to points in Florida, Georgia, Texas, Oklahoma, Alabama, Louisiana, New Mexico, Arkansas, Tennessee, Mississippi, North Carolina, and South Carolina, for 180 days. SUPPORTING SHIPPER: The Eclectic, 710 N 20th Street, St. Louis, Mo. 63103. SEND PROTESTS TO: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, Mo. 63101.

No. MC 139771 (Sub-No. 1TA), filed August 23, 1974. Applicant: GAFCO, INC., 1040 West 45th Street, Norfolk, Va. 23508. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Marine paint*, in containers from Bayonne, N.J., to port facilities located at Baltimore, Md.; Norfolk Va.; Wilmington, N.C.; Charleston, S.C.; Savannah, Ga.; Tampa, Jacksonville, Miami and Port Canaveral, Fla.; Mobile, Ala.; New Orleans, La.; Houston, Tex.; Los Angeles and San Francisco, Calif.; Portland, Oreg.; and Seattle, Wash., for 180 days. SUPPORTING SHIPPER: Hempel Marine Paints, Inc., 153 East 53d Street, Bayonne, N.J. 07002. SEND PROTESTS TO: District Supervisor C. M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502, Federal Bldg., 400 North 8th Street, Richmond, Va. 23240.

No. MC 139845 (Sub-No. 1 TA), filed August 23, 1974. Applicant: BESELAERE CARTAGE AND FUELS LIMITED, 467 James Street, Delhi, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid protein supplements*, not intended for human consumption, in bulk, in tank vehicles, for the account of Brockville Chemical Industries Limited, Montreal, Quebec, Canada, from Adrian, Mich. and Arcade, N.Y., to ports of entry on the International Boundary line between the United States and Canada

in Michigan and New York and returned shipments of the same commodities in the reverse direction, for 180 days. SUPPORTING SHIPPER: Brockville Chemical Industries Limited, 1255 University Street, Suite 1420, Montreal, Quebec, Canada H3B 3X1. SEND PROTESTS TO: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 139846 (Sub-No. 1 TA), filed August 22, 1974. Applicant: WADDICK TRANSPORT LIMITED, R. R. No. 6, Chatham, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Protein supplements*, not intended for human consumption, in bulk, in tank vehicles, for the account of Brockville Chemical Industries Limited, Montreal, Quebec, Canada, from Adrian, Mich. and Arcade, N.Y., to ports of entry on the International Boundary line between the United States and Canada in Michigan and New York, and returned shipments of the same commodity in the reverse direction, for 180 days. SUPPORTING SHIPPER: Brockville Chemical Industries, Limited, 1255 University Street, Suite 1420, Montreal, Quebec, Canada H3B 3X1. SEND PROTESTS TO: Melvin P. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 140031 (Sub-No. 1 TA), filed August 22, 1974. Applicant: METAL TRANSPORT, INC., 708 Thornton Street, Liberty, Mo. 64068. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed automobile bodies and scrap metal*, between points in Wisconsin, North Dakota, South Dakota, Iowa, Nebraska, Missouri, Kansas, Oklahoma, Illinois, Colorado, Minnesota, and Arkansas, for 180 days. SUPPORTING SHIPPERS: Swanglers Auto Wrecking, Highway 2, Grand Forks, N. Dak.; Prolerized Steel Corporation, 1153 South 12th Street, P.O. Box 2219, Kansas City, Kans. 66110; and Jim's Auto Wrecking, Thompson, N. Dak. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 140068 (Sub-No. 1 TA), filed August 22, 1974. Applicant: KARL EMDE, 3835 East 2nd Avenue, North Burnaby, British Columbia, Canada. Applicant's representative: Dan R. Olson, 518 Bellingham National Bank Bldg., Bellingham, Wash. 98225. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Commercial fishing gear and related products*, between British Columbia, Canada border and Bellingham, Wash., for 180 days. SUPPORTING SHIPPER: John Redden Net Co. Inc., 2626 Harbor Loop, Bellingham, Wash. 98225. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, 909 1st Avenue, Seattle, Wash. 98174.

No. MC 140077 (Sub-No. 1 TA), filed August 22, 1974. Applicant: SMITH TERMINAL WAREHOUSE COMPANY, 3535 Northwest 112th Street, Miami, Fla. 33167. Applicant's representative: Bernad C. Pestcoe, 19 West Flagler Street, Suite 511, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (applicant does not seek authority to transport any commodities in bulk or in tank vehicles), between the facilities of Smith Terminal Warehouse Company, Miami, Fla., and points in Dade, Broward, and Palm Beach Counties, Fla., on shipments having a prior or subsequent movement in interstate or foreign commerce, for 180 days. SUPPORTING SHIPPER: NCC Food Corporation, 570 Race Street, POB 5040, San Jose, Calif. 95150. SEND PROTESTS TO: Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 Northwest 87th Avenue, Miami, Fla. 33166.

No. MC 140122 (Sub-No. 1 TA) (Correction), filed August 13, 1974, published in the FEDERAL REGISTER issue of August 27, 1974, and republished as corrected this issue. Applicant: SNOWBALL, LTD., P.O. Box 361, Morton, Ill. 61550. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036.

NOTE.—The purpose of this republication is to show that the applicant's MC number is No. MC 140122 (Sub-No. 1 TA), in lieu of No. MC 138743 (Sub-No. 9 TA), which pas published in the FEDERAL REGISTER in error. The rest of the application will remain as previously published.

No. MC 140128 TA, filed August 23, 1974. Applicant: YARMOUTH LUMBER INC., North Street, Yarmouth, Maine 04096. Applicant's representative: William Phipps (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed autos, scrap engine blocks and transmissions*, from points in Maine, on the one hand, to points in New Hampshire and Massachusetts on the other, for 180 days. SUPPORTING SHIPPERS: Cumberland Auto Salvage, Cumberland, Maine 04021 and E. Ingerson & Sons, Allen Range Road, Freeport, Maine 04032. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

MOTOR CARRIERS OF PASSENGERS

No. MC 125115 (Sub-No. 6 TA), filed August 21, 1974. Applicant: EL PASO-LOS ANGELES LIMOUSINE EXPRESS INC., 720 South Oregon Street, El Paso, Tex. 79947. Applicant's representative: M. Ward Bailey, 2412 Continental Life Bldg., Forth Worth, Tex. 76102. Authority sought to operate as a *common carrier* by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, (A) Between El Paso, Tex. and Los Angeles, Calif., serving no intermediate points: from El Paso over Interstate Highway 10 to the junction of Interstate Highway 8, thence over Interstate Highway 8 to the junction of California Highway 98, thence over California Highway 98 to Calexico, Calif., thence over California Highway 86 to Indio, Calif., thence over Interstate Highway 10 to Los Angeles, and return over the same route, for 180 days.

NOTE.—Applicant presently has authority to operate between El Paso, Tex. and Los Angeles, Calif., over a regular route transporting passengers and their baggage, as shown in the route above. Applicant is seeking to increase the number of passengers and their baggage that may be transported in any one vehicle from 17 to 33 (not including the driver thereof).

SUPPORTING SHIPPERS: There are approximately 25 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 140127 TA, filed August 22, 1974. Applicant: RESORT WHEELS, INC., Pinecrest Shopping Center, Burlington, Wis. 53105. Applicant's representative: Allan B. Torhorst, 217 East Jefferson Street, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Burlington, Wis., on the one hand, and, on the other, O'Hare International Airport at Chicago, Ill., for 180 days. SUPPORTING SHIPPERS: Murphy Products Company, Inc., 124 S. Dodge St., Burlington, Wis. 53105 (Charles J. Mazza, Dir. of Industrial Relations); Standard Press, Box 437, Burlington, Wis. 53105 (Wm. E. Branen, Publisher); The Burlingshire, Inc., 5700 County Highway W., Burlington, Wis. 53105 (Frederick L. Johnson, Gen'l. Mgr.); and Tripco Travel Service, Burlington, Wis. 53105 (James L. Murphy, Owner). SEND PROTESTS TO: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21020 Filed 9-10-74;8:45 am]

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[Notice 128]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 5, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIER OF PROPERTY

No. MC 504 (Sub-No. 103 TA), filed August 29, 1974. Applicant: HARPER MOTOR LINES, INC., 125 Milton Avenue, SE., Atlanta, Ga. 30315. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. **Authority sought to operate as a** *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Chicago, Ill. and Peoria, Ill. and points in Ohio, on the one hand, and, on the other, points in South Carolina, Atlanta, Ga. and Sanford, Fayetteville, and Laurinburg, N.C.; (2) between Baltimore, Md., on the one hand, and, on the other, Sanford, Fayetteville, New Bern, and Wilmington, N.C.; all points in South Carolina; and Athens, Atlanta, Elberton, Hartwell, and Toccoa, Ga.

NOTE.—Applicant intends to tack the authority sought in parts (1) and (2) above, with all regular route authority held in Georgia and North Carolina at the Georgia and North Carolina points named herein in order to provide through service between Chicago and Peoria, Ill.; all points in Ohio; and Baltimore, Md., on the one hand, and, on the other, all points authorized to be served in Georgia and North Carolina; (3) from Chicago, Ill.; Peoria, Ill.; Baltimore, Md.; New York, N.Y.; the District of Columbia, and all points in Ohio, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, to points in North Carolina, within a 100 mile radius of Sanford, N.C.; (4) from New York City, N.Y. and all points in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, to Sanford, Fayetteville, New Bern, and Wilmington, N.C.; all points in South Carolina and Athens, Atlanta, Elberton, Hartwell, and Toccoa, Ga.

NOTE.—Applicant proposes to tack the authority sought in part (4) above with all regular route authority held in Georgia and North Carolina at the Georgia and North Carolina points named therein in order to provide through service, from New York, N.Y. and all points in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, to all points authorized to be served in Georgia and North Carolina; (5) between all points in South Carolina, on the one hand, and, on the other, Laurinburg, Sanford, Fayetteville, Lumberton, New Bern, and Wilmington, N.C.; and Elberton, Hartwell, Savannah, and Toccoa, Ga., for 180 days.

NOTE.—Applicant proposes to tack the authority sought in part (5) above, with all regular route authority held in Georgia and North Carolina points named herein in order to provide through service between all points in South Carolina, on the one hand, and, on the other, all points authorized to be served in Georgia and North Carolina.

SUPPORTING SHIPPER: There are approximately 144 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

NOTE.—Applicant intends to tack the authority applied for herein with other authority held by it in the manner described in this application. In addition, it proposes and seeks authority to interline with other carriers at its terminal points including Albany, Athens, Atlanta, Augusta, Brunswick, Covington, Elberton, Fitzgerald, Hazlehurst, Swainsboro, Savannah, Statesboro, Louisville, Macon, Milledgeville, Monroe, Waycross, and Waynesboro, Ga.; Charleston, Columbia, and Greenville, S.C.; Sanford, Wilmington, and Winston-Salem, N.C.; Knoxville, Tenn.; Chicago, Ill.; Cleveland, Ohio; South Kearny, N.J.; and Baltimore, Md.

No. MC 41406 (Sub-No. 45TA), filed August 26, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxides*, dry, in bulk, in tank trailers, from Hammond, Ind., to Benton, Ky.; Detroit, Mich.; and Farmington, Mich., for 180 days. SUPPORTING SHIPPER: Hammond Lead Products, Inc., 5231 Hohman Avenue, Box 308, Hammond, Ind. 46325. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 41951 (Sub-No. 23TA), filed August 28, 1974. Applicant: WHEATLEY TRUCKING, INC., 125 Brohawn Avenue, Cambridge, Md. 21613. Applicant's representative: Francis P. Desmond, 115 East 5th Street, Chester, Pa. 19013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, not frozen, in containers, from points in Accomack and Northampton Counties, Va., to points in Illinois and Indiana, for 180 days. SUPPORTING SHIPPER: John W. Taylor Packing Co., Inc., Hallwood, Va. 23359. SEND PROTESTS TO: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th & Constitution Avenue NW., Washington, D.C. 20423.

No. MC-50069 (Sub-No. 493TA), filed July 18, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 455 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oils*, in bulk, in tank vehicles, from Rushville, Ind., to New Castle, Ind., restricted to traffic having an immediate prior movement by rail, for 180 days. SUPPORTING SHIPPER: Witteo Chemical Corp., 77 N. Kendall Avenue, Bradford, Pa. 16701. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 107515 (Sub-No. 943 TA), filed August 26, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30316. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from the plantsite of J. B. Food Service, Division of Dobbs Houses, Inc. at Pemberton, N.J., to points in South Carolina, Georgia, Florida, Louisiana, Texas, Missouri, California, Virginia, North Carolina, Tennessee, and Kentucky, for 180 days. SUPPORTING SHIPPER: J. B. Food Service, Division of Dobbs Houses, Inc., Hanover Street, Pemberton, N.J. 08068. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC-107515 (Sub-No. 944TA), filed August 26, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Street NW., Suite 375. Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the plantsite and/or warehouse facilities of Mrs. Smith's Pie Co. at or near Pottstown, Pa., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Mississippi, Tennessee, Arkansas, Texas, and Oklahoma, for 180 days. SUPPORTING SHIPPER: Mrs. Smith's Pie Company, Charlotte and Water Streets, Pottstown, Pa. 19464. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 546, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC-107515 (Sub-No. 945TA), filed August 26, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, from the plantsite and storage facilities of Cameco, Inc., at or near Verona, N.J., to points in Alabama, Georgia, Florida, North Carolina, and South Carolina, for 180 days. SUPPORTING SHIPPER: Cameco, Inc., Verona, N.J. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

No. MC-107515 (Sub-No. 946TA), filed August 26, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Bruce E. Mitchell, 3379 Peachtree Road NE., Room 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats and meat products*, from the plantsite and storage facilities of Jaka Ham located at or near Somerset, N.J., to points in North Carolina, South Carolina, Georgia and Florida, for 180 days. SUPPORTING SHIPPER: Jaka Ham Co., Inc., 350 Campus Drive, Somerset, N.J. 08873. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

No. MC-112520 (Sub-No. 288TA), filed August 28, 1974. Applicant: MCKENZIE TANK LINES, INC., 122 Appleyard Drive, P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda solution*, in bulk, in tank vehicles, from Clyattville, Ga., to points in Autauga County, Ala., for 180 days. SUPPORTING SHIPPER: Union Camp Corporation, P.O. Box 326, Montgomery, Ala. 36101. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32203.

No. MC-114004 (Sub-No. 148 TA) (Correction), filed August 16, 1974, published in the FEDERAL REGISTER issue of August 30, 1974, and republished as corrected this issue. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Harold Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314.

NOTE.—The purpose of this republication is to show the applicant correct MC number as No. MC 114004 (Sub-No. 148 TA), in lieu of No. MC 114004 (Sub-No. 198 TA), which was published in the FEDERAL REGISTER in error. The rest of the application will remain as previously published in the FEDERAL REGISTER.

No. MC-12407 (Sub-No. 10 TA), filed August 26, 1974. Applicant: HAYWARD TRANSPORTATION, INC., Main Street, Fairlee, Vt. 05045. Applicant's representative: Frederick T. O'Sullivan, Box 2184, 622 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petro-chemicals and liquefied petroleum gas), in bulk, in tank vehicles, from Portland, Maine, to points in Vermont and Coos and Grafton Counties, N.H., for 180 days. SUPPORTING SHIPPER: Bradfor Oil Co., Inc., Bradford, Vt. SEND PROTESTS TO: District Supervisor Paul D. Collins, Bureau of Operations, Interstate Commerce Commission, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 129516 (Sub-No. 28 TA), filed August 26, 1974. Applicant: PATTONS, INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from ports of entry on the United States-Canada International Boundary line at or near Blaine and Oroville, Wash.; Eastport, Idaho; and Sweetgrass, Mont., to points in Washington, Oregon, and Idaho, for 180 days. SUPPORTING SHIPPERS: Yusep Enterprises Ltd., Suite 15, Box 289, Osoyoos Lake, B.C., Canada and F.A.O.'S, Inc., Box 206, Oroville, Wash. 98844. SEND PROTESTS TO: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 133566 (Sub-No. 41 TA), filed August 26, 1974. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: William L. Slover, 1224 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery; and related items; and premiums and advertising materials* when moving with the above named items, from the plantsite and storage facilities of Charms Company at Freehold, N.J., to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Missouri, Kansas, Nebraska, and Kentucky, for 180 days. RESTRICTION: Restricted to traffic originating at the above named facilities and excluding commodities in bulk. SUPPORTING SHIPPER: Charms Company, Halls Mill Road, Freehold, N.J. 07728. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC-134922 (Sub-No, 98TA), filed August 21, 1974. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don E. Garrison (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooked bakery goods*, not frozen, in cans, in cartons, in vehicles equipped with mechanical refrigeration, from Little Rock, Ark., to points in Alabama, Arizona, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Mississippi, Nebraska, New Mexico, North Carolina, Oklahoma, Ohio, Tennessee, Texas, and Virginia, for 180 days. SUPPORTING SHIPPER: Merico, Incorporated, 4200 Hoerner, Little Rock, Ark. 72209. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC-134970 (Sub-No. 6TA), filed August 26, 1974. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, Highway 24 East, El Paso, Ill. 61738. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down or in sections, and *all equipment, supplies and component parts* used in the construction, erection or completion of such building, from the plantsite of Marathon Metallic Building Company at El Paso, Ill., to points in North Carolina, South Carolina, and Tennessee, for 180 days. SUPPORTING SHIPPER: Marathon Metallic Building Company, P.O. Box 14240, Houston, Tex. 77021. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC-139584 (Sub-No. 2TA), filed August 26, 1974. Applicant: JOHN BUSCH, Box 211, Conyngham, Pa. 18219. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic sheeting*, from Hazleton, Pa., to points in Cook County, Ill.; Carol Stream and Wheaton, Ill.; Detroit, Grand Rapids, and Kalamazoo, Mich.; St. Paul, Minneapolis, Fairbault, Roseville, and Burnsville, Minn.; Sandusky, and Toledo, Ohio; Memphis, Tenn.; Houston, Tex.; Jacksonville and Sarasota, Fla.; Mt. Airy, N.C.; Norfolk, Va.; Boston, Leominster, and Clinton, Mass.; Paterson, Kenilworth, Clinton, Elizabeth, Union, Bergen, and Kearney, N.J.; Hudson, Essex, the New York, N.Y. commercial zone; Binghamton and Westchester County, N.Y.; point on Route 87 near Rouses Point where it enters Canada; Route 81—Thousand Island Bridge, to International Bridge at Niagara Falls, Janesville, Wis.; Greeley, Colo.; and Milford, Conn.; and (2) *Plastic sheeting, ground plastic for recycling purposes, and plastic pellets and granules*, from the above destination points, to Hazelton, Pa., for 180 days.

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SUPPORTING SHIPPER: Kama Corporation, 666 Dietrich Avenue, Hazleton, Pa. 18201. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 139623 (Sub-No. 3TA), filed August 26, 1974. Applicant: ADKINS TRANSFER, INC., 2537 8th Avenue, Huntington, W. Va. 25703. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances*, crated and/or uncrated, between the warehouse facility of the General Electric Company at or near Dunbar, W. Va., on the one hand, and, on the other, points in Boyd, Lawrence, Greenup, Pike, Floyd, McGoffin, and Johnson Counties, Ky.; and Lawrence County, Ohio, for 180 days. SUPPORTING SHIPPERS: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 139858 (Sub-No. 1 TA), filed August 26, 1974. Applicant: AMSTAN TRUCKING, INC., 40 West 40th Street, New York, N.Y. 10018. Applicant's representative: Chandler L. Van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbers' goods and fittings* and (2) *materials, equipment, supplies and accessories* used in the manufacture and distribution of Plumbers' Goods and Fittings, from Louisville, Ky., to points in Fairfield, Hartford, Litchfield, Middlesex, New Haven, New London, Tolland, and Windham Counties, Conn.; Dover, Lewes, and Wilmington, Del.; points in the District of Columbia; Auburn, Bangor, Lewiston, and Portland, Maine; points in Allegany, Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Anne, St. Mary, Wicomico, and Worcester Counties, Md., and Baltimore, Md.; points in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, Mass.; Berlin, Concord, Laconia, Manchester, Salem, Waterville, N.H.; Atlantic City, N.J.; points in Bergen, Camden, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Union, and Warren Counties, N.J.; Albany, Amherst, Binghamton, Buffalo, Corning, East Rochester, Elmira, Falconer, Haverstraw, Hudson, Ithaca, Kingston, Liberty, Lockport, Middletown, New York City, Niagara Falls, Nyack, Olean, Port Jervis, Poughkeepsie, Rochester, Schenectady, Syracuse, Troy, and Utica, N.Y.; points in Nassau, Suffolk, and Weschester Counties, N.Y.; Asheboro, Asheville, Burlington, Charlotte, Durham, Fayetteville, Graham, Greensboro, Greenville, Jacksonville, Kinston, Morehead City, Mount Airy, New Bern, Pinehurst, Raleigh, Sanford, Shelby, Wilmington, Wilson, and Winston-Salem, N.C.; Allentown, Altoona, Bethlehem, Berwyn, Carlisle, Carnegie, Chester, Easton, Erie, Harrisburg, Haverford, Hazleton, Johnstown, Lancaster, Lansdale, Lansdowne, Lebanon, New Castle, Norristown, Pittsburgh, Reading, Philadelphia, Scranton, Wilkes-Barre, Williamsport, Willow Grove, and York, Pa.; Central Falls, Providence, Warwick, Westerly, and Woonsocket, R.I.; Anderson, Columbia, Charleston, Florence, Greenville, Hilton Head, Manning, Myrtle Beach, and Spartanburg, S.C.; Barre, Burlington, Rutland, St. Johnsbury, and White River Junction, Vt.; and Alexandria, Charlottesville, Danville, Emporia, Fredericksburg, Hampton, Lynchburg, Manassas, Martinsville, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, Roanoke, Staunton, Virginia Beach, and Winchester, Va.; Arlington and Fairfax Counties, Va., for 180 days. SUPPORTING SHIPPER: American Standard, Inc., P.O. Box 2003, New Brunswick, N.J. 08903. SEND PROTESTS TO: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

NOTE.—Applicant states that it does not intend to tack and/or interline with any other carrier.

No. MC 139899 (Sub-No. 2 TA), filed August 26, 1974. Applicant: AELRED L. SCHAEFER, doing business as AL'S MOBILE FEED SERVICE, 285 Milwaukee Street, Platteville, Wis. 53818. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed* in special auger-equipped vehicles, from the plant site of Allied Mills, Inc., at Iowa City, Iowa, to points in Jo Daviess, Winnebago, and Stephenson Counties, Ill., and points in Lafayette County, Wis., restricted to shipments originating at said plant site, for 180 days. SUPPORTING SHIPPER: Allied Mills, Inc., 110 North Wacker Drive, Chicago, Ill. 60606. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 202, Madison, Wis. 53703.

MOTOR CARRIERS OF PASSENGERS

No. MC 139035 (Sub-No. 1 TA), filed August 27, 1974. Applicant: NATIONAL BUS LEASING, INC., 11408 Old Baltimore Pike, Beltsville, Md. 20705. Applicant's representative: Clarice Rowe (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* in charter operation only and *baggage of passengers* in same vehicles as passengers between points beginning and ending in Washington, D.C.; Prince Georges and Montgomery Counties, Md., and points north including points in Pennsylvania, New York, and the New England states; west to include the states of West Virginia, Ohio, and Indiana, for 180 days. SUPPORTING SHIPPER: Maryland Arrows, Springhill Drive, Greenbelt, Md., SEND PROTESTS TO: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th & Constitution Avenue NW., Washington, D.C. 20423.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21007 Filed 9-10-74;8:45 am]

[Notice 155]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 11, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75375. By application filed August 30, 1974, KANIEWSKI & ODLE TRUCKING & REPAIR, INC., P.O. Box AB, Boswell, IN 47921, seeks temporary authority to lease the operating rights of PAUL J. TOLEN, doing business as TOLEN TRUCK LINES, P.O. Box 271, Boswell, IN 47921, under section 210a(b). The transfer to KANIEWSKI & ODLE TRUCKING & REPAIR, INC., of the operating rights of PAUL J. TOLEN, doing business as TOLEN TRUCK LINES, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21017 Filed 9-10-74;8:45 am]

[Notice 154]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 11, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75367. By application filed August 30, 1974, LEPRECHAUN LINES, INC., Route 32, Windsor Highway, Newburgh, NY 12550, seeks temporary authority to lease the operating rights of ROY V. KNAPP, INC., 359 Mill St., Poughkeepsie, NY 12600, under section 210a(b). The transfer to LEPRECHAUN LINES, INC., of the operating rights of ROY V. KNAPP, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21018 Filed 9-10-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

TEXTILE AGREEMENTS

Bilateral Discussions With Haiti

SEPTEMBER 10, 1974.

The Committee for the Implementation of Textile Agreements, as announced in its FEDERAL REGISTER notice of April 12, 1974, solicits comments on United States Government actions implementing the GATT Arrangement Regarding International Trade in Textiles hereafter referred to as the Arrangement. In the April 12 notice the Committee announced that in the following 12 months bilateral discussions would be held to bring United States textile and apparel agreements into conformity with the Arrangement, and negotiations could be held to renew existing agreements or to reach new agreements. The notice invited the public to submit views or provide data or information on any or on all these agreements, the treatment of any product under them or any other aspect of the agreements.

The Committee anticipates holding textile and apparel agreement bilateral discussions between the Government of the United States and the Government of Haiti. Any party wishing to express a view or provide data or information with regard to the treatment of any product under this agreement and any other aspect thereof, or with respect to imports of other textile products from this country, is invited to submit such in ten copies to Mr. Seth M. Bodner, Chairman of the Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 3826, Washington, D.C. 20230. Comments on the bilateral textile discussions with Haiti should be received by September 20, 1974. Comments received after September 20, 1974, will be taken into consideration to the extent possible consistent with the schedule of discussions. Views, data or information submitted under this procedure will be available for public inspection at the Central Reference and Records Inspection Facility, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Room 7043, Washington, D.C. 20230 and may be obtained upon written request pursuant to the Freedom of Information Act (5 U.S.C. section 522) and the regulations of the Department of Commerce (15 CFR Part 4). Whenever practicable, public comment may be invited concerning views, comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments on any negotiation, consultation, market disruption or any other matter pursuant to this notice is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) and 554(a)(4) of the Administrative Procedure Act, relating to matters which constitute "a foreign affairs function of the United States."

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-21147 Filed 9-10-74;11:27 am]

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federal register

WEDNESDAY, SEPTEMBER 11, 1974

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Volume 39 ■ Number 177

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

STATIONARY SOURCES

Proposed Emission Monitoring and Performance Testing Requirements

No. 177—Pt. II——1

V 39 — 177 SEP 11 74 XUM

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60]

[FRL 239–7]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Emission Monitoring Requirements and Performance Testing Methods

JULY 15, 1974.

The Environmental Protection Agency promulgated Standards of Performance for New Stationary Sources pursuant to section 111 of the Clean Air Act, as amended, on December 23, 1971 (36 FR 24876) for fossil fuel-fired steam generators, incinerators, portland cement plants, and nitric and sulfuric acid plants, and on March 8, 1974 (39 FR 9308) for asphalt concrete plants, petroleum refineries, storage vessels for petroleum liquids, secondary lead smelters, secondary brass and bronze ingot production plants, iron and steel plants, and sewage treatment plants. New or modified sources in these categories are required to demonstrate compliance with standards of performance which reflect the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction) the Administrator determines has been adequately demonstrated. Such compliance is demonstrated by means of performance tests which are specified by the Administrator, and which are conducted at the time a new source commences operation or shortly thereafter.

In order that sources which have demonstrated compliance with applicable standards be properly operated and maintained so as to remain in compliance, provisions were included which require sources to install systems which continuously monitor levels of emissions. Specific monitoring requirements are:

1. Opacity (fossil fuel-fired steam generators, petroleum refineries),
2. SO_2 (fossil fuel-fired steam generators, sulfuric acid plants, petroleum refineries),
3. NO_x (fossil fuel-fired steam generators, nitric acid plants),
4. H_2S (petroleum refineries),
5. CO (petroleum refineries), and
6. O_2 (petroleum refineries, fossil fuel-fired steam generators).

At the time standards which included monitoring requirements were initially proposed (36 FR 15704), EPA had limited knowledge about the operation of continuous instruments on such sources; thus the requirements were specified in general terms. In the preamble to the performance standards promulgated in 1971 (36 FR 24876), it was indicated that additional guidance on the selection and use of such instruments would be provided at a later date.

Initially EPA intended that the guidance be in the form of instrument specifications and calibration procedures. These procedures, which were under development, would provide the basis for a formal EPA instrument certification program, in which EPA would provide instrument specifications, and instrument vendors would obtain EPA certification for those instruments which they demonstrated could meet the specifications. Once certified, an instrument from a particular product line could be installed on specific sources in fulfillment of the monitoring requirements for that source.

The "product line certification" approach for continuous monitoring systems was considered undesirable for application to stationary source monitoring for several reasons. The primary reason was that the approach would provide no assurance that an instrument from a product line receiving EPA "certification" would perform properly at the source due to unexpected or disregarded interferences, improper installation, or undetected damages from handling. Serious interferences are known to exist within the hostile environment of flue gases. Therefore instruments must be carefully engineered for a particular source application. No one instrument model would be expected to provide accurate results for each of the wide variety of sources affected by new source performance standard requirements.

After evaluation of continuous monitors on specific sources, EPA adopted a different approach for monitors applied to stationary sources. This approach requires the source owner or operator to demonstrate at each source the capability of continuous monitoring systems to meet the performance specifications herein. These proposed regulations also contain procedures for determining whether a continuous monitoring system meets the performance specifications. Demonstration of compliance with these specifications at each source will result in more reliable data from these systems. In accordance with this approach, specifications are herein proposed for systems which monitor opacity, nitrogen oxides, oxygen, and sulfur dioxide. The validity of these specifications has been evaluated in depth by extensive testing programs at steam generating facilities. The technical support for these specifications is *Performance Specifications for Stationary Source Monitoring Systems for Gases and Visible Emissions*, EPA–650/2–74–013 (Jan. 1974), which is obtainable upon request from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22151 (specify PB 230–934/AF) for $7.00 each. Specifications for systems which monitor hydrogen sulfide and carbon monoxide will be proposed at a later date.

Continuous monitoring measurements will be used for determining pollutant emissions during all periods of operation. A report of all emissions and a summary of excess emissions must be reported quarterly. Excess emissions are specified for each source category that has a continuous monitoring requirement in the appropriate subpart. The reported measurements will be used by the Administrator to determine whether acceptable operating and maintenance procedures are being used by an owner or operator of an affected facility.

Since new source performance standards have been in effect for some industries since 1971, these proposed regulations have been structured so that any source which has purchased specific monitoring systems from equipment vendors prior to the date of this proposal will be exempted from the new performance requirements contained in Appendix B, but must meet all other requirements.

Continuous monitors are required on affected facilities where they can assist in minimizing pollutant emissions, where the technical feasibility exists using currently available continuous monitoring technology and where the cost of the monitors is reasonable.

The costs associated with continuous monitoring are difficult to assess at this time due to limited industrial monitoring experience. This limited use of monitors has required instrument manufacturers to recover development costs from the sale of a limited number of units. Consequently, cost data now available may not be representative of lower costs resulting from increased sales and competition. The cost data presented herein have been derived primarily from actual and estimated costs of EPA monitoring projects. Costs will vary from source to source depending upon variations in the requirements for each installation, e.g., procurement, shipping, site preparation, and physical installation of the instrument system.

For opacity and oxygen monitoring systems, normal costs of procurement, installation, and startup are estimated to range from $5,000 to $15,000 each. The additional effort required by Performance Specifications 1 and 3 is estimated to be about 10 man-days for the initial installation. For gaseous emission monitoring systems (SO_2 and NO_x), normal costs of these activities are estimated to be in the range of $10,000 to $20,000, and the additional effort required by Performance Specification 2 is estimated to be approximately 20 man-days for the initial installation. This estimate assumes the monitoring system test will be performed both before and during the source performance test. This procedure is not only cost effective as a result of performing the instrument test and new source performance test at one time, but also provides emission data to the operator prior to the performance test.

Several procedures are contained within these regulations to define how the results of fuel or emission monitoring are to be used to determine excess emissions for the purpose of preparing quarterly reports pursuant to § 60.7(c). As reports of excess emissions will in part be used to determine compliance with § 60.11(d), the accuracy of the conversion of monitoring data to units of the standards is important.

The procedures listed under § 60.45(a)(2)(i) and (ii) for fossil fuel-fired steam generators for conversion of fuel monitoring data specify A.S.T.M. standard method D2234–68(72) for sampling of coal. This method prescribes four separate conditions of increment collection (section 4.3) including sampling from rail cars (condition D). Conditions A, B, or D of sampling will be acceptable. The coal lots must be sampled, analyzed, and the average sulfur dioxide emissions computed in accordance with § 60.45(a)(2)(ii) before the coal is fired. The source must demonstrate that any lot of coal in storage at the affected facility will not produce excess emissions when fired without the benefit of blending in order to exercise the option of monitoring sulfur dioxide emissions by fuel analyses. When a source fires lots of fuel which require blending in order to control emissions to prescribed limits, then the source must have installed a continuous monitoring system for measurement of the sulfur dioxide emissions. When fuels of different physical phases (gaseous, liquid, solid) are fired, the excess emissions for each fuel fired can be determined by § 60.45(a)(2)(ii) and arithmetically prorated based upon the percentage of total heat input of each fuel to the affected facility as determined by § 60.45(c).

When converting monitoring data to units of the standards, large inaccuracies could result in the computations of excess emissions for steam generators without a correction for excess air; especially for those sources that fire multiple fuels or switch fuels. These inaccuracies can be minimized by monitoring oxygen, therefore a requirement for continuous oxygen monitoring at steam generators is added.

Oxygen monitors for computing excess SO_2 emissions resulting from fuel gas combustion in refineries were not prescribed because the excess air levels in process heaters and refinery boilers are closely controlled at constant levels when gaseous fuels are fired. A typical flue gas oxygen concentration of 3 percent was used in developing the conversion factor for this source. For facilities which operate at levels greater than 5 percent oxygen in the flue gases, the conversion factor becomes inaccurate without an adjustment. The appropriate adjustment is provided by monthly oxygen analysis of the flue gas. Also, due to the lower costs, it is anticipated that most refineries will choose the option provided in the regulations for monitoring H_2S in the fuel gas rather than monitoring SO_2 in flue gases.

Conversion factors for nitric and sulfuric acid plants will be developed by computing the ratio of the performance test results in units of the standards to the continuous monitoring data concentrations. Use of this factor will enable reports of excess emissions to be prepared in units of the standard based upon the monitoring system results. Although there will be some variation in excess air levels between different types of facilities (i.e., spent acid vs. sulfur burning acid plants, etc.), this method of conversion will be reasonably accurate because the excess air levels at each of these facilities will continue to be controlled to approximately the same levels in effect during the monitoring system comparative tests. Therefore conversion factors for each facility will be somewhat different due to design types, but will remain relatively constant for any one facility.

Two revisions are contained within these proposed regulations which affect the test methods and procedures used to determine compliance with standards for fossil fuel-fired steam generators. One revision incorporates a simplified technique for converting pollutant concentration to mass emission rate. The technique, which is based on estimating factors and mass balance principles, eliminates the need to measure flue gas flow rates and also fuel flow rates except when combinations of fuels are simultaneously fired. A second revision allows an increase in the gas temperature range maintained in the Method 5 probe and filter, to a maximum of 160° C (320° F) for this source category. This revision will allow measurement of particulate matter at a temperature at which particulate control devices are capable of operating. This is considered appropriate to prevent the possibility that a source will install a high-efficiency dry particulate control device representative of best technology and fail to meet the standard due to the presence of material condensing below 160° C. Such material has been found to be present in relatively low concentrations at fossil fuel-fired steam generators meeting standards of performance for new sources. The concentrations are, however, variable and cannot be accurately predicted. The possible effect of this revision upon the particulate matter standard has been evaluated and determined to be insignificant for this source category. Although particulate control devices may be installed and operated at temperatures above 160° C, sampling at such higher temperatures is not allowed by this revision. This revision does not affect test methods and procedures for sources covered by other subparts.

EPA has received several comments concerning opacity standards notably those submitted with respect to petitions for review of standards of performance in *Essex Chemical Corporation v. Ruckelshaus*, Civ. No. 72–1072 (5 ERC 1820) (D.C. Cir.), and *Portland Cement Association v. Ruckelshaus*, Civ. No. 72–1073 (5 ERC 1593) (D.C. Cir.). In response to questions concerning the possible interference of condensed water vapor in plumes, the correct position of the observer, and the validity of the EPA observer qualification procedure, these proposed regulations contain revisions to the general provisions and to Method 9 to clarify and tighten the requirements in these areas.

The following is a summary of the amendments proposed herein for 40 CFR Part 60:

1. A new section is added to the general provisions specifying general continuous emission monitoring requirements, and appropriate subparts are revised to specify requirements and procedures for converting monitoring data to proper units.

2. General continuous monitoring specifications in each applicable subpart are replaced with appropriate reference to "Appendix B—Performance Specifications."

3. The regulations are revised to require that reduction of data to units of the standards be performed monthly rather than daily. This revision will allow the use of computerized data reduction techniques. Techniques for converting the pollutant concentration obtained from continuous monitoring systems to units of the standard are added.

4. Revisions are added to clarify and improve the test methods for fossil fuel-fired steam generator facilities.

5. "Method 9—Visual Determination of the Opacity of Emissions From Stationary Sources" is revised to clarify procedures for determining opacity of emissions from sources whose plumes contain condensed water vapor, to define the observational position of the observer with respect to the plume, and to delete the requirement for calculating average opacity. Specifications are also added for the smoke generator used for qualification of observers so that agencies may provide observer qualification training consistent with EPA training.

6. To the general provisions is added the requirement that where condensed water is present in plumes, and such water is the only reason for failure to meet opacity requirements, such failure shall not be a violation of opacity standards.

7. "Appendix B—Performance Specifications" is added.

Interested persons may participate in this rulemaking by submitting written comments (in triplicate) to the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin. All relevant comments postmarked on or before October 29, 1974 will be considered. Comments received will be available for public inspection at the Office of Public Affairs, 401 M Street SW., Washington, D.C.

This notice of proposed rulemaking is issued under the authority of sections 111 and 114 of the Clean Air Act, as amended (42 U.S.C. 1857c–6, 1857c–9).

Dated: August 28, 1974.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend Part 60 of Chapter I of Title 40 of the Code of Federal Regulations as follows:

Subpart A—General Provisions

1. Section 60.2 is amended by adding paragraphs (x), (y), and (z) as follows:

§ 60.2 Definitions.

• • • • • •

(x) "One-minute period" means any one of the 60 equal parts of an hourly period.

(y) "Continuous monitoring system" means the total equipment for sampling, conditioning, and analyzing emissions or process parameters and for recording

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data that meet the requirements of § 60.13.

(z) "Lot" means any quantity of material so designated by the material's supplier except that the quantity of material in any one lot shall not exceed the quantity of any shipment(s) physically delivered by each supplier to the owner or operator in any 24-hour period.

2. Section 60.7 is amended by revising paragraph (c) to read as follows:

§ 60.7 Notification and recordkeeping.

• • • • •

(b) Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in operation of the affected facility and any malfunction of the air pollution control equipment.

(c) A written report shall be submitted to the Administrator by each owner or operator for each calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter. The report shall include the following:

(1) For all affected facilities, the date, duration, nature, and cause (if known) of any malfunction, and the corrective action taken or preventative measures adopted.

(2) For affected facilities for which continuous monitoring systems are required, the report shall include the following:

(i) The magnitude of emissions reduced in accordance with § 60.13(k).

(ii) A summary of periods of excess emissions as defined in applicable subparts, including the magnitude of excess emissions, the date, the time of commencement and completion of each period of excess emissions, and the date and time identifying each period during which the continuous monitoring system was inoperative. Periods of excess emissions due to startup, shutdown, and malfunction shall be specifically identified.

(d) Any owner or operator subject to the provisions of this part shall maintain a file of all measurements of the affected facility's emissions including continuous monitoring system data and the results of any tests conducted in accordance with the procedures listed in the Appendices A and B to this part, and all other reports and records required by this part. Any such measurements, reports, and records shall be retained for two years following the date of such measurements, reports, and records.

3. Section 60.11 is amended by revising paragraph (b) to read as follows:

§ 60.11 Compliance with standards and maintenance requirements.

• • • • •

(b) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Reference Method 9 in Appendix A of this part. Where the presence of condensed, uncombined water is the only reason for failure to comply with applicable opacity standards, such failures shall not be a violation of those standards.

• • • • •

4. A new § 60.13 is added as follows:

§ 60.13 Emission monitoring requirements.

(a) Unless otherwise specified by subparts, all continuous monitoring systems required for measuring and recording emissions or process operations shall meet the requirements of this section except that the requirements contained in Appendix B of this part apply only to those continuous monitoring systems listed in paragraph (d) of this section. All continuous monitoring systems shall be installed and shall have completed the conditioning period specified in Appendix B to this part (if applicable) prior to conducting performance tests required under § 60.8.

(b) All continuous monitoring systems installed on stationary sources shall meet minimum frequency of operation requirements as follows:

(1) Continuous monitoring systems for measuring opacity shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 1-minute period.

(2) Continuous monitoring systems for measuring oxides of nitrogen, sulfur dioxide, or oxygen shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

(3) Continuous monitoring systems for measuring emissions or process parameters not listed under paragraph (b) (1) and (2) of this section shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive hourly period.

(c) All continuous monitoring systems shall be installed such that a representative measurement of process parameters or emissions from the affected facility can be obtained. Additional requirements for location of opacity monitoring equipment are contained in Performance Specification 1 of Appendix B of this part.

(d) Unless otherwise specified, the continuous monitoring systems listed in this paragraph shall meet the requirements of Appendix B of this part. Each continuous monitoring system shall be installed and shall have completed the conditioning period specified in applicable Performance Specifications (Appendix B) before commencing applicable Reference Method tests (Appendix A). The operational test period specified in applicable Performance Specifications shall be conducted concurrently with the applicable Reference Method tests. The applicable Reference Methods to be used are those listed in the Test Methods and Procedures of each subpart that apply to the pollutant or process parameter being monitored. The continuous monitoring systems affected by the requirements of this paragraph and the Performance Specifications in Appendix B of this part applicable to these systems are as follows:

(1) Continuous monitoring systems for measuring opacity of emissions shall comply with Performance Specification 1.

(2) Continuous monitoring systems for measuring nitrogen oxides emissions shall comply with Performance Specification 2.

(3) Continuous monitoring systems for measuring sulfur dioxide emissions shall comply with Performance Specification 2.

(4) Continuous monitoring systems for measuring the oxygen content of effluent gases shall comply with Performance Specification 3.

(e) Paragraph (d) of this section does not apply to continuous monitoring systems for which owners or operators have prior to the date of this proposal entered into a binding contractual obligation to purchase specific monitoring equipment.

(f) All continuous monitoring systems exempted by paragraph (e) of this section or not listed by paragraph (d) of this section shall be capable of monitoring emission levels to within ± 20 percent with a confidence level of 95 percent. Compliance with the requirements of this paragraph shall be determined by subjecting the continuous monitoring system to evaluation with a variety of known opacity neutral density filters or a variety of known concentration calibration gases as applicable.

(g) The Administrator shall receive written notice from the owner or operator postmarked not less than 15 days in advance of the following:

(1) The start of the operational test period specified in applicable performance specifications (Appendix B).

(2) The start of the evaluation specified in paragraph (f) of this section.

(h) Should any continuous monitoring system be replaced in its entirety or portions of any of these systems be replaced, including but not limited to replacement of major subassemblies or critical components such as the pollutant sampler, pollutant analyzer, or photocell, the applicable performance evaluations under paragraphs (d) and (f) of this section shall be repeated, or upon written request the Administrator may waive the requirements for performing these tests and prescribe other testing or information reporting requirements necessary to demonstrate that the performance of the continuous monitoring system is not reduced to levels below applicable specifications. The Administrator shall receive written notice from the owner or operator postmarked not more than 15 days before replacement components or systems are installed.

(i) Owners or operators of all continuous monitoring systems installed in accordance with the requirements of this part shall record the zero and span drift in accordance with the method prescribed by the manufacturer of such instruments. The instruments shall be subjected to the manufacturer's recommended zero and span adjustment at least once daily unless the manufacturer recommends adjustments at shorter intervals, in which case such recommendations shall be followed. As a minimum, the following procedure shall be followed:

(1) For extractive monitoring systems measuring nitrogen oxides, sulfur dioxide, or oxygen, minimum procedures shall include using zero and span gases introduced into the measurement system as near to the probe as is practical. If an alternate method can be demonstrated to be adequate, then the Administrator can approve procedures that do not include use of span gases.

(2) For non-extractive monitoring systems that measure nitrogen oxides, sulfur dioxide, or oxygen, minimum procedures shall include upscale adjustment using a certified calibration gas cell or a test cell which is optically equivalent to a known gas concentration.

(j) Upon written request the Administrator may waive the requirements under this part for installing a continuous monitoring system when the installation of such system would not provide accurate determinations (e.g., condensed, uncombined water vapor may prevent an accurate determination of opacity using commercially available continuous monitoring systems). Upon approval of that request, the Administrator may prescribe other monitoring requirements.

(k) Owners and operators of all continuous monitoring systems shall reduce all data monthly to one-minute integrated averages (opacity) or one-hour integrated averages (all data except opacity) for time periods as defined by §§ 60.2(x) and (r), respectively. The conversion factors developed or conversion procedures specified in subparts shall be used to convert the integrated averaged data into units of the applicable standard. Results shall be reported to the Administrator as specified in § 60.7(c). Upon written request the Administrator may waive the requirements in subparts for developing conversion factors or using conversion factors or conversion procedures as specified by this paragraph if other procedures or methods acceptable to the Administrator are used to convert continuous monitoring data to units of the applicable standard.

(l) When the effluent from two or more affected facilities is ducted to a single stack, then applicable continuous monitoring systems are required only on the single stack.

(m) If any continuous monitoring systems (except opacity) installed and operated under this part yield results on a wet basis, the owner or operator shall perform Reference Method 4 monthly and correct the one-hour integrated averages under paragraph (k) of this section to dry basis. This paragraph does not apply when conversion factors are developed with all data on a wet basis or when otherwise specified in this part.

Subpart D—Standards of Performance for Fossil Fuel-Fired Steam Generators

§ 60.42 [Amended]

5. Paragraph (a)(2) of § 60.42 is amended by deleting the second sentence.

6. Section 60.45 is amended by revising paragraphs (a), (b), (c), and (d) and by deleting paragraphs (e), (f), and (g) as follows:

§ 60.45 Emission and fuel monitoring.

(a) Continuous monitoring systems shall be installed, calibrated, maintained, and operated by the owner or operator as follows:

(1) A continuous monitoring system for the measurement of the opacity of emissions, except where gaseous fuel is the only fuel burned.

(2) A continuous monitoring system for the measurement of sulfur dioxide emissions except where gaseous fuel is the only fuel fired, or where fuel analyses demonstrate that any lot of fuel procured by an owner or operator for combustion within an affected facility can without the benefit of blending achieve compliance with § 60.43. Where the owner or operator elects to conduct fuel analyses, the results shall be summarized monthly and the following procedures shall be used for analysis and for computing excess emissions under paragraph (d) of this section:

(i) The sulfur content and the high heating value of each lot of fuel fired shall be determined in accordance with the following:

(A) The sulfur content (%S) and high heating value (HHV) of solid fuels shall be determined by using A.S.T.M. test methods D2234–68(72) for mechanical sampling, D2013–68(72) for sample preparation, and D271–70 (%S and HHV). Alternate method D2015–66(72) may be used only for the high heating value analysis (HHV). For A.S.T.M. test method D2234–68(72) the methods of increment collection shall be Type I (see 4.2.1), Conditions A, B, or D (see 4.3.4), and systematic spacing (see 4.4.1) for each lot. The number and weight of increments selected shall be the same as listed within Table 2 of the method.

(B) The sulfur content (%S) and high heating value (HHV) of liquid fuels shall be determined by using A.S.T.M. test method D240–64(73) for the complete sample analysis (HHV and %S). Alternate methods D1551–68 or D1552–64 may be used only for the sulfur analysis (%S)

(ii) Using the fuel analyses under paragraph (a)(2)(i) of this section, excess emissions under paragraph (d)(2) of this section are determined by subtracting the applicable standard under § 60.43 from the average sulfur dioxide emission computed for each lot of fuel as follows:

$$E_{avg} = K\frac{(20{,}000)\ (\%S)}{(HHV)}$$

where:

E_{avg} = average sulfur dioxide emission, g/million cal ((lb/million Btu)

%S = sulfur content by weight of the fuel, dry basis (expressed as percent)

HHV = high heating value of fuel, cal/g (Btu/lb)

K = fraction of the total sulfur input exhausted with the flue gas. For solid fuels (except lignite) K = 0.970, and for liquid fuels K = 0.985. Sources which elect to analyze the sulfur content of bottom and precipitated ash using A.S.T.M. test method D1757–62(69) and perform a material balance around the affected facility monthly may establish other values for K.

(3) A continuous monitoring system for the measurement of nitrogen oxides emissions. The pollutant gas used to prepare calibration gas mixtures (section 2.1, Performance Specification 2) shall be nitric oxide (NO).

(4) A continuous monitoring system for the measurement of oxygen in the flue gases.

(b) The owner or operator of facilities required to install continuous monitoring systems under paragraphs (a)(2) and (3) of this section shall for each pollutant monitored use the following conversion procedure for the purpose of converting monitoring data into units of the applicable standards (g/million cal):

$$E = CF\left(\frac{2090}{20.9 - \%O_2}\right),$$

where:

E=pollutant emission, g/million cal (lb/million Btu).

C=pollutant concentration, g/dscm (lb/dscf), dry basis, determined by multiplying the average concentration (ppm) for each hourly period by 4.16×10^{-5} M g/dscm per ppm (2.64×10^{-9} M lb/dscf per ppm) where M=pollutant molecular weight, g/g-mole (lb/lb-mole).

$\%O_2$=oxygen content by volume (expressed as percent), dry basis, as determined under paragraph (a)(4) of this section.

F=a factor determined according to §§ 60.46(c)(4), (5), (6), and (7), as applicable.

(c) The average daily heat input to the affected facility shall be determined and recorded. The heat input, expressed in cal/hr (Btu/hr), shall be determined by multiplying the high heating value of each fuel fired by the rate of each fuel burned. High heating values shall be determined in accordance with A.S.T.M. methods D2015–66(72) (solid fuels), D240–64(73) (liquid fuels), or D1826–64 (70) (gaseous fuels) as applicable. The rate of fuels burned during each day shall be determined by suitable methods.

(d) For the purpose of reports required under § 60.7(c), periods of excess emissions that shall be reported are defined as follows:

(1) All hourly periods during which there are three or more 1-minute periods when the average opacity exceeds 20 percent.

(2) Any two consecutive hourly periods during which the 1-hour average sulfur dioxide emissions exceed the limits of § 60.43; or for sources which conduct analyses of fuel in lieu of installing and operating a continuous monitoring system under paragraph (a)(2) of this section, the lot number, the number of metric tons and the high heating value

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(HHV) of any lot of fuel for which the results of fuel analyses and computations, required by paragraphs (a) (2) (i) and (ii) respectively of this second, exceed the limits of § 60.43.

(3) Any two consecutive hourly periods during which the 1-hour average nitrogen oxides emissions exceed the limits established by § 60.44.

7. Section 60.46 is revised to read as follows:

§ 60.46 Test methods and procedures.

(a) The reference methods in Appendix A of this part, except as provided in § 60.8(b), shall be used to determine compliance with the standards prescribed in §§ 60.42, 60.43, and 60.44 as follows:

(1) Method 1 for selection of sampling site and sample traverses,

(2) Method 3 for gas analysis,

(3) Method 5 for concentration of particulate matter and the associated moisture content,

(4) Method 6 for concentration of SO_2, and

(5) Method 7 for concentration of NO_x.

(b) Method 3 and the following procedures shall be used when applying Reference Methods 5, 6, and 7.

(1) For Method 5, Method 1 shall be used to select the sampling site. The sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf) except that smaller sampling times or volumes, when necessitated by process variables or other factors, may be approved by the Administrator. The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature between 110° C and 160° C (225° F and 320° F).

(2) For Methods 6 and 7, the sampling site shall be the same as that selected for Method 5. The sampling point in the duct shall be at the centroid of the cross section or at a point no closer to the walls than 1 m (3.28 ft). For Method 6 the sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

(3) For Method 6, the minimum sampling time shall be 20 minutes and the minimum sampling volume 0.02 dscm (0.71 dscf) for each sample. The arithmetic mean of two samples shall constitute one run. Samples shall be taken at approximately 30-minute intervals.

(4) For Method 7, each run shall consist of at least four grab samples taken at approximately 15-minute intervals. The arithmetic mean of the samples shall constitute the run value.

(c) For each run required by paragraphs (a) (3), (4), and (5) of this section, the emissions expressed in g/million cal (lb/million Btu) shall be determined by the following procedure:

$$E = CF\left(\frac{2090}{20.9 - \%O_2}\right)$$

where:

(1) E=pollutant emission, g/million cal (lb/million Btu).

(2) C=pollutant concentration, g/dscm (lb/dscf), determined by Methods 5, 6, or 7.

(3) $\%O_2$=oxygen content by volume (expressed as percent), dry basis. Percent oxygen shall be determined by using the integrated sampling procedures of Method 3 and by analyzing the sample with the continuous monitoring system required under § 60.45(a)(4) or by using the Orsat analyzer. The sample shall be obtained as follows:

(i) For determination of sulfur dioxide and nitrogen oxides emissions, the oxygen sample shall be obtained at approximately the same point in the duct as used to obtain the samples for Methods 6 and 7 determinations, respectively (§ 60.46(b)(2)).

(ii) For determination of particulate emissions, the oxygen sample shall be obtained by traversing the duct in accordance with Method 1 except that 12 sample points shall be used in all cases.

(4) F=factor representing a ratio of the volume of flue gases generated to the calorific value of the fuel combusted. Values of F are given as follows:

(i) For anthracitic coal according to A.S.T.M. D388–66, F=0.01139 dscm/10^4 cal (101.4 dscf/10^6 Btu).

(ii) For subbituminous and bituminous coal according to A.S.T.M. D388–66, F=0.01103 dscm/10^4 cal (98.2 dscf/10^6 Btu).

(iii) For liquid fossil fuels including crude, residual, and distillate oils, F=0.01036 dscm/10^4 cal (92.3 dscf/10^6 Btu).

(iv) For gaseous fossil fuels including natural gas, propane, and butane, F=0.00982 dscm/10^4 cal (87.4 dscf/10^6 Btu).

(5) The owner or operator may use the following equation to determine an F factor (dscm/10^4 cal) in lieu of the F factors specified by paragraph (c)(4) of this section:

$$F = 100\,\frac{(364)(\%H) + (163)(\%C) + (57)(\%S) + (14)(\%N) - (46)(\%O)}{HHV}$$

where

(i) H, C, S, N, and O are content by weight of hydrogen, carbon, sulfur, nitrogen, and oxygen (expressed as percent), respectively, as determined by ultimate analysis of the fuel fired, dry basis, using A.S.T.M. methods D271–70 (solid fuels) or D240–64(73) (liquid fuels) or computed from results using A.S.T.M. method D1137–53(70) (gaseous fuels) as applicable.

(ii) HHV is the high heating value (cal/g) of the fuel combusted, determined by the A.S.T.M. test methods D2015–66(72) (solid fuels), D240–64(73) (liquid fuels), and D1826–64(70) (gaseous fuels) as applicable.

(6) When combinations of fuels are fired, the F factors determined by paragraph (c)(4) or (5) of this section shall be prorated in accordance with the following formula:

$$F = \frac{xF_1 + yF_2 + zF_3}{x + y + z}$$

where:

x=the percentage of total heat input derived from gaseous fossil fuel

y=the percentage of total heat input derived from liquid fossil fuel

z=the percentage of total heat input derived from solid fossil fuel

F_1=the value of F for gaseous fossil fuels according to paragraph (c)(4) or (5) of this section

F_2=the value of F for liquid fossil fuels according to paragraph (c)(4) or (5) of this section

F_3=the value of F for solid fossil fuels according to paragraph (c)(4) or (5) of this section.

(7) When combinations of fossil fuels are fired, the heat input, expressed in cal/hr (Btu/hr), shall be determined during each testing period by multiplying the high heating value of each fuel fired by the rate of each fuel burned. High heating value shall be determined in accordance with A.S.T.M. methods D2015–66(72) (solid fuels), D240–64(73) (liquid fuels), or D1826–64(70) (gaseous fuels) as applicable. The rate of fuels burned during each testing period shall be determined by suitable methods and shall be confirmed by a material balance over the steam generation system.

Subpart F—Standards of Performance for Portland Cement Plants

§ 60.62 [Amended]

8. Section 60.62 is amended by deleting paragraph (d).

Subpart G—Standards of Performance for Nitric Acid Plants

§ 60.72 [Amended]

9. Paragraph (a)(2) of § 60.72 is amended by deleting the second sentence.

10. Section 60.73 is amended by revising paragraph (a), (b), (c), and (e) to read as follows:

§ 60.73 Emission monitoring.

(a) A continuous monitoring system for the measurement of nitrogen oxides shall be installed, calibrated, maintained, and operated in any affected facility by the owner or operator. The pollutant gas used to prepare calibration gas mixtures (section 2.1, Performance Specification 2) shall be nitrogen dioxide (NO_2).

(b) The owner or operator shall establish a conversion factor for the purpose of converting monitoring data into units of the applicable standard (kg/metric ton). The conversion factor shall be established by measuring emissions with the continuous monitoring system in accordance with § 60.13(d) at the same time as emissions are determined for the applicable reference method tests (§ 60.-74). Using emission data from the performance test and only that portion of the continuous monitoring emission data that represents emission measurements concurrent with the reference method test periods, the conversion factor shall be determined by dividing the performance test data integrated averages by the continuous emission monitoring test data averages to obtain a ratio expressed in units of the applicable standard to units of the monitoring data, i.e., kg/metric ton per ppm (lb/short ton per ppm).

(c) The owner or operator shall record the daily production rates and hours of operation.

. . . . .

(e) For the purpose of reports pursuant to § 60.7(c), periods of excess emissions that shall be reported are defined as any two consecutive hourly periods during which the average nitrogen oxides emissions exceed the limits of § 60.72(a).

Subpart H—Standards of Performance for Sulfuric Acid Plants

§ 60.83 [Amended]

11. Paragraph (a)(2) of § 60.83 is amended by deleting the second sentence.

12. Section 60.84 is amended by revising paragraphs (a), (b), (c), (d) and (e) to read as follows:

§ 60.84 Emission monitoring.

(a) A continuous monitoring system for the measurement of sulfur dioxide shall be installed, calibrated, maintained, and operated in any affected facility by the owner or operator.

(b) The owner or operator shall establish a conversion factor for the purpose of converting monitoring data into units of the applicable standard (kg/metric ton). The conversion factor shall be established by measuring emissions with the continuous monitoring system in accordance with § 60.13(d) at the same time as emissions are determined for the applicable reference method tests (§60.-85). Using emission data from the performance test and only that portion of the continuous monitoring emission data that represents emission measurements concurrent with the reference method test periods, the conversion factor shall be determined by dividing the performance test data integrated averages by the continuous emission monitoring test data averages to obtain a ratio expressed in units of the applicable standard to units of the monitoring data, i.e., kg/metric ton per ppm (lb/short ton per ppm).

(c) The owner or operator shall record the daily production rates and hours of operation.

(d) Paragraph (m) of § 60.13 does not apply to this subpart.

. . . . .

(e) For the purpose of reports pursuant to § 60.7(c), periods of excess emissions that shall be reported are defined as any two consecutive hourly periods during which the average sulfur dioxide emissions exceed the limits of § 60.82.

Subpart I—Standards of Performance for Asphalt Concrete Plants

§ 60.92 [Amended]

13. Paragraph (b) of § 60.92 is amended by deleting the second sentence.

Subpart J—Standards of Peformance for Petroleum Refineries

§ 60.102 [Amended]

14. Paragraph (a)(2) of § 60.102 is amended by deleting the second sentence.

15. Section 60.105 is amended by revising paragraphs (a) and (b) to read as follows:

§ 60.105 Emission monitoring.

(a) Continuous monitoring systems shall be installed, calibrated, maintained, and operated in any affected facility by the owner or operator as follows:

(1) A continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the fluid catalytic cracking unit catalyst regenerator.

(2) A continuous monitoring system for the measurement of carbon monoxide in gases discharged into the atmosphere from fluid catalytic cracking unit catalyst regenerators, except where the requirements of paragraph (a)(3) of this section are met.

(3) Continuous monitoring systems for the measurement of firebox temperature and oxygen in exhaust gases from any incinerator-waste heat boiler which combusts the exhaust gases from a fluid catalytic cracking unit catalyst regenerator, except where the requirements of paragraph (a)(2) of this section are met.

(4) A continuous monitoring system for the measurement of hydrogen sulfide in fuel gases burned in any fuel gas combustion device, except where the requirements of paragraph (a)(5) of this section are met. Fuel gas combustion devices having a common source of fuel gas may be monitored at one location if sampling at this location produces results representative of the hydrogen sulfide concentration in the fuel gas burned.

(5) A continuous monitoring system for the measurement of sulfur dioxide in the gases discharged into the atmosphere from the combustion of fuel gases except where the requirements of paragraph (a)(4) of this section are met.

(b) The owner or operator of an affected facility required to install a continuous monitoring system under paragraph (a)(5) of this section shall establish daily a conversion factor (mg H_2S/dscm of fuel gas per ppm SO_2 in flue gas) for the purpose of converting monitoring data into units of the applicable standard. The conversion factor shall be established by measuring ppm SO_2 with the continuous monitoring system in accordance with paragraph (a)(5) of this section, conducting analyses daily of any fuel gas combusted using A.S.T.M. methods D1071–55 (sampling) and D1946–67 (analysis), and computing the factor as follows:

$$CF = (0.0162)\left(\sum_{i=1}^{n} X_i Y_i\right),$$

where:

CF=daily conversion factor (mg H_2S/dscm per ppm), and

X_i=stoichiometric constant, and

Y_i=volumetric percent of fuel gas component, dry basis

n=number of components.

TABLE OF VALUES FOR X_i

Component:	X_i
H_2	1.88
H_2S	6.64
CO	2.88
CH_4	8.52
C_2H_6	15.16
C_3H_8	21.8
C_4H_{10}	28.4
C_5H_{12}	35.1
C_6H_{14}	41.7
C_2H_4	13.3
C_3H_6	19.9
C_4H_8	18.0
C_5H_{10}	26.6
C_6H_{12}	34.2
CH_2H_{22}	30.8
Inerts	1.0

(1) For facilities which operate at levels greater than 5% oxygen in the flue gases, the oxygen content of the flue gases shall be determined at least monthly by sampling at the same point in the duct specified by § 60.106(d) and by analyzing the sample for oxygen by Orsat analysis or by use of the oxygen continuous monitoring instrument under § 60.105(a)(3). The results shall be used to adjust the daily conversion factors monthly (Orsat analysis) or daily (continuous monitor) as follows:

$$(CF)_{\text{adjusted}} = \left(\frac{CF}{1.17}\right)\left(\frac{20.90}{20.9 - \%O_2}\right),$$

where:

CF=daily conversion factor (mg H_2S/dscm per ppm), and

$\%O_2$=percent oxygen by volume (expressed as percent), dry basis.

. . . . .

Subpart L—Standards of Performance for Secondary Lead Smelters

§ 60.122 [Amended]

16. Section 60.122 is amended by deleting paragraph (c).

Subpart M—Standards of Performance for Secondary Brass and Bronze Ingot Production Plants

§ 60.132 [Amended]

17. Section 60.132 is amended by deleting paragraph (c).

Subpart O—Standards of Performance for Sewage Treatment Plants

§ 60.152 [Amended]

18. Paragraph (a)(2) of § 60.152 is amended by deleting the second sentence.

19. Appendix A is amended by revising Method 9 as follows:

METHOD 9—VISUAL DETERMINATION OF THE OPACITY OF EMISSIONS FOR STATIONARY SOURCES

1. *Principle and applicability.*

1.1 Principle. The opacity of emissions from stationary sources is determined visually by a qualified observer.

1.2 Applicability. This method is applicable for the determination of the opacity of emissions from stationary sources pursuant to § 60.11(b) and for qualifying observers for visually determining opacity of emissions.

2. *Procedures.* The observer qualified in accordance with paragraph 3 of this method shall use the following procedures for visually determining the opacity of emissions:

2.1 Position. The qualified observer shall stand at a distance sufficient to provide a clear view of the emissions with the sun oriented in the quadrant to his back. Consistent with maintaining the above requirement, the observer shall, as much as possible, make his observations from a position such that his line of vision is approximately perpendicular to the plume direction, and when observing opacity of emissions from rectangular outlets (e.g. roof monitors, open baghouses, noncircular stacks), approximately perpendicular to the longer axis of the outlet.

2.2 Field records. The observer shall record the name of the plant, emission location, type facility, observer's name and affiliation, and the date on a field data sheet (Figure 9–1). The time, estimated distance to the emission location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), and plume background are recorded on a field data sheet at the time opacity readings are initiated and completed.

2.3 Observations. Opacity observations shall be made at the point of greatest opacity

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in that portion of the plume where condensed water vapor is not present. The observer shall not look continuously at the plume, but instead shall observe the plume momentarily at 15-second intervals.

2.3.1 Attached steam plumes. When condensed water vapor is present within the plume as it emerges from the emission outlet, opacity observations shall be made beyond the point in the plume at which condensed water vapor is no longer visible. The observer shall record the approximate distance from the emission outlet to the point at which the observations are made.

2.3.2 Detached steam plume. When water vapor in the plume condenses at a distinct distance from the emission outlet, the opacity of emissions may be evaluated at the emission outlet prior to the condensation of water vapor and the formation of the steam plume.

2.4 Recording observations. Opacity observations shall be recorded to the nearest 5 percent at 15-second intervals on an observational record sheet (Figure 9-2). Each momentary observation recorded shall represent the opacity of emissions for that 15-second time period.

2.5 Data reduction. Determine the opacity standard applicable to the affected facility being observed and compute minutes of noncompliance using the appropriate procedure as follows:

2.5.1 For all opacity standards except average opacity, mark on the observation record sheet (Figure 9-2) all observations which exceed the opacity level specified by the standard. Compute the aggregate number of minutes during which the opacity of emissions was observed to exceed the applicable standard. Exclude from this computation the number of minutes of operation exempted by the applicable opacity standard or by § 60.11(c) (if any). Record the minutes of noncompliance on Figure 9-1.

2.5.2 For average opacity standards, sum on the observation record sheet (Figure 9-2) all observations for any specific time period (use time periods specified by the standard when applicable), and compute the arithmetic mean average by dividing by the total number of observations for the time period evaluated. Exclude from this computation any minutes of operation exempted by the applicable opacity standard or § 60.11(c) (if any). Record the minutes of each time period of noncompliance on Figure 9-1.

3. *Qualifications and testing.*

3.1 Certification requirements. To receive certification as a qualified observer, a candidate must be tested and demonstrate the ability to assign opacity readings in 5-percent increments to 25 different black plumes and 25 different white plumes, with an error not to exceed 15-percent opacity on any one reading and an average error not to exceed 7.5-percent opacity in each category. Candidates shall be tested according to the procedures described in paragraph 3.2. Smoke generators used pursuant to paragraph 3.2 shall be equipped with a smoke meter which meets the requirements of paragraph 3.3.

The certification shall be valid for a period of 6 months, at which time the qualification procedure must be repeated by any observer in order to retain certification.

3.2 Certification procedure. The smoke test consists of showing the candidate a complete run of 50 plumes—25 black plumes and 25 white plumes—generated by a smoke generator. Plumes within each set of 25 black and 25 white runs shall be presented in random order. The candidate assigns an opacity value to each plume and records his observation on a suitable form. At the completion of each run of 50 readings, the score of the trainee is determined. If a trainee fails to qualify, the complete run of 50 readings must be repeated in any retest. The smoke test may be administered as part of a smoke school or training program, and may be preceded by training or familiarization runs of the smoke generator during which candidates are shown black and white plumes of known opacity.

3.3 Smoke generator specifications. Any smoke generator used for the purposes of paragraph 3.2 shall be equipped with a smoke meter installed to measure opacity across the diameter of the smoke generator stack. The smoke meter output shall display in-stack opacity based upon a pathlength equal to the stack exit diameter, on a full 0 to 100 percent chart recorder scale. The smoke meter optical design and performance shall meet the specifications shown in Table 9-1. The smoke meter shall be calibrated as prescribed in paragraph 3.3.1 prior to the conduct of each smoke reading test. At the completion of each test, the zero and span drift shall be checked and if the drift exceeds ±1 percent opacity, the condition shall be corrected prior to conducting any subsequent test runs. The smoke meter shall be demonstrated, at the time of installation, to meet the specifications listed in Table 9-1. This demonstration shall be repeated following any subsequent repair or replacement of the photocell or associated electronic circuitry including the chart recorder or output meter, or every 6 months, whichever occurs first.

TABLE 9-1 SMOKE METER DESIGN AND PERFORMANCE SPECIFICATIONS

Parameter:	*Specification*
a. Light source	Incandescent lamp operated at nominal rated voltage.
b. Spectral response of photocell.	Photopic (Daylight spectral response of the human eye: reference 4.3).
c. Angle of view	15° maximum total angle.
d. Angle of projection.	15° maximum total angle.
e. Calibration error.	±3% opacity maximum.
f. Zero and span drift.	±1% opacity, 30 minutes.
g. Response time	≤5 seconds.

3.3.1 Calibration. The smoke meter is calibrated after allowing a minimum of 30 minutes warmup by alternately producing simulated opacity of 0 percent and 100 percent. When stable response at 0 percent or 100 percent is noted, the smoke meter is adjusted to produce an output of 0 percent or 100 percent, as appropriate. This calibration shall be repeated until stable 0 percent and 100 percent readings are produced without adjustment. Simulated 0 percent and 100 percent opacity values may be produced by alternately switching the power to the light source on and off while the smoke generator is not producing smoke.

3.3.2 Smoke meter evaluation. The smoke meter design and performance are to be evaluated as follows:

3.3.2.1 Light source. Verify from manufacturer's data and from voltage measurements made at the lamp, as installed, that the lamp is operated within ±5 percent of the nominal rated voltage.

3.3.2.2 Spectral response of photocell. Verify from manufacturer's data that the photocell has a photopic response; i.e., the spectral sensitivity of the cell shall closely approximate the standard spectral-luminosity curve for photopic vision which is referenced in (b) of Table 9-1.

3.3.2.3 Angle of view. Check construction geometry to ensure that the total angle of view of the smoke plume, as seen by the photocell, does not exceed 15°. The total angle of view may be calculated from: $\theta = 2 \tan^{-1} d/2L$, where θ = total angle of view; d = the sum of the photocell diameter + the diameter of the limiting aperture; and L = the distance from the photocell to the limiting aperture. The limiting aperture is the point in the path between the photocell and the smoke plume where the angle of view is most restricted. In smoke generator smoke meters this is normally an orifice plate.

3.3.2.4 Angle of projection. Check construction geometry to ensure that the total angle of projection of the lamp on the smoke plume does not exceed 15°. The total angle of projection may be calculated from: $\theta = 2 \tan^{-1} d/2L$, where θ = total range of projection; d = the sum of the length of the lamp filament + the diameter of the limiting aperture; and L = the distance from the lamp to the limiting aperture.

3.3.2.5 Calibration error. Using neutral-density filters of known opacity, check the error between the actual response and the theoretical linear response of the smoke meter. This check is accomplished by first calibrating the smoke meter according to 3.3.1 and then inserting a series of three neutral-density filters of nominal opacity of 20, 50, and 75 percent in the smoke meter pathlength. Filters calibrated within ±2 percent shall be used. Care should be taken when inserting the filters to prevent stray light from affecting the meter. Make a total of five nonconsecutive readings for each filter. The maximum error on any one reading shall be 3 percent opacity.

3.3.2.6 Zero and span drift. Determine the zero and span drift by calibrating and operating the smoke generator in a normal manner over a 1-hour period. The drift is measured by checking the zero and span at the end of this period.

3.3.2.7 Response time. Determine the response time by producing a series of five simulated 0 percent and 100 percent opacity values and observing the time required to reach stable response. Opacity values of 0 percent and 100 percent may be simulated by alternately switching the power to the light source off and on while the smoke generator is not operating.

4. *References.*

4.1 *Air Pollution Control District Rules and Regulations*, Los Angeles County Air Pollution Control District, Regulations IV, Prohibitions, Rule 50.

4.2 Weisburd, Melvin I., *Field Operations and Enforcement Manual for Air*, U.S. Environmental Protection Agency, Research Triangle Park, N.C., APTD-1100, August 1972, pp. 4.1-4.36.

4.3 Condon, E. U., and Odishaw, H., *Handbook of Physics*, McGraw-Hill Co., New York, N.Y., 1958, Table 3.1, p. 6-52.

Figure 9-1 Page ____ of ____

RECORD OF VISUAL DETERMINATION OF OPACITY

COMPANY _____ HOURS OF OBSERVATION _____
LOCATION _____ OBSERVER _____
TEST NUMBER _____ OBSERVER CERTIFICATION DATE _____
DATE _____ OBSERVER AFFILIATION _____
TYPE FACILITY _____ POINT OF EMISSIONS _____
CONTROL DEVICE _____ HEIGHT OF DISCHARGE POINT _____

Record the following information prior to and upon completion of observations at each source. If observations are made over an extended period of time, additional recordings should be made as applicable.

CLOCK TIME — INITIAL __:__ a.m. / p.m. — FINAL __:__ a.m. / p.m.

OBSERVER LOCATION
- Distance to Discharge _____
- Direction from Discharge _____
- Height of Observation Point _____

BACKGROUND DESCRIPTION _____

WEATHER CONDITIONS _____
- Wind Direction _____
- Wind Speed _____
- Ambient Temperature _____

SKY CONDITIONS (clear, overcast, %clouds, etc.) _____

PLUME DESCRIPTION
- Color _____
- Distance Visible _____

MINUTES OF NONCOMPLIANCE _____

FIGURE 9-2 OBSERVATION RECORD PAGE ___ OF ___

COMPANY _____ OBSERVER _____
LOCATION _____ TYPE FACILITY _____
TEST NUMBER _____ POINT OF EMISSIONS _____
DATE _____

Hr.	Min.	Seconds 0	15	30	45	STEAM PLUME (check if applicable) Attached	Detached	COMMENTS
	0							
	1							
	2							
	3							
	4							
	5							
	6							
	7							
	8							
	9							
	10							
	11							
	12							
	13							
	14							
	15							
	16							
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	18							
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	23							
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	28							
	29							

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FIGURE 9-2 OBSERVATION RECORD (Cont.) PAGE ___ OF ___

COMPANY _____ OBSERVER _____
LOCATION _____ TYPE FACILITY _____
TEST NUMBER _____ POINT OF EMISSIONS _____
DATE _____

Hr.	Min.	Seconds 0	15	30	45	STEAM PLUME (check if applicable) Attached	Detached	COMMENTS
	30							
	31							
	32							
	33							
	34							
	35							
	36							
	37							
	38							
	39							
	40							
	41							
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	58							
	59							

20. Appendix B is added as follows:

APPENDIX B—PERFORMANCE SPECIFICATIONS

PERFORMANCE SPECIFICATION 1—PERFORMANCE SPECIFICATIONS AND SPECIFICATION TEST PROCEDURES FOR TRANSMISSOMETER SYSTEMS FOR CONTINUOUS MEASUREMENT OF THE OPACITY OF STACK EFFLUENTS

1. *Principle and Applicability.*

1.1 Principle. Transmissometry is a direct measurement of attenuation of visible radiation (opacity) by particulate matter in a stack effluent. Light from a lamp is projected across the stack of a pollution source to a light sensor. The light is attenuated due to absorption and scatter by the particulate matter in the effluent. The percentage of light attenuated is defined as the opacity of the emission. Transparent stack emissions that do not attenuate light will have a transmittance of 100 or an opacity of 0. Opaque stack emissions that attenuate all of the light will have a transmittance of 0 or an opacity of 100 percent.

1.2 Applicability. This method is applicable to the instrument systems specified in the subparts for continuously monitoring the opacity of emissions. Specifications for continuous measurement of visible emissions are given in terms of design, performance, and installation parameters. Performance specifications and test procedures are given for transmissometer systems to test their capability before approving the systems installed by an affected facility.

2. *Apparatus.*

2.1 Neutral Density Filters. Filters with neutral spectral characteristics and known optical densities to visible light. One each low, mid, and high range filters, 5- or 6-inch square or 6-inch diameter, with nominal optical densities of 0.1, 0.2, and 0.3 (20, 37, and 50 percent opacity) are required. Calibrated filters with accuracies certified by the manufacturer to within 3 percent shall be used. It is recommended that filter calibrations be checked with a well-collimated photopic transmissometer of known linearity prior to use.

2.2 Chart Recorder. Analog chart recorder with input voltage range and performance characteristics compatible with the measurement system output.

2.3 Opacity Measurement System. An in-stack transmissometer (folded or single path) with the optical design specifications designated below, associated control units and apparatus to keep optical surfaces clean.

3. *Definitions.*

3.1 Measurement System. The total equipment required for the continuous determination of a pollutant concentration in a source effluent. The system consists of three major subsystems:

3.1.1 Sampling Interface—That portion of the measurement system that performs one or more of the following operations: delineation, acquisition, transportation, and conditioning of a sample of the source effluent, or protection of the analyzer from the effluent.

3.1.2 Analyzer—That portion of the system which senses the pollutant and generates a signal output that is a function of the pollutant concentration.

3.1.3 Data Recorder—That portion of the measurement system that processes the analyzer output and provides a permanent record of the output signal in terms of pollutant concentration.

3.2 Span. The value of opacity at which the measurement system is set to produce the maximum data display output. For the purpose of this method, the span shall be set at an opacity of 50 percent for a pathlength equal to the stack exit diameter of the source.

3.3 Calibration Error. The difference between the opacity reading indicated by the measurement system and the known values of a series of test standards. For this method the test standards are a series of calibrated neutral density filters.

3.4 Zero Drift. The change in measurement system output over a stated period of time of normal continuous operation when the pollutant concentration at the time of the measurements is zero.

3.5 Calibration Drift. The change in measurement system output over a stated period of time of normal continuous operation when the pollutant concentration at the time of the measurements is the same known upscale value.

3.6 System Response. The time interval from a step change in opacity in the stack at the input to the measurement system to the time at which 95 percent of the corresponding final value is reached as displayed on the measurement system data presentation device.

3.7 Operational Test Period. A minimum period of time over which a measurement system is expected to operate within certain performance specifications without unscheduled maintenance, repair, or adjustment.

3.8 Transmittance. The fraction of incident light that is transmitted through an optical medium of interest.

3.9 Opacity. The fraction of incident light that is attenuated by an optical medium of interest. Opacity (O) and transmittance (T) are related as follows:

$$O = 1 - T$$

3.10 Optical Density. A logarithmic measure of the amount of light that is attenuated by an optical medium of interest. Optical density (D) is related to the transmittance and opacity as follows:

$$D = -\log_{10} T$$
$$D = -\log_{10}(1-O)$$

3.11 Mean Spectral Response. The wavelength which bisects the total area under the curve obtained pursuant to paragraph 9.2.1.

3.12 Angle of View. The maximum (total) angle of radiation that is seen by the photodetector assembly of an optical transmissometer.

3.13 Angle of Projection. The maximum (total) angle of radiation that is projected by the lamp assembly of an optical transmissometer.

3.14 Pathlength. The depth of effluent in the light beam between the receiver and the transmitter of the single-pass transmissometer, or the depth of effluent between the transceiver and reflector of a double-pass transmissometer.

4. *Installation Specification.*

4.1 Location. The transmissometer must be located across a section of duct or stack that will provide a particulate matter flow through the optical volume of the transmissometer that is representative of the particulate matter flow through the duct or stack. It is recommended that the pathlength or depth of effluent for the transmissometer include the entire width or diameter of the duct or stack. Installations using a shorter pathlength must use extra caution in determining the measurement location representative of the particulate matter flow through the duct or stack.

4.1.1 The transmissometer location shall be downstream from all particulate control equipment.

4.1.2 The transmissioner shall be located as far from bends and obstructions as practical.

4.1.3 A transmissometer that is located in the duct or stack following a bend shall be installed in the plane defined by the bend where possible.

4.1.4 The transmissometer should be installed in an accessible location.

4.1.5 When specified by the Administrator, the owner or operator of a source must demonstrate that the transmissometer is located in a section of duct or stack where a uniform or representative particulate matter distribution exists. The determination shall be accomplished by examining the opacity profile of the effluent at a series of positions across the duct or stack while the plant is in operation at full load or by other tests acceptable to the Administrator.

4.2 Slotted Tube. Installations that require the use of a slotted tube shall use a slotted tube of sufficient size and blackness so as not to interfere with the free flow of effluent through the entire optical volume of the transmissometer or reflect light into the light detector of the transmissometer.

4.3 Recorder Output. The transmissometer output shall permit expanded display of the in-stack opacity on a standard 0 to 100 percent scale. In addition, a graph shall be provided with the installation to show the relationship between the standard 0 to 100 percent readout scale and the opacity of the effluent for a pathlenth equal to equal to the stack exit diameter. The relationship for constructing the graph is:

$$\log(1-O_1) = (l_1/l_s)\log(1-O_2)$$

where l_1 is the stack exit diameter and O_1 is the opacity of the effluent at the stack exit diameter, l_s is the in-stack pathlength of the transmissometer, and O_2 is the measured opacity of the effluent within the transmissometer path. The opacity standard is based on the opacity of the effluent at the stack exit diameter.

5. *Optical Design Specifications.*

The optical design specifications set forth in Section 6.1 shall be met in order for a measurement system to comply with the requirements of this method.

6. *Determination of Conformance with Design Specifications.*

6.1 The opacity measurement system shall be demonstrated to conform to the design specifications set forth as follows:

6.1.1 Peak spectral response. Response at any wavelength below 400 nm or above 700 nm shall be less than 10 percent of the peak response of the measurement system at all wavelengths between 400 nm and 700 nm.

6.1.2 Mean spectral response. The mean spectral response of the measurement system shall occur between 500 nm and 600 nm.

6.1.3 Angle of view. The total angle of view shall be no greater than 5 degrees.

6.1.4 Angle of projection. The total angle of projection shall be no greater than 5 degrees.

6.2 Conformance with requirements pursuant to Section 6.1 of this specification may be demonstrated by the owner or operator of the affected facility or by the manufacturer of the opacity measurement system. Where conformance is demonstrated by the manufacturer, certification of this fact and a description of the test procedure used shall be provided by the manufacturer. If the source owner demonstrates conformance, the procedures used and results obtained shall be reported.

6.3 The general test procedures to be followed to demonstrate conformance with Section 6 requirements are given as follows: (These procedures will not be applicable to all designs, and will require slight modification in some cases. Where instrument and optical design are certified by the manufacturer to conform with the angle of view or angle of projection specifications, the respective procedures may be omitted.)

6.3.1 Spectral Response. Obtain spectral data for detector, lamp, and filter components used in the measurement system from their respective manufacturers.

6.3.2 Angle of View. Set the receiver up as specified by the manufacturer. Draw an arc with radius of 3 meters. Measure the receiver response to a small (less than 3 centimeters) non-directional light source at 5-centimeter intervals on the arc for 26 centimeters on either side of the detector centerline. Repeat the test in the vertical direction.

6.3.3 Angle of Projection. Set the projector up as specified by the manufacturer. Draw an arc with radius of 3 meters. Using a small photoelectric light detector (less than 3 centimeters), measure the light intensity at 5-centimeter intervals on the arc for 26 centimeters on either side of the light source centerline of projection. Repeat the test in the vertical direction.

7. *Measurement System Performance Specifications.*

A measurement system must meet the performance specifications in Table 1–1 to be considered acceptable under this method.

TABLE 1–1 PERFORMANCE SPECIFICATIONS

Parameter:	*Specifications*
a. Calibration error	≤10% of test filter value*.
b. Zero drift (24 hr)	≤10% of emission standard*.
c. Calibration drift (24 hr)	≤10% of emission standard*.
d. Response time	10 seconds (maximum).
e. Operational period	168 hour.

*Expressed as sum of absolute mean value plus 95 percent confidence interval of a series of tests.

8. *Performance Specification Test Procedures.* The following test procedures shall be used to determine conformance with the requirements of paragraph 7:

8.1 Calibration Error and Response Time Test. Set up and calibrate the measurement system as specified by the manufacturer's written instructions prior to installation on the stack using the instrument's maximum pathlength or a 3-meter pathlength, whichever is less. Span the instrument for 0 to 50 percent opacity.

8.1.1 Calibration Error Test—Insert a series of neutral density filter standards in the transmissometer path at the midpoint. A minimum of three neutral-density filters with nominal opacities of 20, 37, and 50 percent (low, mid, and high range) calibrated within 3 percent must be used. Make a total of five non-consecutive readings for each filter. Record the measurement system output readings in percent opacity. (See Figure 1–1.)

8.1.2 System Response Test—Insert the 50 percent filter in the transmissometer path five times and record the time required for the system to respond to 95 percent of final zero and span values. (See Figure 1–2.)

8.2 Field Test for Zero Drift and Calibration Drift—Install on the stack and operate the measurement system in accordance with the manufacturer's written instructions and drawings as follows:

8.2.1 Conditioning Period—Offset the zero setting at least 10 percent of span so that negative zero drift can be quantified. Operate the system for an initial 168-hour conditioning period in a normal operational manner.

8.2.2 Operational Test Period—Operate the system for an additional 168-hour period. The system shall monitor the source effluent at all times except when being zeroed or calibrated. At 24-hour intervals the zero and span shall be checked according to the applicable manufacturer's written procedures. These procedures may vary from manufacturer to manufacturer, but shall include a procedure for producing a simulated zero opacity condition, and a simulated upscale (span) opacity condition as viewed by the receiver. The span value used for this test shall not be less than 1.5 times the emission standard. After the zero and span check, clean all optical surfaces open to the effluent, realign optics, and make any necessary adjustments to the calibration of the system. These zero and calibration corrections and adjustments are allowed only at 24-hour intervals or at such shorter intervals as manufacturer's written instructions specify. Automatic corrections made by the measurement system without operator intervention are allowable at any time. During this 168-hour operational test period, record the following at 24-hour intervals: (a) the zero reading and span readings after the system is calibrated (these readings should be set at the same value at the beginning of each 24-hour period); (b) the zero reading after each 24 hours of operation, but before cleaning and adjustment; and (c) the span reading after cleaning and zero adjustment, but before span adjustment. (See Figure 1–3.)

9. *Calculation, Data Analysis, and Reporting.*

9.1 Procedure for Determination of Mean Values and Confidence Intervals.

9.1.1 The mean value of the data set is calculated according to equation 1–1.

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i \qquad \text{Equation 1–1}$$

where:
x_i = individual values,
Σ = sum of the individual values,
$\bar{x}$ = mean value, and
n = number of data points.

9.1.2 The 95 percent confidence interval (two-sided) is calculated according to equation 1–2.

$$C.I._{.95} = \frac{t_{.975}}{n\sqrt{n-1}}\sqrt{n(\Sigma x_i^2) - (\Sigma x_i)^2} \qquad \text{Equation 1–2}$$

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where:
ΣX_i=sum of all data points,
.975=$t_{1-\alpha/2}$, and
$C.I._{.9}$=95 percent confidence interval estimate of the average mean value.

VALUES FOR t.975

n	t.975
2	12.706
3	4.303
4	3.182
5	2.776
6	2.571
7	2.447
8	2.365
9	2.306
10	2.262
11	2.228
12	2.201
13	2.179
14	2.160
15	2.145
16	2.131

The values in this table are already corrected for n-1 degrees of freedom. Use n equal to the number of samples as data points.

9.2 Data Analysis and Reporting.

9.2.1 Spectral Response—Combine the spectral data obtained in accordance with paragraph 6.3.1 to develop the effective spectral response curve of the transmissometer. Report the wavelength at which the peak response occurs, and the wavelength at which the mean response occurs in accordance with the reporting requirements of paragraph 6.2.

9.2.2 Angle of View—Using the data obtained in accordance with paragraph 6.3.2, calculate the response of the receiver as a function of viewing angle in the horizontal and vertical directions (26 centimeters of arc with a radius of 3 meters equal 5 degrees). Report relative angle of view curves as required paragraph 6.2.

9.2.3 Angle of Projection—Using the data obtained in accordance with paragraph 6.3.3, calculate the response of the photoelectric detector as a function of projection angle in the horizontal and vertical directions. Report relative angle of projection curves as required in paragraph 6.2.

9.2.4 Calibration Error—Using the data from paragraph 8.1 (Figure 1-1), subtract the known filter opacity value from the value shown by the measurement system for each of the 15 readings. Calculate the mean of the five difference values at each test filter value and the 95 percent confidence interval according to equations 1-1 and 1-2. Report the sum of the absolute mean value and the 95 percent confidence interval as a percentage of the test filter value.

9.2.5 Zero Drift—Using the zero concentration values measured every 24 hours during the field test (paragraph 6.2), calculate the differences between the zero point after cleaning, aligning, and adjustment, and the zero value 24 hours later just prior to cleaning, aligning and adjustment. Calculate the mean value of these points and the confidence intervals using equations 1-1 and 1-2. Report the sum of the absolute mean value and the 95 percent confidence interval as a percentage of the emission standard.

9.2.6 Calibration Drift—Using the span value measured every 24 hours during the field test, calculate the differences between the span value after cleaning, aligning, and adjustment of zero and span, and the span value 24 hours later just after cleaning, aligning, and adjustment of zero and before adjustment of span. Calculate the mean value of these points and the confidence interval using equations 1-1 and 1-2. Report the sum of the absolute mean value and the confidence interval as a percentage of the emission standard.

9.2.7 Response Time—Using the data from paragraph 8.1, calculate the time interval from filter insertion to 95 percent of the final stable value for all upscale and downscale traverses. Report the mean of the 10 upscale and downscale test times.

9.2.8 Operational Test Period—During the 168-hour operational test period, the measurement system shall not require any corrective maintenance, repair, replacement, or adjustment other than that clearly specified as required in the manufacturer's operation and maintenance manuals as routine and expected during a 1-week period. If the measurement system operated within the specified performance parameters and did not require corrective maintenance, repair, replacement, or adjustment other than as specified above during the 168-hour test period, the operational test period will be successfully concluded. Failure of the measurement system to meet this requirement shall call for a repetition of the 168-hour test period. Portions of the tests which were satisfactorily completed need not be repeated. Failure to meet any performance specification(s) shall call for a repetition of the 1-week operational test period and that specific portion of the tests required by paragraph 7 related to demonstrating compliance with the failed specification. All maintenance and adjustments required shall be recorded. Output readings shall be recorded before and after all adjustments.

10. *References.*

10.1 *Experimental Statistics*, Department of Commerce, National Bureau of Standards Handbook 91, 1963, p. 3-31, paragraphs 3-3.1.4.

10.2 *Performance Specifications for Stationary-Source Monitoring Systems for Gases and Visible Emissions*, Environmental Protection Agency, Research Triangle Park, N.C., EPA-650/2-74-013, January 1974.

Calibrated Neutral Density Filter Data
(See paragraph 8.1.1)

Low Range ____% opacity Mid Range ___% opacity High Range ___% opacity

Run #	Calibrated Filter Opacity[1]	Analyzer Reading % Opacity	Differences[2] % Opacity
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

	Low	Mid	High
Mean difference	___	___	___
Confidence interval	± ___	± ___	± ___
Calibrated error = $\frac{\text{Mean Difference}^{3} + \text{C.I.}}{\text{Calibrated Filter Value}} \times 100$	___	___	___

[1] Low, mid or high
[2] Calibration filter opacity - analyzer reading
[3] Absolute value

Figure 1-1. Calibration Error Test

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Date of Test _____

Span Filter _____ % Opacity

Analyzer Span Setting _____ % Opacity

Upscale	1	_____	seconds
	2	_____	seconds
	3	_____	seconds
Downscale	1	_____	seconds
	2	_____	seconds
	3	_____	seconds

Average response _____ seconds

Figure 1-2. Response Time Test

Zero Setting _____ (See paragraph 8.2.1)

Span Setting _____

Date and Time	Zero Reading (Before cleaning and adjustment)	Zero Drift (ΔZero)	Span Reading (After cleaning and zero adjustment but before span adjustment)	Calibration Drift (ΔSpan)

Zero Drift = [Mean Zero Drift* _____ + CI (Zero) _____ + Emission Standard] x 100 = _____.

Calibration Drift = [Mean Span Drift* _____ + CI (Span) _____ + Emission Standard] x 100 = _____.

*Absolute value

Figure 1-3. Zero and Calibration Drift Test

PERFORMANCE SPECIFICATION 2—PERFORMANCE SPECIFICATIONS AND SPECIFICATION TEST PROCEDURES FOR MONITORS OF SO_2 AND NO_2 FROM STATIONARY SOURCES

1. *Principle and Applicability.*

1.1 Principle. Gases are continuously sampled in the stack emissions and analyzed for either sulfur dioxide or oxides of nitrogen by a continuously operating emission measurement system. Sampling may include either the extractive or non-extractive (*in situ*) approach.

1.2 Applicability. This method is applicable to the instrument systems specified by subparts for continuously monitoring oxides of nitrogen and sulfur dioxide emissions. Specifications for continuous measurement of nitrogen oxides or sulfur dioxide are given in terms of performance specifications. Test procedures are given to determine the capability of the measurement systems to conform to the performance specifications prior to approving the systems installed by an affected facility.

2. *Apparatus.*

2.1 Calibration Gas Mixture. Mixture of a known concentration of pollutant gas in oxygen-free nitrogen. Nominal concentrations of 50 percent and 90 percent of span are recommended. The 90 percent gas mixture is to be used to set and to check the span and is referred to as the span gas. The gas mixtures shall be analyzed by the applicable reference method (See 5.1.1) within 2 weeks prior to use, or demonstrated to be accurate and stable by an alternate method subject to approval of the Administrator.

2.2 Zero Gas. A gas containing less than 1 ppm of the pollutant gas.

2.3 Equipment for measurement of the pollutant gas concentration using the reference method specified in the applicable standard.

2.4 Chart Recorder. Analog chart recorder, input voltage range compatible with analyzer system output.

2.5 Continuous measurement system for SO_2 or NO_2 pollutants as applicable.

3. *Definitions.*

3.1 Measurement System. The total equipment required for the determination of a pollutant gas concentration in a given source effluent. The system consists of three major subsystems:

3.1.1 Sampling Interface—That portion of the measurement system that performs one or more of the following operations: delineation, acquisition, transportation, and conditioning of a sample of the source effluent or protection of the analyzer from the hostile aspects of the sample or source environment.

3.1.2 Analyzer—That portion of the measurement system which senses the pollutant gas and generates a signal output that is a function of the pollutant concentration.

3.1.3 Data Recorder—That portion of the measurement system that provides a permanent record of the output signal in terms of concentration units.

3.2 Span. The value of pollutant concentration at which the measurement system is set to produce the maximum data display output. For the purposes of this method, the span shall be set at a sulfur dioxide or nitrogen dioxide concentration equivalent to 1.5 times the relevant emission standard.

3.3 Accuracy (Relative). The degree of correctness with which the measurement system yields the value of gas concentration of a sample relative to the value given by a defined reference method. This accuracy is expressed in terms of error, which is the difference between the paired concentration measurements expressed as a percentage of the mean reference value.

3.4 Calibration Error. The difference between the pollutant concentration indicated by the measurement system and the known concentration of the test gas mixture.

3.5 Zero Drift. The change in measurement system output over a stated period of time of normal continuous operation when the pollutant concentration at the time for the measurements is zero.

3.6 Calibration Drift. The change in measurement system output over a stated period time of normal continuous operation when the pollutant concentration at the time of the measurements is the same known upscale value.

3.7 Response Time. The time interval from a step change in pollutant concentration at the input to the measurement system to the time at which 95 percent of the corresponding final value is reached as displayed on the measurement system data presentation device.

3.8 Operational Period. A minimum period of time over which a measurement system is expected to operate within certain performance specifications without unscheduled maintenance, repair or adjustment.

4. *Measurement System Performance Specifications.*

A measurement system must meet the performance specifications in Table 2-1 to be considered acceptable under this method.

TABLE 2-1.—PERFORMANCE SPECIFICATIONS

Parameter	Specification
1. Accuracy*	≤20% of reference mean value.
2. Calibration error*	≤5% of each (50%, 90%) calibration gas mixture value.
3. Zero drift (2 hours)*	≤2% of emission standard.
4. Zero drift (24-hour)*	≤4% of emission standard.
5. Calibration drift (2 hours)*	≤2% of emission standard.
6. Calibration drift (24-hour)*	≤5% of emission standard.
7. Response time	15 minutes maximum.
8. Operational period	168 hours minimum.

*Expressed as sum of absolute mean value plus 95 percent confidence interval of a series of tests.

5. *Performance Specification Test Procedures.* The following test procedures shall be used to determine conformance with the requirements of paragraph 4:

5.1 Calibration test.

5.1.1 Analyze each calibration gas mixture (50%, 90%) using reference methods 6 for sulfur dioxide and 7 for oxides of nitrogen, and record the results on the example sheet shown in Figure 2-1. This step may be omitted for non-extractive monitors where dynamic calibration gas mixtures are not used (See 5.1.2).

5.1.2 Set up and calibrate the complete measurement system according to the manufacturer's written instructions. This may be accomplished either in the laboratory or in the field. Make a series of five non-consecutive readings with span gas mixtures alternately at each concentration (e.g., 50%, 90%, 50%, 90%, 50%, etc.). For non-extractive measurement systems, this test may be performed using procedures and two or more calibration gas concentrations differing by a factor of two or more, certified by the manufacturer. Convert the measurement system output readings to ppm and record the results on the example sheet shown in Figure 2-2.

5.2 Field Test for Accuracy (Relative), Zero Drift, Calibration, and Drift—Install and operate the measurement system in accordance with the manufacturer's written instructions and drawings as follows:

5.2.1 Conditioning Period—Offset the zero setting at least 10 percent of span so that negative zero drift can be quantified. Operate the system for an initial 168-hour conditioning period in a normal operational manner.

5.2.2 Operational Test Period—Operate the system for an additional 168-hour period. The system shall monitor the source effluent at all times except when being zeroed, calibrated, or backpurged. For measurement systems employing extractive sampling, it is recommended that the measurement system and the probe tips be placed adjacent to each other in the duct. Record the reference methods test data and measurement system concentrations on the example data sheet shown in Figure 2-3 for the tests given as follows:

5.2.2.1 NO_2 Monitoring Systems. Make twenty seven NO_2 concentration measurements using the applicable reference method. No more than three measurements shall be performed in any one hour, and any set of three measurements shall be performed concurrently or within a 3-minute interval and the results averaged.

5.2.2.2 SO_2 Monitoring Systems. Make nine SO_2 concentration measurements using the applicable reference method. No more than one measurement shall be performed in any one hour.

5.2.3 Field Test for Zero Drift and Calibration Drift. Determine the values given by zero and span gas pollutant concentrations at 2-hour intervals until 15 sets of data are obtained. Alternatively, for non-extractive measurement systems, determine the values given by an electrically or mechanically produced zero condition and by inserting a certified calibration gas concentration equivalent to not less than 300 ppm into the measurement system. Record these readings on the example sheet shown in Figure 2-4. These 2-hour periods need not be consecutive but may not overlap. The zero and span determinations to be made under this paragraph may be made concurrent with the tests under 5.2.2. Zero and calibration corrections and adjustments are allowed only at 24-hour intervals or at such shorter intervals as the manufacturer's written instructions specify. Automatic corrections made by the measurement system without operator intervention or initiation are allowable at any time. During the entire 168-hour operational test period, record the values given by zero and span gas pollutant concentrations before and after adjustment at 24-hour intervals in the example sheet shown in Figure 2-5.

5.3 Field Test for Response Time.

5.31 This test shall be accomplished using the entire measurement system as installed, including sample transport lines if used. Flow rates, line diameters, pumping rates, pressures (do not allow the pressurized calibration gas to change the normal operating pressure in the sample line), etc., shall be at the nominal values for normal operation as specified in the manufacturer's written instructions. If the analyzer is used to sample more than one pollutant source (stack), this test shall be repeated for each sampling point.

5.3.2 Introduce zero gas into the measurement system sampling interface or as close to the sampling interface as possible. When the system output reading has stabilized, switch quickly to a known concentration of pollutant gas at 70 to 90 percent of span. Record the time from concentration switching to final stable response. After the system response has stabilized at the upper level, switch quickly to a zero concentration of pollutant gas. Record the time from concentration switching to final stable response. Alternatively, for nonextractive monitors, the highest available calibration gas concentration shall be switched into and out of the sample path and response times recorded. Perform this test sequence three (3) times. For each test record the results on the example sheet shown in Figure 2-6.

6. *Calculations, Data Analysis and Reporting.*

6.1 Procedure for determination of mean values and confidence intervals.

6.1.1 The mean value of a data set is calculated according to equation 2-1.

$$\bar{x}=\frac{1}{n}\sum_{i=1}^{n}x_i \qquad \text{Equation 2-1}$$

where:

x_i = individual values,
Σ = sum of the individual values,
$\bar{x}$ = mean value, and
n = number of data points.

6.1.2 The 95 percent confidence interval (two sided) is calculated according to equation 2-2.

$$C.I._{95}=\frac{t_{.975}}{n\sqrt{n-1}}\sqrt{n(\Sigma x_i^2)-(\Sigma x_i)^2} \qquad \text{Equation 2-2}$$

where:

ΣX_i = sum of all data points,
$t_{.975}=t_{1-\alpha/2}$, and
$C.I._{95}$ = 95 percent confidence interval estimate of the average mean value.

VALUES FOR $t_{.975}$

n	$t_{.975}$
2	12.706
3	4.303
4	3.182
5	2.776
6	2.571
7	2.447
8	2.365
9	2.306
10	2.262
11	2.228
12	2.201
13	2.179
14	2.160
15	2.145
16	2.131

The values in this table are already corrected for n−1 degrees of freedom. Use n equal to the number of samples as data points.

6.2 Data Analysis and Reporting.

6.2.1 Accuracy (Relative) For each of the nine reference method testing periods, determine the average pollutant concentration reported by the continuous measurement system. These average concentrations shall be determined from the measurement system data recorded under 5.2.2 by integrating the pollutant concentrations over each of the time intervals concurrent with each reference method test, then dividing by the cumulative time of each applicable reference method testing period. Before proceeding to the next step, determine the bases (wet or dry) of the measurement system data and reference method test data concentrations. If the bases are not consistent, then a moisture correction shall be applied to either the reference method concentrations or the measurement system concentrations as is appropriate. The correction factor shall be determined by moisture tests concurrent with the reference method testing periods. The moisture test method and the correction procedure employed shall be reported. For each of the nine test runs, subtract the respective reference method test concentrations (use average of each set of 3 measurements for NO_2) from the continuous monitoring system average concentrations. Using these data, compute the mean difference and the 95 percent confidence interval using equations 2-1 and 2-2. Accuracy is reported as the sum of the absolute value of the mean difference and the 95 percent confidence interval expressed as a percentage of the mean reference method value. Use the example sheet shown in Figure 2-3.

6.2.2 Calibration Error—Using the data from paragraph 5.1, subtract the measured pollutant concentration determined under paragraph 5.1.1 (Figure 2-1) from the value shown by the measurement system for each of the 5 readings at each concentration measured under 5.1.2 (Figure 2-2). Calculate the mean of these difference values and the 95 percent confidence intervals according to equations 2-1 and 2-2. The calibration error is reported as the sum of the absolute value of the mean difference and the 95 percent confidence interval as a percentage of each respective calibration gas concentration. Use example sheet shown in Figure 2-2.

6.2.3 Zero Drift (2-hour)—Using the zero concentration values measured each 2 hours

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during the field test, calculate the differences between *consecutive* 2-hour readings expressed in ppm. Calculate the mean difference and the confidence interval using equations 2–1 and 2–2. Report the zero drift as the sum of the absolute mean value and the confidence interval as a percentage of the emission standard. Use example sheet shown in Figure 2–4.

6.2.4 Zero Drift (24-hour)—Using the zero concentration values measured every 24 hours during the field test, calculate the differences between the zero point after zero adjustment and the zero value 24 hours later just prior to zero adjustment. Calculate the mean value of these points and the confidence interval using equations 2–1 and 2–2. Report the zero drift (the sum of the absolute mean and confidence interval) as a percentage of the emission standard. Use example sheet shown in Figure 2–5.

6.2.5 Calibration Drift (2-hour)—Using the calibration values obtained at 2-hour intervals during the field test, calculate the differences between consecutive 2-hour readings expressed as ppm. These values should be corrected for the corresponding zero drift during that 2-hour period. Calculate the mean and confidence interval of these corrected difference values using equations 2–1 and 2–2. Do not use the differences between non-consecutive readings. Report the calibration drift as the sum of the absolute mean and confidence interval as a percentage of the emission standard. Use the example sheet shown in Figure 2–4.

6.2.6 Calibration Drift (24-hour)—Using the calibration values measured every 24 hours during the field test, calculate the differences between the calibration concentration reading after zero and calibration adjustment and the calibration concentration reading 24 hours later after zero adjustment but before calibration adjustment. Calculate the mean value of these differences and the confidence interval using equations 2–1 and 2–2. Report the sum of the absolute mean and confidence interval as a percentage of the emission standard. Use the example sheet shown in Figure 2–5.

6.2.7 Response Time—Using the charts from paragraph 5.3, calculate the time interval from concentration switching to 90 percent to the final stable value for all upscale and downscale tests. Report the mean of the three upscale test times and the mean of the three downscale test times. The two average times should not differ by more than 15 percent of the slower time. Report the slower time as the system response time. Use the example sheet shown in Figure 2–6.

6.2.8 Operational Test Period—During the 168-hour performance and operational test period, the measurement system shall not require any corrective maintenance or repair or replacement or adjustment other than that clearly specified as required in the operation and maintenance manuals as routine and expected during a 1-week period. If the measurement system operates within the specified performance parameters and does not require corrective maintenance, repair, replacement or adjustment other than as specified above during the 168-hour test period, the operational period will be successfully concluded. Failure of the measurement to meet this requirement shall call for a repetition of the 168-hour test period. Portions of the test which were satisfactorily completed need not be repeated. Failure to meet any performance specifications shall call for a repetition of the 1-week performance test period and that portion of the testing which is related to the failed specification. All maintenance and adjustments required shall be recorded. Output readings shall be recorded before and after all adjustments.

7. *References.*

7.1 *Monitoring Instrumentation for the Measurement of Sulfur Dioxide in Stationary Source Emissions*, Environmental Protection Agency, Research Triangle Park, N.C., February 1973.

7.2. *Instrumentation for the Determination of Nitrogen Oxides Content of Stationary Source Emissions*, Environmental Protection Agency, Research Triangle Park, N.C., Volume 1, APTD–0847, October 1971; Volume 2, APTD–0942, January 1972.

7.3 *Experimental Statistics*, Department of Commerce, Handbook 91, 1963, p. 3–31, paragraphs 3–3.1.4.

7.4 *Performance Specifications for Stationary-Source Monitoring Systems for Gases and Visible Emissions*, Environmental Protection Agency, Research Triangle Park, N.C. EPA–650/2–74–013, January 1974.

Reference Method Used ____

Date

Mid-Range Calibration Gas Mixture

Sample 1 _____ppm

Sample 2 _____ppm

Sample 3 _____ppm

Average _____ppm

High-Range (span) Calibration Gas Mixture

Sample 1 _____ppm

Sample 2 _____ppm

Sample 3 _____ppm

Average _____ppm

Figure 2-1. Analysis of Calibration Gas Mixtures

Calibration Gas Mixture Data (From Figure 2-1)

Mid (50%) ____ppm High (90%) ____ppm

Run #	Calibration Gas Concentration	Measurement System Reading, ppm.	Differences[1], ppm
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

	Mid	High
Mean difference	___	___
Confidence interval	+ ___	+ ___

Calibration error = $\frac{\text{Mean Difference}^{2} + \text{C.I.}}{\text{Average Calibration Gas Concentration}} \times 100$ ___% ___%

[1] Calibration gas concentration - measurement system reading

[2] Absolute value

Figure 2-2. Calibration Error Determination

Date and Time	Test No.	Reference Method Samples Sample 1 (ppm)	Sample 2 (ppm)	Sample 3 (ppm)	Average* (ppm)	Analyzer 1-Hour Average (ppm)	Difference** (ppm)
	1						
	2						
	3						
	4						
	5						
	6						
	7						
	8						
	9						

Mean difference = _____ppm.

95% Confidence interval = ± _____ppm.

Mean Reference method value = _____ppm.

Accuracy = $\frac{\text{Mean difference (absolute value)} + 95\% \text{ confidence interval}}{\text{Mean reference method value}} \times 100$ _____%.

*Explain method used to determine average.

**Difference = the 1-hour average minus the reference method average.

***NO_x only.

Figure 2-3. Accuracy Determination

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Date	Time Begin	Time End	Data Set No.	Zero Reading	Zero Drift (ΔZero)	Span Reading	(ΔSpan)	Calibration Drift (ΔSpan-ΔZero)
			1					
			2					
			3					
			4					
			5					
			6					
			7					
			8					
			9					
			10					
			11					
			12					
			13					
			14					
			15					

Zero Drift = [Mean Zero Drift* _____ + CI (Zero) _____] x 100 = _____
Calibration Drift = [Mean Span Drift* _____ + CI (Span) _____] x 100 = _____
Emission Standard
Emission Standard
*Absolute Value.

Figure 2-4. Zero and Calibration Drift (2-Hour)

Date and Time	Zero Reading	Zero Drift (ΔZero)	Span Reading (After zero adjustment)	Calibration Drift (ΔSpan)

Zero Drift = [Mean Zero Drift* _____ + CI (Zero) _____] x 100 = _____.
Emission Standard

Calibration Drift = [Mean Span Drift* _____ + CI (Span _____] x 100 = _____.
Emission Standard

*Absolute value

Figure 2-5. Zero and Calibration Drift (24-Hour)

Date of Test _____

Span Gas Concentration _____ ppm

Analyzer Span Setting _____ ppm

Upscale	1	_____ seconds
	2	_____ seconds
	3	_____ seconds
	Average upscale response	_____ seconds
Downscale	1	_____ seconds
	2	_____ seconds
	3	_____ seconds
	Average downscale response	_____ seconds

System response time = slower time = _____ seconds.

% deviation from slowest time = $\frac{\text{average upscale minus average downscale} \times 100\%}{\text{slower time}}$

Figure 2-6. Response Time

PERFORMANCE SPECIFICATION 3—PERFORMANCE SPECIFICATIONS AND SPECIFICATION TEST PROCEDURES FOR MONITORS OF OXYGEN FROM STATIONARY SOURCES

1. *Principle and Applicability.*

1.1 Principle. Gases are continuously sampled in the stack. Emissions are analyzed for oxygen by a continuously operating measurement system.

1.2 Applicability. This method is applicable to the instrument systems specified by subparts for continuously monitoring oxygen. Specifications are given in terms of performance. Test procedures are given to determine the capability of the measurement system to conform to the performance specifications prior to approving the systems installed by an affected facility. Sampling may include either the extractive or non-extractive (*in situ*) approach.

2. *Apparatus.*

2.1 Calibration Gas Mixtures. Mixture of known concentrations of oxygen in nitrogen. Nominal oxygen concentrations of 50 percent and 90 percent of the instrument span setting are required. The 90 percent gas mixture is to be used to set and to check the instrument span and is referred to as span gas. If the instrument span setting is higher than 21 percent O_2 (consistent with paragraph 3.2), ambient air may be used in place of the 90 percent calibration gas mixture.

2.2 Zero Gas. A gas containing less than 10 ppm of oxygen.

2.3 Chart Recorder. Analog chart recorder, input voltage range compatible with analyzer system output, full scale (per travel) in 2 seconds or less.

2.4 Continuous Measurement System for Oxygen.

3. *Definitions.*

3.1 Measurement System. The total equipment required for the determination of oxygen in a given source effluent. The system consists of three major subsystems:

3.1.1 Sampling Interface—That portion of the measurement system that performs one or more of the following operations: delineation, acquisition, transportation, and conditioning of a sample of the source effluent or protection of the analyzer from the hostile aspects of the sample or source environment.

3.1.2 Analyzer—That portion of the measurement system which senses the pollutant gas and generates a signal output that is a function of the pollutant concentration.

3.1.3 Data Recorder—That portion of the measurement system that provides a permanent record of the output signal in terms of concentration units.

3.2 Span. The value of pollutant concentration at which the measurement system is set to produce the maximum data display output. For the purposes of this method, the span shall be set approximately 1.5 to 2 times the normal oxygen concentration in the stack gas at the affected facility.

3.3 Zero Drift. The change in measurement system output over a stated period of time of normal continuous operation when the oxygen concentration at the time for the measurements is zero.

3.4 Calibration Drift. The change in measurement system output over a stated period time of normal continuous operation when the oxygen concentration at the time of the measurements is span gas.

3.5 Operational Test Period. A minimum period of time over which a measurement system is expected to operate within certain performance specifications without unscheduled maintenance, repair, or adjustment.

4. *Measurement System Performance Specifications*

A measurement system must meet the performance specifications in Table 3-1 to be considered acceptable under this method.

5. *Performance Specification Test Procedures.* The following test procedures shall be used to determine conformance with the requirements of paragraph 4:

5.1 Calibration Check. Establish a calibration curve for the measurement system using zero, mid-scale gas (50%), and span gas mixtures. Verify that the resultant curve of instrument reading vs calibration gas value is consistent with the expected response curve as described by the instrument manufacturer. If the expected response curve is not produced, additional calibration gas measurements shall be made, or additional steps undertaken to verify the accuracy of the response curve of the analyzer.

5.2 Field Test for Zero Drift and Calibration Drift. Install and operate the measurement system in accordance with the manufacturer's written instructions and drawings as follows:

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TABLE 3-1.—PERFORMANCE SPECIFICATIONS

Parameter	Specification
1. Zero drift (2 hours)*	≤1% of span.
2. Zero drift (24-hour)*	≤2% of span.
3. Calibration drift (2 hours)*	≤1% of span.
4. Calibration drift (24-hour)*	≤2% of span.
5. Operational period	168 hours minimum.

*Expressed as sum of absolute mean value plus 95 percent confidence interval of a series of tests.

5.2.1 Conditioning Period. Offset the zero setting at least 10 percent of span so that negative zero drift may be quantified. Operate the system for an initial 168-hour conditioning period in a normal operational manner.

5.2.2 Operational Test Period. Operate the system for an additional 168-hour period. The system shall monitor the source effluent at all times except when being zeroed, calibrated, or backpurged.

5.2.3 Field Test for Zero Drift and Calibration Drift. Determine the values given by zero and span gas concentrations at 2-hour intervals until 15 sets of data are obtained. Alternatively, for non-extractive measurement systems, determine the values given by an electrically or mechanically produced zero condition by inserting a certified calibration gas concentration equivalent to not less than 10 percent O_2 into the measurement system. Record these readings on the example sheet shown in Figure 3-1. These 2-hour periods need not be consecutive but may not overlap. Zero and calibration corrections and adjustments are allowed only at 24-hour intervals or at such shorter intervals as the manufacturer's written instructions specify. Automatic corrections made by the measurement system without operator intervention or initiation are allowable at any time. During the entire 168-hour test period, record the values given by zero and span gas concentrations before and after adjustment at 24-hour intervals in the example sheet shown in Figure 3-2.

6. *Calculations, Data Analysis and Reporting.*

6.1 Procedure for determination of mean values and confidence intervals.

6.1.1 The mean value of a data set is calculated according to equation 3-1.

$$\bar{x} = \frac{1}{n}\sum_{i=1}^{n} x_i \qquad \text{Equation 3-1}$$

where:
x_i = individual values,
Σ = sum of the individual values,
$\bar{x}$ = mean value, and
n = number of data points.

6.1.2 The 95 percent confidence interval (two sided) is calculated according to equation 3-2.

$$C.I._{95} = \frac{t_{97.5}}{n\sqrt{n-1}}\sqrt{n(\Sigma x_i^2) - (\Sigma x_i)^2} \qquad \text{Equation 3-2}$$

where:
ΣX = sum of all data points,
$t_{97.5} = t_{1-\alpha/2}$, and
$C.I._{95}$ = 95 percent confidence interval estimate of the average mean value.

VALUES FOR $t_{97.5}$

n	$t_{97.5}$
2	12.706
3	4.303
4	3.182
5	2.776
6	2.571
7	2.447
8	2.365
9	2.306
10	2.262
11	2.228
12	2.201
13	2.179
14	2.160
15	2.145
16	2.131

The values in this table are already corrected for n-1 degrees of freedom. Use n equal to the number of samples as data points.

6.2 Data Analysis and Reporting.

6.2.1 Zero Drift (2-hour)—Using the zero concentration values measured each 2 hours during the field test, calculate the differences between *consecutive* 2-hour readings expressed in ppm. Calculate the mean difference and the confidence interval using equations 3-1 and 3-2. Report the zero drift as the sum of the absolute mean value and the confidence interval as a percentage of the instrument span. Use example sheet shown in Figure 3-1.

6.2.2 Zero Drift (24-hour)—Using the zero concentration values measured every 24 hours during the field test, calculate the differences between the zero point after zero adjustment and the zero value 24 hours later just prior to zero adjustment. Calculate the mean value of these points and the confidence interval using equations 3-1 and 3-2. Report the zero drift (the sum of the absolute mean and confidence interval) as a percentage of the instrument span. Use example sheet shown in Figure 3-2.

6.2.3 Calibration Drift (2-hour)—Using the calibration values obtained at 2-hour intervals during the field test, calculate the differences between consecutive 2-hour readings expressed as ppm. These values should be corrected for the corresponding zero drift during that 2-hour period. Calculate the mean and confidence interval of these corrected difference values using equations 3-1 and 3-2. Do not use the differences between non-consecutive readings. Report the calibration drift as the sum of the absolute mean and confidence interval as a percentage of the instrument span. Use the example sheet shown in Figure 3-1.

6.2.4 Calibration Drift (24-hour)—Using the calibration values measured every 24 hours during the field test, calculate the differences between the calibration concentration reading after zero and calibration adjustment and the calibration concentration reading 24 hours later after zero adjustment but before calibration adjustment. Calculate the mean value of these differences and the confidence interval using equations 3-1 and 3-2. Report the sum of the absolute mean and confidence interval as a percentage of the instrument span. Use the example sheet shown in Figure 3-2.

6.2.5 Operational Test Period—During the 168-hour performance and operational test period, the measurement system shall not require any corrective maintenance or repair or replacement or adjustment other than that clearly specified as required in the operation and maintenance manuals as routine and expected during a 1-week period. If the measurement system operates within the specified performance parameters and does not require corrective maintenance, repair, replacement or adjustment other than as specified above during the 168-hour test period, the operational period will be successfully concluded. Failure of the measurement system to meet this requirement shall call for a repetition of the 168-hour test period. Portions of the test which were satisfactorily completed need not be repeated. Failure to meet any performance specifications shall call for a repetition of the 1-week performance test period and that portion of the testing which is related to the failed specification. All maintenance and adjustments required shall be recorded. Output readings shall be recorded before and after all adjustments.

7. *References.*

7.1 *Performance Specifications for Stationary Source Monitoring Systems for Gases and Visible Emissions*, Environmental Protection Agency, Research Triangle Park, N.C., EPA-650/2-74-013, January 1974.

7.2 *Experimental Statistics*, Department of Commerce, National Bureau of Standards Handbook 91, 1963, p. 3-31, paragraphs 3-3.1.4.

Date	Time Begin	Time End	Data Set No.	Zero Reading	Zero Drift (ΔZero)	Span Reading	(ΔSpan)	Calibration Drift (ΔSpan-ΔZero)
			1					
			2					
			3					
			4					
			5					
			6					
			7					
			8					
			9					
			10					
			11					
			12					
			13					
			14					
			15					

Zero Drift = [Mean Zero Drift* _____ + CI (Zero) _____ Instrument Span] x 100 = _____

Calibration Drift = [Mean Span Drift* _____ + CI (Span) _____ Instrument Span] x 100 = _____

*Absolute Value.

Figure 3-1. Zero and Calibration Drift (2-Hour)

Date and Time	Zero Reading	Zero Drift (Δ Zero)	Span Reading (After zero adjustment)	Calibration Drift (Δ Span)

Zero Drift = [Mean Zero Drift* _____ + CI (Zero) _____ ÷ Instrument Span] x 100 = _____.

Calibration Drift = [Mean Span Drift* _____ + CI (Span) _____ ÷ Instrument Span] x 100 = _____.

*Absolute value

Figure 3-2. Zero and Calibration Drift (24-Hour)

[FR Doc.74-20576 Filed 9-10-74;8:45 am]

[40 CFR Part 51]

[FRL 239-8]

REQUIREMENTS FOR THE PREPARATION, ADOPTION AND SUBMITTAL OF IMPLEMENTATION PLANS

Emission Monitoring of Stationary Sources

JULY 15, 1974.

Sections 110(a)(2)(F)(ii) and (iii) of the Clean Air Act, as amended in 1970, require State implementation plans to contain legally enforceable procedures which require the owners or operators of stationary sources to install equipment to monitor emissions from such sources and to report the data obtained. EPA's regulations currently require that states have legal authority to require such monitoring and recording (40 CFR 51.11(a)(6)), but do not require that state plans contain legally enforceable procedures mandating monitoring and recording. This is because at the time EPA's regulations for implementation plan preparation were published, the Agency had accumulated little data on the availability and reliability of continuous monitoring devices. The Agency believed that the state-of-the-art was such that it was not prudent to require existing sources to install such devices.

Since that time, much work has been done by the Agency and others to field test and compare various emission monitors. As a result of this work, the Agency now believes that for certain sources, general specifications for accuracy, reliability and durability can be established for continuous emission monitors of oxygen, sulfur dioxide, and nitrogen dioxide and for the continuous measurement of opacity for particulate matter emissions. Accordingly, the Agency is proposing to amend 40 CFR 51.19, Source Surveillance, by adding a new paragraph (e) which will require States to revise their implementation plans to require sources to install monitoring instruments and to report the resulting data to the appropriate State Agency.

State plans submitted in response to 40 CFR 51.19(e) must (1) require owners or operators of specified categories of stationary sources to install emission monitoring equipment within one year of plan approval, (2) specify the categories of sources subject to the requirements, (3) identify for each category of sources the pollutant(s) which must be monitored, (4) set forth performance specifications for monitoring instruments, (5) require that such instruments must meet performance specifications through on-site testing by the owner or operator, and (6) require that data derived from such monitoring be summarized and made available to the State on a quarterly basis. The minimum data requirements set forth by EPA require that for gaseous monitors all hourly values reduced to the units for the applicable standard, not just the excesses above the applicable standard, should be reported to the State. By having more than just the excess emissions, the State will have a more

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accurate measurement of the emissions for any period of operation and the source, for its own information, will be able to identify those operating conditions associated with low emission levels and strive to maintain those conditions. Presently there are several automated systems available which can provide the above data with only an incremental increase (10%) in the total cost of the overall monitoring system. In fact, it is expected that many sources will probably utilize an automated data processing system regardless of the data requirements. In addition, once the data is submitted to the State, it must be made available by the State in accordance with the existing requirements of 40 CFR 51.10(e).

In order to meet the foregoing requirements, state plans must as a minimum adopt provisions equal to or more stringent than those set forth in Appendix P to 40 CFR part 51, which is also being proposed as part of this rulemaking. Appendix P requires monitoring devices for the following existing sources and emissions:

(a) Fossil fuel-fired steam generators of more than 250 million BTU per hour heat input (particulates/opacity, sulfur dioxide, nitrogen oxides, and oxygen);

(b) Nitric acid plants (nitrogen dioxide);

(c) Sulfuric acid plants (sulfur dioxide); and

(d) Petroleum refineries' fluid catalytic cracking unit catalyst regenerators (particulates/opacity).

In choosing those types of sources and pollutants listed in Appendix P (and therefore subject to the minimum requirements of 40 CFR 51.19(e)), the Agency has selected sources of the type covered by New Source Performance Standards (NSPS) promulgated pursuant to Section 111 of the Clean Air Act because such sources are the most significant stationary sources of air pollution. Moreover, the Agency's work to date in the field of continuous emission monitors has focused almost exclusively on such sources because the Agency committed itself to additional guidance on NSPS monitoring when the first NSPS's were promulgated (36 FR 24876, December 23, 1971). However, the minimum requirements for existing sources to install continuous monitors contain two slight differences from those presently being proposed under the NSPS requirements. One is that oil fired boilers are exempted from the minimum requirements for opacity measurement unless a control device is required to comply with the applicable particulate matter emission limitation or a violation of the visible emission limitation has been noted. The rationale for this exemption was the infrequency of visible emission violations from large oil-fired boilers which reduces the need for and value of monitors, and the cost of the large number of monitors that would be required otherwise. The other is that no existing sources would be required to install any continuous monitoring device until a specific performance specification has been developed and promulgated under 40 CFR part 60. This would specifically apply to the present requirement for fluid catalytic catalyst regenerators to install a CO monitor. While the NSPS requirements presently contain general specifications that CO monitors must meet, specific performance specifications for carbon monoxide instruments are expected to be proposed and promulgated shortly and as soon as they are, this requirement will be included in Appendix P of 40 CFR part 51. The rationale for this decision is that only a few sources would be required to meet the NSPS requirement before specific specifications could be developed while many existing sources would be required to install a device which would only be required to meet general specifications. Thus because of the greater number of existing sources to be affected, it was believed in the best interest to postpone the requirement for existing sources until specific performance specifications could be developed.

In fact, this proposed rulemaking is being issued simultaneously with a proposed rulemaking for NSPS monitoring requirements.

While the proposed amendment to 40 CFR 51.19 applies only to existing sources subject to an applicable Federal or State emission limitation as part of a State control strategy and not to new sources subject to NSPS, a perusal of proposed Appendix P shows that this rulemaking is very closely connected with the proposed NSPS rulemaking. For instance, cross-reference to NSPS rulemaking is essential to determine the minimum instrument performance specifications required by Appendix P. Thus, it is crucial for State agencies and other parties affected by this rulemaking to consider the companion NSPS proposal as part of this rulemaking, and to direct written comments to relevant portions of such proposal as well as this part 51 proposal.

The agency is continuing to develop data on monitoring devices for sources not included in the minimum requirements being proposed herein. It is EPA's intent to expand the minimum requirements of Appendix P from time to time as ongoing studies show the economic and technological feasibility of new requirements. In particular, Appendix P will be modified to reflect monitoring requirements developed in conjunction with future NSPS promulgations. The Agency's studies will not be limited in this regard, however, and EPA will, where appropriate, revise Appendix P to include sources which are not of the type covered by NSPS.

Since the requirements of 40 CFR 51.19 (e) will be expanded periodically as the Agency completes more studies, it is suggested that State agencies explore with counsel ways to draft their regulations so as to incorporate automatically the minimum requirements of 40 CFR 51.19 (e) and Appendix P as they may be amended from time to time. In this way, States might avoid the process of submitting plan revisions after every expansion of Appendix P. Affected parties would have notice and opportunity to comment as the minimum requirements expand, since such requirements will be proposed as amendments to 40 CFR part 51 in the same manner as this rulemaking is being proposed.

It should be stressed that Appendix P sets forth minimum requirements in order for States to comply with 40 CFR 51.19(e); in keeping with the basic framework of Clean Air Act implementation plans, States will certainly be allowed, and are encouraged, to develop procedures even more comprehensive than those in Appendix P. States may well desire to require continuous monitors on additional sources for which they believe the continuous data will be a valuable tool in their day-to-day surveillance activities—for example, those particular individual sources which have frequent excesses of emission limitations and for which the installation of such devices is technically and economically feasible.

The Agency believes that the continuous emission monitoring program being initiated by this proposal will be a useful tool to States and sources alike in assuring attainment and maintenance of the national ambient air standards. Continuous emission monitoring systems can provide valuable information in relation to source emissions. The continuous record can be utilized to signal a plant upset or equipment malfunction so that the plant operator can take corrective action. The continuous monitor is a good indicator of whether a source is using good operating and maintenance practices. The data obtained from a continuous monitor can provide useful information in enforcing any operation and/or maintenance requirements that may exist. Data collected by emission monitoring devices can also provide a valuable record indicating the performance of a source in complying with applicable regulations. Additionally, under certain instances where emission levels are significantly above those allowed in the SIP, the data from continuous monitors may be sufficient evidence to issue a notice of violation.

Some States may desire to use the data for more than an indication of compliance and may decide to use the continuous emission data as the principal evidence for determining a violation of an emission regulation. Many States desiring to do this will first be required to modify their regulations to prescribe that the continuous monitoring method is an acceptable method for determining compliance, since many States have prescribed the manual stack testing as the definitive method for determining compliance with mass emission limitations. One factor States should be aware of is that monitors which are currently available provide measurements in parts per million of the pollutant in the stack gas, while most of the State and Federal emission limitations are expressed in allowable mass emission rates: pounds per hour or pounds per million BTU of heat input. States may therefore need to require monitoring of various additional operating parameters in certain cases, such as percent oxygen, to allow for a more accurate conversion of the concentration measurement to mass units than that required by Appendix P if the data is to serve as the sole source of evidence to determine compliance.

The above issues concerning the use of the data for principal evidence should not de-emphasize the enforcement benefits of installing such devices on significant sources of air pollution. The data obtained from these monitoring systems can be used to detect deterioration of emission control systems and/or operating techniques and serve as a guide for determining when compliance tests or inspections should be conducted. Thus, resources which would be required for several periodic manual stack tests and/or inspections may be conserved without the loss of valuable surveillance information.

In preparing their plans, States are encouraged to review and consider a number of reports on the technical status of emission monitors for various pollutants which have been published by the industry and the Agency (see Reference following this text) as well as the associated costs of installing such devices on specific sources. Furthermore, interested persons should review the technical support document entitled *Performance Specifications for Stationary Source Monitoring Systems for Gases and Visible Emissions*, EPA–650/2–74–013, January 1974, which the Agency used to develop the minimum performance specifications required for monitoring instruments. The above document is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22151. (Specify PB 230–934/AF) for $7.00 each. A copy is available for public inspection at the Freedom of Information Center, EPA, Room 329, 401 M Street SW., Washington, D.C. 20460.

Since some States may already have a requirement to install continuous monitors and some sources have complied with these regulations, these States may exempt any source which has purchased a monitoring system(s) from equipment vendor(s) prior to the date of this proposal from meeting the certification test requirements set forth in Appendix P, for a period not to exceed five years from plan approval.

States will be required to submit an implementation plan which meets the requirements of 40 CFR 51.19(e) within six months of the final promulgation of this regulation.

Interested persons may participate in this proposed rulemaking by submitting written comment in triplicate to the Control Programs Development Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711, Attention: Mr. Jean J. Schueneman. All relevant comments received on or before October 29, 1974 will be considered and receipts of comments will be acknowledged. Comments received will be available for public inspection during normal business hours at the Office of Public Affairs, 401 M Street SW., Washington, D.C. 20460.

This notice of proposed rulemaking is issued under the authority of sections 110(a)(2)(F)(ii)–(iii) and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857c–5(a)(2)(F)(ii)–(iii), 1857g(a).)

Dated: August 28, 1974.

RUSSELL E. TRAIN,
Administrator.

REFERENCES

1. Standards of Performance for New Stationary Sources, *Federal Register*, Vol. 36, No. 247, December 23, 1971; Vol. 38, No. 111, June 11, 1973; Vol. 38, No. 84. May 2, 1973.

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3. Snyder, A. D., et al., "Instrumentation for the Determination of Nitrogen Oxides Content of Stationary Source Emissions." Vol. II, Monsanto Contract No. EHSD 71–30. Report No. MRC–DA–317, January, 1972.

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7. Hodkinson, Jr. R., "The Optical Measurements of Aerosols," Chapter 10, Aerosol Science, C. N. Davies (editor), Academic Press, New York (1966).

8. Ensor, D. S. and Pilat, M. J., "The Effect of Particle Size Distribution on Light Transmittance Measurement," American Industrial Hygiene Association Journal, 32. 287–292 (1971).

9. Peterson, C. M. and Tomaides, M., "In-Stack Transmittance Techniques for Measuring Opacities of Particulate Emissions from Stationary Sources," Final Report, Contract 68–02–0309, Environmental Protection Agency (1972).

It is proposed to amend 40 CFR Part 51 as follows:

1. Section 51.19 is amended by adding paragraph (e) as follows:

§ 51.19 Source surveillance.

* * * * * *

(e) Legally enforceable procedures to require stationary sources which are subject to an applicable emission limitation as part of a control strategy to install, calibrate, maintain, and operate an instrument for continuously monitoring and recording emissions.

(1) Such procedures shall identify those types of sources, by source category and capacity, that must install such instruments, and shall identify for each type of source which pollutants must be monitored.

(2) Such procedures shall, as a minimum, require the types of sources set forth in Appendix P of this part (as such appendix may be amended from time to time) to meet all of the applicable requirements set forth therein.

(3) Such procedures shall contain provisions which require the owner or operator of each source subject to continuous emission monitoring and recording requirements to maintain a file of all measurements (reduced to the units of the applicable emission regulation), to retain the record of any such measurements for at least two years following the date of such measurements, to summarize such measurements monthly, and to submit such summaries to the state on a quarterly or more frequent basis.

(4) Such procedures shall provide that sources subject to the requirements of paragraph (e)(2) of this section shall have installed all necessary instruments and shall have begun monitoring and recording and reporting within one year of plan approval.

2. In this part, Appendix P is added as follows:

APPENDIX P

1. *General Provisions.*

(a) This Appendix P sets forth the minimum requirements for continuous emission monitoring and recording that each plan must include in order to be approved under 40 CFR 51.19(e).

(b) The provisions of this Appendix P shall not apply to any source which is subject to a new source performance standard promulgated in 40 CFR Part 60 pursuant to Section 111 of the Clean Air Act.

(c) Continuous monitoring systems for measuring opacity shall complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive one minute period.

(d) Continuous monitoring systems for measuring oxides of nitrogen or sulfur dioxide shall complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive fifteen-minute period.

(e) Continuous monitoring systems for measuring emissions or process parameters not listed under paragraphs (c) and (d) of this section shall complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive hourly period.

(f) All continuous monitoring systems shall be installed at sampling locations where the most representative sample of emissions can be obtained.

(g) Upon approval of the Administrator, the State may waive the requirements of § 51.19(e) for installing a continuous monitoring system for specific source when the installation of such system would not provide accurate determinations (e.g. condensed uncombined water vapor may prevent an accurate determination of opacity using commercially available continuous monitoring systems). Upon approval of that request, the Administrator may prescribe other monitoring requirements for such source.

(h) All continuous monitoring systems installed in accordance with the requirements of this appendix shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such instruments. The instruments shall be subjected to the manufacturer's recommended zero adjustment and calibration procedures at least once daily unless the manufacturer(s) of the monitoring system equipment specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed.

(i) When the effluent from two or more affected facilities, pursuant to § 51.19(e), is ducted to a single stack, then only one continuous monitoring system for each pollutant monitored is required.

2. *Minimum continuous monitoring requirements.*

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(a) The following continuous monitoring systems shall be installed, calibrated, maintained and operated by the owner or operator of any fossil fuel-fired steam generator of more than 250 million BTU per hour heat input.

(1) A continuous monitoring system for the measurement of the opacity of emissions, except where:

(i) gaseous fuel is the only fuel burned, or

(ii) oil is the only fuel burned and the source is able to comply with the applicable particulate matter regulation without utilization of emission control equipment and no violation of the visible emission limitation has been noted.

(2) A continuous monitoring system for the measurement of sulfur dioxide emissions except where:

(i) gaseous fuel is the only fuel burned, or

(ii) low-sulfur fuels are used to achieve compliance with the applicable control strategy and the source owner or operator elects to conduct fuel analyses and submit the results quarterly to the State in fulfillment of the requirements of 51.19(e)(3).

(A) Where the owner or operator elects to conduct fuel analyses, under subparagraph (2)(ii) above, the following procedures shall be used for the analysis and for computing average daily sulfur dioxide emissions for a calendar day where applicable to report the data in the units of the applicable standard under subparagraph (b)(ii). The sulfur content of a representative sample of the fuel or combinations of fuels fired each calendar day shall be determined and the high heating value shall be determined weekly in accordance with the following:

(*1*) The sulfur content (%S) and high heating value (HHV) of solid fuels shall be determined by using A.S.T.M. (American Society for Testing and Materials) test methods D2234–68(72) for mechanical sampling, D2013–68(72) for sampling preparation, and D271–70 (%S and HHV), alternate method D2015–66(73) may be used only for the high heating value analysis (HHV). For A.S.T.M. test method D2234–68(72) the methods of increment collection shall be Type I (see 4.2.1), conditions A, B, or D (see 4.3.4), and systematic spacing (see 4.4.1) for each lot. The number and weight of increments selected shall be the same as listed within Table 2 of the method.

(2) The sulfur content (%S) and high heating value (HHV) of liquid fuels shall be determined by using A.S.T.M. test method D240–64(73) for the complete sample (HHV and %S). Alternate methods D1551–68 or D1552–64 may be used only for the sulfur analysis (%S).

(B) Average daily sulfur dioxide emissions shall be computed for each lot of fuel as follows:

$$E_{avg} = K\frac{(20{,}000)(\%S)}{(HHV)}$$

where:

%S = average daily sulfur dioxide emission, g/million (lb/million BTU),

E_{avg} = sulfur content by weight of the fuel, dry basis (expressed as percent),

K = high heating value of fuel (cal/g), HHV = fraction of the total sulfur input exhausted with the flue gas. For solid fuels (except lignite) K = 0.96, and for liquid fuels K = 0.98. Sources which elect to analyze the sulfur content of bottom and precipitated ash using A.S.T.M. test method D1757–62(69) and perform a material balance around the affected facility monthly may establish other values for K.

(3) A continuous monitoring system for the measurement of nitrogen oxides emissions. The pollutant gas used to prepare calibration gas mixtures (Section 2.1, Performance Specification 2, Appendix B, Part 60) shall be nitric oxide (NO).

(4) A continuous monitoring system for the measurement of the percent oxygen in the flue gases.

(b) A continuous monitoring system for the measurement of nitrogen oxides shall be installed, calibrated, maintained and operated by the owner or operator of any nitric acid plant. The pollutant gas used to prepare calibration gas mixtures (Section 2.1, Performance Specification 2, Appendix B Part 60) shall be nitrogen dioxide (NO_2).

(c) A continuous monitoring system for the measurement of sulfur dioxide shall be installed, calibrated, maintained, and operated by the owner or operator of any sulfuric acid plant.

(d) A continuous monitoring system for the measurement of the opacity of emissions from any fluid catalytic cracking unit catalyst regenerator in operation at a petroleum refinery shall be installed, calibrated, maintained and operated by the owner or operator of such petroleum refinery.

3. *Minimum Performance Specifications.*

(a) The following continuous monitoring systems shall meet the requirements of the following performance specifications of Appendix B of Part 60, each of which is hereby incorporated herein by reference.

(1) Continuous monitoring systems for measuring opacity shall comply with Performance Specification 1.

(2) Continuous monitoring systems for measuring nitrogen oxides shall comply with Performance Specification 2.

(3) Continuous monitoring systems for measuring sulfur dioxide shall comply with Performance Specification 2.

(4) Continuous monitoring systems for measuring oxygen shall comply with Performance Specification 3.

(b) The test procedures outlined with each Performance Specification must be followed to insure that the instruments meet the specifications as prescribed. Notwithstanding the foregoing, a State may exempt any source which has purchased a monitoring system(s) from equipment vendor(s) prior to the date of this proposal from meeting such test procedures prescribed by Appendix B of Part 60 for a period not to exceed five years from plan approval.

4. *Minimum Data Requirements.*

The following paragraph sets forth the minimum requirements necessary to comply with § 51.19(e)(3).

(a) For opacity measurements, the data shall be recorded in percent opacity and submitted in terms of the number of one-minute integrated averages which exceeded the applicable standard.

(b) For gaseous measurements, the data shall be recorded in concentration units and reduced to one hour integrated average concentrations.

(c) The one-hour averages required by paragraph (b) shall be converted, recorded and submitted in the monthly summary in units of the applicable emission regulation.

(1) For fossil fuel-fired steam generators the following procedures shall be used for each gaseous pollutant monitored for the purpose of converting monitoring data into units of lb/million BTU (g/million cal) if applicable:

$$E = CF\frac{2090}{20.9 - \%O_2}$$

where:

E = pollutant emission, g/million cal lb/million BTU)

C = pollutant concentration, g/dscm (lb/dscf), determined by multiplying the average concentration (p.p.m.) for each hourly period by 4.16×10^{-5} M g/dscm per p.p.m. or 2.64×10^{-9} M lb/dscf per p.p.m. where M = pollutant molecular weight, g/g-mole (lb/lb-mole)

$\%O_2$ = oxygen content by volume, dry basis (expressed as percent), as determined under paragraph (a)(4) of this section

§ 60.46(c)(4), (5), (6), and (7),

F = a factor determined according to as applicable.

(2) For facilities subject to Section 2 of this Appendix, other than fossil fuel-fired steam generators, the conversion factor shall be established by measuring emissions with the continuous monitoring system in accordance with the certification test procedure required by the applicable performance specification in Appendix B of Part 60. Using emission data from the above tests and only that portion of the continuous monitoring emission data that represents emission measurements concurrent with the certification test periods, the conversion factor shall be determined by dividing the certification test data averages by the continuous emission monitoring test data averages to obtain a ratio expressed in units of the applicable standard to units of the monitoring data, e.g., kg/metric ton per p.p.m.

(d) Any State may require procedures varying from those set forth in paragraph (c) above if the State shows to the satisfaction of the Administrator that its procedures are at least as accurate as those in paragraph (c).

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WEDNESDAY, SEPTEMBER 11, 1974

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Volume 39 ■ Number 177

PART III

FEDERAL ENERGY ADMINISTRATION

■

MIDDLE DISTILLATE FUELS

Proposed Allocation Levels for Space Heating Requirements and Allocation to Electric Utilities; Public Hearing

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FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 211]

MIDDLE DISTILLATE FUELS

Proposed Allocation Levels for Space Heating Requirements and Allocation to Electric Utilities; Public Hearing

The Federal Energy Administration hereby gives notice of a proposal to amend Title 10 of the Code of Federal Regulations, Part 211, Subpart G, to make certain changes with respect to the allocation of middle distillate fuels.

Under the current regulations, space heating requirements are assigned an allocation level of one hundred (100) percent of base period use, not subject to an allocation fraction, but subject to certain reductions in ambient indoor temperatures in most cases. Suppliers are required to make deliveries of middle distillate to space-heating end-users and wholesale purchaser-consumers on the basis of certified need, which is the calculated quantity of fuel needed to maintain the ambient indoor temperature at the reduced levels specified for that type of building. Calculation of certified need is based either on historical useage factors for each building, or on quantities of fuel consumed and actual degree-days exposure during the latest thirty days of normal heating usage before January 15, 1974. In cases where the space heating end-user or wholesale purchaser-consumer has not complied with the temperature reduction requirement, the supplier must present a warning notice that the purchaser runs the danger of running out of fuel if it does not take action to conserve fuel.

FEA proposes to change the allocation level for space heating requirements from one hundred (100) percent of base period use, not subject to an allocation fraction, to one hundred (100) percent of current requirements, subject to an allocation fraction. The change in allocation level from a percent of base period use to current requirements is proposed because significant variations in average temperatures between this winter and the winter months of 1972 could cause hardships to space heating end-users and wholesale purchaser-consumers.

Furthermore, FEA proposes to eliminate the present required reductions in ambient indoor temperature, and the corresponding requirement that suppliers make deliveries on the basis of certified need. FEA has concluded that the current method of requiring conservation only by users of middle distillate for space heating is basically unenforceable and impacts inequitably on purchasers of home heating oil. Because FEA does not have the authority to impose comparable mandatory conservation measures on purchasers of natural gas or electricity, to treat home heating oil users more stringently than users of other fuels does not seem fair. The principal effect of the present requirement that suppliers make deliveries on the basis of certified need and present warning notices to their purchasers which are not conserving fuel also may thus be to encourage home heating oil purchasers to switch to use of natural gas or electricity.

FEA still strongly believes that conservation of all sources of energy is vitally important. However, mandatory regulations imposed on only one class of energy users do not appear to be the most desirable approach to achieving the conservation objective. FEA, therefore, specifically invites comments as how it may best achieve its conservation goals in an equitable manner and whether this proposal, with an allocation level limited by a supplier's allocation fraction, could be combined with other conservation requirements applicable to all energy users.

Based on FEA's forecast that there should be adequate supplies of middle distillate this winter, FEA further proposes to change the allocation levels for industrial use, except for space heating, and for petrochemical feedstock use. In the case of industrial use, the allocation level would be changed from one hundred ten percent of base period use to one hundred percent of current requirements subject to the allocation fraction. Petrochemical feedstock use would also have an allocation level of one hundred percent of current requirements, subject to the allocation fraction, instead of the present one hundred percent of base period use.

FEA also proposes that the method of allocating middle distillate fuels to electric utilities be revised to provide for a program administered by the National FEA, similar to the program for allocating residual fuel oil to utilities. FEA believes that such a program would permit needed flexibility in assuring adequate supplies of middle distillate fuels to utilities in the event of any disruption in normal utility supplies.

Under the present regulations, electric utilities which purchase middle distillate fuels are assigned an allocation level of one hundred (100) percent of base period use, subject to an allocation fraction. Under the proposed regulation, the National FEA would determine for each month the amount of middle distillate for non-utility use and for utility use. Based on that determination, FEA would then determine the amounts to be supplied to each utility, and the amounts to be supplied by each supplier according to the percentage of the utility's purchases supplied during the base period by each supplier, and would notify utilities and suppliers directly of these amounts.

The proposal would permit FEA to determine the amounts to be supplied for more than one month at a time, and in such cases, would permit utilities with FEA's approval to request a supplier to deliver in advance up to twenty (20) percent of the following month's allocation. In addition, FEA could modify amounts to be supplied by particular suppliers, and would notify suppliers and utilities of such modifications.

The proposal would require suppliers to notify utilities of their anticipated ability to supply the amounts specified by FEA. In addition, utilities would be required to notify suppliers of their willingness to accept delivery. The proposal would permit suppliers and utilities to agree on reduced delivery levels or extensions when necessary. If a supplier were unable to supply the required amounts, and the supplier and utility could not agree on a reduced delivery level or extension, FEA would determine the amounts, if any, to be delivered and the schedule for delivery.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator commented as follows:

1. EPA supports the first part of FEA's proposed rulemaking to amend 10 CFR Part 211, Subpart G, which would broaden the allocation program to allow space heating users of middle distillates to receive 100 percent of current requirements, rather than 100 percent of the 1972 base period. Existence of an implicit demand restraint (a previous base period) could discourage production of a clean-burning fuel which can be used to replace pollutant fuels as well as to blend with higher sulfur oil to yield a fuel that conforms with air quality standards.

2. EPA does not support the second part of this FEA proposal which would discontinue temperature reduction provisions as a conservation measure in determining the allocation level. Admittedly, the householder asked to limit his No. 2 fuel use is at a disadvantage compared with householders burning electricity or natural gas which are not subject to conservation limitations. However, supply/demand conditions for middle distillates are unusually difficult to forecast. It now appears probable that there will be no winter shortage. But No. 2 fuel is highly weather sensitive. Unusually cold temperatures could accelerate a demand of 100,000 barrels daily per degree day. The demand for No. 2 fuel, moreover, is inter-related with the demand for diesel and jet fuels, which are also middle distillates. Last winter's diesel fuel shortage for trucks affected No. 2 supplies, and vice versa. Finally, it seems inadvisable to overtly discourage conservation of any kind while U.S. oil imports are still rising and contributing to balance of payment problems. Rather, FEA might consider incentives to equalize the No. 2 householder's fuel situation by devising measures to conserve electricity and natural gas burned in the home. None of the three fuels contributes appreciably to air pollution where used. All of them add to the pollution problem caused during the production process. Any reduction in fuel demand minimizes emissions due to production, apart from the overall desirability of conserving oil and natural gas.

3. EPA opposes FEA's proposal to allocate middle distillates to utilities by a method "similar to the program for allocating residual fuel oil to utilities." Basically, there is little similarity between supply and demand conditions affecting middle distillates and residual fuel oil. The differences are so great that a middle distillate allocation program could be so cumbersome as to defeat FEA's goal of "assuring adequate supplies of middle distillate fuels to utilities in the event of any disruption in normal utility supplies." This is a goal which EPA endorses.

(a) Residual fuel is 65 percent to 70 percent an imported product, 90 percent imported along the east coast where supply problems have arisen. Only 7 percent of middle distillates are imported. Although marginal imports are required for winter along the east coast, they amount to some 30 percent of the seasonal needs which decline sharply starting in March.

(b) Distribution of residual fuel to the critical east coast markets is largely by tanker, often from distant sources subject to loading and shipping uncertainties. There are relatively few residual fuel storage areas, mostly located near the large consumption areas. Distribution of distillate fuels to the east coast is mainly by a flexible, predictable transportation system involving domestic pipelines (Colonial and Plantation) and intra-coastal shipping—with only a part of the marginal winter imports arriving in tankers from export sources which, incidentally, also supply residual. There are many more distillate storage areas located in virtually all refining areas of the U.S., many of which can be called upon to meet any surges in demand.

(c) Supply sources of residual fuel oil are limited with five refiners contributing nearly 75 percent of the east coast consumption, 90 percent of which is imported. There are nearly as many distillate suppliers as there are domestic refiners, many of which can deliver products across PAD's as required.

(d) Utility consumption of middle distillate fuel is relatively small (about 10 percent of the residual volume along the east coast) and mainly used for peak electric power production. Utility demand for peaking needs is less predictable than are residual fuel oil needs for utility base-load operations which can consequently be estimated on both the long and short-term for allocation purposes. In the event of a residual fuel supply dislocation, utilities would have difficulty estimating their extra distillate needs (for blending with residual to increase base-load supplies) to conform to a residual type allocation program.

(e) With middle distillate inventories at 182 million barrels (11 percent above a year ago), and conservation continuing to constrain electricity demand, utilities should be able to secure any additional No. 2 supplies on a spot basis, as they have been doing this summer. Should distillate supplies tighten, for reasons outlined in 2 above, FEA could allocate distillates to utilities under existing regulations (211.123(c)(3)) and without requiring the data called for under the proposed 211.123(b)(2). These data would be difficult to accumulate on a monthly basis to meet shortages and appear to be unnecessary during a period of surplus.

(f) Unlike a residual program, a distillate allocation system administered on a time basis longer than one month might programmatically be worthless. The winter period will begin with inventories at a near peak level. As the winter period demand ends with a sharp drop in household demand starting in March, there would be only three or possibly four months when allocations to utilities might be required. There is not such a drastic seasonal drop in demand for residual fuel as there is for distillate. Programmatically, to gear up for a very brief, complicated, and probably unnecessary monthly allocation program could prove to be an administrative "overkill" which FEA may want to avoid.

4. Finally, FEA should consider the existence of 10 CFR Part 215 which basically limits the volumes of low-sulfur oil products that can be purchased and utilized by firms using them in power generators. Any middle distillate allocation program could conflict with Part 215 unless either the program or Part 215 were appropriately amended. Of course, Part 215 can currently limit upgrading of fuels through blending. However, it might prove simpler, as individual upgrading needs arose, for FEA to authorize them as exceptions than if middle distillates were to become part of an elaborate allocation program. Such a program may be difficult to administer because of Part 215. Utilities generally could not be certain that their distillate requirements, if other than on the Part 215 base period, would conflict with the new allocation regulation. Thus, utilities would be better served if they were allowed to continue to use the market place for their quality blending and/or any emergency fuel needs, and if Part 215 should become an issue, to seek exceptions.

A public hearing on this proceeding will be held beginning at 9:30 a.m., on Friday, September 27, 1974, at the Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., to receive comments from interested persons on the matters set forth herein. Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, and must be received before 4:30 p.m., e.d.s.t., September 20, 1974. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m., and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and to give a concise summary of the proposed oral presentation and a phone number where he may be contacted through September 24, 1974.

Each person selected to be heard will be so notified by the FEA before 5:30 p.m., e.d.s.t., September 24, 1974 and must submit 100 copies of his statement to Executive Communications, FEA, Room 3309, Federal Building, Washington, D.C., 20461, before 9 a.m. e.d.s.t., September 27, 1974.

The FEA reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearing. It will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearing will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to the Executive Communications, FEA, before 4:30 p.m., e.d.s.t., September 26, 1974. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer, if the question is submitted at the hearing, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the FEA and made available for inspection at the Public Reference Facility of the FEA, Room 3400 Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed regulations set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box AY, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to the FEA, Executive Communications, with the designation "Middle Distillate Fuels". Fifteen copies should be submitted. All comments received by September 25, 1974, and all relevant information, will be considered by the Federal Energy Administration before final action is taken on the proposed regulations.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it accordingly.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185))

In consideration of the foregoing, it is proposed to amend Part 211, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C. on September 6, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

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1. Section 211.123 is amended in paragraphs (b) and (c) to read as follows:

§ 211.123 Allocation levels.

• • • • •

(b) *Allocation levels not subject to an allocation fraction.* (1) One hundred (100) percent of current requirements for the following uses:

(i) Agricultural production;

(ii) Department of Defense use as specified in § 211.26.

(2) The allocation level as specified for each month by the FEA for utility use. In specifying the allocation level for each utility, the FEA may include but is not limited to the following considerations:

(i) The extent to which each utility within appropriate groupings can absorb an equal percentage cutback in middle distillate supply;

(ii) The extent to which utility coordination of dispatch can be more effective in achieving optimum conservation of critical fuels in periods of short supply;

(iii) The extent to which non-oil based energy may be utilized more fully than at present;

(iv) Where applicable, a utility's or a utility system's operable reserve capacity;

(v) The extent to which each utility within appropriate groupings can import non-oil based energy;

(vi) The extent to which certain minimal levels of middle distillate consumption are essential, as determined by the FEA after appropriate consultation with the Federal Power Commission (FPC), to supply portions of a power system requirement that cannot be supplied by non-oil fired generation, or for other special considerations. Any volumes so identified shall be counted as part of a utility's total allocation;

(vii) The extent to which utilities currently use natural gas supplies under interruptible contracts and the extent to which those contracts have been curtailed;

(viii) The extent of available stocks of middle distillate fuel held by each utility;

(ix) The logistics of resupply and inventory practices of each utility;

(x) Any increase in a utility's middle distillate fired generation capacity since the base period.

(c) *Allocation levels subject to an allocation fraction.* (1) One hundred (100) percent of current requirements (as reduced by the application of an allocation fraction) for the following uses:

(i) Emergency services;

(ii) Energy production;

(iii) Manufacture of ethical drugs and related research;

(iv) Sanitation services;

(v) Telecommunications services;

(vi) Passenger transportation services;

(vii) Cargo, freight, and mail hauling except as set forth elsewhere in this section;

(viii) Aviation ground support vehicles and equipment;

(ix) Nonmilitary marine shipping, both foreign and domestic (except cruise ships carrying passengers for recreational purposes). Sales to vessels engaged in the foreign trade of the United States shall be made on a nondiscriminatory basis in regard to flag of registration, subject to modification by the FEA following consultation with appropriate Federal agencies on a case-by-case basis if required to encourage reciprocal nondiscriminatory allocation of middle distillate fuels in foreign ports to vessels engaged primarily in the foreign trade of the United States;

(x) Industrial use except for space heating;

(xi) Petrochemical feedstock use; and

(xii) Space heating requirements.

(2) One hundred (100) percent of base period use (as reduced by application of an allocation fraction) for the following uses:

(i) Synthetic natural gas plant feedstock use; and

(ii) All other non-space heating uses.

2. Section 211.126 is revised in paragraphs (b) and (c), and is amended by adding paragraph (d) to read as follows:

§ 211.126 Method of allocation.

• • • • •

(b) *General.* Based on the estimated total supply of middle distillate, on allocation levels set forth in § 211.123, on the State set-aside percentage and on other relevant consideration, the FEA shall determine the portion of total supply for non-utility use and the portion of total supply for utility use for delivery during a month or months in accordance with paragraphs (c) and (d) of this section. The FEA may make its determinations for a single month or for several months at a time.

(c) *Non-utility.* The portion of each supplier's allocable supply not directed by the FEA to be distributed for utility use shall be allocated pursuant to § 211.10. Provisions to adjust a wholesale purchaser's base period volume are specified in § 211.13. New wholesale purchasers and end-users are subject to the requirements of § 211.12.

(d) *Utilities.* (1) Within 10 days of the effective date of this section, each utility which purchases middle distillate fuels shall report to the National FEA the following information:

(i) The name, address and telephone number of each base period supplier for each base period;

(ii) The name of the utility's personal contract with each of its suppliers;

(iii) The amounts of middle distillate supplied by each supplier during each base period; and

(iv) All information relating to any adjustments or assignments which have been made by FEA.

(2) For purposes of calculating the allocation of middle distillate to utilities for delivery during a month.

(i) The FEA shall determine the amount of middle distillate allocated for delivery to each utility for a month or months and the amounts required to be supplied each month by each supplier, and shall notify utilities and suppliers of this determination. The amounts to be supplied by each supplier will be calculated by multiplying each utility's specified monthly allocation by the percentage of the utility's total deliveries during the base period which were supplied by each supplier for the purpose of assuring allocations which, to the maximum extent practicable, provide reliability of utility services. Where more than one month's allocation is specified at one time a utility may request, after notifying FEA, that its supplier deliver in advance up to twenty (20) percent of the following month's allocation. The following month's or months' allocation shall be reduced by the amount delivered in advance. If the supplier advises a utility that it cannot supply the additional amount the utility may contact the FEA to review and adjust the volume to be delivered or assign a new supplier for all or part of the requested amount. Advance delivery of amounts in excess of twenty (20) percent of the following month's allocation must be approved by FEA. The FEA may adjust the percentages to be supplied by particular suppliers on the basis of contract relationships, logistical problems, availability of fuels of specified quality from suppliers, and other relevant information which may be reported to the FEA by suppliers and utilities. The FEA may at any time modify the determinations under this subparagraph and the amounts to be supplied to each utility by each supplier, and shall notify utilities and suppliers of any such modification.

(ii) Within seven days of the date of notice by the FEA of the information set forth in paragraph (d)(2)(i) of this section, each supplier of a utility shall notify the utility of its anticipated ability to supply during each month covered by the notice the entire amounts of middle distillate required to be supplied by that supplier. If a supplier of a utility is unable to supply its specified amounts for a month the supplier may request a reduced delivery level or an extension of the delivery period into the following month. Following receipt of a request for a reduced delivery level or an extension, the utility must notify the supplier within 48 hours whether the requested reduced delivery level or extension and the amount to be delivered during the extension period are acceptable. If the utility refuses to accept the reduced delivery level or extension, the supplier and utility shall notify the FEA of the reason for the request for reduced delivery level or extension by the supplier and for refusal to accept the reduced delivery level or extension by the utility. The FEA shall then determine the amounts, if any, to be delivered and the date or dates for delivery. For months for which the FEA notifies utilities and suppliers more than one month in advance under paragraph (d)(2)(i) of this section, each supplier of a utility shall notify the utility at least 10 days prior to the beginning of the month to which the allocation applies of its ability to supply the entire amount of middle distillate required to be supplied by that supplier. Within 48 hours after a utility is notified by a supplier of its ability to supply, the utility must notify the supplier of its willingness to accept delivery.

(3) Suppliers and utilities may apply to the FEA for adjustment of the allocations established as provided in paragraph (d)(2)(i) of this section or for assignment of a new supplier in accordance with the provisions of Subpart B of Part 205 of this chapter. Such petitions must be filed by the 10th day of the month preceding the month for which such adjustment or assignment is requested in order to be considered for decision or interim relief with respect to adjustment to the allocation amounts or assignment of a new supplier for the month. Utilities may, and are encouraged to, by mutual agreement and after notice of FEA, reapportion their respective allocated middle distillate fuel volumes, other fuel volumes, or generated power among themselves.

3. Section 211.127 is amended in paragraphs (a) and (c) to read as follows:

§ 211.127 Procedures and reporting requirements.

(a) All matters pertaining to the allocation of middle distillate fuels except to utility users shall be addressed to the appropriate State Office or Regional FEA as specified within this part. All matters pertaining to the allocation of middle distillate fuels to utility users shall be addressed to FEA Electric Utilities Reports, Code 47, Washington, D.C. 20461, and to the Chairman, Federal Power Commission.

• • • • •

(c) Hardship applications except for electric utilities may be submitted to the appropriate State Office for undue hardship resulting from the provisions of this subpart.

[FR Doc.74-21063 Filed 9-9-74;2:13 pm]

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September 12, 1974—Pages 32881–32973

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WASHINGTON, D.C.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-348]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
California	Orange	Brea, city of	Aug. 28, 1974, emergency	May 24, 1974		
Colorado	Douglas	Unincorporated areas	do			
Do	Yuma	Wray, city of	do	Mar. 15, 1974		
Florida	Brevard	Malabar, town of	do	Mar. 1, 1974		
Georgia	Gwinnett	Lawrenceville, city of	do	June 28, 1974		
Kansas	Thomas	Colby, city of	do	Feb. 15, 1974		
Kentucky	Boone	Unincorporated areas	do			
Nebraska	Jefferson	Fairbury, city of	do	Aug. 2, 1974		
New York	Erie	Alden, village of	do	May 17, 1974		
Ohio	Meigs	Middleport, village of	do	May 31, 1974		
Oregon	Lane	Oakridge, city of	do	May 10, 1974		
Pennsylvania	Berks	Wyomissing, borough of	do			
Utah	Washington	St. George, city of	do	Aug. 16, 1974		
Vermont	Caledonia	Barnet, town of	do	Feb. 22, 1974		
Wisconsin	Pierce	Ellsworth, village of	do	Apr. 12, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), (42 U.S.C. 4001-4127); Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 21, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-20619 Filed 9-11-74;8:45 am]

[Docket No. FI-349]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Florida	Palm Beach	Hypoluxo, town of	Aug. 30, 1974, emergency	Aug. 23, 1974		
Georgia	Cobb	Austell, city of	do	Apr. 5, 1974		
North Dakota	Morton	Glen Ullin, city of	do	May 24, 1974		
New Mexico	San Juan	Farmington, city of	do	do		
Pennsylvania	Delaware	Ridley Park, borough of	do	July 10, 1974		
Do	Lancaster	West Hempfield, township of	do	May 31, 1974		
Do	Montgomery	Narberth, borough of	do			
Tennessee	Lincoln	Fayetteville, city of	do	Mar. 1, 1974		
Texas	Randall	Canyon, city of	do	Feb. 1, 1974		

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(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), (42 U.S.C. 4001-4127); Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 22, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-20820 Filed 9-11-74;8:45 am]

[Docket No. FI-350]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Florida	Palm Beach	Palm Beach Gardens, city of.	Sept. 3, 1974, emergency	Jan. 23, 1974		
Louisiana	Madison Parish	Richmond, city of	do			
Minnesota	Traverse	Dumont, city of	do	July 19, 1974		
Mississippi	Rankin	Pelahatchie, town of	do	June 7, 1974		
North Carolina	Columbus	Whiteville, city of	do	Feb. 15, 1974		
Texas	McLennan	Bellmead, city of	do	Mar. 15, 1974		
Washington	Snohomish	Snohomish, city of	do	Mar. 8, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), (42 U.S.C. 4001-4127); Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 23, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-20821 Filed 9-11-74;8:45 am]

[Docket No. FI-351]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Florida	Orange	Orlando, city of	Aug. 30, 1974	Aug. 2, 1974		
Do	Pasco	Port Richey, city of	Aug. 30, 1974, emergency	Jan. 16, 1974		
Maryland	Calvert	North Beach, city of	do	June 28, 1974		
Missouri	Laclede	Lebanon, city of	do	May 17, 1974		
Nebraska	Colfax	Schuyler, city of	do	Jan. 16, 1974		
Do	Seward	Milford, city of	do	do		
New York	Sullivan	Highland, town of	do	June 21, 1974		
Michigan	Genesee	Fenton, city of	do	Mar. 15, 1974		
Pennsylvania	Lancaster	East Donegal, township of	do	May 31, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), (42 U.S.C. 4001-4127); Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 23, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-20822 Filed 9-11-74;8:45 am]

[Docket No. FI-353]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Missouri	Cass	Belton, city of	Sept. 3, 1974, emergency	May 24, 1974		
Pennsylvania	Allegheny	Bethel Park, borough of	do	May 24, 1974		
Texas	Cherokee	Jacksonville, city of	do	May 31, 1974		
Do	Hidalgo	Pharr, city of	do	May 24, 1974		
Washington	Chelan	Leavenworth, city of	do	May 24, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), (42 U.S.C. 4001-4127); Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 27, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-20824 Filed 9-11-74;8:45 am]

[Docket No. FI-354]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Illinois	Cook	Palos Hills, city of	Sept. 4, 1974, emergency	Mar. 22, 1974		
Do	McHenry	Algonquin, village of	do	Mar. 8, 1974		
Iowa	Audubon	Audubon, city of	do	May 3, 1974		
Do	Iowa	Marengo, city of	do	Jan. 23, 1974		
Minnesota	Goodhue	Pine Island, city of	do	May 24, 1974		
Do	Hennepin	Deephaven, city of	do	June 7, 1974		
Texas	Calhoun	Port Lavaca, city of	Oct. 23, 1974, emergency; Aug. 27, 1971, registered; Sept. 16, 1972, suspended; Aug. 30, 1974, reinstated.	July 27, 1971		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), (42 U.S.C. 4001-4127); Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 28, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-20825 Filed 9-11-74;8:45 am]

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[Docket No. FI-355]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Poinsett	Trumann, city of	Sept. 5, 1974, emergency	Nov. 16, 1973		
Georgia	Cobb	Marietta, city of	do	June 21, 1974		
Louisiana	Calcasieu	Sulphur, city of	do	May 24, 1974		
Mississippi	Tunica	Unincorporated areas	do			
Ohio	Putnam	Pandora, village of	do	Feb. 8, 1974		
Texas	Harris	Lomar, city of	do	June 28, 1974		
Do	Scurry	Snyder, city of	do	Feb. 1, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), (42 U.S.C. 4001–4127); Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 29, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-20826 Filed 9-11-74;8:45 am]

[Docket No. FI-357]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Illinois	Marion	Salem, city of	Sept. 9, 1974, emergency	May 3, 1974		
Louisiana	Beauregard	DeRidder, city of	do	Feb. 1, 1974		
Michigan	Berrien	Niles, township of	do	June 21, 1974		
Missouri	Clay	Pleasant Valley, city of	do	Mar. 15, 1974		
New Mexico	Bernalillo	Albuquerque, city of	do	Aug. 2, 1974		
New York	Herkimer	Little Falls, city of	do	Mar. 8, 1974		
Ohio	Miami	Tipp City, city of	do	May 10, 1974		
West Virginia	Harrison	Stonewood, town of	do	Mar. 1, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), (42 U.S.C. 4001–4127); Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: September 3, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc 74-20828 Filed 9-11-74;8:45 am]

[Docket No. FI-352]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 **List of communities with special hazard areas.**

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Dallas	Orrville, town of	H 010064 01 through H 010064 02	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, Town of Orrville, Orrville, Ala. 36767.	Aug. 30, 1974.
Do	Escambia	Riverview, town of.	H 010076 01 through H 010076 02	do	Mayor, Town of Riverview, Route 3, Brewton, Ala. 36426.	Do.
Do	Lamar	Detroit, town of	H 010185 01	do	Mayor, City Hall, Town of Detroit, Detroit, Ala. 35582.	Do.
Arizona	Cochise	Bisbee, city of	H 040014 01 through H 040014 03	Arizona, State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7098, 718 West Glenrosa, Phoenix, Ariz. 85011.	Office of the Building Inspector, P.O. Box 7, Bisbee, Ariz. 85603.	Do.
Arkansas	Boone	Alpena, town of	H 050017 01	Division of Soil and Water Resources, State Department of Commerce, 1020 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Power Bldg., Little Rock, Ark. 72204.	Mayor, Town of Alpena, Alpena, Ark. 72611.	Do.
Do	do	Everton, town of	H 050019 01	do	Mayor, Town of Everton, Everton, Ark. 72636.	Do.
Do	Clay	Greenway, town of.	H 050031 01	do	Mayor, City Hall, Town of Greenway, Greenway, Ark. 72430.	Do.
Do	Cleveland	Kingsland, city of	H 050039 01	do	City Council, City of Kingsland, Kingsland, Ark. 71652.	Do.
Do	Craighead	Bono, town of	H 050046 01	do	Mayor, Town of Bono, Bono, Ark. 72416.	Do.
Do	Desha	Watson, city of	H 050072 01	do	Mayor, City Hall, City of Watson, Watson, Ark. 71674.	Do.
Do	Drew	Winchester, town of.	H 050977 01	do	Mayor, Town of Winchester, City Hall, Winchester, Ark. 71677.	Do.
Do	Jefferson	Sherrill, town of	H 050110 01	do	Mayor, City Hall, Town of Sherrill, Sherrill, Ark. 72152.	Do.
Do	White	Garner, town of	H 050224 01	do	Mayor, Town of Garner, City Hall, Garner, Ark. 72062.	Do.
Colorado	El Paso	Green Mountain Falls, town of.	H 080062 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, Town of Green Mountain Falls, Green Mountain Falls, Colo. 80819.	Do.
Do	Gilpin	Black Hawk, city of.	H 080076 01	do	County Commissioners, Gilpin County Courthouse, City of Black Hawk, Central City, Colo. 80427.	Do.
Do	do	Central City, town of.	H 080077 01	do	Mayor, City Hall, Town of Central City, Central City, Colo. 80427.	Do.
Do	Mesa	Collbran, town of	H 080116 01	do	Mayor, Town of Collbran, Collbran, Colo. 81624.	Do.
Do	Moffat	Dinosaur, town of.	H 080120 01	do	Town Board, Town of Dinosaur, Dinosaur, Colo. 81610.	Do.
Do	Montrose	Unincorporated areas.	H 080124 01 through H 080124 05	do	Montrose County Commissioners, Montrose County Courthouse, Montrose, Colo. 81401.	Do.
Do	Weld	Nunn, town of	H 080188 01	do	Mayor, Town Hall, Town of Nunn, Nunn, Colo. 80648.	Do.
Connecticut	Litchfield	Barkhamsted, town of.	H 090134 01 through H 090134 04	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Mayor, Town of Barkhamsted, Barkhamsted, Conn.	Do.
Do	do	North Canaan, town of.	H 090149 01 through H 090149 09	do	Mayor, Town of North Canaan, North Canaan, Conn.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Florida	Bradford	Brooker, town of	H 120016 01	Department of Community Affairs, 2571 Executive Center Circle, East Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Chairman, City Hall, City Council, Town of Brooker, Brooker, Fla. 32622.	Do.
Do	Brevard	Melbourne, city of	H 120025 01 through H 120025 10	do	Mayor, City Hall, City of Melbourne, Melbourne, Fla. 32901.	Do.
Do	Broward	Parkland, town of	H 120061 01	do	Mayor, Rt. 1, Box 574B, Town of Parkland, Pompano Beach, Fla. 33060.	Do.
Do	Palm Beach	Golf Village, town of	H 120201 01	do	Mayor, Town of Golf Village, P.O. Drawer 550, Del Ray Beach, Fla. 33444.	Do.
Do	Dixie	Horseshoe Beach, town of	H 120326 01	do	Dixie County Board of Commissioners, Town of Horseshoe Beach, Cross City, Fla. 32628.	Do.
Georgia	Brantley	Hoboken, city of	H 130013 01 through H 130013 02	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, City Hall, City of Hoboken, Hoboken, Ga. 31542.	Do.
Do	Clinch	Argyle, town of	H 130049 01	do	Mayor, Town of Argyle, Argyle, Ga. 31623.	Do.
Do	Telfair and Wheeler	Scotland, city of	H 130168 01	do	Mayor, City Hall, City of Scotland, Scotland, Ga. 31063.	Do.
Illinois	Alexander	Thebes, village of	H 170006 01	Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 525 W. Jefferson St., Springfield, Ill. 62702.	Mayor, City Hall, Village of Thebes, Thebes, Ill. 62990.	Do.
Do	Champaign	Broadlands, village of	H 170025 01	do	Mayor, Fire Station, Village of Broadlands, Broadslands, Ill. 61863	Do.
Do	Lake	Old Mill Creek, village of	H 170285 01 through H 170285 02	do	President, Box 177, Village of Old Mill Creek, Wadsworth, Ill. 60083.	Do.
Do	McHenry	Sunnyside, village of	H 170486 01	do	President, Village of Sunnyside, McHenry, Ill. 60050.	Do.
Do	Pulaski	Olmstead, village of	H 170566 01	do	Mayor, City Hall, Village of Olmstead, Olmstead, Ill. 62970.	Do.
Do	Saline	Stonefort, village of	H 170600 01	do	President, Village Board, Village Hall, Village of Stonefort, Stonefort, Ill. 62987.	Do.
Iowa	Cherokee	Washta, town of	H 190064 01	Iowa Natural Resources, Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, Town of Washta, Town Hall, Washta, Iowa 51061.	Do.
Do	Clayton	Garber, town of	H 190076 01	do	Mayor, Town of Garber, Garber, Iowa 52045.	Do.
Do	do	St. Olaf, town of	H 190084 01	do	Mayor, Town of St. Olaf, St. Olaf, Iowa 52072.	Do.
Do	do	Volga, town of	H 190085 01	do	Mayor, Town of Volga, Volga, Iowa 52199.	Do.
Do	Crawford	Deloit, town of	H 190005 01	do	City Council, Town of Deloit, Deloit, Iowa 51441.	Do.
Do	Jones	Olin, town of	H 190176 01	do	Mayor, City Hall, Town of Olin, Olin, Iowa 52320.	Do.
Do	Pottawattamie	Hancock, town of	H 190236 01	do	Mayor, Town Hall, Hancock, Iowa 51536.	Do.
Do	Woodbury	Bronson, town of	H 190267 01	do	Mayor, City Hall, Town of Bronson, Bronson, Iowa 51007.	Do.
Kansas	Jackson	Delia, city of	H 200139 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City of Delia, City Hall, Delia, Kans. 66418.	Do.
Kentucky	Knox	Barbourville, city of	H 210132 01	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza, Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, Hon. Jack Ketcham, City of Barbourville, Barbourville, Ky. 40905.	Mar. 15 1974. Aug. 30, 1974.
Louisiana	Avoyelles Parish	Plaucheville, village of	H 220024 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Village of Plaucheville, Plaucheville, La. 71362.	Aug. 30, 1974.
Do	Evangeline, Parish.	Pine Prairie, village of.	H 220068 01	do	Mayor of Pine Prairie, Pine Prairie, La. 70576.	Do.
Do	do	Turkey Creek, village of.	H 220089 01	do	Mayor, Turkey Creek, Turkey Creek, La. 70585.	Do.
Do	St. Tammany Parish.	Sun, village of	H 220205 01	do	Mayor, Village of Sun, Village Hall, Sun, La. 70463.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Tangipahoa Parish.	Tangipahoa, village of.	H 220213 01	do	Mayor, Village of Tangipahoa, Tangipahoa, La. 70465.	Do.
Do	do	Tickfaw, village of.	H 220214 01	do	Mayor, Village of Tickfaw, Tickfaw, La. 70466.	Do.
Maryland	Talbot	St. Michael, town of.	H 240069 01	Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Town Commissioners, Talbot St., St. Michael, Md. 21663.	Do.
Massachusetts	Berkshire	Hinsdale, town of.	H 250026 01 through H 250026 06	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge Street, Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge Street, Boston, Mass. 02202.	Chairman, Board of Selectmen, Town Hall, Hinsdale, Mass. 01235.	Do.
Do	Essex	Boxford, town of	H 250078 01 through H 250078 03	do	Chairman, Board of Selectmen, Town Hall, Boxford, Mass. 01921.	Do.
Do	do	Methuen, town of	H 250093 01 through H 250093 06	do	Dana A. Miller, Town Administrator, 90 Hampshire Street, Town of Methuen, Mass. 01844.	Do.
Do	do	Newbury, town of	H 250096 01 through H 250096 05	do	Town Hall, Town of Newbury, 215 High Rd., Newbury, Mass. 01950.	Do.
Do	Hampden	Granville, town of	H 250139 01 through H 250139 15	do	Chairman, Planning Building, Town Hall, Granville, Mass. 01034.	Do.
Do	Hampshire	Chesterfield, town of	H 250158 01 through H 250158 04	do	Chairman, Planning Building, West Chesterfield, Mass. 01084.	Do.
Do	Middlesex	North Reading, town of	H 250269 01 through H 250269 04	do	Building Inspector, Flint Memorial Hall, Town Administrator, North Reading, Mass. 01864.	Do.
Do	Plymouth	Duxbury, town of	H 250263 01 through H 250263 10	do	Town Offices, St. George St., Duxbury, Mass. 02332.	Do.
Do	do	Marshfield, town of	H 250273 01 through H 250273 05	do	Board of Selectmen, Town of Marshfield, Town Hall, Marshfield, Mass. 02050.	Do.
Do	Worcester	Princeton, town of	H 250329 01 through H 250329 17	do	Chairman, Board of Selectmen, Town Hall, Princeton, Mass. 01541.	Do.
Minnesota	Carlton	Cromwell, city of	H 270043 01	Division of Waters, Soil, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City of Cromwell, Cromwell, Minn. 55726.	Do.
Do	Chisago	Branch, city of	H 270070 01 through H 270070 11	do	Mayor, City of Branch, North Branch, Minn. 55056.	Do.
Do	Fillmore	Peterson, city of	H 270125 01	do	Mayor, City Hall, City of Peterson, Peterson, Minn. 55962.	Do.
Do	Kanabec	Ogilvie, city of	H 270215 01	do	Mr. Henry Seidmore, City Clerk, Office of Village Recorder, City of Ogilvie, Ogilvie, Minn. 56358.	Do.
Do	Koochiching	Big Falls, city of	H 270234 01 through H 270234 04	do	Mayor, City Office, City of Big Falls, Big Falls, Minn. 56358.	Do.
Do	Lake	Beaver Bay, city of.	H 270244 01	do	Mayor, City of Beaver Bay, Beaver Bay, Minn. 55601.	Do.
Do	Pipestone	Holland, city of	H 270356 01	do	Mayor, City of Holland, Holland, Minn. 56139.	Do.
Do	Redwood	North Redwood, city of.	H 270392 01	do	Mayor, City of North Redwood, North Redwood, Minn. 56276.	Do.
Do	Sibley	Gaylord, city of	H 270488 01	do	Mr. Leo K. Liek, Acting Mayor, City of Gaylord, Gaylord, Minn. 55364.	Do.
Mississippi	Coahoma	Lyon, town of	H 280043 01	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, City Hall, Town of Lyon, Lyon, Miss. 38645.	Do.
Missouri	Buchanan	Agency, town of	H 290041 01	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, Town of Agency, City Hall, Agency, Mo. 64401.	Do.
Do	Dunklin	Arbyrd, town of	H 290123 01	do	Mayor and City Council, Town of Arbyrd, Arbyrd, Mo. 63821.	Do.
Do	Franklin	Berger, city of	H 290132 01	do	Mayor, City of Berger, City Hall, Berger, Mo. 63014.	Do.
Do	Stone	Galene, city of	H 290431 01	do	Mayor, City of Galene, Galene, Mo. 65656.	Do.
Do	Jackson	Sibley, village of	H 290177 01	do	Mayor, City Hall, Route 1, Sibley, Mo. 64088.	Do.
Do	Butler	Harviell, town of	H 290478 01	do	Presiding Judge, Town of Harviell, Butler County Court, Court House, Poplar Bluff, Mo. 63901.	Do.
Do	Newton	Saginaw, town of	H 290486 01	do	Chairman, Board of Trustees of Saginaw, Town of Saginaw, Joplin, Mo. 64701.	Do.
Montana	Missoula	Unincorporated areas.	H 300048 01 through H 300048 08	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Chairman, County Commissioners, County Courthouse, Missoula, Mont. 59801.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Nebraska	Nemaha	Nemaha, village of.	H 310156 01	Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, Village of Nemaha, Nemaha, Nebr. 68414.	Do.
Nevada	Clark	Unincorporated areas.	H 320003 01 through H 320003 06	Division of Water Resources, Department of Conservation and Natural Resources, Nye Bldg., Carson City, Nev. 89701. Nevada Insurance Division, Department of Commerce, Nye Bldg., Carson City, Nev. 89701.	Overton Town Board, As Advisory to Clark County Commissioners, Clark County Commissioners, 200 East Carson St., Las Vegas, Nev. 89101.	Do.
New Hampshire	Carroll	Freedom, town of.	H 330013 01 through H 330013 10	Office of State Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Board of Selectmen, Town of Freedom, Freedom, N.H. 03836.	Do.
Do	do	Jackson, town of.	H 330014 01 through H 330014 08	do	Board of Selectmen, Town of Jackson, Jackson, N.H. 03846.	Do.
New Mexico	Grant	Bayard, village of.	H 350019 01	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, P.O. Box "T" Bayard, N. Mex. 88023.	Do.
Do	Hidalgo	Lordsburg, city of.	H 350026 01 through H 350026 04	do	Mayor, City Hall, City of Lordsburg, Lordsburg, N. Mex. 88045.	Do.
Do	Lea	Eunice, city of.	H 350028 01	do	Mayor, City Hall, Eunice, N. Mex. 88231.	Do.
Do	Taos	Unincorporated areas.	H 350078 01 through H 350078 17	do	Chairman, Taos County Commission, County Courthouse, Taos, N. Mex. 87571.	Do.
New York	Cattaraugus	Humphrey, town of.	H 360078 01 through H 360078 01	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Supervisor, Town of Humphrey, Salamanca, N.Y. 11779.	Do.
Do	Clinton	Beekmantown, town of.	H 360166 01 through H 360166 09	do	Town Supervisor, Beekmantown, N.Y.	Do.
Do	do	Plattsburgh, town of.	H 360169 01 through H 360169 05	do	Mr. Arthur Le Fevre, Supervisor, Town of Plattsburgh, Town Office, Rural Delivery No. 1, Box 341, Plattsburgh, N.Y. 12901.	Do.
Do	Cortland	Cortlandville, town of.	H 360179 01 through H 360179 06	do	Town Supervisor, Town Hall, Cortland, N.Y. 13045.	Do.
Do	Erie	Hamburg, town of	H 360244 01 through H 360244 11	do	Mr. Walter L. Booth, Town Attorney, Town of Hamburg, S-6100 South Park Ave., Hamburg, N.Y. 14075.	Do.
Do	Jefferson	Ellisburgh, village of.	H 360335 01	do	Mayor, Village of Ellisburgh, Ellisburgh, N.Y. 13636.	Do.
Do	Lewis	Harrisburg, town of.	H 360366 01 through H 360366 11	do	Town Board—Harrisburg, Town Clerk, Rural Delivery No. 2, Lowville, N.Y. 13367.	Do.
Do	Madison	Munnsville, village of.	H 360407 01	do	Mayor, Village of Munnsville, Munnsville, N.Y. 13409.	Do.
Do	Nassau	Port Washington, village of.	H 360457 01	do	Mayor, 1 Soundview Dr., Port Washington, N.Y. 11050.	Do.
Do	Oneida	Rome, city of.	H 360542 01 through H 360542 18	do	Mayor, City of Rome, City Hall, Rome, N.Y. 13440.	Do.
Do	do	Trenton, town of.	H 360556 01 through H 360556 07	do	Supervisor, Town Bldg., Town of Trentou, Holland Patent, N.Y. 13354.	Do.
Do	do	Trenton, village of.	H 360557 01	do	Mayor, Village of Trenton, Trenton Village Hall, Holland Patent, N.Y. 13354.	Do.
Do	do	Westmoreland, town of.	H 360565 01 through H 360565 08	do	Supervisor, Town of Westmoreland, Town Office, Westmoreland, N.Y. 13490.	Do.
Do	Onondaga	Onondaga, town of.	H 360588 01 through H 360588 17	do	Supervisor, Town of Onondaga, 4801 West Seneca Turnpike, Syracuse, N.Y. 13215.	Do.
Do	Rensselaer	Berlin, town of.	H 360672 01 through H 360672 07	do	Town Board, Berlin, N.Y. 12022.	Do.
Do	do	Poestenkill, town of.	H 360676 01 through H 360676 04	do	Town Board, Poestenkill, N.Y. 12140.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Schoharie	Middleburg, town of.	H 360744 01 through H 360744 08	do	Town Supervisor, Town of Middleburg, Middleburg, N.Y. 12122.	Do.
Do	Steuben	Bath, town of.	H 360765 01 through H 360766 11	do	Town Supervisor, Bath Town Board, Municipal Bldg., Bath, N.Y. 14810.	Do.
Do	Warren	Stoney Creek, town of.	H 360880 01 through H 360880 10	do	Adirondack Park Agency, P.O. Box 99, Town of Stoney Creek, Ray Brook, N.Y. 12977.	Do.
Do	Allegany	Willing, town of.	H 361047 01 through H 361047 06	do	Mayor, Town of Willing, Willing, N.Y.	Do.
Ohio	Darke	Osgood, village of.	H 390141 01	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Department, 115 East Rich Street, Columbus, Ohio 43215.	Mayor, Village of Osgood, Osgood, Ohio 45351.	Do.
Do	Fairfield	Sugar Grove, village of.	H 390163 01	do	Mayor, Village of Sugar Grove, 201 West First St., Sugar Grove, Ohio 43152.	Do.
Do	Franklin and, Fairfield.	Canal Winchester, village of.	H 390169 01 through H 390169 02	do	Honorable K. L. Miller, Mayor, Village of Canal Winchester, P.O. Box 56, Canal Winchester, Ohio 43110.	Feb. 1, 1974, Aug. 30, 1974.
Do	Guernsey	Lore City, village of.	H 390202 01	do	Mayor, Village of Lore City, Lore City, Ohio 43755.	Aug. 30, 1974.
Do	Morgan	Stockport, village of.	H 390423 01	do	Mayor, Village of Stockport, Main St., Stockport, Ohio 43787.	Do.
Do	Muskingum	Fraleysburg, village of.	H 390426 01	do	Mayor, Village of Fraleysburg, Fraleysburg, Ohio 43822.	Do.
Do	Noble	Belle Valley, village of.	H 390429 01	do	Mayor, City Hall, Village of Belle Valley, Belle Valley, Ohio 43717.	Do.
Do	Washington	Lower Salem, village of.	H 390570 01	do	Mayor, City Bldg., Village of Lower Salem, Lower Salem, Ohio 45745.	Do.
Oklahoma	Blaine	Greenfield, town of.	H 400013 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, Town of Greenfield, Greenfield, Okla. 73043.	Do.
Do	Cleveland	Noble, town of.	H 400045 01 through H 400045 04	do	City Council, Town of Noble, Noble, Okla. 73068.	Do.
Do	Kiowa	Mountain Park, town of.	H 400086 01	do	Mayor, City Hall, Mountain Park, Okla. 73559.	Do.
Do	Pontotoc	Bying, town of.	H 400175 01 through H 400175 02	do	Mayor, City Hall, Route 3, Town of Bying, Ada, Okla. 74820.	Do.
Do	Washington	Bartlesville, city of.	H 4000220 01 through H 4000220 07	do	Building Inspector, M.A.P.C. Box 699, City of Bartlesville, Bartlesville, Okla. 74003.	Do.
Oregon	Marion	Aurora, city of.	H 410156 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th NE., Salem, Oreg. 97310.	Mayor, City Hall, City of Aurora, Aurora, Oreg. 97002.	Do.
Do	Linn	Waterloo, town of.	H 410148 01	do	Mayor, Town of Waterloo, Waterloo, Oreg. 97395.	Do.
Do	Marion and Linn	Idanha, city of.	H 410162 01	do	Mayor, City Hall, City of Idanha, Idanha, Oreg. 97350.	Do.
Do	Umatella	Adams, city of.	H 410205 01	do	Mayor, City of Adams, Adams, Oreg. 97810.	Do.
Do	Union	Island City, town of.	H 410220 01	do	Mayor, Town of Island City, Island City, Oreg. 97851.	Do.
Do	do	North Powder, town of.	H 410221 01	do	Mayor, Town of North Powder, North Powder, Oreg. 97867.	Do.
Do	Wheeler	Spray, town of.	H 410248 01	do	Mayor, Town of Spray, Spray, Oreg. 97874.	Do.
Pennsylvania	Crawford	Venango, borough of.	H 420355 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Borough of Venango, Venango, Pa. 16440.	Do.
Do	Clearfield	Mahaffey, borough of.	H 420310 01 through H 420310 02	do	Mayor, Borough of Mahaffey, Mahaffey, Pa. 15757.	Do.
Do	Delaware	Concord, township of.	H 420410 01 through H 420410 04	do	Secretary, Concord Township, Ivy Mills Rd., Glen Mills, Pa. 19342.	Do.
Do	Indiana	Marion, borough of.	H 420508 01	do	Mayor, Borough of Marion Center, Marion Center, Pa. 15759.	Do.
Do	Crawford	Hayfield, township of.	H 421227 01 through H 421227 03	do	Chairman, Hayfield Township, R.D. No. 1, Siegertown, Pa. 16433.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Lycoming	Cummings, township of.	H 420638 01 through H 420638 10	do	Harry Yothers, Waterville, Pa. 17776.	Do.
Do	Schuylkill	Blythe, township of.	H 420767 01 through H 420767 04	do	Blythe Township, Municipal Bldg., New Philadelphia Rd., Kaska, Pa. 17940.	Do.
Do	Mifflin	Granville, township of.	H 421134 01 through H 421134 13	do	Board of Supervisor, Granville Township, 1 Helen St., Lewiston, Pa. 17044.	Do.
Do	Tioga	Covington, township of.	H 421175 01 through H 421175 09	do	Mrs. Maxine Wilcox, Rural Delivery No. 1, Box 71, Covington, Pa. 16917.	Do.
Do	do	Deerfield, township of.	H 421176 01 through H 421176 13	do	Mayor, Township of Deerfield, Deerfield, Pa.	Do.
Do	do	Hamilton, township of.	H 421178 01 through H 421178 10	do	Mayor, Township of Hamilton, Hamilton, Pa. 15744.	Do.
Do	do	Westfield, township of.	H 421185 01 through H 421185 17	do	President, Westfield Boro Council, Westfield, Pa. 16950.	Do.
Do	Wyoming	Monroe, township of.	H 421186 01 through H 421186 08	do	Mayor, Township of Monroe, Monroe, Pa.	Do.
Do	York	Lower Windsor, township of.	H 421187 01 through H 421187 03	do	Mayor, Township of Lower Windsor, Lower Windsor, Pa.	Do.
Do	Greene	Cumberland, township of.	H 421188 01 through H 421188 06	do	Mayor, Township of Cumberland, Cumberland, Pa.	Do.
Do	Armstrong	Boggs, township of.	H 421301 01 through H 421301 04	do	Township Supervisor, Township of Boggs, Rural Delivery 2, Kittanning, Pa. 16201.	Do.
Do	Beaver	Independence, township of.	H 421323 01 through H 421323 02	do	Board of Supervisors, Township of Independence, Town Bldg., Aliquippa, Pa. 15001.	Do.
Do	Bradford	Overton, township of.	H 421402 01 through H 421402 07	do	Overton Township Supervisor, Rural Delivery No. 2, New Albany, Pa. 18833.	Do.
Do	Chester	Caln, township of.	H 421473 01 through H 421473 02	do	Township Commissioners, Township of Caln, 201 Marshallton Rd., Downingtown, Pa. 19335.	Do.
Do	Crawford	Union, township of.	H 421573 01 through H 421573 02	do	Chairman, Union Township, Rural Delivery No. 5, Meadville, Pa. 16335.	Do.
Do	Delaware	Darby, township of.	H 421603 01	do	Township Chairman, Township of Darby, 603 West Ashland Ave., Glenolden, Pa. 19036.	Do.
Do	Jefferson	Young, township of.	H 421737 01 through H 421737 05	do	Township Supervisor, Township of Young, Rural Delivery No. 4, Punxsutawney, Pa. 15767.	Do.
Do	Lancaster	Eden, township of.	H 421772 01 through H 421772 04	do	Chairman, Board of Supervisors, Township of Eden, Rural Delivery No. 3, Quarryville, Pa. 17566.	Do.
Do	do	West Donegal, township of.	H 421788 01 through H 421788 08	do	Chairman, Board Supervisor, Township of West Donegal, Rural Delivery No. 1, Elizabethtown, Pa. 17022.	Do.
Do	Mercer	Hempfield, township of.	H 421868 01 through H 421868 03	do	Chairman, Board of Supervisors, Township of Hempfield, Municipal Bldg., 278 South Mercer St., Greenville, Pa. 16125.	Do.
Do	Westmoreland	Trafford, borough of.	H 420603 01 through H 420603 03	do	Mayor, 862 Fifth Ave., Borough of Trafford, Trafford, Pa. 15085.	Do.
Tennessee	Montgomery	Unincorporated areas.	H 470136 01 through H 470136 02	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Montgomery County, County Zoning Administration, County Courthouse, Clarksville, Tenn. 37040.	Do.
Texas	Erath	Dublin, city of	H 480219 01	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 110 San Jacinto Street, Austin, Tex. 78701.	Mayor, City Hall, Dublin, Tex. 76446.	Do
Do	Hidalgo	McAllen, city of	H 480343 01 through H 480343 20	do	Municipal Building, 311 North 15th St., McAllen, Tex. 78501.	Do.
Do	Lampasas	Lampasas, city of.	H 480430 01 through H 480430 02	do	Mayor, City Hall, Lampasas, Tex. 76550.	Do.
Do	Lubbock	Lubbock, city of	H 480452 01 through H 480452 25	do	Engineering Department, 916 Texas Ave., Lubbock, Tex. 79408.	Do.
Do	Montgomery	Splendora, city of	H 480488 01	do	Mayor, City of Splendora, Splendora, Tex. 77372.	Do.
Do	Tarrant	Westover Hills, city of.	H 480615 01	do	Mayor, 5824 Merrymount Rd., City of Westover Hills, Fort Worth, Tex. 76107.	Do.
Do	Van Zandt	Van, city of	H 480636 01	do	Mayor, City of Van, City Hall, Van, Tex. 75790.	Do.
Vermont	Rutland	Castleton, town of.	H 500091 01 through H 500091 11	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Castleton Board of Selectmen, Town Offices, Castleton, Vt. 05735.	Do.
Do	Windham	Dummerston, town of.	H 500128 01 through H 500128 04	do	Mayor, Town of Dummerston, Dummerston, Vt.	Do.
Do	Lamoille	Hyde Park, village of.	H 500231 01 through H 500231 02	do	Mayor, Village of Hyde Park, Hyde Park, Vt. 05655.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Washington	Barre, town of	H 500273 01 through H 500273 06	do	City Manager, Town of Barre, Barre, Vt. 05641.	Do.
Virginia	Accomack	Wachapreaque, town of.	H 510006 01	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Mayor, Municipal Bldg., Wachapreague, Va. 23480.	Do.
Do	Loudoun	Leesburg, town of.	H 510091 01 through H 510091 08	do	Mayor, Town of Leesburg, Leesburg, Va. 22075.	Do.
Do	Alleghany	Iron Gate, town of.	H 510220 01	do	County Administrator, Town of Iron Gate, Courthouse, Covington, Va. 24426.	Do.
Do	Lancaster	White Stone, town of.	H 510235 01 through H 510235 02	do	Mayor, Town of White Stone, White Stone, Va. 22578.	Do.
Washington	Douglas	Bridgeport, town of.	H 530037 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, Town of Bridgeport, Bridgeport, Wash. 98813.	Do.
Do	Whitman	Tekoa, city of	H 530215 01 through H 530215 02	do	Mayor, City of Tekoa, City Hall, Tekoa, Wash. 99033.	Do.
West Virginia	Fayette	Oak Hill, city of	H 540031 01 through H 540031 02	Office of Federal-State Relations, room W115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Dept., State Capitol, Charleston, W. Va. 25305.	Mayor, Town of Oak Hill, Oak Hill, W. Va. 25901.	Do.
Do	Marion	Unincorporated areas.	H 540097 01 through H 540097 22	do	President, Marion Co. Court, Court House, Fairmont, W. Va. 26554.	Do.
Do	Pocahontas	Cass, town of	H 540157 01	do	Mower Lumber Co., Town of Cass, Cass, W. Va. 24927.	Do.
Do	Wood	Vienna, city of	H 540215 01 through H 540215 06	do	Mayor, City Building, Vienna, W. Va. 26105.	Do.
Wisconsin	Bayfield	Cable, village of	H 550018 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett Street, Madison, Wis. 53703.	Village President, Village of Cable, Cable, Wis. 54821.	Do.
Do	Brown	Green Bay, city of.	H 550022 01 through H 550022 16	do	City Hall, 100 North Jefferson St., Green Bay, Wis. 54301.	Do.
Do	Clark	Granton, village of.	H 550050 01	do	Village President, Village of Granton, Granton, Wis. 54436.	Do.
Do	Douglas	Oliver, village of	H 550113 01 through H 550113 02	do	President, Village of Oliver, Route 2, Box 37, Superior, Wis. 54880.	Do.
Do	Grant	Bagley, village of	H 550145 01	do	Village President, Village of Bagley, Bagley, Wis. 53801.	Do.
Do	do	Mt. Hope, village of.	H 550152 01	do	Village President, Village of Mount Hope, Mt. Hope, Wis. 53816.	Do.
Do	Iowa	Cobb, village of	H 550176 01	do	Village President, Village Hall, Village of Gobb, Cobb, Wis. 53526.	Do.
Do	do	Linden, village of	H 550179 01	do	Village President, Village of Linden, Village Hall, Linden, Wis. 53553.	Do.
Do	Monroe	Kendall, village of	H 550267 01	do	Mr. John Gordam, Village President, Village of Kendall, Kendall, Wis. 54638.	Do.
Do	do	Melvina, village of	H 550288 01	do	Village President, Village of Melvina, Melvina, Wis. 54619.	Do.
Do	do	Norwalk, village of.	H 550289 01	do	Village President, Village of Norwalk, Norwalk, Wis. 54618.	Do.
Do	Portage	Rosholt, village of	H 550341 01	do	Village President, Village of Rosholt, Rosholt, Wis. 54473.	Do.
Do	Rusk	Conrath, village of.	H 550371 01	do	President, Village Board, Village of Conrath, Conrath, Wis. 54731.	Do.
Do	do	Hawkins, village of.	H 550373 01	do	Village Clerk, Village of Hawkins, Box 188, Hawkins, Wis. 54530.	Do.
Do	St. Croix	Wilson, village of	H 550389 01	do	President, Village of Wilson, Wilson, Wis. 54027.	Do.
Do	Shawano	Mattoon, village of.	H 550419 01	do	Village President, Village Hall, Village of Mattoon, Mattoon, Wis. 54450.	Do.
Do	Washburn	Minong, village of	H 550468 01	do	Village President, Village of Minong, Minong, Wis. 54859.	Do.
Do	Waupaca	Big Falls, village of.	H 550493 01	do	President, Village Board, Village of Big Falls, Big Falls, Wis. 54926.	Do.
Do	do	Scandinavia, village of.	H 550501 01	do	President, Village Board, Village of Scandinavia, Scandinavia, Wis. 54977.	Do.
Wyoming	Weston	Newcastle, city of	H 560057 01	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Newcastle Planning Commission, City of Newcastle, Newcastle, Wyo. 82701.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), (42 U.S.C. 4001–4127); Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 23, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-20823 Filed 9-11-74;8:45 am]

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[Docket No. FI-356]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 **List of communities with special hazard areas.**

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Elmore	Tallassee, town of.	H 010099 01 through H 010099 05	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, City Hall, Tallassee, Ala. 36078.	Sept. 6, 1974.
Arizona	Cochise	Unincorporated areas.	H 040012 01 through H 040012 23	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7008, 718 West Glenrosa, Phoenix, Ariz. 85011.	Chairman, County Board of Supervisors, Cochise County, Courthouse, Bisbee, Ariz. 85603.	Do.
California	Butte	Unincorporated areas.	H 060017 01 through H 060017 09	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	Chairman, Butte County Board of Supervisors, County Courthouse, Butte County, Chico, Calif. 95965.	Do.
Do	Riverside	Perris, city of.	H 060258 01 through H 060258 16	do	Mayor, City Hall, City of Perris, 101 N. D. Street, Perris Calif. 92380.	Do.
Do	San Mateo	Atherton, town of.	H 060812 01 through H 060812A 02	do	Mayor, Town Hall, Town of Atherton, 91 Ashfield Rd., Atherton, Calif. 94026.	Mar. 8, 1974. Sept. 6, 1974.
Do	Yuba	Unincorporated areas.	H 060427 01 through H 060427 04	do	The Department of Public Works, County of Yuba, Courthouse, 215 Fifth St., Marysville, Calif. 95901.	Sept. 6, 1974.
Colorado	Elbert	Elizabeth, town of.	H 080056 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, Town of Elizabeth, Elizabeth, Colo. 80107.	Do.
Do	do	Kiowa, town of.	H 080057 01	do	Mayor, Town of Kiowa, Kiowa, Colo. 80117.	Do.
Do	Grand	Fraser, town of.	H 080073 01	do	Mayor and Town Council, Town of Fraser, Fraser, Colo. 80442.	Do.
Do	Las Animas	Starkville, town of.	H 080106 01	do	Mayor, Town of Starkville, Starkville, Colo. 81074.	Do.
Do	Pueblo	Boone, town of.	H 080148 01	do	Mayor, Town of Boone, Boone, Colo. 81025.	Do.
Connecticut	New Haven	Middlebury, town of.	H 090080 01 through H 090080 06	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Mayor, Town of Middlebury, Middlebury, Conn. 06762.	Do.
Do	Windham	Plainfield, town of.	H 090116 01 through H 090116 12	do	Selectman, Town Hall, Plainfield, Conn. 06374.	Do.
Do	do	Killingly, town of.	H 090136 01 through H 090136 13	do	Mayor, Town of Killingly, Killingly, Conn.	Do.
Do	do	Putnam, town of.	H 090140 01 through H 090140 07	do	Mayor, Putnam, Conn. 06260.	Do.
Delaware	Sussex	Henlopen Acres, town of.	H 100053 01	Division of Soil and Water Conservation, Department of Natural Resources & Environmental Control, Tatnall Bldg., Capitol Complex, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, Del. 19971.	Town of Henlopen Acres, Town Office, 104 Tidewaters, Henlopen Acres, Del. 19971.	Do.
Florida	Bay	Lynn Haven, city of.	H 120009 01 through H 120009 02	Department of Community Affairs, 2571 Executive Center Circle East, Howard Building, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	City Manager, 825 Ohio Ave., Lynn Haven, Fla. 32444.	
Do	do	Panama City, city of.	H 120012 01 through H 120012 08	do	City Clerk, City of Panama City, Panama City, Fla. 32401.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Broward	Hacienda Village, town of.	H 120938 01	do	Mayor, Town Hall, 3841 State Route 84, Fort Lauderdale, Fla. 33314.	Do.
Do	Columbia	Big Alligator Lake, town of.	H 120071 01	do	Mayor, City Hall, Town of Big Alligator Lake, Lake City, Fla. 32055.	Do.
Do	Escambia	Pensacola, city of.	H 120082 01 through H 120082 09	do	City Manager, City of Pensacola, Pensacola, Fla. 32502.	Do.
Do	Holmes	Westville, town of.	H 120118 01	do	Mayor, Town of Westville, Westville, Fla. 32464.	Do.
Do	Jackson	Campbellton, city of.	H 120126 01	do	Mayor, City Hall, City of Campbellton, Campbellton, Fla. 32426.	Do.
Do	Madison	Lee, city of.	H 120151 01	do	Mayor, City Hall, City of Lee, Lee, Fla. 32059.	Do.
Georgia	Appling	Baxley, city of.	H 130002 01 through H 130002 02	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, City Hall, City of Baxley, Baxley, Ga. 31513.	Do.
Do	Burke	Girard, town of.	H 130023 01 through H 130023 02	do	Mayor, City Hall, Girard, Ga. 30426.	Do.
Do	Screven	Newington, town of.	H 130161 01	do	Mayor, City Hall, Newington, Ga. 30446.	Do.
Do	do	Rocky Ford, town of.	H 130162 01	do	Mayor, City Hall, Rocky Ford, Ga. 30445.	Do.
Do	White	Helen, city of.	H 130192 01	do	Mayor, City Hall, Helen, Ga. 30545.	Do.
Idaho	Benewah	Tensed, city of.	H 160017 01	Department of Water Administration, State House-Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206-Statehouse, Boise, Idaho 83707.	Mayor, City of Tensed, Tensed, Idaho 83870.	Do.
Do	Blaine	Sun Valley, city of.	H 160024 01 through H 160024 04	do	City Clerks Office, City of Sun Valley, Box 1244, Sun Valley, Idaho 83353.	Do.
Do	Cassia	Declo, city of.	H 160044 01	do	Mayor, City of Declo, Declo, Idaho 83323.	Do.
Do	Idaho	Ferdinand, city of.	H 160068 01	do	Mayor, City Hall, City of Ferdinand, Ferdinand, Idaho 83526.	Do.
Do	Kootenai	Fernan Lake, city of.	H 160079 01	do	Mayor, City of Fernan Lake, Fernan Lake, Idaho.	Do.
Do	do	Hayden Lake, city of.	H 160082 01	do	Mayor of Hayden Lake, Hayden Lake, Idaho 83835.	Do.
Do	do	Worley, city of.	H 160085 01	do	Mayor of Worley, Worley, Idaho 83896.	Do.
Do	Teton	Victor, city of.	H 160119 01	do	Mayor of Victor, City of Victor, Victor, Idaho 83455.	Do.
Do	Valley	Donnelly, city of.	H 160121 01	do	Mayor, City of Donnelly, Donnelly, Idaho 83615.	Do.
Do	Shoshone	Wardner, city of.	H 160130 01	do	Shoshone County Commissioners, City of Wardner, Wallace, Idaho 83873.	Do.
Illinois	Christian	Taylorville, city of.	H 170038 01 through H 170038 06	Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, 205 South Washington, Taylorville, Ill. 62568.	Do.
Do	Kane	Gilberts, village of.	H 170326 01	do	President, Village of Gilberts, Gilberts, Ill. 60136.	Do.
Do	Lake	Third Lake, village of.	H 170392 01	do	President, Lake Ave., Third Lake, Ill. 60030.	Do.
Do	St. Clair	St. Libory, village of.	H 170634 01	do	Zoning Director, St. Clair, Bldg., One South Church, Village of St. Libory, Belleville, Ill. 62220.	Do.
Do	Union	Mill Creek, village of.	H 170659 01	do	The Mayor, Village of Mill Creek, Mill Creek, Ill. 62961.	Do.
Indiana	Dearborn	West Harrison, town of.	H 180042 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Executive Secretary and Enforcement Officer, City Planning Commission, Courthouse, Town of West Harrison, Lawrenceburg, Ind. 47025.	Do.
Do	Steuben	Hamilton, town of.	H 180248 01	do	Plan Commission, Chairman, 100 East Gale, Town of Hamilton, Angola, Ind. 46703.	Do.
Iowa	Crawford	Arion, town of.	H 190092 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa, 50319.	Mayor, Town of Arion, Arion, Iowa 51520.	
Do	Plymouth	Hinton, town of.	H 190224 01	do	Chairman, City Planning Commission, Town of Hinton, Hinton, Iowa 51024.	Do.
Do	Polk	Des Moines, city of.	H 190227 01 through H 190227 19	do	City Engineer, City Hall, East First and Locust Sts., Des Moines, Iowa 50307.	Do.
Kansas	Leavenworth	Linwood, city of.	H 200191 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department; 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, City of Linwood, Linwood, Kans. 66052.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Louisiana	Ouachita	Monroe, city of	H 220136 01 through H 220136 11	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	City Hall, City Plaza, City of Monroe, Monroe, La. 71201.	Do.
Do	Red River	Unincorporated areas.	H 220152 01 through H 220152 03	do	President, Red River Parish Police Jury, Coushatta, La. 71019.	Do.
Do	St. Mary	Berwick, town of	H 220194 01 through H 220194 02	do	Office of the Mayor, City Hall, 3225 Third St., Berwick, La. 70842.	Do.
Do	Tensas	Unincorporated areas.	H 220215 01 through H 220215 05	do	Mr. James C. Wilkerson, Police Jury President, Tensas Parish, P.O. Box 6213, St. Joseph, La. 71366.	Do.
Maine	Aroostook	Oakfield, town of	H 230028 01 through H 230028 06	Maine Soil and Water Conservation Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Town Manager, Oakfield, Maine 04763.	Do.
Do	Franklin	Farmington, town of	H 230057 01 through H 230057 15	do	Town Office, Farmington, Maine 04938.	Do.
Do	Knox	Thomaston, town of	H 230079 01 through H 230079 04	do	Town Manager, Thomaston, Maine 04861.	Do.
Do	do	Warren, town of	H 230081 01 through H 230081 14	do	Town Manager, Warren, Maine 04864	Do.
Do	do	Washington, town of	H 230082 01 through H 230082 13	do	1st Selectman, Washington, Maine 04574.	Do.
Do	Piscataquis	Guilford, town of	H 230117 01 through H 230117 05	do	Town Manager, Guilford, Maine 04443.	Do.
Do	Somerset	Pittsfield, town of	H 230127 01 through H 230127 15	do	Town Manager, Town Office, Pittsfield, Maine 04967.	Do.
Do	Piscataquis	Brownville, town of	H 230161 01 through H 230161 10	do	Mayor, Town of Brownville, Brownville, Maine 04414.	Do.
Massachusetts	Bristol	Acushnet, town of	H 250048 01 through H 250048 03	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Chairman, Board of Selectmen, Town Hall, Acushnet, Mass. 02743.	Do.
Do	Essex	Lynnfield, town of	H 250369 01 through H 250369 05	do	Town of Lynnfield, Town Hall, Summer St., Lynnfield, Mass. 01940.	Do.
Do	Franklin	Whately, town of	H 250432 01 through H 250432 07	do	Chairman, Planning Board, Town of Whately, Town Hall, Whately, Mass. 01093.	Do.
Do	Hampshire	Granby, town of	H 250162 01 through H 250162 07	do	Chairman, Planning Board, Town Hall, Granby, Mass. 01033.	Do.
Do	do	Huntington, town of	H 250165 01 through H 250165 07	do	Chairman, Planning Board, Town Hall, Huntington, Mass. 01050.	Do.
Do	Middlesex	Groton, town of	H 250194 01 through H 250194 05	do	Chairman, Board of Selectmen, Town Hall, Groton, Mass. 01450.	Do.
Do	Norfolk	Dedham, town of	H 250237 01 through H 250237 05	do	Mr. Gerard J. Donoghue, Planner-Engineer, Town of Dedham, Administration Bldg., Dedham, Mass. 02026.	Do.
Do	Norfolk	Medfield, town of	H 250242 01 through H 250242 06	do	Mr. Frederick C. Conley, Executive Secretary, Board of Selectmen, Town of Medfield, Town Hall, Medfield, Mass. 02052.	Do.
Do	Plymouth	East Bridgewater, town of	H 250264 01 through H 250264 05	do	Chairman, Board of Selectmen, Town Hall, East Bridgewater, Mass. 02333.	Do.
Do	do	Hingham, town of	H 250268 01 through H 250268 08	do	Hingham Town Office Bldg., 7 East St., Hingham, Mass. 02043.	Do.
Do	do	Lakeville, town of	H 250271 01 through H 250271 03	do	Chairman, Board of Selectmen, Town Hall, Lakeville, Mass. 02346.	Do.
Do	do	Scituate, town of	H 250282 01 through H 250282 07	do	Mr. John D. O'Brien, Chairman, Board of Selectmen, Town of Scituate, 600 Chief Justice Cushing Highway, Scituate, Mass. 02066.	Do.
Do	Worchester	Gardner, city of	H 250305 01 through H 250305 08	do	Mayor, City Hall, City of Gardner, Gardner, Mass. 01440.	Do.
Do	do	Holden, town of	H 250309 01 through H 250309 16	do	Chairman, Board of Selectmen, Town Hall, Town of Holden, Holden, Mass. 01520.	Do.
Do	do	Hubbardston,	H 250311 01 through H 250311 06	do	Chairman, Board of Selectmen, Town Hall, Town of Hubbardston, Hubbardston, Mass. 01452.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	Lunenburg, town of	H 250315 01 through H 250315 04	do	Chairman, Board of Selectmen, Town Hall, Lunenburg, Mass. 01462.	Do.
Do	do	Mendon, town of	H 250316 01 through H 250316 03	do	Chairman, Board of Selectmen, Town Hall, Mendon, Mass. 01756.	Do.
Do	do	Shrewsbury, town of	H 250332 01 through H 250332 06	do	Chairman, Board of Selectmen, Town Hall, Shrewsbury, Mass. 01545.	Do.
Michigan	Alcona	Greenbush, township of	H 260001 01 through H 260001 08	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Homer St., Lansing, Mich. 48913.	Mayor, Township of Greenbush, Greenbush, Mich. 48738.	Do.
Do	Mecosta	Hinton, township of	H 260137 01 through H 260137 11	do	Mayor, Township of Hinton, Mecosta, Mich. 49332.	Do.
Do	Muskegon	Muskegon, township of	H 260163 01 through H 260163 09	do	Township Supervisor, Township of Muskegon, 1990 Apple Ave., Muskegon, Mich. 49442.	Do.
Do	Wayne	Northville, city of	H 260235 01 through H 260235 06	do	Mayor, City Hall, 215 West Main, Northville, Mich. 48167.	Do.
Minnesota	Clay	Comstock, city of	H 270079 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City Hall, City of Comstock, Comstock, Minn. 56525.	Do.
Do	Freeborn	Geneva, city of	H 270136 01	do	Mayor, City Hall, City of Geneva, Geneva, Minn. 56035.	Do.
Do	Hennepin	New Hope, city of	H 270177 01 through H 270177 02	do	Mayor, City Hall, City of New Hope, 4401 Xylon Ave. N., Minneapolis, Minn. 55427.	Do.
Do	Lac Qui Parle	Marietta, city of	H 270243 01	do	Mayor, Municipal Bldg., City of Marietta, Marietta, Minn. 56257.	Do.
Do	Swift	Holloway, city of	H 270471 01 through H 270471 02	do	Mayor, City of Holloway, Holloway, Minn. 56249.	Do.
Mississippi	Coahoma	Lula, town of	H 280042 01	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, City Hall, Town of Lula, Lula, Miss. 38644.	Do.
Do	Forrest	Unincorporated areas.	H 280052 01 through H 280052 03	do	Chairman, Board of Supervisors, Forrest County, Hattiesburg, Miss. 39401.	Do.
Do	Holmes	West, town of	H 280079 01	do	Mayor, Town of West, West, Miss. 39192.	Do.
Missouri	Clay	Unincorporated areas.	H 290088 01 through H 290088 02	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mr. Ed Stein, Clay County, Planning and Zoning Commission, 103 East Kansas, Liberty, Mo. 64048.	Do.
Do	Oregon	Koshkonong, city of	H 290266 01	do	Mayor, City of Koshkonong, City Hall, Koshkonong, Mo. 65660.	Do.
Do	Reynolds	Bunker, town of	H 290310 01	do	Mayor, City Hall, Town of Bunker, Bunker, Mo. 63629.	Do.
Do	Stoddard	Essex, town of	H 290425 01	do	Mayor, City Hall, Town of Essex, Essex, Mo. 63846.	Do.
Do	Carroll	Dewitt, city of	H 290165 01	do	Presiding Judge, Carroll County Court, Courthouse, Carrollton, Mo. 64633.	Do.
Montana	Deer Lodge	Unincorporated areas.	H 300016 01 through H 300016 03	Montana Department of Natural Resources and Conservation, Water Resources Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Building, Helena, Mont. 59601.	County Commissioners, Deer Lodge County Courthouse, Anadonda, Mont. 59711.	Do.
Nebraska	Butler	Ulysses, village of	H 310029 01	Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, Village of Ulysses, Ulysses, Nebr. 68669.	Do.
Do	Cass	Nehawka, village of	H 310032 01	do	Chairman of Town Board, Village of Nehawka, Nehawka, Nebr. 68413.	Do.
Do	Douglas	Waterloo, village of	H 310079 01	do	Mayor, City Hall, Village of Waterloo, Waterloo, Nebr. 68069.	Do.
Do	Gage	Barneston, town of	H 310090 01	do	Mayor, Town of Barneston, Barneston, Nebr. 68309.	Do.
Do	do	Odell, village of	H 310094 01	do	Mayor, Village of Odell, Odell, Nebr. 68415.	Do.
Do	Otoe	Dunbar, village of	H 310163 01	do	Mayor, Village of Dunbar, Dunbar, Nebr. 68346.	Do.
Do	do	Palmyra, village of	H 310165 01	do	Mayor, Village of Palmyra, Palmyra, Nebr. 68418.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Madison	Madison, city of	H 310240 01	do	Mr. Frank Hansen, Zoning Administrator, P.O. Box 527, Madison, Nebr. 68748.	Do.
Do	Dakota	Homer, village of.	H 310241 01	do	Chairman, Dakota County Board of Commissioners, Courthouse, Dakota City, Nebr. 68731.	Do.
New Jersey	Atlantic	Egg Harbor, township of.	H 340007 01 through H 340007 23	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Egg Harbor Township Municipal Bldg., Bargaintown Rd., Rural Delivery No. 1, Box 262, Linwood, N.J. 08221.	Do.
Do	Bergen	Closter, borough of.	H 340023 01 through H 340023 02	do	Mayor, Borough of Closter, 295 Closter Dock Rd., Closter, N.J. 07624.	Do.
Do	do	Montvale, borough of.	H 340052 01 through H 340052 06	do	Mayor, Borough of Montvale, Memorial Dr., Montvale, N.J. 07645.	Do.
Do	Gloucester	East Greenwich, township of.	H 340300 01 through H 340300 06	do	Mayor, Township of East Greenwich, Cohawkin Rd., Clarksboro, N.J. 08020.	Do.
Do	Sussex	Hardyston, town of.	H 340451 01 through H 340451 11	do	Mayor, Municipal Building, Town of Hardyston, Stockholm, N.J. 07460.	Do.
New York	Allegany	Rushford, town of.	H 360333 01 through H 360333 06	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Supervisor, Town of Rushford, Rushford, N.Y. 14777.	Do.
Do	Cattaraugus	South Valley, town of.	H 360100 01 through H 360100 12	do	Supervisor, Town of South Valley, Frewsburg, N.Y. 14738.	Do.
Do	Cayuga	Brutus, town of	H 360104 01 through H 360104 06	do	Town Board Room, Office of the Town of Brutus, 3 East Brutus St., Weedsport, N.Y. 13166.	Do.
Do	Delaware	Middletown, town of.	H 360239 01 through H 360239 08	do	Supervisor, Town of Middletown, Middletown, N.Y. 10940.	Do.
Do	Essex	Chesterfield, town of.	H 360264 01 through H 360264 14	do	Supervisor, Town of Chesterfield, Keeseville, N.Y. 12944.	Do.
Do	Franklin	Bombay, town of.	H 360269 01 through H 360269 04	do	Town Supervisor, Town of Bombay, Bombay, N.Y. 12914.	Do.
Do	Lewis	Pinckney, town of.	H 360375 01 through H 360375 12	do	Town Board—Pinckney Town Clerk, Town of Pinckney, Barnes Corners, N.Y. 13610.	Do.
Do	Oneida	Boonville, town of.	H 360519 01 through H 360519 08	do	Supervisor, Boonville Town Board, Boonville, N.Y. 13309.	Do.
Do	do	Bridgewater, town of.	H 360521 01 through H 360521 03	do	Supervisor, Bridgewater Town Barn, Bridgewater, N.Y. 13313.	Do.
Do	do	Camden, town of	H 360523 01 through H 360523 09	do	Supervisor, Town Barn, Town of Camden, Camden, N.Y. 13316.	Do.
Do	Onondaga	Camillus, town of.	H 360670 01 through H 360670 05	do	Supervisor, Town of Camillus, 127 Maple Dr., Camillus, N.Y. 13031.	Do.
Do	St. Lawrence	Morristown, town of.	H 360706 01 through H 360706 09	do	Town Supervisor, Morristown, N.Y. 13664.	Do.
Do	Schuyler	Tyrone, town of	H 360749 01 through through H 360749 06	do	Town Supervisor, Town of Tyrone, Rural Delivery No. 1, Dundee, N.Y. 14837.	Do.
Do	Steuben	Addison, town of.	H 360761 01 through H 360761 03	do	Town Supervisor, Addison Town Board, Main St., Addison, N.Y. 14801.	Do.
Do	Tioga	Tioga, town of	H 360842 01 through H 360842 05	do	Supervisor, Town of Tioga, Rural Delivery No. 1, Barton, N.Y. 13734.	Do.
Do	Tompkins	Caroline, town of.	H 360843 01 through H 360843 07	do	Town Supervisor, Town of Caroline, 750 Valley Rd., Brooktondale, N.Y. 14817.	Do.
Do	Warren	Chester, town of	H 360870 01 through H 360870 13	do	Adirondack Park Agency, P.O. Box 99, Town of Chester, Ray Brook, N.Y. 12977.	Do.
Do	do	Horicon, town of	H 360874 01 through H 360874 09	do	Adirondack Park Agency, P.O. Box 99, Town of Horicon, Ray Brook, N.Y. 12977.	Do.
Do	do	Lake Luzerne, town of.	H 360878 01 through H 360878 06	do	Adirondack Park Agency, Town of Lake Luzerne, P.O. Box 99, Ray Brook, N.Y. 12977.	Do.
Do	do	Thurman, town of.	H 360881 01 through H 360881 11	do	Adirondack Park Agency, Town of Thurman, P.O. Box 99, Ray Brook, N.Y. 12977.	Do.
Do	Wayne	Huron, town of	H 360892 01 through H 360892 04	do	Mrs. Phyllis Palmer, Town Clerk, Town of Huron, Lummisville Rd., Wolcott, N.Y. 14590.	Do.
Do	Allegany	Independence, town of.	H 361008 01 through H 361008 05	do	Mayor, Town of Independence, Independence, N.Y.	Do.
Do	Ulster	Lloyd, town of	H 361012 01 through H 361012 05	do	Mayor, Town of Lloyd, Lloyd, N.Y.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
North Carolina	Beaufort	Pantego, town of	H 370016 01	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, Town of Pantego, Pantego, N.C. 27860.	Do.
Do	Catawba	Brookford, town of.	H 370051 01	do	Mayor, Town of Brookford, Hickory Department, City Hall, Brookford, N.C. 28601.	Do.
Do	Rockingham	Reidsville, city of	H 370209 01 through H 370209 04	do	Director of Public Works, City Hall, City of Reidsville, P.O. Box 509, Reidsville, N.C. 27320.	Do.
Do	Union	Indian Trail, city of.	H 370235 01	do	County Manager, City of Indian Trail, Monroe, N.C. 28110.	Do.
Do	Wilkes	Ronda, town of	H 370258 01	do	Mayor, Town of Ronda, Ronda, N.C. 28670.	Do.
Ohio	Monroe	Clarington, village of.	H 390405 01 through H 390405 02	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Dept., 115 East Rich Street, Columbus, Ohio 43215.	Mayor, Village of Clarington, P.O. Box 215, Clarington, Ohio 43915.	Do.
Oklahoma	Blaine	Watonga, city of	H 400016 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, City of Watonga, Watonga, Okla. 73772.	Do.
Do	McClain	Purcell, City of	H 400104 01 through H 400104 02	do	Mayor, City of Purcell, Purcell, Okla. 73080.	Do.
Do	Rogers	Catoosa, town of	H 400185 01	do	Director, Town of Catoosa, City-County Planning Commission, Catoosa, Okla. 74015.	Do.
Do	Sequoyah	Gore town of	H 400195 01	do	Mayor, City Hall, Town of Gore, Gore, Okla. 74435.	Do.
Oregon	Morrow	Lexington, town of.	H 410178 01	Executive Department, State of Oregon, Lexington, Oreg. 97839. Oregon Insurance Division, Department of Commerce, 158 12th NE., Salem, Oreg. 97310.	Mayor, Town of Lexington, Lexington, Oreg. 97839.	Do
Pennsylvania	Schuylkill	Gordon, borough of.	H 420773 01 through H 420773 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough of Gordon, Municipal Bldg., Biddle St., Gordon, Pa. 17936.	Do.
Do	Wayne	Starrucca, borough of.	H 420867 01 through H 420867 08	do	Mayor, Borough of Starrucca, Starrucca, Pa. 18462.	Do.
Do	Westmoreland	Ligonier, township of.	H 420884 01 through H 420884 11	do	Ligonier Township, Municipal Bldg., Rural Delivery No. 2, Box 6-A, Ligonier, Pa. 15658.	Do.
Do	Allegheny	Harmar, township of.	H 421068 01 through H 421068 04	do	Mr. Edward Tablish, Secretary, Township of Harmar, Allegheny County, 841 Russellton Rd., Chesewick, Pa. 15024.	Do.
Do	do	Indiana, township of.	H 421070 01 through H 421070 05	do	Mayor, Township of Indiana, Indiana, Pa. 15701.	Do.
Do	do	Moon, township of.	H 421082 01 through H 421082 08	do	Township Manager, 100 Beaver Grade Rd., Township of Moon, Coraopolis, Pa. 15108.	Do.
Do	Berks	Rockland, township of.	H 421098 01 through H 421098 03	do	Mayor, Township of Rockland, Rockland, Pa.	Do.
Do	Bradford	Wilmot, township of.	H 421124 01 through H 421124 07	do	Mayor, Township of Wilmot, Wilmot, Pa.	Do.
Do	Lancaster	Martic, township of.	H 421146 01 through H 421146 09	do	Martic Township Municipal Bldg., Rural Delivery No. 1, Mt. Nebo, Pequea, Pa. 17565.	Do.
Do	Tioga	Nelson, township of.	H 421181 01 through H 421181 08	do	Chairman, Nelson Township Supervisor, Township of Nelson, Nelson, Pa. 16940.	Do.
Do	Clearfield	Pike, township of.	H 421190 01 through H 421190 07	do	Mayor, Township of Pike, Pike, Pa.	Do.
Do	Centre	Huston, township of.	H 421195 01 through H 421195 02	do	Mayor, Township of Huston, Huston, Pa.	Do.
Do	Washington	Independence, township of.	H 421202 01 through H 421202 02	do	Mayor, Township of Independence, Independence, Pa. 15343.	Do.
Do	Warren	Clarendon, borough of.	H 421221 01	do	Chairman, Mead Township Supervisor, Borough of Clarendon, Clarendon, Pa. 16313.	Do.
Do	Beaver	Hanover, township of.	H 421223 01 through H 421223 07	do	Board of Supervisors, Township Building, State Route 18, Township of Hanover, Harshaville, Pa. 15026.	Do.
Do	Allegheny	North Versailles, township of.	H 421231 01 through H 421231 05	do	Township Manager, 1401 Greensburg Ave., Township of North Versailles, North Versailles, Pa. 15137.	Do.
Do	do	Mt. Lebanon, township of.	H 421272 01 through H 421272 03	do	Township Manager, 710 Washington Rd., Township of Mt. Lebanon, Pittsburgh, Pa. 15228.	Do.
Do	Armstrong	Plum Creek, township of.	H 421313 01 through H 421313 05	do	Township Supervisor Secretary, Township of Plum Creek, Rural Delivery No. 1, Shelocta, Pa. 15774.	Do.
Do	Bradford	Overton, township of.	H 421402 01 through H 421402 07	do	Overton Township Supervisor, Rural Delivery No. 2, Township of Overton, New Albany, Pa. 18833.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Butler	Lancaster, township of.	H 421422 01 through H 421422 02	do	Lancaster Township Board of Supervisors, Rural Delivery No. 1, Township of Lancaster, Harmony, Pa. 16037.	Do.
Do	Chester	East Pikeland, township of.	H 421483 01 through H 421483 02	do	Mayor, Township of East Pikeland, Chester County, East Pikeland, Pa.	Do.
Do	do	Uwchlan, township of.	H 421492 01 through H 421492 08	do	Mayor, Township of Uwchlan, Uwchlan, Pa. 19480.	Do.
Do	do	West Caln, township of.	H 421497 01 through H 421497 04	do	Mayor, 155 South High St., Township of West Caln, West Chester, Pa. 19380.	Do.
Do	Clarion	Porter, township of.	H 421510 01 through H 421510 04	do	Township Secretary, Rural Delivery No. 1, Township of Porter, New Bethlehem, Pa. 16242.	Do.
Do	Crawford	Cambridge, township of.	H 421564 01 through H 421564 03	do	Chairman, Township of Cambridge, Rural Delivery No. 3, Cambridge Springs, Pa. 16403.	Do.
Do	Cumberland	Shippensburg, township of.	H 421585 01 through H 421585 02	do	Shippensburg Township Council, 60 West Burd St., Township of Shippensburg, Shippensburg, Pa. 17257.	Do.
Do	Franklin	Hamilton, township of.	H 421651 01 through H 421651 03	do	Chairman, Hamilton Township, Supervisor, Rural Delivery No. 4, Township of Hamilton, Chambersburg, Pa. 17201.	Do.
Do	do	Washington, township of.	H 421658 01 through H 421658 06	do	Chairman, Washington Township, Supervisor, Municipal Building, Rural Delivery No. 3, Waynesboro, Pa. 17268.	Do.
Do	Lancaster	Bart, township of.	H 421761 01 through H 421761 05	do	Chairman, Board of Supervisors, Township of Bart, Rural Delivery No. 3, Quarryville, Pa. 17566.	Do.
Do	do	East Lampeter, township of.	H 421771 01 through H 421771 06	do	East Lampeter Township Bldg., 2205 Old Philadelphia Pike, Lancaster, Pa. 17602.	Do.
Do	do	Elizabeth, township of.	H 421773 01 through H 421773 06	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Township of Elizabeth, Elizabeth, Pa. 17543.	Do.
Do	do	Fulton, township of.	H 421774 01 through H 421774 07	do	Chairman, Board of Supervisors, Township of Fulton, Peach Bottom, Pa. 17563.	Do.
Do	do	Paradise, township of.	H 421777 01 through H 421777 06	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Paradise, Paradise, Pa. 17562.	Do.
Do	Mercer	East Lackawahnock, township of.	H 421864 01 through H 421864 02	do	Chairman Board of Supervisors, Rural Delivery No. 2, New Wilmington, Pa. 16142.	Do.
Do	Northampton	Allen, township of.	H 421928 01 through H 421928 06	do	Mayor, Township of Allen, Allen, Pa.	Do.
Do	Northumberland	East Cameron, township of.	H 421937 01 through H 421937 05	do	Mayor, Township of East Cameron, East Cameron, Pa.	Do.
Do	do	Mount Carmel, township of.	H 421942 01 through H 421942 08	do	Mayor, Township of Mount Carmel, 50 North Oak St., Mount Carmel, Pa. 17851.	Do.
Do	do	Rush, township of.	H 421943 01 through H 421943 09	do	Township Supervisor, Township of Rush, Rural Delivery No. 6, Danville, Pa. 17821.	Do.
Do	Westmoreland	Fairfield, township of.	H 422189 01 through H 422189 08	do	Fairfield Township Chairman, Board of Supervisors, Rural Delivery No. 1, W. 30-A, Bolivar, Pa. 15923.	Do.
Do	do	South Huntingdon, township of.	H 422194 01 through H 422194 07	do	Chairman, Board of Supervisors, Township of South Huntingdon, Rural Delivery No. 1, West Newton, Pa. 15089.	Do.
Do	do	Washington, township of.	H 422106 01 through H 422106 05	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Box 239, Apollo, Pa. 15613.	Do.
Rhode Island	Providence	Scituate, township of.	H 440024 01 through H 440024 06	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, R.I. 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, R.I. 02903.	Mayor, Township of Scituate, Scituate, R.I.	Do.
South Carolina	Charleston	Hollywood, town of.	H 450037 01 through H 450037 02	South Carolina Water Resources Commission, P.O. Drawer 164, 700 Knox Abbot Dr., Cayce, S.C. 29033 South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Bruce Fuckett, Manager, Hollywood, S.C. 29449.	Do.
Do	Colleton County	Unincorporated areas.	H 450056 02 through H 450056 06	do	Sen. J. P. Harrelson, Colleton County, County Delegation, 7 Professional Center, Walterboro, S.C. 29488.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	Smoaks, town of	H 450057 01	do	Clifford P. Robertson, Mayor, Box 13, Smoaks, S.C. 29481.	Do.
Do	Laurens	Cross Hill, town of.	H 450124 01 through H 450124 02	do	R. T. Hollingsworth, Mayor, Cross Hill, S.C. 29332.	Do.
Do	Lexington	Unincorporated areas.	H 450129 01 through H 450129 02	do	Mr. J. D. Ellisor, Bldg., Inspector Lexington County Courthouse, Lexington, S.C. 29072.	Do.
Do	New Berry	New Berry, town of.	H 450153 01 through H 450153 02	do	Clarence A. Shealy, Jr., Manager, P.O. Drawer 538, New Berry, S.C. 29105.	Do.
Do	Williamsburg	Stuckey, town of	H 450192 01	do	D. L. Stuckey, Manager, Town of Stuckey, Hemingway, S.C. 29554.	Do.
Tennessee	Carroll	McKenzie, town of.	H 470023 01 through H 470023 02	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance, and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Chairman of the Planning Commission, P.O. Box 159, McKenzie, Tenn. 38201.	Do.
Do	McNairy	Finger, town of	H 470129 01 through H 470129 15	do	Mayor, Finger, Tenn. 38334	
Do	Montgomery	Clarksville, city of.	H 470137 04 through H 470137 15	do	Clarksville City Council, City of Clarksville, Clarksville, Tenn. 37040.	Do.
Texas	Hidalgo	Palmhurst, city of.	H 480346 01 through H 480346 02	Texas Water Development Board, P.O. Box 12067, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 110 San Jacinto St., Austin, Tex. 78701.	Mayor, Route 1, Box 307, City of Palmhurst, Mission, Tex. 78572.	Do.
Utah	Sanpete	Moroni, city of	H 490118 01	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, City Hall, City of Moroni, Moroni, Utah 84646.	Do.
Do	Summit and Wasatch.	Park City, city of.	H 490139 01 through H 490139 03	do	Mayor, City of Park City, Park City, Utah 84060.	Do.
Vermont	Addison	Ferrisburg, town of.	H 500002 01 through H 500002 08	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Ferrisburg Board of Selectmen, Ferrisburg, Vt. 05456.	Do.
Do	Essex	Bloomfield, town of.	H 500045 01 through H 500045 03	do	Chairman, Bloomfield Board of Selectmen, Town of Bloomfield, North Stratford, Vt. 03590.	Do.
Do	Rutland	Brandon, town of	H 500090 01 through H 500090 06	do	Chairman, Brandon Board of Selectmen, Brandon, Vt. 05733.	Do.
Do	Washington	Cabot, village of	H 500107 01	do	Chairman, Cabot Village Trustees, Cabot, Vt. 05647.	Do.
Do	Orleans	Westfield, town of.	H 500257 01 through H 500257 06	do	Mayor, Town Hall, Town of Westfield, Westfield, Vt. 05874.	Do.
Do	Windsor	Barnard, town of	H 500292 01 through H 500292 03	do	Mayor, Town Hall, Town of Barnard, Barnard, Vt. 05031.	Do.
Virginia	Botetourt	Unincorporated areas.	H 510018 01 through H 510018 35	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Mr. A. T. Baskerville, County Administrator, Botetourt County Board of Supervisors, P.O. Box 83, Fincastle, Va. 24090.	Do.
Do	Independent city	Falls Church, city of.	H 510054 01 through H 510054 02	do	City Council, 300 Park Ave., Falls Church, Va. 22046.	Do.
Do	Northampton	Unincorporated areas.	H 510105 01 through H 510105 24	do	Mr. E. B. Savage, P.O. Box 358, Northampton County, Eastville, Va. 23347.	Do.
Do	Independent city	Winchester, city of.	H 510173 01 through H 510173 05	do	Mayor, City Hall, City of Winchester, Winchester, Va. 22601.	Do.
Do	Rockbridge	Goshen, town of	H 510217 01	do	Mayor, Town of Goshen, Goshen, Va. 24439.	Do.
Washington	Clark	Unincorporated areas.	H 530024 01 through H 530024 15	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mr. Cecil D. Kinder, Director, Department of Public Works, County of Clark, 1200 Franklin St., Vancouver, Wash. 98660.	Do.
Do	Klickitata	Unincorporated areas.	H 530099 01 through H 530099 10	do	Klickitata County Building Official; Klickitata County Building Department, P.O Box 775, Goldendale, Wash. 98620	Do.
West Virginia	Mason	Leon, city of	H 540113 01	Office of Federal State Relations, room W 115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Mason County Court, City of Leon; Point Pleasant, W. Va. 25550.	Do.
Do	McDowell	Davy, town of	H 540116 01 through H 540116 02	do	Mayor, Town Hall, Davy, W. Va. 24828.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Wisconsin	Ashland	Butternut, village of.	H 550008 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Village President, Butternut, Wis. 54514.	Do.
Do.	Barron	Almena, village of.	H 550009 01	do	President, Village Hall, Almena, Wis. 54806.	Do.
Do.	Dodge	Brownsville, village of.	H 550046 01	do	Village President, Brownsville, Wis. 53006.	Do.
Do.	Marquette	Oxford, village of.	H 550268 01	do	Village President, Oxford, Wis. 53952.	Do.
Do.	Racine	North Bay, village of.	H 550350 01	do	Village President, Village of North Bay, 301 North Vincennas Circle, Racine, Wis. 53402.	Do.
Do.	Rusk	Ingram, village of.	H 550374 01	do	President, Village Board, Village of Ingram, Ingram, Wis. 54535.	Do.
Do.	Sauk	Loganville, village of.	H 550397 01	do	Village President, Village of Loganville, Loganville, Wis. 53943.	Do.
Do.	Sawyer	Radisson	H 550411 01	do	Village President, Village of Radisson, Radisson, Wis. 54867.	Do.
Do.	Trempealeau	Pigeon Falls, village of.	H 550446 01	do	Village President, Village of Pigeon Falls, Pigeon Falls, Wis. 54760.	Do.
Do.	Waukesha	Dousman, village of.	H 550480 01	do	Village President, Village of Dousman, Dousman, Wis. 53118.	Do.
Wyoming	Fremont	Hudson, town of.	H 560019 01	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Building, Cheyenne, Wyo. 82001.	Municipal Building, Town of Hudson, Hudson, Wyo. 82515.	Do.
Do.	Sheridan	Dayton, town of.	H 560045 01	do	Mayor, Town of Dayton, Dayton, Wyo. 82836.	Do.
Do.	do	Ranchester, town of.	H 560046 01	do	Mayor, Town of Ranchester, Ranchester, Wyo. 82839.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), (42 U.S.C. 4001-4127); Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: August 29, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-20827 Filed 9-11-74;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 482]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Sept. 13-19, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.782 Valencia Orange Regulation 482.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be active. Prices f.o.b. averaged $3.55 per carton on a reported sales volume of 556 carlots last week, compared with an average f.o.b. price of $3.62 per carton and sales of 677 carlots a week earlier. Track and rolling supplies at 317 cars were down 63 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and

effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 10, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 13, 1974, through September 19, 1974, are hereby fixed as follows:

(i) District 1: 371,000 cartons;

(ii) District 2: 329,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: September 11, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21292 Filed 9-11-74;11:42 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

[Ruling 1974-25]

APPENDIX—RULINGS

SPOT SALES UNDER PART 211

Facts. During the year 1972, Firm A made sales of motor gasoline to Firm B. Firm A was not the supplier of motor gasoline to Firm B on a regular or continuing basis. Firm A's sales to Firm B were made in order to distribute product not required by Firm A's regular customers at the time of the sales, and Firm B's purchases were for the purpose of rectifying certain of its supply inbalances. The transactions between Firm A and Firm B (herein referred to as "spot sales") did not occur with any regularity during the year 1972.

Issue. Under 10 CFR 211.10(b)(2)(ii) are such spot sales included as part of Firm B's base period use so as to require such sales to be included in Firm A's supply obligation for purposes of 10 CFR 211.10(b)(2)(i)?

Ruling. Section 211.10(b)(2)(ii) provides that a "• • • wholesale purchaser's base period volume of a particular allocated product is the volume of that allocated product purchased or obtained during the appropriate base period . . ." The language in this section does not distinguish between purchases made on the basis of a continuing relationship and those made on a spot basis in a base period. In addition, exclusion of spot sales from base period volume would conflict with the purpose of the Mandatory Petroleum Allocation Regulations to assure supplies to wholesale purchaser-consumers and end-users with reference to their supply levels in the appropriate base period, since such exclusion would result in a base-period volume which might not accurately reflect actual supply levels in the base period.

Accordingly, Firm A's sales to Firm B would constitute a part of Firm B's base period use for purposes of § 211.10(b)(2)(ii) and thereby would be included in Firm A's supply obligation to Firm B for purposes of § 211.10(b)(2)(i).

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

SEPTEMBER 9, 1974.

[FR Doc.74-21061 Filed 9-9-74;12:07 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 12, Amdt. 15]

PART 121—SMALL BUSINESS SIZE STANDARDS

Size Standards Differential for Areas of Substantial Unemployment and Redevelopment Areas

On June 27, 1974, there was published in the FEDERAL REGISTER (39 FR 23280) a notice that the Small Business Administration proposed to extend the application of the area of substantial unemployment and redevelopment area size standards differential to all financial assistance programs of the Small Business Administration. Interested parties were given until July 12, 1974, to comment thereon.

After consideration of all comments on the proposal and other information available, it has been determined to amend § 121.3-7(b) in the form proposed, but with the addition of a phrase to provide that the differential shall not apply to the surety bond guarantee assistance program.

Accordingly, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising § 121.3-7(b) to read as follows:

§ 121.3-7 Differentials.

• • • • •

(b) Substantial or persistent unemployment areas; areas of concentrated unemployment or underemployment; certified eligible concerns and redevelopment areas.

(1) *Financial assistance programs of the Small Business Administration and financial assistance under the Small Business Investment Act of 1958, as amended.* Notwithstanding any other provision of this part, the applicable size standards for the purpose of all financial assistance programs of the Small Business Administration except the surety bond guarantee assistance program, and for the purpose of financial assistance under the Small Business Investment Act of 1958, as amended, are increased by 25 percent whenever the concern maintains or operates a plant, facility, or other business establishment within an area of substantial unemployment or under-employment or redevelopment area as defined in § 121.3-2(d) and (v) or is designated as a "Certified Eligible" concern by the Department of Labor and agrees to use the assistance within such area, or, if it does not maintain a plant, facility, or other business establishment within such area, agrees to utilize the assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

(2) *Government procurement assistance, sales of Government property, and Government subcontracting.* Section 121.3-7(b) is not applicable to size determinations for the purpose of Government procurement assistance, sales of Government property, or Government subcontracting.

(Catalog of Federal Domestic Assistance Program Nos. 59.001, Displaced Business Loans; 59.002, Economic Injury Disaster Loans; 59.010, Product Disaster Loans; 59.014, Coal Mine Health and Safety Loans; and 59.016, Bond Guarantees for Surety Companies)

Effective date: September 12, 1974.

Dated: September 5, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-21025 Filed 9-11-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-NW-17-AD; Amdt. 39-1957]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 737 Series Airplanes

Amendment 39-1767 (38 FR 20818), AD 74-1-1, requires inspection of the wing front spar upper chord for cracks and repair as necessary on Boeing Model 737 airplanes. After issuing Amendment 39-1767, the Agency determined that longer reinspection intervals are possible if the wing skin is shot peened during repair. Therefore, the AD is being amended to provide for increased reinspection intervals.

Since this amendment provides an alternative means of compliance, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations, Amendment 39-1767 (38 FR 20818), AD 74-1-1, is amended as follows:

1. Amend paragraph (C) by adding another sentence to read "Reinspect in accordance with Paragraph (F)."

2. Add a new paragraph (F) to read:

(F) Apply a coating of LPS-3 to the inspected area and reinspect the wing front spar upper chord forward surface for cracks from front spar station 108 to 198 in accordance with Boeing Service Bulletin 737-57-

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1081 Revision 3, or later FAA approved revisions at the following times:

(i) At intervals not to exceed 2500 hours time in service if the repair to the chord included shot peening the wing skins per Boeing S/B 737-57-1081 Revision 3 or later FAA approved revisions.

(ii) At intervals not to exceed 1000 hours time in service if shot peening has not been done in the repair.

This amendment becomes effective September 18, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Seattle, Washington on September 3, 1974.

C. B. WALK, JR.,
Director, Northwest Region.

NOTE: The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.74-21046 Filed 9-11-74;8:45 am]

[Docket No. 73-NW-11-AD; Amdt. 39-1958]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 737 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation regulations to include an airworthiness directive requiring inspection and replacement, as necessary, of the bolts that attach the forward end of the outboard flap tracks to the wing on Boeing Model 737 series airplanes was published in 39 FR 22273.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Two comments were received and both requested clarification of the applicability of the 5000-hour threshold requirement with respect to the 5/16 bolts. The amendment makes it clear that bolt-time governs and not airplane time.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13, of Part 39 of the Federal Aviation regulations, is amended by adding the following new airworthiness directive:

BOEING: Applies to Model 737 Series airplanes as Listed in the Effectivity Paragraph of Boeing Alert Service Bulletin 737-57-1079, Revision 1, or Later FAA Approved Revisions, With Bolts Having More Than 5000 Hours Time In-service. Compliance Required As noted

(A) Within the next 500 hours time in-service after the effective date of this AD, unless already accomplished within the last 500 hours time in-service, and thereafter at intervals not to exceed 1000 hours time in-service from the last inspection, accomplish a torque check of the bolts per (B) below.

(B) Torque check the 5/16 inch bolts that attach the forward support fitting of the inboard and outboard flap tracks of the outboard flap in accordance with Boeing Alert Service Bulletin 737-57-1079, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(C) Bolts which either fail or do not sustain the torque check shall be replaced with new bolts before further flight. If the replaced bolt is a 3/4-inch bolt, prior to 5000 hours time in-service, and thereafter at intervals not to exceed 1000 hours time in-service from the last inspection, accomplish a torque check per (B) above.

(D) Terminating action for this airworthiness directive consists of bolt replacement with 3/4-inch diameter, stainless steel bolts, in accordance with Boeing Alert Service Bulletin 737-57-1079, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(E) Upon request by an operator, through an appropriate FAA maintenance inspector, subject to approval by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, the repetitive inspection period herein may be adjusted for that operator if the request contains adequate substantiating data to justify the increase.

The Manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents may obtain copies upon request to The Boeing Company, P.O. Box 3707, Seattle, Washington, 98124. These documents may also be examined at FAA Northwest Region, Boeing Field, Seattle, Washington.

This amendment becomes effective on October 18, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Seattle, Washington on September 4, 1974.

C. B. WALK, JR.,
Director, Northwest Region.

NOTE: The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.74-21047 Filed 9-11-74;8:45 am]

[Airspace Docket No. 74-SO-80]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation regulations is to amend the description of VOR Federal Airway No. 198 between Greenville, Fla., and Taylor, Fla.

At the present time V-198 is described as six miles wide from Greenville, Fla., to 18 miles east of Greenville, Fla. The reduced route width was designated some years ago to provide lateral separation from special use airspace. Past airspace actions have eliminated the need for the reduced airway width and action is taken herein to revoke the six mile route width and replace it with the standard eight mile route width.

Since this amendment is minor in nature and one upon which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., November 7, 1974, as hereinafter set forth.

Section 71.123 (39 FR 307, 38 FR 35449) is amended as follows: In V-198, "Greenville, Fla.; 18 miles, 6 miles wide, Taylor, Fla.; Jacksonville, Fla." is deleted and "Greenville, Fla.; Taylor, Fla.; to Jacksonville, Fla." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 6, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-21048 Filed 9-11-74;8:45 am]

[Airspace Docket No. 73-SW-35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area; Correction

On April 26, 1974, FR Doc. No. 74-9539 was published in the FEDERAL REGISTER (39 FR 14696). This document amended Part 71 of the Federal Aviation regulations and contained an alteration of the Monroe, Louisiana, transition area and was to be effective July 18, 1974.

On May 22, 1974, FR Doc. No. 74-11667 was published in the FEDERAL REGISTER (39 FR 17929) which amended the effective date of Airspace Docket No. 73-SW-35 to August 15, 1974. The description of the Monroe transition area contained in Document No. 74-9539 referenced the Monroe VORTAC at latitude 32°31'00" N., longitude 92°02'09" W. This describes the site of the relocation of the Monroe VORTAC which is presently in progress, and commissioning of the facility has been delayed until February 27, 1975. Action is taken herein to amend the description of the transition area to delete reference to the Monroe VORTAC.

Since this amendment will impose no undue burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended effective September 12, 1974 as hereinafter set forth.

In § 71.181 (39 FR 440), the Monroe, Louisiana, transition area is amended to read:

MONROE, LA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Monroe Municipal Airport (latitude 32°30'30" N., longitude 92°02'20" W.); within 5 miles NW and 8 miles SE of the Monroe ILS localizer SW course extending from 5 miles NE to 12 miles SW of the LOM and 4.5 miles each side of a 308° bearing from latitude 32°31'00" N., longitude 92°02'09" W., extending from the 6-mile radius area to 18 miles NW of latitude 32°31'00" N., longitude 92°02'09" W.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Texas on September 3, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-21049 Filed 9-11-74;8:45 am]

[Airspace Docket No. 74-WA-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Change of Names for Reporting Points

Correction

In FR Doc. 74-19643 appearing at page 30839 in the issue for Monday, August 26, 1974, make the following changes on page 30840:

1. In the second column, paragraph c.1. under § 71.209, the third line, the word "ALASKA:" should read "ALASK:".

2. Second column, paragraph c.7. under § 71.209, fifth line, the figures now reading "Long. 91°12'35" W." should read "Long. 91°12'34" W.".

3. Under § 71.209, the third column, paragraph 17., after the fourth line the following line was omitted and should be inserted to read: "00" N., Long. 89°32'-02" W. (INT Grand Isle,".

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1512—REQUIREMENTS FOR BICYCLES

Banning of Hazardous Bicycles; Establishment of Safety Requirements; Correction

In FR Doc. 74-15315 appearing at page 26100 in the FEDERAL REGISTER of July 16, 1974, 16 CFR Part 1512 is corrected:

1. In § 1512.5(e)(3), first sentence, by inserting "and not equipped with a brake" before "shall not have a free-wheel feature."

2. In § 1512.16(d), second sentence, by inserting "mast" after "to the rear of the seat".

3. In § 1512.18(b)(1), by changing "88 mm" to "83 mm".

4. In § 1512.18(j)(3)(i), third sentence, by changing "11.2 N" to "111 N".

5. In § 1512.18(m)(2), by inserting "in the same plane" before "parallel to that".

Dated: September 9, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-21117 Filed 9-11-74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74-231]

PART 1—GENERAL PROVISIONS

On April 25, 1974, there was published in the FEDERAL REGISTER (39 FR 14610), a notice of a proposed change in Customs Region VI, which would consolidate the Beaumont, Orange, Port Arthur, and Sabine, Texas, Customs ports of entry into a single Beaumont, Orange, Port Arthur, Sabine Customs port of entry.

After consideration of the comments received in response to the notice, it has been decided to establish the consolidated port of entry, as proposed. However, in order to facilitate accurate record-keeping within the consolidated port of entry, each port within the consolidated port of entry will maintain its existing port code number. Also, it should be noted that the status of the port of Lake Charles, Louisiana, also in the Port Arthur Customs district, will not be affected by the consolidation described herein.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to the authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), the Beaumont, Orange, Port Arthur, Sabine Customs port of entry is established. The geographical limits of the new port encompass all of the area falling, before this consolidation, within the port limits of Beaumont, Orange, Port Arthur, and Sabine, Texas, and include all of Jefferson County and Orange County, Texas.

To reflect this change, the table in § 1.2(c) of the Customs Regulations is hereby amended by substituting "BEAUMONT, ORANGE, PORT ARTHUR, SABINE, TEX. (including territory described in T.D. 74-231)" for "PORT ARTHUR, TEX. (including territory described in T.D. 54137).", "Beaumont, Tex. (E.O. 4502, Sept. 1, 1928) (including territory described in T.D. 54137).", "Orange, Tex. (E.O. 7495, Nov. 14, 1936; 1 FR 1867) (including territory described in T.D. 54137).", and "Sabine, Tex. (including territory described in T.D. 54137).", in the column headed "Ports of entry" in the Port Arthur, Texas, Customs district (Region VI). (Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U.S.C. 1, 2)

It is desirable to make the benefits of the consolidated Customs port of entry available to the public as soon as possible. Therefore good cause is found for dispensing with the delayed effective date provision of 5 U.S.C. 553(d).

Effective date. This amendment shall be effective September 12, 1974.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

SEPTEMBER 5, 1974.

[FR Doc.74-21057 Filed 9-11-74;8:45 am]

[T.D. 74-233]

PART 159—LIQUIDATION OF DUTIES

Non-rubber Footwear From Brazil

In the FEDERAL REGISTER of March 8, 1974 (39 FR 9213), the Commissioner of Customs announced that information had been received pursuant to the provisions of § 159.47(b) of the Customs Regulations (19 CFR 159.47(b)) which appeared to indicate that certain payments, bestowals, rebates, or refunds granted by the Government of Brazil upon the manufacture, production, or exportation of non-rubber footwear constitute the payment or bestowal of a bounty or grant directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or exportation of the merchandise to which the payments, bestowals, rebates, or refunds apply. The notice provided interested parties 30 days from the date of publication to submit any relevant data, views, or arguments with respect to the existence or nonexistence and the net amount of a bounty or grant.

In the FEDERAL REGISTER of April 26, 1974 (39 FR 14734), the time period for the written submissions was extended from 30 days to 90 days.

An investigation was conducted pursuant to § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)).

After consideration of all information received, the United States Customs Service is satisfied that exports of non-rubber footwear from Brazil are subject to bounties or grants within the meaning of section 303.

Accordingly, notice is hereby given that non-rubber footwear manufactured in Brazil, imported directly or indirectly from Brazil, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the Customs Bulletin, will be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, until further notice the amount of such bounty or grant under the information presently available has been estimated to be 12.3 percent of the f.o.b. or ex-works price to the United States of shoes manufactured by firms whose export sales account for 40 percent or less of the value of their total sales and 4.8 percent of the f.o.b. or ex-works price to the United States of shoes manufactured by firms whose export sales account for more than 40 percent of the value of their total sales.

Effective on the 31st day after the date of publication of the notice in the Customs Bulletin and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable non-rubber footwear, manufactured in Brazil, imported directly or indirectly from Brazil which benefits from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amounts estimated in accordance with the above declaration. To the extent that it has been or can be established to the satisfaction of the Commissioner of Customs that imports of shoes manufactured by a particular firm are the recipients of a bounty or grant smaller than the

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amount which would otherwise be applicable under the above declaration, the smaller amount so established shall be assessed and collected on imports of such shoes.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid, credited or bestowed directly or indirectly, upon the manufacture, production, or exportation of non-rubber footwear manufactured in Brazil.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting under column headed "Country," the name "Brazil" and by inserting for Brazil "Footwear, non-rubber" in the column headed "Commodity," the number of this Treasury Decision in the column headed "Treasury Decision," and the words "Bounty Declared—Rate" in the column headed "Action."

(R.S. 251, as amended, secs. 303, 624; 46 Stat. 687, 759, 19 U.S.C. 66, 1303, 1624.)

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: September 9, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-21064 Filed 9-11-74;8:45 am]

[T.D. 74-234]

PART 159—LIQUIDATION OF DUTIES

Bottled Green Olives From Spain

In the FEDERAL REGISTER of July 16, 1974 (39 FR 26046), the Commissioner of Customs announced that information had been received in proper form pursuant to § 159.47(b) of the Customs Regulations (19 CFR 159.47(b)) which appeared to indicate that certain payments or bestowals made by the Government of Spain on the exportation from Spain of bottled green olives constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) upon the manufacture, production or exportation of the merchandise to which the payments apply. The notice provided interested parties 30 days from the date of publication to submit data, views, or arguments with regard to the existence or nonexistence and the net amount of a bounty or grant. A subsequent notice (39 FR 30364) extended the period for comments an additional 14 days.

An investigation was conducted pursuant to § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)).

After consideration of all information received, the United States Customs Service is satisfied that exports of bottled green olives from Spain are subject to bounties or grants within the meaning of section 303.

Accordingly, notice is hereby given that bottled green olives imported directly or indirectly from Spain, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the Customs Bulletin, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the amount of the bounties or grants, under the information presently available, has been determined to be 2.9 percent of the f.o.b. or ex-works price to the United States.

Effective on the 31st day after the date of publication of the notice in the Customs Bulletin and until further notice, upon the entry for consumption of such dutiable bottled green olives imported directly or indirectly from Spain which benefit from these bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such bottled green olives from Spain.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting under the column headed "Country," the name "Spain" and by inserting for Spain the words "bottled green olives" in the column headed "Commodity," the number of this Treasury decision in the column headed "Treasury Decision," and the words "Bounty Declared—Rate" in the column headed "Action."

(R.S. 251, secs. 303, 624; 46 Stat. 687, 759; 19 U.S.C. 66 1303, 1624)

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: September 9, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-21065 Filed 9-11-74;8:45 am]

[T.D. 74-235]

PART 159—LIQUIDATION OF DUTIES

Non-rubber Footwear From Spain

In the FEDERAL REGISTER of July 16, 1974 (39 FR 26046), the Commissioner of Customs announced that information had been received in proper form pursuant to § 159.47(b) of the Customs Regulations (19 CFR 159.47(b)) which appeared to indicate that certain payments or bestowals made by the Government of Spain on the exportation from Spain of non-rubber footwear constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) upon the manufacture, production or exportation of the merchandise to which the payments apply. The notice provided interested parties 30 days from the date of publication to submit data, views, or arguments with regard to the existence or nonexistence and the net amount of a bounty or grant. A subsequent notice (39 FR 30364) extended the period for comments an additional 14 days.

In the FEDERAL REGISTER of August 14, 1974 (39 FR 29205), an "Amendment of Notice of Countervailing Duty Proceedings" was published to more specifically define the merchandise under consideration as "non-rubber footwear" from Spain.

An investigation was conducted pursuant to § 159.57(c) of the Customs Regulations (19 CFR 159.47(c)).

After consideration of all information received, the United States Customs Service is satisfied that exports of non-rubber footwear from Spain are subject to bounties or grants within the meaning of section 303.

Accordingly, notice is hereby given that non-rubber footwear imported directly or indirectly from Spain, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the Customs Bulletin, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the amount of the bounties or grants, under the information presently available, has been determined to be 3 percent of the f.o.b. or ex-works price to the United States.

Effective on the 31st day after the date of publication of the notice in the Customs Bulletin and until further notice, upon the entry for consumption of such dutiable non-rubber footwear imported directly or indirectly from Spain which benefit from these bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such non-rubber footwear from Spain.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting under the column headed "Country," the name "Spain" and by inserting for Spain the words "non-rubber footwear" in the column headed "Commodity," the number of this Treasury decision in the column headed "Treasury Decision," and the words "Bounty Declared—Rate" in the column headed "Action."

(R.S. 251, secs. 303, 624; 46 Stat. 687, 759; 19 U.S.C. 66 1303, 1624)

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: September 9, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-21066 Filed 9-11-74;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Utah Developmental Plan; Correction

This document amending Part 1952 of Chapter XVII of Title 29 of the Code of Federal Regulations, published in the FEDERAL REGISTER on Wednesday, January 10, 1973, at 38 FR 1180, as amended September 18, 1973 (38 FR 26449), is corrected by changing the address of the Occupational Safety and Health Administration (formerly Safety Division), Utah Industrial Commission from 350 East Fifth South, Salt Lake City, Utah 84111, to 444 South Fourth East, Salt Lake City, Utah 84111.

The address of the Utah Industrial Commission remains at 350 East Fifth South, Salt Lake City, Utah 84111.

Signed at Washington, D.C. this 6th day of September 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-21090 Filed 9-11-74;8:45 am]

PART 1953—CHANGES TO STATE PLANS FOR THE DEVELOPMENT AND ENFORCEMENT OF STATE STANDARDS

Subpart C—Federal Program Change Supplements

On February 12, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 5328) concerning proposed rules under section 18 of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for procedures for the submission and consideration of State change supplements in response to Federal program changes.

After consideration of the relevant material which has been submitted by interested persons, the proposal is hereby adopted with some changes. The significant changes include: (1) Further delineation of the procedures for informing the Assistant Regional Directors and the States of Federal program changes; (2) a specific requirement that States promulgate new Federal standards and, in the case of the revocation of Federal product standards, revoke the corresponding State standard unless the conditions in section 18(c)(2) of the Act are met; (3) revision of the time period for submission of State emergency temporary standards as well as revision of the procedures for review of these standards by the Assistant Regional Directors; and (4) clarification as to the time period for the submission of Federal change supplements.

Changes to the proposed regulations were not considered necessary or appropriate in the following instances:

(1) *Applicability to standards.* The public comments raised a question concerning the need for approval of State standards submitted for review subsequent to approval of the State plan. Continuing approval of State standards which have not been specifically addressed in the approval decision is necessary because the States are required to provide assurances that their standards will continue to be identical to, or at least as effective as, the comparable Federal standards. The procedures for seeing that these assurances standards which were not approved at the standards submitted with the State plan; review and approval of State standards which were not approved at the time of plan approval; and review and approval of all future State standards adopted in response to the continuing promulgation of Federal standards. In light of the assurances in the State plan, it is appropriate to include review and approval of the substance of State standards in these procedures in addition to maintaining a log of compliance with the State's standards promulgation procedures in accordance with 29 CFR Part 1954 (OSHA Forms 121 and 122).

(2) *Determination as to separability of an issue.* 29 CFR 1902.2(c) defines the scope of a State plan in terms of issues. The State may cover any issue as defined in § 1902.2(c)(1) of this chapter provided that any exceptions to coverage are administratively practicable and will not conflict with the purpose of the Act. (See Virgin Islands decision excluding the issue of occupational health 38 FR 24896). The public comments expressed some concern that the State must go through the complete change procedures before a determination as to separability can be made. This is not the case. The regulations, 29 CFR Part 1953, Subpart F "Advisory Opinions" provide a mechanism for a State to request a determination as to the separability of any given issue after notification of a Federal program change. When that determination has been made in accordance with the procedures in Subpart F of Part 1953, the State would then proceed with the change supplement, either seeking approval of its standards or deleting the issue. A reference to this procedure is included in Subpart C.

(3) *Prompt notice to States of Federal program changes.* The active participation of States in pending Federal program changes, including standards, as well as prompt notice to the States of pending changes is considered essential to the effective operation of Federal-State programs. Accordingly, every effort will be made to inform the States of Federal activity and to obtain input from them. States are of course able to comment on proposed standards and regulations published in the FEDERAL REGISTER. Additional means of coordination will be considered and implemented. However, regulations governing the submission of changes to State plans are not considered the appropriate forum for such coordination.

Subpart C of Part 1953, as adopted, reads as follows:

Subpart C—Federal Program Change Supplements

Sec.
1953.20 Definitions.
1953.21 Standards supplements.
1953.22 Emergency temporary standards.
1953.23 Submission and consideration of Federal program changes.

§ 1953.20 Definitions.

When the Assistant Secretary determines that any alteration in the Federal program could have an adverse impact on the "at least as effective as" status of the State program, a program change supplement to a State plan shall be required. Examples of Federal program changes that would require a supplement include promulgation or modification of standards, including emergency temporary standards; revisions in enforcement policies or procedures; and legislative or regulatory changes in the Federal program, including recordkeeping and reporting requirements. A Federal program change that would either not affect or that would result in no diminution of the effectiveness of a State plan, generally would not require action by the States.

§ 1953.21 Standards supplements.

(a)(1) In accordance with section 18(c) of the Act, § 1902.3(c)(1) and (2) and § 1902.4(b)(2)(i) through (vii) of this chapter, and the assurances contained in an approved plan, each State has agreed that its standards, including emergency temporary standards, will continue to be identical to or at least as effective as Federal standards promulgated under section 6 of the Act relating to issues covered by the approved plan. The requirement to be at least as effective includes promulgation of new standards as well as modifications, revisions, or revocations of existing standards. Since a State may include standards in addition to Federal standards within an issue covered by an approved plan. It would generally not be necessary for a State to revoke a standard when the comparable Federal standard is revoked and no substitute Federal standard is promulgated.

(2) However, in the case of product standards where section 18(c)(2) of the Act requires that State plans meet certain tests before more stringent standards can be adopted or retained by the States, the modification, revision, or revocation of the Federal product standards would necessitate the modification, revision, or revocation of the comparable State standard unless the State product standard is required "by compelling local conditions and [does] not unduly burden interstate commerce." (See 29 CFR 1952.7).

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(b) The procedures in § 1953.22 of this subpart are applicable to the submission of emergency temporary standards. The procedures in § 1953.23 of this subpart apply to submission of supplements for permanent standards as well as to other Federal program changes. When an emergency temporary standard is adopted as a permanent standard the procedure in § 1953.23 is applicable.

§ 1953.22 Emergency temporary standards.

(a) (1) Immediately upon publication of an emergency temporary standard in the FEDERAL REGISTER, the Assistant Regional Director as directed by the Assistant Secretary, shall advise the States of the standard and the reason why a Federal program change supplement shall be required. The notification shall also provide that the State has 30 days after the effective date of the Federal standard to adopt, under the emergency procedures contained in the plan as required under § 1902.4(a) (1) or (b) (2) (v) of this chapter, a State emergency temporary standard if the State plan covers that issue.

(2) Within 15 days after receipt of the notice of a Federal emergency temporary standard from the Assistant Regional Director, the State shall advise the Assistant Regional Director, of the action it will take. The State should advise whether: (i) It plans to adopt the Federal standard, (ii) it plans to adopt an "at least as effective as" State standard, (iii) the State has an existing standard that is at least as effective, (iv) the Federal standard is not within an issue covered by the State plan, or (v) the State wants to exclude the issue as defined in 29 CFR 1902.2(c) from the plan, which shall be considered as a request for an advisory opinion under Subpart F of this part as to the separability of that issue.

(3) The State shall also include an estimated date of promulgation generally not to exceed 30 days as set out in paragraph (a) of this section. Where the date will exceed 30 days the State shall include a date and the reason why a greater period of time is needed under State law.

(4) The State may also request a finding from the Assistant Regional Director that there is good cause why the State is not required to adopt the standard on an emergency basis. The request must be supported by relevant data as provided under § 1902.2(c) (2) and (3) of this chapter to show that there is no occupational exposure to the hazard within the State such as to warrant an emergency standard. The provisions in paragraph (b) of this section will be applicable to such a request. The application of this paragraph to emergency temporary standards does not mean that a permanent standard would not be required to be promulgated by the State.

(b) (1) The emergency temporary standard when required under paragraph (a) of this section, shall be submitted to the Assistant Regional Director within 5 days following its adoption by the State. The Assistant Regional Director shall review the supplement and if examination discloses that the State standard is identical to or at least as effective as the comparable Federal standard, the Assistant Regional Director shall, within a reasonable time generally not to exceed 20 days, publish a notice to that effect approving the State change.

(2) If examination discloses that the State standard is not at least as effective as the comparable Federal standard, or that the period of time for promulgation which is longer than 30 days is not warranted under paragraph (3) of this section, the Assistant Regional Director shall immediately notify the State of such findings and of an opportunity to cure such defect or show cause why the State temporary emergency standard should not be rejected. Within a reasonable time, generally not to exceed 20 days from the date of such notification, the Assistant Regional Director shall cause to be published in the FEDERAL REGISTER a notice approving or rejecting the State standard, whichever is appropriate. Where the State has not taken the opportunity to show cause why the standard should not be rejected, the notice of rejection shall have immediate effect. Where the State has presented arguments and data for approval of the standard and the question of rejection of the standard is still in issue, a limited public comment period may be provided before decision as to approval or rejection of the standard. The Assistant Regional Director may, in his discretion hold an informal hearing on rejection of the State emergency standard.

§ 1953.23 Submission and consideration of Federal program changes.

(a) Within a reasonable time after the occurrence of a Federal program change, other than promulgation of emergency temporary standards, the Assistant Regional Director as directed by the Assistant Secretary, shall advise the States of the Federal program change and that a State supplement is required. The notification shall also contain a time period generally not to exceed 30 days for the submission of the Federal program change supplement, or a schedule for the completion of such change.

(b) (1) An authorized representative of the State agency or agencies designated under section 18(c) (1) of the Act to administer the plan shall submit the supplement with 6 copies to the Assistant Regional Director. The supplement shall contain the completed change or a schedule for completion of the change where necessary. Whenever the State change differs from the Federal program change, the supplement shall contain documentation on how the change maintains the "at least as effective as" status of the plan.

(2) The State may show cause why a supplement should not be required on the grounds that the State program is already the same as or at least as effective as the Federal program change, or that the failure to adopt the Federal program change would not diminish the effectiveness of the State program. The procedures in this section would be applicable thereto.

(3) Where the Federal program change is a permanent standard the State may also advise the Assistant Regional Director that the State wants to exclude the issue from the plan. Such a submission shall be considered as a request for an advisory opinion under Subpart F of this part as to the severability of that issue.

(c) Upon receipt of the Federal program change supplement or schedule submitted by the State, the Assistant Regional Director shall make a preliminary review of the change. If his examination reveals any defect in the supplement or the schedule, the Assistant Regional Director shall offer assistance to the State and shall provide the agency with an opportunity, generally not to exceed 30 days, to cure such defect either by revising the change or submitting a new or revised schedule for completion of the change. After the preliminary review and after affording the State such opportunity to cure any defects, the Assistant Regional Director shall submit the Federal program change supplement promptly to the Assistant Secretary, except as provided in § 1953.4 of this part for review and publication of standards supplements.

(d) (1) Upon receipt of the Federal program change supplement from the Assistant Regional Director, the Assistant Secretary shall examine the change and supporting material. If examination discloses that the State change is identical to the Federal program change, the Assistant Secretary shall, within a reasonable time, publish notice to that effect approving the State change. If examination discloses that the Federal program change supplement submitted by the State differs significantly from the Federal change or when the timetable for an identical Federal change supplement might require substantial revision, the procedures provided in §§ 1902.11 and 1902.12 of this chapter shall be followed.

(2) If examination discloses cause for rejecting the change or when the State declines to submit a change without sufficient reasons, the Assistant Secretary shall provide the State with a reasonable time, generally not to exceed 30 days, to submit to the Assistant Regional Director, for review and submission to the Assistant Secretary, a revised supplement or to show cause why a proceeding should not be commenced for rejection of the change or for failure to submit change, in accordance with the procedures in § 1902.17 of this chapter.

(e) A Federal program change supplement will be reviewed in the context of the entire plan to determine its impact on the "at least as effective as" status of the plan. The decision shall reflect the Assistant Secretary's determination as to whether the change meets those requirements.

Effective date. This amendment to Part 1953 shall be effective on September 12, 1974.

(Secs. 8(g)(2), 18, Pub. L. 91-596, 84 Stat. 1598, 1608 (29 U.S.C. 657(g)(2), 667))

Signed at Washington, D.C. this 6th day of September 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-21091 Filed 9-11-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 310—NEW DRUGS

Patient Labeling of Medroxyprogesterone Acetate Injectable Contraceptive

The Commissioner of Food and Drugs issued a proposal to amend § 130.45 (21 CFR 130.45), recodified as § 310.501 in the FEDERAL REGISTER of March 29, 1974 (39 FR 11680), to provide for patient labeling for the injectable contraceptive medroxyprogesterone acetate in the FEDERAL REGISTER of October 10, 1973 (38 FR 27940). The notice stated that the Food and Drug Administration has pending for approval medroxyprogesterone acetate injectable for contraceptive use NDA 12-541). To help assure that the drug is properly used, certain specific conditions for approval were proposed.

Fourteen comments were received from individual citizens, a physician, State officials, family planning groups, a drug manufacturer, teaching institutions, consumer groups, and a professional society. Three of these concerned the proposed patient labeling, either directly or indirectly, and the rest addressed themselves to the other conditions for approval and whether or not the drug has been shown to be safe and effective for contraception.

Three comments categorically endorsed the proposal based on the usefulness of the drug in certain patients. The remaining comments may be summarized as follows:

COMMENTS ON PROPOSED PATIENT LABELING

1. Two comments suggested that references in the patient brochure to oral contraceptives be deleted because they do not appear relevant to this injectable drug containing no estrogens, do not conform to Food and Drug Administration policy prohibiting comparative statements unsupported by substantial evidence, and also could be confusing to the user.

The Commissioner does not agree that the subject references are irrelevant to discussion of these drugs, and concludes that such information is necessary to inform fully the user. The comparisons made in the brochure relate to persons who do and persons who do not use oral contraceptives, and are not comparisons between drugs. Current Food and Drug Administration policy is to include these data in labeling for systemic contraceptives whether or not they contain estrogens. The reason for such inclusion is to present as complete a discussion as possible concerning this class of drugs. The brochure contains no comparative statements which are unsupported by substantial evidence.

2. Several comments requested that leaflets and brochures be written in language for the layman and contain multiple messages to convey the message better to users differing in age, language, socio-economic status, ethnicity, and other psycho-social factors. These comments also suggested that the information be presented in a more personalized and in a less harsh and punitive manner. It was further suggested that the Food and Drug Administration seek the assistance of persons trained in communication and health education as well as the lay public in developing patient labeling and also that appropriate testing and evaluation methods be employed to determine its effectiveness.

The Commissioner concludes that these suggestions have merit and that serious consideration must be given to each of them. Initially, the patient leaflet has been reworded more simply to express the nature and the hazards of the drug. The Food and Drug Administration will also undertake a program to test the adequacy of both information pieces for the purposes of evaluation and updating. This will entail assessments by physicians and patients as well as by experts in communications.

3. Several comments expressed concern over the methods and timeliness of obtaining patient consent. One felt that patient information and consent generally should be available through and obtained by either the physician or the pharmacist; another suggested that the Food and Drug Administration establish a system whereby potential recipients of the drug, or their guardians, could obtain information directly from the Food and Drug Administration by a toll-free telephone "hot-line" and that notification of the existence of such a service be made part of the drug package. A number of these comments also felt that the patient should be given sufficient lead time to review potential risks, benefits, and available options prior to her ultimate decision, and questioned the rationale for a second detailed brochure to be presented to the patient after the drug has been administered. There were additional suggestions that the patient information should include a comparison of all methods of contraception and their benefits and risks, and that it be made mandatory to present the full patient brochure to the patient prior to obtaining her consent.

After considering these comments, the Commissioner concludes that the proposed procedures developed to obtain informed consent provide adequate information, time, and opportunity for such consent. The physician has the ultimate responsibility for ensuring that consent is obtained. The establishment of a toll-free telephone hot-line is not regarded as necessary or likely to contribute any information not provided to the patient or the prescriber in the labeling for the drug. As new information is gained, all the literature required to be distributed with the drug will be updated. In addition, the Food and Drug Administration can currently be contacted for further information at any time. The responsible person obtaining the patient's consent should make certain that she (or her parent or guardian) reads and understands the patient leaflet. This is a basic part of informed consent. The purpose of the patient brochure is to provide more detailed discussion so that she (or her parent or guardian) can obtain a better understanding of the drug and can consider her willingness to continue on the drug in the future. The leaflet contains the most pertinent information contained in the more lengthy brochure. The use of this form of contraception requires either a decisioin not to use other means of contraception or an inability to use them. This presupposes some knowledge of other contraceptive measures and any needed additional information could best be obtained from the prescriber. If it is determined other information should be included, it will be added in the future.

COMMENTS ON OTHER CONDITIONS FOR APPROVAL

1. One comment, while favoring the approval of the drug for contraceptive use and asserting that it is the safest, most effective, and most ideal method of contraception, objected to the distribution "restrictions" not imposed on "similar" drugs.

As stated in the proposal, the purpose of the method of distribution is to maintain a registry of physicians who have utilized the drug, thus enabling prompt and effective notification of these physicians of any adverse evidence which may be accumulated in the future so that appropriate followup can be made. The Commissioner concludes that such a system for this drug is necessary for the protection of the public health and that it is not so restrictive as to create undue delays or hardship in obtaining or administering the drug.

2. Two respondents expressed concern over the mechanics of purchasing the drug and offered suggestions as to who may sign orders. One suggested that orders could be signed by a lay director as well as by a medical director of a family planning clinic and another questioned the inconsistency of allowing community pharmacists, and not hospital pharmacists, to order the drug.

The Commissioner recognizes that the responsibility for ordering drug products varies within institutions and, in addition to incorporating the distribution method into the regulation, has modified the conditions for approval to provide for the ordering of the drug by heads of clinics and by hospital pharmacists.

3. One comment suggested that in the interest of patient comfort and manageability, a more concentrated suspension should be made available.

The Commissioner concludes, from data available to him, that more concentrated forms of the drug have proven to

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be more irritating and uncomfortable for the patient than the less concentrated forms and that, at the present time, such a satisfactory preparation does not exist.

4. Comment was also provided objecting to the distribution requirements for the drug, stating that the scheme appears to necessitate the pharmacist's dispensing the drug and brochure only to the physician, who will then carry out his responsibilities, and that this represents an infringement upon the pharamacist's professional responsibility as a dispenser of drugs. Clarification of the terminology "physician or his representative" was also requested.

The regulation does not require that the drug be dispensed directly to physicians, but merely that information be included with the package for his use in prescribing and administering the drug. Such information is considered an addition to the labeling requirements for the drug under which the practitioner licensed to administer it can use it safely and for the purpose for which it is intended. In that respect it is not dissimilar to other drugs which, in accordance with section 502(f) of the Federal Food, Drug, and Cosmetic Act, must bear labeling containing adequate directions for use under which practitioners licensed by law to administer the drug can use it safely and for the purpose for which it is intended.

The term "representative" as used in § 310.501a(b)(2) means any person licensed, registered, or otherwise permitted by the jurisdiction in which he practices, to administer drugs on or by the order of a licensed practitioner acting in the usual course of his professional practice.

5. One comment contended that the positive statement in the patient brochure that the drug is known to appear in the milk of nursing mothers is not supported by available data.

The Commissioner is aware of data (Pincus, G., G. Bialy, D. S. Layne, M. Paniagua, K. I. H. Williams, "Radioactivity in Milk of Subjects Receiving Radioactive 19-Norsteroids" *Nature* (London) 212:924, November 26, 1966, a reprint of which has been placed on public display in the office of the Hearing Clerk, Food and Drug Administration) which indicate the appearance of these drugs in the milk of lactating females. Although not specifically referring to medroxyprogesterone acetate, these drugs are also progestins, and therefore the inclusion of precautionary statements in the labeling of such products is justified. Until such time as data are available to show that these drugs do not appear in human milk, it shall be the policy of the Food and Drug Administration to include such warnings in the labeling of all progestins. Data regarding medroxyprogesterone are not currently available but studies are being conducted and the section has been reworded to reflect the state of knowledge in this regard.

6. One comment suggests that until more valid data are available on the effects of the drug, it should not be used, without other medical consideration to the contrary, in those patients who refuse to accept the responsibility demanded by other contraceptive methods, or when the patient is arbitrarily unwilling to consider medically supervised use of more conventional contraceptive methods.

The Commissioner concludes that the regulation does not intend or contemplate that decisions in this regard would be arbitrary and that, providing the patient is made fully aware of the potential risks of using the drug, it should be made available to her if it is indicated and she gives informed consent to its use. Of prime consideration in selecting candidates for the drug is a lack of contraindication to its use in those patients in need of contraception who cannot accept more regimented methods or in whom other alternatives are either contraindicated, unreliable, or otherwise unacceptable.

7. Several comments expressed concern over the potential risks and lack of sufficient data with respect to these risks, especially since oral contraceptives showing similar toxicity have been withdrawn from the market. These comments refer not only to the potential risks of malignancy but also to that of possible permanent infertility, abnormal blood clotting and other less significant adverse reactions.

The Food and Drug Administration based its decision in 1971 to withdraw approval of an oral contraceptive containing medroxyprogesterone acetate and ethinyl estradiol on the fact that the drug did cause tumors in beagle dogs and, although the significance of that finding in humans has not been established, other equally effective oral contraceptives were available which did not exhibit tumorigenicity in these dogs. Medroxyprogesterone acetate injectable has produced similar tumors in the same animal at both high and low doses, and again, the significance in humans has not been demonstrated. In the case of the injection, however, there is no suitable substitute for the purpose for which it is intended. The drug has been studied on an investigational basis for 8 years and the data compiled have been critically and extensively reviewed by the Food and Drug Administration and its Obstetrics and Gynecology Advisory Committee. The committee has recommended that the drug be approved for a limited and well-defined patient population with precautions to assure that a patient (or her parent or guardian), prior to her consent to use the drug, is supplied with information explaining the patient population for which the drug is intended and the risks associated with its use. The Food and Drug Administration concurs in this recommendation. The drug is safe and effective under the conditions of use described in the proposal, in that its known benefit outweighs its theoretical risk. There are risks involved with any useful drug product, the labeling of which must reflect these risks and carefully define the patient population in which it is to be used, by making the user, and in this case, the recipient, aware of these risks so that each may weigh these risks against the benefit to be derived. The additional safeguard of restricted distribution also serves to restrict its use to conditions in which it is indicated.

8. Other comments expressed concern that abusive practices will occur with the use of the drug and question whether or not the "target" patients can truly give their informed consent. These comments refer to reported misuse and failure to obtain consent and cite evidence presented at recent Senate hearings and articles in the press to substantiate these claims. The "target" group is envisioned as minor and institutionalized women (who, according to one comment, should be specifically excluded as candidates for the drug), the poor, and welfare recipients. The comments further state that, given the broad and vaguely defined group described in the regulation, which quite likely would include those least able to give informed consent, the door is open for abuse. One comment concludes that unless more stringent distribution, monitoring, and informed consent procedures are required, the drug should not be approved. Among the suggestions offered are signed statements of adherence by physicians, direct shipments to physicians and clinics only, a requirement for written consent by the patient, declarations of continuing compliance, establishment of review committees in cases where the institution is the legal guardian of the patient, record and report requirements, and a requirement that manufacturers monitor compliance and cease shipments in the event of misuse.

This is the first approved new drug for which the Food and Drug Administration has required informed consent as a basis for its administration. The information materials are intended to obtain informed consent of the user or her parent or guardian. These restrictive measures are intended to ensure against misuse or abuse and to maintain a registry of users. The Commissioner concludes that they are reasonable and are likely to be sufficient. The Food and Drug Administration will closely monitor ongoing studies concerning the drug and, through the distribution mechanism, has developed the capability for retrospective or, if the need arises, continuous monitoring of the drug's use. As experience is gained, more restrictive use and distribution measures can be imposed if they are shown to be required for the safe and effective use of the drug. Those comments concerning the vaguely defined population for which the drug is indicated and the likelihood that only certain socio-economic groups and those least likely to give truly informed consent would be administered the drug are of particular concern to the Food and Drug Administration. The Commissioner concludes that it is unreasonable to expect that there will be widespread abuse or misuse of the drug, but is prepared to take appropriate action should that be necessary.

REANALYSIS OF DATA RELATED TO CARCINOMA IN SITU

On April 30, 1974, at a public hearing before the Subcommittee on Intergovernmental Relations of the Committee on Government Operations, House of Representatives, United States Congress, the subcommittee staff raised several serious questions in regard to whether the incidence of carcinoma in situ of the cervix in women receiving medroxyprogesterone acetate was higher than the incidence in women in the general population. Because of these questions, the Food and Drug Administration conducted a reanalysis of the data related to carcinoma in situ.

There are several facts related to human carcinogenicity studies in general and the case of medroxyprogesterone acetate in particular which must be considered in any attempt to interpret the available human data in regard to medroxyprogesterone acetate and carcinoma of the cervix.

In all known cases of chemical carcinogenicity there has been a lag time between exposure to the carcinogen and the development of neoplastic changes in the tissue. Without exception, the documented examples of chemical carcinogenesis in man have all occurred after a lag time of 3 years or longer, and in most instances this lag time has been a decade or more. In the case of medroxyprogesterone acetate, it has been suggested that clinical trials conducted under the Notice of Claimed Investigational Exemption for a New Drug (IND) offer evidence of carcinogenicity. However, 12 of 24 cases of carcinoma in situ in medroxyprogesterone acetate users were reported within the first year of drug use and 20 of 24 were reported within the first 2 years. From all that we know about carcinogenesis, including carcinogenesis by powerful carcinogens that cause tumors in a large number of exposed individuals, such early tumors cannot be considered as drug related; the absence of a lag time of 3 to 10 years or more is at variance with the known toxicological behavior of chemical carcinogens. There is nothing in the animal toxicology of medroxyprogesterone acetate to suggest that it is a new, unique kind of carcinogen with a shorter lag time than any other carcinogen.

For ethical reasons clinical trials of contraceptives are conducted without a concurrent placebo-treated control group. Evaluation of adverse drug effects in such studies depends upon comparison of the incidence of adverse events in treated patients with the incidence in some designated historical control; for example, a defined sample of the general population or a group using some other form of contraception. Unfortunately such control groups are not as completely satisfactory as a control group derived from random assignment of study subjects to a placebo, because analysis of these historical controls often reveals important differences in such parameters as baseline characteristics of the patients, use of concomitant medications or prior medication history and detection rates of various adverse effects. For example, women participating in a properly conducted trial of a contraceptive will have more frequent pelvic examinations and Pap smears than women in the population at large. This fact alone would increase the apparent incidence of carcinoma in situ by increasing the fraction of women with abnormal Pap smears who are detected. In fact, other things being equal, the more careful the investigators conducting a contraceptive trial are, the higher one would expect the detection rate of carcinoma in situ of the cervix to be.

Many, if not most, of the patients in the medroxyprogesterone acetate clinical trials had taken oral contraceptives prior to entering the trial. These patients are thus not a "pure" population of women who have taken medroxyprogesterone acetate for an extended period of time but have received no other contraceptive. There has been longstanding concern that all steroidal contraceptives, especially estrogens, may increase the incidence of genital cancer. The possibility that medroxyprogesterone acetate is carcinogenic in humans is best viewed as a segment of this larger problem.

Having taken into account all available data, including the previously noted facts, the Commissioner has reached the following conclusions:

1. There is evidence that the incidence of carcinoma in situ of the cervix in women participating in the clinical trials of medroxyprogesterone acetate was higher than the incidence reported by the National Cancer Institute for women in the population at large. There is no basis for thinking that the numbers are incorrect, and the implications of this finding must be assessed.

2. The best explanation for this increased incidence is that the group of women participating in the clinical trial were not comparable to the group on whom the National Cancer Institute data is based. The most important difference is that the women in the clinical trial were under much more intensive surveillance than women in the general population and thus had a greater detection rate of carcinoma in situ. A second important difference is that the trials were conducted in a population which normally has a higher risk for developing carcinoma of the cervix (e.g. due to socio-economic factors, number of pregnancies, and other factors).

Explaining the increased incidence of carcinoma in situ as the result of medroxyprogesterone acetate use is not compatible with the known behavior of chemical carcinogens, because most of the cases were detected within 2 years of the start of the clinical trials. An adverse medical event should not be presumed to be drug related when its character is at variance with the known toxicological behavior of the drug and when a clearly reasonable alternative explanation is available.

3. There is no sound evidence to indicate that the benefit-risk considerations in regard to potential human carcinogenicity are worse for medroxyprogesterone acetate than for other steroidal contraceptive drugs. Clearly there is appropriate concern over the carcinogenic potential of medroxyprogesterone acetate, but this concern should properly extend to all steroidal contraceptives. The carcinogenic potential of medroxyprogesterone acetate has been demonstrated only in the beagle dog, and in this species the target organ is the mammary gland, not the cervix. The drug has not demonstrated carcinogenic potential in rodents, rabbits, or monkeys. Estrogen-containing oral contraceptives also have the potential for carcinogenicity as judged by experiments in rats and mice, although they have not shown such potential in dogs and monkeys. The problem of carcinogenic potential thus applies to steroidal contraceptives as a class and not to medroxyprogesterone acetate alone.

4. This reanalysis of the available information has not provided new evidence which would alter the Commission's opinion in regard to the use of medroxyprogesterone acetate for contraception.

The approval of medroxyprogesterone acetate injectable for contraceptive use is based on material submitted in the new drug application. Copies of pertinent studies published in the scientific literature by investigators who have studied this drug for contraception have been assembled and placed on display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

In the FEDERAL REGISTER of September 26, 1973 (38 FR 26809), the Commissioner proposed to restructure § 130.45 (21 CFR 130.45) by designating the existing section as paragraph (a) and adding a new paragraph (b) regarding diethylstilbestrol (DES); the proposed restructuring was amended in the FEDERAL REGISTER of April 19, 1974 (39 FR 13972). Section 130.45 was recodified on March 29, 1974 as § 310.501 (39 FR 11680). Therefore, pending final orders on the proposed paragraphs (a) and (b), the proposed paragraph (c) concerned with medroxyprogestrone acetate injectable for contraception, published in the FEDERAL REGISTER of October 10, 1973 (38 FR 27940), is being designated in this final order as a new § 310.501a.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(a), (f), 505, 701(a), 52 Stat. 1050–1053 as amended, 1055 as amended; 21 U.S.C. 352(a), (f), 355, 371 (a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 310 of Subchapter D of Title 21 of the Code of Federal Regulations is amended by adding a new § 310.501a as follows:

§ 310.501a Medroxyprogesterone acetate injectable for contraception.

Studies conducted with this injectable drug have proven its efficacy in contraception. Adverse reactions associated with the use of the drug include those mentioned for oral contraceptives and also the serious adverse reaction of infertility after drug withdrawal. Data

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from studies in beagle dogs administered the drug revealed the development in some dogs of mammary nodules, some of which were malignant, but their significance with respect to humans has not been established. The Commissioner, in consideration of recommendations made by the Food and Drug Administration's Obstretics and Gynecology Advisory Committee, has concluded that this drug product represents a unique means of contraception and that its benefits outweigh its risks in a limited patient population for which other means of contraception are not suitable. Because of the risks involved, however, use of the drug is limited to those patients who have been provided with patient literature fully explaining the hazards associated with its use and defining the patients for whom it is intended, and to those patients who have consented to its use after familiarizing themselves with the information in the patient leaflet. If a patient is not competent to give informed consent, her parent or guardian shall be provided with the printed information and shall consent on behalf of the patient.

(a) *Drug package leaflet and brochure.* Medroxyprogesterone acetate injection for contraception is limited to prescription sale. The drug package shall include, in addition to information under which the practitioner licensed to administer the drug can use it safely and for the purpose for which it is intended:

(1) A brief patient leaflet explaining the risks associated with the use of the drug and the patients for whom the drug is intended which shall be given to the patient or her parent or guardian before initial administration of medroxyprogesterone acetate injection. The patient leaflet is to read as follows:

PATIENT LEAFLET—WHAT YOU SHOULD KNOW ABOUT

(INSERT TRADE NAME OF DRUG)

MEDROXYPROGESTERONE ACETATE INJECTABLE

AN INJECTABLE CONTRACEPTIVE

WHAT IS (INSERT TRADE NAME OF DRUG)?

(Insert trade name of drug) is a drug to prevent pregnancy that is given by injection every 90 days. It must be given under a doctor's supervision.

(Insert trade name of drug) works well in preventing pregnancy and is about as effective as oral contraceptives (the "pill"). It works somewhat better than an IUD, a diaphragm, a condom ("prophylactic," "rubber"), or contraceptive creams, jellies, and foams. But it also has greater risks than these other methods of preventing pregnancy.

YOU SHOULD CHOOSE THIS METHOD OF BIRTH CONTROL ONLY AFTER READING THIS LEAFLET AND DISCUSSING YOUR CONTRACEPTIVE NEEDS WITH YOUR DOCTOR

WHO MAY TAKE (INSERT TRADE NAME OF DRUG)?

(Insert trade name of drug) is a drug for special cases. It should be used only if:

Other methods of preventing pregnancy have failed, *or*

You are not able to use other methods of preventing pregnancy such as the "pill," an IUD, or a diaphragm *and*

You accept the small possibility of permanent infertility (inability to have children), *and*

You understand and accept the risks and drawbacks described below:

WHO SHOULD NOT TAKE (INSERT TRADE NAME OF DRUG)?

You should not use (insert trade name of drug) if:

You have had a blood clot in your legs, lungs, or brain (a stroke).

You have unexplained vaginal bleeding that is different from your normal period.

You have serious liver disease or have had breast cancer.

Neither should you use oral contraceptives (the "pill") if you have these problems.

WHAT ARE THE DRAWBACKS AND RISKS?

(Insert trade name of drug) often causes irregular periods. If you take (insert trade name of drug), your monthly periods may become irregular or may stop. This unpredictable vaginal bleeding is inconvenient but not harmful.

(Insert trade name of drug) sometimes causes prolonged infertility (inability to become pregnant).

After (insert trade name of drug) is stopped, it usually takes several months before you can become pregnant again. In some women, it takes a year or more. In a few cases, the ability to become pregnant has never returned.

A possible risk is that (insert trade name of drug) may cause cancer.

As with all new drugs (insert trade name of drug) has been tested extensively in animals. In tests in dogs, tumors (lumps) developed in the breast; and in dogs treated for three years or more with doses of (insert trade name of drug) 25 times the dose you would receive, some of the tumors were cancerous.

Other species of animals, including rats, mice, rabbits, and monkeys, have also been tested with (insert trade name of drug). These animals did not develop tumors or cancer.

(Insert trade name of drug) has been tested in women for several years, and there is no evidence that it causes tumors in women. But you should be aware that such evidence could appear in the future. There is no way to be certain about this at the present time.

WHAT PRECAUTIONS SHOULD YOU TAKE?

If you take (insert trade name of drug) you should:

Learn from your doctor how to examine your breasts for lumps. Call your doctor right away if you have any of the following:

A lump in your breast.
Severe pain in the leg or chest.
Coughing up blood.
Severe headache or blurred vision.
Any other physical problem that worries you.

YOUR DOCTOR WILL GIVE YOU A BROCHURE WITH MORE INFORMATION ABOUT THIS DRUG AND ANSWER ANY QUESTIONS YOU HAVE

(2) A brochure explaining the risks associated with the use of the drug and the patients for whom the drug is intended in more detail than the patient leaflet. The brochure shall read as follows:

PATIENT BROCHURE—WHAT YOU SHOULD KNOW ABOUT (INSERT TRADE NAME OF DRUG)

MEDROXYPROGESTERONE ACETATE INJECTABLE

AN INJECTABLE CONTRACEPTIVE

(Insert trade name of drug) is an effective method of preventing pregnancy (i.e., a contraceptive) when given by injection every 90 days. It must be given under a doctor's supervision. It is an alternative to more commonly used methods of pregnancy prevention such as the "pill," intrauterine device (IUD), condom, or vaginal creams, jellies, and foams. (Insert trade name of drug) works about as well in preventing pregnancy as the "pill" and is somewhat more effective than the other methods. But it also has greater risks and drawbacks than the other methods.

This brochure explains the advantages and disadvantages of (insert trade name of drug) to you. If you do not understand all the information in the brochure or if you have any questions, ask your doctor for an explanation.

WHO MAY TAKE (INSERT TRADE NAME OF DRUG)

If you take (insert trade name of drug), you should understand and accept the risks and drawbacks described in this brochure, including the possibility that you may not be able to become pregnant after stopping (insert trade name of drug). This drug is for special situations. It should be used only by women who:

1. Refuse or are unable to accept the responsibility demanded by other contraceptive methods; or

2. Are unable or unwilling to tolerate the side effects of conventional oral contraceptives; or

3. Cannot use other methods of contraception because they are contraindicated or have repeatedly failed.

If a patient is unable to fully comprehend the contents of this brochure, her parent or guardian should read it thoroughly.

WHO SHOULD NOT TAKE (INSERT TRADE NAME OF DRUG)

You should not take (insert trade name of drug) if:

1. You have had blood clots in the legs, lungs, or brain.

2. You have unexplained vaginal bleeding that is different from your normal period and your doctor is not sure that the bleeding is not caused by cancer.

3. You have serious liver disease.

4. You are being treated for or have a history of cancer of the breast.

Neither should you use an oral contraceptive (the "pill") if you have these problems.

HOW (INSERT TRADE NAME OF DRUG) PREVENTS PREGNANCY

Each of your ovaries contains thousands of unripe eggs. About half way between the start of one period and the start of the next period, an egg ripens and is released into the uterine tube. This is called ovulation. (Insert trade name of drug) prevents this from happening.

IMPORTANT RISKS

1. *(Insert trade name of drug) sometimes causes prolonged infertility.* (Insert trade name of drug) prevents ovulation (release of an egg from your ovary) for prolonged periods of time. Even after (insert trade name of drug) is stopped, temporary infertility is common for some months and prolonged infertility (up to 2 or 3 years) occurs in some cases. It is possible that infertility may be permanent. Women who desire additional children should bear this in mind in reaching a decision regarding use of this method of contraception.

2. *A possible risk is that (insert trade name of drug) may cause cancer.* (Insert trade name of drug), like all new drugs, has been tested extensively in animals. Tests in dogs injected with this drug showed that some of them developed tumors (lumps) in their breasts. In dogs tested for 3 years with doses of (insert trade name of drug) 25 times the dose you would receive, some of these tumors were cancerous and spread to other organs.

Tests in mice, rats, rabbits and monkeys did not produce breast tumors or cancer. There is no evidence at this time that women receiving (insert trade name of drug) have any more breast tumors than other women but clinical studies have not progressed long enough to definitely rule out this possibility.

3. *A possible risk is that (insert trade name of drug) may cause abnormal blood clotting.* Blood clots occasionally form in the veins of the legs and pelvis of apparently healthy people who are taking no drugs. The clots may threaten life if they break loose and then lodge in the lung or if they form in other vital organs, such as the brain. Blood clots occur somewhat more frequently in women taking the "pill." There have also been a few reports of blood clots in women using (insert trade name of drug). It has been estimated that about one woman in 2,000 on the "pill" each year suffers a blood clotting disorder severe enough to require hospitalization. The estimated death rate from abnormal blood clotting in healthy women under 35 not taking the pill is one in 500,000; whereas, for the same age group taking the pill it is one in 66,000. For healthy women over 35 not taking the pill, the rate is one in 200,000 compared to one in 25,000 pill users. Blood clots are about three times more likely to develop in women over the age of 34.

It is not known at this time whether these estimates for the estrogen-progestogen oral contraceptives are applicable to (insert trade name of drug), which contains a progestogen only.

For these reasons, it is important that women who have had blood clots in the legs, lungs, or brain not use an oral contraceptive or (insert trade name of drug).

ANYONE USING (INSERT TRADE NAME OF DRUG) WHO HAS SEVERE LEG OR CHEST PAINS, COUGHS UP BLOOD, HAS DIFFICULTY IN BREATHING, SUDDEN SEVERE HEADACHES OR VOMITING, DIZZINESS OR FAINTING, DISTURBANCES OF VISION OR SPEECH, WEAKNESS OR NUMBNESS OF AN ARM OR LEG SHOULD CALL HER DOCTOR IMMEDIATELY.

4. *Other risks.* If you now have or have had a special health problem such as migraine headaches, mental depression, fibroids of the uterus, heart or kidney disease, asthma, high blood pressure, diabetes, or epilepsy, report these facts to your doctor so that he may determine if it is safe for you to take (insert trade name of drug). All of these conditions can sometimes be made worse by the use of this medication.

COMMON ADVERSE REACTIONS

(Insert trade name of drug), like all drug contraceptives, has some common side effects. Fortunately, these common side effects are usually not serious. Periodic examinations, as recommended by your doctor, are essential to provide the early detection which may help to prevent serious side effects.

1. *Irregular bleeding.* (Insert trade name of drug) usually causes irregular spotting and sometimes heavier bleeding in most women for the first few months. A woman will not have normal regular menstrual periods while receiving (insert trade name of drug) and, as she continues on the drug, she will probably have less and less frequent periods or none at all. The earlier irregular bleeding and spotting are usually not heavy, but may last longer than the normal period. If you cannot accept the bleeding irregularities which will occur with the use of (insert trade name of drug), you should not use this method of contraception.

2. *Side effects similar to symptoms of pregnancy.* A few women experience unpleasant side effects from (insert trade name of drug) which are not dangerous and are not likely to damage their health. Some of these side effects are similar to symptoms women experience in early pregnancy and are usually temporary. The breasts may feel tender, nausea and vomiting may occur, and there may be either weight gain or loss. A spotty darkening of the skin, particularly of the face, similar to that occurring during pregnancy is possible and may persist.

3. *Mental depression.* A few women have experienced mental depression while taking (insert trade name of drug). This side effect may be worse in women with a previous history of psychic depression. The cause is not clear.

4. *Changes in blood substances.* Your doctor may find that after taking (insert trade name of drug) the amount of sugar and fatty substances in your blood is increased or that the amounts of estrogenic and adrenal hormones produced in your body are changed. The importance of these changes is still under study, but within our present knowledge they do not seem to be harmful.

5. *Other possible adverse reactions.* Other reactions, although not necessarily caused by (insert trade name of drug), that are occasionally reported by women receiving the drug are: dizziness, some loss of scalp hair, some increase in body hair, either an increase or decrease in sex drive, nervousness, headache and fatigue.

REPORT ANY SPECIAL PROBLEMS OF ANY NATURE TO YOUR DOCTOR PROMPTLY.

OTHER CONSIDERATIONS

The prolonged periods of time without a menstrual period, which occur in many women receiving (insert trade name of drug) regularly, cause some of them to fear they are pregnant. Should you be concerned, consult your doctor for his advice.

This drug is known to appear in the milk of nursing mothers and, thus, it will be swallowed by infants. It is especially important for a woman to know this if she is planning to receive an injection shortly after delivery and expecting to nurse her infant. The long range effect of the drug on the infant is not known at this time. The quality and quantity of milk is not affected.

PRECAUTIONS YOU SHOULD TAKE

If you take (insert trade name of drug), you should take the precautions listed below:

1. Learn from your doctor how to examine your breasts for lumps.

2. Call your doctor immediately if you have any of the following:

A lump in your breast.
Severe pain in the leg or chest.
Coughing up blood.
Severe headache or blurred vision.
Any other symptom that worries you.

(b) *Patient consent.* The patient package information shall be used to obtain the informed consent of any person who uses the drug, as follows:

(1) The leaflet and brochure shall be included with each single dose container or, if the drug product is packaged in multiple dose vials, a sufficient number shall be included for one to be available for each patient, and

(2) Instructions shall be included for the practitioner responsible for administering the drug, or his representative:

(i) To provide the patient, or her parent or guardian, in the event the patient is incompetent to grant informed consent, with the patient leaflet,

(ii) To require her (or her parent or guardian) to read it and to give her (or their) consent to use the drug prior to administering the drug, and

(iii) To give her (or her parent or guardian) the brochure for additional information on the drug, which may be read at her (or their) leisure.

(c) *Distribution.* Medroxyprogesterone acetate injectable for contraception may be marketed only on the basis of an approved new drug application limiting its distribution, as follows:

(1) *Private practitioners.* An order to be sent directly from the physician to the manufacturer on an order blank signed by the physician.

(2) *Family planning or obstetric-gynecologic clinics.* An order to be sent directly from the clinic to the manufacturer on an order blank signed by the physician who heads the clinic or his designee.

(3) *Pharmacies.* On orders shipped directly to institutional or community pharmacies, a postage paid return mailing piece is to be included in each whole carton, indicating that it is to be returned to the manufacturer stating the names of the practitioners or clinics who ordered the drug.

Effective date. This order shall become effective October 15, 1974.

(Secs. 502(a), (f), 505, 701(a), 52 Stat 1050–1053 as amended, 1055 as amended; 21 U.S.C. 352(a), (f), 355, 371(a).)

Dated: September 6, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–21053 Filed 9–11–74;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

PART 225—ACCEPTANCE OF BONDS, NOTES, OR OTHER OBLIGATIONS ISSUED OR GUARANTEED BY THE UNITED STATES AS SECURITY IN LIEU OF SURETY OR SURETIES ON PENAL BONDS

Deletion of Reference

The first sentence of § 225.8 of Department of the Treasury Circular 154, Revised (31 CFR Part 225), has been changed for the purpose of deleting the reference to the Treasurer of the United States as an appropriate depositary. As hereby amended, it reads as follows:

§ 225.8 Authorized depositaries; withdrawal.

Bonds or notes deposited with bond-approving officers as security in accordance with the provisions of this part and such other bonds or notes as may be substituted therefor from time to time as such security, may be deposited by bond-approving officers with a Federal Reserve Bank or Branch having the requisite

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facilities, or other depository duly designated for that purpose by the Secretary of the Treasury. * * *

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Sec. 15), 61 Stat. 650, as amended; (6 U.S.C. 15))

Notice and public procedures thereon are unnecessary as the fiscal policy of the United States is involved.

Dated: September 5, 1974.

[SEAL] DAVID MOSSO,
Deputy Fiscal Assistant Secretary.

[FR Doc.74-21058 Filed 9-11-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 204—DANGER ZONE REGULATIONS

Pacific Ocean, Calif.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.202a governing the use of a danger zone in the Pacific Ocean at the Space and Missile Test Center (SAMTEC), Vandenberg Air Force Base, California, is hereby amended with respect to paragraph (b) (2) and (b) (3) to include a VHF radio channel.

Since this amendment primarily involves an extension of time for the maintenance of an existing danger zone, notice of proposed rulemaking and public procedures thereto are considered unnecessary. Accordingly, § 204.202a is amended as follows:

§ 204.202a Pacific Ocean, Space and Missile Test Center (SAMTEC) Vandenberg AFB, Calif.; danger zone.

* * * * *

(b) *The regulations.* * * *

(2) The impacting of missile debris from Space and Missile Test Center (SAMTEC) launch operations will take place in any one or any group of zones in the danger areas at frequent and irregular intervals throughout the year. The Commander, SAMTEC, will announce in advance, the closure of zones hazarded by missile debris impact. Such advance announcements will appear in the weekly "Notice to Mariners." For the benefit of fishermen, small craft operators and drilling platform operators, announcements will also be made on radio frequency 2638 kc and VHF channel 16 (156.80 MHZ) for daily announcements. Additionally, information will be posted on notice boards located outside Port Control Offices (Harbormasters) at Morro Bay, Port San Luis, Santa Barbara, Ventura Marina, Channel Islands Harbor, Port Hueneme and any established harbor of refuge between Santa Barbara and Morro Bay.

(3) All fishing boats, other small craft, drilling platforms and shipping vessels with radios are requested to monitor radio frequency 2182 kc, 2638 kc, 5080 kc or VHF channel 16 (156.80 MHZ) while in these zones for daily announcements of zone closures.

* * * * *

(Regs.; August 28, 1974) (Sec. 7, 40 Stat. 266; Chap. XIX, 40 Stat. 892; (33 U.S.C. 1 & 3))

Dated: September 5, 1974.

By Authority of the Secretary of the Army.

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.74-21081 Filed 9-11-74;8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

SUBCHAPTER H—PROCUREMENT SYSTEM FOR THE U.S. POSTAL SERVICE

PART 601—PROCUREMENT OF PROPERTY AND SERVICES

Miscellaneous Amendments to Postal Contracting Manual

The Postal Contracting Manual, which has been incorporated by reference in the FEDERAL REGISTER (see 39 CFR 601.100), has been amended by the issuance of Transmittal Letter 17, dated July 12, 1974.

In accordance with 39 CFR 601.105 notice of these changes is hereby published in the FEDERAL REGISTER as an amendment to that section and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the basic Manual will receive these amendments from the Government Printing Office. (For other availability of the Postal Contracting Manual, see 39 CFR 601.104.)

Description of these amendments to the Postal Contracting Manual follows:

SECTION 1—GENERAL PROVISIONS

1. Paragraphs 1-803, 1-1107(a), and 1-1403 have been revised to delete duplicative clauses.

SECTION 7—CONTRACT CLAUSES

2. Section 7 has been revised in its entirety to simplify the Manual by deleting duplicative clauses and realigning the coverage into the same order as in Form 7332 and Form 7383.

SECTION 9—PATENTS, DATA AND COPYRIGHTS

3. Paragraph 9-104 has been revised to delete a duplicative clause.

SECTION 11—TAXES

4. Paragraphs 11-401.1(b) and 11-401.3(b) have been revised to delete duplicative clauses.

SECTION 12—LABOR

5. Paragraphs 12-203, 12-303, 12-605, 12-804(a), and 12-904(a) have been revised to delete duplicative clauses.

The remainder of the changes are minor, editorial, or technical in nature.

In consideration of the foregoing 39 CFR 601.105 is amended by adding the following:

§ 601.105 Amendments to the Postal Contracting Manual.

* * * * *

Amendments to Postal Contracting Manual

Transmittal Letter: Letter 17.
Dated: 7/12/74.
FR Publication: 39 FR 32912.

These amendments are effective immediately.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 410, 411, 2008.)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.74-21024 Filed 9-11-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 249-6]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Ethyl 3-Methyl-4-(Methylthio) Phenyl (1-Methylethyl) Phosphoramidate

Correction

In FR Doc. 74-18609 appearing on page 29177 in the issue for Wednesday, August 14, 1974, make the following changes:

1. In the second column, first line, the number "3469(e)" should read "346a(e)".

2. Under § 180.3(e)(5), also in the second column, the word "cholinestearse" should read "cholinesterase".

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-109; Amdt. Nos. 173-83, 179-15]

PART 173—SHIPPERS

PART 179—SPECIFICATIONS FOR TANK CARS

Tank Car Tank Head Shields; Denial of Petitions for Reconsideration

On July 23, 1974 (39 FR 27572, July 30, 1974), the Hazardous Materials Regulations Board issued Amendments Numbered 173-83 and 179-15 under Docket Number HM-109. These amendments require a tank head protection device (head shield) to be affixed to each end of all specification DOT-112A and 114A tank cars built after August 30, 1974, used for the transportation of compressed gases be equipped with protective head shields by January 1, 1978. In developing these amendments, the Board analyzed economic, research and accident data and concluded that the head shield specified in these amendments was cost beneficial and would be effective in reducing tank head punctures.

Subsequent to the issuance of these amendments, the following persons submitted Petitions for Reconsideration under provision of Title 49 of the Code Federal Regulations, § 170.35:

The Compressed Gas Association.
The Railway Progress Institute on behalf of ACF Industries, Inc., General American Transportation Corporation, North American Car Corporation, and Trans Union Corporation.
The Association of American Railroads.
Phillips Petroleum Company.
Cities Service Oil Company.
Ethyl Corporation.
Pennwalt Corporation.
Cities Service Pipe Line Company.
Amoco Oil Company.
The Manufacturing Chemists Association.

Additionally, the following petitions were filed subsequent to ten days prior to the effective date of the rule, but prior to the effective date of the rule:

American Petroleum Institute.
FMC Corporation.
Continental Oil Company.
Republic Car Line Inc.

Although these four petitions were filed late, the Board has decided to consider them.

Most of the petitions endorsed the petition submitted by the Railway Progress Institute. In that petition, the Institute stated three allegations which are discussed separately.

I. The Board has misconceived and misconstrued the material presented to it by respondents; reconsideration is urgently required to permit appropriate analysis of this critically relevant data.

To the contrary, the Board stated in the preamble to these amendments that all respondents believed that imposition of a requirement for head shields was premature; however, the Board noted that:

Statistical evidence already exists through testing that a head shield would be both effective in reducing tank head punctures and would also be cost beneficial.

Results of several studies were summarized in that preamble.

The petitioners state that the effectiveness of the prescribed head shield is based essentially upon laboratory tests and assumptions based on analysis of prior accident information. The Board has relied upon such data and information in developing this regulation and it believes that due to the potential tragic consequences of head punctures in liquefied compressed gas laden specification DOT-112A and 114A tank cars, prompt action to apply this data and information so as to upgrade the safety of this equipment is essential.

The petitioners state that the Board failed to consider the relative merits of a standard coupler with top and bottom shelves vis-a-vis the specified head shield. The Board considered the information submitted both prior to and subsequent to the closing data for the filing of comments to the Notice of Proposed Rule Making. In addition, the Board analyzed the results of studies, tests and accident investigatory reports in developing these amendments. In its expert opinion, the Board does not believe that there is likelihood that the top and bottom shelved coupler will prevent head punctures as effectively as the specified head shield.

II. The material which has become available since the terminal date for filing statements in Docket No. HM-109 (September 4, 1973) clearly establishes and confirms the superiority of the E coupler with top and bottom shelves as a head puncture preventative; reconsideration of the issued rule should be granted and a substitute rule involving the shelf-type coupler should be proposed for adoption.

In claiming that new information is now available to the Board which clearly establishes and confirms the superiority of the E coupler with top and bottom shelves as a head puncture preventative, Railroad Tank Car Safety Research and Test Project Reports RA-10-3-25 concerning a July 1, 1973, railroad accident and RA-10-4-28 concerning a February 9, 1974, railroad accident are submitted as "new material." The Board had received copies of both reports and included that information in its analysis of the effectiveness of a shelf coupler prior to issuing these amendments. Also, the Board had the benefit of a field investigatory report on the accident that occurred near Romney, Kentucky, which is referred to by the petitioners as RA-10-3-25. After its review of those reports, the Board determined that the information contained provided no reason to conclude that such couplers have the effectiveness that the specified head shields have in preventing tank head punctures.

Likewise, the report by Siniat, Hellie-san & Eichner, Inc., dated June 12, 1974, had been analyzed by the Board prior to issuance of these amendments and has again been analyzed prior to the issuance of this denial. The Board does not concur with their conclusion:

We further conclude that the evidence bearing on the E type coupler modified with top and bottom shelves, compared with either the RPI/AAR-designator or the DOT-design head shield indicates the preferability of the coupler solution under all circumstances.

As a result of analysis of head punctures in these cars from January 1970 through June 1974, the Board has determined that of the 29 cars which received head punctures 18 cars (or 62 percent) were punctured by couplers, while 11 cars (or 38 percent) were punctured by rail or other objects. The shelved E coupler would not have protected the tank head from punctures caused by "rail or other objects" while the head shield would have provided protection against such punctures.

III. Rescission of the issued rule and promulgation of a proposed rule involving the shelf-type coupler would be in the public interest.

The petitioners state that the application of head shields is complicated, costly and time-consuming whereas the installation of the shelf coupler could be accomplished in a relatively short period of time. The Board was and is aware of the fact that installation of protective head shields will cause tank cars to be out-of-service. However, the Board has weighed public safety against inconvenience and believes that safety demands the installation of shields in order to prevent tank head punctures.

The petitioners indicate that the application of head shields will increase the light weight of each tank car by approximately 1,400 pounds. However, the Association of American Railroads under contract DOT-FR-00035 stated: "increase (in) the light weight of the cars in some cases will and in other cases will not, have an effect on the commodity carrying capacity of the car." The Board was and is aware that the majority of the tank cars affected by these amendments are designed to transport both liquefied petroleum gas and anhydrous ammonia. Since liquefied petroleum gas (LPG) has a lower density than anhydrous ammonia, the LPG capacity of such dual service designed tank cars would normally not be reduced due to the application of these head shields. In those cases where the product capacity of these tank cars will be reduced by the added weight of the shield, the Board had concluded that public safety considerations override this loss of lading capacity.

One petitioner expressed concern that the head shield might not remain attached to the car under actual operating conditions. The Board knows that competent engineering and use of good car construction practices can assure that the shields will remain affixed to the car during transportation. Inspection of the head shield can be performed at each originating and interchange point (as required by 49 CFR 173.596) to assure that it is properly secured to the car.

Another petitioner stated:

The smaller diameters of tanks of cars of less than 1,500 gallons capacity and the greater curvature of tank heads may well result in such cars being far less susceptible to punctures of the type which the head shield is intended to prevent.

If the petitioner has technical data and test results to support this position, it may submit a petition for special permit under the provisions of 49 CFR 170.13.

Petitioners have requested the Board to consider the use of a newly developed E coupler with a top and bottom shelf on tank cars. The Board has awarded contract numbered DOT-OS-40106 to Washington University, St. Louis, Missouri to "perform a study of criteria and technology for the design of shelf couplers." Upon completion of this contract and publication of the report, the Board will give further consideration to this coupler arrangement.

Not included in the "Economic Evaluation of Tank Car Shield" cited in the amendments was accident damage occurring after 1970. Between January 1, 1971, and May 31, 1974, there were 17 incidents involving 19 head punctures to

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these tank cars reported to the Board. Estimated damage caused by these punctures exceeded $15,000,000. On June 19, 1974, at the Norfolk and Western Railway Yard in Decatur, Illinois, a specification DOT-114A tank car tank head was punctured by a coupler on a box car. The escaping liquefied petroleum gas ignited and the resulting explosion and fires killed seven railroad employees, injured eight others and caused property damage in excess of $20,000,000. It is the opinion of the Board that had the car been equipped with protective head shields, as specified in these amendments, the tank head would not have been punctured and the Decatur catastrophe would not have occurred. When these losses are considered, the economic "cost/benefit" of applying head shields in accordance with these amendments becomes more advantageous.

The Hazardous Materials Regulations Board has evaluated the Petitions for Reconsideration and it has determined that the information submitted does not justify reconsideration; therefore, these petitions are denied.

(18 U.S.C. 831-835; Sec. 9, Department of Transportation Act (49 U.S.C. 1657))

Issued in Washington, D.C. on September 6, 1974.

JOHN W. INGRAM,
Federal Railroad Administrator, Member, Hazardous Materials Regulations Board.

[FR Doc.74-21045 Filed 9-11-74;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-16; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor-Driven Cycles

This notice amends 49 CFR 571.108, 571.122, and 571.123, Motor Vehicle Safety Standards Nos. 108, 122, and 123, to modify current requirements that apply to motor-driven cycles.

Interested persons have been afforded an opportunity to participate in the making of the amendment by a notice of proposed rulemaking published on April 12, 1974 (39 FR 13287) and due consideration has been given to all comments received in response to the notice, insofar as they relate to matters within its scope.

The prior notice responded to petitions by Cycles Peugeot, Ateliers de la Motobecane, and S.I.N.P.A.C., manufacturers, and Bermuda Bikes, Inc., and Robert F. Smith, retail dealers. The notice proposed that a motor-driven cycle whose speed attainable in 1 mile is 30 mph or less need not be equipped with turn signal lamps, and may be equipped with a stop lamp with one-half the photometric output otherwise required. Braking fade and recovery requirements also would not apply to these low-speed vehicles. Maximum stopping distance values for the various tests would be added for test speeds of 25, 20, and 15 mph. Finally, a braking control on the left handlebar would be a permissible alternative to the required right foot braking control.

The comments received addressed both areas of performance covered in the proposal, and areas where no standards currently exist, such as motors, transmissions, pedals, and a request for exemption from Standard No. 119, Tires for Vehicles Other Than Passenger Cars. As these latter comments cover matters beyond the scope of the proposal, this notice does not discuss them. The agency, however, has been formally petitioned for rulemaking covering transmissions and Standard No. 119, and will respond to the petitioners in the near future.

The decision by NHTSA not to establish a separate category of vehicle was objected to by some commenters. In support of their request, they argued that the majority of motor-driven cycles have engines producing only 1.5 to 2 horsepower, and consequent low maximum speeds, reducing the need for forward lighting that is currently required of these vehicles. Petitioners submitted no data justifying their request. The NHTSA, however, intends to study the matter of forward lighting for low-powered two-wheeled vehicles through a research contract with the University of Michigan. When the contract is completed the agency will then decide whether further rulemaking is warranted.

The proposal distinguished motor-driven cycles on the basis of maximum speed attainable in 1 mile, rather than on horsepower, and the value selected, 30 mph, fell within the maximum (40 mph) and minimum (20 mph) suggested by commenters. The NHTSA has concluded therefore that the distinction should be adopted as proposed.

Some manufacturers requested restrictive controls on power plant output, apparently in fear that the engine of a vehicle with a top speed of 30 mph or less could be modified to exceed that speed, and therefore cause the vehicle to no longer comply with the Federal standards. This agency has not found that course of action to be practicable. The various ways to modify a vehicle after purchase cannot be anticipated or prevented at the manufacturer level. On the other hand, the great majority of consumers use their vehicles in the form in which they were purchased. The motor-driven cycle category itself contains a limitation of 5 horsepower, which will be applicable to the special lighting modifications. In the NHTSA's judgment, modifications by consumers and the consequent equipment requirements should continue to be regulated at the State level.

The fact that the agency took no action to propose a reduction in existing headlamp requirements for motor-driven cycles was criticised by several manufacturers as unduly restrictive because of the low speed and power output of their vehicles. No justification has been shown for such a change. Motor driven cycles therefore must have sufficient generating and/or battery capacity to meet the headlamp requirements.

There was no substantive objection to the actual proposals for omission of turn signals, reduced stop lamp photometrics, relief from brake fade requirements, inclusion of maximum allowable stopping distances for low speeds, and rear brake control placement. Accordingly, the standards are being amended in the manner proposed.

Standard No. 122 is also being amended to delete the final effectiveness test (S5.5) for those motor-driven cycles excused from the fade and recovery requirements. The purpose of the final effectiveness test is to check the stopping ability of the vehicle after the fade and recovery tests. Since this requirement has been eliminated for motor-driven cycles of low top-speed, the final effectiveness test is redundant, and an unnecessary duplication of the second effectiveness test. No safety purpose is served by its retention. Language is also added to the fade and recovery and final effectiveness test procedures (S7.6, S7.7, and S7.8), making it clear that they do not apply to motor-driven cycles whose speed attainable in 1 mile is 30 mph or less.

In consideration of the foregoing, 49 CFR Part 571 is amended as follows:

§ 571.108 [Amended]

1. In § 571.108 the following definition is added to paragraph S3:

"Speed attainable in 1 mile" means the speed attainable by accelerating at maximum rate from a standing start for 1 mile on a level surface.

2. In § 571.108 the following two subparagraphs are added to paragraph S4:

S4.1.1.26 A motor-driven cycle whose speed attainable in 1 mile is 30 mph or less need not be equipped with turn signal lamps.

S4.1.1.27 A motor-driven cycle whose speed attainable in 1 mile is 30 mph or less may be equipped with a stop lamp whose photometric output for the groups of test points specified in Figure 1 is at least one-half of the minimum values set forth in that figure.

§ 571.122 [Amended]

3. In § 571.122, the following sentence is added to S5.4, S5.5, S7.6, S7.8, and at the end of S7.7: "These requirements do not apply to a motor-driven cycle whose speed attainable in 1 mile is 30 mph or less."

4. In § 571.122, Table I is amended to add the following values:

Vehicle test speed miles per hour	Preburnish effectiveness total system (S5.2.1)	Preburnish effectiveness partial mechanical systems (S5.2.2)	Effectiveness total system (S5.4) (S5.7.1)	Effectiveness partial hydraulic systems (S5.7.2)
	I	II	III	IV
15	13	30	11	25
20	24	54	19	44
25	37	84	30	68

§ 571.123 [Amended]

5. In § 571.123, Table I is amended by revising Item 11, Column 2, to read: "Right foot control.[1] Left handlebar permissible for motor-driven cycles."

Effective date: October 14, 1974. As the amendments allow new options for compliance, relieve restrictions, and impose no additional burdens on regulated persons, it is found for good cause shown that an effective date earlier than 180 days after issuance of the amendments is in the public interest.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on September 6, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-21092 Filed 9-11-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF INTERIOR

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period September 14, 1974 through January 31, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of rails and gallinules, mourning doves, woodcock, and common snipe on Bombay Hook National Wildlife Refuge, Delaware, is permitted during the regular State seasons on the South Upland Hunting Area. This open area, comprising 141 acres, is delineated on a map available at the refuge headquarters, Smyrna, Delaware 19977, and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of rails and gallinules, mourning doves, woodcock, and common snipe.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1975.

RICHARD E. GRIFFITH,
Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 3, 1974.

[FR Doc.74-21026 Filed 9-11-74;8:45 am]

PART 32—HUNTING

Brigantine National Wildlife Refuge, N.J.

The following special regulation is issued and is effective during the period September 14, 1974 through January 31, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW JERSEY

BRIGANTINE NATIONAL WILDLIFE REFUGE

Public hunting of rails, gallinules, waterfowl, and coots on the Brigantine National Wildlife Refuge, New Jersey, is permitted during established State and Federal seasons on only those areas designated by signs as open to hunting.

These open areas are delineated as Hunting Units 1 and 2 on maps available at Refuge Headquarters, Oceanville, New Jersey, and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with State and Federal regulations covering the hunting of migratory game birds.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1975.

RICHARD E. GRIFFITH,
Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 3, 1974.

[FR Doc.74-21029 Filed 9-11-74;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in California

The following regulations are issued and are effective October 12, 1974. These regulations apply to public hunting on portions of certain national wildlife refuges in California.

General conditions. Hunting shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the reverse side of maps available at the refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, 1509 Northeast Irving Street, Portland, Oregon 97208.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Migratory game birds, except snipe and pigeons and doves, may be hunted on the following refuge areas:

Salton Sea National Wildlife Refuge, P.O. Box 247, Calipatria, California 92233.

Kern National Wildlife Refuge, P.O. Box 670, Delano, California 93216.

Merced National Wildlife Refuge, (Headquarters: San Luis National Wildlife Refuge, P.O. Box 2176, Los Banos, California 93635.)

Migratory game birds, except pigeons and doves, may be hunted on the following refuge areas:

Sacramento National Wildlife Refuge, Route 1, Box 811, Willows, California 95988.

Colusa National Wildlife Refuge, Route 1, Box 311, Willows, California 95988.

Delevan National Wildlife Refuge, Route 1, Box 311, Willows, California 95988.

Sutter National Wildlife Refuge, Route 1, Box 311, Willows, California 95988.

Kesterson National Wildlife Refuge, P.O. Box 2176, Los Banos California 93635.

San Luis National Wildlife Refuge, P.O. Box 2176, Los Banos, California 93685.

Special Condition: (1) The hunting area will be open for the conduct of a special falconry event on December 27, 30, and 31, 1974, in addition to those dates covered by State regulations.

Clear Lake National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, California 96134.)

Special Conditions: (1) Boats with or without motors are permitted. Sculling and air-thrust boats are prohibited.

(2) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment so left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484m) and regulations issued thereunder.

Lower Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, California 96134.)

Special Conditions: (1) First two weekends only, entry permits are required to enter the hunting area for every individual with the exception of persons under 16 years of age, guides holding refuge Special Use Permits, and agricultural lessees and their agents during the conduct of normal agricultural operations.

(2) A 200-yard wide retrieving zone is established immediately within the exterior refuge boundary and at certain locations between the open and closed areas as designated on the hunting map. A hunter may enter the retrieving zone to retrieve dead or crippled birds which he has shot, providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(3) Boats, with the exception of air-thrust boats, are permitted with or without motors. Sculling is prohibited.

(4) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the

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person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484m) and regulations issued thereunder.

Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, California 96184.

Special Conditions: (1) First two weekends only, entry permits are required to enter the hunting area for every individual with the exception of persons under 16 years of age, guides holding refuge Special Use Permits, and agricultural lessees and their agents during the conduct of normal agricultural operations.

(2) A 200-yard retrieving zone is established immediately within the exterior refuge boundary and at certain locations between the open and closed areas as designated on the hunting map. A hunter may enter the retrieving zone to retrieve dead or crippled birds which he has shot providing he does not carry weapons. Possession of firearms in the retrieving zone or closed portion of the refuge is prohibited, except that unloaded firearms may be carried only along established routes of travel through the zone or closed area when necessary to reach or leave the hunting area.

(3) Boats, with the exception of airthrust boats, are permitted with or without motors. Sculling is prohibited.

(4) Leaving boats, decoys, or other hunting equipment in other than designated areas is prohibited. Boats, decoys, or other equipment left 1 hour after close of shooting time will be subject to removal and impoundment. The expense of the removal shall be paid for by the person owning or claiming ownership of the property. Such property is subject to sale or other disposal after 3 months, in accordance with Section 203m of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C., Sec. 484m) and regulations issued thereunder.

Modoc National Wildlife Refuge, P.O. Box 1610, Alturas, California 96101.

Special Conditions: (1) First two weekends only, entry permits are required to enter the hunting area for every individual with the exception of persons under 16 years of age.

(2) Hunters are required to enter hunting area via designated parking sites.

(3) Hunting areas are open for access from 90 minutes prior to legal shooting hours until 90 minutes after sunset each day.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Ring-necked pheasant only may be hunted on the following refuge areas:

Colusa National Wildlife Refuge, Route 1, Box 311, Willows, California 95988.

Delevan National Wildlife Refuge, Route 1, Box 311, Willows, California 95988.

Kern National Wildlife Refuge, P.O. Box 219, Delano, California 93215.

Merced National Wildlife Refuge, P.O. Box 2176, Los Banos, California 93635.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, California 95988.

Sutter National Wildlife Refuge, Route 1, Box 311, Willows, California 95988.

Lower Klamath National Wildlife Refuge (Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, California 96134.)

Special Condition: (1) Additional refuge area designated by special posting will be open to a special 2-day pheasant hunt.

Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, California 96134.

Special Condition: (1) Additional refuge area designated by special posting will be open to a special 2-day pheasant hunt.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through June 30, 1975.

L. EDWARD PERRY,
Acting Regional Director,
Fish and Wildlife Service.

[FR Doc.74-21082 Filed 9-11-74;8:45 am]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on September 12, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, and coots on the Kirwin Wildlife Refuge, Kansas, is permitted as follows: Ducks and coots, from October 19 through December 8, 1974, inclusive, and from December 23 through December 29, 1974, inclusive; geese, from October 19 through December 29, 1974, inclusive, but only Snow, Blue, and White-fronted geese may continue to be hunted on a statewide basis December 16 through December 29, 1974, inclusive; only on the area designated by signs as open to hunting. This open area, comprising 3,700 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special condition:

(1) Blinds—Temporary blinds constructed above ground from natural vegetation are permitted. Digging of holes or pits to serve as blinds is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 29, 1974.

KEITH S. HANSEN,
Refuge Manager,
Kirwin National Wildlife Refuge.

AUGUST 21, 1974.

[FR Doc.74-21043 Filed 9-11-74;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective during the period October 1, 1974 through November 30, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

The public hunting of ducks, geese, coots, and gallinules on the Iroquois National Wildlife Refuge, New York, is permitted. Information on this program is available at the refuge headquarters, Basom, New York, and from the Regional Director, Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and gallinules subject to the following special conditions:

(1) The hunting of ducks, geese, coots, and gallinules is permitted only from designated hunting stands.

(2) A permit is required to hunt ducks, geese, coots, and gallinules. Issuance of the permit and rules regarding days and hours of hunting, bag limit, shells, and equipment will conform to the regulations of New York State's Tonowanda Wildlife Management Area, except that permits will be issued and returned and the waterfowl bag checked at the Iroquois National Wildlife Refuge Permit Station.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32.

RICHARD E. GRIFFITH,
Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 3, 1974.

[FR Doc.74-21031 Filed 9-11-74;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective during the period October 1, 1974 through February 28, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

The public hunting of woodcock and crow on the Iroquois National Wildlife Refuge, New York, is permitted on the area designated by signs as open to hunting. This open area is delineated on maps available at the refuge headquarters, Basom, New York, and from the Regional Director, Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of woodcock and crow.

The provisions of this special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32.

RICHARD E. GRIFFITH,
Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 3, 1974.

[FR Doc.74-21032 Filed 9-11-74;8:45 am]

PART 32—HUNTING

Browns Park National Wildlife Refuge, Colo.

The following special regulation is issued and is effective September 12, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

COLORADO

BROWNS PARK NATIONAL WILDLIFE REFUGE

Public hunting for cottontail rabbits is permitted on the Browns Park National Wildlife Refuge, Colorado, from October 1, 1974, through February 28, 1975, inclusive, except in those areas designated by signs as closed to hunting. This open area, comprising 4,501 acres, is delineated on maps available at refuge headquarters, Greystone, Colorado, and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215.

Hunting will be in accordance with all applicable State regulations covering the hunting and possession of cottontail rabbits.

The provisions of this special regulation supplement the regulations which govern hunting of wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1975.

H. J. JOHNSON,
Refuge Manager, Browns
Park National Wildlife Refuge.

SEPTEMBER 4, 1974.

[FR Doc.74-21083 Filed 9-11-74;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period September 14, 1974 through April 30, 1975.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of upland game on Bombay Hook National Wildlife Refuge, Delaware, is permitted during the regular State seasons on the South Upland Hunting Area designated by signs as open to hunting. This open area, comprising 141 acres, is delineated on maps available at refuge headquarters, Smyrna, Delaware 19977, and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack, Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of upland game.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through April 30, 1975.

RICHARD E. GRIFFITH,
Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 3, 1974.

[FR Doc.74-21027 Filed 9-11-74;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective during the period October 1, 1974 through February 28, 1975.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of upland game birds and small game mammals, including foxes, opossums, red squirrels, and woodchucks is permitted during the respective State seasons except on areas designated by signs as closed. This open area comprising 10,383 acres is delineated on maps available at refuge headquarters, Basom, New York, and from the Regional Director, Fish and Wildlife Service, John W. McCormack Post Office Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations subject to the following special condition.

(1) A seasonal permit is required for the night-time hunting of raccoon. Permits may be obtained by applying in person at the refuge office.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1975.

RICHARD E. GRIFFITH,
Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 3, 1974.

[FR Doc.74-21030 Filed 9-11-74;8:45 am]

PART 32—HUNTING

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and effective during the period December 11, 1974 through February 28, 1975.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

The public hunting of grey squirrels, cottontail rabbits, raccoons, foxes, and unprotected mammals is permitted from December 11, 1974 to February 28, 1975, inclusive, in the Montezuma National Wildlife Refuge, New York except on areas designated by signs as closed. The open area, comprising 5,296 acres, is delineated on maps available at refuge headquarters, 5 miles east of Seneca Falls, New York; and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all other applicable state regulations governing the hunting of the above mammals.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1975.

RICHARD E. GRIFFITH,
Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 3, 1974.

[FR Doc.74-21035 Filed 9-11-74;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period September 14, 1974 through October 31, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public archery hunting of deer on Bombay Hook National Wildlife Refuge, Delaware, is permitted only on the Deer Hunting Area and South Upland Hunting Area. These open deer hunting areas

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are delineated on maps available at refuge headquarters, Smyrna, Delaware 19977 and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering archery hunting of deer subject to the following special conditions:

(1) Hunting by bow and arrow on the Deer Hunting Area is permitted only on Saturdays from September 14 through October 31, excluding October 19.

(2) The number of hunters admitted to the Deer Hunting Area at any one time will be restricted to 80.

(3) Permits are required for the Deer Hunting Area and will be issued on a first-come, first-served basis one hour before shooting time.

(4) Hunters using the Deer Hunting Area and the South Upland Hunting Area must show proof of completion of a weapons qualification test. This test will consist of placing two out of five arrows in the 9 x 14 inch chest area of a standard size deer target at 25 yards.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 31, 1974.

RICHARD E. GRIFFITH,
Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 3, 1974.

[FR Doc.74-21028 Filed 9-11-74;8:45 am]

PART 32—HUNTING

Iroquois National Wildlife Refuge, N.Y.

The following special regulation is issued and is effective during the period November 1, 1974 through December 31, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW YORK

IROQUOIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Iroquois National Wildlife Refuge, New York, is permitted during the regular State open seasons in 1974, except on areas designated by signs as closed. This open area is delineated on maps available at refuge headquarters, Basom, New York, and from the Regional Director, Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, as are set forth in Title 50, Code of Federal Regulations, Part 32.

RICHARD E. GRIFFITH,
Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 3, 1974.

[FR Doc.74-21033 Filed 9-11-74;8:45 am]

PART 32—HUNTING

Montezuma National Wildlife Refuge, N.Y.

The following special regulation is issued and effective during the period November 18 through December 10, 1974.

§ 32.32 Special regulations big game; for individual wildlife refuge areas.

NEW YORK

MONTEZUMA NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Montezuma National Wildlife Refuge, New York, is permitted except on the areas designated by signs as closed. The open area, comprising 3,874 acres, is delineated on maps available at refuge headquarters, 5 miles east of Seneca Falls, New York; and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

1. The open season is Monday through Friday from November 18 to December 10, inclusive. Actual dates open are November 18, 19, 20, 21, 22, 25, 26, 27, 28, 29; December 2, 3, 4, 5, 6, 9, 10.

2. Only longbows may be used. No gun hunting will be allowed.

3. Successful hunters must register their kill at refuge headquarters.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 10, 1974.

RICHARD E. GRIFFITH,
Regional Director,
U.S. Fish and Wildlife Service.

SEPTEMBER 3, 1974.

[FR Doc.74-21034 Filed 9-11-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 214]

NONIMMIGRANT VISITORS FOR PLEASURE

Proposed Ineligibility for Extension of Temporary Stay

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of §§ 214.1(a) and 214.2(b) of Title 8, Code of Federal Regulations, pertaining to extensions of temporary stay for nonimmigrant visitors for pleasure.

Current regulations (8 CFR 214.1(a) and 214.2(b)) provide that nonimmigrant visitors for business and visitors for pleasure may be admitted to the United States for an initial period of not more than six months. Those regulations further provide that such nonimmigrant visitors may be granted extensions of stay in increments of not more than six months. In this regard, and in the light of a continuing lack of manpower, it is significant that the Service, during the past three fiscal years, adjudicated annually an average of approximately 445,000 applications for nonimmigrant extensions of stay. Of the 445,000 adjudications, approximately 75 percent, or 333,750, were applications for extensions of stay by nonimmigrant visitors for pleasure. Each adjudication requiring an average one-quarter hour, the adjudication of extension applications for nonimmigrant visitors for pleasure resulted in the annual expenditure of approximately 83,437 manpower hours, the approximate annual equivalent of 47 and one-half men. Since manpower considerations render it imperative that the Service reduce its workload of applications requiring adjudications, it is, therefore, proposed to amend §§ 214.1 (a) and 214.2(b) to exclude visitors for pleasure from the classes of nonimmigrants eligible to be granted extensions of temporary stay.

In accordance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100-C, 425 Eye Street, NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received by October 12, 1974, will be considered.

PART 214—NONIMMIGRANT CLASSES

1. In § 214.1, it is proposed to amend the third sentence of paragraph (a) to read as follows:

§ 214.1 Requirements for admission, extension, and maintenance of status.

(a) *General.* • • • A nonimmigrant other than one in the classes defined in section 101(a)(15)(A) (i) or (ii) or (G) (i), (ii), (iii), or (iv) of the Act (members of which classes are not required to obtain extensions of stay if they continue to be so recognized by the Secretary of State as members of such classes); section 101(a)(15)(B) who is visiting the United States temporarily for pleasure and section 101(a)(15) (C), (D), or (K) of the Act (members of which classes are ineligible for extensions of stay); or section 101(a)(15) (F) or (J) of the Act, and whose period of admission has not expired, shall apply on Form I-539 and may be granted or denied, without appeal, an extension of his period of temporary admission by an officer in charge of a suboffice or a district director. • • •

• • • • •

2. In § 214.2, it is proposed to amend paragraph (b) to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

• • • • •

(b) *Visitors.* The classification of visitors in the Act has been subdivided for visa, admission, and extension purposes into visitors for business (B-1) and visitors for pleasure (B-2). A B-1 or B-2 visitor may be admitted for an initial period of not more than six months. A B-1 visitor may be granted extensions of temporary stay in increments of not more than six months.

• • • • •

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: September 9, 1974.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.74-21076 Filed 9-11-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 931]

HANDLING OF FRESH BARTLET PEARS GROWN IN OREGON AND WASHINGTON

Expenses and Fixing of Rate of Assessments; Carryover of Unexpended Funds for the 1974-75 Fiscal Period

This notice invites written comments relative to the proposed expenses of $23,271, and rate of assessment of one cent per standard western pear box to support the activities of the Northwest Fresh Bartlett Pear Marketing Committee for the 1974-75 fiscal period under marketing Order No. 931. It is also proposed that unexpended assessment income from 1973-74 be carried over as a committee reserve.

Consideration is being given to the following proposals submitted by the Northwest Fresh Bartlett Pear Marketing Committee, established pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931), regulating the handling of fresh Bartlett pears grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

§ 931.209 Expenses, rate of assessment, and carryover of unexpended funds.

(a) That expenses that are reasonable and likely to be incurred by the Northwest Fresh Bartlett Pear Marketing Committee, during the period July 1, 1974, through June 30, 1975, will amount to $23,271.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 931.41 be fixed at $0.01 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(c) That assessments in excess of expenses incurred during the 1973-74 fiscal period be carried over as a reserve.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Administration Building, Washington, D.C. 20250, not later than September 30, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 9, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21056 Filed 9-11-74;8:45 am]

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DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Parts 5 and 5a]

TRAINEE AND APPRENTICE REQUIREMENTS

Extension of Time for Comments on Proposed Revocation and Requirements Provisions; Clarification

This Department has proposed to revoke Part 5a of Subtitle A of Title 29 of the Code of Federal Regulations and to amend Part 5 of the subtitle by addition of a new § 5.15 with conforming changes in §§ 5.2, 5.5 and 5.6. This proposal was published in the FEDERAL REGISTER on Monday, July 8, 1974, 39 FR 24924. In that document interested parties were invited to submit written comments on or before August 7, 1974 for consideration by the Department.

A number of replies received by the Department have requested additional time in which to analyze the proposal and make comments. Numerous other replies indicate that the proposed revocation of Part 5a would adversely effect the use of apprentices by permitting the use of trainees.

The principal effect of this proposal to delete Part 5a is to eliminate the mandatory use of apprentices and trainees on Federal and federally assisted projects. Under the regulations either as they now exist, or as they would be changed pursuant to the proposal of July 8, 1974, the use of both apprentices and trainees would continue to be permitted. The use of apprentices is subject to registration of a bona fide apprenticeship program with the Bureau of Apprenticeship and Training. The use of trainees is subject to approval of a training program by the Assistant Secretary for Employment Standards in consultation with the Assistant Secretary for Manpower, as set out in proposed revision of Part 5.

Upon consideration of the requests for additional time to make comments received and in view of the apparent need for clarification above noted, notice is hereby given that the time for submission of comments is extended to and including October 15, 1974.

Signed at Washington, D.C. this 9th day of September 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74-21089 Filed 9-11-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-EA-68]

TRANSITION AREA

Proposed Designation

Correction

In FR Doc. 74-20621 appearing at page 32333 in the issue for Friday, September 6, 1974, make the following change:

In the third column under the center heading Penn Yan, N.Y., the figures in the third line now reading "77°03'32" W." should read "77°03'20" W."

[14 CFR Part 71]

[Airspace Docket No. 74-WA-30]

VOR FEDERAL AIRWAYS

Notice of Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter several airways in the vicinity of Monroe, La., due to the relocation of the Monroe VORTAC.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before September 27, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Monroe VORTAC is being moved to the site of the Monroe Municipal Airport at Lat. 32°31'00" N, Long. 92°09'09" W, approximately five miles northeast of its present location. In conjunction with the relocation, the Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-94 from Monroe, La., to Lambert, Miss.; realign V-18 between Shreveport, La., and Jackson, Miss.; realign V-71 between Natchez, Miss., and El Dorado, Ark.; and realign V-69 between Shreveport and El Dorado. The specific airway changes would be as follows:

1. The description of V-18 and V-18N between Shreveport and Jackson, and V-18S between Monroe and Jackson would not be changed, but their centerline would be moved approximately 4 miles northward because of the relocated Monroe VORTAC. V-18S between Shreveport and Monroe would be redesignated as a standard alternate.

2. The description of V-71 between Natchez and El Dorado would not be changed, but its centerline would be moved approximately 4 miles eastward because of the relocated Monroe VOR TAC. V-71W would be added as a standard alternate between Natchez and Monroe. V-71E between Natchez and Monroe would be realigned via the intersection of the Natchez 341°T (335°M) and the Monroe 105°T (099°M) radials.

3. V-94 would be extended from Monroe via Greenville, Miss., with a standard west alternate, thence via the Greenville 036°T (030°M) radial to the Lambert intersection. The description of V-94 between Elm Grove, La., and Monroe would not be changed, but its centerline would be moved approximately 3 miles to the north because of the relocated Monroe VORTAC.

4. The description of V-69 between Shreveport and El Dorado would be amended from Shreveport via intersection of the Shreveport 084°T (077°M) and the El Dorado 218°T (211°M) radials; to El Dorado; including a W alternate via intersection of the Shreveport 084°T (077°M) and the El Dorado 233°T (226°M) radials; to El Dorado.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C. on September 6, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-21060 Filed 9-11-74;8:45 am]

[14 CFR Part 121]

[Docket No. 13994; Notice No. 74-31]

APPENDIX A—FIRST-AID KITS

Notice of Proposed Rulemaking

The Federal Aviation Administration is proposing amendments to Appendix A of Part 121 of the Federal Aviation Regulations which would provide for certificate holders to obtain FAA approval for the use of items in required first-aid kits that are not included in Federal Specification GG-K-391a, permit certain required arm and leg splints to be stowed outside the first-aid kits, and make other clarifying changes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may deside. Communications should identify the regulatory docket and notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before October 15, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Amendment 121-107, adopted December 13, 1973, (38 FR 35233), prescribed in Appendix A to Part 121 new specifications and requirements for first-aid kits required by § 121.309. The effective date of that amendment was extended to January 1, 1975, by Amendment 121-109 (39 FR 20590) to enable the FAA to propose certain additional changes and clarifications to Appendix A that appear to be appropriate.

As amended by Amendment No. 121-107, paragraph (1) of Appendix A of Part 121 requires, among other things, that first-aid kits meet Federal Specification GG-K-391a, as revised, and paragraph (4) of that Appendix specifies the minimum materials which each first-aid kit must contain.

It has come to the attention of the FAA that many new materials have been developed for use in first-aid kits which are medically acceptable, but which are not presently included in Federal Specification GG-K-391a. For example, in addition to the wire splint specified in Federal Specification GG-K-391a, there are other kinds of splints not specified therein that are commercially available, and satisfactory for the treatment of fractures encountered in aircraft accidents. Furthermore, it appears that the minimum list of items specified in paragraph (4) of Appendix A for each first-aid kit does not include alternative kinds of materials which may be equally as useful as those specified.

Accordingly, it is proposed to amend Appendix A and make its provisions more flexible by providing for the use in first-aid kits of materials not specified in Federal Specification GG-K-391a or paragraph (4) of the Appendix, when the certificate holder has obtained FAA approval for the use of those materials.

In addition, it appears that the wording of paragraph (2) of Appendix A, which requires first-aid kits to be distributed evenly as practicable throughout the cabin, should be changed to clearly permit a kit to be stowed in the flight crew compartment when more than one is required. Accordingly, it is proposed to revise the wording of the regulation by substituting the word "aircraft" for "cabin," so that when more than one first-aid kit is required by the regulation, one of them may be located in the flight crew compartment in achieving as even a distribution of them as practicable throughout the aircraft.

The proposal would also amend paragraph (4) by deleting the "10MM" specification for antiseptic swabs and the "6MM" specification for ammonia inhalants, since those specifications no longer appear to serve any useful purpose.

It is also proposed to amend Appendix A by adding a new paragraph (5) to permit splints which are too large to be contained in a first-aid kit to be stowed in a readily accessible location that is as near as practicable to the kit.

Sections 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1424), and 6(c) of the Department of Transportaion Act (49 U.S.C. 1655(c)).

In consideration of the foregoing it is proposed to amend Appendix A to Part 121 of the Federal Aviation Regulations, as amended by Amendment No. 121-107 (38 FR 35233) and Amendment No. 121-109 (39 FR 20590), as follows:

1. By revising paragraph (1) to read as follows:

• • • • • •

(1) Each first-aid kit must be dust and moisture proof, and contain only materials that either meet Federal Specification GG-K-391a, as revised, or are approved.

2. By amending paragraph (2) by striking out the word "cabin" after the phrase "throughout the" and before the word "and" and by substituting therefor the word "aircraft."

3. By amending the introductory language of paragraph (4) to read as follows:

• • • • • •

(4) Except as provided in paragraph (5), each first-aid kit must contain at least the following or other approved contents:

• • • • • •

4. By amending paragraph (4) by striking out the phrase ", 10MM" after the phrase "Antiseptic swabs" and the phrase ", 6MM" after the phrase "Ammonia inhalants".

5. By adding a new paragraph (5) to read as follows:

• • • • • •

(5) Arm and leg splints which do not fit within a first-aid kit may be stowed in a readily accessible location that is as near as practicable to the kit.

Issued in Washington, D.C., on September 5, 1974.

R. P. SKULLY,
Acting Director, Flight Standards Service.

[FR Doc.74-21051 Filed 9-11-74;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

TRANSURANIC WASTE DISPOSAL

Proposed Standards for Protection Against Radiation

The Atomic Energy Commission is considering the amendment of its regulations in 10 CFR Part 20, "Standards for Protection Against Radiation," to prohibit the disposal by burial in soil of transuranium elements. Transuranic waste would be required to be transferred to the AEC for storage as soon as practicable but within five years after its generation. The AEC would be responsible for subsequent storage, treatment and disposal of such waste. The AEC would take title to the waste upon delivery, and would levy a fee on the generator of the waste to cover all cost for subsequent management.

Section 20.304 of Part 20 presently permits the disposal of specified small quantities of transuranic elements by burial without specific approval of the Commission. Under the proposed amendment, this provision would be revoked. A new § 20.302(d) would be added which provides that disposal of transuranium elements by burial in soil will not be authorized by the Commission. Such waste material would be required to be solidified (if necessary), packaged and transferred to the AEC as soon as practicable but within five years after its generation. Any license authorizing disposal of transuranic elements by burial would be amended to revoke such authority as of the effective date of the new regulations.

Transuranic wastes generally consist of, but are not restricted to, (a) expendable material such as absorbent tissues, clothing, gloves, plastic bags, and equipment; (b) solids such as ion exchange resins or filters from effluent treatment systems; (c) liquid and solidified liquid wastes, such as condensate and waste streams from process operations; (d) fuel hulls which remain after fuel reprocessing operations; and (e) wastes which contain or are contaminated with transuranium elements resulting from reprocessing operations that are not classified as high level waste. For example, all wastes originating in restricted areas of plutonium processing and fuel fabrication facilities, fuel reprocessing facilities (except high level wastes), and laboratories using transuranium elements not in sealed sources should be considered transuranic waste and handled as such.[1] Radwaste from nuclear reactors would not generally be considered transuranic waste under normal operating conditions.[1]

The quantities of transuranium elements (mostly plutonium), thus far buried in licensed commercial burial grounds are estimated to be about 80 kilograms, in discrete packages, dispersed in a large volume (about 7.5 million cubic feet) of buried waste material.

In the evaluation of proposed licensed burial sites for radioactive wastes, the Commission considers two primary aspects: (a) The geological, hydrological, and climatological characteristics of a site must be such that waste, once placed in the ground, will not migrate so as to have a significant impact on man or the environment; and (b) the burial grounds must be on land owned by the Federal or a state government to assure long-term control. Chemical and physical characteristics of plutonium (the principal transuranic element) are such that migration in soil or groundwater is unlikely. Deep well water samples taken at the perimeter of the burial sites have not shown any detectable plutonium, thus indicating that the buried plutonium has remained immobile. On

[1] Measurements made to determine the presence or absence of transuranium elements should be sufficiently sensitive to detect contamination levels as low as 10 nanocuries of transuranic elements per gram of waste. Waste that is suspect, but which has been measured and is not contaminated with more than 10 nanocuries per gram should be consigned to a licensed burial ground. A sensitivity of 10 nanocuries per gram for measurements has been chosen as a guide since it represents the upper range of concentration of radium in the earth's crust. In terms of long half-life and radiotoxicity, transuranium elements are comparable to radium. It appears reasonable, therefore, to permit the burial of waste which might contain transuranic elements in such concentrations, or below, in licensed burial sites.

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the basis of the foregoing, the Commission has concluded that the plutonium already buried does not constitute a present hazard to man or the biosphere and thus should not be required to be removed from burial. Continued surveillance of the burial sites will be maintained to assure that a potential hazard does not develop.

Because of an anticipated increase in the quantities of wastes containing or contaminated with transuranium elements, the long half-life of transuranium elements, and their high specific radiotoxicity, the Commission believes that in the future, storage and disposal of such waste at Government owned facilities should replace disposal in licensed commercial burial grounds. Such storage and disposal would provide a greater assurance against escape of the material to the biosphere, than would near-surface burial in commercial burial grounds. The Commission is also considering whether radionuclides other than those covered by this proposed regulation and those covered by the currently effective regulation (Appendix F to 10 CFR 50), because of potential hazard should also be earmarked for management by the AEC, and it may propose further rule making actions in this regard.

The Commission will accept licensee generated transuranic waste at designated Commission sites. Waste form specifications, packaging requirements, and charges will be published as a Miscellaneous Notice Concerning Commission Prices, Services, and Agreements. In order to prevent accumulations of waste material at licensee plants, but at the same time taking into account the need for decay of short-lived isotopes, a new § 20.306 would require transuranic waste to be solidified (if liquid), packaged and transferred to the Commission as soon as practicable but within five years after its generation.

The Commission will continue to require, through the safety and safeguards reviews of licensed operations, that actions must be taken by licensees to minimize, to the extent possible, the generation of transuranic wastes.

A separate environmental impact statement is not required for the issuance of this proposed rule. The Commission is preparing an environmental impact statement on the management of high level and transuranic waste received from commercial operations.

Paragraph 150.15(a)(5) of 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States under section 274," provides that persons in Agreement States are not exempt from the Commission's licensing and regulatory requirements with respect to the disposal of such byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be disposed of without a license from the Commission. The Commission has under consideration such a determination in the case of waste containing or contaminated with transuranium elements. Concurrently with the proposed amendment to Part 20 which follows, a notice of this proposed determination is being published in the FEDERAL REGISTER. The effect of this determination would be to reassert the Commission's authority in Agreement States over the disposal of transuranic waste by burial.

Pursuant to the Atomic Energy Act of 1954, as amended, and Section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendment of 10 CFR Part 20 is contemplated. All interested persons who desire to submit written comments or suggestions should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Dockets and Service Section, by November 11, 1974. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

1. Section 20.302 is amended by adding a new paragraph (d) to read as follows:

§ 20.302 Method for obtaining approval of proposed disposal procedures.

• • • • • •

(d) The Commission will not approve any application for a license or license amendment for disposal of transuranium elements (atomic number greater than 92) by burial. Any license or license amendment authorizing disposal of transuranium elements by burial is hereby amended to revoke such authority as of (effective date of regulation amendment). Transuranic waste shall be disposed of in accordance with § 20.306.

2. The introductory paragraph and paragraph (a) of § 20.304 are amended to read as follows:

§ 20.304 Disposal by burial in soil.

No licensee shall dispose of waste material by burial in soil unless:

(a) The total quantity of licensed and other radioactive materials buried at any one location and time does not exceed, at the time of burial, 1000 times the amount specified in Appendix C of this part and does not contain transuranium elements (atomic number greater than 92), and

3. A new § 20.306 is added to read as follows:

§ 20.306 Disposal of transuranic waste.

Waste material containing or contaminated with transuranium elements (atomic number greater than 92) shall be solidified (if liquid), packaged, and transferred to the Atomic Energy Commission as soon as practicable but, in any event, within five years after its generation.

(Secs. 53, 161, Public Laws 83-703, 88-489, 68 Stat. 930, 78 Stat. 602 (42 U.S.C. 2073, 2201))

Dated at Germantown, Md. this 3rd day of September 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
Secretary of the Commission.

[FR Doc.74-21233 Filed 9-11-74;8:45 am]

[10 CFR Part 150]

TRANSURANIC WASTE DISPOSAL

Exemptions and Continued Regulatory Authority

Section 150.15 of 10 CFR Part 150 states that persons in Agreement States are not exempt from the Commission's licensing and regulatory requirements with respect to, inter alia, the disposal of such byproduct, source, or special nuclear material as the Commission determines by regulation or order should, because of the hazards or potential hazards thereof, not be disposed of without a license from the Commission.

The Commission is publishing proposed amendments of 10 CFR Part 20 that would provide that disposal of transuranium elements (atomic number greater than 92) by burial in soil by licensees will not be authorized. This waste would be solidified (if liquid), packaged and transferred to the AEC as soon as practicable but within five years after its generation. The AEC would be responsible for subsequent storage, treatment and disposal of such waste. The AEC would take title to the waste upon delivery and would levy a fee on the generator of the waste to cover all costs for subsequent management.

Consistent with the policy expressed in the proposed amendments, the Commission is considering a determination that waste containing or contaminated with transuranium elements should not, because of the potential hazards thereof, be disposed of by persons in an Agreement State. The effect of this determination would be to reassert the Commission's authority in Agreement States over the disposal of transuranium elements by burial in soil. The proposed amendment to § 150.15 of Part 150 which follows would reflect the proposed determination.

Transuranic wastes generally consist of, but are not restricted to, (a) expendable material such as absorbent tissues, clothing, gloves, plastic bags, and equipment; (b) solids such as ion exchange resins or filters from effluent treatment systems; (c) solidified liquid wastes, such as condensate and waste streams from process operations; (d) fuel hulls which remain after fuel reprocessing operations; and (e) liquid or solid wastes which contain or are contaminated with transuranium elements, resulting from reprocessing operations, that are not classified as high level waste. For example, all wastes originating in restricted areas of plutonium processing and fuel fabrication facilities fuel reprocessing facilities (except high level wastes), and laboratories using transuranium elements not in sealed sources should be considered transuranic waste and handled as such.[1] Radwaste from nuclear reactors would not generally be considered transuranic waste under normal operating conditions.[1]

The quantities of transuranium elements (mostly plutonium) thus far buried in licensed commercial grounds are estimated to be about 80 kilograms dispersed through a large volume (about 7.5 million cubic feet) of material.

In the evaluation of proposed licensed burial sites for radioactive wastes, two primary aspects are considered: (a) The geological, hydrological, and climatological characteristics of a site must be such that waste, once placed in the ground, will not migrate so as to have a significant impact on man or the environment; and (b) the burial grounds must be on land owned by the Federal or a state government to assure long-term control. Chemical and physical characteristics of plutonium are such that migration in soil or groundwater is unlikely. Deep well water samples taken at the perimeter of the burial sites have not shown any detectable plutonium (the principal transuranium element), thus indicating that the buried plutonium has remained immobile. On the basis of the foregoing, the Commission has concluded that the plutonium already buried does not constitute a potential hazard to man or the biosphere and thus should not be required to be removed from burial. Continued surveillance of the burial sites will be maintained to assure that a potential hazard does not develop.

Because of an anticipated increase in the quantities of wastes containing or contaminated with transuranium elements, the long half-life of transuranium elements, and their high specific radiotoxicity, the Commission believes that in the future, storage and disposal of such waste at Government-owned facilities should replace disposal in licensed commercial burial grounds. Such storage and disposal would provide a greater assurance against escape of the material to the biosphere, than would near-surface burial in commercial burial grounds. The Commission is also considering whether radionuclides other than those covered by this proposed regulation, because of potential hazards, should also be earmarked for management by the AEC, and it may propose further rule making actions in this regard.

The Commission will accept AEC and Agreement State licensee generated transuranic waste at designated Commission sites. Waste form specifications, packaging requirements, and charges will be published as a Miscellaneous Notice Concerning Commission Prices, Services, and Agreements. The Commission will continue to require, through the safety and safeguards reviews of licensed possible the generation of transuranic wastes and would expect Agreement operations, that actions must be taken by its licensees to minimize to the extent States to adopt similar requirements.

Accordingly, concurrent with adoption in final form of the proposed amendments of 10 CFR Part 20, the following amendment to 10 CFR Part 150 would be made.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendment of 10 CFR Part 150 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Dockets and Service Section, by November 11, 1974. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Paragraph 150.15 (a) is amended to add a new subparagraph (7) to read as follows:

§ 150.15 Persons not exempt.

(a) • • •

• • • • • •

(7) The disposal of transuranium elements (atomic number greater than 92) by burial.

(Secs. 53, 161, 274, Pub. Laws 83-703, 86-373 and 88-489, 68 Stat. 930, 948, 73 Stat. 688, 78 Stat. 602; (42 U.S.C. 2021, 2073, 2201))

Dated at Germantown, Maryland, this 4th day of September 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.74-21232 Filed 9-11-74;8:45 am]

[1] Measurements made to determine the presence or absence of transuranium elements should be sufficiently sensitive to detect contamination levels as low as 10 nanocuries of transuranic elements per gram of waste. Waste that is suspect, but which has been measured and is not contaminated with more than 10 nanocuries per gram should be consigned to a licensed burial ground. A sensitivity of 10 nanocuries per gram for measurement has been chosen as a guide since it represents the upper range of concentration of radium in the earth's crust. In terms of long half life and radiotoxicity, transuranium elements are comparable to radium. It appears reasonable, therefore, to permit the burial of waste which might contain transuranic elements in such concentrations, or below, in licensed burial sites.

FEDERAL TRADE COMMISSION

[16 CFR Part 257]

GUIDE AGAINST ADVERTISING OF CHILDREN'S PREMIUMS ON TELEVISION

Extension of Time To Submit Written Views, Suggestions, Objections or Pertinent Information

Notice is hereby given that the Federal Trade Commission has extended the closing date for the submission of written views, suggestions, objections or pertinent information concerning the proposed Guide Against Advertising of Children's Premiums on Television from September 9, 1974, to not later than September 23, 1974.

Approved: September 9, 1974.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-21285 Filed 9-11-74;10:38 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

REVENUE SHARING FUNDS

Accounting for Appropriated Revenue Sharing Funds That Have Reverted to the Recipient Government's Trust Fund

Correction

In FR Doc. 74–20677 appearing at page 32336 in the issue for Friday, September 6, 1974, the subject heading which originally appeared as "Revenue Sharing Bonds" is corrected as shown above to read: "Revenue Sharing Funds".

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

ADVISORY COMMITTEE OF THE NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Notice of Meeting

Notice is hereby given that the Advisory Committee of the National Institute of Law Enforcement and Criminal Justice to the Law Enforcement Assistance Administration will meet on Saturday, September 28, 1974, from 9:00 a.m. to 4:30 p.m. The place of the meeting will be at the Twin Bridges Marriot Hotel in Arlington, Virginia.

The meeting will be open to the public. Any interested person may file a written statement with the committee for its consideration.

Statements may be sent to or information requested from Gerald Caplan, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20530.

JACK A. NADOL,
Advisory Committee Management Officer, Office of General Counsel.

[FR Doc.74–21079 Filed 9–11–74;8:45 am]

PRIVATE SECURITY ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that the Private Security Advisory Council to the Law Enforcement Assistance Administration will meet on September 19 and September 20, 1974 at the Washington Hilton Hotel in Washington, D.C.

The meeting will be open to the public. Any interested person may file a written statement with the council for its considerations.

Statements may be sent to or information requested from Irving Slott, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20530.

GERALD H. YAMADA,
Advisory Committee Management Officer Office of General Counsel.

[FR Doc.74–21078 Filed 9–11–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 47572]

WYOMING

Notice of Application

SEPTEMBER 3, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Koch Production Co. has applied for a gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 54 N., R. 94 W.,
Sec. 5, lot 3, SW¼NE¼, SE¼NW¼, and NW¼SE¼.
T. 55 N., R. 94 W.,
Sec. 29, W½SW¼.
Sec. 32, W½NW¼, N½SW¼, and SE¼SW¼.

The pipeline will convey gas from an existing pipeline in sec. 29. T. 55 N., R. 94 W., to the Spence Dome Unit area.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–21038 Filed 9–11–74;8:45 am]

National Park Service

[Order No. 2]

ADMINISTRATIVE OFFICER, ET AL., DELAWARE WATER GAP NATIONAL RECREATION AREA, N.J.

Delegation of Authority

Section 1. *Administrative Officer.* The Administrative Officer may execute, approve and administer contracts not in excess of $25,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

Sec. 2. *General Supply Specialist.* The General Supply Specialist may issue purchase orders not in excess of $2,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

Sec. 3. *Revocation.* This order supersedes Order No. 1 dated February 8, 1967 and published in 32 FR 4177 on March 17, 1967, as amended.

(National Park Service Order No. 77 (38 FR 7478) as amended; Mid-Atlantic Region Order No. 1 (39 FR 3694)).

Dated: July 23, 1974.

JAMES L. MCLAUGHLIN,
Superintendent, Delaware Water Gap National Recreation Area.

[FR Doc.74–21104 Filed 9–11–74;8:45 am]

[Order No. 2]

ADMINISTRATIVE TECHNICIAN; FORT McHENRY NATIONAL MONUMENT, MD.

Delegation of Authority

Section 1. *Administrative Technician.* The Administrative Technician may issue purchase orders not in excess of $1,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Administrative Technician in behalf of any unit under the administration of Fort McHenry National Monument.

Sec. 2. *Revocation.* This order supersedes Order No. 1 dated August 30, 1968 and published in 33 FR 14653 on October 1, 1968.

(National Park Service Order No. 77, (38 FR 7478) as amended; Mid-Atlantic Region Order No. 1 (39 FR 3694)).

Dated: July 16, 1974.

JANET CHESS WOLF,
Acting Superintendent, Fort McHenry National Monument.

[FR Doc. 74–21111 Filed 9–11–74;8:45 am]

WESTERN REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Western Regional Advisory Committee will be held at 8:30 a.m. m.s.t. on September 27 and 28, 1974 in the large conference room at the Granada Royale Hometels, 24th and Thomas Road, Phoenix, Arizona.

The purpose of the Western Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Western Region of the National Park Service.

The members of the Advisory Committee are as follows:

Lewis S. Eaton, Fresno, California (Chairman)
Ben Avery, Phoenix, Arizona
David W. Ballie, Jr., Lihue, Kauai, Hawaii
Ed Fike, Las Vegas, Nevada
Bernard Fontant, Tucson, Arizona
Jean Ford, Las Vegas, Nevada
James Hooper, Crescent City, California
Jack Walston, San Francisco, California
Todd Watkins, Bishop, California

The matters to be discussed at this meeting include:

(1) A review of Colorado River management.
(2) Status of planning for National Park Service areas in Arizona.
(3) Councilman membership concept.
(4) Election of Officers.

A one half day field trip to Casa Grande Ruins National Monument will be provided the Committee members on September 28.

The meeting will be open to the public. However, due to a lack of space only the Advisory Committee members and associated Park Service personnel will be provided transportation for the field trip. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact Ray C. Foust, Executive Assistant to the Regional Director, Western Regional Office at 415–556–8227. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Western Region, 450 Golden Gate Avenue, San Francisco, California.

Dated: September 3, 1974.

HOWARD H. CHAPMAN,
Regional Director, Western Region.

[FR Doc.74–21123 Filed 9–11–74;8:45 am]

Office of Hearings and Appeals

[Docket No. M74–169]

ARMCO STEEL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Armco Steel Corporation has filed a petition to modify the application of 30 CFR 77.803 to its No. 7 Mine located in Raleigh County, West Virginia.

30 CFR 77.803 provides:

On and after September 30, 1971, all high-voltage, resistance grounded systems shall include a fail safe ground check circuit or other no less effective device approved by the Secretary to monitor continuously the grounding circuit to assure continuity. The fail safe ground check circuit shall cause the circuit breaker to open when either the ground or ground check wire is broken.

In support of its petition, Petitioner offers the following statements:

STATEMENT OF POSITION

Petitioner maintains that the facilities and equipment installations described below, which have been designated as in violation of § 77.803 of Part 77, Title 30, Code of Federal Regulations, achieve no less than the same measure of protection afforded the plant personnel by such standard and that the application of such standard may result in a diminution of safety to the plant personnel. Petitioner further states that the systems found in violation are completely safe; that the systems are permanent and stationary and not in any manner to be construed as portable or mobile; that the addition of a fail-safe ground check circuit would not increase the level of safety; that a multiplexity of low resistance high integrity ground return paths exist in addition to the neutral ground wire; that the addition of a fail-safe ground check circuit would decrease the overall system reliability of maintaining power to the mine fans.

DESCRIPTION OF FACILITIES

Each of the areas found in violation of § 77.803 receives electrical power from Petitioner's Montcoal "Tipple Substation" with the exception of the Hope No. 10 mine circuit which is a parallel situation to the pole line installations discussed below.

The major components of the Tipple Substation include a power transformer to develop 4160 volts, a main secondary circuit breaker, two secondary feeder circuit breakers, and a high resistance grounding resistor rated in accordance with Standard 75.801. Power is distributed to the areas in question by either open wiring pole line type construction or buried conduit routing. In each instance a ground wire connected between the neutral resistor and the earth ground grid (hereinafter referred to as the neutral ground) is carried with each circuit.

The pole line circuits serve the following surface facilities: Two #7 Mine fans, two Maintenance Shops, Main Office, Stickney Cleaning Plant, and the Water Plant. In addition, one circuit is established, in strict accordance with all existing regulations, to distribute power underground into the #7 Mine. The conduit feeder is applied to supply power to the Montcoal Tipple Preparation Plant.

SUPPORTING COMMENTS

With emphasis placed on being as brief as possible, the following pertinent comments are offered:

Preparation plant. The neutral ground of the 4160 volt system is routed to the Preparation Plant via buried rigid conduit. The 4160 voltage is either transformed to a lower usable voltage by the application of 5–15 kV switchgear class equipment or used directly by 5 kV motor starting equipment for a large horsepower motor. The neutral ground is interconnected into a massive ground grid system which by use of copper cable is connected to the incoming conduit, all rigid conduit, all switchgear, all motors, all transformers, building columns, and all other electrical enclosures or raceways, which could, by virtue of insulation failure or fault, become energized. This installation practice insures numerous ground return paths in addition to the neutral ground and achieves a safety level no less than that which would be afforded by the 77.803 Standard. The practice also meets or exceeds all requirements and recommendations of the National Electric Code.

Petitioner makes no offer to add additional special protection in this case but will conduct ground resistance tests if such is deemed to be pertinent.

Pole lines. The neutral ground wire is carried with each circuit on the various lines in the form of a 4/0 copper cable. In each of these applications Petitioner will insure that at various point along the power lines the neutral ground is connected into an earth ground grid. In addition, Petitioner will insure that at the terminating point of each circuit a connection will be made between the neutral ground, the terminating and related equipment that could possibly become energized, and an earth ground grid. Installation and maintenance of such a system will again provide numerous ground return paths and achieve a safety level no less than that which would be afforded by the application of § 77.803.

CONCLUSION

Petitioner is vitally concerned with providing the highest degree of safety possible and firmly believes that the above systems as existing and as proposed to be modified provide no less protection than that intended by § 77.803 of the Code of Federal Regulations.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 15, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 5, 1974.

[FR Doc.74–21038 Filed 9–11–74;8:45 am]

[Docket No. M 74–173]

C.L. & C. COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section

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861(c) (1970), C.L. & C. Coal Co. has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 1 Mine located at Oliver Springs, Tennessee.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition to secure a waiver of 30 CFR 77.1605(k), Petitioner asserts that compliance with the foregoing will result in a diminution of safety for the following reasons:

(1) The installation of berms and guard rails would create a drainage problem. Washouts and other hazardous conditions would result in wet weather.

(2) Berms and guards would hamper snow removal, thereby causing icy road conditions during the winter.

(3) The grader now used for road maintenance could no longer be used. In addition, extra man-hours and equipment would be needed for road maintenance. Such additional personnel and machinery would significantly increase the accident potential.

(4) It would be impractical to widen the existing roads to support berms. Solid rock would have to be blasted and the resulting highwall would create additional hazards.

(5) Guardrails would have to be installed on fill material which will not provide sufficient anchorage for the guards.

Petitioner asserts that its present haulage system provides as much or greater safety than the foregoing mandatory standard for the following reasons:

(1) More than 75 percent of Petitioner's haulage time is spent on county and state roads which are not as safe as Petitioner's road. Furthermore, the present traffic system on Petitioner's road includes signs indicating: curves, steep grades, narrow sections, one-lane traffic, and passing points.

(2) Under its current procedure, all of Petitioner's haulage equipment is inspected before each working shift. Any need for repairs is noted, and the repairs are made. As an added safety measure, all of haulage equipment is equipped with an engine brake.

(3) Petitioner's safety record does not include a single accident on its haulage roads.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 15, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 4, 1974.

[FR Doc.74-21042 Filed 9-11-74;8:45 am]

[Docket No. M 74-185]

ITMANN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Itmann Coal Co. has filed a petition to modify the application of 30 CFR 75.1101-4 to its Nos. 1, 2, 3, and 4 Mines.

30 CFR 75.1101-4 provides:

As a part of the deluge-type water spray system, two or more branch lines of nozzles shall be installed. The maximum distance between nozzles shall not exceed 8 feet.

Petitioner seeks for each of the above-captioned mines a modification of that portion of § 75.1101-4 that states: "As a part of the deluge-type water spray system, two or more branch lines * * * shall be installed."

Specifically, Petitioner requests modification of § 75.1101-4 to permit use of a single line of nozzles as part of its deluge water spray system at main and secondary belt-conveyer drives in the above-captioned mines. Nozzles on the proposed single line would be maintained at a distance of not more than eight feet apart in accordance with § 75.1101-4.

Petitioner has already installed several single line systems in its mines after obtaining on December 5, 1970, the concurrence of Mr. William R. Parks, former MESA District 4 Manager. Petitioner has recently reaffirmed the efficiency of the single line system to meet the intent of the regulation by consultation with Mr. Will Jamison of the Lee Engineering Company. Mr. Jamison was a member of a research team which operated under MESA's Technical Support Group to determine the efficiency of the proposed single line system. The preliminary report of this Technical Support Group concluded that a single line system with nozzles spaced not more than eight feet apart is as efficient for safety purposes as the branch line system required by § 75.1101-4.

Petitioner requests the modification herein described for economy reasons. The cost of piping, nozzles and man-hours of installation and maintenance of branch line systems in its mines is approximately double the cost of the equally effective single line system.

Petitioner represents to the best of its knowledge and belief that the modification requested will at all times guarantee no less than the same measure of protection afforded the miners by use of the branch line system required by § 75.1101-4.

PETITIONER PLANS FOR ALTERNATE SYSTEM

As part of its deluge-type water spray system, Petitioner proposed to maintain a single line system with nozzles not more than eight feet apart at all main and secondary belt-conveyer drives in the above-captioned mines.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 15, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 4, 1974.

[FR Doc.74-21041 Filed 9-11-74;8:45 am]

[Docket No. M 74-186]

ROCCO COALS, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Rocco Coals, Inc., has filed a petition to modify the application of 30 CFR 75.1405 to its Number One Mine, Harlan County, Kentucky.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1931, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states:

(1) The subject mine, with the present haulage equipment, was leased by Petitioner on December 24, 1973. The mine, which employs ten men, contains one operating underground unit which utilizes the pillar extraction method.

(2) At the current rate of extraction, the life expectancy of the mine is approximately nine months. However, Petitioner must maintain one hundred mine cars for haulage of coal and supplies. The haulage speed of these cars normally does not exceed 10 miles per hour.

(3) In the mine, the cars are delivered to the section dumping point in units of eighteen cars. They are then loaded from a conveyor. During the loading process, the haulage cars are maneuvered with an electric hoist and a steel rope cable. The motor which is used to transport cars is not connected to the cars while they are being loaded.

(4) On the surface, the cars are positioned for dumping by the motorman. He then uncouples the unit in order to change direction and transport the empties underground. At no time do employees go between the cars to uncouple or couple the cars while they are in motion.

(5) Petitioner's proposed alternate method, as detailed in photographs accompanying the petition, was devised to avoid the necessity of mine personnel placing themselves between cars to effect coupling or uncoupling. The foregoing method includes the installation of a cable extending from the motorman's deck to the coupling pins at each end of the motor. Also contemplated by the alternate method is the use of a "J" hook to align the links.

(6) Petitioner asserts that its proposed alternate method will at all times guarantee no less than the same measure of protection afforded by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 15, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 5, 1974.

[FR Doc.74-21040 Filed 9-11-74;8:45 am]

[Docket No. M 74-187]

TWIN PINES COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Twin Pines Coal Co. has filed a petition to modify the application of 30 CFR 75.1405 to its Twin Pines Mine, Canon City, Colorado.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition to secure a waiver of the foregoing standard, Petitioner states:

Petitioner does not uncouple any cars underground. Each empty trip is picked up at the surface and proceeds underground with a locomotive attached at either end of the trip. Underground the trip is kept intact and loaded without uncoupling cars or locomotives. Once the trip is loaded it proceeds to the surface. At the surface, the loaded trip is blocked in place while the empty trip is picked up and returned underground.

At the surface dumping point, there is only one employee who has the responsibility of dumping all of the cars. There is no locomotive or mechanical device which could push or jar the cars at surface dumping point.

The petition is supported by six photographs illustrating Petitioner's coupling and uncoupling techniques.

Petitioner asserts that its present coupling procedure provides no less than the same measure of protection afforded by the application of the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 15, 1974. Such requests or comments must be filed with the Departmental Hearings Branch—OHA, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84138. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 5, 1974.

[FR Doc.74-21039 Filed 9-11-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

FOOD STAMP PROGRAM

Reimbursement for State and Local Administrative Costs

Public Law 93-347 signed by the President on July 12, 1974, includes, among others, an amendment to the Food Stamp Act of 1964, as amended, which authorizes the Secretary of Agriculture to pay each State agency an amount equal to 50 percent of all State and local administrative costs of the Food Stamp Program, including but not limited to, the cost of (1) the certification of households; (2) the acceptance, storage, and protection of coupons after their delivery to receiving points within the States; (3) the issuance of such coupons to eligible households; (4) the outreach and fair hearing requirements; and (5) the control and accounting of coupons. The food stamp administrative cost share, however, is not extended to any expenses involved in certifying public assistance households for food stamps, since those expenses are already covered by Federal reimbursement under the public assistance program.

The purpose of this notice is to inform all interested parties, particularly, the appropriate State and local agencies, that:

1. The Department intends to issue proposed regulations in the FEDERAL REGISTER for a 30-day period of public comment. The proposed regulations will set forth procedures for submitting claims and reporting on program administration.

2. Because of the period of time involved in finalizing these regulatory changes and reaching all the necessary agreements, the effective date for claiming the 50 percent Federal matching of costs authorized by Public Law 93-347 will be the date on which the final regulations are published in the FEDERAL REGISTER.

3. In the interim, State and local agencies shall continue to submit claims for reimbursement under currently approved procedures.

RICHARD L. FELTNER,
Assistant Secretary.

SEPTEMBER 10, 1974.

[FR Doc.74-21231 Filed 9-11-74;8:45 am]

Forest Service

CONDOR ADVISORY COMMITTEE

Notice of Meeting

The Condor Advisory Committee will meet on October 2, 1974, at 8:30 a.m. in Conference Room 3002, Sierra National Forest Headquarters, 1130 "O" Street, Fresno, California 93721.

This meeting is open to the public. Persons who wish to attend should notify Mr. Edward R. Schneegas, USDA, Forest Service, Wildlife Management Staff, 630 Sansome Street, San Francisco, California 94111 (415-556-5375). Written statements may be filed with the Committee before or after the meeting.

A public participation period is scheduled after the regular meeting.

DOUGLAS R. LEISZ,
Regional Forester.

SEPTEMBER 6, 1974.

[FR Doc.74-21087 Filed 9-11-74;8:45 am]

CONDOR ADVISORY COMMITTEE

Notice of Meeting Cancellation

The Condor Advisory Committee meeting scheduled on October 2, 1974, at 8:30 a.m. in Conference Room 205, Angeles National Forest Headquarters, 150 South Los Robles Avenue, Pasadena, California, has been cancelled. The notice of this meeting was issued September 6, 1974, on page number 32339 of the FEDERAL REGISTER.

DOUGLAS R. LEISZ,
Regional Forester.

SEPTEMBER 6, 1974.

[FR Doc.74-21088 Filed 9-11-74;8:45 am]

WALLOWA-WHITMAN NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Wallowa-Whitman National Forest Grazing Advisory Board will have a special meeting at 1:30 p.m., September 19, 1974 at the first floor conference room, Federal Building, Enterprise, Oregon. The purpose of this meeting is to review with the permittee and the Forest Service the Forest Supervisor's decision to suspend 10 percent and revoke 20 percent of a term grazing permit because of violations of the grazing permit and unauthorized use of adjacent areas, and other subjects that may come before the meeting.

The meeting will be open to the public. Persons who wish to attend should notify the Wallowa-Whitman National Forest, P.O. Box 907, Baker, Oregon 97814 or telephone 503-523-6391. Writtten statements may be filed with the committee before or after the meeting.

Public participation will be scheduled following dispatch of the regularly scheduled business.

Minimum notice time is available because of necessity to have this special meeting on a specific problem at the earliest convenience.

PAUL E. KITTLESON,
Acting Forest Supervisor.

SEPTEMBER 4, 1974.

[FR Doc.74-21037 Filed 9-11-74;8:45 am]

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WHITE MOUNTAIN NATIONAL FOREST ADVISORY COMMITTEE

Notice of Meeting

The White Mountain National Forest Advisory Committee will meet October 9 and 10, 1974, at the Ramada Inn, Laconia, New Hampshire.

The purpose of this meeting is to discuss planning and management proposals for the White Mountain National Forest.

The meeting will be open to the public. Persons who wish to attend should notify Ned Therrien, U.S. Forest Service, Laconia, New Hampshire 03246. Telephone number 603–524–6450.

Dated: September 5, 1974.

PAUL D. WENGART,
Forest Supervisor.

[FR Doc.74–21086 Filed 9–11–74;8:45 am]

Soil Conservation Service

BIG DITCH RUN WATERSHED, WEST VIRGINIA

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6e of the Council on Environmental Quality Guidelines (38 FR 20550) issued August 1, 1973; and § 650.8(b)(3) of Soil Conservation Service Guidelines (39 FR 19651) issued on June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Big Ditch Run Watershed Project, Webster County, West Virginia.

The environmental assessment of this Federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. James S. Bennett, State Conservationist, Soil Conservation Service, USDA, Federal Building, High Street, Morgantown, West Virginia 26505, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection, flood prevention, and water-oriented recreation. The remaining planned works of improvement to be installed include conservation land treatment, recreation facilities around a 65-acre multiple-purpose recreation and flood prevention reservoir, and 0.3 mile of channel modification.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, Federal Building, High Street, Morgantown, West Virginia 26505.

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: September 15, 1974.

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74–21084 Filed 9–11–74;8:45 am]

OAK ORCHARD CREEK WATERSHED PROJECT, NEW YORK

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Oak Orchard Creek Watershed Project, Genesee and Orleans Counties, New York, USDA–SCS–EIS–WS–(ADM)–75–2–(D)–NY.

The environmental statement concerns a plan for watershed protection and flood prevention in Genesee and Orleans Counties, New York, to be installed by the Sponsoring Local Organizations with Federal assistance under authority of the Watershed Protection and Flood Prevention Act (Public Law 566), 83d Congress, 68 Stat. 666), as amended. The project will consist of conservation land treatment measures on 12,050 acres and about 90 miles of channel work. The channel work will include approximately 40.5 miles of flood water diversions to intercept upland flows, approximately 31.8 miles of floodways to carry water from the diversions to the main channels, and approximately 18.5 miles of main channels. Construction of the channels will follow the present alignment of existing manmade ditches; however, enlargement of the flow area will be necessary. Of the 90 miles of work proposed on existing streams or channels, 47 miles will involve those with only ephemeral flow, and 43 miles with intermittent flow. Approximately 100 structures for water control will be located adjacent to maintained travelways along the proposed channels, including 70 existing structures which require modification. Each structure consists of a sump to collect onfarm runoff; a gravity outlet pipe, with flap gate, to provide drainage during periods of low channel flow; a pump, with controls and motor, to be installed by landowners to discharge onfarm runoff during periods of high channel flow; and shelter and appurtenances necessary for the proper functioning of the structure and protection of the equipment.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Room 400, Midtown Plaza, 700 East Water Street, Syracuse, New York 13210.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Robert L. Hilliard, State Conservationist, Soil Conservation Service, 700 East Water Street, Syracuse, New York 13210.

Comments must be received on or before November 11, 1974, in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: September 4, 1974.

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74–21085 Filed 9–11–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

HEALTH SERVICES DEVELOPMENTAL GRANTS STUDY SECTION

Change in Meeting

In FR Doc. 74–19259 appearing at page 80180 in the issue for Wednesday, August 21, 1974, the meeting notice for the Health Services Developmental Grants Study Section should be changed to reflect the following:

Committee name	Date, time, place	Type of meeting and/or contact person
Health services developmental grants study section.	September 11, 8 p.m., Pennsylvania Room, Holiday Inn of Bethesda, 8120 Wisconsin Ave., Bethesda, Md.	Open.
	September 12–13, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed—9–10 a.m. on September 12; open—10–10:30 a.m. on September 12; closed—remainder of meeting. Contact David McFall, Room 15–29, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., 301–443–2930.

The purpose and agenda for the meeting will remain as previously published.

Dated: September 6, 1974.

DANIEL F. WHITESIDE,
Associate Administrator for Operations and Management, Health Resources Administration.

[FR Doc.74–21021 Filed 9–11–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–282, 50–306]

NORTHERN STATES POWER CO.

Notice of Oral Argument

Notice is hereby given that, in accordance with the Atomic Safety and Licensing Appeal Board's Order of August 5, 1974, oral argument has been scheduled for 9:30 a.m. on Friday, September 13, 1974, in Courtroom No. 4, 7th Floor, United States Federal Building and Courthouse, 316 North Roberts Street, St. Paul, Minnesota.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

SEPTEMBER 10, 1974.

[FR Doc.74–21174 Filed 9–11–74;8:45 am]

[Dockets Nos. 50–500, 50–501]

TOLEDO EDISON CO. ET AL.

Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report: Time for Submission of Views on Antitrust Matters

The Toledo Edison Company, The Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application for authorization to construct and operate two generating units utilizing two pressurized water nuclear reactors. The application was tendered on May 10, 1974. Following a preliminary review for completeness, the Environmental Report was found to be acceptable on July 19, 1974. The Preliminary Safety Analysis Report (PSAR) was rejected on June 12, 1974, because of deficiencies in the Quality Assurance Program description. The applicants submitted a revised Quality Assurance Program on July 24, 1974, and the application was docketed on August 9, 1974. Dockets Nos. 50–500 and 50–501 have been assigned to the application and should be referenced in any correspondence relating to it.

The proposed nuclear facility, designated by the applicants as the Davis-Besse Nuclear Power Station, Units 2 and 3, is located on Lake Erie in Ottawa County, Ohio. Each unit is designed for initial operation at 2772 megawatts thermal, with a net electrical output of 906 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before November 4, 1974. The request should be filed in connection with Docket Nos. 50–500–A and 50–501–A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Ida Rupp Public Library, Port Clinton, Ohio.

The Environmental Report was filed by the applicants pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 57. This report, which discusses environmental considerations related to the construction and operation of the proposed facility, is being made available for public inspection at the aforementioned locations and at the Ohio State Clearinghouse, Office of the Governor, 62 East Broad Street, Columbus, Ohio 43215.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 27th day of August 1974.

For the Atomic Energy Commission.

L. P. CROCKER,
Acting Chief, Light Water Reactors Branch 2–2, Directorate of Licensing.

[FR Doc.74–20606 Filed 9–4–74;8:45 am]

MANAGEMENT OF COMMERCIAL HIGH LEVEL AND TRANSURANIUM CONTAMINATED RADIOACTIVE WASTES

Issuance of Draft Environmental Impact Statement; Scheduling of Public Hearing; Hearing Procedures

Notice is hereby given that the General Manager of the Atomic Energy Commission (AEC) issued on September 10, 1974, a draft environmental impact statement, "Management of Commercial High Level and Transuranium Contaminated Radioactive Wastes," WASH–1539, pursuant to 10 CFR Part 11—AEC regulations implementing the National Environmental Policy Act of 1969 (NEPA). Copies of the draft statement will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., as well as in the Commission's Albuquerque Operations Office, Albuquerque, New Mexico; Chicago Operations Office, 9500 South Cass Avenue, Argonne, Illinois; Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho; Nevada Operations Office, Las Vegas, Nevada; Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee; Richland Operations Office, Federal Building, Richland, Washington; San Francisco Operations Office, 1333 Broadway, Oakland, California; and Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina and in the Cook County Law Library, 2900 Chicago Civic Center, Chicago, Illinois.

Comments on the draft statement are requested from interested individuals, organizations and governmental agencies. Comments received by the AEC by October 28, 1974 will receive careful consideration in the preparation of the final environmental impact statement. Single copies of the draft statement will be furnished for review and comment upon request addressed to the Office of the Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C. 20545 and comments should be sent to the same address.

As comments are received, copies will be available for inspection at the AEC Public Document Room, 1717 H Street NW., Washington, D.C.

Notice is also given that the AEC will conduct a public hearing in connection with the draft statement and the program for the management of commercially-generated high level and transuranium contaminated radioactive wastes, starting at 10 a.m. on November 12, 1974, in the AEC Auditorium, Germantown, Maryland.

The purpose of the hearing is to afford further opportunity for public comment regarding the draft statement and for the furnishing of any additional information which will assist the Commission in determining the appropriate course to follow in this program.

The public hearing will be legislative rather than adjudicatory in nature. Formal discovery, subpoena of witnesses, cross-examination of witnesses and similar formal procedures appropriate to a trial-type hearing will not be provided. The hearing will be conducted by a Presiding Board composed of three members who will be designated in a further notice in the FEDERAL REGISTER. Procedures to be followed in the hearing are as follows:

Persons, organizations or governmental agencies are encouraged to become full participants in the proceeding by filing with the Secretary of the Commission not later than the close of business of November 4, 1974, a notice of intention to participate. The notice shall set forth: (1) The name and address of the participant; (2) the nature of the participant's interest in the proceeding, or his organizational affiliation; (3) the text of any statements to be presented at the hearing, or a reasonably detailed summary thereof; (4) the names and addresses of all witnesses to be produced at the hearing by the participant and a summary of the substance of the proposed testimony; and (5) the amount of time desired to complete the presentation. The Presiding Board will endeavor to schedule the

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full amount of time requested by full participants (those who file a timely notice) subject to the imposition of such reasonable time limits as may be consistent with orderly procedures and as will assure other full participants a meaningful opportunity to present their views.

Persons, organizations, or governmental agencies wishing to participate but who do not file a timely notice as specified herein, may notify the Secretary of the Commission before the hearing or the Presiding Board during the hearing of their desire to make a presentation. Such parties shall be admitted as "limited participants" and shall be heard at such times as the Presiding Board shall permit for a period of not more than fifteen (15) minutes each, unless the Presiding Board, in its discretion, allows additional time.

Copies of notices of intention to participate will be made available for inspection by the public in the AEC Public Document Room, 1717 H Street NW., Washington, D.C., as soon after receipt by the AEC as practicable.

The Presiding Board may permit participants (a) in the course of their presentations, to request other participants, witnesses or AEC spokesmen to respond to specific questions, or (b) to submit written questions to the Presiding Board, which will, in its discretion, make provision for the answering of such questions as it deems appropriate.

Participants may, but need not, be represented by counsel. Participants and their counsel will reference and produce, on request of the Presiding Board, the documents on which they rely.

The AEC will make available appropriate witnesses to explain the background and purpose of the waste management program and the contents of the draft environmental statement and to respond to appropriate questions.

Two members of the Presiding Board will constitute a quorum, if one of the members is the Chairman.

The Presiding Board may require participants or witnesses to present their testimony under oath. Consistent with the full and true disclosure of the facts, duplicative, redundant, irrelevant, or otherwise unproductive testimony will not be permitted and the Presiding Board will impose suitable restrictions to that end. The Presiding Board is authorized to take appropriate action to control the course of the hearing, including authority to maintain order; rule on offers of, and receive, evidence; dispose of procedural requests or similar matters; allocate among participants the time available for presentations; provide for consolidation of presentations as appropriate; examine witnesses; and hold conferences before or during the hearing for the purpose of delineating contested issues or for other purposes within the authority of the Presiding Board.

A transcript of the hearing will be made and a copy of the transcript, together with copies of all documents presented at the hearing, will constitute the record of the hearing. The record will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where it will be available for inspection by members of the public.

After the conclusion of the hearing, the Presiding Board, without rendering any decision or making any recommendations, will forward the record of the hearing to the Commission together with its identification of issues raised at the hearing. These documents will be considered by the AEC staff in the preparation of the final impact statement and by the Commission in its determinations concerning the future of the program for management of commercial high level and transuranium contaminated radioactive wastes.

Dated at Germantown, Maryland, this 10th day of September, 1974.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.74-21234 Filed 9-11-74; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26603; Order 74-9-26]

AMERICAN AIRLINES, INC.

Increase in Puerto Rico/Virgin Islands Freight Rates; Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of September, 1974.

By tariff revisions issued August 9 and marked to become effective September 11, 1974, American Airlines, Inc. (American) proposes to revise its local and joint air freight rates between points in the U.S., on the one hand, and points in Puerto Rico/Virgin Islands, between Puerto Rico and the Virgin Islands, and within the Virgin Islands, on the other hand, as follows:

1. Increase bulk minimum charges $1.00 as indicated below:

	Current	Proposed
Between points in the U.S. and points in Puerto Rico/Virgin Islands	$13	$14
Between points in Puerto Rico and points in the Virgin Islands	12	13
Between St. Thomas and St. Croix	10	11

2. Increase all bulk general and specific commodity rates by approximately 9 percent; and

3. Cancel certain specifics from San Antonio to San Juan and between San Juan and Little Rock.

In support of its proposal, American asserts, inter alia, that for the twelve months ended December 31, 1973, it experienced an all-cargo operating loss of $69,000 and a total Mainland-Puerto Rico/Virgin Islands deficit of $125,000; for the forecast year ending December 31, 1974, because of substantial increases in both capacity and noncapacity costs, it anticipates an operating loss in these markets of $1,487,000. The total revenue impact of this proposal, including container increases scheduled to become effective in October, on an annual basis, is estimated to be $625,000.

All of the proposed rates are revisions to rates under investigation in Puerto Rico/Virgin Islands Freight Rates, Docket 26603, and accordingly are within the scope of that proceeding. The issue before the Board is whether to suspend the proposal or to permit it to become effective pending final decision in that investigation.

The Board has reviewed American's proposed rates in the light of industry average costs of carrying air freight (including a full return on investment)[1] and reflecting recent fuel price increases, and finds virtually all of the proposed general commodity increases between points in the U.S. and San Juan, except increased minimum charges per shipment, exceed costs and should be suspended. In addition, all increases in premium rates on live animals, bank notes, precious metals, diamonds and emeralds, etc., should be suspended. The remaining increased minimum charges per shipment, bulk general commodity rates between San Juan and New York, Baltimore, and Miami, increased specific commodity rates, and canceled specifics will be permitted, as they do not appear excessive in relation to costs.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered That:

1. Pending hearing and decision by the Board, the rates and charges described in Appendix A[2] are suspended and their use deferred to and including December 9, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. Copies of this order shall be filed with the tariffs and served upon American Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-21106 Filed 9-11-74;8:45 am]

[Docket Nos. 25513, 25280; C.A.B. Agreements 24603, 24604 R-1, R-2; Order 74-9-28]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares and Cargo Rate Matters

Issued under delegated authority September 9, 1974.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreements, adopted by mail vote, relate to increasing passenger fares and cargo rates to compensate for continuing escalations in fuel cost.

The agreements would increase all passenger fares within Africa by five percent effective September 15, 1974; and would increase all cargo rates within Africa, as well as between Africa and Europe/Middle East, by four percent effective October 1, 1974. The agreements involve air transportation as defined by the Act only to the extent they affect normal fares and general cargo rates, which are combinable with normal fares and general rates to/from United States points.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the following resolutions which are incorporated in the agreements indicated, and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement:	*IATA resolution*
C.A.B. 24603	200 (Mail 214) 003r (Africa).
C.A.B. 24604:	
R-1	200 (Mail 215) 003rr (Africa).
R-2	200 (Mail 215) 003oo (Europe/Middle East-Africa).

Accordingly, it is ordered That:

Agreements C.A.B. 24603 and C.A.B. 24604, R-1 and R-2 be and hereby are approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-21105 Filed 9-11-74;8:45 am]

[1] See Order 74-7-120 for explanation of cost-based rates.

[2] Filed as part of the original document.

CIVIL SERVICE COMMISSION

INTERGOVERNMENTAL PERSONNEL ACT OF 1970

Notice of Allocations of Grant Funds

Pursuant to 5 CFR 900.301(a), notice is hereby given of the allocations of funds available for grants under the Intergovernment Personnel Act of 1970, Public Law 91-648, 85 Stat. 1927. For Fiscal Year 1975, the Congress has appropriated $15 million for grants under the Act. Eighty percent of this amount must be allocated among the States and between State and local government needs, as required by section 506 of the Act.

INTERGOVERNMENTAL PERSONNEL ACT

ALLOCATIONS OF FISCAL YEAR 1975 FORMULA GRANT FUNDS

State	Total State allocation	Minimum share for local Government needs[1]
Alabama	$194,000	$97,000
Alaska	70,000	35,000
Arizona	123,000	61,500
Arkansas	109,000	54,500
California	1,187,000	727,300
Colorado	147,000	73,500
Connecticut	169,000	104,600
Delaware	70,000	35,000
D.C.	70,000	
Florida	441,000	220,500
Georgia	268,000	134,000
Hawaii	70,000	35,000
Idaho	70,000	35,000
Illinois	569,000	299,500
Indiana	290,000	145,000
Iowa	164,000	82,900
Kansas	135,000	67,500
Kentucky	180,000	90,000
Louisiana	221,000	110,500
Maine	70,000	35,000
Maryland	238,000	157,000
Massachusetts	332,000	208,400
Michigan	504,000	282,000
Minnesota	227,000	119,800
Mississippi	136,000	68,000
Missouri	262,000	131,000
Montana	70,000	35,000
Nebraska	100,000	50,000
Nevada	70,000	37,900
New Hampshire	70,000	35,000
New Jersey	412,000	262,000
New Mexico	70,000	35,000
New York	1,154,000	853,000
North Carolina	291,000	180,900
North Dakota	70,000	35,000
Ohio	588,000	318,700
Oklahoma	154,000	77,000
Oregon	132,000	66,000
Pennsylvania	625,000	312,500
Rhode Island	70,000	36,400
South Carolina	155,000	77,500
South Dakota	70,000	35,000
Tennessee	240,000	152,900
Texas	665,000	332,500
Utah	70,000	35,000
Vermont	70,000	35,000
Virginia	290,000	174,000
Washington	202,000	101,000
West Virginia	104,000	62,000
Wisconsin	262,000	159,700
Wyoming	70,000	35,000
Total	12,410,000	6,902,500

[1] Must be at least 50 percent of the State's total allocation.

PARAGRAPH 1. *Minimum allocations for individual States and for meeting the needs of general local governments.* When the dollar allocation for a State is less than $70,000, the U.S. Civil Service Commission has added an additional amount from discretionary grant funds to increase the State's total allocation to $70,000. The minimum allocation for meeting the needs of local governments in each State is established by the Intergovernmental Personnel Act as 50 percent of the State's total allocation.

PAR. 2. *Use of grant funds.* Under the Intergovernmental Personnel Act, the U.S. Civil Service Commission is authorized to make grants to State governments or to general local governments, or combinations of local governments, that serve a population of fifty thousand or more for up to 75 percent of the costs of projects to strengthen personnel administration or to train professional, administrative, and technical employees and officials. State and local government executives or other interested persons may obtain further information on the grant program from the appropriate office of the U.S. Civil Service Commission.

UNITED STATES CIVIL SERVICE REGIONS

For convenience in administration of the field service the Commission has divided the United States into regions. The following shows the names of the Commission's regional directors and their headquarters, and the geographic areas over which these officials have jurisdiction, for Intergovernmental Personnel Act programs as well as other Commission programs.

Region	Headquarters	Directors	Area served
Atlanta	1340 Spring St. NW., Atlanta, Ga. 30309.	David Caldwell	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
Boston	John W. McCormack, Post Office and Courthouse, Boston, Mass. 02109.	Charles A. Maher	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
Chicago	Main Post Office Bldg., 433 West Van Buren St., Chicago, Ill. 60607.	Joseph A. Connor	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
Dallas	1100 Commerce St., Dallas, Tex. 75202.	William H. Rims, Jr.	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.
Denver	Building 20, Denver Federal Center, Denver, Colo. 80225.	George F. Dwyer	Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.
New York	Federal Bldg., 26 Federal Plaza, New York, N.Y. 10007.	George J. McQuoid	New Jersey, New York, Puerto Rico, and the Virgin Islands.
Philadelphia	William J. Green, Jr., Federal Bldg., 600 Arch St., Philadelphia, Pa. 19106.	Milton I. Sharon	Delaware, Maryland, Pennsylvania, Virginia, and West Virginia.
St. Louis	1256 Federal Bldg., 1520 Market St., St. Louis, Mo. 63103.	Francis V. Yanak	Iowa, Kansas, Missouri, and Nebraska.
San Francisco	Federal Bldg., Box 36010, 450 Golden Gate Ave., San Francisco, Calif. 94102.	Asa T. Briley	Arizona, California, Hawaii, Nevada, and the Pacific Overseas Area.
Seattle	B-025 Federal Office Bldg., 909 First Ave., Seattle, Wash. 98104.	Thomas G. McCarthy	Alaska, Idaho, Oregon, and Washington.

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For the IPA Grant Program in Washington, D.C.:

Joseph M. Robertson, Director, Bureau of Intergovernmental Personnel Programs, U.S. Civil Service Commission, Washington, D.C. 20415.

Dated: September 12, 1974.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-20953 Filed 9-11-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL-262-8; OPP-32000/110]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, S.W., Washington, D.C. 20460.

On or before November 11, 1974, any person who (a) is or has been an applicant, (b) believes that data be developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 11, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 12014-A. A & V Inc., PO Box 211, Butler WI 53127. POOL PAL QAC JUNIOR. Active Ingredients: Poly [oxyethylene (dimethyliminio)-ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2312-EO. Allied Block Chemical Co., PO Box 455, Pine St., New Eagle PA 15067. INSTITUTIONAL SUPER STAINREMOVER BRITE GLO CLEANSER WITH AB-CLOR. Active Ingredients: Trisodium phosphate 15.00%; Sodium dodecyl benzene sulfonate 2.00%; Sodium hypochlorite 0.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 264-52. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. WEEDONE AERO-CONCENTRATE B BROADLEAF POST-EMERGENCY HERBICIDE. Active Ingredients: 2,4-Dichlorophenoxyacetic acid, butyl ester 77.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 264-143. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. WEEDAR 64-A BROADLEAF POST-EMERGENCE HERBICIDE. Active Ingredients: Diethanolamine salt of 2,4-dichlorophenoxyacetic acid 57.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8517-RN. American Machinery Corp., PO Box 3228, Orlando FL 32802. PACRITE SEALBRITE-80 CITRUS COATING. Active Ingredients: Methyl 1-(butylcarbamoyl) 2-Benzimidazolecarbamate 0.06%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 12465-15. Aqua Chemical Corp., 1 Allen St., Springfield MA 01108. AQUA-MAID SLOW-TAB SLOW DISSOLVE ISOCYANURATE CHLORINE TABLETS. Active Ingredients: Dichloro - s - triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 18599-E. Barber Laboratories, 1200 S. Broad St., New Orleans LA 70125. FOG-ZIT II SYNERGIZED PYRETHRINS AREA SPRAY. Active Ingredients: Pyrethrins 5.00%; Piperonyl Butoxide Technical 20.00%; Petroleum Distillate 75.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8170-RO. Basic Chemicals Inc., 2137 Sunset Rd., PO Box 685, Des Moines IA 50303. POOL-Q-74 CONCENTRATED SWIMMING POOL ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8170-EN. Basic Chemicals Inc. WATER GUARD—74 CONCENTRATED SLIMICIDE FOR INDUSTRIAL RECIRCULATING WATER COOLING SYSTEMS. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8170-RT. Basic Chemicals Inc. NU-BRITE PORCELAIN CLEANER CLEANS - DISINFECTS - DE - SCALES - DEODORIZES. Active Ingredients: Phosphoric Acid 9.73%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.10%; n-Alkyl (68% C12, 32% C14) dimethyl ethelbenzyl ammonium chlorides 1.10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12455-RE. Bell Laboratories, Inc., Box 5133, Madison WI 53705. "RAZE" RAT AND MOUSE BAIT. Active Ingredients: Warfarin, (3-(Alpha-Acetonyl Benzyl) -4-Hydroxycoumarin) 0.025%; N'-(2-Quinoxalinyl) Sulfanilamide (Sulfaquinoxaline) 0.025%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10782-U. Big State Chemical Service, Inc., 1200 Shotwell, Box 15099, Houston TX 77020. BIG STATE PEST CONTROL SYNERGIZED PYRETHRIN SPRAY FOR MILLS, FOOD PLANTS AND THE HOME. Active Ingredients: Pyrethrins 0.100%; Piperonyl Butoxide, technical 0.300%; N-octyl bicycloheptene dicarboximide 0.336%; Petroleum distillate 99.367%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10782-G. Big State Chemical Service, Inc., 1200 Shotwell, Box 15099, Houston TX 77020. BIG STATE PEST CONTROL SYNERGIZED PYRETHRIN INDUSTRIAL SPRAY. Active Ingredients: Pyrethrins 0.50%; Piperonyl butoxide, technical 1.00%; N-octyl bicycloheptene dicarboximide 1.67%; Petroleum distillate 96.83%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10970-E. California Correctional Industries, 1020 12th St., Sacramento CA 95814. DISINFECTANT, HOSPITAL 1752. Active Ingredients: Didecyl dimethyl ammonium chloride 4.25%; Tetrasodium ethylenediamine tetraacetate 1.60%; Sodium carbonate 2.00%; Sodium metasilicate, anhydrous 0.50%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10970-R. California Correctional Industries, 1020 12th St., Sacramento CA 95814. DEODORIZER-SANITIZER 1801. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 0.950%; Dioctyl Dimethyl Ammonium Chloride 0.475%; Didecyl Dimethyl Ammonium Chloride 0.475%; Tetrasodium Ethylenediamine Tetraacetate 1.000%; Trisodium Phosphate 2.000%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 456-RRE. Chemical Formulators, Inc., Box 26, Nitro WV 25143. CHEMFORD BRAND INSECTICIDES EMULSIFIABLE CONCENTRATE. Active Ingredients: Toxaphene 52.0%; Methoxychlor 21.5%; O,O-Dimethyl O-p-Nitrophenyl thiophosphate 3.2%; Xylene (Aromatic Petroleum Distillate) 17.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7616-GG. Chem Lab Products Inc., 2850 E. Coronado, Anaheim CA 92806. KEM TEK 50% LIQUID SWIMMING POOL ALGAECIDE. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene-(dimethyliminio)ethylene dichloride] 50.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7616-GA. Chem Lab Products Inc. KEM TEK 20% LIQUID SWIMMING POOL ALGAECIDE. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene(dimethyliminio)ethylene dichloride 30.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7616-GU. Chem Lab Products Inc. KEM TEK 30% LIQUID SWIMMING POOL ALGAECIDE. Active Ingredients: Poly [oxyethylene(dimethyliminio) ethylene(dimenthyliminio)ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7616-GT. Chem Lab Products Inc. KEM TEK 40% LIQUID SWIMMING POOL ALGAECIDE. Active Ingredients: Poly(oxyethylene(dimethyliminio) ethylene(dimethyliminio)ethylene dichloride] 40.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 4321-O. Chemical Processors Inc. PO Box 10636, 2434 22nd St. No., St. Petersburg FL 33733. IMPROVED SUN FRESH MILDEWCIDE. Active Ingredients: Paraformaldehyde 100%. Method of Support: Application proceeds under 2(o) of interim policy.

EPA File Symbol 100-LAL. Agricultural Div., Ciba-Geigy Corp., PO Box 11422, Greensboro NC 27409. CIBA-GEIGY STABILIZED TECHNICAL DIAZINON AN INSECTICIDE FOR FORMULATING USE. Active Ingredients: O, O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 87%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 100-LAA. Agricultural Div., Ciba-Geigy Corp. PROCYAZINE 80WP HERBICIDE. Active Ingredients: 2-[[4-chloro-6 - (cyclopropylamino) -s-triazin-2-yl]amino] - 2-methylpropionitrile 80%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 100-LEG. Agricultural Div., Ciba-Geigy Corp. TOLBAN 4E—SEEDLING ALFALFA. Active Ingredients: N-(cyclopropylmethyl)-a,a,a-trifluoro-2,6 - dinitro-N-propyl-p-toluidine 43.6%; Related compounds 1.9%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11600-E. Conklin Co., Inc., Highway 101 & Valley Park Dr., Shakopee MN 55379. SANI-MAX DISINFECTANT-SANITIZER-DEODORIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5.0%. Method of Supoprt: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12471-RR. Continental Products of Texas, 100 Industrial Ave., Odessa TX 79760. TOXSENE-45. Active Ingredients: Disodium cyanodithioimidocarbonate 6.35%; Ethylenediamine 2.40%; Potassium N - methyldithiocarbamate 8.75%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11694-LR. Dymon, Inc., 3401 Kansas Ave., Kansas City KS 66106. POOL KLEAR NO. 171. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11694-LN. Dymon, Inc., 3401 Kansas Ave., Kansas City KS 66106. TOWER ALGAECIDE NO. 169. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene (dimethyliminio)ethylene-enedichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10366-T. FRM Chem, Inc., Box 216, 28 Front St., Valley Park MO 63088. FRM CHEM STERI-DINE DISINFECTANT. Active Ingredients: alpha-(p-Nonylphenyl)-omega-hydroxpoly (oxyethylene)-iodine complex 18.05%; Phosphoric Acid 16.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10366-A. FRM Chem, Inc., Box 216, 28 Front St., Valley Park MO 63088. FRM CHEM FRM-CHLOR. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 28%. Method of Support: Application proceeds under (2) of interim policy.

EPA File Symbol 4822-RGU. S. C. Johnson & Son, Inc., 1525 Howe St., Racine WI 53403. JOHNSON WAX RAID SPRAY FLYING INSECT KILLER. Active Ingredients: Pyrethrins 0.25%; technical piperonyl butoxide 1.05% (equivalent to 0.84% of [butylcarbityl] [6-propylpiperonyl] ether and 0.21% related compounds), a petroleum distillate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9342-RN. J. F. Kerns Industries, 2061 N. Durfee, So. El Monte CA 91733. MD 6 DISINFECTANT—CLEANER—SANITIZER—FUNGICIDE—DEODORANT. Active Ingredients: Sodium metasilicate 3.0%; n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 1.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1471-RNN. Elanco Products Co., Div. of Eli Lilly & Co., PO Box 1750, Indianapolis IN 46206. ELANCO ORYZALIN. Active Ingredients: oryzalin (3,5-dinitro-N,N-dipropylsulfanilamide) 95%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1471-96. Elanco Products Co., Div. of Eli Lilly & Co., PO Box 1750, Indianapolis IN 46206. ELANCO HERBICIDE SURFLAN 75W. Active Ingredients: oryzalin (3,5 - dinitro - NN-dipropylsulfanilamide) 75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3837-UR. LuBar Co., 1708 Campbell St., Kansas City MO 64108. WTT ALGAECIDE, FUNGICIDE, BACTERICIDE. Active Ingredients: Poly[oxyethylene(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1021-RGEU. Mc Laughlin Gormley King Co., 8810 Tenth Ave. North, Minneapolis MN 55427. FORMULA 2035. Active Ingredients: Allethrin (allyl homolog of Cinerin I) 7.00%; Pyrethrum Marc 86.00%; Petroleum distillate 7.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1021-RGEL. Mc Laughlin Gormley King Co. PYROCIDE INTERMEDIATE 7229. Active Ingredients: Pyrethrins 1.50%; Piperonyl butoxide, technical 3.00%; N-octyl bicycloheptene dicarboximide 5.00%; o-Isopropoxyphenyl methylcarbamate 10.00%; 2,2-Dichlorovinyl dimethyl phosphate 4.74%; Related compounds 0.36%; Petroleum distillate 8.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1021-RGEG. Mc Laughlin Gormley King Co. MGK DEET. Active Ingredients: N,N-diethyl toluamide 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1021-RGEE. Mc Laughlin Gormley King Co. FORMULA 2036. Active Ingredients: D-Trans Allethrin (allyl homolog of Cinerin I) 7.00%; Pyrethrum Marc 86.00%; Petroleum distillate 7.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1258-810. Agricultural Div., Olin Corp., PO Box 991, Little Rock, AR 72203. TERRACLOR SUPER-X WITH MOLY SEED TREATMENT FUNGICIDE FOR SOYBEANS. Active Ingredients: Pentachloronitrobenzene 10.0%; 5-Ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole 2.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5131-RE. Parkhurst Farm & Garden Supply, 301 N. White Horse Pike, Hammonton NJ 08037. PARKHURST'S MALATHION CAPTAIN DUST. Active Ingredients: Malathion (O,O-dimethyl dithio phosphate of diethyl mercaptosuccinate) 4%; Captan 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 707-REU. Rohm & Haas, Independence Mall West, Philadelphia PA 19105. DITHANE S-31. Active Ingredients: manganese ethylene bisdithiocarbamate) 53.0%; Nickel sulphate, anhydrous 19.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1771-I. Samuel Halaby, Inc., 482 Clinton Ave. South, Rochester NY 14620. KIL-MOE GREEN THUMB INSECTICIDE CONCENTRATE. Active Ingredients: Pyrethrins 1.0%; Piperonyl Butoxide, Technical 10.0%; Petroleum distillate 79.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 638-100. O. M. Scott & Sons Co., Marysville OH 43040. STOP INSECTS LIQUID PLUS. Active Ingredients: O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 12.500%; Piperonyl butoxide, technical 3.125%; Pyrethrins 0.625%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 22058-E. Sharp Chemical Co., 5921 Plainview, Houston TX 77017. SHARP SODIUM ARSENITE SOLUTION 40 PERCENT WEED AND TREE KILLER. Active Ingredients: Sodium Arsenite 40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5693-LG. Shield Chemical Co., 21 University Rd., Canton MA 02021. SHIELD ROACH & ANT SPRAY. Active Ingredients: O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum Distillate 68.608%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5693-LU. Shield Chemical Co., 21 University Rd., Canton, MA 02021. SHIELD P-D ROACH & ANT PRESSURIZED SPRAY. Active Ingredients: Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.260%; Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.500%; Petroleum Distillate 68.737%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11849-EN. Silak Co., Inc., PO Box 173, Hospers IA 51238. SILAK SAPONIFIED CRESYLIC SOLUTION FOR DISINFECTING STABLES, SICK STALLS. Active Ingredients: Cresylic Acid 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3743-GUN. Southern Agricultural Chemicals, Inc., PO Drawer 527, Kingstree SC 29556. ROYAL BRAND HOME ORCHARD SPRAY. Active Ingredients: Captan 15.0%; Malathion 7.5%; Methoxychlor, Technical 15.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 998-RRU. Superior Chemical Products, Inc., 3942 Frankford Ave., Philadelphia PA 19124. SUPERIOR B-GONE 2% ROACH BAIT. Active Ingredients: 2-(1methylethoxy) phenol methylcarbamate 2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557-RORR. Swift Chemical Company, 115 West Jackson Blvd., Chicago IL 60604. PAR EX CUSTOM FORMULATED FERTILIZER PLUS BENEFIN. Active Ingredients: (n - butyl-N-ethyl-a,a,a-trifluoro-2,6-dinitro-p-toluidine) not less than 75%. Method of Support: Application proceeds under 2(c) of interim policy.

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EPA File Symbol 23566–U. U.S. Yacht Paint Co., Box 96, Roseland NJ 07068. U.S. YACHT PAINT TROPICAL ANTI-FOULING 690 ANTIFOULING BLACK. Active Ingredients: Bis(tri-N-Butyl-tin) Oxide 7.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 23566–G. U.S. Yacht Paint Co. U.S. YACHT PAINT TROPICAL ANTI-FOULING 652 COPPERPOXY GREEN. Active Ingredients: Cuprous Oxide 55.0%; Bix(Tri-N-Butyl-Tin) Oxide 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 23556–E. U.S. Yacht Paint Co. U.S. YACHT PAINT TRIOICAL ANTI-FOULING 650 COPPERPOXY RED. Active Ingredients: Cuprous Oxide 55.0%; Bis-(Tri-N-Butyl-Tin) Oxide 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 23566–L. U.S. Yacht Paint Co. U.S. YACHT PAINT TROPICAL ANTI-FOULING 691 ANTIFOULING BROWN. Active Ingredients: Bis(Tri-N-Butyl-Tin) Oxide 7.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1270–RTG. Zep Manufacturing Co., Div. of National Service Industries, Inc., 1310 Seaboard Industrial Boulevard, N.W., Atlanta GA 30301. ZEP X–4974. Active Ingredients: Poly [oxythylene(dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1270–RIR. Zep Manufacturing Co., Div. of National Service Industries, Inc., 1310 Seaboard Industrial Boulevard, N.W., Atlanta GA 30301. ZEP X–6674 DETERGENT SANITIZER. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 5.6%; Sodium dodecylbenzene sulfonate 4.25%; Sodium Metasilicate 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEMS

The following item represents a correction and/or change in the list of Applications Received published in the FEDERAL REGISTER of August 21, 1974 (39 FR 30192).

EPA Reg. No. 10659–7. Occidental Chemical Co., PO Box 1186, Houston TX 77001. LAWN AND TURF (FOR PROFESSIONAL USE ONLY). Published as Co., PO Box 1186, Houston TX 77001.

The following items represent a correction and/or change in the list of Applications Received published in the FEDERAL REGISTER of August 26, 1974 (39 FR 30855).

EPA File Symbol 32938–R. Chemspray Inc., 1550 E. 7th St., Pahokee FL 33476. CHEMSPRAY BRAND DIBROM 8 EMULSIVE MALED INSECTICE. Published as INSECTICIDE.

EPA File Symbol 3770–GRA. Economy Products Co., Inc., PO Box 427, Shenandoah IA 51601. SEED QUICK BEAN PROTECTANT. Captan (N-tri-chloromethylthio-4-cyclohexene- 1,2 - dicarboximide) 25%, rather than chloromethylthol as published.

The following item represents a correction and/or change in the list of Applications Received published in the FEDERAL REGISTER of August 27, 1974 (39 FR 30967).

EPA File Symbol 24053–L. Peterson's Exterminating Co., 559 E. 83rd St., Chicago IL 60637. PETERSON'S PDQ INSECT POWDER. Pyrethrins rather than Prethrins as published.

The following item represents a correction and/or change in the list of Applications Received published in the FEDERAL REGISTER of May 13, 1974 (39 FR 17123).

EPA File Symbol 3125–GMN. Chemagro Division of Baychem Corp., PO Box 4913, Kansas City MO 64120. DANSANIT + DYSYSTON 10%—6% GRANULAR INSECTICIDE-NEMATICIDE. Originally published as 3125–GOO.

The following item represents a correction and/or change in the list of Applications Received published in the FEDERAL REGISTER of April 24, 1974 (39 FR 14537).

EPA File Symbol 70–ROL. Rigo Co., 1200 Ft. Wayne Bank Bldg., Ft. Wayne IN 46802. KILL–KO RAVAP AN EMULSIFIABLE INSECTICIDE FOR RESIDUAL FLY CONTROL AND LARVICIDE. Method of Support: 2(c) rather than 2(b) as published.

The following item represents a correction and/or change in the list of Applications Received published in the FEDERAL REGISTER on April 16, 1974 (39 FR 13709).

EPA File Symbol 201–GAI. Shell Chemical Co., Agricultural Div., 1700 K St., N.W., Washington DC 20006. 5% VAPONA INSECTICIDE RESIN RIBBON (AC–6721). Method of Support: 2(c) rather than 2(b) as published.

The following item represents a correction and/or change in the list of Applications Received published in the FEDERAL REGISTER of May 31, 1974 (39 FR 19967).

EPA Reg. No. 463–343. The Dow Chemical Co., 2030 Abbott Rd. Center, Midland MI 48640. DOW DURSBAN 2E INSECTICIDE. Method of Support: 2(b) rather than 2(c) as published.

The following item represents a correction and/or change in the list of Applications Received published in the FEDERAL REGISTER of August 28, 1974 (39 FR 31361).

EPA File Symbol 2169–EUI. Patterson Chemical Co., Div. Curry-Cartwright, Inc., 1400 Union Ave., Kansas City MO 64101. Benzamide rather than beanmide as published.

Dated: September 3, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74–20865 Filed 9–11–74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 5, 1974.

On January 4, 1974, there was published in the FEDERAL REGISTER (39 FR 1102) a letter dated December 27, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs implementing those provisions of the Bilateral Cotton Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China which establish specific export limitations on certain cotton textile products produced or manufactured in the Republic of China and exported to the United States during the twelve-month period beginning on January 1, 1974 and extending through December 31, 1974. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 17 of the Bilateral Cotton Textile Agreement of December 30, 1971, as amended, which provides for the limited carryover of shortfalls in certain categories to the next agreement year.

Accordingly, at the request of the Government of the Republic of China and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of September 5, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to cotton textile products in selected categories for the twelve-month period which began on January 1, 1974.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

SEPTEMBER 5, 1974.

DEAR MR. COMMISSIONER: On December 27, 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning January 1, 1974 of cotton textile products in certain specified categories, produced or manufactured in the Republic of China, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Pursuant to paragraph 17 of the Bilateral Cotton Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the levels of restraint established in the aforesaid directive of December 27, 1973, as amended, for the cotton textile products listed below to the following amounts:

Category	Amended 12-month level of restraint[2]
5/6	3,002,667 square yards
9/10	34,061,715 square yards
15/16	1,639,939 square yards
20/21	1,209,451 square yards
24/25	3,591,321 square yards
26/27	7,503,380 square yards (of which not more than 3,426,079 square yards may be in duck fabric)[3]
26/29	2,282,463 pieces
30	2,969,574 pieces
32	442,627 dozens
34/35	334,237 pieces
41/42	153,822 dozens
43 and part of 62 (only T.S.U.S.A. Nos. 382.0002, 382.0605, and 382.0610	113,171 dozens
44	29,696 dozens
45	17,818 dozens
46/47	11,875,651 square yards
48	21,945 dozens
49	33,761 dozens
50	241,525 dozens
51	388,023 dozens
52	247,464 dozens
53	19,796 dozens
54	41,575 dozens
57	197,971 dozens
59	49,491 dozens
60	37,417 dozens
Part of 62 (all T.S.U.S.A. Nos. except those included in part of 62 combined with 43)	46,509 pounds
63	247,464 pounds
64	234,155 pounds

[1] These amended levels of restraint have not been adjusted to reflect any entries made on or after January 1, 1974.

[2] The T.S.U.S.A. Nos. for duck fabric are:
320.—01 through 04, 06, 08
321.—01 through 04, 06, 08
322.—01 through 04, 06, 08
326.—01 through 04, 06, 08
327.—01 through 04, 06, 08
328.—01 through 04, 06, 08

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affaire exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74–21107 Filed 9–11–74;8:45 am]

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 5, 1974.

On October 1, 1973, there was published in the FEDERAL REGISTER (38 FR 27235) a letter dated September 26, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs implementing those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China which establish specific export limitations on man-made fiber textile products produced or manufactured in the Republic of China and exported to the United States during the twelve-month period beginning on October 1, 1973 and extending through September 30, 1974. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 4(a) of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, which provides for the limited carryover of shortfalls in certain categories to the next agreement year.

Accordingly, at the request of the Government of the Republic of China and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of September 5, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to man-made fiber textile products in selected categories for the twelve-month period which began on October 1, 1973.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

SEPTEMBER 5, 1974.

DEAR MR. COMMISSIONER: On September 26 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning October 1, 1973 of wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of China, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1] The directive of September 26, 1973 was previously amended by directive of May 6, 1974.

Pursuant to paragraph 4(a) of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend effective as soon as possible, the levels of restraint established in the aforesaid directive of September 26, 1973, for man-made fiber textile products to the following amounts:

Category	Amended 12-month level of restraint[2]
211	800,192 pounds
213	8,001,924 do
216	688,907 dozen
219	5,143,498 do
221	3,731,331 do
222	3,506,461 do
228	429,559 do
232	600,606 do
234	1,125,101 do
235	1,633,099 do

[2] These amended levels of restraint have not been adjusted to reflect any entries made on or after October 1, 1973.

The actions taken with respect to the Government of the Republic of China and with respect to imports of man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74–21108 Filed 9–11–74;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; for limited inter-fiber flexibility between cotton textile and man-made fiber textile products of the comparable category; and for administrative arrangements.

V 39 I 178 SEP 12 74 XUM

FEDERAL MARITIME COMMISSION

Certificate No.	Owner/operator and vessels

less a valid surety bond was filed with the Commission on or before August 11,

Notice of CL&P's filing was issued on August 9, 1974, with comments, protests,

(E) Pursuant to the authority of the Federal Power Act, particularly section

August 30, 1974. The hearing will be held as scheduled on September 24, 1974, at

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and Section 311 (p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01064	Reinauer Transportation Companies Inc.: *B.F.T. No. 400.*
01076	D/S A/S Gudvin: *Gudvang.*
01248	Dampskibs A/S Avenir-Skibs A/S Beaumont, Beaulieu, Beaufort, Seattle: *Beaumont.*
01424	Ellerman's Wilson Line Limited: *Rapallo.*
01464	Christian Salvesen Limited: *Inverlelth.*
01503	Las Minas Compania Naviera Panamamena S.A.: *Las Minas.*
01608	D'Amico Societa di Navigazione A.R.L.: *Felice d'Amico.*
01682	A/S Traelandsfos: *Eilert Rinde.*
01788	Naxos Shipping Corporation: *Corfu Island.*
01805	Suisse Atlantique: *Lavaux, Romandie.*
01874	A/S Sobral: *Nopal Progress.*
01945	Albert Jensen A/S: *Jens Alb.*
02137	Arne Teigen: *Suninger, Rytter, Rytternes, Rytterholm, Rytterlind, Ryttersund, Rytterdal, Rytterhav, Rytterfjell.*
02198	The Peninsular & Oriental Steam Navigation Company: *Pando Point.*
02246	Blue Star Line, Ltd.: *Concordia Gulf.*
02299	China Marine Corporation Ltd.: *Moo Shan.*
02385	Kristiansands Tankrederi A/S, A/S Kristiansands Tankrederi II, A/S Kristiansands Tankrederi III, Aksjeselskapet Avant and Aksjeselskapet Skjoldheim: *Polyana.*
02428	The Kinaman Marine Transit Company: *J. Burton Ayers.*
02449	A/S Ivarans Rederi: *Savannah.*
02457	John Swire & Sons, Ltd.: *Eredine.*
02715	Allied Towing Corporation: *ATC-6000.*
03211	Armadores Mariperla S.A.: *Mariperla.*
03245	Rederiaktieselskabet Danneborg: *Aggers Borg.*
03417	Daien Reizo K.K.: *Daien Maru No. 21.*
03614	A/S Kristian Jebsens Rederi: *Briskness.*
03623	Smith-Rice Derrick Barges, Inc.: *Derrick Barge 14.*
03636	Smith Rice Company: *Smith Rice No. 6.*
03916	Mobile Oil Francaise: *Aramis.*
03917	Mobil Shipping Company Limited: *Sylvan Arrow.*
04132	Kristian Gerhard Jebsen Skiperederi: *Gas Lion, Kiwi Arrow.*
04148	Ariana Shipping Company Ltd.: *Kalliopi Antonatos.*
04175	Atlantic Gulf and Pacific Company: *AG&P Co. No. 56, AG&P, Co. No. 76, Texas, Pittsburg, Carolina, Florida, No. 1501.*
04310	Jens Jost Schiffahrtsges Brink & Co., KG: *Jens Jost.*
04413	Leif Hoegh & Co. A/S: *Hoegh Scout, Hoegh Merlin.*
04581	Marine Navigation Company, Inc.: *Enterprise.*
04857	Leendert Van Nood: *Joma.*
04874	Bana Navigation Company, Limited: *Banador.*
05008	Star Kist Foods, Inc.: *Freedom, Western King.*
05020	Bamar Marine Co., Ltd.: *Nazca.*
05048	F. Laeisz: *Padua.*
05114	N.V. Stoomvaartmaatschappij "De Maas": *Katendrecht.*
05278	Twin City Barge & Towing Company: *TCB 304, TCB 309.*
05559	Maryland Shipbuilding & Drydock Co.: *North River.*
05565	Fairfield Shipping Corporation: *Stephanie.*
05611	Marine Drilling Company: *J. Storm II.*
05717	Colombiana Internacional de Vapores Ltda Colvapores: *Francisco Miguel, Felipe.*
05753	Veb Deutfracht Internationale Befrachtung Und Reederei: *Calbe, Riesa, Thale, Groditz, Theodor Fontane, Theodor Storm, John Brinckman.*
05754	A.E. Sorensen A/S: *Renate S.*
05830	Escanaba Towing Co., Inc.: *Lee Reuben, A. E. Nettleton, O. S. McFarland, Wiltranco I.*
06621	Interseas Bulk Carriers, Inc.: *Overseas Bulker.*
07134	Inter-Island Tankship Co., Ltd.: *Apodimos.*
07152	Asopos Shipping Co., Ltd.: *Asopos.*
07192	Naxos Shipping Co., Ltd.: *Santa Eireni.*
07487	Poittoaine Osuuskunta: *Aspo.*
07569	Orient Shipping Corporation: *Ionicon.*
07577	Atlantic-Mediterranean Shipping Corporation: *Volta Virtue.*
07617	Yugen Kaisha Yasuchiyo Kaiun: *Yasho-Maru.*
07729	Estelt S.A.: *Usaramo.*
07868	Delphin Maritime Corporation: *Isabel.*
08463	Polestar Shipping S.A.: *North Pole.*
08497	Babitonga Shipping Corp.: *Babitonga.*
08530	Prompt Shipping Corporation, Ltd.: *Pacific Darby.*
08791	Cox Marine Corporation: *Hoosier Friend.*
08833	General Metals of Tacoma, Inc.: *Robert H. Smith, Edmonds.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-21110 Filed 9-11-74;8:45 am]

[Independent Ocean Freight Forwarder License No. 1497]

PACKAGE DISTRIBUTING CO., INC. OF CALIFORNIA

Order of Revocation

By letter dated July 15, 1974, Package Distributing Co., Inc. of California, 17600 South Santa Fe, Compton, California was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1497 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before August 11, 1974.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Package Distributing Co., Inc. of California has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 1497 of Package Distributing Co., Inc. of California be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1497 be and is hereby revoked effective August 11, 1974.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Package Distributing Co., Inc. of California.

AARON W. REESE,
Managing Director.

[FR Doc.74-21109 Filed 9-11-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8952]

CONNECTICUT LIGHT AND POWER CO.

Order Accepting for Filing and Suspending Proposed Rate Increase and Establishing Procedures

AUGUST 30, 1974.

On August 2, 1974, the Connecticut Light and Power Co. (CL&P) tendered for filing a proposed rate increase[1] for electric service to Bozrah Light and Power Co., and six municipalities.[2] CL&P contends that the proposed increase results in an estimated increase of $1,084,000 for the period ending December 31, 1974, and a realized rate of return of 5.61%. The proposed effective date is September 1, 1974.

In support of CL&P's proposed rate increase, CL&P states that the increased rates are proposed to provide it with increased revenues in order to permit it to earn a higher return upon its property devoted to service of its wholesale customers. CL&P cites, inter alia, increased taxes, high interest rates and rising labor and material costs in support of this rate increase.

[1] Connecticut Light and Power Co., FPC Electric Tariff Resale Service Rate Schedules R-2, Original Sheets No. 1 through 36.

[2] Cities of Norwich, Norwalk—Second Taxing District, Norwalk Third Taxing District and Groton, Connecticut, the Borough of Jewett City, Connecticut and the Town of Wallingford, Connecticut and the Connecticut Municipal Electric and Gas Association.

Notice of CL&P's filing was issued on August 9, 1974, with comments, protests, or petitions to intervene due on or before August 23, 1974. On August 23, 1974, a petition to intervene was filed by the Connecticut Municipal Group[3] (Municipal). The petition requests that the proposed increase be suspended for the full statutory period and a phased hearing process be initiated, separating out the issue of rate design for expedited treatment. We shall permit these petitioners to intervene, however we believe that a phased hearing process would lead to an unnecessary delay in the final determination of this proceeding.

Our review of CL&P's filing and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed changes for one day and establish hearing procedures to determine the justness and reasonableness of CL&P's filing.

We note that CL&P's proposed fuel adjustment clause imputes the Company's own fuel cost variations to its purchased energy, and thus is subject to suspension since it may result in rates that are not just and reasonable. Accordingly, we shall provide for the filing of a fuel adjustment clause which conforms to Opinion No. 633. The suspension of the fuel clause will be lifted upon receipt of a filing in satisfactory compliance with Opinion No. 633.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in CL&P's revised rate schedule proposed in this docket and that the tendered rate schedules be suspended as hereinafter provided.

The Commission orders:

(A) Pending a hearing and a decision thereon, CL&P's proposed changes in its rates and charges, tendered on August 2, 1974, are accepted for filing, and suspended for one day the use thereof deferred until Sptember 2, 1974, subject to refund.

(B) On or before December 17, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before December 31, 1974. Any rebuttal evidence by company shall be served on or before January 14, 1975.

(C) CL&P shall file within 30 days a fuel adjustment clause which conforms to Opinion No. 633.

(D) Municipal's request for a phased hearing is denied.

[3] Cities of Norwich, Norwalk—Second Taxing District, Norwalk Third Taxing District and Groton, Connecticut, the Borough of Jewett City, Connecticut and the Town of Wallingford, Connecticut and the Connecticut Municipal Electric and Gas Association.

(E) Pursuant to the authority of the Federal Power Act, particularly section 205 thereof, and the Commission's rules and regulations (18 CFR, Chapter I), a hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the rates and charges in CL&P's FPC Rate Schedule, as proposed to be amended herein shall be held commencing on January 28, 1975, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(G) The above mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however*, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(H) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

Commissioner Smith, dissenting, would suspend the effectiveness of the rate increase for five months and thus dissents to this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21095 Filed 9-11-74;8:45 am]

[Docket No. CP74-47]

EL PASO NATURAL GAS CO.

Further Extension of Time

SEPTEMBER 3, 1974.

On August 22, 1974, El Paso Natural Gas Co. filed a motion for extension of time to serve direct testimony fixed by notice of August 5, 1974, in the above-designated matter. The motion states that Staff Counsel and all parties were notified and have no objection.

Upon consideration, notice is hereby given that the date for serving direct testimony and proposed hearing exhibits in support of this certificate application is extended to and including August 30, 1974. The hearing will be held as scheduled on September 24, 1974, at 10 a.m. (e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21094 Filed 9-11-74;8:45 am]

[Docket Nos. CP73-213, CP75-33]

MOUNTAIN FUEL SUPPLY CO.

Order Denying Petition and Consolidating Proceedings for Hearing

AUGUST 30, 1974.

On August 5, 1974, Mountain Fuel Supply Co. (Mountain Fuel) filed a petition in the above-stated docket requesting reconsideration of an order issued July 22, 1974, to the extent that such order denied Mountain Fuel's request for temporary certificate authorization pursuant to § 157.17 of the Commission's rules of practice and procedure. Mountain Fuel requests that the Commission, upon such reconsideration, promptly grant temporary authorization for the construction and operation of certain of the facilities proposed in the subject docket.

In support of its petition, Mountain Fuel avers essentially that while our July 22 order set forth reasons for and issues to be addressed in a formal public hearing, Mountain Fuel, through its direct evidence which was filed August 5, 1974, in lieu of the August 20 date set out in our order, has presented a prima facie case in response to all issues and this together with the fact that Mountain Fuel allegedly requires the proposed facilities to meet expected 1974–75 winter peak day requirements, fully justifies the issuance of a temporary certificate of public convenience and necessity.

We do not agree however. In our July 22 order, we stated that "* * * significant issues have been raised which should be dealt with in a formal public hearing * * *". We then listed some of these issues. Additionally, Mountain Fuel was directed to show cause why it should not file certificate applications pursuant to section 7(c) of the Natural Gas Act for the construction and operation of two storage fields (Bridger Lake in Wyoming and Chalk Creek in Utah) and why its actions with regard to these storage fields are not in violation of the Natural Gas Act. We believe now, as we did when we issued the July 22 order, that there is a substantial need to develop an evidentiary record before any decision with respect to Mountain Fuel's application can be reached. We believe that this public interest need far outweighs Mountain Fuel's assertion that a temporary certificate is required at this time. While Mountain Fuel's direct case may address the issues raised by its filings in the instant docket, such direct evidence has not been subjected to the scrutiny of cross-examination and evaluation in a public hearing. Therefore, we shall deny Mountain Fuel's request for reconsideration of our order issued July 22, 1974, in this proceeding.

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We would also note that in partial response to the "show cause" portion of the July 22 order, Mountain Fuel filed on August 5, 1974, an abbreviated application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, authorizing the continued operation of its Chalk Creek natural gas storage facilities. This application has been assigned Docket No. CP75–33. Since this application and the issues associated therewith are an integral part of the show cause portion of our July 22 order, we shall consolidate herein Docket No. CP75–33 with the proceedings in Docket No. CP73–213 for purposes of hearing and decision.

The Commission finds:

(1) It is not within the public interest to grant the petition of Mountain Fuel Supply Company for reconsideration of order denying request for temporary certificate of public convenience and necessity.

(2) It is necessary and appropriate that the proceedings in Docket Nos. CP73–213 and CP75–33 be consolidated for hearing and disposition.

The Commission orders:

(A) Mountain Fuels Supply Company's petition for reconsideration of order denying request for a temporary certificate of public convenience and necessity is denied.

(B) The proceedings in Docket Nos. CP73–213 and CP75–33 are hereby consolidated for the purpose of hearing and disposition.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–21098 Filed 9–11–74;8:45 am]

NATIONAL POWER SURVEY TASK FORCE ON CONSERAVTION AND FUEL SUPPLY

Establishment and Designation of Initial Membership and Chairmanship

SEPTEMBER 9, 1974.

The Federal Power Commission hereby determines that establishment of a National Power Survey Advisory Task Force to be designated Task Force on Conservation and Fuel Supply is in the Public interest and necessary and appropriate for the purposes of the Federal Power Act, 16 USC 791(a) et seq. The Commission establishes said task force in accordance with the provisions of the Commission's order issued June 29, 1972, 37 FR 13380—Order authorizing the establishment of National Power Survey Advisory Committees and prescribing procedures, the Commission's order issued September 28, 1972, 37 FR 20999—Order establishing National Power Survey Technical Advisory Committee and designating initial membership and chairmanship, the Commission's order issued December 19, 1972, 37 FR 28658—Order amending National Power Survey orders, the Commission's order issued August 7, 1974, 39 FR 29233—Order further amending National Power Survey orders, and the provision of this order.

By notice published in the FEDERAL REGISTER on August 21, 1974, 39 FR 30206, the Chairman of the Commission has determined and certified that establishment of this advisory task force is necessary in the public interest in connection with performance of duties imposed on the Commission by law. The Office of Management and Budget, Committee Management Secretariat, has ascertained that formation of this advisory task force is in accord with the requirements of the Federal Advisory Committee Act, 86 Stat. 770.

1. *Purpose.* The Task Force shall be subordinate to the National Power Survey Technical Advisory Committee on Conservation of Energy and shall report to such Committee. The Task Force will study and report on energy conservation issues which are specifically related to fuel supply alternatives.

2. *Membership.* The Chairman, coordinating representatives, secretaries, and members of the National Power Survey Task Force on Conservation and Fuel Supply established herein, as selected by the Chairman of the Commission, with the approval of the Commission, are designated in the Appendix [1] hereto.

3. *Selection of future committee members.* All future National Power Survey Task Force on Conservation and Fuel Supply members and persons designated to act as chairman, coordinating representatives, and secretaries, shall be selected and designated by the Chairman of the Commission, with the approval of the Commission; provided, however, the Chairman of the Commission may select and designate additional persons to serve in the capacity of alternate secretary.

4. The following paragraphs of the Commission's order issued June 29, 1972, 47 FPC 1740, 1742–3, as amended by Commission order issued December 19, 1972, 48 FPS 1468, 1471–4, and by Commission order issued August 7, 1974, 52 FPC are hereby incorporated by reference herein:

3. *Conduct of meetings.*
4. *Minutes and records.*
5. *Secretary to the Committee.*
6. *Location and time of meetings.*
7. *Advice and recommendations offered by the Committee.*

5. The National Power Survey Task Force on Conservation and Fuel Supply established herein shall terminate not later than December 31, 1975.

6. The Secretary of the Commission shall file with the Chairman, Committee on Commerce, United States Senate, Chairman, Interstate and Foreign Commerce Committee, House of Representatives, and Librarian, Library of Congress, copies of this order.

7. This order shall take effect immediately upon the issuance thereof and the Secretary of the Commission shall cause prompt publication of the order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–21099 Filed 9–11–74;8:45 am]

[1] Filed as part of the original document.

[Docket No. RP73–110]

NATURAL GAS PIPE LINE COMPANY OF AMERICA

Order Approving Settlement Agreement With Condition

SEPTEMBER 4, 1974.

On March 22, 1974, the Presiding Administrative Law Judge certified to the Commission for approval a proposed settlement agreement along with the appropriate testimony and exhibits in the above-entitled proceeding. If approved, the settlement would resolve all issues in this proceeding with exception of the propriety of including coal lease payments in Natural Gas Pipe Line Company of America's (Natural) cost of service and the issue of cost classification, allocation and rate design. These two issues were the subject of hearing which ended March 20, 1974, and will be decided separately at a later date.

This proceeding involves a general rate increase application filed by Natural on May 31, 1973, requesting an increase in rates for jurisdictional natural gas sales and services of $61,600,000 over the rates currently in effect subject to refund in Docket No. RP72–132. By Commission order issued June 29, 1973, the proposed increase was suspended for the maximum statutory period of five (5) months, following which the increased rates became effective on December 1, 1973, subject to refund.

Settlement negotiations among the parties and our Staff began at the end of the prehearing conference which was held before the Presiding Administrative Law Judge on January 8, 1974. At the initial hearing session the proposed settlement agreement was presented to the Presiding Judge for certification. The settlement agreement was certified to the Commission by the Presiding Judge on March 22, 1974, and April 1, 1974, was set for the date for the mailing of initial responses of the parties to the proposed settlement agreement and April 15, 1974, for reply comments. Public notice of the certification of the proposed settlement was issued on August 19, 1974.

The principal provisions of the settlement agreement may be summarized as follows:

(1) Article I is an introduction setting forth the procedural background of the proceeding. Article II provides for interim rates to be effective as of December 1, 1973, and during the period prior to a final Commission order on rate design, and further provides that such Commission order should have prospective effect only and that no refunds during this period shall be due as a result of any such change in rate design. Article III provides for refunds to Natural's jurisdictional customers to account for the difference between the interim rates and the rates that had been effective beginning December 1, 1973. Article IV allows Natural to file and place into effect without suspension changes in its jurisdictional rates to give effect to the cost of service changes relative to additional research and development expenditures.

(2) Articles V through XI set forth the advance payments which were included in the settlement cost of service and provide for changes in Natural's rates after December 1, 1973, to track the cost of service effect of expenses and capital expenditures made or incurred by Natural after December 1, 1973, under its advance payment program. Article XII provides that Natural shall make refunds to its jurisdictional customers in the event that Natural is held liable for an amount of Illinois Income Tax which is derived by use of an apportionment of less than 54.84 percent of Natural's income to Illinois. Article XIII provides for refunds in the event that depreciation on storage rights, storage reservoir costs, non-recoverable cushion gas, and storage well construction costs is held to be a valid income tax deduction for purposes of computing Natural's Federal Income Tax. Article XIV provides that Natural may depreciate its depreciable transmission and storage gas plant at a rate of 3.9 percent and its offshore plant at a rate of 5 percent beginning effective December 1, 1973. Article XV provides that coal lease payments made to Star Drilling, Inc. pursuant to an agreement dated January 25, 1973, may remain in the settlement cost of service until the Commission issues an order in this proceeding determining whether or not Natural's rates may reflect these payments.

(3) Article XVI contains a general reservation disclaiming reliance on any principle underlying or supposed to underlie the settlement as negotiated. Article XVII provides for acceptance of the settlement in its entirety and for waiver of the Commission's Regulations as may be required. Article XVIII provides that if accepted in its entirety, the settlement agreement shall be effective as of December 1, 1973, and shall terminate on the date that a rate increase filing by Natural under Section 4 of the Natural Gas Act is made effective or on the effective date of any rate change resulting from a rate proceeding instituted by the Commission with respect to Natural's jurisdictional rates, whichever shall occur first.

The settlement rates are based on a jurisdictional cost of service of $533,404,998, as shown in Appendix B of the settlement agreement and would result in a reduction in the increase in rates from $61.6 million, as originally proposed by Natural, to $42.3 million based upon the increased sales volumes utilized in the settlement. The overall rate of return provided for in the settlement is 8.83 percent which includes an 11.90 percent return on common equity, constituting 34.7 percent of the capitalization. We find the settlement cost of service and resulting rates to be reasonable and in the public interest, and they are therefore approved.

On April 1, 1974, the Commission Staff filed comments on the settlement agreement. Staff supported that portion of Article II of the settlement agreement which provides that any Commission decision on the issues of cost classification, allocation and rate design be prospective in application and that the Seaboard formula would serve as a basis for the interim rates. Staff recommended retention of the Seaboard formula for the period of December 1, 1973, to the date of the Commission order approving the settlement so that Natural is not exposed to any undercollections. However, Staff urged that Natural be required to submit revised rates reflecting the formula set forth in United,[1] Opinion No. 671 within sixty days of the issuance of the order approving the settlement. Staff stated that if the Commission does not take this action, the consequence will be to preclude if from implementing its stated policy in United and would result in undercollections by Natural if the United formula would be applied for determining refunds. Staff also objected to the inclusion of $157,449,000 of the $255,284,487 of advance payments for gas in rate base because these advances are not reasonable and appropriate as required by Order No. 645[2] for rate base treatment. Staff stated that the amount of producer's expenditures for exploration, development and/or production of leases covered by these advance payment agreements will not equal the initial lump sum advances until one or two years after the advances were made, and therefore these advances are not timely related to the cost estimated to be incurred by the producers in conducting the exploration and development programs financed by the advances.

On April 3, 1974, Natural filed comments which object to Staff's position on advance payments. Natural stated that the advance payments at issue were made with the best knowledge available and were made in the best interests of Natural and its customers. Natural further stated that Staff's proposal would retroactively implement the rules of Order 499, issued December 28, 1973, which would adversely affect the Commission's advance payments program. Initial comments fully supporting the settlement were filed by Interstate Power Company (Interstate), Northern Indiana Public Service Company (NIPSCO), The Peoples Gas Light and Coke Company (Peoples) and North Shore Gas Company (North Shore).

On April 15, 1974, Staff filed reply comments maintaining its position that the advance payments at issue were not reasonable and appropriate as required by Order No. 465. However, Staff recommended approval of the settlement if conditioned upon the requirement that Natural would refund to its jurisdictional customers the carrying charges attributable to any amount of advances (on an agreement-by-agreement basis) which are not actually spent by the recipient-producer on exploration and development.

On April 15, 1974, Natural filed its reply comments in which it again objected to Staff's position on advance payments and argued against Staff's proposal to require Natural to file within 60 days of the order approving the settlement revised rates reflecting the United formula. Natural stated that since the unmodified Seaboard formula was in effect prior to the commencement of this proceeding, it should stay in effect until a party can prove that there is reason to change it. Reply comments were also received from Iowa-Illinois Gas and Electric Company, Peoples, North Shore, City of Chicago, Northern Illinois Gas Company and NIPSCO arguing against Staff's proposals on advance payments and the interim rates.

On July 24, 1974, Natural filed a petition to reopen proceedings and to sever issue in this docket. Natural requests in this filing that this proceeding be reopened for the limited purpose of receiving additional evidence and a new proposal concerning the rate treatment for advance payments made by Natural to Imperial Oil Limited and Imperial Oil Enterprises Ltd. (Imperial) under an agreement dated March 24, 1972, for the development of gas reserves located in the MacKenzie Delta of the Northwest and Yukon Territories of Canada. Natural further requests that the issue of the proper rate treatment of these Imperial advances be severed and considered separately from the settlement agreement presently before us. Natural states in its petition that there have been material factual developments which it believes require rate treatment for its Imperial advances different from that prescribed in the settlement agreement. We shall include the advances to Imperial in the settlement rates subject to refund pending final Commission action on Natural's petition to reopen proceedings and to sever issue.

On July 29, 1974, Natural filed a letter advising the Commission and all parties that it is willing to accept the condition to the settlement proposed by Staff that Natural would refund to its jurisdictional customers the carrying charges attributable to any amount of advances (on an agreement-by-agreement basis) which are not actually spent by the recipient-producer on exploration and development.

As we pointed out in our order denying rehearsing of order No. 499, issued February 22, 1974, we have full authority to examine advances made prior to December 28, 1973, for reasonable relation to costs. The stated objective of our advance payment program has been, from the outset, to increase directly the funds available for natural gas exploration, development, and production which does not mean that the funds would be available for other purposes. Our intent has been that the actual advance of funds would closely approximate the operation of a line-of-credit, i.e., the funds would be drawn down as cost and progress required.

As Natural stated in its reply comments, there has been substantial savings to its customers through the mechanism of lump-sum advances. However, staff states in its comments that even assuming there is substantial savings to Natural's customers a review of the advance payments on an agreement-by-agreement basis is required because the final costs of individual projects may not equal the estimates on which the advances are based and, therefore, a refund obligation is required in order to protect Natural's customers.

[1] Opinion No. 671, United Gas Pipe Line Company, Docket Nos. RP72–75 (Phase II), issued October 31, 1973.

[2] Order No. 465, Order Amending Regulations Under the Natural Gas Act, Uniform System of Accounts for Class A and Class B. Natural Gas Companies and Annual Report No. 2, issued December 29, 1972.

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We believe that staff's suggested condition satisfies the requirement in our previous advance payment orders that amounts included in Account No. 166 shall be permitted as rate base items "where found reasonable and appropriate." This refund provision insures that only those advances which bear a reasonable relation to costs under this "reasonable and appropriate" standard shall be included in rate base.[1] Accordingly, we approve of the condition proposed by staff and agreed to by Natural that Natural shall refund to its jurisdictional customers the carrying charges attributable to any amount of advances (on an agreement-by-agreement basis) which are not actually spent by the recipient-producers on exploration, development and production.

As to Staff's recommendation that Natural be given 60 days from the issuance of this order to submit revised rates reflecting the United formula, we believe that such a condition may prejudice the ultimate issue in the case—the just and reasonable rate design for the Natural system. However, we note that Article II, Paragraph III of the settlement agreement provides that the rates set forth in Appendix A of the agreement, which reflect the Seaboard rate design formula, are to be effective as of December 1, 1973, and during the period prior to a final and nonappealable Commission order with respect to rate design. In order to implement a rate design which results in just and reasonable rates at the earliest date possible, we shall condition the approval of the settlement agreement to allow the rate design which is determined to be proper to take effect as of the date the Commission issues an order which decides this issue, rather than as of the date of a final and nonappealable Commission order on Natural's rate design. We do so since we must presume the validity of our own act in adjudging a particular rate design just and reasonable.

We note that Article IV of the settlement agreement which allows Natural to adjust for changes in research and development expenditures does not require consideration of tax savings associated with these expenditures. In Michigan-Wisconsin Pipe Line Co., Docket No. RP73-102, order issued June 26, 1974, we indicated that research and development expenditures recorded in Account 188 must be reduced by the tax effect of these expenditures, as recorded in Account 283, for the purpose of computing the research and development adjustment, and therefore we shall condition approval of this settlement agreement to require consideration of the tax savings associated with these expenditures.[2]

Based on our review of the record in this proceeding, including the filing by Natural, the proposed settlement agreement and the comments of Staff and the parties, we find that the proposed settlement is reasonable and in the public interest, and accordingly should be approved subject to the terms and conditions of this order.

The Commission finds:

The settlement of this proceeding on the basis of the settlement agreement certified herein by the Presiding Judge on March 22, 1974, and as conditioned by the terms of this order, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and such agreement, as modified, should be approved as hereinafter ordered.

The Commission orders:

(A) The settlement agreement certified to the Commission on March 22, 1974, is incorporated herein by reference, approved and made effective as of December 1, 1973, subject to the terms and conditions of this order.

(B) The rate design found just and reasonable after hearing and decision in this proceeding shall be made effective prospectively from the date of the Commission order determining such issue.

(C) Natural shall refund to its jurisdictional customers the carrying charges attributable to any amount of advances (on an agreement-by-agreement basis) which are not actually spent by the recipient-producers on exploration, development and production. Such refunds would be made annually on December 1 to coincide with PGA changes and would be supported by a report filed the preceding October 16 which would include: (a) Identification of recipient and amount of each Order No. 465 advance; (b) identification of projects completed (both successful and unsuccessful) which were financed totally or in part by Order No. 465 advances; (c) difference between amounts advanced and the actual amounts required for completed projects; (d) computation of carrying charges to be refunded for advances in excess of actual expenditures on an agreement-by-agreement basis; and (e) computation of reduction in rates to reflect amount of unused advances associated with completed projects. The first report should be filed on October 16, 1974, covering experience since December 1, 1973.

(D) Research and development expenditures recorded in Account 188 shall be reduced by the tax effect of such expenditures, as recorded in Account No. 283, for the purpose of computing the research and development adjustment.

(E) Within 30 days from the date of this order, Natural shall file with the Commission revised tariff sheets in conformity with the terms of the settlement agreement as herein approved.

(F) Natural's advance payments to Imperial shall be included in the settlement rates subject to refund pending final Commission action on Natural's Petition to Reopen Proceedings and to Sever Issue, filed on July 24, 1974.

(G) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, Natural, or any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against Natural or any other person or party.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-21097 Filed 9-11-74;8:45 am]

[1] Order denying rehearing of order No. 499, Docket No. RM74-4, issued February 22, 1974, mimeo pp. 2-3.

[2] See also, Tennessee Gas Pipe Line Co., Docket No. RP74-73, Order issued July 9, 1974.

[Docket No. CP74-260]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Order Granting Interventions, Establishing Procedural Dates and Fixing Date for Formal Hearing

SEPTEMBER 9, 1974.

On April 1, 1974, Natural Gas Pipeline Company of America (Applicant) filed in Docket No. CP74-260 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of 47,846 Mcf of natural gas initially during winter months to 17 existing customers of Applicant as listed in the attached Appendix.

Applicant proposes to sell and deliver 47,846 Mcf of gas, plus additional quantities of gas as available, to the 17 customers who participated with Applicant in funding the development by Shell Oil Company of certain reserves underlying nine blocks offshore Louisiana. The application states that these customers reimbursed Applicant in the aggregate $36,000,000 of the $40,000,000 advanced by Applicant to Shell pursuant to an agreement dated April 19, 1971. The proposed service would be made available to participating customers over a 120-day period commencing December 1 of each year, but only 100/365th of the available Shell reserves will be used to perform this winter-period service, with the remainder being added to Applicant's overall gas supply for the benefit of all of its customers. No new or additional facilities are contemplated by the application.

Applicant states that the customers who are to receive this service have all indicated that this gas will be used to supply the heating requirements of residential and commercial consumers. Applicant further states that most of these distribution customers have been maintaining lists of high-priority consumers who desire to utilize additional natural gas to meet their space-heating needs and to the extent that natural gas is utilized to supply these needs, limited supplies of alternative fuels will be released for other uses.

Applicant proposes to charge a rate of $1.03 cents per Mcf initially for the gas delivered thereunder. This rate is computed as being the sum of (1) a transportation and commodity charge based on Applicant's DMQ-1 rate at 100 percent load factor to cover the cost of additional flow of gas and transporting such gas to storage, (2) a storage charge based on Applicant's S-2 storage rate to cover the cost of storage, and (3) a carrying charge computed at one-half the rate of return and related income taxes underlying the effective DMQ-1 rate times the sum of items 1 and 2 above.

After due notice by publication in the FEDERAL REGISTER on May 13, 1974, (39 FR 17133) petitions to intervene in support of the application were filed by the following:

Associated Natural Gas Co.
Central Illinois Light Co.
Central Illinois Public Service Co.
Illinois Power Co.
Iowa Power and Light Co.
Interstate Power Co.
North Shore Gas Co.
Northern Illinois Gas Co.
Northern Indiana Public Service Co.
The Peoples Gas Light and Coke Co.
Wisconsin Southern Gas Company, Inc.

Iowa Southern Utilities Co. filed a petition to intervene but did not indicate position either in support or in opposition to the proposal. Late petitions to intervene were received from Iowa-Illinois Gas and Electric Co. and Iowa Electric Light and Power Co. Transcontinental Gas Pipe Line Corp. (Transco) filed a petition to intervene and a motion to consolidate the subject docket with the proceeding in Docket No. CP74-254, and requests a formal hearing be held in these proceedings in order to determine whether Natural has adequate supplies, with or without Transco's La Gloria Field gas to serve the proposed increased quantities of gas to its customers.[1] On July 24, 1974, Transco filed Notice of Withdrawal of its petition, conditioned upon the Commission's approval of the proposed "Stipulation and Agreement" in the proceeding pending in Docket No. C-2730, et al. Applicant and a number of the interveners in support of the subject application have filed answers to Transco's original motion opposing any consolidation and formal hearing.

Transco's motion to consolidate the subject proceeding with that of Docket No. CP74-254 is now moot since the issuance of the Commission's orders of July 15, 1974, and August 14, 1974, in Docket No. CP74-254, wherein the Commission granted Applicant's proposal therein.

The subject application represents another form of entry into the production phase of the natural gas industry. In Commission Opinion No. 668-A, Northern Michigan Exploration Company, et al., Docket No. CI72-301, *et al.*, issued December 7, 1973 (50 FPC ——), we held that an arrangement whereby an interstate pipeline company transported natural gas over a long distance through many states for a nonjurisdictional distribution company was not detrimental to the public interest. However, having reviewed the subject application, we believe that the instant proposal is significantly different from the aforesaid case, and that an evidentiary record is necessary to establish whether Applicant's proposal is or will be required by the present or future public convenience and necessity. Therefore, we are setting this application for formal public hearing.

The Commission finds:

(1) It is necessary and appropriate that the proceeding in Docket No. CP74-260 be set for formal hearing.

(2) Participation by the late petitioners will not delay the instant proceeding and therefore good cause exists for accepting their late petitions to intervene.

(3) Participation by the hereinbefore-said petitioners may be in the public interest.

The Commission orders:

(A) Pursuant to the provisions of the Natural Gas Act particularly, sections 7 and 15 thereof, a formal hearing shall be convened in Docket No. CP74-260 in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 on October 22, 1974, at 10 a.m. (e.d.t). The Presiding Administrative Law Judge for the purpose * * * see Delegation of Authority 18 CFR 3.5(d) * * * shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(B) The direct case of Natural Gas Pipeline Company of America and any supporting interveners shall be filed and served on all parties of record, including the Commission Staff on or before September 30, 1974. Following the conclusion of cross-examination thereon, the Presiding Law Judge shall set such dates as are reasonable for the submission of answering and rebuttal cases, if any.

(C) The aforesaid petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the said petitions to intervene; and *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any one of them might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-21098 Filed 9-11-74;8:45 am]

[1] Transco and Natural are involved in a continuing controversy surrounding applications by certain producers to abandon natural gas sales to Transco in the La Gloria Field, Texas for future sale to Natural, Hilda B. Weinert and Jane W. Blumberg, et al., Docket Nos. G-2730, et al.

[Docket No. RP74-75]

NORTHERN NATURAL GAS CO.

Order Suspending in Part and Approving in Part Proposed Rate Change and Making Filing Subject to Provisions of Other Proceeding

AUGUST 26, 1974.

On January 28, 1974, Northern Natural Gas Co. (Northern) tendered for filing proposed revised tariff sheets[1] in purported compliance with the Commission's January 4, 1974 order which approved a settlement in these proceedings subject to certain conditions. The revised sheets, which have a proposed effective date of December 27, 1973, reflect reduced rate levels for Rate Schedules X-35 and X-36 resulting from the settlement agreement as well as amounts reflecting the October 25, 1973, research and development (R&D) and advance payment tracking filing as that filing was modified to reflect elimination of the preliminary costs of locating new storage fields (.05¢ per Mcf) and to reflect elimination of the tracking of certain costs associated with the testing and development of the Dollas Center Underground Storage Project in Docket No. RP74-9 (0.3¢ per Mcf). The filing was noticed on July 22, 1974, but no comments or protests were received.

By order issued March 22, 1974, as modified by order issued May 17, 1974, we approved in part and suspended in part a rate filing filed by Northern which reflected similar rate adjustments in Northern's FPC Gas Tariff, Original Volume Nos. 1 and 2. Due to an oversight, the March 22, 1974, and May 17, 1974, orders did not act upon the revised tariff sheets to Rate Schedules X-36 and X-35. Since, the rate revisions to Rate Schedules X-35 and X-36 are identical with those proposed by Northern for its Volume No. 1 and Volume No. 2 customers, we shall suspend in part and approve in part Northern's January 28, 1974, filing consistent with the provisions of the order issued on March 22, 1974, and May 17, 1974, in this Docket and provide that the appropriate level of rates in the January 28, 1974, filing be decided in the proceeding ordered in this docket by the March 22, 1974, and May 17, 1974 orders.

The Commission finds:

Good cause exists to suspend in part and approve in part Northern's January 28, 1974, filing relating to Rate Schedules X-35 and X-36 consistent with the provisions of the March 22, 1974, and May 17, 1974, orders in Docket No. RP74-75 as hereinafter ordered and conditioned.

The Commission orders:

(A) Northern's January 28, 1974, filing relating to Rate Schedules X-35 and X-36 is suspended in part and approved in part consistent with the provisions of the March 22, 1974, and May 17, 1974, orders issued in Docket No. RP74-75 and the proper level of rates as to the

[1] Second Revised Sheet Nos. 509 and 514 to Rate Schedule X-35 and Second Revised Sheet Nos. 522 and 525 Rate Schedule X-36.

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Rate Schedules shall be determined in accordance with the procedures prescribed in Docket No. RP74–75.

(B) Within 20 days of the date of issuance of this order, Northern shall file substitute tariff sheets to Rate Schedules X–35 and X–36 in conformance with the provisions of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–21093 Filed 9–11–74;8:45 am]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES FOR THE OFFICE OF OPERATING PROGRAMS

Notice of Meeting

SEPTEMBER 5, 1974.

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Public Advisory Panel on Architectural and Engineering Services for the Office of Operating Programs, October 4, 1974, from 10 a.m. to 12:30, Room 5334, General Services Administration Building, 18th and F Streets NW., Washington, D.C. This meeting will be for the purpose of developing selection recommendations for the proposed moderinzation of Building and Purchase and Installation of Hammermill, Building 167, Navy Yard Annex, Washington, D.C., GS–OOB–02538.

The meeting will be closed to the public in accordance with the provisions set forth in section 10(d) of Pub. L. 92–463.

CLAUDE G. BERNIER, *Acting Chief, Design Branch.*

[FR Doc.74–21022 Filed 9–11–74;8:45 am]

NATIONAL ADVISORY COUNCIL ON SUPPLEMENTARY CENTERS AND SERVICES

Notice of Public Meeting

Notice is hereby given, pursuant to Pub. L. 92–463, that the next meeting of the National Advisory Council on Supplementary Centers and Services will be held on October 3 and 4, 1974, from 9:00 a.m. to 5:00 p.m. in the East Room of the Washington Plaza Hotel, 5th Avenue at Westlake, Seattle, Washington.

The National Advisory Council on Supplementary Centers and Services is established under section 309 of Pub. L. 91–230. The Council is directed to advise the President and the Congress concerning the operation of Title III of the Elementary and Secondary Education Act.

Agenda items for the meeting will include: (1) An on-site visit of the Interdisciplinary Project in Classroom Intervention, Bailey Gatzert Elementary School, 615 12th Avenue South, Seattle, Washington 98144; (2) member reports on ESEA Title III project visitations since the last Council meeting; (3) Annual Report to the President and the Congress on Title III; (4) review of the legislation (H.R. 69) signed by President Ford on August 21, 1974; (5) presentation of the State Advisory Council Member Handbook (Mrs. Martha Ayers); (6) discussion of recent Council publications (a) Innovative Education Practices, (b) Summer Quarterly on Individualized Instruction and (c) Innovation in Education; (7) selection of topic for the Summer, 1975 Title III Quarterly and (8) planning of the calendar for the remainder of Fiscal Year 1975.

The meeting of the Committee shall be open to the public. Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in suite 529, 425 13th Street, NW., Washington, D.C.

Signed at Washington, D.C., on September 9, 1974.

GERALD J. KLUEMPKE, *Executive Director.*

[FR Doc.74–21103 Filed 9–11–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 9, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of International Commerce: Domestic Trade Show Contact and Evaluation Forms, Forms DIB–4014P, DIB 4015 P, Occasional, Evinger, U.S. exhibitors at domestic trade shows.

NATIONAL SCIENCE FOUNDATION

Questionnaire—Local Public School Systems, Form ----, Single time, Planchon, School system administrators.

REVISIONS

None.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service: Regulations—Peanut Acreage Allotments and Marketing Quotas, Form ----, Occasional, Evinger, Peanut producers.

Statistical Reporting Service: Monthly Purchases of Grains from Farmers, Form ----, Annual, Evinger, Mills elevators & grain dealers & brokers.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management:
Free Use Application and Permit, Form 5510–1, Occasional, Evinger, Individuals.
Application for Land for Recreation or Public Purposes, Form 2740–1, Occasional, Evinger, Individuals.

PHILLIP D. LARSEN, *Budget and Management Officer.*

[FR Doc.74–21137 Filed 9–11–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

BBI, INC.

Suspension of Trading

SEPTEMBER 5, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from September 6, 1974, through September 15, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–21070 Filed 9–11–74;8:45 am]

[File No. 500–1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

SEPTEMBER 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 9, 1974 through September 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–21071 Filed 9–11–74;8:45 am]

[Rel. No. 8484; 812–3688]

IDS BOND FUND, INC.

Filing of Application

SEPTEMBER 5, 1974.

Notice is hereby given that IDS Bond Fund, Inc. ("Applicant"), 1000 Roanoke Building, Minneapolis, Minnesota 55402, an open-end diversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application for an order of the Commission pursuant to section 6(c) of the Act declaring that Dr. Paul McCracken ("McCracken"), a director of Applicant, shall not be deemed an "interested person" of the Applicant or Investors Diversified Services, Inc. ("IDS"), the principal underwriter of the Applicant's shares, within the meaning of section 2(a)(19) of the Act solely by reason of his status as a director of Lincoln National Corporation ("Lincoln"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Investment Company Act Release No. 8386 contained an order granting an exemption to Investors Mutual, Inc., Investors Stock Fund, Inc., Investors Selective Fund, Inc., Investors Variable Payment Fund, Inc., and IDS Growth Fund, Inc., pursuant to section 6(c) of the Act declaring that McCracken, director of the said funds, shall not be deemed an "interested person" of said funds or IDS. Applicant, a newly formed fund, related to said funds by reason of common management by IDS, requests the same exemption granted above.

McCracken, a member of Applicant's board of directors, is also a director of Lincoln. Lincoln National Life Insurance Company and Lincoln National Investment Management Company, wholly-owned subsidiaries of Lincoln, and LCN Equity Sales Corporation, a wholly-owned subsidiary of Lincoln National Sales Corporation, a wholly-owned subsidiary of Lincoln, are registered broker-dealers under the Securities Exchange Act of 1934 ("Exchange Act"). The broker-dealers do not conduct a general broker-dealer business but are registered as broker-dealers to sell mutual fund shares and variable annuities and to provide brokerage services for the Lincoln complex of companies.

Section 10(a) of the Act prohibits each registered investment company from having a board of directors more than 60 percent of the members of which are interested persons of such company. Section 10(b) of the Act requires such company to have a majority of directors which are not interested persons of the principal underwriter which in this case is IDS. The application has been submitted to prevent non-compliance with section 10(a) and (10(b).

Section 2(a)(19) of the Act, in pertinent part, defines an "interested person" of an investment company to include any broker or dealer registered under the Exchange Act or any affiliated person of such broker or dealer.

Section 2(a)(3) of the Act includes in the definition of an "affiliated person" of another person, any person directly or indirectly controlling, controlled by or under common control with such other person.

McCracken, as a member of the board of directors of Lincoln, and thus an affiliate of Lincoln's wholly-owned broker-dealer subsidiaries, may be deemed an "interested person" of Applicant.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant represents that McCracken is not an officer or director of any of the broker-dealers and has no personal interest in their operation. Applicant further states that McCracken is a professor of business administration at the University of Michigan and that he receives no remuneration from Lincoln or the broker-dealers except his fees as a director of Lincoln which comprise an insignificant portion of his total income. Further, Applicant represents and warrants that so long as McCracken remains a director of Lincoln and Applicant, it will not effect brokerage transactions with any of the broker-dealers specified in the application or any other broker-dealer subsidiary of Lincoln.

Applicant represents that McCracken's independence in acting on behalf of Applicant is in no way impaired merely because of his affiliation with Lincoln and that the requested exemption is therefore consistent with the provisions of section 6(c) of the Act.

Notice is further given that any interested person may, not later than 5:30 p.m., on October 1, 1974, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–21067 Filed 9–11–74;8:45 am]

[File No. 500–1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

SEPTEMBER 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 9, 1974 through September 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–21072 Filed 9–11–74;8:45 am]

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[Rel. No. 9481; 812-3668]

KEMPER INCOME AND CAPITAL PRESERVATION FUND, INC., ET AL.

Filing of Application for an Order of Exemption

SEPTEMBER 4, 1974.

Notice is hereby given that Kemper Income and Capital Preservation Fund, Inc. ("KICPF"), Supervised Investors Income Fund, Inc. ("SIIF"), Supervised Investors Growth Fund, Inc. ("Growth Fund"), Supervised Investors Summit Fund, Inc. ("Summit Fund"), and Technology Fund, Inc. ("Technology Fund") (collectively referred to as "Funds"), 120 South La Salle Street, Chicago, Illinois, 60603, open-end diversified, management investment companies registered under the Investment Company Act of 1940 (the "Act"), and Supervised Investors Services, Inc. ("SIS"), a wholly-owned subsidiary of Kemper Corporation and the investment adviser and principal underwriter of each of the Funds (collectively referred to with Funds as "Applicants"), have filed an application pursuant to section 6(c) of the Act for an order exempting Applicants from section 22(d) of the Act and Rule 22d–1 thereunder to the extent specified therein. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to any person except at a current public offering price described in the prospectus. Shares of each of the Funds are currently offered to the public at a price based on net asset value plus a sales charge that varies with the quantity of securities purchased.

The investment objective of KICPF is to provide its shareholders with as high a level of current income as is consistent with prudent investment management, preservation of capital, and ready marketability of its portfolio. The investment objective of SIIF is to obtain the highest possible income that is consistent with reasonable risk. KICPF and SIIF distribute all their net investment income to shareholders in the form of quarterly dividends. Shareholders automatically receive all income dividends in additional shares of KICPF or SIIF at net asset value except that, upon written notice to the Transfer Agent, shareholders may elect to receive income dividends in cash.

Applicants propose to offer to shareholders of KICPF and SIIF the option of having their income dividends automatically reinvested at net asset value in shares of Growth Fund, Summit Fund or Technology Fund. For purposes of such reinvestment, the net asset value of the fund selected by a shareholder will be determined on the KICPF or SIIF dividend payment date. No sales commissions will be received by SIS or any sales representative on such reinvestments. All costs, if any, will be borne by SIS.

The investment objective of both Growth Fund and Summit Fund is capital appreciation. Current income is not a significant factor in portfolio selection. The investment objective of Technology Fund is growth of capital and of income through investment in technologically oriented companies.

Applicants state that the proposed reinvestment option is designed to give shareholders of KICPF and SIS an opportunity to build capital by investing their income dividends, at no sales charge, in a fund emphasizing capital growth as a primary objective while seeking preservation of capital in a fund emphasizing income as a primary objective. The proposed reinvestment option would be available to all present and future shareholders of KICPF and SIIF and would not be applied on a discriminatory basis.

Applicants assert that the proposed reinvestment could be accomplished indirectly, without an exemption from section 22(d) of the Act, pursuant to an offer of exchange permitted by section 11 of the Act. Each of the Funds offers its shareholders the privilege of exchanging, at net asset value, all or a portion of their holdings for shares in one of the other Funds for a service charge of $5. Thus, a KICPF or SIIF shareholder can reinvest his income dividends in additional shares of KICPF or SIIF and exchange such shares at net asset value for shares of any of the other Funds.

Applicants state that any written offer under the proposed reinvestment option will be made by means of a statutory prospectus of the Fund into which the dividends would be reinvested. A shareholder will be permitted to cancel the reinvestment arrangement at any time upon written notice to the Fund's transfer agent.

Section 6(c) of the Act provides, in pertinent part, that the Commission may conditionally or unconditionally exempt any person or transaction from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 30, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following September 30, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advise as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–21068 Filed 9–11–74;8:45 am]

[File No. 500–1]

NICOA CORP.

Suspension of Trading

SEPTEMBER 5, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 6, 1974 through September 15, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–21073 Filed 9–11–74;8:45 am]

[Rel. No. 9485; 812–3672]

PUTNAM INVESTORS FUND, INC.

Filing of Application for Exemption

SEPTEMBER 5, 1974.

Notice is hereby given that Putnam Investors Fund, Inc. ("Applicant"), 265 Franklin Street, Boston, Massachusetts, 02110, registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 22(d) of the Act and Rule 22c–1 thereunder the issuance of Applicant's redeemable securities at a price which differs from the current public offering price described in Applicant's prospectus and which will not be based on the current net asset value of such securities next computed after the transaction, in exchange for substantially all the assets of The Dominick Fund, Inc., ("Seller") registered under the Act as a closed-end diversified management investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant has been informed by Seller that all of Seller's assets consist of securities and cash. Pursuant to an agreement between Applicant and Seller, Seller will transfer all of its cash and securities, subject to Seller's retention of assets sufficient to pay its liabilities and expenses (such assets will not exceed $50,000), to Applicant in exchange for Applicant's redeemable shares. The number of shares of Applicant to be issued is to be determined by dividing the aggregate market value of the assets of Seller to be transferred to Applicant by the net asset value per share of Applicant, both to be determined as of the valuation time, as defined in the agreement, which shall be as of the close of business on the first full business day prior to the actual issue of the shares. Subsequently, but not later than December 31, 1975, Applicant may receive from time to time any cash then held by Seller not needed to pay its liabilities, for which Applicant will issue to Seller additional shares of Applicant at their then net asset value, such net asset value to be computed as of the close of business on that day on which such cash and notice of such additional purchase is received by Applicant.

Applicant will not assume any liabilities of the Seller in connection with the acquisition and subsequent dissolution of the Seller or otherwise except that Applicant will assume the expenses of the Seller incurred in connection with the acquisition and dissolution which, when added to Applicant's similar expenses incurred in connection with the acquisition, do not exceed $100,000. The Putnam Management Company, Inc., ("Putnam Management") investment adviser to Applicant has agreed to reimburse Applicant for any expenses which it incurs in connection with the acquisition, including those expenses of the Seller which Applicant has assumed. Putnam Management will not, however, reimburse Applicant for those expenses which Applicant normally incurs in connection with the issuance and sale of its shares, such as the cost of registering additional shares with the Securities and Exchange Commission or the cost of setting up new shareholder accounts.

As of May 31, 1974, Applicant's and Seller's total net assets (including cash and cash equivalents) amounted to approximately $425,000,000 and $44,000,000, respectively. On that date, Applicant had net unrealized appreciation on investments of $54,721,477, and Seller had net unrealized depreciation on investments of $2,794,572. For the five-month period ended May 31, 1974, Applicant had realized losses on investments of $2,656,663, and Seller had realized losses on investments of $258,535. No tax adjustment will be made to reflect the differences in realized and unrealized appreciation and depreciation of Applicant and Seller. Applicant represents that no adjustment is warranted under the particular facts and circumstances of this transaction for the following reasons:

(1) An adjustment, if made, would be made to compensate Seller's shareholders for assuming the tax liability that would attach to Applicant's unrealized appreciation were it realized. In fact, there is no assurance that such appreciation will be realized. Between December 31, 1973 and June 30, 1974 Applicant's unrealized appreciation dropped from $105,700,000 to $47,500,000. Even if it at some time in the future Applicant does realize some of this appreciation, it is entirely possible that it will have its own depreciation to use as an offset against such appreciation. Therefore, any liability incurred by Seller's shareholders is largely theoretical and to attempt to place a precise value on this liability would be unduly speculative.

(2) Applicant asserts that any adjustment made would not accurately reflect the tax position of individual shareholders. It would appear to be inequitable for Seller's shareholders to receive additional shares of Applicant as compensation for the possibility that they will later face a tax liability for appreciation now unrealized when such shareholders can immediately redeem their shares for a net asset value which is not adjusted to reflect this possibility. Furthermore, the relative tax liabilities of such redeeming shareholders will depend upon their bases in the shares whether or not their redemption prices include unrealized appreciation.

(3) Rule 22c–1 under the Act requires an open-end investment company to sell and redeem its securities at the current net asset value. The Act makes no provision for adjusting net asset value to reflect an investment company's unrealized appreciation or depreciation. To make such an adjustment in this case would give Seller's shareholders favored treatment not afforded to the general public.

(4) It would violate Applicant's Articles of Organization for Applicant to issue its shares at less than their net asset value.

Seller has informed Applicant that as soon as practicable after the consummation of the transaction, Seller will distribute the shares of Applicant acquired in the transaction to its stockholders upon receipt from such stockholders of their shares of Seller's capital stock.

There is no affiliation or relationship between the officers and the directors of Applicant and the officers and directors of Seller or between Applicant or Putnam Management and Seller. The application states that the proposed transaction is a result of arm's-length negotiations.

Section 22(d) of the Act, in pertinent part, prohibits a registered investment company from selling any redeemable security issued by it to any person except to or through a principal underwriter for distribution or at a current public offering price as described in the prospectus. The public offering price of Applicant's shares is net asset value plus varying sales charges depending upon the amount purchased and owned.

Applicant asserts that consummation of the proposed transaction whereby its shares will be issued as described above at a price which differs from the current offering price described in its prospectus will be of benefit to the shareholders of both Applicant and Seller and, therefore, that an exemption from section 22(d) pursuant to section 6(c) would be appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act. Applicant anticipates that a substantial portion of the portfolio securities acquired from Seller will be securities which will be retained by Applicant. It is Applicant's intention to hold at least 75 percent of the acquired securities provided, however, that Applicant reserves the same freedom, consistent with its investment objective, to retain and/or sell the acquired securities as it has with respect to any other securities which it holds for investment. Applicant represents that its shareholders will benefit from the acquisition of a portfolio of securities on which the brokerage expenses have already been paid.

Rule 22c–1 provides, in pertinent part, that a registered investment company may not issue its redeemable securities except at a price based on the current net asset value of such securities, computed as of the close of trading on the New York Stock Exchange next following receipt of the order to purchase the securities. Because, as indicated above, the valuation date for the proposed transaction will precede the closing date by one business day, the provisions of Rule 22c–1 may be deemed to be contravened, and,

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therefore, Applicant has requested an exemption from Rule 22c-1.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 25, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided in Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-21069 Filed 9-11-74;8:45 am]

[File No. 500-1]

SAVOY INDUSTRIES, INC.

Suspension of Trading

SEPTEMBER 3, 1974.

The common stock of Savoy Industries, Inc., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Savoy Industries, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 2 p.m. (e.d.t.) on September 3, 1974 through midnight (e.d.t.) on September 12, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-21074 Filed 9-11-74;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORPORATION

Suspension of Trading

SEPTEMBER 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 9, 1974 through September 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-21075 Filed 9-11-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

MAXIMUM INTEREST RATES

Notice is given that the Small Business Administration (SBA) has established the maximum rates of interest that lending institutions participating with SBA may charge on loans approved by SBA on or after September 3, 1974, under section 7 of the Small Business Act, as amended, and section 502 of the Small Business Investment Act, as amended.

Effective September 3, 1974, the maximum rate of interest acceptable to SBA on a guaranteed loan or guaranteed revolving line of credit shall be eleven and one-half percent (11½ percent) a year, and the maximum rate on an immediate-participation loan shall be ten and one-half percent (10½ percent) a year. These maximum interest rates shall remain in effect until notification of a change is issued by SBA.

This notice is issued under 13 CFR 120.3(b)(2)(vi).

(Catalog of Federal Domestic Assistance Programs: No. 59.012 Small Business Loans; No. 59.013 State and Local Development Company Loans; No. 59.014 Coal Mine Health and Safety Loans; No. 59.017 Meat and Poultry Inspection Loans (Consumer Protection Loans); No. 59.018 Occupational Safety and Health Loans; No. 59.001 Displaced Business Loans; No. 59.003 Economic Opportunity Loans for Small Business)

Dated: September 3, 1974.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.74-21044 Filed 9-11-74;8:45 am]

[License No. 09/09-0173]

SECURITY BENEFICIAL INVESTMENT CORP.

Issuance of a License To Operate as a Small Business Investment Company

On July 10, 1974, a notice was published in the FEDERAL REGISTER (39 FR 25424) stating that an application had been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing Small Business Investment Companies for a license to operate as a small business investment company by Security Beneficial Investment Corporation, 3520 Long Beach Boulevard, Suite 206-207, Long Beach, California 90807.

Interested parties were invited to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 09/09-0173 to Security Beneficial Investment Corporation to operate as a small business investment company.

Dated: September 3, 1974.

JAMES THOMAS PHELAN, *Deputy Associate Administrator, for Investment.*

[FR Doc.74-21080 Filed 9-11-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 72]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 6, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonabe compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after September 12, 1974, except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC-200 (Sub-No. 268), filed July 16, 1974. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64142. Applicant's representative: Ivan E. Moody, 12th Floor, Temple Bldg., 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the warehouse site and storage facilities of Western Electric Company, located at or near Martinsburg, W. Va., as an intermediate point in connection with carrier's regular operations, between Winchester, Va., and Hagerstown, Md., over U.S. Highway 11 and Interstate Highway 81.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC-200 (Sub-No. 269), filed August 16, 1974. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 2809, Kansas City, Mo. 64106. Applicant's representative: Ivan E. Moody, 12th Floor, Temple Bldg., 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite, warehouses, and storage areas of J. C. Penney Company, Inc., at Anderson, Ind., as an off-route point in connection with applicant's regular route operations on U.S. Highway 40, and Indiana State Highway 67.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Kansas City, Mo.

No. MC 116763 (Sub-No. 290), filed August 16, 1974. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concentrates, beverages, beverage preparations, fruit and vegetable products, and fruits and vegetables* (except bananas), from points in Florida, to points in North Carolina and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Orlando, Fla.

No. MC-2110 (Sub-No. 6), filed August 12, 1974. Applicant: BOWLUS TRUCKING CO., INC., 200 County Road 143, Fremont, Ohio 43420. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive brake parts and assemblies and materials and supplies and parts* used in the manufacture thereof, between points in Rice Township (Sandusky County), Ohio, on the one hand, and, on the other, points in Illinois, under a continuing contract with Kelsey Wheel, Drum, and Brake Division of Kelsey-Hayes Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC-4405 (Sub-No. 514), filed August 16, 1974. Applicant: DEALERS TRANSIT, INC., 2200 East 170th Street, P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, and trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial truckaway and driveaway service, from points in Bartow County, Ga., to points in the United States (except Alaska and Hawaii); and (2) *tractors* in secondary movements, in driveaway service only when drawing trailers, semi-trailers, and trailer chassis in initial movements, from points in Bartow County, Ga., to points in Arizona, Nevada, Oregon, and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC-8535 (Sub-No. 49), filed August 16, 1974. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INC., Interstate 83 at Route 439, Parkton, Md. 21120. Applicant's representative: John Guandolo, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plantsite and storage facilities of Evans Products Company located at or near Chesapeake, Va., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 20783 (Sub-No. 104), filed August 12, 1974. Applicant: TOMPKINS MOTOR LINES, INC., P.O. Box 1830, Gadsden, Ala. 35902. Applicant's representative: John P. Carlton, 903 Frank

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Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the storage facilities of Shurtenda Foods, Inc., located at or near Cedartown, Ga., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 26544 (Sub-No. 2), filed August 8, 1974. Applicant: ALABAMA STORAGE COMPANY, INC., 3708 North 8th Avenue, Birmingham, Ala. 35222. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Used household goods*, between points in Calhoun, Cherokee, Clay, Cleburne, Etowah, Randolph, Saint Clair, Talladega, De Kalb, Bibb, Blount, Cullman, Fayette, Jefferson, Lamar, Marion, Pickens, Shelby, Tuscaloosa, Walker, and Winston Counties, Ala., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 29120 (Sub-No. 185), filed July 30, 1974. Applicant: ALL-AMERICAN, INC., 900 West Delaware, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Schuyler and Fremont, Nebr., and Spencer, Hartley, and Cherokee, Iowa, to points in Tennessee, restricted to traffic originating at and destined to the named States.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux Falls, S. Dak.

No. MC 30518 (Sub-No. 4), filed July 30, 1974. Applicant: CARLOS J. STILWELL, doing business as STILWELL TRUCK SERVICE, Detroit, Ill. 62332. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Whey by-products, lactose, prepared animal or poultry feed, animal or poultry feed ingredients*, from Boscobel, Wis., to points in Illinois, under contract or contracts with Milk Specialties Co. of Dundee, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 30887 (Sub-No. 207), filed August 19, 1974. Applicant: SHIPLEY TRANSFER, INC., 49 Main St., Box 55, Reisterstown, Md. 21136. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* (except petro acids and chemicals, asphalt and asphalt products, and heavy residual oils weighing 7.5 lbs. per gallon or more), in bulk, in tank vehicles, (1) from the bulk storage and loading terminals of Mobile Oil Corporation, at or near Baltimore, Md., to points in Arlington, Clarke, Fairfax, Fauquier, Loudon, Shenandoah, Stafford, Prince William, and Warren Counties, Va., Alexandria, Va., and the District of Columbia; and (2) from the bulk storage and loading terminals of Mobile Oil Corporation, at or near Manassas, Va., to points in Anne Arundel, Baltimore, Calvert, Caroline, Carroll, Charles, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, St. Marys, and Washington Counties, Md., Baltimore, Md., and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC-41432 (Sub-No. 142), filed August 13, 1974. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207. Applicant's representative: W. P. Furrh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the facilities of Hudson Products, located at or near Beasley, Tex., as an off-route point in connection with carrier's authorized regular-route operations to and from Houston, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Houston, or Dallas, Tex.

No. MC 42011 (Sub-No. 14), filed August 13, 1974. Applicant: D. Q. WISE AND CO., INC., P.O. Box 15125, Tulsa, Okla. 74115. Applicant's representative: J. G. Dall, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Variable speed drives, electrical cable, switch boards, motors, pumps, pump parts, and accessories;* and (2) *equipment, material, and supplies* used in connection with the transportation, installation, operation, removal, repair, manufacture, and maintenance of the commodities described in (1) above, between Healdton and Tulsa, Okla.; Midland, Tex.; Great Bend, Kans., and Rangley, Colo., on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii, restricted to shipments originating at or destined to the facilities of Byron Jackson Pump Division, Borg-Warner Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tulsa, Okla.

No. MC 42828 (Sub-No. 8), filed August 7, 1974. Applicant: THEODORE ROSSI TRUCKING CO., INC., 9 South Vine Street, Barre, Vt. 05641. Applicant's representative: James W. Conner, 431 Keith Avenue, Akron, Ohio 44313. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (except in bulk), from Westfield, Mass., Watertown and Syracuse, N.Y., and points in Pennsylvania, to points in Vermont and New Hampshire.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Montpelier or Burlington, Vt.

No. MC-44913 (Sub-No. 17), filed August 16, 1974. Applicant: E. ROSCOE WILLEY, INC., P.O. Box 116, Secretary, Md. 21644. Applicant's representative: Daniel B. Johnson, 1123 Munsey Building, 1329 E St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except canned goods, frozen foods and commodities in bulk), from the plantsites and warehouse facilities utilized by Acme Markets, Inc., located in Caroline, Dorchester, Talbot, and Wicomico Counties, Md., to Forty Fort, and Philadelphia, Pa., and Kearny, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 46219 (Sub-No. 12), filed August 7, 1974. Applicant: STERNBERGER MOTOR CORPORATION, 45–50 Court Square, Long Island City, N.Y. 11101. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Home and office furnishing and furniture*, uncrated, between points in North Carolina, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Louisiana, Mississippi, Nevada, New Mexico, Oklahoma, Texas, and Utah.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Greensboro, N.C.

No. MC 52614 (Sub-No. 6), filed August 14, 1974. Applicant: R. S. POWELL, INCORPORATED, Route 4, Box 641, Madison Heights, Va. 24572. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture and distribution of cast iron products and finished products thereof, (1) from points in Michigan, Illinois, Indiana, Kentucky, Ohio, Tennessee, Alabama, Georgia, North Carolina, South Carolina, West Virginia, Pennsylvania, New Jersey, Maryland, Delaware, Virginia, New York, and Iowa, to Lynchburg, Va., and (2) from Florence, N.J., to points in Virginia, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Michigan, and Illinois, under contract with Griffin Pipe Products Company and its affiliate Glamorgan Pipe and Foundry Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC-52932 (Sub-No. 31), filed July 11, 1974. Applicant: NORTH PENN TRANSFER, INC., Box 230, Lansdale, Pa. 19446. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, commodities which because of size or weight, require the use of special equipment or special handling* (except boats), and self-propelled articles, each weighing 15,000 pounds or more (when transported on trailers), between Philadelphia, Pa., and points in Bucks (except Bristol and Falk Townships), Delaware, and Montgomery Counties, Pa., Upper Saucon, Lower Macungie, and Lower Milford Townships (Lehigh County), Pa., and East Vincent, West Vincent, East Pikeland, West Pikeland, Charlestown, Willistown, Easttown, North Coventry, East Coventry, and South Coventry Townships (Chester County), Pa.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at points in Philadelphia, Bucks, Delaware, and Montgomery Counties, Pa., to provide service between points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, Ohio, and the District of Columbia, on the one hand, and, on the other, the terminal points named herein. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 53965 (Sub-No. 101), filed August 14, 1974. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Dodge City, Kans., and Boise City, Okla.: From Dodge City over U.S. Highway 56 to Boise City and return over the same route, serving all intermediate points and serving off-route points in that portion of Kansas beginning at the Colorado-Kansas State Boundary line and extending along U.S. Highway 50 to Dodge City, Kans., thence along U.S. Highway 283 to Kansas-Oklahoma State Boundary line including the points on the indicated portions of the highways named in connection with applicant's authorized regular route service, (2) Between Elmwood, Okla., and Boise City, Okla.: From Elmwood, Okla., over Oklahoma Highway 3 to Guymon, Okla., thence over U.S. Highway 64 to Boise City, Okla., and return over the same route, serving all intermediate points, and serving the off-route points in Texas and Beaver Counties, Okla. in connection with applicant's authorized regular route service, and (3) Between Perryton, Tex. and Amarillo, Tex.: From Perryton over Texas Highway 15 to Spearman, Tex., thence over Texas Highway 207 to Panhandle, Tex., thence over U.S. Highway 60 to Amarillo, Tex., and return over the same route serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Liberal, Kans.

No. MC-61396 (Sub-No. 273), filed August 20, 1974. Applicant: HERMAN BROS., INC., 2565 St. Marys Avenue, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: Steve Cipich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except anhydrous ammonia, aqua ammonia, and liquid fertilizer), in bulk, from the plantsite of Monsanto Company, at or near Muscatine, Iowa, to points in the United States (except Alaska, Hawaii, and points in the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Omaha, Nebr.

No. MC 71902 (Sub-No. 80), filed August 5, 1974. Applicant: UNITED TRANSPORTS, INC., 4900 North Santa Fe., Oklahoma City, Okla. 73118. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New motor vehicles, vehicle cabs and bodies, and automobile show equipment and paraphernalia* when transported in display vehicles, in initial movements, in truckaway service, from the plantsite of General Motors Corporation (GM Assembly Division) at Arlington, Tex., to points in Illinois, Iowa, Minnesota, South Dakota, North Dakota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 73165 (Sub-No. 350), filed July 22, 1974. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d St., P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Bartonville and Chicago Heights, Ill., to points in Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, North Carolina, South Carolina, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC–73688 (Sub-No. 64), filed August 19, 1974. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, P.O. Box 7165, Memphis, Tenn. 38107. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough iron, and steel castings*, from Attalla, Ala., to Nashville, and Paris, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Memphis, or Nashville, Tenn.

No. MC–83835 (Sub-No. 118), filed July 30, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, (except oil field pipe), from the plant site of LaBarge Pipe and Steel Company, located at or near St. Louis, Mo., to points in the United States (including Alaska but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Dallas, Tex., or St. Louis, Mo.

No. MC 89684 (Sub-No. 85), filed July 29, 1974. Applicant: WYCOFF COMPANY, INC., 560 South 300 West, Salt Lake City, Utah 84110. Applicant's representative: Harry D. Pugsley, Suite 400, 315 East 2d Sound, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), restricted to the transportation of packages or articles each weighing not more than 100 pounds, and further restricted against the transportation of packages or articles weighing more than 200 pounds in the aggregate from one consignor at one location to one consignee at one location during a single day, serving the following off-route points in connection with carrier's presently held regular route operations in Sub-No. 57 and Sub-No. 63: (1) Jim Bridger Power Plant, located on Sweetwater County Road No. 15, 8 miles north of Point of Rocks, Wyoming; (2) Texas Gulf Sulphur Co., plant located on an unnumbered highway, approximately 8 miles east of Granger, Wyo.; (3) Stauffer Chemical Co., located at or near Leefe, Wyo.; (4) FMC plant, located in Sweetwater County, Wyo., Highway No. 3, approximately 6 miles north of U.S. Highway 30; (5) Allied Chemical Co., plant in Sweetwater County, Wyoming Highway 40, approxi-

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mately 4 miles north of U.S. Highway 30; and (6) Stauffer Chemical Plant, located on Wyoming Highway 372, approximately 12 miles north from Interstate Highway 80, known as Stauffer, Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 90870 (Sub-No. 2), filed August 12, 1974. Applicant: GLEN RIECHMANN, doing business as RIECHMANN TRUCK SERVICE, R.R. 2, Box 137, Alhambra, Ill. 62001. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Channels, trays, junction boxes, fabricated metal panels and fittings and accessories* therefore, from Troy and Highland, Ill., to points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo. or Springfield, Ill.

No. MC-94201 (Sub-No. 126), filed July 8, 1974. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 601-09 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, liquids in bulk, household goods as defined by the Commission, and those requiring special equipment), between the plantsites, storage and warehouse facilities of U.S. Plywood Champion Papers, Inc., located at or near Asheville, Canton, and Waynesville, N.C., on the one hand, and, on the other, Chattanooga, Tenn.: From Asheville, Canton, and Waynesville, N.C. over U.S. Highways 19 or 23 to junction of U.S. Highway 64, thence to Chattanooga, Tenn. and return over the same route, serving said plantsites, storage and warehouse facilities at Canton and Waynesville as intermediate or off-route points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga. or Washington, D.C.

No. MC-95540 (Sub-No. 911), filed August 16, 1974. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from Whitehall and Eau Claire, Wis., to points in Alabama, Georgia, Tennessee, and Mississippi.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

MC-97270 (Sub-No. 5) (Correction), filed July 1, 1974, published in the FEDERAL REGISTER issue of August 22, 1974, and republished as annotated this issue. Applicant: REYCO MOTOR EXPRESS, INC., 5412 South 24th Street, Fort Smith, Ark. 72901. Applicant's representative: David A. Sutherlund, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), (1) between Ft. Smith, Ark., and Booneville, Ark., serving all intermediate points: From Ft. Smith, Ark., over U.S. Highway 71 to Greenwood, Ark., thence over Arkansas Highway 10 to Booneville, Ark., and return over the same route, restricted against serving points in Oklahoma within the Ft. Smith, Ark., commercial zone, as defined by the Commission, and (2) between Booneville, Ark., and Danville, Ark., serving all intermediate points: From Booneville, Ark., over Arkansas Highway 10 to Danville, Ark., serving all intermediate points.

NOTE.—Applicant seeks to convert Certificates of Registration to Certificates of Public Convenience and Necessity. The purpose of this republication is to correct the service restriction previously published in error.

No. MC 97270 (Sub-No. 6) (Correction), filed July 1, 1974, published in the FEDERAL REGISTER issue of August 15, 1974, and republished as corrected, this issue. Applicant: REYCO MOTOR EXPRESS, INC., 5412 South 24th Street, Fort Smith, Ark. 72901. Applicant's representative: David A. Sutherlund, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, and commodities requiring special equipment): (1) Between Ft. Smith, Ark., and Jackson, Miss.: From Ft. Smith, Ark., over U.S. Highway 64 to Conway, Ark., thence over U.S. Highway 65 to Lake Village, Ark., thence over U.S. Highway 82 to Leland, Miss., thence over U.S. Highway 61 to Vicksburg, Miss., thence over U.S. Highway 80 to Jackson, Miss., and return over the same route, serving North Little Rock and Little Rock, Ark., Greenville and Vicksburg, Miss. (except on traffic between Jackson and Vicksburg, Miss.), and Clinton Industrial Park at or near Clinton, Miss., as intermediate points, restricted against serving points in Oklahoma within the Ft. Smith Commercial Zone as defined by the Commission; (2) Between Danville and Little Rock, Ark.: From Danville over Arkansas Highway 10 to Little Rock, and return over the same route, serving all intermediate points; (3) Between Arkansas River and Plainview, Ark.: From the Arkansas River over Arkansas Highway 60 to Plainview, and return over the same route, serving all intermediate points; (4) Between the junction of Arkansas Highways 60 and 113 and the junction of Arkansas Highways 113 and 10: From the junction of Arkansas Highways 60 and 113 over Arkansas Highway 113 to junction Arkansas Highway 10, and return over the same route, serving all intermediate points and serving Fourche, Ark., as an off-route point; (5) Between Ola, Ark., and the junction of Arkansas Highways 7 and 60: From Ola over Arkansas Highway 7 to junction Arkansas Highway 60, and return over the same route, serving all intermediate points; (6) Between Ola and Rover, Ark.: From Ola over Arkansas Highway 28 to Rover, and return over the same route, serving all intermediate points and serving Kingston, Ark., as an off-route point; (7) Between Rover and Danville, Ark.: From Rover over Arkansas Highway 27 to Danville, and return over the same route, serving all intermediate points; and (8) Between Booneville and State Sanatorium, Ark.: From Booneville over Arkansas Highway 116 to junction Arkansas Highway 23, thence over Arkansas Highway 23 to State Sanatorium and return over the same route, serving all intermediate points.

NOTE.—The purpose of this republication is to correct the territorial description as stated in (1) above. If a hearing is deemed necessary, applicant requests it be held on consolidated record with similar applications at Little Rock, Ark., or Jackson, Miss.

No. MC 101219 (Sub-No. 54), filed August 15, 1974. Applicant: MERIT DRESS DELIVERY, INC., 524 West 54th Street, New York, N.Y. 10018. Applicant's representative: Herman B. J. Weckstein, One Woodbridge Center, Woodbridge, N.J. 07095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel on hangers, and wearing apparel in boxes and cartons, and miscellaneous supplies*, used in connection therewith, when moving in the same vehicle, and at the same time with shipments of wearing apparel on hangers, between points in the New York Commercial Zone, and points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island, in non-radial movements.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 103191 (Sub-No. 46), filed August 14, 1974. Applicant: THE GEO. T. RHEAM CO., INC., 2019 Elgin Street, P.O. Box 2095, Station A, Charleston, S.C. 29403. Applicant's representative: Harris G. Andrews, P.O. Box 4255, Greenville, S.C. 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, between Charleston, S.C., on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia, restricted to traffic having a prior or subsequent movement by water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 104004 (Sub-No. 195), filed July 10, 1974. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. 10017. Applicant's representative: John P. Tynan, 65-12 69th Place, Middle Village, N.Y. 11379. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, liquid commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), (1) between Columbia, S.C., and Chattanooga, Tenn.: From Columbia, S.C., over U.S. Highway 21 to Charlotte, N.C., thence over U.S. Highway 74 to Ashville, N.C., thence over U.S. Highway 70 to Knoxville, Tenn., thence over U.S. Highway 129 to junction U.S. Highway 411, thence over U.S. Highway 411 to junction unnumbered highway (formerly Tennessee Highway 60), thence over unnumbered highway to Cleveland, Tenn., and thence over U.S. Highway 11 to Chattanooga, Tenn., and return over the same routes, serving no intermediate points (except those otherwise authorized), and serving off-route points within 150 miles of Charlotte, N.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 106398 (Sub-No. 712), filed August 16, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Woodbury County, Iowa, to points in Nebraska, South Dakota, North Dakota, Minnesota, Missouri, and Kansas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 106674 (Sub-No. 140), filed July 30, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, and brick related masonry construction materials* (except commodities in bulk), (a) from Chattanooga, Johnson City, Kingsport, and Knoxville, Tenn., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Wisconsin; (b) from Coral Ridge, Ky., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin; and (c) from Mooresville, Ind., to points in Illinois, Kentucky, Michigan, Ohio, and Wisconsin, restricted to traffic originating at plantsites, and production and storage facilities of General Shale Products Corporation located at or near the above named origin points and destined to points in the above named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Indianapolis, Ind.

No. MC-106920 (Sub-No. 54), filed August 16, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: Carroll V. Lewis, P.O. Box 717, Sidney, Ohio 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, from St. Louis, Mo., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities of Switzer Licorice Co., division of Beatrice Foods Co., at St. Louis, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo., or Chicago, Ill.

No. MC 106943 (Sub-No. 112), filed August 14, 1974. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808. Applicant's representative: Peter M. Witham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Class A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and commodities requiring special equipment), serving the plantsite of Western Electric Co., Inc., at or near Goddard, Kans., as an off-route point in connection with carrier's authorized regular route operations to and from Wichita, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Wichita, Kans.

No. MC 107515 (Sub-No. 942), filed August 19, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and/or storage facilities utilized by Iowa Beef Processors, Inc., located at or near Amarillo, Tex., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Minnesota, Missouri, Nebraska, Nevada, Ohio, Oregon, Utah, Washington and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Chicago, Ill.

No. MC 107615 (Sub-No. 6), filed August 6, 1974. Applicant: UNITED NEWS TRANSPORTATION COMPANY, a Corporation, 805 East Luzerne Street, Philadelphia, Pa. 19124. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22153. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, between Moonachie, N.J., and Franklin Center, Middleton Township (Delaware County), Pa.

NOTE.—Applicant states that he intends to tack the requested authority at Franklin Center, Pa., to provide service beween Moonachie, N.J., on the one hand, and, on the other, Harrisburg, Pa., Baltimore, Md., Washington, D.C., and New York, N.Y., and their respective commercial zones. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 107678 (Sub-No. 54), filed July 15, 1974. Applicant: HILL & HILL TRUCK LINE, INC., 14942 Talcott, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, 800 Bank of the Southwest Building, Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite clay, mud treating compounds, and lignite coal*, treated and untreated, in bags, between the plantsites of Wyo-Ben Products, Inc., and Dresser Minerals, Division of Dresser Industries, Inc., at or near Greybull, Wyo., on the one hand, and, on the other, points in Arkansas, Colorado, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Denver, Colo.

No. MC 108453 (Sub-No. 34), filed August 16, 1974. Applicant: G & A TRUCK LINE, INC., 404 West Peck Ave., White Pigeon, Mich. 49099. Applicant's representative: John P. Boeschenstein, 435 Whitehall Road, North Muskegon, Mich. 49445. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products;* (2) *plastic containers and accessories therefor;* and (3) *such commodities* (except in bulk) as are used in the production of plastic containers and accessories therefor, between Shelbyville, and Chicago, Ill., on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Wisconsin, Kentucky, and Michigan, under contract with Continental Can Co., Inc., restricted to a transportation service to be performed, under a continuing contract, or contracts, with Continental Can Co., Inc., at New York, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lansing, Mich.

No. MC 109540 (Sub-No. 32), filed August 13, 1974. Applicant: YEARY TRANSFER COMPANY, INC., 2171 Christian Road, P.O. Box 398, Lexington, Ky. 40505. Applicant's representative:

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George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast concrete products*, from Louisville, Ky., to points in Ohio, Indiana, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Lexington, or Louisville, Ky.

No. MC–110098 (Sub-No. 148), filed August 15, 1974. Applicant: ZERO REFRIGERATED LINES, 1400 Ackerman Road, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite of Green Giant Co. in Belvidere, Ill., to points in Arkansas and Louisiana, restricted to traffic originating at the plantsite of Green Giant Co. at Belvidere, Ill. and destined to the named destination states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or San Antonio, Tex.

No. MC–110683 (Sub-No. 99), filed August 15, 1974. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Salem, Ind., as an off-route point in connection with applicant's authorized regular-route operations at Louisville, Ky.

NOTE.—Common control was approved in MC–F–11851 and MC–F–11978. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC–110817 (Sub-No. 19), filed August 20, 1974. Applicant: E. L. FARMER & COMPANY, a Corporation, P.O. Box 3512, Odessa, Tex. 79760. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite and storage facilities of Chaparral Steel Company, Inc., in Ellis County, Tex., to points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee; and (2) *scrap iron and steel, including scrap automobile bodies*, from points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee, to the plantsite and storage facilities of Chaparral Steel Company, Inc., in Ellis County, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC–110988 (Sub-No. 315), filed August 12, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil St., Neenah, Wis. 54956. Applicant's representative: Neil A. Du Jardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phosphoric acid and phosphatic fertilizer solutions*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Michigan, Ohio, Kentucky, West Virginia, Virginia, and Pennsylvania; (2) *aqua ammonia*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Indiana, Ohio, Kentucky, and Virginia; and (3) *caustic soda, hydrofluorosilicic acid, liquid cleaning compound, sodium bichromate, muriatic acid, ferric chloride and sodium hypochlorite*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Wyoming, Colorado, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Michigan, Illinois, Mississippi, Alabama, Kentucky, Indiana, Ohio, West Virginia, Pennsylvania, New York, New Jersey, and points in Tennessee (except those east of U.S. Highway 27).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 112304 (Sub-No. 82), filed August 14, 1974. Applicant: ACE DORAN HAULING & RIGGING CO., a Corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes, crane attachments and accessories, and parts of such commodities, and materials and supplies*, used in the construction thereof, between the plant and warehouse facilities of Grove Manufacturing Co., in Horry County, S.C., on the one hand, and, on the other, points in Delaware, Connecticut, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconson, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC–112520 (Sub-No. 287), filed August 19, 1974. Applicant: McKENZIE TANK LINES, INC., New Quincy Rd., Tallahassee, Fla. 32302. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda solution*, in bulk, in tank vehicles, from Clyattville, Ga., to Union Camp Corporation in Autauga County, Ala.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., Birmingham, Ala., or Washington, D.C.

No. MC 112822 (Sub-No. 343), filed August 8, 1974. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products*, not frozen, (1) from points in Idaho, to Clearfield, Utah, and (2) from Clearfield, Utah, to points in Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Michigan, Mississippi, Missouri, New Mexico, New York, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or San Francisco, Calif.

No. MC 112822 (Sub-No. 345), filed August 20, 1974. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in California, to points in Arizona, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 113495 (Sub-No. 66), filed August 14, 1974. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: Wimer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, from Shady Grove, Pa., and points in Horry County, S.C., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113843 (Sub-No. 212), filed August 5, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen imported meats*, from Wilmington, Del., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114273 (Sub-No. 215), filed August 5, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, from Greeley, Colo., to points in Virginia, Pennsylvania, New York, New Jersey, Delaware, Maryland, West Virginia, Connecticut, New Hampshire, Vermont, Maine, Rhode Island, Ohio, Michigan, and Indiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 217), filed August 5, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel strapping and accessories, seals, and tools*, from Woodside, Long Island, N.Y., to points in Ohio, Indiana, Texas, Arkansas, Louisiana, Mississippi, Wisconsin, Iowa, Minnesota, Missouri, Kansas, and Colorado.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114274 (Sub-No. 30), filed August 19, 1974. Applicant: VITALIS TRUCK LINES, INC., 137 Northeast 48th Street Place, Des Moines, Iowa 50306. Applicant's representative: William H. Towle, 127 North Dearborn Street, Suite 1133, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 204), filed August 15, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, from points in Renville County, Minn., to points in Nebraska, Kansas, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC–114890 (Sub-No. 69), filed August 1, 1974. Applicant: C. E. REYNOLDS TRANSPORT, INC., P.O. Box A, Joplin, Mo. 64801. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nitric acid*, from Atlas, Mo., to Alabama, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, and New Mexico; (2) *Fertilizer and fertilizer materials*, from Atlas, Mo., to Alabama, Colorado, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, New Mexico, Tennessee, and Wisconsin; and (3) *Phosphoric acid* (phosphatic fertilizer solution), from plantsite of Farmers Chemical Company located at or near Horn (Jasper County), Mo., to points in Colorado, Illinois, Iowa, Minnesota, Nebraska, South Dakota, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or Oklahoma City, Okla.

No. MC–114890 (Sub-No. 70), filed August 20, 1974. Applicant: C. E. REYNOLDS TRANSPORT, INC., P.O. Box A, Joplin, Mo. 64801. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, (1) from Tulsa, Okla., to points in Tennessee, Nebraska, Colorado, Iowa, and Texas; and (2) from Bartlesville, Okla., to points in Tennessee, Nebraska, Colorado, and Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Tulsa, or Oklahoma City, Okla.

No. MC 115162 (Sub-No. 297), filed August 5, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets*, between points in Lowndes County, Ala., on the one hand, and, on the other, points in Mississippi, Louisiana, Florida, North Carolina, Georgia, Tennessee, Arkansas, Texas, and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Montgomery or Mobile, Ala.

No. MC 115162 (Sub-No. 298), filed August 14, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plantsite and storage facilities of Evans Products Company located at or near Chesapeake, Va., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Richmond, Va.

No. MC 115353 (Sub-No. 19), filed August 13, 1974. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, a Corporation, 342 Schuyler Avenue, Kearny, N.J. 07032. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Gypsum products, building materials, and materials, supplies, and equipment* used or useful in the production, distribution, and installation of the aforedescribed commodities (except those requiring special equipment), between the plantsite or other facilities of Kaiser Gypsum Company, Inc., located in Seattle, Wash., on the one hand, and, on the other, points in Oregon, Idaho, California, and Montana; and (2) *gypsum products, building and/or construction materials, and materials, supplies, and equipment* used or useful in the production, distribution, and installation of the aforedescribed commodities (except those requiring special equipment), between the plantsite and other facilities of Kaiser Gypsum Company, Inc., located St. Helens, Oreg., on the one hand, and, on the other, points in Washington, under continuing contracts with Gypsum Kaiser Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC–115767 (Sub-No. 4), filed August 14, 1974. Applicant: TERMINAL TRANSFER, INC., 3601 Northwest Yeon Avenue, Portland, Oreg. 97210. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), in retail delivery service, between points in Washington, Multnomah, and Clackamas Counties, Oreg., and Clark, Wahkiakum, Lewis, Cowlitz, Pacific, Skamania, Yakima, and Klickitat Counties, Wash., restricted to traffic originating at or destined to retail stores and stor-

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age facilities of Montgomery Ward & Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 116073 (Sub-No. 304), filed August 19, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Woodbury County, Iowa, to points in Nebraska, South Dakota, North Dakota, Minnesota, Missouri, Kansas, Illinois, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Minneapolis, Minn.

No. MC–116763 (Sub-No. 292), filed August 12, 1974. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the facilities of Green Giant Company at Denton, Texas, to points in Arkansas, Oklahoma, and Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC–117940 (Sub-No. 141), filed July 30, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, bottles and jars; glass tableware; metal containers; plastic containers, bottles, jars, and articles*, from Chicago, Itasca, Joliet, Liechtin, Mundelein, Plainfield, Streator, and Streamwood, Ill.; Dunkirk, Gas City, Indianapolis, La Porte, Ligonier, and Marion, Ind.; Kansas City, Mo.; Elizabeth, N.Y.; Brockport and Brooklyn, N.Y.; Columbus, Elyria, Lancaster, Mt. Vernon, Toledo, and Zanesville, Ohio; Brockway, Jeannette, and Washington, Pa.; Burlington and Milwaukee, Wis.; and Clarksburg and Huntington, W. Va., to Minneapolis, Minn.

NOTE.—Applicant holds contract carrier authority in MC–114789 Sub 1 and others, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC–117940 (Sub-No. 142), filed July 30, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mattresses, box springs, bed frames, headboards, and tables*, knocked down, from Kansas City, Mo., to Minneapolis, Minn.

NOTE.—Applicant holds contract carrier authority in MC–114789 Sub 1 and others, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC–118989 (Sub-No. 115), filed August 12, 1974. Applicant: CONTAINER TRANSIT, INC., 5323 South 9th, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, container ends, and closures, and materials, *and supplies* used in the manufacture and distribution of containers and container closures (except commodities in bulk), and scrap metal, between the plantsite of American Can Company, located at Whitehouse, Ohio, on the one hand, and, on the other, points in Indiana, Illinois, Michigan, Missouri, Wisconsin, Kentucky, and West Virginia, under a continuing contract or contracts with American Can Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC–119493 (Sub-No. 124), filed August 2, 1974. Applicant: MONKEM COMPANY, INC., West 20th Street Road (P.O. Box 1196), Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr., P.O. Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel*, plate or sheet, flat or in coils, between the plantsite and warehouse facilities utilized by Roll Coater, Inc., at or near Kingsbury, Ind., on the one hand, and, on the other, points in Indiana, Illinois, Iowa, Michigan, Ohio, Missouri, Wisconsin, those points in New York on and west of U.S. Highway 62; those points in Pennsylvania on and west of U.S. Highway 219 and those points in West Virginia on and north of U.S. Highway 40.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC–119789 (Sub-No. 216), filed August 16, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Brownsville and McAllen, Tex., to points in Alabama, North Carolina, South Carolina, Tennessee (except Memphis, Tenn., and points in its Commercial Zone as defined by the Commission), Kentucky, Pennsylvania, New York, Virginia, West Virginia, Maryland, Delaware, New Jersey, Massachusetts, Connecticut, Vermont, New Hampshire, Maine, Rhode Island, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas or McAllen, Tex.

No. MC 123383 (Sub-No. 69), filed August 21, 1974. Applicant: BOYLE BROTHERS, INC., 941 South Second Street, Camden, N.J. 08103. Applicant's representative: Chandler L. Van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plantsite and storage facilities of Evans Products Company, at or near Chesapeake, Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124111 (Sub-No. 49), filed August 12, 1974. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, 300 West Perkins Avenue, Sandusky, Ohio 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* and (2) *agricultural commodities*, the transportation of which is otherwise exempt from economic regulation under section 203(b)(6) of the Act, in mixed loads with bananas, from Georgetown, S.C., to Louisville, Ky.; and St. Louis, Mo., and points in New York, New Jersey, Illinois, Indiana, Michigan, Ohio, Pennsylvania, West Virginia, Maryland, Delaware, Connecticut, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC–124383 (Sub-No. 14), filed August 19, 1974. Applicant: STAR LINE TRUCKING CORPORATION, 161 W. Wisconsin Avenue, Milwaukee, Wis. 53203. Applicant's representative: S. F. Schreiter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Prairie Du Chien, Wis., to points in Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC–124511 (Sub-No. 25), filed August 7, 1974. Applicant: JOHN F. OLIVER, an individual, P.O. Box 223, Mexico, Mo. 65265. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fuel oil*, in bulk, in tank vehicles, and (2) *iron and steel articles* (except such articles because of size and weight require the use of special equipment), (1) from Ludington, Mich., to plantsites and storage facilities of Harbison-Walker Refractories, Division of Dresser Industries, Inc. located at or near Fulton and Vandalia, Mo., and (2) from the plantsite and storage facilities of Continental Steel Corp. located at or near Kokomo, Ind., to points in Kansas and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo. or Chicago, Ill.

No. MC 124692 (Sub-No. 139), filed August 12, 1974. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery, and farm machinery parts*, from the plant and warehouse facilities of Du-Al Manufacturing Company, at Sioux Falls, S. Dak., to points in Montana, Idaho, Utah, Washington, and Oregon, restricted to traffic originating at the facilities of Du-Al Manufacturing Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC–124796 (Sub-No. 134), filed August 5, 1974. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 E. Salt Lake Avenue, P.O. Box 1257, City of Industry, Calif. 91749. Applicant's representative: William J. Monheim (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies* utilized in the manufacture, sale, and distribution of charcoal, wood chips, vermiculite, lighter fluid, and fireplace logs, sawdust and wax impregnated (except commodities in bulk, and those which by reason of size or weight require the use of special equipment), (1) from Boron, Calif., to the plantsite and facilities utilized by The Clorox Company and its affiliates located at or near Belle, Mo.; Burnside, Ky.; Dothan, Ala.; and Parsons and Ridgeley, W. Va.; and (2) from Trona, Calif., to the plantsite and facilities utilized by The Clorox Company and its affiliates located at or near Springfield, Oreg., restricted to a transportation service to be performed under a continuing contract, or contracts with The Clorox Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC–125708 (Sub-No. 140), filed August 19, 1974. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., Highway 32 East, P.O. Box 192, Crawfordsville, Ind. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies*, from Bardstown, Ky., to points in Delaware, Maryland, Virginia, and Connecticut.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC–125925 (Sub-No. 15), filed August 14, 1974. Applicant: SAM TOWLER, 3359 Bannerwood Drive, Annandale, Va. 20030. Applicant's representative: Frank B. Hand, Jr., P.O. Box 163, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shredded scrap metal*, from Washington, D.C. to points in New Jersey.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC–126736 (Sub-No. 71), filed July 29, 1974. Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA, 155 E. 21st Street, Jacksonville, Fla. 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, (1) from points in Camden County, Ga., to points in Pierce and Laurens Counties, Ga. and Clay County, Fla.; and (2) from points in Tift and Ware Counties, Ga., to Jacksonville, Fla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC–127047 (Sub-No. 21), filed August 13, 1974. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, Kans. 67219. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, cabs, combine cabs, bale loaders, parts and accessories*, when moving with tractor cabs, combine cabs and bale loaders, from Newton and Peabody, Kans., to points in Texas, Oklahoma, Missouri, Tennessee, Georgia, North Carolina, Virginia, Illinois, Indiana, Ohio, Michigan, Pennsylvania, New York, Wisconsin, Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Colorado, Utah, Idaho, Oregon, California, and Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128383 (Sub-No. 59), filed July 31, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Falcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 North Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Greater Pittsburgh Airport, at or near Pittsburgh, Pa.; on the one hand, and, on the other, Philadelphia International Airport, Philadelphia, Pa., Baltimore-Washington International Airport, Anne Arundel County, Md., National Airport, Gravelly Point, Va., and Dulles International Airport, Fairfax and Loudon Counties, Va., restricted to traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128988 (Sub-No. 49), filed August 5, 1974. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home decorating trimmings and accessories and items* used in the manufacturing, sale, distribution, and installation of home decorating trimmings and accessories, between Montgomery, Pa., Yonkers, N.Y., Union, S.C., Des Plaines, Ill., Lockhart, Tex., and Los Angeles, Calif., restricted against the transportation of commodities in bulk or those which by reason of size or weight require the use of special equipment, under a continuing contract or contracts with Consolidated Foods Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Los Angeles, Calif.

No. MC–129086 (Sub-No. 21), filed August 16, 1974. Applicant: SPENCER TRUCKING CORPORATION, Box 254A, Route 2, Keyser, W. Va. 26726. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, Post Office Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Northumberland and Schuylkill Counties, Pa., to points in Tucker County, W. Va.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC–129802 (Sub-No. 7), filed July 30, 1974. Applicant: GAIL R. KALDENBERG, doing business as ABC CARTAGE, 2704 Wedgewood Road, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbanks, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, liquid commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), (1) Between Des Moines, Iowa, and Osceola, Iowa: (a) From Des Moines, Iowa, over Interstate Highway 35 to junction U.S. Highway 34, thence over U.S. Highway 34 to Osceola, Iowa, and return over the same route; and (b) From Des Moines, Iowa, over U.S. Highway 69 to Osceola, Iowa, and return over the same route; (2) between Des Moines, Iowa, and Albia, Iowa: (a) From Des Moines, Iowa, over Iowa Highway 5 to Albia, Iowa, and return over the same route; and (b) From Des Moines, Iowa, over Interstate Highway 35 to junction U.S. Highway

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34, thence over U.S. Highway 34 to Albia, Iowa, and return over the same route; (3) between Des Moines, Iowa, and Bloomfield, Iowa: From Des Moines, Iowa, over Iowa Highway 5 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction U.S. Highway 63, thence over U.S. Highway 63 to Bloomfield, Iowa, and return over the same route; and (4) between Centerville, Iowa, and Bloomfield, Iowa: From Centerville, Iowa, over Iowa Highway 2, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 133574 (Sub-No. 19), filed August 1, 1974. Applicant: TREK EXPRESS, LTD., 6036 Metcalf, Shawnee Mission, Kans. 66702. Applicant's representative: Marshall D. Becker, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite & storage facilities of Shurtenda Foods, Inc., at Cedartown, Ga., to points in the United States (except Alaska, Georgia, and Hawaii), restricted to shipments originating at the plantsite & storage facilities of Shurtenda Foods, Inc., at Cedartown, Ga.

NOTE.—If a hearing is deemed necessary, the applicant requests it be heard on consolidated record with Bray Lines, Inc., Docket No. MC–112822 (Sub-No. 330).

No. MC 134060 (Sub-No. 12), filed August 9, 1974. Applicant: DAVINDER FREIGHTWAYS LTD., Duncan Financial Centre, Duncan, British Columbia, Canada. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between ports of entry on the International Boundary line between the United States and Canada at or near Blaine, Lynden, and Sumas, Wash., on the one hand, and, on the other, points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134734 (Sub-No. 17), filed August 15, 1974. Applicant: NATIONAL TRANSPORTATION, INC., 14031 L Street, P.O. Box 37106, Omaha, Nebr. 68137. Applicant's representative: Lanny N. Fauss, P.O. Box 37096, Omaha, Nebr. 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and material, equipment, and supplies* used in the manufacturing, distribution, and sale of foodstuffs, between plants and warehouse facilities utilized by Ocean Spray Cranberries, Inc., at North Chicago, Ill., Bordentown, N.J., Hanson, Middleton, and Onset, Mass., North East, Pa., Markham, Wash., and Kenosha, Wis., under a continuing contract or contracts with Ocean Spray Cranberries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Milwaukee, Wis.

No. MC 134783 (Sub-No. 24), filed August 2, 1974. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, chromes, and pieces therefrom, and tannery products, supplies, and by-products*, from points in Moore, Gray, Randall, Potter, Armstrong, Deaf Smith, Parmer, Hale, and Lubbock Counties, Tex., points in Texas County, Okla., and points in Curry and Chaves Counties, New Mexico, to points in Texas and California.

NOTE.—Applicant has pending contract carrier authority in MC–139989 and (Sub-No. 1), therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 135811 (Sub-No. 2), filed August 19, 1974. Applicant: GARDNER TRUCKING CO., INC., 320 Woodlawn, Walterboro, S.C. 29488. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Welding rods, welding wire, electric welders, and parts, materials, and supplies*, used in connection with electric welders, from Hanover, Pa., Monticello, Ind., and Charlottesville, Va., to points in Alabama, Florida, Georgia, Mississippi, Oklahoma, North Carolina, South Carolina, Tennessee, and Virginia, under a continuing contract with Chemetron Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135858 (Sub-No. 5), filed July 17, 1974. Applicant: A. G. KNORR, ROBERT D. KNORR, AND GENE A. KNORR, doing business as KNORR TRUCKING, Sawyer, N. Dak. 58781. Applicant's representative: Harris P. Kenner, 615 South Broadway, P.O. Box 36, Minot, N. Dak. 58701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, from the manufacturing plant of General Tire Rubber Co., Inc., at Waco, Tex., to Fargo, N. Dak., under contract with North Dakota Farm Bureau, Trade Development and Service Corporation, at Fargo, N. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minot or Fargo, N. Dak.

No MC 136065 (Sub-No. 1), filed August 5, 1974. Applicant: MTR, INC., 349 Empire Drive, Fremont, Nebr. 68025. Applicant's representative: A. J. Swanson, P.O. Box 81849, 521 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feeds and feed ingredients* (except liquid commodities in bulk), from Fremont and Lincoln, Nebr., to points in Iowa, Kansas, Colorado, Missouri, Oklahoma, Wyoming, Illinois, South Dakota, and Minnesota, restricted to the transportation of shipments originating at the facilities of Archer-Daniels-Midland Co., Inc., located at or near the above-named origins and destined to the above-named states.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 136220 (Sub-No. 14), filed August 8, 1974. Applicant: ROY SULLIVAN, doing business as SULLIVAN TRUCKING COMPANY, 1706 North Third, Ponca City, Okla. 74601. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk and in bags, from the plantsite and storage facilities of Cooperative Farm Chemicals Association located at or near Lawrence, Kans., to points in Arkansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 136285 (Sub-No. 10), filed August 15, 1974. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 9165, Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (1) between points in the Savannah, Ga., Commercial Zone including Savannah, Ga., and (2) between points in the Jacksonville, Fla., Commercial Zone including Jacksonville, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

No. MC 136420 (Sub-No. 4), filed August 9, 1974. Applicant: OKLAHOMA BORDER EXPRESS, INC., 903 South Y Street, Fort Smith, Ark. 72901. Applicant's representative: Tom Harper, Jr., P.O. Box 43, 13 North 7th Street, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Flat glass*, serving the plantsite or warehouse facilities of P.P.G. Industries located at or near Wichita Falls, Tex., as an off-route point in connection with applicant's regular route operation between Oklahoma City, Okla., and Altus, Okla.

NOTE.—Common control was approved in Docket No. MC–F–11260. If a hearing is deemed necessary, applicant requests it be held at Wichita Falls, Tex., or Oklahoma City, Okla.

No. MC 138018 (Sub-No. 16), filed August 2, 1974. Applicant: REFRIGERATED FOODS, INC., 1420 33rd Street, Denver, Colo. 80205. Applicant's representative: Donald L. Stern, 7100 West Center Road, Suite 530, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and storage facilities of Sigman Meat Company, Inc., located at or near Arvada, Denver, and Brush, Colo., to Lubbock, Tex., and Alamogorda, Bernalillo, Carlsbad, Carrizozo, Clovis, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Raton, Roswell, Santa Fe, Santa Rosa, and Taos, N. Mex.

NOTE.—Applicant holds contract carrier authority in MC–124377 sub 3 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo., or Omaha, Nebr.

No. MC 138104 (Sub-No. 14), filed August 20, 1974. Applicant: MOORE TRANSPORTATION CO., INC., 3509 North Grove Street, Fort Worth, Tex. 76106. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, semi-trailers, trailer chassis* (other than those designed to be drawn by passenger automobiles), *parts and equipment and accessories therefor, in or attached to the transported trailer*, in initial or secondary movements, in truckaway service, from the plantsite and storage facilities of J. & L. Tank, Inc., at Rhome, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fort Worth or Dallas, Tex.

No. MC 138134 (Sub-No. 3), filed August 19, 1974. Applicant: DONALD HOLLAND TRUCKING, INC., 1300 Main Street, Keokuk, Iowa 52632. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn products*, in packages or containers, from Keokuk, Iowa, to points in Illinois, Indiana, Kansas, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin; and (2) *materials, equipment, and supplies* used in the manufacture, processing, sale, and distribution of corn products, from points in Illinois, Indiana, Kansas Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, to Keokuk, Iowa, under contract with The Hubinger Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 138157 (Sub-No. 15), filed August 14, 1974. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., doing business as SOUTHWEST MOTOR FREIGHT, 4284 Mission Boulevard, Pomona, Calif. 91766. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical outlet boxes, switchboxes, and other electrical rough-in items*, from the plantsite of Bowers Manufacturing Company, Division fo Norris Industries, at or near South Gate, Calif., to points in Nebraska, Iowa, Wisconsin, Missouri, Arkansas, Louisiana, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, South Carolina, Illinois, North Carolina, West Virginia, Ohio, Pennsylvania, New York, New Jersey, Delaware, Virginia, Maryland, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 134150 Sub-2, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 138164 (Sub-No. 6), filed August 12, 1974. Applicant: CAN–AM MARINE TRANSIT, LTD., P.O. Box 790, Hudson, Quebec, Canada J0P–1H0. Applicant's representative: J. P. Vermette, 250 Napoleon-Provost Street, Repentigny, Quebec, Canada J6A–1H5. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sailboats*, from ports of entry on the International Boundary Line between the United States and Canada located in North Dakota, Minnesota, Michigan, New York, Vermont, and Maine, to points in North Dakota, South Dakota, Nebraska, Kansas, Colorado, Oklahoma, Texas, Missouri, Iowa, Arkansas, and Louisiana, restricted to traffic having an immediate prior movement in foreign commerce originating in the Province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y., or Montpelier, Vt.

No. MC 138274 (Sub-No. 12), filed August 14, 1974. Applicant: SHIPPERS BEST EXPRESS, INC., P.O. Box 15533, Salt Lake City, Utah 84115. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Minnesota, South Dakota, Nebraska, Iowa, Missouri, Illinois, and Wisconsin, to points in California, restricted to the account of Pacific Provisions, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or San Francisco, Calif.

No. MC 138328 (Sub-No. 16), filed August 13, 1974. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: D. L. Ehrlich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, wooden, and metal furniture frames and parts*, from Los Angeles, Calif., to Omaha, Nebr., and Pocatello, Idaho, and points in Arkansas, Colorado, Illinois, Iowa, Kansas, Missouri, and Oklahoma.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 138328 (Sub-No. 17), filed August 6, 1974. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: D. L. Ehrlich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Di-calcium phosphate*, from Weeping Water, Nebr., to points in Idaho and Utah.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC–138328 (Sub-No. 18), filed August 9, 1974. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: D. L. Ehrlich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain bins, storage and drying equipment*, knocked down, *fans and heaters*, from the facilities of Chicago Eastern Corporation at Marengo, Ill., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC–133233 (Sub-No. 1) and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC–138398 (Sub-No. 8), filed August 15, 1974. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Truck and trailer suspension systems and parts*, from Springfield, Marshfield, and Mansfield, Mo., to points in the United States (except Alaska and Hawaii) and (2) *materials and supplies* used in the manufacture of truck and trailer suspension systems and parts, from points in the United States (except Alaska and Hawaii), to Springfield, Marshfield, and Mansfield, Mo., under a continuing contract or contracts with Hutchens Industries, Inc. of Springfield, Mo.

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NOTE.—Applicant holds common carrier authority in MC-134755 and subs therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 138415 (Sub-No. 11), filed August 5, 1974. Applicant: TRAILER EXPRESS, INC., Box 327, Topeka, Kans. 46571. Applicant's representative: Michael M. Yoder, Box 321, Topeka, Kans. 46571. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Camping trailers* including folding camping trailers (tent campers), fifth wheel travel trailers, travel trailers, and truck campers, from the plantsite of Vega Corporation in Syracuse (Kosciusko County), Ind., to points in the United States (except Alaska and Hawaii), under a continuing contract with Vega Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.; Chicago, Ill. or Indianapolis, Ind.

No. MC-138516 (Sub-No. 4), filed August 16, 1974. Applicant: ROUNTREE TRANSFER, INC., 210 East Main Street, Swainsboro, Ga. 30401. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture frames*, from the plant site of Larkin Industries, Inc. located at Swainsboro, Ga., to Reading, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, or Savannah, Ga.

No. MC-139193 (Sub-No. 17), filed August 15, 1974. Applicant: ROBERTS & OAKE, INC., 208 South La Salle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products*, as defined by the Commission in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. at Sioux Falls, S. Dak., to points in Colorado and (2) *such commodities* as are used by meat packers in the conduct of their business, from points in Colorado, to Sioux Falls, S. Dak., under contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 139424 (Sub-No. 5), filed August 13, 1974. Applicant: FISHER TRUCKING COMPANY, INC., 640 Pleasant Mills Road, Hammonton, N.J. 08037. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste plastic resins*, in bulk, in dump vehicles, from Assonett, Mass., and Point Pleasant, Charleston, and South Charleston, W. Va., to South Plainfield, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 139546 (Sub-No. 5), filed August 5, 1974. Applicant: JAMES B. GRAY, INC., Danforth, Maine 04424. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preengineered steel buildings*, knocked down, and *parts and accessories* thereof, from Monticello, Iowa, to points in Maine, Vermont, New Hampshire, Rhode Island, Connecticut, and Massachusetts.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC-139847 (Sub-No. 1), filed July 26, 1974. Applicant: W-W TRANSPORTATION CO., INC., 1205 West Street, Wausau, Wis. 54401. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building and housing units, complete, knocked down, or in sections, and component parts thereof, wood products, composition wood products, laminated products, and parts and accessories* for the commodities in (1) above, (a) between points in Marathon County, Wis. and Coweta County, Ga.; and (b) from points in Marathon County, Wis. and Coweta County, Ga., to points in the United States (except Alaska and Hawaii); (2) *returned shipments and materials, equipment and supplies* used or useful in the manufacture, sale, distribution, erection and completion of the commodities named in part (1) above, (a) between points in Marathon County, Wis. and Coweta County, Ga.; and (b) from points in the United States (except Alaska and Hawaii) to points in Marathon County, Wis. and Coweta County, Ga., restricted to transportation service to be performed under a continuing contract, or contracts, with Western Homes, Inc. of Weston, Wisconsin; (3) *building and housing units, complete, knocked down, or in sections, and component parts thereof, wood products, composition wood products, laminated products, and parts and accessories* for the commodities in (3) above, (a) between points in Marathon County, Wis. and Wapello County, Iowa; and (b) from points in Marathon County, Wis. and Wapello County, Iowa, to points in the United States (except Alaska and Hawaii); (4) *returned shipments and materials, equipment and supplies* used or useful in the manufacture, sale, distribution, erection and completion of the commodities named in part (3) above, (a) between points in Marathon County, Wis. and Wapello County, Iowa; and (b) from points in the United States (except Alaska and Hawaii), to points in Marathon County, Wis. and Wapello County, Iowa, restricted to transportation service to be performed under a continuing contract, or contracts, with Wausau Homes, Incorporated of Wausau, Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Wausau, or Madison, Wis.

No. MC 139883 (Sub-No. 1) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER issue of August 1, 1974, and republished as corrected, this issue. Applicant: MRS. CHARLES L. HAMBRIGHT, doing business as, HAMBRIGHT TRUCKING, 4085 Green Hawk Trail, Decatur, Ga. 30032. Applicant's representative: William Addams, Ste 212-5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between the TOFC terminal at Lithonia, Ga. on the one hand, and, on the other, Conyers, Covington, Stone Mountain and Porterdale, Ga., restricted to traffic having a prior or subsequent movement in TOFC service via the Georgia Railroad Company.

NOTE.—The purpose of this republication is to indicate that applicant seeks radial movement in lieu of from and to movement as previously published.

No. MC 139900 (Sub-No. 2), filed August 15, 1974. Applicant: L. CAPONE TRUCKING, INC., Lafayette Avenue, West Berlin, N.J. 08091. Applicant's representative: Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete, in forms and slabs, and materials and supplies*, used in the installation thereof, from the plantsite of Atlas Building Systems, Division of Atlas Corporation, at Kresson (Camden County), N.J., to points in Delaware, New York, and Pennsylvania, under contract with Atlas Building Systems.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 139960, filed May 17, 1974. Applicant: WESTERN PACIFIC TRANSPORT COMPANY, a Corporation, 526 Mission Street, San Francisco, Calif. 94105. Applicant's representative: Walter G. Treanor (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Interstate Commerce Commission), (A) Between San Francisco, Calif. and Salt Lake City, Utah: From San Francisco over Interstate Highway 80 to junction California Highway 17, thence over California Highway 17 to junction Interstate 580, thence over Interstate 580 to junction Interstate 205, thence over Interstate Highway 205 (or over unnumbered highway through Tracy) to junction Interstate Highway 5, thence over Interstate Highway 5 to junction California Highways 70 and 99, thence over California Highways 70 and 99 to junction California Highway 70, thence over California Highway 70 to junction U.S. Highway 395, thence over U.S. Highway 395 to junction Interstate 80, thence over Interstate Highway 80 to junction Nevada Highway 34, thence over Nevada Highway 34 to junction Nevada Highway 48, thence over Nevada Highway 48 to junction unimproved Nevada Highway 49, thence over unimproved Nevada Highway 49 to junction U.S. Highway 40, thence over U.S. Highway 40 to Salt Lake City, Utah, and return over the same route, serving all intermediate points and all off-route points which are stations on the lines of the Western Pacific Railroad Company system, and serving all off-route points which are stations on the lines of The Western Pacific Railroad Company system extending (1) to San Jose, Calif.; (2) to Concord, Calif.; (3) to Turlock, Calif.; (4) to Manteca, Calif.; (5) to Montezuma, Calif.; (6) to Vacaville, Calif.; (7) to Live Oak, Calif.; (8) to Chico, Calif.

(9) To Oxford, Calif.; (10) to Tarke, Calif.; (11) to Woodland, Calif.; (12) to Chemurgic, Calif.; (13) to Bieber, Calif.; (14) to Loyalton, Calif.; (15) to Reno, Nev.; (16) to Rowley, Utah; (17) to Dolomite, Utah; (18) to Warner, Utah; and the off-route points of (19) Carbona, Calif.; (20) Ripon, Calif.; (21) Lodi, Calif.; (22) Galt, Calif.; (23) Thornton, Calif.; (24) Elk Grove, Calif.; (25) West Sacramento, Calif; (26) Travis Air Force Base, Calif.; (27) Collinsville, Calif.; (28) Rio Vista, Calif.; (29) Concord Naval Weapons Station, Calif.; (30) Sierra Army Depot, Calif.; (31) North Battle Mountain, Nev.; (32) Toole, Utah; (33) Magna, Utah; (B) Between San Francisco, Calif. and Winnemucca, Nev.: From San Francisco, Calif. over Interstate Highway 80, to junction Interstate Highway 880, thence over Interstate 880 to junction Interstate Highway 80, thence over Interstate Highway 80 and U.S. Highway 40 to Winnemucca, Nev., for operating convenience only, serving the intermediate points of Oakland, Vacaville, Sacramento, Calif. and Reno, Nev.; and (C) Between San Francisco, Calif. and San Jose, Calif.: From San Francisco over U.S. Highway 101 to San Jose, Calif. for operating convenience only, serving no intermediate points, restricted to the following conditions: (a) the service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, train service of the Western Pacific Railroad Company system; (b) applicant shall not interchange traffic at any point which is not a point on the rail lines of The Western Pacific Railroad Company system; (c) no shipments shall be transported by applicant as a common carrier by motor vehicle in interstate commerce through Winnemucca, Nev.; (d) all contractual arrangements between the applicant and The Western Pacific Railroad Company system shall be reported to the Commission and shall be subject to revision if and as the Commission finds it to be necessary, in order that such arrangements shall be fair and equitable to the parties; and (e) such further specific conditions as the Commission may in the future find it necessary to impose in order to insure that the service shall be auxiliary to, or supplemental of, the train service of The Western Pacific Railroad Company system.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either San Francisco, Calif., Reno, Nev., or Salt Lake City, Utah.

MC 140079, filed July 1, 1974. Applicant: SOUTHLAND INVESTMENT CORPORATION, 4726 Allmond Avenue, Louisville, Ky. 40209. Applicant's Representative: Jerome J. Metz, 7350 Miami Avenue, P.O. Box 43229, Maderia, Ohio 45243. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except in bulk, in tank vehicles): (1) between points in Hamilton County, Ohio, on the one hand, and, on the other, points in Los Angeles and Orange Counties, Calif.; and Cook and Dupage Counties, Ill.; (2) between points in Los Angeles and Orange Counties, Calif.; and Cook and Dupage Counties, Ill., on the one hand, and, on the other, points in Marion County, Ind.; Jefferson County, Ky.; and Franklin and Hamilton Counties, Ohio; and (3) between points in Coweta County, Ga.; Butler, Franklin, Hamilton, Montgomery and Tuscarawas Counties, Ohio; Union County, S.C.; Hawkins and Sullivan Counties, Tenn.; and Dallas and Tarrant Counties, Tex., on the one hand, and, on the other, points in Marion County, Ind.; Jefferson County, Ky.; and Franklin and Hamilton Counties, Ohio, under a continuing contract or contracts with Jung Products, Inc.; Southland Carpet Supplies, Inc.; Southland Carpet Supplies of Ohio, Inc.; Southland Carpet Supplies of Indiana, Inc.; and Southland Carpet Supplies of Columbus, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Cincinnati, Ohio.

No. MC 140114 (Sub-No. 2), filed August 13, 1974. Applicant: ROBERT J. SCHNEIDER, doing business as MAINTENANCE CARE SERVICE, 3692 Oxford-Millville Road, Oxford, Ohio 45056. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the stores and warehouse facilities of the W. T. Grant Co., at or near Oxford, Ohio, on the one hand, and, on the other, points in Indiana, under contract with W. T. Grant Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 140124, filed August 8, 1974. Applicant: T-EMP CORP., P.O. Box 89, Avenel, N.J. 07001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles, equipment, materials and supplies* used or sold by manufacturers and distributors of motor vehicles, *sporting goods, recreational products and hydraulic equipment and parts* (except commodities in bulk), between points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Volvo of America Corporation of Rockleigh, N.J.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Washington, D.C.

No. MC 140125, filed August 19, 1974. Applicant: SCHUSTER GRAIN COMPANY, INC., 416 6th Avenue SW., P.O. Box 606, Le Mars, Iowa 51031. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal, soybean mill run and soybean hulls, dry*, in bags or bulk, from the Plantsite of Farmland Industries, Inc., at or near Sergeant Bluff, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming. Note: Applicant holds contract carrier authority in MC-128201 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 196), filed July 26, 1974. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: Anthony P. Carr, 1400 West Third Street, Cleveland, Ohio 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers: (1) Between New York, N.Y., and the Newark-Jersey City Interchange of the New Jersey Turnpike (Interchange 15): From New York, N.Y., over Interstate Highway 95 to the junction of the New Jersey Turnpike (also Interstate Highway 95), thence over the New Jersey Turnpike, both the eastern and western leg of the New Jersey Turnpike, to the Newark-Jersey City Interchange (Interchange 15) and return over the same route, serving all intermediate points; (2) Between the junction of Interstate Highway 95 and Interstate Highway 80 (Interchange 68 of I-80) and the junction of Interstate Highway 80 and New Jersey Highway 17 (Interchange 64 of I-80): From the junction of Interstate Highway 95 and Interstate Highway 80, thence over Interstate Highway 80 to the junction of New Jersey Highway 17 and return over the same route, serving all intermediate points; Restriction: No passengers shall be transported between

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points on the routes authorized above, on the one hand, and, on the other, points in the State of New Jersey on the routes described and applicant's present routes in New Jersey and/or points intermediate between the New Jersey-New York State Line and Albany, N.Y.; (3) Between Hempstead, N.Y., and New York, N.Y.: From Hempstead, N.Y., over New York Highway 24 to New York, N.Y., and return over the same route, serving all intermediate points.

(4) Between New York, N.Y., and Roosevelt Field in Garden City, N.Y.: From New York, N.Y., over New York Highway 25 to the junction of Glen Cove Road, thence over Glen Cove Road to its junction with Stewart Avenue, thence over Stewart Avenue to Roosevelt Field and return over the same route, serving all intermediate points; and (5) Between Hempstead, N.Y., and Roosevelt Field in Garden City, N.Y.: From Hempstead, N.Y., over Clinton Street and Clinton Road to the junction of Stewart Avenue, thence over Stewart Avenue to Roosevelt Field and return over the same route, serving all intermediate points. Restriction: The authority to and from Roosevelt Field will be restricted to the transportation of passengers in Special Operations to or from Schools, Colleges, Universities, and other Educational Institutions with service to be operated only at school vacation breaks, weekends and other periods involving heavy movement of students between their homes and schools.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 61018 (Sub-No. 39), filed August 9, 1974. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, Mass. 01103. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, (1) Between Deerfield and Northampton, Mass., serving the intermediate points of Whatley and Hatfield, Mass.; From Deerfield, over U.S. Highway 5, to Interstate Highway 91 to Northampton, and return over the same route. (2) Between Deerfield and Amherst, Mass., serving the intermediate point of Sunderland, Mass.: From Deerfield, over Massachusetts State Highway 116 and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

No. MC 107815 (Sub-No. 7), filed August 5, 1974. Applicant: IOWA COACHES, INCORPORATED, 442 8th Avenue, Dubuque, Iowa 52001. Applicant's representative: M. M. Cooney, 705 Dubuque Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, from Dubuque, Farley, Dyersville, Manchester, Independence, Waterloo, Cedar Falls, Ackley, Iowa Falls, Webster City, Fort Dodge, Storm Lake, Sac City, Rockwell City, Cherokee, LeMars, Cioux City, Elkader, Strawberry Point, Elkader, McGregor, Cedar Rapids, Iowa, and Prairie du Chien, Wis., to points in the United States (excluding Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 133931 (Sub-No. 4), filed August 16, 1974. Applicant: M. POLLON, INC., doing business as MARINE GUARD SERVICE, 1351 North Delaware Avenue, Philadelphia, Pa. 19125. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, between water vessels at points on the Delaware River located in Delaware, Burlington, Camden, Gloucester, Mercer, and Salem Counties, N.J., and Bucks, Delaware, and Philadelphia Counties, Pa., on the one hand, and, on the other, points in Philadelphia and Delaware Counties, Pa.; the New York, N.Y., Commercial Zone as defined by the Commission, and Baltimore, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 140094, filed August 5, 1974. Applicant: LATIN EXPRESS SERVICE, INC., 5353 NW. 36th Street, Suite 3A, Miami Springs, Fla. 33166. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Miami, Fla., on the one hand, and, on the other, Union City, N.J., serving no intermediate points.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Miami, Fla.

BROKER APPLICATION

No. MC 130246, filed May 9, 1974. Applicant: KEN-TOURS, ASSOCIATED, 402 Santa Rosa Ave., Santa Rosa, Calif. 95404. Applicant's representative: Lynn V. Swisher, 116 Misbro Way, Kenwood, Calif. 95452. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Santa Rosa, Calif., to sell or offer to sell the transportation of *passengers and groups of passengers and their baggage*, by air, water and rail carriers, in round-trip sightseeing and pleasure tours, beginning and ending at points in Marin, Sonoma, Napa, Lake, Mendocino and Humboldt Counties, Calif., and Nevada, and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Santa Rosa or San Francisco, Calif.

By the Commission

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21004 Filed 9-11-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

SEPTEMBER 9, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 23, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-1334 (Sub-No. E2), filed May 16, 1974. Applicant: RITEWAY TRANSPORT, INC., P.O. Box 6849, Phoenix, Ariz. 85005. Applicant's representative: Robert R. Digby, 2131 West Roosevelt St., Phoenix, Arizona 85009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *heavy or bulk articles*, that require the use of special equipment, (A) between Boulder, Colo. and points within 50 miles thereof on the one hand, and, on the other, points in McKinley, San Juan, and Valencia Counties, New Mexico; (B) between Boulder, Colo. and points within 30 miles thereof; on the one hand, and, on the other, points in Arizona and Monticello, Utah, and points in Utah, within 100 miles thereof; (C) between Boulder, Colo. and points within 50 miles thereof, on the one hand, and, on the other, Phoenix, Ariz., and (D) between Phoenix, and Lupton, Ariz. and points within 200 miles thereof, on the one hand, and, on the other, Durango, Colo. and points in Colorado within 100 miles thereof. The purpose of this filing is to eliminate the following gateways: (A) Durango, Colo.; (B) Durango, Colo., San Juan County, N. Mex., and the Hopi Indian Reservation, Ariz.; (C) Durango, Colo., San Juan County, New Mexico, and the Hopi Indian Reservation, Arizona, and (D) the Hopi Indian Reservation, Ariz., and San Juan County, New Mexico.

No. MC 3854 (Sub-No. E9), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tobacco*, in sheets or baskets, from Morristown, Johnson City, and Greenville, Tenn., to Dillon, Pamplico, Mullins, Loris, Darlington, Timmonsville, Kingstree, Lake City, Hartsville, and Conway, S.C., points in that part of North Carolina east of U.S. Highway 52, and points in that part of Virginia on and south of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 52 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 220, thence along U.S. Highway 15 to junction U.S. Highway 60, thence along U.S. Highway 60 to Norfolk. The purpose of this filing is to eliminate the gateway of Winston-Salem, N.C.

No. MC 3854 (Sub-No. E10), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reconstituted, reconstructed, or homogenized tobacco*, from Dillon, Pamplico, Mullins, Lors, Darlington, Timmonsville, Kingstree, Lake City, Hartsville, and Conway, S.C., points in that part of North Carolina east of U.S. Highway 52 (except Mt. Airy and Hillville), and points in that part of Virginia on and south of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 52 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 60, thence along U.S. Highway 60 to Norfolk, to Louisville, Ky. The purpose of this filing is to eliminate the gateway of Danville, Va.

No. MC 3854 (Sub-No. E11), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306 East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th & Pennsylvania Ave. NW., Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron pipe and fittings*, from Lynchburg, Va., to points in Alabama, Florida, Georgia, and South Carolina. The purpose of this filing is to eliminate the gateway of Gulf, N.C.

No. MC 3854 (Sub-No. E14), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306 E. Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, Suite 1032, 13th and Pennsylvania Ave., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron pipe*, from Wilmington, N.C., to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and the New York, N.Y., commercial zone as defined by the Commission. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC 3854 (Sub-No. E15), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306 E. Durham Station, Durham, N.C. 27703. Applicants representative: Edward G. Villalon, Suite 1032, 13th and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and shale products, pipe, conduit, wall coping, fittings, and fire brick* (except in bulk), from Baltimore, Md., and Richmond and Norfolk, Va., to points in Alabama, Florida, Georgia, and South Carolina. The purpose of this filing is to eliminate the gateway of Gulf, N.C.

No. MC 3854 (Sub-No. E16), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306 E. Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, Suite 1032, 13th St. and Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and shale products, pipe, conduit, wall coping, fittings, and fire brick* (except in bulk), (1) from Baltimore, Md., to points in that part of Kentucky on and west of U.S. Highway 41, and points in that part of Tennessee on and west of U.S. Highway 41; (2) from Richmond, Va., to points in that part of Kentucky on and west of a line beginning at the Indiana-Kentucky State line, thence along U.S. Highway 231 to junction Kentucky Highway 100, thence along Kentucky Highway 100 to the Tennessee-Kentucky State line, and points in that part of Tennessee beginning at the Tennessee-Kentucky State line, thence along Tennessee Highway 52 to junction Tennessee Highway 85, thence along Tennessee Highway 85 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Tennessee-North Carolina State line, and (3) from Norfolk, Va., to points in Kentucky and Tennessee. The purpose of this filing is to eliminate the gateway of Gulf, N.C.

No. MC 3854 (Sub-No. E17), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306 E. Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Norfolk and Portsmouth, Va., to Greensboro, Hickory, Salisbury, Kannapolis, and Asheville, N.C., and Spartanburg, Greenville, and Columbia, S.C. The purpose of this filing is to eliminate the gateway of Winston-Salem, N.C.

No. MC 3854 (Sub-No. E18), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Baltimore, Md., to Greensboro, Kinston, New Bern, Salisbury, Kannapolis, Hickory, and Asheville, N.C., and Spartanburg, Greenville, and Columbia, S.C. The purpose of this filing is to eliminate the gateway of Winston-Salem, N.C.

No. MC 3854 (Sub-No. E19), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric refrigerators, bicycles, petroleum products*, in containers, *toys, rugs, and small arms ammunition*, from Winston-Salem, N.C., to Norfolk, Portsmouth, Richmond, Altavista, and Danville, Va. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.

No. MC 3854 (Sub-No. E20), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (except in bulk), from Baltimore, Md., and Richmond and Norfolk, Va., to Spartanburg, S.C. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 3854 (Sub-No. E21), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Galax, Va., to points in that part of West Virginia north of a line beginning at the West

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Virginia-Virginia State line, thence along U.S. Highway 100 to junction U.S. Highway 52, thence along U.S. Highway 52 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Mt. Airy, N.C.

No. MC 3854 (Sub-No. E22), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Norfolk, Va., to points in West Virginia west of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 33 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 219, thence along U.S. Highway 219 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of points within 50 miles of Varina, N.C., which are within 75 miles of Siler City, N.C.

No. MC 3854 (Sub-No. E23), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefinished wall paneling*, from Wilmington, N.C., to points in Illinois (except points in Cook, Du Page, Grundy, Kane, Kankekee, Kendall, Lake, McHenry, and Will Counties), and points in that part of Indiana south of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 3854 (Sub-No. E24), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials* (except in bulk), from Charleston, S.C., and points within 5 miles thereof, to Richmond, Altavista, and Danville, Va. The purpose of this filing is to eliminate the gateway of Reidsville, N.C.

No. MC 3854 (Sub-No. E25), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306 East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Avenue NW., Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and agricultural limestone*, from Charleston, S.C., and points within 5 miles thereof, to points in Mercer, Wyoming, Raleigh, Summers, Monroe, McDowell, Greenbrier, and Fayette Counties, W. Va. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC 3854 (Sub-No. E26), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306 East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Avenue NW., Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials* (except liquid fertilizer and liquid fertilizer materials in bulk, in tank vehicles), from Charleston, S.C., and points within 5 miles thereof, to points in Virginia. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC 63417 (Sub-No. E44), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* from Appomattox, Va., to points in Louisiana, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Rocky Mount, Va., and Macon, Ga.

No. MC 63417 (Sub-No. E45), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Danville, Va., to points in Louisiana, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Rocky Mount, Va., and Macon, Ga.

No. MC 63417 (Sub-No. E46), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Richmond, Strasburg, Staunton, and Waynesboro, Va., to points in Texas. The purpose of this filing is to eliminate the gateway of Roanoke, Va., to Macon, Ga.

No. MC 63417 (Sub-No. E47), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Danville, Va., to points in Louisiana, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Rocky Mount, Va., and Macon, Ga.

No. MC 63417 (Sub-No. E48), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Sumter, S.C., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Macon, Ga.

No. MC 63417 (Sub-No. E49), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Mullins and Sumter, S.C. to the District of Columbia. The purpose of this filing is to eliminate the gateway of Stanleytown, Va.

No. MC 63417 (Sub-No. E50), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Altanista, Bedford, Kenbridge, Richmond, Staunton, Strasburg, and Waynesboro, Va., and points in Pulaski County, Va., to points in Louisiana. The purpose of this filing is to eliminate the gateways of Roanoke, Va., and Macon, Ga.

No. MC 63417 (Sub-No. E52), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Sumter, S.C., to points in Alabama, Florida, and Georgia. The purpose of this filing is to eliminate the gateway of Sumter, S.C.

No. MC 63417 (Sub-No. E48), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Sumter, S.C., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of Macon, Ga.

No. MC 63417 (Sub-No. E49), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Mullins and Sumter, S.C. to the District of Columbia. The purpose of this filing is to eliminate the gateway of Stanleytown, Va.

No. MC 63417 (Sub-No. E50), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Altanista, Bedford, Kenbridge, Richmond, Staunton, Strasburg, and Waynesboro, Va., and points in Pulaski County, Va., to points in Louisiana. The purpose of this filing is to eliminate the gateways of Roanoke, Va., and Macon, Ga.

No. MC 63417 (Sub-No. E52), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Christiansburg, Va., to points in Louisiana. The purpose of this filing is to eliminate the gateway of Rockymount, Va., to Macon, Ga.

No. MC 63417 (Sub-No. E53), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *New furniture* from Marion, Va. to points in Louisiana. The purpose of this filing is to eliminate the gateway of Macon, Ga.

No. MC 63417 (Sub-No. E54), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New Furniture* from Danville, Va., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, Ohio, Tennessee. The purpose of this filing is to eliminate the gateway of Rocky Mount, Va.

No. MC 63417 (Sub-No. E56), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER CO., INC., 1814 Hollins Rd. NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Fayetteville, Greensboro, and Sanford, N.C., to points in Louisiana, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Stanleytown, Va., points in Virginia, and Macon, Ga.

No. MC 63417 (Sub-No. E57), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER CO., INC., 1814 Hollins Rd. NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Marion, Va., to points in Illinois (except Chicago), Kentucky, Michigan, and Tennessee. The purpose of this filing is to eliminate the gateway of Damascus, Va.

No. MC 63417 (Sub-No. E58), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER CO., INC., 1814 Hollins Rd. NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Altavista, Bedford, Kenbridge, Va., to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Roanoke, Va., and Macon, Ga.

No. MC 63417 (Sub-No. E59), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER CO., INC., 1814 Hollins Rd. NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Kenbridge and Richmond, Va., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, and Tennessee. The purpose of this filing is to eliminate the gateway of Roanoke, Va.

No. MC 63417 (Sub-No. E60), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER CO., INC., 1814 Hollins Rd. NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Pulaski County, Va., to points in Alabama, Delaware, Illinois, Maryland, Michigan, New Jersey, New York, Pennsylvania, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Roanoke, Va.

No. MC 88368 (Sub-No. E35) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER August 9, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (7) from points in Texas on and east of a line from the Oklahoma-Texas State line along U.S. Highway 83 to Abilene, thence along U.S. Highway 277 to Del Rio to points in Idaho in and north of Perce, Lewiston, and Clearwater Counties (points in Cowley County, Kans., and points in Colorado and Montana)*: (8) from points in Texas on and east of a line from the Oklahoma-Texas State line along U.S. Highway 183 to the junction of U.S. Highway 287, thence along U.S. Highway 287 to the junction of U.S. Highway 81 to Austin, thence along U.S. Highway 183 to the junction of U.S. Highway 77, thence south on U.S. Highway 77 to Brownsville, to points in Idaho (points in Cowley County, Kans., points in Colorado, Montana, and Oklahoma, and Newton, Kans., and points within 15 miles thereof)*: (11) from points in Texas on and east of a line from the Texas-Oklahoma State line along U.S. Highway 83 to the junction of Texas Highway 70, thence along Texas Highway 70 to the junction of U.S. Highway 277, thence along U.S. Highway 277 to Del Rio, thence along unnumbered highway to the United States-Mexican International Boundary line to points in Montana (points in Cowley County, Kans., Newton, Kans., and points within 15 miles thereof, points in Kimball, Banner, and Cheyenne Counties, Nebr., and points in Wyoming)*;

(18) From Dallas, Tex., to El Paso, Tex., and from El Paso, Tex., to Jacksonville, Tex. (points in Oklahoma, within an area bounded by a line beginning at the Oklahoma-Texas State line near Goodwin, Okla., and extending along U.S. Highway 60 to Seiling, Okla., thence along U.S. Highway 281 to the Oklahoma-Texas State line, thence west and north along the Oklahoma-Texas State line to junction U.S. Highway 60, the point of beginning, including points on the indicated portions of the highways specified)*; (19) from El Paso, Tex., to Jacksonville, Tex., from Dallas, Tex., to El Paso, Tex. (points in Oklahoma, within an area bounded by a line beginning at the Oklahoma-Texas State line near Goodwin, Okla., and extending along U.S. Highway 60 to Seiling, Okla., thence along U.S. Highway 270 to El Reno, Okla., thence along U.S. Highway 81 to the Oklahoma-Texas State line, thence west and north along the Oklahoma-Texas State line to junction U.S. Highway 60, the points of beginning, including points on the indicated portions of the highways specified)*; (24) from points in Texas within 200 miles of Detroit, Tex., and on and east of a line beginning near Olin along U.S. Highway 281 to San Antonio, thence along U.S. Highway 81 to the United States-Mexico International Boundary line to points in Wyoming (points in Cowley County, Kans., Newton, Kans., and points within 15 miles thereof, and points in Kimbull, Banner, and Cheyenne Counties, Nebr.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to expand certain origin and destination territories. The remainder of the letter-notice remains as previously published.

No. MC 100666 (Sub-No. E61), (Correction), filed April 28, 1974, published in the FEDERAL REGISTER August 20, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Creosoted poles, creosoted posts, and creosoted piling*, (a) from points in Louisiana over 250 miles from Texarkana, Tex., to points in Arkansas, Kansas, Missouri, Oklahoma, and Texas over 250 miles of Texarkana (points in Louisiana within 250 miles of Texarkana, Tex.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above. The purpose of this partial correction is to indicate points in Texas over 250 miles of Texarkana. The remainder of the letter-notice remains as previously published.

No. MC 100666 (Sub-No. E120) (Correction), filed May 25, 1974, published in the FEDERAL REGISTER August 16, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (2) *Lumber*, (b) from points in Louisiana on and north of a line from the Texas-Louisiana State line along U.S. Highway 190 to the junction of Interstate Highway 55, thence along Interstate Highway 55 to the Louisiana-Mississippi State line to points in Georgia, West Virginia, and Steelwood, Stockton, Mobile, Mt. Vernon, Greenville, Chapman, and Selma, Alabama (Urania, La.)*; (4) *Lumber and creosoted posts, poles, and piling*, (a) from points in Arkansas to points in Arizona (Texarkana, Tex.)*, points in Colorado (except from points in Arkansas north of Interstate Highway 40 to points in Colorado east of U.S. Highway 85), and points in New Mexico (points in Oklahoma and Duke, Okla.)*; (6) *Lumber and creosoted posts, poles, and piling*, from points in Tennessee within 250 miles of Texarkana, Tex., to points in Alabama, Florida, Georgia, Illinois (except lumber), Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Nebraska, North Carolina, North Dakota, Ohio, Pennsyl-

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vania, South Carolina, South Dakota, Tennessee (except Memphis, Virginia, West Virginia, and Wisconsin (points in Arkansas)*), points in Arizona, Colorado, and New Mexico (points in Oklahoma, Duke, Okla., and Texarkana, Tex.)*; (8) *Lumber and creosoted posts, poles, and piling*, (d) from points in Missouri on, east, and south of a line from the Arkansas-Missouri State line along U.S. Highway 65 to the junction of U.S. Highway 66, thence along U.S. Highway 66 to Crawford County, thence Crawford, Washington, and Jefferson County to points in Arizona (Texarkana, Tex.)*; (9) (b) *Plywood*, from points in Missouri within 250 miles of Texarkana, Tex., to points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington (Pittsburg, Kans.)*; (11) *Lumber*, from points in Kansas to points in Louisiana over 250 miles from Texarkana, Tex., and to points in Texas over 250 miles from Texarkana, Tex., and on and east of U.S. Highway 277 (points in Texas within 250 miles of Texarkana, Tex.)*; (12) *Lumber and creosoted posts, poles, and piling;* (b) from points in Oklahoma (except points in and west of Beaver County), to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia (Texarkana, Tex.)*;

(15) *Lumber and creosoted posts, poles, and piling*, (a) from points in Texas to points in North Carolina, South Carolina, Virginia, West Virginia, Indiana, Illinois, Michigan, Ohio, Wisconsin, Pennsylvania, Kentucky, and Tennessee (except Memphis) (points in Arkansas)*, points in Florida and Georgia (Uranla, La., and points in Louisiana and Mississippi)*, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia (Texarkana, Tex.)*, points in Alabama (points in Louisiana and Mississippi)*, and points in Mississippi (points in Louisiana)*, (b) from points in Texas on and east of a line from the Oklahoma-Texas State line along Texas Highway 34 to the junction of U.S. Highway 77, thence along U.S. Highway 77 to the Texas-New Mexico State line to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota (points in Arkansas)*; (e) from points in Texas over 250 miles from Texarkana, Tex., to points in Arkansas over 250 miles from Texarkana, Tex. (points in Tennessee within 250 miles of Texarkana, Tex.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to expand the territorial descriptions. The remainder of the letternotice remains as previously published.

No. MC 107403 (Sub-No. E110) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER August 20, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Paulsboro, Pettys Island, Eagle Point, Bayonne, Carteret, Jersey City, Linden, Camden, Edgewater, Dundee, and Bayway, N.J., and points in New Jersey on, north, and east of a line beginning at the Pennsylvania-New Jersey State line, and extending along U.S. Highway 1 to the Raritan River, thence along the Raritan River to Raritan Bay, to points in Indiana, Illinois, Kentucky, Ohio, Michigan, Wisconsin, Alabama, and Tennessee. The purpose of this filing is to eliminate the gateway of Allegheny County, Pa., East Liverpool, Ohio, and Congo, W. Va. The purpose of this correction is to correctly describe the involved destination territory.

No. MC 107515 (Sub-No. E16) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER August 16, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats and frozen edible meat products*, from Burris, Tex., to the District of Columbia and points in Connecticut, New Jersey, Delaware, Massachusetts, those parts of Virginia, Maryland, and Pennsylvania on and east of U.S. Highway 15, and that part of New York on and east of a line beginning at the Pennsylvania-NewYork State line, thence along New York Highway 38, thence along New York Highway 38 to junction Interstate Highway 81, thence along Interstate Highway 81 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C. The purpose of this correction is to reflect applicant seeks all of Delaware and Massachusetts.

No. MC 108449 (Sub-No. E106), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylienbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and residual fuel oil*, in bulk, in tank vehicles, from West Fargo, N. Dak., to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Duluth, Minn., and points in Minnesota (except points located in an area bounded by a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 12 to Willmar, Minn., thence along U.S. Highway 71 to Bemidji, Minn., thence along U.S. Highway 2 to the Minnesota-North Dakota State line and thence along the Minnesota-North Dakota State line and the Minnesota-South Dakota State line to points of beginning, including points on the indicated portions of the highways specified).

No. MC 108449 (Sub-No. E107), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINES, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylienbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal facilities of the Kaneb Pipe Line Company located at or near Jamestown, N. Dak., to points in Illinois. The purpose of this filing is to eliminate the gateways of the site of the pipeline terminal of Allegheny County, Pa., East Liverpool, Ohio, and Congo, W. Va. The purpose of this correction is to correctly describe the involved destination territory.

No. MC 108449 (Sub-No. E108), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylienbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal facilities of the Kaneb Pipe Line Company located at or near Jamestown, N. Dak., to points in Wisconsin. The purpose of this filing is to eliminate the gateways of McGregor and Minneapolis, Minn.

No. MC 108449 (Sub-No. E109), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylienbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal facilities of the Kaneb Pipe Line Company located at or near Jamestown, N. Dak., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of McGregor, Minn.

No. MC 108449 (Sub-No. E110), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylienbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products and tar and tar products*, in bulk, in tank vehicles, from Des Moines, Iowa, to points in North Dakota. The purpose of this filing is to eliminate the gateways of Marshall, Minn., and the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak.

No. MC 108449 (Sub-No. E111), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylienbeck

(same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products and tar and tar products*, in bulk, in tank vehicles, from Des Moines, Iowa, to points in Wisconsin on and north of a line beginning at Genoa and extending along Wisconsin Highway 56 to Viroqua, thence along Wisconsin Highway 82 to Union Center, thence along Wisconsin Highway 33 to Lake Michigan. The purpose of this filing is to eliminate the gateway of the site of the pipeline terminal of American Oil Company at or near Spring Valley, Minn.

No. MC 108449 (Sub-No. E116), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road, C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylienbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal of the Williams Brothers Pipe Line Company at or near Rochester, Minn., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Marshall, Minn.

No. MC 108449 (Sub-No. E150), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road, C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylienbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Universal Atlas Cement, Division of United States Steel Corp., at Bettendorf, Iowa, to points in South Dakota on and east of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of the plantsites of the Marquette Cement Manufacturing Company and the Penn-Dixie Cement Corporation, at Des Moines, Iowa.

No. MC 108449 (Sub-No. E151), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylienbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer compounds, dry urea, dry ammonium nitrate, and dry superphosphate*, from Port Cargill, Minn., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 108449 (Sub-No. E152), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylienbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer compounds, dry urea, and dry ammonium nitrate*, from Port Cargill, Minn., to points in Illinois. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 108449 (Sub-No. E153), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylienbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the storage facilities of Dewey Portland Cement Company in St. Paul, Minn., to points in Illinois. The purpose of this filing is to eliminate the gateway of La Crosse, Wis.

No. MC 110525 (Sub-No. E825), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from Baltimore, Md., to points in Indiana and Ohio. The purpose of this filing is to eliminate the gateways of Harrisburg and Pittsburgh, Pa.

No. MC 111545 (Sub-No. E565), filed May 26, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith, between points in that part of Tennessee on and east of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 41 to the Tennessee-Georgia State line, and within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in that part of Kansas on and west of a line beginning at Atchison, thence along U.S. Highway 59 to junction Kansas Highway 4, thence along Kansas Highway 4 to Topeka, thence along Kansas Highway 35 to the Kansas-Oklahoma State line, and within 300 miles of Ames, Iowa, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 111545 (Sub-No. E572), filed May 26, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith, between points in Arkansas, on the one hand, and, on the other, points in that part of Illinois on, north, and west of a line beginning at the Mississippi River at Gulfport, thence along U.S. Highway 34 to junction Illinois Highway 31, thence along Illinois Highway 31 to junction Illinois Highway 68 at Dundee, thence east along Illinois Highway 68 to Glencoe, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 111545 (Sub-No. E585), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between Brunswick, Ga., and points in Glynn County, Georgia, on the one hand, and, on the other, points in that part of North Carolina on, west, and north of a line beginning at the Virgina-North Carolina State line, thence along U.S. Highway 17 to junction U.S. Highway 64, thence along U.S. Highway 64 to Asheboro, thence along North Carolina Highway 49 to junction Interstate Highway 85, thence along Interstate Highway 85 to Gastonia, thence along U.S. Highway 74 to Asheville, thence along U.S. Highway 25 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateways of (1) points in Georgia within 175 miles of Chattanooga, Tenn., and (2) points in North Carolina or South Carolina within 175 miles of Chattanooga, Tenn.

No. MC 111545 (Sub-No. E586), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6326, Station A. Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (ex-

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cept knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to Harrisburg, thence along Interstate Highway 81 to the Pennsylvania-New York State line, to points in that part of Arkansas on and west of a line beginning at the Arkansas-Louisiana State line, thence along Arkansas Highway 7 to Russellville, thence along U.S. Highway 64 to Ozark, thence along Arkansas Highway 23 to the Arkansas-Missouri State Line. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and points in Oklahoma.

No. MC 111545 (Sub-No. E587), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous fiber pipe*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Mississippi to points in Arizona, California, Colorado, Montana, Nevada, New Mexico, Utah, and Wyoming, restricted against the transportation of machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manfacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof. The purpose of this filing is to eliminate the gateway of the plantsite of McGraw-Edison Company near Sherman, Texas.

No. MC 111545 (Sub-No. E589), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Texas on and south of a line beginning at the Texas-Arkansas State line, thence along U.S. Highway 67 to Dallas, thence along U.S. Highway 80 to Abilene, thence along U.S. Highway 277 to San Angelo, thence along U.S. Highway 67 to the International Boundary line between the United States and Mexico, to points in that part of Wisconsin on and south of a line beginning at the Wisconsin-Michigan State line, thence along Wisconsin Highway 64 to junction U.S. Highway 45, thence along U.S. Highway 45 to Wittenberg, thence along Wisconsin Highway 29 to junction U.S. Highway 12 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of the plantsite of McGraw Edison Company near Sherman, Tex.

No. MC 111545 (Sub-No. E590), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, the transportation of which, because of size or weight, requires the use of special equipment, from points in Utah to points in that part of Illinois on and south of U.S. Highway 40, restricted against the transportation of commodities to be used in, or in connection with, main or trunk pipelines. The purpose of this filing is to eliminate the gateways of points in Missouri within 100 miles of Kansas City, Kans., and the plantsite of McGraw-Edison Company near Sherman, Tex.

No. MC 111545 (Sub-No. E592), filed June 3, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and contractors' equipment*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Texas on, south, and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 75 to Dallas, thence along U.S. Highway 77 to Waco, thence along U.S. Highway 84 to Goldthwaite, thence along Texas Highway 16 to San Saba, thence along U.S. Highway 190 to Brady, thence along U.S. Highway 377 to Junction, thence along U.S. Highway 290 to Fort Stockton, thence along U.S. Highway 67 to the International Boundary line between the United States and Mexico, on the one hand, and, on the other, points in that part of Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC 111545 (Sub-No. E593), filed June 3, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings*, the transportation of which, because of size, or weight, requires the use of special equipment, from points in that part of Alabama within 175 miles of Chattanooga, Tenn., to points in that part of West Virginia on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 111545 (Sub-No. E595), filed June 3, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and contractors' equipment*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Illinois to points in Arkansas, Colorado, and New Mexico. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC 111545 (Sub-No. E596), filed June 3, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Machinery and contractors' equipment*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Wisconsin within 300 miles of Ames, Iowa, and on and south of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 16 to New Lisbon, thence along Wisconsin Highway 80 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to Medford, thence along Wisconsin Highway 64 to Marinette, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 111545 (Sub-No. E597), filed June 3, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and contractors' equipment*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Iowa, Minnesota, and that part of Wisconsin within 300 miles of Ames, Iowa, to points in Colorado. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC 111545 (Sub-No. E598), filed June 3, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and contractors' equipment*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Oklahoma on and south of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 66 to Oklahoma City, thence along U.S. Highway 62 to Henryetta, thence along U.S. Highway 266 to Warner, thence along U.S. Highway 64 to the Oklahoma-Arkansas State line, on the one hand, and, on the other, points in that part of Kansas on

and east of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 59 to Nortonville, thence along U.S. Highway 159 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC 111545 (Sub-No. E599), filed June 2, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (except knitting machines), between points in that part of Alabama within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in Wisconsin, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of (1) Piedmont, Ala., or (2) points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and points in Iowa.

No. MC 111545 (Sub-No. E600), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Georgia on and south of a line beginning at the Georgia-Alabama State line, thence along Georgia Highway 166 to Carrollton, thence along Georgia Highway 61 to Villa Rica, thence along U.S. Highway 78 to Atlanta, thence along U.S. Highway 23 to the Georgia-North Carolina State line, to points in that part of Tennessee west of the Tennessee River. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 111545 (Sub-No. E602), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Illinois on and north of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 136 to Danville, thence along Illinois Highway 1 to Watseka, thence along U.S. Highway 24 to El Paso, thence along U.S. Highway 51 to Mendota, thence along Illinois Highway 92 to the Illinois-Iowa State line, to points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line, thence along Interstate Highway 85 to Montgomery, thence along Interstate Highway 64 to junction Alabama Highway 59 thence along Alabama Highway 59 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 111545 (Sub-No. E603), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of North Carolina on and east of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 21 to Statesville, thence along Interstate Highway 40 to Winston-Salem, thence along U.S. Highway 311 to junction U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line, to points in that part of Tennessee west of the Tennessee River. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and points in South Carolina within 175 miles of Chattanooga, Tenn.

No. MC 111545 (Sub-No. E604), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Pennsylvania on and south of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 11 to Harrisburg, thence along U.S. Highway 22 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction U.S. Highway 209, thence along U.S. Highway 209 to Stroudsburg, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line, to points in that part of Tennessee on, west, and south of a line beginning at the Tennessee-Mississippi State line, thence along Tennessee Highway 22 to Lexington, thence along Tennessee Highway 20 to the Tennessee-Arkansas State line. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 111545 (Sub-No. E605), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Kentucky on and east of a line beginning at the Kentucky-Tennessee State line, thence along Kentucky Highway 163 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to Glasgow, thence along the Cumberland Parkway to Rocky Hill, thence along Kentucky Highway 259 to Leitchfield, thence along Kentucky Highway 54 to Owensboro, thence along U.S. Highway 231 to the Kentucky-Indiana State line, and within 175 miles of Chattanooga, Tenn., to points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line, thence along Alabama Highway 26 to Union Springs, thence along U.S. Highway 29 to Luverne, thence along Alabama Highway 10 to Greenville, thence along Interstate Highway 65 to Mobile, thence along U.S. Highway 98 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 111545 (Sub-No. E606), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Tennessee on and east of Highway 56 and within 175 miles of Chattanooga, Tenn., to points south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 29 to Flomaton, thence along U.S. Highway 31 to junction with Interstate Highway 10, thence along Interstate Highway 10 to Mobile, thence along U.S. Highway 98 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 111545 (Sub-No. E608), filed May 27, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Utah on and north of a line beginning at the Utah-Colorado State line, thence along U.S. Highway 40 to Heber City, thence along U.S. Highway 189 to Provo, thence along Interstate Highway 15 to Lehi, thence along Utah Highway 36, thence along Utah Highway 36 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Utah-Nevada State line, to points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 80 to Selma, thence along Alabama Highway 22 to Safford, thence along Alabama

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Highway 5 to Grove Hill, thence along U.S. Highway 43 to Mobile, thence along U.S. Highway 98 to the Alabama-Mississippi State line, restricted against the transportation of knitting machines and commodities to be used in, or in connection with, main or trunk pipelines. The purpose of this filing is to eliminate the gateways of Ft. Scott, Kans., and Atlanta, Ga.

No. MC 113459 (Sub-No. E12), (Correction), filed May 6, 1974, published in the FEDERAL REGISTER on July 18, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Oklahoma 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, or used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof; (2) *Commodities*, the transportation of which by reason of size or weight require the use of special equipment or handling (except those commodities described in (1) above); (3) *Parts* of commodities described in (2) above either when incidental to the transportation of such commodities, or when transported as separate and unrestricted shipments; (4) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith; and (5) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Illinois, on the one hand, and, on the other, points in Colorado and Wyoming. Restriction: The operation in (4) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Kansas. The purpose of this correction is to include the commodities described in (4) and (5) above, which were inadvertently omitted from the publication of July 18, 1974.

No. MC 113843 (Sub-No. E408), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from points in that part of Virginia east of the Chesapeake Bay to points in those portions of Vermont and New Hampshire on and north of U.S. Highway 2. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 113843 (Sub-No. E409), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, (1) from points in that part of Delaware on and south of a line beginning at the Atlantic Ocean and extending along Delaware Highway 26 to junction U.S. Highway 113, thence along U.S. Highway 113 to junction Delaware Highway 20, thence along Delaware Highway 20 to the Delaware-Maryland State line, and from points in that part of Maryland east of the Susquehanna River and Chesapeake Bay and on and south of a line beginning at the Delaware-Maryland State line and extending along Maryland Highway 392 to junction Maryland Highway 16, thence along Maryland Highway 16 to junction U.S. Highway 50, thence along U.S. Highway 50 to Cambridge, thence along Maryland Highway 343 to the Chesapeake Bay to Burlington, Vt.; and (2) from points in that part of Maryland east of the Susquehanna River and Chesapeake Bay and on and south of a line beginning at the Atlantic Ocean and extending along U.S. Highway 50 to Salisbury, thence along Maryland Highway 349 to the Chesapeake Bay to Burlington and Montpelier, Vt. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 113843 (Sub-No. E420), filed May 17, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pocomoke City, Md., to points in that part of Vermont on and north of U.S. Highway 2, and Berlin, N.H. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 113843 (Sub-No E483), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from New York, N.Y., and points in Passaic, Sussex, Warren, Essex, Bergen, Hudson, Somerset, Morris, and Union Counties, N.J., to points in that part of Tennessee on and west of U.S. Highway 51; (2) from points in Middlesex County, N.J., to Dyersburg, Tenn.; (3) from Bradford and Susquehanna Counties, Pa., to points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along Tennessee Highway 51 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction Tennessee Highway 53, thence along Tennesee Highway 53 to junction Tennessee Highway 135, thence along Tennessee Highway 135 to Cookeville, thence along Tennessee Highway 42 to junction U.S. Highway 70S, thence along U.S. Highway 70S to McMinnville, thence along Tennessee Highway 55 to Tullahoma, thence along Tennessee Highway 130 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 97, thence along Tennessee Highway 97 to the Tennessee-Alabama State line; (4) from points in Lackawana County, Pa., to points in that part of Tennessee on and west of Interstate Highway 65; (5) from Pittston and Wilkes-Barre, Pa., to Jackson, Dyersburg, and Memphis, Tenn.; (6) from points in Somerset County, N.J., to Dyersburg and Memphis, Tenn.; (7) from points in Pike County, Pa., to points in that part of Tennessee on and west of Interstate Highway 65; and (8) from points in Monroe County, Pa., to Dyersburg, Jackson, and Memphis, Tenn. The purpose of this filing is to eliminate the gateways of Elmira, N.Y., and Detroit, Mich. (via Canada).

No. MC 115669 (Sub-No. E2), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potash*, from points in Eddy County, N. Mex., to points in South Dakota. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at points in Eddy County, N. Mex. The purpose of this filing to eliminate the gateway of McCook, Nebr.

No. MC 115669 (Sub-No. E7), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (except anhydrous ammonia and urea), in bulk, and in bags, from Carroll, Iowa, to points in Kansas. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 115669 (Sub-No. E26), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed grade urea, in bulk and in bags*, from LaPlatte, Nebr., to points in Oklahoma on and west of Interstate Highway 35. The purpose of thi sfiling is to eliminate the gateway of Hutchinson, Kans.

No. MC 115669 (Sub-No. E27), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed grade urea*, in bulk and in bags, from LaPlatte, Nebr., to points in New Mexico. The purpose of this filing is to eliminate the gateway of Hutchinson, Kans.

No. MC 115669 (Sub-No. E28), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry urea*, in bulk and in bags, from LaPlatte, Nebr., to points in Indiana. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 115669 (Sub-No. E29), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry urea*, in bulk and in bags, from LaPlatte, Nebr., to points in Wisconsin in and east of Lafayette, Iowa, Sauk, Juneau, Wood, Marathon, Lincoln, Oneida, and Vilas Counties. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 115669 (Sub-No. E30), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry urea*, in bulk and in bags, from LaPlatte, Nebr., to points in Ohio. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 115669 (Sub-No. E31), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed grade urea*, in bulk and in bags, from LaPlatte, Nebr., to points in Texas. The purpose of this filing is to eliminate the gateways of Military and Hutchinson, Kans.

No. MC 115669 (Sub-No. E32), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed grade urea*, in bulk and in bags, from LaPlatte, Nebr., to points in Oklahoma. The purpose of this filing is to eliminate the gateways of Military and Hutchinson, Kans.

No. MC 115669 (Sub-No. E33), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed grade urea*, in bulk and in bags, from points in Nebraska to points in Oklahoma on and east of a line from the Kansas-Oklahoma State line along U.S. Highway 281 to Seiling, thence along U.S. Highway 183 to the junction of Oklahoma Highway 44, thence along Oklahoma Highway 44 to the junction of U.S. Highway 283, thence along U.S. Highway 283 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateways of Hutchinson and Military, Kans.

No. MC 115669 (Sub-No. E36), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk and in bags, from Lawrence, Kans., to points in South Dakota. The purposes of this filing is to eliminate the gateways of Grand Island, McCook, and Omaha, Nebr.

No. MC 115669 (Sub-No. E39), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from Lawrence, Kans., to points in Montana. The purpose of this filing is to eliminate the gateway of Falls City, Nebr.

No. MC 115669 (Sub-No. E41), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* from the warehouse or storage facilities of Farmland Industries, Inc., at or near Council Bluffs, Iowa, to points in Colorado. The purpose of this filing is to eliminate the gateway of LaPlatte, Nebr.

No. MC 115669 (Sub-No. E42), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except those in bulk, in liquid form, and except salt, soybean meal, and urea), from Kansas City, Mo., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Olathe, Kans.

No. MC 115669 (Sub-No. E44), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt, salt products, and fresh and frozen meat), from Kansas City, Mo., to points in Texas on and west of a line from the Oklahoma-Texas State line along U.S. Highway 281 to Lampasas, thence along U.S. Highway 183 to Cuero, thence along U.S. Highway 87 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Hutchinson, Kans.

No. MC 115669 (Sub-No. E45), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, from Kansas City, Mo., to points in Iowa (except Eagle Grove). The purpose of this filing is to eliminate the gateway of Muncie, Kans.

No. MC 115669 (Sub-No. E46), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, from Kansas City, Mo., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Muncie, Kans.

No. MC 115669 (Sub-No. E47), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* from Kansas City, Mo., to points in Montana east of the Continental Divide. The purpose of this filing is to eliminate the gateway of Muncie, Kans.

No. MC 115669 (Sub-No. E48), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, from Kansas City, Mo., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Muncie, Kans.

No. MC 115669 (Sub-No. E49), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry ani-*

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mal and poultry feed ingredients, from Kansas City, Mo., to points in Wyoming east of the Continental Divide. The purpose of this filing is to eliminate the gateway of Muncie, Kansas.

No. MC 115669 (Sub-No. E50), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, from Des Moines, Iowa to points in Colorado. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC 115669 (Sub-No. E51), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal* from Des Moines, Iowa, to points in Kansas on and west of a line from the Nebraska-Kansas State line along U.S. Highway 99 to Blaine, thence along Kansas Highway 13 to Manhattan, thence along Kansas Highway 18 to Junction City, thence along U.S. Highway 77 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC 115669 (Sub-No. E52), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier, by motor* vehicle, over irregular routes, transporting: *Soybean meal* from Des Moines, Iowa, to points in South Dakota. The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC 115669 (Sub-No. E53), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal* from Des Moines, Iowa, to points in Wyoming. The purpose of this filing is to eliminate the gateway of Fremont, Nebr.

No. MC 115669 (Sub-No. E65), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry animal and poultry feed ingredients* (except salt and urea), from Danville, Ill., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 115669 (Sub-No. E66), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* from Muncie, Kansas, to points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Iowa (except Eagle Grove and Des Moines).

No. MC 115669 (Sub-No. E67), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry animal and poultry feed ingredients* (except salt, soybean meal, urea, salt products, and fresh and frozen meat), from points in Colorado to points in Arkansas. The purpose of this filing is to eliminate the gateway of Hutchinson, Kans.

No. MC 115669 (Sub-No. E68), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry animal and poultry feed ingredients* (except salt, urea, and soybean meal), from points in Colorado to points in Minnesota. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., and Sioux City, Iowa.

No. MC 115669 (Sub-No. E69), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt and urea), from points in Colorado to points in South Dakota. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC 115669 (Sub-No. E70), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt and urea), from points in Colorado to points in Missouri on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC 115669 (Sub-No. E71), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry animal and poultry feed ingredients* (except salt, soybean meal, urea, salt products, and fresh and frozen meat), from points in Colorado to points in Missouri and south of U.S. Highway 24. The purpose of this filing is to eliminate the gateway of Hutchinson, Kans.

No. MC 115669 (Sub–No. E72), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed ingredients* (except those in bulk in liquid form) from Fairbury, Ill., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Indianola, Iowa.

No. MC 115669 (Sub-No. E73), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry animal and poultry feed ingredients* (except salt, soybean meal, and urea), from points in Colorado to points in Iowa on and west of U.S. Highway 69. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 115669 (Sub-No. E74), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt, soybean meal, and urea), from points in Colorado to points in Iowa. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC 115669 (Sub-No. E75), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry animal and poultry feed ingredients* (except salt and urea), from Omaha, Nebr., to points in Missouri. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 115669 (Sub-No. E76), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry animal and poultry feed ingredients* (except salt and urea), from Omaha, Nebr., to points in North Dakota. The purpose of this filing is to eliminate the gateway of points in Iowa on and west of U.S. Highway 69.

No. MC 115669 (Sub-No. E77), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and dry animal and poultry feed ingredients* (except salt and urea), from Omaha, Nebr., to points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Iowa on and west of U.S. Highway 69.

No. MC 115669 (Sub-No. E78), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt and urea), from St. Joseph, Mo., to points in Iowa on and west of a line from the Iowa-Minnesota State line along U.S. Highway 71 to the junction of Iowa Highway 175 to Odebolt, thence along Iowa Highway 39 to Denison, thence along U.S. Highway 59 to the junction of Interstate Highway 80, thence along Interstate Highway 80 to Omaha. The purpose of this filing is to eliminate the gateway of points in Iowa on and west of U.S. Highway 69.

No. MC 115669 (Sub-No. E79), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt and urea), from St. Joseph, Mo., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 115669 (Sub-No. E80), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt, salt products, and fresh and frozen meat), from St. Joseph, Mo., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Hutchinson, Kansas.

No. MC 115669 (Sub-No. E81), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt, salt products, and fresh and frozen meat), from St. Joseph, Mo., to points in Texas on and west of a line from the Oklahoma-Texas State line along Interstate Highway 35 to Dallas, thence along Interstate Highway 45 to Houston, thence along U.S. Highway 75 to Galveston. The purpose of this filing is to eliminate the gateway of Hutchinson, Kansas.

No. MC 115669 (Sub-No. E82), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. H. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt, salt products, and fresh and frozen meat), from St. Joseph, Mo., to points in New Mexico. The purpose of this filing is to eliminate the gateway of Hutchinson, Kansas.

No. MC 115669 (Sub-No. E83), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt, salt products, and fresh and frozen meat), from Mexico, Mo., to points in Texas on and west of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of Hutchinson, Kansas.

No. MC 115669 (Sub-No. E84), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt, urea, and soybean meal), from points in Mexico, Mo., to points in Oklahoma. The purpose of this filing is to eliminate the gateways of Hutchinson and Galena, Kans.

No. MC 115669 (Sub-No. E85), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt, urea, and soybean meal), from St. Joseph, Mo., to points in Oklahoma. The purpose of this filing is to eliminate the gateways of Hutchinson and Elwood, Kans.

No. MC 115669 (Sub-No. E86), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt, salt products, and fresh and frozen meat), from Minneapolis, Minn., to points in Oklahoma. The purpose of this filing is to eliminate the gateways of Hutchinson and Galena, Kans.

No. MC 115669 (Sub-No. E87), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt, salt products, and fresh and frozen meat), from Mexico, Mo., to points in New Mexico. The purpose of this filing is to eliminate the gateway of Hutchinson, Kansas.

No. MC 115669 (Sub-No. E88), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt, salt products, and fresh and frozen meat), from Moorhead, Minn., to points in Texas. The purpose of this filing is to eliminate the gateway of Hutchinson, Kansas.

No. MC 115669 (Sub-No. E89), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt, salt products, and fresh and frozen meat), from Moorhead, Minn., to points in New Mexico. The purpose of this filing is to eliminate the gateway of Hutchinson, Kansas.

No. MC 115669 (Sub-No. E90), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt, salt products, and fresh and frozen meat), from Minneapolis, Minn., to points in Texas on and west of a line from the Oklahoma-Texas State line along Texas Highway 19 to Emory, thence along U.S. Highway 69 to Rusk, thence along U.S. Highway 84 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Hutchinson, Kansas.

No. MC 115669 (Sub-No. E91), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt, salt products, and fresh and frozen meat), from Moorhead, Minn., to points in Arkansas on and west of a line from the Missouri-Arkansas State line along U.S. Highway 167 to Bald Knob, thence

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along U.S. Highway 64 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateway of Hutchinson, Kansas.

No. MC 115669 (Sub-No. E92), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and animal and poultry feed ingredients* (except salt, soybean meal, and urea), from points in Kansas (except Kansas City, Hutchinson, McPherson, and Muncie) to points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC 115669 (Sub-No. E93), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and animal and poultry feed ingredients* (except salt, soybean meal, and urea), from points in Kansas (except Hutchinson, Kansas City, McPherson, and Muncie) to points in South Dakota. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC 115669 (Sub-No. E94), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and animal and poultry feed ingredients* (except salt, soybean meal, and urea), from points in Kansas (except Hutchinson, Kansas City, McPherson, and Muncie) to points in Iowa. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC 115669 (Sub-No. E95), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and animal and poultry feed ingredients* (except salt, soybean meal, and urea), from points in Nebraska on and west of a line from the South Dakota-Nebraska State line along U.S. Highway 81 to the junction of Nebraska Highway 12, thence along Nebraska Highway 12 to the junction of Nebraska Highway 15, thence along Nebraska Highway 15 to the Nebraska-Kansas State line to points in Arkansas. The purpose of this filing is to eliminate the gateway of Hutchinson, Kansas.

No. MC 115669 (Sub-No. E96), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and animal and poultry feed ingredients* (except salt, salt products, and fresh and frozen meat), from points in Nebraska on and east of U.S. Highway 281 to points in Texas. The purpose of this filing is to eliminate the gateway of Hutchinson, Kansas.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21115 Filed 9-11-74;8:45 am]

[Notice 589]

ASSIGNMENT OF HEARINGS

SEPTEMBER 9, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after September 12, 1974.

MC-C-8242, General Leaseways, Inc., Burk Distributing Co., Inc., Levi Distributing, Inc., Keith V. Knight, dba Knight Distributing Co., and Joseph G. Bowers—Investigation of Operations, now assigned October 16, 1974, at Des Moines, Iowa, will be held at the Iowa Commerce Commission, 4th and Walnut Street.

MC-C-8299, Atlanta Motor Lines, Inc., Et Al -V- Hennis Freight Lines, Inc., MC-C-8337, Hennis Freight Lines, Inc.,—Investigation and Revocation of Certificates, now assigned September 11, 1974, at Atlanta, Ga., is cancelled.

MC 139572, Pappas and Deffet Cartage, Inc., dba Pappas Trucking Unlimited, now assigned October 21, 1974, at Columbus, Ohio, will be held in Room 1, Public Utilities Commission of Ohio, 111 North High Street.

MC 8948 Sub 104, Western Gillette, Inc., now assigned continued hearing October 7, 1974, at Dallas, Tex., postponed to December 2, 1974 (2 weeks), in Room 5A15-17, Federal Office Bldg., 1100 Commerce Street, Dallas, Texas.

FF-C-55, Air Transportation Motor Service, Inc., Dba Air Trans, Stone's Express, Inc., and John Morton—Investigation of Operations, now assigned October 30, 1974, at Boston, Mass., will be held on the 5th Floor, 150 Causeway Street.

MC 128343 Sub 27, C-Line, Inc., now assigned October 31, 1974, at Boston, Mass., will be held on the 5th Floor, 150 Causeway Street.

MC-F-11995, H. F. Welch Co., and Maislin Transport Ltd.—Purchase (Portion)—The National Transportation Co., now assigned November 4, 1974, at Boston, Mass., will be held in Room 1112, JFK Federal Bldg., Government Center.

MC 29120 Sub 179, All-American, Inc., now being assigned hearing November 5, 1974 (2 days), at Denver, Colo., in Room 587, Federal Bldg., 1927 Stout St.

MC 127042 Sub 145, Hagen, Inc., now being assigned hearing November 7, 1974 (2 days), in Room 587, Federal Bldg., 1927 Stout St., Denver, Colo.

MC 138018 Sub 8, Refrigerated Foods, Inc., now being assigned hearing November 13, 1974 (3 days), at Denver, Colo., in Room 587, Federal Bldg., 1927 Stout St.

MC 132233 Sub 28, Clarence L. Werner dba Werner Enterprises, now being assigned hearing November 11, 1974 (2 days), in Room 587, Federal Bldg., 1927 Stout St., Denver, Colo.

MC 32882 Sub 71, Mitchell Bros. Truck Lines, MC 106497 Sub 86, Parkhill Truck Co., MC 125433 Sub 44, F-B Truck Line Co., now being assigned continued hearing November 18, 1974 (1 week), at the Holiday Inn-Downtown, 15th & Glenarm Place, Denver, Colo.

MC 139503, Lee Eberly, Dba Whitley Trailer Court and Sales, now assigned October 30, 1974, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

AB-1 Sub 26, Chicago and North Western Transportation Company Abandonment Between Dike and Keeley, In Grundy and Butler Counties, Iowa, now assigned November 4, 1974, at Waterloo, Iowa, will be held in Courtroom, Post Office Bldg., 415 Commercial Street.

AB-7 Sub 15, Chicago, Milwaukee, St. Paul and Pacific Railroad Company Abandonment Between Storm Lake and Rembrandt, in Buena Vista County, Iowa, now assigned November 7, 1974, at Storm Lake, Iowa, will be held on the 2nd Floor, Meeting Room, City Courthouse West Wing.

MC 3647 Sub 448, Transport of New Jersey, now assigned November 11, 1974, at Newark, N.J., is cancelled. An attempt will be made to handle this proceeding under the modified procedure.

MC 115116 Sub 26, Suburban Transit Corp., now assigned October 30, 1974, at Newark, N.J., is cancelled. An attempt will be made to handle this proceeding under the modified procedure.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21112 Filed 9-11-74;8:45 am]

[Notice 156]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 12, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 2, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone

the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75321. By order entered September 5, 1974, the Motor Carrier Board approved the transfer of J. T. Spain and C. D. Spain, doing business as Spain's Transfer, Minot, N. Dak., of the operating rights set forth in Certificate of Registration No. MC-97386 (Sub-No. 2), issued January 16, 1969, in the name of E. O. Kavli, doing business as Minot-Bottineau Trucking Service and acquired by Kenneth L. Haugen, doing business as Minot-Bottineau Trucking Service, pursuant to No. MC-FC-74817, approved by order of the Commission, Motor Carrier Board, entered November 30, 1973, and consummated January 10, 1974, evidencing a right to engage in transportation, in interstate or foreign commerce of general commodities, household goods, and certain other specified commodities, from, to, and between points in North Dakota. C. D. Spain, 1300 Valley St., Minot, N. Dak. 58701, for transferee, and Kenneth L. Haugen, Box 329, Minot, N. Dak. 58701, for transferor.

No. MC-FC-75323. By order entered September 5, 1974, the Motor Carrier Board approved the transfer to J. T. Spain and C. D. Spain, doing business as Spain's Transfer, Minot, N. Dak., of Certificate of Registration No. MC-96736 (Sub-No. 1), issued December 27, 1973, to Lee & Backes, Inc., Glenburn, N. Dak., evidencing a right to engage in operations, in interstate or foreign commerce, in the transportation of motor freight, between specified points in North Dakota, Blyde Spain, Box 68, Minot, N. Dak. 58701, for transferee, Lee & Backes, Inc., Glenburn, N. Dak., transferor.

No. MC-FC-75329. By order of September 4, 1974, the Motor Carrier Board approved the transfer to Associated Cartage Company, Inc. (incorporated June 6, 1974), St. Louis, Mo. of Certificate No. MC-40664 issued by the Commission July 14, 1958, to Associated Cartage Company, Inc., St. Louis, Mo., authorizing the transportation of general commodities, with exceptions, between points in the St. Louis-East St. Louis, Ill., Commercial Zone. William P. Carleton, Esq., 530 Paul Brown Building, St. Louis, Mo. 63101.

No. MC-FC-75334. By order of September 5, 1974, the Motor Carrier Board approved the transfer to W. S. Dunning & Son, Inc., 131 D South Bolmar Street, West Chester, Pa. 19380, of Permit No. MC-136035 issued by the Commission December 19, 1972, to Walter S. Dunning and Walter H. Dunning, doing business as W. S. Dunning & Son, West Chester, Pa., authorizing the transportation of food and food products in containers, from West Chester, Pa., to points in Massachusetts, New Jersey, Virginia, Delaware, Louisiana, Connecticut, Illinois, North Carolina, Indiana, New York, South Carolina, Ohio, Missouri, and Michigan; and non-wood containers and packaging materials, labels, pallets, and salt from points in New Jersey, Michigan, Ohio, and Illinois to West Chester, Pa.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21113 Filed 9-11-74;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 82; Amdt. No. 3]

ALL RAILROADS; MANDATORY CAR SERVICE RULES

Extension of Exemption

Upon further consideration of Exemption No. 82 issued July 22, 1974.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 82 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire October 15, 1974.

This amendment shall become effective September 10, 1974.

Issued at Washington, D.C., September 4, 1974.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.74-21114 Filed 9-11-74;8:45 am]

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along U.S. Highway 64 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateway of Hutchinson, Kansas.

No. MC 115669 (Sub-No. E92), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and animal and poultry feed ingredients* (except salt, soybean meal, and urea), from points in Kansas (except Kansas City, Hutchinson, McPherson, and Muncie) to points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC 115669 (Sub-No. E93), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and animal and poultry feed ingredients* (except salt, soybean meal, and urea), from points in Kansas (except Hutchinson, Kansas City, McPherson, and Muncie) to points in South Dakota. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC 115669 (Sub-No. E94), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and animal and poultry feed ingredients* (except salt, soybean meal, and urea), from points in Kansas (except Hutchinson, Kansas City, McPherson, and Muncie) to points in Iowa. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC 115669 (Sub-No. E95), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt, salt products, and fresh and frozen meat), from points in Nebraska on and west of a line from the South Dakota-Nebraska State line along U.S. Highway 81 to the junction of Nebraska Highway 12, thence along Nebraska Highway 12 to the junction of Nebraska Highway 15, thence along Nebraska Highway 15 to the Nebraska-Kansas State line to points in Arkansas. The purpose of this filing is to eliminate the gateway of Hutchinson, Kansas.

No. MC 115669 (Sub-No. E96), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed and animal and poultry feed ingredients* (except salt, salt products, and fresh and frozen meat), from points in Nebraska on and east of U.S. Highway 281 to points in Texas. The purpose of this filing is to eliminate the gateway of Hutchinson, Kansas.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc 74-21115 Filed 9-11-74;8:45 am]

[Notice 589]

ASSIGNMENT OF HEARINGS

SEPTEMBER 9, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after September 12, 1974.

MC-C-8242, General Leaseways, Inc., Burk Distributing Co., Inc., Levi Distributing, Inc., Keith V. Knight, dba Knight Distributing Co., and Joseph G. Bowers—Investigation of Operations, now assigned October 16, 1974, at Des Moines, Iowa, will be held at the Iowa Commerce Commission, 4th and Walnut Street.

MC-C-8299, Atlanta Motor Lines, Inc., Et Al -V- Hennis Freight Lines, Inc., MC-C-8337, Hennis Freight Lines, Inc.,—Investigation and Revocation of Certificates, now assigned September 11, 1974, at Atlanta, Ga., is cancelled.

MC 139572, Pappas and Deffet Cartage, Inc., dba Pappas Trucking Unlimited, now assigned October 21, 1974, at Columbus, Ohio, will be held in Room 1, Public Utilities Commission of Ohio, 111 North High Street.

MC 8948 Sub 104, Western Gillette, Inc., now assigned continued hearing October 7, 1974, at Dallas, Tex., postponed to December 2, 1974 (2 weeks), in Room 5A15-17, Federal Office Bldg., 1100 Commerce Street, Dallas, Texas.

FF-C-55, Air Transportation Motor Service, Inc., Dba Air Trans, Stone's Express, Inc., and John Morton—Investigation of Operations, now assigned October 30, 1974, at Boston, Mass., will be held on the 5th Floor, 150 Causeway Street.

MC 128343 Sub 27, C-Line, Inc., now assigned October 31, 1974, at Boston, Mass., will be held on the 5th Floor, 150 Causeway Street.

MC-F-11995, H. F. Welch Co., and Maislin Transport Ltd.—Purchase (Portion)—The National Transportation Co., now assigned November 4, 1974, at Boston, Mass., will be held in Room 1112, JFK Federal Bldg., Government Center.

MC 29120 Sub 179, All-American, Inc., now being assigned hearing November 5, 1974 (2 days), at Denver, Colo., in Room 587, Federal Bldg., 1927 Stout St.

MC 127042 Sub 145, Hagen, Inc., now being assigned hearing November 7, 1974 (2 days), in Room 587, Federal Bldg., 1927 Stout St., Denver, Colo.

MC 138018 Sub 8, Refrigerated Foods, Inc., now being assigned hearing November 13, 1974 (3 days), at Denver, Colo., in Room 587, Federal Bldg., 1927 Stout St.

MC 133233 Sub 28, Clarence L. Werner dba Werner Enterprises, now being assigned hearing November 11, 1974 (2 days), in Room 587, Federal Bldg., 1927 Stout St., Denver, Colo.

MC 32882 Sub 71, Mitchell Bros. Truck Lines, MC 106497 Sub 86, Parkhill Truck Co., MC 125433 Sub 44, F-B Truck Line Co., now being assigned continued hearing November 18, 1974 (1 week), at the Holiday Inn-Downtown, 15th & Glenarm Place, Denver, Colo.

MC 139503, Lee Eberly, Dba Whitley Trailer Court and Sales, now assigned October 30, 1974, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 South Dearborn Street.

AB-1 Sub 28, Chicago and North Western Transportation Company Abandonment Between Dike and Kesley, In Grundy and Butler Counties, Iowa, now assigned November 4, 1974, at Waterloo, Iowa, will be held in Courtroom, Post Office Bldg., 415 Commercial Street.

AB-7 Sub 15, Chicago, Milwaukee, St. Paul and Pacific Railroad Company Abandonment Between Storm Lake and Rembrandt, in Buena Vista County, Iowa, now assigned November 7, 1974, at Storm Lake, Iowa, will be held on the 2nd Floor, Meeting Room, City Courthouse West Wing.

MC 3647 Sub 448, Transport of New Jersey, now assigned November 11, 1974, at Newark, N.J., is cancelled. An attempt will be made to handle this proceeding under the modified procedure.

MC 115116 Sub 26, Suburban Transit Corp., now assigned October 30, 1974, at Newark, N.J., is cancelled. An attempt will be made to handle this proceeding under the modified procedure.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21112 Filed 9-11-74;8:45 am]

[Notice 156]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 12, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 2, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone

the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75321. By order entered September 5, 1974, the Motor Carrier Board approved the transfer of J. T. Spain and C. D. Spain, doing business as Spain's Transfer, Minot, N. Dak., of the operating rights set forth in Certificate of Registration No. MC-97386 (Sub-No. 2), issued January 16, 1969, in the name of E. O. Kavli, doing business as Minot-Bottineau Trucking Service and acquired by Kenneth L. Haugen, doing business as Minot-Bottineau Trucking Service, pursuant to No. MC-FC-74817, approved by order of the Commission, Motor Carrier Board, entered November 30, 1973, and consummated January 10, 1974, evidencing a right to engage in transportation, in interstate or foreign commerce of general commodities, household goods, and certain other specified commodities, from, to, and between points in North Dakota. C. D. Spain, 1300 Valley St., Minot, N. Dak. 58701, for transferee, and Kenneth L. Haugen, Box 329, Minot, N. Dak. 58701, for transferor.

No. MC-FC-75323. By order entered September 5, 1974, the Motor Carrier Board approved the transfer to J. T. Spain and C. D. Spain, doing business as Spain's Transfer, Minot, N. Dak., of Certificate of Registration No. MC-96736 (Sub-No. 1), issued December 27, 1973, to Lee & Backes, Inc., Glenburn, N. Dak., evidencing a right to engage in operations, in interstate or foreign commerce, in the transportation of motor freight, between specified points in North Dakota, Blyde Spain, Box 68, Minot, N. Dak. 58701, for transferee, Lee & Backes, Inc., Glenburn, N. Dak., transferor.

No. MC-FC-75329. By order of September 4, 1974, the Motor Carrier Board approved the transfer to Associated Cartage Company, Inc. (incorporated June 6, 1974), St. Louis, Mo. of Certificate No. MC-40664 issued by the Commission July 14, 1958, to Associated Cartage Company, Inc., St. Louis, Mo., authorizing the transportation of general commodities, with exceptions, between points in the St. Louis-East St. Louis, Ill., Commercial Zone. William P. Carleton, Esq., 530 Paul Brown Building, St. Louis, Mo. 63101.

No. MC-FC-75334. By order of September 5, 1974, the Motor Carrier Board approved the transfer to W. S. Dunning & Son, Inc., 131 D South Bolmar Street, West Chester, Pa. 19380, of Permit No. MC-136035 issued by the Commission December 19, 1972, to Walter S. Dunning and Walter H. Dunning, doing business as W. S. Dunning & Son, West Chester, Pa., authorizing the transportation of food and food products in containers, from West Chester, Pa., to points in Massachusetts, New Jersey, Virginia, Delaware, Louisiana, Connecticut, Illinois, North Carolina, Indiana, New York, South Carolina, Ohio, Missouri, and Michigan; and non-wood containers and packaging materials, labels, pallets, and salt from points in New Jersey, Michigan, Ohio, and Illinois to West Chester, Pa.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21113 Filed 9-11-74;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 82; Amdt. No. 3]

ALL RAILROADS; MANDATORY CAR SERVICE RULES

Extension of Exemption

Upon further consideration of Exemption No. 82 issued July 22, 1974.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 82 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire October 15, 1974.

This amendment shall become effective September 10, 1974.

Issued at Washington, D.C., September 4, 1974.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.74-21114 Filed 9-11-74;8:45 am]

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federal register

September 13, 1974—Pages 32975–33195

FRIDAY, SEPTEMBER 13, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 179

Pages 32975–33195



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rules and regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 29—TOBACCO INSPECTION

Allocation of Tobacco Inspection Service; Eligibility for Price Support

Notice is hereby given that the Department is further amending its regulations (published at 39 FR 17753 and 39 FR 30475) relating to tobacco inspection and price support services with regard to flue-cured tobacco by amending Subpart G—Policy Statement and Regulations Governing Availability of Tobacco Inspection and Price Support Services to Flue-Cured Tobacco on Designated Markets (7 CFR Part 29).

The aforesaid policy statement and regulations are statements of agency policy and rules and regulations issued pursuant to the authority of The Tobacco Inspection Act (49 Stat. 731 (7 U.S.C. 511, et seq.); the Agricultural Act of 1949, as amended (63 Stat. 1051, 7 U.S.C. 1421, et seq.); and the Commodity Credit Corporation Charter Act (62 Stat. 1070, as amended (15 U.S.C. 714 et seq.).

Statement of consideration. It has become obvious to the Flue-Cured Tobacco Advisory Committee and the Secretary that the current sales schedules, particularly the undesignated sales opportunity portion thereof, reflect considerable volumes of tobacco which were not, in fact, planted by growers and, therefore, are not available for marketing.

This has encouraged producers who have designated their tobacco for sale at warehouses within 100 miles of the county seat of the county in which that tobacco was produced to transport such tobacco to areas distant from its production area to be sold as undesignated tobacco; is tending to create inequities among producers with regard to their opportunity to market tobacco under the sales schedules which are developed based on producer designations; and, further, is encouraging inefficient and uneconomic movement of tobacco.

Section 29.9404 of the regulations is, therefore, amended to remove from the undesignated sales opportunity that tobacco which has not been planted but, nevertheless, is reflected in the undesignated sales opportunity. It is anticipated that by limiting the undesignated sales opportunity to 2 percent the undesignated sales opportunity portion of the sales schedule will reflect only that tobacco which has actually been planted and available for marketing, but not designated by the producer.

Section 29.9404 is amended as follows:

§ 29.9404 Marketing area opening dates and marketing schedules.

(a) The Flue-Cured Tobacco Advisory Committee shall recommend, to the Secretary, marketing areas in the flue-cured tobacco production area, marketing area opening dates and selling schedules for both designated and undesignated tobacco for each marketing area and for the individual warehouses in each marketing area, which specify the length of time inspectors will be available to inspect designated tobacco and undesignated tobacco and/or the quantity of designated or undesignated tobacco to be marketed in each area and through each warehouse within such marketing area. In developing such opening date and selling schedules, the committee shall take into account the following:

• • • • •

(2) The volume of tobacco ready for marketing which the producers have designated under § 1464.2(e) of this title to be sold at specific warehouses and also the volume of tobacco ready for market which has not been so designated by the producers; for the purpose of developing opening date and selling schedules, the committee shall consider any undesignated tobacco in any county as being distributed to the warehouses which were designated for the sale of tobacco produced in the county in the same proportion as the tobacco designated at such warehouses. However, after such computation is made the undesignated sales opportunity shall be limited to an amount not to exceed 2 percent of the total volume of such designated and undesignated tobacco: *Provided, however,* That the Secretary can authorize additional undesignated sales opportunity if the warehouse provides proper proof that it does, in fact, have available for sale a volume of tobacco which has not previously been designated which is in excess of said 2 percent limitation.

• • • • •

It is hereby found and determined that notice of proposed rulemaking, public procedure thereon, and thirty days' notice of the effective date hereof are impractical, unnecessary and contrary to the public interest in that this amendment is necessary to continue orderly marketing conditions in the flue-cured marketing area under the grower designation plan put into effect on May 20, 1974.

Therefore, good cause exists for making the amendments to the regulations effective September 12th, 1974.

•

Done at Washington, D.C., this 9th day of September 1974.

RICHARD L. FELTNER,
Assistant Secretary for Marketing and Consumer Services.

[FR Doc.74-21230 Filed 9-12-74;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Imported Fire Ant

ADDITIONS TO REGULATED AREAS

Correction

In FR Doc. 74-20220 appearing in the issue of Tuesday, September 3, 1974 make the following changes:

1. The fourth entry under Alabama on page 31875 reading "*Babour County*" should read "*Barbour County*".

2. In the first line of the *Franklin County* for Alabama on page 31875 "Pa." should read "Rs".

3. In the eighth line of the *Edgefield County* entry for South Carolina on page 31877 "Edgefield McCormick" should read "Edgefield-Aiken".

4. In the twelfth line of the *Marion County* entry for South Carolina on page 31877 the word "northeasterly" should read "northwesterly".

5. The ninth line of the second paragraph following the listed areas on page 31879 reading "to imported and infestation or their" should read "to imported fire ant infestation or their".

6. The following material was inadvertently omitted and should be inserted immediately after the *Columbia County* entry for Arkansas on page 31875:

Lafayette County. Secs. 4, 5, 8, and 9, T. 20 S., R. 23 W.; secs. 2, 3, 10, and 11, T. 20 S., R. 25 W.
Union County. The entire county.
(2) *Suppressive areas.* None.

FLORIDA

(1) *Generally infested area.*
Alachua County. The entire county.
Baker County. The entire county.
Bay County. The entire county.
Bradford County. The entire county.
Brevard County. The entire county.
Calhoun County. The entire county.
Charlotte County. The entire county.
Citrus County. The entire county.
Clay County. The entire county.
Collier County. Sec. 12, T. 49 S., R. 25 E.
Columbia County. The entire county.
De Soto County. The entire county.
Dixie County. The entire county.
Dural County. The entire county.
Escambia County. The entire county.
Flagler County. The entire county.
Franklin County. The entire county.

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CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER F—SUPPORT ACTIVITIES

PART 650—COMPLIANCE WITH NEPA

Subpart A—Guidelines for Preparation of Environmental Impact Statements

FINAL GUIDELINES; CORRECTION

Correction

In FR Doc. 74-20200 appearing on page 31879 in the issue of Tuesday, September 3, 1974, the date in the second from the last line of the first paragraph now reading "May 20, 1974", should read "May 29, 1974".

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange Regulation 73; Grapefruit Reg. 75; Tangerine Reg. 46; Tangelo Reg. 46; Export Reg. 24]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Grade and Size Requirements

These regulations specify minimum grade and size requirements for the period September 16, 1974, through October 20, 1974, applicable to the handling of oranges, grapefruit, tangerines and tangelos grown in the production area in Florida. These regulatory requirements are designed to promote orderly marketing and provide consumers with an ample supply of acceptable quality fruit.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Navel, Temple and Murcott Honey oranges, grapefruit, tangerines, and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The minimum grade and size requirements specified herein reflect the Department's appraisal of the need for regulation of shipments of the specified varieties of oranges, grapefruit, tangerines, and tangelos during the period September 16, through October 20, 1974, based on the available supply and current and prospective market demand conditions. Available data indicate that during the 1974–75 season fresh market outlets will take about 18,000 carlots of round oranges, 3,500 carlots of Temple oranges, 3,250 carlots of tangelos, 4,000 carlots of tangerines, 1,200 carlots of murcotts, 100 carlots of seeded grapefruit and 32,000 carlots of seedless grapefruit. The minimum grade and size requirements specified for Early and Midseason type oranges are prescribed during the present stage of maturity and development of such oranges to guard against the shipment of lower quality and smaller size fruit which tends to weaken the market for such fruit. The U.S. No. 1 Golden grade requirement specified herein for Navel oranges is consistent with the fact that when the Navel orange attains maturity the fruit often does not possess the color required for the U.S. No. 1 grade.

The specified grade and size limitations for shipments of seeded and seedless grapefruit are necessary to provide consumers with grapefruit of desirable grades and sizes consistent with the overall quality and size composition of the crops.

The size and grade requirements specified herein for tangerines and tangelos are necessary during the early part of the season to prevent the handling of such fruits that are of a lower grade or smaller size in order to provide good quality fruit to consumers and promote orderly marketing.

The specified grade and size requirements for export shipments of the named varieties of oranges, grapefruit, tangerines and tangelos are necessary to assure the exportation of good quality fruit and thereby aid the expansion of export markets.

It is concluded that the grade and size requirements hereinafter provided are necessary to provide good quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these regulations until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which these regulations are based became available and the time when these regulations must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grapefruit, tangerines, and tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on September 5, 1974, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of these regulations, including the effective time hereof, are identical with the aforesaid recommendations of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such fruits; it is necessary to make these regulations effective on September 16, 1974, to preclude the shipment of lower quality oranges, grapefruit, tangerines, and tangelos, as hereinafter set forth, and to otherwise effectuate the declared policy of the act; and compliance with these regulations will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 905.555 Orange Regulation 73.

Order. (a) Orange Regulation 72 (38 FR 25665, 28063, 31414, 34454, 34986; 39 FR 3812, 6605, 12107, 24512) is hereby terminated on September 16, 1974.

(b) During the period September 16, 1974, through October 20, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than $2^{8}/_{16}$ inches in diameter, except that a tolerance for undersize oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos: *Provided*, That such tolerance for undersize oranges shall be based only on those oranges in such lot which are of a size $2^{14}/_{16}$ inches in diameter or smaller;

(3) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(4) Any Navel oranges, grown in the production area, which are of a size smaller than 2-8/16 inches in diameter, except that a tolerance for undersize Navel oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1;

(6) Any Temple oranges, grown in the production area, which are of a size smaller than $2^{8}/_{16}$ inches in diameter, except that a tolerance for undersize Temple oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 grade for murcotts;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than $2^{11}/_{16}$ inches in diameter, except that a tolerance for undersize Murcott Honey oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That during the period September 16, 1974, through October 13, 1974, such oranges may be shipped if they grade at least U.S. No. 2; and

(10) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance for undersize oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos: *Provided*, That such tolerance for undersize oranges shall be based only on those oranges in such lot which are $2^{11}/_{16}$ inches in diameter or smaller.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; Florida No. 1 grade for murcotts shall have the same meaning as provided in section (1) (b) of Regulation 105–1.02, as amended, of the Regulations of the Florida Citrus Commission, and all other terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1180 of this title).

§ 905.556 Grapefruit Regulation 75.

Order. (a) Grapefruit Regulation 74 (38 FR 25665, 28063, 31414, 34454, 34986; 39 FR 6605, 16231, 17970, 21040, 24512) is hereby terminated on September 16, 1974.

(b) During the period September 16, 1974, through October 20, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any seeded grapefruit, grown in the production area, which are of a size smaller than $3^{12}/_{16}$ inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit;

(3) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2; or

(4) Any seedless grapefruit, grown in the production area, which are of a size smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit.

(c) Terms used in the amended marketing agreement and order, including Improved No. 2 grade, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, except Improved No. 2 grade, and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Florida Grapefruit (§§ 511.750–51.784 of this title).

§ 905.557 Tangerine Regulation 46.

Order. (a) Tangerine Regulation 45 (38 FR 25665, 28063, 31414, 34454, 34986; 39 FR 12106) is hereby terminated on September 16, 1974.

(b) During the period September 16, 1974, through October 20, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangerines, grown in the production area, which are of a size smaller than $2^{4}/_{16}$ inches in diameter, except that a tolerance for undersize tangerines shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1835 of this title).

§ 905.558 Tangelo Regulation 46.

Order. (a) Tangelo Regulation 45 (38 FR 25665, 28063, 31414, 34454, 34986; 39 FR 12106) is hereby terminated on September 16, 1974.

(b) During the period September 16, 1974, through October 20, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(1) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1; or

(2) Any tangelos, grown in the production area, which are of a size smaller than $2^{8}/_{16}$ inches in diameter, except that a tolerance for undersize tangelos shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the revised United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1180 of this title).

§ 905.559 Export Regulation 24.

Order. (a) Export Regulation 23 (38 FR 25665, 28063; 39 FR 3812, 12105, 21040; 39 FR 24512) is hereby terminated on September 16, 1974.

(b) During the period September 16, 1974, through October 20, 1974, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

(1) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1;

(2) Any oranges, except Navel oranges, Temple oranges, Murcott Honey oranges, and Valencia, Lue Gim Gong and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than $2^{4}/_{16}$ inches in diameter, except that a tolerance for undersize oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(3) Any Navel oranges, grown in the production area, which do not grade at least U.S. No. 1 Golden;

(4) Any Navel oranges, grown in the production area, which are of a size smaller than $2^{8}/_{16}$ inches in diameter, except that a tolerance for undersize Navel oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(5) Any Temple oranges, grown in the production area, which do not grade at least U.S. No. 1;

(6) Any Temple oranges, grown in the production area, which are of a size smaller than $2^{4}/_{16}$ inches in diameter, except that a tolerance for undersize Temple oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 grade for murcotts;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than $2^{5}/_{16}$ inches in diameter, except that a tolerance for undersize Murcott Honey oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos;

(9) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which do not grade at least U.S. No. 1: *Provided*, That during the period September 16, 1974, through October 13, 1974, such oranges may be shipped if they grade at least U.S. No. 2;

(10) Any Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type, grown in the production area, which are of a size smaller than $2^{4}/_{16}$ inches in diameter, except that a

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tolerance for undersize oranges shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos:

(11) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 1;

(12) Any seeded grapefruit, grown in the production area, which are of a size smaller than 3 3/16 inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit;

(13) Any seedless grapefruit, grown in the production area, which do not grade at least Improved No. 2;

(14) Any seedless grapefruit, grown in the production area, which are of a size smaller than 3 3/16 inches in diameter, except that a tolerance for undersize grapefruit shall be permitted as specified in § 51.761 of the United States Standards for Florida Grapefruit;

(15) Any tangerines, grown in the production area, which do not grade at least U.S. No. 1;

(16) Any tangerines, grown in the production area, which are of a size smaller than 2 4/16 inches in diameter, except that a tolerance for undersize tangerines shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines;

(17) Any tangelos, grown in the production area, which do not grade at least U.S. No. 1; or

(18) Any tangelos, grown in the production area, which are of a size smaller than 2 4/16 inches in diameter, except that a tolerance for undersize tangelos shall be permitted as specified in § 51.1152 of the United States Standards for Florida Oranges and Tangelos.

(c) Terms used in the amended marketing agreement and order, including Improved No. 2 grade, shall, when used herein, have the same meanings as are given to the respective terms in said amended marketing agreement and order; Florida No. 1 grade for murcotts shall have the same meaning as provided in section (1)(b) of Regulation 105-1.02, as amended, of the regulations of the Florida Citrus Commission, and all other terms relating to grade, except Improved No. 2 grade, and diameter, as used herein, shall have the same meanings as are given to the respective terms in the following United States Standards, as applicable: United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1180 of this title), United States Standards for Florida Grapefruit (§§ 51.750–51.784 of this title), or the United States Standards for Florida Tangerines (§§ 51.1810–51.1835 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: September 10, 1974, to become effective September 16, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21229 Filed 9-12-74;8:45 am]

PART 910—LEMONS GROWN IN THE STATES OF CALIFORNIA AND ARIZONA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of $295,200 for the Lemon Administrative Committee, under Marketing Order No. 910, for the 1974–75 fiscal year and fixes a rate of assessment of $0.024 per carton of lemons handled in such period to be paid to the committee by each first handler as his pro rata share of such expenses. The carryover of unexpended 1973–74 assessments is also authorized.

On August 20, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 30047) regarding proposed expenses, the proposed rate of assessment and the proposed carryover of unexpended funds from the fiscal year ended July 31, 1974, pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in the States of California and Arizona. This notice allowed interested persons until September 6, 1974, during which they could submit data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Lemon Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 910.212 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Lemon Administrative Committee during the period August 1, 1974, through July 31, 1975, will amount to $295,200.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 910.41, is fixed at $0.024 per carton of lemons.

(c) *Carryover of unexpended funds.* Unexpended funds in excess of expenses incurred during the fiscal year ended July 31, 1974, in the amount of $20,000 be added to the reserve, established pursuant to § 910.42(a)(2).

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of lemons grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable lemons handled during the aforesaid period, and (3) such period began on August 1, 1974, and said rate of assessment will automatically apply to all such lemons beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: September 10, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21227 Filed 9-12-74;8:45 am]

[Lemon Reg. 657]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period September 15–21, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.957 Lemon Regulation 657.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues to decrease, particularly for small sizes because of cool weather and the effects of the hurricane in Southern markets. Average f.o.b. price was $6.55 per carton the week ended September 7, 1974, compared to $6.60 per carton the previous week. Track and rolling supplies at 145 cars were down 16 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 10, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 15, 1974, through September 21, 1974, is hereby fixed at 180,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: September 12, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21440 Filed 9-12-74;11:43 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Unleaded Gasoline

On August 23, 1974 the Federal Energy Administration published a notice of proposed rulemaking to amend § 211.108 of the Mandatory Petroleum Allocation Regulations (39 FR 30504) to correct certain oversights in its regulations dealing with unleaded gasoline. The proposal provided that suppliers would continue to supply unleaded gasoline to the retail sales outlets which they supplied, and which were selling unleaded gasoline, during the thirty (30) days prior to July 1, 1974. In addition, a supplier with an allocation fraction of one (1.0) or less but which has excess product would be required to distribute such excess product in the manner in which surplus product is disposed of under § 211.10(f)(2).

The comments received with respect to the notice of proposed rulemaking were substantially in favor of the proposal, and raised no valid objections. Therefore, FEA hereby adopts the proposed amendments.

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective September 1, 1974.

Issued in Washington, D.C. on September 11, 1974.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185.)

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

Section 211.108 is amended in paragraphs (c)(1)(ii) and (c)(3)(ii) to read as follows:

§ 211.108 Allocation of unleaded gasoline.

* * * * *

(c) *Method of allocation for unleaded gasoline.* (1) * * *

(ii) This subparagraph (1) applies as of September 1, 1974, to all of the supplier's wholesale purchasers and end-user's which are entitled to receive motor gasoline from that supplier except those retail sales outlets which were not selling unleaded gasoline during the thirty (30) days prior to July 1, 1974, and which are not required to sell unleaded gasoline pursuant to 40 CFR Ch. I, Part 80, Subpart B. This subparagraph becomes applicable to retail sales outlets which were not selling unleaded gasoline during the thirty (30) days prior to July 1, 1974 and which are not required to sell unleaded gasoline pursuant to 40 CFR Ch. I, Part 80, Subpart B, on October 1, 1974.

* * * * *

(3) * * *

(ii) Any supplier with a motor gasoline allocation fraction less than or equal to one (1.0) which has a supply of unleaded gasoline that none of its purchasers entitled to receive motor gasoline from that supplier desire to purchase shall notify FEA and may dispose of such supply in accordance with the provisions of § 211.10(f)(2).

* * * * *

[FR Doc.74-21311 Filed 9-11-74;2:53 pm]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 301—ESTABLISHMENT AND ORGANIZATION

Subpart D—Disclosure of Information to the Public

AVAILABILITY

Part 301 of Chapter III of Title 13 of the Code of Federal Regulations is hereby revised to reflect the spirit of the Freedom of Information Act and to establish a more expeditious process for handling Freedom of Information requests.

Section 301.55(b) is revised to read as follows:

§ 301.55 Determinations of availability of records.

* * * * *

(b) If the requested record is identifiable, the application shall be reviewed by the Office of Public Affairs in coordination with the appropriate program personnel. The record shall be made available unless it meets the criteria contained in the following exemptions in accordance with 5 U.S.C. 552(b) (1–9):

(1) Specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency in litigation with the agency;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells. If it is determined, after consultation with the Office of the Chief Counsel that, as provided by law, the record is not to be made available to the requesting person, said party shall receive in writing the specific reason(s) for not disclosing the record.

* * * * *

(Sec. 701, Pub. L. 89–136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Order 10–4 (April 1, 1970))

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Effective date. These amendments become effective on September 13, 1974.

Dated: September 9, 1974.

WILLIAM W. BLUNT, Jr.,
Assistant Secretary for Economic Development.

[FR Doc.74-21235 Filed 9-12-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-CE-23-AD, Amdt. 39-1959]

PART 39—AIRWORTHINESS DIRECTIVES

Lear Jet Models 24 and 25 Airplanes

Amendment 39-1489 (37 FR 14689), AD 72-15-3, applicable to certain serial numbers of Lear Jet Models 24 and 25 airplanes, is an Airworthiness Directive (AD) which requires replacement of the spoiler actuator pivot bolts, nuts and cotter pins in accordance with Lear Jet Service Bulletin No. 24/25-237 dated July 7, 1972, at each 500 hours' time in service. Subsequently, AD 72-15-3 was amended by Amendment 39-1597 (38 FR 5238) which provided that when a new spoiler actuator pivot structure was installed in these model airplanes per Gates Lear Jet Aircraft Modification Kit AMK 73-1 and Service Bulletin 24/25-237B, dated January 15, 1973, the need for further compliance with AD 72-15-3 would be eliminated. In processing Amendment 39-1597 the agency made an administrative error in serial number effectivity in that this installation has been incorporated into production aircraft starting with Serial Numbers 24-269 and 25-115 rather than Serial Numbers 24-268 and 25-114 as stated in the amendment. Accordingly, it is necessary to amend the applicability statement of AD 72-15-3 to correct this error.

Since this amendment provides for clarification and is in the interest of safety, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, the applicability statement of Amendment 39-1597, AD 72-15-3, is being amended so that it now reads as follows:

LEAR JET. Applies to Model 24 (Serial Numbers 24-178 through 24-268) and Model 25 (Serial Numbers 25-020 through 25-114) airplanes.

This amendment becomes effective September 19, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on September 5, 1974.

GEORGE R. LACAILLE,
Acting Director, Central Region.

[FR Doc.74-21126 Filed 9-12-74;8:45 am]

[Airspace Docket No. 74-CE-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 26916 of the FEDERAL REGISTER dated July 24, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Belleville, Kansas.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., November 7, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on August 30, 1974.

A. L. COULTER,
Director, Central Region.

In § 71.181 (39 FR 440), the following transition area is added.

BELLEVILLE, KANSAS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Belleville Municipal Airport (latitude 39°49'00" N., longitude 97°39'00" W.); within 3 miles each side of the 358° bearing from the Belleville Municipal Airport, extending from the 5-mile radius to 8 miles north of the airport and within 5 miles each side of the 269° bearing from the Belleville Municipal Airport, extending from the 5-mile radius to 17 miles west of the airport; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles west and 9.5 miles east of the 356° bearing of the Belleville Municipal Airport extending from the airport to 18.5 miles north of the airport; and within 5 miles north and 9.5 miles south of the 269° bearing extending from the Belleville Municipal Airport to 22 miles west of the airport; and within 5 miles each side of the 269° bearing of the Belleville Municipal Airport from the 22-mile extension to the Mankato VOR.

[FR Doc.74-21128 Filed 9-12-74;8:45 am]

[Airspace Docket No. 74-CE-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 26916 of the FEDERAL REGISTER dated July 24, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Clarinda, Iowa

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., November 7, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on September 3, 1974.

GEORGE R. LACAILLE,
Acting Director, Central Region.

In § 71.181 (39 FR 440), the following transition area is added:

CLARINDA, IOWA

That airspace extending upward from 700 feet above the surface within a five mile radius of Clarinda Municipal Airport (latitude 40°43'30" N, longitude 95°01'30" W); within three miles each side of the 169° bearing from the Clarinda Municipal Airport extending from the five mile radius to eight miles south of the airport; and that airspace extending upward from 1200 feet above the surface within 4½ miles west and 9½ east of the 169° bearing of the Clarinda Municipal Airport to 18½ miles south of the airport.

[FR Doc.74-21130 Filed 9-12-74;8:45 am]

[Airspace Docket No. 74-CE-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 26754 and 26755 of the FEDERAL REGISTER dated July 23, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Higgensville, Missouri.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., November 7, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on August 30, 1974.

A. L. COULTER,
Director, Central Region.

In Section 71.181 (39 FR 440), the following transition area is added:

HIGGINSVILLE, MISSOURI

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Higginsville Municipal Airport (latitude 29°04'20" N., longitude 93°40'39" W.); and within three miles either side of the 351° bearing from the airport, extending from the 5.5-mile radius to eight miles north of the airport.

[FR Doc.74-21129 Filed 9-12-74;8:45 am]

[Airspace Docket No. 74-CE-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 27918 of the FEDERAL REGISTER dated August 2, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Spencer, Iowa.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., November 7, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on September 3, 1974.

GEORGE R. LACAILLE,
Acting Director, Central Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

SPENCER, IOWA

That airspace extending upward from 700 feet above the surface within a five-mile radius of the Spencer, Iowa Municipal Airport (latitude 43°09'45" N., longitude 95°-11'30" W.); and within three miles each side of the Spencer VOR 298° radial, extending from the five-mile radius zone to eight miles northwest of the VOR; within five miles east and three miles west of the Spencer VOR 134° radial, extending from the five-mile radius zone to 15 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northeast and 9½ miles southwest of the Spencer VOR 298° radial, extending from .6½ miles southeast of the VOR to 18½ miles northwest of the VOR; within eight miles northeast and 9½ miles southwest of the Spencer VOR 134° radial, extending from 6½ miles northwest of the VOR to 22½ miles southeast of the VOR.

[FR Doc.74-21131 Filed 9-12-74;8:45 am]

[Airspace Docket No. 74-SO-34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 29, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 11561) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Vidalia, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., November 7, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Vidalia, Ga., transition area is amended as follows: "• • • longitude 82°22'15" W.) • • •" is deleted and "• • • longitude 82°22'15" W.); within a 6.5-mile radius of Reidsville Airport, Reidsville, Ga. (latitude 32°03'19" N., longitude 82°09'19" W.); within 3 miles each side of the 295° bearing from Prison RBN (latitude 32°03'27" N., longitude 82°-09'09" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on September 5, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-21127 Filed 9-12-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY EXCHANGE AUTHORITY (INCLUDING COMMODITY EXCHANGE COMMISSION), DEPARTMENT OF AGRICULTURE

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Futures Commission Merchant Statements to Customers

A proposal was published in the FEDERAL REGISTER on July 1, 1974, (39 FR 24235), pursuant to the authority of section 8a of the Commodity Exchange Act (7 U.S.C. 12a), to amend §§ 1.33 and 1.33a of Part 1 of the regulations under the Commodity Exchange Act (17 CFR Part 1) to require all futures commission merchants to render every customer, with certain specified exceptions, a monthly statement which clearly shows the customer's net unrealized profit or loss in all open contracts figured to the market. Interested persons were given an opportunity to request a hearing or to make written submissions on the matter on or before August 12, 1974.

As set forth in the notice of proposed rulemaking published on July 1, 1974, the purpose of the proposed amendments is to require futures commission merchants to send each customer a statement which would enable the customer to better appraise his market positions. To ease the burden of the requirement, especially for futures commission merchants using manual bookkeeping systems, it would not apply to certain limited types of accounts.

No objections have been received and the proposed amendments are hereby adopted without change. As amended, § 1.33 and paragraph (a) of § 1.33a read as set forth below.

Effective date. These amendments shall become effective November 1, 1974.

1. Section 1.33 is amended to read as follows:

§ 1.33 Monthly statement for customer and record of customer's position in each future.

Each futures commission merchant shall promptly furnish in writing directly to each customer, as of the close of the last business day of each calendar month or as of any regular monthly date selected: (a) A statement which clearly shows the open contracts with prices at which acquired, and the ledger balance carried for the customer's account; (b) a statement which clearly shows the net unrealized profit or loss in all open contracts figured to the market: *Provided, however,* That this requirement shall not apply to the following: (1) Any account carried for a person who is a member of any contract market, (2) any omnibus account carried for another futures commission merchant, and (3) any account containing only hedge positions; and (c) a statement which clearly shows any securities or other property which the customer has deposited with the futures commission merchant to margin, guarantee, or secure the account. Copies of the statements prepared for customers shall be retained by the futures commission merchant in accordance with the requirements of § 1.31.

2. Section 1.33a(a) is revised to read as follows:

§ 1.33a Controlled accounts.

(a) With respect to any account controlled by any person other than the customer for whom such account is carried, each futures commission merchant shall (1) promptly confirm in writing directly to the customer for whom such account is carried the execution of any trade originated by the controller of the account and retain a copy of such confirmation in accordance with the requirements of § 1.31; and (2) clearly show on each monthly statement furnished as required by § 133, or on an accompanying supplemental statement, the net profit or loss on all contracts closed since the date of the previous statement: *Provided, however,* That the provisions of this paragraph shall not apply to an account controlled by the spouse, parent, or child of the customer for whom such account is carried (7 U.S.C. 6g, 12a).

• • • • •

Issued: September 10, 1974.

RICHARD L. FELTNER,
Assistant Secretary for Marketing and Consumer Services.

[FR Doc.74-21226 Filed 9-12-74;8:45 am]

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Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart N—Determinations, Reconsideration, Hearings, Appeals, and Judicial Review

INITIAL DETERMINATIONS

On January 15, 1974, there was published in the FEDERAL REGISTER (39 FR 1860) a notice of proposed rulemaking with a proposed portion of Subpart N of Regulations No. 16, relating to determinations. Interested parties were given 30 days within which to submit data, views, and arguments. The 30-day period has elapsed and few comments have been received.

The only party recommending changes was the Legal Services for the Elderly Poor, which suggested (1) that the regulations provide a time limit for the making of an initial determination; and (2) that determinations as to emergency cash advances be considered initial determinations and thus be subject to review.

By providing for the payment of as many as 3 months' benefits prior to the initial determination where disability may be presumed, Congress has allowed at least 90 days for the making of an initial determination in a supplemental security income claim based on disability. In other supplemental security income claims, Congress set the amount of the emergency cash advance at $100 because it was expected that in those cases the initial determination can be made within 30 days. Although, at the present time, title XVI nondisability initial determinations are taking longer to process than intended by Congress, efforts are currently being directed toward making these determinations in the shortest possible time and, as a result, the Social Security Administration expects that, in the not too distant future as the initial load of claims is processed, the personnel becomes more proficient with the new program and the systems are perfected), nondisability initial determinations can be made in 30 days and the current processing time of approximately 90 days for initial determinations involving disability under both the title II and title XVI programs can be improved. Since the payment under the title XVI program is effective with the month in which the application is filed, the Administration will gain no advantage by delaying the initial determination. In addition, the local Social Security Administration office will both take the claims and make the initial determinations in title XVI claims whereas initial determinations in title II or title XVIII claims require review by another office of the Social Security Administration. However, there are some cases that present problems which prolong processing, and to establish a 30-day maximum for all initial determinations would be unrealistic. Consequently, a time limit for making such determinations has not been included in the regulations, but the Social Security Administration will continue to make every effort to render an initial determination within a 30-day period.

With regard to the comment regarding review of the determination of eligibility for an emergency cash advance, if such a determination were appealable, the intended purpose of such an advance (i.e., to meet the immediate needs of the individual) would not be served. In most cases, by the time the appellate process could be completed, the claimant would be receiving benefits based on the initial determination. The immediate needs of the individual would have been met for the full period in question (i.e., beginning with the month the application was filed), and the issue of the emergency cash advance would no longer be meaningful.

Accordingly, the proposed amendments are adopted with the following changes:

(1) One minor editorial change in § 416.1403(b) for clarification;

(2) A change in § 416.1404(a) to provide that where, upon redetermination, an individual's eligibility for supplemental security income benefits and the amount of his benefits are not changed, the usual written notice of an initial determination will not be sent;

(3) A change in § 416.1403(b) to make clear that although determinations are not considered initial determinations, explanatory notices will be sent; and

(4) A change in § 416.1405 to include, as another exception to the usual rule regarding finality of initial determinations, the case of an initial determination regarding cessation of disability due to medical improvements. The amendments, as revised, are set forth below.

(Secs. 1102, 1601–1634, 49 Stat. 647, as amended, 86 Stat. 1465–1478 (42 U.S.C. 1302, 1381–1385))

Effective date. The amendments shall be effective September 13, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

Dated: August 6, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 6, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 416 of 20 CFR Ch. III is amended as follows:

1. Sections 416.1401–1405 are added to proposed Subpart N to read as follows:

Sec.
416.1401 General.
416.1403 Determinations.
416.1404 Notice of initial determination.
416.1405 Effect of initial determination.

§ 416.1401 General.

The provisions contained in this Subpart N relate to determinations under title XVI (Supplemental Security Income) and administrative and judicial review. The provisions herein govern in determining whether a determination is subject to review and set forth the conditions and procedures for reconsideration, hearings, Appeals Council review, and the right to judicial review of initial determinations.

§ 416.1403 Determinations.

(a) *Initial determinations.* The Administration shall, with respect to the application (or conversion) of, or on behalf of, any individual who is or claims to be an eligible individual or eligible spouse and with respect to redeterminations pursuant to section 1611(c)(1) of the Act, make findings of fact setting forth pertinent conclusions and an initial determination with respect to eligibility for supplemental security income benefits and the amount of such benefits. For the purposes of this subpart, the following determinations are also considered initial determinations:

(1) A determination with respect to waiver of recovery of an overpayment;

(2) A determination that payment will be made to a representative payee on behalf of a recipient; except that such a determination with respect to an individual under age 18 or with respect to an individual adjudged legally incompetent or with respect to an individual determined to be a drug addict or an alcoholic shall not be considered an initial determination;

(3) A determination that penalties are to be imposed for failure to report the occurrence of certain events; and

(4) A determination that a recipient is a drug addict or alcoholic.

(b) *Other determinations.* Determinations with respect to presumptive disability for the payment of benefits prior to a determination of disability and with respect to eligibility for, or amount of, emergency cash advances are not considered initial determinations. However, when payment of presumptive disability benefits or emergency cash advances are made, a notice shall be sent, explaining the nature of the payments and the conditions under which they are made; and notice shall also be sent when no further presumptive disability payments can be made.

§ 416.1404 Notice of initial determination.

(a) Written notice of an initial determination shall be mailed to the party to such determination at his last known address and to his representative, if any, except that such notice shall not be required in the case of a determination that a party's eligibility for benefits has ended because of such party's death or in the case of a redetermination pursuant to section 1611(c)(1) of the Act if the Party's eligibility for benefits and the amount of his benefits have not changed.

(b) If the initial determination denies, in whole or in part, the application of a party, the notice of the determination shall state the basis for such determination.

(c) If the initial determination is that a party's eligibility for benefits has ended or that benefits are to be suspended or that a reduction or adjustment is to be made in the amount of benefits, the notice of such determination shall state the basis for the determination and shall provide notice and opportunity for an evidentiary hearing before such determination is effectuated except as otherwise provided in Subpart M of this Part.

(d) Each notice of an initial determination shall inform the party of his right to the pertinent administrative appellate process.

§ 416.1405 Effect of initial determination.

The initial determination shall be final and binding upon the party or parties to such determination unless it is reconsidered in accordance with §§ 416.1408–416.1423, it is revised, or, in the case of an initial determination regarding cessation of disability due to medical improvement, a decision on such issue is made by a presiding officer in accordance with § 416.1447 or § 416.1457(a).

[FR Doc.74–21156 Filed 9–12–74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Disodium EDTA-Copper; Confirmation of Effective Date

In the matter of listing disodium EDTA-copper for safe use in coloring shampoos which are cosmetics:

1. Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), (d), 74 Stat. 399–403; 21 U.S.C. 376 (b), (c), and (d)), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections or requests for hearing were filed in response to the order in the above identified matter published in the FEDERAL REGISTER of May 10, 1974 (39 FR 16884). Accordingly, the regulation (21 CFR 8.8006) promulgated thereby became effective July 9, 1974.

2. Effective as of July 9, 1974, § 8.501 *Provisional lists of color additives* is amended in the table in paragraph (g) by deleting "Copper versenate" from the list of color additives.

Dated: September 6, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–21210 Filed 9–12–74;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Spiced, Flavored Standardized Cheeses; Confirmation of Effective Date of Order Establishing Standards of Identity and Label Statement of Optional Ingredients

An order was published in the FEDERAL REGISTER of June 4, 1974 (39 FR 19776), amending Part 19 by adding a new § 19.792, establishing a standard of identity and label statement of optional ingredients for spiced, flavored standardized natural cheeses (21 CFR 19.792). The order provided for the filing of objections within 30 days after its date of publication in the FEDERAL REGISTER.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the subject order. Accordingly, the amendment promulgated by that order became effective August 5, 1974.

Dated: September 5, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–21209 Filed 9–12–74;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Chlortetracycline, Robenidine Hydrochloride

The Commissioner of Food and Drugs has evaluated a new animal drug application (92–507V) filed by American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, proposing safe and effective use of robenidine hydrochloride and chlortetracycline in chicken feed. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517, and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135e are amended as follows:

1. In § 121.208(d) by adding to table 1 a new item 17 as follows:

§ 121.208 Chlortetracycline.

• • • • • •

(d) • • •

TABLE 1.—*Chlortetracycline in complete chicken and turkey feeds*

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
•	•	•	•	•	•
17. Chlortetracycline.	100, 200, 500	Robenidine hydrochloride.	30	See § 135e.66(f) table items 3, 4, and 5 of this chapter for limitations.	See § 135e.66(f) table items 3, 4, and 5 of this chapter for indications for use.

• • • • • • •

2. In § 135e.66(f) by adding to the table of new items 3, 4, and 5 as follows:

§ 135e.66 Robenidine hydrochloride.

• • • • • • •

(f) • • •

	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
•	•	•	•	•	•
3. Robenidine hydrochloride:	30 (0.0033%)	Chlortetracycline	100	For broiler or fryer chickens only; withdraw 5 days prior to slaughter; do not feed to layers, feed continuously as sole ration; as chlortetracycline hydrochloride provided by sponsor No. 004, see § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by *E. mivati, E. brunetti, E. tenella, E. acervulina, E. maxima,* and *E. necatrix;* as an aid in the control of chronic respiratory disease (CRD) caused by *M. gallisepticum* susceptible to chlortetracycline; as an aid in the control of infectious synovitis caused by *M. synoviae* susceptible to chlortetracycline.
4. Robenidine hydrochloride:	30 (0.0033%)	Chlortetracycline	200	For broiler or fryer chickens only; withdraw 5 days prior to slaughter do not feed to layers; feed continuously as sole ration; as chlortetracycline hydrochloride provided by sponsor No. 004, see § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by *E. mivati, E. brunetti, E. tenella, E. acervulina, E. maxima,* and *E. necatrix;* as an aid in the treatment of infections synovitis caused by *M. synoviae* susceptible to chlortetracycline; as an aid in the control of chronic respiratory disease (CRD) caused by *M. gallisepticum* susceptible to chlortetracycline.

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	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
5. Robenidine hydrochloride.	30 (0.0033%)	Chlortetracycline.	500	For broiler or fryer chickens only; withdraw 5 days prior to slaughter; do not feed to layers; not to be fed continuously for more than 5 days; as chlortetracycline hydrochloride provided by sponsor No. 004, see § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by *E. mivati, E. brunetti, E. tenella, E. acervulina, E. maxima,* and *E. necatrix;* as an aid in the reduction of mortality due to *E. coli* susceptible to chlortetracycline.

Effective date. This order shall be effective on September 13, 1974.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: September 5, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-20930 Filed 9-12-74;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Pyrantel Tartrate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (43-290V) filed by Pfizer, Inc., New York, NY 10017, proposing safe and effective use of pyrantel tartrate at a revised dosage administered in feed for swine over 200 pounds body weight. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135c and 135e are amended as follows:

1. In § 135c.59 by revising the introductory text of paragraph (d)(2) and (d)(2)(ii) to read as follows:

§ 135c.59 Pyrantel tartrate powder.

* * * * *

(d) * * *

(2) Swine:

* * * * *

(ii) It is added to feed at 0.4 gram pyrantel tartrate per pound of nonpelleted ration. The ration is administered as a single treatment as the sole ration at the rate of 1 pound per 40 pounds of animal weight for animals up to 200 pounds. Animals 200 pounds and over are administered 5 pounds of ration per animal.

* * * * *

2. In § 135e.64 by revising item 3 in the table of paragraph (e) to read as follows:

§ 135e.64 Pyrantel tartrate.

* * * * *

(e) * * *

Principal ingredient	Grams per ton	Limitations	Indications for use
*	*	*	*
3. Pyrantel tartrate.	800 (0.0881%)	For swine: as a single therapeutic treatment in complete feed; feed at the rate of 1 lb of feed per 40 lb of body weight for animals up to 200 lb, and 5 lb of feed per head for animals 200 lb or over; withdraw 24 hours prior to slaughter.	For the removal and control of large round worm (*Ascaris suum*) and nodular worm (*Oesophagostomum*) infections.

Effective date. This order shall be effective on September 13, 1974.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: September 5, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-20929 Filed 9-12-74;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Dept. Reg. 108.704]

PART 51—PASSPORTS

Subpart D—Fees

PASSPORT APPLICATION FEE

H.R. 15172, which amends 22 U.S.C. 214, has passed both Houses of Congress and is awaiting signature by the President. Under the legislation the Secretary of State is authorized to prescribe the passport application fee, in lieu of the present statutory fee. Accordingly, and pursuant to the authority vested in the Secretary by 22 U.S.C. 214, as amended by H.R. 15172, and authority delegated to me by the Secretary, Title 22, Code of Federal Regulations, § 51.61, is amended by substituting "$3" for "$2" wherever the latter figure appears in that section, effective on the date of signature by the President of H.R. 15172.

The maximum application fee has been set by statute at $2 since 1956. This amendment raises the fee for executing an application for a passport to $3. This amendment is being made effective immediately on the date of signing of the legislation by the President for the following reason: The legislation terminates the statutory fee and authorizes the Secretary of State to prescribe the fee. If a fee is not prescribed by the Secretary by regulation at the same time as the termination of the statutory fee, there would be no authority to charge an application fee, and passport acceptance facilities that are reimbursed for their services by the application fee might be compelled to suspend receiving applications from the public. Since immediate action was required, it was considered that notice and public procedure thereon were impracticable and contrary to the public interest.

However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553, and inasmuch as the amount of the fee is subject to periodic review and change, interested persons may submit written comments, suggestions, data, or arguments to the Director, Passport Office, Department of State, Washington, D.C. 20524, on or before October 29, 1974. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as a further amendment is made, however, § 51.61, as amended, shall remain in effect, thus permitting the public business to proceed more expeditiously.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

SEPTEMBER 9, 1974.

[FR Doc.74-21124 Filed 9-12-74;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER E—DEFENSE CONTRACTING

PART 166—REPORTING PROCEDURES ON DEFENSE RELATED EMPLOYMENT

Updating DoD Contractors List

The purpose of this amendment to Part 166(d) is to update the list of DoD contractors receiving negotiated contract awards of $10,000,000 or more for FY 1974.

Section 166.11 has been amended by the addition of a new paragraph (d) as follows:

§ 166.11 Department of Defense contractors receiving negotiated contract awards of $10,000,000 or more.

* * * * *

(d) *Fiscal Year 1974.*

AAI Corp
AMF, Inc.
Aerojet-General Corp.
Aerospace Corp.
Air America, Inc.
Alabama Refining Co., Inc.
American Export Isbrandsten Lines
American Oil Co.
American President Lines, Ltd.
American Telephone & Telegraph Co.
Amron Corp.
Amstar Corp.
Anthony Co.
ARO, Inc.
Ashland Oil, Inc.
Asiatic Petroleum Corp.
Atlantic Richfield Co.
Automation Industries, Inc.
AVCO Corp.
Ayers, N W & Son, Inc.
Bath Iron Works Corp.
Battelle Memorial Institute
Bendix Corp.
Blue Cross Association
Blue Shield of Florida, Inc.
Blue Shield of Virginia
Boeing Co.
Boeing International Corp.
Boeing Vertol Co.
Boland Machine Mfg. Co.
Brown & Williamson Tobacco Co.
Brunswick Corp.
Bulova Watch Co., Inc.
Bunker Ramo Corp.
Burlington Industries, Inc.
Burroughs Corp.
CCI Corp.
California, University of
Calspan Corp.
Caltex Oil Products Co.
Campbell Soup Co.
Carson Oil Co.
Celesco Industries
Chamberlain Mfg. Corp.
Chesapeake & Potomac Telephone Co.
Chevron Oil Co.
Chromalloy American Corp.
Chrysler Corp.
Cincinnati Electronics Corp.
Cities Service Oil Co.
Coastal States Marketing, Inc.
Colt Industries Operating Corp.
Computer Sciences Corp.
Condec Corp.
Continental Oil Co.
Control Data Corp.
Cubic Corp.
Curtiss Wright Corp.
Cutler Hammer, Inc.
Day & Zimmerman, Inc.
De Laval Turbine, Inc.
Donovan Construction Co. of Minn.
Douglas Oil Co. of California
Draper Charles Stark Lab., Inc.
Dynalectron Corp.
ESL, Inc.
E Systems, Inc.
Eastman Kodak Co.
Ecoscience & Assocs., JV
Edgington Oil Co.
Electronic Communications, Inc.
Emerson Electric Co.
Esso International Corp.
Exxon Corp.
FMC Corp.
Fairchild Camera & Instrument Corp.
Fairchild Industries, Inc.
Federal Electric Corp.
Flying Tiger Corp.
GTE Sylvania, Inc.
Garrett Corp.
Gary Aircraft Corp.
General Dynamics Corp.
General Electric Co.
General Foods Corp.
General Motors Corp.
General Research Corp.
General Time Corp.
Gibralter Fabrics, Inc.
Global Associates
Gold Pak Meat Co., Inc.
Goodrich B. F. Co.
Goodyear Aerospace Corp.
Goodyear Tire & Rubber Co.
Gould, Inc.
Grey Advertising, Inc.
Grumman Aerospace Corp.
Grumman Corp.
Guam Oil & Refining Co., Inc.
Gulf & Western Industries, Inc.
Gulf Oil Corp.
Hallicrafters Co.
Hamilton Technology, Inc.
Harris Corp.
Hawaiian Independent Refinery, Inc.
Hayes International Corp.
Hazeltine Corp.
Heckethorn Mfg. Co.
Hercules, Inc.
Hess Oil Virgin Island Corp.
Hewlett Packard Co.
Hoffman Electronics Corp.
Honeywell, Inc.
Hudson Waterways Corp.
Hughes Aircraft Co.
Hunt Building Corp.
ICI America, Inc.
ITT Research Institute
ITT Arctic Services
ITT World Communications, Inc.
Institute for Defense Analyses
Intercontinental Mfg. Co.
International Business Machine Co.
International Harvester Co.
International Telephone & Tel. Corp.
Interstate Electronics Corp.
Itek Corp.
Johns Hopkins University
Kaiser Aetna & Pendleton, JV
Kaman Aerospace Corp.
Kentron Hawaii, Ltd.
Kraftco Corp.
Kurz Charles & Co.
LTV Aerospace Corp.
Lear Siegler, Inc.
Litton Industries, Inc.
Litton Systems, Inc.
Lockheed Aircraft Corp.
Lockheed Electronics Co., Inc.
Lockheed Missiles & Space Co., Inc.
Logicon, Inc.
Loral Corp.
MB Associates
Magnavox Co.
Maremont Corp.
Marinette Marine Corp.
Martin Marietta Aluminum Sales, Inc.
Martin Marietta Corp.
Mason & Hanger Silas Mason Co.
Massachusetts Institute of Technology
Mayer Oscar & Co., Inc.
McDonnell Douglas Astronautics Co.
McDonnell Douglas Corp.
Medical Association of Georgia
Medical Service of the DC
Medico Industries, Inc.
Mine Safety Appliances Co.
Mitre Corp.
Mobil Oil Corp.
Morrison Knudsen Co., Inc.
Motorola, Inc.
Murdock Machine & Engr. Co. of Utah
National Presto Industries, Inc.
Newport News Shipbld & Dry Dock Co.
Norris Industries, Inc.
Northrop Corp.
Northrop Worldwide Acft Svcs, Inc.
Northwest Airlines, Inc.
Olin Corp.
Overseas National Airways, Inc.
PRD Electronics, Inc.
Pacific Architects & Engineers, Inc.
Pacific Far East Line, Inc.
Pan American World Airways, Inc.
Perkin Elmer Corp.
Philco Ford Corp.
Philip Morris, Inc.
Phillips Petroleum Company
Planning Research Corp.
Powerine Oil Co.
Proctor & Gamble Distributing Co.
Putman Mills Corp.
RCA Corp.
RCA Global Communications, Inc.
Rand Corp.
Raytheon Co.
Remington Armi Co.
Reynolds R J Industries, Inc.
Rochester, University of
Rockwell International Corp.
Rohr Industries, Inc.
Sanders Associates, Inc.
Science Applications, Inc.
Sea Land Service, Inc.
Sea Tankers
Seatrain Lines, Inc.
Shell Oil Co.
Simplex Wire & Cable Co.
Singer Co.
Singer General Precision, Inc.
Singer Tele Signal.
Southern Air Transport, Inc.
Sparton Corp.
Sperry Rand Corp.
Standard Oil Co. of Calif.
Stanford Research Institute
Stevens Foods, Inc.
Sun Oil Co.
Sundstrand Corp.
Supreme Beef Co., Inc.
Susquehanna Corp.
Swift & Co.
System Development Corp.
Systems Consultants, Inc.
TRW, Inc.
Teledyne CAE
Teledyne, Inc.
Teledyne Industries, Inc.
Temtex Industries, Inc.
Tesoro Alaskan Petroleum Corp.
Texaco Export, Inc.
Texaco, Inc.
Texas Instruments, Inc.
Texas, University of
Textron, Inc.
Thiokol Corp.
Thompson J. Walter Co.
Tracor, Inc.
Trans International Airlines, Inc.
Trans World Airlines, Inc.
Tumpane Co.
Union Carbide Corp.
Union Oil Co. of California
Uniroyal, Inc.
United Aircraft Corp.
United Medical Service, Inc.
United States Lines Co.

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Varian Associates
Vitro Corp. of America
Walters E & Co., Inc.
Watkins Johnson Co.
Western Electric Co., Inc.
Western Union International, Inc.
Western Union Telegraph Co.
Westinghouse Electric Corp.
Wilson & Co., Inc.
World Airways, Inc.
World Wide Meats, Inc.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 10, 1974.

[FR Doc.74-21213 Filed 9-12-74;8:45 am]

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER C—PUBLIC RELATIONS

PART 835—INFORMATION POLICIES AND PROCEDURES

Deletion of Part

Part 835 was extracted in part from Air Force Manual 190-4. This manual has been superseded by AFM 190-9. The information contained in AFM 190-9 is designed primarily for the internal use of Air Force information officers worldwide. Therefore, Part 835 is herewith deleted in its entirety.

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-21215 Filed 9-12-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-107]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Buffalo River, N.Y.

This amendment changes the regulations for the Michigan Avenue and Ohio Street drawbridges across the Buffalo River, Buffalo, New York, to allow that during the morning and evening vehicular traffic rush hour periods the draws need not open for the passage of vessels. This amendment was circulated as a public notice dated May 30, 1974 by the Commander, Ninth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 74-107) on May 30, 1974 (39 FR 18800). Four replies were received. Three supported the proposal. The fourth recommended that the closed period in the morning be reduced from 7:30–9:30 a.m. to 7:30 to 9 a.m. and in the afternoon from 3:30 to 6 p.m. to 4 to 5:45 p.m. The recommended time change more nearly meets the needs of vehicular traffic while shortening the periods when the draws of these bridges may remain closed to vessels. Therefore, this recommendation is accepted and incorporated into this regulation.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising the heading and paragraphs (a) and (b) of § 117.707 to read as follows:

§ 117.707 Buffalo Harbor, N.Y.; City of Buffalo bridges across Buffalo River.

(a) The draw of the Michigan Avenue bridge across the Buffalo River need not open for the passage of vessels from 7:30 a.m. to 9 a.m. and 4 p.m. to 5:45 p.m.

(b) The draw of the Ohio Street bridge across the Buffalo River need not open for the passage of vessels from 7:30 a.m. to 9 a.m. and 4 p.m. to 5:45 p.m.

• • • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on October 14, 1974.

Dated: September 9, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-21166 Filed 9-12-74;8:45 am]

[CGD 72-231R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

DRAWBRIDGES IN STATE OF OREGON WHERE CONSTANT ATTENDANCE IS NOT REQUIRED

This amendment changes the regulations for certain drawbridges in the State of Oregon where constant attendance is not required. This amendment was circulated as a public notice dated July 3, 1973 by the Commander, Thirteenth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 72-231P) on November 28, 1972 (37 FR 25174). Commercial fishermen objected to the proposal that the railroad bridges across the John Day River, Blind Slough and Clatskanie River require one hour's notice at all times. Their objection was based on the fact that during the fishing seasons, which are of short duration, fishing vessels must move rapidly in order to realize maximum profits. The Burlington Northern agreed to open the draws of these bridges on signal during designated fishing periods and will open these draws on one hour's notice for the remainder of the year. This change is included in the regulation below. The Coos County Board of Commissioners objected to the proposal that the Oregon State Highway Bridge across Coalbank Slough be allowed to remain closed to the passage of vessels. This objection was based on potential development of the area upstream of the bridge. This drawbridge has not been opened in over 20 years. The requirement that the draw be restored to operable condition within six months upon notification by the Commandant to take such action provides adequate time for any developmental plans to include the operation of this drawbridge and the objection is therefore not considered valid. Section 117.759(f)(4) is deleted because this proviso is included in § 117.759(f)(14). The opening signal for the Lewis and Clark River highway drawbridge (§ 117.740(a)(4) is amended to avoid possible confusion with another nearby drawbridge. The advance notice requirement for the Coos River highway drawbridge across the Isthmus Slough at Coos Bay is amended to read four hours rather than three hours. Six replies regarding the proposed change in the operation of the highway bridges were received. All six had no objection, however one proposed to amend the whistle signals for the Lewis and Clark highway bridge, set forth in § 117.740(a)(4) to eliminate possible confusion. This proposal has merit and is incorporated in the regulation. The reference to "The bridge across the Skipanon River in Columbia County" set forth in § 117.740(a) is deleted because it was included in the original proposal in error. Renumbering of several subsections in § 117.740(a) has been done for clarity.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

1. Revising § 117.740 to read as follows:

§ 117.740 Youngs Bay, Lewis and Clark River and Skipanon River, Oreg.; bridges.

(a) The drawbridges across Youngs Bay, Lewis and Clark River and Skipanon River, all in Clatsop County, shall open on signal for the passage of vessels. The signals which may be made by a whistle, horn, siren, trumpet or by shouting for each bridge are:

(1) Highway bridge across Youngs Bay at Smith Point—two long blasts followed by two short blasts.

(2) Burlington Northern (Spokane, Portland, and Seattle) railroad bridge across Youngs Bay at Smith Point—one long blast followed by one short blast.

(3) Youngs Bay highway bridge at the foot of Fifth Street, Astoria—two long blasts followed by one short blast.

(4) Lewis and Clark River highway bridge, near the mouth—one long blast followed by four short blasts.

(5) Skipanon River railroad and highway bridges at Warrenton—one long blast followed by one short blast.

2. Deleting subparagraph (4) of paragraph (f) of § 117.759b and adding subparagraphs (10) through (15) to § 117.759b(f) to read as follows:

§ 117.759b Drawbridges in the State of Oregon where constant attendance is not required.

• • • • • •

(f) • • •

(10) Burlington Northern (Spokane, Portland, and Seattle) railroad bridges across the John Day River near Astoria, Blind Slough and the Clatskanie River near Clatskanie. The draws shall open on signal if at least one hours notice is given. However, the draws shall open promptly on signal from four hours before to four hours after each day's authorized fishing period as established by the Oregon and Washington State Department of Fisheries.

(11) Oregon Coast U.S. 101 drawbridges across the Siuslaw River at Florence and the Coquille River at Bandon. The draws shall open on signal if at least two hours notice is given. This notice may be given by marine radio, telephone, radiotelephone via the marine operator, or any other suitable means to the Coos Bay South Slough Bridge attendant.

(12) Coos River secondary highway drawbridge across the Isthmus Slough at Coos Bay. The draw shall open on signal if at least four hours notice is given.

(13) Coos River secondary highway drawbridge across the Coos River at Coos Bay. The draw shall open on signal if at least 12 hours notice is given.

(14) Coos River secondary highway drawbridge across Catching Slough at Coos Bay, lower Columbia River highway drawbridge across the John Day River at Astoria and the Nehalem secondary highway drawbridge across the Walluski River at Astoria. The draws shall open on signal if at least 48 hours notice is given.

(15) Oregon Coast highway drawbridge across Coalbank Slough at Coos Bay. The draw need not open for the passage of vessels and the machinery for the draw need not be maintained in operable condition. However, the draw shall be returned to operable condition by the owner of the bridge within six months after notification by the Commandant, U.S. Coast Guard, to take such action.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on October 14, 1974.

Dated: September 6, 1974.

R. I. PRICE,
Real Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-21161 Filed 9-12-74;8:45 am]

[CGD 74-139]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Manasquan River, N.J.

This amendment changes the regulations for the Route 70 drawbridge across the Manasquan River at Brielle, New Jersey, to require at least 12 hours notice from 11 p.m. to 7 a.m. from December 1 through March 31. The draw shall open on signal at all other times. This amendment was circulated as a public notice dated June 26, 1974 by the Commander, Third Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 74-139) on June 13, 1974 (39 FR 20702). No comments were received.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new subparagraph (6) immediately after subparagraph (5) of paragraph (f) of § 117.225 to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

• • • • • •

(f) • • •

(6) Route 70 bridge across the Manasquan River at Brielle, Monmouth County, New Jersey. From 11 p.m. to 7 a.m. from December 1 through March 31 the draw shall open on signal if at least 12 hours notice is given. At all other times the draw shall open on signal.

• • • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on December 1, 1974.

Dated: September 5, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-21162 Filed 9-12-74;8:45 am]

[CGD 74-138]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Ship Channel, Great Egg Harbor Bay, N.J.

This amendment changes the regulations for the Route 52 drawbridge across Ship Channel, Great Egg Harbor Bay, New Jersey, to require at least 24 hours notice from 11 p.m. to 7 a.m. The draw shall open on signal from 7 a.m. to 11 p.m. This amendment was circulated as a public notice dated June 26, 1974 by the Commander, Third Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 74-138) on June 13, 1974 (39 FR 20702). No comments were received.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new subparagraph (6-a) immediately after subparagraph (6) of paragraph (f) of § 117.225 to read as follows:

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

• • • • • •

(f) • • •

(6-a) Route 52 bridge across Ship Channel, Great Egg Harbor Bay; New Jersey. The draw shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m. the draw shall open on signal if at least 24 hours notice is given.

• • • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on October 14, 1974.

Dated: September 9, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-21165 Filed 9-12-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 2—DELEGATIONS OF AUTHORITY

Adjudication Officer

Section 2.70 is revised to read as follows:

§ 2.70 Adjudication Officer, or where regular schedular standards are met as of date of rating decision, the rating board, authorized to approve on an extra-schedular basis a permanent and total disability rating for pension purposes.

This delegation of authority is identical to § 3.321(b) of this chapter.

Approved: September 9, 1974.

[SEAL] R. L. ROUDEBUSH,
Acting Administrator.

[FR Doc.74-21179 Filed 9-12-74;8:45 am]

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

AWARDS OF PENSION

On page 20086 of the FEDERAL REGISTER of June 6, 1974, there was published a notice of regulatory development to Amend §§ 3.321, 3.400 and 3.551 to implement Pub. L. 93-177 (87 Stat. 694) relating to awards of pension to veterans. This act provided (1) that disability pension may be awarded effective the date the veteran became permanently and totally disabled if an application is filed within 1 year from such date and (2) an increase from $30 to $50 in the amount of pension payable to a hospitalized veteran whose award is reduced under 38 U.S.C. 3203(a)(1). In addition minor editorial changes were made to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans, their dependents or beneficiaries. Obsolete provisions in § 3.400 relating to commissioned officers of the Environmental Science Services Administration and the National Oceanic and Atmospheric Administration were deleted. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received. The proposed regulations are

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adopted subject to the following change: In § 3.321(b)(3) the words "and reopened" have been inserted following "original" to clarify that the provision is applicable to both original and reopened claims.

Effective date. Sections 3.321(b)(3), 3.400(b)(1) and 3.551(a) and the introductory portion of (c) are effective January 1, 1974.

Approved: September 9, 1974.

[SEAL] R. L. ROUDEBUSH,
Acting Administrator.

1. In § 3.321, paragraph (b) (2) and (3) are revised to read as follows:

§ 3.321 General rating considerations.

* * * * *

(b) * * *

(2) *Pension.* Where the evidence of record establishes that an applicant for pension who is basically eligible fails to meet the disability requirements based on the percentage standards of the rating schedule but is found to be unemployable by reason of his or her disability(ies), age, occupational background and other related factors, the following are authorized to approve on an extra-schedular basis a permanent and total disability rating for pension purposes: the Adjudication Officer; or where regular schedular standards are met as of the date of the rating decision, the rating board.

(3) *Effective dates.* The effective date of these extra-schedular evaluations granting or increasing benefits will be in accordance with § 3.400(b) (1) and (2) as to original and reopened claims and in accordance with the facts found but not earlier than the date of claim in claims for increased benefits.

* * * * *

2. In § 3.400, the introductory portion preceding paragraph (a) and paragraph (b) (1) are amended and paragraphs (b) (2) (iii) and (c) (3) (iv) are revoked. The amended material reads as follows:

§ 3.400 General.

Except as otherwise provided, the effective date of an evaluation and award of pension, compensation or dependency and indemnity compensation based on an original claim, a claim reopened after final disallowance, or a claim for increase will be the date of receipt of the claim or the date entitlement arose, whichever is the later. (38 U.S.C. 3010(a))

* * * * *

(b) *Disability benefits*—(1) *Disability pension (§ 3.3(c)).* Date of receipt of claim or date on which the veteran became permanently and totally disabled, if claim is filed within 1 year from such date, whichever is to the advantage of the veteran: *Provided,* That, an award of pension may not be effective prior to the date entitlement arose. (Pub. L. 93-177; 87 Stat. 694)

(2) * * *

(iii) [Revoked]

(c) * * *

(3) * * *

(iv) [Revoked]

* * * * *

3. In § 3.551, paragraphs (a), (b), (c), (d), (e)(2) and (f) are revised to read as follows:

§ 3.551 Reduction because of hospitalization.

(a) *General.* Pension in excess of $50 monthly is subject to reduction when a veteran who has neither wife, husband, child nor dependent parent is hospitalized, unless the veteran is hospitalized for Hansen's disease. The provisions of this section apply to initial periods of hospitalization and to readmissions following discharge from a prior period of hospitalization. If the veteran is hospitalized for observation and examination, the date treatment began is considered the date of admission. Special rules governing discontinuance of aid and attendance allowance are contained in § 3.552 and for discontinuance of awards for incompetent veterans in § 3.557. Except as otherwise indicated the terms "hospitalized" and "hospitalization" in §§ 3.551 through 3.559 mean:

(1) Hospital treatment in a Veterans Administration hospital or in any hospital at Veterans Administration expense.

(2) Institutional, domiciliary or nursing home care in a Veterans Administration institution or domiciliary or at Veterans Administration expense.

(b) *Reduction after 6 months.* Pension (except as provided in paragraph (c) of this section) in excess of $30 monthly for a veteran who has neither wife, husband, child nor dependent parent shall continue at the full monthly rate until the end of the sixth calendar month following the month of admission for hospitalization. The rate payable will be reduced effective the first of the seventh calendar month to $30 monthly or 50 percent of the amount otherwise payable, whichever is greater. The reduced rate will be effective the first day of the seventh calendar month following admission. Payment of the amount withheld may be made on termination of hospitalization, as provided in § 3.556. (Pub. L. 92-328; 86 Stat. 393)

(c) *Reduction after 2 months.* Where pension is being paid to a veteran under 38 U.S.C. 521(b) or to a Spanish-American War veteran or an Indian war veteran who was not receiving pension for June 30, 1960, or who is receiving pension under 38 U.S.C. 521, the pension for a veteran who has neither wife, husband, nor child, or who, though married, is receiving pension as prescribed by 38 U.S.C. 521(b) because not living with or reasonably contributing to the support of his or her spouse shall continue at the full monthly rate until the end of the second calendar month (except as provided in paragraph (d) of this section) following the month of admission for hospitalization. The rate payable effective the first of the third calendar month will be an amount not in excess of $50 monthly. Where the veteran has been discharged from a period of hospitalization of not less than 2 full calendar months and is readmitted within 6 months, the award will be reduced effective the date of readmission. (Pub. L. 93-177; 87 Stat. 694)

(1) Where pension was being paid to a married veteran at the rate prescribed by 38 U.S.C. 521(b), all or any part of the rates payable under 38 U.S.C. 521(c) or (c) and (e) may be apportioned for an estranged wife or husband as provided in § 3.454(b) (38 U.S.C. 3203(a)).

(2) Where pension is payable to an Indian war or Spanish-American War veteran who is in need of aid and attendance, pension under 38 U.S.C. 511 or 512 may be continued under the provisions of paragraph (b) of this section if the veteran was receiving or entitled to receive pension for June 30, 1960. See § 3.711.

(d) *Computation of period.* In computing the period of hospitalization prior to reduction under paragraph (c) of this section, the period will be extended by reason of time spent on leave, regularly authorized furlough or trial visit, regardless of length after the month of admission. Absence on pass is included as part of the period of hospitalization. For the purposes of paragraph (c) of this section, the veteran will be considered to have been hospitalized for 2 calendar months when he (or she) has received a total of 60 days of treatment or care, exclusive of specified absences.

(e) * * *

(2) *Unapproved discharge.* When a veteran whose award is subject to reduction under paragraph (b) of this section has been discharged or released from a hospital against medical advice or as the result of disciplinary action, reentry within 6 months from the date of a previous admission constitutes a continuation of that period of hospitalization, and the award will not be reduced prior to the first day of the seventh calendar month following the month of original admission, exclusive of furloughs. Except as provided in the preceding sentence, if a veteran reenters a hospital within 6 months after discharge or release against medical advice or as a result of disciplinary action, the award will be reduced as of the date of readmission. A reentry 6 months or more after such discharge or release will be considered as a new admission. (Pub. L. 89-302; 86 Stat. 30)

(f) *Proof of dependents.* The veteran will be considered to have neither wife, husband, child nor dependent parent in the absence of satisfactory proof. Statements contained in the claims folder concerning the existence of such dependents will be considered a prima facie showing. If the necessary evidence is not received (1) within 60 days after the date of request where the award is subject to reduction under paragraph (b) of this section, or (2) prior to the effective date of reduction under paragraph (c) of this section, the veteran's award will be reduced on the basis of no dependents. The full rate may be authorized from the date of reduction if the necessary evidence is received within 1 year after the date of request.

* * * * *

[FR Doc.74-21180 Filed 9-12-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER A—GENERAL

[FRL 228-2]

PART 12—NONDISCRIMINATION IN PROGRAMS RECEIVING ASSISTANCE FROM THE ENVIRONMENTAL PROTECTION AGENCY—EFFECTUATION OF SECTION 13 OF THE FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

On June 12, 1973, notice was published in the FEDERAL REGISTER (38 FR 15457) that the Environmental Protection Agency was proposing policies and procedures implementing section 13 of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816) which prohibits discrimination on account of sex under any program or activity receiving assistance from the Environmental Protection Agency under the Federal Water Pollution Control Act (86 Stat. 816) or the Environmental Financing Act (86 Stat. 899). These regulations, on adoption, will be published as a new Part 12 in Chapter I of Title 40 of the Code of Federal Regulations.

Written data, views, or comments on the proposed rulemaking were invited and received from interested parties. All written comments are on file with the Agency. The Environmental Protection Agency has carefully considered all submitted comments. Certain of these comments have been adopted or substantially satisfied by editorial changes, deletions from, or additions to, the regulations. The comments received and actions taken with respect to them are described below.

(1) Comment was received recommending that § 12.3 of the proposed regulations be revised to make them applicable to any program to which money was paid, property transferred, or other assistance extended after enactment of the Federal Water Pollution Control Act Amendments of 1972. (The proposed regulations had excluded all such programs from coverage if the assistance had been extended to them prior to the effective date of the regulations.)

The recommendation of this comment has been accepted. The regulations have been revised to make it clear that the bar to discrimination on account of sex which is prescribed by section 13 of the Act became applicable to all programs under the Federal Water Pollution Control Act, as amended, on October 18, 1972, the date of enactment of the 1972 Amendments to the Act. However, procedures applicable to the recipient of Federal assistance and instituted to implement this part shall be applicable only to Federal assistance awarded or extended on or after the effective date of this part.

(2) Comment was received recommending that § 12.3(1) of our proposed regulations—which excluded programs of insurance and guarantee from the coverage of section 13 of the Act—be revised to include such coverage.

The recommendation accompanying this comment was adopted and § 12.3(1) of the regulations has been rewritten to include such coverage.

(3) Comment was received that the proposed regulations unnecessarily excluded coverage of employment (except where employment is the principal purpose of the program being assisted). It was noted that the proposed regulations were prepared under the direction of the statute that section 13 be enforced through Agency rules similar to those already established with respect to racial and other discrimination under Title VI of the Civil Rights Act of 1964, but it was argued that section 13 did not have the specific restraints on employment coverage that Title VI contained, so that implementing regulations for section 13 need not include the restrictions on employment coverage contained in the Agency's Title VI regulations.

The recommendations of this comment for revision of the proposed regulations were not adopted. The Agency proposes to administer its section 13 regulations in tandem with its Title VI regulations, pursuant to section 13. In these circumstances, it was considerd both necessary and desirable to have the coverage of the two regulations co-extensive rather than in variance on a principal point of coverage.

(4) Comment was received that the general "affirmative action" language of § 12.5(b) of the proposed regulations was insufficient and a more detailed provision was recommended patterned after Order No. 4 of the Office of Federal Contract Compliance, Department of Labor. These recommendations set forth in this comment were not adopted. The language of § 12.5(b) as set forth in the proposed regulations was considered sufficient for the coverage intended at this time.

(5) Several organizations commented that § 12.8(b) of the proposed regulations appeared unclear on the point whether third party complaints could be allowed if the complaint did not include a named grievant in the charge. They recommended revision of § 12.8(b) to make it clear that such complaints would be allowable.

The section as originally drafted was intended to allow third party complaints that did not include named grievants in the charge, and the Agency believes that the initial language permits this allowance, so long as the complaint is adequately specific. Accordingly, no change in § 12.8(b) of the proposed regulations was made.

(6) Comment was received which noted that § 12.10 authorized hearings for recipients or applicants wishing to appeal a finding of discrimation on account of sex, but does not authorize appeals by complainants who disagree with a contrary Agency finding. It was recommended that appeal rights also be granted complainants who disagree with Agency findings of no discrimination.

This recommendation was not adopted. As earlier stated, section 13 will be administered co-extensively as far as practicable with the Agency's Title VI regulations. The Title VI regulations do not contain such appeal rights. Thus, no change was made in the final section 13 regulations because it was not considered desirable to create a divergence between the two regulations on this principal point.

(7) Comment was received recommending that § 12.6(c) of the proposed regulations be amended to provide that assurances of compliance received with applications for Federal financial assistance to institutions of higher education be referred to the Department of Health, Education and Welfare for clearance to avoid duplication or conflict of compliance efforts. This recommendation was not adopted. The language of the section as written was considered broad enough to allow referrals if subsequent circumstances warranted. EPA intends to administer this part in a manner which will preclude conflict with HEW requirements under Title IX of the Education Amendments of 1972, where recipients are covered under both the HEW and EPA sex discrimination programs, insofar as possible.

Effective date. The regulations of this Part 12 shall become effective on October 15, 1974.

Dated: September 6, 1974.

JOHN QUARLES,
Acting Administrator.

Sec.

12.1 Purpose.
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AUTHORITY: Sec. 13, Federal Water Pollution Control Act Amendments of 1972.

§ 12.1 Purpose.

The purpose of this part is to effectuate section 13 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to as the Act) to the end that no person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving financial assistance from the Environmental Protection Agency under the Federal Water Pollution Control Act Amendments of 1972.

§ 12.2 Definitions.

Unless the context requires otherwise, as used in this part the term:

(a) "Administrator" means the Administrator of the Environmental Protection Agency or, except in § 12.11(e), any other Agency official who by delegation may exercise the Administrator's authority.

(b) "Agency" means the Environmental Protection Agency and includes each and all of its organizational components.

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(c) "Applicant" means one who submits an application, subagreement, request, plan, or any other document required to be approved by the Administrator, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means such an application, subagreement, request, plan, or any other such document.

(d) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the term "provision of facilities" includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(e) "Federal financial assistance" includes:

(1) Grants, loans, and advances of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale or lease of, or the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration, or for less than adequate consideration, for the purpose of assisting the recipient, or in recognition of the public interest to be served by such a sale or lease to the recipient; and

(5) Any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(f) "Primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program for which it receives Federal financial assistance.

(g) "Program" includes any program, project, or activity for the provision of services, financial assistance, or other benefits to individuals (including education or training, health, welfare, housing, rehabilitation, or other services, whether provided through employees of the recipient of Feedral financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities or other assistance to individuals), or for the provisions of facilities for furnishing services, financial assistance, or other benefits to individuals. The services, financial assistance, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include (1) any services, financial assistance, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and (2) any services, financial assistance, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-federal resources.

(h) "Recipient" means any State, or any political subdivision or instrumentality thereof, any public or private agency, institution, organization, or other entity, or any individual, in any State to which or whom Federal financial assistance is extended, directly or through another recipient, for any program, or who otherwise participates in carrying out such program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(i) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

§ 12.3 Applicability.

This part applies to any program administered by the Agency for which Federal financial assistance is authorized under the Act. This part does not apply to: (a) Any assistance to any individual who is the ultimate beneficiary under any such program, or (b) any employment practice under any such program of any employer, employment agency, or labor organization, except as provided in § 12.4(c).

§ 12.4 Discrimination prohibited.

(a) *General.* No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program or activity to which this part applies may not, directly or indirectly, on the ground of sex:

(i) Deny a person any service, financial assistance, or other benefit provided under the program;

(ii) Provide to a person any service, financial assistance, or other benefit which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to such person's receipt of any service, financial assistance, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial assistance, or other benefit under the program;

(v) Treat a person differently from others in determining whether such person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial assistance, or other benefit provided under the program;

(vi) Deny a person an opportunity to participate in the program through the provisions of services (or otherwise) or afford a person an opportunity to participate in a manner different from that afforded others; or

(vii) Deny a person the opportunity to participate as a member of any planning or advisory body which is an integral part of the program.

(2) A recipient in determining the types of services, financial assistance, or other benefits of facilities which will be provided under any such program or the class of persons to whom, or the situations in which, such services, financial assistance, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program may not, directly or indirectly, utilize criteria or methods of administration which have or may have the effect of subjecting a person to discrimination because of sex or which have or may have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular sex.

(3) In any program receiving financial assistance in the form, or for acquisition, of real property or an interest in real property, to the extent that rights to space on, over, or under any such property are included as part of the program receiving that assistance, the nondiscrimination requirement of this part shall extend to any facility located wholly or in part in that space during the period of time stated in § 12.6(a)(2).

(4) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(c) *Employment practices.* (1) Where a primary objective of a program receiving Federal financial assistance to which this part applies is to provide employment, a recipient or other person or entity subject to this part shall not discriminate, directly or indirectly, on the ground of sex in its employment practices under any program receiving Federal financial assistance to which this part applies. Employment practices include recruitment, recruitment advertising, employment, layoff, termination, firing, upgrading, demotion, transfer, rates of pay, or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees. Each recipient shall take affirmative steps to insure that applicants are employed and employees are treated during employment without regard to sex. Where this part applies to construction employment, the applicable procedural requirements shall be the same as those specified in or pursuant to Part III of Executive Order 11246, as amended, or any Executive Order which may supersede it.

(2) In regard to Federal financial assistance which does not have providing employment as a primary objective, the provisions of subparagraph (1) of this paragraph apply to the employment practices of the recipient if discrimination on the ground of sex in such employment practices tends on the ground of sex to exclude persons from participation in, to deny them the benefits of, or to subject them to discrimination under the program receiving Federal financial assistance. In any such case, the provisions

of subparagraph (1) of this paragraph shall apply to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of beneficiaries.

(d) *Site selection.* A recipient may not make a selection of a site or location of a facility if the purpose of that selection, or its effect when made, is to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this rule applies, on the ground of sex.

(e) *Construction projects.* An EPA recipient of funds awarded for the location, design, or construction of a demonstration facility or sewage treatment plant may not deny access to, or use of, the facility being constructed or the system of which it is a part to any person on the basis of sex.

§ 12.5 Affirmative action.

(a) Each applicant or recipient must take reasonable steps to remove or overcome the consequences of prior discrimination and to accomplish the purposes of the Act where previous practice or usage has in purpose or effect tended to exclude individuals from participation in, deny them the benefits of, or subject them to discrimination under any program or activity to which this part applies, on the ground of sex.

(b) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by, or denying benefits to, persons of a particular sex.

§ 12.6 Assurances required.

(a) *General.*—(1) *Form of assurance.* Every application for Federal financial assistance to a program to which this part applies and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part, and that the applicant shall take affirmative steps to insure equal opportunity and shall periodically evaluate its performance. Like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which express consent to judicial enforcement by the United States.

(2) *Duration of assurance.* In cases where the Federal financial assistance is to provide or is in the form of either personal property or real property or any interest therein or structure thereon, the assurance shall obligate the recipient or in the case of a subsequent transfer, the transferee, for the period during which the property is used for any purpose for which the Federal financial assistance is or was extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended to the program.

(3) *Assistance for construction.* In the case where the assistance is sought for the construction of a facility, or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith. In particular, if a facility to be constructed is part of a larger system, the assurance shall extend to the larger system.

(4) *Assistance through transfer of real property.* Where Federal financial assistance is provided in the form of a transfer from the Federal Government of real property, structures, any improvements thereon, or any interest therein, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period for which the real property is used for a purpose for which the Federal financial assistance is or was extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property or an interest therein from the Federal Government is involved, but property is acquired or improved under a program of Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. When the property is obtained from the Federal Government, the covenant may also include a condition coupled with a right to be reserved by the Agency to revert title to the property in the event of a breach of the covenant. Such a condition and right of reverter may be included in covenants for any grants or other assistance that the Administrator in his discretion deems appropriate for such treatment. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new or improvement of existing facilities on such property for the purposes for which the property was transferred, the Administrator may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to subordinate such right of reversion to the lien of such mortgage or other encumbrance.

(b) *Continuing State programs.* Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this part applies shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, (1) contain or be accompanied by a statement that that program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or under this part, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the Administrator to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or under this part.

(c) *Assurances from educational institutions.* In the case of any application for Federal financial assistance to an institution of higher education, the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

§ 12.7 Compliance information.

(a) *Cooperation and assistance.* Each responsible Agency official shall seek the cooperation of recipients and applicants in obtaining compliance with this part and shall provide assistance and guidance to recipients and applicants to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient or applicant shall keep such records and submit to the responsible Agency official or such official's designee timely, complete, and accurate compliance reports at such times, in such form, and containing such information, as the responsible Agency official or such official's designee may determine to be necessary or useful to enable the Agency to ascertain whether the recipient or applicant has complied or is complying with this part. Recipients and applicants shall have available for Agency officials on request data showing the extent to which persons of each sex are or will be beneficiaries of the assistance. In the case of any program under which a primary recipient extends or will extend Federal financial assistance to any other recipient such other recipient shall submit such compliance reports to the primary recipient as may be necessary or useful to enable the primary recipient to carry out its obligations as a recipient or applicant under this part.

(c) *Access to source of information.* Each recipient shall permit access by the responsible Agency official or such official's designee during normal business hours to such of its facilities, books, records, accounts, and other sources of information as may be relevant to a determination of whether or not the recipient is complying with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution, or person and such agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it had made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons any information pertinent to the provisions of this part and its applicability to the

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program receiving Federal financial assistance which is necessary or useful to apprise such persons of the protections against discrimination assured them by the Act and by this part.

§ 12.8 Investigations.

(a) *Periodic compliance reviews.* The Administrator shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person or entity who believes any specific class of persons (including the person or entity complaining) to be subjected to discrimination prohibited by this part may personally or by a representative file with the Administrator a written complaint. This complaint should be filed as promptly as possible after the date of the alleged discrimination.

(c) *Investigations.* The Administrator will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination of whether the recipient has failed to comply with this part.

(d) *Resolution of investigation.* (1) If an investigation indicates a failure to comply with this part, the Administrator will so inform the recipient and complainant, if any, in writing, and the matter will be resolved by informal means whenever possible. If the Administrator determines that the matter cannot be resolved by informal means, action will be taken as provided for in § 12.9.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the Administrator will so inform the recipient and complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Act or by this part, or because he or she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The Administrator or the Administrator's designee may agree to keep confidential the identity of any complainant except to the extent that disclosure would be required by law in proceedings for the enforcement of this part.

§ 12.9 Procedure for obtaining compliance.

(a) *General.* If compliance with this part cannot be assured by informal means, compliance with this part shall be effected by termination of or refusal to grant or to continue Federal assistance in accordance with the procedures of paragraph (b) of this section, or by any other means authorized by law in accordance with the procedures of paragraph (c) of this section. Such other means include, but are not limited to, (1) a referral of the matter to the Department of Justice with a recommendation that appropriate judicial proceedings be brought to enforce any rights of the United States under any law or assurance or contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Procedure for termination or refusal to grant or continue assistance.* An order terminating or refusing to grant or continue Federal assistance shall become effective only after:

(1) The Administrator has advised the applicant or recipient of its failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or under this part;

(3) The action has been approved by the Administrator pursuant to § 12.11 (e); and

(4) The expiration of 30 days after the Administrator has filed with the Committee of the House and the Committee of the Senate having legislative jurisdiction over the program or activity involved, a full written report of the circumstances and the grounds for such action. The termination or refusal to grant or continue assistance shall be limited to the particular political entity, or part thereof, or other recipient as to which a finding of noncompliance with section 13 of the Act and with this part has been made and shall be limited in its effect to the particular program or part thereof in which such noncompliance has been so found.

(c) *Other means authorized by law.* No action to effect compliance with section 13 of the Act and with this part by any other means authorized by law shall be taken until:

(1) The Administrator has determined that compliance cannot be secured by voluntary means, and the recipient or other person against whom action will be sought has been notified of such determination; and

(2) The expiration of at least 10 days from the mailing of such notice to the recipient or such other person. During this period of at least 10 days, additional efforts may be made to persuade the recipient or such other person to take such corrective action as may be appropriate.

§ 12.10 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 12.9(b), reasonable notice shall be given by certified mail, return receipt requested, to the affected applicant or recipient. This notice shall fix a date not less than 3 weeks after the date of receipt of such notice within which the applicant or recipient may file with the Administrator a request in writing that the matter be scheduled for hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under § 12.9(b) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Agency in Washington, D.C., unless the Administrator determines that the convenience of the applicant or recipient or of the Agency requires that another place be selected. Hearings shall be held at a time fixed by the Administrator before an administrative law judge appointed in accordance with section 3105 of title 5, United States Code, or detailed under section 3344 of title 5, United States Code.

(c) *Right to counsel.* In any proceeding under this section, the applicant or recipient and the Agency shall have the right to be represented by counsel.

(d) *Procedures, evidence, and the record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 (1970).

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more types of Federal financial assistance to which this part applies, the Administrator may provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules or procedures not inconsistent with this part. Final decisions in such cases shall be made in accordance with § 12.11.

§ 12.11 Decisions and notices.

(a) *Procedure on decisions by administrative law judge.* The administrative law judge shall make an initial decision, including his or her recommended findings and proposed decision, and a copy of such initial decision shall be mailed by certified mail (return receipt requested) to the applicant or recipient. The applicant or recipient may, within 30 days after the receipt of such notice of initial decision, file with the Administrator his exceptions to the initial decision, and his reasons therefor. In the absence of exceptions, the Administrator may, on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of notice of review, the Administrator shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall, subject to paragraph (e) of this section, constitute the final decision of the Administrator.

(b) *Decisions on record on review by the Administrator.* Whenever the Administrator reviews the decision of an administrative law judge pursuant to paragraph (a) of this section, the applicant or recipient, the Agency officials responsible, and the complainant, if any, shall be given reasonable opportunity to file with him briefs or other written statements of their contentions, and a written copy of the final decision of the Administrator shall be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 12.10(a), a decision shall be made by the Administrator on the record and a written copy of such decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of an administrative law judge shall set forth his or her ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Administrator.* Any decision by an official of the Agency, other than the Administrator personally, which provides for the termination of, or the refusal to grant or continue, Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Administrator personally, who may approve such decision, vacate it ,or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision, vacate it, or remit or mitigate any or refusal to grant or continue, Federal financial assistance, in whole or in part, to the program involved and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purpose of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to have failed to comply with requirements imposed by or under this part unless and until it corrects its noncompliance and satisfies the Administrator that it will fully comply with this part.

(g) *Post-termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance from the Agency if it satisfies the terms and conditions of that order for such eligibility and brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part in the future.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the Administrator to restore fully its eligibility to receive Federal financial assistance from the Agency. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the Administrator determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the Administrator denies any request made under subparagraph (2) of this paragraph the applicant or recipient may submit a request in writing for a hearing, specifying why it believes him to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record in accordance with rules or procedures issued by the Administrator. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph. Failure to file such a request within 3 weeks after receipt of notice of such denial shall constitute consent to the Administrator's determination.

(4) While proceedings under this paragraph (g) are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 12.12 Effect on other regulations, forms, and instructions.

(a) *Effect on other regulations.* All regulations, orders, or like directions issued before the effective date of this part by any officer of the Agency, or by any predecessor of such an officer, which impose requirements designed to prohibit any discrimination against individuals on the ground of sex under any program or activity to which this part applies, and which authorize the termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that the discrimination against which they are directed is prohibited by this part. Nothing in this part, however, supersedes any of the following (including future amendments thereof): (1) Executive Order 11246 (3 CFR 1971 et., page 424) and regulations issued thereunder, or (2) any other orders, regulations, or instructions insofar as such orders, regulations, or instructions prohibit discrimination on the ground of sex in any program or activity to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The Administrator shall issue and promptly make available to all interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The Administrator may from time to time assign to officials of the Agency, or to officials of other departments or agencies of the government with the consent of such departments or agencies, responsibilities in connection with effectuation of the purposes of section 13 of the Act, and this part. The Administrator may delegate in writing any function assigned (other than responsibility for final decision as provided in § 12.11) to him by the Act or by this part. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment or delegation of responsibility under this paragraph shall have the same effect as though such action had been taken by the Administrator of the Agency. All actions taken pursuant to this part with respect to EPA grants including written communications to or from a grant applicant or grantee shall be effected through the appropriate EPA Grants Officer.

[FR Doc.74–21122 Filed 9–12–74;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 263–6]

PART 405—EFFLUENT LIMITATIONS GUIDELINES FOR STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE DAIRY PRODUCTS PROCESSING INDUSTRY POINT SOURCE CATEGORY

Miscellaneous Amendments; Corrections

In FR Doc. 74–11753 appearing on pages 18594 through 18609 in the issue of May 28, 1974, make the following changes:

1. In the metric units portion of the table in § 405.62(a), at page 18603, the effluent limitation maximum for any 1 day for BOD5 now reads "0.715"; the figure should read "0.725."

2. In the table in § 405.72(a), at page 18604, the effluent limitation maximum for any 1 day for TSS now reads "2.640" in the metric units portion and ".264" in the English units portion; the figures should read "3.30" in the Metric units portion and ".330" in the English units portion.

3. In the English units portion of the table in § 405.92(b), at page 18606, the effluent limitation for average of daily values for 30 consecutive days now reads "0.184" for BOD5 and "2.76" for TSS; the figures should read "0.230" for BOD5 and ".345" for TSS.

4. In the metric units portion of the table in § 405.105, at page 18607, the effluent limitation maximum for any 1 day for BOD5 now reads "0.036"; the figure should read "0.360."

5. On page 18595, column 3, paragraph (b)(2), now reads: • • • controlled trainment for small plants • • •; should read • • • controlled entrainment for small plants • • •.

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6. On page 18599, column 1, first paragraph, now ends: " " " to revise these regulations; ADD: The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

7. On page 18606, column 2, § 405.95: Delete; (a) For plants condensing more than 100,000 lb/day of milk equivalent (more than 10,390 lb/day of BOD5 input.

8. In § 405.16, page 18598, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the receiving stations subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 405.15: provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

9. In § 405.26, page 18599, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the fluid products subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 405.25: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

10. In § 405.36, page 18600, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the cultured products subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 405.35: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

11. In § 405.46, page 18601, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the butter subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 405.45: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

12. In § 405.56, page 18602, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the cottage cheese and cultured cream cheese subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 405.55: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

13. In § 405.66, page 18603, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the natural and processed cheese subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 405.65: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

14. In § 405.76, page 18604, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the fluid mix for ice cream and other frozen desserts subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 405.75: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

15. In § 405.86, page 18605, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the manufacture of ice cream, frozen desserts, novelties and other dairy desserts subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 405.85: *Provided*, That, if the publicly owned treatment works which receives the pollutants is comitted, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

16. In § 405.96, page 18606, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the condensed milk subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 405.95: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

17. In § 405.106, page 18607, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the dry milk subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 405.105: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

18. In § 405.116, page 18608, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the condensed whey subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standards for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 405.115; *Provided*, That if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

19. In § 405.126, page 18609, the existing paragraph should be deleted and replaced with the following:

The pretreatment standards under section 307(c) of the Act for a source within the dry whey subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128, except that, for the purpose of this section, § 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in § 405.125; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

Dated: September 9, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-21237 Filed 9-12-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-1—GENERAL

Small Business and Minority Business Programs

Chapter 8 of Title 41, Code of Federal Regulations, is amended as set forth below. Subpart 8–1.7 is revised to conform to Subpart 1–1.7 of the Federal procurement regulations; material is deleted that is already adequately covered by the Federal procurement regulations; and Subpart 8–1.13 on "Minority Business Enterprises" is added. In addition minor editorial changes have been made to reflect agency policy of using precise terms denoting gender.

It is the general policy of the Veterans Administration to allow time for interested parties to participate in the rulemaking process (§ 1.12, Title 38, Code of Federal Regulations). However, the amendments herein concern agency procedures and practice. Therefore, the public rulemaking process is deemed unnecessary in this instance.

1. Section 8–1.700 is revised to read as follows:

§ 8–1.700 General.

This subpart sets forth the Veterans Administration small business program including section 8(a) contracts with SBA (Small Business Administration) and unilateral set-asides. It establishes responsibility for making such determinations, reviewing determinations and evaluation of the program.

2. In § 8–1.704–1, paragraph (d) is amended to read as follows:

§ 8–1.704–1 Program direction.

• • • • • •

(d) The Chief Benefits Director, Manager, Administrative Services, Director, Canteen Service, and Manager, VA Marketing Center, will designate an employee of their respective organizations to serve as a small business officer. The name, telephone number, and mail routing symbol of each designee will be forwarded to the Deputy Director, Supply Service. The small business officer will serve, in addition to his/her other duties, as liaison between his/her organization, the Deputy Director, Supply Service, and the SBA (Small Business Administration) on small business problems affecting his/her organization.

3. In § 8–1.704–2, paragraphs (a) and (b) are amended and paragraph (f) is revoked. The amended material reads as follows:

§ 8–1.704–2 Responsibility.

(a) Except as provided in paragraphs (b), (c), (d), and (e) of this section, the Director, Supply Service, is responsible for the purchasing and contracting aspects of this program in connection with the procurement of supplies, equipment, and services. He/she is responsible

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for the compilation and submission of all reports required by the program.

(1) The Chief, Procurement Division, Supply Service, Central Office, is responsible for the purchasing, contracting and reporting aspects of this program as they apply to contracts and purchases made by his/her division. He/she is also responsible for advising and counseling field station contracting officers in the various facets of the small business program.

(2) The Manager, VA Marketing Center, Managers, VA Supply Depots; Executive Officer, VA Supply Subdepot, Bell, California; and the Chief, Supply Service, at Veterans Administration field stations are responsible for the purchasing, contracting and reporting aspects of this program at their respective installations.

(b) The Assistant Administrator for Construction is responsible for the purchasing and contracting aspects of this program as they apply to (1) contracts awarded by a contracting officer assigned to his/her office, and (2) construction projects assigned by him/her to the Chief Medical Director for solicitation, award and administration of the resulting contract by a field station.

. . . . . .

(f) [Revoked]

4. Section 8–1.704–3 is revised to read as follows:

§ 8–1.704–3 Program operations.

Each Veterans Administration contracting officer delegated contracting authority by Chapter 8, Title 41, Code of Federal Regulations, a Central Office directive or other Veterans Administration Manual will take positive action to encourage participation in the programs by small business entities. He/she will perform the following duties to execute a small business program as appropriate for his/her procurement activity.

(a) Develop a plan of operation to increase the share of contracts and purchase orders awarded to small business concerns.

(b) Promote the minority business enterprise program through the Small Business Administration 8(a) procedures set forth in § 8–1.710.

(c) Review the types and classes of items and services to be purchased to determine the applicability of small business set-asides or class set-asides.

(d) Plan for locating capable small business sources for current and future procurements.

(e) Develop adequate small business competition on all appropriate procurements.

(f) Examine bidders lists to assure that small business firms are identified and adequately represented on all procurements.

(g) Assure that small business firms are identified on bid abstracts.

(h) Assure that restrictive specifications or other actions which prevent small business participation are modified to permit small business participation where adequate performance can be obtained.

(i) Assist and counsel small business firms with individual problems.

(j) Provide for counseling nonresponsive or nonresponsible small business bidders to help qualify them for future awards.

(k) Screen proposed large procurements to determine the possibility of separation or breakout of components suitable for purchase from small business firms.

(l) Attend conferences and meetings publicizing the small business program.

(m) Insure that proposed procurements are publicized in the Commerce Business Daily.

(n) Set goals for small business and 8(a) purchase orders and contracts.

(o) Assure preference to small business firms on multiple award Federal supply schedules.

(p) Promote the award of research contracts to small business firms.

5. In § 8–1.704–4, paragraph (b) is amended and paragraphs (d) and (e) are revoked. The amended material reads as follows:

§ 8–1.704–4 Definitions.

As used in this subpart the following terms have the following meanings:

. . . . . .

(b) "Head of procuring activity" means the Chief, Procurement Division, Central Office; Project Directors, Office of the Assistant Administrator for Construction; Director, Building and Supply Service, Central Office; Director, Publications Service; Central Office; Chiefs, Marketing Divisions, VA Marketing Center; and the Chief, Supply Service, at a field station.

. . . . . .

(d) [Revoked]
(e) [Revoked]

§§ 8–1.705, 8–1.705–7, 8–1.705–50 and 8–1.705–51 [Revoked]

6. Section 8–1.706, "Cooperation with the Small Business Administration" is revoked.

7. Section 8–1.706–1 is revised to read as follows:

§ 8–1.706–1 General.

Each Veterans Administration contracting officer will exercise his/her best efforts to identify those commodities or services required by the Veterans Administration, that are capable of being furnished or rendered by a small business entity. He/she will determine in cooperation with an SBA representative, where possible, whether or not a particular procurement or class of procurements will be set aside, in whole or in part, for exclusive small business participation. In the event an SBA representative is not available, a unilateral determination will be made by the contracting officer. Each determination will be reviewed by the head of the specific procuring activity and either approved or disapproved. Should there be a difference of opinion on such determinations the matter will be referred to the Deputy Director, Supply Service, for resolution. The Deputy Director will, when necessary, refer the matter to SBA as provided in FPR 1–1.706–2.

8. Section 8–1.706–2 is revised to read as follows:

§ 8–1.706–2 Review of SBA set-aside proposals.

When a recommendation is made by an SBA representative to set aside either an individual procurement or a class of procurements, the contracting officer will either accept or reject the recommendation. If rejected, the reasons therefor will be documented and submitted to the head of the procuring activity for review. If the rejection is upheld by the reviewing authority his/her decision, reduced to writing, will be transmitted to the SBA representative, for necessary action in accordance with FPR 1–1.706–2. Pending resolution of the dispute, procurement action will be suspended except as provided in FPR 1–1.706–2(a)(2).

9. In § 8–1.706–5, paragraph (b) is amended to read as follows:

§ 8–1.706–5 Total set-asides.

. . . . . .

(b) Each proposed procurement for construction, including alteration, maintenance, and repairs, in excess of $2,000 and under $500,000 shall be considered individually as though SBA had initiated a set-aside request. When, in the judgement of the contracting officer, a particular project falling within these dollar limits is determined unsuitable as a set-aside for exclusive small business participation pursuant to FPR 1–1.7 of this title, he/she shall notify the Director, Supply Service, of his/her decision. Unless the Director, Supply Service, or his/her designee, disagrees with the contracting officer's decision, the contracting officer shall proceed to process the procurement on an unrestricted basis.

10. In § 8–1.708–2, paragraph (c) is amended to read as follows:

§ 8–1.708–2 Applicability and procedure.

The higher authority referred to in FPR 1–1.708–2(a)(1) will be the following individuals in the Veterans Administration:

. . . . . .

(c) Director, Supply Service for the Procurement Division, Supply Service, Central Office.

. . . . . .

11. Section 8–1.708–3 is revised to read as follows:

§ 8–1.708–3 Conclusiveness of certificate of competency.

When a certificate of competency has been issued by the SBA and the contracting officer, as provided for in FPR 1–1.708–2(a)(5), has substantial doubts as to the ability of the prospective contractor to perform, he/she shall document his/her reasons therefor and submit the matter to the Deputy Director, Supply Service. The Deputy Director, Supply Service, will resolve the matter with SBA. If, in his/her opinion, the contracting officer's reasons are valid he/she may request SBA to withdraw the certificate of competency. The contracting officer will be advised as to the action he/she is to take.

§ 8–1.710–2 [Revoked]

12. Section 8–1.710–2, "Small business subcontracting program," is revoked.

13. Section 8–1.710–4 is revised to read as follows:

§ 8–1.710–4 Review of subcontracting program.

Responsibility for reviewing and reporting on the prime contractor's subcontracting program is assigned to:

(a) Manager, VA Marketing Center, or his/her designee, for all contracts entered into by the marketing divisions of the center.

(b) The Assistant Administrator for Construction, or his/her designee, for all contracts entered into by contracting officers assigned to his/her office.

(c) The Chief, Procurement Division, Central Office, or his/her designee, for all contracts entered into by that division.

(d) The Chief, Supply Service, or his/her designee, for contracts entered into by field station contracting officers.

14. Sections 8–1.713–1, 8–1.713–2, 8–1.713–3 and 8–1.713–4 are added to read as follows:

§ 8–1.713 Contracts with the Small Business Administration.

§ 8–1.713–1 Authority.

Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) authorizes the Veterans Administration to enter into contracts with the SBA. The latter agency is, in turn, authorized to enter into subcontracts with eligible concerns who are capable of performing these contracts.

§ 8–1.713–2 Policy.

(a) No contract will be entered into with SBA under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) unless a certification is made by the Administrator of that agency, or designee, that SBA is competent to perform the contract.

(b) When it is determined that the requirements of the Veterans Administration are appropriate for inclusion in this program, the contracting officer will make this fact known to the proper officials of the SBA regional office servicing his/her area. If the certification required by paragraph (a) of this section is received, the Veterans Administration contracting officer will secure from SBA the name(s) and location(s) of their subcontractor(s) and the unit price(s) to be paid. Should these prices be within a range acceptable to the Veterans Administration, the contracting officer will notify SBA of acceptance.

(c) The contract will be made between the Veterans Administration and SBA and will be administered by the Veterans Administration. Funds will be obligated prior to execution of the contract.

§ 8–1.713–3 Procurement of supplies, services, and research and development.

(a) Contracts for supplies, equipment and services other than construction will be prepared as any other prime contract and in accordance with FPR 1–1.713–3.

(b) The Veterans Administration contracting officer will forward the prime contract to the SBA in sufficient numbers to furnish two copies to SBA and one copy to each subcontractor. SBA will return the signed original to the Veterans Administration contracting officer.

§ 8–1.713–4 Procurement of construction.

Construction projects which have been selected for inclusion in this program will be contracted for as provided in this section and FPR 1–1.713–4.

(a) The contracting officer will submit, for each project so identified, the complete project listing including technical specifications, drawings and wage rates to the proper official of the appropriate SBA regional office. Should SBA select a competent subcontractor capable of performing the work, they will so certify to the Veterans Administration contracting officer. They will furnish him/her the name and complete address of the subcontractor(s), the project involved and the price(s) quoted. If the price quoted is within the range acceptable to the Veterans Administration, the contracting officer will indicate acceptance to the SBA.

(b) When the contracting officer received Standard Form 23, Construction Contract, signed by the SBA and the subcontractor, and the performance and payment bonds, the contracting officer will forward a notice to proceed to the subcontractor.

(c) In the event SBA or the contracting officer cannot locate an eligible concern capable of and willing to perform the work, the provisions of § 8–1.706–5 will be complied with.

15. In Part 8–1, Subpart 8–1.13 is added to read as follows:

Subpart 8–1.13—Minority Business Enterprises

§ 8–1.1350 VA Minority Business Enterprise Program.

(a) The Administrator, in implementation of the desires of the President to enhance the sharing of the nation's minorities in the free enterprise system, has pledged the full participation of the Veterans Administration in achieving this goal. The VA Committee on Minority Business Enterprise establishes goals to be achieved by this agency in the award of contracts during each fiscal year. To achieve these goals, it is essential that contracting officers exercise their best efforts to determine which requirements can be channeled into this program.

(b) To assure the widest participation of the Veterans Administration in this program, department, staff office and field station heads will require their procurement staff to: contact local business and social organizations composed of minority groups; secure the names of companies owned or operated by minority groups or individuals who are capable of and willing to participate in the program. The individuals and companies contacted will be instructed by the procurement staff in the proper manner to register as suppliers. The procurement staff will also take positive steps to assure that such minority businesses are given an opportunity to bid on Veterans Administration requirements.

(c) Minority businesses disclosed by the actions set forth in paragraph (b) of this section will be furnished Standard Form 129, Bidder's Mailing List Application, on which the following will be inscribed:

The business entity submitting this offer (is) (is not) a minority-owned business. This certification is furnished for statistical purposes only and is not a condition for bidding nor a restriction upon eligibility for award.

The above certification shall also be included in all invitations for bids, requests for quotations and requests for proposals.

(72 Stat. 1114, sec. 205(c), 63 Stat. 390; (38 U.S.C. 210, 40 U.S.C. 486(c)))

These VA regulations are effective October 11, 1974.

Approved: September 6, 1974.

[SEAL] R. L. ROUDEBUSH,
Acting Administrator.

[FR Doc.74-21178 Filed 9-12-74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER N—DANGEROUS CARGOES

[CGD 73–137 R]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD CARGO VESSELS

Marking of Packages

The purpose of this amendment is to amend the dangerous cargo regulations to require the marking of packages containing radioactive materials with the proper shipping name and to prescribe markings for portable tanks.

On Friday, August 31, 1973, the Coast Guard published a notice of proposed rulemaking on this matter (38 FR 23535). A hearing was held on September 25, 1973. No one testified at the hearing; however, one written comment was received.

The one comment received dealt with the height requirement for the lettering, of the required markings on portable tanks. This comment stated that the height of lettering could easily reach 12 inches when considering 1/10 the diameter of the larger portable tanks, and that lettering of this size would not readily

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communicate the desired warning and information if viewed at close quarters. Additionally the commenter pointed out that it would be extremely difficult if not impossible to place all the required information on the tank using such large lettering. It was recommended that a maximum height be specified for the lettering. This comment has been incorporated in the amendment.

In consideration of the foregoing, Title 46 Code of Federal Regulations Part 146 is amended by:

§ 146.05–15 [Amended]

1. Adding to § 146.05–15(a) after the words "poisonous articles" the words "radioactive materials".

2. Revising § 146.06–15(e)(1) to read as follows:

. . . . . .

(e) • • •

(1) Packages containing hazardous materials other than explosives must be marked, unless exempted, with the proper shipping name as shown in the commodity list of the regulations in this part. For tank cars, this marking must appear either on the placards or commodity cards. For other than domestic shipments, where the proper shipping name of the commodity is an "N.O.S." entry in the particular table, this marking shall be qualified by the chemical name of the commodity in parenthesis e.g. "Corrosive Liquid, N.O.S. (caprylyl chloride)".

(i) Each portable tank used for the transportation of a hazardous material must be conspicuously and legibly marked, on a background of sharply contrasting color with a sign or lettering on the tank, such as "Corrosive Liquid", "Compressed Gas", or "Flammable Compressed Gas" as appropriate, and with the proper shipping name as shown in the list of hazardous materials. The height of all required lettering must be at least 2 inches or one-tenth the diameter of the tank (subject to a maximum of 5 inches), whichever is greater. Each portable tank must be marked with the owner's name. In addition to these markings, the trade name for the contents may be marked on the portable tank: *Provided, however,* That no such marking will be of such size and character as to render the required markings inconspicuous.

(R.S. 4472 as amended: R.S. 4417a, as amended; Sec. 1, 19 Stat. 252, 49 Stat. 1889, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).)

Voluntary compliance is permitted before the effective date.

This amendment becomes effective on October 15, 1974.

Dated: September 4, 1974.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.74-21160 Filed 9-12-74;8:45 am]

[CGD 74-144]

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIPS STORES AND SUPPLIES ON BOARD VESSELS

PART 147A—INTERIM REGULATIONS FOR SHIPBOARD FUMIGATION

Minimum Requirements

The purpose of these amendments is to add to Subchapter N of Title 46, Code of Federal Regulations, a new Part 147A that contains the minimum requirements for shipboard fumigation.

Under 46 U.S.C. 170(7), the Commandant of the Coast Guard is to promulgate regulations "to secure effective provisions against the hazards of health, life, limb, or property created by • • • dangerous articles or substances." Under 46 U.S.C. 170(6)(a), dangerous articles or substances may not be used on board a vessel unless the use is permitted by these regulations of the Commandant. Under 46 U.S.C. 170(6)(a), flammable or poisonous substances are included as dangerous articles or substances. Therefore, since fumigants that are used on shipboard are flammable or poisonous, they may not be used unless that use is permitted by regulations of the Commandant that are promulgated under 46 U.S.C. 170(7).

46 CFR Part 146 contains regulations for the transportation or storage of explosives or other dangerous articles or substances, and combustible liquids on board vessels. 46 CFR Part 147 contains regulations that govern the use of dangerous articles as ships' stores and supplies on board vessels. Ships' stores and supplies, as defined in 46 CFR 147.-02–1, are any articles or substances that are used on board a vessel for the upkeep and maintenance of the vessel, the safety or comfort of the vessel, its passengers or crew, or for the operation or navigation of the vessel. Certain uses of fumigants may be permitted under these ships' stores regulations; however, neither Part 146 nor Part 147 covers the use of fumigants on cargo aboard the vessel. Therefore, before that use is permitted on board a vessel under 46 U.S.C. 170(6)(a), it must be permitted by regulations of the Commandant that are promulgated under 46 U.S.C. 170(7).

It has come to the attention of the Coast Guard that shipboard fumigation has recently resulted in injury and death. Therefore, the Coast Guard has determined that the procedure for certification of fumigants as ships' stores under 46 CFR Part 147 is not always adequate and that it is also necessary to promulgate specific regulations for the fumigation of cargo. The Coast Guard is promulgating these interim regulations for the immediate protection of the health and safety of the crew and other persons on board a vessel during fumigation. The Coast Guard needs more experience, information, and time to promulgate final regulations for the use of fumigants. These interim regulations provide the minimum requirements for the safe use of fumigants aboard vessels until these final regulations are promulgated. During this interim fumigants will not be certified for use as ships' stores under Part 147. The requirements that are being considered for the final regulations include a new procedure for the certification of fumigants that includes the approval by the Coast Guard of the instructions for use that will appear on the label.

Because there is an immediate need for these regulations to protect the health and safety of the crew and other persons on board a vessel during fumigation, the Coast Guard finds that notice and hearing are contrary to the public interest under 5 U.S.C. 553(b)(3)(B) and 46 U.S.C. 170(9) and that these regulations are to be effective immediately under 5 U.S.C. 553(d)(3) and 46 U.S.C. 170(9).

In consideration of the foregoing, Subchapter N of Title 46, Code of Federal Regulations is amended as follows:

§ 147.02–1 [Amended]

1. By amending § 147.02–1 by striking the period after the words, "(except fuel for its own machinery)" and adding the words, "; except shipboard fumigation that is regulated under Part 147A of this subchapter."

2. By adding a new Part 147A to read as follows:

GENERAL

Sec.
147A.1 Purpose.
147A.3 Applicability.
147A.5 General requirement
147A.7 Definitions.
147A.9 Persons in charge of fumigation and the vessel; designation.
147A.10 Notice to Captain of the Port.

BEFORE FUMIGATION

147A.11 Person in charge of fumigation; before fumigation.
147A.13 Person in charge of vessel; before fumigation.

DURING FUMIGATION

147A.21 Person in charge of fumigation; during fumigation.
147A.23 Person in charge of the vessel; during fumigation.
147A.25 Entry.

AFTER VENTILATION

147A.31 Removal of fumigation material and warning signs.

SPECIAL REQUIREMENTS FOR FLAMMABLE FUMIGANTS

147A.41 Person in charge of fumigation; flammable fumigants.
147A.43 Other sources of ignition; flammable fumigants.

AUTHORITY: 46 U.S.C. 170; (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).

GENERAL

§ 147A.1 Purpose.

The purpose of this part is to prescribe the requirements for shipboard fumigation that are critical for the health and safety of the crew and any other person who is on board a vessel during fumigation. These are interim rules pending further study and promulgation of comprehensive regulations on shipboard fumigation.

§ 147A.3 Applicability.

This part prescribes the rules for shipboard fumigation on vessels to which Subchapter N applies under § 146.02–2.

§ 147A.5 General requirement.

No person may cause or authorize shipboard fumigation contrary to the rules in this part.

§ 147A.7 Definitions.

As used in this part—

(a) "Qualified person" means a person who has experience with the particular fumigant or knowledge of its properties and is familiar with fumigant detection equipment and procedures, or an applicator who is certified by the Environmental Protection Agency if his certification covers the fumigant that is used.

(b) "Fumigant" means a substance or mixture of substances that is a gas or is rapidly or progressively transformed to the gaseous state though some nongaseous or particulate matter may remain in the space that is fumigated.

(c) "Fumigation" means the application of a fumigant on board a vessel to a specific treatment space.

§ 147A.9 Persons in charge of fumigation and the vessel; designation.

(a) The person, including any individual, firm, association, partnership, or corporation, that is conducting a fumigation operation shall designate a person in charge of fumigation for each operation.

(b) The operator of each vessel shall designate a person in charge of the vessel for each fumigation operation.

§ 147A.10 Notice to Captain of the Port.

Unless otherwise authorized by the Captain of the Port, at least 24 hours before fumigation the operator of the vessel shall notify the Coast Guard Captain of the Port, for the area where the vessel is to be fumigated, of the time and place of the fumigation, and the name of the vessel that is to be fumigated.

BEFORE FUMIGATION

§ 147A.11 Person in charge of fumigation; before fumigation.

(a) The person in charge of fumigation shall notify the person in charge of the vessel of—

(1) The space that is to be fumigated;

(2) The name, address, and emergency telephone number of the fumigation company;

(3) The dates and times of fumigation;

(4) The characteristics of the fumigant;

(5) The spaces that are determined to paragraph (b)(1)(i) of this section;

(6) The maximum allowable concentration of fumigant in spaces, if any, that are determined to be safe for occupancy under paragraph (b)(1)(i) of this section;

(7) The symptoms of exposure to the fumigant; and

(8) Emergency first aid treatment for exposure to the fumigant.

(b) The person in charge of fumigation shall ensure that—

(1) A marine chemist or other qualified person who has knowledge of and experience in shipboard fumigation evaluates the vessel's construction and configuration and determines—

(i) Which spaces, if any, are safe for occupancy during fumigation; and

(ii) The intervals that inspections must be made under § 147A.21(a)(1);

(2) No persons or domestic animals are in the space that is to be fumigated or the spaces that are designated as unsafe for occupancy under paragraph (b)(1)(i) of this section;

(3) There is proper and secure sealing to confine the fumigant to the space that is to be fumigated, including blanking off and sealing any ventilation duets and smoke detectors;

(4) The personal protection and fumigation detection equipment for the fumigant that is to be used is on board the vessel;

(5) Warning signs are—

(i) Posted upon all gangplanks, ladders, and other points of access to the vessel;

(ii) Posted on all entrances to the spaces that are designated as unsafe for occupancy under paragraph (b)(1)(i) of this section; and

(iii) In accordance with section 432 of the Standard for Fumigation (NFPA No. 57–1973) of the National Fire Protection Association (copies may be obtained by requesting NFPA No. 57–1973 from the National Fire Protection Association, International, 470 Atlantic Avenue, Boston, Massachusetts 02210); and

(6) Watchmen are stationed at all entrances to—

(i) Spaces that are not determined to be safe for occupancy under paragraph (b)(1)(i) of this section; or

(ii) The vessel, if no spaces are determined to be safe for occupancy under paragraph (b)(1)(i) of this section.

§ 147A.13 Person in charge of the vessel; before fumigation.

(a) After notice under § 147A.11(a)(5), the person in charge of the vessel shall notify the crew and all other persons on board the vessel who are not participating in the fumigation of the spaces that are determined to be safe for occupancy under § 147A.11(b)(1)(i).

(b) If no spaces are determined to be safe for occupancy under § 147A.11(b)(1)(i), the person in charge of the vessel shall ensure that the crew and all persons who are not participating in the fumigation leave the vessel and remain away during fumigation.

DURING FUMIGATION

§ 147A.21 Person in charge of fumigation; during fumigation.

(a) Until ventilation begins, or until the vessel leaves port, the person in charge of fumigation shall ensure that a qualified person inspects the vessel as follows:

(1) He must use detection equipment for the fumigant that is used to ensure that the fumigant is confined to—

(i) The space that is fumigated, if partial occupancy is allowed under § 147A.11(b)(1)(i); or

(ii) The vessel, if no space is determined to be safe for occupancy under § 147A.11(b)(1)(i).

(2) He must make inspections at the intervals that are determined to be necessary by the marine chemist or qualified person under § 147A.11(b)(1)(ii).

(b) If leakage occurs, the person in charge of fumigation shall—

(1) Notify the person in charge of the vessel that there is leakage;

(2) Ensure that all necessary measures are taken for the health and safety of any person; and

(3) Notify the person in charge of the vessel when there is no danger to the health and safety of any person.

(c) After the exposure period, if the vessel is in port, the person in charge of fumigation shall ensure that fumigators or other qualified persons ventilate the space that is fumigated as follows:

(1) Hatch covers and vent seals must be removed, other routes of access to the atmosphere must be opened, and if necessary, mechanical ventilation must be used.

(2) Personal protection equipment that is appropriate for the fumigant that is used must be worn.

(d) If ventilation is completed before the vessel leaves port, the person in charge of fumigation shall—

(1) Ensure that a qualified person, who is wearing the personal protection equipment for the fumigant that is used if remote detection equipment is not used, tests the space that is fumigated and determines if there is any danger to the health and safety of any person, including a danger from fumigant that may be retained in bagged, baled, or other absorbent cargo;

(2) Notify the person in charge of the vessel of this determination; and

(3) If it is determined that there is a danger—

(i) Ensure that all measures are taken that are necessary for the health and safety of all persons; and

(ii) Notify the person in charge of the vessel when there is no danger to the health and safety of any person.

§ 147A.23 Person in charge of vessel; during fumigation.

(a) The person in charge of the vessel shall ensure that the crew and all other persons on board the vessel who are not participating in the fumigation restrict their movement during fumigation to the spaces that are determined to be safe

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for occupancy under § 147A.11(b)(1)(i).

(b) The person in charge of the vessel shall ensure that the crew and all other persons who are not participating in the fumigation follow any instructions of the person in charge of fumigation that are issued under § 147A.21 (b)(2) or (d)(3)(i) and that the vessel does not leave port if he is notified under—

(1) Section 147A.21(b)(1) that there is leakage, unless the person in charge of fumigation notifies him under § 147A.21 (b)(3) of this subpart that there is no danger; or

(2) Section 147A.21(d)(2) that there is a danger after ventilation, unless the person in charge of the fumigation notifies him under § 147A.21(d)(3)(ii) that there is no danger.

(c) If fumigation is not completed before the vessel leaves port, the person in charge of the vessel shall ensure that personal protection and fumigant detection equipment for the fumigant that is used is on board the vessel.

(d) If the vessel leaves port before fumigation is completed, the person in charge of the vessel shall ensure that a qualified person makes periodic inspections until ventilation is completed and this person shall use detection equipment for the fumigant that is used to determine if—

(1) There is leakage of fumigant; or

(2) There is a concentration of fumigant that is a danger to the health and safety of any person.

(e) If the qualified person determines under paragraph (d) of this section that there is leakage or a concentration of fumigant that is a danger to the health and safety of any person, the person in charge of the vessel shall take all measures that are, in his discretion, necessary to ensure health and safety of all persons who are on board the vessel. If the danger is due to leakage, he shall also ensure that qualified persons immediately ventilate in accordance with paragraphs (c)(1) and (2) of § 147A.21.

(f) If the vessel leaves port during the exposure period, the person in charge of the vessel shall ensure that the space that is fumigated is ventilated by qualified persons after the exposure period in accordance with paragraphs (c) (1) and (2) of § 147A.21.

(g) If ventilation is completed after the vessel leaves port, the person in charge of the vessel shall ensure that a qualified person, who is wearing the personal protection equipment for the fumigant that is used if remote detection equipment is not used, tests the space that is fumigated to determine if there is a danger to the health and safety of any person, including a danger from fumigant that may be retained in bagged, baled, or other absorbent cargo. If the qualified person determines that there is a danger, the person in charge of the vessel shall take all measures that are, in his discretion, necessary to ensure the health and safety of all persons who are on board the vessel.

§ 147A.25 Entry.

(a) No person may enter the spaces that immediately adjoin the space that is fumigated during fumigation unless entry is for emergency purposes or the space is tested and declared safe for human occupancy by a marine chemist or other qualified person and is inspected under § 147A.21(a)(2) or § 157A.23(d).

(b) If entry is made for emergency purposes—

(1) No person may enter the space that is fumigated or any adjoining spaces during fugimation unless he wears the personal protection equipment for the fumigant that is in use;

(2) No person may enter the space that is fugimated unless the entry is made by a two person team; and

(3) No person may enter the space that is fumigated unless he wears a lifeline and safety harness and each life-line is tended by a person who is outside the space and who is wearing the personal protection equipment for the fumigant that is in use.

AFTER VENTILATION

§ 147A.31 Removal of fumigation material and warning signs.

After ventilation is completed and a marine chemist or other qualified person determines that there is no danger to the health and safety of any person under § 147A.21(d) or § 147A.23(g), the person in charge of fumigation, or, if the vessel has left port, the person in charge of the vessel, shall ensure that all warning signs are removed and fumigation containers and materials are removed and disposed of in accordance with the manufacturer's recommendations.

SPECIAL REQUIREMENTS FOR FLAMMABLE FUMIGANTS

§ 147A.41 Person in charge of fumigation; flammable fumigants.

(a) The person in charge of fumigation shall ensure that—

(1) Before the space that is to be fumigated is sealed, it is thoroughly cleaned, and all refuse, oily waste, and other combustible material is removed;

(2) Before fumigation, all fire fighting equipment, including sprinklers and fire pumps, is in operating condition; and

(3) Before and during fumigation, electrical circuits that are in the space that is fumigated are de-energized.

§ 147A.43 Other sources of ignition; flammable fumigants.

While the space that is fumigated is being sealed or during fumigation, no person may use matches, smoking materials, fires, open flames, or any other source of ignition in any spaces that are not determined to be safe for occupancy under § 147A.11(b)(1)(i).

(46 U.S.C. 170; (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

Effective date. These amendments are effective on September 13, 1974.

Dated: September 5, 1974.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.74-21164 Filed 9-12-74;8:45 am]

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 75, 2d Rev., Amdt. 33]

PART 308—WAR RISK INSURANCE

Expiration Dates Changed

In F.R. Doc. 74-5830, appearing in the FEDERAL REGISTER issue of March 13, 1974 (39 FR 9669) Part 308 was amended to reflect the following changes:

Amend § 308.6 Period of interim binders and renewal procedure, § 308.106 Standard form of war risk hull insurance interim binder and optional disbursements insurance endorsement, § 308.206 Standard form of war risk protection and indemnity insurance interim binder, and § 308.305 Standard form of Second Seamen's war risk insurance interim binder, by changing the expiration dates contained therein to read "midnight October 7, 1974, g.m.t."

The same is hereby further amended by changing the expiration dates contained therein to read "midnight April 7, 1975, g.m.t."

(Sec. 204, 49 Stat. 1987, as amended; (46 U.S.C. 1114))

Dated: September 6, 1974.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.74-21242 Filed 9-12-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[1 Corrected S.O. 1176, Amdt. 1]

PART 1033—CAR SERVICE

Kansas City Southern Railway Co. Authorized To Operate Over Certain Tracks of St. Louis-San Francisco Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of August 1974.

Upon further consideration of [1] Corrected Service Order No. 1176 (39 FR 13264), and good cause appearing therefor:

[1] Correction Amendment No. 1 Served August 30, 1974, erroneously referred to Service Order No. 1176.

It is ordered, That: § 1033.1176 *Service Order No. 1176* (The Kansas City Southern Railway Company authorized to operate over certain tracks of St. Louis-San Francisco Railway Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 28, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., August 31, 1974.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), 17 (2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10–17), 15(4), and 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21243 Filed 9-12-74;8:45 am]

[S.O. 1196]

PART 1033—CAR SERVICE

Duluth, Missabe and Iron Range Railway Co. Authorized To Operate Over Tracks of Soo Line Railroad, Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 9th day of September 1974.

It appearing, that the Duluth, Missabe and Iron Range Railway Company (DMIR) and the Soo Line Railroad Company (Soo) have agreed to change the point of interchange of traffic delivered by the DMIR to the Soo from Missabe Junction, Wisconsin to Stinson, Wisconsin, both points being located within the limits of Superior, Wisconsin; that the aforementioned change of interchange to Stinson will enable these carriers to move this traffic through the Superior, Wisconsin terminal twenty-four hours faster than when interchange is accomplished at Missabe Junction; that the change in the interchange point to Stinson will greatly improve freight car utilization and thereby assist in overcoming freight car shortages; that interchange of cars between these carriers at Stinson, Wisconsin will require operation by the DMIR over tracks of the Soo between Saunders, Wisconsin, and Stinson, Wisconsin, a distance of approximately three (3) miles; that the Soo has consented to such use of its tracks by the DMIR; that operation by the DMIR over the aforementioned tracks of the Soo, pending disposition of application with the Commission to operate over these tracks, is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1196 Service Order No. 1196.

(a) *Duluth, Missabe and Iron Range Railway Company authorized to operate over tracks of Soo Line Railroad Company.* The Duluth, Missabe and Iron Range Railway Company (DMIR) be, and it is hereby, authorized to operate over tracks of the Soo Line Railroad Company (Soo), for interchange purposes only, from Saunders Interchange at Superior, Wisconsin, to Stinson Interchange, also at Superior, Wisconsin, a distance of three (3) miles, all within the yard limits of the Soo's Duluth-Superior Terminal.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Effective date.* This order shall become effective at 12:01 p.m., September 10, 1974.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), 17 (2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10–17), 15(4), and 17(2)))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21244 Filed 9-12-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Correction

In FR Doc. 74-20064 appearing at page 31883 in the issue of Tuesday, September 3, 1974, the following changes should be made in § 20.105:

1. In paragraph (c), in the first column on page 31885, the entry for New Mexico should read:

New Mexico[2]	Oct. 12 to Jan. 12.	

2. In paragraph (e):

a. In the table on page 31886, all footnotes [1] should read footnotes *.

b. In the table on page 31887, under "Illinois", the entry for "Geese" should read:

	Season dates	Limits: Bag	Limits: Possession
Geese[1]*		5	5

c. In this same table on page 31887, under Michigan, the entry for Zones 2 and 3 under "Ducks" should read:

Zones 2 and 3	Oct. 9 to Nov. 20	Point system.	Point system.

d. In the table on page 31888, all footnotes [1] should read footnotes *.

e. In the first table on page 31889, under the entry "Geese:", the Season dates for "In remainder of State" should read:

Oct. 2* to Dec. 10----

PART 32—HUNTING

Agassiz National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective September 13, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

AGASSIZ NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Agassiz National Wildlife Refuge, Minnesota, is permitted from sunrise to sunset November 1 through November 30, 1974, inclusive, on all areas except those designated by closed area signs. This open area comprises 58,660 acres, is delineated on a map available at the Refuge Headquarters near Holt, Minnesota, and from the Regional Director, U.S. Fish & Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting

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shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1974.

JOSEPH KOTOK,
Refuge Manager, Agassiz National Wildlife Refuge, Middle River, Minnesota.

SEPTEMBER 4, 1974.

[FR Doc.74-21148 Filed 9-12-74;8:45 am]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective September 13, 1974.

§ 32.32 **Special regulations; big game; for individual wildlife refuge areas.**

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of deer on portions of the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from 12 noon to sunset November 8, 1974, and from sunrise to sunset November 9, 1974 through November 17, 1974, only on the area south of State Highway #14 designated by signs as open to hunting. This open area is delineated on a map available at the refuge headquarters, Upham, North Dakota, and from the Area Office, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) A special access permit is required, with a limited number of permits being issued from refuge headquarters.

(2) All hunters must exhibit their special access permit, hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 17, 1974.

DAROLD T. WALLS,
Acting Refuge Manager.

SEPTEMBER 5, 1974.

[FR Doc.74-21211 Filed 9-12-74;8:45 am]

PART 32—HUNTING

Quivira National Wildlife Refuge, Kans.

The following special regulation is issued and is effective September 13, 1974.

§ 32.12 **Special regulations; migratory game birds; for individual wildlife refuge areas.**

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of ducks, coots, gallinules, and mergansers on the Quivira National Wildlife Refuge, Kans., is permitted from October 19, 1974 through December 8, 1974, inclusive, and from December 23, 1974 through December 29, 1974, inclusive; geese, from October 19, 1974 through December 29, 1974, inclusive. Hunting of mourning doves, snipe, rails, crows, and woodcock is permitted when the respective seasons are concurrent with the waterfowl seasons as designated by the Kansas Forestry, Fish, and Game Commission. Hunting shall be only on the areas designated by signs as open to hunting. These open areas, comprising 7,990 acres, are delineated on maps available at refuge headquarters, Stafford, Kans., and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, coots, gallinules, geese, mourning doves, snipes, rails, crows, and woodcock subject to the following special regulations:

(1) Blinds—only temporary blinds constructed above ground of natural vegetation are permitted.

(2) Dogs—not to exceed two per hunter may be used only for retrieving.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 29, 1974.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kans.

AUGUST 26, 1974.

[FR Doc.74-21219 Filed 9-12-74;8:45 am]

PART 32—HUNTING

Quivira National Wildlife Refuge, Kans.

The following special regulation is issued and is effective September 13, 1974.

§ 32.22 **Special regulations; upland game; for individual wildlife refuge areas.**

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants, bobwhite, squirrel and rabbits on the Quivira National Wildlife Refuge, Kansas is permitted only in the areas open to waterfowl hunting. These areas, comprising 7,990 acres are delineated on maps available at refuge headquarters, Stafford, Kansas, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Hunting shall be in accordance with all applicable State regulations governing the hunting of ring-necked pheasants, bobwhite, squirrel and rabbits October 19, 1974 through January 31, 1975, inclusive, subject to the following special conditions:

(1) The use of rifles is prohibited for taking squirrel and rabbits.

(2) The hunting of any species after sunset is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1975.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kansas.

AUGUST 26, 1974.

[FR Doc.74-21220 Filed 9-12-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 152]

CLASSIFICATION AND APPRAISEMENT OF MERCHANDISE

Notification of an Importer of an Increase in Estimated Duties

Notice is hereby given that under the authority of 5 U.S.C. 301, R.S. 251, as amended (19 U.S.C. 66), and sections 505, 624, 46 Stat. 732, as amended, 759 (19 U.S.C. 1505, 1624), it is proposed to amend § 152.2 of the Customs regulations (19 CFR 152.2) to provide that the district director of Customs shall notify the importer on Customs Form 29, Notice of Action, when the estimated aggregate of the increase in duties on an entry exceeds $50.

Section 152.2 of the Customs Regulations presently requires that the importer be notified on Customs Form 5561 when the estimated aggregate of the increase in duties on an entry exceeds $15. Customs Form 5561 has been abolished, and notification to importers of increased duties is now made on Customs Form 29, Notice of Action. A study by the United States Customs Service has determined that administrative costs incurred in notifying importers of increases in duty ranging between $15 and $50 are disproportionate to the amount of duties involved, and that an increase of the minimum amount to $50 will not result in a significant reduction of services provided to the importing public.

Accordingly, it is proposed to amend § 152.2 of the Customs regulations (19 CFR 152.2) to read as follows:

§ 152.2 **Notification to importer of increased duties.**

If the district director believes that the entered rate or value of any merchandise is too low, or if he finds that the quantity imported exceeds the entered quantity, and the estimated aggregate of the increase in duties on that entry exceeds $50, he shall promptly notify the importer on Customs Form 29, Notice of Action, specifying the nature of the difference on the notice. Liquidation shall be made promptly and shall not be withheld for a period of more than 20 days from the date of mailing of the notice unless in the judgement of the district director there are compelling reasons that would warrant such action.

Data, views, or arguments with respects to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received on or before October 15, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: September 5, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-21225 Filed 9-12-74;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers

[33 CFR Part 204]

GULF OF MEXICO, FLORIDA

Use and Navigation of Dangerous Zones

Notice is hereby given that pursuant to section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3) the regulations set forth in tentative form below are proposed by the Secretary of the Army (acting through the Chief of Engineers) to govern the use and navigation of danger zones in the Gulf of Mexico, southeast of St. Andrew Bay East Entrance, Florida. It is proposed to amend the present regulations with respect only to subparagraph (1) of paragraph (a) in Title 33 Code of Federal Regulations, § 204.120 to change the boundaries of Area No. 1. The remainder of Title 33 Code of Federal Regulations § 204.120 remains unchanged.

Prior to the adoption of the proposed regulations consideration will be given to any comments, suggestions or objections thereto which are submitted in writing to the Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attention: DAEN-CWO-N on or before October 15, 1974.

§ 204.120 **Gulf of Mexico, southeast of St. Andrew Bay East Entrance, Small Arms Firing Range, Tyndall Air Force Base, Fla.**

(a) *The Danger Zones*—(1) *Area No. 1.* The waters of the Gulf of Mexico, southeast of St. Andrew Bay East Entrance within a rectangular area beginning at a point on shore at latitude 30°04'32", longitude 85°37'07"; thence to latitude 30°03'03", longitude 85°38'42"; thence to latitude 30°02'14", longitude 85°37'15"; thence to a point on shore at latitude 30°04'13", longitude 85°36'47"; thence along the shoreline to the point of beginning.

* * * * *

Dated: September 6, 1974.

By authority of the Secretary of the Army.

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army, Chief, Plans Office, TAGO.

[FR Doc.74-21216 Filed 9-12-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

PACIFIC COAST WINTER PEARS

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This notice invites written comments relative to the proposed Control Committee expenses of $111,663 and an assessment rate of $0.015 per standard western pear box or equivalent quantity of regulated winter pears to support committee activities during the 1974–75 fiscal period under Marketing Order No. 927. The committee has also proposed that unexpended assessment income from 1973–74 and prior years be carried over as a reserve.

Consideration is being given to the following proposals submitted by the Control Committee, established pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927; 39 FR 26714), regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses which are reasonable and necessary to be incurred by the Control Committee, during the period July 1, 1974, through June 30, 1975, will amount to $111,663.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 927.41, be fixed at $0.015 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

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(3) That unexpended assessment funds in excess of expenses incurred during the fiscal period ended June 30, 1974, and prior years be carried over as a reserve in accordance with the applicable provisions of § 927.42.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 1, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 6, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21157 Filed 9-12-74;8:45 am]

[7 CFR Part 981]

ALMONDS GROWN IN CALIFORNIA

Proposed Expenses of Control Board and Rate of Assessment for 1974–75 Crop Year

Notice is given of proposed expenses of the Almond Control Board and rate of assessment for the 1974–75 crop year. The proposal is pursuant to §§ 981.80 and 981.81 of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981). The amended marketing agreement and order regulate the handling of almonds grown in California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is based on the unanimous recommendation of the Almond Control Board. Proposed expenses of the Board for the 1974–75 marketing year, beginning July 1, 1974, total $4,660,750. The proposed rate of assessment is 2.2 cents per pound of almonds (kernel weight basis).

If is also proposed that paragraph (b) of § 981.300 Subpart–Budget of Expenses and Rate of Assessment (7 CFR 981.300; 981.323), authorizing retention in an operating reserve fund of unexpended assessment funds in excess of expenses incurred during the crop year ending June 30, 1973, be deleted. That paragraph is obsolete.

All persons who desire to submit written data, views, or arguments on this proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, to be received no later than September 30, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 981.300 [Amended]

(1) In § 981.300 delete paragraph (b) and the "(a)" appearing before the remaining paragraph.

(2) Add the following § 981.324 to read as follows:

§ 981.324 Expenses of the Control Board and rate of assessment for the 1974–75 crop year.

(a) *Expenses.* Expenses in the amount of $4,660,750 are reasonable and likely to be incurred by the Control Board during the crop year beginning July 1, 1974, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said crop year, payable by each handler in accordance with § 981.81, less any amount credited pursuant to § 981.41 but not to exceed 2 cents per pound of almonds (kernel weight basis), is fixed at 2.2 cents per pound of almonds (kernel weight basis).

Dated: September 10, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21228 Filed 9-12-74;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1408]

SETOFF, WITHHOLDING AND STOP PAYMENT POLICIES

Loss or Damage Debts Due

Pursuant to the authority contained in section 4(d), 62 Stat. 1071; 15 U.S.C. 714b, notice is hereby given that Commodity Credit Corporation proposes to revise setoff and withholding procedures.

The proposed revision would eliminate the present $250 limitation on setoff of carrier debts and the requirement that setoff be made only if the debt cannot be grouped within 20 months from the date it was first declined by the carrier with other similar debts against the same carrier making a total of $250 or more.

Other proposed changes are editorial and the term "either in cash or in kind" with reference to a withholding by CCC, is absolete and will be deleted.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision to the Controller, Commodity Credit Corporation, Department of Agriculture, Washington, D.C. 20250, on or before October 15, 1974.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Controller during regular business hours (8:15 a.m.–4:45 p.m.) in room 6096 South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

Accordingly, it is proposed to delete paragraphs (e)(2)(iv) and (e)(3) and revise paragraph (e)(2) of § 1408.4 to read as follows:

§ 1408.4 Setoff.

. . . . . .

(e) . . .

(2) Any loss or damage debt . . . if:

. . . . . .

Signed at Washington, D.C., on September 4, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-21159 Filed 9-12-74;8:45 am]

Soil Conservation Service

[7 CFR Parts 640, 641, 642, 643]

RESOURCE CONSERVATION AND DEVELOPMENT

Program Development, Planning, and Operations

The Soil Conservation Service (SCS) plans to codify its policy and procedures for administering its resource conservation development program under 7 CFR Chapter VI, Subchapter E.

Interested persons may participate in the proposed rulemaking by submitting written data, views, or arguments as they may desire to the Administrator, Soil Conservation Service, Washington, DC 20250. All communications received on or before October 21, 1974, will be considered before action is taken on the proposed policy and procedures. The proposal contained in this policy notice may be changed in the light of comments received.

The policy and procedures are proposed under the authority of Pub. L. 87–703, 76 Stat. 607; Pub. L. 89–796, 80 Stat. 1478; Pub. L. 91–343, 84 Stat. 439; Title III, Pub. L. 92–419, 86 Stat. 669 (7 U.S.C. 1010–1011); Pub. L. 74–46, 49 Stat. 163 (16 U.S.C. 590 a–f).

(Catalog of Federal Domestic Assistance Program No. 10.901 National Archives Reference Services)

Dated: September 6, 1974.

NORMAN A. BERG,
Acting Administrator.

SUBCHAPTER E—RESOURCE CONSERVATION AND DEVELOPMENT

PART 640—GENERAL

Sec.
640.1 Purpose and scope.
640.2 Definitions.

AUTHORITY: Pub. L. 87–703, 76 Stat. 607; Pub. L. 89–796, 80 Stat. 1478; Pub. L. 91–343, 84 Stat. 439; Title III, Pub. L. 92–419, 86 Stat. 669 (7 U.S.C. 1010–1011); Pub. L. 74–46, 49 Stat. 163 (16 U.S.C. 590 a–f).

§ 640.1 Purpose and scope.

This subchapter sets forth Soil Conservation Service (SCS) policies, requirements, and procedures for the resource conservation and development program (RC&D). Included is a broad scope of activities for assisting local people in initiating and carrying out work necessary to accelerate the conservation, development, and utilization of natural resources, improve the general level of economic activity, and enhance the quality of the environment and the standard of living in the 50 states, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands.

§ 640.2 Definitions.

Administrator. The Administrator of SCS.

Community benefits. Activities carried out in accordance with the project or measure plan which benefit the community by improving socioeconomic conditions for the people living in the project area.

Measure. A proposed activity adopted by the RC&D council for incorporation in the project plan as a means to accomplish project objectives.

Measure plan. A written document for a land area controlled or under the jurisdiction of the measure sponsor setting forth decisions for carrying out a measure involving RC&D technical or financial assistance.

Measure sponsor. A governmental unit or nonprofit organization having authority to plan, carry out, operate, and maintain a measure.

Program. The program established to implement authorities of the Food and Agriculture Act of 1962, Pub. L. 87–703, 76 Stat. 607, as amended (7 U.S.C. 1010–1011), and the other authorities cited above.

Project. A project authorized by the Secretary of Agriculture designed to carry out a program of land conservation, land utilization, and accelerated economic development under sponsorship, direction, and initiative of project sponsors.

Project area. A multijurisdictional area including conservation districts serving the area. All jurisdictions within the project area are eligible to the benefits of the program.

Project operations. Implementation of the project plan, including measures approved for RC&D technical and financial assistance.

Project plan. The written plan of the project sponsors for the project area. The project plan shall include broad projectwide goals and objectives, policies, and planned courses of actions. Measures adopted to help meet projectwide goals and objectives are included in the project plan. The initial project plan is subject to a continuing planning process and may be supplemented annually or revised as changing conditions warrant.

Project sponsors. Federal, state, and local public agencies and nonprofit organizations that have authority to join together to develop and carry out plans for the conservation and utilization of land and water resources.

RC&D council. An organization established by the project sponsors to represent them in coordinating and guiding the project effort. A majority of the RC&D council must be composed of members of the project sponsors. Others on the RC&D council may be members at large from the jurisdictions in the project area.

Secretary. The Secretary of Agriculture.

Short-term plan. A multiyear plan developed in fiscal year increments as a part of the project plan and containing plans for development and necessary strategy. Short-term plans must be revised annually.

State conservationist. The SCS line officer responsible for SCS activities within a particular state or the Commonwealth of Puerto Rico and the U.S. Virgin Islands.

PART 641—PROJECT DEVELOPMENT

Sec.
641.1 Purpose and scope.
641.2 Basic policy.
641.3 Basic objectives.
641.4 Principles.
641.5 Assistance available.

AUTHORITY: Pub. L. 87–703, 76 Stat. 607; Pub. L. 89–796, 80 Stat. 1478; Pub. L. 91–343, 84 Stat. 439; Title III, Pub. L. 92–419, 86 Stat. 669 (7 U.S.C. 1010–1011); Pub. L. 74–46, 49 Stat. 163 (16 U.S.C. 590a–f).

§ 641.1 Purpose and scope.

This part sets forth SCS basic policies, objectives, and principles for the development of RC&D projects.

§ 641.2 Basic policy.

(a) RC&D projects are initiated and carried out by project sponsors with the assistance of agencies of the U.S. Department of Agriculture (USDA). Projects are planned and carried out in areas where there is need to accelerate the conservation, development, and utilization of natural resources, improve the general level of economic activity, and enhance the quality of the environment and the standard of living.

(b) SCS is the USDA agency responsible for the administration of activities relating to RC&D projects (7 CFR 2.62 (a)(6)).

(c) USDA agencies assisting projects in accordance with their assigned functions include the Agricultural Stabilization and Conservation Service, Economic Research Service, Farmer Cooperative Service, Farmers Home Administration, Extension Service, Forest Service, Rural Electrification Administration, and Office of Communications.

(d) Governing bodies of conservation districts, singly or acting in unison, in furtherance of their agreements with the Secretary and in cooperation with other interested groups, take the initiative at the local level in developing with local government officials the leadership and participating sponsorship for needed projects

§ 641.3 Basic objectives.

The basic objectives of the program are:

(a) The orderly development, improvement, conservation, and utilization of natural resources of the project area to provide employment and other economic opportunities to the people of the project area.

(b) Providing a means for local leadership to coordinate and utilize the facilities and techniques available under current federal, state, and local agricultural programs and any new programs as may be instituted to aid in planning and carrying out a balanced program of development and conservation of natural resources to meet local, state, and national needs.

§ 641.4 Principles.

Administration of the program will be guided by the following principles:

(a) The project will be determined by local needs and desires. Priority will be given to those of optimum size such as multijurisdictional areas in one substate planning and development district limited only by the area in which local initiative and leadership truly can be effective and a reasonable time in which necessary surveys and investigations needed in planning can be carried out.

(b) Applications for planning assistance and project plans must be endorsed by the governor or designated state agency.

(c) A continuing planning process must be established by the project sponsors which will result in their preparing, maintaining, and implementing the project plan. If state or areawide comprehensive planning agencies are operational, the continuing planning process must be coordinated by the project sponsors with the planning activities of these agencies.

(d) The project plan must be developed by the project sponsors. SCS and other federal, state, and local agencies and groups may assist.

(e) The project plan must set forth the opportunities for the development, conservation, and utilization of the natural resources and for improvement of the economic activity and the enhancement of the environment in the project area.

§ 641.5 Assistance available.

SCS technical and financial assistance will be provided to project sponsors in developing and carrying out the project plan. A project coordinator will be provided by SCS. Other USDA agencies are directed by the Secretary to assist project sponsors within the assigned functions of each agency.

PART 642—PROJECT PLANNING

Sec.
642.1 Purpose and scope.
642.2 Criteria for project areas.
642.3 Conservation districts.
642.4 Application for program assistance.
642.5 Authorization for program assistance.

Sec.
642.6 Planning process.
642.7 Project sponsor responsibilities.
642.8 Citizens resource committees and

An outline for preparing the application may be obtained from SCS state offices.

(c) *RC&D council.* Prior to submission of an application for assistance,

(b) During the initial planning phase, the RC&D council, with technical assistance from SCS and other cooperating agencies, must:

§ 642.7 Project sponsor responsibilities.

Project sponsors are responsible for leadership in RC&D project activities.

technical and financial needs for measures and other activities to be carried on within the period of the short-term plan.

(b) *Draft project plan review.* A re-

PART 643—PROJECT OPERATIONS

Subpart A—Implementation of the Project Plan (Operations)

Sec.

Sec.
642.6 Planning process.
642.7 Project sponsor responsibilities.
642.8 Citizen resource committees and technical advisory teams.
642.9 Project plan.
642.10 Authorization for operations assistance.

AUTHORITY: Pub. L. 87-703, 76 Stat. 607; Pub. L. 89-796, 80 Stat. 1478; Pub. L. 91-343, 84 Stat. 439; Title III, Pub. L. 92-419, 86 Stat. 669 (7 U.S.C. 1010-1011); Pub. L. 74-46, 49 Stat. 163 (16 U.S.C. 590a-f).

§ 642.1 Purpose and scope.

This part sets forth SCS policies, requirements, and procedures for developing and maintaining an RC&D project plan.

§ 642.2 Criteria for project areas.

The program is applicable to multijurisdictional areas where opportunities exist for project sponsors to develop and carry out plans for the orderly development, improvement, conservation, and utilization of natural resources of a project area to provide employment, other economic opportunities, and improvement in the environment. Project sponsors must establish a system that will stimulate coordination and cooperation in sponsoring and carrying out project planning activities, and be prepared to use their resources, including reasonable financial investments, in implementing the project plan.

§ 642.3 Conservation districts.

Conservation districts wholly or partially within a proposed project area are expected to be project sponsors.

§ 642.4 Application for program assistance.

Project sponsors must submit to the Administrator an application for RC&D program assistance to receive help from USDA in developing and carrying out a project plan. Assistance in preparing the application may be received from SCS and other USDA agencies. Procedures and requirements for developing and submitting the application include:

(a) *Evaluation, review, and coordination.* Applicants must file with concerned state and areawide planning and development clearinghouses a notice of intent to submit an application for RC&D program assistance, and must enter into a memorandum of agreement with the areawide comprehensive planning agency for the jurisdiction in which the project is to be located. The memorandum of agreement must provide for coordination of planning activities and assure compatibility of RC&D activities with goals and policies of the areawide comprehensive planning agency.

(b) *Application content.* The application for RC&D program assistance must include a brief description of the proposed project area, the problems within the project area, goals and objectives of the project sponsors, anticipated benefits, remedial measures and opportunities that are believed to be needed and available, environmental considerations, and scope and degree of local participation. An outline for preparing the application may be obtained from SCS state offices.

(c) *RC&D council.* Prior to submission of an application for assistance, project sponsors must have established an RC&D council to coordinate project activities and provide for the effective involvement of each project sponsor.

(d) *Constitution and bylaws.* A constitution and bylaws must be adopted by the project sponsors and accompany the application for assistance. Items to be considered in the constitution and bylaws include the name and purpose of the RC&D council; its functions, membership, and terms of office; methods for coordination between members of the RC&D council and the project sponsors; officers, their duties, and terms of office; meetings and voting; coordination with existing areawide comprehensive planning agencies; and provisions for use of committees or other methods to afford interested groups and individuals opportunities to be involved in the preparation and implementation of the project plan.

(e) *Memorandum of agreement.* A jointly development memorandum of agreement must be entered into between the project sponsors and the areawide comprehensive planning agency for the jurisdiction in which the project will be located. The memorandum of agreement must contain provisions for cooperation, use of common base data and statistics, organization and procedure for coordinating planning activities, and compatibility of the project plan with goals and policies of the areawide comprehensive planning agency.

(f) *Endorsement by the governor or designated agency.* Applications for assistance must have the endorsement of the governor or designated state agency.

(g) *Where to submit the application.* Send three copies of the application for assistance, one of which must be manually signed by an authorized representative of each project sponsor, through the state conservationist to the Administrator.

§ 642.5 Authorization for program assistance.

The RC&D council will be advised through the state conservationist when their application for program assistance has been approved by the Secretary. In considering requests for assistance, the Secretary is guided by the annual agricultural appropriations act.

§ 642.6 Planning process.

(a) Project planning activities must be carried out within the framework of a continuing planning process that provides for:

(1) Orderly progress by the RC&D council in preparing and maintaining the project plan and in carrying out planning activities;

(2) Project sponsors to expedite measure planning and implementation;

(3) Community leadership participation and citizen involvement; and

(4) Coordination with areawide comprehensive planning agencies.

(b) During the initial planning phase, the RC&D council, with technical assistance from SCS and other cooperating agencies, must:

(1) Further define, evaluate, and analyze the major problems and needs of the project area identified in the application for program assistance.

(2) Hold informational meetings to further acquaint local people with the program and identify other problems, needs, and opportunities of the project area.

(3) Evaluate and revise as needed the project goals and objectives.

(4) Establish an organizational arrangement that will further local leadership participation and citizen involvement, including citizen resource committees and technical advisory teams to deal with each major resource concern.

(5) Inventory the resources of the project area, identify studies to be made during preparation of the project plan, and list possible sources of data and information.

(6) Establish policies and procedures for a continuing planning process for the project area, including implementation of decisions reflected in the project plan.

(7) Develop a work schedule for preparing the project plan.

(c) Following the initial planning phase, the project plan must be developed by the RC&D council, with appropriate technical assistance from SCS and other federal, state, and local agencies, providing for:

(1) Developing needed inventories and studies dealing with land and related natural resources, the economy, community facilities and services, and other concerns of the project sponsors that affect natural resource management and the well being of the people.

(2) Interpreting, evaluating, and analyzing the inventories and other information.

(3) Revising overall project goals and objectives as needed.

(4) Considering feasible alternatives for meeting project goals and objectives.

(5) Making decisions, establishing policies to guide project activities, outlining major courses of action, setting priorities, adopting measures to accomplish goals and objectives, and preparing a short-term plan.

(d) The continuing planning process requires maintaining the project plan through development of new and updated inventories and analyses, reevaluating goals and objectives, and revising the project plan as needed to represent RC&D council decisions on actions to be taken. Annual revision of the short-term plan and amendment of the project plan to add measures adopted during the year are required. Measures shall be selected for action in accordance with decisions recorded in the project plan. The planning process should be established by the project sponsors within six months following authorization by the Secretary for program assistance and the project plan should be completed in less than two years thereafter.

§ 642.7 Project sponsor responsibilities.

Project sponsors are responsible for leadership in RC&D project activities. This includes establishing an RC&D council; preparing and submitting the application for program assistance; preparing and adopting the constitution and bylaws; establishing and carrying out a continuous planning process; preparing, adopting, and maintaining a project plan for the project area; implementing the project plan; and coordinating planning activities with the areawide comprehensive planning agencies through a memorandum of agreement.

§ 642.8 Citizen resource committees and technical advisory teams.

(a) *Citizen resource committees.* Opportunities must be provided by project sponsors to permit interested groups, local citizen leaders, and individuals to participate in the planning process through the use of techniques such as projectwide citizen resource committees. Citizen resource committees function as advisory groups to the RC&D council.

(b) *Technical advisory teams.* Within the limits of their assigned responsibilities and available resources, SCS and other USDA agency representatives will provide technical advisory assistance to RC&D councils. Project sponsors should seek and use assistance available from other federal, state, and local agencies. To further timely assistance and appropriate coordination between assisting agencies during preparation of the project plan, the use of technical advisory teams is recommended. Technical advisory teams assist the citizen resource committees in preparing needed inventories, evaluations, and analyses for use in planning, and provide technical advice to both the citizen resource committees and the RC&D council.

§ 642.9 Project plan.

(a) *Project plan requirements.* (1) The RC&D council must develop and keep up to date a project plan. Project plans must include a summary of resource inventories, analyses, and other information developed and used by the project sponsors in making decisions recorded in the project plan. Items to be considered during project plan development include:

(i) Quantity and location or distribution of resources;

(ii) Economic and social values of resources;

(iii) Problems, trends, needs, and quality conditions of resources;

(iv) Basic reasons for problems and trends; and

(v) Potentials or opportunities for improvement, prudent use, management, and development of resources.

(2) A plan of action section of the project plan must reflect decisions of the project sponsors and include:

(i) Goals and objectives;

(ii) Policies, major courses of action, and priorities;

(iii) Adopted measures; and

(iv) A short-term plan for a multiyear period updated annually to show the technical and financial needs for measures and other activities to be carried on within the period of the short-term plan.

(b) *Draft project plan review.* A review draft of the project plan must be submitted by the RC&D council to each project sponsor, assisting agency, and other concerned organizations for review and comment. Comments received must be considered in the preparation of the final draft of the project plan.

(c) *Endorsement.* Endorsement by the governor or designated agency of the project plan must be obtained by the project sponsors. The endorsement must be included as a part of the project plan.

(d) *Submitting the project plan.* A copy of the completed project plan must be sent through the state conservationist to the Administrator. The copy must be manually signed by an authorized representative of each project sponsor and must indicate that it has been approved and adopted by each project sponsor.

(e) *Plan amendment.* The project plan must be amended as needed, but not more often than annually, to include additions to or adjustments in adopted measures and changes in goals and objectives, policies, and priorities.

§ 642.10 Authorization for operations assistance.

If the project plan is accepted by the Secretary, he will authorize operations assistance for the project and direct USDA agencies to assist, within their assigned responsibilities and limits of available resources, project sponsors in carrying out the project plan. Project sponsors will be advised of the approval for operations assistance through the state conservationist.

PART 643—PROJECT OPERATIONS

Subpart A—Implementation of the Project Plan (Operations)

Sec.
643.1 Purpose and scope.
643.2 Assistance available.

Subpart B—Criteria for Measures Eligible for RC&D Technical and Financial Assistance

643.10 Criteria for eligible measures.
643.11 Measure plan.
643.12 Operation and maintenance.
643.13 Installation of measures.

AUTHORITY: Pub. L. 87-703, 76 Stat. 607; Pub. L. 89-796, 80 Stat. 1478; Pub. L. 91-343, 84 Stat. 439; Title III, Pub. L. 92-419, 86 Stat. 669 (7 U.S.C. 1010-1011); Pub. L. 74-46, 49 Stat. 163 (16 U.S.C. 590a-f).

Subpart A—Implementation of the Project Plan (Operations)

§ 643.1 Purpose and scope.

This part sets forth SCS policies, requirements, and procedures for carrying out measures that are identified in the project plan as provided in § 642.9(a)(2)(iii) of this chapter. The project plan includes policies and courses of action that result in the identification and adoption of measures. The completion of measures is a means to achieving project sponsors' goals and objectives as outlined in the project plan.

§ 643.2 Assistance available.

(a) *Measures eligible for RC&D financial and technical assistance.* RC&D financial and technical assistance may be provided measure sponsors to plan and carry out measures having community benefits as shown in the following table:

ASSISTANCE AVAILABLE TO MEASURE SPONSORS BY PURPOSE AND AUTHORITY

Purpose	R.C. & D. assistance available and authority: Technical assistance maximum	Financial assistance	Authority
	Percent		
Critical area treatment	100	Not to exceed the level of going programs.	(1)
Flood prevention	100	Up to 100 percent of construction costs.	(2)
Farm irrigation	100	Up to 80 percent of construction costs.	(3)
Land drainage	100	do.	(1)
Soil and water management for agriculture-related pollutant control.	100	Not to exceed the level of going programs.	(1)
Public water based fish and wildlife and recreation development:			
(a) Structures	100	Up to 50 percent of construction costs.	(2)
(b) Land rights	(4)	Up to 50 percent of land rights costs.	(4)
(c) Basic facilities	50	Up to 50 percent of costs.	(2)
Water quality management	100	100 percent.	(5)
Accelerated services	100	None.	(5)

[1] Advisory only.
[2] Pub. L. 74-46, 49 Stat. 163 (16 U.S.C. 590 a-f).
[3] Pub. L. 91-343, 84 Stat. 439 (7 U.S.C. 1011).
[4] Sec. 801, Pub. L. 92-419, 86 Stat. 669 (7 U.S.C. 1011).

(b) *Associated measures.* Associated measures are actions and measures other than those listed in paragraph (a) of this section which are included in the project plan. The RC&D council adopts associated measures and helps move them to completion by assuming either a supporting or leadership role.

Subpart B—Criteria for Measures Eligible for RC&D Technical and Financial Assistance

§ 643.10 Criteria for eligible measures.

Measures described in this section are eligible for RC&D technical and financial assistance if they provide community benefits, are covered by a measure plan

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with an eligible sponsor, and meet other criteria specified for each measure.

(a) *Critical area treatment measures (erosion and sediment control).* Critical area treatment measures may be carried out to stabilize and treat areas such as active gullies or seriously eroding lands that are sources of excessive runoff or sediment and that, if left untreated, will adversely affect downstream land, streams, reservoirs, and the general public.

(b) *Flood prevention measures.* Flood prevention measures may be carried out to reduce or prevent damage from inundation, including erosion and sedimentation, of property, disruption of business and other activity, or hazards to health, security, or life. Flood prevention measures are related to the control and disposal of surface water caused or aggravated by abnormally high direct precipitation or stream overflow.

(c) *Public water-based fish and wildlife and public water-based recreation developments.* Developments for public fish and wildlife and public recreational purposes must be water based.

(d) *Farm irrigation measures.* Farm irrigation measures may be carried out for more efficient use of water on land now used for agricultural purposes, increasing net farm income, and making efficient and sustained productive use of land and water resources.

(e) *Land drainage measures.* Land drainage measures may be carried out where wetness problems have an adverse effect on a community's efficiency of land use, level of income, and quality of environment.

(f) *Soil and water management for agriculture-related pollutant control measures.* Soil and water management for agriculture-related pollutant control measures may be carried out to reduce agriculture-related pollutants that adversely affect the community and the general public.

(g) *Water quality management measures.* Water quality management measures may be carried out to solve water quality problems to meet community needs. These measures are also subject to the following requirements:

(1) The need for, the value of, and the impact of storage for water quality control must be determined by the Environmental Protection Agency.

(2) The proposed water supply will be adequate in quantity and quality to meet the agreed-upon need.

(3) Water storage and release will not be used as a substitute for adequate treatment or other methods of controlling waste at the source.

(h) *Accelerated services measures.* Accelerated services measures may be carried out to speed up a specific phase of the ongoing conservation program in selected problem areas. These services must be guided by an accelerated services plan with appropriate sponsorship. A plan for accelerated services should be of a type that can be completed in approximately five years or less.

§ 643.11 Measure plan.

(a) A measure for which RC&D technical or financial assistance will be provided must have a measure plan covering the measure plan area. The measure plan is the basic document for providing RC&D technical and financial assistance to measure sponsors. The measure plan serves as a guide to measure sponsors, local citizens, SCS, and other participants in the installation, operation, and maintenance of the measure.

(b) If a reservoir is to be installed with RC&D technical or financial assistance, the measure plan must include the decision that the measure sponsor will be responsible for obtaining agreements through conservation districts covering at least 50 percent of the land draining into the reservoir that need conservation practices and treating 75 percent of the critical sediment producing areas above the reservoir. The agreements must be obtained prior to or concurrent with installation of the dam.

(c) Measure plans for land drainage, farm irrigation, and other structural type measures must include provisions for land treatment to be installed as necessary for the protection, effective operation and maintenance of the measure, and to assure that benefits used for justification of the measure are realized.

§ 643.12 Operation and maintenance.

Prior to installation of a measure, an agreement for the operation and maintenance of the measure must be entered into between SCS and the measure sponsor.

§ 643.13 Installation of measures.

Materials, services, and equipment needed by a measure sponsor for installation of a measure may be obtained by:

(a) *Force account.* Under this method the measure sponsor provides its own forces including labor, equipment, materials, and equipment rental in lieu of cash. Accurate records must be kept of the costs of all work performed by force account. This account will be credited toward the measure sponsor's share of the cost.

(b) *Performance of work.* Under this method, the value of work to be provided by the measure sponsor is determined by negotiation between the measure sponsor and SCS and is included in a project or engineering services agreement for the work. SCS approved cost estimates made immediately prior to signing the project or engineering services agreement establish the maximum value of the work. A financial settlement will be made between SCS and the measure sponsor upon completion of work covered by each agreement. This method of installation may be used only if:

(1) SCS determines that this action is in the interest of the measure sponsor and the federal government;

(2) SCS determines that the organization or agency to perform the work has the necessary equipment and work force, and is skilled in performing the type of work contemplated;

(3) Performance will conform to drawings and specifications approved by SCS and will be in accordance with an agreed upon time schedule.

(4) The measure sponsor assumes full financial and other responsibility for any work that must be torn out, replaced, or repaired because of construction error or other causes which would be the responsibility of a contractor if the work was performed by contract; and

(5) The estimated value of the work the measure sponsor is to perform does not exceed the measure sponsor's share of the cost-shared items.

(c) *Division of work.* This method may be used for cost sharing land treatment type measures only. A measure to be installed by this method must be described in the measure plan. The measure plan must specify the increments of installation work for which SCS and the measure sponsor are responsible without citing a percentage rate of cost sharing. The measure sponsor is not required to keep records of expenditures. Detailed SCS cost estimates must be maintained in support of the measure plan to provide evidence that the SCS cost for land treatment does not exceed the rate authorized.

[FR Doc.74-21062 Filed 9-12-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[32A CFR Ch. VI]

DPS REG. 1; BASIC RULES OF THE DEFENSE PRIORITIES SYSTEM

Proposed Change in Schedule II

Notice is hereby given that the Deputy Assistant Secretary for Domestic Commerce, Domestic and International Business Administration, pursuant to section 704 of the Defense Production Act of 1950, as amended, (50 U.S.C. App. 2154) and Executive Order 10480, as amended, is proposing to amend Schedule II to DPS Reg. 1—*Materials and Services Not Subject to BDC Rating Authority*, Part A to remove from the schedule "copper raw materials" as that term is defined in DMS Order 4. This action would thereby make all "cooper raw materials", other than scrap, subject to priority ratings.

DPS Reg. 1 currently provides only for the extension of priority ratings to copper refined from ores mined in the United States and copper intermediate shapes. Copperbase scrap, in its various forms and shapes will be excluded from BDC rating authority, as the category of "scrap" would be continued in Schedule II to DPS Reg. 1.

Interested persons who desire to submit written views or comments on the proposed amendment should file them, in triplicate, with the Deputy Assistant Secretary for Domestic Commerce, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, Ref: DPS Reg. 1, on or before October 15, 1974.

The proposed amendment is presented below:

Part A of Schedule II to DPS Regulation 1 is hereby amended to read as follows:

PART A

The following items under the jurisdiction of BDC are presently not subject to any ratings issued by or under authority of BDC (but are subject to directives issued by or under authority of BDC) and therefore such ratings shall not be effective to obtain any of them: [1]

Communications services.
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Waste paper.

* * * * * *

(Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6304, 19 FR 3807, 7249, 21 FR 1678, 23 FR 5061, 6971, 24 FR 6779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR Part 16; Department of Commerce Organization Order 10–3, 38 FR 36684, and 40–1, 39 FR 1671; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41–1, as amended, 39 FR 2780, 39 FR 18490, 45–1, 39 FR 18488, and 45–2, 39 FR 18489)

Dated: September 10, 1974.

DOMESTIC AND INTERSTATE BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE,
SAMUEL B. SHERWIN,
Deputy Assistant Secretary for Domestic Commerce.

[FR Doc.74-21181 Filed 9-12-74;8:45 am]

[1] The following delegations and agreements, as the same may from time to time be amended, revoked, or superseded, further delineate jurisdictional responsibilities for the exercise of priorities and allocations powers:

(1) Memorandum of Agreement between the Department of the Interior and the Department of Commerce with respect to the production and/or distribution of designated products and equipment, including chemicals, associated with the output of petroleum and gas, effective October 30, 1973 (38 FR 30896).

(2) Defense Solid Fuels Administration (DSFA) Delegation 1 to the Secretary of Commerce with respect to the distribution of coal chemicals produced as by-products of coke made from coal, effective May 15, 1951 (16 FR 4590). The DSFA was abolished in 1954 and its responsibilities within the Department of the Interior have been transferred to the Office of the Assistant Secretary for Energy and Minerals, Department of the Interior.

(3) Delegation of Authority from the Secretary of Commerce to the Secretary of the Interior of priorities and allocations powers with respect to certain minerals facilities and materials, effective January 26, 1967 (32 FR 2462).

(4) Memorandum of Agreement between the Department of Agriculture and the Department of Commerce with respect to the scope of allocation and priority responsibilities in connection with foods which have industrial uses, effective December 5, 1973 (38 FR 33504).

(5) Memorandum of Understanding and Agreement between the Agricultural Stabilization and Conservation Service, Department of Agriculture, and the Bureau of Competitive Assessment and Business Policy, Department of Commerce, with respect to the scope of the term "farm equipment," effective December 5, 1973 (38 FR 33506). The responsibilities of the Bureau of Competitive Assessment and Business Policy have been transferred to the Bureau of Domestic Commerce (BDC), Department of Commerce.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. OSH–36]

VINYL CHLORIDE

Availability of Final Economic Impact Study

On May 10, 1974, pursuant to sections 6(b), 6(c), and 8(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1596, 1599 (29 U.S.C. 655, 657)) Secretary of Labor's Order No. 12–71 (36 FR 8754), and 29 CFR 1911, a proposed standard concerning occupational exposure to vinyl chloride was published in the FEDERAL REGISTER (39 FR 16896). On June 25–28 and July 8–11, 1974, an informal rule-making hearing was held on the proposal pursuant to section 6(b)(3) of the Act.

At the close of the hearing, the presiding Administrative Law Judge, Gordon J. Myatt, ruled, in accordance with the authority granted him under 29 CFR 1911.16(g), that the record would remain open until August 23, 1974 for the receipt of general comments and an additional period after that date solely for the submission of written comments on the economic impact study being conducted for OSHA by an independent consultant.

On August 26, 1974, a notice was published in the FEDERAL REGISTER (39 FR 30844) announcing the availability of the preliminary report, which examines the economic and technological feasibility of compliance with the proposed standard in the monomer, polymer and copolymer producing industries, and inviting comments to be submitted no later than September 6, 1974.

Several persons requested additional time to comment on the preliminary report and also asked for an opportunity to comment on the final economic impact study when available. Since certain portions to be included in the final report were not contained in the preliminary report, the request for additional time to comment on the preliminary report and for an opportunity to comment on the final report is granted.

The final economic impact report will be available for examination and copying beginning at 10 a.m. on September 16, 1974, in Room 230, 1726 M Street NW., Occupational Safety and Health Administration, Washington, D.C. 20210. This report, although labeled "final draft" because the independent consultant may subsequently make minor editorial corrections, will be treated as the final economic impact report for purposes of this rulemaking proceeding.

All comments regarding the preliminary and final economic impact study should be mailed to the Docket Officer, Docket OSH–36, at the above address, and must be received no later than September 25, 1974.

Signed at Washington, D.C., this 12th day of September 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[F.Doc.74-21398 Filed 9-12-74;10:42 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74–GL–30]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at the White County Airport, Monticello, Indiana.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before October 15, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become a part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

A standard instrument approach procedure has been developed for the White County Airport, Monticello, Indiana. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Monticello, Indiana.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal

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Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

MONTICELLO, INDIANA

That airspace extending upward from 700 feet above the surface within a five mile radius of White County Airport (Latitude 40°42'30" N., Longitude 86°46'00" W.) and within three miles each side of the 185° bearing from the airport extending from the five mile radius area to 8.5 miles south.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on August 26, 1974.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.74-21133 Filed 9-12-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-GL-27]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at the Jasper County Airport, Rensselaer, Indiana.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before October 15, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become a part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

A standard instrument approach procedure has been developed for the Jasper County Airport, Rensselaer, Indiana. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Rensselaer, Indiana.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

RENSSELAER, INDIANA

That airspace extending upward from 700 feet above the surface within a five-mile radius of Jasper County Airport (Latitude 40°56'30" N., Longitude 87°11'00" W.) and and within three miles each side of the 007° bearing from the airport extending from the five-mile radius area to eight miles north of the airport.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on August 26, 1974.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.74-21132 Filed 9-12-74;8:45 am]

Federal Highway Administration

[23 CFR Part 751]

[FHWA Docket No. 74-8]

JUNKYARD CONTROL AND ACQUISITION

Areas Adjacent to Federally Aided Highway Systems

The Federal Highway Administration is considering issuing regulations for the control of junkyards and the acquisition of interests necessary for this control, pursuant to 23 U.S.C. 136. Interested persons are invited to submit, in writing, data, views or agreements relating to the proposal. All comments received should refer to the FHWA docket number referred to above, and should be submitted in three copies to Associate Administrator for Right-of-Way and Environment, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20590. The comment should include the name and address of the person submitting it. All comments received before October 11, 1974, will be considered before final action is taken on the proposal. Comments received will be available to any interested person both before and after the closing date in Room 3215, Office of Right-of-Way, Federal Highway Administration, U.S. Department of Transportation, 400 Seventh St. SW., Washington, D.C. 20590.

The proposed rule would be a new Part under Chapter I, 23 CFR, and would be codified as 23 CFR Ch. I, Part 751. The complete proposed text follows:

PART 751—JUNKYARD CONTROL AND ACQUISITION

Sec.
751.1 Purpose.
751.3 Applicability.
751.5 Policy.
751.7 Definitions.
751.9 Effective control.
751.11 Control measures.
751.13 Nonconforming junkyards.
751.15 Zoning.
751.17 Just compensation.
751.19 Federal participation.
751.21 Documentation for Federal participation.
751.23 Application of other FHWA regulations.
751.25 Concurrent junkyard control and right-of-way projects.
751.27 Programming and authorization.

AUTHORITY: 23 U.S.C. 136 and 315, 42 U.S.C. 4321-4655, 23 CFR 1.32, 49 CFR 1.48.

§ 751.1 Purpose.

Pursuant to 23 U.S.C. 136, this part prescribes Federal Highway Administration (FHWA) policies and procedures relating to the effective control of junkyards in areas adjacent to the Interstate and Federal-aid primary systems. Nothing in this part shall be construed to prevent a State from establishing more stringent junkyard control requirements than provided herein.

§ 751.3 Applicability.

The provisions of this part are applicable to all areas within 1,000 feet of the nearest edge of the right-of-way and visible from the main-traveled way of all Federal-aid Primary and Interstate Systems regardless of whether Federal funds participated in the construction thereof, including toll sections of such highways. This Part does not apply to the Urban System.

§ 751.5 Policy.

In carrying out the purposes of this part:

(a) Emphasis should be placed on encouraging recycling of scrap and junk where practicable, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321);

(b) Every effort should be made to screen non-conforming junkyards which are on-going businesses; and

(c) Nonconforming junkyards should be relocated only as a last resort.

§ 751.7 Definitions.

(a) *Junkyard.* An establishment or place of business which is maintained, operated or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary landfills.

(1) This definition includes:

(i) Scrap metal processors, auto-wrecking yards, salvage yards, scrap yards, auto-recycling yards, used auto parts yards, and similar facilities;

(ii) Temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises.

(2) This definition does not include litter, trash, and other debris scattered along or upon the highway or temporary operations and outdoor storage of limited duration not falling within subparagraph (1) (ii) of this paragraph.

(3) Automobile graveyards: Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Ten or more such dismantled vehicles will constitute an automobile graveyard.

(4) Illegal junkyards: One which was established and/or maintained in violation of State law.

(5) Nonconforming junkyard is one which was lawfully established, but which does not comply with the provisions of State law or State regulations passed at a later date or which later fails to comply with State regulations due to changed conditions. Illegally established junkyards are not nonconforming junkyards.

(b) *Junk.* Old or scrap metal, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof.

(c) *Main-traveled way.* The traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

(d) *Unzoned industrial area.* An area where there is no zoning in effect which is used primarily for industrial purposes as determined by the State and approved by the FHWA. An unzoned area does not include areas which may have a rural zoning classification or land uses established by zoning variances or special exceptions.

§ 751.9 Effective control.

(a) In order to provide effective control of junkyards located within 1,000 feet of Interstate and Federal-aid primary highways, the State must:

(1) Require all junkyards located outside of zoned and unzoned industrial areas to be screened or located so as not to be visible from the main-traveled way or be removed from sight.

(2) Require the screening or removal of all nonconforming junkyards within a reasonable time, but no later than 5 years after the date such junkyard becomes nonconforming unless Federal funds are not available in adequate amounts to participate in the cost of such screening or removal as provided in 23 U.S.C. 136(j).

(3) Prohibit the establishment of new junkyards which cannot comply with the requirements of subparagraph (1) of this paragraph.

(4) Expeditiously require junkyards which are illegally established or maintained to conform to the requirements of subparagraph (1) of this paragraph.

(b) Sanitary landfills as described herein need not be screened but landscaping should be required when the fill has been completed and operations have ceased, unless the landfill area is to be used for immediate development purposes. A sanitary landfill is a method of disposing of refuse on land without creating a nuisance or hazards to public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

(c) The State shall have laws, rules, and procedures sufficient to provide effective control. If these controls are not carried out under a permit or license system, the State must set up a continuing surveillance of Interstate and Federal-aid primary highways in order to accomplish the desired results. If a permit or license system is utilized by the State, it shall be accompanied by regularly scheduled inspections designed to discover violations of the State's law and permit or license system. State enforcement procedures must be sufficient to discover illegally established or maintained junkyards shortly after such occurrence and to cause the compliance or removal of same promptly in accordance with State legal procedures.

§ 751.11 Control measures.

(a) Consistent with the goals of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) recycling of junk and scrap is to be encouraged to the greatest extent practicable in the implementation of the junkyard control program. Recycling may be used in conjunction with other control measures.

(b) To facilitate recycling, junk or scrap should be moved to the nearest scrap processor or put to some useful purpose such as for fish habitats, rip rap, erosion control, reclamation, etc. Junk and scrap should be recycled where the benefits of recycling outweigh its cost and the junk or scrap is not usable as stock-in-trade.

(c) Every effort shall be made to screen an on-going business. Screening, by use of natural objects, landscape plantings, fences, and other appropriate means, including relocating inventory on site to utilize an existing natural screen or a screenable portion of the site, may be used where practicable. Where screening is used, it must immediately and completely screen the junkyard from the main-traveled way of the highway on a year-around basis, and be compatible with the surroundings. Arbitrary requirements for height limitations will not be considered acceptable screening if the junkyard will remain visible.

(d) A junkyard should be relocated to a site not visible from the highway or to an industrial area only when other control measures are not feasible. Junkyards should not be relocated to residential, commercial or other areas where environmental problems may develop.

(e) The State shall determine, on a case by case basis, which control measures or combinations thereof it will employ, subject to the provisions of this part.

(f) The State should establish criteria governing the location, planting, construction, maintenance, and materials used in fencing or screening as required herein.

(g) The State may develop and use other methods of operation to carry out the purposes of this part, subject to prior FHWA approval.

§ 751.13 Nonconforming junkyards.

Requirements for the maintenance and continuance of a nonconforming junkyard:

(a) The junkyard must have been actually in existence at the time the State law or regulations became effective as distinguished from a contemplated use, except where a permit or similar specific State governmental action was granted for the establishment of a junkyard prior to the effective date of the State law or regulations, and the junkyard owner acted in good faith and expended sums in reliance thereon.

(b) There must be existing property rights in the junkyard or junk affected by the State law or regulation. Thus, abandoned junk and junkyards, worthless junk, and the like are not protected.

(c) The location of nonconforming junkyard may not be changed. A nonconforming junkyard relocated as a result of a right-of-way taking or for any other reason, shall be treated as a new junkyard at the new location.

(d) The junkyard must have been lawful on the effective date of the State law or regulations and must continue to be lawfully maintained.

(e) The nonconforming junkyard may continue as long as it is not changed, extended, or enlarged. Once a junkyard has been made conforming by effective screening, the placement of junk so that it may be seen above or beyond the screen shall be treated the same as the establishment of a new junkyard.

(f) The nonconforming junkyard may continue as long as it is not abandoned, destroyed, or voluntarily discontinued. Each State should develop criteria to define these terms.

§ 751.15 Zoning.

Industrial zones are those districts established by zoning authorities as being most appropriate for industry or manufacturing. A zone which simply permits certain industrial activities as an incident to the primary land use designation is not considered to be an industrial zone. The provisions of Part 750 of this chapter shall apply insofar as industrial zones are concerned.

§ 751.17 Just compensation.

(a) Just compensation shall be paid the owner for the relocation, removal, or disposal of the following junkyards:

(1) Those lawfully in existence on October 22, 1965;

(2) Those lawfully along any highway made a part of the Interstate or primary system on or after October 22, 1965, and before January 1, 1968; and

(3) Those lawfully established on or after January 1, 1968, or the effective date of State law, whichever is later.

(b) No rights to compensation accrue until a taking or removal has occurred. The conditions which establish a right to maintain and continue a nonconforming junkyard as provided in § 751.13 must pertain at the time of the taking

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or removal in order to establish a right to just compensation.

§ 751.19 Federal participation.

(a) Federal funds may participate in 75 percent of the costs of control measures incurred in carrying out the provisions of this part, including necessary studies for particular projects, and the employment of fee landscape architects.

(b) Where State control standards are more stringent than Federal control requirements, the FHWA may approve Federal participation in the costs of applying the State standards on a statewide basis subject to the conditions of this part. Where State standards require control of junkyards in zoned or unzoned industrial areas, Federal funds may participate only if such action will make an effective contribution to the character of the area as a whole and the cost is reasonable with regard to other needs. Such projects should be deferred until the work in the areas where control is required has progressed well toward completion.

(c) Generally, only costs associated with the acquisition of minimal real property interests, such as easements or temporary rights of entry, necessary to accomplish the purposes of this Part are eligible for Federal participation. Participation in costs of other interests beyond the minimum necessary, including fee title, may be allowed if the State submits justification for prior FHWA approval on a case-by-case basis.

(d) Federal funds may participate in costs to correct the inadequacies of screening in prior control projects due to higher screening standards established in this Part or due to changed conditions.

(e) Federal funds may participate in the costs of moving junk or scrap to a recycling place of business, or in the case of junk with little or no recycling potential, to a site for permanent disposal. In the latter case, reasonable land rehabilitation costs or fees connected with the use of such a disposal site are also eligible. In a case where the acquisition of a permanent disposal site by the State would be the most economical method of disposal, Federal funds may participate in the net cost (cost of acquisition less a credit after disposal) of a site obtained for this purpose.

(f) Federal funds may participate in control measure costs involved in any junkyard lawfully established or maintained under State law which is reclassified from conforming to nonconforming under revised State regulations and policy pursuant to this part.

(g) Federal funds shall not participate in:

(1) Costs associated with the control of illegals junkyards, or in costs of controlling junkyards established after the effective date of the State's compliance law except where a conforming junkyard later becomes nonconforming due to changed conditions;

(2) Any costs associated with the acquisition of any dwelling or its related buildings if acquired through eminent domain in connection with the junkyard control program;

(3) Costs of acquisition of interests or rights as a measure for prohibition or control of the establishment of future junkyards;

(4) Costs of maintaining screening devices after they have been erected; or

(5) Costs of screening junk which has been or will be removed.

§ 751.21 Documentation for Federal participation.

The following information concerning each eligible junkyard must be available in the States' files to be eligible for Federal participation in the costs thereof:

(a) Satisfactory evidence of ownership of the junk or junkyard, or both as necessary, in accordance with the junkyard control objectives authorized by FHWA.

(b) Value or cost documentation (including separate interests if applicable) including proof of obligation or payment of Funds.

(c) Evidence that the necessary property interests have passed to the State and that the junk has been screened, relocated, removed or disposed of so that it is no longer visible from the main travelled way of the highway.

§ 751.23 Application of other FHWA regulations.

(a) The provisions of volume 6, chapter 4, section 1, subsection 6, of the Federal-Aid Highway Program Manual concerning State contract and force account work apply to junkyard control projects.[1]

(b) The provisions of Parts 710 to 712 of this chapter concerning appraisal and acquisition apply to junkyard control projects except where the provisions of this Part differ.

(c) The provisions of Part 740 of this chapter concerning relocation assistance are applicable for:

(1) The actual reasonable moving expenses of the junk, actual direct loss of tangible personal property and actual reasonable expenses in searching for a replacement business or, if the eligibility requirements are met, a payment in lieu of such expenses.

(2) Relocation assistance in locating a replacement business.

(3) Moving costs of personal property from a dwelling and relocation assistance in locating a replacement dwelling, provided the acquisition of the real property used for the business causes a person to vacate a dwelling.

§ 751.25 Concurrent junkyard control and right-of-way projects.

The State is encouraged to combine junkyard control and right-of-way projects. Expenses incurred in furtherance of concurrent projects shall be prorated between projects.

§ 751.27 Programming and authorization.

(a) Junkyard control projects shall be programmed in accordance with the Provisions of volume 6, chapter 3, section 2, subsection 2, of the Federal-aid Highway Program Manual.[2] Such projects may include one or more junkyards.

(b) Authorization to proceed with a junkyard control project may be given when the State submits a written request to FHWA which includes the following:

(1) The zoning and validation of the legal status of each junkyard on the project;

(2) The control measures proposed for each junkyard including, where applicable, information relative to permanent disposal sites to be acquired by the State;

(3) The real property interest to be acquired in order to implement the control measures;

(4) Plans indicating the location of the junkyard relative to the highway, the 1,000 foot control lines, property ownership boundaries, the general location of the junk or scrap material, and any buildings, structures, or improvements involved;

(5) Where screening is to be utilized, the type of screening, and adequately detailed plans and cross sections which illustrate the relationship of the motorist, the screen, and the material to be screened at critical points of view; and

(6) Where dwellings are involved, only the rights to maintain a junkyard may be acquired by eminent domain.

Issued on: September 3, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-21275 Filed 9-12-74;8:45 am]

[1] The Federal-Aid Highway Program Manual is available for inspection and copying as prescribed in 49 CFR Part 7, App. D.

[2] The Federal-Aid Highway Program Manual is available for inspection and copying as prescribed in 49 CFR Part 7, App. D.

ACTION

[45 CFR Part 1216]

NONDISPLACEMENT OF EMPLOYED WORKERS AND NONIMPAIRMENT OF CONTRACTS FOR SERVICE

Assignment of Volunteer Workers

Section 404(a) of the Domestic Volunteer Service Act of 1973 (87 Stat. 408) requires the Director of ACTION to prescribe regulations to assure that the service of volunteers is limited to activities which would not otherwise be performed by employed workers and which will not result in the displacement of employed workers, or impair existing contracts for service.

Notice is hereby given that the Director of ACTION proposes to amend Chapter XII of Title 45, Code of Federal Regulations to add a new Part 1216, which will provide regulations concerning ACTION volunteers nondisplacement of employed workers and nonimpairment of contracts for service.

Inquiries may be addressed and comments and views concerning the proposed subpart may be submitted to ACTION, 806 Connecticut Avenue, NW., Washington, D.C., 20525, Attn: General Counsel. All comments received on or before October 15, 1974, will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the aforementioned address.

It is therefore proposed to add a new Part 1216 to Chapter XII of Title 45 of the Code of Federal Regulations as follows:

PART 1216—NONDISPLACEMENT OF EMPLOYED WORKERS AND NONIMPAIRMENT OF CONTRACTS FOR SERVICE

Sec.
1216.1-1 Purpose.
1216.1-2 Applicability of this part.
1216.1-3 Policy.
1216.1-4 Exceptions.

AUTHORITY: Secs. 402(12), 404(a), 420 of Pub. L. 93-113, 87 Stat. 394, 408, 414.

§ 1216.1-1 Purpose.

This part establishes rules to assure that the services of volunteers are limited to activities which would not otherwise be performed by employed workers and which will not supplant the hiring of, or result in the displacement of, employed workers or impair existing contracts for service. It implements section 404(a) of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113 (the "Act").

§ 1216.1-2 Applicability of this part.

(a) All persons enrolled in volunteer programs authorized pursuant to any provision of the Act.

(b) All full-time and part-time volunteers participating in programs directly or indirectly receiving assistance pursuant to any provision of the Act.

(c) All agencies and organizations to which the volunteers in paragraph (a) of this section are assigned, referred, or provide services or which directly or indirectly receive assistance pursuant to any provision of the Act.

§ 1216.1-3 Policy.

(a) Volunteers enrolled or participating in programs referred to in paragraphs (a) and (b) of § 1216.1-2 may not perform any services or duties or engage in activities which would otherwise be performed by an employed worker as part of his assigned duties as an employee.

(b) Volunteers referred to in paragraph (a) of this section may not perform any services or duties or engage in activities which will supplant the hiring of employed workers. This prohibition is violated if, prior to engaging a volunteer, an agency or organization referred to in § 1216.1-2(c) had intended to hire a person to undertake all or a substantial part of the services, duties, or other activities to be provided by the volunteer.

(c) Volunteers referred to in paragraph (a) of this section may not perform any services or duties or engage in activities which result in the displacement of employed workers. Such volunteers may not perform services or duties which have been performed by, or were assigned to, any of the following:

(1) Presently employed workers,

(2) Employees who recently resigned or were discharged,

(3) Employees who are on leave (terminal, temporary, vacation, emergency, or sick), or

(4) Employees who are on strike or who are being locked out.

(d) Volunteers referred to in paragraph (a) of this section may not perform any services or duties or engage in activities which impair existing contracts for service. This prohibition is violated if a contract for services is modified or cancelled because an agency or organization referred to in § 1216.1-2(c) engages a volunteer to provide or perform all or a substantial part of any services, duties, or other activities set forth in such contract. The term "contract for services" includes but is not limited to contracts, understandings and arrangements, either written or oral, to provide professional, managerial, technical, or administrative services.

(e) Agencies and organizations referred to in § 1216.1-2(c) are prohibited from assigning or permitting volunteers referred to in § 1216.1-2(a) and (b) to perform any services or duties or engage in any activities prohibited by paragraphs (a)-(d) of this section.

§ 1216.1-4 Exceptions.

(a) The requirements of § 1216.1-3 are not applicable to the following, or similar, situations:

(1) Funds are unavailable for the employment of sufficient staff to accomplish a program authorized or of a character eligible for assistance under the Act and the activity, service, or duty is otherwise appropriate for the assignment of a volunteer.

(2) Volunteer services are required in order to avoid or relieve suffering threatened by or resulting from major natural disasters or civil disturbances.

(3) Reasonable efforts to obtain employed workers have been unsuccessful due to the unavailability of persons within the community who are able, willing, and qualified to perform the needed activities.

(4) The assignment of volunteers will significantly expand services to a target community over those which could be performed by existing paid staff, and the activity, service or duty is otherwise appropriate for the assignment of a volunteer and no actual displacement of paid staff will occur as a result of the assignment.

(b) For the purpose of paragraphs (a) (1) and (4) of this section, the assignment is not appropriate for the assignment of a volunteer if:

(1) The service, duty or activity is principally administrative or clerical, or

(2) The volunteer is not directly in contact with groups or individuals whom the Act is designed to serve or is not performing services, duties, or engaged in activities authorized or of a character eligible for assistance under the Act.

Issued at Washington, D.C. on September 9, 1974.

JOHN L. GANLEY,
Deputy Director, ACTION.

[FR Doc.74-21135 Filed 9-12-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 31]

[Docket No. 20110; RM-2338]

CLASS A AND CLASS B TELEPHONE COMPANIES

Increase of Monetary Limit; Extension of Time for Filing Comments

Order. In the matter of (Uniform System of Accounts for Class A and Class B Telephone Companies) to increase the monetary limit where capitalization is appropriate from $25 to $50.

1. The Commission has received a letter dated August 29, 1974 from The Western Union Telegraph Company (Western Union) requesting an extension from August 30, 1974 to October 31, 1974 in which to submit its views as to whether Part 35 of our rules should be amended in the same manner as proposed for Part 31. (Published at page 27701 in the issue of Wednesday, July 31, 1974.)

2. Western Union indicates that it desires to request a revision in Part 35 but due to time constraints it will not be able to develop the information requested by the Commission in paragraph 7 of the notice of proposed rulemaking in this matter by the due date of August 30, 1974 for filing comments.

3. It appears that it is in the public interest to allow additional time for comments. However, it is believed that an extension to September 30, 1974 rather than to October 31, 1974 as requested by Western Union would be more appropriate in order not to unduly delay action in this proceeding.

4. *Accordingly, it is ordered,* Pursuant to authority delegated by § 0.303(c) of the Commission's rules, that the time for filing comments in the above-captioned proceeding is hereby extended to September 30, 1974, and the time for filing reply comments is hereby extended to October 11, 1974.

Adopted: August 30, 1974.

Released: September 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALTER R. HINCHMAN,
Chief,
Common Carrier Bureau.

[FR Doc.74-21172 Filed 9-12-74;8:45 am]

[47 CFR Part 73]

[Docket No. 20178; RM-2185]

FM BROADCAST STATIONS IN MAUSTON, WISCONSIN

Proposed Table of Assignments

1. Notice of proposed rule making is hereby given concerning the proposed

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amendment of § 73.202(b) of the rules, the FM Table of Assignments, by assignment of Channel 221A to Mauston, Wisconsin. This proposal would require that noncommercial educational Station WHRM, Wausau, Wisconsin, change its channel of operation from 220 to Channel 215.

2. Petitioner, George Blum, owner of standard daytime-only Station WRIC, Mauston, seeks Mauston's first FM assignment. In support of his petition, Blum avers that this channel is the only one available for assignment to Mauston and thereby constitutes Mauston's last opportunity for its own fulltime aural service. Mauston (pop. 3,466)[1] is in Juneau County (pop. 18,455) 60 miles northwest of Madison, Wisconsin, and 180 miles southeast of St. Paul, Minnesota. It is the county seat. Mauston's industry is largely agricultural with a number of small manufacturing plants. Blum avers that Mauston is the gateway to the Castle Rock-Pentewell Lakes Recreation area 8 miles away and that the recreation area hosts a large summer population which would be served by the proposed assignment. Petitioner avers that the Castle Rock Lake area will soon have the development of the Buckhorn State Park which the Wisconsin Department of Natural Resources expects will upon completion host an annual visitation of 2,000,000. Emergency weather reports and other services would reach these people as well as the Mauston community. In addition, Blum avers that Juneau County has no local newspaper and as such local radio coverage is of increased importance. Petitioner states that if the aforementioned assignment is made he will make application for it. In view of the aforementioned facts it appears that the public interest would be served by this assignment.

3. In order to assign Channel 221A to Mauston, it would be necessary for noncommercial educational Station WHRM, Wausau, licensed to the State of Wisconsin-Educational Communications Board (ECB) for operation on Channel 220 to change its operation to Channel 215. Although ECB had originally expressed a willingness to accommodate the proposal of Mr. Blum by changing channels if ECB were reimbursed for its expenses, a subsequent study by the consulting engineer of ECB showed that operation on Channel 215 by Station WHRM would be prohibited by the Commission's rules. ECB states that the technical feasibility of any proposal offered by Mr. Blum is a necessary precondition to any agreement by ECB to change channels and that absent reliable assurances of such feasibility, it must resist modification of its license.

4. The proposed reassignment of WHRM would comply with the minimum mileage separation requirements (§ 73.504(g)) and as such WHRM would not be short-spaced to any other assignment. However, the proposed assignment does run contrary to the note in § 1.573. The note establishes temporary noncommercial educational assignment restrictions that are in force during the pendency of Docket No. 14185. The restrictions differ from those generally applied to commercial and noncommercial FM channels in that they apply on the basis of signal interference and not mileage separation. Thus, a station may have the requisite separation from co-channel and adjacent channel assignments and still have the proscribed interference. Such is the case here. The proscribed objectionable interference would occur between WHRM and noncommercial educational Station WLFM, Appleton, Wisconsin, operating on Channel 216. However, the area of interference is very small. WHRM avers that the interference contours would overlap 1.289 miles. Petitioner avers that the overlap would be .3 of a mile. This variance results from the inexactitude inherent in visual interpretation of the Commission's F(50,10) Chart (FCC 61-1477). Petitioner further states that only 255 people would be within the overlap of the interference contours. It appears that under the circumstances the interference that would occur between Station WHRM and WLFM is de minimis and if so that it might well serve the public interest to make this assignment. The petitioner and interested parties may direct comments to this point in addition to any other comments to be made.

5. A copy of this notice of proposed rule making will be sent to the licensee of Station WLFM in order that it be given notice and an opportunity to comment.

6. With the above facts and public interest finding before us, we propose for consideration the following revision in our FM Table of Assignments (§ 73.202 (b) of our rules) with respect to the city listed below:

City	Channel No.	
	Present	Proposed
Mauston, Wis.		221A

As noted above, this proposal would require noncommercial educational FM Station WHRM, Wausau, Wisconsin to change its channel of operation from 220 to 215.

7. Authority for the action proposed herein is contained in sections 4(i), 303, 307(b), 316 and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations.

8. *It is ordered*, That, pursuant to section 316 of the Communications Act of 1934, as amended, and with the understanding that it will receive reasonable reimbursement of expenses incurred in changing the channel on which it operates the State of Wisconsin-Educational Communications Board shall show cause why the license of its Station WHRM, Wausau, Wisconsin should not be modified to specify operation on Channel 215 as proposed herein instead of the present Channel 220. Pursuant to § 1.87(b) of the Commission's rules, the licensee of Station WHRM may, not later than 1974 request that a hearing be held on the proposed modification. Pursuant to § 1.87 (f), if the right to request a hearing is waived, the aforementioned party may, not later than October 25, 1974 file written statements showing with particularity why its license should not be modified or not so modified as proposed in the order to show cause. In this case, the Commission may call on the party to furnish additional information, designate the matter for hearing, or issue without further proceedings orders modifying the license as proposed in the order to show cause. If the right to request a hearing is waived and no written statement is filed by the above-mentioned date, the party will be deemed to consent to the modification as proposed in the order to show cause and a final order will be issued by the Commission.

9. *Showings required.* Comments are invited on the proposals discussed and set forth above. Proponents of proposed assignments are expected to file comments even if they only resubmit or incorporate by reference their former pleadings. Proponents should also restate their present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

10. *Cut-off procedure.* The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this notice, they will be considered as comments in this proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

11. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before October 25, 1974 and reply comments on or before November 15, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

12. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

[1] All population figures as of 1970 Census.

13. It is directed, that the Secretary of the Commission send a copy of this notice and order by certified mail, return receipt requested, to the State of Wisconsin-Educational Communications Board, Rib Mountain State Park, Wausau, Wisconsin 54401; a copy by regular mail to Daniel W. Toohey, counsel for that Board, c/o Dow, Lohnes & Albertson, 1225 Connecticut Avenue, NW., Washington, D.C.; and a copy by regular mail to the licensee of Station WLFM, Lawrence University of Wisconsin, 115 North Park Avenue, Appleton, Wisconsin 54911.

Adopted: August 29, 1974.

Released: September 5, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-21170 Filed 9-12-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 212]

MANDATORY PETROLEUM PRICE REGULATIONS

Computation of Landed Costs; Correction

The Federal Energy Administration's further notice of proposed rulemaking and public hearing respecting the computation of landed costs published in the FEDERAL REGISTER on Thursday, September 5, 1974, at 39 FR 32310, is corrected by changing "20 cents" to read "10 cents" in paragraph (e)(2)(i) of the proposed regulation § 212.84.

Issued in Washington, D.C., September 10, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

[FR Doc.74-21173 Filed 9-12-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Notice of Meetings

SEPTEMBER 9, 1974.

The USAF Scientific Advisory Board Guidance and Control Panel Review of Aircraft Inertial Systems will hold a closed meeting on September 30, 1974 from 9 a.m. until 4 p.m., at Litton Industries, Woodland Hills, California.

The Panel will receive classified and competition sensitive briefings on Litton's experience with aircraft inertial systems.

The USAF Scientific Advisory Board Fall General Meeting will be held on October 17 and 18, 1974; from 8:30 a.m. until 4:45 p.m. on October 17, and from 8:15 a.m. until 12:45 p.m. on October 18, at Andrews Air Force Base, D.C. The meeting will be closed to the public under the provisions of 5 U.S.C. 552(b)(1) and (4).

The Board will receive classified briefings on the Air Superiority Mission.

For further information on these meetings, contact the Scientific Advisory Board Secretariat at 202–697–8845.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-21217 Filed 9-12-74;8:45 am]

Department of the Army

FORT CARSON, COLORADO

Filing of Draft Environmental Impact Statement

In compliance with the National Environmental Policy Act of 1969, the Army on August 30, 1974, filed with the Council on Environmental Quality a Draft Environmental Impact Statement concerning the acquisition of 74,200 acres of land contiguous to Fort Carson, Colorado.

Copies of the statement have been forwarded to concerned Federal, State and local agencies. Interested individuals may obtain copies from the Office of the Commanding General, 4th Infantry Division (Mechanized), Fort Carson, Colorado 80913. Attention: COL. J. Shay, Deputy Installation Commander. Inspection copies are available at the Office of the Deputy Installation Commander, 4th Infantry Division (Mechanized), Fort Carson, Colorado 80913. In the Washington area, inspection copies can be seen in the Environmental Office, Assistant Chief of Engineers, Room 1E678, Pentagon Building, Washington, D.C. (Phone (703) 694–1163).

HENRY L. T. KOREN,
Deputy Under Secretary of the Army.

[FR Doc.74-21152 Filed 9-12-74;8:45 am]

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, October 1, 1974
Tuesday, October 8, 1974
Tuesday, October 15, 1974
Tuesday, October 22, 1974
Tuesday, October 29, 1974

These meetings will convene at 9:45 a.m. and will be held in Room 1E–801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92–392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public because the matters considered are related to the internal personnel rules and practices of the Department of Defense (5 U.S.C. 552(b)(2)) and the wage survey data considered by the Committee have been obtained from private industry with the guarantee of confidentiality (5 U.S.C. 552(b)(4)).

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D–281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD(C).

SEPTEMBER 10, 1974.

[FR Doc.74-21212 Filed 9-12-74;8:45 am]

ELECTRONICS PANEL OF THE DEFENSE MATERIEL SPECIFICATIONS AND STANDARDS BOARD

Microelectronics Discussion

The Department of Defense is continually seeking ways to reduce the long production lead times, high cost, and proliferation of microelectronic devices utilized in military electronic systems. To these ends, and in accordance with section 245(4), Ch. 145, Title 10 U.S. Code, the Electronics Panel of the Defense Materiel Specifications and Standards Board is considering various potential improvements including more widespread use of families of standardized microelectronics modules. Illustrative of existing families of these types of modules are the Navy's Standard Hardware Program (SHP), the Air Force's Standard Equipment Modules (SEM), and the Army's SAM–D Standard Module Concept.

The Panel will discuss this effort in meetings held over a period of one or two days during the week of October 21, 1974, in the Washington, D.C. area. Specific agenda, meeting times and location, will be determined following receipt of statements of interest and requested participation. The Electronic Industries Association (EIA) and Aerospace Industries Association (AIA) are being asked to participate in these discussions by providing coordinated representation of their respective member and affiliated companies. Due to limited time and space availability, it is therefore requested that members and affiliates of these associations work through them in matters pertaining to these sessions. In any event, parties desirous of participating in these discussion are requested to provide written notice to the address listed below by September 26, 1974. Notices should include information as to whether the participant wishes to make a presentation, and complete mail and telephonic contact information. Mr. Michael Keller, Office of the Director, Defense Research and Engineering (Planning), Room 3D 1043, Pentagon, Washington, D.C. 20301. Telephone inquiries may also be made to Mr. Keller at (202) 695–7245.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 10, 1974.

[FR Doc.74-21214 Filed 9-12-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CRAIG DISTRICT GRAZING ADVISORY BOARD, COLORADO

Notice of Meeting

The Craig District Grazing Advisory Board will meet at 10 a.m. on September 23, 1974, at the District Office, 455 Emerson Street, Craig, Colorado.

The purpose of the meeting will be to consider District grazing applications, licenses and transfer of grazing privileges in the Little Snake, Kremmling and White River Resource Areas.

Other topics for discussion include range improvement projects, planning system progress in the North Park Planning Unit and White River Resource Area, predator control, matters related to wild horse management, and the future roll of the Advisory Board.

The meeting will be open to the public. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman, Nick Theos, prior to the meeting. Any interested persons may file a written statement with the Board for its consideration. Written statements should be submitted prior to the meeting to Nick Theos, c/o District Manager, Bureau of Land Management, 455 Emerson Street, P.O. Box 248, Craig, Colorado 81625, telephone number (303) 824–3289.

Requests for additional information should be submitted to the District Manager.

This order will become effective on September 16, 1974.

Dated: September 4, 1974.

CARROLL M. LEVITT,
Acting District Manager.

[FR Doc.74-21153 Filed 9-12-74;8:45 am]

[NM 20532]

NEW MEXICO

Application

SEPTEMBER 3, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 34 E.,
Sec. 9, SE¼SE¼;
Sec. 10, SW¼SW¼;
Sec. 15, E½NW¼;
Sec. 22, E½NE¼.

This pipeline will convey natural gas across .918 mile of national resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-21154 Filed 9-12-74;8:45 am]

Office of the Secretary

[INT DES 74–85]

PROPOSED BARSTOW TO LAS VEGAS MOTORCYCLE RACE

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed motorcycle race from Barstow, California, to Las Vegas, Nevada.

The environmental statement considers the effects of the proposed motorcycle race on resources occurring along the race course, in the start area, the gasoline refueling areas and the finish area. These resources include cultural values, soils, vegetation, and wildlife populations.

Copies are available for inspection at the following locations:

Office of Public Affairs, Bureau of Land Management, 18th and C Streets NW., Washington, D.C. 20240, telephone (202) 343–5717

State Director, Bureau of Land Management, 2800 Cottage Way, Room E–2841, Sacramento, California 95825, telephone (916) 484–4724

District Manager, Bureau of Land Management, 1414 University Avenue, Riverside, California 92507, telephone (714) 784–1462

District Manager, Bureau of Land Management, 5785 Vegas Drive, Las Vegas 89108, telephone (702) 385–6403

A limited number of single copies are available and may be obtained by writing the District Manager. Please refer to the statement number above.

Comments concerning the environmental statements and impacts should be addressed to the State Director, Bureau of Land Management, 2800 Cottage Way, Room E–2841, Sacramento, California 95825. Comments must be submitted on or before October 15, 1974 to be considered in the preparation of the final environmental statement.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

SEPTEMBER 10, 1974.

[FR Doc.74-21249 Filed 9-12-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

WHITE OR IRISH POTATO

Estimate Regarding 1974 Production

Headnote 2 of Subpart A of Part 8 of Schedule 1 of the Tariff Schedules of the United States (TSUS) provides that, if for any calendar year the production in the United States of white or Irish potatoes, including seed potatoes, according to the estimate of the Department of Agriculture made as of September 1, is less than 21 billion pounds, an additional quantity of potatoes equal to the amount by which such estimated production is less than 21 billion pounds shall be added to the 45 million pounds for which duty at 37.5 cents per 100 pounds is provided by TSUS item 137.25 for the year beginning the following September 15.

The estimate of the Department of Agriculture, made as of September 1, 1974, is that for the calendar year 1974 the production in the United States of white or Irish potatoes, including seed potatoes, will exceed 21 billion pounds.

Issued at Washington, D.C., this 9th day of September 1974.

DAVID L. HUME,
Administrator, Foreign Agricultural Service.

[FR Doc.74-21125 Filed 9-12-74;8:45 am]

Packers and Stockyards Administration

[P. & S. Docket No. 4989]

ANDERSON LIVESTOCK COMMISSION CO.

Order Extending Period of Suspension of Modifications of Rates and Charges

On July 26, 1974, an order was issued instituting the following proceeding under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 et seq.):

In re: Raymond Anderson, Jr., and Aurora M. Anderson d/b/a Anderson Livestock Commission Company, Chino, California

Such order, among other things, suspended and deferred the operation and use by the respondent of modifications of its current schedule of rates and charges to become effective July 29, 1974, for a period of thirty days beyond the time such modifications would otherwise go into effect.

Notice is hereby given that, since the hearing in this proceeding could not be concluded within such period of suspension, an order has been issued in the above proceeding suspending and deferring the operation and use of such modifications of the current schedule of rates and charges for a further period of thirty days beyond the date when such modifications would have otherwise become effective.

Done at Washington, D.C., September 9, 1974.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.74-21158 Filed 9-12-74;8:45 am]

V 39 I 179 SEP P 13 74 XUM V

Reports for the following Health Services

Office of Education, Region V

institution of higher education. Similarly

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee of the U.S. Department of Commerce will meet Thursday, October 17, 1974, at 9:30 a.m. in Room 5230 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer peripherals, components, and related test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of report on transfer of technology.
4. Executive Session:
   a. Continuation of review of report on technology transfer.
   b. Discussion of future assignments.

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was established January 3, 1973, and consists of technical experts from a representative cross-section of the industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a two-year term.

The public will be permitted to attend the discussion of agenda items 1–3, and a limited number of seats, approximately 15, will be available to the public for these agenda items. To the extent time permits members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (4), "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974, determined, pursuant to section 10(d) of Pub. L. 92–463, that this agenda item should be exempt from the provisions of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202/967–4196).

Dated: September 5, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.74–21236 Filed 9–12–74;8:45 am]

Maritime Administration

ALASKA STATEBANK

Approval of Applicant as Trustee

Notice is hereby given that Alaska Statebank, with offices at 442 West Fifth Avenue, Anchorage, Alaska, has been approved as Trustee pursuant to Pub. L. 89–346 and 46 CFR 221.21–221.30.

BURT KYLE,
Director, Office of Domestic Shipping.

[FR Doc.74–21240 Filed 9–12–74;8:45 am]

[Docket No. S–423]

PACIFIC FAR EAST LINE, INC.

Application

Notice is hereby given that Pacific Far East Line, Inc. has applied for amendment of the service description of its subsidized Trade Route 29, Transpacific Freight Service so as to add Singapore-Malaysia-Indonesia.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on September 23, 1974 notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated therein.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.804 Operating-Differential Subsidies (ODS).)

Dated: September 10, 1974.

By order of the Maritime Administration.

ARROW SILVERMAN,
Assistant Secretary.

[FR Doc.74–21241 Filed 9–12–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

ARTHRITIS AD HOC REVIEW COMMITTEE, ET AL.

Filing of Annual Reports

Notice is hereby given that pursuant to section 13 of Pub. L. 92–463, the Annual Reports for the following Health Resources Administration Committees have been filed with the Library of Congress:

Arthritis Ad Hoc Review Committee
Cooperative Health Statistics Advisory Committee
Federal Hospital Council
Federal Hospital Council and National Advisory Health Services Council Joint Meetings
Health Care Technology Study Section
Health Services Developmental Grants Study Section
Health Services Research Grants Study Section
Health Services Research Training Committee
Long-Term Care for the Elderly Research Review and Advisory Committee
National Advisory Council on Comprehensive Health Planning Programs
National Advisory Council on Health Professions Education
National Advisory Council on Health Research Facilities
National Advisory Council on Nurse Training
National Advisory Council on Regional Medical Programs
National Advisory Health Services Council
Nursing Research and Education Advisory Committee
Public Health Conference on Records and Statistics—Standing Committee
The United States National Committee on Vital and Health Statistics

Copies are available to the public for inspection at the Library of Congress or weekdays between 9 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Committee Management Office, North Building, Room 4036, 330 Independence Avenue SW., Washington, D.C. 20201, telephone (202)–245–7545.

Dated: September 10, 1974.

DANIEL F. WHITESIDE,
Associate Administrator for Operations and Management, Health Resources Administration.

[FR Doc.74–21261 Filed 9–12–74;8:46 am]

Health Services Administration

INDIAN HEALTH ADVISORY COMMITTEE ET AL.

Filing of Annual Reports

Notice is hereby given that pursuant to section 13 of Pub. L. 92–463, the Annual Reports for the following Health Services Administration Committees have been filed with the Library of Congress:

Indian Health Advisory Committee
Maternal and Child Health Research Grants Review Committee
National Advisory Council on Health Manpower Shortage Areas
National Migrant Health Advisory Committee

Copies are available to the public for inspection at the Library of Congress or weekdays between 9 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Committee Management Office, North Building, Room 4036, 330 Independence Avenue SW., Washington, D.C. 20201, telephone 202–245–7545.

Dated: September 9, 1974.

ANDREW J. CARDINAL,
Associate Administrator for Management Health Services Administration.

[FR Doc.74–21250 Filed 9–12–74;8:45 am]

Office of Education

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT, COLLEGE WORK-STUDY, AND NATIONAL DIRECT STUDENT LOAN PROGRAMS

Closing Dates for Receipt of Applications and Establishment of Eligibility

1. Notice is hereby given that pursuant to the authority contained in sections 413D(b), 443, and 462(b) of the Higher Education Act of 1965 (20 U.S.C. 1070b–3(b), 42 U.S.C. 2753, and 20 U.S.C. 1087-bb(b)), applications for fiscal year 1975 funds, for use in fiscal year 1976, will be accepted from institutions of higher education under the Supplemental Educational Opportunity Grant, College Work-Study, and National Direct Student Loan Programs (Part A Subpart 2, Part C, and Part E of Title IV of the Higher Education Act of 1965, respectively), and area vocational schools under the College Work-Study Program. In order to receive consideration, such applications must be received on or before October 18, 1974. Applications shall be submitted to the Regional Office of the Office of Education serving the area in which the institution is located.

Application forms have been mailed to all institutions currently receiving funds under any of the three programs. Such application forms may also be obtained from the various Regional Offices of the Office of Education.

The addresses of the Regional Offices are as follows:

Office of Education, Region I
John Fitzgerald Kennedy Federal Building
Boston, Massachusetts 02203

Office of Education, Region II
26 Federal Plaza
New York, New York 10007

Office of Education, Region III
P.O. Box 13716 (3535 Market Street)
Philadelphia, Pennsylvania 19101

Office of Education, Region IV
50 Seventh Street, N.E., Room 507
Atlanta, Georgia 30323

Office of Education, Region V
300 South Wacker Drive
Chicago, Illinois 60606

Office of Education, Region VI
1114 Commerce Street
Dallas, Texas 75202

Office of Education, Region VII
601 East 12th Street
Kansas City, Missouri 64106

Office of Education, Region VIII
9017 Federal Office Building
19th and Stout Streets
Denver, Colorado 80202

Office of Education, Region IX
50 Fulton Street
San Francisco, California 94102

Office of Education, Region X
Arcade Plaza Building
1321 Second Avenue—M.S. 621
Seattle, Washington 98101

(20 U.S.C. 1070b–3(b); 42 U.S.C. 2753; 20 U.S.C. 1087bb(b))

a. *Applications sent by mail.* An application sent by mail will be considered to be received on time in the Regional Office of the Office of Education serving the area in which the institution is located if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date in the mail room of the Regional Office of the Office of Education serving the area in which the institution is located. (In establishing the date of receipt, the Commission will rely on the time-date stamp of such mail room or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

b. *Hand delivered applications.* An application to be hand delivered must be taken to the Regional Office of the Office of Education serving the area in which the institution is located. Hand delivered applications will be accepted daily between the hours of 9:00 a.m. and 4:00 p.m. in the appropriate Regional Office except Saturdays, Sundays, or Federal holidays. Applications will not be accepted in the appropriate Regional Office after 4:00 p.m. on the closing date.

2. Applications will be accepted from institutions of higher education that have not qualified as eligible institutions of higher education under section 435(b) or 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1085(b), 1141(a)). Such applications will also be processed and reviewed. However, in order for such institutions to receive an allocation of fiscal year 1975 funds, the Accreditation and Institutional Eligibility Staff of the Bureau of Postsecondary Education of the Office of Education must have received by January 15, 1975 all materials and documents necessary to determine whether such an institution is an eligible institution of higher education. Similarly with regard to the College Work-Study Program, applications will be accepted from area vocational schools that have not had their eligibility to participate in the College Work-Study Program established; however, in order for such schools to receive an allocation of fiscal year 1975 funds, the Accreditation and Institutional Eligibility Staff of the Bureau of Postsecondary Education of the Office of Education must have received by January 15, 1975 all materials and documents necessary to determine whether such a school is an eligible area vocational school.

(20 U.S.C. 1070b–1070b–3; 42 U.S.C. 2753; 20 U.S.C. 1087aa–ff)
(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grant Program; 13.463, College Work-Study Program; and 13.471, National Direct Student Loan Program)

Dated: September 6, 1974.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.74–21119 Filed 9–12–74;8:45 am]

Social and Rehabilitation Service

CHILD WELFARE SERVICES

Promulgation of Federal Shares and Allotment Percentages

Pursuant to section 423 (a), (b), and (c) of Title IV, Part B of the Social Security Act (42 U.S.C. 623 (a), (b), and (c)), and pursuant to section 501 of Pub. L. 93–344 (the Congressional Budget and Impoundment Control Act of 1974) which provides that fiscal year 1977 shall begin on October 1, 1976 and end on September 30, 1977: It is hereby promulgated that for fiscal year 1976, for the period July 1, 1976 through September 30, 1976, and for the fiscal year ending September 30, 1977, for purposes of child welfare services under Title IV, Part B of the Social Security Act, for each of the fifty States, Puerto Rico, the District of Columbia, the Virgin Islands and Guam, the Federal shares and the allotment percentages, as specified in said Act, or as determined pursuant thereto, on the basis of the per capita income data specified therein, shall be as listed below.

State	Federal shares	Allotment percentages
Alabama	61.84	61.84
Alaska	41.50	41.50
Arizona	53.14	53.14
Arkansas	62.44	62.44
California	44.48	44.48
Colorado	49.83	49.83
Connecticut	40.45	40.45
Delaware	42.42	42.42
District of Columbia	36.45	36.45
Florida	51.32	51.33
Georgia	56.61	56.61
Guam	6694	70.00
Hawaii	43.67	43.67
Idaho	57.95	57.95
Illinois	42.91	42.91
Indiana	51.39	51.39
Iowa	51.20	51.20
Kansas	49.46	49.46
Kentucky	60.12	60.13
Louisiana	60.85	60.85
Maine	59.59	59.59
Maryland	45.20	45.20
Massachusetts	46.96	46.96
Michigan	45.54	45.54

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State	Federal shares	Allotment percentages
Minnesota	58.08	58.08
Mississippi	65.27	65.27
Missouri	52.26	52.26
Montana	54.79	54.79
Nebraska	50.33	50.33
Nevada	62.57	62.57
New Hampshire	53.08	53.08
New Jersey	41.22	41.22
New Mexico	61.48	61.48
New York	42.18	42.18
North Carolina	57.85	57.85
North Dakota	51.46	51.46
Ohio	49.66	49.66
Oklahoma	57.45	57.45
Oregon	52.30	52.30
Pennsylvania	50.22	50.22
Puerto Rico	50.00	50.00
Rhode Island	50.87	50.87
South Carolina	61.60	61.60
South Dakota	57.33	57.33
Tennessee	58.47	58.47
Texas	55.03	55.03
Utah	59.21	59.21
Vermont	59.06	59.06
Virgin Islands	50.00	50.00
Virginia	51.89	51.89
Washington	49.29	49.29
West Virginia	60.49	60.49
Wisconsin	52.81	52.81
Wyoming	53.42	53.42

Dated: September 6, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

[FR Doc.74-21060 Filed 9-12-74;8:45 am]

STATE ASSISTANCE EXPENDITURES

Promulgation of Federal Percentages and Federal Medical Assistance

Pursuant to section 1101(a)(8)(B) of the Social Security Act (42 U.S.C. 1301 (a)(8)(B)), which provides for the determination and promulgation of the Federal percentages, and section 1905(b) of said Act (42 U.S.C. 1396d(b)), which provides for the determination and promulgation of Federal medical assistance percentages:

It is hereby promulgated that, for each of the eight quarters in the period beginning July 1, 1975 and ending June 30, 1977, Federal percentages and the Federal medical assistance percentages to be used in determining Federal financial participation in State expenditures for the purposes specified herein, for each of the 50 States, Puerto Rico, the District of Columbia, the Virgin Islands, and Guam, as specified in said Act, or as determined pursuant thereto on the basis of the per capita income data specified therein, shall be as listed below.

State	Federal percentage	Federal medical assistance percentage
Alabama	65.00	73.79
Alaska	50.00	50.00
Arizona	55.00	60.46
Arkansas	66.00	74.60
California	50.00	50.00
Colorado	50.00	54.69
Connecticut	50.00	50.00
Delaware	50.00	50.00
District of Columbia	50.00	50.00
Florida	55.00	57.24
Georgia	63.34	68.10
Guam	50.00	50.00
Hawaii	50.00	50.00
Idaho	64.64	69.18
Illinois	50.00	50.00
Indiana	52.75	57.47
Iowa	52.87	57.13
Kansas	50.00	54.02
Kentucky	66.00	71.37
Louisiana	66.00	74.41
Maine	65.00	70.60
Maryland	50.00	50.00
Massachusetts	50.00	50.00
Michigan	50.00	50.00
Minnesota	52.05	56.84
Mississippi	65.00	78.28
Missouri	54.42	58.98
Montana	50.12	53.21
Nebraska	50.65	55.59
Nevada	50.00	50.00
New Hampshire	55.87	60.28
New Jersey	50.00	50.00
New Mexico	65.00	70.29
New York	50.00	50.00
North Carolina	64.48	68.05
North Dakota	52.87	57.59
Ohio	50.00	54.39
Oklahoma	63.90	67.42
Oregon	54.49	59.04
Pennsylvania	50.43	55.39
Puerto Rico	50.00	50.00
Rhode Island	51.73	56.55
South Carolina	65.00	73.58
South Dakota	63.59	67.23
Tennessee	65.00	70.43
Texas	59.55	63.59
Utah	65.00	70.04
Vermont	65.00	69.62
Virgin Islands	50.00	50.00
Virginia	53.72	58.34
Washington	50.00	53.72
West Virginia	65.00	71.90
Wisconsin	54.46	59.91
Wyoming	56.60	60.94

Dated: September 6, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

[FR Doc.74-21118 Filed 9-12-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-74-249; Land Sales Enforcement Division Docket No. 74-88]

APPLE VALLEY SUBDIVISION, ET AL.

Notice of Hearing

Pursuant to 15 U.S.C. 1706(d) and 24 CFR 1720.160(b) notice is hereby given that:

1. American Central Corporation, Howard J. Bohnet, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing issued June 17, 1974, which was sent to the developer pursuant to 15 U.S.C. 1706 (d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Apple Valley Subdivision, located in the County of Knox, Ohio, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received July 8, 1974, in response to the notice of proceedings and opportunity for hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b): *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge John W. Earman, in room 2253, Department of HUD, 451 7th Street SW., Washington, D.C. on September 13, 1974, at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before September 11, 1974.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default, and the proceeding shall be determined against Respondent, the allegations in the Notice shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1) and 1720.160(c).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: September 9, 1974.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.74-21177 Filed 9-12-74;8:45 am]

Office of the Secretary

[Docket No. D-74-290]

SECRETARY OF LABOR

Delegation of Authority

Pursuant to the authority vested in me to exercise certain of the powers and authorities of the President with respect to Federal disaster assistance pursuant to section 1 of the Executive Order entitled, "Delegating Disaster Relief Functions Pursuant to the Disaster Relief Act of 1974" (E.O. 11795, 39 FR 25939, dated July 11, 1974), I hereby delegate to the Secretary of Labor, subject to the general policy guidance and coordination of the Administrator of the Federal Disaster Assistance Administration:

1. The authority, functions and powers granted by section 407(a) of the Disaster Relief Act of 1974 (88 Stat. 143, 42 U.S.C. 5121n.) to provide assistance to individuals unemployed as a result of a major disaster;

2. The authority, functions and powers granted by section 407(b) to provide reemployment assistance services under other laws administered by the Department of Labor to individuals who are unemployed as a result of a major disaster; and

3. With the concurrence of the Administrator of the Federal Disaster Assistance Administration, the authority to issue such rules and regulations as may be necessary and appropriate to effectuate this delegation.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

I consent:
PETER J. BRENNAN,
Secretary of Labor.

Effective date. This delegation of authority shall be effective as of August 5, 1974.

[FR Doc.74-21176 Filed 9-12-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON ECCS

Notice of Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on ECCS will hold a meeting on September 28, 1974 in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to discuss the development of models formulated to meet current ECCS Criteria.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Saturday, September 28, 1974—9:00 a.m.–12:30 p.m. Discussion with the AEC Regulatory Staff on the development of models formulated to meet current ECCS criteria.

In connection with the above agenda item, the Subcommittee will hold executive sessions before and after the meeting to discuss its preliminary views and to exchange opinions and formulate recommendations to the ACRS. In addition, following the public portion of the meeting, the Subcommittee may hold closed sessions with the Regulatory Staff to discuss privileged information relating to the agenda item.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the executive session at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held to discuss certain documents which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any nonexempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect such privileged information and the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than September 21, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the details of the agenda and schedule, whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on September 27, 1974 to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m. e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after December 28, 1974. Copies may be obtained upon payment of appropriate charges.

JOE B. LA GRONE,
Acting Advisory Committee Management Officer.

[FR Doc.74-21307 Filed 9-12-74;8:45 am]

[Docket No. 50-471]

BOSTON EDISON CO.

Special Prehearing Conference

Notice is hereby given that, pursuant to memorandum and order dated August 9, 1974, issued herein by this Board, and pursuant to a telephone conference call held with the parties[1] on September 3, 1974, a further special prehearing conference will be held at the Hearing Room, Town Office Building, 11 Lincoln Street, Plymouth, Massachusetts 02360, commencing at 10:30 a.m., local time, on Thursday, October 3, 1974.

As a result of the agreement amongst the parties during the above-mentioned conference call, the schedule set forth in the Board's order of August 9, 1974 for the further course of this proceeding is amended to permit the parties to file comments on the revisions to the Draft Environmental Statement and the revised Environmental Report and PSAR on or before September 23, 1974. Further, in accordance with the indication contained in the aforesaid order, the Board has, upon examination of the revised Draft Environmental Statement, determined that recirculation to the pertinent agencies of said revised Draft Environmental Statement is advisable and would assist in the compilation of a full and complete record in this proceeding. Accordingly, the Staff is directed to recirculate said revised Statement requesting the respective agencies to respond

[1] Despite a number of efforts, the parties were unsuccessful in reaching Mr. Daniel Ford at any of the given telephone numbers for participation in the conference call. Nevertheless, the parties were urged by the Board to continue to attempt to reach Mr. Ford to advise him of the parties' agreements regarding the future schedule.

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with comments, if any, on the aforementioned revisions on or before September 23, 1974.*

It was further agreed amongst the parties that, should circumstances require additional time after the prehearing conference of October 3, to arrive at further agreements and/or stipulations regarding the Intervenors' contentions, said stipulations may be filed with the Board on or before October 11, 1974; in like manner, if necessary and appropriate, motions to strike assertedly irrelevant or inappropriate contentions may be filed on or before the same day.

In summary, therefore, the revised schedule for this proceeding will be as follows:

September 23, 1974	Comments to be filed by the parties and Intervenors on the revisions to the Draft Environmental Statement and the revised Environmental Report and PSAR;
	Comments, if any, to be filed by agencies in response to recirculation of the revised Draft Environmental Statement;
October 3, 1974	Further Special Prehearing Conference to discuss Intervenors' revised contentions; and
October 11, 1974	Submission of further stipulations and/or agreements on contentions, and motions, if any, to strike contentions.

The parties are again urged to confer prior to the next prehearing conference to narrow, simplify and clarify the issues and contentions presented in this proceeding, and to discuss and consider the possible consolidation of issues and stipulations with regard to matters in issue, all with the view of assisting in the more orderly development of the record in this proceeding.

Dated at Bethesda, Md., this 6th day of September 1974.

It is so ordered.

For the Atomic Safety and Licensing Board.

MAX D. PAGLIN,
Chairman.

[FR Doc.74-21144 Filed 9-12-74;8:45 am]

[Docket No. STN 50-482]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO.

Wolf Creek Generating Station, Unit No. 1; Receipt of Application for Construction Permit and Operating License and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters

Kansas Gas and Electric Company and Kansas City Power and Light Company (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application, which was docketed May 17, 1974, for authorization to construct and operate a generating unit utilizing a standardized pressurized water reactor. The application was tendered on April 1, 1974. Following a preliminary review for completeness, the application was accepted on May 10, 1974, for docketing.

This application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or group of utilities. Docket No. STN 50-482 has been assigned to the application and should be referenced in any correspondence relating to the application. The other duplicate plants are: Docket Nos. STN 50-483 and STN 50-486 involving an application by Union Electric Company for construction permits for the Callaway Plant, Units 1 and 2, to be located in Callaway County, Missouri; Docket Nos. STN 50-484 and STN 50-487 involving an application by Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation, for construction permits for the Tyrone Energy Park, Units 1 and 2 to be located in Dunn County, Wisconsin, and Docket No. STN 50-485 involving an application by Rochester Gas and Electric Corporation for a construction permit for the Sterling Power Project Nuclear Unit 1 to be located in Cayuga County, New York.

The proposed nuclear facility, designated by the applicants as the Wolf Creek Generating Station Unit No. 1, is located approximately 3.6 miles east of the Neosho River and the spillway at the John Redmond Reservoir in Coffey County, Kansas, approximately 3.5 miles northeast of Burlington, Kansas, and is designed for initial operation at approximately 3,411 megawatts (thermal), with a net electrical output of approximately 1,120 megawatts.

A Notice of Hearing with opportunity for public participation will be published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 29, 1974. The request should be filed in connection with Docket No. STN 50-482-A.

A copy of the application is available for public inspection at the Commission's Public Reference Section, 1717 H Street NW., Washington, D.C. 20545, and at the Office of County Clerk (Ms. Joan Cox), Coffey County Courthouse, Burlington, Kansas.

The applicants have also filed an Environmental Report, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, dated April 1, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations and at the Budget Division, Department of Administration, First Floor-State House, Topeka, Kansas 66612.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 16th day of August 1974.

For the Atomic Energy Commission.

D. B. VASSELLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing.

[FR Doc.74-19984 Filed 8-29-74;8:45 am]

[Docket Nos. STN 50-516, STN 50-517]

LONG ISLAND LIGHTING CO. AND JAMESPORT NUCLEAR POWER STATION, UNITS 1 AND 2

Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

The Long Island Lighting Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed September 6, 1974, for authorization to construct and operate two generating units utilizing two pressurized water reactors. The application was tendered on June 14, 1974. Following a preliminary review of completeness, the application was accepted on August 13, 1974 for docketing. Docket Nos. STN 50-516 and STN 50-517 have been assigned to the application and they should be referenced in any correspondence relating to the application.

The proposed nuclear facilities, designated by the applicant as the Jamesport Nuclear Power Station, Units 1 and 2 are to be located in Suffolk County, New York, 6 miles northeast of the town of Riverhead. Each unit is designed for initial operation at approximately 3,425 megawatts (thermal), with a net electrical output of approximately 1,150 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before November 12, 1974. The request should be filed in connection with Docket Nos. STN 50-516-A and STN 50-517-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Riverhead Free Library, 330 Court Street, Riverhead, New York 11901.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an Environmental Report dated August 28, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations and at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207; and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10007.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 6th day of September 1974.

For the Atomic Energy Commission.

FRANCIS J. WILLIAMS,
Acting chief, Light Water Reactors Projects Branch 2-1, Directorate of Licensing.

[FR Doc.74-21143 Filed 9-12-74;8:45 am]

[Docket Nos. STN 50-484, STN 50-487]

NORTHERN STATES POWER CO. (MINNESOTA) AND NORTHERN STATES POWER CO. (WISCONSIN)

Tyrone Energy Park, Units 1 and 2; Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters

Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, have filed an application, which was docketed June 21, 1974, for authorization to construct and operate two generating units utilizing two standardized pressurized water reactors. The application was tendered on April 30, 1974. Following a preliminary review for completeness, the application was accepted on June 18, 1974, for docketing.

This application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or group of utilities. Docket Nos. STN 50-484 and STN 50-487 have been assigned to the application and should be referenced in any correspondence relating to the application. The other duplicate plants are: Docket No. STN 50-482 involving an application by Kansas Gas and Electric Company and Kansas City Power and Light Company for a construction permit for the Wolf Creek Generating Station, Unit No. 1 to be located in Coffey County, Kansas; Docket Nos. STN 50-483 and STN 50-486 involving an application by Union Electric Company for construction permits for the Callaway Plant, Units 1 and 2, to be located in Callaway County, Missouri, and Docket No. STN 50-485 involving an application by Rochester Gas and Electric Corporation for a construction permit for the Sterling Power Project Nuclear Unit 1 to be located in Cayuga County, New York.

The proposed nuclear facilities, designated by the applicants as the Tyrone Energy Park, Units 1 and 2, are located on the left descending bank of the Chippewa River in Dunn County, Wisconsin, approximately 19 miles west-southwest of Eau Claire, Wisconsin, and are each designed for initial operation at approximately 3,411 megawatts (thermal), with a net electrical output of approximately 1,120 megawatts.

A Notice of Hearing with opportunity for public participation will be published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 29, 1974. The request should be filed in connection with Docket Nos. STN 50-484-A and STN 50-487-A.

A copy of the application is available for public inspection at the Commission's Public Reference Section, 1717 H Street NW., Washington, D.C. 20545, and at the Stout Library (Mr. John Jax, Director), University of Wisconsin, Menomonie, Wisconsin.

The applicants have also filed an Environmental Report, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, dated April 26, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Bureau of Planning and Budget, Department of Administration, One West Wilson Street, State Office Building, Madison, Wisconsin 53701.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 16th day of August 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing.

[FR Doc.74-19986 Filed 8-29-74;8:45 am]

[Docket Nos. 50-352; 50-353]

PHILADELPHIA ELECTRIC CO.

Oral Argument

Notice is hereby given that, in accordance with the Atomic Safety and Licensing Appeal Board's order of September 5, 1974, oral argument on the exceptions to the initial decision of June 14, 1974 in this construction permit proceeding has been scheduled for 9:30 a.m. on Tuesday, October 1, 1974, in the Appeal Panel hearing room, fifth floor, East West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

SEPTEMBER 10, 1974.

[FR Doc.74-21175 Filed 9-12-74;8:45 am]

[Docket No. STN 50-485]

ROCHESTER GAS AND ELECTRIC CORP.

Receipt of Application for Construction Permit and Operating License; Time for Submission of Views on Antitrust Matters

Rochester Gas and Electric Corporation (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed June 21, 1974, for authorization to construct and operate a generating unit utilizing a standardized

*In a further telephone conference call held with the parties on September 6, 1974, it was agreed that the Staff would be granted a grace period of five (5) working days from the date of issuance of this Order for consideration of its further action in complying herewith.

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pressurized water reactor. The application was tendered on April 30, 1974. Following a preliminary review for completeness, the application was accepted on June 18, 1974, for docketing.

This application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or group of utilities. Docket No. STN 50-485 has been assigned to the application and should be referenced in any correspondence relating to the application. The other duplicate plants are: Docket No. STN 50-482 involving an application by Kansas Gas and Electric Company and Kansas City Power and Light Company for a construction permit for the Wolf Creek Generating Station, Unit No. 1 to be located in Coffey County, Kansas; Docket Nos. STN 50-483 and STN 50-486 involving an application by Union Electric Company for construction permits for the Callaway Plant, Units 1 and 2, to be located in Callaway County, Missouri, and Docket Nos. STN 50-484 and STN 50-487 involving an application by Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation, for construction permits for the Tyrone Energy Park, Units 1 and 2, to be located in Dunn County, Wisconsin.

The proposed nuclear facility, designated by the applicant as the Sterling Power Project Nuclear Unit 1, is bounded on the northwest by Lake Ontario, is located in Cayuga County, New York, and is designed for initial operation at approximately 3,411 megawatts (thermal), with a net electrical output of approximately 1,120 megawatts.

A Notice of Hearing with opportunity for public participation will be published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention, Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 29, 1974. The request should be filed in connection with Docket No. STN 50-485-A.

A copy of the application is available for public inspection at the Commission's Public Reference Section, 1717 H Street NW., Washington, D.C. 20545, and at the Seymour Library (Mr. Erskine, Librarian), Case Memorial Building, 176 Genesee Street, Auburn, New York.

Approximately September 30, 1974 the applicant plans to file an Environmental Report, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51. The report will discuss environmental considerations related to the construction and operation of the proposed facility. After it is docketed, it will be available for public inspection at the aforementioned locations and at the Office of Environmental Analysis, New bany, New York 12210; and at the Conservation, Albany, New York 12210; at the New York State Atomic Energy Council, New York State Department of Commerce, 99 Washington Street, Albank, New York 12210; and at the Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, New York 13202. A Notice of Availability of Applicant's Environmental Report will be published following docketing of the Environmental Report.

Dated at Bethesda, Md., this 16th day of August 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing.

[FR Doc.74-19987 Filed 8-29-74;8:45 am]

[Docket Nos. STN 50-483, STN 50-486]

UNION ELECTRIC CO.

Callaway Plant, Units 1 and 2; Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

Union Electric Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed June 21, 1974, for authorization to construct and operate two generating units utilizing two standardized pressurized water reactors. The application was tendered on April 30, 1974. Following a preliminary review for completeness, the application was accepted on June 18, 1974, for docketing.

The application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or group of utilities. Docket Nos. STN 50-483 and STN 50-486 have been assigned to the application and should be referenced in any correspondence relating to the application. The other duplicate plants are: Docket No. STN 50-482 involving an application by Kansas Gas and Electric Company and Kansas City Power and Light Company for a construction permit for the Wolf Creek Generating Unit No. 1 to be located in Coffey County, Kansas; Docket Nos. STN 50-484 and STN 50-487 involving an application by Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation, for construction permits for the Tyrone Energy Park, Units 1 and 2, to be located in Dunn County, Wisconsin, and Docket No. STN 50-485 involving an application by Rochester Gas and Electric Corporation for a construction permit for the Sterling Power Project Nuclear Unit 1 to be located in Cayuga County, New York.

The proposed nuclear facilities, designated by the applicants as the Callaway Plant, Units 1 and 2, are located approximately five miles north of the Missouri River in Callaway County, Missouri, approximately ten miles southeast of Fulton, Missouri, and are each designed for initial operation at approximately 3,411 megawatts (thermal), with a net electrical output of approximately 1,120 megawatts.

A Notice of Hearing with opportunity for public participation will be published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 29, 1974. The request should be filed in connection with Docket Nos. STN 50-483-A and STN 50-486-A.

A copy of the application is available for public inspection at the Commission's Public Reference Section, 1717 H Street NW., Washington, D.C. 20545, and at the Fulton City Library (Mrs. Frieda Metweedle), 709 Market Street, Fulton, Missouri, and at the Olin Library of Washington University (Mrs. Ranata Rotkowicz), Skinker and Lindell Boulevards, St. Louis, Missouri.

The applicant has also filed an Environmental Report, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, dated May 30, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Division of Planning, Office of Administration, P.O. Box 809, Jefferson City, Missouri 65101, and at the Mid-Missouri Regional Planning Commission, 10 West Sixth Street, Fulton, Missouri 65251.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 16th day of August 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing.

[FR Doc74-19985 Filed 8-29-74;8:45 am]

[Docket Nos. STN 50-508, STN 50-509]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM, ET AL.

Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

Washington Public Power Supply System, on behalf of itself and four investor-owned electric utilities, Pacific Power and Light Company, Portland General Electric Company, Puget Sound Power and Light Company, and The Washington Water Power Company (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed an application (Preliminary Safety Analysis Report, General and Financial Information and Antitrust), which was docketed on August 2, 1974, for authorization to construct and operate a generating unit utilizing a pressurized water nuclear reactor designated as the WPPSS Nuclear Project No. 3; and in which Washington Public Power Supply System (the applicant), on behalf of itself, requests authorization to construct and operate a generating unit utilizing a pressurized water nuclear reactor designated as the WPPSS Nuclear Project No. 5. The application was tendered on March 5, 1974. Following a preliminary review for completeness, the application (including the Environmental Report) was rejected on April 15, 1974 for lack of sufficient information. The applicants submitted a revised Preliminary Safety Analysis Report (application) on July 15, 1974, and the application was found to be acceptable for docketing. Docket Nos. STN 50-508 and STN 50-509 have been assigned to the application and they should be referenced in any correspondence relating to the application. The applicants will submit a revised Environmental Report on August 15, 1974. When the revised Environmental Report is found to be acceptable, a notice of availability of the Environmental Report will be published in the FEDERAL REGISTER.

This application has been filed utilizing the "reference system" option of the Commission's standardization policy for nuclear power plants, wherein a standard design that involves a major fraction of a nuclear facility may be referenced in license applications. This application references the standard nuclear steam supply system design of Combustion Engineering's Standard Safety Analysis Report (CESSAR), Docket No. STN 50-470, which is currently under staff review. The proposed nuclear facilities are to be located on Washington Public Power Supply System's site in Grays Harbor County, Washington, about 26 miles west of Olympia. Each unit is to be designed for initial operation at 3,800 megawatts thermal, and an electrical output of approximately 1,300 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 22, 1974. The request should be filed in connection with Docket Nos. STN 50-508-A and STN 50-509-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the W. H. Abel Memorial Library, 125 Main Street, South, Montesano, Washington 98563.

Dated at Bethesda, Md., this 6th day of August 1974.

For the Atomic Energy Commission.

OLAN D. PARR,
Chief, Light Water Reactors Project Branch 1-3, Directorate of Licensing.

[FR Doc.74-19341 Filed 8-22-74;8:45 am]

CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

ACTIVITIES FOR COMING YEAR

Notice of Meeting

The Citizens' Advisory Committee on Environmental Quality will meet on September 30, 1974, at 9:30 a.m. at the Edgewater Hotel in Madison, Wisconsin.

The Committee advises the President and the Council on Environmental Quality on matters pertaining to environmental quality. The purpose of the meeting is to review pending Committee business and to consider Committee activities for the coming year. Subjects discussed will include Committee publications, loss of agricultural land to development, use of abandoned rights of way for public trails, land use, energy, solid waste, and other current environmental issues.

A limited number of seats, approximately 10, will be available to observers from the press and the public on a reserved, first-come basis. Requests to attend the meeting must be submitted in writing or by telephone no later than Wednesday, September 25, 1974, to Lawrence N. Stevens, Executive Director, Citizens' Advisory Committee on Environmental Quality, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006, telephone (202) 223-3040. Oral statements or questioning of Committee members or other participants by observers in attendance at the meeting will not be permitted. Members of the public may file written statements with the Committee before or after the meeting.

Requests for information should be submitted to Lawrence N. Stevens (address given above).

LAWRENCE N. STEVENS,
Executive Director, Citizens' Advisory Committee on Environmental Quality.

[FR Doc.74-21265 Filed 9-12-74;8:45 am]

CIVIL RIGHTS COMMISSION

FLORIDA STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Florida State Advisory Committee (SAC) to this Commission will convene at 1:30 p.m. on October 11, 1974, in the President's Board Room, Ashe Administration Building, University of Miami, Miami, Florida 33124.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southern Regional Office of the Commission, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue NE., Atlanta, Georgia 30303.

The purposes of this meeting shall be to (1) review the draft of the Florida SAC report on Police-Community Relations in the State, (2) plan for orientation of the recently rechartered Florida SAC, and (3) discuss proposed Florida SAC activities to be undertaken during the balance of FY 75.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 4, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-21140 Filed 9-12-74;8:45 am]

INDIANA STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on September 28, 1974, at the Quality Motel Downtown, 1530 North Meridian Street, Indianapolis, Indiana 46202.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be to discuss followup activities to the Indiana SAC's recent hearing on problems of the migrant worker in Indiana.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 4, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-21141 Filed 9-12-74;8:45 am]

MONTANA STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations

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of the U.S. Commission on Civil Rights, that a planning meeting of the Montana State Advisory Committee (SAC) to this Commission will convene at 9:30 a.m. on October 4, 1974, at the Travelodge, 22 North Last Chance Gulch, Helena, Montana 59601.

Persons wishing to attend this meeting should contact the Committee Chairman or the Mountain States Regional Office of the Commission, Room 216, 1726 Champa Street, Denver, Colorado 80202.

The purposes of this meeting shall be to (1) release the Montana SAC report entitled "Employment Practices in Montana: The Effects on Minorities and Women" and (2) discuss proposed Montana SAC activities to be undertaken during FY 1975.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 4, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-21139 Filed 9-12-74;8:45 am]

NEW JERSEY STATE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on October 8, 1974, at Rutgers University, New Brunswick, New Jersey 07102.

Persons wishing to attend this meeting should contact the Committee Chairman, or the New York Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purposes of this meeting shall be to (1) review the New Jersey Prison Project and (2) recharter the New Jersey SAC.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 5, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-21138 Filed 9-12-74;8:45 am]

COMMISSION OF FINE ARTS

PUBLIC PROJECTS AFFECTING THE APPEARANCE OF WASHINGTON, D.C.

Notice of Meeting

AUGUST 26, 1974.

The Commission of Fine Arts will meet on Wednesday, September 18, 1974 at 10 a.m. in the Commission offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various public projects affecting the appearance of Washington, D.C. Inquiries regarding the agenda should be addressed to the Secretary, Commission of Fine Arts, at the above address.

CHARLES H. ATHERTON,
Secretary.

[FR Doc.74-21151 Filed 9-12-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

BICYCLES

Notice of Meeting

The Consumer Product Safety Commission gives notice that on September 20, 1974, Ms. J. Penno and Mr. D. R. Mackay will meet with the U.S. Technical Advisory Group to ISO/TC-149 on International Safety Specifications for Bicycles. The meeting will be held at ANSI Headquarters at 1430 Broadway, New York, N.Y., commencing at 9:30 a.m.

The purpose of the meeting is to prepare the United States position for the upcoming meeting of Subcommittees 1 and 2.

The Commission, on July 16, 1974 (39 FR 26100) issued safety regulations for bicycles (16 CFR Part 1512) under the Federal Hazardous Substances Act (15 U.S.C. 1261). The Commission is currently reviewing objections to these regulations filed by manufacturers, distributors and consumers.

Dated: September 10, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-21168 Filed 9-12-74;8:45 am]

PETITION TO BAN HAND GUN BULLETS

Cancellation of Meeting

The Consumer Product Safety Commission gives notice that the September 30, 1974 meeting (reported in the August 22, 1974, FEDERAL REGISTER, 39 FR 30376; originally scheduled for August 26) with representatives of The Committee For Hand Gun Control has been cancelled. The meeting had been scheduled to discuss the Committee's petition to ban hand-gun bullets.

The Commission has, on September 5, 1974, denied the petition; therefore, there is no existing purpose for the meeting.

Dated: September 10, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-21167 Filed 9-12-74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from September 2 through September 6, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45)' days from this FEDERAL REGISTER notice of availability. (October 28, 1974.) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available, at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250 (202) 447-3965.

FOREST SERVICE

Draft

Forks Unit, Ouachita National Forest, several Counties, Arkansas, September 3: The proposed action is to manage, administer and utilize the forest resources of the Forks Unit, Ouachita N.F., from July 1, 1966 to June 30, 1966. The 75,826 acres Forks Unit is in Garland, Montgomery, Yell and Perry Counties. Major actions are regenerating commercial timber stands on 6, 900 acres, thinning timber on 13,700 acres, increasing wildlife habitat, managing the range resource and constructing 75 miles of road by timber purchasers. The greatest impact will be to temporary soil disturbance and water quality from timber harvests, timber site preparation work and road construction (92 pages). (ELR Order No. 41383.)

Final

Vegetative Management with Herbicides, several Counties, Washington, September 4: The statement refers to the proposed use of the herbicides 2,4-D,2,4,5-T,2,4,5-TP, picloram, dicamba, atrazine, amitrole and Monosodium acid methanearsenate (MSMA) on lands of Colville, Okanogan, and Wenatchee National Forests, in order to reduce the volume of native vegetation where it seriously hampers forest management activities. Use of the chemicals will result in varying amounts of herbicidal residues in the environment. There is potential hazard to some species of wildlife as a result of the alteration of habitat (two volumes). Comments made by: USDA, HUD, EPA, HEW, DOI, COE, State and local agencies and concerned citizens. (ELR Order No. 41398.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, AEC, Washington, D.C. 20545, (301) 973-4241. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, F-722, AEC, Washington, D.C. 20545, (301) 973-7373.

Draft

Commercial High-level, Transuranium-Contaminated Wastes, September 6: The statement refers to a program for the management of commercial high-level and transuranium-contaminated radioactive wastes, for which AEC custody is required by present or anticipated regulations. The program consists of: development of a Retrievable Surface Storage Facility (RSSF) for commercial high-level wastes; evaluating geological formations and sites for the development of a Geological Disposal Pilot Plant (GDPP) which would lead to permanent disposal; and providing retrievable storage for the transuranium-contaminated wastes pending availability of permanent disposal. (ELR Order No. 41405.)

DEPARTMENT OF DEFENSE

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, (202) OX 4-4269.

Draft

Land Acquisition, Ft. Carson, El Paso and Pueblo Counties, Colorado, September 6: Proposed is the acquisition of 74,200 acres of land contiguous to the 140,000 acre military reservation of Fort Carson. The action would allow the expansion of training facilities to a capacity which would permit full-scale, brigade-size operations involving the 4th Infantry Division (Mechanized). The major adverse impacts will be effects on the limited vegetative cover in the area, and the destruction of wildlife habitat. (ELR Order No. 41408.)

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314 (202) 693-7168.

Draft

Big Creek and Tributaries, Lower White River Basin, several counties, Arkansas, September 3: The Big Creek and tributaries project, located in Lee, Monroe, Philips, and St. Francis Counties provides for straightening, enlarging, and cleaning out the Big Creek channel from its mouth, upstream for 72.5 miles. In addition, channel cleanout and enlargement work is planned for about 39 miles of the upstream tributaries of Big Creek. There will be negative impact to fish and wildlife habitat (Memphis District). (ELR Order No. 41386.)

Sacramento River, Major and Minor Tributaries, California, September 3: The project involves the protection of extensive areas in the Sacramento River Basin flood plains from widespread damages and loss of life due to flooding. Loss of wildlife and associated natural riparian values along the streams cannot be avoided at some sites (Sacramento River). (ELR Order No. 41390.)

Collins Generating Station, Illinois, September 4: The statement discusses the proposed Collins Generating Station, Goose Lake Township, Illinois. The station will employ five oil-fired boilers to produce steam for the generation of 2500 MW net of electrical power. The exhaust steam from the turbine generators will be cooled and condensed by the recirculation of water from a 1990 acre cooling lake which will be constructed under this proposal. Adverse impacts include the diversion of land to industrial activity, inundation of 7 acres of the Goose Lake Prairie State Park, and increased fog caused by the heated lake (Chicago District). (ELR Order No. 41397.)

Keneenaw Waterway, Houghton County, Michigan, September 3: The proposed action is the continued operation and maintenance of the Keneenaw Waterway. This activity includes breakwater and revetment repair, dredging and dredge spoil disposal. Adverse impacts include increased turbidity, disruptions of benthic dwelling organisms during dredging operation, and the covering of approximately 40 acres in the proposed Lily Pond dike includes breakwater and revetment repair, dredging and (ELR Order No. 41382.) (NTIS Order No. (none).)

Springfield Flood Control Project, New Jersey, September 4: The project involves the construction of a flood control project in Springfield, New Jersey, consisting of channel modification, levees and ponding areas along Van Winkles Brook and the Rahway River. Construction impacts include noise and air pollution, traffic interruption, and stream turbidity and siltation. Long term impacts consist of dislocation of wildlife, disruption of aquatic life, degradation of aesthetic appearance, diminution of recreation of recreational areas, loss of commercial land, relocation of a home, loss of vegetation and an increased potential of flooding in park land south of the project area (New York District). (ELR Order No. 41396.)

Robinson's Branch of the Rahway River, New Jersey, September 5: The statement discusses the recommended plan for flood control on Robinson's Branch of the Rahway River and the Pumpkin Patch Brook. The project consists of channel modifications, levees, floodwalls and flumes, with some deanagging along the upper reaches of Pumpkin Brook. Floodgates or stop-log structures will be installed on two streets in Rahway, N.J. and two bridges will be replaced. Adverse impacts include removal of vegetation, loss of fish and wildlife habitat, change in channel alignment, and negative impacts associated with construction. (ELR Order No. 41399.)

Saw Mill River Basin, Flood Control Project, New York, September 6: The statement discusses the plan for flood control on the Saw Mill River. The project consists of channel modifications, approximately 4,300 feet of levees and floodwalls, ponding areas, a pumping station and associated interior drainage facilities. Three bridges would be affected by the plan. Adverse impacts include the removal of vegetation, some loss of fish and wildlife habitat, and temporary adverse impacts associated with construction (New York District) (85 pages). (ELR Order No. 41407.)

Green Mill Run, Pitt County, North Carolina, September 3: The project involves the construction of a flood control project on Green Mill Run in Greenville, Pitt County, consisting of about 1.9 miles of channel improvement by deepening and widening the existing stream. There will be loss of several mature trees in project right-of-way and slight temporary increase in turbidity during and immediately after project construction (Wilmington District). (ELR Order No. 41391.)

Shidler Lake, Salt Creek, Osage County, Oklahoma, September 5: The statement refers to the Shidler Lake damsite to be located at river mile 39.2 on Salt Creek in Osage County near Shidler, Oklahoma. Project purposes are flood control, water supply, recreation, and fish and wildlife. The project consists of an earth-fill dam, an uncontrolled saddle spillway, a gated flood control outlet works with water supply and low flow facilities, access roads, and project buildings. Adverse impacts are the inundation of 8.8 miles of stream that will result in a loss of wildlife habitat, and the degradation of ten archeological sites due to shore-erosion, land use change, and inundation (Tulsa District). (ELR Order No. 41404.)

R. D. Bailey Lake, Guyandotte River, Wyoming and Mingo Counties, West Virginia: The statement refers to the construction and operation of a multiple purpose lake on the Guyandotte River near the Mingo-Wyoming County line. Project purposes are flood control, water quality control, area redevelopment, general recreation and fish and wildlife recreation. Adverse impacts include the relocation of 33 businesses, 530 residential units, 11 churches, 3 schools, and 2 post offices, the inundation of about 7 miles of the Guyandotte River and 510 acres of land at seasonal pool, and construction problems with soil erosion, stream sedimentation, stream turbidity, dust, and noise (Huntington District). (ELR Order No. 41400.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7208, 451 7th Street SW., Washington, D.C. 20410 (202) 755-5980.

Draft

Rapid City Flood Disaster Program, South Dakota, September 6: The statement refers to an urban renewal project for flood disaster recovery, involving two HUD actions. The original on-going activity involves a 3,078 acre urban area, 754 acres of which are to be cleared and developed as an open floodway; the remaining 2,234 acres are to be redeveloped for residential, commercial, light industrial, and public facilities use. The second action involves an annexed 150 acre area which is to be acquired, cleared, and developed as an open floodway with recreational use. (ELR Order No. 41406.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

BUREAU OF OUTDOOR RECREATION

Draft

North Country Trail, September 3: The statement discusses the recommendation that Congress authorize the concept of the North Country Trail. Such authorization would permit the eventual designation of a hiking trail, approximately 3,246 miles in length originating at the Appalachian Trail in Vermont, traversing New York, Pennsylvania, Ohio, Michigan, Wisconsin, and Minnesota, and terminating at the proposed Lewis and Clark Trail in North Dakota. The Secretary of the Interior would have the authority to designate some sections of the trail "scenic" and recognize others as "recreational". Recreational use would cause continued disturbance of vegetation and wildlife, and soil compaction along the trail itself. (ELR Order No. 41380.)

BUREAU OF RECLAMATION

Final

Fontanelle Reservoir, Water Supply, Sweetwater, Lincoln, and Uinta Counties, Wyoming, September 5: The statement refers to a proposed contract between the United States and the State of Wyoming, which would convey to the State the right to use a water supply from Fontenelle Reservoir and Green River. The water would be used in the development of heavy industry and mineral resources, including coal, trona, oil, gas, and oil shale, in southeastern Wyoming. The proposal will result in the construction of industrial plants, pipelines, transmission lines, and access facilities. Adverse impact would include decreases in air and water quality, changes in population, and the introduction of man-made features to a desert area (220 pages). Comments made by: DOI, USDA, COE, EPA, AHP, HUD, DOC, FPC, DOT, State and local agencies and concerned citizens. (ELR Order No. 41401.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590 (202) 426-4357.

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FEDERAL AVIATION ADMINISTRATION

Draft

Boone Municipal Airport, Boone County, Iowa, September 4: The statement refers to the proposed development of the Boone Municipal Airport, Boone County, Iowa. The project consists of land acquisition, extension of a runway, strengthening of a runway, installation of lighting and fencing, and construction of a parallel taxiway. There will be slight increases in air and noise pollution during construction. (ELR Order No. 41393.)

Cloquet-Carlton County Airport; Carlton County, Minnesota, September 3: The statement refers to the development of the Cloquet-Carlton County Airport in Cloquet, Minnesota. The project involves extension of 2 runways, acquisition of 172 acres in fee and 44 acres in easement, and installation of a visual approach slope indicator system and medium intensity runway lights. Adverse impacts are the clearing of 113 acres, reduction of wildlife habitat, and increased air and noise pollution (30 pages). (ELR Order No. 41392.)

Final

Caldwell Industrial Air Park, Canyon County, Idaho, September 4: The proposal contemplates initially to construct a General Utility Airport and then later expanding to a Basic Transport Airport. The construction will take place in a three phase program over a period of 15–20 years. The most prominent adverse environmental impact is the conversion of 424 acres of agricultural land into an airport facility. Other impacts are rises in the levels of air and noise pollution created by the aircraft (67 pages). Comments made by: DOT, EPA, DOI, HUD, USDA, State and local agencies. (ELR Order No. 41395.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

I–565, Madison and Limestone Counties, Alabama, September 3: The project described is an additional section (R4C) of Project I–565–5(1), in Madison, and Limestone Counties. This alternate is a 3.59 mile section within the City of Huntsville, beginning near the intersection of Jordan Lane and Governors Drive and extending northeasterly to a point near the intersection of Oakwood Avenue and Andrew Jackson Way. Adverse impacts are increased air pollution, some disruption of the Model Cities Area, loss of some vegetation, and displacement of 1398 people, 6 industries, 140 businesses, and 5 non-profit corporations (127 pages). (ELR Order No. 41381.)

State Road 60, Indian River County, Florida, September 3: The project involves the construction of 1.8 miles of multi lane highway between N.W. 20th Avenue and Indian River Boulevard on State Road 60 in Indian River Road. Adverse impacts are increased air pollution, degradation of water quality, and displacement of 1 residence and 2 businesses. (ELR Order No. 41388.)

I–275, Hamilton County, Ohio, September 3: The project involves the improvement of I–275 in Hamilton County, Ohio. Improvement will consist of constructing 1.55 miles of a six-lane facility. Included in the project will be 3 bridge structures, a full interchange with Kellog Avenue, landscaping and installation of fencing in the vicinity of the California Golf Course and improvement of the drainage system. Adverse impacts are loss of open space and wooded areas, some localized increase in water, air, and noise pollution, some erosion and sedimentation during construction, and demolition of 63 dwellings and 3 businesses. A 4(f) determination is necessary concerning the California Golf Course (100 pages). (ELR Order No. 41379.)

U.S.–30, Stark County, Ohio, September 3: The project involves construction of a new highway on new right-of-way nine miles in length, known as relocated U.S. 30 in the southern portion of Canton and central Stark County. The project consists of a four, six, and eight lane divided highway with elevated and depressed grade sections to connect with a completed section. Adverse impacts are increased noise levels and the displacement of 279 families, 85 individuals, 48 businesses, and 4 churches (137 pages). (ELR Order No. 41385.)

South Kirkland Trail Crossing, King County, Washington, September 3: The proposed facility will be a crossing located in the south part of the city of Kirkland, Washington and will connect to the King County and Kirkland Trail Systems and increase public access to Lake Washington and also parks and recreational facilities in the area. The trail will cross I–405, a six lane divided highway, and will have a length of approximately 400 feet. Adverse impacts are disruption of natural vegetation and wildlife habitat, and, increased air and noise pollution and degradation of water quality due to construction. (89 pages). (ELR Order No. 41384.)

Final

Northeast By-Pass Road, Hampshire County, Massachusetts, September 5: The statement refers to the proposed construction of approximately 3.5 miles of two lane roadway connecting existing Route 116 at the Hadley-Amherst town line to Route 9 in Amherst. The project also includes extending Route 116 approximately 1500' and constructing a grade separation and interchange connecting Route 116 to the By-Pass Road. The number of displacements and the amount of right-of-way required will depend upon the route selected. Comments made by: EPA, DOI, DOC, USDA, HUD, State and local agencies and concerned citizens. (ELR Order No. 41403.)

NC 24, Cumberland County, North Carolina, September 4: The statement discusses the proposed relocation of NC 24 from Grove Street in Fayetteville to existing NC 24 near SR 1006 in Cumberland County, a distance of approximately 4.0 miles. Adverse impacts are the use of 235 acres of land for right-of-way, and the displacement of 15 families and 2 farms. (80 pages). Comments made by: USDA, COE, DOC, EPA, GSA, HEW, DOI, State and local agencies. (ELR Order No. 41394.)

U.S. 14, Beadle County, South Dakota, September 3: The statement refers to the reconstruction of an existing section of U.S. 14 by building a 4 lane divided highway on the present alignment. The project begins approximately 1 mile east of Huron and follows existing U.S. 14 easterly 3.5 miles to the intersection of U.S. 14 and Bloomfield Road. Adverse impacts of the project include the use of 110 acres of land and the displacement of 5 families and 1 business (35 pages). Comments made by: USDA, DOC, DOI, EPA, State agencies. (ELR Order No. 41378.)

State Trunk Highways 29 and 32, Brown, Shawano, and Outagamie Counties, Wisconsin, September 3: The proposed project is the expansion of a 10-mile section of existing State Trunk Highway 29 in the City of Green Bay to a four lane dual roadway. Acquisition of approximately 174 acres of additional right-of-way will cause changes in land use patterns. Adverse effects stemming from the project are displacement of families and businesses and construction disruption (85 pages). Comments made by: EPA, DOI, State agencies. (ELR Order No. 41387.)

Final

U.S. 50, Loogootee to Bryantsville (Final Supplement), September 5: This supplement is a result of additional coordination meetings with representatives of the Hoosier N.F. and the Indiana Department of Natural Resources. The end result was a modification of Line 3 through the Martin County State Forest. This modification utilizes as much of the existing route of U.S. 50 through the Forest as possible. Comments made by: (ELR Order Number 41389.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.74–21145 Filed 9–12–74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENVIRONMENTAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Environmental Advisory Committee will meet Friday, September 27, 1974 at 9 a.m., Room 3400, 12th & Pennsylvania Avenue NW., Washington, D.C.

The Committee was established to provide advice and information to the Federal Energy Administration concerning environmental aspects of Federal Energy Administration policies and programs.

The agenda for the meeting is as follows:

1. Energy Conservation Options for Project Independence.
2. Impact Assessment of Energy Supply and Demand Options for Project Independence.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office (202) 961–7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on September 9, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.74–21134 Filed 9–12–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[List No. 4]

CANADIAN TELEVISION STATIONS

Supplemental Change List

Supplementary list of changes, additions, deletions and corrections as of September 4, 1974, to the list of Canadian television stations within 250 miles of the border issued by the Commission dated April 1, 1973.

This list corrects List No. 3, dated August 28, 1974, to show station CJAY–TV (formerly CJAY–TV–2), Brandon, Manitoba, on channel 4 rather than channel 3 as follows:

SEPTEMBER 6, 1974.

CHANNEL 4 (66–72 MHz)

Call sign	Licensee	Location	Radiated power (kW)	Antenna				
				Directivity	Above ground	Above MSL	Above terrain	Offset
CJAY–TV (call letters changed from CJAY–TV–2).	Relay Communications, Ltd.....	Brandon, Manitoba, N. 49°40'05", W. 100°00'40".	55.00 V 11.00 A	D.A.	1332	2882	1200	(+)

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc.74–21171 Filed 9–12–74;8:45 am]

[Docket Nos. 20150, etc. FCC 74–899]

RCA GLOBAL COMMUNICATIONS, INC.

Designating Applications for Consolidated Hearing

In the matter of RCA Global Communications, Inc. Application for authorization, pursuant to Section 214 of the Communications Act of 1934, to lease and operate satellite voice circuits between the continental United States and Hawaii, Docket No. 20150; File Nos. T–C–2033, T–C–2033–A, T–C–2033–1, T–C–2033–2, T–C–2033–3, T–C–2033–4; Western Union International, Inc. Application for modification of previously granted authorizations to permit the granted provision of leased circuit service for voice-only use between the United States and Hawaii, Docket No. 20151, File No. T–C–2025–7; ITT World Communications, Inc. Application for authority to provide voice-only service to Hawaii, Docket No. 20152, File No. T–C–2038–3.

1. The Commission is herein considering: A. Its order adopted May 22, 1974 in File No. T–C–2033 et al., FCC 74–530, requiring the parties to the said proceeding to file comments relative to factual data demonstrating the presence or absence of public need and public benefit associated with RCA Global Communication, Inc.'s (RCAGC) proposed voice-only communications service between the United States mainland and Hawaii;

B. the Hawaiian Telephone Company's (HTC) petition for reconsideration [1] of the memorandum opinion, order and certificate adopted June 7, 1973 in File No. T–C–2025–7, FCC 3M–698, granting the application of Western Union International, Inc. (WUI) to provide leased circuits for voice-only communications service between the United States mainland and Hawaii; and

C. an application, filed on July 3, 1972, by ITT World Communications Inc. (ITTWC) requesting modifications of its existing authorizations to permit it to provide leased circuits for voice-only communications service between the United States mainland and Hawaii.

BACKGROUND—RCAGC

2. By memorandum opinion, order, authorization and certificate adopted June 8, 1972 in File No. T–C–2033 et al., FCC 72M–754 (RCAGC order), the Telegraph Committee, pursuant to delegated authority, authorized RCAGC, inter alia, to provide leased circuits for voice-only use between the United States mainland and Hawaii. Until this action, only the American Telephone and Telegraph Company (AT&T), operating on the mainland, and HTC, operating in Hawaii, were authorized to provide this service between these points. Although RCA Communications, Inc. (RCA) had been authorized to provide leased channel voice service to Hawaii by high frequency radio in 1959, this authorization was never used and RCA had since surrendered its license.[2]

3. The Telegraph Committee, in its RCAGC order, based its approval of RCAGC's request to provide leased channel voice service to Hawaii on its findings that the requested service was economically feasible [3] and that allowing competition between RCAGC and AT&T/HTC was equitable and in the public interest.[4] The Committee noted AT&T/HTC had been authorized to provide record services between the mainland and Hawaii whereas such competition with the record carriers had been precluded for all other overseas points.[5]

4. HTC, in an application for review filed on June 27, 1972, requested that the Commission reverse the Telegraph Committee's decision and deny RCAGC's application insofar as it requested voice-only authority. HTC argued that the RCAGC order, insofar as it approved the voice-only authority, was in conflict with the statutory standard for judging an application under section 214 of the Communications Act of 1934, involved questions of law and policy not previously passed on by the Commission and thus was not appropriate for action under delegated authority, and contained erroneous findings of fact relative to the question of the economic feasibility of competition.

5. The Commission, in its November 8, 1972 decision, RCA Global Communications, 37 F.C.C. 2d 1043 (Reconsideration Order), denied the HTC application. The Commission first affirmed the Telegraph Committee's authority to act on the matter by stating that the Committee's authority was not limited to non-policy matters and, moreover, that in ITT World Communications, Inc., 2 F.C.C. 2d 573 (1966), the Commission had established its policy relative to the issue in dispute.[6] In addition, the Commission, in paragraphs which we will reference but not summarize herein, dismissed HTC's argument that the telegraph Committee failed to correctly assess the feasibility of competition.[7]

6. The third issue posed in HTC's application for review was that the criteria for the consideration of an application under section 214 of the Communications

[1] HTC's petition for reconsideration is referred to the Commission by the Telegraph Committee pursuant to § 1.106 of the rules of the Commission.

[2] See AT&T—RCA Communications, Inc., 27 F.C.C. 271 (1959).

[3] RCAGC Order, at para. 17.

[4] *Id.* at para. 16.

[5] *Id.* at para. 15.

[6] In the cited case, the Commission approved ITTWC's application to modify its existing authority so that it might permit customers unrestricted use of voice alternately with data between Hawaii and the mainland on its Datel Service. Such service, a high speed data exchange service, theretofore allowed a customer to use voice only for cue and contact control. ITT was allowed to enlarge the voice use to permit customers to converse so that the Datel Service would be more competitive with AT&T/HTC's DataPhone Service.

[7] 37 F.C.C. 2d at 1047–1049.

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Act of 1934 and § 63.01 of the Commission's rules were misapplied by the Telegraph Committee. Specifically, HTC argued that the Committee had failed to provide adequate reasoning for the conclusion that the public interest, convenience and necessity required the granting of RCAGC's voice-only request. HTC made specific reference to language in "FCC v. RCA Communications Inc.", 346 U.S. 86 (1953) (Three Circuits Case), which held that competition in itself cannot be assumed to be a public benefit, but that the "Commission must at least warrant, as it were, that competition will serve some beneficial purpose".[3]

7. In response to the public benefit argument the Commission stated:

> Insofar as public benefit is concerned, it is sufficient to note that wherever competition has been introduced we have found considerable benefit in the way of better service, responsiveness to public demand, and generally lower rates with substantial increases in volume and often profitability. We anticipate that a similar benefit may appear in the instant case. 37 F.C.C. 2d 1043, 1048 (footnotes omitted).
>
> Aside from the benefits to the public which we have indicated above, we think there is a further public benefit—that stemming from the viability of the record carriers which we sought to protect by our TAT-4 decision. As we have noted, the Mainland/Hawaii route was an exception to this protection in that voice carriers may provide record carrier services. As we have also noted, it appears that a considerable amount of the rationale for the exception has been dissipated with the passage of time. By permitting the record carriers to compete with the voice carriers on this route where competition is reasonable, feasible (sic), such action will, in a minor way, restore the parity which was upset by the special treatment given AT&T and HTC on the Mainland/Hawaii route. 37 F.C.C. 2d 1043, 1049–1050.

8. On January 5, 1973, HTC filed an appeal of the Reconsideration Order with the United States Court of Appeals for the District of Columbia Circuit. The Court of Appeals, on May 3, 1974, reversed and remanded the Commission's decision for reconsideration.[4] The Court held that the Commission had not met the standard of the Three Circuits Case, stating:

> We remand to the Commission for reconsideration of its decision. We imply no inference as to what that decision should be. But if on reconsideration its conclusion remains the same, it must "at least warrant" that competition will serve some beneficial public interest here. While the Commission need not make "specific findings of tangible benefits," it must go beyond its bare assertion of benefit. It must provide the basic facts which lead it to reach its conclusion of public benefit from the decision. If such basic facts have not been developed in the prior agency proceedings and record, then hearings or supplemental inquiry may be necessary.[5]

[3] 346 U.S. 86 at 96 (1953).
[4] HTC v. F.C.C., No. 73–1018 (U.S. Court of Appeals for the District of Columbia Circuit, May 3, 1973) at 13.
[5] HTC v. F.C.C., slip op. 12 (footnotes omitted).

9. Pursuant to "HTC v. F.C.C.," the Commission in an Order adopted May 22, 1974 in File No. T–C–2033 et al., FCC 74–530 (May 1974 Order), required the parties to File No. T–C–2033 et al. to submit comments with regard to:

> (1) factual data to demonstrate the presence or absence of public need and public benefits associated with RCA Global's proposed service, and
>
> (2) comments on the relevancy and significance of this data.

10. Comments from RSAGC, HTC and AT&T were filed with the Commission on June 24, 1974 and reply comments were filed by AT&T, HTC and RCAGC on July 8, July 9, and July 11, 1974, respectively. RCAGC argued that the Commission has established a general scheme of regulation which has facilitated competition in the international leased channel field and which has achieved "some of the benefits which free competition can be expected to achieve in an unregulated industry, while at the same time guarding against the risks which are traditionally present when carriers compete with each other."[11] RCAGC stated that the Commission should take notice of the fact that for years there has been competition on the mainland-Hawaii route between the international record carriers (IRC's) and the telephone carriers in the provision of all leased channel services except pure voice and that during that period of time "significant technological advances were introduced into service, service improved, and rates were broadly reduced."[12] RCAGC further noted that the first reduction in charges for voice-only leased channel service on the mainland-Hawaii route was instituted by RCAGC.[13]

11. AT&T and HTC in their comments and reply comments placed particular emphasis on the fact that the Court of Appeals had established a threshold question that the Commission must address itself to, i.e., whether the public interest requires more or different voice-only leased channel service between the mainland and Hawaii.[14] AT&T and HTC also argued that the Court clearly required that additional factual information supporting the RCAGC application be provided and that the Commission's May 1974 order also called for the submission of factual data. RCAGC, they argued, has failed to meet this test.[15] HTC further commented that RCAGC's reliance on past technological advances, service improvements and rate reductions was misplaced because RCAGC could demonstrate no causal relationship between these factors and the competition in the leased channel market.[16]

[11] RCAGC comments, at 3.
[12] *Id.* at 4, 5.
[13] RCAGC comments, at 3.
[14] HTC comments, at 4; HTC reply comments, at 4; and AT&T comments at 2.
[15] HTC reply comments, at 1, 2; and AT&T reply comments, at 1.
[16] HTC reply comments, at 2, 3.

AT&T, in fact, alleged that these three cited benefits were the result of the "continuing research and development effort of the Bell System and others to improve the overseas transmission facilities."[17] With regard to rate reductions, both HTC and AT&T noted that RCAGC is opposing the most recent rate reduction for leased channel service on the mainland-Hawaii route and HTC and AT&T are supporting this reduction.[18] HTC further noted RCAGC also failed to provide factual support for the second and third criteria posed by the Court for ruling on 214 applications, i.e., how much additional service is necessary and to whom the opportunity for providing service should be awarded.[19]

BACKGROUND—WUI

12. On July 14, 1972, an application was filed by WUI, File No. T–C–2025–7, for modification of previously granted authority to premit the provision of leased circuit service for voice-only use between the United States mainland and Hawaii. HTC filed a petition to deny on July 28, 1972; WUI opposed said petition on August 11, 1972; and HTC replied to said opposition on August 18, 1972.

13. The thrust of HTC's petition to deny was that WUI had failed to comply with the provisions of Section 63.01 of the Commission's Rules, which pertain to the contents of applications requesting authorizations pursuant to Section 214 of the Communications Act. Specifically, HTC alleged that WUI had failed to present evidence that the public interest required the granting of its application, but instead relied on the argument that evenhanded regulatory treatment required WUI to receive the same authority granted to RCAGC.[20] HTC further argued that before the application could be acted upon, the Commission should first resolve the question of whether WUI had been providing leased circuits for voice-only use without authorization.[21]

14. In its opposition to the petition to deny, WUI argued that an investigation of prior service should be pursued independently of its application.[22] WUI responded to HTC's contention that WUI did not comply with § 63.01 of the rules by alleging that the Commission had "traditionally required a minimal showing of § 63.01 requirements with respect to applications involving existing service points."[23] WUI further noted that the Commission had taken into consideration in the *RCAGC Order* the inequitable position of the record carriers as opposed to the telephone carriers. WUI argued that it should receive "equal regulatory treatment."[24]

[17] AT&T reply comments, at 2.
[18] HTC comments, at 5; and AT&T comments, at 5.
[19] HTC reply comments, at 5.
[20] HTC petition, at 2, 3.
[21] Id. at 1, 2.
[22] WUI opposition, at 1–6.
[23] Id. at 7.
[24] Id. at 8.

15. The Telegraph Committee in its Memorandum Opinion, Order and Authorization adopted June 7, 1973 in File No. T–C–2025–7, FCC 73M–889 (WUI Order), approved WUI's application. The Committee stated that the question of WUI's alleged previous provision of leased channel circuits for voice-only use without authority should appropriately be resolved in an independent proceeding. The resolution of the controversy, the Committee stated, involves factual questions which could not properly be considered in the context of a Section 214 application review. The Committee further noted that nothing would be gained by deferring the consideration of the application because a grant thereof would not exculpate WUI for past misdeeds.[25]

16. The Telegraph Committee further noted that growth in the voice-only leased channel market between the mainland and Hawaii, coupled with the fact that RCAGC's voice-only circuit acquisitions subsequent to the RCAGC order came from new growth rather than from HTC's established circuits, demonstrated that the additional competition of WUI would be reasonably feasible.[26] Moreover, the Committee determined that the fact that RCAGC had instituted a $25 per circuit per month rate reduction for voice-only leased channels, from $6,700 to $6,675, and that WUI was proposing a further $25 per circuit per month reduction, demonstrated that the public would benefit from a grant of WUI's application.[27]

17. HTC, on July 11, 1973, filed a petition for reconsideration of the Telegraph Committee's WUI order. HTC disputed the Committee's contention that the matter of WUI's alleged unauthorized provision of voice-only service involved disputed questions of fact. HTC also asserted that the grant of an application while the applicant is in violation of the Act and the rules is contrary to Commission policy.[28] In addition, HTC argued that the Committee incorrectly analyzed the feasibility of competition. Competition, according to HTC, did not cause the growth in voice-only leased circuits and it was false to assume that simply because RCAGC did not acquire any of HTC's prior customers that HTC was not hurt by being placed in a "no growth" posture.[29] HTC again stated that WUI had not supplied the information required by § 63.01 and that application was really granted on the basis of carrier equity rather than public benefit.[30]

18. In opposing HTC's petition for reconsideration, WUI emphasized that HTC was incorrect in arguing that equity and competitive parity between carriers could not be the basis for a grant of section 214 authority.

[25] WUI order, para. 9.
[26] Id. paras. 11–12.
[27] Id. paras. 11, 12.
[28] Id. para. 14.
[29] HTC petition for reconsideration, pp. 3–5.
[30] Id. at 6–8.

BACKGROUND—ITTWC

19. On July 3, 1972, an application was filed by ITTWC, File No. T–C–2038–3, for modification of its existing authority to permit it to provide leased circuits for voice-only use between the mainland and Hawaii. HTC filed a petition to deny on July 28, 1972. ITTWC opposed HTC's petition in a filing of August 25, 1972. In a letter of June 29, 1973 ITTWC stated that the Commission should grant its application or rescind the authority granted to WUI. On July 10, 1973, HTC reaffirmed its opposition to the application. On August 14, 1973, the Commission granted ITTWC temporary authority to provide the requested service until September 15, 1973 because of an urgent need therefor. This was extended once to October 15, 1973. ITTWC did not request a further extension of the temporary authority. Because the issues and pleadings in File No. T–C–2038–3 are substantially similar to the issues and pleadings we have recited with regard to the RCAGC and the WUI order, we shall not repeat them here.

DISCUSSION

20. In issuing its May 1974 order, requiring the parties to File No. T–C–2033 et al. to file additional factual information relevant to the public benefits associated with RCAGC's proposed voice-only service, the Commission was reflecting the fact that the Court of Appeals had ruled that the RCAGC order had not provided a sufficient public benefit rationale to support the grant of authority. Upon remand, the Commission determined that the RCAGC order had fully reflected the information provided by RCAGC in its original application and subsequent pleadings. Therefore, the Commission requested all parties to the proceeding to provide any additional information which might be relevant.

21. As summarized in paragraph 10, RCAGC's response to our May 1974 order provides us with no information which improved upon the general claims that the Court of Appeals found inadequate. It is clear that a broad assertion that further competition will result in better service and lower rates will not meet the standard set forth in "HTC v. F.C.C.". The Court's decision requires that the history of leased channel competition in general, and on the mainland-Hawaii route in particular, be examined in greater detail and that a logical relationship be shown between competition and specific benefits. As the Supreme Court stated in the Three Circuits Case, it is not necessary that an applicant be able to forecast future tangible benefits.[31] If, however, an applicant is arguing that the history of competition on a particular route, or with regard to a particular service, has shown that benefits may be prebenefits which it believes will be derived "HTC v. F.C.C." requires that the applicant be more precise in its analysis of the past competition and the relevant benefits which it believes will be derived from the requested service.[32]

22. In addition to the public benefit question, the Commission has concluded that it is necessary to reexamine whether additional competition in the voice-only market on the mainland-Hawaii route is reasonably feasible. A brief review of the history of the relevant circuit growth will demonstrate the necessity of reopening the issue at this time. We noted in the RCAGC Order that AT&T's § 43.61 report for year end 1971 indicated that it, jointly with HTC, provided a total of 32 leased voice-grade circuits between the mainland and Hawaii, of which 7 were for voice-only service. In our Reconsideration Order of November 8, 1972 we noted that AT&T had amended its 1971 § 43.61 report to reflect a total of 49 mainland-Hawaii voice-grade leased circuits, with 7 circuits being for voice-only. At that time we noted that by 1980 the 49 leases were expected to increase to 121. On November 15, 1972, AT&T filed its § 43.61 report for the period from January through June 1972. The report indicated that AT&T/HTC were providing 9 voice-only leased circuits. In our WUI order of June 7, 1973, we noted that AT&T still retained 9 voice-only circuits, RCAGC was providing an additional 3, and WUI had a firm order for one. Thus, the number of voice-only circuits between the mainland and Hawaii had increased from 7 to 13 during the one year period following June 8, 1972, the date on which competition for the provision of voice-only circuits had been authorized. Moreover, AT&T/HTC's projections were that this growth would continue. Thus in June, 1973, we were correct in finding that competition had not harmed AT&T/HTC, and, in fact, competition was showing beneficial results.

23. The Commission notes, however, that AT&T's demand for voice-only leased circuits has increased by only one circuit since June, 1973. We further note that RCAGC's demand has increased to 4 circuits and WUI's demand has decreased from 1 to 0. Thus, overall, this service has not only failed to grow substantially over the last year but the total number of voice-only circuits involved has actually increased by only one circuit. It is clear, therefore, that it would be appropriate at this time to reexamine our earlier conclusion that competition for voice-only leased channel circuits on the mainland-Hawaii route is reasonably feasible.

24. In view of the fact that RCAGC has not convincingly demonstrated that

[31] 346 U.S. 86 at 96–97 (1953).
[32] It should be noted that it is not always necessary for a 214 applicant to perform the type of analysis referred to above. Very often the prospective public benefits related to a grant of authority can be demonstrated with specificity. For example, when a carrier proposes to serve directly a point to which it already provides indirect service, the improvements in the quality of service provided and lower costs involved can often be demonstrated as a factor in the public benefit analysis.

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the public will benefit from a grant of its application and in view of the fact that a leveling-off of growth calls into question the feasibility of competition, we feel that it is appropriate that application, File No. T–C–2033 et al., be set for hearing in order that the issues in dispute may be finally resolved.

25. The decision in "HTC v. F.C.C." impacts on the WUI order as well as the RCAGC order and it is our judgment that WUI has likewise failed to provide an adequate public benefit rationale for proposed service. Moreover, the leveling-off of growth and its impact on the feasibility of competiton must be considered in light of WUI's service as well as RCAGC's. Therefore, pursuant to §§ 1.106(j) and 1.106(k)(2), we grant HTC's petition for reconsideration, defer ruling on the merits of the petition and set WUI's application, File No. T–C–2025, for hearing.

26. Finally, we also set ITTWC's pending application, File No. T–C–2038–3, for hearing and direct that proceedings on all three applications be consolidated for reasons of efficiency and in order that the three proposals can be judged in relation to each other.

27. In accordance with section 2 of the Administrative Procedure Act, 5 U.S.C. 551 and section 409 of the Communications Act, 47 U.S.C. 409, this proceeding shall be treated as an adjudication and the Chief, Common Carrier Bureau shall participate as a party and be separated from the Commission.

28. Accordingly, in view of our conclusions above: *It is ordered*, Pursuant to section 4(i), 4(j), 214, and 403 of the Communications Act, that:

a. The above-captioned applications are designated for hearing at the Commission's offices in Washington, D.C., at a time and date to be specified by the presiding Administrative Law Judge, to determine:

(1) Whether the present and future customer need for voice-only leased channel communications service between United States mainland and Hawaii will support the introduction of one or more competing common carriers in this specific market;

(2) What specific benefits, if any, to the public can be expected to result from the granting of any or all of the above-captioned applications;

(3) whether in light of the evidence adduced on the foregoing issues, the public interest, convenience and necessity would be served by a grant of any or all of the above-capitioned applications and

(4) which applicant should be granted authority to provide the subject communications service if it is determined in light of the evidence adduced on the foregoing issues that the public interest, convenience and necessity would be served by a grant of one or two, but not all, of the three above-captioned applications.

b. Upon the review of the record, the Administrative Law Judge shall prepare and issue an initial decision which shall be the subject of the submittal of exceptions and requests for oral argument as provided in §§ 1.276 and 1.277 of the Commission's rules (47 CFR 1.276 and 1.277), after which the Commission shall issue its decision as provided in § 1.282 of the Commission's rules (47 CFR 1.282).

c. RCAGC, WUI, and ITTWC are hereby named parties respondent herein and the Chief, Common Carrier Bureau is hereby named a party herein. Any person who has filed a petition to deny or other pleading with respect to the above-captioned applications may become a party by filing a notice of intention to participate within 10 days from the release date of this order, and shall be permitted to appear and adduce any relevant and probative evidence which bears on the issues specified for investigation herein.

FEDERAL COMMUNICATIONS COMMISSION,[a]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–21169 Filed 9–12–74;8:45 am]

FEDERAL MARITIME COMMISSION

SOCIETA ITALIANA DI ARMAMENTO S.P.A. AND COSTA ARMATORI S.P.A.

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 3, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esquire
Billig, Sher & Jones, P. C.
Suite 300
1126 Sixteenth Street, N.W.
Washington, D.C. 20036

Agreement No. 10120–1, between the above named parties, would enlarge the geographic scope of the basic agreement to include Mexico and Venezuela.

Dated: September 10, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–21218 Filed 9–12–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI74–96, etc.]

AMERICAN PETROFINA COMPANY OF TEXAS

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change to Become Effective Subject to Refund

SEPTEMBER 6, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders.

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[a] Commissioners Wiley, Chairman; and Quello concurring in the result; Commissioners Reid and Hooks absent.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf[a] Rate in effect	Cents per Mcf[a] Proposed increased rate	Rate in effect subject to refund in docket No.
RI74–96	American Petrofina Company of Texas.	16	24	El Paso Natural Gas Co. (acreage in the San Juan Basin Area, San Juan and Rio Arriba Counties, N. Mex.) (Rocky Mountain Area).	$1,258	8–8–74	8–8–74	[b] Accepted	26.33	[c] 26.618	RI74–96.
RI74–96	do		25	do	1,573	8–8–74		8–9–74	[d] 33.35	[e] 33.71	RI74–96.
RI74–58	do	[f] 20	14	do	303	8–8–74	8–8–74	[g] Accepted	26.33	[c] 26.618	RI74–58.
RI74–58	do		15	do	663	8–8–74		8–9–74	[d] 33.35	[e] 33.71	RI74–58.
RI74–97	do	[f] 21	12	do	132	8–8–74	9–8–74	[g] Accepted	[h] 22.0	[c] 26.618	RI74–97.
RI74–97	do		13	do	29	8–8–74		8–9–74	[d] 33.35	[e] 33.71	RI74–97.
RI74–230	do	[f] 24	13	do	118	8–8–74	8–8–74	[g] Accepted	26.33	[c] 26.618	RI74–230.
RI74–230	do		14	do	148	8–8–74		8–9–74	[d] 33.35	[e] 33.71	RI74–230.
RI74–158	do	[f] 78	3	do	170	8–8–74		8–9–74	32.43	[e] 32.770	RI74–158.
RI74–97	do	[f] 80	2	do	164	8–8–74		8–9–74	30.09	[e] 30.418	RI74–97.
RI74–97	do	[f] 81	3	do	43	8–8–74		8–9–74	33.35	[e] 33.71	RI74–97.

[a] Unless otherwise stated, the pressure is 15.025 lb/in² a.
[b] Reflects contractual reimbursement for the increased New Mexico severance tax.
[c] Applicable to gas production from wells completed on or subsequent to June 1, 1970.
[d] Applicant reflects 22.5 cents as the present base rate—The last filed base rate is 22 cents (Supp. No. 8).
[e] Considered "new gas" pursuant to Opinion No. 639.
[f] Contract dated after Oct. 1, 1968.
[g] Accepted to become effective the date set forth in the "Effective Date Unless Suspended" column.

Some of the proposed tax increases relating to the recent increase in the New Mexico severance tax are increases from underlying rates that do not exceed the ceiling rates under Opinion No. 658 or Order No. 435, as applicable. These increases are accepted as of the date of filing, except for the rate under Rate Schedule No. 21, Supp. 12, which is accepted thirty days after filing.

The other tax increases are increases from underlying rates which are being collected subject to refund. These increases are suspended for one day from the date of filing in the same suspension proceeding involving the underlying rate.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R–389–B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74–21100 Filed 9–12–74;8:45 am]

[Docket No. RI75–27]

BELCO PETROLEUM CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

SEPTEMBER 6, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders.

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch., I) and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf[a] Rate in effect	Cents per Mcf[a] Proposed increased rate	Rate in effect subject to refund in docket No.
R175–27	Belco Petroleum Corp.	1	[b] 38	Northwest Pipeline Co. (Big Piney Field, Sublette and Lincoln Counties, Wyo., Uinta-Green River Basin) (Rocky Mountain Area).		8–7–74	8–7–74	[c] Accepted	(d)		
do			39	do	$523,306	8–7–74		2–7–75	[e] 21.16 [f] 22.4 [g] 24.89	[h] 41.72	
do				do	(d)	8–7–74	8–7–74	[c] Accepted	(d)	[i] 45.19	
do		2	[b] 26	do		8–7–74	8–7–74	[c] Accepted	(d)		
do			27	do	523,306	8–7–74		2–7–75	[e] 21.16 [f] 22.4 [g] 24.89	[h] 41.72	
do				do	(d)	8–7–74	8–7–74	[c] Accepted	(d)	[i] 45.19	
do		3	[b] 24	do		8–7–74	8–7–74	[c] Accepted	(d)		
do			25	do	1,394,670	8–7–74		2–7–75	[e] 21.16 [f] 22.4 [g] 24.89	[h] 41.72	
do				do	(d)	8–7–74	8–7–74	[c] Accepted	(d)	[i] 45.19	
do		5	[b] 12	do		8–7–74	8–7–74	[c] Accepted	28.63		RI73–171.
do			13	do	47,778	8–7–74		2–7–75	28.63	[h] 41.72	RI73–171.
do				do	(d)	8–7–74	8–7–74	[c] Accepted			
do		6	[b] 22	do		8–7–74	8–7–74	[c] Accepted	28.63		RI73–171.
do			23	do	1,175,351	8–7–74		2–7–75	28.63	[h] 41.72	RI73–171.
do				do	(d)	8–7–74	8–7–74	[c] Accepted	28.63	[i] 45.19	RI73–171.

[a] Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[b] Letter agreement providing a new pricing schedule and agreement to drill new wells.
[c] Rates in effect are 21.16 cents, 22.4 cents, and 24.89 cents.
[d] Delivery pressure below 250 lb/in²g.
[e] Delivery pressure above 250 lb/in²g but below line pressure.
[f] Delivery pressure sufficient to enter pipeline.
[g] Applies to deliveries from wells commenced on or after Aug. 6, 1974.
[h] Subject to Btu adjustment above and below 1,000 Btu.
[i] Applies to deliveries from wells commenced prior to Aug. 6, 1974.
[j] No current deliveries of gas.
[k] Accepted to become effective as of the date set forth in the "Effective Date Unless Suspended" column.

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That portion of the proposed rate increases by Belco which are applicable to Opinion No. 699, and the letter agreements related thereto are accepted. Those remaining portions of the proposed increases which exceed the applicable area ceiling rate established by Opinion No. 658 are suspended for five months.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R–389–B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in pa t. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74–21101 Filed 9–12–74;8:45 am]

[Docket No. G–4616, etc.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Applications, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 5, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 27, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G–4616 C 8–16–74	Texaco, Inc., P.O. Box 2100, Denver, Colo. 80201.	El Paso Natural Gas Co., Blanco (Pictured Cliffs) Field, San Juan County, N. Mex.	[3] 54.6423	15.025
C161–60 D 8–7–74	Texaco, Inc. (Operator) et al., P.O. Box 60252, New Orleans, La. 70160.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Grosse Isle Field, Vermilion Parish, La.	(2)	-------
C170–381 D 8–19–74	Eason Oil Co., P.O. Box 18755, Oklahoma City, Okla. 73118.	Columbia Gas Transmission Corp., Cooper's Creek Field, Elk District, Kanawha County, W. Va.	Depleted	-------
C175–78 A 8–12–74	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Southern Natural Gas Co., Chanceleur Sound Bloc 25 Area, St. Bernard Parish, La.	[4] 50.86	15.025
C175–81 (C161–1282) B 8–15–74	H. L. Hunt (Operator) et al., 1401 Elm St., Dallas Tex. 75202.	Natural Gas Pipeline Co. of America, Alta Loma Field, Galveston County, Tex.	Depleted	-------
C175–82 (G–8681) B 8–15–74	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Bethany Field, Panola County, Tex.	do	-------
C175–83 (CS71–647) F 8–12–74	Exchange Oil & Gas Corp. (successor to Woods Petroleum Corp.), 16th Floor-1010 Common St., New Orleans, La. 70112.	Texas Gas Transmission Corp., Pass des Bettes Field, Terrebonne Parish, La.	[5] 25.10	15.025
C175–84 A 8–12–74	Champlin Petroleum Co., P.O. Box 9305, Fort Worth, Tex. 76107.	Mountain Fuel Supply Co., Antelope Field, Sweetwater County, Wyo.	[6] 48.58	15.025
C175–86 A 8–14–74	Sfenal Petroleum, P.O. Box 94103, Houston, Tex. 77018.	Transcontinental Gas Pipe Line Corp., Second Bayou Field, Cameron Parish, La.	[7] [8] 55.0	15.025
C175–87 A 8–15–74	Kerr-McGee Corp., P.O. Box 25861, Oklahoma City, Okla. 73125.	Northern Natural Gas Co., Dobbs No. 1 Well, Wheeler County, Tex.	[7] 45.541	14.65
C175–88 (G–12668) B 8–15–74	Reserve Oil & Gas Co., 1806 Fidelity Union Tower, Dallas, Tex. 75201.	Texas Eastern Transmission Corp., Rudman Field, Bee County, Tex.	Uneconomical.	-------
C175–89 (C161–225) B 8–16–74	Caroline Hunt Sands et al., 1401 Elm St., Dallas, Tex. 75202.	Panhandle Eastern Pipe Line Co., Gloden No. 1 Well, Texas County, Okla.	Depleted	-------
C175–90 (G–15622) B 8–16–74	do	United Gas Pipe Line Co., Pilgrim Church Field, Allen Parish, La.	do	-------
C175–91 A 8–16–74	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Kansas-Nebraska Natural Gas Co., Inc., acreage in Logan County, Colo.	[9] [8] 45.0	15.025
C175–92 (C161–280) F 8–15–74	Energy Corporation of America, Inc. (successor to Mobil Oil Corp.), 1220 Hibernia Bank Bldg., New Orleans, La. 70112	Southern Natural Gas Co., St. Gabriel Field, Iberville and Ascension Parishes, La.	[4] 25.014	15.025
C175–93 (G–15711) F 8–19–74	Helmerich & Payne, Inc. (successor to Exxon Corp.), 1579 East 21st St., Tulsa, Okla. 74114.	Transwestern Pipeline Co., Cree-Flowers Field, Roberts County, Tex.	[3] 23.36 [10] 53.74	14.73 14.73
C175–94 A 8–19–74	Ocean Drilling and Exploration Co., 1600 Canal St., New Orleans, La. 70112.	Transcontinental Gas Pipe Line Corp., Block 118 Field, East Cameron area, offshore Louisiana.	[8] [9] 45.0	15.025
C175–95 A 8–16–74	Diamond Shamrock Corp., P.O. Box 631, Amarillo, Tex. 79173.	Transcontinental Gas Pipe Line Corp., Block 22–L Field, High Island area, offshore Texas.	[9] 46.24	14.65
C175–97 (G–20494) F 8–19–74	Helmerich & Payne, Inc. (successor to Phillips Petroleum Co.), 1579 East 21st St., Tulsa, Okla. 74114.	Transwestern Pipeline Co., Cree-Flowers Field, Roberts County, Tex.	[3] 21.5	14.73
C175–98 A 8–16–74	Transwestern Gas Supply Co., P.O. Box 2521, Houston, Tex. 77001.	Transwestern Pipeline Co., Apollo Field, Winkler County, Tex.	[8] [9] 65.0	14.65
C175–99 (C170–319) B 8–19–74	Rudder Oil & Gas Co., P.O. Box 126, Belpre, Ohio 45714.	Columbia Gas Transmission Corp., Ravenswood Field, Jackson County, W. Va.	Depleted	
C175–100 (G–15921) B 8–19–74	H. L. Hunt et al., 1401 Elm St., Dallas, Tex. 75202.	United Gas Pipe Line Co., Pilgrim Church Field, Allen Parish, La.	do	-------
C175–101 (G–14881) B 8–19–74	do	Texas Gas Transmission Corp., Oberlin Field, Allen Parish, La.	do	-------
C175–102 (G–14882) B 8–19–74	Secure Trusts, 1401 Elm St., Dallas, Tex. 75202.	do	do	-------
C175–103 (G–15048) B 8–20–74	B. B. Orr, P.O. Box 1608, Longview, Tex. 75601.	Mississippi River Transmission Corp., Waskom Field, Harrison County, Tex.	Uneconomical.	-------

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C175–105 A 8–20–74 [11]	Tenneco Oil Co., 3000 One Shell Plaza, Houston, Tex. 77002.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Vermilion Block 246, offshore Louisiana.	[12] 43.86	15.025
C175–106 A 8–20–74	Tenneco Exploration, Ltd.	Tenneco Oil Co., Vermilion Block 246, offshore Louisiana.	[12] 43.86	15.025
C175–109 A 8–20–74	Transwestern Gas Supply Co., P.O. Box 2521, Houston, Tex. 77001.	Transwestern Pipeline Co., South Vici (Morrow) Field, Dewey County, Okla.	[8] [9] 65.0	14.65
C175–111 (C172–68) B 8–19–74	Cayman Corp. (Delaware), P.O. Box 2090, Palos Verdes Peninsula, Calif. 90274.	Michigan Wisconsin Pipe Line Co., Woodward Area, Major County, Okla.	Well plugged and abandoned.	-------
C175–113 (CS71–1050) B 8–21–74	Duer Wagner, Jr. et al., 2700 Continental National Bank Bldg., Fort Worth, Tex. 76102.	Transcontinental Gas Pipeline Corp., Oreones Field, Duval County, Tex.	Wells plugged and abandoned	-------

[3] Includes 7.1273 cents per Mcf upward Btu adjustment.
[4] Leases have expired or have been released.
[5] Subject to upward and downward Btu adjustment.
[6] Subject to downward Btu adjustment and price includes 2.85 cents per Mcf tax reimbursement.
[7] Includes Btu adjustment and tax reimbursement.
[8] Applicant is willing to accept a certificate in accordance with Opinion No. 699.
[9] Includes 0.611 cents per Mcf downward Btu adjustment and 3.416 cents per Mcf tax adjustment.
[10] Subject to downward Btu adjustment.
[11] Price prior to June 21, 1974, per Opinion No. 586; subject to upward and downward Btu adjustment; includes 3.36 cents per Mcf upward Btu adjustment.
[12] Price after June 21, 1974, per Opinion No. 699; subject to upward and downward Btu adjustment; includes 7.2 cents per Mcf upward Btu adjustment.
[13] Tenneco Exploration, Ltd. (a partnership composed of Tenneco Offshore, Inc., a publicly owned company in which Tenneco Oil does not own any interest, and Applicant) owns the gas to be produced from Vermilion Block 246. Applicant will purchase such gas from Tenneco Exploration, Ltd., and will resell to Tennessee. Applicant has committed and will sell 75 percent of its reserves to Tennessee, and will retain 25 percent for its own use after transportation onshore by Tennessee under other arrangements to be made later.
[14] Subject to upward and downward Btu adjustment; estimated upward adjustment is 2.28 cents per Mcf.

[FR Doc.74–20981 Filed 9–12–74;8:45 am]

[Docket No. G–15912, etc.]

CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES [1]

Notice of Applications

SEPTEMBER 6, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as decribed herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

V 39 I 179 SEP 13 74 XUM

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-15912..... C 8-16-74	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	El Paso Natural Gas Co., C. W. Roberts No. 4 Unit, Rio Arriba County, N. Mex.	[1] 47.5506	15.025
G-17379..... D 8-26-74	Texaco, Inc. (Operator) et al., P.O. Box 2420, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Southeast. Griggs Field, Cimarron County, Okla.	(3)	.....
C161-1281..... D 8-27-74	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex 77046.	Michigan Wisconsin Pipe Line Co., Cedardale Field, Major, Woodward, and Dewey Counties, Okla.	(4)	.....
C163-1264..... D 8-23-74	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	Texas Gas Transmission Corp., Downsville Field, Union Parish, La.	Depleted	.....
C166-801..... D 8-22-74	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	Texas Eastern Transmission Corp., Rayne Field, Acadia Parish, La.	[5] 65.0	14.65
C175-96..... A 8-19-74	Monsanto Co., 1300 Post Oak Tower, Houston, Tex. 77027.	Transwestern Pipeline Co., Apollo Field, Winkler County, Tex.	[6] Depleted	.....
C175-115..... (C170-85) B 8-19-74	Mustang Exploration Co., Inc., P.O. Box 272, Louise, Tex. 77455	Transcontinental Gas Pipe Line Corp., Trans-Tex Field, Wharton County, Tex.	Uneconomical.	.....
C175-117..... (CS71-780) B 8-19-74	Hurley Oil & Gas Co., 400 Petroleum Bldg., Shreveport, La. 71101.	Texas Gas Transmission Corp., Blackburn Field, Claiborne Parish, La.	Depleted	.....
C175-118..... (CS73-214) B 8-22-74	Mustang Exploration Co., Inc., P.O. Box 272, Louise, Tex. 77455.	Transcontinental Gas Pipe Line Corp., South Benefee Field, Wharton County, Tex.	Depleted	.....
C175-120..... (C172-196) B 8-23-74	Atlantic Richfield Co. (Operator) et al., P.O. Box 2819, Dallas, Tex. 75221.	Montana-Dakota Utilities Co., Gillette Gas Plant, Campbell County, Wyo.	(7)	.....
C175-121..... (C162-62) B 8-23-74	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	United Gas Pipe Line Co., North Leroy Field, Vermilion Parish, La.	Depleted	.....
C175-122..... A 8-23-74	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	Trunkline Gas Co., South Marsh Island Area (North Addition), Blocks 268, 269, and 281, offshore Louisiana.	[1] 67.0	15.025
C175-123..... (G-17760) B 8-23-74	Gulf Oil Corp.....	United Gas Pipe Line Co., Cranfield Field, Adams and Franklin Counties, Miss.	Depleted	.....
C175-124..... (G-5145) F 8-26-74	Ram Exploration Co. (successor to Exxon Corp), 1308 West Robinhood Dr., Suite 16, Stockton, Calif. 95207.	El Paso Natural Gas Co., Spraberry Trend Field, Reagan County, Tex.	19.325	14.65
C175-127..... (G-13365) B 8-22-74	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	W. M. Laughlin, Premont Area, Jim Wells County, Tex.	Depleted	.....
C175-130..... A 8-28-74	Transwestern Gas Supply Co., P.O. Box 2521, Houston, Tex. 77001.	Transwestern Pipeline Co., South Vicl Field, Dewey County, Okla.	[1] 65.0	14.65

[1] Subject to upward and downward Btu adjustment.
[2] Leases for certain properties have expired or been released.
[3] Applicant leased acreage to Branda Oil Co.
[4] Certain leases have ceased to produce gas or never were productive of gas.
[5] Applicant is willing to accept a certificate in accordance with Opinion No. 699.
[6] The application states that gas has not been delivered under terms and conditions of the contract and that applicant has been unable to contract for any new gas reserves to be covered by said contract.
[7] Applicant proposes to reserve 50 percent of the reserves for its own use.

[FR Doc.74-21102 Filed 9-12-74;8:45 am]

FEDERAL RESERVE SYSTEM

MERCANTILE BANCORPORATION, INC.

Acquisition of Bank

Mercantile Bancorporation, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Washington County Commercial Bank, Potosi, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 20, 1974.

Board of Governors of the Federal Reserve System, September 9, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21142 Filed 9-12-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ASTRONOMY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Astronomy to be held at 9 a.m. on September 30–October 1, 1974, in Room 338 at 1800 G St., NW., Washington, D.C. 20550.

The purpose of the Panel is to provide advice and recommendations concerning research proposals and projects in astronomy and to advise the Foundation of the impact of its research support programs on the scientific community in astronomy.

The agenda for this meeting shall include:

SEPTEMBER 30

MORNING

Introduction
Overview of NSF Programs in Astronomy (Presentations by Program Directors and National Observatory Directors) (5 hours)

AFTERNOON

Continuation of NSF Astronomy Programs
Solar Astronomy
(Presentation by a Panel Member) (2 hours)

OCTOBER 1

MORNING

Instrumentation in Astronomy (3 hours)

AFTERNOON

Status of former Panel recommendations (NSF Staff) (2 hours)

This meeting shall be open to the public on a space available basis. Individuals who wish to attend should inform Miss Mary Saffell, Secretary to the Head of the Astronomy Section by telephone (202/632-4196) or by mail, Room 305, 1800 G St. NW., National Science Foundation, Washington, D.C. 20550) by close of business on September 25, 1974. Persons requiring further information concerning this Panel should contact Dr. Robert Fleischer, Head, Astronomy Section, at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G St. NW., National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.74-21120 Filed 9-12-74;8:45 am]

ADVISORY PANEL FOR ENGINEERING MATERIALS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Engineering Materials to be held at 9 a.m. on September 30–October 1, 1974, in Room 642 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of the panel is to provide advice and recommendations for research in this area.

The agenda will include:

SEPTEMBER 30

MORNING

Presentation by staff members of the Division of Materials Research of structure of the Division and general program goals
An overview of the objectives, program content and long-range goals in Metallurgy, Ceramics, and Polymers. Discussion led by Program Officers. (This item will take part of morning, all afternoon, and part of morning on Oct. 1.)

OCTOBER 1

MORNING

Continuation of overview of the objectives, etc.
Staffing of the Section

AFTERNOON

Role of the Panel in Section development and evaluation

This meeting shall be open to the public. Individuals who wish to attend should inform Mr. C. A. Wert, Head, Metallurgy and Materials Section by telephone (202/632-7406) or by mail (Room 336, 1800 G St. NW., National Science Foundation, Washington, D.C. 20550) not later than close of business on September 26, 1974.

For further information concerning this Panel, contact Mr. C. A. Wert, at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G St. NW., National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.74-21121 Filed 9-12-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORT

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 10, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF DEFENSE

Department of the Army:
Economic Social and Environmental Effects of Randleman Lake and Howards Mill Lake Projects—Household Survey Form ____, Single time, MG/N. Weiner, Households, within a five county area.
Social, Economic and Environmental Effects of Randleman Lake and Howards Mill Lake Projects—Mail Survey, Form ____, Single time, Weiner/MG, Planning, environmental & special interest groups.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education: A National Needs Survey of Curriculum Developers in Education, Business/Industry, and Government, Form NIE 76, Single time, Planchon, Developers of occupation related curriculum & instructional materials.
Office of Education: A Survey of Institutions Providing Residential Services to Mentally Retarded People, Form OE 9040, Single time, Collins, Facilities serving mentally retarded people.

DEPARTMENT OF LABOR

Pension Benefit Guaranty Corporation: Premium Payment Declaration Form, Form PBGC-1, Annual, Shettel, Plan Administrators of defined benefit plans.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration: Intermediate Care Facility and Institutions for Mentally Retarded or Persons with Related Conditions Survey Report Forms, Form ____, Semiannual, Collins, Intermediate care facilities and institutions for mentally retarded.
Social Security Administration: Physical Therapist in Independent Practice Survey Report, Form SSA 3042, Single time, Lowry, Physical therapists.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:
Request to Establish Eligibility in the Health Insurance for Aged and Disabled Program to Provide Outpatient Physical Therapy and/or Speech Pathology Services, Form SSA 1856, Annual, Lowry, Providers of outpatient physical therapy and/or speech pathology services.
Outpatient Physical Therapy and/or Speech Pathology Survey Report, Form SSA 1893, Annual, Lowry, Providers of outpatient physical therapy and/or speech pathology services.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: ELSEGIS VII, Part B-2 State Report of Operating and Nonoperating Local Public School Systems, Form OE 2350-8, Annual, Planchon, State education agencies.

U.S. CIVIL SERVICE COMMISSION

Education and Training Courses, Form CSC 226 JC, Occasional, Evinger, Applicants for Federal employment.
List of College Courses and Certification of Scholastic Achievement, Form CSC 226, Occasional, Evinger, Applicants for Federal employment.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-21312 Filed 9-12-74;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to section V, review procedure and hearing rules, Station Committee on Educational Allowances, that on September 25, 1974, at 10 a.m., the Huntington Regional Office Station Committee on Educational Allowances shall, at the Federal Building, 502 Eighth Street, Huntington, West Virginia, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Appalachian Flying Service, Inc., Mercer County Airport, 323 Ramsey Street, Bluefield, W. Va. 24701, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: September 6, 1974.

HARRY W. PIPER,
Director, VA Regional Office, 502 Eighth Street, Huntington, W. Va. 25701.

[FR Doc.74-21149 Filed 9-12-74;8:45 am]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pusuant to section V, review procedure and hearing rules, Station Committee on Educational Allowances, that on September 26, 1974, at 10 a.m., the Huntington Regional Office Station Committee on Educational Allowances shall, at the Federal Building, 502 Eighth Street, Huntington, West Virginia, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Beckley Aviation Training, Inc., Drawer (C), Bradley, W. Va. 25818, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: September 6, 1974.

HARRY W. PIPER,
Director, VA Regional Office, 502 Eighth Street, Huntington, W. Va. 25701.

[FR Doc.74-21150 Filed 9-12-74;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

FEDERAL COMMITTEE ON APPRENTICESHIP

Notice of Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, that the Federal Committee on Apprenticeship will conduct an open meeting on October 10, 1974, in Room 10017, Patrick Henry Building, 601 D St. NW., Washington, D.C. The meeting will begin at 9 a.m. and adjourn at 4 p.m.

Items on the agenda are the following:

1. Operating Rules of Procedure for FCA
2. Consideration of 29 CFR Part 29 Labor Standards for the Registration of Apprenticeship Programs
3. 29 CFR Parts 5, 5a Trainee and Apprenticeship (Proposed Revocation and Requirements Provision)

FEDERAL REGISTER, VOL. 39, NO. 179—FRIDAY, SEPTEMBER 13, 1974

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Members of the public are invited to attend the proceedings. Any written data, views, or arguments pertaining to the agenda must be received on or before October 3, 1974, by the Committee's Executive Secretary. Thirty duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

Persons wishing to address the Committee members during the meeting should submit to the Executive Secretary no later than October 3, 1974 a request to be heard, stating the nature of their intended presentation and the amount of time needed. The Chairman will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows:

M. M. Winters
Bureau of Apprenticeship and Training, MA
U.S. Dept. of Labor
601 D St. NW. (Rm. 5434)
Washington, D.C. 20213

Signed at Washington, D.C., this 10th day of September 1974.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc.74-21221 Filed 9-12-74;8:45 am]

Occupational Safety and Health Administration

[V-73-28]

GENERAL INSURANCE COMPANY OF AMERICA

Grant of Variance

I. *Background.* General Insurance Company of America, 4347 Brooklyn Ave., NE., Seattle, Wash. 98105 made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a permanent variance, and for an interim order pending a decision on the application for a variance, from the safety standards prescribed in 29 CFR 1910.66 (b)(3). The standard requires that all new powered platforms for exterior building maintenance meet the requirements of Parts II and III of ANSI A120.1-1970. The facility affected by this application is:

Safeco Plaza
4333 Brooklyn Avenue, NE.
Seattle, Washington 98185

Notice of the application, and of the granting of an interim order, was published in the FEDERAL REGISTER on October 18, 1973 (38 FR 28986). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No written comments or requests for a hearing have been received.

II. *Facts.* The applicant has a 20 story building with a powered platform rise of approximately 250 ft. The building design does not allow for the inclusion of continuous T-rails or indented mullions as required by ANSI A120.1-1970 on buildings having powered maintenance platforms with a rise of at least 130 ft.

Instead, the applicant proposes to use cable restraints at every fourth floor to restrict horizontal movement. The powered platform is equipped with building face rollers.

III. *Decision.* ANSI A120.1-1970 Paragraph 11.2.1 requires that the face of buildings over 130 ft in height be equipped with T-rails, indented mullions or equivalent guides to provide positive and continuous contact with the work platform. This is intended to absorb wind forces and horizontal components of dead and live loads on the working platforms.

The applicant's building is approximately 250 ft, and is subject to the requirements in ANSI A120.1-1970 paragraph 11.2.1 for positive contact guides such as T-rails or indented mullions on the building face.

The design of the applicant's building does not provide for the installation of these guides. The applicant is providing building face rollers on the powered platform and is using cable restraints at every fourth floor. This will restrict horizontal movement at a maximum of every 50 ft and meet the intent of § 1910.66(b)(3) in that the pendulum movement of the powered platform is restricted. Therefore, it is decided that the applicant is providing a place of employment as safe as that required by § 1910.66(b)(3) and ANSI A120.1-1970 Paragraph 11.2.1.

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 12-71 (36 FR 8754), it is ordered that General Insurance Company of America be, and it is hereby, authorized to provide cable restraints every fourth floor and building face rollers for the powered maintenance platform on its building at 4333 Brooklyn Ave. NE., Seattle, Wash., in lieu of the positive contact guides required by 29 CFR 1910.66(b)(3). Positive tie-offs shall be maintained at all floors above during the raising or lowering of the platform. As soon as possible General Insurance Company of America shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on September 13, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 6th day of September 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-21224 Filed 9-12-74;8:45 am]

HENRYETTA, OKLAHOMA PLANT OF PPG INDUSTRIES, INC., PITTSBURGH, PA.

Worker Request for Certification of Eligibility To Apply for Adjustment Assistance; Investigation

A petition requesting certification of eligibility to apply for adjustment assistance has been filed, on September 5, 1974, with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the United Glass and Ceramic Workers of North America, AFL-CIO, and the Window Glass Cutters League of America, AFL-CIO, on behalf of workers and former workers of the Henryetta, Oklahoma sheet glass plant of PPG Industries, Inc., Pittsburgh, Pennsylvania. The request for certification is made under Proclamation 3967 (Adjustment of Duties on Certain Sheet Glass) of February 27, 1970. In that proclamation the President, among other things, acted to provide under section 302(a)(3) with respect to the sheet glass industry that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance, under Chapter 3, Title III, of the Trade Expansion Act of 1962.

The act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under Chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threatened to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof.

In view of the petition and the responsibilities of the Secretary of Labor, the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.11. The investigation relates, as above indicated, to the determination of whether any of the group of workers covered by the request should be certified as eligible to apply for adjustment assistance, including the determinations of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart C of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210, on or before September 23, 1974.

Signed at Washington, D.C., this 9th day of September 1974.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.74-21222 Filed 9-12-74;8:45 am]

SBICCA OF CALIFORNIA, INC., SOUTH EL MONTE, CALIF.

Certification of Eligibility of Workers To Apply for Adjustment Assistance

After reviewing the Tariff Commission's report on its investigation of the petition for adjustment assistance filed on behalf of workers and former workers of Sbicca of California, Inc., South El Monte, Calif. (TEA-W-228) under section 301(c)(2) of the Trade Expansion Act of 1962, and in which report the Commission being equally divided, made no finding with respect to footwear for women, the President decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission. Accordingly, he has advised the Secretary of Labor that he may certify the group of workers involved as eligible to apply for adjustment assistance.

In view of the Tariff Commission's report, the President's authorization, and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210 on or before September 19, 1974.

Signed at Washington, D.C., this 5th day of September 1974.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.74-21223 Filed 9-12-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

BUREAU OF OPERATIONS

Rulings Regarding Transportation of Household Goods

SEPTEMBER 6, 1974.

The following is an administrative ruling of the Bureau of Operations made in response to questions propounded by the public, indicating what is deemed by the Bureau to be the correct application and interpretation of the Act and/or regulations and is made in the absence of an authoritative decision on the subject by the Commission.

(1) *Question.* It is customary in the household goods transportation industry for the carriers to employ or use agents in the conduct of their operations. What are the more common types of agents used by the authorized carriers?

Answer. (a) The most common type of agent is one, usually a local moving and storage company, who, under a specific agreement with the carrier, is delegated authority to act on behalf of the carrier in soliciting, booking, billing, packing, loading, transporting, unloading, unpacking, and storing shipments of household goods in the same manner as if the carrier itself provided the service. Such agents are usually called "prime" agents and it is customary for such agents to serve all types of shippers utilizing the carrier's services.

(b) Another common type of agent frequently used in the industry is one who, again under a specific agreement with the carrier, is delegated to act on behalf of the carrier in substantially the same manner as a "prime" agent with one important difference; that being that the agent is delegated to act on behalf of the carrier with reference to only those shipments moving on government bills of lading under the direction and control of the Department of Defense. Such agents are usually called "military" agents. "Military" agents ordinarily are not required to solicit shipments inasmuch as the D.O.D. tenders the shipments on a rotation basis to all carriers having Section 22 tenders on file with the Military Traffic Management Command (MTMC) to provide service at a particular D.O.D. installation.

(c) Also employed in the industry are agents who are delegated authority to represent the carriers only in the performance of those services normally associated with the pickup or delivery of shipments, such as providing packing or unpacking, cartage, origin and/or destination storage in transit, claims investigation and the collection of charges due the carrier. Such agents are not delegated authority to solicit business or to book shipments and are referred to as "non-booking origin and/or destination" agents.

(d) Less frequently employed in the industry are those agents who are delegated authority by the carrier to act on its behalf in the performance of only one or a few of the functions of a "prime" agent without delegating the agents the authority to provide a complete service. Such agents are frequently identified as "limited" agents, "booking" agents, "warehouse or storage" agents or "hauling" agents. Such agents usually serve all types of shippers using the carrier's service.

(2) *Question.* Is a vehicle owner who leases his vehicle, either a truck, a tractor or a tractor-trailer combination, to an authorized household goods carrier and who, in furtherance of the lease agreement, furnishes the services of a driver who inventories, packs, loads, transports, unloads and unpacks shipments of household goods, and who prepares in whole or in part the shipping documents and collects charges on behalf of the carrier's operations, an "agent" as that term is employed in the regulations adopted under Ex Parte No. MC-19 (Sub-No. 9)?

Answer. No. Vehicle lease contracts which may or may not require the lessor to drive or to furnish a driver, and which do not extend beyond requiring of the driver those duties and responsibilities normally associated with that vocation, are not required to be filed with the Commission.

(3) *Question.* Is there any requirement that an agency agreement be in writing?

Answer. Section 1056.19(a) specifically requires "all agency agreements shall be in writing and signed by the agent or its representative." Included within this requirement are all agency agreements between principal carriers and prime agents, military agents, limited, booking, warehouse, storage or hauling agents, and non-booking origin and destination agents.

(4) *Question.* Is it required that an agency agreement include provisions for the agent to be compensated by the principal for any act or service performed by the agent on behalf of the principal?

Answer. No. Any person may act as an agent for another person gratuitously. Such acts become binding on the principal if he assents to or ratifies the acts.

(5) *Question.* Must two or more principal carriers which act in behalf of each other in furtherance of the conduct of their transportation operations reduce to writing their agreements to act for each other and otherwise comply with the requirements under 49 CFR 1056.19?

Answer. Yes. Delegating one party to act for the other creates a principal and agent relationship coming within the scope to the 49 CFR 1056.19 regulations. Common among the agreements of this

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type are those agreements between principal carriers to act, frequently gratuitously or without direct compensation, as destination agents for each other.

(6) *Question.* ABC Movers, Inc., a moving and storage company domiciled in City A, operates branch offices in Cities B and C. ABC Movers agrees to enter into an agency contract with an authorized carrier and intends to represent the principal carrier in Cities B and C as well as at City A. Does the law or any regulation require the principal to enter into a separate agency agreement with ABC Movers with respect to each of the three ABC offices or, in the alternative, may one agreement between the parties include all three ABC Movers offices?

Answer. The parties may elect to enter into one agreement to include all three ABC Movers locations or to enter into a separate contract with respect to each ABC Movers location. To be valid and binding, it is essential that any agreement or agreements between the parties be complete and reflect the entire agreement between the parties in each instance. If only one contract is prepared the agreement must specifically set forth the intention of the parties to include all three ABC Movers locations. If separate contracts are used for each of the three locations each contract must contain appropriate wording to make clear that the intention of the parties is for the agreement to relate to only one specifically identified office or branch.

(7) *Question.* 49 CFR 1056.19(a) requires a carrier using agents to reduce those agreements to writing and to file a copy of each agency agreement with the Commission. 49 CFR 1056.19(b) requires that with reference to each agent used by a carrier the carrier must file a statement with the Commission setting forth certain pertinent data relating to the agent, including information relating to the agent's financial position and its facilities and equipment. International Moving Corp., enters into one contract with ABC Movers, Inc., to provide for ABC Movers to act as an agent for international and it is specifically set forth in the contract that ABC Movers will represent International at its principal office in City A and its branch offices in Cities B and C. To satisfactorily comply with the provisions of 49 CFR 1056.19(a) and 1056.19(b), what must International file with the Commission relating to ABC Movers?

Answer. To comply with 49 CFR 1056.-19(a), the carrier must file with the Commission one copy of the agreement. To comply with 49 CFR 1056.19(b), International must file, at the same time it files the copy of the agency agreement, a statement appropriately prepared to fully present the required data with reference to each office of ABC Movers.

(8) *Question.* XYZ Moving Co., Inc., is an agent for a nationwide carrier and is domiciled in Detroit, Mich. XYZ Moving Co., Inc., owns 100 percent of the capital stock of XYZ Moving Co. of Florida, Inc., domiciled in Orlando, Fla., and XYZ Moving Co. of Virginia, Inc., located in Richmond, Va. The agency agreement filed with the Commission by the carrier relates only to its relationship with XYZ Moving Co., Inc. and the accompanying statement presents data relating only to that corporation. It comes to the attention of the Commission that XYZ Moving Co. of Florida, Inc., and XYZ Moving Co. of Virginia, Inc. are representing the carrier as prime agents in the cities where they are located. Upon being notified by an employee of the Commission that agency agreements and related statements must be filed with reference to the XYZ corporations in Florida and Virginia, the carrier's attorney responds by letter advising of his opinion that no filings are required with respect to the Florida and Virginia corporations since both corporations are subsidiaries of and under control of XYZ Moving Co., Inc., and the carrier considers its agreement with that agent to include all three XYZ corporations. Is the carrier correct in taking this position?

Answer. No. To be valid and binding a contract must contain the full and complete agreement between the parties. An agency contract between the carrier and XYZ Moving Co., Inc. could not be said to also relate to agreements between the carrier and the other XYZ corporations unless it is clearly set forth in the instrument that it is intended to create agency relationships between the carrier and all three corporations. Further, to comply with 49 CFR 1056.19(a), a copy of the agency contract, if it was intended and appropriately worded to include all three XYZ corporations, would have to be filed with the Commission with reference to each of the corporations, and with reference to each of the XYZ corporations, a separate statement providing the required pertinent data would have to be filed to comply with 49 CFR 1956.19(b).

(9) *Question.* 49 CFR 1056.20(a) provides "Each principal carrier shall use due diligence and reasonable care in selecting and maintaining agents who are sufficiently fit, willing and able to provide adequate moving services and to fulfill the obligations imposed upon them by the Commission and by their principal." What action by a carrier is required to assure satisfactory compliance with this regulation?

Answer. In the report and order of the Commission in Ex Parte No. MC–19 (Sub-No. 9) Practices of Motor Common Carriers of Household Goods (Agency Relationships), 115 M.C.C. 628, the discussion of pages 651 and 652 under the subheading, Standards of Selecting and Retaining Agents, clearly demonstrates the intent to require carriers to thoroughly investigate the qualifications of prospective agents prior to the signing of any agreement delegating the agent to act on behalf of the carrier. This investigation must include a determination of the prospective agent's reputation for integrity and fair dealing in the trade and in the community. The prospective agent's financial resources must be established as a matter of fact and evaluated as to adequacy.

The equipment and facilities of the prospective agent must be examined and a determination made that the vehicles, offices, warehouses, and other facilities of the prospective agent are adequate. The qualifications and adequacy of the personnel employed by the prospective agent must be considered along with the ability and willingness of the agent's management and personnel to comply with the applicable state and federal regulations.

Finally, a determination must be made as to the nature and present status of any agency agreements involving the prospective agent and other carriers. Any such agreements which have been terminated during the previous three years must be examined to establish the facts relating to the termination with particular consideration being given to any terminations brought about by any question as to the agent's fitness. Any such agreements presently in effect must be examined and a determination made as to the specific nature of such agreements and whether they preclude agent from entering into a valid and binding contract with the carrier.

(10) *Question.* Is the Commission required to accept all agency agreements as filed by the carriers regardless of the level of compliance with 49 CFR 1056.19 (a) and 1056.19(b) by the filing carrier?

Answer. No. The Commission, by Minute dated May 15, 1974, authorized the rejection of seriously deficient agency filings, with notice to the carrier involved that it will not be considered to be in violation of the regulations if acceptable filings are submitted within a stated reasonable time.

(11) *Question.* What would cause an agency agreement to be considered as "seriously deficient?"

Answer. Any agency agreement filing which does not conform in all respects with the requirements of 49 CFR 1056.19 can be considered as seriously deficient. Examples of deficiencies which can cause an agency agreement filing to be rejected are:

(a) Agency contracts which are incomplete, undated, unsigned, or which have omissions likely to cause contracts to be invalid or not binding.

(b) Agency contracts which improperly or incompletely identify the parties involved.

(c) Agency contracts which if executed will cause any of the parties involved to violate the Interstate Commerce Act or regulation of the Commission.

(d) 49 CFR 1056.19(b) statements containing information which is inconsistent with the agency contract.

(e) 49 CFR 1056.19(b) statements containing false, misleading or incomplete information.

(f) 49 CFR 1056.19(b) statements not containing current information, when timeliness is of consequence in determining the validity or accuracy of the information.

(g) 49 CFR 1056.19(b) statements containing information relating to the financial condition of the agent not sufficiently current to reflect the agent's financial resources and conditions during the year immediately prior to the year during which the contract was signed.

(12) *Question.* Are agency agreement filings received by the Commission available for public inspection?

Answer. Yes. The report and order in Ex Parte No. MC–19 (Sub-No. 9) specifically states that the filings are to be available for public inspection. Carriers investigating the qualifications of prospective agents are particularly urged to avail themselves of these records. The Commission's policy in requiring that all filings be complete and correct and all notices of termination be timely and accurate is in furtherance of the intention to make these records available in support of the overall objective to make the household goods industry agency system more responsive to the public interest.

(13) *Question.* Subsequent to entering into an agency agreement with a new agent is the principal carrier required to file the agency agreement and related information with the Commission within a specific period of time?

Answer. The regulations do not provide for a specific filing period. In its consideration of the regulations the Commission concluded that a reasonable time should be afforded for making the filings. Considering that a carrier is required to fully determine the qualifications of a prospective agent prior to entering into an agreement with the agent and should have available all of the information required to be filed in the 49 CFR 1056.19(b) statement at the time the agency contract is signed, it is considered that any agency agreement filing received by the Commission within the 10 calendar days immediately subsequent to the date of signing of the agency contract has been filed within a reasonable time.

(14) *Question.* Once a carrier makes an acceptable filing with the Commission with respect to its agreement with a particular agent, is the carrier required to make any additional filings or reports relating to the agreement?

Answer. No. As long as the agency contract as originally filed remains in effect and remains valid and binding as to the original parties involved, there is no requirement that additional information or documents be filed with the Commission.

(15) *Question.* If an agency agreement which has been filed with the Commission is terminated by either party to the agency contract, is the carrier required to notify the Commission of the termination and the reasons therefor?

Answer. Yes. 49 CFR 1056.19(c) states "It shall be the responsibility of all principal carriers promptly to notify the Commission of any agency agreement termination, together with the reasons therefor, within 10 days after such termination."

(16) *Question.* If an agency agreement which has been filed with the Commission is terminated at the request of the agent, does this relieve the carrier from its obligation to notify the Commission of the termination and the reasons therefor?

Answer. No. Regardless of which party terminates the agreement, the carrier is required to comply in all respects with 49 CFR 1056.19(c). In the adoption of the regulations under Ex Parte No. MC–19 (Sub-No. 9), the Commission made clear that the ultimate objective was to make the household goods industry agency system more responsive to the needs and interests of the public. In furtherance of this objective, it is essential that absolute candor be exhibited by the carriers in all communications to the Commission having to do with any agency agreement.

(17) *Question.* If an agency agreement is terminated at the option of an agent, is the agent required to notify the Commission of the termination and the reasons therefor?

Answer. No regulation of the Commission requires of the agent that it notify the Commission of an agency contract termination. In the event any agent does notify the Commission that it has terminated an agency contract and provides the reason for such action, the correspondence will be retained as part of the file relating to the agency agreement filing. Such correspondence will be available for public inspection and it is anticipated that any such correspondence originating with agents will exhibit the same level of candor required of the carriers in their communications to the Commission of this nature.

(18) *Question.* In the event of any dispute between a carrier and an agent arising out of an agency agreement, will the Commission arbitrate or in any manner participate in the resolution of the dispute?

Answer. No. All agency agreements are contracts which must be referred to the courts for interpretation and enforcement in the event of a dispute between the parties involved which cannot be voluntarily resolved to the satisfaction of the concerned parties. The Commission does, however, encourage all principal carriers and agents to make provision in their agency contracts for the arbitration of disputes, even though the Commission is not in a position to itself act as an arbitrator.

(19) *Question.* May a prospective agent considering entering into an agency contract with a particular carrier examine the agency agreement filings made with the Commission by that carrier?

Answer. Yes. All agency agreement filings and related termination notices are available for public inspection at the Commission's offices in Washington, D.C., during normal business hours.

(20) *Question.* A principal carrier enters into an agency agreement with Zee Moving and Storage Company, an individual proprietorship owned by John A. Zee. How should the agent be identified in the agency contract and the 49 CFR 1056.19(b) statement filed with the Commission?

Answer. In all documents relating to the agency contract, including the contract itself, and the 49 CFR 1056.19(b) statement, the agent should consistently be identified as "John A. Zee, doing business as, Zee Moving and Storage Company." In the event that Zee Moving and Storage Company is the trade name used by a partnership consisting of John A. Zee and Sam L. Wye, the agent must consistently be identified in all pertinent documents as "John A. Zee and Sam L. Wye, a partnership, doing business as Zee Moving and Storage Company." Any agency agreement filing which does not completely and accurately identify the parties involved will be rejected as being seriously deficient.

(21) *Question.* A principal carrier enters into an agency contract with John A. Zee, doing business as, Zee Moving and Storage Company. An appropriate agency agreement filing is made with the Commission. The following year John A. Zee decides to retire and sell his business to Sam L. Wye. Because of the good reputation of Zee Moving and Storage Company in the community, the new owner continues to conduct business under that name and continues to represent the principal carrier. What action is required of the principal carrier to remain in compliance with the agency agreement filing requirements?

Answer. The initial contract and filing with the Commission was in reference to an agreement between the carrier and a particular individual, John A. Zee. At the time John A. Zee sold his business to Sam L. Wye, the contract between the carrier and Zee was terminated. To comply with the regulations of the Commission, the carrier must give timely notice of the termination and if the carrier desires to be represented by Sam L. Wye, doing business as, Zee Moving and Storage Company, it is necessary for the carrier to enter into an agency contract specifically with Sam L. Wye and to make an entirely new agency agreement filing with the Commission with reference to the new agent.

The same situation exists with respect to an agency contract between a principal carrier and a partnership. Anytime there is a change in the membership of the partnership, the contract is terminated and a new contract must be signed by the parties involved and a new agency agreement filing made with the Commission.

(22) *Question.* A principal carrier enters into an agency contract with Zee Moving and Storage Co., Inc., and makes an appropriate agency agreement filing with the Commission. The following year John A. Zee, the owner of all the outstanding stock in Zee Moving and Storage Co., Inc., sells the stock to Sam L. Wye who continues to operate the business as Zee Moving and Storage Co., Inc. Is the contract between the carrier and Zee Moving and Storage Co., Inc., affected by this change of ownership of the capital stock and, if so, what action is required of the carrier to remain in

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compliance with the agency agreement filing requirements?

Answer. The initial contract filed with the Commission was between the carrier and Zee Moving and Storage Co., Inc., a legal person. The change in the ownership of the capital stock of the agent corporation would have no effect on the validity of the contract previously filed with the Commission and no action would be required of the carrier as regards terminating, replacing or amending the agency agreement as initially filed.

(23) *Question.* Other than by the specific termination of an agency agreement by either party to the agreement, what other actions or events may cause the agreement to be terminated?

Answer. An agency contract will ordinarily be automatically terminated by the death of an individual proprietor, by the dissolution of a partnership, or by the cancellation or revocation of the charter of a corporation. Principal carriers are obligated to keep themselves currently informed with respect to the continuing status of every agency agreement to which they are a party and to promptly inform the Commission of any termination.

(24) *Question.* 49 CFR 1056.19(b)(1) requires of the carrier that a description of the full scope of the agency or proposed agency be provided as part of the agency agreement filing. What specific information is required to provide this description?

Answer. The description must clearly set forth the intention of the parties as to the geographical area in which, or the point or points at which, the agent will represent the carrier. Information must be provided as to what type of agency agreement is intended, such as "prime," "destination," "military," etc., and in the event that it is intended that the agent will represent the carrier only with respect to certain types of shippers or with respect to certain types of household goods traffic this information must be set forth. If it is intended that the agent will represent the carrier at more than one location all such locations must be identified. In the event that it is intended that the agreement will only remain in effect for a stated period of time this information must be included.

(25) *Question.* 49 CFR 1056.19(b)(2) requires that a principal carrier provide evidence of the financial condition of the agent. What specific financial information is necessary to fulfill this requirement?

Answer. In its consideration of the agency relationships regulations, the Commission stated, "As to a prospective agent's financial resources, 'due diligence' would require a carrier, among other things, to demand a financial statement from the agent, to obtain a credit report of the agent, and to determine that the agent has sufficient financial reserves (either through its own capital or through insurance coverage) to satisfy any claims for which it may be responsible."

To comply with 49 CFR 1056.19(b)(2), the carrier must include as part of its filing a complete current balance sheet and operating statement relating to the agent in addition to any other information of this nature which is available and which will serve to establish that the agent is reasonably able to satisfy any financial obligations arising out of the agency agreement.

(26) *Question.* 49 CFR 1056.19(b)(3) requires of the principal carrier that it provide a list of an agent's previous associations with other carriers for 3 years prior to the filing with explanations for the discontinuances of the relationships. What specifically is required of the carrier to comply with this requirement?

Answer. In its consideration of the agency relationships, the Commission recognized that agents may at one time, under certain circumstances, represent more than one principal carrier. In addition, it recognized that a prospective agent may have been party to agreements which have been terminated. To comply with 49 CFR 1056.19(b)(3), a carrier must provide information with respect to all agency agreements in effect between the prospective agent and other carriers at the time the agreement with the filing carrier is signed in addition to listing those carriers with which the agent has had agreements which have been terminated. Each agency agreement listed should identify the principal carrier involved and set forth the type (prime, military, etc.) of agreement. With respect to any agreements which have been terminated within the previous 3 years, the same information should be listed, accompanied by an explanation as to why each agreement was terminated.

(27) *Question.* 49 CFR 1056.19(b)(4) requires that a principal carrier provide a description of an agent's facilities and equipment as part of the agency agreement filing. What information is necessary to satisfy this requirement?

Answer. The Commission's report in Ex Parte No. MC-19 (Sub-No. 9) clearly provides that a carrier must determine if a prospective agent is fit, willing and able to meet the requirements of the principal carrier and any performance standards established by the Commission. To accomplish this requirement, the carrier must determine that the agent has, or is financially able to obtain, the offices and warehouses, trucks and other such equipment, and properly trained personnel necessary to perform under the contract, and is in compliance with all applicable laws and regulations. In the agency agreement filing relating to a particular agent, the carrier must list the number of packing trucks, truck vans, tractors and semitrailers or full trailers owned or operated under long term lease by the agent; the total number of square feet of warehouse space the agent owns or has under long term lease and the total number of employees used by the agent. In the event the agency agreement relates to operations by the agent at more than one location, this information must be furnished with reference to each location.

(28) *Question.* 49 CFR 1056.19(b)(5) requires of a principal carrier that it include, as part of the filing with the Commission with respect to a particular agent, a description of any interstate motor carrier authority held by the agent. What information is specifically required to satisfy this requirement?

Answer. If the agent holds any interstate operating authority the carrier must furnish the I.C.C. docket number assigned to the agent and specifically describe the authority. In the event the authority held by the agent is voluminous, copies of the agent's certificate may be furnished as part of the filing in lieu of describing the authority in the filing.

(29) *Question.* 49 CFR 1056.19(b)(6) requires a principal carrier when making an agency filing to include a statement whether the agent has been denied authority by the Commission within the 3 years prior to the date of the carrier's agreement with the agent and, if so, the basis for the denial. What information is specifically required to satisfy this requirement?

Answer. If a prospective agent has applied for and been denied authority by the Commission within 3 years prior to the date of the agreement being filed, the filing must list the ICC docket number assigned to the denied application, the date of denial and a brief statement as to why the application was denied. This information will be found in the final order of the Commission denying the application.

(30) *Question.* 49 CFR 1056.19(b)(7) requires of a principal carrier that it include, as part of an agency filing, a definite plan of action designed to fully police the acts, policies, procedures and practices of agents. What action is necessary on the part of a principal carrier to comply with this requirement?

Answer. The Commission throughout the report in Ex Parte No. MC-19 (Sub-No. 9) stresses the importance of principal carriers assuming absolute and full responsibility for the acts and omissions of their agents. In furtherance of this obligation, it is anticipated that every carrier using agents will develop and observe a specific program intended to assure that each agent consistently performs in the same manner as is required of the carrier. To comply with 49 CFR 1056.19(b)(7), the carrier must reduce this planned program to writing to be included as part of each agency filing. In the event that a carrier has a large number of agents, the carrier may file one copy of its policing program with the Commission and thereafter make reference to the previous filing when filing additional agreements with the Commission. Any carrier electing to file only one copy of its policing statement must assume responsibility for the continuing accuracy of the statement and in the event the agent policing program is in any manner changed, the carrier must promptly notify the Commission within 10 days of such changes and furnish a revised or updated statement.

(31) *Question.* If an agency agreement is terminated for any reason and the parties later decide to reinstate their agreement, is a new filing necessary?

***Answer.* Yes. A new agreement must be signed by the carrier and agent and a new complete filing must be made. If, on the other hand, a notice is received to disregard a notice of termination prior to the effective date of such termination, a new agreement will not be necessary.**

In those instances where a principal carrier suspends an agent but does not terminate the agreement no notice to the Commission is required.

The issuance of this ruling is meant to emphasize the intent and purpose of full disclosure of relevant facts, as expressed in recent proceedings. It was deemed necessary because of recurrent problems in this area and the determined action being taken by the Commission with respect to those problems.

[SEAL] R. D. PFAHLER, *Director.*

[FR Doc.74-21246 Filed 9-12-74;8:45 am]

[Notice 156]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 13, 1974.

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's General Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 3, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75325. By order of September 6, 1974, the Motor Carrier Board approved the transfer to Lear Siegler Transport Corporation, Santa Monica, Calif., of the operating rights in Permits No. MC-128988 (Sub-No. 9), MC-128988 (Sub-No. 16) and MC-128988 (Sub-No. 21) issued June 9, 1971, August 9, 1973 and August 8, 1973 respectively to Jo/Kel, Inc., City of Industry, Calif., authorizing the transportation of various commodities from and to specified points and areas located in the continental United States except points in Montana and Wyoming. Patrick E. Quinn, 605 South 14th St., Lincoln, Nebr., 82025, attorney for applicants.

No. MC-FC-75341. By order entered 9.4.74, the Motor Carrier Board approved the transfer to Julian Martin, Inc., Batesville, Ark., of the operating rights set forth in Certificate No. MC-124141, issued September 10, 1971, to Julian Martin, Batesville, Ark., authorizing the tranportation of lumber, from Harrisburg, Ark., to Memphis, Tenn. Julian Martin, 1490 S. 14th St., Batesville, Ark. 72501, for applicants.

No. MC-FC-75354. By order of September 5, 1974, the Motor Carrier Board approved the transfer to King Motor Company, Inc., Washington, D.C., of the operating rights in Certificates No. MC-123962 and MC-123962 (Sub-No. 2) issued October 4, 1962 and January 9, 1964 respectively to Howard Hugh King, doing business as King Motor Company, Washington, D.C., authorizing the transportation of wrecked and disabled motor vehicles between Washington, D.C. and Richmond, Va., on the one hand, and, on the other, points in Maryland, Virginia, West Virginia, Pennsylvania, Delaware, New Jersey, and New York. Joel M. Savits, 416 Hungerford Drive, Rockville, Md. 20850, attorney for applicants.

No. MC-FC-75357. By order entered 9.4.74, the Motor Carrier Board approved the transfer to Richard Schrimpf, Maiden Rock, Wis., of the operating rights set forth in Certificate No. MC-88286, issued June 25, 1973, to Gerald M. Bjurquist, Stockholm, Wis., authorizing the transportation of livestock, between specified points in Wisconsin, on the one hand, and, on the other, specified points in Minnesota; and general commodities, with the usual exceptions, from specified points in Minnesota, to specified points in Wisconsin. F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104, practitioner for applicants.

No. MC-FC-75361. By order of September 5, 1974, the Motor Carrier Board approved the transfer to Newtyme, Inc., Anoka, Minn., of the operating rights in Certificate No. MC-123497 (Sub-No. 4) issued September 21, 1972 to Woodland Transport, Inc., Siren, Wis., authorizing the transportation of used snowmobiles between points in Wisconsin and Minnesota, on the one hand, and, on the other, points in Montana and Wyoming. F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104, representative for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21245 Filed 9-12-74;8:45 am]

[Ex Parte No. MC-65 (Sub-No. 5)]

REGULAR COMMON CARRIER CONFERENCE OF AMERICAN TRUCKING ASSOCIATIONS, INC.

Filing of Petition

SEPTEMBER 13, 1974.

Petition for enlargement of the amount of operational circuity reduction permitted under certain provisions of the property motor carrier superhighway and deviation rules.

Petitioner: Regular Common Carrier Conference of American Trucking Associations, Inc., (Washington, D.C.).

Petitioner's representatives: R. Edwin Brady, Keith G. O'Brien, 1616 P Street NW., Washington, D.C. 20036. Roland Rice, Richard R. Sigmon, 816 Perpetual Building, Washington, D.C. 20004.

Section 1042.3(a) (sometimes called the superhighway rule of construction) of the Commission's *Superhighway Rules—Motor Common Carriers of Property*, 49 CFR 1042.3, provides as follows:

Section 1042.3 *Superhighway rules—motor common carriers of property.*—(a) *Regular-route, general-commodity certificates—construction.* All certificates of public convenience and necessity authorizing the transportation of general commodities, with or without exceptions, over a regular service route or routes, issued by the Commission pursuant to the provisions of part II of the Interstate Commerce Act, shall be construed as authorizing operations over superhighways as defined below (including highways connecting such superhighways with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes; *Provided*, That either (1) the superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes (i) extends in the same general direction as the authorized regular service route or routes, and (ii) is wholly within 25 airline miles of the carrier's authorized regular service route or routes, or (2) the distance over the superhighway route (including highways connecting such superhighway route with the carrier's authorized regular service route or routes) between the point of departure from and the point of return to the carrier's authorized regular service route or routes is not less than 85 percent of the distance between such points over the carrier's authorized regular service route or routes.

Sections 1042.4(c)(9)(i) (sometimes called the regular-route dangerous articles deviation provision) and § 1042.4(c)(11) (sometimes called the alternate route deviation provision) of the Commission's *Deviation Rules—Motor Carriers of Property*, 49 CFR 1042.4, provides as follows:

Section 1042.4(c)(9) *Deviations by Motor Carriers of explosives and other dangerous articles.* Subject to the general conditions and requirements set forth in subparagraph (4) of this paragraph:

(i) A regular-route motor carrier authorized to transport explosives or other inherently dangerous articles may, in order to avoid streetcar tracks, tunnels, viaducts, dangerous crossings, or places where persons are assembled, use any practicable route lying wholly within the United States: *Provided*, That the distance over the route used between the point of deviation and the point of return is not less than 85 percent of the distance over the authorized route between the same points, or, if it is less than 85 percent: *Provided*, The deviation route used is at all points within 25 airline miles of the authorized place which is bypassed.

Section 1042.4(c)(11) *Deviations—alternate routes without certificate-common carriers.*

(i) Where a regular-route motor common carrier is authorized to operate over a regular route and there is wholly within the United States another highway which affords a reasonably direct and practicable

route between any two points on such regular route, it may, subject to the general conditions and requirements set forth in sub-

(codified at 49 CFR Part 1065) pursuant to which a motor common carrier au-

motor common carriers which would be effected by the action it proposes should result in a significant reduction in fuel

written data, views, or arguments. An original and fifteen (15) copies of such data, views, or arguments shall be filed

fornia Highway 74 to U.S. Highway 395, thence along U.S. Highway 395 to the San Diego County line, thence along the

points in Ohio on, north, and east of a line beginning at the Ohio-West Virginia State line and extending westward

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route between any two points on such regular route, it may, subject to the general conditions and requirements set forth in subparagraph (12) of this paragraph, use such other highway as an alternate route for operating convenience only and with no service at the termini except as otherwise authorized, in the manner and to the extent, as follows:

Where such carrier is authorized to operate over a regular route and there is a highway or highways which may be used as an alternate route between two points on the carrier's regular route regardless of the ratio of the distance over such alternate route between the point of deviation and the point of return to the distance over the carrier's regular service route between the same points, and regardless of whether or not such alternate route crosses or intersects or passes over or under, any other specifically authorized service or alternate route of the carrier at any place intermediate to the points of deviation and return: *Provided*, That use of the alternate route will not materially change the competitive situation between such carrier and any other.

(ii) Proof that the mileage over the proposed alternate route between the point of deviation from and the point of return to the carrier's authorized service route or routes is not less than 85 percent of the distance between such points over the carrier's authorized regular service route or routes shall constitute prima facie evidence that a material change in the competitive position will not result from the carrier's use of the proposed alternate route.

(iii) If a protest has not been filed within 30 days from the date of publication of the notice of the proposed operation in the FEDERAL REGISTER, the operation may be commenced immediately thereafter subject to the provisions of paragraph (d)(5) of this section. In all cases in which protests are filed to a proposed new operation, the applicant may not commence operation over the route or routes applied for until an appropriate order is issued by the Commission.

(It is noted that § 1042.4(c)(9)(i) of the property carrier deviation rules actually applies only to the operations of motor common carriers authorized to transport explosives or other inherently dangerous articles over regular routes pursuant to or in connection with, certificates of public convenience and necessity authorizing the transportation of general commodities, with or without exceptions; and that the applicability of § 1042.4(c)(11) of the property carrier deviation rules is actually limited to the operations of regular-route motor common carriers of general commodities, with or without exceptions. See § 1042.4(a) of the *Deviation Rules—Motor Carriers of Property*, 49 CFR 1042.4).

By petition filed August 7, 1974, Regular Common Carrier Conference of American Trucking Associations, Inc. seeks the institution of a rulemaking proceeding, proposing that where the words "85 percent" appear in each of the three sections of the Property Motor Carrier Superhighway and Deviation Rules set forth above such words be deleted and the words "80 percent" be substituted in lieu thereof.

In this context petitioner points out that in Ex Parte No. 55 (Sub-No. 8), *Gateway Elimination*, 119 M.C.C. 530 (decided February 15, 1974), the Commission has recently adopted procedures (codified at 49 CFR Part 1065) pursuant to which a motor common carrier authorized to provide service from one point to another point by tacking or combining at a common point of service (a "gateway") separate irregular-route authorities (which authorities were issued to the carrier pursuant to an application proceeding, or proceedings, pending before the Commission on or before November 23, 1973), may (subject to certain other specified conditions), file for and obtain direct-service operating authority from the one point to the other point, thereby eliminating the necessity of operating through the "gateway": *Provided*, That the most direct highway distance between the points to be served is not less than 80 percent of the highway distance between such points over the carrier's authorized routing through the gateway. Petitioner contends that the three above-described "85 percent" provisions (each of which provisions assertedly enables a 15 percent reduction in operational circuity) applicable to regular-route property carriers are discriminatory to these carriers when considered in the light of the above-noted "80 percent" provision pursuant to which irregular-route property carriers are enabled to obtain reductions in operational circuity of up to 20 percent; and that there is no operational or competitive justification for the asserted disparity in the amount of circuitry reduction permitted to irregular-route carriers as opposed to regular-route carriers in this respect. Petitioner argues that regular-route and irregular-route motor carriers of property are competitive to a certain extent; that the alleged disparity tends to afford a competitive advantage to the irregular-route carriers which are assertedly allowed a greater percentage of circuitry reduction; and that in order to redress the said imbalance and reduce the said competitive advantage, the percentage of operational circuity reduction should be equalized in the manner which it here proposes.

The Regular Common Carrier Conference avers that the conservation of energy is presently a vital national concern, and in this context it submits that the regulatory changes it here proposes will result in a substantial saving of fuel. Petitioner further contends that adoption of the modifications it requests will result in the additional benefits of improving service to the public and encouraging and slightly expanding utilization of the National System of Interstate and Defense Highways, with the concomitant improvement in the economy and efficiency of operation and in the increase in safety of operation which use of that system assertedly permits.

Moreover, in the environmental analysis which it has submitted in conjunction with its petition, the Regular Common Carrier Conference submits that the Commission's granting of the relief it seeks will have a beneficial impact upon the environment. Thus, in this context petitioner asserts the attendant substantial reduction in the highway miles traveled by the many regular-route motor common carriers which would be effected by the action it proposes should result in a significant reduction in fuel consumption, a decrease in the emission of air pollutants and noise, a reduction in traffic congestion, an improvement in highway safety, and the enabling of carriers to operate with greater efficiency and achieve better utilization of equipment. The only potentially adverse environmental impact which petitioner foresees is the somewhat strengthened competition which it states may occur; however, petitioner avers that this effect should be minimal and is outweighed by the asserted substantial beneficial impact. Petitioner also submits that while carriers in certain circumstances may be enabled to travel through a more congested area or over a more heavily traveled highway, this factor should be balanced by other carriers which will be enabled to avoid congested areas or heavily traveled highways.

In its environmental impact statement petitioner further states there are three possible alternatives to its proposed action, viz: The Commission could (1) take no action, (2) permit reduction in operation circuity greater than that contemplated under petitioner's so-called "20 percent" circuity reduction proposal, or (3) establish the proposed amendments for a limited period of time. Petitioner rejects each of these alternatives as inappropriate. Thus, it submits (1) that in view of the beneficial environmental impact can be anticipated, failure to act would not be consistent with the Commission's responsibilities, (2) that amendment of the considered provisions of the superhighway and Deviation Rules to permit significantly greater circuity reduction than petitioner proposes would have a substantial adverse effect on the existing competitive relationships among carriers, and (3) that establishing the proposed rule changes for a specified period of time would deter carriers from making the necessary operational changes to fully utilize these new rules. Petitioner further contends that its proposed action, in enabling regular-route motor carriers to operate more efficiently and in giving rise to the previously discussed resultant environmental benefits, should also improve long-term productivity by the increased efficiency and economy and by the husbanding of a vital energy resource which is in limited supply. In concluding its environmental statement, petitioner submits that it foresees no irreversible and irretrievable commitments of resources as a result of its proposed action; and that, on the contrary, such action should result in the better and more efficient utilization of resources.

No oral hearing is contemplated at this time, but any person (including petitioner) interested in making representations in favor of, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. Likewise, any person desiring to comment upon the environmental issues raised by the petition is hereby invited to do so by the submission of written data, views, or arguments. An original and fifteen (15) copies of such data, views, or arguments shall be filed with the Commission on or before October 29, 1974. A copy of each representation should be served upon petitioner's representatives. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours. Notice to the general public of the matters herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21248 Filed 9-12-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 10, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1965(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 23, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 29 (Sub-No. E1) (correction), filed May 12, 1974, published in the FEDERAL REGISTER August 16, 1974. Applicant: CONTINENTAL VAN LINES, INC., P.O. Box 1748, Monterey, Calif. 93940. Applicant's representative: Sheldon Silverman, Suite 550, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between Cochise County, Ariz., on the one hand, and, on the other, points in California north and west of a line beginning at the Arizona-California State line, and extending along Interstate Highway 10 to Beaumont, thence along California Highway 79 to Hemet, thence along California Highway 74 to U.S. Highway 395, thence along U.S. Highway 395 to the San Diego County line, thence along the San Diego County line to the Pacific Ocean. The purpose of this filing is to eliminate the gateways of points in Nevada in proposal numbers 1, 2, 3, 16, 17, 18, 19, 20, 21, 22, above; points in Utah in proposal numbers 4, 5, 7, points in Utah and Nevada in proposals numbers 8 and 9, points in Utah, Nevada, and points within 10 miles of Corvallis, Oreg., in proposal number 6, points in Nevada, and points within 10 miles of Corvallis, Oreg., in proposal numbers 10, 11, 12, 13, 14, 15, and points within 10 miles of Corvallis, Oreg., in proposal number 12. The purpose of this partial correction is to correct the territorial descriptions in (1) above and to correct the gateways for the entire letter-notice. The remainder of the letter-notice remains as previously published.

No. MC 7573 (Sub-No. E1), filed May 31, 1974. Applicant: LEHMAN CARTAGE, INC., P.O. Box P, Elyria, Ohio 44035. Applicant's representative: John P. McMahon, 100 E. Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special lading or special equipment), (1) between points in Ohio on and north and east of a line beginning at the Ohio-West Virginia State line and extending north and westward along U.S. Highway 250 to junction Interstate Highway 77 and U.S. Highway 21, thence northward along Interstate Highway 77 or U.S. Highway 21 to Canton, thence west along U.S. Highway 30 to junction U.S. Highway 21, thence north along U.S. Highway 21 to junction U.S. Highway 224 and Interstate Highway 76, thence west along U.S. Highway 244 and Interstate Highway 76 to junction Ohio Highway 58, thence north along Ohio Highway 58 to Lake Erie, on the one hand, and, on the other, points in Indiana on, east, and north of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 31 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 224 at or near Huntington, thence along U.S. Highway 224 to the Indiana-Ohio State line; (2) between points in Ohio on, north, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 76 (formerly known as Interstate Highway 80S) to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 58, thence along Ohio Highway 58 to Lake Erie, on the one hand, and, on the other, points in Indiana on, east, and north of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 31 to Indianapolis.

Thence along U.S. Highway 40 to the Indiana-Ohio State line; (3) between points in Ohio on, north, and east of a line beginning at the Ohio-West Virginia State line and extending westward along U.S. Highway 40 to junction Interstate Highway 77 and U.S. Highway 21, thence along Interstate Highway 77 or U.S. Highway 21 to Canton, thence along U.S. Highway 30 to junction Ohio Highway 83, thence along Ohio Highway 83 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction Ohio Highway 58, thence along Ohio Highway 58 to Lake Erie, on the one hand, and, on the other, points in Michigan on, east, and south of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 23 to Flint, thence along Michigan Highway 21 to Port Huron; (4) between points in West Virginia on and east of a line beginning at the West Virginia-Virginia State line and extending along Interstate Highway 77 to junction U.S. Highway 60, thence along U.S. Highway 60 to Gauley Bridge, thence along West Virginia Highway 39 to Summersville, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line near Maidsville, on the one hand, and, on the other, points in Ohio bounded by a line beginning at Cleveland, and extending along Interstate Highway 71 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Michigan State line at Toledo; and (5) between Huntington, W. Va., on the one hand, and, on the other, points in Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 76 (formerly known as Interstate Highway 80S), thence along Interstate Highway 76 to junction U.S. Highway 21, thence along U.S. Highway 21 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line. The purpose of this filing is to eliminate the gateway of Elyria, Ohio.

No. MC 8535 (Sub-No. E33), (Correction), filed June 3, 1974, published in the FEDERAL REGISTER August 28, 1974. Applicant: GEORGE TRANSFER & RIGGING CO., INC., P.O. Box 500, Parkton, Md. 21120. Applicant's representative: James B. Nestor (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper boxes, building materials, and glass;* (1) from points in Pennsylvania in and east of Erie, Venango, Clarion, Armstrong, Indiana, Cambria, and Bedford Counties, Pa., to points in North Carolina and South Carolina; (2) from points in Crawford, Mercer, Butler, Lawrence, Beaver, Allegheny, Westmoreland, and Somerset Counties, Pa., to points in Caswell, Guilford, Alamance,

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Randolph, Montgomery, Stanly, Cabarrus, Mecklenburg, Union, Anson, and Richmond Counties, N.C.; (3) from points in Pennsylvania in Crawford, Mercer, Butler, Lawrence, Beaver, Allegheny, Westmoreland, and Somerset Counties, Pa., to points in Edgefield, Saluda, Lexington, Richland, Newberry, Fairfield, Kershaw, Chesterfield, Lancaster, Chester, Union, and York Counties, S.C.; (4) from points in Crawford, Mercer, Butler, Lawrence, Beaver, Allegheny, Washington, Westmoreland, Greene, Fayette, and Somerset Counties, Pa., to points in North Carolina in and east of Person, Orange, Chatham, Moore, Hoke, and Scotland Counties; and (5) from points in Crawford, Mercer, Butler, Lawrence, Beaver, Allegheny, Washington, Westmoreland, Greene, Fayette, and Somerset Counties, Pa., to points in South Carolina in and east of Aiken, Orangeburg, Calhoun, Sumter, Lee, Darlington, and Marlboro Counties, S.C. The purpose of this filing is to eliminate the gateway of Richmond, Va. The purpose of this correction is to correct certain destination States.

No. MC 10788 (Sub-No. E1), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal St., Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel, and machinery, materials, supplies, and equipment*, incidental to or used in the operation and maintenance of steel mills, between points in Jefferson County, Ohio, on the one hand, and on the other, points in Ohio, West Virginia, Pennsylvania, and Michigan. The purpose of this filing is to eliminate the gateway of Hancock County, W. Va.

No. MC 10788 (Sub-No. E2), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of Pennsylvania south of U.S. Highway 22 and north of U.S. Highway 70, to points in that part of Ohio on, north, and west of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 70 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Ohio-Kentucky State line, and points on and south of a line the other, points in Ohio, West Virginia, State line, thence along Ohio Highway 45 to junction Ohio Highway 14, thence along Ohio Highway 14 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction Ohio Highway 91, thence along Ohio Highway 91 to Lake Erie. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 10788 (Sub-No. E3), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal St., Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel, and machinery, materials, supplies, and equipment*, incidental to or used in the operation and maintenance of steel mills, between Steubenville, Ohio, on the one hand, and, on the other, points in Ohio on and west of a line beginning at the Ohio-West Virginia State, thence along Ohio Highway 150 to junction Ohio Highway 152, thence along Ohio Highway 152 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of points in Hancock or Brooke Counties, Ohio.

No. MC 10788 (Sub-No. E4), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal St., Youngstown, Ohio, 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of Pennsylvania on, south, and west of a line beginning at the West Virginia-Pennsylvania State line, thence along U.S. Highway 22 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Pennsylvania-Maryland State line, to points in that part of New York on and west of New York Highway 14 and on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 19 to junction New York Highway 243, thence along New York Highway 243 to junction New York Highway 98, thence along New York Highway 98 to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 240, thence along New York Highway 240 to Lake Erie. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 10788 (Sub-No. E5), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal St., Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of West Virginia on and east of U.S. Highway 77, to points in that part of Ohio on and east of a line beginning at the Ohio-West Virginia State line, thence along Ohio Highway 43 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Ohio Highway 82, thence along Ohio Highway 82 to junction Ohio Highway 237, thence along Ohio Highway 237 to Lake Erie. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 10788 (Sub-No. E6), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal St., Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel, and machinery, materials, supplies, and equipment*, incidental to or used in the operation and maintenance of steel mills, between Steubenville, Ohio, on the one hand, and, on the other, points in Ohio on and north of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S, to the junction of Ohio Highway 95, thence along Ohio Highway 95 to junction Ohio Highway 13, thence along Ohio Highway 13, to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Ohio-Pennsylvania State line, and on and south of a U.S. Highway 22, to points in that part of Pennsylvania on, east, and south of U.S. Highway 62, and on, north, and west of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 10788 (Sub-No. E7), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of Pennsylvania on and north of a line beginning at the West Virginia-Pennsylvania State line, thence along U.S. Highway 22 to junction Pennsylvania Highway 283, thence along Pennsylvania Highway 283 to junction U.S. Highway 30 thence along U.S. Highway 30 to the Pennsylvania-New Jersey State line, to points in Ohio on and south of U.S. Highway 70. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC-29886 (Sub-No. E13), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heavy machinery*, the transportation of which, by reason of size or weight, requires the use of special equipment or special handling, between points in Illinois, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Toledo, Ohio. (2) *Machinery*, which, by reason of size or weight, requires special equipment or handling, between points in West Virginia (except points in Pendleton, Hardy, Brant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson Counties, W. Va.), on the one hand, and, on the other, points in Clinton, Essex, Warren, Saratoga, Washington, Rensselaer, and Columbia Counties, N.Y. The purpose of this filing is to eliminate the gateways of points in Centre County, Pa., and points in Massachusetts. (3) *Machinery*, which, by reason of size or weight, requires special equipment or handling, between points in West Virginia (except Jefferson, Berkeley, Morgan, Hampshire, Mineral, Grant, Hardy, and Pendleton Counties, W. Va.), and points in that part of Ohio on and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Connecticut (except Fairfield County, Conn.). The purpose of this filing is to eliminate the gateways of points in Centre County, Pa., and points in Massachusetts.

(4) *Machinery*, which, by reason of size or weight, requires special equipment or handling, between points in West Virginia (except Pendleton, Grant, Hardy, Mineral, Hampshire, Morgan, Berkeley, and Jefferson Counties, W. Va.), and points in that part of Ohio on and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Connecticut (except Fairfield County, Conn.). The purpose of this filing is to eliminate the gateways of points in Centre County, Pa., and points in Massachusetts.

(5) *Machinery*, which, by reason of size or weight, requires special equipment or handling, between points in that part of Ohio on and south of a line beginnng at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Clinton, Essex, Warren, Saratoga, Washington, Rensselaer, and Columbia Counties, N.Y., and that portion of Dutchess County, N.Y., on and north of U.S. Highway 55. The purpose of this filing is to eliminate the gateways of points in Centre County, Pa., and points in Massachusetts. (6) *Heavy machinery*, the transportation of which, by reason of size or weight, requires the use of special equipment or special handling, between points in Williams, Defiance, Fulton, Henry, and Lucas Counties, Ohio, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC 35890 (Sub-No. E10), filed June 3, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 39801 36th St. SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, cartoned or uncrated, from Munster, Ind., to points in Connecticut, Massachusetts, and Rhode Island; (2) *New furniture*, cartoned or uncrated, from Munster, Ind., to points in Maryland, New Jersey, New York, the District of Columbia, and points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 62 to Warren, thence along U.S. Highway 6 to Kane, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 948, thence along Pennsylvania Highway 948 to Ridgway, thence along U.S. Highway 219 to junction U.S. Highway 119, thence along U.S. Highway 119 to Homer City, thence along Pennsylvania Highway 56 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC 63417 (Sub-No. E51), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 2005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* from Chocowinity and Greensboro, N.C., to points in Florida. The purpose of this filing is to eliminate the gateways of Stanleytown, Va., Bassett, Va., and Sumter, S.C.

No. MC 73688 (Sub-No. E3), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron and steel wire, nails, and pipe, and culvert and fabricated metal pipe, contractors' equipment, and roofing materials*, which are iron, steel, or steel products, between points in Mississippi east of a line beginning at the Mississippi-Tennessee State line and extending along U.S. Highway 78 to Holly Springs, thence along Mississippi Highway 7 to Oxford, thence along Mississippi Highway 9W to Bruce, thence along Mississippi Highway 9 to Louisville, thence along Mississippi Highway 15 to Laurel, thence along Interstate Highway 59 to the Mississippi River, on the one hand, and, on the other, points in Arkansas on and north of a line beginning at the Arkansas-Tennessee State line and extending along U.S. Highway 70 to Little Rock, thence along Arkansas Highway 10 to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 73688 (Sub-No. E4), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron and steel wire, nails, and pipe, and culvert and fabricated metal pipe, contractors' equipment, and roofing materials*, which are iron, steel, or steel products, between points in Arkansas on, north, and east of a line beginning at the Missouri-Arkansas State line and extending along Arkansas Highway 14 to Newport, thence along U.S. Highway 67 to Bald Knob, thence along U.S. Highway 64 to Memphis, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 73688 (Sub-No. E5), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel pilings, iron and steel wire, nails, and pipe, and culvert and fabricated metal pipe, fibre pipe fittings, culvert and fabricated metal pipe, contractors' equipment, and roofing materials*, which are iron, steel, or steel products; (1) from Anniston, Birmingham, Montgomery, and Holt, Ala., to points in Tennessee on and west of U.S. Highway 51; (2) from Gadsden, and Decatur, Ala., to points in Tennessee on and west of U.S. Highway 51, and on and south of Tennessee Highway 59; (3) from Montgomery and Anniston, Ala., to points in De Soto, Tunica, and Coahoma Counties, Miss.; (4) from Birmingham and Holt, Ala., to De Soto and Tunica Counties, Miss.; and (5) from Gadsden and Decatur, Ala., to points in De Soto, Tunica, Coahoma, Bolivar, and Washington Counties, Miss., restricted against the transportation of commodities used in, or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products. The purpose of this filing is to eliminate the gateways of points in Arkansas within the Memphis, Tenn., commercial zone, and Memphis, Tenn.

No. MC 73688 (Sub-No. E6), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials* (except steel roofing materials), (1) from points in Arkansas on and south of a line beginning at the Tennessee-Arkansas State line and extending along Arkansas Highway 14 to junction U.S. Highway 167, thence over U.S. Highway 167 to the Arkansas-Missouri State line, to points

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in Kentucky; (2) from points in Mississippi on, south, and west of a line beginning at the Mississippi-Tennessee State line and extending over U.S. Highway 51 to Valden, thence over Mississippi Highway 35 to Taylorsville, thence over Mississippi Highway 28 to Laurel, thence over U.S. Highway 84 to the Mississippi-Alabama State line, to points in Kentucky on and east of U.S. Highway 231; and (3) from points in Mississippi on and south of U.S. Highway 78 to points in Kentucky on and east of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 73688 (Sub-No. E7), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, contractors' equipment, concrete pipe, wire, nails, roofing materials, lumber, and iron, steel, culvert, and fabricated metal pipe*, which are building materials, between Lockland, Ohio, on the one hand, and, on the other, points in Arkansas and points in Mississippi on and south of U.S. Highway 78. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 75340 (Sub-No. E23) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 12, 1974. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, Ala. Applicant's representative: Guy H. Postell, 3384 Peachtree Rd. NE., Suite 713, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading and livestock; (1) from points in that part of Ohio west of a line beginning at Timberlake, thence along Ohio Highway 91 to junction Interstate Highway 76, thence west on Interstate Highway 76 to junction Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line and that part of West Virginia west of a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 77 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Virginia-West Virginia State line, to Birmingham, Ala., and points on and south of U.S. Highway 11 within 65 miles thereof. The purpose of this filing is to eliminate the gateway of points in North Carolina. The purpose of this partial publication is to correct the U.S. Highway in Alabama.

No. MC 108449 (Sub-No. E102), filed June 1, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from points in Wisconsin (except points in La Crosse, Vernon, Crawford and Grant Counties, Wis.) to Sioux Falls, S. Dakota. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 108449 (Sub-No. E103), filed June 1, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Canned foodstuffs*, from points in Wisconsin (except points in Douglas, Bayfield, Ashland, and Iron Counties, Wis.), to Fargo, N. Dak. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 108449 (Sub-No. E104), filed June 1, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Barron, Cameron, Clear Lake, and New Richmond, Wis., to points in Iowa. The purpose of this filing is to eliminate the gateway of points in the Twin Cities area, namely, Minneapolis, St. Paul, Columbia Heights, Robbinsdale, South St. Paul, North St. Paul, Inver Grove Heights, West St. Paul, Newport, St. Louis Park, Hopkins, Edina, Richfield, Fridley, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, Minn.

No. MC 108449 (Sub-No. E105), filed June 1, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Ladysmith, Bruce, and Weyerhauser, Wis., to points in Iowa on and west of U.S. Highway 63 and on and south of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of points in the Twin Cities area, namely Minneapolis, St. Paul, Columbia Heights, Robbinsdale, South St. Paul, North St. Paul, Inver Grove Heights, West St. Paul, Newport, St. Louis Park, Hopkins, Edina, Richfield, Fridley, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, Minn.

No. MC 108449 (Sub-No. E112), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal of the Williams Brothers Pipe Line Company at or near Rochester, Minn., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Eau Claire, Wis., and points within 20 miles thereof.

No. MC 108449 (Sub-No. E113), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from the terminal of the Williams Brothers Pipe Line Company at or near Rochester, Minn., to points in Illinois. The purpose of this filing is to eliminate the gateway of the storage facilities utilized by American Oil Co. in Dubuque, Iowa.

No. MC 108449 (Sub-No. E114), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and Petroleum products*, from the terminal of Williams Brothers Pipe Line Company at or near Rochester, Minn., to points in Nebraska. The purpose of this filing is to eliminate the gateway of the Williams Brothers Pipe Line Company Terminal located at or near Spencer, Iowa.

No. MC 108449 (Sub-No. E115), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and Petroleum products*, as described in Appendix XIII to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal of the Williams Brothers Pipe Line Company at or near Rochester, Minn., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Marshall, Minn.

No. MC 110525 (Sub-No. E864), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Ironton, Ohio, to points in New York. The purpose of this filing is to eliminate the gateway of Johnstown, Pa.

No. MC 110525 (Sub-No. E865), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from South Point, Ohio, to points in New York. The purpose of this filing is to eliminate the gateway of Johnstown, Pa.

No. MC 110525 (Sub-No. E866), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Painesville, Ohio, to points in Massachusetts, New Hampshire, Maine, and Vermont, restricted against the transportation of liquid oxygen, liquid hydrogen, and liquid nitrogen, to points in Vermont. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 110525 (Sub-No. E869), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except derivatives of coal tar), in bulk, in tank vehicles, from South Point, Ohio, to points in Illinois, Indiana, Missouri, Michigan, and Wisconsin. The purpose of this filing is to eliminate the gateway of Ashland, Ky.

No. MC 110525 (Sub-No. E870), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals and derivatives of coal tar), in bulk, in tank vehicles, from Ironton, Ohio, to points in Illinois, Indiana, Michigan, Missouri, and Wisconsin. The purpose of this filing is to eliminate the gateway of Ashland, Ky.

No. MC 110525 (Sub-No. E871), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethylene gas*, in bulk, in manifold cylinder trailers, from Orange, Tex., (1) to points in that part of New Jersey on and north of U.S. Highway 322 (Henry Clay, Del., and Lima and Philadelphia, Pa.) *, and (2) to points in Massachusetts, Connecticut, and Rhode Island (Henry Clay, Del., Lima and Philadelphia, Pa., and Newark, N.J.) *. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E872), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, in foreign commerce only, from those ports of entry at the International Boundary line between the United States and Canada located on the Niagara River, (1) to points in Kentucky (points in Erie County, N.Y., and Allegheny County, Pa.) *, (2) to points in Alabama, restricted against the transportation of liquid sulphate of alumina to Coosa Pines, Ala.) (points in Erie County, N.Y., Bridgeville, Pa., and Chattanooga, Tenn.) *; (3) to points in Arizona, California, Colorado, and Idaho (points in Erie County, N.Y., and Addyston, Ohio) *; (4) to points in Arkansas and Florida (points in Erie County, N.Y., and Kanauha County, W. Va.) *; (5) to points in Georgia, restricted against the transportation of bituminous products and materials (points in Erie County, N.Y., and West Virginia) *; (6) to points in Iowa (points in Erie County, N.Y., and Natrium, W. Va.) *; (7) to points in Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, and Oregon (points in Erie County, N.Y., and Addyston, Ohio) *; (8) to points in Pennsylvania, Ohio, Michigan, Illinois, Indiana, Delaware, Maryland, Virginia, North Carolina, New Jersey, and West Virginia (points in Erie County, N.Y.) *; (9) to points in Maine, Massachusetts, Rhode Island, and New Hampshire (Syracuse, N.Y.) *; (10) to points in Vermont, restricted against the transportation of liquid oxygen, liquid hydrogen, and liquid nitrogen (Syracuse, N.Y.) *; (11) to points in Connecticut (points in Erie County, N.Y., and Fort Lee, N.J.) *.

(12) to points in Louisiana and Mississippi (points in Erie County, N.Y., and Kanauha County, W. Va.) *; (13) to points in Minnesota (points in Erie County, N.Y., and Bridgeville, Pa.) *; (14) to points in Missouri (points in Erie County, N.Y., and South Fayette Township, Pa.) *; (15) to points in South Dakota, Utah, Washington, and Wyoming (points in Erie County, N.Y., and Addyston, Ohio) *; (16) to points in South Carolina (points in Erie County, N.Y., and West Virginia) *; (17) to points in Tennessee (points in Erie County, N.Y., and Bridgeville, Pa.) *; (18) to points in Texas (points in Erie County, N.Y., and Ohio) *; (19) points in Wisconsin ((a) points in Erie County, N.Y., and (b) points in Allegheny or Fayette Counties, Pa.) *; and (20) the District of Columbia (points in Erie County, N.Y., and Baltimore, Md.) *, restricted in each instance to the transportation of traffic originating at or destined to points in Canada. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E873), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, dry fertilizer compounds, and dry feed*, in bulk, from South Point, Ohio, (1) to points in New Hampshire, Vermont, and Maine (except points in Aroostook County) (Morrisville, Pa., Newark, N.J., and Springfield, Mass.) *; and (2) to points in Wisconsin (Fort Wayne, Ind.) *, restricted in (2) above to the transportation of traffic in tank vehicles. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E874), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, dry fertilizer compounds, and dry feed*, in bulk, from South Point, Ohio, (1) to points in New Jersey (Philadelphia, Pa.) *; and (2) to points in Massachusetts, Connecticut, and Rhode Island (Philadelphia, Pa., and Newark, N.J.) *. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E876), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Maleic anhydride*, in bulk, in tank vehicles, from St. Louis, Mo., (1) to the District of Columbia and points in Pennsylvania, New Jersey, Delaware, Maryland, and New York (South Fayette Township, Allegheny County, Pa.) *; (2) to points in Maine, New Hampshire, and Vermont (South Fayette Township, Pa., and Syracuse, N.Y.) *; and (3) to points in Massachusetts, Connecticut, and Rhode Island (South Fayette Township, Pa., and Ft. Lee, N.J.) *. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E877), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's

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representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Mogadore, Ohio, to points in Georgia and North Carolina. The purpose of this filing is to eliminate the gateway of points in Virginia.

No. MC 110525 (Sub-No. E878), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from Illiopolis, Ill., (1) to points in Massachusetts, Connecticut, and Rhode Island (Bloomsburg, Pa., and Jersey City, N.J.)*; (2) to points in North Carolina, South Carolina, and Georgia (Dalton, Ga.)*; and (3) to points in Florida (Dalton, Ga., and Atlanta, Ga.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E879), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic latex*, in bulk, in tank vehicles, from Akron, Ohio, to points in Connecticut, Rhode Island, and Massachusetts. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 110525 (Sub-No. E880), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box, 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, varnishes, lacquers, and resins*, in bulk, in tank vehicles, from Schenectady and Rotterdam Junction, N.Y., to the District of Columbia and points in Delaware and Maryland. The purpose of this filing is to eliminate the gateway of Lima, Pa.

No. MC 110525 (Sub-No. E881), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, varnishes, and lacquers*, in bulk, in tank vehicles, from Cleveland, Ohio, to points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 110525 (Sub-No. E882), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid phenol and liquid resins*, in bulk, in tank vehicles, from Riverview, Washington County, Ohio, to points in California. The purpose of this filing is to eliminate the gateway of Mapleton, Ill.

No. MC 110525 (Sub-No. E887), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium Sulphate*, in bulk, from Front Royal, Va., (1) to points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, Union, and Warren Counties, N.J. (Baltimore, Md., and Morrisville, Pa.)*, (2) to points in Massachusetts, Connecticut, and Rhode Island (Baltimore, Md., Morrisville, Pa. and Newark N.J.)*, and (3) to points in New Hampshire, Vermont, and Maine except points in Aroostook County (Baltimore, Md., Morrisville, Pa., Newark, N.J., and Springfield, Mass.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E888), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric Acid*, in bulk, in tank vehicles, from Wurtland, Ky., to points in Arizona, California, Colorado, Idaho, Kansas, Dakota, Oregon, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Oklahoma, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

No. MC 110525 (Sub-No. E889), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tetrohydrofuran* in bulk, in tank vehicles, from Fredericksburg, Va., to points in Connecticut, Massachusetts, Rhode Island, and that part of New York on and south of New York Highway 7. The purpose of this filing is to eliminate the gateways of E. Rutherford and Ft. Lee, N.J.

No. MC 110525 (Sub-No. E891), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water, gas, tar*, in bulk, in tank vehicles, from Lancaster, Pa., to points in Connecticut, Massachusetts, and Rhode Island, E. Kearny, N.J. The purpose of this filing is to eliminate the gateway of Kearny, N.J.

No. MC 110525 (Sub-No. E892), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* (Except classes A and B explosives), in bulk, in tank vehicles, from Allentown, Pa., (1) to points in that part of New York on and South of Interstate Highway 84 (Phillipsburg, N.J.)*, and (2) to points in Connecticut, Massachusetts, and Rhode Island (Phillipsburg, N.J., and New York, N.Y.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E895), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335, Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum Products*, (except liquid wax and those Commodities requiring attached heater equipment), in bulk, in tank vehicles, from Cessna, Pa., (1) to points in New Jersey (Cumberland, Md., points in Aston Township, Pa., and Philadelphia, Pa.)*, (2) to points in Connecticut, Massachusetts, and Rhode Island (Cumberland, Md., points in Aston Township, Pa., Philadelphia, Pa., and Ft. Lee, N.J.)*, and (3) to Brattleboro, Ruthland, Bennington, and White River Junction, Vt. (Cumberland, Md., Points in Aston Township, Pa., Philadelphia, Pa., and Albany, N.Y.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E897), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335, Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum Products* (Except Liquid wax and those Commodities requiring attached heater equipment), in bulk, in tank vehicles, from Exton, Pa., (1) to points in Connecticut, Massachusetts, and Rhode Island (points in Cecil County, Md., and Aston Township, Pa., Philadelphia, Pa., and Ft. Lee, N.J.)*, and (2) to Brattleboro, Ruthland, Bennington, and White River Junction, Vt. (points in Cecil County, Md., and Aston Township, Pa., Philadelphia, Pa., and Albany, N.Y.)*. The purpose of this filing is to eliminate gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E898), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien

(Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Petrochemicals*, in bulk, in tank vehicles, from Harrisburg, Pa., and points within 15 miles thereof, to points in West Virginia, Virginia, North Carolina, and that part of Tennessee on and east of U.S. Highway 27, restricted against the transportation of Bituminous Products and materials. The purpose of this filing is to eliminate the gateway of points in Berkeley County, W. Va.

No. MC 110525 (Sub-No. E899), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum Products* (except liquid wax and those commodities requiring attached heater equipment), in bulk, in tank vehicles, from Neville Island, Pa., (1) to points in New Jersey (Cumberland, Md., points in Aston Township, Pa., and Philadelphia, Pa.)*, (2) to points in Connecticut, Rhode Island, and Massachusetts (Cumberland, Md., points in Aston Township, Pa., Philadelphia, Pa., and Ft. Lee, N.J.)*, and (3) to Brattleboro, Rutland, Bennington, and White River Junction, Vt. (Cumberland, Md., points in Aston Township, Pa., Philadelphia, Pa., and Albany, N.Y.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E900), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Paulsboro, N.J., and points in New Jersey within 5 miles thereof, (1) to points in Connecticut, Massachusetts, and Rhode Island (New York, N.Y.)*, and (2) to Brattleboro, Rutland, Bennington, and White River Junction, Vt. (Albany, N.Y.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E901), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry petrochemicals*, in bulk, in tank vehicles, from Paulsboro, N.J., and points in New Jersey within 5 miles thereof, to points in Maine (except points in Aroostook County), New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of New York, N.Y., and Springfield, Mass.

No. MC 110525 (Sub-No. E904), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Titusville, Pa., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 110525 (Sub-No. E908), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from the site of the Getty Oil Company (Eastern Operations), Inc., at or near Delaware City, Del., to points in North Carolina, South Carolina, and Georgia. The purpose of this filing is to eliminate the gateway of points in Arlington County, Va.

No. MC 100525 (Sub-No. E909), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, and petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in York County, Va., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing to to eliminate the gateways of Delaware City, Del., and Newark, N.J.

No. MC 110525 (Sub-No. E915), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Titusville, Pa., to points in Georgia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of those points in Arlington County, Va., located in the District of Columbia commercial zone.

No. MC 110525 (Sub-No. E921), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum distillate fuel oil*, in bulk, in tank vehicles, from South Charleston, W. Va., to points in Erie and Niagara Counties, N.Y. The purpose of this filing is to eliminate the gateway of Neville Island, Pa.

No. MC 110525 (Sub-No. E922), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plantsite of the Allentown, Portland Cement Company, at or near Evansville, Pa., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Alsen, N.Y.

No. MC 110525 (Sub-No. E923), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plantsite of Hercules Cement Company at Stockertown, Pa., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Alsen, N.Y.

No. MC 110525 (Sub-No. E925), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank vehicles, from Niagara Falls, N.Y., to points in Iowa, Kansas, Nebraska, Minnesota and Wisconsin restricted to the transportation of such dry plastics as are dry chemicals. The purpose of this filing is to eliminate the gateways of Akron, Ohio, and Ottawa, Ill.

No. MC 110525 (Sub-No. E926), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, from the plantsite of Copley Cement Manufacturing Company at Nazareth, Pa., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Alsen, N.Y.

No. MC 110525 (Sub-No. E927), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plantsite of the Hercules Cement Company at Stockertown, Pa., to points in Virginia, West Virginia, and that part of North Carolina on and west of a line beginning at the Virginia-North Carolina State line thence along U.S. Highway 13 to junction U.S. Highway 17, thence along U.S. Highway 17 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Security, Md.

No. MC 110525 (Sub-No. E928), filed May 20, 1974. Applicant: CHEMICAL

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LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, from the plantsite of the Allentown Portland Cement Company, at or near Evansville, Pa., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 110525 (Sub-No. E929), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, in bulk, from the plantsite of the Allentown Portland Cement Company, at or near the Borough of West Conshocken, Pa., to points in Massachusetts and Rhode Island. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 110525 (Sub-No. E930), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINE, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plantsite of Coplay Cement Manufacturing Company at Nazareth, Pa., (1) to the District of Columbia (Evansville, Pa.)*, (2) to points in Maine, New Hampshire, and Vermont (Howes Cave, N.Y.)*, and (3) to points in North Carolina, Virginia, and West Virginia (Hagerstown, Md.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E931), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from the plantsite of Marquette Cement Manufacturing Company at Security, Md., (1) to points in Connecticut, Massachusetts, and Rhode Island, (Stockertown, Pa.)*, and (2) to points in Maine, New Hampshire, and Vermont (Stockertown, Pa., and Howes Cave, Md.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 112801 (Sub-No. E1), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Chicago, Ill., to points in Wyoming. The purpose of this filing is to eliminate the gateway of the Port Neal Industrial Complex in Woodbury County, Iowa.

No. MC 112801 (Sub-No. E2), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Chicago, Ill., to points in South Dakota. The purpose of this filing is to eliminate the gateway of the Port Neal Industrial Complex in Woodbury County, Iowa.

No. MC 112801 (Sub-No. E3), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acetone, ethyl acetate, alcohol, and proprietary anti-freeze preparations*, in bulk, from Chicago, Ill., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Terre Haute, Ind.

No. MC 112801 (Sub-No. E4), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Waukegan, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Gary, Ind.

No. MC 112801 (Sub-No. E5), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Chicago, Ill., to points in Nebraska. The purpose of this filing is to eliminate the gateway of the Port Neal Industrial Complex located in Woodbury County, Iowa.

No. MC 112801 (Sub-No. E6), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Chicago, Ill., to points in Colorado. The purpose of this filing is to eliminate the gateway of the Port Neal Industrial Complex located in Woodbury County, Iowa.

No. MC 112801 (Sub-No. E8), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from Chicago, Ill., to points in North Dakota. The purpose of this filing is to eliminate the gateway of the Port Neal Industrial Complex located in Woodbury County, Iowa.

No. MC 112801 (Sub-No. E11), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, from the plantsite and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E12), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, from the plantsite and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in Ohio. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E13), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, from the plantsite and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in New York. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E14), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, from the plant site and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in New Jersey. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E15), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, from the plant site and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in Michigan. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E16), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, from the plant site and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E17), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oil*, in bulk, from the plant site and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E18), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, from the plant site and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in Illinois. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E19), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, from the plant site and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in Indiana. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E20), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, from Chicago, Ill., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E21), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, from Chicago, Ill., to points in Idaho. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E22), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, from Chicago, Ill., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E23), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, from the plant site and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E24), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible vegetable oils*, in bulk, from the plant site and warehouse facilities of A.D.M. at or near Lincoln, Nebr., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E25), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible and inedible oils* (except petroleum or oils with a petroleum base) from St. Louis, Mo., to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Decatur, Ill.

No. MC 112801 (Sub-No. E26), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible and inedible oils* (except petroleum or oils with a petroleum base) from St. Louis, Mo., to points in Kentucky east of U.S. Highway 31W and within 10 miles of the Ohio River. The purpose of this filing is to eliminate the gateway of Decatur, Ill.

No. MC 112801 (Sub-No. E27), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible and inedible oils*, (except petroleum or oils with a petroleum base), from St. Louis, Mo., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Decatur, Ill.

No. MC-112801 (Sub-No. E28), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible and inedible oils* (except petroleum or oils with a petroleum base), from St. Louis, Mo., to points in Indiana on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Decatur, Ill.

No. MC 112801 (Sub-No. E29), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible and inedible oils* (except petroleum or oils with a petroleum base), from St. Louis, Mo., to points in Ohio. The purpose of this filing is to eliminate the gateway of Decatur, Ill.

No. MC 112801 (Sub-No. E30), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible and inedible oils* (except petroleum or oils with a petroleum base), from St. Louis, Mo., to points in Pennsylvania (except Pittsburgh). The purpose of this filing is to eliminate the gateway of Decatur, Ill.

No. MC 112801 (Sub-No. E31), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, from Chicago, Ill., to points in California. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E32), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, from Chicago, Ill., to points in Oregon. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 112801 (Sub-No. E33), filed May 31, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, from Chicago, Ill., to points in Colorado. The purpose of this filing is

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to eleminate the gateway of Des Moines, Iowa.

No. MC 113459 (Sub-No. E2) (Correction), filed May 6, 1974, published in the FEDERAL REGISTER of July 17, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Oklahoma 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith; and (2) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, between points in Michigan, on the one hand, and, on the other, points in Alaska, Arkansas, Kansas, Louisiana, New Mexico, Oklahoma, and Texas. Restriction: The operations authorized herein are restricted to commodities which are transported on trailers and restricted against the transportation of agricultural machinery and agricultural tractors. The purpose of this filing is to eliminate the gateway of Sterling, Ill. The purpose of this correction is to include the commodity description in (2) above which was inadvertently omitted from the publication of July 17, 1974, and to correct the gateway to be eliminated which was inadvertently published as Sterling, Ohio.

No. MC 113843 (Sub-No. E266), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and frozen potato products*, from Easton, Maine, to points in that part of Maryland on and west of Interstate Highway 83, points in West Virginia and the District of Columbia, Fredericksburg, Va., and points in that part of Virginia on, south, and west of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 250 to junction Interstate Highway 64, thence along Interstate Highway 64 to Richmond, thence along U.S. Highway 60 to the Chesapeake Bay, points in that part of New York west of New York Highway 14, and Harrisburg, Lancaster, Moosic, Scranton, and Wilkes-Barre, Pa. The purpose of this filing is to eliminate the gateways of Athens, Pa., and Elmira, N.Y.

No. MC 113843 (Sub-No. E405), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and edible meat by-products*, as defined by the Commission, from Sandusky, Ohio, to points in Bradford, Wayne, Pike, Lackawanna, Susquehanna, and Wyoming Counties, Pa. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113843 (Sub-No. E448), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Richmond, Va., to Grand Forks, N. Dak., and Sioux Falls, S. Dak. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 115669 (Sub-No. E3), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potash*, from points in Eddy County, N. Mex., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 115669 (Sub-No. E16), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* from Perry, Iowa, to points in Kansas. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 115669 (Sub.-No. E20), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* from Jefferson, Iowa, to points in Kansas. The purpose of this filing is to eliminate the gateway of Omaha, Nebraska.

No. MC 115669 (Sub-No. E21), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* from Waterloo, Iowa, to points in Kansas on and west of a line from the Missouri-Kansas State line along U.S. Highway 59 to Atchison, thence along U.S. Highway 59 to the junction of U.S. Highway 169, thence along U.S. Highway 169 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 115669 (Sub-No. E40), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* from Lawrence, Kans., to points in Colorado on and north of a line from the Nebraska-Colorado State line along U.S. Highway 34 to the junction of U.S. Highway 6, thence along U.S. Highway 6 to the Utah-Colorado State line. The purpose of this filing is to eliminate the gateway of Grand Island, Nebr.

No. MC 115669 (Sub-No. E42), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients* from Kansas City, Mo., to points in New Mexico. The purpose of this filing is to eliminate the gateway of Hutchinson, Kans.

No. MC 115669 (Sub-No. E97), filed June 4, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except salt, urea, and soybean meal), from points in Kansas (except Hutchinson, Kansas City, McPherson, and Muncie), to points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Nebraska.

No. MC 116063 (Sub-No. E10), filed May 31, 1974. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar, and blends* thereof, in bulk, in tank vehicles, from points in Louisiana on and south of U.S. Highway 190 to points in Colorado. The purpose of this filing is to eliminate the gateway of Castro and Deaf Smith Counties, Tex.

No. MC 116063 (Sub-No. E11), filed May 31, 1974. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar, and blends* thereof, in bulk, in tank vehicles, from points in Louisiana on and south of U.S. Highway 190 to points in New Mexico, those in Oklahoma on and west of U.S. Highway 69, and Muskogee, Okla. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC 119774 Sub-No. E18), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Plastic conduit* from Oklahoma City, Okla., to points in Wisconsin, Illinois, Indiana, Kentucky,

Tennessee, Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Michigan, Ohio, Pennsylvania, New Jersey, Maryland, Delaware, West Virginia, and the District of Columbia, points in Minnesota on and east of a line from the Minnesota-Iowa State line along U.S. Highway 71 to the junction of U.S. Highway 10, thence along U.S. Highway 10 to the junction of U.S. Highway 59, thence along U.S. Highway 59 to the junction of Minnesota Highway 11, thence along Minnesota Highway 11 to the junction U.S. Highway 75, thence along U.S. Highway 75 to the United States-Canada Boundary line, points in Missouri on and east of a line from the Missouri-Arkansas State line along U.S. Highway 65 to the junction of U.S. Highway 54, thence along U.S. Highway 54 to the junction of U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Iowa State line, and points in Iowa on and east of a line from the Iowa-Missouri State line along Interstate Highway 35 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the junction of U.S. Highway 169, thence along U.S. Highway 169 to the junction of U.S. Highway 18, thence along U.S. Highway 18 to the junction of Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line (the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.)*; (b) *Plastic Pipe, valves, connections, and couplings*, (except that used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products) from Oklahoma City, Okla., to points in Florida and Louisiana (Lone Star, Tex.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119774 (Sub-No. E33), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *Earth drilling machinery, and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Utah on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E34), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662.. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *Earth drilling machinery, and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Utah on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E240), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe* as described in *Mercer Extension—Oilfield Commodities 74MCC459*, and (2) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in Wyoming to points in Virginia. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., and Moffett, Okla.

No. MC 119774 (Sub-No. E242), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe* as described in *Mercer Extension—Oilfield Commodities 74MCC459*, and (2) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in Wyoming to points in North Carolina. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., and Moffett, Okla.

No. MC 123407 (Sub-No. E21), filed June 4, 1974. Applicant: SAWYER TRANSPORT, South Haven Square, Valparaiso, Ind. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* from L'Anse, Mich., to points in that part of Florida on and west of U.S. Highway 27; Seminole, Decatur, and Grady Counties, Ga., and Newton, Jasper, Tyler, Hardin, Liberty, Harris, Wallen, Washington, Fayette, Caldwell, Guadalupe, Bexar, Medina, Kenny, and Uvalde Counties, Tex. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa, and the plantsites of Georgia Pacific Corporation at Taylorville, Miss.

No. MC 123407 (Sub-No. E23), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

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transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size and weight require use of special equipment or special handling), from Warren, Ill., to points in North Carolina, Virginia, West Virginia, that part of Kentucky in and east of Hardin, Hart, Darren, Warren, and Simpson Counties, and that part of Tennessee in and east of Summer, Davidson, Williamson, Maury, and Giles Counties. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. E26), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, pulpboard*, and *hardboard* from Superior, Wis., to Missouri, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, Tennessee, and that part of Kansas on and south of a line beginning at the Colorado-Kansas State line, thence along Kansas Highway 96 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 56/77, thence along U.S. Highway 56/77 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 35, thence along Interstate Highway 35 to Topeka, thence along Kansas Highway 4 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of East Dubuque, Ill.

No. MC 123407 (Sub-No. E27), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork from Jeannette, Pa., to points in Minnesota, South Dakota, Nebraska, Gogebic, Ontonagon, Houghton, and Keweenaw Counties, Mich., and that part of Kansas in and west of Nemaka, Marshall, Washington, Clay, Ottawa, Lincoln, Ellsworth, Barton, Pawnee, Edwards, Kiowa, and Clark Counties, restricted against the transportation of commodities which, because of size or weight, requires the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E27), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork from Jeannette, Pa., to points in Minnesota, South Dakota, Nebraska, Gogebic, Ontonagon, Houghton, and Keweenaw Counties, Mich., and that part of Kansas in and west of Nemaka, Marshall, Washington, Clay, Ottawa, Lincoln, Ellsworth, Barton, Pawnee, Edwards, Kiowa, and Clark Counties, restricted against the transportation of commodities which, because of size or weight, requires the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E28), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* and *materials* used in the installation thereof (except iron and steel and commodities in bulk), from Port Clinton, Ohio, to points in Mississippi and Arkansas (except Arkadelphia and Hot Springs and points in that part of Arkansas on and within a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 67 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-Teed Products Corp., at East St. Louis, Ill.

No. MC 123407 (Sub-No. E29), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork from Okmulgee, Okla., to points in Michigan; Lake, Porter, La Porte, Mishawaka, Elkhart, Lagrange, and Steuben Counties, Ind.; that part of Ohio in and north of Williams, Henry, Wood, Seneca, Huron, Lorain, Medina, Summit, Portage, and Mahoning Counties; and that part of Pennsylvania in and north of Lawrence, Mercer, Venango, Clarion, Jefferson, Clearfield, Centre, Snyder, Dauphin, and Lancaster Counties, restricted against the transportation of commodities which, because of size or weight require the use of special equipment or special handling and further restricted against the transportation of lumber, iron and steel and iron and steel articles. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E30), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass* from Mt. Zion, Ill., to points in Dade and Monroe Counties, Fla., restricted to traffic originating at the sites of the plants and warehouses of PPG Industries, Inc., at the above-named origin. The purpose of this filing is to eliminate the gateway of Laurinburg, N.C.

No. MC 123407 (Sub-No. E31), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), from Warren, Ill., to points in Minnesota, South Dakota, Nebraska, and Kansas. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E32), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Decorating or preservative materials, paint, painting materials, supplies, and equipment*, used as a building material (except commodities in bulk) from the plantsite of Montgomery Ward Paint Factory at Chicago Heights, Ill., to points in North Dakota (except points in Sioux, Emmons, Kidder, Logan, McIntosh, Stutsman, La Moure, Dickey, Barnes, Ransom, Sargent, Steele, Traill, Cass, and Richland Counties). The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 133689 (Sub-No. E4), filed May 27, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Daniel C. Sullivan, 327 S. La Salle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses* (except foodstuffs), and in connection therewith, *materials and supplies* used in the conduct of such business (except dairy products, beverages, and commodities in bulk), from points in Ohio on and east of a line beginning at Lake Erie and extending south along Ohio Highway 46 to junction U.S. Highway 20, thence west along U.S. Highway 20 to junction Ohio Highway 44, thence south along Ohio Highway 44 to junction Ohio Highway 183, thence southwest along Ohio Highway 183 to junction with Ohio Highway 800, thence south along Ohio Highway 800 to junction Interstate Highway 77, thence south along Interstate Highway 77 to junction U.S. Highway 40, thence southwest along U.S. Highway 40 to Zanesville, thence south along Ohio Highway 60 to junction Ohio Highway

555, thence south along Ohio Highway 555 to junction Ohio Highway 78, thence southwest along Ohio Highway 78 to junction Ohio Highway 13, thence south along Ohio Highway 13 to Athens, thence southwest along Ohio Highway 346 to Jackson, thence west along Ohio Highway 124 to junction U.S. Highway 23, thence south along U.S. Highway 23 to the Ohio-Kentucky State line; points in Kentucky on and east of a line beginning at the Ohio-Kentucky State line, at Ashland and extending south on U.S. Highway 60 to junction Kentucky Highway 7, thence south along Kentucky Highway 7 to junction Kentucky Highway 32, thence southeast along Kentucky Highway 469, thence south along Kentucky Highway 469 to junction Kentucky Highway 172, thence south along Kentucky Highway 172 to junction U.S. Highway 460, thence south along U.S. Highway 460 to junction Kentucky Highway 80, thence southwest along Kentucky Highway 80 to junction U.S. Highway 421, thence south along U.S. Highway 421 to junction U.S. Highway 119, thence southwest along U.S. Highway 119 to junction U.S. Highway 25E.

Thence south along U.S. Highway 25E to the Kentucky-Tennessee State line; points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending southeast along U.S. Highway 25E to junction U.S. Highway 11E, thence southwest along U.S. Highway 11E to Knoxville, thence south along U.S. Highway 129 to the Tennessee-North Carolina State line; points in North Carolina on and east of U.S. Highway 129; and points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey (except points in Essex, Hudson, Hunterdon, Mercer, Middlesex, Passaic, and Union Counties, N.J.); New York (except points east of New York Highway 12); Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, to Norfolk, Nebr. The purpose of this filing is to eliminate the gateway of the facilities of World-Wide, Inc., and Erickson Petroleum Co., at Minneapolis-St. Paul, Minn.

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21247 Filed 9-12-74;8:45 am]

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federal register

FRIDAY, SEPTEMBER 13, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 179

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

O-T-C TOPICAL ANTIMICROBIAL PRODUCTS AND DRUG AND COSMETIC PRODUCTS

Establishment of Monograph and Use of Certain Halogenated Salicylanilides as Active or Inactive Ingredients

No. 179—Pt. II——1

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DEPARTMENT OF HEALTH,

be more potent photosensitizers and cross-photosensitizers than tribromsalan.

chemicals from all drug and cosmetic products, the Commissioner has deter-

to section 505 of the act and Part 314 of this chapter is required for market-

[21 CFR Part 333]

OVER-THE-COUNTER DRUGS

as drug regulations should be promulgated. The present Federal Food, Drug,

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 310, 700]

CERTAIN HALOGENATED SALICYLANILIDES AS ACTIVE OR INACTIVE INGREDIENTS IN DRUG AND COSMETIC PRODUCTS

Notice of Proposed Rulemaking

Elsewhere in this issue of the FEDERAL REGISTER the Commissioner of Food and Drugs is issuing a notice of proposed rulemaking setting forth the results of the OTC Antimicrobial I Drug Review Panel's evaluation of over-the-counter (OTC) drug products containing antimicrobial ingredients for topical human use and a proposed monograph establishing conditions under which such products are generally recognized as safe and effective and not misbranded. The discussion in that notice of proposed rulemaking and material supporting it are incorporated by reference in this notice of proposed rulemaking.

Submissions of data and information reviewed by the Panel included those regarding the use of tribromsalan. Tribromsalan (TBS, 3,4'5-tribromosalicylanilide) is a brominated salicylanilide which is used as an active ingredient for antimicrobial purposes and as an inactive ingredient for preservative purposes in OTC drug and cosmetic products. In its report the Panel states that tribromsalan, even when free of related chemicals, can cause photosenstitive eruptions in man and disabling skin disorders. In some instances the photosensitization may persist for prolonged periods as severe reactions without further exposure to the chemical. The Panel also reported that there is evidence to indicate that tribromsalan produces cross-sensitization with other halogenated salicylanilides. In addition to the problem of photosensitization, the Panel expresses concern about the potential toxicity of this compound if used in an antimicrobial soap, intended for daily, total body use, possibly for a lifetime. Animal and human toxicological data made available to the Panel failed to provide a basis for establishment of a safe level for use. The Panel noted that, with regard to effectiveness, there was no clear evidence that tribromsalan does anything other than control body odor, for which other safer agents are available. The Panel recommended to the Commissioner that tribromsalan be considered not safe for general use as an OTC antimicrobial agent in drug and cosmetic products and that the Food and Drug Administration take prompt action to remove tribromsalan from all such products.

Although the Panel did not receive any submissions of data for review regarding the use of halogenated salicylanilides other than tribromsalan, the Panel's report and supporting scientific literature clearly indicate that other halogenated salicylanilides such as dibromsalan (DBS) and tetrachlorosalicylanilide (TCSA) have been shown to be more potent photosensitizers and cross-photosensitizers than tribromsalan. Thus, the Commissioner has determined that any action regarding the use of tribromsalan shall also include these other halogenated salicylanilides.

On the basis of the Panel's report, the Commissioner concludes that these halogenated salicylanilides, including tribromsalan, dibromsalans, and tetrachlorosalicylanilide, cannot be considered as safe for any use in drug and cosmetic products. Therefore, the Commissioner proposes to determine that any drug product containing these halogenated salicylanilides as an active or inactive ingredient is a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act for which an approved new drug application pursuant to section 505 of the act and 21 CFR Part 314 is required. The Commissioner also proposes to determine that these halogenated salicylanilides are deleterious substances which may render any cosmetic product that contains such a halogenated salicylanilide as an ingredient at any level, for any purpose, injurious to users. Accordingly, any such cosmetic product would be deemed to be adulterated under section 601(a) of the act.

The Food and Drug Administration has reviewed its files and has determined that there are no currently approved new drug applications for any prescription or OTC drug products containing a halogenated salicylanilide as an active or inactive ingredient. All previously approved new drug applications for drug products containing a halogenated salicylanilide as an ingredient have either been withdrawn or subsequently amended to delete the halogenated salicylanilides from the product formulation. Where such amendments have been submitted and have been approved or permitted by the Food and Drug Administration, the previous approval of the product formulation containing the halogenated salicylanilide has been revoked and only the product formulation contained in the supplemental new drug application is approved or permitted for marketing under section 505 of the act.

In its report, the Panel indicates that the benefit from using drug and cosmetic products containing these halogenated salicylanilides is insignificant when compared to the risk and, where there is so little benefit, that it is unjustified to subject even a few individuals to such a risk. The Panel recommends that action to remove these chemicals from such products should be implemented expeditiously and should not await the full procedural review that has been established for OTC drug products in 21 CFR 330.10. Accordingly, on the basis of the Panel's concerns, the documented evidence of photosensitization and cross-photosensitization caused by these halogenated salicylanilides, the lack of toxicological data adequate to the establishment if a safe level for use, the availability of other safer agents, the adverse benefit-to-risk ratio, and the recommendation for prompt action to remove these chemicals from all drug and cosmetic products, the Commissioner has determined that the action he proposes regarding the use of these halogenated salicylanilides in such products shall be taken through this notice of proposed rule making. The Commissioner had concluded that any delay in action regarding the use of these halogenated salicylanilides in drug and cosmetic product is unjustified in view of the Panel's report and the evidence now at hand that such use is not safe and is contrary to the public interest.

After publication, the final order regarding the use of these halogenated salicylanilides will apply to all drug and cosmetic products until such time as new evidence on the safety or effectiveness of these chemicals result in amendment of the proposed monograph for OTC antimicrobial products to allow for the use of these chemicals as active or inactive ingredients of such products.

The Commissioner, at this time, does not anticipate that a recall of previously marketed drug and cosmetic products containing these halogenated salicylanilides as an ingredient is necessary to protect the public health. Available information indicates that the largest use of these chemicals in drug and cosmetic products was in antibacterial soaps and that soap formulations have already been changed to delete these chemicals as ingredients.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 601(a), 701(a); 52 Stat. 1052–1055, as amended; 21 U.S.C. 355, 361(a), 371(a)) and under authority delegated to the Commisioner (21 CFR 2.120), it is proposed that Parts 310 and 700 be amended as follows:

1. By adding a new § 310.508 to Subpart E to read as follows:

§ 310.508 Use of certain halogenated salicylanilides as an inactive ingredient in drug products.

(a) Halogenated salicylanilides (tribromsalan (TBS, 3,4',5-tribromsalicylanilide), dibromsalans (DBS, 4',5-dibromosalicylanilide, and 3,5-dibromosalicylanilide), and 3,3',4,5'-tetrachlorosalicylanide (TCSA)) have been used as active or inactive ingredients in a number of over-the-counter (OTC) drug products, largely antibacterial soaps, for antimicrobial, preservative, and other purposes. These halogenated salicylanilides are potent photosensitizers and can cause disabling skin disorders. In some instances the photosensitization may persist for prolonged periods as a severe reaction without further exposure to these chemicals. Safer alternative antimicrobial agents are available.

(b) These halogenated salicylanilides are not generally recognized as safe and effective for use as active or inactive ingredients in any drug products. Therefore, any drug products containing such a halogenated salicylanilide as an ingredient at any level for any purpose is a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act for which an approved new drug application pursuant to section 505 of the act and Part 314 of this chapter is required for marketing.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug" (Form FD–1571), as set forth in § 312.1 of this chapter, is required to cover clinical investigations designed to obtain evidence that such preparations are safe and effective for the purpose intended.

(d) Any such drug product introduced into interstate commerce that is not in compliance with this section within 30 days after the date of publication of the final order is subject to regulatory action.

2. By adding a new § 700.15 to Subpart B to read as follows:

§ 700.15 Use of certain halogenated salicylanilides as ingredients in cosmetic products.

(a) Halogenated salicylanilides (tribromsalan (TBS, 3,4',5-tribromosalicylanilide), dibromsalans (DBS, 4',5-dibromosalicylanilide, and 3,5-dibromosalicylanilide, and 3,3',4,5'-tetrachlorosayicylanilide (TCSA)) have been used as antimicrobial agents for a variety of purposes in cosmetic products. These halogenated salicylanilides are potent photosensitizers and cross-sensitizers and can cause disabling skin disorders. In some instances the photosensitization may persist for prolonged periods as a severe reaction without further exposure to these chemicals. Safer alternative antimicrobial agents are available.

(b) These halogenated salicylanilides are deleterious substances which render any cosmetic that contains them injurious to users. Therefore, any cosmetic product that contains such a halogenated salicylanilide as an ingredient at any level for any purpose is deemed to be adulterated under section 601(a) of the Federal Food, Drug, and Cosmetic Act.

(c) Any cosmetic product containing these halogenated salicylanilides as an ingredient that is introduced into interstate commerce 30 days after the date of publication of the final order is subject to regulatory action.

Because of the evidence set forth in the preamble which indicates that these halogenated salicylanilides are not safe for use as active or inactive ingredients in drug and cosmetic products, the Commissioner has determined that it is in the public interest to limit the time for public comment to 30 days.

Interested persons are invited to submit their comments (preferably in quintuplicate) regarding this proposal, on or before October 15, 1974, to the Hearing Clerk, Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: August 30, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–21064 Filed 9–12–74;8:45 am]

[21 CFR Part 333]

OVER-THE-COUNTER DRUGS

Proposal To Establish a Monograph for OTC Topical Antimicrobial Products

Pursuant to Part 330 (21 CFR Part 330), the Commissioner of Food and Drugs received on July 24, 1974, the report of the Advisory Review Panel on over-the-counter (OTC) antimicrobial drug products for repeated daily human use. In accordance with § 330.10(a)(6), the Commissioner is publishing (1) a proposed regulation containing the monograph recommended by the Panel establishing conditions under which OTC topical antimicrobial drugs are generally recognized as safe and effective and not misbranded, (2) a statement of the conditions excluded from the monograph on the basis of a determination by the Panel that they would result in the drugs not being generally recognized as safe and effective or would result in misbranding, (3) a statement of the conditions excluded from the monograph on the basis of a determination by the Panel that the available data are insufficient to classify such conditions under either (1) or (2) above, and (4) the conclusions and recommendations of the Panel to the Commissioner. The summary minutes of the Panel meetings are on public display in the Office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD. 20852.

The Commissioner cautions that the conclusions and recommendations of the Panel must be read and evaluated carefully, to differentiate hypotheses from proven facts. In particular, substantial controversy has already emerged in the course of the Panel deliberations with respect to the hypothesis that the use of antimicrobial agents in bar soaps may selectively kill non-pathogenic gram positive microorganisms resulting in an increase in pathogenic gram negative microorganisms. The Panel has stated, and the Commissioner recognizes, that this hypothesis has not yet been proved by reliable evidence.

The purpose of issuing the unaltered conclusions and recommendations of the Panel, including this hypothesis, is to stimulate discussion, evaluation, and comment on the full sweep of the Panel's deliberations. The Commissioner has not yet evaluated the report, but has concluded that it should first be issued as a formal proposal in order to obtain full public comment before any decision is made on the recommendations of the Panel. The report of this Panel represents their best scientific judgment. It has been prepared independent of the Food and Drug Administration and does not necessarily reflect the Agency's position on any particular matter contained therein. After a careful review of this document and all comments submitted in response to it, the Commissioner will prepare a tentative final regulation to establish a monograph for OTC topical antimicrobial products.

The Commissioner has concluded that, to assure implementation of the Panel's recommendations, both cosmetic as well as drug regulations should be promulgated. The present Federal Food, Drug, and Cosmetic Act provides no legal authority under which the Agency can reclassify cosmetics as drugs, but does permit regulation of cosmetic ingredients. It is the Commissioner's intent to propose regulations under sections 601(a) and 602(a) of the act to apply the same safety and labeling standards to cosmetics containing antimicrobial ingredients subject to this notice as are applied to OTC drug products containing these ingredients.

It is also the Commissioner's intent to promulgate regulations in the Tentative Final Monograph to distinguish between preservative and active levels of antimicrobials. While the Commissioner takes no position at this time on the preservative test recommended in the Panel report, it is his intent to require either a preservative test or specific maximum preservative levels for antimicrobial ingredients in OTC drug products and cosmetics.

In accordance with § 330.10(a)(2), all data and information concerning OTC antimicrobial drug products for repeated daily human use submitted for consideration by the Advisory Review Panel have been handled as confidential by the Panel and the Food and Drug Administration. All such data and information shall be put on public display at the office of the Hearing Clerk, Food and Drug Administration on or before October 15, 1974, except to the extent that the person submitting it demonstrates that it still falls within the confidentiality provisions of 18 U.S.C. 1905 or section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)). Requests for confidentiality shall be submitted to the Food and Drug Administration, Bureau of Drugs, OTC Drug Products Evaluation Staff (HFD–109), 5600 Fishers Lane, Rockville, MD 20852.

Based upon the conclusions and recommendations of the Panel, the Commissioner proposes, upon publication of the final regulation:

1. That the monograph (Category I) be effective 30 days after the date of publication of the final monograph in the FEDERAL REGISTER.

2. That the conditions excluded from the monograph on the basis of the Panel determination that they would result in the drug not being generally recognized as safe and effective or would result in misbranding (Category II) be eliminated from OTC drug products effective 6 months after the date of publication of the final monograph in the FEDERAL REGISTER, regardless whether further testing is undertaken to justify their future use.

3. That the conditions excluded from the monograph on the basis of the Panel's determination that the available data are insufficient to classify such conditions either as generally recognized as safe and effective and not misbranded or as not being generally recognized as safe and effective or would result in misbranding (Category III) be permitted to remain in use for 1 year after the date of publication of the final monograph

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in the FEDERAL REGISTER, if the manufacturer or distributor of any such drug utilizing such conditions in the interim conducts tests and studies adequate and appropriate to satisfy the questions raised with respect to the particular condition by the Panel.

The conclusions and recommendations contained in the report of the Advisory Review Panel on Over-The-Counter (OTC) antimicrobial drug products for repeated daily use to the Commissioner are as follows:

In the FEDERAL REGISTER of January 5, 1972 (37 FR 85), the Commissioner of Food and Drugs announced a proposed review of the safety, effectiveness and labeling of all OTC drugs by independent advisory review panels. The Commissioner issued in the FEDERAL REGISTER of January 7, 1972 (37 FR 235) a request for data and information on all antimicrobial active ingredients in drug products for repeated daily topical human use. A clarifying call for data and information was published in the FEDERAL REGISTER of April 4, 1972 (37 FR 6775).

On May 8, 1972, the Commissioner signed the final regulations providing for the OTC drug review under § 330.10 (formerly § 130.301) published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), which were made effective immediately.

The Commissioner appointed the following Panel to review the data and information submitted and to prepare a report on the safety, effectiveness, and labeling of OTC products containing antimicrobial ingredients for topical human use, which includes soaps, surgical scrubs, skin washes, skin cleansers and first-aid preparations, pursuant to § 330.10(a)(1).

Harvey Blank, M.D., Chairman; Frank B. Engley, Jr., Ph.D.; William L. Epstein, M.D.; Wallace L. Guess, Ph.D.; Florence K. Kinoshita, Ph.D. (resigned from the Panel in September, 1973); Mary Marples, M.A., M.D., D.T.M. and H. (resigned from the Panel in January, 1974); Paul D. Stolley, M.D.

The Panel was convened first on June 29, 1972, in an organizational meeting. Fifteen working meetings were held on August 16, 17, and 18; September 14, 15, and 16; October 19, 20, and 21; November 18, 19, and 20; December 14, 15, and 16, 1972; February 8, 9, and 10; March 3, 4, and 5; April 25, 26, and 27; June 7, 8, and 9; July 7, 8, and 9; August 30, 31, and September 1; September 27, 28, and 29; November 29 and 30, 1973; February 3, 4, and 5; and June 1 and 2, 1974.

Three non-voting liaison representatives, Ms. Sarah Newman nominated by an ad hoc group of consumer organizations; Joseph M. Pisani, M.D., nominated by the Proprietary Association; and Robert Giovacchini, Ph.D., nominated by the Cosmetic, Toiletry and Fragrance Association, participated in Panel discussions. Food and Drug Administration employees included Ms. Mary Bruch who served as Executive Secretary, Michael Kennedy as Panel Administrator, and Melvin Lessing, M.S., R.Ph. as Drug Information Analyst.

In addition to the Panel members and liaison representatives, the Panel utilized the advice of one consultant, Richard Marples, B.M., M.Sc.

The following individuals were given an opportunity to appear before the Panel to express their views either at their own or at the Panel's request:

Richard Baughman, M.D.; Abe Cantor, Ph.D.; Salvatore De Salva, Ph.D.; Hans P. Drobeck, Ph.D.; Mr. T. E. Furia; Sol Gershon, Ph.D.; Donovan E. Gordon, D.V.M., Ph.D.; Alfred Halpern, Ph.D.; Gavin Hildick-Smith, M.D.; Ira Hill, Ph.D.; John Koolstra, Ph.D.; Frank Lyman, M.D.; Milton Manowitz, Ph.D.; Ben Marr-Lanman, M.D.; Mr. Nicholas Molnar; Joseph Page, Esq.; Gerald Rice, M.D.; Dan Roman, Ph.D.; Louis Scharpf, Ph.D.; Edward Singer, Ph.D.; Richard Sykes, Ph.D.; David Taber, Ph.D.; Mr. David Taplin; Monroe Trout, M.D.; Leonard Vinson, Ph.D.; Mr. Anthony Young.

No other person requested an opportunity to appear before the Panel.

SUBMISSION OF DATA AND INFORMATION

Pursuant to the notices published in the FEDERAL REGISTER of January 7, 1972 (37 FR 235) and April 4, 1972 (37 FR 6775) requesting the submission of data and information on antimicrobial ingredients in OTC drugs, the following firms made submissions relating to marketed products:

Firm	*Marketed Products*
Alexander Manufacturing Co., Texarkana, Ark. 75501.	Alexander's Dand-Ex.
Apple-Crone Drugs Laboratories, Southfield, Mich. 48075.	Apple-Crone Hair and Scalp Conditioner.
Armour-Dial, Inc., Chicago, Ill. 60608	Dial Soap.
Ayerst Laboratories, New York, N.Y. 10017	Dermoplast Aerosol.
Bowman Pharmaceuticals, Inc., Canton, Ohio 44702.	Surgical Soap with 2 percent hexachlorophene.
Calhoun's Laboratory, Savannah, Ga. 31405	Dyper-Rash-Eze and Fung-O Ointment.
Campana Corp., Batavia, Ill. 60510	Cuticura Medicated Soap.
C. R. Canfield & Co., Minneapolis, Minn. 55408.	Sebacide.
Chase Chemical Co., Cleveland, Ohio 44110	Donovo and Glov-Kote.
Chesebrough-Pond's, Inc., Clinton, Conn. 06413.	Vaseline First Aid. Carbolated Petrolatum Jelly and Virac Topical Germicide.
Ciba-Geigy Corp., Ardsley, N.Y. 10502	Irgasan® DP-300 (Triclosan), Irgasan® CF 3 (Clofiucarban).
Colgate-Palmolive Co., New York, N.Y. 10022	Dermassage Lotion, P-300 Soap Bar, Tackle Gel, Washkins, Wash'n Dri, and Wash'n Dri Washkins for Babies.
Eby Chemical Co., Harrisburg, Pa. 17105	Ecco Medicated Powder.
Factor, Max and Co., Hollywood, Calif. 90028	SEBB Lotion.
The Falk Co., Wayzata, Minn. 55391	Falk's Camfo Creme.
Ferro Corp., Toledo, Ohio 43605	Ottasept.
Fine Organics, Inc., Lodi, N.J. 07644	Temasept IV (Tribromsalan).
Gaby, Inc., Philadelphia, Pa. 19125	Gaby Greaseless Suntan Lotion and G-63.
T. R. Gibbs Medicine Co., Inc., Washington, D.C. 20020.	T. R. Solution.
Givaudan Corp., Clifton, N.J. 07014	G-11 (Hexachlorophene).
Goyescas Corp. of Florida, Miami, Fla. 33142.	Princeladas Goyescas.
Gypsy Remedy Co., Ocala, Fla. 32670	Gypsy's Wonder Ointment.
Harrison's Laboratories, Jackson, Miss. 39201	Harrison's Lotion.
Herald Pharmacal, Inc., Bedford, Va. 24523	H. A. F. Ansel Antiseborrheic Lotion and Seborid Shampoo.
High Chemical Co., Philadelphia, Pa. 19122	Kloriyptus Oil and Kloriyptus Ointment.
Huntington Laboratories, Inc., Huntington, Ind. 46750.	G.S.I. Iodine Surgical Detergent and Sana-Prep Pre-Surgical Preparation.
Indiana Botanic Gardens, Hammond, Ind. 46325.	Vanishing Balm.
The Jola Co., Milwaukee, Wis. 53210	"Jola" Xeem Cream.
F. N. Kalert Co., St. Louis, Mo. 63125	Formula 59 Foot Soap.
King Laboratories, Richardson, Tex. 75080	Pedolatum.
Laboratory Robaina, Inc., Hialeah, Fla. 33010	Acetolia Robaina and Jabon Acetolia.
Lam Enterprises, Honolulu, Hawaii 96817	Liquid Taizema, Green Remedy, Taizema Ointment, and Zenji Sui.
Larson Laboratories, Inc., Erie, Pa. 16505	Foot Note.
Legulo Pharmaceutical Mfr., Chicago, Ill. 60634.	Legulo and Legulo, Mild.
Lyne Laboratories, Winchester, Mass. 01890	Hexa-Cet.
Macall Inc., Philadelphia, Pa. 19125	Balmex Medicated Lotion.
Marika of Albuquerque, Albuquerque, N.M. 87106.	Verdi Lotion.
Mecos, Inc., New Orleans, La. 70113	Wylon Scalp Treatment.
Merck, Sharp and Dohme Research Laboratories, West Point, Pa. 19486.	Approve, F.P.S. Skin Cleaner, and S.T. 37 Antiseptic Solution.
Meri Jo Inc., Tampa, Fla. 33614	Fine Fungicide and Korn Kure.
Miles Laboratories, Inc., Elkhardt, Ind. 46514	Bactine, Bactine Aerosol, and Bactine Towelettes.
Mon-Ray Chemical Co., Forest City, N.C. 28043.	Mon-Ray Formula 222.

Firm	*Marketed Products*
Monsanto Industrial Chemicals Co., St. Louis, Mo. 63166.	Triclocarban.
Nitine, Inc., Clifton, N.J. 07015	Nitex.
Norwich Pharmacal Co., Norwich, N.Y. 13815	Unguentine Aerosol, Unguentine Original Formula, Unguentine Plus, and Unguentine Spray.
Oxford Chemicals, Atlanta, Ga. 30341	Garvoderma, Oxford Phex, Oxford Pro-Med, Oxford Pro-Med (odoriess), Oxford San-O-Sep, and Oxford Sep.
Parke, Davis and Co., Detroit, Mich. 48232	Liquid Germicidal Detergent, Phemerol Solution, Phemerol Tincture, and Phemerol Topical.
Pfister Chemical Inc., Ridgefield, N.J. 07657	TBS-100 (Tribromsalan).
Phenex Antiseptic Laboratories, Inc., Chicago, Ill. 60641.	Phenex Antiseptic, Phenex Ointment 30%, and Phenex Skin Lotion.
Plough, Inc., Memphis, Tenn. 38101	Clean 'N Treat, Mexsana Medicated Powder, Solarcaine Cream, Solarcaine Foam, Solarcaine Lotion, and Solarcaine Spray.
Wm. P. Poythress and Co., Inc., Richmond, Va. 23217.	Bensulfoid Lotion.
The Procter and Gamble Co., Cincinnati, Ohio 45217.	Safeguard Soap.
The Purdue Frederick Co., Yonkers, N.Y. 10701.	Betadine Aerosol Spray, Betadine Ointment, Betadine Skin Cleanser, Betadine Solution, Betadine Surgical Scrub, and Betadine Surgical Scrub/Skin Cleanser.
Red Foot Products Co., Inc., Detroit, Mich. 48228.	Redfoot Corn and Callus Remover, and Redfoot Powder.
Resinol Chemical Co., Baltimore, Md. 21201	Resinol Greaseless Cream and Resinol Ointment.
The Rilox Co., New Orleans, La. 70122	Geneva Ointment and Shave Losh.
Rystan Company, Inc., Little Falls, N.J. 07424.	Prophyllin Ointment and Prophyllin Powder.
Savoy Drug and Chemical Co., Michigan City, Ind. 46360.	Special Ointment and Special Foot Powder.
R. Schattner Co., Washington, D.C. 20016	Oraderm Lip Lotion and Chloraderm.
Sherwin Williams Chemicals, Toledo, Ohio 43608.	Tribromosalicylanilide.
Smith, Kline and French Laboratories, Philadelphia, Pa. 19101.	Acnomel Cake, Acnomel Cream, and Pragmatar.
Sterling Drug Inc., New York, N.Y. 10016	Campho-Phenique Liquid, Campho-Phenique Powder, Fisohex, Hexachlorophene, Medi-Quik, PhisoHex, Phiso-Scrub, Roccal, Sarene, Soapure, Zephiran Aqueous, Zephiran Chloride, Zephiran Chloride Tincture, Zephiran Spray, Zephiran Towelettes, Zobenol Aqueous, and Zobenol Tincture.
United States Borax and Chemical Corp., Los Angeles, Calif. 90010.	Luron Lotion Soap, MD®7 Lotion Soap, and Tomac Lotion Soap.
The Upjohn Co., Kalamazoo, Mich. 49001	Mercresin Tincture.
R. T. Vanderbilt Company, Inc., New York, N.Y. 10017.	Vancide 89RE and Vancide FP.
Vestal Laboratories, St. Louis, Mo. 63110	Septisol.
Wade Chemical Corp., Shreveport, La. 71103	Jim Wade Foot Medicine.
West Chemical Products, Inc., Long Island City, N.Y. 11101.	Ionol, Prepodyne Scrub, Prepodyne Solution, Prepodyne Concentrate, Tamed-Iodine Scrub, and Wescodyne.
Woolley Chemical Co., Ogden, Utah 84401	Treu-Youth Hand Balm and Treu-Youth Lotion Pack.

In addition, the following firms made related submissions:

Firm	*Submissions*
Armour-Dial, Inc., Chicago, Ill. 60608	Hexachlorophene, Tribromsalan, and Triclocarban.
Lever Brothers Co., Edgewater, N.J. 07020	Tribromsalan.
Millmaster Onyx Corp., Jersey City, N.J. 07302.	Quaternary Ammonium Salts.
The Procter and Gamble Co., Cincinnati, Ohio 45217.	Clofiucarban, Hexachlorophene, Tribromsalan, and Triclocarban.
The Purdue Frederick Co., Yonkers, N.Y. 10701	Iodophors.
Sterling Drug Inc., New York, N.Y. 10016	Benzalkonium Chloride, Methylbenbethonium Chloride, and Tribromosalicylanilide.
West Chemical Products Inc., Long Island City, N.Y. 11101.	Iodophors.

The labeled ingredients contained in these products are as follows:

Acetone
Alkyl amine of lanolic acids
Allantoin
Alrosol
Aluminum hydroxide
Aluminum potassium sulfate
Ammonia solution
Balsam Peru
Bentonite
Benzalkonium chloride
Benzethonium chloride
Benzocaine
Benzoic acid
Benzoin fluidextract
Benzyl alcohol
Bismuth subcarbonate
Bismuth subnitrate
Boric acid
Boric acid glycerite
Butylated hydroxytoluene
Calamine
Camphor
Captan (N-trichloro-methylthio-4-cyclohexene-1, 2-dicarboximide)
Castor oil
Cetyl alcohol
Cetyl alcohol-coal tar distillate
Chlorobutanol
Chlorophyll
Chlorothymol
Citric acid
Clofucarban
Coal tar, crude
Coconut oil
Collodion
Cornstarch
Dipropylene glycol
Dodecylbenzene sulfonate
Entsufon
Ether
Eucalyptol
Eucalyptus dichloride
Eucalyptus oil
Eugenol
Ferric chloride
Fluorosalan
Glycerin
Goose grease
Hexylresorcinol
Hexachlorophene
8-Hydroxyquinoline benzoate
Iodine complexed with phosphate ester of alkylaryl polyethylene glycol
Juniper tar
Kaolin
Lanolin
Lanolin, anhydrous
Lanolin, cholesterols
Lanolin, modified, ethoxylated
Lanolin, hydrous
Lecithin
Lidocaine hydrochloride
Magnesium stearate
Menthol
Mercuric chloride
Methylbenzethonium chloride
Methylcellulose
Methylparaben
Methyl salicylate
Mineral oil, refined
Nonylphenoxypoly-ethoxyethanol
Nonylphenoxypoly-(ethyleneoxy) ethanoliodine complex
Oleostearin
Orthochloromercuriphenol
Orthohydroxy phenylmercuric chloride
Oxyquinoline sulfate
Para-chloro-meta-xylenol
Parahydrecin
Petrolatum
Phenol
Phenyl salicylate
Pine oil
Pine tar
Poloxamer-iodine complex
Polyoxyethylene lauryl ether
Polysorbate
Polysorbate 20
Potassium alum
Potassium coconut soap
Potassium salt of cocoyl - polypeptide condensate
Povidone-iodine complex
Propylene glycol
Propionic acid
Propylparaben
Quaternary ammonium compounds
Quince seed mucilage
Resorcinol
Resorcinol monoacetate
Rosin
Salicylic acid
Saponified greases
Secondary - amyltricresols
Sequestrene 50 K3
Silicone
Sodium biphosphate
Sodium borate
Sodium citrate
Sodium phenolate (phenate)
Sodium propionate
Sodium salicylate
Sodium salicylic acid phenolate
Sodium undecylenate
Storax
Sucrose octaacetate
Sulfur

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Sulfur, colloidal
Sulfur, flowers of
Sulfur, precipitated
Tannic acid powder
Tetracaine hydrochloride
Thymol
Tragacanth
Tribromsalan
Triclocarban
triclosan
Triethanolamine
Triton X-100
Undecoylium chloride-iodine
Undecylenic acid
White oil of thyme
Zinc acetate
Zinc carbonate
Zinc oxide

CLASSIFICATION OF INGREDIENTS

The Panel has classified the following ingredients into groups identified below:

ANTIMICROBIAL INGREDIENTS

Quaternary ammonium compounds:
- Benzalkonium chloride
- Benzethonium chloride
- Methylbenzethonium chloride

Clofucarban
Fluorosalan
Hexachlorophene
Hexylresorcinol
Iodophors:
- Nonylphenoxypoly (ethyleneoxy) ethanol—iodine complex
- Poloxamer—iodine complex
- Povidone—iodine complex
- Iodine complexed with phosphate ester of alkylaryl polyethylene glycol
- Undecoylium chloride—iodine complex

Para-chloro-meta-xylenol
Phenol(s):
- Secondary-amyltricresols
- Sodium phenolate

Tincture of iodine
Tribromsalan
Triclocarban
Triclosan
Triple dye (see discussion elsewhere in the document).

ANTIMICROBIAL INGREDIENTS COMBINED WITH NON-ANTIMICROBIAL ACTIVE INGREDIENTS

If a product contains an antimicrobial ingredient and meets the definitions adopted by the Panel, it may be combined with other non-antimicrobial active ingredient(s): *Provided*,

(1) The antimicrobial ingredient remains safe and effective;

(2) The non-antimicrobial active ingredient is safe and effective;

(3) The labeling indicates the pharmacologic effects of all active ingredients;

(4) The combination provides rational concurrent therapy for a significant portion of the target population;

(5) The combination meets the requirement of the definitions for the antimicrobial product categories.

The Panel is particularly concerned that the combination not delay wound healing. If a skin antiseptic claim is made it must meet the requirement of the definition of a skin antiseptic described elsewhere in this document.

INGREDIENTS DEFERRED TO ANTIMICROBIAL II PANEL

Antimicrobial ingredients formulated in products labeled for use for specific indications, such as dandruff and seborrhea, acne, athlete's foot, and otitis externa will be included in the second part of the Panel's review, Antimicrobial II.

Captan
Coal tar, crude
Juniper tar
Pine tar
Propionic acid
Resorcinol
Resorcinol monoacetate
Salicylic acid
Salol—phenyl salicylate
Sodium undecylenate
Storax
Sulfur, colloidal
Sulfur, flowers of
Sulfur, precipitated
Tannic acid
Thymol
Undecylenic acid
White oil of thyme

INGREDIENTS DEFERRED TO OTHER PANELS

Data for several ingredients, frequently formulated with antimicrobials, were also submitted.

The following ingredients are all topical analgesics and have been deferred for review to the Topical Analgesic Panel:

Benzocaine
Camphor (refer to statements for phenol)
Lidocaine hydrochloride
Menthol
Methyl salicylate
Tetracaine hydrochloride

The following ingredients are all mercurials and have been deferred for review to the Miscellaneous Topical Panel:

Mercuric chloride
Orthochloromercuriphenol
Orthohydroxyphenylmercuric chloride

PRESERVATIVE LEVELS OF ACTIVE INGREDIENTS

The active antimicrobial ingredients reviewed by the Panel can be formulated in topical products at various concentrations. The minimum concentration required for effectiveness as an active ingredient will be established by in vitro and in vivo efficacy testing as will the range of concentrations which can be safely used. The Panel recognizes that many of these antimicrobial ingredients might also be added to products at much lower levels to prevent the spoilage of products and to protect them from the growth of microorganisms introduced as a result of customer use. Many of the antimicrobials reviewed are primarily active against gram positive microorganisms and would not generally be considered as good candidates for use as preservatives. However, some of these may be considered for use as part of a preservative system.

If an antimicrobial ingredient is to be used as a preservative, evidence should be available to demonstrate that the concentration used is the minimum at which it is effective as a preservative. The procedure for establishing the minimum effective preservative concentration(s) is the United States Pharmacopeia (USP), "Antimicrobial Agents—Effectiveness Test" under Microbiological Tests (currently, USP XVIII, p. 845). The safety should also be established according to the statements on individual ingredients and the Guidelines in this document.

Considerations other than antimicrobial activity are important in the selection of a preservative and usually include: Activity at low concentrations, solubilities and partition coefficients in the various types of formulations in which they are used.

Based on the data presently available, Category II ingredients which are Category II for all product categories (see discussion elsewhere in this document) are not recommended for use as preservatives under any circumstances.

The question of the adequacy of the following ingredients as preservatives will not be discussed at this time but will be considered by the OTC Antimicrobial II Panel.

Benzoic acid
Benzyl alcohol
Boric acid
Chlorobutanol
Chlorothymol
8-Hydroxyquinoline benzoate
Methylparaben
Oxyquinoline sulfate
Propylparaben
Sodium propionate

One manufacturer submitted data claiming oxyquinoline sulfate as an active ingredient in a formulated product (Ref. 1). The Panel has classified this ingredient as a preservative, similar to those submitted in other formulations. As has been stated, the concentration of the antimicrobial and time of exposure, among other parameters, determines the clinical effectiveness of an antimicrobial.

The claim submitted for oxyquinoline sulfate at a 0.03 percent level is based entirely on in vitro data. The agar-well technique to determine zones of inhibition was used. The tests were conducted with 0.03 percent oxyquinoline sulfate plus other preservatives (methylparaben and propylparaben). Zones of inhibition were determined for the formulation but not for individual ingredients.

Methylparaben, propylparaben and oxyquinoline sulfate are listed as active ingredients in the formulation at levels currently used in many lotion formulations as preservatives to maintain the quality of the lotion and prevent microbial contamination with use. No in vivo studies were submitted to support the effectiveness of oxyquinoline sulfate as a clinically active ingredient on the skin. Therefore, the Panel has classified the ingredient as a product preservative.

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(1) OTV Volume 020054.[1]

INACTIVE INGREDIENTS

Inactive ingredients are useful in the manufacturing of pharmaceutical preparations to enhance the quality and/or appearance of the product. This list reflects only those inactive ingredients contained in the labeled ingredients submitted to the Panel and is not intended to be an exhaustive list.

[1] Cited OTC Volumes refer to the submissions made by interested persons pursuant to the call for data notice published in the FEDERAL REGISTER. The volumes are on file in the Office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Acetone
Alkyl amine of lanolic acids
Allantoin
Alrosol
Aluminum hydroxide
Aluminum potassium sulfate
Ammonia solution
Balsam Peru
Bentonite
Benzoin fluid extract
Bismuth subnitrate
Bismuth subcarbonate
Boric acid glycerite
Butylated hydroxytoluene
Calamine
Castor oil
Cetyl alcohol
Chlorophyll
Citric acid
Coconut oil
Collodion
Cornstarch
Dipropylene glycol
Dodecylbenzene sulfonate
Entsufon
Ether
Eucalyptol
Eucalyptus dichloride
Eucalyptus oil
Eugenol
Ferric chloride
Glycerin
Goose grease
Kaolin
Lanolin
Lanolin, anhydrous
Lanolin, cholesterols
Lanolin, modified ethoxylated
Lanolin, hydrous
Lecithin
Magnesium stearate
Methylcellulose
Mineral oil, refined
Nonylphenoxypolyethoxyethanol
Oleostearin
Parahydrecin
Petrolatum
Pine oil
Polyoxyethylene lauryl ether
Polysorbate
Polysorbate 20
Potassium alum
Potassium coconut soap
Potassium salt of cocoyl—polypeptide condensate
Propylene glycol
Quince seed mucilage
Rosin
Saponified greases
Sequestrene 50 K3
Silicone
Sodium biphosphate
Sodium borate
Sodium citrate
Sodium salicylate
Sodium salicylic acid phenolate
Sucrose octaacetate
Tragacanth
Triethanolamine
Triton X-100
Zinc acetate
Zinc carbonate
Zinc oxide

The OTC Antimicrobial I Panel was charged with the review and evaluation of safety and effectiveness data on antimicrobial ingredients and combinations in topically applied OTC products.

An outline was developed by the Panel to evaluate the data from all the submissions for ingredients (Ref. 1). The outline was made at the beginning of the Panel's deliberations to provide a checklist for the information in the data submissions supplied to the Panel. During its deliberations, other modified guidelines for the evaluation of antimicrobial ingredients were developed and are included in this document.

The report of this Panel deals with antimicrobial ingredients in the following products: Soaps, surgical scrubs, skin washes, skin cleansers, first-aid preparations, and additional products defined by the Panel.

The Panel defined an "antimicrobial ingredient" as an agent which kills or inhibits the growth and reproduction of micro-organisms. Many products formulated with antimicrobials for use as handwashing products, surgical scrubs or so-called "antiseptics" are marketed as concentrates with label directions for dilution prior to use. The dilution recommended for use, as distinguished from the marketed concentrates, is defined in this report as the "use concentration" or the "use dilution." The Panel in its deliberations considered the activity of these ingredients at "use concentrations".

The Panel recognized that many ingredients reduce the number of micro-organisms on the skin. The normal flora of micro-organisms on the skin has been divided traditionally into "transient" and "resident" flora (Ref. 2). The transient flora can be considered the organisms which are picked up from contact with the environment or from other persons and which are not part of the established normal flora. These organisms are easily removed from the upper layer of the skin along with dirt particles and oil. However, a transient organism may become part of the resident established flora. In contrast, the resident flora is usually considered the organisms which constitute the established flora of the skin.

The ingredients reviewed by the Panel are formulated in products designed to reduce microbial flora on the skin. The intended effect ranges from the reduction of acquired pathogens on the skin to the reduction of the normal resident flora to low levels. Some products are used on the skin with more than one intended effect. There has been widespread use of antimicrobials in soap, surgical scrubs and pre-operative preparations based on the view that the reduction of normal flora to as low a level as possible will have a positive effect on the prophylaxis of disease. The interrelationship of the concentration, time of action or contact time, the microbial spectrum, and the possible deleterious effect of drastic changes in the normal skin flora have been largely ignored in the past or only superficially investigated. The Panel concludes the interrelation of findings of this type to the mitigation, treatment or prevention of infection has not been established by the data submitted.

Since topical products without an active ingredient frequently have a substantial effect, there should be some demonstration that the formulated product with the active ingredient is better than the vehicle alone. In the case where a test of effectiveness is performed, the vehicle should be used as a control. Emollient effect is obvious with the vehicle of many topical products. For instance, the contribution of this effect to wound healing, or its relationship to the effectiveness of an antimicrobial product is unknown.

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1. *Effectiveness of antimicrobial bar soap—Balance of normal skin flora.* It is well recognized that the human skin carries a population of micro-organisms known as the normal flora. The numbers vary among individuals and in different locations on the same individual. The predominant members of the normal flora are gram-positive cocci and diphtheroids. These groups are not only regarded as harmless on the intact skin but are considered to have a protective effect against potential pathogenic micro-organisms. Small numbers of gram negative species, such as the coliforms and related organisms, as well as higher forms, such as yeasts may be residents of the skin of healthy individuals. In certain circumstances, where the composition of the gram positive micro-organisms are altered, dense populations of gram negative micro-organisms may develop.

It has been demonstrated by Ehrenkranz et al. (Ref. 1) that with continued washing of the feet twice a day for 2 weeks, a *Pseudomonas* colonization was established on the foot washed with antibacterial soap (containing triclocarban, tribromsalan and cloflucarban) and not on the (control) soap-washed foot. This work has been confirmed with a larger group of subjects by Amonette and Rosenberg (Ref. 2) by Taplin (Ref. 28) and by Marples (Ref. 3). With other antimicrobials, Taplin (Ref. 4) has reported to the Panel that their use removes some protective advantages of the gram positive flora, especially against colonization with *Pseudomonas*. These studies demonstrate the potential harmful shift in the normal flora of the skin which may occur with the repeated use of gram-positive bacteriostatic products. Marples has shown the enormous increase in the resident microflora occurring when the skin is covered with an impermeable film as well as the influence of gram-positive bacteriostats in this test system which can result in the occurrence of a high gram-negative population on the skin (Ref. 29 and 30). Reports that changes in the normal flora of the hands occurred after the use of products containing gram-positive bacteriostats and resulted in carriage of gram negative organisms have been made by Bruun and Solberg (Ref. 31) and by Brown (Ref. 32). A protective function of resistance to certain infections has been postulated for the normal flora, particularly the diphtheroid population of the skin by Marples (Ref. 3, 4 and 28).

The Panel states their concern to that already widely expressed in the scientific community that the widespread use of anti-gram-positive antibiotics, antimicrobials on the skin, and hard surface disinfectant products which are frequently active only against gram positive organisms has produced a tremendous increase in gram negative infections in hospitals and other closed environments (Ref. 33). The Panel recognizes that the isolation of any one factor as responsible for cause and effect is difficult. However, they believe that there is sufficient evidence to postulate an effect from the use of topical antimicrobials.

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Deodorant effect. The reduction of the normal skin flora, particularly the gram positive flora, has a deodorant effect. Dravnieks et al. (Ref. 5), Meyer-Rohn (Ref. 6), Shehadeh and Kligman (Ref. 7) and Shelley et al. (Ref. 8) have established the relationship of the gram positive flora to odor. It was the estimate of a group of experts from industry and academia (who appeared before the Panel to discuss the effectiveness of antimicrobials in the classes of products currently being reviewed by the Panel) that approximately a "70 percent reduction" in the microbial flora (as measured by hand-washing tests) would produce a deodorant effect. The exact percent reduction required to achieve a deodorant effect either on the entire body or in the axillae was not established by the data submitted. The view of the Panel is that perhaps some bar soaps which achieve a 90 percent or more reduction of gram positive organisms may be so active as to be harmful (Refs. 1 through 4).

The concentration of any antimicrobial incorporated into a bar soap should be set at a level which reduces the microbial flora sufficiently to produce a deodorant effect. Currently, neither the amount of the antimicrobial needed nor the degree of reduction of the hand flora (measured in handwashing tests) needed to achieve this can be stated conclusively. The Panel hopes that these uncertainties can be resolved with increasing refinement of effectiveness tests and expansion of effectiveness testing to include areas of the body other than the hands.

Classical ecological studies have shown only too clearly the dangers of altering a stable community of any type, including microorganisms (Marples, Ref. 9; Rosebury, Ref. 10). While a reduction of the cutaneous population of gram positive microorganisms does have a deodorant effect, such a change may be disadvantageous to the host, since not only is there no conclusive evidence that the antimicrobial reduces or prevents infection, but its action may even enhance the growth of a potentially pathogenic microorganism.

Data are accumulating which indicate that shifts and/or alteration in the composition of the normal skin flora are harmful (Refs. 1, 2, 3, 29, 31 and 32). It is the judgment of the Panel that until definitive data are available it is prudent to avoid significant alterations in the normal flora. These shifts or alterations in normal flora may even be more hazardous in an institutional setting (closed population) or with individuals who have altered susceptibilities.

Wound healing. In animal models the use of certain antimicrobials in liquid soap retarded wound healing. Dajani et al. (Ref. 11) and Custer et al. (Ref. 12) showed retardation of healing in artificially contaminated animal wounds treated with polyvinyl pyrrolidone-iodine complex and 3 percent hexachlorophene. Edlich et al. (Ref. 13) indicate that the ratio of ethylene oxide to propylene oxide in the block polymers (pluronic polyols) determines the tissue toxicity of surfactants used alone or complexed with iodine (for further details refer to comment on Iodophors). Data with respect to wound healing with bar soaps were not submitted. In a recent study in humans by Ruby and Nelson (Ref. 14), however, scrubbing the lesions of impetigo with a hexachlorophene soap had no appreciable beneficial or adverse effect on wound healing.

Prevention of skin infections. Attempts have been made to demonstrate clinical effectiveness in the prevention of minor skin infections with the use of soaps containing an antimicrobial.

Three studies, performed at the military service academies, were designed and executed in the attempt to show that prophylaxis of minor skin infections can be achieved with the use of an antimicrobial bar soap. There were variations in the control of the subjects, the extent of laboratory analysis of cultures, and the critical character of the diagnosis of lesions and followup of the subjects. Essentially, the overall design was similar. Certain companies of men were assigned to "test soap" and others to "control soap".

The collective description of cutaneous infection or cutaneous pyodermas is divided into specifically defined clinical entities in the discussion of the results of these studies. The terms used to define specific skin infections are furuncles, furunculosis, or multiple furunculosis, paronychia, pustular folliculitis, impetigo, and secondarily infected abrasions and blisters. These are all commonly used medical terms.

In all cases attempts were made to eliminate the concomitant use of other drug and cosmetic products containing an antimicrobial.

Chronologically, the first was a 2 month study performed by Leonard at West Point in 1966. The test soap bar contained a 2 percent mixture of three antimicrobial ingredients: Tribromsalan, triclocarban, and cloflucarban. The author's summary (Ref. 15) indicates a 44 percent reduction in superficial cutaneous infections.

When a direct comparison of total incidence of cutaneous infections is made, there appears to be a significant difference. The incidence of single furuncles was significantly higher in the control group. However, if only the incidence of multiple furunculosis is examined, the difference is not significant. Also, there were more paronychial infections among the men using the antibacterial soap bar than among those using the control bar.

Dr. Clarence Livingood (Ref. 16), who has closely checked the results of the three studies, has communicated his view that the analysis of the results in all three studies are equivocal and may be explained, in part, as follows:

(1) There was variation in diagnosis resulting from the use of more than one physician for diagnosis.

(2) It seemed probable that a 2 month study was too short to establish the expected results.

(3) The results of the bacteriologic cultures were not included.

(4) The initial infection rate was not uniform in the test groups.

At about the same time as the West Point Study, MacKenzie (Ref. 17) conducted a 6 month study at the Naval Academy at Annapolis with a soap containing 0.75 percent triclocarban and 0.75 percent hexachlorophene. The effect of soap usage on different types of lesions was described in the report of the study. The incidence of both furunculosis and secondarily infected skin lacerations was also the same in the control and treated groups. However, there was a lower incidence of cellulitis secondary to trauma and pustular folliculitis in the test group using antibacterial soap.

The results of another but unpublished study at Annapolis were also commented on by Dr. Livingood. In this case, a soap containing 2 percent mixture of tribromsalan, triclocarban, and cloflucarban, different from that used in the first Annapolis study, was tested. The results showed no reduction in furunculosis or paronychia in the groups using the antimicrobial soap. Again, there was a reduction in infections as complications of minor traumatic injuries.

It is the Panel's view that conclusions cannot be drawn with respect to the prophylaxis of cutaneous skin infections from a comparison of the specific lesions which occurred in both groups.

In 1969 Duncan et al. (Ref. 18) compared inhabitants of two Texas prison farms, one of which used an antimicrobial soap bar (2 percent mixture of tribromsalan, cloflucarban, and triclocarban) while the other did not. This study, monitored by the Armed Forces Epidemiology Board, was performed in an attempt to resolve the persistent questions of effectiveness raised by the two earlier published studies. Again, unequivocal conclusions could not be drawn from data presented comparing the incidence of skin infection in the treated and control groups.

A study was performed in a home for the mentally retarded in Ellisville, Mississippi by Wheatley et al. (Ref. 19). The authors reported that the use of an antimicrobial soap bar significantly reduced the incidence of superficial cutaneous pyogenic infections. A careful review of this unpublished paper by the Panel and by a statistician led to the conclusion that the interpretation of the data by the authors could not be accepted due to problems of study design and analysis.

The most important difficulty encountered was the assumption that the "observations" were independent (an observation was the weekly infection rates). Inappropriate statistical tests of significance were applied. The basic outcome measure (weekly infection rates) was called into question and the raw data were requested so that the study could be re-analyzed. The company sponsoring the study was unable to supply these data and it was felt that no inferences as to effectiveness could be drawn from the data presented in the report that was submitted to the Panel.

Studies among combatants in Vietnam and also among military personnel and children in Colombia, South America performed by Allen and Taplin et al. (Ref. 20 and 21) suggested that the use

of an antimicrobial soap did not prevent infection under stress conditions. And in fact, streptococcal skin infection continued to be the most common cause of disability from superficial infections among the troops. These studies also indicated that hygiene and climate are important determinants in the development of superficial staphylococcal and streptococcal infections.

The Panel reviewed the clinical studies designed to show effectiveness in the prevention of minor skin infections. These studies were found insufficient to support a conclusion of effectiveness.

Acute glomerulonephritis is one of the more serious complications which may follow streptococcal skin infection. Nephritis may also follow streptococcal throat infections. No all strains of *Streptococcus* are nephritogenic. The streptococcal types associated with nephritis following impetigo or pyoderma are not the same ones associated with nephritis following streptococcal pharyngitis (Ref. 22). The risk of nephritis following a streptococcal skin infection with a nephritogenic strain is about 12 percent (Ref. 23). This relationship has also been described by Dillon et al. (Ref. 24), Department of the Army (Ref. 25) and Kelly and Taplin (Ref. 26). Allen and Taplin (Ref. 20), Taplin et al. (Ref. 21) and Dillon (Ref. 27) have shown the high incidence of streptococcal sores in indigent children and in children in tropical climates. In addition, the Panel's concern is also based in part on the great increase in all types of gram negative infections, including *Pseudomonas* infections, in hospitals where anti-gram positive agents are in wide use (Ref. 33).

Because of the information called to the Panel's attention they have been concerned that routine use of antimicrobial soaps may have a long-term harmful effect by reducing the protective effect of the normal skin flora. It is possible that contrary to what might be expected from an antibacterial product that certain bacterial infections due to gram-negative and streptococcal organisms might be increased, rather than decreased. If this is proven to be true, the deodorant benefit would probably be considered outweighed by the potential hazard. In addition, because these chemicals are absorbed into the bloodstream, the Panel is concerned about the prudence of exposing the entire body surface to these chemicals when alternative methods of odor control are available.

The Panel has been particularly concerned that some soap and detergent bars containing antimicrobial ingredients for which only deodorant claims are made are classified legally as cosmetics rather than drugs. These products are formulated with ingredients which have been placed in Category III by the Panel but which will be moved to Category I or II at the end of the period allowed for submission of data to prove safety and effectiveness. These products are now in Category III but might be moved into Category II in the future, if the Food and Drug Administration concludes from the data before it that they are not generally recognized as safe and effective. However, the data might not support a finding that they are adulterated cosmetics, thus there is a risk that these products may continue to be marketed as cosmetics without adequate substantiation of safety.

Regardless of the legal classification of these products, it is important from a public health standpoint that they be subject to the same strict requirements for safety and effectiveness as the drug products which the Panel has reviewed in this Report.

As long as the antimicrobial ingredients of these products are effectively regulated, the Panel is not concerned whether they be classified as cosmetics or as drugs. If, for example, a regulation can be promulgated imposing the kind of testing requirements recommended in this Report upon all cosmetics containing antimicrobial agents at levels higher than those necessary for preservative use, the Panel's concerns will be met. If it is not possible adequately to control products classified as cosmetics in this way, then the Panel would strongly recommend that the Food and Drug Administration institute whatever action is necessary to reclassify cosmetic products containing antimicrobial agents as drugs.

In the view of the Panel, the Food and Drug Administration should take this regulatory action in the near future. If it turns out that the Food and Drug Administration has no legal basis to require that cosmetic products containing antimicrobial ingredients be adequately tested for safety, the Panel would urge Congress to furnish the necessary authority.

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2. *Efficacy for erythrasma.* Definite evidence has been presented for the therapeutic effectiveness of antimicrobial-containing soaps against erythrasma.

Erythrasma is a skin disease caused by *Corynebacterium minutissimum*. This skin microorganism has been identified by Sarkany et al. (Ref. 1, 2 and 3) and Gougerot and Duche (Ref. 4).

While definitive evidence was presented for the therapeutic effectiveness of antimicrobial-containing soap against this disease by Koolstra (Ref. 5), Dodge et al. (Ref. 6), Rosenberg and Allen (Ref. 7), Taber et al. (Ref. 8) and Taplin et al. (Ref. 9), the Panel agreed that this observation alone could not support claims of antimicrobial activity against other infections. Erythrasma cannot be diagnosed except by a physician using special techniques and therefore, OTC use and labeling would not be appropriate.

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3. *Effectiveness of surgical hand scrubs containing antimicrobials.* Since Semmelweis' mandate in the period 1841–1846, published in 1861 (Ref. 1), that the physician's examining fingers be washed and disinfected with chlorine to prevent childbed fever, there has been controversy surrounding the desirability of disinfection of the surgeon's hands. The intervening years have produced only a little evidence to clarify the situation. Price's work in 1938 (Ref. 2) initiated attempts to quantify reduction in the microbial flora. The picture has become more confused with the introduction of new antimicrobial agents, particularly those with a substantive effect. A substantive effect is the retention or binding of the chemical in the stratum corneum of the skin after rinsing.

Historically, the effectiveness of a surgical scrub product has been judged by the reduction in microbial count achieved after the use of the scrub. These handwashing tests have usually been performed utilizing one of the several basin tests described by Price (Ref. 2), Cade (Ref. 3) and Quinn (Ref. 4).

In the past, the single criterion for effectiveness of a surgical scrub product has been a comparison of the microbial count on the hands before and after handwashing. The comparison has usually been made from the results of these standard handwashing tests. The Glove Juice Test (see guidelines for testing), included in the suggested protocols, is an improved test which the Panel feels is necessary to evaluate two aspects of microbial reduction in the efficacy testing of surgical hand scrubs: the initial reduction of microbial count (as measured before and after hand scrubbing) and, in addition, any subsequent build-up of microbial count over time. The increase in count is measured by a comparison of the baseline count and/or the reduced count, after scrubbing, with the count determined at a selected time period after donning surgical gloves.

The use of surgical antiseptics dates back to Semmelweis and Lister. The latter disinfected the skin at the operative site, dressings, and instruments in a 1:20 solution of carbolic acid, and degermed the hands. Godlee (Ref. 5) has recorded the historical aspects of the development of Lister's methods. In more recent times, tincture of green soap followed by alcohol rinse was in common usage until the 1950's. Since then, surgical scrubs containing an iodophor or hexachlorophene have been in common usage, as reported in a survey by King and Zimmerman (Ref. 9). Iodine scrubs in the form of iodophor formulations have been widely accepted. Polyvinyl pyrrolidone and various surfactant carriers are used to slow iodine release and thus reduce the irritation of the skin caused by iodine. The activity of any iodophor is dependent on the release of titratable iodine from the complex. The iodine released when the complex is in contact with the skin is not only available to kill micro-organisms, but is only available and is adsorbed by dead skin cells or other organic material on the skin. The action of iodine is broad spectrum, including gram positive and gram negative micro-organisms, fungi and viruses.

Data delineating the balance between the release of iodine from an iodophor and availability to the microorganisms on the skin were not submitted and are required before unequivocal judgment concerning the effectiveness of iodophors on the skin can be made. Iodophors usually do not possess any substantivity.

It is desirable for surgical hand scrubs to contain substantive antimicrobials. Although hexachlorophene is substantive, especially with repeated use, its toxicity is of such concern to the Panel that they recommend that an alternative should be sought. While a one-time scrub with a substantive antimicrobial may not reduce the count initially as low as an iodophor, or indeed, any lower than scrubbing with soap and water, repeated use does reduce the level of the microbial flora on the skin. Three to five days are usually required to demonstrate the substantive activity of these products. The action of a substantive product may also reduce the rapidity with which the count rises after the surgeon's gloves are donned. The assumption should be verified using the Glove Juice Protocol.

Actually, while products formulated with either fast-acting or substantive antimicrobials possess attractive characteristics, neither one alone possesses ideal characteristics for a surgical hand scrub. The obvious solution, where chemical compatabilities permit, is a combination of the use of both products. The consistent use of a substantive antimicrobial-containing product daily at home and in the hospital would yield a reduced level of flora and some substantivity on the skin. Scrubbing with an iodophor would reduce the flora to an even lower level prior to surgery. The substantive characteristic might also be made available in a glove powder, lotion, or foam to be applied to the hands prior to donning the gloves.

The proof that one surgical hand scrub, or for that matter, any surgical hand scrub is effective as a prophylaxis for post surgical infection would be ideal; however, the data are probably impossible to acquire since there are multiple factors involved in post-surgical infection. The concept of reducing the microbial count to as low a level as possible is certainly prudent, since the longer the surgery, the greater the risk to the patient from post-surgical infection.

The punctured surgeon's glove has been hypothesized, and in some cases shown, to be the source of post-surgical wound infection, as reported by Devenish and Miles. (Ref. 6). It is estimated that between one-third and one-half of the surgical gloves are punctured or torn during surgery.

From the results of research on skin flora, it is now apparent that wearing of occlusive surgical gloves or wrapping the skin with occlusive plastic allows the growth of high populations of microorganisms and has been described by Marples (Ref. 7) and Peterson (Ref. 8). The Panel, therefore, recognizes that donning of the surgical glove may itself produce a rapid increase in microbial count on the hands, even after a surgical scrub product has been used.

Considering these facts, the Panel feels that an effective surgical scrub should reduce the initial count of both the transient and normal flora to as low a level as possible and prevent the build-up of high microbial counts in the glove with time. The exact shape of the curve indicating increase in microbial count with time after the use of a fast-acting scrub or a substantive antimicrobial scrub has not yet been determined.

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4. *Use of health-care personnel handwash.* The overriding reason for the washing and degerming of the hands of nursing and other hospital personnel is the prevention of the transfer of pathogenic organisms from infected patients to the attending personnel and to other patients.

The development and testing of products for this purpose has lagged. The ideal preparation would be a broad-spectrum, fast-acting, substantive antimicrobial which could realistically be used for the numerous repeated daily handwashings required in patient care. The ideal product must reduce the transient flora to the level present before the manipulations required by patient care and must have characteristics which will allow repeated use and conformity to routine use without excessive irritation.

Transient microorganisms can be readily added to the flora of the skin and be retained for varying periods of time depending on the environmental and micro-environmental conditions encountered. The variety of transient organisms acquired depends upon the contacts which the hands have made. Organisms encountered and retained on the skin have been enumerated and described by Marples (Ref. 1), Blank et al. (Ref. 2) and Rosebury (Ref. 3) and include numerous gram negative species (Ref. 6) and a variety of fungi.

The plea was first made by Price in 1950 (Ref. 4) and repeated by King and Zimmerman (Ref. 5) for a comparative study of hand degerming and scrubbing products using standard laboratory techniques so that some rational recommendation for use can be made. This Panel would also recommend controlled comparative studies in an attempt to reduce the conflicting and ambiguous claims by manufacturers and possibly to resolve laboratory data from studies where the design varies virtually with every study performed.

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5. *Use of pre-operative skin preparations.* An antimicrobial product for use in the preparation of the operative site may possess characteristics different from surgical scrubs or handwashing products. Since the product is normally and routinely applied only once to prepare the skin for surgery or manipulative procedures, the antimicrobial should be fast acting and broad spectrum. The product should not cause injury to the site where it is applied. It is desirable to reduce the microbial population (resident and transient) to as low a level as possible prior to the surgical procedures (Ref. 2). Five percent phenol solution was preferred by Lister, while iodine, organic mercury compounds, quaternary ammonium compounds and ethyl alcohol have been used in more recent times as recorded by King and Zimmerman (Ref. 1).

There are some difficulties associated with the testing of pre-operative skin preparations. (See discussion in the guidelines of efficacy testing of a patient pre-operative skin preparation.) Frequently, the skin is not rinsed after application of a pre-operative skin preparation. If in vivo tests of effectiveness are undertaken, the carry-over of the residual antimicrobial ingredient from the skin to the culture medium in the process of sampling of the skin becomes a problem. In order to counteract the antimicrobial activity of any chemical inadvertently carried-over, neutralizers specific for the antimicrobial should be added to the culture medium. Neutralizer development has made reliable testing of antiseptics and disinfectants possible. The lack of rinsing of the skin and the subsequent carry-over of the antimicrobial ingredient during testing has stimulated development of a variety of neutralizing formulations for use in the testing of antimicrobial skin products including a universal one as described by Engley and Dey (Ref. 3). If neutralizers are utilized, the inherent toxicity of the neutralizer for the specific mircroorganisms being tested should be determined, as well as verification that the neutralizer is effective for the antimicrobial chemical being tested. Effectiveness testing of a Patient Pre-Operative Skin Preparation is described in the Guidelines for Testing in this document.

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6. *Use of antimicrobial products in the reduction of staphylococcal colonization in the nursery.* Studies by Rammelkamp et al. (Ref. 1), Love et al. (Ref. 2) and others, have shown a reduction in the incidence of pathogenic organisms in the nursery with antiseptic hand care. Gluck and Wood (Ref. 3) showed, in a controlled study, that routine practice of hexachlorophene bathing of newborn infants in the nursery reduced staphylococcal colonization. Many washing procedures for infants utilizing dilutions of the commonly available 3 percent hexachlorophene products with variations in regimen have been in use since hexachlorophene bathing was introduced.

Questions have been raised over the years concerning the influence of the use of a gram positive bacteriostatic agent on the incidence of gram negative infections in the nursery. One such comment is in the report by Light and Sutherland (Ref. 4). Some nurseries have operated without the use of hexachlorophene bathing at all and still maintain low infection rates. Indications are that the recent cessation of use of hexachlorophene to bathe infants in the nursery has resulted in increased staphylococcal infections in nurseries. These outbreaks have been documented by Gezon (Ref. 5), Dixon et al. (Ref. 6) and Kaslow et al. (Ref. 7).

The Food and Drug Administration, upon the advice of the OTC Antimicrobial I Panel, took action and issued in the FEDERAL REGISTER of September 27, 1972 (37 FR 20160) a final order making hexachlorophene available only by prescrip-

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tion, except at concentrations less than 0.1 percent as part of a preservative system, and limiting the indications in the labeling under 21 CFR 3.91. The use of hexachlorophene in nurseries is now limited to handwashing by personnel and its use to bathe the infants is recommended only in the face of an unchecked staphylococcal outbreak. The indications as specified in the final regulation are as follows:

(a) Bacteriostatic skin cleanser for surgical scrubbing or handwashing as part of patient care.

(b) For topical application to control an outbreak of gram positive infection where other infection control procedures have been unsuccessful. Use only as long as necessary for infection control.

Other antimicrobial products may eventually replace hexachlorophene as a means of reducing staphylococcal colonization. Authors generally agree that the umbilical stump is the site initially colonized with *Staphylococcus* in the newborn. This observation has been verified by Hurst (Ref. 8) and Fairchild (Ref. 9).

Studies designed to show reduction in colonization with staphylococci and subsequent prevention of staphylococcal disease will be difficult to perform in the future with new antimicrobial products. The major difficulties are the projected large number of patients necessary for a prospective study and the need to obtain patient consent.

The Panel has reviewed triple dye (a combination of bacteriostatic dyes) which was in use prior to the introduction of hexachlorophene bathing of neonates (Ref. 10). This dye combination has been used to supplant the formerly used hexachlorophene (Ref. 11). Because of the renewed interest in Triple Dye, the Panel has reviewed the existing literature and has included this product in the report.

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7. *Use of skin wound cleanser.* The removal of foreign material from minor, superficial wounds without retardation of healing is regarded by the Panel as the primary use for this category of products.

The Panel is aware that there is a wide array of products which are to be used on the skin for cleansing wounds or with the intent of preventing infections. Historically these products have contained an antimicrobial ingredient based on the theory that use of such an ingredient was beneficial for use in or on a minor cut, scrape, burn or wound. Little, if any, scientific evidence exists to substantiate the assumption of prophylaxis against infection by the topical use of antimicrobial ingredients.

The Panel, after review of the information submitted, has concluded that the primary treatment of the wound should be the thorough cleansing of that wound to remove foreign material, dirt and debris.

STATEMENT ON SAFETY FACTORS FOR TOPICALLY APPLIED ANTIMICROBIAL AGENTS

In the field of toxicology it has been traditional in estimating safety factors for topically applied materials to relate the "effect" and "no-effect" level resulting in pathological alterations from the orally (intravenous, intraperitoneal and inhalation have also been used) and dermally administered dose. Some multiple of the highest no-effect dose, based on body weight (mg/kg), has been used in calculating a safety factor. The Panel in considering this approach to safety factors examined other evidence that suggested that biological effects of the applied chemical are often best extrapolated among species on the basis of relative surface areas (Ref. 2 and 10). The Panel utilized this latter approach initially in its calculations for safety factors for topically applied antimicrobial ingredients. In addition, the Panel is cognizant of the fact that analytical chemical techniques can now be utilized to determine concentrations of chemicals in blood. This then can permit correlation of the topically applied dose to blood levels and any resultant pathological alterations.

Knowledge of the blood levels achieved by application of a chemical in varying formulations at different dose levels and routes of administration can help in the understanding of the biopharmacology of a chemical substance. Even before the topically applied material gets into the blood there are many conditions which influence the rate and amount absorbed through the skin. There are great differences among animal species, among skin areas on the body, among normal, irritated, diseased or previously treated skin areas and often variations from one individual to another. For these reasons systemic toxicological information from topically applied materials can at best be only supplementary to that from administration by another route which bypasses the cutaneous barrier and insures appropriate amounts in the blood. Additionally, the rate of absorption, the rate of excretion, the metabolic fate, and the amount stored in depots also affect the relationship between the applied dose and pathological alteration. Blood levels therefore may be a more reliable correlate of pathologic effects to aid in the determination of safety factors than administered dosages. The Panel believes that it is important to develop, such information whenever possible, and to take it into consideration in the development and setting of safety factors. This blood level data should be required in toxicological studies as it may be a more direct measure of absorbed dose than can be obtained from merely a measure of topically applied dose.

Many methods were presented to the Panel for the determination and/or prediction of the toxicity of an active chemical ingredient in man based on data obtained from laboratory animals.

A variety of calculations of applied dose, absorption, blood levels and appropriate safety factors have been reviewed by the Panel and discussed with various persons. The Panel has decided to detail specific examples of their calculation procedures used in the estimation of possible toxic effects among species, and they are included herein. The Panel recognizes the difficulty in the translation of the results of toxicity testing from one species to another and particularly, to man. Various assumptions have been made in the past concerning the relative sensitivity of man compared to various animal species, but established comparisons do not exist primarily because of variation in effect with different drugs.

Paracelsus (1493–1541) wrote: "All things are poisons, for there is nothing without poisonous qualities. It is only the dose which makes a thing a poison." In addition to the "poisonous qualities" a chemical may possess, at certain concentrations and routes of administration, other characteristics such as subject idiosyncrasy, allergy, and tolerance must be considered to evaluate safety of an effective dose.

The initial toxicological evaluations are conducted in animals to determine the qualitative and quantitative pharmacological aspects of the chemical. Delineators of response which may vary from species to species are routes of administration, dose and plasma levels, rate of absorption, rate and route of excretion, distribution throughout the body, and nature and number of metabolites. Because species differences can be considerable, multiple animal species (rodent and nonrodent) should be used. Further, something should be known of the effect of the active chemical agent in all the species tested so that some comparison can be made with man.

Blood levels of the active ingredient in animals are of value in the overall evaluations of "effect" (lowest dose which produces a toxic effect) "no-effect" (highest dose which produces no toxic effect) response dose levels. They are the result of several interrelated mechanisms, among them being (1) absorption rate from the site of application, (2) metabolism by enzymes, (3) distribution and storage in the tissues, and (4) excretion. Absorption is not the same in all animals or from all sites of administration. This may be related to species differences and/or to the physical-chemical properties of the active chemical. The metabolic rate and fate of an ingredient is a direct reflection of the animals' enzyme systems which characterize the individual animal species. Therefore, blood levels of the active chemical and or metabolites are important determinants after a particular mode of dosing in a particular species of animal. As demonstrated by Spinks (Ref. 1) when 100 mg/kg of sulfadimidine was fed orally to 10 different species of animals, doses produced blood levels in the various species which had little relationship to body size or blood volume. As stated earlier, absorption is not the same in all animals, or from all sites of administration. Of course, experienced investigators would shave the site of application for the testing of topically applied products and dose seven days a week.

The active ingredients which are reviewed here are formulated in topically applied products. The importance of vehicle in the delivery of the active ingredient is well recognized. Not only should there be an investigation of toxic effect after topical application, but the character and effect of the vehicles alone should also be examined. The toxicity of a specific ingredient can be dramatically affected by selection of a vehicle.

The Panel recognizes the difficulty in translating the results of animal toxicity to man. Sufficient animal data must be collected to construct a dose/response curve. This should include adequate data on absorption, blood level(s), metabolic rate and fate, and excretion, so that an analysis for threshold effect and safe use level for that particular animal can be determined. Then an extrapolation to man may be made. Any error in translation of effects to man must be on the side of human safety. A safety factor frequently has been applied to the lowest effect level in animals when that particular dose is translated to potential and/or possible toxic effects in man. For example, a 100-fold safety factor has generally been used for the applied dose for food additives. Actually, it varies from 10 to 500 in application to food additives. The safety factor used in any given case depends upon the nature of the adverse effects noted in animals and on the amount of data derived from human studies. The 100-fold margin of safety is a useful general guide. If, however, a different safety factor is used, it should be based on adequate scientific studies that establish safe levels of use. The Panel has used the methods of Paget and Barnes (Ref. 2) to translate toxic oral or topical doses in animals to the dose where an expected toxic effect might appear in man. This was done because safety data of the type recommended by the Panel were not available.

The following methods were used by the Panel in an effort to calculate these safety factors:

The Panel made calculations from data presented for various ingredients. The calculations presented here are hypothetical, show the assumptions made and are intended to explain the method.

1. Expected no-effect dose level in man: Determine the lowest toxic effect and the highest no-effect dose in mg/kg topically applied in an animal species. (If an effect cannot be determined in a topical application, the oral route of administration should be employed). Take the highest no-effect dose in that animal species and calculate the absolute dose using the method described in Paget and Barnes (Ref. 2). From the absolute dose the multiplication can be made with the factor given in this reference for the specific animal used in the test and this, then, is the dose level at which no-effect might also be expected in man.

2. Expected blood level from product use in man: Assume a bar soap with 3 percent active antimicrobial is used for one bath per day. Assume that 7 grams of soap are used in one bath. This would give an exposure of 0.21 grams or 210 mg. per bath of active ingredient. Assume retention of all 210 mg. active ingredient on the skin (there is very little firm data presently available on the amount of antimicrobial retained on the skin after exposure). If 3 percent of the applied active ingredient is absorbed into the blood stream, the dose per bath would be:

0.03×210.0 mg. = 6.30 mg. active ingredient absorbed.

If the assumption is made that the total dose is immediately absorbed, the dose distributed in the blood of a 70 kg. human would be:

$$\frac{6.30 \text{ mg}}{5{,}000 \text{ ml blood/70 kg human}} = 1.26 \text{ mcg active ingredient per milliliter of blood}$$

The assumption is made here that the amount of chemical presented to the individual in a single bath is all retained on the skin and absorbed and distributed in the blood giving a blood level of 1.26 mcg/ml.

As a further example, assuming retention of 0.5 mcg. of active ingredient per sq. cm. of skin and the product is to be used over the entire skin area, as in a bar soap, the total dose retained would be 9.25 mg. over the entire body. The calculation would be 0.5 mcg. per sq. cm. $\times 18{,}500$ sq. cm. of skin (based on a 70 kg, 5'10'' human). Assuming for this case, a 10 percent absorption:

$9.25 \text{ mg.} \times 0.10 = 0.93$ mg. dose per bath

If the assumption is also made that the total dose is immediately absorbed, the dose distributed in the blood of a 70 kg. human would be:

$$\frac{0.93 \text{ mg}}{5{,}000 \text{ ml blood/70 kg human}} = 0.18 \text{ mcg active ingredient per milliliter of blood}$$

Safety factors were calculated using the available evidence. For the specific calculations, see the individual ingredient statements.

These two hypothetical calculations using known facts with stated assumption are examples of the type of safety factor calculations considered by the Panel. In this calculation, the information required is the retention of the chemical by the skin after exposure. The missing information here is the absorption excretion kinetics for that chemical.

A direct comparison can be made and thus a safety factor can be estimated by a comparison of the calculated human blood level with the blood level in animals, if known. A comparison of the dose where there is no effect in animals translated to the dose in which no effect may be expected in humans against the hypothetical dose to which a person is exposed from the use of a product containing the ingredient can be made if blood level data are not available.

It must be stressed again that the best calculations and judgments are made when all of the pertinent data are available and frequent assumptions do not have to be made. The variety of calculations presented to the Panel have been the result of making assumptions because the data were not available.

In the Panel's judgment, submitted studies to determine effect/no-effect level have been inadequate. For example, where two dose levels were run (100 mg/kg; 500 mg/kg) and the lower dose demonstrated no-effect while the higher dose demonstrated an effect, additional studies must be conducted using appropriate intermediate doses to determine the highest no-effect level.

If the safety factor is extrapolated from an animal species to man, considering surface area, the highest no-effect dose should be used for the multiplier. In the absence of complete data, at least a one hundred-fold safety factor should be applied when translating the animal highest no-effect dose to man.

The ideal situation would occur where enough animal data have been collected to construct a dose response curve with concurrent blood levels so that analysis for threshold effect and safe level estimation for the animal can be made Mantel and Bryan (Ref. 3), Mantel (Ref. 4)

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and Gross et al. (Ref. 5). Additional references supporting the ideas expressed here are found in Crampton (Ref. 6), Litchfield (Ref. 7 and 8) and World Health Organization Technical Report (Ref. 9).

In summary, the Panel recommends that toxicological studies, where appropriate, contain applicable administered doses, achieved blood levels, and observed pathological alterations in the same study and the same species.

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DEFINITIONS OF PRODUCT CATEGORIES

Not all antimicrobial products are used for the same purpose nor should the requirements for effectiveness be the same. In an attempt to classify topically applied antimicrobial ingredients and products, one of the important concepts considered in the development of definitions is the distinction between the determination of effectiveness in preventing or combatting clinical infection (sepsis) and the reduction of resident or transient microorganisms on the skin.

Label claims for handwashing, surgical scrubs and first-aid products presently include prevention of infection, reduction in spread of infection, and reduction of normal flora. Frequently, claims against specific organisms are made with clinical implications based solely on in vitro data.

The following specific definitions of antimicrobial product categories have been developed by the Panel in an attempt to simplify categorization of ingredients and thereby eliminate labeling confusion.

The most rigid definition with respect to effectiveness requirements is for a "skin antiseptic". The other six definitions relate to the "skin antiseptic" definition and their distinctive effectiveness requirements are described. Each defined product requires specific studies to support effectiveness.

The Panel has adopted definitions for the following categories of topical preparations when applied at acceptable use concentrations:

Skin Antiseptic
Patient Pre-Operative Skin Preparation
Surgical Hand Scrub
Health-Care Personnel Handwash
Skin Wound Cleanser
Skin Wound Protectant
Antimicrobial Soap

1. Skin antiseptic—"A safe, non-irritating, antimicrobial-containing preparation which prevents overt skin infection. Claims stating or implying an effect against microorganisms must be supported by controlled human studies which demonstrate prevention of infection."

There has been misunderstanding, confusion and exaggeration in the definition and use of the term "antiseptic." The literal translation from the Greek means "against putrefaction." In recent times the definition has been interpreted as activity against infection or microbial sepsis. The term "antiseptic" is comparable to accepted definitions for a "disinfectant." Even though they are often confused, there has been a traditional restriction of the term "antiseptic" for antimicrobial formulations applied to living tissues, particularly on the human body, and the term "disinfectant" to inanimate objects. The distinction between antiseptics and disinfectants, for regulatory purposes, has also been made on the basis of these definitions. The Panel's view is that "antisepsis" properly refers to the use of antimicrobial chemicals on the skin or on human tissue and that "disinfection" properly refers to their use on inanimate objects. Disinfectants or antimicrobial chemicals labeled for use on inanimate objects are regulated as economic poisons under the Federal Environmental Pesticide Control Act (7 U.S.C. 136). Antiseptics labeled for use on human or animal tissue are regulated as drugs under the Federal Food, Drug and Cosmetic Act.

The traditionally accepted definition metic Act defines an "antiseptic" as "The representation of a drug in its labeling as an antiseptic shall be considered to be a representation that it is a germicide except in the case of a drug purporting to be or represented as an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder or such other use as involves prolonged contact with the body."

The traditionally accepted definition of an antiseptic by the scientific community has included activity against infection when applied to living human tissues and has been recorded in publications by Reddish (Ref. 1) and Patterson (Ref. 2). A current definition by Sykes (Ref. 3) states that antiseptics are preparations possessing antibacterial or antifungal activities which are suitable for application to living tissues of the human body.

Over the years, the exaggerated labeling claims on a large variety of products containing antimicrobials has led to misuse and abuse of the term "antiseptic."

The Panel has attempted to eliminate the confusion by developing a rigorous definition of a Skin Antiseptic. The remaining definitions can be explained in terms of their own effectiveness requirements and in the manner in which their use and composition differs from a skin antiseptic.

2. Patient pre-operative skin preparation—"A safe, fast-acting, broad-spectrum antimicrobial-containing preparation which significantly reduces the number of microorganisms on intact skin."

Any product labeled as a Patient Pre-Operative Skin Preparation must be effective against all types of organisms comprising the skin microflora so as to obtain as low a number of micro-organisms as possible in a short period of time without injury to the operative site. Controlled studies, conclusively demonstrating that the use of antimicrobial-containing products are superior to soap and water in the prevention of post-surgical wound infections do not exist. The inescapable logic in the use of products designed to reduce the microbial flora in the operative field is apparent and is supported by a long history of use. The use of these products is specialized, under professional supervision, and will generally be for a single application.

3. Surgical hand scrub—"A safe, non-irritating antimicrobial-containing preparation which significantly reduces the number of micro-organisms on the intact skin. A surgical hand scrub should be broad-spectrum, fast-acting and persistent."

The use of this category of products is normally limited to the hands and forearms. The comments concerning post-surgical infection made under Patient Pre-Operative Skin Preparation apply here. A discussion of the effectiveness, difficulties to be considered and rationale for the product is presented in the Panel's comment concerning effectiveness under Surgical Hand Scrub. The term persistent refers to the possibility of extended activity with time of an applied antimicrobial by a mode, including among others, substantivity.

4. Health-care personnel handwash—"A safe, non-irritating preparation designed for frequent use, which reduces the number of transient microorganisms on intact skin to an initial baseline level after adequate washing, rinsing and drying. If the preparation contains an antimicrobial agent, it should be broad-spectrum, fast-acting, and if possible, persistent."

A product fitting this definition should be designed to be used repeatedly, perhaps as many as 100 times a day, to reduce and, if possible, eliminate "transient" microorganisms present on the skin resulting from contact with contaminated persons or materials. In all likelihood, the specified effect, i.e., removal of transient organisms can be achieved with a well-formulated non-antimicrobial soap or detergent product. In vivo testing would be mandatory to show the effectiveness of such a product (See suggested testing procedures in Guidelines in this document). Any transient organism can become part of the established "resident" flora with time. Obviously, in a health-care situation, the fast, effective removal of transient organisms is a requirement since they may be pathogenic.

Such products containing an antimicrobial ingredient should be broad-spectrum. The term broad-spectrum when used with reference to microbiological spectrum means that the antimicrobial has activity against more than one type of microorganism. For example, many of the active ingredients discussed in this report have significant activity against only gram positive bacteria whereas a broad-spectrum antimicrobial would have to demonstrate activity against gram positive and gram negative bacteria and would very likely also have activity against fungi and viruses. A product containing an antimicrobial with substantive (retention of the chemical in the skin) properties which acts to prevent the growth or establishment of transient microorganisms as part of the normal baseline or resident flora would provide an added benefit.

Essential qualities of all health-care personnel handwash preparations must be low toxicity and little or no irritancy with repeated use. The adherence to washing regimens is an important consideration in the formulation of products in this category and health care personnel reject the repeated use of irritating and/or unpleasant formulations.

5. Skin wound cleanser—"A safe, non-irritating liquid preparation (or product to be used with water) which assists in the removal of foreign material from small superficial wounds and does not delay wound healing."

A product in this category is designed to aid, by its cleansing activity, in the removal of foreign materials from a minor superficial wound. Such a product may or may not contain an antimicrobial ingredient. Included in the term "safe" are the considerations that the skin wound cleanser should be non-irritating and not delay wound healing. It is obvious that a product such as a bar soap with water could serve as a Skin Wound Cleanser. There is no necessity that such a product show effectiveness in the prevention of wound infection.

6. Skin wound protectant—"A safe, non-irritating preparation applied to small cleansed wounds which provides a protective (physical and/or chemical) barrier and neither delays healing nor favors the growth of microorganisms."

A product in this category whether a liquid, semisolid, or solid preparation, when applied to a properly pre-cleansed superficial minor wound, provides a physical and/or chemical barrier to protect the wound from further contamination with foreign material or microorganisms. This type of product may or may not contain an antimicrobial ingredient. These products, by definition, are not designed for extended repeated use or for use on large or deep wounds.

7. Antimicrobial soap—"A soap containing an active ingredient with in vitro and in vivo activity against skin microorganisms."

Soaps without antimicrobial ingredients (as defined in 21 CFR 3.652) are exempt from regulation under the Federal Food, Drug, and Cosmetic Act.

An antimicrobial soap must, by definition, contain an active antimicrobial ingredient. A product in this category is designed to reduce the microbial flora of the skin. Both the resident and transient pathogenic and non-pathogenic flora of the skin may be reduced by the use of an antimicrobial soap. The relationship of this reduction to the prevention of minor skin infection has not been established. (For a more detailed review, see the Panel's comments on the effectiveness of Antimicrobial soaps.) Antimicrobial soaps should be designed and tested for safety, when used repeatedly and for extended periods, potentially for a lifelong duration with total body exposure. In recent years the addition of antimicrobial agents to soaps has greatly increased, and many individuals are involuntarily, unknowing captive consumers of such soaps (Ref. 4). Because a large portion of the population is exposed to this potential hazard, the Panel recommends that any soap or detergent containing an active antimicrobial ingredient state on its label the United States Adopted Names (USAN) or common name of the active ingredient.

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(3) Sykes, G., *"Disinfection and Sterilization,"* 2nd Ed., J. B. Lippincott, Philadelphia, 1965.

(4) Fisher, A. A., *"Contact Dermatitis,"* 2nd Ed., Lea and Febiger, Philadelphia, 1973.

The OTC Antimicrobial I Panel has thoroughly reviewed the literature, and the various data submissions, has listened to additional testimony from interested parties and has considered all pertinent data and information submitted through June 15, 1973 in arriving at its conclusions and recommendations.

ACTIVE INGREDIENTS

The Panel reviewed all active ingredients which were the subject of submissions made to the Panel pursuant to the standards for safety, effectiveness, and labeling set out in the regulations.

In accordance with the regulations, the Panel's findings with respect to these ingredients are set out in three categories:

I. Conditions under which antimicrobial products are generally recognized as safe and effective and are not misbranded.

II. Conditions under which antimicrobial products are not generally recognized as safe and effective or are misbranded.

III. Conditions for which the available data are insufficient to permit final classification at this time.

A table listing the active ingredients, classified into one of the three categories, for use in preparations defined by the Panel is included for easy reference.

Active ingredient	Antimicrobial soap	Health-care personnel hand wash	Patient preop skin preparation	Skin antiseptic	Skin wound cleanser	Skin wound protectant	Surgical hand scrub
1 Benzalkonium chloride	NA[1]	III	III	III	I	III	III
2 Benzethonium chloride	NA[1]	III	III	III	I	III	III
3 Cloflucarban	III	III	II	II	II[2]	II	II
4 Fluorosalan	II	II	II	II	II	II	II
5 Hexachlorophene	II	II	II	II	II	II	II
6 Hexylresorcinol	NA[1]	III	III	III	I	III	III
7 Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.	NA[1]	III	III	III	III	III	III
8 Methylbenzethonium chloride.	NA[1]	III	III	III	I	III	III
9 Nonyl phenoxypoly (ethyleneoxy) ethanoliodine.	NA[1]	III	III	III	III	III	III
10 Para-chlorometaxylenol	III	III	III	III	III	III	III
11 Phenol:							
(a) Greater than 1.5% (aqueous alcoholic)	II	II	II	II	II	II	II
(b) 1.5% or less (aqueous alcoholic)	III	III	III	III	III	III	III
12 Poloxamer-iodine complex	NA[1]	III	III	III	III	III	III
13 Povidone-iodine complex	NA[1]	III	III	III	III	III	III
14 Tincture of iodine	NA[1]	II	I	II	II	II	II
15 Tribromsalan	II	II	II	II	II	II	II
16 Triclocarban	III	III	II	II	II[3]	II	II
17 Triclosan	III	II	II	III	III	II	II
18 Triple dye	NA[1]	NA[1]	NA[1]	III[3]	NA[1]	NA[1]	NA[1]
19 Undecoylium chloride-iodine complex.	NA[1]	III	III	III	III	III	III

[1] NA (Not applicable)—Due to a physical and/or chemical incompatability in formulation.
[2] Classified in category III when formulated in a bar soap to be used with water.
[3] Restricted for use only in the neonatal nursery.

NOTE.—For other phenols and vehicles, see body of report.

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I. *Conditions under which antimicrobial product are generally recognized as safe and effective and are not misbranded.* The Panel recommends that the conditions specified in Category I be made effective 30 days after publication of the final monograph in the FEDERAL REGISTER.

ACTIVE INGREDIENT

A. The active ingredients generally recognized as safe and effective for use in an "antimicrobial soap" and not misbranded are:

1. None listed.

B. The active ingredients generally recognized as safe and effective for use in a "health-care personnel handwash" and not misbranded are:

1. None listed.

C. The active ingredients generally recognized as safe and effective for use in a "patient pre-operative skin preparation" and not misbranded are:

1. Tincture of iodine.

D. The active ingredients generally recognized as safe and effective for use in a "skin antiseptic" and not misbranded are:

1. None listed.

E. The active ingredients generally recognized as safe and effective for use in a "skin wound cleanser" and not misbranded are:

1. Benzalkonium chloride.
2. Benzethonium chloride.
3. Hexylresorcinol.
4. Methylbenzethonium chloride.

F. The active ingredients recognized as safe and effective for use in a "skin wound protectant" and not misbranded are:

1. None listed.

G. The active ingredients generally recognized as safe and effective for use in a "surgical hand scrub" and not misbranded are:

1. None listed.

TINCTURE OF IODINE AS A PATIENT PRE-OPERATIVE SKIN PREPARATION

There is an approximate 50-year history of the use of elemental iodine on the skin and mucous membranes. Iodine is soluble in alcohol and only slightly soluble in water but the presence of iodides increases its solubility in water. Iodine is a microbiocidal agent for cells on the skin at low concentrations. It must be recognized that the activity of iodine is dramatically influenced by the presence of organic material. A tincture product containing approximately 2 percent iodine has been used for many years. There is some irritation of the skin associated with the use of tincture of iodine. On the basis of risk-benefit considerations, the one-time use of this formulation as a patient pre-operative skin preparation can, in the Panel's view, be justified considering the efficacy of tincture of iodine on the microorganisms on the skin. The use of this formulation is limited to painting of the operative site prior to surgery and must be removed immediately upon drying with 70 percent alcohol after application, or used as directed by a physician.

The acceptable composition for tincture of iodine is not less than 1.8 grams and not more than 2.2 grams of iodine (I), and not less than 2.1 grams and not more than 2.6 grams of sodium iodide (NaI) in each 100 ml. of 44–50 percent ethyl alcohol or an appropriate denatured alcohol.

HEXYLRESORCINOL FOR USE AS A SKIN WOUND CLEANSER

It is obvious to the Panel from their review of the toxicity data in the literature and in the submissions to the Panel that hexylresorcinol is safe for topical use in small superficial wounds. The concentration of hexylresorcinol for use in a skin wound cleanser should be limited to a use concentration not greater than 1/1000. The major reason for the placement of hexylresorcinol in Category III was the paucity of effectiveness data for uses in other topical products. The reader is referred to the discussion of hexylresorcinol under Category III.

QUATERNARY AMMONIUM COMPOUNDS FOR USE AS A SKIN WOUND CLEANSER

Reference is made to the discussion of quaternary ammonium compounds ("quats") under Category III. Because of the reported delay in wound healing with quaternary ammonium compounds in animal model studies reported by Custer et al. (Ref. 1) and Edlich et al. (Ref. 2), only infrequent use in small superficial wounds is recommended by the Panel. Since many "quats" have a detergent action (Ref. 3 and 4) which can aid in the removal of foreign material from a small wound, their use in the formulation of a skin wound cleanser is reasonable, and in the opinion of the Panel, safe. The concentration of the quaternary ammonium compound (as benzalkonium chloride, benzethonium chloride, or methylbenzethonium chloride) should be limited to a use concentration not greater than 1/750. As defined by the Panel, an ingredient formulated in a skin wound cleanser need not possess antimicrobial activity. The dilution recommended for use of "quats" as a skin wound cleanser under Category I is regarded as safe provided that the product is not used repeatedly, covered with occlusive bandaging, or used in deep or extensive wounds.

REFERENCES

(1) Custer, J., R. F. Edlich, M. Prusak, J. Madden, P. Panek and O. H. Wangensteen, "Studies in the Management of the Contaminated Wound. V. An Assessment of the Effectiveness of pHisoHex and Betadine Surgical Scrub Solutions," *American Journal of Surgery*, 121:572–575, 1971.

(2) Edlich, R. F., I. R. Schmolka, M. P. Prusak and M. T. Edgerton, "The Molecular Basis for Toxicity of Disinfectants in Surgical Wounds," 1. EO:PO Block Polymers, Draft of unpublished paper is included in OTC Volume 020186.

(3) Reddish, G. F., *"Antiseptics, Disinfectants and Fungicides and Chemical and Physical Sterilization,"* 2nd. Ed., Lea and Febiger, Philadelphia, 1957.

(4) Hugo, W. B., *"Inhibition and Destruction of the Microbial Cell,"* Academic Press, New York, 1971.

LABELING

OTC products which contain active ingredients listed in Category I may use any phrase that is in the definition for that product category or any of the following additional terms:

A. ANTIMICROBIAL SOAP

1. Antimicrobial soap.
2. Antibacterial soap.
3. Reduces odor.
4. Deodorant soap.

B. HEALTH-CARE PERSONNEL HANDWASH

1. Decreases bacteria on skin.
2. Reduces risk (and/or chance) of cross-infection.
3. Recommended for repeated use.

C. PATIENT PRE-OPERATIVE SKIN PREPARATION

1. Kills microorganisms.
2. Reduces the number of microorganisms on the treated area.
3. Broad spectrum (if applicable).

D. SKIN ANTISEPTIC

1. Prevents overt skin infection.
2. Controls infection.
3. Degerming.
4. Kills germs.
5. Bacteriostatic and/or bactericidal.
6. Reduces the risk of infection and cross-infection.
7. Microbiocidal.
8. First-aid product.

E. SKIN WOUND CLEANSER

1. To clean superficial wounds.
2. Wash superficial (small) wounds.
3. First-aid product.
4. Aids in removal of foreign materials such as dirt and debris.

F. SKIN WOUND PROTECTANT

1. Protects against contamination.
2. Protects wounds.
3. Protectant.
4. First-aid product.

G. SURGICAL HAND SCRUB

1. Only phrases in definition.

The Panel was concerned that the phrases used in the definitions would not always be easily understood by the ordinary individual. For that reason they believe that the above listed terms are necessary so that OTC drugs will have labeling that is truthful and can be understood by consumers.

II. *Conditions under which antimicrobial products are not generally recognized as safe and effective or are misbranded.* The Panel recommends that the conditions specified in Category II, except for hexachlorophene and tribromsalan which have been handled separately (see hexachlorophene and tribromsalan discussions in this section) be made effective six months after publication of the final monograph in the FEDERAL REGISTER.

ACTIVE INGREDIENTS

A. the active ingredients not generally recognized as safe and effective for use in an "antimicrobial soap" and misbranded are:

1. Fluorosalan.
2. Hexachlorophene.
3. Phenol greater than 1.5 percent aqueous/alcoholic.
4. Tribromsalan.

B. The active ingredients not generally recognized as safe and effective for use in a "health-care personnel handwash" and misbranded are:

1. Fluorosalan.
2. Hexachlorophene.
3. Phenol greater than 1.5 percent aqueous/alcoholic.
4. Tincture of iodine.
5. Tribromsalan.
6. Trichlosan.

C. The active ingredients not generally recognized as safe and effective for use in a "patient pre-operative skin preparation" and misbranded are:

1. Cloflucarban.
2. Fluorosalan.
3. Hexachlorophene.
4. Phenol greater than 1.5 percent aqueous/alcoholic.
5. Tribromsalan.
6. Trichlocarban.
7. Triclosan.

D. The active ingredients not generally recognized as safe and effective for use in a "skin antiseptic" and misbranded are:

1. Cloflucarban.
2. Fluorosalan.
3. Hexachlorophene.
4. Phenol greater than 1.5 percent aqueous/alcoholic.
5. Tincture of iodine.
6. Tribromsalan.
7. Triclocarban.

E. The active ingredients not generally recognized as safe and effective for use in a "skin wound cleanser" and misbranded are:

1. Cloflucarban.[4]
2. Fluorosalan.
3. Hexachlorophene.
4. Phenol greater than 1.5 percent aqueous/alcoholic.
5. Tincture of iodine.
6. Tribromsalan.
7. Triclocarban.[4]

F. The active ingredients not generally recognized as safe and effective for use in a "skin wound protectant" and misbranded are:

1. Cloflucarban.
2. Fluorosalan.
3. Hexachlorophene.
4. Phenol greater than 1.5 percent aqueous/alcoholic.
5. Tincture of iodine.
6. Tribromsalan.
7. Triclocarban.

G. The active ingredients not generally recognized as safe and effective for use in a "surgical hand scrub" and misbranded are:

1. Cloflucarban.
2. Fluorosalan.
3. Hexachlorophene.
4. Phenol greater than 1.5 percent aqueous/alcoholic.
5. Tincture of iodine.
6. Tribromsalan.
7. Triclocarban.
8. Triclosan.

[4] Classified in Category III when formulated in a bar soap to be used with water.

HEXACHLOROPHENE

1. The OTC Antimicrobial I Panel thoroughly reviewed the submissions, literature and reports and listened to additional testimony from interested parties concerning the safety and effectiveness of hexachlorophene (HCP, 2, 2' methylenebis (3, 4, 6 trichlorophenol)). The Panel assumed that a topical antimicrobial OTC preparation should have at least a hundred-fold safety factor (applied to the administered dose) when used as directed. The data indicated that, with the presence of 1500 OTC formulations containing hexachlorophene, there would be potential toxicity from use of multiple products by one individual. Therefore, the Panel recommended to the Commissioner that hexachlorophene be considered not safe for general use as an OTC antimicrobial ingredient in man. Accordingly, a regulation, 21 CFR 3.91, delineates the future use of hexachlorophene only as a prescription drug, except when used as part of a preservative system in a concentration no greater than 0.1 percent.

Much of the information which supported this decision is part of the public record and is summarized below.

A key reference by Lockhart (Ref. 1) presents a review of early toxicological studies with hexachlorophene. She reviews the work of Kimbrough and Gaines (Ref. 2) and others who showed that hexachlorophene fed to rats for a few weeks produced central nervous system toxicity which is pathologically characteristic, if not absolutely diagnostic (Ref. 3).

Lesions occurred in the cerebellum, brain stem, and the cord. The tissues showed marked vacuolization of the grey and white matter. This lesion has been termed "status spongiosis" and has been described by Innes (Ref. 4). Virtually identical lesions have been found in the brains of other hexachlorophene-treated laboratory animals such as rabbits, dogs and monkeys as reported by Kimbrough (Ref. 2), Hart (Ref. 5), Curley (Ref. 24) and OTC Volumes 020044–020046, and 020069–020070 (Ref. 6). These lesions are sufficiently characteristic so that a trained neuropathologist can detect them in an examination of coded histopathologic sections. Furthermore, hexachlorophene-treated animals have been used as positive controls in evaluating potential neurotoxicity of other chemically related antimicrobial agents, providing an illustration of the consistency with which these lesions may be produced. (See OTC Volumes 020139 and 020148 (Ref. 6)).

Equally important was the development of an accurate and reliable method for measuring hexachlorophene blood levels by Browning (Ref. 7) and its application to the toxicological studies. As pointed out in the review by Lockhart (Ref. 1 and 11) results of several studies indicate that a blood level of greater than 1 mcg/ml is generally associated with pathological changes in the animal brains.

Lockhart (Ref. 1) also reviews in some detail a report to the Food and Drug Administration of a ninety-day bathing study of newborn rhesus monkeys with 3 percent hexachlorophene emulsion. Compared to no incidence in the controls, all five of the hexachlorophene-treated monkeys developed status spongiosis brain lesions and had mean blood levels about 1 mcg/ml. Other reports have confirmed the toxicity from repeated bathing of rabbits (OTC Volume 020148, Ref. 6) and in newborn monkey bathing studies (Ref. 14). In this study in newborn monkeys (Ref. 14), only seven days exposure was required to induce the lesions. Nieminen et al. (Ref. 25) have shown that hexachlorophene begins to have a toxic effect on the brains of exposed rats after they are about one week old. They noted vacuolization of the white matter, increased brain weight and water content along with paralysis of the hind legs. The new-born rats succumbed to a much lower oral dose of hexachlorophene than older rats. Martin-Bouyer (Ref. 26) has indicated the presence of lesions with electron microscopy as early as two hours after exposure to hexachlorophene. Lockhart (Ref. 1) reported that these toxic effects appear to be reversible in some circumstances after stopping exposure, provided that the animals survive.

In addition, Lockhart (Ref. 11) reviews hexachlorophene toxicity in man. Oral poisoning occurred in a number of cases usually after accidental ingestion. When hexachlorophene was used therapeutically in large doses for treatment of chlonorchiasis for 3 to 6 days, reversible central nervous system and gastrointestinal symptoms were produced in studies reported by Chung et al. (Ref. 8) and Liu et al. (Ref. 9). Topical use of hexachlorophene in the treatment of burns also has resulted in toxic effects and very high blood levels as reported in 1968 by Larson (Ref. 10).

Mullick (Ref. 13) examined the brain tissue sections of four children poisoned by topical exposure to hexachlorophene and confirmed that the lesions were identical to those seen in the animal studies.

Additional evidence of toxicity was reported from France when, during the summer of 1972, it became apparent that many infants had been poisoned by a topical baby powder inadvertently contaminated with up to 6 percent hexachlorophene (Ref. 12). More than 40 babies died during this episode. These data were supplied by the French Government and are currently confidential to the Food and Drug Administration and thus are not part of the public record of this Panel. Nevertheless, it is clear that the blood and tissue of infants who died contained high levels of hexachlorophene, an dthe central nervous system abnormalities observed histologically were indistinguishable from those produced in experimental animals.

While hexachlorophene is adsorbed onto the outer layers of skin, it is also absorbed systemically in relatively small amounts. Approximately 3 percent of the applied dose (in acetone) was absorbed into the systemic circulation in one study by Maibach (Ref. 15).

Significant blood levels have been detected in a number of studies of new-

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borns bathed in hexachlorophene preparations, ranging from .009 mcg/ml to 0.78 mcg/ml reported by Curley et al. (Ref. 16 and 24), Cunningham (Ref. 17 and 29), and Kopelman (Ref. 18). In one study of 10 "problem babies," it was found to range from 0.1 to 1.59 mcg/ml with a mean of 0.52 mcg/ml giving toxic levels in some infants. Recent studies over a period of three to four weeks of total body bathing studies with 3 percent hexachlorophene in adults have shown blood levels as high as 1.42 mcg/ml (Ref. 30). Also surgical scrubs of hands and forearms of adults, five times a day, with 3 percent hexachlorophene preparations have given, in selected individuals, levels after 10 days of 0.5 mcg/ml or higher. These findings are a result of a series of blood level studies using a specific hand and arm scrubbing regimen suggested in a Food and Drug Administration protocol. This protocol was used in studies designed to fulfill the requirement for blood level studies for products containing hexachlorophene for continued marketing as prescription drugs. These levels are considered as potentially toxic levels. The highest level recorded from blood level studies using this specific hand and arm scrubbing regimen has been 0.84 mcg/ml. These data are included in OTC Volume 020186 (Ref. 6).

Ulsamer et al. (Ref. 27) measured the hexachlorophene concentrations in the blood of volunteers who used a variety of hexachlorophene-containing products. Blood concentrations ranged from 0.38 mcg/ml. of blood (in an individual using a 3 percent hexachlorophene liquid product on his whole body) to 0.02 to 0.14 mcgm/ml. in subjects only washing their hands with a 3 percent product. They established that routine use of these products produced detectable blood levels, some nearly as high as 0.4 mcg/ml. The number of subjects (12) was small.

A further review by Lockhart (Ref. 28) emphasizes the impact of the demonstration that hexachlorophene applied topically can result in systemic toxicity and the consequences of this information to the regulatory activities of the Food and Drug Administration. The pertinent details of the toxicity resulting from blood levels in animals and the blood levels resuting from use in humans is summarized.

Shuman, Leech and Alvord (Ref. 19 through 22) did a retrospective pathological study of coded brainstem tissue from infants who died of causes unrelated to hexachlorophene which was conducted at two different hospitals, one of which washed all newborns routinely with 3 percent hexachlorophene, while the other did not. Only one of 189 babies not bathed in 3 percent hexachlorophene showed brain lesions characteristic of hexachlorophene toxicity, whereas 20 of 61 babies receiving from one to as many as six hexachlorophene baths showed these brain changes.

Powell et al. (Ref. 23) have reported spongiform changes in myelinated tracts of the brainstem of seven infants with multiple exposures to hexachlorophene. Infants with low birth weight and/or premature infants with broken skin appeared to be a special risk of developing these lesions after hexachlorophene exposure.

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TRIBROMSALAN

2. The OTC Antimicrobial I Panel finds that tribromsalan (TBS, 3, 4', 5 tribromosalicylanilide) cannot be generally recognized as safe for general use as an OTC antimicrobial agent in man.

It is a brominated salicylanilide which even when free of related chemicals can cause photosensitive eruptions in man and its use can result in disabling skin disorders. In addition to the problem of photosensitization, the Panel is concerned about the potential toxicity of this compound, which is intended for daily, total body use, possibly for a lifetime. Animal and human toxicological data made available to the Panel fail to provide a basis for establishment of a safe level for use. With regard to efficacy, there was no clear evidence that it did anything except to help control body odor, for which other safer agents are available.

a. *Toxicology (Animal).* Although several submissions reported blood levels obtained after varying doses administered both orally and topically, serious discrepancies in the reported toxicity of the drug were not completely resolved. Thus, in rats a report of brain and testicular damage after 25 mg/kg subchronic feeding, OTC volumes 020133 and 020139 was not substantiated in several other studies at higher concentrations, OTC Volumes 020102, 020136 and 020173 (Ref. 1). Two of these studies in which animals were dosed with 500 ppm showed measurable blood levels, but reported no organ toxicity, OTC Volumes 020102 and 020136 (Ref. 1). However, in yet another study, OTC Volume 020163, brain and eye damage was reported at dose levels of 3,750 ppm and questionable changes were seen at 750 and 1000

ppm although similar changes were seen in the controls (Ref. 1). Percutaneous toxicity studies in rabbits generally produced negative results, OTC Volumes 020048, 020107, 020148 and 020156 (Ref. 1). In OTC Volume 020048, in addition, there was a positive control with hexachlorophene which produced brain damage (Ref. 1). However, in the one study showing positive results, the animals were dosed at 1,000 mg/kg by topical application, OTC Volume 020133. The results of this study were later reputed as being due to oral ingestion of the drug by the animals, nevertheless, brain toxicity was reported (Ref. 1). A study done in dogs, OTC Volumes 020181 to 020183, was reported to the Panel as producing negative results but showed some questionable liver changes. In this study there was a positive control dosed with hexachlorophene showing brain damage (Ref. 1).

The carcinogenic, mutagenic and teratogenic potentials of this agent, which is absorbed through the skin, have not been adequately studied.

b. *Microbiology and clinical efficacy.* From the standpoint of effectiveness, laboratory studies revealed that tribromsalan is not a unique antimicrobial agent. It has antimicrobial activity against gram positive organisms, particularly against *Staphylococcus aureus* and other staphylococcal species, but not against fungi such as *Candida albicans*, gram negative organisms such as *Pseudomonas* species or coliformtype microorganisms. Furthermore, evaluation of several clinical studies utilizing tribromsalan-containing soaps including data by Leonard (Ref. 2), Duncan et al. (Ref. 3) and Wheatly et al. (Ref. 4) revealed no unequivocal or significant prophylactic effect of tribromsalan-containing preparations against superficial skin infections. The reader is referred to the extensive discussion of the efficacy and clinical tests of antimicrobial soaps under the Effectiveness of Antimicrobial Bar Soaps. A therapeutic effect of tribromsalan (as one of three ingredients) against erythrasma, a skin infection, was reported by Kooistra (Ref. 5), Dodge et al. (Ref. 6) and Rosenberg and Allen (Ref. 7). This finding of effectiveness against cutaneous *Corynebacterium minutissimum* infections cannot be taken to support OTC claims for effectiveness against more serious clinical pyogenic infections caused by other organisms. See also discussion under Erythrasma.

The use of a soap containing 1 percent tribromsalan in combination with 1 percent triclosan was reported in a study (Ref. 8) in which leukemic patients were bathed to reduce the total microbial flora on the skin. The authors reported that 60 percent of the 186 strains of organisms initially cultured were eliminated within two weeks after bathing with the test soap. The patients were not only in a highly artificial "life island unit" but they also received a number of both topical and systemic antibiotics at the same time as the soap was tested. The results could hardly be projected to conclude that tribromsalan is efficacious in the prevention of infection or the elimination of potential pathogens from the skin. This study is also discussed in detail in the Panel's statement on triclosan.

The authors of the study (Ref. 8) themselves suggest that their skin sampling techniques were only semi-quantitative and that they estimate only 40–60 percent of the organisms were recovered with their moist swab technique. The cultural techniques were not optimal for the isolation of the variety of organisms present on the skin. The Panel cannot support the conclusions that tribromalan is effective in the prophylaxis of skin infection from the data presented in this study. In fact in a subsequent publication (Ref. 9), these same authors describe another study of this type and conclude that although 76 percent of aerobic bacteria were eliminated by cleansing with a soap containing a combination of triclosan, and tribromsalan, strains of potential pathogens such as *Enterobacter* species, a *Klebsiella* species, *Proteus* species and *P. aeruginosa* persisted. Thirty-three percent of the patients had persistent pathogenic bacteria and 40 percent had persistent fungi. Despite intensive systemic and topical antibiotic therapy and washing with an antimicrobial soap as a protective measure, the organisms persisting were those most likely to cause fatal infections in these serious ill patients.

In the judgment of the Panel, clinical effectiveness in the prophylaxis and treatment of superficial pyogenic infections of the skin has not been established. Deodorant effectiveness for tribromsalan has been demonstrated in the reports reviewed, but safer, alternative agents for the reduction of body odor exist (see discussion of toxicity for triclosan, triclocarban and cloflucarban included elsewhere in this document).

c. *Photosensitivity—1—Historical review.* Shortly after the first use in Europe of halogenated salicylanides (e.g. tetrachlorsalicylanilide) as antibacterial agents in soaps they were shown to cause a severe photodermatitis and had to be removed from the market (Ref. 10 and 11). A related chemical, bithionol, caused the same type of light-induced dermatitis (Ref. 12) and also was removed from products for human use.

In 1965 the related tribromosalicylanilide (tribromsalan, TBS) was incorporated into bar soaps in the United States and product related cases of photodermatitis began to appear (Ref. 13–17). It is important to note that the photosensitization reaction occurs with tribromsalan at the level formulated in bar soaps for consumer use. In 1967 and 1968, patients with tribromsalan photodermatitis were being reported throughout the United States (Wisconsin, Ref. 14; New York, Ref. 17, 18; Florida, Ref. 19, 20; Minnesota, Ref. 21; and California, Ref. 22) as well as France (Ref. 23), Denmark (Ref. 24, 25), Canada (Ref. 26), Australia (Ref. 27), and Japan (Ref. 28). Wherever the tribromsalan soap was used photodermatitis appeared. The voluminous literature was summarized in a book in 1972 (Ref. 29) and is also reviewed in OTC Volume 020056 (Ref. 1).

Because photodermatitis is not an officially reportable disease accurate figures on its incidence are not available. As "soap photodermatitis" became well known to practicing dermatologists and other physicians (1968–1972), there was less need and less likelihood of such patients being referred to special centers studying photodermatitis and recording cases. As a result because they are recognized, fewer cases were likely to be seen and recorded by the photobiologists. In 1972, the second most popular bar soap in the United States removed tribromsalan from its formula and thereafter only several less widely distributed brands continued to include it in their products. Tribromsalan was never included as an active ingredient in the most widely sold antimicrobial bar. The Panel believes that the number of cases reported by dermatologists in photobiology centers has decreased during 1973 as a result of these factors.

The above reasons may account for the impression that tribromsalan photodermatitis is less common than it was. The Panel, however, wanted to know if the disease had disappeared or if it was still occurring. Therefore, in 1972–73, they questioned 8 dermatologists in different parts of the United States who had studied or published on this disease. Although most agreed that the incidence was declining in their practices, 6 of the 8 reported that it was still a problem and that new cases were occurring (Ref. 1 in OTC Volume 020164).

Photosensitization has been reported with hexachlorophene, triclocarban and cloflucarban (Ref. 28). However, these reports in the literature document the existence of only a very few, rare cases. These ingredients have not caused persistent light reactions as far as is known. Only a few case reports exist in spite of the widespread use of these ingredients compared to the many reported cases of tribromsalan photosensitization.

2. *Clinical appearance and nature of the problem.* Photocontact dermatitis appears as an inflammation of the areas of the skin exposed to light. It begins as redness with itching and burning usually on the face and then hands, arms, and neck. The eruptions are frequently limited to the exposed portions of the hands, arms and face and characteristically spare the upper eyelid and submental area. However, a patchy eczematous rash on the trunk and other covered areas is not uncommon. Many cases proceed to get worse so that the red areas develop blisters, scabs and pus. If the process continues, the skin thickens with a furrowed pebbly surface and the patient is chronically incapacitated. In most cases whether acute or chronic, the terrible itching and burning disturb sleep, and the unsightly appearance prevents the patients from working.

In most victims if the photosensitizing chemical such as tribromsalan is discovered and completely avoided, the dermatitis will clear in a few weeks. However, in some patients, the reaction con-

tinues without apparent further exposure was a key point in the sensitization incriminate tribromsalan as the cause of

of Superficial Pyogenic Infections," Draft of unpublished paper is included in OTC Vol-

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of vehicles. There was a paucity of data

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tinues without apparent further exposure to the chemical. A persistent light reactor is an individual, who, though not exposed to any further dose of the sensitizing chemical, continues to have typical and frequently severe symptoms of photocontact dermatitis for months or years when exposed to light. Such a persistent light reactor is severely disabled and frequently unable to earn a livelihood. Ordinary daylight alone is sufficient to cause swelling of the face and exposed skin. In the more chronic cases, some of these patients develop markedly thickened skin and ears which may resemble the clinical appearance of leprosy. Such patients are "dermatological cripples" and are confined to dark rooms and the indoors during all daylight hours and are unable to work. This condition may continue for months or even years. To trigger such a reaction with a product containing tribromsalan is to cause a disaster to an unsuspecting user of an unnecessary product. Persistent light reactions as well as photocontact dermatitis have been reported after using soaps containing tribromsalan from all parts of the United States (Ref. 29).

d. *Animal models.* Attempts to develop an animal assay for photocontact sensitizers have not been altogether successful. On the basis of their animal model studies, Vinson and Borselli (Ref. 30) claimed that tribromsalan "is neither a photosensitizer nor a cross photosensitizer". They reiterated this view in 1969 (Ref. 31). However, Harber et al. (Ref. 18), with tribromsalan, produced contact photosensitivity in 7 animals; combined with contact sensitivity, in 1/21 animals. Using tetrachlorosalicylanilide on 65 guinea pigs they induced contact photosensitivity alone in 20 animals, contact sensitivity alone in four animals and both types of reaction in a further twelve guinea pigs. Thus Harber et al. (Ref. 18) found in animals and in man that tribromsalan is a photosensitizer and a cross-photosensitizer and suggest that the disagreement of their results with those of Vinson and Borselli may be due to a variety of experimental differences.

e. *Discussion.* In addition to the problems of efficacy and safety enumerated above, an overriding consideration for the Panel was the recognized fact that tribromsalan can lead to severe and persistent light reactions in sensitized individuals. The question therefore, was whether its use should be allowed in the face of a benefit limited to deodorant activity.

Osmundsen (Ref. 24), in the summer of 1967, diagnosed 39 cases of photocontact dermatitis caused by a soap containing tribromsalan and 27 additional cases (Ref. 32) later that year. Thus, in one year contact photodermatitis caused by tribromosalicylanilide has been diagnosed in 66 patients (11 females and 55 males) in Copenhagen. Photo-cross-reaction to different halogenated salicylanilides was also found, indicating the 4'-bromosalicylanilide elicited positive simple patch tests in 11 out of 20 patients. It was suggested by Osmundsen that the 4'-position and the halogen substitution was a key point in the sensitization process.

It was also shown by Osmundsen in 1968 (Ref. 24) that "pure" tribromsalan may elicit a positive photopatch test in a concentration as low as 0.0001 percent. It seemed probable to him that tribromsalan, rather than an impurity, is the photosensitizer. Harber et al. in 1966 (Ref. 17) addressed themselves to the possibility that tribromsalan impurities, not tribromsalan itself, were responsible for the photosensitizing reaction. They photopatch tested a tribromsalan photosensitive patient with a more than 99 percent "pure" preparation of tribromsalan (0.1 percent in petrolatum) and elicited a 3+ reaction. This reaction was of the same intensity as the one produced in the same patient with less "pure" tribromsalan preparations obtained from other sources. These authors concluded that it was highly unlikely that the photocontact responses were due to a contaminant. Ison and Tucker (Ref. 19) published similar results.

According to the manufacturer, the offending soap marketed in Copenhagen contained 2 percent tribromsalan.

A recently published book, "Soap Photodermatitis," by Herman and Sams (Ref. 29) deals exclusively with photodermatitis caused by antimicrobial ingredients especially salicylanilides in soap. This book, other articles, and additional conversations between the Panel and Drs. Herman and Sams leave no doubt as to the authors' view that tribromsalan causes photocontact dermatitis and is a primary photosensitizer (Ref. 29 and 33).

One manufacturer has claimed that the contamination of tribromsalan with the known photosensitizer, dibromsalan is the cause of photosensitization, and that with the increasing purity of tribromsalan the incidence of photosensitization has decreased and will disappear. The Panel accepts the fact that the incidence has decreased (see discussion above). However, it definitely has not disappeared for cases are still reported (OTC Volume 020164, Ref. 1). Tribromsalan can also cause a photosensitization reaction in individuals who have been primarily sensitized with other salicylanilides. To the individual sensitized, it makes little difference what the compound causing the original sensitization was. Furthermore hard surface cleansers still (May, 1974) contain dibromsalan as well as tribromsalan so that sources of photosensitizing chemicals exist today in other than bar soap products.

The Panel's serious concern about tribromsalan comes from reports that patients are still appearing in the United States who have disabling photodermatitis which has been caused by soaps containing the current purified tribromsalan material. Photopatch testing of these patients has confirmed the clinical diagnosis and identification of tribromsalan as the cause of their dermatitis. Potentially confusing photosensitizers, such as TCSA, are no longer used in photopatch testing and the Panel believes that the current photopatch tests accurately incriminate tribromsalan as the cause of the dermatitis.

f. *Conclusion and summary.* The Panel believes that the benefit from using tribromsalan containing soaps is insignificant when faced with the risk. Thus, even if the number of persistent light reactors is small in relation to the amount of tribromsalan used, when there is so little benefit, it is unjustified to subject even a few individuals to such a risk. In addition, the Panel was unable to resolve the inconsistencies in the reported toxicity data. For this reason, but especially because of the photodermatitis, it was the Panel's judgment that it would be safer for society not to have this drug sold over the counter.

From their review of the data concerning photosensitization, the Panel believes that the evidence is clear that both dibromsalans (3, 5 dibromosalicylanilide and 4', 5 dibromosalicylanilide) and tetrachlorosalicylanilide (TCSA, 3, 3', 4', 5 tetrachlorosalicylanilide) are more potent photosensitizers than tribromsalan. Therefore, regardless of the fact that these ingredients were not submitted to the Panel for review, the Panel concludes that the Food and Drug Administration should move to also ban completely the use of dibromsalan and tetrachlorosalicylanilide in drugs and cosmetics.

Therefore, after a thorough review of all of the available data, the Panel recommends to the Commissioner that tribromsalan be considered not safe for general use as an OTC antimicrobial ingredient in man and that the Food and Drug Administration take action to ban tribromsalan, dibromsalan, and tetrachlorosalicylanilide from OTC antimicrobial products. The Panel concludes that these salicylanilides should not be implemented in a manner similar to other Category II ingredients but should be handled more expeditiously by publication of a separate FEDERAL REGISTER notice in a manner similar to that used for hexachlorophene.

Furthermore, they also recommend that the Food and Drug Administration inform the appropriate regulatory agencies of the Panel's recommendations that dibromsalans (4', 5 dibromosalicylanilide and 3, 5 dibromosalicyanilide) and 3, 3', 4', 5-tetrachlorosalicylanilide be removed from drugs and cosmetics and also inform them of the risk associated with the marketing of these ingredients in hard surface cleansers and disinfectants.

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FLUOROSALAN

3. The OTC Antimicrobial I Panel has reviewed the submission (Ref. 1) concerning the safety and effectiveness of fluorosalan (fluorophene, 3, 5-dibromo-3'-trifluoromethyl salicylanilide) and is of the opinion that fluorosalan cannot be generally regarded as safe for use as an OTC antimicrobial agent in man. The data submitted for this ingredient were minimal. The similarity of this molecule to tribromsalan requires that sufficient data be submitted to properly assess the risk-benefit ratio from the use of this chemical as an antimicrobial. Included in the reasons for this opinion are the following.

The chemical, even in pure form, may, as a dibromo-substituted salicylanilide, possess potential for photosensitization in man, and its use could result in a serious dermatological condition known as persistent light reaction (see discussion of tribromsalan). Evidence demonstrating that phototoxicity and/or photosensitivity would not result from the use of fluorosalan has not been submitted.

The absorption, tissue distribution, route(s) of metabolism and excretion, and blood levels attained after topical application are not available.

Information about the relationship between blood levels and toxicity is not available.

Studies on the carcinogenicity, mutagenicity, teratogenicity and reproductive effects are not available.

In addition, controlled studies demonstrating clinical effectiveness are not available.

The Panel agreed that any use of this ingredient should be under a Notice of Claimed Investigational Exemption for a New Drug and a New Drug Application until further data are collected.

REFERENCE

(1) OTC Volume 020050.

PHENOL GREATER THAN 1.5 PERCENT AQUEOUS/ALCOHOLIC SOLUTION

4. The Panel reviewed a number of products containing phenol in a variety of vehicles. There was a paucity of data submitted delineating the influence of vehicle on the effectiveness or toxicity of phenol. A search of the literature was productive in preparing this statement relating the concentration of phenol in aqueous or alcoholic vehicles to toxicity.

It is the recommendation of the Panel that Phenol concentrations greater than 1.5 percent in aqueous or alcoholic vehicles be placed into Category II.

The data supporting this decision may be found in standard reference texts such as Goodman and Gilman's The Pharmacological Basis of Therapeutics (Ref. 1), AMA Drug Evaluations (Ref. 2), Patty's Industrial Hygiene and Toxicology (Ref. 3) and in Deichmann's review of phenol (Ref. 4).

Basically, these references document the toxicity of phenol when applied topically. For example, the authors have noted that a 2 percent ointment resulted in blood levels of 0.8 mg. of free phenol or 2.3 mg. of conjugated phenol per 100 ml. of blood. It should be noted that 30 mg. of free and 1 mg. of conjugate are fatal concentrations. One to 5 percent phenol applied as a dressing or compress has caused gangrene.

It has also been recorded that 2 percent and higher concentrations of phenol in aqueous vehicles have caused serious hazards, including gangrene, anesthesia, mummification and even, coma. Phenol is more soluble in alcohol than in water and would penetrate to deeper layers of the skin producing severe burns and might be systemically absorbed in higher concentrations. Therefore, for these reasons phenol in concentrations greater than 1.5 percent is placed in Category II.

The acute systemic toxic effects of phenol in man and animals is observed primarily as an effect on the central nervous system. Sudden physical collapse has been observed in man after systemic exposure associated with other effects such as myocardial depression and marked blood pressure fall. There may also be marked dyspnea and a decrease in body temperature (Ref. 3). These systemic effects are related to the amount of free phenol in the blood. A blood level of 30 mg. of free phenol per 100 ml. of blood can be fatal and death is usually the result of respiratory failure (Ref. 3).

Chronic poisoning in man results in digestive disturbances, such as vomiting, difficulty in swallowing, diarrhea, and anorexia. Nervous disorders, such as headache, fainting, vertigo, and mental disturbances also occur. In severe cases, sometimes fatal, there may be extensive damage to the kidneys and liver. Most of the reported cases of chronic poisoning have resulted from ingestion or inhalation (Ref. 3). However, it is possible that repeated topical application over large surfaces of the body could lead to the systemic effects described above.

After absorption, phenol is excreted in the free form in the urine or is conjugated in the liver to the glucuronide or sulfate, prior to excretion in the urine. Some is expired in the air. In the rabbit, after a single oral dose, 23 percent was oxidized in the body to carbon dioxide and water plus pyrocatechol and hydro-

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quinone. Of the 72 percent excreted in the urine, 48 percent was excreted as the free phenol and 52 percent as the conjugates. Only 1 percent of the total administered dose was excreted in the feces (Ref. 3). In addition, Boutwell and Bosch (Ref. 5) have reported that phenol is a cocarcinogen in animals.

With local dermal application of high concentrations, a pellicle of denatured protein is formed which may turn red and slough, leaving a brown stain. Prolonged contact of phenol with the skin, resulting in deep penetration of the skin, can produce gangrene and necrosis (Ref. 1 and 3). Ochronosis (darkening of the tissue) can also result from prolonged dermal contact (Ref. 3). If applied to mucous membranes or swallowed, phenol can cause swelling, corrosion, necrosis and hemorrhages of the mucous membranes of the throat or gastrointestinal tract.

In the past, preparations of 1 to 5 percent phenol in aqueous solutions have been used with dressing and compresses. This has resulted in gangrene, primarily when applied to fingers and toes (Ref. 3). Preparations containing 1 to 2 percent phenol have been formulated frequently in salves or ointments and with vegetable oil or calamine lotion for antipruritic effects. The use of 2 percent phenol ointment has resulted as reported above in blood levels of 0.8 mg. of free phenol and 2.3 mg. of conjugated phenol per 100 ml. blood (Ref. 3). Blood levels of phenol attained after application of phenol in liquid preparation have not been presented.

The use of low concentrations of phenol (1 to 2 percent) in ointments, lotions, salves or solutions can cause toxicity leading to severe incidence of gangrene with prolonged contact and/or occlusion of the treated area (Ref. 3). Rat studies have shown that a 1.78 percent phenol-liquid petrolatum solution will cause gangrene and necrosis after 8 hours of exposure in 2 to 3 days. A 4.15 percent aqueous phenol solution caused gangrene in the same period of time (Ref. 6). The use of oil in the formulation may enhance the toxicity.

Camphor also has been used in formulations containing phenol. Camphor may in fact retard the absorption and availability of phenol from the solution. However, the local toxicity of phenol in a camphor-containing preparation depends upon the aqueous/phenol phase resulting from the presence of tissue fluids or perspiration (Ref. 3). Camphor, if present with phenol, will "hold" the phenol, as is evidenced by the study which demonstrated that, while 60 percent of the phenol in a saturated solution of liquid petrolatum is in the aqueous phase, only 22 percent of the phenol in a 4.6 percent phenol 10 percent camphor combination in liquid petrolatum is in the aqueous phase. When the camphor concentration was raised to 21 percent, only 10 percent of the phenol was in an aqueous phase (Ref. 6). The presence of camphor also retards the absorption of phenol afer topical application. A 1-hour exposure of the rat tail to a 4.8 percent aqueous phenol solution resulted in the absorption of 71 mg. of phenol; whereas, the presence of 10.9 percent camphor combined with 4.5 percent phenol resulted in the absorption of only 16 mg. phenol (Ref. 7).

No data have been submitted with regard to absorption of phenol from mucous membranes, although this is a route of application described in the labeling submitted for some products.

Information citing the local toxicity and absorption of phenol, has been reported by Bass and Werch (Ref. 8), Conning and Hayes (Ref. 9), Deichmann (Ref. 4), Freeman et al. (Ref. 10), Mannheimer and Adriani (Ref. 11), Ruedemann (Ref. 12), and Woolley (Ref. 13).

The Panel concludes that phenol in concentrations greater than 1.5 percent in aqueous or alcoholic vehicles is not safe for general use as an OTC antimicrobial agent in man.

REFERENCES

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(2) *AMA Drug Evaluations–1973*, 2nd Ed., American Medical Association, Acton, 1973.

(3) Deichmann, W. B. and M. L. Keplinger, "Phenols and Phenolic Compounds," *"Industrial Hygiene and Toxicology,"* Volume II, 2nd Revised Ed., Edited by Patty, F. A., Interscience Publishers, New York, 1963.

(4) Deichmann, W. B., "Local and Systemic Effects Following Skin Contact With Phenol—A Review of the Literature," *Journal of Industrial Hygiene and Toxicology*, 31:146–154 (1949).

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(6) OTC Volumes 020022, 020030, 020032, 020041–020043, 020068.

(7) Deichmann, W. B., T. Miller and J. B. Roberts, "Local and Systemic Effects Following Application of Dilute Solutions of Phenol in Water and in Camphor Liquid Petrolatum on Skin of Animals," *Archives of Industrial Hygiene and Occupational Medicine*, 2:454–461, 1950.

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(9) Conning, D. M. and M. J. Hayes, "The Dermal Toxicity of Phenol: An Investigation of the Most Effective First-Aid Measures," *British Journal of Industrial Medicine*, 27:155–159, 1970.

(10) Freeman, M. V., J. H. Dralze and E. Alvarez, "Cutaneous Absorption of Phenol," *Journal of Laboratory and Clinical Medicine*, 38:262–266, 1951.

(11) Mannheimer, W. and J. Adriani, "Mode of Action and Effect on Tissues of Long-Acting Local Anesthetics," *Journal of the American Medical Association*, 154:29–31, 1954.

(12) Ruedemann, R. and W. B. Deichmann, "Blood Phenol Level After Topical Application of Phenol-Containing Preparations," *Journal of the American Medical Association*, 152:506–509, 1953.

(13) Woolley, P. B., "Exogenous Ochronosis," *British Medical Journal*, 2: 760–761, 1952.

TINCTURE OF IODINE

5. The Panel considers the use of elemental iodine in aqueous or hydro-alcoholic solution unsafe for general use on the skin other than as a Patient Pre-Operative Skin Preparation. It has been well documented (Ref. 1, 2 and 3) that iodine is irritating to broken skin and delays wound healing, especially when occlusive dressings are applied.

REFERENCES

(1) Lawrence, C. A. and S. S. Block, *"Disinfection, Sterilization, and Preservation,"* Lea and Febiger, Philadelphia, 1968.

(2) Hugo, W. B., *"Inhibition and Destruction of the Microbial Cell,"* Academic Press, New York, 1971.

(3) Sykes, G., *"Disinfection and Sterilization,"* 2nd Ed. J. B. Lippincott, Philadelphia, 1965.

CLOFLUCARBAN

6. The Panel has determined that it is appropriate to include cloflucarban in Category II for the following product uses: Patient Pre-operative Skin Preparation, Skin Antiseptic, Skin Wound Cleanser, Skin Wound Protectant and Surgical Hand Scrub. Cloflucarban is classified in Category III as a Skin Wound Cleanser when formulated in a bar soap to be used with water.

The Panel included cloflucarban in Category II for these uses since no data were presented to support its use for the product categories identified. This statement is not to be construed to mean that the ingredient may not be shown to be safe and effective for the product categories listed.

The Panel's concern is that consumer use of the ingredient may occur before adequate research is conducted.

TRICLOCARBAN

7. The Panel has determined that it is appropriate to include triclocarban in Category II for the following product uses: Patient Pre-operative Skin Preparation, Skin Antiseptic, Skin Wound Cleanser, Skin Wound Protectant and Surgical Hand Scrub. Triclocarban is classified in Category III as a Skin Wound Cleanser when formulated in a bar soap to be used with water.

The panel included triclocarban in Category II for these uses since no data were presented to support its use for the product categories identified. This statement is not to be construed to mean that the ingredient may not be shown to be safe and effective for the product categories listed.

The Panel's concern is that consumer use of the ingredient may occur before adequate research is conducted.

TRICLOSAN

8. The Panel recognizes that a Health-Care Personnel Handwash, Patient Pre-Operative Skin Preparation, or a Surgical Hand Scrub are designed primarily for extensive use in the hospital or other closed environment. The Panel has therefore included these uses in Category II for triclosan.

The Panel has concluded (see discussion in Category III for Triclosan) that formulations containing this ingredient should not be used in these environments because of possible increased one-way environmental pressures toward gram negative (especially *Pseudomonas*) infections. In the event that data are submitted to show that the Panel's conclusion is not justified, consideration should be given for inclusion of the ingredient in these product categories.

COMBINATION ANTIMICROBIAL PRODUCTS

The Panel, in its deliberations, received two submissions on antimicrobial bar soaps containing a combination of active ingredients, and one of these containing triclocarban and cloflucarban was classified in Category III. The other soap combination contained tribromsalan and triclosan and has been placed in Category II. Information on the safety and effectiveness of other combinations of ingredients were not received. Therefore, for lack of data they are not generally recognized as safe and/or effective. Conditions possibly exist where the benefit to risk ratio is such that their use may be of value, if not necessity. However, such combination antimicrobial agents should not be available for over the counter use until sufficient safety and efficacy data are submitted.

The level of each antimicrobial ingredient in the combination must make a contribution to the claimed effect for the product. The total amount of individual antimicrobial ingredients, in combination, should result in an effect that is at least equal to that achieved when any one of the individual ingredients is used alone at the same total concentration without significantly reducing safety. In some instances the Panel has established maximum dose levels of an antimicrobial when used alone. If such antimicrobials are placed in combinations no individual antimicrobial in the combination may exceed the dose level approved by the Panel. The Panel feels that a rational combination of antimicrobials should have one of the following purposes: Expansion of the microbial spectrum, reduction of the toxicity of one or both of the ingredients, or result in a synergistic effect.

Furthermore, when two or more ingredients are combined, toxicity data must be available to show that neither the metabolism, excretion or target organ toxicity are enhanced, or are synergistically affected by the combination, for example, through the metabolism or excretion of one of the ingredients.

The Panel feels that the safety of combinations is sufficiently important to recommend that when such ingredients are used in combinations in antimicrobial soaps, an approved New Drug Application should be obtained prior to marketing. At a later date, when sufficient safety and effectiveness data warrant it, combinations of these ingredients may be placed in Category I.

LABELING

The Panel concludes that there are insufficient data to support certain labeling terms or claims. Because no data are available these terms and claims are misleading to the consumer and result in misbranding of the product. The claims that shall not be allowed are:

A. Speeds, promotes or aids healing (or any similar statement).
B. Sanitizes the skin or wound.
C. Sterilizes the skin or wound.
D. Ensures bacterially clean skin.
E. Disinfects the skin or wound.
F. Heals (wounds).
G. Controls infection.

III. *Conditions for which the available data are insufficient to permit final classification at this time.* The Panel recommends that the conditions specified in Category III be made effective 1 year after publication of the final monograph in the FEDERAL REGISTER.

ACTIVE INGREDIENTS

A. The active ingredients for which the available data are insufficient to permit final classification for use in "antimicrobial soaps" are:

1. Cloflucarban.
2. Para-chloro-meta-xylenol.
3. 1.5 percent Phenol or less—aqueous/alcoholic.
4. Triclocarban.
5. Triclosan.

B. The active ingredients for which the available data are insufficient to permit final classification for use in a "health-care personnel handwash" are:

1. Benzalkonium chloride.
2. Benzethonium chloride.
3. Cloflucarban.
4. Hexylresorcinol.
5. Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.
6. Methyl-benzethonium chloride.
7. Nonyiphenoxypoly (ethyleneoxy) ethanol-iodine.
8. Para-chloro-meta-xylenol.
9. 1.5 percent Phenol or less aqueous/alcoholic.
10. Poloxamer-iodine complex.
11. Povidone-iodine complex.
12. Triclorcarban.
13. Undecoylium chloride-iodine complex.

C. The active ingredients for which the available data are insufficient to permit final classification for use in a Patient "pre-operative skin preparation" are:

1. Benzalkonium chloride.
2. Benzethonium chloride.
3. Hexylresorcinol.
4. Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.
5. Methylbenzethonium chloride.
6. Nonyl phenoxypoly (ethyleneoxy) ethanol-iodine.
7. Para-chloro-meta-xylenol.
8. 1.5 percent Phenol or less—aqueous/alcoholic.
9. Poloxamer-iodine complex.
10. Povidone-iodine complex.
11. Undecoylium-chloride complex.

D. The active ingredients for which the available data are insufficient to permit final classification for use in a "skin antiseptic" are:

1. Benzalkonium chloride.
2. Benzethonium chloride.
3. Hexylresorcinol.
4. Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.
5. Methyl-benzethonium chloride.
6. Nonyl phenoxypoly (ethyleneoxy) ethanol-iodine.
7. Para-chloro-meta-xylenol.
8. 1.5 percent Phenol or less aqueous/alcoholic.
9. Poloxamer-iodine complex.
10. Povidone-iodine complex.
11. Triclosan.
12. Triple Dye.
13. Undecoylium chloride-iodine complex.

E. The active ingredients for which the available data are insufficient to permit final classification for use in a "skin wound cleanser" are:

1. Iodine complexed with phosphate ester of alkylaryloxy polyethlene glycol.
2. Nonyl phenoxypoly (ethyleneoxy) ethanol-iodine complex.
3. Para-chloro-meta-xylenol.
4. 1.5 percent Phenol or less—aqueous/alcoholic.
5. Poloxamer—Iodine complex.
6. Povidone—Iodine complex.
7. Triclosan.
8. Undecoylium chloride—Iodine complex.

F. The active ingredients for which the available data are insufficient to permit final classification for use in a "skin wound protectant" are:

1. Benzalkonium chloride.
2. Benzethonium chloride.
3. Hexylresorcinol.
4. Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.
5. Methyl-benzethonium chloride.
6. Nonyl phenoxypoly (ethyleneoxy) ethanol iodine.
7. Para-chloro-meta-xylenol.
8. 1.5 percent Phenol or less—aqueous/alcoholic.
9. Poloxamer-Iodine complex.
10. Povidone-Iodine complex.
11. Triclosan.
12. Undecoylium chloride-Iodine complex.

G. The active ingredients for which the available data are insufficient to permit final classification for use in a "surgical hand scrub" are:

1. Benzalkonium chloride.
2. Benzethonium chloride.
3. Hexylresorcinol.
4. Iodine complexed with phosphate ester of alkylaryloxy polyethylene glycol.
5. Methyl-benzethonium chloride.
6. Nonyl-phenoxypoly (ethyleneoxy) ethanol-iodine.
7. Para-chloro-meta-xylenol.
8. 1.5 percent Phenol or less—aqueous/alcoholic.
9. Poloxamer-Iodine complex.
10. Povidone-Iodine complex.
11. Undecoylium-chloride Iodine complex.

GENERAL COMMENT APPLICABLE TO ALL INGREDIENTS IN CATEGORY III

The Panel has concluded that adequate and controlled studies are not available at this time to permit the final classification of the active ingredients listed above.

The recent hexachlorophene experience has made apparent to the scientific community that toxic levels of antimicrobial chemicals applied to the skin can be absorbed into the body. The greatest lack of substantial data is in the following areas: Retention and/or substantivity, absorption, blood level, organ distribution, possible tissue depoting, metabolism, and excretion. In many cases analytic procedures for the determination of active ingredients and/or metabolites in tissues and secretions have been developed only recently.

A major emphasis in the past has been on the collection of data to support the effectiveness of antimicrobial products applied to the skin. These data have often been reported as "percent reduction" of the microbial flora on the hands. Such data reflect the reduction of the normal skin microbial flora or of that acquired by contact with the environment. More sophisticated procedures for the analysis of microbial reduction data which involve techniques for dealing with initial high variation in microorganism counts, and the correlation of reduction in microbial flora with prophylaxis of infection, are required. In addition to numerical reduction, data must be accu-

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mulated on the effect of antimicrobials on the balance of the normal microbial flora, including the diptheroids. These aspects of effectiveness data are essential before risk-benefit judgments can be reasonably made.

The Panel has determined that Category III ingredients may be permitted to remain in use until 1 year after publication of the final monograph in the FEDERAL REGISTER, if the manufacturer or distributor of any such product conducts tests and studies to satisfy the questions raised by the Panel.

The Panel recognizes the complexity of this report and the difficulties that may be encountered in interpreting the required studies necessary for an ingredient included in Category III. The following sections of this report should be collectively considered before undertaking any proposed studies: (1) The historical discussion of the product category in the Panel's comments concerning effectiveness in the use of antimicrobial products, (2) the guidelines for testing, (3) the product category definition and subsequent discussion and (4) the specific statement for the ingredient to be tested.

TRICLOCARBAN

1. The OTC Antimicrobial I Panel has determined that the only permitted use of triclocarban (TCC, 3, 4, 4'-trichlorocarbanilide) at the present time should be as an antimicrobial ingredient in bar soap. The manufacturer gave assurances to the Panel that this was the only use for which the chemical is being sold at this time. However, the Panel also recognizes that the manufacturer's patent on triclocarban expires within two years, and expressed their concern about the possible future proliferation of its use in various OTC products, thereby increasing the possible total body burden.

The Panel reviewed the available effectiveness and safety data on triclocarban and concludes that adequate data are not yet available to permit final classification of triclocarban for use in bar soap. Other applications were not considered. The available evidence does not indicate that the use of triclocarban in bar soaps presents any known hazard to the general public. For example, the LD_{50} of triclocarban intraperitoneally in rats is reported to be in excess of 2,000 mg/kg compared to 6.25 mg/kg for hexachlorophene. See OTC Volume 020139 (Ref. 1). Based on blood level data, which is not complete at this time, triclocarban does not appear to be as toxic as hexachlorophene. Therefore, the Panel recommends to the Commissioner that triclocarban use in bar soaps be permitted at a concentration not to exceed 1.5 percent for a period of 1 year following publication of the final monograph in order to allow interested parties time to conduct the necessary research to correct the deficiencies indicated below.

A primary area of concern is the data defining the target organ for toxicity. At high blood levels of triclocarban, (in excess of 200 ppm TCC/TCC metabolite), the apparent target organ in rats is the testicles. In the opinion of the Panel, the data relating the blood level of triclocarban to testicular damage are still not definitive. For example, one set of data in OTC Volume 020189 (Ref. 1) estimated that blood concentrations of 50 to 70 ppm TCC/TCC metabolite caused pathological changes in the testicles of test animals. More recent data from a feeding study at 400 mg/Kg/day in OTC Volume 020165 (Ref. 1) suggests that 200 ppm TCC/TCC metabolite in the blood was an "effect level" and that a dose of 200 mg/Kg/day giving a blood concentration of 100 ppm TCC/TCC metabolite was a "no effect" level. Still other data in the OTC Volume 020139 (Ref. 1) suggested testicular lesions at oral doses lower than those which resulted in the "no effect" blood levels mentioned above (100 ppm). In view of these conflicting data regarding blood levels and ensuing testicular damage, the Panel regards this as an area of significant deficiency in the data. Adequate data relating blood level to target organ toxicity and "no-effect" levels will be required.

Maibach (Ref. 2) has shown that triclocarban may be absorbed through human skin after topical application. In this one study, 14 percent of the dose applied in acetone solution was absorbed. Elimination of triclocarban after topical application was slower than after ingestion, suggesting possible accumulation in the body. However, the adequacy of analytical methods for the detection of triclocarban and all its metabolites is still questionable, and is made more difficult by the very low levels which must be detected in blood or tissue. Based on some theoretical and some actual data, calculations of potential blood levels in man were made. It is the conclusion of the Panel that, until definitive data are accumulated to show blood levels in man from actual use, the concentration of triclocarban in bar soaps should be limited to 1.5 percent. The calculation which led to this conclusion follows, but it should be emphasized that the cause of testicular lesions has not yet been determined to be triclocarban (parent compound), TCC-metabolite or the combination, (TCC/TCC metabolite). Additionally, inadequate data on rate of elimination were a factor in setting this 1.5 percent limit. The following calculations make certain assumptions which may prove to be inaccurate once adequate data are obtained:

1. Assume that a bar soap contains 2 percent triclocarban and that an average bath uses 7.0 gm of soap. The total available triclocarban, if instantaneous absorption occurred would be 140 mg triclocarban.

2. Assume 2 percent of this 140 mg triclocarban remains on the skin as a substantive agent. This retention presents to the body a total of 2.8 mg of triclocarban for absorption.

3. Assume that 14 percent of the available 2.8 mg were absorbed, as shown by Maibach (Ref. 2). This would allow 0.392 mg of triclocarban to be absorbed from a single bath.

4. Assume that an average size human has 5,000 ml of blood, and that 0.392 mg of triclocarban were instantaneously absorbed. The concentration of triclocarban in the blood would be approximately 0.1 ppm. Considering that some part of the population takes two baths per day, and assuming that the total triclocarban to which the individual was exposed accumulated during that day, the blood level would be 0.2 ppm. Data from the manufacturer indicate that triclocarban as the parent compound disappears from the blood within minutes. The exact mechanism(s) of absorption and elimination is not yet clear.

5. If we take the most recent data submission to the Panel indicating that 100 ppm total TCC (TCC/TCC metabolite) in the blood is the "no-effect" level, then a safety factor could be calculated as follows:

$$\frac{100\ \text{ppm}}{0.1\ \text{ppm}} = 1{,}000\text{-fold safety factor (single bath)}$$

or

$$\frac{100\ \text{ppm}}{0.2\ \text{ppm}} = 500\text{-fold safety factor (2 baths per day)}$$

Since these safety factors have been calculated from blood levels, they would certainly be reasonable safety factors for allowing the continued use of triclocarban in bar soaps. However, it should be stressed that several assumptions have been made in deriving these calculations and the Panel urges that definitive data to clarify these assumptions be generated. For example, assumptions were made as to substantivity that 14 percent of applied TCC is absorbed, that instantaneous absorption results in certain blood levels, that accumulation does not occur, that skin condition did not influence blood levels, and that metabolism was an uncalculated factor.

The Panel strongly recommends that adequate research include studies to determine the substantivity of triclocarban over a period of time and in various areas of the body, the amount of triclocarban deposited on the skin from a single bath, and the blood levels attained in individuals in various age groups and with various skin conditions following use of soap containing triclocarban.

Unconfirmed data suggesting additional toxic effects were submitted to the Panel and it is felt that clarification of these data is necessary. For example, brain and splenic changes were noted by two pathologists in one study reported in OTC Volume 020139 (Ref. 1), while other data indicated that no such tissue changes occurred. The Panel believes that these conflicting data need further clarification even though the initially reported toxic effects could not be confirmed in further, similar experiments. The suggestion of brain and splenic changes is of such importance that it cannot be ignored. It is conceded that the animal strain used in the initial experiment was unusual (Cox strain of rats). Definitive research in at least two animal species at exaggerated dose levels is recommended in order to specifically answer the questions about potential brain or splenic changes. Where changes

are seen, concomitant blood levels of triclocarban should be investigated.

It is the opinion of the Panel that adequate studies have been submitted (Ref. 1) to indicate that triclocarban has no real potential for the induction of carcinogenesis, mutagenesis, or teratogenesis. However, the data submission in OTC Volume 020165 (Ref. 1) suggested that with triclocarban orally administered in rats, there was a decrease in implantation sites and a decrease in the number of offspring at high dose levels of triclocarban (1,000 ppm) in the diet. In fact, the results of these studies in OTC Volumes 020165 and 020189 (Ref. 1) originally directed attention to testicular effect. The Panel recommends that adequate research be conducted to define more clearly the implications of the data.

A major route of elimination of triclocarban from the body is reported to be via conjugation to the glucuronide in the liver. This mechanism is deficient in young animals and human infants. The Panel felt that inadequate data concerning elimination and toxicity in young animals were submitted, and recommends that adequate research in young animals with blocked formation or unavailable glucuronide systems be conducted in order to define the toxicity potential for human infants who may be bathed in a soap containing triclocarban.

Since the liver is considered the major organ for conjugation, the effect of inadequate or impaired liver function on elimination and toxicity should also be determined.

Therefore, the Panel recommends that unless such studies as described above are conducted within 1 year following publication of the final monograph in the FEDERAL REGISTER, this ingredient should be restricted from use in infants. The label for the preparation containing the ingredient would state: "Not to be used on infants under 6 months of age." The literature sources documenting the impairment of glucuronide capacity in infants are listed separately under, "Glucuronide Capacity in Infants" (Refs. 1 through 7).

The Panel recognizes the triclocarban will decompose at elevated temperatures in aqueous solution to yield chloroanilines. There are reported incidences of methemoglobinemia resulting from high temperature decomposition by triclocarban by Johnson et al. (Ref. 3). Therefore, soaps or soap products containing triclocarban should not be heated and subsequently used in or on the human body. Additionally, since chloroanilines do have a potential for inducing methemoglobinemia at higher blood levels, the chloroaniline content in bar soaps containing triclocarban should be monitored to limit it to less than 100 ppm. (See the data in OTC Volume 020127, page 15, line 22 (Ref. 1). The Panel felt that adequate data were presented to indicate that 100 ppm chloroaniline, or less, in bar soaps would present no hazard to humans even after multiple baths with such soaps.

In addition to the data submissions already referenced, additional references were reviewed to obtain specific background data. Most of these references deal with effectiveness (Refs. 4 through 11), but a few refer to specific problems such as photodermatitis and contact dermatitis (Refs. 8, 9, 10 and 12, 13, 14). The Panel concluded from these references and data submissions that photosensitization and contact dermatitis from triclocarban were of such rarity that they present no major problem to the general user of a soap containing triclocarban.

The question of the percent of active ingredient required to produce a microbial reduction on the skin which can be correlated with significant odor reduction unfortunately cannot be answered with certainty. Independent studies to show effectiveness, as measured by standard handwashing studies, OTC Volumes 020031, 020044 to 020046 (Ref. 1 and 5), have produced a variety of reduction values depending on active ingredient(s), their concentration, number of subjects, initial variation in the hand count of the subjects, and the method of analysis. Marketed soaps containing 1.5 percent triclocarban have been tested for effectiveness as measured by handwashing tests and have produced values ranging from 80 to 90 percent reduction (Ref. 15). The deficiencies inherent in the consideration of reduction in such simplistic terms should be recognized. Data compiled from several studies, unfortunately frequently conducted with an inadequate number of subjects, suggested a reduction of approximately 80 percent with a 1 percent soap. No significant difference was shown with a 1.5 percent soap.

Claims have been made for greater odor reduction with the 1.5 percent soap formulation based on odor evaluation tests. However, such tests are highly subjective and reliable only when rigidly controlled and analyzed with an appropriate statistical model. Tests to evaluate odor should be correlated with tests of microbial reduction in the same study with an adequate number of subjects.

Handwashing studies must be performed with an increased number of subjects (see suggestions for Cade and Quinn Handwashing Studies in the Specific Protocols) selected from individuals with a specified high initial count on the hands. The studies must have appropriate analysis with statistical procedures designed to account for high initial variation, such as analyses of variance and covariance and hypothesis testing including power calculations of the reduction found with use of the test product against an expected or established reduction.

On the basis of risk/benefit considerations the Panel concludes that the only permitted use of triclocarban should be as an antimicrobial ingredient in bar soap at a concentration not to exceed 1.5 percent and only for a period of 1 year following publication of the final monograph in the FEDERAL REGISTER. During this period, testing where applicable, as outlined in the "Guidelines for Safety and Efficacy Testing of OTC Topical Antimicrobials" should be performed. Data to be developed must include absorption and blood level studies in humans; identification of target organ(s) in chronic studies to resolve questions of potential testicular, brain or splenic changes with concomitant blood levels where changes occur; reproduction studies; studies to determine the effect of glucuronide deficiency in infants; and demonstration of substantivity over time in various body areas including the amount of triclocarban deposited on the skin from a single bath.

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CLOFLUCARBAN

2. The OTC Antimicrobial I Panel has reviewed the safety and toxicity data submitted and has concluded that adequate safety and effectiveness data are not yet available to permit final classification of clofiucarban (TFC, CF_3, 3-trifluoromethyl, 4, 4' dichlorocarbanilide) for use in bar soaps. Other applications were not considered.

The Panel concluded that enough data were submitted to convince them that there is no known hazard to the public from the continued use of clofiucarban in bar soaps at the maximum concentration and for the interim period specified below. The basis for this was the oral LD_{50} of clofiucarban in rats as compared with hexachlorophene. The oral LD_{50} for clofiucarban is reported to be in excess of 5 gm/kg body weight while the LD_{50} for hexachlorophene is only 0.12 gm/kg as reported in OTC Volume 020133 (Ref. 1). Also, based on blood level data for clofiucarban (which is not complete at this time), the Panel does not consider clofiucarban as toxic as hexachlorophene. Therefore, the Panel recommends that clofiucarban (or a combination of clofiucarban with triclocarban) when used in bar soaps, not exceed a total concentration of 1.5 percent and that this recommendation be permitted to extend for a period of 1 year following publication of the final monograph in the FEDERAL REGISTER in order to allow interested parties time to conduct the necessary research to correct the deficiencies listed below.

At the beginning of the work of the Panel there was a paucity of information submitted on the safety and effectiveness of clofiucarban. Since that time, additional data have been submitted to the Panel for consideration. However, the Panel still finds several areas of deficiencies in the data base. One of these is the lack of blood level data following topical application. In fact, no data were submitted showing the following:

a. Substantivity of clofiucarban to the skin following one and several baths using a clofiucarban-containing bar soap.

b. Degree of absorption of clofiucarban following deposition on the various types of skin (young, mature, aged, diseased).

c. Peak blood levels following multiple baths.

d. Metabolic rate and fate of clofiucarban in the body.

e. Tissue storage of clofiucarban.

It is the Panel's opinion that final classification of clofiucarban for use in bar soaps cannot be made until such data are provided.

From a purely toxicological viewpoint, the Panel believes that inadequate data were submitted showing a dose/effect relationship. Conflicting data were submitted that were at such variance that inter-laboratory differences could not possibly account for the discrepancies. For example, data in OTC Volume 020133 (Ref. 1) showed that clofiucarban caused testicular effects in rats after 4, 8, 11 and 13 weeks of study at the lowest oral feeding level, 25 mg/kg, and liver changes at 1,000 mg/kg. This study showed that a "no-effect" oral feeding level was somewhere below 25 mg/kg (OTC Volume 020133, Tab 16). In contrast to this study, another study in Volume 020166, Tab 1 (Ref. 1) indicated that the "no-effect" oral level was 100 mg/kg with no testicular or other pathologic finding.

The Panel therefore was presented two controlled studies with widely varying results. It is the recommendation of the Panel that these discrepancies be resolved through adequately controlled research which will show the "effect" and "no-effect" level in the same study. Just as important is a determination of the "effect" and "no-effect" blood level of clofiucarban. As a word of caution, it should be pointed out that the Panel was presented suggestions in OTC Volume 020133 (Ref. 1) that an adequate analytical procedure for clofiucarban in biologic fluids was not available.

In view of these conflicting data and in the absence of definitive data on absorption through human skin, the Panel recommends to the Commissioner that a limit of 1.5 percent clofiucarban, or a combination of clofiucarban and triclocarban) be set until such time as adequate data relating blood levels and toxic effects are made available.

Data submissions, in OTC Volume 020133, Tab 11, 12, 13 (Ref. 1), to the Panel are adequate at this time to assure the Panel that clofiucarban has no significant potential for the induction of carcinogenesis, teratogenesis or mutagenesis. The Panel therefore does not consider these to be problem areas.

The Panel was concerned about the potential for clofiucarban to cause contact sensitization and, to a lesser degree, photosensitization. More to the point, perhaps, was the lack of adequate research addressing this potential. The papers drawing attention to contact sensitization and to photosensitization are those by Epstein et al. (Ref. 2), Solomon and Bluefarb (Ref. 3) and Masuda et al. (Ref. 4). These authors indicated that the potential for contact or photosensitization from clofiucarban was greater than that from triclocarban, but far less than that from certain other antimicrobial agents.

In the absence of adequate data, it can only be assumed that clofiucarban may have the same route and mode of elimination from the body as triclocarban since they are similar molecules.

A major route of elimination of triclocarban from the body is reported to be via conjugation to the glucuronide in the liver. This mechanism may be deficient in young animals and human infants. The Panel felt that inadequate data concerning elimination and toxicity in young animals were submitted. The Panel recommends that adequate research in young animals with blocked formation or unavailable glucuronide systems can be conducted in order to define the toxicity potential for human infants.

Since the liver is considered the major organ for conjugation, the effect of inadequate or impaired liver function on elimination and toxicity should also be determined.

Therefore, the Panel recommends that unless such studies as described above are conducted within 1 year following the publication of the final monograph in the FEDERAL REGISTER this ingredient should be restricted from use in infants. The label for the preparation containing the ingredient would state: "Not to be used on infants under 6 months of age." The literature sources documenting the impairment of glucuronide capacity in infants is listed separately under the section on triclocarban.

The deficiencies for clofiucarban related to effectiveness are similar to those for triclocarban and have been discussed in other sections under the Comment concerning Efficacy of Antimicrobial Soap and in the statement of the Panel on triclocarban.

In summary, the Panel has concluded that clofiucarban or a combination of clofiucarban with triclocarban can be used in bar soap at a total concentration not to exceed 1.5 percent and only for a period of 1 year following publication of the final monograph in the FEDERAL REGISTER. The deficiencies discussed for triclocarban, and data required to allow placement of that ingredient in Category I, are similar for clofiucarban. If used in combination with triclocarban toxicity studies will be required to demonstrate that there is no increased toxicity with the combination. The toxicity studies outlined in the Guidelines will be required and should include determination of the oral toxicity including target organ determination with blood levels and "effect" and "no effect" dose in the same study.

The studies for clofiucarban alone are enumerated in the statement on the combination of triclocarban and clofiucarban.

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THE COMBINATION OF TRICLOCARBAN AND CLOFLUCARBAN IN BAR SOAP

The Panel is placing the combination of triclocarban and clofiucarban in Category III. These two chemicals are quite similar in their use, mode and spectrum of antimicrobial action, and, in all likelihood, toxicity. However, it is the view of the Panel that additional data are needed on the individual ingredients. No data were submitted on the toxicity of the combination of ingredients, although it is the understanding of the Panel that such studies are currently being conducted. The studies outlined under the discussion of triclocarban and clofiucarban required to characterize the toxicity of the individual chemicals also apply to the combination and should include determination of substantivity, absorption, distribution, blood levels, excretion and effect/no effect dose with the establishment of toxic effects, especially on the target organ determined in the same study.

Since the excretion of both chemicals from the body is thought to be by the glucuronide pathway, the recommendations for studies and labeling on this aspect should apply also to the combination.

Until adequate studies are submitted to make a final determination, the Panel recommends a limitation of the total combination of triclocarban and clofiucarban to 1.5 percent for a period not to exceed 1 year after publication of the final monograph in the FEDERAL REGISTER.

TRICLOSAN

3. After reviewing the extensive safety and effectiveness data, the Panel has concluded that adequate data are not yet available to permit the final classification of triclosan for use in topically applied antimicrobial products. From the data submitted, the Panel concluded that there was no known hazard to the general public from the use of triclosan in concentrations not greater than 1 percent in marketed products. Based on blood level data (discussed below) triclosan appears to the Panel to be safe for use in such formulations. The Panel therefore recommends that triclosan be permitted for use in topically applied antimicrobial products sold to the general public for a period of 1 year following publication of the final monograph in the FEDERAL REGISTER in order to allow interested parties time to conduct the necessary research to supply data in the areas indicated as deficient in the following summary:

It has been shown in animal experiments (OTC Vol. 020037, Ref. 11) that triclosan can be absorbed through intact skin. This has been verified by Maibach (Ref. 1) and also reported in OTC Volume 020154 (Ref. 11) which details human blood levels following the use of a triclosan-containing soap on intact skin.

The primary target organ for toxicity from triclosan is the liver. There is still a question as to whether the damage to the liver is due to the intact molecule, a metabolite, or a combination of the two (triclosan and/or triclosan metabolite).

A subchronic (90 day) oral study in dogs revealed liver damage at blood levels of 67.4 ppm total triclosan (free triclosan plus metabolite) resulting from an oral dose of 25 mg/kg/day. A no-effect oral dose of 12.5 mg/kg/day, in the same study, resulted in a total blood level of 36.1 ppm (OTC Vol. 020167, Ref. 11). Similar studies, using the same oral dosing regimen, in which blood levels were not determined, showed liver toxicity in dogs (OTC Volumes 020154 and 020034, Ref. 11). The dose-related histopathological damage in the dogs was described as periportal to midzonal hepatocytic degeneration which led to focal necrotic hepatitis. This change appears to be reversible when exposure to triclosan is terminated (OTC Vol. 020167, Ref. 11). In other studies, when triclosan was administered in the diet to dogs or rats for 90 days, at doses equivalent to those used in previously discussed studies, no liver damage resulted (OTC Volumes 020166 and 020167, Ref. 11).

Insufficient data was submitted concerning the toxicity from longer term exposure to triclosan by any route of administration.

Taking into consideration animal toxicity and human absorption and blood levels, safety factors were calculated. It was found in subchronic 90-day dog studies that the highest no-effect dose administered was 12.5 mg/kg. The absolute dose given the dog was 75 mg (12.5 mg/kg×6 kg dog). Extrapolated to man by surface area, using the technique of Paget and Barnes (Ref. 12), the no-effect level might be expected to be 232.5 mg in the human. The value was calculated by multiplying the absolute dose in dogs showing no effect by the conversion factor for surface area (75 mg×3.1).

If we assume that a bar soap contains 1 percent triclosan as the active ingredient and that an average bath consumes 7.0 grams of soap, then the total available triclosan would be 70 mg. If we assume that 1 percent of the 70 mg of the available triclosan remains on the skin as a substantive agent, then a total of 0.7 mg of triclosan would be available for absorption. If we assume that 8.9 percent of the 0.7 mg of triclosan is absorbed (Ref. 1), then 0.062 mg would be in the blood. Thus, the following safety factor, using surface area can be calculated:

$$\frac{282.5 \text{ mg (expected no-effect dose level in man)}}{0.062 \text{ mg (expected exposure dose in man from 1 bath)}} = 3{,}554\text{-fold safety factor}$$

Another way to calculate a safety factor is to assume that an average size human has 5,000 ml of blood, and if we assume that the 0.062 mg of triclosan is instantaneously absorbed from the skin, the concentration of triclosan (free) in the blood would be approximately 12 parts per billion (ppb). If it is assumed that some segment of the population takes two baths per day, and that the total triclosan is absorbed and accumulates, the blood level would be 24 ppb. Data from the OTC submissions suggest that rapid conversion of free triclosan to the glucuronide occurs, and that within a few minutes, most of the absorbed triclosan exists only as the metabolite. (OTC Volume 020154).

If we take the lowest "no-effect" blood level data (36,100 ppb triclosan/triclosan metabolite) in dogs (OTC Volumes 020182–020185 and 020186, Ref. 11) and recognizing that the data was reported from a 90 day study (Ref. 15), the following safety factor could be calculated:

$$\frac{36{,}100 \text{ ppb}}{12 \text{ ppb (blood level of triclosan from a single bath)}} = 3{,}000\text{-fold safety factor}$$

or

$$\frac{36{,}100 \text{ ppb}}{24 \text{ ppb (blood level of triclosan from 2 baths)}} = 1{,}500\text{-fold safety factor}$$

Based on the highest "effect" blood level (67,400 ppb triclosan/triclosan metabolite), the following calculation could be made.

$$\frac{67{,}400 \text{ ppb}}{12 \text{ ppb (single bath)}} = 5{,}600\text{-fold safety factor}$$

or

$$\frac{67{,}400 \text{ ppb}}{24 \text{ ppb (2 baths)}} = 2{,}800\text{-fold safety factor}$$

The above calculations are, as mentioned, based on theoretical assumptions. Preliminary data from humans (Ref. 15) revealing a blood level of 44 ppb of triclosan/triclosan metabolite allow the following calculations to be made:

$$\frac{67{,}400 \text{ ppb (blood level at effect dose in dogs)}}{44 \text{ ppb}} = 1{,}531\text{-fold safety factor}$$

$$\frac{36{,}100 \text{ ppb (blood level at no effect dose in dogs)}}{44 \text{ ppb}} = 821\text{-fold safety factor}$$

These calculations would indicate a substantial safety factor, but it should be pointed out that studies to date, relating blood levels to toxic effects, are short-term studies. Humans may be exposed to bar soap daily over their entire life span. Also, several assumptions were made because of unresolved data; namely, the degree of substantivity, and rate and amount of absorption. These assumptions must be tested to provide clarification. This research should include humans in various age groups and with varying skin conditions.

No evidence of potential mutagenesis, carcinogenesis, teratology or reproductive

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effects were found in studies with various rodent species (OTC Volumes 020033, 020034, 020035, and 020154, Ref. 11).

Data indicate that the chemical cannot be considered a primary sensitizing or photosensitizing agent in animals (Volume 020104, Ref. 11) or in humans (OTC Volume 020033, Ref. 11). An incident of hyperpigmentation and irritation from the use of triclosan-containing soap has been reported (OTC Volume 020086, Ref. 11). Studies have not eliminated possible cross-reactivity following previous sensitization with hexachlorophene, salicylanilides or carbanilides and further cross-sensitization studies should be performed.

A major route of elimination of triclosan from the body is reported to be via conjugation to the glucuronide in the liver. This mechanism may be deficient in young animals and human infants. The Panel felt that inadequate data concerning elimination and toxicity in young animals were submitted. The Panel recommends that adequate research in young animals with blocks formation or unavailable glucuronide systems be conducted in order to define the toxicity potential for human infants. Since the liver is considered the major organ for conjugation, the effect of inadequate or impaired liver function on elimination and toxicity should also be determined.

Therefore, the Panel recommends that unless such studies as described above are conducted within 1 year following the publication of the final monograph in the FEDERAL REGISTER this ingredient should be restricted from use in infants. The label for the preparation containing the ingredient would state: "Not to be used on infants under 6 months of age." The literature sources documenting the impairment of glucuronide capacity in infants is listed separately under the section on triclocarban.

Data submissions (OTC Volumes 020033–020040, 020077, 020079, 020142, 020153, 020166, 020170, 020183, 020185, Ref. 11) and a series of reports with regard to the purported antimicrobial activity of triclosan have been studied, examined, and reviewed. These reports suggest that numerous gram positive bacteria are susceptible to its action at levels comparable to other substituted phenols, such as hexachlorophene. However, some gram positive skin residents appeared somewhat less susceptible than others. The lack of susceptibility of the gram positive streptococci is a potential hazard (see discussion of glomerular nephritis in comments for antimicrobial bar soaps). In attempts to define the spectrum of triclosan, some of the gram negative bacterial strains listed in the reports were revealed to be susceptible to triclosan. Those gram negative bacteria showing in vitro susceptibility to triclosan included strains of the various coliforms, *Proteus* and *Salmonella*. One type of gram negative organism of increasing importance in the hospital environment which was found to be quite resistant was *Pseudomonas aeruginosa*. Other microorganisms showing low levels of susceptibility included various fungi and viruses, such as the polio virus. Influenza, adeno- and vaccinia viruses are inhibited at a lower concentration. The reports suggest that reduction of the number of microorganisms in the skin microflora with the use of triclosan in soaps is similar to that with other bisphenols.

Some reports suggest the *Pseudomonas* can be selectively established at high levels on the skin with the topical use of bisphenols (Ref. 2, 3 and 4). In addition, triclosan can be utilized for the selective isolation of *Pseudomonas* from materials containing both gram positive and gram negative organisms. These materials include foods and microflora samples from the skin (Ref. 3 and 5). This isolation is facilitated with the use of a patented *Pseudomonas* isolation agar containing triclosan (Ref. 13).

Triclosan differs form other bacteriostats active primarily against gram positive bacteria, in that it does have in vitro and probable in vivo (Ref. 6) activity against some gram negative bacteria, but unfortunately not against *Pseudomonas*. With the widespread use of antibiotics and disinfectants selectively active, primarily against gram positive bacteria in the hospital environment, gram negative, nosocomial infections are increasingly life-threatening (Ref. 7) especially *Pseudomonas*. With the environmental pressures being pushed in one direction (one-way selective pressure) toward the selection of gram negative organisms, i.e., *Pseudomonas*, in the hospital environment, unexpected reservoirs and mechanisms of transmission are being reported (Ref. 8 and 9). It is essential to eliminate sources of gram negatives in particular areas of the hospital, for instance, burn units, intensive care units in which immunosuppressive drugs are administered and in neonatal nurseries. One study by Bodey and Rosenbaum (Ref. 10) describes the use of a triclosan-containing soap in hospitalized and immunosuppressed patients. This study reports the results of the bathing of leukemic patients in a protected environment (Life Island) with a bar soap containing 1 percent tribromsalan and 1 percent triclosan. The authors report reduction in total counts on various body sites, especially staphylococcal species. It is the Panel's view that the results of this in vivo study cannot be projected as applicable in a normal environment. The environmental problem with triclosan proposed by the Panel is foreseen as a problem in personnel transmission with *Pseudomonas* carriage on the hands as a result of selective pressures and with the widespread continuous use of triclosan-containing products in the hospital environment. Furthermore, the patients in this study, which had no controls, were all immunosuppressed and receiving concomitant antibiotic therapy, both oral and topical.

In addition the skin sampling and culture techniques were not optimal for the isolation of *Pseudomonas* from the skin. The serious possibility of carryover of inhibitory antibiotic residue from the topical therapy would invalidate the cultural results. This is a well-conceived study with application for these particular patients. However, there is certainly a risk involved with the knowledge that the soap being applied has no activity against *Pseudomonas* and undemonstrated claimed in vivo activity against other potential pathogens. In a subsequent publication (Ref. 9), these same authors describe another sutdy of this type and conclude that although 76 percent of aerobic bacteria were eliminated by cleansing with a soap containing a combination of triclosan, and tribromsalan, strains of potential pathogens such as *Enterobacter* species, a *Klebsiella* species, *Proteus* species and *P. aeruginosa* persisted. Thirty-three percent of the patients had persistent pathogenic bacteria and 40 percent had persistent fungi. Despite intensive systemic and topical antibiotic therapy and washing with an antimicrobial soap as a protective measure, the organisms persisting are those most likely to cause fatal infections in these seriously ill patients.

In the judgment of the Panel, clinical effectiveness in the prophylaxis and treatment of superficial pyogenic infections of the skin has not been established. Deodorant effectiveness has been demonstrated in the reports reviewed, but safer, alternative agents for the reduction of body odor exist.

The Panel has reviewed the use of isolation medium containing triclosan for the selective isolation of *Pseudomonas* from the skin. This fact per se would not indicate a problem with the environment nor is this the basis of the Panel's conclusions about triclosan in the hospital environment. Current thought among scientists investigating skin microflora raises the possibility that this chemical applied to the skin, considering the skin as a possible culture medium superior in many instances to those devised by microbiologists, would also act selectively to promote the shift of the skin flora especially in environments where *Pseudomonas* is ubiquitous and life-threatening to many patients.

The further widespread use of a product containing an antimicrobial agent with some gram negative activity, but with little activity against *Pseudomonas*, might easily shift the microbial flora of the skin, especially on the hands after repeated daily use, to allow carriage of high numbers of potential pathogens on the hands of hopsital personnel (Ref. 9 and 14).

Because of this potential for influencing the gram negative population and/or the addition of another potential selective agent for *Pseudomonas*, the Panel recommends that triclosan-containing products not be used in the hospital or other closed environments such as nursing homes, where individuals are present who may be highly susceptible to infection with microorganisms from the environment not normally pathogenic (opportunistic pathogens).

This restriction on the use of triclosan also applies to any combination products containing triclosan. Triclosan should be used only in products where there is no exposure to persons with debilitating diseases, physical debilitation, persons who are immunologically compromised or where the closed environment in the hospital or other institution would possibly allow the shift of environmental pressures toward *Pseudomonas*.

Many animal toxicity studies for this ingredient have been submitted and discussed above. Further work is necessary to determine whether the triclosan molecule, the metabolite or a combination produce the toxic effect. More data on human blood levels following topical application are needed. A variety of skin areas, types and conditions should be studied. Possible mounting of blood levels with the use of multiple products should also be investigated.

It was the view of the Panel that in vitro data indicate activity against some gram negative microorganisms but that further verification of the spectrum is required as well as in vivo demonstration of activity against *Proteus*, *Salmonella*, and *Pseudomonas aeruginosa*.

Studies relating the use of triclosan in the hospital or closed environment to the incidence of gram negative, and particularly *Pseudomonas*, infections may be difficult to perform since the infection rate depends on many factors. Necessarily, some approach to a solution must be made since the theoretical reasoning of an effect follows general ecological principles. Further in vitro and in vivo susceptibility work will establish the actual spectrum of this chemical on the skin since the Panel was presented with conflicting reports.

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IODOPHORS

4. The OTC Antimicrobial I Panel recognizes the existence of at least three categories of iodophors: (1) Solubilized inorganic elemental iodine, such as tincture of iodine, USP, or the aqueous iodine-iodide solubilized product; (2) iodine complexed or combined with various surfactant compounds such as poloxamer-iodine complex; and (3) iodine complexed with various non-surfactant compounds such as PVP-iodine complex (polyvinyl pyrrolidone-iodine). The antimicrobial activity of all of these agents is dependent upon the release of elemental iodine. Iodine is recognized to be a broad spectrum antimicrobial with activity against fungi, viruses, and both gram positive and gram negative bacteria.

a. *Solubilized inorganic elemental iodine.* Iodine has a long history of use as a broad spectrum antimicrobial agent. There is an extensive literature documenting the effectiveness of aqueous and alcoholic solutions of elemental iodine as an antimicrobial. In fact, the United States Pharmacopeia has listed iodine preparations since 1840. In the judgment of the panel, elemental iodine hydroalcoholic solution is safe and effective when properly used on unbroken skin as a patient pre-operative skin preparation but its irritating properties and delay in wound healing make it unsafe for other uses. (See discussions in Categories I and II of tincture of iodine.) The data supporting these positions may be found in reference books such as those by Lawrence and Block (Ref. 1) or Hugo (Ref. 2) and Sykes (Ref. 3) as well as the numerous articles contained in OTC Volume 020181 which is an extensive bibliography of references about iodine (Ref. 4).

A variety of values has been proposed for the minimum concentration at which iodine is lethal to cells. It has been stated by Sykes (Ref. 3) that all microorganisms are killed by the same concentration. However, the organic load (in a wound, with serum, or on the skin) and pH (acidity) may dramatically change the concentration required to achieve the desired killing effect on the skin. It is difficult to set a level of free iodine which is effective against all types of microbial flora: Viruses, fungi, spores, and vegetative bacteria. The variables present in any situation where iodines are used as bactericidal agents on the skin must be tested in in vivo human studies because it is necessary that they be controlled in experiments testing effectiveness against high microbial populations. The results of these studies should be used to determine use dilution and label directions. It is probable that no single value in ppm of iodine can be established as universally effective. Elemental iodine is discussed in this statement since the effectiveness of all iodophors is dependent on the release of free iodine as the active agent and the complexing molecule acts only as a carrier.

b. *Iodine complexed with various surfactant compounds.* The Panel recognizes that elemental iodine complexed with a surfactant type "carrier" molecule reduces the amount of immediate "free" iodine, since most of the formulated iodine is bound in the complex. The Panel was not presented adequate data to determine if the complex is really a micellular solubilization of iodine at the molecular level or whether loose chemical bonding exists producing what could be termed a "sociable molety". Indeed, the complexation of iodine with the carrier molecule is responsible for the changes in characteristics observed in staining, burning or irritation of the skin. The amount of "free" elemental iodine in solution is a function of the equilibrium constant of each complexing formulation. If all of the "free" elemental iodine is removed from solution (as in the case of application to a wound where potentially all iodine present is bound by total organic load), then a finite period of time would be required before a new equilibrium would be established. Once the iodine is released from the complex, it acts as elemental iodine, a broad spectrum antimicrobial agent. After release of iodine, the carrier molecule remains at the site as any other similar, surfactant molecule.

The Panel has concluded from the data submissions that iodine complexed with a surfactant is a way of presenting iodine as an antimicrobial agent to a wound site or the skin. The purpose of presenting iodine in such a form is to reduce the staining and toxic (locally) properties inherent in the iodine molecule. Since most of the formulated iodine is tied up in the complex, the amount of "free" iodine available at any given instant is relatively small. Therefore, theoretically, the degree of irritation should be lessened. Indeed, the data submitted does substantiate a reduced degree of iodine burn from the complex. In many cases, the area covered by the iodophor may be covered with adhesive tape or bandaged because the amount of "free" elemental iodine is not enough to cause tissue burns. This is a significant advantage for these iodine preparations over older iodine formulations, such as tincture of iodine. The concern of the Panel has been that this advantage of complexed iodine may also be its most serious disadvantage. The advantage of the iodophor is that the area can be treated and bandaged without irritation, while the serious disadvantage may be that actually there is less free iodine as an active antimicrobial. The Panel was presented no significant data about the "release" or disassociation of iodine from the com-

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plex. Additionally, the Panel was concerned about the lack of stability data on iodophor formulations.

The Panel is aware of the proposed mechanism which has been described in U.S. Pat. 3,028,299 (Ref. 11) and by Schmidt and Winicov (Ref. 5) theorizing the establishment of an equilibrium between free iodine and complexed iodine. The labeling for a given product states the amount of available or titratable iodine in the formulation. However, only a fraction is in the "free" elemental iodine form at the time of use. The concern of the Panel was the lack of data in the cases of actual use of the product which identifies the fraction that is "free". For example, once the "free" elemental iodine is bound to an organic load (in a wound, with serum, or on the skin), how rapidly is new elemental plex take place at the same rate in the plex? Does pH influence rate of release? (See OTC Volume 020077, Tab 118, Ref. 4). Only preliminary data were presented in the form of rapidity of titration with thiosulfate or rapidity of partitioning between two immiscible solvents. The Panel considers this form of data inadequate since it does not reflect actual conditions of use. For example, will the dissociation of iodine from the complex take place at the same time in the presence of iodine bound to an organic load? No such data were submitted to the Panel and before final classification of these iodophors for most applications can be made, such data are necessary.

Another area of concern for the Panel was the lack of stability data submitted for the several iodophor preparations. It is recognized that elemental iodine is a rather powerful oxidizing agent, as are all the halogens. It was suggested that some iodophors are not stable over a two year shelf life period (Ref. 12). The Panel recommends that the Food and Drug Administration ascertain the stability of iodophor products.

The Panel has concluded that inadequate safety data were presented for all applications to permit final classification of these surfactant iodophors at this time. Some data submitted to the Panel in OTC Volume 020119 (Ref. 4) suggest that with certain of the surfactant idophors the volatile characteristics of iodine are not changed. In an occluded environment such formulations may corrode the tissue resulting in tissue burns. It was also suggested in this same volume, that all surface active agents cause hemolysis and tissue irritation and for this reason all surfactant-containing iodophors should be removed from soft tissue or surgical wounds prior to their closure. The Panel noted only a very small number of clinical studies with the surfactant iodophors which could shed light on these problems. The Panel recommends that surfactant iodophors be studied to define retardation of wound healing and irritation before they are labeled as Skin Wound Cleansers. For all other uses the following controlled studies using both research laboratories and clinics should be conducted: Blood levels of iodine (and iodide) and/or the carrier or complexing molecule following various types of usage of the product; systemic toxicity after absorption of the carrier molecule (animals only); the target organ for toxicity from the carrier molecule as well as metabolic fate of the carrier molecule (animals only).

One of the primary concerns of the Panel was the influence of surfactant iodophors on rate of wound healing. Conflicting data were presented to the Panel in the area of effect on wound healing. For example, several citations were submitted indicating little or no effect from the iodophor on rate of wound healing (See OTC Volume 020071, Tab 49, Tab 90). In contrast to these, data were presented suggesting that certain nonsurfactant iodophors (PVP-iodine type) delay the rate of wound healing see Custer et al. (Ref. 6) and Edlich et al. (Ref. 7). In attempting to resolve this question, the Panel noted a paucity of controlled research that would define whether any delay in wound healing is due to iodine, carrier molecule or the combination. It is therefore, recommended that definitive research be conducted on each surfactant iodophor used in or on wounds and the results of such research be reported to the Food and Drug Administration for final evaluation.

Another primary area of concern of the Panel was the paucity of clinical evaluation data dealing with the claimed effectiveness of most of the surfactant iodophors. There were many in vitro tests reported and the Panel is satisfied that, under the specific conditions of test for the in vitro evaluation, the specified iodophor had the stated antimicrobial effects. The Panel does feel, however, that clinical claims made from extension of the in vitro data were largely unwarranted in the absence of clinical research. The Panel again recommends that controlled clinical studies be conducted on each surfactant iodophor for which a specific claim is made.

In specifying some shortcomings in the data submitted, the Panel does not infer that a known hazard exists with these products. On the contrary, the Panel did receive enough toxicity data to convince them that there is no known hazard to the public from the use of these iodophors.

c. *Iodine complexed with non-surfactant compounds.* The only example of this non-surfactant type iodophor was polyvinyl pyrrolidone-iodine complex (PVP-iodine). Some testimony was presented to the Panel suggesting that PVP-iodine is a distinct chemical entity, while other testimony suggested that PVP-iodine is only a complex of polyvinyl pyrrolidone and iodine. In the absence of definitive data, the Panel is referring to PVP-iodine as a complex. Some evidence was presented that indicates iodine is released more slowly from PVP-iodine complex than from the surfactant-iodine complex. The Panel would require the same rate-of-release data in the presence of an organic load for the PVP-iodine complex.

The Panel has concluded that all defined uses for PVP-iodine will be placed into Category III for a period of 1 year following publication of the final monograph in the FEDERAL REGISTER in order to allow adequate time to obtain the data specified below. Enough data were presented to the Panel to satisfy them that no known hazard to the public would result from the use of PVP-iodine. The specific areas of concern that caused the placement of this iodophor into Category III follow.

Data were presented to the Panel that indicate that PVP-iodine preparations were used in volume on large burn areas, on vaginal mucosa, in large open wounds and in abdominal surgery. Following such indiscriminate use, it was shown that some individuals showed altered protein bound iodine (PBI) levels and thyroid function. Therefore, the Panel recommends that more controlled research be conducted to show the conditions of use under which thyroid function would or would not be altered, and the amount of PVP-iodine required to induce alteration. The Panel would be more interested in data with current analytical procedures, such as T3 and T4 levels, than in PBI levels (Ref. 4).

The Panel was presented conflicting data concerning the role of PVP-iodine use on the rate of wound healing. Some data suggested that PVP-iodine had no effect on rate of wound healing while other data suggested a delay in wound healing after the iodophor use in animal model studies by Custer et al. (Ref. 6) and Edlich et al. (Ref. 7). In the opinion of the Panel, inadequately controlled studies were reported and are of only limited value in making a final judgment as to effect on wound healing. The Panel recommends controlled studies be conducted to answer the question as to the cause for delay in wound healing, if it occurs. The iodine, PVP alone, formulation aids, and final product should be evaluated in a controlled study.

While reviewing the data submission, the Panel was concerned about stated label claims made without adequate supporting clinical data. Statements implying "long-acting germicidal" activity or prolonged viricidal or sporicidal activity with iodine suggested clinical effectiveness over relatively long periods of time. Two questions arose from such implication: (1) What is the rate of release of "free" iodine from the complex in a clinical application and (2) what is the evidence of "germicidal" activity over a period of time in a clinical application? The Panel recommends that definitive research be conducted to answer these questions as well as to define the parameters or limiting conditions for the germicidal activity of iodine, whether free or bound in an iodophor.

Reports have appeared in the literature which have indicated possible lymph node changes by circulating polyvinyl pyrrolidone. See Ashwood-Smith (Ref. 8), Towers (Ref. 9) and Dupont and Lachapelle (Ref. 10). The Panel recognizes that certain molecular weights of polyvinyl pyrrolidone have been used as plasma expanders which have caused the node changes. PVP-iodine preparations have been used in large open wounds and in the abdominal cavity, but the Panel feels that inadequate data were made available to prove positively that such lymph node changes do not take place following such uses of PVP-iodine. The primary recommendation for additional work in this area is to show the extent of scavenging of residual PVP-molecules by the reticuloendothelial system and possible lymph node involvement following use in abdominal cavities or in large wounds. The Panel was convinced by testimony which is summarized in OTC Volume 020149 (Ref. 4) from Dr. G. Rice of the National Cancer Institute and submitted data that there was little, if any, danger of carcinogenesis from residual PVP molecules.

The general deficiencies noted with the iodophors involve both safety and effectiveness. The whole question of iodine release from the complexed molecule including rate of release and binding to other materials, as well as the influence of the release rate on effectiveness must be resolved. The stability of complexed iodine over time and with varying environmental conditions must be known and and controlled so a stable product is marketed and effectiveness can be assured. The systemic absorption of topically applied iodine must be measured using the currently accepted assay procedures. In many cases, the toxicity of the carrier molecule has been only superficially characterized. Further detailed studies are necessary before toxicity can be determined (see discussion of animal toxicity in guidelines).

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QUATERNARY AMMONIUM COMPOUNDS

5. Since the first introduction in 1935 of quaternary ammonium salts ("quats") with surface active characteristics used as antimicrobial agents, there has been wide use and acceptance of these compounds as antiseptics and disinfectants. There has also been much controversy concerning the microbial spectrum, inactivation with incompatible materials, and potential hazard as a result of gram negative contamination, particularly with *Pseudomonas*.

Quaternary ammonium compounds are cationic surface active agents. They can be differentiated from nonionic and anionic surface active agents in that they are basically organically substituted ammonium compounds which can be characterized by the following general representation: $[R_1R_2NR_3R_4](+)X(-)$. "R" represents a lipophilic group such as long chain hydrogen alkyl or aryl-alkyl radicals or other groups; "X" represents a negative ion such as a halide, sulfate or other radical and "N" represents nitrogen.

The inherent nature of this type of molecular structure allows the synthesis of a large number of variants. The challenge has been met by the production of extremely large numbers of these compounds. The Panel has reviewed only three of these, restricting their comments to those for which data were submitted: Benzalkonium chloride, benzethonium chloride, and methyl-benzethonium chloride. It should be understood, however, that these compounds do contain characteristics which are common to the whole class of quaternary ammonium compounds. The microbial spectrum does not vary significantly from compound to compound.

There is an interference action between cationic and anionic surface active agents with the result that these ionic types of compounds cannot be formulated together without inactivation of the germicidal activity of both compounds. Further discussion of the subject can be found in texts by Lawrence and Block (Ref. 1) and Sykes (Ref. 2). In contrast, the nonionic compounds are often formulated with cationic "quats" in products known as germicidal detergents.

"Quats" and all surface antibacterials have been shown to affect membrane permeability. Indeed, this group of compounds have been called membrane-active. Many authors have recorded the loss or leakage of cell contents after exposure to "quats." Specific transport mechanisms may also be affected. "Quats" probably produce a generalized breakdown in the semipermeable characteristics of the membrane as discussed by Hugo (Ref. 3), Lawrence and Block (Ref. 1) and Sykes (Ref. 2).

Gram positive microorganisms are generally more susceptible to the effect of the "quats" than gram negatives.

The "quats" are non-specifically adsorbed to the cell membrane. In any case, the unprotected cell membrane is sensitive to the action of the "quats". Difference in sensitivity is conferred by access to the cell membrane.

This difference is probably due to the differences in the cell wall of gram positive and gram negative microorganisms. The adsorptive character of the cell wall probably determines the ability of the quaternary to reach and affect the cell membrane beneath the cell wall.

Early reports of the bactericidal activity of "quats" in low concentrations could not be supported when adequate neutralizing chemicals were added to the culture medium for testing antibacterial activity. In early tests, enough "quat" molecules adsorbed to the cells were carried over into the subculture medium to prevent the cells from growing when transferred to culture media. The meaning of the results of such tests was misjudged and misinterpreted during the early effectiveness testing of the "quats".

The gram negative *Pseudomonas* species are frequently resistant to destruction by "quats." The lack of lethal activity of "quats" against *Mycobacterium tuberculosis* has been well established and is reported by Sykes (Ref. 2). The fungicidal activity of "quats" is questionable and "quats" also lack significant antiviral activity. Tables listing the spectrum of "quats" against a variety of microorganisms are numerous and examples can be found in Lawrence and Block (Ref. 1) and Sykes (Ref. 2).

The presence of organic materials substantially reduces the antimicrobial effectiveness of "quats". Their surface active nature permits easy adsorption on surfaces of even glass and plastic and consequently, residues of "quats" may remain. In fact, the adsorption of "quats" onto the bacterial cell surface and subsequent carry-over to the sub-culture medium in testing accounts for early exaggersted claims of effectiveness for "quats."

The cationic "quats" are inactivated by anionic compounds, soaps, Tween 80, and sodium lauryl sulfate as well as by certain metallic ions. Hard water and acidity also reduce the activity of the "quats". These incompatabilities are discussed by Lawrence and Block (Ref. 1) and Sykes (Ref. 2).

Because of their reported low toxicity and ease of use, especially with detergents, these compounds have been widely used for dipping solutions and "cold" instrument sterilization in hospitals. Organic material is commonly added to the solutions and as a result of failure to clean materials or replace old solutions, added micro-organisms are not inactivated and can grow and reproduce. Several serious outbreaks of gram negative infection, as well as infections caused by other organisms, have been reported as a result of contaminated quaternary ammonium solutions (Ref. 7, 9, 10 and 14 through 21).

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Preservative ingredients can be added to quaternary ammonium salts to prevent the growth of gram negative microorganisms, particularly *Pseudomonas*. Such a preservative system must be adequately challenged by effectiveness testing. The minimum acceptable standard for challenge testing of the preservative system would be the USP XVIII Preservative Test (pages 845–846) and chemically, the Antimicrobial Agents-Content Test (pages 902–204).

It is the finding of the OTC Antimicrobial I Panel that adequate safety and effectiveness data concerning these specific cationic surface active agents (benzalkonium chloride, benzethonium chloride, methyl benzethonium chloride) are not available to permit final classification except as a Skin Wound Cleanser.

Human systemic absorption and toxicity after topical application cannot be established based on a review of the scientific literature or submitted data. The systemic toxicity of "quats" in animals is low. The LD_{50} and chronic oaral study values in OTC Volume 020179 (Ref. 4) in several animal species are reported. The toxicity reported is indicative of and reflects the surfactant nature of the molecule. The "use dilution" for the "quats" is usually about 1/750 for topical application.

Specific absorption and systemic levels in humans have not been reported for the three "quats" reviewed. Considering the concentrations applied, and extrapolating from animal studies, toxic effects at use levels would be unlikely.

The irritating nature of quaternary compounds on the skin, mucous membranes and in the eye have been reported extensively in the submissions and are found in OTC Volumes 020017, 020018, 020128 and 020143 (Ref. 4). The degree of irritation is dependent on concentration and/or occlusion. There is little irritation potential with the use concentrations.

Various reports of toxicity related to the detergent nature of these compounds have been published. Landsdown and Grasso (Ref. 5) reported that repeated application of 1 percent benzethonium chloride to the skin caused damage with cellular degeneration. "Quats" have been shown by Bettley (Ref. 6) to alter the permeability of the human skin to sodium and potassium ions and to cause enhanced percutaneous absorption. Also, occasional reports of non-allergic and allergic contact dermatitis have been made by Plotkin and Austrian (Ref. 7), Malizia et al., (Ref. 8), Lee and Fialkow (Ref. 9) and Saunders (Ref. 30).

Necrotic ulceration has occurred where detergent creams containing "quats" have been applied to moist areas of the skin of the genitals and buttocks under occlusion as reported by Coles and Wilkinson (Ref. 10) and Tisley (Ref. 22).

A number of published articles deal with the toxicity of the specific "quats" reviewed by the Panel (Ref. 23, 24, 25). References to sensitivity and contact dermatitis produced with "quats" have been reported (Ref. 26 through 29).

One aspect of the result of the use of "quats" deals with both effectiveness and safety. Over the years since their introduction, the variety and frequency of their use has increased. Several reports by Plotkin and Austrian (Ref. 7), Malizia et al., (Ref. 8), Lee and Fialkow (Ref. 9) indicate systemic infections by *Pseudomonas aeruginosa* and other gram negative bacteria resulting from contamination of detergent fluids in which surgical instruments had been stored. Refer also to other pertinent work concerning nosocomial infections (Ref. 7, 9, 10, and 14 through 21).

The Panel concludes that the effectiveness of the "quats" appears to be limited and their effects in vivo on either resident cutaneous flora or on potentially pathogenic transients on the skin have not been clearly demonstrated. This conclusion is based on the relevant factors which follow.

While the growth of *Staphylococcus aureus* and certain other gram positive bacteria is inhibited by low concentrations of the "quats" in vitro, their reaction to these substances within the cutaneous ecosystem has not received sufficient attention. Since it has been shown by Ogden et al. (Ref. 11) and Sykes (Ref. 2) that "quats" are rapidly adsorbed to proteins and to cotton fibres and their germicidal activity is reduced in the presence of serum and of soap, their efficacy on the skin or in superficial wounds is much less than would appear from results obtained with in vitro procedures.

Many gram negative bacteria are resistant to the germicidal action of "quats", and some strains of *Pseudomonas* can survive and multiply in aqueous solutions to these substances. Such strains may be resistant to related preparations as has been described by Adair et al. (Ref. 12). Strains of the same species can also vary in their sensitivity to the "quats" and this attribute can change as a result of artificial culture as shown by Carson et al. (Ref. 13). In vitro testing of a series of strains recently isolated from human infections and other appropriate habitats must be understaken before the germicidal effects of the "quats" on gram negative species can be satisfactorily assessed.

Mycobacterium tuberculosis, some species of *Clostridia*, most dermatophytes and many viruses are not inactivated by the "quats". There are few reports on the in vitro or in vivo susceptibility of pathogenic fungi or protozoa to "quats".

Various reports show that the application of "quats" to the skin reduces both the bacterial count on hands and in the axilla with subsequent reduction of body odor. There do not appear to have been any studies on the composition of the residual bacterial populations. A reduction of the density of normal skin microorganisms may be followed by a selective increase in the populations of potentially pathogenic microorganisms. Studies of the qualitative effects of "quats" on the skin should be undertaken to insure that inhibition of the normal microbial flora does not produce results which are hazardous to the human host.

The three quaternary compounds reviewed by the Panel have been widely used for many years. Further toxicity data characterized by the absorption and systemic toxicity in a rodent and non-rodent species should be generated prior to the placement of these "quats" into Category I for uses other than as a skin wound cleanser. Also, the in vivo effectiveness of these ingredients for the product categories other than Skin Wound Cleanser needs to be evaluated with modern techniques, including the use of specific neutralizers.

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PHENOL 1.5 PERCENT OR LESS IN AQUEOUS/ALCOHOLIC SOLUTION

6. Lister first demonstrated the usefulness of carbolic acid (phenol) as a germicide in the surgical theater in 1867. Although it has been used since then, the topical use in particular has declined in recent years with the availability of new antimicrobials. Its germicidal mode of action is as a protein denaturant. An easily dissociated complex of the pienol molecule and protein is formed. This complex formation permits the penetration of phenol through intact or abraded skin, mucous membranes or subcutaneous tissues with which it comes in contact. Phenol also may gain access to the pulmonary circulation through inhalation of its vapors (Ref. 1). Many of the toxic effects discussed occur when phenol is absorbed at levels of 1.5 percent or less. However, toxic effects are more serious at concentrations greater than 1.5 percent. (See discussion of phenol greater than 1.5 percent.)

Although phenol is no longer a significantly used antimicrobial, it is still formulated in topical products and there is a large body of literature concerning its effectiveness (Ref. 2, 3, and 4). Phenol was widely used and accepted as an antiseptic when little else was available and its use is certainly historically important. However, it is now obvious that the level of phenol required in a formulation to be effective is frequently so high that it cannot be used safely on the skin (Ref. 5).

Phenol can be bacteristatic or bactericidal depending on the concentration. Phenol is not sporicidal.

The mechanism of action on the microbial cell is very likely the disruption of the cell wall and precipitation of the cellular proteins (Ref. 3 and 4).

Because phenols have a high oil/water partition coefficient (tendency for phenol to remain in the oil phase), the antimicrobial activity may be decreased in the presence of excess oil or fats. Since many phenol products are formulated as ointments or creams, in vivo studies must be conducted to show the antimicrobial effectiveness of phenol in these formulations. In addition, many of the reported effectiveness tests for phenol published in the literature and/or submitted to the OTC Panel were carried out before the development and use of neutralizers in antiseptic testing.

Phenol is a classic example of a chemical which is metabolized and eliminated from the body by glucuronide conjugation in the liver. This mechanism may be deficient in young animals and human infants. The Panel felt that inadequate data concerning elimination and toxicity in young animals were submitted. The Panel recommends that adequate research in young animals with blocked formation or unavailable glucuronide systems be conducted in order to define the toxicity potential for human infants. Since the liver is considered the major organ for conjugation, the effect of inadequate or impaired liver function on elimination and toxicity should also be determined.

Therefore, the Panel recommends that unless such studies as described above are conducted within 1 year following publication of the final monograph in the FEDERAL REGISTER this ingredient should be restricted from use in infants. The label for the preparation containing the ingredient would need to state: "Not to be used on infants under 6 months of age." The literature sources documenting the impairment of glucuronide capacity in infants are listed separately under the section on triclocarbon.

There is a report that phenol is a cocarcinogen in animal tissue (Ref. 6). The Panel is of the opinion that carcinogenic studies should be done to determine whether in fact, phenol itself may have carcinogenic potential. No information on the teratogenic or mutagenic potential of phenol has been submitted and this data should be developed.

Because of the reports of local and systemic toxicity (Ref. 7) after the use of phenol-containing products covered with bandages over large areas of the body, it is recommended that the use of phenol be restricted to small areas of the skin and that occlusive dressings, bandages or diapers in any form should not be used. Phenol-containing preparations should not be used for the treatment of diaper rash. The label should state, "Warning: Do not use for diaper rash or over large areas of the body or cover the treated area with a bandage or dressings."

It is recommended that the total concentration of phenol in powders and in aqueous, alcoholic or oil formulations be restricted to less than 1.5 percent. When camphor is used with phenol in an oil formulation, the concentration of phenol should be no more than 5 percent. Chemicals with phenol activity, such as sodium phenolate and secondary-amyltricresols should be considered as phenol in the calculation of the total phenol in any formulation. The amount of phenol available as a germicide will, of course, depend upon the particular formulation and the amount of phenol in a free state. The Panel has determined that phenol may be used in formulations, but at a minimal concentration, for its aromatic characteristics.

It seems apparent that even with its long and illustrious history, the time has come to recognize that the levels at which phenol in aqueous and alcoholic formulations is effective topically are also the levels at which topical and systemic toxicity may occur. The fact that these two elements converge has made it necessary for the Panel to limit the concentration which may be marketed while testing for safety is concomitantly performed. The Panel has described rather severe toxicity with the dosing or application of phenol in animals or man and has limited the concentrations greater than 1.5 percent to Category II. (See discussion of phenol greater than 1.5 percent aqueous/alcoholic.)

Even though the effects of phenol toxicity at lower concentrations are similar, the severity is dependent on the concentration. It is the Panel's view that the demonstration of effectiveness at 1.5 percent or less may be exceedingly difficult but that the use of this concentration does not present a known hazard to the consumer. The toxicity of phenol has been extensively described. The major lack of data is in in vivo efficacy studies with concentration at 1.5 percent or less. In vivo studies performed with modern testing and skin sampling procedures, including the use of neutralizers, are required.

References

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PARA-CHLORO-META-XYLENOL

7. Very little information was submitted to the Panel with regard to para-chloro-meta-xylenol (Ref. 1). Only a few acute oral and inhalation studies were submitted. These studies do not indicate a high degree of acute toxicity with an oral LD_{50} of greater than 3 gm/kg in rats.

However, because the information that could be obtained from subchronic dosing by various routes of application, determination of target organ, dermal and mucosal absorption, and metabolic studies are not available, an evaluation of the safety of this chemical in a topical preparation could not be made. In addition, information is not available regarding the effects of para-chloro-meta-xylenol on wound healing. The carcinogenic, mutagenic and teratogenic potential of the chemical which might be used topically for prolonged periods of time has, to the best of the Panel's knowledge, not been evaluated. There were two reports of contact dermatitis associated with para-chloro-meta-xylenol (Ref. 3 and 4).

It has been reported by Zondek and Shapiro (Ref. 2) that para-chloro-meta-xylenol is metabolized by glucuronide and sulfate conjugation. Due to the reported deficiency of metabolic conjugating mechanisms in infants, it is the opinion of the Panel that toxicological safety evaluation of para-chloro-meta-xylenol should include the studies to demonstrate safety in animals deficient in these detoxification mechanisms. Since the liver is considered a major organ for conjugation, the effect of impaired liver function on elimination and toxicity would be important.

Therefore, the Panel recommends that unless such studies as described above are conducted within 1 year following publication of the final monograph in the FEDERAL REGISTER, this ingredient should be restricted from use in infants. The label for a preparation containing the ingredient would need to state: "Not to be used on infants under six months of age". The literature sources documenting the impairment of glucuronide capacity in infants are listed separately under the Statement of the Panel on triclocarban.

A manufacturer of para-chloro-meta-xylenol has indicated to the Panel (Vol. 020067, p. 31, Ref. 1) that further toxicological studies were planned; however, no additional information has been made available to the Panel.

Para-chloro-meta-xylenol is a halogen substituted phenol compound. Many of the comments made for the effectiveness testing of phenol apply here. Halogen substitution increases the antimicrobial activity of phenol derivatives. The halogen in the para-position to the hydroxyl group is considered the most effective substitution. Thus, the indications are that this compound would show good in vitro activity. Very little information about the in vivo activity on the skin is published or was submitted to the Panel. At least one report, by Colebrook and Maxted in 1934 (Ref. 5), using a serial washing technique indicated only a slight effect on resident bacterial flora of the skin. Another study reported approximately a 70 percent reduction in microbial count of the flora of the hands after 10 days of use.

Para-chloro-meta-xylenol is primarily active against gram positive organisms with activity against gram negative microrganisms in vitro. Fungicidal activity in vitro is also reported (Ref. 2). The phenol coefficient is reported to be around 40, but the results vary (Ref. 2).

Claims for broad spectrum activity have been made for this compound. It has been tested as a preservative for cosmetic products (Ref. 2). Unfortunately the data submitted are not adequate to support these claims.

Very little effectiveness data which could be evaluated were submitted. Many studies were old and not performed with modern antiseptic testing procedures.

Effectiveness testing both in vitro and in vivo should be done in accordance with the Guidelines developed by the Panel. There are so little data available that it is the view of the Panel, that this ingredient should be tested as if it were a new chemical entity for use in antimicrobial formulation(s).

Only the most superficial toxicity data in animals have been reported to the Panel. It is the Panel's view that toxicity in rodent and non-rodent species, substantivity, blood levels, distribution and metabolism as well as any subsequent systemic absorption studies must be characterized before this ingredient can be considered for placement in Category I. The carcinogenic, mutagenic and teratogenic potential of this ingredient must be determined before it can be listed under Category I for topically applied products. In vitro and in vivo efficacy studies with up to date sampling techniques, including the use of neutralizers, are required.

REFERENCES

(1) OTC Volumes: 020030, 020041–020043, 020067, 020073, 020084, 020092.

(2) Zondek, B. and B. Shapiro, "Fate of Halogenated Phenols in the Organism," *Biochemical Journal*, 37:592–595, 1943.

(3) Calnan, C. D., "Contact Dermatitis from Drugs," *Proceedings of the Royal Society of Medicine*, 55:39–42, 1962.

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HEXYLRESORCINOL

8. The Panel has reviewed the submission regarding the safety and effectiveness of hexylresorcinol. The few animal toxicity studies submitted as summaries indicate a low order of toxicity (Ref. 1). However, no information has been submitted regarding dermal or opthalmic toxicity or absorption and blood levels attained after application to the intact or abraded skin or mucous membranes.

Hexylresorcinol has a history of use as an oral anthelminthic in humans. In these cases the dose used in children has been 600–800 mg. and in adults 1000 mg. Ref. 2 and 4) without systemic toxicity. However, irritation and ulceration of the oral and gastrointestinal mucosa have been reported from these high doses (Ref. 2 and 4).

During its long history of use, there have been a few reports of dermatitis and allergic reactions following the topical application of hexylresorcinol to skin (Ref. 3, 4, 5) and of irritation of the oral mucosa from the use of cough drops and toothpaste containing hexylresorcinol (Ref. 3 and 4). However, the Panel is of the opinion that hexylresorcinol does not present a known hazard to the general public from use as a topical preparation.

Data have been submitted demonstrating in vitro effectiveness using techniques available some years ago. Neutralizers for antiseptic testing were not in general use at the time these studies were performed and their use was often ignored. Newer testing techniques are currently available and should be used in further studies to determine the in vitro activity of this ingredient. Adequate data to demonstrate clinical or in vivo effectiveness or to substantiate label claims have not been submitted.

The Panel has reviewed rather extensive reports of the oral administration of hexylresorcinol to humans with other accompanying animal toxicity data (Ref. 1) and has concluded that topical application, even where absorption might occur at high levels, is safe. The area in which data are lacking concerns the in vitro and in vivo effectiveness of the ingredient and of formulations containing it. Before hexylresorcinol can be moved to Category I for other product categories, these effectiveness data must be generated using modern testing procedures and skin sampling techniques, including the use of neutralizers.

REFERENCES

(1) OTC Volume 020080.

(2) Bueding, E., "Chemotherapy of Infections by Nematodes and Cestodes," *"Drill's Pharmacology in Medicine,"* 4th Ed., Edited by DiPalma, J. R., McGraw-Hill, New York, 1971.

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TRIPLE DYE

9. The OTC Antimicrobial Panel has thoroughly reviewed the published literature and has listened to additional testimony from interested parties concerning the safety and effectiveness of the combination of dyes (crystal violet, 2.29 g; brilliant green, 2.29g and proflavine hemisulfate, 1.14 g and sufficient water to make 1000 ml) known as Triple Dye.

The Panel has reviewed the use of Triple Dye for the treatment of the umbilicus prior to the introduction of hexachlorophene, and has reviewed its recent use in the prevention of staphylococcal colonization of neonates as a possible replacement for hexachlorophene. It is the opinion of the Panel that the evidence indicates that a single application of triple dye to the umbilicus is effective in the reduction of staphylococcal colonization in infants in the hospital nursery (Ref. 1, 2, 3 and 4). Confirmatory studies would be desirable.

It is also the opinion of the Panel that additional safety data including the degree of percutaneous absorption and concomitant toxicity of the combination is required.

Additional effectiveness data are needed to determine the duration of protection following a single application of dye. The difficulty in the establishment of effectiveness by skin sampling for staphylococcal colonization is increased by the presence of small quantities of transferred dye in the culture medium used to isolate staphylococci and must be considered in further tests of effectiveness.

It is the opinion of the Panel that the data reviewed were not sufficient to permit final classification of triple dye.

The substantiation for this view is found in OTC Volume 020144 (Ref. 1) and in articles by Pildes et al. (Ref. 2), Jellard (Ref. 3), Hardyment et al. (Ref. 4) and Huntingford et al. (Ref. 5).

In summary the Panel reviewed this combination of antibacterial dyes primarily as a result of their concern with the toxicity of hexachlorophene. The application of triple dye to the umbilicus is a potential replacement for hexachlorophene bathing of infants in the nursery to reduce staphylococcal colonization. They have reviewed the literature and available information concerning the toxicity. Further data on the absorption, possible carcinogenicity of the dye ingredients and corroborative efficacy data should be generated before triple dye can be placed in Category I for this limited indication.

REFERENCES

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(2) Pildes, R. S., R. S. Ramamurthy and D. Vidyasagar, "Effect of 'Triple Dye' on Staphylococcal Colonization in the Neonate," Draft of paper submitted for publication is included in OTC Volume 020186.

(3) Jellard, J., "Umbilical Cord as Reservoir of Infection in Maternity Hospital," *British Medical Journal*, I:925–928, 1957.

(4) Hardyment, A. F., R. A. Wilson, W. Cockcroft and B. Johnson, "Observations on the Bacteriology and Epidemiology of Nursey Infections," *Pediatrics*, 25:907–927, 1960.

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LABELING

The Panel has determined that labeling claims not identified in Category I or Category II of this document continue to be used until 1 year after publication of the final monograph in the FEDERAL REGISTER providing the manufacturer or distributor of the product promptly undertakes adequate testing to support such statements.

GUIDELINES FOR TESTING

After exhaustive review of the data submitted for antimicrobial ingredients in soaps, surgical scrubs, skin washes, skin cleansers, and first-aid products, the Panel has developed guidelines for safety and effectiveness studies. These guidelines should be followed to develop data for specific ingredients where the information does not currently exist.

The Panel recognizes that antimicrobial use ranges from total body exposure to application on small areas of the body. This may extend from daily, repeated to intermittent, occasional application. The Panel also recognizes that the list of products may include solids, liquids, creams, powders, and aerosols, formulated with various chemical excipients.

The guidelines which follow were developed primarily for antimicrobial agents applied to the entire body surface.

Appropriate tests from the guidelines should be chosen to reflect adequately the intended use of the product containing the antimicrobial agent. Aerosols, for example, should include inhalation tests.

The Panel recognizes that there may be honest disagreement among scientists as to the most appropriate design of a protocol for many of the tests required to provide the data on which a final determination of category can reasonably be made. In this event, conferences with expert consultants and with representatives of the Food and Drug Administration are recommended. The Panel also recognizes that they have recommended studies in areas and with specified details for which precedents are not common.

GUIDELINE FOR SAFETY AND EFFICACY TESTING OF OTC TOPICAL ANTIMICROBIALS

Preparations applied to the skin for the purpose of reducing microbial counts or to effect control of infection may be applied to limited areas or to entire body surfaces. The following points are suggested as guidelines for the safety and effectiveness evaluation of topically applied chemicals. Since some products containing an antimicrobial agent(s) may be employed only over a limited surface area and/or for a limited time, all of the specific tests in the guidelines list (as well as others) may not be required.

Since topical products frequently have a considerable placebo effect, there must be some demonstration that the formulated product is better than the vehicle alone. Testing of the complete formulation for effectiveness and safety will be required to judge the importance of the vehicle in the release of the active ingredient as well as the influence of formulation on aspects of effectiveness and safety.

A. *Safety.* (Tests below to be performed on suitable animals and then on humans when applicable, appropriate and ethically feasible.)

1. *Topical (skin).* Determine:

a. Primary irritation potential following acute and subacute exposure. Special attention devoted to eyes, mucous membranes, and genitalia.

b. Allergic contact dermatitis potential following acute and subacute exposure.

c. Photosensitivity potential (phototoxic and photoallergenic). Tests to be conducted in appropriate age bracket in men and women and in sufficient numbers to determine safety.

d. Effect on wound healing.

e. Effect on skin pigmentation.

f. Effect on total skin flora to insure no detrimental over-growth of a particular bacterial or fungal species.

g. Substantivity or accumulation in or on the skin.

NOTE: The above tests should be performed using the chemical in pure form and in the final complete formulation to judge the effect of vehicle in the release of active ingredient(s).

2. *Systemic.* Determine:

a. The adequacy of or development of chemical analysis and/or bioassay techniques for the detection of the chemical and metabolites in biological tissues and secretions is essential.

b. Degree of absorption (blood level) through intact and abraded (damaged, diseased) skin and mucous membrane after acute and subchronic exposure and where appropriate, chronic exposure. If the product is an aerosol, adequate inhalation studies should be conducted.

c. The target organ(s) for toxicity effects via oral, topical and/or parenteral routes. Relate toxicity to blood levels of chemical agent. Determine the "no-effect" and "effect" level in the same species and same study.

d. The LD_{50}, highest dose killing no animals and lowest dose killing all the test animals by oral and topical routes, if possible.

e. Tissue distribution, metabolic rates, metabolic fate, and rate and routes of excretion.

f. Teratogenic, mutagenic, carcinogenic, and reproductive effects.

NOTE: The above tests should be performed using the chemical in pure form and in the final complete formulation to judge the effect of vehicle in the release of the active ingredient(s).

B. *Effectiveness.* The Panel has established by its definition of a skin antiseptic that only this product category requires controlled clinical studies to establish efficacy. The Panel accepts that in the definition and/or historical use of other product categories, the reduction of the normal flora, both transient and resident, has been sufficiently supported as an added benefit in all other products where antimicrobials are included in the formulation.

In the context of all of the definitions the concept that the products must be safe and non-irritating is expressed.

Testing of the irritation of topically applied products can be performed by ac-

Use standard procedure with and without a specific neutralizer. If none is

Since the Panel is aware of the difficulty in conducting this research, it might be preferable to conduct such

permits a more accurate determination of the microbial flora of various parts of the body surface.

dents of the skin of all individuals, and when present may be found only as small localized populations. They occur

they can be identified and the implication of their presence assessed.

The Panel is fully aware of the diffi-

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Testing of the irritation of topically applied products can be performed by accepted procedures.

Since product categories which did not exist previously have been defined by the Panel, there will be a need to develop adequate testing procedures in some of these new areas. There is particularly need to develop in vivo procedures for the newly defined products. The guidelines which follow are designed as an outline of suggested procedures which the Panel feels will characterize an antimicrobial product or ingredient. Certainly, the Panel recognizes that changes and additions will need to be made as newer techniques become accepted.

1. *In vitro.* a. Develop techniques for adequate neutralization of the chemical agent, before testing its antimicrobial[1] spectrum. Insure that the neutralizer is not toxic to the test organisms.

b. Determine the antimicrobial spectrum of the chemical(s) alone and in its final formulation. Use both standard cultures and recently isolated strains of each species. Cultures representing normal skin flora and skin pathogens should be selected.

The following outline has been prepared to serve as a basic guide for the in vitro characterization of the activity of an antimicrobial ingredient:

c. Determine the minimal inhibitory concentration (MIC) under standard conditions against standard organisms with known phenol coefficients and susceptibilities to other antimicrobial chemicals.

A series of recently isolated mesophilic strains including members of the normal flora and cutaneous pathogens (100 isolates) should be selected. Representatives of the following groups should be included.

NOTE: Special media and/or environmental conditions may be required:

1. Staphylococci-5 groups.
2. Micrococci.
3. Pyogenic Streptococci (Groups A, C, D should be included.)
4. Diphtheroids-Lipophilic, Non-Lipophilic, Anaerobic (*Propionibacterium*).
5. Gram negative enteric bacilli:
i. *Escherichia, Enterobacter, Klebsiella, Proteus,* and *Serratia* should be included.
ii. *Pseudomonas aeruginosa* and *Pseudomonas* species.
6. *Neisseria* species.
7. Aerobic Spore-Formers.
8. Atypical mycobacteria—fast growing strains.
9. Fungi—Yeast-like species. *Pityrosporum ovale, Pityrosporum orbiculare, Candida albicans, Candida parapsilosis,* and *Torulopsis glabrata.*
10. Selected Filamentous Dermatophytic species.
11. Viruses—hydrophilic, lipophilic.

d. Determine possible development of resistance to the chemical. Sublethal levels of the active ingredient(s) can be incorporated into the culture medium for an extended series of exposures. Use standard methods to determine the emergence of resistance.

e. Phenol coefficient

[1] "Antimicrobial" is defined as antibacterial, antiviral, antifungal and antiprotozoal.

Use standard procedure with and without a specific neutralizer. If none is available, use 10 percent serum. Second subcultures, to determine the viability of the strain, should be made.

f. Other tests for antimicrobial effectiveness—data substantiating antimicrobial action by standard procedures, such as the Sykes-Kelsey procedure, and others where applicable, should be used. It would be advisable to include in the in vitro test a chemical(s) with recognized antimicrobial activity, for purposes of comparison.

2. In vivo.

a. Appropriate tests approximating use conditions for the clinical evaluation of each label claim of the formulated product should be carried out. Some of these tests have been described.

1. Quantitative and qualitative estimation of the skin flora, both transient and resident.
2. Glove juice procedure.
3. Cade handwashing test.
4. Quinn handwashing test.
5. Skin-stripping or cup-scrubbing techniques should be used.

b. Feasible methods of sampling microbial communities in several different areas of the body, such as axilla, groin, feet and hands, are necessary so that the ecological effects of use of the product can be determined. This should include records, not only of alteration in total numbers, but of qualitative changes (such as dominance of a different type or change in antimicrobial resistance) in the residual cutaneous populations.

c. Determine the minimal concentration of the chemical necessary to produce the results named in the label claim(s).

Details of some of the specific tests referred to in the Guidelines can be found in Ref. 1 through 4.

REFERENCES

(1) Hugo, W. B., *"Inhibition and Destruction of the Microbial Cell,"* Academic Press, New York, 1971.

(2) Kelsey, J. C. and G. Sykes, "A New Test for the Assessment of Disinfectants with Particular Reference to Their Use in Hospitals," *Pharmaceutical Journal,* 202:607–609, 1969.

(3) Lawrence, C. A. and S. S. Block, *Disinfection, Sterilization, and Preservation,* Lea and Febiger, Philadelphia, 1968.

(4) Sykes, G., *Disinfection and Sterilization,* 2nd Ed., J. B. Lippincott, Philadelphia, 1965.

PRINCIPLES OF CLINICAL EFFECTIVENESS STUDIES

In general, the Panel recommends that the principles specified in 21 CFR 130.12 (a) (5) (ii) be included as essential for adequate and well controlled clinical investigations. The reader is also referred to additional clinical testing guidelines (Ref. 1). The following specific recommendations are made to emphasize their importance in conducting clinical trials for products in this class.

A precise statement of the research goals and objectives; definitions of the disease state to be studied. Examples: To determine if "X" product reduces the incidence of superficial skin infections (specify type) if applied (specify how), to reduce morbidity or cure "Y" disease.

Since the Panel is aware of the difficulty in conducting this research, it might be preferable to conduct such studies in a controlled laboratory setting rather than awaiting the spontaneous occurrence of disease.

The allocation of the subjects to treated and control groups so that bias in assignment is avoided (randomization or other suitable method). Demonstration of comparability of control group (analysis by age, sex, previous medical history, etc.).

Because of the considerable "placebo effect" of topical medication, several principles should be incorporated, whenever possible, in clinical trials of topically applied formulations.

a. Control groups should receive treatment of either inert vehicles of "next-best" therapy, identical in appearance, odor and consistency as the test medication;

b. A double-blind procedure should be employed to minimize bias in reporting of results.

Precise criteria for inclusion or exclusion from study (clinical judgment; other diseases; social class, etc.). Verification of diagnosis of disease to be treated.

Definition of outcome response variables (improvement: How measured? cure: How determined?). Are these objective or subjective measures?

Study design: Is it blinded? Large enough sample to detect a difference? Cross-over, etc.? The rationale for the design.

Completeness of the study (how are missing data, dropouts, etc., treated).

Data summarization and statistical analyses. Are the appropriate tests of significance used? Are tables clear and properly labeled? Are conclusions justified by the data?

Basic principles applicable to clinical studies in general and references used in the development of these guidelines can be found in Ref. 2 through 4.

REFERENCES

(1) "Guidelines for Clinical Testing of Topical Anti-Infective Drugs" developed by the Food and Drug Administration and the Pharmaceutical Manufacturers Association is included in OTC Volume 020186. Copies are available from the Freedom of Information Officer, Food and Drug Administration, Bureau of Drugs, 5600 Fishers Lane, Rockville, Maryland 20852.

(2) Burdette, W. J. and E. A. Gehan, *"Planning and Analysis of Clinical Studies,"* Charles C. Thomas, Springfield, 1970.

(3) Hill, A. B., *"Statistical Methods in Clinical and Preventive Medicine,"* E. and S. Livingstone, London, 1962.

(4) Witts, L. J., *"Medical Surveys and Clinical Trials,"* 2nd Ed., Oxford University Press, New York, 1964.

SPECIFIC PROTOCOLS RECOMMENDED BY THE PANEL

In the course of its deliberations, the Panel has made certain suggestions and recommended the development of specific protocols. Some of these comments and protocols follow.

1. *Determination of skin flora (Other than on the hands).* The development of sampling techniques in recent years now permits a more accurate determination of the microbial flora of various parts of the body surface.

Of the techniques which have been developed, Updegraff (Ref. 1) has described a reliable procedure for the determination of qualitative changes in the microbial skin flora. This technique consists of skin stripping of microorganisms using cellophane tape. The skin can be stripped in consecutive layers followed by culturing and identification of organisms removed by consecutive strippings.

Williamson (Ref. 2) and Pachtman, et al. (Ref. 3) have described cup procedures utilizing a scrubbing solution placed in the cup which is attached to the skin. Some means of agitation of the liquid for more efficient removal is used.

The use of one or more of these techniques allows the determination of the number of microorganisms per square cm. It will also allow the determination of the type of organisms residing on various areas of the skin as well as the assessment of the effect of the long-term use of antimicrobials on the normal flora.

A potential benefit from the presence of the normal diphtheroid population of the skin has been a point of speculation. There are indications (Ref. 4) that these organisms may discourage the development of cutaneous infection by pathogens. If changes and shifts in population occur after the repeated use of antimicrobial-containing products, then it must at least be known that the changes are occurring.

In actual practice, the volar aspect of the forearm and the small of the back have been selected as areas for study of the flora because of ease of sampling and greater uniformity in type of flora. It is suggested that individuals with a high microbial skin count be selected as subjects for studies in which there is to be a determination of change in the number of microorganisms in any given area of the body surface. Such individuals will reasonably show changes in various elements of the flora more easily than those with low carriage or in those who lack certain types of organisms.

In studies where quantitative changes are determined, the investigator should consider the fact that the count data should be evaluated with appropriate statistical procedures and models to deal with high variability.

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(2) Williamson, P., "Quantitative Estimation of Cutaneous Bacteria," *"Skin Bacteria and Their Role in Infection,"* Edited by Maibach, H. I. and G. Hildick-Smith, McGraw-Hill, New York, 1965.

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2. *Isolation of gram negative and other organisms from the skin.* Gram-negative bacteria do not occur as residents of the skin of all individuals, and when present may be found only as small localized populations. They occur most frequently in moist areas such as the axilla, the peri-anal region and the toe-webs. It has however been shown by Taplin (Ref. 1), and Amonette and Rosenberg (Ref. 2) that the repeated use of preparations containing antimicrobial substances may lead to a change in the composition of the cutaneous community so that gram negative species, or even yeasts may become dominant. This may have very serious consequences as cutaneous or even systemic infections may develop. It is therefore insufficient to study only the effects of long-term repeated use of an antimicrobial product on the total numbers of microorganisms on the skin. It is essential to know to what extent reduction of numbers is selective, and to study the composition of the residual skin population. Special attention should be given to determining whether repeated use of the product leads to a relative increase of gram negative bacteria or yeasts in the total population.

The Panel suggests the use of the following procedures as a means of facilitating such studies.

A. A preliminary investigation of groups of individuals should be made so that carriers of gram negative organisms can be identified. To find these carriers, samples should be taken from the forehead, axilla, groin and toe-webs as well as from hands and back. The groups of subjects selected for the testing of the preparation should include the gram negative carriers previously identified.

B. Sampling techniques which can provide reasonably reproducible results should be employed. These have been listed in the general guidelines. The sample taken from the skin should be sufficiently large to permit the quantitative inoculation of several different solid media.

C. The following types of media should be inoculated with a measured volume of the sample:

1. A nonselective medium such as blood-agar or TSA (Trypticase Soy Agar).
2. Selective media appropriate for the isolation of microorganisms of special importance as skin inhabitants:
a. EMB (Eosin-Methylene Blue) or MacConkey Agar for coliform organisms.
b. Irgasan (Triclosan)—containing agar for *Pseudomonas* species.
c. *Staphylococcus* isolation agar, e.g., Staph 110.
d. Crystal Violet-Blood Agar for beta-haemolytic streptococci.
e. DTM (Dermatophyte Test Medium) for *Candida* and dermatophytes described by Taplin et al. (Ref. 3) and Rebell and Taplin (Ref. 4).

D. While quantitative estimates of the different types of organisms composing the cutaneous populations may be obtained from these primary cultures, it may be necessary to study individual isolates in much further detail before they can be identified and the implication of their presence assessed.

The Panel is fully aware of the difficulties involved in the examination and identification of microorganisms living on the human skin. It would welcome the development of new sampling techniques and media especially selective for cutaneous microbial strains. Elaboration and improvement of the methods currently used in investigation of cutaneous ecology is urgently required.

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3. *Effectiveness testing of a surgical hand scrub (glove juice test).* Panel members working with Food and Drug Administration personnel and other microbiologists (Ref. 6 and 9) recommended the following which is required by the Food and Drug Administration. The test described must be performed to support the efficacy of a product labeled as a surgical hand scrub.

Introduction. The determination of the microbial counts found in the accumulated fluid in the surgeon's gloves has been suggested in the literature as a method for the determination of the efficacy of surgical scrub products. The use of routine hand-washing procedures derived from the Price Test described in 1938 (Ref. 1) have their place but the results of these tests are easily manipulated by changes in the routine, timing, and recovery procedures. The development of improved sampling (sampling solution) procedures and recovery techniques (neutralizers) by Williamson (Ref. 2), Ulrich (Ref. 3) and Engley and Dey (Ref. 4) has greatly improved the reliability of skin sampling data. An effectiveness test which more closely simulates the actual procedures carried out by the surgeon is desirable and necessary.

This protocol is meant to be a guideline for performing tests to support claims of effectiveness as a surgical hand scrub. It will undoubtedly be modified with experience.

Criteria for subject selection. 1. Mixed male and female. Race should be recorded.

2. Adults.

3. Subjects will vary greatly in the number of microorganisms carried on the skin. Subjects with a high hand count as measured by sampling with the glove juice procedure should be used for the test. Counts should be in the range from 1.5×10^6 to 4×10^6 per hand.

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4. Medication. Subject receiving antibiotics or taking oral contraceptives should be excluded from the test.

5. Thirty (30) subjects per test.

Pre-test period. 2 weeks.

The subjects for this test should not use any products containing antimicrobials for at least 2 weeks prior to the test. This restriction includes antimicrobial antiperspirants and deodorants, shampoos, creams, lotions, soaps, or powders. Subjects receiving antibiotic therapy or taking oral contraceptives should be disqualified.

Subjects should be issued rubber gloves to be worn during their daily routine when they come in contact with detergents, acids, bases or solvents.

Gloves for test. Gloves should be washed with sterile distilled water before use and applied wet. Gloves which are pre-powdered should be carefully washed free of powder as many of these powders contain antimicrobials.

Baseline period and sampling. The baseline period should be one week following the two weeks of the pre-test period. The baseline counts should begin on day one of the baseline period. This initial count is a screen to determine eligibility.

The day one count is also one count to be included for the mean baseline count. The counting procedure should be performed on day seven and also on either day three or five for a total of three estimations of the baseline count.

The baseline counts should be performed using exactly the same sampling and recovery techniques used for the test products under the testing procedure. This information will also be used to provide evidence to assess the assumption that the right and left hand gave comparable results.

Both hands should be sampled for the baseline count. Subjects should not wash prior to the counting procedure on the day of the test.

Baseline procedure is as follows: Hands including ⅔ of the forearm are washed for 30 seconds with Camay soap and sterile distilled water at 35–40° C. The excess water is shaken from the hands and the gloves are donned with the hands wet. Sampling solution (see Appendix) is added to the gloves (volume of sampling solution should remain constant for all tests). The glove is held closed at the wrist by the subject while an attendant massages the hand for one minute. A measured volume is withdrawn for the count.

Testing Procedure

Scrubbing procedure. The scrubbing procedure should be exactly as directed on the label of the product being tested, including the use of nail cleaner and/or a brush if indicated. The hand and ⅔ of the forearm should be scrubbed.

Sampling technique and times. After the scrub is performed, loose-fitting surgeon's or examining gloves are donned. Leave the hands wet by shaking off excess water when the gloves are donned. Immediately, the designated control hand is sampled for the one minute count as follows: Sampling solution containing buffer and surfactant is added to the glove, the hand is massaged for one minute, and a measured sample removed for plating. The volume of the sampling solution added to the glove should be kept constant for all tests. The fluid should be shaken vigorously prior to dilution or culturing. If diluent is used, neutralizer should be added to dilution blanks.

The glove is to remain on the other hand for the duration of the time of the test. It is suggested that at least 1, 2, 3, 4, 5, and 6 hours post scrub should be tested.

The times for which a glove remains on one of the hands after scrub should be allocated by random selection among the subjects in groups of five. This procedure is performed on day one and day two of the test period. The procedure should be repeated on day five after scrubbing with the product according to directions two additional times on day two and three times per day on day three and four at one-hour intervals. One scrub should be performed on day five and the gloves allowed to remain on the left hand for 1, 2, 3, 4, 5, or 6 hours.

The number of subjects used for the test should be 30 with randomization into six groups (n=five per group) corresponding to one hour, two hours, three hours, four hours, five hours and six hours. The allocation of subjects to groups remains constant after initial randomization.

Recovery media. A medium containing a neutralizer specific for the antimicrobial being tested must be used. Media which have been used in the past include: Letheen and Trypticase Soy Agar with Tween 80 and serum added.

The neutralizing system used for antimicrobial agents must be tested, and the data from the tests submitted, to show that the system is adequate. The neutraliser should not be toxic to cells and must be effective in neutralizing the specific chemical. This data must be submitted.

The cultures should be incubated at 30±2° C. for 48–72 hours. If culturing for specific organisms, such as fungi or anaerobes, is undertaken, appropriate culturing procedures should be instituted.

Duplicate plates have been routinely used for plating in the past. Because of the inherent variability in counts and the presence of clumps of cells from skin sampling, it is suggested that at least triplicate plating be used. A larger number may be required, depending on the variability. The counts should be reported as count per hand.

There are variations of this procedure in use. For instance, instead of sampling directly from the glove, the glove is removed, turned inside out into stripping fluid, and the hand rinsed with sampling solution as well. If variations of this test are to be used, the protocol should be checked with Food and Drug Administration personnel first.

Data handling—design—statistical aspects. It is assumed that there are no right versus left hand differences in microbial count. It is known that microbial handedness (a difference in count between hands) exists; however, there is apparently no relationship to whether the subject is left or right handed. The possible difference in count should be compensated for with the initial random allocation of subjects.

This will be tested using the baseline count to validate assumptions about the influence of handedness. It is necessary, therefore, to keep data for the left and right hand distinct.

The assignment of hands is as follows:

1. Right hand at 1 minute as observation of reduction from baseline (right hand baseline) on all subjects (30 subjects).

The objective of the design will be to test as follows:

a. Test the $\log_{10}$ reduction from baseline 1 minute after scrubbing with fast-acting broad spectrum antimicrobials.

b. Test the initial $\log_{10}$ reduction from baseline one minute after scrubbing with a substantative antimicrobial.

c. Test the $\log_{10}$ reduction from baseline 1 minute after scrubbing following 3 days with three consecutive scrubs per day performed at one-hour intervals.

Statistical Aspects

a. A test of the assumption that the agent produces a given $\log_{10}$ reduction, such as 1-$\log_{10}$, 2-$\log_{10}$, or 3-$\log_{10}$, reduction will be made using the data from the one minute result from the right hand compared to the average baseline (right hand baseline). A method like a paired t-test could be used.

b. Left hand at a time designated by random assignment to one of six time periods (five subjects in each of six groups) will be compared to left hand baseline.

The objective here will be to characterize the trend (in microbial growth) with time up to six hours. It is desirable that the count, over six hours, with fast-acting, broad-spectrum antimicrobials not exceed the baseline. It is expected that the count will not exceed baseline in six hours in the testing of substantive antimicrobials.

Analysis

The analyses will be performed first on each replication. There is replication of the entire test on day two and on day five after three consecutive washes at hourly intervals on day three, four, and five. Use the original group assignments of subjects observed for the same time periods as determined by random allocation.

Tests of trends may be done using either an orthogonal procedure or some suitable regression method. A combined analysis using the results of the three replications is possible using an appropriate analysis of variance technique. For example; an analysis of variance on the total set of experimental results using the model described on page 519 ("Statistical Principles in Experimental Design," B. J. Winer, McGraw-Hill Book Company, 1961) where hours correspond to factor A and replications correspond to factor B. Baseline could be introduced as a covariant. Tests of trends using the orthogonal procedures will be employed.

Appendix

1. *Sampling solution.* (Williamson, Ref. 2).
Triton X–100—0.1 percent in 0.075 M phosphate buffer.
pH—7.9.

2. *Sampling fluid.* (Peterson, Ref. 6 and 9).
Potassium phosphate (monobasic)—0.4 g.
Sodium phosphate (dibasic)—10.1 g.
Triton X–100—1.8 g.
Distilled water—1 liter.
Final pH=7.8.

The Glove Juice Test is required to show the effectiveness of a product to be labeled for use as a surgical hand scrub. Other handwashing procedures should also be performed if there are indications for personnel handwashing. The two preferred procedures are the Cade and the Quinn handwashing procedures. The details of these tests are published in the literature. Following are some comments about these procedures are offered.

4. *Effectiveness testing of handwashing products*—a. *Comments applicable to all handwashing testing procedures.* The numbers of micro-organisms present before and after scrubbing with various formulations have been enumerated and reported in the literature over the years. One thing which has not been reported is the identity of the micro-organisms removed and those which remain. The spectrum of micro-organisms against which any one of the antimicrobial agents acts is variable.

The effect of the prolonged use of such products on the normal human skin flora is essential information for all antimicrobials designed for repeated use.

There are indications that replacement populations may indeed occur if certain micro-organisms are removed or suppressed (Ref. 7 and 8). In addition it is becoming evident that the normal flora of the skin may protect against skin infections.

The comments concerning the use of multiple plates in the culturing procedures as well as the evaluation of specific neutralizers for use in the testing of antimicrobial agents apply to all in vivo testing.

b. *Cade handwashing procedure.* This test has been described by Cade (Ref. 5) and is an adaptation of the Price (1938) handwashing test.

This procedure has been widely used to estimate effectiveness. It has also been widely adapted.

It has been the practice to use 6–10 subjects for basin tests. The count data are utilized to compare the mean baseline count with the count after use of the test product. The comparison is most often made as "percent reduction". This has been the criteria of effectiveness, frequently without further analysis.

If one considers the inherent variation, the number of subjects is not at all adequate. Other, more sophisticated analysis, such as analysis of covariance and hypothesis testing of whether the reduction meets an established criterion, is required, rather than simple and possibly misleading percent reduction. Subjects must refrain from the use of all products containing antimicrobials for two weeks prior to the test. The period for establishment of the baseline count for subjects in the test should be at least two weeks. Sampling for baseline counts should be toward the end of the baseline control period and should be done at least three times. Subjects taking antibiotics or oral contraceptives should be disqualified.

A non-antimicrobial soap should be used for washing when microbial counts are to be done.

c. *Quinn split-use test.* This test has been described as a modification of the Cade Test (Quinn, 1954). The primary difference is that one hand is used as the control for the test hand instead of using an established baseline count as the control.

The comments made previously concerning the number of subjects in the test apply here.

The comments concerning subjects also apply. There is normally no baseline count established. Subjects should refrain from the use of products containing antimicrobials for at least two weeks prior to the test (pre-test period) since many ingredients are substantive. The Panel recommends the establishment of a baseline count during the week following the pre-test period as a good addition to this testing procedure.

d. *Testing health-care personnel handwashing product.* Since the result expected from the use of this type of product is the reduction of the transient flora acquired as a result of patient care or as a part of hospital routine, the testing must involve the artificial contamination of the hands and forearms. This procedure can be executed by dipping the hands into a liquid culture with at least 10^8 organisms per ml. and allowing one minute before proceeding. The artificial contamination of the hands may also be produced by handling heavily contaminated materials to simulate actual practice.

The product under test should be used according to the directions on the label. Since these products are designed to be used with multiple replication, the effectiveness testing procedure of hand contamination and washing followed by evaluation of the count of the contaminating organisms should be done at least 25 times in succession. Some period of time should be allowed between repeats. Evaluation of the count on the hands can be done approximately every 5 washes.

In order to reliably carry out this test, a marker strain of a microorganism should be selected for use which is not part of the normal flora and which may be easily identified on culture plates. Two organisms frequently selected for this purpose are *Serratia marcescens* (pigmented strain) and *Bacillus subtilis* var. *niger* (strain globigii), Detrich isolate—ATCC 9372.

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5. *Effectiveness testing of a patient pre-operative skin preparation.* The historical use and basic effectiveness requirements are presented under the general discussion of efficacy of pre-operative skin preparations. The reader is referred to the definition and discussion of the product.

There are no established protocols for the testing of this category of products. From the defined use of the product, the antimicrobial as well as the formulated product, should be tested for basic in vitro data to establish its broad-spectrum activity. (See Guidelines).

The in vivo efficacy testing procedures should utilize the skin sampling procedures in the Guidelines and in the discussion of efficacy. Since any given area of skin surface can be tested, the control area can be the same location on the other half of the same subject (bilateral paired comparison).

Since the definition states that rapid activity is required, the time for testing activity should be 30 minutes maximum.

The baseline count on the control area matching the test area should be established using cup-scrubbing, tape stripping techniques or other appropriate sampling techniques. The same procedure should be used for skin area treated with the active product. The test must be done using an adequate population and with sampling from skin areas on various parts of the body and certainly, including the genital areas.

It is essential that the sample from the skin be properly neutralized to inactivate active chemical carried over from the

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skin. The neutralizer used must be tested for toxicity to cells and for efficacy as a neutralizer. The sample as well as the culture conditions must be adequate to determine the range of organisms which can be isolated from the skin. (See Guidelines for suggested media). A minimum of three-log reduction will be required to establish efficacy for a product labeled as a pre-operative skin preparation.

6. *Testing of a skin wound cleanser.* This product category has been established and defined by this Panel. The reader is referred to the definition and discussion of product category. Inherent in the definition is the concept of cleansing and removal of foreign material.

Absence of delay in wound healing must be established for a product in this category.

The Panel recognizes that the testing of delay in wound healing, particularly in human subjects, is difficult.

Animal models have been used with artificially contaminated wounds by some investigators (Ref. 1, 2 and 3). See Efficacy Discussion and Iodophor Statement.

There is a need for the development of procedures to determine whether topical products applied to minor skin wounds would delay healing in human subjects. Until adequate human testing procedures are available, data from animal models will be required to support safety of a product to be labeled as a skin wound cleanser.

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7. *Effectiveness testing of a skin wound protectant.* The reader is referred to the definition and discussion of a skin wound protectant. From the definition, a skin wound protectant must act as a physical barrier. The testing of barrier materials can be done with a model system and fluorescent particle challenge to the system with subsequent detection of the challenge particles on the other side of the barrier. A model for this challenge will have to be developed.

The second aspect of this definition to be tested is the lack of promotion of the growth of microorganisms. This characteristic can be tested first in an animal model system in which a wound is artificially produced in the animal skin. The extent of the microbial growth in such a system may be tested with various levels of microbial contamination added to the wounds. The growth or reduction of growth could be followed by appropriate skin sampling techniques performed in a time series after application of the test product. The growth may also be assessed by using an inoculum lower than the minimum infective dose of a pathogen for the animal followed by determination of infections in the treated animals.

Animal tests should be followed with human testing. At the current level of development of techniques, artificial contamination in humans cannot be recommended. However, a standard wound, such as that produced by a skin punch biopsy, may be used to test whether the product to be labeled as a skin wound protectant promotes microbial growth in a minor wound. Another approach in the production of an artificial injury for human testing which might be used is the repetitive skin stripping technique of Marples (Ref. 1). This procedure uses the repeated removal of skin layers with cellophane tape until the glistening layer is exposed. This minor injury can reasonably be used for these testing purposes but would simulate only very minor wounds. Skin graft donor sites might also be used.

With any model selected for testing, particular attention should be given to testing the growth of anaerobic microorganisms where an occlusive system is used. It is expected that up-to-date techniques for the isolation and growth of anaerobes would be employed.

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Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–42 as amended, 1055–56 as amended by 70 Stat. 919 and 72 Stat. 948; (21 U.S.C. 321, 352, 355, 371) and the Administrative Procedure Act (secs. 4, 5, 10, 60 Stat. 238 and 243, as amended; 5 U.S.C. 553, 554, 702, 703, 704) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that Subchapter D be amended, pursuant to the recommendations of the Advisory Review Panel on Over-the-Counter Topical Antimicrobial Drugs, by adding a new Part 333, effective 6 months after publication of the final monograph in the FEDERAL REGISTER, to read as follows:

PART 333—TOPICAL ANTIMICROBIAL PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—General Provisions

Sec.
333.1 Scope.
333.3 Definitions.

Subpart B—Active Ingredients

333.30 Patient pre-operative skin preparation.
333.40 Skin wound cleanser.

Subpart C—Testing Procedures

333.60 Preservative testing.

Subpart D—Labeling

333.70 Antimicrobial soap.
333.75 Health-care personnel handwash.
333.80 Patient pre-operative skin preparation.
333.85 Skin antiseptic.
333.90 Skin wound cleanser.
333.95 Skin wound protectant.
333.99 Surgical hand scrub.

AUTHORITY: Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–42 as amended, 1055–56 as amended by 72 Stat. 919 and 72 Stat. 948; (21 U.S.C. 321, 352, 355, 371), and Administrative Procedure Act (secs. 4, 5, 10, 60 Stat. 238 and 243, as amended; 5 U.S.C. 553, 554, 702, 703, 704).

Subpart A—General Provisions

§ 333.1 Scope.

An over-the-counter antimicrobial product in a form suitable for topical use is generally recognized as safe and effective and is not misbranded if it meets each of the following conditions and each of the general conditions established in § 330.1 of this chapter.

§ 333.3 Definitions.

For topical preparations when applied at acceptable use concentrations (the dilution recommended for use as distinguished from marketed concentrates) as used in this part:

(a) *Antimicrobial soap.* A soap containing an active ingredient with in vitro and in vivo activity against skin microorganisms.

(b) *Health-care personnel handwash.* A safe, nonirritating preparation designed for frequent use which reduces the number of transient microorganisms on intact skin to an initial baseline level after adequate washing, rinsing, and drying. If the preparation contains an antimicrobial agent, it should be broad-spectrum, fast-acting, and if possible, persistent.

(c) *Patient pre-operative skin preparation.* A safe, fast-acting, broad-spectrum antimicrobial-containing preparation which significantly reduces the number of micro-organisms on intact skin.

(d) *Skin antiseptic.* A safe, non-irritating, antimicrobial-containing preparation which prevents overt skin infection. Claims stating or implying an effect against micro-organisms must be supported by controlled human studies which demonstrate prevention of infection.

(e) *Skin wound cleanser.* A safe, non-irritating, liquid preparation (or product to be used with water) which assists in the removal of foreign material from small superficial wounds and does not delay wound healing.

(f) *Skin wound protectant.* A safe, non-irritating preparation applied to small cleansed wounds which provides a protective (physical and/or chemical) barrier and neither delays healing nor favors the growth of micro-organisms.

(g) *Surgical hand scrub.* A safe, non-irritating antimicrobial-containing preparation which significantly reduces the number of micro-organisms on the intact skin. A surgical hand scrub should be broad-spectrum, fast-acting, and persistent.

Subpart B—Active Ingredients

§ 333.30 Patient pre-operative skin preparation.

(a) *Active ingredient.* The active ingredient of the product consists of the following within the maximum dosage limit established:

(1) *Tincture of iodine.* Iodine tincture contains not less than 1.8 grams and not more than 2.2 grams of iodine (I), and not less than 2.1 grams and not more than 2.6 grams of sodium iodide (NaI) in each 100 ml. of 44–50 percent ethyl alcohol or an appropriate denatured alcohol.

§ 333.40 Skin wound cleanser.

(a) *Active ingredients.* The active ingredients of the product consists of one or more of the following within any maximum dosage limit established:

(1) *Quaternary ammonium containing active ingredients.* Quaternary ammonium compounds (as Benzalkonium chloride, Benzethonium chloride and Methylbenzethonium chloride) limited to a use concentration not greater than 1/750. All preservative systems included in any such formulation must be tested according to the procedure described in The United States Pharmacopeia XVIII (page 846).

(2) *Hexylresorcinol.* Hexylresorcinol limited to a use concentration not greater than 1/1000.

Subpart C—Testing Procedures

§ 333.60 Preservative testing.

All antimicrobial ingredients used singly or as part of a preservative system for a topical product identified in § 333.3 shall be tested to establish the minimum effective preservative concentration for each product formulation. Determine the minimum effective preservative concentration according to the procedures described in the United States Pharmacopeia XVIII (page 845). The resulting data shall be submitted to the Food and Drug Administration for approval prior to use.

Subpart D—Labeling

§ 333.70 Antimicrobial soap.

The labeling of the product may contain any phrase in the definition of an antimicrobial soap established in § 333.3 (a). Labeling may also include the phrase(s): "Antimicrobial soap", "antibacterial soap", "reduces odor", "deodorant soap".

§ 333.75 Health-care personnel handwash.

The labeling of the product may contain any phrase in the definition of a health-care personnel handwash established in § 333.3(b). Labeling may also include the phrase(s): "Decreases bacteria on the skin", "reduces risk and/or chance of cross-infection", "recommended for repeated use".

§ 333.80 Patient pre-operative skin preparation.

(a) *Indications.* The labeling of the product may contain any phrase in the definition of a patient pre-operative skin preparation established in § 333.3(c). Labeling may also include the phrase(s): "kills microorganisms", "reduces the number of microorganisms in the treated area", "broadspectrum" (if such applies).

(b) *Warnings.* The labeling of the product contains the following warnings:

(1) "May delay healing or irritate broken skin".

(2) "Do not bandage".

(c) *Directions for use.* The labeling of the product contains the statement, "Apply to (paint) the operative site prior to surgery and remove immediately upon drying after application with 70 percent alcohol, or use as directed by a physician".

§ 333.85 Skin antiseptic.

(a) *Indications.* The labeling of the product may contain any phrase in the definition of a skin antiseptic established in § 333.3(d). Labeling may also include the phrase(s): "Prevents skin infection", "controls infection", "degerming", "kills germs", "bacteriostatic", "bactericidal", "reduces the risk of infection and cross-infection", "mircobiocidal", "first-aid product".

(b) *Directions for use.* The labeling of the product shall contain the statement, "Apply to affected area", and contain the recommended dosage for use, time interval (if any) and method by which the product shall be used to prevent overt skin infection for those particular organisms for which the product is generally recognized as safe and effective.

§ 333.90 Skin wound cleanser.

(a) *Indications.* The labeling of the product may contain any phrase in the definition of a skin wound cleanser established in § 333.3(e). Labeling may also include the phrase(s): "To clean superficial wounds", "wash superficial (small) wounds", "aid in removal of foreign materials such as dirt and debris", "first-aid product".

(b) *Warnings.* The labeling for Quaternary ammonium containing products contains the following warnings:

(1) For products marketed as concentrates: (i) "Caution: May cause eye irritation or eye damage unless diluted." (ii) Dilute before each use to avoid spoilage.

(2) "Use of solution with occlusive dressing is not advisable".

(c) *Directions for use.* The labeling of the product shall contain the statement, "Apply to affected area", and the recommended dosage for use and method by which the product shall be used to cleanse a small wound without further damage to the injured area.

§ 333.95 Skin wound protectant.

(a) *Indications.* The labeling of the product may contain any phrase in the definition of a skin wound protectant established in § 333.3(f) of this chapter. Labeling may also include the phrase(s): "Protects against contamination", "protectant", "protects wounds", "first-aid product".

(b) *Warnings.* The labeling of the product shall contain the following warnings:

(1) "Should not be used for large or deep wounds."

(2) "Should not be used for more than (time certain) days except upon advice and supervision of a physician."

(c) *Directions for use.* The labeling of the product shall contain the statement, "cleanse wound thoroughly before applying", and contain the recommended dosage and the method by which the product should be used.

§ 333.99 Surgical hand scrub.

The labeling of the product may contain any phrase in the definition of a surgical hand scrub established in § 333.3(g).

Interested persons are invited to submit their comments in writing (preferably in quintuplicate) regarding this proposal on or before November 12, 1974. Such comments should be addressed to the Office of the Hearing Clerk, Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, MD 20852, and may be accompanied by a memorandum or brief in support thereof. Additional comments replying to any comments so filed may also be submitted on or before December 12, 1974. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 6, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-21055 Filed 9-12-74;8:45 am]

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federal register

FRIDAY, SEPTEMBER 13, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 179

PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions

No. 179—Pt. III——1

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to General Wage Determination Decisions

General wage determination decisions. General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor purusant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Alabama	AR–4033

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AQ–4125	June 14, 1974
AR–4015	Aug. 9, 1974
AR–4020	Aug. 23, 1974
Arizona:	
AR–1008; AR–1009; AR–1010.	Aug. 9, 1974
Illinois:	
AR–8055	Aug. 2, 1974
AR–3067	Aug. 9, 1974
Indiana:	
AR–3084; AR–3085; AR–3088; AR–3089; AR–3093; AR–3124; AR–3125; AR–3126; AR–3127	Aug. 23, 1974
Michigan:	
AR–3105; AR–3106; AR–3108; AR–3113; AR–3122	Aug. 16, 1974
AR–3054	July 12, 1974
Oregon:	
AR–1019	Aug. 23, 1974
Washington:	
AO–1111	June 14, 1974

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

Florida:	
AP–181(AR–4033)	May 5, 1973
Kentucky:	
AQ–4013(AR–4034)	Sept. 28, 1973
Mississippi:	
AQ–4110(AR–4032)	May 3, 1974
New Jersey:	
AQ–2095(AR–2042)	Apr. 12, 1974
AQ–2113(AR–2041); AQ–2115 (AR–2040).	May 3, 1974
New York:	
AP–800(AR–2051)	May 31, 1974
Tennessee:	
AQ–4118(AR–4035)	Do.
AQ–4010(AR–4036)	July 12, 1974

Signed at Washington, D.C., this 6th day of September 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

AR-4033 P. 2

52-AL-1-L 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	Apr. Tr.
Plumbers, Pipefitters, Steamfitters: Lawrence Co. (Eastern portion of Co., north from intersection of State Rt. 33 & Rt. 20 to Wheeler Lake including Moulton & Wren, excluding Bankhead National Park)	7.45	.30	.35		.10
Limestone Co. & Morgan Co. Plumbers, Steamfitters:					
Lawrence Co. (Remaining portion)	7.40	.35	.35	.45	.08
Roofers	5.75		.20		.05
Sheet Metal Workers	8.00	.40	.35		.02
Truck Drivers:					
up to but not including 3 tons	3.70				
3 to 5 tons but including 5 tons	3.97				
5 tons and over including special equipment such as Euclids, Dempster, Dumpsters, Winch Trucks, Trailers, etc.	4.37				
Mechanic	4.37				
Warehouse & Yard, Material Handler	3.92				
Scale man and/or weigher	4.07				

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:
a. 6 Paid Holidays: A through F.
b. Employer contributes 1/2 of regular hourly rate to Vacation Pay Credit for employee who has worked in the business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in the business less than 5 years.

NEW DECISION

52-AL-1-L

STATE: Alabama
DECISION NO.: AR-4033
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)
COUNTIES: *See Below
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	Apr. Tr.
*Lawrence, Limestone, & Morgan					
Asbestos Workers	$7.71	.30	.30		.05
Bricklayers; Marble Masons, Stonemasons, Pointers, Cleaners & Caulkers	7.90				
Cement Masons	7.15				
Plasterers & Troweling Machine Op.	7.40				
Terrazzo Workers & Tile Setters	7.65				
Carpenters:					
Carpenters & Soft Floor Layers	6.40	.15	.20		.03
Millwrights	6.93	.15	.20		.03
Piledriverman	6.77	.15	.20		.03
Electricians:					
Electricians: Linemen	7.65	.25	7%		.5%
Cable Splicers	7.90	.25	7%		.5%
Groundman	6.60	.25	7%		.5%
Elevator Constructors	7.49	.395	2½% +a&b		.02
Elevator Constructors' Helpers (Probe)	70%JR	.26	2½% + a&b		.02
Ironworkers:					
Structural, Ornamental & Reinforcing	50%JR				
Laborers:	7.255	.40	.15		.03
Common, Construction & Concrete					
Laborers, Fire Watchers, Spotters					
Trucks, etc. Carpenter, Mason & Plasterer Tenders, Cement Finisher Helper, Terrazzo Tender, Tremie Laborer, Metal Pan Handler, Window Washer, Cleaning Fixtures & Furniture	4.19	.15	.20		
Brick Cleaning, Terra Cotta & Concrete Pipelayers, Mortar Mixer & Groutmen, Jackhammer, Air Tool Op., Form Stripper, Vibrator Op., Bazoo Gas Tamp, Flameator Op., Rubber, Concrete Saw) Concrete Hand, Grade Checker, Batter Board Men	4.44	.15	.20		
Mason Drill Op., Powder Man	4.54	.15	.20		
Helpers, Track Drillers	4.53	.15	.20		
Burner & Torchmen, Joy Drill 500	4.91	.15	.20		
Powdermen	5.34	.15	.20		
Pneumatic Concrete Nozzlemen					

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POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$7.98	.25	.25		
GROUP B	6.78	.25	.25		
GROUP C	6.13	.25	.25		

GROUP A - Backhoe, bulldozer, crane, crane car, central mixing plant, concrete pump, derrick, dragline, dredge, drill, elevating grader, finishing machine (concrete), forklift, front end loader, gradall, grout pump, helicopter pilot, hoist, locomotive engineer, mechanic, motor patrol, mucking machine, piledriver, post hole digger, scraper (pull type & self prop.) shovel, sweeper, tractor (spec. equip.), trenching machine, well point & winch truck operators

GROUP B - Bituminous dist., central air comp., concrete mixer (port.) fireman floating equip., front end loader, rubber tire, ¾ cu. yd. & under, locomotive brakeman, locomotive flagman, locomotive switchman, oiler-driver (35 ton crane & over outboard motor boat (when used for towing), paving machine, portable hoist "Buck hoist type", post hole digger mounted on farm type tractor & walk behind type trenching machine operators

GROUP C - Air compressor (port.) conveyor, fireman stationary equip., mechanic helper, oiler, outboard motor boat & pump operators

Oiler driver - additional $.10 per hour

All cranes, derricks & gantry operators operating such equipment with an overall height of 150', including jibs; all scraper operators - additional $1.25 per hour

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4125 - Mod. #1 (39 FR 20911 - June 14, 1974) Tuscaloosa County, Alabama					
Change:					
Asbestos workers	$7.71	.30	.30		.05
Carpenters	6.05				.015
DECISION #AR-4015 - Mod. #1 (39 FR 28772 - August 9, 1974) Colbert and Lauderdale Counties, Alabama					
Change:					
Electricians:					
Electricians	$7.65	.30	1%		.5%
Cable splicers	7.90	.30	1%		.5%
DECISION #AR-4020 - Mod. #1 (39 FR 30671 - August 23, 1974) Mobile County, Alabama					
Change:					
Bricklayers; stonemasons; cleaners; caulkers; pointers	$8.42		.80		
Carpenters:					
Carpenters	7.75	.30	.30		
Carpenters on creosote material; power saw operator	8.00	.30	.30		
Millwright	8.25	.30	.30		
Piledriver	8.00	.30	.30		
Cement masons	7.55	.30	.30		
Plasterers	8.21	.30	.30		
Omit:					
Carpenters:					
Piledriver on creosote material	7.26	.30	.30		

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-1008 - Mod. #1 (39 FR 28773 - August 9, 1974) Statewide, Arizona					
Change:					
Electricians (Flagstaff Area):					
Zone A					
Electricians	$10.00	.60	1%+.60		1/2%
Cable Splicers	10.20	.60	1%+.60		1/2%
Zone B					
Electricians	11.75	.60	1%+.60		1/2%
Cable Splicers	11.95	.60	1%+.60		1/2%
Electricians (Callup Area - Northern Apache County)					
Electricians	9.54	.25	1%		1/2%
Cable Splicers	10.34	.25	1%		1/2%
Electricians (Phoenix - Kingman - Prescott Area)					
Zone A					
Electricians	10.55	.60	1%+.60		3/4%
Cable Splicers	11.08	.60	1%+.60		3/4%
Zone B					
Electricians	12.40	.60	1%+.60		3/4%
Cable Splicers	13.02	.60	1%+.60		3/4%
Zone C					
Electricians	13.35	.60	1%+.60		3/4%
Cable Splicers	14.02	.60	1%+.60		3/4%
Electricians (Tucson Area)					
Zone A					
Electricians	9.78	.45	7%		1/2%
Cable Splicers	10.03	.45	7%		1/2%
Zone B					
Electricians	10.48	.45	7%		1/2%
Cable Splicers	10.73	.45	7%		1/2%
Zone C					
Electricians	11.08	.45	7%		1/2%
Cable Splicers	11.33	.45	7%		1/2%
Zone D					
Electricians	11.78	.45	7%		1/2%
Cable Splicers	12.03	.45	7%		1/2%
Line Construction:					
Zone I (Phoenix and Tucson 30 miles radius from center of town):					
Groundmen	7.60	.42	7%		1/2%
Equipment Operators; Powdermen; Mechanics	8.78	.42	7%		1/2%

DECISION #AR-1008 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Linemen; Technicians; Crane Operators; Linemen Welder	$9.61	.42	7%		1/2%
Cable Splicers	10.28	.42	7%		1/2%
Zone I-A (Douglas, Flagstaff, Globe, Kingman, Prescott and Yuma 10 mile radius from center of town):					
Groundmen	8.25	.42	7%		1/2%
Equipment Operators; Powdermen; Mechanics	9.38	.42	7%		1/2%
Linemen; Technicians; Crane Operators; Linemen Welder	10.23	.42	7%		1/2%
Cable Splicers	10.95	.42	7%		1/2%
Zone II (Other Areas):					
Groundmen	8.87	.42	7%		1/2%
Equipment Operators; Powdermen; Mechanics	10.00	.42	7%		1/2%
Linemen; Technicians; Crane Operators; Linemen Welder	10.85	.42	7%		1/2%
Cable Splicers	11.61	.42	7%		1/2%

DECISION #AR-1009 - Mod. #2
(39 FR 28781 - August 9, 1974)
Maricopa County, Arizona

Change:

Electricians:					
Zone A					
Electricians	10.53	.60	1%+.60		3/4%
Cable Splicers	11.08	.60	1%+.60		3/4%
Zone B					
Electricians	12.40	.60	1%+.60		3/4%
Cable Splicers	13.02	.60	1%+.60		3/4%
Zone C					
Electricians	13.35	.60	1%+.60		3/4%
Cable Splicers	14.02	.60	1%+.60		3/4%

DECISION #AR-1010 - Mod. #1
(39 FR 28787 - August 9, 1974)
Pima County, Arizona

Change:

Electricians:					
Zone A	$7.60	.45	1%		1/2%
Zone B	8.10	.45	1%		1/2%
Zone C	8.60	.45	1%		1/2%
Zone D	9.10	.45	1%		1/2%

DECISION #AR-3055 - Mod. #1
(39 FR 28014 - August 2, 1974)
Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry & Will Counties, Illinois

CHANGE:
Laborers Schedule Issued

ILLINOIS-25-LABORERS-1-2-3

LABORERS: (LAKE CO.)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 7.10	.47	.85		
CLASS II	7.425	.47	.85		
CLASS III	7.55	.47	.85		
CLASS IV	7.45	.47	.85		
CLASS V	7.20	.47	.85		
CLASS VI	7.40	.47	.85		
CLASS VII	7.10	.47	.85		
CLASS VIII	7.325	.47	.85		
CLASS IX	7.25	.47	.85		
STREET PAVING, GRADE SEPARATION, SEWER & WATER MAIN EXTENSIONS					
CLASS X	7.10	.47	.85		
CLASS XI	7.45	.47	.85		
CLASS XII	7.325	.47	.85		
CLASS XIII	7.175	.47	.85		
CLASS XIV	7.375	.47	.85		

CLASSIFICATIONS

LABORERS

CLASS I: Building Laborers, General Laborers, Wrecking and Demolition, Fireproofing & Fire Shop Laborers
CLASS II: Firebrick & boiler Setter Laborers
CLASS III: Boiler Setter Plastic Laborers, Stone Derrickmen & Handlers
CLASS IV: Caisson Diggers, Well Point System, Chimney Laborers on Firebrick
CLASS V: Chimney Laborers (over 40') Scaffold Laborers, Wall Men or Wreckers
CLASS VI: Windlass and Operator
CLASS VII: Plasters Laborers
CLASS VIII: Jackhammer Men, Power Driven Concrete Saws
CLASS IX: Cement Gun Nozzle Laborers (Gunnite)
CLASS X: General Laborers, Asphalt Plant Laborers, Flagmen, Asphalt Laborers, Top Laborers
CLASS XI: Form Setters, Well Point System, Jackhammermen & Bottom Men, Pipelayers on drains Catch Basin Diggers, Pipelayer Men, All Tunnel Work, Power Driven Concrete Saws
CLASS XII: Second Bottom Men
CLASS XIII: Tampers, Smoothers & Cement Gun Laborers
CLASS XIV: Rackers, Lutemen, Machine Screwmen & Mitre Box Spreaders

DECISION #AR-3067 - Mod. #1
(39 FR 28807 - August 9, 1974)
Lake County, Illinois

CHANGE:
Laborers Schedule Issued

ILLINOIS-25-LABORERS-1-2-3

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 7.10	.47	.85		
CLASS II	7.425	.47	.85		
CLASS III	7.55	.47	.85		
CLASS IV	7.45	.47	.85		
CLASS V	7.20	.47	.85		
CLASS VI	7.40	.47	.85		
CLASS VII	7.10	.47	.85		
CLASS VIII	7.325	.47	.85		
CLASS IX	7.25	.47	.85		
STREET PAVING, GRADE SEPARATION, SEWER & WATER MAIN EXTENSIONS					
CLASS X	7.10	.47	.85		
CLASS XI	7.45	.47	.85		
CLASS XII	7.325	.47	.85		
CLASS XIII	7.175	.47	.85		
CLASS XIV	7.375	.47	.85		

CLASSIFICATIONS

LABORERS

CLASS I: Building Laborers, General Laborers, Wrecking and Demolition, Fireproofing & Fire Shop Laborers
CLASS II: Firebrick & boiler Setter Laborers
CLASS III: Boiler Setter Plastic Laborers, Stone Derrickmen & Handlers
CLASS IV: Caisson Diggers, Well Point System, Chimney Laborers on Firebrick
CLASS V: Chimney Laborers (over 40') Scaffold Laborers, Wall Men or Wreckers
CLASS VI: Windlass and Operator
CLASS VII: Plasters Laborers
CLASS VIII: Jackhammer Men, Power Driven Concrete Saws
CLASS IX: Cement Gun Nozzle Laborers (Gunnite)
CLASS X: General Laborers, Asphalt Plant Laborers, Flagmen, Asphalt Laborers, Top Laborers
CLASS XI: Form Setters, Well Point System, Jackhammermen & Bottom Men, Pipelayers on drains Catch Basin Diggers, Pipelayer Men, All Tunnel Work, Power Driven Concrete Saws
CLASS XII: Second Bottom Men
CLASS XIII: Tampers, Smoothers & Cement Gun Laborers
CLASS XIV: Rackers, Lutemen, Machine Screwmen & Mitre Box Spreaders

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3081 - Mod. #1 (39 FR 30701 - August 23, 1974) Bartholomew County, Indiana						
CHANGE:						
Line Construction:						
Linemen	$8.18	.35	1%		.25%	
Heavy Equipment Operator "A"	7.77	.35	1%		.25%	
Heavy Equipment Operator "B"	6.40	.35	1%		.25%	
Powderman & Equipment Mechanic	6.25	.35	1%		.25%	
Senior Groundman Truck Driver W/W	5.35	.35	1%		.25%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.25%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.25%	
Senior Groundman After 5 Years	5.13	.35	1%		.25%	
Senior Groundman After 12 Months	4.99	.35	1%		.25%	
Groundman 0-12 Months	4.23	.35	1%		.25%	
DECISION #AR-3082 - Mod. #1 (39 FR 30703 - August 23, 1974) Benton & Tippecanoe Counties, Indiana						
CHANGE:						
Line Construction:						
Tippecanoe County and Bolivar Township in Benton County						
Linemen	8.18	.35	1%		.25%	
Heavy Equipment Operator "A"	7.77	.35	1%		.25%	
Heavy Equipment Operator "B"	6.40	.35	1%		.25%	
Powderman & Equipment Mechanic	6.25	.35	1%		.25%	
Senior Groundman Truck Driver W/W	5.35	.35	1%		.25%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.25%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.25%	
Senior Groundman After 5 Years	5.13	.35	1%		.25%	
Senior Groundman After 12 Months	4.99	.35	1%		.25%	
Groundman 0-12 Months	4.23	.35	1%		.25%	

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MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3083 - Mod. #1 (39 FR 30706 - August 23, 1974) Dearborn County, Indiana						
CHANGE:						
Line Construction:						
Linemen	$8.18	.35	1%		.25%	
Heavy Equipment Operator "A"	7.77	.35	1%		.25%	
Heavy Equipment Operator "B"	6.40	.35	1%		.25%	
Powderman & Equipment Mechanic	6.25	.35	1%		.25%	
Senior Groundman Truck Driver W/W	5.35	.35	1%		.25%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.25%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.25%	
Senior Groundman After 5 Years	5.13	.35	1%		.25%	
Senior Groundman After 12 Months	4.99	.35	1%		.25%	
Groundman 0-12 Months	4.23	.35	1%		.25%	
DECISION #AR-3084 - Mod. #1 (39 30708 - August 23, 1974) Delaware County, Indiana						
CHANGE:						
Line Construction:						
Linemen	8.18	.35	1%		.25%	
Heavy Equipment Operator "A"	7.77	.35	1%		.25%	
Heavy Equipment Operator "B"	6.40	.35	1%		.25%	
Powderman & Equipment Mechanic	6.25	.35	1%		.25%	
Senior Groundman Truck Driver W/W	5.35	.35	1%		.25%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.25%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.25%	
Senior Groundmen After 5 Years	5.13	.35	1%		.25%	
Senior Groundman After 12 Months	4.99	.35	1%		.25%	
Groundman 0-12 Months	4.23	.35	1%		.25%	

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3085 - Mod. #1 (39 FR 30711 - August 23, 1974) Grant County, Indiana						
CHANGE:						
Line Construction:						
Linemen	$8.18	.35	1%		.25%	
Heavy Equipment Operator "A"	7.77	.35	1%		.25%	
Heavy Equipment Operator "B"	6.40	.35	1%		.25%	
Powderman & Equipment Mechanic	6.25	.35	1%		.25%	
Senior Groundman Truck Driver W/W	5.35	.35	1%		.25%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.25%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.25%	
Senior Groundman After 5 Years	5.13	.35	1%		.25%	
Senior Groundman After 12 Months	4.99	.35	1%		.25%	
Groundman 0-12 Months	4.23	.35	1%		.25%	
DECISION #AR-3088 - Mod. #1 (39 FR 30721 - August 23, 1974) Marion County, Indiana						
CHANGE:						
Line Construction:						
Linemen	8.18	.35	1%		.25%	
Heavy Equipment Operator "A"	7.77	.35	1%		.25%	
Heavy Equipment Operator "B"	6.40	.35	1%		.25%	
Powderman & Equipment Mechanic	6.25	.35	1%		.25%	
Senior Groundman Truck Driver W/W	5.35	.35	1%		.25%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.25%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.25%	
Senior Groundmen After 5 Years	5.13	.35	1%		.25%	
Senior Groundman After 12 Months	4.99	.35	1%		.25%	
Groundman 0-12 Months	4.23	.35	1%		.25%	

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3089 - Mod. #1 (39 FR 30723 - August 23, 1974) Monroe County, Indiana						
CHANGE:						
Line Construction:						
Linemen	$8.18	.35	1%		.25%	
Heavy Equipment Operator "A"	7.77	.35	1%		.25%	
Heavy Equipment Operator "B"	6.40	.35	1%		.25%	
Powderman & Equipment Mechanic	6.25	.35	1%		.25%	
Senior Groundman Truck Driver W/W	5.35	.35	1%		.25%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.25%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.25%	
Senior Groundman After 5 Years	5.13	.35	1%		.25%	
Senior Groundman After 12 Months	4.99	.35	1%		.25%	
Groundman 0-12 Months	4.23	.35	1%		.25%	
DECISION #AR-3093 - Mod. #1 (39 FR 30736 - August 23, 1974) Vigo County, Indiana						
CHANGE:						
Line Construction:						
Linemen	8.18	.35	1%		.25%	
Heavy Equipment Operator "A"	7.77	.35	1%		.25%	
Heavy Equipment Operator "B"	6.40	.35	1%		.25%	
Powderman & Equipment Mechanic	6.25	.35	1%		.25%	
Senior Groundman Truck Driver W/W	5.35	.35	1%		.25%	
Groundman Truck Driver W/Winch	5.14	.35	1%		.25%	
Groundman Truck Driver WO/Winch	4.50	.35	1%		.25%	
Senior Groundman After 5 Years	5.13	.35	1%		.25%	
Senior Groundman After 12 Months	4.99	.35	1%		.25%	
Groundman 0-12 Months	4.23	.35	1%		.25%	

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3124 - Mod. #1 (39 FR 30744 - August 23, 1974) Benton, Carroll, Cass, Clinton, Fulton, Howard, Jasper, Miami, Newton, Pulaski, Tippecanoe, Tipton, Wabash & White Counties, Indiana						
CHANGE:						
Linemen:						
Tippecanoe, Carroll, Cass, Clinton, Howard, Miami, Tipton, Wabash Counties (Henry, Liberty, Richland & Rochester Twps) in Fulton County & (Bolivar Twp.) Benton County	$8.18	.35	1%		.25%	
Jasper, Pulaski, White, Newton & the Remainder of Fulton & Benton Counties:						
North Indiana Exclusive of Calumet Area:	7.38	.35	1%		.25%	
Calumet Area:	7.68	.35	1%		.25%	
DECISION #AR-3125 - Mod. #1 (39 FR 30748 - August 23, 1974) Blackford, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Jay, Johnson, Madison, Marion, Randolph, Rush, Shelby, Union & Wayne Counties, Indiana						
CHANGE:						
Linemen (Remainder of Counties)	8.18	.35	1%		.25%	

MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3126 - Mod. #1 (39 FR 30752 - August 23, 1974) Boone, Clay, Daviess, Fountain, Greene, Hendricks, Knox, Montgomery, Morgan, Owen, Parke, Putnam, Vigo, Sullivan, Vermillion & Warren Counties, Indiana						
CHANGE:						
Linemen:						
Remainder of Counties	$8.18	.35	1%		.25%	
DECISION #AR-3127 - Mod. #1 (39 FR 30755 - August 23, 1974) Bartholomew, Brown, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Ohio, Lawerenve, Martin, Monroe, Orange, Ripley, Scott, Switerland & Washington Counties, Indiana						
CHANGE:						
Linemen:	8.18	.35	1%		.25%	

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3102 - Mod. #1 (39 FR 29784 - August 16, 1974) Allegan County, Michigan						
CHANGE:						
Asbestos workers	$7.98	.66	.95		.02	
Electricians:						
Laketon, Fillmore, Overisel,						
Salem, Door, Leighton Townships	8.52	.40	1%+.15		.01	
Glaziers: North ½ of County	7.00	.29	.20			
Ironworkers	8.60	.50	.50		.03	
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op.-Tractor Op.:						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op.-Groundman:						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver, Operator Groundman:						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver-Groundman	4.40	.35	1%	a	.25%	
Plumbers and Steamfitters:						
Southern part of County	9.73	.44	.61			
Sprinkler fitters	9.50	.50	.70		.08	
ADD:						
Millwrights	9.30	.50	.40		.01	

MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3103 - Mod. #1 (39 FR 29787 - August 16, 1974) Alpena County, Michigan						
CHANGE:						
Asbestos workers	$7.98	.66	.95		.02	
Bricklayers	7.70	.40				
Stonemasons	7.70	.40				
Cement masons	7.35	.40				
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.:						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman:						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver, Operator Groundman:						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Marble setters	7.70	.40				
Plasterers	7.70	.40				
Sprinkler fitters	9.50	.50	.70		.08	
Terrazzo workers	7.70	.40				
Tile setters	7.70	.40				
Truck Drivers:						
Under 8 cu. yds.	5.97	c18.00	c18.00	.20		
Over 8 cu. yds.	6.07	c18.00	c18.00	.20		
Euclids	6.17	c18.00	c18.00	.20		

MODIFICATIONS P. 14

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3104 - Mod. #1 (39 FR 29790 - August 16, 1974) Baraga, Houghton, Keweenaw and Ontonagon Counties, Michigan						
CHANGE:						
Carpenters, (Building)	$7.54	.50	.40		.01	
Laborers:						
Building and Heavy Construction						
Class A	6.05	.40	.30			
Class B	6.15	.40	.30			
Class C	6.45	.40	.30			
Class D	6.60	.40	.30			
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.:						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman:						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Millwrights	8.04	.50	.40		.01	
Painters:						
Brush (comm., indus.)	6.75					
Steel 0 to 20'	6.75					
Steel 20' to 100'	7.25					
Steel over 100'	8.50					
Spray	7.30					
Piledrivermen	7.74	.50	.40		.01	
Soft floor layers	7.54	.50	.40		.01	
Sprinkler fitters	9.25	.50	.70		.08	

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MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3105 - Mod. 1 (39 FR 29793 - August 16, 1974) Berrien County, Michigan						
CHANGE:						
Bricklayers	$8.85	.40	.35			
Stonemasons	8.85	.40	.35			
Cement masons	8.05	.40	.35			
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op.-Tractor Op.:						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman:						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver, Operator Groundman:						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Marble setters' helpers	4.60					
Plasterers	8.25	.40	.35			
Sprinkler fitters	9.50	.50	.70		.08	
DECISION #AR-3106 - Mod. #1 (39 FR 29797 - August 16, 1974) Calhoun County, Michigan						
CHANGE:						
Asbestos workers	$7.98	.66	.95		.02	
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Diver - Groundman	4.40	.35	1%	a	.25%	
Millwrights	9.30	.50	.40		.01	
ADD:						
Sprinkler fitters	9.50	.50	.70		.08	

MODIFICATIONS P. 16

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3113 - Mod. #1 (39 FR 29820 - August 16, 1974) Ingham County, Michigan						
CHANGE:						
Asbestos workers	$7.98	.66	.95		.02	
Electricians:						
Townships of Onondaga, Leslie, Bunker Hill and Stockbridge	9.34	.40	1%	8%		
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Marble setters	9.18		.40			
Sprinkler fitters	9.50	.50	.70		.08	
Terrazzo workers	9.18		.40			
Tile setters & mosaic workers	9.18		.40			
OMIT:						
Footnote e.						

MODIFICATIONS P. 17

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3122 - Mod. #1 (39 FR 29850 - August 16, 1974) Charlevoix County, Michigan						
CHANGE:						
Asbestos workers	$7.98	.66	.95		.02	
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Sprinkler fitters	9.50	.50	.70		.08	
DECISION #AR-3108 - Mod. #1 (39 FR 29803 - August 16, 1974) Emmet County, Michigan						
CHANGE:						
Asbestos workers	$7.98	.66	.95		.02	
Line Construction						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Sprinkler fitters	9.50	.50	.70		.08	

MODIFICATIONS P. 18

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3054 - Mod. #1 (39 FR 25858 - July 12, 1974 Kent County, Michigan					
Change:					
Electricians	$8.52	.40	1%+.15		.01
DECISION #AR-1019 - Mod. #1 (39 FR 30802 - August 23, 1974) Statewide, Oregon					
Change:					
Truck Drivers:					
Group 1	$7.23	.45	.65	.30	.03
Group 2	7.28	.45	.65	.30	.03
Group 3	7.33	.45	.65	.30	.03
Group 4	7.38	.45	.65	.30	.03
Group 5	7.43	.45	.65	.30	.03
Group 6	7.53	.45	.65	.30	.03
Group 7	7.63	.45	.65	.30	.03
Group 8	7.73	.45	.65	.30	.03
Group 9	7.83	.45	.65	.30	.03
Group 10	8.00	.45	.65	.30	.03
Group 11	8.10	.45	.65	.30	.03
Group 12	8.20	.45	.65	.30	.03
Group 13	8.30	.45	.65	.30	.03
Group 14	8.40	.45	.65	.30	.03

DECISION #AQ-1111 - Mod. #2
(39 FR 20932 - June 14, 1974)
Statewide, Washington

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers (Area 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)					
Group 1	$6.40	.60	.80	.25	.07
Group 2	6.55	.60	.80	.25	.07
Group 3	6.70	.60	.80	.25	.07
Group 4	6.85	.60	.80	.25	.07
Power Equipment Operators (Area 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)					
Group 1	7.30	.55	.85	.35	.05
Group 2	7.44	.55	.85	.35	.05
Group 3	7.54	.55	.85	.35	.05
Group 4	7.70	.55	.85	.35	.05
Group 5	7.72	.55	.85	.35	.05
Group 6	7.80	.55	.85	.35	.05
Group 7	7.86	.55	.85	.35	.05
Group 8	7.96	.55	.85	.35	.05
Group 9	8.02	.55	.85	.35	.05
Group 10	8.08	.55	.85	.35	.05
Group 11	8.10	.55	.85	.35	.05
Group 12	8.16	.55	.85	.35	.05
Group 13	8.24	.55	.85	.35	.05
Group 14	8.40	.55	.85	.35	.05
Group 15	8.56	.55	.85	.35	.05
Group 16	8.74	.55	.85	.35	.05
Group 17	8.88	.55	.85	.35	.05
Group 18	9.06	.55	.85	.35	.05
Group 19	9.20	.55	.85	.35	.05

DECISION #AQ-1111 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers (Area 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific, Counties)					
Group 1	$7.23	.45	.65	.30	.03
Group 2	7.28	.45	.65	.30	.03
Group 3	7.33	.45	.65	.30	.03
Group 4	7.38	.45	.65	.30	.03
Group 5	7.43	.45	.65	.30	.03
Group 6	7.53	.45	.65	.30	.03
Group 7	7.63	.45	.65	.30	.03
Group 8	7.73	.45	.65	.30	.03
Group 9	7.83	.45	.65	.30	.03
Group 10	8.00	.45	.65	.30	.03
Group 11	8.10	.45	.65	.30	.03
Group 12	8.20	.45	.65	.30	.03
Group 13	8.30	.45	.65	.30	.03
Group 14	8.40	.45	.65	.30	.03

SUPERSEDEAS DECISION

STATE: FLORIDA
DECISION NUMBER AR-4033
COUNTY: See Below*
DATE: Date of Publication
Supersedes Decision No. AP-181 dated May 5, 1973, in 38 FR 11261.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties:

Lake, Orange, Osceola, and Seminole.

Florida 59-B (1-1)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Conditioning Mechanics	$3.15				
Bricklayers	4.95				
Carpenters	4.40				
Cement Masons	4.80				
Concrete Laborers	2.50				
Electricians	5.65	.30	1%		½ of 1%
Laborers	2.45				
Mason Tenders	2.85				
Painters	3.50				
Plasterers	5.25				
Plumbers	4.80				
Roofers	3.75				
Kettlemen	3.15				
Sheet Metal Workers	3.50				
Tile Setters	4.50				
Power Equipment Operators:					
Backhoe	5.51				
Bulldozer and Loader	3.00				
Grader	2.95				
Pan Operator	2.75				
Roller	2.00				
Tractor	2.80				
Truck Drivers	2.00				

SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: AR-4034
COUNTY: See Below
DATE: Date of Publication
Supersedes Decision No. AQ-4013 dated September 28, 1973 in 38 Fr. 27175.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

59-KY-1-G (1-2)

*Counties: Boone, Campbell, Kenton & Pendleton	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.21	.30	.85		.02
Boilermakers	8.10	.30	.70	.55	.01
Boilermakers' Helpers	7.85	.30	.70	.55	.01
Bricklayers	9.395	.45	.35		
Carpenters:					
Carpenters	9.80	.40	.55		.025
Millwrights	9.84	.40	.65		.10
Piledrivermen	9.05	.40	.55		.025
Cement Masons	9.795	.35	.50		.12
Electricians	9.25	.60	3% + .30		3 of 3%
Elevator Constructors	8.91	.395	.26	2%+ a&b	.02
Elevator Constructors' Helpers	70%JR	.395	.26	2%+ a&b	.02
Elevator Constructors' Helper (Prob.)	50%JR				
Glaziers	8.70		.35		.005
Ironworkers, Structural & Ornamental	9.995	.55	.55		.03
Ironworkers, Reinforcing	8.895	.55	.85		.015
Laborers: (Demolition)					
Wrecking Laborers	8.17	.50	.30		
Jackhammer Operators	8.32	.50	.30		
Wallmen	8.32	.50	.30		
Burners	8.32	.50	.30		
Lathers	9.845				.015
Lead Burners	8.25	.30		o	.01
Linemen	9.25	.60	3% + .30		.5%
Marble Setters	9.885	.45	.35		
Marble Setters' Helpers	9.235				
Painters, Brush:					
Commercial	8.80	.35	.15		
Industrial	8.95	.35	.15		
Painters, spray:					
Commercial	9.05	.35	.15		
Industrial	9.20	.35	.15		.04
Pipe Fitters	9.20	.60	.775		.02
Plasterers	10.195		.45		.05
Plumbers & Gas Fitters	9.055	.38	.65		.05
Resilient Floor Layers	8.00	.40	.55		.05
Roofers	9.945		.85		
Sheet Metal Workers	8.995	.40	.70		.02
Sprinkler Fitters	9.25	.30	.50		.05
Stone Masons	9.885	.45	.35		
Terrazzo Workers:					
Terrazzo Workers	9.085	.45	.35		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Terrazzo Workers Cont'd:					
Terrazzo Workers' Helpers & Grinders	$9.185				
Terrazzo Base Grinder	9.605				
Tile Setters	9.085	.45	.35		
Tile Setters' Helpers	9.135				
Tile Setters' Helpers (Prob.)	75%JR				

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays: A through F plus Washington's Birthday, Good Firday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

KY-59-LAB-1-b

LABORERS: (excluding demolition)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP a	8.45	.50	.30		
GROUP B	8.55	.50	.30		
GROUP C	8.60	.50	.30		
GROUP D	8.65	.50	.30		
GROUP E	8.80	.50	.30		
GROUP F	8.95	.50	.30		
GROUP G	9.20	.50	.30		

Group A - Common laborers, cement masons helpers, hand operator mechanical mule, mechanical sweeper, signal man

Group B - Bottom man, pipe layers

Group C - Burning torch operator, jack hammer, mechanical and air tamper operator, mechanical concrete buggies, power operated mechanical mule, concrete pump hose man, vibrator man

Group D - Plasterers' tender, mason tender, stone mason tender, bottom jackhammer man

Group E - Plaster mixer pump operator

Group F - Tunnel laborer

Group G - Gunnite nozzle operator

KY-59-PEO-1-A

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$9.61	.46	.80		.11
GROUP B	9.45	.46	.80		.11
GROUP C	9.09	.46	.80		.11
GROUP D	8.31	.46	.80		.11
GROUP E	7.98	.46	.80		.11
GROUP F	7.23	.46	.80		.11

CLASSIFICATION DEFINITIONS

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat.

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressurizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under.

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator.

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finishin machines, form trenchers, high pressure pumps over 1/2" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power).

GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge.

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KY-5y-TD-1-a

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Tractor trailer combinations and drags	$6.27	a16.50	a17.00	b&c	
Drivers	6.08	a16.50	a17.00	b&c	
Helpers	6.03	a16.50	a17.00	b&c	

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Per week per employee on payroll 30 days or more.
b. Paid vacation: 1 year of employment - 1 week; 2 years - 2 weeks; 10 years - 3 weeks; 15 years - 4 weeks.
c. Six paid holidays; A through F.

SUPERSEDEAS DECISION

STATE: Mississippi COUNTY: Harrison & Pearl River
DECISION NUMBER: AR-4032 DATE: Date of Publication
Supersedes Decision No. AQ-4110 in 39 FR 15644 dated May 3, 1974
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including four stories), heavy, sewer, water, and highway construction.

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers (Harrison County)	$7.70	.395	.75	c	.02
Asbestos Workers (Pearl River Co.)	7.25	.40	.90		
Boilermakers	7.13	.40	.70		.01
Bricklayers:					
Bricklayers	7.20		.15		
Stonemasons	7.20		.15		
Marble Masons	7.20		.15		
Terrazzo Workers	7.10		.15		
Tile Setters	7.10		.15		
Plasterers	7.10		.15		
Blockmasons	7.20		.15		
Caulkers & Pointers	7.20		.15		
Cement Masons	6.58		.15		
Carpenters:					
Carpenters	7.00				
Millwrights	7.32				
Electricians:					
Electricians	7.80	.25	1%+.20		1/8%
Cable Splicers	8.05	.25	1%+.20		1/8%
Elevator Constructors:					
Elevator Constructors	6.39	.345	.23	2%+a+b	.015
Helpers	4.47	.345	.23	2%+a+b	.015
Helpers (probationary)	50%3R				
Glaziers	5.00				
Ironworkers:					
Structural, Ornamental, Reinforcing	8.13	.30	.30		
Laborers:					
Laborers	4.35	.10	.10		
Vibrator-Jackhammer, Mortar Mixer, Pipelayers (Sewer, Power Saw Op.)	4.50	.10	.10		
Lathers	6.00		.10		.01
Line Construction:					
Lineman	7.80	.25	1%+.20		1/8%
Cable Splicers	8.05	.25	1%+.20		1/8%
Groundmen:					
1st 6 months	3.40	.25	1%+.20		1/8%
Thereafter	4.08	.25	1%+.20		1/8%
Painters - Commercial:					
Brush and Roller	5.30				.03
Spray	6.55				.03
Structural Steel under 30'					
Brush and Roller	5.55				.03
Spray	6.55				.03

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Piledrivermen	$7.02	.30	.30		
Piledrivermen on Creosote Material	7.26	.30	.30		
Plumbers & Steamfitters	7.70	.26	.20		.01
Roofers:					
Roofers	6.20				
Helpers	4.40				
Kettlemen	5.00				
Sheet Metal Workers	7.315	.25	.40	.25	.10
Soft Floor Layers	6.65				
Sprinkler Fitters	8.60	.50	.70		.08

PAID HOLIDAYS:
A-New Year's Day B-Memorial Day C-Independence Day
D-Labor Day E-Thanksgiving Day F-Christmas Day

FOOTNOTES:
a. Holidays: A through F
b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
c. Holidays: Labor Day, Mardi Gras Day, provided the employee works at least one day out of the 3 workdays prior to the paid holiday, and the first workday after the paid holiday.

BUILDING AND HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.75	.25	.25		
GROUP 2	6.80	.25	.25		
GROUP 3	6.55	.25	.25		
GROUP 4	6.00	.25	.25		
GROUP 5	5.45	.25	.25		
GROUP 6	5.45	.25	.25		

GROUP 1:
Engineer - operating under air pressure

GROUP 2:
Mechanic

GROUP 3:
Air tugger (2 drum), asphalt plant, backhoe , blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick, derrick boat, derrick car, dragline, dredge, elevating grader, excavator (power belt), fork lift, hoist (2 drum), locomotive engineer, marine engineer (chief), master pilot, mixermobile, motor patrol & similar type equipment, paver (2½ C.F. or larger), piledriver, recharger, roaming greaser (1st), scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), tournapull, IW-10 & similar pulltype scrapers, traxcavator and similar endloaders, welder, welding machines or S/W pumps (2 to 6), well driller, well point pumps

GROUP 4:
Air tugger, asphalt spreader (bituminous distributor) aspahlt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, fireman, heating plant, hoist, marine engineer (assistant), mixer, payloader, and similar endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machine (18" or smaller bucket line width), tugboat, well driller (1st helper), winch truck

GROUP 5:
Air compressor, form grader, locomotive hostler, mechanic helper, oiler (truck crane), pump, roughneck, tractor (without attachments), welding machine

GROUP 6:
Batch scale, deckhand, motorboat (in or outboard), oiler, scowman

BUILDING AND HEAVY CONSTRUCTION

TRUCK DRIVERS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$5.04	.28	.25		
GROUP 2	5.51	.28	.25		
GROUP 3	6.55	.28	.25		
GROUP 4	7.12	.28	.25		
GROUP 5	5.04	.28	.25		
GROUP 6	4.41	.28	.25		

GROUP 1:
Up to and including 1½ tons such as station wagons, jeeps, autos, pick-up trucks, motorcycles, bicycles, truck spotters, teamsters, team drivers

GROUP 2:
1½ tons up to but not including 5 tons such as dump trucks, flat beds, stake bodies, bus drivers, winch and "A" frame trucks

GROUP 3:
5 tons or 6 yards and over including heavy equipment such as pole trucks, mixe or oorning wagons, dumpsters, semi-drivers, agitators, ross carriers, dempsey dumps, euclid trucks, forklift truck in warehouses and similar equipment such as tractors, 10 wheelers, jeeps, or dump trucks or pick-up trucks pulling 2 or 4 wheel trailers hauling equipment

GROUP 4:
Truck and auto mechanics

GROUP 5:
Truck drivers' helpers, unloaders, unloading and handling creosote or coppertox material

GROUP 6:
Truck drivers' helpers

SEWER, WATER, & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Tool Operator	$2.00				
Asphalt Raker	2.50				
Bricklayer	4.25				
Carpenter	3.50				
Cement Mason (Finisher)	3.25				
Concrete Saw Operator	3.50				
Electrician	5.40				
Form Setter	2.80				
Grade Checker	2.25				
Ironworker, Reinforcing	3.50				
Ironworker Helper, Reinforcing	2.25				
Ironworker, Structural	3.15				
Laborer, Unskilled	2.00				
Mason Tender (Cement Mason Helper)	2.50				
Painter (Structural Steel)	3.75				
Piledrivermen	3.00				
Truck Driver	2.00				
Tugboat Operator	2.50				
Welder	3.50				
Power Equipment Operators:					
"A" Frame Truck (winch)	2.40				
Aggregate Spreader	2.71				
Air Compressor	2.60				
Asphalt Distributor Spreader	2.80				
Asphalt Plant	2.90				
Backhoe or Shovel Operator	3.25				
Bulldozer Operator	3.00				
Concrete Batch Plant	3.25				
Concrete Finishing Machine	3.00				
Concrete Paving Machine	3.30				
Concrete Spreader Machine	2.85				
Crane, Dragline	3.50				
Crusher Feeder	2.75				
Curing Machine	2.90				
Earth Auger	3.00				
Fireman	3.09				
Guard Rail Post Driver	2.50				
Joint Filler	2.90				
Loader (all types)	3.00				
Mechanic	3.40				
Mixer (all types)	3.00				
Motor Patrol	3.25				
Mulcher	2.00				
Oiler-Greaser	2.40				
Piledriver	3.50				
Roller (self propelled)	2.50				

SEWER, WATER, & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd)					
Pipelayers	$2.35				
Scales (all types)	2.35				
Scraper	3.00				
Striping Machine	3.25				
Sub Grade Machine	3.25				
Tractor (track type)	2.25				
Tractor (wheel type)	2.00				
Trenching Machine	2.50				

SUPERSEDEAS DECISION

STATE: New Jersey
DECISION NO.: AR-2040
Supersedes Decision No. AQ-2115 dated May 3, 1974 in 39 FR 15661
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

COUNTY: Middlesex
DATE: Date of Publication

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers:					
Twps., of Cranbury, E. Brunswick, Helmetta, Jamesburg, Milltown, Monroe, N. Brunswick, Plainsboro, S. Brunswick & Spotswood	$ 9.30	.50	.50		.025
Remainder of County	9.202	.5803	.4974		.02
Boilermakers	8.75	6%	10%	10%	.01
Boilermakers' helpers	8.22	6%	10%	10%	.01
Bricklayers, cement masons, plasterers, and stone masons:					
Dunellen, Middlesex, New Market, Oak Tree, and S. Plainfield	9.25	.75	.70		.02
Remainder of County	9.70	.45	.45		
Plainsboro	9.50	.50	.70		.03
Carpenters and insulators	9.73	6%	6%		.02
Millwrights	9.98	6%	6%		.02
Electricians and Linemen:					
Electricians	11.16	1%	7%+.50		.02
Linemen, cable splicer, equipment operators, welder, hole digging equipment truck with winch or pole and steel handling, truck without winch	11.16	1%	7%+.50		.02
Groundman and winch operator	10.31	1%	7%+.50		.02
Elevator constructors	9.10	.395	.26+a	b+c	.015
Elevator constructors' helpers	6.83	.395	.26+a	b+c	.015
Elevator constructors' (prob.) helpers	4.55				
Elevator constructors modernization	8.33	.395	.26+a	b+c	.015
Elevator constructors modernization helpers	6.25	.395	.26+a	b+c	.015
Elevator constructors repair	7.48	.395	.26+a	b+c	.015
Elevator constructors repair helper	5.61	.395	.26+a	b+c	.5
Glazier	9.05	.61	.65		.02
Ironworkers: Structural, ornamental & reinforcing					
Plainsboro	8.92	.47	1.06	10%	.05
Remainder of County	9.62	.67	2.21	.95	.09
Laborers: Building					
Perth Amboy, Carteret, Woodbridge and Metuchen Townships:					
Laborers	6.65	.25	.50		
Air compressed tampers, paving breakers, jackhammers, barco type hammers or air drills	6.90	.25	.50		
Dunellen & S. Plainfield Twps.	6.95	.60	.50		

DECISION NO AR-2040

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers: Building (cont'd)					
S. River, S. Amboy, Sayreville, Keyport, Spotwood, Helmetta, Jamesburg, Cranbury, and Monroe Townships, Madison & E. Brunswick Twps.	$ 6.40	.25	.25		
Laborers					
Tenders, scaffolding, excavation and foundation, concrete, trenches man-holes, sidewalks, curbing, compressed air, excavation and grading,	6.40	.25	.25		
Pipe layers	6.40	.25	.25		
Remainder of County:					
Laborers	7.00	.35	.35		
Air tool operator (jackhammer, vibrator)	7.25	.35	.35		
Mason tenders, mortar mixers	7.00	.35	.35		
Demolition & scaffold builders	7.00	.35	.35		
Plasterers' tenders	7.00	.35	.35		
Lathers:					
Dunellen, Edison, Middlesex, New Market, Oak Tree, Piscataway, and S. Plainfield	6.65	.25	.25		.01
Remainder of County	5.75	.25	.20		.01
Lead burners	9.25	.35		d	.01
Marble setters	7.80	.78	.94		
Marble setters' helpers	7.33	.74	.88		
Painters:					
Perth Amboy, Carteret, Woodbridge Twps., Edison Twp., north of Metuchen, Sayreville, S. Amboy, Metuchen, Old Bridge and Madison township:					
Brush	7.90	.55	.40		
Structural steel, tanks, bridges & towers	8.95	.55	.40		
Spray	8.95	.55	.40		
Sandblasting	8.95	.55	.40		
Edison Twp., south of Metuchen, Highland Park, New Brunswick, E. Brunswick and S. Brunswick, S. Brunswick Twp., & Monroe Twp., N. Brunswick					
Commercial and Industrial Steel, tanks, towers, steeples, stacks and bridges	7.15	.65	.50		
	8.25	.65	.50		

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS (Cont'd)					
Spraying & sandblasting	8.25	.65	.50		
Plainsboro:					
Brush	8.40	.50	.50	.10	
Steel	8.55	.50	.50	.10	
Spray	9.00	.50	.50	.10	
Dunellen, South Plainfield, Middlesex & New Market:					
Commercial & Industrial Steel under 30', Exterior work over 30'	8.40	.50	.50	.10	
	8.55	.50	.50	.10	
Bridges, Towers, Steel over 30'	9.00	.50	.50	.10	
Spray	9.00	.50	.50	.10	
Piledrivermen and dockbuilders	9.36	.90	1.53	.56	.02
Plumbers and steamfitters:					
Piscataway to Old Bridge to County line and north thereof	11.25		.50		.03
Remainder of County	9.41	6%	8%	10%	
Roofers, composition, damp & waterproofing	9.45	.50	.325		
Roofers, slate & tile	9.67	.50	.325		
Roofers, slate & tile helpers	8.50	.50	.325		
Sheet metal workers	8.71	.52	.44	.67	.02
Soft floor layers	8.63	6%	5%	1%	
Sprinkler fitters:					
New Brunswick, Milltown, Old Bridge, Browntown, and North thereof	10.12	.40	.60		.07
Remainder of County	9.85	.50	.70		.08
Terrazzo workers	8.70	1.23	1.26		
Terrazzo workers' helpers	7.43	.925	.475		
Terrazzo machine operator	7.68	.925	.475		
Tile setters	8.10	.60	1.50		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day; Armistice Day.

c. Employer contributes 1% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A through F; Washington's Birthday; and Good Friday, providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

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HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.90	.50	.75	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.50	.75	a	
Timberman	7.50	.50	.75	a	
Form setter	7.45	.50	.75	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.50	.75	a	
Wagon drill op. and drill master	7.35	.50	.75	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.50	.75	a	
Signal man	7.05	.50	.75	a	
Wrapping and coating of all pipe	6.85	.50	.75	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salesmander tenders, pitman and dumpmen	6.80	.50	.75	a	
Rakers and tampers on cold patch work	6.80	.50	.75	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

Northern half of Middlesex County AR-2040 P.6 N.J.-5-LAB-5-K

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
LABORERS, ASPHALT						
Streets:						
Head rakers	$6.50	.51	.54	a		
Rakers	6.25	.51	.54	a		
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.10	.51	.54	a		
Plant:						
Scale mixer and burner men	6.35	.51	.54	a		
Feeders and dust men	6.10	.51	.54	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

Southern half of Middlesex County N.J. 4-LAB-5-K

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers, Asphalt					
Street:					
Head raker	$7.05	.41	.64	a	.05
Rakers and screed board man	6.90	.41	.64	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.65	.41	.64	a	.05
Plant:					
Scale mixers and burner men	6.90	.41	.64	a	.05
Feeders and dust men	6.65	.41	.64	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

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BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - comtn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drun, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

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BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, autiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

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BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceding the holiday and the first work day after the recognized holiday.

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POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION.

GROUP I: Autograde-combn,. subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), econosbiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

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2 of 3

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.:
compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic lmaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler.

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

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HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Day provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

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STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod tending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

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New Jersey 1-TD-1-2-3-F 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVING:						
Winch Trailers	$6.28	a		b		
Euclid, International Haversters, Wabcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom rear and side dump, carryalls and scrapers (not self-loading), over the top, water sprinkler, trailers, water pulls, and similar types of vehicles	6.18	a		b		
Tractor and trailer type vehicles, flat floats, I-Beam, low beds, water sprinkler, bituminous, transit-mix, road oil, fuel, bottom dump hopper, rear dump, office shanty, epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing pole, spread, bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer, and similar types of vehicles	6.18	a		b		
Straight three-axle materials:						
Trucks and floats	6.08	a		b		
Straight dumps, flats, floats, pick-ups container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumpcrete, transit-mixers, agitator mix, half-track, winch truck, side-o-matic, dynamite, powder, X-ray, welding, skid, jeep, station wagon, stringer, A-Frame, all dual purpose trucks, mechanical tail gates, batch, seeding, mulching, fertilizer, air compressor trucks (in transit), escort scissor, hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt-distributor and spreader, nipper, fuel trucks (driver on fuel truck including handling of hose and nozzle-entire unit), team drivers, vacuum or vac-all trucks, skid truck (debris container-entire unit), concrete mobile trucks (entire unit), beltcrete trucks, pumpcrete trucks, line trucks, reel, wreckers or tow trucks, utility, tack trucks, broyhill coal tar epoxy, little ford bituminous distributor, slurry seal truck or vehicle, thiokol track master pick-up (swamp cat pick-up), bucket loader dump, rubber tired tractor used in pulling and towing farm wagon and trailers of any discription	6.03	a		b		

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New Jersey 1-TD-1-2-3-F 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS (Cont'd):						
Teamster mechanic	$6.03	a		b		
Mechanic helper	5.80	a		b		

FOOTNOTES:

a. Employer contributes $.89 per hour to a combined Health, Welfare and Pension fund.

b. Employees worked or received pay: 80 days within a year receive one week's vacation, 125 days within a year receive two weeks' vacation, 145 days within a year receive 15 days' vacation, 15 years seniority and 145 days within a year receive four weeks' vacation.

XUM

SUPERSEDEAS DECISION

STATE: NEW JERSEY COUNTY: MORRIS
DECISION NO.: AR-20\1 DATE: Date of Publication
Superseded Decision No. AR-2113 dated May 3, 1974 in 39 FR 15654
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.202	.5803	.4994	10%	.02
Boilermakers	8.75	8%	19%	10%	.01
Bollermakers' helpers	8.22	8%	19%	10%	.01
Bricklayers, Cement masons, Plasterers, and Stonemasons: Morristown, Madison, Chatham, Morris Plains, Mt. Tabor, Parsippany, Troy Hills, Pine Brook, Mendham Ralston, Whippany, E. Hanover, Morris Twp., & Millington, Hanover Stephensburg, Pleasant Grove, Middle Valley, and Parker Pompton Plains, Pequannock, Lincoln Park, Kinnelon, Butler and Riverdale	9.10	.40	.40		.02
	9.99	.30	.30		.02
	9.40	.65	.74		.02
Remainder of County	10.00	.35	.35		.02
Carpenters and Insulators: Naughright, Mt. Freedom, Middle Valley, Parker, Ralston, Ironia, Mendham, Chester and Brookside	9.73	6%	6%		.02
Carpenters & Insulator	9.98	6%	6%		.02
Millwrights	9.73	6%	6%		.02
Remainder of County: Carpenters	9.98	6%	6%		.02
Millwrights	10.81	4%	15%+.50		f
Electricians	9.10	.395	.26+a	b+c	.01
Elevator Constructors: Elevator Constructors	6.83	.395	.26+a	b+c	.01
Helpers	4.55				
Ironworkers, structural, ornamental and reinforcing - nearest town as listed below: Easton, Pennsylvania	$10.00	.64	1.06		
Perth Amboy	9.62	.67	2.21	.95	.10
Laborers, Building: Boonton, Boonton Twp., Montville, Lincoln Park Borough, Butler, Kinnelon Borough, Pine Brook, Towaco, Denville, Mountain Lake, Pequannock, Pompton Plains and Riverdale Borough:					
Laborers, building, wrecking demolition, concrete slxers without hoppers drill runners, jackhammerman, mason tenders, mortar mixers, excavation and foundations, scaffold builders, carpenters' tenders, and grading for concrete	7.25	.45	.35		
Jefferson, Rockaway, Mt. Arlington, Rockaway Borough, Wharton, Mill Hill, Dover, Netcong, Roxbury, Mt. Olive & Randolph Twps.:					
Laborers, air tool op., jackhammer, vibrator, mason tenders & pipe layers, wrecker, excavation	6.70	.50	.50		
Morristown, Morris Twp., Morris Plains, Mendham, Ralston, Chester, Brookside, Flanders, Ironia, Mt. Freedom, Mt. Tabor, Parsippany-Troy Hills, Pine Brook, Cedar Knolls, Whippany, Hanover Twp., and Long Valley:					
Laborers, tenders scaffolds, excavation, concrete, bituminous concrete, aggregates, pipelayers, underpinning, lagging, bracing, wrecking	6.95	.60	.50		

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Ironworkers, structural, ornamental and reinforcing - nearest town as listed below: Easton, Pennsylvania	$10.00	.64	1.06		
Perth Amboy	9.62	.67	2.21	.95	.10
Laborers, Building: Boonton, Boonton Twp., Montville, Lincoln Park Borough, Butler, Kinnelon Borough, Pine Brook, Towaco, Denville, Mountain Lake, Pequannock, Pompton Plains and Riverdale Borough:					
Laborers, building, wrecking demolition, concrete slxers without hoppers drill runners, jackhammerman, mason tenders, mortar mixers, excavation and foundations, scaffold builders, carpenters' tenders, and grading for concrete	7.25	.45	.35		
Jefferson, Rockaway, Mt. Arlington, Rockaway Borough, Wharton, Mill Hill, Dover, Netcong, Roxbury, Mt. Olive & Randolph Twps.:					
Laborers, air tool op., jackhammer, vibrator, mason tenders & pipe layers, wrecker, excavation	6.70	.50	.50		
Morristown, Morris Twp., Morris Plains, Mendham, Ralston, Chester, Brookside, Flanders, Ironia, Mt. Freedom, Mt. Tabor, Parsippany-Troy Hills, Pine Brook, Cedar Knolls, Whippany, Hanover Twp., and Long Valley:					
Laborers, tenders scaffolds, excavation, concrete, bituminous concrete, aggregates, pipelayers, underpinning, lagging, bracing, wrecking	6.95	.60	.50		

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Plumbers & Steamfitter (Cont'd) Lincoln Park, Pompton Plains, Pequannock Twp., Riverdale, Butler, Kinnelon Boro:	$ 8.95	.475	1.16	1.00	.04
Remainder of County	10.32	.40	.90		.15
Roofer: Composition, damp and water-proofers	10.27	.70	.50		
Slate, tile and asbestos	9.05	.30	.20		
Slate, tile and asbestos helpers	7.95	.30	.20		
Soft floor layers	8.63	6%	5%	1%	.07
Sprinkler fitters	10.12	.40	.60		.05
Sheet metal workers	9.30	5%	1%		
Terrazzo workers	8.70	.78+.45	1.26		
Terrazzo workers' helpers	7.43	.475+.45	.475		
Terrazzo machine operator	7.68	.475+.45	.475		
Tile setters	8.10	.60	1.00+.50		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes $8.00 per day to Annuity Fund.
b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Armistice Day.
c. Employer contributes 6.1% basic hourly rate for 5 years or more of service of 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
d. One week vacation after one year's work; 2 weeks vacation after 4 years work; 3 weeks vacation after 15 years work.
e. Holidays: A through F; Washington's Birthday, Good Friday providing employee has worked at least 4.5 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.
f. Employer contributes $100.00 per year.

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers, Building: (Cont'd) Remainder of County: Laborers, tenders, scaffolds, excavating and site preparation and clearance, concrete, bituminous concrete and aggregates, trenches, manholes, handling and distribution of pipe, underpinning, lagging, bracing, prepping, and shoring; wrecking & grading	$ 6.95	.60	.50		.02
Lathers: Sterling, Cliette and Millington	6.65	.25	.25		.01
Morristown Area	6.15	.25	.25		.02
Lead burners	9.25	.35	.35	e	.01
Linemen & Pipe Type Cable Linemen, cable splicer, hole digging equipment truck with winch or pole & steel handling truck w/o winch	10.81	4%	15%+.50		f
Groundmen, line truck operator & equipment operator	9.26	4%	15%+.50		f
Marble setters	7.80	.78	.94		
Marble setters' helpers	7.33	.74	.88		
Painters: Commercial	8.40	.50	.50	.10	
Structural Steel under 30' & exterior work over 30'	8.55	.50	.50	.10	
Bridges, towers, structural steel and tanks over 30'	9.00	.50	.50	.10	
Spray	9.00	.50	.50	.10	
Pile driverman & Dock builders	9.36	.90	1.53	.56	.02
Plumbers & Steamfitters From Dover to Rockaway, Mountain Lakes, Denville, Succasunna, Budd Lake, Hackettstown, Columbia, Flat-brookville, Montague, Port Jervis (N.Y.), Glenwood, Stockholm Charlotteburg, and returning to Dover	8.07	.35	.75	.90	.10

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HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr
Laborers:					
Blasters	$7.90	.50	.75	a	
Finisher, rammer, paver, gunite nozzleman and stone cutter	7.75	.50	.75	a	
Timberman	7.50	.50	.75	a	
Form setter	7.45	.50	.75	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.50	.75	a	
Wagon drill op. and drill master	7.35	.50	.75	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.50	.75	a	
Signal man	7.05	.50	.75	a	
Wrapping and coating of all pipe	6.85	.50	.75	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.80	.50	.75	a	
Bakers and tampers on cold patch work	6.80	.50	.75	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

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LABORERS, ASPHALT	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Streets:						
Head rakers	$6.50	.51	.54	a		
Rakers	6.25	.51	.54	a		
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.10	.51	.54	a		
Plant:						
Scale mixer and burner men	6.35	.51	.54	a		
Feeders and dust men	6.10	.51	.54	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - comb. autograder, base mix spreader & base trimmer (CMI & similar types), autograde placer-trimer-spreader-comb. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders betzel, resonatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipeline, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

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BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn,. subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including over-head & straddle travelling type), cranes (gantry), drillmaster, quarry-master (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinoue, broyhill), pavement & concrete breaker (super-hammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Boome), scrapers (letourneau, dw's ukes), side booms, squeeze-crete, straddle carrier (rose & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, roxomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.: compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch euction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Yerterans Pay provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

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STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

NEW JERSEY-2-TD-1-2-3-P

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Winch Trailer	$7.25	1.31½		a+b		
Euclids, straight, bottom, rear and side dump, carryall and scrapers: (not self loading-loading over the top), water sprinkler trailers, water pulls, and similar types, flat, floats, I-Beam, low beds, transit-mix, road oil, fuel, asphalt, stringer, seeding fertilizing, bituminous distributor, and similar types of vehicles	7.15	1.31½		a+b		
Straight three-axle materials: trucks and floats	7.05	1.31½		a+b		
Straight dumps, flats, floats, pick-ups, container hauler, fuel, water sprinkler, road oil, winch, A-frame, scissor, nipper, "all dual purpose trucks", trucks with mechanical tail gates", any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, mechanics	7.00	1.31½		a+b		
Mechanics helpers	6.77	1.31½		a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday; Lincoln's Birthday; Columbus Day; General Election Day; Veteran's Day; Good Friday; providing has worked or shaped one day of the calendar week in which the holiday occurs.

b. Employees who have worked or have received pay for 80 days shall receive 48 hours vacation pay; 125 days - 96 hours vacation pay; 145 days - 120 hours vacation pay; an employee with 145 days credit and at least 15 years seniority shall receive 160 hours vacation pay.

SUPERSEDEAS DECISION

STATE: NEW JERSEY COUNTY: Passaic
DECISION NO.: AR-2042 DATE: Date of Publication
Supersedes Decision No. AQ-2095 dated April 12, 1974 in 39 FR 13472
DESCRIPTION OF WORK: Building (including residential), heavy and highway construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.202	p.5803	.4974		.02
Boilermakers	8.75	8%	18%	10%	.01
Boilermakers' helpers	8.22	8%	18%	10%	.01
Bricklayers, cement masons, plasterers and stone masons	9.40	.65	.74		.02
Carpenters and Insulators	9.73	6%	6%		.02
Millwrights	9.98	6%	6%		.02
Electricians	9.60	.38	1%+.48	.96	
Elevator constructors	9.10	.395	.26+a	b+c	.015
Elevator constructors' helpers	6.83	.395	.26+a	b+c	.015
Elevator constructors' helpers (prob.)	4.55				
Elevator constructors' modernization	8.33	.395	.26+a	b+c	.015
Elevator constructor' modernization helpers	6.25	.395	.26+a	b+c	.015
Elevator constructors repair	7.48	.395	.26+a	b+c	.015
Elevator constructors repair helpers	5.61	.395	.26+a	b+c	.015
Glaziers	8.27	.45	.70		.01
Ironworkers:					
Structural, ornamental and reinforcing	9.62	.67	2.21	.95	.10
Laborers, Building:					
Laborers	6.85	.50	.70		
Air tool op. (jackhammer, vibrator)	6.85	.50	.70		
Mason tenders	6.85	.50	.70		
Mortar mixers	6.85	.50	.70		
Plasterers' tender	6.85	.50	.70		
Pipelayers (concrete and clay)	6.85	.50	.70		
Lathers	6.65	.25	.25		.01
Lead burners	9.25	.35		d	.01

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Line Construction:					
Linemen	$ 9.70	4%	6%	.97	
Groundmen	6.79	4%	6%	.97	
Equipment operators	9.70	4%	6%	.97	
Cable splicers	10.50	4%	6%	.97	
Marble setters	7.80	.78	.94	1.00	
Marble setters' helpers	7.33	.74	.88		
Painters:					
Commercial & Industrial	7.70	.84	.85+.53	.38	
Steel	8.20	.84	.85+.53	.38	
Spray	9.77	.84	.85+.53	.38	
Piledrivermen and Dock builders	9.36	.90	1.53	.56	.02
Plumbers	8.95	.475	1.16	1.00	.04
Roofers:					
Composition	9.75	.65	1.00		
Slate and tile	8.90	.35	.75		
Slate and tile helpers	6.65	.35	.60		
Sheet metal workers	9.14	4%+.055	4%+.055	8%	.01
Soft floor layers	8.63	6%	5%	4%	
Sprinkler fitters	10.12	.40	.60		.07
Steamfitters	8.95	.475	1.16	1.00	
Terrazzo workers	8.70	1.23	1.26		
Terrazzo workers' helpers	7.43	.925	.475		
Terrazzo workers' machine operators	7.68	.845	.475		
Tile setters	8.10	.60	1.50		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

c. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A through F, Washington's Birthday, and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.90	.50	.75	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.50	.75	a	
Timberman	7.50	.50	.75	a	
Form setter	7.45	.50	.75	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.50	.75	a	
Wagon drill op. and drill master	7.35	.50	.75	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.50	.75	a	
Signal man	7.05	.50	.75	a	
Wrapping and coating of all pipe	6.85	.50	.75	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.80	.50	.75	a	
Rakers and tampers on cold patch work	6.80	.50	.75	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

N.J.-5-LAB-5-K

LABORERS, ASPHALT	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Streets:						
Head rakers	$6.50	.51	.54	a		
Rakers	6.25	.51	.54	a		
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.10	.51	.54	a		
Plant:						
Scale mixer and burner men	6.35	.51	.54	a		
Feeders and dust men	6.10	.51	.54	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scoopor (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary(except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintaine), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors umder D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

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BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

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POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn,. subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

NJ-2-PEO-3-B
2 of 3

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.:

compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

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HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Pay provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

NJ-4-PKO-2- X

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

NEW JERSEY-2-TD-1-2-3-P

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Winch Trailer	$7.25	1.31½		a+b		
Euclids, straight, bottom, rear and side dump, carryall and scrapers: (not self loading-loading over the top), water sprinkler trailers, water pulls, and similar types, flat, floats, I-Beam, low beds, transit-mix, road oil, fuel, asphalt, stringer, seeding fertilizing, bituminous distributor, and similar types of vehicles	7.15	1.31½		a+b		
Straight three-axle materials: trucks and floats	7.05	1.31½		a+b		
Straight dumps, flats, floats, pick-ups, container hauler, fuel, water sprinkler, road oil, winch, A-frame, scissor, nipper, "all dual purpose trucks", trucks with mechanical tail gates", any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, mechanics	7.00	1.31½		a+b		
Mechanics helpers	6.77	1.31½		a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday; Lincoln's Birthday; Columbus Day; General Election Day; Veteran's Day; Good Friday; providing has worked or shaped one day of the calendar week in which the holiday occurs.

b. Employees who have worked or have received pay for 80 days shall receive 48 hours vacation pay; 125 days - 96 hours vacation pay; 145 days - 120 hours vacation pay; an employee with 145 days credit and at least 15 years seniority shall receive 160 hours vacation pay.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ERIE

DECISION NO. AR-2051 DATE: Date of Publication

Supersedes Decision No. AP-800, dated March 30, 1973 in 38 FR 8804.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

15-New York-1-2-3-W 1 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.21	.67	.55		.04
Boilermakers	9.45	.50	.85		.02
Bricklayers:					
Tonawanda and Grand Island Twps:					
Bricklayers and stone masons	9.79	.55	1.00		
Terrazzo workers & Tile setters	9.41	.55	1.00		
Marble masons	9.505	.55	1.00		
Remainder of County:					
Bricklayers and stone masons	9.79	.55	1.00		
Marble setters	9.505	.55	1.00		
Terrazzo workers & Tile setters	9.41	.55	1.00		
Carpenters, Building:					
Grand Island north of White Haven Road					
Carpenters	8.95	1.10	.70		.02
Millwrights	9.05	1.10	.70		.02
Carpenters & piledrivermen-Heavy and highway	6.87	1.25	1.10		.025
Remainder of County:					
Carpenters & millwrights	8.98	1.25	1.10		.02
Carpenters & piledrivermen-Heavy and highway	7.42	1.10	.70		.025
Cement masons:					
Building	10.18		.75		
Electricians	10.79	.45	1%+.70		.05
Elevator Constructors	9.63	.395	.26	.86+a&b	.02
Elevator Constructors' helpers	6.74	.395	.26	.86+a&b	.02
Elevator Constructors' helpers (prob.)	4.815				
Glaziers	8.64	.50	.45+g		.05
Ironworkers, structural, ornamental & reinforcing:					
Grand Island to White Haven Road	9.16	.51	.40		.01
Remainder of County	9.61	.75	.78		.04
Lathers	11.06		.10		.01
Lead burners	9.25	.35		c	.01

15-New York-1-2-3-W 2 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Line Construction					
Linemen	$ 9.33	.45	1%+.25	d	3/8%
Cable splicer	10.08	.45	1%+.25	d	3/8%
Groundmen digging machine operator	8.80	.45	1%+.25	d	3/8%
Groundman mobile equipment	8.30	.45	1%+.25	d	3/8%
Groundmen truck driver and mechanic	7.90	.45	1%+.25	d	3/8%
Groundmen dynamite man	8.30	.45	1%+.25	d	3/8%
Marble, Tile & Terrazzo workers' helper	7.76	.50	.40+i		
Painters:					
Grand Island North of White Haven Road:					
Painters brush	6.945	.425+.45	.60		.01
Spray, Steel steeple jacks, swing scaffold	7.345	.425+.45	.60		.01
Bridge-crossing the Niagara R River	9.86	.425+.45	.60		.01
Sandblasting and waterblasting	7.445	.425+.45	.60		.01
Remainder of County:					
Painters, brush	8.655	.525	.30+j		.10
Steel tanks, towers, stacks, flag poles, radio TV towers	9.155	.525	.30+j		.10
Sandblasting, swing stage, spray bosum chair	8.905	.525	.30+j		.10
Bridges 35' high or in depth of 35' from road level	10.32	.525	.30+j		.10
Piledrivermen, etc:					
Piledrivermen, dock carpenters & drivers's tenders	8.50	1.05	1.00		
Divers	15.84	1.05	1.00		
Plasterers	11.06				
Plumbers	10.51	.50	.45		.04
Roofers:					
Composition, damp waterproofers, sprayers, asphalt mastic, wood block floor workers, steep roofers and siders	8.12	1.09	1.10		.02
Slate, tile precast tile roofers and asbestos	8.27	1.09	1.10		.02
Sheet metal workers	9.98	.40	.95		.08

BUILDING, HEAVY & HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Soft floor layers	$ 8.40	1.25	1.10		
Sprinkler fitters	10.34	.50	.70		.06
Steam fitters	9.70	.62	.73		.06
Truck drivers:					
Truck drivers	4.675	.275	e		
Euclids	5.08	.225	e		
Ready mix	4.725	.225	e		
Dump	4.83	.275	f		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work day immediately preceding and following the holiday.

d. Holidays; A through F; Washington's Birthday; Election Day for President of the United States and election of Governor of New York State, provided employee works the day before

e. $9.00 per week

f. $10.00 per week

g. Employer contributes $.40 per hour to Supplemental Unemployment Benefits fund.

FOOTNOTES: (cont'd)

h. Employer contributes $1.05 per hour to a combined Health, Welfare and Supplemental Unemployment Benefit fund.

i. Employer contributes $1.00 per hour to a supplemental unemployment benefit fund.

j. Employer contributes $.45 per hour to a Supplemental Unemployment benefit fund.

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTI
BUILDING						
BLASTER; Plumbing Laborer, Wagon Drill Operator; Swing Scaffold	6.635	.65+.70	1.10			
PNEUMATIC-GAS-ELECTRIC TOOL OP (over 8 feet deep)	6.585	.65+.70	1.10			
MORTAR MIXER	6.535	.65+.70	1.10			
FOUNDATION LABORER (over 8 feet deep) Hod Carriers; Plaster Tender; Plaster Scaffold Builder; Pneumatic Gas-Electric Tool Operator	6.485	.65+.70	1.10			
LABORER	6.385					
WRECKING						
WAGON DRILL OPERATOR	6.635	.65+.70	1.10			
PNEUMATIC-GAS-ELECTRIC TOOL OPERATORS Steel Burners	6.485	.65+.70	1.10			
WRECKERS	6.385	.65+.70	1.10			
OPEN CUT SEWER						
BLASTER: Wagon Drill Op	6.635	.65+.70	1.10			
BOTTOM MEN: Pneumatic-Gas-Electric Tool Op.	6.485	.65+.70	1.10			
LABORER: Top Men	6.385	.65+.70	1.10			
CAISSON-SHAFT-COFFERDAMS (OPEN CUT)						
BLASTER: Bottom Men; Wagon Drill Op.	6.635	.65+.70	1.10			
PNEUMATIC-GAS-ELECTRIC TOOL OP.	6.485	.65+.70	1.10			
TOP MEN	6.385	.65+.70	1.10			
STREET-ROAD-WORK						
PAVEMENT FORM SETTER; Wagon Drill Op.	6.635	.65+.70	1.10			
CONCRETE WORKER (Bootmen); Pneumatic-Gas-Electric Tool Op.	6.485	.65+.70	1.10			
LABORER	6.385	.65+.70	1.10			
SOFT GROUND TUNNEL OR JACKING						
RODMEN(reinforce); Welder	6.985	.65+.70	1.10			
LEAD MINER	6.785	.65+.70	1.10			
CONCRETE FORM MOVER: Monkey Hole Man; Side Miner	6.735	.65+.70	1.10			
BOTTOM SHAFT MEN	6.585	.65+.70	1.10			
TUNNEL-SHAFT MUCKER; Shaft Miner	6.635	.65+.70	1.10			
CAR PUSHER: Concrete Placing Crew; & Bull Cangs	6.535	.65+.70	1.10			
TOP MAN	6.385	.65+.70	1.10			
ROCK TUNNEL						
RODMAN (reinforce); Welder	6.985	.65+.70	1.10			
LEAD HEADING ROCK DRILLERS	6.785	.65+.70	1.10			
CONCRETE FORM MOVER; Side Heading Rock Drillers	6.735	.65+.70	1.10			
PLUG HOLE AND ROOF BOLT DRILLERS: Mucking Machine Tender; Tunnel & Shaft Mucker; Shaft Sinking Drillers	6.635	.65+.70	1.10			
BOTTOM SHAFT MAN	6.335	.65+.70	1.10			

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OT
CAR PUSHERS; Bull & Tract Gangs; Concrete Placing Crew	6.535	.65+.70	1.10			
TOP MAN	6.385	.65+.70	1.10			

BUILDING AND HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Crane with a main boom over 100 feet

GROUP II: all boom type equipment, all pan and carry-all operators, Archer hoist, back and pull hoe operator, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled), head tower operator, hot roller (finish course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist, (more than 1 drum in use), Peine crane, pile driving machine operator, power grader machine operator, scoopmobile, shovel operator, skimmer operator, test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine

GROUP III: Back filling machine operator, Kolman loader, roller machine operator, snatch and pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator

GROUP IV: Air hoist operator, cage hoist operator, conveyor operator, conveyor system, (belt-crete or similar), hoisting engine op., house elevator, (when used for hoisting), industrial tractor, locomotive op., (irrespective of power), push button hoist op., Strato tower, tractors (when using winch power)

GROUP V: Concrete mixer op., (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine op., (asphalt spreader), finishing machine op., pump op., (4" or over), pump op., (2 or 3 in a battery)

GROUP VI: Air compressor operator, (under 160 cu. ft.), air compressor op., (over 160 cu. ft.), generator grount machine operator, heating boiler operator, (used for temporary heat), lubrication unit or truck, mechanical heaters, (when 3 are in a battery), mechanic or repairman, pneumatic mixer op., power plant (in excess of 10KW), welding machine operator, (to and including 3 machines) Bulldozer & tractor, (50 h.p., Monorail

GROUP VII: Bulldozer & tractor, (50 h.p., drawbar or under), jeep trench, mulchers, power brooms and rakes, seeders

GROUP VIII: Firemen

GROUP IX: Truck crane driver

GROUP X: Aggregate bin op., apprentice engineer or oiler, cement bin op., concrete mixer op., (under ½ c.y.), mechanical heaters, (when one or two are used), pump operator (one inch), pump op., (two inches), pump operators, (three inches), tractor machines

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$10.235	.40	.90		.10
GROUP II	9.735	.40	.90		.10
GROUP III	9.58	.40	.90		.10
GROUP IV	9.54	.40	.90		.10
GROUP V	9.455	.40	.90		.10
GROUP VI	9.30	.40	.90		.10
GROUP VII	9.54	.40	.90		.10
GROUP VIII	9.145	.40	.90		.10
GROUP IX	8.985	.40	.90		.10
GROUP X	8.83	.40	.90		.10
GROUP XI	8.685	.40	.90		.10

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Or
Master Mechanic	$10.66	.40	.40+a		.10	
Cranes:						
Boom over 100 ft	10.07	.40	.40+a		.10	
Boom over 200 ft	10.57	.40	.40+a		.10	
Boom over 300 ft	11.07	.40	.40+a		.10	
All boom type equipment, all pan and carry-all operators, archer hoist asphalt roller (finish course), asphalt spreader or paver, automatic fine grade- machine (C.M.I and similar type)), back filling machine operators, back and pull hoe operator, belt placer (C M I. and similar type), black top plants, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, boring machine operator, bulldozers (all sizes), cableway operator, caisson auger, central mix plant (and all concrete batching plants), cherry picker, concrete paver machine, concrete pump, crane operator, derrick operator, dragline operator dredge, Elevating grader (self-propelled), excavator (all purpose hydraulically operated), fork-lift, front end loader, gradall, grader, head tower operator, hydraulic booms, hydro crane, Lubrication Unit on Truck, maintenance engineer, mucking machine operator, multiple drum hoist (more than 1 drum in use), overhead crane peine crane or similar type, pile driving machine operator, pump crete, push or snatch cats, quarry master or equivalent, ready mix concrete plant, road windener, rock bit sharpener (all types), scoop-mobile, shovel, side boom, skimmer operator, slip form paver (C.M I and similar type), test oore drill machine, tire truck and repair, tractor drawn belt type graders trenching machine, tractor shovel operator, truck crane, tunnel shovel machine, well drilling machine winch, winch truck with A Frame	9.57	.40	.40+a		.10	

HIGHWAY CONSTRUCTION (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Or
Air hoist operator, automatic fine grade machine (C.M I. and similar type), belt placer (C.M.I. and type), bending machine (pipe), boring machine operator, bituminous spreader and mixer, cage hoist operator, concrete finishing machine, concrete mixer operator - ½ cu yd or more, concrete saw - self-propelled, concrete spreader, conveyor operator, conveyor systems (belt crete or similar), hoisting engine operator, house elevator (when use for hoisting), hydraulic pipe jack machine or similar type machines, hydro hammer or similar types, industrial tractor, kolman loader or similar type machines, locomotive operator mixer for stabilized base self-propelled, monorail, plant engineer, push button hoist operator, roller machine operator, slip form paver (C.M.I. and similar type), snorkel stone crushers, strato-tower, towed or self-propelled rollers, tractors (when using winch power), tractors (with towed accessories), tube finisher (C.M.I. and similar type).	9.43	.40	.40+a		.10	
Air compressors (under 160 cu.ft.) air compressors (over 160 cu.ft.) asphalt curb & gutter machines, blower for burning brush, chipping machine and chip spreader, concrete curb and gutter machines, concrete curing machines, generator, grout or gunite machines, heating boiler operator (used for temporary heat) hydraulic rock expander or similar type machines, hydraulic system pumps, mechanical heaters (when 3 are in a battery), motorized hydraulic Pin Puller, pneumatic mixer operator, post hole digger and post driver, power plant in excess of 10 K.W. pump operator (4" of over), pump Operator (2 or 3 in a battery), welding machine-						

HIGHWAY CONSTRUCTION
(CONT'D)

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
operator (1 machine over 300 amps. or 2 or 3 machines regardless of amps), well point systems (electric, diesel or gas driven	9.14	.40	.40+a		.10	
Fireman, jeep trencher, motorized hydraulic seeders, mulching machines power broom and rakes, truck crane driver.	8.99	.40	.40+a		.10	
Aggregate bin operator apprentice engineer or oiler, C.M.I. and similar type concrete spreads, cement bin operator, concrete mixer operator (under 3 cu. yd.), mechanical heaters (when one or two are used), pump operator (one inch), pump operator (two inch), pump operator (three inch), revinius widener, steam cleaner, tractor machines	8.54	.40	.40+a		.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a Employer contributes $ .50 per hour to a Supplemental Unemployment Benefit fund.

SUPERSEDEAS DECISION

STATE: Tennessee
DECISION NO.: AR-4035
Supersedes Decision No. AQ-4118 dated May 31, 1974 in 39 FR 19424.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy Construction.

COUNTY: Hamilton
DATE: Date of Publication

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BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.94	.30	.20		.01	
Boilermakers	7.50	.40	.90		.02	
Bricklayers:						
Bricklayers, stonemasons, concrete block layers, tile setters, terrazzo workers & marble setters	7.45	.30	.35			
Carpenters:						
Carpenters & soft floor layers	7.03	.30	.25		.03	
Millwrights	7.48	.30	.25		.03	
Piledrivermen	7.155	.30	.25		.03	
Cement masons	6.90					
Power machine operator	7.10					
Swinging scaffold & bos'n chair	7.10					
Electricians and Linemen	7.95	.40	1%		1%	
Cable splicers	8.20	.40	1%		1%	
Elevator constructors	7.21	.395	.26	2½%+a+b	.02	
Elevator constructors' helpers	70%JR	.395	.26	2½%+a+b	.02	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	5.775		.10	c		
Ironworkers:						
Structural and Ornamental	7.50	.15	.25		.5%	
Reinforcing	7.50	.15	.25		.5%	
Lathers	6.35				.03	
Lead burners	7.80	.30		d	.01	
Painters:						
Commercial	6.15		.25			
Industrial	6.40		.25			
Sandblasting	6.65		.25			
Plasterers	6.75					
Plumbers	8.05	.25	.30	.20	.07	
Roofers:						
Composition, damp & waterproofers	6.95		.10			
Slate and tile	7.15		.10			
Kettlemen	6.60		.10			
Sheet metal workers	7.41	.30	.30		.02	
Sprinkler fitters	8.60	.50	.70		.08	
Steamfitters	8.05	.25	.30	.20	.07	
Truck Drivers:						
Up to 3 tons	4.58		e			
3 to 5 tons	4.73		e			
5 to 7 tons	4.88		e			
Helpers and Warehousemen	4.58		e			
Special equipment	4.98		e			
Welders-receive rate prescribed for craft performing operation to which welding is incidental						

AR-4035 P. 2

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Employee who has worked more than 1, but less than 5 years, 2% of gross wages. Employee who has worked 5 years or more, 4% of gross wages.

d. Holidays, A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

e. $3.00 per week for each employee.

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BUILDING AND HEAVY CONSTRUCTION LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$5.05	.10	.20		
GROUP B	5.15	.10	.20		
GROUP C	5.25	.10	.20		
GROUP D	5.35	.10	.20		
GROUP E	5.40	.10	.20		
GROUP F	5.70	.10	.20		
GROUP G	5.75	.10	.20		
GROUP H	5.45	.10	.20		
GROUP I	5.60	.10	.20		
GROUP J	5.60	.10	.20		
GROUP K	5.85	.10	.20		

GROUP A: Concrete laborers, general laborers, carpenter tenders, window and floor cleaners, and flagman on road and street crossings, form strippers, handling of rope to clam bucket, grout men, laborers working on demolition work, handling, cleaning and pulling of nails from materials

GROUP B: Powder man helpers, vibrator operators, tenders to all trowel trades and terrazzo work, carrying re-inforced steel, operating motorized wheal barrows, doping and painting of pipe, railroad track laborers, air spade operators, snake men on pipe work

GROUP C: Sanitary and storm pipe layers or any other pipe outside of foundation, grade checker, yarner and pot man, steel form setters, mortar mixers by hand or machine, power saw operators, jackhammer operator, pavement breaker operator, air tool operators, regular air tamp operators, wacker tamp operator, chipping hammer operator, hand operated ditching machine operator, concrete grinder, floor sweeping machine operator, concrete buffer and grinder power operator, concrete pumping machine operator

GROUP D: Asphalt raker, wagon drill operator, sand blasting, track drill operator, concrete saw operator, using cutting torch or burner on demolition work, flagging of rigs

GROUP E: Barco tamp operator and specially designed tamp operator, black top or concrete curbing machine operator

GROUP F: Powder man, motorized post hole digger operator and terrazzo machine grinder

GROUP G: Pneumatic concrete gun operator and nozzleman

FREE AIR SHAFTS AND TUNNELS

GROUP H: Tunnel Laborer

GROUP I: Chuck Tender

GROUP J: Top Lander on Shaft Work

GROUP K: Tunnel miner, including men required to go down in pier holes drilled by machine

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$6.70	.25	.20		
GROUP B	5.90	.25	.20		
GROUP C	5.30	.25	.20		
GROUP D	5.00	.25	.20		

GROUP A: Backhoes, Cableways, Ross carrier, Clamshells, Cranes, Derricks, Draglines, Turnapulls, Pans, Scrapers, Scoops, Etc., Head tower machines, Endloaders, Locomotives (over 20 tons), Shovels, Dozers, Fork-lifts with over 8' lift, Core drills, Foundation drills, Graders, Mechanics, Welders, Winch truck with A Frame, Skimmer scoops, Locomotive cranes, Overhead cranes, Skid rigs, Pile drivers, Side boom tractors, Euclid loaders, Derrick boat, Dredge boats, Hoist (any size handling steel or stone), Engines used in connection with hoist material with an attached device on tower or engine, Mucking-machines, Hi-lifts or end loaders, Finish graders on bluetop, Trenching machines, Cherrypickers, Tower crane, Skylift, Gradall

GROUP B: Tractors, Farm type tractors with attachments, Central compressor plants, Elevators used for hoisting building materials, Central mixing plants, Hoist, Pump crete machine, Concrete pumps, Backfillers (other than cranes), Tractmobile, Crushing plant operators, Elevating graders, Earth augers, Forklifts, Paving machines (Blacktop), Paving machines (Concrete), Boat operator or engineer (30 tons or over), Blacktop rollers, Switchman, Locomotive under 20 tons and maintainers

GROUP C: Asphalt plant operators, Barber green type loaders, Engine tender other than steam, Mixers (over 2 bags, not to include central plants), Pumps (2 not more than 3, Scarifiers, Spreader box (Bituminous). Asphalt mixers, Portable compressors (2 not more than 3), Rollers, Sub-grader machine, Tractors (Farm-type without attachments), Cable head tower engineman, Dredge booster pump operator. Boat operator or engineers (under 30 tons), Finishing machine, Fireman & Oiler (Combination), Motor crane oiler & driver, Welding machine (2 not more than 3), Heaters, Stationary or portable (to 5), Compressors (Portable, 2 not more than 3), Greaser or fuel trucks

GROUP D: Air compressor (1 portable), Fireman, Portable crushers, Welding machine (1), Conveyors, Pumps (1), Oiler, Heater (1)

SUPERSEDEAS DECISION

STATE: Tennessee COUNTY: Shelby

DECISION NUMBER: AR-4036 DATE: Date of Publication

Supersedes Decision No. AR-4010 dated July 12, 1974, in 39 FR 25921.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Utility Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$7.875	.25	.25		
Boilermakers	7.50	.40	.90		.02
Bricklayers; Stonemasons	7.70	.35	.20		.14
Carpenters; Piledrivermen; Soft floor layers	8.05	.30	.20		.03
Cement masons:					
Cement masons	7.90	.30	.45		.10
Cement masons machine operator	8.15	.30	.45		.10
Electricians:					
Electricians; Lincmen	7.58	.35	1¾+.40		.5%
Cable splicers	7.68	.35	1¾+.40		.5%
Elevator constructors	7.52	.395	.26	2½%+h	.02
Elevator constructors' helpers	70%JR	.395	.26	2½%+h	.02
Elevator constructors' helpers (Prob.)	50%JR				
Glaziers	7.80	.35	.20		
Ironworkers	7.70	.30	.35		.125
Lathers	7.90	.25			.01
Leadburners	7.80	.30		c	.01
Marble setters; Terrazzo workers; Tile setters	7.25	.35	.20		.05
Millwrights	7.90	.34			.06
Painters:					
Brush	7.40		.30		.05
Sandblasting; Spray; Steel	7.65		.30		.05
Plasterers	7.80				.01
Plumbers	7.88	.30	.15		.04
Roofers:					
Composition	7.40		.20		.03
Slate, Tile, asbestos & precast tile	7.65		.20		.03
Sheet metal workers	7.20	.40	.15	.30	.02
Sprinkler fitters	8.60	.50	.70		.08
Steamfitters, air conditioning mechanics and pipefitters	7.62	.30	.30		
Truck drivers:					
Up to 5 tons	3.695		d		
5 tons & over incl. special equipment	4.095		d		
Welders; riggers; & riveters receive rate prescribed for craft performing operations to which welding is incidental.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. 6 paid holidays: A through F

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. 9 paid holidays: A through F, plus Washington's Birthday, Good Friday, & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Employer contribution of $2.00 per week.

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BUILDING CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	4.75	.20	.20		.05
GROUP B	4.85	.20	.20		.05
GROUP C	4.90	.20	.20		.05
GROUP D	5.10	.20	.20		.05
GROUP E	5.30	.20	.20		.05
GROUP F	5.15	.20	.20		
GROUP G	5.25	.20	.20		

GROUP A : General and common laborers, concrete laborers, track laborer-walkers, cement finisher helpers, plumber helpers, carpenter tenders, asphalt rakers-tampers, form strippers, roofing helpers.

GROUP B : Well driller helpers, storm and sanitary pipe layers, mat weavers, motor buggie operators.

GROUP C : Chain saw operators, jackhammer, vibrator and electric hammers and all air tool and pneumatic tools.

GROUP D : Deep hole man

GROUP E : Powdermen, toolroom attendant, torchman on demolition and salvage, sand hog (free air).

GROUP F : Hod carriers, mason tenders and plasterer tenders.

GROUP G : Mortar mixers

Tenn.-1-PEO-1-M

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
CLASS A	$7.65	.30	.25		
CLASS B	7.22	.30	.25		
CLASS C	6.52	.30	.25		
CLASS D	6.12	.30	.25		

CLASS A: Shovels; Backhoes; Draglines; Cranes; Derricks; Gantrys; Gradall; Winch with boom; Motor patrol; Trenching machine (18" & over); Pile driver; Tug boat operator; Mechanics (heavy); Central mixing plant; Locomotive engineer; Straddle carriers; Core drills (over 3"); Tower cranes; Hydro cranes; Austin Western (and similar type cranes); Drilling of piling; Tugger; Earth freezing equipment; 3 drum hoist; Side boom; Dredge operator (engineer); Hopto; Pump crete; Mucking machines; Cableway; Central compressor plant; Derrick boat; Concrete pump; Welders (men from the craft); Helicopter operator; Well point systems; Sweeper; Bulldozers; Pans; Scrapers; Traxcavators; Fork lift; Front end loader

CLASS B: Trenching machines (18" and smaller); Tandem rollers; Pavers; Mobile mixers (rubber tired, mobile, mixed on job); Back filler; Blade graders; Dinkey operator over 10 tons; Elevating graders; Winches (operated from trucks or tractors, without booms and powered by other than the truck); Distributors; Bituminous surfaces, 1 and 2 drum hoist; Grout pumps; Motor boat; Switchman; Brakeman; Earth compactors (motorized-Buffalo-Springfield type)

CLASS C: Locomotive fireman (on boilers 100 h.p. and over); Operator; Air compressor (stationary); Earth drills; Scale operators; Tractors (40 h.p. and less); Motor crane driver and oiler; Pumps (larger than 4"); Dinkey operators (10 tons and less); Oilers on Gantrys; Greasers

CLASS D: Air compressor operators; Mechanic helper; Locomotive fireman; Welding machine operators; Deck hand; Elevator operators

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers	$5.20					
Carpenters	4.35					
Cement masons	4.29					
Ironworkers, reinforcing	4.18					
Ironworkers, structural	4.64					
Painter or sand blaster	4.03					
Laborers:						
Laborers, unskilled	2.60					
Air tool operator	2.88					
Mortar mixer, chain saw, pipelayer, conc. rubber	2.84					
Concrete saw op., guard rail erector, sign erector	2.96					
Firemen	2.90					
Asphalt raker	3.07					
Concrete edger	3.01					
Powderman	3.45					
Form setter, steel road	3.09					
Nozzleman or gunman (gunite)	4.29					
Flagman	2.60					
OPERATING ENGINEERS:						
Dragline op., shovel op., crane op., end loader 5 yds. & over, pile driver op., motor patrol finish, mechanic (class I),	4.35					
Backhoe operator, concrete paver op.	4.27					
End loader under 5 yds., mechanic, class II, motor patrol (rough), central mixing (asphalt or concrete), concrete finishing machine, soil cement machine, asphalt paver	3.83					
Bulldozer or push dozer op., scraper op., trenching machine, tractor (boom and hoist),	3.91					
Roller (high type),	3.79					
Spreader (self-propelled)	3.65					
Distributer (bituminous)	3.54					
Roller, other than finish, dozer or loader - stock pile only	3.40					
Tractor, crawler, utility	3.54					
Concrete mixer, less than 1 yd., earth drill	3.17					
Mulcher or seeder, scale op., motor crane driver & oiler	3.12					
Tractor, farm	2.89					
Curb machine	2.94					
Ditch paver, mechanic helpers	2.88					
Pump operator, welder helper	2.82					
Track drill operator	3.01					
Oiler	2.94					
TRUCK DRIVERS:						
2 axles	2.91					
3 axles	2.96					
4 axles	3.15					
5 axles or more or heavy off the road trucks or haulers	3.40					
Welders - Rate for Craft.						

WATER, SEWER AND UTILITIES	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Bricklayers	$3.50					
Carpenters	3.50					
Cement masons	3.00					
Laborers	2.07					
Truck drivers:						
Up to 3 tons	2.32					
Over 3 tons	2.50					
Power Equipment Operators:						
Air compressors	2.37					
Backhoe	3.50					
Blade grader	3.50					
Bulldozer	3.45					
Cranes, derricks & draglines	3.85					
Front end loader	3.50					
Mechanics	3.42					
Motor grader	3.50					
Scrapers	3.36					
Shovels	3.50					
Tractors	2.37					
Trenching machines	3.30					

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September 16, 1974—Pages 33197–33292

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Citizenship Day and Constitution Week, 1974

PROCLAMATION 4312

By the President of the United States of America

A Proclamation

As we near our Nation's two hundredth anniversary, let all of us, as equal partners in a Nation of justice under law, resolve to work, with all our strength and common sense, to achieve ". . . a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity . . . ." Through such a re-dedication to the spirit and principles of the Constitution we can build a better future for every individual American, and a better America for all.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, in compliance with the joint resolutions of the Congress of the United States, call upon appropriate Government officials to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1974—the 187th anniversary of the signing of the Constitution. I urge Federal, State, and local officials, as well as leaders of civic, educational and religious organizations to conduct appropriate ceremonies and programs on that day.

I also designate as Constitution Week the period beginning September 17 and ending September 23, 1974, and urge all Americans to observe that week with appropriate ceremonies and activities in their schools, churches and in other suitable places in order to foster a better understanding of the Constitution, and of the rights and responsibilities of United States citizens.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of September, in the year of our Lord nineteen hundred and seventy-four, and of the Independence of the United States of America the one hundred and ninety-ninth.

Gerald R. Ford

[FR Doc.74-21514 Filed 9-13-74;10:13 am]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Assistant Secretary for Rural Development

Part 2 of Title 7, Code of Federal Regulations, is amended to include a delegation of authority to the Assistant Secretary for Rural Development of certain functions under the Emergency Livestock Credit Act of 1974, and to reserve the program extension guarantee authority under said Act. The amendments are as follows:

1. Section 2.23(a)(8) is amended to read as follows:

§ 2.23 Delegations of authority to the Assistant Secretary for Rural Development.

(a) • • •

(8) Administer the emergency loan and guarantee programs and the rural housing disaster program under sections 232, 234, and 253 of the Disaster Relief Act of 1970 (Pub. L. 91-606), the Disaster Relief Act of 1969 (Pub. L. 91-79), Public Law 92-385 approved August 16, 1972, and the Emergency Livestock Credit Act of 1974 (Pub. L. 93-357).

• • • • • •

2. Section 2.24 is amended to add a new paragraph (a)(2) to read as follows:

§ 2.24 Reservation of authority.

(a) • • •

(2) Extention of time within which loans may be guaranteed under the Emergency Livestock Credit Act of 1974 (Pub. L. 93-357).

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

Effective date. These amendments are effective as of July 29, 1974.

Dated: September 10, 1974.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.74-21299 Filed 9-13-74;8:45 am]

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Administrator, Farmers Home Administration

Section 2.70 of Title 7, Code of Federal Regulations, is amended to redelegate certain authority under the Emergency Livestock Credit Act of 1974 to the Administrator of the Farmers Home Administration. The amendment reads as follows:

Section 2.70(a)(8) is amended to read as follows:

§ 2.70 Administrator, Farmers Home Administration.

(a) • • •

(8) Administration of the emergency loan and guarantee programs and the rural housing disaster program under sections 232, 234, and 253 of the Disaster Relief Act of 1970 (Pub. L. 91-606), the Disaster Relief Act of 1969 (Pub. L. 91-79), Pub. L. 92-385 approved August 16, 1972, and the Emergency Livestock Credit Act of 1974 (Pub. L. 93-357).

• • • • • •

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

Effective Date. This amendment shall be effective as of July 29, 1974.

Dated: September 10, 1974.

WILLIAM ERWIN,
Assistant Secretary for Rural Development.

[FR Doc.74-21300 Filed 9-13-74;8:45 am]

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

United States Standards for Grades of Processed Raisins

Correction

In FR Doc. 20308, appearing at page 32004 in the issue of Wednesday, September 4, 1974, the fraction in line 4 of § 52.1846(a)(1) now reading "22/64", should be changed to read "3/64".

CHAPTER II—FOOD AND NUTRITION SERVICE

[Amdt. No. 33]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; 7 U.S.C. 2011-2026) regulations governing the operation of the Food Stamp Program are hereby amended.

Public Law 93-347, approved July 12, 1974, provides that Indian reservations not requesting the Food Stamp Program may continue to participate in the family Food Distribution Program through June 30, 1977. Thus, the reservations to which the choice of programs is available are not required to participate in the Food Stamp Program until June 30, 1977, at which time all distribution of donated foods to households will be terminated.

The Department recognizes that those reservations which wish to convert from the Food Distribution Program to the Food Stamp Program may have unique problems which necessitate the simultaneous operation of both programs for periods longer than the three months currently authorized under the regulations. Therefore, the Department is amending the Food Stamp Program regulations to authorize a period of up to 12 months for such transitional simultaneous operation of both programs on Indian reservations not to extend beyond June 30, 1977.

It is the policy of this Department to give 30 days notice for comments on amendments to the regulations. However, the maximum three-month transition periods currently provided for by the regulations and approved for some reservations will expire for a number of reservations on September 30, 1974. Since the regulations do not provide for further extensions of these transition periods, any delay in the publication of the regulations permitting 12-month transition periods for reservations would be contrary to the interest of the reservations and States.

Part 271 of Chapter II, Title 7, Code of Federal Regulations is amended as follows:

Section 271.1 is amended by renumbering paragraph (a)(3) as (a)(4) and adding a new paragraph (a)(3) to read as follows:

§ 271.1 General terms and conditions for State agencies.

(a) • • •

(3) For such period of time as FNS determines, not to exceed 12 months, upon request of a State agency and submission of facts by such State agency showing that the continued distribution of such donated foods is necessary in order to effect an orderly transition on an Indian Reservation on which the distribution of federally donated foods to households is being replaced by the program under the following conditions:

(i) No such period may extend beyond June 30, 1977,

(ii) If a State agency has received approval of continued distribution of donated foods on a reservation under § 271.1(a)(2) of the regulations prior to

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the submission of a request for an extended period of transition under this subsection, the total length of time during which the distribution of donated foods may be continued while such distribution is being being replaced by the Food Stamp Program may not exceed 12 months;

(iii) The State agency will establish controls which will prevent any household from participating in the Food Stamp Program and also simultaneously receiving household distribution of federally donated foods and,

(iv) The State agency will establish controls which will prevent any household which has been certified for and has begun participation in the Food Stamp Program from seuming receipt of household distribution of federally donated foods.

* * * * *

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026)

Effective date: This amendment shall become effective on September 16, 1974.

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

RICHARD L. FELTNER,
Assistant Secretary.

SEPTEMBER 11, 1974.

[FR Doc.74-21345 Filed 9-13-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 656]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Minimum Size Requirements

This regulation continues the minimum size requirements currently in effect through September 28, 1974, during the period September 29, 1974, through September 27, 1975. The minimum size requirements for lemons are continued at 1.82 inches in diameter (size 235's in cartons). The requirements are those which have been found to provide consumers with lemons of acceptable size, maturity, and juice content.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Lemon Administrative Committee reflect its appraisal of the crop and current and prospective marketing conditions after consideration of factors having a bearing thereon as required by said marketing agreement and order. The committee estimates that the 1974–75 season crop of lemons will be 45,750 carlots, 10,522 more than the 1973–74 crop. It further estimates that regulated fresh market channels will require about 28 percent of this volume, and the remaining 72 percent will be available for utilization in processing, export, and other outlets. The volume and size composition of the crop is expected to be such that ample supplies will be available in a broad range of sizes to satisfy demand in regulated channels and in other markets. The committee advises that lemons smaller than 235's have negligible sales opportunity in fresh form, because they are costly to prepare for market and have lower juice yield than larger lemons. The minimum size requirements are designed to assure consumers of ample supplies of fruit of acceptable sizes, maturity, and juice content and to improve returns to growers consistent with the declared policy of the act.

(3) It is hereby found that good cause exists for not postponing the effective date of this regulation until October 16, 1974 (5 U.S.C. 553). Shipments of lemons grown in the production area are currently being regulated as to size by the provisions of Lemon Regulation 602, which, unless continued, will expire on September 28, 1974. The minimum size requirements prescribed by this regulation are the same as those currently in effect, and to be of maximum benefit in the current season such requirements should be continued in effect during the period September 29, 1974, through September 27, 1975. Notice of rule making concerning this regulation, with an effective period as herein specified, was published in the FEDERAL REGISTER (39 FR 30151) and no objection to either this regulation or such effective period was received. Compliance with this regulation will not require any special preparation on the part of persons subject thereto to which cannot be completed by the effective time thereof.

§ 910.956 Lemon Regulation 656.

Order. (a) From September 29, 1974, through September 27, 1975, no handler shall handle any lemons grown in District 1, District 2, or District 3, which are of a size smaller than 1.82 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the lemons in any type of container may measure smaller than 1.82 inches in diameter.

(b) As used in this section "handle", "handler", and "District 1", "District 2", and "District 3" each shall have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated September 10, 1974, to become effective September 29, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21294 Filed 9-13-74;8:45 am]

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Expenses, Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of $4,700 of the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee, under Marketing Order No. 925, for the 1974–75 fiscal period and fixes a rate of assessment of $0.01 per one-half bushel (30-pound) container.

On August 23, 1974, notice of rulemaking was published in the FEDERAL REGISTER (39 FR 30495) regarding proposed expenses, the related rate of assesment for the fiscal period July 1, 1974, through June 30, 1975, and carryover of unexpended funds from the fiscal period ended June 30, 1974, pursuant to the marketing agreement and Order No. 925 (7 CFR Part 925) regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oregon. This notice allowed interested persons until September 10, 1974, to submit data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 925.214 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oregon Fresh Prune Marketing Committee during the fiscal period July 1, 1974, through June 30, 1975, will amount to $4,700.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 925.41, is fixed at $0.01 per one-half bushel (30-pound) container or equivalent quantity of fresh prunes.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended June 30, 1974, shall be carried over as a reserve in accordance with the applicable provisions of §§ 925.42 and 925.203.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of fresh prunes grown in the designated production area are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable prunes handled during the aforesaid period; and (3) such period began on July 1, 1974, and said rate of assessment will automatically apply to all such prunes beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 11, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21348 Filed 9-13-74;8:45 am]

[Tokay Grape Reg. 10, Amdt. 1]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Limitation of Shipments

This amendment, issued pursuant to the amended marketing agreement and Order No. 926, as amended (7 CFR Part 926), changes the expiration date of Tokay Grape Regulation 10 from September 30 to December 31, 1974. The regulation became effective on August 19, 1974, and its other provisions are unchanged. Those provisions specify that all shipments of fresh Tokay grapes, grown in the production area, shall meet at least the grade and size requirements for U.S. No. 1 Table Grapes. An additional requirement is that at least 30 percent of the berries in the lower quarter of each bunch show characteristic color. One outside end of all containers of regulated grapes must be stamped with a lot number which verifies inspection by the Federal-State Inspection Service for compliance purposes.

The amended regulation is the same, other than the effective period thereof, as extant § 932.311 (Tokay Grape Regulation 10; 39 FR 28870) effective pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of fresh Tokay grapes grown in San Joaquin County, California. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment was recommended by the Industry Committee established pursuant to said marketing agreement and order. The action is necessary to assure that the fresh Tokay grapes shipped will continue to be of suitable quality and size in the interest of consumer and producers.

Notice was published in the FEDERAL REGISTER issue of August 20, 1974 (39 FR 30047), that the Department was giving consideration to a proposal to amend § 932.311 to extend the effective period thereof by changing the expiration date from September 30 to December 31, 1974. The notice invited interested persons to submit written data, views, or arguments on the proposal not later than September 9, 1974. No such material was received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Industry Committee established under said marketing agreement and order, and other available information, it is hereby found that the limitation of handling of such grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until October 16, 1974 (5 U.S.C. 553) in that (1) shipments of such grapes are in progress and are expected to continue on and after the expiration date of the existing regulation and such regulation should be applicable to all shipments made during the season in order to effectuate the declared policy of the act; (2) the regulatory requirements are the same as those currently in effect; and (3) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. The provisions of § 926.311(a) preceding paragraph (1) thereof are hereby amended to read as follows:

§ 926.311 Tokay Grape Regulation 10.

Order. (a) During the period August 19, 1974, through December 31, 1974, no handler shall ship:

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated September 10, 1974, to become effective September 30, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21296 Filed 9-13-74;8:45 am]

PART 981—HANDLING OF ALMONDS GROWN IN CALIFORNIA

Salable and Reserve Percentages for the 1974–75 Crop Year

Notice of proposed salable and reserve percentages of 100 and 0 percent, respectively, for California almonds for the 1974–75 crop year was published in the August 19, 1974, issue of the FEDERAL REGISTER (39 FR 29923). The 1974–75 crop year began July 1, 1974.

The proposal was unanimously recommended by the Almond Control Board pursuant to the provisions of the marketing agreement, as amended and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California. The marketing agreement and order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). No export percentage for reserve almonds was recommended by the Board because of its recommendation for a reserve percentage of 0 percent.

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. No comments were received.

The proposal was based in part on the following estimates (kernel weight basis) for the crop year beginning July 1, 1974:

(1) Production of 220 million pounds;

(2) Less inedible and manufacturing loss of 10 million pounds;

(3) Trade demand for domestic almonds of 90 million pounds;

(4) Handler carryover of 30.9 million pounds on July 1, 1974;

(5) Desirable handler carryover of 40.9 million pounds on June 30, 1975;

(6) Trade demand and desirable handler carryover requirements for 1974 crop almonds of 100 million pounds (item 3 plus 5 minus 4); and

(7) Export requirements of 110 million pounds.

The Board also took into consideration the domestic industry's need to maximize sales in both the domestic and export markets, since the 1974 California almond production is expected to be the largest crop on record. To do this almond handlers will need maximum marketing flexibility. Free access to all markets should bring about that objective.

After consideration of the Board's recommendation and supporting information and other available information, it is found that to establish salable and reserve percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time until October 16, 1974 (5 U.S.C. 553) because: (1) This action is applicable to operations under the order during the 1974–75 crop year, which began July 1, 1974; (2) this action will require no advance preparation by handlers; (3) this action places no restrictions on handlers; and (4) no useful purpose would be served by delaying this action.

Therefore, the salable and reserve percentages for almonds received by handlers for their own accounts during the 1974–75 crop year are established as follows:

§ 981.224 Salable and reserve percentages for almonds during the crop year beginning July 1, 1974.

The salable and reserve percentages during the crop year beginning July 1, 1974 shall be 100 and 0 percent, respectively.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 10, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21293 Filed 9-13-74;8:45 am]

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CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1974 Crop Wheat Supplement, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1974 Crop Wheat Loan and Purchase Program

The regulations issued by Commodity Credit Corporation (CCC) and published at 39 FR 26139 which set forth specific requirements with respect to loans and purchases for the 1974 crop of wheat, are hereby amended to delete compliance requirements for wheat.

Since it has been determined that producers will not be required to sign up and certify acreage as a condition of eligibility, § 1421.486, "Compliance requirements" is hereby deleted and §§ 1421.487, "Maturity of loans", and 1421.488, "Loan and purchase rates, premiums and discounts," and renumbered §§ 1421.486 and 1421.487 respectively.

Amended § 1421.486, "Maturity of loans" is changed to reflect correct maturity dates and paragraph (b) (3) of § 1421.487, "Protein premiums" is revised to correct the premium for protein content of 13.0 to 13.4. The revised §§ 1421.486 and 1421.487(b)(3) read as follows:

§ 1421.486 Maturity of loans.

Loans mature on demand but not later than: May 31, 1975, on wheat stored in the States of Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming; April 30, 1975, on wheat stored in all other States.

§ 1421.487 Loan and purchase rates, premiums and discounts.

• • • • •

(b) • • •

(3) *Protein premiums.* Applicable to grade U.S. No. 5 or better, Hard Red Winter, Hard Red Spring, and Hard White Wheat of the varieties Baart, Bluestem, and Burt.

Protein content (percent):	*Cents per bushel*
12.0 to 12.4	+1 ½
12.5 to 12.9	+3
13.0 to 13.4	+4 ½
13.5 to 13.9	+6
14.0 to 14.4	+7 ½
14.5 to 14.9	+9
15.0 to 15.4	+10½
15.5 to 15.9	+12
16.0 to 16.4	+13½
16.5 to 16.9	+15
17.0 to 17.4	+16½
17.5 and above	+18

Inasmuch as wheat is currently being harvested in many parts of the wheat-producing area, it has been determined that compliance with the notice of proposed rulemaking and public participation procedure is impracticable and contrary to the public interest. Therefore, this amendment is being issued without following such procedure.

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b). Interpret or apply sec. 5, 62 Stat. 1072, secs. 107, 401, 63 Stat. 1051, as amended (15 U.S.C. 714c, 7 U.S.C. 1445a, 1421))

Effective date. October 16, 1974.

Signed at Washington, D.C., on September 9, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-21297 Filed 9-13-74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

ENVIRONMENTAL PROTECTION

Licensing and Regulatory Policy and Procedures; Correction

In FR Doc. 74-16341, appearing at page 26279, in the issue for Thursday, July 18, 1974, the following corrections are made:

1. In paragraph 1, Part 2—Rules of Practice, on page 26279, second column, the third line reading "of Part 50' in §§ 2.104(c), 2.104(c)," is corrected to read "of Part 50' in §§ 2.104(b), 2.104(c),".

2. In paragraph 1, Part 2—Rules of Practice, on page 26279, second column, the fourth line reading "2.743(g), 2.501 (b) (1), (2) and (3) and" is corrected to read "2.743(g), 2.501(b) (1) and (3) and".

3. In paragraph 7, Part 50—Licensing of Production and Utilization Facilities, on page 26279, third column, the second line reading "Part 50' in §§ 50.11(e)(1), 50.12(b)," is corrected to read "Part 50' in §§ 50.10(e)(1), 50.12(b),".

4. In § 51.3, on page 26280, second column, the phrase in the third line reading "of the meeting of the regulations" is corrected to read "of the meaning of the regulations".

5. In § 51.5(d)(1), on page 26281, first column, the phrase in the second line reading "Subpart B or Part 2" is corrected to read "Subpart B of Part 2".

6. In § 51.6, on page 26281, second column, the second line reading "that an environmntal impact statement" is corrected to read "that an environmental impact statement".

7. In § 51.26(b), on page 26284, first column, the following is inserted between the third and fourth lines: "sible opposing view not adequately dis".

8. In § 51.41, on page 26284, second column, the seventh line reading "ered by §§ 51.20 or 51.2. The procedures" is corrected to read "ered by §§ 51.20 or 51.21. The procedures".

9. In Part 70—Special Nuclear Material, on page 26286, first column, the second line reading "Part 50' in §§ 7014 (a), note 1, 70.21(f)," is corrected to read "Part 50' in §§ 70.14(a), note 1, 70.21(f),".

Dated at Germantown, Maryland this 9th day of September, 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
Secretary of the Commission.

[FR Doc.74-21309 Filed 9-13-74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Reserve Percentages

On May 16, 1973, and July 16, 1973, the Board of Governors applied a marginal reserve requirement against certain classes of time deposits (38 FR 13726, 38 FR 19908). On September 7, 1973 the Board increased the marginal reserve requirement from 8 to 11 per cent (the regular 5 per cent plus a supplemental 6 percent). On December 7, 1973 the Board reduced to 8 per cent the marginal reserve requirement on those classes of time deposits then subject to the 11 per cent requirement.

The Board has amended Regulation D (12 CFR 204) effective September 5, 1974, to remove the present 3 per cent marginal reserve requirement on those classes of time deposits and other obligations currently subject to that requirement which on September 5, 1974 have a remaining maturity of four months or more, or which are issued on or after that date with initial maturities of four months or more. Such obligations remain subject to the regular 5 per cent requirement. Time deposits and other obligations currently subject to the 8 per cent reserve requirement with maturities of less than four months remain subject to that reserve requirement. This regulatory action is designed primarily to encourage banks to lengthen maturities on large time deposits and related obligations and was taken pursuant to the Board's authority under section 19 of the Federal Reserve Act (12 U.S.C. 461) to set reserve ratios for member banks. This amendment is effective for deposits outstanding beginning September 5, 1974, the reserves for which are held by member banks beginning the week of September 19, 1974.

There was no notice or public participation with respect to this amendment since such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. The effective date was deferred for less than the 30 day period referred to in section 553(d) of Title 5, United States Code, because the Board found that the public interest compelled it to make the action effective no later than the date adopted. See § 262.2(e) of the Board's rules of procedure, 12 CFR § 262.2(e).

Effective September 5, 1974, § 204.5(a)(1)(ii) and (2)(ii) of Regulation D is amended to read as follows:

§ 204.5 Reserve requirements.

(a) *Reserve percentages.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2(a) and subject to paragraph (c) of this section, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances that each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

(1) If not in a reserve city—

• • • • •

(ii) 3 per cent of its other time deposits up to $5 million, plus 5 per cent of such deposits in excess of $5 million: *Provided, however,* That a member bank shall maintain a reserve balance equal to 8 percent of the amount by which the daily average amount of time deposits and such other obligations of the types hereinafter specified exceeds either the daily average amount of such obligations outstanding during the computation period ending May 16, 1973, or $10 million, whichever is greater, and such 8 per cent reserve percentage shall apply only with respect to the following types of obligations which on September 5, 1974, have a remaining maturity of less than 120 days or which are issued on or after that date with initial maturities of less than 120 days:

(*a*) Time deposits of $100,000 or more; and

(*b*) Time deposits represented by promissory notes; acknowledgments of advance, due bills, or similar obligations issued by a member bank's affiliate, as provided in § 204.1(f); and

(c) Time deposits represented by bank acceptances, as provided in § 204.1(f); and

• • • • •

(2) If in a reserve city (except as to any bank located in such a city that is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a)(2), to maintain the reserves specified in paragraph (a)(1) of this section)—

• • • • •

(ii) 3 per cent of its other time deposits up to $5 million, plus 5 per cent of such deposits in excess of $5 million: *Provided, however,* That a member bank shall maintain a reserve balance equal to 8 per cent of the amount by which the daily average amount of time deposits and such other obligations of the types hereinafter specified exceeds either the daily average amount of such obligations outstanding during the computation period ending May 16, 1973, or $10 million, whichever is greater, and such 8 per cent reserve percentage shall apply only with respect to the following types of obligations which on September 5, 1974, have a remaining maturity of less than 120 days or which are issued on or after that date with initial maturities of less than 120 days:

(*a*) Time deposits of $100,000 or more; and

(*b*) Time depisits represented by promissory notes; acknowledgments of advance, due bills, or similar obligations issued by a member bank's affiliate, as provided in § 204.1(f); and

(c) Time deposits represented by bank acceptances, as provided in § 204.1(f); and

• • • • •

By order of the Board of Governors, September 5, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21272 Filed 9-13-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-NW-12-AD; Amdt. 39-1960]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of torque tube crank assemblies in passenger doors numbers 2, 4 and 5 right and left sides on Boeing Model 747 series airplanes was published in FR 74-14265.

Interested persons were afforded an opportunity to participate in the making of the amendment. The Air Transport Association of America (ATA) requested adjustment of the initial and repetitive inspection compliance times. Since issuance of the NPRM, the FAA has determined that an extension of the compliance times would not compromise safety. The FAA has also determined, as suggested by ATA, that a visual inspection is adequate for detecting cracks in the cranks. The manufacturer commented on the remoteness of probable failure of the affected doors to open during emergency conditions. Nevertheless, the FAA has determined that any failure which results in the loss of an emergency exit compromises safety and must be corrected.

In consideration of the foregoing and pursuant to the authority granted to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to Boeing Model 747 airplanes, certificated in all categories, which are affected by Boeing Service Bulletin 747-52-2090.

Compliance required as indicated:

(A) Within the next 1,200 hours time in-service after the effective date of this AD, unless already accomplished in the last 900 hours time in-service, and at intervals thereafter not to exceed 2,000 hours time in-service, visually inspect the torque tube cranks, Part Numbers 65B05025-1 and -2, 69B02875-1 and -2, and 65B09704-1 on passenger doors Nos. 2, 4, and 5 right- and left-hand sides for cracks. If cracks are not found, apply LPS-3 and retorque cross bolts in accordance with Paragraph III, Part I of FAA-approved Boeing Service Bulletin 747-52-2090, dated May 17, 1974, or FAA approved revisions. If cracks are found, repair or replace in accordance with Paragraph (B) below.

(B) Cracked parts may be repaired by installation of a saddle clamp in accordance with Paragraph III, Part II of FAA-approved Boeing Service Bulletin 747-52-2090, or FAA-approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, and shall be reinspected in accordance with FAA-approved Boeing Service Bulletin 747-52-2090 at intervals thereafter not to exceed 3,200 hours time in-service. As terminating action, cracked parts may be replaced with new parts in accordance with Paragraph III, Part III of FAA-approved Boeing Service Bulletin 747-52-2090, or FAA-approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(C) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection interval of the operator, if the request contains substantiating data to justify the adjustment.

This amendment becomes effective thirty days after September 20, 1974.

The manufacturer's specifications and procedures identified and described in this Directive are incorporated herewith and made a part hereof, pursuant to 5 U.S.C. 552(a)(1). All persons affected by this Directive who have not already received these documents may obtain copies upon request to The Boeing Company, P.O. Box 3707, Seattle, Washington 89124. These documents may also be examined at FAA Northwest Region, 9010 E. Marginal Way, South, Seattle, Washington 98108.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, on September 6, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

NOTE: The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1974.

[FR Doc.74-21278 Filed 9-13-74;8:45 am]

[Docket No. 74-NW-13-AD; Amdt. 39-1961]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and replacement of the detent pin on the flap control handle on Boeing Model 747 airplanes was published in FR 74-12587.

Interested persons have been afforded an opportunity to participate in the making of the amendment. The Air Transport Association of America (ATA) requested the AD allow an out-of-tolerance handle to be replaced with any approved handle. This is considered appropriate and the AD will allow any approved handle as a replacement part. The ATA also requested an extension of the replacement times for pins with less than

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.050 thickness remaining. Since issuance of the NPRM, the FAA, in consultation with the manufacturer, has reevaluated the wear rate of the detent pin and the inspection intervals are adjusted accordingly in the amendment.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to Boeing Model 747 series aircraft certificated in all categories with more than 2000 flights. Compliance required as noted:

(A) Within the next 100 flights, determine the thickness of the flap control handle detent pin in accordance with FAA approved Boeing Service Bulletin 747-27-2121, Revision 1, dated June 14, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Flap control handle detent pins with more than .110 inch thickness remaining are to be inspected at intervals not to exceed 2,000 flights. Pins with .110 or less but more than .070 inch thickness are to be inspected at intervals not to exceed 750 flights. Pins with .070 or less but more than .050 inch thickness remaining are to be inspected at intervals not to exceed 250 flights. Pins with .050 or less but more than .045 inch thickness must be replaced within 100 flights. Pins with .045 inch or less thickness remaining are to be replaced with an approved flap control handle prior to further flight.

(B) On or before September 1, 1975, relocate the bias spring in accordance with FAA approved Boeing Service Bulletin 747-27-2121, Revision 1, dated June 14, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region.

(C) Rework of the flap control handle detent pin, refinish of the detent plate and relocation of the bias spring, in accordance with Boeing Service Bulletin 747-27-2121, Revision 1, dated June 14, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region, constitutes terminating action under the provisions of this AD.

(D) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the adjustment period.

This amendment becomes effective 30 days after September 20, 1974.

The manufacturer's specifications and procedures identified and described in this Directive are incorporated herewith and made a part hereof, pursuant to 5 U.S.C. 552(a)(1). All persons affected by this Directive who have not already received these documents may obtain copies upon request to The Boeing Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA, Northwest Region, 9010 East Marginal Way, South Seattle, Washington 98108.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued at Seattle, Washington on September 6, 1974.

C. B. WALK, Jr.,
Director,
Northwest Region.

NOTE: The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.74-21279 Filed 9-13-74;8:45 am]

[Docket No. 13993; Amdt. No. 933]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective October 24, 1974:*

Lebanon, Tenn.—Lebanon Municipal Arpt., VOR/DME-A, Amdt. 1.
Leesburg, Va.—Leesburg Municipal (Godfrey) Field, VOR/DME Rwy. 35, Amdt. 1.
Macon, Ga.—Herbert Smart Downtown Arpt., VOR/DME-A, Amdt. 6.
Ocean City, Md.—Ocean City Arpt., VOR-A, Amdt. 2.
Rocky Mount, N.C.—Rocky Mount Wilson Arpt., VOR/DME Rwy. 22, Amdt. 4.
Williamston, N.C.—Martin County Arpt., VOR-A, Amdt. 1.

• • • *effective September 4, 1974:*

Tomahawk, Wisc.—Drott Arpt., VOR-A, Amdt. 5, canceled.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective October 24, 1974:*

Alton, Ill.—Civic Memorial Arpt., LOC (BC) Rwy 11, Original.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective October 24, 1974:*

Alton, Ill.—Civic Memorial Arpt., NDB Rwy 29, Amdt. 2.
Carbondale-Murphysboro, Ill.—Southern Illinois Arpt., NDB-A, Amdt. 1, canceled.
Carbondale-Murphysboro, Ill.—Southern Illinois Arpt., NDB Rwy 6, Amdt. 2, canceled.
Hartsville, S.C.—Hartsville Municipal Arpt., NDB Rwy 20, Amdt. 1.

• • • *effective October 10, 1974:*

Monticello, N.Y.—Sullivan Co. Int'l. Arpt., NDB Rwy 33, Amdt. 2, canceled.

• • • *effective September 19, 1974:*

Indianapolis, Ind.—Indianapolis Municipal, Weir Cook Arpt., NDB Rwy 4L, Amdt. 13.
Minneapolis, Minn.—Minneapolis-St. Paul Int'l./Wold-Chamberlain Arpt., NDB Rwy 29L, Amdt. 18.
Minneapolis, Minn.—Minneapolis-St. Paul Int'l./Wold-Chamberlain Arpt., NDB Rwy 29R, Amdt. 6.

• • • *effective September 4, 1974:*

Albany, Ga. — Albany-Dougherty County Arpt., NDB Rwy 4, Amdt. 3.

• • • *effective August 29, 1974:*

Fargo, N.D.—Hector Field, NDB Rwy 35, Amdt. 22, canceled.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective October 24, 1974:*

Alton, Ill.—Civic Memorial Arpt., ILS Rwy 29, Amdt. 2.
Rocky Mount, N.C.—Rocky Mount-Wilson Arpt., ILS Rwy 4, Amdt. 4.

• • • *effective September 26, 1974:*

Modesto, Calif.—Modesto City-County Arpt., ILS Rwy 28R, Amdt. 3.

• • • *effective September 19, 1974:*

Indianapolis, Ind.—Indianapolis Municipal, Weir Cook Arpt., ILS Rwy 4L, Amdt. 17.
Minneapolis, Minn.—Minneapolis-St. Paul Int'l./Wold-Chamberlain Arpt., ILS Rwy 29L, Amdt. 34.

• • • *effective September 4, 1974:*

Albany, Ga.—Albany-Dougherty County Arpt., ILS Rwy 4, Amdt. 2.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective October 24, 1974:*

Alton, Ill.—Civic Memorial Arpt., RNAV Rwy 29, Amdt. 1.
Columbia, S.C.—Columbia Metropolitan Arpt., RNAV Rwy 5, Amdt. 2.

• • • *effective August 29, 1974:*

Fargo, N.D.—Hector Field, RNAV Rwy 13, Amdt. 1.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1438, 1354, 1421, 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on September 5, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FR Doc.74-21280 Filed 9-13-74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. RM74-24; Order No. 509-A]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Availability of Information Acquired by Staff Investigation; Correction

SEPTEMBER 4, 1974.

In the order dismissing applications for rehearing, denying reconsideration and modifying previous order issued August 23, 1974, and published in the FEDERAL REGISTER on August 30, 1974, 39 FR 31629, Page 31629: Change the designation from "Order No. 509-B" to "Order No. 509-A."

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21289 Filed 9-13-74;8:45 am]

[Docket No. R-389-B; Opinion No. 699-B]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Natural Gas Rates and Dedications to Interstate Commerce; Opinion and Order on Rehearing

SEPTEMBER 9, 1974.

In the matter of just and reasonable national rates for sales of natural gas from wells commenced on or after January 1, 1973, and new dedications of natural gas to interstate commerce on or after January 1, 1973.

Due to the continuing emergency caused by increasingly severe curtailment of natural gas service nationwide this coming winter by the interstate pipeline companies, the Commission has determined that an opinion on rehearing of Opinion No. 699[1] should be rendered on the sole question of the termination of the emergency sales provisions of § 157.29[2] and the limited-term certification authority of § 2.70,[3] while a decision upon the merits of all other matters raised by the petitions for rehearing of Opinion No. 699 should be reserved for further consideration by the Commission. We believe that these procedures should be reinstated with certain modifications in order that the interstate pipelines will be able to negotiate for the additional short-term supplies of natural gas necessary to meet demand for the 1974-75 winter season.

The rescission by the Commission of the authority for limited-term[4] and emergency[5] sales in Opinion No. 699[6] is opposed by most of the producer respondents, all of the pipeline companies filing petitions for rehearing, the Interstate Natural Gas Association of America (INGAA), a number of distributors including the Associated Gas Distributor (AGD), and the New York Public Service Commission. The challenges to our termination of these emergency procedures urge that we made an erroneous policy decision and some even urge that we violated the Administrative Procedure Act[7] by failing to give notice that such procedures might be terminated as part of the national rate structure.[8]

Without conceding that the action taken by the Commission in terminating these emergency procedures was violative of the Administrative Procedure Act, we have determined that the threat of increasingly severe curtailment of service in all regions of the Nation this coming winter by the interstate pipelines creates an emergency situation which dictates that the procedures be reinstated subject to the modifications set forth in this limited decision on rehearing. The availability of these procedures will enable the interstate pipeline companies to negotiate for additional supplies of gas which will help offset these curtailments and which, for various reasons, might not otherwise be available to the interstate market for a long-term dedication at the national rate established in Opinion No. 699.

We shall restrict limited-term and emergency sales made from the offshore Federal domain to a price which is not in excess of the uniform national rate determined in Opinion No. 699, while allowing rates for such sales made from acreage located within the onshore and offshore domains of the several states as may be necessary to attract supplies of gas to the interstate market from the intrastate market for the limited period for which certification is sought. The primary purpose of the limited-term procedures under Order No. 431 and the emergency sales as expanded by Order No. 418 was to attract available natural gas supplies from the intrastate market to the interstate market. The rate for emergency or limited-term sales made from the offshore Federal domain, which sales are subject to the jurisdiction of the Commission, shall be a rate which is not in excess of the rate that would be allowable under the provisions of § 2.56 (h), as adopted in Opinion No. 699. Furthermore, the seller seeking to make an emergency or limited-term sale from the offshore Federal domain shall carry the burden of proving by substantial evidence that the supply of gas will be available only for the limited period for which certification is sought.

With respect to the rates which the Commission will allow a pipeline to include in its purchased gas cost, the pipeline shall be entitled to pay a rate for emergency purchases which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances.

Absent an advance demonstration of extraordinary circumstances, gas which is subject to an advance payments agreement, shall not be eligible for sale pursuant to the emergency sales or limited-term certification provisions herein reinstated.

As originally adopted in Order No. 193[9] § 157.29 permitted the commencement of sales "where imminent danger to life and property can be eliminated by such sale or transportation • • •" This purpose was expanded by Order No. 418 "to assure maintenance of adequate service on the purchaser's pipeline system" and permitted sales "where serious curtailment of service exists or is threatened on [the] purchaser's system • • •". In reinstating § 157.29, we find that it is in the public interest to strictly construe the provision limiting such operations "to a single period of not more than sixty (60) days • • •". To that end,

[1] ——— F.P.C. ——— (June 21, 1974).
[2] 18 CFR 157.29.
[3] 18 CFR 2.70; see specifically 18 CFR 2.70 (b)(3).
[4] 18 CFR 2.70(b)(3); Policy With Respect To Establishment Of Measures To Be Taken For The Protection Of As Reliable And Adequate Service As Present Natural Gas Supplies And Capacities Will Permit, Docket No. R-418, Order No. 431, 45 F.P.C. 570 (1971), as amended, Order No. 431-A, 48 F.P.C. 193 (1972).
[5] 18 CFR 157.29; Immediate Institution Of Temporary Service By Independent Producers, Docket No. R-155, Order No. 193, 21 FR 9166 at 9167 (1956), as amended, amendment of §§ 157.22(D) and 157.29 of the regulations under The Natural Gas Act, relating to exemption of emergency sales by independent producers of natural gas in interstate commerce, Docket No. R-404, Order No. 418, 44 F.P.C. 1574, 1576 (1970).
[6] ——— F.P.C. ———, at 133-137 (June 21, 1974).
[7] 5 U.S.C. 551, et seq. (1970).
[8] No party has contended that we erred in terminating Paragraph 12 of the July 17, 1970, notice in Docket No. R-389-A, 35 FR 11683 (1970), and that portion of Part VI of Opinion No. 699 is not before the Commission for rehearing.
[9] 21 FR 9166 at 9167 (1956).

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it will be necessary for a producer desiring to continue to sell such gas for a period in excess of sixty days to obtain a certificate pursuant to the limited-term procedures, the optional procedure, or the national rate procedures, or obtain a temporary certificate with a refund condition in order to continue the sale beyond the expiration of the sixty-day period. In the event that such applications are not acted upon by the Commission within sixty (60) days, deliveries may be continued subject to refund of any amount collected in excess of the rate finally determined to be appropriate by the Commission (but not below the rate that would be determined under § 2.56(h)). The refund condition will apply only to so much of the rate as exceeds the rate prescribed in Opinion No. 699, and refunds will be required only to the extent that the rate finally found to be appropriate for the sale by the Commission is less than the contract rate which has been collected subject to refund. Of course, with respect to sales made from the offshore Federal domain, all sales will be restricted to the rate prescribed in Opinion No. 699, and no sales or deliveries of gas may be made from the region at a price which is in excess of the price which would be allowed if the sale or deliveries were made pursuant to Opinion No. 699.

A collateral matter which must be considered with respect to the reinstatement of the limited-term certification procedures is the dependence of § 2.70 (b)(3) upon paragraph 12 of the notice of July 17, 1970, in Docket No. R–389–A (35 FR 11638). Since the recission of Paragraph 12 is not before the Commission on rehearing of Opinion No. 699, it is necessary to modify § 2.70(b)(3) to state that limited-term certificate authority depends solely upon that section.

The standards which will govern rate determinations and the issuance of a certificate of public convenience and necessity at a rate in excess of the rate prescribed in Opinion No. 699 for limited term sales from the domains of the several states will be as follow. The applicants will have the burden of demonstrating by substantial evidence that the price for which certification is sought is the lowest price at which that particular supply of gas may be obtained for the interstate market and that the supply of gas is available only for the limited period for which certification is sought. We realize that these are general guidelines and state that rates allowed in any given case will not constitute a determination that equivalent rates would be approved in another case.

The Commission further finds that it is in the public interest to reinstate the emergency sales provisions of § 157.29 (18 CFR 157.29) and the limited term certificate authority of § 2.70 (18 CFR 2.70) with the modifications set forth in this opinion for the reasons stated therein.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 7, 8, 14, 15, and 16 thereof (52 Stat. 822, 823, 824, 825, 828, 829, 830 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1947); 76 Stat. 72 (1962); 15 U.S.C. 717c, 717d, 717f, 717g, 717m, 717n, 717o (1970)) *orders:*

A. Section 2.70 of the Commission's General Policy Statements and Interpretations, Part 2 of Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations, is amended by reinstating and amending § 2.70(b)(3) as follows:

§ 2.70 Measures for the protection of reliable and adequate natural gas service.

. . . . . .

(b) . . .

(3) The Commission, recognizing that additional short-term purchases of natural gas may be necessary to meet a pipeline's system demands for the immediate future, will continue the sixty (60) day emergency sales commenced under § 157.29 (18 CFR 157.29) pursuant to the certification provisions of this subsection. If a pipeline demonstrates continued emergency need, after complying with paragraphs (b) (1) and (2) of this section, the Commission will consider authorizing the pipeline to make gas purchases for a limited term at a rate above the national rate level prescribed in § 2.56(h) (18 CFR 2.56(h)) and will authorize abandonment of the sale at the time the certificate is issued if the same is demonstrated to be in the public interest. *Provided, however,* The certification authority set forth in this section shall apply to sales of natural gas from the offshore Federal domain only where the sales are made at the rate prescribed in § 2.56(h).

B. Part 157 of the regulations Under The Natural Gas Act, Part 157 of Subchapter E of Chapter I, Title 18 of the Code of Federal Regulations, is hereby amended by reinstating § 157.29, as amended:

§ 157.29 Exemption of Emergency Sales or Transportation.

Public interest does not require the issuance of a certificate authorizing the sale or transportation of natural gas by an independent producer where imminent danger to life and property can be eliminated by such sale or transportation or where the sale or transportation of natural gas is necessary to assure maintenance of adequate natural gas service on the purchaser's pipeline system or where serious curtailment of service exists or is threatened on purchaser's system because of failure of facilities or failure or curtailment of supply or unusual and unexpected demand on such facilities or supply, and where such sale or transportation is limited to a single period of not more than sixty (60) days: *Provided, however,* That:

(a) Every person undertaking such a purchase shall so advise the Commission immediately by telegram or letter stating briefly the circumstances and shall within ten (10) days file a statement in writing and under oath, together with four (4) conformed copies thereof, setting forth the purpose and character of the sale, transportation, or purchase, the rate being charged, the estimated volumes to be delivered, the seller of the gas, the date of initial delivery, the location of the sale, the facts warranting invocation of this section, and the anticipated period of the stated emergency, and, upon completion of the sale, shall advise the Commission of the actual volumes delivered and the price received therefor under contract pursuant to this section.

(b) Emergency operations undertaken without certificate authorizations pursuant to paragraph (a) of this section shall be discontinued upon the expiration of the 60-day period. All facilities installed for such temporary acts or operations shall be promptly removed after expiration of the exempt period of operation. Every person shall advise the Commission in writing and under oath within ten (10) days following the removal of facilities constructed for emergency operations pursuant to this section of the regulations. Every person undertaking any such construction or operation, pursuant to this Section desiring to retain such facilities in place shall file applications for certificates of public convenience and necessity pursuant to the regulations under the Natural Gas Act with the Commission within fifteen (15) days of the commencement of deliveries under this section.

(c) No emergency sale or transportation of natural gas in interstate commerce undertaken pursuant to the authority of this Section shall be extended beyond the sixty (60) day period unless the seller shall have within fifteen (15) days of the commencement of deliveries filed an application for a permanent or temporary certificate pursuant to 18 CFR 2.56(h), 2.70(b)(3), 2.75, or 157.28 prior to the expiration of the sixty (60) day period. Any such continuation of deliveries at a rate in excess of the rate prescribed in § 2.56(h) (18 CFR 2.56(h)) will be subject to refund if the rate is in excess of the rate finally found to be appropriate by the Commission.

(d) All deliveries made pursuant to this section from the offshore Federal domain shall be made at the rate prescribed in § 2.56(h).

All other issues raised by petitions for rehearing of Opinion No. 699 other than the issues upon which rehearing is granted in Ordering Paragraphs A. and B., supra, are hereby reserved by the Commission for further consideration on the merits.

The Secretary of the Commission shall cause prompt publication of this opinion and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–21288 Filed 9–13–74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74–297]

PART 159—LIQUIDATION OF DUTIES

Countervailing Duties—X-Radial Steel Belted Tires From Canada

Notice of new estimated rate of countervailing duties under section 303, Tariff Act of 1930, by reason of the payment or bestowal of a bounty or grant upon the manufacture, production, or exportation of X-radial steel belted tires, from Canada.

In the FEDERAL REGISTER of January 8, 1973 (38 FR 1018), the Commissioner of Customs gave notice that the United States Customs Service had determined that exports of X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., are subject to bounties or grants within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303).

At that time, notice was given that X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., imported directly or indirectly from Canada, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of that notice in the Customs Bulletin, would be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the amount of such bounty or grant was estimated to be 6.6 percent of the f.o.b. value of each tire. On the basis of information presently available, the amount of such bounty or grant applicable to shipments of X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., imported directly or indirectly from Canada, entered for consumption or withdrawn from warehouse on or after January 1, 1974, is estimated to be 3.7 percent of the f.o.b. value of each tire. Accordingly, until further notice, upon entry for consumption or withdrawal from warehouse for consumption of such dutiable X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., imported directly or indirectly from Canada which benefit from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, estimated countervailing duties of 3.7 percent of the f.o.b. value of each tire.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such dutiable X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., imported directly or indirectly from Canada which benefit from such bounties or grants and are subject to the order shall continue to be suspended pending declarations of the net amounts of the bounties or grants paid or bestowed.

The table in § 159.47(f) of the Customs regulations (19 CFR 159.47(f)) is amended by inserting after the last entry for Canada "X-radial steel belted tires manufactured by Michelin Tire Manufacturing Company of Canada, Ltd." the number of this Treasury Decision in the column headed "Treasury Decision," and the words "New estimated rate" in the column headed "Action."

(R.S. 251, as amended; secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] VERNON D. ACREE, *Commissioner of Customs.*

Approved: September 10, 1974.

PETER O. SUCHMAN, *Acting Assistant Secretary of the Treasury.*

[FR Doc.74–21350 Filed 9–13–74;8:45 am]

[T.D. 74–236]

PART 175—PETITIONS BY AMERICAN MANUFACTURERS, PRODUCERS, AND WHOLESALERS

Filing and Inspection Requirements

Section 175.21, Customs Regulations, amended to require publication of a notice in the FEDERAL REGISTER when a petition is filed by an American manufacturer, producer, or wholesaler under section 516, Tariff Act of 1930, as amended.

On October 3, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 27404) setting forth proposed amendments to § 175.21 of the Customs Regulations (19 CFR 175.21), which would require that notice be given to interested parties when a petition is filed by an American manufacturer, producer, or wholesaler pursuant to section 516, Tariff Act of 1930, as amended. The giving of notice would permit a more informed decision on the petition, and would result in a more equitable procedure by permitting interested parties to present their views on the questions raised by the petition. The amendment provides for the publication of a notice in the FEDERAL REGISTER that a petition has been filed under section 516, and provides an opportunity for comment by interested parties.

After reviewing the comments received in regard to the proposed amendment, the wording of § 175.21(b) has been further amended to specify that a petition filed by an American manufacturer is to be made available to interested parties for inspection in accordance with § 103.8(b) of the Customs regulations. In addition, the reference to § 103.7 of the Customs regulations, in proposed § 175.21 (b), is changed to "103.10" to conform with the revision of Part 103 set forth in T.D. 73–310 (38 FR 31167).

Accordingly, § 175.21 of the Customs regulations (19 CFR 175.21) is amended to read as follows:

§ 175.21 Notice of filing of petition, inspection of petition, and inspection of documents and papers.

(a) *Notice of filing of petition.* Upon the filing of a petition, a notice shall be published in the FEDERAL REGISTER setting forth that a petition has been filed by an American manufacturer, producer, or wholesaler, identifying the merchandise which is the subject of the petition, and its present and claimed appraised value or classification or rate of duty. The notice shall invite interested persons to make such written submissions as they desire within such time as is specified in the notice.

(b) *Inspection of petition; inspection of documents and papers.* The petition filed by an American manufacturer, producer, or wholesaler will be made available for inspection by interested parties in accordance with the provisions of § 103.8(b) of this chapter. However, neither a petitioner nor other interested parties shall in any case be permitted to inspect documents or papers of the consignee or importer which are exempted from disclosure by section 103.10 of this chapter.

(R.S. 251, as amended, secs. 516, 624, 46 Stat. 735, as amended, 759; 5 U.S.C. 552, 19 U.S.C. 66, 1516, 1624)

Effective date. These amendments shall become effective October 16, 1974.

[SEAL] G. R. DICKERSON, *Acting Commissioner of Customs.*

Approved: September 9, 1974.

DAVID R. MACDONALD, *Assistant Secretary of the Treasury.*

[FR Doc.74–21351 Filed 9–13–74;8:45 am]

Title 20—Employee's Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974– ——)

Subpart A—Introduction, General Provisions, and Definitions

GRANDFATHER PROVISIONS AND DEFINITIONS

Correction

In FR Doc. 74–20354 appearing at page 32024 in the issue for Wednesday, September 4, make the following corrections to 416.121(a):

1. Insert the following between the fifteenth and sixteenth lines of § 416.121 (a): "of such State plan but did not in fact re-".

2. In the eighteenth line of § 416.121 (a) change the word "pdovisions" to read "provisions."

Title 21—Food and Drug

CHAPTER I—FOOD AND DRUG ADMINISTRATION

PART 121—FOOD ADDITIVES

CFR Correction

In Title 21, Code of Federal Regulations, (Parts 10–129) revised as of April 1, 1974, in Part 121, § 121.2514 appearing on page 505, the following paragraph should appear in alphabetical order within § 121.2514(b)(3)(xv).

V 39 I 180 SEP 16 74 XUM

Vinyl chloride - acetate - 2,3 - epoxypropyl methacrylate copolymers containing not more than 10 weight percent of total polymer units derived from 2,3-epoxypropyl methacrylate and not more than 0.1 weight percent of unreacted 2,3-epoxypropyl methacrylate monomer for use in coatings for containers intended to contact food only, of the types identified in paragraph (d) of this section, Table 1, under Categories IV–A, V, VII, and VIII.

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 655—TRAFFIC CONTROL

Traffic Surveillance and Control

A Federal-aid to highways directive of long-standing (PPM 21–21) has set forth provisions to establish policies and procedures relating to the expenditures of Federal-aid highway funds for traffic surveillance and control measures to reduce congestion, improve traffic flow, and increase safety. The directive has been revised for inclusion in the Federal-aid Highway Program Manual. Inasmuch as portions of the Manual addition impose an obligation on States which must be complied with to obtain Federal assistance those portions are hereby published.

This regulation converts Policy and Procedure Memorandum 21–21 on Traffic Surveillance and Control to Part 655, Subpart D of Chapter 1 of Title 23 of the Code of Federal Regulations.

Since the matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a)(2), general notice of proposed rulemaking is not required.

This regulation will be effective on the date of issuance as set forth below.

Subpart D—Traffic Surveillance and Control

Sec.
655.401 Purpose.
655.402 Objectives.
655.403 Definitions.
655.404 General system characteristics.
655.405 Traffic engineering analyses.
655.406 Eligibility.
655.407 Project administration.
655.408 Maintenance of traffic surveillance and control improvements.
655.409 Evaluation.

AUTHORITY: 23 U.S.C. 101(a) and 315 and 49 CFR 1.48.

Subpart D—Traffic Surveillance and Control

§ 655.401 Purpose.

This part establishes policies and procedures relating to the expenditure of Federal-aid highway funds for traffic surveillance and control measures to reduce congestion, improve traffic flow, and increase safety.

§ 655.402 Objectives.

The principal objectives of this part are:

(a) To promote utilization of proven technology and traffic operational strategies for improving the efficiency and safety of traffic flow.

(b) To outline procedures for determining effective utilization of traffic surveillance and control measures.

(c) To define those surveillance and/or control designs, operations, and devices which are eligible for installation and participation using Federal-aid highway construction funds.

(d) To outline procedures for the administration of such projects.

§ 655.403 Definitions.

For the purpose of this part the following definitions shall apply:

(a) "Traffic surveillance" is the act of continuously obtaining traffic flow data for the purpose of qualitative or quantitative analysis.

(b) "Traffic control" is the act of regulating, guiding, or warning traffic by mechanical and/or electrical means.

(c) "Traffic surveillance and control" is the act of obtaining traffic data, analyzing these data and with this analysis as a basis, causing traffic control and/or traffic information displays to be actuated at one or several locations within an area, on a street, or on a highway facility.

(d) "A traffic surveillance and control system" is the assembly of necessary components, which may include automatic data collection capability, into a configuration suitable for providing traffic surveillance and control.

(e) "Ramp control" is the regulation of traffic flow on expressway or freeway entrance ramps utilizing traffic control devices and measures.

§ 655.404 General system characteristics.

The general purpose of traffic surveillance and control is to improve the safety and quality of traffic flow by preventing or relieving congestion.

§ 655.405 Traffic engineering analyses.

(a) The recommendation of a traffic surveillance and control system shall be based on traffic engineering analyses of the use and physical features of the highway facility, section, or network under consideration. The depth and complexity of the analyses should be consistent with the extent of the problem to be solved. Data available from existing and continuing traffic engineering studies, transit improvement efforts, the transportation planning process, and other sources should be fully utilized in the engineering analyses.

(b) The analyses should identify those locations, and sections of highway facility or network which experience critical operational problems or are predicted to experience such problems regularly under normal daily traffic demand and environmental conditions, and for which traffic surveillance and/or control can be expected to provide improved traffic flow and safety.

(c) The analyses should define the limits of the area within which automatic traffic surveillance and control is considered feasible prior to completing the design of a comprehensive system.

(d) The analyses for all types of surveillance and control systems shall include consideration of alternative concepts, configurations, and devices. In each case, the alternate possibilities shall include special consideration for provision of the supervisory component and the communication component.

(e) Existing traffic laws, ordinances, and regulations relevant to the effective operation of the proposed system shall be reviewed to insure compatability with proposed systems.

§ 655.406 Eligibility.

Traffic surveillance and control projects on the Federal-aid highway system are eligible for funds apportioned under 23 U.S.C., 104(b). Eligible items include, but are not limited to, the following:

(a) Preliminary engineering including necessary traffic engineering analysis.

(b) Preparation of software and initial programing of system operation where pertinent. Utilization of Federal Highway Administration-developed software products shall be given priority consideration in the implementation of traffic surveillance and contol systems. In those systems which are designed to provide the basic functions which such software now provides or is scheduled to provide in the future, as a result of continuing research and development, the Federal Highway Administration-developed software may not be excluded from consideration. This consideration shall be on a cost competitive basis with other acceptable concepts providing equivalent functions. In those cases where utilization of such products is excluded from proper consideration, pertinent elements of the project may not be eligible for Federal-aid participation.

(c) Hardware acquisition and installation including, but not limited to, the following:

(1) Appropriate surveillance equipment to automatically obtain traffic operations data that will be utilized to control traffic flow or otherwise improve traffic operation.

(2) Nonautomatic surveillance equipment such as closed circuit television to provide rapid response to incidents or visual confirmation of control actions, in those situations for which its application is especially suited and justified such as tunnels, operation of movable bridges, reversible or preferential lane use systems, major complex urban interchanges, or other problem areas.

(3) Appropriate traffic control display equipment.

(4) Appropriate supervisory control equipment. Federal-aid participation in computers shall be limited to the costs of equipment which is adequate for the current tasks and capable of expansion to handle such needs for a period of up to 10 years.

(5) Communication equipment including the transmission link and necessary interface elements. Where telephone lines constitute the transmission link, only that portion of the leasing charge for a 10-year period, which represents construction costs, is an eligible item.

(d) Housing that is appropriate and necessary for the supervisory control component.

(e) Evaluation, following installation, in accordance with requirements outlined in § 655.409.

§ 655.407 Project administration.

(a) Project approval actions will be with the division engineer subject to review by the regional administrator prior to approval of plans, specifications, and estimates.

(b) The plans, specifications, and estimates submittal shall include a total system acceptance plan for hardware and software to verify the performance of specified system functions. An evaluation work plan as outlined in § 655.409 shall be included.

(c) Information regarding contractor and manufacturer guarantees and warranties is furnished in Volume 6, Chapter 4, section 2, subsection 5 of the Federal-aid Highway Program Manual.

§ 655.408 Maintenance of traffic surveillance and control improvements.

(a) The full potential for improving the efficiency of a highway facility or network through the utilization of surveillance and control measures can be realized only if the system installed is operated and maintained by an adequate and well-trained staff of traffic engineers and technicians.

(b) Maintenance requirements are in accordance with 23 U.S.C. 116.

§ 655.409 Evaluation.

(a) The State shall evaluate all traffic surveillance and control projects installed with Federal-aid highway fund participation.

(b) The evaluation procedure should be designed to measure the effects that surveillance and control have had on safety and traffic flow quality. To do this, the evaluation must reflect comparisons of effectiveness measurements determined prior to operation of the control components of the system with those determined under system operation. Traffic safety and efficiency parameters such as volumes, accidents, accident rates, travel speed, travel time, delay, density, etc., should be used.

(c) Evaluation should be scheduled to begin at the earliest possible date that will accurately reflect stable operating conditions.

(d) Evaluation reports, in summary report form, should be forwarded through the division engineer who will transmit copies to the Region Office and the Office of Traffic Operations.

(e) These requirements apply only to the evaluation performed immediately following the initiation of system operation.

Issued on: September 6, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-21274 Filed 9-13-74;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER E—RESTRICTIONS ON PRIVATE CARRIAGE OF LETTERS

COMPREHENSIVE STANDARDS FOR PERMISSIBLE PRIVATE CARRIAGE

Carriage of Letters and Enforcement and Suspension of the Private Express Statutes

Introduction. On July 2, 1973, the Postal Service published in the FEDERAL REGISTER, 38 FR 17512–16, a notice of proposed rulemaking on this subject, setting forth proposed regulations and inviting written views and arguments from interested persons. Following review of the numerous comments that were submitted in response to this first proposal, the Postal Service revised its proposed regulations to reflect many points raised in the comments and, on January 31, 1974, published a second proposal for further public comment, 39 FR 3968–74. The Postal Service has further revised its proposed regulations to reflect many points raised in the comments in response to the second proposal and is now publishing final regulations, which will become effective on October 20, 1974.

The basis and purpose of these regulations have been described in the two publications of proposed regulations and will not—generally speaking—be restted below. Nor will the reasons for accepting or rejecting comments be restated insofar as they have been previously set forth. The following discussion is intended principally to cover new material raised in the comments on the second proposal and suggested by changes embodied in the final regulations.

HIGHLIGHTS OF THE FINAL REGULATIONS

(a) *Suspensions for newspapers and periodicals.* A number of the comments reflected continuing objections to the proposed suspension of the statutory restrictions so as to provide for the private carriage of newspapers and periodicals. Similar comments raised the same point in respect to certain other mailable matter—principally checks. Although, as previously explained, the proposed suspensions may provide the firmest possible support for the conclusion that the matter in question (newspapers, periodicals, checks, certain legal papers, etc.) should be permitted carriage outside of the mails, we have largely met the point of these objections (i.e., that suspensions might be revoked in the future) by relocating the provisions permitting carriage of the matter in question, placing them in the definitional section of the regulations, § 310.1. However, our suspension authority in 39 U.S.C. § 601(b) has been relied upon to the extent it is required as a predicate for establishing these exceptions to the prohibitions on the private carriage of letters.

(b) *Suspension for intra-company materials.* The final regulations omit this suspension. In first proposing this suspension a year ago, we were concerned with the magnitude of the possible loss of revenue to the Postal Service and with problems of enforcing the limitations that had been written into the proposed suspension. Accordingly, we proposed a reporting system intended to reflect the amount of business being done and to facilitate enforcement of the limitations. Many of the comments received stressed that the reporting system would be unworkable. Since we recognize some merit in these comments, we have had to consider whether to go forward with the suspension without an adequate system of reporting or whether to drop the suspension.

Our decision to choose the latter alternative springs partly from two developments within the postal system since the suspension was first proposed. First, the Postal Service's Express Mail program—providing long-distance courier-speed delivery of letters in many markets—has developed to the point that more of the public need for rapid service can now be met by the Postal Service than was true in the past. Second, financial conditions in the Postal Service today require that the most careful consideration be given to any proposal that might curtail postal revenues, particularly if the curtailment could be large and its control difficult. For these principal reasons, we have concluded that the Postal Service should not exercise its discretion to suspend the Private Express Statutes as to intra-company letters.

(c) *Suspension for data processing materials.* A number of comments suggested changes in the suspension for data processing materials. Several suggested providing more time for the completion of allowable private transmission when distances are greater. Since the suspension is intended to cover the transmission of materials that are so urgently needed that transmission through the mails is clearly too slow to be acceptable, the transmission times provided seem reasonable on shipments between domestic points and further liberalization for such shipments does not seem warranted. On international shipments, however, the final rules provide that the delivery period will be deemed to begin or end when the shipment enters or leaves the international gateway city.

Certain comments urged the deletion of the requirement that data processing materials qualifying for the suspension be produced on a regular periodic basis. The need for a suspension has not been demonstrated for irregular and special shipments, however, and the definition has not been loosened in the final rules.

Various comments asked that the requirement that data processing work commence within 36 hours of receipt of the materials at the processing center be eliminated. Since the suspension is intended only to cover cases of real need for rapid transmission, a time limit on the commencement of processing work

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seems appropriate. Thirty-six hours seems ample time to begin critical data processing work.

We changed the wording of the suspension slightly to make it clear that materials conveyed from a processing center can move under the suspension only if they are returning to the office originating the data processing materials. Materials sent elsewhere are not covered by the suspension.

(d) *Application of APA procedures to changes in regulations.* Some comments stated that the second proposed regulations were unclear as to the Postal Service's commitment to follow the Administrative Procedure Act (APA) in making changes in the regulations. The final regulations respond to these comments through a blanket provision (§ 310.7) that all changes in the regulations will be made only consistently with the APA's rulemaking provisions. Certain comments urged that we commit ourselves now to hold a hearing before making any future changes in the regulations. We believe that such a commitment—which goes beyond the normal obligations of agencies subject to the APA—would unnecessarily encumber the process of changing the regulations.

(e) *Full-time employment criterion.* Certain comments continued to take exception to our including full-time employment as a factor to be considered in determining whether particular carriage qualifies under the "letters of the carrier" exception. To clarify our intent, the final regulations adopt a test of substantiality of time employed, if the employee is not employed full-time. The final regulations also add an additional factor for consideration—the fact that the carrier carries no letters for others. As is clear from the text of the regulation, the items listed are factors for consideration in making a determination as to whether the "letters of the carrier" exception applies. The absence of one or more of the factors does not necessarily mean that the exception is not available.

(f) *Meaning of "private carriage".* A few comments urged that we make clear that terms such as "private carriage" and "private carrier" used in the Private Express context have a different meaning from similar terms used in the context of the practices of the Interstate Commerce Commission, where private carriage refers to carriage by a company itself, rather than carriage by a third-party carrier, such as a common carrier, which is not "private carriage". A new provision, § 310.1(e), was added in response to these suggestions.

(g) *Exception for catalogs.* In response to one comment, the exception for catalogs was modified so that it would apply to catalogs if the classification of matter under which they are mailed were changed, for example, to refer to "bound printed matter" rather than specifically to "catalogs".

(h) *Letters retrieved from storage.* One comment urged that the exception for letters sent to storage be broadened to include letters sent from storage, since occasionally files are returned from records centers. This suggestion has been incorporated in the final regulations. We did not, however, accept suggestions that the "shipment in bulk" requirement be eliminated, since there appear to be no compelling reasons why the mails cannot be used, or postage paid, on smaller shipments.

(i) *Other financial instruments.* We were urged to broaden the exception for financial instruments to include general language covering "other negotiable and non-negotiable" instruments. This suggestion was accepted, on the basis that the financial instruments covered would include only instruments similar in purpose and effect to those specifically listed, such as certificates of deposit.

(j) *Documents accompanying checks and drafts.* The language including certain documents regularly accompanying the movement of checks within the banking system within the definition of "checks" was expanded to include documents related to and accompanying drafts as well as checks. This general language clearly covers "return items" (whether or not bearing notations) and instruments that call for the crediting or debiting of accounts maintained at financial institutions that must be acted upon promptly by reason of the rules under which the financial institutions operate or the nature of the transaction"; accordingly the specific quoted language has been omitted from the definition (§ 310.1(a)(7)(ii)(A)) as being superfluous.

OTHER MATTERS RAISED IN THE COMMENTS

(a) *"Grandfather rights".* We were urged to rewrite the "grandfather clause" (§ 320.2(d)) which would preserve operating rights in the event the suspension for data processing materials is revoked, so as to permit unlimited expansion of the operations of carriers doing business under the suspension when it is revoked. In our view, such a limitless permit could well lead to an excessive erosion of the basic protections of the Statutes. We have retained the proposed formulation permitting continuation of documented levels of operations, stated either in dollar or volume terms. Within these limitations, there would be no restrictions on the "grandfather" substituting new customers for old.

(b) *Relationship to classification.* One comment asserted that the regulations under the Private Express Statutes are part of mail classification and fall within the jurisdiction of the Postal Rate Commission. While it may occasionally be convenient to establish a relationship between mail classification and the restrictions on the private carriage of letters (see § 310.1(a)(7)(v)), we find no basis in the law for concluding that the classification of matter for mail rate purposes has any necessary bearing on whether matter may lawfully be carried privately. This position is completely consistent with past administration of the Private Express Statutes as reflected in Restrictions on Transportation of Letters, POD Publication 111 (1967), p. 24. ("The determination of whether a particular type of matter is a 'letter' for purposes of the Private Express Statutes has no bearing on the determination of whether the same matter is first-, second-, third-, or fourth- (parcel post) class matter when it is carried by the postal service.") Nor is there, in our view, any basis in the law for concluding that the Postal Rate Commission has jurisdiction to promulgate regulations under, or otherwise to administer, the Private Express Statutes, a function the former Post Office Department exercised throughout the history of the Statutes prior to enactment of the Postal Reorganization Act.

(c) *Electronic message transmission.* The comments reflected some continuing misunderstanding over whether the Private Express Statutes reach the transmission of messages through the air, by wire, or by other means not involving the carriage of tangible objects. In our view, they do not. However, the carriage of a tangible object used as the basis of an intangible transmission or produced thereby—such as a written copy of a message sent by wire between two places—would be subject to the Statutes. Also, tangible objects such as disks or tapes on which impulses have been recorded which require electrical equipment to reproduce the recorded messages are "letters" under the definition in § 310.1(a)(1).

(d) *Exception for tax returns.* We were urged by computerized tax services to provide a special exception for tax returns. We believe, however, that the data processing materials suspension and the expanding Express Mail program of the Postal Service ought to provide substantial and sufficient additional opportunities to this industry to obtain rapid delivery service for tax returns they prepare and that a special exception for this industry is not required.

CONCLUSION

We believe that the final regulations adopted hereby will accomplish the central purposes of clarifying the administration of the Private Express Statutes and permitting the private carriage of materials to the extent that it is feasible to do so without jeopardizing the financial base of the Postal Service. We will continue to entertain comments at any time from the public as to how these regulations may be improved.

LOUIS A. COX,
General Counsel.

PART 152—WHO MAY CARRY LETTERS

I. The regulations previously codified in the 1970 revision of 39 CFR Part 152, retained in effect by 35 FR 19399 (1970), are rescinded and Part 152 is reserved.

II. *New Subchapter E.* Effective October 20, 1974, title 39, Code of Federal Regulations, is amended by the addition of the following subchapter E:

PART 310—ENFORCEMENT OF THE PRIVATE EXPRESS STATUTES

Sec.

310.1 Definitions.
310.2 Unlawful carriage of letters.
310.3 Exceptions.
310.4 Responsibility of carriers.
310.5 Payment of postage on violation.
310.6 Advisory opinions.
310.7 Amendment of regulations.

AUTHORITY: 39 U.S.C. 401, 404, 601–606; 18 U.S.C. 1693–1699, 1724.

§ 310.1 Definitions.

(a) "Letter" is a message directed to a specific person or address and recorded in or on a tangible object, subject to the following:

(1) Tangible objects used for letters include, but are not limited to, paper (including paper in sheet or card form), recording disks, and magnetic tapes.

(2) "Message" means any information or intelligence that can be recorded as described in paragraph (a)(4) of this section.

(3) A message is directed to a "specific person or address" when, for example, it is directed to a named or identifiable individual, organization, or official, or when it is directed to a specific place.

(4) Methods by which messages are recorded on tangible objects include, but are not limited to, the use of written or printed characters, drawing, holes, or orientations of magnetic particles in a manner having a predetermined significance.

(5) Whether a tangible object bears a message is to be determined on an objective basis without regard to the intended or actual use made of the object sent.

(6) Identical messages directed to more than one specific person or address or separately directed to the same person or address constitute separate letters.

(7) The following are not letters within the meaning of these regulations:[1]

(i) Telegrams.

(ii) Checks, drafts, promissory notes, bonds, other negotiable and non-negotiable financial instruments, stock certificates, other securities, insurance policies, and title policies when shipped to, from, or between financial institutions.

(A) As used above, "checks" and "drafts" include documents intrinsically related to and regularly accompanying the movement of checks or drafts within the banking system. "Checks" do not include materials accompanying the movement of checks to financial institutions from persons who are not financial institutions, or vice versa, except such materials as would qualify under § 310.3(a) if "checks" were treated as cargo. Specifically, for example, "checks" do not include bank statements sent to depositors showing deposits, debits, and account balances.

(B) As used above, "financial institutions" means:

(*1*) As to checks and drafts: banks, savings banks, savings and loan institutions, credit unions, and their offices, affiliates, and facilities.

(*2*) As to other instruments: institutions performing functions involving the bulk generation, clearance, and transfer of such instruments.

(iii) Abstracts of title, mortgages, deeds, leases, articles of incorporation, papers filed in lawsuits or formal quasi-judicial proceedings, and orders of court.

(iv) Newspapers and periodicals.

(v) Catalogs eligible for a catalog, bound printed matter, or corresponding publication rate under the mail classification schedule in effect at the time of their shipment, and telephone directories.

(vi) Identical letters sent in bulk to a single address by a printer or other supplier of letters for third persons.

(vii) Letters sent in bulk to or from storage or to destruction as part of a household or business relocation.

(b) "Packet" means two or more letters under one cover or otherwise bound together. As used in these regulations, unless the context otherwise requires, "letter" or "letters" includes "packet" or "packets".

(c) "Person" means an individual, corporation, association, partnership, governmental agency, or other legal entity.

(d) "Post routes" are routes on which mail is carried by the Postal Service, and includes post roads as defined in 39 U.S.C. 5003, as follows:

(1) The waters of the United States, during the time the mail is carried thereon;

(2) Railroads or parts of railroads and air routes in operation;

(3) Canals, during the time the mail is carried thereon;

(4) Public roads, highways, and toll roads during the time the mail is carried thereon; and

(5) Letter-carrier routes established for the collection and delivery of mail.

(e) "Private carriage", "private carrier", and terms of similar import used in connection with the Private Express Statutes or these regulations mean carriage by anyone other than the Postal Service, regardless of any meaning ascribed to similar terms under other bodies of law or regulation.

(f) The "Private Express Statutes" are set forth in 18 U.S.C. 1693–1699 and 1724 and 39 U.S.C. 601–606 (1970).

§ 310.2 Unlawful carriage of letters.

(a) It is generally unlawful under the Private Express Statutes for any person other than the Postal Service in any manner to send or carry a letter on a post route or in any manner to cause or assist such activity. Violation may result in injunction, fine or imprisonment or both and payment of postage lost as a result of the illegal activity (see § 310.5).

(b) Activity described in paragraph (a) of this section is lawful with respect to a letter if—

(1) It is enclosed in an envelope or other suitable cover;

(2) The amount of postage which would have been charged on the letter if it had been sent through the Postal Service is paid by stamps, or postage meter stamps, on the cover or by other methods approved by the Postal Service;

(3) The name and address of the person for whom the letter is intended appear on the cover;

(4) The cover is so sealed that the letter cannot be taken from it without defacing the cover;

(5) Any stamps on the cover are canceled in ink by the sender; and

(6) The date of the letter, or of its transmission or receipt by the carrier, is endorsed on the cover in ink by the sender or carrier, as appropriate.

(c) The Postal Service may suspend the operation of any part of paragraph (b) of this section where the public interest requires the suspension.

(d) Activity described in paragraph (a) of this section is permitted with respect to letters which—

(1) Relate to some part of the cargo of, or to some article carried at the same time by, the conveyance carrying it (see § 310.3(a));

(2) Are sent by or addressed to the carrier (see § 310.3(b));

(3) Are conveyed or transmitted without compensation (see § 310.3(c));

(4) Are conveyed or transmitted by special messenger employed for the particular occasion only, provided that not more than twenty-five such letters are conveyed or transmitted by such special messenger (see § 310.3(d)); or

(5) Are carried prior or subsequent to mailing (see § 310.3(e)).

§ 310.3 Exceptions.

(a) *Cargo.* The sending or carrying of letters is permissible if they accompany and relate exclusively to some part of the cargo.

(b) *Letters of the carrier.* (1) The sending or carrying of letters is permissible if they are sent by or addressed to the individual carrying them or if they are sent by or addressed to an officer or employee of a carrier on the current business of the carrier (i.e., in his capacity as an officer or employee).

(2) The fact that the individual performing the carriage may be an officer or employee of the carrier for certain purposes does not necessarily mean that he is an officer or employee for purposes of this exception. The following factors bear on qualification for the exception: the carrying employee is employed for a substantial time, if not full-time (letters must not be privately carried by casual

[1] Several of the items enumerated in this paragraph (a)(7) do not self-evidently lie outside of the definition of "letter". To the extent, however, that there is any question whether these items may properly be excluded by definition, the Postal Service has determined by adoption of these regulations that the restrictions of the Private Express Statutes are suspended pursuant to 39 U.S.C. 601(b).

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employees); the carrying employee carries no matter for other senders; the carrying employee is a regular salaried employee and shares in all privileges enjoyed by other regular employees (including employees not engaged primarily in the letter-carrying function), including but not limited to salary, annual vacation time, absence allowed for illness, health benefits, workmen's compensation insurance, and retirement benefits.

(3) Separately incorporated carriers are separate entities for purposes of this exception, regardless of any subsidiary, ownership, or leasing arrangement. When, however, two concerns jointly operate an enterprise with joint employees and share directly in its revenues and expenses, either of the concerns may carry the letters of the joint enterprise.

(c) *Private hands without compensation.* The sending or carrying of letters is permissible if no charge for carriage is made by the carrier. However, a person engaged in the transportation of goods or persons for hire does not fall within the exception merely by carrying letters free of charge for customers whom he does charge for the carriage of goods or persons.

(d) *Special messenger.* (1) The use of a special messenger employed for the particular occasion only is permissible to transmit letters if not more than twenty-five letters are involved. The permission granted under this exception is restricted to use of messenger service on an infrequent, irregular basis by the sender or addressee of the message.

(2) A special messenger is a person who, at the request of either the sender or the addressee, picks up a letter from the sender's home or place of business and carries it to the addressees home or place of business, but a messenger or carrier operating regularly between fixed points is not a special messenger.

(e) *Carriage prior or subsequent to mailing.* (1) The private sending or carrying of unopened letters which enter the mail stream at some point between their origin and destination is permissible. The origin of a letter is the residence or place of business of the sender; the destination of a letter is the residence or place of business of the addressee.

(2) Examples of permitted activity are the pickup and carriage of letters which are delivered to post offices for mailing; the pickup and carriage of letters at post offices for delivery to addressees; and the bulk shipment of individually addressed letters ultimately carried by the Postal Service.

§ 310.4 Responsibility of carriers.

Private carriers are cautioned to make sure that their carriage of matter is lawful within the definition, exceptions, suspension, and conditions contained in this part and in Part 320. They should take reasonable measures to inform their customers of the contents of these regulations so that only proper matter is tendered to them for carriage. Carriers should desist from carrying any matter when the form of shipment, identity of sender or recipient, or any other information reasonably accessible to them indicates that matter tendered to them for carriage is not proper under these regulations.

§ 310.5 Payment of postage on violation.

(a) Upon discovery of activity made unlawful by the Private Express Statutes, the Postal Service may require any person or persons who engage in, cause, or assist such activity to pay an amount or amounts not exceeding the total postage to which it would have been entitled had it carried the letters between their origin and destination.

(b) The amount equal to postage will be due and payable not later than 15 days after receipt of formal demand from the Inspection Service unless an appeal is taken to the Judicial Officer Department in accordance with rules of procedure set out in Part 959 of this chapter.

(c) Refusal to pay an unappealed demand or a demand that becomes final after appeal will subject the violator to civil suit by the Postal Service to collect the amount equal to postage.

(d) The payment of amounts equal to postage on violation shall in no way limit other actions to enforce the Private Express Statutes by civil or criminal proceedings.

§ 310.6 Advisory opinions.

An advisory opinion on any question arising under this part and Part 320 may be obtained by writing the Assistant General Counsel, Opinions Division, United States Postal Service, Washington, D.C. 20260. Final opinions will be available for inspection by the public in the Library of the United States Postal Service, and copies of individual opinions may be obtained upon payment of charges for duplicating services.

§ 310.7 Amendment of regulations.

Amendments of these regulations shall be made only in accordance with the rulemaking provisions of the Administrative Procedure Act.

PART 320—SUSPENSION OF THE PRIVATE EXPRESS STATUTES

Sec.
320.1 Definitions.
320.2 Suspension.
320.3 Operations under suspension.

AUTHORITY: 39 U.S.C. 401, 404, 601.

§ 320.1 Definitions.

The definitions in § 310.1 apply to Part 320 as well.[1]

§ 320.2 Suspension.

(a) The operation of 39 U.S.C. 601(a) (1) through (6) and § 310.2(b)(1) through (6) of this chapter is suspended on all post routes for data processing materials as defined in paragraph (b) on the terms detailed in that paragraph. The effect of this suspension is to allow any person to send or carry data processing materials as so defined between places served by the Postal Service without paying postage or meeting any other conditions of 39 U.S.C. 601(a) and § 310.2(b) of this chapter.

(b) The suspension referred to in paragraph (a) of this section is for data processing materials conveyed to a data processing center, or back from the data processing center to the address of the office originating the data processing materials, if transmission is completed within 12 hours or by noon of the addressee's next business day, and if data processing work is commenced on any such material sent to a data processing center within 36 hours of receipt at the center. The "addressee's next business day" means the first calendar day, stated in his local time, on which he conducts business, following the calendar day of dispatch, stated in the sender's local time. For purposes of this suspension, "data processing" means electro-mechanical or electronic processing and "data processing materials" includes materials of all types that are ready for immediate data processing or for automatic conversion into a form ready for immediate data processing and the direct output of data processing, but only if they are produced on a regular periodic basis.

(c) For purposes of the time limitations for completion of delivery referred to in paragraph (b) of this section, delivery of shipments between a domestic point and a foreign point shall be deemed to begin at the time materials of foreign origin are received at the international gateway city or end at the time materials of domestic origin leave the international gateway city.

(d) The suspension referred to in paragraphs (a) and (b) of this section may be revoked. No revocation will curtail operations of particular carriers existing at the time of the revocation to a level of operations (in dollar or volume terms, whichever is larger) lower than that antedating the revocation in a particular market served prior to the revocation. Should the suspension be revoked, carriers, as a condition to continuing operations under this subsection, will be required to provide reasonably complete and accurate data to support estimates of past operating levels in particular markets.

§ 320.3 Operations under suspension.

(a) Persons intending to establish or alter operations based on the suspension granted pursuant to § 320.2 shall, as a condition to the right to operate under the suspension, notify the Private Express Liaison Officer, Customer Services Department, United States Postal Service, Washington, D.C. 20260, of their intention to establish such operations not later than the beginning of such operations. Such notification, on a form available from the Private Express Liaison Office, shall include information on the identity and authority of the carrier and the scope of its proposed operations.

(b) Persons operating under the suspension granted pursuant to § 320.2 are responsible for making sure that their carriage of matter under the suspension meets all conditions contained in § 320.2. (See § 310.4.) The containers or covers or covers of any matter contained under the suspension must be made available for examination upon request by a properly identified postal inspector. Carrier records—either in the form of notations on the containers or covers of many matter carried under the suspension granted pursuant to § 320.2 or in the form of records kept by employees of the actual times they make delivery or pickup stops—must be sufficient to show that the delivery of such matter was completed within the applicable time limitation prescribed in § 320.2. The provisions of this paragraph shall not restrict the Postal Service in the exercise of search powers conferred upon it by law.

(c) The filing of notifications under this section does not relieve the operator of responsibility for assuring that its operations conform to applicable statutes and regulations.

(d) Failure to comply with the notification requirements of this section and carriage of material or other action in violation of other provisions of this Part and of Part 310 are grounds for administrative revocation of the suspension as to a particular carrier for a period of not less than one year, in a proceeding instituted by the General Counsel, following a hearing by the Judicial Officer Department in accordance with the rules of procedure set out in Part 959 of this chapter.

(NOTE: The form referred to in § 320.3 is reproduced below.)

NOTICE OF INTENT TO ESTABLISH OPERATIONS UNDER SUSPENSION OF THE PRIVATE EXPRESS STATUTES[1]

(SEE 39 CFR PART 320, SUSPENSION OF THE PRIVATE EXPRESS STATUTES)

Private Carriage of Letters

Name of Carrier _____
Address _____
State of Incorporation _____
Geographical Area to Be Served _____

1. Designate the specific markets or areas in which operations will be conducted.

2. Describe specifically any authorizations issued by local, state, or federal regulatory agencies under which operations will be conducted.

_____
(Signature of Officer)

_____
(Name and Title)

Subscribed and sworn to before me this ---- day of ----------, 197—.

_____
Notary Public

Seal
My commission expires _____

(NOTE: False statements contained herein are punishable by law, 18 U.S.C. 1001.)

[1] Information relates exclusively to operations under the suspension for data processing materials. This form should be used for an initial notice of operations and for any amendments to the initial or subsequent notices.

[1] Several of the items enumerated in § 310.1(a)(7) do not self-evidently lie outside of the definition of "letter". To the extent, however, that there is any question whether these items may properly be excluded by definition, the Postal Service has determined by adoption of these regulations that the restrictions of the Private Express Statutes are suspended pursuant to 39 U.S.C. 601(b).

III. The note following Part 958 in the table of contents for 39 CFR Ch. I in the volume revised as of August 1, 1974, is deleted.

[FR Doc.74-21301 Filed 9-13-74;8:45 am]

PART 959—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE PRIVATE EXPRESS STATUTES

Authority for Rules

Pursuant to 39 CFR 224.1(c)(6)(ii)(D), the Judicial Officer has added to the rules of procedure before the Judicial Officer new Part 959, which is to be used in all Postal Service proceedings relating to the Private Express Statutes as contemplated in §§ 310.5(b) and 320.3(d) of title 39, Code of Federal Regulations.

LOUIS A. COX,
General Counsel.

Accordingly, effective October 20, 1974, Chapter I of title 39 of the Code of Federal Regulations is amended by adding a new Part 959, reading as follows:

Sec.
959.1 Authority for rules.
959.2 Scope of rules.
959.3 Office, business hours.
959.4 Demands for payment of postage.
959.5 Appeals from demands.
959.6 Revocations of suspension.
959.7 Notice of hearing.
959.8 Service of petition filed under § 959.6.
959.9 Filing documents for the record.
959.10 Default.
959.11 Amendment of pleadings.
959.12 Continuances and extensions.
959.13 Hearings.
959.14 Change of place of hearings.
959.15 Appearances.
959.16 Presiding officers.
959.17 Evidence.
959.18 Subpoenas.
959.19 Witness fees.
959.20 Depositions.
959.21 Transcript.
959.22 Proposed findings and conclusions.
959.23 Decisions.
959.24 Exceptions to initial decision or tentative decision.
959.25 Judicial Officer.
959.26 Motion for reconsideration.
959.27 Modification or revocation of orders.
959.28 Computation of time.
959.29 Official record.
959.30 Public information.

AUTHORITY: 39 U.S.C. 204, 401; 39 CFR 224.1(c)(6)(ii)(D).

§ 959.1 Authority for rules.

These rules are issued by the Judicial Officer of the U.S. Postal Service pursuant to authority delegated by the Postmaster General.

§ 959.2 Scope of rules.

These rules apply to all Postal Service proceedings in which Part 310 of this title authorizes appeals to the Judicial Officer from demands for postage for matter carried in violation of the Private Express Statutes, and in proceedings to revoke, as to any person, the suspension of provisions of the Private Express Statutes in accordance with Part 320 of this title.

§ 959.3 Office, business hours.

The offices of the officials mentioned in these rules are located at the United States Postal Service, 475 L'Enfant Plaza West SW., Washington, D.C. 20260, and are open, Monday through Friday except holidays, during the normal business hours of the Postal Service.

§ 959.4 Demands for payment of postage.

Final demands for payment of postage will be accompanied by a copy of these rules and will—

(a) State that the demand is final unless appealed under these rules within 15 days after receipt of the demand;

(b) Describe the transaction on which the demand is based and the provisions of law or regulation alleged to have been violated; and

(c) State the manner in which the amount of the demand is computed.

§ 959.5 Appeals from demands.

(a) A party upon whom a demand for postage has been made may appeal from the demand by filing a petition, in triplicate, with the Docket Clerk, Judicial Officer Department, within 15 days after receipt of the demand.

(b) The petition shall:

(1) Be signed personally by an individual petitioner, by one of the partners of a partnership, or by an officer of a corporation or association;

(2) State the reasons why the person filing the petition (designated the "Petitioner" in these rules) believes the demand is not justified;

(3) Admit or deny each fact alleged in the demand and allege any facts upon which the Petitioner relies to show compliance with applicable laws and regulations; and,

(4) Be accompanied by a copy of the demand.

(c) Factual allegations that are not denied by the petition may be deemed to have been admitted. The demand and the petition (together with other documents authorized in this part) shall become the pleadings in appeals from demands.

§ 959.6 Revocations of suspension.

(a) The General Counsel, or a member of his staff as he may designate, may initiate a revocation of the suspension of the Private Express Statutes as provided in Part 320 of this title as to

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any person, by filing, in triplicate, a petition with the Docket Clerk which

(1) Names the person involved;

(2) States the legal authority under which the proceeding is initiated;

(3) States the facts in a manner sufficient to enable the person named to make answer thereto; and,

(4) Recommends the issuance of an appropriate order.

(b) *Answer.* (1) The person named in the petition (designated the "Respondent" in these rules) shall file an answer with the Docket Clerk within 15 days after he is served with a copy of the petition in accordance with § 959.8.

(2) The answer shall contain a concise statement admitting, denying, or explaining each of the allegations set forth in the petition.

(3) Any facts alleged in the petition which are not denied, or which are expressly admitted in the answer, may be considered as proved, and no further evidence regarding these facts need be adduced at the hearing.

(4) The answer shall be signed personally by an individual respondent, or in the case of a partnership, by one of the partners, or, in the case of a corporation or association, by an officer thereof.

(5) The answer shall set forth the respondent's address and the name and address of his attorney, if respondent is represented by counsel.

(6) The answer shall affirmatively state whether the respondent will appear in person or by counsel at the hearing.

(7) If the respondent does not desire to appear at the hearing in person or by counsel, the matter shall be deemed submitted for determination pursuant to paragraph (b) of § 959.10.

§ 959.7 Notice of hearing.

When a petition is filed, the Docket Clerk shall issue a notice of hearing, stating the time and place of the hearing and the date for filing an answer which shall not exceed 15 days from the date of service of the petition, and a reference to the effect of failure to file an answer or appear at the hearing. (See § § 959.5(c), 959.6(b) and 959.10.) Whenever practicable, the hearing date shall be within 30 days of the date of the notice.

§ 959.8 Service of petition filed under § 959.6.

(a) The Docket Clerk shall cause a notice of hearing and a copy of the petition to be transmitted to the postmaster at any office of address of the respondent in which the respondent is doing business, which shall be delivered to the respondent or his agent by said postmaster or his designee. A receipt acknowledging delivery of the notice shall be secured from the respondent or his agent and forwarded to the Docket Clerk, to become a part of the official record.

(b) If, after 5 days, the postmaster or his designee, can find no person to accept service of the notice of hearing and petition pursuant to paragraph (a) of this section, the notice and copy of the petition may be delivered in the usual manner as other mail addressed to the respondent. A statement, showing the time and place of delivery, signed by the postal employee who delivered the notice of hearing and petition shall be forwarded to the Docket Clerk and such statement shall constitute evidence of service.

§ 959.9 Filing documents for the record.

(a) Each party shall file with the Docket Clerk pleadings, motions, orders and other documents for the record. The Docket Clerk shall cause copies to be delivered promptly to other party(ies) to the proceeding and to the presiding officer.

(b) The parties shall submit three copies of all documents unless otherwise ordered by the presiding officer. One copy shall be signed as the original.

(c) Documents shall be dated and state the title of the proceeding and, except initial petitions, the docket number. Any pleading or other document required by order of the presiding officer to be filed by a specified date, shall be delivered to the Docket Clerk on or before such date. The date of filing shall be entered thereon by the Docket Clerk.

§ 959.10 Default.

(a) If the respondent fails to file an answer within the time specified in the notice of hearing, he shall be deemed in default and to have waived hearing and further procedural steps. The Judicial Officer shall thereafter issue an order without further notice to the respondent.

(b) If the respondent files an answer but fails to appear at the hearing, the presiding officer shall receive petitioner's evidence and render an initial decision.

§ 959.11 Amendment of pleadings.

(a) Amendments proposed prior to the hearing shall be filed with the Docket Clerk. Amendments proposed thereafter shall be filed with the presiding officer.

(b) By consent of the parties, a pleading may be amended at any time. Also, a party may move to amend a pleading at any time prior to the close of the hearing and, provided that the amendment is reasonably within the scope of the proceeding initiated by the petition, the presiding officer shall make such ruling on the motion as he deems fair and equitable to the parties.

(c) When issues not raised by the pleadings, but reasonably within the scope of the proceedings initiated by the petition, are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendments as may be necessary to make the pleadings conform to the evidence, and to raise such issues, shall be allowed at any time upon the motion of any party.

(d) If a party objects to the introduction of evidence at the hearing on the ground that it is not within the issues made by the pleadings, but fails to satisfy the presiding officer that an amendment of the pleadings would prejudice him on the merits, the presiding officer may allow the amendment and may grant a continuance to enable the objecting party to rebut the evidence presented.

(e) The presiding officer may, upon reasonable notice and upon such terms as are just, permit service of supplemental pleadings setting forth transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

§ 959.12 Continuances and extensions.

Continuances and extensions will not be granted by the presiding officer except for good cause found.

§ 959.13 Hearings.

Hearings are held at the headquarters of the Postal Service, Washington, D.C. 20260, or other locations designated by the presiding officer.

§ 959.14 Change of place of hearings.

Not later than the date fixed for the filing of the answer, a party may file a written request that a hearing be held at a place other than that designated in the notice. He shall support his request with a statement outlining:

(a) The evidence to be offered in such place;

(b) The names and addresses of the witnesses who will testify; and,

(c) The reasons why such evidence cannot be produced at Washington, D.C. The presiding officer shall give consideration to the convenience and necessity of the parties and the relevancy of the evidence to be offered.

§ 959.15 Appearances.

(a) A respondent may appear and be heard in person or by attorney.

(b) An attorney may practice before the Postal Service in accordance with the rules in Part 951 of this title.

(c) When a respondent is represented by an attorney, all pleadings and other papers subsequent to the initial petition shall be mailed to the attorney.

(d) A respondent must promptly file a notice of change of attorney.

§ 959.16 Presiding officers.

(a) The presiding officer shall be either an Administrative Law Judge qualified in accordance with law, or the Judicial Officer. The Chief Administrative Law Judge shall assign cases to Administrative Law Judges upon rotation so far as practicable. The Judicial Officer may, for good cause found, preside at the reception of evidence in proceedings upon request of either party.

(b) The presiding officer shall have authority to:

(1) Administer oaths and affirmations;

(2) Examine witnesses;

(3) Rule upon offers of proof, admissibility of evidence and matters of procedure;

(4) Order any pleading amended upon motion of a party at any time prior to the close of the hearing;

(5) Maintain discipline and decorum and exclude from the hearing any person acting in an indecorous manner;

(6) Require the filing of briefs in or memoranda of law on any matter upon which he is required to rule;

(7) Order prehearing conferences for the purpose of settlement or simplification of issues by the parties;

(8) Order the proceeding reopened at any time prior to his decision for the receipt of additional evidence; and,

(9) Render an initial decision if the presiding officer is an Administrative Law Judge, which becomes the final decision of the Postal Service unless a timely appeal is taken; the Judicial Officer may issue a tentative or a final decision.

§ 959.17 Evidence.

(a) Except as otherwise provided in these rules, the rules of evidence governing civil proceedings in matters not involving trial by jury in the District courts of the United States shall govern. However, such rules may be relaxed to the extent that the presiding officer deems proper to insure a fair hearing. The presiding officer shall exclude irrelevant, immaterial or repetitious evidence.

(b) Testimony shall be under oath or affirmation and witnesses shall be subject to cross-examination.

(c) Agreed statements of fact may be received into evidence.

(d) Official notice or knowledge may be taken of the types of matters of which judicial notice or knowledge may be taken.

(e) The written statement of a competent witness may be received into evidence provided that such statement is relevant to the issues, that the witness shall testify under oath at the hearing that the statement is in all respects true, and, in the case of expert witnesses, that the statement correctly states his opinion or knowledge concerning the matters in question.

(f) A party who objects to the admission of evidence shall make a brief statement of the grounds for the objection. Formal exceptions to the rulings of the presiding officer are unnecessary.

§ 959.18 Subpoenas.

The Postal Service is not authorized by law to issue subpoenas requiring the attendance or testimony of witnesses or the production of documents.

§ 959.19 Witness fees.

The Postal Service does not pay fees and expenses for a respondent's witnesses or for depositions requested by a respondent.

§ 959.20 Depositions.

(a) Not later than 5 days after the filing of respondent's answer, any party may file an application with the Docket Clerk for the taking of testimony by deposition. In support of such application, the applicant shall submit under oath or affirmation, a statement containing the reasons why such testimony should be taken by deposition, the time and place, and the name and address of the witness whose deposition is desired, the subject matter of the testimony of each witness, its relevancy, and the name and address of the person before whom the deposition is to be taken.

(b) If the application be granted, the order shall specify the time and place thereof, the name of the witness, the person before whom the deposition is to be taken, and any other necessary information.

(c) Each deponent shall first be duly sworn, and the adverse party shall have the right to cross-examine. The questions and answers, together with all objections, shall be reduced to writing and, unless waived by stipulation of the parties, shall be read to and subscribed by the witness in the presence of the deposition officer who shall certify it in the usual form. The deposition officer shall file the testimony taken by deposition as directed in the order. All objections made at the time of examination shall be noted by the deposition officer and the evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, a party may transmit written interrogatories to the deposition officer, who shall propound them to the witness and record the answers verbatim. Objections to relevancy or materiality of testimony, or to errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form or relevancy or materiality of the questions or answers, in the oath or affirmation, or in the conduct of the parties, and errors of any kind which might be obviated, cured or removed if promptly presented, are waived unless timely objection is made at the taking of the deposition.

(d) At the hearing, any part or all of the deposition may be offered into evidence by any party who was present or represented at the taking of the deposition or who had notice thereof. If the deposition is not offered and received into evidence, it shall not be considered as a part of the record. The admissibility of depositions or parts thereof shall be governed by the rules of evidence.

(e) The party requesting the deposition shall pay all fees required to be paid to witnesses and the deposition officer, and shall provide an original and one copy thereof for the official record, and shall serve one copy upon the opposing party.

(f) Within the United States, or within a territory or possession subject to the dominion of the United States, depositions may be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held; within a foreign country, depositions may be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or any other person designated in the order for the taking of the deposition.

(g) Depositions may also be taken and submitted on written interrogatories in substantially the same manner as depositions taken by oral examination. When a deposition is taken upon written interrogatories and cross-interrogatories, none of the parties shall be present or represented, and no person, other than the witness, a stenographic reporter, and the deposition officer, shall be present at the examination of the witness, which fact shall be certified by the deposition officer, who shall propound the interrogatories and cross-interrogatories to the witness in their order and cause the testimony to be reduced to writing in the witness' own words.

§ 959.21 Transcript.

(a) Hearings shall be stenographically reported by a contract reporter of the Postal Service under the supervision of the assigned presiding officer. Argument upon any matter may be excluded from the transcript by order of the presiding officer. A copy of the transcript shall be a part of the record and the sole official transcript of the proceeding. Copies of the transcript shall be supplied to the parties by the reporter at rates not to exceed the maximum rates fixed by the contract between the Postal Service and the reporter. Copies of parts of the official record, other than the transcript, may be obtained by the respondent from the reporter upon the payment to him of a reasonable price therefor.

(b) Changes in the official transcript may be made only when they involve errors affecting substance, and then only in the manner herein provided. No physical changes shall be made in or upon the official transcript, or copies thereof, which have been filed with the record. Within 10 days after the receipt by any party of a copy of the official transcript, or any part thereof, a party may file a motion requesting correction of the transcript. The opposing party shall, within such time as may be specified by the presiding officer, notify the presiding officer in writing of his concurrence or disagreement with the requested corrections. Failure to interpose timely objection to a proposed correction shall be considered to be concurrence. Thereafter, the presiding officer shall by order specify the corrections to be made in the transcript. The presiding officer on his own initiative may order corrections to be made in the transcript with prompt notice to the parties of the proceeding. Any changes ordered by the presiding officer other than by agreement of the parties shall be subject to objection and exception.

§ 959.22 Proposed findings and conclusions.

(a) Each party, except one who fails to answer the complaint or, having answered, either fails to appear at the hearing or indicates in the answer that he does not desire to appear, may, submit proposed findings of fact, conclusions of law and supporting reasons either in oral or written form. The presiding officer

may also require the parties to submit

hearing, the presiding officer may then

ceiving it, or within such longer period

creation of a separate category of fees

(b) Daily recreation use fees for the

recreation use fees shall be charged,

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may also require the parties to submit proposed findings of fact and conclusions of law with supporting reasons.

(b) Proposed findings of fact, conclusions of law and supporting reasons not presented orally before the close of the hearing, shall, unless otherwise directed by the presiding officer, be filed within 15 days after the delivery of the official transcript to the Docket Clerk, who shall notify the parties of the date of its receipt. The proposed findings of fact, conclusions of law and supporting reasons shall be set forth in serially numbered paragraphs, and shall state with particularity, all pertinent evidentiary facts in the record with appropriate citations to the transcript or exhibits supporting the proposed findings. Each proposed conclusion of law shall be separately stated.

§ 959.23 Decisions.

(a) *Oral decisions.* The presiding officer may, in his discretion, render an oral decision (an initial decision by an Administrative Law Judge, or a tentative or final decision by the Judicial Officer) at the close of the hearing. A party who desires an oral decision shall notify the presiding officer and the opposing party at least 5 days prior to the date set for the hearing. Either party may submit proposed findings of fact and conclusions of law either orally or in writing at the conclusion of the hearing.

(b) *Written initial decision by Administrative Law Judge.* A written initial decision shall be rendered with all due speed. The initial decision shall include findings of fact and conclusions of law, with the reasons therefor, upon all the material issues of fact or law presented on the record, and an appropriate order. The initial decision shall become the final decision of the Postal Service unless an appeal is taken in accordance with § 959.24.

(c) *Written tentative or final decision by the Judicial Officer.* When the Judicial Officer presides at the hearing, he shall issue a final or a tentative decision. Such decision shall include findings of fact and conclusions of law, with the reasons therefor, upon all the material issues of fact or law presented on the record, and appropriate order. The tentative decision shall become the final decision of the Postal Service unless exceptions are filed in accordance with § 959.24.

§ 959.24 Exceptions to initial decision or tentative decision.

(a) A part in a proceeding presided over by an Administrative Law Judge, except a party who failed to file an answer, may appeal to the Judicial Officer by filing exceptions in a brief on appeal within 15 days from the receipt of the Administrative Law Judge's written initial decision.

(b) A party in a proceeding presided over by the Judicial Officer, except one who has failed to file an answer, may file exceptions within 15 days from the receipt of the Judicial Officer's written tentative decision.

(c) When an initial or tentative decision is rendered orally at the close of the hearing, the presiding officer may then establish and orally give notice to the parties participating in the hearing of the time limit within which exceptions must be filed.

(d) Upon receipt of the brief on appeal from an initial decision of an Administrative Law Judge, the Docket Clerk shall promptly transmit the record to the Judicial Officer. The date for filing the reply to a brief on appeal or to a brief in support of exceptions to a tentative decision by the Judicial Officer is 10 days after the receipt thereof. No additional briefs shall be received unless requested by the Judicial Officer.

(e) Briefs on appeal or in support of exceptions and replies thereto shall be filed in triplicate with the Docket Clerk, and contain the following matter in the order indicated:

(1) A subject index of the matters presented, with page references; a table of cases alphabetically arranged; a list of statutes and texts cited, with page references.

(2) A concise abstract or statement of the case.

(3) Numbered exceptions to specific findings of fact or conclusions of law of the presiding officer.

(4) A concise argument clearly setting forth points of fact and of law relied upon in support of, or in opposition to, each exception taken, together with specific references to the pertinent parts of the record and the legal or other authorities relied upon.

(f) Unless permission is granted by the Judicial Officer, no brief on appeal or in support of exceptions shall exceed 50 printed or 100 typewritten pages double spaced.

(g) The Judicial Officer will extend the time to file briefs only upon written motion for good cause found. The Docket Clerk shall promptly notify the movant of the Judicial Officer's decision on the motion. If a brief is not filed within the time prescribed, the defaulting party will be deemed to have abandoned the appeal or waived the exceptions, and the initial or tentative decision shall become the final decision of the Postal Service.

§ 959.25 Judicial Officer.

The Judicial Officer is authorized (a) to act as presiding officer at hearings, (b) to render tentative decisions, (c) to render final decisions of the Postal Service, (d) to refer the record in any proceedings to the Postmaster General or the Deputy Postmaster General who will make the final decision of the Postal Service, and (e) to revise or amend these rules of practice. The entire official record will be considered before a final decision of the Postal Service is rendered. Before rendering a final decision of the Postal Service, the Judicial Officer may order the hearing reopened for the presentation of additional evidence by the parties.

§ 959.26 Motion for reconsideration.

A party may file a motion for reconsideration of a final decision of the Postal Service within 10 days after receiving it, or within such longer period as the Judicial Officer may fix. Each motion for reconsideration shall be accompanied by a brief clearly setting forth the points of fact and of law relied upon in support of said motion.

§ 959.27 Modification or revocation of orders.

A party against whom an order has been issued may file with the Docket Clerk an application for modification or revocation, addressed to the Judicial Officer. The Docket Clerk shall transmit a copy of the application to the General Counsel, who shall file a written reply within 10 days after filing, or such other period as the Judicial Officer may fix. A copy of the reply shall be sent to the applicant by the Docket Clerk. Thereafter an order granting or denying such application in whole or in part will be issued by the Judicial Officer.

§ 959.28 Computation of time.

A designated period of time excludes the day the period begins, and includes the last day of the period unless the last day is a Saturday, Sunday, or legal holiday, in which event the period runs until the close of business on the next business day.

§ 959.29 Official record.

The transcript of testimony together with all pleadings, orders, exhibits, briefs and other documents filed in the proceedings shall constitute the official record of the proceeding.

§ 959.30 Public information.

The Law Librarian of the Postal Service maintains for public inspection in the Law Library copies of all initial, tentative and final decisions of the Postal Service. The Docket Clerk maintains the complete official record of every proceeding.

[FR Doc.74-21302 Filed 9-13-74;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 18—RECREATION FEES

Golden Eagle Program

The Department of the Interior hereby promulgates final regulations for the collection of entrance fees, recreation use fees, and special recreation permit fees at designated Federal recreation areas and facilities. These regulations reflect changes in Section 4 of the Land and Water Conservation Fund Act of 1965, 16 U.S.C. 460l–6a (Supp., 1974), resulting from the enactment of Pub. L. 93-303, and inclue: (1) The expansion of the benefits under the Golden Eagle and Golden Age Passports; (2) a provision for the collection of daily recreation use fees at the place of use or at any reasonably convenient location; (3) a prohibition against the collection of fees for the use of certain enumerated sites and facilities; (4) the relaxation of the restrictions on the collection of recreation use fees for camping; and (5) the creation of a separate category of fees for special recreation permits. Since the visitor season for this calendar year is now in progress, it has been determined that final rulemaking is required and necessary in order to implement expeditiously these changes in the Department's Federal recreation fee program. Accordingly, advance notice and comment on these regulations is impracticable and not in the public interest. However, the Department invites interested persons to comment on these final regulations within thirty days from the date of their publication. Such comments will be received and considered for the purpose of determining the desirability or need for making further amendments to these regulations. Such comments should be addressed to the Director, Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240.

Effective date. These regulations shall be effective on September 16, 1974.

Dated: September 9, 1974.

NATHANIEL P. REED,
Assistant Secretary of the Interior.

Part 18 of Subtitle A of Title 43 of the Code of Federal Regulations is revised to read as follows:

Sec.
18.1 Application.
18.2 Types of Federal recreation fees.
18.3 Designation.
18.4 Posting.
18.5 Golden Eagle Passport.
18.6 Golden Age Passport.
18.7 Entrance fees for single-visit permits.
18.8 Validation and display of entrance permits.
18.9 Establishment of recreation use fees.
18.10 Special recreation permits and special recreation permit fees.
18.11 Collection of Federal recreation fees.
18.12 Enforcement.
18.13 Exceptions, exclusions, and exemptions.
18.14 Public notification.
18.15 Golden Eagle Insignia.

AUTHORITY: Section 4, Land and Water Conservation Fund Act of 1965 (16 U.S.C.A. 460l–6a (Supp., 1974)), as amended by Pub. L. 93-303; and section 3, Act of July 11, 1972, 86 Stat. 461.

§ 18.1 Application.

This part is promulgated pursuant to section 4, Land and Water Conservation Fund Act of 1965, 16 U.S.C.A. 460l–6a (Supp., 1974), and section 3, Act of July 11, 1972, 86 Stat. 461. Any Federal recreation fee charged by any bureau of the Department of the Interior shall be charged according to criteria set forth in this part.

§ 18.2 Types of Federal recreation fees.

There shall be three types of Federal recreation fees:

(a) Entrance fees, charged either on an annual or single-visit basis, for admission to any Designated Entrance Fee Area;

(b) Daily recreation use fees for the use of specialized sites, facilities, equipment or services furnished at Federal expense; and

(c) Special recreation permit fees for specialized recreation uses, such as, but not limited to, group activities, recreation events, and the use of motorized recreation vehicles.

§ 18.3 Designation.

(a) An area or closely related group of areas shall be designated as an area at which entrance fees shall be charged (hereinafter "Designated Entrance Fee Area") if the following conditions are found to exist concurrently:

(1) The area is a unit of the National Park System administered by the Department of the Interior;

(2) The area is administered primarily for scenic, scientific, historical, cultural, or recreation purposes;

(3) The area has recreation facilities or services provided at Federal expense; and

(4) The nature of the area is such that entrance fee collection is administratively and economically practical.

(b) Any specialized site, facility, equipment or service related to outdoor recreation (hereinafter "facility") shall be designated as a facility for which a recreation use fee shall be charged (hereinafter "Designated Recreation Use Facility") if:

(1) For each Designated Recreation Use Facility, at least one of the following criteria is satisfied:

(i) A substantial Federal investment has been made in the facility,

(ii) The facility requires regular maintenance,

(iii) The facility is characterized by the presence of personnel, or

(iv) The facility is utilized for the personal benefit of the user for a fixed period of time; and,

(2) For each Designated Recreation Use Facility, all of the following criteria are satisfied:

(i) The facility is developed, administered, or provided by any bureau of the Department of the Interior,

(ii) The facility is provided at Federal expense, and

(iii) The nature of the facility is such that fee collection is administratively and economically practical.

(3) In no event shall any of the following, whether used singly or in any combination, be designated as facilities for which recreation use fees shall be charged: Drinking water, wayside exhibits, roads, overlook sites, visitors' centers, scenic drives, toilet facilities, picnic tables, and boat ramps. The first sentence of this paragraph does not apply to boat launching facilities with specialized facilities or services, such as mechanical or hydraulic boat lifts or facilities. Such boat launching facilities shall be designated as facilities for which recreation use fees shall be charged, *Provided*, They satisfy the requirements of paragraphs (b)(1) and (b)(2) of this section.

(4) In no event shall a campground, which satisfies the requirements of paragraphs (b)(1) and (b)(2) of this section, be designated as a facility for which recreation use fees shall be charged unless the campground has all of the following: Tent or trailer spaces, drinking water, access road, refuse containers, toilet facilities, personal fee collection, reasonable visitor protection, and simple devices for containing a campfire where campfires are permitted. A campground may be designated for recreation use fee collection whether the above enumerated amenities are provided for individual or group use.

(c) Any specialized recreation use including, but not limited to, group activities, recreation events, or the use of motorized recreation vehicles, shall qualify as a use for which a special recreation permit fee may be charged (hereinafter "Special Recreation Permit Use") if such use occurs in areas under the jurisdiction of any bureau of the Department of the Interior.

§ 18.4 Posting.

(a) The administering bureaus of the Department of the Interior shall provide for the posting of the following designation sign at entrances to Designated Entrance Fee Areas and at appropriate locations in areas with Designated Recreation Use Facilities in such a manner that the visiting public will be clearly notified that Federal recreation fees are charged. The designation sign shall:

(1) Be constructed of enameled steel, coated aluminum, silk screen reflective materials attached to wood or metal, or other permanent materials;

(2) Consist of the basic elements, proportion, and color as indicated below:

(i) The representation of an American Golden Eagle (colored gold) and a family group (colored midnight blue) enclosed within a circle (colored white with a midnight blue border) framed by a rounded triangle (colored gold with a midnight blue border).

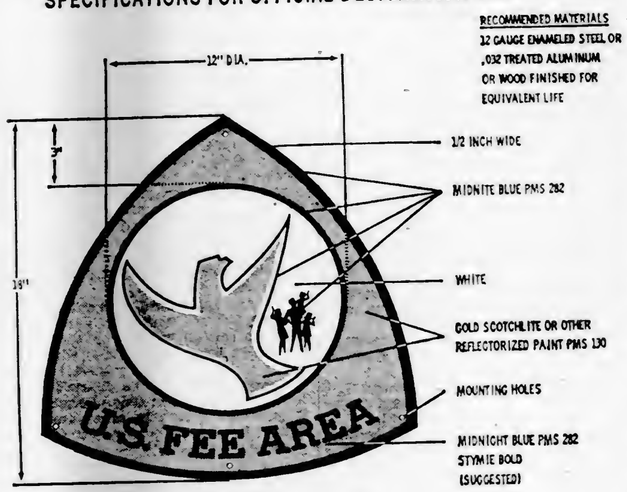
(A) The color midnight blue shall be Pantone Matching System 282; the color gold shall be Pantone Matching System 130;

(B) The rounded triangle shall be 18 inches in vertical height at all Designated Entrance Fee Areas, except that at those areas accessible only on foot, the rounded triangle may be 9 inches vertical height;

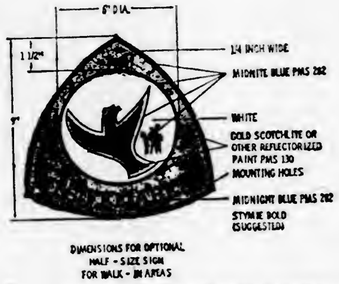
(ii) The words "U.S. Fee Area" as indicated below.

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SPECIFICATIONS FOR OFFICIAL DESIGNATION SIGN



DIMENSIONS FOR STANDARD SIGN



DIMENSIONS FOR OPTIONAL
HALF - SIZE SIGN
FOR WALK - IN AREAS

(b) Clear notice shall be posted by any bureau issuing special recreation permits at its area headquarters having administrative jurisdiction over the area in which the use authorized by such a permit is to occur, that fees are charged for such permits. In addition, any specialized recreation use authorized by permit shall, if reasonably feasible, be posted with the designation sign described in paragraph (a) of this section at the site of use at the time of use.

(c) Proportionally sized replicas of the designation sign described in paragraph (a) of this section may be used in conjunction with other signs erected by any bureau of the Department of the Interior which direct the public to Designated Entrance Fee Areas, Designated Recreation Use Facilities, or Special Recreation Permit Uses.

(d) No entrance fee for admission to any Designated Entrance Fee Area or recreation use fee for the use of any Designated Recreation Use Facility shall be collected unless such area or facility is posted in accordance with this section. No fee for any Special Recreation Permit Use shall be collected unless clear notice that such a fee is charged is posted at the area headquarters of the bureau issuing such permit in which the use authorized by the permit is to occur.

§ 18.5 Golden Eagle Passport.

(a) The Golden Eagle Passport is an annual permit, valid on a calendar-year basis, for admission to any Designated Entrance Fee Area. The charge for the Golden Eagle Passport shall be $10. The annual Golden Eagle Passport shall be nontransferable and the unlawful use thereof shall be punishable in the manner described in § 18.12 of this part.

(b) The Golden Eagle Passport shall admit the permittee and any persons accompanying him in a single, private, noncommercial vehicle, or alternatively, the permittee and his spouse, children, and parents accompanying him where entry to the area is by any means other than private, noncommercial vehicle, to Designated Entrance Fee Areas. Golden Eagle Passport coverage does not include a permittee and his spouse, children, or parents entering a Designated Entrance Fee Area in two separate, private, noncommercial vehicles. In this case, only the vehicle with the permittee shall be covered by the Passport. The persons in the second vehicle shall be subject to the single-visit entrance fee requirement.

(1) "Private, noncommercial vehicle," for the purpose of this part, shall include any passenger car, station wagon, pickup camper truck, motorcycle, or other motor vehicle which is used for private recreation purposes.

(2) "Accompanying," for the purpose of this section, shall be defined as coming immediately with (at the same time) and entering together with (in physical proximity).

(c) The annual Golden Eagle Passport does not authorize the use of any Designated Recreation Use Facility for which a recreation use fee is charged or any Special Recreation Permit Use for which a special recreation permit fee is charged.

(d) The annual Golden Eagle Passport shall be for sale at all Designated Entrance Fee Areas of the National Park Service, at the National Park Service headquarters, Washington, D.C., and at the Park Service field offices.

§ 18.6 Golden Age Passport.

(a) Issuance of the Golden Age Passport:

(1) Golden Age Passports will be issued by appropriate Federal personnel (hereinafter "Issuing Officer") at National Park Service headquarters, Washington, D.C., and at field offices designated by the heads of the bureaus administering Designated Entrance Fee Areas and Designated Recreation Use Facilities.

(2) The Golden Age Passport will be issued free of charge upon the presentation of identification or information which attests to the fact that the applicant is a person 62 years of age or older and a citizen of the United States, or if not a citizen, domiciled therein. To satisfy the age requirement such identification may include, but is not limited to, a State driver's license or birth certificate. To satisfy the citizenship requirement, such identification may include, but is not limited to, a birth certificate or a voter registration card issued by a State or Territory, or a political subdivision thereof, of the United States.

(3) For the purpose of this section, an applicant should be regarded as being "domiciled" in the United States if he has a fixed and permanent residence in the United States or its Territories to which he has the intention of returning whenever he is absent. Accordingly, an alien may be domiciled in the United States if he maintains a fixed and permanent residence therein to which he has the intention of returning whenever he is absent. An alien who temporarily travels or works in the United States, even for a period of years, shall not be regarded as domiciled therein if that alien has no intention of permanently maintaining his residence in the United States.

(4) The Golden Age Passport, commencing with the issuance of the 1975 Golden Age Passports, shall be a lifetime permit valid for the life of the permittee.

(5) Any applicant meeting the age and other requirements described in paragraph (a)(2) of this section not having in his possession any identification or information evidencing his qualification for a Golden Age Passport may be issued such a Passport on the basis of the affidavit below, if such an affidavit is signed in front of the Issuing Officer.

Passport No.------ Date ------

To the Secretary of the Interior:

I do hereby swear or affirm that I am 62 years of age or older, that I am a citizen of the United States or that I am domiciled therein and that I am duly entitled to be issued free of charge one Golden Age Passport pursuant to the Land and Water Conservation Fund Act of 1965, 16 U.S.C. A.460*l*-6a (Supp., 1974), as amended by Pub. L. 93-303.

Signature

Street

Town, City, State

Issuing Officer

(6) The Passport must be applied for in person and signed in front of the Issuing Officer or otherwise it will be treated as invalid.

(7) The Golden Age Passport shall be nontransferable and the unlawful use thereof shall be punishable in the manner described in § 18.12 of this part.

(b) The Golden Age Passport shall admit the permittee and any persons accompanying him in a single, private, noncommercial vehicle, or alternatively, the permittee and his spouse and children accompanying him where entry to the areas is by means other than private, noncommercial vehicle to Designated Entrance Fee Areas. Golden Age Passport coverage does not include a permittee and his spouse or children entering a Designated Entrance Fee Area in two separate, private, noncommercial vehicles. In this case, only the vehicle with the permittee shall be covered by the Passport. The persons in the second vehicle shall be subject to the single-visit entrance fee requirement.

(1) "Private, noncommercial vehicle," for the purposes of this subsection, shall be defined the same as in § 18.5(b)(1).

(2) "Accompanying," for the purpose of this subsection, shall be defined the same as in § 18.5(b)(2).

(c) Any Golden Age Passport permittee shall be entitled upon presentation of the Passport to utilize Designated Recreation Use Facilities at a rate of 50 percent of the established recreation use fees.

(d) The Golden Age Passport does not authorize any specialized recreation use for which a special recreation permit fee is changed.

§ 18.7 Entrance fees for single-visit permits.

(a) Entrance fees for single-visit permits shall be selected by the National Park Service from within the range of fees listed below, provided that such fees are established in accordance with the following criteria:

(1) The direct and indirect cost to the Government;

(2) The benefit to the recipient;

(3) The public policy or interest served;

(4) The comparable recreation fees charged by other Federal and non-Federal public agencies within the service area of the management unit at which the fee is charged;

(5) The economic and administrative feasibility of fee collection; and,

(6) Other pertinent factors.

(b) There shall be two types of single-visit entrance fees charged at Designated Entrance Fee Areas for those persons not covered by either Golden Eagle or Golden Age Passports.

(1) The fee for a single-visit permit applicable to those persons entering by private, noncommercial vehicle shall be $1 to $3 per vehicle. The single-visit permit shall admit the permittee and all persons accompanying him in said vehicle. The single-visit permit shall be valid only at the one Designated Entrance Fee Area for which it was purchased. "Accompanying," for the purpose of this section, shall mean entering together with the permittee while being transported by the same private, noncommercial vehicle which the permittee occupies.

(2) The fee for a single-visit permit applicable to those persons entering by any means other than private, noncommercial vehicle shall be $0.50 to $1.50 per person and shall be valid at the one Designated Entrance Fee Area for which it is paid.

(c) Any of the permits provided for in paragraphs (a) and (b) of this section shall be valid at the Designated Entrance Fee Area for which it was purchased during the same calendar day of purchase. In addition, at overnight use areas, the single-visit permit shall be valid as long as the permittee and those covered by his permit remain within the boundaries of the Designated Entrance Fee Area, beginning from the first day of entry until the day of departure; except that on the same day that the entrance fee is paid, the permittee and those covered by the permit may leave and reenter without payment of additional fees.

§ 18.8 Validation and display of entrance permits.

(a) Every annual and lifetime permit shall be validated by the signature of its bearer on the face of the permit at the time of its receipt.

(b) All annual, lifetime and single-visit permits shall be nontransferable.

(c) Every permit shall be kept on the person of its owner, and shall be exhibited on the request of any authorized representative of the administering bureau.

§ 18.9 Establishment of recreation use fees.

(a) Recreation use fees shall be selected by all outdoor recreation administering bureaus of the Department of the Interior from within the schedule of fees listed below provided that such fees are established in accordance with the following criteria:

(1) The direct and indirect cost to the Government;

(2) The benefit to the recipient;

(3) The public policy or interest served;

(4) The comparable recreation fees charged by other Federal and non-Federal public agencies within the service area of the management unit at which the fee is charged;

(5) The economic and administrative feasibility of fee collection; and

(6) Other pertinent factors.

(b) Recreation use fees may be established for other types of facilities in addition to those which are listed below in such amounts as are recommended by the Secretary of the Interior.

(c) Schedule of Recreation Use Fees:

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Camp and trailer sites	Up to $4.00 per site for overnight use.[1]
Swimming	Up to $1.00 per person per day.
Boating	Up to $1.00 per boat per day.
Boat launching	Up to $1.00 per launching.
Golf	Up to $2.00 per person per day.
Winter sports	Up to $2.00 per person per day.
Horseback riding	Up to $2.00 per person per day.
Hiking	Up to $1.00 per person per day.
Tennis	Up to $1.00 per person per day.
Visitor center	Up to $1.00 per person per day.
Tours	Up to $2.00 per person per day.
Amphitheater	Up to $1.00 per person per day.
Historic house	Up to $1.00 per person per day.
Museum	Up to $1.00 per person per day.
Picnicking	Up to $1.00 per person per day.
Hunting	Up to $2.00 per person per day.
Fishing	Up to $2.00 per person per day.
Other activities	Up to $2.00 per person per day.

[1] Camping fees may be charged on a per person basis.

§ 18.10 Posting of fees.

(a) Fees established pursuant to § 18.9 shall be posted at the Designated Entrance Fee Area or Designated Recreation Use Facility for which they are established.

(b) Fees established pursuant to § 18.9 shall be posted at the area headquarters of the bureau administering the Designated Entrance Fee Area or Designated Recreation Use Facility for which they are established.

§ 18.11 Collection of fees.

(a) Fees established pursuant to § 18.9 shall be collected by the bureau administering the Designated Entrance Fee Area or Designated Recreation Use Facility for which they are established.

(b) Fees established pursuant to § 18.9 may be collected by the bureau administering the Designated Entrance Fee Area or Designated Recreation Use Facility for which they are established, by any of the following methods:

(1) Collection by personnel of the bureau administering the Designated Entrance Fee Area or Designated Recreation Use Facility for which they are established.

(2) Collection by personnel of a concessioner operating within the Designated Entrance Fee Area or Designated Recreation Use Facility for which they are established.

(3) Collection by personnel of a contractor operating within the Designated Entrance Fee Area or Designated Recreation Use Facility for which they are established.

(4) Collection by personnel of a cooperating association operating within the Designated Entrance Fee Area or Designated Recreation Use Facility for which they are established.

(5) Collection by personnel of a State or local government operating within the Designated Entrance Fee Area or Designated Recreation Use Facility for which they are established.

(6) Collection by personnel of a volunteer group operating within the Designated Entrance Fee Area or Designated Recreation Use Facility for which they are established.

(7) Collection by self-service fee collection stations.

§ 18.12 Penalties.

Any person who violates any provision of this part may be tried before a United States magistrate and fined not more than $500 or imprisoned not more than six months, or both, and shall be adjudged to pay all costs of the proceedings.

§ 18.13 Exceptions, exclusions, and exemptions.

(a) Any person who has a valid Golden Eagle Passport, Golden Age Passport, or Golden Access Passport shall be exempt from the payment of fees established pursuant to § 18.9 of this part.

(b) Any person who has a valid Golden Access Passport shall be entitled upon presentation of the Passport to utilize Designated Recreation Use Facilities at a rate of 50 percent of the established recreation use fees.

(c) The Golden Access Passport does not authorize any specialized recreation use for which a special recreation permit fee is charged.

(d) Any person who has a valid Golden Access Passport shall be exempt from the payment of fees established pursuant to § 18.9 of this part.

§ 18.14 Golden Access Passport.

(a) Issuance of the Golden Access Passport:

(1) Golden Access Passports will be issued by appropriate Federal personnel (hereinafter "Issuing Officer") at National Park Service headquarters, Washington, D.C., and at field offices designated by the heads of the bureaus administering Designated Entrance Fee Areas and Designated Recreation Use Facilities.

(2) The Golden Access Passport will be issued free of charge upon the presentation of documents which attest to the fact that the applicant is a blind person or a permanently disabled person. To satisfy the blindness requirement such documents may include, but are not limited to, a statement from a physician, optometrist, or ophthalmologist, or a statement certifying receipt of benefits based on blindness. To satisfy the permanent disability requirement such documents may include, but are not limited to, a statement from a physician certifying that the applicant is receiving benefits based on permanent disability.

(3) For the purpose of this section, an applicant should be regarded as being "domiciled" in the United States if he has a fixed and permanent residence in the United States or its Territories to which he has the intention of returning whenever he is absent. Accordingly, an alien may be domiciled in the United States if he maintains a fixed and permanent residence therein to which he has the intention of returning whenever he is absent. An alien who temporarily travels or works in the United States, even for a period of years, shall not be regarded as domiciled therein if that alien has no intention of permanently maintaining his residence in the United States.

(4) The Golden Access Passport, commencing with the issuance of the 1975 Golden Age Passports, shall be a lifetime permit valid for the life of the permittee.

(5) Any applicant meeting the requirements described in paragraph (a)(2) of this section not having in his possession any identification or information evidencing his qualification for a Golden Access Passport may be issued such a Passport on the basis of the affidavit below, if such an affidavit is signed in front of the Issuing Officer.

Passport No.------ Date ------

To the Secretary of the Interior:

I do hereby swear or affirm that I am blind or permanently disabled and that I am duly entitled to be issued free of charge one Golden Access Passport pursuant to the Land and Water Conservation Fund Act of 1965, 16 U.S.C. A.460*l*-6a (Supp., 1974), as amended by Pub. L. 93-303.

Signature

Street

Town, City, State

Issuing Officer

(6) The Passport must be applied for in person and signed in front of the Issuing Officer or otherwise it will be treated as invalid.

(7) The Golden Access Passport shall be nontransferable and the unlawful use thereof shall be punishable in the manner described in § 18.12 of this part.

(b) The Golden Access Passport shall admit the permittee and any persons accompanying him in a single, private, noncommercial vehicle, or alternatively, the permittee and his spouse and children accompanying him where entry to the areas is by means other than private, noncommercial vehicle to Designated Entrance Fee Areas. Golden Access Passport coverage does not include a permittee and his spouse or children entering a Designated Entrance Fee Area in two separate, private, noncommercial vehicles. In this case, only the vehicle with the permittee shall be covered by the Passport. The persons in the second vehicle shall be subject to the single-visit entrance fee requirement.

(1) "Private, noncommercial vehicle," for the purposes of this subsection, shall be defined the same as in § 18.5(b)(1).

(2) "Accompanying," for the purpose of this subsection, shall be defined the same as in § 18.5(b)(2).

(c) Any Golden Access Passport permittee shall be entitled upon presentation of the Passport to utilize Designated Recreation Use Facilities at a rate of 50 percent of the established recreation use fees.

(d) The Golden Access Passport does not authorize any specialized recreation use for which a special recreation permit fee is changed.

§ 18.15 Golden Age and Golden Access Passport.

(a) Golden Age and Golden Access Passports shall be honored at all Designated Entrance Fee Areas and Designated Recreation Use Facilities.

(b) Golden Age and Golden Access Passports shall be honored at all Designated Entrance Fee Areas and Designated Recreation Use Facilities.

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inclusion of such information in publications distributed at each area or facility.

mercial use of the Insignia, will consider

all use except: The licensed commercial use or public service use of the Insignia;

Camp and trailer sites	Up to $4.00 per site for overnight use.[1]
Group camping sites	Up to $0.50 daily per site per person.[1 2]
Specalized boat launching facilities and services.	Up to $1.50 per boat per day.[3]
Lockers	Up to $0.25 per locker daily.
Boat storage and handling	To be established at a daily rate in accord with the criteria set forth in this section.
Elevators	To be established at a daily rate in accord with the criteria set forth in this section.
Ferries and other means of transportation.	To be established at a rate in accord with the criteria set forth in this section.
Bathhouses	Up to $0.50 daily per bathhouse per person.
Swimming pools	To be established at a daily rate in accord with the criteria set forth in this section.
Overnight shelters	To be established at a daily rate in accord with the criteria set forth in this section.
Guided tours	To be established at a rate in accord with the criteria set forth in this section.
Electrical hook-ups	Up to $1 per hook-up per day.
Vehicle and trailer storage	To be established at a daily rate in accord with the criteria set forth in this section.
Rental of nonmotorized boats	A minimum of $1 per boat per day or fraction thereof.
Rental of motorized boats	A minimum of $5 per boat per day or fraction thereof.
Rental of hunting blinds	Up to $5 per blind per day or fraction thereof.
Reservation services	To be established at a rate in accord with criteria set forth in this section.
Specialized sites (highly developed).	Up to $1.50 daily per site per person.

[1] Provided that in no event shall there be a charge for the use of any campsite and adjacent related facilities unless the campground in which the site is located has all of the following: Tent or trailer spaces, drinking water, access road, refuse containers, toilet facilities, personal collection of the fee by an employee or agent of the bureau operating the facility, reasonable visitor protection, and simple devices for containing a campfire (where campfires are permitted).

[2] The administering bureau may establish a group use rate in lieu of the above "Group Camping Sites" recreation use fee in accordance with the criteria set out in this section, provided such rate is not less than $3.00 per day per group. Such a group use rate may constitute either a special recreation permit fee or a recreation use fee as determined by the administering bureau.

[3] Use fees for boat ramps are prohibited. However, in the case of boat launching facilities with specialized facilities or services, such as mechanical or hydraulic lifts, reasonable fees may be assessed in accordance with the criteria set out in paragraph (a) of this section.

§ 18.10 Special recreation permits and special recreation permit fees.

(a) Special recreation permits may be required in accordance with procedures established by the administering bureaus for specialized recreation uses, such as, but not limited to, group activities, recreation events, and the use of motorized recreation vehicles. In any instance where such a permit is required, the following conditions must be satisfied:

(1) The use complies with pertinent State and Federal laws and regulations on public health, safety, air quality, and water quality;

(2) The use will not adversely impact archeological, historic or primitive values and is not in conflict with existing resource management programs and objectives;

(3) The necessary clean-up and restoration is made for any damage to resources or facilities; and

(4) The use is restricted, to the extent practicable, to an area where minimal impact is imposed on the environmental, cultural or natural resource values.

(b) Fees for special recreation permits shall be established by all outdoor recreation bureaus of the Department of the Interior issuing such permits in accordance with the following criteria:

(1) The direct and indirect cost to the Government;

(2) The benefit to the recipient;

(3) The public policy or interest served;

(4) The comparable recreation fees charged by other Federal and non-Federal public agencies within the service area of the management unit at which the fee is charged;

(5) The economic and administrative feasibility of fee collection, and

(6) Other pertinent factors.

§ 18.11 Collection of Federal recreation fees.

The bureaus of the Department of the Interior administering outdoor recreation programs shall provide for the collection of entrance fees at the place of admission to Designated Entrance Fee Areas; they shall provide for the collection of recreation use fees and/or special recreation permit fees at the place of use or at a location reasonably convenient for the public and the bureaus.

§ 18.12 Enforcement.

Persons authorized by the heads of the appropriate bureaus to enforce these regulations may arrest any person who violates these rules and regulations within areas under the administration or authority of such bureau head with a warrant or, if the offense is committed in his presence, without a warrant. Any violations of the rules and regulations issued in this part, except those in § 18.15, shall be punishable by a fine of not more than $100.

§ 18.13 Exceptions, exclusions, and exemptions.

In the application of the provisions of this part, the following exceptions, exclusions, and exemptions shall apply:

(a) Nothing contained herein shall authorize Federal hunting or fishing licenses or fees;

(b) No entrance fee shall be charged for travel by private noncommercial vehicle over any National Parkway, or any road or highway established as part of the National Federal-Aid System, which is commonly used by the public as a means of travel between two places, either or both of which are outside the Designated Entrance Fee Area;

(c) No entrance fee shall be charged for travel by private noncommercial vehicle over any road or highway to any land in which such person has any property right if such land is within any Designated Entrance Fee Area.

(d) No Federal recreation fee shall be charged for commercial or other activities not related to recreation, including, but not limited to, organized tours or outings conducted for educational or scientific purposes related to the resources of the area visited by bona fide institutions established for these purposes. Applicants for waiver of fees on this basis will be required to provide documentation of their official recognition as educational or scientific institutions by Federal, State or local government bodies and will also be required to provide a statement as to the purposes of the visit proposed. The use of any waiver is requested must relate directly recreation facilities for which a fee to scientific or educational purposes of the visit and may not be primarily for recreational purposes. No Federal recreation fee shall be charged any hospital inmate actively involved in medical treatment or therapy in the area visited.

(e) No entrance fee shall be charged any person conducting State, local, or Federal government business.

(f) No entrance fee shall be charged at any entrance to Great Smoky Mountains National Park unless such fees are charged at main highway and thoroughfare entrances.

(g) No entrance fees shall be charged for persons who have not reached their 16th birthday.

(h) Until July 12, 1975, no entrance fee shall be charged a foreign visitor to the United States seeking admission to any Designated Entrance Fee Area upon presentation of a valid passport.

(i) No entrance fees shall be charged persons having a right of access to lands or waters within a Designated Entrance Fee Area for hunting or fishing privileges under a specific provision of law or treaty.

§ 18.14 Public notification.

The administering bureaus shall notify the public of the specific Federal recreation fees which will be charged at areas and for facilities and uses under their jurisdiction. Such notification shall be accomplished by the posting of fee information in accordance with § 18.4 and the inclusion of such information in publications distributed at each area or facility. Public announcements, press releases and any other suitable means may also be used to provide such notification.

§ 18.15 The Golden Eagle Insignia.

(a) Definitions. (1) The term "The Golden Eagle Insignia" (hereinafter "Insignia") as used in this section, means the words "The Golden Eagle" and the representation of an American Golden Eagle (colored gold) and a family group (colored midnight blue) enclosed within a circle (colored white with a midnight blue border) framed by a rounded triangle (colored gold with a midnight blue border) which was originated by the Department of the Interior as the official symbol for Federal recreation fee areas.

(2) The term "Secretary" as used in this section, means the Secretary of the Interior or any person designated to act for him in any matter to which this section refers.

(3) The term "commercial use," as used in this section, refers to any use, including the reproduction, manufacture, importation, or distribution, of the Insignia the primary purpose of which is to make a profit.

(4) The term "public service use," as used in this section, refers to any use, including the reproduction, manufacture, importation, or distribution, of the Insignia the primary purpose of which is to contribute to the public's information and education about the Federal recreation fee program.

(5) The term "official use" refers to uses of the Insignia pursuant to §§ 18.4, 18.5, 18.6, 18.8, 18.10, and 18.14, including, but not limited to, the posting of areas, facilities, and uses with the designation sign described in § 18.4(a), and the design of Golden Eagle and Golden Age Passports, and uses of the Insignia by other Federal agencies.

(6) The Golden Eagle program refers to the Federal outdoor recreation fee program, which provides for the designation of entrance fee areas, recreation use facilities, special recreation permit uses, the issuance of Golden Eagle and Golden Age Passports, and the collection and enforcement of fees at Federal areas and facilities and for specialized recreation uses established by the Land and Water Conservation Fund Act of 1965, 16 U.S.C.A. 4601–6a (Supp., 1974), as amended.

(b) Licenses for commercial and public service use. (1) Any person, business, or organization (hereinafter called the applicant) wishing a license for commercial or public service use of the Insignia must make written application to the Secretary stating:

(i) The nature and scope of the intended use.

(ii) The applicant's name and address.

(iii) The nature of the applicant's business or activities, and the relationship between the intended use and said business or activities.

(2) The Secretary, in determining whether to grant a license for the commercial use of the Insignia, will consider the following criteria:

(i) Whether the intended use will be an enhancement of the Golden Eagle program which would complement the program as it is administered by Federal recreation agencies and departments.

(ii) Whether the intended use is likely to cause confusion, or to cause mistake, or to deceive the general public by creating the impression that the use is official.

(iii) Whether the intended use is injurious to the integrity of the concept of the Insignia.

(iv) Whether the intended use is capable of generating enough royalty fee revenue to justify the administrative costs of licensing.

(3) The Secretary, in determining whether to grant a license for the public service use of the Insignia, will consider the following criteria:

(i) Whether the intended use will be an enhancement of the Golden Eagle program which would complement the program as it is administered by Federal recreation agencies and departments.

(ii) Whether the intended use is injurious to the integrity of the concept of the Insignia.

(4) Any license granted by the Secretary for commercial use of the Insignia is subject to the following terms and conditions:

(i) The license is nontransferable.

(ii) All proposed uses of the Insignia must be approved by the Secretary prior to manufacture, importation, or reproduction by the licensee. The Insignia shall not be used in conjunction with substances inherently dangerous to the public.

(iii) The license shall contain equal employment opportunity provisions in compliance with Executive Order 11246, 30 FR 12319 (1965), as amended, and regulations issued pursuant thereto (41 CFR Ch. 60) unless the royalty fees to be paid under the license are not expected to exceed $10,000.

(iv) The license shall be subject to revocation by the Secretary at any time that he finds that: (a) The criteria under which the license was granted are not being fulfilled; or (b) there has been a violation of the terms and conditions of the license.

(5) Any license granted by the Secretary for public service use of the Insignia is subject to the following terms and conditions:

(i) The license is nontransferable.

(ii) All proposed uses of the Insignia must be approved by the Secretary prior to manufacture, importation, reproduction, or distribution by the licensee.

(iii) The license shall be subject to revocation by the Secretary at any time that he finds that: (a) The criteria under which the license was granted are not being fulfilled; or (b) there has been a violation of the terms and conditions of the license.

(c) Unauthorized use of the Insignia. (1) Unauthorized use of the Insignia is all use except: The licensed commercial use or public service use of the Insignia; official use of the Insignia; and any lawful use of the Insignia, similar emblem, sign or words which antedates the Act of July 11, 1972, 86 Stat. 459.

(2) Whoever makes unauthorized use of the Insignia or any facsimile thereof, in such a manner as is likely to cause confusion, or to cause mistake or to deceive the public by creating the impression that the use is official, shall be fined not more than $250 or imprisoned not more than 6 months or both.

(3) Any unauthorized use of the Insignia may be enjoined at the suit of the Attorney General upon complaint by the Secretary.

(d) Royalty fees for commercial and public service use.

(1) Royalty fees for licensed commercial use of the Insignia shall be established at reasonable rates by contract between the licensee and the Secretary.

(2) Royalty fees for licensed public service use of the Insignia shall be waived by the Secretary.

(e) Abandonment of the Golden Eagle Insignia. The rights of the United States in the Golden Eagle Insignia shall terminate if the use of the Insignia is abandoned by the Secretary. Nonuse for a continued period of 2 years shall constitute abandonment.

[FR Doc.74-21136 Filed 9-13-74;8:45 a.m.]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER A—GENERAL PROVISIONS

[General Order 16, Amdt. 12; Docket No. 74-11]

PART 502—RULES OF PRACTICE AND PROCEDURE

Miscellaneous Amendments

This proceeding was instituted by notice of proposed rulemaking published in the FEDERAL REGISTER on March 25, 1974 (39 FR 11117). The purpose of the proceeding was to amend various sections of the Commission's rules of practice, principally in the area of discovery procedures, in order to expedite the conduct of formal proceedings.[1]

Interested parties have submitted comments which the Commission has considered carefully and, in light thereof, we herewith publish final rules. A section-by-section discussion of the rules and comments thereon follows.

Section 502.61, Proceedings, was proposed to be amended by addition of a provision that hearings were to commence on or before a specified date, which date would be no more than six months from the institution of the proceeding. Deferral beyond six months would be made only upon showing of extraordinary good cause.

Comment was made that the word "extraordinary" was too restrictive, had

[1] For further explanation of the purpose of the proposed amendments, see the notice of proposed rulemaking, cited above.

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no meaning and should be defined or stricken. It was also suggested that extensions be granted automatically in complaint proceedings upon request of all parties. Concern was also expressed that the six-month deadline might be burdensome.

The comments with respect to the use of the term "extraordinary" are well taken and we are not including it in the final rule. In its place we are substituting the standard that the hearing date may be deferred to prevent substantial delay, expense, detriment to the public interest or undue prejudice to a party. This standard presently exists in § 502.153 respecting appeals from rulings and the Commission and counsel have had experience with it.

We are rejecting the proposal that automatic extensions be granted in complaint proceedings. The Commission has a legitimate interest in seeing proceedings pursued to a conclusion and not languish on its docket for years while parties negotiate at leisure. We are also satisfied that experience has shown that the six-month deadline will not be unduly restrictive.

Finally, we are providing that time periods commence upon notice in the FEDERAL REGISTER. The reason for this is discussed under § 502.72(b), below.

Section 502.72, Petition for Intervention, was proposed to be amended by a new provision requiring that interveners must commence discovery 10 days after intervention has been granted, and that if the petition for intervention is filed later than 20 days after commencement of the proceeding, petitioner will be deemed to have waived his right to discovery procedures.

Parties expressed concern that the time periods were too short, pointing out, for example, that complaint proceedings are not noticed in the FEDERAL REGISTER and are learned of by outside interests only incidentally. Another commentator would eliminate the time periods entirely, leaving the matter to the discretion of the presiding officer. A suggestion was also made that a provision be included allowing interveners in large, complex proceedings the same rights as other parties if a prehearing conference is held to consider discovery matters. Finally, one commentator would insert a "good cause" proviso with respect to commencement of discovery by interveners.

We agree that the time periods may be too short. In a complaint proceeding, for example, the issue may not even be joined after 20 days. Accordingly, we are enlarging the time periods to 15 and 30 days, respectively. We reject the suggestion that the time periods be eliminated entirely as contrary to the very thrust of this proceeding.

The proposals as to prehearing conference procedure and the "good cause" proviso have also been accepted and incorporated in the final rules. The Commission will also adopt the practice of noticing complaints in the FEDERAL REGISTER and the final rules provide that time periods commence running upon notice in the FEDERAL REGISTER with respect to all proceedings.

Sections 502.182, Complainant's Memorandum of Facts and Argument; 502.183, Respondent's Answering Memorandum; and 502.184, Complainant's Memorandum in Reply were proposed to be amended to simplify proceedings conducted under shortened procedure. No comments were directed to these proposals and we are adopting them as final rules.

Section 502.201(b), was proposed to be amended by deletion of the requirement that leave of the Commission is necessary to take testimony by deposition within 20 days after commencement of a proceeding. No comments were directed to this proposal and the provision will be deleted.

Section 502.201(b)(2) was proposed to be amended to provide that discovery procedures commence 20 days after institution of a proceeding or, in the case of a new phase of discovery generated by answers or information obtained through earlier discovery, within 15 days after service of the answers or receipt of the information.

Several commentators argue that the time periods are too short and will lead to pro forma discovery requests. One party suggests that completion of discovery be made a stated time before hearing.

We are increasing the time period for "first wave" discovery to 30 days although we are not so sanguine as to believe that many discovery requests would not be of the boilerplate variety no matter what time limitation is set. The discretion of the presiding judge and the early commencement of discovery negate the necessity for the "stated time before hearing" approach.

We are again keying commencement of the time period to notice in the FEDERAL REGISTER. We are also clarifying the authority of the presiding officer to resolve disputes relating to discovery matters.

Sections 502.204, Depositions Upon Oral Examination; and 502.205, Depositions of Witnesses Upon Written Interrogatories, were proposed to be amended by addition of a provision that a party desiring to take a deposition must comply with the requirements of § 502.201(b)(2), discussed above.

Again, the complaint is made that the time is too short. We have, however, increased the time period in § 502.201(b)(2) and this, coupled with the presiding officer's discretion should allay any fears that discovery will be closed off.

Section 502.206(a) was proposed to be amended to provide for time limits on the service of interrogatories; oral argument on answers or objections to interrogatories at the discretion of the presiding officer; and an affidavit by counsel that good faith efforts to resolve differences among counsel have been made prior to application to the presiding officer for an order directing answer.

Several commentators would reverse the emphasis with respect to oral argument on objections or answers, i.e., the presiding officer would hear oral argument unless, in his discretion, he deems that the controversy may be decided on the pleadings before him. Suggestion is also made that interrogatories and answers be served on all parties. In addition, one commentator questions the effectiveness of the "good faith" affidavit.

We will let the rule stand as proposed with respect to oral argument. Such argument can be very time-consuming and, in the experience of the Commission, often non-productive. We would hope, in the interest of expedition, that oral argument will be the exception rather than the rule.

The "good faith" affidavit is a manifestation of the Commission's interest in assuring meaningful and expeditious discovery. It also conforms to court practice. The provision, accordingly, will remain as proposed.

We are accepting the suggestion as to service on all parties of interrogatories and answers. In addition, we are placing discretionary authority in the presiding officer to limit such service, e.g., with respect to confidential business information or where service would be unduly burdensome.

Section 502.206(b) was proposed to be amended to provide for procedures applicable where answers to interrogatories involve an opinion or contention. No comment was directed to this proposal and we are adopting it as a final rule.

Section 502.206 was proposed to be amended by the addition of a provision for the optional production of business records in answer to interrogatories. No comments were directed to this proposal and we are adopting it as a final rule.

Section 502.207, Production of Documents and Things and Entry Upon Land for Inspection, and other purposes was proposed to be amended in a manner similar to § 502.206, above. Many of the arguments made to that section were repeated here and we believe that we have disposed of them adequately. Our attention has been drawn, however, to an inadvertent omission. The proposal does not provide for enlarging or shortening the time for response to motions for production. We are including this provision in the final rule.

Section 502.208, Requests for Admission, was proposed to be amended in a manner similar to § 502.206. Some of the objections made to that section were repeated here and we believe that we have disposed of them adequately.

Two additional comments were made, however. One commentator questions the Commission's authority to allow costs in circumstances where a party fails to admit the genuineness of a document or truth of a matter and the moving party thereafter proves such genuineness or truth. This provision was not part of the proposed revision and, indeed, has existed in the rules for some time. Accordingly, we will let it stand. Another commentator points out that the terms "pretrial" and "trial" appear in the revision. This, of course, was inadvertent and the terms "prehearing" and "hearing" will appear in the final rule.

Sections 502.210(a) and 502.210(b) were proposed to be amended to provide for sanctions for refusal to make discovery. No comments were directed to these proposals and we are adopting them as final rules.

Section 502.210, Refusal to Make Discovery; Consequences, was proposed to be amended by the addition of a provision that an affected party may seek court enforcement of a discovery order within 15 days of refusal to obey such order, failing which he will be deemed to have waived such right. The amendment also provided for directions by the presiding officer to seek such enforcement.

Objection is made that 15 days is too short a period and we, accordingly, are enlarging the time to 20 days. Objection is also made that the rule apparently does not apply to the Commission. This is erroneous. The provision applies to the Bureau of Hearing Counsel as well as any other "party". We are also eliminating the provision that the presiding officer may direct a party to seek enforcement as being unnecessary.

Section 502.211, Witnesses and Evidence Located in a Foreign Country, was proposed to be amended in a manner similar to § 502.210. The same objections were made to this proposal and we have adequately disposed of them.

A new § 502.243 was proposed to provide for the holding of oral argument where two commissioners specify that they desire to hear same on specific issues. This provoked comment ranging from approval to disapproval. In light of these comments and the fact that oral argument is not a routine matter before this agency, we are discarding this proposal.

A new § 502.244 was proposed to be added providing that a commissioner who is not present at oral argument may participate in the decision unless he elects in writing not to do so. No comments were directed to this proposal and we are adopting it as a final rule.

Sections 502.304 (d) through (g) and 502.312 were proposed to be amended to simplify procedures relating to small claims. No comments were directed to these proposals and we are adopting them as final rules. We are also amending § 502.301 to conform it to amended § 502.304(e).

Two matters remain.

Suggestions have been made for enlarging the time for filing exceptions and replies to initial decision and for filing responses to pleadings. These proposals may well have merit and we will take them under consideration. They are not within the scope of this proceeding, however, and will not be treated here.

Finally, one commentator has expressed concern that the rules may be considered as a limitation on the powers and duties of the presiding officer set forth under § 502.147(a). We intend no such restriction.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 27 and 43 of the Shipping Act, 1916 (46 U.S.C. 826, 841(a)), Part 502 of Title 46, Code of Federal Regulations, is amended as set forth below.

1. Section 502.61 is amended by the addition of the following sentence:

§ 502.61 Proceedings.

* * * In proceedings referred to the Office of Administrative Law Judges, the Commission shall specify a date on or before which hearing shall commence, which date shall be no more than six months from the date of publication in the FEDERAL REGISTER of the Commission's order instituting the proceeding or notice of complaint filed. Hearing dates may be deferred by the presiding judge only to prevent substantial delay, expense, detriment to the public interest or undue prejudice to a party.

2. Section 502.72 is amended by redesignating the current text as paragraph (a) and adding new paragraphs (b) and (c) as follows:

§ 502.72 Petition for intervention.

* * * * * *

(b) Absent good cause shown, any intervener desiring to utilize the procedures provided by Subpart L must commence doing so no later than 15 days after his petition for leave to intervene has been granted. If the petition is filed later than 30 days after the date of publication in the FEDERAL REGISTER of the Commission's order instituting the proceeding or notice of complaint filed, petitioner will be deemed to have waived his right to utilize such procedures unless good cause is shown for the failure to file the petition within the 30-day period; provided, however, the use of Subpart L procedures by an intervener whose petition was filed beyond the 30-day period described above will in no event be allowed if, in the opinion of the presiding officer, such use will result in delaying the proceeding unduly.

(c) If intervention is granted before or at a prehearing conference convened for the purpose of considering matters relating to discovery, the intervener's discovery matters may also be considered.

3. Sections 502.182, 502.183, and 502.184 are revised as follows:

§ 502.182 Complaint and memorandum of facts and arguments.

A complaint filed with the Commission under this subpart shall have attached a memorandum of the facts, subscribed and verified according to § 502.112 (Rule 8(b)), and of arguments separately stated, upon which it relies. The original of each complaint with memorandum shall be accompanied by copies for the Commission's use [Rule 11(b)].

§ 502.183 Respondent's answering memorandum.

Within twenty-five (25) days after date of service of the complaint, unless a shorter period is fixed, each respondent shall, if he consents to the shortened procedure provided in this subpart, serve upon complainant an answering memorandum of the facts, subscribed and verified according to § 502.112 (Rule 8(b)), and of arguments, separately stated, upon which it relies. The original of the answering memorandum shall be accompanied by a certificate of service as provided in § 502.114 of this part and shall be accompanied by copies for the Commission's use. If the respondent does not consent to the proceeding being conducted under the shortened procedure provided in this subpart, the matter will be governed by Subpart E of this part (Rule 5) and the respondent shall file an answer under § 502.64 [Rule 11(c)].

§ 502.184 Complainant's memorandum in reply.

Within fifteen (15) days after the date of service of the answering memorandum prescribed in § 502.183, unless a shorter period is fixed, each complainant may file a memorandum in reply, subscribed and verified according to § 502.112 (Rule 8(b)), served as provided in § 502.114 of this part, and accompanied by copies for the Commission's use. This will close the record for decision unless otherwise determined by the presiding officer [Rule 11(d)].

4. Section 502.201 is amended by deleting the second sentence of paragraph (b)(1) and revising paragraph (b)(2) as follows:

§ 502.201 General.

(b) * * *

(2) Unless otherwise ordered by the presiding officer for good cause shown, the use of the procedures set forth in this subpart shall be completed prior to hearing and shall be commenced no later than 30 days after the date of publication in the FEDERAL REGISTER of the Commission's order instituting the proceeding or notice of complaint filed, or, if the particular discovery is in the nature of a new phase of discovery generated by answers or information obtained through earlier discovery procedures, within 15 days after such answers have been served or such information obtained. Interveners desiring to use any such procedures must comply with the applicable provisions of § 502.72. The presiding officer may at any time order the parties or their attorneys to appear at a conference at which he may direct the proper use of such procedures or the time to be allowed for such use, or make such orders as may be necessary to resolve substantive disputes with respect to discovery, and shall do so whenever he considers it desirable to prevent delay or undue inconvenience.

5. Section 502.204 is amended by the addition of the following new paragraph (h):

§ 502.204 Depositions upon oral examination.

* * * * * *

(h) Any party desiring to take a deposition as provided by this section must comply with the applicable provisions of § 502.201(b)(2).

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6. Section 502.205 is amended by the addition of the following new paragraph (h):

§ 502.205 **Depositions of witnesses upon written interrogations.**

* * * * *

(h) Any party desiring to take a deposition as provided by this section must comply with the applicable provisions of section 502.201(b)(2).

7. In § 502.206, paragraph (a) is amended by deleting the present text following the first sentence and substituting the following; paragraph (b) is amended by adding the following sentence; and paragraph (c) is added to read as follows:

§ 502.206 **Interrogatories to parties.**

(a) * * * Any party desiring to serve interrogatories as provided by this section must comply with the applicable provisions of § 502.201(b)(2) and make service thereof on all parties to the proceeding. Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them. The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, on all parties to the proceeding within 30 days after the service of the interrogatories, unless the presiding officer for good cause shown, enlarges or shortens the time. The presiding officer, for good cause, may limit service of answers. The party submitting the interrogatories may move for an order under § 502.210 or § 502.211 with respect to any objection or to other failure to answer an interrogatory. Unless otherwise ordered by the presiding officer for good cause shown, such a motion shall be filed no later than 15 days after date of service of the answers or objections. Failure to file a timely motion, absent good cause, shall constitute a waiver of the party's right to utilize the provisions of § 502.210 or § 502.211 with respect to the particular answers or objections. Oral argument on answers or objections shall not be heard unless the presiding officer, as a matter of discretion, deems that the matter cannot be decided on the pleadings. No motion described in this paragraph will be entertained unless counsel for the moving party files with the Commission on or before the due date for filing a reply to the motion an affidavit certifying that he has conferred with counsel for the opposing party in an effort in good faith to resolve by agreement the issues raised by the motion without the intervention of the presiding officer and has been unable to reach such agreement. If part of the issues raised by motion have been resolved by agreement, the affidavit shall specify the issues so resolved and the issues remaining unresolved.

(b) * * * An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact, but the presiding officer may order that such an interrogatory need not be answered until after designated discovery has been completed or until a prehearing conference or other later time.

(c) *Option to produce business records.* Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries.

8. Section 502.207 is revised to read as follows:

§ 502.207 **Production of documents and things and entry upon land for inspection and other purposes.**

(a) *Scope.* Any party may serve on any other party a request (1) to produce and permit the party making the request, or someone acting on his behalf, to inspect and copy any designated documents (including writings, drawings, graphs, charts, photographs, phono-records, and other data compilations from which information can be obtained, translated, if necessary, by the respondent through detection devices into reasonably usable form), or to inspect and copy, test, or sample any tangible things which constitute or contain matters within the scope of § 502.201 and which are in the possession, custody or control of the party upon whom the request is served; or (2) to permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of § 502.201.

(b) *Procedure.* The request shall set forth the items to be inspected either by individual item or by category, and describe each item and category with reasonable particularity. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts. The party upon whom the request is served shall serve a written response within 30 days after the service of the request or within such shorter or longer time as the presiding officer may allow. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, in which event the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified. The party submitting the request may move for an order under § 502.210 or § 502.211 with respect to any objection to or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested. Oral argument on responses or objections shall not be heard unless the presiding officer, as a matter of discretion, deems that the matter cannot be decided on the pleadings.

(c) *Time and procedural requirements.* Any party desiring to serve a request as provided by this section must comply with the applicable provisions of § 502.201(b)(2). Any party submitting a request who desires to move for an order under § 502.210 or § 502.211 with respect to any objection to or other failure to respond to the request must file an appropriate motion within 15 days after date of service of the written response. Failure to file a timely motion, absent good cause, shall constitute a waiver of the party's right to utilize the provisions of § 502.210 or § 502.211 with respect to objection to or other failure to respond to the request. Such motion will not be entertained unless counsel for the moving party files with the Commission on or before the due date for filing a reply to the motion an affidavit certifying that he has conferred with counsel for the opposing party in an effort in good faith to resolve by agreement the issues raised by the motion without the intervention of the presiding officer and has been unable to reach such an agreement. If part of the issues raised by motion have been resolved by agreement, the affidavit shall specify the issues so resolved and the issues remaining unresolved.

9. Section 502.208 is revised to read as follows:

§ 502.208 **Requests for Admission.**

(a)(1) A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of § 502.201(c) set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness if any documents described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying. Any party desiring to serve a request as provided by this section must comply with the applicable provisons of § 502.201(b)(2).

(2) Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the presiding officer may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; he may, subject to the provisions of § 502.208(c) deny the matter or set forth reasons why he cannot admit or deny it.

(3) The party who has requested the admissions may move to determine the sufficiency of the answers or objections provided that he files an appropriate motion within 15 days after date of service of such answers or objections. Oral argument on answers or objections shall not be heard unless the presiding officer, as a matter of discretion, deems that the matter cannot be decided on the pleadings. Unless the presiding officer determines that an objection is justified, he shall order that an answer be served. If the presiding officer determines that an answer does not comply with the requirements of this rule, he may order either that the matter is admitted or that an amended answer be served. The presiding officer may, in lieu of these orders, determine that final disposition of the request be made at a prehearing conference or at a designated time prior to hearing.

(b) *Effect of admission.* Any matter admitted under this rule is conclusively established unless the presiding officer on motion permits withdrawal or amendment of the admission. The presiding officer may permit withdrawal or amendment when the presentation of the merits of the action will be subserved thereby and the party who obtained the admission fails to satisfy the presiding officer that withdrawal or amendment will prejudice him in maintaining his action or defense on the merits. Any admission made by a party under this rule is for the purpose of the pending proceeding only and is not an admission by him for any other purpose nor may it be used against him in any other proceeding.

(c) *Expenses on failure to admit.* If a party fails to admit the genuineness of any document or the truth of any matter as requested under § 502.208(a), and if the party requesting the admission thereafter proves the genuineness of the document or the truth of the matter, he may apply to the presiding officer for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees. The presiding officer shall make the order unless he finds that (1) the request was held objectionable pursuant to § 502.208(a), or (2) the admission sought was of no substantial importance, or (3) the party failing to admit had reasonable ground to believe that he might prevail on the matter, or (4) there was other good reason for the failure to admit [Rule 12(h)].

10. In § 502.210, paragraph (a) is amended by the addition of the following sentence; paragraph (b) is revised and paragraph (c) is added to read as follows:

§ 502.210 **Refusal to make discovery: consequences.**

(a) * * * Application for any order made pursuant to this section shall be filed within the time limits and in accordance with the provisions set forth in § 502.206, § 502.207, and § 502.208 where applicable. With respect to depositions, unless otherwise ordered by the presiding officer for good cause shown, application shall be filed within 15 days after deponent's refusal to answer.

(b) Sanctions for failure to comply with order. If a party or an officer or duly authorized agent of a party refuses to obey an order made under paragraph (a) of this section requiring him to answer designated questions or to produce any document or other thing for inspection, copying or photographing or to permit it to be done, the presiding officer may make such orders in regard to the refusal as are just, and among others the following:

(1) An order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;

(3) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any party thereof, or rendering a judgment by default against the disobedient party.

(c) *Enforcement of orders.* In the event of refusal to obey an order made under paragraph (a) of this section the affected party or the commission may apply for enforcement to a district court having jurisdiction of the parties, provided that the affected party seeks court enforcement within 20 days of the date of refusal to obey the order in question. Failure to seek enforcement in timely fashion will result in a waiver of the affected party's rights to enforcement of the subject order.

11. In § 502.211, paragraph (a) is amended by deleting the last sentence and substituting the following sentence and paragraph (b) is redesignated as (c) and a new paragraph (b) added to read as follows:

§ 502.211 **Witnesses and evidence located in a foreign country.**

(a) * * * Application for any order made pursuant to this section shall be filed within the time limits and in accordance with the provisions set forth in §§ 502.206, 502.207 and 502.208 where applicable. With respect to depositions, unless otherwise ordered by the Commission for good cause shown, application shall be filed within 15 days after deponent's refusal to answer.

(b) *Sanctions for failure to comply with order.* In the event of refusal to obey an order of the Commission described in paragraph (a) of this section, the Commission may make such orders or take such actions in regard to the refusal as are just, including the specific sanctions provided in § 502.210(b).

(c) *Enforcement of orders.* Application to a district court for enforcement of an order which relates to persons, documents, or other things located in a foreign country shall be made by the Commission. In the event of refusal to obey an order of the Commission described in paragraph (a) of this section the affected party may request the Commission to seek court enforcement provided that such request is filed with the Commission within 20 days of the date of refusal to obey the order in question. Failure of the affected party to file a timely request with the Commission will result in a waiver of the affected party's rights to enforcement of the subject order.

12. Subpart N is amended by the addition of the following new § 502.243:

§ 502.243 **Participation of absent Commissioner.**

Any Commissioner who is not present at oral argument and who is otherwise authorized to participate in a decision shall participate in making that decision after reading the transcript of oral argument unless he files in writing an election not to participate.

§ 502.301 **[Amended]**

13. Section 502.301 is amended by striking the word "written" in the first sentence.

14. In Section 502.304 paragraphs (d), (e), (f), and (g) are revised to read as follows:

§ 502.304 **Procedures.**

* * * * *

(d) A copy of each claim filed under this subpart, with attachments, shall be served by the Settlement Officer on the carrier involved.

(e) Within twenty-five (25) days from the date of service of the claim, the carrier shall file with the Commission its response to the claim, together with an indication as to whether the informal procedure provided in this subpart is consented to. Failure of the carrier to indicate refusal or consent in its response will be conclusively deemed to indicate such consent. The response shall consist of documents, arguments, legal authorities, or precedents, or any other matters considered by the carrier to be a defense to the claim. The Settlement Officer may

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request the carrier to furnish such further documents or information as he deems necessary, or he may require the claimant to reply to the defenses raised by the carrier.

(f) If the carrier refuses to consent to the claim being informally adjudicated pursuant to this subpart, the claim will be considered a complaint under § 502.311 and will be adjudicated under Subpart T.

(g) Both parties shall promptly be served with the Settlement Officer's decision which shall state the basis upon which the decision was made. This decision shall be final, unless, within fifteen (15) days from the date of service of the decision, the Commission exercises its discretionary right to review the decision.

15. Section 502.312 is revised to read as follows:

§ 502.312 **Answer to complaint.**

The carrier shall file with the Commission an answer within 25 days of service of the complaint and shall serve a copy of said answer upon complainant. The answer shall admit or deny each matter set forth in the complaint. Matters not specifically denied will be deemed admitted. Where matters are urged in defense, the answer shall be accompanied by appropriate affidavits, other documents, and memoranda.

Effective dates: Inasmuch as the expeditious adoption of these rules is desirable and inasmuch as they are procedural in nature, they shall be effective September 16, 1974, and shall be applicable to proceedings instituted on and after that date.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.74-21354 Filed 9-13-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19356; FCC 74-914]

PART 0—COMMISSION ORGANIZATION

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Low Power Communication Devices

ORDER RE STAY

In the matter of amendment of Part 0 and 2 of the rules relating to equipment authorization of RF devices.

1. On February 6, 1974, the Commission adopted a report and order in this proceeding, which in paragraph 51[1] thereof, ordered that bilateral certification[2] for low power communication devices shall become effective on September 1, 1974.

2. It was the Commission's intention that during the period February 6, 1974 to September 1, 1974, Part 15 would be revised to set out in detail the information to be submitted when applying for certification for a low power communication device. Although work on this revision was started shortly after February 6, 1974, the pressure of other matters makes it impossible to complete this revision prior to September 1, 1974. Under these circumstances, since the information that the Commission will require to make the necessary determination has not been published, it is necessary to stay the effective date when bilateral certification will be required.

3. *It is ordered, therefore,* That the date September 1, 1974 specified in paragraph 51 of the Report and Order in Docket No. 19356 be stayed for a period of six months, or such earlier date as may be specified in the Order that revises Part 15.

Adopted: August 28, 1974.

Released: September 4, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.74-21315 Filed 9-13-74;8:45 am]

[1] Paragraph 51 of the Report and Order reads

"51. It is ordered further, that the requirement for bilateral certification of low power communication devices, which have heretofore been subject to self certification, shall become effective on September 1, 1974."

[2] Bilateral certification is a procedure under which an application requesting certification is filed with the Commission. In response to such an application, the Commission issues a Grant of Certification, if it finds that the equipment can be expected to comply with its technical specifications.

[3] Commissioners Lee, Reid and Washburn absent.

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1195]

PART 1033—CAR SERVICE

St. Louis Southwestern Railway Company Ordered To Operate Trains of National Railroad Passenger Corporation (Amtrak)

SEPTEMBER 10, 1974.

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 8th day of September, 1974.

It appearing, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between St. Louis, Missouri, and Laredo, Texas; that the operation of these trains requires the use of the Missouri Pacific Railroad Company (MP) between St. Louis, Missouri, and Texarkana, Arkansas-Texas, for interchange with the lines of The Texas and Pacific Railway Company (T&P); that, because of a derailment on its line at Arkadelphia, Arkansas, on September 8, 1974, the MP is unable to operate Amtrak trains to and from Texarkana; that a detour route is available between Little Rock, Arkansas, and Texarkana via the MP between Little Rock and Pine Bluff, Arkansas, thence via the St. Louis Southwestern Railway Company (SSW) between Pine Bluff and Texarkana; that the SSW is unwilling to accept these Amtrak trains for movements between the MP and the T&P; that the failure to operate these trains intact between St. Louis and Laredo via their regular routes to the greatest extent practicable over their entire routes would force the public to find alternative methods of transportation requiring greater expenditures of energy, thus creating an emergency and that operation of the aforementioned Amtrak trains over tracks of the MP between St. Louis and Pine Bluff, thence over the tracks of the SSW between Pine Bluff and Texarkana for interchange with the T&P is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033 Service Order No. 1195.

(a) *St. Louis Southwestern Railway Company ordered to operate trains of National Railroad Passenger Corporation (Amtrak).* The St. Louis Southwestern Railway Company (SSW) be, and it is hereby, ordered to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with the Missouri Pacific Railroad Company (MP) at Pine Bluff, Arkansas, and a connection with The Texas and Pacific Railway Company (T&P) at Texarkana, Arkansas-Texas.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Effective date.* This order shall become effective at 9 p.m., September 8, 1974.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., September 9, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(45 U.S.C. (562))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21356 Filed 9-13-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 6]

AIR COMMERCE REGULATIONS

Proposed Revocation of International Airport Status of San Diego International Airport (Lindbergh Field) Rescinded

On October 3, 1973, a notice of a proposed amendment to the Customs Regulations providing for the revocation of the international airport status of San Diego International Airport (Lindbergh Field) was published in the FEDERAL REGISTER (38 FR 27404). This proposed change was prompted by the requests of various aviation interests in the San Diego area that other airfields in that area, particularly Brown Field, be allowed to accommodate light, private aircraft and other general aviation arriving from Mexico.

However, based upon the response to the proposed amendment, it has been determined that the public interest would not be served by proceeding with the proposed revocation at this time.

Accordingly, the notice is hereby rescinded.

[SEAL] G. R. DICKERSON, *Acting Commissioner of Customs.*

Approved: September 9, 1974.

DAVID R. MACDONALD *Assistant Secretary of the Treasury.*

[FR Doc.74-21353 Filed 9-13-74;8:45 am]

[19 CFR Part 151]

EXAMINATION, SAMPLING, AND TESTING OF MERCHANDISE

Proposed Amendment of the Customs Regulations Relating to the Documents To Be Filed With the Entry of Wool or Hair

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), and section 624, 46 Stat. 759 (19 U.S.C. 1624), it is proposed to amend §§ 151.64, 151.71(b), and 151.72(b) of the Customs Regulations (19 CFR 151.64, 151.71(b), 151.72(b)) to require the name and address of the importer of wool or hair to be provided by the importer on Customs Form 6451, Notice of Percentage Clean Yield and Grade of Wool or Hair, with the entry of wool or hair. The amendments further provide for the subsequent use of that form by Customs to notify the importer of the percentage clean yield and grade of the wool or hair. In those cases where a laboratory analysis of the importation of wool or hair has been made and the district director has received a copy of the Laboratory Report, Customs Form 6415, the proposed amendments provide that a copy of the report shall accompany the notification to the importer.

It is believed that requiring the importer to submit his name and address on Customs Form 6451 with each entry of wool or hair will expedite the return of the form notifying the importer of the percentage of clean yield and grade of the wool or hair.

Accordingly, it is proposed to amend Part 151 of the Customs Regulations (19 CFR Part 151) in the following manner:

It is proposed to amend § 151.64, including the heading thereof, to read as follows:

§ 151.64 **Additional documents.**

(a) *Notice of Percentage Clean Yield and Grade of Wool or Hair.* Customs Form 6451, Notice of Percentage Clean Yield and Grade of Wool or Hair, containing the name and address of the importer, shall be filed in duplicate with each entry covering wool or hair.

(b) *Extra copy of entry.* One copy of each entry covering wool or hair subject to duty at a rate per clean pound shall be filed in addition to the copies otherwise required.

It is also proposed to amend paragraph (b) of § 151.71 to read as follows:

§ 151.71 **Laboratory testing for clean yield.**

* * * * * *

(b) *Notification to importer.* The district director shall promptly notify the importer by mail on Customs Form 6451, Notice of Percentage Clean Yield and Grade of Wool or Hair, of the percentage clean yield found by him. Where samples of wool or hair have been tested in a Customs laboratory and the district director has received a copy of the Laboratory Report, Customs Form 6415, a copy of that report shall accompany the notification to the importer.

* * * * *

It is also proposed to amend paragraph (b) of § 151.72 to read as follows:

§ 151.72 **Estimation of clean yield by nonlaboratory method.**

* * * * * *

(b) *Notification to importer.* The district director shall promptly notify the importer by mail on Customs Form 6451, Notice of Percentage Clean Yield and Grade of Wool or Hair, of the percentage clean yield estimated by the appropriate Customs officer.

* * * * *

Prior to the adoption of the proposed amendments, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than October 16, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE, *Commissioner of Customs.*

Approved: September 9, 1974.

DAVID R. MACDONALD, *Assistant Secretary of the Treasury.*

[FR Doc.74-21352 Filed 9-13-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

HANDLING OF ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

Expenses and Fixing of Rate of Assessment for the 1974–75 Fiscal Period and Carryover of Unexpended Funds

This notice invites written comment relative to the proposed expenses of $680,000 and rate of assessment of $0.045 per 7/10-bushel carton or equivalent quantity of oranges and grapefruit to support the activities of the Texas Valley Citrus Committee for the 1974–75 fiscal period under Marketing Order No. 906.

Consideration is being given to the following proposals submitted by the Texas Valley Citrus Committee, established pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee during the period August 1, 1974, through July 31, 1975, will amount to $680,000.

(2) That there be fixed at $0.045 per 7/10-bushel carton or equivalent quantity

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of oranges and grapefruit the rate of assessment payable by each handler in accordance with § 906.34 of the aforesaid marketing agreement and order.

(3) That unexpended assessment funds in excess of expenses incurred during the fiscal period ended July 31, 1974, be carried over as a reserve in accordance with § 906.35 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 1, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 10, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21295 Filed 9-13-74;8:45 am]

Food and Nutrition Service

[7 CFR Part 271]

[Amdt. No. 34]

FOOD STAMP PROGRAM

Eligibility of Households for Participation

Pursuant to the authority contained in the Food Stamp Act of 1964, as amended (78 Stat. 703, as amended; 7 U.S.C. 2011-2026), notice is hereby given that Food and Nutrition Service, Department of Agriculture, intends to amend Part 271 of its regulations governing eligibility of households for participation in the Food Stamp Program (7 CFR 271). The proposed amendment would make ineligible an individual who: (1) is at least 18 years old; (2) is enrolled in an institution of higher education; and (3) is a properly claimed tax dependent of a person who is not a member of an eligible household. Only the individual would be ineligible; the remainder of the household in which he resides may participate in the Food Stamp Program, if otherwise eligible. In addition, the individual would have an opportunity to demonstrate that he is not a "properly claimed" tax dependent and, therefore, may be eligible.

Interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to P. Royal Shipp, Acting Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250 not later than October 16, 1974. All comments, suggestions, or objections received by this date will be considered before the final regulation is issued.

Comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Director during regular business hours (8:30 a.m.-5 p.m.) at 500 12th Street SW., Washington, D.C., Room 650.

The proposed revision is:

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

§ 271.3 is amended to add a new paragraph (e) reading as follows:

§ 271.3 Household eligibility.

* * * * *

(e) *Tax dependency.* (1) No individual shall be considered a household member for Food Stamp Program purposes if such individual: (i) has reached his 18th birthday; (ii) is enrolled in an institution of higher education; and (iii) is properly claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household.

(2) *Definitions.* For the purpose of this paragraph, the following definitions shall apply:

(i) "Institution of higher education" means an institution providing post-high school education including, but not limited to, colleges, universities, and vocational and technical schools at the post-high school level.

(ii) "Properly claimed" means that the dependent child is claimed by a taxpayer who provides such child with more than half of his or her support during the calendar year in which the taxable year of the taxpayer begins.

(iii) "Eligible household" means a household certified as being eligible for participation in the Food Stamp Program or Food Distribution Program; or one which can demonstrate that it would be eligible to participate in the Food Stamp Program based on the income and resource standards applicable to nonassistance households.

(3) Notwithstanding any other provisions of this subchapter, the income and resources of an individual who is not considered a household member under paragraph (e)(1) above and who resides with eligible household members or elderly persons, shall not be considered available to the household members or elderly persons, nor shall his presence be considered in determining the household coupon allotment.

(4) Notwithstanding any other provision of this subchapter, verification of whether or not the household of the taxpayer is an eligible household will be required for all applicant households containing a tax dependent meeting the criteria in paragraph (e)(1) (i) and (ii) above. In addition, verification of the tax dependency status of a member or members of an applicant household will be required whenever such status is questionable. Because the household of the taxpayer is ordinarily the best source of this information, the failure of the taxpayer to respond to the request for verification will be grounds for considering the tax dependent as not being a household member, although the remainder of the household in which the tax dependent resides may be certified, if otherwise eligible. However, the tax dependent shall, through the fair hearing procedures under § 271.1(o), have an opportunity to demonstrate that he is not properly claimed and may, therefore, be eligible to participate as a household member.

(78 Stat. 703, as amended; 7 U.S.C. 2011-2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

RICHARD L. FELTNER,
Assistant Secretary.

SEPTEMBER 11, 1974.

[FR Doc.74-21346 Filed 9-13-74;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONY

Guaranteed Loan Program

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.) REA proposes to issue a new REA Bulletin 320-22, Guarantee of Loans for Telephone Facilities. The purpose of this bulletin is to set forth REA policies and requirements concerning the guaranteeing, under section 306 of the Rural Electrification Act, of loans made by legally organized lending agencies to finance rural telephone facilities.

Interested persons may submit written data, views or comments to the Assistant Administrator-Telephone, Rural Electrification Administration, Room 4048, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before October 16, 1974. All written submissions made pursuant to this notice will be made available for public inspection by the Assistant Administrator-Telephone.

The text of the proposed REA Bulletin 320-22 is as follows:

REA BULLETIN 320-22

SUBJECT: GUARANTEE OF LOANS FOR TELEPHONE FACILITIES

I. *Purpose.* The purpose of this Bulletin is to set forth Rural Electrification Administration policies and requirements concerning the guaranteeing under section 306 of the Rural Electrification Act, as amended, "the RE Act," of loans made by legally organized lending agencies for the purpose of financing telephone facilities.

II. *Policy.* A. It is the policy of REA to consider guaranteeing loans in accordance with the provisions of "the RE Act" and this Bulletin, in order to facilitate the obtaining of major telephone loans from non-REA and non-Rural Telephone Bank sources by applicants having a reported net worth in excess of 20 percentum of assets.

B. A major telephone loan is a loan requiring over four million dollars or such other sum as may be determined from time to time by the Administrator.

C. Consideration of the guaranteeing of a loan where the above criteria are not met is not precluded if the applicant requests a loan guarantee.

D. The Administrator will consider guaranteeing a major telephone loan if such a loan could have been made by REA or RTB in conformity with all REA Bulletins applicable to such a loan, except that new equity funds will not be required unless REA determines that special circumstances warrant such a requirement.

E. Any loan guaranteed will be guaranteed in the full amount thereof.

F. Loan guarantees will be considered on a case-by-case basis for loans made by the Federal Financing Bank or any other legally organized lending agency which the Administrator determines to be qualified to make, hold and service the particular loan.

G. In view of the Government's full faith and credit 100 percent guarantee of any loan, only REA will obtain mortgage security on account of the guaranteed loan.

H. The applicable mortgage provision will be modified to exclude any unadvanced portion of the guaranteed loan in calculating the allowable payment of dividends.

I. The repayment period for each advance on a guaranteed loan will not exceed 35 years. Interest will be payable as it accrues and principal will be amortized as set forth in the note evidencing the loan.

J. No loan shall be guaranteed if the income from such loan or the income from obligations issued by the holder of such loan is excluded from gross income for the purposes of Chapter I of the Internal Revenue Code of 1954.

III. *Development of Guaranteed Loan Project.* A. Preloan procedures pertaining to REA loans for telephone facilities will be followed in developing a project to be financed by a loan made by a legally organized lending agency and guaranteed by the Administrator. The borrower will be responsible for developing the application and supporting data.

B. After REA has reviewed an application and determined that it will consider guaranteeing a loan for the proposed project, it will publish a notice in the FEDERAL REGISTER. The notice will include a description of the proposed project, the estimated total cost, the estimated amount of the guaranteed loan, a statement that the Federal Financing Bank has a standing loan commitment agreement with the Rural Electrification Administration and the name and address of the applicant to which financing proposals may be submitted.

C. The applicant will be responsible for evaluating all proposals and furnishing REA with a report on the evaluations and its choice of proposals.

IV. *Contract of Guarantee.* A. If REA is satisfied with the engineering and economic feasibility of the project and approves the borrower's choice of proposal, subject to the submission of a satisfactory lending agreement and other pertinent terms and conditions, REA will prepare a contract of guarantee to be executed by the borrower, the lender, and REA within a specified time.

B. The lender shall have the right to examine the borrower's application and supporting data submitted to REA in support of its request for financial assistance.

C. The contract of guarantee will require the lender to service the loan. Required servicing will include:

1. Determining that all prerequisites to each advance of loan funds by the lender under the terms of the Lending Agreement, Contract of Guarantee, and related security instruments have been fulfilled. Such determinations may be met by obtaining REA approval of each advance.

2. Billing and collecting loan payments from the borrower.

3. Notifying the Administrator promptly of any payment in default 30 days and submitting a report, as soon as possible thereafter, setting forth its views as to the reasons for the default, how long it expects the borrower will be in default, and what corrective actions the borrower states it is taking to achieve a current debt service position.

4. Notifying the Administrator of any known violations or defaults by the borrower under the Lending Agreement, Contract of Guarantee, or related security instruments, or conditions of which the lender is aware which might lead to nonpayment, violation or other default.

V. *Payments Under the Contract of Guarantee.* A. Upon receipt of the reports required in paragraph IV. C. 3. above, REA will pay the lender the amount in default with interest to the date of payment.

B. When REA has made a payment under a contract of guarantee, it will establish in its accounts the amount of the payment as due and payable from the borrower, with interest at the rate of interest specified in the lending agreement.

C. REA will work with the borrower and the lender in an effort to eliminate the borrower's default as soon as possible. REA may also proceed to act under other remedies available under its security instruments.

VI. *Pledging of Contract of Guarantee.* Subject to applicable law, REA will consider, on a case-by-case basis, permitting pledging of the contract of guarantee in order to facilitate the obtaining of funds by the lending agency to make the guaranteed loan.

Dated: September 11, 1974.

DAVID HAMIL,
Administrator.

[FR Doc.74-21344 Filed 9-13-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

LABELING

Failure To Reveal Material Facts

In October 1971 a group of physicians petitioned the Food and Drug Administration to withdraw or modify its requirement that the labeling for oral hypoglycemic drugs used in the treatment of adult onset diabetes contain a warning against cardiovascular consequences associated with their use. It was the position of the petitioners that the proposed warning was unjustified and that, if any warning were required, it should appear together with a statement of the difference of opinion among experts concerning the necessity for the label warning in order to achieve "fair balance."

The Commissioner of Food and Drugs denied the petition in a detailed response and required manufacturers to revise the labeling for these drugs to include the warning. It was the position of FDA that an unencumbered and undiluted label statement was fully justified since there was significant clinical evidence to support the warning and the petitioners had not presented sufficient evidence to disprove the need for the warning.

The petitioners then brought suit in the District Court in Massachusetts to enjoin the labeling change. The petitioners argued that, without a statement of the difference of medical opinion with respect to the need for or basis of the warning, the proposed label would render the drug misbranded within the meaning of 21 U.S.C. 321(n), and 21 CFR 1.3 promulgated thereunder, and 21 U.S.C. 352(a). The Food and Drug Administration contended that, since substantial evidence rather than medical opinion is required to establish the effectiveness of drugs and assure their truthful labeling, the type of labeling suggested by the petitioners would be misleading. The District Court entered a preliminary injunction prohibiting the Food and Drug Administration from requiring the label warning. It held that there was a reasonable likelihood that the labels proposed by FDA did not comply with 21 U.S.C. 321(n), 21 U.S.C. 352(a), and 21 CFR 1.3. The Government appealed this decision.

On July 31, 1973, the United States Court of Appeals for the First Circuit vacated the District Court's injunction. Bradley v. Weinberger, 483 F. 2d 410 (1st Cir., 1973). In its opinion, the Court of Appeals noted an apparent inconsistency between 21 CFR 1.3 and the substantial evidence requirements added to the Federal Food, Drug, and Cosmetic Act by the Drug Amendments of 1962. The Court held that, although the petitioners had relied upon the general concept of "fair balance" before the Commissioner at the administrative level, the question of the impact of 21 U.S.C. 321(n), 21 U.S.C. 352(a), and 21 CFR 1.3 on the issue had been raised only before the District Court and the Commissioner had no opportunity to consider these matters. The Court concluded that the administrative process had been "working well", and therefore the case should be remanded to the Food and Drug Administration for its further determination:

* * * as the Supreme Court has very recently noted in similarly resolving a closely analogous case, the interpretation of even definitional sections in the drug law will often involve expert knowledge and the ability to evaluate the scientific evidence that becomes relevant. Weinberger 1. Bentex Pharmaceuticals, Inc. [412 U.S. 645]. Moreover, we have here not only novel issues concerning the interpretation of the statute, which the specialized enforcement agency should first undertake, but also unprecedented inquiries as to the meaning of the agency's own regulations.

The Commissioner has therefore concluded that § 1.3 should be reviewed and revised to reflect current requirements of the law.

LEGISLATIVE HISTORY OF SECTION 201(n) OF THE ACT

Section 201(n) of the act provides:

If an article is alleged to be misbranded because the labeling is misleading, then in determining whether the labeling is misleading there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, or any combination thereof, but also the extent to which the labeling fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling relates under the conditions of use prescribed in the labeling thereof or under such conditions of use as are customary or usual.

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This provision was added to the act just prior to congressional passage. None of the earlier proposed drafts contained any similar provision in the definitions section of the act. However, the first congressional bills did contain, in conjunction with the prohibition against false or misleading labeling, a proviso that, if a labeling representation was supported by "substantial medical opinion," the article would not be deemed to be misbranded. (See sec. 6 of S. 2000, 73d Cong., 2d sess., 1934, and S. 2800, 73d Cong., 2d sess., 1934.) This proviso language reflected the prevailing state of the art of medical determinations at that time (1933–1938).

When subsequent draft bills separated the misbranding sections for foods and drugs, a nearly identical proviso concerning "substantial medical opinion" was retained in the provisions relating to misbranded drugs. (See sec. 402 of S. 5, 74th Cong., 1st sess., 1935.) Similar language continued as part of the proposed prohibition against false or misleading labeling for drugs and devices until late 1937. (See sec. 17 of S. 5, as amended, 75th Cong., 1st sess., 1937.) In August 1937, a subcommittee of the House Interstate and Foreign Commerce Committee reported out its version of the bill, recommending that the first subsection of the drug misbranding provisions state, without proviso, that a drug or device is misbranded if its labeling is false or misleading in any particular and that a separate section be added to deal with material omissions of fact. In April 1938 this new version of the bill was reported out of the full House Interstate and Foreign Commerce Committee without changing these provisions. The report on the bill stated succinctly the relationship of section 201(n) to section 502(a):

> Section 502 defines misbranded drugs and devices.* * * This provision differs from that of the Senate bill (sec. 17(a)), in that it omits the exploratory sentence: "Any representation concerning the effect of a drug or a device shall be deemed to be false and misleading under this paragraph if such representation is not supported by persons who, by reason of scientific training and experience, are qualified as experts on the subject to which such representation relates."

It was felt that if a nostrum maker were able to obtain two or more persons who could qualify as experts and would testify in support of the label claims, the Government's case would be lost despite the fact that every competent expert in the country would unqualifiedly declare the claims to be false. The committee therefore substituted for this provision section 201(n).

This section is also offered as a solution to a difficult legal problem. It is a well-known principle of law that a statute providing punishment for the commission of an offense must describe the offense with a reasonable degree of certainty. There are clear implications in cases arising under the old Food and Drugs Act and other laws that Congress may not, by a simple and unqualified prohibition against misleading representation, penalize the making of a representation of therapeutic effect regarding the truth of which expert opinion differs (Seven Cases v. United States, 239 U.S. 510; United States v. Johnson, 221 U.S. 488; American School of Magnetic Healing v. McAnnulty, 187 U.S. 94).

The reason for this limitation on the power of Congress is apparent. Whether the labeling of an article would be misleading and the product be thus misbranded would depend in a prosecution on whether the jury found it to be misleading.

If the Congress were to provide that a representation, about the correctness of which qualified opinion differed, would be misleading if the jury agreed with the experts holding one view but not misleading if the jury agreed with the experts holding the other view, it is apparent that the manufacturer would be unable to tell in advance whether his labeling violated the statute. There would therefore exist the kind of uncertainty which would invalidate the statute. But it is undesirable to permit misleading claims to be made simply because a few experts can be found on the occasion of a trial to support them.

One of the important applications of section 201(n) relates to this problem. If only a few experts regard a label statement of curative value as true but the great body of qualified experts in that particular field regard the statement as untrue, then there may be substantial ground for concluding that the curative claim is misleading unless it is qualified in such a way as to show the existence of conflicting opinion as to its truth. Certainly a consumer seeking a remedy for a disease condition has the right to know, when it is a fact, that the representations of curative value have only a narrow and limited support; and if the labeling fails to reveal that fact, which is a material fact in the light of the representations made, then the labeling may be regarded as misleading. However, the misleading character of the label may be corrected by an appropriate qualifying statement revealing this material fact.

In such circumstances, therefore, the manufacturer can easily ascertain by consulting qualified experts in the field whether there is a material weight of opinion contrary to claims he desires to make, and there would exist no uncertainty of the kind that would invalidate the statute. (H. Rept. 2139, 75th Cong., 3d sess., at 7, 8 (1938).) Sections 201(n) and 502(a) of the act were adopted by Congress as reported (H. Rept. 2716, 75th Cong., 3d sess. (1938)) and have not since been amended.

This legislative history reveals that one of the purposes of section 201(n) was to determine the circumstances under which drugs and devices would be regarded as misbranded under section 502(a) of the act because of claims of effectiveness, using the best standard then existing—expert medical opinion. At no time did Congress consider the principles of section 201(n) in conjunction with the drug warning or new drug provisions of the act, nor did it consider the use of controlled clinical studies to determine safety and effectiveness, since such studies were not widely known or accepted at that time.

Promulgation of 21 CFR 1.3

Soon after the enactment in 1938 of the Federal Food, Drug, and Cosmetic Act, the Secretary of Agriculture (at that time charged with the enforcement of the act) published in the Federal Register of December 28, 1938 (3 FR 3161), the regulation that is now codified as § 1.3 (21 CFR 1.3):

> The existence of a difference of opinion, among experts qualified by scientific training and experience, as to the truth of a representation made or suggested in the labeling is a fact (among other facts) the failure to reveal which may render the labeling misleading, if there is a material weight of opinion contrary to such representation.

This regulation was first codified under 21 CFR 2.3 in the Cumulative Supplement to the Code of Federal Regulations, published in 1944. It was republished, unchanged, in the Federal Register of December 20, 1955 (20 FR 9525, 9526) under 21 CFR 1.3, and has not since been changed.

Legislative History of Section 502(f) of the Act

Section 502(f) of the act provides that a drug shall be deemed to be misbranded:

> Unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users: *Provided*, That where any requirement of clause (1) of this paragraph, as applied to any drug or device, is not necessary for the protection of the public health, the Secretary shall promulgate regulations exempting such drug or device from such requirement.

Similarly, section 505 of the act provides that a new drug may not be approved for marketing if it is unsafe or ineffective for use under the conditions of use set out in the labeling.

The requirement of adequate label directions for use of a drug was included when the first legislation to replace the Federal Food and Drugs Act of 1906 was introduced (sec. 8(d) of S. 1944, 73d Cong., 1st sess. (1933)), and remained in the legislation until enactment in 1938. The related requirement of adequate warnings against misuse of a drug was added in a version of the bill introduced in 1934 (sec. 8(e) of S. 2000, 73d Cong., 2d sess. (1934)), and similarly remained in the legislation until enactment. The new drug provisions of the law in section 505 of the act, which were added to the legislation as a result of the elixir of sulfanilomide tragedy in late 1937, simply incorporate the basic requirements for adequate directions and warnings in drug labeling.

Although there was extensive congressional discussion and debate on the requirements for adequate directions and warnings, there was no suggestion whatever that differing medical opinions about them might be required to be reflected in the labeling. Indeed, from the beginning the legislation required warnings where the drug "may" be dangerous to health. It was nowhere suggested that there be proof of a health hazard before a warning could be required or that, absent such proof, any warning describe varying opinions as to the degree of hazard involved. In the Senate debate on the legislation in March 1937, a proposed amendment to delete the requirement of warnings was defeated after it was pointed out that affirmative warnings are necessary in addition to directions for use, and that such warnings must vary depending upon what is known about the individual drug.

The fact that the final statute requires a label warning where the drug "may" be dangerous to health is particularly significant. The act of 1906 had prohibited from food added poisonous or deleterious substances which "may" be injurious to health, and the Supreme Court had very broadly interpreted this standard in United States v. Lexington Mill & Elevator Co., 232 U.S. 399 (1914):

> The statute upon its face shows that the primary purpose of Congress was to prevent injury to the public health * * * It is not required that the article of food containing added poisonous or other added deleterious ingredients must affect the public health, and it is not incumbent upon the Government in order to make out a case to establish that fact. The act has placed upon the government the burden of establishing, in order to secure a verdict of condemnation under this statute, that the added poisonous or deleterious substances must be such as may render such article injurious to health. The word "may" is here used in its ordinary and usual signification, there being nothing to show the intention of Congress to affix to it any other meaning. It is, says Webster, "an auxiliary verb, qualifying the meaning of another verb, by expressing ability, * * * contingency or liability, or possibility or probability."

Congress specifically retained the same word "may" in the food provisions of the 1938 law in order to incorporate the meaning given to it by the Supreme Court in the Lexington Mill case. It is evident that the same construction properly applies to the term as used in relation to warnings of danger as required by section 502(f) of the act. Accordingly, since the word "may" is recognized as incorporating the notion of contingency, and thus the possibility that there is neither unqualified nor universal agreement among experts, the provision for drug warnings cannot plausibly be interpreted as including the additional requirement that medical controversy surrounding a warning be specifically noted.

This has been the consistent administrative interpretation and application of section 502(f) and the related provisions of section 505 since their enactment in 1938.

Beginning shortly after enactment of the 1938 act, the Food and Drug Administration promulgated regulations to implement section 502(f). These regulations are presently codified in 21 CFR 1.106 and 21 CFR Part 369. At no time have these regulations permitted a discussion in drug labeling about medical controversy with respect to a warning. Similarly, § 1.3 has never included a provision relative to drug warnings.

Warnings have been required on drug labels by the Food and Drug Administration when there is significant medical evidence of a possible health hazard, without waiting for a causal relationship to be established by definitive studies which, in some instances, may not be feasible or would take many years. In this way, physicians are fully apprised of known potential dangers, and the public more adequately protected. Similarly, the warnings have been required in clear and unambiguous terms, without disclaimers or qualifications that would undermine or destroy their meaning and usefulness. Drug warnings, by their very nature, warn only about possible danger. Although they are often the subject of intense debate, the Food and Drug Administration has never permitted drug labeling to reflect such debate. That debate and disagreement is properly the subject of scientific discussions in professional journals and symposia, but not in drug labeling. As long as the statutory standard of potential danger is present, the warning must set it forth in clear, concise, and unambiguous terms.

A prescription drug label warning is only for the guidance of a physician. There is no legal requirement that it be followed. A physician does not violate Federal law when he prescribes a drug contrary to a warning in its approved labeling. The position of the Food and Drug Administration on this matter has previously been discussed in the preamble to a proposed regulation on the legal status of drug labeling, published in the Federal Register of August 15, 1972 (37 FR 16503).

Legislative History of the Drug Amendments of 1962

Although in the earlier part of this century there were occasional calls for more scientifically acceptable methods of clinical evaluation of drugs than mere professional opinion and judgment, development of the principles of the controlled clinical trial did not gain impetus until after enactment of the 1938 act. It is readily apparent from the legislative history of section 201(n) of the act that these principles were simply unknown to Congress during the period that the 1938 act was under consideration. The prevailing standard to determine drug effectiveness and truthful labeling at that time was the personal judgment of recognized medical experts. The only way to satisfy that standard when there were differences of opinion on drug effectiveness among such experts was to state both sides of the issue in the labeling.

By 1960, however, the scientific principles of modern drug testing, using statistically valid controlled studies, had become fully developed and accepted. In 1962, Congress amended the act to require that drug effectiveness, and thus the truthfulness of drug labeling claims, be determined by adequate and well-controlled investigations, including clinical investigations, by qualified experts.

The purpose of the congressional requirement of scientific studies was to eliminate individual clinical observation and opinion as the measure of a drug's effectiveness. The statutory insistence upon substantiation of drug claims by rigorous scientific evidence was the product of careful study and uncontradicted testimony in congressional hearings by many of the nation's leading experts on clinical pharmacology, by prominent medical educators, and by representatives of the drug industry. Pertinent excerpts from the legislative history and from leading medical authorities on the need for scientific testing are on public display in the office of the Hearing Clerk.

The experts explained to Congress in detail the need for controlled clinical testing and the difference between the validity of such scientific procedures and the unreliability of the opinion about therapeutic effectiveness expressed by individual practitioners. As the Supreme Court has recently stated in Weinberger v. Hynson, Westcott and Dunning, Inc., 412 U.S. 609 (1973):

> * * * strict and demanding standards, barring anecdotal evidence indicating that doctors "believe" in the efficacy of a drug, are amply justified by the legislative history. The hearings underlying the 1962 Act show a marked concern that impressions or beliefs of physicians, no matter how fervently believed, are treacherous. * * * The Senate Report makes clear that an abrupt departure was being taken from old norms for marketing goods. * * * The legislative history of the Act indicates that the test was to be a rigorous one. The "substantial evidence" requirement reflects the conclusion of Congress, based upon hearings, that clinical impressions of practicing physicians and poorly controlled experiments do not constitute an adequate basis for establishing efficacy.

The opinions of individual physicians reflecting their personal experience, based as they are on drug use by and popularity among physicians, empirical observation, and traditional practice, do not satisfy the requirements of sound scientific investigation and thus do not conform to the standards established by the Drug Amendments of 1962. Hynson Weşcott and Dunning, Inc. v. Weinberger, supra; Upjohn Co. v. Finch, 422 F. 2d 944 (6th Cir., 1970); American Cyanamid Co. v. Richardson, 456 F. 2d 563 (1st Cir., 1971); Pfizer, Inc. v. Richardson, 434 F. 2d 536 (2d Cir., 1970); Ciba-Geigy Corp. v. Richardson, 446 F. 2d 466 (2d Cir., 1971); Pharmaceutical Manufacturers Association v. Richardson, 318 F. Supp. 301 (D. Del. 1970).

A review of the legislative history of the Drug Amendments of 1962 discloses

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that, in requiring that new drug effectiveness be established by scientific studies, Congress clearly intended to supersede the earlier reliance on medical opinion, as reflected in § 1.3. Thus, to that extent, § 1.3 requires amendment to reflect the new statutory standard.

It is equally apparent that the Drug Amendments of 1962 do not in any way conflict with section 201(n) of the act. Section 201(n) does not specifically refer to differences of opinion, or to resolving differences of medical opinion by drug labeling. Although the legislative history reveals that this was one of the intended applications of section 201(n), it was certainly not the only application intended for this provision of the law. Section 201(n) requires affirmative disclosure of material facts in the labeling of food, devices, and cosmetics, as well as drugs, whenever that labeling might otherwise be misleading. Accordingly, the changes in the statute contained in the Drug Amendments of 1962 are entirely consistent with the general principle of law set forth in section 201(n) of the act.

THE "FAIR BALANCE" ISSUE

The petitioners in the Bradley case contended that the concept of "fair balance" requires that drug labeling contain a statement of differing medical opinions. The phrase "fair balance" is found only in the regulations concerning prescription drug advertising, 21 CFR 1.105(e) (5)(ii), (6), and (7). These regulations state that an advertisement is not a "true statement" of information relating to side effects, contraindications and effectiveness if such advertising fails to present such information in a balanced manner, i.e., comparable in depth, detail, prominence, etc. They neither require nor permit drug advertising to contain a "fair balance" among conflicting medical opinions.

Although section 502(n) and § 1.105 are by their terms applicable only to prescription drug advertising and not to labeling, the concept of "fair balance" is of course also embodied in section 502 (a) and § 1.106, which govern prescription drug labeling. In the FEDERAL REGISTER of March 7, 1974 (39 FR 8946) the Commissioner announced the availability of a draft of proposed new regulations governing the format and content of prescription drug labeling. This proposal, which will be published in the FEDERAL REGISTER for public comment in the near future, will implement "fair balance" for prescription drug labeling in the same way that § 1.105 does for prescription drug advertising. In both instances, the required balance relates to the format for presentation of the safety and effectiveness information about the drug, not to differences of judgment about that information.

PROPOSED REVISION OF 21 CFR 1.3

This review demonstrates that 21 CFR 1.3 is inconsistent with relevant statutory requirements and contemporary medical and scientific principles. The Commissioner has concluded that the use of medical opinion in product labeling must be limited and particularized accordingly.

Congress has determined that the effectiveness of new drugs and new animal drugs must be established by substantial evidence. Thus, a difference of medical opinion with respect to a labeling claim of effectiveness for these products is legally insufficient and is not a material fact, within the meaning of section 201(n) of the act, unless such opinion is itself supported by evidence which meets the statutory standard.

A statement of a difference of medical opinion is no less inconsistent with the misbranding provisions of the act applicable to any drug. It is apparent that a drug is misbranded if any labeling statement represents or suggests that the drug is effective for its intended uses, if in fact it has not been proved to be effective by appropriate scientific data. The presence of unsubstantiated medical opinion in drug labeling would be misleading within the meaning of sections 502(a) and 201(n) of the act.

In light of the availability of modern scientific testing methods, and the present provisions of the act requiring the manufacturer or distributor of a product to determine its effectiveness, it is doubtful that the 1930's concept of including in product labeling a difference of medical opinion has significant continuing validity in the 1970's. It appears, indeed, that this approach to labeling was only very seldom, if ever, used even in the years immediately after enactment of the law. In virtually all foreseeable situations, any such labeling would be highly confusing and thus misleading, in violation of section 502(a) of the act.

It is equally apparent that there are very few statements in prescription drug labeling on which some controversy could not be found within the medical profession. Not infrequently, there are several points of view on a single issue. To permit or require statements of conflicting opinion on all of these matters would destroy the present usefulness of prescription drug labeling.

In addition to bringing § 1.3 into conformity with the legal and scientific requirements for drug labeling, it is the Commissioner's conclusion that there is no justification for the presence of differences of medical opinion in any warning statements, such as precautions and information relating to possible product hazards.

With respect of all drugs and devices, § 1.3 is inconsistent with the statutory standard established in section 502(f) of the act. An adequate warning of possible danger must appear in all such labeling. Without such a warning, a product is misbranded. The statute presupposes a difference of medical opinion since the danger need not be established and absolute, but rather merely potential. Thus, there is no basis to permit warnings to be discounted by an opinion that the warning is really not necessary at all. Providing for medical controversy with respect to a warning undermines the public health impetus of section 502(f) of the act. Where potential danger is the statutory standard, a warning must be unencumbered and unambiguous.

The degree of scientific certainty about a possible hazard, or its frequency of occurrence, or other similar related information may, of course, accompany or be part of a warning. It is common for a warning to state that the product "may" cause a hazard, where the relationship is not yet conclusively proven, or to point out that the relationship between adverse animal findings and human consequences has not yet been determined. However, presentation of such factual information, which is helpful to the physician in evaluating the significance of a warning, does not permit additional statements of conflicting medical opinion relating to the warning.

In view of the very nature of warning statements, the Commissioner concludes that, where warnings are required, disclamatory opinions necessarily detract from the warning in such a manner as to be confusing and misleading. In this way, differences of medical opinions regarding warnings for foods and cosmetics would render the products to be misbranded within the meaning of sections 402(a) and 602(a) of the act.

Section 201(n) of the act is, of course, applicable to all articles subject to the act, in a wide variety of situations. Accordingly, the Commissioner concludes that § 1.3 should be revised to state, in general terms, the principles contained in section 201(n) of the act, and to point out that these principles may be implemented by regulations issued under section 701(a) of the act as well as by direct court enforcement action. The proposed revision also specifies those situations, already discussed above, where differences of medical opinion may not properly be included in labeling. The Commissioner concludes that it is unnecessary at this time to include further general rules governing the application of section 201(n) of the act.

21 CFR 1.3 as now drafted specifies only one type of material fact the omission of which may render a product to be misbranded, namely, a difference of opinion among experts. In this manner, the present regulation constitutes a limited application of the principles of section 201(n) of the act. With the proposed exceptions for product warnings and drug labeling, the incorporation into § 1.3 of the comprehensive statutory standard will broaden the scope of the regulation to encompass any form of omission of any material fact.

Therefore, upon review and evaluation of the history and development of the relevant statutory and regulatory scheme, and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403(a), 502 (a) and (f), 505, 512, 602(a), 701(a), 52 Stat. 1041, 1047, 1050, 1052–1053 as amended by 76 Stat. 781–785, 1054–1055, 82 Stat. 343–351; 21 U.S.C. 321(n), 343(a), 352 (a) and (f), 355, 360b, 362(a), 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 1 of Chapter I of Title 21 of the Code of Federal Regulations be amended by revising § 1.3 to read as follows:

§ 1.3 Labeling; failure to reveal material facts.

(a) Labeling of a food, drug, device, or cosmetic shall be deemed to be misbranded if it fails to reveal facts that are material (1) in light of other representations made or suggested by statement, word, design, device or any combination thereof, or (2) with respect to consequences which may result from use of the article under (i) the conditions prescribed in such labeling or (ii) such conditions of use as are customary or usual.

(b) Affirmative disclosure of material facts pursuant to paragraph (a) of this section may be required by, among other appropriate regulatory procedures, (1) regulations in this chapter promulgated pursuant to section 701(a) of the act or (2) direct court enforcement action.

(c) Paragraph (a) of this section does not:

(1) Permit or require a statement of differences of opinion with respect to warnings (including contraindications, precautions, adverse reactions, and other information relating to possible product hazards) required in labeling for food, drugs, devices, or cosmetics under the act.

(2) Permit or require a statement of differences of opinion with respect to the effectiveness of a drug unless each of the opinions expressed is supported by substantial evidence of effectiveness as defined in sections 505(d) and 512(d) of the act.

Interested persons may, on or before November 15, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 6, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-21208 Filed 9-13-74;8:45 am]

Office of Child Development

[45 CFR Part 1340]

CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT PROGRAM

Notice of Proposed Rule Making

Correction

In FR Doc. 74–19945, appearing at page 31508 in the issue of Wednesday, August 28, 1974, the following changes should be made:

1. On page 31510, the section reference in the third from last line of column 2 should read "§ 1340.3–3(d)(5)".

2. In the second from last paragraph of column 3 on page 31510, the section reference appearing in the third and fourth lines should read "§ 1340.3–3(d)(1)–(10)" and the last word in the fourth line should read "projects".

3. In § 1340.3–3(a), the 3rd word of the 17th line should read "and".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 13995]

AIRWORTHINESS DIRECTIVE

Dowty Rotol Type (c) R212/4–30–4/22 Propellers

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Dowty Rotol Type (c) R212/4–30–4/22 propellers. There have been reports of cracks in the front wall of the propeller hub on Dowty Rotol Type (c) R212/4–30–4/22 propellers that could result in the failure of the entire propeller assembly. Since this condition is likely to exist or develop in other propellers of the same type design, the proposed airworthiness directive would require inspections of Dowty Rotol Type (c) R212/4–30–4/22 propellers for cracks and their replacement, if found necessary.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, S.W., Washington, D.C. 20591. All communications received on or before October 16, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

DOWTY ROTOL. Applies to Dowty Rotol Type (c) R212/4–30–4/22 propellers incorporating hub and driving center assemblies, P/N's 601022294, 601022211, 601022105, and RA 64883, that have not been modified in accordance with Dowty Rotol Modification Nos. (c) VP2388(SB 61–604) or (c) VP2779(SB 61–767). These propellers are installed on, but not necessarily limited to, Hawker Siddeley Model H.S. 748 Series 2A airplanes.

Compliance is required as indicated.

To detect cracking of the propeller hub front wall/snout radius areas between the eyebolt guides, accomplish the following:

(a) Inspect the propeller hubs in accordance with Paragraph 2.A. of Dowty Rotol Service Bulletin No. 61–828, dated September 10, 1973, or an FAA-approved equivalent as follows:

(1) For those operators required to perform propeller overhauls, inspect at the next propeller overhaul and at each propeller overhaul thereafter.

(2) For all other operators, inspect within the next 4000 hours' time in service after the effective date of this AD, and thereafter inspect at intervals not to exceed 4000 hours' time in service since last inspection.

(b) Inspect those propeller hubs that have accumulated more than 10,000 hours' time in service on the effective date of this AD in accordance with Paragraph 2.B. of Dowty Rotol Service Bulletin No. 61–828, dated September 10, 1973, or an FAA approved equivalent, unless already accomplished, as follows:

(1) For those propeller hubs that have never been inspected or that have accumulated more than 1400 hours' time in service since last inspected in accordance with Paragraph 2.A. or 2.B. of Dowty Rotol Service Bulletin No. 61–828, dated September 10, 1973, inspect within the next 600 hours time in service.

(2) For those propeller hubs that have accumulated not more than 1400 hours time in service since last inspected in accordance with Paragraph 2.A. or 2.B. of Dowty Rotol Service Bulletin No. 61–828, dated September 10, 1973, inspect prior to the accumulation of 2000 hours' time in service since last inspected.

(c) If a cracked hub is found during an inspection required by this AD accomplish the following:

(1) Before further flight, replace the cracked hub with a serviceable part of the same part number or a part number approved for installation on the propeller.

(2) Inspect all the operator's propeller hubs covered by this AD in accordance with Paragraph 2.B. of Dowty Rotol Service Bulletin No. 61–848, dated September 10, 1973 or an FAA-approved equivalent as follows:

(i) For those propeller hubs that have accumulated more than 1400 hours' time in service since last inspected in accordance with paragraph (a) or (b) of this AD or that have never been inspected and have accumulated over 1400 hours' time in service, inspect within the next 600 hours time in service; and thereafter, continue to inspect at intervals not to exceed 2,000 hours' time in service since last inspection.

(ii) For those propeller hubs that have accumulated not more than 1400 hours time in service since new or since last inspected in accordance with paragraph (a) or (b) of this AD, inspect prior to the accumulation of 2000 hours' time in service since last inspected or since new, as applicable, and, thereafter, continue to inspect at intervals not to exceed 2000 hours' time in service since last inspection.

(d) The inspections required by paragraphs (a), (b), and (c) of this AD may be discontinued upon the incorporation of Dowty Rotol Modification Nos. (c) VP2388 (SB61–604) or (c) VP2779(SB61–767) or FAA-approved equivalent modifications.

(e) Upon request of an operator, an FAA maintenance inspector subject to prior approval of the Chief, Aircraft Certification Staff, Europe, Africa, and Middle East Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the adjustment.

V391180 SEP 16 74 XUM

Issued in Washington, D.C., on September 9, 1974.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.74-21282 Filed 9-13-74;8:45 am]

[14 CFR Part 39]

[Docket No. 74-SO-93]

AIRWORTHINESS DIRECTIVES

Grumman G-159

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to the Grumman G-159 airplanes. There is a design condition in the fire extinguisher electrical circuitry in the Grumman G-159 that could result in the fire extinguisher system not being readily available to fight an engine fire. Since this condition is likely to exist in other airplanes of the same design, the proposed airworthiness directive would require dual electrical fire extinguisher squib circuits on Grumman G-159 airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration office of the Regional Counsel, Attention: Rules Docket, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before October 16, 1974, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket, Room 264, FAA Southern Regional Office, 3400 Whipple Street, East Point, Georgia 30344, for examination by interested persons.

This amendment is proposed under the Authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation regulations by adding the following new airworthiness directive:

GRUMMAN AMERICAN CORPORATION. Applies to Grumman G-159 airplanes certificated in all categories.

Compliance required within the next 200 hours time in service after the effective date of this airworthiness directive unless already accomplished.

To provide dual electrical power for the fire extinguisher squib circuits accomplish the following or an equivalent rework approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

Remove the existing left and right engine fire extinguisher switches and left hand eyebrow circuit breaker panel nameplate. Install MS24624-21 switches, electrical wiring, 1525B10112-1 nameplate and check out system in accordance with Grumman Gulfstream I Aircraft Service Change 210.

Issued in East Point, Georgia, on September 3, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-21283 Filed 9-13-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SO-92]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the McMinnville, Tenn., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before October 16, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The McMinnville transition area described in § 71.181 (39 FR 440) would be amended as follows:

"• • • northeast of the RBN • • •" would be deleted "• • • northeast of the RBN; within a 6.5-mile radius of Smithville Municipal Airport (Lat. 35°59'08" N, Long. 85°48'31" W); within 3 miles each side of the 245° bearing from Hurricane RBN (Lat. 35°59'02" N., Long. 85°48'28" W), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN • • •" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Smithville Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Hurricane (private nondirectional radio beacon, is proposed in conjunction with the alteration of this transition area.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on August 30, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-21281 Filed 9-13-74;8:45 am]

[14 CFR Part 121]

[Docket No. 12762; Notice No. 74-32]

GROUND PROXIMITY WARNING SYSTEMS

Turbine-Powered Airplanes

The Federal Aviation Administration is considering amending Part 121 of the Federal Aviation Regulations to require installation of an approved ground proximity warning system on each large turbine-powered airplane used in operations under Part 121. These amendments would also apply to air travel clubs certificated under Part 123 and to air taxi operators certificated under Part 135 when conducting operations governed by those parts with large turbine-powered airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue, SW, Washington, D.C. 20591. All communications received on or before December 16, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On April 18, 1973, the FAA issued an Advance Notice of Proposed Rule Making on the subject of ground proximity warning systems (notice 73-14, published in the FEDERAL REGISTER on April 25, 1973; 38 FR 10158). Thirteen public comments were received in response to the notice. Five commentators favored the proposal and four opposed it. Other commentators made suggestions that were not within the scope of the notice, but will be retained by the FAA for further study.

Notice 73-14 invited comments from operators, manufacturers, and other interested persons regarding the need for the installation of ground proximity warning devices on aircraft used in operations conducted under Part 121 and appropriate design characteristics for that equipment. In particular, comments were requested in response to a number of questions. Those questions and the comments received in response to them are set out below.

1. Should the FAA require that each airplane operated under Part 121 be equipped with a terrain proximity warning system or device? Should such a requirement be limited either to large airplanes or to turbojet-powered airplanes?

One commentator suggested that a rule requiring a ground proximity warning system is unnecessary, since air carrier aircraft are presently equipped with altitude-alerting systems providing visual and aural warning, and all but a few turbojet-powered airplanes are equipped with radio altimeters providing altitude warning. The commentator indicated that those systems with existing instrumentation and procedures, when used and applied properly, are appropriate for all phases of flight operations. Other commentators contended that a ground proximity warning system requirement should extend to all aircraft operating under Part 121, not just turbojet-powered airplanes.

2. Could present instrumentation and equipment that cannot provide information on terrain forward of the aircraft, such as radio altimeters now in use, be used together with appropriate cockpit procedures to accomplish terrain proximity warning functions?

One commentator asserted this approach to the problem will not provide adequate information during approach and landing operations because of the present heavy crew workload during these particular phases of operations. Another commentator suggested that, while it may be feasible and desirable to incorporate the radio altimeter into future ground proximity warning systems, it believes that some forward-looking capability should also be included.

A third commentator contended that use of present instrumentation and equipment does produce important terrain proximity warning benefits, pointing out that several holders of Part 121 operating certificates have modified, or are modifying, their radio altimeters so that an aural warning automatically occurs whenever the airplane descends to a predetermined height above the terrain and that others have established procedures requiring the flight crew to set the radio altimeter manually to a predetermined height above the airport elevation.

3. Could present instrumentation and equipment be modified to warn of terrain forward of the airplane or would it be necessary to design and install entirely new equipment?

One commentator suggested that it would be feasible to use present instrumentation and equipment which has been slightly modified to provide a terrain proximity warning system, and noted that such a system is in use today on some air carrier airplanes as optional equipment furnished by the manufacturers. Another commentator indicated that ground proximity warning equipment presently available could interface with other equipment now installed in certain aircraft, and would have the advantage of a reduced financial outlay for initial installation. However, a third commentator indicated that it was unaware of any practical modification which could be made to present instrumentation or equipment to warn of terrain forward of the airplane.

4. What characteristics and capabilities should be included in any system or device designed to provide timely and meaningful terrain proximity warning to the pilot during low altitude operations such as traffic patterns and approaches to landings?

5. How should this information be presented to the pilot to preclude errors in, setting distraction, confusion, or misinterpretations?

In response to questions 4 and 5, one commentator suggested that an aural and a visual signal should be provided to the crew any time the aircraft descends below MDA, DH, or a predetermined altitude above the ground, and that the signal should also be provided at any time when the aircraft is descending at such a rate, or in level flight, when the terrain ahead is rising at such a rate, that contact with the ground is imminent unless the pilot takes appropriate action. Several commentators suggested that the system should require little or no input by the flight crew, so as not to add to the flight crew workload. All commentators responding to this question agreed that the warning signal provided by the system, whether it is aural or visual, or both, should be distinctive, and not subject to inadvertent activation which could eventually result in it being ignored by the flight crew.

6. What special flight crewmember procedures should be required for the use of the warning system or device?

A number of commentators contended that there should be no special procedures required for the use of the system. One commentator suggested that since the only feasible change of flight path should be a climbing maneuver, the information display and operational procedures for the system should be straightforward, uncomplicated, and not subject to misinterpretation.

In view of a number of air carrier accidents involving large turbine-powered airplanes caused by inadvertent contact with the ground that might have been avoided if the crew had received appropriate warning of impending disaster, the FAA has determined that there is need for a system on all turbine-powered airplanes operated under Part 121 which will provide appropriate warning of a terrain hazard.

Accordingly, it proposed to add a new § 121.360 to Part 121 that would prohibit any person from operating a large turbine-powered airplane under that part unless it is equipped with an approved ground proximity warning system that is designed, constructed, and installed to provide, at any height less than 3,000 feet above the ground, warning of an impending terrain hazard. Under the proposed rule the system would have to provide both visual and aural warnings that initiate simultaneously and automatically without any crewmember action. The warning would have to be distinct from each warning provided by any other aircraft equipment and must operate continuously until the hazardous condition no longer exists.

The FAA is not prepared at this time to issue specific technical standards for this equipment without further inputs from the equipment manufacturing industry. The FAA has initiated a study to develop either a Technical Standard Order or an amendment to Part 25 establishing specific technical standards. However, pending the development of such standards the FAA intends to continue to approve the installation of ground proximity warning systems through the issuance of supplemental type certificates after compliance has been shown with the general equipment requirements of Part 25.

The FAA believes that a ground proximity warning system, to be approved under proposed § 121.360, must provide for warnings based on the rate of descent of the aircraft and the height of the aircraft above the terrain directly beneath the aircraft. The system must also be capable of providing a warning based on the computed height of the aircraft above the terrain along the aircraft's projected flight path. In addition, the equipment must be capable of being programmed to take into consideration the landing gear and flap positions of the aircraft and the performance capability of the aircraft in determining the necessity of providing the required warnings.

The FAA believes that there are systems available which may satisfy the need for a ground proximity warning system. The FAA is aware of one such system manufactured by Sunstrand Data Control, Inc., of Redmond, Washington. That system with certain modifications has been approved by the FAA for installation and is being installed by one aircraft manufacturer in its newly manufactured aircraft. In addition, the FAA has approved that system for installation in a number of other aircraft types.

The FAA recognizes that adequate time is necessary for development and further refinement of ground proximity warning systems, as well as for procurement and installation of equipment. It is believed that 18 months will provide an adequate time interval for compliance.

On March 23, 1973, the FAA issued Air Carrier Operations Bulletin No. 73-3 recommending, among other things, that air carriers modify their radio altimeters so that a discrete aural warning will automatically occur when the airplane descends into a height band of 1,000 to 500 feet above the terrain. The FAA believes this recommendation should be adopted as a requirement for large turbine-powered airplanes operated under the provisions of Part 121 as an interim measure until the ground proximity warning system requirement becomes effective. Accordingly, new § 121.360(c) would require an automatic aural warning on radio altimeters, and allow six months for compliance. This proposed requirement would not apply to airplanes equipped with the ground proximity warning system required by proposed § 121.360(a).

These amendments are proposed under the authority of sections 313(a), 601,

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603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1424) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Part 121 of the Federal Aviation Regulations by adding a new § 121.360 immediately after § 121.359 to read as follows:

§ 121.360 Ground proximity warning systems.

(a) After (18 months after effective date) no person may operate a turbine-powered airplane unless it is equipped with an approved ground proximity warning system that is designed, constructed, and installed to provide, at any height less than 3,900 feet above the ground, warning of an impending terrain hazard.

(b) The ground proximity warning system required by paragraph (a) of this section must provide both visual and aural warnings that—

(1) Initiate simultaneously and are distinct from each warning provided by any other aircraft equipment;

(2) Operate continuously until the hazardous condition no longer exists; and

(3) Initiate automatically without any crewmember action.

(c) After (6 months after effective date), no person may operate a turbine-powered airplane unless it is equipped with a radio altimeter that automatically provides a discrete aural warning when the airplane descends below a predetermined height between 1,000 and 500 feet above the ground. This requirement does not apply to an airplane equipped with a ground proximity warning system that meets the requirements of paragraph (a) of this section.

(d) No person may take off an airplane from an airport where repair or replacement of the system can be made with the ground proximity warning system required by paragraph (a) of this section inoperative or unreliable.

Issued in Washington, D.C., on September 12, 1974.

R. P. SKULLY,
Acting Director,
Flight Standards Service.

[FR Doc.74-21443 Filed 9-13-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 35]

[FRL 222-6]

WATER QUALITY AND POLLUTANT SOURCE MONITORING

Notice of Proposed Rulemaking

Correction

In FR Doc. 74-19547 appearing at page 31500, in the issue for Wednesday, August 28, 1974, in Appendix A, in paragraph Q (Data handling, Storage and Reporting), change the fourteenth line to read: "to EPA within six months after completion of".

[40 CFR Part 52]

[FRL 268-3]

KANSAS

Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards. In June, 1974, the State of Kansas submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. 40 CFR 51.6 requires the Administrator to approve or disapprove compliance schedules submitted by the states. Therefore, the Administrator proposes the approval of the compliance schedules listed below.

The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Kansas. Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Sixteen of the sources, U.S.D. No. 506, Altamont; U.S.D. No. 479, Kincaid; U.S.D. No. 468, Scott City; U.S.D. No. 415, Hiawatha; U.S.D. No. 407, Russell; U.S.D. No. 395, La Crosse; U.S.D. No. 387, Buffalo; U.S.D. No. 374, Sublette; U.S.D. No. 312, Haven; U.S.D. No. 269, Palco; U.S.D. No. 256, Moran; U.S.D. No. 208, Wakeeney; U.S.D. No. 247, Cherokee; U.S.D. No. 200, Tribune; Mammel Food Stores, Plainville; and Plainville State Bank, Plainville; will cease operation, and therefore the applicable compliance schedules contain final compliance dates only.

In the indication of proposed approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports and the compliance schedules proposed to be approved are available for public inspection at the Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, Missouri 64108.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Region VII office at the above address. All comments submitted on or before October 16, 1974, will be considered. All comments received, as well as copies of the applicable implementation plans, will be available for inspection during normal business hours at the Regional Office.

(42 U.S.C. 1857c-5)

Dated: September 4, 1974.

JEROME W. SVORE,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart R—Kansas

1. In § 52.876, the table in paragraph (c)(1) is amended as follows:

§ 52.876 Compliance schedules.

(c) • • •

KANSAS

Source and location	Regulation involved	Date adopted	Effective date	Final compliance date
• • •	•	•	•	•
U.S.D. No. 506 (open burning)—Altamont:				
Altamont Grade School	28-19-45	June 21, 1974	Immediately	Sept. 1, 1974
Fairview Grade School	28-19-45	do	do	Do.
Bartlett Grade School	28-19-45	do	do	Do.
Ellis Grade School	29-19-45	do	do	Do.
Edna Grade School	28-19-45	do	do	Do.
Angola Grade School	28-19-45	do	do	Do.
Mound Valley Grade School	28-19-45	do	do	Do.
Dennis Grade School	28-19-45	do	do	Do.
Meadow View Grade School	29-19-45	do	do	Do.
U.S.D. No. 479—Kincaid:				
Kincaid Attendance Center Incinerator	28-19-40	do	do	July 31, 1977
Colony Attendance Center Incinerator	28-19-40	do	do	Do.
U.S.D. No. 482—Dighton:				
Alamota Grade School open burning	28-19-45	do	do	Sept. 1, 1954
Amy Grade School open burning	28-19-45	do	do	Do.
Shields Grade School open burning	28-19-45	do	do	Do.
U.S.D. No. 466—Scott City:				
Scott City Junior High Incinerator	28-19-40	do	do	Aug. 16, 1974
Beaver Flats School open burning	28-19-45	do	do	Do.
Manning Elementary open burning	28-19-45	do	do	Do.
Modoc Elementary open burning	28-19-45	do	do	Do.
Scott City Elementary open burning	28-19-45	do	do	Do.
Shallow Water Elementary open burning	28-19-45	do	do	Do.
Scott City High open burning	28-19-45	do	do	Do.
U.S.D. No. 374—Sublette:				
Sublette High open burning	28-19-45	do	do	July 31, 1975
Sublette Grade open burning	28-19-45	do	do	Do.

Source and location	Regulation involved	Date adopted	Effective date	Final compliance date
U.S.D. No. 415—Hiawatha:				
Fairview Elementary open burning	28-19-45	do	do	Do.
Hiawatha Elementary open burning	28-19-45	do	do	Do.
Hiawatha High open burning	28-19-45	do	do	Do.
Reserve Elementary open burning	28-19-45	do	do	Do.
Robinson Elementary open burning	28-19-45	do	do	Do.
Robinson Junior High open burning	28-19-45	do	do	Do.
U.S.D. No. 395—La Crosse:				
La Crosse High School open burning	28-19-45	do	do	July 1, 1975
McCracken High School open burning	28-19-45	do	do	Do.
Rush Center open burning	28-19-45	do	do	Do.
Alexander Grade School open burning	28-19-45	do	do	Do.
U.S.D. No. 387—Buffalo:				
Altoona Junior High School open burning	28-19-45	do	do	Mar. 1, 1975
Midway School open burning	28-19-45	do	do	Do.
Altoona Elementary incinerator	28-19-40	do	do	Do.
U.S.D. No. 407—Russell:				
Central Office incinerator	28-19-40	do	do	July 1, 1975
Ruppenthal incinerator	28-19-40	do	do	Do.
Simpson incinerator	28-19-40	do	do	Do.
Blokerdyke incinerator	28-19-40	do	do	Do.
Dorrance High incinerator	28-19-40	do	do	Do.
Dorrance Elementary incinerator	28-19-40	do	do	Do.
Gorham High open burning	28-19-45	do	do	Do.
Gorham Elementary open burning	28-19-45	do	do	Do.
Luray open burning	28-19-45	do	do	Do.
Lucas open burning	28-19-45	do	do	Do.
U.S.D. No. 312—Haven:				
Eureka Elementary open burning	28-19-45	do	do	Do.
Mount Hope Elementary open burning	28-19-45	do	do	Do.
Yoder Elementary open burning	28-19-45	do	do	Do.
U.S.D. No. 269—Palco:				
Zurich Grade School incinerator	28-19-40	do	do	Do.
Palco Grade open burning	28-19-45	do	do	Do.
Palco High open burning	28-19-45	do	do	Do.
Zurich Grade open burning	28-19-45	do	do	Do.
Damar Grade open burning	28-19-45	do	do	Do.
U.S.D. No. 256—Moran:				
Marmaton Valley High incinerator	28-19-40	do	do	Sept. 1, 1974
Moran Elementary incinerator	28-19-40	do	do	Do.
Elsmore Elementary incinerator	28-19-40	do	do	Do.
U.S.D. No. 208—Wakeeney:				
Trego Community High	28-19-45	do	do	July 1, 1975
Wakeeney Grade	28-19-45	do	do	Do.
Collyer Grade	28-19-45	do	do	Do.
Ogallah Grade	28-19-45	do	do	Do.
U.S.D. No. 260—Derby:				
Swaney Elementary incinerator	28-19-41B	do	do	Do.
Derby Junior High incinerator	28-19-41B	do	do	Do.
Carlton Junior High incinerator	28-19-41B	do	do	Do.
Cooper Elementary incinerator	28-19-41B	do	do	Do.
Oaklawn Elementary incinerator	28-19-41B	do	do	Do.
Pleasant Elementary incinerator	28-19-41B	do	do	Do.
Winstear Elementary incinerator	28-19-41B	do	do	Do.
U.S.D. No. 247—Cherokee:				
Cherokee Grade School incinerator	28-19-40	do	do	Dec. 31, 1974
McCune School incinerator	28-19-40	do	do	Do.
Southeast High incinerator	28-19-40	do	do	Do.
West Mineral Grade incinerator	28-19-40	do	do	Do.
Weir Attendance Center Incinerator	28-19-40	do	do	Do.
U.S.D. No. 200—Tribune: Open burning	28-19-45	do	do	July 31, 1975
U.S.D. No. 252—Hartford:				
Hartford High open burning	28-19-45	do	do	Dec. 1, 1974
Board office open burning	28-19-45	do	do	Do.
U.S.D. No. 246—Arma:				
Arma Elementary	28-19-45	do	do	Aug. 15, 1974
Arcadia Elementary	28-19-45	do	do	Do.
Northeast High	28-19-45	do	do	Do.
Allen County Hospital—Iola: Incinerator	28-19-40	do	do	May 1, 1975
Stanton County Hospital—Johnson: Incinerator	28-19-40	do	do	July 31, 1975
Bates County Rock, Inc.—Linn County: Primary, secondary crushing, screening and fines mill.	28-19-20	do	do	Sept. 15, 1974
Mammel Food Stores—Plainville: Open burning	28-19-45	do	do	July 1, 1975
Plainville State Bank—Plainville: Open burning	28-19-45	do	do	Do.
St. Margaret's Mercy Hospital—Fredonia: Incinerator	28-19-40	do	do	Do.
Greenwood County Hospital—Eureka: Incinerator	28-19-40	do	do	Nov. 1, 1974

[FR Doc.74-21238 Filed 9-13-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20184; RM-2183]

FM BROADCAST STATIONS

Proposed Table of Assignments, Attica, N.Y.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Attica, New York).

1. Notice is hereby given of the institution of this proceeding to consider the amendment of the FM Table of Assignments by assigning Channel 269A to Attica, New York, for a first FM assignment and a first local broadcast service. This action is taken in consideration of a petition (RM-2183) of Batavia Broadcasting Corporation, licensee of Station WBTA (a Class IV AM operation), Batavia, New York, filed on April 13, 1973, requesting rule making on a proposal to assign Channel 269A to Attica-Batavia, New York, and waiver of the minimum principal-city signal intensity requirements of § 73.315(a) of our rules to permit assignment and use of Channel 269A at Batavia in conformity with the minimum mileage separation requirements of § 73.207(a) of the rules.[1] While, for the reasons hereinafter discussed, we are of the view that the petitioner's proposal to assign Channel 269A to Batavia in hyphenation with Attica does not merit consideration in rule making, we are persuaded by the petitioner's showing that the public interest might be served by assigning Channel 269A to Attica and that this proposal rather than its hyphenation proposal warrants further exploration herein.

2. Batavia (population, 17,338), the county seat and largest city in Genesee County (population 58,722) is located approximately 38 miles east of Buffalo, New York, 45 miles southeast of Niagara Falls, New York, and 30 miles southwest of Rochester, New York.[2] Attica (population, 2,911) is located partly in Genesee County but mostly in Wyoming County (population, 37,688), where all but two of its residents live, and approximately 11 miles south-southwest of Batavia.

3. Neither Batavia nor Attica has an FM assignment, and there are none in Genesee County and but one in Wyoming County — Channel 299 — assigned to Wethersfield Township (population, 674), located approximately 16 miles south of Attica, which is occupied by Station WMIV. The petitioner's Class IV AM station at Batavia (WBTA), which operates with daytime power of 500 watts and 250 watts nighttime, is the only AM broadcast station in Genesee County. The only AM station in Wyoming County is a daytime-only operation (WCJW), which commenced operation in May of 1973, at Warsaw, the county seat, located approximately 11 miles southeast of Attica. Batavia Broadcasting states that FM signals from Buffalo and Rochester stations are widely received in Attica and Batavia, and that Station WHLD-FM (Channel 253), Niagara Falls, Station WBIV (Channel 299), Wethersfield Township and Station WMIV (Channel 236) South Bristol Township, New York, are received in the Batavia and Attica areas with at least 1.0 mV/m coverage but that none of these stations provide the kind of local service that is needed in the Attica-Batavia area and that there is a clear need for an FM station to serve the local needs of these communities. It maintains that the Buffalo, Rochester, and Niagara Falls stations are

[1] In the past, the petitioner has twice requested rule making on proposals to assign Channel 269A to Batavia. Its first petition, filed in 1969, seeking the assignment of Channel 269A to Batavia or, alternatively, to West Batavia, was denied by our Memorandum Opinion and Order, adopted July 29, 1969, RM-1399, FCC 69-837, 16 Pike & Fischer R.R. 2d 1654. Its second petition, looking toward the assignment of Channel 269A to Batavia, was tendered for filing on April 13, 1972. By letter of the same date as its present petition (April 13, 1973), Batavia Broadcasting requests withdrawal of its 1972 petition and consideration of its present petition and proposal for an Attica-Batavia Channel 269A assignment in lieu of its Batavia Channel 269A proposal.

[2] All population figures are from the 1970 U.S. Census unless otherwise indicated.

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too distant to be considered local services for Attica and Batavia and that while the South Bristol Township and Wethersfield Township FM stations provide a necessary and commendable service to the area, they are part of the Northeast Radio Network operated by the Christian Broadcasting Network, programmed from a common program point at Ithaca, New York, and do not provide the kind of local service that the Attica, Batavia area needs. It urges that use of Channel 269A in this area would provide a first fulltime truly local service to large portions of the Attica-Batavia area that cannot receive a nighttime signal from its Batavia AM station.

4. Batavia Broadcasting urges that a hyphenated FM assignment to Attica-Batavia is clearly justified not only because of the need for service in both areas but because of the close interests between the two communities. Its showing indicates that Batavia is the trading and market center for an extensive agricultural and commercial region which includes all of Genesee, Wyoming and Orleans Counties and parts of Livingston and Erie Counties in New York; that the communities of Batavia and Attica have common interest, with many Attica residents working in the Batavia area; and that the school districts of both Genesee and Wyoming Counties are organized into a Board of Co-operative Educational Services which provides services to both counties through a single supervisory district. The petitioner also states that for over three years its Batavia AM station has broadcast two hours a week direct from the center of Attica, with emphasis on activities, projects and services in the area. It further states that because of the low nighttime power (250 watts) of its Batavia AM station (WBTA), residents of Attica and its governing authorities and others in Wyoming County and Genesee County have been deeply interested in its attempts to provide more service to these areas by FM, as evidenced by the suporting statements attached to its 1972 petition for rule making (footnote 1, supra) which statements it resubmitted with its subject petition.[1]

5. We believe that Batavia Broadcasting has in its subject petition, as it did in its 1969 and 1972 petitions seeking rule making on its Batavia Channel 269A assignment proposals, made a sufficient showing of the need and demand for a first FM assignment in the Batavia and Attica area to warrant rule making, but rule making different from that which it proposes. Its present showing convinces us that, although FM assignments are normally made to individual communities, under other circumstances it might be appropriate to at least consider in rule making the desirability of assigning an FM channel to Batavia and Attica in combination, considering their proximity, common interests, needs for local FM outlets and service, and the extreme scarcity of available channels which could be assigned in this area without distributing existing assignments and stations (which scarcity makes it unlikely that both communities could otherwise be provided with an FM assignment for a local service). However, before entertaining rule making on any FM assignment proposal, we first must be satisfied that the proposed assignment is technically feasible. Our 1969 decision denying rule making on the petitioner's Batavia Channel 269 proposal basically turned on this consideration. Our decision here denying its subject Attica-Batavia Channel 269A hyphenation proposal necessarily does so also.

6. The technical requirements for assignment and use of Channel 269A at Batavia are the same, whether the channel be assigned to Batavia alone or in hyphenation with Attica, and, as the petitioner recognizes, due to the required 40-mile separation to the Channel 267 station at Rochester, New York (WEZO), which is but 28 miles from the reference point in Batavia, Channel 269A could not be assigned and used at Batavia in conformity with minimum mileage separation requirements at any transmitter site permitting the required principal-city grade signal (3.16 mV/m) over Batavia. A Batavia Channel 269A station would have to be located at least 10 miles west-southwest of Batavia and an Attica Channel 269A station would have to be located at least two miles west of Atica in order to meet the minimum spacing required to the Rochester Channel 267 station, and there is no location meeting the spacing requirements from which a Channel 269A station would be able to place a signal of the intensity required for principal-city service over Batavia. An Attica Channel 269A station would not, however, appear to have any difficulty in meeting principal-city coverage requirements from a site meeting spacing requirements. The transmitter site assumed in the petitioner's engineering study for a Channel 269A station is 12 miles west-southwest of Batavia and seven miles northwest of Attica. Its study shows that from this assumed site meeting spacing requirements for both an Attica and Batavia Channel 269A assignment, a Class A FM station would be able to place a principal-city grade signal over all of Attica as required by § 73.315(a) of the rules, but that none of Batavia would be within the station's 3.16 mV/m contour. The station would be able to place a signal of but 2.0 mV/m at the nearest point of the city limits of Batavia and a signal of but 1.2 mV/m at the farthest point.

7. We have waived principal-city coverage requirements on various occasions to permit some deviation from the required signal level when the particular situation warranted. However, we have never, to our knowledge, made an assignment to a community requiring use in complete derogation of our minimum signal level requirements for insuring adequate coverage of the city of assignment, and none of the Commission's decisions cited by the petitioner are precedent for such requested action either in the assignment or licensing processes. While we agree with the petitioner that some flexibility in the application of § 73.315(a) of our rules governing principal-city coverage requirements, as well as all our rules, is at times desirable and required in the public interest, we are not persuaded by its argument that such flexibility should extend to making a new FM assignment, such as proposed for Batavia (in hyphenation with Attica), which, in order to meet spacing requirements, must necessarily be used in wholesale departure from our minimum signal level requirements for principal-city coverage. To make the requested assignment, under such circumstances, we feel, would, like an assignment at short spacing, to which we are firmly opposed, have potential for undermining the structure of the nationwide FM assignment plan and the public interest objectives it is designed to serve and would not meet the needs of Batavia for a local station whose signal over the community would meet the minimum we require to insure satisfactory service.

8. While the petitioner has argued that it is not necessary for the proposed Batavia Class A FM station to put the required 3:16 mV/m signal over any of Batavia in order to provide an adequate local service in view of its size and lack of tall buildings or other obstructions to cause shadowing or electrical interference, we do not find this argument persuasive since the required 3.16 mV/m signal is but the standard we set to insure the minimum technical adequacy of the local service provided to communities. If the proposed assignment is made, the petitioner also states that it would explore the feasibility of using FM booster or translator facilities to increase the signal level of its proposed Channel 269A station over Batavia. Such operations however, were never intended as a substitute for FM primary service or to permit a technically sub-standard assignment proposal, and, considering their power limitations (1 watt for translators, 10 watts for boosters), questionable channel availability, the interference problems presented by the booster approach and others, it appears unlikely that they could, in any event, provide a satisfactory solution to the problem of a station unable to provide the required minimum 3.16 mV/m signal to any part of Batavia from a site meeting spacing requirements.

[1] The supporting statements include a resolution of the Board of Trustees of the Village of Attica, dated June 6, 1972; a statement, dated March 23, 1972, from the District Superintendent having jurisdiction over educational services in Wyoming and Genesee Counties, and also signed by school officials in the county; a petition, dated May 29, 1972, circulated by Mr. William E. Lennon, Attica, on his own initiative, containing 1000 signatures, principally from Wyoming residents; statements of three Attica service organizations (Attica Lodge No. 462 F. & A.M.; Citizens Lodge, No. 309, I.O.O.F. and Wyoming Council, No 2240, Knights of Columbus) a statement of the Genesee County Legislature, and a resolution, dated June 15, 1972, of the Village of Le Roy, in Genesee County.

9. Therefore, since we consider Channel 269A technically infeasible for assignment and use at Batavia, we are not willing to institute rule making on the petitioner's proposal to assign the channel to Batavia and Attica in combination. We are willing, however, to consider other technically feasible assignment possibilities for Channel 269A in this general area, for we feel that the public interest could be served by providing opportunity for a first FM service in this area, and it appears that, in view of existing assignments and stations, Channel 269A is the only available FM channel which could be assigned anywhere in this area without disturbing existing assignments and stations.

10. The petitioner's showing convinces us that we should explore in rule making the desirability of assigning Channel 269A to Attica since, while the channel would not comport with our technical requirements for assignment and use at Batavia, it appears that it could be assigned and used in conformity with all technical requirements in this area at Attica, to provide it with a first local FM and aural service. In addition, an Attica Channel 269A station would be able to provide an additional aural service to Batavia and, if used at the site proposed by the petitioner, be able to provide an FM service to the same area that a Batavia sub-standard Channel 269A station would be able to serve. While Attica is a small community, the statements submitted by the petitioner from Attica officials and residents, while not recent, indicate their interest and need for local FM service, and Attica could qualify for an FM assignment if the record in this proceeding should provide a basis for concluding that, in addition to being technically feasible, the proposed assignment would serve a present need and demand. While the petitioner has indicated an interest in establishing a Channel 269A station to serve both Batavia and Attica if Channel 269A were to be assigned to these communities in combination, it is not clear from its petition that it would have the same interest and desire in the assignment and use of Channel 269A for a local station only at Attica. Since we do not ordinarily assign channels to communities of the size of Attica unless requested by a party expressing a desire and intention to apply for authority to construct and operate on the requested assignment once it is assigned, comments in this regard are desired from the petitioner or other proponents of an Attica Channel 269A assignment. We also expect comments from the proponents on the particular needs of Attica that could be served by the proposed assignment.

11. While the assignment of Channel 269A to Attica would foreclose future assignments on Channels 269A and 270, the precluded areas are limited in size. However, Akron, New York (1970 population, 2,863) is located within the precluded area where Channel 269A could also be assigned, and has no FM channel assigned. The comments submitted by the petitioner or others seeking the assignment of Channel 269A to Attica for use should also show whether other FM channels would be available for assignment to Akron.

12. In view of the foregoing and pursuant to authority contained in sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.
Attica, N.Y.	269A

13. *It is further ordered*, That the request (RM–2183) of Batavia Broadcasting Corporation to assign Channel 269A to Attica-Batavia, New York is denied.

14. *It is further ordered*, That the request of Batavia Broadcasting for withdrawal of a petition for rulemaking, tendered June 22, 1972, seeking the assignment of Channel 269A to Batavia, New York, is granted.

15. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

16. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 4, 1974, and reply comments on or before November 25, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

17. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

18. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C., 1919 M Street NW.

Adopted: September 9, 1974.

Released: September 10, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-21316 Filed 9-13-74;8:45 am]

[47 CFR Part 73]

[Docket No. 20187; RM–1901]

FM BROADCAST STATIONS

Proposed Table of Assignments, Bullhead City, Ariz.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Bullhead City, Arizona).

1. Notice of proposed rule making is hereby given concerning amendment of the FM Table of Assignments (§ 73.202 (b) of the Commission's rules and regulations) with respect to the petition of Albert C. Freeman proposing the assignment of Channel 272A to Bullhead City, Arizona. Action on the petition has been deferred because it was filed when negotiations with the United Mexican States were pending looking toward a United States-Mexico FM Broadcasting Agreement (Agreement). The Agreement became effective August 9, 1973, and it was effectuated by Orders, adopted October 3, 1973 (43 F.C.C. 2d 293) and March 28, 1974 (46 F.C.C. 2d 153).

2. Bullhead City, an unincorporated place with a population of less than 1,000, is located in Mohave County, population 25,857. Petitioner correctly points out that all mileage separations could be met if Channel 272A were assigned to Bullhead City, Arizona. Petitioner suggests that the public interest, convenience, and necessity would be served by assignment of this FM channel to Bullhead City because there is a lack of local media. We are told that there is only a weekly newspaper and the only other source of local news is daytime-only AM station KSFE, Needles, California, some 20 miles away.

3. While a sufficient showing to support a Notice of Proposed Rule Making has been made, petitioner or any other interested party should furnish further data and information about the population of Bullhead City and the nature of that community. Since the proposed assignment is within the 199 mile border area affected by the Agreement, it will be necessary to obtain approval of the Mexican authorities as to the proposed assignment.

4. In view of the foregoing and pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules and regulations, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, as concerns Bullhead City, Arizona as follows:

City	Channel No.	
	Present	Proposed
Bullhead City, Ariz.		272A

5. *Showings required.* Comments are invited upon the proposal referred to above. As indicated, information is needed about the population and characteristics of Bullhead City. The petitioner or other interested parties should

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also affirm an intention both to promptly apply for the channel if assigned and to construct if its application is granted. Failure to file comments or address the issues raised may result in dismissal.

6. *Cut-off procedure.* The following procedures will govern:

(a) Any counterproposals will be considered only if advanced in initial comments, so that interested parties may comment in reply comments. A counterproposal will not be considered, if advanced in reply comments.

(b) Any petition for rule making which conflicts with the proposal in this notice will be considered as comments in this proceeding and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, any such petition will not be considered in connection with the decision herein.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 4, 1974, and reply comments on or before November 25, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. They will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: September 9, 1974.

Released: September 10, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.74-21317 Filed 9-13-74;8:45 am]

[47 CFR Part 73]

[Docket No. 20185; RM-1510]

FM BROADCAST STATIONS

Proposed Table of Assignments, Schulenberg, Tex.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Schulenberg, Texas).

1. Notice of proposed rule making is hereby given concerning amendment of the FM Table of Assignments (§ 73.202 (b) of the Commission's rules and regulations) with respect to the petition of Dr. A.J.A. Watzlavick proposing the assignment of Channel 272A as a first FM assignment to Schulenberg, Texas.

2. Schulenberg, population 2,294,[1] is located in Fayette County, population 17,650. The only broadcast services in the county are from Stations KVLG (daytime only) and KVLG-FM, at La-Grange, population 3,092, the county seat located 15 miles from Schulenberg. Action with respect to the petition was deferred because of pending negotiations with the United Mexican States which resulted in the adoption of the United States-Mexico FM Broadcasting Agreement, effective August 9, 1973, and which has been implemented by Orders, adopted October 3, 1973 (43 F.C.C. 2d 293) and March 28, 1974 (46 F.C.C. 2d 153). The petition essentially consisted of information as to petitioner's background, an engineering statement showing the feasibility of assigning Channel 272A at Schulenberg without any other change in the FM Table of Assignments, and data and information showing compliance with our Public Notice, entitled "Policy to Govern Requests for Additional FM Assignments", 8 F.C.C. 2d 79 (1967).

3. Because of changed circumstances, it is not possible to assign Channel 272A to Schulenberg without making changes elsewhere. However, an independent engineering study conducted by the Commission staff reveals that Channel 269A may be assigned to Schulenberg provided the transmitter is located 8 miles east of the community. As concerns the policy statement, petitioner relies on the fact that he proposes a "first assignment for a small community not located near a large population center" and more specifically that the nearest large cities are Austin (82 miles to the northwest), Houston (94 miles to the east), and San Antonio (about 104 miles to the west). The largest population center in the area is Victoria, population 41,349, 62 miles to the south.

4. A sufficient showing has been made for the Commission to adopt a notice of proposed rule making requesting comments as to the proposal as amended. We are satisfied that the proposed assignment might be considered and that it would serve the public interest, convenience, and necessity. However, as already indicated, it is not feasible to assign the channel proposed by the petitioner in view of changed circumstances, although Channel 269A is available for assignment at Schulenberg if used from a transmitter site 8 miles east of the community. In the circumstances, it will be necessary for the petitioner or anyone else to indicate a willingness and ability to apply for the channel and to build if the channel is assigned. Since this assignment is within the border area covered by the United States-Mexico FM Broadcasting Agreement (199 miles of the common border), it will be necessary to obtain approval of the Mexican authorities as to the proposed assignment.

5. In view of the foregoing and pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules and regulations, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, the FM table of Assignments, as concerns Schulenberg, Texas, as follows:

City	Channel No.	
	Present	Proposed
Schulenberg, Tex.		269A

6. *Showings required.* Comments are invited upon the proposal referred to above. As indicated, there is a question whether the petitioner or anyone else is interested in building a station on a channel which must be located east of the community. Petitioner, Dr. A. J. A. Watzlavick, or such other person(s) commenting in favor of the proposal should also affirm an intention both to promptly apply for the channel if assigned and to construct if its application is granted. Failure to file comments or address the issues raised may result in dismissal.

7. *Cut-off procedure.* The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) Any petition for rulemaking which conflicts with the proposal in this Notice will be considered as comments in this proceeding, and Public Notice to this effect will be given, as long as filed before the date for filing initial comments herein. If filed later than that, no consideration will be given such proposal in connection with the decision herein.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 4, 1974, and reply comments on or before November 25, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: September 9, 1974.

Released: September 10, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.74-21318 Filed 9-13-74;8:45 am]

[47 CFR Part 73]

[Docket No. 20186; RM-1979, RM-2047]

FM BROADCAST STATIONS

Proposed Table of Assignments, Parker, Ariz.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Parker, Arizona).

[1] Population figures from 1970 Census unless otherwise stated.

1. Notice of proposed rule making is hereby given concerning amendment of the FM Table of Assignments § 73.202(b) of the Commission's rules and regulations) with respect to the petitions of Shoblom Broadcasting, Inc. (Shoblom) and Rick Murphy (Murphy) respectively proposing the assignment of Channel 257A and 258 to Parker, Arizona. Murphy supplemented his petition as allowed by the Commission's Public Notice of April 11, 1974.[1]

2. Parker, population 1,948, is located in Yuma County, population 60,827.[2] Shoblom and Murphy have adduced substantial information and data about Parker, Parker, within the Colorado River Indian Reservation, is the site of support facilities for Parker Dam located on the Colorado River. Parker is located 140 miles west northwest of Phoenix, Arizona, 100 miles north of Yuma, Arizona, 40 miles north northeast of Blythe, California, and 150 miles south of Las Vegas, Nevada. The closest incorporated places of larger population are: Kingman, Arizona, population 7,312, approximately 70 miles to the north; Blythe, population 7,047, about 40 miles to the south southwest; and Needles, California, population 4,051, 55 miles to the north northwest. As concerns aural broadcast, we are told that this consists of daytime-only AM Station KFWJ, at Lake Havasu City, Arizona, 25 miles north of Parker, licensed to the petitioner Shoblom; that the Class IV stations at Kingmam, Blythe, and Needles do not provide primary service; that the only FM service in the area would be from Station KBAS, Channel 240A, Lake Havasu City, of which Shoblom is the permittee; and that there are channel assignments at Blythe and Needles (Channels 262 and 250 respectively).[3]

3. We are told that Parker's economy is primarily based on agriculture and recreation. With respect to the former, as of 1969, 51,000 of the 100,000 acre Indian Reservation is under cultivation yielding melons, lettuce, cotton, wheat, barley, and alfalfa. Parker is important because of its proximity to Parker Dam, the deepest in the world, which forms Lake Havasu, which together with Lake Moovalya (formed by Headgate Dam on the Colorado River) makes the area attractive to those interested in water sports. We are told that the area to the north of Parker in the direction of Buckskin Mountain, a state park, is largely composed of second homes and dwelling places for retirees. According to the community profile of the Department of Economic Planning and Development, there is a population of 11,800 people within a 35 mile radius of Parker, an increase of 100 percent over 1960. Community facilities include a museum, a library, 21 motels, 19 churches, three elementary schools and one high school. There are two weekly newspapers. Other information has been adduced as to the nature of municipal facilities.

4. Shoblom, in support of its petition, alleges that Parker and its vicinity is unserved by aural service. It describes AM reception as marginal with weak signals from Station KYOR and KFWJ at Blythe and Lake Havasu. This, we are told, is due not only because of distance but also because of the mountains surrounding Parker. Shoblom also advises that Parker is not within the 1 mV/m contour of Station KRHM, Channel 240A, Lake Havasu City. Murphy, in support of his petition, alleges that the need for aural service to a rural area is so great that assignment of a Class C channel is essential and he would have the Commission deny the Shoblom petition out of hand.

5. It would appear that a sufficient showing has been made that the Commission should adopt a notice of proposed rule making requesting comments as to the proposals. We are satisfied that the proposed assignment of either channel could be made and that an assignment of a channel to Parker might serve the public interest, convenience, and necessity. In this respect, the proposals are mutually exclusive, that is, both may not be granted, because they are adjacent channels. In this respect, a community of the size of Parker normally is entitled to only a Class A channel on a showing that a channel if assigned will be promptly applied for and if the application is granted construction will proceed quickly so that service may be provided. On the other hand, we have assigned a higher class channel to a small community in a sparsely settled rural area located far from any metropolitan area or population center where the assignment of a higher class channel would allow full-time service to the community and surrounding rural areas which a Class A channel could not. Although Murphy has made certain assertions in this respect, a fuller showing is necessary. An appropriate showing of this nature is of the sort discussed in Gregory, 45 F.C.C. 2d 471, 473 (1973).

6. In view of the foregoing and pursuant to authority found in sections 4(i), 303 (g), and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, as concerns Parker, Arizona, as follows:

City	Channel No.	
	Present	Proposed
Parker, Ariz.	(4)	257A or 258

[4] Channel 211A is assigned to Parker as a noncommercial educational channel; see § 73.507.

7. *Showings required.* Comments are invited upon the proposals referred to above. As indicated, the petitions are mutually exclusive and a further showing should be made to support the assignment of a Class C channel to a community the size of Parker. In addition, each petitioner should affirm his intention to apply for a channel if assigned and to construct if the application is granted. Failure to file comments or address the issues raised might result in dismissal. Since Parker is in the 199-mile border area covered by the U.S.-Mexico FM Broadcasting Agreement, it will be necessary to obtain concurrence of the authorities of the United Mexican States as to any channel assignment to Parker.

8. *Cut-off procedure.* The following procedures will govern:

(a) Any counterproposal will be considered if advanced in initial comments, so that parties may comment on them in reply comments. A counterproposal advanced in reply comments will not be considered in reaching our decision here.

(b) Any petition for rule making which conflicts with the proposal in this Notice will be considered as comments in this proceeding and Public Notice to this effect will be given, as long as it is filed before the date for filing initial comments herein. If filed later than that, any such petition will not be considered in connection with the decision herein.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 4, 1974, and reply comments on or before November 25, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. They will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

10. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: September 9, 1974.

Released: September 10, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.74-21319 Filed 9-13-74;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 157]

[Docket No. R-393]

SMALL PRODUCERS

Proposal Relating to Sales for Resale on Interstate Commerce

SEPTEMBER 9, 1974.

Notice is hereby given pursuant to the Administrative Procedure Act (APA), 5 U.S.C. 551 et seq. (1970), and sections 4, 5, 7, and 16 of the Natural Gas Act [1]

[1] This allowed certain petitioners affected by the U.S.-Mexico FM Broadcasting Agreement opportunity to amend, supplement, or otherwise plead.

[2] Unless otherwise indicated population data are from the 1970 Census.

[3] Station KYOR FM is being constructed on the Blythe channel.

[1] 15 U.S.C. 717c, 717d, 717f, and 717(o).

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that the Commission proposes, in response to the mandate of the United States Supreme Court in F.P.C. v. Texaco, Inc., et al., ---- U.S. ---- (1974) (No. 72–1490, slip opinion issued June 10, 1974), to amend its regulations governing sales for resale in interstate commerce by small producers.

1. On July 23, 1970, by notice of rulemaking in Docket No. R–393,[1] the Commission gave notice of its proposal to conduct small producer rate and certificate regulation under terms and conditions suited to that class of producers falling within a stated definition of "Small Producers". On March 18, 1971, the Commission, in Order No. 428,[2] promulgated rules and regulations after receipt and analysis of comments from all interested parties.

2. Order No. 428 and amendments thereto,[3] were reviewed by the Court of Appeals in Texaco, Inc. v. F.P.C., 474 F. 2d 416 (1972) and set aside as unlawful. On writ of certiorari, in No. 72–1490, F.P.C. v. Texaco, Inc., ---- U.S. ---- (1974) (slip opinion issued June 10, 1974), the United States Supreme Court vacated the judgment of the Court of Appeals and upheld the power of the Commission to regulate indirectly sales made by small producers; however, the Supreme Court noted infirmities in Order No. 428 which precluded affirmance as written, and accordingly directed a remand of this case to the Commission for "further proceedings consistent with this opinion."[4]

3. The Commission approaches this notice of rulemaking with the conviction that the Supreme Court has fully validated the basic purposes and procedures of Order No. 428. Consequently, further objections to the Commission's decision to regulate small producers differently than large producers, and to regulate small producer sales indirectly rather than directly, will not be entertained in this remanded proceeding.

4. The Supreme Court has directed our attention to specific deficiencies in Order No. 428, and it is to these that we address this Notice of Rulemaking. The Court expressed concern with the following.

a. Sections 4 and 5 of the Natural Gas Act require all producer rates to be just and reasonable; Order No. 428 does not demonstrate that small producer rates will be held to this standard. (Slip Opinion at pp. 12–16.)

b. Order No. 428, as written, places undue reliance on "the prevailing price in the marketplace" as a measure of the justness and reasonableness of small producer rates. (Slip Opinion at pp. 16–18.)

c. Order No. 428 provides no guidance to pipeline and large producer purchasers concerning the level of their potential exposure to nonallowance of a portion of purchased gas costs paid to small producers. (Slip Opinion at pp. 11–12.)

5. In giving consideration to these areas of express judicial dissatisfaction with Order No. 428, we have also given heed to the Court's concern that our further proceedings herein result in a form of regulation that is administratively feasible (see slip opinion at footnote 5, p. 12, and at p. 19). The Court's concern in this regard does not exceed our own. We will, accordingly, weigh the proposals here noticed, and the comments received in response to this notice, in terms of practicability as well as substantive merit.

6. As a predicate for the proposals herein made, we note the findings of the Supreme Court in Permian Basin Area Rate Cases, 390 U.S. 747 (1968):

> Although the resources of the small producers are ordinarily more limited, their activities are characteristically financially more hazardous. It appears that they drill a disproportionately large number of exploratory wells, and that these are frequently in areas in which relatively little exploration has previously occurred. Their contribution to the search for new gas reserves is therefore significant, but it is made at correspondingly greater financial risks and at higher unit costs • • • (F)or this and other reasons, small producers have regularly suffered higher percentages of dry wells, and higher average costs per Mcf of production. (390 U.S. at 784–785, footnotes omitted.)

7. From the inception of rate regulation based on average industry costs,[5] the Commission has sought an effective means of providing appropriate recognition of the "relevant importance"[7] of differences between the operations of small and large producers. In this endeavor, every reviewing Court has given encouragement.[8]

8. We are persuaded, as was the Supreme Court in Permian, that small producer operations differ from large producer operations to a significant degree. Risks are greater[9] and unit costs are higher.[10] Of equal significance, small producers cannot, by the very nature of their status as small producers, achieve the economies of scale available to the large producer; nor can they diversify their operations into other lines of economic endeavor as readily as the large producer as a means of ameliorating the financial risks of gas exploration. While continuing operations of large producers can be financed, in part, from internally generated funds flowing from large volume sales of old gas, the small producer (again by the very nature of his status as a small seller) does not have a comparable source of capital funds upon which to draw.

9. The combined effects of higher risks, a greater reliance upon external capital which must be attracted to the high-risk operations of the small producer, and a relative inability to diversify as a means of cutting risks clearly presents a situation wherein the Commission, under Hope[11] and Bluefield,[12] should permit a higher rate of return for small producers than for large producers. Similarly, recognition of historic higher unit costs and the inability of the small producer to achieve cost savings available to large producers impels recognition that a rate differential is necessary.

10. In addition to these cost considerations which strongly support a proposal that a rate differential be permitted small producers, there are compelling public policy considerations which we believe to be of significance.

11. First, undue concentration of ownership of natural gas production in the hands of a few can best be avoided by lowering barriers to entry of the new entrepreneur, and by encouraging the growth of those small producers now operating. While we have had occasion recently to examine the structure of the industry and concluded that it is presently competitive,[13] we nonetheless acknowledge that the public interest will be served by encouraging a greater degree of competition; this can be accomplished through a regulatory system which encourages new entrants and the growth of small businesses now engaged in the natural gas production business. We propose that an appropriate, and practical, means of providing a small business stimulus is through a rate differential favoring the new entrant and the small businessman.

12. Second, the operations of small producers have historically and characteristically been centered around exploration and wildcatting. In this time of a shortage of natural gas which is pervasive and critical,[14] protection of the con-

[1] 35 FR 12220.
[2] 45 FPC 454.
[3] Orders No. 428–A, 45 FPC 548, April 9, 1971; 428–B, 46 FPC 47, July 15, 1971; 428–C, 47 FPC 1031, April 10, 1972; 428–D, 47 FPC 1148, May 4, 1972. The amendatory order dealt with matters not here relevant.
[4] Slip Opinion at p. 20.
[5] See Opinion No. 468, Permian Basin Area Rate Proceeding, 34 FPC 159 (1965).
[7] Permian Basin Area Rate Cases, 390 U.S. at 784.
[8] See, e.g., F.P.C. v. Hunt, 376 U.S. 515 (1964); Texaco, Inc. v. F.P.C., supra at 474 F. 2d 430–431, wherein the Court, although overturning Order No. 428, said:

> All this is not to say that a proper regulatory determination, within the letter and spirit of the Natural Gas Act, could not set a just and reasonable rate for small producers higher than that for large producers. Given the special problems and practices of small producers, such a result is certainly conceivable.

[9] Permian Basin Area Rate Cases, supra.
[10] Permian Basin Area Rate Cases, supra; and see Texaco, Inc. v. F.P.C., supra, wherein the Court noted: "• • • small gas producers have historically accounted for as much as 80% of new exploration, but have less ready access to the necessary capital than do large producers. • • •" 474 F.2d at 419.
[11] F.P.C. v. Hope Natural Gas Company, 320 U.S. 591 (1944).
[12] Bluefield Water Works & Improvement Co. v. West Virginia, 262 U.S. 697 (1923).
[13] Opinion no. 659, Belco Petroleum, et al., ---- FPC ----, July 20, 1973, appeal pending sub nom. Consumers Union, et al., v. F.P.C., no. 73–1792, CADC.
[14] See, generally, opinion No. 699, issued June 21, 1974, in Docket No. R–389–B, at pp. 16–24.

suming public through encouragement of exploration is of prime concern. An appropriate rate differential for small producers can provide an effective incentive to that segment of the industry which is historically identified with the high-risk business of prospecting for new supplies of natural gas.

13. Based upon the cost and noncost considerations discussed above, we are tentatively of the belief, subject to comments and evidence to be submitted in response to this Notice that the Commission should, by final order entered in this docket, find that a specific rate differential recognizing the differences between small producer and large producer operations is just and reasonable and required by the public convenience and necessity. The extent of the rate differential to be set by final order in this docket must necessarily await the submission and evaluation of comments and evidence, but in order to comply with the requirements of 5 U.S.C. 553, we propose, as a basis for the solicitation of comments and evidence that § 157.40(c) of our regulations be amended to provide that a small producer may lawfully charge, and a pipeline or large producer may lawfully pay to a small producer, without exposure to nonrecovery, any contractually authorized rate which does not exceed a maximum of 150 percent of the applicable ceiling rate set by the Commission for a comparable sale by a large producer.

14. The rate differential ultimately determined herein shall be based upon large producer rates as set by a Commission order of general applicability which effects a change in the Commission's regulations. Thus an area rate opinion or order, or a national rate opinion or order, will provide the base rate for calculation of the small producer differential, but an opinion determining a rate for a specific sale (as in § 2.75 proceedings or in proceedings under Order No. 431) would not. The small producer differential would apply to the base rate as determined in the appropriate order or opinion of general applicability, exclusive of provisions for production, severance, or similar tax reimbursement, gathering allowances, or quality adjustments as contained in such order of opinion.

15. Subject to the comments and evidence submitted in response to this notice, it is our intention to enter findings in the final order entered in this docket that all small producers rates charged pursuant to a rate differential formula, as finally determined herein, are just and reasonable. No further proceedings, at the producer level, or through regulation of the purchaser, with respect to rates charged in compliance with the rate differential formula are contemplated.[15]

16. In putting forward the proposals here noticed, we are mindful of the fact that we have not quantified, and cannot presently quantify, a specific differential in small producer and large producer costs. The only means of quantifying the differences would lie in a requirement that all, or a representative sample of producers, small and large, periodically file full and complete cost-of-service studies with respect to each producer's individual costs. Such a procedure is unacceptable if we are to heed the Supreme Court's admonition that our regulatory system be administratively feasible. Given the number of small producers, the disparate bookkeeping and accounting methods involved,[16] the most difficult problems of cost allocation between oil and gas operations, and the time required for implementation of the data gathering effort and Staff audit of reports submitted, we find that any attempt by the Commission to proceed in this fashion would be self-defeating.

17. It is our belief that an inability to quantify the cost differential does not invalidate the determination that a rate differential is just and reasonable.[17] We here assert our judicially recognized duty[18] to consider noncost factors as well as costs in setting just and reasonable rates. We are persuaded from the information presently available that some cost differential exists, that a higher rate of return for small producers is necessary, and that the overall public interest will be served by the grant of a sufficient differential to attract new entrants and encourage the growth of small producers. We conclude, therefore, that a differential is just and reasonable, but that the appropriate level of the differential becomes a matter of informed judgment peculiarly within the administrative discretion of this agency.

18. Nonetheless, we recognize that any decision reached herein must be based on substantial evidence if it is to be lawful. Accordingly, we specifically invite comment and evidence concerning (1) the level of rate differential which would be just and reasonable, and (2) the cost and noncost support for the particular rate differential which the Commission should adopt. We have proposed a 50 percent differential as a means of soliciting comment, and without prejudgment that a final order herein will embody this precise figure. Comments and evidence herein may persuade us that the differential should be lesser or greater than 50 percent, or that no differential should be permitted.

19. The Commission had administered the small producer program since its adoption through Order No. 428 on March 18, 1971, without significant administrative difficulty. We judge, upon the information presently available and upon more than three years actual experience, that the administrative mechanics of Order No. 428 are sound and workable. We propose no change therein. In this connection, we note that under Order No. 428, a small producer may lawfully charge and receive, without refund liability, from a pipeline or large producer purchaser willing to pay the same, rates up to the full contractual rate. Under our proposal as here submitted, such may still occur, but in the event of such payments, the purchaser will clearly be on notice that any payment in excess of that permitted under the rate differential formula authorized by final order in this docket will be deemed excessive unless shown by the purchaser to be just and reasonable,[19] and to the extent that the purchaser fails in its proof in the appropriate pipeline or large producer rate proceeding, the overpayment will not be permitted for flow through in the pipeline's or large producer purchaser's resale rates.

20. All persons who hold or who have applied for a small producer's certificate under Order No. 428 are urged to submit evidence by comments and cross-comments in this proceeding; all interstate pipelines and large producers will be directly affected by the final order issued herein, and accordingly, their full participation is also sought. Distributors and other consumer interest participation will further contribute to the development of a full and complete record, and we solicit full participation from these interests.

21. Any interested person who seeks participation in this rulemaking proceeding shall file with the Secretary of the Commission, on or before September 24, 1974, a notice of intention to participate, participants having a common interest shall combine in a group where practicable and desirable. The Secretary will prepare and publish, by September 30,

[15] We acknowledge, of course, as we must, that section 5 of the Natural Gas Act permits further Commission action with respect to any rate subject to the Commission's jurisdiction. We cannot, and do not purport to, bind a future Commission to honor our rate determinations in perpetuity.
[16] Cf. Mobil Oil Corp. v. F.P.C., ---- U.S. ---- (No. 73–437, slip opinion issued June 10, 1974), at p. 31.
[17] Compare F.P.C. v. Texaco, Inc., *supra*, where the Supreme Court emphasized: "That every rate of every natural gas company must be just and reasonable does not require that the cost of each company be ascertained and its rates fixed with respect to its own costs." (Slip Opinion at p. 8.)
[18] "The Commission's responsibilities necessarily obligate it to give continuing attention to values that may be reflected only imperfectly by producer's costs; a regulatory method that excluded as immaterial all but current or projected costs could not properly serve the consumer interests placed under the Commission's protection." Permian Basin Area Rate Cases, supra, 390 U.S. at 815. See also Mobil Oil Corp v. F.P.C., supra; Austral Oil Co. v. F.P.C., 428 F. 2d 407 (CA5, 1969), cert. denied 400 U.S. 950 (1970); Placid Oil Co. v. F.P.C., 483 F. 2d 880 (CA5, 1973), affirmed sub nom. Mobil Oil Corp. v. F.P.C., supra.
[19] The standard to be applied by the Commission is adjudicating the validity of the payment to a small producer in excess of the differential authorized in this docket will be the just and reasonable standard of sections 4 and 5 of the Act, and not a standard of reasonable prudence. We can read F.P.C. v. Texaco, Inc., supra, as clearly requiring the use of the just and reasonable standard. As noted in Texaco (footnote 7, p. 15 of the slip opinion) we have indicated the factors to be weighed in applying the just and reasonable standard in cases arising under Order No. 428.

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1974, a list of all participants including groups of participants. Participants shall certify that all other participants or a group's designated representative, have been served with a copy of each filing made hereunder.

22. Responses in writing concerning this proposed rulemaking shall be filed with the Secretary at the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, by October 10, 1974. The submittal shall state the name, title, mailing address, and telephone number of the person or persons to whom communications concerning this matter should be addressed. An original and fourteen conformed copies of such response shall be filed with the Commission. Responses to the submittals shall be filed no later than October 25, 1974, in the same form and number as the original submittals. All submittals and responses will be placed in the Commission's public files and will be available for inspection in the Commission's Office of Public Information, 825 North Capitol Street NE., Washington, D.C. 20426, during regular business hours.

23. All statements and submittals in response to this notice shall be under oath, acknowledged by a notary public or comparable official, as follows: _____ (name) _____ being duly sworn, deposes and says that he is (title and organization, if filing is a representative capacity) that he is authorized to verify and file this document, that he has examined the statements contained in the submittal or response, and that all such statements are true and correct to the best of his knowledge, information, and belief. The participants preparing statements and submittals, other than prepared data sheets in response to this rulemaking shall insert line numbers on each page in the left-hand margin.

24. It is our present belief that there is no need for any public conference on this notice. The procedures to be followed in this proceeding will be those of informal rulemaking and at this juncture we do not envision a trial-type adjudicatory hearing or oral cross-examination. All participants are afforded the opportunity to respond to this notice and to file written rebuttals to other responses, all of which will be considered by the Commission in issuing a final order in this proceeding.

25. The Commission's authority to establish rates by rulemaking has been upheld, American Public Gas Association, et al v. F.P.C., Nos. 71-1812 and 71-1873 (D.C. Cir., May 23, 1974); Mobile Oil Corp. v. F. P.C. ____ U.S. App. D.C. ____, 483 F. 2d 1238 (D.C. Cir. 1973); Phillips Petroleum Co. v. F.P.C., 475 F. 2d 842 (10th Cir. 1973), cert. denied *sub nom.* Chevron Oil Co., et al. v. F.P.C. No. 73-91, 42 U.S.L.W. 3401 (U.S., January 14, 1974); and objections to our choice of rulemaking as the appropriate means of resolving the issues here presented will not be entertained.

26. Accordingly it is proposed to amend Part 157, Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment under section 7 of the Natural Gas Act, Title 18 of the Code of Federal Regulations in the manner set forth below. The proposed amendments to Part 157 of Subchapter E, regulations under the Natural Gas Act, Chapter 1, Title 18 of the Code of Federal Regulations would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 4, 5, 7 and 16 (52 Stat. 822), 823, 824, 825, 830, 56 Stat. 83, 84, 61 Stat. 459, 76 Stat. 72 (15 U.S.C. 717c, 717d, 717f and 717(o)).

27. The following is the proposed amendment to Part 157, Chap. 1, Title 18 of the Code of Federal Regulations:

Revise § 157.40(c) so that it will read as follows:

§ 157.40(c) Exemption under blanket certificate.

• • • • •

(c) *Rate and Certificate Regulation under blanket certificate.* Small producers certificated hereunder shall be authorized to make small producer sales nationwide pursuant to existing and future contracts at the price specified in each such contract. If the contractually authorized rate does not exceed 150 percent of the Commission-determined base ceiling rate applicable to a comparable large producer sale, the rate may be charged and received by the small producer and paid by the purchaser, as the lawful, just and reasonable rate approved by the Commission pursuant to sections 4, 5, and 7 of the Act. However, no small producer shall be relieved from compliance with section 7(b) of the Natural Gas Act with respect to any small producer sale regulated hereunder. Rate regulation as prescribed herein shall not apply to any jurisdictional sales made by a small producer where the gas reserves relating thereto were acquired by the purchase of developed reserves in place from a large producer.

• • • • •

28. Notice of this rulemaking proceeding shall be publication in the FEDERAL REGISTER as provided in 5 U.S.C. 553(b), and personal notice to persons who may be affected thereby will not be given. The Secretary shall cause prompt publication of this Notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-21284 Filed 9-13-74;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 702]

RESERVES

Full and Fair Disclosure Required

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 84 Stat. 1014, 12 U.S.C. 1789, proposes to rescind § 702.3 of Part 702 (12 CFR 702) and in lieu thereof add a new § 702.3 to be effective January 1, 1975, as set forth below.

The purpose of the proposed rulemaking is to update Part 702 (12 CFR 702) so that it is consistent with the Accounting Principles and Standards which become effective January 1, 1975.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed rulemaking to the Administrator, National Credit Union Administration, 2025 M St. NW., Washington, D.C. 20456. Comments received prior to November 10, 1974, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for public inspection during normal business hours at the foregoing address.

HERMAN NICKERSON, JR., *Administrator.*

SEPTEMBER 5, 1974.

Section 702.3 would read as follows:

§ 702.3 Full and fair disclosure required.

(a) "Full and fair disclosure" is the level of disclosure which a prudent person would provide to a member of a Federal credit union, a creditor, or the National Credit Union Administration in order to fairly inform any or all of them of the financial condition and the results of operations of the credit union.

(b) (1) Federal credit unions shall provide for full and fair disclosure of all assets, liabilities, and members' equity, including such valuation allowance accounts as may be necessary to present fairly the financial position; and all income and expenses necessary to present fairly the results of operations during a dividend period.

(2) Full and fair disclosure will further be accomplished by (i) selecting one of the accounting bases provided for in the Accounting Manual for Federal Credit Unions which shall be either the modified cash basis or the accrual basis of accounting, and by (ii) use of appropriate financial statements described in the Accounting Manual for Federal Credit Unions, or financial statements of equivalent format.

(c) (1) The maintenance of a valuation allowance for loan losses shall not eliminate the requirement for transferring a percentage of gross income at the close of each dividend period to the regular reserve as required by section 116 of the Federal Credit Union Act.

(2) As a minimum, adjustments to the valuation allowance for loan losses shall be made at the end of each dividend period and prior to the distribution of any dividend so that the valuation allowance established fairly presents the value of loans and anticipated losses resulting from (i) uncollectable loans and notes and contracts receivable, including any uncollectable accrued interest receivable thereon, (ii) assets acquired in liquidation of loans, and (iii) loans purchased from other credit unions.

(3) (i) All adjustments to the valuation allowance for loan losses will be recorded in the expense account "Provision for Loan Losses."

(ii) Whenever additions to the valuation allowance for loan losses cause a deficit in the regular reserve account, such deficits remaining after the statutory transfer of gross income to the regular reserve account shall be transferred first to undivided earnings and, if this shall cause a deficit in undivided earnings, then to other segregations of undivided earnings that may exist, exclusive of the special reserve for losses, should such be required by the Administrator in accordance with § 702.1. These amounts are eligible for return to undivided earnings as provided for in the Accounting Manual for Federal Credit Unions.

(iii) Dividends shall not exceed the amount available for that purpose after provisions have been made for the statutory transfer to the regular reserve account and the removal of any deficit in the regular reserve account.

(d) The Statement of Financial Condition, when presented to members, creditors, or to the National Credit Union Administration, shall contain a dual declaration by the treasurer and by the president, or in the absence of the president, by any other officer designated by the board of directors of the reporting credit union to make such declaration, that the report and related financial statements are true and correct to the best of their knowledge and belief and presents fairly the financial position and the results of operations for the period covered.

(e) Upon written application by the board of directors of a Federal credit union, the Administrator may waive, in whole or in part, the requirement for the maintenance of the valuation allowance for loan losses. Such application shall be addressed to the appropriate Regional Director.

[FR Doc.74-21277 Filed 9-13-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

COMMISSIONER'S ADVISORY GROUP

Notice of Open Meeting

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, a meeting of the Commissioner's Advisory Group will be held on October 22 and 23, 1974, beginning at 10 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224. The agenda will include various topics concerning the procedures and operations of the Internal Revenue Service.

The meeting will be open to the public. It is to be held in a room accommodating 50 people. In addition to discussion of agenda topics by Committee Members, there will be time for statements by nonmembers. Persons wishing to make oral statements should so advise the Executive Secretary prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the Committee by sending it to the Executive Secretary, Room 3009, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.74-21430 Filed 9-13-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

JUNIOR SCIENCE AND HUMANITIES SYMPOSIA

Meeting

In accordance with Public Law 92-463 dated 6 October 1972, notice is given of a meeting of the Junior Science and Humanities Symposia (JSHS) Advisory Committee, as follows:

Date: 17 October 1974
Time: 0930 hours
Place: US Army Research Office, Durham, North Carolina

Agenda subjects will be as follows:

Action on Summary of 27th Meeting held 17 May 1974
Status of Regional Programs
Other Army Support of JSHS, FY 75
Procedures in Selecting Judges and Judging of Student Papers for 1975 National
Tax Exemption
Status of 1976 National JSHS
Photography Presentation of JSHS
DA Policy on Advisory Committee

The meeting will be open to the public. For information concerning participation, contact Mrs. Anne G. Taylor, Executive Secretary, JSHS Advisory Committee, US Army Research Office, Box CM, Duke Station, Durham, North Carolina 27706, AV 935-3331; AC 919-286-2285.

LOTHROP MITTENTHAL,
COL, AD Commanding.

[FR Doc.74-21266 Filed 9-13-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant, Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, California 92563.

BUREAU OF SPORT FISHERIES AND WILDLIFE,
Department of the Interior,
Washington, D.C.

JULY 25, 1974.

In compliance with Public Law 93-205, section 10(b) and Code of Federal Regulations, Title 50, Subpart c, paragraph 17-23 and § 13.12(a), it is requested that permission be granted Lion Country Safari, Inc., to transfer six (6) American alligators from our park in Florida to our park in California.

1. *Applicant's name:* Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, California 92653, Attention: Donald R. Dietlein (804) 798-4761.

2. Applicant is a public corporation: Mr. Harry Shuster, President and Chairman of the Board, Lion Country Safari, Inc., 8800 Moulton Parkway, Laguna Hills, California 92653, Telephone: (714) 837-1200.

Location where the permitted activity is to be conducted. Lion Country Safari, Laguna Hills, California 92653.

3. *Mailing address.* 8800 Moulton Parkway, Laguna Hills, California 92653, Telephone: (714) 837-1200.

4. *Name of species.* Six American Alligators, *Alligator mississipiensis*, all in captivity at least one year. Size 40"-60".

5. *Statement of Justification.* The Fish and Game Department, State of Florida, deposited the alligators at Lion Country Safari, Florida. The State of Florida has approved of the transfer with an expiry date of 15 September 1974.

6. *Description of facility.* Our California park has a large pool (constant running water) with dirt islands. The park is open to the public and since alligators are not indigenous to California, Lion Country would like to display these animals at their park.

7. The six alligators were captured from the wild by the Fish and Game Department, State of Florida, over one year ago.

8. Mr. Pat Quinn, Zoological Manager of the California park, has had many years experience in reptile work. He was a Zoo Director of a park in Florida where he displayed them successfully.

9. Lion Country Safari, Inc., will participate in a cooperative breeding program with other institutions and will contribute data to a studbook.

10. If permission is granted, the alligators will be air freighted (5 hours) in individual crates.

11. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

LION COUNTRY SAFARI, INC.,
DONALD R. DIETLEIN,
Zoological Coordinator.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Washington, D.C. 20240. All relevant comments received on or before October 16, 1974 will be considered.

Dated: September 5, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-21337 Filed 9-13-74;8:45 am]

MARINE MAMMALS

Receipt of Application

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

Applicant. Ancel Johnson, Marine Mammal Substation, Naval Support Activity, Building 192, Seattle, Washington 98115.

APPLICATION FOR SEA OTTER RESEARCH PERMIT AS REQUIRED BY THE MARINE MAMMAL PROTECTION ACT OF 1972

The U.S. Fish and Wildlife Service, Department of the Interior requests a permit to:

1. Retain for scientific studies parts or entire carcasses of sea otters (*Enhydra lutris*) found dead.

2. Capture, mark, and retain in captivity for period of up to 3 months, up to 10 sea otters, between 1 January 1975 and 1 January 1977.

3. Capture, mark, and release in Prince William Sound, Alaska, up to 30 sea otters per calendar year from 1976 through 1979.

4. Retain the carcasses of any animals accidentally killed during marking.

BACKGROUND AND JUSTIFICATION

This permit is requested to initiate an intensive study of sea otters in Prince William Sound. The research dependent on this request is one of the major parts of the intensive study (see attached plan).

The sea otter population of Prince William Sound, recently estimated by Alaska Department of Fish and Game to contain about 5,000 animals, apparently is increasing. Intensive study of this population prior to and following completion of the oil pipeline and the beginning of oil shipments from Valdez will provide "pretreatment" or base data which will be useful in evaluating effects resulting from the pipeline activities or other developments, and in addition will add to our knowledge of the biology and ecology of the sea otter. The only information available on the Prince William Sound sea otter population are the counts and estimates presented by ADF&G and the results of a 4-month study by Donald Calkins (1972). (For general references see the attached list.)

A suitable method of permanently, or even temporarily, marking sea otters for visual recognition is not available but is necessary to this and other studies. Some sea otters have been marked by Kenyon (1969) and Estes and Smith (1973) at Amchitka and Wild and Ames (1974) in California, indicating that marking is possible. Small flipper tags have been retained for at least 2 years and Estes found that a collar caused no apparent harm to sea otters. However, testing of additional methods is needed to develop: A mark easily identifiable at a distance; a method of attaching radio transmitters; and to determine the effect of the mark and transmitters on the sea otters. A small number of individually marked animals and animals with transmitters in the sea otter population will provide valuable data on movements, territoriality, behavior, reproduction, and verify the accuracy of age determination.

METHODS

From animals found dead, the entire carcass or parts thereof will be examined, processed, and retained for a period of years. From these specimens, data on age, sex, morphology, seasonal distribution of mortality, and in some cases, causes of death will accumulate.

Animals captured to test method of marking and later for marking, will be taken with nets in a manner similar to that used by personnel of the Alaska Department of Fish and Game when transplanting animals and with a diver-held net similar to that developed in California (Wild and Ames 1974), Karl Schneider, ADF&G, and James Estes, BSFW, both experienced in capturing and handling sea otters, will participate in the initial phase of this study. Because nets appear to be the most practical method of capturing sea otters every effort will be made to develop a technique that will minimize mortality.

Animals kept in captivity for testing of marks and methods of attaching transmitters will be held in floating pens, approximately 12'x20'x5', in a sheltered bay in Prince William Sound for a period of up to 3 months. No more than three animals will be in a pen at one time. They will be fed live and fresh-frozen food, including crab, squid, clams, and rockfishes. Some of the methods of marking that will be tested are disk tags, neck banks, and bleaching. When the best method of marking has been determined, up to 30 otters will be captured, marked, and released annually.

USE AND DISPOSITION OF SPECIMENS

For all carcasses as much of the following biological information that is available will be recorded:

1. Age, from sectioned teeth
2. Sex
3. Reproductive condition, for examination of reproductive organs
4. Stomach contents, volume, and species
5. Parasites
6. Cause of death

In addition, the skulls of all animals will be retained; also, parts or entire skeletons and pelts will be retained from some animals. Pelts, skulls, and skeletal parts will ultimately be deposited in museums or other educational and scientific institutions.

CERTIFICATION

I hereby certify that the foregoing information is complete, true, and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to penalties provided under the Marine Mammal Protection Act of 1972.

ANCEL JOHNSON,
Marine Mammal Substation, Naval Support Activity Building 192, Seattle, Washington 98115

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Washington, D.C. 20240. All relevant comments received on or before October 16, 1974 will be considered.

Dated: September 5, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-21336 Filed 9-13-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M74-181]

A. & W. AUGER CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), A. & W. Auger Corporation has filed a petition to modify the application of 30 CFR 77.1605(k) to its Auger No. 1 Mine located at Emory Gap, Tennessee.

30 CFR 77.1605(k) provides:

Beams or guards shall be provided on the outer bank of elevated roadways.

By this petition, Petitioner seeks to modify a decision issued by Administrative Law Judge George A. Koutras on November 26, 1973, approving, subject to eleven enumerated conditions, Petitioner's original petition[1] for modification. Specifically, Petitioner requests modification of conditions 3, 5, 8, 9 and 10 of the aforementioned decision.

Condition 3. A traffic system shall be put into use for these roads requiring that loaded vehicles have the right-of-way on the high-wall side of roads regardless of their direction of travel.

Petitioner asserts that it is extremely hazardous to require that "loaded vehicles have the right-of-way on the high-wall side of roads regardless of their direction of travel." Petitioner feels that to require drivers of heavily loaded vehicles to constantly switch from one side of the road to the other is hazardous for the following reasons:

(A) The above requirement runs contrary to an experienced driver's reflexes. In an unnatural situation the drivers may react incorrectly.

(B) The majority of Petitioner's haulage time is on public roads where driving is always on the right side of the road. Petitioner believes that accidents will be inevitable if part of a haulage trip is on one side of the road and part of the same trip on the other side.

Condition 5. All equipment operators shall be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

Petitioner requests that the foregoing condition be modified so as to apply solely to haulage equipment operators. There is no benefit, Petitioner asserts, in requiring, for example, a shovel operator to undergo training and retraining in the use of haulage equipment.

Condition 8. A minimum width of 30 feet shall be provided and maintained along two-lane roads, and where widths of less than 30 feet are provided and maintained, the roads shall be designated as single-lane roads.

The above condition should, Petitioner asserts, be modified to require a minimum width of 24 feet in lieu of the present requirement of 30 feet.

Condition 9. On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other materials, passing points shall not be more than 500 feet apart.

Petitioner requests that the foregoing minimum width requirement of 16 feet apply except where roads are "shot out of solid rock."

[1] The original petition was published in the FEDERAL REGISTER on August 17, 1973, 38 FR 22245 (1973).

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Condition 10. Where abrupt drop-offs are present along the outer banks, super-elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

Petitioner's roads, which Petitioner claims are adequately super-elevated, are elevated in the direction of travel, and not toward the highwall. Petitioner believes that a hazardous condition would result if, for example, the highwall is on the left side of a road which bears to the right when traveling downhill. In such a case, the above condition would dictate that the elevation be in the direction of the highwall, or left, side of the road. According to Petitioner, the aforementioned requirement would lead to a precarious leaning of a heavily loaded truck traveling downhill.

Finally, Petitioner asserts that in all cases its proposed modifications will provide as much safety as the application of the mandatory standard as originally modified.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 16, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 6, 1974.

[FR Doc.74-21273 Filed 9-13-74;8:45 am]

Office of the Secretary

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 9, 1974.

Dated: August 9, 1974.

CHARLES A. CAMPBELL.

[FR Doc.74-21324 Filed 9-13-74;8:45 am]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change. FMC Corporation, Howmet Corporation, Morrison-Knudsen Company, General Electric Company, Amalgamated Sugar Company, Idaho Power Company, First Security Bank Corporation, Union Carbide Corp., Pacific Power & Light Company, Utah Power & Light Company, Union Pacific Corp., Portland GE Company, Washington Water Power Company.
(2) Montana Power Company, Westinghouse Electric Corp., Puget Sound Power & Light Company, Pfizer Corp., Anaconda, Gulf Oil, AT&T Co., Sawtooth Development Co., Arizona Public Service Co., Boise Cascade Corp., Idaho First National Bank, Stone & Webster Corp.
(3) No change.
(4) No change.

This statement is made as of August 8, 1974.

Dated: August 8, 1974.

GLENN J. HALL.

[FR Doc.74-21325 Filed 9-13-74;8:45 am]

ROBERT L. HUFMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 18, 1974.

Dated: August 18, 1974.

ROBERT L. HUFMAN.

[FR Doc.74-21326 Filed 9-13-74;8:45 am]

DAVID G. JETER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of June 30, 1974.

Dat 1: August 14, 1974.

DANIEL G. JETER.

[FR Doc.74-21327 Filed 9-13-74;8:45 am]

J. W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 12, 1974.

Dated: August 12, 1974.

J. W. KEPNER.

[FR Doc.74-21328 Filed 9-13-74;8:45 am]

OWEN A. LENTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of July 31, 1974.

Dated: August 28, 1974.

OWEN A. LENTZ.

[FR Doc.74-21329 Filed 9-13-74;8:45 am]

ROBERT R. McLAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 14, 1974.

Dated: August 14, 1974.

ROBERT R. McLAGAN.

[FR Doc.74-21330 Filed 9-13-74;8:45 am]

HARRY H. MOCHON, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Sandgate Corp. (addition).
(3) No change.
(4) No change.

This statement is made as of August 7, 1974.

Dated: August 7, 1974.

HARRY H. MOCHON, Jr.

[FR Doc.74-21331 Filed 9-13-74;8:45 am]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Puerto Rico Water Resources Authority (a public corporation of the Commonwealth of Puerto Rico) Executive Director since May 1973.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 20, 1974.

Dated: August 20, 1974.

JULIO A. NEGRONI.

[FR Doc.74-21332 Filed 9-13-74;8:45 am]

WILLIAM K. PENCE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 9, 1974.

Dated: August 20, 1974.

W. K. PENCE.

[FR Doc. 74-21333 Filed 9-13-74;8:45 am]

LEROY J. SCHULTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 14, 1974.

Dated: August 14, 1974.

LEROY J. SCHULTZ.

[FR Doc.74-21334 Filed 9-13-74;8:45 am]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of August 7, 1974.

Dated: August 7, 1974.

CHARLES W. WATSON.

[FR Doc.74-21335 Filed 9-13-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

ADMINISTRATOR, FOREIGN AGRICULTURAL SERVICE

Delegation of Authority—CCC Export Sales Program, GSM-4

Pursuant to authority vested in me by CCC Board Docket ICX-267, Revision II, Financial Arrangements Required by CCC under Its Export Credit Sales Program, which was approved by the CCC Board on December 17, 1971, and the Secretary of Agriculture on December 23, 1971, I hereby delegate to the Vice President, CCC, who is the Administrator, Foreign Agricultural Service, all authorities vested in the President, CCC, by said CCC Board Docket ICX-267, Revision II, with authority to redelegate such authorities, but only to officials not below the rank of Deputy Assistant Sales Manager, Commercial Export Programs, Foreign Agricultural Service.

The authority herein delegated shall be exercised in conformity with the by-laws, regulations, and programs of Commodity Credit Corporation, and the policies adopted by the Board of Directors of the Corporation.

No delegation of authority pursuant hereto shall preclude the President or Vice President, CCC, from exercising any of the authority so delegated.

Authority. Docket ICX-267, Revision II.

Effective date. Date of signature.

Signed at Washington, D.C. on September 10, 1974.

CLAYTON YEUTTER,
President,
Commodity Credit Corporation.

[FR Doc.74-21347 Filed 9-13-74;8:45 am]

Forest Service

PACIFIC NORTHWEST FORESTRY RESEARCH ADVISORY COMMITTEE

Notice of Meeting

The Pacific Northwest Forestry Research Advisory Committee will meet at 8 a.m. to 4:30 p.m., October 8 and 9, 1974, at the Range and Wildlife Habitat Laboratory, "C" and Gekeler Lane, La Grande, Oregon.

The purpose of this meeting is to review the forest research program of the Pacific Northwest Forest and Range Experiment Station and particularly the research work in eastern Oregon and Washington.

The meeting will be open to the public. Persons who wish to attend should notify Dr. Robert E. Buckman, Director, Pacific Northwest Forest and Range Experiment Station, P.O. Box 3141, Portland, Oregon 97208; telephone No. 503-234-3361, Ext. 4909. Written statements may be filed with the committee after the meeting.

ROBERT E. BUCKMAN,
Director, Pacific Northwest Forest & Range Experiment Station.

SEPTEMBER 11, 1974.

[FR Doc.74-21298 Filed 9-13-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before October 7, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00022-33-46040. Applicant: National Institute of Neurological Diseases and Stroke, National Institutes of Health, Bethesda, Maryland 20014. Article: EM201C Electron Microscope, Eucentric Goniometer Stage and Image Intensifier System. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used for morphological examination of thin sections and fracture replicas of neural and receptor tissue. The imaging of morphological details will depend on electron opacity or scattering properties of tissue elements stained, shadowed, or impregnated with

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heavy metals. Morphological experiments will be conducted with developmental, genetic and biochemical tracer manipulations. Application received by Commissioner of Customs: July 17, 1974.

Docket number: 75–00056–00–46500. Applicant: University of Pennsylvania, 3451 Walnut Street, Philadelphia, Pa. 19174. Article: LKB14800–1 Cryoultramicrotomy Kit. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the synthesis and accumulation of the biological materials collagen, proteoglycon, elastin, and basement membrane in embryonic chick and embryonic rat tissues. The experiments to be conducted include the use of immuno-electron microscopy, to identify the cells synthesizing the different extracellular macromolecules, as well as the cellular compartments involved in their synthesis and secretion. Other studies will include the effects of microenvironmental factors such as oxygen level, pH changes and small ion concentrations, as well as the effects of various pharmacological agents on the synthesis and accumulation of the macromolecules. In addition, the role of these macromolecules in regulation embryonic development, and in the development of the physiological properties of tensile strength and elasticity in developing tissues, will be studied. Application received by Commissioner of Customs: August 15, 1974.

Docket number: 75–00057–55–17500. Applicant: University of Washington, Department of Oceanography WB–10, Seattle, Washington 98195. Article: Two Recording Current Meters, Model # 4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used in experiments involving continuous detailed monitoring of currents and thermal structure of the Arctic Ocean in pursuit of the following objectives:

(a) Definition of special velocity components of tidal origin (semi-diurnal, diurnal, fortnightly bands, etc.) and differentiation of these from inertial events.

(b) Determination of seasonal and long-term variability of velocity and thermal fields in the Arctic Ocean.

(c) Assessment of the role of planetary waves.

(d) Mapping of the climatologically mean velocity field.

(e) Measurement of short-term aperiodic accelerations.

Application received by Commissioner of Customs: August 15, 1974.

Docket number: 75–00058–33–90000. Applicant: University of California, Los Angeles, Center for the Health Sciences, Los Angeles, California 90024. Article: EMI Scanner with Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to explore the possibilities of transverse tomography using holographic image reconstruction. The article will provide data for comparison with the holographic method as well as for digital methods. Experiments will also be conducted on other forms of display (topographic, density, etc.) and reproduction. Studies will also be conducted to determine the feasibility of reconstructing the images in planes other than the transverse axis in which they are obtained. The article will also be used in the following courses in which student participants will be introduced to the modalities of the EMI Scanner techniques:

Basic Principles in Radiology
Radiology Clerkship
Advanced Senior Clerkship—Diagnostic Division
Special Senior Clerkship—Diagnostic Division
Applications of Medical Physics
Physics of Diagnostic Radiology
Neurology Depth Elective

Application received by Commissioner of Customs: August 16, 1974.

Docket number: 75–00059–98–77045. Applicant: University of Rochester, Laser Energetics Laboratory, Wilson Blvd., Rochester, New York 14627. Article: Defocusing Crystal X-Ray Spectrometer. Manufacturer: The Culham Laboratory, United Kingdom. Intended use of article: The article is intended to be used for the study of the feasibility of exciting x-rays laser action from a plasma produced by a light laser. Application received by Commissioner of Customs: August 16, 1974.

Docket number: 75–00060–33–46500. Applicant: University of Colorado, School of Dentistry, 4200 East 9th Avenue, Denver, Colorado 80220. Article: Ultramicrotome, Model LKB8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the investigation of mammalian tissues obtained from experimental animals. The experiments to be conducted will investigate the transport of these macromolecules and their contribution to the formation of basement membrane in the oral cavity under normal physiological conditions. In addition, the experiments will study pathological conditions. The objectives to be pursued in the investigations are the elucidation at the electron microscopic level of the structural bases of the transport of various macromolecules across cell membranes of epithelial and connective tissue cells and their contribution to the formation of basement membrane of oral structures. Application received by Commissioner of Customs: August 16, 1974.

Docket number: 75–00061–33–46500. Applicant: University of Minnesota Medical School, 2630 University Avenue Southeast, Minneapolis, Minnesota 55414. Article LKB Ultrotome III Ultramicrotome 88001–NM with Microscope Holder. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in experiments involving the determination of the normal structure of nerve endings in human muscle spindles compared to similar endings in muscle spindles from cat, rat, and other mammals, and in the study of the responses of muscle spindles to physiological stimulation and to a variety of pharmaceutical agents to which they will be exposed.

Application received by Commissioner of Customs: August 19, 1974.

Docket number: 75–00062–33–00000. Applicant: Tulane University School of Medicine, 1430 Tulane Avenue, New Orleans, La. 70112. Article: EMI Scanning Unit with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in teaching specialists in training in neurology and psychiatry, as well as medical students in methods of diagnosis of neurological diseases. Didactic work will include theory, methodology, and interpretation of the data that are collected. The article will also for clinical research centering on assaying the relative effectiveness of this instrument versus existing techniques of pneumoencephalography, radioisotope scanning, and angiography.

Application received by Commissioner of Customs: August 19, 1974.

Docket number: 75–00063–33–46500. Applicant: University of Wisconsin-Waisman Center, 2605 Marsh Lane, Madison, Wisconsin 53706. Article: Ultramicrotome, Model LKB8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for investigation of the properties of biological materials which lend themselves to the understanding of transport processes for macromolecules into and across cells and cellular barriers especially in the developing brain and neuroendocrine systems. The following experiments will be conducted:

(1) The configurative and experimental changes in endocrine canaliculi and intercellular spaces,

(2) The identification by ultrastructure of brain glial cells taking part in mitotic responses to brain injury,

(3) The cellular and intracellular localization of particular organelles and macromolecular uptake mechanisms.

The article will also be used by graduate students in the Neuroendocrinology Section laboratory to further understanding of sectioning techniques.

Application received by Commissioner of Customs: August 19, 1974.

Docket number: 75–00064–01–42800. Applicant: Indiana University, Purchasing Department, 1101 East 17th Street, Bloomington, IN 47401. Article: Cryomagnet and Accessories. Manufacturer: Bruker-Physik AG, West Germany. Intended use of article: The article is intended to be used to obtain nuclear magnetic resonance of unknown compounds in studies of chemical bonding structures. In addition the article will be used for educational purposes in graduate level courses involving structural studies.

Application received by Commissioner of Customs: August 23, 1974.

Docket number: 75–00065–00–46040. Applicant: Westinghouse Hanford, Hanford Engineering Development Laboratory, P.O. Box 1970, Bldg. 326, 300 Area, Richland, WA 99352. Article: Side Entry Goniometer Assembly. Manufacturer: JEOL, Japan. Intended use of article: The article is an accessory to an existing

electron which is being used in the investigation of the effects of high energy particle irradiation on materials to be used in advanced energy producing systems. Application received by Commissioner of Customs: August 23, 1974.

Docket number: 75–00066–75–44500. Applicant: Battelle Memorial Institute, Columbus Laboratories, 505 King Avenue, Columbus Ohio 43201. Article: Leitz 056 Research Micro-Metallograph System. Manufacturer: Ernst Leitz, West Germany. Intended use of article: The article is intended to be used for the study of sections of irradiated and radioactive nuclear reactor fuels and other components such as claddings, pressure vessels, control rods, piping, and fission monitors. In general, the experiments conducted on the article consist of examination of radioactive materials (generally reactor materials) after irradiation to determine any changes that have occurred as a result of irradiation or reactor operation. Typical experiments will include studies of changes in pore morphology in reactor fuels, and studies of corrosion phenomena of cladding and component materials. Application received by Commissioner of Customs: August 23, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–21264 Filed 9–13–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 3B2843]

HENKEL, INC.

Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 121.52, Withdrawal of petitions without prejudice, of the procedural food additive regulations (21 CFR 121.52), Henkel, Inc., 480 Alfred Ave., Teaneck, NJ 07666, has withdrawn its petition (FAP 3B2843), notice of which was published in the FEDERAL REGISTER of October 28, 1972 (37 FR 23120), proposing the issuance of a food additive regulation to provide for safe use of monoglycerides and diglycerides of hydrogenated castor oil fatty acids, tridecyl stearate, distearyl phthalate, pentaerythritol adipate-stearate, and pentaerythritol adipate-oleate as processing aid lubricants in the manufacture of polyvinyl chloride resins intended for use as articles or components of articles that contact nonalcoholic food.

Dated: September 5, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74–21290 Filed 9–13–74;8:45 am]

[FAP 4B2956]

PHELPS DODGE MAGNET WIRE CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4B2956) has been filed by Phelps Dodge Magnet Wire Corp., P.O. Box 600, Fort Wayne, IN 46801, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for safe use of polyamide-imide resins, derived from the condensation reaction of equimolar parts of trimellitic anhydride and *p,p'*-diphenyl-methane diisocyanate, as components of articles intended for repeated use in contact with food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 5, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74–21291 Filed 9–13–74;8:45 am]

National Institutes of Health

BIOMEDICAL LIBRARY REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Biomedical Library Review Committee, National Library of Medicine, on October 8–9, 1974, from 8:30 a.m to 5 p.m. each day, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. to 11 a.m. on October 8 to discuss administrative reports and program developments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on October 8 from 11 a.m. to 5 p.m. and from 8:30 a.m. to adjournment on October 9, for the review, discussion, and evaluation of individual grant applications. The applications contain information of a confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, Telephone No.: 301–496–4191, will provide summaries of meetings and rosters of committee members and substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.349, 13.351, 13.352—National Institutes of Health)

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–21258 Filed 9–13–74;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS, NATIONAL CANCER INSTITUTE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Cancer Institute. October 16, 17, 18, 1974, National Institutes of Health, Building 31–A, Conference Room 4. This meeting will be open to the public on October 17, 1974 from 9 a.m. to 5 p.m. to discuss the collaborative research program of the Immunology Branch, Division of Cancer Biology and Diagnosis Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on October 16, 1974 from 7:30 p.m. to adjournment and on October 18, 1974 from 9 a.m. to adjournment for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Nathaniel I. Berlin, Executive Secretary, Building 31–A, Room 3A–03, National Institutes of Health, Bethesda, Maryland 20014 (301–496–4345) will furnish summaries of the meeting, rosters of committee members, and substantive program information.

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–21255 Filed 9–13–74;8:45 am]

BOARD OF SCIENTIFIC COUNSELORS

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Environmental Health Sciences, October 4–5, 1974, National Institute of Environmental Health Sciences, Building 18 Conference Room, Research Triangle Park,

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North Carolina. This meeting will be open to the public from 9:30 a.m. to 12 noon on October 4 to discuss brief reports of progress in each Branch of the NIEHS intramural program since the May 1974 meeting of the Board, and to discuss recent legislative developments, congressional hearings and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 1 p.m., October 4 to adjournment October 5 for the review, discussion, and evaluation of the Environmental Toxicology Branch's programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

The Executive Secretary, Dr. David P. Rall, Director, National Institute of Environmental Health Sciences, Research Triangle Park, North Carolina 27709, (919) 549–8411, extension 3201, will furnish summaries of the meeting, rosters of committee members and substantive program information.

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–21256 Filed 9–13–74;8:45 am]

COLON-RECTUM CANCER ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Colon-Rectum Cancer Advisory Committee, National Cancer Institute, October 1–2, 1974, Fairmont Hotel, Tulane Room, New Orleans, Louisiana.

This meeting will be open to the public on October 2 from 9 a.m. to 11 a.m. for description of the planned pancreatic program. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on October 1, from 8 p.m. to 11 p.m. and on October 2, from 11 a.m. to adjournment for the review, discussion, and evaluation of an individual grant application. The application contains information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the application.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of meetings and rosters of committee members.

Dr. David L. Joftes, Executive Secretary, Westwood Building, Room 853, National Institutes of Health, Bethesda, Maryland 20014 (301/496–7194) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.391, National Institutes of Health)

Dated: September 10, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–21252 Filed 9–13–74;8:45 am]

COMMITTEE ON CANCER IMMUNOTHERAPY

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Committee on Cancer Immunotherapy, National Cancer Institute, October 10, 1974, National Institutes of Health, Building 10, Room 4B14.

This meeting will be open to the public on October 10, 1974, from 12:30 p.m. to 1 p.m. to discuss general business and plans for future meetings. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on October 10, 1974, from 1 p.m. to adjournment for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of meetings and rosters of committee members.

Dorothy Windhorst, M.D., Executive Secretary, Building 10, Room 4B17, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1791) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: September 10, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–21253 Filed 9–13–74;8:45 am]

DIAGNOSTIC RADIOLOGY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Diagnostic Radiology Committee, National Cancer Institute, October 31, November 1, 1974, Building 31, Conference Room 7, National Institutes of Health.

This meeting will be open to the public on October 31, 1974, from 8:30 a.m. to 9:30 a.m. to approve the minutes of the previous meeting and bring the Committee members up-to-date on organizational aspects. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on October 31, 1974, from 9:30 a.m. to 5 p.m. and November 1, 1974, from 9 a.m. to 5 p.m. for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs and other technical information, financial data, and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of meetings and rosters of committee members.

Ihor J. Masnyk, Ph. D., Executive Secretary, Building 31, Room 3A06, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1591) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–21261 Filed 9–13–74;8:45 am]

DIAGNOSTIC RESEARCH ADVISORY GROUP

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Diagnostic Research Advisory Group, National Cancer Institute, October 15, 16, 1974, Building 31, Conference Room 7, National Institutes of Health.

This meeting will be open to the public on October 15, 1974, from 8:30 a.m. to 9 a.m. to approve the minutes of the previous meeting. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on October 15, 1974, from 9 a.m. to 5 p.m. and on October 16, 1974, from 8:30 a.m. to adjournment, for the review, discussion and evaluation, of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer

Institute, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of meetings and rosters of committee members.

Dr. Irvin C. Plough, Executive Secretary, Building 31, Room 3A04, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1591) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–21263 Filed 9–13–74;8:45 am]

GENERAL CLINICAL RESEARCH CENTERS COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the General Clinical Research Centers Committee, Division of Research Resources, October 4, 1974, National Institutes of Health, Bldg. 31–C, Conference Room 7.

This meeting will be open to the public on October 4 from 9 a.m. to 9:30 a.m. to discuss future plans of the Committee and general announcements. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552(b)4 and section 552(b)6, of Title 5, U.S. Code and section 10(d) of Public Law 92–463, the meeting will be closed to the public on October 4 from 9:30 a.m. to adjournment on that day for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B–39, Bethesda, Maryland 20014, phone 301–496–5545, will provide summaries of meetings and rosters of Committee members.

Dr. William R. DeCesare, Executive Secretary, General Clinical Research Centers Committee, Division of Research Resources, National Institutes of Health, Building 31, Rm. 4B–13, Bethesda, Maryland 20014, phone 301–496–6595, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.333, National Institutes of Health)

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–21259 Filed 9–13–74;8:45 am]

NATIONAL CANCER ADVISORY BOARD

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board, National Cancer Institute, October 7–9, 1974, National Institutes of Health, Building 31, Conference Room 6.

This meeting will be open to the public on October 7 from 9 a.m. to 5 p.m.; October 8 from 10:30 a.m. to 5 p.m.; and, October 9 from 9 a.m. to adjournment, to review scientific research in the areas of epidemiology, carcinogenesis, viral oncology, cancer biology, tumor immunology, breast cancer, cancer treatment and cancer control. On the morning of October 9, a series of discussions on international activities in cancer research will be presented. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)5 of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on October 8 from 9 a.m. to 10:30 a.m. to discuss the fiscal year 1976 budget.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meeting and roster of committee members.

Dr. Richard A. Tjalma, Assistant Director, NCI, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5854) will provide substantive program information.

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–2126. Filed 9–13–74;8:45 am]

MAMMALIAN MUTANT CELL LINES COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Mammalian Mutant Cell Lines Committee, National Institute of General Medical Sciences, October 16, 1974, 9 a.m., at the Portland Hilton, Portland, Oregon.

This meeting will be open to the public on October 16 from 9 a.m. to 2 p.m. for opening remarks and general discussion on the storage and distribution of biochemical mutant and chromosome variant cell lines. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on October 16 from 2–4 p.m. for the review, discussion and evaluation of an individual contract proposal. The proposal contains information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposal.

Mr. Paul Deming, Staff Assistant to the Director, NIGMS, Building 31, Room 4A46, Bethesda, Maryland 20014, Telephone: (301) 496–5676, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. William J. Gartland, Executive Secretary, Westwood Building, Room 922, Bethesda, Maryland 20014, Telephone: (301) 496–7714.

(Catalog of Federal Domestic Assistance Program 13–862, General Medical Sciences-Genetics Program)

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–21262 Filed 9–13–74;8:45 am]

POPULATION RESEARCH COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Population Research Committee, National Institute of Child Health and Human Development, on October 24–25, 1974, Landow Building, Room C–418, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on October 24, from 9 a.m. to 10:30 a.m. to discuss the program status, new developments and projections for population research centers and program projects. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on October 24 from 10:30 a.m. until adjournment on October 25 for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications and proposals.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room C–603, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1756, will provide summaries of meetings and rosters of committee members. Dr. William A. Sadler, Executive Secretary, Population Research Committee, NICHD, Landow Building, Room C–733, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–6515, will furnish substantive program information.

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(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health)

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-21357 Filed 9-13-74;8:45 am]

VIRUS CANCER PROGRAM SCIENTIFIC REVIEW COMMITTEE A

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Virus Cancer Program Scientific Review Committee A, National Cancer Institute, October 2, 1974, National Institutes of Health, Building 31, Conference Room 8.

This meeting will be open to the public on October 2, 1974, 9 a.m. to 10 a.m. to discuss the development of new project areas and plans for future symposiums on virus cancer research. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4), and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on October 2, 1974, 10 a.m. to adjournment for the review, discussion and evaluation, of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dr. Elke Jordan, Executive Secretary, Building 37, Room 1A01, National Institutes of Health, Bethesda, Maryland 20014 (301/496-6927) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: September 6, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-21260 Filed 9-13-74;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON RULEMAKING AND PUBLIC INFORMATION

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10 a.m., September 19, 1974 in the offices of the Conference, Suite 500, 2120 L Street NW., Washington, D.C.

The Committee will meet to consider transfers of confidential information among Federal agencies.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact John F. Cushman, Executive Director (phone 202-254-7020). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

SEPTEMBER 9, 1974.

[FR Doc.74-21323 Filed 9-13-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-233]

LOWELL TECHNOLOGICAL INSTITUTE

Proposed Issuance of Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) is considering the issuance of a facility operating license to the Lowell Technological Institute that would authorize the Institute to possess, use and operate the pooltype nuclear reactor for educational and training purposes. The reactor, located on the campus of Lowell Technological Istitute in Lowell, Massachusetts, will operate at steady state power levels not in excess of 1 MW (thermal).

The Commission will consider the issuance of the facility operating license upon: (1) a finding by the Commission that the application complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I, (2) a finding that the facility authorized has been constructed in conformity with Construction Permit No. CPRR-87, and will operate in conformity with the application, provisions of the Act and of the rules and regulations of the Commission, and (3) the completion of a favorable Safety Evaluation on the application by the Commission's Directorate of Licensing.

On or before October 16, 1974, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "rules of practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this facility operating license, see the application for license and the Safety Analysis Report dated October 5, 1973, and supplements dated February 20 and June 19, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. The license, Technical Specifications and the Safety Evaluation by the Directorate of Licensing will be made available for inspection at the above location when completed.

A copy of the application and, when available, the license, Technical Specifications and the Safety Evaluation may be obtained by request to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 9th day of September 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.74-21306 Filed 9-13-74;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO. ET AL.

Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DRP-50 issued to Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company, for operation of Three Mile Island Nuclear Station, Unit 1, located in Dauphin County, Pennsylvania. The amendment is effective as of July 12, 1974.

The amendment sets operating power limits for the plant when steam safety valves are not operable. This amendment relates to radiological safety matters previously considered but does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the licensees' letter dated July 17, 1974, and (2) the Commission's related Safety Evaluation, dated July 12, 1974. These are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Government Publication Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania. A copy of item (2) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this August 16, 1974.

For the Atomic Energy Commission.

A. SCHWENCER,
Branch Chief, Light Water Reactors Branch 2-3, Directorate of Licensing.

[FR Doc.74-21310 Filed 9-13-74;8:45 am]

CIVIL SERVICE COMMISSION

DEFINITION OF "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY"

Notice of Hearing

Pursuant to sections 4(f) and 13(a)(1) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. Sec. 201 et seq.), notice is hereby given of a public hearing to be held, commencing September 30, 1974 at 9:30 am and continuing until all interested parties have been heard, in Room 7B09, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415.

The purpose of this hearing is to obtain information, suggestions, or proposals in regard to proposed rulemaking to define the term "any employee employed in a bona fide executive, administrative, or professional capacity" for application to those employees of the U.S. Government for whom the U.S. Civil Service Commission administers the Fair Labor Standards Act. The specific issues to be explored include reasonable alternatives to criteria established by the Secretary of Labor (including the use of salary tests, and the percentage of time limitations on nonexempt work), and recommendations for modification or expansion of the interim instructions issued by the Commission on the application of the exemption for executive, administrative, and professional employees.

Although the regulation to be developed by the U.S. Civil Service Commission will apply to employees of the U.S. Government only, the hearing is open to the public and presentations will be accepted from other parties interested in compatibility with regulations of the Secretary of Labor which apply to State and local governments and other employees. It is requested that any interested party contact the office of Mr. H. Alan McKean, area code 202-632-4516 on or before September 25, 1974 to indicate the desire to participate and the approximate amount of time needed to present information or comments.

Additionally, the Commission would appreciate receiving, either in advance or at the hearing, a copy of any written text or abstract of their presentation which participants may have prepared.

In an endeavor to hear all interested parties, persons who have not notified the Commission of their desire to make a presentation will be provided an opportunity to be heard following those who have so notified the Commission, but may be limited to no more than ten minutes for their presentation.

Dated: September 12, 1974.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-21439 Filed 9-13-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

TECHNICAL ADVISORY COMMITTEE ON POISON PREVENTION PACKAGING

Notice of Meeting

Notice is given that the Technical Advisory Committee on Poison Prevention Packaging will meet on October 1, 1974 (9 a.m. to 6 p.m.) and October 2, 1974 (9 a.m. to 2 p.m.) at the Consumer Product Safety Commission, 1750 K Street, NW., 6th floor conference room.

The administration of the Poison Prevention Packaging Act of 1970, including the use and management of the Technical Advisory Committee, was transferred to the Consumer Product Safety Commission from the Department of Health, Education, and Welfare on May 14, 1973, by section 30(a) of the Consumer Product Safety Act (Pub. L. 92-573; 15 U.S.C. 2079(a)).

The purpose of the Technical Advisory Committee is to provide advice and recommendations on the types and kinds of packaging that will protect children from injury or illness resulting from handling or ingestion of household substances.

The morning of the first day (October 1) will include a brief overview of the Poison Prevention Packaging Act to provide background information to the new appointees to this Committee. The afternoon session will be devoted to a discussion of (1) legal definitions of serious personal injury or illness, and (2) exemption criteria and exemption requests.

On October 2, the Committee will discuss the need for published guidelines on information required to substantiate exemption requests and the possible shortage of plastic materials as it affects compliance with provisions of the Poison Prevention Packaging Act.

Outside persons who have information concerning the plastic shortage are encouraged to participate in this portion of the meeting, which will take place from 10-11 a.m. The entire meeting, however, is open to the public, space permitting. Persons planning to attend and/or participate are requested to notify the Office of the Secretary, Consumer Product Safety Commission, telephone (202) 634-7700.

Dated: September 11, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-21313 Filed 9-13-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 263-2; OPP-32000/111]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before Nov. 15, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an appplication described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 15, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 8417-RN. Alcolac, Inc., 3440 Fairfield Rd., Baltimore MD 21226. ETHYLENE OXIDE. Active Ingredients: Ethylene oxide 100%. Method of Support: Application proceeds under 2(c) of interim policy.

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EPA Reg. No. 264-143. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. WEEDAR 64-A BROADLEAF POSTEMERGENCE HERBICIDE. Active Ingredients: Diethanolamine salt of 2,4-dichlorophenoxyacetic acid 57.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34628-R. The Chloramone Corp., PO Box AC, Wescosville PA 18106. SODIUM HYPOCHLORITE DISINFECTANT-BACTERICIDE-DEODORANT. Active Ingredients: Sodium Hypochlorite 13.03%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34628-E. The Chloramone Corp., PO Box AC, Wescosville PA 18106. COMPRESSED CHLORINE GAS. Active Ingredients: Chlorine 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 22559-E. Cleanway Products, 8804 Fenkell, Detroit MI 48238. MIRACLE HOUSEHOLD NOK-OUT ROACH & INSECT KILLER. Active Ingredients: O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum distillate 98.608%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 464-368. The Dow Chemical Co., 2030 Abbott Rd., Midland MI 48640. DOW DURSBAN M INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3, 5, 6-trichloro-2-pyridyl) phosphorothioate] 41.2%; Aromatic petroleum derivative solvent 29.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34761-R. Ecolo-G Ent. Ltd., Building #5 Industrial Park, West Haverstraw NY 10993. ECOLO-G GENERAL PURPOSE INSECT SPRAY. Active Ingredients: Pyrethrins 0.40%; Piperonyl butoxide, technical 0.80%; N-octyl bicycloheptene dicarboximide 1.34%; Petroleum distillate 97.46%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3770-19. Economy Products Co. Inc., PO Box 427, Shenandoah IA 51601. DY-FLY CIODRIN EMULSIFIABLE INSECTICIDE. Active Ingredients: Dimethyl phosphate of alpha-methylbenzyl 3-hydroxy-cis-crotonate 14.40%; Petroleum hydrocarbons 72.30%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34799-R. Jimini Productions, 9000 Sunset Blvd., Los Angeles CA 90069. THE PLANT DOCTOR HOUSE PLANT INSECT SPRAY. Active Ingredients: Pyrethrins 0.2%; Piperonyl Butoxide, Technical 1.0%; Petroleum Distillate 0.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 778-34. Miller-Morton Co., 2007 N. Hamilton St., Richmond VA 23230. NEW IMPROVED SERGEANT'S SENTRY IV COLLAR. Active Ingredients: Naled (1, 2-dibromo - 2,2 - dichloroethyl dimethyl phosphate) 15.0%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA Reg. No. 524-285. Monsanto Co., Agricultural Div., 800 North Lindbergh, St. Louis MO 63166. LASSO HERBICIDE BY MONSANTO. Active Ingredients: Alachlor 43.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34737-R. Provident Pest Control Co., 192 Ave. S., Brooklyn NY 11223. PYRETHRUM-RYANIA ROACH POWDER. Active Ingredients: Pyrethrins 0.350%; Ryanodine 0.55%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 148-689. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City MO 66110. DU-TER FUNGICIDE WETTABLE POWDER. Active Ingredients. Triphenyltin hydroxide 47.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2829-RRE. Ventron Corp., Chemicals Div., Congress St., Beverly MA 01915. CUNILATE 2419-75%. Active Ingredients: Copper 8-quinolinolate 7.5%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 2829-RRR. Ventron Corp., Chemicals Div., Congress St., Beverly MA 01915. CUNILATE 2174-WP-10%. Active Ingredients: Copper 8-quinolinolate 1.0%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 12896-E. Wade Hampton Chemical Co., PO Box 236, Taylors SC 29687. CLEAR POOL ALGAECIDE. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

REPUBLISHED ITEM

The following item represents a correction and/or change in the list of Applications Received published in the FEDERAL REGISTER of August 29, 1974 (39 FR 31549).

EPA Reg. No. 618-75. Merck Chemical Div., Merck & Co., Inc., Rahway NJ 07065. MERTECT 340-F FUNGICIDE. Benzimidazole rather than benzalmidazole as published.

Dated: September 6, 1974.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.74-21077 Filed 9-13-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 718]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

SEPTEMBER 9, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

10003-C2-P-73, Radio Broadcasting Company (KGB874). C.P. to add standby facilities to operate on 454.050 MHz at Loc. #2: WFIL-FM Tower, Culp Street, Philadelphia, Pennsylvania.

20325-CD-P-75, Electro-Craft, Inc. (KOP323). C.P. to relocate facilities operating on 152.03 MHz to be located 1.6 miles South of city limits on Old Highway 16, Rapid City, South Dakota.

20326-CD-P-75, State Telephone Company (New). C.P. for a new 1-way station to operate on 158.10 MHz to be located 3.7 miles SW of Ravena, New York.

20327-CD-P-75, Otis L. Hale dba Mobilfone Communications (KFL903). C. P. to change antenna system and relocate facilities operating on 152.12 MHz to be located at Exchange Bank and Trust Building, El Dorado, Arkansas.

20328-CD-P-75, Public Service Associates, Inc. (KRS679). C.P. for additional facilities to operate on 43.22 MHz located on Baldy Hill, ¾ mile NW of Felts Field, Spokane Municipal Airport, Spokane, Washington.

20329-CD-P-75, Radio Paging, Inc. (New). C.P. for a new 1-way station to operate on 35.22 MHz to be located at 417 Gardenia Street, West Palm Beach, Florida.

20330-CD-P-75, Radio Relay Corporation (KAA893). C.P. to change antenna system and relocate facilities operating on 35.22 MHz at Loc. #2: 720 Olive Street, St. Louis, Mo.

20331-CD-P-(2)-75, Albert W. Dale, Jr. (KLF509). C.P. for additional facilities to operate on 454.075 & 454.375 MHz to be located at a new site described as Loc. #4: approximately 1.2 miles NNE of Douro, Texas.

20332-CD-P-(2)-75, Texas ComCo, Inc. (New). C.P. for a new 2-way station to operate on 454.075 & 454.375 MHz to be located 1.7 miles North of center of Hereford, Texas.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television.

20333-CD-P-75, Mobilphone-Paging Radio Corporation (KCA725). C.P. to relocate facilities operating on 152.03 MHz at Loc. #1: 1055 Westminster Street, Providence, Rhode Island.

20334-CD-P-75, Radio Relay Corporation (KQC877). C.P. for additional facilities to operate on 35.58 MHz to be located at a new site described as Loc. #5: Clermont Hospital, 3000 Hospital Drive, Batavia, Ohio.

20335-CD-P-75, Scandinavia Telephone Company (New). C.P. for a new 2-way station to operate on 152.69 MHz to be located 2 miles Southeast, Scandinavia, Wisconsin.

20336-CD-P-75, Stockbridge & Sherwood Telephone Company (New). C.P. for a new 2-way station to operate on 152.60 MHz to be located on State Hwy. #55, South Village Limits, Sherwood, Wisconsin.

20337-CD-P-(2)-75, United Business Services, Inc. dba United Radiophone System (New). C.P. for a new 1-way station to operate on 152.24 & 158.70 MHz to be located on San Rafael Hill, End of Chula Vista Drive, San Rafael, California.

20338-CD-P-(4)-75, Louisville 2-way Radio Service, Inc. (KIG855). C.P. for additional facilities to operate on 454.025 454.050 454.100 & 454.125 MHz to be located at a new site described as Loc. #3: 101 S. Fifth Street, Louisville, Kentucky.

20339-CD-P-(2)-75, RCC of Virginia, Inc. (New). C.P. for a new 2-way station to operate on 454.225 & 454.350 MHz to be located on Route 337, nr. Shoulders Hill, Virginia.

20340-CD-P-75, Pacific Northwest Bell Telephone Company (KOA738). C.P. to change antenna system, relocate facilities from Loc. #1 to Loc. #2 and replace transmitter operating on 35.26 MHz. Loc. #2: Mt. Nebo, 2.4 miles WSW of Roseburg, Oregon.

20341-CD-P-75, Bonduel Telephone Company (New). C.P. for a new 2-way station to operate on 152.75 MHz to be located 2.8 miles West of Bonduel, Wisconsin.

Major amendments

2636-C2-P-72, Miami Valley Radiotelephone (KLF577). Amend to change base station frequency to 35.22 MHz. All other particulars remain as reported in Public Notice #570 dated November 15, 1971.

20579-C2-P-(3)-74, Arnold E. Anderson (New), San Angelo, Texas. Amend the base frequency to read 152.18 MHz. All other particulars to remain as reported on PN #677 dated December 3, 1973.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reason of economic competition or potential electrical interference.

20555-C2-P-74, Mobilephone-Paging Radio Corporation (KRS653), Exeter, Rhode Island.

20261-C2-P-74, Massachusetts-Connecticut Mobile Telephone Co. (KQZ747), Hartford, Connecticut.

Corrections

8737-C2-P-(2)-72, Radio Broadcasting Co. (KGB874), Philadelphia, Pennsylvania. Previously reported on PN #637 dated February 26, 1973 as a Major Amendment by the addition of standby facilities on frequency 454.050 MHz at Loc. #2 described as WFIL-FM Tower, Culp Street, Philadelphia, Pa. The above stands corrected and is to be considered a separate application listed under file number 10003-C2-P-73.

20267-CD-P-75, Miami Valley Radiotelephone (KLF577). Correct entry on PN #717 dated September 3, 1974 to identify mentioned facilities as being located at Loc. #2. Also to include the antenna system change of facilities operating on 35.22 MHz at Loc. #3: 2400 Luhman Rd., Cincinnati, Ohio. All other particulars to remain as reported on above mentioned Public Notice.

RURAL RADIO SERVICE

60021-CR-P/L-75, RCA Alaska Communications Inc. (New). C.P. for a new Inter-Office Fixed station to operate on 157.77, 157.80, 157.83, 157.86, 157.89, 157.92, 157.95, 157.98, 158.01, 158.04, 158.07, 459.375, 459.400, 459.425, 459.450, 459.475, 459.500, 459.525, 459.550, 459.575, 459.600, 459.625, and 459.650 MHz located at various points within the territory of the grantee.

60022-CR-P/L-75, RCA Alaska Communications, Inc. (New). C.P. for a new Inter-Office Fixed station to operate on 152.51, 152.54, 152.57, 152.60, 152.63, 152.66, 152.69, 152.72, 152.75, 152.78, 152.81, 454.375, 454.400, 454.425, 454.450, 454.475, 454.500, 454.525, 454.550, 454.575, 454.600, 454.625, and 454.650 MHz.

60023-CR-P/L-75, RCA Alaska Communications, Inc. (New). C.P. for a new rural subscriber station to operate on 157.80, 157.89, & 157.98 MHz located at Wien Air Alaska Terminal Bldg., 6 miles NW of St. Mary's, Alaska.

60024-CR-P/L-75, The Mountain States Telephone and Telegraph Company (New). C.P. for a new rural subscriber station to operate on 157.77 MHz to be located 16.2 miles SW of Bill, Wyoming.

60025-CR-P-75, Lincoln County Telephone System, Inc. (New). C.P. for a new Central Office station to operate on 454.60 MHz to be located behind Central Office in Alamo, Nevada.

60026-CR-P-75, Lincoln County Telephone System, Inc. (New). C.P. for a new rural subscriber station to operate on 459.60 MHz to be located at T11S, R62E, approximately 43.9 KM SSE Alamo, Coyote Springs, Nevada.

Correction

60015-CR-MP-75, RCA Alaska Communications, Inc. (WAF835). Correct file number to read 60016-CR-MP-75. All other particulars to remain as reported on PN #717 dated September 3, 1974.

POINT-TO-POINT MICROWAVE RADIO SERVICE

485-CF-P-75, Mid-America Microwave, Inc. (Formerly Southeast Kansas Microwave, Inc.) (New) Ottawa, Kansas. Lat. 38°37'-41" N., Long. 95°16'29" W. C.P. for a new station on 5989.7H and 6167.6H MHz toward Garnett, Kans. on azimuth 181°02'.

483-CF-P-75, Same (KTG30), 1.1 Miles North of Iola, Kansas. Lat. 37°56'47" N., Long. 95°23'43" W. C.P. to add 5989.7H MHz toward a new point of communication at Yates Center, Kans. on azimuth 258°47'.

484-CF-P-75, Same (New). Yates Center, Kansas. Lat. 37°53'25" N., Long. 95°44'10" W. C.P. for a new station on 6212.0V MHz toward Eureka, Kans. on azimuth 262°37'.

486-CF-P-75, Same (WGI69) Parsons, Kansas. Lat. 37°17'58" N., Long. 95°15'16" W. C.P. to add 6049.0H and 6167.6H MHz toward Coffeyville and Pittsburg, Kans. on azimuth 233°35' and 83°37', respectively.

487-CF-P-75, Same (New) Coffeyville, Kansas Lat. 37°04'04" N., Long. 95°38'25" W. C.P. for a new station on 6330.7V MHz toward Caney and Cherryvale, Kans. on azimuths 255°55' and 21°21', respectively. (Note: Waiver of 21.701(i) is requested by Mid-America.)

500-CF-P-75, United Wehco, Inc. (KEV51), 1.0 Mile SW of Trees, Louisiana. Lat. 32°-47'04" N., Long. 94°02'51" W. C.P. to add 5974.8H MHz 6034.2H and 6093.5H MHz toward Bossier City, La. on azimuth 135°21'.

508-CF-P-75, United Video, Inc. (WQO52), 8.3 Miles ENE of Preston, Oklahoma. Lat. 35°44'36" N., Long. 95°50'30" W. C.P. to add 11505V and 11345V MHz toward Okmulgee, Okla. on azimuth 219°08'.

593-CF-P-75, Eastern Microwave, Inc. (New), Wood Hill, 2.2 Miles SW of Lawrence, Massachusetts. Lat. 42°39'17" N., Long. 71°13'05" W. C.P. for a new station on 11305H and 11265V MHz toward Amesbury, Mass. on azimuth 44°21'.

594-CF-P-75, Southern Bell Telephone & Telegraph Company (New), 1300 Bull Street, Savannah, Georgia. Lat' 32°03'44" N., Long. 81°05'51" W. C.P. for a new station on freq. 3770V toward Hilton Head Island, S.C. on azimuth 70°10'.

[FR Doc.74-21321 Filed 9-13-74;8:45 am]

WILLIAM F. WALLACE ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of William F. Wallace and Anne K. Wallace, joint tenants, Santa Paula, California, Docket No. 19866, File No. BPH-8105; Clark Ortone, Inc., Fillmore, California, Docket No. 19867, File No. BPH-8111; Class B Broadcasters, Inc., Fillmore, California, Docket No. 19868, File No. BPH-8234; for construction permits.

1. Before the Review Board for consideration is a petition to enlarge issues, filed March 1, 1974, in which the applicant, William F. Wallace and Anne K. Wallace (Wallace), seeks the addition of the following issues.[1]

(a) To determine whether the proposal of Class A Broadcasters, Inc. will provide a signal of at least 3.16 mv/m (70 dbu) to the entire city of Fillmore, California is [required] by § 73.315(a) of the rules.

(b) To determine whether Class A Broadcasters, Inc. is financially qualified to construct its proposal and operate it for one year without revenues.

(c) To determine whether Class A Broadcasters, Inc. has failed to keep its application accurate and complete as required by § 1.65 of the Commission's rules.

(d) To determine, in light of the evidence adduced pursuant to issues (a) and (c), *supra*, whether Class A Broadcasters, Inc. has the requisite and/or comparative qualifications to be a Commission licensee.

(e) To determine, whether the proposal of Class A Broadcasters, Inc. will

[1] Other related pleadings before the Board for consideration are: (a) opposition, filed May 20, 1974, by Class A Broadcasters, Inc.; (b) Broadcast Bureau's petition for acceptance of late filed pleadings, filed May 21, 1974; (c) Broadcast Bureau's comments, filed May 21, 1974; (d) reply and comments of Clark Ortone, Inc. in response to (a), filed June 12, 1974; (e) motion to strike (d), filed June 17, 1974, by Class A Broadcasters, Inc.; (f) reply, filed June 17, 1974, by Wallace; and (g) supplement to (a), filed August 23, 1974, by Class A Broadcasters, Inc.

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realistically provide a local transmission facility for its specified community or for another larger community.

(f) To determine, in light of the evidence adduced pursuant to issues (a) through (e), whether the public interest would be served by a grant of the application of Class A Broadcasters, Inc.

Although Wallace has not shown good cause for the untimely filing of its petition, the Review Board is persuaded that the petitioner has raised serious public interest questions which merit careful consideration. See The Edgefield-Saluda Radio Co. (WJES), 5 FCC 2d 148, 8 RR 2d 611 (1966).[2]

2. In the Review Board's view, Wallace has raised a serious question as to whether Class A's proposal would provide a minimum field strength of 3.16 mv/m over the entire principal city of Fillmore, as required by § 73.315(a) of the rules. Based upon the data contained in the petitioner's engineering study, the Class A proposal appears to be deficient in several important respects, only one of which has been adequately explained by Class A. First, noting that the coordinates specified by Class A do not comport with the physical description of its transmitter site, Wallace alleges that an accurate description of the location of the site according to the specified coordinates would indicate that a mountain, which masks Fillmore from the site, would prevent any part of the city from receiving the required signal.[4] In any event, assuming that Class A's physical description of its site were correct, Wallace's analysis of Class A's calculations along the 45 and 50.5 degree radials from its site indicate that there is a substantial question as to whether the proposal would cover the city with a 70 dBu signal.[5] Thus, Wallace alleges that the height above average terrain (HAAT) on the 45 degree radial is 1770 feet instead of the 1745 feet shown by Class A. As a result of correcting the HAAT figure in making calculations along this critical radial, Wallace estimates that the Class A proposed 70 dBu contour would extend approximately 0.2 miles less than that depicted by Class A.[6] Second, Wallace alleges that Class A's use of the 50.5 degree radial resulted in an erroneous depiction of the required contour, since that radial is atypical and does not meet the farthest extension of the Fillmore city limits. Specifically, Wallace explains, since the radial extends through a ravine, calculations derived from it would reflect a non-representational elongation of the 70 dBu contour. Given the above, the Board is of the view that the dispute over the accuracy of the Class A calculations[7] and the suitability of its selection of radials should be explored during the evidentiary hearing. Further, in light of the fact that petitioner's allegations, if proven, would appear to indicate only a slight deviation from coverage requirements, any determination as to whether Class A is in substantial compliance with rule 73.315(a) may be made after the conclusion of the evidentiary hearing.

3. A financial qualifications issue inquiring into the availability of funds to Class A will also be added. As noted by Wallace and the Broadcast Bureau, two of the sources upon which Class A relies in making its claim of $49,253 in available funds warrant scrutiny. First, it is undisputed that Class A has erroneously inflated its estimate of net available capital by claiming a deferred equipment credit in the amount of $5,253. Since Class A is proposing to lease this equipment (and has made provision for this in its estimate of costs), this amount should properly be subtracted from its estimate of available funds. Second, the Board is of the view that a substantial question exists as to whether Class A's 100 percent owner, John J. Davis, has the financial ability to meet his $40,000 commitment to the applicant. Davis' 1972 balance sheet reveals that he has $43,699 in liquid assets, consisting of $5,181 in cash on hand and $38,518 in negotiable securities. However, based upon Wallace's uncontroverted allegations, it is apparent that the balance sheet no longer accurately reflects the current value of Davis' assets; thus, when the amount of cash on hand is reduced by an annual current liability of $3,132 and the securities are assessed at current stock market values ($34,101), Davis is shown to have only some $37,232 with which to meet his commitment.[8] Contrary to Class A's assertion, this decrease in available liquid assets must be regarded as a significant factor in assessing his ability to satisfy the commitment, absent a showing that Davis has other resources to which he could turn for the balance needed.[9] As a related matter, given the fact that the decline in stock market values (and cash on hand) constitutes an apparent change in circumstances which could significantly alter Class A's financial qualifications, a Rule 1.65 issue is also warranted. However, inasmuch as there is no indication that Class A was aware that this decline would materially alter its financial status, the issue will be added on a comparative basis only. Finally, Wallace's request for a cost estimates issue will be denied. Petitioner's unsubstantiated allegation about the inadequacy of Class A's provision for legal fees can be readily discounted. But, in any event, Class A has stated that it has an agreement with counsel to the effect that any legal fees in excess of its estimate will not become due and payable until after the first year of operation. And, with respect to the remaining basis for Wallace's request, since the question of the source and adequacy of Davis' living expenses pertains to his ability to meet his commitment to the applicant, this matter may be explored under the financial issue being added herein.

4. A Suburban Community issue will also be added. In our view, there are a number of factors which serve to raise a substantial question of whether Class A realistically intends to serve Fillmore or the larger community of Santa Paula.[10] First, the applicant's engineering showing indicates that, although Class A would provide total coverage of Santa Paula with a greater than 80 dBu signal, it would not necessarily cover its proposed community of license with the requisite 70 dBu signal.[10] This disparity in proposed service to the two communities—both in terms of coverage and quality of signal—is of considerable significance in our view, particularly in light of the fact that Class A proposes to locate its transmitter some 6.89 miles from Fillmore, but only 1.98 miles from Santa Paula, and the applicant has not adequately explained why it chose its specified location. Moreover, as noted by Wallace and the Bureau, there is a corresponding disparity in the applicant's ascertainment efforts in the two communities; Class A has submitted a significantly more detailed demographic analysis of Santa Paula than of Fillmore and has concentrated its community leader interviews efforts in the former community, rather than in Fillmore.

5. *Accordingly, it is ordered*, That the Broadcast Bureau's petition for acceptance of late filed pleading(s), filed May 21, 1974, is granted; and

6. *It is further ordered*, That the motion to strike, filed June 17, 1974, by Class A Broadcasters, Inc., is granted; and

[2] The comments submitted by Clark Ortone, Inc. are an additional pleading, rather than an opposition or reply authorized by § 1.45 of the rules. As a consequence, since Ortone has not specifically requested permission to file such a pleading and the Commission has not authorized its submission, the comments may not be considered.

[3] Class A, in opposition, has informed the Board that corrected site coordinates are the subject of a pending petition for leave to amend.

[4] Class A's assertion that its original engineering was done in "accordance with good engineering practice" is conclusory in nature and, consequently, does not serve to rebut Wallace's showing.

[5] Class A argues that even if Wallace's study is a valid representation of its predicted contours, its proposal should be found to be in substantial compliance with rule 73.315(a). Thus, the applicant contends that only five homes are located within the disputed area and there is virtually no chance of any growth in that area.

[6] Wallace's allegations concerning Class A's general compliance with rule 73.333 (which prescribes the mathematical relationship between HAAT and permissible authorized power) may also be explored in this connection.

[7] Noting that the applicant lists an additional $4,000 as existing capital in its application, the Bureau questions whether this sum is distinguishable from the $40,000 Davis obligation. Absent some clarification, the Bureau urges that it cannot be assumed to be available to meet projected costs.

[8] In this connection, we note that Davis has neither shown the market value nor the marketability of other assets which he alleges he could rely on for additional funds.

[9] The population of Santa Paula is approximately three times that of Fillmore (18,001 as compared to 6,265).

[10] See paragraph 2, supra.

7. *It is further ordered*, That the petition to enlarge issues, filed March 1, 1974, by William F. Wallace and Anne K. Wallace, is granted to the extent indicated herein, and is denied in all other respects; and

8. *It is further ordered*, That the issues in this proceeding are enlarged to include the following:

(a) To determine whether the proposal of Class A Broadcasters, Inc. will provide a signal of at least 3.16 mv/m (70 dBu) to the entire city of Fillmore, California, as required by § 73.315(a) of the Commission's rules.

(b) To determine whether Class A Broadcasters, Inc. will provide a realistic transmission service to Fillmore, California, or some other larger community.

(c) To determine whether Class A Broadcasters, Inc. has sufficient funds available to construct and operate its proposal.

(d) To determine whether Class A Broadcasters, Inc. has failed to keep its application accurate and complete as required by § 1.65 of the Commission's rules, by failure to report significant changes relating to its financial qualifications, and if so, the effect of such failure on its comparative qualifications to be a Commission licensee.

9. *It is further ordered*, That with respect to issues (a), (b) and (c), the burdens of proceeding and proof shall be on the applicant.

Adopted: August 27, 1974.

Released: August 29, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[11]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.74-21320 Filed 9-13-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-8621, E-8023, E-7904, E-8004, E-8688, E-8689, E-8767, E-8779, E-7907, E-8019, E-8620, and E-7905]

ARIZONA PUBLIC SERVICE CO.

Further Extension of Procedural Dates

SEPTEMBER 6, 1974.

On August 30, 1974, Arizona Public Service Company (APS) filed a motion to extend the procedural dates fixed by order issued July 15, 1974, as amended by notice issued August 1, 1974, in the above-designated matter. The motion states that neither Staff Counsel nor the Arizona Electric Power Cooperative has any objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of prepared testimony and exhibits by APS, October 1, 1974.
Service of prepared testimony and exhibits by Staff, December 2, 1974.
Service of prepared testimony and exhibits by Interveners, December 23, 1974.
Service of rebuttal testimony and exhibits by APS, January 6, 1975.
Hearing, January 21, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-21287 Filed 9-13-74;8:45 am]

[Docket No. E-8810]

BOSTON EDISON CO.

Extension of Procedural Dates

SEPTEMBER 9, 1974.

On August 27, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued June 21, 1974, in the above-designated matter. On August 30, 1974, Boston Edison Company responded by requesting a further modification of the suggested schedule.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Staff's testimony, September 24, 1974.
Intervenor's testimony, October 8, 1974.
Company's rebuttal testimony, October 22, 1974.
Hearing, November 5, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-21285 Filed 9-13-74;8:45 am]

[Docket Nos. E-8641, E-8251, E-8169 and E-8476]

NEW ENGLAND POWER CO.

Further Extension of Procedural Dates

SEPTEMBER 9, 1974.

On September 4, 1974, Staff Counsel filed a motion for a further extension of the procedural dates fixed by order issued March 29, 1974, as modified by notice issued August 2, 1974, in the above-designated matter. The motion states that the interested parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's testimony, September 19, 1974.
Service of Interveners' testimony, October 9, 1974.
Service of Company's rebuttal, October 29, 1974.
Hearing, November 13, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-21286 Filed 9-13-74;8:45 am]

FEDERAL RESERVE SYSTEM

FREDONIA BANCSHARES, INC.

Approving Formation of Bank Holding Company and Acquisition of Credit Life Insurance Business

Fredonia Bancshares, Inc., Fredonia, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 82.65 per cent of the voting shares of State Bank of Fredonia, Fredonia, Kansas ("Bank"). At the same time, Applicant has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire the credit life insurance business presently conducted by Beal and Beal, a partnership, Predonia, Kansas. Applicant will thereafter engage in the sale of credit life insurance to the installment loan customers of Bank. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(ii)(a)).

Notice of receipt of these applications, affording an opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 FR 25365). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a recently organized corporation formed for the purposes of becoming a bank holding company through the purchase of Bank's stock and of engaging in the sale of credit life insurance to the installment loan customers of Bank. Bank, with deposits of $16.5 million,[1] controls almost 41 per cent of total deposits in commercial banks in the relevant banking market (which is approximated by Wilson County) and is the largest of three banks in the market. Since the proposal represents a restructuring of Bank's ownership, consummation of the proposal would have no adverse effects on existing or potential competition. Therefore, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which will depend initially upon those of Bank, are considered satisfactory and consistent with approval. The debt that will be incurred by Applicant as a result of this proposal appears to be readily serviceable from the income to be derived from Bank and the insurance activities without having an adverse effect on the financial condition of Bank. Accordingly, banking factors are regarded as being consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served are also consistent with approval. It is the Board's judgment that consummation of the transaction would be in the public interest and that the application to acquire Bank should be approved.

Beal and Beal, a partnership, presently operates an insurance agency, on Bank's premises, engaged in the sale of credit life insurance in connection with installment loans made by Bank. Incidental to the reorganization, Applicant proposes to acquire this insurance business and operate it as a division of Applicant. Approval of this proposal would

[11] By the Review Board: Board Member Kessler, dissenting with respect to the Suburban Community issue, for the reasons stated in a dissenting statement to the Board's Memorandum Opinion and Order (FCC 74R-288), released August 13, 1974.

[1] Banking data are as of December 31, 1973.

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insure that such insurance will continue to be easily available to Bank's customers, which factor the Board regards as being in the public interest. Moreover, in view of the limited nature of the insurance business and the fact that its acquisition by Applicant is part of a corporate reorganization, it does not appear that any existing or potential competition would be eliminated as a result of the proposal.

There is no evidence in the record indicating that consummation of the proposed acquisition of the credit life insurance business would result in any undue concentration of resources, unfair competitions, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c)(8) both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank nor the acquisition of the credit life insurance business shall be made later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective September 9, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc 74-21271 Filed 9-13-74;8:45 am]

IB&T CORP.

Approving Formation of Bank Holding Company

IB&T Corp., Pocatello, Idaho, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Idaho Bank, Pocatello, Idaho ("bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with Section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently organized corporation formed for the purpose of becoming a bank holding company through the acquisition of Bank. Bank is the fourth largest banking organization in Idaho with deposits of approximately $163 million, representing less than 8 percent of total deposits of commercial banks in the State.[1] Bank is located in Pocatello, Idaho (population 40,000). The transaction is the equivalent of a corporate reorganization and, therefore, there would be no immediate change in the level of banking competition in Pocatello or Idaho generally; nor would consummation of the proposal have an adverse effect on existing or potential competition. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant and Bank are considered to be generally satisfactory and the prospects of each appear favorable. Banking factors are consistent with approval of the application. Although there will be no immediate change or increase in the services offered by Bank as a result of the shifting of Bank's ownership to a corporation, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[2] effective September 6, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21269 Filed 9-13-74;8:45 am]

PACESETTER FINANCIAL CORP.

Approving Acquisition of Bank

Pacesetter Financial Corp., Grand Haven, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(1) of the Act (12 U.S.C. 1842(a)(1)) to acquire all of the voting shares of the successor by merger to the Owosso Savings Bank, Owosso, Michigan ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the twenty-third largest banking organization in Michigan, controls two banking subsidiaries with deposits of approximately $159 million, representing less than 1.0 percent of the total commercial bank deposits in the State.[1] Acquisition of Bank (deposits of $84.9 million) would increase Applicant's share of State deposits by 0.3 of one percent and would not result in a significant increase in the concentration of banking resources in Michigan.

Bank, with approximately 56 per cent of the total market deposits, operates seven branches and is the largest of six commercial banks in Shiawassee County, which approximates the relevant market. Bank is located within the Flint, Michigan SMSA, and is only 30 miles northeast of Lansing. Despite Bank's large share of the deposits in the market, the proposed acquisition would have a procompetitive effect by strengthening Bank's position in relation to the larger Flint banks with which it already competes and will compete further with the opening of additional branches in the Flint area. Applicant has no subsidiary in the relevant market and its nearest subsidiary bank is over 200 miles east of Bank. On the basis of the record, it appears that consummation of the proposed acquisition would have no significant adverse effects upon existing or potential competition within the market.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank are regarded as satisfactory and consistent with approval of the application. Bank's affiliation with Applicant would provide Bank with greater access to capital and added lending capacity through loan participation. These considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] effective September 6, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21268 Filed 9-13-74;8:45 am]

MAIN CORP.

Approving Acquisition of Health Management Services Corp.

The Main Corp., Chicago, Illinois, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Health Management Services Corporation, Hillside, Illinois ("Company"), a company that engages in the activities of acquiring for its own account, Medicaid and Medicare accounts receivable from doctors and other providers of medical care. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 24274). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the 99th largest banking organization in Illinois, controls one bank with total deposits of $85.7 million, representing approximately 0.1 per cent of total deposits in commercial banks in the State.[1] Applicant also has a wholly-owned subsidiary engaged in providing data processing services.

Company purchases, at discount, Medicare and Medicaid receivables from doctors and other providers of health care and holds these receivables pending payment by the appropriate public agencies. Company, recently organized by the president of Applicant, is the successor to a firm which had been engaged in similar activities but had experienced difficulty in raising the necessary capital to finance its factoring operations. Company operates only in the Chicago area and, as of May 1974, held gross receivables of approximately $209 thousand. Neither Applicant nor any of its subsidiaries are engaged in the factoring of medical care-related receivables nor does it appear that they have the specialized expertise to do so on a de novo basis. Furthermore, due to the relatively small size of both Applicant and Company, it would not appear that their affiliation would foreclose such entry by others. Thus, the Board concludes that consummation of the proposed acquisition would have no adverse effects on existing or future competition.

Applicant's acquisition of Company would enhance Company's access to financial resources necessary to expand its factoring operations. Consummation herein should produce further public benefits to the extent the expeditious reimbursement for medical services already provided should enable medical facilities to increase the volume of patient care they provide. There is no evidence in the record indicating that acquisition of Company by Applicant would result in any undue concentration of resources, unfair competion, conflicts of interests, unsound banking practices or other adverse effects upon the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago.

By order of the Board of Governors,[2] effective September 4, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21270 Filed 9-13-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-300]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in intrastate telephone proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the North Carolina Utilities Commission involving the application of Southern Bell Telephone and Telegraph Company for an increase in intrastate telephone service rates, for the year 1974.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: September 6, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74-21322 Filed 9-13-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

SMITH & STOVER COAL CO.

Application for Renewal Permit; Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Mandatory Dust Standard (2.0 mg/m^3) has been received as follows:

ICP Docket No. 20237, SMITH & STOVER COAL COMPANY, Hunter-Burma Mine, Mine ID No. 46 01505 0, Whitby, West Virginia, Section ID No. 004-0 (2nd A-Right).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before October 1, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

C. DONALD NAGLE,
Acting Chairman, Interim Compliance Panel.

SEPTEMBER 10, 1974.

[FR Doc.74-21276 Filed 9-13-74;8:45 am]

[1] All banking data are as of December 31, 1973.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan and Holland. Absent and not voting: Governors Bucher and Wallich.

[1] Banking data are as of June 30, 1973 and reflect holding company acquisitions and formations approved through August 1, 1974.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan and Holland. Absent and not voting: Governors Bucher and Wallich.

[1] All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved by the Board through July 31, 1974.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland, and Wallich. Absent and not voting: Governor Bucher.

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NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

National Endowment for the Humanities

ADVISORY COMMITTEE ON SCIENTIFIC KNOWLEDGE AND HUMAN VALUES

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Advisory Committee on the Program of Science, Technology and Human Values will be held at 10 a.m., on October 7, 1974, in Suite 3 at 806 15th Street, NW., Washington, D.C. 20506. The afternoon session will be held collaboratively with that of the National Science Foundation's Advisory Committee on Ethical and Human Value Implications of Science and Technology at 1:30 p.m. in room 642 at 1800 G Street NW., Washington, D.C. 20550.

The agenda for this meeting will include:

MORNING

Committee member comments on summary of activities to date.

Committee member suggestions of subject matters on which research or educational projects should be actively sought.

AFTERNOON

Discussion of current joint activities of the National Science Foundation and the National Endowment for the Humanities.

Discussion of possible projects for joint support by the two agencies.

The meeting will be open to the public on a space-available basis. Additional information may be obtained from the Advisory Committee Management Officer, Mr. John Jordan, 806 15th Street, NW., Washington, D.C. 20506 (telephone 202-382-2031). Individuals planning to attend are requested to notify Mr. Jordan no later than October 1, 1974, but such notification is not a requirement for attendance.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74-21361 Filed 9-13-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR METABOLIC BIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Metabolic Biology to be held at 9 a.m. on October 2, 3, and 4, 1974, at 1800 G Street, NW., Washington, D.C. 20550. (Specific room numbers are indicated in the agenda.)

The purpose of this Panel is to provide advice and counsel concerning support for research in metabolic biology. The agenda for this meeting includes:

OCTOBER 2, ROOM 338

9 a.m.—Discussion of the following items:
I. Specific Program Problems:
A. The Review Process.
B. Current and Future Areas of Emphasis in the Program.
1:30 p.m.—Discussion of the following items:
II. Relationship of Programs to Scientific Constituency and Nation.
III. Suggestions from the Floor.

OCTOBER 3 AND 4, ROOM 321

9 a.m.—Review and Evaluation of Research Proposals in Metabolic Biology.

The entire session on October 2 shall be open to the public. The October 3 and 4 sessions are concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

Individuals who wish to attend the open session on October 2, should inform Dr. Elijah B. Romanoff, Program Director, Metabolic Biology Program, by telephone (202/632-4312) or by mail (Room 323, 1800 G St., NW., Washington, D.C. 20550). Persons requiring further information concerning this Panel should contact Dr. Elijah B. Romanoff at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G St., NW., Washington, D.C. 20550.

Dated: September 11, 1974.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.74-21314 Filed 9-13-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 11, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census: Power Driven Handtools, Annual Report, Form MA 35B, Annual, Weiner, Manufacturing establishment.

Bureau of Economic Analysis: Survey of Foreign Business Investments in the United States—1974, Form BE 12, Single time, Hulett.

ENVIRONMENTAL PROTECTION AGENCY

National Significance of Urban and Non-Urban Attitudes and Perceptions toward Environmental Quality—VOL. 1 (Regional Study Area: San Antonio SMSA), Form ----, Single time, Weiner/Wann/Ellett, Households in San Antonio SMSA.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of the Census: Tractors, Except Contractors' Off-Highway Type, Garden Tractors and Motor Tillers, Form MA 35T, Annual, Weiner, Manufacturing establishments.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-21451 Filed 9-13-74;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

COMMUNITY ADVISORY GROUP

Postponement of Previously Announced Meeting

Due to unforeseen circumstances, the meeting of the Community Advisory Group, announced in the FEDERAL REGISTER, vol. 39, no. 175 on page 32582 on Monday, September 9, 1974 (FR Doc. 74-20738), will be postponed from Thursday, September 19, 1974 at 2 p.m. until Thursday, October 3, 1974 at 2 p.m.

The meeting's location will remain unchanged as will the agenda to be discussed.

Any questions may be routed to Ms. Katharine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area Code 202/343-9423.

DAVE BRIGGS,
Acting General Counsel.

[FR Doc.74-21305 Filed 9-13-74;8:45 am]

OWNERS AND TENANTS ADVISORY BOARD

Postponement of Previously Announced Meeting

Due to unforeseen circumstances, the meeting of the Owners and Tenants Advisory Board, announced in the FEDERAL REGISTER, vol. 39, No. 175 on page 32582 on Monday, September 9, 1974 (FR Doc. 74-20739), will be postponed from Wednesday, September 18, 1974 at 2 p.m. until Tuesday, October 1, 1974 at 2 p.m.

The meeting's location will remain unchanged, as will the agenda to be discussed.

Any questions may be routed to Ms. Katharine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area code 202/343-9423.

DAVE BRIGGS,
Acting General Counsel.

[FR Doc.74-21304 Filed 9-13-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5519]

ALLEGHENY PITTSBURGH COAL CO. ET AL.

Proposed Sale of Subsidiary Coal Company's Common Stock; Proposed Open Account Advances; Proposed Purchase of Coal Mine

SEPTEMBER 10, 1974.

In the matter of Allegheny Pittsburgh Coal Company, Cabin Hill, Greensburg, Pennsylvania 15601; Monongahela Power Company, 1310 Fairmont Avenue, Fairmont, West Virginia 26554; The Potomac Edison Company, Downsville Pike, Hagerstown, Maryland 21740; West Penn Power Company, Cabin Hill, Greensburg, Pennsylvania 15601.

Notice is hereby given that The Potomac Edison Company ("PE"), Monongahela Power Company ("Monongahela") and West Penn Power Company ("West Penn"), electric utility subsidiary companies of Allegheny Power System, Inc., ("APS"), a registered holding company, and Allegheny Pittsburgh Coal Company ("AP Coal"), a subsidiary of West Penn, have filed a further amendment to the application-declaration, as previously amended, with this Commission designating sections 6, 7, 9(a), 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Applicants-declarants propose a series of transactions designed to enable AP Coal to exercise an option to purchase a coal mine near Cowen, West Virginia, ("Cowen Mine") and to reallocate the ownership of AP Coal. On August 8, 1974 (Holding Company Act Release No. 18524) a notice of filing was published in this proceeding relating to part of the proposed transactions. Applicants-declarants have no filed an amendment to the application-declaration, as previously amended, proposing to change the transaction in a number of respects.

AP Coal, a Pennsylvania corporation, now has as its entire capitalization 10,000 shares of common stock (par value $0.05) issued and outstanding, all of said shares presently being owned by West Penn. AP Coal's principal asset is a coal reserve acquired in 1971 and its principal liability is an obligation to West Penn in the amount of $2,955,000 outstanding as of June 30, 1974. The coal reserve is being held as a coal supply for a future APS station to be owned by West Penn, Monongahela and PE as tenants in common. Except for holding this reserve, AP Coal is an inactive company.

It is now proposed that West Penn sell 2500 shares of the AP Coal common stock to PE and 2500 shares of such stock to Monongahela. The price of the stock to be paid to West Penn will be the underlying book value of the shares. Following these proposed sales of stock, West Penn would own 50 percent of AP Coal common stock and PE and Monongahela would each own 25 percent of such stock. West Penn will indemnify PE and Monongahela for any claims arising out of past operations of AP Coal to the extent such claims exceed reserves for the claims on the AP Coal books on the closing date.

Following the proposed reallocation of ownership in AP Coal, it is proposed that West Penn, PE and Monongahela make open account advances to AP Coal in the total aggregate amount of up to $14,000,000. Each of these companies will make open account advances in proportion to their ownership in AP Coal, so that West Penn would advance up to $7,000,000 and Monongahela and PE would each advance up to $3,500,000 to AP Coal.

The open account advances will be made for a period not to exceed 60 days from October 1, 1974, or until such time as this Commission authorizes permanent financing for AP Coal, and will bear interest at a rate equal to West Penn's interest cost from time to time of short-term borrowings. The open account advances are to be prepayable at any time without premium or penalty.

AP Coal will utilize up to $7,000,000 of the open account advances as a down payment on purchase of the Cowen mine and to purchase related mining equipment. The Cowen mine will be purchased under terms of an option agreement ("option") from Ernest A. Desrosiers, Wilfred Desrosiers, Leo C. Desrosiers and Raymond C. Desrosiers (partners trading and doing business as Desrosiers Brothers) ("sellers"). The option may be exercised on or before October 1, 1974, upon payment of a nominal consideration.

It is stated that the sellers have the right to mine the coal from the Cowen reserve through fee ownership in some of the coal bearing lands and through leasehold interests in mineral and surface rights. The total price to be paid for all these sellers' interests in the Cowen mine and for the mining equipment is $28,500,000, $1,000,000 of which is for the equipment alone. The option requires that AP Coal make an initial payment of $7,000,000 ($1,000,000 of which is for the equipment) on or before March 31, 1975, with the balance to be paid in 40 equal quarterly installments.

In addition, AP Coal proposes to acquire the aforesaid mineral and surface rights owned by certain individuals and presently leased to the sellers. Each of the owners of these mineral and surface rights have contracts to sell their interests to the sellers on various dates subsequent to October 1, 1974. Pursuant to the option, sellers will assign their rights to AP Coal to enable AP Coal to acquire fee ownership in the mineral and surface rights. AP Coal proposes to acquire these surface and mineral rights on October 1, 1974, for an amount not to exceed $2,000,000, said funds to be provided from the aforesaid open account advance.

The balance of the open account advances are to be used (1) to repay a $3,000,000 obligation of AP Coal to West Penn and (2) for working capital and to expand the Cowen mine.

It is stated that the Public Service Commission of West Virginia, the State Corporation Commission of Virginia and the Public Utility Commission of Pennsylvania have jurisdiction over various aspects of the proposed transactions and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is stated that fees and expenses estimated to be incurred in connection with the proposed transactions will not exceed $1,000.

Notice is further given that any interested person may, not later than September 30, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as so further amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective pursuant to rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-21338 Filed 9-13-74;8:45 am]

[70-5533]

APPALACHIAN POWER CO.

Amendments to Articles of Association; Increase in Permitted Short-Term Unsecured Indebtedness; Order Authorizing Solicitation of Proxies

SEPTEMBER 10, 1974.

Notice is hereby given that Appalachian Power Company ("Appalachian"), 40 Franklin Road, Roanoke, Virginia 24009, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding

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company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a)(2), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Appalachian proposes to amend its Articles of Association ("Certificate of Incorporation") (a) to increase the number of shares of common stock no par value, which Appalachian is authorized to issue from the presently authorized 10,000,000 to 30,000,000 such shares, and (b) to increase the number of shares of cumulative preferred stock, par value $100 per share, which Appalachian is authorized to issue from the presently authorized 1,500,000 to 3,000,000 such shares. At March 31, 1974, Appalachian was authorized to issue a total of 10,000,000 shares of its common stock and 1,500,000 shares of its cumulative preferred stock. As of that date, there had been issued and were outstanding 9,937,000 shares of its common stock and 1,083,240 shares of its cumulative preferred stock. Appalachian now proposes to amend its Articles of Association so as to increase the aggregate number of shares of both common stock and cumulative preferred stock which Appalachian is authorized to issue.

Appalachian further proposes to submit a proposal to its cumulative preferred stockholders for their consent and approval to an increase in the amount of unsecured short-term debt, which Appalachian is authorized to incur, prior to December 31, 1979 to exceed 10 percent, but provided that combined short-term and long-term unsecured indebtedness would be not more than 20 percent of Appalachian's total capitalization, such short-term indebtedness in excess of the said 10 percent to be outstanding no later than June 30, 1980. Authorization from the Commission for such an increase in the permissible amount of short-term debt is requested. The actual issue and sale of securities related to such proposed increase in short-term indebtedness will be subject to further authorization by this Commission. It is stated that the increases in stock and short-term debt are necessary to finance Appalachian's construction program, the cost of which is presently estimated to be approximately $100,000,000 for the last half of 1974 and $200,000,00 for the year 1975.

Appalachian intends to submit the proposed amendments of its Articles of Association and the proposed consent of its shareholders for their approval at a special meeting of shareholders to be held on October 30, 1974. In connection therewith, Appalachian proposes to solicit proxies from the holders of its common and preferred stock through the use of solicitation material which sets forth the proposals in detail. The declaration states that the proposed amendment on the common stock requires the approval and consent of the holders of the outstanding common stock and approval by two-thirds of the voting power of Appalachian and that the proposed amendment on the cumulative preferred stock requires the approval and consent of the holders of the outstanding common stock and the approval by two-thirds of the outstanding shares of cumulative preferred stock voting as a class. Consent of the holders of a majority of the outstanding cumulative preferred stock, voting as a class, is needed to increase the amount of short-term unsecured indebtedness. AEP, holder of all of the outstanding shares of Appalachian's common stock, has indicated that all such shares will be voted in favor of the proposed amendments.

The fees and expenses incurred and to be incurred in connection with the proposed transaction, including legal fees are estimated not to exceed $18,000. The declaration states that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 4, 1974, request in writing that a hearing be held with respect to the proposed transaction, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the declaration, insofar as it proposes the solicitation of the consents of Appalachian's common and cumulative preferred stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of the consents of Appalachian's common and cumulative preferred stockholders be, and it hereby is, permitted to become effective forthwith pursuant to rule 62 and subject to the terms and conditions prescribed in rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-21339 Filed 9-13-74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Non-Disapproval of Proposed Amendments to Option Plan

Notice is hereby given that, on August 21, 1974, the Commission considered and did not disapprove proposed amendments to Rule 13.3 (amend paragraph (b)(iii)(D) and add new paragraphs (b)(iii)(E) and (b)(iii)(F) and (c)) of the option plan of the Chicago Board Options Exchange, Inc. (CBOE) pursuant to Rule 9b-1 (17 CFR 240.9b-1). Further, because of the importance of maintaining the financial integrity of market makers and their clearing firms, the Commission determined to accelerate the effectiveness of these amendments. Notice of these proposed changes was originally published at 39 FR 28676 on August 9, 1974.

In effect, proposed subparagraph (F) would require the "haircut" on each class of listed options positions maintained in Market-Makers' accounts to be the greater of (i) 30 percent of the market value of the long position or (ii) 130 percent of the market value of the short position less 70 percent of the market value of the long position; and proposed paragraph (c) would require Clearing Members carrying these accounts to take such haircuts less the net equity maintained by the Market-Makers therein.

Paragraph (b)(iii)(D) has, in effect, been completely rewritten in order to change the methodology for taking capital deductions on listed options positions maintained in accounts other than Market-Makers' accounts. Under CBOE's existing paragraph (b)(iii)(D), the deduction is based on the market value of the option; in contrast, under the proposed amendment to paragraph (d) the deduction on uncovered (and "unspread") short positions would be 30 percent of the market value of the underlying security reduced by any amount the option is "out of the money" (subject to a minimum deduction of $250 per option contract). The capital deduction for short option positions that are "spread" by a long position in a listed option of the same class or by another security which may be converted into or exchanged for the underlying security is covered by the first proviso to amended subparagraph (D) which provides that the deduction on the short option position would be limited in such cases to the amount of money (if any) payable upon the exercise or conversion of the security held in the long position. The second proviso to proposed subparagraph (D) provides that there is to be no deduction for short positions that are covered by a long position in the underlying security, and this proviso also provides for the deduction (as well as the adjustment for unrealized profit or loss) to be taken in respect of the long position in the underlying security. Finally, the last sentence of proposed subparagraph (D) would eliminate the existing CBOE requirement that short option positions in accounts other than Market-Makers' accounts be marked to the market, since the capital deduction under the proposed amendment would no longer be based on the market value of the short position.

Proposed new subparagraph (b)(iii)(E) would provide for a 30 percent haircut on long option positions maintained in accounts other than Market-Makers' accounts.

At the time the amendments proposed herein are adopted, present paragraph (b)(iii)(E) of Rule 13.3 would be redesignated as paragraph 13.3(b)(iii)(G) and present paragraphs (c) through (j) would be redesignated as (d) through (k), respectively.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54. The proposed amendments including the reasons for such amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L. Street NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 5, 1974.

[FR Doc.74-21342 Filed 9-13-74;8:45 am]

[70-4925]

GENERAL PUBLIC UTILITIES CORP.

Filing of Post-Effective Amendment Regarding Increase in Amounts of Unsecured Promissory Notes To Be Sold to Banks

SEPTEMBER 10, 1974.

Notice is hereby given that General Public Utilities Corporation ("GPU"), 80 Pine Street, New York, New York 10005, a registered holding company, has filed a post-effective amendment to its declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and (7) of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

By orders dated June 29, 1970, November 4, 1970, August 23, 1971, December 27, 1973, June 3, 1974, and June 13, 1974 (Holding Company Act Release Nos. 16770, 16802, 17243, 17829, 18433, and 18457), the Commission authorized GPU until December 31, 1974, (a) to issue and sell from time to time its unsecured promissory notes in an aggregate principal amount outstanding at any one time of up to $85,000,000 to a group of commercial banks pursuant to a credit agreement and (b) to issue and sell GPU's unsecured promissory notes in an aggregate principal amount of up to $50,000,000 to various commercial banks pursuant to informal lines of credit, provided that the aggregate principal amount of all of GPU's unsecured promissory notes outstanding at any one time shall not exceed $125,000,000.

GUP now seeks authority (1) to increase by $50,000,000 (from $85,000,000 to $135,000,000) the amount which it may borrow under the aforementioned credit agreement as the same is to be amended and (2) to extend, from December 31, 1974 to December 31, 1975, the period during which it may effect borrowings under the credit agreement and under the informal lines of credit provided that the aggregate amount to be outstanding at any one time will not be in excess of $175,000,000. In all other respects, the transaction as heretofore authorized remains unchanged.

It is represented that GPU will not incur the additional $50,000,000 in short-term debt without first retiring the $50,000,000 of debentures authorized in File No. 70-4794 (Holding Company Act Release No. 16770).

The fees and expenses incurred by GPU in connection with the proposed transaction, including legal fees, will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than September 30, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-21340 Filed 9-13-74;8:45 am]

[812-3662]

PITTWAY CORP.

Application

SEPTEMBER 6, 1974.

Notice is hereby given that Pittway Corporation ("Applicant"), 333 Skokie Boulevard, Northbrook, Illinois 60062, a subsidiary of Standard Shares, Inc. ("Standard"), a closed-end, non-diversified, management investment company, has filed an application pursuant to section 17(b) and Rule 17d-1 promulgated under section 17(d) of the Investment Company Act of 1940 ("Act") for an order of the Commission permitting Applicant to engage Metropolitan Construction Corporation ("Metropolitan"), a wholly-owned subsidiary of Metropolitan Structures ("Structures"), a limited partnership, as the general contractor to construct a manufacturing facility, warehouse and general offices for Applicant's BRK Electronics Division ("BRK") and to enter into and consummate the agreement described below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

As of July 31, 1974, Standard owned 1,231,880 shares constituting approximately 38 percent of the outstanding common stock of Applicant. As a result of such ownership, Standard may be deemed to be in control of Applicant, within the meaning of the Act. Applicant is a diversified operating company engaged in the manufacture of burglar and fire alarm equipment and devices, the contract packaging of aerosol products, the manufacture of aerosol valves, the publishing of trade magazines and directories, including a direct mail marketing business, and real estate ventures in and near Chicago, Illinois and Montreal, Canada. Its BRK division manufactures electronic fire detection devices.

Applicant states that Metropolitan, a Chicago-based Illinois corporation, is the wholly-owned general contracting subsidiary of Structures, a Chicago-based limited partnership. Pittway owns a 19.84 percent limited partnership equity interest in all of Structures' non-Canadian assets, subject to an option exercisable by Structures at any time and by Applicant at any time after December 31, 1976, to convert such interest in the non-Canadian assets into a 14.41 percent interest in all of Structures' assets. Structures is engaged in the development of

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real estate, principally in the Chicago area, and Metropolitan has acted as the general contractor for several buildings constructed in connection with Structures' real estate projects. Structures also owns a 55.86 percent interest in, and is the general partner of, Metropolitan Nuns' Island Partnership ("MNIP"), a limited partnership engaged directly and through various partnerships in the real estate development of Nuns' Island, a 1,000-acre island adjacent to Montreal, Canada. Applicant is a partner with MNIP in "Metropolitan Pittway Tennis Club," a partnership which has built and operates an indoor tennis facility on Nuns' Island.

Applicant states that its relationship with Structures began with agreements executed in 1968. Among other things, the agreements resulted in Applicant's acquisition of a 10 percent limited partnership interest in Structures in exchange for a capital contribution of $2,508,250. Applicant states that because of the affiliations resulting from the 1968 agreements, an application was filed to seek an exemption from the Act for Applicant's proposed participation in a venture involving the financing and construction of the Canada Starch Building, an office building on Nuns' Island. The application was granted by Commission Order dated April 26, 1971 (Investment Company Act Release No. 6485). Subsequently, the Commission granted three exemptions from the Act for ventures of Applicant and Structures or its affiliates: (1) the construction and operation with MNIP of a tennis club on Nuns' Island (Investment Company Act Release No. 6767, October 8, 1971); (2) the construction and operation with Structures of the Blue Cross Building, an office building in Chicago, Illinois (Investment Company Act Release No. 6903, December 17, 1971); and (3) a limited exemption for future unspecified real estate ventures in which Pittway and Structures or its affiliates might become participants (Investment Company Act Release No. 7334, August 22, 1972). In accordance with the provisions of the August 1972 order, Applicant has transmitted two Descriptions of Covered Transactions to the Commission. The first, dated August 25, 1972, deals with the restructuring of Pittway's relationship with Structures and its affiliates. The second, date May 9, 1974, deals with the expansion of the tennis facility on Nuns' Island.

Applicant states that its BRK Electronics Division has experienced significant gains in sales (from less than $250,000 in 1970 to $2,500,000 in 1973, with anticipated sales of $6,000,000 in 1974) as a result of excellent field acceptance of its products and an increase in the basic demand for fire detectors. Applicant represents that BRK is operating at very near total capacity in its present, non-expandable 36,000 square foot facility in Aurora, Illinois.

Applicant states that after surveying the Aurora area for relocation of its BRK manufacturing operation, it has entered into an option agreement with The Strathmore Company, an unaffiliated person, to purchase a thirteen and one-half acre building site. The $165,000 price includes an existing foundation for an 80,000 square foot building and a complete set of architectural drawings prepared by Louis E. Cordogan, architect, originally for use by The Strathmore Company in the construction of its own manufacturing facility on the site. Applicant further states that BRK has employed Mr. Cordogan, an unaffiliated person, as architect for the project to revise and modify the existing drawings to BRK's specifications, to prepare invitations for bids, and to supervise the construction.

Applicant alleges that pursuant to a directive by its Board of Directors on May 9, 1974, management was authorized to obtain bids from reputable contractors and to take all other appropriate action to construct a manufacturing plant on the land held under option from The Strathmore Company at a total cost (exclusive of the land) not to exceed $1,400,000. Applicant states that, while arranging for preparation of designs for the building's mechanical and electrical equipment, it issued invitations for bids for construction of the basic building (exclusive of mechanical and electrical equipment) to Metropolitan and to four other general contracting firms, none of which has any affiliation with either Pittway or Standard or with any officers or directors of either of them. Applicant asserts that each of the general contractors formulated and submitted written bid proposals, each subject to varying qualifications and conditions, including acceptance within specified periods of time. Applicant states that of the bid proposals received, Metropolitan's proposal, calling for a base price of $898,682, was the lowest bid, while the other bids exceeded Metropolitan's by margins ranging from $9,000 to $98,000. Applicant further states that Metropolitan specified a 255 day construction period as compared with 300 to 450 days for the other proposals.

Applicant states that as a result of its decision not to make any final commitment until an assessment could be made of the total cost of the project, including the mechanical and electrical phases, the bid proposals have expired. However, Applicant states that it has reached agreement with Metropolitan, subject to the issuance of a favorable order by the Commission, on an overall arrangement which would include the mechanical and electrical phases of the project. The maximum cost of construction (exclusive of mechanical and electrical equipment) would not exceed the amount stated in Metropolitan's bid proposal, while the mechanical and electrical costs will be determined on the same cost plus basis as that used by Metropolitan in formulating its bid proposal for the basic construction. Applicant asserts that the cost plus basis is determined by taking the aggregate dollar amount of bids of subcontractors and the out of pocket costs to Metropolitan of direct field supervision and adding thereto a 4 percent charge to cover general and administrative overhead expense and profit. Applicant asserts that it is protected against excessive subcontracting costs by a provision in the agreement which provides that all subconstractors' bids are subject to Applicant's approval.

Applicant states that its decision to reach agreement with Metropolitan was primarily influenced by the cost of the construction phase of the project, which it anticipates will be about ⅔ of the total project cost and which, despite the expiration of the bids and a climate of rising prices, is fixed at Metropolitan's bid price. Applicant asserts that considerable weight was also attached to the significantly shorter completion period projected by Metropolitan. Applicant further asserts that, with respect to the electrical and mechanical phases, it believes that it is adequately protected by its right of approval over subcontractors' bids. Applicant states that it also attached importance to the fact that its interest in Structures, which owns all he stock of Metropolitan, effectively reduces that portion of the project cost represented by any profit component to Metropolitan. Applicant represents that its prior association with Structures and its affiliates provides a basis for mutual cooperation and justifies the belief that it can expect better quality work from Metropolitan than from a contractor with whom it does not have a continuing relationship.

Applicant states that neither Metropolitan nor any partner of Structures, nor any affiliated person of either of them, has any affiliation with it, Standard, or with their officers or directors, other than through Applicant's interest in Structures or in the real estate ventures in which they and Applicant participate. Applicant further states that no such person participates in any of its decisions relating either to its real estate investments, or to any other management decision of it or Standard. Applicant asserts that the negotiation in connection with the above transaction was conducted at arm's length. Applicant further asserts that the transaction is fair and reasonable, does not involve overreaching, is necessary and appropriate in the public interest, and is consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to such company any property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned. In addition, the proposed transaction must be consistent with the policy of the registered investment company concerned and with the general purposes of the Act. Section 17(d) of the

Act and rule 17d–1 thereunder, taken together provide, among other things, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with, any joint enterprise or arrangement in which any such registered company, or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by an order of the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered or controlled company in such arrangement is consistent with the provisions, policies and purpose of the Act, and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants.

Notice is further given that any interested person may, not later than September 25, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following September 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-21343 Filed 9-13-74;8:45 am]

[812-3642]

SAGITTARIUS FUND, INC.

Application

SEPTEMBER 9, 1974.

Notice is hereby given that The Sagittarius Fund, Inc. ("Applicant"), 375 Park Avenue, New York, New York 10022, a diversified, open-end, management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 22(e)(3) of the Act for an order of the Commission permitting the postponement of a portion of the payment for shares tendered to the Applicant for redemption, such order to continue until either:

(1) 10 days after Applicant gives the Commission notice of its intention to resume full payment upon redemption of its shares, or

(2) 10 days after final settlement of Applicant's claim under an employee dishonesty bond; or

(3) The Commission, on its own initiative, terminates the order applied for herein.

All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

On July 9, 1974, the Commission issued an order (Investment Company Act Release No. 8416) permitting Applicant to suspend the right of redemption of its outstanding redeemable securities and postpone payment for shares already submitted for redemption for a period of 30 days. Suspension of the right of redemption and postponement of payment was necessary to protect Applicant's securities holders since Applicant alleged that a substantial portion of its funds had been converted by one of its officers and that its books and records, including its net asset value, had been adjusted to conceal the conversion.

Applicant states that the extent of its direct loss due to the above-described conversion has been determined (approximately $114,000) and that it can now partially ascertain its net asset value per share. Applicant states that it is unable to ascertain, fully and accurately, its net asset value per share because a significant portion of its net assets consist of a claim against Applicant's bonding company under an employee dishonesty bond. Applicant has not received any assurance from the bonding company that Applicant will be able to recover, fully or partially, its loss under the bond. Therefore, to the extent that Applicant's net asset value per share is based upon its claim under the bond, Applicant's net asset value per share cannot be fully and accurately ascertained.

Applicant has proposed a plan of postponement of a portion of the payment for shares tendered for redemption (the "Plan").

1. Stockholders of Applicant who present or have presented shares of Applicant's outstanding redeemable securities for redemption on or after the date of the Original Temporary Order will receive for each share so presented a payment based on the per share net asset value of Applicant without regard to the value of Applicant's claim under the above-described bond.

2. In addition to the payment provided for above, each stockholder so presenting shall receive a fixed interest ("Fixed Interest") in the proceeds of Applicant's claim under the above-described bond. The Fixed Interest shall be determined by a fraction the numerator of which is the number of shares presented by such stockholder and the denominator of which is the number of shares of Applicant's redeemable securities outstanding on the date of the Original Temporary Order. Notice of the Fixed Interest will be given with the payment provided for above.

3. Upon receipt of the proceeds of the claim under the above-described bond, each holder of a Fixed Interest will promptly be paid, in cash, such holder's share of the proceeds, based upon his Fixed Interest therein.

4. Expenses of Applicant relating to collection of the said bonds shall be first charged against any sums paid under said bond.

Applicant submits that, in view of the matters set forth above, it is not reasonably practicable for Applicant fairly to determine the value of its net assets within the meaning of section 22(e)(2)(B), and that, therefore, it is impossible for Applicant properly to compute its net asset value per share.

Section 22(e)(3) of the Act provides that the Commission may, by order, for the protection of the security holders of the company, permit a registered investment company to suspend the right of redemption, or postpone the date of payment or satisfaction upon redemption of any redeemable security.

Applicant also requests that the Commission issue, together with this notice, a temporary order, effective as of August 9, 1974, permitting postponement of a portion of the payment due upon redemption of Applicant's outstanding redeemable securities, as set forth in the above-described Plan, such order to continue in effect until further action is taken by the Commission.

The Commission has considered the matter and hereby finds, on the basis of the information stated in the application, and in view of the nature of the application, that it is necessary for the protection of security holders of the Applicant that there be issued, together with the notice of the application, a temporary order permitting, until further order of the Commission, the postponement of a portion of the payment due upon redemption of Applicant's shares in the manner provided in the Plan.

It is ordered, pursuant to section 22(e)(3) of the Act, that Applicant be, and hereby is, permitted, from August 9, 1974 until further order of the Commission, to postpone a portion of the payment due upon redemption of its outstanding redeemable securities, as set forth in the Plan.

Notice is further given that any interested person may, not later than October 4, 1974, to 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to

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be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following October 4, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-21341 Filed 9-13-74;8:45 am]

TARIFF COMMISSION

[AA1921-142]

TAPERED ROLLER BEARINGS FROM JAPAN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on September 4, 1974, that tapered roller bearings from Japan are being, or are likely to be, sold at less than fair value, the United States Tariff Commission on September 11, 1974, instituted investigation No. AA1921-142 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Tuesday, October 22, 1974. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon Friday, October 18, 1974.

Issued: September 11, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-21303 Filed 9-13-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 590]

ASSIGNMENT OF HEARINGS

SEPTEMBER 11, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No amendments will be entertained after September 16, 1974.

I&S No. 8963, Car Demurrage Rules, Nationwide, now assigned November 18, 1974, at Washington, D.C., is postponed to December 2, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-12127, Indiana Refrigerator Lines, Inc.—Control—D & W Refrigerated LTL Service, Inc., now assigned September 16, 1974, at Washington, D.C., is postponed indefinitely.

MC-C-8314, P. Randolph Jones, James H. Reese, and Virgina Homes Manufacturing Corporation—Investigation of Operations and Practices, now assigned September 17, 1974, at Washington, D.C., is postponed to November 19, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128024 Sub 7, Building Transportation Company, now assigned September 12, 1974, at Dallas, Tex., is cancelled and transferred to modified procedure.

MC 111740 Sub 28, Oil Transport Company, now assigned October 7, 1974, at Santa Fe, New Mexico, will be held in Room 2208, Federal Bldg. and Post Office, Federal and Grant St.

MC 118535 Sub 60, Tiona Truck Line, Inc., now assigned October 16, 1974, will be held at the Auditorium New Mexico Motor Carriers Association, 1500 Indian School Rd., Albuquerque, New Mexico.

MC 119789 Sub 191, Caravan Refrigerated Cargo, Inc., now assigned October 18, 1974, will be held in Room 2, Arizona Corporation Commission, 17th Avenue and Adams, Phoenix, Ariz.

MC 139561, Hud Bus Lines, Inc., now assigned October 2, 1974, at Boston, Mass., is postponed indefinitely.

MC 113678 Sub 523, Curtis, Inc., now assigned September 16, 1974, at Los Angeles, Calif., is cancelled and the application is dismissed.

MC 28573 Sub 34, Burlington Northern Inc., now assigned September 23, 1974, at Helena, Montana, is cancelled and transferred to modified procedure.

MC 138313 Sub 9, Mack E. Burgess, Dba Builders Transport, now assigned November 7, 1974, at Portland, Oreg., is postponed indefinitely.

MC 13900 Sub 18, Midwest Haulers, Inc., now assigned September 30, 1974, at Washington, D.C., is postponed to November 18, 1974 at the Offices of the Interstate Commerce Commission, Washington, D.C.

I&S No. 8967, Increased Rates Plastic Materials, Within SFA Territory, now being assigned hearing October 22, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C., and I&S 8967 Sub 1, Increased Rates, Liquid Plastic Materials, Within SFA Territory.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21357 Filed 9-13-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 11, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 26, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 10788 (Sub-No. E8), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 W. Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of Ohio on and south of a line beginning at the Ohio-Pennsylvania State line, thence along Ohio Highway 39 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Indiana State line, to points in that part of New York on and east of a line beginning at the Pennsylvania-New York line, thence along U.S. Highway 62 to junction New York Highway 75, thence along New York Highway 75 to Lake Erie, and on and west of New York Highway 14. The purpose of this filing is to eliminate the gateway of Wierton, W. Va.

No. MC 10788 (Sub-No. E9), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line, thence along U.S. Highway 62 to junction New York Highway 75, thence along New York Highway 75 to Lake Erie, to points in that part of Ohio on and south of a line beginning at the Ohio-Pennsylvania State line, thence along Ohio Highway 39 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Wierton, W. Va.

No. MC 10788 (Sub-No. E10), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 748, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of West Virginia on, north, and west of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 19 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line, to points in that part of Pennsylvania on and south of a line beginning at the West Virginia-Pennsylvania State line, thence along U.S. Highway 22 to junction Pennsylvania Highway 60, thence along Pennsylvania Highway 60 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Wierton, W. Va.

No. MC-10788 (Sub-No. E11), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 W. Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel and machinery, materials, supplies, and equipment* incidental to or used in the operation and maintenance of steel mills, between East Liverpool, Ohio, on the one hand, and, on the other, points in that part of Ohio bounded by a line beginning at the Ohio-West Virginia State line, thence along Interstate Highway 70 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 21, thence along Ohio Highway 21 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 43, thence along Ohio Highway 43 to junction Ohio Highway 82, thence along Ohio Highway 82 to junction Ohio Highway 305, thence along Ohio Highway 305 to the Pennsylvania-Ohio State line, thence along the Ohio-Pennsylvania and Ohio-West Virginia State lines to points of beginning. The purpose of this filing is to eliminate the gateway of points in Hancock County, W. Va.

No. MC-10788 (Sub-No. E13), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 W. Federal St., Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of Michigan north and west of a line beginning at the Indiana-Michigan State line, thence along Michigan Highway 66 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 94, thence along U.S. Highway 94 to junction Michigan Highway 14, thence along Michigan Highway 14 to Detroit, to points in that part of Pennsylvania on, south, and west of a line beginning at the West Virginia-Pennsylvania State line, thence along Pennsylvania Highway 68 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Wierton, W. Va.

No. MC 10788 (Sub-No. E14), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel, and machinery, materials, supplies, and equipment* incidental to or used in the operation and maintenance of steel mills, between points in Columbiana County, Ohio, on the one hand, and, on the other, points in West Virginia, New York, points in Michigan on and north of U.S. Highway 12, and points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-West Virginia State line, thence along Pennsylvania Highway 68 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Pennsylvania Highway 948, thence along Pennsylvania Highway 948 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of points in Hancock County, W. Va.

No. MC 10788 (Sub-No. E15), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and Steel and manufactured products thereof*, from points in that part of Michigan on and north of Michigan Highway 55, to points in that part of New York on and east of New York Highway 16 and on and west of New York Highway 14. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 10788 (Sub-No. E16), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of Michigan on and north of a line beginning at Holland, thence along Michigan Highway 21 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 20, thence along Michigan Highway 20 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Michigan Highway 247, thence along Michigan Highway 247 to Lake Huron, to points in Washington, Noble, Monroe, Belmont, Guernsey, Harrison, Carroll, Jefferson, and Columbiana County, Ohio, and points in that part of Mahoning County, Ohio south and east of a line beginning at the Mahoning-Columbiana County line, thence along U.S. Highway 62 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 10788 (Sub-No. E17), filed May 20, 1974. Applicant: TOM'S EXPRESS, INC., 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and manufactured products thereof*, from points in that part of West Virginia on, north, and west of a line beginning at the West Virginia-Pennsylvania State line, thence along U.S. Highway 119 to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia State line, to points in that part of New York on and west of a line beginning at Lake Ontario, thence along New York Highway 14 to junction New York Highway 54, thence along New York Highway 54 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 70, thence along New York Highway 70 to junction New York

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Highway 36, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 19, thence along New York Highway 19 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Weirton, W. Va.

No. MC 20558 (Sub-No. E1), filed May 10, 1974. Applicant: HAWTHORNE HAULING, INC., 4359 Bath Street, Philadelphia, Pa. 19137. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Heavy industrial and commercial machinery*, between points in Pennsylvania east and south of points in (1) Franklin County on and east of U.S. Highway 11, (2) Cumberland County, (3) Perry County on and east of Pennsylvania Highway 74, (4) Juniata County north of the Juniata River, (5) Mifflin County on and east of U.S. Highway 322, (6) Union County, (7) Clinton County on and east of U.S. Highway 220, (8) Lycoming County on and south of U.S. Highway 220, (9) Montour County, (10) Columbia County on and south of U.S. Highway 11, (11) Luzerne County south of Interstate Highway 80, (12) Carbon County, (13) Lehigh County, (14) Northampton County on and south of U.S. Highway 22 on and west of Pennsylvania Highway 191, and (15) Bucks County, on the one hand, and, on the other, points in Connecticut, and those in Massachusetts west of Interstate Highway 95 and south of the Merrimack River (except points on Cape Cod east of Massachusetts Highway 137), (B) *Heavy machinery*, between points in New Jersey, on the one hand, and, on the other, points in Connecticut and those in Massachusetts, described in (A) above.

(C) *Heavy industrial and commercial machinery*, between points in Pennsylvania on, north, and east of a line beginning at Philadelphia and extending along the Pennsylvania Turnpike Northeast Extension to its junction with Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Delaware and those of Maryland east and north of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to Baltimore, thence along Interstate Highway 95 to the boundary of the District of Columbia, thence easterly along said boundary to U.S. Highway 50, thence along U.S. Highway 50 to its junction with Maryland Highway 450, thence along Maryland Highway 450 to Annapolis, including all points in Maryland on the Delmarva Peninsula. (D) *Heavy industrial and commercial machinery*, between points in Delaware and those in Maryland on, east, and north of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 81 to its junction with Interstate Highway 70, thence along Interstate Highway 70 to the District of Columbia Boundary, thence easterly along said boundary to U.S. Highway 50, thence along U.S. Highway 50 to its junction with Maryland Highway 450, thence along Maryland Highway 450 to Annapolis, including all points in Maryland on the Delmarva Peninsula.

(E) *Heavy industrial and commercial machinery*, between points in Delaware, and those in Maryland described in (D) above, on the one hand, and, on the other, points in New Jersey (except between points in New Castle County, Del., on the one hand, and, on the other, points in Cape May County, N.J., south of New Jersey Highway 585). (F) *Heavy industrial and commercial machinery*, between points in Delaware, and those in Maryland described in (D) above, on the one hand, and, on the other, points in New York, on and east of New York Highway 7 from the New York-Pennsylvania State line to its junction with New York Highway 145 (except Cobleskill), thence over New York Highway 145 to junction New York Highway 30, thence over New York Highway 30 to junction New York Highway 43, thence over New York Highway 43 to Albany, and thence over U.S. Highway 9 to the New York-Massachusetts State line (except between points in Maryland west of Interstate Highway 83, on the one hand, and, on the other, points in New York west of New York Highway 30). (G) *Heavy industrial and commercial machinery*, between points in Pennsylvania on, east, and south of the Pennsylvania Turnpike from the Pennsylvania-New Jersey State line to its junction with Interstate Highway 81, thence over Interstate Highway 81 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in New York territory described in (F) above. The purpose of this filing is to eliminate the gateways in (A) and (D) above Camden, N.J., and New York, N.Y.; in (B) New York, N.Y.; in (C), (E), (F), and (G) Camden, N.J.

No. MC 29886 (Sub-No. E4), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks*, which because of size or weight require the use of lowbed equipment; (1) from points in Vermont, Maine, New Hampshire, Connecticut, Massachusetts, and Rhode Island, to all points in the United States (except points in Alaska, Hawaii, North Carolina, Virginia, Kentucky, West Virginia, Indiana, Michigan, Ohio, Pennsylvania, Maryland, Delaware, New York, New Jersey, Vermont, Maine, New Hampshire, Connecticut, Massachusetts, Rhode Island, and the District of Columbia); (2) from points in Franklin, Clinton, Essex, Hamilton, Warren, Fulton, Saratoga, Washington, Montgomery, Schenectady, Rensselaer, Schoharie, Albany, Greene, Columbia, and Dutchess Counties, N.Y., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington; and (3) from points in Vermont, Maine, New Hampshire, and Massachusetts, to points in Maryland, Delaware, Virginia, North Carolina, and the District of Columbia. The purpose of this filing is to eliminate the gateways of points in Massachusetts and Philadelphia, Pa.

No. MC 59952 (Sub-No. E3), filed May 20, 1974. Applicant: J. M. BARBE CO., P.O. Box 767, Warren, Ohio 44483. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers, container ends, and parts and accessories* for the commodities described above, between points in Indiana on and north of Indiana Highway 46, on the one hand, and, on the other, points in that part of West Virginia on, north, and east of a line beginning at the Ohio-West Virginia State line, thence along West Virginia Highway 14 to junction West Virginia Highway 5, thence along West Virginia Highway 5 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC 59952 (Sub-No. E4), filed May 20, 1974. Applicant: J. M. BARBE CO., P.O. Box 767, Warren, Ohio 44483. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers, container ends, and parts and accessories* for the commodities described above, between points in Kentucky, on the one hand, and, on the other, points in that part of New York on and north of U.S. Highway 287, and points in that part of Pennsylvania on and north of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC 59952 (Sub-No. E5), filed May 20, 1974. Applicant: J. M. BARBE CO., P.O. Box 767, Warren, Ohio 44483. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers, container ends, and parts and accessories* for the commodities described above, between points in Delaware, on the one hand, and, on the other, points in that part of Pennsylvania north of Pennsylvania Highway 108 and west of U.S. Highway 79, and points in that part of Kentucky on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 127 to junction Kentucky

Highway 78, thence along Kentucky Highway 78 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 68, thence along U.S. Highway 68 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC 73688 (Sub-No. E1), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards*, composed of wood fiber and cement combined, and *accessories* therefor, when moving incidental to and in the same vehicle with such boards, when such boards and accessories are roofing materials, from Arkadelphia, Ark., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 73688 (Sub-No. E8), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials* (except lumber, steel, and commodities in bulk, (1) from points in Mississippi on and south of U.S. Highway 82 and points in Arkansas on and south of a line beginning at the Arkansas-Tennessee State line and extending along U.S. Highway 70 to Hot Springs, thence along U.S. Highway 270 to the Arkansas-Oklahoma State line, to points in Illinois; and (2) from points in Mississippi to points in Illinois on and north of U.S. Highway 36. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 73688 (Sub-No. E9), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron and steel wire and nails, and roofing materials, and contractors' equipment* which are iron, steel, or steel products, restricted against the transportation of pipe, pipeline materials, and machinery and equipment incidental to, and used in connection with the construction, repairing, and dismantling of pipelines, between points in Mississippi on and south of U.S. Highway 78, and Memphis, Tenn., on the one hand, and, on the other, points in Missouri on and east of Missouri Highway 51. The purpose of this filing is to eliminate the gateways of Memphis, Tenn., and points in Arkansas.

No. MC 73688 (Sub-No. E10), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel* (except pipe), from points in Missouri on and east of Missouri Highway 51 to points in Louisiana. The purpose of this filing is to eliminate the gateway of points in Arkansas and Memphis, Tenn.

No. MC 73688 (Sub-No. E11), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Birmingham, Ala., to points in Fulton, Hickman, and Carlisle Counties, Ky., restricted against the transportation of commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts. The purpose of this filing is to eliminate the gateway of points in Arkansas within the Memphis, Tenn., commercial zone.

No. MC 73688 (Sub-No. E12), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron, steel and culvert pipe, and contractors' equipment, wire, nails, roofing materials, and fabricated metal pipe* which are iron and steel articles; (1) from points in Arkansas on and south of a line beginning at the Tennessee-Arkansas State line, thence over Arkansas Highway 14 to junction U.S. Highway 167, thence over U.S. Highway 167 to the Arkansas-Missouri State line, to points in Kentucky; (2) from points in Mississippi on and west of a line beginning at the Mississippi-Tennessee State line, thence over U.S. Highway 51 to Vaiden, thence over Mississippi Highway 35 to Taylorsville, thence over Mississippi Highway 28 to Laurel, thence over U.S. Highway 84 to the Mississippi-Alabama State line to points in Kentucky on and east of U.S. Highway 231; and (3) from points in Mississippi on and south of U.S. Highway 78, to points in Kentucky on and east of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 73688 (Sub-No. E14), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards*, composed of wood fiber and cement combined, and *accessories* therefor, when moving incidental to and in the same vehicle with such boards, when such boards and accessories are roofing materials, siding, asphalt, or insulating material, from Arkadelphia, Ark., to Lockland, Ohio, and points in Illinois. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 73688 (Sub-No. E15), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107, Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron and steel wire, nails, and pipe, and contractors' equipment, roofing materials, and culvert and fabricated metal pipe*, which are iron, steel, or steel products, from points in Tennessee to points in Louisiana on and north of U.S. Highway 84, restricted to traffic having a prior movement by water, and restricted against the transportation of oilfield and pipeline commodities, as defined in *T. E. Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Memphis, Tenn., and points in Arkansas on the Arkansas River and its tributaries.

No. MC 73688 (Sub-No. E16), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts), from Montgomery and Holt, Ala., to points in Kentucky on and west of U.S. Highway 45. The purpose of this filing is to eliminate the gateway of points in Arkansas, within the Memphis, Tenn., commercial zone.

No. MC 73688 (Sub-No. E18), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107, Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron and steel wire, nails, and pipe, and contractors' equipment, roofing materials, and culvert and fabricated metal pipe* which are iron, steel, or steel products, restricted against the transportation of commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, between Greenville, Miss., on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways of points in Arkansas and Memphis, Tenn.

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No. MC 73688 (Sub-No. E19), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles* (except pipe, pipeline materials, and machinery and equipment incidental to and used in connection with the construction, repairing, and dismantling of pipelines), between Greenville, Miss., on the one hand, and, on the other, points in Missouri on and east of Missouri Highway 51, restricted against the transportation of traffic originating in Alabama and Tennessee (except Memphis, Tenn.). The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC 73688 (Sub-No. E20), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applican't representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron soil pipe and cast iron pipe fittings* which are building materials, from the plant site of Central Foundry Company at Holt, Ala., to Lockland, Ohio. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC 103490 (Sub-No. E1), filed May 13, 1974. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, N.Y. 12550. Applicant's representative: Fred J. Provan, (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohols, esters, ketones, naphtha, coating material solvents, and thinners* (which are also petroleum products), in bulk, in tank trucks; (1) from Paulsboro, N.J., and points in New Jersey, within two miles thereof, Marcus Hook, Pa., and Petty's Island, N.J., to points in Massachusetts and Rhode Island; and (2) between points in Hudson, Essex, Middlesex, Union, Passaic, and Bergen Counties, N.J., on the one hand, and, on the other, points in Massachusetts and Rhode Island. The purpose of this filing is to eliminate the gateway of Stamford, Conn.

No. MC 106194 (Sub-No. E7), filed June 4, 1974. Applicant: HORN TRANSPORTATION, INC., P.O. Box 1808, Kansas City, Mo. 64141. Applicant's representative: Charles A. Minturn, 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities, which because of size and weight require the use of special equipment, and except oilfield and pipeline commodities as defined by the Commission in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459), from points in that part of Colorado on and south of U.S. Highway 50 and on and east of Interstate Highway 25, to points in that part of North Dakota on and east of a line beginning at the North Dakota-South Dakota State line, thence along North Dakota Highway 18 to junction North Dakota Highway 46, thence along North Dakota Highway 46 to junction North Dakota Highway 32, thence along North Dakota Highway 32 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Hutchinson, Kans.

No. MC-106194 (Sub-No. E11), filed June 4, 1974. Applicant: HORN TRANSPORTATION, INC., P.O. Box 1808, Kansas City, Mo. 64141. Applicant's representative: Charles A. Minturn, 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities, which because of size or weight require the use of special equipment, and except oilfield and pipeline commodities as defined by the Commission in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459), from points in that part of Nebraska beginning at the Nebraska-Iowa State line, thence along the North Platte River to junction Nebraska Highway 50, thence along Nebraska Highway 50 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Nebraska State line, to points in that part of Colorado on, south, and west of a line beginning at the Colorado-New Mexico State line, thence along Interstate Highway 25 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Montrose-Gunnison County line, thence along the Montrose-Gunnison, Montrose-Delta, and Montrose-Mesa County lines to the Utah-Colorado State line. The purpose of this filing is to eliminate the gateway of Hutchinson, Kans.

No. MC 110525 (Sub-No. E867), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Milwaukee, Wis., (1) to points in Maine, New Hampshire, and Vermont (Syracuse, N.Y.)*; (2) to points in Massachusetts, Connecticut, and Rhode Island (Ft. Lee, N.J.)*; (3) to the District of Columbia and points in Maryland and West Virginia (Pittsburgh, Pa.)*; (4) to points in North Carolina, South Carolina, and Georgia (points in Virginia)*; and (5) to points in Florida (points in Virginia and Atlanta, Ga.)*, restricted in (1) above against the transportation of liquid oxygen, liquid hydrogen, and liquid nitrogen to points in Vermont, restricted in (4) above against the transportation of bituminous products and materials, and restricted in (5) above against the transportation of bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E902), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Pittsburgh, Pa., and points within 10 miles thereof, (1) to points in Massachusetts, Connecticut, and Rhode Island (Cumberland, Md., points in Aston Township, Pa., Philadelphia, Pa., and Ft. Lee, N.J.)*; and (2) to Brattleboro, Rutland, Bennington, and White River Junction, Vt. (Cumberland, Md., points in Aston Township, Pa., Philadelphia, Pa., and Albany, N.Y.)*, restricted in (1) above against the transportation of liquid wax and those commodities requiring attached heater equipment. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E903), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry petrochemicals*, in bulk, in tank vehicles, from Pittsburgh, Pa., and points within 10 miles thereof, to points in Maine (except points in Aroostook County), New Hampshire, and that part of Vermont on and north of U.S. Highway 2, restricted against the transportation of liquid wax and those commodities requiring attached heater equipment. The purpose of this filing is to eliminate the gateways of Cumberland, Md., points in Aston Township, Pa., Philadelphia, Pa., Ft. Lee, N.J., and Springfield, Mass.

No. MC 110525 (Sub-No. E906), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from Titusville, Pa., (1) to points in Delaware and that part of Maryland on and east of a line beginning at the Maryland-Pennsylvania State line, thence along Maryland Highway 213 to junction U.S. Highway 50, thence along U.S. Highway 50 to Cambridge, thence along Maryland Highway 335 to junction Maryland Highway 336, thence along Maryland Highway 336 to Crocheron (Petty's Island, N.J.)*; and (2) to points in that part of New Jersey on and south of New Jersey Highway 33 (Petty's Island, N.J., and Philadelphia, Pa.)*, restricted in (2) above against the transportation of medicinal petroleum products, lubricating oils, liquid wax, and those commodities requiring attached heater equipment. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E907), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the site of the Getty Oil Company (Eastern Operations), Inc., located at or near Delaware City, Del., (1) to points in Rhode Island (Newark, N.J.)*; (2) to points in North Carolina (Williamsburg, Va.)*; (3) to points in Columbiana, Cuyahoga, Harrison, Stark, and Summit Counties, Ohio (McMurry, Pa.)*; and (4) to points in that part of Ohio on and north of U.S. Highway 40 and on and east of Ohio Highway 13 (Beaver Falls, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E917), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Petroleum products* (except medicinal petroleum products, lubricating oils, liquid wax, and those commodities requiring attached heating equipment), in bulk, in tank vehicles, from Albany, N.Y., and points in New York within 50 miles thereof, to the District of Columbia and points in Delaware and Maryland (S. Egremont, Mass., Newark, N.J., Chester, Pa., and points in Aston Township, Pa.)*, and (2) to Philadelphia, Pa. (S. Egremont, Mass, Newark, N.J., and points in Aston Township, Pa.)*; and (B) *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 (Except medicinal petroleum products, lubricating oils, liquid wax, and those commodities requiring attached heating equipment), in bulk, in tank vehicles, from Albany, N.Y., and points in New York within 50 miles thereof, to points in North Carolina (S. Egremont, Mass., Newark, N.J., Chester, Pa., points in Aston Township, Pa., Delaware City, Del., and points in York County, Va.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E918), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except medicinal petroleum products, lubricating oils, liquid wax, and those commodities requiring attached heater equipment), in bulk, in tank vehicles, from points in Dutchess County, N.Y., (1) to points in Delaware and Maryland (points in Connecticut and Newark, N.J.)*, (2) to the District of Columbia (points in Connecticut, Newark, N.J., Chester, Pa., and points in Aston Township, Pa.)*, (3) points in North Carolina (points in Connecticut, Newark, N.J., Delaware City, Del., and points in York County, Va)*. The purpose of this filing to to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E919), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except petroleum chemicals), in bulk, in tank vehicles, from ports of entry in New York on or near the Niagara and St. Lawrence Rivers on the International Boundary line between the United States and Canada, (1) to Hagerstown, Md., Martinsburg, W. Va., and Winchester, Va. (Chambersburg, Pa.)*, (2) to points in Allegany County, Md. (Cessna, Pa.)*, (3) points in Mineral and Grant Counties, W. Va. (El Dorado, Pa.)*, (4) to points in Allegany and Garrett Counties, Md., and Hardy, Monongalia, and Randolph Counties, W. Va. (El Dorado, Pa.)*, (5) to points in Washington County, Md., and Berkeley County, W. Va. (Harrisburg, Pa.)*, (6) to Cumberland and Oakland, Md., and points in Hancock County, W. Va. (Neville Island, Pa.)*, (7) to points in Barbour, Harrison, Hancock, Monongalia, Mineral, Ohio, Randolph, Marion, Hardy, Kanawha, and Upshur Counties, W. Va. (Pittsburgh, Pa.)*, and (8) to points in Delaware and Maryland (Philadelphia, Pa.)*, restricted to the transportation of traffic originating at the Province of Ontario, Canada, in foreign commerce only. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E932), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except medicinal petroleum products, lubricating oils, liquid wax, and those commodities requiring attached heater equipment), in bulk, in tank vehicles, from points in Dutchess County, N.Y., (1) to points in Delaware and Maryland (points in Connecticut and Newark, N.J.)*, (2) to the District of Columbia (points in Connecticut, Newark, N.J., Chester, Pa., and points in Aston Township, Pa.)*, (3) points in North Carolina (points in Connecticut, Newark, N.J., Delaware City, Del., and points in York County, Va)*. The purpose of this filing to to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E933), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except such oils and greases as may be included in the term chemicals), in bulk, in tank vehicles, from the plant site of the B. F. Goodrich Company, in Milan Township, Allen County, Ind., to points in Texas. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 110525 (Sub-No. E934), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from plant site of the B. F. Goodrich Company, in Milan Township, Allen County, Ind., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 17 to junction New York Highway 8, thence along New York Highway 12 to Clayton, and that part of Virginia on and east of U.S. Highway 21, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Willow Island, W. Va.

No. MC 110525 (Sub-No. E935), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank vehicles, from the plant site of the B. F. Goodrich Company, in Milan Township, Allen County, Ind., to points in Minnesota, Iowa, Missouri, Kansas, Nebraska, that part of Wisconsin on and west of a line beginning at the Illinois-Wisconsin State line, thence along Interstate Highway 90 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction Wisconsin Highway 49, thence along Wisconsin Highway 49 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Minnesota State line, and that part of Arkansas on and west of a line beginning at the Missouri-Arkansas State line, thence along Arkansas Highway 115 to junction U.S. Highway 67, along Interstate Highway 77 to junction Ohio Highway 8, thence along Ohio Highway 8 to junction Ohio Highway 91, thence along Ohio Highway 91 to Lake Erie. The purpose of this filing is to eliminate the gateway of Willow Island, W. Va.

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thence along U.S. Highway 67 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Arkansas Highway 1, thence along Arkansas Highway 1 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line, restricted to the transportation of such dry plastics as are chemicals. The purpose of this filing is to eliminate the gateway of Ottawa, Ill.

No. MC 110525 (Sub-No. E936), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except such oils and greases as may be included in the term chemicals), in bulk, in tank vehicles, from the plant site of the B. F. Goodrich Company, in Milan Township, Allen County, Ind., (1) to points in California, Oklahoma, and Texas (Mapleton, Ill.)*; and (2) to points in Virginia, North Carolina, South Carolina, and Georgia (except points in Dade, Walker, and Chattanooga Counties) (points in West Virginia)*, restricted in (2) above against the transportation of bituminous products and materials. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E937), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 1933g. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed grade urea*, when derived from petroleum or petroleum products, in bulk, in tank vehicles, from Belle, W. Va., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateways of Wilmington, Del., Philadelphia, Pa., and Newark, N.J.

No. MC 110525 (Sub-No. E938), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acryloniticle*, in bulk, in tank vehicles, from Lima, Ohio, to points in West Virginia, Virginia, South Carolina, North Carolina, and Georgia. The purpose of this filing is to eliminate the gateway of Washington, W. Va.

No. MC 113459 (Sub-No. E62), filed May 14, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Earth drilling machinery and equipment and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, the transportation of which, because of size or weight, require the use of special equipment, between points in Nevada, on the one hand, and, on the other, points in Indiana; (II) (1) *Self-propelled articles*, each weighing 15,000 pounds or more, and related *machinery, tools, parts, and supplies* moving in connection therewith, (2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and by-products, used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of Pipelines, including the stringing and picking up thereof (except the stringing and picking up of pipe in connection with main or trunk pipe lines), (3) Commodities, the transportation of which, by reason of size or weight, require the use of special equipment (except those commodities described in (II)(2) above, those commodities used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of main or trunk pipelines, and farm machinery), and (4) Parts of commodities authorized in (II)(3) above, either when incidental to the transportation of such commodities, or when transported as separate and unrestricted shipments, between points in that part of Montana on and east of a line beginning at the United States-Canada International Boundary line at Sweetgrass, thence along U.S. Highway 15 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 89.

Thence along U.S. Highway 89 to the Montana-Wyoming State line, on the one hand, and, on the other, points in that part of New Mexico on and east of a line beginning at the New Mexico-Colorado State line, thence along U.S. Highway 25 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction New Mexico Highway 30, thence along New Mexico Highway 30 to junction New Mexico Highway 4, thence along New Mexico Highway 4 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction New Mexico Highway 90, thence along New Mexico Highway 90 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 10, thence along U.S. Highway 10 to the New Mexico-Arizona State line; (III) *Earth drilling machinery and equipment and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and, (d) the injection or removal of commodities into or from holes or wells, between points in that part of Montana on and east of a line beginning at the United States-Canada International Boundary line at Sweetgrass.

Thence along U.S. Highway 15 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line, on the one hand, and, on the other, points in Lea and Eddy Counties, N. Mex.; (IV) (1) *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, and (2) *Commodities*, the transportation of which by reason of size or weight, require the use of special equipment (except from machinery and commodities used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of main or truck pipelines), between points in that part of Missouri on and east of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 65 to junction U.S. Highway 66, thence along U.S. Highway 66 to the Missouri-Kansas State line, on the one hand, and, on the other, points in North Dakota; (VI) (1) *Metal tubing and pipe*, the transportation of which, because of size or weight, require the use of special equipment (except metal tubing and pipe used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, or used in, or in connection with, the construction, operation, repair, servicing, maintenance, and distribution of pipelines, including the stringing and picking up thereof), (2) *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products (except the stringing and picking up of pipe in connection with main or trunk pipelines), and (3) *Earth drilling machinery and equipment and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in that part

of Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 259 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 75.

Thence along U.S. Highway 75 to Galveston, to points in Ohio; (VII) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, processing, production, refining, manufacture, storage, transmission, and distribution, of natural gas and petroleum and their products and by-products, or used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, those commodities used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of main or truck pipelines, and farm machinery), and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith, between points in that part of Missouri on and south of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 50 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Kansas State line, on the one hand, and, on the other, points in that part of North Dakota on and west of a line beginning at the United States-Canada International Boundary line, thence along North Dakota Highway 1 to junction North Dakota Highway 200, thence along North Dakota Highway 200 to junction North Dakota Highway 20, thence along North Dakota Highway 20 to junction U.S. Highway 281, thence along U.S. Highway 281 to the North Dakota-South Dakota State line. Restriction: The operations authorized in (II)(1), (V)(1), and (VII)(1) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Colorado and Kansas for points in (I) above, points in Oklahoma for points in (II), (III), (IV), and (VII) above, points in Illinois for points in (V) above, and Tulsa, Okla., for points in (VI) above.

No. MC 113843 (Sub-No. E701), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Thorofare, N.J., to points in that part of Ohio on and north of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 20 to Cleveland, thence along Interstate Highway 71 to Lake Erie. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E702), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lakewood, N.J., to points in that part of Kentucky on, west, and north of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 25 to Lexington, thence along the Blue Grass Parkway to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E703), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carteret, N.J., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E704), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carteret, N.J., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E705), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lakewood, N.J., to points in that part of Kentucky on, west, and north of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 25 to Lexington, thence along the Blue Grass Parkway to junction U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E706), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lakewood, N.J., to points in that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 231 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 116626 (Sub-No. E1), filed May 14, 1974. Applicant: C. W. EANES, CRF D #1, Box 6, Gretna, Va. 24557. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, rough and dressed (except plywood and veneer), from points in West Virginia to points in North Carolina. The purpose of this filing is to eliminate the gateway of any point in that part of Virginia bounded by a line beginning at Bluefield, W. Va.-Va., and extending along U.S. Highway 21 to the Virginia-North Carolina State line, thence along the Virginia-North Carolina State line to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 60 at Sprouses Corner, Va., thence along U.S. Highway 60 to the Virginia-West Virginia State line, thence along the Virginia-West Virginia State line to Bluefield, point of beginning, including points on the indicated portions of the highways specified. (2) *Lumber* (except plywood and veneer), from points in Ohio to points in that part of North Carolina on and east of U.S. Highway 321. The purpose of this filing is to eliminate the gateway of any point in Virginia.

No. MC 118159 (Sub-No. E1), filed May 22, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Meats, meat products, and meat by-products, and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site of Producers Packing Company near Garden City, Kans., to points in North Carolina, South Carolina, Georgia, Florida, and points in that part of Tennessee on and east of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Amarillo, Tex.

(2) *Bananas*, from Freeport, Tex., to points in Washington, Oregon, California, Idaho, Montana, Wyoming, Utah, Arizona, Wisconsin, Michigan, Illinois, Indiana, Ohio, West Virginia, Kentucky, Tennessee, Mississippi, Alabama, and Georgia. The purpose of this filing is to eliminate the gateway of Galveston, Tex.

(3) Bananas, from Houston, Tex., to points in Washington, Oregon, Idaho, Montana, Wyoming, South Dakota, North Dakota, Ohio, West Virginia, Kentucky, Tennessee, Georgia, Alabama, and Mississippi. The purpose of this filing is to eliminate the gateway of Galveston, Tex.

(4) *Bananas*, from Houston, Tex., to points in Virginia, North Carolina, South Carolina, and Florida (except Pensacola). The purpose of this filing is to eliminate the gateways of Gulfport, Miss., and Galveston, Tex.

(5) *Bananas*, from Mobile, Ala., to points in Nebraska and New Mexico. The purpose of this filing is to eliminate the gateway of New Orleans, La.

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(6) *Bananas*, from Freeport, Tex., to points in Virginia, North Carolina, South Carolina, and Florida (except Pensacola). The purpose of this filing is to eliminate the gateways of Gulfport, Miss., and Galveston, Tex.

(7) *Bananas*, from Galveston, Tex., to points in Virginia, North Carolina, South Carolina, and Florida (except Pensacola). The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

(8) *Bananas*, from New Orleans, La., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Gulfport, Miss.

(9) *Glass containers and accessories for glass containers*, from Palestine, Tex. to St. Louis, Joplin, Springfield, and Carthage, Mo., and points in St. Louis and Jefferson Counties, Mo., and Cheyenne and Casper, Wyo., and points in Colorado and Kansas. The purpose of this filing is to eliminate the gateway of Tulsa, Okla., or Sand Springs, Okla. (a point within the Tulsa, Okla., commercial zone).

(10) (a) *Glass spice jars and glass containers*, from Port Allegany and Erie, Pa., to points in Texas and New Mexico. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

(b) *Glass containers*, from Port Allegany and Erie, Pa., to points in Arizona. The purpose of this filing is to eliminate the gateway of Sand Springs, Okla. (a point within the Tulsa, Okla., commercial zone).

No. MC 119774 (Sub-No. E24), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Nevada, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways of points in Colorado, Oklahoma, and Arkansas.

No. MC 119774 (Sub-No. E25), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Nevada, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Oklahoma, Colorado, and Arkansas.

No. MC 119774 (Sub-No. E26), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between Lordsburg, Gallup, Socorro, Los Alamos, Santa Fe, and Raton, N. Mex., on the one hand, and, on the other, Kalispell, Missoula, Butte, Bozeman, Havre, Billings, Glasgow, Plentywood, Glendive, and Broadus, Mont. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC 119774 (Sub-No. E27), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Nevada, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Oklahoma, Colorado, and Arkansas.

No. MC 119774 (Sub-No. E28), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in New Mexico on and east of a line from the Mexico-U.S. International Boundary line along New Mexico Highway 11 to the junction of Interstate Highway 10, thence along Interstate Highway 10 to Las Cruces, thence along U.S. Highway 70/82 to the junction of U.S. Highway 54, thence along U.S. Highway 54 to the junction of U.S. Highway 60, thence along U.S. Highway 60 to the junction of U.S. Highway 285, thence along U.S. Highway 285 to the junction of Interstate Highway 25, thence along Interstate Highway 25 to the junction of U.S. Highway 56, thence along U.S. Highway 56 to the Texas-New Mexico State line, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC 119774 (Sub-No. E29), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in New Mexico on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E30), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in New Mexico, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 119774 (Sub-No. E50), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Oklahoma on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC 119774 (Sub-No. E51), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Oklahoma on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E53), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and*

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pipe incidental to, used in or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Oklahoma on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E54), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Arkansas on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 119774 (Sub-No. E55), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Arkansas on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 119774 (Sub-No. E56), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Arkansas on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of points in Oklahoma and points in Texas.

No. MC 119774 (Sub-No. E57), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Arkansas on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 119774 (Sub-No. E59), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and

(2) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Arkansas on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E67) filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in or in connection with the discovery, development production refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Mississippi on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways of points in Oklahoma and Arkansas.

No. MC 119774 (Sub-No. E68), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Arkansas on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E69), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Louisiana on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateway of points in New Mexico.

No. MC 119774 (Sub-No. E73), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Alabama, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways of points in Arkansas and Oklahoma.

No. MC 119774 (Sub-No. E78), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, Manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, material, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe-

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maintenance, and dismantling of pipelines, including stringing and picking up thereof; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Alabama, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E79), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Alabama on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 119774 (Sub-No. E80), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Florida on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of Arkansas and Oklahoma.

No. MC 119774 (Sub-No. E86), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities* 74 M.C.C. 459 and (2) *Conduit* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells from points in Nevada to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of points in Oklahoma and Colorado and the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E87), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities* 74 M.C.C. 459 and (2) *Conduit* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells from points in Nevada to points in South Carolina. The purpose of this filing is to eliminate the gateways of points in Colorado, Oklahoma, and the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E88), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit* as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459 and (2) *Conduit* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells from points in Florida on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of Arkansas and Oklahoma.

No. MC 119774 (Sub-No. E89), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit* as described in *Mercer Extension—Oilfield Commodities* 74 M.C.C. 459, and (2) *Conduit* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells from points in Nevada to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of points in Oklahoma and Colorado and the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E90), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and (2) *Conduit* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells from points in Nevada to points in Delaware. The purpose of this filing is to eliminate the gateways of points in Oklahoma and Colorado and the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E91), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities* 74 M.C.C. 459, and (2) *Conduit* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells from points in Nevada to points in North Carolina. The purpose of this filing is to eliminate the gateway of points in Colorado and Oklahoma and the plant site of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E239), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe* as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459; (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells from points in Maryland. The purpose of this filing is to eliminate the gateways of points in Colorado and Oklahoma and the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 123407 (Sub-No. E13), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and lumber*, from the plant site of Johns-Manville Perlite Corporation at Rockdale, Ill., to points in Decatur and Seminole Counties, Ga., Choctaw, Clarke, Washington, Mobile, Monroe, Baldwin, Escambia, Conecuk, Covington, Geneva, and Houston Counties, Ala.; Florida (except Madison, Baker, Hamilton, Suwanee, Nassau, Duval, Clay, Union, St. Johns, Bradford, Columbia, Lafayette, Putnam, Gilchrist, Alachua, Flagler, Marion, Volusia, Lake, Sumter, Orange, and Seminole Counties), and that part of Texas in and south of Sabine, Jasper, Tyler, Polk, Jacinto, Montgomery, Waller, Austin, Fayette, Bastrop, Travis, Blanco, Llano, Mason, Concho, McCulloch, Tom Green, Reagan, Crockett, and Val Verde Counties, restricted to the transportation of shipments originating at the said plant site. The purpose of this filing is to eliminate the gateway of the plant sites of Georgia-Pacific Corporation at Taylorsville, Miss.

No. MC 123407 (Sub-No. E14), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* and *lumber*, from the plant site of Johns-Manville Perlite Corporation at Rockdale, Ill., to points in Decatur and Seminole Counties, Ga., Choctaw, Clarke, Washington, Mobile, Monroe, Baldwin, Escambia, Conecuk, Covington, Geneva, and Houston Counties, Ala.; Florida (except Madison, Baker, Hamilton, Suwanee, Nassau, Duval, Clay, Union, St. Johns, Bradford, Columbia, Lafayette, Putnam, Gilchrist, Alachua, Flagler, Marion, Volusia, Lake, Sumter, Orange, and Seminole Counties), and that part of Texas in and south of Sabine, Jasper, Tyler, Polk, Jacinto, Montgomery, Waller, Austin, Fayette, Bastrop, Travis, Blanco, Llano, Mason, Concho, McCulloch, Tom Green, Reagan, Crockett, and Val Verde Counties, restricted to the transportation of shipments originating at the said plant site. The purpose of this filing is to eliminate the gateway of the plant sites of Georgia-Pacific Corporation at Taylorsville, Miss.

No. MC 123407 (Sub-No. E15), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass glazing units used as a building material* from Mason City, Iowa to Warren, Ill. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 123407 (Sub-No. E16), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork from Carnegie, Pa., to points in Minnesota, South Dakota, Nebraska, and that part of Kansas in and west of Republic, Cloud, Lincoln, Ellsworth, Rice, Reno, Kingman, and Barber Counties. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa and Warren, Ill.

No. MC 123407 (Sub-No. E17), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size or weight require the use of special equipment, from points in Jo Davies, Stephenson, Winnebago, Carroll, Ogre, and Whiteside Counties, Ill., to points in North Carolina. The purpose of this filing is to eliminate gateways of Warren, Ill., and Brookville, Ind.

No. MC 123407 (Sub-No. E18), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk) from Florence, Ky., to points in Greely, Wallace, Logan, Sherman, Thomas, Sheridan, Cheyenne, Rawlins, Decatur, and Norton Counties. The purpose of this filing is to eliminate the gateway of points in Wisconsin within the Warren, Ill., Commercial Zone.

No. MC 123407 (Sub-No. E19), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* from points in that part of Illinois in and north of Whiteside, Lee, DeKalb, Kendall, Grundy, and Kankakee Counties to points in Nebraska. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E20), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor

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vehicle, over irregular routes, transporting: *Building materials* from Rockford, Ill., to points in Pennsylvania and in that part of Ohio in and east of Lake, Geauga, Postage, Stark, Tuscarawas, Guernsey, Muskingum, Morgan, Athens, Meigs, Gallia, and Lawrence Counties. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E21), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* from Spearfish, S.D. to points in Ohio, Pennsylvania, and Michigan (except Gogebic, Ontonagon, Iron, Baraga, Houghton, Keweenaw, and Marquette Counties). The purpose of this filing is to eliminate the gateway of points in Wisconsin within the Commercial Zone of Warren, Ill.

No. MC 123407 (Sub-No. E24), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, use in the manufacture and distribution of windows, doors, and building woodwork, from Houston, Tex., to points in Michigan; Lake, Porter, LaPorte, St. Joseph, Elkhart, LaGrange, and Steuben Counties, Ind.; Williams, Fulton, Lucas, Ottawa, Lake, and Ashtabula Counties, Ohio; Erie, Warren, McKean, Potter, Tioga, Bradford, Sullivan, Susquehanna, Wyoming, Lakawanna, and Wayne Counties, Pa.; and that part of Minnesota in and east of Kittson, Roseau, Beltrami, Hubbard, Wadena, Cass, Morrison, Benton, Sherburne, Wright, Scott, Rice, Goodhill, and Wabaska Counties, restricted against the transportation of commodities which, because of size or weight, require the use of special equipment or special handling and further restricted against the transportation of lumber, iron and steel, and iron and steel products. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E25), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, which are building materials, from Bartonville, Ill., to points in Minnesota, South Dakota, the Upper Peninsula of Michigan and Emmet, Cheboygan, and Presque Isle Counties, Mich., that part of Pennsylvania in and east of Bradford, Sullivan, Columbia, Montour, Northumberland, Schuylkill, Lebanon, and Lancaster Counties, and that part of Nebraska in and west of Thurston, Cuming, Stanton, Madison, Boone, Greeley, Howard, Buffalo, Dawson, Lincoln, Hayes, and Dundy Counties. The purpose of this filing is to eliminate the gateway of points in Wisconsin within the Warren, Ill., commercial zone.

No. MC 123407 (Sub-No. E33), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* from Dubuque, Iowa, to points in Florida, Early, Baker, Mitchell, Miller, Seminole, Decatur, Grady, Thomas, Brooks, and Lowndes Counties, Georgia; Orange, Jefferson, Chambers, Harris, Fort Bend, Galveston, Brazoria, Matagorda, Jackson, Victoria, Calhoun, Refugio, and Arkansas Counties, Texas. The purpose of this filing is to eliminate the gateway of the plantsites of Georgia-Pacific Corporation at Taylorsville, Miss.

No. MC 123407 (Sub-No. E34), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Decorating or preservative materials, supplies, and equipment*, and (2) *paint, painting materials, supplies, and equipment* (except commodities in bulk) from Port Clinton, Ohio, to points in Wisconsin, South Dakota, Nebraska, the Upper Peninsula of Michigan, and Minnesota. The purpose of this filing is to eliminate the gateway of Chicago Heights, Ill.

No. MC 123407 (Sub-No. E35), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Hennepin, Ill., to points in that part of Nebraska in and west of Dixon, Wayne, Stanton, Colfax, Butler, Seward, Fillmore, and Nuckolls Counties; and that part of Kansas in and west of Jewell, Mitchell, Ottawa, Saline, McPherson, Harvey, Sedgwick, and Sumner Counties. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E36), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which, because of size or weight require the use of special equipment), from L'Anse, Mich., to points in West Virginia, Virginia, North Carolina, Tennessee, Indianapolis, Ind., and that part of Kentucky on and east of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. 37), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paving curing compounds, paving joints, and joint compounds which are building materials* (except commodities in bulk), from Port Clinton, Ohio, to points in Iowa, Missouri (except points in Pike, Lincoln, Warren, St. Charles, St. Louis, Franklin, Jefferson, Washington, St. Francois, Ste. Genevieve, Perry, Iron, Madison, Bollinger, Cape Girardeau, Wayne, Scott, Butler, Stoddard, New Madrid, Mississippi, Pemiscot, and Dunklin Counties), and points in Arkansas (except Clay, Greene, and Mississippi Counties). The purpose of this filing is to eliminate the gateway of Elgin, Ill.

No. MC 123407 (Sub-No. E38), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size of weight, require the use of special equipment), from Jo Davies, Stephenson, and Carroll Counties, Ill., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Warren, Ill., and Brookville, Ind.

No. MC 123407 (Sub-No. E39), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board and parts, materials, and accessories*, incidental to the installation thereof (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size require the use of special equipment), from the plant site and storage facilities of the National Gypsum Company, at Mobile, Ala., to points in that part of West Virginia in and north of Wayne, Lincoln, Kanawha, Clay, Braxton, Webster, Randolph, and Tucker Counties. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. E40), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment) from Warren, Ill., to points in North Carolina, Virginia, West Virginia, that part of Kentucky in and east of Jefferson, Bullitt, Nelson, La Rue, Green, Metcalfe, and Monroe Counties, and that part of Tennessee in and east of Macon, Trousdale, Wilson, Rutherford, Bedford, Marshall, and Lincoln Counties. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. E41), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing material* (except commodities in bulk from the plantsite of Johns-Manville Perlite Corporation at Rockdale, Ill., to points in Indiana, restricted to shipments originating at the said plantsite. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 123407 (Sub-No. E42), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment), from Clinton, Iowa, to points in Virginia, North Carolina, that part of Tennessee in and east of the counties of Scott, Morgan, Cumberland, Bledsoe, Rhea, Meigs, McMinn, and Polk Counties, that part of Kentucky in and east of Martin, Floyd, Knott, Perry, Leslie, Clay, Knox, Whitley, and McCreary Counties, and that part of West Virginia in and east of the Counties of Preston, Taylor, Barbour, Upshur, Lewis, Braxton, Clay, Kanawha, Lincoln, and Mingo Counties. The purpose of this filing is to eliminate the gateway of Warren, Ill., and Brookville, Ind.

No. MC 123407 (Sub-No. E43), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal building materials, and parts, materials, and accessories* incidental to the installation thereof from Niles, Ohio, to points in that part of the Upper Peninsula of Michigan on and east of a line beginning at the Wisconsin-Michigan State line and extending along Michigan Highway 95 to junction Michigan Highway 69, thence along Michigan Highway 69 to junction U.S. Highway 141, thence along U.S. Highway 141 to junction U.S. Highway 41, thence along U.S. Highway 41 to L'Anse, Mich.

No. MC 123407 (Sub-No. E44), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 468383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials* (except commodities in bulk, lumber, and commodities the transportation of which because of size or weight require the use of special equipment), from Rockdale, Ill., to points in West Virginia, Virginia, North Carolina, and points in that part of Ohio in and south of Preble, Montgomery, Greene, Clark, Madison, Franklin, Fairfield, Perry, Mushingum, Guernsey, and Belmont Counties. The purpose of this filing is to eliminate the gateway of Wilmington, Ill., and Brookville, Ind.

No. MC 123407 (Sub-No. E45), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 468383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and composition board* used as a building materials from the plantsite of Certain-Teed Products Corporation at East St. Louis, Ill., to points in Florida; Washington, Mobile, Baldwin, Escambia, Covington, Conecuh, Geneva, and Houston, Counties, Ala.; Cameron, Willacy, Kenedy, Cleberg, Hidalgo, Starr, Zapata, Jim Hogg, Brooks, Duval, Jim Wells, Live Oak, Bee, San Patricio, Arkansas, Calhoun, Victoria, Jackson, Golida, Refugio, Matagorda, Wharton, Fort Bend, Harris, Chambers, Galveston, Brazoria, and Nueces Counties, Texas; and Miller, Seminole, Decatur, Grady, Thomas, Brooks, Lowndes, and Echols Counties, Ga. The purpose of this filing is to eliminate the gateway of the plantsites of Georgia-Pacific Corporation at Taylorsville, Miss.

No. MC 123407 (Sub-No. E46), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board* from Freeport, Ill., to points in Mobile, Baldwin, and Escambia Counties, Ala., and Escambia, Santa Rosa, Dade, and Monroe Counties, Fla. The purpose of this filing is to eliminate the gateways of points in Wisconsin within the Dubuque, Iowa, Commercial Zone and the plantsites of Georgia-Pacific Corporation at Taylorsville, Miss.

No. MC 136277 (Sub-No. E1) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER August 13, 1974. Applicant: PRIORITY FREIGHT SYSTEM, INC., P.O. Box 8308, Charlotte, N.C. 28208. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (4) between points in that part of South Carolina on and east of a line beginning at the South Carolina-Georgia State line, thence along Interstate Highway 95 to junction U.S. Highway 15, thence along U.S. Highway 15 to U.S. Highway 521, thence along U.S. Highway 521 to South Carolina Highway 97, thence along South Carolina Highway 97 to U.S. Highway 321, thence along U.S. Highway 321 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in Ohio; (9) between all points in that part of North Carolina on and south of a line beginning at the South Carolina-North Carolina State line, thence along Interstate Highway 85 to North Carolina Highway 49, thence along North Carolina Highway 49 to junction U.S. Highway 64, thence along U.S. Highway 64 to Raleigh, N.C., thence along U.S. Highway 70 to the Atlantic Ocean, on the one hand, and, on the other, points in Ohio; and (12) between points in that part of North Carolina on and south of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 52 to Winston-Salem, thence along U.S. Highway 311 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Atlantic Ocean, on the one hand, and, on the other, points in that part of Pennsylvania on and west of a line beginning at the West Virginia-Pennsylvania State line, thence along U.S. Highway 119 to Greensburg, thence along Pennsylvania Highway 66 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Interstate Highway 80S, thence along Interstate Highway 80S to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 79, thence along Interstate Highway 79 to Erie, Pa. The purpose of this filing is to eliminate the gateway of Parkersburg, W. Va. The purpose of this partial correction is to expand the territorial descriptions. The remainder of the letter-notice remains as previously published.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21355 Filed 9-13-74;8:45 am]

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[Notice No. 158]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 16, 1974.

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 7, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75235. By order of September 9, 1974, the Motor Carrier Board approved, on reconsideration, the transfer to Emporia Motor Freight, Inc., Emporia, Kans., of Certificate No. MC-21753 issued by the Commission June 16, 1964, to Cecil Beatty and J. W. England III, a partnership, doing business as Beatty-England Trucking Service, Ottawa, Kans., authorizing the transportation of general commodities, with exceptions, between Williamsburg, Kans., and Kansas City, Mo., over specified routes, serving the intermediate point of Kansas City, Kans., and intermediate and off-route points within ten miles of Williamsburg, Kans.; and from Kansas City, Mo., over specified routes to Ottawa, Kans.; and livestock, between Kansas City, Mo., and Ottawa, Kans., over specified routes, serving the intermediate point of Kansas City, Kans., and intermediate and off-route points within eleven miles of Ottawa, Kans. John L. Richeson, Esq., First National Bank Building, Ottawa, Kans. 66067.

No. MC-FC-75289. By order of September 9, 1974, the Motor Carrier Board approved the transfer to John A. Kester, doing business as C & K Construction, Elkhart, Kansas, of the operating rights in Certificate No. MC-17057 issued March 6, 1964, to E. M. Gregg, Inc., Hugoton, Kansas, authorizing the transportation of various commodities between points in Oklahoma, Kansas, and Baca County, Colo. Clyde N. Christey, 641 Harrison St., Topeka, Kansas 66603, attorney for applicants.

No. MC-FC-75311. By order of September 6, 1974, the Motor Carrier Board approved the transfer to Philip E. Reedy, doing business as Valley Transfer, Elkhorn, Nebr., of Certificate No. MC-120061 Sub-2 issued by the Commission August 27, 1964, to Delbert Braesch, doing business as Arlington-Hooper Transfer, Arlington, Nebr., authorizing the transportation of general commodities, with exceptions, between Hooper, Nebr., and Omaha, Nebr., serving all intermediate points. Donald L. Stern, Esq., Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106.

No. MC-FC-75331. By order of September 6, 1974, the Motor Carrier Board approved the transfer to Lester W. Holben, doing business as Lester W. Holben Trucking, Spearfish, S.D., of Certificates Nos. MC-115796 and MC-115796 Sub-1 issued by the Commission September 3, 1957, and February 11, 1960, respectively, to W. C. Hartzell, Belle Fourche, S.D., authorizing the transportation of livestock feed and poultry feed from Sioux City, Iowa, to points in Butte, Pennington, Meade, Lawrence, and Harding Counties, S.D., and points in Crook County, Wyo.; and livestock and poultry feeds from Sioux City, Iowa, to points in Perkins County, S.D., respectively. Walter Mueller, Esq., 618 State Street, Belle Fourche, S.D. 57717.

No. MC-FC-75365. By order of September 6, 1974, the Motor Carrier Board approved the transfer to Cheyenne Express, Inc., Brentwood, Tenn., of the operating rights in Certificates No. MC-127834 (Sub-No. 22), MC-127834 (Sub-No. 43), MC-127834 (Sub-No. 46), MC-127834 (Sub-No. 56), MC-127834 (Sub-No. 57), and MC-127834 (Sub-No. 61), issued December 8, 1969, October 14, 1971, November 2, 1970, July 28, 1971, December 30, 1971, and October 25, 1972, respectively, to Cherokee Hauling & Rigging, Inc., Nashville, Tenn., authorizing the transportation of various commodities from and to specified points and areas in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and Texas. Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21358 Filed 9-13-74;8:45 am]

[Notice No. 129]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 9, 1974.

The following are notices of filing of application; except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 409 (Sub-No. 57TA), filed August 30, 1974. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, Nebr. 68979. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed supplements*, from Blair, Nebr., to points in California and Arizona, for 180 days. Supporting shipper: Raymond H. Ifft, Regional Manager, Ruminant Nitrogen Products Company, Box 450, 128 South 17th Street, Blair, Nebr. 68008. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Court House, Lincoln, Nebr. 68508.

No. MC 1824 (Sub-No. 68TA), filed August 27, 1974. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hagerstown, Md., and Pittsburgh, Pa., serving all intermediate and off-route points in Maryland west of Interstate Highway 81 and Intermediate points on Pennsylvania Highway 51 between Uniontown and Pittsburgh, Pa.: From Hagerstown over U.S. Highway 40 to junction Interstate Highway 70, thence over Interstate Highway 70 to Hancock, Md., thence over U.S. Highway 40 to Uniontown, Pa., thence over Pennsylvania Highway 51 to Pittsburgh, and return, for 180 days. Supporting shippers: There are approximately 50 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

NOTE.—Applicant states that it intends to tack authority in MC 1824 at Hagerstown, Md., and Pittsburgh, Pa., and/or interline with any other carriers.

No. MC 2002 (Sub-No. 12TA), filed July 11, 1974. Applicant: PHILIPP TRANSIT LINES, INC., 1808 East 5th Street, Washington, Missouri 63090. Applicant's representative: Lucy Kennard Bell, 101 W. 11th Street, Suite 910, Kansas City, Missouri 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel Joists* from the plantsite of Midwestern Joist, Inc., Washington, Mo., to points in Illinois and (2) *Products* used in the manufacture and processing of Steel Joists, from points in Illinois, to points in plantsite of Midwestern Joist, Inc., Washington, Mo., for 180 days. Supporting shippers: Midwestern Joist, Inc., West Main Street, Washington, Mo. 63090, Associated Construction Trades Co., Inc., 215 W. Odgen Avenue, Westmont, Ill. 60559. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 22229 (Sub-No. 89TA), filed August 28, 1974. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Meadville, Conneautville, Saegertown (Kebert Park), Cochranton, and Blacks Corners, Pa., as off-route points in connection with carrier's authorized regular route operations between Cleveland, Ohio, and Rochester, N.Y., for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

NOTE.—Applicant states that in MC 2589, operated by applicant pursuant to Interstate Commerce Commission order in Docket No. MC-F-11674, applicant will tack and/or interline with any other carriers.

No. MC 30605 (Sub-No. 155TA), filed August 28, 1974. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 East Waterman, Wichita, Kans. 67202. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment), serving the construction site and plant of The Jeffrey Energy Center located 6½ miles north and 2½ miles west of St. Marys, Kans. (Pottawatomie County), as an off-route point in connection with carrier's presently authorized regular route operation, for 180 days. Supporting shipper: The Kansas Power and Light Company, 818 Kansas Avenue, Topeka, Kans. 66603. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 32213 ((Sub-No. 6TA), filed August 30, 1974. Applicant: PORTER TRUCK SERVICE, INC., P.O. Box 866, 1217 West Cherokee Street, Sioux Falls, S. Dak. 57101. Applicant's representative: Hans O. Pedersen, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, building materials, and supplies*, (1) from Sioux Falls, S. Dak., to points in South Dakota, Nebraska, Iowa, Minnesota, and North Dakota and (2) from Minneapolis, Minn., to Sioux Falls, S. Dak., for 180 days. Supporting shipper: Weyerhaeuser Company, 523 North Kiwanis, Sioux Falls, S. Dak. (H. G. Abraham, Manager). Send protests to District Supervisor J. L. Hammond, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 45764 (Sub-No. 22TA), filed August 27, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., Industrial Highway & Saville Avenue, Eddystone, Pa. 19013. Applicant's representative: Edward Kells (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical generating equipment*, the transportation of which because of size and weight require the use of special equipment or special handling, and *related materials and supplies*, used in the installation thereof, between El Segundo, Oakland, and San Francisco, Calif.; West Palm Beach, Fla.; Baltimore, Md.; Minneapolis, Minn.; Philadelphia, Pa.; Windsor, Conn.; and Holtsville, N.Y., for 180 days. Supporting shipper: Turbo Power & Marine Systems, Farmington, Conn. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 53965 (Sub-No. 103TA), filed August 27, 1974. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment), serving the construction site and plant of The Jeffrey Energy Center located 6½ miles north and 2½ miles west of St. Marys, Kans. (Pottawatomie County), as an off-route point in connection with carrier's regular route operation, for 180 days. Supporting shipper: The Kansas Power and Light Company, 818 Kansas Avenue, Topeka, Kans. 66603. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 59488 (Sub-No. 40TA), filed August 27, 1974. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY, 7600 South Central Expressway, Dallas, Tex. 75216. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex. 75701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and Classes A and B explosives), serving Swan Lake, Ark., as an off-route point in connection with applicant's present regular route authority to and from Pine Bluff, Ark., via Arkansas State Highways 88, 11, 276, for 150 days.

NOTE.—Carrier does intend to tack its present authority in MC 59488. Supporting shipper: Mahaffy-Apollo Enterprises, Inc., Route One, Altheimer, Ark. 72004 (Swan Lake). Send protests to: District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 59531 (Sub-No. 100TA), filed August 15, 1974. Applicant: AUTO CONVOY CO., 3020 S. Haskell Avenue, Dallas, Tex. 75223. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial motor vehicles*, in secondary movements, in driveaway service, restricted to traffic having an immediately prior movement by rail, from El Paso, Tex., to points in Cochise, Graham, Greenlee, Pima, and Santa Cruz Counties, Ariz., and Catron, Chaves, De Baca, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otero, Roosevelt, Sierra, and Socorro Counties, N. Mex., for 180 days. Supporting shippers: Ford Motor Company, Outbound Traffic Department, P.O. Box 1557, Dearborn, Mich. 48121, and International Harvester Company, 401 N. Michigan Avenue, Chicago, Ill. 60611. Send protests to: District Supervisor Gerald T. Holland, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 71902 (Sub-No. 81TA), filed August 26, 1974. Applicant: UNITED TRANSPORTS, INC., 4900 N. Santa Fe Street, P.O. Box 18547, Oklahoma City, Okla. 73118. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137.

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Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New foreign made trucks*, 3/4 tons or less, from Kansas City, Mo., to points in Missouri (except Joplin, St. Louis, and Kansas City) and Nebraska, in secondary movements in truck-away service, restricted to traffic having a prior movement by rail or motor carrier, for 180 days. Supporting shipper: Nissan Motor Corp., 18501 South Figueroa St., Carson, Calif. Send protests to: District Supervisor Clifford L. Phillips, Interstate Commerce Commission, Bureau of Operations, 240 Old U.S. Post Office and Courthouse, 215 NW. 3rd Street, Oklahoma City, Okla. 73102.

NOTE.—Secondary authority is sought for traffic having prior movement by rail or motor carrier.

No. MC 99780 (Sub-No. 45TA), filed August 29, 1974. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 NE. Bond Street, Peoria, Ill. 61603. Applicant's representative: John R. Zang, P.O. Box 1345, Peoria, Ill. 61601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers of soya flour*, from Central Soya Company at Gibson City, Ill., to various railheads within the state of Illinois, destined for export, for 180 days. Supporting shipper: Central Soya Co., Inc., P.O. Box 112, Gibson City, Ill. 60936. Send protests to: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 107515 (Sub-No. 947TA), filed August 28, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettlebaum, 3379 Peachtree Road NE., Room 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Meats, meat products, meat by-products*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of Northside Packing Company at Pittsburgh, Pa., to points in Alabama, Arkansas, Colorado, Florida, Georgia, North Carolina, Louisiana, Mississippi, Oklahoma, South Carolina, Texas, Tennessee, and Kentucky and California, for 180 days. Supporting shipper: North Side Packing Company, 2200 Spring Garden Avenue, Pittsburgh, Pa. 15212. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

No. MC 108207 (Sub-No. 404TA), filed August 29, 1974. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street (Mailing: P.O. Box 5888), Dallas, Tex. 75222. Applicant's representative: J. B. Ham, P.O. Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source Plasma, human* (blood plasma), from points in Iowa to Berkeley and Oakland, Calif., for 180 days. Supporting shipper: Cutter Laboratories, 4th and Parker Streets, Berkeley, Calif. 94710. Send protests to: Gerald T. Holland, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 112989 (Sub-No. 38TA), filed August 27, 1974. Applicant: WEST COAST TRUCK LINES, INC., Route 4, Box 194–R, Eugene, Oreg. 97405. Applicant's representative: Frederick M. Kelley, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit or pipe of cement containing asbestos fibre; and plastic pipe*, from the plantsite of Johns-Manville Co. at Stockton, Calif., to points in Oregon and Washington, for 180 days. Supporting shipper: Johns-Manville Corp., P.O. Box 1587, Stockton, Calif. 95201. Send protests to: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 114533 (Sub-No. 307 TA), filed August 27, 1974. Applicant: BANKERS DISPATCH CORP., 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Detroit, Mich., and points within the Detroit Commercial Zone on the one hand, and, on the other, points in Allen, Huntington, Adams, Grant, Miami, Wabash, Whitley, Kosciusko, Fulton, Marshall, Dekalb, Noble, LaGrange, Elkhart, St. Joseph, LaPorte, Porter, Lake, Steuben, and Wells Counties, Ind., for 180 days. Supporting shipper: Elmwood Chambers, Communications Co-Ordinator, The Kroger Company, 1014 Vine Street, Cincinnati, Ohio. Send protests to: Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 115669 (Sub-No. 144 TA), filed August 30, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning and washing compounds*, liquid or dry; *buffing or polishing compounds, textile softeners, grease or oil, lubricating, deodorants or disinfectants* (except commodities in bulk), from Joliet, Ill., to Cleveland and Fostoria, Ohio, for 180 days. Supporting shipper: Economics Laboratory, Inc., Osborn Bldg., St. Paul, Minn. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg. & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 116077 (Sub-No. 355 TA), filed August 27, 1974. Applicant: ROBERTSON TANK LINES, INC., 2000 W. Loop S., Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt cake*, in bulk, from Weeks, La., to Port St. Joe, Fla., for 180 days. Supporting shipper: Morton Chemical Company, a Division of Morton-Norwich Products, 110 N. Wacker Drive, Chicago, Ill. 60606. Send protests to: John F. Mensing, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 515 Rusk Avenue, Room 86110, Houston, Tex. 77002.

No. MC 117574 (Sub-No. 251 TA), filed August 29, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17103. Applicant's representative: E. S. Moore, P.O. Box 39, Carlisle, Pa. 17103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers, fluid coolers, air, gas, and liquid cleaning, heating, cooling and moving equipment and parts, materials, accessories, and supplies* used in the construction, transportation, or assembly of the foregoing items (except commodities in bulk), between the plant warehouse or storage facilities of Baltimore Air Coil, Inc., Dorsey, Maryland, on the one hand, and, on the other, the plant warehouse, or storage facilities of Baltimore Air Coil, Inc., at Paxton, Ill., restricted to traffic originating at and destined to the abovenamed facilities, for 180 days. Supporting shipper: Baltimore Air Coil, Inc., P.O. Box 7322, Montevideo Road, Baltimore, MD. 21227. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 117940 (Sub-No. 146 TA), filed August 28, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning and washing compounds*, liquid or dry; *buffing or polishing compounds, textile softeners, grease or oil, lubricating, deodorants or disinfectants* (except commodities in bulk), from Joliet, Ill., to Cleveland and Fostoria, Ohio, for 180 days. Supporting shipper: Economics Laboratory, Inc., Osborn Bldg., St. Paul, Minn. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg. &

No. MC 124947 (Sub-No. 29 TA), filed August 26, 1974. Applicant: MACHINERY TRANSPORT, INC., P.O. Box 417, Stroud, Okla. 74079. Applicant's representative: Max G. Morgan, 600 Leinenger Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Used automobile transmissions, plant machinery, and equipment* and (2) *related plant equipment, materials, parts, accessories, and supplies* moving in connection with the items in (1) above, restricted to (1) and (2) when moving for export, from points in Wayne, Oakland, and Macon Counties, Mich., to Laredo, Tex., for 180 days. Supporting shipper: Pyramid Riggers, Inc., Detroit, Mich. Send protests to: District Supervisor Clifford L. Phillips, Interstate Commerce Commission, Bureau of Operations, 240 Old U.S. Post Office and Courthouse, 215 NW. 3rd Street, Oklahoma City, Okla. 73102.

No. MC 125506 (Sub-No. 22 TA), filed August 28, 1974. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks Pl., Valley Stream, N.Y. 11580. Applicant's repersentative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail specialty shops, dealing primarily in *wearing apparel and accessories* (excluding appliances and furniture) and *store fixtures and supplies* not for resale, between New York, N.Y., on the one hand, and, on the other, Warwick, R.I.; Bridgeport, Conn.; Boston, Worcester, Natick, Peabody, and Braintree, Mass.; and Newark, Wayne, Paramus, and Menlo Park, N.J., for 180 days. Supporting shipper: Wallachs, 32–36 47th Avenue, Long Island City, N.Y. 11101. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 126899 (Sub-No. 79 TA), filed August 27, 1974. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers, and related advertising materials*, from Milwaukee, Wis., to Toledo, Ohio, for 180 days. Supporting shipper: Great Lakes Distributors, Inc., 3917 Imlay Street, Toledo, Ohio 43612. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Building, 167 North Main Street, Memphis, Tennessee.

No. MC 127337 (Sub-No. 11TA), filed August 29, 1974. Applicant: CHET'S TRANSPORT, INC., Charlotte, Maine 04666. Applicant's representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, 425–13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dicalcium phosphate*, in bags, from Peabody, Mass., to points on entry on the United States-Canadian Boundary line in Maine, restricted to the transportation of shipments destined to the Provinces of New Brunswick, Nova Scotia, and Newfoundland, Canada. Supporting shipper: BFS Corporation, 177 Milk Street, Boston, Mass. 02109. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 127539 (Sub-No. 40TA), filed August 27, 1974. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, Wash. 98421. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from Nampa, Idaho, to points in California, restricted to traffic moving with traffic having an immediately prior movement from Wheeler or Othello, Wash., to points in California, for 180 days. Supporting shipper: Carnation Company, 5045 Wilshire Blvd., Los Angeles, Calif. 90036. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, 909 1st Avenue, Seattle, Wash. 98174.

No. MC 127577 (Sub-No. 10TA), filed August 28, 1974. Applicant: D. DONNELLY LIMITED, 191 Murray Street, Montreal Quebec, Canada H3C2C9. Applicant's representative: W. Norman Charles, 80 Bay Street, Glenn Falls, N.Y. 12801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig Iron*, in bulk, in dump vehicles, from ports of entry on the international boundary line between the United States and Canada located in Maine, New Hampshire, New York, and Vermont to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and New York, for 180 days. Restriction: Restricted to traffic having an immediate prior movement in foreign commerce. Supporting Shipper: Quebec Iron and Titanium Corporation, P.O. Box 560, Sorel, Quebec, J3P5P6. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, 87 State Street, Montpelier, Vermont 05602.

No. MC 128030 (Sub-No. 82TA), filed August 27, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic coated and laminated wood products*, from Danville, Ill., to points in Arkansas, Michigan, Minnesota, and Missouri, for 180 days. Supporting shipper: Mr. Ronald Geiling, Production Manager, Marcus Industries, Inc., 3611 North Vermillion St., Danville, Ill. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128030 (Sub-No. 83TA), filed August 29, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to Paris, Ill., for 180 days. Supporting shipper: James L. Davis, Owner, K. R. Davis Dist. Co., 609 Munsell Street, Paris, Ill. 61944. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 128746 (Sub-No. 19TA), filed August 28, 1974. Applicant: D'AGATHA NATIONAL TRUCKING COMPANY, 3240 South 61st St., Philadelphia, Pa. 19153. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages in containers, and related advertising materials*, from Baltimore, Md., to points in Indiana, Ohio, Michigan, and Kentucky, for 180 days. Supporting shippers: Carling Brewing Company, 1143 Worcester Rd., Natick, Mass. 01760; National Brewing Co., 225 N. Calvert St., Baltimore, Md. 21202. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 129510 (Sub-No. 9TA), filed August 26, 1974. Applicant: ENGLAND EQUIPMENT COMPANY, 740 Old Stage Road, Salinas, Calif. 93901. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fittings, conduit*, in barrels or boxes with or without insulators; *cable terminals; tools*, hand; *plastic or rubber articles*, other than *expanded, straps, lashing, tying or tightening*, with or without metal hooks or fasteners, in packages; *cable assemblies or harness, electrical wiring*, in packages, between Elizabeth, N.J.; Montgomeryville, Pa.; Doylestown, Pa.; Easton, Mass.; Somerville, Mass.; Naugatuck, Conn.; Orangeburg, S.C.; Atlanta, Ga.; Memphis, Tenn.; Elk Grove Village, Ill.; Iowa City, Iowa; Mount Laurel, N.J.; Reno, Nev.; Los Angeles, Calif.; and Anaheim, Calif., for 180 days. Supporting shipper: Thomas & Betts Co., Division of Thomas & Betts Corporation, Elizabeth, N.J. 07207. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau

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of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 129516 (Sub-No. 29TA), filed August 30, 1974. Applicant: PATTON'S, INC., 2300 Canyon Road, Ellensburg, Washington 98926. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Washington 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and frozen potatoes*, from Walla Walla and Pasco, Washington, to ports of entry on the International boundary line at or near Blaine, Sumas, and Oroville, Washington, for 180 days. Supporting shipper: Oppenheimer Bros. & Company, Ltd., 4405 Canada Way Burnaby, B.C. Canada V5G1JS. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

No. MC 134922 (Sub-No. 99TA), filed August 27, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don E. Garrison (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances, equipment and parts*, as defined by the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 283, Appendix VII, restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment, between Americus, Ga., on the one hand, and, on the other, points in Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Michigan, Louisiana, Indiana, Kentucky, Ohio, West Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and Delaware, for 180 days. SUPPORTING SHIPPER: Gibson Metalux Corporation, Sutterfield Road, P.O. Box 1207, Americus, Ga. 31709. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 135018 (Sub-No. 6TA), filed August 26, 1974. Applicant: SEAHORSE TRANSPORT, INC., P.O. Box 3709, Brownsville, Tex. 78520. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical, electro-mechanical and electronic components*, from Brownsville, Tex., to points in the United States (except Alaska and Hawaii) and (2) *materials, supplies and equipment* utilized in the manufacture, production and distribution of the commodities in (1) above, from points in the United States (except Alaska and Hawaii), to Brownsville, Tex., for 180 days. Restriction: (1) Restricted against the transportation of commodities in bulk, in tank vehicles; (2) restricted to traffic either originating at or destined to the plant sites and facilities of I.T.T. Thompson Industries, Inc.; and (3) all transportation under a continuing contract or contracts with I.T.T. Thompson Industries, Inc. Supporting shipper: I.T.T. Thompson Industries, Inc., 21301 Civic Center Drive, Southfield, Mich. 48075. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 301 Broadway, Room 206, San Antonio, Tex. 78205.

No. MC 135684 (Sub-No. 7TA), filed August 28, 1974. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat*, from plant site of Country Pride, Inc. at or near Creston, Ohio, to points in that portion of the New York, N.Y. Commercial Zone, as defined in *Commercial Zone and Terminal Areas* 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 204(b)(8) of the Interstate Commerce Act, for 180 days. Supporting shipper: Country Pride, Inc., P.O. Box 397, Creston, Ohio 44217. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 135744 (Sub-No. 4TA), filed August 27, 1974. Applicant: BARKO TRANSPORT INC., P.O. Box 391, Orem, Utah 84057. Applicant's representative: H. E. Barker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfide concentrate*, in bulk, from Salt Lake City, Utah, to East Helena, Mont.; San Francisco, Calif.; and El Paso, Tex., for 180 days. Supporting shipper: Western Mineral Products Co., P.O. Box 17332, Salt Lake City, Utah 84117 (Robert E. Segerval, Owner). Send protests to: District Supervisor Lyle D. Helfer, Bureau of Operations, Interstate Commerce Commission, 5301 Federal Bldg., 125 South State Street, Salt Lake City, Utah 84138.

No. MC 136008 (Sub-No. 39TA), filed August 27, 1974. Applicant: JOE BROWN COMPANY, INC., 23rd Street NE., Ardmore, Okla. 74301. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone*, from the quarry of Stringtown Materials, Inc., Stringtown, Okla., to stockpile areas at the following locations: two miles east of Clarksville, Tex.; Loop 286 two-tenths mile last F.M. 1497, Paris, Tex.; Ladonia, Tex.; Wolfe City, Tex.; Cooper, Tex.; and one mile south of Commerce, Tex., on State Highway 50, for 180 days. Supporting shipper: Stringtown Materials, Inc., P.O. Box 98B, Stringtown, Okla. 74569. Send protests to: Clifford L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old U.S. Post Office and Courthouse, 215 NW. Third Street, Oklahoma City, Okla. 73102.

No. MC 136008 (Sub-No. 40TA), filed August 28, 1974. Applicant: JOE BROWN COMPANY, INC., 23rd Street NE., Ardmore, Okla. 74301. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd, Oklahoma City, Okla. 73107. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, in open top self-unloading vehicles, (1) from Altus, Okla., to Bonham, Tex., (2) From Hugo, Okla.(to Bonham, Tex., (3) From Carneige, Okla., to Bonham, Tex., (4) From Durant, Okla., to Bonham, Tex. (5) From Erie, Kans., to Bonham, Tex., (6) From Lake Charles, La., to Carneige, Okla., (7) From Kerens, Tex., to Durant, Okla., (8) From Grandview, Tex., to New Orleans, La., (9) From Stevenville, Tex., to New Orleans, La., and (10) From Cleburne, Tex., to New Orleans, La., for 180 days. Supporting shipper: McCabe Minerals and Chemical Company, 428 Lincoln Center, Ardmore, Okla. Send protests to: Clifford L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 240 Old U.S. Post Office and Courthouse, 215 Northwest Third Street, Oklahoma City, Okla. 73102.

No. MC 136166 (Sub-No. 8TA), filed August 29, 1974. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Des Fax FDD, Portland, Oreg. 97208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Palm oil and derivatives and coconut oil and derivatives*, in bulk, in tank vehicles, from the processing plant of Palmco, Inc. at Portland, Oreg., to points in the United States (including Alaska, but excluding Hawaii) and return loads or rejected shipments, for 180 days. Supporting shipper: Palmco, Inc., 12005 N. Burgard Road, P.O. Box 03380, Portland, Oreg. 97203. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 138809 (Sub-No. 1TA), filed August 27, 1974. Applicant: CROSS COUNTRY EXPRESS, INC., Jessup Road and Route 295, Thorofare, N.J. 08086. Applicant's representative: Isadore Ostroff, 37 South 20th Street, Philadelphia, Pa. 19103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), from the plantsite and storage facilities of Royal Packing Co. at or near National City, Ill., to Camden, N.J.; Stamford, Conn.; Baltimore, Md.; Boston, Brockton and Springfield, Mass.; New York and Troy, N.Y.; Philadelphia, Pa. and Washington, D.C., for 180 days. Supporting shipper: Royal Packing Co., P.O. Box 156, National Stock Yards, Ill. 62071. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 139360 (Sub-No. 1TA), filed August 26, 1974. Applicant: RAEMARC, INC., 1531 Taylor Avenue, Racine, Wis. 53403. Applicant's representative: Patrick H. Smyth, Suite 1000, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts and materials* used in the manufacture of agricultural, industrial, and construction machinery and equipment (except commodities in bulk), between the manufacturing and storage facilities of J. I. Case located at or near Racine, Wis., on the one hand, and, on the other, Rockford, Lincolnshire, Bushnell, Bloomington, Addison, East Moline, Kankakee, Chicago, St. Charles, Geneva, Schaumburg, Cicero, Franklin Park, Bellwood, Elk Grove Village, Danville, Des Plaines, Aurora, Macomb, Freeport, Rock Falls, Libertyville, Winnetka, Elgin, Robinsson, Skokie, Quincy, and Decatur, Ill.; Portland, LaPorte, Garrett, LaFayette, Marion, Kendallville, Ft. Wayne, Indianapolis, Auburn, Anderson, Gary, Washington, Muncie, Connersville, and Kokomo, Ind.; and Milwaukee, Burlington, Racine, Kenosha, and Lake Geneva, Wis., for 180 days. Restriction: The operations authorized herein are limited to a transportation service to be performed under contract with J. I. Case. Supporting shipper: J. I. Case, 700 State Street, Racine, Wis. 53404 (Robert L. Henderson, Manager, Corporate Traffic). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 139607 (Sub-No. 1TA), filed August 29, 1974. Applicant: ASHBY HOUSE MOVERS, INC., Edmond, Okla. 73034. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular homes*, from the plant site of Modco, Inc., at Hinton, Okla., the plant site of Perdue Housing Industries, Inc., at Chickasha, Okla., to points in Kansas and Texas; (2) from the plant site of Custom Homes Manufacturing, Inc., at Blackwell, Okla., and the plant site of Brite-Side Construction, Inc., at Edmond, Okla., to points in Kansas, for 180 days. Supporting shippers: Modco, Inc., 5700 N. Portland Suite 200, Oklahoma City, Okla. Perdue Housing Industries, Inc., Box 1324, Chickasha, Okla. 73018, Custom Homes Mfg. Inc., P.O. Box 429, Blackwell, Okla. 74631 Brite-Side Construction Inc. 309 SW 32nd St., Edmond, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Bldg., Oklahoma City, Okla. 73102.

No. MC 140022 (Sub-No. 1TA), filed September 3, 1974. Applicant: DONOVAN P. RODRIGUEZ, doing business as WEST MICHIGAN TRUCKING SERVICE, 4630 Benzie Highway, Benzonia, Mich. 49616. Applicant's representative: James R. Davis, Tenth Floor, Michigan National Tower, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and pallet stock*, in mixed shipments with pallets on flat bed equipment, between points in Michigan and points in Indiana on and north of Interstate Highway 70; and between points in Michigan and points in Ohio on and north of Interstate Highway 70, for 180 days. Supporting shippers: Budres Lumber Company, Inc., 657 76th Street, Grand Rapids, Mich. 49509; Snyder Sales, Box 98, Watervliet, Mich. 49098; and Durable Products, Inc., 768 Paw Paw Avenue, Benton Harbor, Mich. 49022. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 140117 (Sub-No. 1TA), filed August 29, 1974. Applicant: KENNETH G. CLARK, doing business as CLARK TRUCKING, 3914 Charles St., Cheyenne, Wyo. 82001. Applicant's representative: Robert S. Stauffer, 3539 Boston Rd., Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aggregate*, from points in Colorado to points in Wyoming (2) *aggregate and concrete blocks and block products*, from Cheyenne and Laramie, Wyo., to points in Colorado, and Nebraska (3) *concrete products*, from Denver, Colo., and points within 10 miles of Denver to points in Wyoming and Nebraska, from points in Wyoming to points in Colorado and Nebraska (4) *Cement*, from points in Colorado to points in Wyoming (5) *Clay brick*, from Denver, Colo., and points within 10 miles of Denver, to points in Wyoming and Nebraska, for 180 days. Supporting shippers: Powers Brick & Tile, 1003 E. Lincolnway, Cheyenne, Wyo. 82001; Mack Precast Products Company, Division of Mack Marble and Tile Company, 8900 Elm, Adams City, Colo; Wyoming Prestress Co., 420 Livingstone Ave., Cheyenne, Wyo.; Rocky Mountain Prestress, Inc., 3890 South Federal Blvd., Englewood, Colo. 80110; Clearwater Const., Inc., Avenue C., Cheyenne, Wyo. 82001. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1006, Federal Bldg. and Post Office 100 East "B" Street, Casper, Wyo. 82601.

No. MC 140130 TA, filed August 26, 1974. Applicant: KENNETH M. HYATT, 106 South Burg, Kimball, Nebr. 69145. Applicant's representative: Bradford E. Kistler, 605 South 14th Street, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck-tractors), and (2) *Agricultural implements and machinery*, from Waterloo, Ottumwa, and Des Moines, Iowa, and East Moline, Ill., to Sidney, Ogallala, North Platte and Kimball, Nebr., and Julesburg, Colo., for 180 days. Restriction: Restricted to traffic originating at the facilities of Deere & Co. at the above points of origin. Supporting shippers: Donald R. Burns, Kimball Equipment, Inc., Kimball, Nebr. 69145; Orville Kaschke, Callahan-Kaschke Co., North Platte, Nebr. 69101; Donald Hadden, Sidney Implement Co., Sidney, Nebr. 69162; and Wendell Merrill, Reed-Merrill Implement Co., Ogallala, Nebr. 69153. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Court House, Lincoln, Nebr. 68508.

No. MC 140137 (Sub-No. 1TA), filed August 27, 1974. Applicant: WENDELL C. PENNEY, Rural Route No. 1, Percival, Iowa 51648. Applicant's representative: Gene Eaton, 416 Clay Street, P.O. Box 317, Sidney, Iowa 51652. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock and sand*, from quarries near Weeping Water, Nebr., and Louisville, Nebr., to Percival, Iowa and adjacent areas in Fremont County, Iowa, for 180 days. Supporting shippers: (1) Sherwood Lumber & Concrete Co., Percival, Iowa 51648; (2) Dean A Handy, Rural Route, Percival, Iowa 51648; (3) C. Wayne Smith, Hamburg, Iowa 51640; (4) C. A. Wurtele, Park Road Acres, Nebraska City, Nebr. 68410; (5) Carl King, Rural Route, Thurman, Iowa 51654; and (6) Randall L. Monroe, Rural Route No. 1, Sidney, Iowa 51652. Send protests to: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 140148 TA, filed August 27, 1974. Applicant: CITY AND LOOP EXPRESS, INC., 453 North May Street, Chicago, Ill. 60622, Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), from Chicago, Ill. and Portage and Burns Harbor, Ind., to points in Lake, Cook, Kane, Will, and Du Page Counties, Ill., restricted to shipments having a prior movement by water in foreign commerce,

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for 150 days. Supporting shippers: Gary Heimendinger, Attorney in Fact/Ocean Import, D.C. Andrews International, Inc., 327 S. La Salle St., Chicago, Ill.; A. R. Jagiello, VP, Karl Schroff & Associates, Inc., 327 S. La Salle St., Chicago, Ill.; R. Castle, Import Manager, Novo International Corporation, 327 S. La Salle St., Chicago, Ill.; Andreas J. W. Back, Attorney in Fact, Quast & Co., Inc., 327 S. La Salle St., Chicago, Ill.; and T. L. Estrup, VP, William A. McGinty, Co., 327 S. La Salle St., Chicago, Ill. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill.

NOTE.—Applicant states that it does not intend to tack and/or interline with any other carrier.

No. MC 140151 TA, filed August 28, 1974. Applicant: MERCURY, INC., 273 Fairway Drive, Asheville, N.C. 28805. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Knit goods and knitted fabrics and materials, equipment, machinery, parts and supplies* used in the manufacture thereof (except commodities which because of size or weight require the use of special equipment), between Asheville, N.C., and Newport, Tenn., and Bogota, N.J., on the one hand, and, on the other, points in Connecticut, Rhode Island, Massachusetts, New York, New Jersey, Delaware, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Tennessee, and District of Columbia, for 180 days. Supporting shippers: Win-Tex Knitting Mills, Inc., New York, N.Y., and Winston Mills, Inc., New York, N.Y. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 140152 TA, filed August 26, 1974. Applicant: SPECIAL DISPATCH, INC., 10619 Liberty, St. Louis, Mo. 63132. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated machine parts; castings; mill supply items; metal stampings; electrical motors and parts; gauges and valves; tools; inks; hospital supplies; construction, industrial and maintenance equipment, and parts thereof*, restricted to emergency shipments not exceeding 1,000 lbs. from any one consignor to any one consignee, on any one day, between points in St. Louis and St. Louis County, Mo., on the one hand, and, on the other, points in Madison and St. Clair Counties, Ill., for 180 days. Supporting shippers: There are approximately 14 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 140153 TA, filed August 29, 1974. Applicant: JOE BRAND, INC., 1001 South Rockwell, P.O. Box 62461, Oklahoma City, Okla. 73108. Applicant's representative: Joseph K. Brand (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil, grease, lubricants and antifreeze* in containers (except in bulk, in tank vehicles), from Oklahoma City, Okla., to El Paso, Tex., and points in New Mexico, Arizona, Utah, Nevada, and California, for 180 days. Supporting shipper: Double Eagle Lubricants, Inc., 301 North Rhode Island, Oklahoma City, Okla. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Building, Oklahoma City, Okla. 73102.

No. MC 140155 TA, filed August 30, 1974. Applicant: DONALD L. LATARE, 1668 38th Avenue, Columbus, Nebr. 68601. Applicant's representative: Gailyn L. Larsen, Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Steel tubing and grain bin parts and accessories*, from the plant site and storage facilities of Middle State Manufacturing Co., at or near Columbus, Nebr., to points in Iowa, Illinois, Missouri, Indiana and Ohio, for 180 days. Supporting shipper: William J. Fritz, President, Middle State Manufacturing Co., 16th Avenue and 23d Streets, Columbus, Nebr. 68801. Send protests to: Max H. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Court House, Lincoln, Nebr. 68508.

No. MC 140156 TA, filed August 22, 1974. Applicant: WESLEY K. LOOK, Houlton Road, Woodland, Maine 04694. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Wood shavings*, in bulk, from Princeton, Maine, to the port of entry on the International Boundary between the United States and Canada at or near Calais, Maine, approximately 15 miles at all times along U.S. Route 1 into Canada, no backhaul, minimum deadhead mileage involved, for 180 days. Supporting shipper: Passamaquoddy Lumber Company, Mill Street, Princeton, Maine 04668. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 307, 76 Pearl Street, Portland, Maine 04112.

MOTOR CARRIERS OF PASSENGERS

No. MC 139527 (Sub-No. 1TA), filed August 26, 1974. Applicant: M. E. M. ENTERPRISES, INC., 216 South Third Avenue, P.O. Box 2304, Yakima, Wash. 98902. Applicant's representative: Richard A. Greiner, 115 North 4th Avenue, P.O. Box 2792, Yakima, Wash. 98902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round trip, special operations beginning and ending at points in King, Pierce, and Snohomish Counties, Wash. and extending to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Colorado, New Mexico, Texas, and Wyoming, including ports of entry on the International Boundary line between the United States and Canada located in Washington and Idaho, for 180 days. Supporting shipper: Luxury-Inquistors Club, 115 North 4th Avenue, P.O. Box 2792, Yakima, Wash. 98902. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21359 Filed 9-13-74;8:45 am]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice No. 130]

SEPTEMBER 10, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 20356 (Sub-No. 13TA), filed August 29, 1974. Applicant: BADGER FREIGHTWAYS, INC., 2720 North 19th Street, Sheboygan, Wis. 53081. Applicant's representative: Calvin H. Lukas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except

those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), deviation route: Between Wausau, Wis. and Milwaukee, Wis., as follows: over Wisconsin Highway 29 to junction with U.S. Highway 45, thence over U.S. Highway 45 to Oshkosh, Wis., thence over U.S. Highway 41 to Milwaukee, Wis. and return over the same route, for 180 days. Supporting shipper: Badger Freightways, Inc., 909 West Carpenter Avenue, Milwaukee, Wis. 53221 (Calvin H. Lukas, Assistant Terminal Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 41951 (Sub-No. 24TA), filed August 29, 1974. Applicant: WHEATLEY TRUCKING, INC., 125 Brohawn Avenue, Cambridge, Md. 21613. Applicant's representative: Francis P. Desmond, 115 East 5th Street, Chester, Pa. 19013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, not frozen, in containers, from points in Accomack and Northampton Counties, Va., to points in Ohio and Michigan, for 180 days. Supporting shipper: John W. Taylor Packing Co., Inc., Hallwood, Va. 23359. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 106920 (Sub-No. 55TA), filed August 29, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: Carroll V. Lewis, 122 E. North Street, P.O. Box 717, Sidney, Ohio 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Blair, Fremont, Portage, and Madison, Wis., to points in Pennsylvania, New York, New Jersey, New Hampshire, Vermont, Rhode Island, Connecticut, Delaware, Maine, Maryland, Massachusetts, and the District of Columbia, for 180 days. Supporting shipper: Associated Milk Producers, Inc., P.O. Box 61, Mason City, Iowa 50401. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 109584 (Sub-No. 156TA), filed August 30, 1974. Applicant: ARIZONA-PACIFIC TANK LINES, 5773 South Prince Street, Littleton, Colo. 80120. Applicant's representative: Kenneth A. Willhite (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, in tank vehicles, from Fresno, Calif., to points in Washington, for 180 days. Supporting shipper: Wingate Company, 4791 E. Date, P.O. Box 10046, Fresno, Calif. 93745. Send protests to: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Bldg., 1961 Stout Street, Denver, Colo. 80202.

No. MC 110525 (Sub-No. 1108TA), filed August 26, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in bulk, in tank vehicles, from Belle, W. Va., to points in Washington, D.C., for 180 days. Supporting shipper: E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, Del. 19898. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 112520 (Sub-No. 289TA), filed August 22, 1974. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Green liquor*, in bulk, in tank vehicles, from St. Regis Paper Company at or Ferguson, Miss., to Cantonment, Fla., for 180 days. Supporting shipper: St. Regis Paper Company, P.O. Box 87, Cantonment, Fla. 32533. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 113678 (Sub-No. 560TA), filed August 26, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: David L. Metzler, P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Frozen potatoes and potato products*, from the plant site and storage facilities of American Potato Co. at or near Plover, Wis., to points in California, Arizona, New Mexico, Texas, Louisiana, Mississippi, Missouri, Arkansas, Oklahoma, Kansas, Nebraska, Tennessee, Iowa, Illinois, and Colorado, for 180 days. Supporting shipper: American Potato Company, Bank of America Center, 555 California Street, San Francisco, Calif. 94104. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 118959 (Sub-No. 119TA), filed August 29, 1974. Applicant: JERRY LIPPS, INC., 130 S. Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pulpboard boxes*, knocked down, other than corrugated, from the facilities of Georgia-Pacific Corporation at Chicago Heights, Ill., to points in Arkansas, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Georgia-Pacific Corporation, 3815 North Carnation, Franklin Park, Ill. 60301. Send protests to: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 119493 (Sub-No. 125TA), filed August 30, 1974. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr., P.O. Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: (1) *Rough gray iron and ductile iron castings* and (2) *Materials and supplies* used in the manufacture of commodities in item (1), (1) from Junction City, Kans., to cities and customers in the United States and (2) from points in the United States to Junction City, Kans., for 180 days. Supporting shipper: North Central Foundry, Inc., P.O. Box 24, Enterprise, Kans. 67441. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119700 (Sub-No. 21TA), filed August 26, 1974. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, Mo. 64125. Applicant's representative: James T. Allinder (same address as above) and/or F. W. Taylor, Jr., 1221 Baltimore, Kansas City, Mo. 64125. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flattened car bodies and solid waste*, for the account of Krushette Kleen, Inc., from points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, to Alton, Chicago, East St. Louis, and Rockford, Ill.; Indianapolis, Ind.; Beloit and Madison, Wis., for 180 days. Supporting shipper: Krushette Kleen, Inc., Box 661, Livingston, Mont. 59047. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 120710 (Sub-No. 1TA) (correction), filed August 20, 1974, published in the FEDERAL REGISTER issue of September 4, 1974, and republished as corrected this issue. Applicant: D. C. STOTTS, doing business as D.C. STOTTS TRUCKING COMPANY, 3502 Quirt Avenue, Lubbock, Tex. 79404. Applicant's representative: Richard Hubbert, P.O. Box 2976, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

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transporting: *Concrete pressure pipe*, between points in Lubbock County, Tex., and points in Jackson, Tillman, and Kiowa Counties, Okla., for 180 days. Supporting shipper: Cecil L. White, Division Manger, Gifford-Hill-American Inc., P.O. 5667, Lubbock, Tex. 79417. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

NOTE.—The purpose of this republication is add the county of Kiowa, Okla., which was omitted in previous publication in the FEDERAL REGISTER.

No. MC 124154 (Sub-No. 65TA), filed August 30, 1974. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, Ga. 31702. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fireplace logs*, from Camilla, Ga., to points in Texas, Oklahoma, Kansas, Nebraska, Missouri, Illinois, Wisconsin, Michigan, Indiana, Ohio, New York, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Arkansas, Louisiana, Mississippi, Alabama, Florida, and the District of Columbia, for 180 days. Supporting shipper: Royal Oak Charcoal Company, P.O. Box 38, 1648 Thomas Street, Memphis, Tenn. 38101. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 136291 (Sub-No. 4TA), filed August 27, 1974. Applicant: CUSTOMIZED PARTS DISTRIBUTION, INC., 2701 South Bayshore Drive, Miami, Fla. 33133. Applicant's representative: Albert W. Stout (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories*, under continuing contract, or contracts with Ford Marketing Corporation, Ford Parts Division, (1) Between Teterboro, N.J., on the one hand, and, on the other, Baltimore and Marlowe Heights, Md.; Alexandria, Falls Church, and Richmond, Va.; and Washington, D.C. and (2) Between Pennsauken, N.J., on the one hand, and, on the other, Marlowe Heights, Md.; Alexandria, Falls Church, and Richmond, Va.; and Washington, D.C., for 180 days. Supporting shipper: Ford Marketing Corporation, Ford Parts Division, P.O. Box 3000, Livonia, Mich. 48151. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 140010 (Sub-No. 1TA) (correction), filed July 19, 1974, published in the FEDERAL REGISTER issue of August 7, 1974, and republished as corrected this issue. Applicant: JOSEPH MOVING & STORAGE CO., doing business as ST. JOSEPH MOTOR LINES, a Corporation, 573 Dutch Valley Road NE., Atlanta, Ga. 30324. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, Ga. 30309.

NOTE.—The purpose of this republication is to add the states of Florida, Kentucky, Louisiana, Indiana, Ohio, and West Virginia as destination states, which was omitted in previous publication in the FEDERAL REGISTER in error. The rest of the application will remain the same.

No. MC 140110 (Sub-No. 1TA), filed August 27, 1974. Applicant: MANUEL VEGA AND AMY VEGA, 514 South 14th Street, Elko, Nev. 89801. Applicant's representative: Leo J. Puccinelli, P.O. Box 530, Elko, Nev. 89801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mined ore*, in bulk, in dump truck equipment, from Taylor Canyon (approximately 10 miles SE. of Tuscarora and extending approximately 6 miles SE. in Elko County, Nev.), to Elko, Nev., for 180 days. Supporting shippers: Old Soldier Mining Co., P.O. Box 1708, Elko, Nev. 89801; Rockymountain Refractories, 2436 West Andrew St., Salt Lake City, Utah 84104; and Zane Hunt Mining Co., 300 Willow St., Elko, Nev. 89801. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 203 Federal Building, 705 North Plaza Street, Carson City, Nev. 89701.

No. MC 140154TA, filed August 28, 1974. Applicant: DAIRYMAN TRANSPORTS, INC., 4411 Highland Blvd., Oklahoma City, Okla. 73107. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 NW. 23rd, Oklahoma City, Okla. 73107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, building accessories, and raw materials*, used in the production and manufacture of articles for the building trade, such as *aluminum molding or linships; thresholds; weather strip; metal carpet binding; tape*, NOI; *house numbers; grills; aluminum articles*, NOI; *sheet, aluminum*, NOI; *postal or letter box; vent, foundations, screen and sash combined and/or louvers, air*, NOI; *caulking guns; stepladders; ladders; display case*, KDF; *wood*, build up, NOI; *native wood*, NOI; not bent; *lumber, foreign wood*, NOI; *plastic articles; masking tape; adhesive cement*, NOI; *Cement, liquid; flammable liquid*, no label required, in coil tubes; *caulking or glazing compound; asphalt; adhesives*, NOI; *pads or covers; brushes*, NOI; *brushes, plastic bristle; pans, applicators, paint, hand roll or type, W or W/O covers; handles, wooden*, NOI; *hinges*, NOI; and *plastic moulding*, between the plant site and storage facilities of Mecklenburg-Duncan Co. located in Oklahoma City, Okla. and its commercial zone on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Mecklenburg-Duncan, Box 26188, 4041 N. Santa Fe, Oklahoma City, Okla. 73105. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240 Old Post Office Building, Oklahoma City, Okla. 73102.

WATER CARRIERS OF PROPERTY

No. W 1277 (Sub-No. 1TA), (Correction), filed June 24, 1974, published in the FEDERAL REGISTER issue of July 17, 1974, and republished as corrected this issue. Applicant: U.S. ATLANTIC MARINE CORPORATION, Key West Towers, South Roosevelt Boulevard, Key West, Fla. 33040. Applicant's representative: Alan Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, to engage in operations, in interstate or foreign commerce, by water, transporting: (1) *General commodities* in trailers and/or containers, and (2) Trailers by self-propelled water vessels, from points in Dade and Broward Counties, Fla. and Tampa, Fla., on the one hand, and, on the other, Key West and Marathon, Fla., for 180 days. Supporting shippers: There are approximately 22 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

NOTE.—The purpose of this republication is to change the territory description to read from points in Dade and Broward Counties, Fla., in lieu of Miami, Fla., which was published in the Federal Register in error.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-21360 Filed 9-13-74;8:45 am]

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September 17, 1974—Pages 33293–33498

TUESDAY, SEPTEMBER 17, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 181

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NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5286. For information on obtaining extra copies, please call 202–523–5240.

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PROCLAMATION 4313

Announcing a Program for the Return of Vietnam Era Draft Evaders and Military Deserters

By the President of the United States of America

A Proclamation

The United States withdrew the last of its forces from the Republic of Vietnam on March 28, 1973.

In the period of its involvement in armed hostilities in Southeast Asia, the United States suffered great losses. Millions served their country, thousands died in combat, thousands more were wounded, others are still listed as missing in action.

Over a year after the last American combatant had left Vietnam, the status of thousands of our countrymen—convicted, charged, investigated or still sought for violations of the Military Selective Service Act or of the Uniform Code of Military Justice—remains unresolved.

In furtherance of our national commitment to justice and mercy these young Americans should have the chance to contribute a share to the rebuilding of peace among ourselves and with all nations. They should be allowed the opportunity to earn return to their country, their communities, and their families, upon their agreement to a period of alternate service in the national interest, together with an acknowledgment of their allegiance to the country and its Constitution.

Desertion in time of war is a major, serious offense; failure to respond to the country's call for duty is also a serious offense. Reconciliation among our people does not require that these acts be condoned. Yet, reconciliation calls for an act of mercy to bind the Nation's wounds and to heal the scars of divisiveness.

NOW, THEREFORE, I, Gerald R. Ford, President of the United States, pursuant to my powers under Article II, Sections 1, 2 and 3 of the Constitution, do hereby proclaim a program to commence immedi-

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ately to afford reconciliation to Vietnam era draft evaders and military deserters upon the following terms and conditions:

1. *Draft Evaders*—An individual who allegedly unlawfully failed under the Military Selective Service Act or any rule or regulation promulgated thereunder, to register or register on time, to keep the local board informed of his current address, to report for or submit to preinduction or induction examination, to report for or submit to induction itself, or to report for or submit to, or complete service under section 6(j) of such Act during the period from August 4, 1964 to March 28, 1973, inclusive, and who has not been adjudged guilty in a trial for such offense, will be relieved of prosecution and punishment for such offense if he:

(i) presents himself to a United States Attorney before January 31, 1975,

(ii) executes an agreement acknowledging his allegiance to the United States and pledging to fulfill a period of alternate service under the auspices of the Director of Selective Service, and

(iii) satisfactorily completes such service.

The alternate service shall promote the national health, safety, or interest. No draft evader will be given the privilege of completing a period of alternate service by service in the Armed Forces.

However, this program will not apply to an individual who is precluded from re-entering the United States under 8 U.S.C. 1182(a)(22) or other law. Additionally, if individuals eligible for this program have other criminal charges outstanding, their participation in the program may be conditioned upon, or postponed until after, final disposition of the other charges has been reached in accordance with law.

The period of service shall be twenty-four months, which may be reduced by the Attorney General because of mitigating circumstances.

2. *Military Deserters*—A member of the armed forces who has been administratively classified as a deserter by reason of unauthorized absence and whose absence commenced during the period from August 4, 1964 to March 28, 1973, inclusive, will be relieved of prosecution and punishment under Articles 85, 86 and 87 of the Uniform Code of Military Justice for such absence and for offenses directly related thereto if before January 31, 1975 he takes an oath of allegiance to the United States and executes an agreement with the Secretary of the Military Department from which he absented himself or for members of the Coast Guard, with the Secretary of Transportation, pledging to fulfill a period of alternate service under the auspices of the Director of Selective Service. The alternate service shall promote the national health, safety, or interest.

The period of service shall be twenty-four months, which may be reduced by the Secretary of the appropriate Military Department, or Secretary of Transportation for members of the Coast Guard, because of mitigating circumstances.

However, if a member of the armed forces has additional outstanding charges pending against him under the Uniform Code of Military Justice, his eligibility to participate in this program may be conditioned upon, or postponed until after, final disposition of the additional charges has been reached in accordance with law.

Each member of the armed forces who elects to seek relief through this program will receive an undesirable discharge. Thereafter, upon satisfactory completion of a period of alternate service prescribed by the Military Department or Department of Transportation, such individual will be entitled to receive, in lieu of his undesirable discharge, a clemency discharge in recognition of his fulfillment of the requirements of the program. Such clemency discharge shall not bestow entitlement to benefits administered by the Veterans Administration.

Procedures of the Military Departments implementing this Proclamation will be in accordance with guidelines established by the Secretary of Defense, present Military Department regulations notwithstanding.

3. *Presidential Clemency Board*—By Executive Order I have this date established a Presidential Clemency Board which will review the records of individuals within the following categories: (i) those who have been convicted of draft evasion offenses as described above, (ii) those who have received a punitive or undesirable discharge from service in the armed forces for having violated Article 85, 86, or 87 of the Uniform Code of Military Justice between August 4, 1964 and March 28, 1973, or are serving sentences of confinement for such violations. Where appropriate, the Board may recommend that clemency be conditioned upon completion of a period of alternate service. However, if any clemency discharge is recommended, such discharge shall not bestow entitlement to benefits administered by the Veterans Administration.

4. *Alternate Service*—In prescribing the length of alternate service in individual cases, the Attorney General, the Secretary of the appropriate Department, or the Clemency Board shall take into account such honorable service as an individual may have rendered prior to his absence, penalties already paid under law, and such other mitigating factors as may be appropriate to seek equity among those who participate in this program.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred and ninety-ninth.

Gerald R. Ford

[FR Doc.74-21742 Filed 9-16-74;12:47 pm]

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EXECUTIVE ORDER 11803

Establishing a Clemency Board to Review Certain Convictions of Persons Under Section 12 or 6(j) of the Military Selective Service Act and Certain Discharges Issued Because of, and Certain Convictions for, Violations of Article 85, 86 or 87 of the Uniform Code of Military Justice and to Make Recommendations for Executive Clemency With Respect Thereto

By virtue of the authority vested in me as President of the United States by Section 2 of Article II of the Constitution of the United States, and in the interest of the internal management of the Government, it is ordered as follows:

Section 1. There is hereby established in the Executive Office of the President a board of 9 members, which shall be known as the Presidential Clemency Board. The members of the Board shall be appointed by the President, who shall also designate its Chairman.

Sec. 2. The Board, under such regulations as it may prescribe, shall examine the cases of persons who apply for Executive clemency prior to January 31, 1975, and who (i) have been convicted of violating Section 12 or 6(j) of the Military Selective Service Act (50 App. U.S.C. § 462), or of any rule or regulation promulgated pursuant to that section, for acts committed between August 4, 1964 and March 28, 1973, inclusive, or (ii) have received punitive or undesirable discharges as a consequence of violations of Articles 85, 86 or 87 of the Uniform Code of Military Justice (10 U.S.C. §§ 885, 886, 887) that occurred between August 4, 1964 and March 28, 1973, inclusive, or are serving sentences of confinement for such violations. The Board will only consider the cases of Military Selective Service Act violators who were convicted of unlawfully failing (i) to register or register on time, (ii) to keep the local board informed of their current address, (iii) to report for or submit to preinduction or induction examination, (iv) to report for or submit to induction itself, or (v) to report for or submit to, or complete service under Section 6(j) of such Act. However, the Board will not consider the cases of individuals who are precluded from reentering the United States under 8 U.S.C. 1182(a)(22) or other law.

Sec. 3. The Board shall report to the President its findings and recommendations as to whether Executive clemency should be granted or denied in any case. If clemency is recommended, the Board shall also recommend the form that such clemency should take, including clemency conditioned upon a period of alternate service in the national interest. In the case of an individual discharged from the armed forces with a punitive or undesirable discharge, the Board may recommend to the President that a clemency discharge be substituted for a punitive or undesirable discharge. Determination of any period of alternate service shall be in accord with the Proclamation announcing a program for the return of Vietnam era draft evaders and military deserters.

Sec. 4. The Board shall give priority consideration to those applicants who are presently confined and have been convicted only of an offense

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set forth in section 2 of this order, and who have no outstanding criminal charges.

Sec. 5. Each member of the Board, except any member who then receives other compensation from the United States, may receive compensation for each day he or she is engaged upon the work of the Board at not to exceed the daily rate now or hereafter prescribed by law for persons and positions in GS–18, as authorized by law (5 U.S.C. 3109), and may also receive travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the government service employed intermittently.

Sec. 6. Necessary expenses of the Board may be paid from the Unanticipated Personnel Needs Fund of the President or from such other funds as may be available.

Sec. 7. Necessary administrative services and support may be provided the Board by the General Services Administration on a reimbursable basis.

Sec. 8. All departments and agencies in the Executive branch are authorized and directed to cooperate with the Board in its work, and to furnish the Board all appropriate information and assistance, to the extent permitted by law.

Sec. 9. The Board shall submit its final recommendations to the President not later than December 31, 1976, at which time it shall cease to exist.

Gerald R. Ford

THE WHITE HOUSE,
September 16, 1974.

[FR Doc.74–21743 Filed 9–16–74;12:47 pm]

EXECUTIVE ORDER 11804

Delegation of Certain Functions Vested in the President to the Director of Selective Service

By virtue of the authority vested in me as President of the United States, pursuant to my powers under Article II, Sections 1, 2 and 3 of the Constitution, and under Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Section 1. The Director of Selective Service is designated and empowered, without the approval, ratification or other action of the President, under such regulations as he may prescribe, to establish, implement, and administer the program of alternate service authorized in the Proclamation announcing a program for the return of Vietnam era draft evaders and military deserters.

Sec. 2. Departments and agencies in the Executive branch shall, upon the request of the Director of Selective Service, cooperate and assist in the implementation or administration of the Director's duties under this Order, to the extent permitted by law.

Gerald R. Ford

THE WHITE HOUSE,
September 16, 1974.

[FR Doc.74–21744 Filed 9–16–74;12:48 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 26—GRAIN STANDARDS

United States Standards for Oats

Correction

In FR Doc. 74-20546 appearing at page 32126 in the issue for Thursday, September 5, 1974, the following changes should be made:

1. In the second paragraph of § 26.255 (c) the footnote designated (3) should be (2).

2. The table in § 26.256 should read as set forth below:

Grade	Minimum limits		Maximum limits		
	Test weight per bushel	Sound oats	Heat-damaged kernels	Foreign material	Wild oats
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	36.0	97.0	0.1	2.0	2.0
U.S. No. 2	33.0	94.0	.3	3.0	3.0
U.S. No. 3 [1]	30.0	90.0	1.0	4.0	5.0
U.S. No. 4 [2]	27.0	80.0	3.0	5.0	10.0

U.S. sample grade ..... U.S. Sample grade shall be oats which—

(a) Do not meet the requirements for the grades U.S. No. 1, 2, 3, or 4,

(b) Contain more than 7 stones which have an aggregate weight in excess of 0.2 percent of the sample weight or more than 2 crotalaria seeds (*Crotalaria* spp.) per 1,000 grams of oats or more than 16 percent of moisture,

(c) Have a musty, sour, or commercially objectionable foreign odor (except smut or garlic odor), or

(d) Are heating or otherwise of distinctly low quality.

[1] Oats that are slightly weathered shall be graded not higher than U.S. No. 3.

[2] Oats that are badly stained or materially weathered shall be graded not higher than U.S. No. 4.

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following county is hereby added to the list of counties published February 12, 1974 (39 FR 5303), June 3, 1974 (39 FR 19446), and July 17, 1974 (39 FR 26135), which were designated for barley crop insurance for the 1975 crop year.

CALIFORNIA

Stanislaus

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] D. W. MCELWRATH,
Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 74-21490 Filed 9-16-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published February 12, 1974 (39 FR 5303), June 3, 1974 (39 FR 19447), and July 17, 1974 (39 FR 26135), which were designated for wheat crop insurance for the 1975 crop year.

CALIFORNIA

Stanislaus

MINNESOTA

Lincoln
Meeker
Pope

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] D. W. MCELWRATH,
Acting Manager, Federal Crop Insurance Corporation.

[FR Doc.74-21488 Filed 9-16-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties are hereby added to the list of counties published June 3, 1974 (39 FR 19447), and July 17, 1974 (39 FR 26135), which were designated for grain sorghum crop insurance for the 1975 crop year.

KANSAS

Sheridan
Wallace

MISSOURI

Barton
Jasper

TEXAS

Starr

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] D. W. MCELWRATH,
Acting Manager, Federal Crop Insurance Corporation.

[FR Doc.74-21489 Filed 9-16-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 924—HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Decision and Referendum Order With Respect to Proposed Amendment of the Marketing Agreement and Order

It is hereby ordered that on and after the date hereinafter specified all handling of fresh prunes grown in designated counties in the State of Washington and in Umatilla County, Oregon, shall be in conformity to, and in compliance with, the terms and conditions of the "Order Amending the Order Regulating the Handling of Fresh Prunes Grown in Designated Counties in the State of Washington and in Umatilla County, Oregon" which was annexed to and made a part of the decision of the Assistant Secretary of Agriculture, issued June 7, 1974 (FR Doc. 74-13083; 39 FR 20210), with respect to proposed amendment of the marketing agreement and order regulating the handling of such prunes. All of the findings, determinations, terms, and conditions of the aforesaid amendatory order shall be, and hereby are, the findings, determinations, terms, and conditions of this order as if set forth in full herein.

The aforesaid findings and determinations are hereby supplemented by additional determinations in § 924.0(b) as hereinafter set forth.

§ 924.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Yakima, Washington, on February 26, 1974, upon proposed amendments to the marketing agreement and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in the State of Washing-

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ton and in Umatilla County, Oregon. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as hereby amended, regulates the handling of prunes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said order, as hereby amended, is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said order, as hereby amended, prescribes, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of prunes in the production area; and

(5) All handling of prunes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or effects such commerce.

(b) *Determination.* It is hereby determined that:

(1) The marketing agreement, as hereby amended, regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oregon, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the prunes covered by this order) who, during the determined representative period (April 1, 1973, through March 31, 1974) shipped not less than 50 percent of the prunes covered by said order as hereby amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the aforesaid representative period, were engaged, within the production area specified in the order, in the production of fresh prunes for market, such producers having also produced for market at least two-thirds of the volume of fresh prunes represented in such referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of fresh prunes grown in said production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as hereby amended, as follows:

Section 924.45 is redesignated and revised to read as follows:

§ 924.45 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, and marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of fresh prunes. The expense of such projects shall be paid from funds collected pursuant to § 924.41.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, September 12, 1974, to become effective October 17, 1974.

RICHARD L. FELTNER,
Assistant Secretary for Marketing and Consumer Services.

[FR Doc.74-21491 Filed 9-16-74;8:45 am]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This document authorizes expenses of $139,183 of the Industry Committee, under Marketing Order No. 926, for the 1974–75 season and fixes the rate of assessment at $0.055 per standard package (lug) or equivalent quantity of Tokay grapes, handled during such period, to be paid to the committee by each first handler as his pro rata share of such expenses. It also authorizes the carryover, as a committee reserve, of unexpended assessment income from 1973–74 and prior seasons.

On August 16, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 29600) regarding proposed expenses and the related rate of assessment for the season of April 1, 1974, through March 31, 1975, and the carryover of unexpended 1973–74 assessment funds, pursuant to the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), which regulate the handling of Tokay grapes grown in San Joaquin County, California. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice invited interested persons to submit written data, views, or arguments on the proposal not later than September 10, 1974. No such material was received.

After consideration of all relevant matter presented, including the proposals set forth in said notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order) it is hereby found and determined that:

§ 926.214 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee during the period April 1, 1974, through March 31, 1975, will amount to $139,183.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 926.46, is fixed at five and one-half cents ($0.055) per standard package or equivalent quantity of grapes.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the season ended March 31, 1974, and prior years shall be carried over as a reserve in accordance with the applicable provisions of § 926.47.

(d) *Terms.* Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) assessable shipments of the current crop of Tokay grapes are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular season shall be applicable to all assessable Tokay grapes from the beginning of the season; and (3) the season began on April 1, 1974, and the rate of assessment herein fixed will automatically apply to all assessable grapes beginning with such date.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 12, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21441 Filed 9-16-74;8:45 am]

[Grapefruit Reg. 15; Grapefruit Reg. 14 Terminated]

PART 944—FRUITS; IMPORT REGULATIONS

Minimum Grade and Size Restrictions

This regulation prescribes minimum grade and size restrictions applicable to imported grapefruit as follows: Imported seeded grapefruit—U.S. No. 1 and $3^{12}/_{16}$ inches in diameter; and imported seedless grapefruit—Improved No. 2 and $3^{9}/_{16}$ inches in diameter. These requirements are the same as those applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

This regulation is consistent with section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This section requires that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable requirements as those in effect for the domestically produced commodity. This regulation establishes the same grade and size requirements on imported seeded and seedless grapefruit as are effective under Marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this regulation beyond that herein specified (5 U.S.C. 553) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) this regulation fixes the same requirements on imports of seeded and seedless grapefruit as are applicable under Grapefruit Regulation 75 (§ 905.556); (c) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (d) such notice is hereby determined, under the circumstances, to be reasonable.

§ 944.111 Grapefruit Regulation 15.

(a) During the period September 20, 1974, through October 20, 1974, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than $3^{1}/_{16}$ inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in § 51.761 of the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least Improved No. 2 and be of a size not smaller than $3^{9}/_{16}$ inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in § 51.761 of the United States Standards for Florida Grapefruit. ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.)

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of grapefruit that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of grapefruit, is required on all imports of grapefruit. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of grapefruit should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the grapefruit will be imported:

Ports	Office	Advance notice
All Texas points.	Leo M. Denbo, 506 South Nebraska St., San Juan, Tex. 78589 (Phone—512-787-1067). or Charles E. Parrigon, 724 East Overland St., El Paso, Tex. 79901 (Phone—915-543-7723).	1 day.
All New York points.	Frank J. McNeal, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone—212-991-7608 and 7669). or Charles D. Renick, 176 Niagara Frontier Food Terminal, Room 8, Buffalo, N.Y. 14206, (Phone—716-824-1585).	Do.
All Arizona points.	B.O. Morgan, 225 Terrace Ave., Nogales, Ariz. 85621. (Phone—602-287-2902).	Do.
All Florida points.	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 538, Miami, Fla. 33136. (Phone—305-324-6116). or Hubert J. Flynt, 775 Warner Lane, Orlando, Fla. 32814. (Phone—305-894-8511). or Johnnie E. Corbitt, Unit 46, 3335 North Edgewood Ave., Jacksonville, Fla. 32206. (Phone—904-354-5983).	Do. Do.
All California points.	Daniel P. Thompson, 784 South Central Ave., 266 Wholesale Terminal Bldg., Los Angeles, Calif. 90021. (Phone—213-622-8756).	3 days.
All Louisiana points.	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113. (Phone—504-527-6741 and 6742).	1 day.
All other points.	D. S. Matheson, Fruit and Vegetable Division, AMS-U.S. Department of Agriculture, Washington, D.C. 20250. (Phone—202-447-5870).	3 days.

(c) Inspection certificates shall cover only the quantity of grapefruit that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any grapefruit to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provisions of this regulation, any importation of grapefruit which, in the aggregate does not exceed five standard nailed boxes, or equivalent quantity, may be imported without regard to the restrictions specified herein.

(g) It is hereby determined that imports of grapefruit, during the effective time of this regulation, are in most direct competition with grapefruit grown in the State of Florida. The requirements set forth in this section are the same as those being made effective for grapefruit grown in Florida.

(h) No provisions of this section shall supersede the restrictions or prohibitions on grapefruit under the Plant Quarantine Act of 1912.

(i) Nothing contained in this regulation shall be deemed to preclude any importer from reconditioning prior to importation any shipment of grapefruit for the purpose of making it eligible for importation.

(j) The terms used herein relating to grade and diameter shall have the same meaning as when used in the United States Standards for Florida Grapefruit (7 CFR 51.750–51.784). Importation means release from custody of the United States Bureau of Customs.

(k) Grapefruit Regulation 14 (§ 944.110; 38 FR 26108; 28286; 39 FR 7798, 16472, 17970, 22127, 24513) is hereby terminated at the effective time hereof.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, September 10, 1974, to become effective September 20, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21349 Filed 9-16-74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

Summary of Environmental Considerations for Uranium Fuel Cycle; Correction

In FR Doc. 74–16341, appearing at page 26279, in the issue for Thursday, July 18, 1974, an incorrect version of Table S–3—Summary of environmental considerations for uranium fuel cycle, appearing on pages 26282–83, was published. Accordingly, Table S–3 is corrected to read as follows:

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TABLE S-3.—*Summary of environmental considerations for uranium fuel cycle*

[Normalized to model LWR annual fuel requirement]

Natural resource use	Total	Maximum effect per annual fuel requirement of model 1,000 MWe LWR
Land (acres):		
Temporarily committed	63	
Undisturbed area	45	
Disturbed area	18	Equivalent to 90 MWe coal-fired powerplant.
Permanently committed	4.6	
Overburden moved (millions of MT)	2.7	Equivalent to 90 MWe coal-fired powerplant.
Water (millions of gallons):		
Discharged to air	156	≈2 percent model 1,000 MWe LWR with cooling tower.
Discharged to water bodies	11,040	
Discharged to ground	123	
Total	11,319	<4 percent of model 1,000 MWe LWR with once-through cooling.
Fossil fuel:		
Electrical energy (thousands of MW-hour)	317	<5 percent of model 1,000 MWe LWR output.
Equivalent coal (thousands of MT)	115	Equivalent to the consumption of a 45 MWe coal-fired powerplant.
Natural gas (millions of scf)	92	<0.2 percent of model 1,000 MWe energy output.
Effluents—chemical (MT):		
Gases (including entrainment): [1]		
SO_x	4,400	
NO_2	1,177	Equivalent to emissions from 45 MWe coal-fired plant for a year.
Hydrocarbons	13.5	
CO	28.7	
Particulates	1,154	
Other gases:		
F	.72	Principally from UF_6 production enrichment and reprocessing. Concentration within range of state standards—below level that has effects on human health.
Liquids:		
$SO_4^=$	10.3	From enrichment, fuel fabrication, and reprocessing steps. Components that constitute a potential for adverse environmental effect are present in dilute concentrations and receive additional dilution by receiving bodies of water to levels below permissible standards. The constituents that require dilution and the flow of dilution water are: NH_3—600 cfs; NO_3—20 cfs; Fluoride—70 cfs
NO_3^-	26.7	
Fluoride	12.9	
Ca^{++}	5.4	
Cl⁻	8.6	
Na^+	16.9	
NH_3	11.5	
Fe	.4	
Tailings solutions (thousands of MT)	240	From mills only—no significant effluents to environment.
Solids	91,000	Principally from mills—no significant effluents to environment.
Effluents—Radiological (curies):		
Gases (including entrainment):		
Rn-222	75	Principally from mills—maximum annual dose rate <4 percent of average natural background within 5 mi of mill. Results in 0.06 man-rem per annual fuel requirement.
Ra-226	.02	
Th-230	.032	
Uranium	16.7	Principally from fuel reprocessing plants—Whole body dose is 6 man-rem per annual fuel requirements for population within 50 mi radius. This is <0.007 percent of average natural background dose to this population. Release from Federal Waste Repository of 0.005 Ci/yr has been included in fission products and transuranics total.
Tritium (thousand)	350	
Kr-85 (thousands)	.0034	
I-129	.024	
I-131	1.01	
Fission products and transuranics.		
Liquids:		
Uranium and daughters	2.1	Principally from milling—included in tailings liquor and returned to ground—no effluents; therefore, no effect on environment.
Ra-226	.0034	From UF_6 production-concentration 5 percent of 10 CFR 20 for total processing of 27.5 6 model LWR annual fuel requirements.
Th-230	.0015	
Th-234	.01	From fuel fabrication plants—concentration 10 percent of 10 CFR 20 for total processing 26 annual fuel requirements for model LWR.
Ru-106 [2]	.15	From reprocessing plants—maximum concentration 4 percent of 10 CFR 20 for total reprocessing of 26 annual fuel requirements for model LWR.
Tritium (thousands)	2.5	
Solids (buried):		
Other than high level	601	All except 1 Ci comes from mills—included in tailings returned to ground—no significant effluent to the environment. 1 Ci from conversion and fuel fabrication is buried.
Thermal (billions)	3,360	<7 percent of model 1,000 MWe LWR.
Transportation (man-rem): Exposure of workers and general public.	.334	

[1] Estimated effluents based upon combustion of equivalent coal for power generation.
[2] 1.2 percent from natural gas use and process.
[3] Cs-137 (0.075 Ci/AFR) and Sr-90 (0.004 Ci/AFR) are also omitted.

Dated at Germantown, Maryland this 9th day of September 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
Secretary of the Commission.

[FR Doc.74-21309 Filed 9-16-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-WE-24-AD; Amdt. 39-1962]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TFE731-2-1C and TFE731-2-2B Engines

Amendment 39-1853, (39 FR 18423), AD74-11-06, requires the modification of the fuel control computer to defeat the automatic latching function of the overspeed fuel shutoff valve and the implementation of operating procedures which activate the engine ignition system during takeoff, landing approach and landing flight operation on aircraft equipped with AiResearch Model TFE731-2-1C and -2-2B engines. After issuing amendment 39-1853, the agency determined that the manufacturer had developed an improved fuel control computer, P/N949572-8, which is equivalent to the modification required by amendment 39-1853. This amendment authorizes the installation of this computer.

Since this amendment provides an alternative means of compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, amendment 39-1853, (39 FR 18423), AD74-11-06, is amended in its entirety to read as follows:

AIRESEARCH MANUFACTURING COMPANY OF ARIZONA. Applies to AiResearch Model TFE731-2-1C and -2-2B engines installed in, but not limited to, AMD-BA Falcon 10 and Lear-Gates Learjet Model 35/36 aircraft, certificated in all categories.

Compliance required after the effective date of this AD, as amended, as indicated, unless previously accomplished.

To prevent improper operation of the engine fuel control computer due to voltage transients in the electrical system, accomplish the following:

(A) Before further engine operation, modify the fuel control computer, P/N949572-5, in accordance with AiResearch Service Bulletin TFE731-76-3002, dated April 25, 1974, or later FAA-approved revisions; or

(B) Replace the fuel control computer P/N949572-5, with a fuel control computer P/N949572-8.

Note: 1. With regard to the AMD-BA Falcon 10 aircraft, modified per (A) or (B) above, the Secretariat General A L' Aviation Civile (SGAC), in agreement with AiResearch, has advised that no airplane flight manual modification is required. Immediate implementation by operators of the procedures set forth in AiResearch operating information letter, 01731-2, dated April 20, 1974, is urgently recommended by the Federal Aviation Administration.

2. With regard to the Lear-Gates Model 35/36, modified per (A) or (B) above, the FAA-approved AFM provides appropriate operation instructions.

(C) This is interim AD action. Further modifications are under development by the manufacturer.

(D) Aircraft may be flown to a base for performance of maintenance required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective September 23, 1974.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on September 6, 1974.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.74-21370 Filed 9-16-74;8:45 am]

[Airspace Docket No. 73-SO-40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area; Correction

On August 27, 1974, FR Doc. No. 74-19764 was published in the FEDERAL REGISTER (39 FR 30927), amending Part 71 of the Federal Aviation Regulations by designating the Laurens, S.C., transition area.

In the amendment, an extension was predicated on the 224° bearing from Laurens RBN. Subsequent to publication of the rule, it was determined that this bearing was in error and should have been published as "244°." It is necessary to amend the FR Doc. to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, FR Doc. No. 74-19764 is amended as follows:

In line five of the Laurens, S.C., transition area "• • • 224° • • •" is deleted and "• • • 244° • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on September 6, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-21372 Filed 9-16-74;8:45 am]

[Airspace Docket No. 74-SO-77]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On August 7, 1974, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (39 FR 28440) and on August 26, 1974, a Supplemental Notice of Proposed Rule Making was published in the FEDERAL REGISTER (39 FR 30846), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation regulations that would alter the Savannah, Ga., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable except those submitted by Aircraft Owners and Pilots Association (AOPA) and Mr. J. C. Saffold, Flight Service, Inc., Saffold Field, Savannah, Ga. Both objected to Saffold Field being included in the control zone. We do not consider these objections valid from an aeronautical standpoint. Saffold Field lies within an extension of the control zone. This extension is designated to provide controlled airspace protection for IFR aircraft executing VOR Runway 27, NDB Runway 27 and Radar I Standard Instrument Approach Procedures. The exclusion of this airport from the control zone will affect IFR arrivals and departures and derogate safety of flight within the Savannah terminal area.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., November 7, 1974, as hereinafter set forth.

In § 71.171 (39 FR 354), the Savannah, Ga., control zone is amended to read:

SAVANNAH, GA.

Within a 5-mile radius of Savannah Municipal Airport (Lat. 32°07'35" N., Long. 81°12'05" W.); within a 5-mile radius of Hunter AAF (Lat. 32°01'30" N., Long. 81°-08'30" W.); within 3 miles each side of Hunter VOR 103° radial, extending from the 5-mile radius zone to 8.5 miles east of the VOR.

In § 71.181 (39 FR 440), the Savannah, Ga., transition area is amended as follows:

"• • • Runway 27 threshold • • •" is deleted and "• • • Runway 27 threshold; within an 8.5-mile radius of Hunter AAF (Lat. 32°01'30" N., Long. 81°08'30" W.) • • •" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on September 5, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-21373 Filed 9-16-74;8:45 am]

[Airspace Docket No. 74-EA-44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 26754 of the FEDERAL REGISTER for July 23, 1974, the Federal Aviation Administration published a proposed rule which would alter the Emporia, Va., Transition Area (39 FR 487).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. November 7, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348]; sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Jamaica, N.Y., on Augst 30, 1974.

JAMES BISPO,
Deputy Director,
Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Emporia, Va. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, (36°41'30" N., 77°29'30" W.) of Emporia Municipal Airport, Emporia, Va., extending clockwise from a 057° bearing to a 183° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 183° bearing to a 057° bearing from the airport and within 3 miles each side of a 135° bearing from the Emporia RBN (36°40'58" N., 77°28'57" W.) extending from the RBN to 8.5 miles southeast of the RBN.

[FR Doc.74-21374 Filed 9-16-74;8:45 am]

[Airspace Docket No. 74-EA-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration published the subject docket as a rule, to become effective on September 12, 1974, (39 FR 26716, 26717), so as to alter the New York, N.Y., Transition Area. The pending rule in the subject docket would decrease the controlled airspace. However, a recent revision to the instrument approach procedure for South Wall Seaplane Base, New York, N.Y., requires a reclamation of a small portion of the proposed reduction.

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Since the foregoing does not add to presently controlled airspace, no additional burden is imposed on any person and there is no need for notice and public hearing, and the amendment may be processed to rule in less than 30 days.

In view of the foregoing, Docket No. 74-EA-20 is amended, effective upon publication in the FEDERAL REGISTER, as follows:

In the description of the New York, N.Y. 700-foot floor Transition Area, following the phrase "9 miles northeast of the VOR;" insert the following, "within 4.5 miles northwest and 6.5 miles southeast of a 027° bearing and a 207° bearing from a point 40°36'21" N., 74°04'34" W., extending from 5.5 miles northeast to 11.5 miles southwest of said point;"

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on September 5, 1974.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.74-21876 Filed 9-16-74;8:45 am]

[Airspace Docket No. 74-EA-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area and Revocation of Transition Area

On page 24026 of the FEDERAL REGISTER for June 28, 1974, the Federal Aviation Administration published a proposed rule which would alter the N. Philadelphia, Pa., Control Zone (39 FR 412) and Transition Area (39 FR 556); alter the Willow Grove, Pa., Control Zone (39 FR 437); and revoke the Langhorne, Pa., Transition Area (39 FR 526).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t. November 7, 1974.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on August 30, 1974.

JAMES BISPO,
Deputy Director,
Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Willow Grove, Pa. Control Zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 40°12'00" N., 75°08'55" W. of Willow Grove NAS, Willow Grove, Pa., extending clockwise from a 347° bearing to a 253° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 253° bearing to a 347° bearing from the airport; within 3 miles each side of the Willow Grove TACAN 136° radial, extending from the TACAN to 7 miles southeast of the TACAN; within 9.5 miles each side of the Willow Grove TACAN 325° radial, extending from the 5-mile radius and 5.5-mile radius zones centered on Willow Grove NAS to 13.5 miles northwest of the TACAN; within 3.5 miles each side of a 330° bearing from the Willow Grove RBN, extending from the 5 mile radius and 5.5-mile radius zone centered on Willow Grove NAS to 19 miles northwest of the RBN; within a 5-mile radius of the center, 40°12'15" N., 75°04'30" W. of Warminster NAF, Warminster, Pa.; within 1.5 miles each side of the Yardley VORTAC 244° radial, extending from the 5-mile radius zone centered on Warminster NAF to 2 miles southwest of the VORTAC; within 3 miles each side of the Warminster TACAN 063° radial, extending from the 5-mile radius zone centered on Warminster NAF to 6 miles east of the TACAN, excluding the south portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone centered on Warminster NAF with the North Philadelphia, Pa. control zone 6-mile radius zone and excluding that portion of the control zone southeast extension described by reference to the Willow Grove TACAN 136° radial that coincides with the North Philadelphia, Pa. control zone. This control zone is effective from 0700 to 2400 hours, local time, Monday through Friday; and 0001 to 2400 hours, local time, Saturday and Sunday or during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the North Philadelphia, Pa. control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 40°04'49" N., 75°00'45" W. of North Philadelphia Airport, Philadelphia, Pa., extending clockwise from a 030° bearing to a 252° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 252° bearing to a 030° bearing from the airport, excluding the north portion subtended by a chord drawn between the points of intersection of the 6-mile radius zone with that portion of the Willow Grove, Pa. control zone 5-mile radius zone centered on Warminster NAF.

3. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the North Philadelphia, Pa. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 40°04'49" N., 75°00'45" W. of North Philadelphia Airport, Philadelphia, Pa., extending clockwise from a 058° bearing to a 227° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 227° bearing to a 277° bearing from the airport; within a 10.5-mile radius of the center of the airport, extendinig clockwise from a 277° bearing to a 058° bearing from the airport; within 3.5 miles each side of the North Philadelphia VOR 045° radial, extending from the VOR to 10 miles northeast of the VOR; within an 8.5-mile radius of the center, 40°16'39" N., 74°48'49" W. of Mercer County Airport, Trenton, N.J., extending clockwise from a 055° bearing to a 245° bearing from the airport; within a 10-mile radius of the center of the airport extending clockwise from a 245° bearing to a 055° bearing from the airport; within 5 miles each side of the Yardley VORTAC 261° radial, extending from the VORTAC to 5 miles west of the VORTAC; within 8.5 miles each side of the Yardley VORTAC 070° radial, extending from Yardley VORTAC to 18 miles east of the VORTAC; within a 5-mile radius of the center 40°06'15" N., 75°16'00" W. of Wings Field, Philadelphia, Pa., extending clockwise from a 118° bearing to a 181° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 181° bearing to a 305° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 305° bearing to a 118° bearing from the airport; within 4.5 miles northwest 6.5 miles southeast of a 062° bearing and a 232° bearing from a point 40°05'05" N., 75°21'24" W., extending from 5.5 miles northeast to 11.5 miles southwest of said point; within 5 miles each side of a 254° bearing from a point 40°05'06" N., 75°21'24" W., extending from said point to 6.5 miles west of said point; within 5 miles each side of 231° bearing from the Ambler, Pa. RBN 40°07'33" N., 75°17'06" W., extending from the RBN to 6.5 miles southwest of the RBN; within a 9-mile radius of the center, 40°12'00" N., 75°08'55" W. of Willow Grove NAS, Willow Grove, Pa.; within 5 miles each side of the Willow Grove TACAN 136° radial, extending from the 9-mile radius area to 11.5 miles southeast of the TACAN; within 5 miles each side of the Willow Grove TACAN 325° radial, extending from the 9-mile radius area to 13.5 miles northwest of the TACAN; within an 8.5-mile radius of the center, 40°12'15" N., 75°04'30" W. of Warminster NAF, Warminster, Pa. extending clockwise from a 025° bearing to a 254° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 254° bearing to a 025° bearing from the airport; within 4 miles each side of a 262° bearing from the Willow Grove RBN, extending from the RBN to 8.5 miles west of the RBN; within 1.5 miles each side of the Yardley VORTAC 244° radial, extending from the 8.5-mile radius area centered on Warminster NAF to the VORTAC; within 5 miles each side of the Warminster TACAN 259° radial, extending from the TACAN to 9.5 miles west of the TACAN; within 4.5 miles each side of the Warminster TACAN 083° radial, extending from the TACAN to 9 miles east of the TACAN; within a 5-mile radius of the center, 40°13'15" N., 75°12'45" W. of Turner Field, Prospectville, Pa.; within 8 miles southwest and 8.5 miles northeast of the North Philadelphia VOR 312° radial, extending from 20 miles northwest of the VOR to 31.5 miles northwest of the VOR; within 5 miles each side of the North Philadelphia VOR 312° radial, extending from 20 miles northwest of the VOR to 26 miles northwest of the VOR; within 2.5 miles each side of the North Philadelphia VOR 312° radial extending from 18 miles northwest of the VOR to 20 miles northwest of the VOR; within a 5-mile radius of the center, 40°11'18" N., 74°53'54" W. of Buehl Field, Langhorne, Pa., extending clockwise from a 032° bearing to a 264° bearing from the airport; within a 6.5-mile radius of the center of the airport, extending clockwise from a 254° bearing to a 320° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 320° bearing to a 062° bearing from the airport; within 2 miles each side of the North Philadelphia VOR 038° radial, extending from the 5-mile radius to the North Philadelphia VOR.

4. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by revoking the Langhorne, Pa. Transition Area.

[FR Doc.74-21875 Filed 9-16-74;8:45 am]

[Airspace Docket No. 74-SW-25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Durant, Okla., transition area. On July 26, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 27331) stating the Federal Aviation Administration proposed to designate a transition area at Durant, Okla.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., November 7, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition area is added:

DURANT, OKLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Baker Field (latitude 33°56'30" N., longitude 96°24'00" W.), and within 3 miles each side of a 151° bearing from the Durant NDB (latitude 33°56'32" N., longitude 96°23'54" W.) extending from the 5-mile radius area to 9 miles SE of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Fort Worth, Tex., on September 5, 1974.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.74-21874 Filed 9-16-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 620—ENGINEERING

Relinquishment of Highway Facilities

A new part, Part 620, of Title 23 of the Code of Federal Regulations is hereby established. This regulation will constitute Subpart B of Part 620. Subpart A will be reserved.

Parts of Policy and Procedure Memorandum 80-6.1 concerning the relinquishment of highway facilities has been incorporated into the Federal-Aid Highway Program Manual as Volume 8, Chapter 1, Section 1, Subsection 8. Regulatory portions of this directive are hereby published.

General notice of proposed rulemaking is not required since the material published relates to grants, benefits or contracts pursuant to 5 U.S.C. section 553(a)(2). The regulations become effective on date of issuance.

Issued on September 6, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Subpart B—Relinquishment of Highway Facilities

Sec.
620.201 Purpose.
620.202 Applicability.
620.203 Procedures.

AUTHORITY: 23 U.S.C. 315; 49 CFR 1.48; 23 CFR 1.32.

Subpart B—Relinquishment of Highway Facilities

§ 620.201 Purpose.

To prescribe Federal Highway Administration (FHWA) procedures relating to relinquishment of highway facilities.

§ 620.202 Applicability.

The provisions of this section apply to highway facilities where Federal-aid funds have participated in either right-of-way or physical construction costs of a project.

§ 620.203 Procedures.

(a) After final acceptance of a project on the Federal-aid primary, urban, or secondary system or after the date that the plans, specifications and estimates (PS&E) for the physical construction on the right-of-way for a Federal-aid Interstate project have been approved by the FHWA, relinquishment of the right-of-way or any change made in control of access shall be in accordance with the provisions of this section. For the purposes of this section, final acceptance for a project involving physical construction is the date of the acceptance of the physical construction by the FHWA and for right-of-way projects, the date the division engineer determines to be the date of the completion of the acquisition of the right-of-way shown on the final plans.

(b) For the purposes of this section, "relinquishment" is defined as the conveyance of a portion of a highway right-of-way or facility by a State highway agency (SHA) to another Government agency for highway use.

(c) The following facilities may be relinquished in accordance with paragraph 203(f):

(1) Sections of a State highway which have been superseded by construction on new location and removed from the Federal-aid system and the replaced section thereof is approved by the FHWA as the new location of the Federal-aid route. Federal-aid funds may not participate in rehabilitation work performed for the purpose of placing the superseded section of the highway in a condition acceptable to the local authority. The relinquishment of any Interstate mileage shall be submitted to the Federal Highway Administrator as a special case for prior approval.

(2) Sections of reconstructed local facilities that are located outside the control of access lines, such as turnarounds of severed local roads or streets adjacent to the Federal-aid project's right-of-way, and local roads and streets crossing over or under said project that have been adjusted in grade and/or alignment, including new right-of-way required for adjustments. Eligibility for Federal-aid participation in the costs of the foregoing adjustments is as determined at the time of PS&E approval under policies of the FHWA.

(3) Frontage roads or portions thereof that are constructed generally parallel to and outside the control of access lines of a Federal-aid project for the purpose of permitting access to private properties rather than to serve as extensions of ramps to connect said Federal-aid project with the nearest crossroad or street.

(d) The following facilities may be relinquished only with the approval of the Federal Highway Administrator in accordance with paragraph 203(g).

(1) Frontage roads or portions thereof located outside the access control lines of a Federal-aid project that are constructed to service (in lieu of or in addition to the purposes outlined under paragraph (c)(3) of this section) as connections between ramps to or from the Federal-aid project and existing public roads or streets.

(2) Ramps constructed to serve as connections for interchange of traffic between the Federal-aid project and local roads or streets.

(e) Where a frontage road is not on an approved Federal-aid system title to the right-of-way may be acquired initially in the name of the political subdivision which is to assume control thus eliminating the necessity of a formal transfer later. Such procedure would be subject to prior FHWA approval and would be limited to those facilities which meet the criteria set forth in paragraph (c)(2) and (3) of this section.

(f) Upon presentation by a State that it intends to relinquish facilities such as described in paragraph (c)(1), (2) or (3) of this section to local authorities, the division engineer of the FHWA shall have appropriate field and office examination made thereof to assure that such relinquishments are in accordance with the provisions of the cited paragraphs. Relinquishments of the types described in paragraph (c)(1), (2) or (3) of this section may be made on an individual basis or on a project or route basis subject to the following conditions and understandings:

(1) Immediately following action by the State in approving a relinquishment, it shall furnish to the division engineer for record purposes a copy of a suitable map or maps identified by the Federal-aid project number, with the facilities to be relinquished and the date of such relinquishment action clearly delineated thereon.

(2) If it is found at any time after relinquishment that a relinquished facility is in fact required for the safe and proper operation of the Federal-aid highway, the State shall take immediate action to restore such facility to its jurisdiction without cost to Federal-aid highway funds.

(3) If it is found at any time that a relinquished frontage road or portion thereof or any part of the right-of-way therefor has been abandoned by local governmental authority and a showing cannot be made that such abandoned facility is no longer required as a public road, it is to be understood that the Federal Highway Administrator may cause to be withheld from Federal-aid highway

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funds due to the State an amount equal to the Federal-aid participation in the abandoned facility.

(4) In no case shall any relinquishment include any portion of the right-of-way within the access control lines as shown on the plans for a Federal-aid project approved by the FHWA, without the prior approval of the Federal Highway Administrator.

(5) There cannot be additional Federal-aid participation in future construction or reconstruction on any relinquished "off the Federal-aid system" facility unless the underlying reason for such future work is caused by future improvement of the associated Federal-aid highway.

(g) In the event that a State desires to apply for approval by the Federal Highway Administrator for the relinquishment of a facility such as described in paragraph (d) (1) and (2) of this section, the facts pertinent to such proposal are to be presented to the division engineer of the FHWA. The division engineer shall have appropriate review made of such presentation and forward the material presented by the State together with his findings thereon through the Regional Federal Highway Administrator for consideration by the Federal Highway Administrator and determination of action to be taken.

(h) No change may be made in control of access, without the joint determination and approval of the SHA and FHWA. This would not prevent the relinquishment of title, without prior approval of the FHWA, of a segment of the right-of-way provided there is an abandonment of a section of highway inclusive of such segment.

(i) Relinquishments must be justified by the State's finding, concurred in by the FHWA, that:

(1) The subject land will not be needed for Federal-aid highway purposes in the foreseeable future;

(2) That the right-of-way being retained is adequate under present day standards for the facility involved;

(3) That the release will not adversely affect the Federal-aid highway facility or the traffic thereon;

(4) That the lands to be relinquished are not suitable for retention in order to restore, preserve, or improve the scenic beauty adjacent to the highway consonant with the intent of 23 U.S.C. 319 and PL 89-285, Title III, sections 302-305 (Highway Beautification Act of 1965).

(j) If a relinquishment is to a Federal, State or local governmental agency for highway purposes, there need not be a charge to the said agency, nor in such event any credit to Federal funds. If for any reason there is a charge to the said agency and Federal funds participated in the cost of the right-of-way, there shall be a credit to Federal funds on the same basis Federal funds participated in the cost of the right-of-way.

[FR Doc.74-21382 Filed 9-16-74;8:45 am]

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 712—THE ACQUISITION FUNCTION

Functional Replacement of Real Property in Public Ownership

This will amend Part 712 of the regulations of the Federal Highway Administration by adding a new Subpart, Subpart F—Functional Replacement of Real Property in Public Ownership.

This regulation prescribes the Federal Highway Administration policies on the functional replacement of real property in public ownership that is acquired for highway or highway related use. It codifies provisions contained in volume 7, chapter 2, section 2, subsection 1 of the Federal-Aid Highway Program Manual which revised similar provisions formerly contained in FHWA Policy and Procedure Memorandum 80-1. In consideration of the foregoing and effective immediately, Chapter I of Title 23, Code of Federal Regulations is amended by adding Subpart F to Part 712 of the regulations of the Federal Highway Administration.

These regulations are effective on the date of issuance set forth below.

Subpart F—Functional Replacement of Real Property in Public Ownership

Sec.
712.601 Purpose.
712.602 Applicability.
712.603 Federal Lands.
712.604 Functional Replacement.
712.605 Federal Participation.
712.606 Procedures.

AUTHORITY: 23 U.S.C. 315; 42 U.S.C. 4633; 49 CFR 1.48(b).

Subpart F—Functional Replacement of Real Property in Public Ownership

§ 712.601 Purpose.

This regulation prescribes Federal Highway Administration (FHWA) policies on functional replacement of real property in public ownership.

§ 712.602 Applicability.

The provisions of this regulation are applicable, to the extent practicable under State law, to all States and political subdivisions thereof that acquire real property for any highway or highway related project in which Federal funds will participate in any part of the right-of-way costs of the project. The provisions of this regulation do not apply to real property owned by utilities or railroads.

§ 712.603 Federal Lands.

Acquisition of real property in Federal ownership shall be in accordance with FHWA regulations on Federal land transfers in 23 CFR 712.501 et seq.

§ 712.604 Functional replacement.

(a) Where the State highway department (SHD) so requests, and can, pursuant to State law, incur costs for the functional replacement of real property in public ownership, Federal funds may participate in such replacement costs provided that it is demonstrated, and FHWA concurs, that functional replacement is in the public interest. Application of functional replacement procedures is at the SHD's election, subject to FHWA approval of a SHD's request.

(b) For the purpose of this regulation, functional replacement is defined as the replacement of real property, either lands or facilities, or both, acquired as a result of a highway or highway related project with lands or facilities, or both, which will provide equivalent utility.

(c) Application of this policy, and Federal participation in costs pursuant thereto require that:

(1) The property to be functionally replaced is in public ownership,

(2) State law permits the incurrence of functional replacement costs,

(3) FHWA has concurred that functional replacement is in the public interest,

(4) FHWA has granted authorization to proceed on such basis prior to incurrence of costs,

(5) The functional replacement actually takes place, and the costs of replacement are actually incurred, and

(6) Replacement sites and construction are in compliance with existing codes, laws, and zoning regulations for the area in which the facility is located.

§ 712.605 Federal participation.

(a) Federal funds may participate in functional replacement costs on the following basis:

(1) The actual functional replacement cost of the facilities required to be replaced, and

(2) The appraised current fair market value of the land to be acquired for highway purposes when the owning agency has land on which to relocate the facilities, or the reasonable costs of acquiring a functionally equivalent substitute site where lands in the same public ownership are not available or suitable.

(b) Costs of increases in capacity and other betterments are not eligible for Federal participation except those necessary to replace utility; those required by existing codes, laws, and zoning regulations; and those related to reasonable prevailing standards for the type of facility being replaced.

(c) Where it is found that the appraised fair market value of the property to be acquired exceeds the cost of functional replacement, Federal funds may participate in the fair market value amount.

§ 712.606 Procedures.

(a) During the early stages of project development, SHD officials should meet with the owning agency to discuss the effect of a possible acquisition and potential application of functional replacement procedures. The results of discussions and decisions concerning functional replacement should be included in negative declarations and environmental impact and section 4(f) statements if required on a project.

(b) At the earliest practicable time, the SHD shall have the property appraised and establish an amount it believes to be just compensation, and shall advise the owning agency of the amount established. Subject to the requirements of this regulation, the owning agency has the option of accepting the amount of compensation established by the appraisal process or accepting functional replacement. The owning agency may waive its right to have an estimate of compensation established by the appraisal process if it prefers functional replacement.

(c) If the owning agency desires functional replacement, it should initiate a formal request to the SHD, and fully explain why it would be in the public interest.

(d) If the SHD agrees that functional replacement is necessary and in the public interest, it must submit a specific request for FHWA concurrence. The request should include:

(1) Cost estimate data relative to contemplated solutions,

(2) Agreements reached at meetings between the SHD and the owning agency, and

(3) An explanation of the basis for its request.

The request shall include a statement that replacement property will be acquired in accordance with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and applicable FHWA regulations.

(e) After concurrence by FHWA that functional replacement is in the public interest, FHWA may, at SHD request, authorize the SHD to proceed with the acquisition of the substitute site and to proceed with physical construction of minor structures, or, in the case of major improvements, to proceed with development of detailed plans, specifications and estimates.

(f) The plans, specifications, and estimates, and modifications thereof, shall be submitted to FHWA for review and approval in accordance with established procedures. Where major improvements are involved, advertising for bids and letting of the contract to construct the replacement facility may follow the general procedures utilized by the owning agency, if acceptable to the SHD and FHWA. The submission, where applicable, shall include provisions for SHD inspection during construction of the replacement facility.

(g) Prior to FHWA concurrence in the award for actual construction, an agreement shall be entered into setting forth the rights, obligations and duties of each party with regard to the faculty being acquired, the acquisition of the replacement site, and the construction of the replacement facility. The executed agreement shall also set forth how the costs of the new facility are to be shared between the parties.

(h) The SHD's request for final payment shall include:

(1) A statement signed by an appropriate official of the owning agency and the SHD certifying that the cost of the replacement facility has actually been incurred in accordance with the provisions of the executed agreement.

(2) The statement shall also certify that a final inspection of the facility was made by the SHD and owning agency and that the SHD is released from any further responsibility.

Issued on: September 9, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-21431 Filed 9-16-74;8:45 am]

Title 36—Parks, Forests and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Yellowstone National Park, Wyoming; Snowmobiling

A proposal was published at page 16151 of the FEDERAL REGISTER of May 7, 1974, to amend § 7.13, paragraph (l) of Title 36 of the Code of Federal Regulations. The effect of this amendment is to designate snowmobile routes, to define the term "Unplowed Roadway," and to specify a minimum age for operators of snowmobiles in Yellowstone National Park.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions or objections have been received and the proposed amendments are hereby adopted without change and set forth below. These amendments shall take effect October 17, 1974.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

Paragraph (l) of § 7.13 is amended to read as follows:

§ 7.13 Yellowstone National Park.

* * * * * * *

(l) *Skiing, sledding, tobogganing, snowshoeing, and oversnow vehicles.* (1) The following activities are prohibited:

* * *

(iv) No person under the age of 16 shall operate a snowmobile.

* * * * * * *

(3) Snowmobiles: (i) Definitions:

Unplowed roadway. The unplowed roadway shall be limited to that portion of the roadway located between the road shoulders designated by snow poles or poles, ropes, and signs erected by the Superintendent to regulate snowmobile activity.

(ii) Designated Routes:

The designated routes for snowmobile use shall be that portion of the unplowed roadway from:

(a) The Grand Loop Road from its junction with Terrace Springs Drive to Norris Junction.

(b) Norris Junction to Canyon Road.

(c) The Virginia Cascade Drive.

(d) The Grand Loop Road from Norris Junction to Madison Junction.

(e) The West Entrance Road from the Park Boundary at West Yellowstone to Madison Junction.

(f) The Grand Loop Road from Madison Junction to West Thumb.

(g) The Firehole Canyon Drive.

(h) The Blacktail Plateau Drive.

(i) The Fountain Flat Drive.

(j) The South Entrance Road from the South Entrance to West Thumb.

(k) The Grand Loop Road from West Thumb to its junction with the East Entrance Road.

(l) The East Entrance Road from the East Entrance to its junction with the Grand Loop Road.

(m) The Grand Loop Road from its junction with the East Entrance Road to Canyon Junction.

(n) The Canyon Rim Drives.

(o) The Grand Loop Road from Canyon Junction to Tower Junction.

(p) In the developed areas of Madison Junction, Old Faithful, Grant Village, Lake, Fishing Bridge, Canyon and Norris Junction, snowmobile routes to scenic points of interest, lodging and other facilities will be designated by appropriate snow poles and signs; said routes being limited to the unplowed roadways. The criteria for determining specific routes in these areas will be: the most direct access, weather and snow conditions and the elimination of congestion and improvement of circulation in the interest of public safety.

(q) Maps showing designated routes shall be available at Park Headquarters and each entrance station.

(iii) The Superintendent shall determine the opening and closing dates for use of the designated snowmobile routes each year, taking into consideration snow and other weather conditions, road plowing schedules and other factors that may relate to public safety, and he shall notify the public of such dates by the posting of appropriate signs at the entrances to the routes.

(iv) Snowmobile use outside designated routes is prohibited. This prohibition shall not apply to (a) emergency routes designated by the Superintendent with appropriate signs and poles and (b) emergency administrative travel by employees of the National Park Service or its contractors and concessioners.

* * * * * * *

ROBERT C. HARADEN,
Acting Superintendent,
Yellowstone National Park.

[FR Doc.74-21363 Filed 9-16-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 248-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to New York State Implementation Plans

On September 22, 1972 (37 FR 19815, § 52.1677(b)), pursuant to section 110(a) of the Clean Air Act, (42 U.S.C. 1857c-

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5(a)), and 40 CFR Part 51, the Administrator disapproved portions of the New York implementation plan which did not provide for the reporting of periodic increments of progress toward compliance by affected sources or categories of sources.

New York State, on January 17, 1974, submitted supplemental information which consisted of a revised Part 205 (Photochemically Reactive Solvents and Organic Solvents from Certain Processes—New York City Metropolitan Area) of Subchapter A, Chapter III, Title 6 of New York's Official Compilation of Codes, Rules and Regulations (6 NYCRR). The revision to the regulation, which became effective on January 28, 1974, changes the compliance date from December 31, 1974 to January 31, 1974.

On March 4, 1974 (39 FR 8175), the Environmental Protection Agency (EPA) announced that the above mentioned supplemental information would be available for public comment for a period of 30 days. The comment period ended on April 3, 1974 and no comments were received by the EPA Regional Office.

The compliance date revision for Part 205 eliminates the need for increments of progress, since 40 CFR 51.15(c) does not require such increments in cases where the final compliance date does not extend beyond January 31, 1974.

Therefore, the EPA disapproval of Part 205 of Title 6 of the New York Official Compilation of Codes, Rules and Regulations is revoked. This regulation shall become effective on October 17, 1974.

(42 U.S.C. 1857c-5)

Dated: September 11, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

Subpart HH—New York

1. In § 52.1670, paragraph (c) is amended by revising subparagraph (3) as follows:

§ 52.1670 Identification of plan.

* * * * *

(c) * * *

(3) October 28, 1973, November 27, 1973, January 17, 1974.

§ 52.1677 [Amended]

2. In § 52.1677, paragraph (b) is revised by deleting all reference to section 205.10(c).

[FR Doc.74-21502 Filed 9-16-74;8:45 am]

[FRL 264-3]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Thiabendazole

In response to a petition (PP4E1478) submitted by Dr. C. C. Compton, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee, the U.S. Department of Agriculture, the Agricultural Experiment Station of Maine, the Maine Department of Agriculture, and the Maine Potato Commission, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of July 24, 1974 (39 FR 26917), proposing establishment of a tolerance for negligible residues of the fungicide thiabendazole (2-(4-thiazolyl)benzimidazole) in or on the raw agricultural commodity potatoes, which have been grown from seed potatoes treated with the fungicide, at 0.1 part per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.242 is amended by inserting the new paragraph "0.1 part per million (negligible residue) * * *" after the paragraph "0.1 part per million for combined residues * * *", as follows:

§ 180.242 Thiabendazole; tolerances for residues.

* * * * *

0.1 part per million (negligible residue) in or on potatoes which have been grown from seed potatoes treated with thiabendazole.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before October 17, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, S.W., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on September 17, 1974.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: September 12, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-21507 Filed 9-16-74;8:45 am]

[FRL 264-5]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Isopropyl m-Chlorocarbanilate and Isopropyl Carbanilate; Interim Tolerances

In response to two petitions (PP's 2F1276 and 2F1277) submitted by PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of July 16, 1974 (39 FR 26044), proposing establishment of interim tolerances for residues of the herbicides isopropyl *m*-chlorocarbanilate (CIPC) and isopropyl carbanilate (IPC), respectively, in or on various raw agricultural commodities at various levels. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.319 is amended by alphabetically inserting two new items in the table as follows:

§ 180.319 Interim tolerances.

* * * * *

Substance	Use	Tolerance in parts per million	Raw agricultural commodity
*	*	*	*
Isopropyl carbanilate (IPC)	Herbicide	5	Hay of alfalfa, clover, and grass.
		2	Alfalfa, clover, and grass.
		0.1	Flaxseed, lentils, lettuce, peas, safflower seed, spinach, and sugar beets (roots and tops).
		0.05	Eggs; milk; and the meat fat, and meat byproducts of cattle, goats hogs, horses, poultry, and sheep.
Isopropyl *m*-chlorocarbanilate (CIPC)	do	50	Hay o' alfalfa, clover, and grass.
		20	Alfalfa, clover, and grass.
		0.3	Beans (dry and succulent), blackberries, blueberries, cranberries, peas (dry and succulent), raspberries, spinach, and sugar beet tops.
		0.1	Carrots, garlic, onions, rice grain, safflower seed, sugar beet roots, and tomatoes.
		0.05	Eggs; milk; and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.
*	*	*	*

Any person who will be adversely affected by the foregoing order may at any time on or before October 17, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, S.W., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on September 17, 1974.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: September 12, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-21505 Filed 9-16-74;8:45 am]

[FRL 264-6]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Perchloroethylene

No comments or requests for referral to an advisory committee were received in response to a notice published by the Environmental Protection Agency in the FEDERAL REGISTER of July 24, 1974 (39 FR 26918), proposing that perchloroethylene, when used as a solvent or cosolvent, be exempted from the requirement of a tolerance when used in accordance with good agricultural practice as an inert (or occasionally active) ingredient in pesticide formulations applied to growing crops or to raw agricultural commodities after harvest. The maximum percentage in the formulation is to be limited to 0.6 percent.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.1001 is amended by alphabetically inserting a new item in the table in paragraph (c), as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
*	*	*
Perchloroethylene.	Not more than 0.6% of pesticide formulation.	Solvent, cosolvent.
*	*	*

Any person who will be adversely affected by the foregoing order may at any time on or before October 17, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on September 17, 1974.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: September 12, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-21504 Filed 9-16-74;8:45 am]

[FRL 264-4]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Ethylene

In response to a petition (PP4E1457) submitted by the U.S. Department of Agriculture, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of July 15, 1974 (39 FR 25960), proposing establishment of an exemption from the requirement of a tolerance for residues of ethylene when used to stimulate witchweed germination in control programs. No requests for referral to an advisory committee were received. One comment was received from the North Carolina Department of Agriculture in support of the proposal.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.1016 is revised to read as follows:

§ 180.1016 Ethylene; exemption from the requirement of a tolerance.

Ethylene is exempted from the requirement of a tolerance for residues when:

(a) Used as a plant regulator on fruit and vegetable crops in conformity with good agricultural practice before or after harvest, or

(b) Injected into the soil to cause premature germination of witchweed in corn, cotton, peanut and soybean fields as part of the U.S. Department of Agriculture witchweed control program.

Any person who will be adversely affected by the foregoing order may at any time on or before October 17, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, S.W., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on September 17, 1974.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: September 12, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-21506 Filed 9-16-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-150]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101-26.6—Procurement Sources of the Department of Defense

PURCHASE PROGRAMS OF THE DEFENSE FUEL SUPPLY CENTER

This amendment prescribes procedural changes concerning the fuel and petroleum purchase programs of the Defense Fuel Supply Center (DFSC), including a new due date for the submission of estimated requirements for lubricating oils (nonaircraft) and new DFSC correspondence symbols relating to certain programs.

1. Section 101-26.602-1 is amended as follows:

§ 101-26.602-1 Procurement of lubricating oils, greases, and gear lubricants.

(a) The Defense Fuel Supply Center will make annual procurements of lu-

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bricating oils, greases, and gear lubricants for ground type (nonaircraft) equipment and of aircraft engine oils on an annual program basis. Estimates of requirements for items covered by these programs will be solicited annually from agencies on record with the Defense Fuel Supply Center in time for the requirements to arrive at the Center on the following schedule:

	Purchase program	Due on or before
Lubricating oils (nonaircraft).	4.1	November 15.
Aircraft engine oils	4.2	June 15.
Grease and gear oils	4.4	October 15.

(b) Activities not on record but requiring procurement support shall submit requests to: Commander, Defense Fuel Supply Center, Attn: DFSC:PG, Cameron Station, Alexandria, VA 22314, on or before the requirement due dates specified in § 101-26.602-1(a). Submission of requirements is not required if:

• • • • •

2. Section 101-26.602-3 is amended as follows:

§ 101-26.602-3 Procurement of gasoline, fuel oil (diesel and burner), kerosene, and solvents.

(a) Estimates of annual requirements will be solicited annually by the Defense Fuel Supply Center from agencies on record so as to reach that activity approximately 45 days before the due date shown in Defense Fuel Supply Center geographic alignment of States set forth in § 101-26.602-3 (d) and (e). The requirements call will be accomplished by mailing a computer produced record of the file data for each delivery point that has been identified to each submitting addressee; instructions for validation and return will be included. Activities not on record but requiring procurement support shall prepare and submit estimates on DFSC Form 15:18, for petroleum fuel requirements, or on DFSC Form 15:20, for solvents, to the Defense Fuel Supply Center, Cameron Station, Alexandria, VA 22314. Illustrations of these forms are contained in § 101-26.4904. Copies may be obtained on request from: Commander, Defense Fuel Supply Center, Attention: DFSC:PE, Cameron Station, Alexandria, VA 22314.

• • • • •

(b) Agency requirements will be solicited for procurement by the Defense Fuel Supply Center and contracts resulting from these solicitations will be summarized in contract bulletins, separately for each Defense Fuel Supply Center geographic region, and distributed to agencies on record. Activities of agencies requiring additional contract bulletins shall submit requests to: Commander, Defense Fuel Supply Center, Attention: DFSC:PE, Cameron Station, Alexandria, VA 22314.

• • • • •

3. Section 101-26.602-4(d) is revised to read as follows:

§ 101-26.602-4 Procurement of coal.

• • • • •

(d) Copies of DD Form 416 may be obtained from: Commander, Defense Fuel Supply Center, Attention: DFSC: PH, Cameron Station, Alexandria, VA 22314.

• • • • •

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Effective date. This regulation is effective September 17, 1974.

Dated: September 6, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74-21267 Filed 9-16-74;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5433]

[New Mexico 16885]

NEW MEXICO

Powersite Restoration No. 585; Partial Revocation of Waterpower Designation No. 1, New Mexico No. 1 and Partial Revocation of Powersite Reserve No. 548

By virtue of the authority contained in section 24 of the Act of June 10, 1920, 41 Stat. 1075, as amended, 16 U.S.C. 818 (1970), and pursuant to the determination of the Federal Power Commission in DA-84-New Mexico, it is ordered as follows:

1. The departmental order of August 7, 1916, creating Waterpower Designation No. 1, New Mexico No. 1, and the Executive Order of September 30, 1916, creating Powersite Reserve No. 548, are hereby revoked so far as they affect the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 N., R. 10 E.,
sec. 27, lot 1.

The area described aggregates 47.44 acres of land in Rio Arriba County.

In its determination DA-84-New Mexico, the Federal Power Commission determined that it had no objection to the revocation of Powersite Reserve No. 548 and Waterpower Designation No. 1 so far as they related to the above described land.

2. The State of New Mexico declined to exercise its preference right to select any or all of the lands involved for highway rights-of-way or material sites as provided by section 24 of the Federal Power Act of June 10, 1920, supra.

3. Subject to valid existing rights, the provisions of existing withdrawals and the requirements af applicable law, the lands shall at 10 a.m. on October 9, 1974, be open to the operation of the public land laws generally. All valid applications received at or prior to 10 a.m. on October 9, 1974, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and will continue to be open to applications and offers under the mineral leasing laws, and to location and entry under the U.S. mining laws.

Inquiries concerning the lands should be addressed to Chief, Division of Technical Services, Bureau of Land Management, Post Office Box 1449, Santa Fe, New Mexico 87501.

JACK O. HORTON,
Assistant Secretary of the Interior.

SEPTEMBER 3, 1974.

[FR Doc. 74-21470 Filed 9-16-74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-119]

REVOCATION AND RECODIFICATION

The Coast Guard is revoking Part 170 and recodifying Parts 136, 137, and 143 of Title 46, Code of Federal Regulations, Parts 136, 137, and 143 are reissued as Parts 4, 5, and 9 respectively of Title 46.

46 CFR Part 170 contains the general provisions for the numbering of undocumented vessels, statistics on numbering, and "boating accident reports" and accident statistics. The substantive boating regulations that 46 CFR Part 170 is addressed to were revoked in the Federal Register issue of October 7, 1972 (37 FR 21404). Because of this revocation, 46 CFR Part 170 does not serve any useful purpose and is being revoked.

46 CFR Part 136, Marine Investigations Regulations, 46 CFR Part 137, Suspension and Revocation Proceedings, and 46 CFR Part 143, Extra Compensation for Overtime Services, now appear between Subchapter J, Electrical Engineering, and Subchapter M, Bulk Grain Cargoes, in Title 46. 46 CFR Parts 136, 137, and 143 are being reissued as 46 CFR Parts 4, 5, and 9 respectively in Subchapter A, Procedures Applicable to the Public, to which these parts are logically related. The recodification will promote reader understanding and facilitate reference.

Furthermore, 46 CFR 4.01-1 and 46 CFR 4.01-5 are revoked because they are references to 46 CFR Part 173 that has been revoked, and 46 CFR Part 136 that is recodified as 46 CFR Part 4 by this document.

Since these amendments are not substantive, notice and public procedure are unnecessary under 5 U.S.C. 553(b)(3)(B), and they are effective immediately under 5 U.S.C. 553(d)(3).

In consideration of the foregoing, Chapter 1, of Title 46, Code of Federal Regulations is amended as follows:

1. 46 CFR Part 170 is revoked.

(46 U.S.C. 1488, 49 CFR 1.46(b))

2. 46 CFR Part 4.01-1 and 46 CFR Part 4.01-5 are revoked and Parts 136, 137, and 143 of Title 46, Code of Federal Regulations are adopted as amendments to Subchapter A of the same title by adding them as new Parts 4, 5, and 9, respectively, as set forth below.

(46 U.S.C. 375, 416, 14 U.S.C. 633, 49 CFR 1.46(b))

Dated: August 30, 1974.

Effective date: This amendment is effective on September 13, 1974.

O. W. SILER,
Admiral, U.S. Coast Guard, Commandant.

PART 4—MARINE INVESTIGATION REGULATIONS

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4.23-1 Evidence of criminal liability.

AUTHORITY: The provisions of this Part 4 issued under sec. 2, 633, 63 Stat. 496, 545; 46 U.S.C. 375, 416, 14 U.S.C. 2, 633. Interpret or apply secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 93 (e), (f), 63 Stat. 504, secs. 10-13, 16 Stat. 128, as amended, sec. 15, 38 Stat. 1164, as amended, sec. 4, 67 Stat. 462, sec. 3, 68 Stat. 675; 46 U.S.C. 239, 367, 526p, 1333, 390b, 14 U.S.C. 93 (e), (f), 33 U.S.C. 361-364, 365, 43 U.S.C. 1333, 50 U.S.C. 198.

Subpart 4.01—Authority and Scope of Regulations

§ 4.01-1 Authority and scope of regulations.

The regulations in this part promulgated pursuant to the provisions of R.S. 4450, as amended (46 U.S.C. 239), shall govern the conduct of investigations relating to:

(a) Marine casualties and accidents; and,

(b) Acts in violation of Title 46, U.S. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228-234, 239, 240, 361, 362, 364, 367, 372, 373, 375-382, 384, 385, 390-390g 391, 391a, 392, 393, 399, 400, 402-416, 435-440, 451-453, 460-463, 464, 467, 470-481, 482, 489-498, or Title 50, U.S. Code, section 198, or any of the regulations issued thereunder; or,

(c) Acts of incompetency or misconduct committed by any licensed officer or holder of a certificate of service when such acts are committed in connection with any marine casualty or accident.

Subpart 4.03—Definitions

§ 4.03-1 Marine casualty or accident.

(a) The term "marine casualty or accident" shall mean any casualty or accident involving any vessel other than public vessels if such casualty or accident occurs upon the navigable waters of the United States, its territories or possessions or any casualty or accident wherever such casualty or accident may occur involving any United States' vessel which is not a public vessel. (See § 4.03-40 for definition of "Public Vessel.")

(b) A marine casualty of accident shall include any occurrence involving a vessel which results in damage by or to the vessel, its apparel and gear, and/or cargo, or injury or loss of life of any of its crew or passengers; and includes inter alia, collisions, strandings, groundings, founderings, heavy weather damage, fires, explosions, failure of gear and equipment and any other damage which might affect and/or impair the seaworthiness thereof.

§ 4.03-5 Major marine casualty.

A casualty shall be considered a major marine casualty whenever it indicates serious damage to material and results in loss of life or serious injury to crew and/or passengers. A casualty may also be deemed a major marine casualty when the circumstances or unusual conditions thereof are of such a nature that the proper investigation cannot be accomplished solely by an investigating officer.

§ 4.03-10 Party in interest.

The term "party in interest" shall mean any person whom the Marine Board of Investigation or the investigating officer shall find to have a direct interest in the investigation conducted by it and shall include an owner, a charterer, or the agent of such owner or charterer of the vessel or vessels involved in the marine casualty or accident, and all licensed or certificated personnel whose conduct, whether or not involved in a marine casualty or accident is under investigation by the Board or investigating officer.

§ 4.03-15 Commandant.

The Commandant, U.S. Coast Guard, is that officer who acts as chief of the Coast Guard and is charged with the administration of the Coast Guard.

§ 4.03-20 Coast Guard district.

A Coast Guard district is one of the geographical areas whose boundaries are described in 33 CFR Part 3.

§ 4.03-25 District Commander.

The District Commander is the chief of a Coast Guard district and is charged with the administration of all Coast Guard responsibilities and activities within his respective district, except those functions of administrative law judges under the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1001 et seq.) and activities of independent units of the Coast Guard, such as the Coast Guard Yard and the Coast Guard Academy.

§ 4.03-30 Investigating officer.

An investigating officer is an officer or employee of the Coast Guard designated by the Commandant, District Commander or the Officer in Charge, Marine

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Inspection, for the purpose of making investigations of marine casualties and accidents or other matters pertaining to the conduct of seamen. An Officer in Charge, Marine Inspection, is an investigating officer without further designation.

§ 4.03–40 Public vessels.

Vessels within the statutory exemptions of Title LII of the Revised Statutes of the United States (R.S. 4399–4500) (as amended) relating to the inspection of vessels, are public vessels, and therefore not subject to the regulations in this part. To be deemed public vessels such vessels must:

(a) Be used for a public purpose, not in trade or commercial service; and,

(b) Be owned outright by the United States; it is not sufficient that the United States holds the vessel under a bareboat charter.

Subpart 4.05—Notice of Marine Casualty and Voyage Records

§ 4.05–1 Notice of marine casualty.

The owner, agent, master, or person in charge of a vessel involved in a marine casualty shall give notice as soon as possible to the nearest marine inspection office of the Coast Guard whenever the casualty results in any of the following:

(a) Actual physical damage to property in excess of $1500.00;

(b) Material damage affecting the seaworthiness or efficiency of a vessel;

(c) Stranding or grounding;

(d) Loss of life; or,

(e) Injury causing any persons to remain incapacitated for a period in excess of 72 hours; except injury to harbor workers not resulting in death and not resulting from vessel casualty or vessel equipment casualty.

§ 4.05–5 Substance of marine casualty notice.

The notice required in § 4.05–1 shall show the name and official number of the vessel involved, the owner or agent thereof, and insofar as is practicable, the nature and probable occasion of the casualty, the locality in which it occurred, the nature and extent of injury to personnel and the damage to property.

§ 4.05–10 Report by officer in charge of vessel in person.

(a) In addition to the notice required by § 4.05–1, the person in charge of the vessel shall, as soon as possible report in writing and in person to the Officer in Charge, Marine Inspection, at the port in which the casualty occurred or nearest the port of first arrival: *Provided*, That when from distance it may be inconvenient to report in person it may be done in writing only. The written report required for personal accident shall be made on Form CG–924E and submitted for each individual injured and each loss of life. For all other vessel casualties the written report shall be made on Form CG–2692.

(b) If filed without delay, the Form CG–924E or CG–2692 may also provide the notice required by § 4.05–1.

(Secs. 13, 17, 54 Stat. 166, as amended, 46 U.S.C. 526l(c))

§ 4.05–15 Voyage records, retention of.

(a) The owner, agent, master, or person in charge of any vessel involved in a marine casualty shall retain such voyage records as are maintained by the vessel, such as both rough and smooth deck and engine room logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro records, stowage plans, records of draft, aids to mariners, night order books, radiograms sent and received, radio logs, crew and passenger lists, articles of shipment, official logs and other material which might be of assistance in investigating and determining the cause of the casualty. The owner, agent, master, other officer or person responsible for the custody thereof, shall make these records available upon request, to a duly authorized investigating officer, administrative law judge, officer or employee of the Coast Guard.

(b) The investigating officer may substitute photostatic copies of the voyage records referred to in paragraph (a) of this section when they have served their purpose and return the original records to the owner or owners thereof.

§ 4.05–20 Report of accident to aid to navigation.

Whenever a vessel collides with a lightship, buoy, or other aid to navigation under the jurisdiction of the Coast Guard, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection. No report on Form CG–2692 is required unless one or more of the results listed in section 4.05–1 occur.

§ 4.05–25 Reports when state of war exists.

During the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties or accidents shall be handled with caution and the reports shall not be made by radio or by telegram.

Subpart 4.07—Investigations

§ 4.07–1 Commandant or District Commander to order investigation

(a) The Commandant or District Commander upon receipt of information of a marine casualty or accident, will immediately cause such investigation as may be necessary in accordance with the regulations in this part.

(b) The investigations of marine casualties and accidents and the determinations made are for the purpose of taking appropriate measures for promoting safety of life and property at sea, and are not intended to fix civil or criminal responsibility.

(c) The investigation will determine as closely as possible:

(1) The cause of the accident;

(2) Whether there is evidence that any failure of material (either physical or design) was involved or contributed to the casualty, so that proper recommendations for the prevention of the recurrence of similar casualties may be made;

(3) Whether there is evidence that any act of misconduct, inattention to duty, negligence or willful violation of the law on the part of any licensed or certificated man contributed to the casualty, so that appropriate proceedings against the license or certificate of such person may be recommended and taken under Title 46, U.S. Code, section 239;

(4) Whether there is evidence that any Coast Guard personnel or any representative or employee of any other government agency or any other person caused or contributed to the cause of the casualty; or,

(5) Whether the accident shall be further investigated by a Marine Board of Investigation in accordance with regulations in Subpart 4.09.

§ 4.07–5 Investigating officers, powers of.

(a) An investigating officer investigates each marine casualty or accident reported under §§ 4.05–1 and 4.05–10.

(b) Such investigating officer shall have the power to administer oaths, subpoena witnesses, require persons having knowledge of the subject matter of the investigation to answer questionnaires and require the production of relevant books, papers, documents and other records.

(c) Attendance of witnesses or the production of books, papers, documents or any other evidence shall be compelled by a similar process as in the United States District Court.

[CGFR 65–50, 30 FR 17009, Dec. 30, 1965, as amended by CGD–104R, 37 FR 14234, July 18, 1972]

§ 4.07–7 Opening statement.

The investigating officer or the Chairman of a Marine Board of Investigation shall open the investigation by announcing the statutory authority for the proceeding and he shall advise parties in interest concerning their rights to be represented by counsel, to examine and cross-examine witnesses, and to call witnesses in their own behalf.

§ 4.07–10 Report of investigation.

(a) At the conclusion of the investigation the investigating officer shall submit to the Commandant via the Officer in Charge, Marine Inspection, and the District Commander, a full and complete report of the facts as determined by his investigation, together with his opinions and recommendations in the premises. The District Commander shall forward the investigating officer's report to the Commandant with an indorsement stating:

(1) Approval or otherwise of the findings of fact, conclusions and recommendations;

(2) Any action taken with respect to the recommendations;

(3) Whether or not any action has been or will be taken under Part 5 of this subchapter to suspend or revoke licenses or certificates; and,

(4) Whether or not violations of laws or regulations relating to vessels have been reported on Form CG–2636, report of violation of navigation laws.

(b) Investigating officers in foreign ports shall forward their reports directly to the Commandant.

§ 4.07–15 Recommendations, action on.

Where the recommendations of an investigating officer are such that their accomplishment is within the authority of the District Commander or any of the personnel under his command, immediate steps shall be taken to put them into effect and his forwarding endorsement shall so indicate.

§ 4.07–20 Transfer of jurisdiction.

When it appears to the District Commander that it is more advantageous to conduct an investigation in a district other than in the district where the casualty was first reported, that officer shall transfer the case to the other district together with any information or material relative to the casualty he may have.

§ 4.07–25 Testimony of witnesses in other districts, depositions.

When witnesses are available in a district other than the district in which the investigation is being made, testimony or statements shall be taken from witnesses in the other districts by an investigating officer and promptly transmitted to the investigating officer conducting the investigation. Depositions may be taken in the manner prescribed by regulations in Subpart 4.12.

§ 4.07–30 Testimony of witnesses under oath.

(a) Witnesses to marine casualties or accidents appearing before an investigating officer may be placed under oath and their testimony may be reduced to writing.

(b) Written statements and reports submitted as evidence by witnesses shall be sworn to before an officer authorized to administer oaths and such statements and/or reports shall be signed.

§ 4.07–35 Counsel for witnesses and parties in interest.

(a) All parties in interest shall be allowed to be represented by counsel, to examine and cross-examine witnesses and to call witnesses in their own behalf.

(b) Witnesses who are not parties in interest may be assisted by counsel for the purpose of advising such witnesses concerning their rights; however, such counsel will not be permitted to examine or cross-examine other witnesses or otherwise participate in the investigation.

§ 4.07–45 Foreign units of Coast Guard, investigation by.

Investigations of marine casualties conducted by foreign units of the Coast Guard shall be in accordance with the regulations in this part and all actions taken in connection with the investigations of such marine casualties entered in the official log(s) of the vessel(s) concerned.

§ 4.07–50 Marine Board of Investigation, recommendations for.

When the District Commander is of the opinion, as a result of an investigation under § 4.07–1, or otherwise, that a marine casualty or accident is a major marine casualty (see § 4.03–5), that officer shall immediately inform the Commandant by dispatch with his recommendation whether a further investigation by a Marine Board of Investigation shall be conducted.

§ 4.07–55 Information to be furnished Marine Board of Investigation.

When a Marine Board of Investigation is convened in accordance with § 136.09–1, the investigating officer shall immediately furnish the board with all testimony, statements, reports, documents, papers, a list of witnesses including those whom he has examined, other material which he may have gathered, and a statement of any findings of fact which he may have determined. The preliminary investigation shall cease forthwith and the aforementiond material shall become a part of the Marine Board of Investigation's record.

Subpart 4.09—Marine Board of Investigation

§ 4.09–1 Commandant to designate.

If as a result of an investigation of any casualty, upon recommendation of a District Commander or upon receipt of information from any other source, it appears to the Commandant that a marine casualty or accident is a major casualty (see § 4.03–5) and that further investigation thereof would tend to promote safety of life and property at sea and would be in the public interest, the Commandant will designate an appropriate Marine Board of Investigation to conduct such investigation forthwith.

§ 4.09–5 Powers of Marine Board of Investigation.

Any Marine Board of Investigation so designated shall have the power to administer oaths, summon witnesses, require persons having knowledge of the subject matter of the investigation to answer questionnaires, and to require the production of relevant books, papers, documents or any other evidence. Attendance of witnesses or the production of books, papers, documents or any other evidence shall be compelled by a similar process as in the United States District Court. The chairman shall administer all necessary oaths to any witnesses summoned before said Board.

§ 4.09–10 Witnesses, payment of.

Any witness subpoenaed under § 4.09–5 shall be paid such fees for his travel and attendance as shall be certified by the chairman of a Marine Board of Investigation or an investigating officer, in accordance with § 4.11–10.

§ 4.09–15 Time and place of investigation, notice of; rights of witnesses, etc.

Reasonable notice of the time and place of the investigation shall be given to any person whose conduct is or may be under investigation and to any other party in interest. All parties in interest shall be allowed to be represented by counsel, to cross-examine witnesses, and to call witnesses in their own behalf.

§ 4.09–17 Sessions to be public.

(a) All sessions of a Marine Board of Investigation for the purpose of obtaining evidence shall normally be open to the public, subject to the provision that the conduct of any person present shall not be allowed to interfere with the proper and orderly functioning of the Board. Sessions will not be open to the public when evidence of a classified nature or affecting national security is to be received.

§ 4.09–20 Record of proceedings.

The testimony of witnesses shall be transcribed and a complete record of the proceedings of a Marine Board of Investigation shall be kept. At the conclusion of the investigation a written report shall be made containing findings of fact, opinions, and recommendations to the Commandant for his consideration.

§ 4.09–25 U.S. Attorney to be notified.

The recorder of a Marine Board of Investigation shall notify the United States Attorney for the District in which the Marine Board of Investigation is being conducted of the nature of the casualty under investigation and time and place the investigation will be made.

§ 4.09–30 Action on report.

Upon approval of the report of a Marine Board of Investigation the Commandant will require to be placed into effect such recommendations as he may deem necessary for the better improvement and safety of life and property at sea.

§ 4.09–35 Preferment of charges.

(a) If in the course of an investigation by a Marine Board there appears probable cause for the preferment of charges against any licensed or certificated personnel, the Marine Board shall, either during or immediately following the investigation and before the witnesses have dispersed, apprise the District Commander of such evidence for possible action in accordance with Part 5 of this subchapter, without waiting for the approval of the report by the Commandant. Such action or proceedings shall be independent and apart from any other action which may be later ordered by the

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Commandant or taken by other authorities.

Subpart 4.11—Witnesses and Witness Fees

§ 4.11–1 Employees of vessels controlled by Army or Navy as witnesses.

No officer, seaman, or other employee of any public vessel controlled by the Army or Navy (not including the Coast Guard) of the United States, shall be summoned or otherwise required to appear as a witness in connection with any investigation or other proceeding without the consent of the Government agency concerned.

§ 4.11–5 Coercion of witnesses.

Any attempt to coerce any witness or to induce him to testify falsely in connection with a shipping casualty, or to induce any witness to leave the jurisdiction of the United States, is punishable by a fine of $5,000.00 or imprisonment for one year, or both such fine and imprisonment.

§ 4.11–10 Witness fees, subsistence, and mileage.

(a) Duly subpoenaed witnesses, other than Government witnesses, in any investigation or other proceeding may apply for payment for their services as witnesses. Upon the submission of such a request for payment (Standard Form 1157), the chairman of a Marine Board of Investigation or the investigating officer will forward the request to the authorized Coast Guard certifying officer together with a statement that:

(1) The witness seeking payment was duly subpoenaed as a witness by the Coast Guard;

(2) The witness appeared pursuant to such subpoena; and

(3) The witness is entitled to the witness fees, and/or subsistence, and/or mileage claimed.

(b) Upon receipt of such claim (Standard Form 1157) with supporting statement, the Coast Guard authorized certifying officer may certify to the propriety of the claim according to the following scale and submit it to the appropriate disbursing officer for payment:

(1) A fee of $4 for each day or fraction thereof of attendance and for the time necessarily occupied in going to and returning from the investigation or hearing in the case of a witness called to testify as to the facts. A witness called to testify as an expert may be paid a higher fee provided such higher fee is approved by the Commandant prior to his appearance at the investigation or hearing.

(2) A subsistence allowance of $8 for each day or fraction thereof if the witness resides at a distance so far removed from the place at which the investigation, hearing or other proceeding was held as to prohibit his returning to his place of residence each day: *Provided*, That the witness was required to remain at the place at which the investigation, hearing or other proceeding was held for more than one day: *Provided further*, That in the case of employed merchant marine personnel their place of residence will be construed to be the vessel upon which they are employed, and in the case of unemployed merchant marine personnel their place of residence will be construed to be their actual place of residence when ashore, rather than the residence of their next of kin. In cases where subsistence allowance is payable, additional subsistence allowance of $8 per day may be paid for each day necessarily occupied in traveling from the place of residence to attend the investigation, hearing or other proceeding hereunder and return to such residence or place. No subsistence allowance for travel time shall be paid if witness is already present at place of investigation, hearing or other proceeding hereunder. In computing the subsistence allowance due a witness the day shall be regarded as beginning on the hour at which it was necessary for the witness to leave his home in order to arrive at the appointed time at the place where the investigation, hearing or other proceeding is held. The witness is to leave the place of investigation, hearing or other proceeding by the first available transportation after his dismissal.

(3) In computing the witness fee or the subsistence allowance, a fraction of a day will be considered as a whole day.

(4) Travel money at the rate of 8 cents per mile, not to exceed 100 miles, for actual travel from place of residence or place where subpoena was served to place at which the investigation, hearing or other proceeding was held. Travel money at the rate of 8 cents per mile, not to exceed 100 miles, is also allowed for the actual travel involved in return of witness to his place of residence, or if the subpoena was served at a place other than the witness's place of residence, to the place where said subpoena was served. All payments of travel money shall be computed on the basis of mileage by the shortest route. When a witness is furnished transportation by the Government no mileage allowance is authorized. If a witness is unable to furnish funds for transportation charges, Government transportation requests may be issued for his transportation, at the lowest first class rate available, to and from the place of investigation, hearing or other proceeding, in which case the mileage allowance is not authorized. When two or more witnesses are transported at the same time in the same privately owned vehicle, operated by one of the witnesses, the mileage allowance for only one witness is authorized.

(5) The fees provided in this section shall not apply in Alaska. In Alaska such witnesses are entitled to the witness fees and mileage prescribed for witnesses before the United States District Court in the judicial division in which the investigation, hearing or other proceeding is held, as set forth in 28 CFR 21.3.

Subpart 4.12—Testimony by Interrogatories and Depositions

§ 4.12–1 Application, procedure, and admissibility.

(a) Witnesses shall be examined orally, except that for good cause shown, testimony may be taken by deposition upon application of any party in interest or upon the initiative of the investigating officer or Marine Board of Investigation.

(b) Applications to take depositions shall be in writing setting forth the reasons why such deposition should be taken, the name and address of the witness, the matters concerning which it is expected the witness will testify, and the time and place proposed for the taking of the deposition. Such application shall be made to an investigating officer or the Marine Board of Investigation prior to or during the course of the proceedings.

(c) The investigating officer or Marine Board of Investigation, shall, upon receipt of the application, if good cause is shown, make and serve upon the parties an order which will specify the name of the witness whose deposition is to be taken, the name and place of the taking of such deposition and shall contain a designation of the officer before whom the witness is to testify. Such deposition may be taken before any officer authorized to administer oaths by the laws of the United States.

(d) The party desiring the deposition may submit a list of interrogatories to be propounded to the absent witness; then the opposite party after he has been allowed a reasonable time for this purpose, may submit a list of cross-interrogatories. If either party objects to any question of the adversary party, the matter shall be presented to the investigating officer or Marine Board of Investigation for a ruling. Upon agreement of the parties on a list of interrogatories and cross-interrogatories (if any) the investigating officer or Marine Board of Investigation may propound such additional questions as may be necessary to clarify the testimony given by the witness.

(e) The subpoena referred to in Subpart 5.15 of this subchapter together with the list of interrogatories and cross-interrogatories (if any) shall be forwarded to the officer designated to take such deposition. This officer will cause the subpoena to be served personally on the witness. After service the subpoena shall be endorsed and returned to the investigating officer or Marine Board of Investigation.

(f) When the deposition has been duly executed it shall be returned to the investigating officer or Marine Board of Investigation. As soon as practicable after the receipt of the deposition the investigating officer or Marine Board of Investigation shall present it to the parties for their examination. The investigating officer or Marine Board of Investigation shall rule on the admissibility of the deposition or any part thereof and of any objection offered by either party thereto.

Subpart 4.13—Disclosure of Records

§ 4.13–1 General.

(a) Upon oral or written inquiry to the Coast Guard, information as to the time, place, and general subject matter of investigations conducted under this part will be released except when such information is held confidential for security reasons. The inquiry should be made to the Officer in Charge, Marine Inspection, who has cognizance of the investigation.

(b) Other information with regard to such investigations which is required to be kept by the Coast Guard will be released only to the extent and under the conditions provided in this subpart.

§ 4.13–5 Applications.

(a) *Form.* The applications for access to and release of information may be made orally except when the regulations in this subpart require a written application for such record. When a written application is required, the application should be addressed to the Officer in Charge, Marine Inspection, or to the person designated as having authority to grant access to or release of information from such records. The written application shall be executed by the parties desiring the information or by any person designated to represent such party as described in § 4.13–10.

(b) *Contents.* The application shall:

(1) Clearly state or describe the information desired;

(2) Identify the applicant, and if the applicant is a representative of another, specify the nature of the representation and attach proof of designation when required;

(3) Set forth the interest of the applicant in the subject matter;

(4) The purpose for which the information is desired; and

(5) Whether or not the information or record sought is intended for use in prosecuting a claim against the United States.

§ 4.13–10 Designation of representatives.

(a) In any case when access to or release of information from any record is permitted to any party by this subpart, the permission shall extend, when such party is deceased or incompetent, to an executor, administrator, heir, guardian, trustee, or legal representative of such party: *Provided*, That the relationship is established by production of satisfactory documentary evidence.

(b) When access to or release of information from any record is sought by one acting as agent or attorney on behalf of any party recognized by regulations in this chapter, the representation as agent or attorney shall be established by the filing with the Officer in Charge, Marine Inspection, documentary proof of such representation. This proof may be in one of the following forms:

(1) A statement of authority in the handwriting of and signed by the party represented; or,

(2) A notarized statement of authority signed by the party represented; or,

(3) A copy of a contract or retainer signed by the party represented.

(c) This authorization shall contain a statement of the specific matters in which representation is authorized.

§ 4.13–15 Casualties involving loss of life.

(a) Records of investigations involving loss of life resulting from marine casualties are public records available for inspection, upon oral or written inquiry.

§ 4.13–20 Casualty investigation records.

(a) Records of investigation conducted by investigating officers pursuant to the provisions of this part, after action thereon by the District Commander, will be made available to parties in interest before such investigation upon oral or written inquiry. Such records will be made available to persons otherwise properly and directly concerned upon written application to the District Commander or the Officer in Charge, Marine Inspection, having cognizance of such investigation. If extra copies of the records are available, such copies may be furnished to parties in interest.

(b) The records of investigations of marine casualties made by investigating officers, which will be made available to persons properly and directly concerned, shall include notice of casualty or accident, statements and/or testimony of witnesses, exhibits, and any other evidentiary material presented in the investigations, and the findings of fact as determined by the investigating officers, but shall not include the opinions, conclusions, and recommendations of such officers. However, in casualties involving loss of life, the investigating officer's opinions, conclusions and recommendations will be released after final action thereon has been taken by the Commandant.

(c) The District Commander or his representative, upon inquiry, will advise persons properly and directly concerned as to whether or not further action will be recommended or instituted, such as appropriate suspension and revocation proceedings, citation for violation(s) involving fines or penalties, or a recommendation for referral of the record of investigation to the U.S. Department of Justice for further investigation and possible criminal action.

§ 4.13–25 Records of Marine Boards of Investigation.

(a) The record of investigation made by a Marine Board of Investigation will be made available to parties in interest at any stage of the Board's proceedings upon oral or written inquiry to the chairman: *Provided*, That such request does not, in any way, interfere with the proper and orderly functioning of the Board. After the Board has completed its investigation, the record will be made available to parties in interest upon oral or written inquiry to the District Commander or Officer in Charge, Marine Inspection, having cognizance of such investigation. Also, such records will be made available to persons otherwise properly and directly concerned upon written application to the District Commander or Officer in Charge, Marine Investigation, having cognizance of such investigation.

(b) Records of a Marine Board of Investigation shall include testimony and/or statements of witnesses, exhibits, records of investigation made by an investigating officer, and any other evidentiary material used by the Board in arriving at its determination.

(c) The report of a Marine Board of Investigation, consisting of the findings of fact, conclusions, opinions, and recommendations shall not become public or be made available until final action thereon has been taken by the Commandant. At such time the report will be made available in the same manner as provided for the record of investigation in paragraph (a) of this section.

§ 4.13–30 Records confidential.

(a) Except as specifically set forth in this subpart, all files, records, testimony, documents, reports, or other data pertaining to the internal management of the Marine Board of Investigation or to the investigation or disposition of charges or petitions during the non-public investigative stages of the investigation and before the institution of a Marine Board in the course of investigation, which have not been offered in evidence during the investigation or have not been made a part of the official record by stipulation, in Coast Guard Headquarters or in other offices, are administrative records and are not available to public inspection.

§ 4.13–35 Production upon compulsory process.

(a) When a request for information or material from a marine casualty investigation record is denied for any reason, the applicant shall be advised that the information or material may be produced upon service of a subpena duces tecum or an order from a court of competent jurisdiction if such information or material is not held confidential for security reasons.

§ 4.13–40 Costs.

The access to and release of information, as authorized in this subpart, shall be subject to the payment of costs. (See 33 CFR 1.25.)

Subpart 4.15—Persons in Service of Coast Guard

§ 4.15–1 Persons in service of Coast Guard.

(a) No person in the service of the Coast Guard shall, without prior approval of the Commandant, give any testimony with respect to any investigation or any other official proceedings in any suit or action in the courts. This applies equally to cases in state or Federal courts and to civil as well as criminal cases.

(b) In cases involving (1) civil litigation between private parties; or, (2) criminal matters before state courts; or, (3) civil litigation for or against the United States where Coast Guard personnel are called by parties opposing the United States; an affidavit by the litigant or his attorney setting forth the interest of the litigant and the information with respect to which the testimony of such Coast Guard officer or employee is desired must be submitted before permission to testify will be granted. Permission to testify will, in all cases, be limited to the information set forth in the affidavit, or to such portions thereof as may be deemed proper. In addition to the permission required by this para-

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graph, the Commandant may insist that the appearance of the Coast Guard officer or employee as a witness be conditioned on the issuance of a subpena or subpena duces tecum (as appropriate) from a court of competent jurisdiction.

(c) In cases where the appearance of Coast Guard personnel is desired by Counsel representing the United States to support the affirmative claims or defenses of the United States in civil matters or on behalf of the United States in criminal matters no affidavit as described in paragraph (b) of this section shall be required, but the Commandant's prior approval must nevertheless be obtained, except in those cases where the Coast Guard personnel desired as witnesses file the original complaint or have made original inquiry into the subject matter which resulted in the filing of an original complaint.

Subpart 4.19—Construction of Regulations and Rules of Evidence

§ 4.19–1 Construction of regulations.

The regulations in this part shall be liberally construed to insure just, speedy, and inexpensive determination of the issues presented.

§ 4.19–5 Adherence to rules of evidence.

As hearings under this part are administrative in character, strict adherence to the formal rules of evidence is not imperative. However, in the interest of orderly presentation of the facts of a case, the rules of evidence should be observed as closely as possible.

Subpart 4.21—Computation of Time

§ 4.21–1 Computation of time.

The time, within which any act, provided by the regulation in this subchapter, or an order of the Marine Board of Investigation is to be done, shall be computed by excluding the first day and including the last unless the last day is Sunday or a legal holiday, in which case the time shall extend to and include the next succeeding day that is not a Sunday or legal holiday: *Provided, however,* That where the time fixed by the regulations in this subchapter or an order of the Board is five days or less all intervening Sundays or legal holidays, other than Saturdays, shall be excluded.

Subpart 4.23—Evidence of Criminal Liability

§ 4.23–1 Evidence of criminal liability.

If as a result of any investigation or other proceeding conducted hereunder, evidence of criminal liability on the part of any licensed officer or certificated person or any other person is found, such evidence shall be referred to the U.S. Attorney General.

PART 5—SUSPENSION AND REVOCATION PROCEEDINGS

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AUTHORITY: The provisions of this Part 5 issued under sec. 633, 66 Stat. 545, as amended, and sec. 6(b), 80 Stat. 938; 16 U.S.C. 375, 416, 14 U.S.C. 636, 49 U.S.C. 1655(b); 49 CFR 1.46(b) (35 F.R. 4959). Interpret or apply secs. 1, 2, 49 Stat. 1544, 1545, as amended, secs. 7, 17, 54 Stat. 165, as amended, 166, as amended, secs. 1, 2, 68 Stat. 484, as amended, sec. 3, 68 Stat. 675 sec. 8, 70 Stat. 152, sec. 4, 74 Stat. 260, as amended, secs. 551–558, 80 Stat. 38–388, as amended; 46 U.S.C. 216b, 239, 239a, 239b, 367, 390b, 404, 526f, 526p, 5 U.S.C. 551–559, 50 U.S.C. 198.

Subpart 5.01—Authority and Scope

§ 5.01–1 Authority for regulations.

(a) The authority to prescribe regulations generally with respect to navigation and vessel inspection is set forth in Title 46, U.S. Code, sections 375 and 416 (R.S. 4405, as amended, 4462, as amended). Under the provisions of Title 46, U.S. Code, section 372 (R.S. 4403, as amended), the Commandant, United States Coast Guard, superintends the administration of the navigation and vessel inspection laws, and is required to produce a correct and uniform administration of such laws, rules and regulations.

(1) Where the provisions in Title 46, U.S. Code, section 239, or other laws or regulations contain a reference to "title 52 of the Revised Statutes or of any of the regulations issued thereunder," or one similar to it, it is deemed to be a general reference to the applicable provisions in Title 46, U.S. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230–234, 239, 240, 361, 362, 364, 372, 375, 391, 391a, 392, 393, 399, 400, 402–414, 416, 435, 436, 451–453, 460, 461, 462, 467, 470–482, and 489–498, and the regulations issued thereunder, which are in this chapter.

(b) The mandatory provisions in Title 46, U.S. Code, section 239, govern suspension and revocation proceedings and are the basic authority therefor; while the Administrative Procedure Act Title 5, U.S. Code, sections 1001–1011, 50 Stat. 237–244) and Title 46, U.S. Code, section 239b (P.L. 500, 83d Cong., approved July 15, 1954, 68 Stat. 484), require the hearings in such proceedings to be presided over by an administrative law judge, before the Coast Guard may suspend or revoke a license, certificate, or document issued.

(c) Other marine safety laws and regulations in this chapter also provide authority for suspension or revocation of specific categories of licenses, certificates or documents issued by the Coast Guard or predecessor authorities. For examples, see Title 46, U.S. Code, sections 214, 224a, 226, 228, 229, 229c, 232, 234, 240, 246, 391a, 457, 526f, 672, or Title 33, U.S. Code, sections 153, 412, 435, 442, 1006.

(d) Other authority to promulgate regulations deemed appropriate to carry out the provisions of any law applicable to the Coast Guard or to issue rules, orders, and instructions, not inconsistent with law, is set forth in Title 14, U.S. Code, section 633.

§ 5.01–5 Assignment of functions.

(a) By Reorganization Plan No. 3 of 1946, effective July 16, 1946, the marine inspection functions of the former Bureau of Marine Inspection and Navigation and its officers and employees were transferred to the Commandant, United States Coast Guard. By Reorganization Plan No. 26 of 1950 (5 U.S. Code, Note under 241), effective July 31, 1950, the functions formerly vested in the Commandant, United States Coast Guard, were transferred to the Secretary of the Treasury with certain specified exceptions. The Secretary of the Treasury by a Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521), delegated to the Commandant the functions formerly performed by him under Reorganization Plan No. 3 of 1946. This included suspension or revocation of any license, certificate, or document issued by the Coast Guard or predecessor authorities under Title 46, U.S. Code, section 239. The Commandant delegates to administrative law judges the authority to suspend or revoke any license, certificate, or document issued to person by the Coast Guard or predecessor authorities under any navigation or vessel inspection law.

(b) The Acting Secretary of the Treasury in Treasury Department Order 167–9, dated August 3, 1954 (19 F.R. 5195), delegated to the Commandant, United States Coast Guard, the functions vested in the Secretary of the Treasury by Title 46, U.S. Code, sections 239a and 339b (P.L. 500, 83d Cong., approved July 15, 1954, 68 Stat. 484) to revoke a license, certificate, or document of a person convicted of a narcotic drug law violation or otherwise involved with narcotics. The Commandant delegates to administrative law judges the authority to revoke a license, certificate, or document issued to a person by the Coast Guard or predecessor authorities under any navigation or vessel inspection law.

(c) The Secretary of the Treasury by Treasury Department Order 167–20, dated June 18, 1956 (21 F.R. 4894), delegated to the Commandant, United States Coast Guard, the functions vested in the Secretary of the Treasury by Title 46, U.S. Code, sections 390–390g, 404, and 5261 (P.L. 519, 84th Cong., approved May 10, 1956, 70 Stat. 151–154). The Commandant delegates to administrative law judges the authority to revoke or suspend a license issued to a person by the Coast Guard under Title 46, U.S. Code, sections 390b, 404 and 5261.

§ 5.01–10 Purpose of regulations.

(a) The regulations establish policies and procedures for remedial action (in respect to licenses, certificates and documents already issued to persons) pursuant to the authority set forth in § 5.01–1, and the regulations prescribed thereunder by the Commandant which are in this part or in Part 1 of this chapter.

§ 5.01–15 Purpose of suspension and revocation proceedings.

(a) The suspension and revocation proceedings are for the purpose of assisting in carrying out the statutory duty of the Coast Guard to promote safety of life and property. This obligation extends to the interest of passengers, crews, cargoes, shipowners and the general public.

§ 5.01–20 Nature of suspension and revocation proceedings.

(a) The suspension and revocation proceedings are remedial and not penal in nature because they are intended to maintain standards of competence and conduct essential to the purpose stated in § 5.01–15 to promote the safety of life and property at sea by insuring that the licensed or certificated persons continue to be qualified to carry out their duties and responsibilities.

§ 5.01–25 Construction of regulations.

(a) The regulations in this part shall be liberally construed so as to obtain just, speedy and economical determination of the issues presented.

§ 5.01–30 Instituting suspension and revocation proceedings.

(a) Suspension and revocation proceedings shall be instituted by an investigating officer in any case in which it appears, as a result of any investigation made under this part or Part 4, that there are reasonable grounds to believe that the holder of a license, certificate or document issued by the Coast Guard or its predecessor authorities, has:

(1) Committed an act of incompetency, misconduct, negligence, or unskillfulness while acting under the authority of his license, certificate or document; or,

(2) Endangered life while acting under the authority of his license, certificate or document; or,

(3) Willfully violated any of the provisions of title 52 of the Revised Statutes or of any of the regulations issued thereunder; or

(4) Been convicted of a narcotic drug law violation, or has been a user of or addicted to the use of a narcotic drug,

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so as to be subject to provisions of Title 46, U.S. Code, section 239b.

§ 5.01–35 Acting under authority of license, certificate, or document.

(a) A person employed in the service of a vessel is considered to be acting under the authority of a license, certificate or document held by him either when the holding of such license, certificate or document is required by law or regulation or is required in fact as a condition of employment. A person does not cease to act under the authority of his license, certificate or document while ashore on authorized or unauthorized shore leave from the vessel.

§ 5.01–40 Violation of law or regulation.

(a) Under Title 46, U.S. Code, section 239, suspension and revocation proceedings may be conducted, without regard to whether the person charged was in the service of a vessel at the time of the alleged offense, when the charge is a willful violation of any of the provisions of title 52 of the Revised Statutes or of any of the regulations issued thereunder.

§ 5.01–45 Violation of narcotic laws.

(a) Under Title 46, U.S. Code, section 239b, revocation proceedings may be conducted if the person charged holds a valid license, certificate or document issued by the Coast Guard or its predecessor authorities without regard to whether or not the holder was in the service of a vessel at the time of the alleged offense.

Subpart 5.02—Definitions of Terms Used

§ 5.02–1 Commandant.

(a) This term means the Commandant of the Coast Guard.

§ 5.02–5 Coast Guard District.

(a) A Coast Guard District is a geographical area which is assigned to a Coast Guard District Commander.

(b) For descriptions of the Coast Guard districts see 33 CFR Part 3.

§ 5.02–10 District Commander.

(a) This term means an Officer of the Coast Guard designated as such by the Commandant to command all Coast Guard activities within his respective district, which include the inspection, enforcement, and administration of Title 46, U.S. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230–234, 239, 240, 361, 362, 364, 372, 375, 381, 391, 391a, 392, 393, 399, 400, 402–414, 416, 435, 436, 451–453, 460, 461, 462, 464, 467, 470–482, and 489–498, and acts amendatory thereof or supplemental thereto, and rules and regulations thereunder, except those functions of administrative law judges under the Administrative Procedure Act (5 U.S.C. 1001–1011).

§ 5.02–15 Administrative Law Judge.

(a) An administrative law judge shall mean any person designated by the Commandant pursuant to the Administrative Procedure Act (5 U.S.C. 1001–1011) for the purposes of conducting hearings arising under Title 46, U.S. Code, section 239 or 239b.

§ 5.02–20 Investigating officer.

(a) An investigating officer is an officer or employee of the Coast Guard designated by the Commandant, District Commander or the Officer in Charge, Marine Inspection, for the purpose of making investigations of marine casualties and accidents or other matters pertaining to the conduct of seamen. An Officer in Charge, Marine Inspection, is an investigating officer without further designation.

§ 5.02–25 Marine inspection zone.

(a) A marine inspection zone is a geographical area within a Coast Guard District which is assigned to an Officer in Charge, Marine Inspection.

(b) For descriptions of marine inspection zone boundaries see 33 CFR Part 3.

Subpart 5.03—Statements of Policy and Interpretations

§ 5.03–1 Effect of Commandant's decisions in appeal or review cases.

(a) The decisions of the Commandant in cases of appeal or review of administrative law judges' decisions shall be officially noticed by and shall be binding upon all administrative law judges. The administrative law judges shall follow the principles and policies enunciated by the Commandant in such decisions unless they are modified or rejected by competent authority.

§ 5.03–3 Possession of narcotics; prima facie case.

When a charge of misconduct is supported by a specification alleging possession of narcotic drugs, including marijuana, or dangerous drugs, evidence or possession is enongh to support a finding of misconduct, unless the administrative law judge is satisfied by other evidence that the possession was not wrongful.

§ 5.03–4 Offenses for which revocation of licenses or documents is mandatory.

Whenever a charge of misconduct by virtue of the possession, use, sale or association with narcotic drugs, including marijuana, or dangerous drugs is found proved, the administrative law judge shall enter an order revoking all licenses, certificates and documents held by such a person. However, in those cases involving marijuana, where the administrative law judge is satisfied that the use, possession or association, was the result of experimentation by the person and that the person has submitted satisfactory evidence that such use will not recur, he may enter an order less than revocation.

§ 5.03–5 Offenses for which revocation of licenses or documents is sought.

(a) The Coast Guard will initiate administrative action seeking the revocation of licenses, certificates or documents held by persons who have been involved in acts of such serious nature that permitting such persons to sail under their licenses, certificates and documents would be clearly a threat to the safety of life or property.

(b) These offenses, which are deemed to affect safety of life at sea, the welfare of seamen or the protection of property aboard ship, are:

(1) Assault with dangerous weapon (injury).

(2) Malicious destruction of ship's property.

(3) Misconduct resulting in loss of life or serious injury.

(4) Molestation of passengers.

(5) Murder or attempted murder.

(6) Mutiny.

(7) Perversion.

(8) Possession, use, sale or association with drugs, including marijuana.

(9) Sabotage.

(10) Serious neglect of duty.

(11) Serious theft of ship's property or stores.

(12) Smuggling of aliens.

§ 5.03–7 Effect of court actions.

(a) Except for the serious offenses referred to in §§ 5.03–3, 5.03–5, and 5.03–10, the Coast Guard in other situations will take into consideration court convictions when determining whether or not to initiate administrative action seeking the suspension or revocation of licenses, certificates or documents.

§ 5.03–10 Court convictions in narcotic cases.

(a) After proof of a narcotics conviction by a court of record as required by Title 46, U.S. Code, section 239b, whether or not further court action is pending, the Coast Guard may take action based upon this conviction. After proof of alleged conviction or plea of "guilty," the administrative law judge shall enter an order revoking the seaman's licenses, certificates, and documents. A conviction becomes final when no issue of law or fact determinative of the seaman's guilt remains to be decided by the trial court.

(b) An order of revocation will be rescinded by the Commandant if the seaman submits satisfactory evidence that the court conviction on which the revocation is based has been set aside for all purposes (see § 5.20–190(b)). An order of revocation will not be rescinded as the result of the operation of any law providing for the subsequent conditional setting aside or modification of the court conviction, in the nature of the granting of clemency or other relief, after the court conviction has become final.

(c) After the conviction has become final within the meaning of paragraph (a) of this section, the conditional setting aside or modification of the conviction will not act as a bar to the subsequent revocation of a seaman's document under Title 46, U.S. Code, section 239b.

§ 5.03–15 Court of record.

(a) In the administration of Title 46, U.S. Code, section 239b, and this part, a "court of record" means a court:

(1) Which conforms with the common law principles in that it has a clerk, a seal, keeps a record of its proceedings, and has the power to fine and imprison; and,

(2) Where its proceedings are, by law or usage in the State, District of Columbia, or Territory where rendered, recognized as conclusive evidence in other courts of that jurisdiction.

§ 5.03–20 Maritime labor disputes.

(a) Under no circumstances shall the statutory machinery of the Coast Guard be used for the purpose of favoring any party to a maritime or other labor controversy. However, if a situation affecting the safety of the vessel or persons on board is presented, and a complaint in writing is lodged, the matter shall be thoroughly investigated and when a violation of existing statutes or regulations is indicated appropriate action shall be taken.

§ 5.03–25 Physician-patient privilege.

(a) For the purpose of these proceedings, the physician-patient privilege is not considered to exist between a ship's physician and a seaman employed on the same ship.

Subpart 5.05—Investigations

§ 5.05–1 Investigations made by investigating officer.

(a) Investigations will be made by an investigating officer of:

(1) All acts in violation of any of the provisions of Title 46, U.S. Code, sections 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230–234, 239, 240, 361, 362, 364, 372, 375, 381, 391, 391a, 392, 393, 399, 400, 402–414, 416, 435, 436, 451–453, 460, 461, 462, 464, 467, 470–482, and 489–498 whether or not committed in connection with any marine casualty or accident; and

(2) All acts in violation of any regulation in this chapter or in 33 CFR Chapter I, whether or not committed in connection with any marine casualty or accident; and

(3) All acts of incompetency, negligence or misconduct, whether or not committed in connection with any marine casualty or accident, when committed by persons holding licenses, certificates or documents.

§ 5.05–5 Powers of investigating officer.

(a) In the conduct of an investigation, the investigating officer shall have the power to administer oaths, subpena witnesses, require persons having knowledge of the subject matter of the investigation to answer questions and require the production of relevant books, papers, documents, licenses, certificates, or other records.

§ 5.05–10 Advising person of complaint.

(a) The investigating officer conducting an investigation under this part will, where the person whose conduct is being investigated is available, advise such person informally of the substance of the complaint against him and afford him an opportunity to make such comment as he may desire.

§ 5.05–15 Courses of action available.

(a) During or at the conclusion of an investigation, the investigating officer shall take appropriate action as follows:

(1) *Prefer charges.* The investigating officer may prefer charges if he finds reasonable grounds to believe that a person holding a license, certificate or document has committed some offense or act, or has been convicted for a narcotic offense, or has failed to perform some duty, or is incompetent.

(2) *Recommend closing the case.* The investigating officer may recommend closing the case and taking no action on alleged acts if he finds that there is no:

(i) Basis for the complaint; or,

(ii) Jurisdiction; or,

(iii) Reasonable expectation that corrective measures could be accomplished.

(3) *Refer cases to others for further action.* The investigating officer may refer the case to the Commandant or to an Officer in Charge, Marine Inspection, at any port for completion of administrative action if he finds adequate basis for action and the person under investigation and/or witnesses are not then available.

(4) *Accept voluntary deposit of license, certificate or document.* The investigating officer may accept a voluntary deposit of a license, certificate or document from a person under investigation when there is evidence of physical or mental incompetence from any cause other than the use of, or addiction to narcotics.

(5) *Accept voluntary surrender of license, certificate or document.* The investigating officer may accept the voluntary surrender of a license, certificate or document when the person under investigation desires to avoid a hearing.

(6) *Give a warning.* The investigating officer may give a warning in writing to any person holding a license, certificate or document and recommend closing the case. Upon refusal to accept the written warning at the time the warning is given, it shall be withdrawn and the investigating officer may prefer charges. An unrejected warning will become a part of the person's record.

(b) When required, the investigating officer will also submit a report of investigation.

§ 5.05–17 Charges and specifications.

(a) A "charge" is a designation of an offense in general terms. The offense must be one within the purview of Title 46, U.S. Code, section 239 or 239b. A "charge" must be supported by one or more "specifications." Under no circumstances does a "charge" constitute evidence of guilt nor may any inference of guilt be drawn from the fact that the holder of a license, certificate, or document has been the subject of a "charge."

(b) A "specification" sets forth the facts which form the basis of the "charge." The purpose of a "specification" is to enable the person charged to identify the offense so that he will be in a position to prepare his defense. Each specification shall state:

(1) Basis for jurisdiction;

(2) Date and place of offense; and

(3) A statement of the facts constituting the offense.

§ 5.05–20 Types of charges.

(a) *General.* In lieu of or supplementary to the charges described in paragraphs (b) and (c) of this section, the charges may be:

(1) *Misconduct.* "Misconduct" is a human behavior which violates some formal, duly established rule, such as the common law, the general maritime law, a ship's regulation or order, or shipping articles. In the absence of such a rule, "misconduct" is human behavior which a reasonable person would consider to constitute a failure to conform to the standard of conduct which is required in the light of all the existing facts and circumstances.

(2) *Negligence or inattention to duty.* "Negligence" and "inattention to duty" are essentially the same and cover both the aspects of misfeasance and nonfeasance. They are therefore defined as the commission of an act which a reasonably prudent person of the same station, under the same circumstances, would not commit, or the failure to perform an act which a reasonably prudent person of the same station, under the same circumstances, would not fail to perform.

(3) *Incompetence.* "Incompetence" is the inability on the part of a person to perform required duties, whether due to professional deficiencies, physical disability, mental incapacity, or any combination of same.

(b) *Violation of law or regulation.* Where the proceeding is based exclusively on that part of Title 46, U.S. Code, section 239, which refers to a willful violation of any of the provisions of title 52 of the Revised Statutes or of any of the regulations issued thereunder, the "charge" shall be "violation of statute" or "violation of regulation." The "specification" shall state the specific statute or regulation by title and section number, and the particular manner in which it was allegedly violated.

(c) *Narcotic drug law violation or use or addiction to use of narcotics.* Where the proceeding is based exclusively on the provisions of Title 46, U.S. Code, section 239b, the "charge" will be "conviction for a narcotic drug law violation" or "use of narcotics" or "addiction to use of narcotics," depending upon the circumstances. The "specification" will allege jurisdiction by stating the elements as required by Title 46, U.S. Code, sections 239 and 239b, and the approximate time and place of the offense.

§ 5.05–23 Time limitations for service of charges and specifications.

(a) The time limitations for service of various charges and specifications are as follows:

(1) For a charge and specification based exclusively on Title 46, U.S. Code, section 239b, service shall be within the time as set forth in this law; namely, 10 years after date of conviction in a

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court of record subsequent to July 15, 1954, or at any time if a user of or addicted to the use of a narcotic drug after July 15, 1954.

(2) For a charge and specification describing one of the more serious types of offenses specified in § 5.03–5, service shall be within five years after the commission of the offense alleged therein.

(3) For a charge and specification describing an offense not otherwise provided for, the service shall be within three years after the commission of the offense alleged therein.

(b) When computing the period of time specified in this section there shall be excluded any period or periods of time when the person could not attend a hearing by reason of being in a foreign country or by reason of being in prison or asylum.

§ 5.05–25 Procedure preparatory to hearing.

(a) To institute hearing proceedings preparatory to hearing, the investigating officer shall prepare charges and specifications, as required, together with a notice of the time and place of the hearing.

(b) The notice of the time and place of the hearing and the original of the charges and specifications shall be served upon the person charged, either by personal service or certified mail with return receipt requested, notice to be signed by the addressee only.

(c) When service is by mail, it shall be sufficiently in advance of the time set for the hearing so as to give the person charged a reasonable opportunity to prepare his defense.

(d) When service is made personally upon the person charged, the person making such service shall give the original of the notice of the hearing, the charges and the specifications to the person charged, shall read them to such person if he cannot read, and shall make a record of the time and date of service. When personal service is made, the written acceptance on the reverse side of the form containing the charges and specifications shall be sufficient to show service as of the date on the face of the form unless otherwise indicated by separate notation thereon by the person effecting such service.

(e) Further, at the time of such service, whether personal or by registered mail, the person charged will be also advised with respect to:

(1) The nature of suspension and revocation proceedings and the possible results thereof.

(2) His right to have counsel represent him at the hearing, and that counsel may be a lawyer or any other person he desires to represent him.

(3) His right to have witnesses and/or records subpenaed in his behalf.

(f) If the offense alleged involves mental incompetence, the person charged shall be advised (when the service of the charge and specification and notice of hearing is made), to procure counsel to represent him.

§ 5.05–30 Evidence of criminal liability.

(a) If, as a result of any investigation, evidence of criminal liability on the part of any holder of a license, certificate or document, or any other person is found, such evidence shall be referred to the Attorney General, or his local representative.

(b) The investigating officer shall determine whether to institute suspension and revocation proceedings under Title 46, U.S. Code, section 239 or 239b, for use or addiction to the use of narcotics, before criminal action may be initiated or completed against the holder of a license, certificate or document, or to defer instituting such proceedings pending the outcome of the criminal action in a Federal or State court. One controlling factor will be whether or not the witnesses will be available if the hearing is delayed.

Subpart 5.10—Deposit or Surrender of License, Certificate or Document

§ 5.10–1 Voluntary deposit in event of mental or physical incompetence.

(a) A person may deposit his license, certificate or document with an investigating officer in any case where there is evidence of mental or physical incompetence for any reason other than when caused by use of, or addiction to, narcotics.

(b) A voluntary deposit is accepted on the basis of a written agreement which specifies the conditions accompanying the deposit. The original or a copy will be given to the person making the deposit. The Coast Guard agrees to return the license, certificate or document deposited by the person described therein when he obtains a certificate from the U.S. Public Health Service, or other authorized medical officer showing the person is considered to be fit for sea duty.

(c) Where the mental or physical incompetence of a holder of a license, certificate or document is caused by use of, or addiction to, narcotics, such person may only surrender such license, certificate or document in accordance with § 5.10–10.

§ 5.10–10 Voluntary surrender to avoid hearing.

(a) Any person may surrender his license, certificate or document to an investigating officer in preference to appearing at a hearing.

(b) Whenever a person voluntarily surrenders his license, certificate or document, he shall sign a written statement containing the following stipulations that:

(1) This surrender is made voluntarily in preference to appearing at a hearing;

(2) All title to the license, certificate or document surrendered is permanently relinquished; and,

(3) His rights with respect to a hearing, appeal, and review are waived.

(c) A voluntary surrender of a license, certificate or document to an investigating officer in preference to appearing at a hearing should not be accepted by an investigating officer unless the investigating officer is convinced that the seaman fully realizes the effect of such surrender.

Subpart 5.13—Issuance of New Licenses, Certificates or Documents After Revocation or Surrender

§ 5.13–1 Time limitations.

(a) Any person whose license, certificate or document has been revoked or surrendered for one or more of the offenses described in §§ 5.03–3, 5.03–5, and 5.03–10, or for mental or physical incompetence resulting from use of, or addiction to, narcotics may after three years apply by letter and the application form requesting the issuance of a new license, certificate or document.

(b) Any person whose license, certificate or document has been revoked or surrendered for one or more offenses which are not specifically described in §§ 5.03–3 and 5.03–5 may after one year apply by letter and the application form requesting the issuance of a new license, certificate or document.

§ 5.13–5 Application.

(a) The letter and application shall be addressed to the Commandant, U.S. Coast Guard, Washington, D.C. 20226, but should be filed in person with the nearest Officer in Charge, Marine Inspection, since this officer will submit a preliminary evaluation and recommendation.

(b) The letter shall be an informal request for the issuance of a new license, certificate or document and shall transmit the following:

(1) A letter from each employer during time applicant was without a license or document, stating dates of employment and attesting to the satisfactory work record. (Times or periods of unemployment shall be satisfactorily explained in the letter.)

(2) At least three character references from responsible persons and stating how long they have known him.

(c) The Officer in Charge, Marine Inspection, will forward the letter and application, together with a preliminary evaluation and recommendation, to the Commandant.

§ 5.13–10 Commandant's decision on application.

(a) Every letter and application received, as well as the preliminary evaluation and recommendation of an Officer in Charge, Marine Inspection, will be referred to a special board appointed by the Commandant. The board will examine all the material submitted with the application and such other information as may, in the judgment of the board, be considered necessary. The board shall submit its findings and recommendations to the Commandant.

(b) The Commandant shall determine whether or not the issuance of a new license, certificate or document shall be made.

Subpart 5.15—Subpenas and Service of Process

§ 5.15–1 Authority for subpenas.

(a) There is delegated to investigating officers and administrative law judges authority to issue subpenas under Title 46, U.S. Code, section 239, to command attendance of witnesses or the production of books, papers, documents, or any other evidence necessary.

§ 5.15–5 Form of subpena.

(a) Every subpena shall bear at least the name "United States Coast Guard", the word "subpena", and local Coast Guard address from which issued. It may be a letter or Form CG–2639B.

(b) Every subpena shall command the person to whom it is directed to attend at a specified time and place to give testimony or to produce books, papers, documents, or any other evidence, which shall be described with such particularity as necessary to identify what is desired.

§ 5.15–10 Issuance of subpenas.

(a) During the investigation and prior to the hearing, the investigating officer shall issue subpenas for the attendance of witnesses or for the production of books, papers, documents, or any other relevant evidence that he may need or that may be needed by the person charged.

(b) During the hearing, the administrative law judge shall issue subpenas for the attendance and the giving of testimony by witnesses or for the production of books, papers, documents, or any other relevant evidence, either upon his own motion or upon a request of either of the parties.

§ 5.15–15 Service of subpenas.

(a) Any person capable of reading and writing may serve a subpena upon the person named therein. Service of a subpena upon a person named therein shall be made by delivering such subpena to such person by personal service, or by certified mail with return receipt to be signed by the addressee only.

(b) The investigating officer shall serve or have served every subpena that he issues in his own behalf, or on behalf of the person charged when feasible.

(c) The person charged or his counsel is responsible for serving subpenas issued at his request by an administrative law judge. However, if the administrative law judge finds that the person charged or his counsel is physically unable to effect the service, despite diligent and bona fide attempts to do so, and if the administrative law judge further finds that the existing impediment to the services of the subpena is peculiarly within the authority of the Coast Guard to overcome, the administrative law judge will have the subpena delivered to such person as the District Commander may designate for the purpose of effecting service.

§ 5.15–20 Proof of service.

(a) The person serving a subpena shall make a written statement setting forth the date, time and manner of service and shall return such report with or on a copy of the subpena to the investigating officer or administrative law judge who issued it. In case of failure to make service of a subpena, the person assigned to serve such subpena shall make a written statement setting forth the reasons, which statement should be on the subpena or attached to it.

(b) When service of a subpena is made by certified mail with return receipt to be signed by the addressee only, the person mailing the subpena shall make a written statement on a copy of the subpena or attached to it, setting forth the date, time and place of Post Office where mailed, and Post Office number assigned thereto. If delivered, the receipt requested shall be returned to the investigating officer or administrative law judge who issued the subpena. In case the subpena is not delivered, any information reported by the Post Office regarding non-delivery shall be given to the investigating officer or administrative law judge who issued the subpena.

§ 5.15–25 Quashing a subpena.

(a) The person to whom a subpena is directed may, prior to or during the hearing, apply in writing to the administrative law judge conducting the hearing a request that the subpena be quashed or modified. The administrative law judge will notify the party for whom the subpena was issued.

(b) The administrative law judge shall rule on the matter promptly. He may quash the subpena if it is unreasonable or requires evidence not relevant to any matter in issue, or he may deny the request.

§ 5.15–30 Enforcement.

(a) Upon application and for good cause shown, or upon its own initiative, the Coast Guard will seek judicial enforcement of subpenas issued by investigating officers or administrative law judges. This may be done by making application to the United States District Court to issue an order compelling the attendance of, and/or giving of testimony by, witnesses.

Subpart 5.17—Witness Fees

§ 5.17–1 Witness's request for payment of fees.

(a) Duly subpenaed witnesses, other than government employees, may apply for payment for their services as witnesses by submitting a request for payment (Standard Form No. 1157) to the administrative law judge presiding over the hearing or to the investigating officer (28 U.S. Code, section 1821). The administrative law judge or investigating officer will forward the request to the Coast Guard authorized certifying officer together with a statement that:

(1) The witness seeking payment was duly subpenaed as a witness by the Coast Guard;

(2) The witness appeared pursuant to such subpena, the name of the person charged or under investigation, and the name of city and state where investigation or hearing was held; and,

(3) The witness is entitled to witness fees, and/or subsistence, and/or mileage allowance claimed.

(b) Upon receipt of the witness's claim (Standard Form 1157) with supporting statement, the Coast Guard authorized certifying officer may certify to the propriety of the claim according to the scale of fees, subsistence, and mileage in § 5.17–5, and submit it to the appropriate disbursing officer for payment.

(c) Government employees who are witnesses at a hearing or investigation may be paid travel expenses as provided by the Standardized Government Travel Regulations. Coast Guard personnel may be paid travel expenses as provided in the Coast Guard Travel Manual.

§ 5.17–5 Scale of fees, subsistence, and mileage.

(a) A subpenaed witness may be paid a fee of $4.00 for each day or fraction thereof of attendance and for time necessarily occupied in going to and returning from the place of hearing or investigation (28 U.S. Code, section 1821). A witness called to testify as an expert may be paid a higher fee provided such higher fee is approved by the Commandant prior to his appearance.

(b) A subsistence allowance of $8.00 for each day or fraction thereof may be paid if the subpenaed witness resides at a distance so far removed from the place at which the hearing or investigation was held so as to prohibit his returning to his place of residence each day, and if such witness was required to remain at the place where the hearing or investigation was held for more than one day. In a case where subsistence allowance is payable under this paragraph and the subpenaed witness is required to travel, a subsistence allowance of $8.00 per day may be paid for each day necessarily occupied in traveling from the place of residence to attend the hearing or investigation and return to such place: *Provided*, That no subsistence allowance for travel time shall be paid if the witness is already present at place of investigation or hearing at time of service of subpena.

(c) In computing the witness fee or the subsistence allowance, a fraction of a day will be considered as a whole day, the day will be considered as consisting of 24 hours, and a day will be regarded as beginning on the hour at which the witness had to leave his residence in order to arrive at the appointed time at the place where the investigation or hearing was held. After dismissal, the witness is assumed to leave the place of the investigation or hearing for his residence by the first available transportation, and the period of time will be terminated at the time of arrival at his residence.

(d) Travel money at the rate of 8 cents per mile, not to exceed 100 miles, for actual travel from place of residence or place where subpena was served to place at which the investigation or hearing was held may be paid to a subpenaed

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witness. Travel money at the rate of 8 cents per mile, not to exceed 100 miles, is also allowed for the actual travel involved in return of witness to his place of residence, or if the subpena was served at a place other than the witness's place of residence, to the place where said subpena was served. All payments of travel money shall be computed on the basis of mileage by the shortest route. When a witness is furnished transportation by the Government, no mileage allowance is authorized. If a witness is unable to furnish funds for transportation charges, Government transportation requests may be issued for his transportation, at the lowest first class rate available, to and from the place of hearing, in which case the mileage allowance is not authorized. When two or more witnesses are transported at the same time in the privately owned vehicle, operated by one of the witnesses, the mileage allowance for only one witness is authorized.

(e) The fees provided in paragraphs (a), (b), and (d) of this section shall not apply in Alaska. In Alaska subpenaed witnesses are entitled to the fees, subsistence, and mileage allowances to the same extent as may be prescribed for witnesses before the United States District Court in the judicial division in which the hearing is held. (See 28 CFR 21.3 for schedule of fees and allowances of witnesses in the District of Alaska.)

(f) In the case of employed merchant marine personnel their place of residence will be construed to be the vessel upon which they are employed, and in the case of unemployed merchant marine personnel their place of residence will be construed to be their actual place of residence when ashore at time of the investigation or hearing rather than the residence of their next of kin.

Subpart 5.20—Hearings

§ 5.20–1 General.

(a) A hearing in a suspension and revocation proceeding conducted under Title 46, U.S. Code, section 239 or 239b, is the adjudication of the case. It is presided over and is conducted under the exclusive administrative control of a civilian administrative law judge in accordance with applicable requirements in Title 5, U.S. Code, sections 1001–1011, inclusive (Administrative Procedure Act), and the regulations in this part. The administrative law judge shall regulate and conduct the hearing in such a manner so as to bring out all the relevant and material facts, and to insure a fair and impartial hearing.

(b) An administrative law judge shall not consult with any one concerning any fact in issue in a suspension and revocation proceeding unless, after notice, all parties are permitted to participate. An administrative law judge shall not informally obtain advice or opinions from the parties or their counsel or from any officer or employee of the Coast Guard as to the weight or interpretation to be given to evidence. The administrative law judge may at any time consult with or receive instructions from the Commandant.

(c) The procedure usually followed in a hearing is:

(1) Administrative Law Judge's opening statement.

(2) Appearances of persons at the hearing.

(3) Verification of currently valid license, certificate and/or document held by person charged.

(4) Administrative Law Judge advises person charged of his rights.

(5) Exclusion of witnesses from the hearing room.

(6) Preliminary motions, objections and/or corrections to the charges and specifications.

(7) Arrangement and plea of person charged.

(8) Opening statement of investigating officer.

(9) Opening statement by or on behalf of person charged or statements in mitigation if there has been a "guilty" plea.

(10) Submission of evidence.

(11) Argument by the investigating officer and argument by or on behalf of the person charged.

(12) Submission of proposed findings and conclusions by the investigating officer and/or by or on behalf of the person charged.

(13) Findings and conclusions of the administrative law judge.

(14) Prior record of the person charged.

(15) The complete decision of the administrative law judge.

(16) Service of the order or complete decision.

(17) Obtain or return the license, certificate or document, as appropriate.

(18) Advise the person charged of his right of appeal.

(19) Administrative Law Judge's declaration that the hearing is closed.

§ 5.20–5 Public access to hearings.

(a) Every hearing conducted by an administrative law judge shall be open to the public except when the administrative law judge finds that subject matter to be or being brought out in the evidence concerns classified matter relating to national security, or when other circumstances exist which court decisions have held to warrant a limitation or exception to the right of a public hearing.

(b) Representatives of the press shall not be excluded from a hearing unless the hearing concerns classified matter relating to national security.

§ 5.20–10 Continuance of a hearing.

(a) The administrative law judge may, for good cause to be shown in the record, either on his own motion or the motion of the investigating officer or person charged, continue the hearing from day to day or adjourn such hearing to a later date or to a different place by announcement at the hearing or by other appropriate notice. In making such determination, consistent with the rights of the person charged to a fair and impartial hearing, the administrative law judge shall give careful consideration to the future availability of witnesses and to the prompt dispatch of vessel or vessels on which the person charged and/or witnesses may be employed.

§ 5.20–15 Disqualification of administrative law judge.

(a) In any suspension and revocation proceeding conducted under this part, an administrative law judge may withdraw voluntarily from a particular case when he deems himself unqualified. In such event the administrative law judge shall immediately notify the Commandant of his desire to withdraw and his reasons.

(b) In any case the person charged or the investigating officer may, in good faith, request the administrative law judge to withdraw on the grounds of personal bias or other disqualification. The person seeking the administrative law judge's disqualification shall file with the administrative law judge a timely affidavit or statement sworn to before a Coast Guard officer or official authorized to administer oaths setting forth in detail the facts alleged to constitute the grounds for disqualification. The administrative law judge may file a response thereto and shall rule whether or not he considers himself disqualified.

(c) If the person seeking disqualification takes exception to the ruling of the administrative law judge, he may appeal such ruling to the Commandant. The administrative law judge shall immediately forward the affidavit or sworn statement with his decision. If the administrative law judge believes himself not disqualified and he so rules, the administrative law judge shall also have all matters relating to such claims of disqualification affirmatively appear in the record. The administrative law judge shall then proceed with the hearing unless it can be shown that a delay in the hearing pending a determination of the appeal will not interfere with the future availability of the person charged and witnesses, or the prompt dispatch of the vessel or vessels on which the person charged and/or witnesses may be employed.

§ 5.20–25 Failure of person charged to appear at hearing.

(a) In any case in which the person charged, after being duly served with the original of the notice of the time and place of the hearing and the charges and specifications, fails to appear at the time and place specified for the hearing, a notation to that effect shall be made in the record and the hearing may then be conducted "in absentia."

(b) The administrative law judge shall also cause to be placed in the record all the facts concerning the issuance and service of the notice of hearing and the charges and specifications.

§ 5.20–27 Person charged may be required to submit to medical examination.

(a) In a hearing in which the physical or mental condition of the person charged is in controversy, the administrative law judge on his own motion may order the person charged to submit to a medical examination, or the investigating officer may submit a written petition requesting such person to be required to submit to a medical examination by a physician. The administrative law judge shall decide from the evidence or information submitted to him by the investigating officer whether or not to order the person charged to submit to an examination before a physician of the U.S. Public Health Service, and also to an examination before another physician if the person charged so desires and pays for the required examination.

(b) If the person named in the administrative law judge's order fails or refuses to submit to such duly ordered examination such failure shall receive due weight in determining the facts alleged in the specifications.

§ 5.20–30 Time and place of hearing.

(a) The hearing shall be held at the time and place specified in the notice of the hearing served upon the person charged by or under the direction of the investigating officer.

§ 5.20–35 Opening the hearing.

(a) The administrative law judge shall open the hearing at the time and place specified in the notice, administer all necessary oaths, and cause a complete record of the proceedings to be kept.

(b) The administrative law judge shall open the hearing with appropriate identification of the proceeding and announce the statutory jurisdiction under which the hearing is being conducted. The administrative law judge shall describe the nature of the proceedings and state that it is concerned solely with the rights of the person charged to continue holding specific license, certificate, and/or document, and any endorsement thereon, as the case may be, issued by the Coast Guard or by any predecessor authority.

§ 5.20–37 Appearances.

(a) The appearances of persons at the hearing shall be entered in the following order:

(1) The investigating officer;

(2) The person charged; and,

(3) The counsel for the person charged, if any.

§ 5.20–40 Verification of license, certificate or document.

(a) Since the proceeding involves a license, certificate or document issued by the Coast Guard, the administrative law judge shall require the person charged to produce and present to him at the opening of the hearing and on each day the hearing is in session thereafter, all valid licenses, certificates, and/or documents issued to the person charged. In the event that the person charged alleges he has lost any such license, certificate or document, the administrative law judge shall require the person charged to execute a lost document affidavit (Form CG–719E). The administrative law judge shall warn the person charged that a willful misstatement of any material item in such affidavit is punishable as a violation of a federal criminal statute.

(b) When a hearing is continued or delayed, the administrative law judge shall return the license, certificate, and/or document to the person charged upon demand: *Provided*, That such action shall not be taken if a prima facie case has been established that the person charged committed an offense which shows that he has such propensities and proclivities as to constitute a definite danger to the safety of life or property at sea.

§ 5.20–45 Rights of person charged.

(a) The administrative law judge shall advise the person charged of his rights to:

(1) Be represented by professional counsel, or any other person he may desire;

(2) Have witnesses and relevant evidence subpenaed;

(3) Examine witnesses, cross-examine witnesses testifying against him, and introduce relevant evidence into the record; and,

(4) Testify in his own behalf or remain silent.

(b) All matters on which the administrative law judge is required to advise the person charged shall affirmatively appear in the record.

§ 5.20–60 Witnesses excluded from hearing room.

(a) All witnesses shall be excluded from the hearing room prior to the taking of their testimony and the administrative law judge may separate government witnesses if he deems it desirable.

§ 5.20–63 Preliminary motions or objections.

(a) Any preliminary motion or objection shall be heard and disposed of by the administrative law judge.

§ 5.20–65 Correction or amendment of charges and/or specifications.

(a) The administrative law judge shall examine the charges and specifications to determine their correctness as to form and legal sufficiency.

(b) The administrative law judge may, on his own motion or the motion of the investigating officer or person charged, permit the amendment of charges and specifications to correct harmless errors by deletion or substitution of words or figures: *Provided*, That a legal specification is left remaining. Broad and liberal discretion shall be exercised by administrative law judges in permitting such amendments.

(c) When errors of substance are found in charges and specifications, the administrative law judges shall rule that the defective charge or specification is withdrawn. The investigating officer may then prepare and serve a new charge and specification on the person charged.

§ 5.20–75 Arraignment and plea.

(a) The administrative law judge shall read each charge and specification to the person charged and shall obtain from him or counsel a definite plea to each charge and specification. If the person charged does not make a definite plea, the administrative law judge shall enter a plea of "not guilty" and proceed with the hearing.

(b) If the person charged fails to appear at the hearing, the administrative law judge will comply with the procedures in § 5.20–25. If no valid reason to the contrary appears, the administrative law judge shall enter pleas of "not guilty" to all the charges and specifications, and shall then proceed with the hearing.

§ 5.20–77 Burden of proof.

(a) The investigating officer has the burden of proof and shall present his evidence first.

§ 5.20–80 Opening statement of investigating officer.

(a) If the person charged pleads "not guilty," the investigating officer shall make a brief statement outlining the basis for the preferment of the charges; particulars incident to the substance of the complaint; and a summary of matters expected to be proved.

(b) If the person charged pleads "guilty," the opening statement of the investigating officer shall contain a summary of the evidence upon which the charge and specification are based.

§ 5.20–85 Opening statement by or on behalf of the person charged.

(a) The person charged or his counsel shall be afforded an opportunity to state what he intends to establish. This may be waived or deferred at the option of the person charged.

(b) If the person charged pleads "guilty," he may present evidence or mitigating circumstances believed to be material. Should this presentation be inconsistent with a "guilty" plea, the administrative law judge shall reject the plea, change the plea to "not guilty" and proceed with the hearing.

§ 5.20–87 Coercion of witnesses.

(a) Any attempt to coerce any witness or to induce him to testify falsely, is an offense which may be punishable by fine of $5,000 or imprisonment for 5 years, or both fine and imprisonment. (See 18 U.S.C. 1505, 46 U.S.C. 239.)

§ 5.20–90 Witnesses.

(a) All witnesses shall be sworn, duly examined, and may be cross examined. At any time a witness is on the stand he may be questioned by an administrative law judge.

(b) The investigating officer or person charged who calls a witness shall begin his direct examination by identifying the witness. When possible, the witness will be required to identify the person charged.

(c) In any case where the person charged has entered a "guilty" plea, witnesses may be called to establish matters of aggravation or matters of mitigation.

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§ 5.20–93 Witness's personal counsel.

(a) Any witness may have personal counsel to advise him as to his rights, but such counsel may not otherwise participate in the hearing.

§ 5.20–95 Evidence.

(a) In these administrative proceedings, strict adherence to the rules of evidence observed in courts is not required. All relevant and material evidence, oral or written, shall be received except that hearsay evidence shall be rejected if the declarant is readily available to appear as a witness. In deciding whether the declarant's testimony should be obtained, the importance of such evidence shall be balanced against the difficulty of producing the witness. Hearsay evidence shall be accorded such weight as the circumstances warrant, including consideration of whether it is opposed by other evidence. Irrelevant, immaterial and unduly repetitious evidence should be excluded.

(b) Findings must be supported by substantial evidence of a reliable and probative character. By this is meant evidence of such probative value as a reasonably prudent and responsible person is accustomed to rely on when making decisions in important matters. It is not limited to evidence which is considered to be competent evidence for the purpose of admissibility under the jury-trial rules.

(c) In conducting a hearing the administrative law judge will extend reasonable latitude to the person charged who does not have professional counsel to represent him. Investigating officers and counsel should be required to conform to the rules of evidence to a greater degree than persons charged without counsel.

§ 5.20–100 Documentary evidence generally.

(a) Except as modified by the regulations in this part, documentary evidence shall be admissible in accordance with the applicable rules of evidence, as set forth in § 5.20–95.

§ 5.20–102 Official notice by Commandant and administrative law judges.

(a) The Commandant and the administrative law judges shall consider the following without requiring the person charged or the Coast Guard to submit them in evidence:

(1) *Federal law.* The Constitution; Congressional Acts, Resolutions, Records, Journals and Committee Reports; Decisions of Federal Courts; Executive Orders and Proclamations; and of rules, regulations, orders and notices published by the Treasury Department or United States Coast Guard in the FEDERAL REGISTER.

(2) *State law.* The Constitution and public laws of each State.

(3) *Governmental organizations.* The organization, territorial limitations, officers, departments, and general administration of the Government of the United States, its territories, possessions and the Commonwealth of Puerto Rico; the several States; and foreign nations.

(4) *Coast Guard organization.* The Coast Guard's organization, administration, officers, personnel, and official publications pertaining to organization.

(5) *Commandant's decisions.* The Commandant's decisions in all appeal and review cases under this part. (See § 5.03–1).

(b) The Commandant and administrative law judges may, upon request, take official notice of those matters of which the courts usually take judicial notice, and matters which adjudicated cases recognize may be officially noticed by administrative agencies. However, the matters thus officially noticed by the administrative law judge shall be specified on the record. Either party shall be afforded an opportunity, on the record, to rebut such matters.

§ 5.20–105 Certification of court records.

(a) A copy of a court record such as the court conviction or judgment, shall be certified to be a true copy by the clerk or deputy clerk of the court and under the seal of the court, with or without the certification of the judge that the attestation by the clerk is in proper form.

§ 5.20–106 Certification of extracts from shipping articles, logbooks, etc.

(a) Extracts from records in the custody of the Coast Guard, shipping articles, and logbooks, shall be certified by an investigating officer or custodian of such records.

(b) Any commissioned officer of the Coast Guard is authorized to certify extracts from Coast Guard records, shipping articles, and logbooks as being true copies of the original by certifying that he has seen the original and compared the copy with it and found it to be a true copy. The officer so certifying shall subscribe his name, rank, and duty station.

§ 5.20–107 Admissibility and weight of entries from Official Logbooks.

(a) The Official Logbook of a vessel, or a duly certified copy of an entry made therein, shall be admissible in evidence, under authority of Title 28, U.S. Code, section 1732.

(b) An entry in an Official Logbook of a vessel made in substantial compliance with the requirements of Title 46, U.S. Code, section 702, in addition to being admissible in evidence, shall constitute prima facie evidence of the facts therein recited. However, an entry not made in substantial compliance with the requirements of Title 46, U.S. Code, section 702, while admissible, in evidence, does not constitute prima facie evidence of the facts therein recited.

§ 5.20–110 Use of judgments of conviction.

(a) The judgment of conviction by a Federal court is conclusive in proceedings under Title 46, U.S. Code, section 239, where acts forming the basis of the charges in a Federal court are the same. The person charged may not challenge the jurisdiction of a Federal or State court in proceedings under Title 46, U.S. Code, sections 239 and 239b.

(b) Where the acts involved in a judgment of conviction of a State court are the same as those involved in proceedings under Title 46, U.S. Code, section 239, the judgment of conviction is not conclusive of the issues decided. However, such judgment of conviction is admissible in evidence in the latter proceedings and constitutes substantial evidence adverse to the person charged.

(c) The judgment of conviction for a narcotic drug law violation by a Federal court or a State court of record is conclusive in proceedings under Title 46, U.S. Code, section 239b.

§ 5.20–115 Admissibility of reports of consul.

(a) The original or a duly authenticated copy of a report made by a consul or a vice consul of the United States shall be admissible in evidence.

§ 5.20–117 Admissibility of records of proceedings at Coast Guard investigations.

(a) The records of proceedings at Coast Guard investigations, including testimony and statements of witnesses and all exhibits received, are admissible in hearings conducted under this part, pursuant to stipulation by the investigating officer and the person charged.

(b) The stipulation shall be in writing, shall describe the specific portions of the record to be submitted as evidence, and shall be signed by the investigating officer and the person charged or his counsel. The stipulation and the portions of the records referred to therein shall upon presentation be made a part of the record of the hearing.

§ 5.20–118 Admissibility of seaman's Coast Guard records.

(a) The prior negative disciplinary record of the person charged is admissible as character evidence of his general good reputation.

(b) A commendatory record pertaining to the specific trait of character in question is admissible.

(c) No part of a prior disciplinary record may be used to show particular acts in order to refute directly evidence as to the good character of the person charged. However, it is admissible for the limited purposes of:

(1) Impeaching the credibility of the person charged on cross-examination after he has testified, on direct examination, that he has no prior disciplinary record.

(2) Impeaching the credibility of the person charged by showing offenses of such a nature as to indicate his general lack of veracity.

(3) Testing the qualifications of character witnesses who express opinions concerning the general good reputation of the person charged.

(4) Proving prior conduct tending to show guilty knowledge, design, intent, motive, or the like, which is relevant to the offense alleged.

§ 5.20–120 Admissions by person charged during a Coast Guard investigation.

(a) No person shall be permitted to testify with respect to admissions made by the person charged during or in the course of a Coast Guard investigation except for the purpose of impeachment.

§ 5.20–125 Other admissions by person charged.

(a) Any person other than a Coast Guard investigating officer may testify as to admissions voluntarily made by the person charged in the presence of the witness other than during or in the course of an investigation by the Coast Guard.

§ 5.20–130 Impeachment of witnesses.

(a) A witness, including the person charged if he voluntarily testifies in his own behalf, may be impeached by proof of prior inconsistent statements, whether oral or written, which were made by him. However, before evidence of such inconsistent statements is admissible in evidence, a proper foundation must be established.

(b) Evidence of prior inconsistent statements by a witness is admissible for the limited purpose of impeaching the credibility of the witness.

(c) A party calling a witness or otherwise making a witness his own may, after orally pleading surprise, be permitted to impeach him in the discretion of the administrative law judge.

§ 5.20–135 Testimony of absent witnesses.

(a) The testimony of a witness other than the person charged taken under oath during a Coast Guard investigation may be received in evidence in lieu of the appearance of the witness when it is established to the satisfaction of the administrative law judge that:

(1) Whereabouts of the witness is unknown after diligent search; or,

(2) Witness is non compos mentis; or,

(3) Witness is deceased; or,

(4) Witness is ill or incapacitated to such an extent that neither his testimony nor a deposition can be taken; or,

(5) Witness is more than 100 miles from the place of hearing and at a place so remote and inaccessible as to make it impracticable to take his deposition.

(b) In considering the admissibility and credibility of the testimony taken under oath during an investigation and offered in evidence under paragraph (a) of this section, the administrative law judge shall consider the apparent trustworthiness of the testimony, and shall take into consideration whether or not the parties were represented or afforded the right to be present and to cross examine the witness.

§ 5.20–140 Testimony by deposition.

(a) Testimony may be taken by deposition upon application, and for good cause shown, by any party or upon the initiative of the administrative law judge.

(b) The application to the administrative law judge shall be in writing, setting forth the reasons why it should be taken, the name and address of the witness, the matters concerning which it is expected the witness will testify, the time and place proposed for the taking of the deposition and whether it shall be by oral examination or written interrogatories.

(c) The administrative law judge will for good cause shown, serve upon the parties an order specifying the name of the witness, the time and place for taking the deposition, and a designation of a person before whom the witness is to testify. Such deposition may be taken before any person authorized to administer oaths.

(d) The party desiring a deposition by written interrogatories shall submit a list of interrogatories to be propounded to the absent witness; then the opposite party after he has been allowed a reasonable time for this purpose, may submit a list of cross-interrogatories. If either party objects to any question, the matter shall be presented to the administrative law judge for a ruling. Upon agreement of the parties on a list of interrogatories and cross-interrogatories (if any) the administrative law judge may propound additional questions.

(e) The subpena referred to in Subpart 57.15, of this part together with the list of interrogatories and cross-interrogatories (if any), shall be forwarded to the person designated to take such deposition. This person will cause the subpena to be served personally on the witness, and a copy shall be endorsed and returned to the administrative law judge.

(f) When the deposition has been transcribed, it shall be presented to the witness for examination and correction and then shall be subscribed by him. The person taking the deposition shall certify the signature of the witness. If for any reason the deposition or interrogatory is not subscribed by the witness, then the person taking the deposition shall recite under oath thereon the reason it is not subscribed.

(g) When the deposition has been duly executed it shall be returned to the administrative law judge. As soon as practicable after the receipt of the deposition the administrative law judge shall present it to the parties for their examination. The administrative law judge shall rule on the admissibility of the deposition or any part thereof and on any objections.

(h) In the event one party files interrogatories, the other party, in lieu of filing cross-interrogatories, may attend the taking of the deposition and cross-examine the witness.

§ 5.20–145 Argument.

(a) After all the evidence has been presented the parties may present oral and/or written argument in the following order:

(1) Opening argument by the investigating officer;

(2) Argument by the person charged or his counsel; and,

(3) Closing argument by the investigating officer.

§ 5.20–150 Submission of proposed findings and conclusions.

(a) The administrative law judge shall afford the investigating officer and the person charged reasonable opportunity to submit, either orally or in writing, proposed findings and conclusions with supporting reasons. If either party desires to submit such matter, the administrative law judge shall fix the time within which it shall be filed. Failure to comply within the time so fixed by the administrative law judge shall be regarded as a waiver of the right.

§ 5.20–155 Administrative law judge's decision.

(a) The administrative law judge shall render a decision consisting of:

(1) "Findings of Fact," including necessary evidentiary and ultimate facts pertaining to each specification;

(2) "Conclusions" as to whether or not the charges and specifications are found proved;

(3) "Rulings" on proposed findings and conclusions;

(4) "Opinion," discussing the reasons, precedents, legal authorities, or other basis for the findings, conclusions and order on all material issues of fact, law, or discretion, with such specificity as to advise the parties of their record and legal basis; and,

(5) "Order," reciting disposition of the case. The order is only given after consideration of the prior record of the person charged as provided in § 5.20–160.

(b) A separate conclusion shall be made by the administrative law judge on each charge and specification. A specification may alternately be found "not proved," "proved in part," "proved," or "proved by plea."

§ 5.20–160 Prior record.

(a) Except as provided for in § 5.20–118, the prior commendatory and/or disciplinary record of the person charged will not be disclosed to the administrative law judge until after he has made the conclusions as to each charge and specification, and then only if at least one charge has been found "proved."

(b) In order to expedite the administrative law judge's decision, if prior record is not available at the hearing, the person charged, if he consents, may be questioned under oath as to his prior record. Erroneous information given by the person charged shall be grounds for the administrative law judge to reopen the case and amend his order.

§ 5.20–165 Table of average orders.

(a) The Table 5.20–165 is for the information and guidance of administrative law judges. The orders listed for the various offenses are average only and should not in any manner affect the fair

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and impartial adjudication of each case on its individual facts and merits.

(b) The Table 5.20–165 is divided into seven groups. In the table, the first numeral indicates the period of suspension in months and when followed by a zero means an outright suspension. For example, 1–0 means a one-month suspension without probation. Where the first numeral is followed by a numeral other than zero, a probationary suspension is indicated. For example, 6–12 means a six-month suspension, with a twelve-month period of probation.

TABLE 5.20–165—SCALE OF AVERAGE ORDERS

Type of Offense	Number of times committed				
	First	Second	Third	Fourth	Fifth
Group A (1) (offenses committed within 3 years are to be considered as repeated):					
Absent over leave	[1] Adm.	1-0	3-0	6-0	[1] Rev.
Absent without leave	Adm.	1-0	3-0	6-0	Rev.
Failure to join (domestic)	Adm.	1-0	3-0	6-0	Rev.
Inattention to duty (unintentional)	Adm.	1-0	3-0	6-0	Rev.
Violation of a regulation (unintentional)	Adm.	1-0	3-0	6-0	Rev.
Group A (2) (offenses committed within 3 years are to be considered as repeated):					
Creating a disturbance aboard ship due to intoxication	Adm.	2-0	4-0	Rev.	
Failure to join (foreign)	Adm.	2-0	4-0	Rev.	
Failure to perform duty	Adm.	2-0	4-0	Rev.	
Group B (time between offenses not to have any bearing when considering whether man is repeater):					
Attempt to illegally take or smuggle property ashore	642	6-0	Rev.		
Desertion (domestic)	642	6-0	Rev.		
Failure to report marine casualty	642	6-0	Rev.		
Failure to manifest	642	6-0	Rev.		
Neglect of duty	642	6-0	Rev.		
Possession of intoxicating liquor	642	6-0	Rev.		
Possession of firearms	642	6-0	Rev.		
Sleeping on watch	642	6-0	Rev.		
Use of profane and threatening language to superior	642	6-0	Rev.		
Violation of a regulation (intentional)	642	6-0	Rev.		
Wilful disobedience of a lawful order	642	6-0	Rev.		
Group C (time between offenses not to have any bearing when considering whether man is repeater):					
Assault	10	4-0	Rev.		
Group D (time between offenses not to have any bearing when considering whether man is repeater):					
Inattention to duty (intentional)	30	12-0	Rev.		
Illegal possession of cargo or ship's property	30	12-0	Rev.		
Neglect of duty; damage to vessel, cargo or personnel (ordinary negligence)	30	12-0	Rev.		
Pilfering cargo or ship's equipment	30	12-0	Rev.		
Refusing to perform duty	30	12-0	Rev.		
Sale of ship's property	30	12-0	Rev.		
Theft	30	12-0	Rev.		
Group E (time between offenses not to have any bearing when considering whether man is repeater):					
Assault and battery	60	Rev.			
Assault with dangerous weapon (no injury)	60	Rev.			
Destruction of ship's cargo or property	60	Rev.			
Desertion (foreign)	60	Rev.			
Continued disobedience of lawful order	60	Rev.			
Embezzling ship's cargo or property					
Neglect of duty; damage to ship, cargo or persons (gross or wilful)	60	Rev.			
Interference with master, ship's officer, or Government official in performance of official duties	60	Rev.			
Smuggling of property	60	Rev.			
Sale of intoxicating liquor	60	Rev.			
Group F:					
Assault with dangerous weapon (injury)	Rev.				
Malicious destruction of ship's property	Rev.				
Misconduct resulting in loss of life or serious injury	Rev.				
Molestation of passengers	Rev.				
Murder or attempted murder	Rev.				
Mutiny	Rev.				
Perversion					
Possession, use, sale or association with drugs, including marijuana	Rev.				
Sabotage	Rev.				
Serious neglect of duty	Rev.				
Serious theft of ship's property or stores	Rev.				
Smuggling of aliens	Rev.				

[1] Abbreviation for "Admonition."
[2] Abbreviation for "Revocation."

§ 5.20–170 Order.

(a) If no charge is found "proved," the order of the administrative law judge shall state that the charge or charges are "dismissed."

(b) If a charge is found "proved," the administrative law judge shall order an admonition, suspension with or without probation, or revocation.

(c) An order shall be directed against all licenses, certificates, and/or documents, except that in cases of negligence or professional incompetence, the order may be made applicable to specific licenses or documents in qualified ratings.

(d) When an administrative law judge determines that the person charged is professionally incompetent in the grade of the license, certificate or document he holds, but is considered competent in a lower grade, the administrative law judge may revoke the license, certificate or document and order the issuanace of one of a lower grade.

(e) In a decision rendered in the United States, an order of revocation or outright suspension shall direct the person charged to surrender his license, certificate and/or document immediately. Any domestic order should state that it is effective on service and that the license, certificate and/or document affected is:

(1) Revoked; or,

(2) Suspended outright until a specified period after surrender; or,

(3) Suspended for a specified period subject to a specified period of probation; or,

(4) A combination of subparagraph (2) of this paragraph and a probationary suspension, as indicated in subparagraph (3) of this paragraph, extending from the beginning of the outright suspension until a specified period after the termination of the outright suspension.

(f) In a decision rendered outside of the United States, an order shall differ only in that a revocation or outright suspension is not to be effective until the date of arrival of the person charged in the United States.

§ 5.20–175 Delivery of order and complete decision.

(a) Whenever possible, the administrative law judge shall prepare in writing his complete decision, including the order, and personally deliver it to the person charged or his authorized representative at the final session of the hearing. The decision, including the order, is effective on the date of such delivery.

(b) If it is not possible for the administrative law judge to deliver his complete written decision at the final session of the hearing, he shall render his oral decision on the record, then prepare the order in writing and personally deliver it to the person charged or his authorized representative. The decision, including the order, is effective upon such delivery of the written order. When the written decision is available, the administrative law judge will cause it to be delivered to the person charged or his authorized representative.

(c) If it is not possible for the administrative law judge at the conclusion of the hearing to render an oral decision on the record and to follow the procedures provided for in paragraph (a) or (b) of this section, the written decision, including the order, shall be delivered to the person charged or his authorized representative, at the earliest possible date, either personally or by certified mail with return receipt required to be signed only by the person charged or his authorized representative. The signed acknowledgement or the affidavit of personal delivery, or the return receipt shall be made a part of the record and shall determine the effective date of the decision, including the order, unless good cause is shown why this date should not apply.

(d) As used in this section, the phrase "authorized representative" means any person who has been authorized, as shown by the hearing record, to receive service and take an appeal on behalf of the person charged.

§ 5.20–180 Notification of right to appeal.

(a) The person charged shall be advised by the administrative law judge of his right to appeal in accordance with Subpart 5.30 of this part. The administrative law judge shall also advise the person charged that if such appeal is not taken within the time limit specified in Subpart 5.30 of this part it will not be accepted.

§ 5.20–185 Completion of the hearing.

(a) Upon completion of the procedures in this subpart, the hearing is completed.

§ 5.20–190 Modification of administrative law judge's order and decision.

(a) After an administrative law judge renders his order and decision, it may be modified or changed pursuant to procedures set forth in paragraph (b) of this section, or in Subpart 5.25 of this part for reopening of hearings, or in Subpart 5.30 of this part for appeals, or in Subpart 5.35 of this part for review of administrative law judge's decisions. In the absence of any such procedures, the decision of the administrative law judge is final and binding.

(b) When the proceeding under the provisions of Title 46, U.S. Code, section 239b, is based on a narcotics conviction as referred to in § 5.03–10, rescission of the revocation of a license, certificate or document will not be considered, unless the applicant submits a specific court order to the effect that his conviction has been unconditionally set aside for all purposes. The Commandant reserves the personal right to make the determination in such case.

Subpart 5.25—Reopening of Hearings

§ 5.25–1 Petition to reopen hearing.

(a) At any time prior to a final decision on appeal or within one year from the date of service of the administrative law judge's decision, a person found guilty of any offense may petition to reopen the hearing on the basis of newly discovered evidence.

(b) If at the time the petition is filed an appeal to the Commandant from the administrative law judge's decision has not been filed, the petition to reopen the hearing shall be considered by an administrative law judge. If an appeal to the Commandant has been filed, the petition to reopen the hearing shall be considered by the Commandant.

§ 5.25–5 Form of petition.

(a) The petition shall be in letter form, typewritten or written in a legible hand, and addressed to the administrative law judge or the Commandant, as appropriate.

(b) The petition shall contain the following:

(1) A descriptive identification of the hearing desired to be reopened, including place of hearing, full name of person found guilty, number and description of license and/or document involved, the name of the administrative law judge and date of the decision.

(2) An affirmative declaration that no appeal has been taken pursuant to Subpart 5.30 of this part, or if an appeal has been taken, the date and with whom such appeal was filed.

(3) A statement setting forth why the evidence would probably produce a different result favorable to the person found guilty.

(4) A statement as to whether or not the additional evidence was known to the petitioner at the time of the hearing, and if applicable, reasons why the petitioner, with due diligence, could not have discovered such new evidence prior to the date the hearing was completed.

(5) A statement setting forth briefly and specifically:

(i) The precise nature and purpose of such additional evidence; and,

(ii) The names and addresses of persons to be called as witnesses and the time and place when such witnesses will be available to testify personally or by deposition.

§ 5.25–10 Action on petition.

(a) After the receipt of the petition, an investigating officer shall be afforded a reasonable time within which to file an answer in writing on the merits of the petition. The decision on the petition will be based on a consideration of the petition, the record of the hearing, and the answer, if any.

(b) The petition shall only be granted when new evidence is described which has a direct and material bearing on the issues, and when valid explanation is given for the failure to produce this evidence at the hearing.

(c) The administrative law judge or the Commandant shall render a decision in writing, either granting or denying the petition.

(d) If the administrative law judge grants the petition, he shall reopen the hearing to permit the offer of new evidence described in the petition.

(e) If the petition is granted by the Commandant, he will remand the case to an administrative law judge with directions to reopen the hearing.

(f) On the basis of the record of the original hearing and the new evidence received, the administrative law judge shall either affirm the original decision or withdraw the original decision and render a new one.

(g) The petition, and answer, if any, the administrative law judge's or Commandant's decision, and the additional evidence will be added to the original record.

(h) The filing of a petition to reopen the hearing shall not stay an existing order of the administrative law judge.

(i) If a petition to reopen a hearing is filed within 30 days after the service of the administrative law judge's decision, it will toll or defer the running of the 30-day statutory period of appeal as provided in Subpart 5.30 of this part until an administrative law judge has acted on the petition.

§ 5.25–15 Appeal from action on petition.

(a) If the petition to reopen the hearing is denied by the administrative law judge, the person found guilty may appeal to the Commandant within 30 days from the date of service of the denial of the petition. The review by the Commandant on this appeal will be limited to the issue raised by the petition. Other grounds for appeal must be in accordance with Subpart 5.30 of this part.

(b) If the petition to reopen the hearing is granted and a previous finding of "proved" is affirmed by the administrative law judge, the person found guilty may appeal the decision as provided for in Subpart 5.30 of this part.

Subpart 5.30—Appeals

§ 5.30–1 Time for filing, contents, etc.

(a) A person found guilty by an administrative law judge may, within 30 days after the date of the order of the administrative law judge is effective, take an appeal to the Commandant. This appeal shall be taken by filing a notice of appeal with the administrative law judge who heard the case or with any Officer in Charge, Marine Inspection, for forwarding to such administrative law judge.

(b) The notice of appeal shall:

(1) Be typewritten or written legibly;

(2) Be addressed to the Commandant; and,

(3) Set forth the name of the appellant, the number and description of license, and/or document involved, nature of the charge, the order, and the administrative law judge who made the decision.

(c) The notice of appeal may contain a statement of grounds for appeal and/or exceptions. The appellant may file with the notice of appeal a brief or memorandum in elaboration of the matters set forth in the notice of appeal. The notice of appeal may contain a request for transcript of the hearing. No request for such transcript will be accepted unless it is submitted with the notice of appeal.

(d) The administrative law judge shall promptly transmit the notice of appeal and his action, if any, on a request for a temporary document to the Commandant. He will also transmit a complete transcript of the hearing and any material received in support of the appeal to the Commandant.

(e) After the appellant or his counsel has received a transcript of the record, any exceptions submitted shall be identified by specific citations to pages in the transcript and shall contain legal and other authorities relied upon to support such exceptions.

(f) The only matters which will be considered by the Commandant on appeal are:

(1) Exceptions properly raised by the appellant as indicated in paragraph (e) of this section;

(2) Clear errors in the record; and,

(3) Jurisdictional questions.

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(g) In the preparation of an appeal, administrative law judge will assist the appellant beyond the point of informing him of the proper form to be used and the applicable regulations.

§ 5.30–3 Time in which to complete appeal.

(a) Appellant may submit grounds for appeal and exceptions to the administrative law judge's decision, whether or not any such matter was filed with the notice of appeal. This matter must be submitted within 60 days after receipt of the transcript of the hearing record, or, if no transcript was requested within 60 days of the date of effective service of the decision. Nothing further will be received and considered as a part of the appeal record after the applicable time has elapsed unless it is extended by the Commandant.

(b) Prior to the expiration of the applicable 60-day period of extension thereof as set forth in paragraph (a) of this section, at least one ground for appeal or exception to the administrative law judge's decision must be filed in support of the notice of appeal. Failure to do so will result in one of the following:

(1) Termination of the case by written notice to the appellant or his counsel, that the decision of the administrative law judge constitutes the final agency action on the merits of the case; or,

(2) Consideration of the appeal on the merits of the case and publication of the Commandant's decision without prior notice to the appellant or his counsel. This will only be done when some clear error appears in the record or when the case presents some novel policy consideration.

§ 5.30–5 Record for decision on appeal.

(a) The transcript of hearing, together with all papers and exhibits filed, shall constitute the record for decision on appeal.

§ 5.30–10 Action on appeal.

(a) The Commandant may affirm, reverse, alter, or modify the decision of the administrative law judge, or he may remand the case for further hearing. The decision of the Commandant on appeal shall be final in the absence of a remand.

§ 5.30–15 Temporary documents.

(a) Any person who has appealed from a decision suspending or revoking his document may file a written request for a temporary document with the Administrative Law Judge who rendered the decision or with any Officer in Charge, Marine Inspection, for forwarding to such Administrative Law Judge. The request will be granted by the Administrative Law Judge except (1) when the hearing transcript has been forwarded to the Commandant, or (2) when, in the opinion of the Administrative Law Judge, the order of suspension or revocation rests upon a finding of guilty for a serious offense of such a character that the presence of the person charged on board a vessel, either immediately or for the indefinite future, would be incompatible with the requirements of safety of life or property at sea, or for a serious offense found by the Administrative Law Judge to have been committed willfully.

(b) If the transcript has been forwarded to the Commandant, or if the request is denied by the Administrative Law Judge, the request shall be forwarded by the Administrative Law Judge to the Commandant for final action. A temporary document may be issued in the discretion of the Commandant, except where such action, in the opinion of the Commandant, would be incompatible with the requirements of safety of life or property at sea.

(c) A temporary document shall be subject to such terms and conditions as the Commandant or Administrative Law Judge may prescribe. However, all such documents shall provide that they expire not more than six months after issuance or upon service of the Commandant's decision on appeal, whichever occurs first. If a temporary document expires before the Commandant's decision is rendered, it may be renewed, after authorization by the Commandant, by the issuance of a new temporary document by an Officer in Charge, Marine Inspection.

(d) Copies of the temporary documents issued shall become a part of the record on appeal.

§ 5.30–20 Appeal cases remanded for further proceedings.

(a) When the Commandant renders a decision remanding a case for further proceedings, the remand is directed to the administrative law judge. The administrative law judge shall notify the parties and set a date for continuance of the proceedings. In the absence of specific directions from the Commandant, the administrative law judge shall either reopen the former hearing or conduct a new hearing.

(b) If the hearing is reopened, the evidence in the prior hearing shall be evaluated together with the new evidence submitted.

(c) In a new hearing, the evidence in the prior hearing may be used for purposes of impeachment. Evidence in the prior hearing may be stipulated as a part of the record of the new hearing.

(d) The administrative law judge shall render either an entirely new decision or a decision incorporating by reference his original decision as necessary.

§ 5.30–25 Commandant's decisions on appeals.

(a) The Commandant's Decisions on Appeals are the final actions taken by the Coast Guard in appeals under the suspension and revocation proceedings provided by this part. These Decisions are issued seriatim and are public records.

(b) The Commandant's Decisions on Appeals are available for reading purposes at Coast Guard Headquarters, and at Offices of District Commanders and Officers in Charge, Marine Inspection.

§ 5.30–30 Appeals to the National Transportation Safety Board

(a) The rules of procedure for appeals to the National Transportation Safety Board from decisions of the Commandant, U.S. Coast Guard, sustaining orders of revocation of licenses, certificates, documents, and registers are in 14 CFR Part 425. These rules give the party adversely affected by the Commandant's decision 10 days after service upon him or his attorney of the Commandant's decision to file a notice of appeal with the Board.

(b) In all cases under this part which are appealed to the National Transportation Safety Board under 14 CFR 425, the Chief Counsel of the Coast Guard is designated as the representative of the Commandant for service of notices and appearances. Communications should be addressed to Commandant (CL), Washington, D.C. 20591.

(c) In cases before the National Transportation Safety Board the Chief Counsel of the Coast Guard may be represented by others designated "of counsel."

(d) It should be noted that 14 CFR Part 425 is limited to Commandant's Decisions sustaining orders of revocation by administrative law judges. The National Transportation Safety Board in 14 CFR Part 400 (32 FR 12839) has delegated to the Commandant, U.S. Coast Guard, all of its review authority in section 5(b)(2) of the Department of Transportation Act (49 U.S.C. 1544(b)(2)) in other Coast Guard matters, which include Commandant's Decisions sustaining orders suspending licenses, certificates, documents, and registers in proceedings under this part.

Subpart 5.35—Review of Administrative Law Judge's Decisions in Guilty Cases

§ 5.35–1 Commandant's review.

(a) Any decision of an administrative law judge, in which there has been a guilty finding, may be called up for review by the Commandant on his own motion, or direction, within sixty (60) days, after the decision is announced or has been made effective, whichever date is later. On occasion, such action may be taken upon recommendation of the District Commander within whose jurisdiction the decision of the administrative law judge was announced. As used in the regulations in this part the phrase, "on his own motion" means by the Commandant's direction or order, without other procedural formality.

§ 5.35–5 Record for decision on review.

(a) The transcript of hearing, together with all papers and exhibits filed, shall constitute the record for consideration on review.

§ 5.35–10 Scope of review.

(a) The review will be restricted to questions of law, fact, and policy.

§ 5.35–15 Action on review.

(a) In no case will the review by the Commandant be followed by any order increasing the severity of the administrative law judge's original order.

(b) The Commandant may adopt in whole or in part the findings, conclusions, and basis therefor stated by the administrative law judge, or he may make entirely new findings on the record, or he may remand the case to the administrative law judge for further proceedings.

(c) The decision of the Commandant, on review, shall be final in the absence of a remand.

§ 5.35–20 Commandant's Decisions on Review.

(a) The Commandant's Decision on Review sets forth the rulings which shall be the governing precedents in future cases on the same type of facts. These Decisions are issued seriatim and are public records.

(b) The Commandant's Decisions on Review are available for reading purposes at Coast Guard Headquarters, and at Offices of District Commanders and Officers in Charge, Marine Inspection.

Subpart 5.50—Disclosure of Information

§ 5.50–1 Public information.

(a) Upon inquiry information may be released as to whether an investigation of a specified complaint is in progress, or that charges have been preferred, or that an investigation has been closed.

(b) Upon inquiry information may be released as to scheduled times of hearings and the substance of charges to be considered.

(c) Upon inquiry information disclosed at public hearings before administrative law judges may be released so long as the cases have current public interest. Such information regarding cases no longer having current public interest will not be released unless otherwise provided for in this subpart or Subpart 5.55 of this part.

§ 5.50–5 Public records.

(a) There shall be maintained as public records available for inspection at Coast Guard Headquarters, in each district office, and in each marine inspection office, a file of the Commandant's Decisions on Appeal or Review.

(b) There shall be maintained as public records available for inspection at Coast Guard Headquarters a file of the decisions of administrative law judges.

(c) There shall be maintained as public records available for inspection in the Office of the District Commander a file of copies of decisions of administrative law judges rendered within such district.

§ 5.50–10 Administrative records.

(a) All files, records, testimony, documents, reports, or other data pertaining to an investigation to determine whether or not a hearing should be instituted, are administrative records. They are not public records available for inspection.

Subpart 5.55—Release of Records

§ 5.55–1 Public records.

(a) Upon written application, copies of public records referred to in Subpart 5.50 of this part may be obtained by persons properly concerned because of litigation or other reasonable collateral interest in the proceedings.

§ 5.55–5 Hearing transcript to appellant.

(a) A copy of the complete hearing transcript will be given to an appellant when it is requested in accordance with § 5.30–1.

§ 5.55–10 Hearing transcript to other persons.

(a) Upon written application, a complete copy of, or excerpts from, a hearing record may be obtained by persons properly concerned because of litigation or other reasonable collateral interest in the proceedings: *Provided*, That the record has been transcribed and copies are available.

§ 5.55–15 Written applications.

(a) A written application required by this subpart shall be addressed to the person in charge of the office where such records are maintained. The application shall be made by the party desiring the record or his authorized representative and shall:

(1) Identify the applicant (submit proof if representing another person);

(2) Specify the material desired;

(3) State the reason for the request; and,

(4) State whether or not the material is intended for use in litigation involving the United States.

§ 5.55–20 Action on written applications.

(a) The person to whom a written application for the release of records is addressed shall comply with the request if it meets the requirements of this subpart. Otherwise, the request shall be denied or, in doubtful cases, referred to the Commandant for determination.

§ 5.55–25 Authorized representatives.

(a) When the release of records is provided for in this subpart, such records may be obtained by an agent or attorney whose authority to act on behalf of another person is established by:

(1) A signed statement by the party represented or,

(2) A statement, on the hearing record, by the party represented; or,

(3) A copy of a contract of retainer signed by the party represented.

(b) When the release of records is provided for in this subpart, such records may be obtained by an executor, administrator, heir, guardian, trustee or other legal representative of a deceased or incompetent person: *Provided*, That proof of the relationship is submitted.

§ 5.55–30 Production upon compulsory process.

(a) When a request for records is denied for any reason, the applicant shall be advised that the records may be obtained by service of a subpena duces tecum or an order from a court of competent jurisdiction. However, if the information desired is classified for security reasons or by virtue of a specific law or executive order the applicant shall also be advised that such subpena or court order should be addressed to the Commandant.

§ 5.55–35 Persons directly concerned.

(a) Appellants in these proceedings are the only persons considered to be directly concerned and, therefore, entitled to free copies of these records as a matter of right upon proper request.

§ 5.55–40 Costs.

(a) The release of records authorized by this subpart shall be subject to the payment of costs prescribed in 33 CFR 1.25 with the exception of hearing transcripts furnished to appellants.

Subpart 5.60—Persons in Service of Coast Guard

§ 5.60–1 Testimony by Coast Guard personnel.

(a) Except as provided in paragraph (c) of this section, no person in the service of the Coast Guard shall, without prior approval of the Commandant, give any testimony with respect to any investigation or any other official proceedings in any suit or action in the courts. This applies equally to cases in State or Federal courts and to civil as well as criminal cases.

(b) In cases involving (1) civil litigation between private parties; or, (2) criminal matters before State courts; or, (3) civil litigation for or against the United States where Coast Guard personnel are called by parties opposing the United States, an affidavit by the litigant or his attorney setting forth the interest of the litigant and the information with respect to which the testimony of such Coast Guard officer or employee is desired must be submitted before permission to testify will be granted. Permission to testify will, in all cases, be limited to the information set forth in the affidavit, or to such portions thereof as may be deemed proper. In addition to the permission required by this paragraph, the Commandant may insist that the appearance of the Coast Guard officer or employee as a witness be conditioned on the issuance of a subpena or subpena duces tecum (as appropriate) from a court of competent jurisdiction.

(c) In cases where the appearance of Coast Guard personnel is desired by counsel representing the United States to support the affirmative claims or defenses of the United States in civil matters or on behalf of the United States in

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criminal matters, no affidavit as described in paragraph (b) of this section shall be required, but the Commandant's prior approval must be nevertheless obtained, except in those cases where the Coast Guard personnel desired as witnesses file the original complaint or have made original inquiry into the subject matter which resulted in the filing of an original complaint.

PART 9—EXTRA COMPENSATION FOR OVERTIME SERVICES

Sec.

9.1 Extra compensation; Coast Guard civilian personnel.
9.2 Payment although no actual service performed.
9.3 Overtime earnings not basis for overtime under Federal Employees Pay Act of 1945.
9.4 Waiting time; actual report for duties.
9.5 Night, Sunday, and holiday defined.
9.6 Rate for night service.
9.7 Rate for Sunday or holiday services.
9.8 Broken periods.
9.9 Two hours between broken periods.
9.10 Waiting time.
9.11 Proration of charges.
9.12 Travel status overtime.
9.13 Congressional appropriations necessary.
9.14 Assessment and collection of fees.
9.15 Application form.
9.16 Billing for services.
9.17 Protests.

AUTHORITY: The provisions of this Part 9 issued under 46 U.S.C. 416. Interpret or apply sec. 6, 49 Stat. 1385, as amended; 46 U.S.C. 382b.

§ 9.1 Extra compensation; Coast Guard civilian personnel.

Civilians assigned to the duties formerly assigned to local inspectors and their assistants, United States shipping commissioners and their deputies and assistants prior to Reorganization Plan No. 3 of 1946 (3 CFR, 1946 Supp.), and customs officers and employees, while performing duties in connection with the inspection of vessels or their equipment, supplying or signing on or discharging crews of vessels, at night or on Sundays and holidays, shall receive extra compensation to be paid by the master, owner, or agent of the vessel to the local United States collector of customs or his representative. (See § 9.16.)

§ 9.2 Payment although no actual service performed.

The rates of extra compensation are payable in cases where the services of officers or employees have been duly requested and the officers or employees have reported for duty, even though no actual service may be performed.

§ 9.3 Overtime earnings not basis for overtime under Federal Employees Pay Act of 1945.

Overtime, Sunday, and holiday services which are covered by payments under this part shall not also form a basis for overtime or extra pay under the Federal Employees Pay Act of 1945.

§ 9.4 Waiting time; actual report for duties.

Extra compensation for "waiting time" will not be allowed unless and until an officer or employee actually reports for duty.

§ 9.5 Night, Sunday, and holiday defined.

(a) For the purpose of this part the word "night" shall mean the time between 5 p.m. of any day and 8 a.m. of the following day.

(b) The term "holiday" shall mean only national legal public holidays, viz., January 1, February 22, May 30, July 4, the 1st Monday in September, November 11, the 4th Thursday in November, December 25, and such other days as may be declared legal public holidays by an act of Congress or by an Executive order of the President of the United States.

(c) The term "Sunday" shall include the first day of each calendar week.

§ 9.6 Rate for night service.

The rate of extra compensation for authorized overtime services performed at night on any week day is hereby fixed at one half the gross daily rate of regular pay of the employee who performs the services for each 2 hours of compensable time, any fraction of 2 hours amounting to at least one hour to be counted as 2 hours. In computing the amount earned, each 2 hours is the time period for the purpose of computation, at least one hour means the minimum service in each period for which extra pay may be granted. If service continues beyond a 2 hour period, it must extend for at least one hour into the following 2 hour period to be entitled to extra pay for the second period. When the overtime extends beyond 5 p.m., payment of extra compensation from 5 p.m., for services consisting of at least one hour is authorized, even though such services may not actually begin until 7 p.m., 9 p.m., or later: *Provided*, That the officer rendering the service remained on duty from 5 p.m., in which case the time between 5 p.m., and the time of beginning the actual service shall be computed as waiting time; and where the actual services begin as late as 9 p.m., there should be an affirmative statement that the officer was required to remain on duty between 5 p.m., and 9 p.m., if a charge for waiting time is made. The maximum amount of extra compensation which may be paid an employee for services during one night shall not exceed two and one-half times the gross daily rate of his regular pay.

§ 9.7 Rate for Sunday or holiday services.

The rate of extra compensation for Sunday or holiday services is hereby fixed at twice the gross daily rate of regular pay of the employee who performs the service, for any and all services totaling an aggregate of not more than nine hours, with one hour for food and rest, during the 24 hours from midnight to midnight of the Sunday or holiday including actual waiting time and time required for travel between posts of duty but not including other time not spent at the post of duty. This rate shall apply regardless of the length of time served within the aggregate of the aforesaid 9 hours, whether it is served continuously or in broken periods, and whether it is served for one or more applicants. Services in excess of an aggregate of the aforesaid 9 hours performed during the 24 hours of a Sunday or holiday shall be compensated on the same basis as overtime services performed at night on a weekday, the time between the completion of the aggregate of the aforesaid 9 hours and midnight being considered as the hours of a night. The maximum amount which may be paid an employee for services performed during the 24 hours of a Sunday or holiday shall not exceed four and one-half times the gross daily rate of his regular pay.

§ 9.8 Broken periods.

In computing extra compensation where the services rendered are in broken periods and less than 2 hours intervene between such broken periods the time served should be combined with the waiting time and computed as continuous service.

§ 9.9 Two hours between broken periods.

Where 2 hours or more intervene between broken periods, one-half day's extra pay will be allowed for each distinct 2-hour period or part of a 2-hour period, if waiting time and actual service rendered within each period consists of at least 1 hour.

§ 9.10 Waiting time.

The same construction should be given the act when charging for waiting time as governs the charge for services actually rendered. No charge should be made unless after having reported for duty the waiting time amounts to at least one hour.

§ 9.11 Proration of charges.

If services are performed for two or more applicants during one continuous tour of overtime duty, the charge for the extra compensation earned shall be prorated equitably according to the time attributable to the services performed for each applicant.

§ 9.12 Travel status overtime.

When employees are in travel status, overtime shall apply the same as at official station.

§ 9.13 Congressional appropriations necessary.

Payment of extra compensation for overtime services shall be subject to appropriations being made therefor by Congress.

§ 9.14 Assessment and collection of fees.

Assessment and collection of fees against steamship companies for overtime services shall be made even though the payment to employees for such services may not be made until funds are appropriated for that purpose.

§ 9.15 Application form.

An application on a form prescribed by the Commandant of the Coast Guard, shall be filed with the office being requested to furnish overtime services before such assignment can be made.

§ 9.16 Billing for services.

Overtime services shall be billed to the steamship companies on collection voucher provided for that purpose. Remittance shall be made by postal money order or certified check payable to the "Collector of Customs, Treasury Department" and forwarded to that officer at the port indicated on the voucher, who shall in turn deposit such remittance to a properly designated receipt account.

§ 9.17 Protests.

Protests against the exaction of extra compensation shall be forwarded to the Commandant of the Coast Guard.

[FR Doc.74-21163 Filed 9-16-74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 69-19; Notice 9]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

This notice amends 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, to waive the requirement that there be a 4-inch minimum spacing between a front turn signal and a low-beam headlamp whenever the turn signal lamp's photometric output is at least two and one-half times the minimum required. The amendment is effective October 17, 1974.

Interested persons have been afforded an opportunity to participate in the making of the amendment by a notice of proposed rulemaking (Docket No. 69-19; Notice 3) published on October 25, 1972 (37 FR 22801), and due consideration has been given to the comments received in response to the notice.

In order to enhance detectability of front lamp function by oncoming drivers at a distance, Standard No. 108 through its incorporation of SAE Standard J588d, "Turn Signal Lamps," requires at least 4 inches of spacing between a front turn signal lamp and a low beam headlamp. However, as part of Notice 3, the NHTSA proposed in paragraph S8.12 that turn signal lamps and low beam headlamps could be closer if the candlepower output of the turn signal lamp is at least two and one-half times that specified for yellow turn signal lamps in the SAE standard. Mercedes-Benz of North America has asked the NHTSA to make an early decision on the proposal to facilitate its product development plans.

Comments in general supported the proposal. Some requested removal of the 4-inch limitation regardless of turn signal photometric output. Others felt that the photometric values of all front turn signal lamps should be two and one-half times the present minimum. The NHTSA has decided to amend the standard primarily as proposed, but with reference to the grouped test points of Figure 1 of the standard rather than to the individual test points of J588.

In consideration of the foregoing, 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, is amended by adding new paragraph S4.3.1.7 to read:

S4.3.1.7 The requirement that there be not less than 4 inches between a front turn signal lamp and a low beam headlamp, specified in SAE Standard J588d, "Turn Signal Lamps," June 1966, shall not apply if the sum of the candlepower values of the turn signal lamp measured at the test points within each group listed in Figure 1 is not less than two and one-half times the sum specified for each group for yellow turn signal lamps.

Effective date: October 17, 1974. Because the amendment relieves a restriction without imposing new requirements on any person, it is found for good cause shown that an effective date earlier than 180 days after the issuance of the amendment is in the public interest.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51)

Issued on September 12, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-21445 Filed 9-16-74;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 34178 (Sub-No. 2)]

ACCOUNTING FOR INCOME TAXES; INTERPERIOD TAX ALLOCATION, DEFERRED TAXES

At a General Session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 9th day of August, 1974.

Miscellaneous Amendments

Consideration having been given to the matters and things involved in this proceeding, and the said Commission, on the date hereof, having made and filed a report[1] herein containing its findings and conclusions, which report is hereby made a part hereof:

It is ordered, That the request of the State of Michigan, Public Service Commission, for oral hearings and a delay in the disposition of this proceeding be, and it is hereby, denied.

It is further ordered, That Parts 1201 through 1210 of Title 49 of the Code of Federal Regulations be, and they are hereby, revised to read as set forth below.

It is further ordered, That the prescribed amendments shall be effective January 1, 1974, and that all carriers except those subject to Part 1204 shall recognize the accumulated provision for deferred taxes as of December 31, 1973, by direct charge (credit) to retained income and contra credit (charge) to the appropriate deferred tax account(s) as established in the attached appendices.

And it is further ordered, That service of this order shall be made on all affected carriers; and to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

(Authority: (5 U.S.C. 553, 559; 49 U.S.C. 12, 20, 304, 913, 1012.))

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

PART 1201—UNIFORM SYSTEM OF ACCOUNTS—RAILROAD COMPANIES

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions" amend line item "1-11 *Accounting for the Investment Tax Credit*" to read:

1-11 Accounting for income taxes.

Under "Income Accounts" the following revisions are made:

After line item "532 *Railway tax accruals*" add:

533 Provision for deferred taxes.

Amend line item "590 Federal income taxes on extraordinary and prior period items" to read:

590 *Income taxes on extraordinary and prior period items.*

After line item "590 *Income taxes on extraordinary and prior period items*" add:

591 *Provision for deferred taxes—extraordinary and prior period items.*

Under "General Balance Sheet Accounts" add the following immediately after line item "758 *Accrued depreciation; leased property*":

• • • • • •

714 Deferred income tax charges.

• • • • • •

744 Accumulated deferred income tax charges.

• • • • • •

762 Deferred income tax credits.

• • • • • •

786 Accumulated deferred income tax credits.

[1] Report filed as part of the original document.

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REGULATIONS PRESCRIBED

Under (ii) Definitions add definition 21 as follows:

• • • • •

21. (a) "Income taxes" means taxes based on income determined under provisions of the United States Internal Revenue Code and foreign, state and other taxes (including franchise taxes) based on income.

(b) "Income tax expense" means the amount of income taxes (whether or not currently payable or refundable) allocable to a period in the determination of net income.

(c) "Pretax accounting income" means income or loss for a period, exclusive of related income tax expense.

(d) "Taxable income" means the excess of revenues over deductions or the excess of deductions over revenues to be reported for income tax purposes for a period.

(e) "Timing differences" means differences between the periods in which transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income. Timing differences originate in one period and reverse or "turn around" in one or more subsequent periods. Some timing differences reduce income taxes that would otherwise be payable currently; others increase income taxes that would otherwise be payable currently.

(f) "Permanent differences" means differences between taxable income and pretax accounting income arising from transactions that, under applicable tax laws and regulations, will not be offset by corresponding differences or "turn around" in other periods.

(g) "Tax effects" means differentials in income taxes of a period attributable to (1) revenue or expense transactions which enter into the determination of pretax accounting income in one period and into the determination of taxable income in another period, (2) deductions or credits that may be carried backward or forward for income tax purposes and (3) adjustments of prior periods and direct entries to other stockholders' equity accounts which enter into the determination of taxable income in a period but which do not enter into the determination of pretax accounting income of that period. A permanent difference does not result in a "tax effect" as that term is used in this definition.

(h) "Deferred taxes" means tax effects which are deferred for allocation to income tax expense of future periods.

(i) "Interperiod tax allocation" means the process of apportioning income taxes among periods.

(j) "Tax allocation within a period" means the process of apportioning income tax expense applicable to a given period between income before extraordinary items and extraordinary items, and of associating the income tax effects of adjustments of prior periods and direct entries to other stockholders' equity accounts with these items.

GENERAL INSTRUCTIONS

The title and text of instruction 1-11 *"Accounting for the investment tax credit"* are amended to read:

1-11 Accounting for income taxes.

(a) The interperiod tax allocation method of accounting shall be applied where material timing differences (see definition 21(e)) occur between pretax accounting income and taxable income. Carriers may elect, as provided by the Revenue Act of 1971, to account for the investment tax credit by either the flow through method or the deferred method of accounting. See paragraphs (d) and (e) below. All income taxes (Federal, state and other) currently accruable for income tax return purposes shall be charged to account 532, *"Railway tax accruals"*, and account 590, "Income Taxes on Extraordinary and Prior Period Items," as applicable.

(b) Under the interperiod tax allocation method of accounting the tax effect of timing differences (see definitions 21 (g) and (e)) originating in the current accounting period are allocated to income tax expense of future periods when the timing differences reverse. Similar timing differences originating and reversing in the current accounting period should be combined into groups and the current tax rates applied to determine the tax effect of each group. A carrier shall not apply other than current tax rates in determining the tax effect of reversing differences except upon approval of the Commission. When determining the amount of deferred taxes, rather than computing state and other taxes individually by jurisdiction, the Federal income tax rate may be increased by a percent equivalent to the effect of taxes imposed by the jurisdictions.

(c) The future tax benefits of loss carryforwards shall normally be recognized in the year in which such loss is applied to reduce taxes. Only in those unusual instances when realization is assured beyond any reasonable doubt should the future tax benefits of loss carryforwards be recognized in the year of loss. The tax effects of any realizable loss carrybacks shall be recognized in the determination of net income (loss) of the loss periods; appropriate adjustments of existing net deferred tax credits may also be necessary in the loss period.

(d) Carriers electing to account for the investment tax credit by the flow through method shall credit account 532, "Railway tax accruals," or account 590, "Income taxes on extraordinary and prior period items," as applicable, and charge account 760, "Federal income taxes accrued" with the amount of investment tax credit utilized in the current accounting period. When the flow through method is followed for the investment tax credit, account 533, "Provision for Deferred Taxes," shall reflect the difference between the tax payable (after recognition of allowable investment tax credit) based on taxable income and tax expense (with full recognition of investment tax credit that would be allowable based on accounting income) based on accounting income.

(e) Carriers electing to account for the investment tax credit by the deferred method shall concurrently with making the entries prescribed in (d) above charge account 533, "Provision for deferred taxes" or account 591, "Provision for deferred taxes—extraordinary and prior period items," as applicable, and shall credit account 786, "Accumulated deferred income tax credits," with the investment tax credit utilized as a reduction of the current year's tax liability but deferred for accounting purposes. The investment tax credit so deferred shall be amortized by credits to account 533, "Provision for deferred taxes".

NOTE A: Any change in practice of accounting for the investment tax credit shall be reported promptly to the Commission. Carriers desiring to clear deferred investment tax credits because of a change from the deferral method to the flow through method shall submit the proposed journal entry to the Commission for consideration and advice.

NOTE B: The carrier shall follow generally accepted accounting principles where an interpretation of the accounting rules for income taxes is needed or obtain an interpretation from its public accountant or the Commission.

INCOME ACCOUNTS

The text of account 532, *"Railway tax accruals"* is amended by revising paragraph (c) and deleting paragraph (d). As amended the text reads as follows:

532 Railway tax accruals.

• • • • •

(c) Accruals for all income taxes which are estimated to be payable and which are applicable to ordinary income (see instruction 1-11) shall be included in this account. See texts of account 590, "Income taxes on extraordinary and prior period items," account 606, "Other credits to retained income," and account 616, "Other debits to retained income," for recording other income tax consequences.

NOTE A: • • •

• • • • •

After the text of account 532, *"Railway tax accruals"* the following new account number, title and text are added:

533 Provision for deferred taxes.

(a) This account shall include the net tax effect of all material timing differences (see definitions 21 (g) and (e)) originating and reversing in the current accounting period, and the future tax benefits of loss carryforwards recognized in accordance with instruction 1-11(c).

(b) This account shall include credits for the amortization of the investment tax credit if the carrier elected to use the deferred method of accounting for the investment tax credit. (See instruction 1-11(d).)

The text of account 570, *"Extraordinary items (net)"* is amended by revising paragraph (c) to read:

570 Extraordinary items (net).

• • • • •

(c) Income tax consequences of charges and credits to this account shall be recorded in account 590, "Income taxes on extraordinary and prior period items" and account 591, "Provision for deferred taxes—extraordinary and prior period items," as applicable.

The text of account 580, *"Prior period items (net)"* is amended by revising paragraph (c) to read:

580 Prior period items (net).

• • • • •

(c) Income tax consequences of charges and credits to this account shall be recorded in account 590, "Income taxes on extraordinary and prior period items" and account 591, "Provision for deferred taxes—extraordinary and prior period items," as applicable.

The title and text of account 590, *"Federal income taxes on extraordinary and prior period items"* is revised to read:

590 Income taxes on extraordinary and prior period items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and extraordinary, and are recorded in accounts 570, "Extraordinary items (net)" and 580, "Prior period items (net)." The tax effect of any timing differences caused by recognizing an item in the accounts provided for extraordinary and prior period items in different periods in determining accounting income and taxable income shall be included in account 591, "Provision for deferred taxes—extraordinary and prior period items."

After the text of account 590, "Income taxes on extraordinary and prior period items," the following new account number, title and text are added:

591 Provision for deferred taxes—extraordinary and prior period items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in accounts 570, "Extraordinary items (net)" and 580, "Prior period items (net)" (See instruction 1-11.)

Account 599, "Form of income statement" is revised as follows:

After line item 532, "Railway tax accruals" add:

533. Provision for deferred taxes.

Amend line item 590, "Federal income taxes on extraordinary and prior period items" to read:

590 Income taxes on extraordinary and price period items.

After line item 590, "Income taxes on extraordinary and prior period items" add:

591 Provision for deferred taxes—extraordinary and prior period items.

GENERAL BALANCE SHEET ACCOUNTS

After the text of account 713, "Other Current Assets," the following new account number, title and text are added:

714 Deferred Income Tax Charges.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net debit.

(b) A net credit balance shall be included in account 762, "Deferred income tax credits".

After the text of account 743, "Other Deferred Charges," the following new account number, title and text are added:

744 Accumulated Deferred Income Tax Charges.

This account shall include the amount of deferred taxes (see definition 21(h)) determined in accordance with instruction 1-11 and the text of account 786 "Accumulated deferred income tax credits," when the balance is a net debit.

After the text of account 761, "Other Taxes Accrued," the following new account number, title and text are added:

762 Deferred Income Tax Credits.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net credit.

(b) A net debit balance shall be included in account 714, "Deferred income tax charges."

784 [Amended]

The text of account 784 "Other deferred credits" is revised by deleting paragraph (b).

After the text of account 785 "Accrued depreciation; leased property," the following new account number, title and text are added:

786 Accumulated deferred income tax credits.

(a) This account shall be credited (charged) with amounts concurrently charged (credited) to account 533, "Provision for deferred taxes," and account 591, "Provision for deferred taxes—extraordinary and prior period items," representing the net tax effect of material timing differences (see definitions 21 (g) and (e)) originating and reversing in the current accounting period.

(b) This account shall be credited with the amount of investment tax credit utilized in the current year for income tax purposes but deferred for accounting purposes (see instruction 1-11).

(c) This account shall be concurrently debited with amounts credited to account 533, "Provision for deferred taxes," representing amortization of amounts for investment tax credits deferred in prior accounting periods.

(d) This account shall be maintained in such a manner as to show separately: (1) The unamortized balance of deferred income taxes and deferred investment tax credit separately as of the beginning and as of the end of each year entries are made affecting the account balance, (2) the current years net credit or charges applicable to timing differences and deferred investment tax credits.

NOTE A: The portion of deferred charges and credits relating to current assets and liabilities should likewise be classified as current and included in accounts 714, "Deferred Income Tax Charges," or 762, "Deferred Income Tax Credits," as appropriate.

NOTE B: This account shall include a net credit balance only. A net debit balance shall be recorded in account 799, "Accumulated Deferred Income Tax Credits."

Account 799, "Form of General Balance Sheet Statement," is revised by adding the following new account numbers and titles:

799 Form of General Balance Sheet Statement.

• • • • •

714 Deferred Income Tax Charges.

• • • • •

744 Accumulated Deferred Income Tax Charges.

• • • • •

LIST OF INSTRUCTIONS AND ACCOUNTS

PART 1202—UNIFORM SYSTEM OF ACCOUNTS—ELECTRIC RAILWAYS

Under "Operating Expenses" amend instruction "01-16 Accounting for the Investment Tax Credit" to read:

01-16 Accounting for income taxes.

Under "Income Accounts" the following revisions are made:

After line item "215 Taxes assignable to transportation operations" add:

215-5 Provision for deferred taxes.

After line item "290 Income taxes on extraordinary and prior period items" add:

291 Provision for deferred taxes—extraordinary and prior period items.

Under "General Balance Sheet Accounts" the following new account numbers and titles are added:

• • • • •

413-5 Deferred income tax charges.

• • • • •

420-5 Accumulated deferred income tax charges.

• • • • •

436-5 Deferred income tax credits.

• • • • •

447 Accumulated deferred income tax credits.

DEFINITIONS

Section "00-2 Definitions" is amended by adding the following definitions immediately after the definition for "Time of retirement":

00-2 Definitions.

• • • • •

"Income taxes" means taxes based on income determined under provisions of the United States Internal Revenue Code

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and foreign, state and other taxes (including franchise taxes) based on income.

"Income tax expense" means the amount of income taxes (whether or not currently payable or refundable) allocable to a period in the determination of net income.

"Pretax accounting income" means income or loss for a period, exclusive of related income tax expense.

"Taxable income" means the excess of revenues over deductions or the excess of deductions over revenues to be reported for income tax purposes for a period.

"Timing differences" means differences between the periods in which transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income. Timing differences originate in one period and reverse or "turn around" in one or more subsequent periods. Some timing differences reduce income taxes that would otherwise be payable currently; others increase income taxes that would otherwise be payable currently.

"Permanent differences" means differences between taxable income and pretax accounting income arising from transactions that, under applicable tax laws and regulations, will not be offset by corresponding differences or "turn around" in other periods.

"Tax effects" means differentials in income taxes of a period attributable to (1) revenue or expense transactions which enter into the determination of pretax accounting income in one period and into the determination of taxable income in another period, (2) deductions or credits that may be carried backward or forward for income tax purposes and (3) adjustments of prior periods and direct entries to other stockholders' equity accounts which enter into the determination of taxable income in a period but which do not enter into the determination of pretax accounting income of that period. A permanent difference does not result in a "tax effect" as that term is used in this definition.

"Deferred taxes" means tax effects which are deferred for allocation to income tax expense of future periods.

"Interperiod tax allocation" means the process of apportioning income taxes among periods.

"Tax allocation within a period" means the process of apportioning income tax expense applicable to a given period between income before extraordinary items and extraordinary items, and of associating the income tax effects of adjustments of prior periods and direct entries to other stockholders' equity accounts with these items.

OPERATING EXPENSES, GENERAL INSTRUCTIONS

The title and text of instruction "01–16 Accounting for the investment tax credit" are amended to read:

01–16 Accounting for income taxes.

(a) The interperiod tax allocation method of accounting shall be applied where material timing differences (see definitions) occur between pretax accounting income and taxable income. Carriers may elect, as provided by the Revenue Act of 1971, to account for the investment tax credit by either the flow-through method or the deferred method of accounting. See paragraphs (d) and (e) below. All income taxes (Federal, state and other) currently accruable for income tax return purposes shall be charged to account 215, "Taxes assignable to transportation operations," and account 290, "Income taxes on extraordinary and prior period items," as applicable.

(b) Under the interperiod tax allocation method of accounting the tax effect of timing differences (see definitions) originating in the current accounting period are allocated to income tax expense of future periods when the timing differences reverse. Similar timing differences originating and reversing in the current accounting period should be combined into groups and the current tax rates applied to determine the tax effect of each group. A carrier shall not apply other than current tax rates in determining the tax effect of reversing differences except upon approval of the Commission. When determining the amount of deferred taxes, rather than computing state and other taxes individually by jurisdiction, the Federal income tax rate may be increased by a percent equivalent to the effect of taxes imposed by the jurisdictions.

(c) The future tax benefits of loss carryforwards shall normally be recognized in the year in which such loss is applied to reduce taxes. Only in those unusual instances when realization is assured beyond any reasonable doubt should the future tax benefits of loss carryforwards be recognized in the year of loss. The tax effects of any realizable loss carrybacks shall be recognized in the determination of net income (loss) of the loss periods; appropriate adjustments of existing net deferred tax credits may also be necessary in the loss period.

(d) Carriers electing to account for the investment tax credit by the flow-through method shall credit account 215, "Taxes assignable to transportation operations", or account 290, "Income taxes on extraordinary and prior period items," as applicable, and charge account 435–1, "Taxes accrued" with the amount of investment tax credit utilized in the current accounting period.

When the flow-through method is followed for the investment tax credit, account 215–5, "Provision for Deferred Taxes," shall reflect the difference between the tax payable (after recognition of allowable investment tax credit) based on taxable income and tax expense (with full recognition of investment tax credit that would be allowable based on accounting income) based on accounting income.

(e) Carriers electing to account for the investment tax credit by the deferred method shall concurrently with making the entries prescribed in (d) above charge account 215–5, "Provision for deferred taxes" or account 291, "Provision for deferred taxes—extraordinary and prior period items," as applicable, and shall credit account 447, "Accumulated deferred income tax credits" with the investment tax credit utilized as a reduction of the current year's tax liability but deferred for accounting purposes. The investment tax credit so deferred shall be amortized by credits to account 215–5, "Provision for deferred taxes".

NOTE A.—Any change in practice of accounting for the investment tax credit shall be reported promptly to the Commission. Carriers desiring to clear deferred investment tax credits because of a change from the deferral method to the flow through method shall submit the proposed journal entry to the Commission for consideration and advice.

NOTE B.—The carrier shall follow generally accepted accounting principles where an interpretation of the accounting rules for income taxes is needed to obtain an interpretation from its public accountant or the Commission.

INCOME INSTRUCTIONS AND ACCOUNTS

Instruction "03–6 Form of income statement" is revised by adding line items 215–5 and 291 as follows:

After line item "215 Taxes assignable to transportation operations" add:

215–5 Provision for deferred taxes.

After line item "290 Income taxes on extraordinary and prior period items" add:

291 Provision for deferred taxes—extraordinary and prior period items.

The text of account "215 Taxes assignable to transportation operations" is amended by revising paragraph (c) and deleting paragraph (e). As amended the text reads as follows:

215 Taxes assignable to transportation operations.

• • • • • •

(c) Accruals for all income taxes which are estimated to be payable and which are applicable to ordinary income (see instruction 07–16) shall be included in this account. See texts of account 290, "Income taxes on extraordinary and prior period items," account 306, "Other credits to earned surplus," and account 317, "Other debits to earned surplus," for recording other income tax consequences.

• • • • • •

After the text of account "215 Taxes assignable to transportation operations" the following new account number, title and text are added:

215–5 Provision for deferred taxes.

(a) This account shall include the net tax effect of all material timing differences (see definitions) originating and reversing in the current accounting period, and the future tax benefits of loss carryforwards recognized in accordance with instruction 01–16 (c).

(b) This account shall include credits for the amortization of the investment tax credit if the carrier elected to use the deferred method of accounting for the investment tax credit. (See instruction 01–16(d).)

The text of account "270 Extraordinary items (net)" is amended by revising paragraph (b) to read:

270 Extraordinary items (net).

• • • • • •

(b) Income tax consequences of charges and credits to this account shall be included in account 290, "Income taxes on extraordinary and prior period items" and account 291, "Provision for deferred taxes—extraordinary and prior period items," as applicable.

• • • • • •

The text of account "280 Prior period items (net)" is amended by revising paragraph (b) to read:

280 Prior period items (net).

• • • • • •

(b) Income tax consequences of charges and credits to this account shall be included in account 290, "Income taxes on extraordinary and prior period items" and account 291, "Provision for deferred taxes—extraordinary and prior period items," as applicable.

• • • • • •

The text of account "290 Income taxes on extraordinary and prior period items" is revised to read:

290 Income taxes on extraordinary and prior period items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and extraordinary, and are recorded in accounts 270, "Extraordinary items (net)" and 280, "Prior period items (net)". The tax effect of any timing differences caused by recognizing an item in the accounts provided for extraordinary and prior period items in different periods in determining accounting income and taxable income shall be included in account 291, "Provision for deferred taxes—extraordinary and prior period items".

After the text of account "290 Income taxes on extraordinary and prior period items" add the following new account number, title and text:

291 Provision for deferred taxes—extraordinary and prior period items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in accounts 270, "Extraordinary items (net)" and 280, "Prior period items (net)". (See instruction 01–16).

GENERAL BALANCE SHEET

Instruction "05–7 Form of general balance sheet statements" is revised by adding the following line items:

• • • • • •

413–5 Deferred income tax charges.

• • • • • •

420–5 Accumulated deferred income tax charges.

• • • • • •

436–5 Deferred income tax credits.

• • • • • •

447 Accumulated deferred income tax credits.

GENERAL BALANCE SHEET ACCOUNTS

After the text of account "413 Other current assets," the following new account number, title and text are added:

413–5 Deferred income tax charges.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net debit.

(b) A net credit balance shall be included in account 436–5, "Deferred income tax credits."

After the text of account "420 Other unadjusted debits," the following new account number, title and text are added:

420–5 Accumulated deferred income tax charges.

This account shall include the amount of deferred taxes (see definition) determined in accordance with instruction 01–16 and the text of account 447, "Accumulated deferred income tax credits," when the balance is a net debit.

After the text of account "436 Other current liabilities," the following new account number, title and text are added:

436–5 Deferred income tax credits.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net credit.

(b) A net debit balance shall be included in account 413–5, "Deferred income tax charges."

The text of account "446 Other unadjusted credits" is revised by deleting paragraph (b).

After the text of account "446 Other unadjusted credits" add the following new account number, title and text:

447 Accumulated deferred income tax credits.

(a) This account shall be credited (charged) with amounts concurrently charged (credited) to account 215–5, "Provision for deferred taxes" and account 291, "Provision for deferred taxes—extraordinary and prior period items", representing the net tax effect of material timing differences (see definitions) originating and reversing in the current accounting period.

(b) This account shall be credited with the amount of investment tax credit utilized in the current year for income tax purposes but deferred for accounting purposes (see instruction 01–16).

(c) This account shall be concurrently debited with amounts credited to account 215–5, "Provision for deferred taxes" representing amortization of amounts for investment tax credits deferred in prior accounting periods.

(d) This account shall be maintained in such a manner as to show separately: (1) the unamortized balance of deferred income taxes and deferred investment tax credit separately as of the beginning and as of the end of each year entries are made affecting the account balance, (2) the current years net credit or charges applicable to timing differences and deferred investment tax credits.

NOTE A: The portion of deferred charges and credits relating to current assets and liabilities should likewise be classified as current and included in account 413–5, "Deferred income tax charges," or account 436–5, "Deferred income tax credits," as appropriate.

NOTE B: This account shall include a net credit balance only. A net debit balance shall be recorded in account 420–5, "Accumulated deferred income tax charges."

PART 1203—UNIFORM SYSTEM OF ACCOUNTS FOR EXPRESS COMPANIES

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions" amend line item "1–18 Accounting for the Investment Tax Credit" to read:

1–18 Accounting for income taxes.

Under "Balance Sheet Account Classifications" the following line items are added:

• • • • • •

119–5 Deferred income tax charges.

• • • • • •

145 Accumulated deferred income tax charges.

• • • • • •

219–5 Deferred income tax credits.

• • • • • •

243 Accumulated deferred income tax credits.

• • • • • •

Under "Income Accounts" the following revisions are made:

After line item "813 Other income taxes" add:

820 Provision for deferred taxes.
821 Provision for deferred taxes.

After line item "931 Income taxes on extraordinary and prior period items" add:

940 Provisions for deferred taxes—extraordinary and prior period items.
941 Provision for deferred taxes—extraordinary and prior period items.

DEFINITIONS

In part (1) "Definitions", after the text of definition 40 "Used", add the following:

(1) *Definitions.* • • •

• • • • • •

41.(a) "Income taxes" means taxes based on income determined under provisions of the United States Internal Revenue Code and foreign, state and other taxes (including franchise taxes) based on income.

(b) "Income tax expense" means the amount of income taxes (whether or not currently payable or refundable) allocable to a period in the determination of net income.

(c) "Pretax accounting income" means income or loss for a period, exclusive of related income tax expense.

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(d) "Taxable income" means the excess of revenues over deductions or the excess of deductions over revenues to be reported for income tax purposes for a period.

(e) "Timing differences" means differences between the periods in which transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income. Timing differences originate in one period and reverse or "turn around" in one or more subsequent periods. Some timing differences reduce income taxes that would otherwise be payable currently.

(f) "Permanent differences" means differences between taxable income and pretax accounting income arising from transactions that, under applicable tax laws and regulations, will not be offset by corresponding differences or "turn around" in other periods.

(g) "Tax effects" means differentials in income taxes of a period attributable to (1) revenue or expense transactions which enter into the determination of pretax accounting income in one period and into the determination of taxable income in another period, (2) deductions or credits that may be carried backward or forward for income tax purposes and (3) adjustments of prior periods and direct entries to other stockholders' equity accounts which enter into the determination of taxable income in a period but which do not enter into the determination of pretax accounting income of that period. A permanent difference does not result in a "tax effect" as that term is used in this definition.

(h) "Deferred taxes" means tax effects which are deferred for allocation to income tax expense of future periods.

(i) "Interperiod tax allocation" means the process of apportioning income taxes among periods.

(j) "Tax allocation within a period" means the process of apportioning income tax expense applicable to a given period between income before extraordinary items and extraordinary items, and of associating the income tax effects of adjustments of prior periods and direct entries to other stockholders' equity accounts with these items.

GENERAL INSTRUCTIONS

Instruction "1–2 Accounting scope", paragraph (d), is amended by adding the following:

1–2 Accounting scope.

• • • • • •

(d) • • •

119–5 Deferred income tax charges.

• • • • • •

145 Accumulated deferred income tax charges.

• • • • • •

219–5 Deferred income tax credits.

• • • • • •

243 Accumulated deferred income tax credits

• • • • • •

815 Provision for deferred taxes

• • • • • •

982 Provision for deferred taxes—extraordinary and prior period items

Instruction "1–18 Accounting for the investment tax credit" is amended by revising the title and text to read:

1–18 Accounting for income taxes.

(a) The interperiod tax allocation method of accounting shall be applied where material timing differences (see definition 41(e)) occur between pretax accounting income and taxable income. Carriers may elect, as provided by the Revenue Act of 1971, to account for the investment tax credit by either the flow through method or the deferred method of accounting. See paragraphs (d) and (e) below. All income taxes (Federal, state and other) currently accruable for income tax return purposes shall be charged to account 810, Income taxes on ordinary income, and account 930, Income taxes on extraordinary and prior period items, as applicable.

(b) Under the interperiod tax allocation method of accounting the tax effect of timing differences (see definitions 41 (g) and (e)) originating in the current accounting period are allocated to income tax expense of future periods when the timing differences reverse. Similar timing differences originating and reversing in the current accounting period should be combined into groups and the current tax rates applied to determine the tax effect of each group. A carrier shall not apply other than current tax rates in determining the tax effect of reversing differences except upon approval of the Commission. When determining the amount of deferred taxes, rather than computing state and other taxes individually by jurisdiction, the Federal income tax rate may be increased by a percent equivalent to the effect of taxes imposed by the jurisdictions.

(c) The future tax benefits of loss carryforwards shall normally be recognized in the year in which such loss is applied to reduce taxes. Only in those unusual instances when realization is assured beyond any reasonable doubt should the future tax benefits of loss carryforwards be recognized in the year of loss. The tax effects of any realizable loss carrybacks shall be recognized in the determination of net income (loss) of the loss periods; appropriate adjustments of existing net deferred tax credits may also be necessary in the loss period.

(d) Carriers electing to account for the investment tax credit by the flow through method shall credit account 810, Income taxes on ordinary income, or account 930, Income taxes on extraordinary and prior period items, as applicable, and charge account 215, Income taxes accrued, with the amount of investment tax credit utilized in the current accounting period. When the flow-through method is followed for the investment tax credit, account 815, Provision for deferred taxes, shall reflect the difference between the tax payable (after recognition of allowable investment tax credit) based on taxable income and tax expense (with full recognition of investment tax credit that would be allowable based on accounting income) based on accounting income.

(e) Carriers electing to account for the investment tax credit by the deferred method shall concurrently with making the entries prescribed in (d) above charge account 820, Provision for deferred taxes or account 940, Provision for deferred taxes—extraordinary and prior period items, as applicable, and shall credit account 243, Accumulated deferred income tax credits with the investment tax credit utilized as a reduction of the current year's tax liability but deferred for accounting purposes. The investment tax credit so deferred shall be amortized by credits to account 820, Provision for deferred taxes.

NOTE A: Any change in practice of accounting for the investment tax credit shall be reported promptly to the Commission. Carriers desiring to clear deferred investment tax credits because of a change from the deferral method to the flow through method shall submit the proposed journal entry to the Commission for consideration and advice.

NOTE B: The carrier shall follow generally accepted accounting principles where an interpretation of the accounting rules for income taxes is needed or obtain an interpretation from its public accountant or the Commission.

BALANCE SHEET ACCOUNT CLASSIFICATIONS

After the text of account "119 Other current assets", the following new account number, title and text are added:

119–5 Deferred income tax charges.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net debit.

(b) A net credit balance shall be included in account 219–5, "Deferred income tax credits".

After the text of account "144 Special funds", the following new account number, title and text are added:

145 Accumulated deferred income tax charges.

This account shall include the amount of deferred taxes (see definition 41(h)) determined in accordance with instruction 1–18 and the text of account 243, "Accumulated deferred income tax credits", when the balance is a net debit.

After the text of account "219 Other current liabilities", the following new account number, title and text are added:

219–5 Deferred income tax credits.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net credit.

(b) A net debit balance shall be included in account 119–5, "Deferred income tax charges".

242 [Amended]

The text of account "242 Deferred credits" is revised by deleting paragraph (d).

After the text of account "242 Deferred credits" add the following new account number, title and text:

243 Accumulated deferred income tax credits.

(a) This account shall be credited (charged) with amounts concurrently charged (credited) to account 820, Provision for deferred taxes and account 940, Provision for deferred taxes—extraordinary and prior period items, representing the net tax effect of material timing differences (see definitions 41 (g) and (e)) originating and reversing in the current accounting period.

(b) This account shall be credited with the amount of investment tax credit utilized in the current year for income tax purposes but deferred for accounting purposes (see instruction 1–18).

(c) This account shall be concurrently debited with amounts credited to account 820, Provision for deferred taxes representing amortization of amounts for investment tax credits deferred in prior accounting periods.

(d) This account shall be maintained in such a manner as to show separately: (1) the unamortized balance of deferred income taxes and deferred investment tax credit separately as of the beginning and as of the end of each year entries are made affecting the account balance, (2) the current years net credit or charges applicable to timing differences and deferred investment tax credits.

NOTE A: The portion of deferred charges and credits relating to current assets and liabilities should likewise be classified as current and included in account 119–5, "Deferred income tax charges", or account 219–5, "Deferred income tax credits", as appropriate.

NOTE B: This account shall include a net credit balance only. A net debit balance shall be included in account 145, "Accumulated deferred income tax charges".

Account "299 Form of balance sheet" is amended by adding the following:

299 Form of balance sheet.

• • • • • •

119–5 Deferred income tax charges.

• • • • • •

145 Accumulated deferred income tax charges.

• • • • • •

219–5 Deferred income tax credits.

• • • • • •

243 Accumulated deferred income tax credits.

INCOME ACCOUNTS

After the text of account "813 Other income taxes" the number and title for new control account 820, and the number, title and text for new account 821 are added to read:

820 Provision for deferred taxes.

821 Provision for deferred taxes.

(a) This account shall include the tax effect of all timing differences (see definitions 41 (g) and (e)) originating and reversing in the current accounting period, and the future tax benefits of loss carryforwards recognized in accordance with instruction 1–18(c).

(b) This account shall include credits for the amortization of the investment tax credit if the carrier elected to use the deferred method of accounting for the investment tax credit. (See instruction 1–18(d).)

The text of account "911 Extraordinary items (net)" is amended by revising paragraph (b) to read:

911 Extraordinary items (net).

• • • • • •

(b) Income tax consequences of charges and credits to this account shall be included in account 930, Income taxes on extraordinary items, and account 940, Provision for deferred taxes—extraordinary and prior period items, as applicable.

• • • • • •

The text of account "921 Prior period items (net)" is amended by revising paragraph (b) to read:

921 Prior period items (net).

• • • • • •

(b) Income tax consequences of charges and credits to this account shall be included in account 930, Income taxes on extraordinary items, and account 940, Provision for deferred taxes—extraordinary and prior period items, as applicable.

• • • • • •

The text of account "931 Income taxes on extraordinary and prior period items" is revised to read:

931 Income taxes on extraordinary and prior period items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and extraordinary, and are recorded in accounts 910, Extraordinary items (net) and 920, Prior period items (net). The tax effect of any timing differences caused by recognizing an item in the accounts provided for extraordinary and prior period items in different periods in determining accounting income and taxable income shall be included in account 940, Provision for deferred taxes—extraordinary and prior period items.

Following the text of account "931 Income taxes on extraordinary and prior period items," the title for control account "940, Provision for deferred taxes—extraordinary and prior period items," and the title and text for account "941, Provision for deferred taxes—extraordinary and prior period items" are added to read:

940 Provision for deferred taxes—extraordinary and prior period items.

941 Provision for deferred taxes—extraordinary and prior period items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in accounts 910, Extraordinary items (net) and 920, Prior period items (net). (See instruction 1–18.)

Account "999 Form of Income Statement" is revised as follows:

After line item "810 Income taxes on ordinary income" add:

820 Provision for deferred taxes.

After line item "930 Income taxes on extraordinary and prior period items" add:

940 Provision for deferred taxes—extraordinary and prior period items.

PART 1204—UNIFORM SYSTEM OF ACCOUNTS FOR PIPELINE COMPANIES

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions" amend instruction "1–12 Accounting for the Investment Tax Credit" to read:

1–12 Accounting for income taxes.

Under "Balance Sheet Accounts" the following are added:

• • • • • •

19–5 Deferred income tax charges.

• • • • • •

45 Accumulated deferred income tax charges.

• • • • • •

59 Deferred income tax charges.

• • • • • •

64 Accumulated deferred income tax credits.

Under "Income Accounts" the following revisions are made:

Line item "670 Federal income taxes on ordinary income" is revised to read:

670 Income taxes on ordinary income.

After line item "670 Income taxes on ordinary income" add:

671 Provision for deferred taxes.

Amend line item "695 Federal income taxes on extraordinary and prior period items" to read:

695 Income taxes on extraordinary and prior period items.

After line item "695 Income taxes on extraordinary and prior period items" add:

696 Provision for deferred taxes—extraordinary and prior period items.

DEFINITIONS

After the text of definition 29 "Straight-line method" add the following definitions:

Definitions. • • •

• • • • • •

30. (a) "Income taxes" means taxes based on income determined under provisions of the United States Internal Revenue Code and foreign, state and other taxes (including franchise taxes) based on income.

(b) "Income tax expense" means the amount of income taxes (whether or not currently payable or refundable) alloca-

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ble to a period in the determination of net income.

(c) "Pretax accounting income" means income or loss for a period, exclusive of related income tax expense.

(d) "Taxable income" means the excess of revenues over deductions or the excess of deductions over revenues to be reported for income tax purposes for a period.

(e) "Timing differences" means differences between the periods in which transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income. Timing differences originate in one or more subsequent periods. Some timing differences reduce income taxes that would otherwise be payable currently; others increase income taxes that would otherwise be payable currently.

(f) "Permanent differences" means differences between taxable income and pretax accounting income arising from transactions that, under applicable tax laws and regulations, will not be offset by corresponding differences or "turn around" in other periods.

(g) "Tax effects" means differentials in income taxes of a period attributable to (1) revenue or expense transactions which enter into the determination of pretax accounting income in one period and into the determination of taxable income in another period, (2) deductions or credits that may be carried backward or forward for income tax purposes and (3) adjustments of prior periods and direct entries to other stockholders' equity accounts which enter into the determination of taxable income in a period but which do not enter into the determination of pretax accounting income of that period. A permanent difference does not result in a "tax effect" as that term is used in this definition.

(h) "Deferred taxes" means tax effects which are deferred for allocation to income tax expense of future periods.

(i) "Interperiod tax allocation" means the process of apportioning income taxes among periods.

(j) "Tax allocation within a period" means the process of apportioning income tax expense applicable to a given period between income before extraordinary items and of associating the income tax effects of adjustments of prior periods and direct entries to other stockholders' equity accounts with these items.

GENERAL INSTRUCTIONS

Instruction "1–12 Accounting for the investment tax credit" is amended by revising the title and text to read:

1–12 Accounting for income taxes.

(a) The interperiod tax allocation method of accounting shall be applied where material timing differences (see definition 30(e)) occur between pretax accounting income and taxable income. Carriers may elect, as provided by the Revenue Act of 1971, to account for the investment tax credit by either the flow through method or the deferred method of accounting. See paragraphs (d) and (e) below. All income taxes (Federal, state and other) currently accruable for income tax return purposes shall be charged to account 670, Income taxes on ordinary income, and account 695, Income taxes on extraordinary and prior period items, as applicable.

(b) Under the interperiod tax allocation method of accounting the tax effect of timing differences (see definitions 30 (g) and (e)) originating in the current accounting period are allocated to income tax expense of future periods when the timing differences reverse. Similar timing differences originating and reversing in the current accounting period should be combined into groups and the current tax rates applied to determine the tax effect of each group. A carrier shall not apply other than current tax rates in determining the tax effect of reversing differences except upon approval of the Commission. When determining the amount of deferred taxes, rather than computing state and other taxes individually by jurisdiction, the Federal income tax rate may be increased by a percent equivalent to the effect of taxes imposed by the jurisdictions.

(c) The future tax benefits of loss carryforwards shall normally be recognized in the year in which such loss is applied to reduce taxes. Only in those unusual instances when realization is assured beyond any reasonable doubt should the future tax benefits of loss carryforwards be recognized in the year of loss. The tax effects of any realizable loss carrybacks shall be recognized in the determination of net income (loss) of the loss periods; appropriate adjustments of existing net deferred tax credits may also be necessary in the loss period.

(d) Carriers electing to account for the investment tax credit by the flow through method shall credit account 670, Income taxes on ordinary income, or account 695, Income taxes on extraordinary and prior period items, as applicable, and charge account 56, Taxes payable, with the amount of investment tax credit utilized in the current accounting period. When the flow through method is followed for the investment tax credit, account 671, Provision for deferred taxes, shall reflect the difference between the tax payable (after recognition of allowable investment tax credit) based on taxable income and tax expense (with full recognition of investment tax credit that would be allowable based on accounting income) based on accounting income.

(e) Carriers electing to account for the investment tax credit by the deferred method shall concurrently with making the entries prescribed in (d) above charge account 671, "Provision for deferred taxes" or account 696, "Provision for deferred taxes"—extraordinary and prior period items," as applicable, and shall credit account 64, Accumulated deferred income tax credits with the investment tax credit utilized as a reduction of the current year's tax liability but deferred for accounting purposes. The investment tax credit so deferred shall be amortized by credits to account 671, "Provision for deferred taxes".

NOTE A: Any change in practice of accounting for the investment tax credit shall be reported promptly to the Commission. Carriers desiring to clear deferred investment tax credits because of a change from the deferral method to the flow through method shall submit the proposed journal entry to the Commission for consideration and advice.

NOTE B: The carrier shall follow generally accepted accounting principles where an interpretation of the accounting rules for income taxes is needed or obtain an interpretation from its public accountant or the Commission.

BALANCE SHEET ACCOUNTS

After the text of account "19 Other current assets," the following new account number, title and text are added:

19–5 Deferred income tax charges.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net debit.

(b) A net credit balance shall be included in account 59, Deferred income tax credits.

After the text of account 44, "Other deferred charges," the following new account number, title and text are added:

45 Accumulated deferred income tax charges.

This account shall include the amount of deferred taxes (see definition 30(h)) determined in accordance with instruction 1–12 and the text of account 64, Accumulated deferred income tax credits, when the balance is a net debit.

After the text of account 58, "Other current liabilities," the following new account number, title and text are added:

59 Deferred income tax credits.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net credit.

(b) A net debit balance shall be included in account 19–5, Deferred income tax charges.

63 [Amended]

The text of account "63 Other noncurrent liabilities" is amended by deleting paragraph (b).

After the text of account "63 Other noncurrent liabilities" the following new account number, title and text are added:

64 Accumulated deferred income tax credits.

(a) This account shall be credited (charged) with amounts concurrently charged (credited) to account 671, Provision for deferred taxes and account 696, Provision for deferred taxes—extraordinary and prior period items, representing the net tax effect of material timing differences (see definitions 30 (g) and (e)) originating and reversing in the current accounting period.

(b) This account shall be credited with the amount of investment tax credit utilized in the current year for income tax purposes but deferred for accounting purposes (see instruction 1–12).

(c) This account shall be concurrently debited with amounts credited to account 671, Provision for deferred taxes representing amortization of amounts for investment tax credits deferred in prior accounting periods.

(d) This account shall be maintained in such a manner as to show separately: (1) the unamortized balance of deferred income taxes and deferred investment tax credit separately as of the beginning and as of the end of each year entries are made affecting the account balance, (2) the current years net credit or charges applicable to timing differences and deferred investment tax credits.

NOTE A: The portion of deferred charges and credits relating to current assets and liabilities should likewise be classified as current and included in account 19–5, Deferred income tax charges, or account 59, Deferred income tax credits, as appropriate.

NOTE B: This account shall include a net credit balance only. A net debit balance shall be recorded in account 45, Accumulated deferred income tax charges.

OPERATING EXPENSES

The text of account "580 Pipeline taxes," paragraph (a), is amended by deleting the reference to Federal income taxes. As amended the text reads:

580 Pipeline taxes.

(a) This account shall include accruals for taxes of all kinds, excepting income taxes (see definition 30(a)), relating to carrier property, operations, privileges and licenses.

• • • • •

INCOME ACCOUNTS

The title of account "670 Federal income taxes on ordinary income" is amended by deleting the reference to Federal. Also, the text of this account is amended by revising paragraph (a) and deleting paragraph (c). As amended, the text reads:

670 Income taxes on ordinary income.

(a) This account shall be debited with the monthly accurals for all income taxes which are estimated to be payable and which are applicable to ordinary income (see instruction 1–12). See the texts of account 695, Income Taxes on Extraordinary and Prior Period Items, account 710, Other Credits to Retained Income, and account 720, Other Debits to Retained Income, for recording other income tax consequences.

• • • • •

After the text of account "670 Income taxes on ordinary income" the following new account number, title and text are added:

671 Provision for deferred taxes.

(a) This account shall include the net tax effect of all material timing differences (see definitions 30 (g) and (e)) originating and reversing in the current accounting period, and the future tax benefits of loss carryforwards recognized in accordance with instruction 1–12(c).

(b) This account shall include credits for the amortization of the investment tax credit if the carrier elected to use the deferred method of accounting for the investment tax credit. (See instruction 1–12(d)).

The text of account "680 Extraordinary items (net)" is amended by revising paragraph (c) to read:

680 Extraordinary items (net).

• • • • •

(c) Income tax consequences of charges and credits to this account shall be recorded in account 695, Income Taxes on Extraordinary and Prior Period Items, or account 696, Provision for Deferred Taxes—Extraordinary and Prior Period Items, as applicable.

The text of account "690 Prior period items (net)" is amended by revising paragraph (c) to read:

690 Prior period items (net).

• • • • •

(c) Income tax consequences of charges and credits to this account shall be recorded in account 695, Income Taxes on Extraordinary and Prior Period Items, or account 696, Provision for Deferred Taxes—Extraordinary and Prior Period Items, as applicable.

The title and text of account "695 Federal income taxes on extraordinary and prior period items" is revised to read:

695 Income taxes on extraordinary and prior period items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and extraordinary, and are recorded in accounts 680, Extraordinary items (net) and 690, Prior period items (net). The tax effect of any timing differences caused by recognizing an item in the accounts provided for extraordinary and prior period items in different periods in determining accounting income and taxable income shall be included in account 696, Provision for deferred taxes—extraordinary and prior period items.

After the text of account "695 Income taxes on extraordinary and prior period items" the following new account number, title and text are added:

696 Provision for deferred taxes—extraordinary and prior period items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in accounts 680, Extraordinary items (net) and 690, Prior period items (net). (See instruction 1–12).

Account "797 Form of Balance Sheet Statement" is amended by adding the the following:

797 Form of Balance Sheet Statement.

• • • • •

19–5 Deferred Income Tax Charges.

• • • • •

45 Accumulated deferred income tax charges.

• • • • •

59 Deferred income tax credits.

• • • • •

64 Accumulated deferred income tax credits.

Account "798 Form of Income Statement" is revised as follows:

Amend line item "670 Federal income taxes on ordinary income", to read:

670 Income taxes on ordinary income.

After line item "670 Income taxes on ordinary income" add:

671 Provision for deferred taxes.

Amend line item "695 Federal income taxes on extraordinary and prior period items" to read:

695 Income taxes on extraordinary and prior period items.

After line item "695 Income taxes on extraordinary and prior period items" add:

696 Provision for deferred taxes—extraordinary and prior period items.

PART 1205—UNIFORM SYSTEM OF ACCOUNTS FOR REFRIGERATOR CAR LINES

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "Income and Balance Sheet Accounts Instructions" amend instruction "42 Accounting for the Investment Tax Credit" to read:

42 Accounting for income taxes.

Under "Income Accounts Texts" the following revisions are made:

After line item "532 Car line tax accruals" add:

532–5 Provision for deferred taxes.

Amend line item "590 Federal income taxes on extraordinary and prior period items" to read:

590 Income taxes on extraordinary and prior period items.

After line item "590 Income taxes on extraordinary and prior period items" add:

591 Provision for deferred taxes—extraordinary and prior period items.

Under "General Balance Sheet Accounts Texts" the following are added:

• • • • • •

714 Deferred income tax charges.

• • • • • •

744 Accumulated deferred income tax charges.

• • • • • •

762 Deferred income tax credits.

• • • • • •

785 Accumulated deferred income tax credits.

• • • • • •

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GENERAL INSTRUCTIONS

Instruction "2 Definitions" is amended by adding the following definitions after the text of definition (v) "Value of salvage":

2 Definitions.

• • • • •

(z)(1) "Income taxes" means taxes based on income determined under provisions of the United States Internal Revenue Code and foreign, state and other taxes (including franchise taxes) based on income.

(2) "Income tax expense" means the amount of income taxes (whether or not currently payable or refundable) allocable to a period in the determination of net income.

(3) "Pretax accounting income" means income or loss for a period, exclusive of related income tax expense.

(4) "Taxable income" means the excess of revenues over deductions or the excess of deductions over revenues to be reported for income tax purposes for a period.

(5) "Timing differences" means differences between the periods in which transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income. Timing differences originate in one period and reverse or "turn around" in one or more subsequent periods. Some timing differences reduce income taxes that would otherwise be payable currently; others increase income taxes that would otherwise be payable currently.

(6) "Permanent differences" means differences between taxable income and pretax accounting income arising from transactions that, under applicable tax laws and regulations, will not be offset by corresponding differences or "turn around" in other periods.

(7) "Tax effects" means differentials in income taxes of a period attributable to (1) revenue or expense transactions which enter into the determination of pretax accounting income in one period and into the determination of taxable income in another period, (2) deductions or credits that may be carried backward or forward for income tax purposes and (3) adjustments of prior periods and direct entries to other stockholders' equity accounts which enter into the determination of taxable income in a period but which do not enter into the determination of pretax accounting income of that period. A permanent difference does not result in a "tax effect" as that term is used in this definition.

(8) "Deferred taxes" means tax effects which are deferred for allocation to income tax expense of future periods.

(9) "Interperiod tax allocation" means the process of apportioning income taxes among periods.

(10) "Tax allocation within a period" means the process of apportioning income tax expense applicable to a given period between income before extraordinary items and extraordinary items, and of associating the income tax effects of adjustments of prior periods and direct entries to other stockholders' equity accounts with these items.

INCOME AND BALANCE SHEET ACCOUNTS INSTRUCTIONS

The title and text of instruction "42 Accounting for the investment tax credit" is amended to read:

42 Accounting for income taxes.

(a) The interperiod tax allocation method of accounting shall be applied where material timing differences (see definition (z)(5)) occur between pretax accounting income and taxable income. Carriers may elect, as provided by the Revenue Act of 1971, to account for the investment tax credit by either the flow through method or the deferred method of accounting. See paragraphs (d) and (e) below. All income taxes (Federal, state and other) currently accruable for income tax return purposes shall be charged to account 532 "Car line tax accruals" and account 590 "Income taxes on extraordinary and prior period items", as applicable.

(b) Under the interperiod tax allocation method of accounting the tax effect of timing differences (see definitions (z)(7) and (5)) originating in the current accounting period are allocated to income tax expense of future periods when the timing differences reverse. Similar timing differences originating and reversing in the current accounting period should be combined into groups and the current tax rates applied to determine the tax effect of each group. A carrier shall not apply other than current tax rates in determining the tax effect of reversing differences except upon approval of the Commission. When determining the amount of deferred taxes, rather than computing state and other taxes individually by jurisdiction, the Federal income tax rate may be increased by a percent equivalent to the effect of taxes imposed by the jurisdictions.

(c) The future tax benefits of loss carryforwards shall normally be recognized in the year in which such loss is applied to reduce taxes. Only in those unusual instances when realization is assured beyond any reasonable doubt should the future tax benefits of loss carryforwards be recognized in the year of loss. The tax effects of any realizable loss carrybacks shall be recognized in the determination of net income (loss) of the loss periods; appropriate adjustments of existing net deferred tax credits may also be necessary in the loss period.

(d) Carriers electing to account for the investment tax credit by the flow through method shall credit account 532 "Car line tax accruals" or account 590 "Income taxes on extraordinary and prior period items", as applicable, and charge account 760 "Federal income taxes accrued" with the amount of investment tax credit utilized in the current accounting period. When the flow through method is followed for the investment tax credit, account 532–5 "Provision for deferred taxes" shall reflect the difference between the tax payable (after recognition of allowable investment tax credit) based on taxable income and tax expense (with full recognition of investment tax credit that would be allowable based on accounting income) based on accounting income.

(e) Carriers electing to account for the investment tax credit by the deferred method shall concurrently with making the entries prescribed in (d) above charge account 532–5 "Provision for deferred taxes" or account 591 "Provision for deferred taxes—extraordinary and prior period items", as applicable, and shall credit account 785 "Accumulated deferred income tax credits" with the investment tax credit utilized as a reduction of the current year's tax liability but deferred for accounting purposes. The investment tax credit so deferred shall be amortized by credits to account 532–5 "Provision for deferred taxes".

NOTE A: Any change in practice of accounting for the investment tax credit shall be reported promptly to the Commission. Carriers desiring to clear deferred investment tax credits because of a change from the deferral method to the flow through method shall submit the proposed journal entry to the Commission for consideration and advice.

NOTE B: The carrier shall follow generally accepted accounting principles where an interpretation of the accounting rules for income taxes is needed or obtain an interpretation from its public accountant or the Commission.

INCOME ACCOUNTS TEXTS

The third paragraph of the text of account "532 Car line tax accruals" is revised to read:

• • • • •

532 Car line tax accruals.

This account shall be debited with the monthly accruals for all income taxes which are estimated to be payable and which are applicable to ordinary income (see instruction 42). See texts of account 590 "Income taxes on extraordinary and prior period items", account 606, "Other credits to retained income", and account 616, "Other debits to retained income", for recording other income tax consequences. Details pertaining to the tax consequences of other unusual and significant items shall be submitted to the Commission for consideration and decision as to proper accounting.

• • • • •

After the text of account "532 Car line tax accruals" the following new account number, title and text are added:

532–5 Provision for deferred taxes.

(a) This account shall include the net tax effect of all material timing differences (see definitions (z) (7) and (5)) originating and reversing in the current accounting period, and the future tax benefits of loss carryforwards recognized in accordance with instruction 42(c).

(b) This account shall include credits for the amortization of the investment tax credit if the carrier elected to use the deferred method of accounting for the investment tax credit. (See instruction 42(d)).

The text of account "570 Extraordinary items (net)" is amended by revising paragraph (b) to read:

570 Extraordinary items (net).

• • • • •

(b) Income tax consequences of charges and credits to this account shall

be included in account 590, "Income taxes on extraordinary and prior period items," and account 591, "Provision for deferred taxes—extraordinary and prior period items," as applicable.

• • • • •

The text of account 580, "Prior period items (net)" is amended by revising paragraph (b) to read:

580 Prior period items (net).

• • • • •

(b) Income tax consequences of charges and credits to this account shall be included in account 590, "Income taxes on extraordinary and prior period items," and account 591, "Provision for deferred taxes—extraordinary and prior period items," as applicable.

• • • • •

The title and text of account 590, "Federal income taxes on extraordinary and prior period items" are revised to read:

590 Income taxes on extraordinary and prior period items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and extraordinary and are recorded in accounts 570, "Extraordinary items (net)", and 580, "Prior period items (net)". The tax effect of any timing differences caused by recognizing an item in the accounts provided for extraordinary and prior period items in different periods in determining accounting income and taxable income shall be included in account 591, "Provision for deferred taxes—extraordinary and prior period items."

After the text of account "590 Income taxes on extraordinary and prior period items" the following new account number, title and text are added:

591 Provision for deferred taxes—extraordinary and prior period items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in accounts 570 "Extraordinary items (net)" and 580 "Prior period items (net)". (See instruction 42.)

Account "599 Form of income statement" is amended as follows:

After line item "532 Car line tax accruals" add:

532–5 Provision of deferred taxes.

Amend line item "590 Federal income taxes on extraordinary and prior period items" to read:

590 Income taxes on extraordinary and prior period items.

After line item "590 Income taxes on extraordinary and prior period items" add:

591 Provision for deferred taxes—extraordinary and prior period items.

GENERAL BALANCE SHEET ACCOUNTS

After the text of account "713 Other current assets," the following new account number, title and text are added:

714 Defered income tax charges.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net debit.

(b) A net credit balance shall be included in account 762, "Deferred income tax credits."

After the text of account "743 Other deferred charges," the following new account number, title and text are added:

744 Accumulated deferred income tax charges.

This account shall include the amount of deferred taxes (see definition (z)(8)) determined in accordance with instruction 42 and the text of account 785, "Accumulated deferred income tax credits," when the balance is a net debit.

After the text of account "761 Other taxes accrued," the following new account number, title and text are added:

762 Deferred income tax credits.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net credit.

(b) A net debit balance shall be included in account 714, "Deferred income tax charges."

784 [Amended]

The text of account "784 Other deferred credits" is amended by deleting paragraph (b).

After the text of account "784 Other deferred credits" the following new account number, title and text are added:

785 Accumulated deferred income tax credits.

(a) This account shall be credited (charged) with amounts concurrently charged (credited) to account "532–5 Provision for deferred taxes" and account "591 Provision for deferred taxes—extraordinary and prior period items", representing the net tax effect of material timing differences (see definitions (z)(7) and (5) originating and reversing in the current accounting period.

(b) This account shall be credited with the amount of investment tax credit utilized in the current year for income tax purposes but deferred for accounting purposes (see instruction 42).

(c) This account shall be concurrently debited with amounts credited to account "532–5 Provision for deferred taxes" representing amortization of amounts for investment tax credits deferred in prior accounting periods.

(d) This account shall be maintained in such a manner as to show separately: (1) the unamortized balance of deferred income taxes and deferred investment tax credit separately as of the beginning and as of the end of each year entries are made affecting the account balance, (2) the current years net credit or charges applicable to timing differences and deferred investment tax credits.

NOTE A: The portion of deferred charges and credits relating to current assets and liabilities should likewise be classified as current and included in account 714, "Deferred income tax charges," or account 762, "Deferred income tax credits," as appropriate.

NOTE B: This account shall include a net credit balance only. A net debit balance shall be recorded in account 744, "Accumulated deferred income tax charges."

Account "799 Form of general balance sheet statement" is amended by adding the following:

799 Form of general balance sheet statement.

• • • • • •

714 Deferred income tax charges.

• • • • • •

744 Accumulated deferred income tax charges.

• • • • • •

762 Deferred income tax credits.

• • • • • •

785 Accumulated deferred income tax credits.

• • • • • •

PART 1206—UNIFORM SYSTEM OF ACCOUNTS FOR COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

LIST OF DEFINITIONS, INSTRUCTIONS AND ACCOUNTS

Under "Definitions," after a line item "1–40 Used" add:

1–41 Terminology relative to accounting for income taxes.

Under "Instructions" amend line item "2–32 Accounting for the investment tax credit" to read:

2–32 Accounting for income taxes.

Under "Balance Sheet Accounts," the following are added:

• • • • • •

1195 Deferred income tax charges.

• • • • • •

1895 Accumulated deferred income tax charges.

• • • • • •

2185 Deferred income tax credits.

• • • • • •

2460 Accumulated deferred income tax credits.

• • • • • •

Under "Income Accounts" the following revisions are made:

After line item "8000 Income taxes on ordinary income" add:

8040 Provision for deferred taxes.

After line item "9050 Income taxes on extraordinary and prior period items" add:

9060 Provision for deferred taxes—extraordinary and prior period items.

DEFINITIONS

After the text of definitions "1–40 Used" add the following new definitions:

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1–41 Terminology relative to accounting for income taxes.

(a) "Income taxes" means taxes based on income determined under provisions of the United States Internal Revenue Code and foreign, state and other taxes (including franchise taxes) based on income.

(b) "Income tax expense" means the amount of income taxes (whether or not currently payable or refundable) allocable to a period in the determination of net income.

(c) "Pretax accounting income" means income or loss for a period, exclusive of related income tax expense.

(d) "Taxable income" means the excess of revenues over deductions or the excess of deductions over revenues to be reported for income tax purposes for a period.

(e) "Timing differences" means differences between the periods in which transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income. Timing differences originate in one period and reverse or "turn around" in one or more subsequent periods. Some timing differences reduce income taxes that would otherwise be payable currently; others increase income taxes that would otherwise be payable currently.

(f) "Permanent differences" means differences between taxable income and pretax accounting income arising from transactions that, under applicable tax laws and regulations, will not be offset by corresponding differences or "turn around" in other periods.

(g) "Tax effects" means differentials in income taxes of a period attributable to (1) revenue or expense transactions which enter into the determination of pretax accounting income in one period and into the determination of taxable income in another period, (2) deductions or credits that may be carried backward or forward for income tax purposes and (3) adjustments of prior periods and direct entries to other stockholders' equity accounts which enter into the determination of taxable income in a period but which do not enter into the determination of pretax accounting income of that period. A permanent difference does not result in a "tax effect" as that term is used in this definition.

(h) "Deferred taxes" means tax effects which are deferred for allocation to income tax expense of future periods.

(i) "Interperiod tax allocation" means the process of apportioning income taxes among periods.

(j) "Tax allocation within a period" means the process of apportioning income tax expense applicable to a given period between income before extraordinary items and extraordinary items, and of associating the income tax effects of adjustments of prior periods and direct entries to other stockholders' equity accounts with these items.

INSTRUCTIONS

The title and text of instruction "2–32 Accounting for the investment tax credit" is amended to read:

2–32 Accounting for income taxes.

(a) The interperiod tax allocation method of accounting shall be applied where material timing differences (see definition 1–41(e)) occur between pretax accounting income and taxable income. Carriers may elect, as provided by the Revenue Act of 1971, to account for the investment tax credit by either the flow through method or the deferred method of accounting. See paragraphs (d) and (e) below. All income taxes (Federal, state and other) currently accruable for income tax return purposes shall be charged to account 8000, Income taxes on ordinary income, and account 9050, Income taxes on extraordinary and prior period items, as applicable.

(b) Under the interperiod tax allocation method of accounting the tax effect of timing differences (see definitions 1–41 (g) and (e)) originating in the current accounting period are allocated to income tax expense of future periods when the timing differences reverse. Similar timing differences originating and reversing in the current accounting period should be combined into groups and the current tax rates applied to determine the tax effect of each group. A carrier shall not apply other than current tax rates in determining the tax effect of reversing differences except upon approval of the Commission. When determining the amount of deferred taxes, rather than computing state and other taxes individually by jurisdiction, the Federal income tax rate may be increased by a percent equivalent to the effect of taxes imposed by the jurisdictions.

(c) The future tax benefits of loss carryforwards shall normally be recognized in the year in which such loss is applied to reduce taxes. Only in those unusual instances when realization is assured beyond any reasonable doubt should the future tax benefits of loss carryforwards be recognized in the year of loss. The tax effects of any realizable loss carrybacks shall be recognized in the determination of net income (loss) of the loss periods; appropriate adjustments of existing net deferred tax credits may also be necessary in the loss period.

(d) Carriers electing to account for the investment tax credit by the flow through method shall credit account 8000, Income taxes on ordinary income, or account 9050, Income taxes on extraordinary and prior period items, as applicable, and charge account 2120, Taxes accrued, with the amount of investment tax credit utilized in the current accounting period. When the flow through method is followed for the investment tax credit, account 8040, Provision for deferred taxes, shall reflect the difference between the tax payable (after recognition of allowable investment tax credit) based on taxable income and tax expense (with full recognition of investment tax credit that would be allowable based on accounting income) based on accounting income.

(e) Carriers electing to account for the investment tax credit by the deferred method shall concurrently with making the entries prescribed in (d) above charge account 8040, Provision for deferred taxes or account 9060, Provision for deferred taxes—extraordinary and prior period items, as applicable, and shall credit account 2460, Accumulated deferred income tax credits with the investment tax credit utilized as a reduction of the current year's tax liability but deferred for accounting purposes. The investment tax credit so deferred shall be amortized by credits to account 8040, Provision for deferred taxes.

NOTE A: Any change in practice of accounting for the investment tax credit shall be reported promptly to the Commission. Carriers desiring to clear deferred investment tax credits because of a change from the deferral method to the flow through method shall submit the proposed journal entry to the Commission for consideration and advice.

NOTE B: The carrier shall follow generally accepted accounting principles where an interpretation of the accounting rules for income taxes is needed or obtain an interpretation from its public accountant or the Commission.

BALANCE SHEET ACCOUNTS

After the text of account 1190, Other current assets, the following new account number, title and text are added:

1195 Deferred income tax charges.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net debit.

(b) A net credit balance shall be included in account 2185, Deferred income tax credits.

After the text of account 1890, Other deferred debits, the following new account number, title and text are added:

1895 Accumulated deferred income tax charges.

This account shall include the amount of deferred taxes (see definition 1–41 (h)) determined in accordance with instruction and the text of account 2460, Accumulated Deferred Income Tax Credits, when the balance is a net debit.

After the text of account 2180, Other current liabilities, the following new account number, title and text are added:

2185 Deferred income tax credits.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net credit.

(b) A net debit balance shall be included in account 1195, Deferred Income Tax Charges.

2450 [Amended]

The text of account "2450 Other deferred credits" is revised by deleting paragraph (b).

After the text of account "2450 Other deferred credits," the following new account number, title and text are added:

2460 Accumulated deferred income tax credits.

(a) This account shall be credited (charged) with amounts concurrently charged (credited) to account 8040, Provision for deferred taxes or account 9060, Provision for deferred taxes—extraordinary and prior period items, representing the net tax effect of material timing differences (see definitions 1–41 (g) and (e)) originating and reversing in the current accounting period.

(b) This account shall be credited with the amount of investment tax credit utilized in the current year for income tax purposes but deferred for accounting purposes (see instruction 2–32).

(c) This account shall be concurrently debited with amounts credited to account 3040, Provision for deferred taxes representing amortization of amounts for investment tax credits deferred in prior accounting periods.

(d) This account shall be maintained in such a manner as to show separately: (1) the unamortized balance of deferred income taxes and deferred investment tax credit separately as of the beginning and as of the end of each year entries are made affecting the account balance, (2) the current years net credit or charges applicable to timing differences and deferred investment tax credits.

NOTE A: The portion of deferred charges and credits relating to current assets and liabilities should likewise be classified as current and included in account 1195, Deferred income tax changes, or 2185, Deferred income tax credits, as appropriate.

NOTE B: This account shall include a net credit balance only. A net debit balance shall be recorded in account 1895, Accumulated deferred income tax charges.

Account "2999 Form of balance sheet statement" is amended by adding the following:

2999 Form for balance sheet statement.

* * * * *

1195 Deferred income tax charges.

* * * * *

1895 Accumulated deferred income tax charges.

* * * * *

2185 Deferred income credits.

* * * * *

2460 Accumulated deferred income tax credits.

* * * * *

INCOME ACCOUNTS

The text of account "8000 Income taxes on ordinary income" is revised by amending paragraph (a) (1) and deleting paragraph (a) (3). As amended the text reads:

8000 Income taxes on ordinary income.

(a) (1) This account shall be debited with the monthly accruals for all income taxes which are estimated to be payable and which are applicable to ordinary income (see instruction 2–32). See text of account 9060, Income taxes on extraordinary and prior period items.

* * * * *

After the text of account "8000 Income taxes on ordinary income" the following new account number, title and text are added:

8040 Provision for deferred taxes.

(a) This account shall include the tax effect of all timing differences (see definitions 1–41 (g) and (e)) originating and reversing in the current accounting period, and the future tax benefits of loss carryforwards recognized in accordance with instruction 2–32 (c).

(b) This account shall include credits for the amortization of the investment tax credit if the carrier elected to use the deferred method of accounting for the investment tax credit. (See instruction 2–32(d)).

The text of account "9010 Extraordinary items (net)" is amended by revising paragraph (b) to read:

9010 Extraordinary items (net).

* * * * *

(b) Income tax consequences of charges and credits to this account shall be included in account 9050, Income taxes on extraordinary and prior period items and 9060, Provision for deferred taxes—extraordinary and prior period items, as applicable.

* * * * *

The text of account "9030 Prior period items (net)" is amended by revising paragraph (b) to read:

9030 Prior period items (net).

* * * * *

(b) Income tax consequences of charges and credits to this account shall be included in account 9050, Income taxes on extraordinary and prior period items, and 9060, Provision for deferred taxes—extraordinary and prior period items, as applicable.

The text of account "9050 Income taxes on extraordinary and prior period items" is amended to read:

9050 Income taxes on extraordinary and prior period items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and extraordinary, and are recorded in accounts 9010, Extraordinary items (net) and 9030, Prior period items (net). The tax effect of any timing differences caused by recognizing an item in the accounts provided for extraordinary and prior period items in different periods in determining accounting income and taxable income shall be included in account 9060, Provision for deferred taxes—extraordinary and prior period items.

After the text of account "9050 Income taxes on extraordinary and prior period items" the following new account number, title and text are added:

9060 Provision for deferred taxes—extraordinary and prior period items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in account 9010, Extraordinary items (net) and 9030, Prior period items (net). (See instruction 2–32).

Account "9999 Form of income statement" is amended as follows:

After line item "8000. Income taxes on ordinary income" add:

8040 Provision for deferred taxes.

After line item "9050. Income taxes on extraordinary and prior period items" add:

9060 Provision for deferred taxes—extraordinary and prior period items.

PART 1207—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

DEFINITIONS

After the text of definition "38 Used" the following are added:

39. (a) "Income taxes" means taxes based on income determined under provisions of the United States Internal Revenue Code and foreign, state and other taxes (including franchise taxes) based on income.

(b) "Income tax expense" means the amount of income taxes (whether or not currently payable or refundable) allocable to a period in the determination of net income.

(c) "Pretax accounting income" means income or loss for a period, exclusive of related income tax expense.

(d) "Taxable income" means the excess of revenues over deductions or the excess of deductions over revenues to be reported for income tax purposes for a period.

(e) "Timing differences" means differences between the periods in which transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income. Timing differences originate in one period and reverse or "turn around" in one or more subsequent periods. Some timing differences reduce income taxes that would otherwise be payable currently; others increase income taxes that would otherwise be payable currently.

(f) "Permanent differences" means differences between taxable income and pretax accounting income arising from transactions that, under applicable tax laws and regulations, will not be offset by corresponding differences or "turn around" in other periods.

(g) "Tax effects" means differentials in income taxes of a period attributable to (1) revenue or expense transactions which enter into the determination of pretax accounting income in one period and into the determination of taxable income in another period. (2) deductions or credits that may be carried backward or forward for income tax purposes and (3) adjustments of prior periods and direct entries to other stockholders' equity accounts which enter into the determination of taxable income in a period but which do not enter into the determination of pretax accounting income of that period. A permanent difference does not result in a "tax effect" as that term is used in this definition.

(h) "Deferred taxes" means tax effects which are deferred for allocation to income tax expense of future periods.

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(l) "Interperiod tax allocation" means the process of apportioning income taxes among periods.

(j) "Tax allocation within a period" means the process of apportioning income tax expense applicable to a given period between income before extraordinary items and extraordinary items, and of associating the income tax effects of adjustments of prior periods and direct entries to other stockholders' equity accounts with these items.

INSTRUCTIONS

The text of instruction "31 Income taxes" is amended to read as follows:

31 Income taxes.

(a) The interperiod tax allocation method of accounting shall be applied where material timing differences (see definition 39(e)) occur between pretax accounting income and taxable income. Carriers may elect, as provided by the Revenue Act of 1971, to account for the investment tax credit by either the flow through method or the deferred method of accounting. See paragraphs (d) and (e) below. All income taxes (Federal, state and other) currently accruable for income tax return purposes shall be charged to account 8700—Income taxes on ordinary income, and account 8850—Income taxes on extraordinary and prior period items, as applicable.

(b) Under the interperiod tax allocation method of accounting the tax effect of timing differences (see definitions 39 (g) and (e)) originating in the current accounting period are allocated to income tax expense of future periods when the timing differences reverse. Similar timing differences originating and reversing in the current accounting period should be combined into groups and the current tax rates applied to determine the tax effect of each group. A carrier shall not apply other than current tax rates in determining the tax effect of reversing differences except upon approval of the Commission. When determining the amount of deferred taxes, rather than computing state and other taxes individually by jurisdiction, the Federal income tax rate may be increased by a percent equivalent to the effect of taxes imposed by the jurisdictions.

(c) The future tax benefits of loss carryforwards shall normally be recognized in the year in which such loss is applied to reduce taxes. Only in those unusual instances when realization is assured beyond any reasonable doubt should the future tax benefits of loss carryforwards be recognized in the year of loss. The tax effects of any realizable loss carrybacks shall be recognized in the determination of net income (loss) of the loss periods; appropriate adjustments of existing net deferred tax credits may also be necessary in the loss period.

(d) Carriers electing to account for the investment tax credit by the flow through method shall credit account 8700—Income taxes on ordinary income, or account 8850—Income taxes on extraordinary and prior period items, as applicable, and charge account 2121—Accrued Federal income taxes, with the amount of investment tax credit utilized in the current accounting period. When the flow through method is followed for the investment tax credit, account 8740—Provision for deferred taxes, shall reflect the difference between the tax payable (after recognition of allowable investment tax credit) based on taxable income and tax expense (with full recognition of investment tax credit that would be allowable based on accounting income) based on accounting income.

(e) Carriers electing to account for the investment tax credit by the deferred method shall concurrently with making the entries prescribed in (d) above charge account 8740—Provision for deferred taxes, or account 8851—Provision for deferred taxes—extraordinary and prior period items, as applicable, and shall credit account 2420—Accumulated deferred income tax credits, with the investment tax credit utilized as a reduction of the current year's tax liability but deferred for accounting purposes. The investment tax credit so deferred shall be amortized by credits to account 8740—Provision for deferred taxes.

NOTE A: Any change in practice of accounting for the investment tax credit shall be reported promptly to the Commission. Carriers desiring to clear deferred investment tax credits because of a change from the deferral method to the flow through method shall submit the proposed journal entry to the Commission for consideration and advice.

NOTE B: The carrier shall follow generally accepted accounting principles where an interpretation of the accounting rules for income taxes is needed or obtain an interpretation from its public accountant or the Commission.

CLASS I AND CLASS II MOTOR CARRIERS, CHART OF ACCOUNTS

Under the heading "Class II Accounts" the following are added:

• • • • • •

1170 Deferred Income Tax Charges.

• • • • • •

1520 Accumulated Deferred Income Charges.

• • • • • •

2190 Deferred Income Tax Credits.

• • • • • •

2420 Accumulated Deferred Income Tax Credits.

• • • • • •

8740 Provision for Deferred Taxes.

• • • • • •

Under the heading "Class I Accounts" the following are added:

• • • • • •

1170 Deferred Income Tax Charges.

• • • • • •

1520 Accumulated Deferred Income Tax Charges.

• • • • • •

2190 Deferred Income Tax Credits.

• • • • • •

2420 Accumulated deferral income tax credits.

• • • • • •

8740 Provision for Deferred Taxes

• • • • • •

8851 Provision for Deferred Taxes—Extraordinary and Prior Period Items.

• • • • • •

CLASS I AND CLASS II MOTOR CARRIERS BALANCE SHEET ACCOUNT EXPLANATIONS

After the text of account "1163—Other Current Assets; Other," the following new account number, title and text are added:

1170 Deferred Income Tax Charges (classes I and II).

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net debit.

(b) A net credit balance shall be included in account 2190—Deferred Income Tax Credits.

After the text of account "1512—Other Deferred Debits," the following new account number, title and text are added:

1520 Accumulated Deferred Income Tax Charges (classes I and II).

This account shall include the amount of deferred taxes (see definition 39(h)) determined in accordance with instruction and the text of account 2420—Accumulated Deferred Income Tax Credits, when the balance is a net debit.

After the text of account "2181—Other Current Liabilities," the following new account number, title and text are added:

2190 Deferred Income Tax Credits (classes I and II).

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net credit.

(b) A net debit balance shall be included in account 1170—Deferred Income Tax Charges.

2412 [Amended]

The text of account "2412 Other deferred credits" is revised by deleting paragraph (b).

After the text of account "2412 Other deferred credits," the following new account number, title and text are added:

2420 Accumulated deferred income tax credits (classes I and II).

(a) This account shall be credited (charged) with amounts concurrently charged (credited) to account 8740—Provision for deferred taxes, and account 8851—Provision for deferred taxes—extraordinary and prior period items, representing the net tax effect of material timing differences (see definitions 39 (g) and (e)) originating and reversing in the current accounting period.

(b) This account shall be credited with the amount of investment tax credit utilized in the current year for income tax purposes but deferred for accounting purposes (see instruction 31(e)).

(c) This account shall be concurrently debited with amounts credited to account

8740—Provision for deferred taxes, representing amortization of amounts for investment tax credits deferred in prior accounting periods.

(d) This account shall be maintained in such a manner as to show separately: (1) the unamortized balance of deferred income taxes and deferred investment tax credit separately as of the beginning and as of the end of each year entries are made affecting the account balance, (2) the current years net credit or charges applicable to timing differences and deferred investment tax credits.

NOTE: The portion of deferred charges and credits relating to current assets and liabilities should likewise be classified as current and included in account 1170—Deferred Income Tax Charges, or account 2190—Deferred Income Tax Credits, as appropriate.

NOTE B: This account shall include a net credit balance only. A net debit balance shall be recorded in account 1520—Accumulated Deferred Income Tax Charges.

OTHER INCOME AND EXPENSE ACCOUNT EXPLANATIONS

8700 [Amended]

The text of account "8700 Income taxes on ordinary income" is amended by delegating paragraph (e).

After the text of account "8730—Other income taxes," the following new account number, title and text are added:

8740 Provision for deferred taxes (Classes I and II).

(a) This account shall include the net tax effect of all material timing differences (see definitions 39 (g) and (e)) originating and reversing in the current accounting period, and the future tax benefits of loss carryforwards recognized in accordance with instruction 31(c).

(b) This account shall include credits for the amortization of the investment tax credit if the carrier elected to use the deferred method of accounting for the investment tax credit. (See instruction 31(d.)

The text of account "8800—Extraordinary items" is revised by amending paragraph (a). As revised the text reads:

8800 Extraordinary Items (Classes I and II).

(a) Class I carriers may use this account as a control account for accounts 8810, 8820, 8850 and 8851.

• • • • • •

The text of account "8810—Extraordinary items (net)" is amended by revising paragraph (b) to read:

8810 Extraordinary items (net).

• • • • • •

(b) Income tax consequences of charges and credits to this account shall be included in account 8850—Income taxes on extraordinary and prior period items, and account 8851—Provision for deferred taxes—extraordinary and prior period items, as applicable.

• • • • • •

The text of account "8820—Prior period items (net)" is amended by revising paragraph (b) to read:

8820 Prior period items (net).

• • • • • •

(b) Income tax consequences of charges and credits to this account shall be included in account 8850—Income taxes on extraordinary and prior period items, and account 8851—Provision for deferred taxes—extraordinary and prior period items, as applicable.

• • • • • •

The text of account "8850—Income taxes on extraordinary and prior period items" is revised to read:

8850 Income taxes on extraordinary and prior period items (Class I).

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and extraordinary, and are recorded in accounts 8810—Extraordinary items (net), and 8820—Prior period items (net). The tax effect of any timing differences caused by recognizing an item in the accounts provided for extraordinary and prior period items in different periods in determining accounting income and taxable income shall be included in account 8851—Provision for deferred taxes—extraordinary and prior period items.

After the text of account "8850 Income taxes on extraordinary and prior period items" the following new account number, title and text are added:

8851 Provision for deferred taxes—extraordinary and prior period items (Class I).

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in accounts 8810—Extraordinary items (net), and 8820—Prior period items (net). (See instruction 31).

PART 1208—UNIFORM SYSTEM OF ACCOUNTS FOR MARITIME CARRIERS

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions" amend line item "12 Accounting for the investment tax credit" to read:

12 Accounting for income taxes.

Under "Balance sheet accounts" the following are added:

• • • • • •

198 Deferred income tax charges.

• • • • • •

283 Accumulated deferred income tax charges.

• • • • • •

480 Deferred income tax credits.

• • • • • •

563 Accumulated deferred income tax credits.

• • • • • •

Under "Income accounts" the following revisions and additions are made:

869 Income taxes on ordinary income.

• • • • • •

989–5 Provision for deferred taxes.

• • • • • •

998 Income taxes on extraordinary and prior period items.

999 Provision for deferred taxes—extraordinary and prior period items.

• • • • • •

GENERAL INSTRUCTIONS

Instruction "1 Definitions" is amended by adding the following after the text of definition (i) "Shipping property":

1 Definitions.

(j) "Income taxes" means taxes based on income determined under provisions of the United States Internal Revenue Code and foreign, state and other taxes (including franchise taxes) based on income.

(k) "Income tax expense" means the amount of income taxes (whether or not currently payable or refundable) allocable to a period in the determination of net income.

(l) "Pretax accounting income" means income or loss for a period, exclusive of related income tax expense.

(m) "Taxable income" means the excess of revenues over deductions or the excess of deductions over revenues to be reported for income tax purposes for a period.

(n) "Timing differences" means differences between the periods in which transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income. Timing differences originate in one period and reverse of "turn around" in one or more subsequent periods. Some timing differences reduce income taxes that would otherwise be payable currently, others increase income taxes that would otherwise be payable currently.

(o) "Permanent differences" means differences between taxable income and pretax accounting income arising from transactions that, under applicable tax laws and regulations, will not be offset by corresponding differences or "turn around" in other periods.

(p) "Tax effects" means differentials in income taxes of a period attributable to (1) revenue or expense transactions which enter into the determination of pretax accounting income in one period and into the determination of taxable income in another period, (2) deductions or credits that may be carried backward or forward for income tax purposes and (3) adjustments of prior periods and direct entries to other stockholders' equity accounts which enter into the determination of taxable income in a period but which do not enter into the determination of pretax accounting income of that period. A permanent difference does not result in a "tax effect" as that term is used in this definition.

(q) "Deferred taxes" means tax effects which are deferred for allocation to income tax expense of future periods.

(r) "Interperiod tax allocation" means the process of apportioning income taxes among periods.

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(s) "Tax allocation within a period" means the process of apportioning income tax expense applicable to a given period between income before extraordinary items and extraordinary items, and of associating the income tax effects of adjustments of prior periods and direct entries to other stockholders' equity accounts with these items.

The title and text of instruction "12 Accounting for the investment tax credit" are revised to read:

12. Accounting for income taxes.

(a) The interperiod tax allocation method of accounting shall be applied where material timing differences (see definition (n)) occur between pretax accounting income and taxable income. Carriers may elect, as provided by the Revenue Act of 1971, to account for the investment tax credit by either the flow through method or the deferred method of accounting. See paragraphs (d) and (e) below. All income taxes (Federal, state and other) currently accruable for income tax return purposes shall be charged to account 989, "Income taxes on ordinary income", and account 998, "Income taxes on extraordinary and prior period items," as applicable.

(b) Under the interperiod tax allocation method of accounting the tax effect of timing differences (see definitions (p) and (n)) originating in the current accounting period are allocated to income tax expense of future periods when the timing differences reverse. Similar timing differences originating and reversing in the current accounting period should be combined into groups and the current tax rates applied to determine the tax effect of each group. A carrier shall not apply other than current tax rates in determining the tax effect of reversing differences except upon approval of the Commission. When determining the amount of deferred taxes, rather than computing state and other taxes individually by jurisdiction, the Federal income tax rate may be increased by a percent equivalent to the taxes imposed by the jurisdictions.

(c) The future tax benefits of loss carryforwards shall normally be recognized in the year in which such loss is applied to reduce taxes. Only in those unusual instances when realization is assured beyond any reasonable doubt should the future tax benefits of loss carryforwards be recognized in the year of loss. The tax effects of any realizable loss carrybacks shall be recognized in the determination of net income (loss) of the loss periods; appropriate adjustments of existing net deferred tax credits may also be necessary in the loss period.

(d) Carriers electing to account for the investment tax credit by the flow through method shall credit account 989, "Income taxes on ordinary income," or account 998, "Income taxes on extraordinary and prior period items," as applicable, and charge account 440, "Accrued taxes payable" with the amount of investment tax credit utilized in the current accounting period. When the flow through method is followed for the investment tax credit, account 989–5, "Provision for deferred taxes," shall reflect the difference between the tax payable (after recognition of allowable investment tax credit) based on taxable income and tax expense (with full recognition of investment tax credit that would be allowable based on accounting income) based on accounting income.

(e) Carriers electing to account for the investment tax credit by the deferred method shall concurrently with making the entries prescribed in (d) above charge account 989–5, "Provision for deferred taxes" or account 999, "Provision for deferred taxes—extraordinary and prior period items," as applicable, and shall credit account 563, "Accumulated deferred income tax credits" with the investment tax credit utilized as a reduction of the current year's tax liability but deferred for accounting purposes. The investment tax credit so deferred shall be amortized by credits to account 989–5, "Provision for deferred taxes".

NOTE A: Any change in practice of accounting for the investment tax cerdit shall be reported promptly to the Commission. Carriers desiring to clear deferred investment tax credits because of a change from the deferral method to the flow through method shall submit the proposed journal entry to the Commission for consideration and advice.

NOTE B: A carrier shall follow generally accepted accounting principles where an interpretation of the accounting rules for income taxes is needed obtain an interpretation from its public account or the Commission.

BALANCE SHEET ACCOUNTS

After the text of account "192 Other prepaid current expenses," the following new account number, title and text are added:

198 Deferred income tax charges.

(a) This account shall include the portion of deferred income tax charges and credit relating to current assets and liabilities, when the balance is a net debit.

(b) A net credit balance shall be included in account 480, "Deferred income tax credits."

After the text of account 380, "Advances to employees for expenses," the following new account number, title and text are added:

383 Accumulated deferred income tax charges.

This account shall include the amount of deferred taxes (see definition (q)) determined in accordance with instruction and the text of account 563, "Accumulated Deferred Income Tax Credits," when the balance is a net debit.

After the text of account 479, "Other current liabilities," the following new account number, title and text are added:

480 Deferred income tax credits.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net credit.

(b) A net debit balance shall be included in account 198, "Deferred income tax charges."

After the text of account "556 Premium on funded debt" the following new account number, title and text are added:

563 Accumulated deferred income tax credits.

(a) This account shall be credited (charged) with amounts concurrently charged (credited) to account 989–5, "Provision for deferred taxes" and account 999, "Provision for deferred taxes—extraordinary and prior period items," representing the net tax effect of material timing differences (see definitions (p) and (n)) originating and reversing in the current accounting period.

(b) This account shall be credited with the amount of investment tax credit utilized in the current year for income tax purposes but deferred for accounting purposes (see instruction 12).

(c) This account shall be concurrently debited with amounts credited to account 989–5, "Provisions for deferred taxes" representing amortization of amounts for investment tax credits deferred in prior accounting periods.

(d) This account shall be maintained in such a manner as to show separately: (1) the unamortized balance of deferred income taxes and deferred investment tax credit separately as of the beginning and as of the end of each year entries are made affecting the account balance, (2) the current years net credit or charges applicable to timing differences and deferred investment tax credits.

NOTE: The portion of deferred charges and credits relating to current assets and liabilities should likewise be classified as current and included in account 198, "Deferred income tax charges," or account 480, "Deferred income tax credits," as appropriate.

564 [Amended]

The text of account "564 Miscellaneous deferred credits" is amended by deleting paragraph (b).

INCOME ACCOUNTS

The text of account "955 Taxes; miscellaneous", paragraph (a), is amended by deleting the reference to Federal income taxes. As amended the text reads:

955 Taxes; miscellaneous.

(a) This account shall include all taxes other than income taxes, sales taxes, and taxes computed on basis of payrolls such as old age benefits, unemployment compensation, and similar social security taxes.

* * * * * *

The title and text of account "989 Federal income taxes on ordinary income" is revised to read:

989 Income taxes on ordinary income.

(a) This account shall be debited with the monthly accruals for all income taxes which are estimated to be payable and which are applicable to ordinary income (see instruction 12). See text of account 599, "Earned surplus; unappropriated" and 998, "Income taxes on extraordinary and prior period items," for recording other income tax consequences.

(b) Details pertaining to the tax consequences of other unusual and significant items and also cases where the tax consequences are disproportionate to the related amounts included in the income accounts, shall be submitted to the Commission for consideration and decision as to proper accounting.

After the text of account "989 Income taxes on ordinary income" the following new account number, title and text are added:

989–5 Provision for deferred taxes.

(a) This account shall include the net tax effect of all material timing differences (see definitions (p) and (n)) originating and reversing in the current accounting period, and the future tax benefits of loss carryforwards recognized in accordance with instruction 12(c).

(b) This account shall include credits for the amortization of the investment tax credit if the carrier elected to use the deferred method of accounting for the investment tax credit. (See instruction 12(d)).

The text of account "990 Extraordinary items (net)" is amended by revising paragraph (c) to read:

990 Extraordinary items (net).

* * * * * *

(c) Income tax consequences of charges and credits to this account shall be recorded in account 998, "Income taxes on extraordinary and prior period items" and account 999, "Provision for deferred taxes—extraordinary and prior period items", as applicable.

The text of account "994 Prior period items (net)" is amended by revising paragraph (c) to read:

994 Prior period items (net).

* * * * * *

(c) Income tax consequences of charges and credits to this account shall be recorded in account 998, "Income taxes on extraordinary and prior period items" and account 999, "Provision for deferred taxes—extraordinary and prior period items", as applicable.

The title and text of account "998 Federal income taxes on extraordinary and prior period items" are revised to read:

998 Income taxes on extraordinary and prior period items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and extraordinary, and are recorded in accounts 990, "Extraordinary items (net)" and 994, "Prior period items (net)". The tax effect of any timing differences caused by recognizing an item in the accounts provided for extraordinary and prior period items in determining accounting income and taxable income shall be included in account 999, "Provision for deferred taxes—extraordinary and prior period items".

After the text of account "998 Income taxes on extraordinary and prior period items" the following new account number, title and text are added:

999 Provision for deferred taxes—extraordinary and prior period items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in accounts 990, "Extraordinary items (net)" and 994, "Prior period items (net)". (See instruction 12.)

FINANCIAL STATEMENTS

Section "2000 Balance sheet statement" is amended by adding the following:

2000 Balance sheet statement.

* * * * * *

198 Deferred income tax charges.

* * * * * *

383 Accumulated deferred income tax charges.

* * * * * *

480 Deferred income tax credits.

* * * * * *

563 Accumulated deferred income tax credits.

* * * * * *

Section "2001 Income statement" is amended by adding the following:

* * * * * *

989 Income taxes on ordinary income.
989–5 Provision for deferred taxes.

* * * * * *

998 Income taxes on extraordinary and prior period items.
999 Provision for deferred taxes—extraordinary and prior period items.

PART 1209—UNIFORM SYSTEM OF ACCOUNTS FOR INLAND AND COASTAL WATERWAYS CARRIERS

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions" amend line item "13 Accounting for the Investment Tax Credit" to read:

13 Accounting for income taxes.

Under "Balance Sheet Accounts" the following additions are made:

* * * * * *

117 Deferred income tax charges.

* * * * * *

176 Accumulated deferred income tax charges.

* * * * * *

207 Deferred income tax credits.

* * * * * *

233 Accumulated deferred income tax credits.

* * * * * *

Under "Income Accounts" the following revisions are made:

After line item "532 Income taxes on ordinary income" add:

533 Provision for deferred taxes.

After line item "590 Income taxes on extraordinary and prior period items" add:

591 Provision for deferred taxes—extraordinary and prior period items.

GENERAL INSTRUCTIONS

Instruction "2 Definitions" is amended by adding the following after the text of definition "(hh) Value of salvage":

2 Definitions.

* * * * * *

(ii) "Income taxes" means taxes based on income determined under provisions of the United States Internal Revenue Code and foreign, state and other taxes (including franchise taxes) based on income.

(jj) "Income tax expense" means the amount of income taxes (whether or not currently payable or refundable) allocable to a period in the determination of net income.

(kk) "Pretax accounting income" means income or loss for a period, exclusive of related income tax expense.

(ll) "Taxable income" means the excess of revenues over deductions or the excess of deductions over revenues to be reported for income tax purposes for a period.

(mm) "Timing differences" means differences between the periods in which transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income. Timing differences originate in one period and reverse or "turn around" in one or more subsequent periods. Some timing differences reduce income taxes that would otherwise be payable currently; others increase income taxes that would otherwise be payable currently.

(nn) "Permanent differences" means differences between taxable income and pretax accounting income arising from transactions that, under applicable tax laws and regulations, will not be offset by corresponding differences or "turn around" in other periods.

(oo) "Tax effects" means differentials in income taxes of a period attributable to (1) revenue or expense transactions which enter into the determination of pretax accounting income in one period and into the determination of taxable income in another period, (2) deductions or credits that may be carried backward or forward for income tax purposes, and (3) adjustments of prior periods and direct entries to other stockholders' equity accounts which enter into the determination of taxable income in a period but which do not enter into the determination of pretax accounting income of that period. A permanent difference does not result in a "tax effect" as that term is used in this definition.

(pp) "Deferred taxes" means tax effects which are deferred for allocation to income tax expense of future periods.

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(qq) "Interperiod tax allocation" means the process of apportioning income taxes among periods.

(rr) "Tax allocation within a period" means the process of apportioning income tax expense applicable to a given period between income before extraordinary items and extraordinary items, and of associating the income tax effects of adjustments of prior periods and direct entries to other stockholders' equity accounts with these items.

The title and text of instruction "13 Accounting for the Investment Tax Credit" are amended to read:

13 Accounting for income taxes.

(a) The interperiod tax allocation method or accounting shall be applied where material timing differences (see definition (mm)) occur between pretax accounting income and taxable income. Carriers may elect, as provided by the Revenue Act of 1971, to account for the investment tax credit by either the flow through method or the deferred method of accounting. See paragraph (d) and (e) below. All income taxes (Federal, state and other) currently accruable for income tax return purposes shall be charged to account 532, "Income taxes on ordinary income", and account 590, "Income taxes on extraordinary and prior period items," as applicable.

(b) Under the interperiod tax allocation method of accounting the tax effect of timing differences (see definition (oo) and (mm)) originating in the current accounting period are allocated to income tax expense of future periods when the timing differences reverse. Similar timing differences originating and reversing in the current accounting period should be combined into groups and the current tax rates applied to determine the tax effect of each group. A carrier shall not apply other than current tax rates in determining the tax effect of reversing differences except upon approval of the Commission. When determining the amount of deferred taxes, rather than computing state and other taxes individually by jurisdiction, the Federal income tax rate may be increased by a percent equivalent to the taxes imposed by the jurisdictions.

(c) The future tax benefits of loss carryforwards shall normally be recognized in the year in which such loss is applied to reduce taxes. Only in those unusual instances when realization is assured beyond any reasonable doubt should the future tax benefits of loss carryforwards be recognized in the year of loss. The tax effects of any realizable loss carrybacks shall be recoginzed in the determination of net income (loss) of the loss periods; appropriate adjustments of existing net deferred tax credits may also be necessary in the loss period.

(d) Carriers electing to account for the investment tax credit by the flow through method shall credit account 532, "Income taxes on ordinary income", or account 590, "Income taxes on extraordinary and prior period items", as applicable, and charge account 206, "Accrued taxes", with the amount of investment tax credit utilized in the current accounting period. When the flow through method is followed for the investment tax credit, account 533, "Provision for deferred taxes," shall reflect the difference between the tax payable (after recognition of allowable investment tax credit) based on taxable income and tax expense (with full recognition of investment tax credit that would be allowable based on accounting income) based on accounting income.

(e) Carriers electing to account for the investment tax credit by the deferred method shall concurrently with making the entries prescribed in (d) above charge account 533, "Provision for deferred taxes" or account 591, "Provision for deferred taxes—extraordinary and prior period items", as applicable, and shall credit account 233, "Accumulated deferred income tax credits" with the investment tax credit utilized as a reduction of the current year's tax liability but deferred for accounting purposes. The investment tax credit so deferred shall be amortized by credits to account 533, "Provision for deferred taxes".

NOTE A: Any change in practice of accounting for the investment tax credit shall be reported promptly to the Commission. Carriers desiring to clear deferred investment tax credits because of a change from the deferral method to the flow through method shall submit the proposed journal entry to the Commission for consideration and advice.

NOTE B: The carrier shall follow generally accepted accounting principles where an interpretation of the accounting rules for income taxes is needed or obtain an interpretation from its public accountant or the Commission.

BALANCE SHEET ACCOUNTS

After the text of account "116 Other current assets," the following new account number, title and text are added:

117 Deferred income tax charges.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net debit.

(b) A net credit balance shall be included in account 207, "Deferred income tax credits."

After the text of account "175 Other deferred debits," the following new account number, title and text are added:

176 Accumulated deferred income tax charges.

This account shall include the amount of deferred taxes (see definition (pp)) determined in accordance with instruction 13 and the text of account 233 "Accumulated deferred income tax credits," when the balance is a net debit.

After the text of account "206 Accrued taxes," the following new account number, title and text are added:

207 Deferred income tax credits.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net credit.

(b) A net debit balance shall be included in account 117, "Deferred income tax charges."

232 [Amended]

The text of account 232, "Other deferred credits" is revised by deleting paragraph (d).

After the text of account 232, "Other deferred credits" the following new account number, title and text are added:

233 Accumulated deferred income tax credits.

(a) This account shall be credited (charged) with amounts concurrently charged (credited) to account 533, "Provision for deferred taxes—extraordinary and prior period items", representing the net tax effect of material timing differences (see definitions (oo) and (mm)) originating and reversing in the current accounting period.

(b) This account shall be credited with the amount of investment tax credit utilized in the current year for income tax purposes but deferred for accounting purposes (see instruction 13).

(c) This account shall be concurrently debited with amounts credited to account 533, "Provision for deferred taxes" representing amortization of amounts for investment tax credits deferred in prior accounting periods.

(d) This account shall be maintained in such a manner as to show separately: (1) the unamortized balance of deferred income taxes and deferred investment tax credit separately as of the beginning and as of the end of each year entries are made affecting the account balance, (2) the current years net credit or charges applicable to timing differences and deferred investment tax credits.

NOTE A: The portion of deferred charges and credits relating to current assets and liabilities should likewise be classified as current and included in account 117, "Deferred income tax charges," or account 207, "Deferred income tax credits," as appropriate.

NOTE B: This account shall include a net credit balance only. A net debit balance shall be recorded in account 176, "Accumulated deferred income tax charges."

BALANCE SHEET STATEMENT

Account 299, "Form of balance sheet statement" is amended by adding the following:

299 Form of balance sheet statement.

* * * * * *

117 Deferred income tax charges.

* * * * * *

176 Accumulated deferred income tax charges.

* * * * * *

207 Deferred income tax credits.

* * * * * *

233 Accumulated deferred income tax credits.

* * * * * *

INCOME ACCOUNTS

532 [Amended]

The text of account 532, "Income taxes on ordinary income" is amended by deleting paragraph (b).

After the text of account 532, "Income taxes on ordinary income" the following new account number, title and text are added:

533 Provision for deferred taxes.

(a) This account shall include the net tax effect of all material timing differences (see definitions (oo) and (mm)) originating and reversing in the current accounting period, and the future tax benefits of loss carryforwards recognized in accordance with instruction 13(c).

(b) This account shall include credits for the amortization of the investment tax credit if the carrier elected to use the deferred method of accounting for the investment tax credit. (See instruction 13(d)).

The text of account 570, "Extraordinary items (net)" is amended by revising paragraph (b) to read:

570 Extraordinary items (net).

* * * * * *

(b) Income tax consequences of charges and credits to this account shall be recorded in account 590, "Income taxes on extraordinary and prior period items", and account 591, "Provision for deferred taxes—extraordinary and prior period items", as applicable.

* * * * * *

The text of account 580, "Prior period items (net)" is amended by revising paragraph (b) to read:

580 Prior period items (net).

* * * * * *

(b) Income tax consequences of charges and credits to this account shall be recorded in account 590, "Income taxes on extraordinary and prior period items", and account 591, "Provision for deferred taxes—extraordinary and prior period items", as applicable.

* * * * * *

The text of account 590, "Income taxes on extraordinary and prior period items" is amended to read:

590 Income taxes on extraordinary and prior period items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and extraordinary, and are reported in accounts 570, "Extraordinary items (net)" and 580, "Prior period items (net)." The tax effect of any timing differences caused by recognizing an item in the accounts provided for extraordinary and prior period items in different periods in determining accounting income and taxable income shall be included in account 591, "Provision for deferred taxes—extraordinary and prior period items."

After the text of account 590, "Income taxes on extraordinary and prior period items," the following new account number, title and text are added:

591 Provision for deferred taxes—extraordinary and prior period items.

This account shall include debits or credits for current accounting period for income taxes deferred currently or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in accounts 570, "Extraordinary items (net)" and 580 "Prior period items (net)." (See instruction 13.)

Account 599, "Form of income statement" is revised as follows:

After line item 532, "Income taxes on ordinary income" add:

533 Provision for deferred taxes.

After line item 590, "Income taxes on extraordinary and prior period items" add:

591 Provision for deferred taxes—extraordinary and prior period items.

PART 1210—UNIFORM SYSTEM OF ACCOUNTS FOR FREIGHT FORWARDERS

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions" amend line item "8 Accounting for the Investment Tax Credit" to read:

8 Accounting for income taxes.

Under "General Balance Sheet Accounts" the following are added:

* * * * * *

110 Deferred income tax charges.

* * * * * *

173 Accumulated deferred income tax charges.

* * * * * *

208 Deferred income tax credits.

* * * * * *

232 Accumulated deferred income tax credits.

* * * * * *

Under "Income Accounts" the following revisions are made:

After line item "431 Income taxes on ordinary income" add:

432 Provision for deferred taxes.

After line item "450 Income taxes on extraordinary and prior period items" add:

451 Provision for deferred taxes—extraordinary and prior period items.

GENERAL INSTRUCTIONS

Instruction "2 Definitions" is amended by adding the following after the text of definition "(n) Premium":

2 Definitions.

* * * * * *

(o) "Income taxes" means taxes based on income determined under provisions of the United States Internal Revenue Code and foreign, state and other taxes (including franchise taxes) based on income.

(p) "Income tax expense" means the amount of income taxes (whether or not currently payable or refundable) allocable to a period in the determination of net income.

(q) "Pretax accounting income" means income or loss for a period, exclusive of related income tax expense.

(r) "Taxable income" means the excess of revenues over deductions or the excess of deductions over revenues to be reported for income tax purposes for a period.

(s) "Timing differences" means differences between the periods in which transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income. Timing differences originate in one period and reverse or "turn around" in one or more subsequent periods. Some timing differences reduce income taxes that would otherwise be payable currently; others increase income taxes that would otherwise be payable currently.

(t) "Permanent differences" means differences between taxable income and pretax accounting income arising from transactions that, under applicable tax laws and regulations, will not be offset by corresponding differences or "turn around" in other periods.

(u) "Tax effects" means differentials in income taxes of a period attributable to (1) revenue or expense transactions which enter into the determination of pretax accounting income in one period and into the determination of taxable income in another periods (2) deductions or credits that may be carried backward or forward for income tax purposes and (3) adjustments of prior periods and direct entries to other stockholders' equity accounts which enter into the determination of taxable income in a period but which do not enter into the determination of pretax accounting income of that period. A permanent difference does not result in a "tax effect" as that term is used in this definition.

(v) "Deferred taxes" means tax effects which are deferred for allocation to income tax expense of future periods.

(w) "Interperiod tax allocation" means the process of apportioning income taxes among periods.

(x) "Tax allocation within a period" means the process of apportioning income tax expense applicable to a given period between income before extraordinary items and extraordinary items, and of associating the income tax effects of adjustments of prior periods and direct entries to other stockholders' equity accounts with these items.

The title and text of instruction "8 Accounting for the investment tax credit" is amended to read:

8 Accounting for income taxes.

(a) The interperiod tax allocation method of accounting shall be applied where material timing differences (see definition (s)) occur between pretax accounting income and taxable income. Carriers may elect, as provided by the Revenue Act of 1971, to account for the investment tax credit by either the flow through method or the deferred method of accounting. See paragraphs (d) and (e) below. All income taxes (Federal, state and other) currently accruable for income tax return purposes shall be charged to account 431, "Income taxes on ordinary income", and account 450, "Income taxes on extraordinary and prior period items," as applicable.

(b) Under the interperiod tax allocation method of accounting the tax effect of timing differences (see definitions (u) and (s)) originating in the current accounting period are allocated to income tax expense of future periods when the timing differences reverse.

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Similar timing differences originating and reversing in the current accounting period should be combined into groups and the current tax rates applied to determine the tax effect of each group. A carrier shall not apply other than current tax rates in determining the tax effect of reversing differences except upon approval of the Commission. When determining the amount of deferred taxes, rather than computing state and other taxes individually by jurisdiction, the Federal income tax rate may be increased by a percent equivalent to the effect of taxes imposed by the jurisdictions.

(c) The future tax benefits of loss carryforwards shall normally be recognized in the year in which such loss is applied to reduce taxes. Only in those unusual instances when realization is assured beyond any reasonable doubt should the future tax benefits of loss carryforwards be recognized in the year of loss. The tax effects of any realizable loss carrybacks shall be recognized in the determination of net income (loss) of the loss periods; appropriate adjustments of existing net deferred tax credits may also be necessary in the loss period.

(d) Carriers electing to account for the investment tax credit by the flow through method shall credit account 431, "Income taxes on ordinary income," or account 450, "Income taxes on extraordinary and prior period items," as applicable, and charge account 204, "Accrued taxes," with the amount of investment tax credit utilized in the current accounting period. When the flow through method is followed for the investment tax credit, account 432, "Provision for deferred taxes," shall reflect the difference between the tax payable (after recognition of allowable investment tax credit) based on taxable income and the tax expense (with full recognition of investment tax credit that would be allowable based on accounting income) based on accounting income.

(e) Carriers electing to account for the investment tax credit by the deferred method shall concurrently with making the entries prescribed in (d) above charge account 432, "Provision for deferred taxes" or account 451, "Provision for deferred taxes—extraordinary and prior period items," as applicable, and shall credit account 232, "Accumulated deferred income tax credits" with the investment tax credit utilized as a reduction of the current year's tax liability but deferred for accounting purposes. The investment tax credit so deferred shall be amortized by credits to account 432, "Provision for deferred taxes."

NOTE A: Any change in practice of accounting for the investment tax credit shall be reported promptly to the Commission. Carriers desiring to clear deferred investment tax credits because of a change from the deferral method to the flow through method shall submit the proposed journal entry to the Commission for consideration and advice.

NOTE B: The carrier shall follow generally accepted accounting principles where an interpretation of the accounting rules for income taxes is needed or obtain an interpretation from its public accountant or the Commission.

GENERAL BALANCE SHEET INSTRUCTIONS

Instruction "28" is amended by adding the following:

28 Form of general balance sheet statement.

• • • • • •

110 Deferred income tax charges.

• • • • • •

173 Accumulated deferred income tax charges.

• • • • • •

208 Deferred income tax credits.

• • • • • •

232 Accumulated deferred income tax credits.

• • • • • •

GENERAL BALANCE SHEET ACCOUNTS

After the text of account "109 Other current assets," the following new account number, title and text are added:

110 Deferred income tax charges.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net debit.

(b) A net credit balance shall be included in account 208, "Deferred income tax credits."

After the text of account "172 Other deferred debits," the following new account number, title and text are added:

173 Accumulated deferred income tax charges.

This account shall include the amount of deferred taxes (see definition (b)) determined in accordance with instruction 8 and the text of account 232 "Accumulated deferred income tax credits," when the balance is a net debit.

After the text of account "205 Accrued accounts payable," the following new account number, title and text are added:

208 Deferred income tax credits.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net credit.

(b) A net debit balance shall be included in account 110, "Deferred income tax charges."

231 [Amended]

The text of account "231 Other deferred credits" is amended by deleting paragraph (d).

After the text of account "231 Other deferred credits" the following new account number, title and text are added:

232 Accumulated deferred income tax credits.

(a) This account shall be credited (charged) with amounts concurrently charged (credited) to account 432, "Provision for deferred taxes" and account 451, "Provision for deferred taxes—extraordinary and prior period items", representing the net tax effect of material timing differences (see definitions (u) and (s)) originating and reversing in the current accounting period.

(b) This account shall be credited with the amount of investment tax credit utilized in the current year for income tax purposes but deferred for accounting purposes (see instruction 8).

(c) This account shall be concurrently debited with amounts credited to account 432, "Provision for deferred taxes" representing amortization of amounts for investment tax credits deferred in prior accounting periods.

(d) This account shall be maintained in such a manner as to show separately: (1) the unamortized balance of deferred income taxes and deferred investment tax credit separately as of the beginning and as of the end of each year entries are made affecting the account balance, (2) the current years net credit or charges applicable to timing differences and deferred investment tax credits.

NOTE A: The portion of deferred charges and credits relating to current assets and liabilities should likewise be classified as current and included in account 110, "Deferred income tax charges," or 208, "Deferred income tax credits," as appropriate.

NOTE B: This account shall include a net credit balance only. A net debit balance shall be recorded in account 173, "Accumulated deferred income tax charges."

INCOME INSTRUCTIONS

Instruction "63 Form of income statement" is revised as follows:

After line item "431 Income taxes on ordinary income" add:

432 Provision for deferred taxes.

After line item "450 Income taxes on extraordinary and prior period items" add:

451 Provision for deferred taxes—extraordinary and prior period items.

INCOME ACCOUNTS

431 [Amended]

The text of account "431 Income taxes on ordinary income" is revised by deleting paragraph (b).

After the text of account "431 Income taxes on ordinary income" the following new account number, title and text are added:

432 Provision for deferred taxes.

(a) This account shall include the tax effect of all timing differences (see definitions (u) and (s)) originating and reversing in the current accounting period, and the future tax benefits of loss carryforwards recognized in accordance with instruction 8(C).

(b) This account shall include credits for the amortization of the investment tax credit if the carrier elected to use the deferred method of accounting for the investment tax credit. (See instruction 8(d).)

The text of account "435 Extraordinary items (net)" is revised by amending paragraph (b) to read:

435 Extraordinary items (net).

• • • • • •

(b) Income tax consequences of charges and credits to this account shall be recorded in account 450, "Income taxes on extraordinary and prior period items," and account 451, "Provision for deferred taxes extraordinary and prior period items," as applicable.

• • • • • •

The text of account "440 Prior period items (net)" is revised by amending paragraph (b) to read:

440 Prior period items (net).

• • • • • •

(b) Income tax consequences of charges and credits to this account shall be recorded in account 450, "Income taxes on extraordinary and prior period items," and account 451, "Provision for deferred taxes—extraordinary and prior period items," as applicable.

The text of account "450 Income taxes on extraordinary and prior period items" is revised to read:

450 Income taxes on extraordinary and prior period items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and extraordinary, and are recorded in accounts 435, "Extraordinary items (net)" and 440, "Prior period items (net)". The tax effect of any timing differences caused by recognizing an item in the accounts provided for extraordinary and prior period items in different periods in determing accounting income and taxable income shall be included in account 451, "Provision for deferred taxes—extraordinary and prior period items".

After the text of account "450 Income taxes on extraordinary and prior period items" the following new account number, title and text are added:

451 Provision for deferred taxes—extraordinary and prior period items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in accounts 435, "Extraordinary items (net)" and 440, "Prior period items (net)." (See instruction 8.)

[FR Doc.74-21116 Filed 9-16-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Missisquoi National Wildlife Refuge, Vt.

The following special regulation is issued and is effective October 12, 1974 through December 31, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VERMONT

MISSISQUOI NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Missisquoi National Wildlife Refuge, Vermont is permitted only on the areas delineated on maps available at refuge headquarters, RD 2, Swanton, Vermont 05488, and from the Regional Director, Fish and Wildlife Service, U.S. Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following special condition: 1. During the regular season, shotguns only may be used on that part of the refuge lying east of the Missisquoi River.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1974.

RICHARD E. GRIFFITH,
Regional Director,
Fish and Wildlife Service.

SEPTEMBER 5, 1974.

[FR Doc.74-21378 Filed 9-16-74;8:45 am]

PART 32—HUNTING

Bear River Migratory Bird Refuge, Utah

The following special regulation is issued and is effective September 17, 1974.

§ 32.22 Special regulation; upland game; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Public hunting of pheasants on the Bear River Migratory Bird Refuge, Utah, is permitted from November 2 through December 1, 1974, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 9,495 acres, is delineated on maps and shown as "Area A" which are available at refuge headquarters, Brigham City, Utah, and from the Area Office, Fish and Wildlife Service, Federal Building, Salt Lake City, Utah, 84111. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) *Iron shot.* The exclusive use of 12 gage iron shot in Area A will be required on even numbered days beginning November 2, 1974 and continue through the balance of the hunting season.

(2) *Roads.* No hunting is permitted from roadways or within 100 yards of roadways.

(3) *Hunter check station.* Each hunter who enters Area A is required to register at the checking station and check out before leaving the refuge.

(4) *Parking.* Hunters may park cars only at designated areas within the refuge.

(5) *Routes of travel.* To reach open hunting area, travel is permitted on foot or bicycle from refuge checking station over roads between Units 1 and 2 and Units 2 and 3.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 1, 1974.

SEPTEMBER 9, 1974.

LLOYD F. GUNTHER,
Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.

[FR Doc.74-21474 Filed 9-16-74;8:45 am]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2602—PREMIUM RATE AND PAYMENT OF PREMIUMS

Title IV of the Employee Retirement Income Security Act of 1974 establishes the Pension Benefit Guaranty Corporation and provides for the establishment of pension benefit guaranty funds, and a system of insurance for pension funds heretofore or hereafter established. Section 4006 of the Act authorizes the Corporation to prescribe uniform insurance rates and separate coverage schedules for the application of those rates. The Corporation is required to maintain separate coverage schedules for basic benefits guaranteed under section 4022 (a) or (b) of the Act, for nonbasic benefits guaranteed under section 4022(c) of the Act, and for employer's contingent liability insurance provided by section 4023 of the Act. Section 4007 of the Act provides for the payment of premiums by the plan administrator for each plan and further provides that "Premiums imposed by this title on the date of enactment (September 2, 1974) (applicable to that portion of any plan year during which said date occurs) are due within 30 days after such date". Accordingly, an estimated premium payment is due by October 2, 1974, to cover the period between the date of enactment and the commencement of the first plan year. The initial rates for basic benefits are 50 employer plan and $1.00 for each participant in each other plan, fractionalized for the number of months remaining in the plan year (i.e., the number of months ending between September 2, 1974, and the beginning of the new plan year). Each plan administrator is required to file the form prescribed by this part in accordance with the instructions relating thereto together with the appropriate payment by October 2, 1974.

The regulations in this part are interim. They are intended to provide only those provisions necessary to begin the insurance coverage under the Act i.e., the portion of the current plan year from September 2, 1974, to the end of the current plan year and the first plan year beginning after September 2, 1974. It is contemplated that they will be amended and expanded from time to time to cover those elements of the premium system

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that do not relate exclusively to initial premium payments and rates.

Pursuant to the authority vested in the Pension Benefit Guaranty Corporation by Title IV of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 829), a new "Chapter XXVI—Pension Benefit Guaranty Corporation" is hereby established in "Title 29—Labor" of the Code of Federal Regulations and a new "Part 2602—Premium Rates and Payment of Premiums" is added thereto, effective September 17, 1974, as set forth below.

Since premium payments must be paid, according to title IV of the Act, by October 2, 1974, time is of the essence in the proceeding to provide timely notice to plan administrators. Therefore notice and public procedure thereon under 5 U.S.C. 552(a)(1)(D) would be impracticable and this part is made effective immediately as permitted by 5 U.S.C. 553.

1. Chapter XXVI is hereby established in Title 29 and Part 2602 thereof shall read as follows:

Sec.
2602.1 Initial filings.

AUTHORITY: Pub. L. 93-406, 88 Stat. 829.

§ 2602.1 Initial filings.

(a) *Filing requirement.* The plan administrator for each covered plan, as provided by section 4021 of the Act, shall file the form prescribed by this part, in accordance with the instructions relating thereto, as well as any estimated premium payments due for any plan year in progress on September 2, 1974, by October 2, 1974. The plan administrator shall also file the form prescribed by this part, in accordance with the instructions relating thereto, as well as any estimated premium payments due for the first full plan year beginning after September 2, 1974, within 30 days after the date that plan year begins.

(b) *Form.* The form prescribed by this part is PBGC-1, generally relating to plan information and declaration of estimated premium.

(c) *Where to obtain forms.* Forms and instructions may be obtained through the following offices of the Labor-Management Services Administration of the U.S. Department of Labor:

CALIFORNIA

Los Angeles 90012
300 North Los Angeles St.

San Francisco 94102
100 McAllister St.

COLORADO

Denver 80202
1961 Stout St.

DISTRICT OF COLUMBIA

Washington 20036
1111 20th St. NW.

FLORIDA

Miami 33169
16880 NW. 2nd Ave.

GEORGIA

Atlanta 30309
1371 Peachtree St. NE.

HAWAII

Honolulu 96815
1833 Kalakaua Ave.

ILLINOIS

Chicago 60604
219 South Dearborn St.

LOUISIANA

New Orleans 70130
600 South St.

MARYLAND

Baltimore 21202
111 North Calvert St.

MASSACHUSETTS

Boston 02108
110 Tremont St.

MICHIGAN

Detroit 48226
234 State St.

MINNESOTA

Minneapolis 55401
110 South 4th St.

MISSOURI

Kansas City 64106
911 Walnut St.

St. Louis 63101
210 North 12th Blvd.

NEW JERSEY

Newark 07102
9 Clinton St.

NEW YORK

Buffalo 14202
111 West Huron St.

New York 10007
26 Federal Plaza

OHIO

Cleveland 44199
1240 East 9th St.

PENNSYLVANIA

Philadelphia 19106
600 Arch St.

Pittsburgh 15222
1000 Liberty Ave.

PUERTO RICO

Santurce 00907
605 Condado Ave.

TENNESSEE

Nashville 37203
1808 West End Bldg.

TEXAS

Dallas 75221
Bryan and Ervay Sts.

WASHINGTON

Seattle 98104
565 2nd Ave.

In addition, forms and instructions may be obtained by writing directly to the Corporation.

(d) *Interest and late payment charges.* If any estimated premium payment due under this part, is not paid by the last date prescribed for payment in paragraph (a) of this section, an interest charge will be imposed on the unpaid amount at the rate of 6 percent per annum, for the period from such last date to the date the payment is made. However, as long as the payment is made before December 2, 1974, no interest charge will be imposed. The Corporation will also assess a late payment charge for any premium not paid by the due date. The charge shall be assessed as provided in the following table:

Number of days late:	Late payment charge (percentage of amount overdue)
1 through 60	0
61 through 90	25
91 through 120	50
121 through 180	75
More than 180	100

For this purpose, an underpayment of a premium, resulting from an estimate of participation which is less than 80 percent of actual plan participation, will be presumptively treated as a nonpayment subject to appropriate interest and late payment charges.

(e) *Mailing address.* The mailing address of the Pension Benefit Guaranty Corporation is P.O. Box 7119, Washington, D.C. 20044.

Signed at Washington, D.C. this 13th day of September 1974.

Issued this 13th day of September 1974 pursuant to a resolution of the Board of Directors approving these regulations and authorizing its Chairman to issue same.

PETER J. BRENNAN,
Chairman, Board of Directors, Pension Benefit Guaranty Corporation.

HENRY ROSE,
Secretary, Pension Benefit Guranty Corportion.

[FR Doc.74-21626 Filed 9-16-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 6]

INDUCEMENTS FURNISHED TO RETAILERS

Proposed Advertising Limitation for Wine at the Retail Level

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Director, Bureau of Alcohol, Tobacco and Firearms, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, on or before October 17, 1974. Any written comments or suggestions not specifically designated as confidential in accordance with 27 CFR 71.22(d)(7) may be inspected by any person upon written request. The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions as exempt from disclosure. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issues of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended (27 U.S.C. 205)).

Dated: September 6, 1974.

[SEAL] WILLIAM R. THOMPSON,
Acting Director, Bureau of Alcohol, Tobacco and Firearms.

The Bureau of Alcohol, Tobacco and Firearms has been petitioned by the Wine Institute, a trade association representing numerous wine producers in California, to amend the regulations relating to inducements furnished to retailers (27 CFR Part 6) issued under the provisions of the Federal Alcohol Administration Act (27 U.S.C. 205).

The "Tied House" provisions of the Federal Alcohol Administration Act (27 U.S.C. 205(b)(3)), among other things, make it unlawful for an importer, producer, or wholesaler of alcoholic beverages, directly or indirectly or through an affiliate, to induce a retailer to purchase distilled spirits, wine, or malt beverages from such person to the exclusion in whole or in part of distilled spirits, wine, or malt beverages sold or offered for sale by other persons in interstate commerce, under the conditions set forth therein, by furnishing, giving, renting, lending, or selling to the retailer any equipment, fixtures, signs, supplies, services, or other things of value. The Act, however, authorizes the Secretary to prescribe by regulations certain exceptions to this rule. As guidelines in considering whether or not a particular trade practice should be excepted, section 5(b) of the Act provides that consideration is to be given to the "public health, the quantity and value of articles involved, established trade customs not contrary to the public interest and the purposes of this subsection", which is, of course, designed to outlaw unfair competition and unlawful trade practices.

An exception to the Act's general prohibitions, as set forth in 27 CFR 6.23b, for wine, provides, in part, that a person engaged in business as a rectifier, blender, producer, or bottler of wine, or as an importer or wholesaler of wine, may regardless of inducement effect, give, rent, lend, or sell to a retailer, signs, posters, placards designs, devices decorations or graphic displays for use in windows, or elsewhere within a retailer's establishment, if they have no value to the retailer except as advertisements, and if the total value of all such materials furnished by any individual industry member in use at any one time at any one retail establishment does not exceed $15, excluding expenses incurred by the industry member in connection with the transportation, assembly, and installation of such materials.

The Wine Institute's petition proposes to amend 27 CFR 6.23b, so as to increase the limitation for advertising materials furnished to retailers from $15 to $90.

The advertising limitation for wine at the retail level was established at $10, in 1936. Subsequent to public hearings held in 1969, the limitation was increased to $15, due primarily to the increase in the cost of advertising materials. Based on wholesale price index figures, it would appear that costs have increased approximately 50% since 1969, which is considerably less than the increase petitioned for by the Wine Institute. Since our cost estimates were based on related commodity increases rather than actual cost figures for retail advertising materials, actual costs may have increased more rapidly than our original estimate. In addition, there may be other valid justifications for the increase (e.g., a substantial increase in the number of wine brands among which the retail advertising allowance must be distributed). Further, "quantity" and "value" are only two of the factors the Bureau must consider in reaching a decision as to the proposed regulatory change. With respect to two of the other factors that must be considered, "public health" and "trade customs", the Bureau has limited information.

For these reasons, the Bureau has decided to propose the regulatory change petitioned for, but at the same time to strongly encourage the submission of relevant data, comments, or suggestions by members of the alcoholic beverage industry, consumers, or other government agencies.

In order to correct an error in 27 CFR Part 6, it is also proposed that § 6.21 be amended to include reference to § 6.23b, in the case of wine. This proposal was not advanced by the Wine Institute.

It is therefore proposed to amend 27 CFR Part 6 as follows:

1. Amend § 6.21 by adding reference to § 6.23b, in the case of wine. As amended, § 6.21 reads as follows:

§ 6.21 General.

An industry member may furnish to a retailer, under the conditions and within the limitations prescribed, the equipment, signs, supplies, services, or other things of value specified in §§ 6.22-6.31: *Provided*, That, except for such alcoholic beverages as may reasonably be required to complete a window or other interior display furnished pursuant to § 6.23, § 6.23a, or § 6.23b, such furnishing is not conditioned directly or indirectly on the purchase of distilled spirits, wine, or malt beverages.

2. Amend § 6.23b to increase the advertising allotment. As amended § 6.23b reads as follows:

§ 6.23b Inside signs: Wine.

Signs, posters, placards, designs, devices decorations, or graphic displays, bearing advertising matter and for use in the windows or elsewhere in the interior of a retail establishment, may be given, rented, loaned, or sold to a retailer by an industry member engaged in business as a rectifier, blender, producer, bottler, importer, or wholesaler, of wine, if they have no value to the retailer except as advertisments and if the total value of all such materials furnished by any industry member and in use at any one time in any retail establishment does not

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exceed $90, exclusive of all expenses incurred directly or indirectly by any industry member in connection with the transportation and installation of such materials if such costs do not exceed those which are usual and customary in the particular locality: *Provided*, That the industry member shall not directly or indirectly pay or credit the retailer for displaying such materials or for any expense incidental to their operation.

[FR Doc.74-21482 Filed 9-16-74;8:45 am]

Customs Service

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Change in Region VI, Amarillo, Tex.

In order to provide better and more efficient Customs service in the Houston, Texas, Customs district (Region VI), it is proposed to designate Amarillo, Texas, a Customs port of entry.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), it is hereby proposed to designate Amarillo, Texas, a Customs port of entry in the Houston, Texas, Customs district (Region VI).

The geographical limits of the proposed port of entry will include all of the territory within the corporate limits of the City of Amarillo, Texas.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration, communications must be received not later than September 26, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

SEPTEMBER 11, 1974.

[FR Doc.74-21555 Filed 9-16-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 12]

JOINT USE LAW AND ORDER

Proposed Establishment of Protective Regulations

JULY 1, 1974.

This notice is published in exercise of authority delegated by the Secretary of Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938).

Notice is hereby given that it is proposed to add a new Part 12 to Subchapter B, Chapter I, of Title 25 of the Code of Federal Regulations. This addition is proposed pursuant to the authority contained in 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

The purpose of the new Part 12 is to establish regulations to provide protection, both civil and criminal, for those Indian people residing within the boundaries of the Hopi-Navajo Joint Use Area.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments to the Special Project Officer, Bureau of Indian Affairs, Joint Use Administrative Office, Flagstaff, Arizona 86001, on or before October 17, 1974.

It is proposed to add a new Part 12 to Subchapter B, Chapter I, of Title 25 of the Code of Federal Regulations to read as follows:

PART 12—JOINT USE LAW AND ORDER

Subpart A—Title, Purpose and Definitions

Sec.
12.1 Title.
12.2 Purpose.
12.3 Definitions.

Subpart B—Judicial Power

12.4 Judicial power.

Subpart C—The Court of Appeals

12.5 Jurisdiction.
12.6 Composition.
12.7 Sessions.

Subpart D—Joint Use Trial Court

12.8 Composition.
12.9 Court sessions.
12.10 Qualifications of judges.
12.11 Disqualification.
12.12 Removal.

Subpart E—Jurisdiction of Joint Use Court

12.13 Criminal jurisdiction.
12.14 Civil jurisdiction.

Subpart F—Rules and Court Powers

12.15 Court rules.
12.16 Powers of the courts.

Subpart G—Court Officials

12.17 Officers of the courts.
12.18 Court clerks.
12.19 Representation before the joint use courts.

Subpart H—General Provisions

12.20 Public records.
12.21 Copies of laws.
12.22 Complaints.
12.23 Warrants to apprehend.
12.24 Search warrants.
12.25 Arrests.
12.26 Witnesses.
12.27 Hot pursuit.
12.28 Juries.
12.29 Contempt of court.
12.30 Commitments.
12.31 Bail.
12.32 Right of appeal.
12.33 Contraband, confiscated and abandoned property.
12.34 Taking children into custody.
12.35 Cooperation by federal employees.

Subpart I—Sentencing

Sec.
12.36 Nature of sentences.
12.37 Sentences of imprisonment.
12.38 Payment of fines.
12.39 Failure or inability to pay fines.
12.40 Commutation of sentence.
12.41 Suspension of sentence; probation.
12.42 Violation of suspended sentence.
12.43 Disposition of fines.
12.44 Civil remedies not precluded.

Subpart J—Civil Actions

12.45 Jurisdiction.
12.46 Judgments—notice.
12.47 Laws applicable in civil suits.
12.48 Judgments in civil actions.
12.49 Costs in civil actions.
12.50 Payments of judgments from individual monies.
12.51 Full faith and credit to other tribal court judgments.
12.52 Appeal.

Subpart K—Domestic Relations

12.53 No jurisdiction in domestic matters.
12.54 Determination of heirs.
12.55 Probate of wills.
12.56 Recognition of marriages and divorces.

Subpart L—The Juvenile Court

12.57 Definitions.
12.58 Composition.
12.59 Juvenile matters.
12.60 Preliminary hearing.
12.61 Notification of hearing.
12.62 Right to representation.
12.63 Proceedings.
12.64 Consent decrees.
12.65 Full hearings; proceedings.
12.66 Rights and privileges.
12.67 Disposition.
12.68 Order of adjudication, non-criminal.
12.69 Limitation on dispositional orders.
12.70 Petition to revoke probation.
12.71 Appointment of guardian *ad litem*.
12.72 Protective orders.
12.73 Records; publication prohibited.
12.74 Destruction of records.

Subpart M—Criminal Code

12.75 Definitions.
12.76 Abduction.
12.77 Adultery.
12.78 Assault.
12.79 Assault with a deadly weapon.
12.80 Assault with intent to commit rape.
12.81 Assault with intent to cause serious bodily injury.
12.82 Assault with intent to kill.
12.83 Battery.
12.84 Begging or soliciting.
12.85 Bigamy.
12.86 Bribery—giving.
12.87 Bribery—receiving.
12.88 Bribery—soliciting.
12.89 Carrying a concealed weapon.
12.90 Child molesting.
12.91 Contributing to the delinquency of a minor.
12.92 Criminal negligence.
12.93 Criminal trespass.
12.94 Cruelty to animals.
12.95 Disobedience to a lawful order of the court.
12.96 Disorderly conduct.
12.97 Disposing of property of an estate.
12.98 Escape.
12.99 Extortion.
12.100 Failing to submit to treatment for a contagious disease.
12.101 Failure to send children to school.
12.102 Failure to support.
12.103 Forgery.
12.104 Fraud.
12.105 Gambling.
12.106 Illicit cohabitation.
12.107 Incest.
12.108 Indecent exposure.
12.109 Inhaling toxic vapors.
12.110 Interfering with an officer.
12.111 Joyriding.
12.112 Liquor violation.
12.113 Littering.
12.114 Maintaining a public nuisance.
12.115 Misusing property.
12.116 Narcotics and dangerous drugs.
12.117 Perjury.
12.118 Peyote violation.
12.119 Possession of marijuana.
12.120 Prostitution.
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12.122 Receiving stolen property.
12.123 Refusing to aid an officer.
12.124 Removal or destruction of antiquities.
12.125 Shoplifting.
12.126 Theft.
12.127 Unlawful burning.
12.128 Unlawful restraint.

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12.129 Branding livestock of another.
12.130 Cutting green timber without permission.
12.131 Failure to control livestock diseases and parasites.
12.132 Game violation.
12.133 Grazing; introduction without a permit.
12.134 Livestock roundups.
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12.139 Unauthorized use of range.
12.140 Unauthorized fencing.
12.141 Violation of regulations.
12.142 Other actions not precluded.

Subpart O—Traffic Offenses

12.143 Arizona traffic laws incorporated

Subpart P—Removal of Non-Indians

12.144 Who may be removed.
12.145 Hearing; removal; release.
12.146 Delivery to state or federal authorities.

Subpart Q—Extradition

12.147 Apprehension in joint use area.
12.148 Hearing and release.

Subpart R—Other Provisions

12.149 Coroners.
12.150 Joint use Indian police.
12.151 Police commissioners.
12.152 Police training.
12.153 Indian policemen.
12.154 Dismissal.
12.155 Return of equipment.

AUTHORITY: The provisions of this Part 12 issued under 5 U.S.C. 301; R.S. 463 and 465; 25 U.S.C. 2 and 9.

Subpart A—Title, Purpose and Definitions

§ 12.1 Title.

The provisions contained in Part 12 shall be known as the "Joint Use Law and Order Code."

§ 12.2 Purpose.

(a) It is the purpose of the regulations in this Code to provide protection through adequate law enforcement machinery, both civil and criminal, for those Indian people residing within the boundaries of the Hopi-Navajo Joint Use Area as defined by the United States District Court for the District of Arizona in the Order of Compliance October 14, 1972.

(b) The regulations in this Code shall continue to apply until such time as a duly constituted joint governing body with full delegated authority from their respective tribes prescribes and adopts a new Code in accordance with a constitution and bylaws developed specifically for this area and the people who reside therein.

(c) Nothing in this Code shall prevent adoption by the governing body of ordinances applicable to the needs of the people residing in this area. After Secretarial approval, such ordinances shall be controlling and the regulations of this part which may be inconsistent therewith shall no longer be applicable.

(d) The regulations in this Code shall be enforced by the Court of Indian Offenses known as the Joint Use Court as prescribed in 25 CFR Part 12 et seq.

§ 12.3 Definitions.

In this Code, unless the context otherwise requires:

(a) "Adult" shall mean a person who is 18 years of age or older.

(b) "Code" and "Law and Order Code" shall mean the Law and Order Code of the Joint Use Area.

(c) "Indian" shall mean any person of Indian descent who is a member of any recognized Indian tribe under federal jurisdiction.

(d) "Non-Indian" shall mean a person who is not an Indian.

(e) "Person" shall mean a natural person, Indian or non-Indian, and where relevant, a corporation or unincorporated association.

(f) "Property" shall mean both real and personal property.

(g) "Joint Use Courts" shall mean the Trial Court and Court of Appeals for the Joint Use Area.

(h) "Project Officer" means the Special Project Officer of the Bureau of Indian Affairs Joint Use Administrative Office, Flagstaff, Arizona 86001, to whom has been delegated the authority of the Commissioner to act in all matters respecting the Joint Use Area.

Subpart B—Judicial Power

§ 12.4 Judicial power.

The judicial powers within the Joint Use Area shall be vested in a Court of Appeals and a Trial Court.

Subpart C—The Court of Appeals

§ 12.5 Jurisdiction.

The Court of Appeals shall have jurisdiction to hear appeals from final orders and final judgments of the Trial Court as provided in the Appeal provisions contained herein.

§ 12.6 Composition.

The Court of Appeals shall consist of a single Judge, other than the presiding Judge of the Court which rendered the order or judgment from which appeal is taken. Where the Chief Judge is the Judge of the rendering Court, an Associate Judge shall sit as the Appeal Court Judge.

§ 12.7 Sessions.

The Court of Appeals shall meet within twenty working days after notice of an appeal or application for other relief has been filed with the Clerk of the Court, or as soon thereafter as possible.

Subpart D—Joint Use Trial Court

§ 12.8 Composition.

The Joint Use Trial Courts shall consist of a Judge appointed by the Commissioner of Indian Affairs or his duly appointed representative. There shall be a Chief Judge whose duties shall be full time; and there may be one or more Associate Judges who may be called to serve when occasion arises. The Associate Judges may be hired on contract and compensated on a per diem basis.

§ 12.9 Court sessions.

(a) Regular sessions of the Trial Courts may be held on regular workdays at times and places designated by the Chief Judge.

(b) Special sessions of the Trial Courts may be held as necessary upon call of the Chief Judge: *Provided*, That such sessions are held at reasonable times and places.

§ 12.10 Qualifications of judges.

Any person over the age of 21 years shall be eligible to serve as a Judge of the Joint Use Court if he has never been convicted of a felony or, within one year then last past, been convicted of a misdemeanor other than a minor traffic violation. Such person shall have completed a course of training in judicial procedures.

§ 12.11 Disqualification.

No Judge shall hear or determine any case wherein he has any direct interest or wherein any relative, by marriage or blood in the first or second degree, is a party. Any party to a proceeding may raise the issue of the qualification of the Judge to hear the case.

§ 12.12 Removal.

(a) Any Judge of a Joint Use Court may be suspended, dismissed, or removed by the Commissioner of Indian Affairs or his representative for any of the following reasons:

(1) Conviction of a felony in any court;

(2) Conviction of any offense involving moral turpitude in any court;

(3) Conviction of the offense of disorderly conduct;

(4) Being under the influence of alcoholic beverages while presiding over a Joint Use Court;

(5) Any other conduct unbecoming to a Judge of the Joint Use Court.

(b) A Judge shall be given full and fair opportunity to reply to any and all charges for which he may be removed from his judicial office.

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Subpart E—Jurisdiction of Joint Use Court

§ 12.13 Criminal jurisdiction.

(a) The Trial Court of the Joint Use Area shall have jurisdiction over all offenses enumerated in the Joint Use Law and Order Code when committed by any Indian within the Joint Use Area.

(1) All Indians employed by the Bureau of Indian Affairs shall be subject to jurisdiction of the Joint Use Courts.

(b) The jurisdiction of the Joint Use Courts shall be exclusive of any other tribal court. With respect to any offense enumerated herein over which a federal court may assert jurisdiction, the jurisdiction of the Joint Use Courts shall be concurrent and not exclusive.

§ 12.14 Civil jurisdiction.

A Trial Court of the Joint Use Area shall exercise the civil jurisdiction provided in Subpart J, section 12.45 of this Law and Order Code.

Subpart F—Rules and Court Powers

§ 12.15 Court rules.

The Chief Judge of the Joint Use Trial Court shall promulgate rules to govern the proceedings in the Joint Use Trial Courts, subject to the approval of the Project Officer of the Joint Use Area, *Provided*, That such rules shall not abridge, enlarge, or modify any substantive rights and shall preserve the right of trial by jury as provided in Subpart H, § 12.28 of this chapter.

§ 12.16 Powers of the courts.

The Court of Appeals and the Trial Courts shall have, but not be limited to, the following powers:

(a) To punish for contempt any of its officers or other persons present at judicial proceedings;

(b) To compel witnesses to attend and testify and to produce documents or other tangible objects to be used as evidence: *Provided*, That a defendant in a criminal trial may not be compelled to be a witness against himself.

Subpart G—Court Officials

§ 12.17 Officers of the courts.

Officers of the Joint Use Courts shall include:

(a) Court clerks and court interpreters;

(b) Police officers and other persons when carrying out orders of the Courts;

(c) Professional and lay counsel representing parties before the Courts; and

(d) Bailiffs.

§ 12.18 Court clerks.

(a) A person shall be employed to serve the Courts of the Joint Use Area and shall be known as the Clerk of the Court. Additional clerks may be employed as necessary.

(b) The Clerk of the Court is charged with the duty of assisting the lawful functioning of the Courts. Such duties shall include, but not be limited to, the following:

(1) Drafting complaints, subpoenas, warrants, writs, or other orders of the Court;

(2) Maintaining records of court proceedings;

(3) Administering oaths;

(4) Collecting and accounting for fines and other property taken into the custody of the Courts; and

(5) Filing notices of appeal and petitions.

§ 12.19 Representation before the joint use courts.

A person before the Courts of the Joint Use Area may represent himself or have another person or a professional attorney serve as his counsel: *Provided*, That such lay or professional counsel demonstrates a familiarity with the Joint Use Law and Order Code to the presiding Trial Court Judge.

Subpart H—General Provisions

§ 12.20 Public records.

Except as otherwise provided in this Code, the Joint Use Courts shall keep open for inspection by duly qualified officials a record of all proceedings of each Court. Such record shall reflect the title of the case, the names and addresses of parties and witnesses, the substance of the complaint, the date of the hearing or trial, by whom conducted, the findings of the Court or jury, and the judgment or order entered, together with any other facts or circumstances deemed of importance to the case.

§ 12.21 Copies of laws.

The Courts of the Joint Use Area shall be provided with, or have access to, all tribal, Federal and state laws and regulations of the Bureau of Indian Affairs applicable to the conduct of persons within the boundaries of the Joint Use Area.

§ 12.22 Complaints.

No complaint filed in a Joint Use Trial Court shall be valid unless it bears the signature of the complainant or the complaining witness and is witnessed by a duly qualified Judge, police officer, or court clerk.

§ 12.23 Warrants to apprehend.

Each Judge of the Joint Use Courts shall have authority to issue warrants to apprehend. Such warrants shall be issued at the discretion of the Court and only after a written complaint has been filed with the Court and bears the signature of the complainant or complaining witness.

§ 12.24 Search warrants.

(a) Each Judge of the Joint Use Courts shall have authority to issue warrants for search and seizure of the premises and property of any person subject to the jurisdiction of the Courts. No warrant for search and seizure shall be issued unless there be a duly signed and witnessed complaint filed with the Court charging the commission of an offense defined under the Joint Use Law and Order Code, Subpart M.

(b) No warrant for search and seizure shall be valid unless:

(1) It contains the name or description of the person or property to be searched;

(2) It describes the articles or property to be seized; and

(3) It bears the signature of a duly qualified Judge of a Joint Use Court. Warrants for search and seizure shall be served only by police officers.

(c) No police officer shall search and seize any property without a warrant unless he knows or shall have probable cause to believe that the person in possession of such property is engaged in the commission of an offense defined under this Law and Order Code. Any unlawful search and seizure shall be deemed a trespass. Such trespasser may be prosecuted under the provisions contained in this Law and Order Code and may be subject to civil suit in a court of competent jurisdiction.

§ 12.25 Arrests.

(a) No police officer acting pursuant to this Law and Order Code shall arrest any person for a criminal offense except:

(1) When such offense was committed in the presence of the arresting officer; or

(2) When the arresting officer shall have probable cause to believe that an offense has been committed and that the person to be arrested has committed the offense; or

(3) When the officer shall have a duly executed warrant commanding him to apprehend such person.

(b) No person shall be arrested in a dwelling, house, or other privately-owned structure unless a valid warrant for his arrest has been issued or where the consent, of the person in rightful possession of the premises to enter for the purpose of arrest, has been obtained: *Provided*, That a police officer may forcefully enten such premises when he has reasonable cause to believe that there exists danger of imminent harm or damage to persons or property.

§ 12.26 Witnesses.

(a) All Judges of the Joint Use Courts shall have the power to issue subpoenas for the attendance of witnesses, either on their own motion or on motion of any party to a proceeding. Each subpoena shall bear the signature of the Judge ordering its issuance. Each witness answering a subpoena shall be entitled to a fee for each day of services as required by Court. Such fee shall be determined by the Court and approved by the Project Officer of the Joint Use Administrative Office. Failure to answer a subpoena shall be deemed an offense. Subpoenas may be served by a police officer or by a person appointed by the Court for that purpose.

(b) Witnesses who testify voluntarily shall be paid by the party calling them, if the Court so directs.

§ 12.27 Hot pursuit.

A police officer may arrest a person beyond the territorial boundaries of the Joint Use Area when such officer has probable cause to believe that the person has committed an offense and the officer intends to arrest such person for the offense.

§ 12.28 Juries.

(a) A jury trial shall be held if:

(1) Requested by either party in a civil case; or

(2) Requested by the defendant in a criminal case where imprisonment is a possible penalty for the offense charged.

(b) A list of eligible jurors shall be prepared and maintained by the Project Officer of the Joint Use Administrative Office or his representative. Any (Indian) person over the age of 21 years, not subject to judicial restraint by any court, and who resides within the Joint Use Area may be listed as an eligible juror. Jurors shall be compensated at a rate recommended by the Judge and approved by the Project Officer of the Joint Use Administrative Office.

(c) A jury shall consist of seven persons chosen at random by the presiding Judge from the persons listed as eligible to serve as jurors.

(d) Challenges to individual jurors may be exercised as follows:

(1) Either party to the case may challenge an individual juror, or the Judge, on his own motion, may remove an individual juror, upon the ground that the juror:

(i) Has been convicted of a felony in a state or federal court;

(ii) Is of unsound mind, or has such a defect in the faculties of the mind or body as to render him incapable of performing the duties of a juror;

(iii) Is related, by consanguinity or affinity within the second degree, to the person alleged to be injured, to the complainant in a criminal action, or to the defendant;

(iv) Stands in the relationship of guardian, ward, attorney, client, master, servant, landlord, tenant, or member of the family of the defendant or of the person alleged to be injured by the offense charged, or on whose complaint the prosecution was instituted or is in the defendant's employment for wages;

(v) Is a party adverse to the defendant's action, or has complained against or been accused by him in a criminal prosecution;

(vi) Has served on the Trial Jury which has tried another person for the offense charged in the complaint;

(vii) Has served as a juror in a civil action brought against the defendant for the act charged as an offense;

(viii) Is on the bond of the defendant, or engaged in business with the defendant or with the person alleged to be injured by the offense, or on whose complaint the prosecution was instituted;

(ix) Is a witness on the part of the prosecution or the defendant, or has been served with process, or bound by an undertaking as such;

(x) Has a state of mind in reference to the action or to the defendant or to the person alleged to have been injured by the offense charged or on whose complaint the prosecution was instituted which will prevent him from acting with entire impartiality and without prejudice to the substantial rights of either party.

(e) The Judge shall instruct the jury on the law governing the case, and the jury shall bring a verdict for one of the parties in civil cases, or in criminal cases, a verdict of guilty or not guilty. The Judge shall thereafter render judgment in accordance with the verdict and the law.

(f) A jury may render a verdict by majority vote in civil cases and find the defendant guilty by a vote of 6 to 1 in criminal cases.

§ 12.29 Contempt of court.

(a) The Judges of the Joint Use Courts may rule a person in contempt of court if he willfully and unjustifiably disrupts, obstructs, or otherwise interferes with the due and orderly course of proceeding in the courtroom, after being advised by the Court to cease.

(b) All rulings of, and sentences for, contempt shall be announced immediately after the acts of contempt occur.

(c) A person found in contempt of court may be sentenced to imprisonment for a period not to exceed 30 days or to pay a fine not to exceed $150, or both.

§ 12.30 Commitments.

(a) No person shall be detained, jailed, or imprisoned for more than 36 hours pursuant to an arrest unless there be issued an express or conditional commitment order signed by a duly qualified Judge of a Trial Court. Any person arrested on a Friday, Saturday, or a day before a legal holiday who does not provide bail may be held in sustody pending arraignment until noon of the next regular business day of the Trial Court.

(b) There shall be issued for each person held for trial a temporary commitment order and, for each person held after sentencing, a final commitment order.

§ 12.31 Bail.

(a) Except as otherwise provided in paragraph (c) of this section, any person, who is charged with an offense or who has been found guilty of an offense and has appealed, may be admitted to bail.

(b) A defendant may be admitted to bail by:

(1) Posting a cash or surety bond which, in the opinion of the Court, will insure his appearance in Court at the time required; or

(2) Promising in writing to appear before the Court at any time lawfully required.

(c) A defendant may not be admitted to bail or released upon his written promise to appear if such defendant is in an intoxicated condition.

(d) If a defendant, who was released upon his written promise to appear, willfully fails to appear before the Court as required, a warrant may be issued for his arrest. If a defendant released on bail willfully fails to appear before the Court as required, the Court shall order the cash or surety bond to be forfeited to the Joint Use Court and may issue a warrant for his arrest.

(e) Any cash or surety bond not forfeited shall be returned upon the required appearance by the principal.

(f) Bail may be accepted and receipted for by designated officers of the Court or any other person who may be authorized by the Chief Judge to take and issue receipts for bail.

§ 12.32 Right of appeal.

(a) Any party to a case, other than the prosecution in a criminal case, who is aggrieved by a final order or final judgment of a Trial Court, shall have the right to appeal to the Joint Use Court of Appeals.

(b) The appealing party shall file with the Clerk of the Court a notice of appeal along with a filing fee of $5 within ten (10) days after the entry of the final order or final judgment from which appeal is taken. The filing fee may be waived in the appeal of a criminal conviction if the defendant files an affidavit swearing that he is without funds to pay the filing fee. If the Court of Appeals finds that the appellant is without funds to pay the filing fee, it shall order that the fee be permanently waived.

(c) If the Court of Appeals finds that any or a combination of the following has occurred, it shall order the judgment or order reversed or may remand the case for retrial:

(1) Irregularities in the proceedings or conduct by the jury, adverse party, or his counsel prejudicial to the appellant;

(2) Any ruling, order, or abuse of discretion which may have prevented a fair trial;

(3) Newly discovered evidence which could not, with reasonable diligence, have been produced at trial;

(4) Insufficient evidence to support the verdict;

(5) Any error of law occurring at the trial prejudicial to the appellant; or

(6) Any other reason which would warrant reversal by a court when reviewing a similar appeal.

(d) If the Court of Appeals finds that reversal under paragraph (c) of this section is unwarranted, it shall affirm that judgment or order appealed from; no further appeal shall thereafter be permitted.

§ 12.33 Contraband, confiscated, and abandoned property.

(a) The disposition of all property, confiscated as contraband, seized as evidence, or otherwise taken into the custody of the Court, shall be determined at a hearing before a Trial Court.

(b) The Trial Court shall, upon satisfactory proof of ownership, order such property to be delivered to the rightful owner, unless such property is required as evidence. Where the property is required as evidence, it shall not be returned until final judgment in the case is entered. In no case shall property be returned where possession of such property is unlawful; such property may be declared property of the United States.

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(c) The Trial Court shall not return any property confiscated pursuant to an arrest for the violation of:

(1) Carrying a Concealed Weapon under Subpart M of this Code;

(2) An offense involving the use of any weapon or instrument in the commission of such offense, if the holder or possessor is found guilty of the offense. Any property not returned shall become the property of the United States.

(d) Any property not claimed by the owner when delivered or any property for which an owner has not been determined within six months after the court hearing shall become the property of the United States. However, property delivered to the custody of the Court by a private person shall become the property of such person if it is not claimed within 30 days after the hearing.

(e) Any property declared to be the property of the United States may be dealt with as authorized by federal law.

(f) The Clerk of the Court shall keep written records of all transfers and dispositions of property taken into the custody of the Court.

(g) Contraband shall mean:

(1) Any narcotic drug or substance, the possession, sale, transportation, or use of which has been deemed an offense under Subpart M of this Law and Order Code;

(2) Any firearm seized pursuant to an arrest for violation of the section 12.132, Game Violations, of Subpart N of this Code.

§ 12.34 Taking children into custody.

(a) A child may be taken into custody:

(1) Pursuant to an order of the Court in a juvenile proceeding;

(2) For an act of delinquency pursuant to the laws of arrest;

(3) By a police officer when he has reasonable grounds to believe that the child is suffering from illness or that the child's surroundings are such as to endanger his health, morals, and welfare and that his removal is necessary; or

(4) By a police officer when he has reasonable grounds to believe that the child is a runaway from his parents, guardian, or other custodian.

(b) Any police officer who takes a child into custody without court order shall immediately notify or attempt to notify the child's parents, guardian, or custodian.

(c) In all cases if the parents, guardian, or custodian, of a child taken into custody without a court order, can be located and are willing and able to take the child under their care, the child shall be surrendered to their care pending any juvenile proceedings or other court orders.

§ 12.35 Cooperation by federal employees.

(a) No field employee of the Bureau of Indian Affairs shall obstruct, interfere with, or control the functions of the Joint Use Courts or influence such functions in any manner except as permitted by the regulations or in response to a request for advice or information from the Court.

(b) Employees of the Bureau of Indian Affairs, particularly those engaged in social, health, or education services, shall assist the Courts upon their request in the preparation and presentation of the facts in the case and in the proper treatment of individual offenders.

Subpart I—Sentencing

§ 12.36 Nature of sentences.

Except as otherwise provided hereunder, a person found guilty of violating a provision of the Joint Use Criminal Code, Subpart M, may be sentenced to the penalty provided in such offense. Sentences shall be imposed without unreasonable delay and shall not exceed the maximum penalty provided. The penalties provided in the offenses are maximum penalties and should be imposed only in extreme cases.

§ 12.37 Sentences of imprisonment.

(a) A person sentenced to imprisonment may work for the benefit of the Hopi or Navajo Tribes or for the benefit of the Joint Use Area. Any work performed shall reduce the sentence at the rate of two days of incarceration for each day of work performed. "Day of work" shall mean at least four hours of work performed in any 24-hour period. Any work performed shall be under the supervision of any person authorized by the Court.

(b) Any sentence of imprisonment shall be reduced by any time spent in jail before judgment was entered.

§ 12.38 Payment of fines.

(a) Any person sentenced to pay a fine shall pay such fine in cash or money order to the Clerk of the Court who shall issue a receipt therefor.

(b) If the full amount of the fine cannot immediately be paid, the Court may provide for the payment of such fine in installments.

§ 12.39 Failure or inability to pay fines.

(a) A sentence of imprisonment shall not be imposed upon any indigent person in the form of an alternative to a fine, i.e. "dollars or days."

(b) Any person sentenced to pay a fine shall not be imprisoned to work off such fine if, by reason of indigency, he is unable to pay the fine imposed.

(c) Any person who is presently able to pay a fine or an installment of a fine and who willfully refuses to do so may be ordered imprisoned for, or allowed to work off, the unpaid amount of the fine at the rate of $5 per day for each day in jail or day of work performed.

§ 12.40 Commutation of sentence.

The Judge of the sentencing Court may, at any time that one-half or more of an original sentence of imprisonment has been served, commute such sentence to a lesser period upon proof that the person sentenced served without misconduct.

§ 12.41 Suspension of sentence; probation.

(a) The Judge of the sentencing Court may suspend any sentence upon condition that the defendant comply with such reasonable terms and conditions as the Court deems necessary.

(b) When considering suspending any sentence, the Court shall consider the prior record of the defendant, his background, character, financial condition, family and work obligations, the circumstances of the offense, and attempts at restitution.

§ 12.42 Violation of suspended sentence.

(a) Any person accused of violating the terms or conditions of his suspended sentence shall be afforded a hearing before the sentencing Court to determine the truth of the accusations.

(b) Where, by a preponderance of testimony, a person is found to have violated the terms or conditions of his suspended sentence, such person may be ordered to serve his original sentence or any portion thereof.

§ 12.43 Disposition of fines.

All money fines imposed for the commission of an offense shall be in the nature of an assessment of the payment of designated Court expenses. Such expenses may include the payment of fees to jurors and witnesses answering a subpoena. All fines assessed and collected shall be paid over to the Project Officer of the Joint Use Administrative Office or his disbursing agent to be deposited in a special account labeled "Special Deposit, Court Funds" to the disbursing agent's credit in the Treasury of the United States. The disbursing agent shall withdraw such funds in accordance with existing federal regulations upon the order of the Clerk of the Court signed by a Judge of the Court for payment of specific fees to jurors and witnesses. The disbursing agent and the Clerk of the Court shall keep an accounting of all such deposits and withdrawals for the inspection of any interested person. Whenever such funds shall exceed the amount necessary for the payment of court expenses hereinbefore mentioned, the Project Officer of the Joint Use Administrative Office shall designate further expenses of the Court which shall be paid by these funds.

§ 12.44 Civil remedies not precluded.

The imposition or suspension of any penalty, on condition of restitution to one whose person or property has been injured, for the commission of any offense under this Code shall not preclude an application for any civil remedy for such injuries.

Subpart J—Civil Actions

§ 12.45 Jurisdiction.

(a) Except as otherwise provided, the Joint Use Courts shall have jurisdiction over all suits wherein:

(1) An Indian is a defendant, and a resident in the Joint Use Area, and of all other suits between Indians and non-Indians which are brought before the courts by stipulation of both parties; or

(2) The cause of action arose within the Joint Use Area, and the defendant is an Indian, or in such instance where the defendant is a non-Indian, by consent of both parties.

(b) With respect to any civil suit over which the Hopi or Navajo Tribal Courts may have jurisdiction, the jurisdiction of the Joint Use Courts shall be concurrent and not exclusive.

§ 12.46 Judgments—notice.

No judgment shall be entered on any suit unless the defendant has received actual notice of such suit and had a reasonable opportunity to appear in Court and defend himself. Evidence of receipt of notice shall be kept as part of the record in the case. In all civil suits, the complainant may be required to deposit with the Clerk of the Court a fee or other security in a reasonable amount to cover costs and disbursements in the case.

§ 12.47 Laws applicable in civil suits.

(a) In all civil suits, the Court shall apply any laws of the United States that may be applicable; any authorized regulations of the Interior Department; or any ordinances or customs of the defendant's tribe not prohibited by such federal laws.

(b) Where doubt arises as to customs and usages of a tribe, the Court may request the advice of counselors familiar with such customs and usages. Any matters that are not covered by customs and usages by tribal ordinances or by applicable federal laws and regulations shall be decided by the Court according to the laws of the State of Arizona.

§ 12.48 Judgments in civil actions.

(a) In all civil cases, judgment shall consist of an order of the Court awarding money damages to be paid to the injured party, or an order directing the surrender of certain property to the injured party or the performance of some other act for the benefit of the injured party.

(b) Where the injury inflicted was the result of carelessness of the defendant, the judgment shall fairly compensate the injured party for the loss suffered.

(c) Where the injury was deliberately inflicted, the judgment shall impose an additional penalty upon the defendant.

(d) Where the injury was inflicted as a result of accident and where both the complainant and the defendant were at fault, the judgment shall compensate the injured party for a reasonable part of the damage he has suffered.

§ 12.49 Costs in civil actions.

The Court may assess the accruing cost of the case against the party or parties against whom judgment was rendered. Such costs shall consist of the expenses of voluntary witnesses for which either party may be responsible and the fees of jurors in those cases where a jury trial is had and any further expenses connected with the proceeding before the Court as the Court may direct.

§ 12.50 Payment of judgments from individual monies.

(a) Whenever the Court shall have ordered payment of money damages to an injured party and the losing party refuses to make such payment within time set for payment by the Court and when the losing party has sufficient funds in his Individual Indian Monies account to pay all or part of the judgment, the disbursing agent in control of the losing party's IIM account shall pay over to the injured party the amount of the judgment or such lesser amount as may be specified by the Secretary from the account of the delinquent party.

(b) A judgment shall be considered a lawful debt in all proceedings to distribute an Indian decedent's estate.

§ 12.51 Full faith and credit to other tribal court judgments.

Full faith and credit shall be given by the Joint Use Court to the judgments of the Navajo and Hopi civil courts.

§ 12.52 Appeal.

In all civil cases, any party aggrieved by a judgment may appeal from a decision of the rendering Court in the same manner and under the same conditions as provided in 25 CFR 2 upon giving notice of such appeal at the time of judgment or within five (5) days thereafter and upon giving proper assurance to the Trial Judge through the posting of a bond or assurance that he will satisfy the judgment if it is affirmed. In any case where a party has perfected his right to appeal as established herein, the judgment of the Trial Court shall not be executed until after final disposition of the case by the Court of Appeals.

Subpart K—Domestic Relations

§ 12.53 No jurisdiction in domestic matters.

(a) The Joint Use Courts shall have no jurisdiction over suits to dissolve marriages, to adopt children, to terminate parental rights, or to determine paternity and support. Suits involving these matters are to be referred to the Hopi and Navajo Tribal Courts as the circumstances require.

(b) The Joint Use Courts shall have no power to issue marriage certificates. Where a valid marriage certificate has been procured in accordance with Hopi and Navajo tribal ordinances, the Joint Use Courts may validly solemnize a marriage where solemnization is required by tribal ordinance. All Indian marriages shall be recorded within three months at the agency in which either or both of the parties reside.

§ 12.54 Determination of heirs.

If an Indian shall die leaving property, other than an allotment or other trust property subject to the jurisdiction of the United States, any person claiming to be an heir of the decedent shall bring suit in the appropriate tribal court to have that court determine the heirs of the decedent and distribute the property.

§ 12.55 Probate of wills.

If an Indian shall die leaving a will disposing of property, other than an allotment or other trust property subject to the jurisdiction of the United States, the appropriate tribal court shall determine the validity of the will.

§ 12.56 Recognition of marriages and divorces.

(a) The Joint Use Courts shall not recognize any tribal custom marriage or divorce unless such marriage or divorce was consummated or procured in accordance with the laws of the jurisdiction where such marriage or divorce was consummated or procured.

(b) All marriages and divorces, if recognized as valid in the jurisdiction where consummated or procured, shall be recognized as valid in the Joint Use Courts.

Subpart L—The Juvenile Court

§ 12.57 Definitions.

In this chapter, unless the context otherwise requires:

(a) "Minor" or "child" means a person under the age of 18 years.

(b) "Adult" means a person aged 18 years or more.

(c) "Act of delinquency" means an act which if committed by an adult would be punishable as an offense defined under Subpart M of this Code or against the State of Arizona.

(d) "Delinquent child" or "delinquent" means a child who has committed an act of delinquency and is in need of care or rehabilitation.

(e) "Neglected child" means a child:

(1) Who has been abandoned by his parents, guardian, or other custodian;

(2) Who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his well-being because of the faults or habits of his parents, guardian or other custodian, or their neglect or refusal, when able to do so, to provide them; or

(3) Whose parents, guardian, or other custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity.

(f) "Child" or "person in need of supervision" means a child who:

(1) Being subject to compulsory school attendance, is habitually truant from school; or

(2) Habitually disobeys the reasonable and lawful demands of his parents, guardian, or other custodian, and is ungovernable and beyond their control.

(g) "Legal custody" means a legal status created by court order which vests in a custodian the right to have temporary physical custody of the child or minor.

(h) "Probation" shall mean a legal status created by court order following an adjudication of delinquency, whereby

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a minor is permitted to remain in his

§ 12.62 Right to representation.

for such information when they are rea-

probation or protective supervision ceeding, attains the age of 18 years, the

§ 12.79 Assault with a deadly weapon.

a minor is permitted to remain in his home subject to supervision and return to the Court for violation of probation at any time during the period of probation.

(i) "Protective supervision" means a legal status created by court order in neglect cases whereby the minor is permitted to remain in his home under supervision, subject to return to the Court during the period of supervision.

(j) "Custodian" means a person other than a parent or guardian to whom legal custody of the child has been given by court order or who is acting in loco parentis.

§ 12.58 Composition.

The Judges of the Trial Court shall act as the Juvenile Court in proceedings in which a child is to be adjudicated neglected, in need of supervision, or delinquent.

§ 12.59 Juvenile matters.

(a) Where a child is accused of committing an offense under the Joint Use Criminal Code, a Judge of the Joint Use Court may either:

(1) If the child is over sixteen years old, proceed with the case as a regular criminal matter, when the interests of justice require; or

(2) Declare the proceeding a juvenile matter and proceed as provided in paragraph (b) of this section.

(b) In any case where a child is accused of committing an act of delinquency, charged with being a child in need of supervision; or deemed as a neglected child, the Court shall order the proceedings to be adjudicated in a confidential manner.

§ 12.60 Preliminary hearing.

Upon the filing of a criminal complaint or a petition alleging the need for supervision or court intervention, the Court shall order a preliminary hearing to determine the sufficiency of the complaint and to determine whether a full hearing should be ordered.

§ 12.61 Notification of hearing.

(a) The Court shall order delivery of the summons along with a copy of the complaint or petition alleging delinquency, need of supervision, or neglect:

(1) To the child, if he is over the age of 14 years or is alleged to be delinquent or in need of supervision;

(2) To the parents, guardian, or custodian of the child;

(3) To the spouse of a married child;

(4) To any other person the Court deems necessary and proper to the proceedings.

(b) The summons shall order the appearance of the persons before the Court at the preliminary hearing. The summons shall be served personally on the party named in the summons within three (3) days after the filing of the complaint or petition and not less than two (2) days before the date set for the preliminary hearing.

§ 12.62 Right to representation.

In delinquency and in need of supervision cases, a child and his parents, guardian, or custodian shall be advised by the Court or its representatives that the child may be represented by counsel. In neglect cases, the parents, guardian, or custodian shall be advised of their right to retain counsel. In any juvenile proceeding, the Court may appoint counsel where it appears counsel will not or cannot be retained.

§ 12.63 Proceedings.

(a) At the preliminary hearing the specific allegations in the complaint or petition shall be presented to the parties named in such complaint or petition. The named parties shall either admit or deny the allegations in the complaint or petition.

(b) If the allegations are admitted, the Court may proceed with the disposition of the case.

(c) If the allegations are denied, the Court shall set a date for a full hearing at which the parties may present evidence.

§ 12.64 Consent decrees.

(a) At any time after the filing of the complaint or petition, the Court, on its own motion or on motion by the child or the child's parents, guardian, or custodian, may suspend the proceedings and continue the child under the supervision of the Court in the child's own home, subject to such terms and conditions as the Court deems necessary and as agreed upon by the parties affected. The Court, on its own motion and at any time, may dismiss the complaint or petition if it feels that court adjudication is unnecessary or unwarranted under the circumstances.

(b) Consent decrees shall remain in effect for six (6) months unless the child is sooner discharged by the Court.

§ 12.65 Full hearings; proceedings.

(a) If, at the full hearing, the Court finds on the basis of a valid admission or a finding based on proof beyond a reasonable doubt that a child committed the acts of which he is alleged to be delinquent or is in need of supervision, it may proceed with the disposition of the case.

(b) If the Court finds from clear and convincing proof that a child is neglected, it may proceed with the disposition of the case.

(c) After any findings in paragraph (a) or (b) of this section, the Court may immediately, or at a later date, hold a disposition hearing wherein any information relevant to the proper disposition of the child may be received. Such information may be received by the Court to the extent of its probative value despite the fact that it would not have been admissible in the hearing on the complaint or petition. The parties shall be afforded an opportunity to examine and controvert such information and to cross-examine any persons responsible for such information when they are reasonably available.

§ 12.66 Rights and privileges.

(a) Any child charged with being delinquent or in need of supervision shall be accorded the privilege against self-incrimination. Additionally, illegally seized or obtained evidence shall not be received by the Court to establish any allegations against the child.

(b) A valid extra-judicial admission or confession made by a child is insufficient to support a finding that the child committed the acts alleged unless such admission or confession is corroborated by other admissible evidence.

(c) In all cases, procedural due process shall be afforded at all stages of any juvenile proceeding.

§ 12.67 Disposition.

(a) If a child is found by the Court to be neglected, the Court may make any of the following orders of disposition to protect the welfare of the child:

(1) Permit the child to remain with his parents, guardian, or other custodian subject to such conditions and limitations as the Court may prescribe;

(2) Place the child under protective supervision;

(3) Transfer legal custody to a Hopi or Navajo tribal agency or other public agency subject to the orders of the Court until Hopi or Navajo Tribal Court jurisdiction is exercised; or

(4) Transfer custody to a responsible relative or other adult person who is found by the Court to be qualified to receive, care for, and supervise the child.

(b) If a child is found to be delinquent or in need of supervision, the Court may make any of the following orders of disposition for his supervision, care, and rehabilitation:

(1) Any order authorized by paragraph (a) of this section for the disposition of a neglected child; or

(2) An order placing the child on probation under such terms and conditions as the Court may prescribe.

§ 12.68 Order of adjudication, non-criminal.

An order of disposition or other adjudication in juvenile proceedings shall not be deemed a conviction for a crime. The disposition of a child and evidence given in any juvenile proceeding shall not be admissible against the child in any case or proceeding in any other court, whether before or after he has reached majority except where the matter has been referred to another juvenile court of the Navajo or Hopi Tribes.

§ 12.69 Limitation on dispositional orders.

(a) An order of probation or protective supervision shall remain in force no longer than 6 months unless the child is sooner released by the Court.

(b) When a child reaches the age of 18 years, all orders affecting him pronounced by the Juvenile Court shall terminate, and he shall be released from

probation or protective supervision under such orders.

§ 12.70 Petition to revoke probation.

(a) A child, subject to court supervision or orders, incident to an adjudication as a delinquent child or a child in need of supervision, who violates any terms imposed by the Court may be proceeded against in a hearing to revoke probation.

(b) Probation shall not be revoked except upon a showing by clear and convincing proof that a term or condition of the child's probation was violated. Probation revocation proceedings shall be governed by the rights and duties applicable to delinquency and in need of supervision cases contained in this subpart.

(c) If a child is found to have violated a term or condition of his probation, the Court may extend the period of probation or make any other disposition allowed under § 12.67.

§ 12.71 Appointment of guardian ad litem.

At any stage of a juvenile proceeding, the Court may appoint a guardian *ad litem* for a child who is a party to the proceeding, if the child has no parents, guardian, or custodian or if his natural or adoptive parents are not in a position to exercise effective guardianship.

§ 12.72 Protective orders.

In any juvenile proceeding, upon application of a party, or on motion by the Court, the Court may enter an order restraining the conduct of any party over whom the Court has obtained jurisdiction if:

(a) An order of disposition of a delinquent or neglected child or a child in need of supervision has been entered; and

(b) The Court finds that the person's conduct is or may be detrimental or harmful to the child, and will tend to defeat the execution of the order or disposition; and

(c) Due notice of the application or court motion and the grounds therefor has been given to the persons against whom the order is directed: *Provided*, That such person has been given an opportunity to be heard.

§ 12.73 Records; publication prohibited.

(a) The records of proceedings in juvenile matters shall be kept separate from other court records and shall not be open to anyone other than the parties to the proceeding, the Court, or other persons authorized by court order.

(b) No part of the record shall be published by a newspaper or other agency disseminating news or information, nor shall a newspaper or agency publish the name of a child charged with being delinquent, in need of supervision, or neglected.

§ 12.74 Destruction of records.

When a child, who has been in a delinquent or a need of supervision proceeding, attains the age of 18 years, the Court shall order the Clerk of the Court to completely destroy all records of such proceedings involving such child.

Subpart M—Criminal Code

§ 12.75 Definitions.

In this chapter, unless the context otherwise requires:

(a) "Adult" shall mean a person who is 18 years of age or older.

(b) "Bodily injury" shall mean impairment of physical condition or substantial pain.

(c) "Deadly weapon" shall mean any instrument used in such a manner as to render it capable of causing death or serious bodily injury.

(d) "Dangerous weapon" shall mean an instrument of the type described in § 12.89 of this subpart.

(e) "Serious bodily injury" shall mean physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.

(f) "Sexual contact" shall mean any contact of the sexual or other private parts of another for the purpose of arousing or gratifying sexual desire of either party.

(g) "Person" shall mean an Indian.

(h) "Range management personnel" shall mean the Project Officer of the Joint Use Area or his representatives.

§ 12.76 Abduction.

(a) A person who willfully takes or entices away:

(1) Any child under the age of 18 years from his parents, guardian, or custodian; or

(2) Any person from his lawful custodian, knowing he has no lawful right to do so, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed One Hundred and Eighty ($180) Dollars, or both.

§ 12.77 Adultery.

(a) A person who has sexual intercourse with another person, either of such persons being married to a third person, is guilty of an offense.

(b) No prosecution for adultery shall commence except upon the complaint of an aggrieved wife or husband.

(c) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed Ninety ($90) Dollars, or both.

§ 12.78 Assault.

(a) A person who unlawfully attempts or threatens to cause bodily injury to another is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed twenty (20) days or to pay a fine not to exceed Twenty ($20) Dollars, or both.

§ 12.79 Assault with a deadly weapon.

(a) A person who willfully causes, attempts to cause, or threatens to cause bodily injury to another by means of a deadly or dangerous weapon is guilty of an offense.

(b) A dangerous weapon for the purposes of this section is an instrument of the type described under § 12.89 of Subpart M, Carrying a Concealed Weapon.

(c) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) Dollars, or both.

§ 12.80 Assault with intent to commit rape.

(a) A person who:

(1) Unlawfully attempts or threatens to cause bodily injury to a female person; or

(2) Willfully and unlawfully uses force or violence upon the person of a female,

with intent to induce, coerce, or force such female person to submit to sexual intercourse with a person not her spouse, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) Dollars, or both.

§ 12.81 Assault with intent to cause serious bodily injury.

(a) A person who willfully and unlawfully causes or attempts to cause serious bodily injury to another is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) Dollars, or both.

§ 12.82 Assault with intent to kill.

(a) A person who willfully and unlawfully causes or attempts to cause bodily injury to another with intent to kill is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) Dollars, or both.

§ 12.83 Battery.

(a) A person who:

(1) Willfully and unlawfully uses force or violence upon the person of another; or

(2) By threatening force or violence, causes another to harm himself; or

(3) Recklessly causes physical injury to another is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) Dollars, or both.

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§ 12.84 Begging or soliciting.

(a) A person who begs or solicits gifts of money, property, or other thing of value on the streets, sidewalks, or other public places is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed five (5) days or to pay fine not to exceed Thirty ($30) Dollars, or both.

(c) This section shall not apply to any person acting in behalf of any civic, charitable, religious, or social organization which is authorized by the Hopi or Navajo Tribes to solicit gifts of money, property, or other thing of value within their respective jurisdictions.

§ 12.85 Bigamy.

(a) A person who marries another person while having a husband or wife living is guilty of an offense.

(b) Paragraph (a) of this section shall not apply to any person whose husband or wife has been absent for five years, without being known to such person within that time to be living, nor to any person whose former marriage has been dissolved by any court of competent jurisdiction.

(c) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed Ninety ($90) Dollars, or both.

§ 12.86 Bribery—giving.

(a) A person who gives or offers to give to another person money, property, or other thing of value with intent to influence a public servant in the discharge of his public duties is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) Dollars, or both.

§ 12.87 Bribery—receiving.

(a) A public servant who asks, receives, or offers to receive from another, money, property, or other thing of value, with intent or upon a promise to be influenced in the discharge of his public duties, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) Dollars, or both.

§ 12.88 Bribery—soliciting.

(a) A person who obtains or seeks to obtain money, property, or other thing of value, upon a claim or representation that he can or will improperly influence the action of a public servant in the discharge of his public duties is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) Dollars, or both.

§ 12.89 Carrying a concealed weapon.

(a) A person who has concealed on or about his person a dangerous weapon is guilty of an offense.

(b) A dangerous weapon as used in paragraph (a) of this section shall include any:

(1) Airgun, blowgun, explosive device, pistol, or other firearm;

(2) Bayonet, dagger, switchblade, bowie knife, or other kind of knife;

(3) Sling shot, club, blackjack, or chain;

(4) Sword, sword cane, or spear;

(5) Metal knuckles; or

(6) Any other instrument capable of lethal use, possessed under circumstances not appropriate for lawful use.

(c) A folded pocket knife shall not be considered a dangerous weapon.

(d) Paragraph (a) shall not apply to any person authorized by the tribal, state, Federal governments, or subdivisions thereof to carry such weapons.

(e) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) Dollars, or both.

(f) Any weapons concealed in violation of this section shall be subject to seizure and forfeiture as provided in § 12.33 of Subpart H.

§ 12.90 Child molesting.

(a) A person who:

(1) Engages in sexual intercourse with a person under the age of 16 years, not his spouse; or

(2) Subjects a person under the age of 16 years, not his spouse, to any sexual contact is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) Dollars, or both.

§ 12.91 Contributing to the delinquency of a minor.

(a) An adult person who:

(1) Knowingly causes, encourages, or advises a minor to commit an offense as defined under the provisions of Subpart M of this Law and Order Code; or

(2) Knowingly causes, encourages, or assists a minor to be delinquent as defined under the provisions of Subpart L of this Law and Order Code is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) Dollars, or both.

§ 12.92 Criminal negligence.

(a) A person who:

(1) Recklessly endangers the safety of another; or

(2) Acts with careless disregard for the safety of another

is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) Dollars, or both.

§ 12.93 Criminal trespass.

(a) A person who:

(1) Enters or remains upon any public property for an unlawful purpose; or

(2) Without good cause enters, remains upon, or traverses private lands or other property not his own, where notice against trespassing has been reasonably communicated by the owner or occupant is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed Thirty ($30) Dollars, or both.

§ 12.94 Cruelty to animals.

(a) A person who wantonly or maliciously inflicts pain, suffering, or death upon any animal is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed Thirty ($30) Dollars, or both.

§ 12.95 Disobedience to a lawful order of the court.

(a) A person who willfully disobeys any order, subpoena, warrant, or command duly issued by a Joint Use Court or any officer thereof is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed fifty (50) days or to pay a fine not to exceed Fifty ($50) Dollars, or both.

§ 12.96 Disorderly conduct.

(a) A person who:

(1) Engages in fighting or provokes a fight;

(2) Disrupts any lawful public or religious meeting;

(3) Causes unreasonable noise; or

(4) Uses language or gestures knowing them to be obscene or likely to provoke a fight

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) Dollars, or both.

§ 12.97 Disposing of property of an estate.

(a) A person who, without proper authority, uses, sells, transfers, or otherwise disposes of any property of an estate before the determination of devisees, heirs, or other distributees is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed Ninety ($90) Dollars, or both.

§ 12.98 Escape.

(a) A person who willfully escapes, attempts to escape, or assists in an escape, from lawful custody, is guilty of an offense.

(b) "Lawful custody" shall mean confinement by court order or actual or constructive restraint by a police officer pursuant to an arrest.

(c) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed One Hundred and Eighty ($180) Dollars, or both.

§ 12.99 Extortion.

(a) A person who compels or induces another person to deliver property to himself or to a third person by threatening that if the property is not delivered, the actor or another will:

(1) Cause physcial injury to some person; or

(2) Cause damage to property; or

(3) Accuse some person of a crime or cause criminal charges to be instituted against some person; or

(4) Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt, or ridicule; or

(5) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(6) Use or abuse his position as a public servant by performing some act within or related to his official duties, or by failing or refusing to perform an official duty in such manner as to affect some person adversely is guilty of an offense.

(b) A person guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed five hundred ($500) dollars, or both.

§ 12.100 Failing to submit to treatment for a contagious disease.

(a) A person who knows or has reason to know that he is infected with a venereal disease, active tuberculosis, or other contagious disease and who willfully exposes another to the disease, in a place other than a medical facility, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and twenty (120) days, *provided*, That such sentence shall be suspended if the offender agrees to medical treatment.

(c) The Court upon finding reasonable cause to believe that a person has any of the above diseases may order the person examined. If, upon examination, the person is found to be infected with any of the diseases, the Court may order the person to submit to medical treatment as prescribed by competent medical authority.

§ 12.101 Failure to send children to school.

(a) A person who, without good cause, fails or refuses to send his children or any children under his care to school, while such children are between the ages of 6 and 16, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) Dollars, or both.

§ 12.102 Failure to support.

(a) A person who knowingly and without justification fails to support, care for, or protect a spouse, child, or other person for whose support he is responsible is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed Ninety ($90) Dollars, or both.

§ 12.103 Forgery.

(a) A person who, with intent to defraud,

(1) Falsely signs, completes, or alters any written instrument; or

(2) Passes as genuine that which he knows to be a forged instrument is guilty of an offense.

(b) "Forged instrument" shall mean a written instrument which has been falsely signed, completed, or altered.

(c) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed One Hundred and Eighty ($180) Dollars, or both.

§ 12.104 Fraud.

(a) A person who obtains property:

(1) By willfull misrepresentation of act; or

(2) By falsely interpreting; or

(3) By failure to reveal facts which he knows should be revealed, with intent to defraud another of such property, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed One Hundred and Eighty ($180) Dollars, or both.

§ 12.105 Gambling.

(a) A person who knowingly stakes or risks a thing of value in a game of chance upon an agreement or understanding that he or some other person may receive something of value depending on the outcome is guilty of an offense.

(b) Under paragraph (a) of this section, "bingo," raffles, and lotteries shall not be considered games of chance when conducted by religious or charitable organizations authorized by the Tribal Councils of either the Hopi or Navajo Tribes to conduct such games.

(c) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed twenty (20) days or to pay a fine not to exceed Twenty ($20) Dollars, or both.

§ 12.106 Illicit cohabitation.

(a) A person who lives or cohabits as man and wife with another person, while not being married to such person, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) Dollars, or both.

§ 12.107 Incest.

(a) A person who has sexual intercourse with another person knowing that he and such person are related as either:

(1) Parent and child, natural or adopted;

(2) Grandparent and grandchild (any degree);

(3) Brother and sister;

(4) Uncle and niece;

(5) Aunt and nephew; or

(6) First cousins

is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed One Hundred and Eighty ($180) Dollars, or both.

§ 12.108 Indecent exposure.

(a) A person who willfully exposes his sexual organs to public view under circumstances in which he knows or should know such conduct is likely to offend others is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed Thirty ($30) Dollars, or both.

§ 12.109 Inhaling toxic vapors.

(a) A person who inhales the vapors or fumes of paint, gas, glue, or any other toxic product for the purpose of becoming intoxicated is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) Dollars, or both.

§ 12.110 Interfering with an officer.

(a) A person who willfully prevents or attempts to prevent a police officer from effecting an arrest or from otherwise discharging his official duty by:

(1) Creating a substantial risk of bodily harm to the officer or any other person; or

(2) Employing means of resistance which justify or require substantial force to overcome

is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) Dollars, or both.

§ 12.111 Joyriding.

(a) A person who, without proper authority, drives, operates, or otherwise uses any vehicle, not his own, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed Thirty ($30) Dollars, or both.

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§ 12.112 Liquor violation.

(a) A person who possesses, sells, trades, transports, or manufactures any beer, ale, wine, whiskey, or any other beverage which produces alcoholic intoxication is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed One Hundred ($100) Dollars, or both.

§ 12.113 Littering.

(a) A person who intentionally:

(1) Discards or deposits any trash, garbage, debris, or other refuse upon any highway, road, or public place, or upon any land, not his own; or

(2) Permits any trash, garbage, debris, or other refuse to be thrown from a vehicle which he is operating is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed Thirty ($30) Dollars, or both.

§ 12.114 Maintaining a public nuisance.

(a) A person who:

(1) Endangers the health or safety of another; or

(2) Interferes with the enjoyment of property by another, by willfully or negligently permitting a hazardous, unsightly, or unhealthy condition to exist on property under his possession or control, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ten (10) days or to pay a fine not to exceed Ten ($10) Dollars, or both.

(c) In addition to any penalty imposed under paragraph (b) of this section the Court shall order that the nuisance be abated with a reasonable time.

§ 12.115 Misusing property.

(a) A person who, without proper authority, knowingly uses or damages any property not his own is guilty of an offense.

(c) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed twenty (20) days or to pay a fine not to exceed Twenty ($20) Dollars, or both.

§ 12.116 Narcotics and dangerous drugs.

(a) Any person who knowingly possesses, sells, trades, transports, gives away, uses, or manufactures:

(1) Any opium, cocaine, coca leaves, morphine, codeine, heroin, or any derivative thereof; or

(2) Any drugs known as hallucinogen, psychotomimetics dysleptic, or psychedilics including lysergic acid diethylamide (LSD), mescaline, psilocybin, dimethyltrystamine (DMT), and methydimethoxy methyl-phenyl-ethylamine (STP); or

(3) Any drug scheduled as a "controlled substance" under the provisions of Title 21, Chapter 13 of the United States Code, as amended to the date of arrest, is guilty of an offense.

(b) Paragraph (a) of this section shall not apply to any transaction, possession, production, transportation, or use for medical purposes under the prescription or supervision of a person licensed to administer, prescribe, control, or dispense of the prescribed substance in that subsection.

(c) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) Dollars, or both.

§ 12.117 Perjury.

(a) A person who knowingly makes a false statement while under oath, or who induces another to do so, or who signs an affidavit knowing the same to be false, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed One Hundred and Eighty ($180) Dollars, or both.

§ 12.118 Peyote violation.

(a) A person who for other than religious purposes possesses, sells, trades, transports, gives away the bean, or any form of the bean, known as peyote is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed six (6) months or to pay a fine not to exceed One Hundred ($100) Dollars, or both.

§ 12.119 Possession of marijuana.

(a) A person who plants, cultivates, harvests, sells, trades, gives away, or possesses marijuana is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed Ninety ($90) Dollars, or both.

§ 12.20 Prostitution.

(a) A person who:

(1) Solicits or practices prostitution; or

(2) Knowingly provides, keeps, rents, leases, or otherwise maintains any place or premises for the purpose of prostitution is guilty of an offense.

(b) "Prostitution" shall mean engaging in sexual intercourse or sexual contact for a consideration.

(c) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed seventy (70) days or to pay a fine not to exceed Seventy ($70) Dollars, or both.

§ 12.121 Public intoxication.

(a) A person who appears in a public place while under the influence of alcohol, marijuana, toxic vapors, or substances the use or possession of which is prohibited under § 12.117 of Subpart M, not therapeutically administered, to the degree that he may reasonably endanger himself or other persons or property, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) Dollars, or both.

§ 12.122 Receiving stolen property.

(a) A person who buys, receives, conceals, or aids in concealing any property which he knows or should know has been obtained by theft, extortion, fraud or other means constituting an offense under the provisions of this Law and Order Code is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed sixty (60) days or to pay a fine not to exceed Sixty ($60) Dollars, or both.

§ 12.123 Refusing to aid an officer.

(a) A person who willfully refuses to assist a police officer

(1) In the lawful arrest of any person;

(2) In conveying a lawfully arrested person to the nearest place of confinement, when such assistance is reasonably requested,

is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed fifty (50) days or to pay a fine not to exceed Fifty ($50) Dollars, or both.

§ 12.124 Removal or destruction of antiquities.

(a) A person who, without proper authority, removes, excavates, injures, or destroys any historic or prehistoric ruin or monument or any object of antiquity is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed Five Hundred ($500) Dollars, or both.

§ 12.125 Shoplifting.

(a) A person who willfully takes possession of any goods offered for sale by any mercantile establishment, without the consent of the owner or manager, with the intent to convert such goods to his own use without paying for them, is guilty of an offense.

(b) A person who willfully conceals or attempts to conceal any goods offered for sale:

(1) On his person or among his belongings; or

(2) On the person, or among the belongings of another, is presumed to have taken possession of such goods with the intent to convert them to his own use without paying for them.

(c) A police officer, merchant, or merchant's employee who has reasonable cause to believe that a person has willfully taken possession of goods with the intent to convert them without paying for them may detain and interrogate the person in regard thereto in a reasonable manner and for a reasonable time.

(d) If a police officer, merchant, or merchant's employee detains and interrogates a person pursuant to paragraph (c) of this section, and the person thereafter brings a civil or criminal action against the police officer, merchant, or merchant's employee, based upon the detention and interrogation, such reasonable cause shall be a defense to the action if the detention and interrogation were performed in a reasonable manner and for a reasonable time.

(e) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed Thirty ($30) Dollars, or both.

§ 12.126 Theft.

(a) A person, who unlawfully takes or exercises control over property not his own, whether or not possession was originally obtained with consent of the owner, with the intent of permanently depriving the owner of the value or use of the property for the benefit of himself or another is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed Five Hundred ($500) Dollars, or both.

§ 12.127 Unlawful burning.

(a) A person who:

(1) Willfully and unlawfully causes or attempts to cause damage to any property by fire or explosion; or

(2) Negligently causes damage to any property by fire or explosion; or

(3) Sets fire to any forest, brush, or grasslands, or sets a campfire, with careless disregard for the spread or escape of such fire,

is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and twenty (120) days or to pay a fine not to exceed One Hundred and Twenty ($120) Dollars, or both.

§ 12.128 Unlawful restraint.

(a) A person who unlawfully causes the removal, detention, or confinement of another person so as to interfere with that person's liberty is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or to pay a fine not to exceed One Hundred and Eighty ($180) Dollars, or both.

Subpart N—Land; Livestock and Area Regulation Offenses

§ 12.129 Branding livestock of another.

(a) A person who:

(1) Willfully brands or marks an animal with a brand or mark other than the recorded brand or mark of the owner of the animal; or

(2) Willfully alters or obliterates any brand or mark on any animal not his own with intent to convert the animal to his or some third person's use without the consent of the owner is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed one hundred and eighty (180) days or pay a fine not to exceed Five Hundred ($500) Dollars, or both.

§ 12.130 Cutting green timber without permission.

(a) A person who cuts or removes any green timber from lands within the Joint Use Area without written permission from the Project Officer of the Joint Use Administrative Office or his representative is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed Thirty ($30) Dollars, or both.

§ 12.131 Failure to control livestock diseases and parasites.

(a) A person, who willfully refuses to dip or treat any livestock under his ownership or control in accordance with orders or directions initiated by authorized range management personnel of the Joint Use Area, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) Dollars, or both.

§ 12.132 Game violation.

(a) A person, who knowingly kills, attempts to kill, or catches any deer or game animal within the Joint Use Area without the written permission from the Project Officer of the Joint Use Administrative Office or his representative is guilty of an offsense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed thirty (30) days or to pay a fine not to exceed One Hundred ($100) Dollars, or both.

(c) "Game animal" shall mean any animal for which the Hopi or Navajo Tribes require a tribal permit to hunt, kill, or catch.

§ 12.133 Grazing, introduction without a permit.

(a) A person who:

(1) Knowingly permits livestock under his ownership or control to graze upon lands within the Joint Use Area; or

(2) Willfully introduces or causes the introduction of any livestock into unallotted or unallocated lands within the Joint Use Area without a valid permit issued by authorized range management personnel is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) Dollars, or both.

§ 12.134 Livestock roundups.

(a) A person, who willfully hinders, harrasses, obstructs, or otherwise interferes with person conducting roundups authorized by range management personnel, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) Dollars, or both.

§ 12.135 Making false reports of stock owned.

(a) A person who:

(1) Knowingly makes a false report as to the total number of stock under his ownership or control; or

(2) Willfully refuses to report the number of stock under his ownership or control, when required or requested by authorized range management personnel, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) Dollars, or both.

§ 12.136 Refusal to brand or mark livestock.

(a) A person, who willfully refuses to brand or mark any livestock under his ownership or control when required or requested by authorized range management personnel, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) Dollars, or both.

§ 12.137 Refusal to dispose of cull or infected animals.

(a) A person, who willfully refuses to dispose of or remove any cull or infected animals designated for disposal or removal by authorized range management personnel, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) Dollars, or both.

§ 12.138 Trespass—inter-district.

(a) A person, who knowingly permits any livestock under his ownership or control to occupy or graze upon land allocated to another or land reserved by range management personnel for demonstration, administration, rehabilitation or agricultural purposes, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or pay a fine not to exceed One Hundred ($100) Dollars, or both.

§ 12.139 Unauthorized use of range.

(a) A person who willfully—

(1) Grazes livestock under his ownership or control in the Joint Use Area in excess of the number allowed under his grazing permit; or

(2) Refuses to graze livestock under his ownership or control in accordance with plans made public by authorized range management personnel

is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) Dollars, or both.

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§ 12.140 Unauthorized fencing.

(a) A person, who fences any land knowing such fencing is not authorized by range management personnel, is guilty of an offense.

(b) A person found guilty under this section may be ordered to remove the fence, sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) Dollars, or both.

§ 12.141 Violation of regulations.

(a) A person who willfully—

(1) Violates any provision of 25 CFR Part 153; or

(2) Violates or refuses to comply with lawful orders and directions issued by the Secretary of the Interior or his representatives for the purpose of regulating the use or occupancy of the Joint Use Area is guility of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed ninety (90) days or to pay a fine not to exceed One Hundred ($100) Dollars, or both.

§ 12.142 Other actions not precluded.

The arrest, conviction, or sentencing of any person for violating any provision contained in this part shall not preclude impoundment, seizure, or other authorized action taken by range management personnel for the enforcement of regulations for, or management of, the Joint Use Area.

Subpart O—Traffic Offenses

§ 12.143 Arizona traffic laws incorporated.

(a) A person, who violates any of the provisions under Chapters 4 and 6, Title 28 of the Arizona Revised Statutes pertaining to Traffic on Highways, is guilty of an offense.

(b) A person found guilty under this section may be sentenced to imprisonment for a period not to exceed fifty (50) days or to pay a fine not to exceed One Hundred ($100) Dollars, or both.

Subpart P—Removal of Non-Indians

§ 12.144 Who may be removed.

Any non-Indian person, who commits any act which would be a crime under state or Federal law, or who violates any provisions of this Law and Order Code may be:

(a) Ordered from the Joint Use Area;

(b) Taken into custody for a removal hearing; or

(c) Taken into custody for delivery to state or federal authorities for prosecution under state or Federal law by a duly authorized police officer of the Joint Use Area.

§ 12.145 Hearing; removal; release.

(a) A non-Indian person ordered from the Joint Use Area by a police officer may request a hearing before a Trial Court of the Joint Use Area to determine the validity of the order.

(b) Upon a finding based upon a preponderance of the evidence that the person ordered to leave the Joint Use Area committed a crime under state or Federal law or violated a tribal ordinance, or violated a provision of this Law and Order Code, the Court may:

(1) Order the person to leave the reservation; or

(2) Order the person to comply, under penalty of removal, with the requirements of a court order.

(c) If the Court finds that the person ordered to leave the Joint Use Area did not commit the acts alleged, it shall order the person released.

§ 12.146 Delivery to state or federal authorities.

Any person ordered by the Trial Court to leave the Joint Use Area may:

(a) Be escorted under custody of a policy officer to the exterior boundaries of the reservation; or

(b) Be delivered into the custody of state or federal authorities for prosecution under state or federal law.

Subpart Q—Extradition

§ 12.147 Apprehension in joint use area.

Whenever the Project Officer of the Joint Use Administrative Office is informed and believes that an Indian has committed a crime outside the Joint Use Area and is present in the Joint Use Area, using it as an asylum from prosecution, the Project Officer may order a police officer of the Joint Use Area to apprehend such Indian and deliver him to the authorities seeking his arrest at the boundaries of the Joint Use Area, if sought by the Navajo or Hopi Tribes, or at the exterior boundaries of the Navajo Indian Reservation, if sought by state authorities who have entered a reciprocal agreement with the Project Officer of the Joint Use Administrative Office for the return of persons sought by the Joint Use Courts.

§ 12.148 Hearing and release.

If a person, apprehended pursuant to section 12.147 of this Subpart, so demands, he shall be taken by the arresting police officers to a Court of the Joint Use Area, where a Judge shall hold a hearing. If it appears that there is no probable cause to believe the Indian is guilty of the crime with which he is charged outside the Joint Use Area, or if it appears that the Indian probably will not receive a fair trial in the state court, the Judge shall order the Indian released from custody.

Subpart R—Other Provisions

§ 12.149 Coroners.

(a) The Project Officer of the Joint Use Administrative Office may appoint one or more coroners to serve the Joint Use Area. Such coroners shall serve without pay but may be reimbursed for actual and necessary expenses upon presentation of proper vouchers to the Project Officer of the Joint Use Administrative Office.

(b) Whenever a coroner is informed that an Indian has died within the Joint Use Area, the coroner shall go to the place where the body is located and inquire into the cause of death.

(c) After inspecting the body and conferring with a physician, if the coroner himself is not a physician, the coroner shall make a written report stating the following facts, if known:

(1) The name and census number of the dead person;

(2) When and where he died and the circumstance of his death;

(3) The cause of death;

(4) Who caused the death, if caused by act, whether criminal or not;

(5) What property is found on the body, other than clothing of ordinary value;

(6) Where the coroner is not a physician, the name and address of any physician consulted.

(d) The coroner shall submit copies of the report to the Joint Use police and to the Project Officer of the Joint Use Administrative Office.

§ 12.150 Joint use Indian police.

The Project Officer of the Joint Use Administrative Office shall be recognized as commander of the Indian police of the Joint Use Area and shall be held responsible for the general efficiency and conduct of the members thereof. It shall be the duty of the Project Officer or his duly authorized representative to keep himself informed as to the efficiency of the Indian police in the discharge of their duties, to subject them to a regular inspection, to inform them of their duties, and keep a strict accounting of the equipment issued them in connection with their official duties. It shall be the duty of the Project Officer to detail such Indian policemen as may be necessary to carry out the orders of the Joint Use Court and to preserve order during court sessions. The Project Officer shall investigate all reports and charges of misconduct on the part of Indian policemen and shall exercise such proper disciplinary measures as may be consistent with existing regulations.

§ 12.151 Police commissioners.

The Project Officer of the Joint Use Administrative Office may, with the approval of the Commissioner of Indian Affairs, designate as police commissioner any qualified person. Whenever any special or deputy special officer is regularly employed in the Joint Use Area, he or they shall be the police commissioners for that jurisdiction. Such police commissioner shall obey the orders of the Project Officer and see that the orders of the Joint Use Court are properly carried out. The police commissioner shall be responsible to the Project Officer for the conduct and efficiency of the Indian police under his direction and shall give such instruction and advice to them as may be necessary. The police commissioner shall also report to the Project Officer all violations of law or regulation and any misconduct of any member of the Joint Use Indian police.

§ 12.152 Police training.

It shall be the duty of the Project Officer to maintain from time to time as circumstances require and permit classes of instruction for the Indian policemen. Such classes shall familiarize the policemen with the manner of making searches and arrests, the proper and humane handling of prisoners, the keeping of records of offenses and the duties of the police in relation thereto, and other subjects of importance for efficient police duty. It shall further be the purpose of the classes to consider methods of preventing crime and of securing cooperation with Indian communities in establishing better social relations.

§ 12.153 Indian policemen.

(a) The Project Officer of the Joint Use Administrative Office may, with the approval of the Commissioner of Indian Affairs, employ and appoint Indians as Indian police whose qualifications shall be as follows:

(1) A candidate must be in sound physical condition and of sufficient size and strength to perform the duties required.

(2) He must be possessed of courage, self-reliance, intelligence, and a high sense of loyalty and duty.

(3) He must never have been convicted of a felony, nor have been convicted of any misdemeanor for a period of one year prior to appointment.

(b) The duties of an Indian policeman shall be:

(1) To obey promptly all orders of the police commissioner or the Joint Use Court when assigned to that duty;

(2) To lend assistance to brother officers;

(3) To report and investigate all violations of any law or regulation coming to his notice or reported for attention;

(4) To arrest all persons observed violating the laws and regulations for which he is held responsible;

(5) To inform himself as to the laws and regulations applicable to the jurisdiction where employed and as to the laws of arrest;

(6) To prevent violations of the laws and regulations;

(7) To report to his superior officers all accidents, births, deaths, or other events or impending events of importance;

(8) To abstain from the use of intoxicants or narcotics and to refrain from engaging in any act which would reflect discredit upon the police department;

(9) To refrain from the use of profane, insolent, or vulgar language;

(10) To use no unnecessary forces or violence in making an arrest, search, or seizure;

(11) To keep all equipment furnished by the government in reasonable repair and order;

(12) To report the loss of any and all property issued by the government in connection with official duties;

(13) To collect and issue receipts for bail.

§ 12.154 Dismissal.

The Project Officer of the Joint Use Administrative Office may remove any Indian policeman for any noncompliance with the duties and requirements as set out in the police duty guidelines or for neglect of duty.

§ 12.155 Return of equipment.

Upon the resignation, death, or discharge of any member of the Indian police, all articles or property issued him in connection with his official duties must be returned to the Project Officer or his representative.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74-21381 Filed 9-16-74;8:45 am]

[25 CFR Part 153]

NAVAJO-HOPI JOINT USE AREA

Proposed Grazing Regulations

JULY 1, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 D.M. 2 (32 FR 13938).

Notice is hereby given that it is proposed to add a new Part 153 to Subchapter N, Chapter I, of Title 25 of the Code of Federal Regulations. This addition is proposed pursuant to the authority contained in 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

The purpose of the new Part 153 is to establish regulations to govern grazing on the Navajo-Hopi Joint Use Area. These proposed regulations were first published beginning on page 33402 of the December 4, 1973, FEDERAL REGISTER (38 FR 33402). Interested persons were given 30 days to comment on the proposed regulations. Because these proposed regulations are related to the proposed Navajo-Hopi Joint Use Area Law and Order Code which is being published for comments, the grazing regulations are being republished with minor changes as proposed rulemaking to allow the public to comment.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulations to the Project Officer, Joint Use Administrative Office, Bureau of Indian Affairs, Flagstaff, Arizona 86001, on or before October 17, 1974.

It is proposed to add a new Part 153 to Subchapter N, Chapter I, of Title 25 of the Code of Federal Regulations to read as follows:

PART 153—NAVAJO-HOPI JOINT USE AREA GRAZING REGULATIONS

Sec.
153.1 Definitions.
153.2 Authority.
153.3 Purpose.
153.4 Establishment of range units.
153.5 Grazing capacity.
153.6 Grazing on range units authorized by permit.
153.7 Kind of livestock.
153.8 Grazing fees.
153.9 Duration of grazing permits.
153.10 Assignment, modification and cancellation of permits.
153.11 Conservation and land use provisions.
153.12 Range improvements, ownership, and new construction.
153.13 Payment of tribal fees.
153.14 Special permit requirements and provisions.
153.15 Violations.
153.16 Fences.
153.17 Livestock trespass.
153.18 Control of livestock diseases and parasites.
153.19 Impoundment and disposal of unauthorized livestock.

AUTHORITY: The provisions of this Part 153 issued under 5 U.S.C. 301; R.S. 463 and 465; and 25 U.S.C. 2 and 9.

§ 153.1 Definitions.

As used in this Part 153, terms shall have the meanings set forth in this section.

(a) "Joint Use Committee" means a committee to be composed of three representatives selected by the Hopi Tribal Council and three representatives selected by the Navajo Tribal Council, to whom have been delegated the authority of each governing body to exercise the powers of each tribe in the Joint Use Area. A representative of the Joint Use Administrative Office, Flagstaff, Arizona 86001, shall be a non-voting representative. Rules of procedures shall be established by the Committee except the chairmanship of each successive meeting of the Committee shall be alternated between each tribal delegation and the individual delegate serving as chairman of any one meeting shall not have a vote.

(b) "Project Officer" means the Special Project Officer of the Bureau of Indian Affairs, Joint Use Administrative Office, Flagstaff, Arizona 86001, to whom has been delegated the authority of the Commissioner to act in all matters respecting the Joint Use Area.

(c) "Joint Use Area" means the area established by the United States District Court for the District of Arizona in the case entitled Healing v. Jones, 210 F. Supp. 125 (1962), which is inside the Executive Order Area (Executive Order of December 16, 1882) but outside Land Management District 6, and held and to be used by both Navajo and Hopi Tribes jointly.

(d) "Range unit" means a tract of range land designated as a management unit for administration of grazing.

(e) "Permit" means a revocable privilege granted in writing limited to entering on and utilizing forage by domestic livestock on a specified tract of land. The term permit as used herein shall include written authorizations issued to enable the crossing or trailing domestic livestock across specified tracts or range units.

(f) "Animal unit" means one adult cow with unweaned calf by her side or the equivalent thereof based on comparative forage consumption. Conversion factors to be accepted are: ewe, doe, buck, ram, 0.25; horse, mule, donkey, burro, 1.25 animal units.

V 39 I 181 SEP 17 74 XUM

(g) "Tribe" means a tribe, band, community, group, or pueblo of Indians.

(h) "Secretary" means the Secretary of the Interior.

(i) "Commissioner" means the Commissioner of Indian Affairs.

(j) "Allocate" means to apportion grazing privileges including the determination of who may graze livestock, the number and kind of livestock, and the place such livestock will be grazed.

§ 153.2 Authority.

It is within the authority of the Secretary to protect Indian trust lands against waste and to prescribe rules and regulations under which these lands may be leased or permitted for grazing.

§ 153.3 Purpose.

These regulations are issued to carry out the Secretary's trust responsibility of conserving range resources, promoting their proper use and affording equal utilization of these Joint Use Area resources by both tribes according to the judgment in Healing v Jones and subsequent proceeding thereafter. The regulations of this Part 153 apply only to the Navajo-Hopi Joint Use Area of the 1882 Executive Order Area. Parts 151 and 152 do not apply to the Navajo-Hopi Joint Use Area.

§ 153.4 Establishment of range units.

The Project Officer will use Soil and Range Inventory data to establish range units on the Joint Use Area to allow for a program of surface land use aimed at restoring the land to its full potential and maintaining this potential.

§ 153.5 Grazing capacity.

The Project Officer shall prescribe the maximum number and kind of livestock which may be grazed without inducing damage to vegetation or related resources on each range unit and the season, or seasons, of use to achieve the objectives of the land recovery program. The stocking rate upon which the grazing permits are issued shall be reviewed on a continuing basis and adjusted as conditions warrant.

§ 153.6 Grazing on range units authorized by permit.

Grazing use of range units is authorized only by a grazing permit. The Project Officer shall assign grazing privileges to each tribe so that each may have one-half the grazing capacity of the Joint Use Area. The Joint Use Committee will then, within 60 days, allocate use to members of each tribe. Grazing use by tribal enterprises will be permitted and permits may be issued in the name of the tribe. The eligibility requirements for receiving a permit shall be set forth by the Joint Use Committee. The Project Officer shall issue permits based on the determination by the Joint Use Committee.

§ 153.7 Kind of livestock.

The Joint Use Committee may determine, subject to the grazing capacity, the kind of livestock that may be grazed on the range units. In the event the Committee cannot act, the Project Officer shall make the determination.

§ 153.8 Grazing fees.

(a) The respective tribal governing bodies may determine whether grazing fees will be charged and the rate to be charged for the use of their respective shares of the Joint Use Area, and the proceeds therefrom shall inure to the benefit of the respective tribe charging fees.

(b) Annual grazing fees, if any, shall be paid in advance and payment shall be made to the Project Officer for immediate disbursement to the appropriate tribal treasurer.

§ 153.9 Duration of grazing permits.

The Joint Use Committee may determine the maximum duration of grazing permits not to exceed 5 years per permit period and subject to § 153.10(b). In the event the Committee does not act, the Project Officer is authorized to set the duration.

§ 153.10 Assignment, modification and cancellation of permits.

(a) Grazing permits shall not be assigned, subpermitted or transferred without the consent of the delegates to the Joint Use Committee from the tribe involved and the Project Officer.

(b) The Project Officer may revoke or withdraw all or any part of the grazing permit by cancellation or modification on 30 days written notice of violation of permit or special conditions affecting the land or the safety of the livestock thereon, as may result from flood, disaster, drought, contagious diseases, etc. Except in the case of extreme necessity, cancellation or modification shall be effected on the next annual anniversary date of the grazing permit following the date of notice. Revocation or withdrawal of all or any part of a grazing permit by cancellation or modification as provided herein shall be an appealable decision under 25 CFR Part 2, or any regulations which may supersede Part 2. For the purpose of taking an appeal, decisions of the Project Officer shall be considered under 25 CFR 2 in the same manner as taking an appeal of a decision of an Area Director.

§ 153.11 Conservation and land use provisions.

Grazing operations shall be conducted in accordance with recognized principles of good range management. Conservation management plans necessary to accomplish this will be made a part of the grazing permit.

§ 153.12 Range improvements; ownership; new construction.

Improvements placed on the permitted land shall be considered affixed to the land unless specifically excepted therefrom under the permit terms. Written permission to construct or remove improvements must be obtained from the Joint Use Committee and the Project Officer, who will specify the maximum time allowed for removal of improvements so excepted.

§ 153.13 Payment of tribal fees.

Fees and taxes exclusive of annual grazing rental provided for in Section 153.8 which may be assessed by the respective tribes in connection with grazing permits shall be billed for by the respective tribe and paid annually in advance to the designated tribal official. Failure to make payments will subject the grazing permit to cancellation and may disqualify the permittee from receiving future permits so long as he is delinquent.

§ 153.14 Special permit requirements and provisions.

All grazing permits shall contain the following provisions:

(a) Because the lands covered by the permit are in trust status, all of permittee's obligations on the permit and the obligations of his sureties are to the United States as well as to the joint beneficial owners of the land. Annual rent and other obligations under the terms of a valid grazing permit shall constitute a first lien on livestock permitted.

(b) The permittee agrees he will not use, cause, or allow to be used any part of the permitted area for any unlawful conduct or purpose.

(c) The permit authorizes the grazing of livestock only and the permittee shall not utilize the permitted area for hay cutting, hunting, post or timber cutting or any other use without authorization from the Project Officer.

§ 153.15 Violations.

In addition to the penalties provided in this part, violation of the provisions of this part are subject to penalties of the Law and Order Code applicable to the Joint Use Area.

§ 153.16 Fences.

Fencing will be erected by the Government around the perimeter of the Executive Order Area and Land Management District 6. Fencing of any other areas in the Joint Use Area as from time-to-time may be required for a range recovery program shall be constructed after consultation with the tribes. Such fencing shall be erected at Government expense and such ownership shall be clearly identified by appropriate posting on the fencing. International destruction of federal property will be treated as a violation of the Federal Criminal Statutes (18 U.S.C. 1164).

§ 153.17 Livestock trespass.

In addition to any criminal liability, the owner of any livestock grazing in trespass on the Joint Use Area is liable to a civil penalty of $1 per head for each animal thereof for each day of trespass, together with the reasonable value of the forage consumed and damages to property injured or destroyed. The Project Officer shall take action to collect all such penalties and damages and seek injunctive relief when appropriate. All payments for such penalties and damages shall be divided equally between each tribe and credited to them. The following acts are prohibited:

(a) The grazing upon or driving across any of the Joint Use Area of any livestock without an approved grazing or crossing permit.

(b) Allowing livestock to drift and graze on lands without an approved permit.

(c) The grazing of livestock upon lands within an area closed to grazing of that class of livestock.

(d) The grazing of livestock by permittee upon any land withdrawn from use for grazing purposes to protect it from damage by reason of the improper handling of the livestock, after the receipt of notice from the Project Officer of such withdrawal, or refusal to remove livestock upon instructions from the Project Officer when an injury is being done to the Indian lands by reason of improper handling of livestock.

§ 153.18 Control of livestock diseases and parasites.

Whenever livestock within the Joint Use Area become infected with contagious or infectious diseases or parasites or have been exposed thereto, such livestock must be treated and the movement thereof restricted in accordance with applicable laws.

§ 153.19 Impoundment and disposal of unauthorized livestock.

Unauthorized livestock within any range unit of the Joint Use Area which are not removed therefrom within the periods prescribed by this regulation may be impounded and disposed of by the Project Officer as provided herein.

(a) When the Project Officer determines that unauthorized livestock use is occurring and has definite knowledge of the kind of unauthorized livestock, and knows the name and address of the owners, such livestock may be impounded anytime 5 days after written notice of intent to impound unauthorized livestock is mailed by certified or registered mail or personally delivered to such owners.

(b) When the Project Officer determines that unauthorized livestock use is occurring but does not have complete knowledge of the number and class of livestock or if the name and address of the owner thereof are unknown such livestock may be impounded anytime 15 days after the date of notice of intent to impound unauthorized livestock is first published in the local newspaper, posted at the nearest chapter house and in one or more local trading posts. The notice will identify the area or areas in which it will be effective.

(c) Unauthorized livestock on the Joint Use Area which are owned by persons given notice under paragraph (a) of this section, and any unauthorized livestock in areas for which a notice has been posted and published under paragraph (b) of this section, may be impounded without further notice any time within the twelve-month period immediately following the effective date of the notice or notices given under paragraphs (a) and (b) of this section.

(d) Following the impoundment of unauthorized livestock, a notice of sale of impounded livestock will be published in the local newspaper, posted at the chapter house and in one or more local trading posts. The notice will describe the livestock and specify the date, time and place of sale. The date set shall be at least 5 days after the publication and posting of such notice.

(e) The owner may redeem the livestock any time before the time set for the sale by submitting proof of ownership and paying for all expenses incurred in gathering, impounding and feeding or pasturing the livestock.

(f) If the livestock are not redeemed before the time fixed for their sale, they shall be sold at public sale to the highest bidder, provided his bid is at or above the minimum amount set by the Project Officer. If a bid at or above the minimum is not received, the livestock may be sold at private sale at or above the minimum amount, reoffered at public sale, condemned and destroyed, or otherwise disposed of. When livestock are sold pursuant to this regulation, the Project Officer shall furnish the buyer a bill of sale or other written instrument evidencing the sale.

(g) The proceeds of any sale of livestock as provided herein shall be applied as follows: First, to the payment of all expenses incurred by the United States in gathering, impounding, and feeding or pasturing the livestock. Second, in payment of any penalties or damages assessed pursuant to § 153.17 of this part which penalties or damages shall be divided equally between two tribes as provided in said section. Third, any remaining amount shall be paid over to the owner of said livestock upon his submitting proof of ownership. If any proceeds remaining after payment of the first and second items noted above are not claimed within one year from the date of the sale, such remaining proceeds will be divided equally between the two tribes owning the land.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74-21380 Filed 9-16-74; 8:45 am]

National Park Service

[36 CFR Part 7]

CAPE COD NATIONAL SEASHORE, MASSACHUSETTS

Oversand Vehicle Operation

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 USC 3); section 7 of the Act of August 7, 1961 (75 Stat. 291; 16 U.S.C. 459b-6); 245 DM 1 (27 FR 6395); National Park Service Order No. 77 (38 FR 7478, as amended, 39 FR 4597) and North Atlantic Region Order No. 1 (39 FR 3695), it is proposed to revise § 7.67 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to designate routes and areas outside of established roads and parking areas open to oversand vehicles in accordance with criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877) and paragraph 4.19(b) of this chapter, as amended in the FEDERAL REGISTER of April 1, 1974 (39 FR 11883).

It is the policy of the Department of the Interior, wherever practical, to afford the public an opportunity to participate in the rule making process. Accordingly interested persons may submit written comments, suggestions, or objections to the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663 on or before October 17, 1974. Section 7.67 is amended as follows:

§ 7.67 Cape Cod National Seashore.

(a) The operation of motor vehicles in the park area other than authorized emergency vehicles is prohibited outside of established public roads and parking areas except on beaches and designated oversand routes as posted by appropriate signs and shown on a map available at the office of the Superintendent.

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(c) Private oversand vehicle operation:

(1) Operation of privately owned passenger vehicles not-for-hire, including the various forms of vehicles used for travel oversand, such as but not limited to "beach buggies" on beaches or on designated oversand routes in the park area without a permit from the Superintendent is prohibited. Such a permit will be issued following inspection to assure each vehicle contains the following equipment to be carried in the vehicle at all times while on the beaches or on the designated oversand routes:

(i) Shovel;
(ii) Jack;
(iii) Tow rope or chain;
(iv) Board or similar support for jack;
(v) Low pressure tire gauge;

Such a permit will only be issued upon consideration as to whether the nature and extent of use is consistent with the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877) including such factors as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource management and other management considerations. Also operators must show that all applicable Federal and State regulations having to do with licensing, registering, inspecting, and insuring of such vehicles have been complied with prior to the issuance of such permit. Such permits are to be affixed to the vehicles as instructed at the time of issuance.

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(f) Shellfishing: Shellfishing, by permit from the appropriate town, is permitted in accordance with applicable Federal, State, and local laws.

LAWRENCE C. HADLEY,
Superintendent,
Cape Cod National Seashore.

[FR Doc.74-21362 Filed 9-16-74;8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Olive Administrative Committee, Proposed Membership Regulation

This notice invites written comment with respect to a proposed amendment to the rules and regulations issued pursuant to Order No. 932, which would provide that not more than two nominees for member and two nominees for alternate member positions on the Olive Administrative Committee may be affiliated with the same handler.

Notice is hereby given that the Department is giving consideration to a proposed amendment of the rules and regulations (7 CFR 932.100 et seq.; Subpart—Rules and Regulations) of the Olive Administrative Committee pursuant to the applicable provisions of the marketing agreements, as amended, and Order No. 932, as amended (7 CFR Part 932) regulating the handling of olives grown in California. This is a regulatory program effective under the Agricultural Marketing Agreements Act of 1937, as amended (7 U.S.C. 601–674).

This amendment of the rules and regulations was unanimously recommended by the Olive Administrative Committee, established under the amended marketing agreement and order as the agency to administer the terms and provisions thereof. The proposed amendment would, pursuant to § 932.25, provide that not more than two nominees for handler member and two nominees for alternate handler member positions on the committee may be affiliated with the same handler. Prior to the amendment of the order, effective September 1, 1968, handler nominees were restricted, pursuant to § 932.160 *Modification of provisions relative to handler nominees*, to not more than two affiliated with any handler. Said § 932.160 was predicated upon § 932.29(b)(7) of the order, and since such provisions are no longer in the order, § 932.160 contains an obsolete reference. The proposed revision is, thus, purely formal. Section 932.25 contains authority for allocation of handler members as proposed.

The proposed amendment is as follows:

Revise § 932.160 *Modification of provisions relative to handler nominees*, to read as follows:

§ 932.160 Modification of provisions relative to handler nominees.

Pursuant to § 932.25 the nomination procedure set forth in § 932.29(b) is modified to provide that not more than two nominees for member and two nominees for alternate member positions on the committee may be affiliated with the same handler.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, until October 15, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 12, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–21487 Filed 9–16–74;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1421]

SUPPORT PROGRAM FOR 1974-CROP TUNG NUTS

Notice of Determination

Pursuant to sections 201 and 401 of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1446 and 1421), the Secretary is preparing to determine and announce the support program for 1974-crop tung nuts.

Section 201 provides that the price of tung nuts shall be supported through loans, purchases, or other operations at a level not in excess of 90 percentum nor less than 60 percentum of the parity price therefor: *Provided*, That in any crop year in which the Secretary determines that the domestic production of tung oil will be less than the anticipated domestic demand for such oil, the price of tung nuts shall be supported at not less than 65 percentum of the parity price therefor.

The program will include:

1. The level of support
2. The method of support
3. Conditions of eligibility
4. Area and period of program
5. Other program operating provisions

Section 401 of the Act requires that, in determining the level of support in excess of the minimum level prescribed by law, consideration be given to the supply of the commodity in relation to the demand therefor, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a price-support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations covered by this notice which are submitted in writing to the Director, Cotton, Rice and Oilseeds Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director during regular business hours (8:15 a.m.–4:45 p.m.) (7 CFR 1.27(b)). All submissions must, in order to be sure of consideration, be received by the Director on or before October 17, 1974.

Signed at Washington, D.C. on September 11, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74–21442 Filed 9–16–74;8:45 am]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

ACCESS TO INTERFERENCE FILES

Notice of Proposed Rulemaking

Notice is hereby given that, pursuant to authority contained in section 6 of the Act of July 19, 1952, (66 Stat. 793; 35 U.S.C. 6), as amended October 5, 1971, (85 Stat. 364), the Patent Office proposes to amend Title 37 of the Code of Federal Regulations by revising § 1.11(a).

Interested persons are invited to present their views, objections, recommendations, or suggestions in writing in connection with the proposed change to the Commissioner of Patents, Washington, D.C. 20231 on or before November 29, 1974. No oral hearings will be held. Written comments or suggestions will be available for examination by interested persons at Crystal Plaza Building 3, Room 11C17a, Arlington, Virginia.

The proposed revision of § 1.11(a) would change present practice by permitting earlier access to the file of an interference which involved a patent or an application on which a patent has issued. Under present practice, access is not permitted until judicial review of the decision of the Board of Patent Interferences has been exhausted. The proposed revision would allow access to the file after final decision of the Board of Patent Interferences if that decision is an award of priority as to all parties. Such earlier access could be of benefit to members of the public who need to know the basis for the issuance of the patent prior to final adjudication of the interference decision.

The text of the proposed revised rule is as follows:

§ 1.11 Files open to the public.

(a) After a patent has been issued, the specification, drawings, and all papers relating to the case in the file of the patent are open to inspection by the general public, and copies may be furnished upon paying the fee therefor. After an award of priority by the Board of Patent Interferences as to all parties, the file of any interference which involved a patent, or an application on which a patent has issued, is similarly open to public inspection and procurement of copies. See § 2.27 of this chapter for trademark files.

* * * * *

Dated: August 30, 1974.

C. MARSHALL DANN,
Commissioner of Patents.

Approved: September 9, 1974.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.74–21454 Filed 9–16–74;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 541]

EXECUTIVE, ADMINISTRATIVE AND PROFESSIONAL EXEMPTIONS

Notice of Extension of Time and Hearing

Due to a number of requests for an extension of time relative to submission of views, data, and information on the proposal published in the FEDERAL REGISTER on August 16, 1974 (39 FR 29603), to increase the salary tests required for exemption under 29 CFR Part 541, I hereby announce the date for submission of such data, views, and information is extended to October 29, 1974.

Also, those interested persons desiring to present oral testimony on this matter will have the opportunity to do so in proceedings to begin at 10 a.m. on Tuesday, October 22, 1974, in Room 216 A, B, C, and D, Department of Labor Building at 14th Street and Constitution Avenue NW., Washington, D.C. These proceedings will be open to the public. Interested persons desiring to appear should notify the Administrator, Wage and Hour Division, Washington, D.C. 20210, as soon as possible and furnish the following information:

1. Name, address, and telephone of person appearing;
2. Name of organization the person is representing; and
3. Length of time required for presentation.

If written statements are also to be given, they should be furnished in triplicate.

Signed at Washington, D.C., this 10th day of September 1974.

BETTY SOUTHARD MURPHY,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.74–21435 Filed 9–16–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Reg. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Procedures, Payment of Benefits, and Representation of Parties; Good Cause for Failure To File a Timely Request

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendment to the regulations set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. Under present regulations, the Social Security Administration, for good cause shown, may extend the time for filing a request for reconsideration, hearing, or review, or to commence a civil action. The proposed amendment specifies the circumstances to be considered in determining whether good cause exists for failure to file a request or to commence an action timely and gives examples when good cause may be found.

Prior to the final adoption of the proposed amendment to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before October 17, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 205 and 1102 of the Social Security Act, 53 Stat. 1368, as amended, and 49 Stat. 647, as amended; 42 U.S.C. 405 and 1302.

(Catalog of Federal Domestic Assistance Programs Nos. 13.800–13.805, Social Security Administration Insurance Programs.)

Dated: August 12, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 11, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart J of Regulations No. 4 is amended by adding § 404.954a as follows:

§ 404.954a "Good cause" for extension of time to request reconsideration, hearing, or review, or to begin civil action.

With regard to §§ 404.953 and 404.954, an extension of time to request reconsideration, hearing, or review, or to begin civil action may be granted if the individual establishes to the satisfaction of the Administrative Law Judge, the Appeals Council, or other component of the Social Security Administration, that his failure to file a timely request was due to good cause. In determining whether "good cause" for failure to file a timely request has been established by the individual, consideration is given to whether the failure to file the request within the proper time limit was the result of circumstances which impeded the individual's efforts to pursue his claim, misleading action of the Social Security Administration, or misunderstanding as to the requirements of the Act resulting from amendments to the Act, other legislation, or court decisions. For example, good cause for failure to file a timely request may be found where such failure resulted from the following circumstances:

(a) The individual was seriously ill or had a physical or mental impairment and such illness or impairment prevented him from contacting the Social Security Administration in person, or in writing, or through a friend, relative, or other person;

(b) There was a death or serious illness in the individual's immediate family;

(c) Pertinent records were destroyed or damaged by fire or other accidental cause;

(d) The individual was actively seeking evidence to perfect his claim and his search, though diligent, was not completed before the time period expired;

(e) The individual requested additional explanation concerning the Social Security Administration's decision within the time limit, provided that, within 60 days after receipt of such explanation, he requested reconsideration or hearing, or within 30 days after receipt of such explanation, he requested review or began a civil action;

(f) The individual was furnished incorrect or incomplete information by the Social Security Administration or was otherwise misled by a representative of the Social Security Administration about his right to request reconsideration, hearing, or review, or to begin a civil action.

(g) The individual failed to receive the notice of initial determination, reconsideration, decision of an Administrative Law Judge, or a decision of the Appeals Council; or

(h) The individual transmitted the request to another Government agency in good faith within the time limit and the request did not reach the Social Security Administration until after the time period had expired.

[FR Doc.74–21484 Filed 9–16–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74–WE–18]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area for Delano Municipal Airport, Delano, California.

The FAA encourages interested persons to participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Comments should be submitted in triplicate to the Chief, Airspace and Proce-

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dures Branch, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261. All comments received on or before October 17, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261.

A new instrument approach procedure (VOR RWY 32L) has been developed for Delano Municipal Airport, Delano, Calif. The procedure turn and final approach course are developed on the Bakersfield, Calif. VORTAC 336° T (320° M) radial. The proposed 700 foot transition area is required to provide airspace protection for aircraft utilizing the new approach procedure.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (39 FR 440) the following transition area is added:

DELANO, CALIF.

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Delano Municipal Airport (latitude 35° 44'48" N., longitude 119°14'08" W.) and within 3 miles each side of the Bakersfield VORTAC 336° T radial, extending from the 3-mile radius area to 12 miles NW of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on September 6, 1974.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.74-21377 Filed 9-16-74;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

General Design Criteria for Fuel Reprocessing Plants; Extension of Time

This notice extends the period for comments to the notice, published July 18, 1974 (39 FR 26293), proposing general design criteria for fuel reprocessing plants.

A request for an extension of time to October 15, 1974, was submitted by the Natural Resources Defense Council, Inc. The request argues that additional comment time is necessary due to the press of other work, limited staff resources and vacation schedules.

It has been decided that a reasonable extension of the comment closing date is 2 weeks from the existing (September 16, 1974) date, and the comment period is hereby extended to September 30, 1974.

(Sec. 161, Pub. Law 83-703, 68 Stat. 948 (42 U.S.C. 2201)).

Dated at Washington, D.C. this 12th day of September 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.74-21525 Filed 9-16-74;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 157]

[Docket No. RM75-2]

BUDGET-TYPE APPLICATIONS—GAS PURCHASE FACILITIES

Amended Notice of Proposed Rulemaking

SEPTEMBER 10, 1974.

Further notice is hereby given pursuant to section 553 of Title 5 of the U.S. Code and sections 7 and 16 of the Natural Gas Act (56 Stat. 825, 56 Stat. 83, 15 U.S.C. 717f(c); 56 Stat. 84, 15 U.S.C. 717f(d); 56 Stat. 84, 15 U.S.C. 717f(e); and 56 Stat. 830, 15 U.S.C. 717o) that the Commission proposes to amend § 157.7 of Part 157—Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment Under section 7 of the Natural Gas Act, Subchapter E—Regulations under the Natural Gas Act, and § 2.58 of Part 2—General Policy and Interpretations, Subchapter A—General Rules, Chapter I, Title 18 of the Code of Federal Regulations by revising the definition of "Gas-purchase facilities" and by increasing the maximum total annual and single project cost limitations for such facilities.

By notice issued August 12, 1974, and published in the FEDERAL REGISTER on August 19, 1974, 39 FR 29938, the Commission proposes to change the definition of gas purchase facilities and to increase limits on authorized expenditures for budget-type gas purchase facilities constructed pursuant to certificates of public convenience and necessity issued under Subsections (c) and (e) of section 7 of the Natural Gas Act as implemented by § 2.58 of the Commission's General Policy and Interpretations and paragraph (b) of § 157.7 of the regulations under the Natural Gas Act. The maximum permissible total budget amount is proposed to be increased from $7,000,000 to $12,000,000, and the maximum single expenditure for any single onshore project is proposed to be increased from 25 percent of the total budget amount or $1,000,000, whichever is the lesser, to 25 percent of the total budget amount or $1,500,000, whichever is the lesser. The total budget amount for small pipeline companies is proposed to be increased from $100,000 to $150,000.

In the notice of August 12, 1974, we propose to amend the regulation and statement of general policy to expand the definition of gas-purchase facilities to include facilities to connect producer facilities with facilities of another natural gas company authorized to transport for the account of or for exchange with the applicant-company, gas purchased by the applicant-company. We noted that in recent years there has been increasing use of transportation and exchange arrangements among pipelines because of the monetary savings involved in having other companies with existing facilities nearer a particular production area transport or exchange gas. We noted further that these types of arrangements should be encouraged and that the proposed revision of the definition of gas-purchase facilities will increase the usefulness of budget-type certificates in expeditiously connecting gas supplies to a pipeline's system.

Accordingly, in the notice of August 12, 1974, it is proposed that we amend § 157.7 of the Commission's regulations under the Natural Gas Act by revising subparagraph (4) of paragraph (b) thereof to read as follows:

§ 157.7 Abbreviated applications.

• • • • • •

(b) • • •

(4) "Gas-purchase facilities" means those facilities, subject to the jurisdiction of the Commission, necessary to connect applicant's system with the facilities of an independent producer or other similar seller authorized by this Commission to make a sale to the applicant for resale in interstate commerce or to connect such producer facilities with facilities of another natural gas company authorized to transport for the account of or for exchange with applicant, gas so purchased by applicant.

• • • • • •

§ 2.58 [Amended]

Additionally, it is proposed to amend § 2.58 of the Commission's General Policy and Interpretations by revising (d) thereof to read the same.

The notice of August 12, 1974, provides for an increase in the maximum permissible expenditure for any single offshore project. The existing statement of policy and regulation limit the expenditure for any single offshore project only to 25 percent of the total budget amount, which could be as high as $1,750,000 if the total budget amount were the maximum of $7,000,000. The Commission in the notice recognizes the increasingly high cost of offshore facilities and proposes that any single offshore project be limited to an expenditure of $2,500,000; however, the proposed amended statement of policy and regulation, modelled after the existing statement of policy and regulation limits the expenditure for any single offshore project only to 25 percent of the total budget amount. This limits total expenditures for any single project to $37,500 if the total budget amount is the proposed minimum of $150,000 and permits total expenditures of $3,000,000 if the total budget amount is the proposed maximum of $12,000,000.

The Commission's intent in the notice of August 12, 1974, was to propose an increase in permissible expenditures for any single offshore project to $2,500,000 where that amount would be within the total budget amount. Therefore, in lieu of the amendment proposed in the notice of August 12, 1974, it is proposed to amend § 157.7 of the Commission's Regulations under the Natural Gas Act by revising subparagraphs (1) (i) and (ii) of paragraph (b) thereof to read as follows:

§ 157.7 Abbreviated application.

• • • • • •

(b) • • •

(1) (i) The total estimated cost of the gas purchase facilities proposed in the application does not exceed 2 percent of the applicant's gas plant (Account 101, Uniform System of Accounts Prescribed for Natural Gas Companies) or $12 million whichever is the lesser, except that an applicant with less than $5 million in such gas plant account may have a total gas purchase budget amount of $150,000.

(ii) The cost of gas-purchase facilities for any single project to be installed during the authorized construction period does not exceed 25 percent of the total budget amount or $1.5 million, whichever is the lesser, except that a single offshore project, including any in the disputed zone, is limited to $2,500,000, or the total budget amount, whichever is the lesser.

• • • • • •

Further, in lieu of the amendment proposed in the notice of August 12, 1974, it is proposed to amend § 2.58 of the Commission's General Policy and Interpretations by revising paragraphs (a) (1) and (2) thereof to read as follows:

§ 2.58 Budget-type certificate applications—gas purchase facilities.

• • • • • •

(a) (1) The total estimated cost of the facilities to be installed in a given 12-month period does not exceed 2 percent of the applicant company's plant account or $12 million whichever is the lesser, except that an applicant with less than $5 million in such gas plant account may have a total gas purchase budget amount of $150,000.

(2) The total cost of any single project facilities to be installed during the authorization period loes not exceed 25 percent of the total budget amount or $1.5 million, whichever is the lesser, except that a single offshore project, including any in the disputed zone, is limited to $2,500,000 or the total budget amount, whichever is the lesser.

• • • • • •

In this amended notice no changes are proposed in previously proposed amended § 2.58(a) (1) and (d) of the Commission's General Policy and Interpretations or § 157.7(b) (1) (i) and (4) of the regulations under the Natural Gas Act. In view of the revised proposals herein, the time for the submission of data, views, comments, and suggestions with respect to all the proposed amendments will be extended.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than October 21, 1974, data, views, comments or suggestions, in writing, concerning all or part of the proposed amendments. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C., during regular business hours. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposals should be addressed, and whether the person filing requests a conference with the Staff of the Federal Power Commission to discuss the proposed amendments. The Staff, in its discretion, may grant or deny requests for conference. The Commission will consider all written submittals before acting on the proposed amendments.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21401 Filed 9-16-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1307]

[Ex Parte No. MC-77 (Sub-No. 2)]

TARIFFS AND SCHEDULES

Restrictions on Service by Motor Common Carriers

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 9th day of September 1974.

The purpose of this notice is to propose an amendment to existing regulations which will assist the Commission in policing motor carrier route cancellations.

The Commission's report in Ex Parte No. MC-77, *Restrictions on Service by Motor Common Carriers*, 111 M.C.C. 151 (1970), fully considered the matter of restrictions in service of motor common carriers of property effected by the publication of restrictive tariff provisions, and found that remedial regulation was necessary. Accordingly, the following tariff circular regulation was promulgated in 49 CFR 1307.27(k) (1):

Tariffs must contain only rates, charges, and related provisions that cover services in strict conformity with the carrier's operating authority. No provision may be published in tariffs, supplements, or revised pages which results in restricting service to less than the carrier's full operating authority or which exceed such authority. Tariff publications containing such provisions are subject to rejection or suspension for investigation.

The foregoing regulation was construed in the second report in Ex Parte No. MC-77 (Sub-No. 1), 119 M.C.C. 691 (1974), and several specific types of routing provisions were found to be in conflict with the spirit and letter of our prior report. We further found that all tariff limitations which, by their express terms, tend to discourage the use of joint rates were violative of the regulation. All motor common carrier tariffs were consequently ordered to be brought into compliance by June 1, 1974 (subsequently extended to November 29, 1974) as to present existing tariff provisions. The effectiveness, however, of the regulation adopted in Ex Parte No. MC-77 was not extended, so that new restrictions are not permitted.

Since the service of the second report on April 5, 1974, we have found that several freight carriers may be attempting to effectuate de facto service restrictions of the type prohibited by our order by means of large-scale selective route cancellations. If these cancellations become effective, they will in many instances leave no routing provisions in effect between the publishing carrier and the connecting carrier, and will substantially diminish the quality and quantity of service offered. A motor common carrier of property seeking to cancel joint rates and through routes published in its tariffs has the burden under section 216(g) of the Interstate Commerce Act (49 U.S.C. 316(g)) of establishing that cancellation is just and reasonable. Interchange Between McLean Trucking and Manning, 340 I.C.C. 38 (1971), aff'd sub nom. McLean Trucking Company v. United States, 346 F. Supp. 349 (M.D. N.C. 1972), aff'd per curiam, 409 U.S. 1121 (1973). Therefore, these publications shall be considered for rejection and/or suspension, but it will be impossible to protect against all proposed route cancellations in view of the myriad of such proposals filed with the Commission each month.

Furthermore, it appears that current practices of agents and carriers do not always result in an awareness by carriers party to a route (other than the proponent of the cancellation) of the pending action in time to prepare and file with the Commission a petition seeking suspension, or to advise the members of the shipping public of the necessity to seek other means of transportation and/or to consider filing a petition for suspension or other objection to the proposed cancellation.

Accordingly, we propose that 49 CFR 1307.29 be amended by the addition of a new subparagraph designed to protect the shipping public from the severe diminution of service which will result from such large-scale route cancellations.

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of sections 204, 208, 216, and 217 of the Interstate Commerce Act and pursuant to sections 553 and 559 of the Ad-

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ministrative Procedure Act, proposing an amendment to read as follows:

§ 1307.29 Routing.

• • • • • •

(e) *Cancellation of joint routes.* Accompanying the tender to the Commission of any tariff publication which provides for the cancellation of an existing joint route (either by canceling all arrangements in the tariff between certain carriers or by canceling an interchange point(s) between certain carriers) there shall be a clear statement by the publishing carrier or agent of the justification relied upon to warrant the closing of such route. The statement must also affirm that the other carrier(s) in the joint route has been informed by letter or telegram of the proposed cancellation.

It is further Ordered, That all motor common carriers of property subject to the jurisdiction of this Commission be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony, but that the respondents or any other interested parties may participate in this proceeding by submitting 15 copies of written statements of verified facts, views, and arguments regarding the proposed requirements and procedures.

It is further ordered, That the said statements shall be filed on or before October 15, 1974, with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, and that no requests for extension of that date will be entertained.

And it is further ordered, That a copy of this notice and order be served on each party to the proceeding in Ex Parte No. MC-77 (Sub-No. 1), that a copy be deposited in the office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that statutory notice of the institution of this proceeding be given by delivering a copy thereof to the Director, Office of the Federal Register, for publication therein.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21495 Filed 9-16-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 211]

ALLOCATION OF UNLEADED GASOLINE FOR WHOLESALE PURCHASER-CONSUMERS

Notice of Proposed Rulemaking

The Federal Energy Administration hereby gives notice of a proposal to amend the Mandatory Petroleum Allocation Regulations to revise the procedures for allocating unleaded gasoline to wholesale purchaser-consumers which have a particularly acute need for unleaded gasoline such as automobile manufacturers, new car dealers, and owners or operators of fleets of automobiles. Such wholesale purchaser-consumers would receive up to their allocation entitlements of motor gasoline as unleaded gasoline. FEA believes that this amendment is necessary to assure that wholesale purchaser-consumers which need to receive their entire entitlement of gasoline in unleaded gasoline have access to such supplies.

Section 211.108 would be amended to provide that each supplier's initial distribution of unleaded gasoline would be to these classes of wholesale purchaser-consumers. The calculation of the supplier's allocation ratio would be made after this initial distribution of unleaded gasoline. A supplier's allocation ratio would be the ratio of the supplier's *remaining* unleaded gasoline (its "adjusted supply of unleaded gasoline") to the supplier's leaded gasoline and remaining unleaded gasoline (its "adjusted supply of motor gasoline (leaded and unleaded)"). The supplier's other wholesale purchasers would receive unleaded gasoline in the same relation to their allocation entitlement for motor gasoline as their supplier's allocation ratio.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. In a letter dated September 13, 1974, the Administrator had the following comments: "We believe that these actions would provide greater flexibility to the distribution of unleaded gasoline and thus warrant the support of this Agency."

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments with respect to the proposed amendments set forth in the notice to Executive Communications, Federal Energy Administration, Box BB, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on the documents submitted to the Federal Energy Administration Executive Communications with the designation "Allocation of Unleaded Gasoline for Wholesale Purchaser-Consumers." Fifteen copies should be submitted. All comments received by September 27, 1974, and all other relevant information will be considered by the Federal Energy Administration before final action is taken.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159 Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185))

In consideration of the foregoing, it is proposed to amend Part 211 of Chapter II of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., September 13, 1974.

ROBERT E. MONTGOMERY, JR., *General Counsel.*

Section 211.108 is revised in paragraphs (b) and (c)(1), and (c)(3)(1) to read as follows:

§ 211.108 Allocation of unleaded gasoline.

• • • • • •

(b) *Definitions.*

"Adjusted supply of unleaded gasoline" means a supplier's total supply of unleaded gasoline minus the amount of unleaded gasoline which a supplier allocates pursuant to § 211.108(c)(1)(i).

"Allocation entitlement" means for a wholesale purchaser-reseller, its allocation entitlement as described in § 211.12(b)(1) and for a wholesale purchaser-consumer or an end user, its allocation entitlement as described in § 211.12(b)(2).

"Allocation ratio" means that ratio of a supplier's adjusted supply of unleaded gasoline to the supplier's adjusted supply of motor gasoline (leaded and unleaded).

"Adjusted supply of motor gasoline (leaded and unleaded)" means a supplier's total supply of leaded gasoline plus its adjusted supply of unleaded gasoline.

"Unleaded gasoline" means unleaded gasoline as defined by the Environmental Protection Agency.

(c) *Method of allocation for unleaded gasoline.* (1)(i) For a period which corresponds to a base period, each supplier shall make available to each wholesale-purchaser consumer which is an automobile manufacturer, new car dealer, fleet owner or operator or which otherwise requires unleaded gasoline and which is entitled to receive motor gasoline from that supplier, an amount of unleaded gasoline equal to the purchaser's entitlement of motor gasoline. To the extent that supplier does not have sufficient unleaded gasoline to meet its obligations under this paragraph (c)(1)(i), it shall distribute its available unleaded gasoline among such purchasers on a pro-rata basis.

(ii) For a period which corresponds to a base period, each supplier shall make available to each of its purchasers which are entitled to receive motor gasoline from that supplier and which are not allocated unleaded gasoline under paragraph (c)(1)(i) of this section, a volume of unleaded gasoline which bears the same ratio to that purchaser's allocation entitlement as the supplier's allocation ratio for that period. Suppliers may refuse to supply unleaded gasoline to any wholesale purchaser-reseller which does not have facilities suitable for the storage and delivery of unleaded gasoline, as required by the provisions of 40 CFR Chapter I, Part 80, Subpart B.

(iii) This subparagraph (1) applies as of July 1, 1974, to all of the supplier's wholesale purchasers and end-users which are entitled to receive motor gasoline from that supplier except those retail sales outlets which were not selling unleaded gasoline during the thirty (30) days prior to July 1, 1974, and which are not required to sell unleaded gasoline pursuant to 40 CFR Chapter I, Part 80, Subpart B. This subparagraph becomes applicable to retail sales outlets which were not selling unleaded gasoline during the thirty (30) days prior to July 1, 1974 and which are not required to sell unleaded gasoline pursuant to 40 CFR Chapter I, Part 80, Subpart B, on October 1, 1974.

• • • • • •

(3)(i) After its initial offer of unleaded gasoline pursuant to paragraph (c)(1) of this section a supplier shall offer any of its supply of unleaded gasoline which remains only to its purchasers which are entitled to receive motor gasoline from that supplier and which desire to purchase unleaded gasoline.

• • • • • •

[FR Doc.74-21638 Filed 9-16-74;9:10 am]

[10 CFR Parts 210, 212]

MANDATORY PETROLEUM PRICE REGULATIONS

Miscellaneous Proposals; Change of Location for Pubic Hearing

On September 6, 1974, the Federal Energy Administration issued a notice of Proposed Rulemaking and Public Hearing regarding revision of the Mandatory Petroleum Price Regulations by amendment to Title 10, Parts 210 and 212 of the Code of Federal Regulations (39 FR 32718, September 10, 1974). That notice states that public hearings would be held commencing at 9:30 a.m., on September 19, 1974, and continuing on September 30, 1974, and October 1, 1974, at the New Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D.C.

FEA hereby gives notice that those hearings will be held instead in the Auditorium, Room 2105, at 2000 M Street NW., Washington, D.C.

Issued in Washington, D.C., September 14, 1974.

ROBERT E. MONTGOMERY, JR., *General Counsel, Federal Energy Administration.*

[FR Doc.74-21646 Filed 9-16-74;10.39 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE ADVISORY COMMITTEE ON WOMEN IN THE SERVICES

Notice of Public Meeting

Pursuant to Public Law 92-463 notice is hereby given that the next meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will be held October 21-24, 1974 at the Hilton Palacio del Rio in San Antonio, Texas.

Composed of 40 civilian women, DACOWITS meets twice each year to provide the Department of Defense with assistance and advice on matters relating to women in the Armed Forces, to interpret to the public the role of and the need for servicewomen, and to encourage the acceptance of military service as a career opportunity.

The agenda for this meeting will include discussion on pending legislation affecting women, training and assignment of medical personnel, recruitment needs and enlistment standards, availability of recreational facilities, and housing plans and policies. Sessions will be conducted from 8 a.m. to 4 p.m. daily and will be open to the public.

The following rules and regulations will govern the participation by members of the public at this meeting:

(1) All business sessions, to include executive committee sessions, will be open to the public.

(2) Interested person may make an oral presentation and/or submit a written statement for consideration by the Committee during the meeting.

(3) Persons desiring to make an oral statement or submit a written statement to the Committee must notify Lieutenant Colonel Martha A. Cox, DACOWITS Executive Secretary, OASD (Manpower and Reserve Affairs), Room 2B257, The Pentagon, Washington, D.C. 20301 by October 4, 1974.

(4) Length and number of oral presentations to be made will depend on the number of requests received. Maximum time permitted per presentation will be fifteen (15) minutes.

(5) Oral presentations will be permitted only from 10:15 a.m. to 11:00 a.m. on October 21, 1974 before the full Committee.

(6) Each person desiring to make an oral presentation or submit a written statement must provide the DACOWITS Secretariat with 40 copies of the presentation/statement by October 14, 1974.

(7) Persons submitting a written statement only for inclusion in the minutes of the meeting must submit one (1) copy either before or during the meeting or within ten (10) days after the close of the meeting.

(8) Members of the public will not be permitted to enter into the oral discussion conducted by the Committee members at any of the sessions; however, they will be permitted to reply to questions directed to them by members of the Committee.

(9) Members of the public will be permitted to orally question the scheduled speakers during the general session on October 21, 1974 if time allows after the official participants have asked questions and/or made comments.

(10) Questions from the public will not be accepted during the subcommittee sessions, executive committee sessions or the final general session on October 24, 1974.

(11) Members of the public will not be permitted to question the Committee members during any session.

Additional information regarding the Committee and/or this meeting may be obtained by contacting LtCol Martha A. Cox, DACOWITS Executive Secretary, OASD(M&RA), The Pentagon, Washington, D.C. 20301, telephone (202) OXford 5-5153.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 12, 1974.

[FR Doc.74-21433 Filed 9-16-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Louisiana Grain Inspection Point

Statement of considerations. The Louisiana Department of Agriculture is designated to operate as an official inspection agency in accordance with the provisions of section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)). The Louisiana Department of Agriculture has been providing official inspection service for 18 years including 4 years at Lake Providence, Louisiana, as a designated inspection point. A designated inspection point is defined as a city, town, or other location assigned under the regulations to an official inspection agency for the conduct of official inspections, and within which the official inspection agency, or one or more of its licensed inspectors is located (7 CFR 26.1(b)(13)).

The Louisiana Department of Agriculture now plans to locate one or more of its licensed grain inspectors at Alexandria, Louisiana, and has requested that its assignment be amended in accordance with § 26.99(b) of the regulations (7 CFR 26.99(b)) to add Alexandria, Louisiana, as a designated inspection point.

Notice is hereby given that the Agricultural Marketing Service has under consideration the request from the Louisiana Department of Agriculture to add Alexandria, Louisiana, as a designated inspection point under the U.S. Grain Standards Act.

Opportunity is hereby afforded all interested persons to submit written views and comments with respect to this matter to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All material submitted should be in duplicate and mailed to the Hearing Clerk not later than October 17, 1974. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C. on: September 12, 1974.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.74-21486 Filed 9-16-74;8:45 am]

Forest Service

UNION COUNTY GRAZING ADVISORY BOARD

Notice of Meeting

The Union County Grazing Advisory Board will meet Monday, September 30, 1974 at 1:30 p.m., in the District Ranger's Office, Kiowa National Grassland, 16 North Second Street, Clayton, New Mexico 88415.

The purpose of this meeting will be to discuss:

1. Land line location problems within the Kiowa National Grassland.
2. Obligation of swing pastures.
3. Local forage condition and grazing use for 1975.
4. Other business that might come before the board.

The meeting will be open to the public. Persons who wish to attend should notify Chairman Weston Baker via telephone, 374-9073, or in writing to Mr. Weston Baker, Chairman, Union County Grazing Advisory Board, Rural Route, Clayton, New Mexico 88415. Written statements may be filed with the Board.

Dated: September 6, 1974.

W. L. LLOYD,
Forest Supervisor.

[FR Doc.74-21389 Filed 9-16-74;8:45 am]

BIGWOOD PROPOSED SKI AREA DEVELOPMENT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Bigwood Proposed Ski Area Development, Sawtooth National Forest, Idaho. The Forest Service report number is USDA-FS-DES (Adm) R4-75-4.

The environmental statement concerns the proposed development of a new ski area within the Sawtooth National Recreation Area, Sawtooth National Forest, Idaho. The area will be developed to a maximum capacity of 4,700 skiers per day with an anticipated use of 250,000 skier days during a 140-day skiing season. The facilities will be constructed in stages spanning several years and be based primarily on demand for additional facilities.

This draft environmental statement was transmitted to CEQ on September 6, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
324-25th Street
Ogden, Utah 84401

Forest Supervisor
Sawtooth National Forest
1525 Addison Avenue
Twin Falls, Idaho 83301

Area Ranger (Superintendent)
Sawtooth National Recreation Area
P.O. Box 438
Ketchum, Idaho 83340

A limited number of single copies are available upon request to Forest Supervisor E. A. Fournier, Sawtooth National Forest, 1525 Addison Street, Twin Falls, Idaho 83301.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor E. A. Fournier, Sawtooth National Forest, 1525 Addison Avenue, Twin Falls, Idaho 83301. Comments must be received by November 8, 1974, in order to be considered in the preparation of the final environmental statement.

Dated: September 6, 1974.

CHARLES P. TEAGUE, Jr.,
Acting Regional Forester.

[FR Doc.74-21471 Filed 9-16-74;8:45 am]

TIMBER MANAGEMENT PLAN, LASSEN NATIONAL FOREST, CALIFORNIA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Timber Management Plan, Lassen National Forest, California USDA-FS-R5-DES (Adm)-75-3.

The environmental statement concerns a proposed timber management plan for the management of the timber resources on the forest.

This draft environmental statement was transmitted to CEQ on September 10, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
630 Sansome Street, Rm. 531
San Francisco, California 94111

Lassen National Forest
707 Nevada Street
Susanville, California 96130

A limited number of single copies are available upon request to Regional Forester, Douglas R. Leisz, California Region, U.S. Forest Service, 630 Sansome Street, San Francisco, California 94111.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal Agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Douglas R. Leisz, Regional Forester, 630 Sansome Street, San Francisco, California 94111. Comments must be received by November 11, 1974 in order to be considered in the preparation of the final environmental statement.

DOUGLAS R. LEISZ,
Regional Forester.

SEPTEMBER 10, 1974.

[FR Doc.74-21473 Filed 9-16-74;8:45 am]

GRAZING ADVISORY BOARD

Notice of Meeting

The Lyndon B. Johnson National Grasslands Grazing Advisory Board will meet at 7 p.m. October 22, 1974 and Wise Electric Coop. Bldg., Cowan and Hale, Decatur, Texas.

The purpose of this meeting is for: Election of officers; determination of terms of office; approval of the Charter; adoption of By-Laws.

The meeting will be open to the public. Persons who wish to attend should notify P.O. Box 507, Decatur, Texas 76234 817-627-5475. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public members may speak up at any time during the meeting.

JOHN H. COURTNAY,
Forest Supervisor.

SEPTEMBER 3, 1974.

[FR Doc.74-21472 Filed 9-16-74;8:45 am]

Office of the Secretary

PUBLIC ADVISORY COMMITTEE ON SOIL AND WATER CONSERVATION

Notice of Renewal

Notice is hereby given that the Secretary of Agriculture has renewed the Public Advisory Committee on Soil and Water Conservation for a two-year period effective January 24, 1974. This committee was originally established in October 1955 to provide a means whereby those persons from outside government can make evaluations of and offer constructive suggestions for program needs and development in the field of soil and water conservation. The committee consists of 18 members appointed by the Secretary of Agriculture for a two-year term.

Renewal of the Committee is in the public interest. The Office of Management and Budget has concurred in this action pursuant to Public Law 92-463.

JOSEPH R. WRIGHT, JR.,
Assistant Secretary for Administration.

SEPTEMBER 12, 1974.

[FR Doc.74-21492 Filed 9-16-74;8:45 am]

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Soil Conservation Service

BUTLER LATERALS WATERSHED, OKLAHOMA

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6e of the Council on Environmental Quality Guidelines issued on August 1, 1973; and part 650.8(b)(3) of 39 FR 19651, issued on June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental statement is not being prepared for the Butler Laterals Watershed Project, Custer County, Oklahoma.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining works of improvement include 3 floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
USDA Building
Farm Road and Brumley Street
Stillwater, Oklahoma

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: September 6, 1974.

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-21456 Filed 9-16-74;8:45 am]

FORT COBB LATERALS WATERSHED, OKLAHOMA

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6e of the Council on Environmental Quality Guidelines issued on August 1, 1973; and part 650.8(b)(3) of 39 FR 19651, issued on June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental statement is not being prepared for the Fort Cobb Laterals Watershed Project, Caddo County, Oklahoma.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining works of improvement include 7 floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location.

Soil Conservation Service
USDA Building
Farm Road and Brumley Street
Stillwater, Oklahoma

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

Dated: September 6, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-21457 Filed 9-16-74;8:45 am]

GYP CREEK WATERSHED, OKLAHOMA

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6e of the Council on Environmental Quality Guidelines issued on August 1, 1973; and part 650.8(b)(3) of 39 FR 19651, issued on June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental statement is not being prepared for the Gyp Creek Watershed Project, Custer and Washita Counties, Oklahoma.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining works of improvement include 2 floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location.

Soil Conservation Service
USDA Building
Farm Road and Brumley Street
Stillwater, Oklahoma

No administrative action on implementation of the proposal will be taken until 15 days after the date of this notice.

Dated: September 6, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-21458 Filed 9-16-74;8:45 am]

MISSION HILL WATERSHED PROJECT, SOUTH DAKOTA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Mission Hill Watershed Project, Yankton County, South Dakota, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-SD.

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by one floodwater retarding structure and 3.8 miles of channel work. The channel work will consist of deepening and widening of 2.8 miles of previously modified channel in an ephemeral stream. The remaining 1.0 mile will be new channel where none existed before.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 239 Wisconsin Avenue SW., Huron, South Dakota 57350.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Vincent W. Shally, State Conservationist, Soil Conservation Service, 239 Wisconsin Avenue SW., Huron, South Dakota 57350.

Comments must be received on or before November 5, 1974, in order to be considered in the preparation of the final environmental statement.

Dated: September 6, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-21465 Filed 9-16-74;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

CAPTAIN STARN'S INLET YACHTING PIER AND ARCHIE M. BRAND

Notice of Receipt of Application for Public Display Permits

Notice is hereby given that the following applicants have applied in due form for permits to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

1. Captain Starn's Inlet Yachting Pier, Atlantic City, New Jersey 08401 to take ten (10) male California sea lions (*Zalophus californianus*) for the purpose of public display.

The California sea lions will be taken by a professional collector from the beaches of the California Channel Islands. All animals will be taken from beaches using nets, during the period from November 1974 to April 1975.

The sea lions will be maintained in a tidal pool 39 feet wide by 53 feet long, six to nine feet deep. The pool is enclosed by means of a wooden structure, consisting of pilings and interlocking sheathing. The collective experience of the staff in exhibiting is eleven years. A local veterinarian has examined the facility and recommends it as adequate for the care of the animals.

The display is free to all visitors. The Captain Starn's Inlet Yachting Pier is a corporation of the State of New Jersey operating a seafood restaurant and boating facility. As the display is free, it is difficult to ascertain the number of visitors.

2. Archie M. Brand, Sparky's School of Seals, Route 4, Box 562, Carthage, Missouri 64836 to take four (4) California sea lions (*Zalophus californianus*) for the purpose of public display.

The sea lions will be taken by a professional collector from the beaches of the California Channel Islands. All animals will be taken from beaches using nets during the period from November 1974 to April 1975.

Sparky's School of Seals currently maintains and displays eleven (11) California sea lions in the following manner:

1. During the months of May through September of each year, one to three sea lions are displayed in a performing show at the Como Park Zoo, St. Paul, Minnesota. The animals perform in an arena, and are maintained in a pool 19 feet long, 16 feet wide and 8 feet deep;

2. During the months of May through September of each year, eight sea lions are displayed in a non-performing "feeder seal exhibit" at the Como Park Zoo, St. Paul, Minnesota. These sea lions are maintained and displayed in a moat facility, 100 feet in exterior diameter, 9 feet wide and 3 feet deep;

3. During the remainder of the show season, in the spring and fall of each year, up to three sea lions are displayed in performing exhibits at various Sport Shows. The sea lions are transported in a trailer with a fiberglass pool 5 feet in diameter and 3 feet deep. At the Sport Shows, pool facilities are usually available, normally 60 feet long, 24 feet wide and 4 feet deep;

4. All of the sea lions are maintained during the winter months in a heated building located in Carthage, Missouri. A pool, 12 feet long, 10 feet wide, and 4 feet deep, is available to the sea lions at all times.

The four requested sea lions would be incorporated into the performing shows. Any of the requested animals which do not prove to be adequately trainable would be included in the non-performing "feeder seal exhibit."

Sparky's School of Seals is a profit making venture that records some 900,000 visitors a year. The show is visited by school children in the St. Paul area.

Mr. Brand has worked with sea lions for 20 years. Veterinary services are provided at the St. Paul facility by the University of Minnesota, School of Veterinary Medicine. Veterinary care is available at the winter quarters in Carthage, Missouri.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described applications have been inspected by licensed veterinarians, who have certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above applications are available for review at the following locations:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, telephone 202-343-9445.

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-548-2575. (Applications Nos. 1 and 2)

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard St. Petersburg, Florida 33702, telephone 813-893-3145. (Application No. 2)

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone 617-281-0640. (Application No. 1)

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the applications to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on these applications on or before October 17, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of these applications are those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: September 5, 1974.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.74-21365 Filed 9-16-74;8:45 am]

CHILDREN'S ZOO

Issuance of Permit for Marine Mammals

On May 20, 1974, notice was published in the FEDERAL REGISTER (39 FR 17784), that an application had been filed with the National Marine Fisheries Service by Children's Zoo, 2800 A Street, Lincoln, Nebraska 68502, for a permit to take one male and two female California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that, on August 27, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit to Children's Zoo, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Offices of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, and the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: August 27, 1974.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.74-21366 Filed 9-16-74;8:45 am]

LOUIS SCARPUZZI ENTERPRISES, INC.

Notice of Receipt of Application for Public Display Permits

Notice is hereby given that the following applicants have applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

1. Louis Scarpuzzi Enterprises, Inc., 339 Riverside Drive, Fort Myers, Florida 33905, to take four (4) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for the purpose of public display.

The bottlenosed dolphins will be taken by a professional collector using a seine net. The animals will be taken in the waters off the western coast of Florida within 90 days of the issuance of the Permit.

The animals will be maintained in a pool 30 feet in diameter with an average depth of 11.5 feet and a capacity of 51,455 gallons. Salt water is prepared and fed into the pool through the filter lines.

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Louis Scarpuzzi Enterprises, Incorporated is a profit making organization. It is described by the applicant as the only public display of marine mammals between St. Petersburg and the Keys of Florida. In 1973 some 40,000 visitors were recorded.

Mr. Louis Scarpuzzi has ten years experience in capturing and training dolphins. Two other trainers he employs have some 3 years experience in dolphin training and husbandry each.

2. Little Rock Zoo, Little Rock, Arkansas 72201 to take one (1) male and one (1) female California sea lion (*Zalophus californianus*) for the purpose of public display.

The California sea lions will be taken by a professional collector from the beaches of the California Channel Islands. All animals will be taken from beaches using nets, during the period from November, 1974 to April, 1975.

The sea lions will be maintained in a 90,000 gallon pool with a gunnite mountain in the center and a saline pool which allows daily exposure to salt water. An area 32×18 feet square is available to the animals for hauling out.

The Little Rock Zoo is a municipally owned and operated facility. In 1972 and 1973 over one million people visited the Zoo. Guided educational tours for elementary schools are provided.

3. The Lincoln Park Zoological Gardens, Chicago, Illinois 60614, to take three (3) female California sea lions for the purpose of public display.

The California sea lions will be taken by a professional collector from the beaches of the California Channel Islands. All animals will be taken from the beaches using nets, during the period from November, 1974 to April, 1975.

The sea lions will be maintained in a pool of 200,000 gallon capacity with ample area for hauling out and basking.

The Lincoln Park Zoo's Director, Dr. Lester E. Fisher, D.V.M., has held this position since 1962. Saul L. Kitchener, Assistant Director, has 7 years experience with the Lincoln Park Zoo.

The Zoo is owned and operated by the Chicago Park District and does not charge admission. It is estimated that 4,000,000 people a year visit the zoo. The 100 member Docent organization conducts school tours through the zoo.

4. Theater of the Sea, Incorporated, P.O. Box 407, Islamorada, Florida 33036, to take three (3) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for the purpose of public display.

The bottlenosed dolphins will be taken by a professional collector using a seine net. The animals will be taken from the waters of the Florida Bay. The animals will be maintained in a lagoon 1,200 feet long by 300 feet wide which has 8,000 gallons per minute pumped into it. Only one dolphin at a time will be captured and acclimated to the pool.

Theater of the Sea is a profit making corporation and recorded some 75,000 visitors in 1973. Local school groups are admitted free.

The animals appear in an act every hour and a half for a period of 15 to 20 minutes. Mr. P. F. McKenny of Theater of the Sea has 15 years experience in dolphin husbandry and training. Veterinary care is provided by the services of Dr. J. M. White.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described applications have been inspected by licensed veterinarians, who have certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above applications are available for review at the following locations:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, telephone 202-343-9445;

Applications 1, 2 and 4:
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, telephone 813-893-3145;

Application No. 3:
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone 617-281-0640.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of these applications to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on these applications on or before October 17, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of these applications are those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: August 30, 1974.

WILLIAM F. ROYCE,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74-21369 Filed 9-16-74;8:45 am]

NORTHWEST FISHERIES CENTER

Issuance of Permit for Marine Mammals

On June 10, 1974, notice was published in the FEDERAL REGISTER (39 FR 20407), that an application had been filed with the National Marine Fisheries Service by the Northwest Fisheries Center, National Marine Fisheries Service, Seattle, Washington 98112, for a Scientific Research Permit to take forty (40) bowhead whales (*Balaena mysticetus*), ten (10) gray whales (*Eschrichtius robustus*), and fifty (50) belukha whales (*Delphinapterus leucas*), which are found dead and beached, dead and floating at sea, or killed by an Indian, Aleut or Eskimo for subsistence purposes.

Notice is hereby given that, on September 5, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above described activities to the Northwest Fisheries Center, National Marine Fisheries Service, subject to certain conditions set forth therein. The taking of bowhead whales and gray whales cannot be undertaken until such time as similar authorization is granted under the provisions of the Endangered Species Act of 1973 (P.L. 93-205).

The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Offices of the Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109, and the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Dated: September 5, 1974.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74-21367 Filed 9-16-74;8:45 am]

DR. DANIEL K. ODELL

Notice of Issuance of Permit

On February 14, 1974, notice was published in the FEDERAL REGISTER (39 FR 5646) that an application had been submitted to the National Marine Fisheries Service by Dr. Daniel K. Odell, Assistant Professor, Division of Biology, School of Marine and Atmospheric Science, University of Miami, Miami, Florida 33149, to take an unspecified number of dead stranded cetaceans, in particular the Atlantic bottlenosed dolphin (*Tursiops truncatus*), for scientific research.

Notice is hereby given that, on August 29, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit authorizing the above mentioned takings to Daniel K. Odell, subject to certain conditions set forth therein. The Permit does not authorize the taking of cetacean species listed as endangered under the provisions of the Endangered Species Act of 1973 (P.L. 93-205).

The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Dated: August 29, 1974.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.74-21368 Filed 9-16-74;8:45 am]

SEA-ARAMA MARINEWORLD

Notice of Receipt of Application for Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for the purpose of public display, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Regulations Governing the Taking and Importing of Marine Mammals.

Sea-Arama Marineworld, Seawall Boulevard at 91st Street, P.O. Box 3068, Galveston, Texas 77550, to take two (2) false killer whales (*Pseudorca crassidens*) or two (2) pilot whales (*Globicephala scammoni*) or one (1) killer whale (*Orcinus orca*) for the purpose of public display. The application is for the maximum of two (2) whales of the species noted or a maximum of one (1) killer whale.

The false killer whales will be captured by Sea Life Park collecting staff in Hawaiian waters, principally around the islands of Maui, Lanai, Molokai, Oahu and Hawaii. They will be taken by a break-away hoop net technique. A collecting boat designed and equipped for the purpose of collecting and transporting marine mammals will be used.

The pilot whales will be captured by Marineland of the Pacific collecting staff along the California Coast around the Catalina Channel and in Mexican waters, with the permission of the Mexican government. The pilot whales will be captured by break-away hoop net.

The killer whale will be captured in Canadian waters by a professional collector. The animal will be taken by an encircling net technique, utilizing two large, fully geared seine boats, four support boats, and a trained crew of twelve.

The two pilot whales or two false killer whales or one killer whale will be maintained in a 60 feet long, 40 feet wide and 14 feet deep concrete pool. This pool is adjacent and accessible to the show stadium pool 100 feet long, 30 feet wide and 14 feet deep.

Dr. Kenneth N. Gray, Veterinarian and Curator of Sea-Arama Marineworld, supervises the care and maintenance staff. He is assisted by two Assistant Curators, with 2 years experience in marine mammal husbandry, and a curatorial assistant, with 1 year experience.

Sea-Arama Marineworld hosts approxmately 400,000 visitors annually, and cooperates, through a formal alliance, with the marine mammal research program of the Marine Biomedical Institute of the University of Texas.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the animals.

Documents submitted in connection with this application are available as follows:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (telephone 202-343-9445);

Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702 (telephone 813-893-3145).

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before October 17, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: September 4, 1974.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74-21364 Filed 9-16-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 7519; Docket No. FDC-D-707; NDA 8-406]

CERTAIN ORAL MERCURIAL DIURETICS

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

The National Academy of Sciences/National Research Council, Drug Efficacy Study Group evaluated the effectiveness of the drug products described below, found the drugs to be less than effective, and submitted its reports to the Commissioner of Food and Drugs. Copies of those reports have previously been made publicly available and are on display at the Office of the Food and Drug Administration's Hearing Clerk. After reviewing the Academy's reports and the available data and information the Commissioner concluded that the drugs are less than effective and published his conclusion in the FEDERAL REGISTER of July 27, 1972 (37 FR 15029) that the drugs are probably and possibly effective and lacking substantial evidence of effectiveness for their various labeled indications.

1. NDA7-519; Cumertilin tablets containing mercumatilin; Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, NY 11530.

2. NDA8-406; Neohydrin tablets containing chlormerodrin; Lakeside Laboratories, Division Colgate-Palmolive Co., 1707 East North Avenue, Milwaukee, WI 53202.

In an order published in the FEDERAL REGISTER on August 4, 1971 (36 FR 14342), approval of NDA 7-519 for Cumertilin Tablets was withdrawn on the ground of failure to submit required reports under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)). At the time that notice was published, no final conclusions concerning effectiveness of mercumatilin had been reached. These conclusions have now been reached and the purpose of including Cumertilin (mercumatilin) Tablets (NDA 7-519) in this notice is to inform all interested persons of such conclusions and offer them the opportunity to request a hearing.

Both of the above drugs have been reclassified as lacking substantial evidence of effectiveness in that no data were submitted in support of effectiveness. On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drugs.

Therefore, notice is given to the holder of new drug application No. 8-406 for Neohydrin Tablets (chlormerodrin) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application (or if indicated above, those parts of the application providing for the drug product listed above) and all amendments and supplements thereto on the ground that the new information befcre him with respect to the drug product, evaluated together with the evidence available to him at the time of approval of the application, shows there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder of the new drug application for Neohydrin (chlormerodrin) Tablets (NDA 8-406) this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to either Neohydrin (chlormerodrin) Tablets or Cumertilin (mercumatilin) Tablets, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

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In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201 (p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), all persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application for Neohydrin (chlormerodrin) Tablets should not be withdrawn, and to raise, for administrative determination, all issues relating to the legal status of either of the drug products named above and of all identical, related, or similar drug products.

If any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before October 17, 1974, a written notice of appearance and request for hearing, and (2) on or before November 18, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of any person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to Neohydrin (chlormerodrin) Tablets and a waiver of any contentions concerning the legal status of either of the drug products named above and of all identical, related or similar drug products. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application for Neohydrin (chlormerodrin) Tablets, or which requires a hearing with respect to a determination of the legal status of either of the drug products named above and of all identical, related or similar drug products, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC–20), Room 4–65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: August 30, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74–21424 Filed 9–16–74;8:45 am]

[DESI No.'s 10201, 1593 & 11017; Docket No. FDC–D–705; NDA 1–704 etc.]

EFFICACY EVALUATIONS FOR CERTAIN DRUGS

Notice of Opportunity for Hearing

Correction

In FR Doc. 74–17961 appearing at page 28450 of the issue for Wednesday, August 7, 1974, in the middle column of that page, the FEDERAL REGISTER citation for NDA 11–017, now reading "(39 FR 245626)", should read "(39 FR 24526)".

[DESI 9410; Docket No. FDC–D–698; NDA9–410]

TALBUTAL TABLETS

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

The National Academy of Sciences-National Research Council, Drug Efficacy Study Group evaluated the effectiveness of the drug products described below, found the drugs to be less than effective, and submitted its report to the Commissioner of Food and Drugs. Copies of that report have previously been made publicly available and are on display at the office of the Food and Drug Administration's Hearing Clerk. After reviewing the Academy's report and the available data and information, the Commissioner concluded that the drugs are less than effective and announced his conclusion in the FEDERAL REGISTER of April 26, 1972 (37 FR 8406) that the drugs are probably and possibly effective and lacking substantial evidence of effectiveness for their labeled indications.

Lotusate Tablets (30 mg., 50 mg., and 120 mg.) containing talbutal; Winthrop Laboratories, Division of Sterling Drug, Inc., 90 Park Avenue, New York, NY 10016 (NDA9–410).

No new data having been submitted concerning the 30 mg. and 50 mg. tablets, those products have been reclassified as lacking substantial evidence of effectiveness for all of the labeled indications. Winthrop no longer markets the 30 mg. and 50 mg. tablets.

Lotusate Tablets containing 120 mg. talbutal are the subject of another notice appearing elsewhere in this issue of the FEDERAL REGISTER.

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the 30 mg. and 50 mg. strengths of the drug.

Therefore, notice is given to the holder(s) of the new drug application(s) and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505 (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of those parts of the new drug application(s) providing for 30 mg. and 50 mg. tablets, and all amendments and supplements thereto, on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD–300), 5600 Fishers Lane, Rockville, MD 20852.

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6) e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201 (p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of those parts of the new drug application(s) should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and of all identical, related, or similar drug products.

If an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before October 17, 1974, a written notice of appearance and request for hearing, and (2) on or before November 18, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of those parts of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC–20), Room 4–65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this notice, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505, 52 Stat. 1052–53, as amended; 21 U.S.C. 355), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 2.121).

Dated: August 30, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74–21423 Filed 9–16–74;8:45 am]

[DESI 9410; Docket No. FDC–D–706; NDA No. 9–410]

TALBUTAL TABLETS

Drugs for Human Use; Drug Efficacy Study Implementation; Follow-Up Notice and Notice of Opportunity for Hearing

In a notice (DESI 9410) published in the FEDERAL REGISTER of April 26, 1972 (37 FR 8406), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Science-National Research Council, Drug Efficacy Study Group on Lotusate Tablets (30 mg., 50 mg. and 120 mg.) containing talbutal; Winthrop Laboratories, Division of Sterling Drug Inc., 90 Park Avenue, New York, NY 10016 (NDA 9–410).

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, which is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD–300), 5600 Fishers Lane, Rockville, MD 20852.

The notice stated that the products were regarded probably effective, possibly effective, and lacking substantial evidence of effectiveness for their labeled indications.

No new data were submitted in support of the 30 mg. and 50 mg. tablets. Winthrop no longer markets them. A notice concerning them appears elsewhere in this issue of the FEDERAL REGISTER.

Based upon review of all information available, including data submitted by Winthrop Laboratories, the Director of the Bureau of Drugs concludes that 120 mg. tablets of talbutal are effective as a hypnotic for patients with insomnia. Accordingly the notice of April 26, 1972, insofar as it pertains to 120 mg. tablets of talbutal, is amended to read as follows:

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. Talbutal tablets (120 mg.) are effective for use as a hypnotic for patients with insomnia.

2. Talbutal tablets (120 mg.) lack substantial evidence of effectiveness for all their other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Talbutal preparations are in tablet form and suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug. The Indication is: As a hypnotic for patients with insomnia.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled *Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study*, published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraphs (a)(1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped

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within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or, if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before October 17, 1974, a written notice of appearance and request for hearing, and (2) on or before November 18, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without any approved NDA is subject to regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during regular business hours, Monday through Friday.

Communications forwarded in response to this announcement should be identified with the reference number DESI 9410, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (Identify with NDA number): Office of Scientific Evaluation (HFD–100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Generic Drug Staff (HFD–107), Office of Scientific Evaluation, Bureau of Drugs.

Submissions pursuant to the notice of opportunity for hearing (identify with docket number): Hearing Clerk, Food and Drug Administration (HFC–20), Room 4–65, Parklawn Building.

Requests for the Academy's report: Drug Efficacy Information Activity (HFD–8), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Director, Bureau of Drugs (21 CFR 2.121).

Dated: August 30, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74–21422 Filed 9–16–74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON NUCLEAR MERCHANT SHIP PROGRAM

Notice of Meeting

SEPTEMBER 11, 1974.

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards, Subcommittee on Nuclear Merchant Ships will hold a meeting on October 3, 1974, in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to review the application for development of a standard nuclear propulsion unit for large merchant ships.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Thursday, October 3, 1974, 9 a.m.–5 p.m. The Subcommittee will hear presentations by Regulatory Staff and personnel of the U.S. Department of Commerce, Maritime Administration, and its representatives and hold discussions with these groups pertinent to the development of a standard nuclear propulsion unit for large merchant ships.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 8:30 a.m. and at the end of the day to consider matters relating to the above report. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of the Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Public Law 92–463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than September 26, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Preliminary Safety Analysis Report and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 2 p.m. and 4:30 p.m. on October 3, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on October 1, 1974, to the Office of the Executive Secretary of the Committee (telephone 301–973–5651) between 8:30 a.m. and 5:15 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 7, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from the Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after January 3, 1975. Copies may be obtained upon payment of appropriate charges.

JOE B. LAGRONE,
Acting Advisory Committee Management Officer.

[FR Doc.74–21425 Filed 9–16–74;8:45 am]

[Docket Nos. 50–424, etc.]

GEORGIA POWER CO.

Order To File Memoranda

SEPTEMBER 11, 1974.

In the course of our *sua sponte* review of the June 27, 1974 initial decision of the Licensing Board in this uncontested construction permit proceeding, we issued an order on August 7, 1974 directing the applicant and the AEC regulatory staff to file memoranda addressed to two specific questions. Those questions related to the disposition made by the Licensing Board of an issue which that Board had raised respecting the necessity of requiring that the particulate radioactivity monitoring system be designed to withstand a safe shutdown earthquake.

Having examined the memoranda filed pursuant to our August 7 order, we are of the opinion that there is need for further exploration of the questions posed in that order—and most particularly of the implications of certain of the responses we have received. In our view, such exploration can be best accomplished at an oral argument. Accordingly, the parties are to appear by counsel before this Board at 9:30 a.m. on Friday, October 4, 1974 in the Appeal Panel hearing room, fifth floor, East West Towers Building, 4350 East-West Highway, Bethesda, Maryland. The regulatory staff will be heard first, followed by the applicant. Each party will be allotted such time as appears to the Board to be necessary to canvass fully the various facets of that party's position as developed in its memorandum.

The names of the counsel who will appear should be furnished to the Secretary to this Board by letter on or before September 27, 1974.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74–21429 Filed 9–16–74;8:45 am]

[Docket No. 50–245]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Proposed Issuance of Amendment to Provisional Operating License

The Atomic Energy Commission ("the Commission") is considering issuance of an amendment to Provisional Operating License No. DPR–21 issued to The Connecticut Light & Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company and Northeast Nuclear Energy Company for operation of the Millstone Nuclear Power Station Unit 1 located in the Town of Waterford, Connecticut.

The amendment would revise provisions in the Technical Specifications associated with a planned reactor refueling, including changes in the maximum average planar linear heat generation rates (MAPLHGR) for the reactor fuel. Any changes to the Technical Specifications involving MAPLHGR will be consistent with the requirements of 10 CFR Part 50, Section 50.46.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Act and the Commission's regulations which are set forth in the proposed license amendment.

By October 18, 1974, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

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For further details with respect to this action, see the application for amendment dated August 23, 1974, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. As it becomes available, the Commission's related Safety Evaluation will be available at the above locations. A copy of the proposed license amendment and attachments and the Safety Evaluation, when available, may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 10th day of September 1974.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.74-21427 Filed 9-16-74;8:45 am]

[Docket Nos. 50-448, 50-449]

POTOMAC ELECTRIC POWER CO.

Prehearing Conference Concerning Postponement of Facility

On August 5, 1974, the Board was notified informally by counsel for the Applicant of a PEPCO News Release of August 2, 1974, which stated in part:

> The schedule revision announced today will result in a two-year extension of PEPCO's first nuclear-fueled generating station, the two-unit Douglas Point plant to be built in Charles County, Maryland. The first nuclear unit now is planned for operation in 1982, the second in 1984.
>
> "This is a schedule change, not a suspension, of the project," Thompson[1] said. "The extension includes necessary time allowances for increasing equipment lead times and recent changes in environmental and other regulatory requirements. We are continuing our Douglas Point programs and proceeding with all engineering and related efforts to meet our schedules."

The Board was informed that there would be discussions with the parties concerning this change and that the Board would be contacted. The Board has had no further information from counsel for the Applicant.

The Board is also aware of the revised schedule for the Regulatory Staff documents: To wit, November 15, 1974 for the Final Environmental Statement; November 29, 1974 for the Safety Analysis; January 22, 1975 for the ACRS report and March 10, 1975 for the Supplement to the Safety Analysis.

Since it has been almost a year from the date of the Prehearing Conference, the Board has determined in consideration of the changes enumerated above that it would be appropriate to have a second Prehearing Conference to discuss whether discovery should be suspended; should the NEPA hearing be scheduled after the release of the Staff Final Environmental Statement or should it be considerably delayed because of Applicant's revised schedule; and any other matters the parties may wish to bring to the attention of the Board.

Take notice, the Prehearing Conference will be in the Hearing Room, 12th floor, Landow Building, 7910 Woodmont Street, Bethesda, Maryland, at 10 a.m., (local time) on September 25, 1974.

The public is invited but limited appearance statements will not be accepted at this conference.

Issued at Bethesda, Maryland, this 11th day of September 1974.

It is so ordered.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.74-21426 Filed 9-16-74;8:45 am]

[Docket Nos. 50-434, 50-435]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Schedule for Evidentiary Hearing

A public hearing in the above proceeding will begin at 10 a.m., local time, on Tuesday, October 8, 1974, in the Circuit Courtroom, Surry County Courthouse, in Surry, Virginia.

This second session of the hearing will cover health and safety matters.

Time will be reserved on Tuesday, October 8, 1974, for members of the public who desire to make limited appearances.

It is so ordered.

Dated at Bethesda, Maryland, this 11th day of Septemeber 1974.

For the Atomic Safety and Licensing Board.

JAMES R. YORE,
Chairman.

[FR Doc.74-21428 Filed 9-16-74;8:45 am]

[Dockets Nos. 50-280, 50-281]

VIRGINIA ELECTRIC AND POWER CO.

Request for Exemption From Requirements Concerning Emergency Core Cooling System Performance

On December 28, 1973, the Atomic Energy Commission promulgated new emergency core cooling system (ECCS) performance requirements, incorporated in 10 CFR Part 50 and Appendix K thereto. Compliance with these new criteria was required of certain licensees by August 5, 1974 unless either (1) an extension of time for submission of the required ECCS performance evaluation had been approved by the Director of Regulation pursuant to 10 CFR 50.46(a)(2)(iii), or (2) an exemption from the operating requirement of 10 CFR 50.46(a)(2)(iv) had been granted by the Commission.

On August 5, 1974, the Director of Regulation granted Virginia Electric and Power Company (VEPCO) extension of time until September 6, 1974 to submit the required ECCS analysis for the licensee's Surry Power Station, Units 1 and 2. VEPCO is authorized by Facility Operating Licenses DPR-32 and DPR-37 to operate the facilities located in Surry County, Virginia at power levels of 2441 megawatts thermal each. On September 6, 1974, VEPCO submitted an ECCS analysis and associated proposed technical specification changes as required by 10 CFR 50.46.

Notice is hereby given that the Commission has received from VEPCO a request for an exemption until March 13, 1975 from the requirement of 10 CFR 50.46(a)(2)(iv) that it operate its Surry Power Station, Units 1 and 2, in conformity with the ECCS evaluation and accompanying proposed technical specification changes. In support of its request for exemption, VEPCO states that the ECCS analysis submitted on September 6, 1974, is based on excessively conservative assumptions made by the reactor manufacturer, Westinghouse Electric Corporation, and that it believes a new analysis is necessary. VEPCO further states that it believes the six month period of exemption requested is the minimum time necessary "to complete the re-analysis using appropriate, realistic assumptions." The request for exemption is accompanied by the supporting affidavit of William C. Doley, Manager, Production Operations and Maintenance for VEPCO.

The Commission invites the submission of views and comments by interested persons concerning the action to be taken on the request for exemption. Such views and comments should be submitted in writing, addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 25045, not later than October 1, 1974. Pursuant to 10 CFR 50.46(a)(2)(vi), the Director of Regulation shall submit his views on the request not later than October 7, 1974.

A copy of the request dated September 6, 1974, and related correspondence and documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. at the Swen Library, College of William and Mary, Williamsburg, Virginia 23185.

Dated at Washington, D.C. this 12th day of September, 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.74-21518 Filed 9-16-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee will convene at 6:30 p.m. on October 4, 1974, in the Fifth Floor Conference Room, U.S. Commission on Civil Rights, 1121 Vermont Avenue NW., Washington, D.C. 20425.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20037.

The purpose of this meeting shall be to plan activities to be undertaken by the District of Columbia Advisory Committee during FY 1975.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 11, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-21444 Filed 9-16-74;8:45 am]

[1] W. Reid Thompson, PEPCO Board Chairman and President.

ENVIRONMENTAL PROTECTION AGENCY

[FRL 264-8; FIFRA Docket No. 246, et al.]

CHAPMAN CHEMICAL CO., ET AL.

Notice of Place of Hearing

The public hearing in the above matter, relating to cancellation of registrations of pesticides containing mercury, which has been set to commence on October 1, 1974, at 9:30 a.m., will be held in EPA Conference Room number 3305, Waterside Mall, 401 M Street SW., Washington, D.C.

The hearing will convene at the above time and place but thereafter may be moved to a different place and may be continued from day to day or recessed to a later date without other notice than announcement thereof at the hearing.

BERNARD D. LEVINSON,
Administrative Law Judge.

SEPTEMBER 12, 1974.

[FR Doc.74-21499 Filed 9-16-74;8:45 am]

[FRL 263-4]

LAKE MICHIGAN COOLING WATER STUDIES PANEL

Notice of Meeting

Pursuant to Public Law 92-463, notice is given that a meeting of the Lake Michigan Cooling Water Studies Panel will be held at 9:30 a.m. on Tuesday, October 1, 1974, at the O'Hare Inn, Mannheim and Higgins Roads, Rosemont, Illinois.

The purpose of this meeting is to discuss the Priority List for the Program Report, the final draft of the Program Report, and future tasks for the panel.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Executive Secretary, Mr. William D. Franz, Environmental Protection Agency, Region V, Federal Activities Branch, 1 North Wacker Drive, Chicago, Illinois 60606. The telephone number is area code 312-353-5757.

JOHN QUARLES,
Acting Administrator.

SEPTEMBER 12, 1974.

[FR Doc.74-21513 Filed 9-16-74;8:45 am]

[FRL 264-1; OPP-32000/112]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered In Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the Federal Register a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before November 18, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 18, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 8959-RI. Applied Biochemists, Inc., PO Box 25, Mequon WI 53092. *TOWERTRINE.* Active Ingredients: Polyoxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride 21.60%; Copper as elemental 3.15%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10878-E. Brazen of Minneapolis, Inc., PO Box 1123, Minneapolis MN 55440. VAPAM. Active Ingredients: Sodium methyl dithiocarbamate (anhydrous) 32.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15297-L. Bio-Derm Laboratories, Inc., PO Box 8070, 717 Eastman Rd., Longview TX 75601. STEWART GROOM SHAMPOO FOR HORSES AND CATTLE. Active Ingredients: Pyrethrins 0.045%; Piperonyl Butoxide technical 0.090%; N-Octyl Bicycloheptene Dicarboximide 0.150%; Petroleum Distillate 0.215%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15297-U. Bio-Derm Laboratories, Inc., PO Box 8070, 717 Eastman Rd., Longview TX 75601. STEWART GROOM SHAMPOO FOR CATS AND DOGS. Active Ingredients: Pyrethrins 0.045%; Piperonyl Butoxide, technical 0.090%; N-Octyl Bicycloheptene Dicarboximide 0.150%; Petroleum Distillate 0.215%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 419-RIG. Cenol Company, Division of Burgess Vibrocrafters, Inc., PO Box 177, Libertyville IL 60048. CENOL KILL QUICK CONCENTRATE. Active Ingredients: +(5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 3.000%; Related compounds 0.409%; Aromatic petroleum hydrocarbons 3.971%; Petroleum distillate 92.500%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 100-LAT. Ciba-Geigy Corp., PO Box 11422, Greensboro NC 27409. CIBA-GEIGY METHIDATHION 50S. Active Ingredients: Methidathion: O,O-dimethyl phosphorothioate, S-ester with 4-(mercaptomethyl)-2-methoxy-Δ-1,3,4 - thiadiazolin-5-one 50.0%; Aromatic petroleum derivative solvent 47.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 239-EUEO. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. ORTHO HI POWER INDOOR INSECT FOGGER. Active Ingredients: Pyrethrins 0.50%; Piperonyl Butoxide 1.06%; N-octyl bicycloheptene dicarboximide 1.67%; Petroleum distillate 11.83%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 4715-160. Colorado International Corp., 5321 Dahlia St., Commerce City CO 80022. BEST 4 SERVIS BRAND METHYL PARATHION NO. 4. Active Ingredients: O,O-dimethyl O-p-nitrophenyl thiophosphate 44.0%; Xylene 51.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 14900-A. Echol Chemical Formulators, Inc., PO Box 1765, Lakeland FL 33802. MICRONIZED NUTRITIONAL SPRAY NO. 2. Active Ingredients: Copper as elemental 16.3%; Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34852-R. Eucalyptus Laboratories, Eucalyptus Research, PO Box 4301, Carmel CA 93921. KOALA KOLLAR-2. Active Ingredients: 2,2-Dichlorovinyl dimethyl phosphate 1.5%; Related compounds 0.3%; Pyrethrins 0.4%; Piperonyl butoxide, technical 1.5%; Essential oils 2.5%. Method of Support: Application proceeds under 2(c) of interim policy.

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EPA File Symbol 34852–E. Eucalyptus Laboratories, Eucalyptus Research, PO Box 4301, Carmel CA 93921. KOALA KOLLAR–3. Active Ingredients: Methoxychlor, Technical 3.5%; Essential Oils 2.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 4816–72. FMC Corp., 100 Niagara St., Middleport NY 14105. BUTACIDE TECHNICAL PIPERONYL BUTOXIDE. Active Ingredients: (Butylcarbityl) (6-propylpiperonyl) ether (Piperonyl Butoxide) 80%; Related compounds 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279–2038. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. PERTHANE 4.0 EC. Active Ingredients: 1,1-Bis(ethylphenyl)-2,2-dichloroethane 43.00%; Related reaction products 5.90%; Aromatic petroleum solvent 45.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32513–E. Holiman Equipment & Chemical Co., PO Drawer 3768, 419 Dory St., Jackson MI 39202. HECO–SEP–1382–5.00. Active Ingredients: + (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 5.000%; Related compounds 0.681%; Aromatic petroleum hydrocarbons 6.619%; Petroleum distillate 87.500%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32513–G. Holiman Equipment & Chemical Co. HECO SEP–1382–3.0. Active Ingredients: + (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 3.000%; Related compounds 0.409%; Aromatic petroleum hydrocarbons 3.971%; Petroleum distillate 92.500%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32513–R. Holiman Equipment & Chemical Co. HECO SBP–1382 ULV INSECTICIDE 4.22. Active Ingredients: + (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3 - (2 - methylpropenyl) cyclopropanecarboxylate 4.22%; Related compounds 0.57%; Aromatic petroleum hydrocarbons 5.59%; Mineral oil 89.45%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34860–R. Hvac Services, Inc., PO Box 112, Timonium MD 21093. HVAC ALGAECIDE #102. Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2342–GUO. Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City OK 73125. TUMBLEAF COTTON DEFOLIANT. Active Ingredients: Sodium Chlorate 56.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12367–U. Lich Paper and Chemical Co., 929 Fifth Ave., McKeesport PA 15132. FOOD PLANT FOGGING INSECTICIDE. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 4.0%; Petroleum Distillate 95.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12367–G. Lich Paper & Chemical Co., LICO GENERAL PURPOSE INSECTICIDE SPRAY. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, Technical 0.8%; Petroleum Distillate 99.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12367–L. Lich Paper and Chemical Co. LICO WASP & HORNET KILLER NO. 1. Active Ingredients: Pyrethrins 0.075%; Piperonyl Butoxide, Technical 0.188%; Carbaryl (1-Naphthyl N-Methylcarbamate) 0.500%; Petroleum Distillate 24.237%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34854–R. Muratl Chemicals Inc., PO Box 1 Guaynabo, Puerto Rico 00657. MALATHION 82% EMULSIFIABLE INSECTICIDE. Active Ingredients: Malathion (0,0-Dimethyl Phosphorodithoate of Diethyl mercaptosuccinate) 82%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1020–EN. Oakite Products, Inc., 50 Valley Rd., Berkeley Heights NJ 07922. BIOCIDE 30. Active Ingredients: 2 - (Thiocyanomethylthio) benzothiazole 3.2%; 2-Hydroxypropyl methanethiolsulfonate 2.8%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34861–R. Oregon Pool Chemicals, PO Box 4261, Madison WI 53711. AQUA-QUAT ALGACIDE FOR SWIMMING POOLS. Active Ingredients: Methyldodecylbenzyl trimethyl ammonium chloride (80%) methyldodecylxylene bis (trimethyl ammonium chloride) (20%) 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34861–E. Oregon Pool Chemicals. POOL-ITE SODIUM HYPOCHLORITE SOLUTION FOR SWIMMING POOLS. Active Ingredients: Sodium Hypochlorite 12%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34861–U. Oregon Pool Chemicals. TRI-ZINE DRY CHLORINE FOR SWIMMING POOLS. Active Ingredients: Sodium Dichloro-s-triazinetrione Dihydrate 97%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 483–RAE. Pacific Supply Cooperative, PO Box 3588, Portland OR 97208. PACIFIC VIDDEN D SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene, 1,2-Dichloropropane and related chlorinated aliphatics 99%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 483–RAG. Pacific Supply Cooperative, PO Box 3588, Portland OR 97208. PACIFIC TELONE SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene and related chlorinated aliphatics 99%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 478–II. Realex Corp., PO Box 78, Kansas City MO 64141. REAL-KILL EXTRA STRENGTH FORMULA ROACH & ANT KILLER. Active Ingredients: Pyrethrins 0.045%; n-octyle sulfoxide of isosafrole 0.132%; related compounds 0.018%; chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro - 2 - pyridyl) phosphorothioate], 0.500%; petroleum distillate 98.272%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11547–GU. Share Corp., PO Box 9, Brookfield WI 53005. MOSQUITO AND FLY CONTROL AND LARVICIDE. Active Ingredients: Heavy Aromatic Naphtha 85.91%; Methoxychlor, Technical 4.69%; Malathion 3.14%; 2,2-dichlorovinyl dimethyl phosphate 1.17%; Related compounds 0.09%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34861–G. Spectra-Chem, Inc., PO Box 4261, Madison WI 53711. SPECTRA–SAN. Active Ingredients: Methyldodecylbenzyl trimethyl ammonium chloride (80%) methyldodecylxylene bis (trimethyl ammonium chloride) (20%) 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 998–RRT. Superior Chemical Products Inc., 3942 Frankford Ave., Phila. PA 19124. SUPERIOR TEX 4 FOR CONTROL OF MOSQUITO LARVAE, MOSQUITOES, HOUSE FLIES. Active Ingredients: Fenthion 0,0-Dimethyl 0-[3-methyl-4-(methylathio) Phenyl] phosphorothioate 45%; Aromatic Petroleum Distillate 47%. Method of Support: Application. proceeds under 2(c) of interim policy.

EPA File Symbol 148–RRTU. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66106. BIOTROL–SULFUR 250–75 DUST. Active Ingredients: Sulfur 75.00%; Bacillus thuringiensis Berliner 0.05%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34855–R. H. C. Timm Co., 2044 Rockwood St., New Holstein WI 53061. CALUMET READY-TO-USE RAT AND MOUSE KILLER. Active Ingredients: Sulfaquinoxaline (N -(2-quinoxalinyl) sulfanilamide 0.025%; Warfarin, 3 (a-acetonylbenzyl) -4-hydroxycoumarin 0.025%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5135–EE. Universal Oil Products Co., Water Services Div., 700 S. Flower St., Burbank CA 91502. M–50 ALGAECIDE. Active Ingredients: Disodium cyanodithioimidocarbonate 3.18%; Ethylenediamine 1.20%; Potassium N-methyldithiocarbamate 4.37%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 10562–RE. Vasco Chemical Co., Inc., PO Box 238, Hanford CA 93230. VASCO GENERAL PURPOSE AQUEOUS INSECTICIDE. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, Technical 1.0%; Petroleum distillate 0.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34859–R. Wayne Chemical, Inc., 2014 S. Calhoun St., Fort Wayne IN 46804. WC–4100 ALGAECIDE. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio) -ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7547–RO. Western Chemical Co., 1345 Taney, North Kansas City MO 64116. ALGAE AND SLIME CONTROL BC. Active Ingredients: 2-(Thiocyanomethylthio) benzothiazole 32.0%; 2-Hydroxypropyl methanethiolsulfonate 26.0%. Method of Support: Application proceeds under 2(b) of interim policy.

Dated: September 10, 1974.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.74–21509 Filed 9–16–74;8:45 am]

[FRL 264–7; OPP–30001]

INTRASTATE PESTICIDES

Notice Concerning Federal Requirements for Registration

A notice of implementation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended by the Federal Environmental Pesticide Control Act of 1972 (FEPCA, Public Law 92–516), published in the FEDERAL REGISTER on January 9, 1973 (38 FR 1144), stated in part that "intrastate shipments will be allowed to the same extent as under prior law and will, until such time as Section 3 is operable, be subject to regulations under state law."

New regulations concerning registration and classification of all pesticides (interstate and intrastate) to implement

the provisions of section 3 of FIFRA will be promulgated on or before December 1, 1974, in accordance with section 4(c) of the FEPCA. Many questions have been raised about the status, after final promulgation of these regulations, of pesticides now in compliance with State laws and distributed intrastate. Following the effective date of regulations under section 3, it will take a considerable period of time for the Agency to reach a final determination concerning all such pesticides for which Federal registration is sought. To provide for a smooth and orderly transition from State requirements to Federal registration of these products, the policy of this Agency is as follows.

A. *Pesticides Currently Registered Under State Laws.* Registrants of Products registered by States as of the effective date of the regulations under Section 3 will be required to submit within 60 days of that date, on forms provided by the Agency, for each affected product, notice of application for Federal Registration. This form will include:

The name and mailing address of the registrant.

The State in which the product is registered.

The State registration number of the product.

The product name.

A list of the product's active ingredients in descending order of concentration.

The type and broad use pattern of the product.

Those registrants who submit such notice will then be notified by the Agency, on an orderly basis over the period from December 1974 to October 21, 1976, when to submit full application statements for new registration, including required supporting data. A product with an active State registration as of the effective date of regulations under Section 3, and for which notice of application for Federal registration has been received by the Agency, may continue to be shipped intrastate pursuant to the applicable State regulations until the Agency takes final action on the full application for Federal registration. If no notice of application is submitted within 60 days as provided above, shipment of an attached product after the 60 day period following promulgation of regulations under Section 3 would constitute a violation of the registration requirements of the FIFRA.

Registrants of products now registered by a State should not submit a full application statement for Federal registration until after final promulgation of regulations under Section 3. No final action is contemplated on applications for registration of such intrastate pesticides recently received or which may be submitted prior to the issuance of these regulations.

B. *Products Classed As Pesticides Under FIFRA But Not Under Applicable State Laws.* This Agency understands that there may be products currently in intrastate commerce which are considered pesticides under amended FIFRA, but not under applicable State law, e.g. certain sanitizers and disinfectant-type products. For such products, the abbreviated notice of application for Federal registration will not be adequate to allow continued shipment. For such products, full application for Federal registration should be submitted immediately. Shipment of such pesticides in the absence of final Federal registration will be in violation of FIFRA after the effective date of regulations under section 3.

C. *Pesticides Which Have Been Denied Federal Registration Or Which Have Been Suspended Or Cancelled.* State registered products containing chemicals and bearing directions for uses that have been the subject of denial or suspension actions by the Agency, or which have been cancelled for substantive causes, such as hazard to the environment or human health, or absence of tolerances under the Food, Drug and Cosmetic Act, will be in violation of the FIFRA registration requirements as of the effective date of the section 3 regulations. However, this will not bar persons desiring to register such pesticides from applying to the Agency for new registration pursuant to Section 3 of the FIFRA, as amended, and the regulations thereunder. Before undertaking to submit such a registration request such applicants would be well advised to familiarize themselves with the reasons previously given by the Agency for suspending or cancelling similar products in order to determine whether these reasons apply equally well under today's circumstances to the product for which registration is now proposed.

D. *State Authority To Register New Products.* A State may not issue registrations for new products after the effective date of section 3 regulations except insofar as such registration is performed under a program approved under regulations for section 24(c) of FIFRA as amended, which are also to be promulgated in December 1974. However, States may renew a registration provided that (1) the State registration was in effect on the effective date of Section 3 regulations and (2) the intrastate registrant has submitted a notice of application for Federal registration as prescribed in paragraph (a) above.

Dated: September 11, 1974.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74–21504 Filed 9–16–74;8:45 am]

FEDERAL MARITIME COMMISSION

PACIFIC COAST-AUSTRALASIAN TARIFF BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y. New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 7, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

A. H. Eber, Secretary
Pacific Coast-Australasian Tariff Bureau
635 Sacramento Street
San Francisco, California 94111

Agreement No. 50–29, entered into by the member lines of the Pacific Coast-Australasian Tariff Bureau, modifies Articles XIX of the basic conference agreement, as amended, entitled "Expenses" to provide that (1) dues and assessments levied against the parties shall be payable within a reasonable time upon receipt of billing, but in no case later than 45 days thereafter; and (2) any member line which for any reason becomes delinquent in payment of dues and assessments shall not be entitled to vote on rate or other conference matters during the period of delinquency.

Dated: September 12, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–21500 Filed 9–16–74;8:45 am]

PACIFIC-STRAITS CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Fed-

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eral Maritime Commission, Washington, D.C. 20573, on or before September 27, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act of detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

H. R. Rollins, Secretary
Pacific-Straits Conference
635 Sacramento Street
San Francisco, California 94111

Agreement No. 5680–N, of the member lines of the Pacific-Straits Conference (Agreement No. 5680, as amended) with Phoenix Container Liners, Ltd., covers an arrangement for the admission and participation of the latter carrier as an associate member of the conference, under the terms and conditions set forth in the agreement.

Dated: September 11, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–21501 Filed 9–16–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E–8756]

CENTRAL KANSAS POWER CO.

Tender of Revised Fuel Clause

SEPTEMBER 10, 1974.

Take notice that on September 3, 1974, Central Kansas Power Company tendered for filing a proposed fuel clause for application to its Rate Schedule SEC–1–EXCESS. By order issued July 2, 1974, the Commission rejected the proposed fuel clause that Central Kansas Power Company had tendered in association with Rate Schedule SEC–1–EXCESS. Central Kansas Power Company requests an effective date of July 3, 1974, for the proposed fuel clause.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–21414 Filed 9–16–74;8:45 am]

[Docket No. CP73–329]

CHATTANOOGA GAS CO.

Amendment to Application

SEPTEMBER 10, 1974.

Take notice that on August 9, 1974, Chattanooga Gas Company, a Division of Jupiter Industries, Inc. (Applicant), 811 Broad Street, Chattanooga, Tennessee 37402, filed in Docket No. CP73–329 an amendment to its application pending in said docket pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of liquefied natural gas (LNG) or vaporized LNG in interstate commerce from facilities in Chattanooga, Tennessee. The original application is amended to request additional authorization to operate Applicant's existing LNG facility located in Chattanooga in interstate commerce, all as more fully set forth in the amendment to the application, which is on file with the Commission and open to public inspection.

By this amendment, Applicant seeks authority to make sales of LNG for resale in interstate commerce during the 1974–1975 heating season in addition to those for which authority was sought in the original application and for authority to make the additional sales under the temporary certificate issued to Applicant by letter order dated November 1, 1973.

Applicant states that it requests permission to make the sales of LNG proposed herein in order to assure energy supplies for winter peak loads of residential and small commercial consumers. Estimated winter sales are as follows:

Customer:	*Million Btu*
Austell Natural Gas System	74,400
Dekalb-Cherokee Gas District	19,000
Fort Hill Natural Gas Authority	16,500
Springfield Gas System	6,000
East Tennessee Natural Gas Co.	[1] 469,212
South Jersey Gas Company	265,000
United Cities Gas Company	40,000

[1] Vaporized LNG storage service sale.

Applicant's current effective adjusted winter rate per million Btu equivalent of LNG ranges from approximately $2.40 to $2.64 depending upon the month of sale. The sales to East Tennessee Natural Gas Company will be made at $1.73 per million Btu.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 26, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed petitions to intervene and protests need not do so again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–21421 Filed 9–16–74;8:45 am]

[Docket No. RP72–142]

CITIES SERVICE GAS CO.

Order Granting Rehearing and Amending Prior Order

SEPTEMBER 10, 1974.

On August 15, 1974, Cities Service Gas Company (Cities Service) filed an Application for Clarification, Reconsideration or Rehearing of our order of July 22, 1974 in the above captioned docket. By that order, we accepted for filing and suspended Cities' proposed alternate tariff sheet [1] reflecting an increase of 3.70¢ per Mcf in Cities' cost of purchased gas. The basis for this suspension was that the increase reflected purchases from small producers at rates in excess of the national area rate established by Opinion No. 699.[2]

Cities states in its application that if the purchases from small producers at rates in excess of the rate established by Opinion No. 699 are eliminated, the decrease in the PGA increase would be only 0.31¢ per Mcf. Cities requests the Commission to permit the amounts reflected in its PGA increase exclusive of the amounts attributable to these small producer purchases in excess of the natural area rate to become effective without refund obligation.[3]

We believe that this action would be appropriate and we shall direct Cities to file a revised tariff sheet to be effective as of July 23, 1974, that reflects only costs other than the costs associated with small producer purchases at rates in excess of the rates established by Opinion No. 699. The increased charges reflected by this filing should be recorded and recovered pursuant to the deferred accounting provisions in Cities PGA clause.

The Commission finds: Good cause exists to grant rehearing of our order of July 22, 1974 as hereinafter ordered.

The Commission orders: (A) Within 15 days from the issuance of this order, Cities shall file a revised tariff sheet to be effective as of July 23, 1974 that reflects only costs other than costs associated with small producer purchases at rates in excess of the rates established by Opinion No. 699.

(B) In all other respects, our order of July 22, 1974 shall remain in full force and effect.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–21410 Filed 9–16–74;8:45 am]

[1] Eighth Revised Sheet PGA–1 to Second Revised Volume No. 1.

[2] Docket No. R–389 issued June 21, 1974.

[3] See *Mid Louisiana Gas Company*, Docket No. RP73–43, issued July 31, 1974, *Texas Gas Transmission Company*, Docket No. RP72–156, issued July 31, 1974; *Texas Eastern Transmission Corporation*, Docket No. RP–72–98, issued August 23, 1974.

[Docket No. G–7007]

CITIES SERVICE OIL CO.

Petition To Amend

SEPTEMBER 10, 1974.

Take notice that on August 16, 1974, Cities Service Oil Company (Petitioner), Box 300, Tulsa, Oklahoma 74102, filed in Docket No. G–7007 a petition to amend the order of the Commission issued in the subject docket on October 29, 1964, as amended July 11, 1969, pursuant to section 7(c) of the Natural Gas Act by extending authorization for the release of up to 3,000 Mcf of gas per day from volumes certificated in the instant docket in order to allow delivery of such released volumes to The Columbian Division of Cities Service Company (formerly Columbian Carbon Company) for use in the manufacture of carbon black at the latter's Hickok Plant located in Grant County, Kansas, for an additional five-year period, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued October 29, 1964, in the instant docket the Commission authorized the release of up to 8,000 Mcf of gas per day from volumes previously certificated in said docket in order to allow delivery of such gas to Columbian Carbon Company for a five-year period which ended October 29, 1969. Petitioner states further that by Commission order issued July 11, 1969, this release authorization was extended an additional five years until October 29, 1974, and provided for the release for volumes of up to 5,000 Mcf per day.

The petition indicates that The Columbian Division of Cities Service Company (Columbian) has advised Petitioner that it has a continuing need for supplies of natural gas and has requested that Petitioner make available to it up to 3,000 Mcf of gas per day for an additional period of five years. The petition further indicates that by letter agreement dated June 4, 1974, Cities Service Gas Company has agreed to release up to 3,000 Mcf per day for delivery to Columbian's Hickok Plant for a term of five years from October 29, 1974; however, Cities Service Gas Company reserves the right to curtail, interrupt or discontinue the release of such gas at any time if it deems such action is essential to maintaining service to higher priority gas customers.

Columbian indicates that natural gas and low gravity residual oil are raw materials required for the manufacture of its carbon black products. Columbian's products are described as relatively low surface area furnace-type carbon blacks with unique properties required in specific applications. The petition states that the balance of such production is used in specialized rubber compounds and at the present time the Hickok Plant provides about 15 percent of total industry requirements for these applications.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before September 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–21413 Filed 9–16–74;8:45 am]

[Docket Nos. E–7631; E–7633; E–7713]

CITY OF CLEVELAND, OHIO AND CLEVELAND ELECTRIC ILLUMINATING CO.

Order Denying City of Cleveland's Motion, Scheduling Certain Issues for Hearing and Directing City To Respond to Allegations Proffered by Cleveland Electric Illuminating Company

SEPTEMBER 10, 1974.

On August 6, 1974, the City of Cleveland, Ohio (City) filed a motion with the Federal Power Commission seeking an order directing the Cleveland Electric Illuminating Company (CEI) to comply with the Commission's Opinion Nos. 644 and 644–A. Response from the CEI was received on August 21, 1974, and reply thereto by the City was received on August 27, 1974.

The City states in its motion that the 69 kv temporary, open-switch interconnection ordered in Opinion Nos. 644 and 644–A is "• • • in place and ready for operation in accordance with the Commission's orders." The CEI in its response states that on July 11, 1974, at the City's request, it began service at 69 kv, and except for the period July 15, to July 18, has continued service thereafter.

The City states that the CEI is serving the 69 kv interconnection "• • • as a load transfer point similar to the five existing 11 kv load transfer points • • •" and alleges that such treatment does not comply with the prior Commission orders; results in an unwarranted economic burden on the City and on its customers; and asks for an order to the Company to comply with the previous orders.

While the City's motion is not clear on this point, it appears that its complaint is that the CEI is serving an isolated portion of the City's load at 69 kv, but will not agree to operate the two systems in parallel through the 69 kv interconnection when the interconnection is closed.[1]

The CEI states with respect to the 69 kv interconnection, that it has complied fully with all previous opinions and orders; that it has rendered 11 kv load transfer service since May 6, 1974; and that the motion appears to be an attempt to modify previous orders to provide a synchronous rather than non-synchronous interconnection.

The issue raised by the City of parallel operation after closing the 69 kv emergency interconnection had not been previously specifically raised for discussion by the Presiding Administrative Law Judge, so far as can be determined at this time, and was not addressed in Commission orders. Thus, there is no obvious answer to the question of whether the Company is complying with such orders.

Testimony of witness relating to the 69 kv interconnection dealt almost exclusively with whether or not the two systems should operate continuously interconnected at 69 kv (parallel operation) or whether, alternatively, the switch should remain open until an emergency occurred. The Judge considered this problem and adopted Staff and CEI's recommendations that the connection should under normal, nonemergency conditions, operate as an "open switch, nonsynchronous interconnection" until the permanent 138 kv interconnection is operational. The City recommended normally-closed operation.

In its motion (p. 4), the City asserts that "the only apparent motive for CEI's refusal to comply with the Commission's orders is to be found in the house-to-house competition for customers between CEI and the City." CEI responds that after closing the 69 kv switch, Company power is delivered to a bus at the City's Lake Road Plant, and is then transmitted by City lines to the City's Collinwood substation where "• • • the City is free to deliver the power to any customer or facilities that it chooses." In its reply, the City asserts that it "• • • has no control under such circumstances over the flow of energy. The energy goes directly to the customers from CEI.

The City also alleges (p. 2) that is being forced by the current mode of operation of the 69 kv interconnection point to "• • • take more energy than it would otherwise be required to take, thereby imposing a greater financial burden on the City • • •," and that treating the 69 kv interconnection point as a load transfer point "• • • forces isola-

[1] The City's motion avoids any direct description of what it refers to as "load transfer" service as well as just what mode of operation it would prefer.

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tion of the City's Collinwood substation from the City's generation with the result that the City is required to transfer from 13 to 18 mw of load to CEI although the City needs only a few mw during the peak period." The CEI responds that the operation of the interconnection conforms to the orders of the Commission; that the rates in strict accordance with these orders are being changed; and that it believes its rates for off-peak energy are not significantly different from the cost of oil for the City's gas turbines. The City does not address this assertion in its reply.

The CEI responses states that it is indeed complying fully with the Commission's orders, but that the City is not, in that the City did not on July 11, 1974 fully utilize its three gas turbines before requesting 69 kv service. The City states that the gas turbines "• • •" were on the line • • •" when the switch was closed. The CEI further claims that the City has not further complied with the Commission's order of April 8, 1974, in that the City has failed to improve the condition of its electric system and that there has been further deterioration. The City did not respond to this allegation.

During the July 18, 1974, system disturbance on the City's system, the details of which were reported to the Commission on July 19, 1974, even though the City has over 200 mw of installed capacity (about 120 mw without the large 85 mw unit. Only 56 mw of capacity were operable following the shutdown of the large unit. The Commission's order of March 18, 1972, requires that the City refurnish and maintain in good operating condition its own generation facilities thereby maximizing their use.

The response of CEI also indicate that it transmitted on February 7, 1974, a draft interconnection agreement covering essential aspects of the permanent 138 kv interconnection not covered by Commission's orders, and that the City has not responded; and that the CEI concludes that such lack of response "• • • can only be construed as an indication that the City does not intend to complete the interconnection by January 1975, in compliance with the Commission's orders." The City did not respond in its reply.

In its response the CEI alleges that the City owes it a total of $1,191,149.69, evidently consisting of the unpaid amount for load transfer service as shown by the Company's bill to the City transmitted to the Secretary by letter of August 8, 1974, for $1,128,640.15 plus $213,200 for 69 kv service through July 31, 1974, less payment on August 15, 1974, of $150,-149.69. CEI further alleges that after depositing in escrow $739,987.55 representing an amount in dispute, the City must deposit an additional $30,388.97 in that account, to equal the correct unpaid amount relative to service through June 28, 1974. The remaining approximately $400,000 which the Company says is owed to it by the City evidently represents load transfer and 69 kv service in July 1974. The Company requests that the City be directed to add this amount to the escrow account. The City did not respond in its allegation.

The CEI notes further in its response that by reason of a decision of the Ohio Board of Tax Appeals there "• • • can no longer be any dispute • • •" as to applicability of the Ohio Excise Tax to sales to the City and that "• • • the City should now be required to pay directly to CEI all amounts due and owing with respect to the gross receipts tax." The City did not respond in its reply.

The Commission orders: (A) The motion filed by the City of Cleveland, Ohio, seeking an order directing the Cleveland Electric Illuminating Company to comply with the Commission's Opinion Nos. 644 and 644–A, is hereby denied.

(B) It is further directed that a hearing will be instituted for the limited purpose of:

(a) Determining the appropriate mode of operation of City's and CEI's electric systems after closing the 69 kv temporary interconnection;

(b) Establishing the nature and extent to date of repairs of the City's generating units and boilers, and plans for further repair; and

(c) Establishing the status of the permanent 138 kv interconnection.

(C) The City of Cleveland, Ohio, is hereby ordered to respond within 15 days from the issuance of this order to the CEI's request that the City be:

(i) Directed to increase the escrow account by $30,388.97; and

(ii) Required to pay to the Company all gross receipts taxes owed the Company.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 74–21408 Filed 9–16–74;8:45 am]

[Docket No. E–8996]

CONNECTICUT LIGHT AND POWER CO.

Proposed Rate Schedule

SEPTEMBER 10, 1974.

Take notice that on August 29, 1974, Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule for service by CL&P. The Hartford Electric Light Company (HELCO), and Western Massachusetts Electric Company (WMECO) to Montaup Electric Company (Montaup). The agreement entered into by those parties on August 7, 1974 proposes that CL&P, HELCO, and WMECO make available to Montaup 20.6368% of the available capacity of eleven gas turbine generating units at Cos Cob (Greenwich, Connecticut), South Meadow (Hartford, Connecticut), and Silver Lake (Pittsfield, Massachusetts), during the period starting September 1, 1974 and ending October 31, 1974, together with related transmission service.

CL&P states that the capacity charge for the proposed service was developed on a cost of service basis; the monthly transmission charge is equal to one-twelfth of the estimated annual average unit cost of transmission service multiplied by the number of kilowatts of winter capability which Montaup is entitled to receive, and the variable maintenance charge was arrived at through negotiations.

CL&P states that the amounts of gas turbine capacity that could be purchased by Montaup during the period of the purchase agreement were affected by the terms of the New England Power Pool (NEPOOL) Agreement and the questions as to Montaup capability responsibility obligation thereunder delayed execution of the agreement to a date which prevented the filing of such rate schedule more than 30 days prior to the proposed effective date. CL&P therefore requests the Commission to waive its 30-day notice period and permit the rate schedule to become effective on September 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–21420 Filed 9–16–74;8:45 am]

[Docket No. RP72–134]

EASTERN SHORE NATURAL GAS CO.

Notice of Purchased Gas Cost Adjustment to Rates and Charges

SEPTEMBER 10, 1974.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on August 28, 1974, tendered for filing First Substitute Ninth Revised Sheet No. 3A and First Substitute Ninth Revised PGA–1 to its FPC Gas Tariff, Original Volume No. 1 to become effective October 1, 1974. The proposed changes would increase revenues from jurisdictional sales and service by approximately $23,148 annually based on sales for the 12-month period ending July 31, 1974.

Pursuant to the Purchased Gas Adjustment Clause contained in its tariff, Eastern Shore proposes to increase the commodity or delivery charges in its rate schedules CD–1, CD–E, G–1, PS–1, E–1 and I by 0.8c per Mcf, equivalent to the increases in the similar rates of its sole supplier, Transcontinental Gas Pipe Line Corporation, as contained in the latter's filing in Docket No. RP73–3 dated August 15, 1974. Eastern Shore requests waiver of the notice requirements of § 154.22 of the regulations under the Natural Gas Act and § 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the proposed tariff sheets to become effective as of October 1, 1974, coincident with the proposed effective date of Transcontinental's rate changes.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 18, 1974.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–21405 Filed 9–16–74;8:45 am]

[Docket No. CI75–114]

FRANKS PETROLEUM INC., ETC.

Application

SEPTEMBER 10, 1974.

Take notice that on August 22, 1974, Franks Petroleum Inc. (Operator), et al. (Applicant), P.O. Box 7665, Shreveport, Louisiana 71107 filed in Docket No. CI75–114, for an application for a certificate of public convenience and necessity pursuant to § 2.75 of the Federal Power Commission's rules of practice and procedure to authorize Applicant to sell natural gas from the well in the Mt. Olive Field, Union Parish, Louisiana to United Gas Pipe Line Company. The proposed sale will be at an initial rate of 80 cents per Mcf for the gas produced from the three wells included in the application. The complete details of the sale of the subject gas are set out more fully in the application on file with the Federal Power Commission.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 4, 1974, file with the Federal Power Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–21395 Filed 9–16–74;8:45 am]

[Docket No. CS71–179]

HERMAN GEO. KAISER, ET AL.

Petition To Amend and for Waiver of Regulations

SEPTEMBER 10, 1974.

Take notice that on August 28, 1974, Herman Geo. Kaiser (Operator), et al. (Petitioner), 4120 East 51st Street, Tulsa, Oklahoma 74135, filed in Docket No. CS71–179 a petition for waiver in part of §§ 157.40(c) of the regulations under the Natural Gas Act (18 CFR 157.40(c)) so as to permit the sale of natural gas under his small producer certificate from reserves acquired in place from large producers, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that effective March 1, 1974, Gulf Oil Corporation assigned to Petitioner a 40 percent interest, to Francis Oil and Gas, Inc., a 40 percent interest, and to Fell and Wolfe Oil Company, a 20 percent interest in the Faleta Royal Unit, Bechtold Tonkawa Field, Lipscomb County, Texas, from which Petitioner proposes to continue the sale of approximately 778 Mcf of gas per month to Northern Natural Gas Company heretofore authorized to be made pursuant to Gulf's FPC Gas Rate Schedule No. 261. Petitioner states further that effective July 1, 1973, National Helium Corporation assigned to Kaiser-Francis Special Account "A"[1] a 1/7 interest[2] in the Vamum "A" Unit, North Avard Field, Woods County, Oklahoma, from which Petitioner proposes to continue the sale of approximately 162 Mcf of gas per month to Panhandle Eastern Pipe Line Company heretofore authorized to be made pursuant to National Helium's FPC Gas Rate Schedule No. 1. Finally Petitioner states that effective September 1, 1973, he acquired the interests of First Transportation Gas Company, Inc., Amoco Production Company, and Gulf Oil Corporation in the White "B" Unit, N.E. Catesby Field, Ellis County, Oklahoma, from which Petitioner proposes to continue the sale of approximately 1,367 Mcf of gas per month to Transwestern Pipeline Company heretofore authorized to be made pursuant to First Transportation Company's FPC Gas Rate Schedule No. 1 (includes Gulf's interest) and to Northern Natural Gas Company heretofore authorized to be made pursuant to Amoco's FPC Gas Rate Schedule No. 449.

Subsection 157.40(c) provides in part that sales may not be made pursuant to a small producer certificate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer. Petitioner states that the subject properties are marginal or close to being marginal and the production therefrom will not justify the time, paper work, or expense involved in filing separate certificate applications and rate schedules. Petitioner states further that should the waiver be denied, he and the other interest holders would sustain economic hardship. Petitioner relates that the other parties have consented to have sales from their interests in the subject properties made under his small producer certificate and that he is willing to accept authorization conditioned to the applicable area ceiling rates.

Any interested party may submit to the Federal Power Commission, Washington, D.C. 20426, not later than October 4, 1974 views and comments in writing concerning the petition for waiver. An original and 14 conformed copies should be filed with the Secretary of the Commission. The Commission will consider all such written submittals before acting on the petition.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74–21397 Filed 9–16–74;8:45 am]

[Docket No. E–8995]

IOWA POWER AND LIGHT CO.

Proposed Rate Change

SEPTEMBER 10, 1974.

Take notice that on August 5, 1974 Iowa Power and Light Company (Iowa Power) tendered for filing proposed changes in its FPC Rate Schedule Nos. 9, 10 and 13 (all as amended) affecting the muncipalities of Carlisle, Imogene, and Neola, Iowa.

The proposed changes, to be effective November 1, 1974, would increase revenues from jurisdictional sales and service by a total of $37,377.82 for the three cities, based on the twelve month period ended May, 1974. In addition to increased rates for Demand, Reactive Demand and Energy, a fuel adjustment clause has been included in the proposed rate schedule.

Iowa Power alleges that the proposed rates reflect the increased costs of producing and transmitting energy and are designed to make its wholesale rates for the cities of Carlisle, Imogene and Neola comparable to its rate for large general service retail customers.

Iowa Power states that copies of the filing were served upon the cities of Carlisle, Imogene and Neola, Iowa, and the Iowa State Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the

[1] A joint venture composed of Herman Geo. Kaiser, Rose Schlanger, Mildred Sanditen, Renee Neuwald, individuals, Francis Oil & Gas, Inc., a corporation; and Fell and Wolf Oil Company, a partnership.

[2] Investor's Royalty Company, Inc. acquired the remaining 3/7 interest which this application does not cover.

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Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before September 23, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21393 Filed 9-16-74;8:45 am]

[Docket No. CP75-58]

IOWA POWER AND LIGHT CO. AND NORTHERN NATURAL GAS CO.

Application

SEPTEMBER 10, 1974.

Take notice that on August 27, 1974, Iowa Power and Light Company (Applicant), 823 Walnut Street, Des Moines, Iowa, 50303, filed in Docket No. CP75-58 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Company (Respondent) to construct facilities to establish a new delivery point for the benefit of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it distributes natural gas in the city of Des Moines, Iowa, and environs and in other communities in central and southwestern Iowa and obtains its entire supply of natural gas for these communities from Respondent. Applicant requests that Respondent be directed to construct a new delivery point and to deliver natural gas to Applicant for use as fuel for combustion turbine electric generators recently installed at Johnston, Iowa. Specifically, Applicant seeks an order causing Respondent to construct a town border meter sufficient to deliver the following volumes through the first three full years of service:

Year	Estimated delivery Mcf at 14.73 lb/in²	
	Maximum daily volume	Annual volume
September to December 1974	42,000	200,000
1975	42,000	875,000
1976	42,000	875,000
1977	42,000	875,000

Applicant states that any volumes of natural gas delivered at this new delivery point will be used on an interruptible basis and these volumes will be delivered within the amounts available under Applicant's presently effective contract demand. Applicant further states that such delivery will not result in increased daily or annual volumes of gas used for electric generation by Applicant.[1]

The application indicates that the estimated cost of the facilities requested herein is $97,300, which cost will be reimbursed to Respondent by Applicant. The application states that the only alternative available whereby service could be supplied to the combustion turbines would require an expansion of Applicant's distribution system and addition of 4,500 horsepower of compression at an estimated cost of $1,122,000 to Applicant.

Applicant claims that Commission approval of this application will afford Applicant either fuel or cost savings and added fuel flexibility which will immediately benefit Applicant's electric customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 156.9). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21396 Filed 9-16-74;8:45 am]

[Docket No. E-8405]

KANSAS GAS AND ELECTRIC CO.

Supplemental Application

SEPTEMBER 10, 1974.

Take notice that by order issued April 22, 1969, and supplemented by orders dated December 24, 1969, February 23, 1971, July 21, 1972, and January 2, 1974, the Commission authorized Kansas Gas and Electric Company (Applicant) to issue on or before December 31, 1975, promissory notes to banks and commercial paper to commercial paper dealers with final maturity dates not later than December 31, 1975, in an aggregate principal amount not to exceed $35,000,000. On August 27, 1974, Applicant filed a supplemental application seeking an extension so that notes may be issued on or before June 30, 1976, with final maturity date in no case being later than June 30, 1976, and to increase principal amounts outstanding at any one time from $35,000,000 to $50,000,000. The notes would bear interest either at the prime rate of the interest at the lending bank at issuance, or at the applicable interest rate prevailing during the term of the note. All other terms and conditions of the Commission's previous orders are to remain the same.

Proceeds from the additional notes will be used by Applicant to provide greater flexibility in its financing program by making available additional working capital.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 30, 1974, filed with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21411 Filed 9-16-74;8:45 am]

[Docket No. CP75-57]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Application

SEPTEMBER 10, 1974.

Take notice that on August 26, 1974, Kansas-Nebraska Natural Gas Company, Inc. (Applicant), 300 North St. Joseph Avenue, Hastings, Nebraska 68901, filed in Docket No. CP75-57 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the construction and operation of certain natural gas gathering facilities in the Bowdoin area of Phillips and Valley Counties, Montana, and (2) the sale and delivery in interstate commerce of the natural gas gathered in the Bowdoin area to Montana-Dakota Utilities Co. (MDU), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Midlands Gas Corporation, a wholly owned subsidiary of Applicant which has recently obtained certain leasehold acreage in the Bowdoin area, has begun a 3-year drilling program to develop its holdings in the Bowdoin area which calls for the drilling of approximately 100 wells per year. Applicant estimates the recoverable proven reserves available to Applicant under its gas purchase contract with Midlands and others to be 187,000,000 Mcf with approximately an additional 200,000,000 Mcf of probable and possible reserves available to Applicant as a result of such gas purchase contracts.[1]

Applicant further states that it has entered into a Gas Sales, Transportation and Exchange agreement dated May 10, 1974, with MDU which provides for the sale of a portion of said gas to MDU and the transportation and delivery by exchange of the balance thereof to a point of interconnection of MDU's system with the system of Northern Utilities Inc. (Northern) in Fremont County, Wyoming. From said point, Applicant proposes to have the quantities of exchange gas so delivered by MDU transported by Northern and delivered by exchange to a point of interconnection of their respective systems at a point near Applicant's Casper, Wyoming, compressor station. Applicant states that the price, terms and conditions of such sale to MDU shall be the same as that paid or accounted for by Applicant plus the cost of gathering and delivery of such gas by Applicant to MDU. Applicant further states that such transportation and exchange by Northern[2] will be done under an existing rate schedule.

By this application, Applicant proposes to install the facilities required to gather gas in the Bowdoin Field area and to deliver such gas to MDU at various points on MDU's system in the Bowdoin area. Applicant proposes to construct such facilities as are required over a three-year period of time beginning in 1975 so that the system will be essentially complete by the end of 1977. After 1977, pursuant to any authorization which may be required at that time, Applicant states that it will make such additions as are required to recover the reserves available in an orderly and efficient manner. Applicant states that the specific facilities required are for the most part contingent on the drilling program now in progress, but tentatively Applicant proposes to install the following facilities:

In 1975—

a. Approximately 165 miles of 3-inch through and including 12-inch gathering lines.

b. Approximately 2,500 horsepower of gas engine driven reciprocating field compressors.

c. Approximately 25 production and unit meters complete with appurtenances and enclosed in a protective housing.

d. Central point gas dehydration and scrubber equipment at various locations having a combined capacity of 15,000 Mcf per day.

e. Metering and regulating equipment at eight points of delivery to MDU's system.

In 1976–77—

a. Approximately 245 miles of 3-inch through and including 16-inch gathering lines.

b. Approximately 4,500 horsepower of gas engine driven reciprocating compressors.

c. Approximately 130 production and unit meters complete with appurtenances and enclosed in a protective housing.

d. Central point gas dehydration and scrubber equipment at various locations having a combined capacity of 20,000 Mcf per day.

Applicant seeks authority to expend over a three-year period the funds required, but not in excess of $18,000,000, to construct the completed gathering system and to expend these funds annually as may be required to connect and gather natural gas as it becomes available from Midlands and from other producers in the Bowdoin area. Applicant estimates that the cost of the proposed facilities will be $17,532,000, with annual expenditures of approximately $7,149,000 in 1975, $6,157,000 in 1976, and $4,226,000 in 1977. Applicant states that such costs will be met out of current working capital or will be obtained from interim bank loans which at a later date may be funded through a security issue.

In conjunction with MDU's aforementioned right to purchase a portion of gas available to and gathered by Applicant in the Bowdoin area, Applicant further requests authority to gather, transport and sell said gas to MDU pursuant to the Gas Sales, Transportation and Exchange Agreement between Applicant and MDU dated May 10, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21402 Filed 9-16-74;8:45 am]

[Docket No. RP73-48]

NORTHERN NATURAL GAS CO.

Rate Change

SEPTEMBER 9, 1974.

Take notice that Northern Natural Gas Company (Northern) on August 26, 1974 tendered for filing First Substitute Fifth Revised Sheet No. 3a of its F.P.C. Gas Tariff, Volume No. 4. The proposed change, to become effective October 1, 1974, would increase the rate to jurisdictional customers by 3.46¢ per Mcf. This amount, Northern states, is a net increase resulting from the settlement of Colorado Interstate Gas Company's (CIG) rate filing at F.P.C. Docket No. RP73-93, from CIG's general increase filing at F.P.C. Docket No. RP74-77, and from CIG's PGA increase filed to become effective October 1, 1974.

To enable Northern to make its increase coincide with CIG's PGA increase, Northern has requested waiver of the 45-day notice requirement contained in Paragraph 9.2 of the General Terms and Conditions of Original Volume No. 4, in order to allow First Substitute Fifth Revised Sheet No. 3a to become effective October 1, 1974.

Copies of the filing have been served upon Northern's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21407 Filed 9-16-74;8:45 am]

[Docket No. RP73-8]

NORTH PENN GAS CO.

Proposed Change in Rates

SEPTEMBER 9, 1974.

Take notice that North Penn Gas Company (North Penn), on August 30,

[1] Applicant explains that certain provisions under the general terms and conditions of Respondent's tariff give Respondent authority to limit Applicant's use of natural gas for the generation of electricity, thereby assuring that gas used for electric generation will not jeopardize Respondent's service to high priority residential and commercial customers.

[1] Applicant estimates that the Midlands wells will have a total deliverability in 1978 of approximately 30,000 Mcf per day and that an additional 5,000 Mcf per day will be available from other producers.

[2] Applicant states that it is soon to complete the process of acquiring Northern through an exchange of capital stock.

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1974, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1. The proposed changes would reflect an increase in the rates of 0.490¢ per Mcf.

North Penn asserts that the filing is made pursuant to the provisions of section 14 (PGA Clause) of its FPC Gas Tariff, First Revised Volume No. 1. North Penn states that the increase is based on supplier rate increases and requests an effective date for the increase of October 1, 1974.

North Penn states that copies of this filing have been served on each of its jurisdictional customers and interested state commissions.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, or 1.10). All such petitions or protests should be filed on or before September 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. The above filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21417 Filed 9-16-74;8:45 am]

[Docket No. CP75-50]

PANHANDLE EASTERN PIPE LINE CO.

Application

SEPTEMBER 10, 1974.

Take notice that on August 23, 1974, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP75-50 an application pursuant to sections 7(b) and (c) of the Natural Gas Act and § 157.7(g) of the Regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval of the abandonment, for a 12-month period commencing the date of authorization and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $3,000,000, nor will the cost of any single project exceed $500,000. Applicant states further that the proposed facilities will be financed entirely from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21419 Filed 9-16-74;8:45 am]

[Docket No. E-8759]

PENNSYLVANIA POWER CO.

Compliance Filing

SEPTEMBER 10, 1974.

Take notice that Pennsylvania Power Company (PP&L) on August 9, 1974, tendered for filing information concerning the actual amount of a pending wage increase. The filing was made pursuant to PP&L's agreement with Metropolitan Edison (FPC Rate Schedule No. 62) which provides for the sale of various amounts of power and energy from certain generating facilities of PP&L for 1973-1975. According to PP&L, the actual operation and maintenance expense rate for the 1974 service period will be $2.64/KW.

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 16, 1974, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21412 Filed 9-16-74;8:45 am]

[Docket No. E-8891]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE AND CENTRAL VERMONT PUBLIC SERVICE CORP.

Application

SEPTEMBER 10, 1974.

Take notice that on August 26, 1974, a joint application was filed under the Federal Power Act (Section 203(a)—Part 33) by Public Service Company of New Hampshire, whose principal business office is at 1000 Elm Street, Manchester, New Hampshire 03105 (Public Service) and Central Vermont Public Service Corporation, whose principal business office is at 77 Grove Street, Rutland, Vermont 05701 (Central Vermont) for an order authorizing Central Vermont to sell certain transmission line facilities and real estate interests located in the Towns of Hinsdale and Winchester in the County of Cheshire, in the State of New Hampshire to Public Service and authorizing Public Service to buy the facilities subject to the jurisdiction of the Federal Power Commission.

These facilities consist of approximately 3.15 miles of 115 KV electric transmission line extending from its interconnection with a 115 KV electric transmission line owned by Public Service and located about three-quarters of a mile easterly of the Hinsdale-Winchester Town Line and about one mile northeasterly of the Village of Hinsdale to its interconnection with a 115 KV electric transmission line owned by New England Power Company and located about one-half mile easterly of the Connecticut River and about three-quarters of a mile northerly of the Village of Hinsdale. The real estate interests include lands and rights of way on which the 115 KV line is located and other lands and rights of way extending approximately .5 mile westerly from the westerly end of the 115 KV electric transmission line to the Connecticut River.

The following facts are relied upon by Public Service and Central Vermont to show that the proposed sale and merger or consolidation of facilities will be consistent with the public interest:

At the time the line was constructed, Central Vermont was purchasing the great majority of its power from sources outside the State of Vermont, like other electric distribution companies in Vermont. The construction of a 115 KV

transmission line extending from the transmission lines of Public Service in southwestern New Hampshire to the Vernon Road Substation of Central Vermont in Brattleboro, Vermont became necessary in 1966 to assure adequate transmission capability to bring this power into the State, and therefore the line was constructed in the fall and winter of 1966.

When 345 KV transmission lines from Massachusetts and New Hampshire to Vernon, Vermont and the 345/115 KV Substation at Vernon were constructed, the 3.15 mile of 115 KV transmission line in New Hampshire between Winchester and Structure No. 38 became part of the interconnected transmission system with power flows in either direction depending upon conditions.

It is the general practice of the companies in Vermont, New Hampshire, and Maine that each utility own the transmission lines in its franchise area that are a part of the interconnected system.

In addition, Central Vermont originally purchased a right of way sufficiently wide so that Public Service could construct the 345 KV lines alongside the 115 KV line in the same strip of land, providing a utility corridor, with the mutual understanding that Central Vermont would ultimately convey the strip of land to Public Service.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 30, 1974; file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21409 Filed 9-16-74;8:45 am]

[Docket No. E-9001]

ROCKLAND ELECTRIC CO.

Proposed Electric Tariff

SEPTEMBER 10, 1974.

Take notice that on August 30, 1974, Rockland Electric Company (REC) tendered for filing a proposed electric tariff.[1] The increased rates, REC states, are proposed in order to provide the Company with increased revenue needed to meet its increased cost of purchased power, and to permit it to earn a compensatory return upon its property devoted to serving the Borough of Park Ridge. REC also states that the proposed tariff includes a fuel adjustment clause similar to the fuel adjustment clause approved by the New Jersey Board of Public Utility Commissioners for service to REC's other retail customers.

According to REC, the proposed tariff would increase total revenues in the amount of $486,107. An effective date of October 1, 1974, has been requested by the Company.

Copies of the proposed tariff have been mailed to the Borough of Park Ridge.

Any person desiring to be heard or to make any protest with reference to said proposed tariff should on or before September 19, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21392 Filed 9-16-74;8:45 am]

[Docket No. CI73-694]

RODMAN CORP.

Extension of Procedural Dates

SEPTEMBER 9, 1974.

On September 5, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued May 15, 1974, as most recently modified by notice issued July 24, 1974, in the above-designated matter. The motion states that the Rodman Corporation has no objection to the changes.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are modified as follows:

Service of evidence by the Staff, October 16, 1974.
Submission of rebuttal testimony, November 1, 1974.
Hearing, November 14, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21404 Filed 9-13-74;8:45 am]

[Rate Schedule Nos. 153, etc.]

SHELL OIL CO. ET AL.

Rate Change Filings

SEPTEMBER 9, 1974.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas or national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972, and followed in Opinion No. 699, issued June 21, 1974.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before September 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Aug. 14, 1974	Shell Oil Co., 2 Shell Plaza, P.O. Box 2099, Houston, Tex. 77001.	153	Texas Gas Transmission Corp.	South Louisiana.
Aug. 27, 1974	Texaco, Inc., P.O. Box 52332, Houston, Tex. 77052.	2	Columbia Gas Transmission Corp.	Do.

[FR Doc.74-21415 Filed 9-16-74;8:45 am]

[Docket Nos. RP72-91 (Phase II), etc.]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 9, 1974.

Take notice that Southern Natural Gas Company (Southern) on August 27, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1 to become effective October 11, 1974. Such filing is pursuant to Article III of the Stipulation and Agreement approved by the Commission's order dated July 23, 1973, in Southern's Docket Nos. RP72-91 (Phase II), et al. Southern states that the proposed change would decrease the commodity and one-part rates by .213¢ per Mcf resulting from reductions in the levels of advance payments of $10,129,248 below the advance payment levels presently reflected in

[1] FPC Electric Power, Rockland Electric Company Schedule FPC No. 8 (supersedes FPC No. 7).

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Southern's rates and that the reduction in jurisdictional cost due to net increases and decreases in advance payments is $1,276,387.

Copies of this filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, L.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21418 Filed 9-16-74;8:45 am]

[Docket No. RP75-13]

TENNESSEE GAS PIPE LINE CO.

Filing of Proposed Changes in Rates

SEPTEMBER 10, 1974.

Take notice that on August 30, 1974, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) tendered for filing proposed changes in its FPC Gas Tariff to be effective on October 15, 1974, consisting of the following revised tariff sheets:

Ninth Revised Volume No. 1: Sixth Revised Sheet Nos. 12A and 12B.

Sixth Revised Volume No. 2: Second Revised Sheet Nos. 54, 78 and 141 and Fifth Revised Sheet Nos. 11, 12, 27, 28, 44 and 45.

The proposed changes would increase revenues from jurisdictional sales and service by $16,036,994 based on adjusted sales and transportation volumes for the test period (the twelve months ended April 30, 1974, adjusted for known changes through January 31, 1975).

Tennessee states that the increased rates are required to reflect an increase in rate of return to 9.75%, increases in the cost of material, supplies and wages, and increases in property, franchise, payroll and severance taxes.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 26, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21400 Filed 9-16-74;8:45 am]

[Docket Nos. CP63-247; CP65-93; CP75-53]

TENNESSEE GAS PIPE LINE CO.

Applications

SEPTEMBER 10, 1974.

Take notice that on August 23, 1974, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CP63-247 and CP65-93 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation of natural gas for National Fuel Gas Distribution Corporation (NFG), formerly Iroquois Gas Corporation. Take further notice that concurrently, Applicant also filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to NFG under Applicant's CD-5 Rate Schedule. Applicant's proposals are fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant states that the instant applications are made pursuant to the Stipulation and Agreement of Settlement dated July 8, 1974, by which Applicant, NFG and Valley Gas Transmission, Inc. (Valley Gas), settled certain issues which had arisen in the proceeding in Docket No. RP73-94.[1] The applications indicate that said agreement provides (1) the existing contracts for the sale of 35,000 Mcf[2] per day of gas by Valley Gas to NFG together with the contract for the transportation of such by Applicant for NFG will be terminated, (2) Valley Gas will dedicate to Applicant the existing reserves now dedicated by Valley Gas to NFG under the contracts being terminated, (3) Applicant will contract with NFG to provide NFG with 35,000 Mcf of gas per day pursuant to Applicant's CD-5 Rate Schedule, and (4) Valley Gas, HNG Fossil Fuels Company or their affiliated companies will contract to sell to Applicant all their interest in gas from the following offshore reserves: West Cameron, Louisiana (Block 612), and High Island, Texas (Blocks A-330 and A-349).[3]

In accordance with the Stipulation and Agreement of Settlement, Applicant requests permission and approval to abandon the transportation of 35,000 Mcf of natural gas per day for NFG which was authorized by Commission orders dated May 16, 1963, and March 24, 1965, in Docket Nos. CP63-247 and CP65-93, respectively. In addition, Applicant requests authorization to sell and deliver to NFG a contracted demand of 35,000 Mcf per day of natural gas under Applicant's CD-5 Rate Schedule in lieu of the aforesaid transportation service which is rendered under Applicant's T-2 Rate Schedule of Applicant's FPC Gas Tariff, Sixth Revised Volume No. 2.

Applicant states that no new facilities are necessary to implement its proposals.

Any person desiring to be heard or to make an protest with reference to said applications should on or before September 26, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21394 Filed 9-16-74;8:45 am]

[Docket No. RI74-240]

TERRA RESOURCES, INC.

Further Extension of Procedural Dates

SEPTEMBER 11, 1974.

On August 30, 1974, Staff Counsel filed a supplemental motion to amend the dates fixed by notice issued August 28, 1974, in the above-designated matter. The motion states that all parties have agreed to the changes.

[1] In furtherance of the agreement of July 8, 1974, Valley Gas has made application (1) to abandon sales to NFG authorized in Docket Nos. CP62-270 and CP65-123, and (2) to amend the order issued in Docket No. G-19618 in order to make additional sales to Applicant.

[2] All volumes at 14.65 psia.

[3] Also, Valley Gas, HNG Fossil Fuels Company and their affiliated companies will use their best efforts to see that other producers in the area contract to sell their reserves to Applicant.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Rebuttal testimony, September 18, 1974.
Hearing, September 24, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21399 Filed 9-16-74;8:45 am]

[Docket No. E-8978]

UNITED STATES DEPARTMENT OF THE INTERIOR, BONNEVILLE POWER ADMINISTRATION

Request for Approval of Rates and Charges

SEPTEMBER 9, 1974.

Notice is hereby given that on August 19, 1974, the Secretary of the Interior upon behalf of Bonneville Power Administration (BPA) pursuant to section 5 of the Bonneville Project Act (50 Stat. 546) and section 5 of the Flood Control Act of 1944 (58 Stat. 887, 890), filed with the Federal Power Commission a request for confirmation and approval of proposed rate schedules and general rate schedule provisions for the sale of power by BPA, to take effect December 20, 1974.

The BPA submittal, which comprises seven new rate schedules proposed to supersede existing rate schedules in their entirety, includes:

1. Schedule EC-6: A firm power-demand energy rate for resale or direct consumption by all customer classes except industrial, incorporating different seasonal rates for both capacity and energy, and reflecting (1) an additional charge for transformation and substation facilities provided by BPA, and (2) a $0.10 per kilowatt-hour charge for the unauthorized take of energy. Basic Schedule EC-6 charges from April 1 to August 31 specify $0.93 per kilowatt of billing demand per month and 1.0 mill per kilowatt-hour, increasing to $1.05 per kilowatt of billing demand per month and 1.9 mills per kilowatt-hour from September 1 through March 31. Facility charges range from $0.06 to $0.20 per kilowatt of monthly billing demand for each delivery point wherein BPA provides facilities pursuant to specified service arrangements. Reduced demand charges for at-site delivery of power is also conditionally provided.

2. Schedule EC-7: A firm power demand-energy rate priced at a level 25 percent greater than anticipated costs for thermal generated power during the early 1980's, available to meet customers' unanticipated load growth and short-term seasonal purchases. Schedule EC-7 seasonal pricing for capacity and energy specifies basic charges of $1.85 per kilowatt of billing demand per month and 10.0 mills per kilowatt-hour from September 1 to March 31, and $1.40 per kilowatt of billing demand per month and 5.0 mills per kilowatt-hour from April 1 through August 31. Additional charges for transformation and substation facilities provided by BPA range from $0.06 to $0.20 per kilowatt of monthly billing demand for each point of delivery wherein BPA provides facilities pursuant to specific service arrangements. Schedule EC-7 includes a charge of $0.10 per kilowatt-hour for the unauthorized take of energy.

3. Schedule F-6: A firm capacity rate without energy, available to utilities with their own resources for purchase on either an annual or seasonal basis for $12.00 per kilowatt-year of contract demand or $6.50 per kilowatt season of contract demand from June 1 through October 31. Schedule F-6 reflects an additional charge for transformation and substation facilities supplied by BPA.

4. Schedule H-5: A nonfirm energy rate available within and without the Pacific Northwest for thermal displacement reservoir filling and emergency use. Seasonal charges specify 3.5 mills per kilowatt-hour from September 1 through March 31, and 3.0 mills per kilowatt-hour for the period April 1 through August 31.

5. Schedule J-1: A firm energy rate available to utilities for thermal plant startup, reservoir filling, testing and experimental purposes, with a 4.0 mills per kilowatt-hour charge therefor.

6. Schedule IF-1: A demand-energy rate for industrial firm power available to direct service industrial customers and industrial customers of BPA customers on a flow-through basis with uniform charges for capacity and energy throughout the year. The rate provides for limited curtailment options by customers, and BPA restrictions for lack of water, force mejeure, forced outages, plant installation delays, operation at less than full capacity of new resources, and need to maintain system stability. Exercise of BPA restrictions carries capacity charge credits for reduced availability, and a charge of $0.10 per kilowatt-hour for the unauthorized take of energy is assessed. Customer requested increases where authorized are billed at the industrial firm power rate of $1.20 per kilowatt of billing demand and 1.525 mills per kilowatt-hour.

7. Schedule MF-1: A demand-energy rate for firm or modified firm power available to existing direct service customers and industrial customers of BPA customers on a flow-through basis. Adjustment is provided for authorized increases but no adjustment will be made for reduced availability of firm or modified power. Charges specify $1.20 per kilowatt of billing demand per month and 1.525 mills per kilowatt-hour for firm power, $1.15 per kilowatt per month and 1.525 mills per kilowatt-hour for modified firm power, and $0.10 per kilowatt-hour for the unauthorized take of energy.

Continued Commission approval is also requested for two special applications of wholesale rates and charges previously approved in Docket Nos. E-7242 upon May 29, 1968 and E-8033 upon May 15, 1973. Docket No. E-7242 concerns modification of section B.1 of the current General Rate Schedule Provisions (now section 7.1 of the proposed General Rate Schedule Provisions) applicable to contracts for the sale of power and energy transferred over the Pacific Northwest-Pacific Southwest Intertie lines, and Docket No. E-8033 provides a special rate for exchange energy delivered to the U.S. Bureau of Reclamation Mead Substation in Nevada by the City of Los Angeles, California, or by Southern California Edison Company in lieu of obligations to deliver exchange energy to BPA.

The Secretary submits a supportive repayment study and revenue forecast prepared by BPA to show that along with revenues collected to date, the proposed rate schedules will produce revenues sufficient to repay all generating, purchasing and transmitting costs within the Federal Columbia River Power System for the prescribed time periods. The Secretary also transmits for the Commission's information a copy of the Final Environmental Impact Statement upon the proposed rate increase, filed by BPA with the Council on Environmental Quality.

The application, proposed rated schedules and supporting data are on file with the Commission and available for public information. Copies of the rate schedules and provisions thereof were sent by BPA to its customers, state public service commissions, and other government agencies. Any person desiring to make comments or suggestions upon this application may write the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. All such comments or suggestions should be filed in writing on or before October 18, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21406 Filed 9-16-74;8:45 am]

[Docket No. CP75-73]

WASHINGTON GAS LIGHT CO.

Petition for Declaratory Order Disclaiming Jurisdiction or Application for Certificate

SEPTEMBER 9, 1974.

Take notice that on September 3, 1974, Washington Gas Light Company (Applicant), 1100 H Street, NW., Washington, D.C. 20080, filed in Docket No. CP75-73 a petition pursuant to § 1.7(c) of the Commission's rules of practice and procedure (18 CFR 1.7(c)) for a declaratory order disclaiming jurisdiction over Applicant's proposed emergency sale of natural gas to North Carolina Natural Gas Corporation (North Carolina) or, in the alternative, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity and for a temporary certificate pursuant to § 157.17 of the Commission's regulations (18 CFR 157.17) authorizing the sale of up to 30,000 Mcf per day of natural gas to North Carolina for a period terminating October 31, 1974, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant explains that North Carolina is currently being substantially curtailed by Transcontinental Gas Pipe Line

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Corporation (Transco), its sole pipeline supplier, and is in need of additional supplies of gas to maintain adequate service to its customers. Therefore, Applicant proposes to sell up to 30,000 Mcf of natural gas per day to North Carolina until October 31, 1974, on a best efforts basis at a rate of $1.10 per Mcf.[1] Applicant states that the gas would be delivered to North Carolina by Transco for Applicant's account by the reduction of deliveries to Applicant and the contemporaneous deliveries of equivalent volumes of gas to North Carolina; therefore, no increased costs would be incurred by Transco. Applicant further states that no facilities will be constructed in order to make the proposed sale.

Applicant requests that the Commission disclaim jurisdiction over the proposed sale. In support of such request Applicant states that it is a major distributor of natural gas in the States of Maryland and Virginia and the District of Columbia and is classified as a natural gas company under section 2(6) of the Natural Gas Act.[2] Applicant further states that North Carolina is a major distributor of natural gas within the State of North Carolina exempt from Commission jurisdiction pursuant to section 1(c) of the Natural Gas Act. Applicant maintains that but for the fact that its operations cross state lines, it could make an emegency sale of gas pursuant to § 2.68 of the Commission's General Policy and Interpretations (18 CFR 2.68); however, its status as a natural gas company would appear to negate this possibility despite the fact that in every facet of its operations it is a distribution company and not a pipeline company. Applicant further maintains that were North Carolina a pipeline company, it would appear that under § 157.22 of the Commission's Regulations Applicant could make this emergency sale to North Carolina. Applicant points out that in light of the interpretation of § 157.22 by the Commission in *Cascade Natural Gas Corporation*, Docket No. CP74–142, order issued April 4, 1974, as clarified by order issued July 22, 1974, the sale of natural gas by a natural gas company to an exempt company for an emergency 60-day period cannot be made under § 157.22. However, Applicant states that a reasonably liberal interpretation of § 2.68 or § 157.22 would seem to justify Applicant's proposed sale to North Carolina without the need of a Commission certificate of public convenience and necessity.

In the event that the Commission determines that the proposed sale should not be exempt, Applicant requests immediate issuance of a temporary certificate authorizing the sale of natural gas to North Carolina while the application for a permanent certificate is pending.

It appears reasonable and consistent with the public interest in this case to provide less than 15 days for the filing of petitions to intervene and protests. Therefore, any person desiring to be heard or to make any protest with reference to said petition or application should on or before September 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–21403 Filed 9–16–74;8:45 am]

[Docket No. CI75–119]

WILLIAM A. JENKINS, ET AL.

Application

SEPTEMBER 10, 1974.

Take notice that on August 23, 1974, William A. Jenkins (Operator), et al. (Applicant), Suite 808, Expressway Terrace Building, 2601 Northwest Expressway, Oklahoma City, Oklahoma 73112, filed in Docket No. CI75–119 for a certificate of public convenience and necessity, pursuant to § 2.75 of the Federal Power Commission's rules of practice and procedure to authorize Applicant to sell initially approximately 1,500 Mcf of natural gas per day, at the initial contract price of 55.27 cents per Mcf. The sale of gas will be from three wells located on tracts more particularly described as (1) the Northwest Quarter of Section 3, Township 22 North, Range 5 West; (2) the Northwest Quarter of Section 10, Township 22 North, Range 5 West; and (3) the Southeast Quarter of Section 34, Township 23 North, Range 5 West, all in Garfield County, Oklahoma, and will be sold to Champlin Petroleum Company, with the ultimate purchaser being Cities Service Gas Company. The complete details of the sale of the subject gas are set out more fully in the application on file with the Federal Power Commission.

Any person desiring to be heard or to make any protest with reference to said petition should on or before September 30, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–21416 Filed 9–16–74;8:45 am]

[Project No. 176—California, Docket Nos. E–7562, E–7655]

ESCONDIDO MUTUAL WATER CO. ET AL.

Availability of Staff Draft Environmental Impact Statement

Applicants: Escondido Mutual Water Company, Rincon, La Jolla, San Pasqual, Pauma, and Pala Bands of Mission Indians, U.S. Department of the Interior.

Notice is hereby given in the captioned Project, that on September 13, 1974, as required by § 2.81(b) of Commission Order 415–C, a draft environmental impact statement prepared by the Staff of the Federal Power Commission was made available for comments. This statement deals with:

(1) The application for new license filed by the Escondido Mutual Water Company for its existing Project No. 176 (Escondido);

(2) The application for non-power license filed by the Rincon, La Jolla, San Pasqual, Pauma, and Pala Bands of Mission Indians;

(3) The recommendation for Federal Takeover of Project No. 176 by the United States Department of the Interior;

(4) Complaint filed by Secretary of the Interior in his capacity as Trustee for the Rincon, La Jolla and San Pasqual Bands of Mission Indians (Docket No. E–7562);

(5) Investigation of Vista Irrigation District (Docket No. E–7655).

This statement has been circulated for comments to Federal, State and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426 and at its San Francisco Regional Office located at 555 Battery Street, San Francisco, California 94111. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

The existing Project No. 176 located on San Luis Rey River and Escondido Creek in San Diego County, California, consists principally of a concrete diversion dam on San Luis Rey River; a conduit about 15 miles in length consisting of tunnels, canals, a syphon and flumes conveying the flow to the point of release into Lake Wohlford; Lake Wohlford Reservoir; Lake Wohlford Dam on Escondido Creek; the outlet works, pipeline, and penstock; the Bear Valley powerhouse with an installed capacity of 520 kilowatts; the Rincon powerhouse which utilizes water from the conduit at a point 6 miles below the San Luis Rey River diversion dam where it is diverted through a 2,100 foot long penstock connecting to the powerhouse, containing 2 generating units totaling 240 kilowatts; two operator's cottages, one at Rincon powerhouse and one at the diversion dam; telephone lines, power lines, access roads and trails necessary to operate and maintain project works; and other facilities and interests appurtenant to the project.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before October 28, 1974.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedure. Petitioners must also file timely comments on the draft statement in accordance with § 2.81 (c) of Order No. 415–C.

All petitions to intervene must be filed on or before October 28, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–21483 Filed 9–16–74;8:45 am]

[Docket No. CP73–332]

NORTHWEST PIPELINE CORP.

Petition To Amend

SEPTEMBER 12, 1974.

Take notice that on August 15, 1974, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP73–332 a petition to amend the order issued in the subject docket on September 21, 1973 (50 FPC —), pursuant to Section 3 of the Natural Gas Act so as to permit continued importation of additional volumes of natural gas through October 31, 1975, at its Kingsgate, British Columbia, import point, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

By Commission order of September 21, 1973 (50 FPC —), in Docket No. CP73–332, Petitioner was authorized to import natural gas from Canada at the Sumas, Washington, and Kingsgate, British Columbia, import points previously under the control of El Paso Natural Gas Company (El Paso). The Kingsgate import point was originally operated by El Paso for the purpose of purchasing gas from Westcoast Transmission Company Limited (Westcoast) pursuant to authorization granted in Docket G–18033 on August 5, 1960 (24 FPC 134). Currently authorized volumes at Kingsgate are 151,731 Mcf per day at 14.73 psia and 51 million Mcf annually.

The petition to amend states that on December 28, 1973, the Commission authorized increased importation of natural gas at Kingsgate through October 31, 1974. Petitioner states that it proposes to continue the importation of additional volumes under virtually identical terms and conditions.

Petitioner states that Westcoast is anticipating a deficit in meeting its contract obligation at the Sumas delivery point of up to 240,000 Mcf per day of the 800,000 Mcf per day at 14.9 psia average quantity normally delivered at that point. The petition states that Westcoast entered into an agreement with Alberta and Southern Gas Company Limited (A&S) in order to alleviate this gas supply shortage. Under the terms of the agreement A&S will make gas available on a best efforts basis to Westcoast for delivery at the Kingsgate import point for one year beginning November 1, 1974. The agreement is contingent upon volumes of gas that Pacific Gas Transmission Company (PGT), in its sole discretion, is able to accept for delivery to Petitioner. Petitioner has been advised that PGT will make the filings applicable to importation at Kingsgate and subsequent transportation of gas.

Volumes of gas to be made available by A&S will not exceed approximately 30,000 Mcf on an average day and approximately 125,000 Mcf on a peak day. The price of the gas at the international boundary is estimated at 81 cents per Mcf. The price of gas made available by A&S pursuant to the original increased authorization for the period from December 28, 1973, through April 1974, according to the petition, has averaged 40.85 cents per Mcf, inclusive of the average cost of the gas received from A&S and the price of transporting such gas to Kingsgate, plus ten percent. The petition further states that the necessary authorization has been obtained by Westcoast and A&S from the National Energy Board of Canada.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 1, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–21527 Filed 9–16–74;8:45 am]

[Docket No. CP75–78]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

SEPTEMBER 12, 1974.

Take notice that on September 6, 1974, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed Docket No. CP75–78 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the utilization, on a temporary basis, of Applicant's presently authorized delivery points to North Carolina Natural Gas Corporation (North Carolina) as additional delivery points to Washington Gas Light Company (Washington Gas), all as more fully set forth in the application in this proceeding.

Applicant states that Washington Gas and North Carolina, both existing customers of Applicant, have requested that commencing on the date of authorization in this docket and terminating October 31, 1974, Applicant deliver to North Carolina for the account of Washington Gas up to 30,000 Mcf of natural gas per day sold by Applicant to Washington Gas under currently effective service agreements. The application indicates that these deliveries will assist in effectuating a short-term emergency sale by Washington Gas to North Carolina and will be out of allocations previously authorized by the Commission.[1] Applicant states that the proposed delivery points are upstream of the presently existing delivery points to Washington Gas and consequently the temporary diversion of delivery will have no appreciable effect on the flow characteristics of the Applicant's system.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the

[1] This emergency sale is the subject of a filing made by Washington Gas in Docket No. CP75–73.

[1] Applicant states that this rate approximates the interruptible rate which Applicant expects to charge its interruptible customers during the period of the proposed sale (approximately September 3, 1974–October 31, 1974).

[2] By order issued in Docket No. CP62–205, 28 FPC 753, the Commission determined a service area for Applicant pursuant to Section 7(f) of the Natural Gas Act.

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requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21526 Filed 9-16-74;8:45 am]

FEDERAL RESERVE SYSTEM

EAGLE CAPITAL CO.

Order Approving Formation of Bank Holding Company

Eagle Capital Co., Eagle, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 94 percent of the voting shares of Eagle State Bank, Eagle, Nebraska, a proposed new bank ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a non-operating company with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank. Bank, a proposed new bank, will be located in Eagle, Nebraska, a small agricultural community (population of 441 as of 1970 census) in Cass County, 9 miles east of Lincoln, Nebraska. Bank will be the only bank in Eagle and will compete in the Cass County banking market. Since Applicant has no present operations or subsidiaries, and inasmuch as Bank is a proposed new bank, consummation of the proposal herein would not eliminate existing or potential competition, nor have an adverse effect on any area banks.

The financial and managerial resources and future prospects of Applicant and Bank are satisfactory. While Applicant and Bank have no financial or operating history, the Board believes that the growth, earnings and debt retirement projections by Applicant are attainable, and that adequate equity capital levels would be maintained in Bank. Nevertheless, in view of the inherent uncertainties of projections, in general, and especially in this case where a shell corporation is acquiring a proposed new bank, the Board has been assured that Applicant will also commence operations with an equity capital base that provides flexibility should growth exceed or profitability fall short of those projections. Accordingly, financial and managerial considerations are consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served are also regarded as being consistent with approval in that Bank will provide the residents of Eagle a more convenient source of banking services than presently exists. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Eagle State Bank, Eagle, Nebraska, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] effective September 9, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21463 Filed 9-16-74;8:45 am]

FIDELCOR, INC.

Proposed Acquisition of Keen Factors, Inc.

Fidelcor, Inc., Rosemont, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire substantially all of the assets of Keen Factors, Inc., Beverly Hills, California, through a de novo indirect subsidiary to be known as Trefoil Capital, Inc. Notice of the application was published on July 24, 1974, in the Los Angeles Times, a newspaper circulated in Los Angeles, California and on July 22, 1974, in The Wall Street Journal, a newspaper circulated in Los Angeles, California.

Applicant states that the proposed subsidiary would engage in the activities of making and/or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a commercial finance or factoring company and the servicing of such loans and other extensions of credit for any person. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 8, 1974.

Board of Governors of the Federal Reserve System, September 9, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21465 Filed 9-16-74;8:45 am]

FIRST ALABAMA BANCSHARES, INC.

Order Approving Acquisition of Bank

First Alabama Bancshares, Inc., Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Farmers and Marine Bank, Bayou La Batre, Alabama ("Bank"). The Bank into which Bank will merge has no significance except as a means of acquiring the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

[1] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, and Holland. Absent and not voting: Governors Bucher and Wallich.

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Alabama, controls eleven banks with aggregate deposits of $949.3 million, representing 12.3 per cent of deposits in all commercial banks of the State. (All banking data are as of December 31, 1973, and reflect acquisitions and formations approved through August 1, 1974.) Acquisition of Bank (deposits of $4.7 million) would increase Applicant's share of bank deposits in Alabama by less than 1 per cent and would not change Applicant's rank in size. No undue concentration of banking resources in Alabama would result.

The relevant market is the Mobile Area banking market, which includes all of Mobile County and all but the southern portion of Baldwin County. Applicant has one subsidiary bank in the market with deposits aggregating $16.9 million, or 2.1 per cent of total deposits held by commercial banks in the market and is the sixth largest of nine banking organizations in the market. Bank is a recent entrant to the market (December 1970) and controls less than 1 per cent of market deposits. The acquisition of Bank may enable Applicant to compete more effectively in this highly concentrated market.[1] Applicant's closest banking subsidiary, while in the relevant market, is located 55 miles east of the site of Bank. Therefore, consummation of the proposal will not eliminate any significant existing competition. Future competition between Applicant's existing subsidiary banks and Bank is unlikely to develop due to the distances involved and the relatively small size of these banks. Accordingly, consummation of the proposed transaction would not adversely effect competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank are considered satisfactory, particularly in view of Applicant's commitment to increase equity capital in its subsidiary banks. Affiliation with Applicant will enable Bank to provide trust services, lease financing, and credit card servicing to the residents of the Mobile Area market. Bank will also have access to loan participations, investment portfolio management, data processing services, and marketing and centralized advertising programs. Therefore, considerations relating to convenience and needs of the community to be served lend weight toward approval. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

[1] The three largest banking organizations control 86.35 percent of the deposits held by commercial banks in the market.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective September 10, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21469 Filed 9-16-74;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Approving Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent, less directors' qualifying shares of the voting shares of stock of Southwood Bank, Houston Texas ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Texas, controls 22 banks with aggregate deposits of about $2.5 billion, representing approximately 7.2 per cent of the total deposits in commercial banks in the State of Texas.[1] Applicant also owns interest of more than 5 and less than 25 per cent in eight other banks having aggregate deposits of $184.6 million. Since Bank is a proposed new bank, consummation of the proposed acquisition would not immediately increase Applicant's share of commercial bank deposits in the State and therefore would not immediately result in an increase in the concentration of banking resources in Texas.

Bank is to be located in the Houston banking market, which is approximated by the Houston SMSA ("Standard Metropolitan Statistical Area), including Harris County and five neighboring counties. Applicant, the largest banking organization operating in the Houston market, presently has 11 subsidiary banks controlling slightly less than 20 per cent of total market deposits. Given the fact that Bank is a proposed new bank, approval of its acquisition by Applicant would produce no adverse effects on existing competition in the market. Applicant's share of market deposits would not be immediately enhanced. Further, there would be no adverse effects on potential competition. Bank is to be located more than eight miles from Applicant's nearest banking subsidiary, and such geographic separation, the number of intervening banks, and Texas' prohibitive branching laws would negate the development of significant future competition between Bank and any of Applicant's banking subsidiaries. Conditions in the market would continue to be favorable for de novo or foothold entry, and alternative entry sites and banking institutions remain readily available for these respective types of entry. The Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant and its subsidiaries are regarded as generally satisfactory. Bank, as a proposed new bank, has no financial or operating history, but its future prospects as a subsidiary of Applicant appear favorable. Considerations relating to banking factors are consistent with approval. Although there is no evidence in the record that the major banking needs of the community are not being served adequately, considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application. The addition of a new banking alternative in this strongly developing sector of the market would provide greater convenience to the public, and affiliation with Applicant would permit Bank to provide its customers with new services not normally made available by new banks. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months following the effective date of this Order, and (c) Southwood Bank, Houston, Texas, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] effective September 10, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21461 Filed 9-16-74;8:45 am]

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, and Holland. Absent and not voting: Governor Wallich.

[1] All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved through July 31, 1974.

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FIRST COMMUNITY BANCORPORATION

Order Approving Acquisition of Bank

Bank's effectiveness as a competitor in the market. Competitive considerations

Applicant, the third largest banking organization in Maryland, controls one

In consideration of this application, the Board has examined the covenant not to compete which was executed in con-

d. Marine.
e. Liability.
f. Property floaters.

("USF&G"), and the Committee to Preserve Consumer Options ("CPCO")

FIRST COMMUNITY BANCORPORATION

Order Approving Acquisition of Bank

First Community Bancorporation, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Peoples Bank of Miller, Miller, Missouri ("Bank").

The application has been processed by the Federal Reserve Bank of Kansas City pursuant to authority delegated by the Board of Governors of the Federal Reserve System under the provisions of § 265.2(f)(24) of the Rules Regarding Delegation of Authority.

As required by section 3(b) of the Act, the Reserve Bank gave written notice of receipt of the application to the Missouri Commissioner of Finance. The Commissioner offered no objection to approval of the application. Notice of receipt of the application was published in the FEDERAL REGISTER on July 26, 1974 (39 FR 133), providing an opportunity for interested persons to submit comments and views with respect to the proposal. The United States Department of Justice and the Comptroller of the Currency were given notice of receipt of the application. Time for filing comments and views has expired and none has been received. The Reserve Bank has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the twenty-second largest banking organization in Missouri, controls 2 operating banks with aggregate deposits of approximately $80.1 million, representing .53 percent of the commercial bank deposits in the State.[1] Acquisition of Bank would increase Applicant's share of State deposits only slightly, and would not result in a significant increase in the concentration of banking resources in Missouri. Applicant's ranking among banking organizations in the State would remain unchanged.

Bank ($2.1 million in deposits) is the seventh largest of eight banking organizations in the Lawrence County banking market (approximated by all of Lawrence County and the northern quarter of Barry County) and holds 3.0 percent of the deposits in commercial banks in the market. Applicant's nearest subsidiary is located in Joplin, Missouri, 42 miles from Miller. The record indicates that there is no significant existing competition between Bank and any of Applicant's subsidiaries, and it is not likely that significant future competition will develop in view of the distances involved and Missouri's restrictive branching laws. Furthermore, the possibility that approval would eliminate some potential competition is considered remote. Affiliation with Applicant should increase Bank's effectiveness as a competitor in the market. Competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant and its subsidiaries appear satisfactory and their future prospects seem favorable. The financial condition of Bank is satisfactory and its future prospects appear favorable. Affiliation with Applicant should provide Bank with an adequate source of qualified managerial and technical resources to enable Bank to offer expanded and more efficient banking services, including trust services and data processing services. These factors, as they relate to the convenience and needs of the community to be served, lend some weight for approval of the application. It is the Reserve Bank's judgment that consummation of the proposed acquisition is in the public interest and the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

[SEAL] WILBUR T. BILLINGTON,
Senior Vice President.

AUGUST 28, 1974.

[FR Doc.74-21459 Filed 9-16-74;8:45 am]

[1] All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved by the Board through July 31, 1974.

FIRST MARYLAND BANCORP

Order Approving Acquisition of Schenectady Discount Corp.

First Maryland Bancorp, Baltimore, Maryland, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Schenectady Discount Corporation, Albany, New York ("SDC"), and its wholly-owned subsidiaries, companies engaged variously in the activities of financing mobile home sales, servicing SDC's accounts, selling mobile homes repossessed by SDC, and acting as agent with respect to the sale of credit-related insurance in connection with the mobile homes financed by SDC. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), (3) and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 13178). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant, the third largest banking organization in Maryland, controls one bank with deposits of approximately $864 million, representing 11.5 percent of the total deposits in commercial banks in the State.[1] Applicant's nonbanking subsidiaries are engaged in personal property and equipment leasing, the sale of credit-related insurance and international banking.

SDC (total assets of approximately $19 million) and its subsidiaries are engaged in mobile home financing and the related activities of servicing accounts, sale of repossessed mobile homes, and sale, as agent, of credit life, credit accident, theft, property damage, rental value and liability insurance in connection with the mobile homes financed by SDC. SDC and its wholly-owned subsidiaries have a total of three offices located in Colonie and Ballston Lake, New York and in Mesa, New Mexico, respectively.

Applicant engages to some extent in mobile home financing in Maryland, through its lead bank, which is located approximately 300 miles from SDC's nearest office. Neither Applicant nor SDC derive any significant business from the areas served by the other. Furthermore, in view of the distances involved, it does not appear likely that any significant competition would develop between the two in the future in the relevant product line. The Board concludes, therefore, that consummation of the proposed acquisition would have no adverse effects on existing or potential competition.

As discussed above, SDC also engages in the sale, as agent, of various types of insurance directly related to extensions of credit, which have been determined to be permissible activities under § 225.4(a)(9)(ii) (a) and (b) of the Board's Regulation Y. In addition, SDC engages in the sale, as agent of certain types of insurance as a matter of convenience to the purchaser. This activity has been determined to be permissible under § 225.4(a)(9)(ii)(c) of Regulation Y provided that such sales are not more than 5 percent of the aggregate insurance premium income of the holding company system for insurance sold pursuant to § 225.4(a)(9)(ii). In view of the limited nature of such insurance activities, the Board finds that Applicant's acquisition of these activities would not have any adverse effects on existing or future competition.

There is no evidence in the record indicating that SDC's acquisition by Applicant would lead to an undue concentration of resources, conflicts of interests, unsound banking practices or other adverse effects on the public interest. On the other hand, it is expected that SDC's acquisition by Applicant will increase SDC's access to capital, thereby benefiting the public by enabling SDC to make more funds available for mobile home financing.

[1] All banking data are as of December 31, 1973, and reflect holding company acquisitions and formations approved through July 31, 1974.

In consideration of this application, the Board has examined the covenant not to compete which was executed in connection with the proposed acquisition. The Board finds that in view of the duration of this covenant, the provisions contained therein are reasonable as to its scope and geographic area and are consistent with the public interest.

Based upon the foregoing and other considerations reflected in the record,[2] the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and others issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective September 6, 1974.[4]

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21462 Filed 9-16-74;8:45 am]

FIRST NATIONAL HOLDING CORP.

Order Approving Application To Engage in Certain Insurance Agency Activities

First National Holding Corporation, Atlanta, Georgia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(a)(9) of the Board's Regulation Y, to engage in certain insurance agency activities through a division of Applicant's wholly-owned subsidiary, Tharpe and Brooks, Inc., Atlanta, Georgia. Applicant proposes to act as an insurance agent or broker in respect to the following types of insurance:

1. Any insurance for Applicant and its subsidiaries.
2. Any insurance required by a lender to protect the value of an asset being financed by Applicant of its subsidiaries such as autos, boats, mobile homes, campers, and appliances. Insurance sold in this regard would be:
   a. Fire, theft and other perils.
   b. Comprehensive.
   c. Collision.
   d. Marine.
   e. Liability.
   f. Property floaters.
3. Any insurance required by Applicant or its subsidiaries to protect the value of inventory being financed by Applicant or its subsidiaries. Insurance sold in this regard would be:
   a. Property coverage.
   b. Business interruption.
   c. Liability.
4. Any insurance required to protect the value of an asset being leased where Applicant or its subsidiaries are the lessors. Insurance sold in this regard would be:
   a. Property coverage.
   b. Liability.
5. Any insurance required by Applicant or its subsidiaries to protect the value of real estate being financed by Applicant or its subsidiaries, whether acting as principal or agent. Insurance sold in this regard would be:
   a. Property coverage.
   b. Loss of rents.
   c. Liability.
   d. Homeowners.
   e. Performance bonds.
6. Any insurance required by Applicant or its subsidiaries to protect the value of business equipment being financed by Applicant or its subsidiaries. Insurance sold in this regard would be:
   a. Property coverage.
   b. Liability.
7. Any insurance on the life or health of a borrower or lessee of the Applicant or its subsidiary where the Applicant or the subsidiary is the beneficiary of the insurance. Insurance sold in this regard would be:
   a. Disability income.
   b. Mortgage life.
   c. Credit life.
8. Any insurance that is otherwise sold as a matter of convenience to the purchaser, such as:
   a. Accident health.
   b. Automobile.
   c. Property.
   c. Casualty.
   e. Life.

The sale of certain types of insurance is an activity which has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)) and, in general, to offer sufficient public benefits so as to meet the requirements of section 4(c)(8) of the Act.

Notice of the application was published in accordance with § 225.4(b)(2) of the Board's Regulation Y. Objections to the application were filed by certain local independent insurance agencies and by the National Association of Insurance Agents ("NAIA") and the Georgia Association of Independent Insurance Agents ("GAIA"). These parties sought and were granted intervention in the proceeding and requested a hearing thereon.

By Order dated March 6, 1973, the Board directed that a formal hearing be held on the subject application, as well as 21 other pending applications by bank holding companies to engage in certain insurance agency activities before a designated Administrative Law Judge ("Law Judge") (38 FR 6441). In addition to the parties designated above, other parties sought and were granted permission to participate in the proceeding, including the National Association of Life Underwriters ("NALU"), U.S. Fidelity and Guaranty Company ("USF&G"), and the Committee to Preserve Consumer Options ("CPCO") (an association of 28 banking institutions including most of the applicant bank holding companies in other docketed insurance agency applications then pending before the Board).

Following a prehearing conference on March 27, 1973, a public hearing was held in Atlanta, Georgia, commencing on June 27 and closing on June 29, 1973. A substantial record was developed through testimony and exhibits of the parties to the proceedings and others from the banking and insurance communities, both in support of, and in opposition to the application.[1] The hearing has been conducted in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR 263).

In a Recommended Decision, the Law Judge concluded that the evidence supported a partial approval of the application and recommended:

(1) That the application be granted with respect to proprietary and employee insurance for Applicant and its subsidiaries and for credit life, health and accident, and mortgage redemption insurance for their customers but denied as to all other forms of insurance in the Atlanta, Georgia area.

(2) That the application be granted as to insurance agency sales by First South Insurance Agency Division of Tharpe and Brooks, Inc. at its offices located outside of the Atlanta, Georgia, area and to customers of nonbanking affiliates of First National Holding Company also located outside the Atlanta, Georgia, area subject to the restrictions as set forth in Regulation Y § 225.4(a)(9).

(3) That, in those respects in which the application is granted, the authorization be subject to appropriate anticoercion statements to be furnished for execution by customers as part of their insurance applications.

The Board, having considered the exceptions taken to the Recommended Decision by the various parties and the entire record, and having determined that the Law Judge's findings of fact, conclusions, and order, as modified and supplemented herein, should be adopted as the findings, conclusions, and order of the Board, now makes its findings as to the facts, its conclusions drawn therefrom, and its order.

Applicant's only banking subsidiary, First National Bank of Atlanta ("Bank") had deposits of $1.0 billion representing about 24.5 per cent of total deposits of commercial banks in the Atlanta Metropolitan Statistical Area.[2] Applicant also controls several nonbanking subsidiaries engaged in such activities as data processing, leasing of personal property and equipment, mortgage banking, factoring, and commercial real estate financing. One of Applicant's nonbanking subsidiaries, Tharpe and Brooks, Inc., was acquired in 1970. This subsidiary is engaged in the activity of

[2] Dissenting Statement of Governor Brimmer filed as part of the original document. Copies are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551 or to the Federal Reserve Bank of Richmond.

[3] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Wallich. Voting against this action: Governor Brimmer. Absent and not voting: Chairman Burns.

[4] Board action was taken while Governor Brimmer was a Board Member.

[1] Board counsel participated in the hearing in a nonadversary capacity and took no position with respect to the merits of the application (12 CFR 263.6(d)).

[2] All banking data are as of December 31, 1972.

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mortgage banking and, as of May 31, 1973, serviced loans on property worth $420 million. Applicant proposes to engage in the above-described insurance agency activities through a division of Tharpe and Brooks, Inc. and estimates that during the first year of operation this division should generate approximately $1.5 million in premium income.

The principal issues involved in this application are identical to those considered by the Board in its July 3, 1974, approval of the application of The Alabama Financial Group, Inc. to engage in certain insurance agency activities (39 FR 25548). The Board must determine whether the activities sought to be engaged in by Applicant are: (1) permissible activities within § 225.4(a)(9) of Regulation Y and therefore closely related to banking or managing or controlling banks and (2) whether performance of the proposed activities can reasonably be expected to produce benefits to the public such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests or unsound banking practices. The Board has previously determined by Regulation (12 CFR 225.4(a)(9)) ("Insurance Regulation") that the following insurance agency activities are closely related to banking or managing or controlling banks and, in general, that performance of these activities by bank holding companies satisfies the public benefits test of section 4(c)(8) of the Act.[1]

The Law Judge concluded after review of the legislative history to the 1970 Amendments to the Bank Holding Company Act that "the Congress clearly had credit-related insurance agency sales in mind as an enterprise closely related to banking subject, however, to surviving the gamut of a net public benefits test • • •" page 17. The Board concurs with the Law Judge's understanding of the legislative history to this section of the Act and notes that this interpretation formed, in part, the basis for the adoption of the Board's Insurance Regulation. The Board has examined the individual types of insurance that Applicant seeks permission to sell in order to determine whether they come within the terms of the Insurance Regulation and whether their sale by Applicant satisfies the public benefits test.

Applicant seeks to sell under No. (1) above insurance for Applicant and its subsidiaries. Sale of this type of insurance has heretofore been permitted under § 225.4(a)(9)(i) of the Board's Insurance Regulation. Insurance permissible to sell under No. (1) would include insurance for the protection of the employees of the holding company in situations where the employee pays a portion of the premium for such insurance. As the Board noted in its Order referred to above relating to the application of The Alabama Financial Group, Inc., the protection of a bank holding company's employees through group insurance is a distinct benefit to the holding company the same as insurance on real property owned by the holding company. Therefore, the Board finds that the sale of insurance for the holding company and its subsidiaries, including group insurance for the protection of employees of Applicant, is a permissible activity under § 225.4(a)(9)(i) of the Insurance Regulation.

Under Nos. (2), (3), (5), and (6) above, Applicant seeks to sell various forms of insurance that protect the collateral that secures an extension of credit by Applicant or its subsidiaries. The Board finds that such coverages are directly related to an extension of credit within the meaning of § 225.4(a)(9)(ii)(a) of the Insurance Regulation. Insurance is essential from the lenders' standpoint to assure that the value of the collateral underlying an extension of credit will not be impaired by physical damage. The evidence of record in this proceeding confirms that the sale of insurance protecting the collateral securing an extension of credit is directly related to such extension of credit.

Applicant also seeks approval under these sections to sell liability insurance with regard to the assets being financed by Applicant or its subsidiaries. It appears from the evidence in this proceeding that liability insurance is generally sold in conjunction with property insurance on collateral securing extensions of credit. The Board has previously determined that where liability insurance is sold as part of a package with property insurance on collateral securing an extension of credit, the sale of such liability insurance is directly related to an extension of credit within the meaning of § 225.4(a)(9)(ii)(a) of the Board's Insurance Regulation. The Board reaffirms that position herein.

Applicant seeks authority under No. 5(f) above to sell homeowners' insurance. This is also a package form of insurance that combines property insurance with several other types of coverages and comes within § 225.4(a)(9)(ii)(a) of the Board's Insurance Regulation. This conclusion is further confirmed by the evidence of record indicating the difficulty of separately obtaining the several types of coverages contained in a homeowner's policy at a price comparable to that for the package. Accordingly, the Board concludes that the sale of homeowners' insurance supports the lending transactions of a bank or bank-related firm in the holding company system when it is sold to borrowers as a means of protecting the collateral in which the bank or bank-related firm has a security interest and is a permissible activity within § 225.4(a)(9)(ii)(a) of the Insurance Regulation.

Applicant requests authority under No. 5(e) above to sell performance bonds. Performance bonds have traditionally been sold as part of a mortgage loan transaction, and in the Board's judgment, there is a direct relationship between the sale of performance bonds and an extension of credit. The Board, therefore, finds that the sale of performance bonds is an activity within § 225.4(a)(9)(ii)(a) of the Insurance Regulation.

The sale of the several types of insurance sought to be sold under 5(a)(c)(d)(e) is also permissible where Applicant or its subsidiaries service mortgages for third parties. A company that services mortgages is usually responsible for obtaining insurance protecting the collateral supporting such mortgages and, thus, the sale of insurance is directly related to the provision of a financial service. Accordingly, the Board finds that the sale of insurance under such circumstances is within § 225.4(a)(9)(ii)(b).

Under No. (4) above, Applicant seeks to sell property and liability insurance which protects the value of assets being leased by Applicant or its subsidiaries. Property insurance protects the interest of Applicant in the assets being leased and, moreover, where liability insurance is sold as part of a package with property insurance, the former also is directly related to the provision of a financial service. Accordingly, the Board concludes that such insurance comes within § 225.4(a)(9)(ii)(b) of the Insurance Regulation since it is directly related to the provision of a financial service by a bank or bank-related firm.

Applicant has applied under 3(b) and 5(b) above for permission to sell business interruption insurance and loss of rent insurance. However, little or no evidence was presented orally, or otherwise, concerning these types of insurance. Accordingly, there is insufficient evidence in this record upon which the Board may determine whether the sale

[1] The Board's Insurance Regulation was adopted after notice of proposed rulemaking and following receipt of comments on the substance of the proposed regulation. The insurance activities authorized by the Insurance Regulation are arguably narrower than those insurance activities authorized by the Board prior to the 1970 amendments to the Bank Holding Company Act. These prior decisions of the Board were referred to approvingly by members of Congress in debate on the 1970 Amendments.

(9) Acting as insurance agent or broker in offices at which the holding company or its subsidiaries are otherwise engaged in business (or in an office adjacent thereto) with respect to the following types of insurance:

(i) Any insurance for the holding company and its subsidiaries;

(ii) Any insurance that (a) is directly related to an extension of credit by a bank or a bank-related firm of the kind described in this regulation, or (b) is directly related to the provision of other financial services by a bank or such a bank-related firm, or (c) is otherwise sold as a matter of convenience to the purchaser, so long as the premium income from sales within this subdivision (ii)(c) does not constitute a significant portion of the aggregate insurance premium income of the holding company from insurance sold pursuant to this subdivision (ii);

(iii) Any insurance sold in a community that (a) has a population not exceeding 5,000 or (b) the holding company demonstrates has inadequate insurance agency facilities.

of such insurance is closely related to banking or managing or controlling banks.

Applicant seeks under No. (7) above, to sell credit life, credit accident and health, and mortgage redemption insurance where the Applicant or one of its subsidiaries is the named beneficiary. The Board has previously determined that the sale of these forms of insurance is within § 225.4(a)(9)(ii)(a) of the Insurance Regulation[1] and reaffirms that determination herein.

Finally, under No. (8), Applicant seeks to sell insurance that is otherwise sold as a matter of convenience to the purchaser. The premium income from sales in this category would not constitute a significant portion of the aggregate premium income from insurance sold in connection with the extension of credit or the provision of other financial services. Convenience sales are expressly permitted by the Board under § 225.4(a)(9)(ii)(c) of the Insurance Regulation. However, the Board does not regard this provision as permitting the entrance by any of Applicant's subsidiaries into the general insurance agency business.

In determining whether a particular activity is a proper incident to banking or managing or controlling banks, the 1970 Amendments to the Act require the Board to "consider whether its performance by an affiliate of a holding company can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." The Board, in adopting the Insurance Regulation, found that the performance by bank holding companies of those activities authorized by such Regulation satisfied, in general, this public benefits test. Additionally, in considering this application the Board has specifically determined whether performance of insurance activities by this Applicant satisfies the public benefits test.

It is reasonable to anticipate that approval of the subject application will result in a greater convenience to the public. There is evidence in the record that the ability of a borrower to purchase insurance at the same location where he obtains credit is likely to result in savings in time as well as avoiding duplication of information common to both credit and insurance transactions. Although initially Applicant intends to have only one licensed agent at one of the branches of its banking subsidiary, borrowers from other branches and from Applicant's nonbanking subsidiaries can telephone the licensed agent and should be able to complete the insurance transaction at the time the credit is extended. This convenience may well be more apparent in regard to the sale of personal insurance than in the sale of commercial insurance; however, it appears that there is a commonality of information between existing commercial credit and commercial insurance so that convenience factors should be present in this context also. On the basis of this evidence, the Board concludes that consummation of this transaction would provide a greater convenience to the public and that this factor supports approval of the application.

It appears from the evidence of record that Applicant's sale of insurance would result in certain efficiencies. Almost all of the customers of the proposed agency will be referred to the agency by loan officers of Applicant. This should result in the reduction or, perhaps, even elimination of advertising and solicitation expenses. Moreover, there was testimony in the record that Applicant's banking subsidiary encountered problems in obtaining a verification of renewals of automobile insurance. This problem should be eliminated by having an agent affiliated with Applicant responsible for these renewals. There was also testimony that having the various loan officers of Applicant deal with one agent employed by Applicant would likely result in efficiencies through the establishment of a common pattern of operations. The Board concludes that such efficiencies taken in the aggregate constitute a public benefit and that this factor weighs in support of approval of the application.

It is reasonable to anticipate that Applicant's entry into the sale of certain insurance policies will result in increased competition among insurance agencies in Georgia. While this increased competition may not result in more than a minimum amount of price competition, it is likely to produce increased competition on the basis of service to customers. For example, the ability to combine credit and insurance in one transaction at one location could be a means by which Applicant would be able to offer effective competition in the sale of these forms of insurance. Additionally, the availability of the financial expertise of Applicant should insure the borrower that he has obtained the proper package of insurance required by the lender. This would bring competitive pressure to bear on other insurance agencies to improve their services. Based on these and other facts and records, the Board concludes that consummation of the subject application would provide public benefits through increased competition.

One of the possible adverse effects which Congress directed the Board to consider in determining whether a particular activity is a proper incident to banking is the danger of undue concentration of resources. There is no credible evidence in this record establishing that consummation of this transaction would result in an undue concentration of resources. Applicant projects that during the first year of operation after approval of this application the insurance agency division of Tharpe and Brooks, Inc. will generate about $1.5 million in premium income. Even assuming that Applicant's premium income would be substantially greater than this projection, premium income of such volume cannot be viewed as an undue concentration of resources of the magnitude which Congress visualized in adopting section 4(c)(8) of the 1970 Amendments. Nor, considering the numerous banking alternatives available in Atlanta, is it likely that Applicant will be able to dominate the insurance agency business through the sale of such insurance by its banking subsidiary. Accordingly, the Board concludes that Applicant does not possess sufficient market power to deny its entry into the insurance agency field.

Another possible adverse effect which the Congress directed to the Board to consider in any section 4(c)(8) application is the danger of decreased or unfair competition. Intervenors vigorously contested this application on such grounds. Their argument was that permitting Applicant to sell insurance would lead to coerced or voluntary tying[2] of insurance to extensions of credit by Applicant. The incidence of tying would allegedly be particularly widespread in times of "tight money." It appears that the Law Judge was concerned with such a possibility and accordingly recommended that Applicant not be permitted to sell several types of insurance in the Atlanta area where Applicant's banking subsidiary held approximately 14.5 per cent of the total deposits in commercial banks.

However, the evidence of record contains no specific instances of a tying arrangement resulting from either coerced or "voluntary" tying. In fact, a witness for the intervenors admitted that he knew of no attempt by Applicant to coerce borrowers to purchase insurance. On the other hand, there was testimony by Applicant's witnesses that insurace was not discussed with borrowers until after the loan transaction was closed. This would appear to alleviate any potential danger of voluntary tying. Moreover, it is clear that coerced tying is forbidden by § 106 of the Bank Holding Company Act and, under certain conditions, by provisions of the antitrust laws. For these reasons, in addition to Applicant's commitment not to coerce borrowers to buy insurance, the Board concludes that the dangers of coerced tying are not substantial and should not bar Applicants sale of insurance in the Atlanta area.

Further evidence that would indicate that the amount of voluntary tying that would arise from the ability of Applicant to sell insurance would not be substantial include testimony that Applicant, through its subsidiary Tharpe and Brooks, Inc., had been able to sell insurance to only approximately 13.5 percent of the mortgage borrowers of this firm. It appears that an even lower percentage of automobile loan borrowers from Applicant also purchased automobile insur-

[1] See Board Order relating to Worcester Bancorp, Inc., (1974 *F.R. Bulletin* 393) and the Board's Order relating to the application of the Alabama Financial Group, Inc. (39 *F.R. Bulletin* 25548).

[2] Voluntary tying results not from any coercion placed on the borrower by the lender but rather from the borrower's presumed desire to enhance the probability of obtaining a loan.

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ance from the Applicant's insurance agency. Additionally, as noted above, there are numerous alternative commercial banks in Atlanta to which a borrower may turn. There are also many nonbank lenders which compete in the Atlanta area. Borrowers can obtain automobile loans from sales finance companies, personal loans from consumer finance companies and credit unions, and mortgage loans from savings and loan associations and mortgage bankers. Considering these nonbank sources of credit together with the banking alternatives in Atlanta, the Board concludes that the sale of certain forms of insurance by Applicant will not create a possible danger of voluntary tying by borrowers of their insurance needs to their loans. Accordingly, the Board does not believe that Applicant should be foreclosed from selling insurance in Atlanta or that the public should be denied the greater conveniences, efficiencies, and increased competition that are likely to result from approval of the application. It is the Board's judgment that consummation of the proposal would not result in decreased or unfair competition.

The Law Judge recommended in his decision that "appropriate statements be included in all insurance application forms furnished by affiliates of the Applicant, in bold type above the borrower's signature, to the effect that the customer understands the placement of such insurance is not offered as a condition to the grant of credit, nor is an inducement therefor * * *" The Board notes that similar statements are likely to be included in all Truth in Lending disclosures made pursuant to the Board's Regulation Z with respect to credit life, accident and health, or loss of income insurance and it finds that the evidence in this record is not sufficient to otherwise require such language.

The Law Judge also recommended as a condition of approval that language be added to insurance application forms indicating that "similar insurance, not necessarily naming the lending institution as beneficiary, may be obtained from independent agents or in lieu thereof, that existing insurance owned by the debtor may be assigned to the bank" (page 20). The Board has not required this specific condition before; it notes that a similar statement will most likely be involved in appropriate Truth in Lending disclosures under the Board's Regulation Z with regard to casualty and liability insurance, and it believes that the evidence in this record is insufficient to demonstrate a public need for such a requirement beyond that reflected in Regulation Z.

Finally, in passing on an application under section 4(c)(8), the Board is required to consider whether conflicts of interests or unsound banking practices might arise from Applicant's entry into the insurance agency business. There was no evidence in this record to indicate such possibilities and the Board concludes that consummation of the transaction would not result in either conflicts of interests or unsound banking practices.

Subsequent to the Law Judge's decision in this case, legislation was passed by the Georgia legislature which arguably bore upon this application. Copies of such legislation, section 56-322 of the Georgia Code, were provided the parties and they were given the opportunity to comment. The parties' comments have been received, and the Board has considered such legislation and the parties' comments thereto.

In general, section 56-322 would restrict the types of insurance that a bank holding company could sell in Georgia. Applicant and CPCO have argued that such legislation by its terms does not apply to Applicant. The Board agrees with this contention since 1(d) of section 56-322 provides that any officer or employee of a bank holding company licensed to sell insurance in Georgia on January 1, 1974, and operating continuously since that date is not subject to the restrictive terms provided for in 1(a) of section 56-322.[1] The record establishes that Applicant acquired Tharpe and Brooks, Inc. in 1970 and has operated the insurance agency division of the company since then until the present time with appropriately licensed agents. Thus, Applicant appears to come within the exemptive provisions of 1(d) of section 56-322 and the Board concludes that Georgia law does not clearly prohibit the insurance activities in which Applicant seeks to engage.

The Board notes that NAIA has objected to the exclusion by the Law Judge of certain testimony of Mr. Harrison Houghton, a witness for NAIA. The Board, after examining the record, concludes that the Law Judge correctly exercised his discretion in refusing to admit this testimony since it was cumulative to other testimony in the record and, moreover, irrelevant to many of the issues involved in this application.

NAIA filed a motion to exclude Board personnel who were involved in this hearing from participating "in the making of the Board's decision" on this application. Since such personnel of the Board did not participate in the decisional process, the issue raised by the motion is moot.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved subject to the exceptions noted above. This determination is further subject to conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination in the activities of the holding company or any subsidiaries as the Board finds necessary to ensure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof. The transaction here approved shall be made not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By Order of the Board of Governors,[2] effective September 5, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21467 Filed 9-16-74;8:45 am]

[1] Section 1(d) of section 56-322 reads as follows:

(d) Nothing contained within this Section shall apply to any lending institution, bank holding company, nor to any organization which was a subsidiary or affiliate of either of the foregoing on January 1, 1974, nor to any officer or employee of the foregoing, if on January 1, 1974, such lending institution, bank holding company, subsidiary or affiliate, officer or employee was licensed to operate and was conducting business in conformity with all Federal and State laws applicable thereto, and all Federal and State rules and regulations applicable thereto and who have since January 1, 1974, been in continuous operation.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland, and Wallich. Absent and not voting: Governor Bucher.

GIRARD CO.

Order Approving Acquisition of Omnilease Corp.

Girard Company, Bala Cynwyd, Pennsylvania, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 885.4(b)(2) of the Board's Regulation Y, to acquire, through a proposed de novo subsidiary, Girard Leasing Corporation, Philadelphia, Pennsylvania ("GLC"), 50 percent of the voting shares of Omnilease Corporation, San Diego, California ("Omni"), and through such subsidiaries to engage in the activities of leasing personal property and equipment on a full-payout basis and act as agent, broker or advisor in the leasing of such property. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(6)(a)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 Federal Register 13919). The time for filing comments and views has expired. The application and all comments and views received have been considered in light of public interest factors in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant controls one bank, Girard Trust Bank, Bala Cynwyd, Pennsylvania ("Bank"), with deposits of $1.8 billion,[1] which represents about 5 percent of total deposits in commercial banks in Pennsylvania and ranks thereby as the fourth largest banking organization in the State.

GLC will be organized by Applicant for the purpose of acquiring 50 percent of the voting shares of Omni. While Omni was established in October of 1972, it has not yet engaged in any business and is virtually a de novo corporation. Omni and GLC propose to engage in leasing personal property and equipment on a full-payout basis whereby the lessor recovers its acquisition cost during the initial term of the lease and act as agent, broker or advisor in arranging such leasing transactions for third-parties. Although Omni may participate in such leases as lessor in a few instances, its primary business activity would be arranging such leasing transactions in the form of limited partnerships for GLC and third-parties. GLC would be the general partner in such transactions and each limited partnership would be established to facilitate leasing a single item of property. Since the limited partnership would be used only as a vehicle to facilitate the permissible leasing activities of GLC, Board approval of each limited partnership would not be required.

Since Omni has not yet engaged in any leasing activity it should be considered as a de novo corporation for purposes of assessing the competitive aspects of this proposal. Applicant does not engage, directly or indirectly, in acting as agent, broker or advisor with respect to leasing personal property. However, Bank has engaged in a few personal property leasing transactions. In view of the de novo nature of GLC and Omni and the limited extent of Bank's leasing activities, it is the Board's view that approval of the proposed transactions would have no adverse effects on either existing or potential competition. There is no evidence in the record to indicate that consummation would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects upon the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulaton Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Philadelphia.

By order of the Board of Governors,[2] effective September 9, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21466 Filed 9-16-74;8:45 am]

[1] All banking data are as of June 30, 1973.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, and Holland. Absent and not voting: Governors Bucher and Wallich.

PLYMOUTH BANCORPORATION, INC.

Order Approving Formation of Bank Holding Company

Plymouth Bancorporation, Inc., Le Mars, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80.96 per cent of the voting shares of the First National Bank in Le Mars, Le Mars, Iowa ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating company with no present or proposed subsidiaries other than Bank. Bank (deposits of $18.1 million)[1] is the smaller of two banks in Le Mars and ranks second of nine banks in the relevant market,[2] holding 20.7 per cent of market area commercial bank deposits. Applicant's principal officer and shareholder is associated with other banking organizations in northwestern Iowa, but none of the banks is located in Bank's area, and the proposed transaction involves the acquisition by a new corporation of only one bank. Since the acquisition is essentially a means of transferrng shares of Bank from an individual to corporate ownership, it is concluded that consummation of the proposal will neither eliminate existing or potential competition, increase the concentration of banking resources in any relevant market area, nor have any adverse effect on any other firm.

The financial and managerial resources and future prospects of Applicant are dependent upon those same factors in Bank, which are viewed as generally satisfactory. Banking factors are regarded as consistent with approval.

Applicant's acquisition of Bank is expected to provide Bank's customers with increased residential mortgage loans and to provide computerized operations for certain of Bank's internal functions. Considerations relating to the convenience and needs of the community served are, therefore, consistent with approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[3] effective September 6, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21468 Filed 9-16-74;8:45 am]

[1] Deposit data are as of December 31, 1973.

[2] The relevant market area is approximated by Plymouth County, excluding the southeast corner.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, and Holland. Absent and not voting: Governors Bucher and Wallich.

SOUTHEAST BANKING CORP.

Order Approving Acquisition of Bank

Southeast Banking Corporation, Miami Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The Sebastian River Bank, Sebastian, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views has been given in accordance with § 3(b) of the Act. This Federal Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Florida, controls thirty-six banks with aggregate deposits of $2.15 billion, representing 9.38 percent of deposits in all commercial banks in the state. (All banking data are as of December 31, 1973, and reflect acquisitions and formations approved through August 1, 1974.) Acquisition of Bank with deposits of $7.7 million, would increase Applicant's share of State deposits by less than one percent, and would not result in a significant increase in the concentration of banking resources in Florida.

Bank is the fourth largest of six banks in the relevant market which is approximated by Indian River County, and holds 6.18 percent of the deposits in the market area. Applicant's nearest banking subsidiary is located 22 miles north in a separate market. There is no significant competition between Bank and any of Applicant's subsidiaries, and it is unlikely that any future competition will develop because of the distances involved and the number (four) of intervening banks. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank appear generally satisfactory, and are consistent with approval.

There is no evidence that the banking needs of the community are not being served; however, affiliation with Applicant should aid Bank in its commercial mortgage and construction lending. Further, Applicant will provide Bank with assistance in recruiting and training personnel. Convenience and need factors lend some weight toward approval. It is this Federal Reserve Bank's judgment that consummation of the proposed

[1] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, and Holland. Absent and not voting: Governors Bucher and Wallich.

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transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective September 5, 1974.

[SEAL] MONROE KIMBREL.

[FR Doc.74-21460 Filed 9-16-74;8:45 am]

WISDOM HOLDING CORP.

Formation of Bank Holding Company

Wisdom Holding Corporation, Salem, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 81 percent or more of the voting shares of The Bank of Bunker, Bunker, Missouri and through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of Dent County Bank, Salem, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)).

Wisdom Holding Corporation, Salem, Missouri, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the insurance agency business of Glen Wisdom, sole proprietor, currently operated upon the premises of The Bank of Bunker, Bunker, Missouri, and the Dent County Bank, Salem, Missouri. Notice of the application was published on July 26, 1974, in The Salem News, a newspaper circulated in Bunker, Missouri and in Salem, Missouri.

Applicant states that it will engage in the sale of whole life, credit life and accident and health insurance in communities of less than 5,000 people. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 7, 1974.

Board of Governors of the Federal Reserve System, September 9, 1974.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.74-21464 Filed 9-16-74;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on August 27, 1974. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

CIVIL AERONAUTICS BOARD

Request for clearance of the reporting requirements contained in the amendment to Part 250 of the Board's Economic Regulations which extends the application of Part 250 to foreign air carriers on a limited basis; frequency is monthly; potential respondents are scheduled foreign air carriers; reporting burden is estimated at 2 hours for each respondent per response.

NORMAN F. HEYL, *Regulatory Reports Review Officer.*

[FR Doc.74-21453 Filed 9-16-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 122; D-Utah-401J]

WENDOVER AIR FORCE RANGE, UTAH

Transfer of Property

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America dated August 29, 1974, the property comprising approximately 216 acres of unimproved land identified as a portion, Wendover Air Force Range (Blue Lake), Wendover, Utah, has been conveyed to the State of Utah.

2. The above described property was conveyed for wildlife conservation purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b), as amended by Public Law 92-432.

Dated: September 9, 1974.

L. F. ROUSH, *Commissioner, Public Buildings Service.*

[FR Doc.74-21383 Filed 9-16-74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DANCE ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Dance Advisory Panel to the National Council on the Arts will be held at 9:30 a.m. on September 26, 27, and 28, 1974 in the first floor conference room of the Shoreham Bldg., 806 15th St. NW., Washington, D.C.

A portion of this meeting will be open to the public on Sept. 27 all day & 9/26 & 28 from 11:30 a.m. to 5:30 p.m. on a space available basis. Accommodations are limited. During the open session the relationship of dance with other funding areas in the different programs of the Endowment will be discussed.

The remaining sessions of this meeting, Sept. 26 and Sept. 28, 1974 from 9:30 to 11:30 a.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4) and (5) will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202)-382-5871.

EDWARD M. WOLFE, *Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.*

[FR Doc.74-21379 Filed 9-16-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE ON ETHICAL AND HUMAN VALUE IMPLICATIONS OF SCIENCE AND TECHNOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given that a meeting of the Advisory Committee on Ethical and Human Value Implications of Science and Technology will be held at 10 a.m. on October 7, 1974, in room 642 at 1800 G Street NW., Washington, D.C. 20550. The afternoon session will begin at 1:30 p.m. in the same location, and will be in collaboration with the Advisory Committee on Science, Technology and Human Values of the National Endowment for the Humanities.

The purpose of this Committee is to provide advice and recommendations concerning support of scholarly activities in the field of ethical and human value implications of scientific and technological progress, in conjunction with cooperative programs of the National Endowment for the Humanities and the National Science Foundation.

The agenda for the meeting shall include:

MORNING 10:00

Discussion of program developments since the meeting of December 12, 1973
Discussion of projected activities for FY 1975
Discussion of long-range plans

AFTERNOON 1:30

(Collaborative session with the NEH Science, Technology and Human Values Advisory Committee)
Discussion of current joint NSF-NEH activities
Discussion of possible projects for joint agency support

This meeting shall be open to the public on a space available basis. Individuals who plan to attend should notify Dr. Robert J. Baum, Manager, Ethical and Human Value Implications of Science and Technology Program, by telephone (202/282-7947) or by mail (Rm. 668W, 1800 G Street NW., Washington, D.C. 20550) not later than the close of business on October 3, 1974. For further information concerning this Committee, contact Dr. Robert J. Baum, Program Manager, at the above address. Summary minutes of this meeting may be obtained from the Management Analysis Office, room K-720, 1800 G Street NW., Washington, D.C. 20550.

Dated: September 11, 1974.

FRED K. MURAKAMI, *Committee Management Officer.*

[FR Doc.74-21432 Filed 9-16-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management of Budget on September 12, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Departmental:
Assisting Institution Questionnaire, Form ----, Single Time, EGG/Hulett ---- Businesses.
LBDO/CCAC Financial Data Form, Form, ---- Single Time, EGG/Hulett ---- Businesses.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research:
Administrative Agency Experiment, Third Participant Survey, Form ----, Single Time ---- CVAD/Sunderhauf, Households participating in EHAP.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Census:
Production and Shipments of Rubber and Plastics Hose and Belting Annual Report, Form MA-30B, ---- Annual, ---- Weiner, Hose and Belting Manufacturers.
State Tax Collections—Quarterly Survey, Form F-72 ---- Quarterly, Ellett ---- State governments.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of the Census:
Quarterly Survey of Property, Tax Collections, Form F-71, Quarterly, Ellett, County, City and Township Governments.
Quarterly Survey—Selected Local Taxes, Form F-73, Quarterly, Ellett, Selected major city and county governments.

Bureau of Economic Analysis:
Foreign Carriers' Ocean Freight Revenues and Expenses in the United States, Form BE-29, Annual, Evinger, Foreign Ocean Freight Carriers.
Foreign Airline Operators Revenues and Expenses in the United States, Form BE-36, Annual, Evinger, Foreign Airline Operators.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration Transmittal of Periodic and Promotional Material for New Animal Drugs, Form FD 2301, Occasional, Evinger, Drug Firms.

VETERANS ADMINISTRATION

Daily Report of Workmen and Materials, Form ----, Occasional, Caywood, Workmen.
Schedule of Costs, Form ----, Occasional, Caywood, Workmen.

PHILIP D. LARSEN, *Management and Budget Officer.*

[FR Doc.74-21590 Filed 9-16-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3549]

HAYDEN STONE, INC. AND BERNSTEIN-MACAULAY, INC.

Filing of Application

SEPTEMBER 10, 1974.

Notice is hereby given that Hayden Stone, Inc., 767 Fifth Avenue, New York, New York ("Hayden") and Bernstein-Macaulay, Inc., 767 Fifth Avenue, New York, New York ("Bernstein") have filed an application pursuant to section 9(c) of the Investment Company Act of 1940 ("Investment Company Act") for an order exempting Hayden and Bernstein from the provisions of section 9(a) of the Investment Company Act insofar as any ineligibility to serve or act in the capacities enumerated in section 9(a) of the Investment Company Act arises out of injunctions entered against Hayden in connection with two civil actions entitled Securities and Exchange Commission v. Topper Corporation, et al. (United States District Court for the Southern District of New York 73 CA4848) ("Topper Case") and SEC v. Hayden Stone, Inc., et al. (United States District Court for the Southern District of New York 74 CA1014) ("Hayden Case").

All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Hayden states that it is a multi-service, publicly held broker-dealer with 55 domestic and foreign branches carrying approximately 80,000 active customer accounts and employing over 2,000 persons. Hayden states that it is presently in the process of effectuating a merger between Hayden and another broker-dealer, Shearson, Hammill & Co., Incorporated ("Shearson, Hammill"). Shearson, Hammill is principal underwriter for and through its wholly-owned subsidiary, The Shearson Hammill Management Company, Inc., is an investment adviser to four registered investment companies:

Shearson Income Fund, Inc., Shearson Investors Fund, Inc.
Shearson Capital Fund, Inc., and Shearson Appreciation Fund, Inc.
Bernstein is a wholly owned subsidiary of Hayden and is registered with the Commission as an investment adviser.

Section 9(a)(2) of the Investment Company Act, as here pertinent, makes it unlawful for any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security to serve or act in the capacity of employee, officer, director, member of advisory board, investment adviser or depositor of any registered investment company or principal underwriter for any registered open-end company, registered unit investment trust,

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or registered face amount certificate company. Section 9(a)(3) makes it unlawful for a company, any affiliated person of which is ineligible by reason of section 9(a)(2) to serve or act in the enumerate capacities.

Section 9(c) provides that upon application the Commission by order shall grant an exemption for the provisions of Section 9(a) either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of section 9(a) as applied to Hayden Stone and/or Bernstein are unduly or disproportionately severe, or that the conduct of such person had been such as not to make it against the public interest or protection of investors to grant such application.

On November 12, 1973, Hayden consented to an injunction in the Topper case referred to above. Said injunction enjoined Hayden from further violations of section 10(b) of the Securities and Exchange Act of 1934 ("Exchange Act") and Rule 10b-5 thereunder in connection with the purchase or sale of securities in the capacity as managing or co-managing underwriter of a public offering or as manager of a private placement. The allegations in the Topper case related to non-disclosures in a private placement of Topper securities in September, 1971.

On March 5, 1974 Hayden consented to an injunction in the Hayden case referred to above. Said injunction restrained Hayden from violating section 17(a) of the Securities Act of 1933 and section 10(b) of the Securities Exchange Act, Rule 10(b)-5 thereunder in connection with the purchase or sale of any securities in a public offer for which Hayden is a managing or co-managing underwriter, and Rule 10b-6 thereunder in connection with the distribution of any security in which Hayden is participating or has agreed to participate. In connection with the settlement of the injunctive action, Hayden also consented to the institution of administrative proceedings by the Commission and to the imposition of sanctions against it in those proceedings. (Securities and Exchange Act Release 10675, March 8, 1974.) The allegations in the Hayden case related to a public offering of the securities of The Seaboard Corporation which was underwritten by Hayden in January, 1970.

By virtue of the Topper and Hayden injunctions, Hayden and Bernstein are subject to the prohibitions of section 9(a). Hayden states that it seeks exemptions from the prohibitions so that it can act as an underwriter for open end investment companies or unit investment trusts, and in the event the merger of Hayden and Shearson Hammill is successfully concluded, and subject to the appropriate approvals by the investment companies presently managed by Shearson Hammill, it is contemplated that the merged company will become investment adviser and principal underwriter for the investment companies either directly or through Bernstein or some other subsidiary of the merged company.

Hayden and Bernstein state that the prohibitions of section 9(a) of the Act are unduly harsh and disproportionately severe as applied to Hayden and Bernstein and that the conduct of Hayden and Bernstein has been such as not to make it against the public interest or the protection of investors for the Commission to grant a permanent exemption from the provisions of section 9(a) of the Act.

In support thereof, Hayden and Bernstein state:

(i) Since the date of the transactions involving Seaboard and Topper, Hayden had undergone significant changes in terms of size, management, and services offered to the public;

(ii) Except for the two injuctive actions, neither Hayden nor Bernstein has ever been charged by the Commission or the Government in either a formal administrative proceeding or a court action with violations of any of the securities laws; and

(iii) Hayden proceeded at all times in good faith.

Notice is further given that any interested person may not later than September 26, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing upon Hayden and Bernstein at the address set forth above. Proof of such service (by affidavit or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided in Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the Application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponement thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-21387 Filed 9-16-74;8:45 am]

[812-3636]

INVESTORS SYNDICATE OF AMERICA, INC. AND IDS LIFE INSURANCE COMPANY

Filing of Application

SEPTEMBER 10, 1974.

Notice is hereby given that Investors Syndicate of America, Inc. ("ISA"), registered under the Investment Company Act of 1940 ("Act"), as a face-amount certificate company, and IDS Life Insurance Company ("IDS Life"), IDS Center, Minneapolis, Minnesota 55402, an insurance company incorporated in Minnesota (collectively the "Applicants"), have filed an application pursuant to section 17(d) of the Act and Rule 17d-1 thereunder for an order of the Commission permitting Applicants to participate to the extent noted below in proposed transactions arising out of the marger of Unimet Corporation ("Unimet") into Azcon Corporation ("Azcon"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants are each wholly-owned subsidiaries of Investors Diversified Services, Inc. ("IDS") which acts as distributor of the face-amount certificates issued by ISA and as investment adviser to each of the Applicants. Applicants have two common directors and three common officers. Unimet, which had consolidated assets of approximately $14,700,000 and consolidated income of approximately $1,100,000 as of December 31, 1972, is a Delaware corporation engaged principally in the wholesale distribution of metals and metal products. ISA and IDS Life hold $1,250,000 and $416,667 respectively, in unpaid principal amount of the 9¼ percent Senior Notes due January 1, 1987 of Unimet (the "Unimet Notes"). Consolidated Gold Fields Limited ("Gold Fields") and three of its wholly-owned subsidiaries own not less than 84 percent of Azcon, a Maine corporation. Gold Fields, a United Kingdom corporation, which had consolidated assets of approximately £239,242,000 ($552,649,000) at book value or £458,760,000 ($1,059,736,000) at market value and consolidated net income of approximately £19,043,000 ($43,989,000) as of June 30, 1973, is engaged principally in the mining business and other related businesses through wholly-owned or majority owned subsidiaries and associated companies.

On June 30, 1972, ISA and IDS Life acquired $1,500,000 and $500,000, respectively, in unpaid principal amount of the Unimet Notes which then had a maturity date of January 1, 1988. An election by Unimet subsequent to the issuance of the Unimet Notes to double two semi-annual sinking fund payments advanced maturity to January 1, 1987. The terms of the Unimet Notes were determined through a series of discussions between IDS, Unimet, and Laird Incorporated ("Laird"), an underwriter retained by Unimet. After consideration of the offering materials prepared by Laird, the research reports and recommendations of IDS, and the results of other investigations, each of the Applicants determined that the purchase of the Unimet Notes was in its best interest. Applicants state that the purchase by ISA of the Unimet Notes was on the same terms as the purchase by IDS Life and, therefore, was not on a basis different from or less advantageous than the purchase by IDS Life. It is submitted that the notes received, the Note Agreements entered into, and the rights of payment were identical for ISA and IDS Life and that only the principal amount purchased by each applicant varied. Applicants represent that this variation reflected considerations of respective cash flow and risk in relation to total assets available for investment. It is stated that neither ISA, IDS Life or IDS nor any of their affiliates held Unimet securities other than the Unimet Notes on June 30, 1972 or subsequent thereto.

Following a successful tender offer for Unimet's common stock, Unimet was merged into Azcon. Unimet requested that the holders of the Unimet Notes consent to the merger since the terms of the Unimet Notes required such consent. In addition, Unimet requested that the holders of the Unimet Notes consent to the modification of the Unimet Notes to eliminate certain negative covenants in exchange for like guarantees by Gold Fields. Such request was made to conform the terms of the Unimet Notes to the terms of a bank term loan negotiated by Azcon to finance the tender offer. Applicants have consented to such merger and modifications contingent upon the granting of an order permitting their participation in such transactions since it was necessary for Azcon to commence its tender offer and consummate the merger prior to the issuance of such an order. In the event an order permitting Applicants' participation is not granted, Azcon will prepay the aggregate unpaid principal amount of the Unimet Notes held by the Applicants, plus interest accrued thereon, together with a prepayment premium of 8.64 percent of such principal amount in accordance with the prepayment provisions of the Unimet Notes. Other institutional investors holding Unimet Notes elected to have their Unimet Notes prepaid and such prepayment has been affected.

Applicants propose to enter into Exchange and Recapitalization Agreements (the "Exchange Agreements") with Azcon and Gold Fields providing for the issuance to Applicants of Azcon's 9¼% Senior Notes due January 1, 1987 (the "Azcon Notes") in an aggregate principal amount equal to the aggregate unpaid principal amount of the Unimet Notes held by Applicants. The Azcon Notes and the Exchange Agreements will contain none of the restrictions relating to various financial matters provided in the Unimet Notes such as limitations on indebtedness, lease obligations, liens and investment dividends and will contain no asset maintenance requirements on net worth and working capital. In lieu of these restrictions, Applicants will receive the unconditional guaranty of Gold Fields (the "Guaranty") of the due and punctual payment of the Azcon Notes. Pursuant to the Guaranty, Gold Fields will be obligated, if an event of default shall occur under the terms of the Azcon Notes, to purchase the Azcon Notes from the holders thereof at the principal amount thereof plus accrued interest and any applicable premium thereon. Under the Exchange Agreements, Azcon will be permitted to merge into or sell its assets to another company provided such other company is organized under the laws of the United States or of any state in the United States and expressly assumes the obligations of Azcon under the Azcon Notes and the Exchange Agreements. It will constitute an event of default under the Azcon Notes if Gold Fields, together with its wholly-owned subsidiaries, fails at any time to own at least 51% of the voting stock of Azcon or any successor to Azcon. Except for the foregoing differences, the Azcon Notes to be received by ISA and IDS Life will be identical in all material respects to the Unimet Notes and will rank equally in right of payment.

Applicants state that since IDS is the parent of and the investment adviser for both ISA and IDS Life, Applicants might be deemed to be under "common control" and each of the Applicants and IDS might be deemed to be an "affiliated person" of each of the others under the definition of "affiliated person" set forth in section 2(a)(3) of the Act. Rule 17d-1 adopted by the Commission under section 17(d) of the Act provides, in pertinent part, that "no affiliated person of or principal underwriter for any registered investment company * * * and no affiliated person of such a person or principal underwriter, acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit-sharing plan in which any such registered investment company * * * is a participant, and which is entered into, adopted or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise, arrangement or profit-sharing plan has been filed with the Commission and has been granted by an order entered prior to the submission of such plan or modification to security holders for approval, or prior to such adoption or modification if not so submitted." It also provides that in passing upon such application the Commission will consider whether the participation of such registered investment company in such joint enterprise, joint arrangement, or profit-sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. Applicants submit that the consent to the merger of Unimet into Azcon by the respective Applicants, the execution by them of the Exchange Agreements and the carrying out of the transactions contemplated thereby and by the Azcon Notes and the Guaranty may be deemed to constitute a joint enterprise, joint arrangement or profit-sharing plan as defined by Rule 17d-1.

Applicants assert that the merger of Unimet into Azcon and the receipt by Applicants of the Azcon Notes and the Guaranty will be in the best interests of ISA and IDS Life and that the participation of ISA in such transactions will be consistent with the provisions, purposes and policies of the Act. Applicants represent that the Guaranty will improve their present position and that the Azcon Notes so guaranteed constitute an attractive investment for each of them in view of the overriding financial strength of Gold Fields as compared to Unimet. Applicants assert that the terms of the Azcon Notes and the Exchange Agreements are identical, with respect to both Applicants, except as to the principal amount of the Azcon Notes, and that the Azcon Notes received by ISA rank equally in right of payment with those to be received by IDS Life. Applicants therefore represent that the participation of ISA is not on a basis different from or less advantageous than that of IDS Life.

Notice is further given that any interested person may, not later than October 7, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing(upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following October 7, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS.
Secretary.

[FR Doc.74-21385 Filed 9-16-74;8:45 am]

NATURIZER, INC.

[File No. 500-1]

Suspension of Trading

SEPTEMBER 10, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the Class A and Class B common stock of Naturizer, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

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Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 3 p.m., e.d.t., on September 10, 1974 through midnight, e.d.t., on September 19, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-21388 Filed 9-16-74;8:45 am]

[812-3662]

SCHUSTER FUND, INC. AND SCHUSTER SPECTRUM FUND, INC.

Notice of Application

SEPTEMBER 10, 1974.

Notice is hereby given that Schuster Fund, Inc. ("Schuster") and Schuster Spectrum Fund, Inc., ("Spectrum") (collectively referred to as "Applicants"), 245 Park Avenue, New York, New York 10017, open-end, diversified, management investment companies registered under the Investment Company Act of 1940 ("Act"), have filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed merger of Spectrum into Schuster. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Schuster, a Maryland corporation, was organized in 1967 and, as of March 31, 1974, had net assets of $11,249,772. Spectrum, a Maryland corporation, was organized in 1969 and, as of March 31, 1974, had net assets of $975,733. The investment objective of Schuster is long-term capital appreciation; the investment objective of Spectrum is to seek capital growth. CNA Management Corporation ("CNA"), wholly-owned subsidiary of CNA Financial Corporation, acts as investment adviser and principal underwriter for both Applicants. The Boards of Directors and officers of both Applicants are identical, and their governing instruments are substantially similar. Accordingly, each of the Applicants may be deemed to be under common control, and, therefore, Applicants may be deemed to be affiliated persons of each other within the meaning of section 2(a)(3) of the Act.

Applicants propose to enter into an agreement of merger under which Spectrum is to be merged into Schuster. Schuster shall be the surviving corporation, and the separate existence of Spectrum shall cease. The proposed merger is contingent upon the receipt of an opinion of counsel to the effect that the merger will constitute a tax-free reorganization. The agreement of merger requires the affirmative vote of at least a majority of the outstanding voting securities of Spectrum.

Prior to the effective date of merger, each Applicant will distribute to its respective shareholders a dividend consisting of substantially all of its undistributed net taxable investment income and net taxable short-term capital gains. Such taxable dividends will be paid in each case in additional shares of the respective Applicant or, at the election of each shareholder, in cash. On the effective date of merger, the outstanding shares of capital stock of Spectrum will be converted into that number of full shares (and fractional interest in a full share) of Schuster as shall have an aggregate net asset value, as of the last day on which the New York Stock Exchange is open for unrestricted trading prior to the effective date of the merger, equal to the aggregate net asset value of each shareholder's interest in Spectrum.

As of March 31, 1974, Spectrum had a tax loss carry forward of approximately $515,800. Of such tax loss carry forward, $205,787 will be available to Schuster if the merger is effected. As of March 31, 1974, Schuster had a tax loss carry forward of approximately $4,923,000. On March 31, 1974, Spectrum had unrealized losses of $141,870 and Schuster had unrealized losses of $2,650,057.

No adjustment in the net asset values of Applicants will be made to compensate for any potential Federal income tax impact on the shareholders of Applicants which may result from the differences between the Applicants in the percentage of each Applicant's net unrealized capital losses to its net asset value and in the amount of each Applicant's tax loss carry forward. Applicants assert that the application of an adjustment formula is inappropriate in this instance in view of the substantial tax loss carry forward and unrealized losses possessed by each Applicant. Applicants further assert that a tax adjustment cannot be demonstrated to result in fairer treatment to the respective shareholders than not making an adjustment since the effect on a particular shareholder is dependent on a variety of personal factors such as the individual shareholder's capital gains tax rate, the individual's cost basis, the time when the individual ultimately redeems his shares in Schuster, and Schuster's future pattern of realization and distribution of gains.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants assert that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned since shares of Schuster will be issued to the shareholders of Spectrum on the basis of the respective net asset values of each of the Applicants determined at the same point in time. Applicants state that certain expenses, such as legal, accounting, and custodial fees, qualification of shares for sale, shareholder meetings, preparation of proxies and shareholder reports, franchise taxes and possibly brokerage commissions, are expected to constitute a lower percentage of income of the surviving Applicants than they presently constitute of each Applicant separately.

Applicants assert that the proposed merger is consistent with the policies of both Spectrum and Schuster and the general purposes of the Act. The investment objectives of both Applicants is capital appreciation, and the investment policies and restrictions of both Applicants are substantially the same.

The aggregate expenses of the Applicants in connection with the proposed merger, including legal, accounting, printing, transfer agent and other miscellaneous expenses, are estimated at $12,500. Such expenses will be borne by Schuster in the event the merger is effected and will be allocated to each Applicant in proportion to its respective net asset value in the event the merger is not effected.

Notice is further given that any interested person may, not later than October 16, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following October 16, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-21384 Filed 9-16-74;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

SEPTEMBER 9, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (Class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10:00 A.M. (EDT) on September 9, 1974 through midnight (EDT) on September 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-21386 Filed 9-16-74;8:45 am]

[70-5338]

AMERICAN ELECTRIC POWER COMPANY, INC.

Notice of Post-Effective Amendment Regarding Proposed Cash Capital Contributions to Subsidiary Companies

SEPTEMBER 11, 1974.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), 2 Broadway New York, New York 10004, a registered holding company, has filed a fourth post-effective amendment to its application-declaration in this proceeding pursuant to sections 6(b) and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45 and 50(a)(5) promulgated thereunder regarding the following proposed transaction.

By order dated June 29, 1973 (Holding Company Act Release No. 18013), the Commission authorized AEP to make cash capital contributions from time to time prior to December 31, 1974, to three of its public-utility subsidiary companies as follows: $85,000,000 to Ohio Power Company ("Ohio"), $40,000,000 to Appalachian Power Company ("Appalachian"), and $70,000,000 to Indiana & Michigan Company ("I&M").

It is now proposed that AEP be permitted to increase the proposed contributions to two of its public utility subsidiary companies to the following amounts: $100,000,000 to I&M and $115,000,000 to Ohio Power.

No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 4, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-21478 Filed 9-16-74;8:45 am]

BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

Notice of Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, the Securities and Exchange Commission announces the following public advisory committee meeting.

The Commission's Advisory Committee on a Model Compliance Program for Broker-Dealers, established on October 25, 1972 (Securities Exchange Act Release No. 9335), will hold meetings on October 9-12, 1974, at the Riviera Hyatt House, Conference Room B, 1630 Peachtree Street NW., Atlanta, Georgia. The meeting on October 9 will commence at 2 p.m. and the meetings on October 10, 11 and 12 (if needed) will commence at 9:00 a.m.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by this Committee's work, the Commission plans to publish a guide to broker-dealers of the standards to which they should adhere if investor confidence in the fairness of the market place is to be warranted and sustained. The Committee's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers, but to inform broker-dealers as to the existing requirements and how they may comply with them.

The Committee's scheduled meetings will be for the purpose of reviewing the final draft of the Committee's proposed report to the Commission on these compliance guidelines for broker-dealers.

These meetings are open to the public. Any interested person may attend and appear before or file statements with the Advisory Committee—which statements, if in written form, may be filed before or after the meetings or, if oral, at the time and in the manner and extent permitted by the Advisory Committee. Information on the procedures for making statements may be obtained by contacting: SEC Broker-Dealer Model Compliance Program Advisory Committee, Mr. Sidney T. Bernstein, Secretary, 500 North Capitol Street NW., Room 334, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

SEPTEMBER 11, 1974.

[FR Doc.74-21477 Filed 9-16-74;8:45 am]

[70-5430]

EASTERN UTILITIES ASSOCIATES, ET AL.

Notice of Proposed Loans and Open Account Advances by Holding Company to Subsidiaries

SEPTEMBER 11, 1974.

In the matter of Eastern Utilities Associates, P.O. Box 2333, Boston, Massachusetts 02107; Blackstone Valley Electric Company, P.O. Box 1111, Lincoln, Rhode Island 02865; Brockton Edison Company, 36 Main Street, Brockton, Massachusetts 02403; Fall River Electric Light Company, 85 North Main Street, Fall River, Massachusetts 02722; Montaup Electric Company, P.O. Box 391, Fall River, Massachusetts 02722.

Eastern Utilities Associates ("EUA") a registered holding company, and its four electric utility subsidiary companies, Blackstone Valley Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), Fall River Electric Light Company ("Fall River"), and Montaup Electric Company ("Montaup"), have filed a post-effective amendment to the application-declaration, as amended, previously filed in this proceeding pursuant to sections 6(a), 7, 9(a), 10, 12(b), 12(c) and 12(f) of the Public Utility Holding Company Act of 1935 ("Act"), and Rule 45(a) promulgated thereunder regarding the following proposed transactions.

By Order dated December 27, 1973, (Holding Company Act Release No. 18238), in this proceeding EUA, Blackstone, Brockton, Fall River and Montaup were authorized to issue notes to banks, and in the cases of Blackstone, Brockton, and Fall River to also receive open account advances from EUA in maximum aggregate amounts specified by said order.

Applicants-declarants now request authority (1) for EUA to make loans to Montaup in amounts not to exceed $15,000,000 in principal amount out-

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standing at any one time; and (ii) for EUA to make advances on open account through December 31, 1974, in addition to those heretofore authorized in this proceeding of up to $1,000,000 to Blackstone, $2,000,000 to Brockton and $1,000,000 to Fall River. Proceeds of said loans and advances are to be used for meeting construction expenditures or to reduce short-term borrowings from banks.

EUA's loans to Montaup will be evidenced by promissory notes maturing not later than December 31, 1974. The loans to Montaup and the advances to Blackstone, Brockton and Fall River will bear interest at a rate per annum equal at all times to 115 percent of the base rate in effect at First National City Bank, New York, New York on 90-day loans to responsible and substantial commercial borrowers, each change in the interest rate on such advances to take effect simultaneously with the corresponding change in the base rate. Assuming a base rate of 12 percent, the effective interest cost would be 13.8 percent.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses, if any, to be incurred in connection with the proposed transaction will be filed by amendment.

Notice is further given that any interested person may, not later than October 3, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as further amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-21479 Filed 9-16-74;8:45 am]

[File No. 500-1]

FRANKLIN NEW YORK CORP.

Suspension of Trading

SEPTEMBER 11, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock and 7.30 percent notes of Franklin New York Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended; for the period from September 12, 1974 through September 21, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-21475 Filed 9-16-74;8:45 am]

[File No. 500-1]

FRANKLIN NATIONAL BANK

Suspension of Trading

SEPTEMBER 11, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the preferred stock and 4.75 percent debentures of Franklin National Bank (New York, N.Y.) being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 12, 1974 through September 21, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-21476 Filed 9-16-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-74-44]

AMERICAN BRIDGE, ET AL.

Notice of Applications for Variance and Grant of Interim Orders

I. *Notice of applications.* Notice is hereby given that American Bridge, Division of United States Steel Corporation, 600 Grant Street, Pittsburgh, Pennsylvania 15230 and Bethlehem Steel Corporation, Fabricated Steel Construction Division, Bethlehem, Pennsylvania 18016 have made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1926.451(a)(4), (5), and (10) dealing with scaffolding.

The places of employment affected by these applications are the construction sites where the applicants are engaged in construction operations.

The applicants certify that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the applications, the applicants contend that they are providing employment and places of employment as safe as those which would prevail if they complied with § 1926.451(a)(4), and (10). Section 1926.451(a)-(4) and (5) reads as follows:

(4) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beams scaffolding and floats (see paragraphs (p) and (w) of this section). Scaffolds 4 to 10 feet in height having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails installed on all open sides and ends of the platform.

(5) Guardrails shall be 2 x 4 inches, or the equivalent, approximately 42 inches high, with a midrail, when required. Supports shall be at intervals not to exceed 8 feet. Toeboards shall be a minimum of 4 inches in height.

The applicants state that their business is of a specialized nature involving steel plate erection by members of the boilermaker's trade.

The applicants contend that the scaffolds they use in building tanks are mobile and are frequently raised as are the tank sections, in order to position the next set of steel plates. The scaffolds used do not have toeboards because tools are placed in well designed "loose tool" containers provided for that purpose. In addition, the applicants propose to rope off the area directly below and in close proximity to the scaffold and to permit only those employees, and tools currently being used by them, on the scaffolds. As a further precaution, a taut wire is installed midway between the innermost plank face of the scaffold platform and the tank face. The applicants state that because the scaffolds must be moved frequently, it would be more hazardous to constantly remove and replace toeboards.

The applicants also propose to place guardrail supports at 10'6" intervals in lieu of 8' requirement of § 1926.451(a)(5). This would allow consistent bracket spacing since the applicants further desire to use 10'6" spans for their scaffold planking although § 1926.451(a)(16) allows a maximum span of 10'. American Bridge states that rough full-dimensional 2" x 12" x 12' planks of Douglas Fir or Southern Yellow Pine are used. Bethlehem Steel Corporation states that it uses 2" x 10" x 12' Douglas Fir. Both applicants state that the boards are Select Structural grade with 1900 psi fiber construction grade lumber. The applicants contend that scaffolds they are using are safe, even though the span is one-half foot longer than the maximum length allowed, because of the increased strength of the wood.

A copy of the applications will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
15220 Gateway Center
3535 Market Street
Philadelphia, Pennsylvania 19104

U.S. Department of Labor
Occupational Safety and Health Administration
Room 802, Jonnet Building
4099 William Penn Highway
Monroeville, Pennsylvania 15146

U.S. Department of Labor
Occupational Safety and Health Administration
William J. Green Jr. Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19106

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the applications for variance are invited to submit written data, views, and arguments relating to the pertinent application no later than October 17, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the applications no later than October 17, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim order.* It appears from the applications for variance and interim orders filed by the companies named in this notice, that the proposed scaffolding described in their applications, with certain variations, will provide employment and places of employment as safe as those which would prevail if the applicants were to comply fully with 29 CFR 1926.451(a)(4), (5), and (10). It further appears that interim orders are necessary, pending a decision on the applications, in order to prevent undue hardship to the applicants and their employees. Therefore, it is ordered, pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1910.11(c), that the companies be, and they are hereby, authorized to use scaffolds in accordance with the following conditions, in lieu of complying with the toeboard and span requirements in § 1926.451(a)(4), (5), and (10):

(a) The applicants' loose tools and equipment shall be kept in tool containers. This does not include fit-up bar, key plates, key channels, or long handled maul which may rest on the scaffold plank from time to time. The loose tool containers shall be secured to prevent their upset or dislodgement from the scaffold area.

(b) Areas beneath employees working elevated areas shall be roped off and posted with signs stating "Danger Overhead Work".

(c) A taut wire rope shall be installed at the scaffold plank level between the scaffold plank and the curved plate structure, so that the open space on either side of the taut wire rope shall not exceed 12".

(d) Brackets, posts, supports and rails for the outer guardrail and midrail shall be proportionately stronger at 10'6" intervals in order to provide guardrail strength and stability equal to that which would be obtained by the use of 2" x 4" at 8' intervals in accordance with § 1926.451(a)(5). Brackets and supports shall be located at 10'6" intervals.

(e) Tank scaffold brackets shall be spaced 10'6" center to center for this type of tank work.

(f) Scaffold planks with the following specifications shall be used. All planking shall be of rough full-dimensioned 2" x 12" x 12' Douglas Fir or Southern Yellow Pine of Select Structural grade. The Douglas Fir shall have at least a 1,900 fiber stress and 1,900,000 modulus of elasticity, while the Yellow Pine shall have at least a 2,500 fiber stress and 2,000,000 modulus of elasticity.

Each applicant shall give notice of its interim order to all employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. These interim orders shall be effective as of September 17, 1974, and shall remain in effect until a decision is rendered on the applications for variance.

Signed at Washington, D.C. this 11th day of September, 1974.

JOHN STENDER, *Assistant Secretary of Labor.*

[FR Doc.74-21481 Filed 9-16-74;8:45 am]

SUPPLEMENT TO APPROVED OREGON PLAN

Completion of Developmental Step

1. *Background.* Part 1953, Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Assistant Secretary for Occupational Safety and Health (hereinafter called the Assistant Secretary), under delegation of authority from the Secretary of Labor (Secretary's Order 12-71, 36 FR 8754, May 12, 1971), will review changes in a State plan which has been approved in accordance with section 18(c) of the Act and Part 1902 of this Chapter. On December 28, 1972, notice was published in the FEDERAL REGISTER (37 FR 28628) of the approval of the Oregon plan and the adoption of Subpart D to Part 1952 containing this decision.

Section 1952.105(b)(1) and (2) of Subpart D contains a description of the State's proposed enabling legislation to be enacted in the 1973 legislative session. By letter dated August 9, 1973, from the Workmen's Compensation Board (hereinafter called the Board), the State has submitted, as part of its plan, copies of Senate Bill 44, the Oregon Safe Employment Act, amending Oregon Revised Statutes 654 and 446 and other miscellaneous provisions. The State Act was signed by the Governor on July 22, 1973, and carried an effective date of July 1, 1973. This legislation was submitted to the State Legislature in accordance with the requirement of § 1952.108(a) of the State's developmental schedule as revised on April 1, 1974 (39 FR 11881). Pursuant to 29 CFR 1953.11(d)(1), preliminary examination discloses no cause for rejecting this supplement and its approval is under consideration.

2. *Issues.* The decision approving the Oregon State plan, including its proposed legislation, incorporated several assurances from the State on revisions to the legislation, to meet the requirements of the Act and 29 CFR Part 1902. These revisions have been made as follows:

(a) *Revised legislation.* (1) As stated in the decision of approval, the legislation, as enacted includes a repeal of several criminal penalties and legislative standards which are covered by existing State civil penalties and standards.

(2) The legislation as enacted, ORS 654.062(4), contains a provision for assuring the confidentiality of an employee's name when the employee requests an inspection.

(b) *Additional provisions.* In enacting the draft bill which was included in the approved State plan, Oregon substantially reorganized the legislation and included a number of significant revisions, which do not appear to lessen the effectiveness of the State program, as follows:

(1) The potential employee sanction for a knowing violation of a standard or regulation after notice by the Board has been deleted.

(2) Section 13 of the legislation as enacted, contains a more detailed description of the Board's authority to grant permanent and temporary variances as well as provision for hearings if requested by employers and employees. This section also provides that a request for a variance, filed after an inspection, will not function as a stay or a dismissal

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of a citation and if the variance is granted, it shall have no retroactive effect. As stated in the developmental schedule, revised April 1, 1974 (39 FR 11811), the specific regulations concerning variances will be developed by July 1, 1974.

(3) In the proposed legislation, employee complaints alleging discrimination were to be handled by the Board. The enacted legislation confers this authority on the Labor Commissioner. An agreement requiring referral of discrimination complaints to the Labor Commissioner was completed on April 15, 1974.

(4) Both the proposed and enacted legislation cover public employers in the same manner as private employers. However, the legislation, as enacted, includes a list of factors to be considered in setting the penalty and abatement date when the violation involves the structural or mechanical condition in an existing public building constructed, acquired or occupied after July 1, 1973. These limitations with respect to existing buildings terminate on July 1, 1975.

(5) The legislation, as enacted, ORS 654.090, authorizes on-site consultation services to employers and authorizes the Board to prescribe procedures permitting employers to request an inspection, focused on specific problems or hazards, which will not directly result in a citation and civil penalty.

(6) Section 17 of the legislation, as enacted includes a six month statute of limitations on the issuance of a citation or civil penalty but this limitation does not prevent the issuance of an order by the Board to correct the violation or the issuance of a citation for a subsequent violation.

(7) The enacted legislation contains specific sections on definitions, authority of the Board in relation to other State agencies, and inter-agency coordination.

(c) *Areas of difference.* In addition to minor organization and word changes, there are three areas where Oregon's legislation, as enacted, differs from the provisions of the legislation as approved.

(1) Section 16(5) of the legislation, as enacted provides for employee participation in an inspection by accompanying the inspector, where there is an employee representative, and authorizing discretionary consultation with employees in the absence of a representative. The legislation, as approved, made such consultation mandatory. In an advisory opinion on the revised legislation transmitted to the State on March 27, 1973, it was recommended that the discretionary provision be revised as mandatory either in the legislation or by regulations. Oregon has promulgated the appropriate regulatory provision, Rule 46-331, and included a mandatory consultation requirement in its Field Compliance Manual.

(2) As approved, Oregon's legislation provided for notification to employees of action taken on their requests for inspections. In enacting the legislation, this provision was revised, ORS 654.062(3), to require an additional written request from an employee in order to obtain a statement of the reasons why no citation was issued. A statement that such a written request is necessary is included on the State's complaint request form.

(3) Section 18 of Oregon's legislation, as enacted differs from section 10(b) of the Federal Act when it defines the provisions for a stay of the abatement date following a contest of a citation by the employer. The Federal Act, and Oregon's legislation as approved, provide a stay of the abatement date by operation of law until entry of a final order where the contest of the citation, penalty or abatement date was initiated in "good faith and not solely for delay or avoidance of penalties". As enacted, Oregon's legislation only authorizes a stay of the abatement date as follows: (i) The abatement date for a nonserious violation is stayed by operation of law pending a final order of the Board when an employer contests, "ing good faith and not solely for delay or avoidance of penalties, the period of time fixed for correction of the nonserious violation;" (ii) the abatement date for serious violation is not stayed by operation of law. However, where an employer or employee contests the abatement date for a serious violation "any hearing on that issue shall be conducted as soon as possible and shall take precedence over other hearings • • •."; (iii) there are no specific provisions for staying the abatement date on other types of violations such as e.g. willful, repeated or failure to abate such as that provided for in section 10(b) of the Federal Act; (iv) there is no provision for a stay of the abatement date or for an expedited hearing as to any type of violation when the citation itself and/or the penalty, but not the abatement date, is at issue in the case.

3. *Location of supplement for inspection and copying.* A copy of the supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room 850, 1726 M Street NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, 1804 Smith Tower Building, 506 Second Avenue, Seattle, Washington 98104; Workmen's Compensation Board, Labor and Industries Building, Room 204, Salem, Oregon 97310; and Office of the Occupational Health Section, State Health Division, Room 840, State Office Building, 1400 Southwest Fifth Avenue, Portland, Oregon.

4. *Public participation.* Interested persons are hereby given until October 17, 1974, to submit written data, views and arguments concerning the legislation. Such data, views and arguments should address the matter of whether the Oregon Safe Employment Act conforms with the requirements of the Act and implementing regulations as well as with the State's assurances regarding the proposed bill submitted as part of its previously approved plan. General comment not relevant to § 1952.108(a) of the developmental schedule are not appropriate. The submission should be addressed to the Associate Assistant Secretary for Regional Programs, Room 850, 1726 M Street, NW., Washington, D.C. 20210, and will be available for inspection and copying at this address.

Any interested person(s) may request an informal hearing concerning the enacted legislation, whenever particularized written objections thereto are filed within the time allowed for comments specified above. If, in the opinion of the Assistant Secretary, substantial objections which warrant further discussion are submitted, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall thereafter consider all relevant comments and arguments and issue his decision as to approval or disapproval of the supplement, make appropriate amendments to Subpart D of Part 1952 and initiate appropriate further proceedings if necessary.

(Secs. 8(g), 18, Pub. L. 91-596, 84 Stat. 1598, 1608 (29 U.S.C. 657(g), 667)).

Signed at Washington, D.C. this 11th day of September 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-21480 Filed 9-16-74;8:45 am]

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Notice of Meeting

Notice is hereby given that the Standards Advisory Committee on Agriculture, including the subcommittees on Field Sanitation, Hand and Portable Tools, Walking and Working Surfaces, and Ladders, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Tuesday, September 24, 1974, and on Wednesday, September 25, 1974, starting at 9 a.m. each day in Room 107 ABC, Main Labor Building, Constitution Avenue at 14th Street, N.W., Washington, D.C. The meeting shall be open to the public.

The agenda provides for the full committee to meet in an introductory session each day after which the subcommittees will meet in separate sessions. The subcommittees on Field Sanitation, Walking and Working Surfaces, and Hand and Portable Power Tools will continue their deliberations from previous meetings. The subcommittee on Ladders is meeting for the first time and will begin deliberations toward recommending a standard as soon as the Walking and Working Surfaces subcommittee completes a brief meeting on September 24th. The full committee will reconvene to receive and consider any interim or final recommendations of the subcommittees and to consider any other business pending before the committee.

Any written data or views concerning the subjects to be considered which are received by the Committee Management Office before the date of the meeting, together with 20 duplicate copies, will be given to the members and included in the record of the meeting.

Persons wishing to orally address the Committee at the meeting should submit a written request to be heard, including the subject on which they will speak, as well as an estimate of the amount of time requested and the capacity in which they will appear. Such information should be addressed to:

Jeanne W. Ferrone
Committee Management Officer
Occupational Safety and Health Administration
U.S. Department of Labor
1726 M Street, N.W., Room 200
Washington, D.C. 20210
(Phone: 202/961-2248, 2487)

Signed at Washington, D.C., this 11th day of September 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-21438 Filed 9-16-74;8:45 am]

Office of the Secretary

[Secretary of Labor's Order 13-74]

FEDERAL COMMITTEE ON APPRENTICESHIP

Responsibilities and Structure

1. *Purpose.* To set forth the responsibilities and structure of the Federal Committee on Apprenticeship (hereinafter referred to as "Committee").

2. *Purpose of the Committee.* The purpose of the Committee is to advise the Secretary of Labor on: (a) the establishment of programs and practices for developing and promoting an expanded apprenticeship and journeyman training program in all sectors of the economy; (b) the formulation and promotion of labor standards necessary to safeguard the welfare of apprentices and the inclusion of such standards in contracts of apprenticeship; (c) the identification of research needs and experimental and demonstration projects designed to test new approaches to apprenticeship and skill training; (d) the establishment of cooperative relationships with State agencies concerned with apprenticeship and skill training, and (e) the development, review and promotion of more effective programs and policies for establishing and maintaining equal opportunity in apprenticeship and skilled occupations.

3. *Composition of the Committee.* Consistent with the requirements of section 2 of the National Apprenticeship Act, 29 U.S.C. 50a, the Committee shall be composed of 25 individuals appointed by the Secretary. The membership of the Committee shall include 10 representatives of employers, 10 representatives of organized labor, and 5 representatives of the public, including one or more educators. The Secretary shall appoint one of the public members as Chairman of the Committee. The President of the National Association of State and Territorial Apprenticeship Directors and a representative of the U.S. Office of Education, Department of Health, Education and Welfare, will be invited to serve as members of the Committee ex officio. The Assistant Secretary for Manpower shall be a member of the Committee ex officio, and he or his designee shall, pursuant to Section 10(e) of the Federal Advisory Committee Act, be the Federal representative on the Committee. The members are appointed by the Secretary of Labor for a two-year term.

4. *Compensation.* Committee members shall receive no compensation for their participation on the Committee, but may receive authorized travel expenses, including per diem in lieu of subsistence, as allowable in Part 7 of the Department's Manual of Administration.

5. *Meetings.* Meetings of the Committee will be held at least semiannually.

6. *Committee Procedures.* The Federal Committee on Apprenticeship shall operate in accordance with the provisions of the Federal Advisory Committee Act of 1972 (P.L. 92-463) and the regulations issued thereunder.

7. *Authority and Directives Affected.* This Order is issued under authority of Section 2 of the National Apprenticeship Act (P.L. 75-309, 29 U.S.C. 50a) and the Federal Advisory Committee Act of 1972 (P.L. 92-463, 5 U.S.C. App.). Secretary's Order 12-67 of June 22, 1967, is hereby canceled.

Signed at Washington, D.C., on this 31st day of May, 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74-21436 Filed 9-16-74;8:45 am]

Wage and Hour Division

ADVISORY COMMITTEE ON SHELTERED WORKSHOPS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Department of Labor's Advisory Committee on Sheltered Workshops which will be held on October 2, 1974, beginning at 9:30 a.m. in Room 107 A, B, and C (Conference Level—one flight down) of the U.S. Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The Advisory Committee on Sheltered Workshops advises the Department of Labor with respect to the application of the Federal minimum wage laws to nonprofit sheltered workshops and related matters. Membership consists of workshop representatives, workshop workers, labor, industry, and the public.

The agenda for the meeting follows:

1. Status of Sheltered Workshop Study.
2. Employment of Patient Workers in Hospitals and Institutions under the Fair Labor Standards Act.
3. Regulations on Minimum Wage and Overtime Exemption for Students Employed by Elementary and Secondary Schools.
4. Clarification of Sheltered Workshop Regulations.
5. Appeal from Cancellation of a Workshop Certificate.
6. Status of Affirmative Action Program on Employment of the Handicapped by Government Contractors.
7. Setting Minimum Wages on Government Contracts.
8. Fringe Benefits for Workshop Clients.
9. Items Committee Members Wish to Have Considered.

The meetings are open. It is suggested that persons planning to attend as observers contact Mrs. Florence Dunn, Secretary, Advisory Committee on Sheltered Workshops, U.S. Department of Labor, Employment Standards Administration, Washington, D.C. 20210 (telephone: 202-382-7375).

Signed at Washington, D.C., this 13th day of September 1974.

BETTY SOUTHARD MURPHY,
Administrator,
Wage and Hour Division.

[FR Doc.74-21593 Filed 9-16-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACURED IN HAITI

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 16, 1974.

On August 13, 1974, there was published in the FEDERAL REGISTER (39 FR 20944) a notice dated August 12, 1974 in which the Chairman of the Committee for the Implementation of Textile Agreements requested specific information relating to shipments of cotton textiles and cotton textile products, produced or manufactured in Haiti, which would exceed the levels of restraint established pursuant to the Bilateral Cotton Textile Agreement of November 3, 1971, as amended, between the Governments of the United States and Haiti, for the twelve-month period which began on October 1, 1973. On the basis of information received, and in consultations with the Government of Haiti, the United States has agreed to permit entry of all such goods exported from Haiti to the United States on or before August 31, 1974. The Government of Haiti has agreed that these quantities will be deducted from the levels of restraint of the affected categories for the agreement year beginning October 1, 1974.

Accordingly, there is published below a letter of September 16, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements directing that, effective as soon as possible, cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Haiti and exported to the United States on or before August 31, 1974, shall be permitted entry; and requesting that cotton textiles and cotton textile products entered for consumption or withdrawn from warehouse for consumption be accounted for so that subsequent adjustments may be made in the levels of restraint that will apply

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during the twelve-month period beginning October 1, 1974.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

SEPTEMBER 16, 1974.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on July 3, 1974 by the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry during the twelve-month period beginning October 1, 1973 of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Haiti, in excess of a designated level of restraint.

Pursuant to paragraph 13 of the Bilateral Cotton Textile Agreement of November 3, 1971, as amended, between the Governments of the United States and Haiti, and in accordance with the provisions of Executive Order 11851 of March 3, 1972, you are directed, effective as soon as possible and through September 30, 1974, to permit entry of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Haiti and exported to the United States on or before August 31, 1974, notwithstanding the level of restraint for Categories 1 through 64 contained in the directive of July 3, 1974. You are further directed to provide reports of the aforementioned entries, by category, to the Chairman of the Committee for the Implementation of Textile Agreements.

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The actions taken with respect to the Government of Haiti and with respect to imports of cotton textiles and cotton textile products exported from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commission of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-21645 Filed 9-16-74;10:38 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974

Notice of Proposed Deletions

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed deletion of the following commodities from Procurement List 1974, November 29, 1973 (38 FR 33038).

COMMODITIES

Class 8440
Neckerchief
8440-240-4922
Class 8465
Bag, Sleeping
8465-338-5415
Bag, Soiled Clothes
8465-286-5455

Comments and views regarding these proposed deletions may be filed with the Committee not later than thirty days after the date of this FEDERAL REGISTER. Communications should be addressed to the Executive Director, Committee for Purchase From the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-21390 Filed 9-16-74;8:45 am]

PROCUREMENT LIST 1974

Deletion From Procurement List

Notice of proposed deletion from Procurement List 1974, November 29, 1973 (38 FR 33038) was published in the FEDERAL REGISTER on July 16, 1974 (39 FR 26061).

Pursuant to the above notice the following commodities are deleted from Procurement List 1974.

COMMODITIES

Class 8455
Backing Plates, Plastic
8455-421-7475
8455-421-7476
8455-421-7477
8455-421-7478
8455-421-7479
8455-421-7480
8455-421-7481
8455-421-7482
8455-421-7483
8455-421-7484
8455-421-7485

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-21391 Filed 9-16-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 591]

ASSIGNMENT OF HEARINGS

SEPTEMBER 12, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 119777 Sub 290, Ligon Specialized Hauler, Inc., now assigned October 1, 1974, will be held in the East Courtroom, U.S. Court of Appeals, 600 Camp Street, New Orleans, La.

MC 20783 Sub 99, Tompkins Motor Lines, Inc., now assigned October 2, 1974, will be held in the East Courtroom, U.S. Court of Appeals, 600 Camp St., New Orleans, La.

MC 119792 Sub 39, Chicago Southern Transportation Co., now assigned October 7, 1974, will be held in the East Courtroom, U.S. Court of Appeals, 600 Camp St., New Orleans, La.

AB 26 Sub 3, Southern Railway Company and Southern Railway-Carolina Division Abandonment Between Barnwell and Furman, in Barnwell, Allendale, and Hampton Counties, South Carolina, now assigned October 16, 1974, will be held in the Auditorium of The James B. Brandt Agriculture Building, Courthouse Square, Allendale, S.C.

MC 119777 Sub 279, Ligon Specialized Hauler, Inc., now assigned October 21, 1974, will be held in Room 345, Federal Bldg., 1800 5th Avenue, North, Birmingham, Ala.

MC 134599 Sub 97, Interstate Contract Carrier Corp., now assigned October 1, 1974, will be held on the 5th Floor, 150 Causeway St., Boston, Mass.

AB 77, Bangor and Aroostook Railroad Co., Abandonment Between Monticello and Bridgewater, Aroostook County, Maine, now assigned October 7, 1974, will be held at the Gentle Memorial Building, Recreation Center, Main St., Houlton, Maine.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21498 Filed 9-16-74;8:45 am]

TEMPORARY AUTHORITY TERMINATION

[Notice 10]

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Bass Transportation Co., Inc., MC-87720 Sub 151	MC-87720 Sub 138	Feb. 28, 1974
Valley Transportation & Warehouse Co., Inc., MC-99866 Sub 2	MC-99866 Sub 4	Nov. 20, 1973
Earl Gibbon Transport, Inc., MC-102567 Sub 167	MC-102567 Sub 170	Aug. 16, 1974
Schjoneman Trucking, Inc., MC-103786 Sub 6	MC-103786 Sub 7	Nov. 30, 1973
Marten Transport, Ltd., MC-103798 Sub 5	MC-103798 Sub 6	June 5, 1974
Morgan Drive-Away, Inc.:		
MC-103993 Sub 792	MC-103993 Sub 791	Aug. 26, 1974
MC-103993 Sub 796	MC-103993 Sub 791	Do.
The Transport Co., Inc., MC-104210 Sub 67	MC-104210 Sub 68	Nov. 7, 1973
Schlill Motor Lines, Inc., MC-106674 Sub 101	MC-106674 Sub 92	Do.
Pre-Fab Transit Co., MC-107295 Sub 353	MC-107295 Sub 291	Nov. 1, 1973
Matlack, Inc., MC-107403 Sub 844	MC-107403 Sub 839	Nov. 26, 1973
Matlack, Inc., MC-107403 Sub 850	MC-107403 Sub 861	June 14, 1974
Refrigerated Transport Co., Inc.:		
MC-107515 Sub 833	MC-107515 Sub 838	Nov. 20, 1973
MC-107515 Sub 846	MC-107515 Sub 838	Do.
Frozen Food Express, Inc., MC-108207 Sub 359	MC-108207 Sub 367	Aug. 8, 1974
Coldway Food Express, Inc., MC-110563 Sub 102	MC-110563 Sub 103	Mar. 12, 1974
Stauffer Truck Service, Inc., MC-113865 Sub 16	MC-113865 Sub 17	Apr. 19, 1974
Stauffer Truck Service, Inc., MC-113865 Sub 18	MC-113865 Sub 19	May 1, 1974
Erickson Transport Corp., MC-113908 Sub 225	MC-113908 Sub 234	Feb. 20, 1974
D B A, Shoemaker Trucking Co., MC-114265 Sub 18	MC-114265 Sub 19	July 31, 1974
Roberts Cartage, Inc., MC-117160 Sub 2	MC-117160 Sub 3	June 20, 1974
William's Chemical Transport, Inc., MC-119395 Sub 1	MC-119395 Sub 2	Nov. 16, 1973

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21497 Filed 9-16-74;8:45 am]

[S.O. 1179]

TEXAS AND PACIFIC RAILROAD CO.

Stay of Order

The Texas and Pacific Railway Company ordered to operate trains of National Railroad Passenger Corporation (AMTRAK). In the matter of stay of order served August 12, 1974.

Upon consideration of the record in the above-entitled proceeding, and of a petition filed August 30, 1974, by the National Railroad Passenger Corporation for a stay of the effective date of the order entered herein by the Commission, Division 3, acting as an Appellate Division, on August 12, 1974, and good cause appearing therefor:

It is ordered, That those provisions of the said order served August 12, 1974, which revoked the Service order served March 21, 1974, requiring the refiling of an application under section 402(a) of the Rail Passenger Service Act of 1970, as amended, and required the posting of notice of termination of the subject trains as set forth in the first two ordering paragraphs of the said order served August 12, 1974, be, and they are hereby, stayed pending further order of the Commission;

It is further ordered, That except to the extent herein stayed, the order of August 12, 1974, shall remain in full force and effect.

Dated at Washington, D.C., this 6th day of September, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21494 Filed 9-16-74;8:45 am]

[No. 36062]

DUPLICATE PAYMENTS OF FREIGHT CHARGES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 6th day of September, 1974.

It appearing, that several complaints have been received from shipper interests that duplicate payments for charges on particular shipments have been made due to carrier billing errors, and that when repayment has been requested certain carriers have declined on the ground that the amounts involved are "overcharges" and that the statute of limitations has extinguished the claims;

It further appearing, that by request dated March 13, 1974, United Traffic Consultants seeks entry of a declaratory order finding that such duplicate payments are not overcharges; and good cause appearing therefor,

It is ordered, That this proceeding be, and it is hereby, instituted with a view to entering an appropriate order in the premises.

It is further ordered, That public notice of the institution of this proceeding shall be given by publication hereof in the FEDERAL REGISTER and by posting a copy hereof in the Office of the Secretary of this Commission; that any person interested in actively participating herein shall merely notify the Commission, Office of Proceedings, Room 5342, to that effect on or before October 18, 1974; and that, thereafter, a list of those persons will be served on each, and the nature of further proceedings will be specified.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21496 Filed 9-16-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 12, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-42261 (Sub-No. E2), filed May 10, 1974. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, N.J. 07303. Applicant's representative: A. J. Langer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: A. *Empty Containers* (except cargo containers) between Danbury Conn., on the one hand, and, on the other, points in Virginia, and those in West Virginia on and east of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Hanover, Pa.

B. *Containers, container ends, and materials, equipment, and supplies used in the manufacture and distribution of containers and container ends* (except commodities in bulk), in mixed loads with containers and container ends, (1) from Paulsboro, N.J., and points in that part of New Jersey on and north of a line extending from the Atlantic Ocean over an unnumbered highway (formerly New Jersey Highway 40) via West Point Pleasant to Laurelton, thence over New Jersey Highway 70 to Camden, and on east of a line extending from Camden along New Jersey Highway 25 to junction U.S. Highway 206, near Bordentown, thence along U.S. Highway 206 to junction U.S. Highway 202, thence along U.S. Highway 202 to New Jersey-New York State line, to Cranston, R.I. The purpose of this filing is to eliminate the gateway of New York, N.Y. (2) From points in Pennsylvania on and east of a line beginning at the Pennsylvania-Delaware State line and extending along U.S. Highway 202 to junction U.S. Highway 309, and thence along U.S. Highway 309 to Allentown, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line, to Cranston, R.I. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC-59952 (Sub-No. E1), filed May 20, 1974. Applicant: J. M. BARBE CO., P.O. Box 767, Warren, Ohio 44483. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers, container ends, and parts and accessories* for the commodities

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described above, between points in that part of West Virginia on and west of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 219 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction West Virginia Highway 69, thence along West Virginia Highway 69 to the Pennsylvania-West Virginia State line, on the one hand, and, on the other, points in that part of New York on and west of U.S. Highway 81, and points in that part of Pennsylvania north of U.S. Highway 80 and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC-59952 (Sub-No. E2), filed May 20, 1974. Applicant: J. M. BARBE CO., P.O. Box 767, Warren, Ohio 44483. Applicant's representative: James R. Grace, P.O. Box 749, Youngstown, Ohio 44501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers, container ends, and parts and accessories* for the commodities described above, from points in Indiana, on the one hand, and, on the other, points in Pennsylvania, New York, Maryland, and Delaware. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC-73688 (Sub-No. E17), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products), from Anniston, Montgomery, Decatur, Gadsden, Holt, and Birmingham, Ala., to Greenville, Miss. The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC-73688 (Sub-No. E21), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Greenville, Miss., to points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Arkansas within the Memphis, Tenn., Commercial Zone.

No. MC-73688 (Sub-No. E22), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, roofing materials, and roofing asphalt* (except in bulk), which are building materials, from Tuscaloosa County, Ala., to Lockland, Ohio. The purpose of this filing is to eliminate the gateway of points in Kentucky.

No. MC-73688 (Sub-No. E23), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* which are iron, steel, or steel products, from Lockland, Ohio, to points in Arkansas (except Pine Bluff, Little Rock, Stuttgart, and Camp Joseph T. Robinson; points on U.S. Highway 70 between Little Rock and the Arkansas-Tennessee State line; points in Arkansas Highway 11 between junction Arkansas Highway 11 and U.S. Highway 70 and Stuttgart; and points in U.S. Highway 79 between Stuttgart and Pine Bluff). The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC-73688 (Sub-No. E24), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron and steel wire, nails, and pipe, and contractors' equipment, roofing materials, and culvert and fabricated metal pipe* which are iron, steel, or steel products, restricted against the transportation of oilfield and pipeline commodities as defined in *T. E. Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459, from points in Mississippi on and north of a line beginning at the Arkansas-Mississippi State line and extending along Mississippi Highway 4 to Holly Springs, thence along U.S. Highway 78 to the Mississippi-Alabama State line, to points in Louisiana on and north of U.S. Highway 84 and on and west of U.S. Highway 167, restricted to traffic having a prior movement by water. The purpose of this filing is to eliminate the gateways Memphis, Tenn., and points in Arkansas on the Arkansas River and its tributaries.

No. MC-73688 (Sub-No. E25), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except oilfield and pipeline commodities as defined in *T. E. Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459), from points in Missouri on and east of Missouri Highway 51 to points in Louisiana on and north of U.S. Highway 84, restricted to traffic having a prior movement by water, and restricted against the transportation of traffic originating in Alabama and Tennessee (except Memphis, Tenn.). The purpose of this filing is to eliminate the gateway of points in Arkansas on the Arkansas River and its tributaries.

No. MC-73688 (Sub-No. E26), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone building materials*, from Tate and Elberton, Ga., and points in Georgia within 10 miles of each, to points in Arkansas (except Pine Bluff, Little Rock, Stuttgart, and Camp Joseph T. Robinson; points on U.S. Highway 70 between Little Rock and the Arkansas Highway 11 between junction Arkansas Highway 11 and U.S. Highway 70 and Stuttgart and points on U.S. Highway 79 between Stuttgart and Pine Bluff). The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC-73688 (Sub-No. E28), filed May 27, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron and steel wire, nails, and pipe, and contractors' equipment, roofing materials, and culvert and fabricated metal pipe* which are iron and steel articles, (1) from points in Shelby County, Tenn., to points in Kentucky; (2) from points in Tennessee on and west of a line beginning at the Tennessee-Mississippi State line extending along Tennessee Highway 76 to Somerville, thence along Tennessee Highway 59 to the Mississippi River to points in Kentucky on and east of U.S. Highway 41; and (3) from points in Tennessee on and west of a line beginning at the Tennessee-Mississippi State line and extending along Tennessee Highway 125, to Bolivar, thence along Tennessee Highway 138 to junction U.S. Highway 70, thence along U.S. Highway 70 to Brownsville, thence along Tennessee Highway 19 to the Mississippi River, to points in Kentucky on and east of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC-106194 (Sub-No. E8), filed June 4, 1974. Applicant: HORN TRANSPORTATION, INC., P.O. Box 1808, Kansas City, Mo. 64141. Applicant's representative: Charles A. Mintunn, 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities, which because of size or weight, require the use of special equipment, and except oilfield commodities as defined by the Commission in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459), from points in that part of Oklahoma on and bounded by a line beginning at the Kansas-Oklahoma State line, thence along Oklahoma Highway 132 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to junction Oklahoma Highway 77, thence

along Oklahoma Highway 77 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Oklahoma Highway 99, thence along Oklahoma Highway 99 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Oklahoma-Kansas State line, thence along the Oklahoma-Kansas State line to points of beginning, to points in Colorado on and west of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Hutchinson, Kans.

No. MC-106194 (Sub-No. E9), filed June 4, 1974. Applicant: HORN TRANSPORTATION, INC., P.O. Box 1808, Kansas City, Mo. 64141. Applicant's representative: Charles A. Minturn, 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities, which because of size or weight, require the use of special equipment, and except oilfield and pipeline commodities as defined by the Commission in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459), from points in that part of Oklahoma on and bounded by a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 281 to junction Oklahoma Highway 45, thence along Oklahoma Highway 45 to junction Oklahoma Highway 8, thence along Oklahoma Highway 8 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to junction Oklahoma High 77, thence along Oklahoma Highway 77 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Oklahoma Highway 99, thence along Oklahoma Highway 99 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Oklahoma-Kansas State line, thence along the Oklahoma-Kansas State line to point of beginning, to points in Montana, Wyoming, North Dakota, South Dakota, Utah, and Idaho. The purpose of this filing is to eliminate the gateway of Hutchinson, Kans.

No. MC-107403 (Sub-No. E302), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, (except coal tar, coal tar products, and petroleum products), in bulk, in tank vehicles, from Ashland, Ky., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and Newark, N.J.

No. MC-107403 (Sub-No. E310), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except cement and fly ash), in bulk, in tank vehicles, from points in West Virginia to points in Allen, Dekalb, and Steuben Counties, Ind. The purpose of this filing is to eliminate the gateways of Pataskala, Ohio, and points in Defiance County, Ohio.

No. MC-108449 (Sub-No. E215), filed May 25, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Mn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Council Bluffs, Iowa, to points in the Upper Peninsula of Michigan, (except points in that part of the Upper Peninsular of Michigan south of U.S. Highway 2 and west of Michigan Highway 35). The purpose of this filing is to eliminate the gateway of Duluth, Minn.

No. MC-108449 (Sub-No. E217), filed May 25, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Mn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Dubuque, Iowa, to points in Minnehaha, McCook, Turner, Lincoln, Bon Homme, Yankton, Clay, and Union Counties, S. Dak. The purpose of this filing is to eliminate the gateway of the Williams Brothers Pipe Line Company terminal located at Spirit Lake, Iowa, and the site of the pipeline terminal of American Oil Company at or near Spring Valley, Minn.

No. MC-108449 (Sub-No. E218), filed May 25, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Council Bluffs, Iowa to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Prairie Du Chien, Wis. and Minneapolis, Minn.

No. MC-108449 (Sub-No. E119), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, road oils, and residual fuel oils*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC-108449 (Sub-No. E120), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, road oils, and residual fuel oils*, in bulk, in tank vehicles, from Kansas City, Mo., to points on, west, and north of a line beginning at the Iowa-Nebraska State line, and extending along U.S. Highway 81 to its junction with South Dakota Highway 46, thence along South Dakota Highway 46 to the Iowa-South Dakota State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 108449 (Sub-No. E121), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of McGregor, Minn.

No. MC-108449 (Sub-No. E122), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, road oils, and residual fuel oils*, in bulk, in tank vehicles, from Kansas City, Mo., to points in North Dakota. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa and Marshall, Minn., and the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak.

No. MC-108449 (Sub-No. E123), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, Saint Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Rhinelander, Wis., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC-108449 (Sub-No. E137), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Mn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly-ash*, from points in Vernon County, Wis., to points in North Dakota. The purpose of this filing is to eliminate the gateway of points in Otter Tail County, Minn.

No. MC-110525 (Sub-No. E854), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box

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200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry coal tar chemicals*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in New Hampshire, Vermont, and Maine (except points in Aroostook County). The purpose of this filing is to eliminate the gateways of Ft. Lee, N.J., and Springfield, Mass.

No. MC-110525 (Sub-No. E855), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from Baltimore, Md., to points in Virginia and that part of West Virginia on and west of West Virginia Highway 9. The purpose of this filing is to eliminate the gateway of points in that part of Virginia located in the District of Columbia commercial zone.

No. MC-110525 (Sub-No. E856), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Onondaga County, N.Y., to points in Delaware and that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Maryland Highway 194 to junction Maryland Highway 26, thence along Maryland Highway 26 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Maryland-Virginia State line. The purpose of this filing is to eliminate the gateways of Phladelphia, and Lima, Pa.

No. MC-110525 (Sub-No. E857), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Liquid chemicals*, in bulk, in tank vehicles, from Morrisville, Pa., and points within 5 miles thereof, to points in that part of New Hampshire on and south of U.S. Highway 302 and on and east of U.S. Highway 3 (Stoneham, Mass.) *; (B) *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from Morrisville, Pa., and points within 5 miles thereof, to points in Indiana (points in Virginia and Natrium, W. Va.) *; and (C) *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from Morrisville, Pa., and points within 5 miles thereof, to points in West Virginia (points in Virginia) *. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC-110525 (Sub-No. E858), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Oil City, Pa., (1) to points in Connecticut, Massachusetts, and Rhode Island (New Brunswick and Ft. Lee, N.J.) *, and (2) to points in that part of New Hampshire on and south of U.S. Highway 302 and on and east of U.S. Highway 3 (New Brunswick and Ft. Lee, N.J., and Stoneham, Mass.) *. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC-110525 (Sub-No. E859), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Ohio on and east of a line beginning at the West Virginia-Ohio State line, thence along Interstate Highway 77 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction Ohio Highway 21, thence along Ohio Highway 21 to Lake Erie, to points in that part of Tennessee on and east of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC-110525 (Sub-No. E860), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Henry, Ill., (1) to points in Maine and New Hampshire (Syracuse, N.Y.) *, and (2) to points in Massachusetts, Rhode Island, and Connecticut (Ft. Lee, N.J.) *; (B) *Liquid chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Henry, Ill., to points in Vermont (Syracuse, N.Y.) *; (C) *Liquid chemicals* (except bituminous products and materials), from Henry, Ill., to points in North Carolina, South Carolina, and Georgia (points in Virginia) *; and (D) *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from Henry, Ill., to points in Florida (points in Virginia and Atlanta, Ga) *. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E861), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank or hopper-type vehicles, from Willow Island, W. Va., (1) to points in Vermont, New Hampshire, and Maine (except points in Aroostook County) (Springfield, Mass.) *, (2) to points in Kentucky (Ironton, Ohio) *, and (2) to points in Michigan (points in Delaware County, Ohio) *, restricted in (3) above against the transportation of traffic in hopper-type vehicles. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E862), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except soda ash, in bulk, in tank or hopper-type vehicles, from the plant site of Monsanto Chemical Company at or near Trenton, Mich., (1) to points in Virginia (Ironton, Ohio) *, (2) to points in West Virginia (Riverview, Ohio) *, and (3) to points in New Hampshire, Vermont, and Maine (except points in Aroostook County) (Springfield, Mass.) *. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E863), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Liquid chemicals*, in bulk, in tank vehicles, from Henry, Ill., (1) to points in Maine and New Hampshire (Syracuse, N.Y.) *, and (2) to points in Massachusetts, Rhode Island, and Connecticut (Ft. Lee, N.J.) *; (B) *Liquid chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Henry, Ill., to points in Vermont (Syracuse, N.Y.) *; (C) *Liquid chemicals* (except bituminous products and materials), from Henry, Ill., to points in North Carolina, South Carolina, and Georgia (points in Virginia) *; and (D) *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from Henry, Ill., to points in Florida (points in Virginia and Atlanta, Ga) *. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 113843 (Sub-No. E707), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lakewood, N.J., to (1) points in that part of New York on, west, and south of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17, to Lake Erie; and (2) points in that part of New York on, north, and west of a line beginning at Oswego at Lake Erie and extending along New York Highway 104 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 68, thence along New York Highway 68 to the St. Lawrence River. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E708), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Allentown, Chambersburg, Moosic, Philadelphia, Pittston, and King of Prussia, Pa., and Carteret, Lakewood, North Brunswick, Seabrook, Thorofare, and Vineland, N.J., to Sioux Falls, S. Dak., and Grand Forks, N. Dak. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E709), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lakewood, N.J., to points in that part of Ohio on, west, and north of a line beginning at the Pennsylvania State line and extending along U.S. Highway 20 to junction Ohio Highway 91, thence along Ohio Highway 91 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 4, thence along Ohio Highway 4 to Marion, thence along U.S. Highway 30S to Lima, thence along Ohio Highway 81 to the Ohio-Indiana State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E710), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carteret, N.J., to points in Kansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E711), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carteret, N.J., to points in Colorado. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E712), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carteret, N.J., to points in Arkansas (except points in Crittendon and St. Francis Counties, Ark.). The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E713), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Iowa. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub-No. E714), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Allentown, Pa., to points in Missouri. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E715), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and edible meat by-products*, as defined by the Commission, from Columbus, Ohio, to points in that part of Pennsylvania on, east, and north of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 220 to junction U.S. Highway 6, and thence along U.S. Highway 6 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC 119774 (Sub-No. E3), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or holes sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Florida, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E11), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* as described in *Mercer Extension Oilfield Commodities*, 74 M.C.C. 459, and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities re-

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sulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in New Mexico to points in Ohio. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., and Moffett, Okla.

No. MC 119774 (Sub-No. E12), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operation at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in New Mexico, to points in South Carolina. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., and Moffett, Okla.

No. MC 119774 (Sub-No. E13), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in New Mexico to points in Virginia. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., and Moffett, Okla.

No. MC 119774 (Sub-No. E14), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe* as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells between points in Wyoming, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways of points in Oklahoma and Arkansas.

No. MC–119774 (Sub-No. E19), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery, and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Kansas, on and south of a line from the Kansas-Missouri State line along Interstate Highway 70 to the junction of U.S. Highway 156, thence along U.S. Highway 156 to the junction of U.S. Highway 56, thence along U.S. Highway 56 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC–119774 (Sub-No. E20), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 741, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Kansas on and south of a line from the Kansas-Missouri State line along U.S. Highway 54 to the junction of U.S. Highway 154, thence along U.S. Highway 154 to the junction of U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado State line, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC–119774 (Sub-No. E21), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *earth-drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission, of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Kansas, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC–119774 (Sub-No. E22), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Nevada, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateways of points in Colorado, Oklahoma, and Arkansas.

No. MC–119774 (Sub-No. E23), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Nevada, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateways of points in Colorado, Oklahoma, and Arkansas.

No. MC–119774 (Sub-No. E31), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in New Mexico on the one hand, and, on the other points in Indiana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E32), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Utah on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 110774 (Sub-No. E35), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up

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thereof, *Earth drilling machinery, and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Utah on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-119774 (Sub-No. E36), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Georgia, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of points in Alabama.

No. MC-119774 (Sub-No. E37), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Georgia, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of points in Alabama.

No. MC-119774 (Sub-No. E39), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and

(2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Georgia, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways of points in Arkansas and Oklahoma.

No. MC-119774 (Sub-No. E40), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and

(2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and, (d) the injection or removal of commodities into or from holes or wells, between points in Georgia, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-119774 (Sub-No. E41), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and

(2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and, (d) the injection or removal of commodities into or from holes or wells, between points in Georgia, on the one hand, and, on the other, points in Texas.

No. MC-119774 (Sub-No. E42), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Machinery, equipment, materials, and supplies*, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum

and their products, and by-products, and *machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and

(2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Georgia, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways of points in Arkansas and points in Oklahoma.

No. MC-119774 (Sub-No. E43), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75622. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and

(2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Georgia, on the one hand, and, on the other, points in Arkansas and points in Oklahoma.

No. MC-119774 (Sub-No. E44), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and

(2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Georgia, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC-119774 (Sub-No. E45), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells between points in Georgia on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateways of points in Louisiana and New Mexico.

No. MC-119774 (Sub-No. E46), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of

natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells between points in Oklahoma on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC-119774 (Sub-No. E47), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells between points in Oklahoma on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC-119774 (Sub-No. E48), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their

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products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Oklahoma on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC–119774 (Sub-No. E49), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Oklahoma on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC 119774 (Sub-No. E63), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr., (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Mississippi on the one hand, and, on the other, points in Kansas.

No. MC 119774 (Sub-No. E64), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery, equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Mississippi on the one hand, and, on the other points in Wyoming. The purpose of this filing is eliminate the gateways of points in Oklahoma and Arkansas.

No. MC 119774 (Sub-No. E65), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: (1) *Machinery, equipment, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth Drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Mississippi on the one hand, and, on the other points in New Mexico. The purpose of this filing is to eliminate the gateway points in Texas.

No. MC 119774 (Sub-No. E66), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery, and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Mississippi on the one hand, and, on the other points in Oklahoma. The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC–119774 (Sub-No. E71), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and

(2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Louisiana, on the one hand, and on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC–119774 (Sub-No. E72), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr., (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and

(2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Arkansas, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateways of points in New Mexico and Louisiana.

No. MC–119774 (Sub-No. E74), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and

(2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Alabama, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Arkansas and Oklahoma.

No. MC 119774 (Sub-No. E76), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Alabama, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of Texas.

No. MC 119774 (Sub-No. E75), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Alabama, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E77), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Alabama, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of points in Arkansas.

No. MC 119774 (Sub-No. E81), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of

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natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells between points in Florida on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateways of points in Louisiana and New Mexico.

No. MC 119774 (Sub-No. E82), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Noland Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells between points in Florida on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E83), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Noland Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit* (except as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459), from Lone Star, Tex., to points in Missouri on and west of a line from the Arkansas-Missouri State line along U.S. Highway 65 to the junction of Missouri Highway 32, thence along Missouri Highway 32 to the junction of Missouri Highway 73, thence along Missouri Highway 73 to the junction of U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E84), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Noland Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit* (except that described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459) from Lone Star, Tex., to points in Nebraska, South Dakota, Pennsylvania, New Jersey, Ohio, West Virginia, Michigan, Maryland, Delaware, Virginia, North Dakota, Wisconsin, Minnesota, and Iowa. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E85), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and (2) *Conduit* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in Nevada to points in New Jersey. The purpose of this filing is to eliminate the gateways of points in Oklahoma and Colorado and the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E92), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and (2) *Conduit* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells from points in Nevada to points in West Virginia. The purpose of this filing is to eliminate the gateways of points in Colorado and Oklahoma and the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E94), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells between points in Colorado, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Oklahoma and Arkansas.

No. MC 119774 (Sub-No. E95), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Georgia, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E96), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (2) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the drilling of water wells, between points in Georgia, on the one hand, and, on the other, points in Colorado, The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E97), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (2) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the drilling of water wells, between points in Georgia, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E98), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (2) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the drilling of water wells, between points in Georgia, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E99), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (2) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the drilling of water wells, between points in Georgia, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E100), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (2) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the drilling of water wells, between points in Mississippi, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E101), filed May 30, 1974. Applicat: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (2) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the drilling of water wells, between points in Georgia, on the one hand, and, on the other, points in Mississippi, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E108), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights of way between points in Louisiana on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E110), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights of way between points in Louisiana on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E111), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (2) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the drilling of water wells between points in Louisiana on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E112), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit*, as described in *Mercer Extension—Oilfield Commodities 74 M.C.C. 459*, and *Conduit*, incidental to, used in, or in

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connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operation at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in Florida to points in Arizona. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E113), filed May 30, 1974. Applicant: EAGLE TRUCKING CO., P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities 74 M.C.C. 459*, and (2) *Conduit*, incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells from points in Louisiana to points in Arizona. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E114), filed May 30, 1974. Applicant: EAGLE TRUCKING CO., P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit* as described in *Mercer Extension—Oilfield Commodities 74 M.C.C. 459*, and (2) *Conduit*, incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection of or removal of commodities into or from holes or wells from points in Illinois to points in Arizona. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Cement Asbestos Products Company.

No. MC 119774 (Sub-Nos. E115, 116, 117, 118, 119, 120, 121, 122), filed May 30, 1974. Applicant: EAGLE TRUCKING CO., P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities 74 M.C.C. 459*; and (2) *Conduit*, incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operation at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells from points in Alabama, Georgia, Mississippi, Arkansas, Kentucky, Tennessee, and Indiana to points in Arizona. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of the Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E124), filed May 30, 1974. Applicant: EAGLE TRUCKING CO., P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit* from the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark., to points in Florida. The purpose of this filing is to eliminate the gateway of Lone Star, Texas.

No. MC 119774 (Sub-No. E123, 125, 126, 127), filed May 30, 1974. Applicant: EAGLE TRUCKING CO., P.O. Box 471, Kilgore, Texas 75662. Applicant's representative : Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic conduit* from the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark., to points in Washington, Oregon, California, and Idaho. The purpose of this filing is to eliminate the gateway of Burns Flat, Okla.

No. MC 119774 (Sub-No. E128), filed May 30, 1974. Applicant: EAGLE TRUCKING CO., P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights of way, (2) *Conduit*, described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459; (3) Conduit incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, and (4) *Conduit*, uesd in or in connection with, the drilling of water wells, from points in Texas on and east of a line from the Oklahoma-Texas State line along U.S. Highway 75 to the junction of Interstate Highway 45, thence along Interstate Highway 45 to Galveston, to points in Nebraska. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Arkansas.

No. MC 119774 (Sub-No. E129, 130), filed May 30, 1974. Applicant: EAGLE TRUCKING CO., P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit* as described in *Mercer Extension—Oilfield Commodities, 74 M.C.C. 459*, (2) *Conduit*, incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, (3) *Conduit*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (4) *Conduit*, used in, or in connection with, the drilling of water wells, from points in Texas on and east of a line from the Oklahoma-Texas State line along Interstate Highway 35 to the junction of Interstate Highway 45 thence along Interstate Highway 45 to Galveston to points in South Dakota, Pennsylvania, New Jersey, Ohio, West Virginia, Michigan, Maryland, Delaware, Virginia, North Dakota, Wisconsin, Minnesota, and Iowa, and points in Missouri on and west of a line from the Arkansas-Missouri State line along U.S. Highway 65 to the junction of Missouri Highway 32, thence along Missouri Highway 32 to the junction of Missouri Highway 73, thence along Missouri Highway 73 to the junction of U.S. Highway 54 thence along U.S. Highway 54 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of the Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E131, 132, 133), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit* as described in *Mercer Extension—Oilfield Commodities* 74 M.C.C. 459, and *Conduit*, incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells from points in Wyoming to points in Virginia, South Carolina, and North Carolina. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of the Cement Asbestos Products Company at or near Van Buren, Ark., and points in Oklahoma.

No. MC 119774 (Sub-No. E234), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 741, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (2) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the drilling of water wells, between points in Alabama, on the one hand, and, on the other, points in Utah. The purpose fo this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E235), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (2) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the drilling of water wells, between points in Alabama, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of Texarkana, Tex.

No. MC 119774 (Sub-No. E236), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (2) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the drilling of water wells, between points in Alabama, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of Texarkana, Tex.

No. MC 119774 (Sub-No. E238), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (2) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the drilling of water wells, between points in Alabama, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of Texarkana, Tex.

No. MC 123407 (Sub-No, E47), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (2) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the drilling of water wells, between points in Alabama, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of Texarkana, Tex.

No. MC 123407 (Sub-No. E48), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* used as a building material (except in bulk, lumber, chemicals, and commodities the transportation of which because of size or weight require the use of special equipment) from Dubuque, Iowa, to points in South Carolina and that part of Georgia in and east of Hart, Elbert, Wilkes, Warren, Glascock, Jefferson, Emanuel, Treutlen, Montgomery, Toombs, Appling, Bacon, Pierce, Brantley, and Charlton Counties. The purpose of this filing is to eliminate the gateway of Brookville, Ind., and the plant and warehouse sites of the Abitibi Corporation at Roaring River, N.C.

No. MC–123407 (Sub-No. E49), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass* used as a building material from Carleton, Mich., to Cherokee, Clay, Macon, Graham, Swain, Jackson, Haywood, Transylvania, Henderson, Buncombe, Madison, Yancey, McDowell, Rutherford, Polk, Burke, Cleveland, Catawba, Lincoln, Concord, Gaston, and Mitchell Counties. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC–123407 (Sub-No. E50), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork from Tulsa, Okla., to points in Michigan, that part of Indiana on and north of U.S. Highway 6, that part of Ohio on and north of Interstate Highway 80, and that part of Pennsylvania in and east of Crawford, Warren, Forest, Elk, Cameron, Clinton, Centre, Union, Snyder, Northumberland, Schuylkill, Lebanon, Berks, and Chester Counties, restricted against the transportation of commodities which because of size or weight require the use of special equipment or special handling and further restricted against the transportation of lumber, iron, and steel, and iron and steel articles. The purpose of

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this filing is to eliminate the gateway of Dubuque, Iowa and Warren, Ill.

No. MC-123407 (Sub-No. E51), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials* from Chicago, Ill., to points in Minnesota, South Dakota, Nebraska, Kansas, and points in Gogebic and Ontonagon Counties, Mich. The purpose of this filing is to eliminate the gateway of points in Wisconsin within the Warren, Ill., Commercial Zone.

No. MC-123407 (Sub-No. E52), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork (except commodities the transportation of which because of size or weight require the use of special equipment from points in North Carolina; South Carolina; Alabama; Tennessee; Kentucky; points in Posey, Vanderburgh, Warrick, Perry, Crawford, Harrison, Floyd, Clark, Dubois, Orange, Washington, Scott, Jefferson, Ohio, and Switzerland Counties, Indiana; and points in Mississippi (except points in Coahoma, Bolivar, Sunflower, Washington, Humphreys, Sharkey, Yazoo, Issaquena, Warren, Hinds, Claiborne, Copiah, Lincoln, Jefferson, Adams, Franklin, Wilkinson, and Amite Counties) to points in Minnesota. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa and Warren, Ill.

No. MC-123407 (Sub-No. E53), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, used in the manufacture and distribution of windows, doors, and building woodwork from points in Ohio, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New York, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Maine, and the District of Columbia to points in Minnesota and South Dakota, restricted against the transportation of commodities which, because of size or weight, require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa and Warren, Ill.

No. MC-123407 (Sub-No. E54), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in that manufacture and distribution of Windows, doors, and building woodwork except commodities in bulk, lumber, and chemicals) from points in Lawrence, Butt, Custer, Fall River, and Mede Counties, S. Dak., to points in Virginia, West Virginia, North Carolina, Kentucky (except points in Fulton, Hickman, Carlisle, Ballard, Graves, Cracken, Calloway, Marshall, Livinston, Tripp, Lyon, Caldwell, Crittenden, Hopkins, Webster, Union, and Henderson Counties), and Tennessee (except points in Shelby, Fayette, Hardeman, McNairy, Hardin, Tipton, Haywood, Madison, Chester, Henderson, Decautre, Lauderdale, Crockett, Dyer, Gibson, Carroll, Benton, Obion, Weakley, Henry, and Stewart Counties) restricted against the transportation of commodities which because of size or weight, require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, Warren, Ill., and Broodville, Ind.

No. MC-128548 (Sub-No. E1), filed May 13, 1974. Applicant: MIDWEST TRANSPORT, INC., Hubbell Building, Des Moines, Iowa 50309. Applicant's representative: Larry D. Knox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Such merchandise as is dealt in by wholesale grocery houses*, (1) from Clinton, Iowa and those points in Illinois and Indiana on and north of a line beginning at the Wisconsin-Illinois State line and extending southerly along Illinois Highway 84 to its intersection with Interstate Highway 74, thence along Interstate Highway 74 to its junction with U.S. Highway 6, thence east over U.S. Highway 6 to Joliet, thence east over U.S. Highway 30 to Schererville, Ind., thence north over U.S. Highway 41 to Whiting, Ind. to points in Indiana on, east, and north of a line commencing at Michigan City, thence south over U.S. Highway 421 to Reynolds, thence south over Indiana Highway 43 to junction U.S. Highway 231, thence south over U.S. Highway 231 to Crawfordsville, Ind., thence southeast over U.S. Highway 136 to junction U.S. Highway 40, and thence east over U.S. Highway 40 to the Indiana-Ohio State line, (2) from Clinton, Iowa, and those points in Illinois and Indiana on and north of a line beginning at the Wisconsin-Illinois State line and extending southerly along Illinois Highway 84 to its intersection with Interstate Highway 74, thence along Interstate Highway 74 to Peoria, thence east over U.S. Highway 24 to junction U.S. Highway 66, thence north over U.S. Highway 66 to junction Illinois Highway 53, thence north over Illinois Highway 53 to junction U.S. Highway 30, thence east over U.S. Highway 30 to Schererville, Ind., thence north over U.S. Highway 41 to Whiting, Ind., to points in Indiana, on, east, and north of a line commencing at Michigan City, thence south over U.S. Highway 421 to junction U.S. Highway 30, thence east of U.S. Highway 30 to the Indiana-Ohio State line and that part of Michigan south of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 12 to junction unnumbered highway, at or near New Buffalo, thence along unnumbered highway through Union Pier and Harbert, Mich., to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Business Route Interstate Highway 94, thence along Business Route Interstate Highway 94 to Benton Harbor, thence along unnumbered highway through Coloma, Paw Paw, and Oshtemo, to Kalamazoo, and west of a line beginning at Kalamazoo, and extending along Michigan Highway 131, at or near Schoolcraft, to junction U.S. Highway 12, thence along U.S. Highway 12, to junction Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana State line.

(3) from Clinton, Iowa and those points in Illinois and Indiana on and north of a line beginning at the Wisconsin-Illinois State line extending southerly along Illinois Highway 84 to its junction with U.S. Highway 30, thence east over U.S. Highway 30 to Schererville, Ind., thence north over U.S. Highway 41 to Whiting, Ind. to points in Indiana on, west, and north of a line commencing at Michigan City, thence south over U.S. Highway 421 to Reynolds, thence south over Indiana Highway 43 to junction U.S. Highway 231, thence south over U.S. Highway 231 to junction U.S. Highway 40, and thence west over U.S. Highway 40 to the Illinois-Indiana State line. Restriction: Parts (1), (2), (3) restricted against shipments from points in Bureau, Carroll, Whiteside, and Rock Island Counties, Ill., to Chicago, Ill., and points in its commercial zone and restricted to movements from, to, or between wholesale grocery houses, their warehouses, and retail outlets. The purpose of this filing is to eliminate the Chicago, Ill. gateway.

(B) *Canned fruits and vegetables*, (1) from points in Indiana on, east, and north of a line commencing at Michigan City, thence south over U.S. Highway 421 to junction U.S. Highway 30, and thence east over U.S. Highway 30 to the Indiana-Ohio State line (except those points north of U.S. Highway 20 and west of Indiana Highway 15 and La Porte), and those points in in that part of Michigan south of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 12 to junction unnumbered highway, at or near New Buffalo, thence along unnumbered highway through Union Pier and Harbert, to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Business Routes Interstate Highway 94, thence along Business Routes Interstate Highway 94 to Benton, Harbor, thence along unnumbered highway through Coloma, Paw Paw, and Oshtemo, Mich., to Kalamazoo, and west of a line beginning at Kalamazoo, and extending along unnumbered highway through Portage, to junction U.S. Highway 121 at or near Schoolcraft, thence

along U.S. Highway 131 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana State line (except Kalamazoo), to Clinton, Iowa and those points in Illinois and Indiana as described in the origin portion of (A)(2) (except to points in Carroll, Bureau, Whiteside, and Rock Island Counties, Ill.).

(2) from points in Indiana on, east, and north of a line commencing at Michigan City, thence south over U.S. Highway 421 to Reynolds, thence south over Indiana Highway 43 to junction U.S. Highway 231, thence south over U.S. Highway 231 to junction U.S. Highway 136, thence east over U.S. Highway 136 to junction U.S. Highway 40, and thence east over U.S. Highway 40 to the Indiana-Ohio State line (except those points north of U.S. Highway 20 and west of Indiana Highway 15 and La Porte to Clinton, Iowa, and those points in Illinois and Indiana as described in the origin portion of (A)(1) (except to points in Carroll, Bureau, Whiteside, and Rock Island Counties, Ill.). (3) from points in Indiana on, east, and north of a line commencing at Michigan City, thence south over U.S. Highway 421 to Reynolds, thence south over Indiana Highway 43 to junction U.S. Highway 231, thence south over U.S. Highway 231 to Crawfordsville, thence southeast over U.S. Highway 136 to junction U.S. Highway 40, and thence east over U.S. Highway 40 to the Indiana-Ohio State line (except points in Lake and Porter Counties), to Clinton, Iowa, and those points in Illinois and Indiana as described in the origin portion of (A)(3) (except to points in Carroll, Bureau, Whiteside, and Rock Island Counties, Ill.). The purpose of this filing is to eliminate the Chicago, Ill. gateway.

No. MC 133689 (Sub-No. E1) (Correction), filed May 28, 1974, published in the FEDERAL REGISTER August 6, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First St. SW., New Brighton, Minn. 55112. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle St. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses (except foodstuffs), and in connection therewith, *materials and supplies* used in the conduct of such business • • •. The purpose of this filing is to eliminate the gateway of the facilities of World-Wide, Inc., and Erickson Petroleum Co., at Minneapolis-St. Paul, Minn. The purpose of this partial correction is to set forth the gateway.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

GRAIN MILLS MANUFACTURING POINT SOURCE CATEGORY

Effluent Limitations
Guidelines for Existing Sources and
Pretreatment Standards for New Sources

No. 181—Pt. II——1

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 406]

[FRL 263-5]

GRAIN MILLS MANUFACTURING POINT SOURCE CATEGORY

Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources

Notice is hereby given that effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On March 20, 1974, EPA promulgated a regulation adding Part 406 to Chapter 40 of the Code of Federal Regulations (39 FR 10512). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the grain mills manufacturing point source category. The regulation proposed below will amend 40 CFR 406—grain mills manufacturing point source category by adding thereto the animal feed subcategory (Subpart G), the hot cereal Subcategory (Subpart H), the ready-to-eat cereal subcategory (Subpart I) and the wheat starch and gluten subcategory (Subpart J) pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq.; P.L. 92-500) (the Act).

(a) *Legal authority*—(1) *Existing point sources.* Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulation proposed herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the animal feed subcategory (Subpart G), the hot cereal subcategory (Subpart H), the ready-to-eat cereal subcategory (Subpart I) and the wheat starch and gluten subcategory (Subpart J) of the grain mills manufacturing point source category.

(2) *New sources.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973, (38 FR 1624) a list of 27 source categories, including the grain mills manufacturing category. The regulations proposed herein set forth the standards of performance applicable to new sources for the animal feed subcategory (Subpart G), the hot cereal subcategory (Subpart H), the ready-to-eat cereal subcategory (Subpart I) and the wheat starch and gluten subcategory (Subpart J) of the grain mills point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 406.76, 406.86, and 406.96, and 406.106 proposed below, provide pretreatment standards for new sources within the animal feed subcategory (Subpart G), the hot cereal subcategory (Subpart H), the ready-to-eat cereal subcategory (Subpart I) and the wheat starch and gluten subcategory (Subpart J), of the grain mills point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(b) Summary and Basis of Proposed Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources.

(1) *General methodology.* The effluent limitations, guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA sampling and inspections, and consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources under 40 CFR 128. The basis for such standards is set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters, except for section 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, sections 406.76, 406.86, 406.96 and 406.106 below amend section 128.133 to specify the application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to the animal feed subcategory (Subpart G), the hot cereal subcategory (Subpart H), the ready-to-eat cereal subcategory (Subpart I), and the wheat starch and gluten subcategory (Subpart J) of the grain mills point source category.

(i) *Categorization.* For the purpose of establishing effluent limitations guidelines and standards of performance, the animal feed, breakfast cereal, and wheat starch segment of the grain mills point source category has been divided into four subcategories:

(1) *Subpart G*—Animal Feed Subcategory: This subcategory includes those plants which utilize various grains, protein, and other additives at their facility for production of formula feed concentrates for poultry and livestock.

(2) *Subpart H*—Hot Cereal Subcategory: This subcategory includes those plants which produce various cereals from grains, principally wheat and oats, which in turn require further cooking prior to being eaten.

(3) *Subpart I*—Ready-to-Eat Cereal Subcategory: This subcategory includes those plants which process various grains and other products (whole grain wheat, rice, corn grits, oat flour, sugar, and minor ingredients) at their facility to produce various breakfast cereals ready for human consumption without cooking prior to being served.

(4) *Subpart J*—Wheat Starch and Gluten Subcategory: This subcategory includes those plants which utilize wheat flour as a raw material at their facility and through processes of physical separation and refinement produce starch and gluten (protein) components.

Factors such as raw materials used, age and size of production facilities, principal products and production processes, waste water characteristics, and applicable treatment methods substantiate and verify this categorization.

(ii) *Waste characteristics.* The known significant pollutant properties or constituents of waste waters resulting from the manufacture of ready-to-eat cereals include BOD5, suspended solids, pH, and temperature. Temperature is not a significant pollutant parameter for process waste waters associated with wheat starch and gluten operations. These process waste waters have relatively high levels of nitrogen and phosphorus essential to and effectively removed by biological treatment. Wheat starch and gluten manufacturing process waste waters are particularly characterized by high BOD5 and suspended solids concentrations having considerable potential polluting effect. No process waste water was found to result from the animal feed and hot cereal industries. The only water used in the animal feed manufacturing industry is the addition of a small amount of water for dust control during grain grinding and for steam used during the pelleting operation. In hot breakfast cereal manufacture, only dry milling and blending operations exist. Water is used only sometimes for tempering and increasing moisture content of the hot cereal product.

(iii) *Origin of waste water pollutants.* A discussion of water usage and the sources of pollutant discharges for the various subcategories of the animal feed, breakfast cereal, and wheat starch segment of the grain mills point source category are as described below:

(1) *Animal feed subcategory.* Process water used in the manufacturing process is as described above in section (2)(ii) entitled Waste Characteristics. No process waste water results from this manufacturing subcategory. (2) Hot cereal subcategory. Process water used in the manufacturing process is as described above in section (2)(ii) entitled Waste Characteristics. No process waste water results from this manufacturing subcategory. (3) Ready-to-eat cereal subcategory. Process water is used quite extensively for grain tempering, flavor solution make-up, cooking, extrusion, coating, clean-up of processing and conveying equipment, cooling purposes, and in wet scrubbers for air pollution control. Process waste water results primarily from condensed vapors from cooking operations, wet clean-up operations, and wet scrubber discharge. Spent noncontact cooling water is also generated. The principal pollutants associated with this subcategory are BOD5, suspended solids, pH, and temperature. The temperature of the untreated waste water stream (90° to 110° F) is due principally to the discharge of spent noncontact cooling water and hot water clean-up to the process waste water flow. The higher temperature results in the shredded cereal production due to the process waste water itself. Under present waste water handling procedures, waste water as leaving the plant site has not been found to be detrimental to conventional biological treatment systems and further evaporative cooling occurring through the treatment process is sufficient to reduce temperature to near ambient waste water characteristics without heat addition. The largest waste load from ready-to-eat cereal manufacturing results from clean-up and washing operations. (4) Wheat starch and gluten subcategory. Water is used within this subcategory for dough making, dough washing, back washing of screens, counter current washing of centrifuge discharges, plant clean-up, boiler feed, and cooling purposes. The principal pollutants associated with this subcategory are BOD5, suspended solids, and pH. Principal waste water contributions result from starch milk screening, thickening, centrifugation, dewatering and B-starch concentration, and plant clean-up. This waste is characterized by high organic and suspended solids content being attributed largely to finely suspended starch particles from unrecovered starch in the process. Relatively high nitrogen and phosphorus concentrations contribute to the ready biodegradability of the waste. Cellulose fiber collected from screening devices necessitates a satisfactory disposal method for this solid waste.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

Technologies such as waste equalization, activated sludge, waste stabilization lagoons, deep bed filtration, activated carbon filtration and reverse osmosis have been considered for the treatment and handling of process waste waters from the ready-to-eat cereal, and wheat starch and gluten manufacturing subcategories. Because of the general practice of discharging process waste waters from these subcategories to municipal sewage systems, many of these technologies are not currently practiced within these industries. Pilot plant studies and operational pretreatment facilities have amply and reliably demonstrated the ready biodegradability and amendability for treatment of both ready-to-eat cereal, and wheat starch and gluten plant wastes. The technologies considered are readily transferable due to their wide practice within other industrial categories or within the field of water treatment. Experiences with treatment of similar wastes provide evidence for anticipated removals of pollutants by applicable technologies.

The following is a discussion of the control and treatment technologies recommended for each subcategory as best practicable control technology currently available and best available technology economically achievable.

(1) *Recommended control and treatment*—Animal feed subcategory.

Since no process waste water results from operations within this subcategory, the best practicable control technology currently available and the best available technology economically achievable

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recommend no discharge of process waste water pollutants to navigable waters.

(2) *Recommended control and treatment*—Hot cereal subcategory. Since no process waste water results from operations within this subcategory, the best practicable control technology currently available and the best available technology economically achievable recommend no discharge of process waste water pollutants to navigable waters.

(3) *Recommended control and treatment*—Ready-to-eat cereal subcategory. At present, all 47 cereal plants with one exception discharge their process waste waters to nearby municipal sewage systems. One plant presently provides no treatment of process waste waters prior to discharge to receiving waters. However, a municipal connection for this plant is presently planned. Best practicable control technology currently available would be applicable where direct discharge of process waste waters to navigable waters results, and for this subcategory would require that a plant achieve effluent levels of 70 mg/1 BOD5 and suspended solids at an average total process waste water flow of 5.8 l/kg (0.7 gal/lb) of cereal product. Since the process waste water is greatly attributable to clean-up operations, minimization of water usage for this purpose is an integral part of the technology. These levels of pollutant reductions are not currently practiced at any plant in the industry, since these plants currently convey process waste water to municipal sewage systems for treatment. However, the process waste water has been demonstrated to be readily treatable by conventional biological treatment, and the technology has been satisfactorily demonstrated to be capable of achieving the effluent levels through pilot plant and prototype installations. Achievement of the recommended effluent limitations and best practicable control technology currently available is based upon in-process control for minimization of clean-up water use, and end-of-pipe treatment including equalization and activated sludge. Sedimentation and sludge handling facilities are included. Corresponding BOD5 and suspended solids reductions of 94 percent and 67 percent of the average waste load will result.

Best available technology economically achievable recommends that deep bed filtration be added with the treatment steps under best practicable control technology currently available. This addition will further reduce BOD5 and suspended solids in the process waste water stream to 30 mg/1 at the current average waste water flow. Corresponding percent removals are 97 and 87 percent for BOD5 and suspended solids.

(4) *Recommended control and treatment*—Wheat starch and gluten category. Of the present 7 wheat starch and gluten plants, 6 discharge all process waste waters to municipal sewage systems. One plant utilizes the starch-laden process waste water from the wheat starch and gluten manufacturing process as a high-carbohydrate raw material in an associated distillery operation. Distillery effluent is presently being discharged without treatment to surface waters, however an elaborate treatment system is now under construction. In-plant control to reduce pollutants in wheat starch and gluten manufacturing by conventional techniques offers little potential. Waste water flow and loads attributable to clean-up operations are relatively insignificant in terms of total process waste water characteristics. The process inherently produces a waste water characterized by its extremely high BOD5 (6,000 to 14,000 mg/1) and suspended solids (5100 to 15,000 mg/1) levels. The high BOD5 concentration may be accounted for largely by high concentration of very finely suspended starch particles. Best practicable control technology currently available would be applicable where direct discharge of process waste waters to navigable waters results, and for this subcategory would require that a plant achieve effluent levels of 200 mg/1 each, for BOD5 and suspended solids, at an average total process waste water flow of 10 l/kg (1.2 gal/lb) of wheat flour processed. These levels of pollutant reduction are not currently achieved at any plant in the industry, since process waste water is generally discharged to municipal sewage facilities for treatment. Ready biodegradability of the process waste waters and their amendability to conventional treatment measures has been well demonstrated through operational and experimental full-scale systems, as well as pilot plant studies. With consideration of the high-strength nature of the waste and its polluting potential, and present practices as now demonstrated in the industry, a transfer of pollution control technology for this subcategory is necessary and appropriate. Applicable control technologies are known and readily transferable with reasonable expectancy for predicted pollutant removals based on past experience with treating similar high-strength waste. The high BOD5 concentration being attributable in large part to suspended starch particles necessitates high removal of suspended solids through sedimentation and/or filtration. Best practicable control technology currently available is based upon minimization of inplant water use for clean-up and end-of-pipe treatment including pH, neutralization, equalization and activated sludge. Sedimentation, sludge handling and effluent chlorination are included. The recommended technology is capable of reliably achieving BOD5 and suspended solids reduction of 98 and 97 percent, respectively.

Best available technology economically achievable recommends that deep bed filtration be added with the treatment steps under best practicable control technology currently available. This addition will further reduce BOD5 and suspended solids in the process waste water stream to 50 mg/1 and 40 mg/1, respectively, at the current average total waste water flow. Removal efficiency is 99 percent for both BOD5 and suspended solids.

(5) *Solid waste control.* The application of these technologies requires that solid waste control must be considered. Best practicable control technology and best available control technology as they are known today, require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In most cases these are non-hazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long-term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g. impervious liners) should be taken to ensure long-term protection to the environment from hazardous materials. Where appropriate the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction. It should be noted that there is no evidence that the application of the recommended control and treatment technologies will result in any unusual solid waste disposal problems for this industry segment.

(v) *Cost estimates for control of waste water pollutants.* Since the animal feed and hot cereal subcategories do not result in the generation of process waste waters, the only subcategories having cost importance for control of process waste water pollutants are ready-to-eat cereal, and wheat starch and gluten manufacture. Within the ready-to-eat cereal subcategory, all plants presently discharge, or anticipate the discharge (in only one case) of all process waste waters to municipal sewage systems. Investment costs and total annual costs for this subcategory to achieve the proposed best practicable control technology currently available effluent limitations guidelines may be estimated to be $811,800 and $199,200, respectively. This assumes that the one plant planning for discharge of its process waste water to municipal facilities does not effect such a connection, and that separate waste handling and treatment are then necessary prior to discharge to navigable waters.

Process waste water from 6 of the wheat starch and gluten plants in the U.S. is discharged to municipal systems; process waste water from the remaining plant is utilized as a raw material in an adjacent distillery. The distillery wastes are presently discharged untreated to navigable waters; however, extensive treatment facilities are now being constructed to substantially reduce pollutant loads. In view of present practices, no significant investment and annual costs may be presently attributable or foreseen for this subcategory to achieve the proposed effluent limitation guidelines for best practicable control technology currently available. This estimate

is based on the assumption that only surface dischargers are affected by the proposed guidelines.

The investment and total annual costs to achieve the proposed best available technology economically achievable effluent limitations guidelines for all subcategories within the segment are estimated similarly as above, except that the investment and total annual costs for the ready-to-eat cereal subcategory are $875,300 and $223,100, respectively. The higher costs reflect the increased level of effluent pollutant reduction associated with the proposed best available technology economically achievable. No investment and total annual costs may be attributable to the animal feed, hot cereal, and wheat starch and gluten subcategories. This estimate is based on the assumption that only surface dischargers are affected by the proposed guidelines with no credit given for those facilities which employ technology representative of a portion of the best available technology economically achievable. This estimate also includes those costs associated with best practicable control technology currently available.

(vi) *Energy requirements and non-water quality environmental impacts.* The process waste water treatment and control technologies required to achieve the best practicable control technology currently available and the best available technology economically achievable do not require unusually high energy requirements. Power would be needed for aeration, pumping, centrifugation, and other unit operations. Power requirements to achieve the levels of technology are in the range of 75 to 310 kw (100 to 500 hp) for ready-to-eat cereal plants and 150 to 220 kw (200 to 300 hp) for wheat starch and gluten plants. This level of energy demand is generally less than one percent of the total energy requirements of an average-sized ready-to-eat cereal or wheat starch and gluten plant. It is concluded that the energy needs for achieving waste water treatment where discharge of process waste waters results, constitute only a small portion of the energy demands of the entire industry. These added demands could be accommodated readily by purchased and in-house power sources. The fact that essentially all ready-to-eat cereal, and wheat starch and gluten plants now discharge to municipal sewage systems supports the conclusion that no appreciable energy increase will likely result with continuation of present practices. Because of no process waste water discharge for the animal feed and hot cereal subcategories, no additional pollution control measures are required, and therefore no related energy requirements.

There is no evidence that application of the proposed effluent limitations guidelines will result in any unusual air or solid waste disposal problems. Some potential odors from any biological treatment system exist particularly when treating high organic content wastes. However, this ever-present potential may be eliminated or minimized through the selection, design, and operation of biological treatment systems. Considerable amounts of solids created in biological treatment of ready-to-eat cereal and wheat starch manufacturing waste are subject to conventional methods of handling and disposal e.g., digestion, dewatering, disposal in a sanitary landfill, or incineration. Disposal of solid material so as not to contribute pollutants to navigable waters is necessary and can be technologically accomplished.

(vii) *Economic impact analysis.* All ready-to-eat cereal plants are, or will be in the near future, connected to municipal treatment systems and will incur no costs as a result of these guidelines. Regardless, the costs of compliance for this segment will be low; either return on investment (after-tax) would fall 0.3 percent at most, or price increases would be a maximum of 0.7 percent. Additional price increase for 1983 requirements would be less than 0.1 percent. Industry production, employment and growth would not be significantly affected.

Of the seven existing wheat starch plants, none are direct dischargers. However, in the future, these plants have the option of continuing to use a municipal system or of investing in pollution control facilities. Some plants are giving serious consideration to the latter alternative due to the rising costs of municipal treatment. BPT is a financially viable alternative for most wheat starch plants. However, two plants probably would close if it became necessary to construct a waste treatment installation in compliance with BPCTCA guidelines.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Animal Feed, Breakfast Cereal, and Wheat Starch Segment of the Grain Mills Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State Water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which prescribe national standards of environmental quality or require national emission, effluent or performance standards and limitations.

The Agency determined to implement these procedures in order to insure that the public was apprised of the environmental effects of its major standards-setting actions and was provided with detailed brackground information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where, because of the length of these materials, such publication is impracticable, the material may be made available in an alternate format.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Animal Feed, Breakfast Cereal, and Wheat Starch Segment of the Grain Mills Point Source Category" contains information available to the Agency concerning the major environmental effects of the regulation proposed below, including:

(1) the pollutants presently discharged into the Nation's waterways by manufacturers of animal feed, hot cereal, ready-to-eat cereal, and wheat starch and gluten, and the degree of pollution reduction attainable from implementation of the proposed guidelines and standards (see particularly Sections IV, V, VI, IX, X, and XI);

(2) the anticipated effects of the proposed regulation on other aspects of the environment including air, and solid waste disposal (see particularly Section VIII);

(3) options available to the Agency in developing the proposed regulatory system and the reasons for its selecting the particular levels of effluent reduction which are proposed (see particularly Sections VI, VII, and VIII).

The supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines for Animal Feed, Breakfast Cereal and Wheat Starch Segment of the Grain Mills Point Source Category", July, 1974, contains an estimate of the cost of pollution control requirements and an analysis of the possible effects of the proposed regulation on prices, production levels, employment, communities in which animal feed, hot cereal, ready-to-eat cereal, and wheat starch and gluten manufacturing plants are located, and international trade. In addition, the Development Document describes, in Section VIII, the cost and energy con-

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sumption implications of the proposed regulations.

The two reports described above in the aggregate exceed 200 pages in length and contain a substantial number of charts, diagrams, and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in foregoing portions of this preamble. Additional discussion is contained in the following analysis of comments received and the Agency's response to them. As has been indicated, both documents are available for inspection at the Agency's Washington, D.C. and regional offices and at State water pollution control agency offices. Copies of each have been distributed to persons and institutions affected by the proposed regulations or who have placed themselves on a mailing list for this purpose. Finally, so long as the supply remains available, additional copies may be obtained from the Agency as described above.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia, 22151.

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the animal feed, breakfast cereal, and wheat starch segment of the grain mills point source category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) New England Interstate Water Pollution Control Commission; (4) Ohio River Valley Sanitation Commission; (5) Delaware River Basin Commission; (6) American Feed Manufactures Association; (7) Cereal Institute; (8) Gerber Products Company; (9) Malt-O-Meal Company; (10) Van Brode Milling Company, Inc.; (11) Standard Milling Company; (12) Loma Linda Foods; (13) Far-Mar Company; (14) Midwest Solvents; (15) A. E. Staley Manufacturing Company; (16) Centennial Mills; (17) New Era Milling Company; (18) Baker/Beech-Nut; (19) CPA International, Inc.; (20) National Oats Company; (21) Pillsbury Company; (22) The American Society of Mechanical Engineers; (23) The Conservation Foundation; (24) Businessmen for the Public Interest; (25) Environmental Defense Fund, Inc.; (26) Natural Resource Defense Council; (27) The American Society of Civil Engineers; (28) Water Pollution Control Federation; and (29) National Wildlife Federation.

The following responded with comments: General Mills, Inc.; American Food Manufacturers Association; State of Colorado Department of Public Health; United States Water Resources Council; Research Division, Far-Mar Co., Inc.; Baker/Beech-Nut Corporation; Kellogg Company; Nabisco Inc.; State of Michigan Department of Natural Resources; Minnesota Pollution Control Agency; A. E. Staley Manufacturing Company; New York State Department of Environmental Conservation; The Pillsbury Company, CPC International, Inc.; U.S. Department of Agriculture; Centennial Mills; Delaware River Basin Commission; U.S. Department of Health, Education, and Welfare; National Oats Company; and the U.S. Department of the Interior.

The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein as as follows:

(1) A common criticism was that maximum effluent limitations for BATEA and new source performance standards were suggested based on daily values.

Maximum effluent limitations stipulated for these two technology levels are intended to be based on the maximum daily average of daily values for 30 consecutive days, as indicated for BPCTCA. The proposed guidelines have been amended accordingly.

(2) One comment was made expressing apprehension regarding establishment of effluent guidelines limitations requiring very high (greater than 90 percent) removals of BOD5 and suspended solids without such technology now being demonstrated on a full-scale basis in the ready-to-eat cereal and wheat starch and gluten manufacturing subcategories. Particular concern is shown for limitations for the wheat starch industry, in the lack of "demonstrated" technology.

The biological and physical treatability of both wheat starch and ready-to-eat cereal process waste water has been evaluated and reliably demonstrated through use of present in-place pretreatment facilities and further pilot plant studies. The waste is readily biodegradable, and treatment levels can be reasonably predicted for this type waste and known treatment measures. Effective and efficient treatment of process waste waters may be expected through transfer of treatment technologies from other applications, and such technologies are readily available for use.

The fact that this industry does not employ such technology in wide spread use does not, therefore, preclude establishing these levels of control. The treatment mechanisms utilized in establishing the specific effluent limitation guidelines and standards for this industry have been based on a transfer of technology for treatment of similar high-strength food processing wastes, and knowledge of waste water pollutant characteristics and waste water treatment efficiencies. Substantive comments and data are solicited in regard to the effectiveness of treatment technologies applicable to these subcategories and the resultant effluent limitations and standards as proposed.

(3) One comment was made that the pollutant removal efficiencies required by the proposed effluent limitation guidelines cannot be achieved within a reasonable economic framework.

The economic impact of the proposed effluent limitation guidelines have been thoroughly evaluated within the document "Economic Analysis of Proposed Effluent Guidelines for Animal Feed, Breakfast Cereal and Wheat Starch Segments of the Grain Mill Point Source Category," prepared in conjunction with the Development Document. All ready-to-eat cereal plants are, with one exception, connected to municipal waste treatment systems. However, should it become necessary for plants in this segment to have separate waste treatment facilities, industry production, employment, and growth would not be significantly affected. No wheat starch plants are currently directly discharging process waste waters to navigable waters. The economic analysis indicates that if a plant found it necessary to install independent pollution control equipment, it would remain financially viable.

(4) A comment was made that subcategorization of the wheat starch industry is necessary for appropriate consideration of size and age of plants. At least an allowance for older and larger plants should be made.

An analysis of data currently available to the agency does not indicate a justification for subcategorization of wheat starch industry on the basis of plant size and age. This conclusion is fully discussed in Section V of the Development Document.

(5) A comment was made that more stringent requirements should be adopted for the ready-to-eat and wheat starch manufacturing subcategories. More stringent limitations are required by at least one state pollution control agency.

The detailed technical and economic evaluation of these industry subcategories support the reasonableness and expected achievability of the proposed limitations. Since essentially all plants now discharge their entire process waste water to municipal systems, little benefit would result in relation to cost for additional pollutant removal. Land applications were also considered as an integral part of the waste treatment and disposal system at new plant sites, thereby permitting further reduction of pollutant loads discharged to navigable waters.

(6) A comment was made that a no discharge of process waste water pollutants limitation for the Animal Feed and Hot Cereal Manufacturing Subcategories is inappropriate since waste water is attributable to clean-up from these operations and air pollution control devices. Consideration of the use of clean-up water incidental to such manufacturing processes should be made.

Field investigation and plant surveys conducted in development of proposed effluent limitation guidelines for the animal feed and hot cereal industries concluded that no process waste water is generated in these operations. This result was verified by numerous visits to plants in these industrial categories and discussions with responsible plant personnel.

(7) One comment was made that climatic factors have not been appropriately considered as influencing the consistent efficiency of biological systems in achieving the effluent limitations as proposed.

Treatment efficiency may reasonably be expected to be influenced by variable temperature conditions and winter conditions in northern climates. However, variability of treatment efficiency with climate may be compensated for in the design and operation of the treatment facilities.

(8) A comment was made that effluent limitations for temperature, phosphorus, nitrogen and bacteriological qualities were not stipulated even though these parameters were identified as those having possible pollutional significance.

Temperature is a potential pollutant only for ready-to-eat cereal manufacturing process waste water. However, under present waste handling and disposal practices the temperature is satisfactorily reduced to technologically acceptable levels. The temperature characteristic of the process waste water is reduced satisfactorily by waste water conveyance, and by biological and physical treatment measures commonly employed by municipal treatment systems or to be employed at future on-site treatment facilities. Heated waste is commonly added to other unheated waste water components to effect substantial reduction in the temperature characteristic of the composite process waste water load. Based on present knowledge and data, no justification exists for limitation of temperature under present practices and waste disposal procedures.

Nitrogen and phosphorus are present in significant concentrations in process waste waters from wheat starch and gluten manufacturing (350 to 400 mg/l and 75 to 140 mg/l respectively). In consideration of the attendant high BOD5 characteristics of this waste, the phosphorus and nitrogen levels are judged necessary to achieve effective and efficient biological treatment. Available evidence indicates that nitrogen and phosphorus levels are very substantially reduced to concentrations equivalent to effluent quality expected from conventional biological treatment facilities for domestic waste. Therefore, nitrogen and phosphorus levels in treated process waste water which is in compliance with the proposed effluent limitations guidelines are not judged to warrant separate, specific limitations. Achievement of acceptable nitrogen and phosphorus levels are a consequence of and attendant to attaining the proposed effluent limitation guidelines for other stipulated pollutant parameters. On the contrary, nitrogen and phosphorus concentration in ready-to-eat cereal process waste waters are generally insignificant, and these materials must be added to accomplish effective biological treatment of the waste, as presently practiced at one pretreatment facility in the industry.

Bacteriological considerations are of importance in the process waste water itself only when sanitary waste from human sources is added to the total process waste water stream. The process waste and sanitary waste where resulting in a combined waste discharge are readily accommodated by municipal treatment systems under present practices without deleterious effects. On-site treatment of composite process waste water would likely require separation of the process-related waste stream and the human waste contribution. No justification for limitation of bacteriological qualities for any of the various subcategories is presently justified based on existing pollution control practices.

(9) A comment was made that lagooning may not be an acceptable treatment alternative for plants located in municipalities.

Alternative C technology for both ready-to-eat cereal, and wheat starch and gluten manufacturing subcategories includes the utilization of a waste stabilization lagoon for treatment and control of process waste water. However, this technology was only one of several technologies available for treatment of these wastes. Other technologies which are not land-dependent were noted, and were recommended as appropriate methods to achieve the proposed effluent limitation guidelines.

(10) One comment was made that the limitations should be adjusted upward to account for variability in treatment system performance and that allowances should be made for sudden shocking of the treatment system during plant cleanup operations.

The need for flexibility in the effluent limitations guidelines to take into account variation in biological treatment system performance and upsets in plant operation is recognized and has been properly considered in the proposed effluent limitation guidelines. The effluent limitation for all required technology levels (best practicable control technology currently available, best available technology economically achievable, and new source performance standards) allow a maximum daily average pollutant load of 3.0 times the average 30-day values to account for such variances.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitations guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of section 301, 304 (b), 306 and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street S.W., Washington, D.C. A copy of the preliminary draft contractor report, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before October 17, 1974 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 F.R. 21202).

Dated: September 5, 1974.

JOHN QUARLES,
Acting Administrator.

PART 406—GRAIN MILLS EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE GRAIN MILLS POINT SOURCE CATEGORY

Subpart G—Animal Feed Subcategory

Sec.
406.70 Applicability; description of the animal feed subcategory.
406.71 Specialized definitions.
406.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
406.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
406.74 Reserved.
406.75 Standards of performance for new sources.
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Subpart H—Hot Cereal Subcategory

406.80 Applicability; description of the hot cereal subcategory.
406.81 Specialized definitions.
406.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

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406.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
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Subpart I—Ready-To-Eat Cereal Subcategory

406.90 Applicability: description of the ready-to-eat cereal subcategory.
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406.92 Effluent limitations guidelines representing the degree of effluent duction attainable by the application of the best practicable control technology currently available.
406.93 Effluent limitations guidelines representing the degree of effluent duction attainable by the application of the best available technology economically achievable.
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Subpart J—Wheat Starch and Gluten Subctegory

406.100 Applicability: description of the wheat starch and gluten subcategory.
406.101 Specialized definitions.
406.102 Effluent limitations guidelines representing the degree of effluent duction attainable by the application of the best practicable control technology currently available.
406.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
406.104 Reserved.
406.105 Standards of performance for new sources.
406.106 Pretreatment standards for new sources.

Subpart G—Animal Feed Subcategory

§ 406.70 Applicability; description of the animal feed subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacturing of animal feeds (formula feed concentrate) for poultry and livestock utilizing various grains, proteins, and other additives as raw materials.

§ 406.71 Specialized definitions.

For the purpose of this subpart:

(a) The general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 406.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 406.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 406.74 [Reserved]

§ 406.75 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 406.76 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the animal feed subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.75: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

Subpart H—Hot Cereal Subcategory

§ 406.80 Applicability; description of the hot cereal subcategory.

The provisions of this subpart are applicable to discharges resulting from the production of various cereal from grains, principally wheat and oats, requiring cooking prior to normal human consumption.

§ 406.81 Specialized definitions.

For the purpose of this subpart:

(a) The general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 406.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 406.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 406.84 [Reserved]

§ 406.85 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 406.86 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the hot cereal subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.85; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

Subpart I—Ready-To-Eat Cereal Subcategory

§ 406.90 Applicability; description of the ready-to-eat subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of various grains and other materials (whole grain wheat, rice, corn grits, oat flour, sugar, and minor ingredients) to produce various breakfast cereals normally available for human consumption without cooking.

§ 406.91 Specialized definitions.

For the purpose of this subpart:

(a) The general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 406.92 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of cereal product		
BOD5	1.2	0.40
TSS	1.2	0.40
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of cereal product		
BOD5	1.2	0.40
TSS	1.2	0.40
pH	Within the range 6.0 to 9.0.	

§ 406.93 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of cereal product		
BOD5	0.60	0.20
TSS	0.45	0.15
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of cereal product		
BOD5	0.60	0.20
TSS	0.45	0.15
pH	Within the range 6.0 to 9.0.	

§ 406.94 [Reserved]

§ 406.95 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

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Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of cereal product		
BOD5	0.60	0.20
TSS	0.45	0.15
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of cereal product		
BOD5	0.60	0.20
TSS	0.45	0.15
pH	Within the range 6.0 to 9.0.	

§ 406.96 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the ready-to-eat cereal subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.95; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

Subpart J—Wheat Starch and Gluten Subcategory

§ 406.100 Applicability; description of the wheat starch and subcategory.

The provisions of this subpart are applicable to discharges resulting from those industrial operations utilizing wheat flour as a raw material for production of wheat starch and gluten (protein) components through conventional processes of physical separation and subsequent refinement.

§ 406.101 Specialized definitions.

For the purpose of this subpart:

(a) The general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 406.102 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of raw material (wheat flour)		
BOD5	6.0	2.0
TSS	6.0	2.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of raw material (wheat flour)		
BOD5	6.0	2.0
TSS	6.0	2.0
pH	Within the range 6.0 to 9.0.	

§ 406.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of raw material (wheat flour)		
BOD5	1.5	0.50
TSS	1.2	0.40
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of raw material (wheat flour)		
BOD5	1.5	0.50
TSS	1.2	0.40
pH	Within the range 6.0 to 9.0.	

§ 406.104 [Reserved]

§ 406.105 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of raw material (wheat flour)		
BOD5	3.0	1.0
TSS	3.0	1.0
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of raw material (wheat flour)		
BOD5	3.0	1.0
TSS	3.0	1.0
pH	Within the range 6.0 to 9.0.	

§ 406.106 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the wheat starch and gluten subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended

to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.105; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

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PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

■

COMMUNITY DEVELOPMENT BLOCK GRANTS

Notice of Proposed Rulemaking

No. 181—Pt. III——1

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[24 CFR Part 570]

[Docket No. R-74-292]

COMMUNITY DEVELOPMENT BLOCK GRANTS

Notice of Proposed Rulemaking

The Department of Housing and Urban Development herewith publishes its proposed regulations concerning the implementation of Title I of the Housing and Community Development Act of 1974, Pub. Law 93-383, providing a new program of community development block grants which begins on January 1, 1975.

These regulations deal with those funds which under the new legislation are distributed by entitlements to cities and other units of general local government on a needs formula or hold-harmless basis. The law directs that financial assistance be provided to communities with minimum delay, and establishes a Federal review process of not more than 75 days. The review standards assume approval of applications from entitlement cities unless findings to the contrary, as presented by the statute, can be specified by the Secretary.

At a later date regulations will be published which will deal with the distribution and application process for discretionary funds under this Title. Regulations will also be published which will specify the procedures for environmental review activities under this Title. Interested persons are invited to participate in the making of the proposed rules by submitting written data, views or statements. Comments should be filed in triplicate with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All relevant material received on or before October 21, 1974, will be considered before adoption of final rules. Copies of comments submitted will be available for examination during business hours at the above address.

The proposed regulation is as follows:

In Subchapter D of Chapter V, add a new Part 570 to read as follows:

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

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570.2 Objective and purpose of program.
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570.101 Allocation between metropolitan and non-metropolitan areas.
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570.910 Evaluation by HUD.
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AUTHORITY: Sec. 7(d), 42 U.S.C. 3535(d).

Subpart A—General Provisions

§ 570.1 Applicability and scope.

(a) The policies and procedures contained herein are applicable to the making of community development program block grants and loan guarantees on behalf of urban communities under the provisions of Title I of the Housing and Community Development Act of 1974.

(b) This Part covers policies and procedures relating to the roles and responsibilities of HUD and general local government with regard to the allocation and distribution of funds; eligible activities; application for entitlement grants; applications and criteria for discretionary grants; grant administration; other program requirements; loan guarantees; financial settlement of urban renewal projects; and program management.

(c) The community development block grant program under this Part replaces the following programs consolidated by the Act:

(1) Urban renewal (and neighborhood development programs) under title I of the Housing Act of 1949;

(2) Model Cities under Title I of the Demonstration Cities and Metropolitan Development Act of 1966;

(3) Water and sewer facilities under section 702 of the Housing and Development Act of 1965;

(4) Neighborhood facilities under section 703 of the Housing and Urban Development Act of 1965;

(5) Public facilities loans under Title II of the Housing Amendments of 1955;

(6) Open space land under Title VI of the Housing Act of 1961; and

(7) Rehabilitation loans under section 312 of the Housing Act of 1964.

§ 570.2 Objective and purpose of program.

(a) The primary objective of the Community Development Program is the development of viable urban communities, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. Consistent with this primary objective, the Federal assistance provided in this Part is for the support of community development activities which are directed toward the following specific objectives:

(1) The elimination of slums and blight and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community, principally persons of low and moderate income;

(2) The elimination of conditions which are detrimental to health, safety, and public welfare, through code enforcement, demolition, interim rehabilitation assistance, and related activities;

(3) The conservation and expansion of the Nation's housing stock in order to provide a decent home and a suitable living environment for all persons, but principally those of low and moderate income;

(4) The expansion and improvement of the quantity and quality of community services, principally for persons of low and moderate income, which are essential for sound community development and for the development of viable urban communities;

(5) A more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreational, and other needed activity centers;

(6) The reduction of the isolation of income groups within communities and geographical areas and the promotion of

an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income and the revitalization of deteriorating or deteriorated neighborhoods to attract persons of higher income; and

(7) The restoration and preservation of properties of special value for historic, architectural or esthetic reasons.

(b) It is also the purpose of this Part to further the development of a national urban growth policy by consolidating a number of complex and overlapping programs of financial assistance to communities of varying sizes and needs into a consistent system of Federal aid which:

(1) Provides assistance on an annual basis, with maximum certainty and minimum delay, upon which communities can rely in their planning;

(2) Encourages community development activities which are consistent with comprehensive local and areawide development planning;

(3) Furthers achievement of the national housing goal of a decent home and a suitable living environment for every American family; and

(4) Fosters the undertaking of housing and community development activities in a coordinated and mutually supportive manner.

§ 570.3 Definitions.

(a) "Act" means Title I of the Housing and Community Development Act of 1974, P.L. 93-383.

(b) "Basic grant amount" means the amount of funds which a metroplitan city or urban county is entitled to receive under this Part as determined by the formula based on factors pertaining to population, extent of poverty, and extent of housing overcrowding provided in Subpart B.

(c) "City" means (1) any unit of general local government which is classified as a municipality by the United States Bureau of the Census or (2) any other unit of general local government which is a town or township and which, in the determination of the Secretary, (i) possesses powers and performs functions comparable to those associated with municipalities, (ii) is closely settled and (iii) contains within its boundaries no incorporated places as defined by the United States Bureau of the Census.

(d) "Community Development Program" means the program formulated by the applicant in its application to HUD as described in Subpart D which (1) includes the activities to be undertaken to meet its community development needs and objectives identified in its summary community development plan, together with the estimated costs and general location of such activities, (2) indicates resources other than those provided under this Part which are expected to be made available toward meeting its identified needs and objectives, and (3) takes into account appropriate environmental factors.

(e) "Discretionary grant" means a grant made from the Secretary's fund, from the transition fund for urgent community development needs, and from the general purpose funds for metropolitan and nonmetropolitan areas as described more fully in § 570.104(a), (b), (c)(1), and (c)(2), respectively.

(f) "Entitlement amount" means the amount to be received by a unit of general local government consisting of its basic grant amount and/or hold-harmless grant under § 570.102 and § 570.103.

(g) "Extent of housing overcrowding" means the number of housing units with 1.01 or more persons per room based on data compiled and published by the United States Bureau of the Census for 1970.

(h) "Extent of poverty" means the number of persons whose income are below the poverty level based on data compiled and published by the United States Bureau of the Census for 1970. For the purposes of this Part, the Secretary has determined that it is neither feasible nor appropriate to make adjustments in the computations of "extent of poverty" for regional or area variations in income and cost of living.

(i) "Hold-Harmless amount" means the amount which represents the average past level of funds received by a unit of general local government under the consolidated programs cited in § 570.1(c) and which is used to determine the amount of the Hold-Harmless grant.

(j) "Hold-Harmless grant" means that amount of funds which a unit of general local government is entitled to receive in excess of its basic grant amount under § 570.103.

(k) "HUD" means the Department of Housing and Urban Development.

(l) "Lower income families" means those families whose incomes do not exceed 80 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction cost, unusually high or low family incomes, or other factors.

(m) "Metropolitan area" means a standard metropolitan statistical area, as established by the Office of Management and Budget.

(n) "Metropolitan city" means (1) a city within a metropolitan area which is the central city of such area, as defined and used by the Office of Management and Budget, or (2) any other city, within a metropolitan area, which has a population of fifty thousand or more.

(o) "Population" means the total resident population based on data compiled and published by the United States Bureau of the Census for 1970.

(p) "Secretary means the Secretary of Housing and Urban Development.

(q) "State" means any State of the United States, or any instrumentality thereof approved by the Governor; and the Commonwealth of Puerto Rico.

(r) "Unit of general local government" means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; Guam, the Virgin Islands, and American Samoa or a general purpose political subdivision thereof; a combination of such political subdivisions recognized by the Secretary; the District of Columbia; the Trust Territory of the Pacific Islands; and Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States. Such term also includes a State or a local public body or agency (as defined in section 711 of the Housing and Urban Development Act of 1970), a community association, or other entity, which is approved by the Secretary for the purpose of providing public facilities or services to a new community as part of a program meeting the eligibility standards of section 712 of the Housing and Urban Development Act of 1970 or Title IV of the Housing and Urban Development Act of 1968.

(s) "Urban county" means any county within a metropolitan area which, pursuant to § 570.105, (1) is authorized under State law to undertake essential community and housing assistance activities in its unincorporated areas, if any, which are not units of general local government, and (2) has a combined population of two hundred thousand or more (excluding the population of metropolitan cities therein) in such unincorporated areas and in its included units of general local government (i) in essential community development and which it has authority to undertake housing assistance activities and which do not elect to have their population excluded or (ii) with which it has entered into cooperation agreements to undertake or to assist in the undertaking of essential community development and housing assistance activities.

Subpart B—Allocation and Distribution of Funds

§ 570.100 General.

This section describes the policies and procedures governing the determination of entitlement for eligible units of general local government to receive grants, the entitlement amounts, and the allocation of appropriated funds among the several distribution categories provided under Title I of the Housing and Community Development Act of 1974.

§ 570.101 Allocation between metropolitan and nonmetropolitan areas.

Eighty percent of the funds appropriated each year for the purposes of this part, excluding amounts for the Secretary's discretionary fund and the transition fund described in Subpart E and excluding fifty million dollars in each of Fiscal Years 1975 and 1976 as specified in § 570.104, will be allocated to metropolitan areas, with the balance of twenty percent allocated to nonmetropolitan areas, for community development block grants in those areas, respectively.

§ 570.102 Basic grant amounts.

(a) *Metropolitan cities.* (1) Of the amount allocated to metropolitan areas pursuant to § 570.101, the Secretary will

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allocate to all metropolitan cities an amount of funds which bears the same ratio to the allocation for such metropolitan areas as the average of the ratios between—

(i) The population of all metropolitan cities and the population of all metropolitan areas;

(ii) The extent of poverty in all metropolitan cities and the extent of poverty in all metropolitan areas; and

(iii) The extent of housing overcrowding by units in all metropolitan cities and the extent of housing overcrowding by units in all metropolitan areas.

(2) Of the amount allocated to all metropolitan cities, the Secretary will allocate to each metropolitan city a basic grant amount which bears the same ratio to the allocation for all metropolitan cities as the average of the ratios between—

(i) The population of that city and the population of all metropolitan cities;

(ii) The extent of poverty in that city and the extent of poverty in all metropolitan cities, and

(iii) The extent of housing overcrowding by units in that city and the extent of housing overcrowding by units in all metropolitan cities.

(3) In determining the average of ratios under paragraph (a) (1) and (2) of this section, the ratio involving the extent of poverty will be counted twice.

(4) Certain units of general local government having population of 50,000 or more may be eligible for entitlement to basic grant amounts although they are not classified as municipalities by the U.S. Bureau of the Census. In determining eligibility, primary reliance shall be made on information available from the U.S. Bureau of the Census with respect to population level, closeness of settlement, and presence of incorporated places within the boundaries of the governmental unit.

(b) *Urban counties.* (1) Of the amount allocated to metropolitan areas pursuant to § 570.101, the Secretary will allocate to each urban county a basic grant amount determined by—

(i) Calculating the total amount that would have been allocated to all metropolitan cities and urban counties together under paragraph (a) (1) of this section if data pertaining to the population, extent of poverty, and extent of housing overcrowding in all urban counties were included in the numerator of each of the fractions described in that paragraph; and

(ii) Determining for each urban county the amount which bears the same ratio to the total amount calculated under subparagraph (i) of this paragraph as the average of the ratios between—

(A) The population of that urban county and the population of all metropolitan cities and urban counties;

(B) The extent of poverty in that urban county and the extent of poverty in all metropolitan cities and urban counties; and

(C) The extent of housing overcrowding by units in that urban county and the extent of housing overcrowding by units in all metropolitan cities and urban counties.

(2) In determining the average of ratios under paragraph (b) (1) (ii) of this section, the ratio involving the extent of poverty will be counted twice.

(3) In computing amounts or exclusions with respect to an urban county in any fiscal year, there will be excluded any metropolitan city, any other unit of general local government within the county which is to receive a hold-harmless grant for that fiscal year pursuant to § 570.103, and any other unit of general local government population of which has been excluded from the county's population as part of the urban county qualification process, pursuant to § 570.105.

(4) In excluding the population, poverty, and housing overcrowding data of units of general local government which are to receive a hold-harmless grant from the computations in this paragraph, as required by paragraph (b) (3) of this section, the Secretary will exclude only two-thirds of such data for Fiscal Year 1978 and one-third of such data for Fiscal Year 1979.

(c) *Phase-in provisions.* During the first three years for which funds are approved for distribution to a metropolitan city or urban county, the basic grant amount of those cities and counties as computed under paragraphs (a) and (b) will be adjusted if the amount so computed for the first year exceeds the city's or county's hold-harmless amount for that year as determined under § 570.103. The adjustments will be made so that—

(1) The amount for the first year does not exceed one-third of the full basic grant amount or the hold-harmless amount, whichever is the greater;

(2) The amount for the second year does not exceed two-thirds of the full basic grant amount, or the hold-harmless amount, or the amount allowed under pargaraph (c) (1) of this section, whichever is the greatest; and

(3) The amount for the third year does not exceed the full basic grant amount.

§ 570.103 Hold-harmless grants.

(a) *Metropolitan cities and urban counties.* Any metropolitan city or urban county having a hold-harmless amount, as calculated under paragraph (c) of this section, in any fiscal year which exceeds its basic grant amount for that year as computed under § 570.102 will be entitled to receive a hold-harmless grant, in addition to its basic grant. Except as provided in paragraph (d) of this section, the amount of the hold-harmless grant will be equal to the difference between the basic grant amount and the hold-harmless amount.

(b) *Other units of general local government.* Any other unit of general local government will be entitled to receive a hold-harmless grant if, during the five fiscal year period ending June 30, 1972 (or June 30, 1973, in the case of a locality which first received a grant for a neighborhood development program in that fiscal year), it had been carrying out one or more urban renewal projects, code enforcement programs, or neighborhood development programs under Title I of the Housing Act of 1949, or model cities programs under Title I of the Demonstration Cities and Metropolitan Development Act of 1966, under commitments for assistance entered into with HUD during that period. Except as provided in paragraph (d) of this section, such hold-harmless grant will equal the hold-harmless amount as computed under paragraph (c) of this section.

(c) *Calculation of hold-harmless amount.* (1) For each unit of general local government having entitlement for either a basic grant amount or a hold-harmless grant, the Secretary will calculate a hold-harmless amount for each of the first five fiscal years beginning with Fiscal Year 1975, and, for a unit of general local government first qualifying for a basic grant amount after the fourth such fiscal year, for the first two years that unit of general local government receives a basic grant amount.

(2) The hold-harmless amount will be the sum of—

(i) The annual average during the five fiscal years ending June 30, 1972, of—

(A) Commitments for grants for urban renewal (excluding neighborhood development programs) under Part A of Title I of the Housing Act of 1949. For the purposes of this calculation, "commitments for grants" means either reservation of funds at the time of project approval and allocation of any funds other than those so reserved.

(B) Loans made for the purpose of rehabilitation of property under Section 312 of the Housing Act of 1964;

(C) Grants for open space land projects, including urban beautification and historic preservation, under Title VII of the Housing Act of 1961;

(D) Grants for water and sewer projects under Section 702 of the Housing and Urban Development Act of 1965;

(E) Grants for neighborhood facilities under Section 703 of the Housing and Urban Development Act of 1965; and

(F) Loans for public facilities under Title II of the Housing Amendments of 1955; and

(ii) The average annual grant for a neighborhood development program under Part B of Title I of the Housing Act of 1949 made during the five fiscal years ending June 30, 1972, or during Fiscal Year 1973 in the case where the initial grant for this purpose was made in that fiscal year; and

(iii) In the case of a unit of general local government having a model cities program which was funded or extended in Fiscal Year 1973 for a period ending after June 30, 1973, there will be included in the hold-harmless amount, amounts based on the following percentages of the average annual grant made for the model cities program under Title I of the Demonstration Cities and Metropolitan Development Act of 1966 during fiscal years ending June 30, 1972—

(A) One hundred percent for each of a number of years, which, when combined with the number of funding years for which the unit of general local government has received grants prior to Fiscal Year 1975, equals five.

(B) Eighty percent for the year immediately following year five as determined in paragraph (c) (2) (iii) (A) of this section;

(C) Sixty percent for the year immediately following the year provided in paragraph (c) (2) (iii) (B) of this section; and

(D) Forty percent for the year immediately following the year provided in paragraph (c) (2) (iii) (C) of this section.

For the purpose of calculating hold-harmless amounts, the average annual grant under paragraphs (c) (2) (ii) and (iii) of this section will be established by dividing the total amount of grants made to the unit of general local government by the number of months of program activity for which such grants were made and multiplying the result by twelve. In calculating the hold-harmless amount, any portion of grants which were made as one-time payments for relocation costs under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601) will be excluded. In calculating the average annual grant under paragraph (c) (2) (iii) of this section, the Secretary will exclude Planned Variations grants and grants for such other special purposes as relocation costs for Project Rehab in model cities programs. In attributing credit to units of general local government for grants or loans for the purpose of calculating the hold-harmless amount, the Secretary will be guided primarily by the location of the project, and, in addition, the identity of the local government which contracted for such grants or loans. Thus, where a county park authority received a grant to provide recreational facilities in a metropolitan city, the city would be credited with the grant in the hold-harmless calculation, and not the county.

(d) *Phase-out of hold-harmless.* (1) In determining the hold-harmless grant for Fiscal Years 1975, 1976, and 1977, the full hold-harmless amount calculated under paragraph (c) of this section will be used in accordance with paragraphs (a) and (b) of this section. In Fiscal Years 1978 and 1979, if the hold-harmless amount exceeds the basic grant amount for a locality in any such year, as computed under § 570.102, it will be reduced so that—

(i) In Fiscal Year 1978, the excess of the hold-harmless amount over the basic grant amount for that year will equal two-thirds of the difference between such hold-harmless and basic grant amounts; and

(ii) In Fiscal Year 1979, the excess of the hold-harmless amount over the basic grant amount for that year will equal one-third of the difference between such hold-harmless and basic grant amounts.

(2) In Fiscal Year 1980, no hold-harmless grants will be made.

(3) In determining the adjustments under paragraph (d) (1) of this section for units of general local government not qualifying for a basic grant, the provisions of paragraph (d) (1) (i) and (ii) of this section will be applied as though such units had entitlement to a basic grant amount of zero.

(e) *Waiver of hold-harmless.* Any unit of general local government qualifying for a hold-harmless grant under the conditions contained in paragraph (b) of this section may, not later than thirty days prior to January 1, 1975, or not later than 30 days prior to the beginning of any fiscal year thereafter, irrevocably waive its eligibility for such grants. Such waiver must be submitted to the Secretary in writing. In the case of such a waiver, the unit of general local government shall not be excluded from the computations described in § 570.102(b) (3) and § 570.104(c) (1) and (2).

§ 570.104 Funds for discretionary grants.

(a) *Secretary's fund.* From the amount appropriated for community development block grants each fiscal year, excluding the transition fund described in paragraph (f) and fifty million dollars in each of Fiscal Years 1975 and 1976, HUD will determine an amount which is two percent of such appropriated funds for use in making grants—

(1) In behalf of new communities approved under Title VII of the Housing and Urban Development Act of 1970 or Title IV of the Housing and Urban Development Act of 1968;

(2) To States and units of general local government which jointly apply for such funds for addressing problems that are areawide in scope;

(3) In Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands;

(4) To States and units of general local government for use in demonstrating innovative community development projects;

(5) To States and units of general local government for use in meeting emergency community development needs caused by disasters that, in the determination of the President, are of sufficient severity and magnitude to warrant major disaster assistance by the Federal Government, (but not more than one-fourth of the total amount reserved and set aside in the Secretary's fund under this section for each year will be used for this purpose); and

(6) To States and units of general local government where HUD finds it necessary to correct inequities resulting from the allocation provisions of this subpart.

Grants from the Secretary's fund may be made in addition to any other community development block grants which may be made under this Subpart.

(b) *Transition fund.* Using funds appropriated for Fiscal Years 1975, 1976 and 1977 for this purpose, grants may be made to units of general local government having urgent community development needs which cannot be met through the operation of the allocation provisions of this Subpart. Grants under this paragraph will be limited to the total amount appropriated in each fiscal year for this purpose.

(c) *General purpose funds.*—(1) *Metropolitan areas.* Any portion of the amount allocated to metropolitan areas under § 570.101, which remains after the allocation of (A) basic grant amounts to metropolitan cities and urban counties under § 570.102, and (B) hold-harmless grants to which units of general local government in metropolitan areas are entitled, under § 570.103, will be allocated for grants to units of general local government, other than metropolitan cities and urban counties, and to States for use in metropolitan areas, allocating for each such metropolitan area an amount which bears the same ratio to the total of those remaining amounts as the average of the ratios between—

(i) The population of that metropolitan area and the population of all metropolitan areas;

(ii) The extent of poverty in that metropolitan area and the extent of poverty in all metropolitan areas; and

(iii) The extent of housing overcrowding by units in that metropolitan area and the extent of housing overcrowding by units in all metropolitan areas.

In determining the average ratios for metropolitan areas, the ratio involving the extent of poverty will be counted twice; and in computing amounts for metropolitan areas there will be excluded any metropolitan cities, urban counties, and any units of general local government which receive hold-harmless grants under § 570.103(b).

(2) *Nonmetropolitan areas.* Any portion of the amount allocated to nonmetropolitan areas under § 570.101 which remains after providing the allocation of hold-harmless grants to which units of general local government in nonmetropolitan areas are entitled under § 570.103(b), will be allocated for grants to units of general local government in nonmetropolitan areas or to States for use in nonmetropolitan areas, allocating for the nonmetropolitan areas of each State an amount which bears the same ratio to the total of those remaining amounts as the average of the ratios between——

(i) The population of the nonmetropolitan area in that State and the population of the nonmetropolitan area in all States.

(ii) The extent of poverty in the nonmetropolitan area in that State and the extent of poverty in the nonmetropolitan area in all States; and

(iii) The extent of housing overcrowding by units in the nonmetropolitan area in that State and the extent of housing overcrowding by units in the nonmetropolitan area in all States.

In determining the average of ratios for nonmetropolitan areas, the ratio involving the extent of poverty will be counted twice; and in computing amounts for nonmetropolitan areas there will be ex-

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cluded units of general local government in nonmetropolitan areas which receive hold-harmless grants under § 570.103 (b).

(d) *Adjustment to exclusions for hold-harmless grants.* In excluding the population, poverty and housing overcrowding data of units of general local government which receive hold-harmless grants as required under paragraphs (c)(1) and (2) of this section, only two-thirds of such data will be excluded for Fiscal Year 1978 and one-third of such data for Fiscal Year 1979.

(e) Specific criteria for determining recipients of discretionary funds may be found in Subpart E, Applications and Criteria for Discretionary Grants.

§ 570.105 Qualification as urban county.

(a) *Determination of qualification.* The Secretary will determine the qualifications of counties to receive entitlements as urban counties pursuant to § 570.102(b) upon receipt of applications from counties in a form and manner prescribed by HUD. The Secretary shall determine eligibility and applicable portions of each eligible county for purposes of fund allocation under § 570.102(b) on the basis of information available from the U.S. Bureau of Census with respect to population and other pertinent demographic characteristics, and based on information provided by the county and its included units of general local government.

(b) *Qualification as an urban county.* A county will qualify as an urban county if such county—

(1) Is in a metropolitan area;

(2) Is authorized under State law to undertake essential community development and housing assistance activities ("essential activities") in its unincorporated areas, if any, which are not units of general local government; and

(3) Has a combined population of 200,000 or more (excluding the population of metropolitan cities therein) consisting of persons residing—

(i) In such unincorporated areas.

(ii) In its included units of general local government in which it is authorized under State law to undertake essential activities (without the consent of the governing body of the locality) and which do not elect to have their population excluded from that of the county pursuant to § 570.102(b)(3).

(iii) In its included units of general local government in which it is authorized to undertake essential activities (upon the consent of the governing body of the locality and the county has received such consent) and which do not elect to have their population excluded from that of the county pursuant to § 570.102(b)(3) or

(iv) In its included units of general local government with which it has entered into cooperation agreements to undertake or to assist in the undertaking of essential activities pursuant to community development block grants. Such cooperation agreements may consist of the provision by the county of funds or services or both in behalf of such essential activities.

(c) *Essential activities.* For purposes of this section, the term "essential activities" means community renewal and lower income housing activities. In determining whether a county has the required powers, the Secretary will consider both its authority and the activities previously undertaken by the county pursuant to such authority.

(d) *Certification as to authority.* A county wishing to qualify as an urban county shall, at a time designated by HUD, and on a form prescribed by HUD, describe its authority for undertaking essential activities.

Certification with respect to such authority by the appropriate legal office of the county shall be accepted as conclusive by the Secretary.

§ 570.106 Qualification and submission dates.

The Secretary will fix qualification and submission dates necessary to permit the computations and determinations required under this Subpart to be made in a timely manner and all such computations and determinations will be final and conclusive.

§ 570.107 Reallocation of funds.

(a) *Metropolitan areas.* Any amounts allocated to a metropolitan city, urban county, or other unit of general local government for basic grants or hold-harmless grants in metropolitan areas in any fiscal year which are not applied for by the date fixed by the Secretary for that purpose, or which are disapproved by the Secretary as part of the application review or program monitoring processes, will be reallocated for use by the Secretary in making grants to States, metropolitan cities, urban counties, or units of general local government; first, in any metropolitan area in the same State, and second, in any other metropolitan area. Any other amounts allocated to a metropolitan area for any fiscal year under § 570.104(c)(1) which the Secretary determines, on the basis of applications and other evidence available, are not likely to be fully obligated by the Secretary during the fiscal year for which the allocation has been made, will be reallocated by the Secretary sufficiently prior to the close of the fiscal year to allow a reasonable expectation that the funds may be used for making grants within that fiscal year to States, metropolitan cities, urban counties, and units of general local government, first, in that or any other metropolitan area in the same State, and second, in any other metropolitan area.

(b) *Nonmetropolitan areas.* Any amounts allocated to a unit of general local government for any fiscal year for hold-harmless grants in a nonmetropolitan area which are not applied for by the date fixed by the Secretary for that purpose, or which are disapproved by the Secretary as part of the application review or program monitoring processes, will be reallocated by the Secretary for use in making grants to units of general local government in nonmetropolitan areas in any other State or to any other State for use outside of metropolitan areas. Any other amounts allocated to nonmetropolitan areas of a State for any fiscal year under § 570.104(c)(2) which the Secretary determines, on the basis of application and other evidence available, are not likely to be fully obligated during the fiscal year for which the allocation has been made, will be reallocated by the Secretary sufficiently prior to the close of the fiscal year to allow a reasonable expectation that the funds may be used for making grants within that fiscal year to units of general local government in nonmetropolitan areas of other States and to other States for use in nonmetropolitan areas.

(c) *Fiscal year reallocation.* Funds reallocated for any fiscal year which are not used within that fiscal year will remain available for the same use in subsequent fiscal years.

Subpart C—Eligible Activities

§ 570.200 Eligible activities.

(a) Grant assistance for a community development program is available for the following activities:

(1) Acquisition in whole or in part by purchase, lease, donation, or otherwise, of real property (including air rights, water rights, and other interests therein), which is—

(i) Blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth, as determined by the recipient pursuant to State and local laws;

(ii) Appropriate for rehabilitation or conservation activities;

(iii) Appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development;

(iv) To be used for the provision of public works, facilities, and improvements eligible for assistance under paragraph (a)(2) of this section; or

(v) To be used for other public purposes, including the conversion of land to other uses where necessary or appropriate to the community development program.

(2) Acquisition, construction, reconstruction, or installation of the following public works, facilities, and site or other improvements: neighborhood facilities, senior centers, historic properties, utilities, streets, street lights, water and sewer facilities, foundations and platforms for air rights sites, pedestrian malls and walkways, and parks, playgrounds and other facilities for recreational participation; flood and drainage facilities in cases where assistance for such facilities has been determined to be unavailable under other Federal laws or programs pursuant to the provisions of § 570.608; and parking facilities, solid waste disposal facilities, and fire protection services and facilities which are located in areas in which other activities described in § 570.303(b) are being carried out.

(3) Code enforcement in deteriorated or deteriorating areas in which such enforcement, together with public improvements and services to be provided, is expected to arrest the decline of the area.

(4) Clearance, demolition, removal, and rehabilitation of buildings and improvements (including (i) interim assistance to alleviate harmful conditions in which immediate public action is needed and (ii) financing rehabilitation of privately owned properties through the use of grants, direct loans, loan guarantees, and other means, when in support of other activities described in § 570.303(b)).

(5) Special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons.

(6) Payments to housing owners for losses of rental income incurred in holding for temporary periods housing units to be utilized for the relocation of individuals and families displaced by program activities.

(7) Disposition, through sale, lease, donation, or otherwise of any real property acquired pursuant to this Part or its retention for public purposes, provided that the proceeds from any such disposition shall be expended only for activities in accordance with this part.

(8) Provision of public services not otherwise available in areas, or serving residents of areas, in which the recipient is undertaking, or will undertake, other activities described in § 570.303(b), where such services are determined to be necessary or appropriate to support such other activities and where assistance in providing or securing such services under other applicable Federal laws or programs has been applied for and denied or not made available pursuant to the provisions of § 570.608. For the purposes of this paragraph, such services shall be directed toward (i) improving the community's public services and facilities concerned with the employment, economic development, crime prevention, child care, health, drug abuse, education, welfare, or recreation needs of persons residing in such areas, and (ii) coordinating public and private development programs.

(9) Payment of the non-Federal share required in connection with a Federal grant-in-aid program undertaken as part of the community development program pursuant to § 570.303(b).

(10) Payment of the cost of completing a project funded under Title I of the Housing Act of 1949, including the provisions for financial settlement contained in Subpart I.

(11) Relocation payments and assistance for individuals, families, businesses, organizations, and farm operations displaced by activities assisted under this Part, including all benefits at least equal to the minimum levels established under the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601).

(12) Activities necessary (i) to develop a comprehensive community development plan (which plan may address the needs, strategy, and objectives to be summarized in the application pursuant to § 570.303(a) but may treat only such public services as are necessary or appropriate to support activities meeting such needs and objectives), and (ii) to develop a policy-planning-management capacity so that the recipient may more rationally and effectively (A) determine its needs, (B) set long-term goals and short-term objectives, (C) devise programs and activities to meet the goals and objectives, (D) evaluate the progress of such programs in accomplishing these goals and objectives, and (E) carry out management, coordination, and monitoring of activities necessary for effective planning implementation.

(13) Payment of reasonable administrative costs and carrying charges related to the planning and execution of community development and housing activities, including the provision of information and, at the discretion of the recipient, of resources to residents of areas in which other community development activities described in § 570.303(b) and the housing activities covered in the Housing Assistance Plan described in § 570.303(c) are to be concentrated with respect to the planning and execution of such activities.

Notwithstanding anything to the contrary in this section or in § 570.201, any ongoing activity being carried out in a model cities program shall be eligible for funding under this Part from that portion of the hold-harmless amount attributable to such model cities program as calculated pursuant to § 570.103(c)(2)(iii)(A).

(c) Costs incurred in carrying out the program, whether charged to the program on a direct or an indirect basis, must be in conformance with the requirements of Federal Management Circular 74-4, "Cost Principles Applicable to Grants and Contracts with State and Local Governments," except as modified in these regulations.

§ 570.201 Ineligible activities.

The following listing of ineligible activities is illustrative:

(a) *Public facilities.* The general rule is that a public facility is ineligible to be provided unless it is specifically mentioned in § 570.200(a)(2), or was previously eligible under any of the programs consolidated by the Act (except the public facilities loan program, the model cities program, and as an urban renewal local grant-in-aid eligible under section 110(d)(3) of the Housing Act of 1949) and cited in § 570.1(c). Examples of facilities which cannot be provided with these funds include the following:

(1) Buildings and facilities for the general conduct of government, such as city halls and other headquarters of government (where the governing body meets regularly), of the recipient and which are predominantly used for municipal purposes, courthouses, police stations, and other municipal office buildings;

(2) Stadiums, sports arenas, auditoriums, concert halls, cultural and art centers, convention centers, museums, and similar facilities which are used by the general public primarily as spectators or observers;

(3) Schools generally, including elementary, secondary, college and university facilities, but excluding a neighborhood facility or senior center in which classes in practical and vocational activities (such as first aid, homemaking, crafts, etc.) may be taught;

(4) Airports, subways, trolley lines, bus or other transit terminals, or stations, and other transportation facilities; and

(5) Hospitals and other medical facilities open to the public generally, but excluding a neighborhood facility or senior center in which health services are offered.

(b) *Operating and maintenance expenses.* Except for the public services described in § 570.200(a)(8), the interim assistance authorized under § 570.200(a)(4), and fire protection services authorized in § 570.200(a)(2), operating and maintenance expenses in connection with community services and facilities are not eligible. Examples include maintenance and repairs of water and sewer and parking facilities, and salaries of staff operating such facilities.

(c) *General government expenses.* Expenses required to carry out the regular responsibilities of the unit of general local government are not eligible. Examples include all ordinary general government expenditures not related to the community development program described pursuant to § 570.303(b).

(d) *Political activities.* No expenditure may be made for the use of equipment or premises for political purposes, sponsoring or conducting candidates' meetings, engaging in voter registration activity or voter transportation (except where part of the communitywide registration drive sponsored by the unit of general local government), or other partisan political activities.

(e) *New housing construction.* Construction of new permanent residential structures is not a permissible use of funds provided under this Part, except as provided under 24 CFR Part 43.

(f) *Income payments.* Except as authorized under § 570.200, funds may not be expended for direct income payments for housing or for any other purpose. Examples include payments for income maintenance and housing allowances.

Subpart D—Application for Entitlement Grants

§ 570.300 Pre-submissions.

(a) *Timing of submission of applications.* The Secretary will establish the earliest and latest dates for submission of an application for each fiscal year. Applications, or draft materials relating to applications, received before the earliest date will be returned to the ap-

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plicant without review. For fiscal year 1975, the earliest date for submission of an application shall be December 1, 1974; the latest date shall be April 15, 1975, unless specifically waived by the Secretary. Prior to the earliest date for submission of an application for each fiscal year, HUD will provide all applicants with forms and instructions, including the actual or estimated entitlement amount. Entitlement applicants wishing to apply for discretionary grants shall follow the procedures described in subpart E, Applications and Criteria for Discretionary Grants.

(b) *Meeting the requirements of OMB Circular A–95.* Applicants must comply with the procedures set forth in OMB Circular A–95 which require the submission of the application to the appropriate clearinghouse for review and comment prior to submission to HUD. Special procedures developed for the community development program provide for a single 45-day period for review of the entire application including the description of proposed activities.

§ 570.301 Program year.

(a) *First program year.* The first program year shall start on the date of HUD approval of the application and shall run for twelve consecutive months, except when modified under the provisions of paragraph (b) of this section.

(b) *Subsequent program years.* The second program year shall normally begin twelve months after the beginning date of the first program year. However, an applicant may request to shorten the first program year by no more than three calendar months in order to meet urgent local needs and objectives or to conform the program year to State or local budgeting requirements. The applicant shall not submit an application for a program year beginning prior to the end of the preceding twelve-month program year without the prior concurrence of the HUD Area Office.

§ 570.302 Advance of funds.

(a) *Request for advance.* For the first program year beginning after January 1, 1975, an applicant may request an advance of funds in an amount not to exceed ten percent of its entitlement amount. A request for advance may be submitted to the appropriate HUD Area Office no earlier than December 1, 1974. An advance of funds may not be approved prior to January 1, 1975, and the applicants' program year does not begin until approval of a full application for a grant. The Request for Advance shall be in a form and manner prescribed by HUD and shall identify and estimate the cost of the activities to be carried out with the advance.

(b) *Eligible uses of advance funds.* Advance funds will be made available for the following purposes:

(1) To plan and prepare for the implementation of activities to be assisted under this part; and

(2) To continue previously approved urban renewal (including Neighborhood Development Program) activities being carried out under Title I of the Housing Act of 1949 or previously approved model cities activities being carried out under Title I of the Demonstration Cities and Metropolitan Development Act of 1966.

§ 570.303 Application requirements.

An application for a grant shall conform and be limited to the prescribed HUD forms and content and shall include the following items:

(a) *Community development plan summary.* The application shall include a summary of a three-year community development plan which identifies community development needs, demonstrates a comprehensive strategy for meeting those needs, and specifies both short- and long-term community development objectives which have been developed in accordance with areawide development planning and national urban growth policies. The plan shall be written in a manner to encompass the needs, strategy and objectives designed to eliminate or prevent slums, blight, and deterioration where such conditions or needs exist, and to provide improved community development facilities and public improvements, including the provision of supporting health, social, and similar services where necessary and appropriate. In identifying the needs the applicant shall take into consideration any special needs found to exist in any identifiable segment of the total group of low-income persons in the community. With respect to areawide planning, the applicant must give careful consideration to applicable areawide plans but need not conform rigidly to such plan or secure approval of areawide planning agencies.

(b) *Community development program.* (1) The application shall include a summary of a community development program which:

(i) Includes the activities to be undertaken with the funds provided under this Part for the program year to meet the community development needs and objectives together with the estimated costs and general location of such activities as shown on accompanying maps of census tracts or enumeration districts which include the demographic data of prevailing population characteristics;

(ii) Indicates resources other than those provided under this Part which are expected to be made available during the program year toward meeting the identified needs and objectives; and

(iii) Takes into account appropriate environmental factors.

(2) An applicant may provide in the community development program for the planned expenditure of program year funds in the subsequent program year.

(c) *Housing assistance plan.* The application shall contain a housing assistance plan which:

(1) Accurately surveys the condition of the housing stock in the community. The applicant shall present in summary form a description of housing conditions (to the extent this information is generally available) by number of units in standard condition, in substandard condition, or in deteriorating condition, distinguishing the numbers which are occupied and which are vacant, and further distinguishing to the extent possible, among those which are identified as in substandard or deteriorating condition, the number that are or may be suitable for rehabilitation.

(2) Estimates the housing assistance needs of lower income persons (including elderly and handicapped persons, large families, and persons displaced or to be displaced) either already residing in the community, or planning or expected to reside in the community as a result of planned or existing employment facilities. The assessment of housing assistance needs of lower-income persons should take into consideration any special needs found to exist in any identifiable segment of the total group of lower-income persons in the community.

(3) Specifies a realistic annual goal for the number of dwelling units or persons to be assisted including the relative proportion of new, rehabilitated and existing dwelling units, and the sizes and types of housing projects and assistance best suited to the needs of lower income persons in the community. This statement of the annual goal for dwelling units to be assisted shall take into consideration the housing conditions and needs summarized pursuant to the two preceding paragraphs of this section and shall anticipate progress toward meeting those needs. The goals for new, rehabilitated, and existing units should be consistent with the findings pursuant to § 570.303(c)(1) with respect to the availability of existing units and the suitability of existing units for rehabilitation. HUD field offices will advise applicants of the allocation of housing assistance resources pursuant to section 213 of the Housing and Community Development Act of 1974, prior to submission of the housing assistance plan by the locality.

(4) Indicates the general locations of proposed housing for lower income persons, with the objective of:

(i) Furthering the revitalization of the community, including the restoration and revitalization of stable neighborhoods to the maximum extent possible.

(ii) Promoting greater choice of housing opportunities and avoiding undue concentrations of assisted housing in areas containing a high proportion of low-income persons.

(iii) Assuring the availability of public facilities and services adequate to serve proposed housing projects.

(5) Includes a map showing the concentration of minority groups in the various census tracts or enumeration districts which make up the geographic boundaries of the applicant.

(d) *Community Development program budget.* The applicant shall submit a Community Development program budget on forms prescribed by HUD. Each applicant shall include sufficient funds in each year's budget to fully fund all displacement expected to be

caused by that year's Community Development program activities.

(e) *Certifications.* The applicant shall submit certifications, in such forms as HUD may prescribe, providing assurances that:

(1) The program will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 (P.L. 88–352); Title VIII of the Civil Rights Act of 1968 (P.L. 90–284); Section 109 of the Housing and Community Development Act of 1974; Section 3 of the Housing and Urban Development Act of 1968; Executive Order 11246; Executive Order 11063, and any HUD regulations issued to implement these authorities.

(2) Prior to submission of its application, the applicant has:

(i) Provided citizens with adequate information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken, and other important program requirements,

(ii) Held public hearings to obtain the views of citizens on community development and housing needs; and

(iii) Provided citizens an adequate opportunity to participate in the development of the application and in the development of any revisions, changes, or amendments.

(3) The applicant will comply with the relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(4) The applicant's certifying officer (i) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 insofar as the provisions of such act apply pursuant to this Part, and (ii) is authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.

(5) The applicant's financial management system complies with the standards prescribed in OMB Circular A–102, Attachment G, "Standards for Financial Management Systems."

(6) Either:

(i) The Community Development program has been developed so as to give maximum feasible priority to activities which will benefit low- or moderate-income families or aid in the prevention or elimination of slums or blight; or

(ii) The community development program activities are designed to meet other particularly urgent community development needs, which certification will be accepted upon determination by the Secretary that the program activities are consistent with the urgency of needs as described in the application and that such needs are not plainly inconsistent with generally available facts and data.

(f) *Performance Report.* Beginning with fiscal year 1976, and each fiscal year thereafter, the applicant shall submit an annual performance report as described in § 570.906.

§ 570.304 Waiver of application requirements.

(a) *Eligible applicants for waiver.* The Secretary may waive all or part of the application requirements contained in § 570.303 (a) and (b) if the applicant meets the following criteria:

(1) The applicant has a population of less than 25,000 according to the most recent data compiled by the Bureau of Census and is located:

(i) Outside a standard metropolitan statistical area, or

(ii) Inside such an area but outside an "urbanized area," as defined by the Bureau of Census;

(2) The application relates to the first community development activity to be carried out by such locality with assistance under this part; and

(3) The assistance requested is for a single development activity under this Part of a type eligible for assistance under § 570.200(a)(1)(iii); and neighborhood facilities, water and sewer facilities, historic properties, and parks, playgrounds, and similar recreational facilities authorized pursuant to § 570.200(a)(2).

(b) *Request for Waiver.* In determining that, having regard to the nature of the activities to be carried out, a waiver is not inconsistent with the purpose of this part, the Secretary will approve a waiver: *Provided*, That the funds applied for do not exceed $1,000,000.

§ 570.305 Program amendments.

(a) *Mid-year amendments.* An applicant shall submit an amended application to the HUD Area Office if the applicant's community development program is being revised so that more than ten percent of the community development program budget, excluding unspecified local option activities, is to be used for new or different activities not included in the approved community development program. An amendment shall also be submitted whenever the cumulative effect of a number of smaller changes add up to an amount equal to ten percent of the budget, excluding unspecified local option activities.

(b) *Other program amendments.* Program amendments not requiring prior HUD approval pursuant to the preceding paragraph may be undertaken by the applicant, provided all other requirements of this part are satisfied. Such amendments shall be reported to HUD as part of the annual performance report required with the subsequent annual application as described in § 570.906.

(c) *Reprogramming unobligated funds.* Funds that will be unobligated at the end of a program year may be reprogrammed as a part of a subsequent year's annual application for a grant. Such a reprogramming is not a requirement inasmuch as an applicant may continue to carry out activities included in a prior year's application. Reprogramming is authorized, however, in order to avoid subsequent program amendments.

§ 570.306 HUD review and approval of application.

(a) *Acceptance of application.* (1) Upon receipt of an application, the HUD Area Office will accept it for review, provided that:

(i) It has been received before the close of business on the final date established by HUD for submission of applications for each fiscal year;

(ii) The application requirements specified in § 570.303 are complete, unless specifically waived pursuant to § 570.304;

(iii) The funds requested do not exceed the entitlement amount;

(iv) The required certifications have been properly executed; and

(v) The applicant has submitted evidence that it has either received the comments from the appropriate clearinghouse, pursuant to OMB Circular A–95, or the period for review of the application has expired.

(2) If the application is accepted in accordance with the preceding paragraph, the date of acceptance of the application will be the date of receipt of the application in the HUD field office, and the applicant will be so notified. If the application is not accepted for review, the applicant will be so notified, and will be advised of the specific reasons for nonacceptance.

(b) *Scope of review.* (1) HUD will normally accept the applicants' certifications, statements of facts and data, and other programmatic decisions for review purposes. HUD reserves the right, however to consider substantial evidence which contradicts or challenges the certifications, facts, data, or other programmatic decisions, and to require additional information or assurances from the applicant as warranted by such evidence.

(2) Based on that review, the application will be approved unless:

(i) On the basis of significant facts and data, generally available (whether published data accessible to both the applicant and the Secretary, such as census data, or other data available to both the applicant and the Secretary, such as recent 701 comprehensive planning data or Workable Program data) and pertaining to community and housing needs and objectives, the Secretary determines that the applicant's description of such needs and objectives is plainly inconsistent with such facts or data, or

(ii) On the basis of the application, the Secretary determines that the activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant, or

(iii) The Secretary determines that the application does not comply with the requirements of this Part or other applicable Federal laws, or proposes activities which are ineligible under this Part, or

(iv) On the basis of the review under § 570.802(b), the Secretary determines that the applicant's proposed use of funds will not be sufficient to protect the Federal Government's financial interest in existing urban renewal projects.

(c) *Approval or disapproval of application.* Within seventy-five days of the

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date of acceptance of the application, or at such earlier time as review is completed, the Secretary will notify the applicant that the application has been either approved or disapproved. In the event the Secretary has not mailed a notification to the applicant within seventy-five days from the date of acceptance of the application that it has been disapproved, the application shall be deemed to be approved. If the application is disapproved, the applicant shall be informed of the specific reasons for disapproval.

(d) *Opportunity to correct deficiencies.* Within the seventy-five day period, the Secretary will provide every opportunity to an applicant to correct a deficiency or failure to meet the requirements of this Part. No such action on the part of the Secretary shall in any way extend the seventy-five day period for approval or disapproval.

(e) *Approval of less than full entitlement.* The Secretary may adjust the entitlement amount to the extent identified in an application submitted under this part designated for an activity or activities that are ineligible under § 570.201, or plainly inappropriate to meeting the needs and objectives identified by the applicant, where the deficiency has not been corrected prior to the expiration of the 75-day review period for the application. Funds not approved under the preceding sentence will be reallocated pursuant to § 570.107.

(f) *Conditional approval.* The Secretary may make a conditional approval, in which case the full entitlement amount will be approved but the utilization of funds for affected activities will be restricted until specified conditions are satisfied. Conditional approvals may be made where local environmental review under § 570.604 have not yet been completed, or where the requirements of § 570.608 regarding the provision of public services have not yet been satisfied.

Subpart E—Applications and Criteria for Discretionary Grants

§ 570.400 [Reserved]

Subpart F—Grant Administration

§ 570.500 Grant contract.

Upon approval of the application, the Secretary will authorize the execution of a grant contract for a one-year period. These regulations become a part of the grant contract.

§ 570.501 Method of payment.

(a) *Advance Payments.* Advance payments will be made by either a letter of credit or by U.S. Treasury checks to recipients when the following conditions are met:

(1) The recipient has demonstrated to the Secretary, initially through certification in a form prescribed by HUD and subsequently through performance, its willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds to it and its disbursement of such funds;

(2) The recipient's financial management system meets the standards for fund control and accountability prescribed in Attachment G of OMB Circular No. A-102.

(b) *Reimbursements.* Recipients which do not meet the above conditions will receive grant payments by U.S. Treasury checks on a reimbursement basis.

§ 570.502 Letter of credit.

A recipient meeting the conditions for advance payments described in § 570.501(a) will receive grant funds by letter of credit when there is or will be a continuing relationship between the recipient and HUD for at least a 12-month period and the total amount of advances to be received within that period from HUD is $250,000 or more.

§ 570.503 Advance by Treasury check.

A recipient meeting the conditions for advance payments described in § 570.501 (a), but not meeting the conditions for funding by letter of credit, will receive grant funds by Treasury check on an advance basis. Advances by Treasury check will be for periods not to exceed 30 days.

§ 570.504 Disbursement of transition and planning advances.

Advances made available pursuant to § 570.302 will be made through the same disbursement method as is appropriate for that recipient during the first program year.

§ 570.505 Financial management systems.

Each recipient shall be required to maintain a financial management system which complies with Attachment G of OMB Circular A-102, "Standards for Grantee Financial Management Systems."

§ 570.506 Program income.

(a) Units of general local government shall be required to return to the Federal Government interest earned on grant funds advanced by Treasury check or letter of credit in accordance with a decision of the Comptroller General of the United States (42 Comp. Gen. 289).

(b) Proceeds from the sale of personal property shall be handled in accordance with Attachment N of OMB Circular A-102 pertaining to Property Management.

(c) All other program income earned during the grant period shall be retained by the recipient and, in accordance with the grant agreement, shall be added to funds committed to the program and be used in accordance with the provisions of this part.

(d) Recipients shall record the receipt and expenditure of revenues related to the program (such as taxes, special assessments, levies, fines, etc.) as a part of the grant program transactions.

§ 570.507 Procurement standards.

Recipients shall comply with the requirements of Attachment O of OMB Circular A-100, "Procurement Standards."

§ 570.508 Bonding and insurance.

Recipients shall comply with the requirements of Attachment B of OMB Circular A-102, "Procurement Standards."

§ 570.509 Audit.

(a) The Secretary, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to all books, accounts, records, reports, files, and other papers or property of recipients or their subgrantees and contractors pertaining to funds provided under this Part for the purpose of making surveys, audits, examinations, excerpts and transcripts.

(b) Recipients shall, at least on an annual basis, audit or arrange for the audit of their operations and of subgrantees and contractors, in accordance with criteria prescribed by the Secretary, using city or State auditors or certified, licensed or registered public accountants. Audits of recipients, subgrantees and contractors shall, at a minimum, be sufficiently comprehensive in scope to determine: (1) Whether financial operations are properly conducted: (2) whether the financial reports are fairly presented; and (3) whether the available information indicates that the entity has complied with applicable laws, regulations and administrative requirements.

(c) The Secretary shall, at least on an annual basis, audit or arrange for the audit of recipients as appropriate giving full consideration to the results of audits made by recipients.

§ 570.510 Retention of records.

Financial records, supporting documents, statistical records, and all other records pertinent to the grant program shall be retained by the recipient for a period of three years from the date of the submission of the annual expenditure report, except as follows:

(a) The records shall be retained beyond the three-year period if audit findings have not been resolved.

(b) Records for nonexpendable property which was acquired with Federal grant funds shall be retained for three years after its final disposition.

§ 570.511 Grant closeout procedures. [Reserved]

Subpart G—Other Program Requirements

§ 570.600 Maintenance of effort.

Funds made available under this part shall not be utilized to reduce substantially the amount of local financial support for community development activities below the level of such support prior to the availability of such assistance.

§ 570.601 Limitations on local option activities and contingency accounts.

No more than ten per centum of the estimated costs which are expected to be incurred during any program year may be designated for unspecified local option activities, which are eligible pursuant to Subpart C, or for a contingency account for activities designated by the applicant pursuant to § 570.303(b).

§ 570.602 Nondiscrimination.

(a) *Discrimination prohibited.* No person in the United States shall on the ground of race, color, national origin or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with community development funds made available pursuant to this Part. For purposes of this section "program or activity" is defined as any function conducted by an identifiable administrative unit of the recipient, or by any unit of government or private contractor receiving community development funds or loans from the recipient. "Funded in whole or in part with community development funds" means that community development funds in any amount have been transferred by the recipient to an identifiable administrative unit and disbursed in a program or activity.

(b) *Specific discriminatory actions prohibited.* (1) A recipient may not, under any program or activity to within the regulations of this part may apply, directly or through contractual or other arrangements, on the ground of race, color, national origin, or sex:

(i) Deny any facilities, services, financial aid or other benefits provided under the program or activity.

(ii) Provide any facilities, services, financial aid or other benefits which are different, or are provided in a different form from that provided to others under the program or activity.

(iii) Subject to segregated or separate treatment in any facility in, or in any matter or process related to receipt of any service or benefit under the program or activity.

(iv) Restrict in any way access to, or in the enjoyment of any advantage or privilege enjoyed by others in connection with facilities, services, financial aid or other benefits under the program or activity.

(v) Treat an individual differently from others in determining whether the individual satisfies any admission, enrollment, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any facilities, services or other benefit provided under the program or activity.

(vi) Deny an opportunity to participate in a program or activity as an employee.

(2) A recipient may not utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination on the basis of race, color, national origin, or sex, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular race, color, national origin, or sex.

(3) A recipient, in determining the site or location of housing or facilities provided in whole or in part with funds under this part, may not make selections of such site or location which have the effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination on the ground of race, color, national origin, or sex; or which have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act and of this section.

(4) (i) In administering a program or activity funded in whole or in part with community development block grant funds regarding which the recipient has previously discriminated against persons on the ground of race, color, national origin or sex, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program or activity funded in whole or in part with community development block grant funds should take affirmative action to overcome the effects of conditions which would otherwise result in limiting participation by persons of a particular race, color, national origin or sex. Where previous discriminatory practice or usage tends, on the ground of race, color, national origin or sex, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purpose of the Act.

(iii) A recipient shall not be prohibited by this part from taking any action eligible under § 570.200 to ameliorate an imbalance in services or facilities provided to any geographic area or specific group of persons within its jurisdiction, where the purpose of such action is to overcome prior discriminatory practice or usage.

(5) Notwithstanding anything to the contrary in this section, nothing contained herein shall be construed to prohibit any recipient from maintaining or constructing separate living facilities or rest room facilities for the different sexes. Furthermore, selectivity on the basis of sex is not prohibited when institutional or custodial services can properly be performed only by a member of the same sex as the recipients of the services.

§ 570.603 Relocation and acquisition.

(a) Title III of the Uniform Relocation and Real Property Acquisition Policies Act of 1970 (40 U.S.C. 4601), hereafter referred to as the Uniform Act, is applicable to all acquisition of real property assisted by this part.

(b) Title II of the Uniform Act is applicable to all displacement of persons, businesses, nonprofit organizations and farms occurring as a direct result of any acquisition of real property assisted under this Part.

(c) The recipient shall provide all benefits, including payments, services and assistance in obtaining replacement housing, at levels at least equal to the minimum levels established by the Uniform Act using funds provided by this part and/or such other funds as may be available to the locality from any source, and shall budget sufficient funds in each year's community development program budget to fully fund all displacement expected to be caused by that year's community development activities. Assisted housing projects included in, or consistent with, an approved Housing Assistance Plan which involve displacement of persons may, for the purpose of eligibility for benefits under Title II of the Uniform Act, be considered community development activities.

§ 570.604 Environment.

(a) In order to assure that the policies of the National Environmental Policy Act of 1969 are most effectively implemented in connection with the expenditure of funds under this Part, and to assure to the public undiminished protection of the environment, the Secretary, in lieu of the environmental protection procedures otherwise applicable, may provide for the release of funds for particular projects to recipients who assume all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act that would apply to the Secretary were he to undertake such projects as Federal projects.

(b) HUD Special Procedures Relating environmental review responsibilities of tification for the release of funds for particular projects set forth the regulations, policies, responsibilities and procedures governing the carrying out of environmental review responsibilities of recipients.

§ 570.605 Historic preservation.

Recipients must take into account the effect of a project on any district, site, building, structure, or object listed on or eligible for listing on the National Register of Historic Places, maintained by the National Park Service of the U.S. Department of the Interior. Recipients should make every effort to eliminate or minimize any adverse effect on a historic property. Activities affecting such properties will be subject to requirements set forth in § 570.604(b). Recipients must meet the historic preservation requirements of P.L. 89-665 and Executive Order 11593, including the procedures prescribed by the Advisory Council on Historic Preservation in 36 CFR Part 800.

§ 570.606 Labor standards.

All laborers and mechanics employed by contractors or subcontractors on construction work assisted under this Part shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act (40

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U.S.C. 327–332), and the contractors and subcontractors shall comply with all regulations issued pursuant to these Acts. This section shall apply to the rehabilitation of residential property only if such property is designed for residential use of eight or more families. The Secretary of Labor has, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Number 14 of 1950 (5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

§ 570.607 Architectural Barriers Act.

The Architectural Barriers Act is applicable to assistance under this Part and requires that the design of any facility constructed with funds from this title comply with the "American Standard Specification for Making Buildings and Facilities Accessible, and Usable by, the Physically Handicapped," Number A–117.1–1961, as modified (41 CFR 101–17.703).

§ 570.608 Activities for which other Federal funds must be sought.

A recipient may use community development funds for public services as described in § 570.200(a)(8) for activities (other than those previously approved under the model cities program), or for flood or drainage facilities as described in § 570.200(a)(2), provided that:

(a) The recipient has applied or inquired in writing to the Federal agency or agencies which conduct a program or programs most likely to meet the needs for which community development funds are being considered, or of the State or local agency or agencies which customarily receive funds from such programs and administer them within the recipient's jurisdiction.

(b) The recipient has received (1) a written statement of rejection from such Federal, State or local agency; (2) a written statement that funds cannot be made available for at least 90 days after the request; or (3) no response from the Federal, State or local agency within a 90 day period from the date of application or inquiry; and

(c) The recipient has notified HUD of the results of the application or inquiry.

Subpart H—Loan Guarantees

§ 570.700 Eligible applicants.

Units of general local government, which are eligible for grant assistance as specified in Subpart B, may apply for loan assistance under this Subpart. Applications may also be made by public agencies designated by such units of general local government if the unit of general local government certifies that it does not have the powers to carry out activities for which the loan assistance is being made available. The form of designation and certification will be prescribed by HUD.

§ 570.701 Application requirements.

(a) *Timing of submission of loan application.* Applications for loan guarantees may be submitted at the time of or subsequent to the submission of an application for grant funds as specified in Subparts D and E. A revised grant application will be required if activities for which the loan assistance is being requested were not identified in the original grant application. Loan applications may be submitted after the grant application has been approved only if sufficient grant funds remain unobligated to meet the security requirements of § 570.702(c).

(b) *Submission requirements.* Applications for loan guarantees must be made in the form prescribed by HUD. Units of general local government will be required to furnish full faith and credit pledges, or pledges of revenues approved by HUD, pursuant to § 570.702(c).

§ 570.702 Loan amount.

(a) *Eligible costs.* Guaranteed loans may be made to cover the costs of acquisition or assembly of real property and the related expenses of interest, demolition, relocation, and site improvements, as identified and approved in the grant application.

(b) *Prohibition on loans to benefit private individuals or corporations.* No guarantee shall be issued in behalf of any agency designed to benefit, in or by the flotation of any issue, a private individual or corporation.

(c) *Security requirements.* No guarantee or commitment to guarantee shall be made unless:

(1) The Secretary has reserved and withheld, from the applicant's entitlement or discretionary amount for the applicable program year, for the purpose of paying the guaranteed obligations (including interest), an amount which is at least equal to 110 percent of the difference between the cost of land acquisition and related expenses and the estimated disposition proceeds, which amount may subsequently be increased by the Secretary to the extent he determines such increase is necessary or appropriate because of any unanticipated, major reduction in such estimated disposition proceeds;

(2) The unit of general local government pledges its full faith and credit or revenues approved by the Secretary for the repayment of any amounts required to be paid by the United States pursuant to its guarantee as is equal to the difference between the principal amount of the guaranteed loan and interest thereon and the amount to be reserved and withheld under the preceding paragraph. If revenues are pledged, the applicant must submit evidence to the satisfaction of the Secretary that: (i) there is a reasonable expectation that the revenues will be available; and (ii) the revenues are unencumbered by any superior claim under the pledge; and

(3) The unit of general local government pledges the proceeds of any grants to which it may become eligible under this part for the repayment of any amounts which are required to be paid by the United States pursuant to its guarantee, and which are not otherwise fully repaid when due pursuant to paragraph (c) (1) and (2) of this section.

§ 570.703 Federal guarantee.

The full faith and credit of the United States is pledged to the payment of all guarantees made under this section. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee with respect to principal and interest, and validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

§ 570.704 Marketing of notes and interest rates.

The Secretary will make provisions for the sale of notes to qualifying investors in the private market or to the Federal Financing Bank. Units of general local government must either participate in the HUD system for marketing of notes or receive HUD approval for the marketing of their own notes in order to qualify for the Federal guarantee. Interest rates on notes sold in the private market will be determined under competitive bidding procedures prescribed by the Secretary. Interest rates applicable to notes purchased by the Federal Financing Bank will be determined by the Secretary of the Treasury.

§ 570.705 Grants for taxable obligations.

Obligations guaranteed by HUD may, at the option of the unit of general local government or designated agency, be subject to Federal taxation. If taxable obligations are issued, the Secretary will make grants to or on behalf of the issuer not to exceed 30 percent of the net interest cost (including such servicing, underwriting, or other costs as determined by the Secretary) of such obligations. A notice of intent to issue taxable obligations shall be furnished by the unit of general local government or designated agency when application for a guaranteed loan is made. Interest paid on taxable obligations shall be included in gross income for the purpose of chapter 1 of the Internal Revenue Code of 1954.

Subpart I—Financial Settlement of Urban Renewal Projects

§ 570.800 General.

This subpart contains regulations governing the transition from the urban renewal and neighborhood development programs (NDP) pursuant to Title I of the Housing Act of 1949, as amended, to the programs undertaken pursuant to this Part.

§ 570.801 Projects which can be completed without additional capital grants.

(a) Urban renewal and NDP projects which can be completed without additional capital grants may continue to completion under the existing contracts executed under Title I of the Housing Act of 1949, as amended.

(b) At the request of the local public agency (LPA) carrying out the project, with the approval of the governing body

of the unit of general local government in which the project is located, the Secretary may approve a financial settlement of the project if a surplus of capital grant funds will result after full repayment of temporary loan indebtedness. The form of the request for financial settlement will be prescribed by the Secretary. Financial settlements so requested shall be made at the discretion of the Secretary.

(1) *Disbursement and use of surplus funds.* Surplus grant funds remaining after financial settlement will be made available to the unit of general local government for use in accordance with the provisions of this Part.

(i) *Entitlement recipients.* Entitlement recipients may use surplus funds for activities previously approved in their application as specified in Subpart D. If activities not previously approved are to be undertaken with surplus funds, the recipient may either follow the amendment policy as specified in § 570.305, or it may include the proposed use of surplus funds in the first application for entitlement funds which is submitted after financial settlement. If the unit of general local government wishes to stage the use of surplus urban renewal funds over a period of years, it may request the Secretary to make the funds available on a schedule specified by the unit of general local government. In this event, the application or amendment must include only the surplus funds to be used in the program year covered by the application. The use of remaining surplus funds will be governed by subsequent years' applications. Amounts not identified in the application or amendment will be obligated to the recipient by contract and reserved until the use of funds is included in an approved application.

(ii) *Non-Entitlement communities.* Surplus funds resulting from a financial settlement under this section will be made available to a unit of general local government which receives no entitlement amount under Subpart B upon approval of an application as specified in Subpart E, Applications and Criteria for Discretionary Grants.

(2) *Release from contractual obligations under Title I of the Housing Act of 1949.* Prior to financial settlement of the project, the Secretary will negotiate with the LPA the requirements which must be met for completion of the project under the contract executed under Title I of the Housing Act of 1949, as amended, in accordance with § 570.803.

§ 570.802 Projects which cannot be completed without additional capital grants.

(a) *Use of funds by locality.* Units of general local government may use funds made available under this Part to complete projects funded under Title I of the Housing Act of 1949, as amended, as specifically authorized by § 570.200(a)(10).

(b) *HUD review of locality's intended use of funds.* The Secretary will review the application submitted pursuant to § 570.303 to determine whether the unit of general local government's use of funds will be sufficient to protect the Federal Government's financial interest in existing urban renewal projects. The Federal Government's financial interest in the existing urban renewal projects shall be determined to be sufficiently protected if the unit of general local government's proposed use of funds will ultimately result in full repayment of outstanding temporary loans plus accrued interest. In the event that full repayment of outstanding temporary loans is proposed to be accomplished over a period of more than three years, the proposed use of funds for payment of interest on outstanding temporary loans until full repayment can be accomplished shall be reviewed. If he determines that the unit of general local government's intended use of funds does not sufficiently protect the Federal Government's financial interest in the existing urban renewal project, the Secretary may, after consultation with the chief executive of the unit of general local government and the local public agency, deduct up to 20 percent from the unit of general local government's entitlement funds in any fiscal year for application to outstanding temporary loans plus accrued interest.

(c) *Deductions at the request of the locality.* The Secretary is authorized to make deductions from a unit of general local government's entitlement for repayment of temporary loans plus accrued interest if the local public agency carrying out the project submits to the Secretary a request which is concurred in by the governing body of the unit of general local government.

(d) *Release from contractual obligations under Title I of the Housing Act of 1949.* Prior to financial settlement of the project, the Secretary will negotiate with the LPA the requirements which must be met for completion of the project under the contract executed under Title I of the Housing Act of 1949, as amended, in accordance with § 570.803.

§ 570.803 Requirements for Completion of Projects Prior to Financial Settlement [Reserved].

Subpart J—Program Management

§ 570.900 Performance Standards.

Performance standards are the standards against which the Secretary will determine whether the recipient has complied with the specific requirements of this Part. Performance standards are operational program requirements complementing the simplified application review requirements of Subpart D in order to provide assistance, with maximum certainty and minimum delay, upon which communities can rely in their planning. The Secretary's review of performance standards will serve as the basic assurance that grants are being used properly to achieve the objectives of this Part. The Secretary may, either during or after performance, review, monitor, and evaluate the recipient's community development program. The Secretary will use the following standards in determining compliance with this Part of the recipient's performance, including determinations under § 570.911.

(a) *Relocation.* (1) A locally developed process exists and has been made public which enables the applicant to answer individual and other complaints in a timely and responsive manner, and which assists the applicant to resolve conflict fairly and expeditiously.

(2) Displacees:

(i) Have received adequate notice explaining the reason for displacement.

(ii) Have received formal notice establishing eligibility for relocation payments.

(iii) Were provided a reasonable number of referrals to comparable replacement housing.

(iv) Were relocated into decent, safe, and sanitary housing in the case of residential relocation.

(v) Were offered assistance in finding replacement housing or nonresidential location.

(vi) Were offered other reasonable and needed services and assistance, other than assistance in finding replacement sites.

(vii) Received all payments to which they were entitled in a prompt manner.

(viii) Were provided sufficient information in an assimilable form so that displaced persons or businesses fully understood all rights, payments, and assistance to which they were entitled.

(b) *Acquisition.* Local acquisition policy complies with Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(c) *Equal opportunity.* (1) The recipient will be required to document the actions undertaken to assure that no person, on the ground of race, color, national origin or sex, has been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any activity funded under this Part. Such documentation should indicate:

(i) Any methods of administration designed to assure that no person, on the ground of race, color, national origin or sex, has been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any activity funded under this Part.

(ii) Criteria used in selecting sites for public facilities designed to further the accomplishment of the objectives of the programs or activities conducted under this Part with respect to any identifiable segment of the total group of lower-income persons in the community.

(iii) Any actions undertaken to overcome the effects of conditions which may have resulted in limited participation, in the past, in programs or activities of the type funded under this Part, by any identifiable segment of the total group of lower-income persons in the community.

(iv) Any actions undertaken to promote equal employment opportunities for any identifiable segment of the total group of lower-income persons in the community.

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(2) The recipient will be required to document the actions undertaken to further fair housing. Such documentation should indicate:

(i) Any actions undertaken to encourage the development and enforcement of fair housing laws.

(ii) Any actions taken to prevent discrimination in housing and related facilities developed and operated with assistance under this Part, and in the lending practices, with respect to residential property and related facilities, of lending institutions.

(iii) Any action taken to assure that land use and development programs funded under this Part provide greater housing opportunities throughout the planning area for any identifiable segment of the total group of lower-income persons in the community.

(iv) Any site selection policies adopted to promote equal opportunity in housing.

(3) The phrase "any identifiable segment of the total group of lower-income persons in the community" refers to women, and members of a minority group which includes Negroes, Spanish-Americans, Orientals, American Indians and other groups normally identified by race, color, or national origin.

(d) *Citizen participation.* (1) A local citizen participation plan has been developed and made public. The grantee shall specify in the plan how it intends to meet the citizen participation requirements of this Part, inclusive of a timetable specifying: (i) When and how information will be disseminated concerning the amount of funds available for projects that may be undertaken, along with other important program requirements; (ii) when in the initial stage of the planning process public hearings will be held; (iii) when and how citizens will have an opportunity to participate in the development of the application prior to submission; (iv) when and how technical assistance will be provided to assist citizen participants to understand program requirements such as Davis-Bacon, environmental policies, equal opportunity requirements, relocation provisions and like requirements, in the preapplication process; and (v) the nature and timing of citizen participation in the development of any future community development program amendments, including reallocation of funds and designation of new activities or locations.

(2) A local process has been developed which permits citizens likely to be affected by community development and housing activities, including low and moderate income persons, to articulate needs, express preferences about proposed activities, assist in the selection of priorities, and otherwise participate in the development of the application, and have individual and other complaints answered in a timely and responsive manner.

§ 570.905 Reports to be submitted by recipient.

(a) *General.* Recipients will submit such reports, including litigation reports as the Secretary may require.

(b) *Financial management.* Each recipient shall submit such financial reports as are deemed necessary by the Secretary, consistent with the requirements of Office of Management and Budget Circular A-102.

(c) *Relocation and acquisition reports.* Recipients will report at least annually on a form prescribed by the Secretary on numbers of persons and businesses relocated, numbers remaining in the relocation workload, and a general breakdown of relocation costs and on real property acquired.

§ 570.906 Annual performance report.

(a) *Submission.* Prior to the beginning of fiscal year 1977 and prior to each fiscal year thereafter, each recipient shall submit a performance report.

(b) *Contents*—(1) *Progress on planned activities.* The recipient shall indicate, on a form prescribed by HUD, progress on each of the activities that were to be carried out pursuant to its approved application for the previous fiscal year.

(2) *Recipient Assessment.* The performance report must include the recipient's assessment of the effectiveness of the program of community development activities conducted under this Part in meeting the objectives of this Part and the needs and objectives identified in the recipient's previous fiscal year application for funding under this part.

(3) *Housing Assistance Provided.* If the recipient's last application indicated that any housing assistance planned under § 570.303(c)(3) was to be provided, the performance report should indicate, on a form prescribed by HUD, progress in providing such assistance.

(4) *Listing of Environmental Reviews.* The performance report should indicate, on a form prescribed by HUD, the nature and status of all environmental reviews required on projects funded pursuant to this part.

(5) *Citizen Participation.* The recipient shall indicate progress made toward meeting the performance standards outlined in § 570.900(d).

(c) *Public Information.* The recipient will keep copies of the performance report for release as public information.

§ 590.907 Records to be maintained by recipient.

(a) *Financial management.* Recipients are to maintain records, in accordance with OMB Circular A-102, Attachment G, which identify adequately the source and application of funds for grant supported activities. These records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(b) *Citizen participation.* Recipients shall maintain the following records with respect to the citizen participation requirements outlined in § 570.900(d):

(1) narrative or other records describing the process used to inform citizens concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken, and other important program requirements.

(2) records of public hearings held to obtain the views of citizens on community development and housing needs.

(3) narrative or other records of the opportunities provided citizens to participate in the development of block grant applications.

(c) *Other resources.* All recipients, under the provisions of § 570.303(b), are required to set forth a community development program which includes activities to be undertaken to meet identified community development needs and objectives and indicates resources other than block grants which are expected to be made available toward meeting identified needs and objectives. Records shall be maintained in a form prescribed by HUD which indicate what amount of the resources indicated were actually provided for community development activities and for which activities they were used.

(d) *Relocation.* Recipients' records shall contain the following information concerning families and individuals relocated as a result of activities governed by the provisions of § 570.603:

(1) Recording of all persons eligible for relocation assistance and payments; services provided, payments received, and location to which relocated.

(2) Claim Forms.

(3) Worksheets for computing entitlements and amount of payments.

(4) Grievances filed and their disposition.

(e) *Acquisition.* Recipients' files shall contain the following records concerning real property acquisition governed by the provisions of § 570.603:

(1) Invitation to owner to accompany appraiser during inspection.

(2) Property appraisal.

(3) Statement of basis for the determination of just compensation.

(4) Written offer of just compensation.

(5) Purchase agreements, deeds, declarations of taking, and similar or related documents involving conveyance.

(6) Settlement cost reporting statement.

(7) Notice to surrender possession of premises.

(f) *Equal opportunity.* (1) The recipient shall maintain demographic data by census tract. The data shall include prevailing population characteristics relating to race, ethnic group, sex, age, and head of household.

(2) The recipient shall maintain racial, ethnic, and gender data showing the extent to which these categories of persons have participated in, or benefited from, programs and activities funded under this Part.

(3) The recipient shall maintain data which records its affirmative action in equal opportunity employment, including but not limited to employment, upgrading, demotions, transfers, recruitment or recruitment advertising, layoffs or terminations, pay or other compensation, and selection for training.

(4) The recipient shall maintain data which records its good faith efforts to identify, train and/or hire lower-income residents of the project area and to utilize business concerns which are located in or owned in substantial part by persons residing in the area of the project.

(g) *Davis-Bacon Fair Labor Standards Act.* Recipients should maintain records indicating that all contractors performing construction work with grant funds are aware of their obligation to pay prevailing wage rates as determined by the Secretary of Labor.

(h) *Unavailability of other Federal assistance.* Recipients using funds provided under this Part for the provision of public services as described in § 570.200(a)(8) or for the acquisition, construction, reconstruction, or installation of flood and drainage facilities as described in § 570.200(a)(2) shall maintain records of compliance with the procedures set forth in § 570.608 indicating that assistance for such facilities under Federal laws or programs is unavailable.

(i) *OMB Circular A-95 comments.* The recipient shall retain copies of all letters, correspondence, or other records received as a result of review of the community development program application by the appropriate clearinghouse pursuant to the provisions of OMB Circular A-95.

(j) *Record-keeping period.* Records required to be retained under this section shall be kept for a period of three years.

§ 570.908 HUD Reports [Reserved].

§ 570.909 Secretarial review and monitoring of recipient's performance.

(a) *General.* The Secretary will review each recipient's annual performance. The review of the recipient's performance will take place prior to approval of the succeeding year's application for grant.

(b) *Objective.* The review system is designed to determine:

(1) Whether the recipient has carried out a program substantially as described in its application;

(2) Whether that program conformed to the requirements of this Part and other applicable laws and regulations;

(3) Whether the recipient has demonstrated a continuing capacity to carry out in a timely manner the approved community development program. To determine the recipient's continuing capacity, the Secretary will consider:

(i) The recipient's performance in moving activities into execution or accomplishing activities undertaken as a part of the community development program in substantial conformance with the recipient's schedule or timetable for its activities; and

(ii) The recipient's performance in utilizing its resources, including funds received under this Part, at a rate which indicates substantial conformance with the recipient's planned rate of expenditure or utilization.

In making determinations concerning a recipient's continuing capacity, the Secretary will be guided by the experience of other recipients of similar size with similar entitlement amounts as judged by the above factors. Where a recipient's performance with respect to the above factors lags substantially behind that of similar recipients, the Secretary may ask for additional information concerning the administrative, planning, budgeting, management, and evaluation functions of the recipient to determine whether a lack of capacity is the source of the recipient's substantial nonperformance. The Secretary shall further determine by this review if action on the part of the recipient to eliminate the causes of substantial nonperformance will satisfy the requirement of a finding that the necessary capacity to carry out in a timely manner its community development program in succeeding years exists.

(c) *Basis for Review.* Each recipient shall assist the Secretary in performing his review function with respect to:

(1) Review of reports and records of recipients;

(2) Review of certification by the recipient of conformance to applicable laws and regulations;

(3) Site visits and inspections on a routine sampling basis including interviews with citizens and representatives of official citizen's organizations.

§ 570.910 Evaluation by HUD.

(a) The Secretary shall, in addition to his annual reviews and audits, evaluate programs conducted under this Part and their effectiveness in meeting the objectives of this Part.

(b) The Secretary may conduct such evaluation using HUD personnel, or by contract or other arrangement with public or private agencies.

(c) Recipients under this Part may be required to supply data or make available such records as are necessary for the accurate completion of these evaluations.

§ 570.911 Remedies for non-compliance.

(a) *Secretarial adjustment of annual grants.* When the Secretary determines, on the basis of such reviews and audits as may be necessary or appropriate, that the recipient has not carried out a program substantially as described in its application, that the program did not conform to the requirements of the Act and other applicable laws, or that the recipient does not have a continuing capacity to carry out in a timely manner the approved community development program, he then may make appropriate adjustment in the amount of the annual grants in accordance with his findings pursuant to such reviews and audits. Adjustments may be made in annual grants for the current program period, the forthcoming program period, or both. Where the determination involves a failure to comply substantially with any provision of the Act, the provisions of § 570.911(c) shall apply.

(b) *Nondiscrimination compliance.* Whenever the Secretary determines that a State or unit or general local government which is a recipient of either grant or loan assistance under this Part has failed to comply with the provisions of § 570.602, he shall notify the Governor of such State or the chief executive officer of such unit of general local government of the noncompliance and shall request the Governor or the chief executive officer to secure compliance. If within a reasonable period of time, not to exceed sixty days, the Governor or the chief executive officer fails or refuses to secure compliance, the Secretary is authorized to (1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S. 2000d); (3) exercise the powers and functions provided for in paragraph (c) of this section; or (4) take such other action as may be provided by law. When a matter is referred to the Attorney General pursuant to the preceding sentence, or whenever he has reason to believe that a State government or unit of general local government is engaged in a pattern or practice in violation of the provisions of § 570.602(a), the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

(c) *General compliance procedures*—(1) *Secretarial referral to the Attorney General.* The Secretary may, if he has reason to believe that a recipient has failed to comply substantially with any provision of the Act, refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

Upon such a referral the Attorney General may bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover the amount of the assistance furnished under this Part which was not expended in accordance with it, or for mandatory or injunctive relief.

(2) *Secretarial actions on payments.* If the Secretary desires to terminate, reduce or limit the availability of payments to a recipient for failure to comply substantially with any provision of this Part, he may do so provided his finding of failure to comply is made after reasonable notice and opportunity for hearing. Alternative actions available to the Secretary are to:

(i) Terminate payments to the recipient; or

(ii) Reduce payments to the recipient by an amount equal to the amount of such payments which were not expended in accordance with this Part; or

(iii) Limit the availability of payments to programs, projects, or activities not affected by such failure to comply.

The following regulations govern the procedure and practice requirements involving adjudications where the Secretary desires to take action requiring reasonable notice and opportunity for hearing. The regulations in this part

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shall be liberally construed to secure just, expeditious, and efficient determination of the issues presented. The Rules of Civil Procedure for the District Courts of the United States, where applicable, shall be a guide in any situation not provided for or controlled by this subpart, but shall be liberally construed or relaxed when necessary.

(3) *Reasonable notice and opportunity for hearing.* (i) Whenever the Secretary has reason to believe that a recipient has failed to comply with any section of the Act or of the provisions of this part, and that termination, reduction, or limiting the availability of payments is required, he shall give reasonable notice and opportunity of hearing to such recipient prior to the invocation of any sanction under the Act.

(ii) Except in proceedings involving willfulness or those in which the public interest requires otherwise, a proceeding under this part will not be instituted until such facts or conduct which may warrant such action have been called to the attention of the chief executive officer of the recipient in writing and he has been accorded an opportunity to demonstrate or achieve compliance with the requirements of the Act and of this part. If the recipient fails to meet the requirements of the Act and regulations within such reasonable time as may be specified by the Secretary, a proceeding shall be instituted. Such proceeding shall be instituted by the Secretary by a complaint which names the recipient as the respondent.

(iii) A complaint shall give a plain and concise description of the allegations which constitute the basis for the proceeding. A complaint shall be deemed sufficient if it fairly informs the respondent of the charges against it so that it is able to prepare a defense to the charges. Notification shall be given in the complaint as to the place and time within which the respondent shall file its answer, which time shall be not less than 30 days from the date of service of the complaint. The complaint shall also contain notice that a decision by default will be rendered against the respondent in the event it fails to file its answer as required.

(iv) (A) *Complaint.* The complaint or a true copy therefore may be served upon the respondent by first-class mail or by certified mail, return receipt requested; or it may be served in any other manner which has been agreed to by the respondent. Where the service is by certified mail, the return Postal Service receipt duly signed on behalf of the respondent shall be proof of service.

(B) *Service of papers other than complaint.* Any paper other than the complaint may be served upon the respondent or upon its attorney of record by first-class mail. Such mailing shall constitute complete service.

(C) *Filing of papers.* Whenever the filing of a paper is required or permitted in connection with a proceeding under this Part, and the place of filing is not specified in this subpart or by role or order of the administrative law judge, the paper shall be filed with the Secretary, Washington, D.C. 20410. All papers shall be filed in duplicate.

(D) *Motions and Requests.* Motions and requests may be filed with the designated administrative law judge, except that an application to extend the time for filing an answer shall be filed with the Secretary pursuant to § 570.911 (c) (3) (iv) (c).

(v) (A) *Filing.* The respondent's answer shall be filed in writing within the time specified in the complaint, unless on application the time is extended by the Secretary. The respondent's answer shall be filed in duplicate with the Secretary.

(B) *Contents.* The answer shall contain a statement of facts which constitute the grounds of defense, and it shall specifically admit or deny each allegation set forth in the complaint, except that the respondent shall not deny a material allegation in the complaint which it knows to be true; nor shall a respondent state that it is without sufficient information to form a belief when in fact it possesses such information. The respondent may also state affirmatively special matters of defense.

(C) *Failure to deny or answer allegation in the complaint.* Every allegation in the complaint which is not denied in the answer shall be deemed to be admitted and may be considered as proved, and no further evidence in respect of such allegation need be adduced at a hearing.

(D) *Failure to file answer.* Failure to file an answer within the time prescribed in the complaint, except as the time for answer is extended § 570.911(c) (3) (v) (A), shall constitute an admission of the allegations of the complaint and a waiver of hearing, and the administrative law judge shall make his findings and decision by default without a hearing or further procedure.

(E) *Reply to answer.* No reply to the respondent's answer shall be deemed to be denied, but the Secretary may file a reply in his discretion and shall file one if the administrative law judge so requests.

(F) *Referral to administrative law judge.* Upon receipt of the answer by the Secretary or upon filing a reply if one is deemed necessary, or upon failure of the respondent to file an answer within the time prescribed in the complaint or as extended under § 570.911(c) (3) (v) (A), the complaint (and answer, if one is filed) shall be referred to the administrative law judge who shall then proceed to set a time and place for hearing and shall serve notice thereof upon the parties at least 15 days in advance of the hearing date.

(vi) (A) If it appears that the respondent in its answer falsely and in bad faith, denies a material allegation of fact in the complaint or states that it has no knowledge sufficient to form a belief, when in fact it does possess such information, or if it appears that the respondent has knowingly introduced false testimony during the proceedings, the Secretary may thereupon file supplemental charges against the respondent. Such supplemental charges may be tried with other charges in the case, provided the respondent is given due notice thereof and is afforded an opportunity to prepare its defense thereto.

(B) In the case of a variance between the allegations in a pleading and the evidence adduced in support of the pleading, the administrative law judge may order or authorize amendment of the pleading to conform to the evidence: *Provided*, The party that would otherwise be prejudiced by the amendment is given reasonable opportunity to meet the allegation of the pleading as amended. The administrative law judge shall make findings on any issue presented by the pleadings as so amended.

(C) A respondent or proposed respondent may appear in person through its chief executive officer or it may be represented by counsel or other duly authorized representative. The Secretary shall be represented by the General Counsel of HUD.

(4) *Administrative Law Judge; powers.* (i) *Appointment.* An administrative law judge, appointed as provided by Section 11 of the Administrative Procedure Act (5 U.S.C. 3105), shall conduct proceedings upon complaints filed under this subpart.

(ii) *Powers of administrative law judge.* Among other powers provided by law, the administrative law judge shall have authority, in connection with any proceeding under this subpart, to do the following things:

(A) Administer oaths and affirmations;

(B) Make ruling upon motions and requests. Prior to the close of the hearing no appeal shall lie from any such ruling except, at the discretion of the administrative law judge, in extraordinary circumstances;

(C) Determine the time and place of hearing and regulate its course and conduct. In determining the place of hearing the administrative law judge may take into consideration the requests and convenience of the respondent or its counsel;

(D) Adopt rules of procedure and modify the same from time to time as occasion requires for the orderly disposition of proceedings;

(E) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(F) Take or authorize the taking of dispositions;

(G) Receive and consider oral or written arguments on facts or law;

(H) Hold or provide for the holding of conferences for the settlement or simplification of the issues by consent of the parties;

(I) Perform such acts and take such measures as are necessary or appropriate to the efficient conduct of any proceeding; and

(J) Make initial findings and decision.

(5) *Hearings.* (i) *In general:* The administrative law judge shall preside at the hearing on a complaint. Testimony of witnesses shall be given under oath or affirmation. The hearing shall be stenographically recorded and transcribed. Hearings will be conducted pursuant to section 7 of the Administrative Procedure Act (5 U.S.C. 556).

(ii) Failure to appear: If a respondent fails to appear at the hearings, after due notice thereof has been served upon or upon its counsel of record, it shall be deemed to have waived the right to a hearing and the administrative law judge may make his findings and decision against the respondent by default.

(iii) Waiver of hearing: A respondent may waive the hearing by informing the administrative law judge, in writing on or before the date set for hearing, that it desires to waive hearing. In such event the administrative law judge may make his findings and decision based upon the pleadings before him. The decision shall plainly show that the respondent waived hearing.

(iv) The administrative law judge shall prior to or at the beginning of the hearing require that the parties attempt to arrive at such stipulations as will eliminate the necessity of taking evidence with respect to allegations of facts concerning which there is no substantial dispute. The administrative law judge shall take similar action, where it appears appropriate, throughout the hearing and shall call and conduct any conferences which he deems advisable with a view to the simplification, clarification, and disposition of any of the issues involved.

(6) *Evidence.* (i) Any evidence which would be admissible under the rules of evidence governing proceedings in matters not involving trial by jury in the Courts of the United States, shall be admissible and controlling as far as possible. Provided that, the administrative law judge may relax such rules in any hearing when in his judgment, such relaxation would not impair the rights of either party and would more speedily conclude the hearing, or would better serve the ends of justice. Evidence which is irrelevant, immaterial or unduly repetitious shall be excluded by the administrative law judge.

(ii) *Depositions.* The deposition of any witness may be taken pursuant to § 570.911(c)(7) and the deposition may be admitted.

(iii) *Proof of documents.* Official documents, records and papers of a respondent shall be admissible as evidence without the production of the original provided that such documents, records and papers are evidenced as the original by a copy attested or identified by the chief executive officer of the respondent or the custodian of the document, and contain the seal of the respondent.

(iv) *Exhibits.* If any document, record, paper, or other tangible or material thing is introduced in evidence as an exhibit, the adminstrative law judge may authorize the withdrawal of the exhibit subject to any conditions he deems proper. An original document, paper or record need not be introduced and a copy duly certified (pursuant to paragraph (b) of this section) shall be deemed sufficient.

(v) Objections: Objections to evidence shall be in short form, stating the grounds of objection relied upon, and the record shall not include argument thereon, except as permitted by the administrative law judge. Rulings on such objections shall be a part of the record. No exception to the ruling is necessary to preserve the right of either party to the proceeding.

(7) *Depositions.* (i) *In general.* Depositions for use at a hearing may, with the written approval of the administrative law judge, be taken by either the Secretary or the respondent of their duly authorized representatives. Depositions may be taken upon oral or written interrogatories, upon not less than 15 days written notice to the other party, before any officer duly authorized to administer an oath for general purposes. Such written notice shall state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of 15 days written notice may be waived by the parties in writing, and depositions may then be taken from the persons and at times and places mutually agreed to by the parties.

(ii) *Written interrogatories.* When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served upon the other party with the notice, and copies of any written cross-interrogatories shall be mailed by first class mail or delivered to the opposing party at least 10 days before the date of taking the depositions, unless the parties mutually agree otherwise. A party upon whose behalf a deposition is taken must file with the administrative law judge and serve one copy upon the opposing party. Expenses in the reporting of depositions shall be borne by the party at whose instance the deposition is taken.

(8) *Stenographic record; oath of reporter, transcript.* (i) *In general.* A stenographic record shall be made of the testimony and proceedings, including stipulations and admissions of fact in all proceedings, but not arguments of counsel unless otherwise ordered by the administrative law judge. A transcript of the proceedings (and evidence) at the hearing shall be made in all cases.

(ii) *Oath of reporter.* The reporter making the stenographic record shall subscribe an oath before the administrative law judge, to be filed in the record of the case, that he (or she) will truly and correctly report the oral testimony and proceedings at such hearing and accurately transcribe the same to the best of his (or her) ability.

(iii) *Transcript.* In cases where the hearing is stenographically reported by a Government contract reporter copies of the transcript may be obtained from the reporter at rates not to exceed the maximum rates fixed by contract between the Government and the reporter. Where the hearing is stenographically reported by a regular employee of HUD a copy thereof will be supplied to the respondent or its counsel at actual cost of duplication. Copies of exhibits introduced at the hearings or at the taking of depositions will be supplied to the parties upon the payment of a reasonable fee (31 U.S.C. 483(a)).

(9) *Proposed findings and conclusions.* Except in cases where a respondent has failed to answer the complaint or has failed at the hearing, or has waived the hearing, the administrative law judge, prior to making his initial decision, shall afford the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor.

(10) *Initial decision of the Administrative Law Judge.* As soon as practicable after the conclusion of a hearing and the receipt of any proposed findings and conclusions timely submitted by the parties, but in no event later than 30 days after the submission of proposed findings and conclusions if they are submitted, the administrative law judge shall make his initial decision in the case. The initial decision shall include a statement of the findings of fact and the conclusions therefor, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion preserved on the record, and shall provide for one of the following orders:

(i) An order that the respondent's payments be terminated, or

(ii) An order that the respondent's payments be reduced by an amount equal to the amount of such payments which were not expended in accordance with the Act and the provisions of this Part, or

(iii) An order that the Secretary limit the availability of payments to activities not affected by such failure to comply, or

(iv) An order dismissing the proceedings.

After reaching his initial decision the administrative law judge shall certify to the complete record, together with a certified copy of his initial decision, to the Secretary. The administrative law judge shall serve also a copy of the initial decision, to the Secretary. The administrative law judge shall serve also a copy of the initial decision by certified mail to the chief executive officer of the respondent or to its attorney of record.

(11) *What constitutes record.* The transcript of testimony, pleadings and exhibits, all papers and requests filed in the proceeding together with all findings, decisions and orders, shall constitute the exclusive record in the matter.

(12) *Procedure on review of decision of administrative law judge*—(i) *Appeal to the Secretary.* Within 30 days from the date of the initial decision and order of the administrative law judge, the respondent may appeal to the Secretary and file his exceptions to the initial decision and his reasons therefor. The respondent shall transmit a copy of his appeal and reasons therefor to the Secretary who may, within 30 days from

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receipt of the respondent's appeal, file a reply brief in opposition to the appeal. A copy of the reply brief, if one is filed, shall be transmitted to the respondent or its counsel of record. Upon the filing of an appeal and a reply brief, if any, the Secretary shall make the final agency decision on the record of the administrative law judge submitted to him.

(ii) *Absence of appeal.* In the absence of exceptions by the respondent within the time set forth in paragraph (c)(12)(i) of this section or a review initiated by the Secretary on his own motion within 45 days after the initial decision, such initial decision of the administrative law judge shall constitute the final decision of the Department.

(13) *Decision of the Secretary.* On appeal from or review of the initial decision of the administrative law judge, the Secretary will make the final agency decision. In making his decision the Secretary will review the record or such portions thereof as may be cited by the parties to permit limiting of the issues. The Secretary may affirm, modify, or revoke the findings and initial decision of the administrative law judge. A copy of the Secretary's decision shall be transmitted immediately to the chief executive officer of the respondent or its counsel of record.

(14) *Publicity of proceedings.* (i) *In general.* A proceeding conducted under this subpart shall be open to the public and to elements of the news media provided that in the judgment of the administrative law judge, the presence of the media does not detract from the decorum and dignity of the proceeding.

(ii) *Availability of record.* The record established in any proceeding conducted under this subpart shall be made available to inspection by the public as provided for and in accordance with regulations of the Department of HUD pursuant to 31 CFR Part 1.

(iii) *Decisions of the administrative law judge.* The statement of findings and the initial decision of the administrative law judge in any proceedings, whether or not on appeal or review shall be indexed and maintained by the Secretary and made available for inspection by the public at the public documents room of the Department. If practicable, the statement of findings and the decisions of the administrative law judge shall be published periodically by the Department and offered for sale through the Superintendent of Documents.

(15) *Judicial review.* (i) Actions taken under administrative proceedings pursuant to this subpart shall be subject to judicial review pursuant to Section 111(c) of the Act. If a respondent desires to appeal a decision of the administrative law judge which has become final, or a final order of the Secretary for review of appeal, to the U.S. Court of Appeals, as provided by law, the Secretary, upon prior notification of the filing of the petition for review, shall have prepared in triplicate, a complete transcript of the record of the proceedings, and shall certify to the correctness of the record. The original certificate together with the original record shall then be filed with the Court of Appeals which has jurisdiction.

(ii) Any recipient which receives the final agency decision of the termination, reduction or limitation of payments under this title may, within sixty days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who, shall represent the Secretary in the litigation.

(iii) The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in Section 2112 of Title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(iv) The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and he shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file his recommendations, if any, for the modification or setting aside of his original action.

(v) Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in Section 1254 of Title 28, United States Code.

WARREN H. BUTLER,
Acting Assistant Secretary for Community Planning and Development.

[FR Doc.74-21511 Filed 9-16-74;8:45 am]

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September 18, 1974—Pages 33499–33660

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rules and regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Docket No. SU-325]

PART 864—SUGARCANE; LOUISIANA

Fair and Reasonable Wage Rates

The Sugar Act requires Louisiana sugarcane producers, as one of the conditions with which they must comply to be eligible for government payments under the Act, to pay all workers employed in the production, cultivation, and harvesting of sugarcane in full at not less than minimum wage rates determined by the Secretary of Agriculture to be fair and reasonable. Such determination may not be made until after investigation and opporutnity for interested persons to testify on whether the wage rates established under the previous year's determination continue to be fair and reasonable or whether such determination should be amended. A public hearing was held at Houma, Louisiana, on May 20, 1974.

The determination, which becomes effective on September 16, 1974, increases the minimum wage rate for tractor and truck drivers and harvester bottom blade and hoist operators by 45 cents per hour, and the minimum rate for all other workers by 40 cents per hour.

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "Act"), after investigation and consideration of the evidence obtained at the public hearing held in Houma, La., on May 20, 1974, the following determination is hereby issued. The regulations previously appearing in these sections under "Determination of Wage Rates; Sugarcane; Louisiana" remain in full force and effect as to the crops to which they were applicable.

Part 864 is revised to read as follows:

Sec.
- 864.23 Requirements.
- 864.24 Applicability of wage requirements.
- 864.25 Payment of wages.
- 864.26 Evidence of compliance.
- 864.27 Subterfuge.
- 864.28 Claim for unpaid wages.
- 864.29 Failure to pay all wages in full.
- 864.30 Checking compliance.

AUTHORITY: Sections 864.23 to 864.30 issued under secs. 301, 403, 61 Stat. 929, as amended, 932 (7 U.S.C. 1131, 1153).

§ 864.23 Requirements.

A producer of sugarcane in Louisiana shall be deemed to have complied with the wage provisions of the Act if all persons employed on the farm in harvesting work, as provided in § 864.24, shall have been paid in accordance with the following:

(a) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, whichever is higher, but not less than the following, which shall become effective on September 16, 1974, and shall remain in effect until amended, superseded, or terminated:

(1) *Work performed on a time basis.*

Class of worker:	Rate per hour
Harvester, loader, and transfer loader operators	$2.50
Tractor drivers, truck drivers, harvester bottom blade operators, and hoist operators	2.50
All other harvesting workers	2.30

(2) *Workers 14 and 15 years of age when employed on a time basis.* For workers 14 and 15 years of age, the rate shall be not less than 85 percent of the applicable hourly rate for the class of worker prescribed in paragraph (a)(1) of this section. (The Act provides that the employment of workers under 14 years of age, or the employment of workers 14 and 15 years of age for more than 8 hours per day, will result in a deduction from Sugar Act payments to the producer.)

(3) *Handicapped workers when employed on a time basis.* The wage rate for workers certified by the Regional Director, Wage and Hour Division, U.S. Department of Labor, 1931 Ninth Avenue, South, Birmingham, AL 35215, to be handicapped because of age or physical or mental deficiency or injury, and whose productive capacity is thereby impaired, shall be not less than 75 percent of the applicable hourly rate for the class of worker prescribed in paragraph (a)(1) of this section.

(4) *Work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker. The hourly rate of earnings of each worker employed on piecework during each pay period (not to be in excess of two weeks) shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate for the class of worker prescribed in paragraph (a) (1), (2), and (3) of this section.

(b) *Compensable working time.* For work performed under paragraph (a) of this section, compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field, except time taken out for meals during the working day. If the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point or a tractor shed located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(c) *Equipment necessary to perform work assignment.* (1) The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. The worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker.

(2) Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

§ 864.24 Applicability of wage requirements.

The wage requirements of this part apply to all persons who are employed or who work on the farm in operations directly connected with the harvesting of 1974-crop sugarcane on any acreage from which sugarcane is marketed or processed for the production of sugar or any 1974-crop acreage which qualifies as bona fide abandoned. Such persons include field overseers or supervisors while directing other workers, and those workers employed by an independent contractor who perform services on the farm. The wage requirements are not applicable to persons who voluntarily perform work without pay on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truck drivers employed by a contractor engaged only in hauling sugarcane; members of a cooperative arrangement among producers for the exchange of labor to be performed by themselves or members of their families; persons who have an agreement with the producer to perform all work on a specified acreage in return for a share of the crop or crop

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proceeds if such share, including the share of any Sugar Act payments, results in earnings at least as much as would otherwise be received in accordance with the requirements of this part for the work performed; custom operators or independent contractors and members of their immediate families; or workers performing services which are indirectly connected with the harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

§ 864.25 Payment of wages.

Workers shall be paid by check or in currency for all work performed, except to the extent that the cash payment is reduced by the following deductions: Cash advances made to the worker by the producer; the market value or the amount agreed upon for supplies furnished by the producer at the request of the worker; meals, lodging, and transportation expense which the producer agreed to furnish for a stated amount; and mandatory deductions such as taxes and Social Security contributions. In addition, a producer may deduct the amounts he has paid to a third party on behalf of the worker in connection with his employment as a farm worker which are acknowledged in writing signed by the worker or his agent or substantiated by other evidence acceptable to the county ASC committee to be an indebtedness of the worker, and which cover the expense of services and benefits furnished the worker by the third party, and which the worker or his agent has agreed may be deducted from his wages, such as public utilities, medical services, group hospitalization or other insurance for the benefit of the worker. As evidence of payments to a third party for which a deduction is made from the earnings of a worker, the producer shall maintain for a period of 3 years, for the inspection of the worker and the local county ASCS office, receipted bills or other written satisfactory evidence that support such deductions. Payments made to a labor contractor, supervisor, or labor trainer, or the cost of meals, lodging, transportation, and insurance covering injury or illness resulting from employment, any or all of which the producer agreed to furnish the worker free of charge, shall not be deducted from cash wages due the worker. When any deductions are made, the producer shall furnish to the worker, at time of settlement, a statement showing the gross amount of wages due for work performed and the amount of each deduction properly identified.

§ 864.26 Evidence of compliance.

Each producer subject to the provisions of this part shall keep and preserve, for a period of 3 years following the date on which his application for a Sugar Act payment is filed, such wage records as will demonstrate that each worker has been paid in full in accordance with the requirements of this part. Wage records should set forth dates work was performed, the class of work performed, units of work (piecework or hours), agreed upon rates per unit of work, total earnings and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this part have been met.

§ 864.27 Subterfuge.

The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this part through any subterfuge or device whatsoever.

§ 864.28 Claim for unpaid wages.

Any person who believes he has not been paid in accordance with this part may file a wage claim with the local Agricultural Stabilization and Conservation County Committee against the producer on whose farm the work was performed. Such claim must be filed on Form SU-191, entitled "Claim Against Producer for Unpaid Wages" within 2 years from the date the work with respect to which the claim is made was performed. Detailed instructions and Forms SU-191 are available at the local county ASCS office. Upon receipt of a wage claim the county office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASC committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the Louisiana State Agricultural Stabilization and Conservation Committee, 3737 Government Street, Alexandria, LA 71303, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC committee is not acceptable either party may file an appeal with the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, DC 20250. All such appeals shall be filed within 15 days after the date the written notice of the recommended settlement is mailed by the respective committee, otherwise such recommended settlement will be applied in making payments under the Act. If a claim is appealed to the Deputy Administrator, Programs, his decision shall be binding on all parties insofar as payments under the Act are concerned. Appeals procedures are set forth and explained fully in Part 780 of this title.

§ 864.29 Failure to pay all wages in full.

(a) Notwithstanding the provisions of this part requiring that all persons employed on the farm in the harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the Act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment, representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s) upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representatives of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer, or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. If the county committee determines that the producer did not pay all workers in full because of an inadvertent error that was not discovered until after he received his Sugar Act payment, the producer shall be placed on the claims control record for the total amount of the unpaid wages.

(b) Except as provided in paragraph (a) of this section, if upon investigation the county committee determines that the producer failed to pay all workers on the farm the required wages, the entire Sugar Act payment with respect to such farm shall be withheld from the producer until such time as evidence is presented to the county committee which will satisfy the county committee that all workers have been paid in full the wages earned by them; or if unpaid workers cannot be located and the county committee determines that the producer used reasonable diligence to locate such workers, the amounts of unpaid wages shall be deducted from the Sugar Act payment computed for the farm and the balance released to the producer after the expiration of 1 year from the date payment would otherwise be made. If payment had been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the claims control record for the total payment until the county committee determines that all workers on the farm have been paid in full, the producer refunds the entire amount of the debt, or a setoff in the amount of the debt is made from a program payment otherwise due the producer, or the county committee after determining that the producer used reasonable diligence to locate such workers has recovered from such producer the amount of unpaid wages computed for the farm.

§ 864.30 Checking compliance.

The procedures to be followed by county ASCS offices in checking compliance with the wage requirements of this part are set forth under the heading "Wage Rate Determinations" in Handbook 3-SU, issued by the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service. Handbook 3-SU may be inspected at local county ASCS offices, and copies may be obtained from the Louisiana State ASCS Office, 3737 Government Street, Alexandria, LA 71303.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the harvesting of 1974-crop sugarcane in Louisiana as one of the conditions with which producers must comply to be eligible for payments under the act.

Requirements of the act and standards employed. Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing, and in making such determinations, the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

Wage determination. This determination differs from the prior determination in that minimum hourly wage rates are increased by 45 cents per hour for tractor and truck drivers and harvester bottom blade and hoist operators and by 40 cents per hour for harvester and loader operators and all other harvesting workers. The new minimum hourly wage rates established for work during the harvest season are $2.50 for harvester, loader, and transfer loader operators; tractor and truck drivers, and harvester bottom blade and hoist operators, and $2.30 for all other workers.

Prior wage determinations have established minimum rates for harvesting of one year's crop and production and cultivation of the next year's crop. The powers vested in the Secretary under the Sugar Act will terminate on December 31, 1974, except that he will retain the power to make payments under Title III of the Act under programs applicable to the crop year 1974 and previous crop years. The Secretary has no power to make payments on the 1975 crop of sugarcane or establish minimum wages to be complied with during any phase of the production, cultivation, or harvesting of that crop (including the harvesting of seed cane).

Therefore, this determination establishes no minimum wage rates for production or cultivation of the 1975 crop of sugarcane. The minimum wage rates established on September 17, 1973 (38 FR 25427) for workers employed in the production and cultivation of 1974-crop sugarcane (including cane harvested for seed) continue in effect for all 1974-crop production and cultivation work. All 1974-crop harvesting work (including any such work done after December 31, 1974) will be subject to the minimum wage rates set out in this determination. Any work performed with respect to the 1975 crop, whenever performed, is not subject to regulation under the Sugar Act. Other provisions of the prior determination continue unchanged.

A public hearing was held in Houma, Louisiana on May 20, 1974, at which interested persons were afforded the opportunity to testify on whether the wage rates established for Louisiana sugarcane fieldworkers in the wage determination which became effective on September 17, 1973, continue to be fair and reasonable under the circumstances, or whether such determination should be amended.

One witness appearing at the public hearing on behalf of sugarcane fieldworkers recommended a minimum wage rate of $4.00 per hour for all workers. In addition, it was recommended that such rate should be increased by 40 cents per hour for each $1.00 per cwt. increase in the price of sugar throughout the year. Another witness suggested that it is inconceivable that the season's average price of sugar could fall below 15 cents per pound and recommended, at such level, a minimum wage of $4.00 per hour for harvester and loader operators, $3.75 per hour for tractor drivers, truck drivers, harvester bottom blade operators and hoist operators, and $3.50 per hour for all other harvest workers. This witness also recommended an increase in the basic wages of 40 cents per hour for each classification of harvest work for each dollar per cwt. increase in the season's average price of sugar above 15 cents per pound. He further recommended that minimum hourly wages for cultivating the 1975 crop be set at $4.15 for tractor drivers and $3.90 for all other workers.

One witness was of the opinion that the season's average price of sugar will be at least 17 cents a pound and suggested a minimum hourly rate of $4.80 for harvest operators, $4.55 for tractor drivers, and $4.30 for scrappers and other workers.

An Associate Professor of Economics, not affiliated with any organization, stated his concern that determinations of fair and reasonable returns to workers are influenced by arguments from special interests, both growers and workers, and too little influenced by objective economic analysis. His concern related to the completeness and accuracy of the cost information obtained at public hearings which is available to the Secretary for consideration before establishing wage rates because there is no requirement to compel full disclosure by the growers or to require sworn testimony relative to full cost and profit information. He suggested that government economists make a thorough economic analysis of the growing and harvesting of cane and that reactions to such a study by representatives, growers and workers at public hearings be directed to the adequacy and completeness of the information contained in the study.

In support of their recommendations on wage rates, worker representatives testified that an average farm family on the plantation consisting of six persons had an average income in 1973 of $3,000, the average hourly wage was close to $2 indicating the worker worked approximately 1,500 hours, a decrease of over 250 hours since 1970. An hourly rate of $4 is needed in order to survive at the poverty level given the increase in the cost of living. They further testified that the average amount spent for feeding a worker's family represents almost two-thirds of the family income, a percentage far above that spent by other groups in our society.

Worker representatives also testified that while there has been some improvement in the housing conditions, most company-supplied houses are still very substandard; the general health conditions are no better; and that workers are at a disadvantage at the wage hearings because of a fear that they will lose their jobs and houses if they appear.

Representatives of sugarcane producers recommended that there be no change in the number of worker classifications for production and cultivation and harvest work. They also recommended that the minimum rate for Harvester, Loader and Transfer Loader Operators be increased by 25 cents to $2.35; that rates for Tractor Drivers, Truck Drivers, Harvester Bottom Blade Operators and Hoist Operators be increased by 20 cents to $2.25 and that the rate for all other harvest workers be increased by 10 cents to $2.00. For production and cultivation work, the spokesmen recommended hourly wages of $2.20 for tractor drivers and $2.00 for all other workers, an increase for each classification of 20 cents and 10 cents, respectively.

In support of the recommendation for the increase in the minimum wages, the grower representatives stated that many producers did not benefit from the higher level of sugar prices because they settled with processors on a delivered average price basis, the wages recommended far exceed those established under the Fair Labor Standards Act, that the increases of 20 cents and 25 cents for all workers in the mechanical equipment categories would equal or exceed the increase in the cost of living during the past year, and that the recommended increase of 10 cents per hour for the categories of "all other workers" could price workers out of the labor market because the value of the worker's service may not equal the wage.

The spokesmen also testified that much thought had been given to a supplementary wage provision for harvest workers. In a brief submitted after the

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hearing, the grower representatives reaffirmed their feeling that no adjustments in the basic wage rates as recommended at the hearing are needed. However, if the Department concludes that a supplementary pay provision is necessary, they recommended that: (1) It apply only to harvest work; (2) it not apply to any producer whose 1974 crop production is damaged by disaster or climate conditions resulting in per acre sugar production less than 90 percent of the previous five years' average production on the farm; (3) the sum of the basic hourly wage and supplementary pay for each worker classification not exceed the limit of $2.65, $2.50 and $2.20 per hour; (4) wages paid in excess of the basic minimum rate be credited against supplementary pay; (5) the supplementary pay provisions would only become effective when the price of raw sugar is higher than a specified price based on 120 percent of the Department's projection of the average Sugar Act price objective during the season's average pricing period; (6) the basic minimum rates per hour should be increased by .8, .7, and .6 cents per hour, respectively for the various worker classifications for each full one-tenth cent that the price of sugar averages above the fixed price; (7) the supplementary pay provision not apply to any worker employed for less than 216 hours during the 1974-crop harvest, and (8) the supplementary pay should be decreased to take into account any salvage or frozen cane harvested on the farm.

One witness, testifying on behalf of the American Sugar Cane League, presented an analysis of economic conditions on Louisiana sugarcane farms. He stated that wage rates have been increased for 13 consecutive years, even in years of adverse growing and harvesting conditions. He further stated that labor costs in producing sugarcane have not decreased in proportion to the reduction in the amount of man labor requirements in producing sugarcane. While total direct costs, labor and non-labor combined, have increased, direct costs other than labor have increased faster. The farmer has substituted more expensive technology for labor, but the reduced amount of labor has cost him about as much as or more than before. Thus, a larger share of the benefits of the increased technology have gone to the laborer than to the farm producer.

Consideration has been given to the testimony and recommendations presented at the public hearing; to the returns, costs, and profits of producing sugarcane obtained by field survey for recent crops and recast in terms of price and production conditions likely to prevail for the 1974 crop; and to other standards generally considered in wage determinations, including the cost of living and the producers' ability to pay wages.

This determination increases the minimum wage rates for tractor and truck drivers and harvester bottom blade and hoist operators by 45 cents per hour and for harvester and loader operators and all other workers by 40 cents per hour. Minimum hourly rates for work associated with the harvest of 1974-crop Louisiana sugarcane are $2.50 for mechanical equipment operators and $2.30 for all other workers. The wage differential between skilled and unskilled workers has been maintained to equitably reflect the differences in worker responsibilities. It is also believed that a greater increase in wages for unskilled workers would place their minimum wage rate at a level greater than the value of their services, which in turn would have the effect of curtailing their employment opportunities.

The recommendations of the various labor representatives for increases in the minimum hourly wage rates substantially in excess of those established in this determination coupled with a fixed increase per hour in the basic rate for each $1 increase in the season's average price of sugar above a predetermined level have not been adopted. The rates established in this determination represent an increase of approximately 21 percent over the rates currently in effect. This is about 10 percent more than the anticipated increase of 11 percent in the cost of living for calendar year 1974. The earnings of all workers on sugarcane farms in Louisiana are expected to average about $2.33 per hour in 1974, or $.58 more than the projected average general farm wage in the State.

Increasingly high sugar prices have prevailed thus far during 1974. Louisiana producers, however, did not gain from the full effect of these high prices for 1973-crop sugarcane because most of the crop was marketed in late 1973 or early 1974. Prospects are favorable for the 1974 crop. The USDA Crop Reporting Board, in the August issue of CROP PRODUCTION, forecast that the 1974 crop would be growing on about 2 percent less acreage than the 1973 crop but that the yield of tons of cane per acre would be more than 16 percent greater. This indicates about a 14 percent increase in sugarcane production in 1974. This, along with anticipated higher prices of sugar, should afford producers the opportunity to improve their overall profit position. Accordingly, the wage increases in this determination appear to be fair and reasonable for workers and fully within the producers' ability to pay.

This determination will remain in effect for all 1974-crop harvest work unless and until amended, superseded, or terminated.

On the basis of an examination of all relevant factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This determination shall become effective on September 16, 1974.

Signed at Washington, D.C. on September 11, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-21557 Filed 9-17-74;8:45 am]

[Docket No. SH-327]

PART 865—SUGARCANE; TEXAS

Fair and Reasonable Wage Rates

The Sugar Act requires Texas sugarcane producers, as one of the conditions with which they must comply to be eligible for government payments under the act, to pay all workers employed in the production, cultivation, and harvesting of sugarcane in full at not less than minimum wage rates determined by the Secretary of Agriculture to be fair and reasonable. Such determination may not be made until after investigation and opportunity for interested persons to testify on whether the wage rates established under the previous year's determination continue to be fair and reasonable or whether such determination should be amended. A public hearing was held at McAllen, Texas, on July 18, 1974.

The determination, which becomes effective on October 14, 1974, increases the minimum wage rate by 30 cents per hour for all 1974-crop harvest workers.

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948 (7 U.S.C. 1131(c)(1)), as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearing held in McAllen, Texas on July 18, 1974, the following determination is hereby issued. The regulations previously appearing in these sections under "Determination of Wage Rates; Sugarcane; Texas" remain in full force and effect as to the crops to which they were applicable unless and until they are superseded in subsequent determinations.

Sec.
865.1 Requirements.
865.2 Applicability of wage requirements.
865.3 Payment of wages.
865.4 Evidence of compliance.
865.5 Employment of workers through a labor contractor or crew leader.
865.6 Subterfuge.
865.7 Claim for unpaid wages.
865.8 Failure to pay all wages in full.
865.9 Checking compliance.

AUTHORITY: Secs. 301, 403, 61 Stat. 929, as amended, 932 (7 U.S.C. 1131, 1153).

§ 865.1 Requirements.

A producer of sugarcane in Texas shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in harvesting work, as provided in section 865.2, shall have been paid in accordance with the following:

(a) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, whichever is higher, but not less than the following, which shall become effective on October 14, 1974, and shall remain in effect for 1974-crop harvest work until amended, superseded, or terminated:

(1) *Work performed on a time basis.*

Class of worker:	Rate per hour
(i) Tractor drivers, truck drivers, and principal operators of mechanical harvesting and loading equipment	$2.75
(ii) All other workers	$2.45

(2) *Workers 14 and 15 years of age when employed on a time basis.* For workers 14 and 15 years of age, the rate shall be not less than 85 percent of the applicable hourly rate prescribed for the class of worker described in paragraph (a)(1) of this section. (The act provides that the employment of workers under 14 years of age, or the employment of workers 14 and 15 years of age for more than 8 hours per day, will result in a deduction from Sugar Act payments to the producer.)

(3) *Apprentice operators of tractors and mechanical harvesting and loading equipment when employed on a time basis.* The hourly wage rate for a learner or apprentice, who is being trained as a tractor driver, truck driver or the principal operator of mechanical harvesting or loading equipment, shall be not less than $2.45. The training period for such workers shall not exceed six workweeks.

(4) *Handicapped workers when employed on a time basis.* The wage rate for workers certified by the Regional Director, Wage and Hour Division, U.S. Department of Labor, Room 13F-12, Federal Building, U.S. Courthouse, 1100 Commerce Street, Dallas, TX 75202, to be handicapped because of age or physical or mental deficiency or injury, and whose productive capacity is thereby impaired, shall be not less than 75 percent of the applicable hourly rate prescribed for the class of worker described in paragraph (a)(1) of this section.

(5) *Work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker. The hourly rate of earnings of each worker employed on piecework during each pay period (not to be in excess of two weeks) shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate prescribed for the class of worker described in paragraph (a)(1), (2), (3), or (4) of this section.

(b) *Compensable working time.* For work performed under paragraph (a) of this section, compensable working time commences at the time the worker is required to start work and ends upon completion of work in the field, except time taken out for meals during the working day. If the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point or tractor shed located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(c) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. The worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

§ 865.2 Applicability of wage requirements.

The wage requirements of this part apply to all persons who are employed or who work on the farm in operations directly connected with the harvesting of 1974-crop sugarcane on any acreage from which sugarcane is marketed or processed for the production of sugar or any 1974-crop acreage which qualifies as bona fide abandoned. Such persons include field overseers or supervisors while directing other workers, and those workers employed by an independent contractor who perform services on the farm. The wage requirements are not applicable to persons who voluntarily perform work without pay on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truck drivers employed by a contractor engaged only in hauling sugarcane; members of a cooperative arrangement among producers for the exchange of labor to be performed by themselves or members of their families; persons who have an agreement with the producer to perform all work on a specified acreage in return for a share of the crop or crop proceeds if such share, including the share of any Sugar Act payments, results in earnings at least as much as would otherwise be received in accordance with the requirements of this part for the work performed; custom operators or independent contractors and members of their immediate families; or workers performing services which are indirectly connected with the harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

§ 865.3 Payment of wages.

(a) Workers shall be paid by check or in currency for all work performed, except to the extent that the payment is reduced by the following deductions: cash advances made to the worker by the producer; the market value or the amount agreed upon for supplies furnished by the producer at the request of the worker; meals, lodging, and transportation expenses which the producer agreed to furnish for a stated amount; and mandatory deductions such as taxes and Social Security contributions. In addition, a producer may deduct the amounts he has paid to a third party on behalf of the worker in connection with his employment as a farm worker which are acknowledged in writing signed by the worker or his agent or substantiated by other evidence acceptable to the county ASC committee to be an indebtedness of the worker, and which cover the expense of services and benefits furnished the worker by the third party, and which the worker or his agent has agreed may be deducted from his wages, such as public utilities, medical services, group hospitalization or other insurance for the benefit of the worker. As evidence of payments to a third party for which a deduction is made from the earnings of a worker, the producer shall maintain for a period of three years, for the inspection of the worker and the local county ASCS office, receipted bills or other written satisfactory evidence that support such deductions. Deductions may not be made for payments to a labor contractor or crew leader for his services; or for any items which the producer agreed to furnish the worker free of charge.

(b) The producer shall furnish the worker at the time of payment of wages or, if payment of wages is made through a labor contractor or crew leader, require the labor contractor or crew leader to furnish the worker at the time of payment of wages a statement showing the producer's and worker's names, the gross earnings, the items and amounts of deductions, and the net earnings of the worker, and the producer or the labor contractor or crew leader shall obtain the worker's signature acknowledging receipt of wages earned which shall in no event be less than those required by this part.

§ 865.4 Evidence of compliance.

Each producer subject to the provisions of this part shall keep and preserve, for a period of three years following the date on which his application for a Sugar Act payment is filed, such wage records as will demonstrate that each worker has been paid in full in accordance with the requirements of this part. Wage records should set forth dates work was performed, the class of work performed, units of work (piecework or hours), agreed upon rates per unit of work, total earnings and any permissible deductions, and the amount paid each worker. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this part have been met.

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§ 865.5 Employment of workers through a labor contractor or crew leader.

(a) If a producer employs workers through a labor contractor or crew leader, the producer may make payment of workers' wages through such labor contractor or crew leader: *Provided*, That the producer obtain from such contractor or crew leader and have on file (1) a copy of his authorization signed by each worker to collect wages due each such worker; (2) a copy of each worker's statement of earnings as required by § 865.3, or a wage record sheet such as any one of those shown in Exhibit 16 of Handbook 3–SU, available in county ASCS offices, showing the names of the producer and worker, dates work was performed, class of work performed, hours worked, agreed upon wage rate, total earnings, deductions, and the amount of wages due the worker; and (3) the signature of the worker acknowledging receipt of wages earned which shall in no event be less than those required by this part. The producer is responsible for paying to the labor contractor or crew leader the fee for his services, and the producer shall have on file a statement signed by the labor contractor or crew leader showing the amount of the fee being paid by the producer to the labor contractor or crew leader for his services, and showing that such fee is over and above the wages agreed upon by the contractor and producer which shall in no event be less than those required by this part.

(b) Responsibility for insuring that workers actually receive the minimum wage or the agreed upon wage, whichever is higher, less only deductions authorized by this part, rests with the producer. Whenever it appears that a worker has received less than the minimum or agreed upon wage, whichever is higher, less deductions authorized by this part, the producer shall not have met the requirements of this part for eligibility for payment under the act until it is determined that all workers on the farm hae been paid in full: *Provided, however*, That a producer who, having acted in good faith to fulfill his obligation to insure that the minimum or agreed upon wage is actually received by the workers, has obtained and has on file documents which meet the requirements set forth in paragraph (a) of this section and which show payment of wages in accordance with this part, shall have met the requirements of this part. However, in cases where the worker files a claim in the county ASCS office that he has not been paid wages in accordance with this part and it is found by the county committee that the worker's signature has been forged or he has been forced to sign under duress or by fraud, the producer shall not have met the requirements of this part for eligibility for payment under the act until the county committee determines that all workers on the farm have been paid in full.

§ 865.6 Subterfuge.

The producer shall not reduce the wage rates to workers below those determined in accordance with the requirements of this part through any subterfuge or device whatsoever.

§ 865.7 Claim for unpaid wages.

Any person who believes he has not been paid in accordance with this part may file a wage claim with the local Agricultural Stabilization and Conservation County Committee against the producer on whose farm the work was performed. Such claim must be filed on Form SU–191, entitled "Claim Against Producer for Unpaid Wages," within two years from the date the work with respect to which the claim is made was performed. Detailed instruction and Forms SU–191 are available at the local county ASCS office. Upon receipt of a wage claim the county office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASCS committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the Texas State Agricultural Stabilization and Conservation Committee, USDA Building, College Station, TX 77840, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after the date the written notice of the recommended settlement is mailed by the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, Programs, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 780 of this title.

§ 865.8 Failure to pay all wages in full.

(a) Notwithstanding the provisions of this part requiring that all persons employed on the farm in the harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment, representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s) upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representative of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer; or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of the producer or his agent, and the producer has used reasonable diligence to locate all such workers and to pay in full the wages due them. If the county committee makes the determination as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. If the county committee determines that the producer did not pay all workers in full because of an inadvertent error that was not discovered until after he received his Sugar Act payment, the producer shall be placed on the claims control record for the total amount of the unpaid wages.

(b) Except as provided in paragraph (a) of this section, if upon investigation the county committee determines that the producer failed to pay all workers on the farm the required wages, the entire Sugar Act payment with respect to such a farm shall be withheld from the producer until such time as evidence is presented to the county committee which will satisfy the county committee that all workers have been paid in full the wages earned by them; or if unpaid workers cannot be located, and the county committee determines that the producer used reasonable diligence to locate such workers, the amounts of unpaid wages shall be deducted from the sugar Act payment computed for the farm and the balance released to the producer after the expiration of 1 year from the date payment would otherwise be made. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the claims control record for the total payment until the county committee determines that all workers on the farm have been paid in full, the producer refunds the entire amount of the debt, or a setoff in the amount of the debt is made from a program payment otherwise due the producer, or the county committee after determining that the producer used reasonable diligence to locate such workers has recovered from such producer the amount of unpaid wages computed for the farm.

§ 865.9 Checking compliance.

The procedure to be followed by county ASCS offices in checking compliance with the wage requirements of this part are set forth under the heading "Wage Rate Determinations" in Handbook 3–SU, issued by the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service. Handbook 3–SU may be inspected at local county ASCS offices, and copies may be obtained from the Texas State ASCS Office, USDA Building, College Station, TX 77840.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the harvesting of 1974-crop surgarcane in Texas as one of the conditions with which producers must comply to be eligible for payments under the act.

Requirements of the act and standards employed. Section 301(c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing, and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, (i.e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

Wage determination. This determination differs from the prior determination in that minimum hourly wage rates are increased by 30 cents per hour for all workers employed in the harvesting of 1974-crop sugarcane. The new minimum hourly rates are $2.75 per hour for tractor drivers and principal operators of mechanical harvesting and loading equipment, and $2.45 per hour for all other harvest workers.

Prior wage determinations have established minimum rates for harvesting of one year's crop and production and cultivation of the next year's crop. The powers vested in the Secretary under the Sugar Act will terminate on December 31, 1974, except that he will retain the power to make payments under Title III of the Act under programs applicable to the crop year 1974 and previous crop years. The Secretary has no power to make payments on the 1975 crop of sugarcane or establish minimum wages to be complied with during any phase of the production, cultivation or harvesting of that crop (including the harvesting of seed cane).

Therefore, this determination establishes no minimum wage rates for production or cultivation of the 1975 crop of sugarcane. The minimum wage rates established on October 15, 1973 (38 FR 28059) for workers employed in the production and cultivation of 1974-crop sugarcane (including cane harvested for seed) continue in effect for all 1974-crop production and cultivation work. All 1974-crop harvesting work (including any such work done after December 31, 1974) will be subject to the minimum wage rates set out in this determination. Any work performed with respect to the 1975 crop, whenever performed, is not subject to regulation under the Sugar Act. Other provisions of the prior determination continue unchanged.

A public hearing was held in McAllen, Texas, on July 18, 1974, at which interested persons were afforded the opportunity to testify on whether the wage rates established for Texas sugarcane fieldworkers in the wage determination which became effective on October 15, 1973, continue to be fair and reasonable under the circumstances, or whether such determination should be amended.

Testimony was presented at the hearing by representatives of both sugarcane producers and sugarcane fieldworkers. Producer representatives generally recommended no change in the present wage determination but, suggested that in establishing wage rates, the Department should consider the possibility of some catastrophe which could reduce yields of sugarcane in the Rio Grande Valley. Witnesses appearing on behalf of the fieldworkers recommended minimum hourly wage rates from $3.45 to $4.60 for principal machine operators and from $3.30 to $4.30 for all other workers, based on expected increased grower returns due to high sugar prices.

Consideration has been given to the testimony recommendations presented at the public hearing; to the expected yields, production, and profitability of the Texas sugar industry; and to other generally related standards normally considered in wage determinations, including the cost of living, and producers' ability to pay.

The wage rates established in the determination are identical to those recently announced for similar work in the Florida sugarcane industry. It has been the Department's intention that wage rates for Florida and Texas be on a par since production and price conditions are expected to be comparable in the two areas. Despite the freeze in December of 1973 which severely damaged the initial crop of sugarcane in Texas, producers still managed to harvest a substantial portion of the crop although yields suffered tremendously. Because of the high sugar prices prevailing during the marketing of the crop, growers' returns, per ton of cane, were greater than earlier estimated at the time the freeze occurred. Prospects for the 1974 Texas sugarcane crop appear very favorable at this time. The August issue of the Department's Crop Production report forecasts an indicated 28,000 acres for harvest and a yield of 37.0 tons of sugarcane per acre. Tonnage of sugarcane is estimated at slightly more than 1 million tons, an increase of about 63 percent from that harvested for the 1973 crop. With indicated favorable sugar prices, Texas producers should improve their overall profit position. Consequently, the wage increases in this determination are expected to be within the producers' ability to pay.

This determination will remain in effect for all 1974-crop harvest work unless and until amended, superseded, or terminated.

On the basis of an examination of all relevant factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This determination shall become effective on October 14, 1974.

Signed at Washington, D. C. on September 12, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74–21610 Filed 9–17–74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Avocados Regulation 16, Amendment 2]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Maturity Requirements

This amendment to Avocado Regulation 16 adds an alternative method of determining maturity requirements for Miguel variety of avocados. The addition of the minimum diameter requirement will facilitate the maturity determination of these avocados in that pickers will be able to "ring pick" instead of estimating the weight of the individual fruit.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the maturity requirements for the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amended regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and good cause

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exists for making the provisions hereof effective as hereinafter set forth. Shipments of Florida avocados are currently regulated pursuant to Avacado Regulation 16 (39 FR 20801; 30105) and, unless sooner modified or terminated, will continue to be so regulated until April 30, 1975. It is necessary, in order to effectuate the declared policy of the act, to make this amended regulation effective during the period and in the manner hereinafter set forth so as to provide for appropriate regulation of the handling of such avocados; compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof, and it relieves restrictions by permitting shipment of Miguel avocados if they reach specified minimum diameters at an earlier date than now provided.

Recent maturity studies on the Miguel variety have established minimum diameters alternate to the minimum weight indices of maturity, which were the only maturity indices available, heretofore. The minimum diameter requirement will facilitate the maturity determination of these avocados on the tree and will enable pickers to "ring pick," thus assisting pickers to avoid the harvesting of immature fruit.

Order. The provisions of paragraph (a) (2) of § 915.316 (Avacodo Regulation 16; 39 FR 20801; 30105) are amended by adding in Table I minimum diameters to the minimum weights applicable to the Miguel variety, so that after such changes the portion of Table I relating to the Miguel variety of avocados reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Miguel	8-5-74	22 oz., 3 11/16 in	8-19-74	20 oz., 3 12/16 in	9-2-74	18 oz., 3 10/16 in	9-16-74

(Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674)

Dated, Sept. 13, 1974, to become effective September 13, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21611 Filed 9-17-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-NW-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone; Correction

On August 15, 1974, FR Doc. 74-18748 was published in the FEDERAL REGISTER (39 FR 29340). This document altered the description of the Hillsboro, Oregon, Control Zone. A review of the document disclosed that the description of the Astoria, Oregon, Control Zone was printed in place of the description of the Hillsboro, Oregon, Control Zone. Action is taken herein to substitute the correct Control Zone description.

Since the change is editorial in nature and imposes no additional burden on any person; notice and public procedures hereon are unnecessary.

In view of the foregoing, FR Doc. 74-18748 (39 FR 29340) is corrected effective immediately, by deleting all after the signature block and substituting therefor the following:

"In § 71.171 (39 FR 354), the description of the Hillsboro, Oregon, Control Zone is amended to read:

HILLSBORO, OREGON

Within a 5-mile radius of Portland-Hillsboro Airport (Latitude 45°32'15"N, Longitude 122°56'46"W); within 2 miles each side of the Newberg VORTAC 007° radial, extending from the 5-mile radius area to 8 miles south of the airport; and within 2 miles each side of the 039° bearing from the airport, extending from the 5-mile radius area to 9.5 miles northeast of the airport. This control zone will be effective during the time established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Seattle, Wash., on September 9, 1974.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.74-21563 Filed 9-17-74;8:45 am]

[Airspace Docket No. 74-NW-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone; Correction

On August 15, 1974, FR Doc. 74-18747 was published in the FEDERAL REGISTER (39 FR 29341). This document altered the description of the Astoria, Oregon, control zone. A review of the document disclosed that the description of the control zone was omitted when the document was published.

Action is taken herein to add the description of the control zone.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedures hereon are unnecessary.

In view of the foregoing, FR Doc. 74-18747 (39 FR 29341) is corrected effective immediately by adding the following:

In § 71.171 (39 FR 354) the description of the Astoria, Oregon, control zone is amended to read:

ASTORIA, OREG.

Within a 5-mile radius of Clatsop County Airport, Astoria, Oreg. (Latitude 46°09'25" N., Longitude 123°52'38" W.), within 2 miles each side of the Astoria VOR 268° radial, extending from the 5-mile radius zone to 8 miles W of the VOR, and within 4.5 miles each side of the Astoria VOR 309° radial, extending from the 5-mile radius zone to 16 miles NW of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Seattle, Wash., on September 9, 1974.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.74-21562 Filed 9-17-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2522]

PART 13—PROHIBITED TRADE PRACTICES

Carnation Co., et al. and Erwin Wasey, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.20 *Comparative data or merits;* § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service;* 13.170-64 Nutritive. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 13.1685 *Nature;* § 13-1710 *Qualities or properties.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Carnation Co., et al., Los Angeles, Calif., Docket C-2522, July 15, 1974]

In the matter of Carnation Company, a Corporation, Erwin Wasey, Inc., a Corporation

Consent order requiring a Los Angeles, Calif., seller and distributor or Carnation Instant Chocolate Flavored Nonfat Dry Milk and its Los Angeles, Calif., advertising agency, among other things to cease misrepresenting and falsely advertising that its product is the nutritional equivalent of milk or reconstituted nonfat dry milk. Further, respondents are required for a one-year period to clearly disclose in all advertising for such a product that it is not equivalent nutritionally to milk or reconstituted non-fat dry milk.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered That respondent Carnation Company, a corporation, and respondent Erwin Wasey, Inc., a corporation, and their successors and assigns and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of the product designated as Carnation Instant Chocolate Flavored Nonfat Dry Milk, or any other product of similar composition or possessing substantially similar properties, do forthwith cease and desist from directly or indirectly:

1. Disseminating, or causing the dissemination of any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which represents directly or by implication that any such product is the nutritional equivalent of milk or of reconstituted non-fat dry milk, through the use of the name Carnation Instant Chocolate Flavored Nonfat Dry Milk or otherwise.

2. Disseminating, or causing the dissemination of any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any representation prohibited by Paragraph 1 hereof.

It is further ordered That respondents Carnation Company and Erwin Wasey, Inc. shall forthwith cease and desist, for a period of one (1) year from the date this Order becomes final, from disseminating any advertisement in commerce, as "commerce" is defined in the Federal Trade Commission Act, for any product subject to this Order, unless such advertisement contains a clear and conspicuous disclosure that such product is not the nutritional equivalent of non-fat milk, except that no such disclosure shall be required in any advertisement that promotes the use of any such product as a substitute for non-milk beverages. *Provided, however,* That the aforesaid disclosure shall be required in any advertisement that states or represents that any product subject to this order contains, or is made with, non-fat dry milk.

It is further ordered That respondents shall forthwith distribute a copy of this Order to each of their operating divisions.

It is further ordered That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution assignment, or sale resulting in the emergence of successor corporations, the creation or dissolution of subsidiaries or any other changes in the corporations which may affect compliance obligations arising out of the order.

[1] Copies of the complaint and decision and order filed with original document.

It is further ordered That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission July 15, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-21588 Filed 9-17-74;8:45 am]

[Docket No. C-2518]

PART 13—PROHIBITED TRADE PRACTICES

International Paper Co.

Subpart—Combining or conspiring: § 13.400 *To discriminate or stabilize prices through basing point or delivered price systems;* § 13.431 *To exchange future price information.* Subpart—Selling and quoting, on systematic price matching bases: § 13.2190 *Basing point and delivered price systems.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, International Paper Company, New York, N.Y., Docket C-2518, July 1, 1974]

In the matter of International Paper Company, a corporation

Consent order requiring a New York City manufacturer of softwood plywood, among other things to cease using a basing point system of pricing; requiring firm give customers the option of paying f.o.b. prices on picked-up purchases for a 10-year period; disclose the amount of actual freight on customers' invoices covering shipments sold on a delivered price basis; and requiring that in quoting prices the company base estimated weights upon actual experience determined by representative sampling or by other reasonable methods.

The pertinent portions of the Decision and Order, including further order requiring report of compliance therewith, is as follows: [1]

The order shall not become effective until thirty (30) days after the Commission enters final orders to cease and desist, resulting from litigation or consent, against Boise Cascade Corporation, Champion International Corporation, Georgia-Pacific Corporation, Weyerhaeuser Company and Willamette Industries, Inc. An order shall be considered final either by operation of law or by failure of any of the above companies to seek court review, or if court review is had as to said companies, at such time as court review is final as to all said companies. In the event the Commission obtains a final order to cease and desist, or if the Commission or any court enters an order to dismiss the complaint against any of the companies named above, International Paper Company shall for a period of thirty (30) days thereafter have the option to accept such order or dismissal in lieu of the order contained in this consent agreement.

ORDER

I. Definitions. "Softwood plywood"—material consisting of sheets of softwood glued or cemented together with the grains of adjacent layers arranged at right angles or at a wide angle usually being made of uniformly thin veneer sheets on either side of a thicker central layer.

"Softwood lumber"—softwood cut at sawmills into various sizes and shapes from coniferous wood trees.

"Particleboard"—wood panel products made from wood particles mixed with a synthetic resin or other binder and formed by heat and pressure.

"Basing point system"—a method of pricing or price computation for products produced by respondent or on hand at respondent's mill or distribution point by which that respondent quotes a delivered price computed in whole or in part on a systematic basis upon freight charges from a location or locations which are geographically different from the actual point of shipment to the customer, or computed in whole or in part upon a mode of transportation which differs from the mode actually used.

"f.o.b. price"—a price set for purchases by the customer at the distribution point or originating mill which is not based in whole or in part on a basing point system of pricing, and which does not systematically vary according to the location of the customer. An f.o.b. price shall mean a price determined for, but not necessarily different for, each mill and distribution point operated by respondent. It shall not be set at an artificial level for the purpose of affecting purchases at the mill or distribution point at an f.o.b. price.

"Actual freight charge"—freight charges determined by distance, carrier rates, and respondent's estimated weights developed in accordance with the standards set forth in Paragraph III.

II. *It is ordered* That respondent, International Paper Company, a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or indirectly, through any corporate or other device in connection with the sale and distribution of particle board and softwood lumber and softwood plywood in "commerce," as "commerce" is defined in the Federal Trade Commission, Act, shall within sixty (60) days from the date of entry hereof:

1. Cease and desist from engaging individually, or in combination with competitors, in establishing, maintaining or using a basing point system of pricing.

2. For a period of ten (10) years, give customers the option of receiving a quotation and purchasing at f.o.b. prices in quantities of at least a truckload (approximately 40,000 lbs.) of the products covered by this order produced by respondent or on hand at respondent's mill or distribution point when the customer furnishes its own or arranges transporta-

[1] Copies of the complaint and decision and order filed with original document.

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tion compatible with respondent's facilities and complies with reasonable loading schedules and procedures of respondent. Additional cost attributable to customer pickup may be passed on to customers making pickup in the form of a surcharge above the f.o.b. price.

3. For a period of ten (10) years, state on invoices to customers for truckload or carload shipments by common or contract carrier sold on a delivered price basis the amount of actual freight charge to customers, the common or contract carrier rates from the place of shipment, the specified estimated weights if and when used, and the f.o.b. price.

III. *It is further ordered*, That respondent does within one hundred twenty (120) days cease and desist from adopting or maintaining estimated weights as a basis for calculating freight charges in quoting delivered prices on softwood plywood when such estimates are not based upon the experience of actual weights of softwood plywood produced by the respondent individually. Such experience shall be accumulated and updated by representative sampling or by other reasonable methods at least once a year for five (5) years.

IV. *It is further ordered*, That respondent shall cease and desist from directly or indirectly communicating, relaying or reporting to any manufacturer of softwood plywood, softwood lumber, or particleboard, information relating to prices, terms or conditions of sale (including transportation rates, charges or routing information) at which these products are sold or may be sold, except in connection with a bona fide sale to, or purchase from, such manufacturer or in connection with negotiations related thereto.

V. Nothing contained in this order shall be interpreted as prohibiting respondent, when acting individually, (1) from granting allowances to meet lower prices of competitors, (2) from absorbing all or any part of actual freight charges on shipment to any geographic area, (3) from charging the same delivered price to all customers within the normal area for delivery by a distribution point or mill when delivered by respondent's vehicles, or (4) from making otherwise legal communications to governmental bodies and trade or news publications.

VI. *It is further ordered*, That respondent shall notify all persons having sales and policy responsibilities in its organization of the terms of the order and publish same in at least two major trade journals or periodicals twice annually for each of two years from the date of this order.

VII. *It is further ordered*, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of the order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or the creation or dissolution of subsidiaries.

VIII. *It is further ordered*, That within sixty (60) days from the date of service of this order, and on a periodic basis thereafter, the respondent shall submit, in writing, to the Federal Trade Commission a report setting forth in detail the manner and form in which respondent is meeting its compliance obligations.

Decision and order issued by the Commission July 1, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-21587 Filed 9-17-74;8:45 am]

[Docket No. C-2519]

PART 13—PROHIBITED TRADE PRACTICES

Vancouver Plywood Co., Inc.

Subpart—Combining or conspiring: § 13.400 *To discriminate or stabilize prices through basing point or delivered price systems;* § 13.431 *To exchange future price information.* Subpart—Selling and quoting, on systematic price matching bases: § 13.2190 *Basing point and delivered price systems.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Vancouver Plywood Co., Inc., Florien, La., Docket C-2519, July 1, 1974]

In the matter of Vancouver Plywood Co., Inc., a corporation

Consent order requiring a Florien, La., manufacturer of softwood plywood, among other things to cease using a basing point system of pricing; requiring firm give customers the option of paying f.o.b. prices on picked-up purchases for a 10-year period; disclose the amount of actual freight on customers' invoices covering shipments sold on a delivered price basis; and requiring that in quoting prices the company base estimated weights upon actual experience determined by representative sampling or by other reasonable methods.

The pertinent portions of the Decision and Order, including further order requiring report of compliance therewith, is as follows: [1]

The order shall not become effective until thirty (30) days after the Commission enters final orders to cease and desist, resulting from litigation or consent, against Boise Cascade Corporation, Champion International Corporation, Georgia-Pacific Corporation, Weyerhaeuser Company and Willamette Industries, Inc. An order shall be considered final either by operation of law or by failure of any of the above companies to seek court review, or if court review is had as to said companies, at such time as court review is final as to all said companies. In the event the Commission obtains a final order to cease and desist, or if the Commission or any court enters an order to dismiss the complaint against any of the companies named above, Vancouver Plywood Co., Inc., shall for a period of thirty (30) days thereafter have the option to accept such order or dismissal in lieu of the order contained in this consent agreement.

ORDER

I. *Definitions.* "Softwood plywood"—material consisting of sheets of softwood glued or cemented together with the grains of adjacent layers arranged at right angles or at a wide angle usually being made of uniformly thin veneer sheets on either side of a thicker central layer.

"Softwood lumber"—softwood cut at sawmills into various sizes and shapes from coniferous wood trees.

"Basing point system"—a method of pricing or price computation for products produced by respondent or on had at respondent's mill or distribution point by which that respondent quotes a delivered price computed in whole or in part on a systematic basis upon freight charges from a location or locations which are geographically different from the actual point of shipment to the customer, or computed in whole or in part upon a mode of transportation which differs from the mode actually used.

"f.o.b. price"—a price set for purchases by the customer at the distribution point or originating mill which is not based in whole or in part on a basing point system of pricing, and which does not systematically vary according to the location of the customer. An f.o.b. price shall mean a price determined for, but not necessarily different for, each mill and distribution point operated by respondent. It shall not be set at an artificial level for the purpose of affecting purchases at the mill or distribution point at an f.o.b. price.

"Actual freight charge"—freight charges determined by distance, carrier rates, and respondent's estimated weights developed in accordance with the standards set forth in paragraph III.

II. *It is ordered*, That respondent, Vancouver Plywood Co., Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or indirectly, through any corporate or other device in connection with the sale and distribution of softwood lumber and softwood plywood in "commerce," as "commerce" is defined in the Federal Trade Commission Act, shall within sixty (60) days from the date of entry hereof:

1. Cease and desist from engaging individually, or in combination with competitors, in establishing, maintaining or using a basing point system of pricing.

2. For a period of ten (10) years, give customers the option of receiving a quotation and purchasing at f.o.b. prices in quantities of at least a truckload (approximately 40,000 lbs.) of the products covered by this order produced by respondent or on hand at respondent's mill or distribution point when the customer furnishes its own or arranges transportation compatible with respondent's facilities and complies with reasonable loading schedules and procedures of respondent. Additional cost attributable to customer pickup may be passed on to customers making pickup in the form of a surcharge above the f.o.b. price.

3. For a period of ten (10) years, state on invoices to customers for truckload or carload shipments by common or contract carrier sold on a delivered price basis the amount of actual freight charge to customers, the common or contract carrier rates from the place of shipment, the specified estimated weights if and when used, and the f.o.b. price.

III. *It is further ordered*, That respondent does within one hundred twenty (120) days cease and desist from adopting or maintaining estimated weights as a basis for calculating freight charges in quoting delivered prices on softwood plywood when such estimates are not based upon the experience of actual weights of softwood plywood produced by the respondent individually. Such experience shall be accumulated and updated by representative sampling or by other reasonable methods at least once a year for five (5) years.

IV. *It is further ordered*, That respondent shall cease and desist from directly or indirectly communicating, relaying or reporting to any manufacturer of softwood plywood or softwood lumber, information relating to prices, terms or conditions of sale (including transportation rates, charges or routing information) at which these products are sold or may be sold, except in connection with a bona fide sale to, or purchase from, such manufacturer or in connection with negotiations related thereto.

V. Nothing contained in this order shall be interpreted as prohibiting respondent, when acting individually, 1) from granting allowances to meet lower prices of competitors, 2) from absorbing all or any part of actual freight charges on shipment to any geographic area, 3) from charging the same delivered price to all customers within the normal area for delivery by a distribution point or mill when delivered by respondent's vehicles, or 4) from making otherwise legal communications to governmental bodies and trade or news publications.

VI. *It is further ordered*, That respondent shall notify all persons having sales and policy responsibilities in its organization of the terms of the order and publish same in at least two major trade journals or periodicals twice annually for each of two years from the date of this order.

VII. *It is further ordered*, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent which may affect compliance obligations arising out of the order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or the creation or dissolution of subsidiaries.

VIII. *It is further ordered*, That within sixty (60) days from the date of service of this order, and on a periodic basis thereafter, the respondent shall submit, in writing, to the Federal Trade Commission a report setting forth in detail the manner and form in which respondent is meeting its compliance obligations.

Decision and order issued by the Commission July 1, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-21589 Filed 9-17-74;8:45 am]

[1] Copies of the complaint and decision and order filed with original document.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

Antioxidants and/or Stabilizers for Polymers

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 4B2968), filed by the B. F. Goodrich Co., 500 Main St., Akron, OH 44318, and other relevant material, concludes that § 121.2566 of the food additive regulations should be amended to broaden the provision for safe use of 1,3,5-tris(3,5-di-*tert*-butyl-4-hydroxybenzyl)-*s*-triazine-2,4,6(1*H*,3*H*,5*H*)-trione as an antioxidant and/or stabilizer in the manufacture of polyethylene for use in articles intended to contact nonfatty foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1788; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by revising use No. 2 in the limitations column for the item "1,3,5,-Tris(3,5-di-*tert*-butyl-4-hydroxybenzyl)-*s*-triazine - 2,4,6 (1*H*,3*H*,5*H*)-trione" to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

(b) List of substances:	Limitations
1,3,5 - Tris(3,5 - di - *tert* - butyl - 4 - hydroxybenzyl) - *s*-triazine-2,4,6(1*H*,3*H*,5*H*)-trione.	For use only: 2. In polyethylene complying with § 121.2501: (a) At levels not to exceed 0.1 weight percent. (b) At levels not to exceed 0.5 weight percent in contact with nonfatty food.

Any person who will be adversely affected by the foregoing order may at any time on or before October 18, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective September 18, 1974.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1).)

Dated: September 11, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-21541 Filed 9-17-74;8:45 am]

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Oxytetracycline Hydrochloride

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (8-769V) filed by Pfizer, Inc., 235 E. 42d St., New York, NY 10017, proposing revised labeling for safe and effective use of oxytetracycline hydrochloride injection for the treatment of cattle, swine, and poultry. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended in § 135b.65 by adding a new paragraph (d) as follows:

§ 135b.65 Oxytetracycline hydrochloride injection.

(d)(1) *Specifications.* The drug contains 50 milligrams of oxytetracycline hydrochloride in each milliliter of sterile solution.

(2) *Sponsor.* See code No. 030 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) In beef cattle and non-lactating dairy cattle as follows:

(*a*) It is used for the treatment of pneumonia and shipping fever complex associated with *Pasteurella spp.* and *Hemophilus spp;* foot-rot and diphtheria

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caused by *Spherophorus necrophorus;* bacterial enteritis (scours) caused by *Escherichia coli;* wooden tongue caused by *Actinobacillus lignieresi;* leptospirosis caused by *Leptospira pomona;* wound infections and acute metritis caused by staphylococcal and streptococcal organisms.

(b) **Administer by intravenous or intramuscular injection at 3 to 5 milligrams** of oxytetracycline per pound of body weight per day. In the treatment of severe foot-rot and severe forms of the indicated diseases, a dosage level of 5 milligrams per pound of body weight per day is recommended.

(c) If the labeling of the drug bears the statement "Federal law restricts this drug to use by or on the order of a licensed veterinarian", it may include additional directions for use in beef cattle and non-lactating dairy cattle for the treatment of anaplasmosis caused by *Anaplasma marginale,* and anthrax caused by Bacillus anthracis in which case the drug is given at 3 to 5 milligrams of oxytetracycline per pound of body weight per day for anthrax, and at 5 milligrams per pound of body weight per day for anaplasmosis.

(ii) In swine as follows:

(a) It is used for the treatment of bacterial enteritis (scours, colibacillosis) caused by *Escherichia coli;* pneumonia caused by *Pacteurella multocida;* and leptospirosis caused by *Leptospira pomona.* Administered to sows as an aid in the control of infectious enteritis (baby pig scours, colibacillosis) in suckling pigs caused by *Escherichia coli.*

(b) **Administer by intramuscular injection at 3 to 5 milligrams** of oxytetracycline per pound of body weight per day to swine. Administered to sows at 3 milligrams of oxytetracycline per pound of body weight approximately 8 hours before farrowing or immediately after farrowing.

(iii) In poultry (broilers, turkeys, and breeding chickens) as follows:

(a) It is used for the treatment of air sacculitis (air-sac disease, chronic respiratory disease) caused by *Mycoplasma gallisepticum* and *Escherichia coli;* fowl cholera caused by *Pasteurella multocida;* infectious sinusitis caused by *Mycoplasma gallisepticum;* and infectious synovitis caused by *Mycoplasma synoviae.*

(b) Administered subcutaneously to chickens 1 day to 2 weeks of age at 6.25 milligrams of oxytetracycline per bird per day diluted with 1 part of the drug to 3 parts of sterile water; to chickens 2 to 4 weeks of age using the same diluted product at 12.5 milligrams of oxytetracycline per bird; to chickens 4 to 8 weeks of age without dilution at 25 milligrams of oxytetracycline per bird; to chickens 8 weeks of age (broilers and light pullets) at 50 milligrams of oxytetracycline per bird; to adult chickens at 100 milligrams of oxytetracycline per bird.

(c) Administered subcutaneously to turkeys 1 day to 2 weeks of age and 2 to 4 weeks of age at the same dosage as chickens; to turkeys 4 to 6 weeks of age at 50 milligrams of oxytetracycline as the undiluted product per bird; to turkeys 6 to 9 weeks of age at 100 milligrams of oxytetracycline per bird; to turkeys 9 to 12 weeks of age at 150 milligrams of oxytetracycline per bird; to turkeys 12 weeks of age and older at 200 milligrams of oxytetracycline per bird. In light turkey breeds, no more than 25 milligrams per pound of body weight is administered. For the treatment of infectious sinusitis in turkeys, ¼ to ½ milliliter of the drug is injected directly into each swollen sinus depending upon the age of the bird and the severity of the condition. At the time that the sinuses are treated, the drug should also be administered subcutaneously to the birds according to the dosage schedule given in paragraph (d) (3) (iii) (c) of this section. If refilling of the sinuses occurs, the treatment may be repeated in 5 to 7 days.

(iv) Treatment of all diseases should be instituted early. Treatment should continue for 24 to 48 hours beyond the remission of disease symptoms, but not exceed a total of 4 consecutive days. If no improvement is noted within 24 to 48 hours, diagnosis and therapy should be reevaluated.

(v) When injecting intramuscularly in adult livestock, do not inject more than 10 milliliters at any one site. The volume administered per injection site should be reduced according to age and body size so that 1 to 2 milliliters are injected in smaller animals such as small calves and young pigs. Intravenous administration is recommended in cattle when daily dosage exceeds 50 milliliters.

(vi) Treatment must be discontinued at least 5 days prior to slaughter for chickens and turkeys and at least 22 days prior to slaughter for cattle and swine. When administered intramuscularly to animals within 30 days of slaughter, muscle discoloration may necessitate trimming of the injection site(s) and surrounding tissues during the dressing procedure.

(vii) Not for use in lactating dairy animals. Do not administer to laying hens unless the eggs are used for hatching only.

Effective date. This order shall be effective September 18, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: September 11, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-21542 Filed 9-17-74;8:45 am]

SUBCHAPTER J—RADIOLOGICAL HEALTH

PART 1000—GENERAL

Assembly and Reassembly of Diagnostic X-ray Systems; Correction

In FR Doc. 74-17220 appearing at page 27432 in the FEDERAL REGISTER of Monday, July 29, 1974, in the first sentence of paragraph (a) (4) of § 1000.16 *Assembly and reassembly of diagnostic X-ray systems,* the reference "paragraph (c)" is changed to read "paragraph (d)."

Dated: September 11, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-21544 Filed 9-17-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-267]

PART 275—LOW RENT PUBLIC HOUSING

Prototype Cost Limits for Public Housing

In the FEDERAL REGISTER issued for Friday, May 17, 1974 (39 FR 17678) prototype per unit cost schedules were published pursuant to section 15(5) of the U.S. Housing Act of 1937. Consideration of subsequent factual project cost data and other information received from the Des Moines Insuring Office indicates that the prototype costs for Mason City, Iowa, published May 17, 1974, should be revised as set forth below in the table entitled Prototype Per Unit Cost Schedule.

The change in schedule will be effective September 18, 1974. Timely written comments will be considered in preparing revisions to cost limits for individual areas. Comments with respect to cost limits for a given location may be filed with the appropriate HUD Area Office. The offices were listed in our publication of May 17, 1974.

Accordingly, amend the appendix to 24 CFR Part 275 as follows:

1. On page 17724 of the issue for Friday, May 17, 1974, delete the existing costs for Mason City, Iowa and substitute in lieu thereof the revised prototype per unit costs shown on the table set forth hereinafter entitled Prototype Per Unit Cost Schedule. (Sec. 7(d) of Department of HUD Act, 42 U.S.C. 3535(d)).

Effective date: This amendment is effective September 18, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner.

APPENDIX.—*Prototype per unit cost schedule*

Region VII

	Number of bedrooms						
	0	1	2	3	4	5	6
Mason City, Iowa:							
Detached and semidetached	10,550	12,700	15,700	18,650	22,500	25,000	26,150
Row dwellings	10,100	12,150	14,950	17,800	21,400	23,850	24,900
Walk-up	8,900	11,050	14,050	17,300	20,000	21,150	22,200
Elevator-structure	14,400	16,750	21,200				

[FR Doc.74-21485 Filed 9-17-74;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-361]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Colorado	Weld	Unincorporated areas	Sept. 16, 1974, Emergency			
Florida	Palm Beach	South Palm Beach, town of	do	Jan. 16, 1974		
Pennsylvania	York	Carroll, township of	do			
Do.	Butler	Cranberry, township of	do			
Do.	Jefferson	Henderson, township of	do			
Do.	Centre	Walker, township of	do			
Virginia	Southampton	Unincorporated areas	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: September 9, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-21449 Filed 9-17-74;8:45 am]

[Docket No. FI-362]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
California	Orange	Westminster, city of	Sept. 6, 1974, Emergency	June 14, 1974		
Do.	Santa Clara	Los Altos, city of	do	June 7, 1974		
Illinois	Du Page	Darien, city of	do			
Maryland	Talbot	Unincorporated areas	do			
Massachusetts	Middlesex	Belmont, town of	do	July 26, 1974		
Do.	Hampden	Hampden, town of	do	June 21, 1974		
Mississippi	Itawamba	Fulton, city of	do	Jan. 16, 1974		
Missouri	Clay	Mosby, city of	do			
Do.	do	Claycomo, village of	do	Jan. 25, 1974		
Do.	St. Louis	Pine Lawn, city of	do	Apr. 5, 1974		
New Jersey	Ocean	Island Heights, borough of	do	July 19, 1974		
New York	Erie	Grand Island, town of	do	Aug. 2, 1974		
Nebraska	Hall	Wood River, city of	do	May 31, 1974		
Ohio	Huron	Norwalk, city of	do	Nov. 23, 1973		
Pennsylvania	Columbia	Milliville, borough of	do			
Do.	York	Windsor, township of	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: September 6, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-21450 Filed 9-17-74;8:45 am]

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 258-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Enforcement Policies

Subpart A of 40 CFR Part 52 sets forth general provisions relating to the approval and promulgation of state implementation plans under the Clean Air Act by the Environmental Protection Agency (EPA). Following a recent review of these provisions, the Administrator has concluded that it would be helpful to amend them in certain respects in order to clarify EPA's policy and its interpretation of the law on certain points relating to plan enforcement. Accordingly, the following amendments are being promulgated:

(1) 40 CFR 52.02(d) is being amended to make clear that permit conditions and permit denials issued pursuant to approved or promulgated procedures for the review of stationary and indirect sources are enforceable as plan requirements.

(2) 40 CFR 52.23 is being amended to make clear (a) that a violation of a regulation which is part of an approved implementation plan is subject to federal enforcement to the same extent as a violation of a federally-promulgated regulation; and (b) that stationary and indirect source permit conditions and denials are federally enforceable.

Since the foregoing amendments are interpretative in nature and merely clarify EPA's intent and policy, the Administrator for good cause finds that it is unnecessary to subject them to the notice and public comment procedures of the Administrative Procedure Act. For the same reason, the Administrator finds good cause for making the amendments effective immediately upon publication.

(42 U.S.C. 1857g(a))

Dated: September 12, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 52.02, paragraph (d) is hereby revised to read as follows:

§ 52.02 Introduction.

. . . . . .

(d) All approved regulatory provisions of each plan are incorporated by reference in this part. Regulatory provisions of a plan approved or promulgated by the Administrator, and all permit conditions or permit denials issued pursuant to approved or promulgated regulations for the review of new or modified stationary or indirect sources, are enforceable by the Administrator and the State, and by local agencies in accordance with their assigned responsibilities under the plan.

. . . . . .

2. Section 52.23 is hereby revised to read as follows:

§ 52.23 Violation and Enforcement.

Failure to comply with any provisions of this part, or with any approved regulatory provision of a state implementation plan, or with any permit condition or permit denial issued pursuant to approved or promulgated regulations for the review of new or modified stationary or indirect sources, shall render the person or governmental entity so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under section 113 of the Clean Air Act. With regard to compliance schedules, a person or Governmental entity will be considered to have failed to comply with the requirements of this part if it fails to timely submit any required compliance schedule, if the compliance schedule when submitted does not contain each of the elements it is required to contain, or if the person or Governmental entity fails to comply with such schedule.

[FR Doc 74-21628 Filed 9-17-74;8:45 am]

[FRL 260-8]

PART 169—BOOKS AND RECORDS OF PESTICIDE PRODUCTION AND DISTRIBUTION

On October 25, 1973, notice was published in the FEDERAL REGISTER (38 FR 29481) proposing regulations for the maintenance and inspection of books and records of pesticide production and distribution pursuant to sections 8 and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (7 U.S.C. 136f, 136w(a)).

Section 8(a) of the Act provides that "[the] Administrator may prescribe regulations requiring producers to maintain such records with respect to their operations and the pesticides and devices produced as he determines are necessary for the effective enforcement of the [the] Act." The regulations, as proposed, set forth the scope and types of books and records required to be maintained by producers of pesticides and devices, the periods of time that such books and records are to be retained, and the procedures to be followed in the inspection of such books and records.

Written comments on the proposed regulations were invited and received from interested parties. All of the comments have been reviewed and are on file with the Agency. Certain of these comments have been incorporated into the revised regulations in an effort to balance the Agency's requirements against the need to protect legitimate trade secrets of the individual businessman and the burden of imposing upon pesticide producers major changes or additions to current record-keeping practices. Accordingly, the Agency has deleted certain requirements as unnecessary for the effective enforcement of the Act, has generally reduced the time periods for which records must be kept, and has clarified certain ambiguities which had caused concern. Comments, modifications, and policy issues are described below.

COMMENTS AND REVISIONS

1. *Maintenance of books and records—§ 169.2.* A large number of comments asserted that the scope of the required records exceeded the Agency's statutory authority under section 3(a) of the Act. These comments took the position that EPA's authority to require the maintenance of records extends only to those records which are specifically mentioned under section 8(b). In the context of this argument, it is the Agency's view that section 8(b) addresses both different parties and different purposes than section 8(a) and is therefore irrelevant in determining the scope of records which may be required under section 8(a). The clear language of the statute under section 8(a) grants the Administrator such authority to require books and records as "* * * he determines are necessary for the effective enforcement of the Act."

Comments on behalf of those regulated took the position that "effective enforcement" should be given a relatively narrow construction, presumably limited to such matters as label violations or formulation variations. The Agency interprets the words "for effective enforcement of the Act" as referring to enforcement of all the provisions of the Act, including provisions containing prohibitions against failing to register a pesticide, making unlawful claims for a registered pesticide, distributing or selling a registered pesticide the composition of which differs from that described in the registration applications, violating regulations prescribing coloring or discoloring requirements, adulterating or misbranding pesticides or misbranding devices, furnishing false guaranties, advertising a pesticide without designating its restricted use classification, distributing, selling or using pesticides subject to stop sale, use or removal orders, failing to register an establishment for the production of pesticides or devices, falsifying records required to be maintained, failing to file required reports, failing to disclose any factual information concerning unreasonable adverse effects on the environment, adding or taking substances from pesticides in a manner inconsistent with the Act, testing pesticides on human beings without their informed and voluntary consent, and disposing or storing pesticides and their packages and containers without complying with requirements of the Act.

As promulgated the regulations do not include certain requirements which although useful are not absolutely necessary to the Agency. In attempting to narrow its focus, the Agency has determined to impose only such record-keeping requirements as are essential to current enforcement responsibilities. For example, the Agency has deleted § 169.4(b)(2) requiring distributors to keep records of sales of pesticides classified for restricted use. Likewise, records relating to disposal under revised § 169.2(i) have been pared to include only those products with label instructions for disposal. When regulations governing classification of products, certification of applicators, and disposal become effective, the need for record-keeping in connection with the new regulations will be reviewed.

Several parties commented that many of the required records would be duplicative of other statutory requirements for submitting annual or other reports (sections 3, 6, and 7). However, the Agency contends that although the records required under Section 8 may be in part duplicative, such records are indispensable in enabling the Agency to verify the accuracy of information submitted in these required reports. The Agency takes the further position with reference to this argument that records required under section 8 do not represent isolated implementation of one section of the Act alone but rather are related to all other sections of the Act which may depend upon record-keeping for their necessary implementation.

Most of the required records (those pertaining to production, shipment, inventory, batch identification and quantity) will enable the Agency to identify, track and isolate violative batches or shipments of pesticides. In this way, the effectiveness of EPA stop sale, use, or removal orders and seizures pursuant to section 13 of the Act, in addition to recalls, will be greatly enhanced, while the producer and the Agency will be spared actions against non-violative shipments. Records showing brand names and quantities of devices produced will enable enforcement of section 12(a)(1)(F) of the Act which proscribes the sale of "any device which is misbranded."

A second type of record-keeping requirement (disposal, pesticide tests on humans, adverse effects, and research data) pertains largely to human health and environmental effects of pesticide products. Such information is essential to Agency efforts to identify areas of possible future harm to man and the environment for purposes of possible cancellation or other enforcement action.

Section 19 of the Act provides that pesticides shall be disposed of in accordance with regulations promulgated by the Administrator. On this basis, a number of comments suggested that the Agency's intention to require producers to maintain records of the disposal of excess pesticides or pesticide containers was not within the scope of section 8. However, as noted at the outset, it is the Agency's view that section 8 permits requirement of any record "necessary for the effective enforcement of [the] Act." This must necessarily include records of disposal of excess pesticides and used containers which pose not only a potential short-range danger to the environment, but also potential long-term hazards including contamination of drinking water and future building sites. Such records are deemed essential to the effective enforcement of section 19 and the regulations promulgated thereunder.

Although the basic requirement has been retained, the regulation has been somewhat revised in line with certain comments received, including those addressed to the difficulty and impracticability of keeping records on the numbers of containers disposed of or the dates of disposal.

The regulations now require information on the method, date, types and amounts of pesticides disposed of by the producer or his contractor and, in the case of used containers accumulated during production, the method, dates and disposal sites. With regard to container disposal the Agency will consider satisfactory a general statement attested to by a responsible firm official regarding disposal methods and sites with specific records only for deviations from the described practices. The requirement to maintain records of disposal of pesticides extends only to those products whose labels bear disposal instructions and to any other products specified under any regulations promulgated pursuant to section 19.

Section 12(a)(2)(P) makes it unlawful to use any pesticide on human beings except under certain conditions. Records of pesticide tests on human beings will allow the Agency to assure compliance with the statutory requirements.

Section 6(a)(2) requires the registrant to furnish any factual information coming to his attention regarding unreasonable adverse effects on the environment. Records of actual events which have occurred with respect to a registered pesticide, including research data, will ensure compliance with section 6(a)(2) and will enable the Agency to broaden its surveillance capability in monitoring potential unreasonable adverse effects on the environment and in making determinations with respect to registration classification changes, suspension or cancellation of a registered product pursuant to section 6(b) of the Act.

Among the more specific comments received was the concern that the Agency was exceeding its authority by requiring producers to keep copies of all domestic advertising of restricted use pesticides for which the producer is responsible, including any radio and television scripts. Still others contended that advertising is the responsibility of the FTC, not EPA. However, section 12(a)(2)(E) of the Federal Insecticide, Fungicide, and Rodenticide Act establishes the Agency's authority over the advertising of restricted use pesticides. Section 12(a)(2)(E) provides that it is an unlawful act for a registrant to advertise a product registered for a restricted use without giving the classification assigned to it. Records of domestic advertising of restricted use pesticides will enable the Agency to effectively monitor advertising of such pesticides. Such records will also establish the producer's responsibility for advertising claims for his products. Accordingly the requirement was maintained. In connection with this same requirement, comments were received objecting to the provision requiring producers to keep on file copies of all current labels and labeling. The requirement was considered to be within the scope of the Agency's authority. However, since the Agency has copies of labels and labeling on file with data submitted for registration, and can inspect labels on products released for shipment at the producer's establishment, the provision was deemed to be unnecessary for enforcement purposes.

In a related area, section 12(a)(2)(C) makes it an unlawful act to give a false guaranty for a pesticide. Section 12(b)(1) provides an exemption for such violation to any person holding a guaranty signed by the seller. Records of guaranties will enable the Agency to determine whether a producer has given a guaranty which is false in any particular. Then, liability can be established for violations of the Act where one party has acted in reliance on the guaranty of another.

Section 17(a) of the Act exempts from the provisions of the Act pesticides or devices intended solely for export and prepared or packed according to the specifications or directions of the foreign purchaser. Records of the specifications or directions will enable the Agency to determine which pesticides or devices are actually intended for export and are not subject to the provisions of the Act for purposes of enforcement under section 12.

The Agency also received comments and questions with respect to whether these requirements apply to foreign producers who plan to import pesticides into the United States. Since pesticides imported for sale in the United States are subject to the provisions of the Act, the law requires that the demands on foreign pesticide producers should be no less than those for domestic producers. Accordingly, foreign producers are expected to keep books and records on those products which are for importation into the United States.

2. *Retention and disposition of books and records—§ 169.3.* A general concern of industry with regard to record-keeping and retention requirements focused on the economic implications of such obligations. It has been alleged that promulgation of the regulations as proposed would mean that numerous records, in addition to those already kept by producers, would be required and that a special set of records for the exclusive use of EPA would have to be maintained. Further, producers have complained of the burden of retaining records over time, especially the long-term retention required for records dealing with disposal, adverse environmental effects and human testing.

The Agency has carefully evaluated these comments. Inquiries indicate that as a general matter such records as are specified in section 169.2, as revised, are already kept by most producers. Moreover, no producer will be required to keep a duplicate set of records for purposes of furnishing information to EPA. To the extent information required to be maintained by the regulations is kept in company records presently maintained as part of business operations, no change

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will be necessary. The maintenance of such records is to be done in accordance with the producer's current record-keeping practices. Inspection of records will be sought only at "reasonable times" or when the producer is ordinarily open for business. In the case of those producers using centralized or computerized record-keeping systems, no change in their operations is required by these regulations. Such producers shall be required to retrieve such records upon EPA request, within the same time frames necessary to obtain such information in the course of their own business operations.

As stated above, in view of the fact that most producers already keep most of the records required by the regulations, together with the stated policy of reasonableness in making inspection demands, the Agency has concluded that the record-keeping requirements under Section 8 do not pose an undue financial burden on responsible producers.

Underlying the basic requirement that books and records be maintained is the assumption that such records be retained for periods of time sufficient to make them of some practical use. The time periods in the revised regulations reflect an effort to balance the need for maintaining certain records over time against the burden of retention and storage.

For numerous production and shipment data, the Agency has determined that a two-year retention period (as opposed to a five-year specification in the proposed regulations) is adequate to permit inspection, sampling and determinations of violations.

Records dealing with disposal of pesticides, together with records detailing any pesticide tests conducted on humans, are still required to be retained for twenty years. As pointed out in comments by environmental groups, when viewed in terms of the necessity of such records to insure the public health against any potential long-term deleterious effects of pesticides, such retention periods are reasonable. Considering the general embryonic state of the scientific art of predicting the long-term epidemiological effects of most pesticides, such periods may be found to be inadequate or in some cases may be unnecessarily long. As the Agency develops further expertise, these periods of record retention may be modified accordingly. Because the Agency recognizes the burden which the maintenance of such records for 20 years would place on most producers, it has been determined that the Agency will assume the greater share of that burden, by accepting such records for maintenance in regional offices after the first three (3) years. If the records are not forwarded to the Agency the producer must retain the records for the twenty-year period. The Agency intends to publish at a later date the procedures and guidelines to be followed in submitting such books and records to regional offices for retention.

Certain records are required to be retained for an undefined period bounded either by expiration of the product's valid registration, by the expiration of the producer's contract with foreign purchasers, or by the registrant's termination of business. These include records of product specifications for foreign purchasers, of unreasonable adverse effects on the environment, of research data, and of guarantees. The proposed requirement specifying retention of records containing data concerning illnesses, injuries, accidents and other occurrences to employees resulting from pesticide production (§ 169.3(b)(3)) has been deleted and is considered subsumed, insofar as pesticide-related illnesses and injuries are covered, by the adverse effects record requirement under revised § 169.2(k).

3. *Inspection*—§ *169.4.* Industry comments indicated a belief that Agency inspection of records should be limited to those records specifically enumerated under section 8(b) of the Act: To so limit inspection would make great portions of material required to be maintained nonreviewable and therefore useless. The practical effect would be to render section 8(a) of the Act largely a nullity. Moreover, section 12(a)(2)(B) of the Act makes it an unlawful act to refuse inspection "of any records required pursuant to section 8." The unlawful act provision is not limited to section 8(b), reenforcing the Agency's legal position that any records properly required under section 8(a) may be inspected. Original § 169.4 (a) and (b) of the regulations as proposed appear in the revised regulations as § 169.3 (a) and (b).

Although all records required to be maintained under these regulations are subject to inspection, the following particularly sensitive records will be inspected only with the prior approval of the Regional Administrator for the region in which the inspection is to take place: records of the complete formula of products not registered, or not the subject of an application for registration, or not produced under an Experimental Use Permit (§ 169.2(a)); records of specifications or directions of a foreign purchaser for the production of pesticides and devices intended solely for export to any foreign country (§ 169.2(h)); records of tests conducted on human beings whether performed by the producer himself or authorized and/or paid for by the producer (§ 169.2(j)); and records containing research data relating to registered pesticides (§ 169.2(l)).

Proposed § 169.4(c) regarding inability has been retained as revised § 169.3 (d). This section and § 169.1(d) are considered adequate to address the issue of exemptions for failure arising from incapacity, of any person to maintain, furnish or permit access to any records as required by these regulations.

A new § 169.3(c) has been added to provide for confidentiality by reference to section 10 of the Act. In light of the legitimate concerns of the industry that a proposed requirement providing for maintenance of records revealing "composition of the formulation" (proposed §§ 169.1(d), 169.2(a)) might suggest an attempt at regulation of quality control, specifically disallowed by the Act) and might cause some infringement on rightfully held trade secrets, these two proposed sections were deleted.

Section 169.1 of these revised regulations contains definitions of terms used in the proposed regulations. All terms not otherwise defined have the same meaning as those used in the Act.

Section 169.2 of these revised regulations sets forth the types of books and records which shall be maintained by producers of pesticides and the periods of time for which such records shall be retained. Any establishment which falls within the purview of section 7 of the Act shall maintain the books and records required under section 8. In the event that any person both produces and distributes pesticides, the requirements to maintain certain records apply to products produced by him. In the revised regulations, the record retention requirements (formerly § 169.3) have been combined with the record maintenance requirements under § 169.2.

Section 169.3 of these revised regulations specifies provisions for inspection of records required to be maintained by producers and available from others including distributors.

Effective date: These regulations will be effective October 18, 1974, and shall be enforceable December 17, 1974.

JOHN QUARLES,
Acting Administrator.

SEPTEMBER 13, 1974.

A new 40 CFR Part 169 is established to read as follows:

Sec.
169.1 Definitions.
169.2 Maintenance of records.
169.3 Inspection.

AUTHORITY: Secs. 8 and 25, Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 987, 997).

§ 169.1 Definitions.

Terms used in this part shall have the meanings set forth for such terms in the Federal Insecticide, Fungicide, and Rodenticide Act as amended. In addition, as used in this part, the following terms shall have the meanings set forth below:

(a) *Amount of pesticide.* The term "amount of pesticide" means the weight or volume of the pesticide, expressed as weight for solid or semi-solid products and as weight or volume for liquid products.

(b) *Batch.* The term "batch" means a quantity of a pesticide product made in one operation or lot or if made in a continuous or semicontinuous process or cycle, the quantity produced during an interval of time to be specified by the producer.

(c) *Device.* The term "device" means any device or class of device as defined by the Act and determined by the Administrator to be subject to the provisions of the Act.

(d) *Inability.* The term "inability" means the incapacity of any person to maintain, furnish or permit access to

any records under this Act and regulations, where such incapacity arises out of causes beyond the control and without the fault or negligence of such person. Such causes may include, but are not restricted to acts of God or of the public enemy, fires, floods, epidemics, quarantine restrictions, strikes and unusually severe weather but in every case the failure must be beyond the control and without the fault or negligence of said person.

(e) *Producer.* The term "producer" means the person who manufactures, prepares, compounds, propagates, or processes any pesticide or device.

§ 169.2 Maintenance of records.

All producers of pesticides or devices subject to this Act, including pesticides produced pursuant to an experimental use permit, shall maintain the following records:

(a) Records showing the product name, EPA Registration Number, Experimental Permit Number if the pesticide is produced under an Experimental Use Permit, amounts per batch and batch identification (numbers, letters, etc.) of all pesticides produced. In cases where a pesticide is not registered, is not the subject of an application for registration, or is not produced under an Experimental Use Permit, the records shall also show the complete formula. The batch identification shall appear on all production control records. These records shall be retained for a period of two (2) years.

(b) Records showing the brand names and quantities of devices produced. These records shall be retained for a period of two (2) years.

(c) Records showing the following information regarding the receipt of all pesticides and devices:

(1) Brand name of pesticide or device.
(2) Name and address of shipper.
(3) Name of delivering carrier.
(4) Date received, and
(5) Quantities received.

These records are not intended to cover receipt of pesticides used for in-plant maintenance, extermination or sanitation programs, etc. Shipping and receiving documents such as invoices, freight bills, receiving tickets, etc., which provide the required information will be considered satisfactory for the purposes of this section. These records shall be retained for a period of two (2) years.

(d) Records showing the following information regarding the shipment of all pesticides and devices.

(1) Brand name of pesticide or device.

(2) Name and address of consignee and where the pesticide is produced pursuant to an experimental use permit the information required under Section 5 and any regulations promulgated thereto regarding the distribution of such pesticides.

(3) Name of originating carrier.
(4) Date shipped or delivered for shipment, and
(5) Quantities shipped or delivered for shipment.

Such records are required regardless of whether any shipment or receipt of shipment is between plants owned or otherwise controlled by the same person. Shipping and receiving documents such as invoices, freight bills, receiving tickets, etc., which provide the required information will be considered satisfactory for the purposes of this section. These records shall be retained for a period of two (2) years.

(e) Inventory records with respect to the types and amounts of pesticides or quantities of devices in stock which he has produced. These records may be disposed of when a more current inventory record is prepared.

(f) Copies of all domestic advertising of restricted uses of any pesticide registered for restricted use for which the producer is responsible including any radio or television scripts for all such pesticides. These records shall be retained for a period of two (2) years.

(g) Copies of all guarantees given pursuant to section 12(a)(2)(C) of the Act. These records shall be retained for a period of one (1) year after expiration of the guarantee.

(h) In the case of pesticides or devices intended solely for export to any foreign country, copies of the specifications or directions of the foreign purchaser for the production of the pesticides or devices. These records shall be retained for a period of two (2) years after expiration of the contract.

(i) Records on the method of disposal (burial, incineration, etc.) date or dates of disposal, location of the disposal sites, and the types and amounts of pesticides disposed of by the producer or his contractor. With regard to the disposal of containers accumulated during production, the Agency will consider satisfactory a statement, attested to by a responsible firm official, describing in general terms the method and location of disposal, e.g., all containers are taken periodically to a certain site. Records of deviations from normal practice must be maintained. In addition any records on the disposal of pesticides and/or containers specified pursuant to section 19 of the Act and any regulations promulgated thereto shall also be maintained. The above requirements apply to those products bearing label instructions for disposal and to any other products specified under any regulations promulgated pursuant to section 19. These records shall be retained for twenty (20) years or may be forwarded after three (3) years to the Environmental Protection Agency Regional Administrator for maintenance.

(j) Records of any tests conducted on human beings whether performed by the producer himself or authorized and/or paid for by the producer. Such records shall include: the names and addresses of subjects tested, dates of tests, types of tests, written consent of subjects to test and all information and instructions given to the subjects regarding the nature and purpose of the tests and of any physical and mental health consequences which were reasonably foreseen therefrom, and any adverse effects of the tests on the subjects, including any such effects coming to the attention of the producer after completion of the tests. These records shall be retained for twenty (20) years or may be forwarded after three (3) years to the Environmental Protection Agency Regional Administrator for maintenance.

(k) Records of any factual information coming to the attention of the producer regarding any unreasonable adverse effects on the environment including water, air, land, and all plants and man and other animals living therein by any pesticide produced by him. These records shall be retained as long as the registration is valid and the producer (including its successors or assigns) is in business or for a period of two (2) years after such information is submitted to the Administrator pursuant to section 6(a)(2) of the Act.

(l) Records containing research data relating to registered pesticides. These records shall be retained as long as the registration is valid and the producer is in business.

§ 169.3 Inspection.

(a) *Producers.* Any producer of any pesticide or device subject to this Act shall, upon request of any officer or employee of the Agency or of any State or political subdivision, duly designated by the Administrator, furnish or permit such person at all reasonable times to have access to and to copy all records required to be maintained by this part. Such inspection will be conducted in accordance with procedures detailed in section 9(a) of the Act.

(b) *Distributors, carriers, dealers, etc.* Any distributor, carrier, dealer, or any other person who sells or offers for sale, delivers or offers for delivery any pesticide or device subject to this Act, shall, upon request of any officer or employee of the Agency or of any State or political subdivision, duly designated by the Administrator, furnish or permit such person at all reasonable times to have access to and copy all records showing the delivery or holding of such pesticide or device, including the quantity, the date of shipment and receipt, and the name and address of the consignor and consignee, and any guarantee received pursuant to section 12(b)(1) of the Act.

(c) *Confidentiality.* Any record which is subject to the regulations under this part, and which may be confidential, shall be treated in accordance with the provisions of section 10 of the Act.

(d) *Inability.* (1) In the event of the inability of any person to produce records containing the information required to be maintained, furnished for inspection, or given access to, all other records and information regarding the same shall be provided.

(2) Where no such inability exists and any such person fails to give access to and permit copying of such records as required, such failure shall be deemed

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a refusal to keep records required or a refusal to allow the inspection of any such records or both.

[FR Doc.74-21627 Filed 9-17-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-1—GENERAL

Subpart 5A-1.3—General Policies

CONTRACT NUMBERING

This change to the General Services Administration Procurement Regulations (GSPR) revises and transfers instructions on advance notices of award and contract numbering from Chapter 5, GSPR, to Chapter 5A, GSPR.

The table of Contents for Part 5A-1 is amended to revise § 5A-1.350 and add §§ 5A-1.352, 5A-1.352-2, 5A-1.352-3, and 5A-1.352-4 as follows:

5A-1.350 Advance notices of contract award.
5A-1.352 Contract numbering.
. . . . .
5A-1.352-2 Numbering system.
5A-1.352-3 Numbering of small contracts.
5A-1.352-4 Contract Register.

1. Section 5A-1.350 is revised as follows:

§ 5A-1.350 Advance notices of contract award.

Advance notice of award may be given by the contracting officer in writing, by telegraph, or orally. Notices shall include the identification of the invitation, description of the item quantity, price, and contract number assigned. Advance notices shall be followed as soon as possible by formal contract documents.

(a) *Written notices.* The form and content of written notices shall be essentially as shown in § 5A-76.101. Federal Supply Schedule contracts involving catalogs and price lists shall conform to the requirements of § 5A-73.120.

(b) *Telegraphic notices.* Telegraphic notices shall contain all of the information discussed in this § 5A-1.350. In addition, a statement that written confirmation will follow shall be made.

(c) *Oral notices.* Oral notices may be given only when the circumstances surrounding the procurement do not allow time for telegraphic notice and shall include all information normally included in written notices. Notices shall also include a statement that written confirmation will follow.

(d) *Circumstances which warrant advance notice.* Advance notices of contract award may be issued by contracting officers under any of the circumstances listed below:

(1) A bid is about to expire and it is necessary to issue an award promptly.

(2) Prompt action is necessary to give the contractor an opportunity to secure materials.

(3) Delivery or performance is urgent and cannot await release of formal contract documents.

(4) Prompt action is necessary to secure advance predelivery samples.

(5) Prompt action is necessary to permit contractors to proceed with preparation of necessary catalogs and other Federal Supply Schedule data.

(6) Prospective contractor requests early notification and gives sufficient reason to the satisfaction of the contracting officer.

(7) Other circumstances which have been approved by the head of the procuring activity warrant advance notice.

(e) *Prevalidation.* If the contract requires prevalidation, funds shall be obligated prior to the release of the advance notice of award.

2. Section 5A-1.352 is added as follows:

§ 5A-1.352 Contract numbering.

Contracts shall be numbered as prescribed below.

3. Section 5A-1.352-1 is revised as follows:

§ 5A-1.352-1 Contracts required to be numbered.

All contracts and agreements involving the payment of $20,000 or more in a single payment and all multiple-payment contracts, regardless of amount, shall be numbered. Contracts involving the payment of less than $20,000 in a single payment may or may not be numbered depending upon the needs of the procuring activity. In case of doubt whether the amount to be paid under a contract will be more or less than $20,000, or whether more than one payment may be necessary, the contract shall be numbered.

4. Sections 5A-1.352-2, 5A-1.352-3, and 5A-1.352-4 are added as follows:

§ 5A-1.352-2 Numbering system.

(a) Contract numbers shall be placed in the space provided on the contract or, if no space is provided, in the upper right corner of the contract.

(b) Contract numbers shall be assigned in sequence from 00001 thru 99999. When all numbers have been assigned, the sequence will begin again at 00001. The procuring activity shall maintain records to ensure continuity and control of issuance of contract numbers. (See § 5A-1.352-4.)

(c) Each contract number shall be prefixed by use of the symbol "GS," followed by a dash and the appropriate activity designation set forth in § 5A-1.352-2(d).

(d) The following designations shall be used to identify the appropriate activity (Central Office or GSA region) in which the procuring activity is located:

00 Central Office
01 Region 1
02 Region 2
03 Region 3
04 Region 4
05 Region 5
06 Region 6
07 Region 7
08 Region 8
09 Region 9
10 Region 10

(e) The following designations shall be used to identify the procuring office:

C—Automated Data and Telecommunications Service.
E—Office of Administration.
J—Office of Property Management, FSS.
S—Office of Procurement, FSS.
T—Office of Transportation and Public Utilities, FSS.
W—Office of Personal Property Disposal, FSS.

(f) An example of the numbering system is: GS-02S-00001.

(1) The letters "GS" denote the General Services Administration.

(2) The number "02" identifies the location of the procuring office, in this case Region 2.

(3) The letter "S" identifies the procuring office, in this case the Office of Procurement.

(4) The number "00001" identifies the first contract made by the procuring office in this series.

(g) Each negotiated contract shall contain the symbol "NEG" inserted immediately above the contract number. Additional identification not inconsistent with that prescribed above may be used if necessary for the internal control and routing of contracts and related documents. Additional identification should be held to the minimum consistent with adequate control of contracts.

§ 5A-1.352-3 Numbering of small contracts.

Contracts negotiated under small purchase procedures in § 1-3.203 shall not normally be numbered. However, a contract number may be assigned (for reference and reporting purposes) when the resulting purchase order is to be written by an office other than the office awarding the contract. Purchase orders of this type shall be identified by special entries as provided below:

(a) An assigned contract number and a notation that the number was assigned for reference purposes only.

(b) A reference to the supplier's quotation.

(c) A reference to "Sec. 302(c)(3), 41 U.S.C. 252(c)(3)."

§ 5A-1.352-4 Contract Register.

GSA Form 2728, Procurement Contract Register, shall be used to ensure continuity and control of contract numbers and for registering pertinent contract data. See § 5A-16.950-2728 of this chapter for illustration of the form.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective on the date shown below.

Dated: August 28, 1974.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[FR Doc.74-21552 Filed 9-17-74;8:45 am]

PART 5A-3—PROCUREMENT BY NEGOTIATION

Subpart 5A-3.8—Price Negotiation Policies and Techniques

MISCELLANEOUS AMENDMENTS

This change to the General Services Administration Procurement Regulations (GSPR) clarifies the meaning of "only proposal received" as related to offers under the Multiple-Award Federal Supply Schedule Program, and provides procedures for approval of waivers or excuses for failure to submit cost and pricing data.

The table of contents for Part 5A-3 is amended to delete § 5A-3.850, and to add the following new entries:

5A-3.802 Preparation for negotiation.
5A-3.802-1 Consideration of late proposals.
5A-3.807-6 Refusal to provide cost or pricing data.

1. Section 5A-3.802 is added as follows:

§ 5A-3.802 Preparation for negotiation.

When time does not permit the use of written solicitations, telegraphic or telephonic requests for proposals may be used; provided all other requirements of Parts 1-3 and 5A-3 are complied with. Telegraphic and telephonic requests must make specific reference to all terms and conditions which will apply. Information as to the reasons for the use of telegraphic or telephonic requests shall be retained in the file.

2. Section 5A-3.802-1 is added as follows:

§ 5A-3.802-1 Consideration of late proposals.

When Multiple-Award Federal Supply Schedule Program solicitations are issued and offers are received in accordance with § 1-3.802-1(c)(3), such offers are within the meaning of the term "only proposal received" as used in § 1-3.803-(c).

3. Section 5A-3.807-3 is amended as follows:

§ 5A-3.807-3 Requirements for cost or pricing data.

. . . . .

(b) Approval of the appropriate Assistant Commissioner shall be obtained in all cases where it is determined that the requirement for cost or pricing data may be waived. (See § 1-3.807-3(b).)

(c) Excuse for failure to submit subcontractor cost and pricing data except when limited to the allowing of additional time, shall require approval of the Director of the appropriate procurement division. (See § 1-3.807-3(d)(2).)

. . . . .

4. Section 5A-3.807-6 is added as follows:

§ 5A-3.807-6 Refusal to provide cost or pricing data.

Whenever a contractor refuses to provide cost or pricing data, the matter shall be referred to the appropriate Assistant Commissioner. (See § 1-3.807-6.)

§ 5A-3.850 [Deleted]

5. Section 5A-3.850 is deleted.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective on the date shown below.

Dated: August 30, 1974.

L. E. SPANGLER,
Acting Commissioner, FSS.

[FR Doc.74-21566 Filed 9-17-74;8:45 am]

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[AIDPR Notice 75-1]

PART 7-7—CONTRACT CLAUSES

PART 7-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Compensation of Commercial Contractor Personnel

This AIDPR Notice sets forth new provisions governing compensation for employees of commercial contractors, including an overseas recruitment incentive and lump sum annual leave payment, and the procedures by which salaries in excess of the Foreign Service Class I level are approved.

Subpart 7-7.50 Clauses for Cost Reimbursement Type Contracts

1. § 7-7.5002-2 is amended by changing the date in the title from "Dec. 1970" to "Sept. 1974" and revising paragraph (a) to read as follows:

§ 7-7.5002-2 Leave and Holidays.

LEAVE AND HOLIDAYS (SEPTEMBER 1974)

(a) *Vacation leave overseas.* (1) The Contractor may grant to his employees working overseas under this Contract, vacations of reasonable duration in accordance with the Contractor's established practice for his employees, but in no event shall such vacation leave be earned at a rate exceeding twenty-six (26) work days per annum. Vacation leave is provided under this Contract primarily for purposes of affording necessary rest and recreation to regular employees during their tour of duty in the cooperating country. The Contractor's Chief of Party, the employee and the cooperating country institution associated with this project shall develop vacation leave schedules early in the employee's tour of duty taking into consideration project requirements, employee preference, and other factors.

(2) Leave taken during the concluding weeks of an employee's tour shall be included in the established leave schedule and be limited to that amount of leave which can be earned during a twelve month period unless approved in accordance with paragraph (a)(3) of this section.

(3) Vacation leave earned but not taken by the end of the employee's tour pursuant to paragraphs (a) (1) and (2) of this section will be forfeited, unless the requirements of the project precluded the employee from taking such leave and the contracting officer, with the endorsement of the mission, approves one of the following as an alternative:

(i) Taking, during the concluding weeks of the employee's tour, leave not permitted under paragraph (a)(2) of this section, or

(ii) Lump-sum payment for leave not taken provided such leave does not exceed the number of days which can be earned by the employee during a twelve month period.

. . . . .

Subpart 7-15.2 Principles and Procedures for Use in Cost-Reimbursement Type Supply and Research Contracts with Commercial Organizations

2. Section 7-15.205-6 is revised to read as follows:

§ 7-15.205-6 Compensation for personal services.

(a) *General.* (1) Specific limitations on compensation for personal services, including fringe benefits, may be spelled out or incorporated by reference in AID contracts. Where the provisions of the contract are inconsistent with this section, such provisions will govern.

(2) Direct compensation of personnel will be reimbursable, in accordance with the contractor's established policies and procedures and FPR 1-15.205-6 except as provided in paragraphs (b) through (j) of this section. Such policies, procedures, and practices shall be the same as used in contracts and grants with other Government agencies and accepted by the U.S. Government agency assigned primary audit responsibility for the contractor, shall be in writing, and shall be made available to the contracting officer or his designated representative, upon request.

(3) Short term employees and regular employees serving overseas less than 18 months may receive an overseas recruitment incentive in accordance with the contractor's established policy and practice provided that the average incentive for all such employees does not exceed 10 per cent of the base annual salary of all employees eligible for the incentive. An overseas recruitment incentive is reimbursable only if the incentive amount is shown by the Contractor at the time the employee is nominated. The incentive is a fixed dollar amount which remains constant throughout the employee's appointment under the contract. The incentive is payable only as a lump-sum amount after the employee has completed his tour of duty in the cooperating country under the contract. If the overseas recruitment incentive causes the employee's salary to exceed the FSR-1 level, contracting officer approval must be obtained as in (b)(2) of this section. Employees serving overseas eighteen months or more may not receive any recruitment incentive.

(b) *Salaries and wages.* (1) Salaries and wages exclude overseas differential and other allowances associated with overseas service but include payments for personal services (including fees and honoraria) computed on a daily rate or other time basis different from an annual rate. Daily rates of compensation are computed on the basis of a 260-day work year made up of 5-day (8 hour) work weeks.

(2) Any compensation (i.e., the employee's or consultant's base annual salary plus overseas recruitment incentive, if any) which exceeds the maximum level of the Foreign Service Class I (FSR-1) (or the equivalent daily rate) as set forth in the payment schedule of the Uniform State/AID/USIA Regulations, as from time to time amended, will be reimbursed only with the written approval of the contracting officer. Con-

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tracting officer approval of salaries in excess of the FSR–1 rate will be based upon a memorandum from the technical office and approved by the assistant administrator or mission director having program responsibility for the project in support of which the contract is written. The technical office is responsible for evaluating the reasonableness of the proposed salary, taking into account such factors as the degree of technical competence required, the scope of supervisory responsibilities involved, and the relationship of the proposed salary level to the contractor's customary salary level, and other pertinent information. Copies of all memoranda approved by the assistant administrator or mission director will be furnished to the Support Division, Office of Contract Management.

(e) – (f) [Reserved].

(g) *Fringe benefits.* AID contracts spell out rules and principles governing reimbursement of specific fringe benefits related to overseas service, including leave, holidays, differential, allowances, travel, transportation, and similar costs. The contract provisions are set forth in Part 7–7.

(h) – (j) [Reserved].

Subpart 7–15.3—Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts With Educational Institutions

3. New § 7–15.309–7 is added as follows:

§ 7–15.309–7 Compensation for personal services.

Specific limitations on compensation for personal services are set forth in AIDPR 7–7.5501–5 and 7–7.5502–4. Contracting officer approval of salaries in excess of the maximum level of the Foreign Service Class I (FSR–1) (or the equivalent daily rate) will be based upon a memorandum from the technical office and approved by the assistant administrator or mission director having program responsibility for the project in support of which the contract is written. The technical office is responsible for evaluating the reasonableness of the proposed salary, taking into account such factors as the degree of technical competence required, the scope of supervisory responsibilities involved, and the relationship of the proposed salary level to the contractor's customary salary level, and other pertinent information. Copies of all memoranda approved by the assistant administrator or mission director will be furnished to the Support Division, Office of Contract Management.

Effective Date. This AIDPR Notice is effective on September 1, 1974. However, it may be observed earlier. Procuring activities are to incorporate the clauses set forth above in each new cost reimbursement contract with commercial organizations. For existing contracts with commercial organizations, the clauses above are to be incorporated into the first amendment or modification executed after September 1, 1974 (except amendment solely for the purpose of incorporating indirect cost rates). Any exceptions are to be treated as deviations as set forth in AIDPR 7–1.107.

Filing. This notice should be filed in front of the main text of the Agency for International Development Procurement Regulations.

Dated: September 4, 1974.

WILLARD H. MELNECKE,
Acting Assistant Administrator for Program and Management Services.

[FR Doc.74–21569 Filed 9–17–74;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—MEDICAL CARE AND EXAMINATIONS

PART 37—SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

Second Round of Chest Roentgenographic Examinations; Further Extension of Time for Submission of X-rays

On April 25, 1974, the regulations governing the second round of medical examinations of underground coal miners, which were promulgated in 1973 (38 FR 20076), were amended to extend the examination period to September 30, 1974 (39 FR 14592). These regulations require, among other things, that mine operators, pursuant to a plan approved by the Secretary of Health, Education, and Welfare, provide to each underground coal miner the opportunity for a chest x-ray examination and that the Secretary provide (either directly or by third-party agreement) the examination of any such miner whenever the mine operator cannot or does not provide the examination. The initial extension of time was adopted because the number of approved x-ray facilities was fewer than necessary to permit operators to fulfill their responsibilities under their respective plans within the original time limit. The initial extension of time is sufficient for the examination of miners employed at mines with approved operator plans. But, because these examinations have imposed heavy demands on the approved x-ray examination facilities, it has not been possible also to schedule the examinations of miners employed at mines which have no approved examination plans.

In view of the foregoing and to permit the second round examination of all underground miners in accordance with section 203 of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 843), (1) it is necessary to extend the date for the completion of the second round examinations to December 30, 1974, and (2) it is found, pursuant to section 553 of Title 5, United States Code, that it would be impracticable and contrary to the public interest to give notice of proposed rulemaking and opportunity for public participation in the rulemaking which extends the date.

Therefore, § 37.3(a) is amended as set forth below, effective September 18, 1974.

Dated: September 5, 1974.

THEODORE COOPER,
Acting Assistant Secretary for Health.

Approved: September 12, 1974.

FRANK CARLUCCI,
Acting Secretary.

In the first sentence of paragraph (a) of § 37.3 the date reading "September 30, 1974" is changed to read "December 30, 1974."

(Sec. 203, 83 Stat. 763; 30 U.S.C. 843)

[FR Doc.74–21591 Filed 9–17–74;8:45 am]

Title 45—Public Welfare

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Subpart—Use of EFMS Funds for Food Stamp Activities

OEO grantees receiving Emergency Food and Medical Services funds have previously been informed, through a communication from the Director, of the accompanying policy statement. OEO is now incorporating this statement into its formal policy system.

Subpart—Use of EFMS Funds for Food Stamp Activities, §§ 1061.12–1 through 1061.12–7, is added as follows:

Sec.
1061.12–1 Applicability.
1061.12–2 Purpose.
1061.12–3 Background.
1061.12–4 Policy.
1061.12–5 Implementation.
1061.12–6 Examples of EFMS contributions and FNS reimbursements—how it works.
1061.12–7 EFMS funds as a factor in eligibility determination.

AUTHORITY: Sec. 602, 78 Stat. 530; (42 U.S.C. 2942).

BERT A. GALLEGOS,
Director Designate.

§ 1061.12–1 Applicability.

This subpart applies to all grant programs financially assisted under Section 222(a)(5) of the Economic Opportunity Act, as amended, if the assistance is administered by the Office of Economic Opportunity.

§ 1061.12–2 Purpose.

The purpose of this subpart is to advise grantees funded under Section 222(a)(5) (Program Account 55) of the appropriateness of using EFMS funds to supplement Department of Agriculture (Food and Nutrition Service) contributions to the Food Stamp Program, and to call the grantees' attention to this activity as a means of obtaining maximum impact per EFMS dollar spent on Food Stamp-related activities.

§ 1061.12–3 Background.

(a) The Food and Nutrition Service by law may reimburse participating State agencies an amount equal to 62½% of the sum of the direct salary, travel and travel-related costs (including fringe benefits) of personnel and their immediate supervisors for such time as they are engaged in reimbursable activities relating to the Food Stamp Program. Reimbursable activities include personnel at the local agency primarily (i.e. at least 51 percent of their time) engaged in Food Stamp outreach, certification and quality control functions relating specifically to non-public assistance food stamp applicants and recipients; fair hearing functions relating to the public assistance and non-public assistance categories; and certain costs associated with State outreach activities.

(b) State agencies administering Food Stamp Programs are not limited in seeking or utilizing funds to only those funds traditionally made available by State or local governmental bodies but may also use monies from other puplic (including Federal) and private sources such as churches, foundations, CAAs, etc.

§ 1061.12–4 Policy.

(a) Monies received from grantees funded under section 222(a)(5) (Program Account 55) may be used by State and local agencies to hire administrative personnel for activities as noted in § 1061.12–3. Therefore, OEO encourages grantees to make available to State welfare agencies (or political subdivisions where a State has so delegated) any money which they receive under the EFMS Program provided, however, that the money is used by the welfare agencies to hire administrative personnel to implement a broader distribution of food services to the poor.

(b) Such monies received by the State welfare agencies are not considered a part of the 62½ percent matching funds from the U.S. Department of Agriculture Food Stamp Program. (This currently can amount to 62½ percent of the total cost unless EFMS funds and/or contributions from other sources exceed 37½ percent. In such cases the Department of Agriculture (FNS) contribution will be proportionately reduced.)

§ 1061.12–5 Implementation.

(a) When a grantee chooses to use EFMS funds to supplement the State Food and Nutrition Service contribution the appropriate instrument for formalizing the agreement will be "Standard Contract Form for Delegation of a Program Account" (appendix F, OEO Instruction 6710–1, Applying for a CAP Grant).

(b) The grantee funded under section 222(a)(5) should also be aware that non-public assistance household certification personnel hired through the use of EFMS funds, must meet State merit system personnel standards and must be employees of the State agency. Also, State agency Food Stamp outreach personnel conducting outreach activities in the field may have unclassified or non-merit system status but must be State agency or local welfare agency employees.

§ 1061.12–6 Examples of EFMS contributions and FNS reimbursements—how it works.

(a) The following are offered as examples of how EFMS funds could be used and the resultant reimbursement by FNS:

(1) If EFMS provides 37½ percent of a full-time eligible non-public assistance certification worker's salary, then FNS will reimburse an amount equal to a full 62½ percent of the worker's salary;

(2) If EFMS provides 80 percent of a full-time eligible non-public assistance certification worker's salary, FNS will reimburse an amount equal to only 20 percent of the worker's salary; or

(3) If EFMS provides 10 percent of a full-time eligible non-public assistance certification worker's salary, then FNS will reimburse a full 62½ percent of the worker's salary BUT not 90 percent.

(b) The first example is obviously the "best buy" as it maximizes EFMS funds by providing approximately 3 workers in contrast to the one worker who would have been hired if EFMS funds had been used exclusively.

§ 1061.12–7 EFMS funds as a factor in eligibility determination.

EFMS funds distributed to clients shall be counted as income for purposes of determining eligibility and basis of coupon issuance for the Food Stamp Program (however, in accordance with 7 CFR 271.3(c)(1)(ii)(e) EFMS funds distributed to a client as a nonrecurring lump sum payment shall not be considered as income for food stamp purposes).

Effective date. The provisions of this subpart are effective October 18, 1974.

[FR Doc.74–21558 Filed 9–17–74;8:45 am]

CHAPTER XII—ACTION

PART 1211—VOLUNTEER GRIEVANCE PROCEDURES

Provisions Made for All ACTION Volunteers

On March 12, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 9547) proposing to add a new Part 1211 to Title 45, Code of Federal Regulations, which would provide a grievance procedure under which all ACTION volunteers would be entitled to present, be heard on, and obtain resolution of grievances. Interested persons were given until April 10, 1974, to submit comments and views covering the proposed new Part. Approximately 35 comments were received with the result that a number of revisions, discussed below, have been made in the proposed regulations. Following is a summary of the principal comments and the major revisions to the regulation.

1. A number of comments questioned the method of selection of a Hearing Examiner contained in the draft regulations. Several alternative proposals were suggested. In recognition of the legitimate concerns expressed that the method of selection be designed to assure the impartiality of the Hearing Examiner, § 1211.1–12(e) has been changed to place the responsibility for the selection of the Hearing Examiner with the Chief, Labor and Employees Relations Branch of ACTION, rather than with the respective Regional Directors. Other alternatives, such as the naming of a permanent, rotating panel of Hearing Examiners; designation by agreement between grievant and Regional Director; and placement of the responsibility for selection entirely outside the agency were considerd. Each of these alternatives proved to have defects, when viewed in the light of the necessity of the prompt resolution of grievances and the likelihood, based upon ACTION's experience thus far with an interim grievance procedure, that the number of grievances requiring a formal hearing will be small. The method of selection chosen is consistent with that employed by ACTION for employee grievances. The Chief, Labor and Employees Branch of ACTION, is a staff officer who will not be involved in the merits of any volunteer grievance. His sole function in the grievance procedure will be the selection of an impartial Hearing Examiner. This isolation of the selection function, together with the standards provided for examiners will assure impartiality. To further assure impartiality, the regulation has been amended to provide that Hearing Examiners may not be employees of ACTION, except for persons whose principal employment by ACTION is acting as a Hearing Examiner or Administrative Law Judge.

2. Several commentators also expressed concern about the exclusion of the level of support provided to a project from the procedure contained in § 1211.1–5(a). The section has been modified, in response to these comments, to make clear that this exclusion relates only to the level of support provided to sponsors, and does not restrict the right of volunteers who believe they are not receiving adequate support as required by section 105 of the Domestic Volunteer Service Act of 1973 to file a grievance with respect to such matters.

3. There were a number of suggestions that the Hearing Examiner's decision on grievances be final and binding on the agency. In the agency's opinion, its responsibility for operation of the programs covered by the procedure precludes assignment of final, binding decisions on grievances to a Hearing Examiner. Accordingly, this suggestion has not been adopted.

4. In response to comments that the procedure was too lengthy, and, conversely, that agencywide management should participate in the final determination of grievances, one level of the informal procedure has been eliminated, and the Deputy Director of ACTION has been substituted for the Associate Director for Domestic and Anti-Poverty Programs as the final reviewing authority.

5. Part-time volunteers, and full-time volunteers serving in programs operating under grants from ACTION have been eliminated from coverage by the procedure. This action was taken because the responsibilities of grantees for these volunteers, and their support, is much more substantial than in the case of volunteers who receive their support directly from ACTION. In the case of UYA volun-

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teers, since volunteers are full-time students at universities, it was felt that interference by ACTION in the relationship between student and university might violate the provisions of Section 409 of the Act. In all cases, grants to program sponsors will contain provisions requiring the grantee to provide volunteers with a method of expressing, and obtaining resolution of grievances.

6. A number of other technical changes in the procedure were made to clarify the provisions thereof.

In consideration of the foregoing, Chapter XII of Title 45 of the Code of Federal Regulations is amended by adding a new Part 1211 as set forth below, effective October 21, 1974.

Dated: September 13, 1974.

JOHN L. GANLEY,
Deputy Director.

Sec.

1211.1–1 Purpose.
1211.1–2 Applicability.
1211.1–3 Definitions.
1211.1–4 Policy.
1211.1–5 Matters not covered.
1211.1–6 Freedom to initiate grievances.
1211.1–7 Entitlement to representation.
1211.1–8 Time for preparation and presentation.
1211.1–9 Access to agency records.
1211.1–10 Time limits.
1211.1–11 Informal grievance procedure.
1211.1–12 Initiation of formal grievance procedure.
1211.1–13 Inquiry by hearing examiner.
1211.1–14 Grievance file and examiner's report.
1211.1–15 Decision by regional director.
1211.1–16 Appeal to Deputy Director of ACTION.
1211.1–17 Disposition of grievance and appeals files.
Appendix A—Standard For Examiners.

AUTHORITY: Sections 104(d), 402(14), 420, Pub. L. 93–113; 87 Stat. 398, 407 and 414.

§ 1211.1–1 Purpose.

This Part establishes procedures under which certain volunteers under Pub. L. 93–113 may present and obtain resolution of grievances.

§ 1211.1–2 Applicability.

This Part applies to all volunteers enrolled under Part A of Title I of the Domestic Volnuteer Service Act of 1973, Pub. L. 93–113, 87 Stat. 396, and all full-time volunteers serving under Part C of Title I of the Act, other than volunteers enrolled in programs conducted under a grant from ACTION.

§ 1211.1–3 Definitions.

(a) "Volunteer" means a person enrolled and currently serving as a full-time volunteer under Part A of Title I of the Domestic Volunteer Service Act of 1973, or as a full-time volunteer under Part C of Title I of the Act, other than volunteers serving in programs conducted under a grant from ACTION, and may involve more than one such person when a common grievance is involved. For the purpose of this Part, a volunteer whose service has terminated shall be deemed to be a volunteer for a period of 90 days thereafter.

(b) "Grievance" means a request for individual relief by a volunteer personally affected in a matter arising out of a volunteer work situation or the terms and conditions of the volunteer's service in which the volunteer believes there has been a deviation from, misinterpretation of or misapplication of laws, published regulations or ACTION policies or procedures governing his service. Requests for relief by more than one volunteer arising from a common cause within one region may be treated as a single grievance. The term includes complaints of discrimination by ACTION on account of race, creed, belief, color, national origin, sex, age, or political affiliation.

(c) "State Program Officer" means that ACTION official who is directly responsible, at the first level, for the project in which the volunteer is serving. If more than one project is involved, it means that lowest level ACTION Regional Office employee who has direct administrative responsibility for all projects involved within the region.

(d) "Sponsor" means a public or private nonprofit agency to which ACTION has assigned volunteers.

(e) "Hearing Examiner" or "Examiner" means a person having the qualifications described in Appendix A appointed to conduct an inquiry with respect to a grievance.

(f) The "Act" means the Domestic Volunteer Service Act of 1973, Pub. L. 93–113, 87 Stat. 396, as amended from time to time.

§ 1211.1–4 Policy.

It is ACTION's policy to provide volunteers the widest latitude to present their grievances and concerns to appropriate officials of ACTION and of sponsoring organizations. ACTION recognizes that it is in its interest as well as the interest of sponsors and volunteers to provide a method for expeditious and informal resolution of differences. However, it recognizes that some volunteer dissatisfactions will arise which require a more formal procedure. This regulation is designed to assure that the rights of individual volunteers are recognized, and to provide formal ways for them to seek action with confidence that they will obtain just treatment. The success of the system will, however, only be achieved by the exercise of understanding, fairness and good judgment by AC TION employees, sponsors, and volunteers alike.

§ 1211.1–5 Matters not covered.

The following matters are excluded from the definition of a grievance, and are not eligible for processing under this Part:

(a) (1) The establishment of a project, its continuance or discontinuance, the number of volunteers assigned to it, increases or decreases in the level of support provided to a project, or suspension or termination of a project.

(2) Support provided to individual volunteers in accordance with section 105(b) of the Act, is not "support provided to a project," and grievances based on the adequacy thereof are not excluded from the definition of a grievance by this section.

(b) Matters for which a separable appeals procedure is provided.

(c) The provisions of any law, published rule, regulation, policy or procedure, or actions taken in compliance therewith.

(d) Matters which are, by law, subject to final administrative review outside ACTION.

(e) Matters in which the relief requested is not personal to the volunteer.

(f) Matters affecting the curriculum, program of instruction, administration or personnel of any educational institution or school system.

(g) Actions taken in compliance with the terms of a contract, grant or other agreement.

§ 12.1–6 Freedom to initiate grievances.

The initiation of a grievance shall not be construed as reflecting on a volunteer's standing, performance or desirability as a volunteer. ACTION intends that each supervisor and sponsor maintain a healthy atmosphere in which a volunteer can speak freely and have frank discussions of problems. A volunteer who initiates a grievance shall not be subjected to restraint, interference, coercion, discrimination or reprisal.

§ 1211.1–7 Entitlement to representation.

A volunteer may be accompanied, represented and advised by a representative of his own choice at any stage of the proceeding. A person chosen by the volunteer must be willing to represent him and not be disqualified because of conflict of position.

§ 1211.1–8 Time for preparation and presentation.

(a) A volunteer must be given a reasonable amount of time off from his assignment to prepare and present his grievance or appeal.

(b) A volunteer's representative, if he is a volunteer or an employee of ACTION, must be given a reasonable amount of time off from his assignment to present a grievance or appeal.

(c) ACTION will not pay travel expense or per diem travel allowances for either a volunteer or his representative in connection with the preparation of a grievance or appeal. The Hearing Examiner must authorize payment of travel expense and per diem at standard government rates for necessary attendance of the volunteer, his representative and necessary witnesses who are volunteers or ACTION employees at a hearing, and for the volunteer or his representative to conduct the necessary examination of the grievance file provided in § 1211.1–14(b). The Hearing Examiner may authorize payment of travel expense and per diem at standard government rates for other necessary witnesses. The Hearing Examiner may not authorize payment of travel expense or per diem to any witness if he determines that the required testimony can be satisfactorily obtained by affidavit, written interrogatories or deposition at less cost.

§ 1211.1–9 Access to agency records.

(a) A volunteer is entitled to review non-restricted material in his official volunteer folder and any nonrestricted documents of the agency relevant to the grievance.

(b) A volunteer may review relevant documents in the possession of a sponsor to the same extent ACTION would be entitled to review them.

(c) Restricted documents include, but are not limited to:

(1) Documents annotated as Top Secret, Secret or Confidential.

(2) Documents not subject to the disclosure under the requirements of the Freedom of Information Act (5 U.S.C. 552), such as reference checks secured under a pledge of confidence, official volunteer folders of other volunteers, or privileged intra-agency memoranda.

§ 1211.1–10 Time limits.

Each grievance shall receive full, impartial and prompt consideration. To assure prompt consideration, the following time limits are established:

(a) The informal procedure shall be completed within 21 days after the date a volunteer initiates the grievance.

(b) The volunteer may present a formal grievance, in writing, either in person or by mail, to the appropriate Regional Director not later than 15 days after receipt of a response to an informal grievance. The Regional Director shall, upon receipt of a formal grievance, immediately notify the Chief, Labor and Employees Relations Branch.

(c) A Hearing Examiner shall be appointed, when necessary, within 7 days after the Chief, Labor and Employees Relations Branch is notified of the presentation of a formal grievance.

(d) The Hearing Examiner's inquiry shall commence within 7 days after referral. The examiner shall issue his report as soon as possible, but within 30 days after referral, except when a hearing is held. If a hearing is held, the examiner shall issue his report within 45 days after the referral.

(e) The volunteer shall file his comments on the grievance file with the Hearing Examiner not later than 5 days after the Hearing Examiner makes it available to him for examination.

(f) The Regional Director shall issue his decision not later than 10 days after receipt of the grievance file, and Hearing Examiner's report.

(g) An appeal from the decision of the Regional Director to the Deputy Director of ACTION must be filed not later than 15 days after the decision of the Regional Director is delivered to the volunteer.

(h) The Deputy Director shall issue his decisions on an appeal not later than 15 days after it is filed.

§ 1211.1–11 Informal grievance procedure.

(a) *Initiation of grievance.* A volunteer may initiate a grievance within 15 days after the event giving rise to the grievance occurs, or within 15 days after he becomes aware of it. A volunteer may present a grievance arising out of a continuing condition or practice at any time. A volunteer initiates a grievance by presenting it in writing to the chief executive officer of the sponsor, or his representative designated to receive grievances from volunteers. The designated representative may not be the immediate supervisor of volunteers assigned to the sponsor. All volunteers must, upon assignment to the sponsor, or upon designation of the representative, be informed of his identity. The chief executive officer of the sponsor or his designated representative shall respond in writing to the grievance within 5 working days after receipt. The chief executive officer or his designee may not refuse to answer a complaint on the basis that it is not a grievance as defined in § 1211.1–3(b), or that it is excluded from coverage under § 1211.1–5. He may, however, in his response, refuse to grant the relief requested on either of these grounds.

(b) *Consideration by ACTION State program officer.* If the matter is not resolved to the volunteer's satisfaction by the sponsor's chief executive officer, the volunteer may submit the grievance in writing to the ACTION State Program Officer who has responsibility for the project within 5 working days after receipt of the decision of the sponsor's chief executive officer. If the grievance involves a matter over which the sponsor has no control, the procedures described in section (a) may be omitted, and the volunteer may present his grievance in writing directly to the State Program Officer within the time limits specified in subsection (a). In cases of direct submission to the State Program Officer, the chief executive officer of the sponsor, or his designee shall indicate his agreement or disagreement with direct submission to the State Program Officer. The State Program Officer may not refuse to receive a complaint, even if he believes it does not constitute a grievance, and shall respond to it in writing within 5 working days after receipt.

(c) *Discussion.* All parties to the informal grievance procedure must be prepared to participate in full discussion of the grievance, and to permit the participation of others who may have knowledge of the circumstances of the grievance in the discussion. State Program Officers and other ACTION employees may participate in discussions, and give interpretations of ACTION policies and procedures, at the request of any party, even prior to submission of a grievance to them.

(d) *Sponsor grievance procedure.* A sponsor may substitute his own grievance procedure for the procedure described in paragraph (a) of this section. Any such procedure must provide the volunteer with an opportunity to present his grievance at least as comprehensive as that contained in this section, must meet the time limits of this section, and must be provided in writing to all volunteers.

§ 1211.1–12 Initiation of formal grievance procedure.

(a) *Submission of grievance to regional director.* If a volunteer is dissatisfied with the response of the State Program Officer required by § 1211.1–11(d), he may present his grievance in writing to the Regional Director of ACTION having administrative responsibility for the project to which the volunteer is assigned. To be eligible for the formal grievance procedure, the volunteer must have completed action under the informal procedure contained in § 1211.1–11.

(b) *Contents of grievance.* The volunteer's grievance must be in writing, contain sufficient detail to identify the grievance, specify the relief requested, and be assigned by the volunteer or a person designated by the volunteer to be his representative for the purposes of the grievance.

(c) *Time limit.* The volunteer must submit his grievance to the Regional Director within 15 days after receipt of the informal response from the State Program Officer.

(d) *Rejection of grievance.* The Regional Director may reject the grievance if:

(1) It was not filed within the time limit specified in subsection (c).

(2) The grievance consists wholly of matters not contained within the definition of a grievance or excluded from coverage under § 1211.1–5.

A notice of rejection must be in writing and specify the reasons for rejection. A notice of rejection may be appealed in the manner provided in § 1211.1–16.

(e) *Referral to hearing examiner.* Unless the grievance is rejected, the Regional Director shall notify the Chief, Labor and Employees Relations Branch that appointment of a Hearing Examiner will be required, and the Chief, Labor and Employees Relations shall, within seven days after such notification, secure the services of a Hearing Examiner, who shall possess the qualifications specified in Appendix A to this part. The Hearing Examiner selected must be fair, impartial and objective, and may not be an employee of ACTION other than an employee whose principal duties are those of Hearing Examiner or Administrative Law Judge. If the grievance involves a complaint of discrimination against ACTION the Chief, Labor and Employees Relations Branch shall consult with the Assistant Director of ACTION for Minority Affairs prior to appointing a Hearing Examiner.

§ 1211.1–13 Inquiry by hearing examiner.

(a) *Scope of inquiry.* The Examiner shall conduct an inquiry of a nature and scope appropriate to the issues involved in the grievance. At the Examiner's discretion, the inquiry may include:

(1) The securing of documentary evidence,

(2) Personal interviews, including telephone interviews,

(3) Group meetings,

(4) Affidavits, written interrogatories or depositions,

(5) A hearing.

If he determines that the grievance involves relevant disputed issues of

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fact, the Examiner must hold a hearing unless it is waived by the volunteer. If the grievance does not involve relevant disputed issues of fact, the Hearing Examiner need not hold a hearing, but must provide the parties an opportunity for oral presentation of their respective positions.

(b) *Conduct of hearing.* If a hearing is held, the conduct of the hearing and production of witnesses shall conform with the following requirements:

(1) The hearing shall be held at a time and place determined by the Hearing Examiner who shall consider the convenience of parties and witnesses and expense to the Government in making his decision.

(2) The hearing may be open to the public or, in his discretion, the Hearing Examiner may limit attendance to persons determined by the Examiner to have a direct connection with the grievance. If requested by the volunteer, the hearing must be closed to the public.

(3) The hearing shall be conducted so as to bring out pertinent facts, including the production of pertinent records.

(4) Rules of evidence shall not be applied strictly, but the Examiner may exclude irrelevant or unduly repetitious testimony or evidence.

(5) Decisions on the admissibility of evidence or testimony shall be made by the Examiner.

(6) Testimony shall be under oath or affirmation, administered by the Examiner.

(7) The Examiner shall give the parties an opportunity to present oral and written testimony that is relevant and material, and to cross-examine witnesses who appear to testify.

(8) The Examiner may exclude any person from the hearing for conduct that obstructs the hearing.

(c) *Witnesses.* (1) All parties are entitled to produce witnesses.

(2) Volunteers, employees of a sponsor, and employees of ACTION shall be made available as witnesses when requested by the Examiner. The Examiner may request witnesses on his own initiative. Parties shall furnish to the Examiner and to opposing parties a list of proposed witnesses, and an explanation of what the testimony of each is expected to show, at least ten days before the date of the hearing. The Hearing Examiner may waive the time limit in appropriate circumstances.

(3) Employees of ACTION shall remain in a duty status during the time they are made available as witnesses.

(4) Volunteers, employees and any other persons who serve as witnesses shall be free from coercion, discrimination or reprisal for presenting their testimony.

(d) *Recording of Hearing.* A grievant may make a recording of the hearing at his own expense if no verbatim transcript is made.

(e) *Report of Hearing.* The Examiner shall determine how any hearing shall be reported and shall have either a verbatim transcript or written summary of the hearing prepared, which shall include all pertinent documents and exhibits submitted to and accepted by him. If the hearing is reported verbatim, the Examiner shall make the transcript a part of the record of the proceedings. If the hearing is not reported verbatim, a suitable summary of pertinent portions of the testimony shall be made part of the record of proceedings. When agreed to in writing, the summary constitutes the report of the hearing. If the Examiner and the parties fail to agree on the hearing summary, the parties are entitled to submit written exceptions to any part of the summary, and these written exceptions and the summary constitute the report of the hearing and shall be made a part of the record of proceedings.

§ 1211.1–14 Grievance file and examiner's report.

(a) *Preparation and content.* The Examiner shall establish a grievance file containing all documents related to the grievance, including statements of witnesses, records or copies thereof, and the report of the hearing when a hearing was held.

(b) *Review by volunteer.* On completion of his inquiry, the Examiner shall make the grievance file available to the volunteer and his representative for review and comment. Their comments, if any, shall be submitted within 5 days after the file is made available and shall be included in the file.

(c) *Examiner's report.* After the volunteer has been given an opportunity to review the grievance file, the Examiner shall prepare a report of his findings and recommendations and submit it with the grievance file to the Regional Director. The Examiner shall also furnish the volunteer a copy of the report.

§ 1211.1–15 Decision by Regional Director.

The Regional Director shall consider the Examiner's report and the grievance file and issue a written decision to the volunteer within ten days. If the Regional Director does not accept the Examiner's recommendations, the decision shall set forth the basis for the determination.

§ 1211.1–16 Appeal to Deputy Director of ACTION.

(a) If a volunteer is dissatisfied with the decision of the Regional Director, he may appeal the decision to the Deputy Director of ACTION.

(b) *Contents of appeal.* Contents of the volunteer's appeal must be in writing, specify those portions of the Regional Director's decision with which he disagrees and the reasons for his disagreement, and identify those parts of the grievance file or report of the Hearing Examiner which support his appeal. The volunteer shall provide a copy of his appeal to the Regional Director.

(c) *Time limit.* The volunteer must file his appeal with the Deputy Director and provide a copy thereof to the Regional Director within 15 days after receipt of the Regional Director's decision.

(d) *Appeal file.* The Regional Director shall, upon receipt of a copy of the volunteer's appeal, immediately transmit the grievance file, Hearing Examiner's report and a copy of his decision to the Deputy Director. These documents, together with the volunteer's appeal shall constitute the appeal file, and shall provide the sole basis for decision on the appeal.

(e) *Deputy Director's decision.* The Deputy Director shall issue a written decision on the appeal to the volunteer within ten days after receipt of the appeal file. He may delegate responsibility for deciding appeals to the Associate Director for Domestic and Anti-Poverty Programs. The decision shall include a statement of the basis for his determination. The Deputy Director's decision is final.

§ 1211.1–17 Disposition of Grievance and Appeal Files.

All grievance and appeals files shall be forwarded to the Associate Director of ACTION for Domestic and Anti-Poverty Programs after the grievance has been settled, or a final decision has been made and implemented. No part of a grievance or appeal file may be made part of, or included in, a volunteer's official personnel folder.

APPENDIX A

STANDARD FOR EXAMINERS

An examiner must meet the requirements specified in either (1), (2), (3), or (4) below:

(1) (a) Current employment in grade GS–12 or equivalent, or above.

(b) Satisfactory completion of a specialized course of training prescribed by the Civil Service Commission for examiners.

(c) At least four years of progressively responsible experience in administrative, managerial, professional, investigative, or technical work which has demonstrated the possession of:

(i) The personal attributes essential to the effective performance of the duties of an examiner, including integrity, discretion, reliability, objectivity, impartiality, resourcefulness, and emotional stability.

(ii) A high degree of ability to

Identify and select appropriate sources of information; collect, organize, analyze, and evaluate information; and arrive at sound conclusions on the basis of that information;

Analyze situation; make an objective and logical determination of the pertinent facts; evaluate the facts; and develop practicable recommendations or decisions on the basis of facts;

Recognize the causes of complex problems and apply mature judgment in assessing the practical implications of alternative solutions to those problems;

Interpret and apply regulations and other complex written material;

Communicate effectively orally and in writing, including the ability to prepare clear and concise written reports; and

Deal effectively with individuals and groups, including the ability to gain the cooperation and confidence of others.

(iii) A good working knowledge of

The relationship between volunteer administration and over-all management concerns; and

The principles, systems, methods, and administrative machinery for accomplishing the work of an organization.

(2) Designation as an arbitrator on a panel of arbitrators maintained by either the Federal Mediation and Conciliation Service or the American Arbitration Association.

(3) Current or former employment as, or current eligibility on the Civil Service Commission's register for, Hearing Examiner, GS–935–0.

(4) Membership in good standing in the National Academy of Arbitrators.

(5) A former Federal employee who at the time of leaving the Federal service was in grade GS–12 or equivalent, or above, and who meets all the requirements specified for an examiner except completion of the prescribed training course, may be used as an examiner upon satisfactory completion of the training course.

[FR Doc.74–21605 Filed 9–17–74;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 888—ENLISTMENT IN THE UNITED STATES AIR FORCE

PART 888b—ENLISTMENT IN THE AIR FORCE RESERVE

Miscellaneous Amendments

This update expands the discussion of enlistment incentives for the Guaranteed Training Enlistment Program (GTEP) and revises the criteria for the enlistment of applicants. The change also fully incorporates Air Force Reserve enlistment procedures. This update implements new policy changes that were required due to changes in enlistment procedures at the Armed Forces Examining and Entrance Stations and Department of Defense directed enlistment programs and criteria in support of the all volunteer force environment.

Subchapter I, Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. Part 888, Enlistment in the Regular Air Force is amended as indicated below.

a. Part 888 is retitled "Enlistment in the United States Air Force".

b. Section 888.1 is amended by revising paragraph (h) to read as follows:

§ 888.1 Definitions.

• • • • • •

(h) *Dependents.* For enlistment purposes and without regard to the definition for pay and allowances, medical care, base exchange privileges, etc., a dependent is: (1) A spouse or (2) any unmarried natural legitimate or illegitimate or adopted child of the applicant if the child is under 18 years of age regardless of whether or not the applicant has custody of the child. For male applicants the term "natural child" includes any illegitimate child claimed by the applicant or determined to be his by court order, or (3) stepchild of the applicant who resides with the applicant if the stepchild is under 18 years of age, or (4) any other person who receives over half of their financial support from the applicant.

• • • • • •

c. Section 888.6(b) is amended by adding new subparagraphs (14) and (15) as shown, by revising Note 2 and by adding a new Note 4 to read as follows:

§ 888.6 Mental and education requirements.

• • • • • •

(b) • • •

(14) A member of another branch of the active U.S. Armed Forces.

(15) Without a spouse but with one or more dependents under age 18 (Note 4). See § 888.1(h) for definition of dependents.

Note • • •

2. Selective Service Registrants previously classified 4–F on medical and mental grounds are eligible for processing and enlistment providing they meet all current eligibility criteria. Reclassification action from 4–F to 1–A by the local Selective Service Board is not required.

• • • • • •

4. Applicant may request a dependency waiver when the child or children have been placed in the custody of some other person by court order irrespective of applicant's responsibility to provide child support payments.

d. Section 888.7 is amended by revising paragraph (b) (4) and (5), by adding a new paragraph (d) (paragraph (c) is reserved), by designating paragraph (c) to (e), and by redesignating paragraph (d) to (f) and revising it to read as follows:

§ 888.7 Obtaining specific authority for enlistment.

• • • • • •

(b) • • •

(4) Separated under AFM 39–10, paragraph 3–8m, and coded RE–1. Waivers may not be processed until 12 months after date of separation.

(5) Separated for dependency or hardship reasons. Waivers may not be processed until 12 months after date of separation. Include the following with request:

(i) Statement of applicant that the hardship or dependency condition is permanently terminated.

(ii) Proof in the form of affidavits or sworn statements that the hardship or dependency condition has ended. These statements may be made by the applicant or by other members of his community familiar with the home conditions involved.

(iii) The burden of furnishing proof that the conditions at the time of discharge have changed is upon the applicant.

(c) [Reserved]

(d) *Authorizations required from ATC/RS or AFRES.* Applicants convicted or adjudicated for an offense listed in AFM 33–3, Table 2–8 are ineligible to enlist without appropriate waiver. On request of applicant or in meritorious cases, an application for waiver may be submitted.

(e) *Uniform guidelines of typical offenses.* • • •

(f) *The effects of illegal drug usage on enlistment/appointment eligibility are:*

(1) *Enlistment.* An applicant is ineligible for enlistment if he/she has:

(i) Illegally used marijuana more than four times, or

(ii) Ever used LSD, or

(iii) Ever illegally used narcotics or dangerous drugs, or

(iv) Illegally been a supplier or casual supplier of any drugs as defined in AFR 30–19, Paragraph 1.

(2) *Officer Training/Commissioning Programs.* An applicant is ineligible for appointment or enlistment for an officer training program if he/she has ever illegally used or been a supplier or casual supplier of marijuana, dangerous drugs, or narcotics.

(3) *Waivers.* Specific instructions relative to granting waivers for preservice drug abuse is in For Official Use Only correspondence.

e. Section 888.12 is amended by revising paragraph (b) to read as follows:

§ 888.12 Nonprior service program.

• • • • • •

(b) Nonprior service male applicants who are found disqualified on AFQT for enlistment at the AFEES are not required to complete physical examination.

• • • • • •

f. Section 888.15 is amended by revising paragraph (g) to read as follows:

§ 888.15 Prior service program.

• • • • • •

(g) *Priority for enlistment of PS applicants.* (1) Without regard to the PS Required Skills List or PS quota provided the individual is:

(i) An airman removed from the Temporary Disability Retired List and authorized to return to active duty.

(ii) Authorized to enlist by a letter issued by AFMPC/DPMMPA.

(iii) A disenrolled AFROTC cadet who is a former enlisted member released from active duty under the AFROTC Airman Scholarship and Commissioning Program. Disenrollment must be for reasons other than inaptitude or reasons involving undesirable traits of character.

(2) Applicants who possess a skill shown on the PS Required Skills List provided a quota exists and who meets TAFMS requirement.

(3) A prior service woman separated for pregnancy enlisting prior to first anniversary of date of separation providing a PS quota exists.

(4) Former military members who possess a skill convertible to an AFSC on the PS Required Skills List.

(5) Former military members enlisting for retraining.

g. Section 888.21 is revised to read as follows:

§ 888.21 Selected applicants to Officer Training School (OTS).

These are individuals who have successfully completed all qualifying examinations and have been notified by Air Training Command, in writing, of selection to attend OTS. Except as pre-

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scribed in this section, processing is the same as for regular enlistees.

h. Section 888.23 is amended by revising paragraphs (a), and (b)(1) to read as follows:

§ 888.23 National Guard and Reserve members of the Air Force on extended active duty.

(a) *Identification.* A reservist of the Air Force currently serving on extended active duty may request discharge for the purpose of immediate enlistment in the Regular Air Force provided he qualifies according to this subpart. An airman in this category is not required to have an AFSC on the Prior Service Required Skills List.

(b) *Qualifications.* (1) Airman must have served on current extended active duty tour for 12 months or longer and be in grade E–3 or higher.

* * * * *

i. A new subpart B is added to read as follows:

Subpart B—Enlistment in the United States Air Force Reserve

888.50 General.
888.51 Standards for enlistment in the USAFR.
888.52 Qualifications for enlistment.
888.53 Enlistment of nonprior service applicants.
888.54 Enlistment of prior service applicants.
888.55 Responsibility for recruiting.
888.56 Recruiter processing of applicants.
888.57 Verification of applicant's enlistment eligibility.
888.58 Medical examination.
888.59 Enlistment processing of applicants.
888.60 Preparation of documents at enlistment activity.
888.61 Enlistment oath.
888.62 Assignment orders.
888.63 Applicants not enlisted.
888.64 Airmen erroneously enlisted.
888.65 Officer Training School selectees.
888.66 Transportation and subsistence.
888.67 Mobilization augmentees.

AUTHORITY: (10 U.S.C. 8012).

Subpart B—Enlistment in the United States Air Force Reserve

§ 888.50 General.

This subpart specifies criteria and enlistment procedures for nonprior/prior service applicants into the United States Air Force Reserve (USAFR). Requests for clarification on any segment of this subpart should be directed to AFRES/RS, Robbins Air Force Base, GA 31098.

§ 888.51 Standards for enlistment in the USAFR.

Reserve enlistment standards are the same as for the minimum standards for Regular Air Force enlistment unless otherwise specified in this subpart.

§ 888.52 Qualifications for enlistment.

An applicant who does not meet requirements stated in this subpart and the applicable Air Force regulations may not be enlisted unless waiver is specifically authorized and has been requested and approved in writing. AFRES/RS is the waiver approving authority unless otherwise specified.

(a) *Citizenship requirements.* Section 888.3 applies.

(b) *Age.* (1) Age qualifications, male/female USAFR applicants.

(i) *Rule 1.* If applicant has no prior service and age at enlistment is 17 but less than 35, then minimum prior service requirement is none.

(ii) *Rule 2.* If applicant has prior service (see note) and age at enlistment is up to and including 35, then minimum prior service requirement is none.

(iii) *Rule 3.* If applicant has prior service (see note) and age at enlistment is 36 but under 38, then minimum prior service requirement is one year.

(iv) *Rule 4.* If applicant has prior service (see note) and age at enlistment is 38 but under 41, then minimum prior service requirement is two years.

(v) *Rule 5.* If applicant has prior service (see note) and age at enlistment is 41 but under 58, then minimum prior service requirement is two years plus number of years applicant is over age 40.

NOTE: AFRES/RS may waive the age requirement for an applicant without sufficient prior service who possesses a technical skill required by the USAFR provided the applicant is less than 58 years old at the time of enlistment. An applicant who is 58 years or older is ineligible to enlist. Waiver may not be requested. Minimum age for enlistment in the U.S. Air Force Reserve is 17 years, when DD Form 373 has been properly executed by parents or legal guardians. The minimum age for enlistment of males and females to qualify for AFROTC contract status is 17.

(2) If applicant has no living parent or legal guardian, AFRES/RS or his designee may waive parental consent.

(c) *Education.* Female applicants must be high school graduates or score in mental category I or II on the Armed Services Vocational Aptitude Battery (ASVAB).

(d) *Mentral requirements.* (See NOTE 1, 2, 3, and 4.)

(1) *Rule 1.* If applicant has no prior service, then qualifying score on ACT, AQE or ASVAB is 40 on the mechanical, administrative, general or electronics aptitude cluster (notes).

(2) *Rule 2.* If applicant has prior service, then qualifying score on ACT, AQE or ASVAB is 40 on general aptitude cluster and aptituue percentile for AFSC in accordance with AFM 35–1, table 5–2 and aptitude in accordance with AFM 35–1.

NOTES: 1. An individual whose enlistment is required by AFR 53–10 (Appointment to the USAF Academy) or AFR 53–27 (Officer Training School (OTS) is exempt from the mental test requirements.

2. See AFM 35–8 (Air Force Military Personnel Testing System), chapter 11, for retest provisions.

3. Waiver requests for prior service applicants not meeting the required mental requirements should be directed to AFRES/RS for consideration and final determination.

4. Nonhigh school graduate must score at least 40 on general and 40 or higher on at least one other aptitude area on the AQE, ASVAB, or ACT.

5. Applicants scoring in mental category III (49 and below) on ASVAB must score a minimum of 45 in the general aptitude area.

(e) *Physical standards.* Applicants must meet medical standards in AFM 160–1 (Medical Examinations and Medical Standards) or AR 40–501 (for males examined at AFEES), as applicable.

(f) *Drug abuse.* Refer to § 888.7 to determine eligibility of applicants who have used drugs.

(g) *Alcoholism.* Applicants are ineligible for enlistment if they are alcohol dependent persons or have a history of alcoholism. Alcoholism is defined as psychological and/or physical dependency on alcohol.

(h) *Basic Military Training School, USAF.* Applicants must complete Basic Military Training School, USAF, unless they have completed basic military training (BMT) in any of the Armed Services. Members are not eligible to participate in reserve training until they complete BMT. When an applicant requires BMT, the Reserve Recruiter will notify AFRES/RS or their designee of the date of enlistment and the month BMT quota is desired. The BMT quota must be requested for the earliest practicable entry date consistent with the enlistee's availability. The required entry date must not be later than 180 days after date of enlistment. The applicant may not be enlisted if he cannot enter BMT within this period. Successful completion of BMT will be a requirement for continued employment of an Air Reserve Technician (ART).

(i) *Moral disqualifications.* The Reserve Recruiter must include a recommendation, forwarded through the Reserve Detachment Commander, based on a personal interview with the applicant and any statement the applicant desires to make regarding the reasons for his disqualification.

(j) *Uniform guidelists of typical offenses.* See § 888.7(c).

(k) *Preenlistment security investigation.* Prior service and nonprior service applicants will be processed in accordance with § 888.11.

(l) *Conditions that bar enlistment.* Section 888.6(b) applies.

§ 888.53 Enlistment of nonprior service applicants.

(a) Within available recruiting quotas, applicants may be enlisted to fill authorized grade and skill vacancies in category A units organized to serve as a unit upon mobilization and category B units. Applicants enlisting are required to serve on initial Active Duty for Training (AC DUTRA) for at least 120 days. When ordered to ACDUTRA, AF Form 458, Statement of Tour of Duty, will be prepared and distributed according to pertinent Air Force regulations. DD Form 214 will be prepared upon completion of the initial ACDUTRA tour. After completing the initial ACDUTRA tour, an airman will return to his USAFR unit of assignment and must participate satisfactorily in ready reserve training for the remainder of his enlistment or until reassigned from the ready reserve.

(b) Nonprior service applicants may be enlisted provided:

(1) They are 17 but not yet 35 years of age.

(2) They meet the requirements or eligibility for enlistment under this subpart and certify their understanding on AF Form 888, Statement of Understanding and Agreement (Nonprior Service Enlistee), of participation requirements.

(3) Before enlistment, they meet the mandatory qualifications for entry in the AFSC in which enlisted.

(4) A vacancy or projected vacancy exists in a category A or B unit, and is available in grade and skill for which applicant is qualified. The Reserve Recruiter must have an allotted BMT and a technical training or on-the-job training quota before an enlistment can be effected. Nonprior service quotas will not be used to fill positions above the grade E–4 without prior approval of AFRES/DPR.

(5) They are not medical, dental, veterinary, osteopathy, podiatry, or optometry students.

(c) Upon completion of preenlistment actions, the Reserve Recruiter will request a training quota from AFRES/RS. Requests must be made a minimum of 2 weeks prior to desired ACDUTRA entry date and will include course desired, BMT entry date desired, alternate date, with individual's full name, social security account number, complete address and telephone number.

(d) When otherwise qualified applicants question their denial of enlistment because of nonselection for a quota vacancy, they will be advised:

(1) That they may have their name retained on a waiting list pending the availability of a vacancy or projected vacancy and may check their status at any time.

(2) Of other reserve units to which they may apply for enlistment.

(3) If they feel additional consideration of their application is warranted, they may appeal the denial. Appeal will be in writing and will be forwarded to AFRES/RS. The Recruiter will provide assistance in preparing the appeal.

(e) Terms of enlistment and date of rank. (1) Six years for male nonprior service applicants 17 through 26 years of age.

(2) Males who are 27 years of age and older, and have passed their military obligation age, may enlist for periods of 2, 3, 4, 5, or 6 years.

(3) Two, 3, 4, 5, or 6 years for females.

(f) Date of rank for nonprior service enlistees is the date of enlistment into the United States Air Force Reserve.

(g) Four years to nonprior service applicants in mental categories I, II, and III. The number of initial four-year enlistments will not exceed 20 percent of the total nonprior service accessions for each unit. Four-year enlistments are authorized only in units with manning below 90 percent. Authority for the four-year enlistment expires on April 1, 1975.

§ 888.54 Enlistment of prior service applicants.

The eligibility, criteria, and qualifications for enlistment of prior service applicants are generally the same as for enlistment of nonprior service applicants as specified in § 888.53.

(a) *Documentary verification.* (1) Prior to enlistment of an applicant who was previously a member of the armed forces or reserve components, documentary verification of this service must be furnished. The DD Form 214 issued for the applicant's last period of active service is the governing document used to determine applicant's eligibility. The original DD Form 214/215 or a duly signed and authenticated copy will be used to verify prior military service and eligibility for enlistment. All previous service will be verified. If errors appear on the DD Form 214, a DD Form 215 from the appropriate records center will be obtained. Information will not be requested by telephone.

(2) Enlistment eligibility for technical training in certain AFSCs requires evidence of previous security clearance held at termination of last enlistment. The following procedures apply prior to requesting an enlistment assignment from ARPC Central Vacancy Control Center, Denver, CO:

(i) For applicants whose last period of service was in the Air Force the information will be obtained from the DD Form 214/215; however, if at the time of separation, any information was omitted, an SF 180, Request Pertaining to Military Records, will be submitted.

(ii) For applicants whose last period of service was other than the U.S. Air Force, an SF 180 will also be submitted.

(3) Acceptability of applicants with prior service. See § 888.15.

(b) *Counselling.* (1) In addition to requirements specified above, prior service applicants will be advised that all PS enlistments are approved for a required AFSC or for training into a critical or shortage AFSC to fill immediate personnel objectives.

(2) Prior service applicants are not entitled to, nor will they receive any special consideration for promotion or skill advancement based upon previous military service. Each applicant must meet all requirements for promotion and skill upgrade in accordance with current Air Force directives.

(c) *Period of enlistment.* The enlistment period for prior service enlistees is 1, 2, 3, 4, 5, or 6 years. If applicant has a remaining Military Service Obligation (MSO), the period of enlistment must be equal to or greater than the MSO. Male prior service personnel may enlist for a period of one year one time.

(d) *Grade determination.* Grade determination for prior service is determined by the Reserve CBPO in accordance with pertinent Air Force regulations. If required, the applicant will complete AF Form 809, Application for Grade Determination, and the recruiter will make appropriate recommendation.

(e) *AFSC determination.* Personal classification boards convened by the Reserve CBPO and functioning under AFM 35–1 must review the qualifications for AFSC determination (including skill level) of the following applicants:

(1) Applicants with prior Air Force service whose awarded AFS will not convert to a current AFS.

(2) An applicant with prior service who is being considered for a position vacancy comparable to his civilian experience, education, or other training.

(3) Those under consideration for grade determination as prescribed by AFM 33–3; table 6–4.

(f) *Reenlistment code.* This code is primary consideration in establishing the enlistment/reenlistment eligibility of an applicant with previous military service. An explanation of the entries made for former Air Force personnel is as follows:

(1) "NA"—Airman reenlisting with 24 hours or being released from involuntary recall to extended active duty.

(2) "1"—Applicant is eligible for enlistment.

(3) "2"—Applicant is barred from enlistment by AFM 33–3, Table 3–6, chapter 3.

(4) Blank—No entry is made when directed by HQ USAF.

(g) *Assignment information.* (Refers to applicants who currently hold Reserve status, usually inactive Reserve ARPC.) Applicant will complete in triplicate, DD Form 1644, Ready Reserve Service Agreement, which will be witnessed by the recruiter.

§ 888.55 Responsibility for recruiting.

(a) AFRES/RS is responsible for recruiting applicants for Ready Reserve vacancies or projected vacancies and coordinating on all matters pertaining to the Ready Reserve Recruiting Program. AFRES/RS establishes appropriate priorities and quotas for recruiting. The category A or B unit must have a vacancy or projected vacancy within its Unit Detail Listing (UDL).

(b) Accord all personnel, regardless of race, color, religion, sex, or national origin, equal opportunity for enlistment.

§ 888.56 Recruiter processing of applicants.

(a) Explain the USAFR Program in which applicant is interested and requests information.

(b) Determine applicant's qualifications and eligibility for enlistment and determine whether or not applicant would be available and able to participate in the applicable Reserve Program.

(c) Advise applicant of complete enlistment procedures that will be applicable and required in his case.

(d) The Reserve Recruiter must explain the following subjects to qualified applicants before enlisting them:

(1) Military Service Obligation (MSO) and participation requirements.

(2) Explanation of terms.

(3) USAFR assignment and retention.

(4) Screening the Ready Reserve.

(5) Inactive duty training for pay and allowances.

(6) Tours of Annual Active Duty for Training (ANACDUTRA) and special tours of active duty to support unusual requirements of the active force.

(7) School and special tours of ACDUTRA.

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(8) Article 83, Uniform Code of Military Justice. Emphasis is placed on the applicant's disclosure of any condition not already contained in his application papers which may disqualify him for enlistment and of the implications and penalties involved should such condition(s) come to the attention of military authorities after enlistment is accomplished. If the applicant makes a disclosure at this time, a waiver for the disqualifying condition, if appropriate, may be processed. If not appropriate, the applicant will be disqualified.

(9) Waiver of physical disability compensation during the same period in which pay is received for military service rendered.

(10) The requirement that applicant possess his social security account number card at the time of enlistment.

(11) Pay, allowances, and dependency status. Applicant will be thoroughly counselled on pay and entitlements that he could expect to receive if ordered to extended active duty and the financial burdens facing married individuals serving in the lower enlisted grades. In addition, applicant will be counselled of the fact that in the event of mobilization/extended active duty, the Air Force is not obligated to provide monetary or other assistance to his family unless proof of their dependency on him is furnished to the satisfaction of the Air Force.

(e) Recruiter completes the following actions:

(1) Fills out Recruiting Prospect card.

(2) Tentatively qualifies the applicant.

(3) Schedules applicant for testing with AFEES/Active Service Tester, or local Reserve CBPO.

(4) Gives applicant two blank DD Forms 298 and instruction sheet for completion.

(5) Mails DD Form 369, Police Record Check, to local police in the areas applicant has lived for the past 5 years, if required.

(6) Have applicant fill out and sign AF Form 2030, USAF Drug Abuse Certificate (Enlistment Only). If required, complete AF Form 2031, Drug Abuse Circumstances (Instructions to Recruiter), within 7 days before enlistment.

(7) If applicant is a minor, recruiter insures DD Form 373 (Parental/Guardian Consent) is signed by the parents in the recruiter's or Notary Public's presence.

(8) Schedules applicant for physical. Physical will normally be administered after ACT/AQE or ASVAB mental testing is completed.

(9) Obtains results of ACT/AQE or ASVAB test. Informs applicant of test results.

(10) If applicant qualifies, recruiter reaffirms enlistment date.

(11) Recruiter and applicant select career field based upon existing vacancies and test results.

(12) Recruiter secures vacancy from Air Reserve Personnel Center (ARPC) and obtains BMT quota number from AFRES/RSO or USAFR CBPO. (Ten days minimum advance notice is required on both).

(13) Prepares a work copy of DD Form 4.

(14) Recruiter and applicant sign work copy of DD Form 4.

(15) Prepares work copy of enlistment/reenlistment order.

(16) Reviews DD Form 398 to assure required entries have been made and that the document is legible and complete and that there are no inconsistencies between the entries.

(17) Assembles enlistment documents and places them into an envelope, seals it, and gives it to the applicant for delivery to the enlistment activity (AFEES or USAFR CBPO).

(18) Provides advance notice of applicant's arrival to the enlistment activity as required.

(19) Assures applicant goes to enlistment activity for further enlistment processing.

§ 888.57 Verification of applicant's enlistment eligibility.

Identify, age, education/citizenship, and moral qualifications will be verified.

§ 888.58 Medical examination.

Each applicant eligible in other respects must undergo a medical examination to determine if physically qualified for enlistment. If, in the opinion of the examining medical officer, an exception to physical standards is appropriate, he will make his recommendation and forward it along with a copy of any additional supporting evidence to AFRES/SG, Robins AFB, GA 31098, for final determination of enlistment eligibility.

§ 888.59 Enlistment processing of applicants.

Applicants will be processed and enlisted at the appropriate Armed Forces Examining and Entrance Stations (AFEES). USAFR CBPOs may complete enlistment processing when AFEES processing would be impractical.

§ 888.60 Preparation of documents at enlistment activity.

(a) DD Form 4, Enlistment Contract—Armed Forces of the United States.

(b) DD Form 44, Record of Military Status of Registrant.

(c) Enlistment/reenlistment orders.

(d) For Air Reserve Technician (ART) enlistees, DD Form 359, Referral for Consideration.

(e) Enlistment by a USAFR agency other than unit of assignment. The enlistee will be advised that the sponsoring agency will contact enlistee and provide pertinent instructions and information about enlistment status.

§ 888.61 Enlistment oath.

The oath of enlistment may be administered by any commissioned officer of the Armed Forces of the United States.

§ 888.62 Assignment orders.

Reserve orders announcing the enlistment and assignment of the Reservists are published in accordance with AFR 10-7.

§ 888.63 Applicants not enlisted.

(a) An applicant rejected for enlistment because of failure to meet mental or physical qualifications will be informed verbally of the reasons for rejection and encouraged to apply at a later date if circumstances in the future permits his enlistment consideration.

(b) An applicant found qualified but declines to enlist may be counselled. If counselling is unsuccessful, applicant may be considered an eloper and processed in accordance with pertinent Air Force regulations.

§ 888.64 Airmen erroneously enlisted.

(a) If an airman has been erroneously enlisted and a waiver is not appropriate, the case will be fully documented and forwarded through channels to the Commander, ARPC. He may disapprove the recommended discharge, if in his opinion the case is without merit. However, if the case appears to have merit, it will be forwarded to AFMPC/DPMAKE, Randolph AFB TX 78148 for final decision.

(b) Service performed during an erroneous enlistment is not creditable for any purpose.

§ 888.65 Officer Training School selectees.

These are individuals who have successfully completed all qualifying examinations and have been notified by AFRES/DPAT in writing of selection to attend OTS. Processing is the same as for regular enlistees except AF Form 2061, USAF Drug Abuse Certificate (Appointment/Officer Training Applicant Only), will be completed in lieu of AF Form 2030. AF Form 2031 will be completed if appropriate.

§ 888.66 Transportation and subsistence.

Except outside the United States, transportation and subsistence are authorized at Government expense to place of enlistment. If found not qualified or required to await further orders, applicants will be returned at Government expense. Applicants who intentionally conceal disqualifications will not be returned at Government expense. The expense of transportation of Reserve applicants to and from the AFEES or Reserve CBPO will be borne by USAFR.

§ 888.67 Mobilization augmentees.

Major commands are responsible for recruiting mobilization augmentees. AFRES recruiters assist in recruiting MAs by referring them to ARPC. They serve in selected positions at HQ USAF, as well as with major commands and separate operating agencies of the Air Force. They are assigned to the CRPO at ARPC, and the recruiting and assignment of MAs managed by ARPC. Information regarding this program may be obtained from ARPC Recruiting Command Post, 3800 York Street, Denver CO 80205.

2. Part 888b is deleted in its entirety. See Subpart B of Part 888.

(10 U.S.C. 8012)

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-21573 Filed 9-17-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[No. 24026]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

PART 25—SATELLITE COMMUNICATIONS

Clarification of Regulations

1. Preparatory to the reprinting of the revised edition of Volume VII of the Commission's rules and regulations, numerous editorial changes were made involving a variety of revisions and amendments in Parts 21 and 25.

2. Adoption of these changes is desirable in order to clarify the rules, make them uniform as to usage and terminology, delete obsolete material, and otherwise improve them from an editorial standpoint. Since the changes are editorial in nature, the prior notice and effective date and provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) are not applicable. The changes below will be included in the revised edition of Volume VII which will be available from the Superintendent of Documents, U.S. Government Printing Office, in the near future.

3. Accordingly, *it is ordered*, pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations. That effective September 18, 1974, Parts 21 and 25 are amended as set forth below.

Adopted: September 9, 1974.

Released: September 11, 1974.

(Secs. 4, 5, 306, 307, 48 Stat., as amended, 1066, 1068, 1082, 1083; 47 U.S.C. 154, 155, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

Chapter I of Title 47 of the Code of Federal Regulations is amended with respect to Parts 21 and 25. The "E" in "earth station" should not be capitalized and should be corrected throughout where it appears. The following additional changes are made as follows:

§ 21.501 [Amended]

1. Section 21.501(i)(4) is amended by substituting "D" for "F" in the middle of the paragraph and "E" and "G" for "D" and "F", respectively, at the end of the paragraph.

2. Section 25.151(e) is amended to read as follows:

§ 25.151 Scope, purpose and application of this subpart.

• • • • • •

(e) The procurement is made by or on behalf of the International Telecommunications Satellite Organization (INTELSAT) established pursuant to Definitive Arrangements (TIAS 7532) which went into effect on February 12, 1973, at Washington and the Special Agreement signed pursuant to Article II of the Interim Arrangements. Such procurements are governed by the INTELSAT Procurement Regulations, copies of which may be obtained from the Communications Satellite Corporation, Washington, D.C. 20024.

3. In § 25.202, paragraphs (a) and (f) are amended to read as follows:

§ 25.202 Frequencies, frequency tolerance and emission limitations.

(a) *Frequency bands.* The following frequency bands are available for use by the communication-satellite service on a shared basis with terrestrial radio services. Precise frequencies and bandwidths of emission will be assigned on a case-by-case basis.

Earth-to-satellite	5925–6425 MHz [2 3]
Satellite-to-earth	3700–4200 MHz [1]

[1] This band may also be used for the transmission of tracking and telemetering signals associated with the communication-satellite space stations operating in the same band.

[2] This band may also be used for the transmission of telecommand signals associated with communication-satellite earth stations operating in the same band.

[3] This band is not available for assignment to mobile earth stations.

• • • • • •

(f) *Frequency tolerance, space stations.* The carrier frequency of each space station transmitter authorized in these services shall be maintained within 0.002 percent of the reference frequency.

§ 25.204 [Amended]

4. Section 25.204(b) is amended by substituting the words "paragraph (c) of this section" for the words "paragraphs (c) and (d) of this section" at the end of the paragraph.

§ 25.252 [Amended]

5. Section 25.252(a), footnote 1 is amended by substituting the symbol "J≥" for the symbol "J>—" at the end of the fourth sentence; in paragraph (b), the formula is amended by substituting the symbol "%" for the word "percent" and by placing the complete term "10 $\log_{10}(n_{ss})$" on the same line.

§ 25.253 [Amended]

6. In § 25.253(a), the formula is amended by placing the complete term "—20 $\log_{10}$ (f/4)—L_v" on the same line; (b)(3) is amended by inserting ")" between the words "arc" and "is", and in (f)(2) the formula is amended by leaving a space between "km" and "5°".

§ 25.510 [Deleted]

7. Section 25.510 is deleted in its entirety.

§ 25.511 [Deleted]

8. Section 25.511 is deleted in its entirety.

[FR Doc.74-21578 Filed 9-17-74;8:45 am]

[FCC 74-953; RM-2423]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations In Kodiak, Alaska; Table of Assignments

1. The Commission has before it a petition submitted July 17, 1974, by the Alaska Educational Broadcasting Commission proposing that FM Channel 261A be assigned to Kodiak, Alaska. Petitioner points to the fact that in Alaska the so-called educational channels 201–220, and channels 221 to 260, are used for other purposes (§ 73.501(b)), thereby confining FM broadcast operations in Alaska to channels 261–300 for use by commercial and non-commercial educational licensees.

2. Nine Alaska communities are currently assigned FM channels in the Table of Assignments (§ 73.202(b)). FM stations are licensed or authorized in three of those communities. Anchorage, the largest city in Alaska, is assigned five channels, three of which are currently in use. A construction permit for use of a fourth channel there was granted July 12, 1974 (BPH–8688). At College, Alaska, Station KUAC, licensed to the University of Alaska, operates on Channel 284. Station KTOO, Juneau, Alaska, is licensed as a 10-watt educational station on Channel 282. FM channels are assigned to Cordova, Fairbanks, Ketchikan, Nome, Seward and Sitka, none of which are currently in use.[1]

3. Kodiak is an incorporated city with a population of 3,798[2] located on Kodiak Island which has a population of 9,409. Kodiak Station, with a population of 3,052, adjoins the city of Kodiak. According to petitioner, Kodiak is the largest incorporated city in Alaska without an FM assignment.

4. Section 73.207(a) of the Commission's rules requires that co-channel Class A stations be separated by 65 miles and that co-channel Class C stations be separated by 180 miles. Of the nine communities already assigned FM channels in Alaska, Seward, which is 195 miles to the northeast of Kodiak, is the nearest. The nearest point on the Canadian border is more than twice that distance. It is therefore evident that any of the 40 channels set aside for FM broadcast use in Alaska, including Channel 261A, could initially be assigned to Kodiak, in complete conformity with all Commission mileage separation requirements.

5. The Alaska Educational Broadcasting Commission states that if Channel 261A is assigned to Kodiak, it will, through an educational corporation or a school district functioning under its aegis, apply for its use.

6. It appears that a sufficient showing has been made to warrant the assignment of Channel 261A to Kodiak.

[1] Channel 284, the sole channel assigned to Sitka, is unused. However, a government-operated 10-watt educational station, licensed to the Bureau of Indian Affairs, broadcasts on Channel 261A at Sitka.

[2] Population figures are from the 1970 U.S. Census.

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Moreover, in view of the plethora of FM channels that could be assigned to Kodiak, it would appear that initiating a rule making proceeding to examine whether to make the requested assignment would serve no useful purpose and is therefore unnecessary. 5 U.S.C. 553(b)(3)(B).

7. In view of the foregoing and pursuant to authority found in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, *it is ordered*, That effective October 18, 1974, § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, is amended with respect to the city listed below to read as follows:

City	*Channel No.*
• • •	• • •
Kodiak, Alaska	261A
• • •	• • •

8. *It is further ordered*, That this proceeding is terminated.

Adopted: September 5, 1974.

Released: September 10, 1974.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-21580 Filed 9-17-74;8:45 am]

[FCC 74-957; Docket No. 20028]

PART 76—CABLE TELEVISION SERVICE

Carriage of Late-Night Television Programming by Cable TV Systems

1. On April 17, 1974, the Commission adopted its notice of proposed rulemaking in Docket No. 20028 (39 FR 15160), FCC 74-433, 46 FCC 2d 446, which proposed amending the Commission's rules to allow cable television systems to import late-night programming from the sign-off of the last station which a cable system must carry to the sign-on of the first station which the system must carry. The Commission issued its notice in response to several proceedings which raised the question of cable carriage of late-night broadcasting.[1]

2. In considering this matter, we stated that our goal was to insure diversity of programming on cable systems without inflicting injury upon broadcast television stations. We observed that a number of television stations recently had moved to an all night or late-night programming schedule, thus offering, Par. 2, "cable systems a new source of programming, when the stations which they must carry are off the air." We therefore concluded in Par 6 that:

Though most television viewers are content with conventional late evening and early night program schedules, a small but significant number have work schedules or personal habits which allow them to watch television only late at night. Accordingly, we believe that limited cable carriage of late-night broadcasting would further the public interest in program diversity.

Although we repeated our concern that cable carriage not harm local television stations, we stated our belief that importation of late-night programming would have no adverse economic impact on stations which already were off the air. We now are in receipt of comments from a number of parties, and are persuaded to adopt the rule substantially as proposed.

3. *Comments by Cable Television Interests.* The National Cable Television Association supported the "concept" behind the Commission's proposal, but urged several modifications to further the goal of program diversity without causing harm to existing broadcast service. First, NCTA advocated a rule that would allow cable systems to carry a full complement of signals at all hours. In support of this, NCTA stated that the "all-or-nothing" approach of the proposed rule was over-protective and inconsistent with the carefully weighed signal carriage requirements already in existence. NCTA also maintained that a smaller audience size during the late night did not justify a change in signal complement any more than such variation during the afternoon. Second, NCTA urged that systems be allowed to commence carriage of distant signals at a set time or at the beginning of the imported late-night programs. Finally, NCTA would modify the sign-off provision in order to prohibit importation of late-night programming only at the "true beginning" of the local station's broadcast day or the end of the program on the distant station, whichever occurred later.

4. Cablecom-General, Inc., favored adoption of the rule on the grounds that it would balance competing interests and stimulate program diversity. The rule also would encourage networking and interconnection among cable systems, Cablecom argued. Specifically, Cablecom supported the provisions allowing unrestricted importation and requiring no certificates of compliance for imported signals. Cablecom urged, however, that the rule permit unlimited distant signal carriage before the last local station's sign-off in the evening. Cablecom proposed that upon a substantial showing of adverse impact by a local broadcaster, the Commission stay importation. In addition, Cablecom argued that if a local station commenced late-night broadcasts subsequent to a cable system's importation, some type of grandfathering rights should accrue to the system. Cablecom suggested that in a grandfathering situation the Commission alternatively (a) allow the number of imported late-night stations to equal the number of local stations carried, with deletion as each local station engaged in late-night programming; (b) permit the number of late-night stations to equal the minimum signal carriage requirements applicable to the particular cable system, with deletion as above; (c) permit the number of distant signals to coincide with the minimum number of independent signals which a system could import, with no deletions except for rare circumstances; or (d) allow the number of imported distant signals to equal the number of local late-night stations.

5. TelePrompTer Corporation endorsed the Commission proposal as consistent with the goals of program diversity and avoidance of injury to broadcast stations. TelePrompTer advocated, however, several changes in the rules. Instead of requiring all local stations to be off the air before a system could import distant signals, TelePrompTer advocated a provision following the minimum service and bonus signal carriage rules. TelePrompTer argued that this proposal would be consistent with the Commission's concern regarding competition. In major markets, TelePrompTer maintained, late-night programming should have no more impact than unlimited carriage of foreign language stations. TelePrompTer also advocated allowing systems in major markets to begin carriage of any late-night station no later than 1:00 a.m. and allowing carriage to commence sooner if necessary to maintain the minimum service standard. This would provide program schedule certainty to subscribers, TelePrompTer stated. TelePrompTer also would modify the sign-on provision to allow more complete carriage of movies, and would add a grandfather provision requiring no deletions if a local station commenced late-night programming in the future.

6. Gerity Broadcasting Company also favored the rule. Gerity operates cable systems in an industrial area with unusual work schedules and therefore is especially interested in the proposed rule. Since its systems are located in a second-fifty market, Gerity advanced several suggestions for broadening the scope of the rule for such markets. First, Gerity would permit carriage of two distant late-night stations in accordance with the bonus signal rules for second-fifty markets. Second, Gerity proposed the same sign-on rule as TelePrompTer for the two distant stations, as well as allowing more complete carriage of movies. Finally, Gerity advocated a grandfather clause, on the ground that systems otherwise would be unwilling to invest in microwave equipment.

7. Verto Corporation and Universal Television Cable System, Inc. endorsed the proposed rule and stated that their subscribers had expressed strong support for its adoption. Verto and Universal stated that the reasons for this sentiment were that their areas have a substantial labor force working unusual hours, thereby creating a significant demand for late-night programming. Verto suggested that the rule be altered

[1] The various requests include the following: A "Request for Rule Making" filed by Davis Communications, Inc.; a petition for special relief (CSR-488) filed by Spectrum Cable Systems, Inc.; a petition for special relief (CSR-504) filed by Cable TV Company of York; and several applications for certificates of compliance.

so that a system could add one late-night signal whenever a local signal signed off, thereby providing continuity of service and similar service to all segments of the viewing public.

8. A group of seven cable television companies supported the proposal as adequately balancing the interests of cable systems, broadcasters, and the public. The companies urged that systems be allowed to commence carriage of late-night stations at the beginning of movies, if the last local station signs off any time during their broadcast. The companies also advocated expansion of the proposal to include video taping of programs already carried for replay after all local stations have signed off. In support of this position, they argued that program diversity would be enhanced, impact on local broadcasters would be minimal, and microwave savings for system operators would be substantial. The copyright questions inherent in this problem were acknowledged by the companies. In its reply comments, the seven companies maintained that strict application of the leap-frogging rules would be contrary to the public interest.

9. Cable TV Company of York urged adoption of the proposal. York maintained that the sign-on provision of the proposed rule unnecessarily protected local stations and deprived viewers of choice, and it urged adoption of a provision allowing maintenance of the minimum service complement. In the alternative, York argued that systems should be allowed to commence late-night programming after a majority of local stations concluded their broadcast day.

10. Metro Cable Company viewed the rule as helping to fulfill the need for television service after midnight. Metro Cable urged allowing cable systems to carry a full network and independent signal complement for late-night viewers. This would serve as a catalyst, Metro argued, for local broadcasters to expand their programming. Metro also advanced several proposals regarding sign-on and sign-off time that would allow more complete late-night programming while local stations were on the air.

11. A group of 82 cable companies supported the proposal as consistent with the Commission's objectives. The companies stated that although systems outside all television markets may carry any station, the proposed rule should specifically allow such systems to carry late-night programming without prior certification. The companies also argued that systems should be allowed to commence carriage if the particular program ended after all local stations had signed off. The impact on local broadcasters would be minimal, the companies maintained.

12. Communications Properties, Inc., maintained that there was substantial need for and availability of late-night programming. But the proposed rule should be altered. CPI urged as to the sign-on and sign-off provisions. CPI suggested allowing systems to carry distant signals thirty minutes after the end of prime time or after all local stations concluded their broadcast day, whichever occurred first.

13. A group of cable systems supported the rule as a reasonable approach to the problem of making television service available during the late-night hours.

14. *Comments by Copyright Owners.* In reply comments to a group of seven cable companies' suggestion that cable systems be allowed to videotape broadcasts and replay them during late-night hours, a group of seven motion picture suppliers regarded the request puzzling. The program suppliers argued that this issue was beyond the Commission's jurisdiction and specifically governed by provisions of the Copyright Act, 17 U.S.C. 1(d)(1972). In support of their position, the suppliers noted that a license from a copyright owner was required to videotape and transmit copyrighted programs. The Copyright Act provides that the exclusive right to make reproductions of a copyrighted work is vested in the author and copyright owner. The program suppliers also maintained that the Communications Act of 1934 neither granted nor could grant the Commission the right to change copyright law. Aside from the legal issues involved, the program suppliers stated that videotaping would result in "widespread circulation of piratical tapes" in competition with the legitimate market.

15. MCA, Inc., argued that allowing cable systems to videotape programming was beyond the issues raised in the rule-making proceeding and beyond the Commission's authority. Such a practice would be an intrusion into copyright law and a copyright infringement, MCA claimed. MCA also observed that no party had urged that late-night program carriage be exempt from the Commission's syndicated exclusivity provisions. The exclusivity rule should apply, MCA believed, because § 76.151 of the rules refers to the major market signal carriage rules.

16. *Comments from the Public.* The Commission received a large number of letters from cable subscribers who favored adoption of the proposed rule. Most of the writers noted that they worked at unusual hours and therefore could watch television only late at night.

17. *Comments from Broadcast Television Interests.* Boston Broadcasters, Inc., licensee of Station WCVB-TV, Boston, Massachusetts, hailed the proposed rule as providing an important public service. Because of varying sign-off times of local stations, however, BBI suggested that the Commission select a fixed time, preferably 1:00 a.m., for the commencement of carriage of distant late-night programming signals. BBI argued that 1:00 a.m. typically marks the end of network programming and most frequently is the time at which late-night programming schedules begin. By the Commission adopting a 1:00 a.m. late-night programming standard, BBI asserted that cable television subscribers will be able to view late-night programs in their entirety. BBI viewed the Commission's provision for presuming a sign-off time of "must-carry" signals as "administratively unworkable." Without establishing a fixed time for commencement of late-night programming importation, BBI maintained, the cable operator would be left with the burden of daily checking the local stations' sign-off times—which might prohibit the system from engaging in late-night programming importation.

18. The American Broadcasting Company opposed adoption of the rules. It argued that the proposed rule was "fundamentally at odds" with Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143 and the Consensus Agreement. Under the Consensus Agreement, ABC asserted that carriage of additional distant late-night programming signals was prohibited. ABC also argued that the proposed rule was in violation of the copyright provisions of the Consensus Agreement. Moreover, ABC maintained that it would be "highly inappropriate" to undertake this rule revision while the copyright legislation was under consideration by Congress. ABC also believed that adoption of the proposed rule would lead to further erosion of the Commission's 1972 rules. Should the Commission adopt a rule change, ABC suggested no additional station be carried until all the local stations have left the air, that a cable system be allowed to carry only one distant late-night programming signal, and that any additional signal should be carried in accordance with the leapfrogging principles. Finally, ABC proposed that the authority to carry distant late-night programming signals should cease when a local station expands its hours.

19. The Columbia Broadcasting System opposed adoption of the rule. Noting that cable systems do not pay for use of distant signals, it argued that the proposed rule created "one-way, unfair competition." CBS maintained that the proposed rule would discourage cable systems from producing local origination programming, because importation of distant late-night programming would provide a cost-free programming alternative. Distant late-night programming would attract more cable subscribers and increase cable systems' revenues, CBS argued, thus fragmenting the free television audience. CBS also argued that the benefits for the cable systems from the proposed rule would be inequitably balanced by the disadvantages suffered for broadcasters and/or program suppliers. If the Commission adopted the proposed rule, CBS argued, free television would need to compete with its own product. If the Commission permitted the importation of distant late-night programming, CBS maintained that it should do so only on the condition that the cable system be required to obtain retransmission consent from the original television station.

20. A group of nineteen television licensees argued that the proposed rule was inconsistent with the Cable Television Report and Order, supra, and the Consensus Agreement. They thus urged the Commission to withhold action pending enactment of copyright legislation. If the Commission did adopt the rule, how-

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ever, they urged that the rule be modified in three ways. First, cable systems should not be permitted to carry additional distant signals until all local stations have left the air. Second, the Commission should limit the number of late-night signals and should implement leapfrogging restrictions. Finally, when any local station decided to extend its operating hours a cable system should be required to cease carriage of the distant signal for the extended period.

21. KMSO–TV, Inc., licensee of three television broadcast stations, argued that there was no compelling case to justify the importation of programs by cable systems on otherwise unauthorized signals. It asserted that there is a precipitous decline of audience after 10:00 p.m. and therefore that there was no significant viewer demand. Importation of late-night programming, KMSO–TV argued, would produce duplicated programs previously seen on at least one cable channel, rather than diversity of programming. KMSO–TV also asserted that the proposed rule posed a threat to television stations through erosion of revenues. Adoption of the rule, KMSO–TV maintained, would grant cable an unfair competitive advantage, thus threatening continued operation of smaller market television stations.

22. KTVB, Inc. argued that adoption of the rule would create needless regulatory problems and would not provide any real public benefit. If the Commission decided to adopt the rule, however, it urged the Commission to make several modifications. First, a cable system's distant late-night programming importation should be limited to one signal at a time. Second, a cable system should be required to cease importation of a distant signal after any "must-carry" station extends its operating hours. Third, a cable system should be allowed to carry a program to its completion only if the program does not extend more than thirty minutes after the sign-on of the first "must-carry" station. Fourth, the Commission should bar carriage of late-night programs which duplicate programs carried or to be carried by any "must-carry" stations within a twenty-four hour period in the Mountain Time Zone. Finally, the Commission should protect a station's entire broadcast day and thus eliminate the half-hour sign-off provision of the proposed rule.

23. Mid-Continent Telecasting, Inc., licensee of Station KOAM–TV, Pittsburg, Kansas, objected to what it viewed as a further erosion of the Commission's cable television rules. If the Commission decided to adopt the rule, however, it urged that it make several modifications. First, distant late-night programming importation should be limited to one signal at a time. Second, notification by a local station of an increase in its broadcast hours should automatically require a cable system to delete its distant late-night programming signal. Third, the Commission should eliminate the half-hour sign-off provision now contained in the proposed rule; a local station's programming should be carried in its entirety. Fourth, no more than one half of a distant station's program should be carried past the sign-on of any local station. Fifth, a cable system should give a 30 day advance notice of plans to engage in late-night programming importation. Sixth, the Commission should establish time zone provisions, so cable systems will be unable to evade their program exclusivity obligations. Finally, Mid-Continent advocated that a local television station should be given the opportunity to require deletion of a particular hour of late-night programming.

24. The Association of Maximum Service Telecasters, Inc., argued that adoption of the proposed rule would lead to abuse and erosion of the Commission's rules. It asserted that the proposed rule offers little benefit to the public, because only a very small proportion of the public would desire and be able to take advantage of the cable offering. Costs of microwave relay, MST also argued, may be prohibitive to smaller systems where the potential late-night audience is small. MST also asserted that importation of distant late-night programming signals would have a substantial adverse impact on local television service. MST maintained that importation of distant signals would produce duplication of programs, causing audience fragmentation and cutbacks in present local broadcast service. MST suggested that a cable system originate programming to fulfill needs for late-night programming.

25. Springfield Television, Inc., licensee of Television Broadcast Station KYTV, Springfield, Missouri, objected to the proposed rule and alternatively suggested modifications to the rule if the Commission adopted it. First, it advocated allowing the importation of only one distant signal at a time. Second, the sign-off to sign-on provision should be from the last local station to sign off to the first local station to sign on the following day. Third, Springfield Television argued that the local station's entire broadcast day should remain intact. Fourth, no more than one-half hour of a distant station's program should be carried past the sign-on time of the first local station. Fifth, Springfield Television also supported a time zone provision which would prevent cable systems from using time zone differences to evade their program exclusivity obligations. Finally, videotaping of a distant station's programs for late-night replay should be prohibited.

26. Westinghouse Broadcasting Company, Inc., argued that there was no compelling need for the proposed rule. It asserted that the proposed rule was inconsistent with the Commission's policy of requiring local stations to serve local needs. If there were a need for late-night programming in a particular area, however, Westinghouse maintained that existing commission special relief procedures provided an adequate method for consideration of individual requests.

DISCUSSION

27. We believe that the proposed rule is desirable in order to achieve the public interest in high-quality cable television service and diversity of programming. Indeed, the letters from the public discussed in Paragraph 16, supra, only confirm that a "small but significant" portion of the population desires an opportunity to watch television late at night. Moreover, we do not believe that origination cablecasting is sufficient to fill this current void. Few cable systems can afford to buy enough syndicated programming to cover the late evening hours, and locally produced fare is beyond the capabilities of most communities. Finally, cable carriage of late night programming will not hurt the viability of broadcast television. For the reasons noted below, the proposed rule will create neither head-on competition for local stations nor any economic disincentive for local stations to expand their program days. Accordingly, we will adopt the rule with the minor modifications noted below.

28. We note that many parties have raised issues which are not properly part of this proceeding. Thus videotaping programs for late-night replay, imposing more stringent logging requirements on systems, and requiring retransmission consent simply are not material here. The parties are, of course, free to raise these issues in a more appropriate setting.

29. We will retain the proposed rule's lack of limitation on the number of late-night signals which a cable television system may carry. Although cable interests maintained that the proposed rule was too narrow and some broadcast interests that it was too broad, we believe that it strikes an appropriate competitive balance between cable and broadcast television. On the one hand, the rule protects local stations from head-on competition with imported signals. On the other, it allows a cable system to carry at least one signal during all times. We recognize that the rule will allow a cable system to duplicate a local station's programming after the station has begun to broadcast a program in some situations—particularly on the border of time zones where an imported station commences its broadcast of a program after a local station. We do not believe that this effect is sufficiently harmful, however, to justify expansion of our simultaneous exclusivity rules in § 76.93. After all, television stations currently face duplication of their programs from nonsimultaneous broadcasts.[3]

[3] We note that § 76.93(b)'s requirement of same-day exclusivity protection for Mountain Time Zone stations, of course, still remains fully in effect. Accordingly, a system may not carry a program which commences after midnight and which will be broadcast during the same day by a Mountain Time Zone station entitled to exclusivity protection. Indeed, we have proposed a similar provision in liberalizing the carriage of network news programs in our notice of proposed rulemaking in Docket No. 19859, FCC 73–1139, 43 FCC 2d 913.

30. We also remain convinced that application of our leapfrogging rule or certification requirement to carriage of late-night programming would be inappropriate. Our existing exceptions for importation of otherwise unavailable network programming, §§ 76.59 (d)(2), 61(e)(2), do not require compliance with the leapfrogging rules. Accordingly, we see no reason to extend the leapfrogging rules to an analogous situation. For similar reasons, we will dispense with any requirement of prior certification or notification.[4] Where a station can demonstrate actual harm from importation of late-night programming, of course, we will consider granting special relief pursuant to § 76.7.

31. In addition, we will retain the proposed rule's presumption that a station signs off on the hour or half hour if it "terminates operations less than thirty minutes after the hour or half hour • • •" As we indicated in our notice, this provision will cover situations in which a local station broadcasts public service announcements, devotionals, formal sign-offs and the like after it has presented its last major program of the day. A cable system thus may commence importation of late-night programming on the hour, without waiting for the final and often formalistic termination of a local station's broadcast day. We thus reject both the pure sign-off to sign-on rule advanced by broadcast interests and the presign-off formulation supported by cable interests. To be sure, the rule will result in some viewers' tuning out the last few minutes of a local station's broadcast and in other viewers' missing the beginning of an imported program. Nevertheless, we believe that this represents an appropriate balancing of the interests.

32. Similarly, we will retain the proposed rule's provision allowing cable systems to carry an imported program to its completion, even though a local station has signed on.[5] We already have established a policy of allowing cable systems to carry program to completion in other contexts,[6] and we see no reason to depart from that policy here. Indeed requiring a cable system to cease carriage immediately after a local station begins broadcasting would wreak havoc with viewers. We thus reject suggestions that we either set a particular time for commencing importation or that we allow a system to commence importation substantially before the sign-off of the last local station. Either formulation would create precisely the type of head-on competition which we seek to avoid, while neither would provide programming to an otherwise totally unserved public.

33. Finally, we wish to make clear that we will not grandfather cable systems' importation of late-night programming pursuant to the rule. Indeed, in Par. 8 of our notice we stated that "the rule may even encourage local late-night broadcasting," by giving local stations the power to terminate importation of distant signals through expansion of their own program days. Despite the comments of some cable interests, we do not believe that a lack of grandfathering rights will deter systems from carrying late-night programming. Though importation often will require either the constructing of microwave facilities or the leasing of common carrier channels, a system is not likely to lose its investment quickly. Stations usually expand their programming days by increments, an hour or two at a time. Moreover, a station must spend more to broadcast late at night than a cable system to import late-night programming. In the end, we leave these matters to the sound business judgment of both television stations and cable systems.

Authority for the rule amendment adopted herein is contained in sections 2, 4(i), and (j), 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, *it is ordered*, That effective October 18, 1974, Part 76 of the Commission's Rules and Regulations is amended as set forth below.

(Secs. 2, 4, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1066, 1082, 1083, 1085; 47 U.S.C. 152, 154, 303, 307, 308, 309)

It is further ordered, That this proceeding is terminated.

Adopted: September 6, 1974.

Released: September 11, 1974.

FEDERAL COMMUNICATIONS COMMISSION[8]

[SEAL] VINCENT J. MULLINS, *Secretary.*

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 76.57, paragraph (c) is added new to read as follows:

§ 76.57 **Provisions for systems operating in communities located outside of all major and small television markets.**

• • • • • •

(c) In addition to the television broadcast signals carried pursuant to paragraphs (a) and (b) of this section, any television station during the period from sign-off of the last station which the cable television system must carry pursuant to § 76.57(a) to the sign-on of the first station which the cable television system must carry pursuant to § 76.57(a); *Provided, however,* That if a station terminates operations less than thirty minutes after the hour or half hour, it shall be deemed to have signed off on the prior hour or half hour respectively. A cable system may carry a program to its completion. Carriage of such additional stations shall not require prior approval in the certificating process and shall be consistent with the program exclusivity rules of Subpart F of this part.

2. In § 76.59(d), paragraph (3) is added new to read as follows:

§ 76.59 **Provisions for smaller television markets.**

• • • • • •

(d) • • •

(3) Any television station during the period from sign-off of the last station which the cable television system must carry pursuant to § 76.59(a) to the sign-on of the first station which the cable television system must carry pursuant to § 76.59(a); *Provided, however,* That if a station terminates operations less than thirty minutes after the hour or half hour, it shall be deemed to have signed off on the prior hour or half hour respectively. A cable system may carry a program to its completion. Carriage of such additional stations shall not require prior approval in the certificating process and shall be consistent with the program exclusivity rules of Subpart F of this Part.

• • • • • •

3. In § 76.61(e), subparagraph (3) is added new to read as follows:

§ 76.61 **Provisions for first 50 major television markets.**

• • • • • •

(e) • • •

(3) Any television station, during the period from sign-off of the last station which the cable television system must carry pursuant to § 76.61(a) to the sign-on of the first station which the cable television system must carry pursuant to § 76.61(a); *Provided, however,* That if a station terminates operations less than thirty minutes after the hour or half hour, it shall be deemed to have signed off on the prior hour or half hour respectively. A cable system may carry a

[4] We note that the original proposed rule would not have dispensed with the certification requirement for systems located outside of all television markets. Since there is little reason to require certification only for these systems, the rule will apply to all cable television systems.

[5] It should be emphasized that the purpose of our action here is to permit the carriage of distant signals at times when local stations are not broadcasting. It is possible, of course, that with no limitation on the amount of time an imported late night program may carry over into the broadcast day of local stations, abuses can occur. Cable operators are cautioned that should such abuses develop, the Commission may find it necessary to impose some limitation on the amount of carryover, or to require discontinuation of imported programming at the beginning of a local station's broadcast day.

[6] Section 76.61(b)(2)(ii) thus provides that where a cable system must delete a program pursuant to the exclusivity rules, "a program substituted may be carried to its completion." And § 76.55(b) sets a general standard that "programs broadcast shall be carried in full, without deletion or alteration of any portion except as required by this part."

[8] Commissioner Reid concurring in the result.

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program to its completion. Carriage of such additional stations shall not require prior approval in the certificating process and shall be consistent with the program exclusivity rules of Subpart F of this Part.

* * * * *

4. In § 76.155(a)(2), subparagraph (iv) is amended to read as follows:

§ 76.155 **Notification.**

(a) * * *

(2) * * *

(iv) As to programs to be deleted from signals regularly carried by the system pursuant to §§ 76.61(b), (c), (d), (e)(1), or (e)(2) and 76.63(a) (as it refers to § 76.61(b), (c), (d), (e)(1), or (e)(2)): the name of the programs; the call letters of the station from which the deletion is to be made; and the date, time, and duration of the deletion. Information, once supplied pursuant to paragraphs (a)(2)(i), (ii), (iii), or (a)(3) of this section, need not be repeated in any notification supplying the information required by this subparagraph.

* * * * *

[FR Doc.74-21579 Filed 9-17-74;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-56; Amdt. Nos. 172-27, 173-84, 174-23]

MISCELLANEOUS AMENDMENTS TO CHAPTER

The purpose of these amendments to the Hazardous Materials Regulations of the Department of Transportation is to change or delete certain incorrect references and to correct certain spelling and editorial errors.

Since these amendments concern editorial changes and corrections and impose no burden on any person, notice and public procedure thereon are considered unnecessary.

In consideration of the foregoing, 49 CFR Parts 172, 173, and 174 are amended as follows:

PART 172—LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL MATERIALS SUBJECT TO PARTS 170–189 OF THIS SUBCHAPTER

In § 172.5 paragraph (a), the List of hazardous materials is amended as follows:

§ 172.5 **List of hazardous materials.**

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Labels required if not exempt	Maximum quantity in 1 outside container by rail express
(change)				
Lauroyl peroxide	Oxy. M	173.153(b), 173.157, 173.158	Org. per	25 pounds.

* * * * *

PART 173—SHIPPERS

(A) In Part 173 Table of Contents, § 173.247a is amended to read as follows:

Sec.
173.247a Vanadium tetrachloride and vanadium oxytrichloride.

(B) In § 173.128, the introductory text of paragraph (b) is deleted; next to the last sentence of the introductory text of paragraph (c) is amended to read as follows:

§ 173.128 **Paints and related materials.**

* * * * *

(c) * * * When offered for transportation by rail express, such shipments are exempt from specification packaging, marking, and labeling requirements, except that packages having inside containers of over 1 quart capacity each must be marked with name of contents and bear the flammable liquid label described in § 173.409. * * *

* * * * *

(C) In § 173.141, paragraph (a)(10) is revised to read as follows:

§ 173.141 **Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.**

(a) * * *

(10) Specification 51 (§ 178.245 of this subchapter). Portable tank. Each tank must be equipped with safety relief valves which must be in compliance with all requirements of § 173.315(i). A tank must not be liquid full at 130°F.

(D) In § 173.176, the introductory text of paragraph (g) is amended to read as follows:

§ 173.176 **Matches.**

* * * * *

(g) Matches, strike-on-box, book, and card packed in outside fiberboard or wooden boxes are not subject to the regulations in Parts 170–189 of this subchapter.

* * * * *

§ 173.225 **Phosphorus sesquisulfide and phosphorus pentasulfide.**

(E) In § 173.225, paragraph (b)(2) is amended by adding footnote 1 reference following Specification 53 in the first sentence, and adding footnote 1 to read as follows:

(F) In § 173.247a, the heading is revised to read as follows:

§ 173.247a **Vanadium tetrachloride and vanadium oxytrichloride.**

* * * * *

PART 174—CARRIERS BY RAIL FREIGHT

In § 174.532, paragraphs (1) (5) and (6) are revised to read as follows:

§ 174.532 **Loading other hazardous materials.**

* * * * *

(1) * * *

(5) Gas handlers. Each shipment of one or more carloads, as described in paragraphs (1)(1), (2), (3), and (4) of this section, shall be accompanied by a crew of qualified gas handlers, supplied with equipment to handle leaks or other container failure, which will permit the escape of gas. Gas handlers will remain with the shipment during the entire time that it is in the custody of the carrier. Gas handlers will, in the event of leakage or escape of gas, make repairs and perform decontamination, if necessary. If they need assistance they will advise the carrier's representative as to the nearest Department of Defense facility and aid required.

(6) Loading and bracing in cars. Drums must be loaded in cars having level floors. Cars equipped with metal corrugated ends or cars having bowed ends must be supplied with end wall bulkheads constructed in accordance with requirements for center gates. (See Sketch 1, Bureau of Explosives' Pamphlet No. 6.)

* * * * *

This amendment is effective September 30, 1974.

(Authority: Transportation of Explosives Act (18 U.S.C. 831–835), section 6 of the Department of Transportation Act (49 U.S.C. 1655); Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h), and 1655(c)).

Issued in Washington, D.C. on September 13, 1974.

W. M. BENKERT,
Rear Admiral, Board Member for the United States Coast Guard.

R. P. SKULLY,
Board Member for the Federal Aviation Administration.

ROBERT A. KAYE,
Board Member for the Federal Highway Administration.

JOHN W. INGRAM,
Board Member for the Federal Railroad Administration.

[FR Doc.74-21606 Filed 9-17-74;8:45 am]

[1] Use of existing tanks authorized, but new construction not authorized.

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS, AND REPORTS

PART 1243—QUARTERLY OPERATING REPORTS—RAILROADS

[No. 35345 (Sub-No. 1)]

Railroad Quarterly Report of Freight Loss and Damage Claims

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 31st day of July 1974.

On August 23, 1973, Notice of Proposed Rulemaking was published in the FEDERAL REGISTER (38 FR 22650) advising all interested persons that the Commission had under consideration a requirement for filing of quarterly reports of freight loss and damage claims by all class I common carriers by railroad, except switching and terminal companies. After consideration of all relevant matters submitted by interested parties, the reports proposed are hereby adopted with modifications, as shown by the instructions and schedules in the appendix attached to and made a part of this order.

Wherefore, and for good cause appearing:

It is ordered, That quarterly reports of railroad common carriers of property, form QL-D-R, Quarterly Report of Freight Loss and Damage Claims-Railroads, and the reporting rules and requirements thereto, as shown in the appendix attached hereto, be, and they are hereby, adopted and prescribed.

It is further ordered, That the reporting requirements prescribed hereby be made applicable to all class I common carriers of property by railroad, except switching and terminal companies, pursuant to the Commission's regulations set forth at 49 CFR 1240.1.

It is further ordered, That the reporting requirements prescribed hereby are to become effective with reports for the quarter beginning January 1, 1975, and shall remain in effect until further order of the Commission.

It is further ordered, That a new § 1243.4 be added to Title 49, Ch. X, Subchapter C, Part 1243, of the Code of Federal Regulations, to read as follows:

§ 1243.4 **Freight loss and damage claims.**

Commencing with reports for the 3 calendar months beginning January 1, 1975, and for subsequent quarters thereafter, until further ordered, all class I railroads, except switching and terminal companies, as defined in § 1240.1 of this chapter, subject to the provisions of part I of the Interstate Commerce Act, shall compile and file quarterly reports of freight loss and damage claims in accordance with quarterly report form QL&D-R, and instructions thereon.[1] Such quarterly reports shall be filed in duplicate in the office of the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, within 40 days after the end of the quarter to which they relate.

(Authority: Secs: 12, 20, 24 Stat. 883, 386; 49 U.S.C. 12, 20.)

And it is further ordered, That service of this order shall be made on all parties to the proceeding, on all class I railroads, except switching and terminal companies, subject to the provisions of section 20, part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator, or assignee of any such railroad company, and notice shall be given the general public by depositing a copy of this order in the Office of the Secretary of the Commission at Washington, D.C. 20423, and the filing of a copy thereof with the Director, Office of the Federal Register, for publication.

A supply of printed form QL&D-R will be furnished later.

This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21636 Filed 9-17-74;8:45 am]

[1] Filed as part of original document.

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Open seasons and daily bag and possession limits for certain migratory game birds for the 1974–75 hunting season were published in the FEDERAL REGISTER of September 3, 1974 (39 FR 31883; FR Doc. 74-20064). It is found necessary to further clarify flywaywide restrictions in bag and possession limits under the conventional system as opposed to those under the point system, and to make shooting hours on opening day for taking extra teal during the regular season conform to the shooting hours of the regular duck seasons in the States of Delaware, Georgia, New York, and South Carolina. Therefore, the following amendments are necessary.

Section 20.105 is amended as follows:

§ 20.105 **Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.**

* * * * *

(e) *Atlantic, Mississippi, and Central Flyways.*

Atlantic Flyway

* * * * *

Flywaywide Restrictions

* * * * *

Hooded mergansers—no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be in possession, except under the point system (see § 20.105(g)).

* * * * *

Mississippi Flyway

* * * * *

Flywaywide Restrictions

* * * * *

Hooded mergansers—no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be in possession, except under the point system (see § 20.105(g)).

* * * * *

Central Flyway

* * * * *

Flywaywide Restrictions

In all States in the Central Flyway:

Mallards—no more than 3 mallards of which not more than 1 mallard may be a hen may be taken daily nor more than 6 mallards of which not more than 2 mallards may be hens may be in possession, except under the point system (see § 20.105(g)).

* * * * *

Hooded mergansers—no more than 1 hooded merganser may be taken daily nor more than 2 hooded mergansers may be in possession, except under the point system (see § 20.105(g)).

* * * * *

(i) Extra teal during regular season. * * *

* * * * *

Seasons in the Atlantic Flyway

Connecticut	Oct. 19–Oct. 26.
Delaware	Nov. 6*–Nov. 14.
Georgia	Nov. 27*–Dec. 5.
Maine	Oct. 2*–Oct. 10.
New Hampshire	Oct. 2*–Oct. 10.
New York:	
Upstate	Oct. 16*–Oct. 24.
Lake Champlain	Oct. 9*–Oct. 17.
Long Island	Closed.
South Carolina	Nov. 20*–Nov. 28
Vermont	Oct. 9*–Oct. 17.
West Virginia	Oct. 3*–Oct. 11.

* * * * *

The amendments make only clarifying and conforming changes and it is therefore determined that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest.

Effective date: September 28, 1974.

(40 Stat. 755; 16 U.S.C. 703 et seq.)

F. V. SCHMIDT,
Deputy Director.

SEPTEMBER 12, 1974.

[FR Doc.74-21515 Filed 9-17-74;8:45 am]

PART 32—HUNTING

DeSoto National Wildlife Refuge, Nebr.

The following special regulation is issued and is effective on September 18, 1974.

§ 32.32 **Special regulations; big game: for individual wildlife refuge areas.**

NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the DeSoto National Wildlife Refuge, Nebraska, is permitted only on the area designated by signs as open to hunting. This area, comprising 1,200 acres, that lies west of the present Missouri River channel, is de-

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lineated on a map available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 601 E. 12th, Federal Building, Kansas City, Missouri 64106. Hunting shall be in accordance with state regulations governing the hunting of deer with bow and arrow and shall be permitted only during the regular Nebraska archery deer season subject to special refuge hunting regulations as follows: September 21, 1974 through October 31, 1974, one-half hour before sunrise to one-half hour after sunset, from November 1, 1974 through November 8, 1974, 1 p.m. to one-half hour after sunset from November 18, 1974 through December 8, 1974, 1 p.m. to one-half hour after sunset, and from December 9, 1974, through December 31, 1974, one-half hour before sunrise to one-half hour after sunset.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1974.

JAMES E. FRATES,
Refuge Manager, DeSoto National Wildlife Refuge.

SEPTEMBER 10, 1974.

[FR Doc.74-21576 Filed 9-17-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 7]

LABELING AND ADVERTISING OF MALT BEVERAGES

Postponed Hearing

The public hearing on proposed amendments to the above part, pertaining to ingredient labeling of malt beverages, which was announced for October 1, 1974 (FR Doc. 74-17720), has been postponed to February 3, 1975, at the same time and location. The last date for submission of written material and requests to present oral testimony has consequently been postponed to January 27, 1975.

The hearing is being postponed primarily because of Congressional interest in the proposed labeling of ingredients in all alcoholic beverages. The postponement would provide time for interested members of Congress to explore the ramifications of the proposed regulations in behalf of their constituents. Widespread international interest and the interrelationship of the three alcoholic beverage industries—beer, wine, and distilled spirts—insofar as regulations are concerned have also contributed to the decision.

Dated: August 26, 1974.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.74-21814 Filed 9-17-74;9:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 4110, 4120, 4130]

GRAZING ADMINISTRATION

Bald Eagle Protection Act

Notice is hereby given that pursuant to the authority contained in paragraph (c) of section 1 of the Bald Eagle Protection Act (16 U.S.C. 668), as amended by the Act of October 23, 1972 (86 Stat. 1064), it is proposed to amend Parts 4110, 4120 and 4130 of Chapter II, Title 43 of the Code of Federal Regulations.

The purpose of this amendment is to incorporate into the regulations provisions of law making grazing licenses, permits, or leases subject to cancellation or reduction by the Bureau of Land Management where a licensee, permittee or lessee has been convicted of a violation of paragraph (a) of section 1 of the Bald Eagle Protection Act.

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

In accordance with the Department's policy on public participation in rulemaking (36 FR 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until October 18, 1974.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Public Affairs, Bureau of Land Management, Room 5627, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.–4:15 p.m.).

Parts 4110, 4120, 4130 of Subchapter D of Chapter II, Title 43 of the Code of Federal Regulations are amended to read as follows:

PART 4110—GRAZING ADMINISTRATION (INSIDE GRAZING DISTRICTS) (THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS)

1. A new subparagraph (17) is added to § 4115.2-1(e) of Part 4110 to read as follows:

§ 4115.2-1 License and permit procedures; requirements and conditions.

* * * * * * *

(e) * * *

(17) A grazing permit or license may be canceled or reduced, in whole or in part, upon the conviction of the permittee or licensee of a criminal violation under section 668(a) of the Bald Eagle Protection Act, 16 U.S.C.A. 668–668d (1973 Supp.) or any regulation or permit issued thereunder.

* * * * * * *

PART 4120—GRAZING ADMINISTRATION (OUTSIDE GRAZING DISTRICTS AND EXCLUSIVE OF ALASKA); GENERAL

2. A new subparagraph (14) is added to § 4125.1-1(i) of Part 4120 to read as follows:

§ 4125.1-1 Leasing procedures, requirements and conditions.

* * * * * * *

(i) * * *

(14) A grazing lease may be canceled or reduced, in whole or in part, upon the conviction of the lessee of a criminal violation under § 668(a) of the Bald Eagle Protection Act, 16 U.S.C.A. §§ 668–668d (1973 Supp.) or any regulation or permit issued thereunder.

PART 4130—GRAZING ADMINISTRATION (ALASKA)

3. Paragraph (h) of § 4131.2-7 of Part 4130 is amended by adding a new sentence at the end to read as follows:

§ 4131.2-7 Leases.

* * * * * * *

(h) * * * A grazing lease may be canceled or reduced, in whole or in part, upon the conviction of the lessee of a criminal violation under § 668(a) of the Bald Eagle Protection Act, 16 U.S.C.A. 668–668d (1973 Supp.) or any regulations or permit issued thereunder.

ROLAND G. ROBISON, JR.,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.74-21575 Filed 9-17-74;8:45 am]

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRD HUNTING; PROPOSED STEEL/NONTOXIC SHOT REGULATIONS

Notice of Hearing

On July 23, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 26745-26747) which would require that shotgun shells containing steel pellets or pellets made of such other materials as may be approved by the Director, U.S. Fish and Wildlife Service, be the only type of shot loads permitted for hunting ducks, geese, and swans (Anatidae), and coots (Fulica americana). It was proposed that this regulation be implemented beginning in 1976 in the Atlantic Flyway States and in 1977 in the Mississippi Flyway States and in 1978 in designated areas in the Central and Pacific Flyway States. This proposal followed issuance of a draft Environmental Impact Statement (EIS) on the proposal. A notice of the availability of the draft EIS was also published in the FEDERAL REGISTER on July 23, 1974, (39 FR 26764). Due to the interest shown, a hearing will be held in each flyway in accordance with Part 455, Chapter I, of the Departmental Manual. The dates, times, and places of the hearings are as follows:

Atlantic Flyway

Date: October 22, 1974.

Place: Auditorium, Department of the Interior, 18th and C Street, N.W., Washington, D.C.

Time: 9:00 a.m.–4:00 p.m.

Pacific Flyway

Date: October 31, 1974.

Place: California State Building, Room 1194, 455 Golden Gate Avenue, San Francisco, California.

Time: 9:00 a.m.–4:30 p.m.

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Mississippi Flyway

Date: November 4, 1974.
Place: Auditorium, St. Louis County Library, 1640 South Lindbergh Blvd., St. Louis, Missouri.
Time: 9:00 a.m.–5:00 p.m.

Central Flyway

Date: November 6, 1974.
Place: Auditorium, Room 269, Denver Post Office Building, 1823 Stout Street, Denver, Colorado.
Time: 9:00 a.m.–4:00 p.m.

The EIS for this proposal is available for public inspection during normal business hours at or single copies may be obtained from the Fish and Wildlife Service, Office of Environmental Coordination, Department of the Interior, 18th and C Street, NW., Washington, D.C., and at the following U.S. Fish and Wildlife Service Regional Offices:

1500 N.E. Irving Street
Portland, Oregon 97208
517 Gold Avenue, S.W.
Albuquerque, New Mexico 87103
Federal Building, Fort Snelling
Twin Cities, Minnesota 55111
17 Executive Park Drive, N.E.
Atlanta, Georgia 30329
U.S. Post Office and Courthouse
Boston, Massachusetts 02109
10597 W. Sixth Avenue
P.O. Box 25486
Denver Federal Center
Denver, Colorado 80225.

Persons wishing to make an oral presentation or to submit their views in writing at any of these hearings should deliver a notice to that effect to the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, no less than five working days before the date of the hearing at which the testimony is to be presented. A time limit of 10 minutes per witness is imposed in the case of oral testimony, although additional time may be granted in advance at the discretion of the Presiding Officer. This notice is published under authority of the Migratory Bird Treaty Act, 16 U.S.C. 704.

Dated: September 12, 1974.

NATHANIEL P. REED,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc.74-21516 Filed 9-17-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

HANDLING OF ORANGES GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Notice of Proposed Rulemaking

This notice proposes minimum grade and size requirements for oranges grown in the lower Rio Grande Valley in Texas for the period November 4, 1974, through November 2, 1975. The proposed requirements are designed to promote orderly marketing and provide consumers with an ample supply of acceptable quality fruit.

The proposal would establish regulations, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, room 112A, U.S. Department of Agriculture, Washington, D.C., 20250, not later than October 1, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation was recommended by the Texas Valley Citrus Committee, and it reflects the committee's appraisal of the need for regulation, and of the crop and current and prospective market conditions. Shipment of oranges from the production area is now in progress, and such shipments are regulated by grade and size through November 3, 1974, under § 906.352 Orange Regulation 25 (38 FR 28283). Fruit in such shipments is required to grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1), or U.S. No. 2, and be at least $2^{6}/_{16}$ inches in diameter. The proposed grade and size requirements, which would become effective November 4, 1974, are the same as the requirements currently in effect and are necessary to ensure the continued shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions by preventing the demoralizing effect on the market caused by the shipment of lower-quality and smaller-sized fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed requirements are consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

Such proposal reads as follows:

§ 906.354 Orange Regulation 26.

(a) Order. During the period November 4, 1974, through November 2, 1975, no handler shall handle:

(1) Any oranges of any variety, grown in the production area, unless such oranges grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, U.S. Combination (with not less than 60 percent, by count, of the oranges in any lot thereof grading at least U.S. No. 1), or U.S. No. 2;

(2) Any oranges of any variety, grown in the production area, which are smaller than pack size 288, as such size is specified in § 51.691(c) of the U.S. Standards for Oranges (Texas and States other than Florida, California, and Arizona), except that the minimum diameter limit for pack size 288 oranges in any lot shall be 2-6/16 inches;

(3) Any oranges of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any oranges of any variety, grown as aforesaid, unless such oranges meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, have the same meaning as is given to the respective term in the United States Standards for Oranges (Texas and States other than Florida, California, and Arizona) (7 CFR 51.680–51.714).

Dated: September 13, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21613 Filed 9-17-74;8:45 am]

[7 CFR Part 906]

HANDLING OF GRAPEFRUIT GROWN IN THE LOWER RIC GRANDE VALLEY IN TEXAS

Notice of Proposed Rulemaking

This notice proposes minimum grade and size requirements for grapefruit grown in the Lower Rio Grande Valley in Texas for the period November 4, 1974, through November 2, 1975. The proposed requirements are designed to promote orderly marketing and provide consumers with an ample supply of acceptable quality fruit.

The proposal would establish regulations, pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 1, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation was recommended by the Texas Valley Citrus Committee, and it reflects the committee's appraisal of the need for regulation and of the crop and current and prospective market conditions. Shipment of grapefruit from the production area is now in progress, and such shipments are regulated by grade and size through November 3, 1974, under § 906.353 Grapefruit Regulation 25 (38 FR 28284). Fruit in such shipments is required to grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, or U.S. No. 2, and be at least $3^{3}/_{16}$ inches in diameter. The proposed grade and size requirements, which would become effective November 4, 1974, are necessary to ensure the continued shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions by preventing the demoralizing effect on the market caused by the shipment of lower quality and smaller-sized fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed requirements are consistent with the objectives of the act of promoting orderly marketing and protecting the interest of consumers.

The proposed grade and size requirements are comparable to those in effect during the 1973–74 season. The proposed size requirements are more stringent during the first part of the season and are designed to delay the harvest of the fruit until such time as it reaches its full growth. Later in the season, about the end of February, Texas grapefruit normally reach their full growth, and much of the larger fruit has been picked. At that time it is desirable to allow shipment of smaller-sized grapefruit because the fruit has reached full size, and the remaining supplies of grapefruit are diminishing.

Such proposal reads as follows:

§ 906.355 Grapefruit Regulation 26.

(a) Order. During the period November 4, 1974, through November 2, 1975, no handler shall handle:

(1) Any grapefruit of any variety, grown in the production area, unless such grapefruit grade U.S. Fancy, U.S. No. 1, U.S. No. 1 Bright, U.S. No. 1 Bronze, or U.S. No. 2;

(2) Any grapefruit of any variety, grown in the production area, which are smaller than pack size 96, as such size is specified in § 51.630(c) of the U.S. Standards for Grapefruit (Texas and States other than Florida, California and Arizona), except that the minimum diameter limit for pack size 96 grapefruit in any lot shall be $3^{9}/_{16}$ inches: *Provided*, That during the period February 24, 1975, through November 2, 1975, no handler shall handle any grapefruit of any variety, grown in the production area, which are smaller than pack size 112, as such size is specified in § 51.630(c) of the aforesaid U.S. Standards for Grapefruit, except that the minimum diameter limit for pack size 112 grapefruit in any lot shall be $3^{5}/_{16}$ inches;

(3) Any grapefruit of any variety, grown as aforesaid, for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto not more than 48 hours prior to the time of shipment; or

(4) Any grapefruit of any variety, grown as aforesaid, unless such grapefruit meet all the applicable container and pack requirements which are in effect pursuant to the aforesaid marketing agreement and order during the period.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; and terms relating to grade and diameter, when used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (Texas and States other than Florida, California and Arizona) (7 CFR 51.620–51.653).

Dated: September 13, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21812 Filed 9-17-74;8:45 am]

[7 CFR Part 932]

OLIVES GROWN IN CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This notice invites written comments relative to the proposed Olive Administrative Committee expenses of $765,495.50 and an assessment rate of $15.00 per ton of regulated California olives to support committee activities during the 1974–75 fiscal year under marketing Order No. 932. It is also proposed that unexpended assessment income from 1973–74 and prior years be carried over as a committee reserve.

Consideration is being given to the following proposals submitted by the Olive Administrative Committee, established under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that the expenses that are reasonable and likely to be incurred by the Olive Administrative Committee during the period September 1, 1974, through August 31, 1975, will amount to $765,495.50.

(b) That the Secretary of Agriculture fix the rate of assessment for said period, payable by each first handler in accordance with § 932.39, at $15.00 per ton of olives.

(c) That unexpended assessment funds is excess of expenses incurred during the fiscal year ended August 31, 1974, and prior years shall be carried over as a reserve in accordance with the applicable provisions of § 932.40.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 10, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 13, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21614 Filed 9-17-74;8:45 am]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposal To Designate Desirable Free Tonnage for Natural Thompson Seedless Raisins

Notice is given of a proposal to designate a desirable free tonnage for natural Thompson Seedless raisins of 155,000 tons which would be made available as free tonnage during the 1974–75 crop year. This action would be in accordance with the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order", regulating the handling of raisins produced from grapes grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Raisin Administrative Committee.

The Committee's recommendation is under § 989.54 of the order and is based on its review of shipment data, inventory data, and other matters, relating to a desirable free tonnage for natural Thompson Seedless raisins for the 1974–75 crop year.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 7, 1974. All written submissions should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 13, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.74-21556 Filed 9-17-74;8:45 am]

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Packers and Stockyards Administration

[9 CFR Part 201]

MEAT AND MEAT FOOD PRODUCTS

Purchasers To Pay Promptly

On July 8, 1974, there was published in the FEDERAL REGISTER (39 FR 24913) a proposed rule that would require each packer, before the close of two business days after the meat or meat food products purchased are available for unloading, to pay the full amount of the purchase price unless otherwise expressly agreed between the parties before the purchase of the product.

The regulation was proposed at the request of meat packer associations and individual meat packers who were concerned about meat payment practices in the industry. They contended that packers were required to unfairly finance the operations of customers subject to the Act which resulted in an extreme financial burden. The regulation would provide for uniform meat and meat food product payment practices and correct the problems alleged to exist in the meat industry concerning payment practices. A period of 60 days was allowed for submission of comments by interested persons. Over 750 comments were received with a large majority of the comments expressing negative opinions on the proposal. The comments supporting the proposal did not establish a sufficient basis for its adoption by the Department. Therefore, it is concluded that there is no need, at the present time, to implement the proposed regulation and consequently the Department has decided to take no further action on this proposal.

The agency will continue its current program of proceeding formally against packers who have failed to pay for, accept or deliver meat or meat food products in accordance with contract terms when investigations indicate that violations of the Act have occurred. In addition, packers should continue to follow the procedure outlined in policy statement 203.7 with respect to disputes on meat transactions.

Done at Washington, D.C., September 13, 1974.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.74-21535 Filed 9-17-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. OSH-36]

VINYL CHLORIDE

Correction of Hearing Transcript; Order to Show Cause

On June 25-28 and July 8-11, 1974 a public hearing was held regarding a proposed vinyl chloride standard. On August 23, 1974, Firestone Plastic Co., a division of Firestone Tire and Rubber Co. filed a Motion to Correct Transcript. The following Order to Show Cause is published to allow all interested participants to respond to that Motion. Copies of the Motion are available for examination and copying in Room 230, 1726 M Street, NW., Occupational Safety and Health Administration, Washington, D.C. 20210.

Signed at Washington, D.C., this 16th day of September, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

ORDER TO SHOW CAUSE

On August 23, 1974, a Motion to Correct Revised Transcript was filed by Firestone Plastic Co., a division of Firestone Tire and Rubber Co. in the above-captioned matter. The Movant asserts that a number of errors exist in the transcription of Firestone's presentation, including cross-examination of witnesses, as reflected in the official revised transcript of the proceedings. In support of its contentions, the Movant has attached to the motion an Appendix indicating the transcription errors that it alleges exist and a prepared corrected version.

In addition the Movant requests that the Occupational Safety and Health Administration be ordered and directed to review and compare the revised official transcript of the public hearing with the master tape transcription made by the U.S. Department of Labor, and that the revised transcript be further corrected, as necessary, in order to accurately reflect the testimony and evidence presented during the hearing.

On the basis of the above, it is hereby ordered, that all interested participants who wish to direct themselves to the motion filed by Firestone Plastic Company show cause before the undersigned on September 23, 1974, at 10 a.m., Suite 720, 1111 20th Street NW., Washington, D.C., as to why the motion should not be granted.

Dated: September 13, 1974, Washington, D.C.

GORDON J. MYATT,
Administrative Law Judge.

[FR Doc.74-21813 Filed 9-17-74;9:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

FOOD LABELING

Proposed Exemption From Declaration of Net Quantity of Contents

Manufacturers and processors may produce limited quantities of food products whose actual weight is unintentionally less than the net quantity designated on the label. This mislabeling may occur because of equipment malfunction or because the packaging art for a particular process has not been so refined as to eliminate all possibility of quantity variation.

In many instances, it is not feasible either to recycle or accurately to relabel the mislabeled product. Consequently, the food product must be destroyed to preclude its unlawful entry into interstate commerce.

The Pillsbury Co., in the interest of reducing such needless waste of food, has submitted a petition to amend 21 CFR 1.1c(a) by adding the following new paragraph (a)(14):

(14) Food in package form shall be exempt from the requirement that the declaration of the net quantity of contents accurately reveal the quantity of food in the package when such foods are sold by the manufacturer or processor directly to an institutional purchaser under a written agreement disclosing that the net quantity declaration is inaccurate and stipulating that such foods will be consumed by the institutional purchaser and shall not be further distributed to any other purchaser. Such agreement shall be kept on file by the manufacturer or processor for at least one year subsequent to the date of shipment of such foods to the institutional purchaser.

The full petition submitted by the Pillsbury Co. is on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner of Food and Drugs agrees with the basic concept of Pillsbury's proposal but is of the opinion that 21 CFR 1.8b is a more appropriate location for the proposed exemption and that, in order adequately to protect consumers, it is necessary that any such mislabeled product, in order to qualify for such exemption, meet all of the following conditions:

1. The label shall comply with all applicable requirements of Chapter I of Title 21 of the Code of Federal Regulations except with respect to the requirement of § 1.8b(g) that the label declaration of net quantity of contents shall accurately reveal the quantity of food in the package.

2. Such mislabeling of the product shall have resulted from equipment malfunction or from a product variation that is unavoidable from time to time in light of the present state of the packaging art in that particular industry.

3. The product shall be sold only to local, state, or federal government institutions (e.g., schools, prisons, and hospitals) and distribution of the product shall be made by the manufacturer or processor directly to such institution (i.e., not through a distributor).

4. The manufacturer or processor shall obtain from the purchaser of the product a signed statement that the purchaser is aware that the product is mislabeled and that any subsequent distribution of the product by the purchaser except for his own institutional use would constitute a violation of the Fair Packaging and Labeling Act (sec. 4(a)) and the Federal Food, Drug, and Cosmetic Act (sec. 403(e)). This statement shall be kept on file at the principal place of business of the manufacturer or processor for 2 years subsequent to the date of shipment of the product.

5. The outside of the shipping container of the product shall bear a conspicuous statement indicating the nature and extent of the mislabeling.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and the Fair Packaging and Labeling Act (sec. 5(b), 80 Stat. 1298; 15 U.S.C. 1454) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 1 be amended in § 1.8b by adding a new paragraph (t) to read as follows:

§ 1.8b Food labeling; declaration of net quantity of contents; when exempt.

* * * * *

(t) Where the declaration of net quantity does not accurately reflect the actual quantity of the contents because of equipment malfunction or otherwise unintentional product variation, and the label conforms in all other respects to the requirements of this chapter, the mislabeled food product may be sold by the manufacturer or processor directly to institutions operated by a local or State government or by the Federal government (schools, prisons, hospitals, etc.), *Provided*, That:

(1) The purchaser shall sign a statement at the time of sale indicating that he is aware that the product is mislabeled and that any subsequent distribution by him of said product except for his own institutional use is unlawful. This statement shall be kept on file at the principal place of business of the manufacturer or processor for 2 years subsequent to the date of shipment of the product.

(2) The product shall be labeled on the outside of its shipping container with the statement: "Product Mislabeled. --% Maximum Variance Between Labeled and Actual Net Quantity of Contents of Enclosed Packages. This Product Not for Retail Distribution.", the blank to be filled in with the maximum percentage variance between the labeled and actual net quantity of contents of the individual packages in the shipping container. This statement shall appear prominently and conspicuously as compared to other printed matter on the shipping container and in boldface print or type on a clear, contrasting background in order to render it likely to be read and understood by the purchaser.

Interested persons may, on or before November 18, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 11, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-21546 Filed 9-17-74;8:45 am]

[21 CFR Part 15]

CEREAL FLOURS AND RELATED PRODUCTS

Proposed Improvement of Nutrient Levels of Enriched Farina; Correction

In FR Doc. 74-13471 appearing at page 20891 in the FEDERAL REGISTER of Friday, June 14, 1974, in the center column on page 20892, the sixth line of § 15.40(d) which reads "paragraphs (c) and (d) of this section" is changed to read "paragraphs (b) and (c) of this section."

Dated: September 11, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-21543 Filed 9-17-74;8:45 am]

[21 CFR Part 328]

IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Proposed Establishment of Product Class Standard for Detection or Measurement of Glucose

Correction

In FR Doc. 74-14703, appearing at page 24136 in the issue for Friday, June 28, 1974, make the following corrections:

1. On page 24138, the first line of § 328.100(b)(2)(i)(*a*) should read as follows:

"(*a*) Specific rotation $[\alpha]_D^{25°}$, not less".

2. On page 24145 in the first column, the sixth line of § 328.102(e)(2)(ii)(c)(*1*) should read as follows:

"CO_2-free distilled water. When the solu-".

3. On page 24146, in the third column, under the center heading in § 328.102(e)(3)(v)(b)(3) for Barium hydroxide Solution, Saturated, the chemical formula in the first and second lines should read: "($Ba(OH)_2 \cdot 8H_2O$)".

Social Security Administration

[20 CFR Part 405]

[Regs. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Waiver of Life Safety Code Provisions

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendment to the regulations set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendment provides that the Secretary, rather than the State agency, may waive, as to a particular hospital, specific provisions of the Life Safety Code of the National Fire Protection Association which are applicable to hospitals.

Hospitals would also be required to meet National Fire Protection Association standards on medical gases and inhalation therapy. These changes will conform the Conditions of Participation for Hospitals to the regulations on waiver of specific provisions of the Life Safety Code and the handling of medical gases and inhalation therapy applicable to skilled nursing facilities (20 CFR 405.1134(a)), published in the FEDERAL REGISTER of January 17, 1974 (39 FR 2247).

Prior to the final adoption of the proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before October 18, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington D.C. 20201.

The proposed amendment is to be issued under the authority contained in sections 1102, 1861(e), and 1871, 49 Stat. 647, as amended, 79 Stat. 314 as amended, 79 Stat. 331; 42 U.S.C. 1302, 1395x(e), 1395hh.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: August 21, 1974.

JAMES B. CARDWELL,
Commissioner of Social Security.

Approved: September 12, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education and Welfare.

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405), are further amended as set forth below.

Section 405.1022 is amended by revising paragraph (b) to read as follows:

§ 405.1022 Condition of participation-physical environment.

* * * * *

(b) *Standard: Life safety from fire.* The hospital meets such provisions of the Life Safety Code of the National Fire Protection Association (21st Edition, 1967) as are applicable to hospitals; except that, the Secretary may waive, in consideration of State survey agency findings and recommendations, for such periods as deemed appropriate, specific provisions of such Code which, if rigidly applied, would result in unreasonable hardship upon a particular hospital, but only if such waiver will not adversely affect the health and safety of the patients; and except that the provisions of the Life Safety Code applicable to hospitals shall not apply in any State if the Secretary makes a finding that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects patients in hospitals. The factors explaining the standard are as follows:

(1) The hospital:

(i) Meets the Life Safety Code standards as are applicable to hospitals;

(ii) Maintains written evidence of regular inspection and approval by State or local fire control agencies;

(iii) In anesthetic areas, has floor materials and mechanical equipment used which comply with the provisions of the National Fire Protection Association Standard No. 56A, Standard for the Use of Inhalation Anesthetics (1971);

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(iv) Has nonflammable medical gas systems, such as oxygen and nitrous oxide, installed in the facility which comply with the applicable provisions of National Fire Protection Association Standard No. 56B, Standard for the Use of Inhalation Therapy (1968), and National Fire Protection Association Standard No. 56F, Nonflammable Medical Gas Systems (1970); and

(v) Has procedures for the proper routine storage and prompt disposal of trash.

(2) Written fire control plans contain provisions for prompt reporting of all fires; extinguishing fires; protection of patients, personnel and guests; evacuation; and cooperation with fire fighting authorities.

[FR Doc.74-21592 Filed 9-17-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-RM-11]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Cherokee, Wyo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207. All communications received on or before October 7, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

New transitions based on the Cherokee, Wyo. VORTAC have been authorized to the Sinclair, Wyo. NDB. It is necessary to provide controlled airspace for protection of aircraft flying the new transition routes.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (39 FR 440) amend transition area for Cherokee, Wyo. to read:

CHEROKEE, WYO.

That airspace extending upward from 1200 feet above the surface within 9 miles south and 6 miles north of the Cherokee, Wyo. VORTAC 261° radial extending from 8 miles east to 19 miles west of the VORTAC; and that airspace east of the Cherokee VORTAC within an arc of a 37-mile radius circle centered on the Cherokee VORTAC bounded on the north by the north edge of V-26 and on the south by the south edge of V-4, excluding that airspace within the Rawlins, Wyo. transition areas.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Aurora, Colorado, on September 9, 1974.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc.74-21561 Filed 9-17-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 19554]

CABLE TELECASTING OF CERTAIN PROGRAMS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 76, Subpart G, of the Commission's rules and regulations pertaining to the cablecasting of programs for which a per-program or per-channel charge is made.

1. On August 6, 1974, the Commission adopted a Further Notice of Proposed Rule Making and Order for Oral Argument, FCC 74-878, ____ FCC 2d ____ (released August 12, 1974) (39 F.R. 30498), in the above-entitled proceeding. Comment and reply comment dates were set at September 16, 1974, and September 30, 1974, respectively.

2. On September 6, 1974, American Broadcasting Companies, Inc., filed a "Request to Extend Dates for Comments and Reply Comments." ABC submits that more time is needed for the preparation of comments due to counsel's preplanned vacation schedules and the time required to update information previously submitted to the Commission as well as to respond to the complex issues associated with the proceeding. In light of these considerations, ABC requests that the dates for comments and reply comments be extended to September 20, 1974, and October 4, 1974, respectively.

3. We are of the opinion that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered*, That the dates for filing comments and reply comments are extended to and including September 20, 1974, and October 4, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.289 of the Commission's rules.

Adopted: September 10, 1974.

Released: September 11, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DAVID D. KINLEY,
Chief,
Cable Television Bureau.

[FR Doc.74-21584 Filed 9-17-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1204, 1260, 1261]

[Ex Parte No 308; Valuation Docket No. 1423 (1971 Report), (1972 Report)]

VALUATION OF COMMON CARRIER PIPELINES

Correction

In FR Doc. 74-20681 appearing at page 32333 in the issue for Friday, September 6, 1974, the correct headings should read as set forth above.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

SEPTEMBER 13, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 30, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2368 (Sub-No. E74), filed May 29, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Maryland Eastern Shore south of U.S. Highway 301, to points in West Virginia on, south, and west of a line beginning at the West Virginia-Kentucky State line and proceeding east along Interstate Highway 64 to Charleston, thence along Interstate Highway 77 to the Virginia-West Virginia State line, points in Virginia on, south, and west of a line beginning at the Virginia-West Virginia State line and proceeding along Virginia Highway 311 to Roanoke, thence along U.S. Highway 460 to its junction with U.S. Highway 360, thence along U.S. Highway 360 to Richmond, thence along Interstate Highway 95 to Petersburg, thence along Interstate Highway 85 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 59393 (Sub-No. E3), (correction), filed May 14, 1974, published in the FEDERAL REGISTER August 29, 1974. Applicant: BESTWAY VAN LINES, INC., 401 Vine Street, N. Little Rock, Ark. 72114. Applicant's representative: Sheldon Silverman, Suite 550, Federal Bar Bldg. West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, and *emigrant movables*, between points in Oklahoma (except Cimarron, Tex., and Beaver Counties, and Kiowa County and points within 50 miles thereof), on the one hand, and, on the other, points in that part of Texas west of a line beginning at the United States-Mexico International Boundary line near Del Rio, thence along U.S. Highway 277 to junction Texas Highway 6, thence Texas Highway 6 to junction U.S. Highway 283, thence along U.S. Highway 288 to the Texas-Oklahoma State line (except points in that part of Texas north of Interstate Highway 40). The purpose of this filing is to eliminate the gateway of Hobart, Okla. The purpose of this correction is to include the portion of the Texas territorial description appearing as "• • • thence along U.S. Highway 277 to junction Texas Highway 6 • • •" which was inadvertently omitted from the publication of August 29, 1974; to correct the description of Interstate Highway 40 which inadvertently appeared as U.S. Highway 40; and to correct the description of Texas County, Okla., which was inadvertently abbreviated in the publication of August 29, 1974.

No. MC 80428 (Sub-No. E1), filed May 12, 1974. Applicant: MCBRIDE TRANSPORTATION, INC., P.O. Box 430, Goshen, N.Y. 10924. Applicant's representative: S. Michael Richards, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, bullion, currency, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, those injurious or contaminating to other lading, and articles moving under refrigeration), (1) from points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., to points in Erie and Monroe Counties, N.Y., with no transportation on return except as otherwise authorized; and (2) from points in Wayne County, N.Y., to points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., with no transportation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 106324 (Sub-No. E23), filed May 16, 1974. Applicant: GENERAL DELIVERY INC., P.O. Box 1813, Fairmont, W. Va. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operations, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, including pipeline development and *machinery, highway and building construction, materials, glassware, pottery ware, and crating materials* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Pennsylvania, on the one hand, and, on the other, points in West Virginia (points in Harrison County, W. Va.)*; and (B) *Materials and supplies* used in the manufacture and distribution of glass containers (except commodities in bulk), from points in Pennsylvania to points in West Virginia, restricted in (A) and (B) above against service between points in that part of West Virginia north of West Virginia Highway 7 on the one hand, and, on the other, points in Green, Fayette, and Somerset Counties, Pa., and that part of Pennsylvania west of U.S. Highway 19. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 106194 (Sub-No. E10), filed June 4, 1974. Applicant: HORN TRANSPORTATION, INC., P.O. Box 1808, Kansas City, Mo. 64141. Applicant's representative: Charles A. Minturn, 1221 Baltimore Ave., Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except commodities, which because of size and weight require the use of special equipment and except oilfield and pipeline commodities as defined by the Commission in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459), from points in that part of Oklahoma on and north of a line beginning at the Oklahoma-New Mexico State line, thence along U.S. Highway 64 to junction Oklahoma Highway 3, thence along Oklahoma Highway 3 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction Oklahoma Highway 51, thence along Oklahoma Highway 51 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Oklahoma Highway 99, thence along Oklahoma Highway 99 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Oklahoma-Kansas State line, to points in Minnesota. The purpose of this filing is to eliminate the gateway of Hutchinson, Kans.

No. MC 107403 (Sub-No. E298), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

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transporting: *Dry plastic materials*, in bulk, in tank or hopper-type vehicles, from points in Kentucky to points in New York. The purpose of this filing is to eliminate the gateway of Painesville, Ohio.

No. MC 107403 (Sub-No. E301), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petroleum products and coal tar products), in bulk, in tank vehicles, from Ashland, Ky., to points in Delaware and New Jersey within 100 miles of Philadelphia. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 107403 (Sub-No. E303), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except petrochemicals), in bulk, in tank vehicles, from Ashland, Ky., to points in Maryland and New York. The purpose of this filing is to eliminate the gateways of Marietta, Ohio, and Natrium, W. Va.

No. MC 107403 (Sub-No. E304), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-inflammable liquid chemicals* (except coal tar products, petroleum products, other than medicinal petroleum products, liquid wax), in bulk, in tank vehicles, from Ashland, Ky., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 107403 (Sub-No. E305), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Ashland, Ky., to points in Iowa, Minnesota, and Nebraska. The purpose of this filing is to eliminate the gateway of Mapleton, Ill.

No. MC 107403 (Sub-No. E309), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except cement and fly ash), from points in Kentucky, to points in Hillsdale, Jackson, Lenawee, Monroe, Washtenaw, and Wayne Counties, Mich. The purpose of this filing is to eliminate the gateways of Pataskala and Toledo, Ohio.

No. MC 107403 (Sub-No. E313), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except cement and fly ash), in bulk, in tank vehicles, from points in West Virginia to points in Allen, Auglaize, Champaign, Defiance, Delaware, Erie, Franklin, Fulton, Hancock, Hardin, Henry, Huron, Knox, Licking, Logan, Lucas, Marion, Mercer, Morrow, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Shelby, Union, Van Wert, Williams, Wood, Wyandot Counties, Ohio. The purpose of this filing is to eliminate the gateway of Pataskala, Ohio.

No. MC 107403 (Sub-No. E315), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except cement and fly ash), in bulk, in tank vehicles, from points in West Virginia to points in Hillsdale, Jackson, Lenawee, Monroe, Washtenaw and Wayne Counties, Mich. The purpose of this filing is to eliminate the gateways of Pataskala and Toledo, Ohio.

No. MC 107403 (Sub-No. E318), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products* (except benzene, fuel oil, gasoline, kerosene, and petrochemicals), from those points in West Virginia which are within 150 miles of Monongahela, Pa., to points in Maine and Vermont. The purpose of this filing is to eliminate the gateway of Congo, W. Va., and Newark, N.J.

No. MC 107403 (Sub-No. E348), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except fly ash, salt, cement, and plastic materials), in bulk, in tank vehicles, from points in Allen, De Kalb, and Steuben Counties, Ind., Hillsdale, Jackson, Lenawee, Monroe, Washtenaw, and Wayne Counties, Mich., Defiance, Erie, Fulton, Henry, Lucas, Ottawa, Sandusky, and Williams Counties, Ohio, to points in New York on and west of a line beginning at Oswego, N.Y., and extending along New York Highway 57 to Syracuse, and thence along U.S. Highway 11 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateways of Birmingham and Painesville, Ohio.

No. MC 107403 (Sub-No. E618), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquids* (except milk, coal tar, coal tar products, milk petroleum, petroleum products, from points in Berks, Bucks, Chester, Lancaster, Lehigh, Montgomery, Northampton Counties, Pa., to points in Ohio. The purpose of this filing is to eliminate the gateway of Camden, N.J.

No. MC 107403 (Sub-No. E619), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent silica gel catalyst*, in bulk, in tank vehicles, from Philadelphia, to points in New York, North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of Claymont, Del.

No. MC 107403 (Sub-No. E620), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fish oils, sea animal oil, vegetable oil and blends of each*, in bulk, in tank vehicles, from points in New York east of U.S. Highway 11, to points in Alabama, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, North Carolina, Tennessee, Virginia, and Wisconsin. (2) *Vegetable oils*, in bulk, in tank vehicles, from points in New York east of U.S. Highway 11, to points in South Carolina. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 107403 (Sub-No. E621), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oil, sea animal oil, animal oils, and vegetable oils* (except tall oil), in bulk, in tank vehicles, from points in New York, to points in Illinois and Michigan. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 107515 (Sub-No. E86), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 5, 1974. Applicant: REFRIGERATED TRANSPORT, CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in bulk vehicles), from Oklahoma City, Okla., to Evansville, Ind., the District of Columbia,

points in Connecticut, Massachusetts, Rhode Island, Delaware, Kentucky, Maine, Maryland, Vermont, New Hampshire, West Virginia, Virginia, New Jersey, New York, Pennsylvania, and that part of Ohio on and south of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 40 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Ohio-New York State line. The purpose of this filing is to eliminate the gateway of Booneville, Miss. The purpose of this correction is to establish the correct "E" number—previously published as E68.

No. MC 108449 (Sub-No. E124), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 108449 (Sub-No. E125), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak., to points in Iowa. The purpose of this filing is to eliminate the gateway of Marshall, Minn.

No. MC 108449 (Sub-No. E126), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak., to points in Illinois. The purpose of this filing is to eliminate the gateways of the site of the pipeline terminal of American Oil Company at or near Spring Valley, Minn., and the storage facilities utilized by American Oil Company in Dubuque, Iowa.

No. MC 108449 (Sub-No. E127), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and residual fuel oil*, in bulk, in tank vehicles, from West Fargo, N. Dak., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of the site of the terminal of Duluth Petroleum Products Terminal, and points within two miles thereof.

No. MC 108449 (Sub-No. E128), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and residual fuel oil*, in bulk, in tank vehicles, from West Fargo, N. Dak., to points in Illinois. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn., and points within ten miles thereof, and the storage facilities utilized by American Oil Company in Dubuque, Iowa.

No. MC 108449 (Sub-No. E129), filed May 22, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak., to points in Iowa. The purpose of this filing is to eliminate the gateway of Marshall, Minn.

No. MC 108449 (Sub-No. E130), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Clinton, Iowa, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Ottertail County, Minn.

No. MC 108449 (Sub-No. E131), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Clinton, Iowa, to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of points in Vernon County, Wis.

No. MC 108449 (Sub-No. E132), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Minneapolis, Minn., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of points in Marathon County, Wis.

No. MC 108449 (Sub-No. E133), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from points in Marathon County, Wis., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 108449 (Sub-No. E134), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from points in Marathon County, Wis., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 108449 (Sub-No. E135), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from Clinton, Iowa, to points in South Dakota on, north, and west of a line beginning at the South Dakota-Minnesota State line, and extending along Interstate Highway 90 to its junction with U.S. Highway 81, thence along U.S. Highway 81 to its junction with South Dakota Highway 44, thence along South Dakota Highway 44 to its junction with U.S. Highway 18, thence along U.S. Highway 18 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to the South Dakota-Nebraska State line. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 109632 (Sub-No. E1), filed May 16, 1974. Applicant: LOPEZ TRUCKING INC., 131 Lindsen Street, Waltham, Mass. 02154. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in Maine, to points in Massachusetts, Rhode Island, and Connecticut. (2) *Lumber*, from points in New Hampshire, to points in Connecticut, those in Providence, Kent, and Newport Counties, R.I., and those in Massachusetts located in Suffolk, Norfolk, Plymouth, Bristol, and Barnstable Counties. (3) *Lumber*, from Providence, Kent, and Newport Counties, R.I., to points in New Hampshire. (4) *Building materials* (except commodities in bulk), from points in Rhode Island and Connecticut, to points in New Hampshire and Maine, restricted in the case of Maine to lumber, plywood, and millwork to the extent included in build-

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ing materials. (5) *Building materials* from points in Rhode Island, Connecticut, and those in Massachusetts east of the Connecticut River, on the one hand, and, on the other, points in New Hampshire on and east of U.S. Highway 3. (6) *Lumber, plywood, and millwork*, to the extent included in *Building materials*, from points in Maine to points in Massachusetts, Rhode Island, and Connecticut. The purpose of this filing is to eliminate the gateways of Boston, Mass., and points within 15 miles of Boston in proposals number 1, 2, and 3 above; Boston, Mass., in proposals number 4 and 6 above; and Boston, Mass., and points in Norfolk County, Mass., in proposal number 5 above.

No. MC 110525 (Sub-No. E477), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Liquid Chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 29 to junction Interstate Highway 85, thence along Interstate Highway 85, to junction U.S. Highway 21, thence along U.S. Highway 21 to the North Carolina-South Carolina State line, to points in that part of Florida on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 221 to Perry, thence along Florida Highway 361A to the Gulf of Mexico (Charleston, S.C.)*; and (B) *Liquid Chemicals*, (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in that part of North Carolina on and west of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 29 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 21, thence along U.S. Highway 21 to the North Carolina-South Carolina State line, to points in that part of Florida on and west of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 221 to Perry, thence along Florida Highway 361A to the Gulf of Mexico (Atlanta, Ga.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above).

No. MC 110525 (Sub-No. E488), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials), in bulk, in tank vehicles, from points in North Carolina to points in that part of Michigan on, south, and east of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 127 to Lansing, thence along U.S. Highway 27 to Clare, thence along U.S. Highway 10 to junction Michigan Highway 115, thence along Michigan Highway 115 to junction Michigan Highway 37, thence along Michigan Highway 37 to Traverse City. The purpose of this filing is to eliminate the gateway of Natrium, W. Va.

No. MC 110525 (Sub-No. E522), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Ohio on, east, and south of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 23 to junction Ohio Highway 124, thence along Ohio Highway 124 to junction Ohio Highway 346, thence along Ohio Highway 346 to Athens, thence along U.S. Highway 33 to junction U.S. Highway Alternate 50, thence along U.S. Highway Alternate 50 to junction Ohio Highway 377, thence along Ohio Highway 377 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction Ohio Highway 78, thence along Ohio Highway 78 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line, to points in Kansas. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC 110525 (Sub-No. E652), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Missouri on and west of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 65 to Springfield, thence along U.S. Highway 66 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Louisville, Ky.

No. MC 110525 (Sub-No. E674), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Liquid chemicals* as described in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, liquid alum, and liquid petroleum gases), in bulk, in tank vehicles, from points in that part of Tennessee east of U.S. Highway 27 to points in that part of California in and south of Inyo, Fresno, Madera, Mariposa, Stanislaus, San Joaquin, Contra Costa, and Marin Counties (Atlanta, Ga., and Beaumont, Texas)*, and (B) *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Tennessee on and east of U.S. Highway 27 to points in that part of California north of Inyo, Fresno, Madera, Mariposa, Stanislaus, San Joaquin, Contra Costa, and Marin Counties (S. Charleston, W. Va., and Addyston, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E684), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in that part of Tennessee on and east of Interstate Highway 75 and on and north of U.S. Highway 70, to points in that part of Mississippi on and south of Interstate Highway 20. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 110525 (Sub-No. E686), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Tennessee on and east of U.S. Highway 27 to points in that part of Nevada on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va., and Addyston, Ohio.

No. MC 110525 (Sub-No. E883), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphoric acid, and phosphatic fertilizer solutions*, in bulk, in tank vehicles, from Fernald, Ohio, to points in California. The purpose of this filing is to eliminate the gateway of Mapleton, Ill.

No. MC 110525 (Sub-No. E884), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, from Addyston, Ohio, to points in Maine (except points in Aroostook County), New Hampshire, and Vermont, restricted to the transportation of such plastic materials as are dry chemicals. The purpose of this filing

is to eliminate the gateway of Springfield, Mass.

No. MC 110525 (Sub-No. E885), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, in tank or hopper-type vehicles, from Painesville, Ohio, (1) to points in Maine (except points in Aroostook County), New Hampshire, and Vermont (Springfield, Mass.)*, (2) to points in Rhode Island (Newark, N.J.)*, and (3) to New York, N.Y., and points in Nassau and Suffolk Counties, N.Y. (Newark, N.J.)*, restricted in (1) above to the transportation of such plastic materials as are dry chemicals, and restricted in (3) above to the transportation of traffic in tank vehicles and against the transportation of classes A and B explosives. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E886), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resin emulsion and synthetic liquid latex*, in bulk, in tank vehicles, from Illiopolis, Ill., (1) to points in Maine, New Hampshire, and Vermont (Syracuse, N.Y.)*, and (2) to points in Massachusetts, Connecticut, and Rhode Island (Newark, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–110525 (Sub-No. E890), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trichloromonofluoromethane, dichlorodifluoromethane, monochlorodifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane*, and mixtures thereof in bulk, in tank vehicles, from points in Marshall County, Ky., (1) to points in California (Mapleton, Ill.)*, (2) to points in Florida (Atlanta, Ga)*, and (3) to points in that part of Alabama on, south, and east of a line beginning at the Georgia-Alabama State line, thence along Interstate Highway 59 to junction U.S. Highway 231, thence along U.S. Highway 231 to junction U.S. Highway 331, thence along U.S. Highway 331 to the Alabama-Florida State line. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–110525 (Sub-No. E992), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such plastics and plastic ingredients* as are chemicals, in bulk, in dry form, from Gales Ferry, Conn., (1) to points in Alabama, Delaware, Georgia, Illinois, Iowa, Kentucky, Maryland, Minnesota, Missouri, New Hampshire, West Virginia, North Carolina, South Carolina, Tennessee, Vermont, Virginia, and Maine (except points in Aroostook County) (Springfield, Mass.)*, (2) to points in Florida, Louisiana, and Mississippi (Springfield, Mass., and Greensboro, N.C.)*, and (3) to points in Texas (Springfield, Mass., and Atlanta, Ga.)*, restricted in (2) above against the transportation of derivatives of petroleum or bituminous materials, further restricted in (2) above to the transportation of traffic in tank vehicles, and restricted in (3) above to the transportation of traffic in tank or hopper-type vehicles. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E993), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules, powder, and pellets*, in dry form, in bulk, in tank or hopper-type vehicles, from Leominster, Mass., (1) to points in Arkansas, Iowa, Kansas, Missouri, and Nebraska (Ottawa, Ill.)*, and (2) to points in Wisconsin (Akron, Ohio)*, restricted in (2) above to the transportation of such above-specified commodities as are chemicals, in tank vehicles. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1030), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such detergents, bactericides, and etchants*, as are liquid chemicals (except bituminous products and materials), in bulk, in tank vehicles, from Dallas, Tex., (1) to that part of Florida east of the Apalachicola and Cattahoochee Rivers (Vicksburg, Miss.)*, and (2) to points in North Carolina, South Carolina, Virginia, and that part of Tennessee on and east of U.S. Highway 27 (points in Georgia)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1031), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Baton Rouge, La., (1) to points in Wyoming, Arizona, California, and Colorado (Texas City, Tex.)*, and (2) to points in South Carolina (Augusta, Ga.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1032), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen peroxide*, in bulk, in tank vehicles, from the plantsite of E. I. DuPont de Nemours and Company located at or near Woodstock, Tenn., (1) to points in Connecticut, Massachusetts, and Rhode Island (points in Georgia, Greensboro, N.C., and Newark, N.J.)*, (2) to points in Maine, New Hampshire, and Vermont (points in Georgia, Greensboro, N.C., and Syracuse, N.Y.)*, (3) to points in Delaware, Maryland, New Jersey, and the New York, N.Y. Commercial Zone (points in Georgia and Greensboro, N.C.)*, (4) to points in New York (except points in the New York, N.Y., Commercial Zone, and Erie and Monroe Counties) (Akron, Ohio)*, (5) to points in Pennsylvania (points in Georgia and S. Charleston, W. Va.)*, (6) to points in West Virginia and Virginia (points in Georgia)*, (7) to points in Monroe County, N.Y. (Youngstown, Ohio)*, and (8) in Erie County, N.Y. (Youngstown, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 111545 (Sub-No. E383), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings, plastic pipe and fittings*, when moving in mixed loads with cast iron pipe and fittings, and *cast iron meter boxes and parts, manhole frames and covers, and culverts*, from points in that part of Alabama within 175 miles of Chattanooga, Tenn., to points in South Dakota, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or the consignee, or both. The purpose of this filing is to eliminate the gateway of Anniston or Gadsden, Ala.

No. MC 111545 (Sub-No. E384), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline

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rights-of-way), from points in that part of Mississippi on and south of a line beginning at the Mississippi-Arkansas State line, thence along U.S. Highway 49 to Lyon, thence along Mississippi Highway 6 to Tupelo, thence along U.S. Highway 78 to the Mississippi-Alabama State line, to points in Colorado and Montana, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading, and the loading and unloading is performed by the consignor or consignee, or both, and restricted against the transportation of machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Western Foundary Company at or near Tyler, Tex.

No. MC 113843 (Sub-No. E718), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in Michigan, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E719), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Michigan to points in Vermont. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E720), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Michigan to points in Maine. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E721), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lakewood, N.J., to points in Iowa. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-No. E722), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Thorofare, N.J., to points in that portion of Pennsylvania on, west, and north of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 6N, thence along U.S. Highway 6N to junction Pennsylvania Highway 226, thence along Pennsylvania Highway 226 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E723), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lakewood, N.J., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-No. E724), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lakewood, N.J., to points in Illinois. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E725), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Nebraska. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub-No. E726), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub-No. E727), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lakewood, N.J., to points in Missouri. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E728), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub-No. E729), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts to points in Nebraska. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub-No. E730), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Iowa. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub-No. E735), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marysville, Pa., to points in that part of Missouri on and west of a line beginning at the Missouri-Arkansas State line and extending along U.S. Highway 65 to junction Missouri Highway 32, thence along Missouri Highway 32 to junction Missouri Highway 73, thence along Missouri Highway 73 to junction U.S. Highway 54, thence along U.S. Highway 54 to Jefferson City, thence along U.S. Highway 63 to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E731), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub-No. E732), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Iowa. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub-No. E733), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Nebraska. The purpose of this filing is to eliminate the gateway of Brockport, N.Y.

No. MC 113843 (Sub-No. E734), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marysville, Pa., to points in that portion of New York bounded by a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to Binghamton, thence along New York Highway 12 to Utica, thence along New York Highway 8 to Hague, thence along New York Highway 9N to Westport and Lake Champlain, thence along the western shore of Lake Champlain to the United States-Canada International Boundary line, thence along the United States-Canada International Boundary line and Lake Ontario to Oswego, thence along New York Highway 104 to junction U.S. Highway 11, thence along U.S. Highway 11 to the point of beginning at the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E736), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Thorofare, N.J., to Bloomington, Ind., and points in that part of Indiana on, north, and west of a line beginning at the Ohio-Indiana State line and extending along Indiana Highway 14 to junction Indiana Highway 25, thence along Indiana Highway 25 to junction Indiana Highway 28, thence along Indiana Highway 28 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E737), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Marysville, Pa., to points in the Upper Peninsula of Michigan and points in that portion of the Lower Peninsula of Michigan on, north, and west of a line beginning at Ludington at Lake Michigan and extending along U.S. Highway 10 to junction Michigan Highway 37, thence along Michigan Highway 37 to Traverse City, thence along U.S. Highway 31 to junction Michigan Highway 72, thence along Michigan Highway 72 to junction U.S. Highway 131, thence along U.S. Highway 131 to Mackinaw City and Lake Huron. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E738), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Thorofare, N.J., to points (1) in that portion of New York on, south, and west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction New York Highway 17, thence along New York Highway 17 to Lake Erie; and (2) in that portion of New York, on, north, and west of a line beginning at Lake Ontario and extending along New York Highway 104 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 68, thence along New York Highway 68 to the St. Lawrence River. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E739), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of Michigan on and north of Michigan Highway 55 to points in Delaware. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E740), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lakewood, N.J., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E746), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat by-products*, as defined by the Commission (except in bulk, in tank vehicles), from Cleveland, Ohio, to points in that part of Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 113843 (Sub-No. E747), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat by-products*, as defined by the Commission (except in bulk, in tank vehicles), from Cincinnati, Ohio, to points in that part of Maine on and South of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 113843 (Sub-No. E748), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat by-products*, as defined by the Commission (except in bulk, in tank vehicles), from Columbus, Ohio, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 113843 (Sub-No. E749), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat by-products*, as defined by the Commission (except in bulk, in tank vehicles), from Sundusky, Ohio, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 113843 (Sub-No. E750), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat by-products*, defined by the Com-

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mission, from Columbus, Ohio, to points in Vermont. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 113843 (Sub-No. E751), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, Meat products, and edible meat by-products*, as defined by the Commission (except in bulk, in tank vehicles), from Sandusky, Ohio, to points in Vermont. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 113843 (Sub-No. E752), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat by-products*, as defined by the Commission (except in bulk, in tank vehicles), from Fostoria, Ohio, to points in that part of Maine on and south of Maine Highway 25. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 119774 (Sub-No. E17), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Texas on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateway of points in New Mexico.

No. MC 119774 (Sub-No. E93), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipment moving to or from pipeline rights of way. (2) *Machinery and equipment*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products and materials, and supplies (not including sulphur), used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, and plant (including refining, manufacturing, and processing plant) sites or storage sites and (3) *Machinery, equipment, materials, and supplies*, used in connection with, the drilling of water wells, between points in Mississippi on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E105), filed May 30, 1974. Applicant: EAGLE TRUCKING CO., P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authorities sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights of way. (2) *Machinery and equipment*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products and materials and supplies (not including sulphur), used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction and plant (including refining, manufacturing, and processing plant) sites or storage sites, (3) *Machinery, equipment, materials, and supplies*, used in or in connection with, the drilling of water wells, between points in Indiana on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E103), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilmore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipment moving to or from pipeline rights of way between points in Mississippi on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E104), filed May 30, 1974. Applicant: EAGLE TRUCKING CO., P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authorities sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights of way. (2) *Machinery and equipment*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and materials, and supplies (not including sulphur), used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, and plant (including refining, manufacturing, and processing plant) sites or storage sites and (3) *Machinery, equipment, materials, and supplies*, used in connection with, the drilling of water wells, between points in Louisiana on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E106), filed May 30, 1974. Applicant: EAGLE TRUCKING CO., P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights of way, and (2) *Machinery, equipment, materials, and supplies*, used in or in connection with, the drilling of water wells, between points in Louisiana on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 124947 (Sub-E1), filed June 4, 1974. Applicant: MACHINERY TRANSPORT, INC., P.O. Box 417, Stroud, Oklahoma 74079. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma, Oklahoma 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Louisiana, Oklahoma, Colorado, New Mexico, Texas, and Kansas. The gateway to be eliminated is any points in Williamson, Franklin, or Saline Counties, Illinois.

(2) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Ohio, on the one hand, and, on the other, points in Texas, Louisiana, Oklahoma, Kansas, New Mexico, and Colorado. The gateway to be eliminated is any points in Williamson, Franklin, or Saline Counties, Illinois.

(3) *Heavy machinery*, between Rock County, Wisconsin, on the one hand, and, on the other, points in Colorado, Kansas, Louisiana, New Mexico, Oklahoma, and Texas. The gateway to be eliminated in any point in Illinois.

natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights of way, and (2) *Machinery, equipment, materials, and supplies*, used in or in connection with, the drilling of water wells between points in Louisiana on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E107), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewage, restricted to the transportation of shipments moving to or from pipeline rights of way, and (2) *Machinery, equipment, materials, and supplies*, used in or in connection with, the drilling of water wells, between points in Louisiana on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 124947 (Sub-E1), filed June 4, 1974. Applicant: MACHINERY TRANSPORT, INC., P.O. Box 417, Stroud, Oklahoma 74079. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma, Oklahoma 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Louisiana, Oklahoma, Colorado, New Mexico, Texas, and Kansas. The gateway to be eliminated is any points in Williamson, Franklin, or Saline Counties, Illinois.

(2) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Ohio, on the one hand, and, on the other, points in Texas, Louisiana, Oklahoma, Kansas, New Mexico, and Colorado. The gateway to be eliminated is any points in Williamson, Franklin, or Saline Counties, Illinois.

(3) *Heavy machinery*, between Rock County, Wisconsin, on the one hand, and, on the other, points in Arkansas. The gateway to be eliminated is any points in Williamson, Franklin, or Saline, Counties, Illinois, northbound, and any point in Illinois, southbound.

(5) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from Indiana to Arkansas. The gateway to be eliminated is any points in Williamson, Franklin, and Saline Counties, Illinois.

(6) *Commodities*, the transportation of which because of size or weight requires the use of special equipment and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from Ohio to Arkansas. The gateway to be eliminated is any points in Williamson, Franklin, or Saline Counties, Illinois.

(7) Deleted—duplicated by paragraph No. 3.

(8) *Heavy machinery*, between Rock County, Wisconsin, on the one hand, and, on the other, points in Kentucky on, south, and west of a line beginning at the junction of Kentucky Highway 44 and the Indiana-Kentucky border, thence over Kentucky Highway 44 to junction with U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction Kentucky-Virginia border. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(9) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Kentucky, on the one hand, and, on the other, points in Louisiana (except points in St. Helena, Tangipahoa, Washington, St. Tammany, Livingston, Ascension, Assumption, Terrebonne, St. James, St. John the Baptist, St. Charles, La Fourche, Jefferson, Orleans, Plaquemines, and St. Bernard Parishes). The gateway to be eliminated is any point in Williamson, Franklin, Saline Counties, Illinois.

(10) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Louisiana, on the one hand, and, on the other points in Kentucky on and north of a line beginning at junction Kentucky-Tennessee border and U.S. Highway 51, thence along U.S. Highway 51 to junction Kentucky Highway 94, thence along Kentucky Highway 94 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 139, thence along Kentucky Highway 139 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 231, thence along Highway 231 to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Kentucky Highway 88, thence along Kentucky Highway 88 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 11, thence along Kentucky Highway 11 to junction Mountain Parkway, thence along Mountain Parkway to junction Kentucky Highway 114, thence along Kentucky Highway 114 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Kentucky Highway 194, thence along Kentucky Highway 194 to junction Kentucky-West Virginia border. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(11) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Kentucky, on the one hand, and, on the other, points in Colorado, New Mexico, Texas, Oklahoma, and Kansas. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(12) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from points in Kentucky to points in Arkansas. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(13) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from Chicago, Illinois, to points in New Mexico, that part of Arkansas on south and west of a line beginning at the junction U.S. Highway 70 with Arkansas-Oklahoma border, thence along U.S. Highway 70 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Arkansas Highway 24, thence along Arkansas Highway 24 to quires the use of special equipment, and junction Arkansas Highway 7, thence

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along Arkansas Highway 7 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Arkansas-Louisiana border; that part of Colorado on and south of a line beginning at the junction Colorado-Kansas border and Colorado Highway 96, thence along Colorado Highway 96 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction Colorado Highway 94, thence along Colorado Highway 94 to junction Colorado Highway 115, thence along Colorado Highway 115 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Colorado-Utah border; and that part of Kansas on south and west of a line beginning at the Kansas-Oklahoma border junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction Colorado-Kansas border. The gateway to be eliminated is any point in Texas.

(14) (1) *Refuse handling equipment*, containers, compactors, and trailers, and (2) parts and accessories for the commodities described in (1) above, the transportation of which because of size or weight requires the use of special equipment, from Chicago, Illinois, to points in Arizona, that part of Nevada on and south of a line beginning at the junction Arizona-Nevada border and U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Nevada Highway 58, thence along Nevada Highway 58 to junction California-Nevada border; and that part of California on and south of a line beginning at the junction U.S. Highway 6 and Nevada-California border, thence along U.S. Highway 6 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 120, thence along California Highway 120 to junction Temporary Interstate Highway 5, thence along Temporary Interstate Highway 5 to junction California Highway 16, thence along California Highway 16 to junction California Highway 20, thence along California Highway 20 to junction Pacific coast. The gateway to be eliminated is Forth Worth, Texas.

(16) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require a special equipment, from St. Louis County and St. Louis, Mo. to points in Ark. south and east of the line beginning at the Arkansas-Missouri border junction U.S. Highway 167, thence along U.S. Highway 167 to junction Arkansas Highway 25, thence along Arkansas Highway 25 to junction U.S. Highway 65, thence Along U.S. Highway 65 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Arkansas-Oklahoma border. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(17) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between St. Louis County, Missouri, on the one hand, and, on the other points in Colorado, New Mexico, Texas, and Louisiana. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(18) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from Cape Girardeau and Scott Counties, Missouri, to points in Arkansas on and west of U.S. Highway 71. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(19) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between Cape Girardeau and Scott Counties, Missouri, on the one hand, and, on the other, points in Colorado, New Mexico, Texas, Kansas, Oklahoma, and Louisiana. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(20) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in that part of Missouri east of a line beginning at junction Missouri-Iowa border and U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Missouri Highway 47, thence along Missouri Highway 47 to junction Missouri Highway 21, thence along Missouri Highway 21 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 67, thence along Highway 67 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Interstate Highway 55, thence along Interstate Highway 55 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Missouri-Illinois border on the one hand, and, on the other, points in that part of Louisiana east of a line beginning at the junction Arkansas-Louisiana border and Louisiana Highway 17, thence along Louisiana Highway 17 to junction Louisiana Highway 8, thence along Louisiana Highway 8 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction Louisiana Highway 12, thence along Louisiana Highway 12 to junction Louisiana-Texas border. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(21) *Commodities*, the transportation of which because of size or weight require the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between St. Louis County, Missouri, on the one hand, and, on the other points in Cimarron and Choctaw, and McCurtain Counties, Oklahoma. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(22) *Commodities*, the transportation of which because of size or weight require the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between points in Missouri, east of a line beginning at the junction Missouri-Iowa border junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 61, thence along U.S. Highway 61 to St. Louis on the one hand, and, on the other points in Louisiana and points in Texas south of the line beginning at the junction Texas-Oklahoma border and U.S. Highway 271, thence along U.S. Highway 271 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 31, thence along Texas Highway 31 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction Texas Highway 176, thence along Texas Highway 176 to junction New Mexico-Texas border (except points in El Paso, Hudspeth, and Presidio Counties).

(23) *Commodities*, the transportation of which because of size or weight require the use of special equipment, and of related articles and supplies when the transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from points in that part of Missouri east of a line beginning at the junction Missouri-Iowa border and U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 61, thence along U.S. Highway 61 to St. Louis, to points in that part of Arkansas on east and south of a line beginning at the junction Missouri-Arkansas border and U.S. Highway 65, thence along U.S. Highway 65 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Arkansas-Oklahoma border. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(24) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from Pike County, Missouri, to points in Arkansas on, south, and east of a line beginning at the junction Missouri-Arkansas border and U.S. Highway 67, thence along U.S. Highway 67 to junction Interstate Highway 30, thence along Interstate Highway 30 to junction U.S. Highway 270, thence along U.S. Highway 270, to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Oklahoma-Arkansas border. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(25) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between Pike County, Missouri, on the one hand, and, on the other points in that part of Texas on and south of a line beginning at the junction Texas-Oklahoma border and U.S. Highway 271, thence along U.S. Highway 271 to junction Interstate Highway 30, thence along Interstate Highway 30 to Dallas, thence along Interstate Highway 20 to Weatherford, thence along U.S. Highway 180 to junction New Mexico-Texas border; that part of New Mexico south of a line beginning at the Texas-New Mexico border junction U.S. Highway 180, thence along U.S. Highway 180 to junction New Mexico Highway 18, thence along New Mexico Highway 18 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction New Mexico-Arizona border; and points in Louisiana. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(26) *Heavy machinery*, between Rock County, Wisconsin, on the one hand, and, on the other, points in that part of Missouri on and south of a line beginning at the junction Kansas-Missouri border and U.S. Highway 160, thence along U.S. Highway 160 to junction Interstate Highway 44, thence along Interstate Highway 44 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri-Illinois border. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(27) *Pipe*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Texas, on, north, and west of a line beginning at the Texas-Oklahoma border junction U.S. Highway 271, thence along U.S. Highway 271 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction United States-Mexico border, to points in Arkansas, Illinois, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, and Tennessee. Restricted against the transportation of shipments moving to pipeline rights-of-way. The gateway to be eliminated is the plantsite of McGraw-Edison Company at or near Sherman, Texas.

(28) *Pipe*, the transportation of which because of size or weight requires the use of special equipment, from points in Texas to points in Nebraska, Okla., Kans., and Iowa. Restricted against the transportation of shipments moving to pipeline rights-of-way. The gateway to be eliminated is the plantsite of McGraw-Edison Company at or near Sherman, Texas.

(29) *Pipe*, the transportation of which because of size or weight requires the use of special equipment, from points in Texas to Beloit and Turtle, Wisconsin. Restricted against the transportation of shipments moving to pipeline rights-of-way. The gateways to be eliminated are the plantsite of McGraw-Edison Company at or near Sherman, Texas, and points in Winnebago County, Illinois.

(30) *Wire and wire products*, fencing materials and accessories, nails, staples, rods, joists, angles, and bars, from the plantsite of Keystone Steel and Wire Company at Bartonville, Illinois, to points in Winnebago County, Illinois. The gateway to be eliminated is Beloit or Turtle, Wisconsin.

(31) *Wire and wire products*, fencing materials and accessories, nails, staples, rods, joists, angles, and bars, the transportation of which because of size or weight requires the use of special equipment, from points in Kansas to points in that part of Wisconsin east of a line beginning at the junction Michigan-Wisconsin border and U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 77, thence along Wisconsin Highway 77 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 80, thence along Wisconsin Highway 80 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Wisconsin-Iowa border. The gateway to be eliminated is the plantsite of Keystone Steele and Wire Company at Bartonville, Illinois.

(32) *Wire and wire products*, fencing materials and accessories, nails, staples, rods, joists, angles, and bars, the transportation of which because of size or weight requires the use of special equipment, from points in Texas, Oklahoma, Louisiana, and New Mexico to points in Wisconsin. The gateway to be eliminated is the plantsite of the Keystone Steele and Wire Company at Bartonville, Illinois.

(33) *Wire and wire products*, fencing materials and accessories, nails, staples, rods, joists, angles, and bars, the transportation of which because of size or weight requires the use of special equipment, from points in Colorado to points in that part of Wisconsin on and east of a line beginning at the junction Michigan-Wisconsin border and Wisconsin Highway 122, thence along Wisconsin Highway 122 to junction Wisconsin Highway 77, thence along Wisconsin Highway 77 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Wisconsin-Minnesota border. The gateway to be eliminated is the plantsite of the Keystone Steel and Wire Company at Bartonville, Illinois.

(34) *Pipe*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Texas on north and west of a line beginning at the junction Texas-Oklahoma border and U.S. Highway 271, thence along U.S. Highway 271 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction with the international boundary between the United States and Mexico, to points in Indiana. The gateways to be eliminated are the plantsite of McGraw-Edison Company at or near Sherman, Texas, and any point in Williamson, Franklin, or Saline Counties, Illinois.

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(35) *Heavy machinery*, between points in Vanderburg and Posey Counties, Indiana, on the one hand, and, on the other, points in Rock County, Wisconsin. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(36) *Pipe*, from Memphis, Tennessee, to points in that part of Nebraska on and west of a line beginning at the junction Kansas-Nebraska border and U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 27, thence along Nebraska Highway 27 to junction Nebraska-South Dakota border. Restricted against the transportation of shipments to pipeline rights-of-away. The gateway to be eliminated is the plantsite of McGraw-Edison Company at or near Sherman, Texas.

(37) *Pipe*, the transportation of which because of size or weight requires the use of special equipment, from Memphis, Tennessee, to points in Colorado and New Mexico. The gateway to be eliminated is any point in Texas.

(38) *Pipe*, the transportation of which because of size or weight requires the use of special equipment, from Memphis, Tennessee, to Beloit and Turtle, Wisconsin. The gateways to be eliminated are any point in Arkansas and any point in Williamson, Franklin, and Saline Counties, Illinois.

(39) (1) *Refuse handling equipment*, containers, compactors, and trailers, and (2) parts and accessories for the commodities described in (1) above, from the plantsites of Hyster Company, located at or near Danville, Kewanee, and Peoria, Illinois, to points in Arizona, points in that part of Nevada on and south of a line beginning at the junction Arizona-Nevada border and U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Nevada Highway 58, thence along Nevada Highway 58 to junction Nevada-California border; and that part of California on and south of a line beginning at the junction Nevada-California border and California Highway 190, thence along California Highway 190 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 108, thence along California Highway 108 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction Interstate Highway 680, thence along Interstate Highway 680 to junction California Highway 12, thence along California Highway 12 to junction California Highway 29, thence along California Highway 29 to junction California Highway 128, thence along California Highway 128 to junction Pacific Coast. Restricted to the transportation of shipments originating at the above-named plantsites. The gateways to be eliminated are Cleburne, Texas.

(40) (1) *Refuse handling equipment*, containers, compactors, and trailers, and (2) parts and accessories for the commodities described in (1) above, from the plantsite of Hyster Company at or near Danville, Illinois, to points in California. Restricted to the transportation of shipments originating at the above-named plantsite. The gateways to be eliminated are Cleburne, Texas.

(41) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Ohio on and south of a line beginning at the junction Ohio-Pennsylvania border and Ohio Highway 14, thence along Ohio Highway 14 to Salem, thence along Ohio Highway 173 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio-Indiana border, to points in California. The gateways to be eliminated are any point in Williamson, Franklin, and Saline Counties, Illinois, and Cleburne, Texas.

(42) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from Ashtabula, Lake, Cuyahoga, Summitt, Portage, Geauga, Trumbull, Mahoning, Stark, Tuscarawas, Carroll, Columbiana, Jefferson, Coshocton, Guernsey, Belmont, Muskingum, Perry, Hocking, Morgan, Monroe, Noble, Washington, Athens, Vinton, Meigs, Jackson, and Gallia Counties, Ohio, to Beaver, Piute, Wayne, San Juan, Garfield, Iron, Washington, and Kane Counties, Utah. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(43) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above from points in that part of Ohio on and south of a line beginning at the junction Pennsylvania-Ohio border and Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30–S, thence along U.S. Highway 30–S to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Highway 47, to junction Indiana-Ohio border to points in that part of Nevada on and south of a line beginning at the junction California-Nevada border and Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Nevada-Utah border. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(44) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Ohio on and south of a line beginning at Sandusky, Ohio, thence along Ohio Highway 4 to junction U.S. Highway 30–N, thence along U.S. Highway 30–N to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana-Ohio border, to points in California (except points in Modoc, Siskiyou, Shasta, Lassen, and Plumas Counties). The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(45) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Ohio to points in Arizona, points in Iron and Washington Counties, Utah, points in Douglas, Mineral, Nye, Esmeralda, Lincoln, and Clark Counties, Nevada, and points in California (except points in Delnorte, Siskiyou, Trinity, Modoc, Shasta, Lassen, Tehama, Pluma, Glenn, Butte, Sutter, Yuba, Nevada, Sierra, and Placer Counties). The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(46) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Ohio south and west of a line beginning at the junction Ohio-West Virginia border and U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana-Ohio border, to points in Coos, Curry, Douglas, Josephine, and Jackson Counties, Oregon. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(47) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Ohio on south and west of a line beginning at the junction Ohio-West Virginia border and U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 38, thence along Ohio Highway 38 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio-Indiana border, to points in Lake, Clamath, Douglas, Jackson, Josephine, Curry, and Coos Counties, Oregon. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(48) *Wallboard and plywood handling equipment*, the transportation of which requires the use of special equipment, from Webb, Duval, Zapata, Jim Hogg, and Starr Counties, Texas, to points in the United States including Alaska (but except points in Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial Counties, California; points in Yuma, Yavapai, Maricopa, Pima, Pinal, Gila, Cochise, Graham, and Greenlee Counties, Arizona; points in Hidalgo, Luna, Dona Ana, Sierra, Caton, Socorro, Lincoln, Otero, Eddy, Lea, Chaves, De Baca, Roosevelt, and Curry Counties, New Mexico; that part of Louisiana south of U.S. Highway 84; that part of Mississippi, south of U.S. Highway 84; points in Washington, Mobile, Baldwin, Clarke, Monroe, Conecuh, Escambia, and Covington Counties, Alabama; and points in Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, Bay, Calhoun, and Gulf Counties, Florida). The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(49) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above from Webb, Duval, Zapata, Jim Hogg, Starr and Hidalgo Counties, Texas, to points in the United States including Alaska (except points in Hawaii; Orange, San Diego, Imperial and Riverside Counties, California; Yuma, Maricopa, Pima, Pinal, Gila, Graham, Santa Cruz, Cochise, and Greenlee Counties; Arizona; Valencia, Caton, Grant, Luna, Hidalgo, Dona Ana, Sierra, Otero, Socorro, Lincoln, Torrance, De Baca, Chaves, Eddy, Lea, Roosevelt, Bernalillo, Sandoval, Santa Fe, San Miguel, and Quay Counties, New Mexico; points in that part of Louisiana south of U.S. Highway 84; points in that part of Mississippi south of U.S. Highway 84; and points in Mobile and Baldwin Counties, Alabama). The gateway to be eliminated is Cleburne, Texas.

(50) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Texas on and west of a line beginning at the junction Texas-New Mexico border and U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Texas Highway 199, thence along Texas Highway 199 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction with the international boundary between Mexico and the United States, to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana plus that part of North Dakota on and east of U.S. Highway 281; that part of South Dakota on and east of U.S. Highway 281; that part of Nebraska on and east of U.S. Highway 81; that part of Kansas on and east of U.S. Highway 75; and that part of Oklahoma on and east of U.S. Highway 75. The gateway to be eliminated is the facilities of National Advance Products Co., Fort Worth, Texas.

(51) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment and (2) parts and accessories for the commodities described in (1) above, from points in that part of Texas on and west of a line beginning at the junction Texas-New Mexico border and U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Texas Highway 199, thence along Texas Highway 199 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction U.S. Highway 277, thence along U.S. Highway 277 to junction with the international boundary between Mexico and the United States, to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana. The gateway to be eliminated is Cleburne, Texas.

(52) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Texas on and east of a line beginning at the international boundary between the United States and Mexico junction with U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 6 at Waco, thence along Texas Highway 6 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction Interstate Highway 20 at Fort Worth, thence along Interstate Highway 20 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 69 at Greenville, thence along U.S. Highway 69 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction with the Texas-Oklahoma border, to points in Maine, New Hampshire, points in that part of Vermont on and north of Interstate Highway 89, to points in Essex, Middlesex, Norfolk, and Suffolk Counties, Massachusetts, points in that part of the United States in and west of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico, points in that part of Kansas, on and west of U.S. Highway 81, points in Oklahoma on and west of U.S. Highway 77, and points in Minnesota on and west of Minnesota Highway 23. The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(53) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Texas on and east of a line beginning at the international boundary between the United States and Mexico junction with U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 6 at Waco, thence along Texas Highway 6 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction Interstate Highway 20 at Fort Worth, thence along Interstate Highway 20 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 69 at Greenville, thence along U.S. Highway 69 to junction U.S. Highway 82 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction with the Texas-Oklahoma border, to points in the United States in and west of North Dakota, South Dakota, Wyoming, Colorado, and New Mexico plus points in that part of Minnesota on and west of Highway 71, points in that part of Nebraska on and west of U.S. Highway 281, points in Kansas on and west of U.S. Highway 281, and points in Cimarron, Texas, and Beaver Counties, Oklahoma. The gateway to be eliminated is Cleburne, Texas.

(54) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in Hunt, Collin, Denton, Wise, Parker, Tarrant, Dallas, Rockwall, Rains, Caufman, Van Zantt, Henderson, Navarro, Hill, McLennan, Limestone, Bosque, Johnson, Somervell, and Hood Counties, Texas, to points in the United States including Alaska (except points in Hawaii, points in Oklahoma east of U.S. Highway 83, points in Kansas south and east of a line beginning at the junction Kansas-Oklahoma border and U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Missouri-Kansas border, points in Missouri south and west of a line beginning at the junction Missouri-Kansas border and Interstate Highway 70, thence along Interstate Highway 70 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri-Arkansas border, points in that part of Arkansas on and west of U.S. Highway 67, and points in Louisiana north and west of a line beginning at the Arkansas-Louisiana border junction U.S. Highway 165, thence along U. S. Highway 165, to junction U. S. Highway 84, thence along U. S. Highway 84 to junction Louisiana-Texas border). The gateway to be eliminated is the facilities of the National Advance Products Co., at Fort Worth, Texas.

(55) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size

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or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Hunt, Collin, Denton, Wise, Parker, Tarrant, Dallas, Rockwall, Rains, Caufman, Van Zantt, Henderson, Navarro, Hill, McLennan, Limestone, Bosque, Johnson, Somervell, and Hood Counties, Texas, to points in the United States including Alaska (except points in Hawaii, points in Oklahoma east of U.S. Highway 83, points in Kansas south and east of a line beginning at the junction Kansas-Oklahoma border and U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Missouri-Kansas border, points in Missouri south and west of a line beginning at the junction Missouri-Kansas border and Interstate Highway 70, thence along Interstate Highway 70 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Missouri-Arkansas border, points in that part of Arkansas on and west of U.S. Highway 67, and points in Louisiana north and west of a line beginning at the Arkansas-Louisiana border junction U.S. Highway 165, thence along U.S. Highway 165, to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Louisiana-Texas border). The gateway to be eliminated is Cleburne, Texas.

(56) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from that part of Texas on east and south of a line beginning at the junction of U.S. Highway 77 and the international boundary between the United States and Mexico, thence along U.S. Highway 77 to Waco, thence along U.S. Highway 81 to Fort Worth, thence along U.S. Highway 287 to Port Arthur, to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, Montana, Wyoming, Colorado, New Mexico, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Wisconsin, Michigan, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, points in that part of Missouri on and north of Interstate Highway 44/U.S. Highway 66, points in that part of Illinois on and north of Interstate Highway 70, points in that part of Indiana on and north of Interstate Highway 70, points in that part of Ohio on and north of Interstate Highway 70, and points in Pennsylvania on and north of Interstate Highway 76. The gateway to be eliminated is the facilities of National Advance Products Co., at Forth Worth, Texas.

(57) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in Texas on a line beginning at the junction Texas Highway 649 and U.S. Highway 83, thence along Texas Highway 649 to junction Texas Highway 16, thence along Texas Highway 16 to San Antonio, Texas, thence along U.S. Highway 281 to junction Texas Highway 220, thence along Texas Highway 220 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Texas Highway 174, thence along Texas Highway 174 to junction Interstate Highway 35 to junction with the Texas-Oklahoma border and points in Bexar County to points in the United States (except Alaska, Hawaii, Yuma, Pima, Maricopa, Pinal, Santa Cruz, Cochise, and Graham Counties, Arizona; Hidalgo, Grant, Luna, Catron, Sierra, Dona Ana, Socorro, Lincoln, Otero, De Baca, Chaves, Roosevelt, Curry, Eddy, and Lea Counties, New Mexico, points in that part of Louisiana south of U.S. Highway 84, points in that part of Mississippi south of U.S. Highway 84, Washington, Mobile, Baldwin, Escambia, and Covington Counties, Alabama, and Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, and Bay Counties, Florida). The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(58) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Texas on a line beginning at the junction Texas Highway 649 and U.S. Highway 83, thence along Texas Highway 649 to junction Texas Highway 16, thence along Texas Highway 16 to San Antonio, Texas, thence along U.S. Highway 281 to junction Texas Highway 220, thence along Texas Highway 220 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Texas Highway 174, thence along Texas Highway 174 to junction Interstate Highway 35 to junction with the Texas-Oklahoma border and points in Bexar County, to points in the United States including Alaska (except points in Hawaii, points in Mobile County, Alabama, points in Mississippi south of U.S. Highway 84, points in Louisiana south of U.S. Highway 84, points in New Mexico south of U.S. Highway 60, and points in Cochise and Graham Counties, Arizona). The gateway to be eliminated is Cleburne, Texas.

(59) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related equipment and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from West Feliciana, East Feliciana, East Baton Rouge, Pointe Coupee, West Baton Rouge, St. Helena, Washington, Tangipahoa, St. Tammany, Livingston, St. John the Baptist, Ascension, Iberville, St. Martin, Iberia, St. Mary, Assumption, St. James, St. Charles, Terrebonne, La Fourche, Jefferson, Plaquemines, St. Bernard, and Orleans Parishes, Louisiana, to points in Colorado on and north of a line beginning at the junction of the New Mexico-Colorado border with U.S. Highway 34, thence along U.S. Highway 34 to intersection with Interstate Highway 80–S, thence along Interstate Highway 80–S to Denver, thence along U.S. Highway 6 to junction with the Utah-Colorado border. The gateway to be eliminated is any point in Illinois.

(60) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from New Orleans, Louisiana, to Colorado Springs, Colorado. The gateway to be eliminated is any point in Illinois.

(61) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in Ripley, Carter, Reynolds, Iron, Madison, Bollinger, Cape Girardeau, Scott, Stoddard, Butler, Mississippi, New Madrid, Dunclin, and Pemiscot Counties, Missouri, to points in California, Arizona, Yakima, Clickitat, Lewis, Skamania, Cowlitz, Clark, Pacific, and Wahkiakum Counties, Washington; Coos, Curry, Josephine, Douglas, Jackson, Klamath, and Lake Counties, Oregon; points in Nevada south of a line beginning at the junction of the Nevada-California border and Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction with the Nevada-Utah border. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(62) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above from points in Ripley, Carter, Reynolds, Iron, Madison, Bollinger, Cape Girardeau, Scott, Stoddard, Butler, Mississippi, New Madrid, Dunclin, and Pemiscot Counties, Missouri, to points in California, Arizona, Yakima, Klickitat, Lewis, Skamania, Cowlitz, Clark, Pacific, and Wahkiakum Counties, Washington; Coos, Curry, Josephine, Douglas, Jackson, Klamath, and Lake Counties, Oregon; points in Nevada south of a line beginning at the junction of the Nevada-California border and Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction with the Nevada-Utah border. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(63) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Missouri on and east of a line beginning at the junction of the Missouri-Illinois border and U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 161, thence along Missouri Highway 161 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction with the Missouri-Arkansas border, to points in Arizona, points in Esmeralda, Mineral, Nye, Lincoln, and Clarke Counties, Nevada; points in California except those east of a line beginning at the junction of the Oregon-California border and Interstate Highway 5, thence along Interstate Highway 5 to Sacramento, thence along U.S. Highway 50 to the junction of the Nevada-California border. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(64) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Missouri on and east of a line beginning at the junction of the Missouri-Illinois border and U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 161, thence along Missouri Highway 161 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction with the Missouri-Arkansas border, to points in Arizona, points in Esmeralda, Mineral, Nye, Lincoln, and Clarke Counties, Nevada; points in California except those east of a line beginning at the junction of the Oregon-California border and Interstate Highway 5, thence along Interstate Highway 5 to Sacramento, thence along U.S. Highway 50 to the junction of the Nevada-California border. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(65) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in St. Genevieve, Perry, St. Francis, Madison, Wayne, Bollinger, Stoddard, Mississippi, Scott, and Cape Girardeau Counties, Missouri, to points in California, Nevada, Arizona, Alaska, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Skamania, Yakima, and Klickitat Counties, Washington, points in Oregon, west of U.S. Highway 97, and points in Millard, Beaver, Piute, Iron, Washington, Garfield, and Kane Counties, Utah. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(66) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in St. Genevieve, Perry, St. Francis, Madison, Wayne, Bollinger, Stoddard, Mississippi, Scott, and Cape Girardeau Counties, Missouri, to points in Arizona, California, Nevada, and points in Millard, Beaver, Piute, Iron, Washington, Garfield, and Kane Counties, Utah, points in Oregon west of U.S. Highway 395, and points in Washington on and west of a line beginning at the junction of the international boundary between the United States and Canada, and Interstate Highway 5, thence along Interstate Highway 5 to the junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction with the Washington-Oregon border. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(67) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in Illinois to points in Arizona, points in Nye and Clark Counties, Nevada, and points in California south of Interstate Highway 80. The gateways to be eliminated are the facilities of National Advance Products Company at Fort Worth, Texas.

(68) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above from points in Illinois to points in Arizona, points in Nye and Clark Counties, Nevada, and points in California south of Interstate Highway 80. The gateways to be eliminated are Cleburne, Texas.

(69) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Illinois on and south of a line beginning at the junction of the Illinois-Indiana border and Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 140, thence along Illinois Highway 140 to junction Illinois-Missouri border to points in California and points in Iron, Garfield, Kane, and Washington Counties, Utah. The gateways to be eliminated are the facilities of National Advance Products Company at Fort Worth, Texas.

(70) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Illinois on and south of a line beginning at the junction of Illinois-Indiana border and Interstate Highway 74, thence along Interstate Highway 74 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction with the Illinois-Missouri border to Esmeralda, Nye, Lincoln, and Clark Counties, Nevada. The gateways to be eliminated are the facilities of National Advance Products Company at Fort Worth, Texas.

(71) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Illinois on south and east of a line beginning at the junction of the Illinois-Wisconsin border and U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction with the Illinois-Missouri border to points in California south of Interstate Highway 80. The gateways to be eliminated are Cleburne, Texas.

(72) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Illinois on south and east of a line beginning at the junction of the Illinois-Wisconsin border and U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction with the Illinois-Missouri border to points in California south of Interstate Highway 80. The gateways to be eliminated are the facilities of National Advance Products company at Fort Worth, Texas.

(73) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from those points in Illinois on and south of a line beginning at the junction of the Illinois-Indiana border and U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 140, thence along Illinois Highway 140 to the junction with the Illinois-Missouri border to points in that part of Nevada on and south of a line beginning at the junction of the Nevada-Utah border and U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction with the California-Nevada border, and Coos, Douglas, Josephine, Curry, Jackson, Klamath, and Lake Counties, Oregon. The gateways to be eliminated are the facilities of National Advance Products Company at Fort Worth, Texas.

(74) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight require the use of special equipment, and (2) parts and accessories for the commodities named in (1) above from those points in Illinois on and south of a line beginning at the junction of the Illinois-Indiana border and U.S. Highway 40, thence along U.S. Highway 40 to junction Illinois Highway 140, thence along Illinois Highway 140 to the junction with the Illinois-Missouri border to points in that part of Nevada on and south of a line beginning at the junction of the Nevada-Utah border and U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction with

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the California-Nevada border, and Coos, Douglas, Josephine, Curry, Jackson, Klamath, and Lake Counties, Oregon, and Alaska. The gateways to be eliminated are Cleburne, Texas.

(75) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from that part of Texas on and east of U.S. Highway 77 and on and west of U.S. Highway 75 to points in the United States except Alaska, Hawaii, Louisiana, Mississippi, Alabama, Georgia, South Carolina, Florida, that part of Arkansas south and east of U.S. Highway 67, that part of Missouri south and east of U.S. Highway 67, Fulton, Hickman, Carlisle, Ballard, Graves, Marshall, Calloway, and Trigg Counties, Kentucky, that part of Tennessee south and west of a line beginning at the junction of the Kentucky-Tennessee border and U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to Nashville, thence along Interstate Highway 40 to junction with the Tennessee-North Carolina border, and points in that part of North Carolina on and South of a line beginning at the junction of the Tennessee-North Carolina border and Interstate Highway 40, thence along Interstate Highway 40 to Raleigh, thence along U.S. Highway 70 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction with the North Carolina-South Carolina border. The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(76) (1) *Refuse handling equipment, containers, compactors, and trailers*, the transportation of which because of size or weight require the use of special equipment, and (2) *parts and accessories* for the commodities described in (1) above from that part of Texas on and east of U.S. Highway 77 and on and west of U.S. Highway 75 to points in the United States except Alaska, Hawaii, Louisiana, Mississippi, Alabama, Georgia, South Carolina, Florida, that part of Arkansas south and east of U.S. Highway 67, that part of Missouri south and east of U.S. Highway 67, Fulton, Hickman, Carlisle, Ballard, Graves, Marshall, Calloway, and Trigg Counties, Kentucky, that part of Tennessee south and west of a line beginning at the junction of the Kentucky-Tennessee border and U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to Nashville, thence along Interstate Highway 40 to junction with the Tennessee-North Carolina border, and points in that part of North Carolina on and south of a line beginning at the junction of the Tennessee-North Carolina border and Interstate Highway 40, thence along Interstate Highway 40 to Raleigh, thence along U.S. Highway 70 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction with the North Carolina-South Carolina border, and Alaska. The gateway to be eliminated is Cleburne, Texas.

(77) *Commodities*, the transportation of which because of size or weight, requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight requires special equipment, between Blytheville, Arkansas, on the one hand, and, on the other, points in Colorado and New Mexico. The gateway to be eliminated is any point in Williamson or Franklin or Saline Counties, Illinois.

(78) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from Blytheville, Arkansas, to points in Arizona, California, and Nevada. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(79) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above from Blythville, Arkansas, to points in Alaska, Arizona, California, and Nevada. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(80) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from West Memphis, Arkansas, to points in California and Coos, Curry, Josephine, Douglas, Jackson, and Klamath Counties, Oregon. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Product Company at Fort Worth, Texas.

(81) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above from West Memphis, Arkansas, to points in Alaska, California, and Coos, Curry, Josephine, Douglas, Jackson, and Klamath Counties, Oregon. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(82) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, between West Memphis, Arkansas, on the one hand, and, on the other, points in Colorado. The gateway to be eliminated is any point in Williamson, Franklin, or Saline Counties, Illinois.

(83) *Commodities*, the transportation of which because of size or weight requires the use of special equipment, and of related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment, from points in Colorado to points in Randolph, Lawrence, Clay, Greene, Craighead, Poinsett, Mississippi, Cross, Crittenden, and St. Francis Counties, Arkansas. The gateway to be eliminated is any point in Illinois.

(84) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Kentucky on and south of a line beginning at the junction of the Kentucky-West Virginia border and Interstate Highway 64, thence along Interstate Highway 64 to Lexington, thence along U.S. Highway 60 to junction with the Blue Grass Parkway thence along the Blue Grass Parkway to Elizabethtown, thence along the western Kentucky Parkway to junction with U.S. Highway Alternate 41, thence along U.S. Highway Alternate 41 to junction Kentucky Highway 109, thence along Kentucky Highway 109 to junction with the Illinois-Kentucky border to points in Okanogan, Douglas, Grant, Franklin, Benton, Klickitat, Yakima, Kittitas, Chelan, Whatcom, Skagit, Snohomish, King, Pierce, Lewis, Skamania, Clark, Cowlitz, Wahkiakum, Pacific, Grays Harbor, Thurston, Mason, Jefferson, Clallam, Kitsap, Island, and San Juan Counties, Washington. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(85) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in Kentucky to points in Arizona, California, Nevada, Grays Harbor, Mason, Pierce, King, Thurston, Pacific, Wahkiakum, Lewis, Cowlitz, Clark, Skamania, Yakima, and Klickitat Counties, Washington, points in Oregon (except Umatilla, Union, Wallowa, Baker, and Malheur Counties, Oregon) and points in Millard, Sevier, Emery, Grand, Wayne, San Juan, Garfield, Kane, Piute, Beaver, Iron, and Washington Counties, Utah. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(86) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Kentucky to points in Arizona, Nevada, California, Alaska, Nevada, Grays Harbor, Mason, Pierce, King, Thurston, Pacific, Wahkiakum, Lewis, Cowlitz, Clark, Skamania, Yakima, and Klickitat Counties, Washington, points in Oregon (except Umatilla, Union, Wallowa, Baker, and Malheur Counties, Oregon) and points in Millard, Sevier, Emery, Grand, Wayne, San Juan, Garfield, Kane, Piute, Beaver, Iron, and Washington Counties, Utah. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(87) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size

or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Kentucky on and south of a line beginning at the junction of the Kentucky-West Virginia border and Interstate Highway 64, thence along Interstate Highway 64 to Lexington, thence along U.S. Highway 60 to junction with the Blue Grass Parkway, thence along the Blue Grass Parkway to Elizabethtown, thence along the western Kentucky Parkway to junction with the U.S. Highay Alternate 41, thence along U.S. Highway Alternate 41 to junction Kentucky Highway 109, thence along Kentucky Highway 109 to junction with the Illinois-Kentucky border to points in Okanogan, Douglas, Grant, Franklin, Benton, Klickitat, Yakima, Kittitas, Chelan, Whatcom, Skagit, Snohomish, King, Pierce, Lewis, Skamania, Clark, Cowlitz, Wahkiakum, Pacific, Grays Harbor, Thurston, Mason, Jefferson, Clallam, Kitsap, Island, and San Juan Counties, Washington. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(88) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Indiana on and south of U.S. Highway 50 to points in Alaska. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(89) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Indiana on and south of Indiana Highway 28 to points in California. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(90) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Indiana on and south of U.S. Highway 40 to points in Iron, Washington, Garfield, and Kane Counties, Utah. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(91) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in Indiana on and south of U.S. Highway 50 to points in Millard, Sevier, Emery, Grand, Wayne, San Juan, Kane, Garfield, Piute, Beaver, Iron, and Washington Counties, Utah. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(92) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Indiana south and east of a line beginning at the Indiana-Michigan border junction with U.S. Highway 31, thence along U.S. Highway 31 to junction with Indiana Highway 26, thence along Indiana Highway 26 to junction with the Indiana-Illinois border to points in Iron, Garfield, Washington, and Kane Counties, Utah. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(93) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Indiana on and south of U.S. Highway 24 to points in California. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(94) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in Indiana on and south of U.S. Highway 36 to points in Washoe, Storey, Douglas, Lyon, Mineral, Churchill, Esmeralda, Nye, White Pine, Lander, Pershing, Lincoln, and Clark Counties, Nevada. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(95) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Indiana on and south of U.S. Highway 36 to points in Washoe, Storey, Douglas, Lyon, Mineral, Churchill, Esmeralda, Nye, White Pine, Lander, Pershing, Lincoln, and Clark Counties, Nevada. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(96) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Indiana on south and east of a line beginning at the junction of the Michigan-Indiana border and U.S. Highway 31, thence along U.S. Highway 31 to junction with Indiana Highway 26, thence along Indiana Highway 26 to junction with the Illinois-Indiana border, to points in Lincoln, Nye, Mineral, Esmeralda, and Clarke Counties, Nevada. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(97) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Indiana on south and east of a line beginning at the junction of the Michigan-Indiana border and U.S. Highway 31, thence along U.S. Highway 31 to junction with Indiana Highway 26, thence along Indiana Highway 26 to junction with the Illinois-Indiana border, to points in Lincoln, Nye, Mineral, Esmeralda, and Clarke Counties, Nevada. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(98) *Wallboard and plywood handling equipment*, the transportation of which because of size of weight requires the use of special equipment, from points in that part of Indiana on and south of U.S. Highway 50 to points in that part of Oregon on and west of U.S. Highway 395. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(99) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Indiana on and south of U.S. Highway 50 to points in that part of Oregon on and west of U.S. Highway 395. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(100) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment from points in Gibson, Pike, Warrick, Spencer, Vanderburgh, and Posey Counties, Indiana, to points in Grays Harbor, Mason, Thurston, Pierce, Kitsap, King, Yakima, Lewis, Pacific, Wahkikum, Cowlitz, Clark, Skamania, Klickatat, and Benton Counties, Washington. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(101) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Gibson, Pike, Warrick, Spencer, Vanderburgh, and Posey Counties, Indiana, to points in Grays Harbor, Mason, Thurston, Pierce, Kitsap, King, Yakima, Lewis, Pacific, Wahkikum, Cowlitz, Clark, Skamania, Klickatat, and Benton Counties, Washington. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(102) *Wallboard and plywood handling equipment*, the transportation of

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which because of size or weight requires the use of special equipment, from points in Indiana to points in Arizona, Clarke, and Nye Counties, Nevada, and points in that part of California on and south of Interstate Highway 80. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Fort Worth, Texas.

(103) *(1) Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Indiana to points in Arizona, Clarke, and Nye Counties, Nevada, and points in that part of California on and south of Interstate Highway 80. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(104) *(1) Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from Adams, Scioto, Pike, Jackson, Lawrence, and Gallia Counties, Ohio, to points in Alaska. The gateways to be eliminated are any point in Williamson, Franklin, or Saline Counties, Illinois, and Cleburne, Texas.

(105) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from Taylor, Jones, Shackelford, Stephens, Palo Pinto, Parker, Tarrant, Johnson, Hood, Somervel, Bosque, Erath, Hamilton, Comanche, Mills, Brown, San Saba, McCulloch, Coleman, Concho, Runnels, Callahan, Eastland, and Dallas Counties, Texas, to points in Washington, Oregon, Idaho, Montana, Nevada, North Dakota, South Dakota, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Tennessee, Virginia, Kentucky, Illinois, Wisconsin, Michigan, Indiana, Ohio, West Virginia, Maryland, Delaware, the District of Columbia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, that part of Oklahoma on and east of U.S. Highway 77, that part of Kansas on and east of U.S. Highway 81, that part of Nebraska east and north of a line beginning at the junction of the Wyoming-Nebraska border and U.S. Highway 20, thence along U.S. Highway 20 to junction with Nebraska Highway 27, thence along Nebraska Highway 27 to junction with Nebraska Highway 2, thence along Nebraska Highway 2 to junction with U.S. Highway 183, thence along U.S. Highway 183 to junction with the Kansas-Nebraska border, points in Teton, Park, Big Horn, Washakie, Hot Springs, Sublette, Lincoln, Uinta, Sweetwater, Fremont, Natrona, Carbon, Johnson, Sheridan, Campbell, Crook, Weston, Niobrara, and Converse Counties, Wyoming; Moffat, Routt, Jackson, Grand, Rio Blanco, Garfield, and Eagle Counties, Colorado; Box Elder, Cache, Rich, Morgan, Summit, Daggett, Duchesne, Wasatch, Salt Lake, Davis, Tooele, Juab, Millard, Beaver, and Iron Counties, Utah; and points in California (except points in San Bernardino, Riverside, Imperial, and San Diego Counties, California). The gateway to be eliminated is the facilities of National Advance Products Company at Forth Worth, Texas.

(106) *(1) Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from Taylor, Jones, Schackelford, Stephens, Palo Pinto, Parker, Tarrant, Johnson, Hood, Somervel, Bosque, Erath, Hamilton, Comanche, Mills, Brown, San Saba, McCulloch, Coleman, Concho, Runnels, Callahan, Eastland, and Dallas Counties, Texas, to points in Washington, Oregon, Idaho, Montana, North Dakota, South Dakota, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Tennessee, Wisconsin, Illinois, Indiana, Kentucky, Virginia, West Virginia, Ohio, Michigan, New York, Pennsylvania, Maryland, the District of Columbia, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, points in that part of Oklahoma on and east of U.S. Highway 77, points in that part of Kansas on and east of U.S. Highway 81, points in that part of Nebraska north and east of a line beginning at the junction of the South Dakota-Nebraska border, and Nebraska Highway 27, thence along Nebraska Highway 27 to junction with Nebraska Highway 2, thence along Nebraska Highway 2 to junction with U.S. Highway 281, thence along U.S. Highway 281 to junction with the Kansas-Nebraska border, points in Clarke, Teton, Lincoln, Sublette, Fremont, Hot Springs, Big Horn, Washakie, Sheridon, Johnson, Natrona, Campbell, Converse, Weston, and Crooke Counties, Wyoming, Box Elder, Weber, Cache, and Rich Counties, Utah, points in Nevada north and west of U.S. Highway 6, and points in California on and north of Interstate Highway 10. The gateway to be elimininated is Cleburne, Texas.

(107) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from Howard, Mitchell, Nolan, Taylor, Glascock, Reagan, Sterling, Iron, Tom Green, Coke, Runnels, Fisher, Jones, Shackleford, Stephens, Palo Pinto, Tarrant, Parker, Dallas, Johnson, Hood, Somervell, Erath, Eastland, Comanche, Brown, Coleman, Callahan, and Concho Counties, Texas, to points in North Dakota, Minnesota, Iowa, that part of Kansas on and east of U.S. Highway 81, that part of Oklahoma on and east of U.S. Highway 81, Arkansas, Louisiana, Missouri, Wisconsin, Michigan, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, South Carolina, and North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, the District of Columbia, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine; Coos, Douglas, Lane, Benton, Lincoln, Linn, Marion, Polk, Yamhill, Clackamas, Multnomah, Washington, Tillamook, Clatsop, and Columbia Counties, Oregon; points in that part of Washington on north and west of a line beginning at the junction of the Washington-Oregon border and Interstate Highway 5, thence along Interstate Highway 5 to the junction U.S. Highway 2, thence along U.S. Highway 2, to the junction to the Washington-Idaho border, Boundary, Bonner, Kootenai, and Shoshone Counties, Idaho, and points in that part of Montana on and north of U.S. Highway 12. The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(108) *(1) Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in Howard, Mitchell, Nolan, Taylor, Glascock, Reagan, Sterling, Iron, Tom Green, Coke, Runnels, Fisher, Jones, Schackelford, Stephens, Palo Pinto, Tarrant, Parker, Dallas, Johnson, Hood, Somervell, Erath, Eastland, Comanche, Brown, Coleman, Callahan, and Concho Counties, Texas, to points in Minnesota, Iowa, Missouri, that part of Kansas on and east of U.S. Highway 81, that part of Oklahoma on and east of U.S. Highway 81, Arkansas, Louisiana, Alabama, Georgia, Florida, South Carolina, Tennessee, North Carolina, Kentucky, Virginia, Wisconsin, Illinois, Michigan, Indiana, Ohio, West Virginia, Maryland, Delaware, the District of Columbia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine; that part of Nebraska on and east of U.S. Highway 281, that part of South Dakota on and east of U.S. Highway 83, that part of North Dakota on north and east of a line beginning at the junction of the Montana-North Dakota border and Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction with the North Dakota-South Dakota border, that part of Montana on and north of U.S. Highway 12, that part of Idaho on and north of Interstate Highway 90, that part of Washington on north and west of a line beginning at the Idaho-Washington border and junction with U.S. Highway 2, thence along U.S. Highway 2 to junction with Interstate Highway 5, thence along Interstate Highway 5 to junction with the Washington-Oregon border, and Lane, Benton, Lincoln, Linn, Marion, Clackamas, Polk, Yamhill, Tillamook, Clatsop, Columbia, and Multnomah Counties, Oregon. The gateway to be eliminated is Cleburne, Texas.

(109) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from that part of Texas on and west of a line beginning at the junction of the Texas-New Mexico border and U.S. Highway 87, thence along U.S. Highway 87 to Amarillo, thence along U.S. Highway 287 to Fort Worth, thence along Interstate Highway 35 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction with the international boundary between the United States and Mexico to points in Michigan, Indiana, Kentucky, Tennessee, Mississippi, Louisiana, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Maryland, Delaware, the District of Columbia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, that part of Arkansas on south and east of U.S. Highway 67, Perry, Bollinger, Cape Girardeau, Wayne, Madison, Butler, Ripley, Oregon, Carter, Reynolds, Shannon, Stoddard, Scott, Mississippi, New Madrid, Dunklin, and Pemiscot Counties, Missouri, that part of Illinois on and east of U.S. Highway 51 and that part of Wisconsin on and east of U.S. Highway 51. The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(110) *(1) Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from that part of Texas on and west of a line beginning at the junction of the Texas-New Mexico border and U.S. Highway 87, thence along U.S. Highway 87 to Amarillo, thence along U.S. Highway 287 to Fort Worth, thence along Interstate Highway 35 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction with the international boundary between the United States and Mexico to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, the District of Columbia, Maryland, Ohio, West Virginia, Virginia, Michigan, Indiana, Kentucky, North Carolina, Tennessee, South Carolina, Georgia, Alabama, Mississippi, Florida, Louisiana, that part of Arkansas on and east of U.S. Highway 67, that part of Illinois on and east of Interstate Highway 57, and Perry, Bollinger, Cape Girardeau, Wayne, Madison, Butler, Ripley, Oregon, Carter, Reynolds, Shannon, Stoddard, Scott, Mississippi, New Madrid, Dunklin, and Pemiscot Counties, Missouri. The gateway to be eliminated is Cleburne, Texas.

(111) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment from the plantsites of Heister Company, located at or near Danville, Kewanee, and Peoria, Illinois to points in Arizona, points in that part of Nevada on and south of a line beginning at the junction Arizona-Nevada border and U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Nevada Highway 58, thence along Nevada Highway 58 to junction Nevada-California border; and that part of California on and south of the line beginning at the junction of the Nevada-California border and California Highway 190, thence along California Highway 190 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 108, thence along California Highway 108 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction Interstate Highway 680, thence along Interstate Highway 680 to junction California Highway 12, thence along California Highway 12 to junction California Highway 29, thence along California Highway 29 to junction California Highway 128, thence along California Highway 128 to junction Pacific Coast. Restricted to the transportation of shipments originating at the above named plantsites. The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(112) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from the plantsites of Heister Company at or near Danville, Illinois, to points in California. Restricted to the transportation of shipments originating at the above named plantsites. The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(113) *Wallboard and plywood handling equipment*, the transportation of which, because of size or weight requires the use of special equipment, from points in that part of Texas on and west of a line beginning at the junction of the international border between the United States and Mexico at Brownsville and U.S. Highway 77, thence along U.S. Highway 77 to Dallas, thence along Interstate Highway 20 to Fort Worth, thence along U.S. Highway 377 to junction U.S. Highway 281, thence along U.S. Highway 281 to San Antonio, thence along Texas Highway 16 to junction with the international boundary between the United States and Mexico to points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Arizona, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, Tennessee, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Maryland, the District of Columbia, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, New Mexico, Louisiana, Mississippi, and Alabama (except points in Luna, Dona Ana, Sierra, Socorro, Lincoln, Otero, Chaves, Lea, and Eddy Counties, New Mexico; that part of Louisiana south of U.S. Highway 84; that part of Mississippi south of U.S. Highway 84; and that part of Alabama south of U.S. Highway 84). The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

(114) *(1) Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from points in that part of Texas on and west of a line beginning at the junction of the international boundary between the United States and Mexico and U.S. Highway 77, thence along U.S. Highway 77 to Dallas, thence along Interstate Highway 20 to Fort Worth, and those points in Texas on and east of a line beginning at Fort Worth, Texas, thence along U.S. Highway 377 to junction U.S. Highway 281, thence along U.S. Highway 281 to San Antonio, thence along Texas Highway 16 to junction with the international boundary between the United States and Mexico to points in the United States including Alaska (except Hawaii, points in Louisiana south of U.S. Highway 84 and points in Mississippi south of U.S. Highway 84). The gateway to be eliminated is Cleburne, Texas.

(115) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from El Paso, Hudspeth, Culberson, Loving, Winkler, Reeves, Pecos, Jeff Davis, Presidio, Brewster, Terrell, Crockett, Crane, Ward, Upton, Reagan, Glascock, Midland, Ector, Andrews, Howard, Martin, Gaines, Dawson, Borden, Scurry, Fisher, Mitchell, Nolan, Jones, Taylor, Runnels, Coke, Sterling, Irion, Tom Green, Concho, Schleicher, Sutton, Menard, Kimble, Mason, Llano, San Saba, McCulloch, Coleman, Callahan, Shackelford, Stephens, Eastland, Brown, Mills, Hamilton, Comanche, Erath, Palo Pinto, Parker, Hood, Somervell, Johnson, and Tarrant Counties, Texas, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, the District of Columbia, West Virginia, Virginia, North Carolina, South Carolina, Florida, Alabama, Georgia, Mississippi, Tennessee, Kentucky, Ohio, Michigan, Indiana, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Arkansas, Louisiana, points in that part of Oklahoma on an east of U.S. Highway 183, points in that part of Kansas on and each of a line beginning at junction of the Kansas-Nebraska border and U.S. Highway 75, thence along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction with the Kansas-Oklahoma border, points in Nebraska on and east of U.S. Highway 77, points in North Dakota on and east of U.S. Highway 281; and points in South Dakota on and east of U.S. Highway 281. The gateway to be eliminated is the facilities of National Advance Products Company at Fort Worth, Texas.

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(116) (1) *Refuse handling equipment*, containers, compactors, and trailers, the transportation of which because of size or weight requires the use of special equipment, and (2) parts and accessories for the commodities described in (1) above, from El Paso, Hudspeth, Culberson, Loving, Winkler, Reeves, Pacos, Jeff Davis, Presidio, Brewster, Terrell, Crockett, Crane, Ward, Upton, Reagan, Glascock, Midland, Ector, Andrews, Howard, Martin, Gaines, Dawson, Borden, Scurry, Fisher, Mitchell, Nolan, Jones, Taylor, Runnels, Coke, Sterling, Irion, Tom Green, Concho, Schleicher, Sutton, Menard, Kimble, Mason, Llano, San Saba, McCullock, Coleman, Callahan, Shackelford, Stephens, Eastland, Brown, Mills, Hamilton, Comanche, Erath, Palo Pinto, Parker, Hood, Somervell, Johnson, and Tarrant Counties, Texas, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, the District of Columbia, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Arkansas, Louisiana, points in that part of Oklahoma on and east of U.S. Highway 183, points in Kansas on and east of a line beginning at the junction of the Kansas-Nebraska border, and U.S. Highway 75, thence along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction with the Kansas-Oklahoma border; points in North Dakota on and east of U.S. Highway 281; and points in South Dakota on and east of U.S. Highway 81. The gateway to be eliminated is Cleburne, Texas.

(117) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Ohio on and south of a line beginning at the junction Ohio-Pennsylvania border and Ohio Highway 14, thence along Ohio Highway 14 to Salem, thence along Ohio Highway 173 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio-Indiana border, to points in California. The gateways to be eliminated are any points in Williamson, Franklin, and Saline Counties, Illinois, and the facilities of National Advance Products Company, at Ft. Worth, Texas.

(118) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from Ashtabula, Lake, Cuyahoga, Summit, Portage, Geauga, Trumbull, Mahoning, Stark, Tuscarawas, Carroll, Columbiana, Jefferson, Coshocton, Guernsey, Belmont, Muskingum, Perry, Hocking, Morgan, Monroe, Nobel, Washington, Athens, Vinton, Meigs, Jackson, and Gallia Counties, Ohio, to Beaver, Piute, Wayne, San Juan, Garfield, Iron, Washington, and Kane Counties, Utah. The gateways to be eliminated are any points in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of the National Advance Products Company, at Ft. Worth, Texas.

(119) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Ohio on and south of a line beginning at the junction Pennsylvania-Ohio border and Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30–S, thence along U.S. Highway 30–S to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 47, thence along Ohio Highway 47 to junction Indiana-Ohio border to points in that part of Nevada on and south of a line beginning at the junction California-Nevada border and Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway Alternate 95, thence along U.S. Highway Alternate 95 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Nevada-Utah border. The gateways to be eliminated are any points in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Company at Fort Worth, Texas.

(120) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Ohio on and south of a line beginning at Sandusky, Ohio, thence along Ohio Highway 4 to junction U.S. Highway 30–N, thence along U.S. Highway 30–N to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana-Ohio border, to points in California (except points in Modoc, Siskiyou, Shasta, Lassen, and Plumas Counties). The gateways to be eliminated are any points in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company, at Ft. Worth, Texas.

(121) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in Ohio to points in Arizona, points in Iron and Washington Counties, Nevada, and points in California (except points in Del Norte, Siskiyou, Trinity, Modoc, Shasta, Lassen, Tehama, Plumas, Glenn, Butte, Sutter, Yuba, Nevada, Sierra, and Placer Counties). The gateways to be eliminated are any points in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Ft. Worth, Texas.

(122) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Ohio on, south and west of line beginning at the junction Ohio-West Virginia border and U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana-Ohio border, to points in Coos, Curry, Douglas, Josephine, and Jackson Counties, Oregon. The gateways to be eliminated are any points in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Ft. Worth, Texas.

(123) *Wallboard and plywood handling equipment*, the transportation of which because of size or weight requires the use of special equipment, from points in that part of Ohio on south and west of a line beginning at the junction Ohio-West Virginia border and U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 38, thence along Ohio Highway 38 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Ohio-Indiana border, to points in Lake, Klamath, Douglas, Jackson, Josephine, Curry, and Coos Counties, Oregon. The gateways to be eliminated are any points in Williamson, Franklin, or Saline Counties, Illinois, and the facilities of National Advance Products Company at Ft. Worth, Texas.

No. MC 136553 (Sub-No. E1), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags, from Fulton, Ill., to points in Minnesota and in Wisconsin bounded by a line beginning at the Illinois-Wisconsin State line, thence along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan, thence along Lake Michigan to Manitowoc, thence along U.S. Highway 10 to the Minnesota-Wisconsin State line, thence along the Wisconsin-Minnesota, Wisconsin-Iowa, and Wisconsin-Illinois State lines to U.S. Highway 151 (except Fond du Lac, Oshkosh, Appleton, Neenah, and Menasha, Wis.), with no transportation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 136553 (Sub-No. E20), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except in bulk), from Chicago, Ill., to East Dubuque and Galena, Ill. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 136553 (Sub-No. E33), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Illinois, on and east of a line beginning at the Illinois-Wisconsin State line and continuing along Illinois Highway 78 to its junction with U.S. Highway 67, thence along U.S. Highway 67 ending at Alton, Ill., to points in Minnesota and points in Wisconsin on and west of a line beginning at LaCrosse and continuing along Wisconsin Highway 35 to its junction with Wisconsin Highway 25, thence along Wisconsin Highway 25 to its junction with U.S. Highway 8, thence along U.S. Highway 8 to its junction with U.S. Highway 53, thence along U.S. Highway 53 to the Minnesota-Wisconsin State line. Restricted against the transportation of salt, in bulk, from points in Illinois, within the Chicago, Ill., and the St. Louis, Mo.-East St. Louis, Ill., commercial zones as defined by the Commission. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 136553 (Sub-No. E38), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from points in Iowa on and east of U.S. Highway 61, to points in Minnesota and points in Wisconsin on and north of a line beginning at the Illinois-Wisconsin State line and continuing along U.S. Highway 151 to its junction with Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 136553 (Sub-No. E40), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, in dump vehicles, from Henry, Ill., to points in Illinois on and west of a line beginning at the Illinois-Wisconsin State line along Illinois Highway 78 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to its junction with Illinois Highway 84, thence along Illinois Highway 84 to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Iowa State line with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 136553 (Sub-No. E39), filed June 3, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: Arthur Pape (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, in dump vehicles, from Marseilles, Ill., to points in Illinois on or west of a line beginning at the Illinois-Wisconsin State line along Illinois Highway 78 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Illinois Highway 84, thence along Illinois Highway 84 to junction Interstate Highway 80 to Illinois-Iowa State line with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21615 Filed 9-17-74;8:45 am]

[Notice No. 75]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 13, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 139431 (Sub-No. 1) (Republication), filed December 3, 1973, and published in the FEDERAL REGISTER issue of February 28, 1974, and republished this issue. Applicant: WYMO TRANSPORTATION, a Corporation, 41 East Burkitt, Sheridan, Wyo. 82801. Applicant's representative: Bruce P. Badley (same address as applicant). An Order of the Commission, Operating Rights Board, dated August 23, 1974, and served September 9, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *passengers and their baggage*, in special operations, between Sheridan, Wyo., and Decker, Mont., on the one hand, and, on the other, coal mines in Sheridan County, Wyo., and that portion of Big Horn and Rosebud Counties, Mont., south of U.S. Highway 212 and east of U.S. Highway 87; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to substitute Wymo Transportation, a Corporation, for the previous applicant, Ed Sitner, C. L. Summerfield, Lloyd Hall, an Association, doing business as Wymo Transportation, and to amend the territorial description. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 12955 (Sub-No. 1) (Notice of filing of petition to modify brokerage license), filed July 3, 1974. Petitioner: PAUL C. BISSETT, doing business as PAUL C. BISSETT TRAVEL AGENCY, 11 Pearl St., Stoughton, Mass. 02072. Petitioner's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Petitioner holds a *brokerage license* in No. MC 12955 (Sub-No. 1), issued August 9, 1966, to engage in operation, in interstate or foreign commerce, at Stoughton, Mass., to sell or offer to sell the transportation of *passengers and their baggage*, in special and charter operation, by motor vehicle, beginning and ending at points in Stoughton, Brockton, Randolph, Easton, Sharon, and Avon, Mass., and extending to points in the United States (except Hawaii). By the instant petition, petitioner seeks to change the authorized operations point from Stoughton, Mass., to Sharon, Mass. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 17546 (Sub-No. 4) (Notice of filing of petition to add contracting shippers), filed August 23, 1974. Petitioner: R. G. DELIVERY SERVICE, INC., 410 13th St., Hoboken, N.J. 07030. Petitioner's representative: Paul J. Keeler, P.O. Box 253, South Plainfield, N.J. 07080. Petitioner presently holds a motor *contract carrier* permit in No. MC 17546 (Sub-No. 4), issued March 15, 1971, authorizing transportation, as pertinent, over irregular routes, of (1) *Such merchandise* as is used, sold, or dealt in by retail shoe stores, from Jersey City, N.J., to points in Nassau County, N.Y., and that part of Suffolk County, N.Y., on and west of a line extending from Port Jefferson, N.Y., through Selden and Patchogue, N.Y., to Patchogue Bay, N.Y., and (2) *returned shipments* of the above-specified commodities, from points in Nassau County, N.Y., and that part of Suffolk County, N.Y., on and west of a line extending from Port Jefferson, N.Y., through Selden and Patchogue, N.Y., to Patchogue Bay, N.Y. to Jersey City, N.J., restricted to transportation of traffic which will

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have a prior or subsequent movement by rail or is received from or delivered to connecting motor carriers, under a continuing contract, or contracts, with Melville Shoe Corporation, Genesco, Inc., and Edison Brothers Stores, Inc. By the instant petition, petitioner seeks to add Butler Shoe Corp., of Westwood, Mass., Spencer Shoe Corp., of Boston, Mass., and Washington Manufacturing Co., of Nashville, Tenn., as contracting shippers. Any interested person or persons desiring to participate may file an original and six copies of his written representation, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 45021 (Sub-No. 5) (Notice of filing of petition to add contracting shippers), filed August 22, 1974. Petitioner: SPEEDY TRUCKING CO., INC., Taff Road, Totowa, N.J. 07082. Petitioner's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner presently holds a motor *contract carrier* permit in No. MC 45021 (Sub-No. 5) issued January 15, 1971, authorizing transportation over irregular routes, of *such merchandise* as is dealt in by wholesale and retail grocery houses (except in bulk), between points in Totowa Borough (Passaic County), N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New York, Pennsylvania, and Rhode Island, under a continuing contract, or contracts, with Filigree Foods, Inc., of Totowa, N.J., and J. Ossola Company, Inc., of Totowa, N.J. By the instant petition, petitioner seeks to add either: the additional contracting shipper Filigree Foods, Inc. and its subsidiaries; or in the alternative, should the Commission consider that the subsidiaries be reflected individually, contracting shippers Filigree Foods, Inc., J. Ossola Company, Inc., Chait Foods Dairy, Inc., A & A Food Products Corp. and Cresca Food Corp. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135033 (Notice of filing of petition to add contracting shipper), filed August 8, 1974. Petitioner: SILVEY REFRIGERATED CARRIERS, INC., Gifford Road and South Omaha Bridge Road, Council Bluffs, Iowa 51501. Petitioner's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Petitioner presently holds a motor *contract carrier* permit in No. MC 135033 issued August 12, 1974, authorizing transportation over irregular routes, of *Such commodities*, as are dealt in by retail department stores (except foodstuffs), from points in Alabama, Connecticut, Kentucky (except Louisville and points in its commercial zone as defined by the Commission), Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Ohio (except Cincinnati, Cleveland, Columbus, and Toledo and points in their respective commercial zones as defined by the Commission), to Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments destined to the facilities of J. L. Brandeis & Sons, Inc., G. McNew, Division of McCrory Corporation, Brinn & Jensen Company, Westside Supply Company, and Richman Gordman Stores, Inc., all at Omaha, Nebr., under a continuing contract, or contracts with J. L. Brandeis & Sons, Inc., G. McNew, Division of McCrory Corporation, Brinn & Jensen Company, Westside Supply Company, and Richman Gordman Stores, Inc. all at Omaha, Nebr. By the instant petition, petitioner seeks to add Pamida, Inc. as a contracting shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATE OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT

No. MC 111496 (Sub-No. 18), filed August 19, 1974. Applicant: TWIN CITY FREIGHT, INC., 2280 Ellis Avenue, St. Paul, Minn. 55114. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Bismarck, N. Dak., and Velva, N. Dak., serving all intermediate points; and the off-route point of Garrison, N. Dak.: From Bismarck over U.S. Highway 83 to junction North Dakota Highway 41, thence over North Dakota Highway 41 to Velva, and return over the same route. Between Fertile, Minn., and Grand Forks, N. Dak., serving all intermediate points; and the off-route points of Marcoux, Red Lake Falls, St. Hilarie, and Thief River Falls, Minn.: From Fertile over Minnesota Highway 32 to junction Minnesota Highway 102, thence over Minnesota Highway 102 to junction Minnesota Highway 9, thence over Minnesota Highway 9 to junction U.S. Highway 2, thence over U.S. Highway 2 to Grand Forks, and return over the same route. Between Thief Falls, Minn., and Baudette (formerly Spooner), Minn., serving the intermediate points Holt, Middle River, Strathcona, Greenbush, Badger, Fox, Roseau, Salol, Mandus, and Warroad, Minn., and those between Warroad and Baudette, Minn.; and the off-route points of Gatzke, Wannaska, and Ross, Minn.: From Thief River Falls over Minnesota Highway 32 to junction Minnesota Highway 11, at or near Greenbush, Minn., thence over Minnesota Highway 11 via Greenbush, and Warroad, Minn., to Baudette, and return over the same route. Between Moorhead, Minn., and Crookston, Minn., serving no intermediate points: From Moorhead over U.S. Highway 75 to Crookston, and return over the same route.

General commodities (except those of unusual value, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, other than those requiring special handling because of weight or size, and commodities injurious or contaminating to other lading), between Jamestown, N. Dak., and Minot, N. Dak., serving all intermediate points; and the off-route points of Sykeston, Logan, and Heaton, N. Dak.: From Jamestown over U.S. Highway 52 to Minot and return over the same route. Between Carrington, N. Dak., and Fessenden, N. Dak., serving all intermediate points: from Carrington over U.S. Highway 281 to New Rockford, N. Dak., thence return over U.S. Highway 281 to junction North Dakota Highway 15, thence over North Dakota Highway 15 to Fessenden, and return over the same route. Between Turtle Lake, N. Dak., and junction U.S. Highway 83 and North Dakota Highway 200 (formerly North Dakota Highway 7), with no service between terminal and serving no intermediate points, for use as a connection route only: From Turtle Lake over North Dakota Highway 41 to junction North Dakota Highway 200 (formerly North Dakota Highway 7), thence over North Dakota Highway 200 to junction U.S. Highway 83, and return over the same route. Regular routes: *General commodities* (except household goods, as defined by the Commission, and liquid commodities in tank trucks), between junction U.S. Highway 83 and North Dakota Highway 37 east of Garrison, N. Dak., and the Garrison Dam site on the Missouri River, near Mannhaven, N. Dak., serving all intermediate points; and all off-route points within 15 miles of the Garrison Dam site: From junction U.S. Highway 83 and North Dakota Highway 37 over North Dakota Highway 37 to Garrison, N. Dak., thence south over North Dakota Highway 28 and unnumbered highway to the Garrison Dam site, and return over the same route.

Between junction U.S. Highway 83 and unnumbered highway, near Coleharbor, N. Dak., and the Garrison Dam site on the Missouri River, near Mannhaven, N. Dak., serving all intermediate points; and all off-route points within 15 miles of the Garrison Dam site: From junction U.S. Highway 83 and unnumbered highway over unnumbered highway to the Garrison Dam site, and return over the same route. Between junction U.S. Highway 83 and unnumbered highway, at or near Underwood, N. Dak., and the Garrison Dam site on the Missouri River, near Mannhaven, N. Dak., serving all intermediate points; and all off-route points within 15 miles of the Garrison Dam site: From junction U.S. Highway 83 and unnumbered highway over unnumbered highway to the Garrison Dam site, and return over the same route.

Irregular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Minnesota within 35 miles of Breckenridge, Minn., including Breckenridge, Minn., on the one hand and on the other, points in Barnes, Billings, Burleigh, Cass, Dunn, Eddy, Foster, Golden Valley, Griggs, Kidder, McKenzie, McLean, Mercer, Morton, Oliver, Sheridan, Stark, Steele, Stutsman, Traill, and Wells Counties in North Dakota (except points in that part of North Dakota south of Interstate Highway 94). Between points in Barnes, Billings, Burleigh, Cass, Dunn, Eddy, Foster, Golden Valley, Griggs, Kidder, McKenzie, McLean, Mercer, Morton, Oliver, Sheridan, Stark, Steele, Stutsman, Traill, and Wells Counties in North Dakota (except points in that part of North Dakota south of Interstate Highway 94). Regular routes: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Bismarck, N. Dak., and Sidney, Mont., serving the intermediate points of Wibaux and Glendive, Mont.: From Bismarck over Interstate Highway 94 to junction Montana Highway 16, thence over Montana Highway 16 to Sidney, and return over the same route.

Irregular routes: *General commodities* in collection-and-delivery service between points in Wibaux, Mont. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Irregular routes: *Salt*, From Williston, N. Dak., and points within 10 miles thereof, to points in Colorado, Iowa, Montana, Nebraska, South Dakota, and that part of Wisconsin on and west of Wisconsin Highway 13, with no transportation for compensation on return except as otherwise provided.

NOTE.—Applicant intends to tack at (1) Fargo, N. Dak. with applicant's present regular route authority in MC 111496 so as to render service between the areas here involved, on the one hand, and, on the other, points on applicant's regular routes between St. Paul, Minn. and Fargo, N. Dak.; (2) at Fargo, North Dakota, with applicant's irregular route authority in MC 111496 to render service between points here involved, on the one hand, and, on the other, points in Becker, Clay, Mahnomen, Ottertail, and Wilkin Counties, Minn.; (3) at Fargo, Minot, Grand Forks and Williston, N. Dak. with applicant's irregular route authority in its Sub 12 certificate to render service between North Dakota points here involved, on the one hand, and, on the other, points in that part of North Dakota bounded on the west by the North Dakota-Montana State line, on the north by North Dakota Highway No. 5, on the south by U.S. Highway 2 and on the east by U.S. Highway 81; and points in that territory bounded on and east by North Dakota-Minnesota State line, on the north by the United States-Canada boundary line, on the west by North Dakota Highway 18, and on the south by North Dakota Highway No. 5, as well as applicant's regular route authority in northeastern North Dakota. Applicant seeks to purchase a portion of the operating rights of United Buckingham Freight Lines. This is a matter directly related to the Section 5 proceeding in MC-F-12298 published in the FEDERAL REGISTER issue of September 4, 1974. If a hearing is deemed necessary, the applicant requests it be held at Fargo, N. Dak. and Minneapolis, Minn.

No. MC 114273 (Sub-No. 158), filed December 28, 1973. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Montgomery County and Bethel, Monroe, and Union Townships, Miami County, Ohio on the one hand, and, on the other, points in Ohio.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Montgomery County and Bethel, Monroe, and Union Townships, Miami County, Ohio to provide service between these said townships and counties and points in Ohio. Common control may be involved. This is a matter directly related to the section 5 proceeding in MC-F-12090 published in the F.R. issue of January 16, 1974. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 134369 (Sub-No. 5), filed August 20, 1974. Applicant: CARLSON TRANSPORT, INC., P.O. Box R, Byron, Ill. 61010. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, (a) From the plant sites, warehouses and other facilities of Manley Sand Division of Martin Marietta Corporation located at Michigan City, Ind., to points in the lower peninsula of Michigan, Waukegan and North Chicago, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission, and points in that part of Ohio north and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Michigan State line, with no transportation for compensation on return except as otherwise authorized. (b) From the plant sites, warehouses and other facilities of Manley Sand Division of Martin Marietta Corporation located at Oregon, Ill., to points in that part of Indiana on and north of U.S. Highway 40, that part of Illinois north of U.S. Highway 36, and that part of Ohio north and west of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 30 to junction U.S. Highway 30S.

Thence along U.S. Highway 30S to junction U.S. Highway 25, and thence along U.S. Highway 25 to the Ohio-Michigan State line, with no transportation for compensation on return except as otherwise authorized. (c) From the plant sites, warehouses and other facilities of Manley Sand Division of Martin Marietta Corporation located at Oregon, Ill., to points in that part of Indiana on and north of U.S. Highway 40, the southern peninsula of Michigan and that part of Ohio north and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Michigan State line, with no transportation for compensation on return except as otherwise authorized. (d) From the plant sites, warehouses and other facilities of Manley Sand Division of Martin Marietta Corporation located at Oregon, Ill., and in Berrien County, Mich., to points in that part of Indiana south of U.S. Highway 40, with no transportation for compensation on return, except as otherwise authorized. (3) From the plant sites, warehouses and other facilities of Manley Sand Division of Martin Marietta Corporation located at Oregon, Ill., Michigan City, Ind., and in Berrien County, Mich., to points in that part of Ohio on, south, and east of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Michigan State line, with no transportation for compensation on return, except as otherwise authorized. Note: Applicant seeks to purchase the operating rights of William G. Beck in MC 125247 and MC 125247 (Sub-No. 2) and also seeks to convert the contract carrier authority to common carrier authority. This a matter directly related to the Section 5 proceeding in MC-F-12295 published in the FR issue of September 4, 1974. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC-F-12285 (Correction) DUFF TRUCK LINE, INC.—CONTROL AND MERGER—RUMPF TRUCK LINE, INC., published in the August 14, 1974, issue of the FEDERAL REGISTER on page 29265. Prior notice should be modified to read as follows: Operating rights sought to be controlled and merged: general commodities, with exceptions, as a common carrier over regular routes (a) between Britton, Mich., and Toledo, Ohio, serving various intermediate points; (b) between points in Michigan, serving all intermediate points, and

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those off-route points within 5 miles thereof, as follows: (i) between Tecumseh and junction unnumbered highway and U.S. Highway 223 near Petersburg, Mich., (ii) between Clinton and Britton; (iii) between Ann Arbor and Tecumseh; (iv) between Ann Arbor and Clinton; (v) between Ann Arbor and Clinton. Also. (1) between Dundee, Mich., and Toledo, Ohio, serving all intermediate points; (2) between Hillsdale, Mich., and Toledo, Ohio, serving all intermediate points; (3) between Ida, Mich., and Dundee, Mich., serving all intermediate points; (4) between Lambertville, Mich; and junction unnumbered highways at or near Temperance, Mich., serving all intermediate points; (5) between junction U.S. Highway 223 and Michigan Highway 151, serving all intermediate points; (6) between Ida, Mich., and Monroe, Mich., serving all intermediate points; (7) between Erie, Mich.; and junction unnumbered highways near Temperance, Mich., serving all intermediate points.

(8) Between Toledo Beach, Mich., and junction unnumbered highways near Yagerville, Mich., serving all intermediate points; (9) between junction U.S. Highway 223 and unnumbered highway near Ottawa Lake, Mich., and junction two unnumbered highways near Lambertville, Mich., serving all intermediate points; (10) between Sylvania, Ohio, and Petersburg, Mich., serving all intermediate points; (11) between junction Ohio Highways 183 and 246 and junction unnumbered highway and Michigan Highway 151 near Samaria, Mich., serving all intermediate points; and (12) between Trilby, Ohio, and junction unnumbered highway and Michigan Highway 151 near Samaria, Mich., serving all intermediate points. Also serving the plant site of the Kelsey-Hayes Company in Wayne - County, Mich., the plant site of the Ford Motor Company in Wayne County, Mich.; the plant site of Thetford Engineering Corporation at Dexter, Mich., and serving Dexter, Mich., as an off-route point. Also alternate routes for operating convenience only (1) between Tecumseh, Mich., and Manchester, Mich.; (2) between Clinton, Mich., and junction U.S. Highway 12 and Michigan Highway 52; and (3) between Toledo, Ohio, and Ann Arbor, Mich; and (4) between junction U.S. Highway 23 and Michigan Highway 50 and Tecumseh, Mich.

No. MC–F–12302. Authority sought for merger by MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050, of the operating rights and property of (1) SOUTHERN TANK LINES, INC., and (2) T. I. McCORMACK TRUCKING COMPANY, INC., both of 10 West Baltimore Ave., Lansdowne, Pa. 19050, and for acquisition by ROLLINS INTERNATIONAL, INC., One Rollins Plaza, Wilmington, Del. 19803, of control of such rights and property through the transaction. Applicants' attorney and representative: Harry C. Ames, Jr., 666 11th St. NW., Suite 805, Washington, D.C. 20001, and Allen H. Knouft, 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Operating rights sought to be merged: (1) *Petroleum products*, in bulk, in tank vehicles, and numerous other commodities, as a *common carrier*, over irregular routes, from, to, and between specified points in all States in the United States (except Alaska and Hawaii) and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC 109637 and sub-numbers thereunder; and (2) *vegetable oils*, in bulk, in tank vehicles, and numerous other specified commodities as a *common carrier*, over irregular routes, from, to, and between specified points in the States of New York, New Jersey, Pennsylvania, Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, Ohio, North Carolina, Virginia, Maine, New Hampshire, Vermont, Alabama, Georgia, South Carolina, Tennessee, West Virginia, Kansas, Wisconsin, Missouri, and the District of Columbia, with certain restrictions, as more specifically described in Docket No. MC 52458 and sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carriers involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of these carriers operating rights, without stating, in full, the entirety, thereof. Matlack, Inc., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to order dated December 27, 1971, in No. MC–F–10612, transferee acquired control of transferor.

No. MC–F–12301. Authority sought for purchase by L. V. COMPANY, INC., R.D. #1, Coplay, Lehigh County, Pa. 18097, of the operating rights and property of LEONA A. KULOVITS, Executrix of the Estate of STEPHEN L. KULOVITS, 1141 Mickley Avenue, Fullerton, Lehigh County, Pa. 18052. Applicants' attorney: Lewis R. Long, 548 N. New Street, Bethlehem, Pa. 18018. Operating rights sought to be transferred: *Concrete building blocks*, *concrete beams*, *concrete pipe*, *concrete lintels* and *concrete bricks*, as a *contract carrier* over irregular routes, from the plant site of Lehigh Building Company, at Wescoesville, Pa., to points in Delaware, New Jersey (except Millville, N.J., and points within 10 miles thereof), and that part of New York on and south of Interstate Highway 90. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Connecticut, Delaware, District of Columbia, Maryland, New Jersey, New York, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12303. Authority sought for purchase by DUDLEY'S TRANSCONTINENTAL MOVERS, INC. et al., 2120 Adams St., P.O. Box 82046, Lincoln, NE 68501, of the operating rights of TRANSWORLD MOVERS, INC., 4242 Delaware St., Denver, CO 80216, and for acquisition by R. C. SHUMPERT, RUTH B. SHUMPERT, AND L. A. PHILLIPS, all of 1044 Northside Drive, N.W., Atlanta, GA 30318, of control of such rights through the purchase. Applicants' attorneys: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501, and Leslie R. Kehl, 1660 Lincoln Center Bldg., Denver, CO 80203. Operating rights sought to be transferred: *New furniture*, as a *common carrier* over irregular routes, from Chicago, Ill., to points in Nebraska and Oklahoma; *household goods* as defined by the Commission, between points in that part of Illinois on and north of U.S. Highway 36; points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to certain specified points in Indiana, Michigan and Wisconsin, on the one hand, and, on the other, points in Delaware, Kansas, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, and West Virginia, between points in Illinois south of U.S. Highway 36; points in that part of Indiana south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Indianapolis, Ind., and thence along U.S. Highway 40 to the Indiana-Ohio State line; and points in Wisconsin north of U.S. Highway 16, between points in Illinois south of U.S. Highway 36; points in that part of Indiana south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Indianapolis, Ind., and thence along U.S. Highway 40 to the Indiana-Ohio State line; and points in that part of Wisconsin north of U.S. Highway 16, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, between Litchfield, Nebr., and points within 25 miles of Litchfield, on the one had, and, on the other, points in Wyoming, Iowa, Kansas, Missouri, South Dakota, and Colorado, between Cozad, Nebr., and points in Nebraska within 25 miles of Cozad, on the one hand, and, on the other, points in Iowa, Kansas and Colorado, between points in Montrose, Delta, and Gunnison Counties, Colo., on the one hand, and, on the other, points in Utah on and east of U.S. Highway 91 and those in Colorado on and west of U.S. Highway 85.

Household goods, between points in Harper, Grant, Alfalfa, Garfield, and Major Counties, Okla., on the one hand, and, on the other, points in Missouri, Kansas, Texas, and Arkansas, between points in Woods and Woodward Counties, Okla., on the one hand, and, on the other, points in Kansas, between points in Grant County, Okla., and points within 30 miles of Grant County, on the one hand, and, on the other, points in Kansas, between points in Iowa, on the one hand, and, on the other, points in Nebraska, Minnesota, Illinois, and Kansas, between Boulder, Colo., on the one hand, and, on the other, points in Iowa, Kansas, Missouri, Nebraska, Illinois, Indiana, and Wisconsin; *emigrant movables*, between points in Montrose, Delta, and Gunnison Counties, Colo., on the one hand, and, on the other, points in Nebraska and Kansas; *general commodities*, with exceptions, between Denver, Colo., on the one hand, and, on the other, points within 15 miles of Denver, except points on U.S. Highway 6 east of Denver, points on Colorado Highway 72 north and west of Denver, and points in the area between such sections of highways but not excluding the plant site of Dow Chemical Company at Rocky Flats, Colo., with restriction. Vendees are authorized to operate as *common carriers* in all of the States in the United States (except Alaska and Hawaii).

No. MC–F–12306. Application under section 5(1) of the Interstate Commerce Act for approval of an agreement between common carriers for the pooling of traffic. Applicants: L. & M. EXPRESS CO., INC., 220 Ridge Rd., Lyndhurst, NJ 07071 (MC–44639), and SIEGEL & COHEN EXPRESS, INC., 566 So. 11th St., Newark, NJ 07015 (MC–115278), seeks to enter into an agreement for the pooling of traffic consisting of general commodities, with restrictions, moving in interstate commerce between certain specified points in New Jersey, New York, and Virginia. Attorneys: Herman B. J. Weckstein, One Woodbridge Center, Woodbridge, NJ 07095, and George A. Olsen, 69 Tonnele Ave., Jersey City, NJ 07306. L. & M. EXPRESS CO., INC., is authorized to operate as a common carrier in Virginia, New Jersey, New York, North Carolina, and West Virginia.

No. MC–F–12307. Authority sought for purchase by BEE-LINE MOTOR FREIGHT, INC., 1804 Paul Street, Omaha, NB 68102, of the operating rights of SERVICE OIL COMPANY, INC., 142 North 15th Street, Ord. NB 68862, and for acquisition by VELMA C. LONG, 8730 Harney Street, Omaha, NB 68114, of control of such rights through the purchase. Applicants' attorney: DONALD L. STERN, Suite 530 Univac Building, 7100 West Center Road, Omaha, NB 68106. Operating rights sought to be transferred: Under certificate of registration, in Docket No. MC–99667 Sub 1, covering the transportation of Commodities generally. Vendee is authorized to operate as a *common carrier* in Nebraska. Application has been filed for temporary authority under Section 210a(b).

MC–60066 (Sub No. 10), is a directly related matter.

No. MC–F–12308. Authority sought for purchase by TRANSCON LINES, 101 Continental Blvd., El Segundo, CA 90245 of a portion of the operating rights of ALLTRANS EXPRESS CALIFORNIA, INC., doing business as WALKUP'S MERCHANTS EXPRESS, 435–23rd St., San Francisco, CA 94107. Applicants' attorneys: Wentworth E. Griffin, 6th Floor, 1221 Baltimore Ave., Kansas City, MO 64105, and Jack Goodman, 39 So. LaSalle St., Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, (except household goods as described by the Commission, commodities in bulk, articles of unusual value, motor vehicles, and Classes A & B explosives), as a *common carrier* over regular routes, to, from and between specified points in the state of California, with certain restrictions, serving various intermediate and off-route points, as more specifically described in Certificate of Public Convenience and Necessity No. MC–99388 (Sub-No. 10). The operating authority of Alltrans Express California, Inc., to be purchased may be otherwise summarized to extend generally between (1) Vallejo, Calif., and Crescent City, Calif.; (2) Sacramento, Calif., and Hilts, Calif.; (3) Oxnard, Calif., and Monterey, Calif.; (4) Castaic, Calif., and Stockton, Calif.; (5) Laguna Beach, Calif., and San Diego, Calif.; and (6) Riverside, Calif., and San Diego, Calif. This notice does not purport to be a complete description of all of the operating rights involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of the carrier's operating authority involved without stating in full the entirety thereof. Vendee is authorized to operate as a *common carrier* in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

TRANSFER APPLICATION ASSIGNED FOR ORAL HEARING

No. MC–FC–74743. Authority sought by transferee, BOSTON-FLORIDA EXPRESS, INC., 3101 No. Federal Highway, Fort Lauderdale, Fla., 33306, to acquire a portion of the operating rights of transferor, GLOSSON MOTOR LINES, INC., P.O. Box 1328, Lexington, N.C., 27292. Applicant's attorney: James E. Wilson, 1032 Pennsylvania Building, 425 13th Street, N.W., Washington, D.C. 20004. Operating rights in certificate No. MC–41255 (Sub-No. 64) sought to be transferred: frozen citrus juice concentrate, from points in Florida to Boston, Springfield, Watertown and Worcester, Mass., Norwalk, East Hartford and Hartford, Conn., Albany, Binghamton, Buffalo, Elmira, Newburg, New York, Rochester, Syracuse, Waterport, Brockport, and White Plains, N.Y., Camden, Jersey City, Newark, Bridgeton, and Perth Amboy, N.J., Erie, Harrisburg, Philadelphia, Pittsburgh, Scranton, Steelton, and Williamsport, Pa., Petersburg, Va., and Huntington, W. Va., and from points in Florida, to points in Maine, New Hampshire, and Vermont; frozen foods, from Watertown, Mass., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana; from Boston, Mass., to points in Mississippi, and from Washington, D.C., to points in North Carolina, South Carolina, Georgia, and Florida; frozen foods, except frozen seafoods, from Boston, Mass., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, and Louisiana; and citrus products, not canned or frozen, in vehicles equipped with mechanical refrigeration, from points in Florida, to Boston, Springfield, Watertown, and Worcester, Mass., Norwalk, East Hartford, and Hartford, Conn., Albany, Binghamton, Buffalo, Elmira, Newburg, New York, Rochester, Syracuse, Waterport, Brockport, and White Plains, N.Y., Camden, Jersey City, Newark, Bridgeton, and Perth Amboy, N.J., Erie, Harrisburg, Philadelphia, Scranton, Steelton, and Williamsport, Pa., Petersburg, Va., Huntington, W. Va., and points in Maine, New Hampshire, and Vermont. NOTE: The balance of the operating rights in this certificate originally was included in the proposed transfer, but such operating rights were found not to be susceptible of transfer by order of the Commission, Division 3, acting as an Appellate Division, dated April 3, 1974, because of unjustifiable dormancy.

By order of Division 3, acting as an Appellate Division, dated August 27, 1974, the above-entitled proceeding has been assigned for hearing at a time and place later to be fixed for the purposes of determining if jurisdiction properly may be asserted under Section 212(b) of the Interstate Commerce Act and, if so, whether the transfer of the concerned operating rights will comply with section 1132.5(b) of the Rules and Regulations Governing Transfers of Rights to Operate as a Motor Carrier in Interstate or Foreign Commerce, 49 CFR 1132.

Interested parties have until October 18, 1974, in which to file petitions for leave to intervene. Such petitions should set forth the reason or reasons for the requested intervention, the place where petitioner wishes the hearing to be held, the number of witnesses to be presented, and the estimated time required for presentation of its evidence. The Bureau of Enforcement has been directed to participate in the proceeding for the purpose of presenting evidence and otherwise developing the record.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–21619 Filed 9–17–74;8:45 am]

[Notice No. 131]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 12, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment re-

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sulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2153 (Sub-No. 46TA), filed September 3, 1974. Applicant: MIDWEST MOTOR EXPRESS, INC., 5015 East Main, Bismarck, N. Dak. 58501. Applicant's representative: Ernest R. Fleck, P.O. Box 1436, Bismarck, N. Dak. 58501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: (1) *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) Between Minot, N. Dak. and Portal, N. Dak., serving all intermediate points: From Minot over U.S. Highway 52 to Portal, and return over the same route; (B) Between Minot, N. Dak. and Sherwood, N. Dak., serving the intermediate point of Mohall, N. Dak.; and the off-route points of Lansford and Loraine, N. Dak.: From Minot over U.S. Highway 83 to junction North Dakota Highway 5, thence over North Dakota Highway 5 to junction North Dakota Highway 28, thence over North Dakota Highway 28 to Sherwood, and return over the same route; (C) Between South St. Paul, Minn. and Bottineau, N. Dak., serving the intermediate point of Duluth, Minn., restricted to pickup of such merchandise as is dealt in by wholesale and retail hardware business houses; the intermediate points of St. Paul, Minn., and those between Petersburg and Bottineau, N. Dak., inclusive; and the off-route points of Minneapolis, Minn. and Rolette, Munich, Alsen, Lakota, Hampden, Langdon, Walhalla, Cavalier, Southam, Mylo, Perth, Rugby, and Edmore, N. Dak., as follows: From South St. Paul over city streets to St. Paul, Minn., thence over U.S. Highway 10 to Detroit Lakes, Minn., thence over U.S. Highway 59 to Erskine, Minn., thence over U.S. Highway 2 to Devils Lake, N. Dak., thence over North Dakota Highway 20 to Starkweather, N. Dak., thence over North Dakota Highway 17 to Cando, N. Dak., thence over U.S. Highway 281 to junction North Dakota Highway 5, thence over North Dakota Highway 5 to Bottineau, and return over the same route and from South St. Paul over city streets to St. Paul, Minn., thence over U.S. Highway 61 to Duluth, Minn., thence over U.S. Highway 2 to Erskine, Minn., thence as specified above to Bottineau, and return over the same route; and (D) Between Detroit Lakes, Minn., and Crookston, Minn., serving no intermediate points: From Detroit Lakes over U.S. Highway 59 to junction U.S. Highway 2, thence over U.S. Highway 2 to Crookston, and return over the same route.

(2) *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, other than those requiring special handling because of weight or size and commodities injurious or contaminating to other lading), (A) Between Fargo, N. Dak. and Pembina, N. Dak., serving all intermediate points; and the off-route points of Buxton, Reynolds, Thompson, Cavalier, Bathgate, McVille, Northwood, Finley, Page, Erie, Galesburg, Cooperstown and West Fargo, N. Dak., restricted to traffic moving in interstate commerce only, and serving Fargo, N. Dak. for the purpose of joinder only: From Fargo over U.S. Highway 81 to Hamilton, N. Dak., thence over North Dakota Highway 5 to junction North Dakota Highway 18, thence over North Dakota Highway 18 to junction unnumbered highway (formerly North Dakota Highway 55), thence over unnumbered highway to Pembina, and return over the same route; (3) *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), Between Rolla, N. Dak. and the United States-Canada Boundary line serving the intermediate point of St. John, N. Dak.: From Rolla over North Dakota Highway 30 to the United States-Canada Boundary line, and return over the same route; (4) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Minot, N. Dak. and Devils Lake, N. Dak., serving the intermediate points of Berwick, Churchs Ferry, Denbigh, Granville, Knox, Leeds, Penn, Surrey, Towner, and York, N. Dak.; and the off-route points of Norwich, Pleasant Lake, Rugby, Sweetwater, and Webster, N. Dak.: From Minot over U.S. Highway 2 to Devils Lake, and return over the same route; and (5) *Petroleum products*, in containers, (A) From Duluth, Minn., to Fargo, N. Dak., serving no intermediate points: From Duluth over U.S. Highway 61 to junction U.S. Highway 210, thence over U.S. Highway 210 to Motley, Minn., thence over U.S. Highway 10 to Fargo, and return over the same route with no transportation for compensation except as otherwise authorized and (B) From Duluth, Minn., to Grand Forks, N. Dak., serving no intermediate points: From Duluth over U.S. Highway 2 to Grand Forks, and return over the same route with no transportation for compensation except as otherwise authorized.

Irregular routes: (1) *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), Between points in that part of North Dakota bounded by a line beginning at Minot, N. Dak. and extending north along U.S. Highway 83 to the United States-Canada Boundary line, thence east along said boundary to junction North Dakota Highway 1, thence south along North Dakota Highway 1 to Lakota, N. Dak., and thence west along U.S. Highway 2 to point of beginning, including points on the indicated portions of the highways specified, on the one hand, and, on the other, South St. Paul, St. Paul, Minneapolis, and Stillwater, Minn.; (2) *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (A) Between points in Minnesota within 35 miles of Breckenridge, Minn., including Breckenridge, Minn., on the one hand, and, on the other, points in Benson, Bottineau, Burke, Cavalier, Divide, Grand Forks, McHenry, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, Walsh, Ward and Williams Counties, N. Dak. and (B) Between points in Benson, Bottineau, Burke, Cavalier, Divide, Grand Forks, McHenry, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, Walsh, Ward and Williams Counties, N. Dak.

Regular routes: *General commodities* (except those of unusual value, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment other than those requiring special handling because of weight or size and those injurious or contaminating to other lading), Between Fargo, N. Dak. and the United States-Canada Boundary line, serving no intermediate points: From Hamilton over U.S. Highway 81 to Pembina, and return over the same route, for 180 days. NOTE: Applicant intends to tack this application with its presently held authority in MC 2153. Supporting shippers: There are approximately 109 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined here at the field office named below. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 30887 (Sub-No. 208TA), filed September 4, 1974. Applicant: SHIPLEY TRANSFER, INC., 1550 E. Patapsco Avenue, Baltimore, Md. 21226. Applicant's representative: William B. Eckels (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, in bulk, in tank vehicles, from Baltimore, Md., to Edge Moore, Del., for 180 days. Supporting shipper: Robert A. Taylor, President, American Recovery Company, Inc., 2001 Benhill Avenue, Baltimore, Md. 21226. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 64994 (Sub-No. 116TA), filed September 5, 1974. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. 27102. Applicant's representative: W. C. Thornton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving Santa Claus, Ind. as an off-route point in connection with applicant's regular route authority between Louisville, Ky. and Evansville, Ind., for 180 days. Supporting shipper: Soundesign Corporation, Freight Traffic Service, P.O. Box 221, Gladstone, N.J. 07934. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

NOTE.—Applicant states that with Sub 114 with lead certificate and all subs therein in Docket MC 64994, it will tack and/or interline with any other carrier.

No. MC 85255 (Sub-No. 52TA), filed September 4, 1974. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526 (3720 Airport Way S.), Seattle, Wash. 98124. Applicant's representative: Clyde H. MacIver, 1001 Fourth Avenue, Suite 3712, Seattle, Wash. 98154. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals* including *wood chips, sawdust, shavings and hogged fuel*, between points in Boundary, Bonner, Kootenai, Benewah, Lewis, Latah, Shoshone, Clearwater, Nez Perce, and Idaho Counties, Idaho, those in Morrow, Grant, Harney, Umatilla, Malheur, Wallowa, Union, and Baker Counties, Oreg. and those in Okanogan, Chelan, Grant, Benton, Douglas, Ferry, Stevens, Columbia, Asotin, Pend Oreille, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, and Garfield Counties, Wash., for 180 days. SUPPORTING SHIPPER: Potlatch Corporation, P.O. Box 1016, Lewiston, Idaho 83501. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, 909 1st Avenue, Seattle, Wash. 98174.

No. MC 95920 (Sub-No. 33TA), filed September 3, 1974. Applicant: SANTRY TRUCKING COMPANY, 11552 Southwest Pacific Highway, Portland, Oreg. 97223. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, from Dillon, Mont., to the United States/Canada International Boundary line at or near Blaine, Lynden, Oroville or Sumas, Wash. or Eastport, Idaho, for 180 days. Supporting shipper: VanWaters and Rogers, Inc., 2625 Skeena Street, Vancouver, British Columbia, Canada. Send protests to: District Supervisor A. E. Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 107403 (Sub-No. 916TA), filed September 4, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reclaimed vinyl compound*, in bulk, in tank vehicles, from Piqua, Ohio, to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin, for 180 days. Supporting shipper: Polymer Recovery Corporation, 600 W. Statler, Piqua, Ohio 45356. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 111496 (Sub-No. 19TA), filed September 3, 1974. Applicant: TWIN CITY FREIGHT, INC., 2280 Ellis Avenue, St. Paul, Minn. 55114. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular or irregular routes, transporting: (A) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Bismarck, N. Dak and Velva, N. Dak., serving all intermediate points and the off-route point of Garrison, N. Dak.: From Bismarck over U.S. Highway 83 to junction North Dakota Highway 41, thence over North Dakota Highway 41 to Velva, and return over the same route; (2) Between Fertile, Minn. and Grand Forks, N. Dak., serving all intermediate points; and the off-route points of Marcoux, Red Lake Falls, St. Hilaire, and Thief River Falls, Minn.: From Fertile over Minnesota Highway 32 to junction Minnesota Highway 102, thence over Minnesota Highway 102 to junction Minnesota Highway 9, thence over Minnesota Highway 9 to junction U.S. Highway 2, thence over U.S. Highway 2 to Grand Forks, and return over the same route; (3) Between Thief River Falls, Minn. and Baudette (formerly Spooner), Minn., serving the intermediate points of Holt, Middle River, Strathcona, Greenbush, Badger, Fox, Roseau, Salol, Mandus, and Warroad, Minn., and those between Warroad and Baudette, Minn. and the off-route points of Gatzke, Wannaska, and Ross, Minn.: From Thief River Falls over Minnesota Highway 32 to junction Minnesota Highway 11, at or near Greenbush, Minn., thence over Minnesota Highway 11 via Greenbush and Warroad, Minn., to Baudette, and return over the same route; and (4) Between Moorhead, Minn. and Crookston, Minn., serving no intermediate points: From Moorhead over U.S. Highway 75 to Crookston, and return over the same route.

(B) *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, other than those requiring special handling because of weight or size, and commodities injurious or contaminating to other lading), (1) Between Jamestown, N. Dak. and Minot, N. Dak., serving all intermediate points and the off-route points of Sykeston, Logan, and Heaton, N. Dak.: From Jamestown over U.S. Highway 52 to Minot and return over the same route; (2) Between Carrington, N. Dak. and Fessenden, N. Dak., serving all intermediate points: From Carrington over U.S. Highway 281 to New Rockford, N. Dak., thence return over U.S. Highway 281 to junction North Dakota Highway 15, thence over North Dakota Highway 15 to Fessenden, and return over the same route; and (3) Between Turtle Lake, N. Dak. and Junction U.S. Highway 83 and North Dakota Highway 200 (formerly North Dakota Highway 7), with no service between termini and serving no intermediate points, for use as a connecting route only: From Turtle Lake over North Dakota Highway 41 to junction North Dakota Highway 200 (formerly North Dakota Highway 7).

Thence over North Dakota Highway 200 to junction U.S. Highway 83, and return over the same route and (C) *General commodities* (except household goods as defined by the Commission, and *liquid commodities* in tank trucks), (1) Between junction U.S. Highway 83 and North Dakota Highway 37, east of Garrison, N. Dak., and the Garrison Dam Site on the Missouri River, near Mannhaven, N. Dak., serving all intermediate points; and all off-route points within 15 miles of the Garrison Dam Site: From junction U.S. Highway 83 and North Dakota Highway 37 over North Dakota Highway 37 to Garrison, N. Dak., thence south over North Dakota Highway 28 and unnumbered highway to the Garrison Dam Site, and return over the same route; (2) Between junction U.S. Highway 83 and unnumbered highway, near

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Coleharbor, N. Dak. and the Garrison Dam Site on the Missouri River, near Mannhaven, N. Dak., serving all intermediate points; and all off-route points within 15 miles of the Garrison Dam Site: From junction U.S. Highway 83 and unnumbered highway over unnumbered highway to the Garrison Dam Site, and return over the same route; and (3) Between junction U.S. Highway 83 and unnumbered highway at or near Underwood, N. Dak. and the Garrison Dam Site on the Missouri River, near Mannhaven, N. Dak., serving all intermediate points; and all off-route points within 15 miles of the Garrison Dam Site: From junction U.S. Highway 83 and unnumbered highway over unnumbered highway to the Garrison Dam Site, and return over the same route.

Irregular routes: (A) *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) Between points in Minnesota within 35 miles of Breckenridge, Minn., including Breckenridge, Minn., on the one hand, and, on the other, points in Barnes, Billings, Burleigh, Cass, Dunn, Eddy, Foster, Golden Valley, Griggs, Kidder, Mercer, McKenzie, McLean, Morton, Oliver, Sheridan, Stark, Steele, Traill, Stutsman, and Wells Counties, N. Dak. (except points in that part of North Dakota south of Interstate Highway 94) and (2) Between points in Barnes, Billings, Burleigh, Cass, Dunn, Eddy, Foster, Golden Valley, Griggs, Kidder, McKenzie, McLean, Mercer, Morton, Oliver, Sheridan, Stark, Steele, Stutsman, Traill and Wells Counties, N. Dak. (except points in that part of North Dakota south of Interstate Highway 94).

Regular routes: (A) *General commodities* (except those of unusla value, *ties* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Bismarck, N. Dak. and Sidney, Mont., serving the intermediate points of Wibaux and Glendive, Mont.: From Bismarck over Interstate Highway 94 to junction Montana Highway 16, thence over Montana Highway 16 to Sidney, and return over the same route.

Irregular routes: (A) *General commodities* in collection and delivery service, Between points in Wilbaux, Mont., for 180 days.

NOTE.—The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right.

Irregular routes: *Salt*, from Williston, N. Dak., and points within 10 miles thereof, to points in Colorado, Iowa, Montana, Nebraska, South Dakota, and that part of Wisconsin on and west of Wisconsin Highway 13, with no transportation for compensation on return except as otherwise provided, for 180 days. Note: Applicant states that with MC 111496 and subs, it will interline points will be Fargo, Grand Forks, Minot, Williston, Bismarck, Jamestown and points on Interstate Highway 94 in North Dakota. Supporting shippers: There are approximately 25 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Courthouse, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 112617 (Sub-No. 319TA), filed September 3, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40219. Applicant's representative: Bruce H. Kraemer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Caustic soda*, in bulk, in tank vehicles, from Hawesville, Ky., to Palatka, Fla. and points in Tennessee and (2) *Muriatic acid*, in bulk, in tank vehicles, from Hopkinsville, Ky., to points in Tennessee, for 180 days. Supporting shipper: Oscar T. Smith, President, S & B Services, 936 Eighth Street, Henderson, Ky. 42420. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 115667 (Sub-No. 9TA), filed September 4, 1974. Applicant: ARROW TRANSFER CO., LTD., 320 Seymour Blvd., N. Vancouver, British Columbia, Canada, V7J 2J3. Applicant's representative: Clyde H. MacIver, 1001 Fourth Avenue, Suite 3712, Seattle, Wash. 98154. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from points in Washington and Oregon to Ports of Entry on the International Boundary line between the United States and Canada at or near Blaine, Lynden or Sumas, Wash., for 180 days. Supporting shippers: Modular Products, Ltd., 6990 Greenwood St., Burnaby 2, British Columbia, Canada; Citation Cabinets Ltd., 270 Simpson Road, Richmond, British Columbia, Canada; Weldwood of Canada Ltd., P.O. Box 2179, Vancouver, British Columbia, Canada; Canfor Ltd., 440 Canfor Ave., New Westminster, British Columbia, Canada; and Woodchuck Forest Products Sales, Ltd., 4177-4179 McConnell Drive, Burnaby, British Columbia, Canada. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, 909 1st Avenue, Seattle, Wash. 98174.

No. MC 119934 (Sub-No. 198TA), filed August 29, 1974. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: J. F. Crouch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from New Orleans, La., to Cincinnati, Ohio, for 180 days. Supporting shipper: Colonial Molasses Co. of Louisiana, 400 North Gayoso Street, P.O. Drawer 19004, New Orleans, La. 70179. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. Street, Indianapolis, Ind. 46204.

No. MC 120978 (Sub-No. 11TA), filed September 3, 1974. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from Hebron, N. Dak., to points in Nebraska, Iowa, Wisconsin and Illinois, for 180 days. Supporting shipper: Hebron Brick Company, Hebron, N. Dak. 58638. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 123383 (Sub-No. 70TA), filed September 3, 1974. Applicant: BOYLE BROTHERS, INC., 941 South 2nd Street, Camden, N.J. 08103. Applicant's representative: Chandler L. Van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plant site and storage facilities of Evans Products Company at Chesapeake, Va., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: Evans Products Company, 201 Dexter Street, West, Chesapeake, Va. 23324. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 124669 (Sub-No. 36TA), filed September 3, 1974. Applicant: TRANSPORT, INC., OF SOUTH DAKOTA, 1012 West 41st Street, Sioux Falls, S. Dak. 57105. Applicant's representative: E. M. Sifrar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed supplements*, from Blair, Nebr., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin and Wyoming, for 180 days. Supporting shipper: Ruminant Nitrogen Products Company, P.O. Box 450—128 S. 17th Street, Blair, Nebr. 68008, Raymond H. Ifft, Regional Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 126305 (Sub-No. 62TA), filed September 4, 1974. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route 2, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, ballotini, and glass*, crushed, ground or powdered, from the facilities of Potters Industries, Inc., Brownwood, Tex., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma and Texas and (2) *Materials and supplies* used in the manufacture and sale of glass spheres, and glass spheres (except in bulk, in tank vehicles), from the above-named destination points to the facilities of Potters Industries, Inc., Brownwood, Tex., for 180 days. Supporting shipper: Potters Industries, Inc., P.O. Box 14, Industrial Road, Carlstadt, N.J. 07072. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616—2121 Building, Birmingham, Ala. 35203.

No. MC 127028 (Sub-No. 15TA), filed August 30, 1974. Applicant: BREDEHOEFT PRODUCE COMPANY, INC., P.O. Box 7, Decatur, Ark. 72722. Applicant's representative: Thomas J. Burke, Jr., 1660 Lincoln Street, Suite 1600 Lincoln Center Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the plantsite and storage facilities of Allen Canning Company's plants at Alma and Van Buren, Ark. and Moorhead, Miss., to points in Alabama, Arizona, Colorado, Florida, Georgia, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, Michigan, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, New Mexico, and Wisconsin, for 180 days. Supporting shipper: Allen Canning Company, Inc., 305 E. Main Street, Siloam Springs, Ark. 72761. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 127303 (Sub-No. 15TA), filed September 3, 1974. Applicant: HENRY ZELLMER, doing business as ZELLMER TRUCK LINES, P.O. Box 996, Granville, Ill. 61326. Applicant's representative: E. Stephen Heisley, Suite 805, McLachlen Bank Building, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Rosemont, Minn., to Iowa City and Muscatine, Iowa, for 180 days. Supporting shipper: Brockway Glass Company, Inc., Box L, Rosemont, Minn. 55068. Send protests to: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 128030 (Sub-No. 84TA), filed September 3, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from St. Louis, Mo. and Columbus, Ohio, to Arlington Heights, Ill., for 180 days. Supporting shipper: C. S. Aulbert Distributing Co., 1717 East Davis Street, Arlington Heights, Ill. 60005. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133796 (Sub-No. 23TA), filed September 3, 1974. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Miniature golf courses, assembled, and component parts, paraphernalia, accessories, and special tools* used in the installation thereof, including *games or toys*, from Scranton, Pa., to points in those states west of the Mississippi River, for 180 days. Supporting shipper: Lomma Enterprises, Inc., Lomma Building, Scranton, Pa. 18503. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135305 (Sub-No. 1TA), filed August 29, 1974. Applicant: SCHREIBER FREIGHT LINES, INC., 220 Grant Street, Pittsburgh, Pa. 15219. Applicant's representative: H. Neil Garson, 1400 N. Uhle Street, Arlington, Va. 22201 and/or Sheldon Krupnick, 201—11th Avenue, New York, N.Y. 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, plastic articles and machinery* restricted to movement requiring flat or open top equipment, from Pittsburgh, Pa.; Beaver Falls and New Stanton, Pa.; Cleveland, Youngstown, and Columbia, Ohio; Buffalo, N.Y.; Chicago, Ill.; Baltimore, Md.; Jersey City, N.J.; Blairsville, Pa.; Crafton, Belle Vernon, and Washington, Pa.; Binghamton, N.Y.; Toledo and Canton, Ohio; Philadelphia, Pa.; Clarksburg, W. Va.; Detroit, Mich.; East St. Louis, Ill., St. Louis, Mo.; Memphis, Tenn.; Milwaukee, Wis.; and Aliquippa, Pa., to points in Colorado, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, District of Columbia, Tennessee, Wisconsin, Iowa, Arkansas, Louisiana, Texas, Oklahoma, Massachusetts, Connecticut, Nebraska, Vermont, New Hampshire, Maine, North Dakota, South Dakota, Kansas, Delaware, Maryland, and Rhode Island; and *Glass*, from Knox, Clarion and Oil City, Pa., to the same destination states as above, for 180 days. Restriction: Restricted to shipments moving on bills of lading of Central States Forwarding Corp. and Master Freight Forwarding Corp. Supporting shippers: Central States Forwarding Corp., 220 Grant Street, Pittsburgh, Pa. 15219 and Master Freight Forwarding Corp., 220 Grant Street, Pittsburgh, Pa. 15219. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 135422 (Sub-No. 3TA), filed September 3, 1974. Applicant: B & W TRUCKING CO., a corporation, 1625 Earl Drive, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used fork lift trucks and parts thereto*, between points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin, for 90 days. Supporting shipper: Wickes Lumber and Building Supplies, Division of the Wickes Corporation, P.O. Box 766, Dubuque, Iowa 52001. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 135519 (Sub-No. 4TA), filed August 28, 1974. Applicant: ANTHONY G. AYALA, doing business as QUEEN CITY TRUCKING, 16618 127th Southeast, Renton, Wash. 98055. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Seattle and Tacoma, Wash. and Portland, Oreg., to Spokane, Wash. and points in Idaho and Montana; (2) *Scrap metal and pipe*, from points in Idaho and Montana, to Seattle and Tacoma, Wash. and Portland, Oreg.; and (3) *Hides*, green and salted, from points in Montana, Idaho and Washington, to Seattle and Tacoma, Wash. and Portland, Oreg., for 180 days. Supporting shippers: There are approximately 9 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, 909 1st Avenue, Seattle, Wash. 98174.

No. MC 138069 (Sub-No. 1TA), filed August 30, 1974. Applicant: LUCIUS,

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INC., 9250 N. Wadsworth Blvd., Broomfield, Colo. 80020. Applicant's representative: Marion F. Jones, 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages and non-alcoholic beverage mixes*, from Los Angeles, Calif.; St. Louis, Mo.; and Tulsa, Okla., to Denver, Colo., for 180 days. Restriction: Said operations are restricted against the transportation of commodities in bulk and restricted to the transportation of shipments originating at the described origins and destined to the facilities of Davis Bros., Inc. at Denver, Colo. Supporting shipper: Davis Bros., Inc., 5915 Broadway, Denver, Colo. 80216. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 138373 (Sub-No. 1TA) (correction), filed August 16, 1974, published in the FEDERAL REGISTER issue of August 30, 1974, and republished as corrected this issue. Applicant: HENRY M. KIDWELL, doing business as FRONTIER TRADING, 2420 W. Court Street, Pasco, Wash. 99301. Applicant's representative: Henry M. Kidwell (same address as applicant).

NOTE.—The purpose of this republication is to show the applicant's correct MC number as No. MC 138373 (Sub-No. 1TA), in lieu of No. MC 140111 TA, which was published in the FEDERAL REGISTER in error. The rest of the application will remain the same.

No. MC 139317 (Sub-No. 2TA), filed September 3, 1974. Applicant: CHARIOT TRUCKING, INC., P.O. Box 361, Woodburn, Oreg. 97071. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside Street, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Axles and component parts*, (a) from Montgomery, Ala.; Los Angeles, Calif.; and Kenton, Ohio, to Tualatin, Oreg. and Seattle, Wash. and (b) from Montgomery, Ala., to Paragould, Ark.; (2) *Trailers suspensions and steel springs*, from Springfield, Mo., to Paragould, Ark.; Tualatin, Oreg.; and Seattle, Wash.; (3) *Cast spoke wheels and brake drums*, from Siloam Springs, Ark. and Dayton, Ohio, to Tualatin, Oreg. and Seattle, Wash.; (4) *Fabricated steel parts, component trailer pieces, wheels, springs, axles and trailer parts*, between Paragould, Ark. and Tualatin, Oreg.; (5) *Hydraulic cylinders*, from Lancaster, Tex. and Willits, Calif., to Tualatin, Oreg. and Seattle, Wash.; (6) *Steel wheels, hubs and drums*, from Detroit, Mich.; Wyandotte, Mich.; Lansing, Mich. and Akron, Ohio, to Tualatin, Oreg. and Seattle, Wash.; (7) *Aluminum wheels*, from Cleveland, Ohio, to Tualatin, Oreg. and Seattle, Wash.; (8) *Air springs*, from Noblesville, Ind., to Tualatin, Oreg. and Seattle, Wash.; and (9) *Trailer suspensions*, from Muskegon, Mich., to Tualatin, Oreg. and Seattle, Wash., for 180 days. Supporting shipper: Peerless Division-Royal Industries, 18205 S.W. Boones Ferry Road, Tualatin, Oreg. 97062. Send protests to: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 139637 (Sub-No. 4TA), filed August 30, 1974. Applicant: HERDIS E. GAMMON, doing business as HERDIS E. GAMMON TRUCKING, 140 West Lincoln, Chandler, Ind. 47610. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Spencer, Vanderburgh, Warrick and Pike Counties, Ind., to points in Daviess County, Ky., for 180 days. Supporting shipper: Valley Associates, Inc., 2110 South Kentucky Avenue, Evansville, Ind. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. Street, Indianapolis, Ind. 46204.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21622 Filed 9-17-74;8:45 am]

[Notice No. 592]

ASSIGNMENT OF HEARINGS

SEPTEMBER 13, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings which they are interested. No amendments will be entertained after September 18, 1974.

MC 139254, Brooks Transportation, Inc., now being assigned pre-hearing conference November 7, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139738, Commercial Air Frate, Inc., now being assigned hearing November 12, 1974 (9 days), at Chicago, Ill., in a hearing room to be later designated.

MC 114211 Sub. 230, Warren Transport, Inc., now being assigned hearing December 3, 1974 (1 day), at New Orleans, La., in a hearing room to be later designated.

MC 107515 Sub. 887, Refrigerated Transport Co., Inc., now being assigned hearing December 9, 1974 (1 week), at Tampa, Fla., in a hearing room to be later designated.

FD 24024, Illinois Central Railroad Co. and Illinois Central Industries, Inc.—Purchase—Mississippi Central Railroad Co., now being assigned hearing December 5, 1974 (2 days), at Natchez, Miss., in a hearing room to be later designated.

MC-F-12176, Roadway Express, Inc.—Control and Merger—Atlas Transit, Inc., and MC 2202 Sub. 464, Roadway Express, Inc., now being assigned hearing December 3, 1974 (2 weeks), at Memphis, Tenn., in a hearing room to be later designated.

MC-F-12139, Noel Transfer, Inc.—Control—LTL Perishables, Inc., now assigned October 21, 1974, MC-F-12157, Midwest Refrigerated Express, Inc.—Purchase (Portion)—Robert W. Groh, and MC 124774 Sub. 89, Midwest Refrigerated Express, Inc., now assigned October 24, 1974, MC-F-12187, Hunt Transportation, Inc.—Investigation of Control—Jack's Machinery Transportation Corporation, now assigned October 29, 1974, MC 119777 Sub. 293, Ligon Specialized Hauler, Inc., now assigned October 31, 1974, and MC 114273 Sub. 164, Cedar Rapids Steel Transportation, Inc., now assigned November 1, 1974, at Omaha, Nebr., will be held in Room 616, Union Pacific Plaza, 110 North 14th Street.

MC 64932 Sub. 522, Rogers Cartage Co., MC 85964 Sub. 65, Michigan Transportation Co., MC 102616 Sub. 891, Coastal Tank Lines, Inc., MC 107403 Sub. 578, Matlack, Inc., MC 110525 Sub. 1084, Chemical Leaman Tank Lines, Inc., MC 110988 Sub. 307, Schneider Tank Lines, Inc., MC 112595 Sub. 55, Ford Brothers, Inc., MC 112801 Sub. 150, Transport Service Co., MC 115331 Sub. 355, Truck Transport, Inc., MC 116273 Sub. 166, D and L Transport, Inc., MC 117344 Sub. 231, The Maxwell Co., MC 119702 Sub. 43, Stahly Cartage Co., and MC 124070 Sub. 30, Chemical Haulers, Inc., now assigned November 4, 1974, at Washington, D.C., postponed to November 5, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21621 Filed 9-17-74;8:45 am]

[Notice No. 30]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 13, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 33641 (Deviation No. 79), IML FREIGHT, INC., 2175 S. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 30, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 55 to junction Interstate Highway 70, thence over Interstate Highway 70 to Indianapolis, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 50 to Cincinnati, Ohio, thence over U.S. Highway 52 to Indianapolis, Ind., and return over the same route.

No. MC 33641 (Deviation No. 80), IML FREIGHT, INC., 2175 S. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 30, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 70 to junction Interstate Highway 75, near Vandalia, Ohio, thence over Interstate Highway 75 to Dayton, Ohio, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Indianapolis, Ind., over U.S. Highway 52 to Cincinnati, Ohio, thence over Ohio Highway 4 to Dayton, Ohio, and return over the same route.

No. MC 33641 (Deviation No. 81), IML FREIGHT, INC., 2175 S. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed August 30, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Moline, Ill., over Interstate Highway 80 to junction Interstate Highway 74, thence over Interstate Highway 74 to Indianapolis, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Moline, Ill., over Illinois Highway 92 to junction U.S. Highway 34, thence over U.S. Highway 34 to junction Illinois Highway 31, thence over Illinois Highway 31 to Aurora, Ill., thence over Illinois Highway 65 to junction U.S. Highway 34, thence over U.S. Highway 34 to Chicago, Ill., thence over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Indianapolis, Ind., and return over the same route.

No. MC 41432 (Deviation No. 23), EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207, filed August 30, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Pecos, Tex., over Interstate Highway 80 to Midland, Tex., thence over Texas Highway 158 to Sterling City, Tex., thence over U.S. Highway 87 to Brady, Tex., thence over U.S. Highway 190 to Belton, Tex., thence over U.S. Highway 81 (Interstate Highway 35) to Waco, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Pecos, Tex., over U.S. Highway 80 to junction U.S. Highway 87, thence over U.S. Highway 87 to Fredericksburg, Tex., thence over U.S. Highway 290 to Austin, Tex., thence over U.S. Highway 81 to Waco, Tex., and return over the same route.

No. MC 49387 (Deviation No. 9), ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, P.O. Box 658, Moberly, Mo. 65270, filed July 31, 1974. Carrier's representative: Gregory M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From St. Louis, Mo., over U.S. Highway 66 (Interstate Highway Jefferson City, Mo., over U.S. Highway 44) to Springfield, Mo., and (2) from 54 to junction Missouri Highway 73, thence over Missouri Highway 73 to junction U.S. Highway 65, thence over U.S. Highway 65 to Springfield, Mo., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 40 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 50 at Jefferson City, Mo., thence over U.S. Highway 50 to junction U.S. Highway 65, thence over U.S. Highway 65 to Springfield, Mo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21617 Filed 9-17-74;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

SEPTEMBER 13, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. A 52790 (Amendment), filed August 29, 1974, published in the FEDERAL REGISTER issue of August 18, 1971, and republished as amended, this issue. Applicant: EDGAR R. CUDE, doing business as ACTIVE TRUCKING SERVICE, 6040 Walker Street, Maywood, Calif. 90270. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*: Between: (1) All points and places in the Los Angeles Basin Territory as described in Note A; (2) All points and places in the territory described in paragraph 1 above on the one hand and the following on the other hand serving all intermediate points on or within ten miles laterally of the named highways: (a) The San Diego Territory as described in Note B, via Interstate Highways 5 and 15 (U.S. Highway 395), and State Highway 78; (b) To Bakersfield, via Interstate Highway 5 and State Highway 99; (c) Mojave, via Interstate Highway 5 and State Highway 14; and (d) Santa Barbara, via U.S. Highway 101 and State Highway 1. Except that pursuant to the authority herein granted, carrier shall not transport any shipments of; (1) Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B; (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such Highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Logs; (8) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and (9) Commodities requiring the use of special refrigeration or temperature

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control in specially designed and constructed refrigerator equipment.

NOTE A.—Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County Boundary Line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay and its prolongation to the Los Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest Boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74.

Thence westerly to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to The Atcheson, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County Boundary Line; westerly along said boundary line to the boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base. NOTE B.—San Diego Territory includes that area embraced by following an imaginary line starting at a point approximately four miles north of La Jolla on the Pacific Coast shoreline running east to Miramar on U.S. Highway 395; thence following an imaginary line running southeasterly to Lakeside on State Highway 67, thence southerly on County Road S 17 (San Diego County) and its prolongation to State Highway 94; easterly on State Highway 94 to Jamul; thence due south following an imaginary line to the California-Mexico Boundary Line; thence westerly along the boundary line to the Pacific Ocean and north along the shoreline to point of beginning. Intrastate, interstate and foreign commerce authority sought. HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 55143, filed August 29, 1974. Applicant: G & H TRANSPORTATION, INC., 1501 Chapin Road, Montebello, Calif. 90640. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities:* Between all points and places within the Los Angeles Basin Territory described in Note A and within the San Diego Territory described in Note B and between said territories, serving all points and places on and within ten (10) miles laterally of Interstate Highways 5 or 15 or U.S. Highway 395. Except that pursuant to the authority herein granted, carrier shall not transport any shipment of; (1) Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4–B; (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Logs; (8) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper; and (9) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

NOTE A.—Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Los Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road, westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway No. 74.

Westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly, and northerly along said corporate boundary to the right of way of the Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the County road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway No. 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary lines; westerly along said boundary line to the Orange County-San Diego County boundary lines; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning. Note B: SAN DIEGO TERRITORY includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101–E and 101–W (four miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence

southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line; west to the Pacific Ocean and north along the coast to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING.—Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 55144, filed August 30, 1974. Applicant: O.K. TRUCKING CO., 1765 Lincoln Road, Yuba City, Calif. 95991. Applicant's representative: E. H. Griffiths, 1182 Market Street, Suite 207, San Francisco, Calif. 94102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except as hereinafter provided: Between all points and places on or within fifteen miles of the points on the following routes: (1) State Highways 99 and 70 between Yuba City-Marysville and Tulare, inclusive; (2) U.S. Highway 80 between San Francisco and Auburn, inclusive; (3) U.S. Highways 580, 205 and 5 between Oakland and Stockton, inclusive; (4) U.S. Highway 680 between Vallejo and San Jose, inclusive; (5) State Highway 4 between Pinole and Stockton, inclusive; (6) State Highway 24 between Oakland and Concord, inclusive; (7) U.S. Highway 101 between San Rafael and Soledad, inclusive; (8) U.S. Highway 280 between San Francisco and San Jose, inclusive; (9) State Highway 17 between San Rafael and Santa Cruz, inclusive; (10) State Highway 9 between San Jose and Santa Cruz, inclusive; (11) State Highway 1 between Santa Cruz and Carmel, inclusive; (12) State Highway 68 between Monterey and Salinas, inclusive; (13) State Highway 152 between Watsonville and Chowchilla, inclusive; (14) U.S. Highway 33 between Tracy and Coalinga, inclusive. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

Except that Applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Item No. 5 of Minimum Rate Tariff No. 4–B; (2) Automobiles, trucks and busses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Cement; (8) Logs; (9) Commodities of unusual or extraordinary value; and (10) fresh fruits and vegetables. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Kansas Docket No. 10, 610M; Route No. 329, filed September 12, 1973. Applicant: ELDON O. BRIGHT, doing business as BRIGHT'S FREIGHT SERVICE, Route 3, Topeka, Kans. 66612. Applicant's representative: Floyd E. Gehrt, American Savings Building, 400 Croix Street, P.O. Box 5186, Topeka, Kans. 66605. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *Generdl commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, To extend present authority to include the following: Between St. Marys, Kansas, and Emmett, Kansas, and return, using Kansas State Highway 63 with service to all intermediate points including the off-route point of the Kansas Power and Light plantsite located approximately 2½ miles west and 1 mile south of Emmett, Kans.

HEARING: October 4, 1974, at the State Office Building, 4th Floor, Topeka, Kans., at 10:00 A.M. Requests for procedural information should be addressed to the State Corporation Commission, Fourth Floor, State Office Bldg., Topeka, Kans., 66612, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21618 Filed 9-17-74;8:45 am]

[Notice No. 158]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 18, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 8, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75356. By order entered September 12, 1974, the Motor Carrier Board approved the transfer to Central Washington Grain Growers, Inc., Waterville, Washington, of the operating rights set forth in Certificate No. MC–111357, issued July 19, 1950, to The Waterville Railway Company, Waterville, Wash., authorizing the transportation of general commodities, with the usual exceptions, over specified routes, between Waterville, Wash., and Douglas, Wash. R. A. Hensel, P.O. Box 308, Telephone Bldg., Waterville, Wash. 98858, attorney for applicants.

No. MC–FC–75368. By order entered September 11, 1974 the Motor Carrier Board approved the transfer to Tiger Transportation, Inc., Billings, Mont., of the operating rights set forth in Certificates Nos. MC–118288 (Sub-No. 4), MC–118288 (Sub-No. 7), MC–118288 (Sub-No. 8), MC–118288 (Sub-No. 13), MC–118288 (Sub-No. 16), MC–118288 (Sub-No. 18), MC–118288 (Sub-No. 20), MC–118288 (Sub-No. 21), MC–118288 (Sub-No. 22), MC–118288 (Sub-No. 23), MC–118288 (Sub-No. 24), MC–118288 (Sub-No. 26), MC–118288 (Sub-No. 28), MC–118288 (Sub-No. 30), MC–118288 (Sub-No. 31), MC–118288 (Sub-No. 32), MC–118288 (Sub-No. 33), MC–118288 (Sub-No. 34), MC–118288 (Sub-No. 35), MC–118288 (Sub-No. 36), MC–118288 (Sub-No. 37), MC–118288 (Sub-No. 41), MC–118288 (Sub-No. 42), issued by the Commission January 2, 1964, December 1, 1965, June 21, 1967, September 4, 1968, October 31, 1967, March 12, 1968, June 18, 1968, June 4, 1968, April 30, 1969, May 1, 1969, February 24, 1969, July 14, 1969, June 14, 1969, January 13, 1969, August 22, 1972, April 17, 1970 (as corrected May 26, 1970), August 21, 1970. June 8, 1971, August 21, 1970, June 21, 1971, June 30, 1972, July 11, 1973, April 9, 1974, and April 26, 1974, respectively, to Stephen F. Frost, Fontana, Calif., authorizing the transportation of meats, meat products, meat by-products, and articles distributed by meat packinghouses, and such commodities as are used by meat packers in the conduct of their business, as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, fresh fruits, fresh berries, fresh vegetables, bananas, poultry, eggs, such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and equipment, materials, and supplies used in the conduct of such business, fertilizer, salt, lumber and lumber products, canned foodstuffs, food

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chips, and frozen vegetables, from, to or between points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Utah, Wisconsin, and Wyoming. Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106, attorney for applicants.

No. MC-FC-75374. By order of September 10, 1974, the Motor Carrier Board approved the transfer to Edmund C. Ohley and Harold L. Ohley, a partnership, doing business as Ohley Transfer Company, 1222 Adams Court, Alton, Ill., 62002, of the operating rights in Certificate No. MC-59734 issued November 30, 1949 to Charles Ohley, Edmund C. Ohley and Harold L. Ohley, a partnership, doing business as Ohley Transfer Company, 1222 Adams Court, Alton, Ill., 62002, authorizing the transportation of general commodities, with exceptions, over regular routes between specified points in Illinois and Missouri.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21620 Filed 9-17-74;8:45 am]

[Ex Parte No. 293 (Sub-No. 2)]

STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

SEPTEMBER 10, 1974.

Standards were adopted in this proceeding by the Rail Services Planning Office of the Interstate Commerce Commission on July 1, 1974 (39 FR 24294). On July 30, 1974, the Director of the Office issued a notice announcing that petitions seeking amendment of the standards would be accepted if filed on or before August 19, 1974 (39 FR 28196).

In requesting amendment of the standards, several parties urged that the standards be tested on actual branch lines, and that the time for filing pleadings seeking amendment of the standards be extended until such tests can be completed. The Office believes that these suggestions have merit, and they are being adopted.

In the course of testing the standards already adopted, the Office will consider suggestions made in the pleadings filed in this proceeding to date. The Office plans to use the proposed testing program as an opportunity to work together with interested parties affected by the standards in order to perfect the published standards and thus better to fulfill the Office's responsibility under section 205(d)(3) of the Regional Rail Reorganization Act of 1973, Public Law 93-236 (the "Act").

A group which refers to itself as the Conference of States, made up of representatives from the 17 states in the northeast and midwest region as defined in the Act, representatives of certain contiguous states, and representatives of regional economic development commissions active within the region, has designated a subcommittee on subsidies. The Office has invited the Chairman of that subcommittee and a representative of the Association of American Railroads to participate with it in its program to test the standards. Other parties desiring to participate in this testing program are welcome to do so. In order that the group involved in the testing activity be kept to a manageable size, interested parties are urged to join together with others having common interests and to select a single representative, and they are further urged to consider also whether their interests may not be adequately represented through participation of representatives of the Conference of States and the Association of American Railroads. Parties desiring to take a part in the testing of the standards should contact the Deputy Director of the Rail Services Planning Office, Alan M. Fitzwater, at the Interstate Commerce Commission, Washington, D.C. 20423 (area code 202-254-6983) as soon as possible.

The Office has sought and received from the states in the region suggestions for possible study lines, some of which it is the Office's intention to use as testing vehicles for the standards. It is the intention of the Office that the standards testing group will visit carrier offices in order to determine whether the data which must be used in applying the standards adopted on July 1 is readily available and then to apply these data to the test lines in accordance with these standards. All working papers assembled by the standards testing group, as well as all other communications relevant to this proceeding, will be available for public inspection at the Rail Services Planning Office, 1900 L Street, NW., Washington, D.C.

The fact that the Office is conducting a program to test the standards previously adopted should not be taken as an indication that it anticipates any large scale changes in those standards. Instead, the Office believes that the best way to determine and then to resolve any practical difficulties that may occur in applying the standards in their present form may best be revealed through their application on a test basis. The results of these tests, together with any written submissions received at the Office on or before October 30, 1974, will be considered by the Office in making its decision whether to amend the standards in any respect.

[SEAL] GEORGE M. CHANDLER, *Director, Rail Services Planning Office.*

[FR Doc.74-21631 Filed 9-17-74;8:45 am]

[Finance Docket No. 26649]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Orange City and N. I. Junction, Sioux County, Iowa

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Sioux County, Iowa, within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 30th day of August, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 26649]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

ABANDONMENT BETWEEN ORANGE CITY AND N. I. JUNCTION, SIOUX COUNTY, IOWA

The Interstate Commerce Commission hereby gives notice that by order dated August 30, 1974, it has been determined that the proposed abandonment by Chicago and North Western Transportation Company of its line of railroad between Orange City and N. I. Junction in Sioux County, Iowa, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that there are no economic development projects that would be affected by the proposed action, traffic over the line has been at a consistently low volume, the line is in poor condition and creating a safety hazard by continued operation.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before October 3, 1974.

[FR Doc.74-21634 Filed 9-17-74;8:45 am]

[AB 95]

HOLLIS & EASTERN RAILROAD CO.

Abandonment Between Duke and Hollis, in Harmon and Jackson Counties, Okla.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Harmon and Jackson Counties, Okla., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 6th day of September 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

INTERSTATE COMMERCE COMMISSION

[AB95]

HOLLIS & EASTERN RAILROAD COMPANY

ABANDONMENT BETWEEN DUKE AND HOLLIS, IN HARMON AND JACKSON COUNTIES, OKLA.

The Interstate Commerce Commission hereby gives notice that by order dated September 6, 1974, it has been determined that the proposed abandonment by the Hollis & Eastern Railroad Company of its line of railroad from Duke to Hollis in Harmon and Jackson Counties, Okla., a distance of approximately 21 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects are not considered significant because (1) the volume of traffic on the line has been consistently low, (2) alternate highway transportation is available, and (3) applicant's rail services at Duke will remain and be upgraded upon approval of the abandonment. Also, it is considered that any resultant diversion from rail to motor carrier services will have negligible impacts on air and water quality in the rural and agricultural area involved.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C., 20423, on or before October 3, 1974.

[FR Doc.74-21635 Filed 9-17-74;8:45 am]

[Finance Docket No. 26560]

ILLINOIS CENTRAL GULF RAILROAD

Abandonment Between Fayette, Jefferson County, and Foster, Adams County, Miss.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Adams and Jefferson Counties, Miss., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 5th day of September, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 26560]

ILLINOIS CENTRAL GULF RAILROAD

ABANDONMENT BETWEEN FAYETTE, JEFFERSON COUNTY, AND FOSTER, ADAMS COUNTY, MISS.

The Interstate Commerce Commission hereby gives notice that by order dated September 5, 1974, it has been determined that the proposed abandonment by the Illinois Central Gulf Railroad Company of its Natchez District line between Fayette and Foster, in Jefferson and Adams Counties, Miss., a distance of 17.91 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that inasmuch as traffic handled on this line has been bridge traffic and will be shifted to another line of the applicants, there will be a minimal impact on the area transportation scheme. Furthermore, the areas having potential for economic development will continue to have rail access available. Although a small amount of diversion from rail to truck may occur, the impact on air quality and noise will be minimal.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before October 3, 1974.

[FR Doc.74-21633 Filed 9-17-74;8:45 am]

[AB-33 (Sub-No. 5)]

UNION PACIFIC RAILROAD CO.

Abandonment Portion Encampment Branch Between Cow Creek and Encampment, in Carbon County, Wyo.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Carbon County, Wyo., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 5th day of September, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

INTERSTATE COMMERCE COMMISSION

[Ab-33 (Sub-No. 5)]

UNION PACIFIC RAILROAD CO.

ABANDONMENT PORTION ENCAMPMENT BRANCH BETWEEN COW CREEK AND ENCAMPMENT, IN CARBON COUNTY, WYO.

The Interstate Commerce Commission hereby gives notice that by order dated September 5, 1974, it has been determined that the proposed abandonment by the Union Pacific Railroad Company of a portion of its Encampment branch between Cow Creek and Encampment, all in Carbon County, Wyo., a distance of 11.15 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that inasmuch as virtually no traffic has been handled on this line in the past two years, and there are no specific development plans, predicated on the need for rail service, approval of this abandonment will not have a

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significant environmental impact. Furthermore, approval of this action will permit the surrounding area to return to a more natural state.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C., 20423, on or before October 3, 1974.

[FR Doc.74-21632 Filed 9-17-74;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 13, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before October 3, 1974.

FSA No. 42874—*Joint Water-Rail Container Rates—Showa Line, Ltd.* Filed by Showa Line, Ltd. (No. 7), for interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, and Taiwan, on the one hand, and rail stations on the U.S. Atlantic and Gulf Seaboard, on the other.

Grounds for relief—Water competition.

Tariff—Various revised pages to the aforenamed tariffs, effective October 13, 1974.

FSA No. 42875—*Salt Between Points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-487), for interested rail carriers. Rates on salt, common (sodium chloride), in carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff—Supplement 56 to Southwestern Freight Bureau, Agent, tariff 87-J (TLFB Series), I.C.C. No. 1159. Rates are published to become effective on October 13, 1974.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42876—*Salt Between Points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-488), for interested rail carriers. Rates on salt, common (sodium chloride), in carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 56 to Southwestern Freight Bureau, Agent, tariff 87-J (TLFB Series), I.C.C. No. 1159. Rates are published to become effective on October 13, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21637 Filed 9-17-74;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM-164]

SHIPPING COORDINATING COMMITTEE

Notice of Meeting

A meeting of the Shipping Coordinating Committee will be held at 9:30 a.m. on Wednesday, October 9, 1974, in Room 7200, Coast Guard Headquarters, 400 Seventh Street, SW, Washington, D.C. The meeting will be open to the public.

The purpose of the meeting is to discuss preparations for the International Conference for Safety of Life at Sea, 1974, scheduled to meet in London October 21, 1974.

Dated: September 5, 1974.

RICHARD K. BANK,
Acting Chairman, Shipping Coordinating Committee.

[FR Doc.74-21571 Filed 9-17-74;8:45 am]

[Public Notice CM-163]

U.S. ADVISORY COMMITTEE OF THE INTER-AMERICAN TROPICAL TUNA COMMISSION

Notice of Meeting

The Advisory Committee to the United States Section of the Inter-American Tropical Tuna Commission will meet Friday, October 4, 1974, in the auditorium of the Southwest Fisheries Center, National Marine Fisheries Service, 8604 La Jolla Shores Drive, La Jolla, California at 9:00 a.m. The agenda items are: 1974 fishing experience and outlook, 1975 preliminary fishery outlook, domestic and international fleet development, draft report of Sub-Group One of Working Group on Alternative Regulatory Systems, planned discussions between Mexican and United States government officials concerning tuna, registry of United States tuna fishing vessels under foreign flags and, options for Ottawa and longer range positions.

The meeting will be open to the public.

Dated: September 9, 1974.

BRIAN S. HALLMAN,
Acting Executive Secretary.

[FR Doc.74-21570 Filed 9-17-74;8:45 am]

Agency for International Development

A.I.D. RESEARCH ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11686 and the provisions of section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee meeting on October 17 and 18, 1974, at State Annex 14 (Pomponio Plaza), 1735 North Lynn Street, Arlington, Virginia, Conference Room 428, to review, appraise and make recommendations to the Administrator, Agency for International Development, concerning proposals for research contracts in the fields of agriculture, education and population. In addition, a portion of the meeting will be devoted to a discussion of the A.I.D. population program. That portion of the meeting concerning proposals for research contracts will be held on October 17, 1974 from 2:00 p.m. to 5:30 p.m. and on October 18, 1974 from 8:45 a.m. to 12:30 p.m. and from 2:15 p.m. to 5:30 p.m. The session concerning the A.I.D. population program will be held on October 17, 1974 from 9:15 a.m. to 12:15 p.m. Dr. Erven Long, Associate Assistant Administrator is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Erven J. Long, 21st Street and Virginia Avenue, NW, Washington, D.C. 20523, or call area code 202-632-9223.

Dated: September 10, 1974.

CURTIS FARRAR,
Acting Assistant Administrator for Technical Assistance.

[FR Doc.74-21568 Filed 9-17-74;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 74-240]

FOREIGN CURRENCIES

Certification of Rates

RATES OF EXCHANGE

SEPTEMBER 9, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-191 for the following country. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Japan yen:

August 26, 1974	$0.003302
August 27, 1974	.003310
August 28, 1974	.003306
August 29, 1974	.003301
August 30, 1974	.003301

[SEAL] R. N. MARRA,
Director, Duty Assessment Division.

[FR Doc.74-21598 Filed 9-17-74;8:45 am]

Fiscal Service

[Dept. Circ. 570, 1974 Rev., Supp. No. 2]

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $115,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

Accredited Surety and Casualty Company, Inc.
Orlando, Florida
Florida

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Government Financial Operations, Audit Staff, Washington, D.C. 20226.

Dated: September 11, 1974.

[SEAL] DAVID MOSSO,
Deputy Fiscal Assistant Secretary.

[FR Doc.74-21597 Filed 9-17-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

ORGANIZATION STATEMENT

Sec.
1 General.
2 Office of the Secretary of the Air Force.
3 Air Staff.
4 Field Organization.

SEC. 1. *General*—(a) *Creation and authority.* The Department of the Air Force was established as part of the National Military Establishment by the National Security Act of 1947 (61 Stat. 495), and by the terms of that Act came into legal being on September 18, 1947. The National Security Act Amendments of 1949 (63 Stat. 578), redesignated the National Military Establishment of the Department of Defense, established it as an executive department, and made the Department of the Air Force a military department within the Department of Defense. The Department of the Air Force is separately organized under the Secretary of the Air Force. It operates under the authority, direction, and control of the Secretary of Defense (10 U.S.C. 8010). The organization of the Department is prescribed by sections 8011-8079 of title 10, United States Code.

(b) ***Mission.*** **The mission of the Department of the Air Force is to provide an Air Force that is capable, in conjunction with the other armed forces, of preserving the peace and security of the United States, providing for its defense, supporting the national policies, implementing the national objectives, and overcoming any nation responsible for aggressive acts that imperil the peace and security of the United States.** In general, the Air Force includes aviation forces both combat and service not otherwise assigned. It is organized, trained, and equipped primarily for prompt and sustained offensive and defensive aerospace operations. It is responsible for the preparation of the aerospace forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war.

SEC. 2. *Office of the Secretary of the Air Force.*—(a) *Secretary of the Air Force.* The Secretary of the Air Force is responsible for and has the authority necessary to conduct all affairs of the Department of the Air Force. Subject to his direction and control, the Under Secretary, and the Assistant Secretaries are authorized to act for and with the authority of the Secretary of the Air Force on any matters within the areas assigned herein. This authority extends not only to actions within the Department of the Air Force, but also to relationships and transactions with the Congress and other governmental and nongovernmental organizations and individuals. In the absence of the Secretary, the Under Secretary performs the duties of the Secretary; in the absence of the Secretary and Under Secretary, the Assistant Secretaries in the order of their length of service as such will perform the duties of the Secretary.

(b) *Under Secretary of the Air Force.* The Under Secretary of the Air Force, as principal assistant to the Secretary, acts with full authority of the Secretary on all affairs of the Department. He is specifically responsible for overall direction, guidance, and supervision of the space programs, and space activities of the Air Force.

(c) *Assistant Secretary of the Air Force (Financial Management).* The Assistant Secretary of the Air Force (Financial Management) is responsible for direction, guidance, and supervision over all matters pertaining to the formulation, review, and execution of plans, policies, and programs relative to the Air Force programming processes and the preparation and validation of all program documentation; budgeting and fund management; accounting and accounting systems; cost control, cost analysis, and cost estimating; economic analysis of programs, forces and weapons systems; finance, including disbursement and collection of funds; contract financing; the design, installation and application of management information and control systems including resource management systems, progress and statistical reporting, special program and status reports, and interpretation of resulting management data; auditing; contracts for services in the financial management area; and automatic data processing programs, and is the Air Force Senior ADP Policy Official in this area serving as the focal point for ADP policy and for the administration of the ADP programs within the Department, including the development and control of programs for the design, improvement, and standardization of automated data systems in consonance with approved OSD guidelines, and the selection, acquisition, management and use of Automatic Data Processing Equipment and associated software (ADPE/S). He is responsible for directing and supervising the Comptroller of the Air Force.

(d) *Assistant Secretary of the Air Force (Research and Development).* The Assistant Secretary of the Air Force (Research and Development) is responsible for conceptual efforts on new major programs and for direction, guidance, and supervision over all matters pertaining to the formulation, review, and execution of plans, policies, and programs relative to scientific and technical matters; basic and applied research, exploratory development and advanced technology; integration of technology with, and determination of, qualitative Air Force requirements; research, development, test and evaluation of weapons, weapons systems and defense materiel; and technical management of systems engineering and integration.

(e) *Assistant Secretary of the Air Force (Installations and Logistics).* The Assistant Secretary of the Air Force (Installations and Logistics) is responsible for direction, guidance, and supervision over all matters pertaining to the formulation, review, and execution of plans, policies, and programs relative to production and contract management of weapons systems; industrial defense program; family housing resources acquisition, contruction, maintenance and disposal; maintenance of real property and provision of utilities services; civil aviation, including Department of Defense Advisory Committee on Federal Aviation, and the Interagency Group on International Aviation; transportation, communications, and other related service activities; economic utilization policy; environmental quality.

(f) *Assistant Secretary of the Air Force (Manpower and Reserve Affairs).* The Assistant Secretary of the Air Force (Manpower and Reserve Affairs) is responsible for direction, guidance and supervision over all matters pertaining to the formulation, review and execution of plans, policies, and programs relative to reserve component affairs; manpower organization; military and civilian personnel, including procurement, assignment, training, promotion, career development, pay and benefits, utilization, separation, medical care, and all factors affecting morale and well being; programs to prohibit discrimination because

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of race, creed, color, sex, or national origin, except programs applicable to contractors; Civil Air Patrol; Reserve Officers Training Corps; Air National Guard; contracts for personal services and training; travel and per diem allowances; Air Force Board for Correction of Military Records; Secretary of the Air Force Personnel Council and its component boards, including the Air Force Discharge Review Board, the Air Force Board of Review, the Air Force Personnel Board, the Air Force Disability Review Board, the Air Force Physical Disability Appeal Board, and the Air Force Decorations Board; military, civilian, and industrial personnel security and investigative programs; and manpower management programs and techniques. Pursuant to 10 United States Code 175(a)(2), a member of the Reserve Forces Policy Board. He also serves as a member of the Per Diem, Travel and Transportation Allowance Committee.

(g) *Assistant to the Secretary (International Affairs).* The Assistant to the Secretary (International Affairs) is responsible for the direction, guidance and supervision of the international and certain special activities of the Department, including coordination of politico-military policies and actions with all pertinent DOD, State Department, and other agencies or groups; coordination of Air Force policies and actions pertaining to Military Assistance Program, relations with foreign governments, base rights agreements, disclosure of classified information to foreign governments; review and analysis of Air Force plans, programs, and requirements in all areas involving politico-military affairs, and any other matter directed by the Secretary.

(h) *Administrative Assistant to the Secretary of the Air Force.* The Administrative Assistant is responsible for management and administration of the Office of the Secretary of the Air Force including advisory services on Departmental management and administrative matters; administrative continuity in the Office of the Secretary during changes of statutory officials; various functions and special projects involving matters in the Department as directed by the Secretary; and the conduct of studies, inquiries and surveys in response to the needs of the Secretary and his principal assistants. Specific duties of the Administrative Assistant include administering the contingency funds of the Secretary; developing and maintaining the continuity of operations plans for the Office of the Secretary; under policy guidance of the Office of the Assistant Secretary of Defense (Public Affairs), administering Department of Defense news clipping service, maintaining research files and providing informational and historical research and news analysis for all elements of the Department of Defense. Publishing Current News, Radio/TV Defense Dialog, and Friday Review of Defense Literature; conducting special projects of the Secretary of the Air Force, including preparation of the Posture Statement; controlling the Secretary of the Air Force Order system; providing a focal point for monitoring, coordinating or consolidating Air Force responses or inputs on certain reports for the White House and the Secretary of Defense; providing custody and control over use of the Air Force Seal and other authentication devices; reviewing miscellaneous claims against the Air Force including those under the Military Claims Act, and announcing the decision for the Secretary of the Air Force; coordinating security services for the Office of the Secretary including advisory services on Departmental security matters; as the representative of the Secretary, serving on various boards and committees, such as the Federal Executive Officers Group, the Continuity Planning Committee, and the OSD Space Committee for the area encompassing the Seat of Government; announcing medical designations for the Secretary in accordance with AFR 168-1; announcing the decision of the Secretary in appeals under the Freedom of Information Act; providing administrative and management services for the Office of the Secretary of the Air Force involving: organization, manpower, financial management, military and civilian personnel administration, travel and local transportation services and office space allocation and utilization.

(i) *General Counsel.* The General Counsel is the final legal authority on all matters arising within or referred to the Department of the Air Force, except those relating to the administration of military justice and such other matters as may be assigned to the Judge Advocate General by Secretary of the Air Force. He is also responsible for providing legal advice and assistance to the Air Staff on all matters relating to procurement and disposal of supplies, materials, and equipment, including industrial mobilization and the Mutual Security Program; procurement of services by contract; research and development; acquisition and disposal of real property and its utilization by agencies and persons outside the Department of the Air Force; construction of military public works; family housing programs; budgetary, appropriation accounting, and related fiscal matters, including preparation and presentation to Congress of appropriation legislation; civil aviation (except representation in proceedings before administrative bodies provided by the Judge Advocate General); personnel security programs (except representation on security boards and committees provided by the Judge Advocate General). The General Counsel represents the Secretary of the Air Force in dealing with other departments and agencies of the Government on all matters relating to the negotiation of international agreements affecting the Air Force.

(j) *Director, Legislative Liaison.* The Director of Legislative Liaison, subject to the direction, control and general supervision of the Secretary of the Air Force, is assigned the authority and responsibility to discharge the duties and functions prescribed herein. This authority extends to relationships and transactions with all elements of the Department of the Air Force and other governmental and nongovernmental organizations and individuals. He advises and assists the Secretary of the Air Force and all other principal civilian and military officials of the Department of the Air Force concerning Air Force legislative affairs and Congressional relations. With the exception of appropriation matters, he is responsible for developing, coordinating and supervising the Air Force legislative program; evaluating and reporting legislative matters pertaining to the Air Force, including dissemination of pertinent legislative information to appropriate Air Force officials and offices; preparation and coordination of reports, testimony and related statements on legislation to the Office, Secretary of Defense, the Office of Management and Budget, and the Congress, including scheduling and other arrangements for presentation of legislative testimony before Congressional Committees; processing and preparation of replies to inquiries from Committees of Congress including arranging for presentation of testimony at hearings held by Committees pursuant to their investigative functions; processing and preparation of replies to correspondence and inquiries from Members of Congress, the Executive Office of the President, and the Office of the Vice President; the release of classified information to the Congress in accordance with policies prescribed by the Secretary of the Air Force; maintaining cognizance of correspondence and inquiries reflecting criticism of Air Force policy and, where appropriate, instituting recommendations for possible remedial action thereto; supervising travel arrangements for such Congressional travel as may be designated an official responsibility of the Air Force; keeping members and committees of Congress advised of Air Force activities within their area of interest; and maintaining direct liaison with the Congress, the Executive Office of the President, and the Office of the Secretary of Defense and other governmental agencies in connection with the aforementioned matters.

(k) *Director, Office of Information.* The Director of Information, under the direction of the Secretary of the Air Force and the general supervision of the Under Secretary, and consistent with policies established by the Office of the Secretary of Defense, is assigned the authority and responsibility to discharge the duties and functions prescribed herein. This authority extends to relationships and transactions with all elements of the Department of the Air Force and other governmental and nongovernmental organizations and individuals. The Director of Information advises and assists the Secretary of the Air Force, the Chief of Staff, and all other principal civilian and military officials of the Department of the Air Force concerning information activities. He is responsible for conducting the operations of the United States Air Force Information Program; planning, directing and supervising internal and external information activities; developing and supervising programs designed to maintain effective Air Force-community relations; maintaining liaison with counterpart information offices of the Office, Secretary of Defense, Army, Navy, and other governmental and industrial organizations.

(l) *Director, Office of Space Systems.* The Director of the Office of Space Systems is primarily responsible for assisting the Secretary in discharging his responsibility for the direction, supervision and control of Space Systems. He is responsible for maintaining liaison with the Office, Secretary of Defense and other interested Governmental agencies on matters relative to his assigned responsibilities.

SEC. 3. *Air Staff.*—(a) *Chief of Staff.* The Chief of Staff, U.S. Air Force, serves as a member of the Joint Chiefs of Staff and the Armed Forces Policy Council. In his Joint Chiefs of Staff capacity he is one of the principal military advisers to the President, the National Security Council, and the Secretary of Defense. He is the principal military adviser and executive to the Secretary of the Air Force on activities of the Air Force. He presides over the Air Staff, and supervises such members and organizations of the Air Force as the Secretary of the Air Force determines, consistent with full operational command assigned to commanders of specified and unified combatant commands. He is responsible for transmitting to the Secretary the plans and recommendations of the Air Staff, for advising him with regard thereto, and, after their approval by the Secretary, for acting as his agent in carrying them out. The Chief of Staff is directly responsible to the Secretary of the Air Force for the efficiency of the Air Force and preparation of its forces for military operations. He supervises the administration of Air Force personnel assigned to unified organizations and unified and specified combatant commands, and support of forces assigned to these organizations and commands as directed upon the Air Force by the Secretary of Defense. He supervises the following activities when responsibility for them has been assigned to the Air Force by the Secretary of Defense: the carrying out of any supply or service activity common to more than one military department; the development and operational use of new weapons and weapon systems; and the performance of such functions as may be transferred from other departments or agencies of the Department of Defense. He performs such other duties as are assigned by the President.

(b) *Vice Chief of Staff.* The Vice Chief of Staff assists the Chief of Staff in the exercise of all his responsibilities. Under delegated authority from the Chief of Staff, he supervises the U.S. Air Force consistent with policy guidance and statutory limitations. In the absence or disability of the Chief of Staff, or in the event of a vacancy in that office, he exercises the authority and performs the duties of the Chief of Staff. He serves as Chairman of the Air Force Council.

(c) *Assistant Vice Chief of Staff.* The Assistant Vice Chief of Staff assists the Chief of Staff and the Vice Chief of Staff in the discharge of their duties. He assists in the development, implementation, and review of plans, programs, and policies, and in the overall direction of the U.S. Air Force. He also exercises general supervision over the organization and administration of the Air Staff.

(d) *USAF Scientific Advisory Board.* The USAF Scientific Advisory Board advises the Secretary of the Air Force and the Chief of Staff on all scientific matters of interest to the Air Force mission. The Board reviews research and technological developments for possible further development for military application, reviews and evaluates the Air Force long-range plans for research and development, and provides advice on the adequacy of the Air Force program.

(e) *Chief Scientists.* The Chief Scientist serves as chief scientific adviser to the Chief of Staff and the Air Force in all areas of research and development. He recommends changes in policies, plans, and organization to improve research and development programs.

(f) *Chief, Office of Air Force History.* The Chief, Office of Air Force History, is responsible for the general direction and administration of the global Air Force Historical Program. He advises and counsels the Secretary of the Air Force and the Chief of Staff on historical matters.

(g) *Surgeon General.* The Surgeon General advises the Secretary of the Air Force and the Chief of Staff on all matters pertaining to the health of Air Force personnel, administers all medical services of the U.S. Air Force, develops the Air Reserve Forces medical program, and advises the Deputy Assistant Secretary of Defense (Health and Medical) on USAF medical matters.

(h) *The Inspector General.* The Inspector General acts as an adviser to the Chief of Staff and serves as a professional assistant to the Secretary of the Air Force. He determines the status of combat readiness, command mission accomplishment, logistic effectiveness and discipline; evaluates the efficiency, economy, and adequacy of the USAF; investigates matters within USAF jurisdiction involving crime, violations of public trust, subversion, disaffection, and related activities; directs the counterintelligence program; establishes security policy; develops and directs the ground, flight, missile, and nuclear safety policies, programs and procedures; and establishes effective Air Force facilities for inspection, security, investigation, law enforcement, and safety.

(i) *The Judge Advocate General.* The Judge Advocate General acts as legal adviser to the Chief of Staff and exercises general supervision over the administration of military justice and civil law matters pertaining to the Air Force. He is responsible for the establishment and operation of the legal system of appellate reviews of courts-martial records as provided by the Uniform Code of Military Justice.

(j) *Assistant Chief of Staff, Intelligence.* The Assistant Chief of Staff, Intelligence, develops and implements USAF intelligence plans and policies and represents the Chief of Staff on intelligence matters on specific joint and interagency committees of the Government. He coordinates the collection and production of air intelligence by Air Force activities; monitors the worldwide targeting efforts in order to keep the USAF apprised of current changes and developments; and produces air technical intelligence from reports and analyses of foreign materiel.

(k) *Chief, National Guard Bureau.* The National Guard Bureau is a joint bureau of the Department of the Army and the Department of the Air Force, headed by a chief who is the adviser to the Army Chief of Staff and the Air Force Chief of Staff on National Guard matters. The National Guard Bureau is the channel of communications between the departments concerned and the several States, Puerto Rico, and the District of Columbia on matters pertaining to the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States (10 U.S.C. 3015). The Chief, National Guard Bureau, is directly responsible to the Air Force Chief of Staff for all matters pertaining to the development and maintenance of the Air National Guard and the Air National Guard of the United States, and advises all other elements of the Air Staff on Air National Guard matters.

(l) *Chief, Air Force Reserve.* The Chief, Air Force Reserve is the principal adviser to the Chief of Staff on all matters relating to the Air Force Reserve and serves on his special staff. He monitors and maintains surveillance of Air Staff actions affecting the Air Force Reserve and is final coordinator on all correspondence, directives, and other official documents relating thereto. He also provides a channel of communications between Headquarters, USAF and all subordinate elements responsible for the administration and training of the Air Force Reserve. He presents all pertinent matters to Congress and provides liaison with nongovernmental organizations having a primary interest in the Air Force Reserve.

(m) *Assistant Chief of Staff, Studies and Analysis.* The Assistant Chief of Staff, Studies and Analysis, formulates the Air Force Designated Studies Program for approval by the Chief of Staff and conducts or assists in conducting all studies so approved. Designated studies are important, high priority studies of particular significance to the Air Force. Generally, they deal with strategic offensive and defensive, general purpose, and airlift force composition. The Assistant Chief of Staff, Studies and Analysis, also conducts technical and specialized operational feasibility analyses and cost effectiveness evaluations to assist in major force level decisions.

(n) *Chief of Chaplains.* The Chief of Chaplains is responsible for all matters pertaining to the Air Force chaplaincy. He establishes and maintains cordial relationship with religious groups and

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quasi-official relationship with ecclesiastical endorsing agencies.

(o) *Director of Administration.* The Director of Administration is responsible for the development, coordination, and management of Air Force-wide programs, systems, and procedures governing: printing and duplicating operations and facilities, publication management and distribution, forms management, postal and courier operations, and records management. He provides management services to the Departmental activities and is also responsible for administrative orders, document security, reference library service, terminology and abbreviations, and the release of documents and fee system in compliance with the Freedom of Information Act.

(p) *Comptroller of the Air Force.* The Comptroller of the Air Force is directly responsible to the Assistant Secretary of the Air Force (Financial Management) and concurrently to the Chief of Staff, USAF, for budgeting, accounting, disbursing, data management and automated systems development, analyses and progress reporting, and auditing throughout the Air Force.

(q) *Deputy Chief of Staff, Personnel.* The Deputy Chief of Staff, Personnel, is responsible for developing plans, policies, and programs pertaining to military and civilian personnel of the Air Force and directing the execution thereof. He develops personnel systems designed to integrate fully qualified personnel at the time and place required for optimum support of all weapon and support systems, and attendant operational support.

(r) *Deputy Chief of Staff, Programs and Resources.* The Deputy Chief of Staff, Programs and Resources, is responsible for developing Air Force programs pertaining to the attainment of operating and supporting forces, and directing the implementation of necessary actions relating thereto. He exercises Air Staff leadership in effecting maximum balance of available resources and integration of effort toward optimum operational capability of all weapon and support systems.

(s) *Deputy Chief of Staff, Plans and Operations.* The Deputy Chief of Staff, Plans and Operations, is responsible for formulating overall Air Force operational concepts, objectives, policies, plans, missions, doctrines, and force effectiveness. He translates assigned roles and missions into Air Force tasks and determines force requirements to support approved national strategy. His planning functions include unilateral aerospace planning and joint planning. He is also responsible for those operating functions which are in support of the Joint Chiefs of Staff. He is the Operations Deputy to the Chief of Staff, USAF, in the latter's capacity as a member of the Joint Chiefs of Staff and is responsible for USAF participation in joint and combined policy making, planning, and operational activities.

(t) *Deputy Chief of Staff, Research and Development.* The Deputy Chief of Staff, Research and Development, is responsible for identification of desired operational capabilities for aerospace systems and subsystems to perform military tasks. He develops and directs plans and programs for the Air Force in the field of basic and applied research, advanced engineering development, development planning, systems acquisition, research support, and test activities. He serves as the focal point for all matters relating to space, including the coordination of Air Force activities with other Government agencies. He is responsible for projecting developments to meet future Air Force mission requirements, and directs Air Force research and development activities in the nuclear energy field.

(u) *Deputy Chief of Staff, Systems and Logistics.* The Deputy Chief of Staff, Systems and Logistics, is responsible for developing and directing plans, policies, programs, and procedures for the management of Air Force and Reserve Forces activities in the field of logistical support. This involves logistical planning, procurement, supply and services, maintenance engineering and transportation for systems. He is also responsible for execution of the Air Force portion of foreign military assistance, sales and programs.

SEC. 4. *Field Organization.* There are 15 major commands and 11 separate operating agencies which together represent the field organization of the United States Air Force. These commands are given the responsibility for accomplishing certain phases of the worldwide activities of the USAF. They are responsible for organizing, administering, equipping, and training their subordinate elements for the accomplishment of assigned missions.

Aerospace Defense Command. The Aerospace Defense Command is a major command of the United States Air Force and is the Air Force component in the North American Air Defense Command/Continental Air Defense Command structure. Its primary mission is to discharge Air Force responsibilities for the aerospace defense of the United States.

Air Force Logistics Command. The Air Force Logistics Command provides worldwide logistics support to the Air Force. This includes procurement, storage, and distribution of supplies and the performance of or arrangement for the performance of depot level maintenance on materiel.

Air Force Systems Command. The responsibility of the Air Force Systems Command is to advance aerospace technology, adapt it into operational aerospace systems, and acquire qualitatively superior aerospace systems and material needed to accomplish the United States Air Force mission.

Air Training Command. The Air Training Command provides individual training for Air Force officers and airmen. This includes basic training and indoctrination for all Air Force recruits; flying training; and technical field, special, and such other training as directed. It is also charged with the recruiting function for the United States Air Force.

Air University. The Air University is primarily concerned with the higher education of Air Force officers. It is responsible for the supervision and operation of such activities as the War College, the Institute of Technology, the Extension Course Institute, and the Air Force ROTC.

Headquarters Command, USAF. The Headquarters Command provides administrative and logistics support for Headquarters, USAF and for those Air Force units stationed within the Washington, D.C., area on a permanent or temporary duty basis that are not capable of providing self-support. This includes the USAF Band, air attaché and air mission units, and other special mission personnel located in the Continental United States and overseas.

Military Airlift Command. The Military Airlift Command provides air transportation for personnel and cargo for all the military services on a worldwide basis. In addition, MAC furnishes weather, rescue, and audiovisual services for the Air Force.

Strategic Air Command. The Strategic Air Command is a major command of the United States Air Force and a Joint Chiefs of Staff specified command. Its primary mission is to organize, train, equip, administer, and prepare strategic air forces for combat, including bombardment, missile, special mission, and strategic reconnaissance units and to conduct strategic air operations.

Tactical Air Command. The Tactical Air Command's mission is to organize, train, and equip forces to participate in tactical air operations. This includes tactical fighter, tactical air reconnaissance, special operations, tactical airlift, close combat air support, logistical air support, and joint amphibious and airborne operations. It is the Air Force component of U.S. Readiness Command and U.S. Atlantic Command. It participates with other services in developing doctrine, procedures, tactics, techniques, training, and equipment for joint operations.

United States Air Force Security Service. The United States Air Force Security Service monitors Air Force communications in all parts of the world to insure compliance with established communication security practices and procedures. Additionally, USAF Security Service units occasionally conduct research in communication phenomena in support of various elements of the U.S. Government.

Air Force Communications Service. The Air Force Communications Service provides base and point-to-point communications, flight facilities, and air traffic control services primarily to the Air Force but also other agencies, governmental and civil, national and foreign.

Overseas Commands. The United States Air Forces in Europe, Pacific Air Forces, Alaskan Air Command, and United States Air Forces Southern Command constitute the overseas commands of the USAF. They are responsible for the offensive, defensive, transport, and logistics functions in their areas of operation. They provide the air elements for the unified force to which they are assigned and assist Air Forces of other countries.

Separate Operating Agencies.—The Air Force Accounting and Finance Center provides technical supervision, advice, and guidance to Air Force accounting and finance field activities and a centralized Air Force accounting and finance operation.

The U.S. Air Force Academy provides a 4-year educational curriculum for cadets that includes a baccalaureate level education in airmanship, related sciences, and the humanities. Besides a classical education, each cadet is trained to appreciate the role of airpower, its capabilities and limitations, high ideals of individual integrity, patriotism, loyalty, honor, physical fitness, sense of responsibility, and a dedication of selfless and honorable service.

The Air Reserve Personnel Center provides for personnel administration of the Air Reserve Forces and mobilization of these reserves when needed.

The Air Force Reserve performs the USAF Chief of Staff field responsibilities for command of the Air Force Reserve; is responsible for participation in formulation of plans for management, administration, and execution of programs affecting the Air Force Reserve (AFRES) units.

The Air Force Audit Agency provides independent internal audit and appraisal of financial, operational, management, and support activities as a service to all levels of management.

The Air Force Inspection and Safety Center directs the Air Force inspection and safety programs, evaluating operational readiness, accident prevention, and management systems.

The Air Force Office of Special Investigations provides criminal, counterintelligence, personnel security, and special investigative services to Air Force activities; collects, analyzes, and reports significant information about these matters.

The Air Force Data Automation Agency provides centralized data processing support and standardized data systems design and software programming for the Air Force and simulation services for the Air Force and other Federal agencies.

The Air Force Military Personnel Center executes personnel plans and programs and supervises procedures applicable to the worldwide management and administration of Air Force military personnel.

The Air Force Intelligence Service provides specialized intelligence service in support of USAF operations through the conduct of in-depth all-source research, direction of collection activities, processing and dissemination of intelligence information and intelligence, and the exercise of management and control of intelligence systems and special security systems.

The Air Force Test and Evaluation Center assesses the operational utility of all major and selected nonmajor Air Force systems and is responsible for planning, directing, evaluating, and reporting on the Air Force Operational Test and Evaluation Program.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-21572 Filed 9-17-74;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "NET TECHNICAL ASSESSMENT"

Notice of Advisory Committee Meeting

A Defense Science Board Task Force on "Net Technical Assessment" will meet in closed session on 15–16 October 1974 at the National Security Agency, Ft. Meade, Maryland.

The mission of this Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering on US/USSR overall research and engineering technology programs and to provide guidance for U.S. technology exploitation in these areas to the Department of Defense.

The Task Force will examine in detail the important problem of determining areas of technological exploitation and long range technological trends which will measurably help the Government regarding technology transfer issues as they relate to the Soviet Union and the rest of the World.

In accordance with Public Law 92–463, section 10, Paragraph (d), it has been determined that the Task Force meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly Subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of Subsections (a) (1) and (a) (3) of Section 10, Public Law 92–463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

SEPTEMBER 13, 1974.

[FR Doc.74-21437 Filed 9-17-74;8:45 am]

DEPARTMENT OF JUSTICE

U.S. STEEL CORP. AND TRAIN, ET AL.

Notice of Proposed Consent Decree in Action To Enjoin Emission of Air Pollutants

In accordance with Department Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on September 4, 1974, a proposed consent decree in *United States Steel Corporation v. Train, et al.* was lodged with the United States District Court for the Northern District of Indiana. The proposed consent decree would require the achievement of emission limitations and the installation of air pollution control devices at United States Steel Corporation's Gary, Indiana plant.

The Department of Justice will receive written comments relating to the proposed decree for 30 days following the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, or to the United States Attorney for the Northern District of Indiana, U.S. Courthouse, 1300 South Harrison Street, Fort Wayne, Indiana 46801 and should refer to *United States Steel Corporation v. Train, et al.*, D.J. Ref. 90-5-2-3-418.

The proposed consent decree may be examined at the Region V Office of the Environmental Protection Agency, 1 North Wacker Drive, Chicago, Illinois, and at the offices of the United States Attorney in Hammond, Indiana and the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2623, 10th Street and Pennsylvania Avenue, NW., Washington, D. C. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Justice Department (202–739–2708). In requesting a copy, please enclose a check in the amount of $1.20 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

WALLACE H. JOHNSON,
Assistant Attorney General.

[FR Doc.74-21554 Filed 9-17-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 7598]

ARIZONA

Notice of Proposed Protective Withdrawal

The Bureau of Land Management, Department of the Interior, has filed an application, serial number Arizona 7598, for a protective withdrawal of the mineral estate underlying the lands described below. The surface of the subject lands has been transferred out of Federal ownership; the mineral rights are reserved to the United States and are subject to mineral location and entry under the General Mining Laws. The lands are located on the Phoenix Mountains, Mummy Mountains and Camelback Mountains within the Phoenix metropolitan area. Most of these lands are within an area which has been designated by the City of Phoenix as the Phoenix Mountain Preserve which has been established to protect open space and public recreation values. The City is presently engaged in acquiring those lands in the Preserve not yet in city ownership. Some of these Tracts, located on the perimeter of the Preserve, have been or are being developed for residential purposes. Withdrawal of the mineral estate from operation of the mining laws, but not the mineral leasing laws, will enable the City of Phoenix to proceed

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with its plans for preservation of the lands within the Phoenix Mountain Preserve as unspoiled open space areas within the Phoenix metropolitan area, and will protect the areas from mineral location and disturbance of the natural environment.

Valid existing rights or claims would not be affected by this proposed withdrawal.

On or before October 18, 1974, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Arizona 85025.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the resources which remain in Federal ownership. Adjustments will be made if necessary.

The authorized officer will prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the withdrawal will be made as requested. The determination of the Secretary will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

Maps of the areas involved are on file and available for inspection at the Bureau of Land Management, 3022 Federal Building, Phoenix, Arizona 85025.

The lands involved in this application are:

GILA AND SALT RIVER MERIDIAN

T. 2 N., R. 3 E.,
Sec. 3, lots 15 and 16;
Sec. 12, lots 1, 2, 3, and 4, W½NE¼ and W½NW¼.
T. 3 N., R. 3 E.,
Sec. 17, lot 1;
Sec. 20, lot 1;
Sec. 26, lot 1, SW¼SE¼ and E½SE¼;
Sec. 34, NE¼NW¼;
Sec. 35 SE¼NE¼ and E½SE¼.
T. 2 N., R. 4 E.,
Sec. 4, lots 3, 4, 5, 6, 9, 10, 11, and 12;
Sec. 5, lot 1, SE¼NE¼, and SE¼SE¼;
Sec. 6, lots 1 through 7, inclusive, SW¼NE¼, SE¼NW¼, E½SW¼, and NW¼SE¼;
Sec. 17, lots 1, 2, 3, 6, 7, 8, 9, and 12.
T. 3 N., R. 4 E.,
Sec. 30, SE¼SW¼ and W½SE¼;
Sec. 31, lots 1, 2, 4, 5, 6, 7, 8, and 9, and SE¼NE¼.

The areas described aggregate 2,537.06 acres of non-public lands in Maricopa County, Arizona.

Dated: September 11, 1974.

JOE T. FALLINI,
State Director.

[FR Doc.74-21577 Filed 9-17-74; 8:45 am]

Geological Survey

BELKNAP-FOLEY HOT SPRINGS, OREG.

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by sec. 21 (a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Department Manual 4.1H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1G, the following described lands are hereby defined as known geothermal resources areas:

(37) OREGON

BELKNAP-FOLEY HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

WILLAMETTE MERIDIAN, OREGON

T. 16 S., R. 6 E.
Secs. 14, 20 through 23, 26, 28, 29.

The area described aggregates 5,066.21 acres, more or less.

Dated: August 29, 1974.

WILLIAM T. GERE,
Conservation Manager, Western Region.

[FR Doc.74-21548 Filed 9-17-74; 8:45 am]

McCREDIE HOT SPRINGS, OREG.

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Department Manual 4.1H., Geological Survey Manual 220.2.3., and Conservation Division Supplement (Geological Survey Manual) 220.2.1G., the following described lands are hereby defined as the McCredie Hot Springs known geothermal resources area, effective February 1, 1974:

(37) OREGON

McCREDIE HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA

WILLAMETTE MERIDIAN, OREGON

T. 21 S., R. 4 E.
Secs. 25, 26, 35, 36.
T. 22 S., R. 4 E.
Sec. 1.
T. 21 S., R. 5 E.
Sec. 31.

The area described aggregates 3,658.60 acres, more or less.

Dated: August 29, 1974.

WILLIAM T. GERE,
Conservation Manager, Western Region.

[FR Doc.74-21549 Filed 9-17-74; 8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

WEYERHAEUSER COMPANY AND GIFFORD PINCHOT NATIONAL FOREST, WASHINGTON

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Landownership Adjustment Plan Between Weyerhaeuser Company and Gifford Pinchot National Forest, Washington. USDA-FS-FES (Adm) 73-70.

The environmental statement concerns a proposed landownership adjustment plan between Weyerhaeuser and the Forest Service. Weyerhaeuser is offering 13,089 acres of their land to the Forest Service in exchange for 13,765 acres of National Forest lands, all in the State of Washington. The exchange will consolidate public and private lands and will increase the number of land management alternatives, reduce management costs, and make several thousand acres of public land available primarily for recreation use.

This final environmental statement was filed with CEQ on September 12, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg.
12th St. & Independence Avenue, SW.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 SW Pine Street
Portland, Oreg. 97204

Gifford Pinchot National Forest
500 West 12th Street
Vancouver, Wash. 98660

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 92708, or Forest Supervisor Spencer T. Moore, 500 West 12th Street, Vancouver, Washington 98660.

R. MAX PETERSON,
Deputy Chief, Forest Service.

SEPTEMBER 12, 1974.

[FR Doc.74-21607 Filed 9-17-74; 8:45 am]

ASPEN-HORSETHIEF TIMBER SALES

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Aspen-Horsethief Timber Sales, Sierra National Forest, USDA-FS-R5-DES (Adm.) 75-4.

The environmental statement concerns a proposal to continue with the preparation and eventual sale of the Aspen-Horsethief Timber Sales. These proposed timber sales are southeast of Mammoth Pool Reservoir on the Pineridge District, Sierra National Forest, Fresno County, California. The total area under study comprises 4,870 acres of National Forest lands within the 23,020-acre Kaiser Inventoried Roadless Area. Roughly 922 acres within the Study Area would be scheduled for various types of timber harvesting at the first stage of entry. The remaining acreage would be logged at

varying intervals during the next 100 years. The ultimate goal of this proposal is to place the Study Area under long-term multiple use management which includes the production of timber resources.

This draft environmental statement was transmitted to CEQ on September 10, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Rm. 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.

Sierra National Forest, Federal Building 1130 "O" Street, Fresno, CA 93721.

USDA, Forest Service, California Region, 630 Sansome Street, Rm. 531, San Francisco, CA 94111.

Pineridge Ranger District, Big Creek Ranger Station, P.O. Box 38, Big Creek, CA 93605.

A limited number of single copies are available upon request to Sotero Muniz, Forest Supervisor, Sierra National Forest, Federal Building, 1130 "O" Street, Fresno, Calif. 93721.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from state and local agencies which are authorized to develop and enforce environmental standards and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Sotero Muniz, Forest Supervisor, Sierra National Forest, 1130 "O" Street, Fresno, California 93721.

Comments must be received within 60 days after the date of filing with CEQ in order to be considered in the preparation of the final environmental statement.

DOUGLAS LEISZ,
Regional Forester, California Region.

[FR Doc.74-21574 Filed 9-17-74; 8:45 am]

Office of the Secretary

AGRICULTURAL RESEARCH POLICY ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Agricultural Research Policy Advisory Committee (ARPAC) will be held at 9 a.m. on Wednesday, November 6, 1974 in Room 218-A of the USDA Administration Building, Independence Avenue between 12th and 14th Streets, SW., Washington, D.C.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges.

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, general relationships between USDA and university research agencies, activities by other organizations of interest to ARPAC, and future ARPAC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting a written statement concerning the matters to be discussed. Persons who wish to file written statements, may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 307-A, USDA, Washington, D.C. 20250—Telephone 202-447-3854. A record of the meeting will be available for public inspection at the above address three weeks after the meeting.

Dated: September 13, 1974.

ROBERT W. LONG,
Assistant Secretary for Conservation, Research and Education.

[FR Doc.74-21609 Filed 9-17-74; 8:45 am]

NATIONAL AGRICULTURAL RESEARCH PLANNING COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Agricultural Research Planning Committee (NPC) will be held beginning at 9 a.m. September 26 and 27, 1974 in the Rodeway Inn at 5212 West Southern Avenue, Indianapolis, Indiana.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges. The Committee deals with the planning element of the Agricultural Research Policy Advisory Committee (ARPAC).

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, implementation of task force reports, and future NPC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting a written statement concerning the matters to be discussed. Persons who wish to file written statements may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 307-A, USDA, Washington, D.C. 20250—Telephone 202-447-3854. A record of the meeting will be available for public inspection at the above address three weeks after the meeting.

Dated: September 13, 1974.

ROBERT W. LONG,
Assistant Secretary for Conservation, Research and Education.

[FR Doc.74-21608 Filed 9-17-74; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Licensing Procedures Subgroup of the Computer Systems Technical Advisory Committee will be held Thursday, October 3, 1974, at 9:30 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue, Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Subgroup Chairman, Hugh P. Donaghue.
2. Presentation of papers or comments by the public.
3. Review of current export control procedures.
4. Discussion of Military Procurement Act
5. Executive Session:
Continuation of discussion of agenda items 3 and 4.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the subgroup. Interested persons are also invited to file written statements with the subgroup.

With respect to agenda item 5, "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974, determined, pursuant to section 10(d) of Public Law 92-463, that this agenda item should be exempt from the provisions of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Hugh P. Donaghue, Control Data

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Corporation, 2000 L Street, NW., Washington, D.C. 20036 (A/C 202–296–0200).

Dated: September 12, 1974.

RAUER H. MEYER,
Acting Director,
Bureau of East-West Trade.

[FR Doc.74–21560 Filed 9–17–74;8:45 am]

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Electronic Instrumentation Technical Advisory Committee of the U.S. Department of Commerce will meet Tuesday, October 15, 1974 at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Comments by the Chairman.
2. Presentation of papers or comments by the public.
3. Review of subgroup's progress.
4. Review of A/D Converter and DVM Technology.
5. Executive Session:

a. Review and discussion of proposed changes to date.

b. Preliminary proposals for changes in items not previously discussed.

c. Discussion of committee's attention to systems and programmability.

The public will be permitted to attend the discussion of agenda items 1–4, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (5), "Executive Session," the Assistant Secretary of Commerce for Administration, on May 28, 1974, determined, pursuant to section 10(d) of Public Law 92–463, that this agenda item should be exempt from the provision of sections 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202–967–4196).

Dated: September 12, 1974.

RAUER H. MEYER,
Acting Director,
Bureau of East-West Trade.

[FR Doc.74–21533 Filed 9–17–74;8:45 am]

KANSAS STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00370–33–46040. Applicant: Kansas State University, Division of Biology, Ackert Hall, Manhattan, Kansas 66506. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of article: The article is intended to be used for studies of biological cells in stages of division, including both mitosis and meiosis; cultured cells being studied in states of differentiation and specialization of function; cells secreting calcium for deposition in extracellular matrices; viruses and virus-infected cells. The studies involved are to be used for further knowledge of fundamental biological phenomena such as mitosis, virus infection, embryonic development, fertilization, and sperm mobility. The article is also intended to be used in the preparation of students and faculty members for research applications of the electron microscope.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: This application is a resubmission of Dockets Numbers 73–00002–33–46040, 73–00336–33–46040, and 74–00058–33–46040 which were denied without prejudice to resubmission for informational deficiencies. In reply to Question 8 the applicant alleged the foreign article provided the following pertinent features:

(1) Better specimen exchange (insert) mechanism.

(2) A guaranteed resolution of 5 Angstroms (Å) point-to-point.

(3) A total magnification range without changing a pole-piece, which provides better beam coherency and less specimen contamination.

(4) Less specimen damage due to lower beam currents, causing less damage or better illumination.

(5) A eucentric goniometer stage and additional cameras.

(6) Solid State electronics for greater reliability.

The Department of Health, Education, and Welfare (HEW) reviewed this application and compared the alleged pertinent features of the article with those of the most closely comparable domestic electron microscope, the Model EMU–4C, formerly manufactured by the Forgflo Corporation and currently supplied by the Adam David Company. HEW advised in its memorandum dated June 7, 1974 that the description of the research and teaching does not establish a pertinent characteristic for the article that uphold duty-free treatment.

HEW advised that features (1) and (6) are not pertinent within the meaning of section 701.2(n) which defines "pertinent specifications", and that the EMU–4C provides features (2), (3), and (4).

The features alleged to be pertinent in (5) above were not ordered with the article and therefore cannot be considered in the determination of scientific equivalency accordingly to sections 701.2(d) and 701.6(a)(3) of the regulations. Accordingly, we find that the Model EMU–4C is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74–21565 Filed 9–17–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 5B3029]

UNION CARBIDE CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B3029) has been filed by Union Carbide Corp., River Rd., Bound Brook, NJ 08805, proposing that § 121.2514 Resinous and polymeric coatings (21 CFR 121.2514) be amended in paragraph (b)(3)(xv) under item "Vinyl chloride-acetate-2,3-epoxypropyl methacrylate copolymers • • •" by deleting the limitations on the types of foods that may be contacted by the copolymer.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 10, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74–21546 Filed 9–17–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

INTERIM STANDARD MICROWAVE LANDING SYSTEM

Notice of System Selection

Correction

In FR Doc. 74–20124 appearing on page 31681 of the issue for Friday, August 30, 1974, make the following changes:

1. In the third column, the second complete paragraph, the sixth line should be deleted and replaced by the following: "further require grantee use of an ap-".

2. The issuance date above the signature should be "August 23, 1974."

Federal Railroad Administration

[Waiver Petition SI–74–1]

NATIONAL RAILROAD PASSENGER CORP.

Petition for Relief

Notice is hereby given that the National Railroad Passenger Corporation (Amtrak) has petitioned the Federal Railroad Administration (FRA) for relief from the provision of the order issued by Interstate Commerce Commission (ICC) on June 17, 1947 in ICC Docket No. 29543 and subsequently adopted and continued in effect by the FRA on April 1, 1967, which requires installation of an automatic train stop or train control system or automatic continuously controlled cab signal system where any passenger or freight train is operated at a speed of 80 miles per hour, to permit the 90 mile per hour operation of RTG turbine powered passenger trains over segments of Illinois Central Gulf (ICG) main line track between Chicago, Illinois and St. Louis, Missouri (including alternate routes between South Joliet, Illinois and Mazonia, Illinois) where these systems have not been installed.

The segments of ICG track involved extend:

(1) From Glenn, Illinois (milepost 10.3) to milepost 38.5 (South of Station—Joliet, Illinois), which is double track and equipped with Automatic Block Signals.

(2) From Joliet, Illinois to Mazonia, Illinois over two Alternate Routes:

(a) The "Pequot Line"—

From milepost 38.5 to Plaines, Illinois (milepost 41.3), which is single track and equipped with Traffic Control System (TCS);

From Plaines, Illinois (milepost 41.3) to Pequot, Illinois (milepost 59.4) which is double track and equipped with Automatic Block Signals;

From Pequot, Illinois (milepost 59.4) to Mazonia, Illinois (milepost 62.6) which is single track and equipped with TCS; and

(b) The "Main Line"—

From South Joliet, Illinois (milepost 36.5) to Mazonia, Illinois (milepost 62.6) which is single track and equipped with Automatic Block Signals.

(3) From Mazonia, Illinois (milepost 62.6), to North Normal, Illinois (milepost 121.4) which is single track and equipped with TCS.

(4) From North Normal, Illinois (milepost 121.4) to Normal, Illinois (milepost 124.1) which is double track and equipped with TCS.

(5) From Normal, Illinois (milepost 124.1) to Bloomington, Illinois (milepost 126.6) which is single track and equipped with TCS.

(6) From Bloomington, Illinois (milepost 126.6) to milepost 128.6 which is double track and equipped with TCS.

(7) From milepost 128.6 to milepost 181.0 which is single track and equipped with TCS.

(8) From milepost 181.0 to Ridgely, Illinois (milepost 182.9) which is double track and equipped with TCS.

(9) From Ridgely, Illinois (milepost 182.9) to Iles, Illinois (milepost 187.3) which is double track and equipped with Automatic Block Signals.

(10) From Iles, Illinois (milepost 187.3) to South Iles, Illinois (milepost 189.5) which is double track and equipped with TCS.

(11) From South Iles, Illinois (milepost 189.5) to Wann, Illinois (milepost 262.1 via Alton cutoff) which is single track and equipped with TCS.

(12) From Wann, Illinois (milepost 262.1) to Granite City, Illinois (milepost 274.9), southbound main which is equipped with Automatic Block Signals.

This petition is limited to RTG trains operating over these segments of track; all other trains remain subject to the 79 m.p.h. speed limitation prescribed in the order. The petition states that prior to scheduling increased speeds, grade crossing signal starts will be extended where necessary to comply with railroad-highway grade crossing protection standards of the Association of American Railroads Bulletin No. 6.

The petitioner estimates that the present 4 hour, 59 minute schedule between Chicago and St. Louis could eventually be reduced by 26 minutes to a 4 hour, 33 minute schedule and that installation of an automatic train control system would require two years to install and cost more than $5,000,000.

Attached to the petition were a number of exhibits to demonstrate that:

(1) The RTG train's brake ability at 90 m.p.h. is superior to that of conventional passenger equipment at 79 m.p.h.;

(2) No dangerous heating of the wheels or discs of the RTG trains occurs at 90 m.p.h. under full service or emergency brake applications;

(3) A 90 m.p.h. maximum speed is necessary for better utilization of the performance capabilities of the RTG train.

In a reply to this petition filed with the FRA, ICG contends that its trackage between Chicago and St. Louis is not now and has not been suitable for passenger train operation at speeds of more than 79 miles per hour and that its trackage does not conform to the FRA Track Safety Standards (49 CFR Part 213) for operation at higher speeds. In view of continuing negotiations between ICG and Amtrak concerning the necessity and requirements for upgrading this trackage, ICG believes that this petition is premature and should not be granted.

Amtrak filed a response to the ICG reply contending that its petition is not premature because disposition of the petition is an important prerequisite to any commitment by Amtrak to upgrade the track in question to accommodate the increased speed. The Amtrak response also points out that the petition requests relief from the signal system requirement only and "no increased speeds for RTG trains will be scheduled in contravention of any other applicable rules and regulations".

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should identify the proceeding (Waiver Petition SI–74–1) and should be addressed to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before October 15, 1974, will be considered before action is taken on this petition.

This petition and all comments received will be available for examination by interested persons at any time during normal business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C.

This notice is issued under the authority of section 25 of the Interstate Commerce Act, as amended, 49 U.S.C. 26, and § 1.49(g) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(g).

Issued in Washington, D.C. on September 12, 1974.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74–21629 Filed 9–17–74;8:45 am]

RAILROAD OPERATING RULES ADVISORY COMMITTEE

Notice of Establishment

The purpose of this notice is to announce the establishment of the Railroad Operating Rules Advisory Committee pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770).

The purpose of the Railroad Operating Rules Advisory Committee is to review all relevant data and make recommendations to the Federal Railroad Administrator as to the scope, type, and priority for Federal regulations considered necessary to increase the safety of railroad operating practices for trains and other rolling equipment.

The Committee is to be composed of twelve members selected from among leading authorities in the field of railroad safety including representatives of rail carriers, railroad labor unions and the States.

The Secretary of Transportation has determined that the establishment of the Railroad Operating Rules Advisory Committee is in the public interest in connection with the duties imposed upon the Federal Railroad Administrator pursuant to section 202 of the Federal Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 431) and section 1.49(n) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)).

Issued in Washington, D.C. on September 12, 1974.

JOHN W. INGRAM,
Administrator.

[FR Doc.74–21630 Filed 9–17–74;8:45 am]

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ATOMIC ENERGY COMMISSION

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a guide in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.26 (Revision 1), "Quality Group Classifications and Standards for Water-, Steam-, and Radioactive Waste-Containing Components of Nuclear Power Plants," describes a quality classification system related to industry codes that may be used to determine quality standards that satisfy General Design Criterion 1 of the Appendix A to 10 CFR Part 50 for certain components important to safety of nuclear power plants.

Comments and suggestions in connection with improvements in all guides are encouraged at any time. Comments on Regulatory Guide 1.26 (Revision 1) will, however, be particularly useful in evaluating the need for an early revision if received within two months of the date of the guide. Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Requests for single copies of issued guides or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Tornado Design Classification.
Availability of Electric Power Sources.
Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors.
Isolation of Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake.
Fire Protection Criteria for Nuclear Power Plants.
Protective Coatings for Light Water Nuclear Reactor Containment Facilities.
Inservice Surveillance of Grouted Prestressing Tendons.
Seismic Input Motion to Uncoupled Structural Model.
Primary Reactor Containment (Concrete) Design and Analysis.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Quality Assurance Requirements for Installation, Inspection and Testing of Structural Concrete and Structural Steel.
Fracture Toughness Requirements for Vessels Under Overstress Conditions.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Gas Holdup Tank Failure in a Boiling Water Reactor.
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification of Class I Electrical Equipment.
Type Tests for Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Main Steam Line Sealing System Design Guidelines for Boiling Water Reactors.
Criteria for Heatup and Cooldown Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Fuel Oil Supplies for Standby Diesel-Generators.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Surveillance and Examination and Testing of Irradiated Fuel Rods.
Elevated Temperature Inservice Surveillance Tests for HTGR Plants.
Design Load Combinations for Component Supports.
Requirements for Containment Isolation.
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
Requirements for Concrete Reactor Vessels and Containments (ASME Section III Division 2).
Instrument Span and Trip Setting.
Failed Fuel Detection System for Nuclear Power Plants.
Code Case Acceptability—ASME Section III Nonmetallic Materials.
Design, Qualification Test and Installation Requirements for Class 2 and 3 Safety-Related Pumps.
Seismic Response Combination of Modes and Spatial Components.
Analysis of Seismic Recorded Data.
Protection of Nuclear Power Plant Control Room Operators Against an Onsite Chlorine Release.
Functional Specification for Self-Operated and Power-Operated Safety-Related Valves.
Nuclear Power Plant Environmental Characteristics for Designated Sites.
Evaluation of Explosions Postulated to Occur on Transportation Routes Near Nuclear Power Plant Sites.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 10th day of September, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-21585 Filed 9-17-74;8:45 am]

[Docket No. 50-255]

PALISADES NUCLEAR GENERATING PLANT AND CONSUMERS POWER CO.

Notice of Issuance of Facility License Amendment

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-20 issued to Consumers Power Company which revised Technical Specifications for operation of the Palisades Nuclear Generating Plant located in Covert Township, Van Buren County, State of Michigan. The amendment is effective as of its date of issuance.

The amendment permits operation of the newly installed closed-cycle cooling system converted from the original once-through cooling system. This amendment also permits operation of a modified radioactive waste treatment system integrated into the initial radioactive waste treatment system, in accordance with the Special Technical Specifications, pursuant to a settlement agreement dated March 1971 amongst the parties who intervened in AEC Docket No. 50-255 prior to December 1, 1970, to contest the issuance of an operating license for the Palisades Plant.

The application for the amendment complies with the standards and requirements of the Act and the Commission's rules and regulations and the Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment.

For further details with respect to this action, see (1) the applications for amendment dated September 28, 1973 and October 30, 1973, (2) Amendment No. 6 to License No. DPR-20, with any attachments, (3) the Commission's related Safety Evaluation, (4) the Commission's related Environmental Evaluation, and (5) the letter to Consumers Power Company forwarding items (2) through (5).

All of these are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545 and at the Kalamazoo Public Library, Reference Department, 315 South Rose Street, Kalamazoo, Michigan 49006.

A copy of items (2) through (5) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 30th day of August 1974.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Directorate of Licensing.

[FR Doc.74-21586 Filed 9-17-74;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Atomic Energy Commission has issued a guide in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.70.7, "Additional Information—Geography and Demography Considerations for Nuclear Power Plants," identifies information related to geography and demography considerations that is needed in safety analysis reports at the construction permit and operating license stages of review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.70.7 will, however, be particularly useful in evaluating the need for an early revision if received by October 31, 1974. Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

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Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake.
Fire Protection Criteria for Nuclear Power Plants.
Protective Coatings for Light Water Nuclear Reactor Containment Facilities.
Inservice Surveillance of Grouted Prestressing Tendons.
Seismic Input Motion to Uncoupled Structural Model.
Primary Reactor Containment (Concrete) Design and Analysis.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel.
Fracture Toughness Requirements for Vessels Under Overstress Conditions.
Material Limitations for Component Supports.
Protection Against Postulated Events and Accidents Outside of Containment.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Gas Holdup Tank Failure in a Boiling Water Reactor.
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification of Class I Electric Equipment.
Type Tests for Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Main Steam Line Sealing System Design Guidelines for Boiling Water Reactors.
Criteria for Heatup and Cooldown Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Fuel Oil Supplies for Standby Diesel-Generators.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Surveillance and Examination and Testing of Irradiated Fuel Rods.
Elevated Temperature Inservice Surveillance Tests for HTGR Plants.
39-000 18995 31-10 September 17, 1974
78380 Roman, A. A. (Day-Lino)
Design Load Combinations for Component Supports.
Requirements for Containment Isolation.
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
Requirements for Concrete Reactor Vessels and Containments (ASME Section III Division 2).
Instrument Span and Trip Setting.
Failed Fuel Detection System for Nuclear Power Plants.
Code Case Acceptability—ASME Section III Nonmetallic Materials.
Design, Qualification Test, and Installation Requirements for Class 2 and 3 Safety-Related Pumps.
Seismic Response Combination of Modes and Spatial Components.
Analysis of Seismic Recorded Data.
Protection of Nuclear Power Plant Control Room Operators Against an Onsite Chlorine Release.
Functional Specification for Self-Operated and Power-Operated Safety-Related Valves.
Nuclear Power Plant Environmental Characteristics for Designated Sites.
Evaluation of Explosions Postulated to Occur on Transportation Routes Near Nuclear Power Plant Sites.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 9th day of September, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-21520 Filed 9-17-74;8:45 am]

[Docket No. 50-389]

FLORIDA POWER & LIGHT CO.

Notice and Order for Prehearing Conference and Evidentiary Hearing

In the Matter of FLORIDA POWER & LIGHT COMPANY (St. Lucie Plant, Unit No. 2).

Take notice, and *it is hereby ordered*, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, a Prehearing Conference in the above captioned proceeding will be held on October 8, 1974, at 9:30 a.m., local time, in Courtroom B, County Courthouse, P.O. Box 700, Fort Pierce, Florida 33450.

The purpose of the prehearing conference will be to (a) set an evidentiary hearing agenda; (b) obtain, where possible, stipulations and admissions of fact of the contents and authenticity of documents to avoid unnecessary proof; (c) identify witnesses, and the limitation of the number of expert witnesses, and other steps that may be necessary to expedite the presentation of evidence, and (d) to take such other matters as may aid in the orderly conduct and disposition of the evidentiary hearing.

Members of the public are invited to attend this prehearing conference, however, those persons having made requests for limited appearances will present their limited appearances at the first session of the evidentiary session as noted below.

The initial session of the evidentiary hearing in this proceeding shall commence at 9:30 a.m., local time, on October 16, 1974, in Courtroom B, County Courthouse, P.O. Box 700, Fort Pierce, Florida 33450.

All persons having filed a request for limited appearance will be afforded an opportunity to place their comments and views into the record at the first day of the evidentiary session. In order to conserve time, the Board will accept written comments for the record from such participants in lieu of oral comments or in supplement of such oral comments.

It is so ordered.

Dated at Bethesda, Maryland, this 12th day of September, 1974.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-21521 Filed 9-17-74;8:45 am]

[License No. 12-02748-06E]

GENERAL TIME CORP.

Notice of Issuance of Byproduct Material License

Please take notice that the Atomic Energy Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued License No. 12-02748-06E to General Time Corporation, Westclox Division, La Salle, Illinois 61301, which authorizes the distribution of General Time of Canada Limited Models SSD, SSD12, and SSD115 smoke detectors to persons exempt from

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the requirements for a license pursuant to § 30.20 of 10 CFR Part 32.

1. The devices are designed to detect incipient fires by responding to visible smoke or invisible products of combustion. The sensitive element of the detector is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium 241.

2. The byproduct material in the detector is americium in the oxide form contained in foils manufactured by Nuclear Radiation Developments (Model A-001). The unit contains 0.4 microcurie of americium 241 in two foils of 0.2 microcurie each.

3. Each exempt unit has labels identifying the manufacturer (General Time of Canada Limited), the byproduct material (americium 241) contained in the unit, and a recommendation that the unit be returned to General Time of La Salle, Illinois, for disposal.

A copy of the license and the license application containing additional information are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Maryland September 10, 1974.

For the Atomic Energy Commission.

BERNARD SINGER,
Chief, Materials Branch,
Directorate of Licensing.

[FR Doc.74-21523 Filed 9-17-74;8:45 am]

[License No. 22-01870-14E]

HONEYWELL, INC.

Notice of Issuance of Byproduct Material License

Please take notice that the Atomic Energy Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued License No. 22-01970-14E to Honeywell, Incorporated, 2701 Fourth Avenue South, Minneapolis, Minnesota, which authorizes the distribution of fire detectors to persons exempt from the requirements for a license pursuant to § 30.20 of 10 CFR 30.

1. The devices are designed to detect incipient fire by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of the detector is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium 241.

2. The byproduct material incorporated in the detector is americium in the oxide form contained in foils manufactured by Nuclear Radiation Developments (Model A-001). The maximum activity contained in the unit is 13.4 microcuries.

3. Each exempt unit will have a label identifying the manufacturer, Honeywell, Inc., and the byproduct material, americium 241, contained in the unit and recommending that the unit be returned to Honeywell, Inc., for repair or disposal.

A copy of the license and license application containing additional information are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Maryland, September 11, 1974.

For the Atomic Energy Commission.

BERNARD SINGER,
Chief, Materials Branch,
Directorate of Licensing.

[FR Doc.74-21519 Filed 9-17-74;8:45 am]

[Docket Nos. 50-346A, 50-44A-441A]

TOLEDO EDISON CO. ET AL.

Notice of Reconstitution of Board

In the Matter of Toledo Edison Company; Cleveland Electric Illuminating Company (Davis-Besse Nuclear Power Station); Cleveland Electric Illuminating Company, et. al. (Perry Plant, Units 1 and 2).

Dr. George R. Hall was a member of the Atomic Safety and Licensing Board established for the above proceeding. Dr. Hall is no longer available for further service on this Board.

Accordingly, Douglas Rigler, Esq., whose address is Hollabaugh & Jacobs, Suite 817, Barr Building, 910 17th Street, NW., Washington, D.C. 20006 is appointed a member of this Board.

Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Bethesda, Maryland, this 11th day of September 1974.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and
Licensing Board Panel.

[FR Doc.74-21524 Filed 9-17-74;8:45 am]

[Docket Nos. 50-269A-270A, 50-287A, 50-369A-370A]

DUKE POWER CO.

Notice of Reconstitution of Board

In the matter of Duke Power Company (Oconee Units 1, 2 and 3 McGuire Units 1 and 2).

Dr. George R. Hall was a member of the Atomic Safety and Licensing Board established for the above proceeding. Dr. Hall is no longer available for further service on this Board.

Accordingly, Dr. Kenneth G. Elzinga, whose address is Department of Economics, University of Virginia, Charlottesville, Virginia 22901, is appointed a member of the Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Rules of Practice, as amended.

Dated at Bethesda, Maryland this 11th day of September 1974.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and
Licensing Board Panel.

[FR Doc.74-21522 Filed 9-17-74;8:45 am]

[Docket Nos. 50-460 and 50-513]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM WPPSS NUCLEAR PROJECTS NO. 1 AND NO. 4

Applications for Construction Permits and Facility Licenses; Hearing; Time for Submission of Views on Antitrust Matters

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, the Washington Public Power Supply System (the applicant) has filed an amended application, effected by Amendment No. 1 dated July 22, 1974 to the application and Amendments No. 7 (May 31, 1974), No. 8 (July 1, 1974), and No. 9 (August 9, 1974) to the Preliminary Safety Analysis Report (PSAR) and Amendment No. 1 to the Environmental Report (July 15, 1974), to (a) relocate the WPPSS Nuclear Project No. 1 (WNP-1) to a site 17 miles southeast of the Hanford 1 site on the Hanford Reservation in Benton County, approximately 8 miles north of Richland, Washington and (b) apply for a construction permit for a second pressurized water reactor to be constructed at the same site, designated as the WPPSS Nuclear Project No. 4 (WNP-4) and assigned Docket No. 50-513. Notice of hearing on the original application, Docket No. 50-460, was published by the Commission in the FEDERAL REGISTER on December 21, 1973 (38 F.R. 35031). Notice is hereby given that a hearing will be held by an Atomic Safety and Licensing Board (Board) to consider the application, as amended. Each of the facilities will be designated for operation at approximately 3600 megawatts thermal with a net electrical output of 1206 megawatts. As set out in this notice, the proposed facilities are to be located at the applicant's site 17 miles southeast of the Hanford 1 site, on the Hanford Reservation in Benton County, near Richland, Washington.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facilities, will be conducted by the Board consisting of Dr. Donald P. deSylva, Dr. Marvin M. Mann, and Daniel M. Head, Chairman, which was originally designated in said notice of hearing on the original application.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's Regulatory staff of a favorable safety evaluation of the application as amended and an environmental review of the project and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

Issues pursuant to the Atomic Energy Act of 1954, as amended

1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the Final Safety Analysis Report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

Issue pursuant to National Environmental Policy Act of 1969 (NEPA)

5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine: (1) Without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's Regulatory staff has been adequate to support the proposed findings to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation, and (2) whether the NEPA review conducted by the Commission's Regulatory staff pursuant to NEPA has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider Items 1–5 above as a basis for determining whether construction permits should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with Section 51.52(c) of 10 CFR Part 51: (1) Determine whether the requirements of Section 102(2)(A), (C), and (D) of NEPA and 10 CFR Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding for the permits with a view to determining the appropriate action to be taken; and (3) determine, after weighing the environmental, economic, technical and other benefits against environmental and other costs, and considering available alternatives, whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the FEDERAL REGISTER.

Pursuant to 10 CFR 2.761a, a hearing and decision by the Board on issues pursuant to NEPA and general site suitability and certain other possible issues may be held and issued prior to and separate from the hearing and decision on other issues. In the event the Board, after the hearing, makes favorable findings on such issues, the Director of Regulation may, pursuant to 10 CFR 50.10(e), authorize the applicant to conduct certain on-site work entirely at its own risk prior to completion of the remainder of the proceeding.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1–5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others in the manner specified below.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding, must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner, including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceedings, subject to any limitations in the order granting leave to intervene, and have all rights of the applicant to participate fully in the conduct of the hearing (such as the right to examine and cross-examine witnesses) with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by October 18, 1974. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

With respect to the application, as amended, for construction permits for the Washington Public Power Supply System Nuclear Projects No. 1 and No. 4, all persons who filed petitions for intervention in this proceeding pursuant to the Commission's "Notice of Hearing on Application for Construction Permit" (Washington Public Power Supply System, 38 FR 35031, December 21, 1973), who wish to further participate with respect to the amended application, shall file with the presiding Board a statement containing, with respect to the amended application, the information called for in supporting affidavits required for petitions for leave to intervene filed pursuant to 10 CFR 2.714 of the Commission's rules of practice. Such statement shall be filed within the time period for the filing of a petition for leave to intervene.

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An answer to this notice, pursuant to the provisions of 10 CFR 2.705 must be filed by the applicant by October 8, 1974.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. Copies of the petition for intervention, of the required statement by those who previously filed a petition, and of requests for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, and to Richard L. Quigley, Esquire, Washington Public Power Supply System, P.O. Box 968, Richland, Washington 99352, attorney for the applicant.

For further details, see the application for construction permits dated October 15, 1973, and amendments thereto, and the applicant's environmental report dated October 15, 1973, and amendments thereto, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents are also available at the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352 for inspection by members of the public between the hours of 10:00 a.m. to 9:00 p.m. weekdays and 10:00 a.m. to 5:30 p.m. on Saturdays.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before November 18, 1974. The request should be filed in connection with Docket Nos. 50-460A and 50-513A.

As they become available, a copy of the Safety Evaluation Report by the Commission's Directorate of Licensing, the Commission's Draft and Final Environmental Statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, the transcripts of the prehearing conferences and of the hearing, and other relevant documents will also be available at the above locations. Copies of the Directorate of Licensing's Safety Evaluation Report, the Commission's Final Environmental Statement, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Dated at Washington, D.C. this 16th days of September, 1974.

UNITED STATES ATOMIC ENERGY COMMISSION,
GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.74-21780 Filed 9-17-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26530; Order 74-9-46]

FRONTIER AIRLINES, INC.

Order Granting Motion for Expedited Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of September, 1974.

On March 25, 1974, Frontier filed an application requesting deletion of Columbus, Nebraska, from its certificate and concurrently filed a motion for expedited hearing thereon. Frontier presently serves Columbus with four CV-580 flights each week day linking the community with Denver, Omaha, and Kansas City. Frontier's filings do not contemplate any air taxi replacement service and no air taxi service is currently available at Columbus.

In support of its motion, Frontier alleges that Columbus is proximate to four alternate airports,[1] two of which are large air terminals; that alternative means of transportation to this alternative air service is available at a price much lower than the air fare;[2] that Columbus has been a consistently poor traffic generating point, averaging 1.7 passengers per departure and 5.9 passengers per day during the last five years; that 15,700 through passengers are inconvenienced each year by stops required at Columbus; that deletion will save 74,000 gallons of fuel per year; and, that deletion would decrease the carrier's subsidy need by $71,000 per year or $15.99 per Columbus passenger.

The cities of Columbus and Omaha and the Nebraska Department of Aeronautics filed a consolidated answer in opposition to Frontier's motion, claiming, inter alia, that Columbus' traffic generation has been stunted by Frontier's low quality of service; that Frontier's estimated fuel savings are minimal, either viewed absolutely or as compared to Frontier's own fuel utilization in larger competitive markets; that Frontier's subsidy need savings from deletion are insignificant in comparison to the subsidy need recognized by the Board for Frontier in Class Rate VII and in light of Frontier's overall financial strength; and that Columbus near isolation, coupled with the foregoing factors, compels denial of Frontier's motion.

Upon consideration of the pleadings and all the relevant facts, we have decided to set Frontier's application for deletion of Columbus, Nebraska, for hearing. In view of the objections raised by the civic parties, we believe that the appropriate course of action would be to permit the resolution of the facts and issues presented by Frontier's application in a full evidentiary hearing at which all interested parties are fully represented.

The issues to be considered at the hearing should include the following questions: (a) Whether Frontier's authority to serve Columbus should be deleted; (b) whether the long-term potential for traffic generation favors suspension for a temporary period rather than deletion; (c) whether the potential exists for a profitable commuter air carrier replacement service to Columbus' principal communities of interest and, if so, whether any suspension should be conditioned upon the provision of such a replacement service; (d) whether Frontier has downgraded service at Columbus so as to strengthen its case for deletion or suspension; (e) whether the suspension or deletion of Frontier's service at Columbus would affect Frontier's ability to adequately and economically provide service to downline points; and (f) whether the applicant should be required to provide or guarantee free, reduced-rate, or full-fare limousine service linking Columbus to the national air transportation system at a nearby point.

Accordingly, *it is ordered*, That:

1. The application of Frontier Airlines, Inc. in Docket 26530 for an amendment of its certificate of public convenience and necessity so as to delete Columbus, Nebraska, from route 73 thereof be and it hereby is set for hearing at a time and place to be hereafter designated;

2. The motion of Frontier Airlines, Inc. for expedited hearing, be and it hereby is granted; and

3. A copy of this order shall be served upon Frontier Airlines, Inc.; Mayor, City of Columbus, Nebraska; Mayor, City of Omaha, Nebraska; Mayor, City of Lincoln, Nebraska; Mayor, City of Grand Island, Nebraska; Mayor, City of Norfolk, Nebraska; Director, Nebraska Department of Aeronautics; Manager, Omaha Airport Authority; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-21604 Filed 9-17-74;8:45 am]

[1] Lincoln—75 miles, Omaha—84 miles, Grand Island—62 miles, and Norfolk—45 miles.

[2] Greyhound round trip to Omaha is $3.65 and to Grand Island is $2.80, while the comparable air fares are $22.59 and $21.59 respectively.

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/113; FRL 264-2]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before November 18, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 18, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 10190-RT. Penetone Div., Amerace Corp., 74 Hudson Ave., Tenafly NJ 07670. PENETONE DC. Active Ingredients: Sodium metasilicate 3.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 1.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 241-EUR. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. COUNTER TECHNICAL SOIL INSECTICIDE. Active Ingredients: S-[(tert-butylthio)methyl] 0,0-diethyl phosphorodithioate 85.0%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 241-EGO. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. AVENGE TECHNICAL. Active Ingredients: 1,2 - dimethyl - 3,5-diphenylpyrazolium methyl sulfate 96.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 30948-RU. Bionomical Chemicals & Services, Inc., 1003 Pineville Rd., Chattanooga TN 37405. P-801 GENERAL WEED KILLER CONCENTRATE. Active Ingredients: Aromatic Petroleum Derivative 92.00%; Pentachlorophenol 7.04%; 2,3,4,6-Tetrachlorophenol 0.96%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5813-RT. The Clorox Co., PO Box 24305, Oakland CA 94623. 409 DISINFECTANT BATHROOM CLEANER. Active Ingredients: Tetrasodium ethylenediamine tetraacetate 1.14%; Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chloride 0.10%; Alkyl (68% C12, 32% C14) Dimethyl Ethyl Benzyl Ammonium Chloride 0.10%; Essential Oils 0.14%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5813-RA. The Clorox Co., PO Box 493, Pleasanton CA 94566. NEW! CLOROX 7-DAY DEODORIZING CLEANER. Active Ingredients: Alkyl (60% C14, 30% C18, 5% C12, 5% C18) Tetrasodium ethylenediamine tetraacetate 1.90% Dimethyl Benzyl Ammonium Chloride 1.87%; Alkyl (68% C12, 32% C14) Dimethyl Ethyl Benzyl Ammonium Chloride 1.87%; Essential Oils 0.40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1057-AT. The C. B. Dolge Co., 11 Ferry Lane West, Westport CT 06880. DOLGE FOOD PLANT FOGGING AQUEOUS PYRETHRUM INSECTICIDE. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, technical 5.0%; Petroleum distillate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1057-AA. The C. B. Dolge Co. DOLGE COMPACTOR & KITCHEN PYRETHRUM INSECTICIDE. Active Ingredients: Pyrethrins 0.12%; Piperonyl Butoxide, Technical 1.20%; Petroleum distillate 0.48%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1057-AL. The C. B. Dolge Co. DOLGE CONCENTRATED PYRETHRUM INSECTICIDE. Active Ingredients: Pyrethrins 5%; Piperonyl Butoxide, Technical 25%; Petroleum Distillate 70%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1057-AU. The C. B. Dolge Co. DOLGE GENERAL PURPOSE AQUEOUS PYRETHRUM INSECTICIDE. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, technical 1.0%; Petroleum distillate 0.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10560-U. Easton Chemical Co., Inc., 280 Madison Ave., New York NY 10016. QUICK-TERG QUAT 3.2. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 14800-T. Echol Chemical Formulators, Inc., PO Box 1765, Lakeland FL 33802. MICRONIZED WETTABLE SULPHUR 80. Active Ingredients: Sulphur 80.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1677-22. Economics Laboratory, Inc., Osborne Bldg., St. Paul MN 55102. MIKROKLENE. Active Ingredients: Butoxypolypropoxypolyethoxyethanol - Iodine complex, providing 1.75% titratable Iodine 15.5%; Phosphoric acid 6.5%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 3770-GRT. Economy Products Co., Inc., PO Box 427, Shenandoah IA 51601. SEED QUIK SEED PROTECTANT AND LUBRICANT CAPTAN-DIAZINON-LINDANE. Active Ingredients: Captan: N-(trichloromethyl) thio-4-cyclohexene-1,2-dicarboximide) 33.5%; O,O-diethyl O-(2 - isopropyl - 4 - methyl-6-pyrimidinyl) phosphorothioate 11.0%; Gamma isomer of benzene hexachloride (from Lindane) 16.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279-868. FMC Corp., Agricultural Div., 100 Niagara St., Middleport NY 14105. LINDANE 20 MISCIBLE INSECTICIDE. Active Ingredients: Lindane (Gamma isomer of benzene hexachloride) 20.0%; Xylene base aromatic petroleum derivative 56.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 25581-0. G & G Chemical Co., Inc., 1550 Carroll Ave., San Francisco CA 94124. FORMULA 4058 GERMICIDE-DISINFECTANT-DEODORANT. Active Ingredients: Ortho-benzyl-parachlorophenol 5.0%; Isopropyl Alcohol 15.0%; Linear alkylaryl sodium sulfonate 5.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 0.5%; Methyl salicylate 0.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 635-ATN. E-Z-Flo Chemical Co., Div. of Kirsto Co., PO Box 808, Lansing MI 48903. E-Z-FLO DIAZINON 4 EC INSECTICIDE. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 48%; Xylene 38%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2881-LL. Lystads Incorporated, 901 University, Grand Forks ND 58201. LYSTADS DIPRO CRACK AND CREVICE TREATMENT. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; technical piperonyl butoxide (equivalent to 0.209% [butylcarbityl] [6-propylpiperonyl] ether and 0.052% other related compounds) 0.260%; Petroleum distillates 98.540%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRIL. Thompson-Hayward Chemical Co., 5200 Speaker Rd., PO Box 2383, Kansas City KS 66110. T-H S-681 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 1.5531%; Related compounds 0.1169%; Methoxychlor, Technical 6.6780%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRON. Thompson-Hayward Chemical Co. T-H S-747 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl - 4 - pyrimidinyl) phosphorothioate 0.713%; Technical Piperonyl Butoxide 0.371%; Pyrethrins 0.071%. Method of Support. Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRIO. Thompson-Hayward Chemical Co. T-H S-746 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Pyrethrins 0.0519%; Technical Piperonyl Butoxide

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0.1037%; N-octyl bicycloheptene dicarboximide 0.1627%; 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.5179%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRII. Thompson-Hayward Chemical Co. T-H 745 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Malathion 2.5004%; 2,2-dichlorovinyl dimethyl phosphate 0.2325%; Related Compounds 0.0175%; Technical Piperonyl Butoxide 0.0780%; Pyrethrins 0.0314%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRIT. Thompson-Hayward Chemical Co. T-H 739 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Pyrethrins 2.50%; Technical Piperonyl Butoxide 25.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRIA. Thompson-Hayward Chemical Co. T-H 699 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Pyrethrins 0.300%; Technical Piperonyl Butoxide 1.530%; 2,2-dichlorovinyl dimethyl phosphate 0.465%; Related Compounds 0.035%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRIU. Thompson-Hayward Chemical Co. T-H S-674 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Pyrethrins 0.0510%; Technical Piperonyl Butoxide 0.5120%; Rotenone 0.2564%; Other Cube Resins 0.4616%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRIG. Thompson-Hayward Chemical Co. T-H S-494 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Pyrethrins 2.667%; Technical Piperonyl Butoxide 13.333%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRIE. Thompson-Hayward Chemical Co. T-H S-477 SOLUTION AN INSECTICIDE FOR FORMULATthrins 1.0%; Technical Piperonyl Butoxide 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRIR. Thompson-Hayward Chemical Co. T-H S-475 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Pyrethrins 1.25%; Technical Piperonyl Butoxide 2.50%; N-Octyl bicycloheptene dicarboximide 2.45%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRIN. Thompson-Hayward Chemical Co. T-H S-439 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Gamma isomer of benzene hexachloride from Lindane 1.2500%; Technical Chlordane 2.5000%; Technical Piperonyl Butoxide 0.0775%; Pyrethrins 0.0313%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRTO. Thompson-Hayward Chemical Co. T-H S-438 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Technical Chlordane 2.667%; Pyrethrins 0.062%; Technical Piperonyl Butoxide 0.154%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRTL. Thompson-Hayward Chemical Co. T-H S-313 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Technical Piperonyl Butoxide 12.306%; Pyrethrins 1.538%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRTA. Thompson-Hayward Chemical Co. T-H S-339 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Diethyl Diphenyl Dichloroethane 9.5%; Related Reaction Products 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRTT. Thompson-Hayward Chemical Co. T-H S-406 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Pyrethrins 0.0670%; Technical Piperonyl Butoxide 0.1335%; N-octyl bicycloheptene dicarboximide 0.2181%; 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.6668%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRTI. Thompson-Hayward Chemical Co. T-H S-437 SOLUTION AN INSECTICIDE FOR FORMULATING USE ONLY. Active Ingredients: Pyrethrins 1.5%; Technical Piperonyl Butoxide 7.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1023-52. The Upjohn Co., 7171 Portage Rd., Kalamazoo MI 49001. TUCO ACTI-AID CITRUS ABSCISSION AGENT. Active Ingredients: Cycloheximide (3-[2-(3,5 - dimethyl - 2 - oxocyclohexyl)-2-hydroxyethyl]glutarimide) 4.22%. Method of Support: Application proceeds under 2(a) of interim policy.

Dated: September 10, 1974.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.74-21508 Filed 9-17-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18935]

WESTERN UNION TELEGRAPH CO.

Order

In the matter of Western Union Telegraph Co. [Tariff F.C.C. No. 254 Autodin Service].

Counsel for Western Union and the Department of Defense have filed a Joint Motion to terminate the above-captioned proceeding and a related reparations proceeding (consolidated Dockets No. 18474 and 18824). The basis for the requested termination is a proposed settlement of the disputed matters.

The proposed findings and conclusions in the above-captioned proceeding are presently due to be filed by September 16, 1974, and reply findings are due by October 21, 1974.

As the Chief, Common Carrier Bureau, is opposing the terms of settlement as now proposed, as Western Union and the Department of Defense may file supplemental information as part of their proposed settlement and as both the Bureau and the Commission need an adequate amount of time to carefully consider the proposed settlement as well as any supplement to the settlement which may be forthcoming, we feel that the respective dates for filing proposed findings and conclusions and reply findings should be extended.

Therefore, pursuant to the authority delegated to the Chief, Common Carrier Bureau, under Section 0.303(c), the date by which proposed findings and conclusions must be filed in the Docket No. 18935 proceeding is changed from September 16, 1974, to October 21, 1974, and the date by which reply findings must be filed is changed from October 21, 1974, to November 25, 1974.

Adopted: September 6, 1974.

Released: September 11, 1974.

[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.74-21583 Filed 9-17-74;8:45 am]

[Docket No. 20155, etc.]

TELEPHONE CO., INC., ET AL.

Applications; Hearing

In re applications of The Telephone Co., Inc., Navajo Mountain Trading Post and Hall's Crossing, Utah Docket No. 20155 File No. BPTTV-4949. For construction permit for new television broadcast translator station. The Telephone Co., Inc., 555 Ave. G Boulder City, Nevada Docket No. 20156 File No. 5-MA-ML-34. For modification of license of marine relay station KKI-49 in the fixed radio service, The Telephone Co., Inc., Navajo Mountain, Utah for a new marine repeater station in the fixed radio service, Docket No. 20157 File No. 67-MA-L-34. The Telephone Co., Inc., Navajo Mountain, Utah for modification of License of Public Coast, Class III-B, Station KTR-963 in the maritime mobile radio service, Docket No. 20158 File No. 68-M-ML-34. The Telephone Co., Inc., 91 8th Avenue Page, Arizona for a new marine relay station in the fixed radio service, Docket No. 20159 File No. 66-MA-L-34. The Telephone Co., Inc., Hall's Crossing, Utah for a new marine control station in the fixed radio service, Docket No. 20160 File No. 69-MA-L-34. The Telephone Co., Inc., Grouse Creek, Utah for special emergency (developmental) station, Docket No. 20161 File No. 16329-PS-34. The Silver Beehive Telephone Co. Grouse Creek, Utah for construction permit in the Rural Radio Service, Docket No. 20162 File No. 60309-C6-P-74. The Silver Beehive Telephone Co. AT&T L4 Power Feed Station near Lucin, Utah for construction permit in the rural radio service, Docket No. 20163 File No. 60310-C6-P-74. The Silver Beehive Telephone Co. Grouse Creek and Park Valley, Utah for construction permit in the Domestic Public Land Mobile Radio Service, Docket No. 20164 File No. 3784-C2-P-70. A. W. Brothers, Box 341, Boulder, Nevada 89005 for renewal of license for ship radio station WZX-9950 in the Maritime Mobile Radio Service, Docket No. 20165. A. W. Brothers, Grouse Creek, Utah 84313 for renewal of license for aircraft radio station N12671MOB in the Aviation Radio Service, Docket No. 20166. and

In the matter of order to show cause why the following licenses and construction permits in the listed radio services should not be revoked. The Telephone Co., Inc., Boulder Peak, Nevada for Public Coast, Class III-B, radio station KLU-743 in the Maritime Mobile Radio Service, Docket No. 20167. The Telephone Co., Inc. Boulder Peak, Nevada for marine repeater radio station KKI-47 in the Fixed Radio Service, Docket No. 20168. The Telephone Co., Inc. West Tank Hill, Nevada for operational fixed radio station KKI-48 in the Fixed Radio Service, Docket No. 20169. The Telephone Co., Inc. Navajo Mountain, Utah for public coast class III-B radio station KTR-963 in the Maritime Mobile Radio Service, Docket No. 20170. The Telephone Co., Inc. 813 Vista Avenue Page, Arizona for operational fixed station WHM-66 in the Fixed Radio Service, Docket No. 20171. The Telephone Co., Inc. Navajo Mountain, Utah for operation fixed station WHM-67 in the Fixed Radio Service, Docket No. 20172. The Silver Beehive Telephone Co. Grouse Creek, Utah for construction permit in the Rural Radio Service WSN-55, Docket No. 20173. The Silver Beehive Telephone Co. Lakeside, Utah for construction permit in the Rural Radio Service WSN-56, Docket No. 20174. A. W. Brothers for Marine receiver test station KTR-832 in the Fixed Radio Service located at temporary locations in the vicinity of Public Coast Class III-B Radio Stations KLU-743 and KTR-963, Docket No. 20175. Arthur W. Brothers Grouse Creek, Utah for Amateur radio station license W7NVY, Docket No. 20176.

In the matter of cease and desist order to be directed against: The Telephone Co., Inc.; The Silver Beehive Telephone Company; and Arthur W. Brothers, Docket No. 20177.

1. The Commission, by the Chiefs of the Safety and Special Radio Services Bureau, the Broadcast Bureau, the Common Carrier Bureau and the Field Operations Bureau, has under consideration the matters listed in the caption.[1] Serious questions have been raised involving the conduct of The Telephone Company, Inc., Silver Beehive Telephone Company and Arthur W. Brothers which require resolution before it can be determined whether they possess the requisite qualifications to become or remain licensees of the Commission. In view of the interrelationship, as shown below, between Arthur W. Brothers, The Telephone Company, Inc., and the Silver Beehive Telephone Company, a consolidated hearing will be specified.

2. It would appear that, in 1965, Arthur W. Brothers was the primary incorporator of the Silver Beehive Telephone Company and that, although the name of the corporation was changed to The Telephone Company, Inc. in 1969, applications were filed in the name of the Silver Beehive Telephone Company in 1974. It appears, also, that the two corporate names have been used to identify a single entity.

3. Brothers apparently remained controlling stockholder of the corporation (the Silver Beehive or The Telephone Company) until 1972 and was president of the corporation until January 1974. At the present, Brothers apparently retains a minority interest in the corporation and allegedly serves as its manager.

4. In addition to the confusion over the corporate name, a more serious question exists concerning the ownership of the corporation. It appears that Brothers owned approximately 50,000 shares of stock in the corporation until sometime in 1972 when he divested himself of all but 408 of his shares. The transfer from Brothers of almost 50,000 shares constituted a transfer of control since no more than 74,000 shares were outstanding at the time of the transfer. Nevertheless, the corporate licensee failed to seek the Commission's approval of the transfer of control as required by Section 310 of the Communications Act of 1934, as amended, and § 1.924 of the Commission's rules. Appropriate issues will be designated regarding not only the transfer of control, but also the relationship of Brothers, The Telephone Company, Inc., and Silver Beehive Telephone Company.

BROADCAST SERVICES

5. On November 1, 1973, the Commission accepted for filing an application (BPTTV-4914) of the Navajo Corporation for Public Broadcasting, requesting a construction permit for a new five-watt television translator station to serve Navajo Mountain and Hall's Crossing, Utah, and Page, Arizona, by rebroadcasting station KOAI(TV) Flagstaff, on output channel 6. The application was prepared by Arthur W. Brothers and signed by him as engineering consultant.

6. Information available to the Commission indicates that the applicant was not a governmental entity as represented; that the applicant was not part of the Navajo Tribe as represented; that the applicant did not have the written rebroadcast consent of the licensee of station KOAI(TV) as represented; and that Arthur W. Brothers was responsible for these representations.

7. On November 12, 1973, The Telephone Company, Inc., filed an application purporting to amend the application of the Navajo Corporation for Public Broadcasting. However, since this was an entirely different applicant, the Navajo application (BPTTV-4914) was dismissed as moot and the present application was accepted for filing as a new application.

8. The November 12, 1974, application filed by The Telephone Company, Inc., represented that as of November 8, 1973, the applicant had obtained the written rebroadcast consent of the licensee of station KOAI(TV). It appears, however, that at the time the representation was made, such consent had not been obtained. The Commission has reason to believe that in August 1973, Arthur W. Brothers, or his agents, servants or employees, by his authority and under his direction, installed and placed into operation an unlicensed television broadcast translator station on Navajo Mountain, knowing the same to be in violation of section 301 of the Communications Act of 1934, as amended, and operated the station until January 2, 1974. Moreover, The Telephone Company, Inc., has represented to the Commission that the unlicensed television broadcast translator station was put into operation by the Navajo Tribe and not by anyone associated with the applicant. This representation appears to be false.

9. The applicant proposes to locate the translator station atop Navajo Mountain. On January 24, 1974, the Navajo Nation filed informal objections to grant of the application, alleging that the applicant did not have, and could not obtain, consent to locate the proposed station on Navajo Mountain, which is the property of the Navajo Nation. The question of whether the site is available must be resolved.

SAFETY AND SPECIAL RADIO SERVICES

10. KTR-963 is a Public Coast station located at Lake Powell, having been licensed to The Telephone Company, Inc., on June 22, 1972. There are three applications pending for Operational Fixed stations to be associated with KTR-963 (#66-MA-L-34 Marine Relay, #67-MA-L-34 Marine Repeater, and #69-MA-L-34 Marine Control). Also pending is an application to modify the outstanding KTR-963 license (68-M-ML-34).

11. It appears that The Telephone Company, Inc., or Brothers may have placed the Public Coast station KTR-963 transmitter and an associated unlicensed Marine Repeater on Navajo Mountain. Furthermore, it is not clear whether Brothers or The Telephone Company, Inc., had authority from the owners of the mountain, the Navajo Tribe, to use the site. Moreover, The Telephone Company, Inc., appears to have made unauthorized use of an electrical generating plant belonging to the Navajo Tribe and to have caused substantial damage to the plant and several acres of timber. Therefore, appropriate issues will be designated.

12. The unlicensed Marine Repeater on Navajo Mountain and an unlicensed Marine Control station at Canyon Boat Works in Page, Arizona, have been used as control links for The Telephone Company's Public Coast station (KTR-963). These unlicensed stations were installed and tested or placed into operation by Brothers or The Telephone Company, Inc., in the latter part of 1973. The installation and testing or operation of the unlicensed stations violates Section 301 of the Communications Act and Section 81.21(a) of the Commission's Rules. Additionally, it appears that KTR-963 has been used to accept calls from Limited Coast stations in violation of § 81.302(a) of the rules.

13. The Telephone Company, Inc., has applied for a Marine Repeater (67-MA-L-34) and modification of its existing license, KTR-963 (68-M-ML-34). Both applications specify that the transmitters will be located on the west side of Navajo Mountain. The existing license for KTR-963 authorizes placement of the transmitter on the north side of the mountain. In a letter to the Commission, Brothers stated that KTR-963 is not currently in operation because there is no available source of electricity. There is

[1] The Commission delegated authority in this matter to the Bureaus on July 2, 1974.

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presently no licensed operating, control link between the mountain and the base station. It is not clear whether the Navajo Tribe will permit Brothers or The Telephone Company to locate stations on the mountain. Accordingly, issues will be designated regarding the use and proposed use of Navajo Mountain as well as the operation of KTR–963 and unlicensed facilities.

14. KLU–743 is a Public Coast, Class III–B, station in the Maritime Mobile Service at Boulder Peak, Nevada, and is licensed to The Telephone Company, Inc. On March 18, 1974,[1] an Official Notice of Violation was issued against The Telephone Company, Inc., for violations of § 81.302(a)(2) of the Commission's rules by KLU–743.

15. KKI–48 is a Marine Control station licensed to The Telephone Company, Inc., in Boulder City, Nevada. An inspection of KKI–48 was conducted by the Commission on January 25, 1974. The inspection revealed, inter alia, that the transmitter was situated at a location not authorized by the terms of the station authorization, in violation of § 81.21 of the Commission's rules. On March 28, 1974, an Official Notice of Violation was issued against the licensee for this violation as well as violation of §§ 81.131(d)(2) and 81.137(c) of the Commission's rules. In a letter to the Commission, dated August 10, 1974, Brothers indicated that the transmitter was still located at the unauthorized site and was used on a daily basis.

16. KTR–832 is a Fixed Marine Receiver Test station licensed to Brothers. On April 3, 1974, an Official Notice of Violation was issued against Brothers for violation of §§ 81.131(d)(3) and 81.137(a)(1) of the Commission's rules at KTR–832.

17. WHM–66 and WHM–67 are licenses for Operational Fixed stations in the microwave frequencies which were authorized as a control link for KTR–963, the Public Coast station at Lake Powell. At the time of the inspection in April 1974, Commission personnel could find no evidence of facilities for these stations. Since these licenses were granted on August 24, 1972, the stations should have been placed in operation by April 24, 1973, as required by § 81.61 of the Commission's Rules. Therefore, an appropriate issue will be designated to determine whether these licenses are invalid.

18. An unlicensed station, previously licensed to The Telephone Company, Inc., as KRL–271 in the Special Emergency (Developmental) service, was operated during the period of October 1972, until February 1974. In connection with this operation, Brothers was sent an Official Notice of Violation, dated March 28, 1974, charging him with violation of section 301 of the Communications Act of 1934, as amended. The Telephone Company, Inc., presently has an application (16329–PS–34) pending for this station.

[1] See paragraph 24, infra.

COMMON CARRIER SERVICES

19. Silver Beehive Telephone Company was granted two construction permits in the Rural Radio Service, call signs WSN55, Grouse Creek, Utah, and WSN56, Lakeside, Utah. The company never paid the grant fee on these permits (waiver was requested) and did not construct them within the time provided. Accordingly, they were forfeited, pursuant to §§ 1.102(d) and 21.34 of the Commission's rules. However, we will add an issue on these stations, looking toward the company's practices.

20. Silver Beehive also has pending an application for a Mobile Base station in the Domestic Public Land Mobile Radio Service (3784–C2–P–70) proposing facilities at Grouse Creek and Park Valley, Utah. In addition, it has two pending applications in the Rural Radio Service (60309/60310–C6–P–74) to cover the unauthorized operations discussed below.

21. It appears that Silver Beehive Telephone Company, at some time in the fall of 1973, and prior to December 1973, installed a radiotelephone system between Grouse Creek, Utah, and a location identified as AT&T's L4 Power Feed Station, in the vicinity of Lucin, Utah. The system operated on 150 MHz frequencies allocated for Common Carrier stations, but was constructed and operated without any authority from the Commission. The applications mentioned above (60309/60310–C6–P–74) which were filed on February 27, 1974, are for this system.

22. All facilities proposed by Silver Beehive are to be operated in conjunction with a wireline telephone system which it states is operated in a 3000 sq. mile area in northwestern Utah, serving approximately eighty families. It is not clear what effect these uses of radio had, or would have, on the wireline service in this area. Consequently, an issue will be designated so that the needs of these customers can be considered in determining whether it is in the public interest to grant Silver Beehive's applications. Inquiry will also be made into whether Silver Beehive constructed and operated stations without Commission authorization, in violation of section 301 of the Communications Act of 1934, as amended.

BROTHERS' COMMERCIAL RADIO OPERATOR LICENSE

23. Brothers has a Radiotelephone Second Class Operator License, P2–12–14701.[2] During the course of 1973 and early 1974, Brothers appears to have repeatedly acted in violation of the Communications Act and the Commission's rules by installing and testing or supervising the installation and testing of unlicensed facilities. More specifically, in the spring and fall of 1973, Brothers was responsible for the installation and operation of the following unlicensed stations in the Lake Powell area; at Bullfrog Marina, Utah; at Canyon Boat Works, Page, Arizona; at Wahweap Lodge and Marina; and at Rainbow Marina. It appears further, that Brothers furnished both Bullfrog Marina and Canyon Boat Works with bogus licenses to be displayed at their stations,[4] and on September 11, 1973, Brothers appears to have personally operated the unlicensed station at Wahweap Lodge and Marina. In addition, it appears that during the latter half of 1973, Brothers installed, tested and placed into operation, or supervised or directed the installation, testing and placing into operation of ship radio stations at land locations for a James Miltenburger and a Betty Armstrong, notwithstanding that Brothers was aware that none of the licenses involved in said installations would authorize the land facilities but were limited to shipboard operation. It appears, moreover, that the two transmitters at the land locations were modified by Brothers or at his direction so that they could not monitor the distress, safety and calling frequency prior to transmitting as required by § 83.181(b) of the Commission's rules.

24. Official Notices of Violation—FCC Form 793—were issued to Mr. Brothers on March 18 and April 19 and 22, 1974, detailing specific violative acts. Included, inter alia, in the said notices were instances of violation of section 301 of the Act, and §§ 21.11, 83.103 and 83.181(b) of the rules. In each instance, Brothers made a general denial of the allegations. Hence, a determination is required as to whether Mr. Brothers did, in fact, use and operate, or cause others to use and operate, unlicensed facilities in a manner contrary to the Communications Act, and/or the Commission's Rules and Regulations, and whether Mr. Brothers does possess the requisite qualifications to carry out the responsibilities of, and remain, a Commission licensee.

25. Brothers engages in the business of selling radio equipment in the Lake Powell and Lake Mead areas. It appears that Brothers has used the Public Coast, Class III–B, station licenses, KLU–743 and KTR–963, issued to The Telephone Company, Inc., to wrongfully gain competitive advantages over other sellers of radio equipment by representing to potential customers that they could not obtain service from the Public Coast stations unless they purchased equipment from Brothers. If Brothers has engaged in anti-competitive practices through the use of Commission licenses, it would have an adverse effect on the qualifications of the licensees and an issue will be specified.

Accordingly, it is ordered, That the captioned applications, construction permits and licenses be designated for hearing, at a time and place to be specified

[2] Brothers' license will expire on April 2, 1975. Pursuant to an Order released this date, his license will be suspended fifteen days after his receipt of the Suspension Order unless he requests a hearing before the Commission.

[4] Both stations were furnished with photocopies of Brother's Marine Receiver Test station license (KTR–832).

in a subsequent Order, upon the following issues:

Issue 1(a). To determine whether Arthur W. Brothers, individually or through a corporate entity, or The Telephone Company, Inc., violated section 325(a) of the Communications Act of 1934, as amended, and § 74.784(b) of the Commission's rules, by operating a broadcast station rebroadcasting the programs of another broadcast station without the prior written consent of the originating station.

(b). To determine whether Arthur W. Brothers or The Telephone Company, Inc., or others acting in behalf of Brothers or The Telephone Company, Inc., constructed and placed into operation an unlicensed television broadcast translator station in violation of section 301 of the Communications Act of 1934, as amended.

Issue 2. To determine whether Arthur W. Brothers or The Telephone Company, Inc., has made material misrepresentations to the Commission.

Issue 3. To determine whether Arthur W. Brothers, The Telephone Company, Inc., or Silver Beehive Telephone Company has violated section 301 of the Communications Act of 1934, as amended, by using or operating or installing and testing unlicensed transmitters in the Safety and Special Radio Service or by inducing others to do so.

Issue 4. To determine whether Arthur W. Brothers furnished unlicensed stations with copies of a license issued to Brothers' Marine Receiver Test station KTR–832, and, if so, the purpose for which it was furnished.

Issue 5(a). To determine whether Arthur W. Brothers violated § 83.103 of the Commisson's rules by installing, testing or placing into operation, or supervising or directing others to install, test and place into operation Ship radio stations at land locations.

(b). To determine whether Arthur W. Brothers violated § 83.181(b) of the Commission's rules by modifying or supervising or directing the modification of transmitters so that they could not monitor prior to broadcast.

Issue 6. To determine whether Arthur W. Brothers and/or The Telephone Company, Inc., violated §§ 81.131(d)(2), 81.137(c) and 81.21 of the Commission's rules in connection with the operation of Operational Fixed Station KKI–48.

Issue 7. To determine whether Arthur W. Brothers and/or The Telephone Company, Inc., violated § 81.302(a)(2) of the Commission's rules at stations KLU–743 and KTR–963.

Issue 8. To determine whether Arthur W. Brothers violated §§ 81.131(d)(3) and 81.137(a)(1) of the Commission's rules at station KTR–832.

Issue 9. To determine whether Arthur W. Brothers and/or The Telephone Company, Inc., have made unauthorized use of Navajo Mountain and its facilities for the construction and operation of Licensed or unlicensed Broadcast and Public Coast facilities.

Issue 10. To determine whether The Telephone Company, Inc., has reasonable assurance that the sites for the proposed Marine Repeater station on Navajo Mountain (67–MA–L–34), for KTR–963 (68–M–ML–34) and for the proposed television broadcast translator will be available.

Issue 11. To determine whether the Telephone Company, Inc., Silver Beehive Telephone Company or Arthur W. Brothers violated section 301 of the Communications Act of 1934, as amended, and § 21.11 of the Commission's rules by constructing and operating unlicensed stations in the Rural Radio Service between Grouse Creek and the vicinity of Lucin, Utah.

Issued 12(a). To determine the nature and extent of the telephone service being provided by Silver Beehive Telephone Company.

(b). To determine what effect denial of any applications or revocation of any construction permits of The Telephone Company, Inc., or Silver Beehive Telephone Company would have on the wireline telephone service.

Issue 13. To determine whether The Telephone Company, Inc., has failed to construct Operational Fixed stations WHM–66 and WHM–67 within 8 months of grant of the licenses as required by § 81.61 of the Commission's rules, and whether those licenses are, therefore, invalid.

Issue 14. To determine what action, if any, the Commission should take on the forfeited construction permits for stations WSN55 and WSN56, in light of Silver Beehive Telephone Company's failure to pay the grant fee, and its failure to construct the stations within the time allowed by the Commission's rules or request appropriate extension of the construction period specified therein.

Issue 15. To determine all the facts and circumstances surrounding Arthur W. Brothers' use of Commission licenses in connection with his sale of radio equipment.

Issue 16. To determine the relationship between Arthur W. Brothers, The Telephone Company, Inc., and Silver Beehive Telephone Company.

Issue 17. To determine whether Arthur W. Brothers, The Telephone Company, Inc., or the Silver Beehive Telephone Company violated section 310 of the Communications Act of 1934, as amended, and § 1.924 of the Commission's rules by transferring control of a corporate licensee without consent of the Commission.

Issue 18. To determine, in light of the evidence adduced under the preceding issues whether Arthur W. Brothers, The Telephone Company, Inc., and/or Silver Beehive Telephone Company have the requisite qualifications to be or remain a licensee of the Commission.

Issue 19. To determine, in light of the evidence adduced under the preceding issues, whether a grant of the above-captioned applications would serve the public interest, convenience and necessity.

It is further ordered, pursuant to section 309(e) of the Communications Act of 1934, as amended, and authority delegated by the Commission on July 2, 1974, that the captioned applications are designated for hearing on the preceding issues, and that the burden shall be upon the applicants to show that the public interest, convenience and necessity would be served by such grants.

It is further ordered, pursuant to section 312(a) (1) through (4), and (c) of the Communications Act of 1934, as amended, and authority delegated by the Commission on July 2, 1974, that licensees show cause why the licenses for the captioned radio stations should not be revoked, and that the Bureaus will have the burden of establishing that revocation of the licenses would serve the public interest, convenience and necessity; and

It is further ordered, pursuant to section 312 (b) and (c) of the Communications Act of 1934, as amended, and authority delegated by the Commission on July 2, 1974, that the licensees shall show cause why they should not be ordered to cease and desist from further violations of section 301 of the Communications Act of 1934, as amended, and further violations of the Commission's rules as described above, and that the Bureaus will have the burden of showing that a cease and desist order would serve the public interest, convenience and necessity.

It is further ordered, That the matters appearing in the caption herein be consolidated for hearing, pursuant to the provisions of § 1.227 of the Commission's rules and authority delegated by the Commission on July 2, 1974; and

It is further ordered, That the presiding Administrative Law Judge is authorized and directed to convene a prehearing conference for the purpose of exploring the possibility of satisfying some or all of the issues by agreement of the parties. If an agreement is reached and the Administrative Law Judge approves, the Initial Decision shall reflect the terms of the agreement; if total agreement cannot be reached, the Administrative Law Judge shall so note on the record and shall proceed with the conduct of the hearing upon the specified issues; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney shall within twenty (20) days of the mailing of this Order file with the Commission in triplicate a written appearance stating an intent to appear on the date fixed for the hearing and present evidence on the issues specified; and

It is further ordered, That the Bureaus proceed with the initial presentation of the evidence with respect to issues 1 through 9, 11, 15 and 17. The applicants will then proceed with their evidence and have the burden of establishing that they possess the requisite qualifications to be licensees and that a grant of their applicants would serve the public interest, convenience and necessity. The Bureaus shall have the burden of establishing that revocation of licenses is warranted; and

It is further ordered, That a copy of this Order shall be sent by Certified Air

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Mail—Return Receipt Requested to The Telephone Company, Inc., 555 Avenue G, Boulder City, Nevada 89005; to Silver Beehive Telephone Company, Grouse Creek, Utah; and to Arthur W. Brothers, 555 Avenue G, Boulder City, Nevada 89005.

Adopted: September 4, 1974.

Released: September 6, 1974.

C. PHYLL HORNE,
Chief,
Field Operations Bureau.

WALTER R. HINCHMAN,
Chief,
Common Carrier Bureau.

CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

HAROLD L. KASSENS,
Acting Chief,
Broadcast Bureau.

[FR Doc.74-21582 Filed 9-17-74;8:45 am]

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE (CTAC) PANEL 3 (RECEIVERS)

Notice of Meeting

SEPTEMBER 10, 1974.

Pursuant to section 10 of the Federal Advisory Committee Act, 5 U.S.C. App. I § 10 (Supp. II, 1972), notice is hereby given of a meeting of the CTAC Panel 3 (Receivers) meeting on October 3, 1974, to be held at the Corporation for Public Broadcasting, 888 Sixteenth Street, NW., Washington, D.C., in the Lower Level (LL) conference room. The meeting is scheduled to commence at 10:00 a.m.

The agenda is as follows:

1. Approval of Panel 3 Technical Notes on:
   a. Adjacent Channel Rejection.
   b. Oscillator voltage; spurious responses.
   c. Direct Pickup.
2. A review of the Electronic Industries Association (EIA) Cable Television Systems Committee (CTSC) recommendations set forth in an *EIA Engineering Bulletin.*
3. A Review of the Final Panel 3 Report Draft.
4. New Business.
5. Adjournment.

Any member of the public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. A. M. Rutkowski, FCC, 1919 M Street, NW., Washington, D.C. 20554—(202) 632-9797.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-21581 Filed 9-17-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ALLOCATION OF OLD OIL

Notice Changing Location of Public Hearing

On August 28, 1974, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing concerning the allocation of old oil (39 FR 31650, August 30, 1974). The notice provides for a public hearing to be held on Tuesday, September 24, 1974, and continued on Wednesday and Thursday, September 25 and 26, 1974, if necessary.

FEA hereby gives notice that the location of the hearing has been changed to Room 2105, 2000 M Street, NW., Washington, D.C. All other procedures with respect to written comments and the public hearing are as set forth in the notice of proposed ruling.

Issued in Washington, D.C., September 14, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

[FR Doc.74-21640 Filed 9-16-74;9:11 am]

MIDDLE DISTILLATE FUELS—ALLOCATION LEVELS FOR SPACE HEATING REQUIREMENTS AND ALLOCATIONS TO ELECTRIC UTILITIES

Notice Changing Location of Public Hearing

On September 6, 1974, the Federal Energy Administration issued a notice of proposed rulemaking concerning the allocation of middle distillate fuels (39 FR 32876, September 11, 1974). The notice provides for a public hearing to be held on Friday, September 27, 1974.

FEA hereby gives notice that the location of the hearing has been changed to Room 2105, 2000 M Street, N.W., Washington, D.C., and that each person selected to be heard must submit 100 copies of his or her statement as provided in the notice of proposed rulemaking by 4:30 p.m., e.d.s.t., September 26, 1974. All other procedures with respect to written comments and the public hearing are as set forth in the notice of proposed rulemaking.

Issued in Washington, D.C., September 13, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

[FR Doc.74-21639 Filed 9-16-74;9:11 am]

FEDERAL MARITIME COMMISSION

[General Order 29]

MILITARY SEALIFT PROCUREMENT SYSTEM

REP-900, Second Cycle Uniform Capacity Utilization Factor

The Commission's General Order 29 (46 CFR Part 549), states, in part, that:

At least 30 days prior to the bidding date for any RFP Cycle except for REP 700, Second Cycle and RFP 800, First Cycle, the Commission will establish a uniform capacity utilization factor for each MSC trade route. Carriers will determine cargo unit costs on the basis of such factor or of the actual number of cargo units carried, whichever is greater. 46 CFR 549.5(b)(1).

By Order dated April 1, 1973, the United States Court of Appeals for the District of Columbia Circuit stayed the operation of this Rule until the Court issued its decision in Sea-Land Service, Inc. v. Federal Maritime Commission, No. 73-2014. Accordingly, the uniform capacity utilization factors (UCUFs) promulgated herewith are to be used in computing carrier bids only in the event that the Court lifts its stay of § 549.5(b)(1) or issues a decision on the merits of the Sea-Land case upholding the Rule prior to the next MSC bidding cycle deadline.

Notice is hereby given, subject to the Court Order referenced above, that the Commission has adopted the UCUFs contained in Appendices A and B of this Notice for RFP-900, Second Cycle.

These UCUFs were computed from cargo statistics obtained from Military Sealift Procurement System carriers, and represent an average of these carriers' historical performance within each MSC trade route.[1]

Where only one carrier responded with data for a specific MSC trade route, no UCUF was issued as it would reveal significant operating data to the respondant's possible competitors. For those routes the notation "Use actual utilization" will replace a UCUF number.

All percentages computed for purposes of establishing the UCUF have been rounded to the nearest five (5) percent.

By the Commission, August 28, 1974.

FRANCIS C. HURNEY,
Secretary.

[1] The historical period used was July 1, 1973, to June 30, 1974. MSC Interport Routes (e.g., Hawaii to Japan) were excluded.

APPENDIX A.—*Uniform capacity utilization factor by MSC route index and zone container carriers*

Trade route	Zone		UCUF
			Percent
01	A	U.S. west coast to mid-Pacific islands, Korea, Okinawa, Hong Kong, and Taiwan, and Philippines.	80
01	B	U.S. west coast to Republic of Vietnam	85
01	C	U.S. west coast to Thailand	(1)
01	D	U.S. west coast to Pacific Straits and Indonesia	80
01	E	U.S. west coast to Japan	85
04	------	U.S. east coast to United Kingdom and Eire	85
05	------	U.S. east coast to Continental Europe	85
06	A	U.S. east coast to western Mediterranean	85
06	B	U.S. east coast to eastern Mediterranean	90
08	A	U.S. east coast to mid-Pacific islands, Korea, Okinawa, Hong Kong, and Taiwan and Philippines.	(1)
08	B	U.S. east coast to Republic of Vietnam	(1)
08	C	U.S. east coast to Thailand	(1)
08	D	U.S. east coast to Pacific Straits and Indonesia	90
08	E	U.S. east coast to Japan	(1)
10	------	U.S. gulf coast to United Kingdom and Eire	90
11	------	U.S. gulf coast to Continental Europe	(1)
12A	------	U.S. gulf coast to western Mediterranean	(1)
12B	------	U.S. gulf coast to eastern Mediterranean	(1)
14	A	U.S. gulf coast to mid-Pacific islands, Korea, Okinawa, Hong Kong, and Taiwan, and Philippines.	(1)
14	B	U.S. gulf coast to Republic of Vietnam	(1)
14	C	U.S. gulf coast to Thailand	(1)
14	D	U.S. gulf coast to Pacific Straits and Indonesia	(1)
14	E	U.S. gulf coast to Japan	(1)
28	------	U.S. west coast to Canal Zone	(1)
37	------	U.S. east coast to Dominican Republic	(1)
39	------	U.S. east coast to Canal Zone	(1)

[1] Use Actual Utilization.

APPENDIX B.—*Uniform capacity utilization factor by MSC route index and zone breakbulk carriers*

Trade route	Zone		UCUF
			Percent
01	A	U.S. west coast to Hong Kong, Korea, mid-Pacific Islands, Philippines, Okinawa, and Taiwan.	75
01	B	U.S. west coast to Republic of Vietnam	75
01	C	U.S. west coast to Thailand	80
01	D	U.S. west coast to Pacific Straits and Indonesia	(1)
01	E	U.S. west coast to Japan	75
06	A	U.S. east coast to western Mediterranean	[2] 40
06	B	U.S. east coast to eastern Mediterranean	[2] 40
07	A	U.S. east coast to Aqaba, Red Sea, Arabian Gulf Range	65
07	B	U.S. east coast to Pakistan, India, Burma Range	55
08	A	U.S. east coast to Hong Kong, Korea, mid-Pacific Islands, Philippines, Okinawa, Taiwan	60
08	B	U.S. east coast to Republic of Vietnam	60
08	C	U.S. east coast to Thailand	70
08	D	U.S. east coast to Pacific Straits and Indonesia	(1)
08	E	U.S. east coast to Japan	60
10	------	U.S. gulf coast to United Kingdom and Eire	(1)
11	------	U.S. gulf coast to Continental Europe	80
12A	------	U.S. gulf coast to western Mediterranean	(1)
12B	------	U.S. gulf coast to eastern Mediterranean	(1)
13A	------	U.S. gulf coast to Aqaba, Red Sea, Arabian Gulf Range	(1)
13B	------	U.S. gulf coast to Pakistan, India, Burma Range	80
14	A	U.S. gulf coast to Hong Kong, Korea, mid-Pacific Islands, Philippines, Okinawa, Taiwan	80
14	B	U.S. gulf coast to Republic of Vietnam	75
14	C	U.S. gulf coast to Thailand	(1)
14	D	U.S. gulf coast to Pacific Straits and Indonesia	75
14	E	U.S. gulf coast to Japan	(1)
30	------	U.S. east coast to Canal Zone	(1)
43	------	U.S. gulf coast to Canal Zone	(1)
44	A	U.S. Great Lakes to Aqaba, Red Sea, Arabian Gulf Range	(1)
44	B	U.S. Great Lakes to Pakistan, India, Burma Range	(1)
47	A	U.S. west coast to Aqaba, Red Sea, Arabian Gulf Range	55
47	B	U.S. west coast to Pakistan, India, Burma Range	

[1] Use Actual Utilization.
[2] The breakbulk utilization factor established for this route index is based on a pay ton rather than a stowed measurement ton basis.

[FR Doc.74-21510 Filed 9-17-74;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311 (p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01073---	N.V.T.V.V.D. Koninklijke Hollandsche Lloyd: *Waterland.*
01113---	A/S. J. Ludwig Mowinckers Rederi: *Egda.*
01150---	Chevron Transport Corporation: *Chevron Copenhagen.*
01168---	Rederiaktiebolaget Sally: *Jonny.*
91233---	Burles Markes Limited: *La Ensenada.*
01559---	Rederiaktiebolaget Fraternitas: *Aleppo.*
01904---	Waterman Steamship Corporation: *Carter Braxton.*
01935---	Partnership Between Steamship Company, Svendborg Ltd. and Steamshfp Company of 1912 Ltd.: *Katrine Maersk.*
02038---	Polskie Linie Oceaniczne: *Mikolaj Rej, Emilia Plater.*
02126---	Morania Oil Tanker Corporation: *518 Carfloat.*
02131---	Houlder Line Limited: *H.T.S. Coupler 1.*
02163---	Rederiet "Ocean" A/S Copenhagen: *Danwood Snow.*
02198---	The Peninsular & Oriental Steam Navigation Company: *Strathdevon, Strathdare.*
02243---	Astramar, CIA, Aagentina de Navegacion S.A.C.: *Astrasalta, Puerto Buitrago.*
02338---	Central Gulf Lines, Inc.: *Green Valley.*
02344---	Empresa Lineas Martimas Argentinas S.A.: *Rio Deseado.*
02465---	Koch-Ellis Marine Contractors, Inc.: *KE-41, KE-43, KE-44, KE-42.*
02518---	Consortium Europeen de Transports Maritimes: *Cetra Vela.*
02551---	Ellerman Line Ltd.: *City of Athens, City of Famagusta, City Izmir, Athenian, Mediterranean, Rapalla, Sangro, Silvio, Sorrento.*
02630---	The Offshore Company: *Offstar.*
02716---	Aktieselskabet det dansk Franske Dampskibsselskab: *Vinland.*
02835---	Hongkong Shipowners & Managers Co., Ltd.: *Natasha.*
02958---	Kawasaki Kisen K.K.: *Sun River.*
03047---	E. I. DuPont de Nemours & Co.: *Aromatic.*
03256---	Upper Mississippi Towing Corporation: *UM 905.*
03294---	Companhia de Navegacao Lloyd Brasileiro: *Lloyd Liverpool.*
03389---	Shell Tankers B.V.: *Meta.*
03468---	Nihonkai Kisen Kabushiki Kaisha: *Amazon Maru, Tochigi Maru.*
03572---	K/S A/S Krohn Brekkes Rederei & Co.: *Krohn Trader.*
03636---	Smith Rice Company: *Barge 13.*
03883---	Ohio Barge Line, Inc.: *Barge Chem 43*
03894---	Whitehall Shipping Co. Ltd.: *Stainless Patriot.*
03918---	Mobil Shipping & Transportation Co.: *Mobil Importer.*
04007---	Egon Oldendorff: *Eibe Oldendorff.*
04024---	Erie Sand Steamship Co.: *J. F. Schoellkopf Jr.*
04136---	Thomas Marine Company: *Enis M, TM 46, TM 47, TM 48, TM 49.*
04150---	Jan C. Uiterwyk Company, Inc.: *Maria U.*
04235---	Bollinger & Boyd Barge Service, Inc.: *SBA 400.*
04276---	Rivtow Straits Limited: *Rivtow Carrier.*
04392---	Radcliff Materials Inc.: *Avocet, Gull.*
04406---	Alter Company: *Bernard G, Beverly Ann.*
04424---	International Navigation Corporation: *Las Minas.*
04542---	Mr. Choei Okado: *Chokyumaru No. 25.*
04596---	Pan-Alaska Fisheries, Inc.: *Pan Alaska.*
04618---	Huffman Towing Company: *Tara Ann.*
04623---	Seaspan International Ltd.: *Seaspan 855.*
04825---	American Commercial Lines Inc.: *W. A. Kernan.*

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Certificate No.	Owner/operator and vessels
04768---	Texaco Overseas Tankership Ltd.: *Texaco Spain.*
05004---	Flowers Transportation, Inc.: *City of New Orleans.*
05008---	Star Kist Foods, Inc.: *Pacific Star No. 1.*
05020---	Bamar Marine Co. Ltd.: *Belvoir.*
05047---	PPG Industries, Inc.: *CSCC 200, CSCC 201, CSCC 202, PPG 205.*
05096---	Esso Tankschiff Reederei GMBH: *Esso Hannover.*
05130---	Naviera Humboldt S.A.: *Mochica.*
05437---	The Dow Chemical Company: *JAR-6, JAR-7.*
05530---	Consolidated Towing Company: *Cecilia Carol, Celisa Ann.*
05577---	Far Eastern Shipping Company: *Konstantin Petrovskiy, Privolye.*
05581---	Latvian Shipping Company: *Pavel Shternberg.*
05611---	Marine Drilling Company: *Stormdrill V.*
06159---	Naviera Neptuno S.A.: *Mercurio.*
06224---	Hendry Corporation: *HC No. 2.*
06225---	Stapp Towing Co., Inc.: *MM 103, MM 104.*
06244---	Agrico Chemical Company: *BW 1933, BW 1934.*
07276---	Anglo-Pacific Line Limited: *Biak.*
06566---	Occidental Petroleum Corporation: *Hooker Niagara, John S. Coey.*
06990---	Livestock Carriers Inc: *Devon Express.*
07404---	Hanseatic Shipmanagement Ltd.: *Cosmopolit*
07663---	Molave Bulk Carriers, Inc.: *Don Salvador II.*
07729---	Esteli S.A.: *Doctor Lello.*
07743---	Yangming Marine Transport Corp.: *Yu Ming.*
07845---	Overseas Shipping Pte. Limited: *Hisa Chia.*
07868---	Dolphin Maritime Corporation: *Aurelia, Aliartos.*
08034---	Asia Africa Shipping Co. Ltd.: *Uniluck.*
08196---	Interessentskabet AF 15, April 1972: *Nordpol.*
08420---	Assistance, Inc.: *Coos Bay.*
08545---	The Atchison, Topeka, and Santa Fe Railway Company: *Barge 7, Barge 8, Barge 9, John R. Hayden, Paul P. Hastings.*
08642---	Shinwa Steamship Co., (HK) Ltd.: *World Vanguard.*
08742---	Silver Athens Shipping Company of S.A. of Panama: *Silver Athens.*
08743---	Silver City Shipping Company S.A. of Panama: *Silver City.*
08818---	Venus Carriers Corporation S.A.: *Croton.*
08949---	Stardust Shipping Co., S.A. Liberia: *Iliade.*
09016---	Apex Barge Company: *CM 202, Gloria G, Apex 3503, Apex 3504, Apex 3401, Apex 1802.*
09072---	Wilmington Xylene Terminal, Inc.: *Patricia L.*
09073---	Carolina Methanol Terminal, Inc.: *Linda L.*
09091---	Anangel Glory Compania Naviera S.A.: *Anangel Glory.*
09099---	Mundial Transmares S.A. Panama: *Aristotelis.*
09118---	Eva-Maria Shipping Corporation: *Eva Maria C.*
09180	Ursula Shipping Corporation: *Ursula C.*
09199---	Anebretos Enterprises Ltd.: *Marika-M.*
09216---	Dynamic Shipping Corporation (Panama) S.A.: *Dynamic Pioneer.*
09225---	Trade Winds Marine Inc.: *Trade Wind.*
09230---	Pindar Navigation Company Limited: *Skyton.*
09231---	Cape Palmas Shipping Company: *Lucy.*
09262---	Transport Maritime Youville Ltee: *Transmar Venture.*
09264---	Dioni Shipping Company S.A.: *Dioni.*
09276---	Scout Shipping Co., Inc.: *Sevillan Reefer.*
09279---	Transmarittima Sarda Italnavia Flotte Riunite S.P.A.: *Santa Anna Prima, Santa Augusta, Santa Cristina Prima, Bordighera, Aeradina, Sicilmotor, Italmotor, Ambronia, Aspra, Trelanee, Polluce, Bonassola, Tito Campanella, Italmare.*
09287---	Marathon Shipping Company: *Archangelos III.*
09292---	Compania Naviera Sfakia, S.A. Panama: *Mount Julie.*
09299---	Argolicos Gulf Shipping S.A.: *Argolicos Gulf.*
09301---	Scott Chotin, Inc.: *SC 300L, SC 301X, SC 150X, SC 302S.*
09310---	Orient Lumber Transport Inc.: *Orient Pine.*
09312---	Vall Transport Company Limited: *Vall Jupiter.*
09313---	Eastern Navigation Company, Incorporated: *Van Conqueror.*
09314---	Kagawa Ken: *Kagawa Maru.*
09315---	Kaigai Gyogyo K.K.: *Dae Bong No. 2, Sea Bird No. 37.*
09316---	K/S O. B Sorensen & Co. A/S: *Orator.*
09318---	Eiko Kaiun Kabushiki Kaisha: *Takuyo Maru No. 8.*
09319---	Odajima Kaiun, Ltd.: *Jinyo Maru.*
09320---	Ariana Shipping Company Limited: *Kalliopi Antonator.*
09326---	Koppers Company, Inc.: *UBL-364.*
09325---	Inversiones Navieras Imparca C.A.: *Tamanaco.*
09327---	Grand Wisdom Transport, Inc.: *Grand Wisdom.*
09328---	Marardor Armadora S.A: *Prometheus.*
09330---	Thorodland Schiffahrtsgesellschaft de Vries & Co. M.B.H. KG.: *Thorodland.*
09332---	Sea Trader, Ltd.: *Sea Trader.*
09334---	Hambro Shipping Co. S.A.: *Raymar, Maray.*
09335---	Puerto Barge, Inc.: *Offshore Fueler.*
09339---	Compania de Navegacion Courteous S.A.: *Courteous.*
09340---	Manhatten Navigation Co. S.A.: *Margarita M.*
09343---	Archipelago Shipping Company Ltd.: *Island King.*
09344---	Second Chandris Shipping Corporation: *Dona Katerina.*
09345---	Hiong Guan Navegacion Co., Ltd.: *Ho Lung, Ho Chung.*
09348---	Fabrica de Harina de Pessado Haylock Hondurena, S.A. de C.V.: *Haylock Pride.*
09351---	Wasson Towing Corporation: *Magnolia.*
09352---	Pagasse Compania Naviera S.A.: *Lissabon.*
09353---	K/S A/S Vapore & Co.: *Nopal Shore.*
09354---	Gulf Elevator & Transfer Company: *Marquis Roen, UBL 340.*
09356---	Georgetown Steel Corporation: *GSC-200.*
09357---	Epityhia Maritime Company Limited: *Irenes Joy.*
09368---	Creta Maritime, Inc.: *Stoli Hera.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-21602 Filed 9-17-74;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01016---	C. Clausen Dampskibsrederi A/S: *Linda Clausen.*
01063---	E. B. Aaby's Rederi A/S: *Faro.*
01065---	Reederei Richard Schroder: *Ericin Schroder.*
01169---	Oriens Societa di Navigazione P.A.: *Mare Italico.*
01259---	Interessentskapet Bulktransport: *Bavang.*
01334---	American President Lines, Ltd.: *President Buchanan.*
01985---	Aktiebolaget Transmarin: *Claude.*
02163---	Rederiet "Ocean" A/S Copenhagen: *Sevillan Reefer.*
02168---	D/S A/S Vestland: *Vestland.*
02173---	Jennifer Shipping Co., Ltd.: *Kitsa.*
02198---	The Peninsular & Oriental Steam Navigation Company: *Duhallow, Pando Gulf.*
02222---	Pythagoras Navegacion S.A: *Margarita Chandris.*
02225---	Euripides Navegacion S.A.: *Dona Katerina.*
02548---	Compania Maritima San Basilio S.A.: *Eurysthenes.*
02717---	Court Line Limited: *Halcyon Days, Halcyon Wave.*
02832---	Compania Trasatlantica Espanola S.A.: *Almudena.*
02930---	Compania Sud-Americana de Vapores: *Lebu.*
02975---	Venture Shipping (Managers) Limited: *Tokyo Venture.*
03047---	E. I. du Pont de Nemours & Company: *H. L. Jacobs.*
03140---	Youngjin Shipping Co., Ltd.: *Walsong.*
03213---	Amoco Trading Int'l. Ltd.: *Amoco Baltimore, Amoco Brisbane, Conqueror, Amoco Cremona, Amoco Savannah, Amoco Texas City, Amoco Yorktown.*
03441---	Japan Line K.K.: *Kotei Maru.*
03459---	Meiji Kaiun K.K.: *Meikun Maru.*
03469---	Nihon Kaisho Kabushiki Kaisha: *Congo Maru.*
03501---	Osaka Shosen Mitsui Senpaku K.K.: *Mexico Maru.*
03502---	Shinyei Senpaku K.K.: *Wakatakesan Maru.*
03614---	A/S Kristian Jebsens Rederi: *Tornes.*
03633---	Penlatex Barge Line, Inc.: *Hines 76B, Hines 78B, Hines 85, Hines 103.*
03634---	James R. Hines Corporation: *SS-301, SS-303.*
04023---	Erie Sand and Gravel Company: *Sidney E. Smith, Jr.*
04024---	Erie Sand Steamship Co.: *Alpena, Jack Wint.*
04048---	A/S Mosvold Shipping Co.: *Mosit.*
04069---	Omnium Transportation Company: *Omnium Wanderer.*
04340---	Alora Compania Naviera, S.A.: *Pholegandros.*
04353---	Industrial Carriers Corporation: *Serifos.*
04404---	Lars Rej Johansen: *Freijo.*
04581---	Marine Navigation Company, Inc.: *Marine Victory.*
04864---	Naviera Montanesa S.A.: *Isla de Mouro, Vall del Nervion.*
04865---	Naviera de Castilla S.A.: *Sardinero.*
04941---	Olau-Line Ltd.: *Olau Thor.*
05379---	River Lines Company: *Barge 12, Shasta, Eldorado.*
05383---	Lineas Pinillos: *Elsa, Carmen Martinez de Pinillos, Lago San Mauricio.*
05564---	Europa Shipping Corporation: *Marathonian.*
05668---	Brady-Hamilton Stevedore Co.: *SS 7, SS 9.*
05676---	International Barge, Inc.: *Socky 9.*
05763---	Towa Senpaku K.K.: *Kokyo Maru.*
05941---	Alma del Atlantico Naviera S.A., Panama: *Aristagoras.*
05958---	Perseus Tanker Corporation: *Perseus I.*
06111---	Franga Compania Naviera S.A., Panama: *Eleni E. P.*
06244---	Willchemco, Inc.: *Gulf Chem I, Gulf Chem II.*
06401---	Seaservice Shipping Co., Ltd.: *Elka.*
06561---	Komanditselskapet Cruise Venture A/S & Co.: *Island Princess.*
06724---	Fanfero Shipping Co., Ltd.: *Pampero.*
06938---	Protranaco., Inc.: *ETT-104.*
06960---	Crystal Margaret Inc.: *Crystal Margaret.*
07019---	Allied Shipping International Corporation: *Arras.*
07149---	United International Bulk Carriers Limited: *Elwood Mead.*
07550---	Erato Shipping Inc.: *Diane Prosperity.*
07588---	Planta Colombiana de Soda Ltda: *Planta de Mamonal, Salina de Manaure.*
07600---	Angelina Transportation Corp.: *LSC-41, LSC-42.*
07778---	Sea Drilling Corporation: *Seadrill 14.*
07856---	Dipoti Shipping Co., S.A.: *Pavlo.*
07894---	Selmaduro La Guaira S.A.: *Manaure.*
07961---	Marson Limited: *Marson Cathy.*
07982---	Nissan Prince Kaiun K.K.: *Prince Maru No. 7.*
07995---	Lee Shipping Co., Ltd., Monrovia: *Yalton.*
08060---	National Sealanes Corporation: *Antiparos.*
08082---	Bomar Navigation Limited: *Ontario.*
08326---	Shikoku Tanker Co., Ltd.: *Marveles.*
08339---	Mariluck Maritime Co., Limited: *Mari Luck.*
08382---	Rigillis Shipping Corporation: *Spalmatori Captain.*
08520---	Ocean Carriers, Inc.: *Stolt Albatross.*
08833---	General Metals of Tacoma, Inc.: *Holly.*
08864---	New Zealand Line Limited: *Majestic.*
08881---	Gellatly and Sons Marine Corporation: *Mary Gellatly.*
08964---	Houlder Brothers & Co., Ltd.: *Sherwood.*
09285---	Statheros Shipping Corporation of Monrovia, Liberia: *Statheros.*
09381---	Sunvictor Maritime Co., Ltd.: *Sunvictor.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-21601 Filed 9-17-74;8:45 am]

IBERIAN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Agreement Filed; Modification

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 8, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MODIFICATION OF AGREEMENT

Notice of Agreement Filed by:

Stanley O. Sher, Esquire
Billig, Sher & Jones, P.C.
Suite 300
1126 Sixteenth Street, NW.
Washington, D.C. 20036

Agreement No. 9615-11, among the members of the Iberian/U.S. North Atlantic Westbound Freight Conference, would amend the organic agreement by clarifying and updating the Conference's self-policing system.

By Order of the Federal Maritime Commission.

Dated: September 13, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-21603 Filed 9-17-74;8:45 am]

[Docket No. 74-41]

PACIFIC WESTBOUND CONFERENCE AND FAR EAST CONFERENCE

Order of Approval and Investigation and Hearing

On December 29, 1952, the Federal Maritime Board approved Agreement No. 8200 which is an agreement between the member lines of the Pacific Westbound Conference (PWC) and the member lines of the Far East Conference (FEC) providing for the establishment of rates, rules and regulations applicable to the carriage of cargo from ports on the U.S. Atlantic, Gulf and Pacific Coasts to ports in the Far East. Agreement No. 8200-1 filed on May 13, 1966, modified 8200 by providing that all new members of either conference shall become parties to any supplementary agreements as well as to Agreement No. 8200. On March 15, 1967, the parties filed Agreement No. 8200-2 which provides generally that (1) either Conference may adjust its rates without concurrence of the other; (2) FEC's rates should exceed PWC's rates by no more than $6.00 per ton and no less than the amount of accessorial charges assessed against the cargo by PWC's tariff; and (3) the agreement does not apply to the relationship between PWC overland rates and FEC rates or between PWC overland rates and PWC local rates. On February 13, 1974, Agreement No. 8200-3 was filed which would give continued, unlimited approval to Agreement No. 8200, as amended (the Agreement), beyond its then termination date of June 15, 1974. The Commission, by order dated June 13, 1974, extended the existence of the Agreement to and including September 13, 1974. The purpose of such interim approval was to permit the parties more time in which to furnish additional information and data to the Commission in support of continued approval.

On August 6, 1974, counsel for FEC submitted a letter designed to supplement its previous material in support of continued approval. This material has left certain questions unanswered relating to the parties' need for this Agreement. Furthermore, the absence of authority to agree upon overland rates, the apparent differences in origins between PWC's local and FEC's cargo, and the vast changes in transportation circumstances since this Agreement was originally approved, as well as the numerous other agreements, either on file or pending before this Commission involving these two conferences persuade us that the time is ripe for demanding precise and complete justification of this Agreement.

This Agreement has been the subject of two prior cases before the Commission. In Docket No. 872—Joint Agreement—Far East Conference and Pacific Westbound Conference, 8 F.M.C. 553 (1965), the Commission found that the members had been carrying out unfiled supplementary agreements. Agreements Nos. 8200-1 and 8200-2 were submitted, as indicated above, pursuant to the Commission's decision in that case. In Docket No. 68-24, Agreement No. 8200, Joint Agreement Between the Pacific Westbound Conference; and Modification of Agreement Nos. 8200, 8200-1 and 8200-2, 12 F.M.C. 104 (1968) the Commission approved the Agreement for an interim

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period of one year because "• • • from a practical point of view, it is more desirable to survey for one year the results which would flow from No. 8200–2 rather than to proceed at once to a hearing thereon." (12 F.M.C. 108). Subsequent interim approvals have permitted the Agreement to continue until the present expiration date.

Upon consideration of the above matters, the Commission is of the opinion that the Agreement should be made the subject of a public investigation and hearing to determine whether it should be approved, disapproved, or modified. However, in order to preserve the status quo, we will approve Agreement No. 8200–3 while investigating the substantive matters of the Agreements.

Therefore, *It is ordered*, That pursuant to sections 15 and 22 of the Shipping Act, 1916, as amended, an investigation is hereby instituted into Agreement No. 8200, as amended, to determine what transportation circumstances exist to justify the need for continuation of such an agreement, and whether the Agreement should be approved, disapproved, or modified.

It is further ordered, That the Pacific Westbound Conference, the Far East Conference and their member lines as listed in Appendix A [1] hereto are hereby named respondents in this proceeding.

It is further ordered, That Agreement No. 8200–3 is hereby approved pursuant to section 15 of the Shipping Act, 1916, until and unless otherwise ordered by the Commission.

It is further ordered, That this matter be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the presiding Administrative Law Judge.

It is further ordered, That (1) a copy of this order be forthwith served upon the respondents herein, and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER, and (2) the respondents and Hearing Counsel be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–21599 Filed 9–17–74;8:45 am]

[Docket No. 74–40]

PUERTO RICO MARITIME SHIPPING AUTHORITY

Proposed ILA Rules on Containers; Order of Investigation and Suspension

On August 2, 1974, the Puerto Rico Maritime Shipping Authority (PRMSA) filed a tariff with this Commission which is scheduled to become effective on September 16, 1974, at or about which time PRMSA intends to commence operations as a common carrier between the U.S. Atlantic and Gulf coasts and Puerto Rico. Rules 440 and 445 of that tariff set forth the same ILA Rules on Containers which appear in the tariffs of Sea-Land Service Inc., and/or Gulf-Puerto Rico Lines Inc., and which were suspended by this Commission and placed under investigation in Docket No. 73–17, Sea-Land Service, Inc., and Gulf Puerto Rico Lines, Inc., Proposed Rules on Containers.

The Rules are derived from collective bargaining agreements with the International Longshoremen's Association, (AFL–CIO) and interpretations thereof. Generally, the rules provide that, at Atlantic Coast ports, consolidators (including Non-Vessel Operating Common Carriers) who operate facilities within 50 miles of a port will be furnished no containers, and that any containers which may come from them shall be stripped at the pier and the cargo placed into another container. At New Orleans, there is no prohibition against furnishing containers to consolidators, but the stripping and re-stuffing provisions apply. At all ports, the Rules would permit the carrier to pass along to the shipper fines or liquidated damages assessed against the carrier for violations of the Rules on Containers, if the violation were caused by evasion, subterfuge, oversight or other action by the shipper.

Items 15940 and 18880 of PRMSA's tariff set forth the rates for (Southbound and Northbound) Freight—All Kinds (FAK), rates which consolidators generally utilize. Note 6 to item 15940 and note 5 to item 18880 make those rates subject to the aforementioned Rules on Containers. Note 7 to item 15940 and note 6 to item 18880 provide that where the carrier is required by a collective bargaining agreement to strip and stuff, a shipper may bring his FAK cargo to the pier, in his own trailer, where it will be placed into the carrier's container, or vice versa, for a fee, depending upon the size of container, and that the shipper will then obtain the FAK rate.

Protests to the Rules on Containers as they appear in PRMSA's tariff were filed by the American Importers Association, Dolphin Forwarding Inc., the National Customs Brokers and Forwarders Association of America, Inc., the New York Foreign Freight Forwarders and Brokers Association, Inc., and Consolidated Forwarders Intermodal Corporation Inc.

Upon consideration of the protests and of the tariff matter discussed above, and in view of the action taken by the Commission in Docket No. 73–17, Sea-Land Service, Inc., and Gulf Puerto Rico Lines, Inc., Proposed Rules on Containers, the Commission is of the opinion that the tariff matter should be suspended and made the subject of a public investigation and hearing to determine whether it is unjust, unreasonable or otherwise unlawful under sections 14 Fourth, 16 First and/or 18(a) of the Shipping Act 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing,

Therefore, It is ordered, That pursuant to sections 18(a) and 22 of the Shipping Act, 1916 and sections 3 and 4 of the Intercoastal Shipping Act, 1933 an investigation is hereby instituted into Rules 440 and 445 and notes 6 and 7 of Item 15940 and notes 5 and 6 of Item 18880 of PRMSA's Tariff FMC–F No. 1 to determine whether the matters set forth therein are unjust, unreasonable or otherwise unlawful within the meaning of those sections. If the matter hereby placed under investigation is further changed, amended, or reissued, such changes are hereby ordered to be made a part of this investigation.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Rules 440 and 445, notes 6 and 7 to Item 15940 and notes 5 and 6 to Item 18880 of PRMSA's Tariff FMC–F No. 1 are hereby suspended and the use thereof deferred to and including January 15, 1975 unless otherwise ordered by the Commission, and that during this period of suspension PRMSA shall take no action, either directly or indirectly to effectuate these tariff matters.

It is further ordered, That PRMSA shall immediately file with this Commission a consecutively numbered supplement to its aforementioned Tariff which supplement shall bear no effective date, shall fully reproduce this order, and shall state that the subject tariff matter has been suspended and may not be used until January 16, 1975, unless otherwise ordered by the Commission.

It is further ordered, That pursuant to section 14 Fourth of the Shipping Act, 1916, a determination shall be made as to whether Rule 440 of PRMSA's Tariff FMC–F No. 1 would permit the carrier to unfairly treat or unjustly discriminate against a class of shippers in the matter of cargo space accommodations or other facilities within the meaning of that section.

It is further ordered, That pursuant to section 16 First of the Shipping Act, 1916, a determination shall be made as to whether PRMSA either alone, or in conjunction with the International Longshoremen's Association (AFL–CIO) is proposing to subject certain consolidators, or certain consolidated cargo to undue or unreasonable prejudice or disadvantage within the meaning of that section.

It is further ordered, That this proceeding shall be consolidated with Docket No. 73–17, Sea-Land Service, Inc., and Gulf Puerto Rico Lines, Inc., Proposed Rules on Containers, and that the record compiled in that proceeding be utilized to the maximum possible extent to develop the issues set forth herein.

It is further ordered, That Puerto Rico Maritime Shipping Authority be named as respondent herein.

It is further ordered, That the American Importers' Association, Dolphin Forwarding Inc., the National Customs Brokers and Forwarding Association of America Inc., the New York Foreign Freight Forwarders and Brokers Association Inc., and Consolidated Forwarders Intermodal Corporation Inc., be named as complainants herein pursuant to rule 3(a) of the Commission rules of practice and procedure (46 CFR 502.41).

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived.

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge, and that an Initial Decision in these consolidated proceedings be submitted to the Commission no later than November 15, 1974.

It is further ordered, That (I) a copy of this order be forthwith served upon the respondents and complainants herein, and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER; and (II) the respondents complainants and Hearing Counsel be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties of this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–21600 Filed 9–17–74;8:45 am]

[1] Filed as part of the original document.

FEDERAL POWER COMMISSION

[Docket No. E–9002]

COMMONWEALTH EDISON CO.

Tariff Change

SEPTEMBER 11, 1974.

Take notice that Commonwealth Edison Company tendered for filing, on August 30, 1974, proposed changes in its FPC Electric Service Tariff, Rate 78. The proposed changes would increase revenues from jurisdictional sales and service to seven municipalities by an estimated $3,940,000 or 50.1 percent based on the 12-month period ending October 31, 1974.

Commonwealth Edison Company states that the rate increase is required due to continuing increases in cost of service, increases in wages and other operation and maintenance expenses, and the increased cost of new capacity.

Commonwealth Edison Company states that copies of the filing were served upon its jurisdictional customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 23, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–21528 Filed 9–17–74;8:45 am]

[Docket No. E–8942]

CONSUMERS POWER CO.

Filing of Interconnection Agreement

SEPTEMBER 12, 1974.

Take notice that by letter dated July 26, 1974, the Consumers Power Company (Applicant) filed with the Federal Power Commission an agreement among Applicant, the Detroit Edison Company and the Toledo Edison Company. This agreement provides for the construction of certain 345,000 volt transmission facilities to be owned, operated and maintained by each of the parties for the purpose of interconnecting their respective systems.

Applicant further requests that the Commission permit the enclosed agreement to become effective on September 1, 1974, the date that the bulk of facilities provided for therein are expected to be completed and in service.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–21532 Filed 9–17–74;8:45 am]

[Docket No. E–8998]

DETROIT EDISON CO.

Filing of Amendment to Electric Coordination Agreement

SEPTEMBER 11, 1974.

Take notice that on August 30, 1974, the Detroit Edison Company tendered for filing an amendment to an electric coordination agreement dated May 1, 1973 between the Detroit Edison Company and The Consumers Power Company. The 1973 agreement has been designated as Detroit Edison Company Rate Schedule FPC No. 17.

The amendment tendered for filing provides for a surcharge to the cost of energy for which there is no replacement capacity available on the receiving party's system. The surcharge is equal to the lesser of (a) ten percent or (b) 1.5 mills per kilowatt hour. The surcharge will be applied only to generation costs incurred on the sending party's system and not to energy purchased from a third party for delivery via the sending party's system.

Applicant states that the surcharge is consistent with common industry practice and was waived in the past because it was believed that this service would tend to be reciprocal over the short term. Applicant states that the surcharge is needed at the present time because there has been no reciprocity and there will be no reciprocity for many years in the future.

Applicant requests that the amendment to the coordination agreement be permitted to become effective as of July 1, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–21532 Filed 9–17–74;8:45 am]

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[Docket Nos. CP70-196, 74-227, 73-135, 74-212]

DISTRIGAS CORP. AND DISTRIGAS OF MASSACHUSETTS CORP.

Order Scheduling Formal Hearing on Temporary Requests and Remanded Issues

SEPTEMBER 12, 1974.

By order issued February 22, 1974, in Docket No. CP74-212, the Commission directed Distrigas Corporation (Distrigas) and/or Distrigas of Massachusetts Corporation (DOMAC) to make appropriate section 7 filings for the emergency sale of gas to Brooklyn Union Gas Company. We found that §§ 157.22 and 157.29, and Order Nos. 402 and 402-A are not applicable to DOMAC's sales of LNG, and such sales should not have been commenced without having first obtained either temporary or permanent authorization from the Commission. By order of April 22, 1974, we denied rehearing of our February 22 order.

In response to our order, Distrigas and DOMAC filed on March 4, 1974, applications under protest for the emergency operations. DOMAC filed in Docket No. CP73-135 a petition requesting, inter alia, that Distrigas, prior to October 1, 1973, and DOMAC thereafter, be granted temporary authorization, nunc pro tunc, for past emergency sales of LNG in interstate commerce from the Everett, Massachusetts terminal, and that DOMAC be granted temporary authorization to make prospectively all of the interstate sales contemplated in the pending application in Docket No. CP73-135, which was filed by Distrigas on November 20, 1972. Distrigas, on March 4, 1974, filed in Docket No. CP74-227 a section 7(c) application requesting, inter alia, that it be granted temporary authorization, nunc pro tunc, for past sales of LNG to DOMAC between October 1, 1973 and February 22, 1974, and prospectively for such sales to DOMAC thereafter.

The LNG concerning which DOMAC and Distrigas now seek temporary authorization are volumes for which import authorization was granted in our Opinion No. 613, issued March 9, 1972, in Docket No. CP70-196. That opinion authorized Distrigas to import up to 14 shiploads of LNG from Algeria to Staten Island, New York, and the above-referenced Everett facility, but declined to exercise section 7 jurisdiction over the intrastate transportation and sale of the gas or Section 3 authority over the proposed terminal facilities on the grounds in part that Distrigas' operations were intrastate in character.

By orders issued May 25 and June 20, 1973, the Commission directed Distrigas or its appropriate affiliates to file section 7 applications covering the construction and operation of the facilities involved, and for any sales for resale of the subject gas, either within or outside the state of importation. The basis for our orders were that several new applications by Distrigas had changed the complexion of the proposed operations, by making it obvious that new and increased interstate transportation and sale for resale from the Staten Island and Everett facilities were now contemplated. On November 2 and 15, 1973, Distrigas of New York Corporation (DONY) and DOMAC, respectively, in compliance with the above-mentioned orders, filed applications under protest, for the Staten Island and Everett facilities.[1]

Upon appeal by Distrigas, as is well known, The United States Circuit Court of Appeals for the District of Columbia Circuit on April 5, 1974, remanded our orders of May 25 and June 20, 1973, for further proceedings and supplementation of the record.[2] The Court therein found that "as a matter of jurisdiction the Commission had authority to issue the kind of order before us here," and that the exercise of such authority is not barred by the partial disclaimer in Opinion No. 613, but that the Commission could not do it under the "interstate commerce" theory propounded.

On September 9, 1974, Congressman John M. Murphy filed a motion in Docket Nos. CP73-47, et al. and CP73-132, et al., Eascogas LNG Inc., et al. and Distrigas Corporation, et al. for an order of the Commission preventing applicants from operating the Staten Island, New York facility. While the normal time period for responses to the motion would not expire until September 24, 1974, the procedural status of the various Distrigas proceedings, and the above-reference Court of Appeals' mandate, dictate that we at this time respond to Petitioner Murphy's motion in the only manner possible. No interstate operations of the Staten Island facility, or of any facility, may take place prior to Commission authorization in any event. Thus, the possibility that Distrigas may operate the facility in interstate commerce before such Commission order is fully precluded by the provisions of the Natural Gas Act and our rules and regulations. We have never authorized the interstate use of the subject facility for any purpose, and the proceedings in Docket Nos. CP73-132, in which Distrigas requests such authorization, have yet to be resolved and acted on by us. Any comment by us at this time concerning the desirability of such interstate operations would, therefore, be inappropriate.

On the other hand, Opinion No. 613, which is now in full force and effect due to the Court of Appeals' decision, permits the intrastate operation of this facility coincident to Section 3 import authorization therein. While the Court indicated that we may impose conditions on the facilities and sales within the state of importation, such conditions can only be imposed after an evidentiary hearing. We shall below re-open the original proceedings in Docket No. CP70-196 to see whether any such conditions should be imposed. Prior to the resolution of such hearing and ultimate determination by us, however, Opinion No. 613, by virtue of the Court of Appeals' remand, is still the definitive ruling by us, and intrastate operations are permissible. Since Petitioner Murphy has intervened in the CP73-132 proceedings, of which CP73-135 is a part, he and all other such interveners shall be construed as interveners in this remanded proceeding. In addition, we shall allow an additional 20 days in which other interested parties may file interventions herein.

As noted above, the LNG volumes involved in the instant requests are those authorized in Opinion No. 613. The applications for temporary certification for interstate sales are timely to the resolution of the issues addressed by the above-referenced Court of Appeals remand. The propriety of the resale rate for the subject LNG has yet to be determined, as has the relative safety of the operations in light of circumstances that have developed in the design and contemplated operations of Distrigas facilities since the initial issuance of Opinion 613. As noted previously on a broader scale, and in line with the Court of Appeals' mandate, the question arises as to what, if any, further conditions and requirements, including those which may properly be imposed under section 7 of the Natural Gas Act, should be imposed on the section 3 import authorized by Opinion 613. Because the temporary requests now before us inclusive of Congressman Murphy's petition provide the proper setting for the resolution of these issues, we shall, at this time, consolidate the temporary filings for purposes of formal hearing, and schedule such hearing to resolve (1) the issues of the propriety of the resale rates, safety and all other pertinent issues unique to the temporary applications, as well as (2) the issues raised by the Court of Appeals' remand of our orders, i.e., what conditions, including equivalent section 7 requirements should be imposed on the volumes of LNG for which import authorization was granted in Opinion No. 613 which are proposed to be sold in intrastate and interstate commerce. As part of its evidentiary filing herein, Distrigas shall be required to file proposed rate schedules and support therein for all contemplated sales for resale of any LNG imported under Opinion 613. Any temporary certifications for resale which may be granted prior to resolution of the remanded issues shall be subject to rate refunds based upon any final determinations regarding pricing which may be made concerning the Opinion No. 613 import volumes.

The Commission finds:

(1) The temporary applications pending in Docket No. CP73-135 and CP74-227 should be consolidated for purposes of hearing and disposition.

(2) It is necessary and appropriate that the issues presented by the Court of Appeals remand of the record be heard and resolved in this proceeding.

The Commission orders:

(A) All parties whose interventions have been granted in the proceeding in Docket Nos. CP73-132, et al., shall be considered as interveners in the instant proceedings. Furthermore, any additional persons who may desire to intervene in these proceedings may file a petition to intervene herein on or before October 2, 1974.

(B) The temporary requests pending in Docket No. CP73-135 and CP74-227 are consolidated for the purposes of hearing and disposition.

(C) As part of the consolidation and hearing scheduled herein, the record ordered remanded by the Court of Appeals in Case No. 73-1747 shall be reopened, heard, and resolved.

(D) The direct case of the Applicants and all interveners in support thereof on the issues raised by the temporary requests, together with the issues presented by the remanded record and Congressman Murphy's petition, shall be filed and served on all parties on or before October 22, 1974. As part of its direct case, Distrigas shall file appropriate evidence including full cost data in support of its proposed rate schedules for the sale for resale of all LNG authorized for importation by our Opinion No. 613. The Presiding Administrative Law Judge shall, upon the completion of cross-examination of the direct case, fix dates for the filing of answering testimony.

(E) A formal hearing shall be convened in this proceeding in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C., November 12, 1974. The Chief Administrative Law Judge shall designate an appropriate officer of the Commission to preside at the formal hearing of this matter, pursuant to the Commission's rules of practice and procedure.

By the Commission.[3]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21538 Filed 9-17-74;8:45 am]

[1] These applications, which were filed in Docket Nos. CP74-122 and CP74-137, are part of the consolidated proceedings pending in Docket Nos. CP73-132, et al.

[2] Distrigas Corporation, et al., v. FPC, et al., ---- U.S App. D.C. ----, ---- F. 2d ---- (No. 73-1747, decided 5 April, 1974).

[Docket No. E-8707]

LOUISVILLE GAS AND ELECTRIC CO.

Filing of Waiver Request

SEPTEMBER 12, 1974.

Take notice that by letter dated July 23, 1974, the Louisville Gas and Electric Company (Applicant) filed with the Federal Power Commission a request that the Commission waive its notice requirements under § 35.11 of its regulations and that the Commission accept for filing an Interconnection Agreement, dated December 21, 1973, between Applicant and the Big Rivers Electric Corporation. Applicant alleges that such waiver is necessary to assure both companies that the terms of their agreement are acceptable to the Commission in order to justify various construction commitments of the parties. Applicant further alleges that waiver of notice as herein requested would not have any effect on any purchaser under, or party to, any other rate schedule of either party.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21537 Filed 9-17-74;8:45 am]

[3] Commissioner Brooke's dissenting statement is filed as part of the original document.

[Docket No. CP73-332]

NORTHWEST PIPELINE CORP.

Petition To Amend

SEPTEMBER 11, 1974.

Take notice that on September 3, 1974, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP73-332 a petition to amend the order issued in the subject docket on September 21, 1973 (50 FPC ----), as amended on December 28, 1973 (51 FPC ----), and on January 22, 1974 (51 FPC ----), pursuant to section 3 of the Natural Gas Act authorizing the continued importation of natural gas from Canada by authorizing the importation of short-term emergency volumes of natural gas at the Sumas, Washington, import point, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner requests authority to import up to 55,000 Mcf per day at 14.73 psia of natural gas within the presently authorized import volume at the Sumas import point in accordance with an agreement dated August 14, 1974 (Temporary Agreement), between Petitioner and Westcoast Transmission Company Limited (Westcoast). The Temporary Agreement indicates that the proposed emergency gas purchase is to commence on or about January 1, 1975, and continue through April 30, 1977. Petitioner also requests authority to recover the cost of the gas proposed to be purchased through Petitioner's purchased gas adjustment clause under its FPC Gas Tariff, Original Volume No. 1. Petitioner states that its obligation and right to purchase said gas is only for such such volumes as Westcoast is unable to deliver under the existing import agreement up to the maximum volume available under the Temporary Agreement;[1] however, Petitioner is obligated to pay for a minimum annual volume which is equivalent to an 85 percent load factor. Petitioner further states that it will pay to Westcoast for said gas an amount equal to Westcoast's purchase cost plus certain other costs associated with the facilities necessary for Westcoast to construct in order to deliver said gas to Petitioner.[2]

Petitioner states that Westcoast, from which Petitioner purchases approximately 70 percent of its total annual gas supply, expects to curtail Petitioner by approximately 240,000 Mcf per day of natural gas at the Sumas import point during the 1974-75 heating season. As a result, Petitioner claims, it will be unable to render firm certificated natural gas service to all of its customers. Petitioner reasons that the additional volumes of gas sought to be imported will partially offset Westcoast's anticipated curtailment at Sumas,[3] thereby assisting Petitioner in rendering firm winter season service to existing customers.

Petitioner states that no new facilities will be required to implement the instant proposal.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21529 Filed 9-17-74;8:45 am]

[Docket No. E-9000]

ORANGE & ROCKLAND UTILITIES, INC.

New Power Supply Contract

SEPTEMBER 11, 1974.

Take notice that on August 30, 1974, Orange & Rockland Utilities, Inc. (Orange & Rockland) tendered for filing a new power supply contract between Orange & Rockland and Rockland Electric Company (REC). This contract replaces an outstanding contract between the parties providing for the sale of power by Orange & Rockland to REC, its

[1] The agreement provides for 58,000 Mcf per day, at 14.65 psia less fuel gas.

[2] Petitioner expects that the average cost of the gas will be in the range of $1.26 to $1.78 per Mcf.

[3] The proposed gas purchase would reduce the estimated 41,000,000 Mcf curtailment by 11,000,000 Mcf during a full winter season.

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wholly owned subsidiary, on a cost of service basis.

Orange & Rockland asserts that the only changes effected by the new contract are a new method of determining rate of return, and some minor modifications to working capital. The new contract, the company states, represents an increase in revenues of $484,179. An effective date of October 1, 1974, has been requested.

Any person desiring to be heard or to protest said contract should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21530 Filed 9-17-74;8:45 am]

[Docket No. E-8570]

SOUTHERN CALIFORNIA EDISON CO.

Extension of Procedural Dates

SEPTEMBER 11, 1974.

On September 5, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued March 1, 1974, as most recently modified by notice issued July 11, 1974, in the above-designated matter. The motion states that the interested parties have been notified and are not opposed.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, September 20, 1974.
Service of Intervenor's Testimony, October 15, 1974.
Service of Company's Rebuttal, November 11, 1974.
Hearing, December 3, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21531 Filed 9-17-74;8:45 am]

[Docket No. E-8514]

SOUTHERN SERVICES, INC.

Notice Setting Prehearing Conference and Further Extending Procedural Dates

SEPTEMBER 12, 1974.

On September 5, 1974, the Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company, together with the intervenor the Cities of Acworth et al. and the Water, Light and Sinking Fund Commission of the City of Dalton, Georgia, filed a motion to set a prehearing date and to extend the procedural dates in the above-designated matter. The dates were originally fixed by order issued May 8, 1974, and most recently modified by notice issued September 3, 1974. The motion states that Staff Counsel has no objections.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Prehearing Conference, September 24, 1974 (10:00 a.m. e.d.t.).
Service of Evidence by Intervenors, October 22, 1974.
Service of Evidence by Staff, November 8, 1974.
Service of Company Rebuttal, November 26, 1974.
Hearing, December 10, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21534 Filed 9-17-74;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Notice of Committee Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, October 3, 1974
Thursday, October 10, 1974
Thursday, October 17, 1974
Thursday, October 31, 1974

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Pub. L. 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

SEPTEMBER 13, 1974.

[FR Doc.74-21559 Filed 9-17-74;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on August 28, 1974. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the Federal Register is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

CIVIL AERONAUTICS BOARD

Request for clearance of the reporting requirements contained in the amending to Form 372a concerning travel group charters; frequency will vary because charter flights are not operated on a regular basis; potential resonents are travel group charter organizers; reporting burden is minimal.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74-21517 Filed 9-17-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temp. Reg. D-27; Supp. 3]

ATTORNEY GENERAL OF THE UNITED STATES

Delegation of Authority

1. *Purpose.* This supplement continues in effect the provisions of FPMR Temporary Regulation D-27, January 29, 1971, which delegated authority to the Attorney General of the United States to perform all functions in connection with the leasing of various improved properties in the Maryland and northern Virginia suburbs of Washington, D.C.

2. *Effective date.* This regulation was effective July 1, 1974.

3. *Expiration date.* This regulation expires June 30, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

SEPTEMBER 9, 1974.

[FR Doc.74-21550 Filed 9-17-74;8:45 am]

[FPMR Temp. Reg. F-301]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is hereby delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a case brought by Carolina Power and Light Company before the South Carolina Public Service Commission, Docket No. 17,336, involving increases and adjustments to electric service rates.

b. The Secretary of Defense may redelegate this authority to any officer, official or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

SEPTEMBER 10, 1974.

[FR Doc.74-21551 Filed 9-17-74;8:45 am]

Public Buildings Service

[Wildlife Order 123]

PAUWALU POINT, MAUI, HAWAII

Transfer of Property

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America dated June 24, 1974, the property comprising 8.1 acres of fee land and 1.39 acres of access easement identified as Pauwalu Point, Maui, Hawaii, has been conveyed to the State of Hawaii.

2. The above described property was conveyed for wildlife conservation purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b), as amended by Public Law 92-432.

Dated: September 11, 1974.

L. F. ROUSH,
Commissioner, Public Buildings Service.

[FR Doc.74-21567 Filed 9-17-74;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS

VISUAL ARTS PROGRAM

Guidelines; Fiscal Years 1975 and 1976

The following are guidelines for grants made under the Visual Arts Program of the National Endowment for the Arts, an independent agency of the Federal Government which makes grants to organizations and individuals concerned with the arts throughout the United States.

Notice is hereby given that the deadlines for this program are as follows:

1974	
October 1	Workshop Program, Fiscal Year 1975.
October 15	Printmakers Fellowship, Fiscal Year 1975; Crafts Workshops, Fiscal Year 1975.
November 1	Fellowship Program for Artists, Fiscal Year 1975.
December 20	Craftsmen Fellowships, Fiscal Year 1975.
1975	
January 1	Works of Art in Public Places, Group II and Group III, Fiscal Year 1975; Master Craftworkers Apprenticeship Program, Fiscal Year 1975.
January 15	Photography: Exhibition Aid, Fiscal Year 1975; Visual Arts in the Performing Arts, Fiscal Year 1975.
February 1	Artists Services, Fiscal Year 1975.
May 30	Photographers Fellowship, Fiscal Year 1976.
July 1	Art Critics Fellowship, Fiscal Year 1976.
October 1	Workshop Program, Fiscal Year 1976.
October 15	Printmakers Fellowship, Fiscal Year 1976; Crafts Workshops, Fiscal Year 1976.
November 1	Fellowship Program for Artists, Fiscal Year 1976.
December 20	Craftsmen Fellowships, Fiscal Year 1976.
1976	
January 1	Works of Art in Public Places, Group II and Group III, Fiscal Year 1976.
January 15	Photography: Exhibition Aid, Fiscal Year 1976; Visual Arts in the Performing Arts, Fiscal Year 1976.
February 1	Artists Services, fiscal year 1976.

Applications are accepted and reviewed throughout the year: Artists, Critics, Photographers, and Crafts in Residence Program; Works of Art in Public Places, Group I.

Interested persons should contact Brian O'Doherty, Director, Visual Arts Program, National Endowment for the Arts, Washington, D.C. 20506, (202) 382-7068, for further information and application forms. Only the Visual Arts Program office may distribute application forms.

Signed at Washington, D.C. on 12 September 1973.

FANNIE TAYLOR,
Director, Program Information.

VISUAL ARTS PROGRAM

INTRODUCTION

The Visual Arts Program provides assistance for individual artists of exceptional talent, e.g., painters, sculptors, printmakers, photographers and craftsmen; for the commissioning and placement of art works in public places; for short-term residencies of artists, critics, photographers and craftsmen in educational and cultural institutions and for a variety of flexible programs, including workshops and artists' services. Basically grants are of two kinds—fellowships are available to individuals and project grants are made to organizations. The following information provides some basic facts to keep in mind concerning both types of assistance.

GENERAL INFORMATION

GRANTS TO ORGANIZATIONS

Eligibility. By statute, the National Endowment for the Arts is limited to the support of organizations which meet the following criteria:

(1) Only those organizations which meet the requirements of Title VI of the Civil Rights Act of 1964 for the duration of any project supported in whole or in part by the National Endowment for the Arts.

(2) Only those organizations in which no part of net earnings inures to the benefit of a private stockholder or individual and to which donations are allowable as a charitable contribution under Section 170(c) of the Internal Revenue Code of 1954, as amended. Copy of Internal Revenue Service Determination letter for tax-exempt status must be submitted with each application.

(3) Only those organizations which compensate all professional performers, related or supporting professional personnel, laborers, and mechanics at the equivalent of the prevailing minimum compensation level or on the basis of negotiated agreements which would satisfy the requirement of Parts 3, 5, and 505 of Title 29 of the Code of Federal Regulations for the duration of any project supported in whole or in part by the National Endowment for the Arts.

Method. Generally, project grants to institutions will be made on at least a dollar-for-dollar matching basis. Matching funds must be from non-federal sources.

Procedure for applying. 1) Institutions should use the forms entitled "Project Grant Application" (NEA-3, Rev.). Please follow closely the instruction sheet attached to your application and supply all information requested.

2) *Project Description.* The Project Description should be brief but specific. Spell out concrete details. All essential elements of the proposal must be included in a concise project summary in the space provided on the application. If applicants wish to supply additional information, they should submit no more than one side of one additional page (8½" by 11") with the application.

3) *Budget.* Budget estimates should cover the total project costs. Project costs include total direct and indirect costs essential to the project and consistent with specific program guidelines that follow. Please provide all budget detail and supplemental material required by the Project Grant Application (NEA 3, Rev.) instruction and specific program guidelines.

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FELLOWSHIP GRANT TO INDIVIDUALS

Eligibility. (1) Generally, fellowships will only be made to U.S. citizens.

(2) Students are not eligible.

Method of funding. Grants to individuals are made on a non-matching basis.

Procedure for applying. (1) Individuals applying to the Endowment should use the application forms entitled "Individual Grant Application." (NEA 2, Rev.). These forms must be submitted in triplicate and in accordance with the instruction sheet which is attached.

(2) *Slide Submissions:* All slides should be 35 mm (suitable for carrousel projection) and must be placed in CLEAR PLASTIC SHEETS for easy handling. Please indicate on each slide casing:

(a) Your own name.
(b) Title of the work.
(c) Date.
(d) Medium.
(e) Dimension in inches (height preceeding width preceeding depth).
(f) Top of the work.

Unless stated in the guidelines, materials submitted to the Endowment will not be returned. Please comply with the limit set of the number of prints or slides which are sent to the Endowment. The advisory committees will only review up to the maximum number allowed.

NOTE: The Internal Revenue Code and regulations provide that certain fellowships to individuals who are not candidates for degrees are, within certain limitations, excludable from gross income, for tax purposes. If a fellowship qualifies for this exclusion, the amount is limited to $300 times the number of months the fellowship is intended to cover, but not in excess of 36 months. In addition, amounts received to cover certain expenses for travel, research, clerical help or equipment incident to the fellowship are excludable to the extent of the recipient's actual expenses provided that these expenses are not claimed as a deduction. A pamphlet published by the Internal Revenue Service on this subject and entitled "Tax Information on Scholarships and Fellowships" is reprinted on page 21. This might be helpful in preparing an application for a proposed fellowship. The Endowment cannot advise you as to the deductibility of all or any portion of a fellowship, should one be awarded to you. Advice should be sought from your own tax counselor or local Internal Revenue Service Office.

MAILING ADDRESS

Both individual and project application forms should be returned to the Grants Office, National Endowment for the Arts, Washington, D.C. 20506, postmarked no later than the deadline date. Additional information and application forms may be obtained from the Visual Arts Program, National Endowment for the Arts, Washington, D.C. 20506. Telephone: (202) 382–7068.

REVIEW PROCEDURE

Generally, selection will be made from recommendations of an advisory committee and the National Council on the Arts.

REPORTING REQUIREMENTS

The Endowment requires a fiscal and narrative report on a project at the end of the grant period.

BICENTENNIAL PROGRAMS

The Endowment recognizes that the arts will play an important role in the next few years in the celebration of our country's bicentennial. The Endowment welcomes this involvement on the part of artists and cultural organizations. The Endowment has an active interest in participating in these efforts, within funds available to it, and insofar as they are directed to professional creation and presentation of new works, improvement of artistic standards, preservation of our cultural heritage, and increasing the availability of the arts for all Americans. If funds under these guidelines are sought for projects deemed by the applicant to be related to the bicentennial, a brief description of this relationship should be made in the application.

RESOLUTION ON ACCESSIBILITY TO THE ARTS FOR THE HANDICAPPED

One of the main goals of the National Endowment for the Arts is to assist in making the arts available to all Americans. The arts are a right, not a privilege. They are central to what our society is and what it can be. The National Council on the Arts believes very strongly that no citizen should be deprived of the beauty and the insights into the human experience that only the arts can impart.

The National Council on the Arts believes that cultural institutions and individual artists could make a significant contribution to the lives of citizens who are physically handicapped. It therefore urges the National Endowment for the Arts to take a leadership role in advocating special provision for the handicapped in cultural facilities and programs.

The Council notes that the Congress of the United States passed in 1968 (P.L. 90–480) legislation that would require all public buildings constructed, leased or financed in whole or in part by the Federal Government to be accessible to handicapped persons. The Council strongly endorses the intent of this legislation and urges private interests and government at the state and local levels to take the intent of this legislation into account when building or renovating cultural facilities.

The Council further requests that the National Endowment for the Arts and all of the program areas within the Endowment be mindful of the intent and purposes of this legislation as they formulate their own guidelines and as they review proposals from the field. The Council urges the Endowment to give consideration to all the ways in which the agency can further promote and implement the goal of making cultural facilities and activities accessible to Americans who are physically handicapped.

(Adopted by the National Council on the Arts, September 15, 1973.)

CATEGORIES OF FUNDING

ART CRITICS' FELLOWSHIP PROGRAM

To enable art critics to take on a specific project which in their present circumstances is not feasible.

Eligibility. Art critics of exceptional talent and accomplishment who are published regularly. For the purposes of this program, art criticism is defined as the investigation, evaluation and exposition of contemporary or recent art. (Art historians are not eligible; historians of art whose concerns are primarily scholarly should apply to either the Fellowship Division or the Research Grants Division of the National Endowment for the Humanities, Washington, D.C. 20506, for funding.)

Fellowship amount. Up to $5,000 depending on project.

Deadlines and announcement dates. Applications for Fiscal Year 1976 must be postmarked no later than July 1, 1975. Notices of awards or rejections will not be sent before January 1, 1976. Your proposed activity should not have a beginning date before March 1976 and should generally be carried out during the succeeding twelve months.

Procedure. Please review the instructions given on page 4 and complete the forms entitled "Individual Grant Application" (NEA 2, Rev.). Please include not more than two samples (preferably a specific article or essay) showing your work in its best light. (Samples will not be returned.) Interviews should not be submitted as examples. Each article submitted should not exceed 5,000 words. In addition you should attach not more than one 8½" x 11" sheet indicating the specific project you would undertake should a grant be awarded to you.

CRAFTSMEN'S FELLOWSHIP PROGRAM

To enable craftsmen to set aside time and/or purchase materials and, generally to enable them to advance their careers as they see fit.

Eligibility. Professional craftsmen of exceptional talent—glass workers, metal workers, weavers, potters, and woodworkers—of any age, medium or aesthetic persuasion. Students are not eligible.

Fellowship amount. Up to $5,000.

Deadlines and announcement dates. Applications for Fiscal Year 1975 must be postmarked no later than December 20, 1974. Notices of approval or rejection will not be sent before May 1975. (Slides will not be returned.) Your work under this grant should not have a beginning date before June 1975 and generally should be carried out during the next succeeding twelve months.

Applications for Fiscal Year 1976 must be postmarked no later than December 20, 1975. Notices of approval or rejection will not be sent before May 1976. (Slides will not be returned.) Your work under this grant should not have a beginning

date before June 1976 and generally should be carried out during the next succeeding twelve months.

Procedure. Please review the instructions given on page 4 and complete the forms entitled "Individual Grant Application" (NEA 2, Rev.). In addition, please complete the blue card with name, address and other information requested and return with your application.

Not more than five slides of your work should be submitted. Please read Item 3, page 4 of General Information for accurate instructions for slide submission. Slides will not be returned.

While grants are not made for specific projects, but to buy time and/or materials (see above "aim of grants") you may wish to indicate to the panel the kind of work you do by submitting specific plans or projects. These should be submitted on a single 8½" by 11" sheet and attached to your application.

Applicants may supplement their applications, if they so wish, with not more than two catalogues of recent exhibitions and/or not more than three reviews of recent work.

FELLOWSHIP PROGRAM FOR ARTISTS

To enable artists to set aside time and/or purchase materials and, generally to enable them to advance their careers as they see it. There are two categories of fellowships for artists:

Category I ($7,500) is primarily intended to assist artists in mid-career between, approximately, the ages of 35 and 50 and over. Artists under 35 are not, however, excluded from Category I. A limited number of Category I grants will be set aside for senior artists.

Category II ($3,000) is intended to assist artists in the earlier stages of their careers (from graduation to approximately 35). A limited number of $1,000 fellowships will be set aside within this category for artists under 25.

Generally, support in Category I is for a year, in Category II for six months.

Eligibility. Painters, sculptors, conceptual, performance, and video artists working within a visual arts context, of exceptional talent, of any school or aesthetic persuasion. (Students are not eligible.)

Fellowship Amounts:
$7,500 under Category I.
$3,000 under Category II.

Deadlines and announcement dates. Applications for Fiscal Year 1975, must be postmarked no later than November 1, 1974. Notices of approval or rejection will not be sent before July 1, 1975. Your work under this grant should not have a beginning date before August 1975 and generally should be carried out during the succeeding six or twelve month period depending on the category under which application was made.

Applications for Fiscal Year 1976 must be postmarked no later than November 1, 1975. Notices of approval or rejection will not be sent before July 1976. Your work under this grant should not have a beginning date before August 1976 and generally should be carried out during the succeeding six or twelve month period depending on the category under which application was made.

Procedure. Please review the instructions given on page 4 and complete the forms entitled "Individual Grant Application" (NEA 2, Rev.). Artists may apply under a specific category or they may request that the advisory committee place their application in the appropriate category. In addition, please complete the blue card with name, address and other information requested and return with your application.

Not more than five slides of your work should be submitted. Please read Item 3, page 4 of General Information for accurate instructions concerning slide submission. Slides and other documentation will not be returned. When your work cannot be represented by slides, appropriate documentation will be required. Video artists should send at least one videotape of their work (only half-inch and three-quarter inch tapes will be reviewed). Video tapes will be returned. (While every effort will be made to avoid loss or damage, the Endowment will not be responsible for any loss or damage.)

While grants are not made for specific projects, but to buy time and/or materials (see above "aim of grants"), you may wish to indicate to the panel the kind of work you do by submitting specific plans or projects. These should be submitted on a single 8½" x 11" sheet and attached to your application.

Applicants may supplement their applications, if they so wish, with not more than two catalogues of recent exhibitions and/or not more than three reviews of recent work.

PRINTMAKER'S FELLOWSHIP PROGRAM (PILOT)

To enable printmakers to set aside time and/or purchase materials and, generally to enable them to advance their careers as they see fit.

Eligibility. Professional printmakers and artists of exceptional talent interested in printmaking. Printmakers of any school age, or aesthetic persuasion are eligible. (Students are not eligible.)

Fellowship amount. $3,000.

Deadlines and announcement dates. Applications for Fiscal Year 1975 must be postmarked no later than October 15, 1974. Notices of approval or rejection will not be sent before April 1975. Your work under this grant should not have a beginning date before June 1975 and generally should be carried out during the succeeding twelve months.

Applications for Fiscal Year 1976 must be postmarked no later than October 15, 1975. Notices of approval or rejection will not be sent before April 1976. Your work under this grant should not have a beginning date before June 1976 and generally should be carried out during the succeeding twelve months.

Procedure. Please review the instructions given on page 4 and complete the forms entitled "Individual Grant Application" (NEA 2 Rev.). In addition, please complete the blue card with name, address and other information requested and return with your application.

Not more than five slides of your work should be submitted. Please read Item 3, page 4 of General Information for accurate instructions for slide submission. Slides will not be returned.

While grants are not made for specific projects, but to buy time and/or materials (see above "aim of grants") you may wish to indicate to the panel the kind of work you do by submitting specific plans or projects. These should be submitted on a single 8½" by 11" sheet and attached to your application.

Applicants may supplement their applications, if they so wish, with not more than two catalogues of recent exhibitions and/or not more than three reviews of recent work.

PHOTOGRAPHER'S FELLOWSHIP PROGRAM

The overall aim of the Photographer's Fellowship Program is to assist in the contribution made by photography to our culture. The specific aim is to allow photographers of exceptional talent to set aside time and/or purchase materials and, generally, to enable them to advance their careers as they see fit. Technical investigations will not have a high priority generally.

Eligibility. Still photographers of exceptional talent.

Fellowship amounts. Fellowships ordinarily will not exceed and generally will be $5,000.

Deadline and announcement date. Applications for Fiscal Year 1976 must be postmarked no later than May 30, 1975. (Prints will not be returned before December 1975.) Notices of approval or rejection will not be sent before October 1975. Your work under this grant should not have a beginning date before November 1975 and generally should be carried out during the succeeding twelve months.

Procedure. Please review the instructions given on page 4 and complete the forms entitled "Individual Grant Application" (NEA 2 Rev.). In addition, please complete the blue card with name, address and other information requested, and return with your application.

Up to ten prints should be submitted with your application. Photographs will be returned. (While every effort will be made to avoid loss or damage, the Endowment will not be responsible for any loss or damage.) Framed photographs will not be accepted. Photographers should note that large and oversized packages tend to suffer in transit and handling.

While grants are not made for specific projects, but to buy time and/or materials (see above "aim of grants"), you may wish to indicate to the panel the kind of work you do by submitting specific plans or projects. These should be submitted in a single 8½" by 11" sheet and attached to your applications.

Applicants may supplement their applications, if they so wish, with not more than two catalogues of recent exhibitions and/or not more than three reviews of recent work.

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ARTISTS, CRITICS, PHOTOGRAPHERS AND CRAFTSMEN IN RESIDENCE PROGRAM

To make it possible for art schools, university art departments and other institutions to invite artists, critics, photographers and craftsmen of national reputation for short-term stays to instruct, influence and stimulate students and faculty while practicing their professions. We believe that such circulation of professionals of exceptional talent benefits the students, the faculty, and the visiting artists.

Institutions select the artist(s), critic(s), photographer(s) or craftsmen of their choice and work out a mutually acceptable schedule of activities with emphasis on student contact. While new methods are not necessarily better, more inventive ways of bringing this contact about may be desirable; for instance, making the evolution of a work of art itself the teaching situation, or engaging the students as assistants in some project or process.

Eligibility. While aimed primarily at art schools and university art departments, other organizations such as museums, state art agencies, and community centers also may apply.

Grant amounts. Grants will usually not exceed $1,500 and will be made on a matching basis. Larger grants are occasionally given for extraordinary projects. Project budgets generally should include only artists' fees and transportation for the artist to the university, museum or community center at the start of the project and return to his home at the end of the project.

Deadline and announcement date. Applications for this program are accepted and grants are made throughout the year. However, applications should be received six months before the planned residence will begin.

Procedure. Please review the instructions given on page 3 and complete the forms entitled "Project Grant Application" (NEA 3, Rev.). It is not necessary to have chosen the artist(s) at the time the application is filled out.

WORKSHOP PROGRAM

The aim of the Workshop Program is to assist the production of new work by artists of exceptional talent and to give artists a place to work. The program also encourages artists to test ideas and media, and to devise modes of working together.

Eligibility. For the purposes of this program, a "workshop" is defined as a place with facilities where a group of artists who share common aesthetic and technical interests come together for the purpose of making or exhibiting works of art in a situation in which they derive stimulation from each other's presence and ideas. The workshop or organization holding the workshop must be tax-exempt.

Applicants are required to submit a copy of their Internal Revenue Service tax exemption status letter with every application. Workshops must have been in existence for at least one year. Workshops must be for the benefit of groups of practicing professional artists. Amateur or adult education groups are not eligible. Workshops may be independent or attached to museums, universities, art schools, etcetera. In the latter case, while student may benefit, the emphasis must be on work by practicing professional craftsmen.

Grant amounts. Grants will usually not exceed $15,000 and will be made on a matching basis. (Total project at least $30,000.)

Deadlines and announcement dates. Applications for Fiscal Year 1975 must be postmarked no later than October 1, 1974. Notices of approval or rejection will not be sent before April 1, 1975. Your proposed activity should not have a beginning date before May 1975 and generally should be carried out during the succeeding twelve months.

Applications for Fiscal Year 1976 must be postmarked no later than October 1, 1975. Notices of approval or rejection will not be sent before April 1976. Your proposed activity should not have a beginning date before May 1976 and generally should be carried out during the succeeding twelve months.

Procedure. Please review the instructions given on page 3 and complete the forms entitled "Project Grant Application" (NEA 3, Rev.). Grant funds requested should be for the support of working activities for not more than one year starting May 1975 or May 1976 and may not exceed or be deferred to another year, except under unusual circumstances.

NOTE: Your application will not be considered by the panel unless biographies of the artists involved in the workshop and 5 slides of each artist's work are included. (Please read carefully Item 3, General Information, page 4 for accurate instructions on slide submission.)

CRAFTS WORKSHOP PROGRAM

The aim of the Crafts Workshop Program is to assist the production of new work by craftsmen of exceptional talent and to give craftsmen a place to work. The program also encourages artists to test ideas and media, and to devise modes of working together.

Eligibility. For the purposes of this program, a "crafts workshop" is defined as a place with facilities where a group of artists who share common aesthetic and technical interests come together for the purpose of making or exhibiting works of art in a situation in which they derive stimulation from each other's presence and ideas. The workshop or organization holding the workshop must be tax-exempt.

Applicants are required to submit a copy of their Internal Revenue Service tax exemption status letter with every application. Workshops must have been in existence for at least one year. Workshops must be for the benefit of groups of practicing professional artists. Amateur or adult education groups are not eligible. Workshops may be independent or attached to museums, universities, art schools, etcetera. In the latter case, while student may benefit, the emphasis must be on work by practicing professional craftsmen.

Grant amounts. Grants will usually not exceed $15,000 and will be made on a matching basis. (Total project at least $30,000.)

Deadlines and announcement dates. Applications for Fiscal Year 1975 must be postmarked no later than October 15, 1974. Notices of approval or rejection will not be sent before April 1975. Your proposed activity should not have a beginning date before May 1975 and generally should be carried out during the succeeding twelve months.

Applications for Fiscal Year 1976 must be postmarked no later than October 15, 1975. Notices of approval or rejection will not be sent before April 1976. Your proposed activity should not have a beginning date before May 1976 and generally should be carried out during the succeeding twelve months.

Procedure. Please review the instructions given on page 3 and complete the forms entitled "Project Grant Application" (NEA–3, Rev.). Grant funds requested should be for the support of workshop activities for not more than one year starting May 1975 or May 1976 and may not extend or be deferred to another year, except under unusual circumstances.

NOTE.—Your application will not be considered by the panel unless biographies of the craftsmen involved in the workshop and 5 slides of each craftsmen's work are included. (Please read carefully Item 3, General Information, page 4 for accurate instructions on slide submission.)

MASTER CRAFTWORKERS APPRENTICESHIP PROGRAM (PILOT)

The aim of the program is to enable master craftworkers to hire an apprentice for periods of, generally, nine months to impart their skills to the apprentice, who in turn assists them at their work.

Eligibility. Master craftworkers in glass, metal, textile, ceramics and wood.

Grant amounts. $3,000. This sum should be passed to the apprentice in a way agreed upon by master and apprentice. It is suggested that equal monthly stipends be arranged, i.e., $300 each month for nine months. The apprentice is responsible for his own living expenses. $300 should be retained by the master craftsman or woman to pay for his/her administrative expenses.

Deadlines and announcement dates. Applications for Fiscal Year 1975 must be postmarked no later than January 1, 1975. Notices of approval or rejection will not be sent before July 1975. Your proposed activity should not have a beginning date before September 1975 and generally should be carried out during the succeeding twelve months.

Applications for Fiscal Year 1976 must be postmarked no later than January 1, 1976. Notices of approval or rejection will not be sent before July 1976. Your proposed activity should not have a beginning date before September 1976 and generally should be carried out during the succeeding twelve months.

Procedure. Master craftsmen and women may choose their own apprentice; the name of the proposed apprentice should be given in the application. Apprentices should have exhibited professional aptitude in their respective media. Master craftsmen and women must have proper facilities (e.g. a workshop sized studio). Facilities must be adequate to accommodate a second working professional.

Applicants should submit not less than 5 slides of their work, and give a brief description of the expected relationship.

An evaluation should be sent to the Endowment by master and apprentice at the end of the apprenticeship period.

PHOTOGRAPHY: EXHIBITION AID

The aim of this program is to bring photography exhibitions of contemporary and/or historical importance to the public in a variety of appropriate situations.

Eligibility. Universities, museums, community center, theaters, libraries, churches, prisons, cooperative nonprofit photography galleries, state art agencies, etc.

Grant amounts. Matching grants will normally not exceed $10,000 for major exhibitions and $5,000 for other projects.

Deadlines and announcement dates. Applications for Fiscal Year 1975 must be postmarked no later than January 15, 1975. Notices of approval or rejection will not be sent before June 1975. Your proposed activity should not have a beginning date before July 1975 and generally should be carried out during the succeeding twelve months.

Applications for Fiscal Year 1976 must be postmarked no later than January 15, 1976. Notices of approval or rejection will not be sent before June 1976. Your proposed activity should not have a beginning date before July 1976 and generally should be carried out during the succeeding twelve months.

Procedure. Please review the instructions on page 3 and complete the forms entitled "Project Grant Application" (NEA–3, Rev.). Evidence of ability to carry through the planned exhibition must be supplied. More formal situations, museums and universities, should supply budgets of previous exhibitions as a guideline to funding, and should indicate such matters as number of photographs, whether exhibition will travel, person responsible for exhibition, for catalogue introduction and preparation. For less formal situations, the Endowment may encourage the originators of an exhibition to avail themselves of the advice of a consultant they may select from a standing panel of nationally recognized photography experts.

NOTE.—Since catalogue are a valuable photographic record, works of art in themselves, and often contain essays of importance to the field, special consideration will be given to funding catalogues of lasting value to the field. A breakdown of catalogue budgets should be included by your application: size, number of pages, reproductions, kind of paper, cover, number to be printed, details on texts, et cetera. Expected income should also be indicated.

NOTE: Cooperative nonprofit galleries are mentioned above. Special consideration will be given to such galleries attempting to advance the knowledge and popularity of quality photography by contemporary photographers of exceptional talent.

VISUAL ARTS IN THE PERFORMING ARTS

The aim of the program is to make outstanding artists, who are not professional stage or costume designers, available to performing arts groups.

Funds will be available to performing arts groups who wish to encourage the participation of artists of exceptional talent in three areas:

(1) Design of posters which advertise single productions or season's offerings and have limited signed editions.

(2) Design of sets for plays, operas and dance performances.

(3) Design of costumes for plays, operas and dance groups, with the emphasis on dance groups.

(Numbers 2 and 3 for sets and costumes may be combined in applications. Isamu Noguchi sets for Martha Graham and the Robert Rauschenberg and Jasper Johns sets and costumes for Merce Cunningham are cited as successful examples of numbers 2 and 3.)

Eligibility. Professional performing groups (dance companies, orchestras, opera companies, theatre companies, et cetera). Individual artists may not apply under this program.

Grant amounts. Grants for design of posters (No. 1 above) will generally not exceed $1,500 and generally must be matched by at least an equal amount from non-federal sources. Grants for sets or costumes will usually not exceed $5,000 and generally must be matched by at least an equal amount from non-federal sources. In the case of grants for set and costume design, subsidiary expenses which result directly from the engagement of the artist may also be considered.

NOTE.—These funds are mainly intended to be used for the artists' fee. They should not be used to replaced funds already in company budgets for costumes, sets, or posters.

Deadlines and announcement dates. Application for Fiscal Year 1975 must be postmarked no later than January 15, 1975. Notices of approval or rejection will not be sent before July 1975. Your proposed activity should not have a beginning date before August 1975 and generally should be carried out during the succeeding twelve months.

Application for Fiscal Year 1976 must be postmarked no later than January 15, 1976. Notices of approval or rejection will not be sent before July 1976. Your proposed activity should not have a beginning date before August 1976 and generally should be carried out during the succeeding twelve months.

Procedure. Please review the instructions on page 3 and complete the forms entitled "Project Grant Application" (NEA–3, Rev.). The "Summary of Project Description" should include specific information concerning the production and the artists or designers you have in mind. The artists should be seriously interested and have time available to undertake the project. The intended artist's biography and slides of his work must be included with the application.

(Please read carefully Item 3, General Information, page 4 for accurate instructions on slide submission.)

WORKS OF ART IN PUBLIC PLACES

The aim of the program is to give the public access to the best contemporary art in public situations outside museum walls.

The Endowment intends that the work of art will contribute to the public's enjoyment, education and enlightenment; that it will create a favorable climate for the reception of all the arts; and that a distinguished heritage of public art will be passed on to future generations.

The art works may be in any one of the following media: painting (murals), sculpture, prints, crafts (tapestries, ceramics, and weavings), photography (murals).

The art should be appropriate both for its immediate site and for the city and region.

Public places are defiend as city spaces, outdoor and indoor; proposals for such public places as airports, subways, highways, etcetera, will also be considered.

Privately owned land may be used as a site, if such land is either under lease to local governments for public purposes, or is what may reasonably be considered as a "public area" i.e. an area to which the general public, or as in the case of a housing development or university complex, the local community has free and unimpeded access.

The program also aims to provide opportunities, challenges and employment for the nation's artists of exceptional talent.

A significant part of the program is the stimulation of an effective partnership between cities, states, private institutions, the private sector, and the Federal Government.

Matching funds are required for all Works of Art in Public Places Projects. The Endowment recommends that the local funds be raised on as wide a base as is practical for each project. Community interest and involvement in raising matching funds usually helps each project considerably. Applicants should break down the expected sources of matching funds as much as possible. The Endowment requires a firm assurance that matching funds will be available for each project.

Eligibility. All cities, towns, and other non-federal governmental units; universities and non-profit tax-exempt private groups; state arts agencies. Artists selected for Works of Art in Public Places, wherever situated, should be of regional or national significance.

Grant amounts. Matching from $5,000 to $50,000.

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Procedure. Works of Art in Public Places is made up of a number of smaller programs each administered differently and each responding to different needs. Since each individual application tends to have its unique aspects, any application that does not fit easily into any of the following categories should be discussed—either by letter or telephone—with the Visual Arts Program, National Endowment for the Arts, Washington, D.C. 20506 (202 382–7068.

In general, the financial scale of the proposed project has a distinct bearing on its mode of administration.

GROUP I: SPECIALLY COMMISSIONED WORK

Grant amounts from $20,000 to $50,000 (matching) in sculpture; from $10,000 to $25,000 (matching) in murals (painting, prints, photography).

Applications. May be received from eligible groups for matching grants. The application should be signed by the mayor and/or the official with authority to legally bind the group. Where the applicant is not a governmental unit, the nature of the site and of public access to the work should be described.

It is the Endowment's experience that successful projects require strong local support—both financial and administrative—from an aesthetically sophisticated group.

Selection of artist. After approval of a grant, the applicant should appoint three individuals with knowledge of the local area and of contemporary art to a selection committee. The Endowment will also appoint three nationally recognized experts to the selection committee. The six will meet to select the artists to be commissioned. The cost of the panel meeting will be borne by the local group. The local group will then approach the artist, who, if interested, will submit a model or maquette for the project, which the local representatives should approve. The National Council on the Arts will also have the opportunity to review the model. Contractual arrangements should be worked out directly between the local group and the artist. While the selection panel is of course free to come to what it considers an appropriate decision, the National Council suggests that the panel keep in mind the opportunities for younger and mid-career artists in the public art area are limited, and should, if possible, be encouraged.

Deadlines and announcement dates. Applications will be accepted through the year for Group I. However, applications should be received six months before the project is scheduled to begin.

GROUP II: PURCHASED WORK

Grant amounts from $10,000 to $20,000 (matching) in sculpture; $7,500 to $15,000 (matching) in murals.

Applications. As before, in addition, artists or artists' groups may apply if a community or other governmental unit has indicated sufficient interest in a specific proposal. Evidence of such support should be submitted with the application.

(A) The applicants may propose to the Endowment a particular work they would like to purchase for an appropriate site. The application will be reviewed by an Endowment advisory committee and the National Council on the Arts which will make a recommendation to the Chairman. This recommendation will be based not only on the appropriateness of the art work for the particular site, but also on the concern of the National Council that the program reflect the diversity of contemporary art, and avoid repeated patronage of a few artists.

(B) Should the group require advice before coming to a decision on the art work they feel appropriate, the Endowment will make available a consultant to advise the group. This consultant will be a nationally recognized expert in contemporary public art. He will meet with the local group, inspect the site, discuss contemporary art with the applicants, make suggestions and generally provide professional assistance. The consultant's initial fee will be paid by the Endowment. After the approval of the grant, any further consultant's fees will be paid by the local group.

Application material, Group II. Applications to be complete must be accompanied by:

(1) a photograph of the site in relation to surrounding buildings, interiors, et cetera.
(2) a photograph of the work(s).
(3) a composite photograph or mock-up of the work, in proper scale, as it would look in the site.

The following details should also be included:

(1) the cost of the work.
(2) whether it is unique or one of an edition.
(3) artist's fee.
(4) the dealer's fee, if any.

Incomplete applications will not be submitted to the advisory committee for review.

NOTE.—The National Council on the Arts, acting both on its own initiative and on the recommendation of a number of Visual Arts advisory committees, has recommended to the Chairman that dealer's fees not exceed ten percent of the artist's fee, after manufacture or cost of the work was subtracted.

The cost of site preparation is borne by the applicant.

Deadlines and announcement dates. Applications for Fiscal Year 1975 in Category II must be postmarked no later than January 1, 1975. Notices of approval or rejection will not be sent before June 1975. Your proposed activity should not have a beginning date before July 1975.

Applications for Fiscal Year 1976 in Category II must be postmarked no later than January 1, 1976. Notices of approval or rejection will not be sent before June 1976. Your proposed activity should not have a beginning date before July 1976.

GROUP III

Small projects, funding up to $10,000 (matching). While guidelines and procedures apply generally as in Group II, Group III is intended to provide opportunities for younger artists, to enable communities and groups to test the idea of public art in their particular situations, and to encourage groups to test situations where public art is not primarily considered but would be appropriate: i.e. subways, highways, paintings, and prints and small sculpture for interior display in public buildings, et cetera.

Deadlines and announcement dates. Applications for Fiscal Year 1975 in Category III must be postmarked no later than January 1, 1975. Notices of approval or rejection will not be sent before June 1975. Your proposed activity should not have a beginning date before July 1975.

Applications for Fiscal Year 1976 in Category III must be postmarked no later than January 1, 1976. Notices of approval or rejection will not be sent before June 1976. Your proposed activity should not have a beginning date before July 1976.

ARTISTS' SERVICES

A limited number of grants will be available to organizations or artists' groups concerned with the area of services. Services cover a number of categories designed to assist the artist in every aspect of his professional life including:

(1) Dissemination of information through directories and documentation.
(2) Technical research into old and new media.
(3) Clarification of artists' rights.
(4) Investigation of health and safety factors or artists' media.

The program also encourages established resource facilities to study and solve new problems that arise for artists in the course of their every day lives.

Eligibility. Nonprofit, tax-exempt organizations which provide services to visual artists. In rare circumstances grants will be made to individuals providing services not provided by any existing organization.

Grant amounts. Grants will be made on a matching basis and normally will not exceed $10,000.

Deadlines and announcement dates. Applications for Fiscal Year 1975 must be postmarked no later than February 1, 1975. Notices of approval or rejection will not be sent before June 1975. The proposed activity should not have a beginning date before July 1975.

Applications for Fiscal Year 1976 must be postmarked no later than February 1, 1976. Notices of approval or rejection will not be sent before June 1976. The proposed activity should not have a beginning date before July 1976.

Procedure. Please review the instructions on page 3 and complete the forms entitled "Project Grant Application" (NEA–3, Rev.).

TAX INFORMATION ON FELLOWSHIP GRANTS[1]

FELLOWSHIPS

A fellowship grant generally means an amount paid or allowed to, or for the benefit of, an individual to aid him in the pursuit of study or research. The term also includes any amount received in the nature of a family allowance as a part of a fellowship grant.

A "research fellowship" grant awarded by the American Heart Association, Inc., to aid individuals in pursuing further training subject to the approval of the Association, qualifies as a fellowship grant.

However, "established investigatorship" awards given to individuals who have the ability to conduct independent research in the cardiovascular field are not fellowship grants since the primary purpose of the research activities is to benefit the grantor's program rather than to train the recipients.

Payments to National Teacher Corps teacher interns during training and in-service periods do not qualify as fellowships.

An award made by the National Foundation on the Arts and Humanities, an independent agency in the Executive Branch of the U.S. Government, to aid an individual in completion of his novel in progress, qualifies as a fellowship grant since it enables him to pursue a program of research, interpretation or original thought. Similarly, grants-in-aid by a tax-exempt foundation to creative writers to enable them to pursue their artistic talents without concern for making a living qualify as fellowship grants.

COMPENSATION FOR SERVICES

Payments that represent compensation for past, present, or future services performed by you are not excludable from gross income.

If the amounts you receive represent payment for services that are subject to the supervision or direction of the grantor, they do not qualify as "scholarships" or "fellowship" grants.

"Supervision or direction of the grantor" implies that the services are so subject to the grantor's discretion that they primarily benefit the grantor and only secondarily serve as an educational or research opportunity for the grantee.

In this context "supervision or direction of the grantor" goes beyond the supervision or direction which normally characterizes a student-teacher or instructor-trainee relationship.

Example 1. The constant direction or supervision a Certified Registered Nurse Anesthetist gives a student nurse so the student may receive the required clinical training to graduate is not "supervision or direction of the grantor" which would classify the compensation as primarily for the grantor's benefit and disqualify it as a scholarship or fellowship.

Example 2. A university established a work program as a requirement for a Bachelor of Science degree. Under the program the university assisted the students in securing outside employment.

Upon employment, it was solely within the discretion of the outside employer to determine what a student's activities were to be, based on the employer's needs. The students were paid amounts which equalled amounts received by regular employees with the same background.

Since the students were solely subject to the direction and supervision of the outside employer, their compensation could not be excluded from gross income as a scholarship or fellowship grant.

When resident physicians are paid stipends for medical research at a hospital and this research is optional, subject to the approval of the director of training, and the research findings are sometimes used in formulating management or treatment programs, the stipends are additional compensation and not scholarships or fellowship grants, since the duties performed primarily serve the operational needs of the hospital.

Amounts received by students for services performed on a research project, which a university contracted to perform for a consideration, are compensation regardless of how such consideration is designated. Such amounts are not converted to scholarships or fellowship grants merely because the research can be used for credits toward degrees or may be required to obtain a degree. Normally, if the services are required of all candidates for a particular degree (whether or not recipients of scholarships or fellowship grants) as a condition of receiving the degree, the compensation for the services may be excluded from gross income.

DOES YOUR GRANT QUALIFY

If there is some doubt as to the qualification of your grant, you first should consult the grantor. He may have received advice from the Internal Revenue Service about its appropriate tax treatment. You may also write to the District Director of the Internal Revenue Service for the district in which you reside or to the Commissioner of Internal Revenue, Washington, D.C. 20224, Attention: T:I:I:, for further information. Be sure to request the information as soon as possible, so that you can receive a timely answer for filing your return. If you request advice by mail be sure to include:

(1) A copy of the application for the grant.
(2) A copy of the grant itself.
(3) A statement as to whether you are a candidate for a degree. If not, include a list of grants received since January 1, 1954, while you were not a candidate for a degree, showing amounts excluded as scholarships and fellowship grants and the number of months for which such amounts were excluded.
(4) A statement as to whether any amounts are received specifically to cover expenses for travel, research, clerical help, or equipment incident to the scholarship or fellowship grant.
(5) A statement showing precisely what your duties and obligations are under the grant; for example, whether you have freedom of choice in your studies or research or they are performed subject to supervision and control; also, whether they are accomplished during the course of a specific project of the grantor.
(6) A copy of any published literature or pamphlets describing the grant.

TAXATION OF SCHOLARSHIP AND FELLOWSHIP GRANTS

If your grant qualifies as a scholarship or fellowship grant, then the extent of the amount excludable from income will be determined by whether or not you are a candidate for a degree.

CANDIDATE FOR DEGREE

A candidate for a degree is an individual, whether an undergraduate or a graduate, who is pursuing studies or conducting research to meet the requirements for an academic or professional degree conferred by a college or university. It is not essential that the study or research be pursued or conducted at an educational institution that confers these degrees if its purpose is to meet the requirements for a degree of a college or university that does confer them. A student who receives a scholarship for study at a secondary school or other educational institution is considered to be a candidate for a degree.

The scholarship or fellowship grant of a candidate for a degree is fully excluded from income for the following:

(1) The basic scholarship or fellowship grant, which consists of the full amount of the grant and the value of any contributed services and accommodations (for example, room and board); plus
(2) Any amount received incident to the grant that is specifically designated to cover expenses for travel (including meals and lodging while traveling and an allowance for travel of the individual's family), research, clerical help and equipment. To be excluded from income these amounts must actually be spent for the purpose of the grant.

Amounts received under the grant that represent payments for teaching, research, or other part-time employment required as a condition for receiving the grant are taxable, unless required as a condition of receiving a degree. If the grant also includes amounts for travel, research, clerical help, and equipment, the portion of these amounts attributable to the compensation is also included in income.

Studies leading to certification to practice a profession do not qualify you as a candidate for a degree.

Example 1. Miss Harris, a registered nurse, received a grant from a charitable foundation to attend a local university to take training leading to certification as a psychiatric nurse. Her studies for certification are not equivalent to being a candidate for a degree.

Example 2. Mr. Smith, who possesses a Ph. D. degree in psychology, accepted a grant from an educational institution to pursue a 4-year study program leading to certification enabling him to practice psychoanalysis.

The study program does not qualify Mr. Smith as a candidate for a degree.

GRADUATE STUDENT TEACHING ASSISTANTSHIPS

Generally, such teaching assistantships are includable in income. To be excludable from income, the graduate student teaching assistantship must meet the general requirements of a scholar-

[1] Reprinted from: Internal Revenue Service Publication 520 (Revised October 1973).

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ship or fellowship grant. (See "Scholarship and Fellowship Grants," on page 2.)

It is immaterial that the teaching requirement is imposed on all candidates for the graduate degree since the exclusion from income is inapplicable unless it is first established that a scholarship or fellowship grant exists.

If you received 2 or more grants during the year, all the amounts should be totaled to determine what portion may be excluded from income. If these amounts are received during the same month or months within the year, each month is counted only once in determining the number of months in which you received amounts under the grants.

NOT A CANDIDATE FOR DEGREE

Individuals who are not candidates for degrees treat their scholarships or fellowship grants for tax purposes, in the following manner:

(1) The basic grant, which consists of the amount of the scholarship or fellowship plus the value of contributed services and accommodations such as room and board received incident to the grant, is excluded from income in any tax year to the extent of $300 times the number of months for which amounts under the grant were received during that year. There is a further limitation to the amount of this exclusion, discussed under the "36-month limit;" below.

(2) Amounts received incident to the grant that are specifically designated to cover expenses for travel (including meals and lodging while traveling, and an allowance for travel of the individual's family), research, clerical help, and equipment are fully excluded if actually spent for the stated purposes, but see below.

For an individual who is not a candidate for a degree to receive the tax benefit described above, the grantor of the scholarship or fellowship grant must be one of the following:

(1) A nonprofit organization exempt from Federal income tax and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or the prevention of cruelty to children or animals;

(2) A foreign government;

(3) An international organization, or a binational or multinational educational and cultural foundation or commission created or continued pursuant to the Mutual Educational and Cultural Exchange Act of 1961 (the Fulbright Hays Act); or

(4) The United States, or an instrumentality or agency thereof, a state, or a possession of the United States, or any political subdivision thereof, or the District of Columbia.

If the grantor is not one of these the grant is taxable income.

The limitation of $300 per month applies only to the basic grant. It does not apply to amounts received pertaining to the grant that are specifically designated to cover expenses for travel, research, clerical help, or equipment. Such amounts are generally entirely excludable if they are actually spent for these purposes during the term of the scholarship or fellowship grant or within a reasonable time before and after that term. If the amounts are not spent for these purposes they must be included in gross income unless they are returned to the grantor. If the amounts received to cover these expenses are not specifically so designated in the grant they are taxable whether or not spent.

36-month limit. The $300 per month exclusion may not be claimed for an aggregate of more than 36 months. These 36 months need not be consecutive. Each month for which such an individual receives (or has received) a grant counts, including those months during which he may have received less than $300. The claiming of the exclusion for the maximum period of 36 months by an individual who is not a candidate for a degree will not prevent the individual from claiming a further exclusion, as explained earlier in this publication, should he or she become a candidate for a degree.

If the basic grant becomes taxable because of the expiration of the 36-month benefit period, amounts pertaining to the basic grant received for travel, research, clerical help, or equipment also become taxable.

Example 1. Mr. Baker, who is not a candidate for a degree and has not exhausted his 36-month benefit period, was awarded a postdoctorate fellowship by a tax-exempt U.S. foundation to pursue specified studies at a university in State Y. Under the terms of the grant he is to receive $500 per month for the nine-month period beginning September 1972. He is also to receive $250 for research supplies. The State Y Educational Commission awarded him $400 to cover travel expenses. The university is contributing room and board, which has a value of $100 a month. He computes the amount of taxable income for the years 1972 and 1973 in the following manner:

1972

Fellowship (4 months x $500)	$2,000
Contributed room and board (4 months x $100)	400
Travel expenses $400	—0—
Research supplies $250	—0—
The last two items are excluded if they are spent for designated purposes.	
Total	$2,400
Exclusion (4 months x $300)	1,200
Amount subject to tax	$1,200

1973

Fellowship (9 months x $500)	$4,500
Contributed room and board (5 months x $100)	500
Total	$4,900
Exclusion (5 months x $300)	1,500
Amount subject to tax	$2,200

Example 2. All the facts are the same as in Example 1, except that Mr. Baker received his entire fellowship of $4,500 (9 months x $500) in September 1972.

1972

Fellowship (9 months x $500)	$4,500
Contributed room and board (4 months x $100)	400
Total	$4,900
Exclusion (9 months x $300)	2,700
Amount subject to tax	$2,200

1973

Contributed room and board (5 months x $100)	$500
Exclusion	—0—
Total	$500

Mr. Baker has no exclusion in 1973 because his $300 per month exclusion for the first five months of 1973 was applied in 1972. The grant must be considered for tax purposes in the year in which it is received. The amounts he received for travel and research supplies are not included in income if they are spent for the designated purposes.

[FR Doc.74-21547 Filed 9-17-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR PSYCHOBIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given of a meeting of the Advisory Panel for Psychobiology to be held at 9 a.m. on October 3 and 4, 1974, in Room 338 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of the Panel is to provide advice and counsel concerning support for research in Psychobiology. The agenda for October 3 (from 9 a.m. to 11 a.m.) will be devoted to discussion of significant research opportunities in Psychobiology and will be open to the public. The agenda for the remaining session on October 3 and the entire session on October 4 will be devoted entirely to the evaluation of research proposals and therefore will be closed to the public.

These closed sessions of the meeting are concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

Individuals who wish to attend the open session on October 3, should inform Dr. Jacob Beck, Program Director, Psychobiology Program, by telephone (202/632-4264) or by mail, Rm. 333, 1800 G Street NW., Washington, D.C. 20550, prior to the meeting.

Persons requiring further information concerning this Panel should contact Dr. Jacob Beck at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Rm. K-720, 1800 G Street NW., Washington, D.C. 20550.

Dated: September 12, 1974.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.74-21512 Filed 9-17-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Request

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 13, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

ACTION

Youth Challenge Program, Evaluation Study; Form ----, Occasional, CVAD/Lowry 395-3532/395-4529, Grantees and related participants.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:

Assessment of School-Supervised Cooperative Work-Education Programs, Form OE 371, Single time, HRD/Planchon 395-3532/395-3898, State and local Educational Administration.

School Climate Questionnaires: Elementary Students and Secondary Students, Forms OE 864-2 thru 4, Semiannual, Planchon 395-3898, Elementary and secondary students.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development: Bicentennial Questionnaire, Form ----, Single time, CVAD 395-3532, Individuals.

Policy Development and Research, Elderly Property Tax Relief Survey, Form ----, Single time, Sunderhauf/Ellett 395-4911/395-6172, State and local directors of Taxation.

REVISIONS

ACTION

National Survey College Student Volunteer Programs: Form A-138, Annual, Lowry 395-4529, Colleges and universities.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration:

Survey of Admissions, Form MH 186, ADAMMH 0905, Single time, L. Collins 395-3756, Phychiatric hospitals and clinics.

Survey of Discharges—General Hospital Psychiatric Units, Form ADM 186, Single time, Collins 395-3756, General hospitals.

VETERANS ADMINISTRATION

Report of Home Loan Processed on Automatic Basis: Form 26-1820, Occasional, Lowry 395-4529, Veteran and lender.

EXTENSIONS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Housing Administration:

Application for Mortgage Insurance-Sec. 213, Sales Type, Form FHA 3202, Occasional, CVAD 395-3532, Developers of housing projects.

Income and Market Absorption Record, Form FHA 184, Semiannual, Evinger 395-3648, Apartment houses.

Monthly Report of Excess Income (Sec. 236-Non-insured), Form FHA 3104-A, Monthly, CVAD 395-3532, Housing Corporations.

Construction Complaint, Form FHA 2556, Occasional, CVAD 395-3532, Homeowner.

Application for Assistance in Planning a Housing Project, Form FHA 2200, Occasional, CVAD, 395-3532, Business firms.

Application for Designation as Fee Personnel, Form FHA 2563, Occasional, CVAD, 395-3532, Appraisers, examiner or inspector requesting fee work.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-21737 Filed 9-17-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

SEPTEMBER 11, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 12, 1974 through September 21, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-21624 Filed 9-17-74;8:45 am]

[Rel. No. 18561; (70-5545)]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

SEPTEMBER 12, 1974.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up to $25,000,000 principal amount of First Mortgage Bonds, due November 1, 1979. The interest rate (which will be a multiple of ⅛% of 1%) and the price (which will be not less than 100% and not more than 102.75% of the principal amount of the 1979 Series Bonds, plus accrued interest from November 1, 1974 to the date of delivery) will be determined by competitive bidding. The Bonds will be issued under Indenture, dated as of March 1, 1946, of Jersey Central to First National City Bank, successor to First National City Trust Company (formerly City Bank Farmers Trust Company), Trustee, as heretofore supplemented and amended, and as to be further supplemented and amended by a Twenty-fifth Supplemental Indenture to be dated as of November 1, 1974.

The entire proceeds (exclusive of premium and accrued interest) from the sale of the 1979 Series Bonds, will be applied to the payment of a portion of Jersey Central's short-term bank loans outstanding at the date of sale of the 1979 Series Bonds or for construction purposes or to reimburse Jersey Central's treasury for funds previously expended therefrom for such purposes. Premium resulting from the sale of the 1979 Series Bonds will be used for financing the business of Jersey Central, including the payment of the expenses of issuing and selling the 1979 Series Bonds. The estimated cost of Jersey Central's 1974 construction program is approximately $160,000,000.

The fees and expenses to be paid by Jersey Central in connection with the issue and sale of bonds, including legal fees, will be supplied by amendment. It is stated that the Public Utility Commissioners of New Jersey has jurisdiction over the proposed issue and sale of bonds by Jersey Central and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 7, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and

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proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-21623 Filed 9-17-74;8:45 am]

[File No. 500-1]

SAVOY INDUSTRIES, INC.

Notice of Suspension of Trading

SEPTEMBER 12, 1974.

The common stock of Savoy Industries, Inc., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Savoy Industries, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from September 13, 1974 through September 22, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-21625 Filed 9-17-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-Region IV, Rev. 1, Amdt. 1]

ASSISTANT REGIONAL DIRECTOR FOR FINANCE AND INVESTMENTS, ET AL.

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30-Region IV (Revision 1), 39 FR 11352 is hereby amended, because of transfer of program activities and personnel from Gulfport, Miss. to Biloxi, Miss., to change all references in the above delegation of authority from Gulfport, Miss. Branch Office to Biloxi, Miss. Branch Office.

Effective date: August 19, 1974.

WILEY S. MESSICK,
Regional Director,
Region IV.

[FR Doc.74-21553 Filed 9-17-74;8:45 am]

VETERANS ADMINISTRATION

ENVIRONMENTAL QUALITY

Subdivision Processing of VA Loan Guaranty Program; Procedures and Policies

Notice is hereby given of the proposed publication of Veterans Administration procedures to amend Loan Guaranty subdivision processing and approval operations for implementation of section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190 (42 U.S.C. 4332(2)(C)); section 2 of the Executive Order 11514 (42 U.S.C. 4321 note), § 1500.3 of the Guidelines for Preparation of Environmental Impact Statements issued by the Council on Environmental Quality, 40 CFR (Code of Federal Regulations), Part 1500 (38 FR 20550), and VA Manual MP-1, part I, chapter 9 (37 FR 8591, 39 FR 21016).

Interested persons are invited to submit written comments regarding these procedures to the following office:

Administrator of Veterans Affairs (262)
810 Vermont Ave. NW.
Washington, D.C. 20420

All relevant comments received not later than October 18, 1974, will be considered with a view to revision of the procedure prior to its issuance to VA field stations for implementation.

Interested persons may review VA publications and forms referenced in material below in Room 361, Veterans Administration Central Office, 810 Vermont Ave. NW., Washington, D.C.

Set forth below is DVB Circular 26-74- . "Environmental Quality." The numbering system used is that of the circular; no regulatory amendments will be promulgated.

Effective date. The procedures and policies outlined below are proposed for implementation October 21, 1974.

Dated: September 10, 1974.

[SEAL] R. L. ROUDEBUSH,
Acting Administrator.

[DVB Circular 26-74]

ENVIRONMENTAL QUALITY

1. *Purpose.* To prescribe mandatory procedures for State and areawide clearinghouse reviews and to further environmental quality in connection with requests for subdivision approvals. The procedures herein are established in accordance with the requirements of section 102(2)(C) of NEPA (National Environmental Policy Act of 1969), Pub. L. 91-190 (42 U.S.C. 4332(2)(C)), section 2 of Executive Order 11514 (42 U.S.C. 4321 note), and section 1500.3 of the Guidelines for Preparation of Environmental Impact Statements promulgated by the Council on Environmental Quality, 40 CFR (Code of Federal Regulations), part 1500 (38 FR 20550), and VA Manual MP-1, part I, chapter 9 (37 FR 8591, 39 FR 21016).

2. *Applicability.* a. The procedures herein for State and areawide clearinghouse review will be applicable to each request for subdivision approval which meets the following criteria:

(1) A subdivision of 25 or more lots in either (a) a city having more than 50,000 population, or (b) in any urbanized area where the population density exceeds 100 persons per square mile that is contiguous to a city of more than 50,000. (A separate directive will provide the basis for determining population density in urbanized areas outside cities.)

(2) A subdivision of 10 or more lots in all other places.

b. The procedures herein for environmental impact determinations will be applicable to each request for subdivision approval which involves 100 or more lots.

c. For the purpose of determining the applicability of the instructions herein, the number of units platted or planned, as evidenced by the exhibits submitted, rather than the total units in the subdivision request, will govern.

3. *Coordination of requests for subdivision approvals.* Field stations will establish and maintain liaison with clearinghouses to establish liaison for carrying out the reviews required by this issue. On receipt of a request for subdivision approval meeting the criteria specified above, field stations will use VA FL 26-616 to forward a copy of VA Form 26-8492, Application for Subdivision Feasibility Analysis (ASP-1), together with a location map, to the appropriate clearinghouses (in accordance with OMB (Office of Management and Budget) Directory of State and Areawide A-95 Clearinghouses). Clearinghouses will be afforded 30 calendar days to review VA Form 26-8492 and forward comments to the station. Pending receipt of comments from clearinghouses, VA will pursue its own independent assessment, and requests for subdivision approval will continue to be processed by field stations up to and including the preparation of VA Form 26-8492b, Subdivision Feasibility Valuation Report (ASP-3) stage. (See exhibit A.) If comments have not been received from a clearinghouse by the end of the 30-calendar-day period, the station will then and thereafter consider that the clearinghouse has no objection to the subdivision. However, if clearinghouse comments are received after the 30-day period, but before the field station has notified the sponsor that the site or project is feasible (through release of VA Form 26-8492d, Interim Report on Application for Subdivision Feasibility Analysis (ASP-5), or VA FL 26-603 (ASP-6)), the clearinghouse comments will be considered.

4. *Historic places.* In the processing of a request for subdivision approval, a determination will be made as to the applicability of paragraph 4 of DVB Circular 26-73-2, relating to the National Register of Historic Places. Such determination will be made immediately following the dispatch of VA Form 26-8492 to State and areawide clearinghouses. When, pursuant to subparagraph 4b, DVB Circular 26-73-2, an affirmative finding is made, the field station will suspend action and give notice to the requester; when comments are received from clearinghouses, the station will submit the required report to Central Office. Otherwise, the station will proceed with processing.

5. *Significant environmental impact.* The effect of the instructions hereinbelow is to add certain requirements to the subdivision processing procedure in order to provide the basis for determining whether or not a new subdivision will produce a significant environmental impact. Each such determination will entail judgmental decisions at field stations based on the application of standards and procedures in effect or hereafter to be issued as necessary to supplement this circular.

6. *Standards and guidelines.* In respect to each request for subdivision approval, the field station will apply standards and guidelines for the purpose of evaluating the subdivision, taking into consideration the following:

a. Minimum property standards.

b. Comments of State and areawide clearinghouses.

c. Standards and guidelines promulgated by Federal agencies with jurisdiction by law or special expertise in respect to particular areas of environmental impact. (See 38 FR 20557-20559 listing assignments as made by CEQ (Council on Environmental Quality).)

d. Flood plain management standards.

e. Environmental policies and standards adopted by VA.

7. *Procedure.* a. The consideration of each request for subdivision approval in respect to which the instructions herein apply will, in each instance, entail a site inspection and careful evaluation of minimum property standards, VA environmental policies and standards, and standards and guidelines of Federal agencies with jurisdiction by law or special expertise as concerns particular areas of environmental impact. Such evaluations must be carried out fully in order that the field station can determine properly whether or not the subdivision will result in any significant environmental impact. The VA evaluation will be done separate and apart from the evaluation conducted by State and areawide clearinghouses. In each subdivision case, VA Form 26-8492b will be completed. In completing the worksheet for each subdivision which contains 100 or more lots, a determination will be made by VA as to both the present and future impact of the subdivision on the environment.

b. For purposes of determining whether the proposed action will have a significant environmental impact, the field station shall consider the number of different environmental issues and the degree of seriousness of the environmental impact from each issue raised. The range of issues raised, as well as the relative importance of each issue, shall determine the significance of the environmental impact. For example, where one or more major environmental issues or three or more minor environmental issues are raised, as a result of the review, serious consideration will be given to the preparation of an environmental impact statement.

c. Before a final decision respecting significant environmental impact is made in each case involving 100 or more units, full consideration will be given to possible alternatives. VA Form 26-1858, Report of Loan Guaranty Field Review, will be used to document the file. Field stations will consider all reasonable and practical alternatives, including those beyond their direct control. In this respect, consideration may include, if reasonable and practical, items such as alternative sites which are better suited by location, topography, and cost, as well as other possible uses for the site, such as commercial, high rise, higher and lower land density usage, etc. In oddition, consideration may be given to alternatives such as reasonable and practical changes in design, density or zoning which might lessen the impact on the environment and make the subdivision more desirable from an environmental viewpoint.

d. The description of the alternatives considered can be brief, but the file must show what options were considered and why any were rejected. If a subdivision is to receive favorable consideration, the review of alternatives should show that the construction of the subdivision is the best choice of competing alternatives. The advantages and disadvantages of the subdivision must be weighed, the trade-offs considered, and an evaluation made.

e. That determination, insofar as possible, will be reached prior to the end of the 30-day peri ' allowed State and areawide clearinghouse.. When the comments of the State and areawide clearinghouses are received, or in the event such comments are not received at the end of the 30 days allotted for review, the field station will evaluate all the available data including the views of the clearinghouses, where appropriate, in order to determine whether or not the subdivision will result in a significant environmental impact. The determination is an independent VA assessment and must be fully documented by the completion of VA Form 26-8492b. Thus, it will be that each request for subdivision approval will come within one of four categories, viz—

(1) A determination by the field station of no significant environmental impact, based on the determination during VA processing, coupled with comemnts to the same effect from clearinghouses, except that in any cases which do not meet the threshold requiring environmental evaluation, the determination by the field station will relate to the feasibility of the subdivision, coupled with comments to the same effect from clearinghouses.

(2) A determination by the field station of no significant environmental impact, based on the determination during VA processing, but the clearinghouse disagree. Also, in this category are cases which do not meet the threshold requiring environmental evaluation and a determination is made that the subdivision is feasible, but the clearinghouses disagree.

(3) A determination by the field station that the subdivision will result in a significant environmental impact, based on the determination during VA processing, but the comments from clearinghouses do not afford a basis for the same conclusion.

(4) A determination by the field station that the subdivision will result in a significant environmental impact, based on the determination during VA processing, coupled with comments to the same effect from clearinghouses.

f. Each case in category 1 will be processed to completion as rapidly as possible, with a notification of approval promptly issued using VA FL 26-615. In respect to each case in categories 2, 3, or 4, the field station will promptly notify the person or firm submitting the request for subdivision approval about the determinations, using VA FL 26-615. Such person or firm will be invited to consult with the field station or the clearinghouses, as appropriate, with the view to the amendment or revision of the subdivision plan so as to render the planning of the subdivision to be acceptable.

g. Where the person or firm submitting the request for subdivision approval provides amended or revised plans, a letter of approval may be issued only if the following conditions are met:

(1) *Category 2.* Evidence is supplied or obtained that the State and areawide clearinghouses find the subdivision acceptable.

(2) *Category 3.* The field station, on the basis of amended or revised subdivision plans, determines that the subdivision will not result in an adverse environmental impact.

(3) *Category 4.* The field station on the basis of amended or revised subdivision plans, determines that the subdivision will not result in an adverse environmental impact and evidence is supplied or obtained that the State and areawide clearinghouses find the subdivision acceptable.

h. In all instances clearinghouses will be provided with a copy of the notification of approval or disapproval of the site or subdivision. Copies of VA Forms 26-8492c, Final Report on Application for Subdivision Feasibility Analysis (ASP-4), 26-8492d, or VA FL 26-603, will be used for the purpose of notifying the clearinghouses of the action taken by VA. Where a State clearinghouse has assigned an identification number to an application, such number will be used in notifying the clearinghouse.

i. Where a clearinghouse recommends against approval of an application or approval with specific and major substantive changes, and the field station approves the subdivision as submitted without the recommended changes, the clearinghouse will be provided with a written explanation.

j. In the instance of any case where a determination is made that a significant environmental impact is involved or the subdivision is controversial (i.e. discussion groups, petitions, meetings, or newspaper publicity of a controversial nature) and the field station recommends approval, the field station will prepare a proposed draft EIS (environmental impact statement). A public notice of intent to file an EIS should be posted in the local newspaper and input requested from interested parties within 15 days. Depending upon the situation, it may be advisable to hold a public hearing. If a public hearing is held, minutes will be kept showing the people in attendance and the thrust of the comments. A verbatim transcript of the meeting is not contemplated. The proposed draft EIS will be forwarded to Central Office (262), together with all the records in the case. The person or firm submitting the request for subdivision approval will be notified about the referral of the case to Central Office. (See exhibit B for format of EIS.) Central Office will return the case to the field station as soon as possible following review and coordination of the proposed draft EIS. At that time, the field station will be instructed by Central Office as to the resumption of processing the case or the preparation of a final EIS.

8. *Filing and distribution of EIS.* Draft and final statements will be posted in the FEDERAL REGISTER by Central Office. Five copies of each draft or final statement will be filed with CEQ in Washington, and one copy with EPA in the appropriate Federal Regional Center. At the same time that each draft or final statement is filed with CEQ and EPA, copies also will be sent to all pertinent entities; i.e., interested Federal, state, and local agencies, and private organizations and individuals. Copies will be sent to all other entities which made substantive comments on the draft statement, or requested a copy.

9. *Public notice and review.* Both draft and final EIS and any substantive comments thereon shall be made available to the public at the VA local office. A notice of the availability and location of these documents for review is to be posted on the bulletin board in a conspicuous location in the local VA field station and the public advised that the documents may be reviewed and copied during working hours.

10. *Effective date.* The instructions in this circular are effective as to all requests for subdivision approval meeting or exceeding the criteria given in the second paragraph of this circular, which are received in field stations on and after October 21, 1974.

11. *RCS 26-183-S, Lots covered by subdivision approvals—six-month period ending April 21, 1975.* Field stations will submit one-time letter reports on or before April 30, 1975, to Central Office (262) showing the number of lots covered by each subdivision case for which VA Forms 26-8492 were received during the period October 21, 1974 through April 21, 1975.

JOSEPH J. MULONE,
Acting Chief Benefits Director.

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Exhibit A

VETERANS ADMINISTRATION _____ REGIONAL OFFICE

Sponsor's Name: _____ VA File # _____

Street Address: _____ Subdivision Name: _____

_____ Tract Number: _____

City or County State ZIP Code Location: _____

Phone: _____ _____

Area Code

SUBDIVISION FEASIBILITY VALUATION REPORT (For VA use only)

I. EXISTING CHARACTERISTICS (DESCRIBE WHERE APPROPRIATE)

A. DEVELOPMENT STATUS: /_/ No work started /_/Grading ___% completed /_/Street Improvements are ___% completed /_/Number of Homes under construction _____ /_/Number of homes completed _____.

B. LAND CHARACTERISTICS:

	Yes	No
1. Conservable trees	/_/	/_/
2. Existing Fill	/_/	/_/
3. Landslide	/_/	/_/
4. Subsidence	/_/	/_/
5. Flooding	/_/	/_/
6. Unsightly views	/_/	/_/
7. Adverse ground traffic	/_/	/_/
8. Adverse air traffic	/_/	/_/
9. Smoke or fumes	/_/	/_/
10. Topography: Site is Flat(0-5%)/_/; Rolling (5-10%)/_/;Steep(15+%)/_/		
11. Other hazard or nuisance	/_/	/_/
12. Noise: Ground	/_/	/_/
Air	/_/	/_/
Industrial	/_/	/_/

C. COMMUNITY FACILITIES: Distance in miles to

1. Elementary School ____
2. High School or Junior and Senior High Schools ____
3. Employment ____
4. Major Shopping ____
5. Local Shopping ____
6. Park & Playground ____
7. Churches ____
8. Health & Medical ____

D. UTILITIES AND SERVICES:

1. Water Supply System - Connection to central system appears feasible /_/Yes /_/No
2. Sanitary Sewer System - Connection to central system appears feasible /_/ Yes /_/ No

	Yes	No
3. Fire protection	/_/	/_/
4. Gas	/_/	/_/
5. Elec. and Phone	/_/	/_/
6. Street lighting	/_/	/_/
7. Garbage removal	/_/	/_/
8. Police protection	/_/	/_/
9. Storm sewers	/_/	/_/
10. Paved access street to site	/_/	/_/
11. Are local standards deficient?	/_/	/_/
12. Public transportation	/_/	/_/

II. IMPACT OF PROPOSED PROJECT

E. PHYSICAL IMPACT

1. Air Quality (Open Burning, Incinerators) _____
2. Water Quality (Capability of Water Treatment Facility) _____
3. Environmental Criteria Areas (Shores, Seismic Activity, Rare or Valuable Ecosystems, Scenic or Historical Areas) _____
4. Natural Cover Retention Recommendation _____
5. Mitigation Recommendations _____

F. LOCATION AND MARKET:

1. Location is: /_/ Acceptable /_/ Reject
2. Most marketable price range is $ _____ to $ _____
3. Demand for housing at this location is: /_/ Acceptable /_/ Reject
4. Estimated market price of typical lot $ _____; Typical lot size: _____

G. CONTACT WITH LOCAL AUTHORITIES:

1. Local Authorities /_/ have /_/ have not approved tentative map.
2. Local Officials contacted: Name: _____ Title: _____ Phone: _____
   Name: _____ Title: _____ Phone: _____
3. Information or Data obtained (Including zoning and density) _____
4. Relation to Community Master Plan or Comprehensive Plan _____
5. Proximity to Existing Development _____
6. Possible Further Development of Area _____

H. APPRAISER'S REMARKS AND RECOMMENDATIONS:

1. /_/ Issue Feasibility Approval Letter, Form ASP-6
2. /_/ Issue Interim Form ASP-5; special problems involve: /_/ Sanitary Engineering /_/ Site engineering /_/ Site planning /_/ Architectural /_/ Other
3. /_/ Issue Reject Form ASP-4
4. FHA contacted - Concurrence: /_/ Yes /_/ No Name: _____ Title: _____

I. APPRAISER MAP: /_/ reviewed the sponsor's exhibits and corrected the application; /_/ noted the following on the subdivision map; a. existing conditions of the site and its surroundings; b. Appraiser's initials and date.

_____ _____
Appraiser Date

J. ACTIONS AND INSTRUCTIONS:

_____ _____
Chief, Construction and Valuation Section Date

ASP-3

VA Form 26-8402b

FORMAT FOR DRAFT ENVIRONMENTAL IMPACT STATEMENT

1. Regional Office:
2. Name and Location of Subdivision:
3. Description of Proposal:
4. Summary of Adverse Environmental Impact:
5. Alternatives Considered:
6. All Federal, State, and local agencies from which comments have been requested:
7. Date:

[FR Doc.74-21452 Filed 9-17-74;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL

Notice of Meeting

The regular fall meeting of the Business Research Advisory Council will be held on October 9, 1974, at 9:30 a.m. in Conference Room B of the Interdepartmental Auditorium, 14th and Constitution Avenue, NW., Washington, D.C. Agenda for the meeting follows:

1. Chairman's Opening Remarks.
2. Commissioner's Remarks.
3. Committee Reports:
   a. Wages and Industrial Relations.
   b. Consumer and Wholesale Prices.
   c. Occupational Safety and Health Statistics.
   d. Task Force—Hours-worked and Hours-paid.

It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

Signed at Washington, D.C. this 12th day of September 1974.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.74-21594 Filed 9-17-74;8:45 am]

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON WAGES AND INDUSTRIAL RELATIONS

Notice of Meeting

The BRAC Committee on Wages and Industrial Relations will meet at 1:30 p.m., October 8, 1974, at the General Accounting Office Building in Room 4454, 441 G Street, N.W., Washington, D.C. The agenda for the meeting is as follows:

1. Review of work in progress.
2. Budget implications for OWIR programs.
3. Report on General Wage Index.
4. Capabilities of Current Wage Development system.
5. Research projects program.
6. Change in PATC survey.

It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

Signed at Washington, D.C. this 12th day of September 1974.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.74-21595 Filed 9-17-74;8:45 am]

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federal register

WEDNESDAY, SEPTEMBER 18, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 182

PART II

DEPARTMENT OF LABOR

Office of the Secretary

■

WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS

Notice of Proposed Rulemaking

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DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Parts 56, 57, 58]

WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Notice of Proposed Rulemaking

The Department of Labor and the Department of Health, Education, and Welfare are proposing new WIN regulations to implement the Work Incentive Program under Title IV of the Social Security Act (42 USCA 601–44).

The proposed regulations make the following significant changes in the WIN Program: (1) The WIN registration function is transferred from the local welfare staff to the local WIN sponsor (generally the employment service). This will assist new WIN registrants to use the job referral services located at local WIN sponsor offices; (2) a job search activity is added for AFDC recipients registered for WIN, but not yet certified by the State welfare agency for participation in WIN, and for individuals who are certified but who are not actively engaged in a WIN component; (3) the WIN sponsor will assume the function of deregistering all individuals from WIN. This change places both registration for WIN and deregistration from WIN in the same administrative unit; (4) a new Intensive Manpower Services Component has been added as an option to current WIN programs. This new component is intended to provide structured, intensive employment services and the development of job seeking skills to individuals certified for WIN training; (5) the WIN hearing procedures have been unified. Instead of dual hearings by the welfare agency and the WIN sponsor on the respective issues of grant adjustment (including vendor payments and selection of payee) and failure to participate in WIN without good cause, the WIN sponsor will adjudicate both issues. (6) Provision has been made for opportunity by the National Coordination Committee through the Solicitor of Labor to submit briefs and present oral argument whenever a case is before the National Review Panel.

Interested persons may submit comments, data, or arguments on these proposed regulations until October 16, 1974. Such communications should be addressed to: William H. Kolberg, Assistant Secretary of Labor, United States Department of Labor, 6th and D Streets N.W., Washington, D.C. 20213, Attention Merwin Hans.

All comments, data, and arguments received prior to October 16, 1974, shall be evaluated to determine whether any change in the proposed regulations is warranted. Upon completion of this evaluation, final regulations shall be published in the FEDERAL REGISTER.

These regulations, consolidate 29 CFR Parts 56, 57, and 58, and integrate certain sections of 45 CFR Parts 220, 233, and 234 into a revised 29 CFR Part 56. These regulations which are also being published as 45 CFR Part 224, read as follows:

1. Part 56 is proposed to be revised as follows:

PART 56—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Subpart A—Purpose and Scope

Sec.
56.1 Purpose and scope.

Subpart B—Administration

56.10 General administration provisions.
56.11 Annual State WIN plans.
56.12 Annual local WIN plans.
56.13 State and local agreements for WIN activities and programs.
56.14 Allocation of Federal funds.
56.15 Use of Federal funds; political activities.
56.16 Non-Federal contribution.
56.17 Reports, records, financial statements and audits.
56.18 Adjustments in payments to WIN sponsors.
56.19 Termination of contracts or grants.

Subpart C—Requirements and Procedures for Registration and Certification

56.20 Registration requirements for AFDC applicants.
56.21 Job search activity for WIN registrants who are AFDC recipients.
56.22 Appraisal and certification.

Subpart D—Supportive and Manpower Services and Protective Provisions

56.30 Supportive services.
56.31 Manpower training related expenses.
56.32 Pay and allowances for individuals certified for WIN training.
56.33 Relocation assistance.
56.34 Appropriate work and training criteria.
56.35 Period of participation.
56.36 Nondiscrimination.

Subpart E—The WIN Components and Activities

56.40 Public service employment (PSE).
56.41 Intensive manpower services component.
56.42 On-the-job training (OJT).
56.43 Institutional and other work experience training.
56.44 WIN individuals enrolled in other employment or training programs.
56.45 Non-Federal employee status.
56.46 WIN assignment protests.

Subpart F—WIN Disciplinary Rules and Sanctions

56.50 Deregistration from WIN.
56.51 Refusal to participate in WIN.

Subpart G—The WIN Adjudication System

56.60 Rules for grievances and deregistration; WIN restrictions.
56.61 Complaints and grievances.
56.62 Disputes regarding WIN registrations.
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Subpart H—Definitions

56.80 Definitions.

AUTHORITY: Secs. 402(a)(7), 402(a)(19); secs. 430–444, Social Security Act, as amended, unless otherwise noted.

Subpart A—Purpose and Scope

§ 56.1 Purpose and scope.

(a) The purpose of this Part 56 is to provide for a Work Incentive Program (WIN) under Title IV of the Social Security Act (Act).

(b) This part contains the policies, rules, and regulations pertaining to the WIN program.

(c) Definitions for terms used in this part may be found in Subpart H.

Subpart B—Administration

§ 56.10 General administration provisions.

(a) The WIN program is administered jointly by the Secretary of Labor and the Secretary of Health, Education, and Welfare. To carry out Department of Labor responsibilities under these regulations, the Secretary of Labor has designated the Assistant Secretary of Manpower (Assistant Secretary). To carry out Department of Health, Education, and Welfare responsibilities under these regulations, the Secretary of Health, Education, and Welfare has designated the Administrator of the Social and Rehabilitation Service (Administrator).

(b) The Assistant Secretary and the Administrator together form the WIN National Coordination Committee (NCC) which is responsible for the effective national administration of WIN.

(c) The NCC shall establish uniform reporting procedures, establish and clarify policy under these regulations, and establish other requirements for effective administration. NCC issuances shall be binding on all regional, State, and local WIN operations.

(d) The NCC shall designate a National Executive Director to administer the program.

(e) The Assistant Secretary of Labor has designated the Assistant Regional Director for Manpower in each region (ARDM) to carry out the WIN program in each region. The Administrator of the Social and Rehabilitation Service has designated the Regional Commissioner (RC) of the Social and Rehabilitation Service to carry out his responsibilities under these regulations in each region.

(f) Within each region the ARDM and the RC shall form the WIN Regional Coordination Committee (RCC). Each RCC shall determine the areas in each of the States within its region in which WIN projects shall be operated, taking into consideration such factors as size of welfare caseload and budgetary constraints. This action shall have the concurrence of the affected State and shall be so reflected in the Statewide Operational WIN Plan (State WIN Plan). The RCC shall review and approve all State WIN plans and modifications of such plans covering the States in its region. Consistent with directives of the NCC it shall also establish and clarify policy under these regulations and shall establish other requirements for effective administration.

(g) Upon determination of an appropriate WIN project area in a State, the RCC shall enter into an agreement with the State WIN sponsor and the State welfare agency under which they shall be responsible for the overall administration of the State WIN Plan.

(h) Within each state the welfare agency's Separate Administrative Unit (SAU) shall be responsible for the provision and arrangement of supportive services. The Income Maintenance Unit (IMU) of each single State welfare agency is responsible for determining all questions relating to eligibility for AFDC benefits, including whether an individual is required to register for WIN.

§ 56.11 Annual State WIN plans.

State WIN Plans on an annual basis shall be jointly developed and approved by the State WIN sponsor and State welfare agency. The RCC shall issue instructions to the State WIN sponsor and State welfare agency for the development of a single State WIN Plan. The State WIN Plan will describe the operation to be carried out by the State WIN sponsor and the State welfare agency as well as a summary of the data in the Local WIN Plans, as required in § 56.12 of these regulations.

§ 56.12 Annual local WIN plans.

(a) A local WIN sponsor and a local SAU shall jointly develop an annual Local WIN Plan. The plan shall describe the local project's operation. The National Coordination Committee will issue instructions from time-to-time setting guidelines for the development of such plans.

(b) Local WIN Plans shall be forwarded to the State WIN sponsor and State SAU for consideration in the development of the State WIN Plan.

(c) The State WIN sponsor and WIN/SAU shall forward copies of the State WIN Plan (with Local WIN plans attached) to the appropriate RCC for approval. The State WIN sponsor shall also forward a copy of the plan to the State Manpower Services Council, established under the Comprehensive Employment and Training Act of 1973 (P.L. 93–203), or its equivalent, for review and comment. Any comments made by the Council shall be forwarded directly to the RCC. Copies of such comments shall also be sent by the RCC to the State WIN sponsor and State WIN/SAU.

(d) Any disagreement concerning the approval or disapproval of a State WIN Plan between the Departmental representatives serving as members of the RCC shall be referred promptly to the National Coordination Committee for resolution.

§ 56.13 State and local agreements for WIN activities and programs.

A WIN sponsor may, through agreements with public or private agencies or organizations, including Indian tribes with respect to Indians on a reservation, carry out such activities and programs as are approved or developed by the Secretary of Labor, including but not limited to public service employment programs, intensive manpower services programs, on-the-job training programs, work experience programs and job search programs, as defined in §§ 56.21 and 56.40–56.43. No agreement, however, shall be entered into with an employer for profit or with a private employer not organized for a public purpose, for purposes of a work experience program or a public service employment program.

§ 56.14 Allocations of Federal funds.

(a) The Secretary of Labor shall allocate not less than 50 percent of the sums appropriated under Part C to carry out the WIN program among the States in accordance with a formula under which each State receives (from the total available for such allotment) an amount which bears the same ratio to the total amount available as the average number of individuals in each State who, during the month of January last preceding the commencement of such fiscal year, are registered pursuant to section 402(a)(19)(A) of the Act, as amended, bears to the average number of individuals in all States who, during that month, are so registered.

(b) The Secretary of Labor shall allocate the balance of the sums not allocated under paragraph (a) of this section in such manner as he determines will best serve the objectives of the program.

(c) Of the sums expended on WIN by the Department of Labor not less than 33⅓ percent thereof shall be expended for carrying out the programs of on-the-job training and public service employment established under the Act.

(d) The Secretary of Health, Education, and Welfare shall prescribe methods for the allocation of funds pursuant to section 403(d) of the Act.

§ 56.15 Use of Federal funds; political activities.

(a) Federal funds under Part C of Title IV, allocated by the Secretary of Labor to the State WIN sponsor, may be used to meet not more than 90 percent of the cost of carrying out the regulations promulgated under this part.

(b) WIN funds under Part C of Title IV may be used for training, supervision, materials, administration, incentive payments, transportation and other items as authorized by the Secretary of Labor, but may not, except in cases of WIN PSE under the Act, be used for any reimbursement to the employer for time spent by individuals in work, training, or other participation in the program.

(c) WIN funds under section 403(d) of the Act may be used to meet 90 percent of the cost of supportive services, including child care, provided by or arranged for by the WIN/SAU, and related WIN/SAU administrative costs.

(d) Federal funds shall be expended only for costs:

(1) Permitted under the provisions of Subpart 1–15.7 of Title 41 of the Code of Federal Regulations, entitled "Principles for Determining Costs Applicable to Grants and Contracts"; and

(2) Not barred under the provisions of this part.

(e) Pursuant to section 403(c) of the Act, notwithstanding any other provision of this chapter, the Federal share of assistance payments under Title IV–A of the Act, for any fiscal year beginning on or after July 1, 1973, shall be reduced by 1 percentage point for each percentage point by which the number of individuals certified to the WIN sponsor as ready for employment or training under the WIN program falls below 15 percent of the average number of individuals in the State who are required to be registered during such fiscal year.

(f) *Political activity.* No funds allocated under the Act shall be used for any partisan or nonpartisan political activity or to further the election or defeat of any candidate for public office; nor shall they be used to provide services, or for the employment or assignment of personnel in a manner supporting or resulting in the identification of programs conducted pursuant to the Act with:

(1) Any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, or lobbying for any matter at public issue;

(2) Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or

(3) Any voter registration activity.

§ 56.16 Non-Federal contribution.

(a) The State welfare agency will assure a non-federal contribution to the Work Incentive programs established by Part C by appropriate agencies of the State or private organizations of 10 percent of the total cost of such programs, in cash or in-kind fairly evaluated. For this purpose, the State welfare agency will plan jointly with the State WIN sponsor for the development and use of in-kind resources. The State welfare agency must make the arrangements for, but need not itself make, the contribution. An in-kind contribution may be made in the form of the provision of services, staff, space, equipment, or any other goods or services of value essential to the operation of the WIN program. Where such contribution is in-kind, the amount thereof will be determined on the basis of its reasonable value as established by suitable documentation.

(b) The State welfare agency shall assure a non-Federal cash contribution of 10 percent of the cost of supportive services and related administrative expenses incurred by the WIN/SAU under Title IV Part A.

(c) The WIN sponsor costs of operation of the WIN program which may be met by the non-federal contribution may include the costs of training, supervision, materials, administration, incen-

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tive payments, transportation, and other items as are authorized by the WIN sponsor.

(d) Funds from other Federal sources, whether in cash or in-kind, may not be used for the non-federal share, except when specifically permitted by law. State funds or resources that have been used to match other federal funds also may not be used for this purpose.

(e) The provisions of Office of Management and Budget (OMB) Circular 102, Attachment F, must be met.

§ 56.17 Reports, records, financial statements and audits.

(a) State and local WIN sponsors and welfare agencies shall submit periodic reports as required by the Secretary of Labor and the Secretary of HEW to assure proper accounting for all program funds, including the non-Federal share. Such records and accounts shall be made available for audit purposes to DOL and DHEW, the Comptroller General of the United States or any authorized representative of either, and shall be retained for 3 years after the completion of or final payment under the agreement, whichever is later. The records shall be retained beyond the 3-year period if audit findings have not been resolved. State and local WIN sponsors and WIN/SAUs shall also submit periodic reports as required by the Secretary of Labor and the Secretary of HEW covering nonfinancial program activities. This includes data on overall program activities and data required to be reported in the Employment Security Automated Reporting System (ESARS). All such reports and other nonfinancial records used to back up reporting systems (such as completed registration cards, participant records, etc.) shall be retained for 3 years after they have been inactivated.

(b) Program funds and activities shall be audited in conformity with the Standards for Audit of Government Organizations, Program Activities and Functions issued by the Comptroller General of the United States.

§ 56.18 Adjustments in payments to WIN sponsors.

(a) If any funds are expended by a WIN sponsor or by a public service employer in violation of the Act, the regulations, grant conditions or contract provisions, the Secretary of Labor may make necessary adjustments in payments to the sponsor or the employing agency on account of such unauthorized expenditures. He may draw back unexpended funds which have been made available in order to assure that they will be used in accordance with the purposes of the Act, or to prevent further unauthorized expenditures, and he may withhold funds otherwise payable under the Act in order to recover any amounts expended for unauthorized purposes in the current or immediately preceding fiscal year.

(b) No action taken by the Secretary of Labor under paragraph (a) of this section shall entitle the WIN sponsor to reduce program activities or allowances for any participant or to expend less during the effective period of the contract or grant than those sums called for in the operational plan. Any such reduction in expenditures may be deemed sufficient cause for termination.

§ 56.19 Termination of contracts or grants.

(a) If a WIN sponsor or an Income Maintenance Unit (IMU) violates any provision of the Act or the regulations or contract provisions or grant conditions which the Secretary of Labor has issued or shall subsequently issue during the period of the contract or grant, the Secretary of Labor may terminate the contract or grant in whole or in part unless the agency which caused the violation corrects it within a period of 30 days after receipt of notice specifying the violation; or

(b) In his discretion, the Secretary of Labor may terminate the contract or grant in whole or in part;

(c) Termination shall be effected by a notice of termination which shall specify the extent of termination and the date upon which such termination becomes effective. Upon receipt of a notice of termination the agency shall:

(1) Discontinue further commitments of contract or grant funds to the extent that they relate to the terminated portion of the contracts or grants;

(2) Promptly cancel all contracts or subcontracts utilizing funds under the contract or grant to the extent that they relate to the terminated portion of the contract or grant;

(3) Settle, with the approval of the Secretary of Labor, all outstanding claims arising from such termination;

(4) Submit, within 6 months after the receipt of the notice of termination, a termination settlement proposal which shall include a final statement of all unreimbursed costs related to the terminated portion of the contract or grant but in case of terminations under paragraph (a) of this section will not include the cost of preparing a settlement proposal. Allowable cost shall be determined in accordance with the provisions of Part 1-15.7 of Title 41 of the Code of Federal Regulations and OMB Circular A-87.

Subpart C—Requirements and Procedures for Registration and Certification

§ 56.20 Registration requirements for AFDC applicants.

(a) A State welfare plan, under Part A of Title IV of the Act, shall provide that all welfare applicants and recipients who are required to register by section 402 (a) (19) (A) of the Act shall register with the WIN sponsor for manpower services, training, and employment as a condition of eligibility for AFDC. At the time of registration such registrants shall be provided information about the job market and referrals to available employment. Where feasible, job banks shall be used to provide this information and to facilitate such referrals.

(b) The Income Maintenance Unit (IMU) of the State or local welfare agency shall determine which AFDC applicants and recipients are exempt from registration and which are required to register with the WIN sponsor as a condition of eligibility for AFDC benefits. The IMU shall inform all nonexempt applicants and recipients that failure to register shall result in ineligibility for AFDC. Nonexempt applicants and recipients along with exempt individuals who volunteer for WIN shall be informed in writing of the place of registration and shall be immediately referred to the WIN sponsor for registration.

(c) The determination as to whether an individual is required to register is based on the following criteria: Each AFDC applicant shall register unless he is:

(1) Under age 16;

(2) Attending school full-time and age 16 but not yet 21 years of age (or 18 years of age if the State AFDC plan limits benefits to children who are under age 18). There must be verification from an appropriate school official that the person is enrolled or has been accepted for enrollment for the next school term as a full-time student;

(3) Ill, with medical evidence provided by a physician or licensed or certified psychologist that the illness or injury temporarily prevents entry into employment or training;

(4) Incapacitated, when verified by the IMU that a medically determinable physical or mental impairment, determined by a physician or licensed or certified psychologist, by itself or in conjunction with age, prevents the individual from engaging in employment or training under WIN. The costs of a medical determination of such incapacity will be reimbursable by WIN sponsor funds;

(5) 65 years of age or older;

(6) Residing at a location which is so remote from a WIN project that effective participation in the program is precluded. The individual will be considered remote if more than a total of 10 hours would be required for a normal 8-hour work or training day plus a round trip of more than 2 hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, unless normal round trip commuting time in the area is more than 2 hours, in which case the round trip commuting time shall not exceed the generally accepted community standards;

(7) A caretaker in the home, and the IMU has verified that a medically determinable condition of another member of the household requires the individual's presence in the home on a substantially continuous basis, and that no other appropriate member of the household is available;

(8) A mother or other caretaker relative of a child under age 6;

(9) A mother or other female caretaker of a child, when the nonexempt father or other nonexempt adult male relative in the home is registered and has not refused to participate in the program or employment without good cause.

(d) The IMU shall inform exempt persons in writing of their obligation to report any changes affecting their exempt status, and in addition shall include a determination of exemption as a part of the AFDC eligibility redetermination process, except where the individual has been determined to be permanently incapacitated. Individuals who have been determined to be exempt from registration on the basis of incapacity will be referred to the appropriate State vocational rehabilitation agency.

(e) The IMU shall inform an individual who contests a determination of nonexempt status of his right to request a review of his status. The individual shall also be informed of his right to a hearing before the State welfare agency when his claim for AFDC benefits is denied by reason of his refusal to register for WIN.

(f) The IMU shall inform exempt persons of their option to register voluntarily for manpower services, training and employment, and their option to withdraw such registration at any time without loss of AFDC benefits, provided their status has not changed in such a way which would require registration in accordance with the Act.

(g) When an AFDC applicant or recipient who resides in an area which would normally be determined to be remote, wishes to volunteer for WIN, the individual shall be registered by WIN, and the SAU shall negotiate for any necessary supportive services with the appropriate welfare agency.

(h) The WIN sponsor shall register all individuals found by the IMU to be nonexempt and all individuals who wish to volunteer for WIN, in an interview during which a complete work history is to be taken. The WIN sponsor shall register all individuals in a timely manner so that eligibility determinations are not delayed.

(i) At registration, each individual shall be informed about the nature of the WIN program and about his rights and responsibilities therein.

(j) If the IMU determines an individual to be nonexempt, and the WIN sponsor disagrees, the WIN sponsor will register the individual and will request the IMU to reconsider its determination. If the IMU reverses its decision, the WIN sponsor shall deregister the individual as exempt unless the individual volunteers for WIN. The IMU's response will be accepted by the WIN sponsor. If the IMU does not respond within 30 days of the request, the WIN sponsor shall deregister the individual as exempt.

(k) The WIN sponsor shall notify the IMU of any employment or other change of status which may affect an individual's eligibility or the amount of his AFDC payment.

(l) The WIN sponsor must notify the IMU, within 3 work days of the registration, that registration has been completed so that the IMU's completion of the eligibility determination shall not be delayed.

(m) The IMU shall notify the WIN sponsor within 3 work days after each determination is made of initial and subsequent determinations of eligibility for AFDC.

§ 56.21 Job search activity for WIN registrants who are AFDC recipients.

(a) A job search activity shall be provided for AFDC recipients who are registered for the WIN program but who have not yet been certified to the WIN program by the welfare agency, and for certified individuals who are not actively engaged in a WIN component.

(b) The nature and scope of a job search activity shall be the responsibility of each State, consistent with the requirements of this part. A complete description of the job search activity shall be included in the State WIN plan and shall be subject to RCC approval.

(c) Individuals participating in a job search activity shall accept employment under the same terms and conditions as are required of individuals certified to a WIN component and shall be provided with supportive services necessary to enable them to engage in the job search activity.

(d) Sanctions for refusal without good cause to participate in a job search activity shall be set forth in the State WIN plan. The WIN sanctions in Subpart F and the WIN adjudication system in Subpart G of this part shall apply to certified individuals engaged in job search and, at the option of the State, may be designated in the State WIN plan as applying to uncertified individuals engaged in the job search activity.

§ 56.22 Appraisal and certification.

(a) On the basis of information obtained during the registration process, registrants will be selected, jointly when possible, by WIN sponsor and WIN/SAU staff for appraisal of their employability potential. The final selection of an individual into a specific work or training component rests with the WIN sponsor.

(b) All unemployed fathers shall be appraised within 2 weeks of the determination of eligibility for AFDC benefits, and certification shall be completed no later than 30 days from the receipt of AFDC benefits.

(c) All other individuals will be appraised according to the following priorities, taking into account the individual's employment potential:

(1) Mothers, whether or not required to register, who volunteer;

(2) Other mothers, and pregnant women under 19 years of age, who are required to register;

(3) Dependent children and relatives who have attained age 16 and who are not in school full-time or engaged in work or manpower training; and

(4) All others;

(d) The appraisal interview shall be conducted jointly, to the extent possible, or sequentially as appropriate, by the WIN sponsor and the WIN/SAU. Whenever possible, appraisal shall occur at the time of registration. An employability plan shall be initiated by the WIN sponsor and the WIN/SAU at the appraisal interview for each registrant who is found suitable for participation in a WIN component.

(e) The employability plan shall contain a manpower services plan and a supportive services plan, and shall be designed to lead to employment and ultimately to self-support. It shall contain a definite employment goal, attainable in the shortest time period consistent with the supportive services needs, project resources, and job market opportunities. Final approval of the employability plan rests with WIN sponsor.

(f) As appropriate WIN sponsor services become available to individuals, the WIN sponsor shall request the WIN/SAU to certify in writing that the necessary immediate and on-going supportive services have been provided or arranged, or that no such services are required. When certified, the individual shall be placed by the WIN sponsor on the following basis: The individual shall be placed in employment if appropriate employment that the individual can perform is available. If the individual cannot be immediately placed in employment, he shall be placed in on-the-job training, intensive manpower services, public service employment, institutional training, or in any other manpower program or activity.

(g) AFDC grants and social services for individuals under the State AFDC plan shall not be denied by reason of the individual's referral to a job or to a WIN program, or solely by reason of an individual's participation therein.

Subpart D—Supportive and Manpower Services and Protective Provisions

§ 56.30 Supportive services.

(a) The SAU shall be responsible for the development of necessary supportive services and for supplying those services.

(b) Supportive services under the WIN program must include:

(1) Child care which meets the standards specified in 45 CFR 220.18. When more than one kind of child care is available, the mother or other caretaker relative may choose the type, but may not refuse to accept child care services if they are available such services must be responsive to breakdowns in prior arrangements in order to ease or avoid disruption of employment or participation in manpower services;

(2) Family planning services;

(3) Home management and other functional educational services;

(4) Homemaker;

(5) Housing improvement services;

(6) Employment related medical, remedial, and health-related care services not included under the State's Title XIX plan or otherwise available under any other federally assisted program;

(7) Selected vocational rehabilitation services, as defined by the Rehabilitation Act of 1973, which cannot otherwise be funded by the vocational rehabilitation agency;

(8) Transportation services as needed to make supportive services accessible; and

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(9) Other supportive services necessary to enable such individuals to participate in job search, accept employment or receive manpower training provided under the WIN program.

§ 56.31 Manpower training related expenses.

Individuals shall receive not only welfare supportive services but also manpower training related expenses such as lunches and transportation to enable them to participate in job search and in the WIN training components.

§ 56.32 Pay and allowances for individuals certified for WIN training.

(a) An individual assigned to a WIN institutional or work experience training component, including the Intensive Manpower Services Component, in which no salary is paid, shall receive incentive payments at a rate not to exceed $30 a month provided he meets the requirements of the component relative to hours of participation.

(b) Individuals placed in employment, OJT, or PSE, shall be authorized to receive training related expenses until their first full paycheck or not to exceed two WIN pay periods, whichever occurs first.

(c) Reasonable subsistence allowance, in addition to a training-related expense payment, shall be paid to qualified individuals for their separate maintenance when they are assigned to training facilities beyond daily commuting distance from their homes for each calendar day within the training payment period during which they are participating in such training and are residing away from home.

(d) An individual shall be paid transportation allowance to a training facility located beyond commuting distance for the cost of his initial trip to the training facility and for his final trip home at the completion or other termination of such training.

(e) Individuals may be paid allowances for nonrecurring expenses as authorized by the Secretary of Labor.

(f) WIN sponsor offices may establish petty cash funds to meet emergency needs for cash for allowable expenditures.

§ 56.33 Relocation assistance.

The Secretary of Labor may assist certified individuals to relocate their place of residence when he determines such relocation is necessary in order to enable them to become permanently employed and self-supporting. Such assistance shall be given only to individuals who concur in the relocation and who have received a bona fide job offer at their place of relocation at wage rates which will meet at least their full need as determined by the State to which they will be relocated. Assistance under this section shall not exceed the reasonable costs of transportation for such individuals, their dependents, and their household belongings, plus such relocation allowance as the Secretary of Labor determines to be reasonable.

§ 56.34 Appropriate work and training criteria.

(a) Standards for appropriate work or training: certified individuals must accept assignment to employment or WIN training as determined appropriate by the WIN sponsor or face deregistration action. The standards in paragraph (b) of this section must be met before any such individuals can be required to accept a work or training assignment.

(b) The following standards are common to assignments to both work and training including PSE and OJT:

(1) All assignments for those in WIN training shall be within the scope of an individual's employability plan. This plan may be modified to reflect changed employment conditions.

(2) The job or training assignment must be related to the capability of the individual of performing the task on a regular basis. Any claim of adverse effect on physical or mental health shall be based on an adequate medical testimony from a physician or licensed or certified psychologist indicating that participation would impair the individual's physical or mental health.

(3) The total daily commuting time to and from home to the work or training site to which the individual is assigned shall not normally exceed 2 hours, not including the transporting of a child to and from a child care facility, unless a longer commuting distance and time is generally accepted in the community, in which case the round trip commuting time shall not exceed the generally accepted community standards.

(4) When child care is required, it must meet the standards specified in 45 CFR 220.18(c) and must be available during the hours the individual is engaged in a WIN component or manpower activity plus any additional necessary commuting time.

(5) The work or training site to which the individual is assigned must not be in violation of applicable federal, State and local health and safety standards.

(6) Assignments shall not be made which are discriminatory in terms of age, sex, race, creed, color, or national origin.

(7) The individual shall not be referred to work, job search, or training unless supportive and manpower services necessary for participation are available, even in cases where the State WIN plan does not specifically provide for the needed services. The cessation or withdrawal of such necessary services while the individual is in job search or in a WIN component shall constitute good cause for refusal to participate.

(c) The determination of "appropriate work" shall be made at local project level. The following criteria shall be applied in addition to the above, in determining "appropriate work":

(1) Appropriate work may be temporary, permanent, full-time, part-time or seasonal work which meets the appropriate work standards of this section.

(2) When an income disregard is available, the wage shall meet or exceed the Federal or State minimum wage law, whichever is applicable, or if such laws are not applicable, the wage shall not be substantially less favorable than the wage normally paid for similar work in that labor market but in no event shall it be less than three-fourths of the minimum wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act as amended.

(3) When, as a result of becoming employed, no income disregard is available to the individual, the wage, less mandatory payroll deductions and a reasonable allowance for necessary employment related expenses, shall provide an income equal to or exceeding the family's AFDC cash benefit. The wage shall, in no case, be less than that required by any applicable minimum wage law.

(4) The daily hours of work and the weekly hours of work shall not exceed those customary to the occupation; and

(5) No individual shall be required to accept employment if—

(i) The position offered is vacant due to a strike, lockout, or other bona-fide labor dispute;

(ii) As a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;

(iii) The job offered would interrupt a program in progress under an approved employability plan leading to self-support or to the resumption of his regular job within a short period of time. This does not, however, preclude temporary employment during the interval prior to his re-employment in his regular job.

(d) In addition to meeting the criteria in paragraph (b) of this section, for training to be appropriate, the quality of the training must meet local employers' requirements so that the individual will be in a competitive position within the local labor market. The training must also be likely to lead to employment which will meet the appropriate work criteria.

§ 56.35 Period of participation.

(a) The duration of institutional training established pursuant to section 432 (b)(2) of the Act shall average no more than six months for any individual, with a maximum duration of one year. The RCC, for good cause, may allow an exception to either limitation.

(b) Participation in Work Experience shall not exceed 13 weeks for any individual. The RCC may, for good cause, allow an exception to this limitation.

(c) Supportive services may be provided for up to two weeks to an individual between participation in WIN components, at the discretion of the WIN sponsor and the WIN/SAU, when necessary to ensure continued availability of the service in order to avoid interruption of the employability process.

(d) Manpower and supportive services under the WIN program may be provided to an individual until he has completed his employability plan, and may continue for up to 30 days beyond the completion of the plan if WIN sponsor and SAU staff determine that these services

are necessary to sustain the individual in employment status.

§ 56.36 Nondiscrimination.

(a) No person in the United States shall, on the grounds of age, race, creed, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under these regulations.

(b) Grievances involving discrimination under paragraph (a) of this section shall be processed according to equal opportunity provisions established by the Secretaries of Labor and HEW and, to the extent applicable, in compliance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the regulations issued thereunder (Part 31 of this subtitle).

Subpart E—The WIN Components and Activities

§ 56.40 Public service employment (PSE).

(a) *WIN/PSE.* WIN/PSE consists of WIN subsidized jobs in the public and private non-profit sectors. All WIN/PSE jobs must meet the criteria for appropriate work, and must be jobs which would not otherwise be performed by regular employees. The WIN/PSE component provides transitional employment intended to move individuals from AFDC into unsubsidized jobs.

(b) *Eligibility.* All certified registrants for whom appropriate unsubsidized employment cannot be found, are eligible for placement in PSE.

(c) *Eligible employers.* An eligible employer may be:

(1) Any unit of State or local government;

(2) Any public agency or institution which is a State or local government subdivision;

(3) An Indian tribe or combination of tribes on a Federal or State reservation; or

(4) Any private non-profit organization established to serve a public purpose.

(d) *WIN status of PSE participants.* For the purpose of AFDC benefits, PSE participants are considered to be employed. However, PSE participants shall not be deregistered because of participation in PSE until they complete the job entry period, since they are still an active part of the WIN program during job entry. PSE participants are not eligible to receive either a WIN incentive payment or the income disregard.

(e) *Displacement of workers.* Individuals shall not be assigned to a PSE job if this will result in the displacement of already employed full-time workers.

§ 56.41 Intensive manpower services component.

(a) A State may establish as one work experience component an Intensive Manpower Services Component to assist certified individuals to obtain employment. The State WIN agency shall develop standards of participation in the Intensive Manpower Services Component, taking into account local conditions, including, but not limited to, geographic factors, availability of public transportation, and local labor market characteristics. If the state selects this component, such standards of participation shall be included in the State WIN Plan submitted to the RCC.

(b) The Intensive Manpower Services Component shall provide manpower and employment services, which may include orientation, and must include job development, exposure to labor market information, job placement and job-seeking skills development to assist individuals in obtaining unsubsidized employment.

§ 56.42 On-the-job-training (OJT).

WIN/On-the-job-training (WIN/OJT) is an employment opportunity which includes skill training. Under this component, a certified registrant is hired by a private or public employer and provided skill training which is either subsidized under contract between the employer and the WIN sponsor, or is unsubsidized. Employers are encouraged to provide increased supervision and training either voluntarily or through contracts with the WIN sponsor, pursuant to which the WIN sponsor will reimburse the employer for the extraordinary costs of such training and supervision.

§ 56.43 Institutional and other work experience training.

(a) Institutional training is a component involving vocational or other classroom training conducted by an instructor in a non-worksite setting.

(b) A work experience component is to provide a clearly defined, well-supervised, assignment with a private nonprofit or public employer in which an individual has the opportunity to develop basic work habits, to practice skills learned in classroom training, and to demonstrate skills to a prospective employer.

§ 56.44 WIN individuals enrolled in other employment or training programs.

Certified individuals referred to slots in other eligible Federal or State funded employment or training programs, and meeting all the eligibility requirements under those programs, shall be temporarily suspended from the WIN program. Such individuals shall normally be compensated in accordance with and and through the provisions of those programs. However, when such compensation is not available or would be disadvantageous to the individual, he may accept regular WIN benefits instead. Notwithstanding such suspension, necessary supportive and manpower services which are not provided under the training program, but which are necessary to permit the individual to continue in the program, will be provided by the WIN/SAU and the WIN sponsor.

§ 56.45 Non-federal employee status.

An individual in a WIN component shall not be deemed an employee of the Federal Government, and shall not be subject to the provisions of laws relating to Federal employees, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits

§ 56.46 WIN assignment protests.

A certified individual may accept any work, job search, or training assignment under WIN without prejudicing his right to protest such an assignment. Such protests shall be handled through the WIN adjudication process.

Subpart F—WIN Disciplinary Rules and Sanctions

§ 56.50 Deregistration from WIN.

(a) All deregistrations shall be performed by the WIN sponsor.

(b) A deregistration may be necessary because the individual has become ineligible for AFDC, or exempt from registration, or adjudicated to have refused to participate without good cause, or because an incorrect exemption determination was made.

(c) The welfare agency shall notify the WIN sponsor of changes in an AFDC recipient's welfare or exemption status which would warrant deregistration.

(d) Except in those cases where the WIN sponsor has been notified that an AFDC grant has been closed, the WIN sponsor shall notify the IMU of all deregistrations.

§ 56.51 Refusal to participate in WIN.

(a) Any WIN registrant, except a volunteer, who refuses to participate by refusing without good cause to appear for appraisal, or any certified WIN registrant, except a volunteer, who refuses to participate in the WIN program without good cause, shall be deregistered from WIN and removed from the AFDC grant for failure to participate. After notice, and after an adverse hearing decision if a hearing is requested, the WIN sponsor shall deregister the individual and shall advise the IMU of its action. A WIN hearing, if one is requested, shall deal not only with the issue of failure to participate but also with the issue of grant adjustment, including protective or vendor payment and selection of payee. The IMU shall offer testimony on the latter issues. The decision of the WIN hearing officer shall be binding on the welfare agency and dispositive of all issues. In the adjudication of adjustment of grant issues, the WIN sponsor is deemed the agent of the welfare agency.

(b) Volunteers who decide to withdraw from the WIN program shall be deregistered.

(c) Volunteers who are found to refuse to participate after notice and an adverse hearing decision, if a hearing is requested, shall be deregistered. Only the issue of failure to participate in WIN shall be adjudicated.

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(d) When an individual, except a volunteer, as a result of a WIN hearing officer's decision has been determined by the Secretary of Labor to have refused without good cause to participate in a WIN component or to accept a bona fide offer of employment in which he is able to engage:

(1) If such individual is a caretaker relative receiving AFDC, his needs will not be taken into account in determining the family's need for assistance, and assistance in the form of protective or vendor payments or of foster care will be provided to the remaining members of the assistance unit. Under such circumstances, the caretaker relative may not be the protective payee;

(2) If such individual is the only dependent child in the family, assistance for the family will be denied;

(3) If such individual is one of several dependent children in the family, assistance for such child will be denied and his needs will not be taken into account in determining the family's need for assistance;

(4) The specified sanctions shall not be applied during a period of 60 days after such adverse adjudication, provided the individual is accepting counseling and other necessary services aimed at persuading him to participate in the WIN program. Meanwhile, assistance to his family in the form of protective or vendor payments and counseling and other necessary services shall be provided by the State welfare agency. Once a period of counseling and other necessary services has been provided to an individual, and he has again been found by the Secretary of Labor to have refused training, employment, or manpower services without good cause, the WIN/SAU shall not provide another period of counseling and other necessary services

Subpart G—The WIN Adjudication System

§ 56.60 Rules for grievances and deregistration; WIN restrictions.

The State WIN sponsor shall establish rules, subject to the approval of the RCC, governing participation, attendance, conduct, disputes and deregistration actions which shall be incorporated into the State WIN Plan. At registration each individual shall be given a copy of these rules. The registrant shall also be given the names of local project staff, and addresses and phone numbers of persons to be contacted if some problem arises.

§ 56.61 Complaints and grievances.

Initially, written complaints and grievances shall be handled outside of the formal WIN adjudication system. They shall be processed and, if possible, resolved within 14 calendar days at the local project level. An individual who is not satisfied with the disposition of his complaint may then initiate a formal protest at the local project level. The protest will then be handled by the formal WIN adjudication system.

§ 56.62 Disputes regarding WIN registrations.

(a) The welfare agency shall provide an opportunity for a hearing in the case of a disputed registration determination in which the AFDC applicant claims that he is exempt from WIN by the statutory criteria. Such an applicant shall temporarily be considered as exempt until his status is finally determined.

(b) A welfare hearing officer shall conduct hearings under this section, pursuant to the procedures prescribed in 45 CFR 205.10. Where the local WIN sponsor becomes involved in the determination of a disputed registration, a representative of the local WIN sponsor shall appear as a party at the hearing.

§ 56.63 Kinds of disputes handled by the WIN adjudication system.

The WIN adjudication system will hear and decide the following issues: disputed failure or refusal to appear for appraisal; unresolved complaints and grievances; disputed assignment to a WIN component; disputed removal from a component; disputed deregistration of an individual for failure or refusal without good cause to accept employment or otherwise participate in the WIN program; and grant adjustment including protective or vendor payments and selection of payee.

§ 56.64 Requirement of conciliation and notice.

(a) All efforts toward conciliatory resolution of disputes between the WIN sponsor and the individual must be exhausted prior to the issuance of a Notice of Intended Deregistration and Grant Adjustment or other Action. If the dispute is still unresolved after 30 days, the WIN sponsor shall mail a written notice of the intended action to the individual.

(b) The Notice of Intended Deregistration and Grant Adjustment or other Action shall include:

(1) The reasons for the action; and

(2) An explanation of the consequences of the refusal or failure to cooperate in a WIN prescribed program without good cause (where this is the issue);

(3) Notification of the right to request a hearing before a WIN hearing officer that will cover both the WIN issue and the issue of grant adjustment. The hearing must be requested within 10 calendar days after mailing of the notice. The notice shall state that failure to respond to the notice within 10 days of the date the notice was mailed will result in an adjustment in the method or amount of the assistance payment (the specific amount shall be included in the notice whenever possible);

(4) Instructions and required forms for requesting a hearing;

(5) An offer to assist with preparation of the hearing request;

(6) An offer of an opportunity to discuss the intended action with the project WIN sponsor prior to expiration of the prescribed period for filing a request for a hearing;

(7) Notice that the individual has a right to have counsel or representative present at the hearing;

(8) Notice that the individual will have an opportunity to confront opposition witnesses and to cross-examine them;

(9) Notice that the individual will be able to offer both oral and documentary evidence on his behalf;

(c) When written notification is mailed to the individual, the WIN sponsor shall inform him of the intended action personally or by telephone, if possible;

(d) The requirements of this section do not apply if the individual:

(1) Has successfully completed the job entry period and is regularly employed;

(2) Is deregistered as exempt; or

(3) Is deregistered as a result of becoming ineligible for welfare.

§ 56.65 Request for hearing.

(a) An individual who believes the intended action is wrong may request a hearing before a WIN hearing officer within 14 calendar days after mailing of Notice of Intended Deregistration and Grant Adjustment or other Action. The request for a hearing may be made either orally or in writing by the individual or his authorized representative to the WIN sponsor staff. Where the request is oral, the WIN sponsor staff shall prepare the required forms on behalf of the individual and obtain the individual's signature on the forms. A copy of the hearing request shall be sent to the RCC.

(b) Hearing procedures shall be published and shall be made available to the individuals requesting hearings in advance of such hearings. The procedures shall conform to standards prescribed by the RCC and shall be submitted to the appropriate RCC for review and approval prior to publication.

§ 56.66 Hearing procedures.

(a) The hearing shall be conducted by a WIN hearing officer and shall include the disputant, his duly authorized representative or counsel if any, witnesses on his behalf, and, where necessary, members of the project WIN sponsor, WIN/SAU, IMU or other welfare agency staff and other witnesses. The IMU shall be required to have in its possession at the hearing all relevant financial data concerning any grant in question and any adjustments which may be necessary as a result of the hearing. The WIN staff or its legal representative shall have primary responsibility for presenting the case before the WIN hearing officer.

(b) In a timely manner, the WIN sponsor shall mail to the disputant and to other interested parties a Notice of Scheduled Hearing, stating the date, time and place of the hearing, the issues to be heard and a copy of the hearing procedures. All hearings shall be held within 10 working days after the

mailing of the Notice of Scheduled Hearing.

(c) The WIN hearing officer may, at his discretion, reschedule or approve a request for rescheduling a hearing.

§ 56.67 Conduct of WIN hearings.

(a) The WIN hearing officer shall—

(1) Administer oaths and affirmation;

(2) Issue subpoenas authorized by law;

(3) Determine that all relevant issues are considered, including the timeliness of any request for a hearing;

(4) Rule on offers of proof and receive relevant evidence on all issues relative to refusal without good cause and sanctions which may be imposed if the decision is adverse to the claimant;

(5) Regulate the course of the hearing; and

(6) Take any other action necessary to insure an orderly hearing, including disqualification of a representative (but not of counsel) for improper conduct at the hearing.

(b) The testimony at the hearing shall be machine recorded. It shall be transcribed only when the WIN hearing officer's decision is to be reviewed by an appellate body.

(c) The individual, his counselor or representative, and the designated WIN sponsor and WIN/SAU and IMU representatives, shall be afforded the opportunity to present, examine, and cross-examine witnesses.

(d) The WIN hearing officer may elicit testimony of witnesses, but shall not act as advocate for any party.

(e) The WIN hearing officer shall receive, and make part of the record, documentary evidence offered by any party and accepted at the hearing. Copies thereof shall be made available to other interested parties upon request.

(f) The case record, or any portion thereof, shall be available for inspection and copying by any party with a direct interest therein, at, prior to, or subsequent to the hearing upon request.

(g) The WIN hearing officer shall, if feasible, resolve the dispute by conciliation at any time prior to the conclusion of the hearing.

§ 56.68 Decisions of the WIN hearing officer.

(a) The WIN hearing officer may rule in any of the following ways:

(1) That the disputant has failed to appear for appraisal, or has failed or refused to participate without good cause, and that appropriate deregistration and grant adjustment actions shall be initiated;

(2) That the certified individual should be assigned to job search without prejudice because he lacks the capacity to benefit from WIN program components; or

(3) That good cause has been shown for failure or refusal to participate and the individual should be retained in the program; or

(4) That the individual is found to be exempt from the registration requirement and should be deregistered; or

(5) That the request for a hearing is dismissed because:

(i) It was filed untimely without good cause;

(ii) It has been withdrawn in writing by the disputant or by his duly authorized counsel or representative;

(iii) The disputant has failed to appear at the hearing without good cause; or

(iv) Reasonable cause exists to believe that the request has been abandoned or that repeated requests for rescheduling are arbitrary and for the purpose of unduly delaying or avoid a hearing, in which case the welfare agency may proceed to impose appropriate sanction;

(6) That the individual was appropriately or inappropriately assigned; or

(7) Render such other rulings as are appropriate to the issues in question. However, the WIN hearing officer shall not consider the actual validity or constitutionality of the WIN regulations or statute.

(b) The WIN hearing officer shall, if possible, render an oral decision at the conclusion of the hearing. On the basis of the record compiled at the hearing he shall, within 3 working days of the close of the hearing, mail a written decision stating his findings to the disputant, his authorized representative or counsel, the appropriate WIN sponsor and WIN/SAU, the RCC, and the local IMU. The case record shall be returned to the project WIN sponsor. Instructions for appealing an adverse decision to the appropriate appellate body shall be attached to the disputant's copy.

(c) In cases involving novel questions of law or policy the WIN hearing officer may, within 5 days after issuing his written decision, certify the case for review and decision to the State appellate body or to the National Review Panel where the State does not provide for a State WIN appellate procedure.

§ 56.69 Appeals from WIN hearing officer's decision.

(a) After issues of grant adjustment are heard and decided at a WIN hearing, the state welfare agency may refuse to allow an appeal on this issue pursuant to a state welfare appeals procedure.

(b) On a WIN participation issue where the State provides for a WIN appellate procedure, a disputant, whether the individual, WIN sponsor, or welfare agency, who disagrees with the decision of a WIN hearing officer on the WIN issue may, within 14 calendar days after receiving the WIN hearing officer's written decision, request a review of such decision by the appropriate State appellate body. A request for appellate review shall not stay implementation of the decision of the WIN hearing officer.

(c) Each State WIN appellate body shall develop its hearing procedures and shall submit them to the RCC for review and approval. After approval, such rules shall be published. In all cases, the individual, whether he is the appellant or the appellee, shall be furnished a copy of the hearing procedures along with the notification of the receipt of the request for review.

(d) The State WIN appellate body shall consider and decide appeals filed within the time period prescribed by paragraph (b) of this section. It shall, within 30 days after receipt of the request for review, prepare a written decision either affirming or reversing the WIN hearing officer's decision, or it may remand the case for further evidence. The decision shall be based on its review of the hearing record and any additional evidence submitted or obtained in connection with its consideration of the appeal. However, in no case shall new evidence be introduced if it goes to the issue of the validity or constitutionality of the WIN regulations or statutes. The decision shall state the findings and the reasons for the finding reached. Copies of the decision shall be mailed to the individual, his authorized representative, the appropriate WIN sponsor and WIN/SAU, the IMU, the RCC, and the National Review Panel. Instructions for appealing a decision to the National Review Panel and the rules under which the National Review Panel considers appeals shall be attached to the individual's copy of the decision.

(e) A State WIN appellate body may, in appeals involving novel questions of law or policy, certify the case within 5 days after rendering its decision to the National Review Panel for review and decision.

§ 56.70 National Review Panel (NRP).

(a) The National Review Panel shall be composed of the DOL Chief Administrative Law Judge and 8 Administrative Law Judges appointed pursuant to Administrative Procedure Act requirements and designated by the Chief Administrative Law Judge to serve as members of the panel. The panel shall be located in Washington, D.C., and shall, unless equity requires otherwise, hold its reviews in Washington.

(b) The NRP has jurisdiction to:

(1) Consider appeals where a State does not provide for a WIN appellate procedure in all cases in which a compelling reason exists, including, but not limited to, cases raising novel and or substantial issues of law or policy.

(2) Consider and decide cases, wherein, in the exercise of its discretion, it has accepted certification of the cases to it by the State WIN appellate body, or in the absence of a State WIN appellate body, by the WIN hearing officer because they involve novel questions of law or policy;

(3) Consider and decide cases which, on its own motion, it has requested from a State WIN appellate body or, in the absence of a State WIN appellate body, from the WIN hearing officer.

(4) At its discretion, consider and decide appeals filed by individuals, the WIN sponsor or welfare agencies from State WIN appellate body decisions.

(5) Monitor the consistency, legal sufficiency, and quality of cases handled by the WIN local and appellate adjudicative bodies.

(6) However, the National Review Panel shall not have jurisdiction to ex-

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amine the issue of either the validity or constitutionality of WIN regulations or statute.

(c) Appeals to the NRP may be filed by an interested party. Such appeals must be filed within 15 days of the date of the written decision from which the appeal is taken. Appeals by persons residing in the Commonwealth of Puerto Rico, the Virgin Islands, or Guam shall be filed within 30 days of the date of an appealable decision.

(d) *Contents of the appeal.* The appeal must be in writing, identify reasons in support of the appeal, and be addressed to the National Review Panel along with a copy of the WIN hearing officer's decision. Notice of the appeal and, where possible, copies of the appeal shall be sent by the NRP to all other interested parties in the dispute.

(e) *Response to appeal.* Any other party to the proceeding may respond to the appeal or comment in support of or in opposition to the appeal, directly to the National Review Panel, U.S. Department of Labor, Washington, D.C. 20210. The submitting party must send its response to the NRP within 7 days after having received notification that an appeal has been filed.

§ 56.71 Request for NRP to accept certification.

(a) *Who may request the NRP to accept certification.* The State WIN appellate body, or, in the absence of a State WIN appellate body, the WIN hearing officer may file a request that the NRP accept certification of a case.

(b) *Contents of request for certification.* The request must contain the following:

(1) A concise statement of the novel question of law or policy which is the basis for the request to accept certification;

(2) A brief summary of the relevant facts and evidence;

(3) Pertinent rulings, conclusions, and decisions by the hearing officer and/or the WIN appellate body, as the case may be; and

(4) All reasons and arguments in support of the request, including citation of applicable laws and case decisions. A copy of any written decisions by the WIN hearing officer or WIN appellate body must be attached to the request.

(c) *Time of filing.* A request for the NRP to accept certification shall be filed as follows:

(1) By the State WIN appellate body within 5 days following issuance of its written decision;

(2) In the absence of a State WIN appellate body, by the WIN hearing officer within 5 days after issuance of his written decision;

(d) *Place of filing and number of copies.* The party filing a request to the NRP to accept certification of a case shall file the original and 3 copies with the National Review Panel, U.S. Department of Labor, Washington, D.C. 20210, and simultaneously shall serve copies on every other party to the proceeding, including the State agency administering hearings in that State.

(e) *Response to request that NRP accept certification.* Any party to the proceeding who wishes to respond to the request or to comment thereon may file a response with the NRP in support of or in opposition to the request within 7 days following service of a request that the NRP accept certification. Whenever possible, a copy of the response shall be served on all parties to the proceeding, including the State agency administering hearings in that State.

§ 56.72 Requests by NRP for certification.

(a) *Contents of request and time for filing.* Requests by NRP for certification of a case to it shall be made in writing no later than 30 days after issuance of a written decision by the State WIN appellate body or WIN hearing officer, whichever is applicable. The request shall be in writing and served on the State appellate body or WIN hearing officer, whichever is appropriate, on the State agency administering hearings in that State, and on all parties to the proceeding.

(b) *Briefs.* In all cases, any party to a proceeding may file briefs with the NRP in support of its position. The NRP, if it deems it necessary to its consideration of a particular case, may request briefs from all the parties.

(c) *Time for briefs.* Briefs should be filed within 30 days from the date of service by the NRP of its request that a case be certified to it. However, in cases where the NRP itself requests briefs, a different time limit may be established by the NRP.

§ 56.73 Certification of the record.

Upon receipt of written notice from the NRP that an appeal has been filed, that it has accepted certification of a case, or that it has requested certification of a case, the State WIN appellate body or the WIN hearing officer, whichever is applicable, within 15 days of receipt of the notification, shall certify and file with the NRP a complete record of the proceedings below including the transcript in writing of the hearing before the WIN hearing officer together with all documents and exhibits; a copy of the WIN hearing officer's decision; where appropriate, a copy of the decision of the State appellate body; and, any other papers and documents relevant to the proceedings. The State WIN appellate body or WIN hearing officer, whichever is appropriate, shall prepare and include an index of the documents transmitted and shall serve immediately a copy of said index on every party to the proceeding.

§ 56.74 Consideration by and decisions of the NRP.

(a) In considering appeals before it, the NRP may sit in panels of three members. The DOL Chief Administrative Law Judge may designate any Administrative Law Judge employed by DOL to review or hear a particular case and to submit his findings and recommendation to the NRP or any duly designated panel thereof.

(b) In considering appeals before it, the NRP, a duly designated panel thereof, or the designated Administrative Law Judge may request the parties to submit additional written statements of position, hear oral arguments or hold additional hearings where deemed necessary in the interest of justice.

(c) Hearing or oral presentation. (1) Any party to an appeal may make application in writing for a hearing or oral presentation before the NRP. Such application shall set forth the reasons in support thereof and be made within 5 days after:

(i) Service of notification of the filing of an appeal from the decision of a WIN hearing officer where the State does not provide for an appellate body; or

(ii) Service of notification that the NRP at its discretion has accepted an appeal from the decision of a State appellate body; or

(iii) Service of notification that the NRP has accepted certification of a case whether at its request or upon the application of a State appellate body or WIN hearing officer.

(2) If a hearing or oral argument is directed, the notice thereof shall state the date, time, place, nature, and purpose of the hearing or oral argument. Such notice shall be served on the appellant and all other parties to the proceeding.

(3) At any hearing or oral argument so ordered, the NRP, or the designated Administrative Law Judge, may require or direct any party or person to appear to testify or produce evidence.

(4) Any party to the proceeding may appear personally or be represented by an attorney or agent.

(5) If a hearing is directed before an Administrative Law Judge, the findings and recommendations of the Administrative Law Judge designated to conduct the hearing shall be served on the appellant and all other parties may file with the NRP written exceptions and briefs in support thereof within 10 days of service of the Administrative Law Judge's findings and recommendations and shall at the same time serve copies of such exceptions and briefs on all other parties to the proceeding. Any exceptions filed shall refer to specific findings and recommendations of the Administrative Law Judge and shall be served on all other parties to the proceeding.

(6) The panel may hold additional hearings where it deems necessary, in the interest of justice, to do so.

(d) In all cases which are accepted for adjudication by the National Review Panel, the NRP shall send a copy of all relevant materials to the National Coordination Committee and to the Solicitor of Labor, in order to afford a 30-day period for the submittal of briefs relative to the law and policy issues involved and/or requests for oral argument.

(e) Decisions by the National Review Panel. The NRP shall prepare as expeditiously as possible a written decision setting forth its findings, the reasons for its conclusions, and an appropriate order. The decision shall be based on the record below and any additional evidence submitted to or obtained by the NRP. The decision may consist of affirmation, reversal, remand for further development of the evidence or other appropriate action. Copies of the NRP decisions, including notification that the NRP had denied a request that it review a decision of a State WIN appellate body and notification that NRP has accepted certification of a case, shall be served on all parties to the proceeding and such other persons as may be appropriate.

§ 56.75 Sixty-day counseling period and reinstatement of certified individuals.

(a) WIN benefits under Part C of the Act (not AFDC benefits) shall cease and the 60-day counseling period by WIN/SAU shall commence to run on the fifth business day following:

(1) The expiration of the prescribed time period for filing a request for a hearing on a proposed deregistration from WIN, or the date on which the request for such hearing is dismissed; or

(2) The date of the WIN hearing officer's written decision that the disputant has refused or failed to accept employment or participate in the WIN program without good cause; or

(3) A decision rendered by the State appellate body or the National Review Panel upon appeal by the State WIN sponsor which is adverse to a WIN disputant.

(b) The WIN/SAU and the IMU will be notified immediately by the WIN sponsor of all of the foregoing actions.

(c) Counseling and other services shall be provided by WIN/SAU for a period of 60 days to individuals who have been determined by the Secretary of Labor to have refused training or employment under the WIN program without good cause, for the purpose of persuading them to accept appropriate training or employment. Once a period of counseling and other services has been provided to an individual, and he has again been found by the Secretary of Labor to have refused training or employment under WIN without good cause, the WIN/SAU shall not provide another period of counseling and other services.

(d) If a WIN hearing officer's adverse decision is reversed on appellate review, the disputant shall be paid such retroactive WIN and welfare benefits as may be applicable and, where appropriate, shall be reinstated in the program.

§ 56.76 Subsequent WIN registration by deregistered individuals.

(a) Individuals who were deregistered on the basis of a "without good cause" determination may, upon application, again register for WIN, provided 90 days have elapsed since their deregistration and they have given evidence to the WIN project staff of willingness to participate.

(b) An individual who has been reaccepted into the WIN program after such deregistration shall have the same rights as an individual who registers for the first time. If he is subsequently deregistered following a "without good cause finding" he shall not be registered or reaccepted in the WIN program unless satisfactory evidence is given of willingness to participate and 6 months have elapsed since the effective date of the latest deregistration.

(c) Reacceptance into the WIN program may be denied where the termination action was the result of the individual's disruptive behavior or of criminal or other activities which presented a hazard to the staff or others.

Subpart H—Definitions

§ 56.80 Definitions.

(a) "Act": Title IV of the Social Security Act as amended by Public Law 92–223, December 28, 1971.

(b) "AFDC" (Aid to Families with Dependent Children): The program authorized by Title IV of the Act to provide financial assistance and social services to needy families with children.

(c) "AFDC Applicants": A person who applies to the State or local welfare agency for AFDC benefits.

(d) "Appraisal": The interview of a WIN registrant by WIN sponsor staff and WIN/Separate Administrative Unit staff to determine employability potential, to determine the need for necessary supportive services, and to develop an employability plan.

(e) "ARDM": Assistant Regional Director for Manpower, U.S. Department of Labor.

(f) "Certification": A written notice from the Separate Administrative Unit that necessary supportive services have been arranged or are available to enable a WIN registrant to accept employment, training, or manpower services, or that no supportive services are needed and that the individual is at that time ready for employment or training.

(g) "Commuting time": The time spent each day traveling to and from a place of residence and an employment or training site, not including time spent in transporting children to and from a day care facility.

(h) "Deregistration": The removal of an individual from the WIN program.

(i) "DHEW": The U.S. Department of Health, Education, and Welfare.

(j) "DOL": The U.S. Department of Labor.

(k) "Employability Plan": A written plan for a WIN registrant that sets forth that individual's occupational goal and the manpower and supportive services necessary for him to reach that goal.

(l) "Exempt": Refers to an AFDC applicant or recipient who is not required by the Act to register for employment or training under the WIN program as a condition of eligibility for AFDC benefits.

(m) "Income Maintenance Unit" (IMU): The unit of the State or local welfare agency which determines individuals' eligibility for AFDC benefits.

(n) "Institutional Training": Vocational or other classroom training conducted by an instructor in a nonworksite setting.

(o) "Intensive Manpower Services Component": A structured work experience component providing manpower and employment services to individuals certified for WIN training to assist them in obtaining unsubsidized employment.

(p) "Job Entry Period": The first 90 calendar days of permanent, unsubsidized, full-time employment of 100 hours or more per month.

(q) "Job search activity": An activity, incident to WIN registration, pursuant to which WIN registrants who are welfare recipients, as well as certified individuals who are not actively engaged in a WIN component, shall search for jobs. This job search activity is in addition to the normal employment service job referral services afforded to WIN registrants at registration, and in addition to the job seeking efforts required of certified individuals who are in an Intensive Manpower Services Component.

(r) "Local WIN Plan": The plan developed annually by local WIN personnel which describes the operation of the WIN program for that area.

(s) "Mandatory or Nonexempt Registrant": An AFDC applicant or recipient who is required by the Act to register for manpower services, training or employment as a condition of eligibility for AFDC benefits.

(t) "Manpower Services": Employment related and training services provided by the WIN sponsor, designed to improve the work skills of an individual and aid him to find employment.

(u) "National Coordination Committee" (NCC): The national committee established to administer the WIN program, consisting of the Assistant Secretary for Manpower (DOL) and the Administrator of the Social and Rehabilitation Service (HEW).

(v) "National Review Panel" (NRP): The final level of administrative review which is comprised of the DOL Chief Administrative Law Judge and 8 Administrative Law Judges appointed pursuant to the Administrative Procedure Act's requirements and designated by the Chief Judge to serve as members of that panel.

(w) "On-the-job Training" (OJT): An employment opportunity component in which certified registrants receive skill training. Under this component, a WIN registrant is hired by a private or public employer and is provided either subsidized or unsubsidized skill training.

(x) "Public Service Employment" (PSE): A WIN sponsored component which provides subsidized employment with public or private nonprofit agencies for individuals who cannot be placed in regular unsubsidized employment.

(y) "Recipient": An individual who is determined to be eligible to receive AFDC benefits.

(z) "Regional Commissioner" (RC): The Regional Commissioner of the Social and Rehabilitation Service (HEW).

(aa) "Regional Coordination Committee" (RCC): A Committee established in each region consisting of the ARDM and the RC.

(bb) "Registrant": An AFDC applicant or recipient who has registered with the WIN sponsor for manpower services, training, and employment.

(cc) "Registration": The process whereby an AFDC applicant or recipient

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registers with the WIN sponsor, completes a work history, makes himself available for participation in a job search activity once he becomes a recipient of AFDC benefits, and agrees to the requirements of the program by signing a completed registration card.

(dd) "Separate Administrative Unit" (SAU): That unit of the single State welfare agency established pursuant to section 402(a)(19)(G) of the Act, to administer the WIN program for that agency.

(ee) Single State welfare agency: The welfare agency designated pursuant to 45 CFR 205.100 with authority to administer and supervise the administration of the State plan required by Title IV, Part A of the Act.

(ff) "State": The 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(gg) "State Plan": The overall state welfare plan for AFDC developed by each state under Title IV, Part A of the Act.

(hh) "State WIN Plan": The Statewide operational plan for WIN, covering AFDC applicants and recipients required to register for employment, manpower services and training under WIN, developed by the WIN sponsor and WIN/SAU in each state and approved and supervised by the RCC under Title IV, Part C of the Act.

(ii) "Supportive Services": Those social services provided or arranged by the WIN/SAU, necessary to enable an individual to engage in a job search activity, employment, training or other manpower program.

(jj) "Training Related Expenses": Those expenses, reimbursable from WIN funds, that are incurred by individuals participating in job search or in WIN program components.

(kk) "Volunteer": An AFDC applicant or recipient who, though exempt from WIN registration, volunteers for WIN and registers for employment, manpower services and training.

(ll) "Welfare hearing officer": The hearing officer provided by the welfare agency to hear and decide disputes relating to exemption or nonexemption for WIN registration.

(mm) "WIN hearing officer": The hearing officer provided by the State WIN sponsor to hear and decide disputes involving WIN and related grant adjustment issues.

(nn) "WIN Incentive Payment": A cash payment of up to $30 per month, paid to an individual who is participating in an institutional or work experience component, including the Intensive Manpower Services Component.

(oo) "WIN Sponsor": The State agency (such as the State employment service) or other public or non-profit private agency which, through agreement with the ARDM, administers the WIN manpower program under Part C of the Act at the State or local level.

(pp) "Work Experience Training": The generic term for two WIN components: (1) Work Experience Training, which provides a clearly defined, well-supervised assignment with a private, non-profit or public employer; and (2) the Intensive Manpower Services Component.

2. *Transition Provisions.* (a) Implementation of this revised Part 56 except for Subpart G may proceed as of the date of final publication of these regulations, but in any case shall be completed by January 1, 1975. Subpart G of this revised Part 56 shall not take effect until, but shall take effect on January 1, 1975.

PART 57—ADMINISTRATIVE HEARINGS AND APPEALS UNDER THE WORK INCENTIVE PROGRAM

PART 58—RULES OF PRACTICE OF THE NATIONAL REVIEW PANEL, WORK INCENTIVE PROGRAM

(b) The present 29 CFR Part 57 and 58 shall remain in effect until January 1, 1975, on which date they shall be rescinded and the parts reserved, except that on and after January 1, 1975, they shall continue to apply to all adjudication under them commenced prior to January 1, 1975.

Dated: September 9, 1974.

RICHARD F. SCHUBERT,
Acting Secretary of Labor.
CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.74-21434 Filed 9-17-74;8:45 am]

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Title 3—The President

PROCLAMATION 4314

National Employ The Handicapped Week, 1974

By the President of the United States of America

A Proclamation

The single greatest difficulty facing the handicapped person is not his or her own disability but rather the attitudes of society toward that disability. Yet handicapped people have proven themselves capable of performing a wide range of jobs with great diligence, skill, and efficiency.

As scientists, teachers, Government officials, aerospace engineers—in nearly every occupation—otherwise qualified but handicapped Americans have contributed significantly to our Nation's progress.

Let us resolve in 1974 to make use of the talents and abilities and energies of the handicapped. Our Nation needs them.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, in accordance with the joint resolution of Congress approved August 11, 1945, as amended (36 U.S.C. 155), designating the first week in October of each year as National Employ the Handicapped Week, do hereby call upon the people of the United States to observe the week beginning October 6, 1974, for such purpose.

I urge the Nation's Governors, Mayors, and all other public officials, as well as leaders in every area of American life, to join with the handicapped themselves in active participation in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America, the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.74-21879 Filed 9-17-74;2:17 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 50—FROZEN VEGETABLES

Frozen Peas; Confirmation of Effective Date of Order Establishing Standards of Identity and Quality

An order was published in the FEDERAL REGISTER of January 28, 1974 (39 FR 3541), establishing definitions for frozen vegetables (21 CFR 50.1) and standards of identity and quality for frozen peas (21 CFR 50.2, 50.3) in consideration of the Recommended International Standard for Quick Frozen Peas and a proposal submitted by the American Frozen Food Institute (AFFI).

The one objection filed in response to the order was from AFFI, as follows:

1. Objection was taken to the applicability of the standards to bulk shipments in that it would be unrealistic and costly to both the producer and consumer. AFFI recommended that the standards apply only to frozen peas in retail size containers of 6 pounds or less. AFFI stated that it is common practice in the United States to ship quick frozen agricultural products in tote bins of 2,000 pounds or more from the agricultural growing regions to other destinations where the product, under controlled conditions, is re-sorted and/or packaged into consumer size containers. AFFI also stated that bulk shipments of lower grades of maturity of frozen peas for reprocessing in soup, puree, etc., should not be subject to the standards.

The Commissioner of Food and Drugs advises that it was not his intention that the standards apply to bulk shipments of frozen peas in containers such as tote bins where the product is later to be packaged in consumer size containers or used in the manufacture of other foods such as soup and puree. The regulation has been revised accordingly.

2. It was requested that the date for compliance for all labeling used for products shipped in interstate commerce be extended from December 31, 1974 to December 31, 1975 because of the amount of current labels on inventory.

The Commissioner concludes that inadequate justification was provided for the extension. The need to revise labels has been known in excess of 1 year. Exceptions will be granted, however, on an individual basis where information, including supporting data, is submitted demonstrating that extreme hardship will be incurred in achieving labeling compliance with the standards by December 31, 1974.

3. Exception was taken to the position stated by the Commissioner in the preamble that every word appearing in the name of frozen peas, which by virtue of containing garnishes or sauces or both are nonstandardized, shall appear in the same size and style of type. AFFI stated that millions of pounds of "sauced" and/or "garnished" vegetables are marketed annually in the United States with no apparent confusion to consumers. AFFI stated that such a labeling requirement would be costly to producers, as well as to the consumer, with no apparent benefit.

The Commissioner promulgated a new Part 102, published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6964), regarding the adoption of common or usual names for nonstandardized foods. Section 102.1 (21 CFR 102.1) set forth general principles applicable to the requirements for such names. Concerning that regulation, questions arose as to whether any word contained in the portion of the name of the food specified in § 102.1(a) may be larger than any other word used in that part of the name. In a proposal published in the FEDERAL REGISTER of December 10, 1973 (38 FR 33984), the Commissioner proposed that every word appearing in the part of the common or usual name of the food required by § 102.1(a) shall appear in the same size and style of type. Many comments opposing the proposal were received. An order ruling on this proposal has not been issued. When such an order is issued, it will set forth the policy that shall be followed in regard to the size and style of type in the labeling of all food, including nonstandardized frozen peas containing garnishes or sauces or both.

Notice is given that compliance with the subject order, including the amendment set forth below, will become effective on December 31, 1974.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120), § 50.2 is amended in paragraph (a) by revising the first sentence to read as follows:

§ 50.2 Frozen peas; identity; label statement of optional ingredients.

(a) *Product definition.* Frozen peas is the food in "package" form as that term is defined in § 1.1(b) of this chapter, prepared from the succulent seed of the pea plant of the species *Pisum sativum L.* * * *

* * * * * *

Effective date. Sections 50.1, 50.2, and 50.3 promulgated in the order of January 28, 1974, as amended herein, shall become effective December 31, 1974.

(Secs. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; (21 U.S.C. 341, 371))

Dated: September 13, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-21699 Filed 9-18-74;8:45 am]

PART 53—TOMATO PRODUCTS

Tomato Juice; Amendment of Identity Standard; Correction

In FR Doc. 74-13483 appearing at page 20882 in the FEDERAL REGISTER of Friday, June 14, 1974, in the right column on page 20883, the fifth line of paragraph 7 which reads "food amounts to 10 percent of the U.S." is changed to read "food amounts to 100 percent of the U.S."

Dated: September 13, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-21695 Filed 9-18-74;8:45 am]

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Pituitary Luteinizing Hormone for Injection

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (9-167V) of Burns-Biotec Laboratories, Inc., Subsidiary of Chromalloy American Corp., 7711 Oakport St., Oakland, CA 94621, proposing revised labeling for safe and effective use of pituitary luteinizing hormone for administration to cattle, horses, swine, sheep, and dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by adding a new section as follows:

§ 135b.101 Pituitary luteinizing hormone for injection.

(a) *Specifications.* The drug is a lyophilized pituitary extract. Each 6-milliliter vial contains an amount equivalent

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to 25 milligrams of standard pituitary luteinizing hormone and is reconstituted for use by addition of 5 milliliters of 0.9 percent aqueous sodium chloride solution.

(b) *Sponsor.* Code No. 070 in § 135.501 (c) of this chapter.

(c) *Conditions of use.* (1) The drug is an aid in the treatment of breeding disorders related to pituitary hypofunction in cattle, horses, swine, sheep, and dogs.

(2) Preferably given by intravenous injection, it may be administered subcutaneously; dosage is as follows: Cattle and horses, 25 mg; swine, 5 mg; sheep, 2.5 mg, and dogs, 1.0 mg. Treatment may be repeated in 1 to 4 weeks, or as indicated.

(c) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective September 19, 1974.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: September 13, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-26194 Filed 9-18-74;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin; Monensin Sodium

An order was published in the FEDERAL REGISTER of June 25, 1974 (39 FR 22946) amending § 135e.50 by adding thereto paragraph (b) (1) through (7). A subsequent order inadvertently published out of sequence on June 26, 1974 (39 FR 23055) amended the prior text of § 135e.50 thus removing paragraph (b) (1) through (7) previously established.

This order reinstates paragraph (b) (1) through (7) vacated by the June 26, 1974 order.

Therefore, § 135e.50(b), as revised in the order of June 25, 1974, is republished as follows:

§ 135e.50 Monensin; monensin sodium.

• • • • •

(b) *Approvals.* Premix levels of monensic acid activity from monensin or monensin sodium granted to firms as sponsor(s) and identified by code numbers in § 135.501(c) of this chapter for the specific usage indicated in paragraph (f) of this section:

(1) 44 or 45 grams per lb. to 014; item 1.

(2) 44 grams per lb. with 18 grams per lb. of 3-nitro-4-hydroxyphenyl-arsonic acid to 014; item 2.

(3) 110 grams per lb. to 014; items 3 and 5.

(4) 110 grams per lb. with 45 grams per lb. of 3-nitro-4-hydroxyphenyl-arsonic acid to 014; item 4.

(5) 303.5 grams per ton with 0.0133 percent 3-nitro-4-hydroxyphenylarsonic acid to 006; item 4.

(6) 11.786 grams per lb with 1.063 percent 3 - nitro-4-hydroxyphenylarsonic acid, 22 grams per lb. with 1.98 percent 3-nitro-4-hydroxyphenylarsonic acid to 110; item 4.

(7) 14.67 grams per lb. to 110; item 3.

• • • • •

Effective date. This order shall be effective September 19, 1974.

Dated: September 13, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-21700 Filed 9-18-74;8:45 am]

SUBCHAPTER C—DRUGS

SUBCHAPTER D—DRUGS FOR HUMAN USE

CERTIFICATION OF ANTIBIOTICS AND INSULIN

Financial Responsibility of Agents

In a notice of proposed rulemaking published in the FEDERAL REGISTER of March 8, 1974 (39 FR 9199), the Commissioner of Food and Drugs proposed to amend the regulations pertaining to the certification of antibiotics and insulin (21 CFR 146.2 and 164.2). (Subsequently, the regulations for drugs for human use were recodified and transferred to a new Subchapter D. In the recodification document published in the FEDERAL REGISTER of March 29, 1974 (39 FR 11680), § 164.2 was recodified as § 429.40. In the recodification document published in the FEDERAL REGISTER of May 30, 1974 (39 FR 18922), § 146.2 as it pertains to certification of antibiotics for human use was recodified as § 431.1. In the same issue of the FEDERAL REGISTER (39 FR 18771), § 146.2 was amended to indicate that it now pertains only to certifiable antibiotics for veterinary use. Consequently, the proposed amendment of March 8, 1974 is recodified and now applies to three sections of Title 21, instead of two as originally described). The proposed regulation would make the authorized agent of any foreign manufacturer of drugs who requests certification by the Food and Drug Administration financially responsible for any uncollected certification fees. This was proposed to eliminate the difficulty, rarely encountered, of collecting certification fees from a foreign manufacturer who has gone out of business or otherwise discontinued using the certification services. Interested persons were invited to submit comments on the proposal within 60 days.

One comment was received in response to the proposal. The comment, from a pharmaceutical consultant, suggested that the agent be immediately apprised of an overdraft and that it be made certain he receives copies of all statements.

Under present Food and Drug Administration procedures, upon completion of testing and assays, the chargeable fees for each batch of antibiotics and insulin are billed by the Food and Drug Administration to a foreign manufacturer through his agent. In addition, a month-end statement of each manufacturer's account is sent to the agent. The Commissioner, therefore, finds that present practices provide the agent with sufficient information to be kept currently informed on the status of his clients' accounts.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 506, 507, 512(n), 55 Stat. 851 as amended, 59 Stat. 463 as amended, 82 Stat. 350–351; (21 U.S.C. 356, 357, 360b (n))) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21, Code of Federal Regulations, is amended as follows:

PART 146—ANTIBIOTIC DRUGS FOR VETERINARY USE; PROCEDURAL AND INTERPRETIVE REGULATIONS

1. In § 146.2(a) by adding thereto a new sentence as follows:

§ 146.2 Requests for certification, check tests and assays, and working standards for veterinary drugs; information and samples required.

(a) • • • The agent will be held accountable for all outstanding certification fees incurred by the foreign manufacturer he represents, and, in signing the request for certification, the agent agrees to be financially responsible for any certification debts so incurred.

• • • • •

PART 429—DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

2. In § 429.40(a) by adding thereto a new sentence as follows:

§ 429.40 Requests for certification; samples; storage; approvals preliminary to certification.

(a) • • • The agent will be held accountable for all outstanding certification fees incurred by the foreign manufacturer he represents, and, in signing the request for certification, the agent agrees to be financially responsible for any certification debts so incurred.

• • • • •

PART 431—CERTIFICATION OF ANTIBIOTIC DRUGS

3. In § 431.1(a) by adding thereto a new sentence as follows:

§ 431.1 Requests for certification, check tests and assays, and working standards; information and samples required.

(a) • • • The agent will be held accountable for all outstanding certification fees incurred by the foreign manufacturer he represents, and, in signing the request for certification, the agent agrees to be financially responsible for any certification debts so incurred.

• • • • •

Effective date. This order shall be effective October 21, 1974.

(Secs. 506, 507, 512(n), 55 Stat. 851 as amended, 59 Stat. 463 as amended, 82 Stat. 350–351 (21 U.S.C. 356, 357, 360b(n)))

Dated: September 13, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-21702 Filed 9-18-74;8:45 am]

SUBCHAPTER O—DRUGS FOR HUMAN USE

[DESI 8583, 8674, 9152, 9188, and 50205; Docket No. FDC-D-677; NDA No. 50-203, Etc.]

Otic and Ophthalmic/Otic Preparations; Revocation of Certification and Eligibility for Release and Amendment of Antibiotic Regulations

In the FEDERAL REGISTER of August 9, 1973 (38 FR 21500), the Commissioner of Food and Drugs proposed revocation of provisions for certification or denial of release of the antibiotic drugs described in items 1, 2, 3, 4, 6, and 7 below for otic use in humans and denial of certification or release of drugs described in item 5 below if such drugs are labeled with less than effective indications for ophthalmic or otic use. (That proposal was published without a docket number and has been assigned docket number FDC-D-677 as shown in the heading above.)

The Commissioner's conclusions were set forth in the August 9, 1973 proposal after a lack of response or data to the initial announcements, listed below, classifying most of the drugs as possibly effective or, in the case of DESI 8583, effective and possibly effective. The conclusions were based on a review of reports of the National Academy of Sciences/National Research Council, Drug Efficacy Study Group on most of the drugs described below, on a review of any other available evidence, and on the policy for fixed combination drugs as specified in 21 CFR 3.86:

1. DESI 50205 published August 19, 1971 (36 FR 16130).

Achromycin Ear Solution containing tetracycline hydrochloride and benzocaine; Lederle Laboratories Division, American Cyanamid Co., Pearl River, NY 10965 (NDA 50-275).

2. DESI 9152 published June 23, 1972 (37 FR 12419).

Terra-Cortril Eye/Ear Suspension containing oxytetracycline hydrochloride and hydrocortisone acetate; Pfizer, Inc., 235 East 42d St., New York, NY 10017 (NDA 66-016).

3. DESI 9188 published June 6, 1972 (37 FR 11283).

a. Neo-Delta-Cortef Eye/Ear Ointment containing prednisolone acetate and neomycin sulfate; The Upjohn Co., 7171 Portage Rd., Kalamazoo, MI 49002 (NDA 61-039).

b. Neo-Cortef Eye/Ear Drops containing hydrocortisone acetate and neomycin sulfate; The Upjohn Co. (NDA 60-612).

c. Neo-Delta-Cortef Eye/Ear Drops containing prednisolone acetate and neomycin sulfate; The Upjohn Co. (NDA 61-037).

d. Neo-Cortef Eye/Ear Ointment containing hydrocortisone acetate and neomycin sulfate; The Upjohn Co. (NDA 60-610).

e. Neo-Medrol Eye/Ear Ointment containing methylprednisolone and neomycin sulfate; The Upjohn Co. (NDA 60-645).

f. Neo-Hydeltrasol Ophthalmic Solution (for eye or ear) containing prednisolone sodium phosphate and neomycin sulfate; Merck Sharp and Dohme, Division Merck and Co., Inc., West Point, PA 19486 (NDA 50-379).

g. Neo-Hydeltrasol Ophthalmic Ointment (for eye or ear) containing prednisolone sodium phosphate and neomycin sulfate; Merck Sharp and Dohme (NDA 50-378).

h. Neo-Decadron Ophthalmic Ointment (for eye or ear) containing dexamethasone sodium phosphate and neomycin sulfate; Merck Sharp and Dohme (NDA 50-324).

i. Neo-Aristocort Eye/Ear Ointment containing triamcinolone acetonide and neomycin sulfate; Lederle Laboratories (NDA 60-442).

j. Neo-Decadron Ophthalmic Solution (for eye or ear) containing dexamethasone sodium phosphate and neomycin sulfate; Merck Sharp and Dohme (NDA 50-322).

k. Cor-Oticin Eye/Ear Suspension containing hydrocortisone acetate and neomycin sulfate; Maurry Biological Co., Inc., 6109 South Western Ave., Los Angeles, CA 90047 (NDA 60-188).

4. DESI 8674 published June 29, 1972 (37 FR 12855).

a. Terramycin Otic with Polymyxin B Sulfate and Benzocaine containing polymixin B sulfate, oxytetracycline hydrochloride and benzocaine; Pfizer, Inc. (NDA 61-087).

b. Otobione Otic Drops containing prednisolone acetate, neomycin sulfate, and sodium propionate; Schering Corp., 60 Orange St., Bloomfield, NJ 07003 (NDA 50-363).

c. Otobiotic Otic Solution containing neomycin sulfate and sodium propionate; Schering Corp. (NDA 50-364).

d. Biomydrin Otic with Hydrocortisone containing neomycin sulfate, gramicidin, hydrocortisone acetate, thonzylamine hydrochloride and thonzonium bromide; Warner-Chilcott Laboratories Division, Warner-Lambert Pharmaceutical Co., 201 Tabor Road, Morris Plains, NJ 07950 (NDA 50-351).

5. DESI 8583 published June 23, 1972 (37 FR 12418).

a. Terramycin Ophthalmic-Otic Ointment with Polymyxin B Sulfate containing oxytetracycline hydrochloride and polymyxin B sulfate; Pfizer Inc. (NDA 61-015).

b. Chloromycetin-Polymyxin Ophthalmic Ointment containing chloramphenicol and polymyxin B sulfate; Parke, Davis and Co., Joseph Campau at the River, Detroit, MI 48232 (NDA 50-203).

c. Polysporin Ophthalmic Ointment containing polymyxin B sulfate and zinc bacitracin; Burroughs Wellcome & Co., 3030 Cornwallis Rd., Research Triangle Park, NC 27709 (NDA 61-229).

6. Otalgine Drops containing neomycin undecylenate-tyrothricin-hydrocortisone - ethyleneoxidepolyoxypropylene glycol condensate; Purdue Frederick Co., Yonkers, NY 10701 (NDA 50-066). This drug was not reviewed by the Academy and there is no antibiotic regulation which provides for its certification.

7. Products for otic use composed of streptomycin with an antifungal agent; dihydrostreptomycin with an antifungal agent; or bacitracin with neomycin undecylenate. Although not reviewed by the Academy, such drugs are regarded as lacking substantial evidence of effectiveness for otic use.

In addition to the drugs named above, some of the initial DESI notices listed other preparations not included in the August 9, 1973 proposal. Those products either had been reclassified as effective or were being allowed to remain on the market based upon medically justified need, pending reevaluation of the published classification or completion of scientific studies to determine effectiveness in accordance with the requirements set forth in the notice published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623).

In the August 9, 1973 proposal, the Commissioner also proposed to amend the regulations to provide separate rather than combined monographs for ophthalmic and otic preparations containing oxytetracycline hydrochloride with polymyxin B sulfate and thereby to add a new § 148n.30 to Part 148n (subsequently recodified as Part 446 in the FEDERAL REGISTER of May 30, 1974 (39 FR 18922)).

The proposal allowed 60 days for comment. Comments received in response to the proposal and the Commissioner's conclusions are as follows:

1. Merck Sharp and Dohme suggested that the effective date of any final order with respect to changing container labels, cartons, and package inserts to delete reference to otic use should recognize the lead time required to implement such changes in order to permit an orderly transition and the avoidance of unnecessary expenditure.

The Commissioner recognizes that a reasonable period of time is required for orderly relabeling. Therefore, the provisions of this order affecting drugs labeled for both ophthalmic and otic uses shall become effective December 18, 1974.

2. Dome Laboratories submitted data to support efficacy of Neo-Cort-Dome Otic Suspension (NDA 50-238, DESI 8674) (neomycin sulfate, acetic acid, and hydrocortisone) and requested a reclassification of the status of the product.

The Commissioner's conclusions regarding this drug appear elsewhere in this issue of the FEDERAL REGISTER.

3. The Schering Corp. proposed reformulation of Otobione Otic Drops (NDA 50-363) (neomycin sulfate-sodium propionate-prednisolone acetate) and Otobiotic Otic Solution (NDA 50-364) (neomycin sulfate-sodium propionate).

The Food and Drug Administration has approved the firm's Form 6 for the reformulated Otobione (NDA 61-816) containing neomycin sulfate-polymyxin B sulfate and hydrocortisone which is certifiable under § 444.442c of the antibiotic drug regulations.

The Administration's conclusions regarding the reformulation of Otobiotic Otic Solution containing neomycin sulfate and polymyxin B sulfate will be published in a separate notice. There cur-

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rently is no monograph for this reformulated product.

On the basis of all of the data and information available to him, the Commissioner is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357) and Part 430, § 314.111 (a) (5), and § 3.86 of Title 21 of the Code of Federal Regulations, demonstrating the effectiveness of the drug products uets shown below for the following indications:

1. For all its indications: Achromycin Ear Solution NDA 50–275. Although this drug product was listed in the notice published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623), as one eligible to remain on the market pending scientific studies to determine its effectiveness, the Commissioner is unaware of any studies ongoing or proposed. Therefore, this order removes the exemption for continued marketing of this product and revokes provisions for its certification.

2. For all its otic indications: Terra-Cortril Eye/Ear Suspension (NDA 60–016). This drug product is exempt for ophthalmic use, pursuant to the notice published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623), and may remain on the market for this use while scientific studies are performed to determine its effectiveness. This order revokes provisions for certification of this drug for otic use.

3. For all their otic indications: All drugs listed above under DESI 9188, item 3. These drugs intended for both ophthalmic and otic use are exempt for ophthalmic use, pursuant to the notice published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623), and may remain on the market for such use while studies are underway to determine their effectiveness. This order revokes provisions for their certification or release for otic use.

4. For all their indications: All drugs listed above under DESI 8674, item 4. Although one of these products, Terramycin Otic with Polymyxin and Benzocaine, was listed in the notice published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623), as a drug eligible for continued marketing while scientific studies were performed to determine its effectiveness, the Commissioner is unaware of any ongoing or proposed studies. Therefore, this order removes the exemption for this drug product. This order revokes provisions for the certification or release of all these drugs having the components stated above. The NDA holder for Otobione and Otobiotic proposed reformulation of those products. This order does not pertain to the reformulated products.

5. For the ophthalmic and otic indications classified as possibly effective, notice of which was published in the FEDERAL REGISTER of June 23, 1972 (37 FR 12418): The drug products listed above under DESI 8583, item 5. The preparations were initially classified as effective for certain ophthalmic and/or otic indications. This evaluation has not changed. Batches of these drugs labeled with indications previously classified as possibly effective and now, in the absence of any new data, considered to lack substantial evidence of effectiveness, will no longer be acceptable for certification or release after December 18, 1974.

6. All indications: Otalgine Drops. This drug is no longer eligible for release.

7. All indications: Any drug product certifiable under § 444.470a for streptomycin otic with antifungal agent or dihydrostreptomycin otic with antifungal agent, and § 448.410 for bacitracin-neomycin undecylenate otic drops. This order revokes those sections of the regulations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–1051 as amended, 59 Stat. 463 as amended; (21 U.S.C. 352, 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21, Code of Federal Regulations is amended as follows:

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

1. By revising the section heading and the first and second sentences of paragraph (a) (1) of § 444.342g to read as follows:

§ 444.342g Neomycin sulfate-hydrocortisone acetate ophthalmic suspension; neomycin sulfate-prednisolone acetate ophthalmic suspension.

(a) • • •

(1) • • • Neomycin sulfate-hydrocortisone acetate ophthalmic suspension is an aqueous suspension containing in each milliliter 3.5 milligrams of neomycin and 5 milligrams or 15 milligrams of hydrocortisone acetate. Neomycin sulfate-prednisolone acetate ophthalmic suspension is an aqueous suspension containing in each milliliter 3.5 milligrams of neomycin and 2.5 milligrams of prednisolone acetate. • • •

• • • • • •

§§ 444.442a and 444.442b [Revoked]

2. By revoking § 444.442a "Neomycin sulfate-sodium propionate otic solution; neomycin sulfate-sodium propionate-prednisolone acetate otic solution" and § 444.442b "Neomycin sulfate-gramicidin-hydrocortisone-thonzylamine hydrochloride-thonzonium bromide otic solution."

§ 444.470a [Revoked]

3. By revoking § 444.470a "Streptomycin otic with antifungal agent; dihydrostreptomycin otic with antifungal agent."

4. By adding to § 444.542a new paragraph (a) (1) (ii) (*d*), (*e*), and (*f*) and deleting (a) (1) (iii) as follows:

§ 444.542a Neomycin sulfate ointment; neomycin sulfate _____ ointment (the blank being filled in with the established name(s) of the other active ingredient(s) present in accordance with paragraph (a) (1) of this section).

(a) • • •

(1) • • •

(ii) • • •

(*d*) 1.0 milligram of methyprednisolone; or

(*e*) 1.0 milligram of triamcinolone acetonide; or

(*f*) 2.5 milligrams or 5.0 milligrams of prednisolone acetate.

(iii) [Deleted]

• • • • • •

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

5. By revising the section heading and the first sentence of paragraph (a) (1) of § 446.357c to read as follows:

§ 446.367c Oxytetracycline hydrochloride-hydrocortisone acetate ophthalmic suspension.

(a) • • •

(1) • • • Oxytetracycline hydrochloride-hydrocortisone acetate ophthalmic suspension is oxytetracycline hydrochloride and hydrocortisone acetate in a suitable and harmless oil base containing aluminum tristearate. • • •

• • • • • •

6. By revising the section heading, the first sentence of paragraph (a) (1), and paragraph (b) of § 446.367e to read as follows:

§ 446.367e Oxytetracycline hydrochloride-polymyxin B sulfate ophthalmic ointment.

(a) • • •

(1) • • • Oxytetracycline hydrochloride-polymyxin B sulfate ophthalmic ointment is oxytetracycline hydrochloride and polymyxin B sulfate in a suitable and harmless ointment base. • • •

• • • • • •

(b) *Tests and methods of assay*—(1) *Potency.* (i) *Oxytetracycline content.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.1*N* hydrochloric acid and shake well. Allow the layers to separate. Remove the acid layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of 0.1*N* hydrochloric acid. Combine the extractives in a suitable volumetric flask and fill to volume with 0.1*N* hydrochloric acid. Further dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.24 microgram of oxytetracycline per milliliter (estimated).

(ii) *Polymyxin B content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Weigh accurately 0.5 to 1 gram of the ointment and place into a 15-milliliter centrifuge tube. Add 10 milliliters of ethyl ether. Stir until contents are homogeneous and centrifuge for 10 minutes at 3,000 revolutions per minute. Decant the supernatant ether. Repeat washing and centrifugation steps once more. Add 10 milliliters of acetone, stir until contents are homogeneous, and centrifuge for 10 minutes at 3,000 revolutions per minute. Decant the supernatant acetone. Repeat acetone wash and centrifugation once more. Continue acetone washings until the yellow color in the residue disappears. Add 3 to 4 drops of polysorbate 80 to residue and mix well. Gently wash residue into a 100-milliliter volumetric flask with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 446.467a [Revoked]

7. By revoking § 446.467a "Oxytetracycline hydrochloride-polymyxin B sulfate-benzocaine for otic solution."

8. By adding the following new § 446.467d:

§ 446.467d Oxytetracycline hydrochloride-polymyxin B sulfate otic ointment.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Oxytetracycline hydrochloride-polymyxin B sulfate otic ointment is oxytetracycline hydrochloride and polymyxin B sulfate in a suitable and harmless ointment base. Each gram of ointment contains 5 milligrams of oxytetracycline and 10,000 units of polymyxin B. Its moisture content is not more than 1 percent. The oxytetracycline hydrochloride used conforms to the standards prescribed by § 446.67a(a) (1) (i), (vi), (vii), (viii), and (ix). The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a) (1) (i), (v), (vi), (vii), and (ix) of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The oxytetracycline hydrochloride used in making the batch for potency, moisture, pH, absorptivity, crystallinity, and identity.

(*b*) The polymyxin B sulfate used in making the batch for potency, pH, moisture, residue on ignition, and identity.

(*c*) The batch for oxytetracycline content, polymyxin B content, and moisture.

(ii) Samples required:

(*a*) The oxytetracycline hydrochloride used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*c*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* (i) *Oxytetracycline content.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.1*N* hydrochloric acid and shake well. Allow the layers to separate. Remove the acid layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of 0.1*N* hydrochloric acid. Combine the extractives in a suitable volumetric flask and fill to volume with 0.1*N* hydrochloric acid. Further dilute an aliquot with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.24 microgram of oxytetracycline per milliliter (estimated).

(ii) *Polymyxin B content.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Weigh accurately 0.5 to 1 gram of the ointment and place into a 15-milliliter centrifuge tube. Add 10 milliliters of ethyl ether. Stir until contents are homogeneous and centrifuge for 10 minutes at 3,000 revolutions per minute. Decant the supernatant ether. Repeat washing and centrifugation steps once more. Add 10 milliliters of acetone, stir until contents are homogeneous, and centrifuge for 10 minutes at 3,000 revolutions per minute. Decant the supernatant acetone. Repeat acetone wash and centrifugation once more. Continue acetone washings until the yellow color in the residue disappears. Add 3 to 4 drops of polysorbate 80 to residue and mix well. Gently wash residue into a 100-milliliter volumetric flask with 10 percent potassium phosphate buffer, pH 6.0 (solution 6), and further dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

§ 446.481 [Revoked]

9. By revoking § 446.481 "Tetracycline hydrochloride otic (tetracycline hydrochloride for ear solution)."

PART 448—PEPTIDE ANTIBIOTICS

§ 448.410 [Revoked]

10. By revoking § 448.410 "Bacitracin-neomycin undecylenate otic drops."

Any person who will be adversely affected by the action denying future release of a product for which certification is not provided in an antibiotic drug regulation, or by deletion of less-than-effective indications from the labeling of a product(s) evaluated as effective for other indication(s), may, on or before October 21, 1974, petition for the issuance of a regulation providing for certification of the drug for such less-than-effective indications. The petition must be supported by a full factual and well-documented medical analysis which shows reasonable grounds for the issuance of such regulation.

Any person who will be adversely affected by this order amending, repealing, and issuing antibiotic certification regulations may file objections to it, request a hearing, and show reasonable grounds for the hearing. It is the responsibility of every manufacturer or distributor of an antibiotic drug product to review every antibiotic order published in the FEDERAL REGISTER to determine whether it covers any product he manufacturers or distributes.

Any person who elects to avail himself of the opportunity for a hearing shall file (1) on or before October 21, 1974, a written notice of appearance and request for hearing, and (2) on or before November 18, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 430.20. Any other interested person may submit comments on this order. The procedures and requirements governing this order, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of a hearing, are contained in 21 CFR 146.1 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 430.20, as published in the FEDERAL REGISTER of May 30, 1974 (39 FR 18922).

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the data, information, and factual analyses in the request for the hearing that no genuine and substantial issue of fact precludes the action taken by this order or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions denying a hearing.

All submissions pursuant to this order shall be filed in quintuplicate with the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this order, except for data and information prohibited from public disclosure pursuant to section 301(j) of the act (21 U.S.C. 331(j)) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

Effective date. This order amending, repealing, and issuing antibiotic certification regulations shall become effective October 29, 1974, except that those portions applicable to drugs labeled for both ophthalmic and otic use shall become effective December 18, 1974. If objections are filed, the effective date will be extended as necessary to rule thereon. In

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so ruling, the Commissioner will specify another effective date.

(Secs. 502, 507, 52 Stat. 1050–1051 as amended, 59 Stat. 463 as amended (21 U.S.C. 352, 357))

Dated: September 11, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-21705 Filed 9-18-74;8:45 am]

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

Neomycin Sulfate-Hydrocortisone Acetate-Acetic Acid Otic Suspension

In a notice (DESI 8674) published in the FEDERAL REGISTER of June 29, 1972 (37 FR 12855), the Commissioner of Food and Drugs announced his conclusions, pursuant to evaluation of a report received from the National Academy of Sciences/National Research Council, Drug Efficacy Study Group, on the following drug product, stating that it was regarded as possibly effective for its labeled indications:

Neo-Cort-Dome Otic Suspension, containing neomycin sulfate, hydrocortisone, and acetic acid; Dome Laboratories, Division of Miles Laboratories, Inc., 125 West End Ave., New York, NY 10023 (NDA 50-238).

In the absence of new data in response to the notice of June 29, 1972, a notice was published in the FEDERAL REGISTER of August 9, 1973 (38 FR 21500), proposing to regard Neo-Cort-Dome Suspension as ineligible for release. Certification of the product was not provided for in an antibiotic drug regulation. Pursuant to that proposal, Dome Laboratories submitted data in support of the efficacy of the product. Based upon review of all available evidence, the Commissioner concludes that the drug product is effective for the treatment of superficial bacterial infections of the external auditory canal caused by organisms susceptible to the action of the antibacterials, and for the treatment of infections of mastoidectomy and fenestration cavities by organisms susceptible to the action of the antibacterials. Notice of that conclusion appears elsewhere in this issue of the FEDERAL REGISTER. The Commissioner further concludes that the antibiotic regulations should be amended as set forth below to provide for the certification of this drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; (21 U.S.C. 357)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 444 is amended by adding a new section to read as follows:

§ 444.442f Neomycin sulfate-hydrocortisone acetate-acetic acid otic suspension.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Neomycin sulfate-hydrocortisone acetate-acetic acid otic suspension is an aqueous suspension containing in each milliliter 5.0 milligrams of neomycin sulfate equivalent to 3.5 milligrams of neomycin and 10 milligrams of hydrocortisone acetate. It also contains 2 percent acetic acid. It may contain one or more suitable and harmless buffers, preservatives, and dispersants. Its potency is satisfactory if it is not less than 90 percent and not more than 130 percent of the number of milligrams of neomycin that it is represented to contain. It is sterile. Its pH is not less than 4.5 and not more than 6.0. The neomycin sulfate used conforms to the standards prescribed in § 444.42a(a)(1) (i), (v), (vi), and (vii).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The neomycin sulfate used in making the batch for potency, loss on drying, pH, and identity.

(*b*) The batch for potency, sterility, and pH.

(ii) Samples required:

(*a*) The samples used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 5 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Remove an accurately measured representative portion of the sample and dilute with sufficient 0.1*M* potassium phosphate buffer, pH8.0 (solution 3), to give a stock solution of convenient concentration. Further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(1) of that section, except if the steroid prevents solubilization, use 0.25 milliliter in lieu of 1 milliliter and proceed as directed in paragraph (e)(2) of that section.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted suspension.

Since the conditions prerequisite to providing for certification of the subject product have been complied with and since the matter is noncontroversial, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall become effective September 19, 1974.

(Sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357))

Dated: September 11, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-21704 Filed 9-18-74;8:45 am]

Title 22—Foreign Relations

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[A.I.D. Regulation 11]

PART 211—TRANSFER OF FOOD COMMODITIES FOR USE IN DISASTER RELIEF AND ECONOMIC DEVELOPMENT, AND OTHER ASSISTANCE

Part 211 of Chapter II, Miscellaneous Amendments, Title 22, Code of Federal Regulation (A.I.D. Regulation 11) is amended as follows:

The purpose of this amendment is (1) to increase amounts which the voluntary agencies may retain from claim collections received by them, (2) to increase the monetary authorities of the voluntary relief agencies, and (3) to make certain changes in the language for clarification purposes.

* * * * *

1. Section 211.9 of AID Regulation 11 amended and reissued in its entirety as follows:

§ 211.9 Liability for loss and damage or improper distribution of commodities.

(a) *Fault cooperating sponsor prior to loading on ocean vessel.* If a voluntary agency or intergovernmental organization books cargo for ocean transportation and is unable to have a vessel at the U.S. port of export for loading in accordance with the agreed shipping schedule, the voluntary agencies and intergovernmental organizations shall immediately notify the USDA. The USDA will determine whether the commodity shall be (1) moved to another available outlet; (2) stored at the port for delivery to the voluntary agencies or intergovernmental organizations until a vessel is available for loading; or (3) disposed of as the USDA may deem proper. When additional expenses are incurred by CCC as a result of a failure of the voluntary agency or intergovernmental organization, or their agent; (4) to meet the agreed shipping schedule, or (5) to make necessary arrangements to accept commodities at the points of delivery designated by CCC, and it is determined by CCC that the expenses were incurred because of the fault or negligence of the voluntary agency or intergovernmental organization, or their agents, the voluntary agency or intergovernmental organization shall reimburse CCC for such expenses or take such action as directed by CCC.

(b) *Fault of others prior to loading on ocean vessel.* Upon the happening of any event creating any rights against a warehouseman, carrier, or other person for the loss of or damage to a commodity occurring between the time title is transferred to a voluntary agency or intergovernmental organization and the time the commodity is loaded on board vessel at designated port of export, the voluntary agencies or intergovernmental organizations shall immediately notify CCC and promptly assign to CCC any rights to claims which may accrue to them as a result of such loss or damage and shall promptly forward to CCC all documents pertaining thereto. CCC shall have the right to initiate and prosecute, and retain the proceeds of all claims for such loss or damage.

(c) *Ocean carrier loss and damage—(1) Survey and outturn reports.* (i) Cooperating sponsors shall arrange for an independent cargo surveyor to attend the discharge of the cargo and to count or weigh the cargo and examine its condition, unless USAID or the Diplomatic Post determines that such examination is not feasible, or if CCC has made other provisions for such examinations and reports. The surveyor shall prepare a report of his findings showing the quantity and condition of the commodities discharged. The report shall also show the probable cause of any damage noted, and set forth the time and place when the examination was made. If practicable, the examination of the cargo shall be conducted jointly by the surveyor, the consignee, and the ocean carrier, and the survey report shall be signed by all parties. Customs receipts, port authority reports, shortlanding certificates, cargo boat notes, stevedore's tallies, etc., where applicable, shall be obtained and furnished with the report of the surveyor. The cooperating sponsor shall obtain a certification by public health official or similar competent authority as to (*a*) the condition of the commodity in any case when a damaged commodity appears to be unfit for its intended use; and (*b*) a certificate of disposition in the event the commodity is determined to be unfit for its intended use. Such certificates shall be obtained as soon as possible after discharge of the cargo and forwarded as set forth in paragraph (c)(1) (iii) and (iv) of this section.

(ii) In the event of cargo loss and damage, the cooperating sponsor shall provide the names and addresses of individuals who were present at the time of discharge and during survey and can verify the quantity lost or damaged. In the case of bulk grain shipments, the cooperating sponsor shall, if reasonably obtainable, provide certificates of the accuracy of the scale weights used to determine the quantity offloaded, and the moisture content of the grain when unloaded.

(iii) Voluntary agencies and intergovernmental organizations shall send copies of all reports and documents pertaining to the discharge of commodities to USDA.

(iv) Cooperating sponsors other than voluntary agencies and intergovernmental organizations shall promptly furnish the above-described reports and documents to the USAID or Diplomatic Post.

(v) CCC will reimburse the voluntary agencies and intergovernmental organizations for the costs incurred by them in obtaining the services of an independent surveyor to conduct examinations of the cargo and render the report set forth above. Reimbursement will be made when the surveyor's invoice or other documents that establish the survey cost are furnished to CCC.

(2) *Claims against ocean carriers.* (i) Irrespective of transfer of title to the commodities, CCC shall have the right to initiate and prosecute, and retain the proceeds of, all claims against ocean carriers for cargo loss and damage on cargos for which CCC contracts for ocean transportation.

(ii)(*a*) Unless otherwise provided in the Food for Peace Program Agreement or other program document, voluntary agencies and intergovernmental organizations shall file notice of any cargo loss and damage with the carrier immediately upon discovery of any such loss and damage and shall promptly initiate claims against the ocean carriers for cargo loss and damage, and shall take all necessary action to obtain restitution for losses within any applicable periods of limitations and shall transmit to CCC copies of all such claims. However, the voluntary agencies or intergovernmental organizations need not file a claim where the cargo loss is not in excess of $25, or in any case when the loss is in excess of $25 but not in excess of $100 and it is determined by the voluntary agencies or intergovernmental organizations that the cost of filing and collecting the claim will exceed the amount of the claim. The voluntary agencies and intergovernmental organizations shall transmit to CCC copies of all claims filed with the ocean carriers for cargo loss and damage, as well as information and/or documentation on shipments where no claim is to be filed. When General Average has been declared, no action will be taken by the voluntary agencies or intergovernmental organizations to file or collect claims for loss or damage to commodities. (See Paragraph (c)(2)(iii) of this section.)

(*b*) *Determination of value.* (1) When payment is made for commodities misused, lost or damaged, the value shall be determined on the basis of the domestic market price at the time and place the misuse, loss or damage occurred, or, in case it is not feasible to obtain or determine such market price, the f.o.b. or f.a.s. commercial export price of the commodity at the time and place of export, plus ocean freight charges and other costs incurred by the Government of the United States in making delivery to the cooperating sponsor. When the value is determined on a cost basis, the voluntary agencies or intergovernmental organizations may add to the value any provable costs they have incurred prior to delivery by the ocean carrier. In preparing the claim statement, these costs shall be clearly segregated from costs incurred by the Government of the United States. With respect to claims other than ocean carrier loss and/or damage claims, at the request of the cooperating sponsor and/or upon the recommendation of the USAID or Diplomatic Post, AID/W may determine that such value may be determined on some other justifiable basis. When replacements are made, the value of commodities misused, lost or damaged, shall be their value at the time and place the misuse, loss, or damage occurred and the value of the replacement commodities shall be their value at the time and place replacement is made.

(2) In the settlement of general average and marine salvage claims, the value of the cargo and the commodities lost or damaged, shall be determined by CCC on such basis as may be legally applicable.

(c) Amounts collected by voluntary agencies and intergovernmental organizations on claims against ocean carriers not in excess of $100 may be retained by the voluntary agencies or intergovernmental organizations.

On claims involving loss or damage having a value in excess of $100 the voluntary agencies or intergovernmental organizations may retain from collections received by them, the larger of (1) the amount of $100, plus 10 percent of the difference between $100 and the total amount collected on the claim, up to a maximum of $350, or (2) actual administrative expenses incurred in collecting the claim; provided retention of such expenses is approved by CCC. Collection costs shall not be deemed to include attorneys fees, fees of collection agencies, and the like. In no event will collection costs in excess of the amount collected on the claim be paid by CCC. The voluntary agencies or intergovernmental organizations may also retain from claim recoverics remaining after allowable deductions for administrative expenses of collection, the amount of any special charges, such as handling, packing, and insurance costs, which the voluntary agency or intergovernmental organization has incurred on the lost or damaged commodity and which are included in the claim and paid by the liable party.

(*d*) The voluntary agencies and intergovernmental organizations may redetermine claims on the basis of additional documentation or information, not considered when the claims were originally filed, when such documentation or information clearly changes the ocean carriers liability. Approval of such changes by CCC is not required regardless of amount. However, copies of redetermined claims and supporting documentation or information shall be furnished to CCC.

(e) Voluntary agencies or intergovernmental organizations may negotiate compromise settlements of claims regardless of the amount thereof, except that proposed compromise settlements of claims having a value in excess of $5,000 shall not be accepted until such action has been approved, in writing, by CCC. When a claim is compromised, the voluntary agency or intergovernmental organization may retain from the amount collected, the amounts authorized in (c)(2)(ii)(c) of this section and in addition, an amount representing the percentage of the special charges described in (c)(2)(ii)(e) of this section as the compromised amount is to the full amount of the claim.

When a claim is not in excess of $400, the voluntary agencies or intergovernmental organizations may terminate collection activity on the claim according to the

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standards set forth in 4 CFR 104.3 (1972). Approval of such termination by CCC is not required but the voluntary agencies or intergovernmental organizations shall notify CCC when collection activity on a claim is terminated.

(f) All amounts collected in excess of the amounts authorized herein to be retained shall be remitted to CCC. For the purpose of determining the amount to be retained by the voluntary agencies or intergovernmental organizations from the proceeds of claims filed against ocean carriers, the word "claim" shall refer to the loss and damage to commodities which are shipped on the same voyage of the same vessel to the same port destination, irrespective of the kinds of commodities shipped or the number of different bills of lading issued by the carrier. If a voluntary agency or intergovernmental organization is unable to effect collection of a claim or negotiate an acceptable compromise settlement within the applicable period of limitation or any extension thereof granted in writing by the liable party or parties, the rights of the voluntary agencies or intergovernmental organizations to the claim shall be assigned to CCC in sufficient time to permit the filing of legal action prior to the expiration of the period of limitation or any extension thereof. Voluntary agencies or intergovernmental organizations shall promptly assign their claim rights to CCC upon request. In the event CCC effects collection or other settlement of the claim after the rights of the volunary agency or intergovernmental organization to the claim have been assigned to CCC, CCC shall pay to the voluntary agency or intergovernmental organization the amount the agency or organization would have been entitled to retain had they collected the same amount. However, the additional 10 percent on amounts collected in excess of $100 will be payable only if CCC determines that reasonable efforts were made to collect the claim prior to the assignment, or if payment is deemed to be commensurate with the extra efforts exerted in further documenting claims.

(g) When voluntary agencies or intergovernmental organizations fail to file claims, or permit claims to become time-barred, or fail to provide for the right of CCC to assert such claims, as provided in this § 211.9 and it is determined by CCC that such failure was due to the fault or negligence of the voluntary agency or intergovernmental organization, the agency or organization shall be liable to the United States for the cost and freight (C&F) value of the commodities lost to the program.

(h) If a cargo loss has been incurred on a voluntary agency or intergovernmental organization shipment, and general average has been declared, the voluntary agency or intergovernmental organization shall furnish to the Assistant Treasurer, CCC, Kansas City, Missouri (a) copies of booking confirmations and the applicable on-board bill(s) of lading, (b) the related outturn or survey report(s), (c) evidence showing the amount of ocean transportation charged paid to the carrier(s), and (d) an assignment to CCC of the cooperating sponsor's rights to the claim(s) for such loss.

(d) *Fault of cooperating sponsor in country of distribution.* If the cooperating sponsor improperly distributes a commodity or knowingly permits it to be used for a purpose not permitted under the Food for Peace Program Agreement or this part, or causes loss or damage to a commodity through any act or omission or fails to provide proper storage, care, and handling, the cooperating sponsor shall pay to the United States the value of the commodities lost, damaged, or misused (or may, with prior USAID approval, replace such commodities with similar commodities of equal value), unless it is determined by AID that such improper distribution or use, or such loss or damage, could not have been prevented by proper exercise of the cooperating sponsor's responsibility under the terms of the agreement. Normal commercial practices in the country of distribution shall be considered in determining that there was a proper exercise of the cooperating sponsor's responsibility. Payment by the cooperating sponsor shall be made in accordance with paragraph (b) of this section.

(e) *Fault of others in country of distribution and in intermediate country.* Upon the happening of any event creating any rights against a warehouseman, carrier or other person for the loss of, damage to, or misuse of any commodity, the cooperating sponsor shall make every reasonable effort to pursue collection of claims against the liable party or parties for the value of the commodity lost, damaged, or misused and furnish a copy of the claim and related documents to USAID or Diplomatic Post. Cooperating sponsors who fail to file or pursue such claims shall be liable to AID for the value of the commodities lost, damaged, or misused: *Provided, however,* That the cooperating sponsor may elect not to file a claim if the loss is less than $100 and such action is not detrimental to the program. Cooperating sponsors may retain $25 of any amount collected on a claim. In addition, cooperating sponsors may, with the written approval of the USAID or Diplomatic Post, retain special costs such as legal fees that they have incurred in the collection of a claim. Any proposed settlement for less than the full amount of the claim must be approved by the USAID or Diplomatic Post prior to acceptance. When the cooperating sponsor has exhausted all reasonable attempts to collect a claim, it shall request the USAID or Diplomatic Post to provide further instructions.

(f) *Reporting losses to USAID or Diplomatic Post.* The cooperating sponsor shall promptly notify USAID or the Diplomatic Post in writing of the circumstances pertaining to any loss, damage, or misuse occurring within the country of distribution or intermediate country and shall include information as to the name of the responsible party; kind and quantities of commodities; size, and type of containers; the time and place of misuse, loss, or damage; the current location of the commodity; and the Food for Peace Program Agreement number, the CCC contract numbers, if known, or if unknown, other identifying numbers printed on the commodity containers; the action taken by the cooperating sponsor with respect to recovery or disposal; and the estimated value of the commodity. If any of the above information is not available, an explanation of its unavailability shall be made by the cooperating sponsor. Proceeds from sale and the disposition of the proceeds if any, should also be reported.

(g) *Handling claims proceeds.* Claims against ocean carriers shall be collected in U.S. dollars (or in currency in which freight is paid, or a pro rata share of each) and shall be remitted (less amounts authorized to be retained) by voluntary agencies and intergovernmental organizations to CCC. Claims against voluntary agencies and intergovernmental organizations shall be paid to AID/W in U.S. dollars. Amounts paid by other cooperating sponsors and third parties in the country of distribution shall be deposited with the U.S. Disbursing Officer, American Embassy, preferably, in U.S. dollars with instructions to credit the deposit to CCC Account No. 12X4336, or in local currency at the official exchange rate applicable to dollar imports at the time of deposit with instructions to credit the deposit to Treasury sales account 20FT401.

Effective date. The foregoing amendments shall become effective September 19, 1974.

Date: September 12, 1974.

DANIEL PARKER,
Administrator.

[FR Doc.74-21837 Filed 9-18-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 630—PRECONSTRUCTION PROCEDURES

Federal Participation in Cost of Disposal of Existing Highway Bridges

Section 630.604 of title 23, Code of Federal Regulations, is amended by striking the words "under the Secondary Road Plan" and inserting in their place the words "pursuant to 23 U.S.C. 117." This amendment is made as a correction to the original regulation printed on Wednesday, August 14, 1974, in 39 FR 29173.

As this material relates to a grant-in-aid program, provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

This amendment is issued under the authority of 23 U.S.C. 315 and the delegation of authority in 49 CFR 1.48(b). This amendment is effective when issued.

Issued in Washington, D.C., on September 10, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-21688 Filed 9-18-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-220]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Cerritos Channel, Los Angeles/Long Beach, Calif.

This amendment changes the regulations for the Henry Ford and Commodore Schuyler Heim drawbridges across the Cerritos Channel, Los Angeles/Long Beach, California, to allow closed periods during the morning and evening peak vehicular periods, Monday through Friday, during the time extensive repair work on both bridges is in progress. This work should be completed in approximately two years. When this work has been completed these regulations may be rescinded or modified, according to the requirements of land and water traffic at that time.

This rule is issued without notice of proposed rule making. The Coast Guard has found that good cause exists for taking this action on the basis that it would be contrary to the public interest to delay this work.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.711(b)(1) to read as follows:

§ 117.711 Los Angeles and Long Beach Harbors, Calif.

* * * * * *

(b) * * *

(1) *Closed periods.* From 6:30 a.m. to 8 a.m. and from 3:30 p.m. to 6 p.m., Monday through Friday, except Federal holidays, the draws of these bridges need not open for the passage of vessels, except in case of extreme emergency. At all other times either bridge shall open with the least possible delay on receiving the prescribed signal.

* * * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on October 21, 1974.

Dated: September 11, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-21758 Filed 9-18-74;8:45 am]

[CGD 74-42]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Grand River and Spring Lake Outlet, Michigan

This amendment changes the regulations for the highway bridge at mile 2.9 and the railroad bridge at mile 2.8 across the Grand River and the railroad bridge across the Spring Lake Outlet to require at least 24 hours notice from December 15 through March 15. The draws of these bridges shall open on signal at all other times. This amendment was circulated as a public notice dated February 26, 1974 by the Commander, Ninth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 74-42) on February 21, 1974 (39 FR 6619). Three comments were received. Two endorsed the proposal. The third had no objection to the ending period of March 15, however, he objected to the beginning period of December 15 because of possible navigation after this period. It is felt that while there may be navigation after December 15, the 24 hour notice requirement will meet the reasonable needs of navigation and the objection is not considered valid at this time.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising paragraphs (f) (3) and (4) of § 117.641 to read as follows:

§ 117.641 Great Lakes tributaries; bridges where constant attendance of draw tenders is not required.

* * * * * *

(f) * * *

(3) Grand River, Mich.; Grand Trunk Western Railroad bridge, mile 2.8 and Highway bridge U.S. 31, mile 2.9. The draws shall open on signal from March 16 through December 14. From December 15 through March 15 the draws shall open on signal if at least 24 hours notice is given.

(4) Spring Lake Outlet, Mich.; the Grand Trunk Western Railroad bridge at Ferrysburg. The draw shall open on signal from March 16 through December 14. From December 15 through March 15 the draw shall open on signal if at least 24 hours notice is given.

* * * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on October 21, 1974.

Dated: September 11, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-21759 Filed 9-18-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19798; FCC 74-803; 18409]

PART 95—CITIZENS RADIO SERVICE

Antenna Height Restrictions on Class C or D Stations

Correction

In FR Doc. 74-17656 appearing at page 28161 in the issue of Monday, August 5, 1974, make the following changes.

In § 95.37(c)(5), change "or" in the second line to "and" and change "or" in the seventh line to "of".

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Kodiak National Wildlife Refuge, Alaska; Correction

In FR Doc. 74-18976, appearing on page 29920 of the issue for Monday, 8:45 a.m., August 19, 1974, under special condition for the Kodiak National Wildlife Refuge should read as follows:

Except in the event of an emergency, the landing and operation of aircraft on the Kodiak National Wildlife Refuge is restricted to lakes, streams, and other bodies of water.

Dated: September 9, 1974.

HENRY A. HANSEN,
Deputy Area Director, U.S. Fish and Wildlife Service, Anchorage, Alaska.

[FR Doc.74-21657 Filed 9-18-74;8:45 am]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Illinois

The following special regulation is issued and is effective on September 19, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of ducks and coots on the Crab Orchard National Wildlife Refuge, Illinois, is permitted from October 23, 1974, 12 noon c.s.t., through December 11, 1974. The hunting of geese is permitted from November 25, 1974 through January 20, 1975. The area open to hunting is designated by green public hunting signs. This open area is delineated on a map available at refuge headquarters, Carterville, Illinois 62918 and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Season for hunting geese will be closed when a kill quota of 22,000 geese is reached. Hunting will be in accordance

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with all applicable State and Federal regulations subject to the following:

(1) Blinds—the building of permanent blinds of any kind or other structural works on the refuge public hunting area is prohibited. All blinds must be of a portable nature or constructed with dead vegetation located at the blind site and must be removed or dismantled at the end of the day's hunt. Blinds may not be constructed beyond the shoreline on refuge waters.

(2) All waterfowl hunting at the Grassy Point and Carterville Beach areas shall be from blind sites established by the Project Manager.

(3) No goose pits may be built on the refuge public hunting area.

(4) It is unlawful for any person to establish or use any blind for the taking of migratory waterfowl within 100 yards of any other blind on the refuge public hunting area.

(5) All persons hunting geese on the refuge public hunting area must register before entering and upon leaving the area and must register any geese taken on the area at the locations designated by the Project Manager.

(6) Hunting will not be permitted at the Carterville Beach area as posted by the Project Manager.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 20, 1975.

WAYNE D. ADAMS,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Illinois.

SEPTEMBER 12, 1974.

[FR Doc.74-21673 Filed 9-18-74;8:45 am]

PART 32—HUNTING

Certain National Wildlife Refuges in Certain States

The following special regulations are issued and are effective September 19, 1974.

§ 32.12 Special regulations migratory game birds; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots and gallinules on the Havasu National Wildlife Refuge, Arizona and California, is permitted as follows: Ducks, coots and gallinules, from September 28 through October 25, 1974, inclusive, and from November 16, 1974 through January 19, 1975, inclusive; geese, from November 16, 1974 through January 5, 1975, inclusive; but only on the areas designated by signs as open to hunting. These open areas, comprising 13,200 acres, are delineated on maps available at refuge headquarters, Needles, California, and from the Regional Director, U.S. Fish and Wildlife Service, PO Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, coots, geese and gallinules subject to the following special conditions:

(1) An iron shot study program to evaluate field use of iron shot shells will be conducted by the U.S. Fish and Wildlife Service on Havasu National Wildlife Refuge.

(2) Topock Marsh is the designated area for the iron shot hunt. The hunt area includes Pintail Slough and all marsh lands open to hunting north of the south dike.

(3) The iron shot hunt will continue throughout the waterfowl season or until the supply of iron shot shells is exhausted. Should this situation occur, hunting will continue, using lead shot.

(4) Use of lead shot shells for waterfowl hunting is prohibited in the Topock Marsh iron shot hunt area.

(5) Hunters must use a 12 gauge shotgun, as iron shot shells are available only in 12 gauge.

(6) Iron shot shells will be sold during business hours at the following locations: Premier Sports, 1404 Broadway, Needles, California; Five Mile Landing Concession, Route 95, Topock, Arizona; and Sportsman's One Stop and Variety, Main Street, Bullhead City, Arizona. Other local dealers of shotgun ammunition may also carry the iron shot shells.

(7) All hunters are required to fill out a post-hunt questionnaire at the end of each hunt. Questionnaires are available at each of the hunt area entry points.

(8) Waterfowl gizzards will be collected from hunter's bag by the U.S. Fish and Wildlife Service personnel on a random sample basis.

(9) Hunters are required to enter the hunt area by way of the parking areas only.

(10) The use of dogs in the hunt area is allowed for the purpose of spotting, flushing, or retrieving of downed birds only.

(11) The construction or use of permanent blinds or pits is prohibited.

(12) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 19, 1975.

IMPERIAL NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots and gallinules on the Imperial National Wildlife Refuge, Arizona and California, is permitted as follows: Ducks, coots and gallinules, from September 28 through October 25, 1974, inclusive, and from November 16, 1974 through January 19, 1975, inclusive; geese, from November 16, 1974 through January 5, 1975, inclusive; but only on the area designated by signs as open to hunting. This open area, comprising 16,500 acres, is delineated on maps available at refuge headquarters, Martinez Lake, Arizona, and from the Regional Director, U.S. Fish and Wildlife Service, PO. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots and gallinules.

Public hunting of doves on the Imperial National Wildlife Refuge, Arizona and California, is permitted only on the area designated by signs as open to hunting. This open area, comprising 10,500 acres, is delineated on maps available at refuge headquarters, Martinez Lake, Arizona, and from the Regional Director, U.S. Fish and Wildlife Service, PO Box 1306, Albuquerque, New Mexico 87103. Hunting seasons are as follows: Arizona—mourning doves only, from November 30 through December 27, 1974, inclusive. California—mourning and white-winged doves, from November 23 through December 8, 1974, inclusive. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of doves.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 19, 1975.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Public hunting of mourning and white-winged doves on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted from November 23 through December 22, 1974, inclusive, but only on the areas designated by signs as open to hunting. These areas consist of 1600 acres on the North Refuge Unit (Area B) and 1800 acres on the South Refuge Unit (Area C). Hunting areas are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, PO. Box 1306 Albuquerque New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations governing the hunting of doves.

In addition, steel (iron) shot shotgun ammunition only may be used for the taking of doves on the South Refuge Unit (Area C) during the season. Steel (iron) shot shotgun ammunition in 12 gauge only is available from two commercial outlets in Roswell, New Mexico.

Public hunting of ducks, geese, coots and lesser sandhill cranes on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted as follows: Ducks, geese and coots, from November 16, 1974 through January 19, 1975, inclusive; lesser sandhill cranes, from October 26, 1974 through January 26, 1975, inclusive; but only on the areas designated by signs as open to hunting. These areas consist of 1600 acres on the North Refuge Unit (Area B) and 1800 acres on the South Refuge Unit (Area C). Hunting areas are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306 Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, coots, and lesser sandhill cranes.

In addition, steel (iron) shot shotgun ammunition only may be used for the taking of ducks, geese, coots and lesser sandhill cranes on the South Refuge Unit (Area C) during the duck season from November 16, 1974 through January 19, 1975, inclusive. Lead shot is permissible in Area C before and after these dates. Steel (iron) shot shotgun ammunition is available only in 12 gauge and may be purchased from two commercial outlets in Roswell, New Mexico.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 26, 1975.

OKLAHOMA

SEQUOYAH NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese and coots on the Sequoyah National Wildlife Refuge, Oklahoma, is permitted as follows: Ducks and coots, from October 26 to November 16, 1974, inclusive, and from December 7, 1974 through January 11, 1975, inclusive; geese, from October 12 through November 16, 1974, inclusive, and from December 7, 1974 through January 11, 1975, inclusive; but only on three areas designated by signs as open to hunting. These open areas are delineated on maps available at refuge headquarters, Sallisaw, Oklahoma, and from the Regional Director, U. S. Fish and Wildlife Service, P. O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots subject to the following special conditions:

(1) Hunting weapons of any kind are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where weapons must be cased or broken down.

(2) Camping or possession of firearms on the refuge at night is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 11, 1975.

TEXAS

BRAZORIA NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese and coots on the Brazoria National Wildlife Refuge, Texas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 2000 acres of Rattlesnake Island on the southeast side of the Intracostal Waterway and adjacent to Drum, Christmas and Bastrop Bays, is delineated on maps available at refuge headquarters, Angleton, Texas, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots subject to the following special conditions:

(1) The open season for ducks and coots on the refuge extends from November 9 through November 24, 1974, inclusive, and from December 9, 1974 through January 19, 1975, inclusive.

(2) The open season for hunting geese on the refuge extends from October 26 through November 24, 1974, inclusive, and from December 7, 1974 through January 19, 1975, inclusive.

(3) Access to the hunting area must be entirely over public water routes. Travel across the refuge mainland will not be permitted to and from the area open to hunting.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 19, 1975.

§ 32.32 Special regulations big game; for individual wildlife refuge areas.

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUSE

Public hunting of elk on the Wichita Mountains Wildlife Refuge, Oklahoma, is permitted only in the Pinchot, Graham Flat, North Mountain and Quanah-Elk Mountain Units. Hunting days will be restricted to Tuesdays, Wednesdays and Thursdays, beginning December 3 and ending December 12, 1974. The open hunting area, comprising 47,200 acres, is delineated on maps available at refuge headquarters, Cache, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of elk subject to the following special conditions:

(1) No personnel of the Fish and Wildlife Service or of the Oklahoma Department of Wildlife Conservation are eligible to hunt.

(2) Except as provided in special condition (3) below, the applicable portions of the Quanah-Elk Mountain Unit will be closed to all public use except elk hunting during hunt periods.

(3) Authorized hunters may retain approved, unloaded hunting rifles and camp overnight (in Camp Doris only) during these periods when the Quanah-Elk Mountain Unit is closed to all other public use. Such camping hunters may be accompanied by, not to exceed, one camping companion who will be confined to Camp Doris or Refuge Headquarters during hunt periods unless authorized to assist with the removal of game by the Refuge Manager or his agent.

(4) Authorized hunters will comply with all official written refuge rules and regulations issued at mandatory hunter briefings.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 12, 1974.

JERRY L. STEGMAN,
Acting Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

SEPTEMBER 10, 1974.

[FR Doc.74-21654 Filed 9-18-74;8:45 am]

PART 32—HUNTING

Crab Orchard National Wildlife Refuge, Ill.

The following special regulation is issued and is effective on September 19, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, bobwhite quail, rabbits, raccoons, opossums, skunks, weasels and crows is permitted in accordance with the seasons and limits established by the Illinois Department of Conservation. The area open to hunting within Crab Orchard National Wildlife Refuge is designated by green public hunting signs. This open area is delineated on a map available at refuge headquarters, Carterville, Illinois 62918 and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 28, 1975.

WAYNE D. ADAMS,
Project Manager, Crab Orchard National Wildlife Refuge, Carterville, Illinois.

SEPTEMBER 12, 1974.

[FR Doc.74-21674 Filed 9-18-74;8:45 am]

PART 32—HUNTING

De Soto National Wildlife Refuge, Iowa

The following special regulation is issued and is effective September 19, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

IOWA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the DeSoto National Wildlife Refuge, Iowa, is permitted only on the area designated by signs as open to hunting. This open area comprising 660 acres is delineated on a map available at the refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 601 E. 12th Street, Kansas City, Missouri 64106. Hunting shall be in accordance with all State regulations governing the hunting of

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deer with bow and arrow and shall be permitted only during the regular Iowa archery deer season, October 12, 1974, to December 1, 1974.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 1, 1974.

JAMES E. FRATES,
Refuge Manager, DeSoto National Wildlife Refuge, Missouri Valley, Iowa.

SEPTEMBER 9, 1974.

[FR Doc.74-21672 Filed 9-18-74;8:45 am]

PART 32—HUNTING

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual refuge areas.

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Upper Souris National Wildlife Refuge, North Dakota, is permitted on all areas except those designated as closed. The open areas, comprising 31,800 acres are delineated on maps available at headquarters, Foxholm, North Dakota, and from the office of the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) The open season for hunting deer on the refuge is from 12 noon November 8 to sunset November 17, 1974, c.d.t.

(2) The refuge shall be closed to all vehicular travel except the main public roads.

(3) Regular gun license permits the taking of white-tailed deer with forked antlers on at least one side. Hunters with Special Unit III–A licenses may take white-tailed deer of any age or sex or an antlered mule deer buck.

(4) Deer are the only species that may be taken; it is unlawful to carry firearms after the deer tag is used.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 17, 1974.

DON R. PERKUCHIN,
Refuge Manager, Upper Souris National Wildlife Refuge, Foxholm, North Dakota.

SEPTEMBER 10, 1974.

[FR Doc.74-21660 Filed 9-18-74;8:45 am]

PART 32—HUNTING

National Wildlife Refuge, Wyoming

The following special regulation is issued and is effective on date of publication in the Federal Register.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

WYOMING

NATIONAL ELK REFUGE

Public hunting of elk on the National Elk Refuge, Wyoming, is permitted from November 2 through November 15, 1974, only on the area designated by signs as open to hunting. This open area, comprising 18,247 acres is delineated on maps available at refuge headquarters, Jackson, Wyoming, and from the Area Manager, U.S. Fish and Wildlife Service, 711 Central Avenue, Billings, Montana 59102. Hunting shall be in accordance with all applicable State regulations covering the hunting of elk subject to the following special conditions:

(1) A special permit is required in addition to a valid 1974 State Elk Hunting license. Forty special permits shall be issued to applicants by drawing at refuge headquarters at 4 p.m. on Friday, November 1, 1974 and every Friday thereafter through November 8, 1974. These permits are good for the Saturday through Monday period following each Friday drawing. Forty special permits shall be issued by drawing at refuge headquarters at 4 p.m. on Monday, November 4, 1974 and every Monday thereafter through November 11, 1974. These permits are good for the Tuesday through Friday period following each Monday drawing.

(2) Access to the refuge shall be only through the main gate east of refuge headquarters in Jackson.

(3) Motorized vehicle travel in the hunting area is restricted to the roads designated by appropriate signs and delineated on maps available at refuge headquarters. This is interpreted to mean that motor vehicles may not leave designated roadways for the purpose of loading or picking up a kill.

(4) Persons without permits may accompany special permit holders in the same vehicle but only permit holders are allowed to possess a firearm.

(5) Persons successful in drawing a permit may not draw again in succeeding drawings.

(6) Permits will be revoked in the event of a violation of refuge regulations and violations can result in denial of future privileges as per the Code of Federal Regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 15, 1974.

DON E. REDFEARN,
Refuge Manager.

AUGUST 2, 1974.

[FR Doc.74-21739 Filed 9-18-74;8:45 am]

PART 32—HUNTING

Swan Lake National Refuge, Missouri

The following special regulations are issued and effective September 19, 1974. Time limitations preclude issuance of a public notice of proposed rulemaking.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MISSOURI

SWAN LAKE NATIONAL WILDLIFE REFUGE

Public hunting for geese only is permitted only on designated areas comprising 2,500 acres within Swan Lake National Wildlife Refuge, Missouri. Hunting shall be in accordance with all applicable State and Federal regulations subject to the following.

(1) Each hunter must obtain a State permit issued at the checking station prior to hunting, hunt only from his lottery-assigned blind, fire no more than ten (10) shells, and include not more than one (1) Canada goose in his daily bag.

(2) Hunting is permitted from 12 noon October 30, 1974, through sunset January 7, 1975; OR, until a quota of 20,000 Canada geese have been taken from within the Swan Lake Quota zone whichever occurs first. In event that the quota is reached prior to January 7, 1975, Public Notice shall be published a minimum of 48 hours in advance of closure.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 7, 1975.

ALFRED O. MANKE,
Refuge Manager, Swan Lake National Wildlife Refuge, Sumner, Missouri.

SEPTEMBER 6, 1974.

[FR Doc.74-21764 Filed 9-18-74;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER F—AID TO FISHERIES

PART 259—INTERIM FISHING VESSEL CAPITAL CONSTRUCTION FUND PROCEDURES

Interim Administrative Regulations

The 50 CFR Part 259.30 through 259.38 appearing below are adopted as interim regulations for administering the Fishing Vessel Capital Construction Fund program.

The Secretary of Commerce on June 19, 1974, published at 39 FR 21161, et seq., a proposed 50 CFR Part 259.30 through 259.38 as the interim regulations for administering section 607 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1177), insofar as the Capital Construction Fund provisions of that section relating to fishing vessels are concerned.

The Merchant Marine Act of 1970 (84 Stat. 1018) amended section 607 of the Merchant Marine Act, 1936, as amended. Under the amended section 607, citizens of the United States may enter agreements with the Secretary of Commerce providing for the deferment of Federal taxation of, among other things, fishing vessel income when such income is deposited in a Capital Construction Fund and reserved for the future acquisition, construction, or reconstruction of fishing vessels.

The Secretary asked for, and received, comments about the interim regulations proposed June 19, 1974, for administering the Fishing Vessel Capital Construction Fund program. After due consideration, the Secretary incorporated certain of the comments received by revising the previously proposed interim regulations. The 50 CFR Part 259.30 through 259.38 appearing below are, consequently, the adoption, with revisions, of interim regulations for administering the Fishing Vessel Capital Construction Fund program.

Over half the comments received concerned § 259.31, in particular the definition in that section of the term "acquisition" as it pertains to used vessels. Those comments urged a less restrictive definition of the term "acquisition".

A primary intent of the legislation authorizing the Capital Construction Fund program was modernization and improvement of the fishing fleet. The mere acquisition of a used fishing vessel, already a part of the fishing fleet, does nothing in and of itself to improve or modernize the fishing fleet. It is only when an additional Schedule B objective, as outlined in and required by §§ 259.31 (a) (1) and (2), is achieved that the fleet is improved due to the change in ownership of a used vessel. For this reason §§ 259.31(a) (1) and (2) are left basically unchanged. Additionally, the Secretary will soon propose for comment §§ 259.31 (a) (3) and (4) in order to provide liquidated damages for failure to achieve an additional Schedule B objective of the type outlined in and required by §§ 259.31 (a) (1) and (2) and to insure that deposits sufficient to do so are accumulated.

As a result of comments received, the requirement that income and expense statements and a current balance sheet be submitted with each application has been deleted (§ 259.30(b)(5)). Additionally, the definition of "reconstruction" has been slightly broadened and the 20 percent test has been amended so that it applies to the acquisition cost of the vessels rather than the original construction cost of vessels (§ 259.31(b)). The time permitted for construction or reconstruction has been increased from 1 year to 18 months (§ 259.31(c)). Provision has been made for binding construction contracts existing prior to the time of adoption of conditional fisheries (§ 259.32(c)) and for the replacement of vessels lost or destroyed (§ 259.32(e)(3)). Assignment of CCF accounts without the Secretary's consent has been prohibited (§ 259.36(b)). The confidentiality of information provision has been reworded (§ 259.38(b)).

The 50 CFR Part 259.30 through 259.38 are consequently, adopted effective September 19, 1974.

Dated: September 16, 1974.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

Sec.

259.30 Application for Interim Capital Construction Fund Agreement ("Interim CCF Agreement").
259.31 Acquisition, construction, or reconstruction.
259.32 Conditional fisheries.
259.33 Constructive deposits and withdrawals; ratification of withdrawals (as qualified) made without first having obtained Secretary's consent; first tax year for which interim CCF agreement is effective.
259.34 Minimum and maximum deposits; maximum time to deposit.
259.35 Annual deposit and withdrawal reports required.
259.36 CCF accounts.
259.37 Conditional consents to withdrawal qualification.
259.38 Miscellaneous.

AUTHORITY: Sec. 204, 49 Stat. 1987, as amended; (46 U.S.C. 1114); Pub. L. 91-469, 84 Stat. 1018; sec. 21(a), 84 Stat. 1026; Reorganization Plan No. 4 of 1970, 86 Stat. 909.

§ 259.30 Application for Interim Capital Construction Fund Agreement ("Interim CCF Agreement").

(a) *General qualifications.* To be eligible to enter into an Interim CCF Agreement an applicant must:

(1) Be a citizen of the United States (citizenship requirements are those for documenting vessels in the coastwise trade within the meaning of section 2 of the Shipping Act, 1916, as amended);

(2) Own or lease one or more eligible vessels (as defined in sec. 607 (k)(1) of the Act) operating in the fisheries of the United States and earning a significant income from catching, processing, or transporting fish, shellfish, or other living marine resources for commercial purposes such as marketing or processing the catch;

(3) Have an acceptable program for the acquisition, construction, or reconstruction of one or more qualified vessels (as defined in sec. 607(k)(2) of the Act). The program must be a firm representation of the applicant's actual intentions. Vague or contingent objectives will not be acceptable.

(b) *Content of application.* Applicants seeking an Interim CCF Agreement may make application by letter providing the following information:

(1) Proof of U.S. citizenship;

(2) The first taxable year for which the Interim CCF Agreement is to apply (see § 259.33 for the latest time at which application for an Interim CCF Agreement relating to a previous taxable year may be received);

(3) The following information regarding each "eligible vessel" (as it is defined in the Act) which is to be incorporated in Schedule A of the Interim CCF Agreement for purposes of making deposits into a CCF pursuant to section 607 of the Act:

(i) Name of vessel,

(ii) Official number,

(iii) Type of vessel (i.e., catching vessel, processing vessel, transporting vessel),

(iv) General characteristic (i.e., net tonnage, fish-carrying capacity, age, length, type of fishing gear).

(v) Whether owned or leased and, if leased, the name of the owner, and a copy of the lease,

(vi) Date and place of construction,

(vii) If reconstructed, date of redelivery and place of reconstruction,

(viii) Date last documented under the laws of the United States for operation in the fisheries of the United States,

(ix) Fishery of operation (which in this section means each species or group of species—each species must be specifically identified by acceptable common name—of fish, shellfish, or other living marine resources which each vessel catches, processes, or transports or will catch, process, or transport for commercial purposes such as marketing or processing the catch),

(x) Area of operation (which in this section means the general geographic areas in which each vessel will catch, process, or transport for commercial purposes each species or group of species of fish, shellfish, or other living marine resources).

(4) The specific objectives to be achieved by the accumulation of assets in a Capital Construction Fund (to be incorporated in Schedule B of the Interim CCF Agreement) including:

(i) Number of vessels,

(ii) Type of vessel (i.e., catching vessel, processing vessel, transporting vessel),

(iii) General characteristics (i.e., net tonnage, fish-carrying capacity, age, length, type of fishing gear),

(iv) Cost of projects,

(v) Amount of indebtedness to be paid for vessels to be constructed, acquired, or

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reconstructed (all notes, mortgages, or other evidences of the indebtedness must be submitted as soon as available, together with sufficient additional evidence to establish that the full proceeds of the indebtedness to be paid from a CCF under an Interim CCF Agreement, were used solely for the purpose of the construction, acquisition, or reconstruction of Schedule B vessels),

(vi) Date of construction, acquisition, or reconstruction,

(vii) Fishery of operation (which in this section means each species or group of species—each species must be specifically identified by acceptable common name—of fish, shellfish, or other living marine resources which each vessel catches, processes, or transports, or will catch, process, or transport for commercial purposes such as marketing or processing the catch),

(viii) Area of operation (which in this section means the general geographic areas in which each vessel will catch, process, or transport for commercial purposes each species or group of species of fish, shellfish, or other living marine resources).

(5) The name, address, and account number of each depository in which the assets of a CCF will be deposited.

(c) *Filing.* The application must be signed and submitted in duplicate to the Regional Office of the National Marine Fisheries Service's Financial Assistance Division corresponding to the region in which the party conducts its business. As a general rule, the Interim CCF Agreement must be executed and entered into by the taxpayer on or prior to the due date, with extensions, for the filing of the Federal tax return in order to be effective for the tax year to which that return relates. It is manifestly in the Applicant's best interest to file at least 45 days in advance of such date.

§ 259.31 Acquisition, construction, or reconstruction.

(a) *Acquisition.* No vessel having previously been operated in a fishery of the United States prior to its acquisition by the party seeking CCF withdrawal therefor shall be a qualified vessel for the purpose of acquistion, except in the cases specified in subparagraphs (1) and (2) of this paragraph:

(1) A vessel not more than 5 years old, at the time of its acquisition by the party seeking CCF withdrawal therefor may be a qualified vessel for the purpose of acquisition, but only if each acquisition in this category becomes a Schedule A vessel and there exists for each acquisition in this category (on a one-for-one basis) an additional Schedule B construction or reconstruction. The sole consideration for permitting an acquisition in this category is that it will enable the party (but the Secretary will not attempt to predetermine such an ability) to accelerate accomplishment of the additional Schedule B construction or reconstruction. Should this consideration materially fail, the Secretary shall, at his discretion, disqualify previously qualified withdrawals in this category, seek liquidated damages as provided for in subparagraph (4) of this section and/or terminate the Interim CCF Agreement.

(2) A vessel more than 5 years old, but not more than 25 years old (special showing required if more than 25 years old, see paragraph (b) of this section), at the time of acquisition by the party seeking CCF withdrawal therefor may be a qualified vessel for the purpose of acquisition, but only if that same vessel becomes a Schedule A vessel and (in addition to being a Schedule B vessel for the purpose of its acquisition) becomes a Schedule B vessel for the purpose of that same vessel's reconstruction to be accomplished ordinarily within 7 years from the date of acquisition. The sole consideration for permitting an acquisition in this category is that it will enable a party (but the Secretary will not attempt to predetermine such an ability) to accelerate accomplishment of the Schedule B reconstruction of the vessel so acquired. Should this consideration materially fail, the same penalty prescribed in paragraph (1) of this paragraph applies.

(3) Reserved for minimum deposits under this section.

(4) Reserved for liquidated damages.

(b) *Reconstruction.* No reconstruction project costing less than $100,000 shall qualify a vessel for reconstruction, unless the reconstruction project costs, or will cost, 20 percent or more of the reconstructed vessel's acquisition cost (in its unreconstructed state) to the party seeking CCF withdrawal therefor. If the reconstruction project meets the $100,000 test, then the 20 percent test does not apply. Conversely, if the reconstruction project does not meet the $100,000 test, then the 20 percent test applies.

(1) Reconstruction may include rebuilding, replacing, reconditioning, converting and/or improving any portion of a vessel. A reconstruction project must, however, substantially prolong the useful life of the reconstructed vessel, increase its value, or adapt it to a different commercial use in the fishing trade or industry.

(2) All, or the major portion (ordinarily, not less than 80 percent), of a reconstruction project's actual cost must (for the purpose of meeting the above dollar or percentage tests) be classifiable as a capital expenditure for Internal Revenue Service (IRS) purposes. That otherwise allowable (i.e., for the purpose of meeting the above dollar or percentage tests) portion of a reconstruction project's actual cost which is not classifiable as a capital expenditure shall, however, be excluded from the amount qualified for withdrawal as a result of the reconstruction project.

(3) No vessel more than 25 years old at the time of withdrawal or request for withdrawal shall be a qualified vessel for the purpose of reconstruction unless a special showing is made, to the Secretary's discretionary satisfaction, that the type and degree of reconstruction intended will result in an efficient and productive vessel with an economically useful life at least 10 years beyond the date reconstruction is completed.

(c) *Time permitted for construction or reconstruction.* Construction or reconstruction must be completed within 18 months from the date construction or reconstruction first commences, unless otherwise consented to by the Secretary.

§ 259.32 Conditional fisheries.

(a) The Secretary may from time-to-time establish certain fisheries in which CCF benefits will be restricted. The regulatory mechanism for so doing is Part 251 of this chapter. Each fishery so restricted is termed a "conditional fishery". Subpart A of Part 251 of this chapter establishes the procedure to be used by the Secretary in proposing and adopting a fishery as a conditional fishery. Subpart B of Part 251 of this chapter enumerates each fishery actually adopted as a conditional fishery (Part 251 of this chapter should be referred to for details).

The purpose of this § 259.32 is to establish the effect of conditional fishery adoption upon Interim CCF Agreements.

(b) If a written request for an otherwise permissible action under an Interim CCF Agreement is submitted prior to the date upon which conditional fishery adoption occurs, then the Secretary will act, in an otherwise normal manner, upon so much of the action then applied for as is then permissible without regard to the subsequent adoption of a conditional fishery (even, if that adoption occurs before the Secretary gives his consent or issues an Interim CCF Agreement or amendment thereto, all as the case may be). Nevertheless, the conditions as set forth in paragraph (d) of this section shall apply.

(c) If a written request for an otherwise permissible action under an Interim CCF Agreement, or an application for an Interim CCF Agreement, is submitted after the date upon which conditional fishery adoption occurs, then the Secretary will act, in an otherwise normal manner, upon so much of the action then applied for as is then permissible without regard to the previous adoption of a conditional fishery provided, however, that this paragraph shall apply only to construction or reconstruction for which a binding contract had been reduced to writing prior to the date upon which conditional fishery adoption occurred. Nevertheless, the conditions as set forth in paragraph (d) of this section shall apply.

(d) Conditional fishery adoption shall have no effect whatsoever upon a Schedule B objective whose qualification for withdrawal (which may be in an amount equal to the total cost over time of a Schedule B objective, i.e., a series of withdrawals) has been, prior to the date of conditional fishery adoption, either consented to by the Secretary or requested in accordance with paragraphs (b) or (c) of this section. This extends to past, present, and future withdrawals in an amount representing up to 100 percent of the cost of a Schedule B objective. Commencement of any project in these categories shall, however, be

started not later than 6 months from the date of conditional fishery adoption and shall be completed within 24 months from the date of conditional fishery adoption, unless for good and sufficient cause shown the Secretary, at his discretion, consents to a longer period for either project commencement or completion. Consent to the qualification of withdrawal for any project in these categories not commenced or completed within the periods allowed shall be revoked at the end of the periods allowed.

(e) Conditional fishery adoption shall have no effect whatsoever upon Schedule B objectives which will not result in significantly increasing harvesting capacity in a fishery adopted as a conditional fishery.

(1) Construction of a new vessel (vessel "Y") for operation in an adopted conditional fishery shall be deemed to significantly increase harvesting capacity in that fishery unless the party causing the "Y" vessel to be constructed causes (within 1 year after the delivery of vessel "Y") to be permanently removed from all fishing, or placed permanently in a fishery not then adopted as a conditional fishery, under such conditions as the Secretary may deem necessary or desirable, a vessel (vessel "Z") which has during the previous 18 months operated substantially in the same fishery as the "Y" vessel and which has a fishing capacity substantially equivalent to the "Y" vessel. Failure to remove a vessel could subject all withdrawals to be treated as nonqualified and may be cause for termination of the CCF. What constitutes substantially equivalent fishing capacity shall be a matter for the Secretary's discretion. Ordinarily, in exercising his discretion about what does or does not constitute substantially equivalent fishing capacity, the Secretary will take into consideration (i) the average size of vessels constructed for the adopted conditional fishery in question at the time vessel "Z" was constructed (or, if constructed for a different fishery, the average size of vessels in the adopted conditional fishery at the time vessel "Z" entered it), (ii) the average size of vessels constructed for the adopted conditional fishery at the time vessel "Y" was or will be constructed, and (iii) such other factors as the Secretary may deem material and equitable, including the length of time the party had owned or leased vessel "Z" and the length of time the vessel has operated in the conditional fishery. The Secretary will consider these factors, and exercise his discretion, in such a way as to encourage use of this program by established fishermen who have owned or leased for substantial periods vessels which need to be replaced, even though a "Z" vessel may have been constructed at a time which dictated a lesser fishing capacity than dictated for a "Y" vessel at the time of its construction.

(2) Acquisition and/or reconstruction of a used vessel for operation in an adopted conditional fishery shall be deemed to significantly increase harvesting capacity in that fishery unless the vessel to be acquired and/or reconstructed had during the previous 3 years operated substantially in the same fishery as the adopted conditional fishery in which it will operate after acquisition and/or reconstruction. If less than 3 years, then acquisition and/or reconstruction of a used vessel for operation in an adopted conditional fishery shall be deemed to significantly increase harvesting capacity in that fishery unless there occurs vessel removal or permanent placement elsewhere under the same conditions specified for construction in subparagraph (1) of this paragraph.

(3) Construction of a new vessel or the acquisition and/or reconstruction of a used vessel for operation in an adopted conditional fishery shall not be deemed to significantly increase the harvesting capacity where the vessel constructed, acquired and/or reconstructed replaces another vessel which was lost or destroyed and which had, immediately prior to the loss or destruction, operated in the same fishery as the adopted conditional fishery, provided, however, that the fishing capacity of the replacement vessel has a fishing capacity substantially equivalent to the vessel lost or destroyed and that the construction, acquisition and/or reconstruction is completed within 2 years after the close of the taxable year in which the loss or destruction occurred. The Secretary may, at his discretion, and for good and sufficient cause shown, extend the replacement period, provided that the request for extension of time to replace is timely filed with the Secretary.

(f) Conditional fishery adoption shall have the following effect on all Schedule B objectives (whether for acquisition, construction, or reconstruction) which the Secretary deems to significantly increase harvesting capacity in that fishery, excluding those circumstances specifically exempted by paragraphs (b) through (e) of this section (which shall be governed by the provisions of (b) through (e) of this section).

(1) The Secretary may nevertheless consent to the qualification of withdrawal, but only up to an amount not exceeding the total of eligible ceilings actually deposited during tax years other than the taxable year in which conditional fishery adoption occurs plus a pro-rata portion of eligible ceilings generated in the tax year in which conditional fishery adoption occurs. Pro-ration shall be according to the number of months or any part thereof in a party's tax year which elapse before the adoption of the conditional fishery occurs. For example, if a party's tax year runs from January 1, 1974, to December 31, 1974, and conditional fishery adoption occurs on August 15, 1974, (i.e., during the 8th month of the party's tax year), then the pro-rata portion for that year is eight-twelfths of the total eligible ceilings generated during that year.

(2) Qualified withdrawals in excess of the amount specified in subparagraph (1) of this section shall not, during the continuance of the adopted conditional fishery, be consented to. Parties at this point shall have the following option:

(i) Make, with the Secretary's consent, a nonqualified withdrawal of the excess and discontinue the future deposit of eligible ceilings (which may effect termination of the Interim CCF Agreement).

(ii) Reserve the excess, as well as the future deposit of eligible ceilings, for a Schedule B objective not then involving an adopted conditional fishery. If amendment of an Interim CCF Agreement is necessary in order to include a Schedule B objective not then involving an adopted conditional fishery, the party may, with the Secretary's consent, make the necessary amendment.

(iii) Reserve the excess, as well as the future deposit of eligible ceilings, for a Schedule B objective involving a then adopted conditional fishery in anticipation that the then adopted conditional fishery will eventually be disadopted, in which case all deposits of eligible ceilings will once again be eligible for the Secretary's consent as qualified withdrawals. If the adoption of a conditional fishery continues for a substantial length of time and there is no forseeable prospect of disadoption, then the Secretary, in his discretion, may require subdivision (i) or (ii) of this subparagraph to be effected.

(g) The Secretary shall neither enter into a new Interim CCF Agreement, nor permit amendment of an existing one, which involves a Schedule B objective in a then adopted conditional fishery unless paragraph (b), (c) or (d) of this 259.32 applies or unless the Schedule B objective is expressly conditioned upon acquisition, construction, or reconstruction of the type permitted under paragraph (e) of this § 259.32. Such an express condition would not survive beyond the time at which conditional fishery status is removed.

§ 259.33 Constructive deposits and withdrawals ratification of withdrawals (as qualified) made without first having obtained Secretary's consent; first tax year for which Interim CCF Agreement is effective.

(a) *Periods controlling permissibility.* For the purpose of this § 259.33, the period between the beginning and the end of a party's tax year is designated "Period (aa)"; the period between the end of a party's tax year and the party's tax due date for that tax year is designated "Period (bb)"; the period between the party's tax due date and the date on which ends the party's last extension (if any) of that tax due date is designated "Period (cc)".

(b) *Constructive deposits and withdrawals (before Interim CCF Agreement effectiveness date).* Constructive deposits and withdrawals shall be permissible only during the Period (aa) during which a written application for an interim CCF Agreement is submitted to the Secretary and so much of the next succeeding Period (aa), if any, which occurs before the Secretary executes the Interim CCF Agreement previously applied for. All otherwise qualified expenditures of eligible ceilings during Period (aa) may be consented to by the Secretary as constructive deposits and withdrawals: *Provided*, The applicant's

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application for an Interim CCF Agreement and for consent to constructive deposit and withdrawal qualification (together with sufficient supporting data to enable the Secretary's execution or issuance of consent) is submitted to the Secretary either before the end of Period (bb) or, if extension was requested and received, before the end of Period (cc). If, however, the Secretary receives the completed application in proper form so close to the latest permissible period that the Interim CCF Agreement cannot be executed and/or the consent given before the end of Period (bb) or Period (cc), whichever applies, then the burden is entirely upon the applicant to negotiate with the Internal Revenue Service (IRS) for such relief as may be available (e.g., filing an amended tax return, if appropriate). The Secretary willl nevertheless execute the Interim CCF Agreement and issue his consent however long past the applicant's Period (bb) or Period (cc), whichever applies, the Secretary's administrative workload requires. Should IRS relief be, for any reason, unavailable, the Secretary shall regard the same as merely due to the applicant's having failed to apply in a more timely fashion.

(c) *Constructive deposits (after Interim CCF Agreement effectiveness date).* The Secretary shall not permit constructive deposits or withdrawals after the effective date of an Interim CCF Agreement. Eligible ceilings must, after the effective date of an interim CCF Agreement, be physically deposited in money or kind in scheduled depositories before the last date eligible ceilings for any Period (aa) of any party become ineligible for deposit (the last date being Period (bb) or Period (cc), whichever applies).

(d) *Ratification of withdrawals (as qualified) made without first having obtained Secretary's consent.* The Secretary may ratify as qualified any withdrawal made without first having obtained the Secretary's consent therefor, provided the withdrawal was such as would have resulted in the Secretary's consent ad it been requested before withdrawal, and provided further that the party's request for consent (together with sufficient supporting data to enable issuance of the Secretary's consent) is submitted to the Secretary either before the end of Period (bb) or, if extension was requested and received, before the end of Period (cc).

(1) If, however, the Secretary receives the request in proper form so close to the latest permissible period that the consent cannot be given before expiration of Period (bb) or Period (cc), whichever applies, then the burden is entirely upon the party to negotiate with IRS for such relief as may be available (e.g., filing an amended tax return, if appropriate). The Secretary will nevertheless issue his consent however long past the party's Period (bb) or Period (cc), whichever applies, the Secretary's administrative workload requires. Should IRS relief be, for any reason, unavailable, the Secretary shall regard the same as merely due to the party's having failed to apply in a more timely fashion.

(2) All parties shall be counseled that it is manifestly in their best interest to request the Secretary's consent 45 days in advance of the expected date of withdrawal. Withdrawals made without the Secretary's consent, in reliance on obtaining the Secretary's consent, are made purely at a party's own risk. Should any withdrawal made without the Secretary's consent prove, for any reason, to be one to which the Secretary will not or cannot consent by ratification, then the result will be either, or both, at the Secretary's discretion, an unqualified withdrawal or an involuntary termination of the Interim CCF Agreement.

(3) Should the withdrawal made without having first obtained the Secretary's consent be made in pursuance of a project not then an eligible Schedule B objective, then the Secretary may entertain an application to amend the Interim CCF Agreement's Schedule B objectives as the prerequisite to consenting by ratification to the withdrawal, all under the same time constraints and conditions as otherwise specified herein.

(4) Any withdrawals made, after the effective date of an Interim CCF Agreement, without the Secretary's consent are automatically non-qualified withdrawals unless the Secretary subsequently consents to them by ratification as otherwise specified herein.

(5) Redeposit of that portion of the ceiling withdrawn without the Secretary's consent, and for which such consent is not subsequently given (either by ratification or otherwise), shall not be permitted. If such a non-qualified withdrawal adversely affects the Interim CCF Agreement's general status in any wise deemed by the Secretary, at his discretion, to be significant and material, the Secretary may involuntarily terminate the Interim CCF Agreement.

(e) *First tax year for which Interim CCF Agreement is effective.* An Agreement, to be effective for any party's Period (aa), must be executed and entered into by the party, and submitted to the Secretary, before the end of Period (bb) or Period (cc), whichever applies, for such Period (aa). If executed and entered into by the party, and/or received by the Secretary, after the end of Period (bb) or Period (cc), whichever applies, then the Agreement will be first effective for the next succeeding Period (aa).

(1) If, however, the Secretary receives an Agreement executed and entered into by the party in proper form so close to the latest permissible period that the Secretary cannot execute the Agreement before expiration of Period (bb) or Period (cc), whichever applies, then the burden is entirely upon the party to negotiate with IRS for such relief as may be available (e.g., filing an amended tax return, if appropriate). The Secretary will nevertheless execute the Agreement however long past the party's Period (bb) or Period (cc), whichever applies, the Secretary's administrative workload requires. Should IRS relief be, for any reason, unavailable, the Secretary shall regard the same as merely due to the party's having failed to apply in a more timely manner.

(2) All parties shall be counseled that it is manifestly in their best interest to enter into and execute an Agreement, and submit the same to the Secretary, at least 45 days in advance of the Period (bb) or Period (cc), whichever applies, for the Period (aa) for which the Agreement is first intended to be effective.

§ 259.34 Minimum and maximum deposits; maximum time to deposit.

(a) *Minimum annual deposit.* The minimum annual (based on each party's taxable year) deposit required by the Secretary in order to maintain an Interim CCF Agreement shall be an amount equal to 2 percent of the total anticipated cost of all Schedule B objectives unless such 2 percent exceeds during any tax year 50 percent of a party's Schedule A taxable income, in which case the minimum deposit for that year shall be 50 percent of the party's Schedule A taxable income.

(1) Minimum annual deposit compliance shall be audited at the end of each party's taxable year unless any one or more of the Schedule B objectives is scheduled for commencement more than 3 taxable years in advance of the taxable year in which the agreement is effected, in which case minimum annual deposit compliance shall be audited at the end of each 3 year taxable period. In any taxable year, a Party may apply any eligible amount in excess of the 2 percent minimum annual deposit toward meeting the party's minimum annual deposit requirement in past or future years: *Provided, however,* At the end of each 3 year period, the aggregate amount in the fund must be in compliance with 2 percent minimum annual deposit rule (unless the 50 percent of taxable income situation applies).

(2) The Secretary may, at his discretion and for good and sufficient cause shown, consent to minimum annual deposits in any given tax year or combination of tax years in an amount lower than prescribed herein: *Provided,* The party demonstrates to the Secretary's satisfaction the availability of sufficient funds from any combination of sources to accomplish Schedule B objectives at the time they are scheduled for accomplishment.

(b) *Maximum deposits.* Other than the maximum annual ceilings established by the Act, the Secretary shall not establish a maximum annual ceiling: *Provided, however,* That deposits can no longer be made once a party has deposited 100 percent of the anticipated cost of all Schedule B objectives, unless the Interim CCF Agreement is then amended to establish additional Schedule B objectives.

(c) *Maximum time to deposit.* Ten years shall ordinarily be the maximum time the Secretary shall permit in which to accumulate deposits prior to commencement of any given Schedule B objective. A time longer than 10 years, either by original scheduling or by subsequent extension through amendment, may, however, be permitted at the Secretary's discretion and for good and sufficient cause shown.

§ 259.35 Annual deposit and withdrawal reports required.

(a) The Secretary shall require from each Interim CCF Agreement holder annual deposit and withdrawal report for each tax year, on a form prescribed by the Secretary, not later than 30 days after expiration of the due date, with extensions (if any), for filing the party's tax return. The required annual deposit and withdrawal reports shall be submitted for each scheduled depository, even if the reports are negative. Each report shall bear the account number of each CCF account in each scheduled depository. Each withdrawal report shall contain the party's certification that there were during the tax year involved no withdrawals other than those enumerated on the withdrawal report.

(b) Failure to submit the required annual deposit and withdrawal reports shall be cause after due notice for either, or both, disqualification of withdrawals or involuntary termination of the Interim CCF Agreement, at the Secretary's discretion.

(c) Additionally, the Secretary shall require from each Interim CCF Agreement holder, not later than 30 days after expiration of the party's tax due date, with extensions (if any), a copy of the party's Federal Income Tax Return filed with IRS for the preceding tax year. Failure to submit shall after due notice be cause for the same adverse action specified in the paragraph above.

§ 259.36 CCF accounts.

(a) *General:* Each CCF account in each scheduled depository shall have an account number, which must be reflected on the reports required by § 259.35 above. All CCF accounts shall be reserved only for CCF transactions. There shall be no intermingling of CCF and non-CCF transactions and there shall be no pooling of 2 or more CCF accounts without prior consent of the Secretary. Safe deposit boxes, safes, or the like shall not be eligible CCF depositories without the Secretary's consent and then only under such conditions as the Secretary, in his discretion, prescribes.

(b) *Assignment:* The use of Fund assets for transactions in the nature of a countervailing balance, compensating balance, pledge, assignment, or similar security arrangement shall constitute a material breach of the Agreement unless prior written consent of the Secretary is obtained.

(c) *Depositories:* (1) Section 607(c) of the Act provides that amounts in a CCF must be kept in the depository or depositories specified in the Agreements and be subject to such trustee or other fiduciary requirements as the Secretary may specify.

(2) Unless otherwise specified in the Agreement, the party may select the type or types of accounts in which the assets of the Fund may be deposited.

(3) Non-cash deposits or investments of the Fund should be placed in control of a trustee under the following conditions:

(i) The trustee should be specified in the Agreement;

(ii) The trust instrument should provide that all investment restrictions stated in section 607(c) of the Act will be observed;

(iii) The trust instrument should provide that the trustee will give consideration to the party's withdrawal requirements under the Agreement when investing the Fund;

(iv) The trustee must agree to be bound by all rules and regulations which have been or will be promulgated governing the investment or management of the Fund.

§ 259.37 Conditional consents to withdrawal qualification.

The Secretary may conditionally consent to the qualification of withdrawal, such consent being conditional upon the timely submission to the Secretary of such further proofs, assurances, and advices as the Secretary, in his discretion, may require. Failure of a party to comply with the conditions of such a consent within a reasonable time and after due notice shall, at the Secretary's discretion, be cause for either, or both, nonqualification of withdrawal or involuntary Interim CCF Agreement termination.

§ 259.38 Miscellaneous.

(a) Wherever the Secretary prescribes time constraints herein for the submission of any CCF transactions, the postmark date shall control if mailed or, if personally delivered, the actual date of submission. All required materials may be submitted to any Financial Assistance Division office of the National Marine Fisheries Service.

(b) All CCF information received by the Secretary shall be held strictly confidential, except that it may be published or disclosed in statistical form provided such publication does not disclose, directly or indirectly, the identity of any fundholder.

(c) While recognizing that precise regulations are necessary in order to treat similarly situated parties similarly, the Secretary also realizes that precision in regulations can often cause inequitable effects to result from unavoidable, unintended, or minor discrepancies between the regulations and the circumstances they attempt to govern. The Secretary will, consequently, at his discretion, as a matter of privilege and not as a matter of right, attempt to afford relief to parties where literal application of the purely procedural, as opposed to substantive, aspects of these regulations would otherwise work an inequitable hardship. This privilege will be sparingly granted and no party should before the fact attempt to act in reliance on its being granted after the fact.

(d) These §§ 259.30 through 259.38 are applicable absolutely to all Interim CCF Agreements first entered into (or the amendment of all then existing Interim CCF Agreements, which amendment is first entered into) on or after the date these §§ 259.30 through 259.38 are adopted. These §§ 259.30 through 259.38 are applicable to all Interim CCF Agreements entered into before the date these §§ 259.30 through 259.38 are adopted, with the following exceptions only:

(1) The vessel age limitations imposed by § 259.31 shall not apply to already scheduled Schedule B objectives.

(2) The minimum deposits imposed by § 259.34 shall not apply to any party's tax year before that party's tax year next following the one in which these §§ 259.30 through 259.38 are adopted.

(e) These §§ 259.30 through 259.38 are specifically incorporated in all past, present, and future Interim CCF Agreements by reference thereto made in Whereas Clause number 2 of all such Interim CCF Agreements.

[FR Doc.74-21779 Filed 9-18-74;8:45 am]

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Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

[Docket No. FI-358]

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Illinois	Cook	Morton Grove, village of	Sept. 12, 1974, Emergency	Mar. 1, 1974		
Kentucky	Campbell	Melbourne, city of	do	Feb. 1, 1974		
Mississippi	Bolivar	Mound Bayou, town of	do	June 7, 1974		
New York	Ontario	Canandaigua, city of	do			
North Carolina	New Hanover	Kure Beach, town of	do	Feb. 15, 1974		
Ohio	Hamilton	Fairfax, village of	do	do		
Oregon	Baker	Unincorporated areas	do	do		
South Dakota	Moody	do	do	do		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: September 5, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-21446 Filed 9-18-74;8:45 am]

[Docket No. FI-359]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
California	Humboldt	Unincorporated areas	Sept. 11, 1974, Emergency			
Florida	Seminole	Casselberry, city of	do	Feb. 1, 1974		
Do	Palm Beach	Royal Palm Beach, village of	do	June 28, 1974		
Illinois	Cook	Lyons, village of	do	Mar. 15, 1974		
Minnesota	Washington	St. Paul Park, city of	do	Mar. 29, 1974		
Pennsylvania	Bradford	South Waverly, borough of	do	Jan. 9, 1974		
West Virginia	Roane	Reedy, town of	do	Aug. 9, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: September 5, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-21447 Filed 9-18-74;8:45 am]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

[Docket No. FI-360]

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Illinois	Lake	Round Lake, village of	Sept. 13, 1974, Emergency	Mar. 29, 1974		
Kansas	Harvey	Newton, city of	do	Feb. 1, 1974		
Kentucky	Kenton	Taylor Mill, city of	do	Feb. 15, 1974		
Louisiana	Evangeline	Mamou, town of	do	May 3, 1974		
New York	Herkimer	Frankfort, town of	do	Mar. 1, 1974		
Do	Onondaga	LaFayette, town of	do	Aug. 2, 1974		
Ohio	Summit	Barberton, city of	do	May 24, 1974		
Pennsylvania	Washington	Stockdale, borough of	do	June 14, 1974		
South Dakota	Moody	Flandreau, city of	do			
Texas	Bailey	Muleshoe, city of	do	May 24, 1974		
Do	Parker	Weatherford, city of	do	Mar. 8, 1974		
Vermont	Rutland	Wallingford, town of	do	May 31, 1974		
Washington	Thurston	Unincorporated areas	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: September 9, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-21448 Filed 9-18-74;8:45 am]

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

SUBCHAPTER C—PROCUREMENT PRACTICES

PART 331—CONTRACT COVERAGE

Applicability, Exemptions, and Waivers

The purpose of this publication by the Cost Accounting Standards Board is to adopt a modification to Part 331, Contract Coverage, of its rules and regulations. The modification adopted today was initially published in the FEDERAL REGISTER of August 9, 1974 (39 FR 28645). Comments regarding that notice of proposed rulemaking were invited to be submitted to the Board by September 9, 1974.

The August 9, 1974, publication proposed an amendment to § 331.30(c)(4) to permit, under certain circumstances, submission of waiver requests from a level below that of the agency head. No objection to the Board's proposal has been made. Therefore, the proposal has been adopted for the reasons expressed in the August 9, 1974, publication.

Section 331.30 *Applicability, exemption, and waiver* is modified by deleting the current § 331.30(c)(4) and substituting in lieu thereof the following subparagraph (4):

§ 331.30 **Applicability, exemption, and waiver.**

• • • • • •

(c) • • •

(4) Except as provided herein, the authority in paragraph (c) of this section shall not be delegated. For any contract or subcontract for the procument of substantially the same product or service from the same contractor for which, pursuant to subparagraph (1) or (2) of this paragraph, a waiver has previously been requested and granted by the Cost Accounting Standards Board, authority contained in those subparagraphs (1) and (2) may be delegated by the Secretary of Defense to the Secretaries of the Military Departments and to the Director, Defense Supply Agency, and by the heads of other agencies to officials in equivalent positions.

Effective date. This amendment is effective September 19, 1974.

(84 Stat. 796, sec. 103; (50 U.S.C. App. 2168))

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.74-21797 Filed 9-18-74;8:45 am]

SUBCHAPTER G—COST ACCOUNTING STANDARDS

PART 400—DEFINITIONS

Compensated Personal Absence

Section 400.1(a) is amended by inserting the following definitions alphabetically.

§ 400.1 **Definitions.**

(a) • • •

Compensated personal absence. Any absence from work for reasons such as illness, vacation, holidays, jury duty or military training, or personal activities, for which an employer pays compensation directly to an employee in accordance with a plan or custom of the employer.

• • • • • •

Entitlement. An employee's right, whether conditional or unconditional, to receive a determinable amount of compensated personal absence, or pay in lieu thereof.

• • • • • •

(84 Stat. 796, sec. 103; (50 U.S.C. App. 2168))

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.74-21796 Filed 9-18-74;8:45 am]

PART 408—ACCOUNTING FOR COSTS OF COMPENSATED PERSONAL ABSENCE

The Cost Accounting Standard on Accounting for Costs of Compensated Personal Absence is one of a series being promulgated by the Cost Accounting Standards Board pursuant to section 719 of the Defense Production Act of 1950, as amended, Pub. L. 91-379, 50 U.S.C. App. 2168, which provides for the development of Cost Accounting Standards to be used in connection with negotiated national defense contracts. This Standard deals primarily with the amount and time of recognition of costs of compensated personal absence.

Work preliminary to the development of this Cost Accounting Standard was initiated as a part of the study of the larger subject of accounting for labor costs. The costs of compenstated personal absence are an important element of labor costs, but under existing procurement regulations there is no assurance that the costs of compensated personal absence are assigned to the cost accounting period in which the related labor is performed and in which the related wage or salary costs are recognized. Because the volume and mix of contracts of a particular contractor may vary significantly from period to period, the assignment of costs to the proper cost accounting periods is important.

Early research on this Cost Accounting Standard included a study of available

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literature and relevant decisions of boards of contract appeals and courts. Initial meetings were held with major procurement agencies and with a number of contractors, and certain issues were tentatively identified. The relationship of Government procurement regulations to Federal Income Tax laws which govern the accounting for costs of compensated personal absence was explored. It was noted that the exact nature of the employer's liability to employees under a specific plan was an important consideration in determining the income tax treatment which might be permitted. A review of Disclosure Statements on file indicated a disparity in existing accounting practices.

A questionnaire and a statement of issues were then sent to 117 companies, 40 Government agencies, and 53 others, including industry and professional associations, to obtain detailed information, particularly in regard to benefit plans and the reasons for selecting a specific accounting method. Data on benefit plans and accounting practices were received from 68 companies and comments on the issues were received from 37 respondents. Analysis of the data and comments indicated that the issues could be classified broadly into two groups—those relating to the amount and timing of recognition of costs of compensated personal absence and those relating to methods of allocation of these costs to cost objectives. Some problems were noted in connection with the charging of costs of compensated personal absence directly to final cost objectives at the time of payment; these have been addressed in the Standard. Detailed criteria for the allocation of costs of compensated personal absence are not included in this Standard. Additional study of other labor-related costs is being undertaken and when it has been completed such criteria may be provided.

Based on analysis of the responses to the questionnaire and issues paper and on further discussions, a preliminary draft Standard was developed and widely distributed for comment. Comments and suggestions were received from 87 respondents; these comments were considered in developing a revised Standard which was published in the FEDERAL REGISTER of March 4, 1974, with an invitation to interested parties to submit written views and comments to the Board. The Board also supplemented the invitation in the FEDERAL REGISTER by sending copies of that issue to several hundred organizations and individuals who had provided the Board with comments on the earlier proposal or who had otherwise expressed interest in the proposal.

Following the FEDERAL REGISTER publication, the Board received 86 sets of written comments from companies, Government agencies, professional associations, industry associations, public accounting firms, universities, and others. All comments have been carefully considered by the Board and those addressing areas of significance are discussed below, together with explanations of the changes made in the Cost Accounting Standard being promulgated from the proposal published in the FEDERAL REGISTER of March 4, 1974.

The Board wishes to take this opportunity to express its appreciation for the helpful suggestions and constructive criticisms it has received, and for the time devoted to assisting the Board in this endeavor by the many organizations and individuals involved.

(1) *Need for a standard.* The most significant problems and issues relate to the amount and timing of recognition of costs of compensated personal absence appear to stem from the reliance of existing procurement regulations on the Internal Revenue Code and income tax regulations to govern accounting for these costs. Three disadvantages arise from this reliance. First, current regulations and prior rulings permit, but do not require, the use of accrual accounting for vacation pay, and they do not specify the amount to be accrued if accrual is elected; of three contractors with identical vacation plans, one may elect to recognize vacation costs pro-rata as the related work is performed, the second in the year the related work is completed, and the third only at the time vacation is taken. Consequently, current regulations do not require uniformity in the measurement of such costs among years. Second, the Internal Revenue Code and Treasury Department rulings have imposed different criteria at different times; of two contractors with identical plans, one historically may have been permitted to recognize costs of compensated personal absence on the accrual basis, while the other, who applied at a later date, is denied the same privilege because of a subsequent ruling. Finally, a change in the Internal Revenue Code or income tax regulations may not be appropriate for contract cost accounting.

Many commentators said that they were not aware of problems relating to accounting for costs of compensated personal absence and they questioned the need for a Standard on the subject. Discussions with a number of these commentators disclosed, however, that they were unaware of the lack of uniformity created by the reliance of Government Procurement regulations on income tax regulations. The Board believes that the promulgation of a Standard dealing with accounting for costs of compensated personal absence is desirable to improve, and provide uniformity in, the measurement of these costs for a cost accounting period and thereby to increase the probability that the measured costs are allocated to the proper cost objectives.

(2) *Scope of the standard.* Several commentators questioned the exclusion of such costs as severance pay or group insurance from the Standard and they concluded that these costs were thereby unallowable as contract costs. This conclusion is not correct. A Standard does not define which costs are or are not allowable. Moreover, these costs were excluded from this Standard because our research disclosed that the associated accounting problems are sufficiently dissimilar from those of compensated personal absence to warrant separate consideration.

(3) *Basis for recognition of cost.* The Standard that was published for public comment relied on the degree of certainty of the employer's obligation as the principal criterion for accrual or nonaccrual of costs of compensated personal absence. Some commentators suggested that costs not be recognized prior to payment unless the obligation to provide the benefits were irrevocable in all circumstances. Using this test, most company benefit plans which we have seen in the course of our research would not qualify for accrual accounting. Others suggested that the Standard set no restrictions whatsoever on the use of accrual accounting for these costs.

After considering all of the comments and after additional staff research and discussions with contractors, Government agencies, and others, the Board has concluded that the distinction which it previously stated between a "certain" and a "reasonably certain" obligation for purposes of determining liability, was unnecessary. The Standard has been simplified to state directly that the proper measure of the liability and the criterion for cost recognition is the amount which would be payable if the employer were to terminate the employment for any reason not involving disciplinary action. Under generally accepted accounting principles, liabilities are usually recorded when obligations to transfer assets or provide services in the future are incurred. If the employee would be paid a given amount in the event of lay-off, then that employee must have completed the service necessary to have earned that amount of entitlement to benefits.

Some commentators suggested that only so much of the employer's liability as would be payable on voluntary termination be considered to be "earned." The Board does not accept this position. Even in cases where voluntary termination causes a forfeiture, the employer cannot unilaterally avoid the liability. The employer's liability should not be disregarded merely because an employee may later act to relieve the employer of actually making the payment.

Even if the obligation is viewed as one of a contingent nature, generally accepted accounting principles provide that where the outcome is reasonably foreseeable and the contingency may be expected to result in a cost, it should be reflected in the accounts. Based on its research, the Board believes that only a small percentage of those employees of any contractor who are entitled to benefits forfeit those benefits. Therefore, the Board believes that the obligation should properly be recognized (with appropriate adjustment for anticipated forfeitures), and to fail to do so is to misstate the costs of compensated personal absence which are properly assignable to that cost accounting period.

(4) *Utilization of benefits criterion.* A number of commentators objected to the provision in the proposed Standard that if the employer's obligation were not "certain," then accrual accounting could be used only if at least 80 percent of the entitlement which was potentially earned in any year would ultimately be used by the employees. The intent of this provision was to assure that accural accounting was not permitted in situations where the utilization rate was so low that it was questionable whether accurals based on estimated utilization provided any better cost accounting information than did actual cash disbursements. The Board has reviewed the utilization data of a number of contractors and finds that by adhering to the amount which is payable on involuntary termination of employment as the measure of the accural, a utilization criterion is unnecessary. It has therefore been deleted.

(5) *Adjustments for unrecognized liabilities.* The Standard requires the recognition of costs when the entitlement to compensated personal absence is earned. Initial application of the Standard or a change of compensated personal absence plan may necessitate an adjustment to recognize the cost of entitlement already earned but not yet recognized for cost accounting purposes. The proposed Standard made no explicit provision for the disposition of such adjustments. A number of commentators cited the failure to provide explicitly for the disposition of adjustments as a deficiency in the proposed Standard. For example, it was hypothesized that a contractor who was recording vacation costs at the time of payment might not recognize any vacation cost in the year an employee was hired; on the completion of the contract, the employee might be terminated and paid for both the vacation to be taken in the year of termination and the vacation earned in that year. If the Standard were applicable to the contractor, he might be able to allocate only those costs accrued in that year. As a result, he might not recover costs paid in that year for vacations earned before accrual was instituted. The Board recognizes the validity of this hypothesis in some instances. However, if the contractor is viewed as a going concern and Government contracting as a continuing process, then that hypothetical "last year of contracting" may be infinitely far in the future, the lay-offs may never take place, and the contractor will continue to receive "one year's worth of costs" in each year.

All commentators who questioned the method of adjustment, and certain other contractors who did not raise the question but who the Board believed might be significantly affected by the Standard, were asked to provide detailed information concerning benefit plans involved, the number of employees, and the estimated amount of the adjustment. In addition, each contractor was asked to provide background information concerning its history as a Government contractor and, to the extent available, data on past employment, labor costs, and extent of contracts. The Board also contacted several contractors who already record costs of compensated personal absence on the accrual basis to determine the circumstances under which this accounting treatment had been adopted, whether adoption resulted in adjustment and, if so, how it had been handled.

The Board reviewed the information submitted in response to its requests. The Board has considered (1) refraining from explicitly providing for handling the adjustment, (2) providing a procedure by which the adjustment could all be assigned to the year of change, and (3) providing a procedure for amortizing the adjustment over a fixed period of years. The Board finds disadvantages to each of these alternatives. If no procedure for adjustment is provided, appropriate procedures for cost recovery may not be devised by contracting parties. If the procedure resulted in assignment of the entire adjustment to the year of change, then some contractors may recover more than the appropriate cost of that year and all of the contracts in the year of change will be overcharged. The same deficiencies, albeit to a lesser extent, exist if the procedure provides for the adjustment to be amortized over a fixed period.

The Standard has been revised to provide an explicit procedure for disposing of the adjustment for unrecognized liability. Under it, the adjustment is initially placed in a suspense account. In the cost accounting period of change and in any subsequent period, if the employer's liability for compensated personal absence under the related plan at the end of a period is less than the amount in the suspense account at the beginning of that period, the suspense account is reduced by the amount of the difference. That difference is assigned to that cost accounting period as an additional cost of compensated personal absence.

If the employer's liability remains above that at the time of change, then costs of compensated personal absence are measured on the accrual basis. If the employer's liability falls below that amount because of additional cash payments to employees, then the costs are measured on the cash basis. This latter condition will arise wherever employment levels fall below that existing at the time of change. Whenever such conditions occur, the costs of those periods are measured on a cash basis until the entire suspense has been written off. The contractor is not precluded from allocating costs which might otherwise have been allocable, absent the Standard but he cannot allocate more than he otherwise would have allocated, so that premature cost allocations cannot occur.

(6) *Complexity.* Many of the commentators suggested that the proposed Standard was too complex, too detailed, or too procedural. As previously mentioned, the criteria for accrual have been changed to eliminate the distinction between a "certain" and a "reasonably certain" obligation and to eliminate the utilization test. These changes permitted a significant reduction in the length and complexity of the Standard. In addition, the Board has made a number of simplifying changes in the wording of the Standard based on suggestions from commentators.

(7) *Adjustments for interim rates.* A number of commentators objected to the requirement in the proposed Standard that where costs of compensated personal absence are allocated using an interim rate, any difference between the interim rate and actual cost must be adjusted in the same period. They objected on the grounds that the necessary computations to determine the actual cost in accordance with the provisions of the Standard could not be completed by the end of the cost accounting period. Although the Board is not persuaded by this argument, the provision involved has been deleted for the following reasons. The accrual required by this Standard is identical to that required for any other year-end accrual, and the adjustment process is not essentially different from that which is required to adjust any interim allocation for a cost difference.

The requirement is well established that if overhead costs are allocated to Government contracts on an interim basis, there must be an adjustment when the actual costs are known. The Board therefore has concluded that it is unnecessary to restate it in the Standard, although the requirement, of course, remains in effect.

(8) *Requirement to maintain records.* Some contractors were concerned about the nature and extent of records which might be necessary to support the determinations and computations required by the proposed Standard. In particular, the need to maintain records of benefit utilization was questioned. The benefit utilization criterion has been deleted from the Standard; consequently, the maintenance of special records for this purpose is unnecessary. Others were concerned that the proposed Standard would require changes in their formal accounting records. Upon further consideration, the Board believes maintaining appropriate records is implicit in cost accounting and that the inclusion of additional record-keeping requirements in the Standard is unnecessary. In determining what records are necessary to achieve verifiability for purposes of this Standard, consideration should be given to the relative ease or difficulty of making and verifying assumptions and estimates, to the materiality of the amounts involved, and to the use of techniques such as statistical sampling for determining the amount of the employer's liability.

(9) *Exemptions.* Representatives of educational institutions pointed out two problems with the proposed Standard. First, it required that where costs of compensated personal absence are allocated using an interim rate, any difference between the interim rate and actual cost must be adjusted in the same period. These commentators pointed out that Pub. L. 87-638 authorized use of negotiated predetermined overhead rates by these institutions and that this permission is presently set forth in Federal

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Management Circular 73-8: Cost Principles for Educational Institutions. Second, they pointed out that many educational institutions do not record costs on an accrual basis; but use fund accounting on a cash basis; and that for state and local governmental institutions, such accounting may be required by law. While the Standard does not require any change in the formal accounting records, in many instances it would be very difficult for these institutions to comply with the Standard.

In view of the foregoing, the Board does not believe it desirable to require educational institutions or state and local governmental agencies to account for costs of compensated personal absence on the accrual basis. Accordingly, the Board has exempted such institutions and state and local governmental agencies from the provisions of this Standard.

(10) *Costs and benefits.* The anticipated benefits of this Standard are improved cost measurement and increased uniformity in accounting for costs of compensated personal absence, leading to increased assurance that the measured costs are assigned to the proper cost objectives.

Several commentators objected that the Standard would not increase uniformity because the accounting for a particular benefit plan would depend on the provisions of that plan, and not all benefit plans are alike. The Board is aware of the diversity of benefit plans. However, under present procurement regulations different contractors with essentially similar plans could be accounting differently for them and may be prevented from using similar accounting even if they wish to do so. To the extent that uniformity is thus actually inhibited, the Standard will correct the situation. Other past problems relating to the measurement of these costs in the event of layoffs, or employee transfers would also be alleviated.

Many commentators said that they were already accounting for costs of compensated personal absence in the manner required by the Standard. Some commentators said that implementation costs would depend on the extent of detail which would be required to comply. The Board has attempted to minimize such detail: First, by its previous statements that compliance with Standards may be accomplished through the use of memorandum records; second, by eliminating the utilization of benefits test and, thereby, the necessity of maintaining the supporting utilization records; and, finally, by emphasizing the acceptability of estimates based on statistical sampling or historical data. As a consequence, the costs of implementation should be neglible.

In summary, the Board believes that the benefits to be derived from this Standard clearly outweigh any costs of implementation.

The Board expects that this Standard will become effective on April 1, 1975.

There is also being published today an amendment to Part 400, Definitions, to incorporate in that part terms defined in § 408.30(a) of this Cost Accounting Standard

Sec.
408.10 General applicability.
408.20 Purpose.
408.30 Definitions.
408.40 Fundamental requirement.
408.50 Techniques for application.
408.60 Illustrations.
408.70 Exemptions.
408.80 Effective date.

AUTHORITY: 84 Stat. 796, sec. 103 (50 U.S.C. App. 2168).

§ 408.10 General applicability.

This Standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof and by all relevant Federal agencies in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and subcontract national defense procurements in excess of $100,000, other than contracts or subcontracts where the price negotiated is based on (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

§ 408.20 Purpose.

The purpose of this Standard is to improve, and provide uniformity in, the measurement of costs of vacation, sick leave, holiday, and other compensated personal absence for a cost accounting period, and thereby increase the probability that the measured costs are allocated to the proper cost objectives.

§ 408.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meaning ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Compensated personal absence.* Any absence from work for reasons such as illness, vacation, holidays, jury duty or military training, or personal activities, for which an employer pays compensation directly to an employee in accordance with a plan or custom of the employer.

(2) *Entitlement.* An employee's right, whether conditional or unconditional, to receive a determinable amount of compensated personal absence, or pay in lieu thereof.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard. None.

§ 408.40 Fundamental requirement.

(a) The costs of compensated personal absence shall be assigned to the cost accounting period or periods in which the entitlement was earned.

(b) The costs of compensated personal absence for an entire cost accounting period shall be allocated pro-rata on an annual basis among the final cost objectives of that period.

§ 408.50 Techniques for application.

(a) *Determinations.* Each plan or custom for compensated personal absence shall be considered separately in determining when entitlement is earned. If a plan or custom is changed or a new plan or custom is adopted, then a new determination shall be made beginning with the first cost accounting period to which such new or changed plan or custom applies.

(b) *Measurement of entitlement.* (1) For purposes of compliance with §408.40 (a), compensated personal absence is earned at the same time and in the same amount as the employer becomes liable to compensate the employee for such absence if the employer terminates the employee's employment for lack of work or other reasons not involing disciplinary action, in accordance with a plan or custom of the employer. Where a new employee must complete a probationary period before the employer becomes liable, the employer may nonetheless treat such service as creating entitlement in any computations required by this Standard, provided that he does so consistently.

(2) Where a plan or custom provides for entitlement to be determined as of the first calendar day or the first business day of a cost accounting period based on service in the preceding cost accounting period, the entitlement shall be considered to have been earned, and the employer's liability to have arisen, as of the close of the preceding cost accounting period.

(3) In the absence of a determinable liability, in accordance with paragraph (b)(1) of this section, compensated personal absence will be considered to be earned only in the cost accounting period in which it is paid.

(c) *Determination of employer's liability.* In computing the cost of compensated personal absence, the computation shall give effect to the employer's liability in accordance with the following paragraphs:

(1) The estimated liability shall include all earned entitlement to compensated personal absence which exists at the time the liability is determined, in accordance with paragraph (b) of this section.

(2) The estimated liability shall be reduced to allow for anticipated nonutilization, if material.

(3) The liability shall be estimated consistently either in terms of current or of anticipated wage rates. Estimates may be made with respect to individual employees, but such individual estimates shall not be required if the total cost with respect to all employees in the plan can be estimated with reasonable accuracy by the use of sample data, experience or other appropriate means.

(d) *Adjustments.* (1) The estimate of the employer's liability for compensated

personal absence at the beginning of the first cost accounting period for which a contractor must comply with this Standard shall be based on the contractor's plan or custom applicable to that period, notwithstanding that some part of that liability has not previously been recognized for contract costing purposes. Any excess of the amount of the liability as determined in accordance with paragraph (c) of this section over the corresponding amount of the liability as determined in accordance with the contractor's previous practice shall be held in suspense and accounted for as described in subparagraph (3) of this paragraph.

(2) If a plan or custom is changed or a new plan or custom is adopted, and the new determination made in accordance with paragraph (a) of this section results in an increase in the estimate of the employer's liability for compensated personal absence at the beginning of the first cost accounting period for which the new plan is effective over the estimate made in accordance with the contractor's prior practice, then the amount of such increase shall be held in suspense and accounted for as described in subparagraph (3) of this paragraph.

(3) At the close of each cost accounting period, the amount held in suspense shall be reduced by the excess of the amount held in suspense at the beginning of the cost accounting period over the employer's liability (as estimated in accordance with paragraph (c) of this section) at the end of that cost accounting period. The cost of compensated personal absence assigned to that cost accounting period shall be increased by the amount of the excess.

(e) *Allocations.* Except where the use of a longer or shorter period is permitted by the provisions of the Cost Accounting Standard on Cost Accounting Period (Part 406 of this chapter), the costs of compensated personal absence shall be allocated to cost objectives on a pro-rata basis which reflects the total of such costs and the total of the allocation base for the entire cost accounting period. However, this provision shall not preclude revisions to an allocation rate during a cost accounting period based on revised estimates of period totals.

§ 408.60 Illustrations.

(a) Company A's vacation plan provides that on the anniversary of each employee's hiring date, that employee shall become eligible to receive a two-week vacation with pay. Vacation entitlement must be used within two years or forfeited. An employee who leaves the company voluntarily will be paid for any remaining unused vacation entitlement which was earned through the employee's last anniversary date. An employee who is laid off for lack of work will also be paid a pro-rata vacation allowance for service since the employee's last anniversary date. Company A accrues vacation costs each month based on an estimate of the anniversary years which will be completed in that month. At the end of its cost accounting period, Company A adjusts its estimated liability to agree with its actual liability for completed years of service on an individual employee basis.

(1) In order to comply with § 408.50(c), Company A must increase its estimated liability for vacation pay at all times to include the estimated additional amount which would be payable to employees in the event of layoff. The additional liability may be calculated on an individual employee basis or it may be estimated for the employees as a group by the use of sample or historical data.

(2) The following illustrates one method of estimating Company A's liability at the end of its cost accounting period, December 31, with respect to individual employees, in accordance with § 408.50(c).

John Doe, Anniversary date July 10:	
Unused entitlement resulting from completed service years, 24 hrs. at $5	$120
Full months of service since anniversary, 5:	
Pro-rata entitlement on lay-off=80 hrs. x 5/12 =33.3 hrs. at $5	167
Total	287
Less estimated allowance for forfeitures, 3½ percent	10
Net liability	277

(b) Company B has a vacation plan similar to Company A's, but Company B does not pay pro-rata vacation pay on lay-off for service since the last anniversary date. Company B must include in its estimate of its liability at the end of its cost accounting period only that unused vacation entitlement which results from completed years of service, with allowance for forfeitures if material.

(c) Company C's sick leave plan provides that an employee will accumulate one-half day of sick leave entitlement for each full month of service. Sick leave entitlement may be accumulated without limit, but an employee is paid for sick leave only during actual illness; the Company does not pay for unused sick leave on lay-off. Despite the fact that Company C might be able to estimate the amount which will be paid for sick leave in a future cost accounting period with a high degree of accuracy, it has no liability for payment for unused sick leave entitlement in the event of lay-off. Therefore, in accordance with § 408.50 (b)(3), it must assign to each cost accounting period only the costs of sick leave which it pays in that period.

(d) Company D's vacation plan provides that on July 1, each employee who has been employed by the Company for at least one year shall be entitled to two weeks of vacation. All vacation must be taken between July 1 and September 30. An employee who terminates after September 30 and before July 1 receives no vacation pay. Company D has a cost accounting period which ends on December 31; however, Company D customarily accrues its anticipated liability for vacation pay at July 1 in 12 equal installments over the "vacation year" starting on July 1 of the previous year and ending on June 30 of the current year. Company D has no liability for vacation pay at January 1 or at December 31. In accordance with § 408.50(b)(3), the amount of vacation cost which Company D must assign to each cost accounting period is the amount of such costs paid in that period. Therefore, Company D may not use the "vacation year" ending June 30 to apportion these costs between cost accounting periods.

(e) Company E's cost accounting period ends on December 31. Its vacation plan provides that on January 1, each employee who has been employed for at least one year shall become entitled to two weeks of vacation. The Company does not recognize a liability for vacation pay at December 31 because an employee must be employed on January 1 to be eligible.

(1) Despite the requirement that the employee also be employed on January 1, the necessary service was completed in the preceding cost accounting period. If the other terms of the plan are such that in accordance with this Standard, Company E must recognize its vacation costs on the accrual basis, then in accordance with § 408.50(b)(2), Company E must estimate its vacation costs as if the liability arose on December 31 rather than on the following January 1.

(2) Assume that Company E must comply with this Standard beginning on January 1, 1976. Assume that the employees of Company E earned $90,000 in vacation pay in 1975, all of which will be taken in 1976. Assume, further, that because of reduced employment levels, the employees of Company E will earn only $80,000 in vacation pay in 1976, $5,000 of which will be paid in 1976 because of layoffs. The following example illustrates the computation of vacation pay costs for Company E in 1976:

1976 beginning liability:	
With Standard (§ 408.50(d)(1))	$90,000
Without Standard	0
Amount to be held in suspense (§ 408.50(d)(1))	90,000
1976 ending liability	75,000
Plus: Paid in 1976	95,000
Subtotal	170,000
Less: 1976 beginning liability	90,000
1976 vacation cost, basic amount	80,000
Amount in suspense at beginning of 1976	90,000
Less: 1976 ending liability	75,000
Suspense to be written off in 1976; additional 1976 vacation cost (§ 408.50(d)(3))	15,000
1976 basic vacation cost	80,000
Plus: 1976 reduction of suspense	15,000
1976 total vacation cost	95,000

(3) Assume, further, that all of the vacation entitlement which remained at

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December 31, 1976 ($75,000) is taken in 1977. Also, Company E hires a substantial number of additional employees in 1977, so that the amount of vacation entitlement earned in 1977 is $85,000. The following example illustrates the computation of vacation pay costs for Company E in 1977:

1977 ending liability	$85,000
Plus: Paid in 1977	75,000
Subtotal	160,000
Less: 1977 beginning liability	75,000
1977 vacation cost, basic amount	85,000
Amount in suspense at beginning of 1977[1]	75,000
1977 ending liability[1]	85,000
1977 basic vacation cost	85,000
Plus: 1977 reduction of suspense[1]	0
1977 total vacation cost	85,000

[1] Because the 1977 ending liability exceeds the amount in suspense at the beginning of 1977, there is no reduction of suspense in 1977.

(4) Assume further, that Company E goes out of business in 1978. All employees are terminated and paid both for the $85,000 vacation liability at the end of 1977 and an additional $40,000 earned in 1978. The following example illustrates the computation of vacation pay costs for Company E in 1978:

1978 ending liability	0
Plus: Paid in 1978	$125,000
Subtotal	125,000
Less: 1978 beginning liability	85,000
1978 vacation cost, basic amount	40,000
Amount in suspense at beginning of 1978	75,000
Less: 1978 ending liability	0
Suspense to be written off in 1978; additional 1978 vacation cost (§ 408.50(d)(3))	75,000
1978 basic vacation cost	40,000
Plus: 1978 reduction in suspense	75,000
1978 total vacation cost	115,000

(f) All of the salary costs of Company F's salaried employees are charged to service, administrative, or overhead functions. No accounting entries are made to segregate costs of compensated personal absence of these employees from their other salary costs, although other records are maintained to control the total amount of such absences.

(1) This policy does not violate the requirement of § 408.40(b) if such salaries are charged to overhead or indirect cost pools for subsequent allocation to final cost objectives over annually determined allocation bases which are appropriate for those pools.

(2) If the same policy were followed in the case of engineers whose salaries were directly allocated to two or more final cost objectives, or to both intermediate and final cost objectives, so that costs of compensated personal absence were charged directly to the jobs on which the individuals were working when paid, then this would violate the requirement of § 408.40(b) that these costs be allocated among cost objectives on the basis of the costs of the entire cost accounting period. Only if all salaries were directly allocated to a single final cost objective, as might be the case with personnel assigned to an overseas base for the performance of a single contract, would this practice be in accord with that requirement.

(g) Company G determines a "charging rate" for each employee. The charging rate includes an allowance for compensated personal absence based on average experience. As the employee performs services, the related cost objectives are charged for the services at the charging rate, the employee is paid at his base rate, and the excess is credited to the accrued liability for each benefit. As benefits are paid, the costs are charged against the accrued liabilities. The amount of each accrued liability is adjusted at the end of the cost accounting period, and any difference is adjusted through appropriate overhead accounts in accordance with company policy.

(1) This method is not a violation of § 408.40(b) if it results in allocating the estimated annual costs of compensated personal absence at a rate which reflects the anticipated costs of the entire cost accounting period.

(2) The computation itself must comply with the criteria of § 408.40(a). For example, if the terms of the Company's sick leave plan are such that in accordance with this Standard, the costs should be recognized in the cost accounting period when they are paid, then the computation should be intended to amortize the expected costs of sick leave over the activity of that cost accounting period, leaving no accrued liability for sick leave at the end of the cost accounting period.

§ 408.70 Exemptions.

This Standard shall not apply to contractors who are subject to the provisions of Federal Management Circular 73-8 (Cost Principles for Educational Institutions) or Federal Management Circular 74-4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments).

§ 408.80 Effective date.

(a) The effective date of this Standard is [reserved].

(b) This Cost Accounting Standard shall be followed by each contractor as of the start of his next fiscal year beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.74-21800 Filed 9-18-74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3194 is added to show that up to 6 positions, ranging in grades GS-11 through 15, involved with the international seminar on "The Role of Urban Transportation in Community Development," are excepted under Schedule A for not to exceed two years.

Effective September 19, 1974, § 213.3194 (f) is added as set out below.

§ 213.3194 Department of Transportation.

• • • • • •

(f) *Urban Mass Transportation Administration.* (1) Employment for not to exceed two years of up to six individuals in grades ranging from GS-11 through 15, for the international seminar on "The Role of Urban Transportation in Community Development."

• • • • • •

((5 U.S.C. secs. 3301, 3302) E.O. 10577 3 CFR 1954-58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-21649 Filed 9-18-74;8:45 am]

Department of State

Section 213.3304 is amended to show that one position of Assistant Chief of Protocol for Visits is excepted under Schedule C.

Effective September 19, 1974, § 213.3304 (a) (19) is added as set out below.

§ 213.3304 Department of State.

(a) *Office of the Secretary.* • • •

(19) One Assistant Chief of Protocol for Visits.

• • • • • •

((5 U.S.C. secs. 3301, 3302) E.O. 10577, 3 CFR 1954-58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc 74-21650 Filed 9-18-74;8:45 am]

Treasury Department

Section 213.3305 is amended to show the change in the headnote to properly reflect the department name and to show that one additional position of Staff Assistant (Secretary) to the Secretary is excepted under Schedule C.

Effective September 19, 1974, § 213.3305 (a) (56) is amended as set out below.

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* • • •

(56) Two Staff Assistants (Secretary) to the Secretary.

• • • • • •

((5 U.S.C. secs. 3301, 3302) E.O. 10577, 3 CFR 1954-58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-21652 Filed 9-18-74;8:45 am]

Department of Defense

Section 213.3306 is amended to reflect the following title change from: One Personal and Confidential Assistant to the Assistant to the Secretary of Defense for Mutual and Balanced Force Reductions to Private Secretary to the Secretary of Defense, Mutual Balanced Force Representative.

Effective on September 19, 1974, § 213.3306(a) (54) is amended as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* • • •

(54) One Private Secretary to the Secretary of Defense, Mutual and Balanced Force Representative.

• • • • • •

((5 U.S.C. secs. 3301, 3302) E.O. 10577, 3 CFR 1954-58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant, to the Commissioners.

[FR Doc.74-21651 Filed 9-18-74;8:45 am]

Department of Commerce

Section 213.3314 is amended to show that one position of Private Secretary (Confidential Assistant) to the Deputy Administrator, National Oceanic and Atmospheric Administration, is reestablished under Schedule C.

Effective September 19, 1974, § 213.3314 (r) (2) is amended as set out below.

§ 213.3314 Department of Commerce.

• • • • • •

(r) *National Oceanic and Atmospheric Administration.* • • •

(2) One Private Secretary (Confidential Assistant) to the Deputy Administrator.

• • • • • •

((5 U.S.C. secs. 3301, 3302); E.O. 10577 3 CFR 1954-58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 74-21648 Filed 9-18-74;8:45 am]

Department of Labor

Section 213.3315 is amended to reflect the following title change from Office Management Assistant to the Assistant Secretary for Occupational Safety and Health to Private Secretary to the Assistant Secretary for Occupational Safety and Health.

Effective on September 19, 1974, §§ 213.3315 (a) (3) is amended and (a) (39) is revoked as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* • • •

(3) One Private Secretary to each Assistant Secretary of Labor who is appointed by the President.

• • • • • •

(39) [Revoked]

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((5 U.S.C. secs. 3301, 3302); E.O. 10577, 3 CFR 1954-58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-21647 Filed 9-18-74;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Regulation 483]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Sept. 20-26, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.783 Valencia Orange Regulation 483.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges continues to be good. Prices f.o.b. averaged $3.69 per carton on a reported sales volume of 731 carlots last week, compared with an average f.o.b. price of $3.55 per carton and sales of 556 carlots a week earlier. Track and rolling supplies at 307 cars were down 10 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the

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period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 17, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 20, 1974, through September 26, 1974, are hereby fixed as follows:

(i) District 1: 371,000 cartons;

(ii) District 2: 329,000 cartons;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: September 18, 1974.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.74-21966 Filed 9-18-74;11:54 am]

[Pear Reg. 13, Amdt. 1]

PART 927—BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Grades and Sizes Requirements

This amendment, issued pursuant to the amended marketing agreement and Order No. 927, as amended (7 CFR Part 927; 39 FR 26714), changes the expiration date of Pear Regulation 13 from September 30, 1974, to June 30, 1975. Said regulation became effective on August 15, 1974, and its other provisions are unchanged except that the period during which the core temperature of Beurre D'Anjou pears shipped from the Oregon and Washington Districts must have had their core temperature lowered to 35° Fahrenheit, or less, is extended to October 15, 1974.

The grade and size requirements for Beure D'Anjou pears are that such pears grade at least U.S. No. 1 and be not smaller than 180 size, however, such pears which grade at least U.S. No. 2 may be shipped if they are not smaller than 165 size. Beure D'Anjou pears bearing unhealed skin punctures not exceeding $\frac{3}{16}$-inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are not smaller than 135 size. All such pears shipped from the Medford, Hood River-White Salmon-Underwood, Wenatchee, and Yakima Districts must have had their core temperature lowered to 35° Fahrenheit, or less, prior to shipment as certified by the Federal-State Inspection Service.

Beurre Bosc pears must grade at least U.S. No. 1 and be not smaller than 195 size, however, such pears which grade at least U.S. No. 2 may be shipped if they are not smaller than 180 size. Beurre Bosc pears bearing unhealed skin punctures not exceeding $\frac{3}{16}$-inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are not smaller than 135 size.

Winter Nelis pears must grade at least U.S. No. 2 and be not smaller than 195 size.

Doyenne du Comice pears must grade at least U.S. No. 2 and be not smaller than 165 size, however, such pears bearing unhealed skin punctures not exceeding $\frac{3}{16}$-inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are not smaller than 135 size.

The amended regulation also provides that any handler may ship not more than 200 standard western pear boxes of any variety of uninspected pears on a single conveyance after having secured permission from the Control Committee to do so. All such shipments must be reported to the committee to facilitate spot check inspections.

The amended regulation is the same, other than the effective periods thereof, as extant § 927.313 (Pear Regulation 13; 39 FR 29170) effective pursuant to said marketing agreement and order regulating the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment was unanimously recommended by the Control Committee established pursuant to said marketing agreement and order. The action is necessary to assure that the fresh winter pears shipped will continue to be of suitable quality and size in the interest of consumers and producers.

Notice was published in the FEDERAL REGISTER issue of August 20, 1974 (39 FR 30047), that the Department was giving consideration to a proposal to amend § 927.313 by changing the expiration date thereof from September 30, 1974, to June 30, 1975. The notice invited interested persons to submit written data, views, or arguments on the proposal not later than September 13, 1974. No such material was received.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Control Committee, and other available information, it is hereby found that the limitation of handling of such pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such pears are in progress and are expected to continue on and after the expiration date of the existing regulation and such regulation should be applicable to all shipment made during the season in order to effectuate the declared policy of the act; (2) the regulatory requirements are the same as those currently in effect; and (3) compliance with this amended regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

Order. The provisions of § 927.313(a) through subparagraph (2) thereof are hereby amended to read as follows:

§ 927.313 Pear Regulation 13.

Order. (a) During the period August 15, 1974, through June 30, 1975, no handler shall ship any of the following varieties of pears which do not meet the requirements hereinafter specified.

• • • • • •

(2) Beurre D'Anjou pears shipped from the Medford, Hood River-White Salmon-Underwood, Wenatchee, and Yakima Districts prior to October 15, 1974, shall have an appropriate certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core temperature of such pears has been lowered to 35° Fahrenheit or less;

• • • • • •

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated September 16, 1974, to become effective September 30, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21788 Filed 9-18-74;8:45 am]

PART 991—HOPS OF DOMESTIC PRODUCTION

Expenses of Hop Administrative Committee and Rate of Assessment for 1974–75 Marketing Year

Notice of proposed expenses of the Hop Administrative Committee, and rate of assessement, for the 1974–75 marketing year was published in the August 23, 1974, issue of the FEDERAL REGISTER (39 FR 30495). This action is pursuant to §§ 991.55 and 991.56 of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The amended order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted.

The proposal was based on a unanimous recommendation of the Hop Administrative Committee. Expenses of the Committee for the 1974–75 marketing year were proposed at $177,220. The assessment rate was proposed at 0.3 cents per pound of salable hops handled by each handler during the 1974–75 marketing year.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Hop Administrative Committee, and other available information, it is found that the expenses of the Hop Administrative Committee and rate of assessment for the marketing year beginning August 1, 1974, shall be as follows:

§ 991.309 Expenses of the Hop Administrative Committee and rate of assessment for the 1974–75 marketing year.

(a) *Expenses.* Expenses in the amount of $177,220 are reasonable and likely to be incurred by the Hop Administrative Committee during the marketing year beginning August 1, 1974 for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said marketing year, payable by each handler in accordance with § 991.56 is fixed at 0.3 cent per pound of salable hops.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of the amended marketing order require that the rate of assessment fixed for a particular marketing year shall be applicable to all salable hops handled during such year; and (2) the current marketing year began on August 1, 1974, and the rate of assessment herein fixed will automatically apply to all such hops beginning with that date.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: September 16, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-21789 Filed 9-18-74;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 4, Amdt. 3]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Interest Rate

On August 23, 1974, Pub. L. 93–386 (88 Stat. 742) was approved establishing the rate of interest on section 7(a) business loans on a cost of money formula. Therefore, in keeping with that change the following amendment is made to Revision 4 § 108.502–1(h) covering loans to local development companies.

This amendment is effective as of August 23, 1974.

§ 108.502–1 Section 502 loans.

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(h) *Interest rate.* Interest rate on a direct section 502 loan to a development company and on SBA's share of a section 502 loan made in participation with another lending institution shall be at a rate determined annually by the Administrator consistent with the rate set for section 7(a) business loans. For the purposes of this paragraph, bank's share of the guaranteed participation shall be the entire amount of the loan until such time as SBA shall actually purchase its participation.

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Dated September 11, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-21679 Filed 9-18-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74–NW–4–AD; Amendment 39–1969]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 737–100/200 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation regulations to include an airworthiness directive requiring (A) draining of the pitot-static lines after a heavy rain storm, and (B) terminating this airworthiness directive by modifying the pitot-static tubes to include a vertical rise on the Boeing Model 737–100/200 series airplanes was published in 39 FR 16900.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received that the proposed AD and Service Bulletin are not justified because existing maintenance practices are adequate and no significant problem exists. Other comments were that the responsibility of determining the level of storm required for AD compliance would impose a severe operational burden due to vagueness. One commentator stated that the proposed AD is impractical because many airlines operate B–737 airplanes into many stations where qualified maintenance personnel are not stationed. Another commentator stated that the proposed 2500 hours terminating time is not adequate to cover the 17 week lead time required for procurement of parts.

The FAA has determined to delete section (A)(1) and (2) of the proposal which required repetitive inspections and drainings before the first flight after the airplane has sustained ground exposure to heavy rain. These pre-flight actions can be more appropriately covered in a maintenance alert bulletin which will be issued by the FAA as a companion to this amendment.

The possibility of erratic altitude readings due to water in the pitot-static system and the related safety implications do require the issuance of this AD. However, the compliance time has been adjusted from 2500 hours to 3500 hours inasmuch as operational safety will be provided for by draining the pitot-static lines as specified in the Boeing 737 Maintenance Manual and the companion FAA alert bulletin.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

BOEING: Applies to all Model 737 airplanes, certificated in all categories, listed in Boeing Service Bulletin 737–34–1031 dated March 1, 1974, or later FAA approved revisions

To prevent erroneous information from being displayed on the pitot-static flight instruments:

Within the next 3500 hours time in service after the effective date of this AD, modify the pitot-static tubing to include a vertical rise just inboard of each pitot-static probe in accordance with Boeing Service Bulletin 737–34–1031, dated March 1, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may be examined at FAA Northwest Region, 9010 East Marginal Way, Seattle, Washington.

This amendment becomes effective October 25, 1974.

(Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); section 6(c), Department of Transportation Act (49 U.S.C. 1955(c)))

(The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967)

Issued in Seattle, Washington on September 11, 1974.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.74-21644 Filed 9-18-74;8:45 am]

[Docket No. 74–CE–15–AD; Amdt. 39–1966]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 310Q, 340, 402B, 414 and 421B Airplanes

The manufacturer has advised that cracks have been found in some main landing gear trunnions installed on certain serial numbers of Cessna Model 310Q, 340, 402B, 414 and 421B airplanes. This condition if not corrected could result in failure of the main landing gear trunnion. Such failure could result in collapse of the main landing gear or prevent its retraction or extension. The manufacturer has initiated action to remove all effected parts from production and aircraft in service. Since the above

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condition is likely to exist or develop in other airplanes of the same type design the agency is issuing an Airworthiness Directive (AD) applicable to the above mentioned aircraft requiring inspection of the main landing gear upper struts having these trunnions.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new AD.

CESSNA. Applies to Models 310Q (Serial Numbers 1038 through 1069, 1071 through 1081, 1083 through 1086, 1088 through 1105, 1107, 1109, 1110, 1112, 1113, 1115 through 1118, 1122, 1123, 1125 and 1126); Model 340 (Serial Numbers 0325 through 0354); Model 402B (Serial Numbers 0575 through 0581, 0583 through 0586, 0588, 0590 through 0611, 0613, 0614 and 0617); Model 414 (Serial Numbers 0503 through 0529, 0531 and 0532); and Model 421B (Serial Numbers 0322, 0684 through 0625, 0627, 0629 through 0633, 0635 and 0636) airplanes.

Compliance: Required as indicated, unless already accomplished.

To preclude possible main landing gear trunnion failure, accomplish the following:

(A) Within 25 hours' time in service after the effective date of this AD, visually inspect the LH and RH main landing gear assembly to determine whether the landing gear assembly serial numbers fall within the following serial number blocks:

Aircraft models affected	Main landing gear assembly serials affected	
	L/H	R/H
Model 310Q	B170 through B279	W146 through W273.
Model 340	B199 through B345	B164 through B350.
Model 402B	B199 through B345	B164 through B350.
Model 414	B199 through B345	B164 through B350.
Model 421B	W108 through W185	W060 through W170.

If a main landing gear assembly falls within the above serial number blocks, visually inspect the trunnions for cracks or forming flaws in accordance with Cessna Service Letter ME74-14 dated August 9, 1974, or subsequent revisions. Repeat these inspections at intervals of 25 hours' time in service thereafter until the trunnions are replaced.

(B) If cracks or forming flaws are found during any inspection required by Paragraph A. prior to further flight, replace the main landing gear upper strut with an airworthy part in accordance with Cessna Service Kit 421-63.

(C) Within 100 hours' time in service after the effective date of this AD, replace main landing gear upper strut assemblies of the serial numbers listed in Paragraph A with an airworthy part in accordance with Cessna Service Kit 421-63.

(D) The inspections required by this AD may be discontinued upon replacement of the affected main landing gear upper strut assemblies.

(E) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective September 25, 1974.

(Sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on September 11, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-21643 Filed 9-18-74;8:45 am]

[Docket No. 73-SO-36; Amendment 39-1964]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA-34-200 Airplanes

Amendment 39-1665 (38 FR 15830), AD 73-13-1 requires repetitive inspection of the rudder tab for excessive free-play on Piper Model PA-34-200 airplanes. Amendment 39-1936 (39 FR 30480) was issued to eliminate the need for repetitive inspection after the airplane is modified in accordance with Piper Rudder Trim Mechanism Kit Part No. 760 800V. In formulating the revision to the A.D. a mistake was made referring to the repetitive inspection paragraph.

Since this amendment is corrective and imposes no additional burden on any person, notice of public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations, Amendment 39-1665 (39 FR 30480), AD 73-13-1 is amended to correct the paragraph reference for the repetitive inspection.

73-13-01 Piper. Amendment 39-1665 as amended by Amendment 39-1936 and as further amended by 39-1964 to all Piper Model PA-34-200 "Seneca" airplanes, S/Ns 34-E4, 34-7250001 and up. Compliance required as indicated.

(a) Within the next 10 hours time in service after the effective date of this AD, unless already accomplished, determine the rudder trim tab "free play" as follows:

(1) Adjust rudder trim tab to neutral position with rudder trim wheel.

(2) Index tab to rudder. Use straight edge at trailing edge, making marks on rudder and tab that coincide.

(3) Hold light finger pressure against rudder tab in one direction and measure distance between marks.

(4) Reverse direction of finger pressure on rudder tab and measure distance between marks.

(5) "Free play" of the rudder tab is the sum of the distances measured in (3) and (4) above and should not exceed .125 inches.

(b) If rudder tab "free play" exceeds .125 inches, check the travel control arm assembly, P/N 96220-00 (ref. Fig. 60, PA-34 parts catalog), for wear at the center bolt and at the bolt attaching the rudder trim rod assembly to the control arm. Replace the arm assembly and associated hardware if there is any noticeable wear or elongation of the bolt holes.

(c) Also check for end play in the rudder trim barrel, P/N 96596-00 (Ref. Fig. 34, PA-34 parts catalog). If end play exists, shim between the forward barrel mount support assembly and barrel. Reduce end play to the minimum amount attainable without causing excessive system friction.

Note: Shim (P/N 62833-18V) is a laminate made of 10 pieces of .002 inch brass shim stock, although it appears to be one solid piece. The proper thickness of shim material may be obtained by peeling off layers as required.

(d) Upon completion of any adjustments, re-check "free play" in accordance with the procedures of (a)(3), (a)(4), and (a)(5) to ascertain that travel is less than .125 inches.

(e) Repeat the above inspection every 100 hours time in service after the initial inspection.

Piper Service Bulletin No. 390A pertains to this same subject.

When the airplane is modified with Piper Rudder Trim Mechanism Kit, Piper P/N 760800V, the repetitive inspections of (e) are no longer required.

Piper Service Letter No. 714 pertains to this same subject.

Amendment 39-1665 became effective June 18, 1973.

Amendment 39-1936 became effective August 30, 1974.

This amendment becomes effective September 30, 1974.

(Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Georgia on September 10, 1974.

P. M. SWATEK,
Director, Southern Region.

[FR Doc.74-21642 Filed 9-18-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED (1965-.....)

Subpart M—Conditions for Coverage of Services of Independent Laboratories

On July 2, 1974, there was published in the FEDERAL REGISTER (39 FR 24464) a notice of proposed rulemaking which set forth proposed amendments to regulations relating to the conditions for coverage of services of independent laboratories.

Interested parties were given the opportunity to submit within 15 days, data, views, or arguments with regard to the proposed amendments. A previous notice of proposed rulemaking setting forth proposed rules relating to the conditions for coverage of services of independent laboratories was published in the FEDERAL REGISTER (37 FR 3492) on February 16, 1972. At that time interested parties were given a 30-day period to submit comments. Due to the length of time that had elapsed since the initial notice, as well as the substantive changes that had been made, it was felt essential by the Commissioner of Social Security and the Secretary of Health, Education, and Welfare to publish a new notice of proposed rulemaking. Most of the changes from the 1972 proposal to the 1974 proposal were of a clarifying nature with the exception of a major change agreed upon by the Social Security Administration, the Center for Disease Control, and the Bureau of Quality Assurance of the Public Health Service with regard to the condition for quality control (§ 405.1317).

In order to achieve coordination of the technical standards with those promulgated under the Clinical Laboratories Improvement Act of 1967, it was decided to substitute the standard on quality control currently in effect under the Clinical Laboratories Improvement Act regulation for § 405.1317 (Quality Control), as announced under the notice of proposed rulemaking of July 2, 1974. This requirement is now being adopted. The Center for Disease Control is expected to propose revised quality control regulations within the next year; therefore, comments received on quality control standards in the Notice were reviewed with the expectation that they will be reviewed again when conforming revisions are concurrently proposed for the conditions for coverage of services of independent laboratories participating in the Medicare program at that time. The regulations require that all clinical laboratories must successfully participate in a proficiency testing program in specialties in which the laboratory is approved to perform tests. The Department is concerned about the variations which exist in the way in which government and privately sponsored proficiency testing programs are conducted and is moving to develop criteria and standards for defining an acceptable proficiency testing program.

The following changes have been made as a result of comments that were received:

1. We received several suggestions for changes in our definition of an independent laboratory (§ 405.1310) that recommended that those physician office laboratories which are performing tests on referral from other physicians be made subject to the Conditions for Coverage of Services of Independent Laboratories. Accordingly, we have modified the requirement by requiring that a physicians laboratory that accepts at least 100 specimens in any category during any calendar year on referral from other physicians is subject to the conditions set forth in the regulation.

2. Also on § 405.1310, we received several suggestions to change the definition of "subsequent to graduation" to remove the proposed limitation concerning the pre-degree experience that could be used in meeting the generalized experience requirement for director or supervisor. Previously, we had limited the pre-degree training that could be counted towards the experience requirement for director or supervisor to one-half the required total. Several professional groups contended that pre-degree experience was just as valid as post-degree experience; we agree than, therefore, have deleted the portion of the paragraph containing this restriction.

3. Many suggestions were received to expand the definition of technician trainee in order to insure that the required experience is of a significant type, and does not consist of performing menial laboratory tasks. Therefore, we revised the experience requirement in § 405.1310(g) to require on-the-job experience, and we designated that the required structured training program must be approved by the State agency.

4. In § 405.1310(1) we made a change in the wording of the definition of "radiobioassay," in response to a number of suggestions that we provide that certain tests usually categorized as radiobioassay tests can actually be performed under the specialty of chemistry.

5. On § 405.1314 (Clinical Laboratories; tests performed), we received several comments regarding the prior policy of permitting certified laboratories to refer tests to other certified laboratories, even though the referring laboratory had the necessary equipment, space, facilities, and personnel to perform the tests referred. It was felt that such referral permission would make assessment of the new, more stringent quality control requirements much more difficult; therefore, we have deleted the portion of § 405.1314 which permitted referral of laboratory tests. This brings us into line with the Center for Disease Control in this area, since CDC does not permit laboratories to refer tests under its Clinical Laboratories Improvement Act of 1967.

6. In § 405.1314(a) (proficiency testing) language was added to make it clear that proficiency testing results of participating laboratories should be made routinely available to the State agency, which means in effect that the laboratory agrees to permit the examining agencies (i.e., College of American Pathologists, American Association of Bioanalysts, and the Center for Disease Control) to send a copy of the testing results to the State agency. Additional language was added to this section to clarify the exception that is allowable in case proficiency testing in a particular specialty or subspecialty is not available to the laboratory.

7. Section 405.1312(a)(1) has been modified to clarify the intent of the requirement relating to multiple directorship of laboratories by one individual. The requirement now clearly specifies that a qualified individual may serve as a director, on a full or regular part-time basis, of up to three laboratories. It further specifies that, for each laboratory that he directs above a total of three, he must provide for a qualified associate director. The previous wording was misleading and could have been interpreted as meaning that an individual directing more than three laboratories required an associate director for each laboratory rather than each laboratory above three.

8. Section 405.1312(b)(5) has been modified to provide that, in States where licensure law requires experience qualifications prior to issuance of a license to an individual as a laboratory director, this qualifying experience may be used for purposes of meeting Medicare requirements relating to directorship of a laboratory. This section now specifies that qualifying experience required by State law for licensure as a clinical laboratory director obtained prior to January 1, 1968, may be used to extend the allowable Medicare qualifying period past this date, e.g., an individual with 1 year of qualifying experience would have the allowable qualifying experience date extended to January 1, 1969; an individual with 2 years, to January 1, 1970, etc. This change was instituted to provide for uniformity and equity in determining allowable qualifying experience as a laboratory director so as not to penalize individuals for variances in State licensure requirements.

In addition, wording in this section has been clarified to specify that, once a laboratory director has been determined to meet Medicare requirements, the individual will continue to qualify, in this capacity regardless of whether he or she moves to a similar position in another laboratory. Although this was the intent of the original section, the wording was considered too vague.

9. Due to the numerous comments received regarding possible confusion in the numbering scheme used in § 405.1315, we have revised the numbering to provide for a separate paragraph for each category of technical personnel, by qualifications and duties. We have also clarified this section to specify that the proficiency examination for laboratory technicians, technologists, and cytotechnologists will be used to qualify individuals in these areas only until January 1, 1978.

10. The proposed regulations required a supervisor to be present whenever laboratory procedures were being performed or specimens examined. It was suggested that this terminology would also include procedures such as staining slides, which is a routine task not requiring onsite supervision. The language in § 405.1313(a)(1) has been changed so that the presence of an onsite supervisor is required only when slide preparations are being examined.

The following are among the substantive comments that were not accepted:

1. We received several suggestions that a laboratory located on hospital premises which serves not only that hospital but several others, be deemed to be an independent laboratory since it is in effect acting as such. This suggestion was not adopted primarily because a hospital-based laboratory represents an essential part of the hospital's services and plays a crucial role in protecting the health

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and safety of the patients it serves. It is felt that a significant degree of supervision by the medical staff of the hospital and a corresponding significant degree of control by the governing board is essential to the successful performance of the laboratory.

2. There were several comments received regarding the establishment of trainee and aide positions in the areas of technologist and technician respectively. The technologist trainee position was rejected as it was felt that a bachelor's degree without previous supportive experience as a technician would not qualify an individual to function as an aide in this highly specialized type of work. The establishment of a technician aide position is not considered needed and it would represent the creation of a job that is below acceptable health and safety levels.

Effective date. These amendments shall be effective October 21, 1971.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance)

Dated: August 16, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 13, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart M of Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows:

Subpart M—Conditions for Coverage of Services of Independent Laboratories

Sec.
405.1310 Definitions.
405.1311 Condition—compliance with State and local laws.
405.1312 Condition—clinical laboratories; laboratory director.
405.1313 Condition—clinical laboratory; supervision.
405.1314 Condition—clinical laboratory; tests performed.
405.1315 Condition—clinical laboratory; technical personnel.
405.1316 Condition—clinical laboratory; management.
405.1317 Condition—quality control.

(Secs. 1102, 1861(s)(10) and (11), 1864, 1871, 49 Stat. 647, as amended, 79 Stat. 322, 79 Stat. 325–326, 79 Stat. 331; 42 U.S.C. 1302, 1395x(s)(10) and (11), 1395aa, and 1395hh).

Subpart M—Conditions for Coverage of Services of Independent Laboratories

§ 405.1310 Definitions.

For purposes of this Subpart M, the following definitions apply:

(a) *Independent laboratory.* An independent laboratory performing diagnostic tests means one which is independent both of the attending or consulting physician's office and of a hospital which meets at least the requirements specified in section 1861(e) of the Act to qualify for payment for emergency hospital services under section 1814(d) of the Act. A laboratory which: (1) is located in a hospital which meets at least the requirements specified in section 1861(e) of the Act to qualify for payment for emergency hospital services under section 1814(d) of the Act or, if outside the hospital, is operated under the supervision of the hospital or its organized medical staff, and (2) serves the hospital's patients, is not an independent laboratory. Services furnished by out-of-hospital laboratories under the direction of a physician, such as a pathologist, are considered to be subject to the conditions where the physician holds himself and the facilities of his office out to other physicians as being available for the performance of diagnostic tests. A laboratory maintained by a physician for performing diagnostic tests for his own patients is exempt from the conditions unless such laboratory accepts at least 100 specimens in any category during any calendar year diagnostic tests on referral from other physicians. For purposes of this paragraph a category shall be one of the following: (i) Microbiology and serology; (ii) clinical chemistry; (iii) immunohematology; (iv) hematology; (v) pathology; (vi) radiobioassay.

(b) *Clinical laboratory.* The term "clinical laboratory" means a facility for the microbiological, serological, chemical, hematological, radiobioassay, cytological, immunohematological, pathological or other examination of materials derived from the human body, for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or assessment of a medical condition.

(c) *Proficiency testing program.* A proficiency testing program is one which (1) is either operated or approved by the State agency, or by the Secretary, and (2) meets at a minimum the requirements for a proficiency testing program acceptable to the Secretary.

(d) *Subsequent to graduation.* The phrase "subsequent to graduation" means laboratory training and experience acquired after receipt of the degree specified. However, for purposes of § 405.1312 or § 405.1313, experience as a technologist in an approved clinical laboratory, which was gained prior to acquiring such degree, or prior to qualifying as a technologist under § 405.1315(b)(4), may be substituted on an equivalency basis of 1.5 years of such experience for every 1 year of postdegree training and experience, and experience as a general supervisor in an approved clinical laboratory, which was gained prior to acquiring such degree, may be substituted on a 1-for-1 basis.

(e) *Director at the doctoral level.* The term "director at the doctoral level" means a person having the qualifications described in § 405.1312(b) except for paragraphs (b)(5) (ii), (iii), and (iv).

(f) *Consultation.* A "consultation" is a communication between two or more physicians concerning the diagnosis or treatment in a given case. Consultation would, when indicated, include history taking, examination of the patient, and rendering to the attending physician an opinion concerning diagnosis and/or treatment.

(g) *Technician trainee.* The term "technician trainee" means a high school graduate or equivalent who is gaining the required 2 years of clinical laboratory on-the-job experience to qualify as a technician, and is participating in a structured training program approved by the State agency designed to provide the trainee with a broad range of laboratory procedures of progressive technical difficulty.

(h) *Personal and direct supervision.* The phrase "personal and direct supervision" means that a qualified general supervisor or supervisory cytotechnologist, where applicable, is present in the immediate bench area when laboratory procedures are being performed.

(i) *Approved clinical laboratory.* The term "approved clinical laboratory" means a clinical laboratory—with a director at the doctoral level—of a hospital, a health department, university, medical research institution or military installation of the United States Government; or, a clinical laboratory approved under this subpart; or, a clinical laboratory licensed under The Clinical Laboratories Improvement Act of 1967; or, in a State which regulates clinical laboratory personnel, a clinical laboratory acceptable to that State.

(j) *Accredited.* The term "accredited" means having the approval conferred upon schools, institutions, or programs where appropriate by a nationally recognized accrediting agency or association as determined by the U.S. Commissioner of Education.

(k) *Substitution of education for experience.* The phrase "substitution of education for experience," applies only to §§ 405.1313(b)(5), 405.1315(b)(5), and 405.1315(e)(5) and means that a minimum of 30 semester hours of credit from an approved school of medical technology, or towards a bachelor's degree from an accredited institution with a chemical, physical, or biological science as his major subject is considered equivalent to 2 years of experience. Additional education is equated at the rate of 15 semester hours of credit for 1 year of experience.

(l) *Radiobioassay.* The term "radiobioassay" means (1) an examination to identify radionuclides or determine and quantitate body levels of radionuclides which are taken in by chronic or acute absorption, ingestion, or inhalation; and (2) following the administration of a radioactive material to a patient, the subsequent analysis of a body fluid, or excreta in order to evaluate body function.

§ 405.1311 Condition—Compliance with State and local laws.

The laboratory shall conform with all applicable State and local laws.

(a) *Standard; licensure.* Any laboratory located in any State in which State or applicable local law provides for the licensing of laboratories is (1) licensed pursuant to such law, or (2) approved, by the agency of the State or locality responsible for licensing laboratories, as meeting the standards established for such licensing.

(b) *Standard; licensed staff.* The director and the staff of the laboratory are licensed or registered in accordance with applicable laws.

(c) *Standard; fire and safety.* The laboratory is in conformity with laws relating to fire and safety, and to other relevant matters.

§ 405.1312 Condition—clinical laboratories; laboratory director.

The clinical laboratory is under the direction of a qualified person.

(a) *Standard; administration.* The laboratory has a director who administers the technical and scientific operation of the laboratory including the reporting of findings of laboratory tests. The factors explaining the standard are as follows:

(1) The director serves the laboratory full time, or on a regular part-time basis. If on a regular part-time basis, he (i) does not individually serve as director of more than three laboratories (hospital or independent), or (ii) if he does individually serve as director of more than three laboratories, provides for an associate in each additional laboratory, qualified under the standard in paragraph (b) of this section, to serve as assistant director in each laboratory. Such assistant director does not serve more than three laboratories.

(2) Commensurate with the laboratory workload, the director spends an adequate amount of time in the laboratory to direct and supervise the technical performance of the staff and is readily available for personal or telephone consultation.

(3) The director is responsible for the proper performance of all tests made in the laboratory.

(4) The director is responsible for the employment of qualified laboratory personnel and their inservice training.

(5) If the director is to be continuously absent for more than 1 month, arrangements are made for a qualified substitute director.

(b) *Standard; laboratory director—qualification.* The laboratory director meets one of the following requirements:

(1) Is a physician certified in anatomical and/or clinical pathology by the American Board of Pathology or the American Osteopathic Board of Pathology or possesses qualifications which are equivalent to those required for such certification (board eligible);

(2) Is a physician who (i) is certified by the American Board of Pathology or the American Osteopathic Board of Pathology in at least one of the laboratory specialties, or (ii) is certified by the American Board of Medical Microbiology, the American Board of Clinical Chemistry, the American Board of Bioanalysis, or other national accrediting board in one of the laboratory specialties, or (iii) is certified by the American Society of Cytology to practice cytopathology or possesses qualifications which are equivalent to those required for such certification (also see the last sentence of § 405.1314(b)(9)), or (iv) subsequent to graduation has had 4 or more years of full-time general laboratory training and experience of which at least 2 years were spent acquiring proficiency in one of the laboratory specialties in an approved clinical laboratory;

(3) For the specialty of oral pathology only, is a dentist who is certified by the American Board of Oral Pathology or possesses qualifications which are equivalent to those required for certification (board eligible);

(4) Holds an earned doctoral degree from an accredited institution with a chemical, physical, or biological science as a major subject and (i) is certified by the American Board of Medical Microbiology, the American Board of Clinical Chemistry, the American Board of Bioanalysis, or other national accrediting board acceptable to the Secretary in one of the laboratory specialties, or (ii) subsequent to graduation has had 4 or more years of full-time general clinical laboratory training and experience of which at least 2 years were spent acquiring proficiency in one of the laboratory specialties in an approved clinical laboratory; or

(5) With respect to individuals first qualifying prior to July 1, 1971, was responsible for the direction of a clinical laboratory for 12 months between July 1, 1961, and January 1, 1968, and, in addition, met one of the following requirements:

(i) Was a physician and subsequent to graduation has had at least 4 years of pertinent full-time clinical laboratory experience;

(ii) Held a master's degree from an accredited institution with a chemical, physical, or biological science as a major subject and subsequent to graduation has had at least 4 years of pertinent full-time clinical laboratory experience;

(iii) Held a bachelor's degree from an accredited institution with a chemical, physical, or biological science as a major subject and subsequent to graduation has had at least 6 years of pertinent full-time clinical laboratory experience; or

(iv) Achieved a satisfactory grade through an examination conducted by or under the sponsorship of the U.S. Public Health Service on or before July 1, 1970.

NOTE: The January 1, 1968, date for meeting the 12 months laboratory direction requirement in paragraph (b)(5) of this section may be extended 1 year for each year of full-time clinical laboratory experience obtained prior to January 1, 1968, required by State law for a clinical laboratory director license. An exception to the July 1, 1971, qualifying date in paragraph (b)(5) of this section will be made provided that the individual requests qualification approval no later than 1 year following the effective date of these regulations and such individual has been employed in an approved clinical laboratory for at least 3 years of the 5 years preceding the date of submission of his qualifications.

§ 405.1313 Condition—clinical laboratory; supervision.

The clinical laboratory is supervised by qualified personnel.

(a) *Standard; supervision.* The laboratory has one or more supervisors who, under the general direction of the laboratory director, supervise technical personnel and reporting of findings, perform tests requiring special scientific skills, and, in the absence of the director, are held responsible for the proper performance of all laboratory procedures. A laboratory director who qualifies under § 405.1312(b)(1), (2), (4), or (5) is also qualified as a general supervisor; therefore, depending upon the size and functions of the laboratory, the laboratory director may also serve as the laboratory supervisor. The factors explaining the standard are as follows:

(1) *Required supervisors.* There are two categories of required supervisors. A general supervisor—one who meets the requirements of paragraph (b) of this section—is on the laboratory premises during all hours in which tests are being performed. With respect to the specialty of diagnostic cytology, cytotechnologists do not examine slide preparations unless a supervisor who qualifies pursuant to the provisions of § 405.1313(b)(4) or § 405.1314(b)(9) is on the premises at all times. A technical supervisor—one who meets the pertinent requirements of § 405.1314(b)—spends an adequate amount of time in the laboratory to supervise the technical performance of the staff in the specialty and is readily available for personal or telephone consultation. A general supervisor may also be a technical supervisor in those specialties in which the requirements of § 405.1314(b) are met.

(2) *Supervison of emergency procedures.* When emergencies arise outside regularly scheduled hours of duty, an individual who qualifies as a general supervisor is not required to be on the premises provided that the technologist performing tests is qualified to perform such tests, the supervisor who is responsible for the results of the work reviews them during the next duty period, and a record is maintained to reflect the actual review.

(b) *Standard; general supervisor—qualification.* The laboratory supervisor meets one of the following requirements:

(1) (i) Is a physician, or has earned a doctoral degree from an accredited institution with a major in one of the chemical, physical, or biological sciences and (ii) subsequent to graduation has had at least 2 years of experience in one of the laboratory specialties in an approved clinical laboratory;

(2) (i) Holds a master's degree from an accredited institution with a major in one of the chemical, physical, or biological sciences and (ii) subsequent to graduation has had at least 4 years of pertinent full-time laboratory experience of which not less than 2 years have been spent working in the designated laboratory specialty in an approved clinical laboratory;

(3) (i) Is qualified as a clinical laboratory technologist pursuant to the provisions of § 405.1315(b) (1), (2), (3), (4), or (6) and (ii) subsequent to the date of qualifying as a clinical laboratory

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technologist, has had at least 6 years of pertinent full-time laboratory experience of which not less than 2 years have been spent working in the designated laboratory specialty in an approved clinical laboratory;

(4) With respect to the specialty of diagnostic cytology, qualifies as a supervisory cytotechnologist because he: (i) is qualified as a cytotechnologist pursuant to the provisions of § 405.1315(c) and (ii) has had 4 years of full-time experience as a cytotechnologist in a laboratory directed or supervised by a pathologist or other physician recognized as a specialist in diagnostic cytology within the preceding 10 years; or

(5) With respect to individuals first qualifying prior to July 1, 1971, has had at least 15 years of pertinent full-time clinical laboratory experience prior to January 1, 1968; this required experience may be met by the substitution of education for experience.

§ 405.1314 Condition—clinical laboratory; tests performed.

The requirements of this section apply only to those tests and procedures performed for individuals enrolled under the supplementary medical insurance benefits program (see Subpart B of this Part 405). The clinical laboratory performs only those laboratory tests and procedures that are within the specialties or subspecialties in which the laboratory director or supervisors are qualified.

(a) *Standard: proficiency testing.* All clinical laboratories must successfully participate in a proficiency testing program as defined in § 405.1310(c) covering all clinical laboratory and anatomical pathology specialties and subspecialties as made available in which the laboratory is approved to perform tests. Laboratories shall: (1) receive and examine and/or analyze specimens delivered by mail or messenger at such times as designated by the proficiency testing service; and (2) maintain records of all proficiency testing results in programs in which it is a participant and make such records, including results and interpretations routinely available to the State agency. An exception to the requirements of this paragraph may be made provided the State agency determines that an appropriate proficiency testing program is not readily available. Such exception, however, shall not be effective beyond the last day of the twelfth month following the effective date of these regulations, or the date the laboratory first requests approval for its services, whichever date is the later, unless no test exists for a specialty or subspecialty, in which case such exception shall continue until the State agency or the Secretary determines that such test has been developed and is available.

(b) *Standard; procedures and tests—competency.* The laboratory performs only those laboratory procedures and tests that are within the specialties or subspecialties in which the laboratory director or supervisors are qualified. The factors explaining the standard are as follows:

(1) If the laboratory director or supervisor is a physician certified in both (i) anatomical and (ii) clinical pathology by the American Board of Pathology or the American Osteopathic Board of Pathology or possesses qualifications which are equivalent to those required for certification (board eligible), the laboratory may perform anatomical and clinical laboratory procedures and tests in all specialties.

(2) If the requirements of paragraph (b)(1) of this section are not met and the laboratory performs tests in the specialty of microbiology, including the subspecialties of bacteriology, virology, mycology, and parasitology, the director or a supervisor (i) holds an earned doctoral or master's degree in microbiology from an accredited institution or is a physician, and (ii) subsequent to graduation has had at least 4 years of experience in clinical microbiology.

(3) If the requirements of paragraph (b)(1) of this section are not met and the laboratory performs tests in the specialty of serology, the director or a supervisor (i) holds an earned doctoral or master's degree in biology, chemistry, immunology, or microbiology from an accredited institution or is a physician and, (ii) subsequent to graduation has had at least 4 years experience in serology.

(4) If the requirements of paragraph (b)(1) of this section are not met and the laboratory performs tests in the specialty of hematology, including gross and microscopic examination of the blood, the director or a supervisor (i) holds a master's or a bachelor's degree in biology, immunology, microbiology, or chemistry, or medical technology from an accredited institution, and (ii) subsequent to graduation has had at least 4 years of experience in hematology.

(5) If the requirements of paragraph (b)(1) of this section are not met and (i) the laboratory performs tests in the specialty of immunohematology, the director or a supervisor is a physician with at least 2 years of experience in immunohematology subsequent to graduation; or (ii) within the specialty of immunohematology, the laboratory performs tests in the subspecialities of ABO grouping and Rh typing, antibody detection, identification, and titering only, the director or a supervisor holds a master's or bachelor's degree in biology, immunology, microbiology, chemistry, or medical technology from an accredited institution and subsequent to graduation has had at least 4 years of experience in immunohematology.

(6) If the requirements of paragraph (b)(1) of this section are not met and the laboratory performs tests in the specialty of clinical chemistry, the director or a supervisor (i) holds an earned doctoral or master's degree in chemistry from an accredited institution or is a physician, and (ii) subsequent to graduation has had at least 4 years of experience in clinical chemistry.

(7) If the requirements of paragraph (b)(1) of this section are not met and the laboratory performs tests in the specialty of radiobioassay, the director or a supervisor (i) holds an earned doctoral, master's, or bachelor's degree in chemistry, physics, biology, or medical technology from an accredited institution or is a physician, and (ii) subsequent to graduation has had at least 4 years of experience in radiobioassay.

(8) If the laboratory performs tests in the specialty of tissue pathology, the director or a supervisor (i) meets the requirements of paragraph (b)(1)(i) of this section, or (ii) within the specialty of tissue pathology performs tests limited to skin pathology if the director or a supervisor is certified in dermatopathology by the American Board of Dermatology and American Board of Pathology or possesses qualifications which are equivalent to those required for certification (board eligible).

(9) If the requirements of paragraph (b)(1)(i) of this section are not met and the laboratory performs tests in the specialty of diagnostic cytology, the director or a supervisor, (i) is a physician who is certified by the American Society of Cytology to practice cytopathology or possesses qualifications which are equivalent to those required for certification (under this provision the laboratory is qualified to perform such tests only on that anatomic site for which the director or supervisor is certified); or (ii) is an individual who, pursuant to a request to establish his qualifications filed prior to January 1, 1971, has demonstrated competency (A) through at least 7 years of accumulative experience in a position of diagnostic responsibility in the field of clinical cytology or through 5 years of full-time training in diagnostic clinical cytology with suitable endorsement by a physician who has been supervisor in such activity; (B) by the publishing of treatises, texts, or other publications on the subject of diagnostic cytology which are generally acknowledged and recognized by the medical profession as authoritative in the field; (C) by appointment to and service in pertinent teaching and research positions in recognized schools of medicine; (D) by acceptance into or award of membership and office in professional societies in this field; and (E) by receipt of other professional honors for excellence in the use of procedures in exfoliative cytology for the diagnosis of a pathological condition (under this provision the laboratory is qualified to perform such tests only on that anatomic site with respect to which such competency is so established). The Administration, after documentation of the individual's qualifications by the State agency, will, with appropriate professional advice from Public Health Service, make all determinations with respect to the requirements set forth in this paragraph (b)(9)(ii). An individual who qualifies under this paragraph (b)(9)(ii) is deemed also to meet the requirements of § 405.1312(b)(2)(iii).

(10) If the requirements of paragraph (b)(1)(i) of this section are not met and the laboratory performs tests in oral pathology, the director or supervisor is a dentist who is certified in oral pathology by the American Board of Oral Pathology or possesses qualifications which are equivalent to those required for certification (board eligible).

(11) An exception to the requirements in paragraphs (b)(2), (3), (4), (5)(ii), (6), and (7) of this section is made with respect to an individual who qualifies as a director under § 405.1312(b)(5)(iii). The laboratory such individual directs may perform tests in:

(i) *Microbiology:* If the director has a bachelor's degree in a biological science and subsequent to graduation has had at least 6 years of experience in microbiology;

(ii) *Hematology:* If the director has a bachelor's degree in biology, immunology, or microbiology from an accredited institution and subsequent to graduation has had at least 6 years of clinical laboratory experience of which at least 4 years of experience are in hematology;

(iii) *Serology:* If the director has a bachelor's degree in biology, chemistry, immunology, or microbiology and subsequent to graduation has had at least 6 years of experience in serology;

(iv) *Radiobioassay:* If the director has a bachelor's degree in a chemical, physical, or biological science and subsequent to graduation has had at least 6 years of laboratory experience at least 1 year of which is in radiobioassay;

(v) *Blood grouping and Rh typing, antibody detection, identification, and titering:* If the director has a bachelor's degree in biology, immunology, or microbiology from an accredited institution and subsequent to graduation has had at least 6 years of clinical laboratory experience of which at least 4 years of experience are in immunohematology;

(vi) *Clinical chemistry:* If the director has a bachelor's degree in a chemical science or its equivalent and subsequent to graduation has had at least 6 years of experience in clinical chemistry;

(vii) *Any of the above specialties:* If the director has a bachelor's degree in medical technology and subsequent to graduation has had at least the designated years of specialized experience.

(12) A laboratory whose director qualifies under § 405.1312(b)(5)(iv) may perform tests in the laboratory specialties in which such director achieved a satisfactory grade in the examination conducted or sponsored by the Public Health Service. Further, a director who achieved a satisfactory grade in chemistry and/or blood grouping and Rh typing is deemed to meet the requirements of paragraphs (b)(5)(ii) and/or (7) of this section.

§ 405.1315 Condition—clinical laboratory; technical personnel

The clinical laboratory has a sufficient number of properly qualified technical personnel for the volume and diversity of tests performed.

(a) *Standard; technologist—duties.* The laboratory employs a sufficient number of clinical laboratory technologists and/or cytotechnologists to proficiently perform under general supervision the clinical laboratory tests which require the exercise of independent judgment. The factors explaining the standard are as follows:

(1) The clinical laboratory technologists perform tests requiring the exercise of independent judgment and responsibility with minimal supervision by the director or supervisors only in those specialties or subspecialties in which the laboratory technologists are qualified by education, training, and experience.

(2) Specialties in which the clinical laboratory technologist is not qualified by education, training, or experience are performed only under the direct supervision of the laboratory supervisor or qualified technologist.

(3) Clinical laboratory technologists are in sufficient number to adequately supervise the work of technicians and trainees.

(4) An individual qualified as a cytotechnologist solely under paragraph (c) of this section may supervise technicians and trainees only in the specialty of cytology.

(b) *Standard; technologists—qualifications.* Each clinical laboratory technologist possesses a current license as a clinical laboratory technologist issued by the State, if such licensing exists, and:

(1) Has earned a bachelor's degree in medical technology from an accredited college or university; or

(2) Has successfully completed 3 years of academic study (a minimum of 90 semester hours or equivalent) in an accredited college or university, which met the specific requirements for entrance into a school of medical technology accredited by an accrediting agency approved by the Secretary, and has successfully completed a course of training of at least 12 months in such a school; or

(3) Has earned a bachelor's degree in one of the chemical, physical, or biological sciences and, in addition, has at least 1 year of pertinent full-time laboratory experience and/or training in the specialty or subspecialty in which the individual performs tests; or

(4) Has successfully completed 3 years (90 semester hours or equivalent) in an accredited college or university with the following distribution of courses:

(i) *For those whose training was completed prior to September 15, 1963.* At least 24 semester hours in chemistry and biology courses of which:

(A) At least 6 semester hours were in inorganic chemistry *and* at least 3 semester hours were in other chemistry courses, and

(B) At least 12 semester hours in biology courses pertinent to the medical sciences, *or*

(ii) *For those whose training was completed after September 14, 1963.* (A) 16 semester hours in chemistry courses which included at least 6 semester hours in inorganic chemistry and which are acceptable toward a major in chemistry; and

(B) 16 semester hours in biology courses which are pertinent to the medical sciences and are acceptable toward a major in the biological sciences; and

(C) 3 semester hours of mathematics; and

(iii) Has experience and/or training covering several fields of medical laboratory work of at least 1 year and of such quality as to provide him with education and training in medical technology equivalent to that described in paragraphs (b)(1) and (2) of this section; or

(5) With respect to individuals first qualifying prior to July 1, 1971; the technologist:

(i) Was performing the duties of a clinical laboratory technologist at any time between July 1, 1961, and January 1, 1968, and

(ii) Has had at least 10 years of pertinent clinical laboratory experience prior to January 1, 1968 (This required experience may be met by the substitution of education for experience).

(6) Achieves a satisfactory grade in a proficiency examination approved by the Secretary. However, after December 31, 1977, initial qualification as a technologist must be in accordance with paragraph (b)(1), (2), (3), or (4) of this section.

(c) *Standard; cytotechnologists—qualifications.* Each laboratory cytotechnologist possesses a current license as a cytotechnologist issued by the State, if such licensing exists, and:

(1) Has successfully completed 2 years in an accredited college or university with at least 12 semester hours in science, 8 hours of which are in biology, and (i) has had 12 months of training in a school of cytotechnology accredited by an accrediting agency approved by the Secretary, or (ii) has received 6 months of formal training in a school of cytotechnology accredited by an accrediting agency approved by the Secretary and 6 months of full-time experience in cytotechnology in a laboratory acceptable to the pathologist who directed such formal 6 months of training, or

(2) Prior to January 1, 1969, has: (i) been graduated from high school, (ii) completed 6 months of training in cytotechnology in a laboratory directed by a pathologist or other physician recognized as a specialist in cytology, and (iii) completed 2 years of full-time supervised experience in cytotechnology; or

(3) *In the case of a laboratory technologist or cytotechnologist not meeting the training and experience requirements defined in paragraph (b) (1) or (2) of this section.* Achieves a satisfactory grade in a proficiency examination approved by the Secretary. However, after December 31, 1977, initial certification as a cytotechnologist must be in accordance with paragraph (c)(1) or (2) of this section.

(d) *Standard; technician—dutics.* Clinical laboratory technicians are employed in sufficient number to meet the workload demands of the laboratory and they function only under direct supervision of a clinical laboratory technologist. The factors explaining the standard are as follows:

(1) Each technician performs only those clinical laboratory procedures

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which require a degree of skill commensurate with the education, training, and technical abilities and which involve limited exercise of independent judgment.

(2) No clinical laboratory technician performs procedures in the absence of a qualified clinical laboratory technologist, supervisor, or director.

(3) A technician trainee performs only repetitive procedures which require a minimal exercise of independent judgment and he may perform such procedures only under the personal and direct supervision of a qualified supervisor or technologist.

(e) *Standard; technician—qualifications.* Each clinical laboratory technician possesses a current license as a clinical laboratory technician issued by the State, if such licensing exists, and meets one of the following requirements:

(1) Has successfully completed 60 semester hours of academic credit including chemistry and biology as well as a structured curriculum in medical laboratory techniques at an accredited institution or has an associate degree based on a course of study including those subjects from an accredited institution;

(2) Is a high school graduate or equivalent and has completed at least 1 year in a technician training program in a school accredited by an accrediting agency approved by the Secretary;

(3) Is a high school graduate or equivalent and has 2 years of pertinent full-time laboratory experience as a technician trainee in an approved clinical laboratory;

(4) Is a high school graduate or equivalent and has successfully completed an official military medical laboratory procedures course of at least 50 weeks duration and has held the military enlisted occupational specialty of Medical Laboratory Specialist (Laboratory Technician);

(5) With respect to a technician not meeting the training and experience requirements defined in paragraph (d)(1), (2), (3), or (4),

(i) Was performing the duties of a clinical laboratory technician any time between July 1, 1961, and January 1, 1968, and

(ii) Has had at least 5 years of pertinent clinical laboratory experience prior to January 1, 1968. (This required experience may be met by the substitution of education for experience.)

(6) Achieves a satisfactory grade in a proficiency examination approved by the Secretary. However, after December 31, 1977, initial certification as a technician must be in accordance with paragraph (e)(1), (2), (3), or (4) of this section.

(f) *Standard; personnel policies.* There are written personnel policies, practices, and procedures that adequately support sound laboratory practice. The factors explaining the standard are as follows:

(1) Current employee records are maintained and include a resume of each employee's training, experience, duties, and date or dates of employment.

(2) Files contain evidence of adequate health supervision of employees, such as results of preemployment physical examinations, including chest X-rays, immunization records, and records of all illnesses and accidents occurring on duty.

(3) Work assignments are consistent with qualifications.

§ 405.1316 Condition—clinical laboratory; management.

The clinical laboratory maintains records and facilities which are adequate and appropriate for the services offered.

(a) *Standard; laboratory procedure manual.* A compilation is kept of all automated and manual methods for tests which are performed in or offered by the laboratory. Each procedure is reviewed and dated by the technical supervisor at least annually. For those tests which are normally performed on automated test equipment, provision is made and documented for performing such tests by alternate methods, or for storing the test specimens, in the event this equipment becomes inoperable.

(b) *Standard; laboratory management.* Space and facilities are adequate to properly perform the services which are performed in or offered by the laboratory. The factors explaining the standards are as follows:

(1) Workbench space is ample, well-lighted, and convenient to sink, water, gas, and suction and electrical outlets as necessary.

(2) Work areas are arranged so as to minimize problems in transportation and communication.

(3) The laboratory is properly ventilated.

(4) Volatile chemicals and inflammable solvents are properly stored in areas unlikely to ignite same or restricted from open flame or heat.

(5) Temperature and humidity are controlled within limits required for proper performance of tests and operation of instruments affected by these variations.

(6) Voltage levels at electrical sources to which automated equipment is connected are monitored and recorded.

(7) Adequate fire precautions and occupational safety and health laws are known, posted, and observed insuring that there is freedom from unnecessary physical, chemical, and biological hazards.

(c) *Standard; collection of specimens.* No persons other than a licensed physician, or one otherwise authorized by law, manipulates a patient for the collection of specimens except that qualified technical personnel of the laboratory may collect blood or remove stomach contents and collect material for smears and culture under the direction or upon the written request of a licensed physician.

(d) *Standard; sterilization.* Syringes, needles, lancets, or other blood-letting devices capable of transmitting infection from one person to another are not reused unless they are properly sterilized prior to each use and wrapped in a manner which will insure that they remain sterile until used. Appropriate sterilization and disinfection techniques are utilized, as required, for tests performed on potentially contaminated material and for the protection of laboratory personnel. Disposable syringes, needles, pipettes, Petri dishes, and other disposable items are appropriately discarded immediately after use. Each sterilizing cycle contains a device which indicates proper sterilization or an adequate recording thermometer is used and records kept of temperature readings. Proper operation of the autoclave is checked monthly with viable spores or appropriate indicators.

(e) *Standard; examination and reports.* The laboratory examines specimens only at the request of a licensed physician, dentist, or other person authorized by law to use the findings of laboratory examinations and reports only to those authorized by law to receive such results. The factors explaining the standard are as follows:

(1) If the patient is sent to the laboratory, a written request for the desired laboratory procedures is obtained from a person authorized by law to use findings of laboratory examination.

(2) If only a specimen is sent, it is accompanied by a written request.

(3) If the laboratory receives reference specimens from another laboratory, it reports back to the laboratory submitting the specimens.

(f) *Standard; specimens—records.* The laboratory maintains a record indicating the daily accession of specimens, each of which is numbered or otherwise appropriately identified. The factor explaining the standard is as follows: Records contain the following information:

(1) The laboratory number or other identification of the specimen.

(2) The name and other identification of the person from which the specimen was taken.

(3) The name of the licensed physician or other authorized person or clinical laboratory which submitted the specimen.

(4) The date the specimen was collected by the physician or other authorized person.

(5) The date the specimen was received in the laboratory.

(6) The condition of unsatisfactory specimens when received (e.g., broken, leaked, hemolyzed, or turbid, etc.).

(7) The type of test performed.

(8) The date that test was performed.

(9) The results of the laboratory test or cross-reference to results and the date of reporting.

(10) The name and address of the laboratory to which forwarded if the procedure is not performed at this laboratory.

(g) *Standard; laboratory report and record.* The laboratory report is sent promptly to the licensed physician or other authorized person who requested the test and a suitable record of each test result is preserved by the laboratory for a period of at least 2 years after the date of submittal of the report or for a period of time required by State law for such records, whichever is longer. The factors explaining the standard are as follows:

(1) The laboratory director is responsible for the laboratory report.

(2) Duplicate copies or a suitable record of laboratory reports are filed in the laboratory in a manner which permits ready identification and accessibility.

(3) Tissue pathology reports utilize acceptable terminology of a recognized system of disease nomenclature.

(4) The results of laboratory tests or procedures or transcripts thereof are not sent to the patient concerned except with the written consent of the physician or other authorized person who requested the test.

(5) Pertinent "normal" ranges as determined by the laboratory performing the tests are available to the physician requesting such tests.

(6) A list of analytical methods employed by the laboratory and a basis for the listed "normal" range is maintained in the laboratory. The list shall be made available to any physician ordering an examination upon request.

(7) If the laboratory refers specimens to another laboratory, the laboratory receiving the specimens meets the applicable conditions under the health insurance program. Each physician ordering an examination is notified that the specimen was referred to another laboratory. Such notice must show the name and address or other identification of the laboratory to which the specimen is referred. If the physician so requests, the referring laboratory may authorize the testing laboratory to report directly to the physician or other authorized person who requested the test, in which event the testing laboratory must send a duplicate of the report to the referring laboratory.

§ 405.1317 Condition—quality control.

(a) *Standard; general.* Quality controls imposed and practiced by the laboratory must provide for and assure:

(1) Preventive maintenance, periodic inspection, and testing for proper operation of equipment and instruments as may be appropriate; validation of methods; evaluation of reagents and volumetric equipment; surveillance of results; and remedial action to be taken in response to detected defects.

(2) Adequacy of facilities, equipment, instruments, and methods for performance of the procedures or categories of procedures for which a certification is approved; proper lighting for accuracy and precision; convenient location of essential utilities; monitoring of temperature-controlled spaces and equipment, including water baths, incubators, sterilizers, and refrigerators, to assure proper performance; evaluation of analytical measuring devices, such as photometers and radioactivity counting equipment, with respect to all critical operating characteristics.

(3) Labeling of all reagents and solutions to indicate identity, and when significant, titer, strength, or concentration, recommended storage requirements, preparation or expiration date, and other pertinent information. Materials of substandard reactivity and deteriorated materials may not be used.

(4) The availability at all times, in the immediate bench area of personnel engaged in examining specimens and performing related procedures within a category (e.g., clinical chemistry, hematology, and pathology), of current laboratory manuals or other complete written descriptions and instructions relating to (i) the analytical methods used by those personnel, properly designated and dated to reflect the most recent supervisory reviews, (ii) reagents, (iii) control and calibration procedures, and (iv) pertinent literature references. Textbooks may be used as supplements to such written descriptions but may not be used in lieu thereof.

(5) Written approval by the director or supervisor of all changes in laboratory procedures.

(6) Maintenance and availability to laboratory personnel and to the Secretary of records reflecting dates and, where appropriate, the nature of inspection, validation, remedial action, monitoring, evaluation, and changes and dates of changes in laboratory procedures.

(7) Solicitation designed to provide for collection, preservation, and transportation of specimens sufficiently stable to provide accurate and precise results suitable for clinical interpretation.

(b) *Standard; quality control system—methodologies.* Provision is made for an acceptable quality control program covering all types of analysis performed by the laboratory for verification and assessment of accuracy, measurement of precision, and detection of error. The factors explaining the standard are as follows:

(1) *Microbiology.* Chemical and biological solutions, reagents, and antisera shall be tested and inspected each day of use for reactivity and deterioration.

(i) *Bacteriology and mycology.* Staining materials shall be tested for intended reactivity by concurrent application to smears of micro-organisms with predictable staining characteristics. Each batch of medium shall be tested before or concurrently with use with selected organisms to confirm required growth characteristics, selectivity, enrichment, and biochemical response.

(ii) *Parasitology.* A reference collection of slides, photographs, or gross specimens of identified parasites shall be available and used in the laboratory for appropriate comparison with diagnostic specimens. A calibrated ocular micrometer shall be used for detemining the size of ova and parasites, if size is a critical factor.

(iii) *Virology.* Systems for the isolation of viruses and reagents for the identification of viruses shall be available to cover the entire range of viruses which are etiologically related to clinical diseases for which services are offered. Records shall be maintained which reflect the systems used and the reactions observed. In tests for the identification of viruses, controls shall be employed which will identify erroneous results. If serodiagnostic tests for virus diseases are performed, requirements for quality control as specified for serology shall apply.

(2) *Serology.* (i) Serologic tests on unknown specimens shall be run concurrently with a positive control serum of known titer or controls of graded reactivity plus a negative control in order to detect variations in reactivity levels. Controls for all test components (antigens, complement, erythrocyte indicator systems, etc.) shall be employed to insure reactivity and uniform dosage. Test results shall not be reported unless the predetermined reactivity pattern of the controls is obtained.

(ii) Each new lot of reagent shall be tested concurrently with one of known acceptable reactivity before the new reagent is placed in routine use.

(iii) Equipment, glassware, reagents, controls, and techniques for tests for syphilis shall conform to those recommended in the "Manual of Tests for Syphilis 1969," U.S. Public Health Service Publication No. 411, January 1969.

(3) *Clinical chemistry.* (i) Each instrument or other device shall be recalibrated or rechecked at least once on each day of use. Records which document the routine precision of each method, automated or manual, and its recalibration schedule shall be maintained and be available to laboratory personnel and the Secretary. At least one standard and one reference sample (control) shall be included with each run of unknown specimens where such standards and reference samples are available. Control limits for standards and reference samples shall be recorded and displayed and shall include the course of action to be instituted when the results are outside the acceptable limits.

(ii) Screening or qualitative chemical urinalysis shall be checked daily by use of suitable reference samples.

(4) *Immuno-hematology.* (i) ABO grouping shall be performed by testing unknown red cells with anti-A and anti-B grouping serums licensed under Part 73, Title 42, Code of Federal Regulations, or possessing equivalent potency, using the technique for which the serum is specifically designed to be effective. For confirmation of ABO grouping, the unknown serum shall be tested with known A1 and B red cells.

(ii) The Rh_o (D) type shall be determined by testing unknown red cells with anti-RH_o (anti-D) typing serum licensed under 42 CFR Part 73, or possessing equivalent potency, using the technique for which the serum is specifically designed to be effective. Anti-Rh_o' (CD), anti-RH_o'' (DE), and anti-RH_o rh'rh'' (CDE) serums licensed pursuant to 42 CFR Part 73, or possessing an equivalent potency may be used for typing donor blood. All Rh_o negative donor and patient cells shall be tested for the Rh_o variant (D^u). A control system of patient's cells suspended in his own serum or in albumin shall be employed when the test is performed in a protein medium.

(iii) The potency and reliability of reagents (antisera known test cells, and antiglobulin-Coombs serum) which are used for ABO grouping, RH typing, antibody detection and compatibility determinations must be tested for reactivity on each day of use and when a new lot of reagents is first used.

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(5) *Hematology.* Instruments and other devices used in hematological examination of specimens shall be recalibrated or retested or reinspected, as may be appropriate, each day of use. Each procedure for which standards and controls are available shall be rechecked each day of use with standards or controls covering the entire range of expected values. Tests such as the one-stage prothrombin time test shall be run in duplicate unless the laboratory can demonstrate that low frequency of random error or high precision makes such testing unnecessary. Reference materials, such as hemoglobin pools, and stabilized cells, shall be tested at least once each day of use to insure accuracy of results. Standard deviation, coefficient of variation, or other statistical estimates of precision shall be determined by random replicate testing of specimens. The accuracy and precision of blood cell counts and hematocrit and hemoglobin measurements shall be tested each day of use.

(6) *Exfoliative cytology; histopathology; oral pathology*—(i) *Exfoliative cytology.* The laboratory director or supervisor qualified in cytology or cytotechnologist shall rescreen for proper staining and correct interpretation at least a 10-percent random sample of gynecological smears which have been interpreted to be in one of the benign categories by personnel not possessing director or supervisor qualifications. All gynecological smears interpreted to be in the "suspicious" or positive categories by screeners shall be confirmed by the laboratory director or qualified supervisor and the report shall be signed by a physician qualified in pathology or cytology. All nongynecological cytological preparations, positive and negative, shall be reviewed by a director or supervisor qualified in cytology. Nonmanual methods shall provide quality control similar to that provided in other nonmanual laboratory procedures. All smears shall be retained for not less than 2 years from date of examination.

(ii) *Histopathology and oral pathology.* All special stains shall be controlled for intended reactivity by use of positive slides. Stained slides shall be retained for not less than 2 years from date of examination and blocks shall be retained for not less than 1 year from such date. Remnants of tissue specimens shall be retained in a fixative solution until those portions submitted for microscopy have been examined and a diagnosis made by a pathologist.

(7) *Radiobioassay.* The counting equipment shall be checked for stability at least once on each day of use, with radioactive standards or reference sources. Reference samples with known activity and within expected levels of normal samples shall be processed in replicate quarterly. For each method, records which document the routine precision and the recalibration schedule shall be maintained and be available to the staff and to the Secretary.

[FR Doc.74-21747 Filed 9-18-74;8:45 am]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2602—PREMIUM RATE AND PAYMENT OF PREMIUMS

Correction

In FR Doc. 21626 appearing at page 33357 of the issue for Tuesday, September 17, 1974, a line was inadvertantly omitted in the penultimate sentence of the first paragraph. As corrected that sentence should read: "The initial rates for basic benefits are 50 cents for each participant in a multiemployer plan and $1.00 for each participant in each other plan, fractionalized for the number of months remaining in the plan year (i.e., the number of months ending between September 2, 1974, and the beginning of the new plan year)."

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 71]

CERTAIN SWINE

Proposed Identification Requirements, Intent to Take No Further Action

On May 10, 1974, there was published in the FEDERAL REGISTER (39 FR 16894–16895), a proposed rulemaking which would require the identification of all swine moved interstate.

The purpose of this proposed rulemaking was to provide for the uniform identification of all swine moved interstate and to allow for the tracing of such swine to the herds of origin if such swine were found to be diseased while at farms, at concentration points, or at the place of slaughter. A period of 90 days was allowed for submission of comments by interested persons. Over 9,300 comments were received with approximately three fourths of the comments expressing negative opinions on the proposal. On the basis of all the comments received it has become apparent that it is not feasible to effectively implement the proposed regulations and consequently the Department has decided to take no further action on this proposal. However, substantial support was evidenced for swine identification procedures directly related to specific swine disease eradication programs. Therefore, the Department will instead concentrate on improving the existing and developing new identification techniques and systems related to specific disease eradication programs and will henceforth incorporate identification requirements into regulations which implement these specific swine disease eradication programs.

Done at Washington, D.C., this 16th day of September 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-21787 Filed 9-18-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 224]

WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Notice of Proposed Rulemaking

The Department of Health, Education, and Welfare and the Department of Labor are proposing new WIN regulations to implement the Work Incentive Program under Title IV of the Social Security Act (42 USCA 601–44).

The proposed regulations make the following significant changes in the WIN Program: (1) the WIN registration function is transferred from the local welfare staff to the local WIN sponsor (generally the employment service). This will assist new WIN registrants to use the job referral services located at local WIN sponsor offices; (2) A job search activity is added for AFDC recipients registered for WIN, but not yet certified by the State welfare agency for participation in WIN, and for individuals who are certified but who are not actively engaged in a WIN component; (3) The WIN sponsor will assume the function of deregistering all individuals from WIN. This change places both registration for WIN and deregistration from WIN in the same administrative unit; (4) A new Intensive Manpower Services Component has been added as an option to current WIN programs. This new component is intended to provide structured, intensive employment services and the development of job seeking skills to individuals certified for WIN training; (5) The WIN hearing procedures have been unified. Instead of dual hearings by the welfare agency and the WIN sponsor on the respective issues of grant adjustment (including vendor payments and selection of payee) and failure to participate in WIN without good cause, the WIN sponsor will adjudicate both issues. (6) Provision has been made for opportunity by the National Coordination Committee through the Solicitor of Labor to submit briefs and present oral argument whenever a case is before the National Review Panel.

Interested persons may submit comments, data, or arguments on these proposed regulations until October 21, 1974. Such communications should be addressed to: William H. Kolberg, Assistant Secretary of Labor, United States Department of Labor, 6th and D Streets, Washington, D.C. 20213, Attention Merwin Hans.

All comments, data, and arguments received prior to October 21, 1974, shall be evaluated to determine whether any change in the proposed regulations is warranted. Upon completion of this evaluation, final regulations shall be published in the FEDERAL REGISTER.

These regulations consolidate 29 CFR Parts 56, 57, and 58, and integrate certain sections of 45 CFR Parts 220, 233, and 234 into a new 45 CFR Part 224. These regulations which are also being published as 29 CFR Part 56, read as follows:

Part 224 is proposed to read as follows:

PART 224—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Subpart A—Purpose and Scope

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224.1 Purpose and scope.

Subpart B—Administration

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224.11 Annual State WIN plans.
224.12 Annual local WIN plans.
224.13 State and local agreements for WIN activities and programs.
224.14 Allocation of federal funds.
224.15 Use of federal funds; political activities.
224.16 Non-federal contribution.
224.17 Reports, records, financial statements and audits.
224.18 Adjustments in payments to WIN sponsors.
224.19 Termination of contracts or grants.

Subpart C—Requirements and Procedures for Registration and Certification

224.20 Registration requirements for AFDC applicants.
224.21 Job search activity for WIN registrants who are AFDC recipients.
224.22 Appraisal and certification.

Subpart D—Supportive and Manpower Services and Protective Provisions

224.30 Supportive services.
224.31 Manpower training related expenses.
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Subpart E—The WIN Components and Activities

224.40 Public service employment (PSE).
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224.45 Non-federal employee status.
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Subpart F—WIN Disciplinary Rules and Sanctions

224.50 Deregistration from WIN.
224.51 Refusal to participate in WIN.

Subpart G—The WIN Adjudication System

224.60 Rules for grievances and deregistration; WIN restrictions.
224.61 Complaints and grievances.
224.62 Disputes regarding WIN registrations.
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224.64 Requirement of conciliation and notice.
224.65 Request for hearing.
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224.68 Decisions of the WIN hearing officer.
224.69 Appeals from WIN hearing officer's decision.
224.70 National Review Panel (NRP).
224.71 Request for NRP to accept certification.
224.72 Requests by NRP for certification.
224.73 Certification of the record.
224.74 Consideration by and decisions of the NRP.
224.75 Sixty-day counseling period and reinstatement of certified individuals.
224.76 Subsequent WIN registration by deregistered individuals.

Subpart H—Definitions

224.80 Definitions.

AUTHORITY: The provisions of this Part 224 are issued under the authority contained in sections 402(a)(7), 402(a)(19), and 430–444 of the Social Security Act, as amended, unless otherwise noted.

Subpart A—Purpose and Scope

§ 224.1 Purpose and scope.

(a) The purpose of this Part 224 is to provide for a Work Incentive Program (WIN) under Title IV of the Social Security Act (Act).

(b) This part contains the policies, rules, and regulations pertaining to the WIN program.

(c) Definitions for terms used in this part may be found in Subpart H.

Subpart B—Administration

§ 224.10 General administration provisions.

(a) The WIN program is administered jointly by the Secretary of Labor and the Secretary of Health, Education, and Welfare. To carry out Department of Labor responsibilities under these regulations, the Secretary of Labor has designated the Assistant Secretary for Manpower (Assistant Secretary). To carry out Department of Health, Education, and Welfare responsibilities under these regulations, the Secretary of Health, Education, and Welfare has designated the Administrator of the Social and Rehabilitation Service (Administrator).

(b) The Assistant Secretary and the Administrator together form the WIN National Coordination Committee (NCC) which is responsible for the effective national administration of WIN.

(c) The NCC shall establish uniform reporting procedures, establish and clarify policy under these regulations, and establish other requirements for effective administration. NCC issuances shall be binding on all regional, State, and local WIN operations.

(d) The NCC shall designate a National Executive Director to administer the program.

(e) The Assistant Secretary of Labor has designated the Assistant Regional Director for Manpower in each region (ARDM) to carry out the WIN program in each region. The Administrator of the Social and Rehabilitation Service has designated the Regional Commissioner (RC) of the Social and Rehabilitation Service to carry out his responsibilities under these regulations in each region.

(f) Within each region the ARDM and the RC shall form the WIN Regional Coordination Committee (RCC). Each RCC shall determine the areas in each of the States within its region in which WIN projects shall be operated, taking into consideration such factors as size of welfare caseload and budgetary constraints. This action shall have the concurrence of the affected State and shall be so reflected in the Statewide Operational WIN Plan (State WIN Plan). The RCC shall review and approve all State WIN plans and modifications of such plans covering the States in its region. Consistent with directives of the NCC it shall also establish and clarify policy under these regulations and shall establish other requirements for effective administration.

(g) Upon determination of an appropriate WIN project area in a State, the RCC shall enter into an agreement with the State WIN sponsor and the State welfare agency under which they shall be responsible for the overall administration of the State WIN Plan.

(h) Within each state the welfare agency's Separate Administrative Unit (SAU) shall be responsible for the provision and arrangement of supportive services. The Income Maintenance Unit (IMU) of each single State welfare agency is responsible for determining all questions relating to eligibility for AFDC benefits, including whether an individual is required to register for WIN.

§ 224.11 Annual State WIN Plans.

State WIN Plans on an annual basis shall be jointly developed and approved by the State WIN sponsor and State welfare agency. The RCC shall issue instructions to the State WIN sponsor and State welfare agency for the development of a single State WIN Plan. The State WIN Plan will describe the operation to be carried out by the State WIN sponsor and the State welfare agency as well as a summary of the data in the Local WIN Plans, as required in § 224.12 of these regulations.

§ 224.12 Annual local WIN Plans.

(a) A local WIN sponsor and a local SAU shall jointly develop an annual Local WIN Plan. The plan shall describe the local project's operation. The National Coordination Committee will issue instructions from time-to-time setting guidelines for the development of such plans.

(b) Local WIN Plans shall be forwarded to the State WIN sponsor and State SAU for consideration in the development of the State WIN Plan.

(c) The State WIN sponsor and WIN/SAU shall forward copies of the State WIN Plan (with Local WIN plans attached) to the appropriate RCC for approval. The State WIN sponsor shall also forward a copy of the plan to the State Manpower Services Council, established under the Comprehensive Employment and Training Act of 1973 (Pub. L. 93–203), or its equivalent, for review and comment. Any comments made by the Council shall be forwarded directly to the RCC. Copies of such comments shall also be sent by the RCC to the State WIN sponsor and State WIN/SAU.

(d) Any disagreement concerning the approval or disapproval of a State WIN Plan between the Departmental representatives serving as members of the RCC shall be referred promptly to the National Coordination Committee for resolution.

§ 224.13 State and local agreements for WIN activities and programs.

A WIN sponsor may, through agreements with public or private agencies or organizations, including Indian tribes with respect to Indians on a reservation, carry out such activities and programs as are approved or developed by the Secretary of Labor, including but not limited to public service employment programs, intensive manpower services programs, on-the-job training programs, work experience programs and job search programs, as defined in §§ 224.21 and 224.40–224.43 of these regulations. No agreement, however, shall be entered into with an employer for profit or with a private employer not organized for a public purpose, for purposes of a work experience program or a public service employment program.

§ 224.14 Allocations of federal funds.

(a) The Secretary of Labor shall allocate not less than 50 percent of the sums appropriated under Part C to carry out the WIN program among the States in accordance with a formula under which each State receives (from the total available for such allotment) an amount which bears the same ratio to the total amount available as the average number of individuals in each State who, during the month of January last preceding the commencement of such fiscal year, are registered pursuant to section 402(a)(19)(A) of the Act, as amended, bears to the average number of individuals in all States who, during that month, are so registered.

(b) The Secretary of Labor shall allocate the balance of the sums not allocated under paragraph (a) of this section in such manner as he determines will best serve the objectives of the program.

(c) Of the sums expended on WIN by the Department of Labor not less than 33⅓ percent thereof shall be expended for carrying out the programs of on-the-job training and public service employment established under the Act.

(d) The Secretary of Health, Education, and Welfare shall prescribe methods for the allocation of funds pursuant to section 403(d) of the Act.

§ 224.15 Use of federal funds; political activities.

(a) Federal funds under Part C of Title IV, allocated by the Secretary of Labor to the State WIN sponsor, may be used to meet not more than 90 percent of the cost of carrying out the regulations promulgated under this part.

(b) WIN funds under Part C of Title IV may be used for training, supervision,

materials, administration, incentive payments, transportation and other items as authorized by the Secretary of Labor, but may not, except in cases of WIN PSE under the Act, be used for any reimbursement to the employer for time spent by individuals in work, training, or other participation in the program.

(c) WIN funds under section 403(d) of the Act may be used to meet 90 percent of the cost of supportive services, including child care, provided by or arranged for by the WIN/SAU, and related WIN/SAU administrative costs.

(d) Federal funds shall be expended only for costs:

(1) Permitted under the provisions of Subpart 1–15.7 of Title 41 of the Code of Federal Regulations, entitled "Principles for Determining Costs Applicable to Grants and Contracts"; and

(2) Not barred under the provisions of this part.

(e) Pursuant to section 403(c) of the Act, notwithstanding any other provision of this chapter, the Federal share of assistance payments under Title IV–A of the Act, for any fiscal year beginning on or after July 1, 1973, shall be reduced by 1 percentage point for each percentage point by which the number of individuals certified to the WIN sponsor as ready for employment or training under the WIN program falls below 15 percent of the average number of individuals in the State who are required to be registered during such fiscal year.

(f) *Political activity.* No funds allocated under the Act shall be used for any partisan or nonpartisan political activity or to further the election or defeat of any candidate for public office; nor shall they be used to provide services, or for the employment or assignment of personnel in a manner supporting or resulting in the identification of programs conducted pursuant to the Act with:

(1) Any partisan or nonpartisan political activity or any other political activity associated with a candidate, or contending faction or group, in an election for public or party office, or lobbying for any matter at public issue;

(2) Any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election;

(3) Any voter registration activity.

§ 224.16 Non-federal contribution.

(a) The State welfare agency will assure a non-federal contribution to the Work Incentive programs established by Part C by appropriate agencies of the State or private organizations of 10 percent of the total cost of such programs, in cash or in-kind fairly evaluated. For this purpose, the State welfare agency will plan jointly with the State WIN sponsor for the development and use of in-kind resources. The State welfare agency must make the arrangements for, but need not itself make, the contribution. An in-kind contribution may be made in the form of the provision of services, staff, space, equipment, or any other goods or services of value essential to the operation of the WIN program. Where such contribution is in-kind, the amount thereof will be determined on the basis of its reasonable value as established by suitable documentation.

(b) The State welfare agency shall assure a non-Federal cash contribution of 10 percent of the cost of supportive services and related administrative expenses incurred by the WIN/SAU under Title IV Part A.

(c) The WIN sponsor costs of operation of the WIN program which may be met by the non-federal contribution may include the costs of training, supervision, materials, administration, incentive payments, transportation, and other items as are authorized by the WIN sponsor.

(d) Funds from other Federal sources, whether in cash or in-kind, may not be used for the non-federal share, except when specifically permitted by law. State funds or resources that have been used to match other federal funds also may not be used for this purpose.

(e) The provisions of Office of Management and Budget (OMB) Circular 102, Attachment F, must be met.

§ 224.17 Reports, records, financial statements and audits.

(a) State and local WIN sponsors and welfare agencies shall submit periodic reports as required by the Secretary of Labor and the Secretary of HEW to assure proper accounting for all program funds, including the non-Federal share. Such records and accounts shall be made available for audit purposes to DOL and DHEW, the Comptroller General of the United States or any authorized representative of either, and shall be retained for 3 years after the completion of or final payment under the agreement, whichever is later. The records shall be retained beyond the 3-year period if audit findings have not been resolved. State and local WIN sponsors and WIN/SAUs shall also submit periodic reports as required by the Secretary of Labor and the Secretary of HEW covering nonfinancial program activities. This includes data on overall program activities and data required to be reported in the Employment Security Automated Reporting System (ESARS). All such reports and other nonfinancial records used to back up reporting systems (such as completed registration cards, participant records, etc.) shall be retained for 3 years after they have been inactivated.

(b) Program funds and activities shall be audited in conformity with the Standards for Audit of Government Organizations, Program Activities and Functions issued by the Comptroller General of the United States.

§ 224.18 Adjustments in payments to WIN sponsors.

(a) If any funds are expended by a WIN sponsor or by a public service employer in violation of the Act, the regulations, grant conditions or contract provisions, the Secretary of Labor may make necessary adjustments in payments to the sponsor or the employing agency on account of such unauthorized expenditures. He may draw back unexpended funds which have been made available in order to assure that they will be used in accordance with the purposes of the Act, or to prevent further unauthorized expenditures, and he may withhold funds otherwise payable under the Act in order to recover any amounts expended for unauthorized purposes in the current or immediately preceding fiscal year.

(b) No action taken by the Secretary of Labor under paragraph (a) of this section shall entitle the WIN sponsor to reduce program activities or allowances for any participant or to expend less during the effective period of the contract or grant than those sums called for in the operational plan. Any such reduction in expenditures may be deemed sufficient cause for termination.

§ 224.19 Termination of contracts or grants.

(a) If a WIN sponsor or an Income Maintenance Unit (IMU) violates any provision of the Act or the regulations or contract provisions or grant conditions which the Secretary of Labor has issued or shall subsequently issue during the period of the contract or grant, the Secretary of Labor may terminate the contract or grant in whole or in part unless the agency which caused the violation corrects it within a period of 30 days after receipt of notice specifying the violation; or

(b) In his discretion, the Secretary of Labor may terminate the contract or grant in whole or in part;

(c) Termination shall be effected by a notice of termination which shall specify the extent of termination and the date upon which such termination becomes effective. Upon receipt of a notice of termination the agency shall:

(1) Discontinue further commitments of contract or grant funds to the extent that they relate to the terminated portion of the contracts or grants;

(2) Promptly cancel all contracts or subcontracts utilizing funds under the contract or grant to the extent that they relate to the terminated portion of the contract or grant;

(3) Settle, with the approval of the Secretary of Labor, all outstanding claims arising from such termination;

(4) Submit, within 6 months after the receipt of the notice of termination, a termination settlement proposal which shall include a final statement of all unreimbursed costs related to the terminated portion of the contract or grant but in case of terminations under paragraph (a) of this section will not include the cost of preparing a settlement proposal. Allowable cost shall be determined in accordance with the provisions of Part 1–15.7 of Title 41 of the Code of Federal Regulations and OMB Circular A–87.

Subpart C—Requirements and Procedures for Registration and Certification

§ 224.20 Registration requirements for AFDC applicants.

(a) A State welfare plan, under Part A of Title IV of the Act, shall provide

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that all welfare applicants and recipients who are required to register by section 4012(a)(19)(A) of the Act shall register with the WIN sponsor for manpower services, training, and employment as a condition of eligibility for AFDC. At the time of registration such registrants shall be provided information about the job market and referrals to available employment. Where feasible, job banks shall be used to provide this information and to facilitate such referrals.

(b) The Income Maintenance Unit (IMU) of the State or local welfare agency shall determine which AFDC applicants and recipients are exempt from registration and which are required to register with the WIN sponsor as a condition of eligibility for AFDC benefits. The IMU shall inform all nonexempt applicants and recipients that failure to register shall result in ineligibility for AFDC. Nonexempt applicants and recipients along with exempt individuals who volunteer for WIN shall be informed in writing of the place of registration and shall be immediately referred to the WIN sponsor for registration.

(c) The determination as to whether an individual is required to register is based on the following criteria: Each AFDC applicant shall register unless he is:

(1) Under age 16;

(2) Attending school full-time and age 16 but not yet 21 years of age (or 18 years of age if the State AFDC plan limits benefits to children who are under age 18). There must be verification from an appropriate school official that the person is enrolled or has been accepted for enrollment for the next school term as a full-time student;

(3) Ill, with medical evidence provided by a physician or licensed or certified psychologist that the illness or injury temporarily prevents entry into employment or training;

(4) Incapacitated, when verified by the IMU that a medically determinable physical or mental impairment, determined by a physician or licensed or certified psychologist, by itself or in conjunction with age, prevents the individual from engaging in employment or training under WIN. The costs of a medical determination of such incapacity will be reimbursable by WIN sponsor funds;

(5) 65 years of age or older;

(6) Residing at a location which is so remote from a WIN project that effective participation in the program is precluded. The individual will be considered remote if more than a total of 10 hours would be required for a normal 8-hour work or training day plus a round trip of more than 2 hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, unless normal round trip commuting time in the area is more than 2 hours, in which case the round trip commuting time shall not exceed the generally accepted community standards;

(7) A caretaker in the home, and the IMU has verified that a medically determinable condition of another member of the household requires the individual's presence in the home on a substantially continuous basis, and that no other appropriate member of the household is available;

(8) A mother or other caretaker relative of a child under age 6;

(9) A mother or other female caretaker of a child, when the nonexempt father or other nonexempt adult male relative in the home is registered and has not refused to participate in the program or employment without good cause.

(d) The IMU shall inform exempt persons in writing of their obligation to report any changes affecting their exempt status, and in addition shall include a determination of exemption as a part of the AFDC eligibility redetermination process, except where the individual has been determined to be permanently incapacitated. Individuals who have been determined to be exempt from registration on the basis of incapacity will be referred to the appropriate State vocational rehabilitation agency.

(e) The IMU shall inform an individual who contests a determination of non-exempt status of his right to request a review of his status. The individual shall also be informed of his right to a hearing before the State welfare agency when his claim for AFDC benefits is denied by reason of his refusal to register for WIN.

(f) The IMU shall inform exempt persons of their option to register voluntarily for manpower services, training and employment, and their option to withdraw such registration at any time without loss of AFDC benefits, provided their status has not changed in such a way which would require registration in accordance with the Act.

(g) When an AFDC applicant or recipient who resides in an area which would normally be determined to be remote, wishes to volunteer for WIN, the individual shall be registered by WIN, and the SAU shall negotiate for any necessary supportive services with the appropriate welfare agency.

(h) The WIN sponsor shall register all individuals found by the IMU to be nonexempt and all individuals who wish to volunteer for WIN, in an interview during which a complete work history is to be taken. The WIN sponsor shall register all individuals in a timely manner so that eligibility determinations are not delayed.

(i) At registration, each individual shall be informed about the nature of the WIN program and about his rights and responsibilities therein.

(j) If the IMU determines an individual to be non-exempt, and the WIN sponsor disagrees, the WIN sponsor will register the individual and will request the IMU to reconsider its determination. If the IMU reverses its decision, the WIN sponsor shall deregister the individual as exempt unless the individual volunteers for WIN. The IMU's response will be accepted by the WIN sponsor. If the IMU does not respond within 30 days of the request, the WIN sponsor shall deregister the individual as exempt.

(k) The WIN sponsor shall notify the IMU of any employment or other change of status which may affect an individual's eligibility or the amount of the AFDC payment.

(l) The WIN sponsor must notify the IMU, within 3 work days of the registration, that registration has been completed so that the IMU's completion of the eligibility determination shall not be delayed.

(m) The IMU shall notify the WIN sponsor within 3 work days after each determination is made of initial and subsequent determinations of eligibility for AFDC.

§ 224.21 Job search activity for WIN registrants who are AFDC recipients.

(a) A job search activity shall be provided for AFDC recipients who are registered for the WIN program but who have not yet been certified to the WIN program by the welfare agency, and for certified individuals who are not actively engaged in a WIN component.

(b) The nature and scope of a job search activity shall be the responsibility of each State, consistent with the requirements of this part. A complete description of the job search activity shall be included in the State WIN plan and shall be subject to RCC approval.

(c) Individuals participating in a job search activity shall accept employment under the same terms and conditions as are required of individuals certified to a WIN component and shall be provided with supportive services necessary to enable them to engage in the job search activity.

(d) Sanctions for refusal without good cause to participate in a job search activity shall be set forth in the State WIN plan. The WIN sanctions in Subpart F and the WIN adjudication system in Subpart G of this part shall apply to certified individuals engaged in job search and, at the option of the State, may be designated in the State WIN plan as applying to uncertified individuals engaged in the job search activity.

§ 224.22 Appraisal and certification.

(a) On the basis of information obtained during the registration process, registrants will be selected, jointly when possible, by WIN sponsor and WIN/SAU staff for appraisal of their employability potential. The final selection of an individual into a specific work or training component rests with the WIN sponsor.

(b) All unemployed fathers shall be appraised within 2 weeks of the determination of eligibility for AFDC benefits, and certification shall be completed no later than 30 days from the receipt of AFDC benefits.

(c) All other individuals will be appraised according to the following priorities, taking into account the individual's employment potential:

(1) Mothers, whether or not required to register, who volunteer;

(2) Other mothers, and pregnant women under 19 years of age, who are required to register;

(3) Dependent children and relatives who have attained age 16 and who are not in school full-time or engaged in work or manpower training; and

(4) All others;

(d) The appraisal interview shall be conducted jointly, to the extent possible, or sequentially as appropriate, by the WIN sponsor and the WIN/SAU. Whenever possible, appraisal shall occur at the time of registration. An employability plan shall be initiated by the WIN sponsor and the WIN/SAU at the appraisal interview for each registrant who is found suitable for participation in a WIN component.

(e) The employability plan shall contain a manpower services plan and a supportive services plan, and shall be designed to lead to employment and ultimately to self-support. It shall contain a definite employment goal, attainable in the shortest time period consistent with the supportive services needs, project resources, and job market opportunities. Final approval of the employability plan rests with WIN sponsor.

(f) As appropriate WIN sponsor services become available to individuals, the WIN sponsor shall request the WIN/SAU to certify in writing that the necessary immediate and on-going supportive services have been provided or arranged, or that no such services are required. When certified, the individual shall be placed by the WIN sponsor on the following basis: The individual shall be placed in employment if appropriate work that the individual can perform is available. If the individual cannot be immediately placed in employment, he shall be placed in on-the-job training, intensive manpower services, public service employment, institutional training, or in any other manpower program or activity.

(g) AFDC grants and social services for individuals under the State AFDC plan shall not be denied by reason of the individual's referral to a job or to a WIN program, or solely by reason of an individual's participation therein.

Subpart D—Supportive and Manpower Services and Protective Provisions

§ 224.30 Supportive services.

(a) The SAU shall be responsible for the development of necessary supportive services and for supplying those services.

(b) Supportive services under the WIN program must include:

(1) Child care which meets the standards specified in 45 CFR 220.18. When more than one kind of child care is available, the mother or other caretaker relative may choose the type, but may not refuse to accept child care services if they are available. Such services must be responsive to breakdowns in prior arrangements in order to ease or avoid disruption of employment or participation in manpower services;

(2) Family planning services;

(3) Home management and other functional educational services;

(4) Homemaker;

(5) Housing improvement services;

(6) Employment related medical, remedial, and health-related care services not included under the State's Title XIX plan or otherwise available under any other federally assisted program;

(7) Selected vocational rehabilitation services, as defined by the Rehabilitation Act of 1973, which cannot otherwise be funded by the vocational rehabilitation agency;

(8) Transportation services as needed to make supportive services accessible; and

(9) Other supportive services necessary to enable such individuals to participate in job search, accept employment or receive manpower training provided under the WIN program.

§ 224.31 Manpower training related expenses.

Individuals shall receive not only welfare supportive services but also manpower training related expenses such as lunches and transportation to enable them to participate in job search and in the WIN training components.

§ 224.32 Pay and allowances for individuals certified for WIN training.

(a) An individual assigned to a WIN institutional or work experience training component, including the Intensive Manpower Services Component, in which no salary is paid, shall receive incentive payments at a rate not to exceed $30 a month provided he meets the requirements of the component relative to hours of participation.

(b) Individuals placed in employment, OJT, or PSE, shall be authorized to receive training related expenses until their first full paycheck or not to exceed two WIN pay periods, whichever occurs first.

(c) Reasonable subsistence allowance, in addition to a training-related expense payment, shall be paid to qualified individuals for their separate maintenance when they are assigned to training facilities beyond daily commuting distance from their homes for each calendar day within the training payment period during which they are participating in such training and are residing away from home.

(d) An individual shall be paid transportation allowance to a training facility located beyond commuting distance for the cost of his initial trip to the training facility and for his final trip home at the completion or other termination of such training.

(e) Individuals may be paid allowances for nonrecurring expenses as authorized by the Secretary of Labor.

(f) WIN sponsor offices may establish petty cash funds to meet emergency needs for cash for allowable expenditures.

§ 224.33 Relocation assistance.

The Secretary of Labor may assist certified individuals to relocate their place of residence when he determines such relocation is necessary in order to enable them to become permanently employed and self-supporting. Such assistance shall be given only to individuals who concur in the relocation and who have received a bona fide job offer at their place of relocation at wage rates which will meet at least their full need as determined by the State to which they will be relocated. Assistance under this section shall not exceed the reasonable costs of transportation for such individuals, their dependents, and their household belongings, plus such relocation allowance as the Secretary of Labor determines to be reasonable.

§ 224.34 Appropriate work and training criteria.

(a) Standards for appropriate work or training: certified individuals must accept assignment to employment or WIN training as determined appropriate by the WIN sponsor or face deregistration action. The standards in paragraph (b) of this section must be met before any such individuals can be required to accept a work or training assignment.

(b) The following standards are common to assignments to both work and training including PSE and OJT:

(1) All assignments for those in WIN training shall be within the scope of an individual's employability plan. This plan may be modified to reflect changed employment conditions.

(2) The job or training assignment must be related to the capability of the individual of performing the task on a regular basis. Any claim of adverse effect on physical or mental health shall be based on an adequate medical testimony from a physician or licensed or certified psychologist indicating that participation would impair the individual's physical or mental health.

(3) The total daily commuting time to and from home to the work or training site to which the individual is assigned shall not normally exceed 2 hours, not including the transporting of a child to and from a child care facility, unless a longer commuting distance and time is generally accepted in the community, in which case the round trip commuting time shall not exceed the generally accepted community standards.

(4) When child care is required, it must meet the standards specified in 45 CFR 220.18(c) and must be available during the hours the individual is engaged in a WIN component or manpower activity plus any additional necessary commuting time.

(5) The work or training site to which the individual is assigned must not be in violation of applicable federal, State and local health and safety standards.

(6) Assignments shall not be made which are discriminatory in terms of age, sex, race, creed, color, or national origin.

(7) The individual shall not be referred to work, job search, or training unless supportive and manpower services necessary for participation are available, even in cases where the State WIN plan does not specifically provide for the needed services. The cessation or with-

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drawal of such necessary services while the individual is in job search or in a WIN component shall constitute good cause for refusal to participate.

(c) The determination of "appropriate work" shall be made at local project level. The following criteria shall be applied in addition to the above, in determining "appropriate work":

(1) Appropriate work may be temporary, permanent, full-time, part-time or seasonal work which meets the appropriate work standards of this section.

(2) When an income disregard is available, the wage shall meet or exceed the Federal or State minimum wage law, whichever is applicable, or if such laws are not applicable, the wage shall not be substantially less favorable than the wage normally paid for similar work in that labor market but in no event shall it be less than three-fourths of the minimum wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act as amended.

(3) When, as a result of becoming employed, no income disregard is available to the individual, the wage, less mandatory payroll deductions and a reasonable allowance for necessary employment related expenses, shall provide an income equal to or exceeding the family's AFDC cash benefit. The wage shall in no case, be less than that required by any applicable minimum wage law.

(4) The daily hours of work and the weekly hours of work shall not exceed those customary to the occupation; and

(5) No individual shall be required to accept employment if—

(i) The position offered is vacant due to a strike, lockout, or other bona fide labor dispute;

(ii) As a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization;

(iii) The job offered would interrupt a program in progress under an approved employability plan leading to self-support or to the resumption of his regular job within a short period of time. This does not, however, preclude temporary employment during the interval prior to his re-employment in his regular job.

(d) In addition to meeting the criteria in subpart (b) above, for training to be appropriate, the quality of the training must meet local employers' requirements so that the individual will be in a competitive position within the local labor market. The training must also be likely to lead to employment which will meet the appropriate work criteria.

§ 224.35 Period of participation.

(a) The duration of institutional training established pursuant to section 432(b)(2) of the Act shall average no more than six months for any individual, with a maximum duration of one year. The RCC, for good cause, may allow an exception to either limitation.

(b) Participation in Work Experience shall not exceed 13 weeks for any individual. The RCC may, for good cause, allow an exception to this limitation.

(c) Supportive services may be provided for up to two weeks to an individual between participation in WIN components, at the discretion of the WIN sponsor and the WIN/SAU, when necessary to ensure continued availability of the service in order to avoid interruption of the employability process.

(d) Manpower and supportive services under the WIN program may be provided to an individual until he has completed his employability plan, and may continue for up to 30 days beyond the completion of the plan if WIN sponsor and SAU staff determine that these services are necessary to sustain the individual in employment status.

§ 224.36 Nondiscrimination.

(a) No person in the United States shall, on the grounds of age, race, creed, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance under these regulations.

(b) Grievances involving discrimination under paragraph (a) of this section shall be processed according to equal opportunity provisions established by the Secretaries of Labor and HEW and, to the extent applicable, in compliance with Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the regulations issued thereunder.

Subpart E—The WIN Components and Activities

§ 224.40 Public service employment (PSE).

(a) WIN/PSE: WIN/PSE consists of WIN subsidized jobs in the public and private non-profit sectors. All WIN/PSE jobs must meet the criteria for appropriate work, and must be jobs which would not otherwise be performed by regular employees. The WIN/PSE component provides transitional employment intended to move individuals from AFDC into unsubsidized jobs.

(b) Eligibility: All certified registrants for whom appropriate unsubsidized employment cannot be found, are eligible for placement in PSE.

(c) Eligible employers: An eligible employer may be:

(1) Any unit of State or local government;

(2) Any public agency or institution which is a State or local government subdivision;

(3) An Indian tribe or combination of tribes on a Federal or State reservation; or

(4) Any private non-profit organization established to serve a public purpose.

(d) WIN status of PSE participants: For the purpose of AFDC benefits, PSE participants are considered to be employed. However, PSE participants shall not be deregistered because of participation in PSE until they complete the job entry period, since they are still an active part of the WIN program during job entry. PSE participants are not eligible to receive either a WIN incentive payment or the income disregard.

(e) Displacement of workers: Individuals shall not be assigned to a PSE job if this will result in the displacement of already employed full-time workers.

§ 224.41 Intensive manpower services component.

(a) A State may establish as one work experience component an Intensive Manpower Services Component to assist certified individuals to obtain employment. The State WIN agency shall develop standards of participation in the Intensive Manpower Services Component, taking into account local conditions, including, but not limited to, geographic factors, availability of public transportation, and local labor market characteristics. If the state selects this component, such standards of participation shall be included in the State WIN Plan submitted to the RCC.

(b) The Intensive Manpower Services Component shall provide manpower and employment services, which may include orientation, and must include job development, exposure to labor market information, job placement and job-seeking skills development to assist individuals in obtaining unsubsidized employment.

§ 224.42 On-the-job-training (OJT).

WIN/On - the - job - training (WIN/OJT) is an employment opportunity which includes skill training. Under this component, a certified registrant is hired by a private or public employer and provided skill training which is either subsidized under contract between the employer and the WIN sponsor, or is unsubsidized. Employers are encouraged to provide increased supervision and training either voluntarily or through contracts with the WIN sponsor, pursuant to which the WIN sponsor will reimburse the employer for the extraordinary costs of such training and supervision.

§ 224.43 Institutional and other work experience training.

(a) Institutional training is a component involving vocational or other classroom training conducted by an instructor in a non-worksite setting.

(b) A work experience component is to provide a clearly defined, well-supervised, assignment with a private non-profit or public employer in which an individual has the opportunity to develop basic work habits, to practice skills learned in classroom training, and to demonstrate skills to a prospective employer.

§ 224.44 WIN individuals enrolled in other employment or training programs.

Certified individuals referred to slots in other eligible Federal or State funded employment or training programs, and meeting all the eligibility requirements under those programs, shall be temporarily suspended from the WIN program. Such individuals shall normally be compensated in accordance with and

through the provisions of those programs. However, when such compensation is not available or would be disadvantageous to the individual, he may accept regular WIN benefits instead. Notwithstanding such suspension, necessary supportive and manpower services which are not provided under the training program, but which are necessary to permit the individual to continue in the program, will be provided by the WIN/SAU and the WIN sponsor.

§ 224.45 Non-federal employee status.

An individual in a WIN component shall not be deemed an employee of the Federal Government, and shall not be subject to the provisions of laws relating to Federal employees, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

§ 224.46 WIN assignment protests.

A certified individual may accept any work, job search, or training assignment under WIN without prejudicing his right to protest such an assignment. Such protests shall be handled through the WIN adjudication process.

Subpart F—WIN Disciplinary Rules and Sanctions

§ 224.50 Deregistration from WIN.

(a) All deregistrations shall be performed by the WIN sponsor.

(b) A deregistration may be necessary because the individual has become ineligible for AFDC, or exempt from registration, or adjudicated to have refused to participate without good cause, or because an incorrect exemption determination was made.

(c) The welfare agency shall notify the WIN sponsor of changes in an AFDC recipient's welfare or exemption status which would warrant deregistration.

(d) Except in those cases where the WIN sponsor has been notified that an AFDC grant has been closed, the WIN sponsor shall notify the IMU of all deregistrations.

§ 224.51 Refusal to participate in WIN.

(a) Any WIN registrant, except a volunteer, who refuses to participate by refusing without good cause to appear for appraisal, or any certified WIN registrant, except a volunteer, who refuses to participate in the WIN program without good cause, shall be deregistered from WIN and removed from the AFDC grant for failure to participate. After notice, and after an adverse hearing decision if a hearing is requested, the WIN sponsor shall deregister the individual and shall advise the IMU of its action. A WIN hearing, if one is requested, shall deal not only with the issue of failure to participate but also with the issue of grant adjustment, including protective or vendor payment and selection of payee. The IMU shall offer testimony on the latter issues. The decision of the WIN hearing officer shall be binding on the welfare agency and dispositive of all issues. In the adjudication of adjustment of grant issues, the WIN sponsor is deemed the agent of the welfare agency.

(b) Volunteers who decide to withdraw from the WIN program shall be deregistered.

(c) Volunteers who are found to refuse to participate after notice and an adverse hearing decision, if a hearing is requested, shall be deregistered. Only the issue of failure to participate in WIN shall be adjudicated.

(d) When an individual, except a volunteer, as a result of a WIN hearing officer's decision has been determined by the Secretary of Labor to have refused without good cause to participate in a WIN component or to accept a bona fide offer of employment in which he is able to engage:

(1) If such individual is a caretaker relative receiving AFDC, his needs will not be taken into account in determining the family's need for assistance, and assistance in the form of protective or vendor payments or of foster care will be provided to the remaining members of the assistance unit. Under such circumstances, the caretaker relative may not be the protective payee;

(2) If such individual is the only dependent child in the family, assistance for the family will be denied;

(3) If such individual is one of several dependent children in the family, assistance for such child will be denied and his needs will not be taken into account in determining the family's need for assistance;

(4) The specified sanctions shall not be applied during a period of 60 days after such adverse adjudication, provided the individual is accepting counseling and other necessary services aimed at persuading him to participate in the WIN program. Meanwhile, assistance to his family in the form of protective or vendor payments and counseling and other necessary services shall be provided by the State welfare agency. Once a period of counseling and other necessary services has been provided to an individual, and he has again been found by the Secretary of Labor to have refused training, employment, or manpower services without good cause, the WIN/SAU shall not provide another period of counseling and other necessary services.

Subpart G—The WIN Adjudication System

§ 224.60 Rules for grievances and deregistration; WIN restrictions.

The State WIN sponsor shall establish rules, subject to the approval of the RCC, governing participation, attendance, conduct, disputes and deregistration actions which shall be incorporated into the State WIN Plan. At registration each individual shall be given a copy of these rules. The registrant shall also be given the names of local project staff, and addresses and phone numbers of persons to be contacted if some problem arises.

§ 224.61 Complaints and grievances.

Initially, written complaints and grievances shall be handled outside of the formal WIN adjudication system. They shall be processed and, if possible, resolved within 14 calendar days at the local project level. An individual who is not satisfied with the disposition of his complaint may then initiate a formal protest at the local project level. The protest will then be handled by the formal WIN adjudication system.

§ 224.62 Disputes regarding WIN registrations.

(a) The welfare agency shall provide an opportunity for a hearing in the case of a disputed registration determination in which the AFDC applicant claims that he is exempt from WIN by the statutory criteria. Such an applicant shall temporarily be considered as exempt until his status is finally determined.

(b) A welfare hearing officer shall conduct hearings under this section, pursuant to the procedures prescribed in 45 CFR 205.10. Where the local WIN sponsor becomes involved in the determination of a disputed registration, a representative of the local WIN sponsor shall appear as a party at the hearing.

§ 224.63 Kinds of disputes handled by the WIN adjudication system.

The WIN adjudication system will hear and decide the following issues: disputed failure or refusal to appear for appraisal; unresolved complaints and grievances; disputed assignment to a WIN component; disputed removal from a component; disputed deregistration of an individual for failure or refusal without good cause to accept employment or otherwise participate in the WIN program; and grant adjustment including protective or vendor payments and selection of payee.

§ 224.64 Requirement of conciliation and notice.

(a) All efforts toward conciliatory resolution of disputes between the WIN sponsor and the individual must be exhausted prior to the issuance of a Notice of Intended Deregistration and Grant Adjustment or other Action. If the dispute is still unresolved after 30 days, the WIN sponsor shall mail a written notice of the intended action to the individual.

(b) The Notice of Intended Deregistration and Grant Adjustment or other Action shall include:

(1) The reasons for the action; and

(2) An explanation of the consequences of the refusal or failure to cooperate in a WIN prescribed program without good cause (where this is the issue);

(3) Notification of the right to request a hearing before a WIN hearing officer that will cover both the WIN issue and the issue of grant adjustment. The hearing must be requested within 10 calendar days after mailing of the notice. The notice shall state that failure to respond to the notice within 10 days of the date the notice was mailed will result in an adjustment in the method or amount of the assistance payment (the specific amount shall be included in the notice whenever possible);

(4) Instructions and required forms for requesting a hearing;

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(5) An offer to assist with preparation of the hearing request;

(6) An offer of an opportunity to discuss the intended action with the project WIN sponsor prior to expiration of the prescribed period for filing a request for a hearing;

(7) Notice that the individual has a right to have counsel or representative present at the hearing;

(8) Notice that the individual will have an opportunity to confront opposition witnesses and to cross-examine them;

(9) Notice that the individual will be able to offer both oral and documentary evidence on his behalf;

(c) When written notification is mailed to the individual, the WIN sponsor shall inform him of the intended action personally or by telephone, if possible;

(d) The requirements of this section do not apply if the individual:

(1) has successfully completed the job entry period and is regularly employed;

(2) is deregistered as exempt; or

(3) is deregistered as a result of becoming ineligible for welfare.

§ 224.65 Request for hearing.

(a) An individual who believes the intended action is wrong may request a hearing before a WIN hearing officer within 14 calendar days after mailing of Notice of Intended Deregistration and Grant Adjustment or other Action. The request for a hearing may be made either orally or in writing by the individual or his authorized representative to the WIN sponsor staff. Where the request is oral, the WIN sponsor staff shall prepare the required forms on behalf of the individual and obtain the individual's signature on the forms. A copy of the hearing request shall be sent to the RCC.

(b) Hearing procedures shall be published and shall be made available to the individuals requesting hearings in advance of such hearings. The procedures shall conform to standards prescribed by the RCC and shall be submitted to the appropriate RCC for review and approval prior to publication.

§ 224.66 Hearing procedures.

(a) The hearing shall be conducted by WIN hearing officer and shall include the disputant, his duly authorized representative or counsel if any, witnesses on his behalf, and, where necessary, members of the project WIN sponsor, WIN/SAU, IMU or other welfare agency staff and other witnesses. The IMU shall be required to have in its possession at the hearing all relevant financial data concerning any grant in question and any adjustments which may be necessary as a result of the hearing. The WIN staff or its legal representative shall have primary responsibility for presenting the case before the WIN hearing officer.

(b) In a timely manner, the WIN sponsor shall mail to the disputant and to other interested parties a Notice of Scheduled Hearing, stating the date, time and place of the hearing, the issues to be heard and a copy of the hearing procedures. All hearings shall be held within 10 working days after the mailing of the Notice of Scheduled Hearing.

(c) The WIN hearing officer may, at his discretion, reschedule or approve a request for rescheduling a hearing.

§ 224.67 Conduct of WIN hearings.

(a) The WIN hearing officer shall—

(1) Administer oaths and affirmation;

(2) Issue subpoenas authorized by law;

(3) Determine that all relevant issues are considered, including the timeliness of any request for a hearing;

(4) Rule on offers of proof and receive relevant evidence on all issues relative to refusal without good cause and sanctions which may be imposed if the decision is adverse to the claimant;

(5) Regulate the course of the hearing; and

(6) Take any other action necessary to insure an orderly hearing, including disqualification of a representative (but not of counsel) for improper conduct at the hearing.

(b) The testimony at the hearing shall be machine recorded. It shall be transcribed only when the WIN hearing officer's decision is to be reviewed by an appellate body.

(c) The individual, his counselor or representative, and the designated WIN sponsor and WIN/SAU and IMP representatives, shall be afforded the opportunity to present, examine, and cross-examine witnesses.

(d) The WIN hearing officer may elicit testimony of witnesses, but shall not act as advocate for any party.

(e) The WIN hearing officer shall receive, and make part of the record documentary evidence offered by any party and accepted at the hearing. Copies thereof shall be made available to other interested parties upon request.

(f) The case record, or any portion thereof, shall be available for inspection and copying by any party with a direct interest therein, at, prior to, or subsequent to the hearing upon request.

(g) The WIN hearing officer shall, if feasible, resolve the dispute by conciliation at any time prior to the conclusion of the hearing.

§ 224.68 Decisions of the WIN hearing officer.

(a) The WIN hearing officer may rule in any of the following ways:

(1) That the disputant has failed to appear for appraisal, or has failed or refused to participate without good cause, and that appropriate deregistration and grant adjustment actions shall be initiated;

(2) That the certified individual should be assigned to job search without prejudice because he lacks the capacity to benefit from WIN program components; or

(3) That good cause has been shown for failure or refusal to participate and the individual should be retained in the program; or

(4) That the individual is found to be exempt from the registration requirement and should be deregistered; or

(5) That the request for a hearing is dismissed because:

(i) It was filed untimely without good cause;

(ii) It has been withdrawn in writing by the disputant or by his duly authorized counsel or representative;

(iii) The disputant has failed to appear at the hearing without good cause; or

(iv) Reasonable cause exists to believe that the request has been abandoned or that repeated requests for rescheduling are arbitrary and for the purpose of unduly delaying or avoid a hearing, in which case the welfare agency may proceed to impose appropriate sanction;

(6) That the individual was appropriately or inappropriately assigned; or

(7) Render such other rulings as are appropriate to the issues in question. However, the WIN hearing officer shall not consider the actual validity or constitutionality of the WIN regulations or statute.

(b) The WIN hearing officer shall, if possible, render an oral decision at the conclusion of the hearing. On the basis of the record compiled at the hearing he shall, within 3 working days of the close of the hearing, mail a written decision stating his findings to the disputant, his authorized representative or counsel, the appropriate WIN sponsor and WIN/SAU, the RCC, and the local IMU. The case record shall be returned to the project WIN sponsor. Instructions for appealing an adverse decision to the appropriate appellate body shall be attached to the disputant's copy.

(c) In cases involving novel questions of law or policy the WIN hearing officer may, within 5 days after issuing his written decision, certify the case for review and decision to the State appellate body or to the National Review Panel where the State does not provide for a State WIN appellate procedure.

§ 224.69 Appeals from WIN hearing officer's decision.

(a) After issues of grant adjustment are heard and decided at a WIN hearing, the state welfare agency may refuse to allow an appeal on this issue pursuant to a State welfare appeals procedure.

(b) On a WIN participation issue where the State provides for a WIN appellate procedure, a disputant, whether the individual, WIN sponsor, or welfare agency, who disagrees with the decision of a WIN hearing officer on the WIN issue may, within 14 calendar days after receiving the WIN hearing officer's written decision, request a review of such decision by the appropriate State appellate body. A request for appellate review shall not stay implementation of the decision of the WIN hearing officer.

(c) Each State WIN appellate body shall develop its hearing procedures and shall submit them to the RCC for review and approval. After approval, such rules shall be published. In all cases, the individual, whether he is the appellant or the appellee, shall be furnished a copy

of the hearing procedures along with the notification of the receipt of the request for review.

(3) The State WIN appellate body shall consider and decide appeals filed within the time period prescribed by paragraph (b) of this section. It shall, within 30 days after receipt of the request for review, prepare a written decision either affirming or reversing the WIN hearing officer's decision, or it may remand the case for further evidence. The decision shall be based on its review of the hearing record and any additional evidence submitted or obtained in connection with its consideration of the appeal. However, in no case shall new evidence be introduced if it goes to the issue of the validity or constitutionality of the WIN regulations or statutes. The decision shall state the findings and the reasons for the finding reached. Copies of the decision shall be mailed to the individual, his authorized representative, the appropriate WIN sponsor and WIN/SAU, the IMU, the RCC, and the National Review Panel. Instructions for appealing a decision to the National Review Panel and the rules under which the National Review Panel considers appeals shall be attached to the individual's copy of the decision.

(e) A State WIN appellate body may, in appeals involving novel questions of law or policy, certify the case within 5 days after rendering its decision to the National Review Panel for review and decision.

§ 224.70 National Review Panel (NRP).

(a) The National Review Panel shall be composed of the DOL Chief Administrative Law Judge and 8 Administrative Law Judges appointed pursuant to Administrative Procedure Act requirements and designated by the Chief Administrative Law Judge to serve as members of the panel. The panel shall be located in Washington, D.C., and shall, unless equity requires otherwise, hold its reviews in Washington.

(b) The NRP has jurisdiction to—

(1) Consider appeals where a State does not provide for a WIN appellate procedure in all cases in which a compelling reason exists, including, but not limited to, cases raising novel and or substantial issues of law or policy.

(2) Consider and decide cases wherein, in the exercise of its discretion, it has accepted certification of the cases to it by the State WIN appellate body, or in the absence of a State WIN appellate body, by the WIN hearing officer because they involve novel questions of law or policy;

(3) Consider and decide cases which, on its own motion, it has requested from a State WIN appellate body or, in the absence of a State WIN appellate body, from the WIN hearing officer.

(4) At its discretion, consider and decide appeals filed by individuals, the WIN sponsor or welfare agencies from State WIN appellate body decisions.

(5) Monitor the consistency, legal sufficiency, and quality of cases handled by the WIN local and appellate adjudicative bodies.

(6) However, the National Review Panel shall not have jurisdiction to examine the issue of either the validity or constitutionality of WIN regulations or statute.

(c) Appeals to the NRP may be filed by an interested party. Such appeals must be filed within 15 days of the date of the written decision from which the appeal is taken. Appeals by persons residing in the Commonwealth of Puerto Rico, the Virgin Islands, or Guam shall be filed within 30 days of the date of an appealabl edecision.

(d) *Contents of the appeal.* The appeal must be in writing, identify reasons in support of the appeal, and be addressed to the National Review Panel along with a copy of the WIN hearing officer's decision. Notice of the appeal and, where possible, copies of the appeal shall be sent by the NRP to all other interested parties in the dispute.

(e) *Response to appeal.* Any other party to the proceeding may respond to the appeal or comment in support of or in opposition to the appeal, directly to the National Review Panel, U.S. Department of Labor, Washington, D.C. 20210.

The submitting party must send its response to the NRP within 7 days after having received notification that an appeal has been filed.

§ 224.71 Request for NRP to accept certification.

(a) *Who may request the NRP to accept certification.* The State WIN appellate body, or, in the absence of a State WIN appellate body, the WIN hearing officer may file a request that the NRP accept certification of a case.

(b) *Contents of request for certification.* The request must contain the following:

(1) A concise statement of the novel question of law or policy which is the basis for the request to accept certification;

(2) A brief summary of the relevant facts and evidence;

(3) Pertinent rulings, conclusions, and decisions by the hearing officer and/or the WIN appellate body, as the case may be; and

(4) All reasons and arguments in support of the request, including citation of applicable laws and case decisions. A copy of any written decisions by the WIN hearing officer or WIN appellate body must be attached to the request.

(c) *Time of filing.* A request for the NRP to accept certification shall be filed as follows:

(1) By the State WIN appellate body within 5 days following issuance of its written decision;

(2) In the absence of a State WIN appellate body, by the WIN hearing officer within 5 days after issuance of his written decision;

(d) *Place of filing and number of copies.* The party filing a request to the NRP to accept certification of a case shall file the original and 3 copies with the National Review Panel, U.S. Department of Labor, Washington, D.C. 20210, and simultaneously shall serve copies on every other party to the proceeding, including the State agency administering hearings in that State.

(e) *Response to request that NRP accept certification.* Any party to the proceeding who wishes to respond to the request or to comment thereon may file a response with the NRP in support of or in opposition to the request within 7 days following service of a request that the NRP accept certification. Whenever possible, a copy of the response shall be served on all parties to the proceeding, including the State agency administering hearings in that State.

§ 224.72 Requests by NRP for certification.

(a) *Contents of request and time for filing.* Requests by NRP for certification of a case to it shall be made in writing no later than 30 days after issuance of a written decision by the State WIN appellate body or WIN hearing officer, whichever is applicable. The request shall be in writing and served on the State appellate body or WIN hearing officer, whichever is appropriate, on the State agency administering hearings in that State, and on all parties to the proceeding.

(b) *Briefs.* In all cases, any party to a proceeding may file briefs with the NRP in support of its position. The NRP, if it deems it necessary to its consideration of a particular case, may request briefs from all the parties.

(c) *Time for briefs.* Briefs should be filed within 30 days from the date of service by the NRP of its request that a case be certified to it. However, in cases where the NRP itself requests briefs, a different time limit may be established by the NRP.

§ 224.73 Certification of the record.

Upon receipt of written notice from the NRP that an appeal has been filed, that it has accepted certification of a case, or that it has requested certification of a case, the State WIN appellate body or the WIN hearing officer, whichever is applicable, within 15 days of receipt of the notification, shall certify and file with the NRP a complete record of the proceedings below including the transcript in writing of the hearing before the WIN hearing officer together with all documents and exhibits; a copy of the WIN hearing officer's decision; where appropriate, a copy of the decision of the State appellate body; and, any other papers and documents relevant to the proceedings. The State WIN appellate body or WIN hearing officer, whichever is appropriate, shall prepare and include an index of the documents transmitted and shall serve immediately a copy of said index on every party to the proceeding.

§ 224.74 Consideration by and decisions of the NRP.

(a) In considering appeals before it, the NRP may sit in panels of three members. The DOL Chief Administrative Law Judge may designate any Administrative Law Judge employed by DOL to review or hear a particular case and to submit his findings and recommendation to the

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NRP or any duly designated panel thereof.

(b) In considering appeals before it, the NRP, a duly designated panel thereof, or the designated Administrative Law Judge may request the parties to submit additional written statements of position, hear oral argument or hold additional hearings where deemed necessary in the interest of justice.

(c) *Hearing or oral presentation.* (1) Any party to an appeal may make application in writing for a hearing or oral presentation before the NRP. Such application shall set forth the reasons in support thereof and be made within 5 days after:

(i) Service of notification of the filing of an appeal from the decision of a WIN hearing officer where the State does not provide for an appellate body; or

(ii) Service of notification that the NRP at its discretion has accepted an appeal from the decision of a State appellate body; or

(iii) Service of notification that the NRP has accepted certification of a case whether at its request or upon the application of a State appellate body or WIN hearing officer.

(2) If a hearing or oral argument is directed, the notice thereof shall state the date, time, place, nature, and purpose of the hearing or oral argument. Such notice shall be served on the appellant and all other parties to the proceeding.

(3) At any hearing or oral argument so ordered, the NRP, or the designated Administrative Law Judge, may require or direct any party or person to appear to testify or produce evidence.

(4) Any party to the proceeding may appear personally or be represented by an attorney or agent.

(5) If a hearing is directed before an Administrative Law Judge, the findings and recommendations of the Administrative Law Judge designated to conduct the hearing shall be served on the appellant and all other parties may file with the NRP written exceptions and briefs in support thereof within 10 days of service of the Administrative Law Judge's findings and recommendations and shall at the same time serve copies of such exceptions and briefs on all other parties to the proceeding. Any exceptions filed shall refer to specific findings and recommendations of the Administrative Law Judge and shall be served on all other parties to the proceeding.

(6) The panel may hold additional hearings where it deems necessary, in the interest of justice, to do so.

(d) In all cases which are accepted for adjudication by the National Review Panel, the NRP shall send a copy of all relevant materials to the National Coordination Committee and to the Solicitor of Labor, in order to afford a 30-day period for the submittal of briefs relative to the law and policy issues involved and/or requests for oral argument.

(e) *Decisions by the National Review Panel.* The NRP shall prepare as expeditiously as possible a written decision setting forth its findings, the reasons for its conclusions, and an appropriate order. The decision shall be based on the record below and any additional evidence submitted to or obtained by the NRP. The decision may consist of affirmation, reversal, remand for further development of the evidence or other appropriate action. Copies of the NRP decisions, including notification that the NRP had denied a request that it review a decision of a State WIN appellate body and notification that NRP has accepted certification of a case, shall be served on all parties to the proceeding and such other persons as may be appropriate.

§ 224.75 Sixty-day counseling period and reinstatement of certified individuals.

(a) WIN benefits under Part C of the Act (not AFDC benefits) shall cease and the 60-day counseling period by WIN/SAU shall commence to run on the fifth business day following:

(1) The expiration of the prescribed time period for filing a request for a hearing on a proposed deregistration from WIN, or the date on which the request for such hearing is dismissed; or

(2) The date of the WIN hearing officer's written decision that the disputant has refused or failed to accept employment or participate in the WIN program without good cause; or

(3) A decision rendered by the State appellate body or the National Review Panel upon appeal by the State WIN sponsor which is adverse to a WIN disputant.

(b) The WIN/SAU and the IMU will be notified immediately by the WIN sponsor of all of the foregoing actions.

(c) Counseling and other services shall be provided by WIN/SAU for a period of 60 days to individuals who have been determined by the Secretary of Labor to have refused training or employment under the WIN program without good cause, for the purpose of persuading them to accept appropriate training or employment. Once a period of counseling and other services has been provided to an individual, and he has again been found by the Secretary of Labor to have refused training or employment under WIN without good cause, the WIN/SAU shall not provide another period of counseling and other services.

(d) If a WIN hearing officer's adverse decision is reversed on appellate review, the disputant shall be paid such retroactive WIN and welfare benefits as may be applicable and, where appropriate, shall be reinstated in the program.

§ 224.76 Subsequent WIN registration by deregistered individuals.

(a) Individuals who were deregistered on the basis of a "without good cause" determination may, upon application, again register for WIN, provided 90 days have elasped since their deregistration and they have given evidence to the WIN project staff of willingness to participate.

(b) An individual who has been reaccepted into the WIN program after such deregistration shall have the same rights as an individual who registers for the first time. If he is subsequently deregistered following a "without good cause finding" he shall not be registered or reaccepted in the WIN program unless satisfactory evidence is given of willingness to participate and 6 months have elapsed since the effective date of the latest deregistration.

(c) Reacceptance into the WIN program may be denied where the termination action was the result of the individual's disruptive behavior or of criminal or other activities which presented a hazard to the staff or others.

Subpart H—Definitions

§ 224.80 Definitions.

(a) "Act": Title IV of the Social Security Act as amended by Pub. L. 92-223, December 28, 1971.

(b) "AFDC" (Aid to Families with Dependent Children): The program authorized by Title IV of the Act to provide financial assistance and social services to needy families with children.

(c) "AFDC Applicants": A person who applies to the State or local welfare agency for AFDC benefits.

(d) "Appraisal": The interview of a WIN registrant by WIN sponsor staff and WIN/Separate Administrative Unit staff to determine employability potential, to determine the need for necessary supportive services, and to develop an employability plan.

(e) "ARDM": Assistant Regional Director for Manpower, U.S. Department of Labor.

(f) "Certification": A written notice from the Separate Administrative Unit that necessary supportive services have been arranged or are available to enable a WIN registrant to accept employment, training, or manpower services, or that no supportive services are needed and that the individual is at that time ready for employment or training.

(g) "Commuting time": The time spent each day traveling to and from a place of residence and an employment or training site, not including time spent in transporting children to and from a day care facility.

(h) "Deregistration": The removal of an individual from the WIN program.

(i) "DHEW": The U.S. Department of Health, Education and Welfare.

(j) "DOL": The U.S. Department of Labor.

(k) "Employability Plan": A written plan for a WIN registrant that sets forth that individual's occupational goal and the manpower and supportive services necessary for him to reach that goal.

(l) "Exempt": Refers to an AFDC applicant or recipient who is not required by the Act to register for employment or training under the WIN program as a condition of eligibility for AFDC benefits.

(m) "Income Maintenance Unit" (IMU): The unit of the State or local welfare agency which determines individuals' eligibility for AFDC benefits.

(n) "Institutional Training": Vocational or other classroom training conducted by an instructor in a nonworksite setting.

(o) "Intensive Manpower Services Component": A structured work experience component providing manpower and employment services to individuals certified for WIN training to assist them in obtaining unsubsidized employment.

(p) "Job Entry Period": The first 90 calendar days of permanent, unsubsidized, full-time employment of 100 hours or more per month.

(q) "Job search activity": An activity, incident to WIN registration, pursuant to which WIN registrants who are welfare recipients, as well as certified individuals who are not actively engaged in a WIN component, shall search for jobs. This job search activity is in addition to the normal employment service job referral services afforded to WIN registrants at registration, and in addition to the job seeking efforts required by certified individuals who are in an Intensive Manpower Services Component.

(r) "Local WIN Plan": The plan developed annually by local WIN personnel which describes the operation of the WIN program for that area.

(s) "Mandatory or Nonexempt Registrant": An AFDC applicant or recipient who is required by the Act to register for manpower services, training or employment as a condition of eligibility for AFDC benefits.

(t) "Manpower Services": Employment related and training services provided by the WIN sponsor, designed to improve the work skills of an individual and aid him to find employment.

(u) "National Coordination Committee" (NCC): The national committee established to administer the WIN program, consisting of the Assistant Secretary for Manpower (DOL) and the Administrator of the Social and Rehabilitation Service (HEW).

(v) "National Review Panel" (NRP): The final level of administrative review which is comprised of the DOL Chief Administrative Law Judge and 8 Administrative Law Judges appointed pursuant to the Administrative Procedure Act's requirements and designated by the Chief Judge to serve as members of that panel.

(w) "On-the-job Training" (OJT): An employment opportunity component in which certified registrants receive skill training. Under this component, a WIN registrant is hired by a private or public employer and is provided either subsidized or unsubsidized skill training.

(x) "Public Service Employment" (PSE): A WIN sponsored component which provides subsidized employment with public or private nonprofit agencies for individuals who cannot be placed in regular unsubsidized employment.

(y) "Recipient": An individual who is determined to be eligible to receive AFDC benefits.

(z) "Regional Commissioner" (RC): The Regional Commissioner of the Social and Rehabilitation Service (HEW).

(aa) "Regional Coordination Committee" (RCC): A Committee established in each region consisting of the ARDM and the RC.

(bb) "Registrant": An AFDC applicant or recipient who has registered with the WIN sponsor for manpower services, training, and employment.

(cc) "Registration": The process whereby an AFDC applicant or recipient registers with the WIN sponsor, completes a work history, makes himself available for participation in a job search activity once he becomes a recipient of AFDC benefits, and agrees to the requirements of the program by signing a completed registration card.

(dd) "Separate Administrative Unit" (SAU): That unit of the single State welfare agency established pursuant to section 402(a)(19)(G) of the Act, to administer the WIN program for that agency.

(ee) Since State welfare agency: The welfare agency designated pursuant to 45 CFR 205.100 with authority to administer and supervise the administration of the State Plan required by the Title IV, Part A of the Act.

(ff) "State": The 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(gg) "State Plan": The overall state welfare plan for AFDC developed by each state under Title IV, Part A of the Act.

(hh) "State WIN Plan": The Statewide operational plan for WIN, covering AFDC applicants and recipients required to register for employment, manpower services and training under WIN, developed by the WIN sponsor and WIN/SAU in each state and approved and supervised by the RCC under Title IV, Part C of the Act.

(ii) "Supportive Services": Those social services provided or arranged by the WIN/SAU, necessary to enable an individual to engage in a job search activity, employment, training or other manpower program.

(jj) "Training Related Expenses": Those expenses, reimbursable from WIN funds, that are incurred by individuals participating in job search or in WIN program components.

(kk) "Volunteer": An AFDC applicant or recipient who, though exempt from WIN registration, volunteers for WIN and registers for employment, manpower services and training.

(ll) "Welfare hearing officer": The hearing officer provided by the welfare agency to hear and decide disputes relating to exemption or nonexemption for WIN registration.

(mm) "WIN hearing officer": The hearing officer provided by the State WIN sponsor to hear and decide disputes involving WIN and related grant adjustment issues.

(nn) "WIN Incentive Payment": A cash payment of up to $30 per month, paid to an individual who is participating in an institutional or work experience component, including the Intensive Manpower Services Component.

(oo) "WIN Sponsor": The State agency (such as the State employment service) or other public or non-profit private agency which, through agreement with the ARDM, administers the WIN manpower program under Part C of the Act at the State or local level.

(pp) "Work Experience Training": The generic term for two WIN components: (1) Work Experience Training, which provides a clearly defined, well-supervised assignment with a private, non-profit or public employer; and (2) the Intensive Manpower Services Component.

(2) *Transition Provisions.* (a) Implementation of this Part 224 except for subpart G may proceed as of the date of final publication of these regulations, but in any case shall be completed by January 1, 1975. Subpart G of this Part 224 shall take effect on January 1, 1975.

(b) The present 29 CFR Parts 57 and 58 shall remain in effect until January 1, 1975, on which date they shall be rescinded and the parts reserved, except that on and after January 1, 1975, they shall continue to apply to all adjudication under them commenced prior to January 1, 1975.

Dated September 9, 1974.

RICHARD F. SCHUBERT,
Acting Secretary of Labor.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.74-21741 Filed 9-18-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Parts 80, 90, 95]

[CGD 73-216P]

PIPELINES

Lights To Be Displayed

The Coast Guard is considering amending the Pilot Rules for Inland Waters, Western Rivers, and the Great Lakes to require pipelines attached to dredges to display at night one row of flashing amber lights visible all around the horizon, not less than four feet nor more than 12 feet above the water. The current regulations for pipelines attached to dredges do not require the use of flashing lights, and they provide that the minimum distance above the water for displaying lights marking pipelines is eight feet.

The purpose of these amendments is to alleviate difficulties in detecting and identifying lights marking pipelines because of background lighting prevalent in many dredge operating areas. For small recreational boats these difficulties are often compounded because of the height of the lights above the water in relation to these boats.

The proposal provides that flashing lights used for lighting pipelines must flash 50 to 70 times per minute. This flashing rate is also used for marking wrecks and other dangerous obstructions.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commandant (G-CMC/82) United States Coast Guard Headquarters, Washington, D.C. 20590. Eeach person submitting comments should include his name and address and give reasons for

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any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the Office of the Executive Secretary, Marine Safety Council, Room 8234, 400 Seventh Street SW, Washington, D.C.

All comments received by November 4, 1974 will be considered before final action is taken on this proposal. The proposed regulations may be changed in light of comments received.

The Coast Guard will hold a public hearing on October 21, 1974. The hearing will be held in room 8334, United States Coast Guard Headquarters, 400 7th Street, S.W., Washington, D.C. 20590. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. The public hearing is informal and intended to obtain views and information from persons statements on this proposal. The public no cross examination of persons presenting statements.

In consideration of the foregoing it is proposed to amend Chapter I of Title 33 as follows:

PART 80—PILOT RULES FOR INLAND WATERS

1. By revising the first sentence of § 80.23 to read as follows:

§ 80.23 Lights to be displayed on pipelines.

Pipelines attached to dredges, and either floating or supported on trestles, must display by night one row of flashing amber lights visible all around the horizon, not less than four feet nor more than 12 feet above the water, about equally spaced and in such number as to mark distinctly the entire length and course of the line, the intervals between lights where the line crosses navigable channels to be not more than 30 feet. • • •

(72 Stat. 612 (33 U.S.C. 157); 80 Stat. 937 as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

2. By adding a new sentence to follow the two sentences in § 80.24(b) to read as follows:

§ 80.24 Lights generally.

• • • • • •

(b) • • • The flashing amber lights provided for in § 80.23 shall flash 50 to 70 times per minute.

• • • • • •

(72 Stat. 612 (33 U.S.C. 157); 80 Stat. 937 as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

PART 90—PILOT RULES FOR THE GREAT LAKES

3. By revising the first sentence of § 90.27 to read as follows:

§ 90.27 Lights to be displayed on pipelines.

Pipelines attached to dredges, and either floating or supported on trestles, must display by night one row of flashing amber lights visible all around the horizon, not less than four feet nor more than 12 feet above the water, about equally spaced and in such number as to mark distinctly the entire length and course of the line, the intervals between lights where the line crosses navigable channels to be not more than 30 feet. • • •

(Sec. 3, 28 Stat. 649, as amended (33 U.S.C. 243); 80 Stat. 937 as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

4. By adding a second sentence to follow the first sentence in § 90.28(b) to read as follows:

§ 90.28 Lights generally.

• • • • • •

(b) • • • The flashing amber lights provided for in § 90.27 shall flash 50 to 70 times per minute.

• • • • • •

(Sec. 3, 28 Stat. 649, as amended (33 U.S.C. 243); 80 Stat. 937 as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

PART 95—PILOT RULES FOR WESTERN RIVERS

5. By revising the first sentence of § 95.57 to read as follows:

§ 95.57 Lights to be displayed on pipelines.

Pipelines attached to dredges, and either floating or supported on trestles, must display by night one row of flashing amber lights visible all around the horizon, not less than four feet nor more than 12 feet above the water, about equally spaced and in such number as to mark distinctly the entire length and course of the line, the intervals between lights where the line crosses navigable channels to be not more than 30 feet. • • •

(72 Stat. 612 (33 U.S.C. 353); 80 Stat. 937 as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

6. By adding a new sentence to follow the two sentences in § 95.58(b) to read as follows:

§ 95.58 Lights generally.

• • • • • •

(b) • • • The flashing amber lights provided for in § 95.57 shall flash 50 to 70 times per minute.

• • • • • •

(72 Stat. 612 (33 U.S.C. 353); 80 Stat. 937 as amended (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

Dated: September 10, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-21760 Filed 9-18-74;8:45 am]

[33 CFR Part 117]

[CGD 74-215]

BAYOU LITTLE (PETIT) CAILLOU, LA.

Drawbridge Operation Regulations

At the request of the Police Jury of Terrebonne Parish, Louisiana, the Coast Guard is considering amending the regulations for the drawbridges across the Bayou Petit Caillou at mile 26.6 and mile 29.9 to require that the draws open on signal from 5 a.m. to 9 p.m. and open on signal from 9 p.m. to 5 a.m. if at least 12 hours notice is given. The draws of these bridges are presently required to open on signal at all times. This change is being considered because of infrequent requests for openings of the draws from 9 p.m. to 5 a.m. The drawbridges across Bayou Petit Caillou at Mile 25.7 and mile 33.7 are presently operated under these proposed regulations.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Customhouse, New Orleans, Louisiana 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communicatons received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before October 22, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all comunications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations. be amended as follows:

In § 117.540(b)(2), by inserting the words "Bayou Little (Petit) Caillou, mile 26.6, S–56 highway (Smith River) drawbridge near Montequt" and "Bayou Little (Petit) Caillou, mile 29.9, S–56 highway (Duplantis) drawbridge near Bourg" immediately after the words "Bayou Little (Petit) Caillou, mile 25.7, S–58 highway drawbridge at Sarah" in the listing.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: September 13, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-21755 Filed 9-18-74;8:45 am]

[33 CFR Part 117]

[CGD 74-214]

VERMILION RIVER, LA.

Drawbridge Operation Regulations

At the request of the Vermilion Parish Police Jury, the Coast Guard is considering amending the regulations for the State Highway 82 (Woodlawn) drawbridge across the Vermilion River, Mile 34.2, to allow closed periods from 9 p.m. to 5 a.m. However, the draw would open during this period if at least 12 hours notice is given. The draw is presently required to open on signal at all times.

This is being considered because of limited openings during this period and also because other drawbridges in the vicinity are already on the proposed schedule.

Interested persons may participate in this proposed rulemaking by submitting writen data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Custom House, New Orleans, Louisiana, 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before October 22, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended as follows:

In § 117.540(b)(2), by inserting the words "Vermilion River, mile 34.2, S–82 highway drawbridge, three miles south of Milton," immediately after the words "Vermilion River, mile 26.0, S–14 highway drawbridge at Abbeville" in the listing.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: September 13, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-21754 Filed 9-18-74;8:45 am]

[46 CFR Parts 40, 151]

[CGD 74-200]

VINYL CHLORIDE

Proposed Carriage Requirements; Supplemental Notice

The amended regulations proposed in 39 FR 26752 of Tuesday, July 23, 1974 are proposed to also apply to those tank barges operating in accordance with 46 CFR § 151.01–25(c). This supplemental notice also corrects printing errors which appeared in the proposed regulations of 39 FR 26753.

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, or arguments to the Executive Secretary Marine Safety Council, U.S. Coast Guard Headquarters (G–CMC/82), Room 8234, 400 Seventh Street SW., Washington, D.C. 20590. (Telephone 202–426–1477). Each person submitting comments should include his name and address, identify the notice (CGD 74–200), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Bldg., 400 Seventh Street SW., Washington, D.C. Copies will be furnished upon payment of fees prescribed in 49 CFR 7.81. All communications received before November 4, 1974, will be evaluated before final action is taken on this proposal. The proposed amendments may be changed in the light of comments received. No hearing is contemplated but may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

The Coast Guard announced in the FEDERAL REGISTER of Tuesday, July 23, 1974, that it was considering amending the bulk dangerous cargoes regulations for the carriage of vinyl chloride (vinyl chloride monomer) by requiring venting, gauging, and cargo transfer systems which provide greater protection to personnel than those presently permitted. These amended regulations were to apply to all tank vessels, both existing and new construction, carrying vinyl chloride. Inadvertently omitted in the proposed regulations were those barges which operate in accordance with 46 CFR § 151.01–25(c), namely those barges which were constructed and certificated for the transportation of vinyl chloride under a previous edition of 46 CFR Part 38 and which continue to operate at present without the requirement that they comply with the provisions of Subchapter O, except for operating requirements. Since the amended regulations proposed in the FEDERAL REGISTER of Tuesday, July 23, 1974, were to apply to all tank vessels, both existing and new construction, revised regulations for barges operating under 46 CFR § 151.01–25(c) are being added to the proposal.

46 CFR §§ 40.15–1 (b)(2) and (b)(3) of the regulations proposed in 39 FR 26753 are also reprinted to correct previous printing errors.

In consideration of the foregoing, it is proposed to amend Parts 40 and 151 of Chapter I, Title 46, Code of Federal Regulations as follows:

1. By amending § 151.01–25 as follows:

§ 151.01–25 Existing barges.

• • • • • •

(c) Except for operating and vinyl chloride carriage requirements, • • •

2. By correcting printing errors which appeared in 39 FR 26753 as follows:

Subpart 40.15—Vinyl Chloride (Vinyl Chloride Monomer)

§ 40.15–1 General—T/ALL.

• • • • • •

(b) • • •

(1) • • •

(2) • • • undergoing • • •

(3) That cargo transfer operation aboard a tankship is discontinued whenever vinyl chloride vapor concentration in excess of 50 ppm is detected; and

• • • • • •

(80 Stat. 937; (46 U.S.C. 170, 391a, 375, 416, 49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b) and (0)(4))

Dated: September 13, 1974.

D. H. CLIFTON,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.74-21761 Filed 9-18-74;8:45 am]

ACTION

[45 CFR Part 1218]

VISTA VOLUNTEERS

Hearing Opportunity

Notice is hereby given that the Director of ACTION proposes to amend Chapter XII, Title 45, Code of Federal Regulations to add a new Part 1218. Pursuant to sections 104(d), 402(14), and 420 of the Domestic Volunteer Service Act of 1973, Pub. L. 93–113, 87 Stat. 394, 398, 407, and 414, these proposed regulations establish a procedure for VISTA volunteers to express views in connection with terms and conditions of their service.

Inquiries may be addressed and comments and views concerning the proposed new part may be submitted to ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525, Attention: Associate Director for Domestic and Anti-Poverty Operations. All comments received on or before October 16, 1974 will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

It is therefore proposed to add a new Part 1218 to Chapter XII of Title 45 of the Code of Federal Regulations as follows:

Sec.
1218.1 Introduction
1218.2 Applicability.
1218.3 Policy.
1218.4 Standards for Regional Plans.
1218.5 Procedures for Approval of Plan.
1218.6 Freedom to Present Views.

AUTHORITY: Sections 104(d), 402(14) and 420 of Pub. L. 93–113, 87 Stat. 398, 407 and 414.

§ 1218.1 Introduction.

Section 104(d) of the Domestic Volunteer Service Act of 1973, Pub. L. 93–113, 87 Stat. 398 requires that the Director of ACTION establish a procedure, including notice and an opportunity to be heard, for VISTA volunteers to present views in connection with the terms and conditions of their service.

§ 1218.2 Applicability.

This part applies to all volunteers enrolled under Part A of Title I of the Domestic Volunteer Service Act of 1973, Pub. L. 93–113, 87 Stat. 396.

§ 1218.3 Policy.

It is ACTION's policy to encourage the free exchange of views between volun-

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teers and staff members with respect to the terms and conditions of the volunteers' service. Ordinarily these exchanges occur in the day-to-day contact between volunteers and staff. However, there are occasions when it is desirable to provide volunteers with an opportunity to present their views with respect to the terms and conditions of their service in a more formal way. The differences between ACTION regions require that the means selected in each region to accomplish this result be appropriate to its particular needs. This regulation provides standards within which regions must establish a procedure to enable volunteers to present their views to and be heard with respect to the terms and conditions of their service on a regular basis by appropriate ACTION officials and receive a timely response to their concerns.

§ 1218.4 Standards for Regional Plans.

Each ACTION Domestic Regional Director shall recommend, after consultation with representative volunteers, sponsors, and other interested persons, the specific procedures to be established for VISTA volunteers to present their views concerning the terms and conditions of their service. Each proposed plan must incorporate the following features:

(a) A free and open opportunity for volunteers to communicate their views to appropriate ACTION regional office officials.

(b) An opportunity for all volunteers to be heard with respect to their views in connection with the terms and conditions of their service by a responsible ACTION regional office official, either personally, or through democratically selected representatives, on a regular basis. The plan must provide such an opportunity to the volunteer at least twice in each year, and provide for notice to volunteers of the time and place of the meeting at which they may be heard.

(c) Appropriate provisions with respect to volunteers' or volunteers' representatives travel expense and per diem which enable the volunteers or their representatives to attend and present their views to the regional office officials at scheduled meetings.

(d) Response to volunteers' views by appropriate ACTION officials in a timely and effective manner.

(e) Summary reports by each Regional Director to the Deputy Associate Director for VISTA and ACTION Education Programs of problems and concerns expressed by volunteers concerning terms and conditions of their service and action taken in response to such problems and concerns.

(f) An opportunity for any volunteer who feels that his/her concerns have not been properly addressed to communicate the same to the Regional Director. Such communication shall be included in the Regional Director's report to the Deputy Associate Director and shall be reviewed by him.

§ 1218.5 Procedures for Approval of Plan.

Each Regional Director shall submit the plan for his region to the Deputy Associate Director, VISTA and ACTION Education Programs for approval.

Approval by the Deputy Associate Director for VISTA and ACTION Education Programs of the proposed regional plan shall be based upon: (1) the adequacy of the procedures to provide for systematic and open communication of volunteers' views regarding terms and conditions of their service; and (2) the adequacy of the procedures to provide for effective and efficient resolution of volunteers' problems or concerns regarding terms and conditions of their service.

§ 1218.6 Freedom to Present Views.

The expression by a volunteer of his views with respect to the terms and conditions of his service shall not be construed as reflecting on a volunteer's standing, performance or desirability as a volunteer. ACTION intends that its programs be conducted in an atmosphere in which volunteers can speak freely, and frankly discuss problems. Nor shall a volunteer who represents such views be subjected to restraint, interference, coercion, discrimination or reprisal because of presentation of his views.

Issued at Washington, D.C. on September 16, 1974.

JOHN L. GANLEY,
Deputy Director, ACTION.

[FR Doc.74-21763 Filed 9-18-74;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y]

BANK HOLDING COMPANIES

Nonbanking Activities of Bank Holding Companies

By notice of proposed rulemaking published in the FEDERAL REGISTER on May 23, 1973 (38 FR 13572), the Board of Governors proposed, in connection with applications filed pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1848(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), to add to the list of activities that it has determined to be closely related to banking or managing or controlling banks (§ 225.4(a) of Regulation Y) the following: "Engaging in the underwriting of real estate mortgage guaranty insurance." An oral presentation considering possible rulemaking with respect to the proposal was held on January 24 and 25, 1974, after notice thereof was published in the FEDERAL REGISTER on October 26, 1973 (38 FR 29650), and revised with respect to the date of the oral presentation on November 28, 1973 (38 FR 32823).

The Board has considered all comments received prior to the oral presentation, the record of the oral presentation, and all comments submitted in connection with, and subsequent to, the oral presentation that were received by the Board through July 31, 1974. After considering all relevant aspects of the proposal to add the underwriting of real estate mortgage guaranty insurance to the list of closely related activities, the Board has determined not to adopt this activity at the present time.

Mortgage guaranty insurance is essentially a limited guarantee of a mortgage loan.[1] The underwriting processes of the mortgage insurer are similar to the mortgage extension processes of banks since both involve analysis of the credit worthiness of the borrower and appraisal of the real estate that is pledged as collateral. The underwriting of mortgage guaranty insurance is principally a credit determination, similar to those made by banks in their regular course of business. Because guaranteeing mortgages involves activities that banks frequently perform and requires skills that banks clearly possess, the Board concludes that this activity is closely related to banking.

Opponents of this proposal cite the possibilities of conflicts of interest, structural tying of services, and diversion of capital from the banking industry as adverse effects which could result from bank holding company performance of this activity. In its notice of proposed rulemaking, the Board proposed restrictions and requirements upon bank holding company performance of this activity: (1) the proposed subsidiary may not underwrite mortgage guaranty insurance on mortgages originated by the holding company system; (2) the proposed subsidiary must become an insurer qualified by the Federal Home Loan Mortgage Corporation; (3) the bank holding company system may not make demand deposits in, or reduce correspondent service charges for, any financial institution as an indirect means of compensating that financial institution for utilizing the holding company's proposed underwriting subsidiary; (4) the name of the proposed subsidiary may not resemble that of the holding company or any subsidiary bank; and (5) the proposal that, with respect to any proposed mortgage guaranty subsidiary, in no event may the resources of any banking subsidiary of the holding company be used to support such company if it encounters financial difficulties. The Board finds that the possible adverse effects could be maintained at an acceptable level by adoption of these proposed restrictions and requirements.

[1] Mortgage guaranty insurance typically covers the top 20 or 25 percent of a mortgage loan. In the event of default by the borrower, the lender acquires title to the property and then submits a claim to the insurer. The insurer then has a choice of two options: (1) take title to the property and pay the lender the unpaid principal and interest; or (2) pay the lender the 20 or 25 percent insured portion of the loan, with the lender retaining title to the property.

Proponents have contended that bank holding company performance of this activity could be expected to result in some significant benefits to the public. For example, it is stated that the private mortgage insurance industry is presently characterized by a high level of concentration, and bank holding company entry into the industry would bring increased competition. It is further contended that bank holding companies will bring new capital into the industry, increase the underwriting capacity of the industry, and increase the supply of mortgage guaranty insurance.

The Board notes that the present private mortgage insurance industry is a relatively young industry which is still developing and which has a limited, and as yet untested, operating history.[2] In addition, the Board believes that these are times when it would be desirable for bank holding companies generally to slow their present rate of expansion and to direct their energies principally toward strong and efficient operations within their existing modes, rather than toward expansion into new activities. This is particularly true with regard to expansion into a new area such as private mortgage insurance involving uncertainties which are sufficient in the Board's view to outweigh at the present time the public benefits that might be expected to result from this proposal. Accordingly, the Board has concluded that it would not be appropriate, at this time, to adopt the underwriting of mortgage guaranty insurance as permissible for bank holding companies.

By order of the Board of Governors,[3]

Effective September 9, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21689 Filed 9-18-74;8:45 am]

[2] The oldest company in the industry was founded in 1956, the next oldest companies were founded in 1961.

[3] Voting for this action: Chairman Burns and Governors Brimmer, Bucher and Holland. Voting against: Governors Sheehan and Wallich. Absent and not voting: Vice Chairman Mitchell. Board action was taken while Governor Brimmer was a Board member.

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 432]

TRAVEL INTO OR THROUGH CUBA

Restriction on Use of U.S. Passports

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), use of U.S. passports for travel into or through Cuba remains restricted. To permit unrestricted travel would be incompatible with the resolutions adopted at the Ninth Meeting of Consultation of Ministers of Foreign Affairs of the Organization of American States, of which the United States is a member. At this meeting, held in Washington from July 21 to 26, 1964, it was resolved that the governments of the American States not maintain diplomatic, consular, trade or shipping relations with Cuba under its present government. This resolution was reaffirmed in the Twelfth Meeting of Ministers of Foreign Affairs of the OAS held in September 1967, which adopted resolutions calling upon Member States to apply strictly the recommendations pertaining to the movement of funds and arms from Cuba to other American nations. Among other things, this policy of isolating Cuba was intended to minimize the capability of the Castro government to carry out its openly proclaimed programs of subversive activities in the Hemisphere.

U.S. passports shall not be valid for travel into or through Cuba unless specifically validated for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of six months from the date of publication in the FEDERAL REGISTER unless extended or sooner revoked by public notice.

Effective date. This Notice becomes effective September 19, 1974.

Dated: September 14, 1974.

[SEAL] HENRY A. KISSINGER,
Secretary of State.

[FR Doc.74-21832 Filed 9-18-74;8:45 am]

[Public Notice 433]

TRAVEL INTO OR THROUGH NORTH KOREA

Restriction on Use of U.S. Passports

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), use of U.S. passports for travel into or through North Korea remains restricted. In view of the continued hostility of the North Korean regime toward the United States, the unsettled situation along the Military Demarcation Line, and the special position of the Government of the Republic of Korea as the only government on the Korean Peninsula recognized by the U.S., the Department of State believes that wholly unrestricted travel by American citizens to North Korea would seriously impair the conduct of U.S. foreign affairs.

U.S. passports shall not be valid for travel into or through North Korea unless specifically validated for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of six months from the date of publication in the FEDERAL REGISTER unless extended or sooner revoked by public notice.

Effective date. This Notice becomes effective September 19, 1974.

Dated: September 14, 1974.

[SEAL] HENRY A. KISSINGER,
Secretary of State.

[FR Doc.74-21833 Filed 9-18-74;8:45 am]

[Public Notice 434]

TRAVEL INTO OR THROUGH NORTH VIETNAM

Restriction on Use of U.S. Passports

Pursuant to the authority of Executive Order 11295 and in accordance with 22 CFR 51.72(c), the use of U.S. passports for travel into or through North Vietnam remains restricted. In the aftermath of the signing on January 27, 1973, of the Agreement on Ending the War and Restoring Peace in Vietnam, tensions continue to be high and conditions unsettled in the Indo-China area. The Peace Agreement envisages that the implementation of the Agreement will create conditions for establishing a new, equal and mutually beneficial relationship between the United States and North Vietnam. However, the development of such a new relationship is still in its earliest stages. In these circumstances the Department of State believes that unrestricted travel by American citizens to North Vietnam would seriously impair the conduct of U.S. foreign affairs.

U.S. passports shall not be valid for travel into or through North Vietnam unless specifically validated for such travel under the authority of the Secretary of State.

This public notice shall expire at the end of six months from the date of publication in the FEDERAL REGISTER unless extended or sooner revoked by public notice.

Effective date. This notice becomes effective September 19, 1974.

Dated: September 14, 1974.

[SEAL] HENRY A. KISSINGER,
Secretary of State.

[FR Doc.74-21834 Filed 9-18-74;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 3 (Rev. 1)]

DEPUTY COMMISSIONER, ET AL.

Designation To Act as Commissioner of Internal Revenue

1. Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-2 and Treasury Department Order No. 129 (Revision No. 2): *It is ordered*, that:

(a) The Deputy Commissioner shall perform the duties of Commissioner of Internal Revenue during the absence or disability of the Commissioner of Internal Revenue or when there is a vacancy in that office; and

(b) The Assistant Commissioners, in the order listed below, shall perform the duties of the Commissioner of Internal Revenue during the absence or disability of the Commissioner of Internal Revenue or a vacancy in that office and the absence or disability of the Deputy Commissioner or a vacancy in that office, except to the extent otherwise provided for specific periods of time by written designation orders which may be issued from time to time by the Commissioner:

Assistant Commissioner (Compliance)
Assistant Commissioner (Accounts, Collection, and Taxpayer Service)
Assistant Commissioner (Planning and Research)
Assistant Commissioner (Administration)
Assistant Commissioner (Technical)
Assistant Commissioner (Inspection)

2. The authority herein delegated may not be redelegated.

3. This Order supersedes Delegation Order No. 3, issued May 19, 1955.

Date of issue and effective date: September 11, 1974.

[SEAL] DONALD C. ALEXANDER,
Commissioner.

[FR Doc.74-21799 Filed 9-18-74;8:45 am]

[Order No. 5 (Rev. 7)]

DEPUTY COMMISSIONER ET AL.

Emergency Order of Succession and Delegation of Authority

1. By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, the officials in the positions listed below are hereby authorized, in the event of an enemy attack on the United States, and the disability of the Commissioner, his absence from the main Treasury Relocation Site, of if there is a vacancy in the office, to succeed to the position of Acting Commissioner in the order listed, and are authorized to perform the functions of Commissioner to insure the continuity of the functions of that office:

Deputy Commissioner
Assistant Commissioner (Compliance)
Assistant Commissioner (Accounts, Collection, and Taxpayer Service)
Assistant Commissioner (Planning and Research)
Assistant Commissioner (Administration)
Assistant Commissioner (Technical)
Assistant Commissioner (Inspection)

2. If none of these officials is available, the first available Regional Commissioner, in the order of appointment as Regional Commissioner, will become Acting Commissioner. Should any of the officials specified in Paragraphs 1 and 2 be required to act as Secretary of the Treasury under Treasury Order No. 183, as revised, he will be considered as not available to assume the position of Acting Commissioner.

3. If none of the officials listed in Paragraphs 1 and 2 is available, the first available District Director in the order shown on the list on file at each National Office Relocation Site (prepared on the basis of the higher GS grades first, date of promotion to the grade and alphabetical order where grade and promotion dates are identical) will assume the position of Acting Commissioner until relieved or further instructions are given by proper authority.

4. There is hereby delegated to Regional Commissioners and District Directors, or the officials acting in their stead, in the event of an enemy attack on the United States, all authority vested in the Commissioner of Internal Revenue by law or transfer from the Secretary of the Treasury to insure the continuous performance of Internal Revenue Service functions in their areas of jurisdiction. This delegation of authority will remain in effect until notice is received from proper authority that it has been terminated.

5. The authority delegated in Paragraphs 1, 2 and 3 may not be redelegated.

6. This Order supersedes Delegation Order No. 5 (Rev. 6), issued October 8, 1971.

Date of issue and effective date: September 11, 1974.

[SEAL] DONALD C. ALEXANDER,
Commissioner.

[FR Doc.74-21798 Filed 9-18-74;8:45 am]

Office of the Secretary

[Dept. Circular Public Debt Series—No. 11-74]

TREASURY NOTES OF SERIES J-1976

Invitation to Bid

SEPTEMBER 16, 1974.

I. Invitation for tenders. 1. The Secretary of the Treasury, pusuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $2,000,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series J-1976. The interest rate for the notes will be determined as set forth in section III, paragraph 3, hereof. Some of the notes may be allotted by the Secretary of the Treasury to Government accounts and Federal Reserve Banks at the average price of accepted tenders in exchange for Treasury notes maturing September 30, 1974. Tenders will be received up to 1:30 p.m., e.d.s. time, Tuesday, September 24, 1974, under competitive and noncompetitive bidding, as set forth in section III hereof. The 6 percent Treasury Notes of Series E-1974, maturing September 30, 1974, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. *Description of notes.* 1. The notes will be dated September 30, 1974, and will bear interest from that date, payable semiannually on March 31, 1975, September 30, 1975, March 31, 1976, and September 30, 1976. They will mature September 30, 1976, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. *Tenders and allotments.* 1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., e.d.s. time, Tuesday, September 24, 1974. Each tender must state the face amount of notes bid for, which must be $10,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 8.47. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers: *Provided*, The names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or 6 percent Treasury Notes of Series E-1974 which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.00 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to two decimal places on the basis of price per hundred, e.g., 99.92, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept more or less than $2,000,000,000 of tenders, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in two decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., e.d.s. time, Tuesday, September 24, 1974.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their cus-

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tomers have no beneficial interest in the banks' tenders for their own accounts.

IV. *Payment for and delivery of notes.* 1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before September 30, 1974, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226, in cash, 6 percent Treasury Notes of Series E-1974 (interest coupons dated September 30, 1974, should be detached) or other funds immediately available by that date. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with notes, a cash adjustment will be made to or required of the bidder for any difference between the face amount of notes submitted and the amount payable on the notes allotted.

2. Delivery of notes in bearer form will be made on or about October 8, 1974. Purchasers of bearer notes may elect to receive interim receipts on September 30, 1974, which will be exchangeable for the notes when available at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim receipts must be returned at the expense and risk of the holder.

V. *Assignment of registered notes.* 1. Registered notes tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the notes are to be registered in the same names and forms as appear in the registrations or assignments of the notes surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the notes presented. Otherwise, the notes should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Notes to be registered in names and forms different from those in the inscriptions or assignments of the notes presented should be assigned to "The Secretary of the Treasury for Treasury Notes of Series J-1976 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Notes of Series J-1976 to be delivered to ————————." Notes tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The notes must be delivered at the expense and risk of the holder.

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.74-21795 Filed 9-18-74;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE SCIENCE BOARD

Advisory Committee Meeting

The Defense Science Board will meet in closed session in the Pentagon, Washington, D.C., 10–11 October 1974 to review the various tasks undertaken during the last six months to present them to the Director of Defense Research and Engineering for further action.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly Subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92-463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 16, 1974.

[FR Doc.74-21769 Filed 9-18-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 22757]

NEW MEXICO

Notice of Application

SEPTEMBER 12, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for a natural gas compressor station site right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 21 S., R. 27 E.,
Sec. 9, NE¼.

This natural gas compressor station site contains .918 acres of national resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-21766 Filed 9-18-74;8:45 am]

[NM 22991]

NEW MEXICO

Application

SEPTEMBER 12, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4½-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 11 W.,
Sec. 23, SE¼SW¼ and SW¼SE¼;
Sec. 26, NE¼NW¼.

This pipeline will convey natural gas across .424 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-21767 Filed 9-18-74;8:45 am]

WYOMING

[Wyoming 034642]

Notice of Application

SEPTEMBER 10, 1974.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied to amend right-of-way grant W-034642 to install a cathodic protection station on the following land:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 119 W.,
Sec. 4, NE¼NW¼SW¼.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-21656 Filed 9-18-74;8:45 am]

WYOMING

[Wyoming 47605]

Notice of Application

SEPTEMBER 10, 1974.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Belle Fourche Pipeline Company has applied for a crude oil pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 45 N., R. 67 W.,
Sec. 7, lot 1.
T. 45 N., R. 68 W.,
Sec. 1, SW¼SW¼.

The pipeline will be a part of the crude oil gathering system within the Quest Field in Weston County.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, Wyoming 82601.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-21655 Filed 9-18-74;8:45 am]

Bureau of Reclamation

[INT FES 74-54]

PALMETTO BEND PROJECT, TEXAS

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the authorized Palmetto Bend Project, Texas.

The environmental statement concerns an authorized water supply project for the purpose of furnishing a dependable municipal and industrial water supply to the Jackson-Calhoun Counties area located on the gulf coast in south Texas and for the purpose of providing associated recreational, fish, and wildlife facilities to the surrounding area.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner-Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.
Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3006.
Office of the Regional Director, Bureau of Reclamation, Herring Plaza, Box H-4377, Amarillo, Texas 79101, Telephone (806) 376-2401.
Austin Planning Office, Bureau of Reclamation, Post Office Box 1946, Austin, Texas 78767, Telephone (512) 397-5641.
Project Construction Engineer, Palmetto Bend Project, Texas, Post Office Drawer O, Edna, Texas 77957, Telephone (512) 657-5265.

Single copies of the final statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: September 13, 1974.

STANLEY D. DOREMUS,
Secretary of the Interior.

[FR Doc.74-21762 Filed 9-18-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M74-188]

OAKWOOD RED ASH COAL CORPORATION, ET AL.

Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Oakwood Red Ash Coal Corporation, et al. have filed a petition to modify the application of 30 CFR 77.1605 (k) to the following mines located in Buchanan County, Virginia:

Mine	Mine No.	Mesa I.D. No.	Approximate length of elevated roadway
Oakwood Red Ash Coal Corp.	3	44-02122	2 miles.
	4	44-01740	400 feet.
Young's Branch Coal Co.	12	44-03405	2 miles.
	13	44-03532	1,000 feet.
Winston Mining Co.	8	44-03004	3 miles.
	9	44-03312	3 miles.
	10	44-03440	2,300 feet.
	13	44-03406	200 feet.
	15	43-12238	1,000 feet.
Rhonda Coal Co.	3	44-02263	2,800 feet.
S & M Coal Co.	2	44-03311	2 miles.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of this petition, Petitioners state:

I. *Safety Considerations.* The access roadways which are the subject of this petition range in length from 200 feet to 3 miles. They are all elevated roadways having been carved out of the sides of hills and mountains. The roads on this account are narrow and the outer banks are on fill material which will not provide sufficient anchorage for guard rails. The use of berms would trap run-off water resulting from rain or thawing ice and snow, cause erosion of the roadway and result in hazardous driving conditions. Beyond this, during the winter months the freezing of trapped water in the roadways would be extraordinarily hazardous. Thus, insisting upon application of the requirements of berms or guard rails under 30 CFR 77.1605(k) would be a diminution of safety.

II. *Alternate Method.* A. Petitioners do not deny that there are safety hazards in operating vehicles over elevated roadways in mountainous areas. However, they do not feel that such hazards can be overcome—they would actually be increased—by application of 30 CFR 77.1605(k).

B. Accordingly they propose the following alternate method which they feel would afford a greater measure of protection to the employees at the subject mines:

1. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

2. Roadway surfaces shall be kept free of debris, excessive water and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

3. A traffic system shall be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

4. Warning signs shall be posted designating curves, steep grades where trucks should shift to a lower gear, and where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs shall also be posted designating passing points.

5. All equipment operators shall be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

6. All haulage vehicles shall have:
(a) Original manufacturer's brakes.
(b) Engine or Jacobs brakes.
(c) Emergency (parking) braking system.

7. Adequate supplies of crushed stone or other suitable materials shall be stored at strategic locations along the haulage roads for use when the road surface becomes slippery.

8. A minimum width of 24 feet shall be provided and maintained along two-lane roads, and where widths of less than 24 feet are provided and maintained, the roads shall be designated as single-lane roads.

9. On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush

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or other materials, passing points shall not be more than 500 feet apart.

10. Where abrupt drop-offs are present along the outer banks, super-elevation shall be provided to cause the vehicles to gravitate toward the highwall side of the road.

11. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

12. Passing of one vehicle by another vehicle while traveling in the same direction is prohibited except in the case where one vehicle is parked in a run-around area out of the normal lanes of travel.

13. The speed at which trucks are operated shall be consistent with condition of roadway, clearance, visibility and traffic.

C. The foregoing alternate method has been approved by Administrative Law Judges of the Interior Department Office of Hearings and Appeals for application under circumstances similar to those present at the subject mines. It is a method which has been developed with the assistance of technical experts of the Mining Enforcement and Safety Administration and addresses itself to not only the safety objectives sought by 30 CFR 77.1605(k) but also to the particular hazards that would be created if application of such standard were required.

In consideration of the above, Petitioners request that the proposed alternate system be approved as the replacement mandatory safety standard for 30 CFR 77.1605(k).

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 21, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

SEPTEMBER 12, 1972.

[FR Doc.74-21677 Filed 9-18-74;8:45 am]

[Docket No. M74-191]

PEABODY COAL CO.

Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Peabody Coal Company has filed a petition to modify the application of 30 CFR 75.1105 to its No. 10 Mine located in Christian, Sangamon and Montgomery Counties, Illinois.

Section 30 CFR, 75.1105 reads as follows:

Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fireproof construction.

Petitioner asks that a modification of the standard as applied to the underground Mine No. 10 cited above on the following grounds:

1. Mine No. 10, which is one of the largest underground coal mines in the world, commenced production in June of 1951. The mine is situated, as noted above, in parts of three counties in the State of Illinois. Production crews use two portals, one of which is termed "the north air man shaft" and the other "the south air man shaft". In essence there are two new mining areas. Situated between these two mining areas is a passageway, the main line entries, approximately 43,000 feet in length.

2. The main line entries currently passes only intake air and neutral air (ventilating the supply haulage track entry and the main line belt conveyor). No return air courses exist.

3. Situated in the above described main line entries are six electrical units, consisting of the following:

(a) Three 500 KVA fully enclosed transformer stations supplying power to belt conveyor drives;

(b) Three 600 KW fully enclosed rectifiers.

4. The described subject electrical transformers and rectifiers are modern sheet-steel enclosed units equipped with safety equipment and specifications as described more fully and completely in Exhibit I[1] attached hereto and incorporated herein by reference as though set forth in full.

5. The above-described electrical units will be located in fireproof structures and a metal pipe will be installed to within three feet of and directed at the electrical equipment. Attached to each metal pipe is a plastic pipe which runs to the haulage track. This pipe is equipped so that rock dust from the high-pressure rock duster can be blown through the plastic-metal pipe onto the subject electrical unit. This operation is more fully described in an Exhibit* marked 2, attached hereto and incorporated herein by reference as though set forth in full.

6. The alternative proposal hereinafter described by Petitioner provides at least equal protection to the miner and, in fact, provides a greater degree of protection.

PETITIONER'S ALTERNATIVE

Petitioner proposes to meet the safety standard enunciated in the aforesaid 30 CFR, 75.1105 on its electrical equipment as follows:

1. An overhead foam generating unit will be placed in the roof directly overhead of the unit. Said foam generating unit is activated automatically by a heat sensor device and its operation is more fully described in Exhibit No. 3,[1] attached hereto and incorporated herein by reference as though set forth in full.

2. A second heat sensor device will be connected to the approved Femco Continuous Belt Fire Detection (C.B.F.D.) System directly over the electrical units. This heat sensor is in addition to and independent of the sensor described in paragraph 1 hereof.

3. The C.B.F.D. heat sensor described in paragraph 2 hereof is connected to a panel located on the surface in the clerk's office, which is constantly manned. On this panel are electrical lights reflecting the location of each sensor. When the sensor is activated a light on the panel is activated and also an audio warning is given.

4. In January, 1974 a gob fire occurred in the same general area where the above described electrical units are located. The fire was detected and the miners were evacuated to safety without any injury.

5. Petitioner has a regular instructional safety program for its employees which is designed to educate and train in safety techniques and to eliminate an exposure of its employees to the problems inherent in underground mining. Included and given great emphasis is that of fire protection and fire excavation which is recognized by Petitioner as a matter of great concern to the safety of the miners.

6. Petitioner further will continue to make safety analysis studies; continue to assure that electrical equipment complies with company policy, as well as with federal and state requirements; continue to assure that fire prevention equipment is provided and is operational; continue to discuss with the individual employees job safety analysis studies, as well as federal and state regulations, and continue its safety program as described above.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 21, 1974. Such requests or comments must be filed with the Departmental Hearings Branch, Office of Hearings and Appeals, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84138. Copies of the petition are available for inspection at that address.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

SEPTEMBER 12, 1974.

[FR Doc.74-21676 Filed 9-18-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A066]

NEBRASKA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural

[1] The three exhibits to which Petitioner refers will be available at the address contained in the last paragraph above.

credit exists in the following counties in Nebraska:

Antelope	Knox
Boone	Nuckolls
Colfax	Pawnee
Dixon	Richardson
Douglas	Sarpy
Greeley	Saunders
Howard	Webster
Jefferson	

The Secretary has found that this need exists as a result of a natural disaster consisting of prolonged drought from June 1 through August 7, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor J. James Exon that such designation be made.

Applications for Emergency loans must be received by this Department no later than November 11, 1974, for physical losses and June 12, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas make it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 12th day of September, 1974.

J. R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.74-21740 Filed 9-18-74;8:45 am]

Forest Service

CIBOLA NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Cibola National Forest Grazing Advisory Board will meet September 30 and October 1, 1974 starting at 8 a.m. on September 30 at the Magdalena Ranger Station, Magdalena, New Mexico 87825. From the Ranger Station the group will proceed to the Baldy Allotment and will ride the Allotment on September 30 and October 1.

The purpose of this meeting will be to review the decision of Forest Supervisor Lloyd to reduce cattle numbers on the Baldy Allotment.

The meeting will be open to the public. Anyone attending the meeting should provide his or her own horse that is capable of traversing difficult terrain and long distances. A horse trailer will also be needed.

Persons who wish to attend should notify Supervisor Lloyd through telephone number 766-2185 or at 10308 Candelaria NE, Albuquerque, New Mexico 87112. Written statements may be filed with the committee before or after the meeting.

Dated: September 9, 1974.

W. L. LLOYD,
Forest Supervisor.

[FR Doc.74-21659 Filed 9-18-74;8:45 am]

OTTAWA NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Ottawa National Forest Multiple Use Advisory Committee will meet 1 p.m. thru 5 p.m. (c.d.t.), October 17, 1974 and 8:30 a.m. thru Noon (c.d.t.), October 18, 1974 at Circle Hills, County Road 513, Bessemer, Michigan. The purpose of this meeting is to discuss forest management.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Ottawa National Forest, Ironwood, Michigan 49938, Phone Number: (906) 932-1330. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public participation will be limited to a period designated for open discussion. To the extent time permits, interested persons may be permitted by the committee chairman to present oral statements at the meeting.

M. K. LAURITSEN,
Forest Supervisor.

SEPTEMBER 13, 1974.

[FR Doc.74-21765 Filed 9-18-74;8:45 am]

PROPOSED TIMBER MANAGEMENT PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement of a Proposed Timber Management Plan, Santa Fe National Forest, USDA-FS-FES(Adm) R3 75-02.

The environmental statement considers probable environmental effects of the proposed program.

The final environmental statement was filed with CEQ on September 20, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
14th & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Southwestern Region
517 Gold Avenue, SW
Albuquerque, New Mexico 87102

Santa Fe National Forest
Federal Building
Santa Fe, New Mexico 87501

Single copies are available upon request to the Forest Supervisor, Santa Fe National Forest, P.O. Box 1689, Santa Fe, New Mexico 87501; and the Regional Forester, Southwestern Region, 517 Gold Avenue, SW, Albuquerque, New Mexico 87102. Copies are also available from the Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Dated: September 9, 1974.

W. L. EVANS,
Deputy Regional Forester, R3.

[FR Doc.74-21658 Filed 9-18-74;8:45 am]

Soil Conservation Service

DEPORT CREEK WATERSHED, TEXAS

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Deport Creek Watershed Project, Lamar and Red River Counties, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for installing conservation land treatment measures and one floodwater retarding structure in the Deport Creek Watershed, Lamar and Red River Counties, Texas.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501.

No administrative action on implementation of the proposal will be taken until October 4, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: September 12, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-21678 Filed 9-18-74;8:45 am]

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DEPARTMENT OF COMMERCE

Domestic and International Business Administration

FLORIDA STATE UNIVERSITY ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, by October 9, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00067-33-46500. Applicant: Florida State University, Department of Biological Science Unit I, Tallahassee, Florida 32306. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the study of biological tissues, specifically brain of amphibia and mammals and sensory organs (olfactory and taste organs) of the same. Studies centering on the nervous system of invertebrates such as molluses will also be conducted. Experiments are centered on the anatomical study of the nervous connections and the disruption of these connections by means of surgery to study the regenerative capacity of these systems are to be conducted with the objective of understanding the basic organization of the nervous system and how it is organized in different animal species. The article will also be used in the course, BIO 575, Techniques in Electron Microscopy in which all aspects of electron microscopical techniques will be demonstrated. Application received by Commissioner of Customs: August 26, 1974.

Docket number: 75-00068-33-46500. Applicant: University of Pittsburgh School of Medicine, The Montefiore Hospital, 3459 Fifth Avenue, Pittsburgh, Pa. 15213. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in studies of normal and altered mammalian tissues derived from animal experiments. The phenomena to be studied includes the transport of macromolecules (tracers) across biological barriers Experiments are to be conducted in normal animals and animals with mild-to-severe glomerular dysfunction. Application received by Commissioner of Customs: August 26, 1974.

Docket number: 75-00069-25-65500. Applicant: U.S. National Bureau of Standards, Room B-353, Building 222, Washington, D.C. 20234. Article: Potentiometer. Manufacturer: Automatic Systems Laboratories Ltd., United Kingdom. Intended use of article: The article is intended to be used to automatically make accurate measurements of the value and changes in value of the resistance of a resistance thermometer, the variable resistor, with the highest possible sensitivity and stability when the resistance of the variable resistor is changing rapidly with time. Application received by Commissioner of Customs: August 26, 1974.

Docket number: 75-00070-33-46040. Applicant: Department of Health, Education, and Welfare, Food and Drug Administration, Bureau of Radiological Health, 12709 Twinbrook Pkwy, Rockville, MD 20852. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the examination of cultured cells following exposure to ionizing radiation with attention paid to the fibrous nature of chromosomes and how such fibrous structure is important in the formation of chromosomal aberration such as breaks, gaps, and translocations. Application received by Commissioner of Customs: August 26, 1974.

Docket number: 75-00071-33-90000. Applicant: Duke University Medical Center, Department of Radiology, Durham, N.C. 27710. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for non-invasive diagnosis of intracranial lesions, and the non-invasive study of the normal brain and ventricular system. The article will also be used in training in radiology. Application received by Commissioner of Customs: August 26, 1974.

Docket number: 75-00072-33-46040. Applicant: Yale University, Department of Biology, Kline Biology Tower, 219 Prospect Street, New Haven, Conn. 06520. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for biomedical research which will include studies of animal cells, subcellular components, and aggregates of cellular molecules. The processes which will be investigated include: (1) the mechanism of cell division in animal cells; (2) the role of filamentous structures in the development, maintenance and function of nerve cells; (3) ultrastructural aspects of nerve tumor cell development in tissue culture; and (4) the assembly of filamentous structures responsible for movements of subcellular particles. The experiments to be conducted are devised to give insight into each of the topics mentioned above with the objective of obtaining a full understanding of mechanism by which normal and tumor cells divide, the mechanism by which nerve cells develop and maintain their long axons and dendrites, and the mechanism by which filamentous structures operate to move the chromosomes apart during cell division. Other experiments are designed to determine how these same filamentous structures operate to cause sperm motility. The article will also be used for advanced training in research for graduate students, postdoctoral fellows, and research associates. Application received by Commissioner of Customs: August 26, 1974.

Docket number: 75-00073-33-46070. Applicant: University of Florida, College of Dentistry, Box 202 MSB, J Hillis Miller Health Ctr., Gainesville, Fla. 32610. Article: Scanning Electron Microscope, Model NOVASCAN 30. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in studies on the effect of dental instruments on oral hard tissues, specifically; (1) the effects of low speed and high speed drilling forces on enamel and dentin surfaces; (2) variation and tolerances (diameter, length) of burs; (3) usable lifespan of burs; (4) effect of burs, chisels, hatchets, etc. on cavity wall preparations; (5) effects of reamers on root canals in endodontic procedures; (6) *in vitro* studies on sealing properties of various biomaterials (amalgam, gold, ceramics) in tooth cavity preparations. Other studies relate to the morphology and pathology of the dental pulp (freeze-fracture studies), element analysis (content and distribution of fluor) and a comparative study and analysis between replication of dental hard tissue surfaces and direct SEM observation. The article will also be used in the teaching of dental students in the areas of Basic Dental Sciences, Oral Pathology and a number of clinical disciplines. Application received by Commissioner of Customs: August 26, 1974.

Docket number: 75-00075-33-46040. Applicant: Princeton University, Department of Biology, Guyot Hall, Washington Road, Princeton, New Jersey 08540. Article: Electron Microscope, Model JEM 100C. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is intended to be used in a wide range of research projects some of which include the following: (1) Cell adhesion and cell movement studies; (2) Studies on *in vitro* assembly of microtubules with high resolution microscopy; (3) Examination of various tissue cultures of Tobacco teratome under conditions of varying sucrose content in order to determine the ultrastructure of the different classes of chloroplasts induced under these conditions; (4) Differentiation in the cellular slime molds; (5) Ultrastructural studies of differentiating plant cells; (6) Development studies in *Caulobacter cresentus*; (7) Drosophila Y chromosome structure and function. In addition, the article will be used to train

personnel in electron microscopy techniques, particularly graduate students engaged in some aspect of research. Application received by Commissioner of Customs: August 28, 1974.

Docket number: 75-00076-33-90000. Applicant: Allegheny General Hospital, 320 East North Avenue, Pittsburgh, Pa. 15212. Article: EMI Scanner and Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in an investigation carried out both on humans and on animals in the attempt to learn more about the density of tissues, to evaluate the density of tissues as they refer to the various types of pathology effecting the tissue involved, in this case the brain of a patient, and to attempt to correlate this information with known diagnostic studies previously used and subsequently found operative information. The article will be used to screen large numbers of patients, the results of which will be compared with the conventional carotid angiography and pneumocencephalography. This material will be used for educational purposes in lecture courses within the hospital and within the medical school complex in demonstrating its usefulness and in obtaining the information and instructing others in its efficiency and diagnostic facilities. Application received by Commissioner of Customs: August 28, 1974.

Docket number: 75-00078-00-46040. Applicant: University of Wisconsin, High Voltage Microscope Facility, 1675 Observatory Drive, Madison, Wisconsin 53706. Article: Double Tilting Side Entry Cold Stage for High Voltage Microscope. Manufacturer: Gatan Co., United Kingdom. Intended use of article: The article is intended to be used with a high voltage electron microscope for studies of frozen sections of biological materials. Application received by Commissioner of Customs: August 28, 1974.

Docket number: 75-00079-33-90000. Applicant: University of Pennsylvania, Johnson Research Foundation, School of Medicine, Philadelphia, Pa. 19174. Article: GX-6 Rotating Anode X-ray Generator. Manufacturer: Marconi-Elliott Avionic Systems Ltd., United Kingdom. Intended use of article: The article is intended to be used in the investigation of the dynamic structure (molecular) of biological membranes to determine structure-function relationships in biological membranes. Application received by Commissioner of Customs: August 28, 1974.

Docket number: 75-00080-99-46040. Applicant: Mount Sinai Medical Center of Greater Miami, 4300 Alton Road, Miami Beach, Fla. 33140. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for instiuction in which residents received training in Anatomic and Clinical Pathology and routine diagnostic methods using the microscope to identify and demonstrate basic concepts of structure and ultrastructure in pathologic processes. Application received by Commissioner of Customs: August 28, 1974.

Docket number: 75-00081-33-46040. Applicant: The University of West Florida, Pensacola, Florida 32504. Article: Electron Miscroscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in research involving experimentation with a variety of materials including: the algae, other plants, marine invertebrates and vertebrates, bacteria and colloids. Experiments to be conducted include: (a) effects of nutrition, pesticides and herbicides on algal ultrastructure; (b) ultrastructure of micro-algae; (c) wall formation in algae and algal spine formation; (d) subcellular structure of sexual reproduction; (e) ultrastructure of the ontogeny of marine invertebrates; (f) otolith and lens patterns in marine fish; and (g) preparation of colloidal suspensions. The article will also be used in the courses: Cell Biology, Electron Microscopy Directed Study, Physical Chemistry and Instrumental Analysis to familiarize the student with the electron microscope as a tool, to demonstrate areas of application in his major field and to teach methodology thus enabling the student to use the electron microscope as a tool. Application received by Commissioner of Customs: August 28, 1974.

Docket number: 75-00082-33-46500. Applicant: University of California, San Francisco, Coleman Memorial Laboratory, HSE-863, 3rd & Parnassus Streets, San Francisco, California 94143. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological tissues, mainly mammalian, derived from experimental animals which exhibit both normal and pathological structure. Investigation will involve basic research projects in auditory and vestibular anatomy correlated to neurophysiological experimentation. The experiments to be conducted will include preparation of anatomical specimens for electron microscopy to observe normal anatomical connections with relation to physiological processes and to determine the affects of ototoxic influences namely aminoglycoside antibiotics and acoustic trauma on the ear. Application received by Commissioner of Customs: August 29, 1974.

Docket number: 75-00083-33-46500. Applicant: University of Wisconsin, Purchasing Department, Peterson Office Building, Madison, Wisconsin. ARTICLE: Ultramicrotome, Model OM U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used in the preparation of thin sections of silicate minerals in Epoxy resin for electron microscopy during investigation of the reactions of minerals in soils. The article will also be used in the training of soil scientists in the courses 908-990 Graduate Research and 908-721 Property and Weathering of Soil Minerals. Application received by Commissioner of Customs: August 29, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-21736 Filed 9-18-74;8:45 am]

RALPH K. DAVIES MEDICAL CENTER ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 (Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00500-00-90000. Applicant: Ralph K. Davies Medical Center, Franklin Hospital, Castro & Duboce Streets, San Francisco, Calif. 94114. Article: EMI Scanner High Resolution Option-Display. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is an accessory to be used with an existing EMI Scanner which is being used to investigate and diagnose a large variety of neurologic disorders, the most common of which are cerebral vascular accident (stroke), and brain tumors. Application received by Commissioner of Customs: May 30, 1974. Advice submitted by the Department of Health, Education, and Welfare on: August 23, 1974.

Docket number: 74-00519-00-46070. Applicant: University of Wisconsin, Department of Geology and Geophysics, Science Hall, Madison, Wisconsin 53706. Article: Bean Stabilizer Accessory for Scanning Electron Microscope. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to quantitatively analyse rocks, minerals and metals. Application received by Commissioner of Customs: June 7, 1974. Advice submitted by the Department of Health, Education, and Welfare on: August 23, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously im-

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ported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-21734 Filed 9-18-74;8:45 am]

UNIVERSITY OF IOWA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00354-33-46040. Applicant: University of Iowa, Department of Anatomy, Iowa City, Iowa 52242. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article will be used for research in (1) collateral nerve sprouting; (2) fine structure of interneurons and synapses; (3) electron-microscopic and EM radio autographic studies of the synthesis and release of hormones produced in the hypothalmus and; (4) ultrastructural study of electron-dense particles on the cholinergic synaptic vesicles. The article will also be used in teaching courses in electron microscopy to graduate students and faculty members. Comments: No comments have been received with respect to this application. Decision: Application Denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 74-00029-33-46040 which was denied without prejudice to resubmission on November 13, 1973 for informational deficiencies. In reply to Question 8 the applicant alleged the foreign article provided the following pertinent features unavailable in domestic instruments: (1) Five Angstrom (Å) resolution (3.4Å demonstrated); (2) (3) Can be used at 40, 60, 80, 100 Kilovolts; (4) The micro-gun, mini-lens system provides coherent illumination with high efficiency, permitting operation with low beam currents; (5) Simple but highly effective anti-contamination device (cold trap); (6) Full magnification without pole-piece or specimen holder change; (7) Simple, reliable, and easy to operate; and (8) Reliable and effective specimen insertion airlock.

The Department of Health, Education, and Welfare (HEW) reviewed this application and compared the alleged pertinent features of the article with those of the most closely comparable domestic electron microscope, the Model EMU-4C, supplied by the Adam David Company. HEW advises in its memorandum dated June 6, 1974 that the article's specifications with the application state 6 Å guaranteed resolution. 40, 60, 80, 100 kilovolt accelerating voltages, magnification range 1500× to 200,000×, all similar to the EMU-4C. The EMU-C provides 5 Å resolution guaranteed point-to-point, a magnification range of 1400× to 200,000× (without a pole-piece change) and accelerating voltages of 25, 50, 75, 100 kilovolts.

HEW also advises that features (4) through (8), cited by the applicant as pertinent, are convenience features, none of which constitutes a "pertinent specification" within the meaning of Section 701.2(n) of the regulations.

HEW recommends that the application establishes no pertinent specification upon which duty-free entry could be based. Accordingly, we find that the Model EMU-4C is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-21735 Filed 9-18-74;8:45 am]

[Case No. 443]

WILLIAM G. SLATER AND APEX ELECTRONICS

Conditionally Restoring Export Privileges

By order effective April 16, 1973 (38 FR 9449) the above named respondents (William G. Slater, Tujunga, California and Apex Electronics, Sun Valley, California) were denied U.S. export privileges for a period of four years. The order included a provision to the effect that 15 months after the date thereof the respondents might apply for modification of the denial order. The respondents executed an affidavit constituting such an application on June 10, 1974. The application was referred to the Hearing Commissioner and considered by him. He has reported that it appears from said respondents representations and otherwise from information in possession of the Compliance Division, Office of Export Administration that conditional restoration of said respondents export privileges is consistent with the purposes of the export administration program. The Hearing Commissioner has recommended that an order be entered conditionally restoring the export privileges of said respondents and placing them on probation for the unexpired portion of the original four year period.

The undersigned has considered the record herein and concurs with the Hearing Commissioner that conditional restoration of William G. Slater's and Apex Electronics' export privileges and placing them on probation until April 16, 1977 is consistent with the purposes of the U.S. Export Administration Act of 1969 as amended and the regulations issued thereunder.

Accordingly, it is hereby ordered: That the export privileges of William G. Slater and Apex Electronics be and hereby are restored conditionally, and the said respondents are placed on probation until April 16, 1977. The conditions of probation are that the said respondents: (1) Shall fully comply with all of the requirements of the Export Administration Act of 1969 as amended and all regulations, licenses, and orders issued thereunder; (2) shall on request of the Office of Export Administration, or a representative of the U.S. Government, acting on its behalf promptly disclose fully the details of his participation in any and all transactions involving U.S. origin commodities or technical data, including information as to the disposition or intended disposition of such commodities or technical data and on such request shall also furnish all records and documents relating to such matters. Further, on such request, said respondent shall promptly disclose the names and addresses of his partners, agents, representatives, employees, and other persons associated with him in trade or commerce.

Upon a finding by the Director, Office of Export Administration, or such other official as may be exercising the duties now exercised by him, that said respondent has failed to comply with any of the conditions of probation, said official, with or without prior notice to said respondent, by supplemental order, may revoke the probation of said respondent and deny him all export privileges for such period as said official may deem appropriate. Such order shall not preclude the Bureau of East-West Trade from taking further action for any violation as may be warranted.

This order shall become effective September 18, 1974 and supersedes the denial order issued against the respondent on April 16, 1973 (38 FR 9449) to the extent that it is inconsistent therewith.

Dated: September 13, 1974.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.74-21675 Filed 9-18-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CARDIOVASCULAR AND RENAL ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the renewal, by the Secretary, Department of Health, Education, and Welfare, of the Cardiovascular and Renal Advisory Committee for an additional period of 2 years beyond August 27, 1974.

Authority for this committee will expire August 27, 1976, unless the Secretary formally determines that continuance is in the public interest.

Dated: September 13, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-21696 Filed 9-18-74;8:45 am]

ENDOCRINOLOGY AND METABOLISM ADVISORY COMMITTEE

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the renewal, by the Secretary, Department of Health, Education, and Welfare, of the Endocrinology and Metabolism Advisory Committee for an additional period of 2 years beyond August 27, 1974.

Authority for this committee will expire August 27, 1976, unless the Secretary formally determines that continuance is in the public interest.

Dated: September 13, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-21698 Filed 9-18-74;8:45 am]

[DESI 8674]

OTIC PREPARATION CONTAINING HYDROCORTISONE, NEOMYCIN SULFATE, AND ACETIC ACID

Drugs for Human Use

In a notice (DESI 8674) published in the FEDERAL REGISTER of June 29, 1972 (37 FR 12855), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of a report received from the National Academy of Sciences/National Research Council, Drug Efficacy Study Group, on the following drug product, stating that it was regarded as possibly effective for labeled otic indications:

Neo-Cort-Dome Otic Suspension containing neomycin sulfate, hydrocortisone, and acetic acid; Dome Laboratories, Division of Miles Laboratories, Inc., 125 West End Ave., New York, NY 10023 (NDA 50-238).

In the absence of new data in response to the June 29, 1972 notice, there was published in the FEDERAL REGISTER of August 9, 1973 (38 FR 21500), a proposal to, among other things, revoke provisions for certification or release of certain antibiotic drugs for otic use in humans, including Neo-Cort-Dome Otic Suspension. Other drugs included in the notice of June 29, 1972, or in the proposal of August 9, 1973, have been or will be the subject of other follow-up notices in the FEDERAL REGISTER.

In response to the proposal, Dome Laboratories, Division of Miles Laboratories Inc., submitted data in support of the efficacy of Neo-Cort-Dome Otic Suspension and requested a reclassification of the status of the product.

Based upon a review of all available evidence, the Commissioner concludes that this drug is effective for the indications set forth below. Appearing elsewhere in this issue of the FEDERAL REGISTER is an amendment to 21 CFR Part 444 establishing a new section providing for neomycin sulfate-hydrocortisone acetate-acetic acid otic suspension. Batches of drugs for which certification is requested should provide for labeling containing the following indications section: (Labeling guidelines are available from the Administration on request.)

INDICATIONS

For the treatment of superficial bacterial infections of the external auditory canal caused by organisms susceptible to the action of the antibacterials, and for the treatment of infections of mastoidectomy and fenestration cavities by organisms susceptible to the action of the antibacterials.

Batches of such drugs with labeling bearing indications other than those published in this announcement are no longer acceptable for certification or release.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050-1051 as amended, 59 Stat. 463 as amended (21 U.S.C. 352, 357)) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: September 11, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-21703 Filed 9-18-74;8:45 am]

PANEL ON REVIEW OF INTERNAL ANALGESIC INCLUDING ANTIRHEUMATIC DRUGS

Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (P.L. 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the renewal, by the Secretary, Department of Health, Education, and Welfare, of the Panel on Review of Internal Analgesic Including Antirheumatic Drugs for an additional period of 2 years beyond August 31, 1974.

Authority for this committee will expire August 31, 1976, unless the Secretary formally determines that continuance is in the public interest.

Dated: September 13, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-21697 Filed 9-18-74;8:45 am]

[NADA NOS. 65-421V, 95-079V]

PREMIER MALT PRODUCTS, INC.

Withdrawal of Approval of New Animal Drug Applications

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following notice is issued:

Premier Malt Products, Inc., Milwaukee, WI 53201, has requested that its NADA (new animal drug application) Nos. 65-421V and 95-079V be withdrawn in accordance with § 135.28 (21 CFR 135.28) on the grounds that it is economically unfeasible to continue marketing the products. The firm has also withdrawn its commitment to carry out the studies on NADA No. 95-079V required by § 135.109 for the continued marketing of the product. In its request, the firm waived the opportunity for a hearing. Therefore, notice is given that approval of NADA No. 65-421V for Bio-Best bacitracin soluble powder and NADA No. 95-079V for Bio-Best bacitracin feed additive premix is hereby withdrawn effective September 19, 1974.

Dated: September 13, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-21701 Filed 9-18-74;8:45 am]

Office of Education

EMERGENCY SCHOOL AID

Closing Date for Receipt of Applications

The Commissioner of Education hereby gives notice that pursuant to section 708(a) of the Emergency School Aid Act (20 U.S.C. 1607(a)), applications for assistance are being accepted from local educational agencies which have adopted eligible plans as described in 45 CFR 185.11 (38 FR 3450, February 6, 1973) subsequent to April 1, 1974, for implementation during the 1974-75 school year, and which have not submitted applications for assistance under the Act based on such plans.

Applications for assistance must be received on or before October 22, 1974:

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.532. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the

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fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW, Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m., Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing dates.

C. *Program information and forms.* Information and application forms may be obtained from the Special Projects Branch, Equal Educational Opportunity, Room 2017, 400 Maryland Avenue, SW, Washington, D.C. 20202.

D. *Project periods.* Awards of assistance will be made pursuant to this notice for activities commencing no earlier than November 1, 1974, and terminating no later than June 30, 1975.

F. *Applicable regulations.* Awards of assistance made pursuant to this notice will be subject to the regulations in 45 CFR Part 185, relating to the Emergency School Aid Act, and, except where inconsistent with Part 185, to the Office of Education general provisions regulations relating to direct project assistance programs (45 CFR Part 100a, 38 FR 30654, November 6, 1973). Applicants' attention is directed in particular to 45 CFR Part 185, Subpart J, relating to Special Projects.

(Catalog of Federal Domestic Assistance Number 13.532 Emergency School Aid—Special Projects)

(20 U.S.C. 1607(a))

Dated: September 13, 1974.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.74-21641 Filed 9-18-74;8:45 am]

Office of the Assistant Secretary for Health

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name. National Professional Standards Review Council.

Date and time. October 29, 1974 (1 p.m. to 5 p.m.), October 30, 1974 (9 a.m. to 12 noon).

Place. Room 5051, DHEW North Building, 330 Independence Avenue, SW., Washington, D.C.

Purpose of meeting. The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to John R. Farrell, M.D., Director, Office of Professional Relations, Office of Professional Standards Review, Room 13A-23, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: September 16, 1974.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.74-21784 Filed 9-18-74;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL TECHNICAL SUBCOMMITTEE

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting:

Name. National Professional Standards Review Council Technical Subcommittee.

Date and time. October 29, 1974 (9:00 a.m. to 12:00 noon).

Place. Room 5051, DHEW North Building, 330 Independence Avenue, SW., Washington, D.C.

Purpose of meeting. The Technical Subcommittee was established to assist the National Professional Standards Review Council in the areas of data and information systems, evaluation of PSROs, and medical care norms, standards, and criteria. The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Subcommittee's agenda will include discussion of issues relevant to data and information systems and evaluation of PSROs.

Meeting of the Subcommittee is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Subcommittee before, during, or after the meeting. To the extent that time permits, the Subcommittee Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Subcommittee should be addressed to John B. Farrell, M.D., Director, Office of Professional Relations, Office of Professional Standards Review, Room 13A-23, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: September 16, 1974.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.74-21785 Filed 9-18-74;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL TECHNICAL SUBCOMMITTEE

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting:

Name. National Professional Standards Review Council Technical Subcommittee.

Date and time. October 14, 1974 (9 a.m. to 4 p.m.).

Place. O'Hare International Tower Hotel, Chicago, Illinois.

Purpose of meeting. The Technical Subcommittee was established to assist the National Professional Standards Review Council in the areas of data and information systems, evaluation of PSROs, and medical care norms, standards, and criteria. The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Subcommittee's agenda will include discussion of issues relevant to medical care norms, standards, and criteria.

Meeting of the Subcommittee is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Subcommittee before, during, or after the meeting. To the extent that time permits, the Subcommittee Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Subcommittee should be addressed to John R. Farrell, M.D., Director, Office of Professional Relations, Office of Professional Standards Review, Room 13A-23, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: September 16, 1974.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.74-21786 Filed 9-18-74;8:45 am]

Office of the Secretary

PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

Notice of Meeting

The President's Committee on Mental Retardation was established to provide advice and assistance in the area of mental retardation to the President including evaluation of the adequacy of the national effort to combat mental retardation; coordination of activities of Federal agencies; provision of adequate liaison between Federal activities and related activities of State and local governments, foundations and private organizations; develop information designed for dissemination to the general public. The Committee will meet on Thursday, October 10, 9 a.m. to 5 p.m. and on October 11, 9 a.m. to 12 noon, at the Embassy Row Hotel, 2015 Massachusetts Avenue, NW., Washingon, D.C. 20036. This meeting will be the quarterly meeting of the Committee. They will discuss health, education, services, and legal rights as they relate to the mentally retarded. These meetings are open to the public.

Dated: September 12, 1974.

FRED J. KRAUSE,
Executive Director, President's Committee on Mental Retardation.

[FR Doc.74-21745 Filed 9-18-74;8:45 am]

SECRETARY'S ADVISORY COMMITTEE ON POPULATION AFFAIRS

Notice of Meeting

The Advisory Committee on Population Affairs, established to advise the Secretary regarding all significant aspects of family planning and population research activities coming under the purview of the Department of Health, Education, and Welfare, is scheduled to hold a meeting on September 24, 1974. The meeting will be held in the Department's north building located at 330 Independence Ave. SW., Washington, D.C., Room 5131. The meeting is scheduled to convene at 9:30 a.m. and adjourn at 5 p.m.

The Committee will discuss the World Population Conference and matters related to family planning and population research activities under the purview of the Department of Health, Education, and Welfare.

The meeting is open for public observation.

Dated: September 13, 1974.

LOUIS M. HELLMAN,
Chairman and Executive Secretary.

[FR Doc.74-21748 Filed 9-18-74;8:45 am]

Rehabilitation Services Administration

ADVISORY COMMITTEE

Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), the Rehabilitation Services Administration announces the establishment by the Secretary, Department of Health, Education, and Welfare, on September 3, 1974, of the Rehabilitation Services National Advisory Committee.

The purpose of the Committee shall be to provide advice in formulating objectives, setting priorities, reviewing implementation activities, and in reviewing short-term and long-term rehabilitation research, rehabilitation training, and rehabilitation support program plans.

Authority for this Committee will expire September 3, 1976, unless the Secretary, Department of Health, Education, and Welfare determines that continuance is in the public interest.

Dated: September 10, 1974.

ANDREW S. ADAMS,
Commissioner, RSA.

[FR Doc.74-21751 Filed 9-18-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

CITIZENS' ADVISORY COMMITTEE ON TRANSPORTATION QUALITY

Notice of Open Meeting

The Citizens' Advisory Committee on Transportation Quality of the Department of Transportation will meet at 9 a.m. on Monday and Tuesday, October 7-8, 1974, in Room 10214, 400 Seventh Street, S.W., Washington, D.C.

The Citizens' Advisory Committee on Transportation Quality recommends transportation initiatives to the Secretary of Transportation and assesses transportation policies from the consumers' viewpoint.

The agenda will include discussion of:

(1) Public Transportation, including consumer involvement in planning and operations;

(2) Development of DOT policy concerning abandoned automobiles; and;

(3) Reducing adverse impact in areas adjacent to key transportation facilities.

This meeting is open to the public. Anyone wishing to attend or obtain further information should contact Joseph DelVecchio, Executive Director of the Committee at 202/426-4283.

This notice is given pursuant to section 10 of the Federal Advisory Committee Act (Pub. L. 92-463).

Issued in Washington, D.C. on September 13, 1974.

BENJAMIN O. DAVIS, Jr.,
Assistant Secretary for Environment, Safety and Consumer Affairs.

[FR Doc.74-21753 Filed 9-18-74;8:45 am]

Coast Guard

[CGD 74-202 N]

LOUISIANA—ATCHAFALAYA RIVER AND INTRACOASTAL WATERWAY MORGAN CITY–PORT ALLEN (ALTERNATE ROUTE)

Order Governing the Movement of Vessels and Composition of Tows

Notice is hereby given that W. W. Barrow, Rear Admiral, United States Coast Guard, Commander, Eighth Coast Guard District, has issued the following special order governing the movement of vessels and composition of tows:

LOUISIANA—ATCHAFALAYA RIVER AND INTRACOASTAL WATERWAY

MORGAN CITY–PORT ALLEN (Alternate route)

Atchafalaya River, La.; special order to govern navigation through the reach of the Lower Atchafalaya River (Berwick Bay) in the vicinity of the Southern Pacific Railroad Bridge and both highway bridges at Morgan City, La.

1. The Commander, Eighth Coast Guard District has determined that an emergency condition exists in the vicinity of the Southern Pacific Railroad Bridge and both highway bridges at Morgan City, Louisiana due to the damaged condition of the northeast dolphin of the Southern Pacific Railroad Bridge, and finds it necessary to issue this order governing the movement of vessels and the composition of tows through each of those bridges. The following order is issued under the authority of 33 CFR 6.04.

2. Day and night visual signals will be displayed prominently on the Southern Pacific Railroad Bridge when this order is in effect. During periods of foggy or inclement weather, or when for any other reason the visual signals cannot be seen, notice that the signals are being displayed will be given by blasts of a fog horn located on the bridge. To indicate that signals are being displayed to govern traffic moving through the bridges, one blast of six (6) seconds duration will be sounded on air horn each minute.

3. By day the visual signals will consist of two red balls, two feet in diameter displayed one above the other not less than four nor more than six feet apart, from a pole, to indicate that vessels and tows moving through the bridges shall be governed by this order.

4. At night the visual signal will consist of two focused, flashing white lights visible 360 degrees, of such character as to be visible on a dark night with a clear atmosphere for a distance of at least two (2) miles, displayed vertically one above the other, not less than four (4) feet nor more than six (6) feet apart.

5. When the signals described in paragraphs 2, 3, and 4 of this order are displayed, unless otherwise directed by the Commander, Eighth Coast Guard District, tows (except as described below) moving southward through any of the three bridge openings shall not exceed one barge or other vessel in addition to the towing vessel. Tows moving northward through any of the three bridge

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openings shall not exceed two barges or other vessels arranged in tandem in addition to the towing vessel. Towing on a hawser in either direction shall not be permitted. Tows shall move through the bridge openings at the safest speed commensurate with existing conditions.

6. The restrictions as to size of tows described in paragraph 5 of this order shall not apply to an integrated tow consisting of a bow section, with or without a middle box section or sections and a stern section arranged in tandem securely lashed together with the push boat made up rigidly astern. The bow section of the tow, commonly referred to as the lead barge, shall have a raked bow and a square stern. Any middle box section shall have square ends. The stern section, commonly referred to as the trailing barge shall have a square bow and a raked stern. All sections in the integrated tow must have virtually the same beam and draft so as to present a nearly uniform and unbroken underwater hull shape. Variations in draft and beam between any two adjacent barges shall not exceed ten percent of the draft of that barge in the tow drawing the most water and shall not exceed 10 percent of the beam of the widest barge in the tow.

7. The restrictions as to size of tows described in paragraph 5 of this order shall not apply to tows with two towing vessels, one at the head and one at the stern of the tow, nor shall they apply to tows with bow steering units.

8. No tow may proceed through any of the three bridge openings unless the towing vessel is of sufficient horsepower. Towing vessels less than 1000 horsepower each are deemed to have insufficient horsepower to tow barges carrying particularly hazardous cargo.

9. "Particularly Hazardous Cargo" as used in this order shall mean:

A (1). Explosives, class A (commercial or military).

(2). Oxidizing materials for which a special permit for water transportation is required by 46 CFR 146.

(3). Radioactive materials for which special approval by the Commandant for water transportation is required by 46 CFR 146.

(4). Any dangerous cargo considered to involve a particular hazard, when transported or handled in bulk quantities, as further described in paragraph (B) of this section.

B (1). A dangerous cargo considered to involve a particular hazard, when transported in bulk quantities on board vessels is any commodity which by virtue of its properties would create an unusual hazard if released. The commodities subject to this section are:

Acetaldehyde	Chlorohydrins, crude
Acetone cyanohydrin	Crotonaldehyde
Acetonitrile	1,2 Dichloropropane
Acrylonitrile	Dichloropropene
Allyl Alcohol	Aniline
Ammonia, anhydrous	Butadiene
Carbon disulfide	Carbolic oil
Chlorine	Hydrochloric acid
Methyl acrylate	Ethylene
Methyl bromide	Ethyl ether
Methyl chloride	Ethylene oxide
Methyl Methacrylate (Monomer)	Propane
Oleum	Propylene
Phenol	Propylene oxide
Phosphorus, elemental	Sulfuric acid
Epichlorohydrin	Sulfuric acid, spent
	Vinyl acetate
	Vinyl chloride
	Vinylidene chloride

(2). Each commodity listed in subparagraph (1) of this paragraph is considered to possess one or more of the following properties:

i. Is highly reactive or unstable; or

ii. Has severe or unusual fire hazards; or

iii. Has severe toxic properties; or

iv. Requires refrigeration for its safe containment; or

v. Can cause brittle fracture of normal ship structural materials or ashore containment materials by reason of its being carried at a low temperature, or because of its low boiling point at atmospheric pressure (unless uncontrolled release of the cargo is not a major hazard to life).

10. Vessels and tows proceeding with the current shall have the right of way over vessels and tows proceeding against the current. When two vessels or tows are about to enter the navigation opening through the bridges from opposite directions at the same time, the vessel or tow proceeding against the current shall stop short of the opening until the vessel or tow having the right of way shall have passed through.

11. Vessels and tows desiring to pass through the navigation opening of any of the three bridges shall approach the opening along the axis of the channel and shall proceed with due regard for direction and velocity of the current and for any tendency to drift either to the right or to the left so as to pass through without danger of striking the bridges or their fenders. No vessel shall attempt passage through the navigation opening of the Southern Pacific Railroad Bridge until it is fully open.

12. The bridge tender of the Southern Pacific Railroad Bridge is available on 156.650 MHz and 156.8 MHz (Channels 13 and 16) for information regarding the lift span and the marine traffic in the vicinity of the bridge.

13. Violation of this order is punishable by forfeiture of the vessel and its equipment, and a fine of not more than $10,000.00, and imprisonment for not more than 10 years. 50 USC 192, 33 CFR 6.18–1.

14. This order cancels Special Notice to Mariners No. 1–74 of 3 January 1974. This order is effective for all marine traffic using the Atchafalaya River Route and the Morgan City-Port Allen Alternate Route commencing at six o'clock A.M. Central Daylight Time, Friday, August 16, 1974."

(Sec. 1, 40 Stat. 220, as amended, sec. 6(b)(1), 80 Stat. 937; 50 U.S.C. 191, 49 U.S.C. 1655(b)(1); Proc. No. 2914, 3 CFR 1949–53 Comp., p. 99 (1950), E. O. 10637, 3 CFR 1954–58 Comp., p. 269 (1955); 49 CFR 1.46(b))

Dated: September 11, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-21756 Filed 9-18-74;8:45 am]

[74-213]

NEW YORK HARBOR VESSEL TRAFFIC SYSTEM ADVISORY COMMITTEE

Notice of Open Meeting

This is to give notice pursuant to Pub. L. 92–463, sec. 10(a), approved October 6, 1972, that the New York Harbor Vessel Traffic System Advisory Committee will conduct an open meeting on Wednesday, October 2, 1974, in the Auditorium of Building 108, Governors Island, New York beginning at 10:30 a.m.

Members of the Committee and their industry positions are:

Admiral John M. Will, USN (Ret.), State of New York Board of Commissioners of Pilots.
Captain H. C. Breitenfeld, United New York Sandy Hook Pilots' Benevolent Association.
Captain W. H. Burrill, State of New Jersey Board of Commissioners of Pilots.
Mr. Richard Dewling, U.S. Environmental Protection Agency.
Commissioner V. J. Fossella, New York Department of Marine and Aviation.
Captain T. J. McGovern, United New Jersey Sandy Hook Pilots' Benevolent Association.
Mr. A. Giallorenzi, American Institute of Merchant Shipping—Petroleum Industry Representative.
Mr. A. Hammon, Port Authority of New York and New Jersey.
Captain T. A. King, U.S. Department of Commerce, Maritime Administration.
Commodore F. Lindner, Long Island Sound Commodores Association.
Colonel H. W. Lombard, USA, Department of the Army, Corps of Engineers.
Mr. Robert W. Sanders, New York Harbor Panel, Marine Towing and Transportation Industry.
Captain R. D. Sante, USN, U.S. Navy, Military Sealift Command.
Captain S. M. Seledee, American Institute of Marine Underwriters.
Captain J. G. Stillwaggon, Interport Pilots' Associates, Inc.
Captain K. C. Torrens, American Institute of Merchant Shipping.

The Agenda for the October 2, 1974 meeting consists of:

1. Report of the Executive Committee given by Captain K. C. Torrens, Chairman of the Executive Committee, specifically dealing with the Specific Operational Requirements.

2. Status Report of the Hudson River Sub-Committee given by Captain H. C. Breitenfeld, Chairman of the Hudson River Sub-Committee.

3. Status Report of the Long Island Sound Sub-Committee given by Captain D. M. Kennedy, Chairman of the Long Island Sound Sub-Committee.

4. Report from the Vessel Traffic System Staff relating to:

a. Voluntary Security Broadcast System for New York Harbor.

b. Normal time frame for adding descriptive material and notes to current navigational charts.

c. Status of Data Collection relating to communications and traffic densities.

5. Comments or questions from the floor.

The New York Harbor Vessel Traffic System Advisory Committee was established by the Commander, Third Coast Guard District on April 1, 1973, to advise on the need for, and development, installation and operation of a Vessel Traffic System for the New York Harbor. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing Commander H. A. PLEDGER, Project Officer, Vessel Traffic System; Third Coast Guard District, Governors Island, New York 10004, or by calling (212) 264–0409.

Dated: September 1, 1974.

D. E. PERKINS,
Captain, U.S. Coast Guard, Chief of Staff, Third Coast Guard District.

[FR Doc.74-21757 Filed 9-18-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-500, 501]

TOLEDO EDISON CO. ET AL.

Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report: Time for Submission of Views on Antitrust Matters

The Toledo Edison Company, The Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, have filed an application for authorization to construct and operate two generating units utilizing two pressurized water nuclear reactors. The application was tendered on May 10, 1974. Following a preliminary review for completeness, the Environmental Report was found to be acceptable on July 19, 1974. The Preliminary Safety Analysis Report (PSAR) was rejected on June 12, 1974, because of deficiencies in the Quality Assurance Program description. The applicants submitted a revised Quality Assurance Program on July 24, 1974, and the application was docketed on August 9, 1974. Docket Nos. 50–500 and 50–501 have been assigned to the application and should be referenced in any correspondence relating to it.

The proposed nuclear facility, designated by the applicants as the Davis-Besse Nuclear Power Station, Units 2 and 3, is located on Lake Erie in Ottawa County, Ohio. Each unit is designed for initial operation at 2772 megawatts thermal, with a net electrical output of 906 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before November 4, 1974. The request should be filed in connection with Docket Nos. 50–500–A and 50–501–A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Ida Rupp Public Library, Port Clinton, Ohio.

The Environmental Report was filed by the applicants pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51. This report, which discusses environmental considerations related to the construction and operation of the proposed facility, is being made available for public inspection at the aforementioned locations and at the Ohio State Clearinghouse, Office of the Governor, 62 East Broad Street, Columbus, Ohio 43215.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 27th day of August 1974.

For the Atomic Energy Commission.

L. P. CROCKER,
Acting Chief, Light Water Reactors Branch 2–2, Directorate of Licensing.

[FR Doc.74-20606 Filed 9-4-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 24283]

AIR CARRIER REORGANIZATION INVESTIGATION

Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the oral argument in this proceeding, heretofore assigned to be held before the Board on September 20, 1974 (39 FR 27340, July 26, 1974), is postponed to October 10, 1974, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C.

Dated at Washington, D.C., September 16, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74-21777 Filed 9-18-74;8:45 am]

[Docket 27026]

DONALDSON LINE (AIR SERVICES) LTD. d/b/a DONALDSON INTERNATIONAL AIRWAYS

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of September, 1974.

By Order 70–5–39, dated March 5, 1970, and approved by the President on May 7, 1970, the Board issued a foreign air carrier permit to Donaldson Line (Air Services) Ltd., d/b/a Donaldson International Airways (Donaldson), a carrier of the United Kingdom of Great Britain and Northern Ireland, to engage in various types of charter foreign air transportation. Information received by the Board indicates that Donaldson has suspended operations, its aircraft have been repossessed, and its U.K. license revoked by the U.K. Civil Aviation Authority.

Based on the foregoing, the Board tentatively finds and concludes that Donaldson is no longer satisfying the fitness, willingness, and ability requirements set forth in section 402 of the Act, that the foreign air carrier permit now held by Donaldson should be canceled and that, unless objections are received within twenty days from the date of service of this order, the Board should make such tentative findings final and submit to the President for his approval a final order canceling the said permit.

Accordingly, *it is ordered*, That: 1. All interested persons are directed to show cause why the Board should not issue an order which would make final the tentative findings and conclusions set forth herein and which would, subject to the approval of the President, cancel the foreign air carrier permit held by Donaldson Line (Air Services) Ltd., d/b/a Donaldson International Airways;

2. Any interested person having objection to the issuance of such an order shall file with the Board a statement of objections supported by evidence within twenty days of service of this order;[1]

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Donaldson Line (Air Services) Ltd., d/b/a Donaldson International Airways, and the Ambassador of the United King-

[1] Since provision is made for a response to this order, petitions for reconsideration of this order will not be entertained.

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dom of Great Britain and Northern Ireland shall be served with copies of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-21773 Filed 9-18-74;8:45 am]

[Docket Nos. 23604 [1] et al. and 25655 [2] et al.]

KODIAK-WESTERN ALASKA RENEWAL PROCEEDING AND HOWARD J. MAYS REVOCATION/MUNZ NORTHERN CERTIFICATION PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in these proceedings will be held on September 30, 1974, at 10 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., before the undersigned. [3]

Dated at Washington, D.C., September 16, 1974.

[SEAL] HENRY WHITEHOUSE, *Administrative Law Judge.*

[FR Doc.74-21776 Filed 9-18-74;8:45 am]

[Dockets 26987, 26992, 27025; Order 74-9-43]

PAN AMERICAN WORLD AIRWAYS, INC.

Pago Pago, American Samoa-United States Fare Increases

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of September, 1974.

By tariff revisions [1] marked to become effective September 15, 1974, Pan American World Airways, Inc. (Pan American) proposes to increase its first class fares by approximately 40 percent and its economy-class fares by approximately 26 percent between Pago Pago, American Samoa, on the one hand, and Honolulu and west coast gateways on the U.S. mainland, on the other hand. It also proposes to discontinue publication of through fares between Pago Pago and interior continental United States points. In addition, the carrier proposes to increase the level of its 14-23 day round-trip excursion fares in these markets from 75 to 85 percent of the regular economy fares, and to cancel military and youth standby fares, and set its military reservation fares at 75 percent of the proposed economy fares.

In support of its proposal, Pan American asserts that present fares in the Pago Pago-States market have remained unchanged since 1959. It contends that the increases are fully justified by fuel cost increases alone, and provides data for the Pago Pago-Honolulu segment which shows that fuel cost has increased from 16.50 cents per gallon in the first quarter of 1973 to 40.13 cents in April 1974, an increase of 143.2 percent. Pan American estimates a revenue gain of $992,000 for the year ending March 31, 1975, which would raise its return on investment for the entire Pacific Division from 10.6 to 10.8 percent.

Complaints have been filed by the Legislature of American Samoa (concurred in by the Department of State) and by the Director of Territorial Affairs, Department of the Interior, on behalf of the Government of American Samoa. The complaints allege that Pan American has failed to justify the proposed increases; that it is now operating at a profit in the markets; that the need for additional profit is neither substantiated nor justified; and that the increases would have a serious adverse effect on tourist traffic.

In addition, the Legislature contends that fares to American Samoa are domestic and hence should be set at levels comparable to those in the mainland-Hawaii market, its chief competition for tourist travel, rather than at international fare levels, with which Pan American compares its proposed fares. It notes the fact that Pan American has failed to provide cost and profitability data for the particular markets involved, nor any fuel cost data other than that for the Pago Pago-Honolulu segment. The complainant also challenges the carrier's use of fuel cost data based on a hypothetical 55 percent load factor rather than its actual load factor in the market.

In answer to the complaints, Pan American asserts, inter alia, that the current contract fuel price at Honolulu and Pago Pago is 38.01 cents per gallon, as compared with the average domestic price for fuel during July of only 23.34 cents per gallon. It contends that this 63 percent difference fully justifies the 11 percent differential between the economy fare it proposes in the Pago Pago-Honolulu market and the level produced by application of the formula developed in Phase 9 of the "Domestic Passenger-Fare Investigation," plus the six percent domestic fuel surcharge.

The carrier further alleges that air transportation to American Samoa is supported by international service and its costs are directly related to the cost of that service, concluding that it is a good deal more rational to relate American Samoa's fare levels to international fare levels than to domestic fare levels.

Upon consideration of the tariff filing, the justification, and complaints, and all other relevant matters, the Board finds that, except as indicated below, the complaints do not set forth sufficient facts to warrant investigation of the proposal and the requests therefor, and consequently the requests for suspension, will be denied and the complaints dismissed. The Board does find that the proposed revisions in military fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board has also concluded to suspend the proposed military fares pending investigation.

There is no question that the proposed increases are substantial. However, there is equally no question that Pan American has experienced spiraling operating costs, largely outside its control. This is particularly true in the case of fuel expense where the cost per gallon of fuel has risen 143 percent since the first part of 1973. The proposed economy-fare increase does in fact approximate the increase in the cost of fuel per passenger mile it experienced during this period.

The fare levels Pan American proposes are generally not out of line with other "domestic" fares. For example, with one exception, the economy fares between west coast gateways and Pago Pago are lower than the level which would be produced by application of the Board's Phase 9 decision in the "Domestic Passenger-Fare Investigation" plus the six percent domestic increase permitted in April 1974.[3] We also note that with respect to the Pago Pago–Honolulu market, where two thirds of the affected traffic moves, the proposed economy fare will yield 7.20 cents per passenger mile, which compares with the current fare between Guam and Honolulu which produces a passenger mile yield of 7.25 cents. For these reasons, we are unable to conclude that, except as noted below, the proposed fares are unreasonable.

It is suggested that fare levels in these Pago Pago markets should be comparable to those existing in the mainland–Hawaii market. However, the two markets are substantially different. Pan American estimates its Pago Pago–Honolulu traffic for the year ended March 31, 1975 at 28,633 passengers, of which 9,128 will travel on to the mainland. This volume of traffic in no way compares with the heavy mainland–Hawaii traffic which enables carriers in that market to maintain a relatively lower level of fares.

Pan American's proposal to cancel military standby fares and establish military reservation fares at 75 percent of proposed economy fares raises virtually the same difficulties as did the proposal of Delta Air Lines, Inc. to revise its military fares applicable between San Juan and mainland United States in a like manner.[3] Again, we are concerned over the substantial increase in military fares, per se, on top of a general fare increase, particularly in view of the lack of alternative modes of travel between Pago Pago, Hawaii, and the U.S. mainland. For these reasons we do not believe it would be in the public interest to permit the military fare increases proposed by Pan American pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 203(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. An investigation be instituted to determine whether the fares and provisions described in Appendix A [4] attached hereto, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A attached hereto are suspended and their use deferred to and including December 13, 1974, unless otherwise ordered by the Board, and that no period of suspension except by order or changes be made therein during the special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 26987 and 26992 be, and hereby are dismissed;

4. The investigation ordered herein be assigned before an Administrative Law Judge at a time and place hereafter to be designated; and

5. A copy of this order be served upon Pan American World Airways, Inc., the Legislature of American Samoa, and the Director of Territorial Affairs, Department of the Interior, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-21774; Filed 9-18-74;8:45 am]

[Docket 25280, Agreement C.A.B. 24643, R-1 and R-2, Agreement C.A.B. 24646]

SPECIFIC COMMODITY RATES

Agreements Adopted by the Joint Traffic Conferences of the International Air Transport Association

SEPTEMBER 12, 1974.

Issued under delegated authority, September 12, 1974.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreements name additional specific commodity rates as set forth below, reflecting reductions from general cargo rates; and were adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated September 4, 1974 (C.A.B. 24643) and September 6, 1974 (C.A.B. 24646).

Agreement C.A.B.	Specific commodity Item No.	Description and rate
24643:		
R-1	3909	Welding Supplies, 300 cents per kg., minimum weight 500 kgs. From New York to Johannesburg.
R-2	0785	Vegetable Roots, 71 cents per kg., minimum weight 1,000 kgs. From Nandi to Los Angeles.
24646	1439	Cut Flowers and Foliage, 160 cents per kg., minimum weight 45 kgs. From Honolulu to Auckland.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreements are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, *It is ordered, That:* Agreement C.A.B. 24643, R-1 and R-2, and Agreement C.A.B. 24646 are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN, *Chief, Passenger and Cargo Rates Division, Bureau of Economics.*

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-21775 Filed 9-18-74;8:45 am]

[Docket 25513, Agreement C.A.B. 24644]

PASSENGER FARE MATTERS

Agreement Adopted by the Joint Conferences of the International Air Transport Association

Issued under delegated authority September 12, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above designated C.A.B. agreement number.

In light of pending government action, third round fuel cost increases do not apply to fares specified to/from Manila/Taipei and TCI (Western Hemisphere). This creates a situation whereby certain fares to/from Manila and Taipei are lower than fares to/from Okinawa and Seoul which took the third round fuel increase. The agreement would exempt travel to/from Manila and Taipei from application of the higher intermediate point principle with respect to fares specified for Okinawa and Seoul; provided that at either intermediate point there are no stopovers, passengers and baggage are through booked, and passenger expenses incurred are not absorbed by the carrier. We will approve the agreement since it serves to maintain historical fare relationships.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the following resolution which is incorporated in Agreemnt C.A.B. 24644 is adverse to the public interest or in violation of the Act:

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Accordingly, *It is ordered That:* Agreement C.A.B. 24644 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN, *Chief, Passenger and Cargo Rates Division Bureau of Economics.*

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-21778 Filed 9-18-74;8:45 am]

CIVIL SERVICE COMMISSION

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the U.S. Arms Control and Disarmament Agency to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Director, Economic Affairs Bureau.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY, *Executive Assistant to the Commissioners.*

[FR Doc.74-21653 Filed 9-18-74;8:45 am]

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[1] Embraces Dockets 23605, 23757, 24103, and 25502.

[2] Embraces Docket 25450.

[3] In Order 74-6-21, the Board severed each of these proceedings from the Bush Routes Phase of the Alaska Service Investigation (Docket 20826, et al.).

[1] Revisions to Air Tariffs Corp., Agent Tariff C.A.B. No. 44.

[3] The one exception is Pago Pago–San Francisco where the proposed fare would exceed that level by $7.00.

[3] Order 74-8-130, August 30, 1974.

[4] Appendix A filed as part of original document.

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DEFENSE MANPOWER COMMISSION

DEPARTMENT OF DEFENSE EXPENDITURES

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the Commissioners of the Defense Manpower will meet on September 26, 1974, at 1 p.m. in Room 301F, 1111 18th Street, NW., Washington, D.C. 20036.

The purpose of the meeting is to hear a presentation by Mr. Ernest Fitzgerald on the subject of Department of Defense expenditures as related to the mission of the Commission.

The meeting will be open to the public. Since meeting space is limited, interested persons wishing to attend should telephone 202/254–7803 by close of business Tuesday, September 24, 1974.

PAUL C. KEENAN, Jr.,
Acting Executive Director.

SEPTEMBER 16, 1974.

[FR Doc.74–21794 Filed 9–18–74;8:45 am]

DELAWARE RIVER BASIN COMMISSION

APPLICATIONS FOR APPROVAL OF PROJECTS

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, September 25, 1974, commencing at 2 p.m. The hearing will be held in the North Conference Room of the Highway Administration Building, Route 113 and Bay Road, Dover, Del. The subjects of the hearing will be as follows:

A. Applications for approval of the projects listed below. The Commission will consider these applications as proposed amendments to the Comprehensive Plan pursuant to Article 11 of the Compact, and/or as project approvals pursuant to § 3.8 of the Compact.

1. Paul S. Weinberg: A sewage treatment plant to serve the Paul S. Weinberg commercial development in Uwchlan Township, Chester County, Pa. About 97 percent of BOD_5 and 95 percent of suspended solids will be removed from a sewage flow of 50,000 gallons per day. Treated effluent will discharge into Shamona Creek, a tributary of the East Branch Brandywine Creek.

2. Uwchlan Water Co.: A well (No. 1) to develop a public water supply in Upper Uwchlan Township, Chester County, Pa. The new facility is expected to yield about 144,000 gallons per day.

3. Mount Airy Lodge: Enlargement of the existing sewage treatment facilities at the subject resort in Paradise Township, Monroe County, Pa. About 96 percent of BOD_5 and 95 percent of suspended solids will be removed from a sewage flow of approximately 140,000 gallons per day. Treated effluent will discharge to Forest Hills Run in the Brodhead Creek Watershed.

4. Upper Gwynedd Township Authority: Replacement of an intercepter sewer in Upper Gwynedd Township, Montgomery County, Pa. Approximately two miles of interceptor will be installed to convey an ultimate volume on 24 million gallons per day to the Authority's existing treatment plant. Treated effluent will discharge to Wissahickon Creek.

5. Village of Walton: A sewage treatment plant to serve the Village of Walton, Delaware County, N.Y. About 96 percent of BOD5 and 90 percent of suspended solids will be removed from a sewage flow of 1.17 million gallons per day. Treated effluent will discharge to the West Branch of the Delaware River.

6. Maidencreek Township Water Authority: A well water supply project to augment public water supplies in Ruscombmanor and Maidencreek Townships, Berks County, Pa. Designated Wells Nos. 1 and 2, the new facilities are expected to provide a combined yield of about 416,000 gallons per day.

7. Arrowhead North Sewage Co.: A sewage treatment project at the subject recreational community in Coolbaugh Township, Monroe County, Pa. About 92 percent of BOD5 and 94 percent of suspended solids will be removed from a sewage flow of 50,000 gallons per day. Treated effluent will discharge to the Lehigh River.

8. A Pocono Country Place, Inc.: A sewage treatment project at the subject recreational community in Coolbaugh Township, Monroe County, Pa. About 96 percent of BOD5 and 97 percent of suspended solids will be removed from a sewage flow of 50,000 gallons per day. Treated effluent will discharge to Dresser Run, a tributary of Tobyhanna Creek.

9. Artesian Water Co: Four well water supply projects, designated as Glendale Nos. 5 and 6, and Hockessin Nos. G1 and G3, located in New Castle County, Del. The four new facilities will augment public water supplies in the company's 80 square-mile service area adjacent to the City of Wilmington. Combined withdrawals will be limited to an average of 2.09 million gallons per day.

10. Delaware County Regional Water Quality Authority: Modification of the Authority's pumping station and force main located in the Borough of Marcus Hook and the City of Chester, Delaware County, Pa. About 1.4 miles of force main will be installed to carry an average waste flow of 13.7 million gallons per day.

11. Spring City Borough: A sewage treatment plant to serve Spring City, East Vincent Township and Pennhurst State School in Chester County, Pa. About 85 percent of BOD_5 and 90 percent of suspended solids will be removed from a sewage flow of about 2.1 million gallons per day. Treated effluent will discharge to the Schuylkill River.

12. East Greenwich Township: A well water supply project to augment public water supplies in East Greenwich Township, Gloucester County, N.J. One existing well and one new well will be utilized to provide a combined withdrawal of approximately one million gallons per day.

13. New Castle County Dept. of Public Works: A sewage treatment plant to serve the northwestern section of New Castle County, Del. The three-million-gallon-per-day facility will be used on a temporary basis to reduce sewage overflows into Marsh Creek and to accommodate interim development in the White Clay Creek drainage area.

14. City of Bordentown: A well water supply project to augment public water supplies in Hamilton Township in Mercer County and Bordentown Township in Burlington County, N.J. Three existing wells and one new well will be used to provide a combined yield of 3 million gallons per day.

15. Ewing-Lawrence Sewerage Authority: Expansion of the Authority's sewage treatment plant in Lawrence Township, Mercer County, N.J. About 90 percent of BOD5 and suspended solids will be removed from a sewage flow of 11 million gallons per day. Treated effluent will discharge to Assunpink Creek.

16. East Stroudsburg Borough Authority: A re-rating of the Authority's sewage treatment plant in Monroe County, Pa. About 85 percent of BOD5 will be removed from a sewage flow of 1.3 million gallons per day. Treated effluent will discharge to Brodhead Creek.

17. Monsanto Co: A well water project to serve the company's plant in Logan Township, Gloucester County, N.J. The average volume of water withdrawn from three existing wells will be increased to 2.07 million gallons per day.

18. Riegel Products Corp: An industrial waste treatment project at the company's plant in Milford, Warren County, N.J. About 85 percent of BOD5 and 95 percent of suspended solids will be removed from a wastewater flow of 4.2 million gallons per day. Treated effluent will discharge to the Delaware River.

19. U.S. Steel Corp: Docking facilities at the company's American Bridge Division plant in the City of Trenton, Mercer County, N.J. Derrick facilities will be installed in the new docking area. About 6,000 cubic yards of bottom material will be dredged from the Delaware River incident to construction of the project.

20. Rollins Environmental Services, Inc: A well water supply project to serve the company's industrial facility in Bridgeport, Logan Township, Gloucester County, N.J. Average withdrawal from this well would be 150,000 gallons per day.

21. Rolling Environmental Services, Inc: A surface water withdrawal from the Delaware River at the company's facility in Bridgeport, Logan Township, Gloucester County, N.J. A maximum of 1.44 million gallons per day will be withdrawn for use as waste incinerator scrubber water. The water will be returned to Rancocas Creek after treatment in a proposed on-site facility.

22. Blue Ridge-Winkler Textiles: An industrial waste treatment project at the company's plant in Bangor, Northampton County, Pa. About 95 percent of BOD5 and 90 percent of suspended solids will be removed from a waste flow of approximately 1.15 million gallons per day. Treated effluent will discharge to Martins Creek.

23. Sohio Petroleum Co: Extension of an unloading dock at the company's refinery in Marcus Hook, Delaware County, Pa. The new facility is to provide additional tanker berthing space.

24. Olin Corp: An industrial waste treatment project at the company's chemical plant in Paulsboro, Gloucester County, N.J., which recovers waste acid for resale. The project provides almost complete destruction of BOD in wastewater flow of about 220,000. Treated effluent will discharge to the Delaware River.

25. Texaco, Inc: Expansion of mooring facilities at the company's refinery in Westville, Gloucester County, N.J. Facilities will be installed for interception and removal of spilled oil.

26. Tonolli Corp: An industrial waste treatment facility at the company's metal refining plant in the Borough of Nesquehoning, Carbon County, Pa. Treatment facilities will be installed for the neutralization of acid wastes in an average wastewater flow of 11,000 gallons per day. Treated effluent will discharge to Nesquehoning Cręek, a tributary of the Lehigh River.

27. Pennsylvania Power & Light Co: Expansion of the Martins Creek electric generating station in Northamption County, Pa. The proposed expansion includes construction of Units No. 3 and No. 4 which are oil-fired generating units, each with a capacity of 800 megawatts, alongside two existing coal-fired operating units of 150 megawatts each. Associated facilities to be constructed include a natural draft cooling tower and water inlet works to provide a maximum of 19.6 cubic feet per second for each unit, of which an average of 13.7 cfs per unit would be evaporated.

B. An application for water quality certification pursuant to section 401 of the Federal Water Pollution Control Act:

1. New Jersey Dept. of Transportation: An earth dike and 18-inch outfall line in the City of Camden, N.J. The project will convey storm water runoff from the U.S. Route 30 interchange to the Cooper River.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

Dated: September 11, 1974.

W. BRINTON WHITALL,
Secretary.

[FR Doc.74–21693 Filed 9–18–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI75–31, *et al.*]

AMERADA HESS CORP. ET AL.

Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

SEPTEMBER 11, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
R175–31	Amerada Hess Corp	25	8	El Paso Natural Gas Co. (Ignacio Field, La Plata County, Colo., San Juan Basin) (Rocky Mountain Area).	$415,097	8–12–74		2–12–75	24.48	57.72	
	do	49	13	El Paso Natural Gas Co. (San Juan Field, Rio Arriba County, N. Mex., San Juan Basin) (Rocky Mountain Area).	392,321	8–12–74		2–12–75	29.51	[1] 57.72	R172–110.
	do	50	18	do	55,001	8–12–74		2–12–75	25.18	[1] 57.72	
R175–32	The Superior Oil Co	77	[2] 13	El Paso Natural Gas Co. (Aneth Field, San Juan County, Utah) (Rocky Mountain Area).	26,626	8–19–74		4–19–75	[3] [4] 27.5611	[3] [4] 29.8281	
R175–33	Marathon Oil Co	116	3	Colorado Interstate Gas Co. (Oregon Basin Field, Park County, Wyoming Subarea) (Rocky Mountain Area).	19,263	8–21–74		10–22–74	[4] [5] 22.8822	[4] [5] 24.9624	

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Increase based on Aztec Oil & Gas Co. rate which became effective subject to refund on July 2, 1974.
[2] Includes upward Btu adjustment.
[3] For sales from wells commenced prior to Jan. 1, 1973.
[4] Subject to Btu adjustment up and down from 1,000 Btu.
[5] Includes a double amount of the 2 percent increase in the Wyoming severance tax.
[6] The pressure base is 14.73 lb/in²a.
[7] The pressure base is 14.65 lb/in²a.

The proposed rate increases which exceed the applicable ceiling rate established by Opinion No. 658 are suspended for five months and Marathon's proposed rate increase which exceeds the applicable area ceiling rate in Order No. 435 is suspended for one day. Because of the level of the rates sought by Amerada, its proposed increases are suspended for five months.

Marathon in its filing includes a double amount of the contractually due tax reimbursement so as to collect tax reimbursement on past production as well as on future production. It shall file a rate decrease reflecting only contractually due tax reimbursement for future production after tax reimbursement on past production has been recovered.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R–389–B, no part of the proposed

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rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74-21540 Filed 9-18-74;8:45 am]

[Docket No. RI74-177]

A. O. PHILLIPS

Rescheduling Prehearing Conference

SEPTEMBER 12, 1974.

On September 10, 1974, Staff Counsel filed a motion for postponement of the prehearing conference fixed by order issued July 3, 1974, in the above-designated matter. On September 11, 1974, this motion was denied.

Notice is hereby given that the prehearing conference scheduled for September 12, 1974, is postponed until September 19, 1974, 10 a.m., e.d.t. The participants shall be prepared to go forward with the prehearing conference on that date.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21711 Filed 9-18-74;8:45 am]

[Docket No. E-8851]

ALABAMA POWER CO.

Order Granting in Part Application for Rehearing and Motion for Modification of Suspension Period

SEPTEMBER 12, 1974.

On August 19, 1974, Alabama Power Company filed herein an application for rehearing of the Commission's order issued July 18, 1974, which order suspended Alabama's proposed wholesale rate increase in this docket until December 18, 1974. Alabama requests that the suspension period be shortened to permit its proposed increase to become effective as of July 18, 1974, after a one-day suspension. On August 29, 1974, Alabama's intervenor-customers answered in opposition to the application and motion.

In support of its request for a shortened suspension period, Alabama states that it is presently unable to issue any first mortgage bonds or preferred stock under its applicable indenture and earnings coverage tests. As a result, Alabama states it will be forced to curtail its construction program unless its requests for emergency rate relief are granted. (Alabama has requested emergency retail rate relief from the Alabama Public Service Commission.)

The intervenors argue that Alabama has provided no new facts or evidence upon which the requested relief can properly be based. They argue further that since Alabama's jurisdictional sales make only an insignificant contribution to the company's earnings, the solution to its problems depends on emergency relief at the state level.

On September 9, 1974, Alabama filed a supplement to its application and motion; and an answer to the intervenor's response. Alabama advises that the Alabama Public Service Commission has granted, in part, the company's request for emergency retail rate relief. Alabama also requests in the alternative that the Commission make the proposed rates effective, subject to refund, prospectively immediately after the date of issuance of a Commission order in this docket shortening the suspension period.

Upon further consideration of this matter, we find that partial relief in the form of a shortened suspension period should be granted. Alabama has shown that its ability to raise both debt and equity capital is impaired under the applicable indenture and earnings coverage tests and as a result of the extreme and unusual conditions prevailing in capital markets at the present time. Alabama's customer-intervenors are protected by Alabama's obligation to refund with interest all amounts collected in excess of the just and reasonable rate. On balance, we believe that Alabama has justified its request for a shorter suspension period, but at the same time we are not prepared to permit the proposed rates to become effective retroactively to July 18, 1974, as requested by Alabama. We believe, instead that the record before us justifies permitting Alabama's proposed increased rates to become effective as of the date of this order, subject to refund, rather than on December 18, 1974, as required under the suspension order of July 18, 1974.

The Commission orders: (A) The application for rehearing filed herein by Alabama Power Company on August 19, 1974, is hereby granted, and the motion for modification of suspension period is granted in part, by permitting Alabama's proposed rate increase in this docket to become effective on the date of issuance of this order, subject to refund.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21706 Filed 9-18-74;8:45 am]

[Project No. 2732]

CAROLINA POWER AND LIGHT CO.

Extending Briefing Date

SEPTEMBER 12, 1974.

On August 19, 1974, Intervenor Caney Fork Defense Association (CFDA) requested a 90 day extension of the September 16, 1974, filing date for briefs on the issue: whether there is good cause for the Commission to vacate its order of June 18, 1974, issuing a preliminary permit to Carolina Power and Light Company (CJ&L). Intervenor EPIC, Inc., stated it had no objection to a 90 day extension but suggested a 45 day extension as adequate and proper. CP&L opposes the requested 90 day extension but indicated it would not object to a 30 day extension.

After considering all the circumstances, the interests in assuring CFDA a meaningful opportunity to participate as an intervenor require that CFDA's request be granted. All parties are authorized to file, no later than December 16, 1974, briefs regarding vacating the Commission's order granting CP&L a preliminary permit for Project No. 2732. All reply briefs shall be filed by January 6, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21732 Filed 9-18-74;8:45 am]

[Docket No. E-8788]

CENTRAL TELEPHONE AND UTILITIES CORP.

Filing of Service Schedule

SEPTEMBER 12, 1974.

Take notice that by letter dated May 7, 1974, the Central Telephone and Utilities Corporation (Applicant) filed with the Federal Power Commission a Service Schedule to the Interconnection Agreement dated January 23, 1963 between Central Telephone and Utilities Corporation and the Sunflower Electric Cooperative, Inc. This service schedule provides for the sale by Applicant to the Sunflower Electric Cooperative of 20 MW of electric capacity without reserves to be supplied from the La Cygne No. 1 Unit of the Kansas Gas and Electric Company.

The Sunflower Electric Cooperative Inc. has filed with the Commission a certificate of concurrence to this Service Schedule.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21731 Filed 9-18-74;8:45 am]

[Docket No. CP64-89]

CITIES SERVICE GAS CO. AND NATURAL GAS PIPELINE CO. OF AMERICA

Petitions To Amend

SEPTEMBER 12, 1974.

Take notice that on August 20, 1974, Cities Service Gas Company (Cities), P.O. Box 25128, Oklahoma City, Oklahoma 73125, and on September 4, 1974, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP64-89 petitions to amend the Commission's order issued in said docket on January 2, 1964 (31 FPC 3), as amended by orders issued August 14, 1964, April 13, 1965, April 25, 1967, July 11, 1967, and April 17, 1970, by authorizing the extension to May 1, 1980, of the period during which Cities and Natural may exchange up to 60,000 Mcf of natural gas per day and the retention of the Hufnagel No. 1 Exchange Point in Canadian County, Oklahoma, all as more fully set forth in the petitions to amend which are on file with the Commission and open to public inspection.

Cities states the Hufnagel No. 1 Exchange Point was installed by Natural and placed into operation on March 5, 1974, pursuant to an emergency exchange arrangement under § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22), and that the cost to Cities was $2,307.54, which included a 4-inch tap and check setting.

Natural advises that it commenced an emergency purchase of gas from the Hufnagel No. 1 well in Canadian County, pursuant to long-term gas purchase contracts with Eason Oil Company and Harper Oil Company on March 5, 1974, and, concurrently with such purchase, also commenced an emergency exchange with Cities. To implement the emergency purchase and exchange Natural constructed 1.98 miles of 6-inch pipeline and a measuring facility, pursuant to § 157.22 of the Commission's regulations for delivery of the gas to Cities at a point on Cities' existing 12-inch pipeline in Canadian County. The estimated cost of such facilities is $90,000, according to Natural, which cost was met from funds on hand.

Natural proposes to deliver up to 10,000 Mcf of gas per day to Cities through the facilities constructed under the emergency provisions and for which permanent authority is requested. Cities will redeliver volumes of exchange gas attributable to Natural's interest (approximately 60 percent) in the Hufnagel well to Natural at the various existing exchange points previously authorized in the instant docket.

Cities states that the extension of time proposed in the instant docket and the operation of the additional exchange point will enable it to continue to use its excess capacity in its South Blackwell system to meet the growing demands of its present customers. Natural states that the principal purpose for the additional delivery point and the extended exchange period is to enable it and Cities to receive into their respective pipeline systems volumes of natural gas to be purchased from the Hufnagel No. 1 Well.

Any person desiring to be heard or to make any protest with reference to said petitions to amend should on or before October 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21725 Filed 9-18-74;8:45 am]

[Docket No. RI75-13]

CLORIS L. DALE

Order Granting Petition for Special Relief

SEPTEMBER 13, 1974.

On July 27, 1974 Cloris L. Dale (Dale), a small producer, filed a petition for special relief under § 2.76[1] of the Commission's General Policy and Interpretations with respect to sales from the Sudan No. 1 Unit, Hugoton Field, Kearney County, Kansas (Hugoton-Anadarko Area) to Northern Natural Gas Company (Northern).

Notice of the petition was issued August 6, and appeared in the FEDERAL REGISTER on August 12, 1974 at 39 FR 28942. No petitions to intervene were filed.

The gas is to be sold pursuant to a contract amendment dated July 24, 1973 between Dale and Northern which provides that the price to be received for sales from the Sudan No. 1 Well will be increased from the current area rate of 13.51 cents per Mcf to 25 cents per Mcf.

On July 23, 1974, the Commission issued six orders[2] with reference to petitions for special relief. Each order stated, inter alia, that an analysis of a special relief petition required close scrutiny of the additional reserves which are estimated to be recoverable, and the costs therefor, if the petition is to be approved. Pursuant to this direction, in the instant case our staff has made a detailed and comprehensive study of the reserve and cost information made available to it by the producer and the Kansas Corporation Commission. Based upon the petition, the data filed in support thereof, and the staff analysis of reserves and costs, all of which comprise a part of the record in this proceeding, we conclude that the petition is "economically justified" as is required by § 2.76(c)[3] of the Commission's General Policy and Interpretations, and should, therefore, be granted.

The Commission orders:

For the above-stated reasons, the petition for special relief of Cloris L. Dale is hereby granted. Dale is authorized to collect 25 cents per Mcf for all gas produced from the Sudan No. 1 Unit, Kearney County, Kansas, effective on the date of this Commission order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21723 Filed 9-18-74;8:45 am]

[Docket No. CP75-69]

COLUMBIA GAS TRANSMISSION CO.

Application

SEPTEMBER 12, 1974.

Take notice that on September 3, 1974, Columbia Gas Transmission Company (Applicant), 1700 MacCorkle Avenue S.E., Charleston, West Virginia 25314, filed in Docket No. CP75-69 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing reductions in winter contract quantities of natural gas sold to Columbia Gas of Maryland, Inc. (Maryland), Columbia Gas of New York, Inc. (New York), Columbia Gas of Ohio, Inc. (Ohio), Columbia Gas of Pennsylvania, Inc. (Pennsylvania), Columbia Gas of Virginia, Inc. (Virginia), Columbia Gas of West Virginia, Inc. (West Virginia), The Ohio Valley Gas Company (Ohio Valley), The Cincinnati Gas and Electric Company (Cincinnati), and The Union Light, Heat and Power Company (Union) and a reduction in the contract demand of natural gas sold to Commonwealth Natural Gas Corporation (Commonwealth), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In accordance with the desires of the respective customers, Applicant requests authorization to sell natural gas under:

1. A revised service agreement with Maryland dated April 30, 1974, effectuating a reduction in Maryland's winter contract quantity from 882,000 Mcf to 700,000 Mcf under Rate Schedule WS in Zone 6.

2. A revised service agreement with New York dated April 30, 1974, effectuating a reduction in New York's winter contract quantity from 1,326,500 Mcf to 1,125,000 Mcf under Rate Schedule WS in Zone 7.

3. A revised service agreement with Ohio dated April 30, 1974, effectuating a reduction in Ohio's winter contract quantity from 48,924,000 Mcf to 40,770,000 Mcf under Rate Schedule WS in Zone 4.

[1] 18 CFR § 2.76.

[2] C. K. Oil Company, Docket No. RI74-234; Cities Service Oil Company, et al., Docket Nos. RI74-142, et al.; Dinero Oil Company, Docket No. RI74-220; Sun Oil Company, Docket No. RI74-236; Sun Oil Company, Docket No. RI74-237; Terra Resources, Inc., Docket No. RI74-240.

[3] 18 CFR § 2.76(c).

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4. A revised service agreement with Pennsylvania dated April 30, 1974, effectuating a reduction in Pennsylvania's winter contract quantity from 10,285,600 Mcf to 9,890,000 Mcf under Rate Schedules WS in Zone 6.

5. A revised service agreement with Virginia dated April 30, 1974, effectuating a reduction in Virginia's winter contract quantity from 1,655,500 Mcf to 1,397,500 Mcf under Rate Schedule WS in Zone 2.

6. A revised service agreement with West Virginia dated April 30, 1974, effectuating a reduction in West Virginia's winter contract quantity from 2,476,800 Mcf to 2,130,000 Mcf under Rate Schedule WS in Zone 6.

7. A revised service agreement with Ohio Valley dated April 30, 1974, effectuating a reduction in Ohio Valley's winter contract quantity from 1,131,000 Mcf to 1,032,000 Mcf and from 2,008,600 Mcf to 1,403,600 Mcf under Rate Schedule WS in Zones 1 and 6, respectively.

8. A revised service agreement with Cincinnati dated May 30, 1974, effectuating a reduction in Cincinnati's winter contract quantity from 10,035,000 Mcf to 6,690,000 Mcf and from 2,250,000 Mcf to 1,500,000 Mcf under Rate Schedule WS in Zones 3 and 4, respectively.

9. A revised service agreement with Union dated May 30, 1974, effectuating a reduction in Union's winter contract quantity from 3,434,000 to 2,424,000 Mcf under Rate Schedule WS in Zone 3.

10. A revised service agreement with Commonwealth dated April 30, 1974, effectuating a reduction in Commonwealth's contract demand from 215,501 Mcf to 210,756 Mcf under Rate Schedule CDS in Zone 2.

Applicant states that the reduction in winter contract quantities are permitted by Section 13 and the reduction in contract demand is permitted by Section 12 of the General Terms and Conditions of Applicant's FPC Gas Tariff, Original Volume No. 1.

Applicant requests an effective date of November 1, 1974 for the revised service agreements for Maryland, New York, Ohio, Pennsylvania, Virginia, West Virginia, Ohio Valley, Cincinnati and Union, and an effective date of December 1, 1974, for Commonwealth's revised service agreement.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21727 Filed 9-18-74;8:45 am]

[Docket No. RP75-8]

COMMERCIAL PIPELINE CO., INC.

Order Suspending Proposed Rate Increase, Accepting PGA Clause With Condition, Denying Waiver, and Establishing Procedures

SEPTEMBER 13, 1974.

On July 31, 1974, Commercial Pipeline tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1[1] with a proposed effective date of September 15, 1974. Original Sheet No. 3A sets forth the new rates applicable to service rendered under Commercial's Rate Schedule F-1. Such sheet provides for a new rate of $0.9012 per Mcf for "Base Load" gas (the present rate is $0.6341 per Mcf) and $1.0122 per Mcf for "Excess" gas (the present rate is $0.7451 per Mcf). This represents a 26.71¢ per Mcf increase in each rate; the allocation to base gas and excess gas rates was upon an equal basis. This new rate will result in increased annual revenues to commercial of $79,486 based on the 12 months ended March 31, 1974, as adjusted. Commercial states that the principal reasons for its proposed rate increases are an increase in its cost of purchased gas of 16.24¢ per Mcf in "Base Load" gas and 14.03¢ per Mcf in "Excess" gas (this increase is since Commercial's last rate filing in Docket No. RP72-105); increases in its cost of plant; increased operational and maintenance costs; and the need to provide for a more adequate rate of return. Commercial proposes a 9.75 percent overall return with an 11.75 percent return on equity.

Commercial also proposes to incorporate a Purchased Gas Adjustment Clause (PGA Clause) into its tariff pursuant to § 154.38(d)(4) of the Regulations. Our review of Commercial's proposed PGA clause indicates that it conforms to § 154.38(d)(4) of the Regulations except that the clause provides for a 30 day notice period instead of the 45 day period prescribed in § 154.38(d)(4)(v) of the Regulations for rate changes under PGA clauses. Accordingly, we shall accept for filing and make effective as of September 15, 1974, as proposed, Commercial's PGA clause upon condition that Commercial file revised tariff sheets within 30 days of the date of issuance of this order which prescribe a 45 day notice period for rate changes under its PGA clause.

Commercial has also asked for a waiver of Section 154.63(f) of the Regulations which requires the filing of Statement P in support of a rate increase application. Our review discloses that a Statement P filing is necessary for complete evaluation of the proposed rate increase, and therefore we shall require Commercial to file a Statement P within 15 days.

The proposed tariff changes were noticed on August 16, 1974, with September 3, 1974, established as the deadline for the filing of protests and interventions. No interventions or protests have been filed in this proceeding.

Our review of Commercial's filing indicates that the proposed rate increase has not been shown to be just and reasonable and may be unjust, unreasonable, or unduly discriminatory. Accordingly, we shall suspend the proposed rate increase for one day, subject to refund, and establish hearing procedures to determine the justness and reasonableness of the proposed change in rates; we shall also deny the requested waiver of § 154.63(f) of the regulations.

The Commission finds:

(1) The proposed tariff sheets tendered on July 31, 1974 should be accepted for filing.

(2) The proposed PGA clause should be accepted for filing and made effective as hereinafter conditioned and ordered.

(3) The proposed change in rates may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful and should therefore be suspended for one day, subject to refund, to become effective September 16, 1974, and should be set for hearing.

(4) Good cause does not exist to grant Commercial the requested waiver of Section 154.63(f) of the regulations.

The Commission orders:

(A) Pending a hearing and a decision thereon, Commercial's proposed rate increase, tendered July 31, 1974, is hereby accepted for filing and suspended for one day, subject to refund, to become effective September 16, 1974.

(B) Commercial's proposed PGA clause is accepted for filing and made effective September 15, 1974, as proposed, upon condition that Commercial file revised tariff sheets within 30 days of the date of issuance of this order which prescribe a 45 day notice period for rate changes under the PGA clause, as required by § 154.38(d)(4)(v) of the regulations.

(C) Commercial's request for waiver of § 154.63(f) of the Regulations requiring a Statement P filing is denied and Commercial shall file a Statement P within 15 days.

(D) Pursuant to authority of the Natural Gas Act, particularly section 4 thereof, and the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held on January 14, 1975 at 10 A.M. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 concerning the lawfulness of Commercial's proposed rate increase.

(E) On or before December 3, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any prepared testimony and exhibits of Petitioners shall be served on or before December 17, 1974. Any rebuttal evidence by the company shall be served on or before December 30, 1974.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(G) Nothing contained herein should be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(H) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21728 Filed 9-18-74;8:45 am]

[Docket No. E-8952]

CONNECTICUT LIGHT AND POWER CO.

Order Granting Intervention

SEPTEMBER 13, 1974.

On August 2, 1974, Connecticut Light and Power (CL&P) tendered for filing proposed changes in its rate schedule designated FPC Rate 1. The proposed changes would, effective September 1, 1974, increase revenues from jurisdictional sales and service by $1,084,000 based on the 12 month period ending December 31, 1974. In addition, CL&P proposes to make modifications in the rate form, fuel adjustment clause formula and certain other provisions relating to service to its wholesale customers.

Letters of protest and petitions to intervene were due on or before August 23, 1974. The Bozrah Light and Power Company (BL&P) timely filed a protest and request to intervene. The participation of BL&P may be in the public interest and therefore their timely intervention shall be granted.

The Commission finds:

The participation of the above named party may be in the public interest.

The Commission orders: (A) The above named party is permitted to intervene in this proceeding subject to the rules and regulations of the Commission and the procedures set forth in the Commission Order of August 30, 1974, *Provided, however,* That participation of said intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene, and *Provided, further,* the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by an order or orders entered in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21724 Filed 9-18-74;8:45 am]

[Docket No. CP75-60]

EL PASO NATURAL GAS CO.

Application

SEPTEMBER 13, 1974.

Take notice that on August 29, 1974, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP75-60 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing (1) the modification of its existing Bell Road measuring and regulating station located on Applicant's interstate system so as to provide sufficient delivery capacity to permit required gas deliveries by Applicant to Arizona Public Service Company (APS) for resale and distribution to Priority 1 and 2 gas consumers, served by said meter station situated near Sun City, Arizona, commencing with the 1974-75 winter heating season, and (2) the reapportionment among certain existing delivery points, as requested by APS, of presently authorized contract quantities of gas all in Maricopa County, Arizona, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it constructed in 1970 a meter station (Bell Road meter station) in Maricopa County, Arizona, to provide for the sale and delivery of up to 1,700 Mcf of gas daily to APS for resale in the Sun City area pursuant to budget-type authorization granted by order issued December 30, 1969 (42 FPC 1296). Applicant relates that since the construction of Bell Road meter station, the volumes of gas delivered by means thereof to APS have substantially increased above the contract quantity, attributable primarily to the increased development and expansion of the Sun City area. Applicant states that as a further result of such development and the increased Priority 1 and 2 requirements in the Sun City area, APS has informed Applicant that the volumes of gas delivered to APS are no longer adequate for the protection of Priority 1 and 2 requirements in the southern Sun City area and, further, under present design load conditions, APS' Litchfield Road-Wickenburg feeder system will not be capable of serving the Priority 1 and 2 requirements of the City of Wickenburg, Arizona, during the 1974-75 winter heating season due to inadequate line pressure.[1]

In order to provide increased deliveries to APS at Bell Road and prevent a pressure loss on APS' Litchfield Road-Wickenburg feeder system, Applicant proposes to reapportion deliveries between Applicant's Bell Road meter station and Lateral 25 meter station by reducing the maximum day contract quantities of the Lateral 25 delivery point by 4,900 Mcf and increasing the maximum day contract quantities at the Bell Road delivery point by a like quantity. In addition, Applicant proposes to modify the Bell Road meter station by replacing the positive displacement meter with one standard 4-½ inch O.D. orifice-type meter run with necessary appurtenances.

Applicant states that the estimated total cost of the proposed modification of facilities is $2,750, which cost will be financed by the use of working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition

[1] Applicant states that absent approval of the authorization requested herein, APS would be required to construct 3¼ miles of 8-inch main and 8¼ miles of 4-inch main looping its existing Litchfield Road-Wickenburg feeder system at an estimated cost to APS of approximately $486,000 in order adequately to serve the City of Wickenburg and Sun City, Arizona, during the 1974-75 heating season.

[1] Original Sheet Nos. 3A, 7A and 7B and Fourth Revised Sheet No. 4.

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for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21721 Filed 9-18-74;8:45 am]

[Docket No. CP75-67]

EL PASO NATURAL GAS CO.

Application

SEPTEMBER 13, 1974.

Take notice that on August 30, 1974, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP75-67 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a meter station and certain tap facilities and the natural gas service rendered thereby in San Juan County, New Mexico, Maricopa County, Arizona, and Castro and Lamb Counties, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon one non-standard displacement-type meter station, with appurtenances, required for the sale and delivery of natural gas to Shell Pipe Line Corporation (Shell) for use as engine fuel at Shell's Horseshoe Canyon Pumping Station in San Juan County, New Mexico. Applicant states that Shell has informed Applicant that the subject pumping station has recently been convérted from a natural gas energy source to electrical power obviating the néed for Applicant's meter station at such location.

Applicant additionally proposes to abandon three one-inch tap and valve assemblies, with appurtenances, required to enable Pioneer Natural Gas Company (Pioneer) to serve certain of Applicant's right-of-way grantors in Castro and Lamb Counties, Texas, and a one one-inch tap and valve assembly, with appurtenances, required to enable Arizona Public Service Company (APS) to serve one of Applicant's right-of-way grantors in Maricopa County, Arizona. The application states that Pioneer and APS have agreed with Applicant that natural gas service at the subject tap locations is no longer required, thus obviating the need for Applicant's taps. Applicant indicates that the Pioneer facilities will be abandoned in place while those tap facilities serving APS will be removed and placed into stock pending future need for such facilities.

Applicant estimates that total cost of the proposed abandonments, including filing fee, is $675.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission for and approval of the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21722 Filed 9-18-74;8:45 am]

[Docket No. E-7869]

ILLINOIS POWER CO.

Filing of Facility Use Agreement

SEPTEMBER 12, 1974.

Take notice that by letter dated July 19, 1974, the Illinois Power Company (Applicant) filed with the Federal Power Commission an Appendix to the Facility Use Agreement, dated June 16, 1972 between Central Illinois Light Company and Applicant (designated Rate Schedule FPC No. 62 and supplements 1 through 4 thereto). This Appendix to the Use of Agreement provides for the use of Applicant's facilities by the Central Illinois Light Company in connection with the delivery of electric service to the Homer and Bement areas and provides that the annual rental charge for the use of Applicant's facilities shall be $240,468.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21730 Filed 9-18-74;8:45 am]

[Docket No. E-8986]

INDIANA & MICHIGAN ELECTRIC CO.

Filing of Electric Service Agreement

SEPTEMBER 12, 1974.

Take notice that on August 21, 1974, Indiana & Michigan Electric Company (I&M) tendered for filing an agreement between I&M and the City of Fort Wayne, Indiana (Fort Wayne) concerning service to Fort Wayne at a new delivery point designated the Avondale Switching Station. I&M states that the new delivery point was installed at Fort Wayne's request and that service will be provided under I&M's FPC Electric Tariff WS.

According to I&M, the facilities for the new delivery point were energized on July 31, 1974, and therefore, I&M requests waiver of the notice requirements of the Commission's Regulations and designate July 31, 1974, as the effective date for the agreement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-21714 Filed 9-18-74;8:45 am]

[Docket No. E-8997]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

Tariff Change

SEPTEMBER 11, 1974.

Take notice that Iowa-Illinois Gas and Electric Company, on August 30, 1974 tendered for filing pursuant to § 35.13 of the regulations under the Federal Power Act, proposed changes in its Electric Rate Schedule FPC No. 20 which is used to serve Sharrard Power System, of Orion, Illinois. The changes, proposed to be effective September 30, 1974, were based on a 12-month test period ended May 31, 1974 and would result in increased revenues from jurisdictional sales and service by $195,730.

Iowa-Illinois Gas and Electric Company alleges that the proposed increase in revenues is necessary to restore its operating income to a level which provides an adequate rate of return. It further alleges that the increase is essential to insure the company of sufficient revenue and operating income to adequately meet the operating expenses necessary to provide good electric service and to attract the additional capital required.

Iowa-Illinois Gas and Electric Company states that copies of the filing were served upon its only jurisdictional customer, Sherrard Power System, and upon the Illinois Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before September 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21716 Filed 9-18-74;8:45 am]

[Docket No. RP73-91]

McCULLOCH INTERSTATE GAS CORP.

Filing of Tariff Sheet

SEPTEMBER 12, 1974.

Take notice that on August 28, 1974, McCulloch Interstate Gas Corporation (McCulloch) tendered for filing Second Revised Sheet No. 32 to McCulloch Interstate Gas Corporation's FPC Gas Tariff Original Volume No. 1. According to McCulloch, the filing provides for a Purchased Gas Adjustment rate increase of 6.50¢/Mcf, effective October 1, 1974, in accordance with the terms of the Purchased Gas Adjustment Cost Provision set forth in Original Sheets Nos. 28-31 of McCulloch's currently effective FPC Gas Tariff Original Volume No. 1, as approved by FPC order issued January 7, 1974, McCulloch states that the filing will enable McCulloch: (1) to recover the balance in McCulloch's Unrecovered Purchased Gas Cost Account as of June 30, 1974 and (2) to provide for a current Gas Cost Adjustment in order to permit McCulloch to recover the higher cost of gas purchases which McCulloch is currently incurring.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21708 Filed 9-18-74;8:45 am]

[Docket No. RP74-101]

NATIONAL FUEL GAS SUPPLY CORP.

Filing of Tariff Sheet

SEPTEMBER 12, 1974.

Take notice that on August 23, 1974, National Fuel Gas Supply Corporation (National Fuel) tendered for filing First Revised Sheet No. 2 to National Fuel's FPC Gas Tariff, Original Volume No. 2. According to National Fuel, this filing reflects an annual increase of $463,380 in the interim rate filed by National Fuel on June 28, 1974, in this docket. National Fuel states that this increase is made to reflect increased costs of gas purchased from National Fuel's supplies.

National Fuel requests a waiver of the 45-day notice requirement contained in § 4.6 of the general terms and conditions of its FPC tariff due to National Fuel's failure to receive its supplier's revised rates in time to make a timely filing, and in addition, National Fuel requests waiver of the notice requirements of the Commission's Rules and Regulations to permit this filing to become effective on September 1, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21710 Filed 9-18-74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON THE IMPACT OF INADEQUATE ELECTRIC POWER SUPPLY

Order Designating Additional Member

SEPTEMBER 13, 1974.

The Federal Power Commission, by order issued February 28, 1974, established the National Power Survey Technical Advisory Committee on the Impact of Inadequate Electric Power Supply.

2. Membership. An additional member of the Technical Advisory Committee on the Impact of Inadequate Electric Power Supply, as selected by the Chairman of the Commission, with the approval of the Commission is as follows:

Dr. Alvin Kaufman, Director, Office of Economic Research, New York State Public Service Commission.

Dr. Kaufman replaces Dr. Alfred E. Kahn.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21717 Filed 9-18-74;8:45 am]

[Docket No. CP75-61]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

SEPTEMBER 13, 1974.

Take notice that on August 30, 1974, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75-61 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon its Crawford sales measuring facility in the City of Chicago, Illinois, through which Applicant delivers gas to The Peoples Gas Light and Coke Company (Peoples), an affiliate, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the subject facility has been relaced by a new sales and measuring facility upstream and that this new facility is owned and will be maintained by Peoples and operated by Applicant. Applicant proposes to sell a portion of the abandoned facility to Peoples for $57,274.98 and either to remove and salvage or abandon in place the remaining equipment. The total estimated salvage value of the facility, including the sale to Peoples is $67,927.67.

Applicant further states that there will be no change in daily design capacity of Applicant's system as a result of the proposed abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21720 Filed 9-18-74;8:45 am]

[Docket No. CP75-70]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

SEPTEMBER 13, 1974.

Take notice that on September 3, 1974, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75-70 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction for a 12-month period commencing October 1, 1974, and the operation and for permission and approval for abandonment, of field gas compression and related appurtenant facilities, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction, relocation and abandonment of field compression facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to filing of the instant application.

Applicant states that the total cost of the proposed construction, relocation and abandonment will not exceed $3,000,000, and the cost for any single project will not exceed $500,000. These costs will be financed from available funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-21719 Filed 9-18-74;8:45 am]

[Docket No. CP73-227]

NORTHERN NATURAL GAS CO.

Petition To Amend

SEPTEMBER 12, 1974.

Take notice that on August 19, 1974, Northern Natural Gas Company (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP73-227 a petition to amend the order of the Commission issued in the subject docket on November 30, 1973 (50 FPC ----), pursuant to section 7(c) of the Natural Gas Act so as to defer for one year a presently authorized increase in maximum daily volumes of gas to be transported for Northern States Power Company (NSP), all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

By the order of November 30, 1973, the Commission authorized Petitioner to transport natural gas for NSP pursuant to a contract between the two parties, dated January 12, 1973. Under the terms of this agreement, Petitioner was to reduce its deliveries to NSP at St. Paul, Minnesota, by amounts equal to NSP's peak-shaving production in the St. Paul area and concurrently transport and deliver equivalent volumes to Midwestern Gas Transmission Company (Midwestern) for the account of NSP. Commencing with the 1973-1974 heating season, Petitioner was to transport and deliver a maximum daily volume of 4,000 1973-1974 heating season, Petitioner was to transport and deliver a maximum daily volume of 4,000 Mcf for NSP. Commencing with the 1974-1975 heating season, Petitioner's daily obligation was to increase to 8,000 Mcf. For all heating seasons thereafter the maximum daily volume was to be 12,000 Mcf.

The petition to amend states only that NSP has requested that the increase in the maximum daily volume be deferred for one year. Petitioner, therefore, requests the Commission to amend its order issued in the instant docket to provide for such a one-year deferral.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21707 Filed 9-18-74;8:45 am]

[Docket No. CP75-68]

NORTHERN NATURAL GAS CO.

Application

SEPTEMBER 12, 1974.

Take notice that on September 3, 1974, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP75-68 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 (c) and (e) of the regulations thereunder (18 CFR 157.7 (c) and (e)), for a certificate of public convenience and necessity authorizing unspecified miscellaneous branchline and town border station rearrangements during calendar year 1975 and for permission and approval to abandon various minor direct sales facilities during the calendar year 1975, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in its efforts to provide adequate and reliable gas service to its customers by miscellaneous rearrangements of existing facilities and to act wth reasonable dispatch in abandoning service and removing direct sales measuring, regulating, and appurtenant facilities. Applicant states that the total cost of the rearrangement and construction of facilities proposed herein will not exceed $300,000, and such costs will be financed with working funds. Applicant further states that the proposed construction and operation will not result in any change in Applicant's service.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21726 Filed 9-18-74;8:45 am]

[Docket No. E-8999]

ORANGE & ROCKLAND UTILITIES, INC.

New Power Supply Contract

SEPTEMBER 11, 1974.

Take notice that on August 30, 1974, Orange & Rockland Utilities, Inc. (Orange & Rockland) tendered for filing a new power supply contract between Orange & Rockland and Pike County Light and Power Company (Pike). This contract replaces an outstanding contract between the parties providing for the sale of power by Orange & Rockland to Pike, its wholly owned subsidiary, on a cost of service basis.

Orange & Rockland asserts that the only changes effected by the new contract are a new method of determining rate of return, and some minor modifications to working capital. The new contract, the company states, represents an increase in revenues of $13,490. An effective date of October 1, 1974, has been requested.

Any person desiring to be heard or to protest said contract should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21715 Filed 9-18-74;8:45 am]

[Docket No. CI68-957]

PETROLEUM MANAGEMENT, INC. (OPERATOR), ET AL.

Application

SEPTEMBER 12, 1974.

Take notice that on August 19, 1974, Petroleum Management, Inc. (Operator), et al. (Applicant), 1902 The 600 Building, Corpus Christi, Texas 78401, filed in Docket No. CI68-957 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas in interstate commerce to Florida Gas Transmission Company (Florida) from the East Aransas Pass Field, Aransas County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.[1]

Applicant states that its predecessor in interest, Atlantic Refining Company, entered into a 20-year contract, dated June 29, 1956, for the sale of natural gas to Coastal Transmission Corporation (now Florida) from leases in the Kring, Darby, Atlantic Fee, Barber, Conn Brown, and Heist Gas Units, all in the East Aransas Pass Field, Aransas County, Texas. Said sale was authorized by the Commission in the subject docket.

Applicant states that production from the Kring, Darby, and Atlantic Fee Gas Units has ceased due to depletion of reserves and as a result the leases for said units have lapsed. Accordingly, Applicant requests Commission permission, and approval to abandon the sale of gas to Florida from the leases in the Kring, Darby and Atlantic Fee Gas Units.

Applicant further states that in 1971 Florida was not compressing[2] and purchasing gas available to it (300-500 Mcf) from 4 of the 5 wells in the Barber, Conn Brown and Heist Gas Units.[3] Applicant claims that it sought a commitment from Florida as to whether Florida intended to exercise its option to compress such low pressure gas (approximately 50 psig) and purchase the same under the aforementioned contract. Applicant states the Florida failed to respond. Because Florida expressed no interest in said gas and because Applicant was precluded by the Texas Railroad Commission from flaring said gas, Applicant states that it chose to sell such gas on an oral day-to-day basis to Lo-Vaca Gathering Company (Lo-Vaca) in order to prevent the lapsing of the leases involved due to the lack of production in commercial quantities and to prevent damage to the wells from shutting them in.

Additionally, Applicant states that for a period of about one month in early 1973 Florida suspended gas purchases from the only remaining well from which Florida was purchasing gas under the aforesaid contract due to difficulties in the operation of its compressor at the Barber Gas Unit Well No. 1.[4] Applicant claims that again in an effort to prevent the leases in the Barber Gas Unit from lapsing it began the sale of gas from the Barber Gas Unit Well No. 1 to Lo-Vaca.

Subsequently, Applicant alleges, Florida determined that Applicant had no gas available under the aforesaid contract at 500 psig and that the low pressure gas that was available was being sold by Applicant to Lo-Vaca. Applicant further alleges that in the middle of 1973 Florida removed its facilities employed for the compression and purchase of gas and, accordingly, abandoned all purchases of gas from Applicant under the aforementioned contract.

Applicant states that the foregoing facts together with the fact that Florida has made no effort in over 12 months to meet its obligations under the June 29, 1956, contract leads to the conclusion that Florida has abandoned all its rights to purchase gas under said contract. Accordingly, Applicant requests Commission permission and approval to abandon all service to Florida authorized in the subject docket.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appro-

[1] Applicant files this application on behalf of itself and the other leasehold owners involved: Skelly Oil Company, Clinton Oil Co., Estate of J. R. Howe, Deceased, and Total Oil and Gas, Ltd.

[2] Applicant states that under the June 29, 1956, contract, Applicant was not required to deliver gas in excess of 500 psig after June 26, 1969, nor was it required to install or operate compressor facilities to deliver such gas. However, either Applicant or Florida had the option to install such compressor facilities, which option Florida chose to exercise.

[3] Barber Gas Unit Well No. 2, Conn Brown Gas Unit Well No. 1, Heist Gas Unit Well Nos. 1 and 2. Florida was only compressing and purchasing from Barber Gas Unit Well No. 1.

[4] Applicant points out that due to the shut-in for 30-40 days of the Barber Gas Unit Well No. 1 (caused by Florida's mechanical difficulties), Applicant was never able to regain the level of wellhead pressure extant prior to the shut-in.

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priate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21713 Filed 9-18-74;8:45 am]

[Docket No. RP72-121]

SOUTHWEST GAS CORP.

Filing of Tariff Sheets

SEPTEMBER 12, 1974.

Take notice that on August 22, 1974, Southwest Gas Corporation (Southwest) tendered for filing Second Substitute Sixth Revised Sheet No. 3A, constituting Original PGA-1 in its FPC Gas Tariff, Original Volume No. 1. According to Southwest, the purpose of this filing is to decrease the rates of Southwest under its purchased gas adjustment clause in Section 9 of its General Terms and Conditions contained in its FPC Volume No. 1. Southwest states that this filing will reflect: the decrease in the cost of gas purchased from Northwest Pipeline Corporation (Northwest) for which Northwest has applied for an effective date of October 1, 1974; the reversal of the April 2, 1974 surcharge; and the imposition of the October 1, 1974, surcharge.

Southwest has requested an effective date of October 1, 1974, and states that copies of the filing have been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company, and California-Pacific Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21712 Filed 9-18-74;8:45 am]

TECHNICAL ADVISORY COMMITTEE ON THE IMPACT OF INADEQUATE ELECTRIC POWER SUPPLY

Notice of Meeting

To be held at the Federal Power Commission Offices at 825 North Capitol Street NE., Washington, D.C., 10 a.m., October 3, 1974, Room 5200.

1. Meeting opened by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
   A. Review of draft material.
   B. Discussion of additional assignments.
   C. Other Business.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21733 Filed 9-18-74;8:45 am]

[Docket Nos. E-7571 and E-7572]

UNION ELECTRIC CO. AND MISSOURI POWER & LIGHT CO.

Filing of Joint Motion for Approval of Stipulation and Agreement

SEPTEMBER 13, 1974.

Take notice that on September 3, 1974, Union Electric Company (UE) and Missouri Power & Light Company (MPL) submitted for filing a proposed settlement agreement for electric service from UE to MPL, and from MPL to Missouri Edison Company (Edison). UE and MPL also filed a joint motion for approval of the settlement.

The settlement provides that the amount of the rate increase to MPL in Docket No. E-7571 would be determined by applying the principles decided in Docket No. E-7525 (Opinion No. 609) except that the allowable rate of return would be 8%. The settlement contains a cost of service study in Docket No. E-7572 which shows the effect of flowing the agreed on UE increase to MPL through to Edison.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 26, 1974. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21718 Filed 9-18-74;8:45 am]

[Docket No. CP75-52]

UNITED GAS PIPE LINE CO.

Application

SEPTEMBER 12, 1974.

Take notice that on August 23, 1974, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP75-52 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon and remove three sales meter stations, two separators, a storage tank, and appurtenant equipment, and to abandon in place approximately 1.1 miles of 4½-inch pipeline, formerly used to serve the Jefferson Lake Sulphur Company in Plaquemines Parish, Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the Jefferson Lake Sulphur Company has abandoned its sulphur mine operation at the above location and removed all equipment. The last delivery through the subject facilities, according to Applicant, was made on March 16, 1972.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21709 Filed 9-18-74;8:45 am]

FEDERAL RESERVE SYSTEM

[Reg. Y]

BANK HOLDING COMPANIES

Application To Continue Activities Generally Known as Operating a Travel Agency and of Possible Rulemaking

The Board of Governors has received the application of First Bancorp., Inc., Corsicana, Texas, filed pursuant to § 4 (c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4 (b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for prior approval to retain First Travel Agency, Corsicana, Texas, and thereby continue to engage in the operation of a travel agency.

The activity of engaging in the travel agency business has not heretofore been found by the Board to be closely related to banking. Applicant states that the proposed activity has been carried on by certain banks for over 100 years, and is, in Applicant's opinion, closely related to banking. Since there appears to be a reasonable basis for Applicant's opinion, this notice is published pursuant to § 225.4(a) of Regulation Y. Such a finding does not constitute a determination on the issue and, in connection with its consideration of this application, the Board will also consider whether or not to add the proposed activity to the list of activities the Board has previously determined to be closely related to banking.

Interested persons may express their views on the question of whether engaging in travel agency activities are so closely related to banking or managing or controlling banks as to be a proper incident thereto.

Interested persons may also express their views on the question of whether consummation of the subject proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

In order to explore this issue, the Board has directed that an oral presentation be held before available members of the Board in the Board Room of its building on 20th Street and Constitution Avenue NW., Washington, D.C. commencing at 10 a.m. on November 7, 1974. Interested persons are invited to participate by presenting their views on all issues raised by the pending proposal. Interested persons need not participate in the oral presentation to have their views considered, and may do so by written comment. Written comments as they are received will be made available for inspection and copying in Room 1118 of the Board's building, 20th Street and Constitution Avenue NW., Washington, D.C. The application may be inspected and copied at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any requests to participate orally in the hearing should be submitted in writing accompanied, if possible, by a brief summary of the proposed testimony, and should be received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 7, 1974. Each person orally participating in the hearing would normally be expected to limit their presentation to thirty minutes. Anyone wishing to submit written comments on this matter, on testimony received at the oral presentation or on other comments received by the Board, may do so at any time before the close of business on December 9, 1974.

By order of the Board of Governors, effective September 13, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21845 Filed 9-18-74;8:45 am]

COMMERCE BANCSHARES, INC.

Acquisition of Banks

Commerce Bancshares, Inc., Kansas City, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 50 percent or more of the voting shares of Mound City Trust Company, St. Louis, Missouri ("Mound City") and through said acquisition to acquire indirectly a majority of the voting shares of Valley Bank of Florissant, Florissant, Missouri ("Valley Bank"). Mound City presently owns in excess of 58 percent of the outstanding voting shares of Valley Bank; hence, acquisition of the majority shares of Mound City would include beneficial interest in the shares of Valley Bank.

Notice of receipt of the application, affording opportunity for interested persons to submit comments and views with respect to the proposed transaction, was published in the FEDERAL REGISTER (39 FR 21193). As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri and requested his views and recommendation thereon. The Commissioner offered no objection to the proposed acquisition of Mound City and, in fact, indicated the proposal might make Mound City a more competitive unit and enhance its ability to serve the needs of the community. No formal objection was made by the Commissioner to Applicant's proposal to acquire Valley Bank although the Commissioner did express his concern about Applicant's method of entry into the north St. Louis County portion of the market and questioned whether such entry could be accomplished in a manner more conducive to preserving and promoting a fully competitive banking structure. The Board has considered the application and all comments received, including the views of the Commissioner, in light of the factors set forth in section 3 of the Act (12 U.S.C. 1842 (c)).

Applicant controls 27 banks with aggregate deposits of approximately $1.2 billion, representing 7.7 percent of total commercial bank deposits in Missouri, and is the third largest bank holding company in the State. Applicant's acquisition of Mound City would increase Applicant's control of State deposits by an additional 0.3 percent; Applicant's rank among the State's banking organizations would remain unchanged.

Mound City (deposits of $38.1 million), which is located in the city of St. Louis, competes with over 90 banking organizations operating in the St. Louis banking market.[1] Applicant presently controls six banks in the St. Louis market area and holds aggregate deposits of approximately $155 million, representing 2.04 percent of the total deposits in commercial banks in this market. Acquisition of Mound City would increase Applicant's share of the market's commercial bank deposits to 2.5 percent and, on the basis of the facts of record, would not eliminate a significant amount of existing competition between the two institutions.

Valley Bank (deposits of $28.5 million) is located in the north St. Louis County portion of the relevant market and holds but 0.4 percent of the total commercial bank deposits in the St. Louis banking market. None of Applicant's banking subsidiaries are located in Valley Bank's primary service area, and consummation of the proposed acquisition would eliminate a negligible amount of existing competition between any of these subsidiaries and Valley Bank.

With respect to the overall St. Louis market, consummation of both proposals would increase Applicant's share of total market deposits to but 2.9 percent. The level of deposit concentration among the ten largest banking organizations in the St. Louis banking market is relatively moderate with the ten largest organizations (each of which is a multibank holding company) controlling in the aggregate about 55 percent of the market's total commercial deposits. Applicant presently ranks (in terms of total deposits) as the ninth largest banking organization in the market. Although consummation of both of the proposed acquisitions would increase Applicant's ranking among the market's banking organizations to the sixth largest, the proposal would increase the concentration

[1] The St. Louis banking market is approximated by the city and county of St. Louis, portions of St. Charles and Jefferson Counties in Missouri, and portions of Madison and St. Clair Counties in Illinois.

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of total deposits held by the ten largest banking organizations by only 0.9 percent. Considering the modest share of deposits presently held by Applicant's banking subsidiaries in this market, the size of each of the banking institutions Applicant proposes to acquire and the minor increase in the deposit concentration among the market's banking institutions upon consummation of the proposed acquisitions, the Board concludes that competitive considerations relating to the proposal are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks, as well as that of Mound City, are regarded as satisfactory and consistent with approval of the application. In view of Applicant's willingness to augment the capital of Valley Bank, financial considerations relating to Valley Bank are consistent with approval. With respect to considerations relating to convenience and needs, it appears that consummation of the proposal will enhance to some extent the convenience and needs of the communities served by Mound City and Valley Bank. Applicant plans to assist Valley Bank in increasing its loan to deposit ratio to a more satisfactory level and in expanding banking services at both banks. The Board concludes that considerations relating to the convenience and needs of the communities to be served lend weight toward approval of the application. It is the Board's judgment that consummation of the proposed acquisitions are in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above, provided that the transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] effective September 10, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21671 Filed 9-18-74;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, and Holland. Absent and not voting: Governors Bucher and Wallich.

CENAR CORP.

Bank Holding Co.

CENAR Corporation, Wichita, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 83.3 percent or more of the voting shares of The Central State Bank and Trust Company of Wichita, Wichita, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 8, 1974.

Board of Governors of the Federal Reserve System, September 10, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21662 Filed 9-18-74;8:45 am]

CLAYTON BANKSHARES, INC.

Bank Holding Co.

Clayton Bankshares, Inc., Clayton, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 94 percent or more of the voting shares of Citizens State Bank of Clayton, Clayton, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 7, 1974.

Board of Governors of the Federal Reserve System, September 11, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21663 Filed 9-18-74;8:45 am]

FIRST ALABAMA BANCSHARES, INC.

Acquisition of Bank

First Alabama Bancshares, Inc., Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to Phenix National Bank, Phenix City, Alabama ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Alabama, controls 11 banks with aggregate deposits of approximately $949 million, representing 12.3 percent of the total deposits in commercial banks in the State.[1] Acquisition of Bank would increase Applicant's share of State deposits only slightly and would not alter Applicant's ranking among other State banking organizations. The four largest bank holding companies now control 14 of Alabama's 20 largest banks and, in the past three years, have increased their aggregate share of deposits from approximately 30 percent to 50 percent of total deposits in the State.

Bank is the eighth largest of the nine commercial banks in the relevant banking market and holds deposits of $14.3 million, representing slightly more than 3 percent of the total deposits in commercial banks in the market. As of June 30, 1973, Bank had been the seventh largest bank in the market, holding deposits of $14.6 million, then representing 4 percent of total market deposits. The four largest banks in the market, all located in the Georgia portion of the market, control, respectively, 32, 31, 15 and 6 percent of the deposits therein, with the remaining banks each controlling approximately 3-4 percent of the deposits, except for the smallest bank, which controls 0.5 percent of the deposits.

Based on Bank's relatively small size and market share, it does not appear likely that consummation of the proposed transaction would enable Applicant to dominate the Columbus market. In this connection, the Board also notes that the two largest banks in the market together control approximately 63 percent of market deposits, while the third largest, controlling 15 percent of market deposits, is a subsidiary of one of the largest banking organizations in Georgia.

Applicant's banking subsidiary nearest to the market is located in Montgomery, Alabama, approximately 80 miles from Bank. No meaningful competition exists between Bank and any of Applicant's present subsidiaries; nor does it appear likely that any significant future competition would develop between Applicant's banking subsidiaries and Bank in view of the distances between offices of Bank and Applicant's banking subsidiaries, the number of intervening banks, and Alabama's restrictive branching laws. Although the market's population per bank is considerably higher than the Alabama average, per capita total deposits and population per banking office are somewhat lower than the State's average, making it appear unlikely that Applicant would enter the market de novo. In addition, the Columbus banking market may be described as a relatively slow growth area, the Phenix City portion thereof experiencing a population outmigration.[2] Moreover, Applicant's acquisition of the second smallest bank in the market is viewed by the Board as a foothold entry into the market.

The financial and managerial resources and future prospects of Applicant and its subsidiaries are generally satisfactory, and these factors are satisfactory with respect to Bank. Applicant proposes to make available through Bank such specialized services as investment advice, lease financing, and trust services. In addition, Bank, as a result of affiliation with Applicant, will have access to Applicant's data processing system, internal audit department, and management training program and will enjoy a ready source for loan participations. These considerations relating to the convenience and needs of the community to be served are consistent with and lend some weight toward approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[4] effective September 10, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21661 Filed 9-18-74;8:45 am]

[1] All banking data are as of December 31, 1973.

[2] The relevant banking market is approximated by the Columbus, Georgia, SMSA, an area consisting of Russell County, Alabama, and the Georgia counties of Muscogee and Chattahoochee.

[3] The Board is not unmindful of the very rapid population growth experienced by the City of Columbus, Georgia, in recent years. However, entry into that sector of the market is foreclosed to Applicant by prohibitions against inter-State branching and by section 3(d) of the Act.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, and Holland. Absent and not voting: Governor Wallich.

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Nassau Bay National Bank of Clear Lake, Nassau Bay, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 10, 1974.

Board of Governors of the Federal Reserve System, September 11, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21665 Filed 9-18-74;8:45 am]

FIRST VIRGINIA BANKSHARES CORP.

Acquisition of Bank

First Virginia Bankshares Corporation, Falls Church, Virginia (Applicant), a bank holding company within the meaning of the Bank Holding Company Act (12 U.S.C. 1842), has applied for prior approval under section 3(a)(3) of the Act to acquire 100 percent of the voting shares of the successor by merger to People's Bank of Chesapeake, Chesapeake, Virginia (Bank), a nonmember State bank. The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act and the time for filing comments and views has expired. The Reserve Bank has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 23 banking subsidiaries[1] with aggregate deposits of approximately $826.9 million,[2] representing 6.3 percent of the total commercial bank deposits in Virginia. In terms of deposits, it is the State's sixth largest banking organization. Acquisition of Bank, with deposits of approximately $16.3 million,[3] would increase Applicant's share of deposits in Virginia by .1 percent which would not represent a significant increase of banking resources in the State.

The relevant banking market is approximated by the cities of Chesapeake, Norfolk, Portsmouth, Suffolk and Virginia Beach, Virginia. Bank competes in this market through its head office and three branches in Chesapeake and a single branch in Virginia Beach. With 1.1 percent of total market deposits it ranks ninth among 12 competing banking organizations, including seven of the State's largest bank holding companies. Two of these seven organizations control 57 percent of the market's deposits.

Applicant presently competes in the market through two banking subsidiaries, one of which has offices in Virginia Beach in proximity to Bank's Virginia Beach branch. These two banks operate 24 of 157 of the market's banking offices and hold a combined 7 percent of total market deposits. Acquisition of Bank would increase Applicant's share to 8.2 percent of deposits and would raise its relative market rank from fifth in size to fourth.

In addition to these banks, Applicant has a mortgage company subsidiary which operates an office in Virginia Beach and competes with Bank for first mortgages. There are many other mortgage companies and savings and loan associations in the area, however, and neither the Applicant's mortgage office nor Bank, nor a combination of the two, are considered to be a significant market factor. In view of this and the relatively small share of the market held by Applicant's two banks, it is concluded that the acquisition of Bank would not significantly affect either present or future competition.

The financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank are regarded as generally satisfactory, and these considerations are consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served lend some weight in support of approval since Applicant's acquisition of Bank will give the latter access to higher lending limit and will enable it to offer several other bank and bank-related services to its customers. It is the Reserve Bank's judgment, therefore, that the proposed acquisition would be in the public interest and that the application may be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective September 9, 1974.

[SEAL] ROBERT P. BLACK,
President.

[FR Doc.74-21669 Filed 9-18-74;8:45 am]

[1] In May 1974 Applicant received approval to acquire an additional bank. Also, one of its banking subsidiaries recently received approval to merge with another bank.

[2] Banking figures as of December 31, 1973.

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FIRST WEST VIRGINIA BANCORP, INC.

Bank Holding Co.

First West Virginia Bancorp, Inc., Wheeling, West Virginia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger of The Bank of Warwood, National Association, Wheeling, West Virginia, and the successor by merger of Community Savings Bank, National Association, Wheeling, West Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 2, 1974.

Board of Governors of the Federal Reserve System, September 11, 1974.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.74-21667 Filed 9-18-74;8:45 am]

HBT BANK OF CANTON

Merger of Banks

HBT Bank of Canton, Canton, Ohio (Applicant), a nonoperating, proposed State member bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with The Harter Bank & Trust Company, Canton, Ohio (Bank), under the charter of Applicant and the name of Bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's Order of August 29, 1974 relating to the application of Harter BanCorp, Canton, Ohio, to acquire all of the voting shares of the successor by merger to The Harter Bank & Trust Company, Canton, Ohio, provided that said transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order, or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland, pursuant to delegated authority.

By order of the Federal Reserve Bank of Cleveland, acting pursuant to delegated authority from the Board of Governors of the Federal Reserve System, effective August 29, 1974.

[SEAL] WILLIS J. WINN, *President.*

[FR Doc.74-21670 Filed 9-18-74;8:45 am]

INTERNATIONAL BANCSHARES, INC.

Bank Holding Co.

International Bancshares, Inc., Gladstone, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 82.76 percent or more of the voting shares of First National Bank of Gladstone, Gladstone, Missouri, and through acquisition of 96.10 percent or more of the voting shares of Citizens Bank and Trust Company of Smithville, Smithville, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views on writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 11, 1974.

Board of Governors of the Federal Reserve System, September 11, 1974.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.74-21664 Filed 9-18-74;8:45 am]

NEW ENGLAND MERCHANTS COMPANY, INC.

Acquisition of Bank

New England Merchants Company, Inc., Boston, Massachusetts, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to The Fall River National Bank, Fall River, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

New England Merchants Company, Inc., is also engaged in the following nonbank activities: equipment leasing and lending, real estate construction and mortgage lending, domestic and foreign commercial and small business financing, and investment and advisory services. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than October 11, 1974.

Board of Governors of the Federal Reserve System, September 11, 1974.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.74-21666 Filed 9-18-74;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(c)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Highland Park State Bank, San Antonio, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been timely received. The Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board of Governors, has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Texas, presently controls 22 subsidiary banks[1] with aggregate deposits of approximately $2,210.8 million, representing 5.73 percent of the total commercial bank deposits in the state.[2] The acquisition of Bank, which holds deposits of $66.4 million, would only nominally increase Applicant's share of commercial bank deposits in Texas and would not significantly increase the concentration of banking resources in Texas.

Bank, which is located in southeastern San Antonio, operates in the San Antonio banking market, which is approximated by the San Antonio SMSA comprised of Bexar, Comal, and Guadalupe Counties. Bank is the ninth largest of 44 banks in the market and controls 2.9 percent of total market deposits. Approval of the application would have no adverse effect on competition. The proposed transaction represents Applicant's initial entry into the market, and Applicant's nearest present subsidiary is located some 200 miles to the east, in Houston, Texas. There is no substantial existing competition between Bank and any of Applicant's present banking subsidiaries, nor is there a reasonable probability of such substantial competition developing in the future, in view of the distances involved and Texas' prohibition of branch banking. In view of Bank's relatively small size and market position, it does not appear that acquisition of Bank by Applicant would raise any barriers to entry into the market area by other banking organizations. The proposed acquisition would thus have no adverse effect on potential competition.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are generally satisfactory and consistent with approval of the application, especially in light of the proposed addition of $200,000 to Bank's equity capital by Applicant. While there is no evidence in the record that the banking needs of the community are not presently being met, affiliation with Applicant would enable Bank to provide more resources in the form of increased credit capacity and expertise toward the growth and development of the market, particularly in the petrochemical, transportation, distribution, and tourism industries. Applicant has also indicated its encouragement of Bank's establishment of longer banking hours and the construction of new and consolidated banking premises for Bank. Convenience and needs considerations therefore lend weight toward approval of the application. It is the judgment of the Federal Reserve Bank of Dallas that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Dallas approves the application, provided that the transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective September 9, 1974.

[SEAL] ROBERT H. BOYKIN, *Secretary.*

[FR Doc.74-21668 Filed 9-18-74;8:45 am]

[1] The Board's Orders of August 31, 1972, and November 28, 1972, approving acquisitions of banks by Applicant respectively require Applicant to divest all interest in Beaumont State Bank, Beaumont, Texas, by October 12, 1974, and all interest in Permian Bank and Trust, Odessa, Texas, by January 8, 1975.

[2] All deposit figures are as of December 31, 1973, and reflect holding company formations and acquisitions approved by the Board through July 31, 1974.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on September 4, 1974. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

CIVIL AERONAUTICS BOARD

Request for clearance of Part 248—Submission of Audit and Reconciliation Reports which requires each certificated air carrier that has caused an annual audit of its books to be made by independent public accountants to file with the Board a report reconciling the balance sheet and profit and loss statement included in the audit report with the balance sheet and profit and loss statements filed with the Board as a part of its CAB Form 41 report; frequency is annual; potential respondents are certified air carriers; reporting burden is 4 hours for each respondent per response.

NORMAN F. HEYL, *Regulatory Reports Review Officer.*

[FR Doc.74-21770 Filed 9-18-74;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on September 5, 1974. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

ATOMIC ENERGY COMMISSION

Request for revisions to 10 CFR 70.52 and 150.16 directing licensed persons who possess one gram or more of special nuclear material to report directly to the Commission any theft or attempted theft of special nuclear material; frequency is on occasion; potential respondents are AEC licensees and persons licensed by Agreement States; reporting burden is estimated to be less than 8 hours for each respondent per response.

NORMAN F. HEYL, *Regulatory Reports Review Officer.*

[FR Doc.74-21771 Filed 9-18-74;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on August 29, 1974. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

ATOMIC ENERGY COMMISSION

Request for clearance of AEC Regulatory Guide 1.16—Reporting of Operating Information concerning nuclear power plants; frequency is as follows: 25 abnormal occurrence reports, 15 startup reports filed annually, 1 annual report, and 1 monthly report for each nuclear power plant; potential respondents are the 45 AEC licensed nuclear plants; burden is as follows: the abnormal occurrence reports will require about 2 hours to prepare, the startup reports 400 hours, the annual report 100 hours, and the monthly report requires about 1 hour to prepare.

NORMAN F. HEYL, *Regulatory Reports Review Officer.*

[FR Doc.74-21772 Filed 9-18-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (74-57)]

NASA SOLAR MAXIMUM MISSION AD HOC SUBCOMMITTEE FOR REVIEW OF PROPOSALS

Date and Place of Meeting

The NASA Ad Hoc Subcommittee of the Space Science and Applications Steering Committee for review of proposals for the Solar Maximum Mission will meet at the Goddard Space Flight Center in Greenbelt, Maryland on October 7, 8, and 9. The meetings will be held in Rooms 200, 205, and 219 in Building 26, from 8:30 a.m. to 5 p.m. on October 7 and 8 and in Room 200 from 8:30 a.m. to 5 p.m. on October 9.

The Subcommittee will discuss, evaluate and categorize proposals for participation in the Solar Maximum Mission. Throughout the Subcommittee sessions,

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the professional qualifications of the proposers and their potential scientific contributions to the Solar Maximum Mission as well as the merits of their proposed instrumentation will be candidly discussed and appraised. Discussion of these matters in a public session would invade the privacy of the proposers and the other individuals involved. The meeting will be closed to members of the public.

Since the Subcommittee session will be concerned throughout with matters listed in 5 U.S.C. 552(b)(6), it is hereby determined that the session should be closed to the public.

For further information please contact Dr. Stuart Jordan at (202) 755-8490.

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

SEPTEMBER 11, 1974.

[FR Doc.74-21752 Filed 9-18-74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

PUBLIC MEDIA ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Public Media Panel to the National Endowment for the Arts will be held at 9 a.m. on Sept. 30, 1974 in the 14th floor conference room of the Columbia Plaza Bldg., 2491 E St., N.W., Wash., D.C.

This meeting is for the purpose Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b) (4), and (5)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Office, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74-21564 Filed 9-18-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 16, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census:
Census of Agricultural Services—1974, Form 74-A40, Single time, Lowry, 395-3772, Agricultural service establishments.
Departmental, LBDO/CCAC Employee Questionnaire, Form, Single time, EGG (395-3451), Hulett (395-4730), Individuals.

VETERANS ADMINISTRATION

Certification of Loan Disbursement: Form 26-1876, Occasional, Caywood (394-3443), Veteran and lender.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Receipts of Livestock by State of Origin, Form, Monthly, Lowry (394-3772), Meat packers, stockyards and order buyers.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: State Agency Financial Accountability Statement for SSA Disability Programs, Form SSA 874, Annual, Caywood (395-3443), 54 State agencies.

EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

Medical Report (Diabetes Millitus), Form CSC 3684, Occasional, Evinger (395-3648), Diabetics who have applied for Federal service.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-21890 Filed 9-18-74;8:45 am]

PANAMA CANAL COMPANY

LA FORTUNA HYDROELECTRIC PROJECT

Availability of Draft Environmental Impact Statement and Notice of Public Hearings

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Panama Canal Company/Canal Zone Government Environmental Quality Committee has prepared a draft environmental impact statement for the proposed granting of a license to the Instituto de Recursos Hidraulicos y Electrification, an autonomous agency of the Government of the Republic of Panama, to construct, maintain and operate two 230 kv transmission lines along a corridor 100 meters wide across the Canal Zone. This license covers only the Canal Zone portion which is an integral part of the nationwide La Fortuna Hydroelectric Project in the Republic of Panama.

The environmental statement considers the project as it relates to the overall economic and social benefits and development of the Republic of Panama; the increased reliance on renewable hydroelectric generation vice fossil fuel generation; the preempting of 560 acres of land for the sole use of the projects; negative visual impact at certain points along the corridor; and the loss of a limited amount of jungle cover. Only temporary disturbance of wildlife and minor loss of habitat during construction is forecast.

A limited supply of copies of the draft environmental impact statement is available. Single copy requests should be submitted via airmail to:

Secretary, Environmental Quality Committee
Room 233
Panama Canal Company
Balboa Heights, Canal Zone

or

Secretary, Panama Canal Company
Room 312
425 13th Street, N.W.
Washington, D.C. 20004

Copies of the draft environmental statement have been sent for comment to various Federal and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are invited from others having knowledge or a special expertise on environmental impacts. In order to afford full opportunity for such comments, in addition to written comments, a public hearing for the purpose of taking oral or written testimony on the matter will be held on October 15, 1974 at 2 p.m. in the Panama Canal Company Training Center, Balboa Heights, Canal Zone.

Written comments concerning the proposed action (or requests for additional information) should be addressed and sent airmail to: Secretary, Environmental Quality Committee, Panama Canal Company, Balboa Heights, Canal Zone.

Comments must be received on or before November 8, 1974 in order to be considered in the preparation of the final environmental impact statement.

Dated: September 11, 1974.

THOMAS M. CONSTANT,
Secretary,
Panama Canal Company.

[FR Doc.74-21768 Filed 9-18-74;8:45 am]

POSTAL RATE COMMISSION

VISIT TO POSTAL FACILITIES

SEPTEMBER 16, 1974.

Notice is hereby given that employees of the Postal Rate Commission will be visiting Postal Service facilities on the date indicated for the purpose of acquiring general background knowledge of postal operations.

No particular matter at issue in contested proceedings before the Commission nor the substantive merits of a matter that is likely to become a particular matter at issue in contested proceedings before the Commission will be discussed.

A report of the visit will be on file in the Commission's docket room.

Place of visit:	Date of visit
Washington, D.C.	Sept. 23, 1974.

By direction of the Commission.

JOSEPH A. FISHER,
Secretary.

[FR Doc.74-21738 Filed 9-18-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Amendments to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed proposed amendments to its Option Plan pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1). CBOE proposes to amend paragraph (d) of Rule 8.7 concerning the obligations of Market-Makers.

These amendments affect paragraph (d) of Rule 8.7 and serve to clarify the obligations of Market-Makers when they trade in classes of option contracts for which they hold neither a Principal nor Supplemental Appointment. In practice, Market-Makers trading in non-appointed classes have been expected to meet the same requirements as those imposed upon Market-Makers holding Supplemental Appointments, i.e., Market-Makers trading in non-appointed classes now have the responsibility of fulfilling the affirmative obligations imposed by paragraph (b) whenever they are present in the trading crowd for a particular class of option contracts. CBOE stated that these amendments are proposed in order that the rule will reflect current practice on the trading floor.

Under CBOE's proposed amendments, the provision in the rule governing the time at which a Market-Maker trading in non-appointed classes incurs obligations is changed. At present the rule provides that a Market-Maker incurs obligations with respect to a non-appointed class only when he makes a bid or offer in that class; he may be present in the trading crowd, but so long as he does not speak, he has no obligation. With the change, the Market-Maker will incur obligations with respect to a non-appointed class whenever he enters the trading crowd for that class in other than a floor brokerage capacity. The timing in this regard is the same as that for Market-Makers holding a Supplemental Appointment.

The amendments also alter the rule's expression of the nature of the Market-Maker's obligations with respect to non-appointed classes. By the deletion of the phrase "clauses (i) and (ii) of", a Market-Maker trading in non-appointed classes will have to meet not only the spread and last sale restrictions imposed by clauses (i) and (ii) of paragraph (b), but will also have to meet the affirmative obligations imposed by that paragraph. Just as for Market-Makers trading in classes to which they hold a Supplemental Appointment, whenever a Market-Maker is present in the trading crowd for a class in which he holds no appointment, he will have an obligation to engage, to a reasonable degree under the existing circumstances in dealings for his own account when there exists, or it is reasonably anticipated that there will exist, a lack of price continuity, a temporary disparity between the supply of and demand for a particular option contract, or a temporary distortion of the price relationships between option contracts of the same class.

Should these proposed amendments become effective, there will remain two distinctions between trading in a class to which a Market-Maker holds a Supplemental Appointment and trading in a non-appointed class. First, by virtue of guideline .03 under Rule 8.7, 75 percent of the Market-Maker's transactions would be channeled into those particular classes of option contracts to which he holds Principal or Supplemental Appointments. Only 25 percent of a Market-Maker's trading volume would be available for trading pursuant to 8.7(d). Second, a Market-Maker holding a Supplemental Appointment would be subject to a call for Market-Makers by the board broker assigned to a particular class, while a Market-Maker not having a Supplemental Appointment in that class would not be subject to such a call. An example will demonstrate the point: Assume that Market-Maker A holds a Supplemental Appointment in Avon Products and that both Market-Maker A and Market-Maker B are in the trading crowd for Brunswick. If the board broker assigned to Avon options were to issue a call for Market-Makers, Market-Maker A would have an obligation to leave the Brunswick trading crowd and respond to the board broker's call; Market-Maker B would not be under such an obligation.

The proposed amendment will become effective upon the 30th day after this notice appears in the FEDERAL REGISTER, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendment to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54. The proposed amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 11, 1974.

[FR Doc.74-21791 Filed 9-18-74;8:45 am]

[812-3651]

FOURTH EMPIRE FUND, INC. ET AL.

Filing of Application for Order Exempting Proposed Transactions

Notice is hereby given that Fourth Empire Fund, Inc. ("Fourth"), Fifth Empire Fund, Inc. ("Fifth"), Sixth Empire Fund, Inc. ("Sixth") and Federated Regional Research Investments, Inc. ("Regional Research") (collectively "Applicants"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, open-end diversified management investment companies registered under the Investment Company Act of 1940 ("Act"), have filed an application pursuant to section 17(b) of the Act for an order exempting from the provisions of section 17(a) of the Act the proposed transactions pursuant to which Fifth, Sixth and Regional Research will be merged into Fourth as more fully described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants are incorporated under the law of the State of Maryland and the governing instruments of Applicants are substantially similar. Fourth, Fifth and Sixth operate under investment advisory contracts containing substantially similar terms and which base advisory fees on a percentage of net assets and a percentage of gross income. Regional Research operates under an investment advisory contract which bases the advisory fee solely on a percentage of net assets. The same individuals who serve as directors of Fourth also serve as directors of Fifth, Sixth and Regional Research.

Empire IV Research Corp., Empire V Research Corp., Empire VI Research Corp. and Regional Research Corp., wholly owned subsidiaries of Federated Investors, Inc., act as investment advi-

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sers to Fourth, Fifth, Sixth and Regional Research, respectively; and Federated Research Corp., another wholly owned subsidiary of Federated Investors, Inc., acts as sub-investment adviser to Applicants. Accordingly, the Applicants may be deemed to be under common control and, therefore, each Applicant may be deemed an affiliated person of the other within the meaning of section 2 (a) (3) of the Act.

Applicants have entered into a Plan and Agreement of Merger ("Agreement of Merger") which provides for the merger, pursuant to Maryland law, of Fifth, Sixth and Regional Research into Fourth. Each Applicant will obtain either a ruling from the Internal Revenue Service or opinions from its respective tax counsel that the merger will constitute a tax-free reorganization, no gain or loss will be recognized by Applicants or their shareholders as a result of the merger, and the assets of Fifth, Sixth and Regional Research, respectively, will have the same tax basis in the hands of Fourth as they had in the hands of Fifth, Sixth and Regional Research, respectively. Approval of the Agreement of Merger requires the affirmative vote of the holders of a majority of the outstanding shares of each Applicant. If the Agreement of Merger is approved, it is anticipated that the merger will take place on or about November 30, 1974.

On the effective date of the merger, the outstanding shares of common stock of Fifth, Sixth and Regional Research owned by each respective shareholder will be converted into that number of full schares (and fractional interests in a full share) of Fourth as shall have an aggregate net asset value, as of the last day on which the New York Stock Exchange is open for unrestricted trading prior to the effective date of the merger, equal to each Fifth, Sixth and Regional Research shareholder's pro rata interest in the value of the net assets of Fifth, Sixth and Regional Research. Prior to the effective date of the merger, each Applicant will declare a dividend to its respective shareholders consisting of substantially all of its undistributed net taxable investment income and net short-term capital gains. With respect to long-term capital gains realized by Fifth from December 1, 1973 (the beginning of its fiscal year) up to the effective date of the merger, by Sixth from April 1, 1974 (the beginning of its fiscal year) up to the effective date of the merger, and by Regional Research from August 1, 1974 (the beginning of its fiscal year) up to the effective date of the merger, Fifth, Sixth and Regional Research will accrue the Federal tax payable thereon as a liability to be paid by Fourth as the surviving corporation, and in determining the number of shares of Fourth to be issued in the transaction, a reduction in an amount equal to such tax will be made on the net asset values of Fifth, Sixth and Regional Research. Shortly before the effective date, Fourth will make a distribution to its shareholders of long-term capital gains, if available, substantially equal to the net long-term capital gains realized but not previously distributed since April 1, 1974 (the beginning of its fiscal year).

No adjustment in the net asset values of Applicants will be made to compensate for any potential Federal income tax impact on the shareholders of Applicants which may result from differences in the percentage of each Applicant's net unrealized capital appreciation to its net asset value. Applicants assert that such potential tax consequences to shareholders cannot practically be determined and that there is, therefore, no way in which such potential consequences can be offset in an equitable manner. Applicants contend, moreover, that, in any case, such consequences will be minor.

Securities in the portfolio of Regional Research which are not traded on a national securities exchange but for which quotations are available are evaluated at the mean between the bid and asked price. For purposes of the merger, however, such securities will be valued at their bid price, which method of valuation is consistent with that of Fourth. Accordingly, the net asset value of Regional Research would have been reduced by $38,875 or approximately $0.0822 per share if the merger had taken place on July 31, 1974.

If the proposed merger had taken place on July 31, 1974, when Fourth had 699,010 shares outstanding and net assets of $9,824,890; Fifth had 668,691 shares outstanding and net assets of $7,565,039; Sixth had 796,451 shares outstanding and net assets of $8,549,576; and Regional Research had 472,678 shares outstanding and net assets of $2,745,800, each shareholder of Fifth would have received .8049 shares of Fourth for each share of Fifth he owned; each shareholder of Sixth would have received .7637 shares of Fourth for each share of Sixth he owned; and each shareholder of Regional Research would have received .4133 shares of Fourth for each share of Regional Research he owned.

Section 17(a) of the Act, in pertinent part, provides that it is unlawful for an affiliated person of a registered investment company or an affiliated person of such a person, to knowingly sell to, or purchase from, such investment company any security or property. Section 17(b) of the Act provides that the Commission may exempt a proposed transaction from section 17(a) of the Act if the evidence establishes that (1) the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned; (2) the proposed transaction is consistent with the policy of each registered investment company concerned; and (3) the proposed transaction is consistent with the general purposes of the Act.

Applicants represent that the transaction is fair and reasonable and does not involve overreaching by any party concerned, in that the merger will be accomplished on the basis of the net asset values of Fourth, Fifth, Sixth and Regional Research at the same point in time. The application states that the reduction in net asset value of Regional Research resulting from evaluation of certain of its portfolio securities in accordance with the charter of Fourth is minimal. In addition, it is represented that this procedure is merely one of the factors to be considered by the shareholders of Regional Research in determining whether to approve the proposed merger. Applicants assert that the shareholders of each Applicant will benefit by the elimination of certain presently duplicated expenses such as legal, proxy and licated expenses such as legal, proxy and advisory expenses. In addition, greater investment flexibility both with respect to normal portfolio transactions and redemption procedures is expected.

The aggregate expenses of Applicants in connection with the proposed merger, including legal, accounting, transfer agent and other miscellaneous expenses, are estimated at $25,000. All such expenses will be allocated to each Applicant in proportion to its respective net asset value.

Applicants represent that the proposed merger is consistent with the investment policies of Fourth, Fifth and Sixth, which are basically to seek long-term growth of capital and of income. It is further represented that the investment policy of Regional Research, which is to obtain growth of capital through investment in common stocks selected by using information supplied by regional investment banking and brokerage firms, has proven less effective than anticipated. Therefore, the Board of Directors of Regional Research has decided that a modification of this policy was required in order to stem the decline in its net asset value and that the proposed merger would be in the best interests of the shareholders of Regional Research. Applicants further assert that the proposed merger is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than October 8, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issue, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law, by certificate) shall be mailed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–21789 Filed 9–18–74;8:45 am]

[811–2030]

INVESTMENT MANAGEMENT SERVICES, INC.

Proposal To Terminate Registration

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Investment Management Services, Inc. ("Company"), c/o Donald L. Herskovitz, 815 15 Street, NW., Washington, D.C. 20005, registered under the Act as an open-end, diversified, management investment company, has ceased to be an investment company as defined in the Act.

The Company was organized as a Delaware corporation on October 27, 1969 and registered under the Act by filing a Form N–8A Notification of Registration on February 24, 1970. The Company never filed a Registration Statement on Form N–8B–1 nor any Registration Statement under the Securities Act of 1933. It never sold any shares, it has no assets, and the Commission's records indicate that the organizers of the Company have no intention of ever commencing the Company's operations.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 8, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Company at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following October 8, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–21790 Filed 9–18–74;8:45 am]

[File Nos. 1–5840 (81–142)]

JONATHAN LOGAN OVERSEAS DEVELOPMENT CORP.

Application and Opportunity for Hearing

SEPTEMBER 10, 1974.

Notice is hereby given that Jonathan Logan Overseas Development Corporation ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the 1934 Act"), for a finding that an exemption from the requirement to file reports pursuant to section 13(a) of the 1934 Act would not be inconsistent with the public interest or the protection of investors.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting and proxy solicitation provisions and to grant exemptions from the insider reporting and trading provisions of the 1934 Act if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Application states, in part:

1. Applicant, a Delaware corporation is a wholly-owned, subsidiary of Jonathan Logan Corporation ("Logan"), existing for the principal purpose of obtaining funds for the capital requirements of Logan's international operations.

2. In March 1966, Applicant issued and sold $25 million, principal amount, of 4¾ percent Guaranteed Convertible Subordinated Debentures due 1983 ("Debentures").

3. The Debentures were and continue to be listed on the New York Stock Exchange and such securities are registered with the Commission under section 12 (b) of the Act. As a consequence of such registration, Applicant is required to file periodic reports pursuant to section 13 (a) of the 1934 Act.

4. As of December 7, 1973, Debentures aggregating, in principal amount, $13,079,000 have been converted into shares of common stock of Logan. The total principal amount of Debentures thus remaining unconverted as of December 7, 1973, was $11,921,000.

5. The common stock of Logan into which the Debentures are convertible is listed on the New York Stock Exchange and such securities are registered with the Commission under section 12(b) of the Act. As a consequence of such registration, Logan is required to file periodic reports pursuant to section 13(a) of the Act.

6. Since Applicant's Debentures were listed on the New York Stock Exchange in August, 1968, there has been a total absence of trading activity in Applicant's remaining unconverted Debentures.

7. Accordingly, Applicant believes that in view of the facts that a trading market in its Debentures is unlikely to become sufficiently significant; that Debenture holders, if interested in any reports filed pursuant to section 13 of the Act would be interested in those filed by Logan and not those filed by Applicant; and that the Debenture holders are benefited by the disclosure and reporting requirements of the 1934 Act as applied to Logan, that Applicant should not continue to be subjected to the not insubstantial burden of complying with section 13(a) of the Act.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given that any interested person not later than October 7, 1974, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon.

Any such communication or request should be addressed to: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549 and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application in whole or in part may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–21792 Filed 9–18–74;8:45 am]

SMALL BUSINESS ADMINISTRATION

BOISE DISTRICT ADVISORY COUNCIL

Notice of Meeting

The Small Business Administration Boise District Advisory Council will meet at 10 a.m., m.d.t., Monday, October 7, 1974, at the Downtowner Motel, 1901 Main Street, Boise, Idaho, to discuss such business as may be presented by

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members, the staff of the Small Business Administration and others attending.

Dated: September 12, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.74-21686 Filed 9-18-74;8:45 am]

DIXIE VENTURE CAPITAL CORP.

[License No. 06/06-0173]

Issuance of Operating License

On August 5, 1974, a notice was published in the FEDERAL REGISTER (39 FR 28193) stating that Dixie Venture Capital Corporation, 406 Lake Street, Lake Providence, Louisiana 71254, had filed an application with the Small Business Administration (SBA), pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1974)), for a license to operate as a small business investment company (SBIC).

Interested parties were given to the close of business August 20, 1974, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 06/06-0173 to Dixie Venture Capital Corporation, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: September 12, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc. 74-21692 Filed 9-18-74;8:45 am]

JACKSON DISTRICT ADVISORY COUNCIL

Notice of Meeting

The Small Business Administration Jackson District Advisory Council will meet at 9 a.m., c.d.t., Wednesday, October 9, 1974, at the Holiday Inn, in McComb, Mississippi, to discuss such business as may be presented by members, the staff of the Small Business Administration and others attending.

Dated: September 12, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.74-21685 Filed 9-18-74;8:45 am]

JACKSONVILLE/MIAMI DISTRICT ADVISORY COUNCIL

Notice of Meeting

The Small Business Administration Jacksonville/Miami District Advisory Council will meet at 9 a.m., e.d.t., Friday, October 11, 1974, at the Holiday Inn, Jacksonville Beach, Florida, to discuss such business as may be presented by members, the staff of the Small Business Administration and others attending.

Dated: September 12, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.74-21684 Filed 9-18-74;8:45 am]

[Declaration of Disaster Loan Area 1092]

KANSAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August, because of the effects of a certain disaster, damage resulted to property located in the State of Kansas;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Allen, Anderson, Bourbon, Coffey, Crawford, Franklin, Lyon, Marshall, Osage, Shawnee and Wabaunsee Counties, and adjacent affected areas, suffered damage or destruction resulting from severe storms and high winds which occurred August 17, 1974. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

OFFICE

Small Business Administration
District Office
120 South Market Street
Wichita, Kansas 67202

Small Business Administration
District Office
911 Walnut Street
Kansas City, Missouri 64106

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to November 11, 1974. EIDL applications will not be accepted subsequent to June 11, 1975.

Dated: September 11, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-21681 Filed 9-18-74;8:45 am]

LOUISVILLE DISTRICT ADVISORY COUNCIL

Notice of Meeting

The Small Business Administration Louisville District Advisory Council will meet at 1 p.m., e.d.t., Thursday, October 10, 1974 through Friday, October 11, 1974, at the Holiday City-South, Louisville, Kentucky, to discuss such business as may be presented by members, the staff of the Small Business Administration and others attending.

Dated: September 12, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.74-21687 Filed 9-18-74;8:45 am]

NASHVILLE DISTRICT ADVISORY COUNCIL

Notice of Meeting

The Small Business Administration Nashville District Advisory Council will meet at 9:30 a.m., c.d.t., Wednesday, October 2, 1974, at the Henry Horton State Park, Chapel Hill, Tennessee, to discuss such business as may be presented by members, the staff of the Small Business Administration and others attending.

Dated: September 12, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.74-21683 Filed 9-18-74;8:45 am]

[Declaration of Disaster Loan Area 1093]

PENNSYLVANIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of August, because of the effects of a certain disaster, damage resulted to property located in the State of Pennsylvania;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Delaware and Montgomery Counties, Pennsylvania, and adjacent affected areas, suffered damage or destruction resulting from heavy rains and flooding which occurred August 22, 1974. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

OFFICE

Small Business Administration
District Office
1 Decker Square—West Lobby
Suite 646
Bala Cynwyd, Pennsylvania 19004

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to November 11, 1974. EIDL applications will not be accepted subsequent to June 11, 1975.

Dated: September 11, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-21680 Filed 9-18-74;8:45 am]

PORTLAND DISTRICT ADVISORY COUNCIL

Notice of Meeting

The Small Business Administration Portland District Advisory Council will meet at 9:30 a.m., p.d.t., Thursday, October 10, 1974, at the Bank of California in Portland, Oregon, to discuss such business as may be presented by members, the staff of the Small Business Administration and others attending.

Dated: September 12, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.74-21682 Filed 9-18-74;8:45 am]

SMALL BUSINESS INVESTMENT COMPANY OF AMERICA

Application for Transfer of Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (13 CFR Section 107.701 (1974)) for transfer of control of the Small Business Investment Company of America (SBICA), 1711 IBM Building, Seattle, Washington 98101, a Federal Licensee under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

SBICA was licensed on November 6, 1961, and its private paid-in capital and paid-in surplus totalled $327,695 at March 31, 1974. The proposed transfer of control is subject to the prior written approval of SBA.

Pursuant to an agreement dated March 29, 1974, between Henry J. Camarot (Purchaser) and Nathaniel G. Kanrich (Shareholder), Purchaser has offered to purchase all of the outstanding capital stock of SBICA for $200,000 cash and Shareholder has agreed to use his best efforts to obtain the acceptance of the offer by all SBICA shareholders and the transfer of all the outstanding capital stock of SBICA to Purchaser.

Assuming consummation of the proposed transfer of control, the management of SBICA will be:

Henry J. Camarot, President, General Manager, Director and Sole Shareholder, Airport Center Office Building, P.O. Box 6155, Seattle, Washington 98188.

Hazel D. Brown, Secretary and Director, Arctic Insulation, Inc., P.O. Box 431, Fairbanks, Alaska 99707.

Dr. Arthus J. Schaible, Director, Fairbanks Medical Center, P.O. Box 2712, Fairbanks, Alaska 99707.

Ronald F. Cosgrave, Director, Alaska Airlines, Inc., Seattle-Tacoma International Airport, Seattle, Washington 98188.

Andrew Racz, Director, 305 East 86th Street, New York, New York 10028.

In addition, SBICA's office will be relocated at Airport Center, 18601 Pacific Highway South, Seattle, Washington 98188, and its area of operations will be expanded to include Alaska, Oregon, California, Idaho, and Hawaii.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owner and management, and the probability of successful operations of the company under such management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this notice, submit written comments on the proposed transfer of control to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

Dated: September 13, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-21690 Filed 9-18-74;8:45 am]

[License No. 06/10-0022]

THE SMALL BUSINESS INVESTMENT COMPANY OF HOUSTON

Application for Approval of Conflict of Interest Transaction

Notice is hereby given that the Small Business Investment Company of Houston (Houston), 640 West Building, Houston, Texas 77002, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act), License No. 06/10-0022, has filed an application, pursuant to the provisions of § 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004 (1974)), for approval of a conflict of interest transaction.

This transaction involves the financing to be provided to Hytek International Corporation (Hytek) under a financial agreement prepared by Ladin Investment Corporation (LIC). The sole stockholder of LIC and its president and chief executive officer is Mr. William E. Ladin, Jr. He is the son of Mr. William E. Ladin, Sr., the majority shareholder and president of Houston. Pursuant to the provisions of § 107.3(f) of the regulations, LIC is considered to be an Associate of Houston.

It is represented in the application that:

1. LIC has arranged a financial package on behalf of Hytek in the aggregate amount of $2.3 million. Houston's share of this financing is $54,000.

2. LIC will receive a reasonable fee from Hytek for its services in this matter.

As such, this transaction falls within the purview of § 107.1004(d) of the Regulations and prior approval of the Small Business Administration (SBA) is required.

Notice is hereby given that any interested person may, on or before October 4, 1974, submit to SBA, in writing, relevant comments on this transaction. Any such communication should be addressed to the Associate Administrator for Finance and Investment, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Milwaukee, Wisconsin and Houston, Texas.

Dated: September 12, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-21691 Filed 9-18-74;8:45 am]

TARIFF COMMISSION

[337-36]

DOXYCLINE

Hearing and Withholding of Proceedings

Notice is hereby given that the United States Tariff Commission will hold a public hearing in connection with investigation No. 337-36, Doxycycline, on Monday, September 23, 1974, at 10 a.m. e.d.t., in the Hearing Room of the Tariff Commission Building, Eighth and E Streets, NW., Washington, D.C., for the purpose of hearing oral arguments on the motion filed by International Rectifier Corp., and USV Pharmaceutical Corp. seeking a stay of the Commission's investigation during the pendency of two parallel Federal court actions, namely, International Rectifier Corp. v. American Cyanamid Co. Pfizer, Inc., et al., D. Minn. 4-74-372, and Pfizer, Inc. v. International Rectifier Corp. and USV Pharmaceutical Corp., D. Minn. 4-73 Civ. 188.

Requests for appearances at the hearing should be filed, in writing, with the Secretary of the Commission at his office in Washington, D.C., by no later than noon, Thursday, September 19, 1974.

Notice is also given that the Commission is withholding proceedings in this investigation pending the holding of the above noted hearing and disposition of the stay of motion.

Notice of the institution of the investigation and the ordering of a public hearing for July 9, 1974, was published in the FEDERAL REGISTER on May 29, 1974 (39 FR 18723-24). Notice of the withholding of proceedings and postponement of the public hearing scheduled for July 9, 1974, was published in the FEDERAL REGISTER on June 20, 1974 (39 FR 22196-97). A hearing on the above motion was originally scheduled for September 10, 1974, and notice was published in the FEDERAL REGISTER on September 5, 1974 (39 FR 32200). The September 10 hearing was subsequently cancelled by the Commission on Septem-

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ber 9, 1974, but no notice of cancellation was published in the FEDERAL REGISTER.

By order of the Commission.

Issued: September 16, 1974.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.74-21746 Filed 9-18-74;8:45 am]

[TEA-W-245]

ELECTRO MOTIVE CORP.

Determination Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Electro Motive Corp., Florence, S.C., a wholly-owned subsidiary of International Electronics Corp., Melville, N.Y., the United States Tariff Commission, on September 13, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with film and mica capacitors (of the type provided for in item 685.80 and 685.81 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before September 30, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the Tariff Commission located at 6 World Trade Center.

By order of the Commission.

Issued: September 16, 1974.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.74-21750 Filed 9-18-74;8:45 am]

[TEA-W-246]

WEISS-LAWRENCE, INC.

Determination Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of Weiss-Lawrence, Inc., Dover, N.H., the United States Tariff Commission, on September 13, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women, misses and children (of the type provided for in items 700.45 and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before September 30, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the Tariff Commission located at 6 World Trade Center.

By order of the Commission.

Issued: September 16, 1974.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.74-21749 Filed 9-18-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 593]

ASSIGNMENT OF HEARINGS

SEPTEMBER 16, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after September 19, 1974.

MC 4963 Sub 40, Alleghany Corporation, Dba Jones Motor, now being assigned hearing October 29, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 111740 Sub 28, Oil Transport Company, now assigned October 7, 1974, at Santa Fe, N. Mex., postponed to November 11, 1974 (1 week), in Room 577 Federal Office Bldg., 300 East 8th Street.

MC 115841 Sub 473, Colonial Refrigerated Transportation, Inc., application is dismissed.

MC-F-12258, Silver Line, Inc.—Purchase (Portion)—Flexible Freight Transport, Inc. (Howard S. Greenberg, Receiver in Bankruptcy), application is dismissed.

MC 51018 Sub 9, The Beal Transfer Company and MC 60014 Sub 33, Aero Trucking, Inc., now being assigned continued hearing December 16, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 29890 Sub 39, Rockland Coaches, Inc., now being assigned hearing November 5, 1974 (3 days), at Newark, N.J., in a hearing room to be later designated.

MC 138828 Sub 3, Maplewood Equipment Co., now being assigned hearing November 19, 1974 (3 days), at Newark, N.J., in a hearing room to be later designated.

MC 138943, Decorators Furniture Delivery and Warehouse Corp., Common Carrier Application, now being assigned hearing December 10, 1974 (3 days), at Tallahassee, Fla., in a hearing room to be later designated.

MC-F-12187, Hunt Transportation, Inc.—Investigation of Control—Jack's Machinery Transportation Corp., now assigned October 29, 1974, at Omaha, Nebr., is postponed indefinitely.

MC 123389 Sub 20, Crouse Cartage Company, now being assigned hearing October 29, 1974 (2 days), in Room 616, Union Pacific Plaza, 110 N. 14th Street, Omaha, Nebr.

MC-F-12166, Jackson and Johnson, Inc.—Purchase (Portion)—Dressing Transport, Inc., now being assigned hearing December 9, 1974 (1 day), at Buffalo, N.Y., in a hearing room to be later designated.

MC 113388 Sub 102, Lester C. Newton Trucking Co., now being assigned hearing December 10, 1974 (1 day), at Buffalo, N.Y., in a hearing room to be later designated.

MC 123048 Sub 270, Diamond Transportation System, Inc., now being assigned hearing December 11, 1974 (1 day), at Buffalo, N.Y., in a hearing room to be later designated.

MC-F-12201, Buffacon, Inc.—Control—Container Transfer Corp., now being assigned hearing December 12, 1974 (2 days), at Buffalo, N.Y., in a hearing room to be later designated.

MC 130236, Exec-Van Systems, Inc., now being assigned hearing December 16, 1974 (1 week), at New York, N.Y., in a hearing room to be later designated.

No. 35870, Continental Southeastern Lines, Inc., The Moore Tours, Inc., Travel Tours, Inc., and Wilcox Travel Agency, Inc.—Investigation of Operations and Practices, now being assigned hearing November 26, 1974 (2 days), at Charlotte, N.C., in a hearing room to be later designated.

MC 3647 Sub 447, Transport of New Jersey, now being assigned hearing December 16, 1974 (1 week), at Newark, N.J., in a hearing room to be later designated.

No. 35976, Communication Fares, Hudson Transit Lines, Inc., continued to September 23, 1974 (2 days), in Room F-2220, 26 Federal Plaza, New York, N.Y.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21782 Filed 9-18-74;8:45 am]

[Rule 19, Ex Parte 241; Exemption No. 84, Amdt. 1]

MISSOURI PACIFIC RAILROAD CO.

Exemption Under Provision Mandatory Car Service Rules

Upon further consideration of Exemption No. 84 issued August 21, 1974.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 84 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to expire October 15, 1974.

This amendment shall become effective September 15, 1974.

Issued at Washington, D.C., September 13, 1974.

INTERSTATE COMMERCE COMMISSION,

[SEAL] LEWIS R. TEEPLE, *Agent.*

[FR Doc.74-21781 Filed 9-18-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 16, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 30, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 3854 (Sub-No. E12), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Pennsylvania Bldg.—Suite 1032, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron pipe*, from Wilmington, N.C., to points in Tennessee, New Jersey (except points in Monmouth, Middlesex, Morris, Passaic, Bergen, Hudson, Essex, Union, and Somerset Counties), Pennsylvania (except Philadelphia), points in that part of Delaware on and north of a line beginning at Port Penn, thence along Delaware Highway 9 to junction Delaware Highway 299, thence along Delaware Highway 299 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 301S, thence along U.S. Highway 301S to junction U.S. Highway 40, thence along U.S. Highway 40 to the Maryland-Delaware State line, and points in that part of Maryland on and north of a line beginning at the Maryland-Delaware State line, thence along U.S. Highway 40 to junction Maryland Highway 155, thence along Maryland Highway 155 to junction Maryland Highway 22, thence along Maryland Highway 22 to junction Maryland Highway 24, thence along Maryland Highway 24 to junction Maryland Highway 23, thence along Maryland Highway 23 to junction Maryland Highway 138, thence along Maryland Highway 138 to junction Maryland Highway 137, thence along Maryland Highway 137 to junction Maryland Highway 482, thence along Maryland Highway 482 to junction Maryland Highway 97, thence along Maryland Highway 97 to junction Maryland Highway 194, thence along Maryland Highway 194 to junction Maryland Highway 77, thence along Maryland Highway 77 to junction Maryland Highway 64, thence along Maryland Highway 64 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Maryland-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Greensboro, or Gulf, N.C.

No. MC 3854 (Sub-No. E13), filed May 15, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306 East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Pennsylvania Bldg.—Suite 1032, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron pipe*, from Wilmington, N.C., to points in that part of South Carolina on, north, and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 601 to junction South Carolina Highway 9, thence along South Carolina Highway 9 to junction South Carolina Highway 72, thence along South Carolina Highway 72 to junction U.S. Highway 221, thence along U.S. Highway 221 to junction U.S. Highway 378, thence along U.S. Highway 378 to the Georgia-South Carolina State line, points in that part of Georgia beginning at the Georgia-South Carolina State line, thence along U.S. Highway 378 to junction Georgia Highway 44, thence along Georgia Highway 44 to junction Georgia Highway 16, thence along Georgia Highway 16 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 80, thence along U.S. Highway 80 to junction Georgia Highway 22, thence along Georgia Highway 22 to junction Georgia Highway 41, thence along Georgia Highway 41 to junction Georgia Highway 26, thence along Georgia Highway 26 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Georgia Highway 62, thence along Georgia Highway 62 to the Georgia-Alabama State line, points in that part of Alabama on, north, and west of a line beginning at the Alabama-Georgia State line, thence along Alabama Highway 52 to junction Alabama Highway 167, thence along Alabama Highway 167 to the Alabama-Florida State line, and points in that part of Florida west of Florida Highway 79. The purpose of this filing is to eliminate the gateway of Gulf, N.C.

No. MC 20992 (Sub-No. E1), filed June 2, 1974. Applicant: Dotseth Truck Line, Inc., Knapp, Wis. 54749. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber-mill products* (including snow fencing and cribbing composed of wood and wire), from South St. Paul, St. Paul, Minneapolis, Hastings, and Stillwater, Minn., to points in that part of Illinois on and north of Illinois Highway 9. The purpose of this filing is to eliminate the gateway of those points in Stanton, Lucas, Minomonie, Sherman, Tiffany, and Hay River Townships, Dunn County, Wisconsin, which lie within 25 miles of Knapp, Wisconsin.

No. MC 26537 (Sub-No. E2), filed June 2, 1974. Applicant: TURNER EXPEDITING SERVICE, P.O. Box 21333, Louisville, Ky. 40221. Applicant's representative: George M. Catlett, Suite 708–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment).

(1) Between points in Daviess, Breckinridge, Hancock, Livingston, Lyon, Marshall, McCracken, McLean, Meade, Montgomery, Rowan, Fleming, Rockcastle, Estille, Nicholas, Whitley, Knox, Laurel, Mercer, Bath, Bell, Garrard, Lincoln, Fayette, Franklin, Barren, and Jefferson Counties, Ky., Clark, Harrison, Perry, Spencer, and Jefferson Counties, Ind., the plant site of the American Greetings Corporation at Danville, Ky., and Berry Field at Nashville, Tenn. (Standiford Field, Louisville, Ky.)*, Douglas Municipal Airport, Charlotte, N.C. (Tri-Cities Airport, Blountville, Tenn., Blue Grass Field, Lexington, Ky., and Standiford Field, Louisville, Ky.)*, McGhee-Tyson Airport, Knoxville, Tenn. (Berry Field, Nashville, Tenn., and Standiford Field, Louisville, Ky.)*, and points in Smythe, Washington, Wythe, Russell, and Roanoke Counties, Va., Jefferson, Grainger, Cocke, Hamblen, Hancock, Hawkins, Greene, Unicoi, Washington, Sullivan, Carter, and Johnson Counties, Tenn., and the plant site of Foote Mineral, Sunbright Division of Duffield, in Scott County, Va. (Tri-Cities Airport, Blountville, Tenn., and Blue Grass Field, Lexington, Ky.)*, on the one hand, and, on the other, O'Hare Field, Chicago, Ill., restricted to the transportation of shipments having an immediately prior or subsequent movement by air.

(2) Between Louisville, Ky., points in Fayette County, Ky. (Blue Grass Field, Lexington, Ky., Tri-Cities Airport, Blountville, Tenn., and points in Tazewell County, Va.), Berry Field, Nashville, Tenn., McGhee-Tyson Airport, Knoxville, Tenn., and Douglas Municipal Airport, Charlotte, N.C. (Tri-Cities Airport and points in Tazewell County, Va.)*, points in Warren and Barren Counties, Ky. (Berry Field, Tri-Cities Airport, and

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points in Tazewell County, Va.)*, Tri-Cities Airport, Blountville, Tenn. (points in Tazewell, County, Va.)*, on the one hand, and, on the other, Newark Airport, Newark, N.J., restricted to the transportation of shipments having an immediately prior or subsequent movement by air.

(3) Between McGhee-Tyson Airport, Knoxville, Tenn. (Greater Cincinnati Airport near Erlanger, Ky., and points in Jefferson County, Ind.)*, Douglas Municipal Airport, Charlotte, N.C. (Tri-Cities Airport, Greater Cincinnati Airport, and points in Jefferson County, Ind.)*, points in Roanoke and Tazewell Counties, Va., and Johnson, Sullivan, Carter, Washington, Unicoi, Greene, Hawkins, and Cocke Counties, Tenn. (Tri-Cities Airport, Blue Grass Field, Standiford Field, and points in Jefferson County, Ind.)*, and points in McCracken County, Ky. (Standiford Field and points in Jefferson County, Ind.)*, on the one hand, and, on the other, Weir-Cook Airport, near Indianapolis, Ind., restricted to the transportation of shipments having an immediately prior or subsequent movement by air.

(4) Between Standiford Field, Louisville, Ky. (plant site of American Greetings Corp., Danville, Ky.)*, and Berry Field, Nashville, Tenn. (Standiford Field and plant site of American Greetings Corp., Danville, Ky.)*, on the one hand, and, on the other, Philadelphia, Pa., restricted to the transportation of shipments having an immediately prior or subsequent movement by air and restricted to service at Standiford Field for joinder only with carrier's existing authority.

(5) Between Douglas Municipal Airport, Charlotte, N.C., and points in Roanoke County, Va. (Tri-Cities Airport and Blue Grass Field)*, on the one hand, and, on the other, Standiford Field, Louisville, Ky., restricted to the transportation of shipments having an immediately prior or subsequent movement by air.

(6) Between Douglas Municipal Airport, Charlotte, N.C., and points in Roanoke County, Va. (Tri-Cities Airport)*, on the one hand, and, on the other, Greater Cincinnati Airport near Erlanger, Ky., restricted to the transportation of shipments having an immediately prior or subsequent movement by air.

(7) Between Berry Field, Nashville, Tenn. (Tri-Cities Airport and Blue Grass Field)*, on the one hand, and, on the other, James Cox Municipal Airport, Vandalia, Ohio, restricted to the transportation of shipments having an immediately prior or subsequent movement by air.

(8) Between points in Roanoke, Smythe, Washington, Wythe, and Russell Counties, Va., and the plant site of Foote Mineral, in Scott County, Va. (McGhee-Tyson Airport)*, Douglas Municipal Airport, Charlotte, N.C. (McGhee-Tyson Airport, points in Washington County, Va., and Tri-Cities Airport)*, and James Cox Municipal Airport, Vandalia, Ohio (Standiford Field and Lexington, Ky.)*, on the one hand, and, on the other, Berry Field, Nashville, Tenn., restricted to the transportation of shipments having an immediately prior or subsequent movement by air.

(9) Between points in Fayette County, Ky. (Blue Grass Field and Standiford Field)*, points in Barren, Franklin, Daviess, Henderson, McCracken, Mercer, and Montgomery Counties, Ky., Vanderburgh County, Ind., Greater Cincinnati Airport near Erlanger, Ky., O'Hare Field, Chicago, Ill., and Berry Field, Nashville, Tenn. (Standiford Field)*, and Weir-Cook Airport near Indianapolis, Ind. (Standiford Field and points in Jefferson County, Ind.)*, on the one hand, and, on the other, John F. Kennedy Airport, Jamaica, N.Y., restricted to the transportation of shipments having an immediately prior or subsequent movement by air.

(10) Between Standiford Field, Louisville, Ky., and Weir-Cook Airport near Indianapolis, Ind. (plant site of American Greetings Corp., Danville, Ky.)*, points in Fayette, Barren, Franklin, Daviess, Henderson, McCracken, and Mercer Counties, Ky., and Vanderburgh County, Ind., and Greater Cincinnati Airport near Erlanger, Ky., Berry Field, Nashville, Tenn., and O'Hare Field, Chicago, Ill. (Standiford Field and plant site of American Greetings Corp., Danville, Ky.)*, on the one hand, and, on the other, New York, N.Y., restricted to the transportation of shipments having an immediately prior or subsequent movement by air.

The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 102376 (Sub-No. E1), filed June 4, 1974. Applicant: ART BROCKMAN, INC., 14230 Joy Road, Detroit, Mich. 48228. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hill, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractor's equipment, heavy machinery, and such commodities which, because of size or weight, require the use of special equipment or special handling* (1) between points in Illinois, on the one hand, and, on the other, points in Pennsylvania and New York; (2) between points in Indiana, on the one hand, and, on the other, points in Pennsylvania and New York; (3) between points in that part of Ohio on and west of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 23 to junction Ohio Highway 4, thence along Ohio Highway 4 to Marblehead, on the one hand, and, on the other, points in New York; (4) between points in that part of Ohio, on, north, and west of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 224 to junction Ohio Highway 53, thence along Ohio Highway 53 to Port Clinton, on the one hand, and, on the other points in Pennsylvania; (5) between points in that part of Ohio bounded by a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 224 to junction Ohio Highway 53, thence along Ohio Highway 53 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line, thence along the Ohio-Indiana State line to point of beginning, on the one hand, and, on the other, points in that part of Pennsylvania on and east of U.S. Highway 15; (6) between points in Ohio, on the one hand, and, on the other, points in Wisconsin; and (7) between points in Indiana, on the one hand, and, on the other, points in Wisconsin.

The purpose of this filing is to eliminate the gateway of points in Michigan.

No. MC 100666 (Sub-No. E119), (correction), filed May 26, 1974, published in the FEDERAL REGISTER August 27, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets*, (2) from points in Louisiana on and west of a line from the Louisiana-Mississippi State line along U.S. Highway 61 to the junction of Louisiana Highway 1, thence along Louisiana Highway 1 to the Texas-Louisiana State line to Memphis, Tenn. (Crossett, Ark.).*

The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to set forth the destination. The remainder of the letter-notice remains as previously published.

No. MC 108449 (Sub-No. E43), filed May 17, 1974.

No. MC 108449 (Sub-No. E44), filed May 17, 1974.

No. MC 108449 (Sub-No. E45), filed May 17, 1974.

No. MC 108449 (Sub-No. E46), filed May 17, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylienbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the port of entry on the United States-Canada International Boundary line at Noyes, Minn., to points in Minnesota (except points in Kittson, Roseau, Marshall, Polk, Pennington, Red Lake, Clearwater, Norman, Mahnomen, Clay, and Becker Counties, Minn.). The purpose of this filing is to eliminate the gateways of Grand Forks, and Fargo, N. Dak., and St. Cloud, and McGregor, Minn.

No. MC 110098 (Sub-No. E24), filed June 1, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Texas 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from points in that part of New Mexico on and south of U.S. Highway 66 to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC 110098 (Sub-No. E25), filed June 1, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Texas 78220. Applicant's representative: T. D. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from points in that part of Arizona on and south of U.S. Highway 66 to points in that part of South Dakota on and east of U.S. Highway 83 and that part of North Dakota on and east of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of Dalhart, Tex.

No. MC 110525 (Sub-No. E563), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in that part of Pennsylvania on and south of a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to junction Pennsylvania Highway 861, thence along Pennsylvania Highway 861 to junction Pennsylvania Highway 28, thence along Pennsylvania Highway 28 to junction Pennsylvania Highway 536, thence along Pennsylvania Highway 536 to junction Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to Punxsutawney, thence along U.S. Highway 119 to junction Pennsylvania Highway 410, thence along Pennsylvania Highway 410 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa.

No. MC 110525 (Sub-No. E586), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Pennsylvania on and north of Interstate Highway 70 and on and east of U.S. Highway 219, to points in that part of West Virginia on and south of U.S. Highway 50 and on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va.

No. MC 110525 (Sub-No. E595), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Rhode Island to the District of Columbia. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Morrisville, Pa.

No. MC 110525 (Sub-No. E599), (correction), filed May 20, 1974, published in the FEDERAL REGISTER August 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Rhode Island to points in Illinois.

The purpose of this filing is to eliminate the gateway of Newark, N.J. The purpose of this correction is to reflect the correct destination State.

No. MC 110525 (Sub-No. E626), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, (except bituminous products and materials), in bulk, in tank vehicles, from points in Rhode Island to points in West Virginia. The purpose of this filing is to eliminate the gateways of Newark, N.J., Morrisville, Pa., and points in Virginia.

No. MC 110525 (Sub-No. E627), (correction), filed May 20, 1974, published in the FEDERAL REGISTER August 19, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, and *Coal tar products* as described in Appendix XIV to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, both in bulk, in tank vehicles, from points in Rhode Island to points in Wisconsin.

The purpose of this filing is to eliminate the gateways of Newark, N.J., and Pittsburgh, Pa. The purpose of this correction is to expand the commodities to be transported.

No. MC 110525 (Sub-No. E638), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of South Carolina on and north of a line beginning at the Georgia-South Carolina State line, thence along South Carolina Highway 421 to Aiken, thence along South Carolina Highway 215 to Kitching's Mill, thence along South Carolina Highway 4 to Orangeburg, thence along U.S. Highway 301 to Santee, thence along Interstate Highway 95 to the North Carolina-South Carolina State line, to points in Florida. The purpose of this filing is to eliminate the gateway of Augusta, Ga.

No. MC 110525 (Sub-No. E679), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Tennessee on and east of U.S. Highway 27 to points in that part of Idaho on, north, and west of a line beginning at the Utah-Idaho State line, thence along U.S. Highway 93 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 15, thence along Interstate Highway 15 to Idaho Falls, thence along U.S. Highway 26 to the Idaho-Wyoming State line. The purpose of this filing is to eliminate the gateways of S. Charleston, W. Va., and Addyston, Ohio.

No. MC 110525 (Sub-No. E812), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of West Virginia on and east of U.S. Highway 219. The purpose of this filing is to eliminate the gateways of Baltimore, Md., and the District of Columbia.

No. MC 110525 (Sub-No. E813), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of the Lower Peninsula of Michigan on and north of Michigan Highway 21 to points in West Virginia.

The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC 110525 (Sub-No. E939), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry*

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chemicals, in bulk, in tank vehicles, from Fernald, Ohio, (1) to points in Connecticut, Massachusetts, and Rhode Island (Newark, N.J.)*, (2) to points in New Hampshire, Vermont, and Maine (except points in Aroostook County) (Newark, N.J., and Springfield, Mass.)*, and (3) to points in Nassau, Suffolk, and Queens Counties, N.Y. (Newark, N.J.)*, restricted in (3) above against the transportation of classes A and B explosives. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E994), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nylon powder*, in bulk, in dry form, in tank or hopper-type vehicles, from Manchester, N.H., (1) to points in Arkansas, Iowa, Kansas, and Nebraska (Ottawa, Ill.)*, and (2) to points in Minnesota and Missouri (Akron, Ohio)*, restricted in (2) above to the transportation of traffic in tank vehicles.

The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E995), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Providence, R.I., (1) to points in Alabama, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, and the District of Columbia (Springfield, Mass.)*, and (2) to points in Texas (Springfield, Mass., and Atlanta, Ga.)*, restricted in (2) above to the transportation of traffic in tank or hopper-type vehicles, and against the transportation of such naval stores as are chemicals, sulphate, and black liquor skimmings.

The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E996), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry silica gel desiccant*, in bulk, in tank vehicles, from the site of the Mobil Oil Company refinery near Paulsboro, N.J., (1) to points in Missouri and Wisconsin (Akron, Ohio)*, (2) to points in Connecticut, Massachusetts, and Rhode Island (New York, N.Y.)*, and (3) to points in Maine (except points in Aroostook County), New Hampshire, and Vermont (New York, N.Y., and Springfield, Mass.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E997), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank or hopper-type vehicles, from Cincinnati, Ohio, (1) to points in Connecticut, Massachusetts, and Rhode Island (Newark, N.J.)*, and (2) to points in Maine (except points in Aroostook County), New Hampshire and Vermont (Newark, N.J., and Springfield, Mass.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E998), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank or hopper-type vehicles, from Ironton, Ohio, (1) to points in Connecticut, Delaware, Iowa, Massachusetts, Maryland, New Jersey, New York, Rhode Island, and Pennsylvania (Willow Island, W. Va.)*, and (2) to points in Maine (except points in Aroostook County), New Hampshire, and Vermont (Willow Island, W. Va., and Springfield, Mass.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E999), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank or hopper-type vehicles, from South Point, Ohio, (1) to points in Connecticut, Delaware, Iowa, Massachusetts, Maryland, New Jersey, New York, Rhode Island, and Pennsylvania (Willow Island, W. Va.)*, and (2) to points in Maine (except points in Aroostook County), New Hampshire, and Vermont (Willow Island, W. Va., and Springfield, Mass.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1000), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank or hopper-type vehicles, from Riverview, Washington County, Ohio, (1) to points in Connecticut, Delaware, Illinois, Iowa, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Rhode Island, and Virginia, and the District of Columbia (Willow Island, W. Va.)*; (2) to points in Maine (except points in Aroostook County), New Hampshire and Vermont (Willow Island, W. Va., and Springfield, Mass.)*; and (3) to points in Wisconsin (Milan Township, Allen County, Ind.)*, restricted in (3) above to the transportation of traffic in tank vehicles and against the transportation of such oils and greases as may be included in the term "chemicals."

The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1001), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground scrap fire brick*, in bulk, in hopper type vehicles, from Clearfield, Pa., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Mahwah, N.J.

No. MC 110525 (Sub-No. E1002), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, in bulk, in tank vehicles, from Luling, La., (1) to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and that part of Ohio on, east and north of a line beginning at Lake Erie, thence along Ohio Highway 13 to junction Ohio Highway 664, thence along Ohio Highway 664 to junction Ohio Highway 93, thence along Ohio Highway 93 to the Ohio-Pennsylvania State line (Natrium, W. Va.)*, and (2) to points in Connecticut, Massachusetts, and Rhode Island (Natrium, W. Va., and Newark, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1003), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Adipic acid*, dry, in bulk, in tank vehicles, from Luling, La., to points in Maine (except points in Aroostook County), New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Natrium, W. Va., Newark, N.J., and Springfield, Mass.

No. MC 110525 (Sub-No. E1004), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, dry, in bulk, in tank vehicles, from Louisville, Ky., to points in Maine (except points in Aroostook County), New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Natrium, W. Va., Newark, N.J., and Springfield, Mass.

No. MC 110525 (Sub-No. E1005), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adipic acid*, in bulk, in tank vehicles, from Louisville, Ky., (1) to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania (Natrium, W. Va.)*, and (2) to points in Connecticut, Massachusetts, and Rhode Island (Natrium, W. Va., and Newark, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC-110525 (Sub-No. E1006), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petroleum chemicals, liquid wax, and those commodities requiring attached heater equipment), in bulk, in tank vehicles, from Falling Rock, W. Va., (1) to points in New Jersey (Baltimore, Md., and Marcus Hook, Pa.)*, and (2) to points in Connecticut, Massachusetts, and Rhode Island (Baltimore, Md., Marcus Hook, Pa., and Newark, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1007), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank or hopper-type vehicles, from Lewistown, Pa., (1) to points in Connecticut, Massachusetts, and Rhode Island (Newark, N.J.)*, and (2) to points in Maine (except points in Aroostook County), New Hampshire, and that part of Vermont in and east of Orleans, Lamoille, Washington, Orange, Windsor, and Windham Counties (Newark, N.J., and Springfield, Mass.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1008), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Such dry synthetic plastics* as are dry chemicals, in bulk, in tank or hopper-type vehicles, from Delaware City, Del., (1) to points in Vermont (Springfield, Mass.)*, and (2) to points in Missouri (Willow Island, W. Va.)*; and (B) *Dry synthetic plastics*, in bulk, in tank or hopper-type vehicles, from Delaware City, Del., (1) to points in Oklahoma and Arkansas (Circleville, Ohio)*, and (2) to points in Iowa, Kansas, Minnesota, Nebraska, and Wisconsin (Ottawa, Ill.)*, restricted in (B)(2) above to the transportation of traffic in tank vehicles. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1009), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt emulsions, coal tar, and coal tar products*, in bulk, in tank vehicles, from points in Oklahoma, (1) to points in Delaware, Maryland, and New Jersey (Cincinnati, Ohio, and Pittsburgh, Pa.)*, and (2) to points in Connecticut, Massachusetts, and Rhode Island (Cincinnati, Ohio, Pittsburgh, Pa., and Newark, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1010), filed May 5, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt emulsions, coal tar, and coal tar products*, in bulk, in tank vehicles, from points in Iowa, (1) to points in Delaware, Maryland, and New Jersey (Cincinnati, Ohio, and Pittsburgh, Pa.)*, and (2) to points in Connecticut, Massachusetts, and Rhode Island (Cinncinnati, Ohio, Pittsburgh, Pa., and Newark, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1011), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt emulsions, coal tar, and coal tar products*, in bulk, in tank vehicles, from points in Kansas (1) to points in Delaware, Maryland, and New Jersey (Cincinnati, Ohio, and Pittsburgh, Pa.)*, and (2) to points in Connecticut, Massachusetts, and Rhode Island (Cincinnati, Ohio, Pittsburgh, Pa., and Newark, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1023), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank or hopper-type vehicles, from those points of entry on the International Boundary line between the United States and Canada located at or near Trout River, Alexandria Bay, Rooseveltown, Ogdensburg, and Champlain, N.Y., and Highgate Springs, Derby line, and Norton, Vt., (1) to points in Illinois, Indiana, Michigan, Missouri, Kentucky, Minnesota, and Wisconsin (Akron, Ohio)*, (2) to points in Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia (Springfield, Mass. and Atlanta, Ga.)*, restricted in (1) above to the transportation of traffic in tank vehicles, restricted in (3) above against the transportation of such naval stores as are chemicals, sulphate, and black liquor skimmings, and restricted in (1), (2) and (3) above to the transportation of traffic originating in the Province of Quebec, Canada. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1024), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* in bulk, in tank vehicles, from points in Fayette County, Ohio, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Milan Township, Allen County, Ind.

No. MC 110525 (Sub-No. E1025), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from the plantsite of the Kaiser Agricultural Chemical Company at or near Findlay, Ohio, to points in Alabama, Florida, Georgia, Illinois, Iowa, Nebraska, Kansas, Louisiana, Missouri, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 110525 (Sub-No. E1026), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid and phosphatic fertilizer solution*, in bulk, in tank vehicles, from the plantsite of Freeport Chemical Company, Division of Freeport Sulphur Co., near Uncle Sam, St. James Parish, La., (1) to points in Connecticut, Massachusetts, and Rhode Island (points in Georgia, Greensboro, N.C., and Newark, N.J.)*, (2) to points in New Jersey and New York (points in Georgia and Greensboro, N.C.)*, (3) to points in New Hampshire, Maine, and Vermont (points in Georgia, Greensboro, N.C., and Syracuse, N.Y.)*, (4) to points in Pennsylvania (points in Georgia and S. Charleston, W. Va.)*, (5) to points in Ohio (points in Georgia and Copperhill, Tenn.)*, (6) to points in

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Michigan and that part of Indiana on and east of U.S. Highway 231 (Louisville, Ky.)*, (7) to points in Delaware and Maryland (points in Georgia and Greensboro, N.C.)*, and (8) to points in Virginia and West Virginia (points in Georgia)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1034), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except phosphatic feed supplements and bituminous products and materials), in bulk, in tank vehicles, from Tampa, Fla., (1) to points in Kentucky (Copperhill, Tenn.)*, (2) to points in Virginia (points in North Carolina)*, (3) to points in Montana (Copperhill, Tenn., and Addyston, Ohio)*, and (4) to points in that part of Missouri on and north of U.S. Highway 66 (Copperhill, Tenn., and Louisville, Ky.)*, restricted in (2) above to the transportation of traffic in tank vehicles. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1035), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except phosphatic feed supplements), in bulk, in tank vehicles, from Tampa, Fla., (1) to points in Arkansas (Atlanta, Ga.)*, (2) to points in California, Colorado, Arizona, that part of Nebraska on and west of U.S. Highway 183, and that part of Kansas on and west of U.S. Highway 281 (Texas City, Tex.)*, and (3) to points in Kentucky and Ohio (Copperhill, Tenn.)*, restricted in (1) above against the transportation of hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub No. E1037), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except phosphatic feed supplements, bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from Tampa, Fla., (1) to points in West Virginia (points in Georgia)*, (2) to points in Arizona, California, and Colorado (Texas City, Tex.)*, (3) to points in Arkansas (Atlanta, Ga.)*, (4) to points in Delaware and Maryland (Greensboro, N.C.)*, and (5) to points in Illinois, Indiana, and Kansas (Copperhill, Tenn., and Louisville, Ky.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1038), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid acetone and liquid phenol*, in bulk, in tank vehicles, from the plant site of the United States Steel Corporation at or near Haverhill, Scioto County, Ohio, (1) to points in Alabama, Louisiana, and Mississippi (points in Kanawha County, W. Va.)*, (2) to points in Maine and Vermont (Syracuse, N.Y.)*, and (3) to points in California (Mapleton, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1039), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except phosphatic feed supplements), in bulk, in tank vehicles, from Tampa, Fla., to points in that part of Indiana on and north of Interstate Highway 70, and that part of Illinois on and north of Illinois Highway 17. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Ironton, Ohio.

No. MC 110525 (Sub-No. E1040), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except phosphatic feed supplements), in bulk, in tank vehicles, from Tampa, Fla., (1) to points in Delaware, Maryland, New Jersey, and New York (Greensboro, N.C.)*, and (2) to points in Ohio (S. Charleston, W. Va.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1041), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Dowingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except phosphatic feed supplements and bituminous products and materials), in bulk, in tank vehicles, from Tampa, Fla., (1) to points in Iowa and Nebraska (Copperhill, Tenn., and Louisville, Ky.)*, (2) to points in New Jersey (Savannah, Ga., and Hopewell, Va.)*, (3) to points in New York (Greensboro, N.C.)*, (4) to points in North Dakota (Copperhill, Tenn., and Addyston, Ohio)*, (5) to points in Ohio (Copperhill, Tenn.)*, and (6) to points in Utah (Texas City, Utah)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 111545 (Sub-No. E381), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline rights-of-way), from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 271 to Paris, thence along Texas Highway 19 to Huntsville, thence along U.S. Highway 75 to Houston, thence along Texas Highway 288 to Freeport, to points in New Mexico, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, which such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Western Foundry Company at or near Tyler, Tex.

No. MC 111545 (Sub-No. E382), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe as described in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline rights-of-way), from points in that part of Mississippi on and south of a line beginning at the Mississippi-Arkansas State line, thence along Mississippi Highway 12 to Kosciuska, thence along Mississippi Highway 14 to the Mississippi-Alabama State line, to points in Nebraska, North Dakota, and South Dakota, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both, and restricted against the transportation of machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing,

maintenance, and dismantling of pipelines, including the stringing and picking up thereof. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Western Foundry Company at or near Tyler, Tex.

No. MC 113362 (Sub-No. E13), (correction), filed May 12, 1974, published in the FEDERAL REGISTER August 28, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 1105½ 8th Ave. N.E., Austin, Minn. 55912. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Candy and confectionery*, from the plant site and storage facilities of Topps Chewing Gum, Inc., at Duryea, Pa., (2) to points in Iowa and that part of Minnesota on and west of U.S. Highway 63 (Chicago, Ill., and Lokota, Iowa)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above. The purpose of this partial correction is to correct the destination States in (2) above. The remainder of the letter-notice remains as previously published.

No. MC 113678 (Sub-No. E2), filed May 5, 1974. Applicant: CURTIS, INC., P.O. Box 16004, Denver, Colorado 80216. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Denver, Colo. to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of York, Nebraska.

No. MC 113678 (Sub-No. E3), filed May 5, 1974. Applicant: CURTIS, INC., P.O. Box 16004, Denver, Colorado 80216. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61, N. M.C.C. 209 and 766, (A) From Greeley, Colorado to Baltimore, Md.; Philadelphia, Pa.; points in New Jersey, Connecticut (except New Haven), Massachusetts (except Boston), Rhode Island, and points in New York on and east of U.S. Highway 11. The purpose of this filing is to eliminate the gateway of New York, N.Y.; and (B) from Greeley, Colorado to Baltimore, Md., and Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 113678 (Sub-No. E4), filed May 5, 1974. Applicant: CURTIS, INC., P.O. Box 16004, Denver, Colorado 80216. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Wahoo, Nebr., to points in Washington, Oregon, and Idaho. RESTRICTION: The services authorized herein are restricted to the transportation of traffic originating at the plant site and storage facilities of Platte Valley Foods, Inc., at Wahoo, Nebr. The purpose of this filing is to eliminate the gateway of Denver, Colorado.

No. MC 113678 (Sub-No. E11), filed May 5, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Marysville, Pa., to points in Oregon, Idaho and Montana. Restriction: The authority granted herein is restricted to the transportation of shipments originating at Marysville. The purpose of this filing is to eliminate the gateway of Hall County.

No. MC 113678 (Sub-No. E13), filed May 5, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, in containers, from the facilities of Pepperidge Farm, Inc. at Downingtown, Lancaster, and Philadelphia to parts in Idaho and Montana. The purpose of this filing is to eliminate the gateway of Hall County, Nebraska. (2) *Frozen dairy products, frozen bakery products, frozen fruits, frozen vegetables, frozen pizza and frozen pizza pie ingredients*, in containers, from the facilities of Pepperidge Farm, Inc., at Downingtown, Lancaster, and Philadelphia, to points in New Mexico. The purpose of this filing is to eliminate the gateway of Denver, Colorado. (3) *Frozen dairy products and frozen vegetable food products*, in containers, from the facilities of Pepperidge Farm, Inc., at Downingtown, Lancaster, and Philadelphia, Pa., to points in Arizona. The purpose of this filing is to eliminate the gateway of points in Colorado east of the Continental Divide. Restriction: The service authorized in (1), (2), and (3) above, is restricted to the transportation of shipments originating at the above-described origin points.

No. MC 113843 (Sub-No. E716), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and edible meat by-products*, as defined by the Commission, from Sandusky, Ohio, to points in that part of Pennsylvania on, north, and east of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 249 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to Wilkes-Barre, thence along Pennsylvania Highway 115 to junction Pennsylvania Turnpike, thence along Pennsylvania Turnpike to junction Pennsylvania Highway 940, thence along Pennsylvania Highway 940 to Paradise Valley, thence along Pennsylvania Highway 191 to Stroudsburg, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113843 (Sub-No. E717), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lakewood, N.J., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E741), filed May 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lakewood, N.J., to points in that portion of Pennsylvania on, north, and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224, to New Castle, thence along Pennsylvania Highway 108 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to Kane, thence along U.S. Highway 6 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E742), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat by-products*, as defined by the Commission, (except in bulk, in tank vehicles), from Martins Ferry, Ohio to points in Vermont. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 113843 (Sub-No. E743, filed May 19, 1974. Applicant: REFRIGER-

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ATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat by-products*, as defined by the Commission, (except in bulk, in tank vehicles), from Piqua, Ohio to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 113843 (Sub-No. E744), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat by-products*, as defined by the Commission (except in bulk, in tank vehicles), from Fostoria, Ohio to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 113843 (Sub-No. E745), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat by-products*, as defined by the Commission (except in bulk, in tank vehicles), from Cleveland, Ohio to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 113843 (Sub-No. E753), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Massachusetts and Rhode Island, Hartford, Conn., and points in that portion of Connecticut on and east of a line beginning at the Block Island Sound at New London and extending along Connecticut Highway 85 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to junction U.S. Highway 5, thence along U.S. Highway 5 to the Connecticut-Massachusetts State line to points in that part of West Virginia on and west of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 250 to junction U.S. Highway 219, thence along U.S. Highway 219 to the West Virginia-Maryland State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E754), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Boston, Mass., to points in that part of Pennsylvania on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 113843 (Sub-No. E755), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Boston, Mass., to Cookeville, Tenn., and points in that part of Tennessee on and west of Tennessee Highway 56. The purpose of this filing is to eliminate the gateways of Syracuse, N.Y., and Detroit, Mich. (via Canada).

No. MC 113843 (Sub-No. E756), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass., 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island to points in Arkansas, Colorado, Kansas, Minnesota, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 119399 (Sub-No. E1), filed June 2, 1974. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, Missouri 64801. Applicant's representative: David L. Silton (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, from points in South Dakota, to to points in Kentucky and Tennessee (except Memphis); (2) *Food products* (except canned goods and except vegetable oil products and fats and oils, in bulk, in tank vehicles), and *fresh meats*, between points in Nebraska, on the one hand, and, on the other, points in Kentucky and Tennessee (except Memphis); and (3) *Glass bottles, carboys, demijohns, and jars*, with or without caps, covers, stoppers, or tops, from Rosemount, Minn., to points in that part of Arkansas in and south of Carroll, Newton, Pope, Conway, Faulkner, Lonoke, Arkansas, Desha, and Chicot Counties.

Restriction: The operations authorized in (1) above are restricted to traffic originating at points in South Dakota. The purpose of this filing is to eliminate the gateway of Springfield, Mo., for points in (1) and (2) above, and Muskogee, Okla., for points in (3) above.

No. MC 119531 (Sub-No. E174) (correction), filed May 25, 1974, published in the FEDERAL REGISTER September 6, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Rd., Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons*, from the plant site of Midland Glass Co., Inc., at or near Terre Haute, Ind., to points in Maryland. The purpose of this filing is to eliminate the gateway of Mt. Vernon, Ohio. The purpose of this correction is to establish the correct "E" number—previously published as E176.

No. MC 119741 (Sub-No. E1), filed June 1, 1974. Applicants: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, Fort Dodge, Iowa 50501. Applicant's representative: Bruce A. Bullock, Suite 530 Univac Bldg., 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to (1) East St. Louis, Ill., and St. Louis, Mo., and (2) Chicago, Ill., restricted to the transportation of traffic originating at the above-described origin. The purpose of this filing is to eliminate the gateway of Kansas City, Kans., in (1) above, and Creston, Iowa, in (2) above.

No. MC 119774 (Sub-No. E38), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Georgia, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways of points in Arkansas and Oklahoma.

No. MC 119774 (Sub-No. E60), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and

(2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Arkansas, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E102), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr., (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (2) *Machinery, equipment, materials, and supplies*, used in or in connection with, the drilling of water wells, between points in Mississippi, on the one hand, and on the other, points in Utah. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E134), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described as *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459; and (2) *Conduit*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Oklahoma to points in New Jersey, Virginia, the District of Columbia, Ohio, Pennsylvania, North Carolina, West Virginia, Maryland, Delaware, and South Carolina. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of the Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119771 (Sub-No. E154), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Mississippi, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E167), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Mississippi, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E168), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, in-

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stallation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Colorado, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateways of points in Oklahoma and Arkansas.

No. MC 119774 (Sub-No. E169), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459; and (2) *Conduit*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from Birmingham, Ala., to points in Nebraska, South Dakota, North Dakota, points in Missouri, on and west of U.S. Highway 71, points in Minnesota on and west of U.S. Highway 71, and points in Iowa on and west of a line from the Missouri-Iowa State line along U.S. Highway 169 to the junction U.S. Highway 18, thence along U.S. Highway 18 to the junction of Iowa Highway 4, thence along Iowa Highway 4 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E170), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit* as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459; (2) *Conduit*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; (3) *Conduit*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (4) *Conduit*, used in or in connection with the drilling of water wells, from points in Louisiana, on and north of a line from the Texas-Louisiana State line along Louisiana Highway 8 to the junction of Louisiana Highway 28, thence along Louisiana Highway 28 to the junction of U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Louisiana State line to points in New Jersey, West Virginia, Ohio, Maryland, Pennsylvania, Virginia, and Delaware. The purpose of this filing is to eliminate the gateway of the plant site of the Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E171), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459; (2) *Conduit*, incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in Louisiana to points in Michigan, North Dakota, Nebraska, South Dakota, Wisconsin, Minnesota, and Iowa. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of the Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E172), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459; (2) *Conduit*, incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells; (3) *Conduit*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (4) *Conduit* used in or in connection with, the drilling of water wells, from points in Louisiana to points in Michigan, North Dakota, Nebraska, South Dakota, Wisconsin, Minnesota, and Iowa. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of the Cement Asbestos Products Company at Van Buren, Ark.

No. MC 119774 (Sub-No. E178), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicants representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas petroleum, their products, and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way; and (2) *Machinery, equipment, materials, and supplies*, used in or in connection with the drilling of water wells, between points in Florida, on the one hand, and, on the other, points in Wyoming and Utah. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E243), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities 74 M.C.C. 459*, and (2) *Conduit*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, from points in Colorado to points in Maryland. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., and points in Oklahoma.

No. MC 119774 (Sub-No. E244), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459; and (2) *Conduit*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in Colorado, to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., and points in Oklahoma.

No. MC 119774 (Sub-No. E245), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459; and (2) *Conduit*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in Colorado to points in West Virginia. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of Cement Asbestos Products Co., at Van Buren, Ark., and points in Oklahoma.

No. MC 119774 (Sub-No. E252), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Conduit*, as described in *Mercer Extension—Oilfield Commodities* 74 M.C.C. 459, and (2) *Conduit* incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery, and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in Colorado to points in New Jersey, Ohio, South Carolina, Virginia, the District of Columbia, and North Carolina. The purpose of this filing is to eliminate the gateways of the plantsite and storage facilities of the Cement Asbestos Products Company at Van Buren, Ark., and points in Oklahoma.

No. MC 119774 (Sub-No. E255), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduct*, as described in *Mercer Extension—Oilfield Commodities 74 M.C.C. 459*, and (2) *Conduit*, incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery, and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in Colorado to points in Delaware. The purpose of this filing is to eliminate the gateways of the plant site and storage facilities of the Cement Asbestos Products Co., at Van Buren, Ark., and points in Oklahoma.

No. MC 119774 (Sub-No. E246), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit*, as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459; and (2) *Conduit*, incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in Oklahoma to points in the District of Columbia, Ohio, Virginia, and New Jersey. The purpose of this filing is to eliminate the gateway of the plantsites and storage facilities of The Cement Asbestos Products Company at Van Buren, Ark.

No. MC 123407 (Sub-No. E55), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt roofing, asbestos shingles, asbestos siding, vermiculite, and mineral wool insulation* from Joliet, Ill., Douglas, Burnett, and Polk Counties, Wis., and St. Croix, Wis. The purpose of this filing is to eliminate the gateway of Warren, Ill., and St. Paul, Minn.

No. MC 123407 (Sub-No. E56), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials* (except iron and steel, and commodities in bulk) from the plantsite of Johns-Manville Perlite Corp. at Rockdale, Ill. to points in Arkansas (except Arkadelphia and Hot Springs and points on and within a line beginning at the Missouri-Arkansas State line thence along U.S. Highway 67 to junction U.S. Highway 270 near Malvern, Ark., thence along U.S. Highway 270 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateway of the plantsite of Certain-Teed Products Corp. at East St. Louis, Ill.

No. MC 123407 (Sub-No. E57), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Composition board and composition ceiling tile*, from International Falls, Minn. to points in West Virginia, Virginia, Kentucky, and North Carolina. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. E58), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork from Truesdail, Mo., to points in the Upper Peninsula of Michigan, points in the Lower Peninsula of Michigan in and north of Alpena, Montmorency, Otsego, and Antrim Counties, that part of Minnesota in and north of Ramsey, Washington, Hennepin, Carver, McLeod, Renville, and Yellow Medicine Counties, and in that part of South Dakota in and north of Deuel, Hamlin, Clark, Spink, Hand, Hyde, Hughes, Stanley, Haakon, Pennington Counties. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa and Warren, Ill.

No. MC 123407 (Sub-No. E59), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to

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operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Buda, Ill., to points in Pennsylvania, the Upper Peninsula of Michigan and points in Emmet, Cheboygan, Presque Isle, Montmorency, Aldena, and Alcona Counties, Mich., that part of Nebraska in and west of Thurston, Cuming, Colfax, Butler, Seward, York, Fillmore, and Thayer Counties, and to Youngstown and Andover, Ohio. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E60), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board* used as a roofing material, from Greenville, Miss., to points in that part of Indiana north of Indiana Highway 26. The purpose of this filing is to eliminate the gateway of Wilmington, Del.

No. MC 123407 (Sub-No. E61), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Faribury, Ill., to points in Nebraska (except points in Douglas, Saunders, Seward, Lancaster, Cass, Otoe, Gage, Johnson, Nemaha, Pawnee, Richardson, Saline, Jefferson, Fillmore, Thayer, Webster, and Nuckolls Counties), and to points in that part of Kansas in and west of Phillips, Graham, Gove, Scott, Kearney, Haskell, and Seward Counties.

The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E62), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board, and materials and accessories* used in the installation thereof (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size or weight require the use of special equipment), from points in Henry County, Tenn., to points in that part of West Virginia in and north of Jackson, Roane, Calhoun, Braxton, Webster, Randolph, and Pendleton Counties, and points in that part of Virginia in and north of Rockingham, Greene, Orange, Louisa, Hanover, Henrico, Charles City, and James City Counties. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. E63), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from North Chicago, Ill., to points in Nebraska and Kansas. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E64), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal building materials, metal parts, and materials and accessories* incidental to the installation, thereof, from Niles, Ohio, to points in Pike, Lincoln, Jefferson, Claiborne, Warren, Issaquen, Sharkey, Washington, Wilkinson, Amitte, and Franklin Counties, Miss., restricted to the transportation of traffic originating at the plant and warehouse sites of the National Gypsum Company.

The purpose of this filing is to eliminate the gateway of Bartonville, Ill.

No. MC 123407 (Sub-No. E65), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass* used as a building material from Mt. Zion, Ill., to points in the Upper Peninsula of Michigan, restricted to the transportation of shipments which originate at the sites of the plants and warehouses of PPG Industries, Inc., at the above-named origin. The purpose of this filing is to eliminate the gateway of points in that part of Wisconsin within the Warren, Ill., commercial zone.

No. MC 123407 (Sub-No. E66), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* from Adams, Pike, and Calhoun Counties, Ill., to points in that part of Minnesota in and north of Clay, Otter Tail, Todd, Morrison, Benton, Mille Lacs, Isanti, and Chicago Counties. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E67), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, used in the manufacture and distribution of windows, doors, and building woodwork from Mt. Holly Springs, Pa., points in Minnesota, South Dakota, Nebraska, Kansas, and points in that part of the Upper Peninsula of Michigan west of a line beginning at the Michigan-Wisconsin State line, thence along U.S. Highway 2/141 to junction U.S. Highway 141, thence along U.S. Highway 141 to junction Michigan Highway 28, thence along U.S. Highway 28 to junction U.S. Highway 41, thence along U.S. Highway 41 to L'Anse, Mich. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E68), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Dubuque, Iowa, to points in South Dakota, Kansas, Indiana, Michigan, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E69), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, used as a building material (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment), from Clinton, Iowa, to points in that part of South Carolina in and east of Cherokee, Union, Newberry, Lexington, Orangeburg, Bamberg, Hampton, and Jasper Counties; Effingham, Chatham, and Bryan Counties, Ga., and that part of Florida in and south of Charlotte, Glades, and Martin Counties. The purpose of this filing is to eliminate the gateways of Warren, Ill., Brookville, Ind., and the plant and warehouse sites of Abitibi Corporation at Roaring River, N.C.

No. MC 123407 (Sub-No. E70), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building material lumber*, from Custer, S. Dak., to points in Ohio, Pennsylvania, and Michigan (except points in Gogebic, Ontonagon, Iron, Baraga, Houghton, and Keweenaw Counties). The purpose of this filing is to eliminate the gateway of points in Wisconsin within the Warren, Ill., commercial zone.

No. MC 123407 (Sub-No. E71), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork from Detroit, Mich., to points in Minnesota, South Dakota, Nebraska, and Kansas, restricted against the transportation of commodities which, because of size or weight, require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E72), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, used in the manufacture and distribution of windows, doors, and building woodwork from Ford City, Pa., to points in Minnesota, South Dakota, Nebraska, Kansas, and Gogebic and Ontonagon Counties, Mich., restricted against the transportation of commodities which, because of size or weight, require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E73), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials* (except commodities in bulk), from Port Clinton, Ohio, to points in Iowa and Wisconsin. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 123407 (Sub-No. E74), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass and glass glazing units*, from Toledo, Ohio, to Rock Falls and Rock Island, Ill., and Milwaukee, Wis., restricted to the transportation of shipments originating at the plant and warehouse sites of Libbey-Owens-Ford Company at the above-named origin. The purpose of this filing is to eliminate the gateway of Carleton, Mich.

No. MC 123407 (Sub-No. E75), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and material and accessories*, used in the installation thereof (except commodities in bulk), from Marrero, La., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate the gateway of the plant and warehouse site of the Abitibi Corporation at Roaring River, N.C.

No. MC 123407 (Sub-No. E76), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as a building material from the plant site and warehouse facilities of Allied Tube and Conduit Corp., at Harvey, Ill., to points in Nebraska, Kansas City, Kans., and Gogebic County, Mich. The purpose of this filing is to eliminate the gateway of points in that part of Wisconsin within the Warren, Ill., commercial zone.

No. MC 123407 (Sub-No. E77), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paving curing compounds, paving joints, and joint compounds* (except commodities in bulk), from Port Clinton, Ohio, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Elgin, Ill.

No. MC 123407 (Sub-No. E78), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, used as building material (except commodities in bulk), from Mt. Vernon, Ohio, to points in that part of Wisconsin north of La Crosse, Vernon, Monroe, Juneau, Adams, Waushara, Waupaca, Outagamie, and Brown Counties. The purpose of this filing is to eliminate the gateway of Florence, Ky.

No. MC 123407 (Sub-No. E79), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* (except lumber or in bulk), and materials used in the installation thereof from Cloquet, Minn., to points in McDowell, Mercer, and Monroe Counties, W. Va., and points in Virginia (except Alleghany, Bath, Highland, Shenandoah, Frederick, Warren, Clarke, and Loudoun Counties). The purpose of this filing is to eliminate the gateway of the plant and warehouse site of the Abitibi Corporation at Roaring River, N.C.

No. MC 123956 (Sub-No. E1), filed May 30, 1974. Applicant: T. T. BROOKS TRUCKING CO., 970 Washington St., Akron, Ohio 44311. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(A)(1)(a) *Such commodities* as are manufactured, processed, or dealt in by rubber or rubber-products manufacturers, including supplies incidental to the conduct of such businesses, from points in Ohio on, east, and north of U.S. Highway 250, to Knoxville, Chattanooga, and Nashville, Tenn., and (b) *rejected shipments* of the commodities specified immediately above, from the destination points specified above in (A)(1)(a), to their respective origin points; (2) *Materials*, used in the manufacture of rubber products, and *returned or rejected shipments* of such commodities as are manufactured, processed, or dealt in by rubber or rubber-products manufacturers, including supplies incidental to the conduct of such businesses, from Knoxville, Chattanooga, and Nashville, Tenn., to points in Ohio on, east, and north of U.S. Highway 250.

(B)(1)(a) *Such commodities* as are manufactured, processed, or dealt in by rubber or rubber-products manufacturers, including supplies incidental to the conduct of such businesses, from points in Ohio in the Toledo commercial zone, and on, east, and north of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 23 to its intersection with Interstate Highway 475, thence along Interstate High way 475 to its intersection with Ohio Highway 199, thence along Ohio Highday 199 to Fostoria, thence along Ohio Highway 18 to Tiffin, thence along Ohio Highway 100 to its intersection with U.S. Highway 30N, thence along U.S. Highway 30N to its intersection with U.S. Highway 30N, and thence along U.S. Highway 30 to the Ohio River, to points in Alabama, and (b) *rejected shipments* of the commodities specified immediately above, from the destination points specified above in (B)(1)(a), to their respective origin points; (2) *Materials*, used in the manufacture of rubber products and *returned or rejected shipments* of such commodities as are manufactured, processed, or dealt in by rubber or rubber-products manufacturers, including supplies incidental to the conduct of such businesses, from points in Alabama to points in the origin territory described above in (B)(1)(a).

(C)(1)(a) *Such commodities* as are manufactured, processed, or dealt in by rubber or rubber-products manufacturers, including supplies incidental to the conduct of such businesses, from points in Ohio in the Toledo Commercial Zone and on, east, and norh of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 23 to its intersection with Interstate Highway 475, thence along Interstate Highway 475 to its intersection with Ohio Highway 199, thence along

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Ohio Highway 199 to Fostoria, thence along Ohio Highway 18 to Tiffin, thence along Ohio Highway 100 to its intersection with U.S. Highway 30N, thence along U.S. Highway 30N to its intersection with U.S. Highway 30, and thence along U.S. Highway 30 to Mansfield, thence along Ohio Highway 13 to its intersection with U.S. Highway 36, thence along U.S. Highway 36 to its intersection with U.S. Highway 22, and thence along U.S. Highway 22 to the Ohio-West Virginia State line, to points in Georgia, and (b) *rejected shipments* of the commodities specified immediately above, from the destination points specified above in (C)(1)(a), to their respective origin points; (2) *Materials*, used in the manufacture of rubber-products, and *returned* or *rejected shipments* of such commodities as are manufactured, processed, or dealt in by rubber or rubber-products manufacturers, including supplies incidental to the conduct of such businesses, from points in Georgia, to points in the origin territory described above in (C)(1)(a).

(D)(1)(a) *Such commodities* as are manufactured, processed, or dealt in by rubber or rubber-products manufacturers, including supplies incidental to the conduct of such businesses, from points in Ohio on, west, and north of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 23 to its intersection with Interstate Highway 475, thence along Interstate Highway 475 to its intersection with Ohio Highway 199, thence along Ohio Highway 199 to its intersection with Ohio Highway 281, thence along Ohio Highway 281 to its intersection with Ohio Highway 15, thence along Ohio Highway 15 to its intersection with Ohio Highway 18, and thence along Ohio Highway 18 to the Ohio-Indiana State line, to points in Georgia on and south of a line beginning at Savannah and extending along U.S. Highway 17 to its intersection with U.S. Highway 82, thence along U.S. Highway 82 to its intersection with U.S. Highway 84, thence along U.S. Highway 84 to Valdosta; and thence along Interstate Highway 75 to the Georgia-Florida State line, and (b) *rejected shipments* of the commodities specified immediately above, from the destination points specified above in (D)(1)(a), to their respective origin points; (2) *Materials* used in the manufacture of rubber-products, and *returned or rejected shipments* of such commodities as are manufactured, processed or dealt in by rubber or rubber-products manufacturers ,including supplies incidental to the conduct of such businesses, from points in the destination territory described above in (D)(1)(a), to points in the origin territory also described above in (D)(1)(a).

(E)(1)(a) *Such commodities* as are manufactured, processed, or dealt in by rubber and rubber-products manufacturers, and *supplies* used in such businesses, from points in Ohio in the Toledo Commercial Zone and on, east, and north of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 23 to its intersection with Interstate Highway 475, thence along Interstate Highway 475 to its intersection with Ohio Highway 199, thence along Ohio Highway 199 to Fostoria, thence along Ohio Highway 100 to its intersection with U.S. Highway 30N, thence along U.S. Highway 30N to its intersection with U.S. Highway 30, thence along U.S. Highway 30 to Mansfield, thence along Ohio Highway 13 to its intersection with U.S. Highway 36, thence along U.S. Highway 36 to its intersection with Interstate Highway 77, thence along Interstate Highway 77 to its intersection with Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line, to Jackson, and Laurel, Miss., and (b) *rejected articles and empty used containers*, from the destination points specified immediately above, to their respective origin points; (2)(a) *Materials and supplies* used in the conduct of such businesses as described above in (E)(1)(a) (except textiles and textile products), from Jackson and Laurel, Miss., to points in the origin territory described above in (E)(1)(a), and (b) *rejected articles and empty used containers*, from the destination points specified immediately above, to their respective origin points.

(F)(1)(a) *Such commodities* as are manufactured, processed, or dealt in by rubber and rubber-products manufacturers, and supplies used in the conduct of such businesses, from points in Ohio in the Toledo Commercial Zone, and, on, east, and north of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 23 to its intersection with Interstate Highway 475, thence along Interstate Highway 475 to its intersection with Ohio Highway 199, thence along Ohio Highway 199 to Fostoria, thence along Ohio Highway 100 to its intersection with U.S. Highway 30N, thence along U.S. Highway 30N to its intersection with U.S. Highway 30, thence along U.S. Highway 30 to its intersection with Ohio Highway 13, thence along Ohio Highway 13 to its intersection with U.S. Highway 36, thence along U.S. Highway 36 to its intersection with Interstate Highway 77, thence along Interstate Highway 77 to its intersection with Interstate Highway 70, thence along Interstate Highway 70 to the Ohio-West Virginia State line, to Meridian and Columbus, Miss., and (b) *rejected articles and empty used containers*, from the destination points specified immediately above, to their respective origin points; (2)(a) *Materials and supplies* used in the conduct of such businesses as described in (F)(1)(a) (except textiles and textile products), from Meridian and Columbus, Miss., to points in the origin territory described above in (F)(1)(a), and (b) *rejected articles and empty used containers*, from the destination points specified immediately above, to their respective origin points.

(G)(1) *Such commodities* as are usually manufactured, processed, or dealt in by rubber and rubber-products manufacturers, and *empty textile cones*, from points in Ohio in the Sandusky Commercial Zone, and, on, east, and north of a line beginning at Sandusky and extending along U.S. Highway 250 to the Ohio-Pennsylvania State line, to points in Tennessee on and west of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 25E to its intersection with U.S. Highway 25 to the Tennessee-North Carolina State line; and (2) *returned* or *rejected shipments* of the commodities specified above, from points in the destination territory described immediately above in (G)(1) to points in the origin territory also described immediately above in (G)(1).

(H)(1) *Such commodities* as are usually manufactured, processed, or dealt in by rubber and rubber-products manufacturers, and *empty textile cones*, from points in Ohio, the Toledo Commercial Zone, and, on, north, and east of a line beginning at the Michigan-Ohio State line and extending along U.S. Highway 23 to its intersection with Interstate Highway 475, thence along Interstate Highway 475 to its intersection with Ohio Highway 199, thence along Ohio Highway 199 to Fostoria, thence along Ohio Highway 18 to Tiffin, thence along Ohio Highway 100 to its intersection with U.S. Highway 30N, thence along U.S. Highway 30N to its intersection with U.S. Highway 30, thence along U.S. Highway 30 to its intersection with Ohio Highway 13, thence along Ohio Highway 13 to its intersection with U.S. Highway 36, thence along U.S. Highway 36 to Coshocton, thence along Ohio Highway 83 to its intersection with Ohio Highway 209, thence along Ohio Highway 209 to Cambridge, thence along U.S. Highway 40 to its intersection with Interstate Highway 70, and thence along Interstate Highway 70 to the Ohio-Pennsylvania State line, to Memphis, Tenn., and (2) *returned* or *rejected shipments* of the commodities specified immediately above, from Memphis, Tenn., to points in the origin territory described above in (H)(1), restricted against the transportation of commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and in (G) and (H) shipments are limited to those moving from, to, or between facilities of rubber-products manufacturers. The purpose of this filing is to eliminate the gateway of Akron, Ohio.

No. MC 134838 (Sub-No. E1) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, August 22, 1974. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., 2567 Plant Atkinson Rd. NW., Atlanta, Ga. 30318. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden poles*, (H) from points in South Carolina (except points in York, Chester, Fairfield, Richland, Sumter, Lee, Darlington, Marlboro, Chesterfield, Kershaw, and Lancaster Counties), to points in West Virginia, and (M) from points in York, Chester, Fairfield, Richland, Sumter, Lee, Darlington, Marlboro, Chesterfield, Kershaw, and Lancaster Counties, S.C., to points in West Virginia (except points in Mercer, Summers, and Monroe Counties); (4) *Rough lumber*, (A) between points in that part of Alabama in and south of Choctaw, Marengo, Dallas, Autauga, Elmore, Macon, and Lee Counties (except those points north of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 80 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Alabama-Georgia State line), on the one hand, and, on the other, points in that part of Tennessee in and east of Macon, Trousdale, Smith, Dekalb, Warren, Grundy, and Marion Counties, (B) between Florence, Athens, and Huntsville, Ala., and points in that part of Alabama on and south of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 80 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Alabama-Georgia State line, on the one hand, and, on the other, points in North Carolina and South Carolina, (C) between points in Florida, on the one hand, and, on the other, points in that part of South Carolina in and west of Lancaster, Kershaw, Richland, Calhoun, Orangeburg, Bamberg, and Allendale Counties, S.C., (D) between points in that part of Florida in and west of Jefferson County, on the one hand, and, on the other, points in South Carolina, (E) between points in that part of Florida in and south of Hillsborough, Hardee, Highlands, Okeechobee, and Saint Lucie Counties, on the one hand, and, on the other, points in Chesterfield, Marlboro, Darlington, Lee, Sumter, Clarendon, and Florence Counties, S.C., (F) between points in Florida, on the one hand, and, on the other, points in North Carolina (except points in and south of Scotland, Hoke, Cumberland, Sampson, Wayne, Greene, Pitt, Beaufort, and Hyde Counties).

(G) Between points in that part of Florida in and west of Jefferson County, on the one hand, and, on the other, points in North Carolina, (H) between points in Florida (except Nassau, Clay, St. Johns, Putnam, Flagler, Volusia, Lake, Brevard, and Indiana River Counties), on the one hand, and, on the other, points in North Carolina (except Columbus, Brunswick, and Ponder Counties), and (I) between points in that part of Florida in and south of Hillsborough, Hardee, Highlands, Okeechobee, and Saint Lucie Counties, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn., for points in (1) (A), (B), (E), (F), and 5(A) above; Macon, Ga., for points in (1)(C), (4) (C), (D), (E), (F), (G), (H), and (I) above; Atlanta, Ga., for points in (1) (D), (G), and (4)(A) above; Florence, S.C., for points in (2) (A) and (B) above; points in Georgia for points in (2) (C), (D) (E), (I), (J), and (3) above; Florence, S.C., or points in Georgia for points in (2) (F), (G), (H), (K), (L), and (M) above; and Macon, Atlanta, or Augusta, Ga., for points in (4)(B) above; and points in Georgia or Atlanta, Macon, or Augusta, Ga., for points in (5)(B) above. The purpose of this partial correction is to correct the order in which the respective paragraphs appeared in the publication of August 22, 1974; to delete the exception relating to the West Virginia territorial description in (2)(H) which was inadvertently inserted in the publication of August 22, 1974; to include the points described in (M) above which were inadvertently omitted from the publication of August 22, 1974; and to correct the operations in (4) above to permit radial service between described points, on the one hand, and, on the other, certain other named described points, which operations inadvertently appeared as radial authority from and to the described points.

No. MC 135384 (Sub-No. E1), filed May 31, 1974. Applicant: SPECIALIZED TRUCK SERVICE, INC., Highway 81 and Interstate Highway 75 (Route 3), McDonough, Ga. 30253. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road, NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, in containers, and related advertising material* when transported with malt beverages, from Pabst, Ga., to Baton Rouge, La., and points in Kentucky, Virginia, Tennessee (except Chattanooga, Lawrenceburg, Shelbyville, Cookeville, Hariman, Johnson City, Knoxville, and Nashville), and points in that part of Louisiana on and bounded by a line beginning at the Texas-Louisiana State line, thence along U.S. Highway 90 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 13, thence along Louisiana Highway 13 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 165, thence along U.S. Highway 165 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Texas-Louisiana State line, thence along the Texas-Louisiana State line to point of beginning. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21783 Filed 9-18-74;8:45 am]

[Notice No. 74]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 13, 1974.

The following applications (except as otherwise specifically noted), each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application) are governed by § 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and by November 18, 1974, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 1305 (Sub-No. 1), filed August 22, 1974. Applicant: SELECTIVE TRANSPORTATION CORPORATION, 560 60th Street, West New York, N.J. 07093. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances, materials, equipment, and supplies* used or useful in the manufacture, sale, and distribution of household appliances (except commodities in bulk), between the warehouse facilities of Westinghouse Electric Corporation located at Langhorn, Pa., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Delaware, Maryland, Virginia, Maine, Vermont, New Hampshire, and the District of Columbia, restricted to traffic originating at the above-named origin and destined to the above-named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 2368 (Sub-No. 44), filed August 22, 1974. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Rd., P.O. Box 495, Richmond, Va. 23234. Applicant's representative: Harry C. Ames, Jr., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid commodities*, used in the manufacturing of tobacco products, in bulk, in tank vehicles, between Louisville, Ky., on the one hand, and, on the other, Richmond, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 2900 (Sub-No. 265) (Clarification), filed June 24, 1974, published in the FEDERAL REGISTER issue of August 15, 1974, and republished as corrected this issue. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: John Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron and brass valves, cast iron pressure pipe, fire hydrants and fire hydrant sections, and components, parts, attachments, accessories, and supplies* as used in connection with commodities named, from (1) the plantsite and storage facilities of the Mueller Co., located at or near Albertville, Ala., to points in the United States (except Alaska and Hawaii); and (2) from the plant and storage facilities of the Mueller Co., located at Chattanooga, Tenn., to points in Texas; (1) and (2) restricted to the transportation of shipments originating at the named origins and destined to points in the described destination territory.

NOTE.—The purpose of this republication is to clarify the requested authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Saint Louis, Mo., or Chicago, Ill.

No. MC 10629 (Sub-No. 7), filed August 23, 1974. Applicant: NORTH EXPRESS, INC., 219 Main Street, Winamac, Ind. 46996. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising paraphernalia*, from points in the United States east of the eastern boundary line of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas to Winamac, Ind.; and (2) *used empty malt beverage containers*, from Winamac, Ind., to the origin territory in (1) above, restricted to services performed under a continuing contract or contracts with Tippecanoe Beverages, Inc.

NOTE.—Applicant holds common carrier authority in MC 119656 and other Subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 21866 (Sub-No. 78), filed August 2, 1974. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, Pa. 19512. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive accessories, parts, and supplies, and materials, supplies, and equipment* used or useful in the installation or manufacture of automotive accessories, parts, and supplies, between Boaz, Ala., Los Angeles, Calif., Atlanta, Ga., Chicago, Ill., Kansas City and St. Louis, Mo., Piscataway, N.J., Columbus and Greenville, Ohio, Oklahoma City, Okla., Portland, Oreg., Boyertown, Hazleton, and Weatherly, Pa., Memphis, Sevierville, and Sparta, Tenn., and Dallas, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to the transportation of shipments originating at or destined to the facilities of Wagner Electric Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 26396 (Sub-No. 123), filed August 23, 1974. Applicant: POPELKA TRUCKING COMPANY, a Corporation, doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 1126 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides, herbicides, and chemicals* (except in bulk), from the plantsite of Monsanto Company, at or near Muscatine, Iowa, to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 136777 Sub 3, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 29120 (Sub-No. 184), filed August 13, 1974. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57104. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, and hides, skins, chromes, or pieces thereof), serving points in Cook County, Ill., which are outside the Chicago, Ill., Commercial Zone, as described in 94 M.C.C. 568, as off-route points in connection with applicant's authorized regular route operations, restricted against service between any two points both of which are in the above area, and between any point in the above area and any point in the area described in the Chicago Commercial Zone as set forth above.

NOTE.—Common control was approved in MC-F-11285. If a hearing is deemed necessary, applicant requests it be held at either Sioux Falls, S. Dak., or Des Moines, Iowa.

No. MC 36509 (Sub-No. 24), filed August 16, 1974. Applicant: LOOMIS ARMORED CAR SERVICE, INC., 55 Battery Street, Seattle, Wash. 98121. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Special nuclear material*, between Richland, Wash., and Hanford Works U.S. Atomic Energy Commission Reservation, at or near Richland, Wash., on the one hand, and, on the other, points in the Seattle, Wash., Commercial Zone, restricted to shipment having an immediate prior or subsequent interstate movement, under a continuing contract or contracts with Edlow International Company of Washington, D.C.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 41432 (Sub-No. 143), filed August 16, 1974. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207. Applicant's representative: W. P. Furrh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Salt Lake City and Ogden, Utah, serving all intermediate points: From Salt Lake City, Utah, over Interstate Highway 15 and also U.S. Highway 91 to Ogden, Utah, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 43421 (Sub-No. 51), filed August 12, 1974. Applicant: DOHRN TRANSFER COMPANY, a Corporation, 4019 Ninth Street, P.O. Box 1237, Rock Island, Ill. 61201. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Rockford, Ill., and Milwaukee, Wis.: From Rockford over U.S. By-Pass 20 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Wisconsin Highway 15, thence over Wisconsin Highway 15 to Milwaukee, Wis., and return over the same route, as an alternate route for operating convenience only in connection with carrier's authorized regular route operations, serving no intermediate points and serving Rockford, Ill., for joinder purposes only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 47898 (Sub-No. 5), filed August 19, 1974. Applicant: WISCONSIN-PACIFIC EXPRESS, INC., P.O. Box 190, Weyauwega, Wis. 54983. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and fibreglass siding, sheets, and panels and accessories and materials*, used in the installation thereof, from Berlin, Wis., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 59241 (Sub-No. 2), filed August 21, 1974. Applicant: JOHN GIBBONS, INC., 650 Eddystone Avenue, Eddystone, Pa. 19013. Applicant's representative: Maxwell A. Howell, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the facilities of the Scott Paper Company located at or near Chester, Croydon, and Eddystone, Pa., to points in Fairfax, Fauquier, Loudoun, and Prince William Counties, Va.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 63417 (Sub-No. 68), filed August 9, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Rd. NE., P.O. Box 2688, Roanoke, Va. 24001. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shower bath stalls, and parts and accessories therefor*, from Monroe, Ohio, to points in Alabama, Delaware, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 83539 (Sub-No. 395), filed August 19, 1974. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, as defined in 61 M.C.C. 209, *Descriptions in Motor Carrier Certificates*, and (2) *scrap iron and scrap steel*, (1) from the plantsite and storage facilities of Chaparral Steel Company, Inc., located at or near Midlothian, Tex., to points in the United States including Alaska but excluding Hawaii, and (2) from points in the United States including Alaska but excluding Hawaii, to the plantsite and storage facilities of Chaparral Steel Company, Inc., located at or near Midlothian, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 87689 (Sub-No. 12), filed August 16, 1974. Applicant: INTER-CITY TRUCK LINES LIMITED, P.O. Box 900, Station U, Toronto, Ontario, Canada M8Z 5R3. Applicant's representative: John W. Bryant, 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the International Boundary line between the United States and Canada at Port Huron, Mich., and the plantsite and facilities of Ford Motor Company at Romeo, Macomb County, Mich.: From the International Boundary line between the United States and Canada at Port Huron, Mich., over Interstate Highway 94 to junction Michigan Highway 21, thence over Michigan Highway 21 to junction Michigan Highway 53 near Imlay City, Mich., thence over Michigan Highway 53 to Romeo, Mich., thence over unnumbered roads to the plantsite and facilities of Ford Motor Company, and return over the same route, serving no intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 94201 (Sub-No. 127) (Correction), filed July 19, 1974, published in the FEDERAL REGISTER, issue of August 29, 1974, and republished as corrected this issue. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commodities in vehicles equipped with mechanical refrigeration): (1) Between Chattanooga, Tenn., and Chicago, Ill.: (a) From Chattanooga, Tenn., over U.S. Highway 41 and/or Interstate Highway 24 to Nashville, Tenn., thence over Alternate U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 41 to Chicago, Ill., and return over the same route; (b) From Chattanooga, Tenn., over U.S. Highway 41 and/or Interstate Highway 24 to Nashville, Tenn., thence over Alternate U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 41 to junction Interstate Highway 64 and/or U.S. Highway 460, thence over Interstate Highway 64 and/or U.S. Highway 460 to junction U.S. Highway 51, thence over U.S. Highway 51 to Bloomington, Ill., thence over U.S. Highway 66 to Chicago, and return over the same route; and (c) From Chattanooga, Tenn., over U.S. Highway 41 and/or Interstate Highway 24 to Nashville, Tenn., thence over Alternate U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 41 to junction Interstate Highway 64 and/or U.S. Highway 460, thence over Interstate Highway 64 and/or U.S. Highway 460 to junction Interstate Highway 57, thence over Interstate Highway 57 to Chicago, and return over the same route; (2) Between Chattanooga, Tenn., and Indianapolis, Ind.: From Chattanooga, Tenn., over U.S. Highway 41 and/or Interstate Highway 24 to Nashville, Tenn., thence over U.S. Highway 31–W and/or Interstate Highway 65 to Indianapolis, and return over the same route.

(3) Between Chattanooga, Tenn., and Cincinnati, Ohio: From Chattanooga, Tenn., over U.S. Highway 41 and/or Interstate Highway 24 to Nashville, Tenn., thence over U.S. Highway 31–W and/or Interstate Highway 65 to Louisville, Ky., thence over Interstate Highway 71 and/or U.S. Highway 42 to Cincinnati, and return over the same route; (4) Between Chattanooga, Tenn., and Louisville, Ky.: (a) From Chattanooga, Tenn., over U.S. Highway 41 and/or Interstate Highway 24 to Nashville, Tenn., thence over U.S. Highway 31–W and/or Interstate Highway 65 to Louisville, Ky., and return over the same route; (b) From Chattanooga, Tenn., over U.S. Highway 27 and/or Interstate Highway 75 to Lexington, Ky., thence over U.S. Highway 60 and/or Interstate Highway 64 to Louisville, Ky., and return over the same route; and (c), From Chattanooga, Tenn., over U.S. Highway 27 to junction U.S. Highway 150 at Stanford, Ky., thence over U.S. Highway 150 to Danville, Ky., thence

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over U.S. Highway 127 to its junction with Interstate Highway 64, thence over Interstate Highway 64 to Louisville, Ky., and return over the same route; (5) Between Chattanooga, Tenn., and Cleveland, Ohio: From Chattanooga, Tenn., over U.S. Highway 27 and/or Interstate Highway 75 to Lexington, Ky., thence over U.S. Highway 25 and/or Interstate Highway 75 to Cincinnati, Ohio, thence over U.S. Highway 42 and/or Interstate Highway 71 to Cleveland, and return over the same route; (6) Between Decatur, Ill., and Chicago, Ill.: From Decatur over U.S. Highway 51 to Mendota, Ill., thence over U.S. Highway 34 to Chicago, and return over the same route; (7) Between Fort Wayne, Ind., and Chicago, Ill.: From Fort Wayne over U.S. Highway 33 to South Bend, Ind., thence over Indiana Highway 2 to junction U.S. Highway 20 at or near Rolling Prairie, Ind., thence over U.S. Highway 20 (also over Indiana Highway 2 to junction Interstate Highway 80 and Interstate Highway 90 at or near Rolling Prairie, Ind., thence over Interstate Highway 80 and/or Interstate Highway 90) to Chicago, and return over the same route.

(8) Between Indianapolis, Ind., and Chicago, Ill.: From Indianapolis, Ind., over Interstate Highway 65 to Gary, Ind., thence over Interstate Highway 94 to Chicago, Ill., and return over the same route; (9) Between Indianapolis, Ind., and Fort Wayne, Ind.: From Indianapolis over Interstate Highway 69 (also Indiana Highway 37) to Fort Wayne, and return over the same route; (10) Between Indianapolis, Ind., and Junction U.S. Highways 41 and 52 near Gravel Hill, Ind.: From Indianapolis over U. S. Highway 52 to junction U.S. Highways 52 and 41 near Gravel Hill, Ind., and return over the same route; (11) Between South Bend, Ind., and Indianapolis, Ind.: From South Bend over U.S. Highway 31 to Indianapolis, and return over the same route; (12) Between Indianapolis, Ind., and Cincinnati, Ohio: From Indianapolis over U. S. Highway 52 and/or Interstate Highway 74 to Cincinnati, and return over U.S. Highway 52 and/or Interstate over the same route; (13) Between Columbus, Ohio, and Indianapolis, Ind.: From Columbus over U.S. Highway 40 and/or Interstate Highway 70 to Indianapolis, and return over the same route; (14) Between Chicago, Ill., and Cleveland, Ohio: From Chicago over Interstate Highways 80 and/or 90 to Cleveland and return over the same route; (15) Between Cincinnati, Ohio, and Fort Wayne, Ind.: From Cincinnati over U.S. Highway 27 to Fort Wayne, and return over the same route; (16) Between Cincinnati, Ohio, and Cleveland, Ohio: From Cincinnati over U.S. Highway 22 to Washington Court House, Ohio, thence over U.S. Highway 62 to Canton, Ohio, thence over Ohio Highway 800 to Akron, Ohio, thence over Ohio Highway 8 to Cleveland, and return over the same route.

(17) Between Cincinnati, Ohio, and Toledo, Ohio: From Cincinnati over U.S. Highway 25 and/or Interstate Highway 75 to Toledo, and return over the same route; (18) Between Columbus, Ohio, and Toledo, Ohio: From Columbus over U.S. Highway 23 to Toledo, and return over the same route; (19) Between the junction of Interstate Highway 76 and Interstate Highway 71 (approximately 13 miles south of Medina, Ohio) and Youngstown, Ohio: From junction Interstate Highways 76 and 71 over Interstate Highway 76 to junction Ohio Highway 18, thence over Ohio Highway 18 and/or Interstate Highway 76 to Youngstown, and return over the same route; serving the following intermediate and off-route points: (a) points within 10 miles of Chattanooga, Tenn.; (b) points within 10 miles of Louisville, Ky., including Louisville; (c) points in Indiana; (d) points in that part of Illinois on and bounded by a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Springfield, Ill., thence along Illinois Highway 29 to Peoria, Ill., thence along Illinois Highway 116 to Metamora, Ill., thence along Illinois Highway 89 to intersection U.S. Highway 34.

Thence along U.S. Highway 34 to intersection Illinois Highway 31, thence along Illinois Highway 31 to intersection unnumbered highway (referred to as Aurora Avenue), thence along said unnumbered highway to intersection U.S. Highway 34, thence along U.S. Highway 34 to Chicago, Ill., thence along Lake Michigan to the Illinois-Indiana State Line, and thence along Illinois-Indiana State line to points of beginning; and (e) points in that part of Ohio on, west, and north of a line beginning at the Ohio-Pennsylvania State Boundary line near Sharon, Pa., and extending along U.S. Highway 62 to Columbus, Ohio, thence along U.S. Highway 23 to Circleville, Ohio, and thence along U.S. Highway 22 to Cincinnati, Ohio.

NOTE.—The sole purpose of the application is to provide alternate traversal or "gateway" points on Bowman's service to and from points in Central States. At the present time, all Central States general commodities service is performed via points in Alabama within 65 miles of Birmingham, including Birmingham. All service here proposed is restricted to the transportation of traffic moving from, to, or through points in Tennessee within 10 miles of Chattanooga, including Chattanooga. The purpose of this republication is to correctly state the route in (19)(d) and to include the purpose of this application as stated above. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 103435 (Sub-No. 223), filed August 8, 1974. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 S. Prince St., Littleton, Colo. 80120. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between St. Louis, Mo., and Indianapolis, Ind.: From St. Louis, Mo., over Interstate Highway 270 to junction Interstate Highway 70, thence over Interstate Highway 70 to Indianapolis, and return over the same route, serving no intermediate points, serving Indianapolis for the purposes of joinder only, as an alternate route for operating convenience only in connection with carrier's regular route operations; (2) Between Danville, Ill., and Indianapolis, Ind.: From Danville over Interstate Highway 74 to Indianapolis and return over the same route, serving no intermediate points, serving Indianapolis for the purposes of joinder only, as an alternate route for operating convenience only in connection with carrier's regular route operations; (3) Between junction Interstate Highway 75 and U.S. Highway 30N near Beaver Dam, Ohio, and Indianapolis, Ind.: From the junction of Interstate Highway 75 and U.S. Highway 30N near Beaver Dam, Ohio, over Interstate Highway 75 to junction Interstate Highway 70 near Vandalia, Ohio, thence over Interstate Highway 70 to Indianapolis, and return over the same route, serving no intermediate points, serving Indianapolis and the junction of Interstate Highway 70 and Interstate Highway 75 for the purposes of joinder only, as an alternate route for operating convenience only in connection with carrier's regular route operations.

(4) Between Columbus, Ohio, and junction U.S. Highway 30 and Interstate Highway 71: From Columbus, Ohio, over Interstate Highway 71 to junction U.S. Highway 30 and return over the same route, serving no intermediate points, serving the junction of U.S. Highway 30 and Interstate Highway 71 for purposes of joinder only, as an alternate route for operating convenience only in connection with carrier's regular route operation; (5) Between Columbus, Ohio, and junction Interstate Highway 70 and 75: From Columbus over Interstate Highway 70 to junction of Interstate Highway 75 and return over the same route, serving no intermediate points, serving the junction of Interstate Highway 70 and Interstate Highway 75 for purposes of joinder only, as an alternate route for operating convenience only in connection with carrier's regular route operation; (6) Between Toledo, Ohio, and Lincoln Park, Mich.: From Toledo over Interstate Highway 75 to Lincoln Park, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations: (7) Between Gary, Ind., and Toledo, Ohio: From Gary over Interstate Highway 80 to Toledo, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations.

(8) Between junction Interstate Highway 57 and Interstate Highway 74, near Champaign, Ill., and St. Louis, Mo.: From Junction Interstate Highway 57 and Interstate 74, over Interstate Highway 57 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 270, thence over Interstate Highway 270 to St. Louis, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations: and (9) Between Moline, Ill., and Peoria, Ill.: From Moline over Interstate Highway 80 to junction Interstate Highway 74, thence over Interstate Highway 74 to Peoria and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Denver, Colo., or Indianapolis, Ind.

No. MC 105413 (Sub-No. 38), filed August 9, 1974. Applicant: PETROLEUM TRANSPORT SERVICE, INC., 3908 Richland Drive, Council Bluffs, Iowa 51501. Applicant's representative: Einar Viren, 904 City National Bank Bldg., Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal, soybean hulls, and soybean mill run*, from the plantsite of Farmland Industries, Inc., at or near Sergeant Bluff, Iowa, to points in Illinois, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 106920 (Sub-No. 53), filed August 16, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: Carroll V. Lewis, P.O. Box 717, Sidney, Ohio 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Blair, Freemont, Portage, and Madison, Wis., to points in Pennsylvania, New York, New Jersey, New Hampshire, Vermont, Rhode Island, Connecticut, Delaware, Maine, Maryland, Massachusetts, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 108207 (Sub-No. 401), filed August 19, 1974. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Kraftco Corporation, at or near Champaign, Ill., to points in Texas, restricted to traffic originating at points in the named origin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas, Tex., or Chicago, Ill.

No. MC 108207 (Sub-No. 402), filed August 19, 1974. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Pana, Ill., to points in Arizona, California, New Mexico, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Dallas, Tex.

No. MC 108207 (Sub-No. 403), filed August 19, 1974. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Roswell, N. Mex., to points in Arizona, California, Texas, Oklahoma, Arkansas, Mississippi, Louisiana, Kansas, Missouri, Nebraska, Iowa, South Dakota, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Ohio, and Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108298 (Sub-No. 36), filed August 19, 1974. Applicant: ELLIS TRUCKING CO., INC., 1600 Oliver Street, Indianapolis, Ind. 46221. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), between Kokomo, Ind., and junction U.S. Highway 35 and Indiana Highway 9: From Kokomo, Ind., over U.S. Highway 35 to junction Indiana Highway 9 and return over the same route, as an alternate route for operating convenience only, serving no intermediate points and serving the junction of U.S. Highway 35 and Indiana Highway 9 for the purpose of joinder only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 108335 (Sub-No. 30), filed August 19, 1974. Applicant: HYMAN FREIGHTWAYS, INC., 3030 Harbor Lane, Minneapolis, Minn. 55441. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Minneapolis-St. Paul, and Dawson, Minn., serving the intermediate points of Montevideo and Clara City, Minn., and the off-route points of Boyd, Watson, and Wegdahl, Minn.: (a) From Minneapolis-St. Paul, Minn., over Minnesota State Highway 7, to junction U.S. Highway 212, thence over U.S. Highway 212, to Dawson, and return over the same route; and (b) From Minneapolis-St. Paul, Minn., over U.S. Highway 12, to junction Minnesota State Highway 23, thence over Minnesota State Highway 23 to junction Minnesota State Highway 7, thence over Minnesota State Highway 7 to junction U.S. Highway 212, thence over U.S. Highway 212, to Dawson, and return over the same route; and (2) Between Minneapolis-St. Paul and Dawson, Minn., serving the intermediate point of Montevideo, Minn., and the off-route points of Boyd, Watson, Wegdahl, and Clara City, Minn.: (a) From Minneapolis-St. Paul, over U.S. Highway 212 to Dawson, Minn., and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Montevideo, or St. Paul, Minn.

No. MC 109692 (Sub-No. 28), filed August 12, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, 625 Livestock Exchange Building, Kansas City, Mo. 64105. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural equipment and industrial bulk material handling systems*, from Dodge City, Kans., to points in Colorado, Wyoming, Montana, North Dakota, South Dakota, Minnesota, and Nebraska; and (2) *machinery, materials, equipment, and supplies* used in the manufacture and production of agricultural equipment and industrial bulk material handling systems, from points in Colorado, Wyoming, Montana, North Dakota, South Dakota, Minnesota, and Nebraska to Dodge City, Kans.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 110420 (Sub-No. 723) (Correction), filed July 15, 1974, published in the FEDERAL REGISTER issue of August 15, 1974, and republished as corrected this issue. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheat flour*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin.

NOTE.—The purpose of this republication is to change docket MC 129522 to MC 110420 (Sub-No. 723), which was previously pub-

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flished incorrectly. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 110563 (Sub-No. 143), filed August 14, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747 (Ohio Building), Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods, frozen berries, and frozen potato products*, from Prospect Harbor, Southwest Harbor, Belfast, Bath, Rockland, Eastport, Easton, Portland, and Aroostook County, Oxford County, and Washington County, Maine, to points in Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at the named origin points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Augusta, Maine, or Boston, Mass.

No. MC 111397 (Sub-No. 108), filed May 28, 1974. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste materials and radioactive waste material containers*, between facilities of Nuclear Engineering Company, Inc., located at Maxey Flats, Ky., and Barnwell County, S.C., and points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, West Virginia, Ohio, Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Michigan, Illinois, and Indiana, in non-radial movements.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 112304 (Sub-No. 83), filed August 23, 1974. Applicant: ACE DORAN HAULING & RIGGING CO., a Corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Casting and forgings*, (1) from the plantsite and shipping facilities of Dayton Malleable Iron Co., at Ironton, Ohio, to the plantsites of York Merit Products, Inc., at Ellicottville, N.Y., and Le Roy Machine Co., at Le Roy, N.Y.; (2) from the plantsite and shipping facilities of Canton Malleable Iron Co., at Canton, Ohio, to the plantsites of York Merit Products, Inc., at Ellicottville, N.Y., and Le Roy Machine Co., at Le Roy, N.Y.; and (3) from the plantsite and shipping facilities of Colfor, Inc., at Malvern, Ohio, to the plantsites of York Merit Products, Inc., at Ellicottville, N.Y., and Le Roy Machine Co., at Le Roy, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 112304 (Sub-No. 84), filed August 26, 1974. Applicant: ACE DORAN HAULING & RIGGING CO., a Corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Material handling equipment;* (2) *lift trucks; and* (3) *accessories, attachments, and parts* for the commodities named in (1) and (2) above, from Port Washington, Wis., to points in the United States including Alaska, but excluding Hawaii; and (B) *lift trucks, and accessories, attachments, and parts*, from points of entry on the International Boundary line between the United States and Canada located at Detroit, Mich., to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 112627 (Sub-No. 22), filed August 14, 1974. Applicant: OWENS BROS., INC., Box 247, Dansville, N.Y. 14437. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Merrimack, N.H., to Elmira Heights, Lakeville and Auburn, N.Y., and from Newark, N.J., and Columbus, Ohio, to Auburn, N.Y.; (2) *alcoholic beverages*, from New York, N.Y., Westchester and Nassau Counties, N.Y., Bergen, Hudson, Passaic, Essex, Union, and Middlesex Counties, N.J., and Philadelphia, Pa., to Chicago, Ill.; and (3) *wines*, from Hammondsport, N.Y., to points in Maine.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Rochester or Syracuse, N.Y.

No. MC 113434 (Sub-No. 62), filed August 15, 1974. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from points in the Lower Peninsula of Michigan, to points in Indiana, Illinois, Ohio, Pennsylvania, West Virginia, Kentucky, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 114273 (Sub-No. 218), filed August 26, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from St. Louis, Mo., and East St. Louis, Ill., to points in Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114334 (Sub-No. 28), filed August 20, 1974. Applicant: BUILDERS TRANSPORTATION COMPANY, a Corporation, 3710 Tulane Road, Memphis, Tenn. 38116. Applicant's representative: Sydney J. Butler, 900 Memphis Bank Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers, and accessories, and materials and supplies*, for cooling towers, between the plantsite and facilities of the E. D. Goodfellow Company, Inc., at or near Memphis, Tenn., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 114632 (Sub-No. 77), filed August 19, 1974. Applicant: APPLE LINES, INC., 212 SW. Second, P.O. Box 507, Madison, S. Dak. 57042. Applicant's representative: Bob Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides, herbicides, and chemicals other than in bulk*, from the plantsite of Monsanto Company, at or near Muscatine, Iowa, to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114969 (Sub-No. 50), filed August 5, 1974. Applicant: PROPANE TRANSPORT, INC., 1734 State Route 131, P.O. Box 232, Milford, Ohio 45150. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, P.O. Box B, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum crude oil*, in bulk, in tank vehicles, from points in Pickett, Fentress, Cumberland, Grundy, Scott, and Morgan Counties, Tenn., to Ashland Pipeline Company's facilities at or near Ravenna (Estill County), Falcon (Magoffin County), Lebanon Junction (Bullitt County), and Beattyville (Lee County), Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Washington, D.C.

No. MC 115311 (Sub-No. 170), filed August 23, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies*, used in the manufacture and distribution of clay products and finished products thereof, (1) from points in Kentucky, Tennessee, Alabama, North Carolina, South Carolina, Florida, West Virginia, Virginia, Texas, Mississippi, and Louisiana, to Milledgeville, Ga.; and (2) from points in Kentucky, Tennessee, Alabama, Georgia, Louisiana, North Carolina, South Carolina, Mississippi, West Virginia, Florida, Texas and Ohio, to Lynchburg, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Chicago, Ill.

No. MC 115331 (Sub-No. 373), filed June 26, 1974. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides, herbicides, and chemicals* (except in bulk), from the plantsite of Monsanto Company, at or near Muscatine, Iowa, to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant can presently perform tacking operations by tacking Subs-Nos. 91 and 189 at El Paso, Ill., to provide service on chemicals, in containers, from points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, Pennsylvania, West Virginia, Wisconsin, Georgia, Florida, Ohio, New Jersey, California, Nevada, and Tennessee (except Memphis and points within its commercial zone as defined by the Commission), to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, West Virginia, and Wisconsin. Applicant indicates it intends to tack the requested authority at Muscatine, Iowa, to provide service from points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, Pennsylvania, West Virginia, Wisconsin, Georgia, Florida, Ohio, New Jersey, California, Nevada, and Tennessee (except Memphis and points within its commercial zone as defined by the Commission), to points in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo., or Chicago, Ill.

No. MC 115331 (Sub-No. 375), filed August 21, 1974. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pellets*, in bulk; (2) *dry fertilizer and dry fertilizer materials*, in bulk; (3) *agricultural chemicals*, other than in bulk; and (4) *magnetic strips or stripping*, (1) from points in Stryker, Ohio, to points in Anderson, Ind., (2) from Burlington, Iowa, to points in Illinois, Missouri, and Wisconsin; (3) From Memphis, Tenn., to points in Colorado, Idaho, Montana, North Dakota, Oregon, South Dakota, and Washington; and (4) between Marietta, Ohio, and New Ulm, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 116014 (Sub-No. 68), filed August 21, 1974. Applicant: OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, Ky. 40391. Applicant's representative: Chandler L. Van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics articles*, from the plantsite and storage facilities of Evans Products Company, located at or near Chesapeake, Va., to points in Arkansas, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Minnesota, Michigan, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and Connecticut.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 116763 (Sub-No. 291), filed August 12, 1974. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the facilities of Green Giant Company at Parkesburg, Pa., to points in Ohio, West Virginia, Kentucky, and Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 116763 (Sub-No. 293), filed August 12, 1974. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the facilities of Green Giant Company at Tucker, Ga., to points in Mississippi, Alabama, Tennessee, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 117815 (Sub-No. 235), filed August 13, 1974. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* (except in bulk), (1) from Hopkinton, Luana, Fredericksburg, Maquoketa, Cresco, and Decorah, Iowa, to Reedsburg and Madison, Wis., and Faribault, Mt. Lake, Minneapolis, St. Paul, and Browerville, Minn.; (2) from Madison, Spencer, and Reedsburg, Wis., to points in Iowa (except Des Moines), Missouri, Kansas, and Nebraska; and (3) from Plainview, Minn., to points in Iowa, Missouri, Kansas, Nebraska, Wisconsin, Illinois, Indiana, and Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 118159 (Sub-No. 146), filed July 25, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Jack R. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Glover Packing Company, located at or near Roswell, N. Mex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tulsa, Okla., Dallas, Tex., or Kansas City, Mo.

No. MC 118959 (Sub-No. 118), filed August 16, 1974. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: Edward G. Bazelon, 39 S. La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electric motors, parts, and accessories*, from the plant site of General Electric Company located at or near Springfield, Mo., to points in Tennessee, Kentucky, and Texas.

NOTE.—Applicant holds contract carrier authority in MC 125664, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 120430 (Sub-No. 8), filed August 23, 1974. Applicant: COASTAL TRANSPORT CO., INC., 6300 Richmond Ave., P.O. Box 22592, Houston, Tex. 77027. Applicant's representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete, knocked down, and in sections;* (2) *building sections, and building panels;* (3) *parts and accessories*, used in the installation and

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completion of commodities in (1) and (2) above; and (4) *metal pre-fabricated structural components and panels and accessories*, used in the installation and completion thereof, from the plantsite and storage facilities of Armco Steel Corporation, in Gregg County, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex.

No. MC 123821 (Sub-No. 14), filed August 14, 1974. Applicant: LESTER R. SUMMERS, INC., P.O. Box 239, Ephrata, Pa. 17522. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, including agricultural limestone, from points in Lancaster and Berks Counties, Pa., to those points in Virginia on the Delmarva peninsula.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 124017 (Sub-No. 5), filed August 13, 1974. Applicant: ROBERT A. JEFFREY, doing business as R. JEFFREY & SONS, R.D. #1, Elysburg, Pa. 17824. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Columbia, Dauphin, Northumberland, Lackawanna, Luzerne, and Schuylkill Counties, Pa., to ports of entry on the International Boundary line, between the United States and Canada, in Michigan and New York.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa., or Washington, D.C.

No. MC 124174 (Sub-No. 100), filed August 19, 1974. Applicant: MOMSEN TRUCKING CO., a Corporation, 2405 Hiway Blvd., Spencer, Iowa 51301. Applicant's representative: Marshall D. Becker, 530 Univac Building, Omaha, Nebraska 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, chromes, and pieces therefrom*, from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in California, Oregon, and Washington.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 85 or the plantsite of Iowa Beef Processors, Inc., at Amarillo, Tex., to provide a through service from points in Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts (except between Boston, Mass., and points in Lancaster County, Pa., and Hagerstown, Thurmont, and Westminster, Md.), Michigan, Minnesota, Nebraska, New Hampshire (except between points in Hillsboro, Merrimack, and Cheshire Counties, N.H., on the one hand, and, on the other, points in Massachusetts on and east of Massachusetts Highway 12 to its junction at Leominster, Mass., with Massachusetts Highway 13, thence points on and east of Massachusetts Highway 13; and from North Adams, Mass., to Lebanon, N.H.), New Jersey, New York (except between points in New York), Ohio, Pennsylvania, Tennessee, Vermont (except from Pownal, Vt., to Salem and Peabody, Mass., and Lebanon, N.H.), Virginia, Texas (except between points in Texas, and from Houston and San Antonio, Tex., to points in New Jersey and Massachusetts), Wisconsin (except to or from points in Ohio, those in the Upper Peninsula of Michigan, and Ft. Wayne and Indianapolis, Ind.), Buford, Ga. (except between Buford, Ga., and points in Maryland, New Jersey, New York, and Pennsylvania), New Orleans, La., and points in West Virginia, to points in the destination territory named herein. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or consolidated record with other similar applications.

No. MC 124174 (Sub-No. 101), filed August 19, 1974. Applicant: MOMSEN TRUCKING CO., a Corporation, 2405 Hiway Blvd., Spencer, Iowa 51301. Applicant's representative: Marshall D. Becker, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* (except commodities in bulk), from the plantsite and storage facilities of Continental Steel Corporation located at or near Kokomo, Ind., to points in Arkansas, Colorado, Connecticut, Georgia, Iowa, Kansas, Maine, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Vermont, Virginia, West Virginia, Wisconsin, Phoenix Manufacturing Co., Joliet, Ill., and Enterprise Wire Co., at Blue Island, Ill., restricted to traffic destined to the named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 124212 (Sub-No. 78), filed August 23, 1974. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from the distribution facility of Lehigh Portland Cement Company, located at Evendale (Cincinnati), Ohio, to points in Indiana and Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125035 (Sub-No. 39), filed August 12, 1974. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, Ohio 44646. Applicant's representative: David L. Pemberton, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except meat, meat by-products and commodities in bulk), from Orrville, Ohio, to Scranton and Philadelphia, Pa. (except those points in the Philadelphia, Pa., Commercial Zone in N.J.), under contract or contracts with the J. M. Smucker Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 125403 (Sub-No. 7), filed August 19, 1974. Applicant: S.T.L. TRANSPORT, INC., 1000 Jefferson Road, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paperboard or pulpboard boxes, pails and trays and cellulose plastic film and foil when moving therewith;* and (2) *Materials, supplies, and equipment* used in the manufacture of the products named in (1) above, (1) from Newark, N.Y., to points in New York, New Jersey, Connecticut, Massachusetts, Maryland, Ohio, and Pennsylvania; and (2) from points in New York, New Jersey, Connecticut, Massachusetts, Maryland, Ohio, and Pennsylvania, to points in Newark, N.Y., under continuing contract with Fibreboard Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 127539 (Sub-No. 38) (Correction), filed May 20, 1974, and published in the FEDERAL REGISTER issue of August 22, 1974, and republished as corrected this issue: Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 Easts 11th Street, Tacoma, Wash. 98421. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Potato products*, not frozen, when moving in vehicles equipped with mechanical refrigeration, from points in Morrow County, Oreg., to points in Arizona, California, Nevada, and Washington; (2) *frozen foods*, from points in Jefferson and Morrow Counties, Oreg., to points in Arizona, California, Nevada, and Washington; and (3) *Mexican foods*, consisting of tortillas and taco shells and sauce and burrettos, not frozen, when moving in vehicles equipped with mechanical refrigeration, from the plantsite and storage facilities of Toltec Foods at Richmond, Calif., to points in Oregon and Washington.

NOTE.—The purpose of this republication is to correct the commodity and territorial descriptions. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 128030 (Sub-No. 60), filed August 5, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: John R. Madler, 1255 N. Sandburg Terrace, Terrace Suite 1608, Chicago, Ill. 60610. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers, closed circuit coolers, evaporative condensers, and parts thereof*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and shipping of those commodities described in (1) above, between Paxton, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Springfield or Chicago, Ill.

No. MC 128866 (Sub-No. 51), filed August 15, 1974. Applicant: B&B TRUCKING, INC., P.O. Box 128, Cherry Hill, N.J. 08034. Applicant's representative: J. Michael Farrell, 1725 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Aluminum food containers*, from the distribution facilities of Penny Plate, Inc., at Atkins, Ark., to Chicago, Deerfield, and Quincy, Ill.; Winchester, Ind.; New Hampton, Iowa; Carrollton, Kansas City, Macon, and Marshall, Mo.; Cherry Hill, and Seabrook, N.J.; Charlotte, Concord, Greensboro, and Salisbury, N.C.; Cleveland, Jackson, Solon, and Willston, Ohio; Chickasha, and Tulsa, Okla.; Chambersburg, Fredericksburg, King of Prussia, and Philadelphia, Pa.; Austin, Dallas, Duncanville, and San Antonio, Tex., and Crozet and Waynesboro, Va., under contract with Penny Plate, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 133095 (Sub-No. 65), filed August 19, 1974. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic beverages* in mechanically refrigerated equipment (except commodities in bulk), from points in New York and New Jersey, to points in Kansas, Missouri, Colorado, Utah, and New Mexico.

NOTE.—Applicant holds contract carrier authority in MC 136032, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 133095 (Sub-No. 66), filed August 19, 1974. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carcass lambs*, from the plantsite of Wilson & Co., Inc., at Denver, Colo., to Garden City, Mt. Kisco, Waterford, and New York, N.Y.; Edison, N.J.; Boston, Mass.; Philadelphia, Pa.; and Washington, D.C., restricted to traffic originating at the above specified plantsite.

NOTE.—Applicant holds motor contract carrier authority in MC 136032, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Oklahoma City, Okla.

No. MC 133189 (Sub-No. 7), filed August 14, 1974. Applicant: VANT TRANSFER, INC., 5075 Mulcare Drive, Minneapolis, Minn. 55421. Applicant's representative: James S. Holmes, 4610 IDS Center, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, including articles of aluminum, brass, copper, and stainless steel, from points in Cook and Du Page Counties, Ill., to points in Minnesota.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 1 at the plantsite of Northstar Steel Company at Newport, Minn., to provide a through service from Cook and Du Page Counties, Ill., to points in Colorado, Idaho, Montana, Nebraska, North Dakota, South Dakota, Washington, Wisconsin, Wyoming, and Utah. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Minnesapolis, Minn.

No. MC 133966 (Sub-No. 37), filed August 19, 1974. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 61, Mountaintop, Pa. 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Miniature golf courses, portable tennis courts, and games and toys*, from Scranton, Pa., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 134477 (Sub-No. 72), filed August 23, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches and woodenware*, from Oakland and Dixfield, Maine, and Springfield, Mass., to Oklahoma City, Okla., and Dallas, Houston, and Garland, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or New York, N.Y.

No. MC 136246 (Sub-No. 5), filed August 9, 1974. Applicant: GEORGE BROS. INC., P.O. Box 492, Sutton, Nebr. 68979. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from Clairton, Pa., to points in Nebraska, Kansas, Iowa, and Missouri.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Kans.

No. MC 136342 (Sub-No. 5), filed August 21, 1974. Applicant: JACKSON & JOHNSON, INC., West Church Street, Box 7, Savannah, New York 13146. Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, New York 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cranberries and cranberry products*, from Hanson, Onset, and Middleboro, Mass., and Bordentown, N.J., to points in New York State, under continuing contract with Ocean Spray Cranberries, Inc.

NOTE.—Applicant holds common carrier authority in MC 134197 and Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 136647 (Sub-No. 17), filed August 21, 1974. Applicant: GREEN MOUNTAIN CARRIERS, INC., P.O. Box 1319, Albany, N.Y. 12201. Applicant's representative: David W. Curtis, 192 College Street, Burlington, Vt. 05401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Vermont, on the one hand, and, on the other, Cleveland, Ohio, Detroit, Mich., Indianapolis, Ind., Milwaukee, Wis., Minneapolis, Minn., Cook, Tupage, Kane, Kankakee, Lake, and Will Counties, Ill., and Lake, Laporte, and Porter Counties, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Burlington or Rutland, Vt.

No. MC 136752 (Sub-No. 3), filed August 12, 1974. Applicant: MARAUDER MARINE CORPORATION, 7826 Bellingham Avenue, North Hollywood, Calif. 91605. Applicant's representative: David P. Christianson, 825 City National Bank Bldg., Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boats, supplemental equipment, and accessories*, between points in Los Angeles County, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Catalina Yachts, Inc., of North Hollywood, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 138018 (Sub-No. 15) (Correction), filed July 5, 1974, published in the FEDERAL REGISTER issue of August 29, 1974, and republished as corrected this issue. Applicant: REFRIGERATED FOODS, INC., 1420 33rd Street, Denver, Colo. 80201. Applicant's representative:

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Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products,* and *articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denver, Commerce City, Sterling, Bush, Fort Morgan and Greeley, Colo., to Portland, Forest Grove, and Hillsboro, Oreg.; Seattle and Ellensburg, Wash.; Phoenix and Tuscon, Ariz.; Salt Lake City, Utah; Reno and Carson City, Nev.; Albuquerque and Gallup, N. Mex.; El Paso, Houston, Pasadena, Beaumont, and Laredo, Tex.; and points in California.

NOTE.—The purpose of this republication is to completely amend the previous publication and indicate the authority sought in this docket. Applicant holds contract carrier authority in No. MC–124377 and subs thereunder, therefore dual operations may be involved. Common control was approved in No. MC–F–11529. Duplicating authority is not sought but may exist with applicant's pending No. MC 138018 (Sub-No. 8). If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 138144 (Sub-No. 5), filed June 17, 1974. Applicant: FRED OLSON CO., INC., 7022 West State Street, Milwaukee, Wis. 53213. Applicant's representative: Allan B. Torhorst, 217 East Jefferson St., Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Milwaukee, Wis., and Wales, Wis.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority in MC 138144 at Milwaukee, Wis., (1) to provide service between Chicago, Ill., and Wales, Wis., and (2) to provide service between specified portions of Milwaukee County, Wis., and Wales, Wis. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 138621 (Sub-No. 4), filed August 19, 1974. Applicant: MOUW TRANSPORTATION, INC., 307 Maple Drive, Sibley, Iowa 51249. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal, soybean mill run, and soybean hulls*, dry, in bags or bulk, from the plantsite of Farmland Industries, Inc., at or near Sergeant Bluff, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 139193 (Sub-No. 16), filed August 15, 1974. Applicant: ROBERTS & OAKE, INC., 208 South La Salle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products*, as defined by the Commission in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. at Sioux City, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Virginia, and the District of Columbia, and (2) *such commodities* as are used by meat packers in the conduct of their business, from points in the destination states described in (1) above, to Sioux City, Iowa, under contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 139253 (Sub-No. 2), filed August 22, 1974. Applicant: SOUTHEASTERN WAREHOUSING AND DISTRIBUTION CORPORATION, Westside Industrial Park, P.O. Box 1195, Johnson City, Tenn. 37601. Applicant's representative: Robert L. Baker, 618 Hamilton Bank Building, Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, commodities in bulk, classes A and B explosives, and used household goods as defined by the Commission), between Greeneville, Tenn., on the one hand, and, on the other, points in Washington, Green, Sullivan, and Carter Counties, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Johnson City, Tenn., or Washington, D.C.

No. MC 139460 (Sub-No. 13), filed July 31, 1974. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Portsmouth, N.H., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE.—Common control was approved in MC–F–11766. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Boston, Mass.

No. MC 139482 (Sub-No. 1), filed August 26, 1974. Applicant: NEW ULM FREIGHT LINES, INC., County Road No. 29 West, New Ulm, Minn. 56073. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerated door gaskets*, from New Ulm, Minn., to Amana, Iowa.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 133882, therefore dual operations may be involved also. If a hearing is deemed necessary, the applicant requests it be held at New Ulm, Mankato, Minneapolis, or St. Paul, Minn.

No. MC 139637 (Sub-No. 3), filed August 22, 1974. Applicant: HERDIS E. GAMMON, doing business as HERDIS E. GAMMON TRUCKING, 140 West Lincoln, Chandler, Ind. 47610. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Spencer, Warwick, Pike, and Vanderburgh Counties, Ind., to points in Daviess, Hancock, Ohio, Butler, Muhlenberg, Hopkins, Union, Christian, Breckenridge, and McLean Counties, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 139913 (Correction), filed May 16, 1974, published in the FEDERAL REGISTER issue of July 11, 1974, and republished as corrected this issue. Applicant: FOSTER'S FREIGHT, INC., 174 Passaic Street, Garfield, N.J. 07026. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *such merchandise as dealt in by wholesale, retail, and chain grocery food business houses, building supply houses*, and *chain retail department stores*, and in connection therewith, *such equipment, materials*, and *supplies* used in the conduct of such businesses (except commodities in bulk), between Vornado, Inc.'s, facilities in Carlstadt, East Brunswick, East Hanover, Edison, Fairfield, Garfield, North Brunswick, and South Plainfield, N.J., and Guilderland Center, N.Y., and Santa Fe Springs, Calif., on the one hand, and, on the other, points in the United States (except Hawaii and Alaska), under a continuing contract with Vornado, Inc., and its subsidiaries.

NOTE.—The purpose of this republication is to include building supply houses in the requested commodity description. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Newark, N.J.

No. MC 139920 (Sub-No. 1), filed August 22, 1974. Applicant: HEAD ENTERPRISES, INC., Route 2, P.O. Box 88, Adairsville, Ga. 30103. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, ground, in bulk, from the plantsite of Thompson-Weinman & Company, at Gantts Quarry, Ala., and Cartersville, Ga., to points in Mayes County, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 139968, filed June 7, 1974. Applicant: NATIONAL CONSTRUCTION CORP. OF FLORIDA, 12050 NW. South River Drive, Miami, Fla. 33012. Applicant's representative: Bernard C. Pestcoe, Biscayne Building, Miami, Fla. 33130. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement clinker, gypsum, bunker C fuel, and related commodities* (except commodities in bulk, in tank vehicles), between points in Dade and Broward Counties, Fla., restricted to prior or subsequent transportation in interstate or foreign commerce, under a continuing contract or contracts with Maule Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 140008 (Sub-No. 1), filed August 2, 1974. Applicant: WELLINGTON TRANSPORTATION CORPORATION, 3224 South Kingshighway, St. Louis, Mo. 63139. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and ingredients, materials, and supplies* used in the production and packaging thereof; *industrial fragrances and advertising materials* when moving separately from the commodities to which they relate; and *exempt commodities*, when moving in the same vehicle and at the same time with commodities, the transportation of which is not exempt from economic regulation, (1) between the plantsite and warehouse facilities of Universal Flavors of Missouri, Inc., at St. Louis, Mo., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), (2) between the plantsite and warehouse facilities of Rapid Realty, Inc., at Elk Rapids, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), (3) between the plantsite and warehouse facilitites of Re-Mi Foods, Inc., at Bensenville, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), (4) between the plantsite and warehouse facilities of Universal Flavors of New Jersey, Inc., at Somerset, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

(5) Between the plantsite and warehouse facilities of Green & Green, Inc., at Houston, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), (6) between the plantsite and warehouse facilities of Universal Flavors of California, Inc., at Santa Ana, Calif., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), (7) between the plantsite and warehouse facilities of Aromix, Inc., at Chicago, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (8) between the plantsite and warehouse facilities of Universal Flavors of Indiana, Inc., at Indianapolis, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Universal Flavors of Missouri, Inc., of Indianapolis, Ind.; Rapid Realty, Inc., of Indianapolis, Ind.; Re-Mi Foods, Inc., of Indianapolis, Ind.; Universal Flavors of New Jersey, Inc., of Indianapolis, Ind.; Green & Green, Inc., of Indianapolis, Ind.; Universal Flavors of California, Inc., of Indianapolis, Ind.; Aromix, Inc., of Indianapolis, Ind.; and Universal Flavors of Indiana, Inc., of Indianapolis, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo., or St. Louis, Mo.

No. MC 140103, filed August 1, 1974. Applicant: ROGERS TRUCK LINES, INC., P.O. Box 97, Webster City, Iowa 50595. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Omaha, Nebr., Sioux City, Iowa, and West Fargo, N. Dak., to Ohio, Pennsylvania, New Jersey, Connecticut, Rhode Island, Massachusetts, Maine, Vermont, New Hampshire, New York, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 140136, filed August 23, 1974. Applicant: TOM'S TRANSFER, INC., 118 North First, Mount Vernon, Wash. 98273. Applicant's representative: Thomas Newcombe, 3600 South 124th, Seattle, Wash. 98168. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Island, Skagit, Snohomish, Whatcom, and King Counties, Wash., restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC–140141, filed August 23, 1974. Applicant: GREAT SOUTHERN TRUCKING CO., a Corporation, 2700 Louisville Road, P.O. Box 7442, Savannah, Ga. 31408. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles), moving in containers or trailers, and *empty containers and trailers*, between points in the Savannah, Ga., Commercial Zone, restricted to traffic having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

No. MC 140142, filed August 9, 1974. Applicant: JOHN TIM MORRIS, doing business as WESTGATE GARDENS, R. 19—Stone Hedge, Winona, Minn. 55987. Applicant's representative: Duane M. Peterson, P.O. Box 204, 177 Main Street, Winona, Minn. 55987. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and associated agricultural products*, from Rath Packing Co., located in Waterloo, Iowa, to its specified dealers located in Minnesota; and (2) from dealers in Minnesota to Rath Packing Co., located in Waterloo, Iowa, under a continuing contract with Rath Packing Co. and its specified dealers.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Waterloo, Iowa, or Rochester, Minn.

No MC 140144, filed August 9, 1974. Applicant: HAYES CATTLE, INC., P.O. Box 751, Chillicothe, Mo. 64601. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, from Blair, Nebr., to points in Iowa, Illinois, Missouri, Kansas, Wisconsin, Minnesota, North Dakota, South Dakota, Colorado, Wyoming, and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 140161, filed August 16, 1974. Applicant: ROBERT McQUISTON AND JAY HUNT, Jr., doing business as EQUIPMENT RENTAL COMPANY, a partnership, 737 North 3rd Avenue East, Newton, Iowa 50208. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except in bulk), having an immediately prior or subsequent movement in rail TOFC service, between points in Newton, Iowa, on the one hand, and, on the other, points in Iowa, Jasper, Mahaska, Marion, Marshall, and Poweshiek Counties, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140162, filed August 19, 1974. Applicant: SCHNEIDER MOTORWAYS, INC., Rural Route 1, Postville, Iowa

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52162. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Knowlton, Waupun, Pardeeville, and Reeseville, Wis., to points in Michigan, Indiana, Illinois, Missouri, Iowa, and Minnesota; and (2) from Elgin, Iowa, to points in Michigan, Indiana, Illinois, Missouri, Minnesota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No 197), filed August 2, 1974. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: Anthony P. Carr, 1400 West Third Street, Cleveland, Ohio 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip, special operations during the racing season of each year, between Cleveland, Ohio, and Buffalo, N.Y., on the one hand, and, on the other, the Commodore Downs Race Track at Fairview, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 81592 (Sub-No. 6), filed August 19, 1974. Applicant: FREDERICK A. ZANK, doing business as WISCONSIN NORTHERN TRANSPORTATION COMPANY, Washington Heights, Eau Claire, Wis. 54701. Applicant's representative: Frederick A. Zank (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in sightseeing and pleasure tours, beginning and ending at points in Douglas, Washburn, Barron, Dunn, Pepin, Buffalo, Trempeleau, Jackson, Clark, Eau Claire, Chippewa, Rusk, Taylor, Price, Sawyer, and Bayfield Counties, Wis.; and those in St. Louis County, Minn., and extending to points in the United States, including Alaska but excluding Hawaii, and those points along the International Boundary line between the United States and Canada and between the United States and the Republic of Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Eau Claire, Wis., or St. Paul, Minn.

No. MC 139567 (Sub-No. 2), filed August 19, 1974. Applicant: BIG W TRANS, INC., 46 Fountain Street, Ashland, Mass. 01721. Applicant's representative: Frank Daniels, 15 Court Square, Eighth Floor, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at Ashland, Framingham, Southborough, Marlborough, Northborough, Sudbury, Wesston, Wayland, Waltham, Newton, Wellesley, Natick, Holliston, Hopkinton, Milford, Medway, Bellingham, Franklin, Hopedale, Sherborn, Millis, Mendon, Upton, and Westborough, Mass., and extending to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, Florida, and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 135373 (Sub-No. 1), filed August 19, 1974. Applicant: AIRPORT LIMOUSINE SERVICE, INC., Building No. 56, Newark Airport, Newark, N.J. 07114. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and pets*, in the same vehicle with passengers: (1) Between Saddle Brook, N.J. and Roxbury, N.J.: From Saddle Brook over Interstate Highway 80 to junction U.S. Highway 46 in Parsippany-Troy Hills, N.J., thence over U.S. Highway 46 to junction Interstate Highway 80 in Denville, N.J., thence over Interstate Highway 80 to Roxbury, N.J., thence over Interstate Highway 80 ramps to junction U.S. Highway 46, thence over U.S. Highway 46 to Ledgewood Holiday Inn, Roxbury, N.J., and return over the same route, serving the intermediate points of Parsippany-Troy Hills, Wayne, and Dover for joinder purposes only; (2) Between Parsippany-Troy Hills, N.J., and Morris Township, N.J.: From Parsippany-Troy Hills over U.S. Highway 46 to junction Interstate Highway 287, thence over Interstate Highway 287 to junction New Jersey Highway 10 in Hanover, N.J., thence over New Jersey Highway 10 to junction N.J. Secondary Highway 511 (Whippany Road), thence over New Jersey Secondary Highway 511 to junction Lindsley Road in Morris Township, N.J., thence over Lindsley Road to the Governor Morris Inn, Morris Township, N.J., and return over the same route, serving no intermediate points; (3) Between Wayne, N.J. and the Holiday Inn in Wayne, N.J.: From the junction of Interstate Highway 80 and U.S. Highway 46 and New Jersey Highway 23 in Wayne, N.J., over Interstate Highway 80 ramps to junction eastbound marginal highway of U.S. Highway 46, thence over eastbound marginal highway of U.S. Highway 46 to the Holiday Inn in Wayne, N.J., and return over U.S. Highway 46 overpass to junction U.S. Highway 46, thence over U.S. Highway 46 to junction Interstate Highway 80 and New Jersey Highway 23 in Wayne, N.J., serving no intermediate points; and (4) Between Dover, N.J. and Roxbury, N.J.: From the junction of Interstate Highway 80 and Mount Hope Avenue in Dover, N.J., over Mount Hope Avenue to junction McFarland Street, thence over McFarland Street to junction Mercer Street, thence over Mercer Street to junction Blackwell Street, thence over Blackwell Street to junction U.S. Highway 46, thence over U.S. Highway 46 to Ledgewood Holiday Inn in Roxbury, N.J., and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 139455 (Sub-No. 1), filed August 12, 1974. Applicant: RALPH OWNBEY, doing business as TWIN STATE COACH LINES, P.O. Box 826, Bristol, Va. 24201. Applicant's representative: Cecil D. Quillen, Box 337–103 Jackson Street, Gate City, Va. 24251. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers* in the same vehicle with passengers, in charter operations, Between Abingdon, Va., and Boone, N.C.: From Abingdon, Va., over U.S. Highway 58 to Damascus, Va.; thence over Virginia Highway 91 to the Virginia-Tennessee State Line; thence over Tennessee Highway 91 to Mountain City, Tenn.; thence over U.S. Highway 421 to the junction of North Carolina County Road 1233, thence over North Carolina County Road 1233 through Zionville and Sugar Grover, N.C., to the junction of U.S. Highway 321, thence over U.S. Highway 321 to the junction of U.S. Highway 421 at Vilas, N.C.; thence over U.S. Highway 421 to Boone, N.C., and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Abingdon or Bristol, Va., or Mountain City, Tenn.

No. MC 140145, filed August 9, 1974. Applicant: SAMUEL ROBINSON, JR., doing business as ROBINSON BUS LINES, 1912 Polydras Street, New Orleans, La. 70112. Applicant's representative: Thomas C. Dorsey, 915 Pennsylvania Building NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, between points in Louisiana, on the one hand, and, on the other, points in Texas, Florida, Mississippi, Alabama, Georgia, Arkansas, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 140147, filed August 19, 1974. Applicant: ALL AMERICAN TRANSPORTATION SERVICE, a corporation, 156 Railroad Avenue, Closter, N.J. 07624. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in the same vehicle with passengers, in special operations, limited to the transportation of not more than eleven passengers, in any one vehicle, not including the driver, (a) between points in Bergen, N.J., on the one hand, and, on the other, points in New York, N.Y.; and (b) between points in Rockland County, N.Y., on the one

hand, and, on the other, Newark Airport, N.J., and New York, N.Y.; and (2) *general commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (a) between points in Bergen County, N.J., and points in Rockland County, N.Y., on the one hand, and, on the other, Newark Airport, N.J., and New York, N.Y.; and (b) between points in Bergen County, N.J., on the one hand, and, on the other, points in Rockland County, N.Y., restricted against the transportation of more than 25 pounds from one consignor to one consignee on any one calendar day.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J., or New York, N.Y.

FREIGHT FORWARDER APPLICATION

No. FF-456, filed August 16, 1974. Applicant: EDGAR M. HELTMAN, doing business as AUTORAIL, P.O. Box 1501, Cincinnati, Ohio 45201. Applicant's representative: Norbert B. Flick, Executive Building, Cincinnati, Ohio 45202. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad, transporting: *Privately owned vehicles and owner's personal baggage*, between Cincinnati, Ohio, and Jacksonville, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-21616 Filed 9-18-74;8:45 am]

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federal register

THURSDAY, SEPTEMBER 19, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 183

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

GRANT APPEALS

Procedures Established

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Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 50—POLICIES OF GENERAL APPLICABILITY

Subpart D—Public Health Service Grant Appeals Procedure

ESTABLISHMENT OF PROCEDURE

On April 30, 1974, at 39 FR 15043, there was published in the FEDERAL REGISTER a notice of proposed rulemaking which proposed the establishment of an informal grant appeals procedure for the six agencies comprising the Public Health Service. Interested parties were given 30 days in which to submit comments, data, views, and arguments on the proposed procedure. The comments received have been considered, and a number of changes have been made accordingly. The comments received and changes made are summarized as follows:

1. The Appendices have been revised to reflect the applicability of the appeals procedure to several additional grant programs.

2. The procedure has been revised to clarify the relationship of the Department's Regional Offices to the six health agencies. In the case of adverse determinations made by officials of the Regional Offices, the Assistant Secretary for Health or his designee will appoint review committees; in the case of adverse determinations made by headquarters officials of the agencies, the head of the appropriate agency or his designee will appoint review committees.

3. A number of minor editorial changes have been made.

Attention is called to the fact that Chapter HSM: 1–500 of the DHEW Grants Administration Manual is in the process of revision, so that it will conform to the provisions of this subpart and of 45 CFR 16. Pending such revision, paragraphs HSM: 1–500–30(2) and HSM: 1–500–40(D) and (E) of the current Chapter HSM: 1–500 (HSM TN–72.3, 2/11/72) are hereby revoked.

This procedure shall be applicable to all determinations described therein which are made on or after the effective date of this subpart, regardless of the date on which the subject grant is made.

Effective date: These regulations shall be effective September 19, 1974.

Dated: August 15, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: September 6, 1974.

CASPAR W. WEINBERGER,
Secretary.

A new subpart D is hereby added to part 50 as follows:

Subpart D—Public Health Service Grant Appeals Procedure

Sec.
50.401 Purpose.
50.402 Applicability.
50.403 Policy.
50.404 Scope.
50.405 Review committees.
50.406 Procedure.

AUTHORITY: Sec. 215 of the Public Health Service Act, as amended, 58 Stat. 690 (42 U.S.C. 216) and 80 Stat. 379 (5 U.S.C. 301).

Subpart D—Public Health Service Grant Appeals Procedure

§ 50.401 Purpose.

This subpart establishes an informal procedure for resolution of post-award grant disputes prior to their submission to the Departmental Grant Appeals Board established in 45 CFR Part 16 (38 FR 9906, April 20, 1973).

§ 50.402 Applicability.

This policy is applicable to all grant programs listed in Appendix A and Appendix B, which are administered by the National Institutes of Health, the Health Services Administration, the Health Resources Administration, the Center for Disease Control, the Alcohol, Drug Abuse, and Mental Health Administration, or the Food and Drug Administration, or by the Public Health Service Regional Offices.

§ 50.403 Policy.

The Secretary of Health, Education, and Welfare has established a Departmental Grant Appeals Board for the purpose of reviewing and providing hearings upon post-award disputes which may arise in the administration of certain grant programs by constituent agencies of the Department. Section 16.5(b)(2) of the Charter (45 CFR Part 16) which establishes such Board authorizes DHEW agencies to establish informal appeal procedures which must be exhausted before a formal appeal to the Departmental Board will be allowed. Pursuant to § 16.5(b)(2) of that Charter, this document provides an informal preliminary procedure for resolution of such disputes within the Public Health Service, in order to preclude submission of cases to the Departmental Appeals Board before the Public Health Service has had an opportunity to review decisions of its officials and to settle disputes with grantees.

§ 50.404 Scope.

(a) Adverse determinations to which this procedule is applicable are as follows:

(1) Termination, in whole or in part, of a grant for failure of the grantee to carry out its approved project in accordance with the applicable law and the terms and conditions of such assistance or for failure of the grantee otherwise to comply with any law, regulation, assurance, term, or condition applicable to the grant.

(2) A determination that an expenditure not allowable under the grant has been charged to the grant or that the grantee has otherwise failed to discharge its obligation to account for grant funds.

(3) The disapproval of a grantee's written request for permission to incur an expenditure during the term of a grant.

(4) A determination that a grant is void.

(b) A determination described in paragraph (a) of this section may not be reviewed by the review committee described in § 50.405 unless an officer or employee of the agency or the Regional Office has notified the grantee in writing of such determination. Such notification shall set forth the reasons for the determination in sufficient detail to enable the grantee to respond and shall inform the grantee of his opportunity for review under this subpart. In the case of a determination under paragraph (a)(3) of this section, the failure of an agency or a Regional Office to approve a grantee's request within a reasonable time, which shall be no longer than 30 days after the postmark date of the grantee's request shall be deemed by the review committee a notification for purposes of this paragraph.

(c) Prior to submission to the Departmental Grant Appeals Board of an issue covered by paragraph (a) of this section, the grantee must exhaust the procedure set forth in § 50.406 of this subpart.

§ 50.405 Review committees.

The head of each agency or his designee shall appoint review committees for reviewing appeals of adverse determinations made by Headquarters officials in his agency. For adverse determinations made by Regional Offices the Assistant Secretary for Health or his designee shall appoint review committees. A minimum of three employees shall be appointed (one of whom shall be designated as chairman) either on an ad hoc, case-by-case basis, or as regular members of review committees for such terms as may be designated. None of the members of the review committee reviewing any given appeal may be from the office of the responsible official whose determination is being appealed.

§ 50.406 Procedure.

(a) A grantee with respect to whom an adverse determination described in § 50.404(a) above has been made and who desires a review of such determination must submit a request for such review to the head of the appropriate agency or his designee (or in the case of Regional Office determinations to the Assistant Secretary for Health or his designee) no later than thirty (30) days after the written notification of such determination is received: *Provided*, That (1) an extension of time may be granted for good cause shown, and (2) where the determination is one described in § 50.404(a)(3), the grantee's request for review must be postmarked no later than 90 days after the postmark date of the grantee's request for permission to incur an expenditure.

(b) Although the request for review need not follow any prescribed form, it shall contain a full statement of the grantee's position with respect to the determination being appealed and the pertinent facts and reasons in support of such position. Except in the case of a determination described in the last sentence of § 50.404(b), the grantee shall attach to this submission a copy of the notice of adverse determination.

(c) When a request for review has been filed under this subpart with respect to a determination, no action may

be taken by the awarding agency or Regional Office pursuant to such determination until such request has been disposed of, except that the filing of the request shall not affect the authority which the agency or Regional Office may have to suspend assistance or otherwise to withhold or defer payments under the grant during proceedings under this subpart.

(d) Upon receipt of such a request, the head of the agency or his designee (or, if the adverse determination was made in a Regional Office, the Assistant Secretary for Health or his designee) will immediately notify the office responsible for the adverse determination.

(e) The agency or Regional Office involved will provide the review committee appointed pursuant to § 50.405 with copies of all background materials (including application, award, summary statements, and correspondence) and any additional information available.

(f) The review committee may, at its discretion, invite the grantee, the agency or Regional Office staff, or both to discuss with the review committee pertinent issues, and to submit such additional information as it deems appropriate.

(g) Based on its review, the review committee will prepare a written response to be signed by the chairman. This written response shall be sent to the grantee, with a copy to the official responsible for the adverse determination. If such response is adverse to the grantee's position, the correspondence shall state the grantee's right to apeal to the Departmental Grant Appeals Board, pursuant to 45 CFR Part 16.

APPENDIX A—PUBLIC HEALTH PROGRAMS

(1) Section 225 of the Public Health Service Act (42 U.S.C. 242a).
(2) Section 301 of the Public Health Service Act (42 U.S.C. 241).
(3) Section 303 of the Public Health Service Act (42 U.S.C. 242a).
(4) Section 304 of the Public Health Service Act (42 U.S.C. 242b).
(5) Section 306 of the Public Health Service Act (42 U.S.C. 242d).
(6) Section 308 of the Public Health Service Act (42 U.S.C. 242f).
(7) Section 309 of the Public Health Service Act (42 U.S.C. 242g).
(8) Section 310 of the Public Health Service Act (42 U.S.C. 242h).
(9) Section 314 (b), (c), and (e) of the Public Health Service Act (42 U.S.C. 246 (b), (c), and (e)).
(10) Section 317 of the Public Health Service Act (42 U.S.C. 247b).
(11) Section 318 of the Public Health Service Act (42 U.S.C. 247c).
(12) Section 393 of the Public Health Service Act (42 U.S.C. 280b-3).
(13) Section 394 of the Public Health Service Act (42 U.S.C. 280b-4).
(14) Section 395 of the Public Health Service Act (42 U.S.C. 280b-5, 6).
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(17) Section 398 of the Public Health Service Act (42 U.S.C. 280b-9).
(18) Section 402 of the Public Health Service Act (42 U.S.C. 280b-9).
(19) Section 407 of the Public Health Service Act (402 U.S.C. 286a).
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(23) Section 431 of the Public Health Service Act (42 U.S.C. 289a).
(24) Section 433 of the Public Health Service Act (42 U.S.C. 289c).
(25) Section 434 of the Public Health Service Act (42 U.S.C. 289c-1).
(26) Section 444 of the Public Health Service Act (42 U.S.C. 289g).
(27) Section 453 of the Public Health Service Act (42 U.S.C. 289k).
(28) Section 704 of the Public Health Service Act (42 U.S.C. 292c).
(29) Section 720 of the Public Health Service Act (42 U.S.C. 293).
(30) Section 787 of the Public Health Service Act (42 U.S.C. 295e-1).
(31) Section 788 of the Public Health Service Act (42 U.S.C. 295e-2).
(32) Section 789 of the Public Health Service Act (42 U.S.C. 295e-3).
(33) Section 789A of the Public Health Service Act (42 U.S.C. 295e-4).
(34) Section 771 of the Public Health Service Act (42 U.S.C. 295f-1).
(35) Section 772 of the Public Health Service Act (42 U.S.C. 295f-2).
(36) Section 773 of the Public Health Service Act (42 U.S.C. 295f-3).
(37) Section 774 of the Public Health Service Act (42 U.S.C. 295f-4).
(38) Section 784 of the Public Health Service Act (§ 106(c) Public Law 92-157).
(39) Section 791 of the Public Health Service Act (42 U.S.C. 295h).
(40) Section 792 of the Public Health Service Act (42 U.S.C. 295h-1).
(41) Section 793 of the Public Health Service Act (42 U.S.C. 295h-2).
(42) Section 794A of the Public Health Service Act (42 U.S.C. 295h-3a).
(43) Section 794B of the Public Health Service Act (42 U.S.C. 295h-3b).
(44) Section 794C of the Public Health Service Act (42 U.S.C. 295h-3c).
(45) Section 802 of the Public Health Service Act (42 U.S.C. 296a).
(46) Section 805 of the Public Health Service Act (42 U.S.C. 296d).
(47) Section 810 of the Public Health Service Act (42 U.S.C. 296l).
(48) Section 821 of the Public Health Service Act (42 U.S.C. 297).
(49) Section 868 of the Public Health Service Act (42 U.S.C. 298c-7).
(50) Section 903 of the Public Health Service Act (42 U.S.C. 299c).
(51) Section 904 of the Public Health Service Act (42 U.S.C. 299d).
(52) Section 1001 of the Public Health Service Act (42 U.S.C. 300).
(53) Section 1003 of the Public Health Service Act (42 U.S.C. 300a-1).
(54) Sections 1004 and 1005 of the Public Health Service Act (42 U.S.C. 300a-2, 300a-3).
(55) Section 1101 of the Public Health Service Act (42 U.S.C. 300b).
(56) Section 1102 of the Public Health Service Act (42 U.S.C. 300b-1).
(57) Section 1111(a)(1) of the Public Health Service Act (42 U.S.C. 300c(a)(1)).
(58) Section 1111(a)(2) of the Public Health Service Act (42 U.S.C. 300c(a)(2)).
(59) Section 220 of the Community Mental Health Centers Act (42 U.S.C. 2688).
(60) Section 241 of the Community Mental Health Centers Act (42 U.S.C. 2688f).
(61) Section 242 of the Community Mental Health Centers Act (42 U.S.C. 2688g).
(62) Section 243 of the Community Mental Health Centers Act (42 U.S.C. 2688h).
(63) Section 246 of the Community Mental Health Centers Act (42 U.S.C. 2688j-1).
(64) Section 247 of the Community Mental Health Centers Act (42 U.S.C. 2688j-2).
(65) Section 251 of the Community Mental Heath Centers Act (42 U.S.C. 2688k).
(66) Section 252 of the Community Mental Health Centers Act (42 U.S.C. 2688l).
(67) Section 253 of the Community Mental Health Centers Act (42 U.S.C. 2688l-1).
(68) Section 256 of the Community Mental Health Centers Act (42 U.S.C. 2688n-1).
(69) Section 264 of the Community Mental Health Centers Act (42 U.S.C. 2688r).
(70) Section 271 of the Community Mental Health Centers Act (42 U.S.C. 2688u).
(71) Section 272 of the Community Mental Health Centers Act (42 U.S.C. 2688v).
(72) Section 410 of Public Law 92-255—The Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1177).
(73) Section 501 of the Coal Mine Health and Safety Act (30 U.S.C. 951).
(74) Section 20 of the Occupational Health and Safety Act (29 U.S.C. 669).
(75) Section 21 of the Occupational Health and Safety Act (29 U.S.C. 670).
(76) Section 101 of the Lead Based Paint Poisoning Prevention Act (42 U.S.C. 4801).
(77) Section 201 of the Lead Based Paint Poisoning Prevention Act (42 U.S.C. 4811).
(78) Section 776 of the Public Health Service Act (42 U.S.C. 295f-6).
(79) Section 1202 of the Public Health Service Act (42 U.S.C. 300d-1).
(80) Section 1203 of the Public Health Service Act (42 U.S.C. 300d-2).
(81) Section 1204 of the Public Health Service Act (42 U.S.C. 300d-3).
(82) Section 1205 of the Public Health Service Act (42 U.S.C. 300d-4).
(83) Section 1303 of the Public Health Service Act (42 U.S.C. 300e-2).
(84) Section 1304 of the Public Health Service Act (42 U.S.C. 300e-3).
(85) Section 503(2) of the Social Security Act (42 U.S.C. 703 (2)).
(86) Section 504(2) of the Social Security Act (42 U.S.C. 704(2)).
(87) Section 511 of the Social Security Act (42 U.S.C. 711).
(88) Section 512 of the Social Security Act (42 U.S.C. 712).
(89) Section 222 of the Economic Opportunity Act of 1964 except for determinations described in § 50.404(a) (1) and (4) (42 U.S.C. 2809).

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(2) Food and drug research—product safety research, section 301(d) of the Public Health Service Act (42 U.S.C. 241).
(3) Food and drug research—pesticides research, section 301(d) of the Public Health Service Act (42 U.S.C. 241).

[FR Doc.74-21155 Filed 9-18-74;8:45 am]

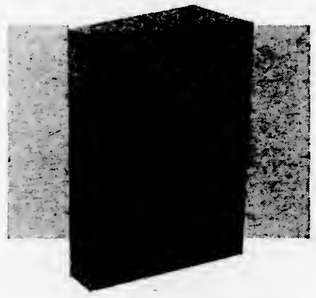
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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Regulation 658]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Sept. 22–28, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.958 Lemon Regulation 658.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons lags, partially because of the Jewish Holiday this week and because of cooler weather and the drop in purchases of small sizes in the South following the recent hurricane. Average f.o.b. prices was $6.36 per carton the week ended September 14, 1974, compared to $6.55 per carton the previous week. Track and rolling supplies at 130 cars were down 15 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 17, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 22, 1974, through September 28, 1974, is hereby fixed at 170,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: September 18, 1974.

CHARLES R. BRADER,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-22127 Filed 9-19-74;11:59 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 40; Docket No. AO-225-A26]

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

Order Amending Order

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Southern Michigan marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

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(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* On June 26, 1974, Assistant Secretary Richard L. Feltner issued an order (39 FR 24357) suspending paragraph (c)(3) in § 1040.93 effective June 1, through December 1974. The provisions of the following amended order revise § 1040.93 effective on November 1, 1974. Thus the prior suspension action, effective June 1, 1974, is hereby terminated on the effective date of this order.

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Southern Michigan marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1040.7 paragraphs (a) and (b)(1), (2) and (3) are revised as follows:

§ 1040.7 Pool plant.

* * * * *

(a) A distributing plant:

(1) From which total route disposition, except filled milk, during the month is not less than 50 percent of the combined Grade A milk received in bulk at such plant direct from producers, from supply plants, from a cooperative association as described in § 1040.9(c) or diverted by the plant operator or by a cooperative association pursuant to § 1040.13 as producer milk; or

(2) That qualified as a pool plant in either of the immediately preceding 2 months on the basis of performance standards described in paragraph (a)(1) of this section.

(b) A supply plant which during the month meets one of the performance requirements specified in paragraph (b)(1), (2), or (3) of this section: *Provided*, That all supply plants which are operated by one handler, or all the supply plants for which a handler is responsible for meeting the performance requirements of this paragraph under a marketing agreement certified to the market administrator by both parties, may be considered as a unit for the purpose of meeting the performance requirements of paragraph (b)(1), (2), or (3) of this section upon written notice to the market administrator specifying the plants to be considered as a unit and the period during which such consideration shall apply. Such notice and notice of any change in designation, shall be furnished on or before the fifth working day following the month to which the notice applies. In any months of April through September a unit shall not contain any plant which was not qualified under this paragraph either individually or as a member of a unit during the previous October through March.

(1) A supply plant from which during each of the months of October through March not less than 40 percent (30 percent for each of the months of April through September) of the total quantity of Grade A milk received at such plant from producers and from a handler described in § 1040.9(c), or diverted therefrom by the plant operator or a cooperative association (as described in § 1040.9(b)) to a nonpool plant pursuant to § 1040.13 less any Class I disposition of fluid milk products which are processed and packaged in consumer type containers in the plant, is shipped to a pool plant(s) qualified pursuant to paragraph (a)(1) of this section. If such plant has met the required percentage during each of the months of October through March, it shall remain qualified under this subparagraph for each of the following months of April through September.

(2) A plant operated by a cooperative association which supplies distributing plants qualified under paragraph (a) of this section, either by shipment from such supply plant or by direct delivery from the farm:

(i) Not less than one-half of its total member producer milk in the current month; or

(ii) If such plant was qualified under this subparagraph in each of the preceding 13 months, not less than one-half of its total member producers' milk for the second through the 13th preceding months.

(3) A plant located in the marketing area operated by a cooperative association, which plant has been a pool plant for 12 consecutive months but is not otherwise qualified under this paragraph, on meeting the following conditions:

(i) The cooperative has a marketing agreement with another cooperative whose members deliver at least 50 percent of their milk during the month directly to distributing plant(s) qualified under paragraph (a) of this section; and

(ii) The aggregate monthly quantity supplied by both such cooperatives to such distributing plants either by shipment from the cooperative's plant or by direct delivery from farms is not less than 50 percent of the combined total of their member producer milk deliveries during the month.

* * * * *

2. In § 1040.9, paragraph (c) is revised as follows:

§ 1040.9 Handler.

* * * * *

(c) Any cooperative association with respect to milk it receives for its account from the farm of a producer in a tank truck owned and operated by, or under the control of, such association, for delivery to a pool plant (such milk shall be considered as having been received by such cooperative association at a location identical to that of the pool plant to which it is delivered);

* * * * *

3. Section 1040.13 is revised as follows:

§ 1040.13 Producer milk.

"Producer milk" shall be the skim milk and butterfat in milk from producers that is:

(a) Received at a pool plant;

(b) Received by a handler described in § 1040.9(c); and

(c) Diverted by the operator of a pool plant or by a handler described in § 1040.9(b) to a nonpool plant, other than a producer-handler, subject to the following conditions:

(1) In any month that less than 6 days' production of a producer is delivered to pool plants, the quantity of milk of the producer diverted during the month shall not be producer milk;

(2) The total quantity of producer milk diverted by a cooperative association or the operator of a pool plant may not exceed 60 percent during each of the months of October through March of the total quantity of producer milk for which it is the handler;

(3) Any milk diverted in excess of the limits described in paragraph (c)(2) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk, otherwise the days of production last diverted shall be used in determining which milk shall not be producer milk; and

(4) Milk which is subject to pooling under another order, shall not be producer milk.

§ 1040.19 [Revoked]

4. Section 1040.19, Call percentage, is revoked.

5. In § 1040.73, paragraph (b) is revised as follows:

§ 1040.73 Payments to producer and to cooperative associations.

* * * * *

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by producers to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall pay to the cooperative association on or before the second day prior to the end of the month an amount equal to the payments authorized pursuant to paragraph (d) of this section, and on or before the 13th day of each month, in lieu of payments pursuant to paragraph (a) of this section, an amount equal to the gross sum due for all such milk received from certified producers, less amounts owed by each such producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer.

(1) Each handler shall submit to the cooperative association written information on or before the sixth working day of each month which shows for each such producer:

(i) The total pounds of milk received from him during the preceding month;

(ii) The total pounds of butterfat contained in such milk;

(iii) The number of days on which milk was received; and

(iv) The amounts withheld by the handler in payment for supplies sold;

(2) A copy of each such request, promise to reimburse and certified list of producers shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination; and

(3) The foregoing payment and the submissions of information pursuant to paragraph (b)(1) of this section shall be made with respect to milk of each producer whom the cooperative association certifies is a member or has authorized such cooperative association to collect for his milk, which is received on and after the first day of the month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of certification or until the original request is rescinded in writing by the association.

* * * * *

6. In § 1040.93, paragraph (c) is revised and a new paragraph (d) is added as follows:

§ 1040.93 Application of bases.

* * * * *

(c) Except as provided in paragraph (d) of this section, a baseholder who fails to qualify as a producer for 45 consecutive days shall forfeit his base; and

(d) Any baseholder may retain his established base without loss through a 12-month period beginning the following February 1 if there is a loss of milk production in excess of 10 percent of such base during the base forming period, or if the baseholder fails to qualify as a producer for 45 consecutive days and establishes to the satisfaction of the market administrator that such loss of production or failure to qualify as a producer is the result of:

(1) The loss by fire or windstorm of a farm building used in the production of milk on the baseholder's farm;

(2) Brucellosis or bovine tuberculosis, or other infectious diseases, in the milking herd of the baseholder, as certified by a licensed veterinarian; or

(3) The baseholder is quarantined from shipping milk to a plant by a Federal or State authority.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: November 1, 1974.

Signed at Washington, D.C., on: September 17, 1974.

RICHARD L. FELTNER,
Assistant Secretary for Marketing and Consumer Services.

[FR Doc.74–21923 Filed 9–19–74;8:45 am]

Title 12—Banks and Banking

CHAPTER I—BUREAU OF THE COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 22—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

Notice to Borrower of Special Flood Hazards

On August 22, 1974, Chapter III of Title XIII of the Housing and Urban Development Act of 1968 was amended by section 816(a) of the Housing and Community Development Act of 1974 (Pub. L. 93–383) by adding thereto a new section 1364. That section requires that by September 22, 1974 (thirty days after the enactment of Pub. L. 93–383), the Federal agencies responsible for the supervision and regulation of banks and savings and loan associations shall by regulation require such institutions, as a condition of making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, to provide the purchaser or lessee of affected property with written notice of the fact of such designation. This amendment to Part 22 is intended to comply with that legislative mandate.

Since the Act prescribes the directions to be contained in the regulation and the times that they are to become effective, notice, public participation and deferred effective date are not required. This regulation will therefore become effective September 22, 1974.

Part 22 of Chapter I, Title 12 of the Code of Federal Regulations is amended by adding a new § 22.6 thereto which reads as follows:

§ 22.6 Notice to borrower of special flood hazards.

After September 21, 1974, each bank shall, as a condition of making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, mail or deliver as soon as feasible but not less than 10 days in advance of closing of the transaction (or not later than the bank's commitment, if any, if the period between commitment and closing is less than 10 days) a written notice to the borrower that the property securing the loan is in an area so identified. In lieu of the notification required in this section a bank may obtain satisfactory written assurances from the seller or lessor that such seller or lessor has notified the borrower, prior to the execution of any agreement for sale or lease, that the property securing the loan is in an area so identified.

Dated: September 16, 1974.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74–21924 Filed 9–19–74;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

[No. 74–933]

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBERS OF BANKS

Special Flood Hazards on Certain Real Estate and Mobile Home Loans

The following summary of the amendments adopted by this resolution is provided for the reader's convenience and is subject to the full provisions of this resolution, including the provisions in the preamble thereof and in the amended regulations set forth below.

I. Existing Regulations. Flood insurance is required as to certain loans, but not truth-in-lending type notice prior to loan closing is required regarding loans relating to special flood hazard areas.

II. Amended Regulations. Generally, 10 days written notice prior to closing will be required if the real estate or the mobile home securing a loan is or will be located in a HUD-identified special flood hazard area.

III. Reason for Changing the Regulations. To implement new legislation (§ 816(a) of the Housing and Community Development Act of 1974 (Pub. L. 93–383; 88 Stat. 739)).

On August 22, 1974, section 816(a) of the Housing and Community Development Act of 1974 (Pub. L. 93–383) amended chapter III of title XIII of the Housing and Urba Development Act of 1968 by adding at the end thereof the following new section regarding notice of flood hazards:

Section 1364. Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation require such institutions, as a condition of making, increasing, extending, or renewing (after the expiration of thirty days following the date of the enactment of this section) any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary [of Housing and Urban Development] under this title [title XIII of the Housing and Urban Development Act of 1968] or Public Law 93–234 [The Flood Disaster Protection Act of 1973] as an area having special flood hazards, to notify the purchaser

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or lessee (or obtain satisfactory assurances that the seller or lessor has notified the purchaser or lessee) of such special flood hazards, in writing, a reasonable period in advance of the signing of the purchase agreement, lease, or other documents involved in the transaction. [Bracketed language added.]

For the purpose of implementing the provisions of said section 1364 as to certain members of the Federal Home Loan Bank System, the Federal Home Loan Bank Board hereby amends § 523.29 of the Regulations for the Federal Home Loan Bank System (12 CFR 523.29) by revising paragraph (a) thereof to read as set forth below and by adding a new paragraph (h), immediately following paragraph (g) thereof, to read as set forth below, effective September 21, 1974.

The requirements of section 553(b) and section 553(d) of Title 5 of the United States Code and §§ 508.11 and 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.11, 508.14) are not followed in connection with the promulgation of these regulations because the Board hereby finds that such requirements are impracticable and unnecessary with respect to these regulations and that the public interest and existing law compel the Board to make these regulations effective no later than September 22, 1974. The Board hereby provides that such amendment shall become effective as hereinbefore set forth.

In meeting the Board's responsibilities under said section 1364, the regulations set forth below contain certain interpretations of such statutory provisions, subject to possible revision in the future. However, in order to supply as much guidance to Bank members as possible at this time, and due to the short time between the date of this resolution and the effective date thereof, the Board states that with respect to the notice required under the regulation, such notice will be required as to all affected loan transactions after September 21, 1974, except that the regulation will not be applicable to such a transaction scheduled for closing prior to October 3, 1974, if a legally binding commitment has been entered into with respect to such transaction and if a bona fide closing date as to such transaction has been scheduled before September 22, 1974. It is noted that said new paragraph (g) applies to both the purchasing and the making of loans.

The following is the text of § 523.29(a), as amended, and § 523.29(h), as added, in accordance with the provisions of this resolution:

§ 523.29 Flood disaster protection.

(a) *General.* This section implements, in part, the provisions of subsections (b) and (c) of section 102 and subsection (b) of section 202 of the Flood Disaster Protection Act of 1973 (P.L. 93–234) and subsection (a) of section 816 of the Housing and Community Development Act of 1974 (P.L. 93–383). The provisions of this section do not apply retroactively to any loan or commitment related thereto. As used in this section, the term "loan" includes an installment sale contract.

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(h) *Notice of hazard.* After September 21, 1974, a member, other than a savings bank whose accounts are insured by the Federal Deposit Insurance Corporation, shall, as a condition of making (including purchasing), increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, mail or deliver as soon as feasible but not less than 10 days in advance of closing of the transaction (or not later than the member's commitment, if any, if the period between commitment and closing is less than 10 days) a written notice to the borrower that the property securing the loan is in an area so identified. In lieu of the notification required in this section, a member, other than a savings bank whose accounts are insured by the Federal Deposit Insurance Corporation, may obtain satisfactory written assurances from a seller or lessor that such seller or lessor has notified the borrower, prior to the execution of any agreement for sale or lease, that the property securing the loan is in an area so identified. A member, other than a savings bank whose accounts are insured by the Federal Deposit Insurance Corporation, shall require the borrower, prior to closing, to provide the member with a written acknowledgment that the borrower realizes that the property securing the loan or upon which the mobile home is or will be located is in an area so identified.

(Sec. 17, 48 Stat. 736, as amended (12 U.S.C. 1437). Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071. Sec. 816(a), Housing and Community Development Act of 1974, 88 Stat. 739)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74–21911 Filed 9–19–74;8:45 am]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 74–934]

PART 545—OPERATIONS

Special Flood Hazards on Certain Real Estate and Mobile Home Loans

SEPTEMBER 13, 1974.

The following summary of the amendments adopted by this resolution is provided for the reader's convenience and is subject to the full provisions of this resolution, including the provisions in the preamble thereof and in the amended regulations set forth below.

I. Existing Regulations. Flood insurance is required as to certain loans, but no truth-in-lending type notice prior to loan closing is required regarding loans relating to special flood hazard areas.

II. Amended Regulations. Generally, 10 days written notice prior to closing will be required if the real estate or the mobile home securing a loan is or will be located in a HUD-identified special flood hazard area.

III. Reason for Changing the Regulations. To implement new legislation (§ 816(a) of the Housing and Community Development Act of 1974 (Pub. L. 93–383; 88 Stat. 739)).

On August 22, 1974, section 816(a) of the Housing and Community Development Act of 1974 (Pub. L. 93–383) amended chapter III of title XIII of the Housing and Urban Development Act of 1968 by adding at the end thereof the following new section regarding notice of flood hazards:

Section 1364. Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation require such institutions, as a condition of making, increasing, extending, or renewing (after the expiration of thirty days following the date of the enactment of this section) any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary [of Housing and Urban Development] under this title [title XIII of the Housing and Urban Development Act of 1968] or Public Law 93–234 [The Flood Disaster Protection Act of 1973] as an area having special flood hazards, to notify the purchaser or lessee (or obtain satisfactory assurances that the seller or lessor has notified the purchaser or lessee) of such special flood hazards, in writing, a reasonable period in advance of the signing of the purchase agreement, lease, or other documents involved in the transaction. [Bracketed language added].

For the purpose of implementing the provisions of said section 1364 as to Federal savings and loan associations, the Federal Home Loan Bank Board hereby amends § 545.8–4 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.8–4) by revising paragraph (a) thereof to read as set forth below and by adding a new paragraph (g), immediately following paragraph (f) thereof, to read as set forth below, effective September 21, 1974.

The requirements of section 553(b) and section 553(d) of Title 5 of the United States Code and §§ 508.11 and 508.14 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.11, 508.14) are not followed in connection with the promulgation of these regulations because the Board hereby finds that such requirements are impracticable and unnecessary with respect to these regulations and that the public interest and existing law compel the Board to make these regulations effective no later than September 22, 1974. The Board hereby provides that such amendment shall become effective as hereinbefore set forth.

In meeting the Board's responsibilities under said section 1364, the regulations set forth below contain certain interpretations of such statutory provisions, subject to possible revision in the future. However, in order to supply as much guidance to Federal associations as possible at this time, and due to the short time between the date of this resolution and the effective date thereof, the Board states that with respect to the notice required under the regulation, such notice will be required as to all affected

loan transactions after September 21, 1974, except that the regulation will not be applicable to such a transaction scheduled for closing prior to October 3, 1974, if a legally binding commitment has been entered into with respect to such transaction and if a bona fide closing date as to such transaction has been scheduled before September 22, 1974. It is noted that said new paragraph (g) applies to both the purchasing and the making of loans.

The following is the text of § 545.8–4 (a), as amended, and § 545.8–4(g), as added, in accordance with the provisions of this resolution:

§ 545.8–4 Flood disaster protection.

(a) *General.* This section implements, in part, the provisions of subsections (b) and (c) of section 102 and subsection (b) of section 202 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and subsection (a) of section 816 of the Housing and Community Development Act of 1974 (Pub. L. 93–383). The provisions of this section do not apply retroactively to any loan or commitment related thereto. As used in this section, the term "loan" includes an installment sale contract.

• • • • •

(g) *Notice of hazard.* After September 21, 1974, a Federal association shall, as a condition of making (including purchasing), increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, mail or deliver as soon as feasible but not less than 10 days in advance of closing of the transaction (or not later than the association's commitment, if any, if the period between commitment and closing is less than 10 days) a written notice to the borrower that the property securing the loan is in an area so identified. In lieu of the notification required in this section, an association may obtain satisfactory written assurances from a seller or lessor that such seller or lessor has notified the borrower, prior to the execution of any agreement for sale or lease, that the property securing the loan is in an area so identified. An association shall require the borrower, prior to closing, to provide the association with a written acknowledgment that the borrower realizes that the property securing the loan or upon which the mobile home is or will be located is in an area so identified.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071. Sec. 816(a), Housing and Community Development Act of 1974, 88 Stat. 739).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74–21912 Filed 9–19–74;8:45 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 74–935]

PART 563—OPERATIONS

Special Flood Hazards on Certain Real Estate and Mobile Home Loans

SEPTEMBER 13, 1974.

The following summary of the amendments adopted by this resolution is provided for the reader's convenience and is subject to the full provisions of this resolution, including the provisions in the preamble thereof and in the amended regulations set forth below.

I. Existing Regulations. Flood insurance is required as to certain loans, but no truth-in-lending type notice prior to loan closing is required regarding loans relating to special flood hazard areas.

II. Amended Regulations. Generally, 10 days written notice prior to closing will be required if the real estate or the mobile home securing a loan is or will be located in a HUD-identified special flood hazard area.

III. Reason for Changing the Regulations. To implement new legislation (§ 816(a) of the Housing and Community Development Act of 1974 (Pub. L. 93–383; 88 Stat. 739)).

On August 22, 1974, section 816(a) of the Housing and Community Development Act of 1974 (Pub. L. 93–383) amended chapter III of the XIII of the Housing and Urban Development Act of 1968 by adding at the end thereof the following new section regarding notice of flood hazards:

Section 1364. Each Federal instrumentality responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation require such institutions, as a condition of making, increasing, extending, or renewing (after the expiration of thirty days following the date of the enactment of this section) any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary [of Housing and Urban Development] under this title [title XIII of the Housing and Urban Development Act of 1968] or Public Law 93–234 [The Flood Disaster Protection Act of 1973] as an area having special flood hazards, to notify the purchaser or lessee (or obtain satisfactory assurances that the seller or lessor has notified the purchaser or lessee) of such special flood hazards, in writing, a reasonable period in advance of the signing of the purchase agreement, lease, or other documents involved in the transaction. [Bracketed language added].

For the purpose of implementing the provisions of said section 1364 as to institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation, the Federal Home Loan Bank Board hereby amends § 563.9–6 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.9–6) by revising paragraph (a) thereof to read as set forth below and by adding a new paragraph (h), immediately following paragraph (g) thereof, to read as set forth below, effective September 21, 1974.

The requirements of section 553(b) and section 553(d) of Title 5 of the United States Code and §§ 508.11 and 508.14 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.11, 508.14) are not followed in connection with the promulgation of these regulations because the Board hereby finds that such requirements are impracticable and unnecessary with respect to these regulations and that the public interest and existing law compel the Board to make these regulations effective no later than September 22, 1974. The Board hereby provides that such amendment shall become effective as hereinbefore set forth.

In meeting the Board's responsibilities under said section 1364, the regulations set forth below contain certain interpretations of such statutory provisions, subject to possible revision in the future. However, in order to supply as much guidance to insured institutions as possible at this time, and due to the short time between the date of this resolution and the effective date thereof, the Board states that with respect to the notice required under the regulation, such notice will be required as to all affected loan transactions after September 21, 1974, except that the regulation will not be applicable to such a transaction scheduled for closing prior to October 3, 1974, if a legally binding commitment has been entered into with respect to such transaction and if a bona fide closing date as to such transaction has been scheduled before September 22, 1974. It is noted that said new paragraph (g) applies to both the purchasing and the making of loans.

The following is the text of § 563.9–6(a), as amended, and § 563.9–6(h), as added, in accordance with the provisions of this resolution:

§ 563.9–6 Flood disaster protection.

(a) *General.* This section implements, in part, the provisions of subsections (h) and (c) of section 102 and subsection (b) of section 202 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and subsection (a) of section 816 of the Housing and Community Development Act of 1974 (Pub. L. 93–383). The provisions of this section do not apply retroactively to any loan or commitment related thereto. As used in this section, the term "loan" includes an installment sale contract.

• • • • •

(h) *Notice of hazard.* After September 21, 1974, an insured institution shall, as a condition of making (including purchasing), increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, mail or deliver as soon as feasible but not less than 10 days in advance of closing of the transaction (or not later than the insured institution's commitment, if any, if the period between commitment and

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closing is less than 10 days) a written notice to the borrower that the property securing the loan is in an area so identified. In lieu of the notification required in this section, an insured institution may obtain satisfactory written assurances from a seller or lessor that such seller or lessor has notified the borrower, prior to the execution of any agreement for sale or lease, that the property securing the loan is in an area so identified. An insured institution shall require the borrower, prior to closing, to provide the insured institution with a written acknowledgment that the borrower realizes that the property securing the loan or upon which the mobile home is or will be located is in an area so identified.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended (12 U.S.C. 1725, 1726). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1843–48 Comp., p. 1071; sec. 816(a), Housing and Community Development Act of 1974, 88 Stat. 730)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.
Assistant Secretary.

[FR Doc.74–21910 Filed 9–19–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–SW–38; Amdt. 39–1973]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A, 206B, 206A–1 and 206B–1 Helicopters

There has been a report of possible subsurface cracks occurring in certain main rotor grips, P/N 206–010–102–9, on Bell Model 206A, 206B, 206A–1 and 206B–1 helicopters that could result in failure of an affected grip and in loss of one main rotor blade.

Since this condition is likely to exist or develop in other helicopters of the same type designs, an airworthiness directive is being issued to require removal of certain main rotor grips within 5 hours' time in service for the Bell Model 206A, 206B, 206A–1 and 206B–1 helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

BELL: Applies to Bell Models 206A, 206B, 206A–1 and 206B–1 helicopters certificated in all categories

Compliance required within five hours' time in service after the effective date of this A.D., unless already accomplished.

To prevent possible failure of certain main rotor blade grips, inspect the serial numbers of both main rotor grips and replace the following grips, P/N 206–010–102–9, before further flight:

S/N JI1–5824, JI1–5861, JI1–5875 through and including 5878; JI1–5880 through and including 5903; JI1–5906 through and including 5912; JI1–5914 through and including 5938; JI1–5940 and 5941; and JI1–5944 through and including 5953.

(Telefax message dated September 6, 1974 from Bell Helicopter Co. to all 206 operators pertains to this subject.)

This amendment becomes effective on receipt of the mailed amendment and becomes effective to all other persons September 23, 1974.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Texas September 12, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74–21852 Filed 9–19–74;8:45 am]

[Docket No. 73–SO–47; Amdt. 39–1970]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman Models G–159 and G–1159

Amendment 39–1684, 38 FR 18442, AD 73–14–7, requires initial and repetitive inspections of the fuselage aft pressure dome for cracks on Grumman Model G–159 and G–1159 airplanes. After issuing Amendment 39–1684, the agency determined that G–159 airplanes with pressure dome attachments did not have cracks as evidenced by the initial inspection and the first repetitive inspection of a representative sample. Therefore, the AD is being amended to extend the repetitive inspection requirements for G–159 airplanes.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator 31 FR 13697, § 39.13 of Part 39 of the Federal Aviation regulations, Amendment 39–1684, 38 FR 18442, AD 73–14–7, is amended by amending paragraph (d) to read:

(d) For aircraft having attachments, reinspect for cracks at intervals not to exceed 400 landings (G–1159) or 4000 landings (G–159), since the last inspection, in accordance with GAAC Customer Bulletins 167 (G–1159) or 240 (G–159).

This amendment becomes effective September 30, 1974.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) of the Department of Transporation Act (49 U.S.C. 1655(c)))

Issued in East Point, Georgia on September 12, 1974.

P. M. SWATEK,
Director, Southern Region.

[FR Doc.74–21849 Filed 9–19–74;8:45 am]

[Airworthiness Docket No. 74–WE–38–AD; Amdt. 39–1968]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 369, 369A, 369H, 369HE, 369HS, and 369HM Helicopters

There have been cracks of the main rotor blade on Hughes Model 369HS and 369HE helicopters that could result in a complete blade separation if allowed to progress beyond safe limits. Since this condition is likely to exist or develop in other helicopters of the same type design, an airworthiness directive is being issued to require inspection of the main rotor blade trailing edge for cracks, gouges, nicks, and scratches; and replacement or repair, if necessary, on Hughes Model 369, 369A, 369H, 369HE, 369HS and 369HM helicopters.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

HUGHES HELICOPTERS: Applies to Hughes Model 369, 369A, 369H, 369HE, 369HS and 369HM helicopters certificated in all categories

Compliance required within the next 25 hours' of helicopter operation after the effective date of this AD, unless already accomplished within the last 75 hours' of helicopter operation, and thereafter at intervals not to exceed 100 hours' of helicopter operation from the last inspection.

To detect cracks, gouges, nicks and scratches in the main rotor blade trailing edge, accomplish the following:

(A) Inspect the main rotor blade trailing edge in accordance with Hughes Service Information Notice, No. HN–73, dated August 19, 1974, or later FAA-approved revisions.

(1) If cracks are found remove blade from service prior to further flight.

(2) If gouges, nicks and/or scratches are found replace or repair blade prior to further flight in accordance with Hughes Service Information Notice, No. HN–73.

(B) Equivalent inspection and repair procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region upon submittal of adequate substantiating data.

(C) Aircraft may be flown to a base for performance of the inspections required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective September 25, 1974.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on September 11, 1974.

ARVIN O. BASNIGHT,
Director,
FAA Western Region.

[FR Doc.74–21848 Filed 9–19–74;8:45 am]

[Airworthiness Docket No. 72–WE–30–AD; Amdt. 39–1967]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC–8 Series Airplanes

Amendment 39–1619 (38 FR 8643), AD 73–7–9, as amended by amendment 39–1696 (38 FR 20443), and amendment 39–1854 (39 FR 18424), requires inspection of DC–8 control columns for cracks, removal and replacement, or rework per the limits in the AD. Since the issuance of the last amendment to the AD, one operator experienced a failure of a control column only 3140 hours after the last inspection, whereas the AD establishes a 5000 hour repetitive inspection interval. Based on this occurrence and related service experience, the agency feels that it is necessary to reduce the present AD repetitive inspection interval to 2,500 hours to assure continued airworthiness of the DC–8 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedures hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations, Amendment 39–1619 (38 FR 8643), AD 73–7–9, as amended by amendment 39–1696 (38 FR 20443), amendment 39–1854 (39 FR 18424), is further amended as follows:

(1) Revise the compliance paragraph to read:

Compliance required within the next 1250 hours' time in service after the effective date of this A.D., as amended, unless already accomplished within the last 1250 hours' time in service, and at intervals not to exceed 2500 hours' time in service, except as provided below. In no case shall an aircraft be allowed to exceed the 5000 hours since the last inspection, as provided by the previous amendments to this A.D.

(2) Revise section (2) of the A.D. to reduce the inspection interval after rework in accordance with the A.D., to 2500 hours' time in service.

This amendment becomes effective September 25, 1974.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on September 11, 1974.

ARVIN O. BASNIGHT,
Director,
FAA Western Region.

[FR Doc.74–21847 Filed 9–19–74;8:45 am]

[Docket No. 74–NE–68; Amdt. 39–1971]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S–61L, S–61N, S–61NM and S–61R Helicopters Certificated in all Categories

Amendment 39–283 (31 FR 11714), AD 66–22–5, as amended by Amendment 39–809 (34 FR 12563), Amendment 39–828 (34 FR 13969), Amendment 39–981 (35 FR 6858) and Amendment 39–1178 (36 FR 5674), established a schedule of retirement times for modified and original main rotor blades, to prevent operation with fatigue cracks in the spar of the main blades, on S–61 series helicopters certificated in all categories. After issuing Amendment 39–1178, due to the development of additional helicopter models and main rotor blades, and the development of improvements to the inspection procedures, the Agency determined that the additional blades be added to the list of blades having retirement times and that the inspection procedures be modified to include improved procedures. Therefore, the AD is being superseded by a new AD to establish a revised schedule of retirement times and to establish a schedule, in accordance with the manufacturer's service bulletin, of revised inspection procedures, and to incorporate editorial changes for purposes of clarification.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation regulations, Amendment 39–283 (31 FR 11714), AD 66–22–5, as amended by Amendment 39–809 (34 FR 12563), Amendment 39–828 (34 FR 13969), Amendment 39–981 (35 FR 6858) and Amendment 39–1178 (36 FR 5674), is further amended by adding the following new airworthiness directive:

SIKORSKY AIRCRAFT: Applies to S–61L, S–61N, S–61NM and S–61R helicopters certificated in all categories

Compliance required as indicated.

To prevent operation with fatigue cracks in the spar of a main rotor blade, accomplish the following:

(A) Except as provided in (D), remove from service S6115–20501 Series, S6115–20601 Series, S6117–20101 Series, and S6188–15001 Series main rotor blades with 3,375 or more hours' time in service on the effective date of this AD within the next 25 hours' time in service.

(B) Except as provided in (D), remove from service S6115–20501 Series, S6115–20601 Series, S6117–20101 Series, and S6188–15001 Series main rotor blades with less than 3,375 hours' time in service on the effective date of this AD before the accumulation of 3,400 hours' time in service.

(C) Within the next 50 hours' time in service after the effective date of this AD, unless already accomplished, identify all subject blades in accordance with Section 2, Part I, Paragraph B of Sikorsky Service Bulletin No. 61B15–6G. In helicopters with blades identified with white or yellow circles, install decals and placards in accordance with instructions set forth in Section 2, Part I, Paragraph B (5) of Sikorsky Service Bulletin No. 61B15–6G.

(D) The service life limits specified in paragraphs (A) and (B) above may be extended to:

(1) 8000 hours' total time in service for S6117–20101 Series main rotor blades provided the blades have been altered, inspected and maintained in accordance with Sikorsky Service Bulletin No. 61B15–6G, excluding section 2, Part II.

(2) 9400 hours' total time in service for the following main rotor blades provided they have been altered, inspected and maintained in accordance with Sikorsky Service Bulletin No. 61B15–6G, excluding section 2, Part II: S6115–20501–3, S6115–20501–5, S6115–20501–2 altered to S6115–20501–3, S6115–20501–4 altered to S6115–20501–5, S6115–20501–6, S6117–20601 Series, S6188–15001 Series.

(E) The speed restriction placard or decal required by paragraph (C) above may be removed when the blades have been altered or replaced by blades altered by Sikorsky and re-identified by number S6115–20501–6.

(F) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Sikorsky Aircraft, Stratford, Connecticut 06602. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803 and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the FAA, New England Region Headquarters, Burlington, Massachusetts.

(G) The visual checks of the main rotor blade pressure indicators required by paragraph (D) of this AD may be performed by the pilot.

This supersedes Amendment 39–283 (31 FR 11714), AD 66–22–5, as amended by Amendment 39–809 (34 FR 12563), Amendment 39–828 (34 FR 13969), Amendment 39–981 (35 FR 6858) and Amendment 39–1178 (36 FR 5674).

This amendment becomes effective Oct. 4, 1974.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts, on Sept. 12, 1974.

FERRIS J. HOWLAND,
Director,
New England Region.

NOTE: The incorporation by reference provisions in this document was approved by the Director of the FEDERAL REGISTER on June 19, 1967.

[FR Doc.74–21850 Filed 9–19–74;8:45 am]

[Docket No. 74–NE–35; Amdt. 39–1972]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S–61A, S–61L, S–61N, S–61R and S–61NM Helicopters

Amendment 39–1583 (38 FR 1501), AD 73–2–2 requires inspection, repair and replacement of main rotor blades of Sikorsky S–61A, S–61L, S–61N and S–61R helicopters certificated in all categories. After the agency issued Amendment 39–1583, cracking was discovered in the tip cap land of the main rotor spar and, in addition, the manufacturer developed a modification to strengthen the tip cap bracket. The agency has determined that because of this modifica-

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tion, which adds a tip cap doubler, some inspections of the tip cap can be eliminated or relaxed, and some of the spar inspections can be relaxed. Furthermore, additional criteria are necessary to determine the action to be taken when cracks are found in the tip cap attachment land. As a precautionary measure, dye penetrant inspections of the outboard end of the main rotor blade spar are required and these inspections are keyed to the operational gross weight of the helicopter. Therefore, the AD 73-2-2 is being superseded by a new AD that eliminates or relaxes some inspections of the tip cap, adds inspection criteria, and requires new dye penetrant inspections of the outboard blade spar.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new Airworthiness Directive:

SIKORSKY AIRCRAFT: Applies to all Sikorsky S-61A, S-61L, S-61N, S-61R and S-61NM helicopters certificated in all categories that are equipped with S6115-20501 series, S6115-20601 series, S6117-20101 series and S6188-15001 series main rotor blades

Compliance required as indicated.

To prevent operation with loose or missing screws, or with cracks in the outboard end of the main rotor blades, including the tip cap and tip cap bracket, accomplish the following:

(A) Inspect main rotor blades that do not have tip cap bracket doubler P/N 61070-15120 installed, and have less than 2,000 hours time in service on the effective date of this AD, for loose or missing screws or for cracks at the outboard end of the main roter blade spar, tip cap, or tip cap bracket, in accordance with section 2., paragraphs A and B., of Sikorsky Service Bulletin No. 61B15-9C, dated September 13, 1974 within the next 50 hours time in service after the effective date of this AD, unless already accomplished, and at intervals thereafter within 50 hours time in service from the last inspection. If screws are missing or loose, and cannot be secured, or if there is motion in the joint between the tip cap and the blade, or if cracks are found, replace the main rotor blade or repair it in accordance with section 2., paragraph C., of the above service bulletin prior to further flight. If a crack is found in the tip cap, tip cap attachment land, or tip cap bracket, replace or repair the main rotor blade in accordance with section 2., paragraph B., of the above service bulletin prior to further flight.

(B) Inspect main rotor blades that do not have tip cap bracket doubler P/N 61070-15120 installed, and have 2000 hours or more time in service on the effective date of this AD, for loose or missing screws or for cracks at the outboard end of the main rotor blade spar, tip cap, or tip cap bracket, in accordance with section 2., paragraphs A and B, of Sikorsky Service Bulletin No. 61B15-9C, dated September 13, 1974 prior to the first flight of each day. If screws are missing or loose, and cannot be secured, or if there is motion in the joint between the tip cap and the blade, or if cracks are found, replace the main rotor blade or repair it in accordance with paragraph 2C of the above bulletin prior to further flight. If a crack is found in the tip cap, tip cap attachment land, or tip cap bracket, replace or repair the main rotor blade, in accordance with section 2., paragraph B., of the above service bulletin, prior to further flight.

(C) Inspect main rotor blades that have tip cap bracket P/N 61070-15120 installed for cracks at the outboard end of the main rotor blade spar, tip cap, and tip cap bracket, in accordance with section 2, paragraph B., of the above bulletin, within the next 50 hours time in service after the effective date of this AD, unless already accomplished, and at intervals thereafter within 50 hours time in service from the last inspection. If a crack is found in the tip cap, tip cap attachment land, or tip cap bracket, replace or repair the main rotor blade prior to further flight, in accordance with Section 2., paragraph B., of the above bulletin.

(D) For helicopters operating at 19,500 pounds gross weight and below, inspect the outboard end of the main blades, series S6115-20501, series S6115-20601, series S6117-20101, and series S6188-15001, using the dye penetrant method, in accordance with Section 2., paragraph D., of the above Service Bulletin, within the next 200 hours time in service after the effective date of this AD, unless already accomplished, and at intervals thereafter within 200 hours time in service from the last inspection. If a crack is found, replace the main rotor blade prior to further flight.

(E) For helicopters operating above a gross weight of 19,500 pounds, inspect the outboard end of the main rotor blades using the dye penetrant method, in accordance with section 2., paragraph D., of the above Service Bulletin, within the next 50 hours time in service after the effective date of this AD, unless already accomplished, and at intervals thereafter within 50 hours time in service from the last inspection. If a crack is found, replace the main rotor blade prior to further flight.

(F) Upon request of the operator, equivalent methods of compliance with the inspection and repair requirements of this AD may be approved by the Chief, Engineering and Manufacturing Branch, New England Region. Repetitive inspection intervals specified in this AD may be adjusted, by the Chief, Engineering and Manufacturing Branch, New England Region, to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This supersedes Amendment 39-1583 (38 FR 1501), AD 73-2-2.

This amendment becomes effective October 4, 1974.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts, on September 12, 1974.

FERRIS J. HOWLAND,
Director,
New England Region.

[FR Doc.74-21851 Filed 9-19-74;8:45 am]

[Docket No. 14023; Amdt. No. 934]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective November 7, 1974.*

Deadhorse, Alaska—Deadhorse Arpt., VOR Rwy 4, Orig.
Deadhorse, Alaska—Deadhorse Arpt., VOR Rwy 22, Orig.
Scottsdale, Ariz.—Scottsdale Municipal Arpt., VOR-A, Amdt. 2.

• • • *effective October 3, 1974.*

St. Augustine, Fla.—St. Augustine Arpt., VOR Rwy 13, Orig.

• • • *effective September 10, 1974.*

Newport, Oreg.—Newport Municipal Arpt., VOR-A, Orig., canceled.

• • • *effective September 6, 1974.*

Grand Island, Neb.—Grand Island Airpark, VOR Rwy 13, Amdt. 11.
Grand Island, Neb.—Grand Island Airpark, VOR Rwy 17, Amdt. 15.
Santa Ana, Calif.—Orange County Arpt., VOR Rwy 1L, Amdt. 8.
Santa Ana, Calif.—Orange County Arpt., VOR Rwy 19R, Amdt. 14.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective September 6, 1974.*

Grand Island, Neb.—Grand Island Airpark, LOC/DME (BC) Rwy 17, Amdt. 1.
Santa Ana, Calif.—Orange County, LOC (BC) Rwy 1L, Amdt. 4.
Santa Ana, Calif.—Orange County, LOC Rwy 19R, Amdt. 5.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective November 7, 1974.*

Summit, Alaska—Summit Arpt., NDB-A, Amdt. 6.

• • • *effective October 31, 1974.*

Waseca, Minn.—Waseca Municipal Arpt., NDB Rwy 15, Amdt. 1.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective October 3, 1974.*

New York, N.Y.—John F. Kennedy Int'l. Arpt., ILS Rwy 22L, Amdt. 17.

• • • *effective September 26, 1974.*

Kansas City, Mo.—Kansas City Int'l. Arpt., ILS (BC) Rwy 19, Orig., canceled.
Kansas City, Mo.—Kansas City Int'l. Arpt., ILS Rwy 19, Orig.
Saranac Lake, N.Y.—Adirondack Arpt., ILS Rwy 23, Amdt. 1.

• • • *effective September 6, 1974.*

Grand Island, Neb.—Grand Island Airpark, ILS Rwy 35, Amdt. 2.
Santa Ana, Calif.—Orange County Arpt., ILS Rwy 19R, Amdt. 4.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective November 7, 1974.*

King Salmon, Alaska—King Salom Arpt., RADAR-1, Amdt. 4.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective September 6, 1974.*

Grand Island, Neb.—Grand Island Airpark, RNAV Rwy 31, Amdt. 1.

CORRECTION:

In Docket Nr. 13953, Amendment 929, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated August 14, 1974, on page 29172, under § 97.25 effective September 26, 1974—Change effective date of San Juan, P.R.—Puerto Rico Int'l. Arpt., LOC (BC) Rwy 25, Amdt. 4, and LOC Rwy 10, Orig., to September 19, 1974.

(Secs. 302, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1438, 1354, 1421, 1510), Sec. 6(c), Department of Transportation Act. (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))).

Issued in Washington, D.C., on September 12, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

[FR Doc.74-21846 Filed 9-19-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2517]

PART 13—COMMERCIAL TRADE PRACTICES

Hallmark Group Companies, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.35 *Condition of goods;* § 13.205 *Scientific or other relevant facts;* § 13.225 *Services.* Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.677 *Delaying or failing to deliver goods or provide services or facilities.*[1] Subpart—Misrepresenting oneself and goods—Goods: § 13.1595 *Condition of goods;* § 13.1740 *Scientific or other relevant facts.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45)) [Cease and desist order, Hallmark Group Companies, Inc., et al., Dallas, Texas, Docket C-2517, July 1, 1974]

In the Matter of Hallmark Group Companies, Inc., and Pacific Western Mobile Estates, Inc., Corporations.

Consent order requiring a Dallas, Texas, developer of mobile home parks and its wholly-owned subsidiary in Santa Clara, Calif., among other things to cease misrepresenting and failing to provide facilities and services they represented would be available at mobile home parks they have developed. Further, the order requires respondents to provide, within ninety (90) days of the effective date of this order, mobile home parks with all of the facilities and services which they represented would be available at said parks.

The Decision and Order, including further order requiring report of compliance therewith is as follows:[2]

It is ordered, That respondents Hallmark Group Companies, Inc., Pacific Western Mobile Estates, Inc., corporations, their successors and assigns, and their officers, and directly or through any corporation, subsidiary, division or other device, in connection with the development, operation and/or leasing of mobile home parks in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting, directly or by implication, orally or in writing, that any facility or service is available at any mobile home park.

2. Misrepresenting, directly or by implication, orally or in writing, that any facility or service will be available at any mobile home park.

Provided, however, That it shall not be deemed a violation of this paragraph if for reasons not within their control (e.g., floods, other acts of God, strikes), such facility or service is not usable and available for its intended use at the time of said occupancy by the first lessee.

3. Failing to provide mobile home parks within ninety (90) days of the effective date of this order with all of the facilities and services which they represented would be available at said parks.

It is further ordered, That the respondents shall forthwith distribute a copy of this order to each of its operating divisions, and mobile home parks, and post in a prominent place for 30 days in each mobile home park presently owned and/or operated by respondents, their successors and assigns.

It is further ordered, That the respondents shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment, incorporation, or sale resulting in the emergence of a successor firm, partnership, or corporation, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission July 1, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-21887 Filed 9-19-74;8:45 am]

[Docket C-2520]

PART 13—PROHIBITED TRADE PRACTICES

Colt Industries Operating Corp.

Subpart—Coercing and intimidating: § 13.358 *Distributors.* Subpart—Combining or conspiring: § 13.497 *To terminate or threaten to terminate contracts, dealings, franchises, etc.* Subpart—Cutting off access to customers or market: § 13.560 *Interfering with distributive outlets.* Subpart—Cutting off supplies or service: § 13.655 *Threatening disciplinary action or otherwise.* Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements;* § 13.1155 *Price schedules and announcements;* § 13.1160 *Refusal to sell;* § 13.1165 *Systems of espionage;* § 13.1165-80 Requiring information of price cutting.

(Secs. 6, 38 Stat. 721 (15 U.S.C. 46.) Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45)) [Cease and desist order, Colt Industries Operating Corp., Hartford, Conn., Docket C-2520, July 12, 1974]

In the Matter of Colt Industries Operating Corp., a corporation. Consent order requiring a Hartford, Conn., manufacturer, seller and distributor of sporting firearms and firearm accessories, among other things to cease fixing its dealers' retail prices of firearm products; requiring dealers, through any means, to agree to resell at specified retail prices; using cancellation threats to induce dealers to observe its retail prices; and re-

[1] Amended.
[2] Copies of the complaint, decision and order, filed with the original document.

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questing dealers or salesmen to report persons who do not adhere to its suggested retail prices.

The Decision and Order, including further order requiring report of compliance therewith is as follows.[1]

It is ordered, That respondent, Colt Industries Operating Corp., a corporation, its successors and assigns, and its officers, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the manufacture, distribution, offering for sale or sale of firearms and firearm accessories (hereinafter referred to in this order as "firearm products"), in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Establishing, maintaining or enforcing any contracts, agreements, understandings or arrangements entered into with dealers in respondent's firearm products which have the purpose or effect of fixing, establishing, maintaining or enforcing the suggested retail prices at which respondent's firearm products are to be resold;

2. Requiring any dealer or prospective dealer to enter into oral or written agreements or understandings that such dealer or prospective dealer will resell or offer for resale respondent's firearms products at any price;

3. Requesting dealers or prospective dealers, either directly or indirectly, to report any person or firm who does not adhere to the suggested retail prices by respondent, or acting on reports so obtained by refusing or threatening to refuse sales to any person or firm so reported;

4. Threatening dealers, either directly or indirectly, with cancellation in order to induce them to observe, maintain, or advertise the respondent's suggested retail prices;

5. Requiring from dealers charged with price cutting or failure to adhere to suggested retail prices, promises or assurances of the observance of respondent's suggested retail prices as a condition precedent to future sales to said dealers;

6. Directing or requiring respondent's salesmen, or any other agents, representatives, or employees, directly or indirectly, from requiring its dealers to adhere to its suggested retail prices, to report dealers who do not adhere to such suggested retail prices, or to act on such reports by refusing or threatening to refuse sales to dealers so reported;

7. Requiring or inducing by any means, dealers or prospective dealers, to refrain, or to agree to refrain from reselling respondent's firearm products to any other dealers or distributors which are authorized by law to sell firearm products; and

8. Publishing, disseminating or circulating any price lists, price books, price tags, advertising or promotional material, or other documents indicating any retail prices without stating on each page of such price lists, price books, price tags, advertising or promotional material, or other documents that the prices are suggested or approximate.

Provided, however, That nothing hereinabove shall be construed to waive, limit or otherwise affect the right of respondent to enter into, establish, maintain and enforce in any lawful manner any price maintenance agreement excepted from the provisions of section 5 of the Federal Trade Commission Act by virtue of the McGuire Act amendments to said Act to disseminate or circulate to any of its dealers and distributors suggested retail prices for the sale of its firearm products.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, mail a copy of this order to each of its dealers under cover of the letter annexed hereto as Exhibit A, and furnish the Commission proof of the mailing thereof.

It is further ordered, That the respondent shall forthwith distribute a copy of this order to each of its operating departments, and to all of its sales personnel and shall instruct each sales person employed by it now or in the future to read this order and to be familiar with its provisions.

It is further ordered, That the respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Decision and Order issued by the Commission July 12, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-21886 Filed 9-19-74;8:45 am]

[1] Copies of the complaint, decision and order, filed with the original document.

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74-242]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Articles Exported for Exhibition, Research or Education; Certificates of Exportation

Customs Form 4467, formerly used as a certificate of exportation, has been abolished and Customs Form 3311, entitled Declaration for Free Entry of Returned American Products and/or Certificate of Exportation, has been revised for use in its place. Consequently, §§ 10.66 (a)(1) and 10.67(a)(1) of the Customs regulations (19 CFR 10.66(a)(1), 10.67 (a)(1)) which require the filing of a certificate of exportation on Customs Form 4467, must be amended to provide for the present use of Customs Form 3311.

Accordingly, §§ 10.66(a)(1) and 10.67 (a)(1) of the Customs regulations (19 CFR 10.66(a)(1), 10.67(a)(1)) are revised to read as follows:

§ 10.66 Articles exported for temporary exhibition and returned; procedure on entry.

(a) • • •

(1) A certificate of exportation on Customs Form 3311;

• • • • • •

§ 10.67 Articles exported for scientific or educational purposes and returned; procedure on entry.

(a) • • •

(1) A certificate of exportation on Customs Form 3311;

• • • • • •

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (5 U.S.C. 301, 19 U.S.C. 66, 1624))

Because this amendment merely conforms the Customs regulations with certain administrative changes, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall be effective on September 20, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: September 12, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-21909 Filed 9-19-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Essential Person Factors

On February 7, 1974, there was published in the FEDERAL REGISTER (39 FR 4785) a notice of proposed rulemaking with proposed amendments to Subparts B, E, K, and L of Regulations No. 16. The proposed amendments provide general information and basic guidelines for the provisions of Pub. L. 93-66, enacted July 9, 1973, relating to supplemental security income benefits for essential persons. Proposed additions to Subpart B (Eligibility) set forth the criteria that must be met in order to consider the needs of an essential person under the new program. Proposed additions to Subpart E set forth the manner in which payments are to be made for essential persons. Proposed additions to Subparts K and L set forth the method to be used for deeming the income and resources of an essential person to the qualified individual.

Interested parties were given 30 days within which to submit data, views, and arguments with regard to the proposed amendments. Comments were received from the Ohio Department of Public Welfare, the National Council of Senior Citizens, the Middlesex County Welfare Board, and the Center for Legal Services for the Aging, Syracuse University.

Most of the comments concerning Subpart B deal with loss of essential person status. Specifically, concern is expressed over the apparent severity of the 90-day time limit for temporary absences of the essential person from the home, and the element of irrevocability included when the option to exclude the needs of an essential person is invoked by the qualified individual. While the 90-day limit for temporary absences of the essential person from the home is of shorter duration than the limit established for temporary absences of the qualified individual, it is reasonable to conclude that the presence of the "essential person" in the home of the qualified individual can no longer be deemed essential when the qualified individual has demonstrated the ability to get along for more than 90 days without the services of such person. The element of irrevocability in the recipient's option to exclude the needs of an essential person is consistent with section 211 of Pub. Law 93-66 which specifies that loss of essential person status is permanent. One coment made questions what is felt to be an apparent conflict with Pub. Law 92-603 which provides for accrual of benefits from the date of application. There is no conflict with Pub. Law 92-603. Retroactivity of benefits (to the month of application) is implicit in the language used in the regulation and all individuals filing for benefits are treated alike in this regard. Another comment expresses the feeling that restricting eligibility for essential person payments to persons who were eligible prior to December 1973 under a State plan approved under title I, X, XIV, or XVI of the Social Security Act is discriminatory and unfair. The law is specific on this point and restricts eligibility for essential person payments to those individuals who for the month of December 1973 were recipients of aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Social Security Act. Accordingly, the amendments to Subpart B have been prepared for final publication in the FEDERAL REGISTER without any substantive changes.

Regarding Subpart E, the comments deal with the provisions for payment when the essential person resides with more than one eligible person. It is felt that several cross references should be included in order to ensure applicability of section 211(a)(1)(B), (C) of Pub. Law 93-66 to these payment provisions. Since the regulation in question is set out under the subpart covering payment of benefits, overpayments, and underpayments, further cross referencing is not considered necessary. One comment expressed the opinion that the standard of payment based on the existence of an essential person is much too low. Any change in this payment standard would require legislative action. Concern is also expressed over the apparent harshness of the section which provides that when an essential person lives with an eligible individual and an eligible spouse (or two or more eligible individuals) only one of whom is the qualified individual, essential person status is not automatically retained upon the death of the qualified individual or upon separation from the qualified individual. However, the language of Pub. Law 93-66 precludes adoption of the suggested change. Accordingly, Subpart E has been prepared for final publication in the FEDERAL REGISTER without any substantive changes.

Regarding Subpart K, one comment expresses concern over the provisions for deeming of income of an essential person. Specifically, it interprets the section in question to mean that the mandatory deeming provision of Pub. Law 92-603, section 1614(f), will be applied in every essential person case. Section 211(a)(1) of Pub. Law 93-66 requires that all of the income and resources of the essential person be considered in determining whether the qualified individual is eligible for the essential person increment, and further provides that this entire subsection shall not apply if such deeming causes the qualified individual to lose eligibility for benefits. Thus, in essential person cases the deeming provisions of Pub. Law 92-603 are only applicable when the above ineligibility situation arises. It should be noted that the deeming provisions of Pub. Law 93-66 do not delegate any discretion to the Secretary with respect to the amount of income and resources to be deemed from the essential person. Another comment expressed concern over the deeming of the essential person's income when the essential person has no legal requirement to support the qualified individual. Any such exception to the deeming provision would require legislative action. Accordingly, the amendments to Subpart K have been prepared for final publication in the FEDERAL REGISTER without any substantive changes.

There were no comments on Subpart L.

The regulations as announced under the notice of proposed rule making (39 FR 4785) are adopted with no major changes.

(Secs. 1102 and 1611, Social Security Act; sec. 211 Pub. Law 93-66; sec. 4, Public Law 93-233; 49 Stat. 647, as amended; 86 Stat. 1466, as amended; 87 Stat. 154, as amended; 87 Stat. 963, (42 U.S.C. 1302, 1382, 1382nte))

Effective date. The amendments shall be effective September 20, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: August 20, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 16, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below.

1. Sections 416.241–416.249 are added to proposed Subpart B to read as follows:

Subpart B—Eligibility

Sec.
416.241 Supplemental security income benefits for essential persons; general.
416.242 Criteria for a qualified individual.
416.243 Criteria for an essential person.
416.246 Number of essential persons.
416.248 Loss of essential person status.
416.249 Qualified individual's option to exclude the needs of an essential person.

§ 416.241 Supplemental security income benefits for essential persons; general.

In determining (for purposes of this part) the eligibility for and the amount of the supplemental security income benefit payable to any qualified individual (as defined in § 416.242) with respect to any period for which such individual has in his home an essential person (as defined in § 416.243), the standard payment amount as prescribed in section 1611 of the Act shall be increased if consideration of the income and resources of such essential person would not cause the qualified individual to lose eligibility for such benefits. In determining whether the qualified individual loses eligibility on the basis of the income of the essential person, the standard of payment against which such income will be applied is that prescribed in section 1611(a) of the Act plus the essential person increment(s). The resource limitation in § 416.1205 (as modified by § 416.1260, where applicable) will apply.

§ 416.242 Criteria for a qualified individual.

For purposes of § 416.241, a qualified individual is any individual who for the month of December 1973 was a recipient of aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Social Security Act, and, in determining the need of such individual for aid or assistance for December 1973 under such State plan, there were taken into account the needs of a person other than the qualified individual (i.e., an "essential person") who:

(a) Was living in the home of the qualified individual; and

(b) Was not eligible in his or her own right for aid or assistance under such State plan for December 1973.

§ 416.243 Criteria for an essential person.

An essential person is any person who for the month of December 1973 was a person whose needs were taken into account in determining the need of a qualified individual (see § 416.242) for aid or assistance under a State plan approved under title I, X, XIV, or XVI of the Social Security Act, as in effect for June 1973, and who:

(a) Lives in the home of the qualified individual; and

(b) Is not eligible in his or her own right for supplemental security income benefits; and

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(c) Is not an eligible spouse (as defined in section 1614(b) of the Act) of the qualified individual or any other individual; and

(d) Does not have income or resources in an amount that will cause the qualified individual to lose eligibility for benefits (see § 416.1190 and § 416.1203).

§ 416.246 Number of essential persons.

The number of essential persons that shall be considered in increasing the amount of the supplemental security income payment to each qualified individual, shall be limited to those persons, as determined by the Social Security Administration, who are identified in State records (in accordance with the State plan as approved for June 1973 and State practices under such approved plan) as being essential to the qualified individual for the month of December 1973. (See § 416.531 for amount of payment.)

§ 416.248 Loss of essential person status.

(a) *General.* If for any month after December 1973, any essential person fails to meet the criteria specified in § 416.243, such person shall not thereafter be considered to be an essential person.

(b) *Essential person absent from the home.* If the essential person is temporarily absent from the home of the qualified individual (e.g., hospitalization), the increment to the standard payment that is based on the presence of the essential person shall be allowed or continued. An absence will be considered to be temporary if the essential person intends to return to reside with the qualified individual and the facts support such intention and the probability of its occurrence; provided, however, that in no event may an absence of more than 90 days be considered temporary.

(c) *Qualified individual absent from the home.* If the qualified individual is temporarily absent from his home (e.g., hospitalization), the increment to the standard payment amount that is based on the presence of the essential person shall be allowed or continued. An absence will be considered to be temporary if the qualified individual intends to return to reside with the essential person and the facts support such intention and the probability of its occurrence; provided, however, that in no event may an absence of more than 6 months be considered temporary.

(d) *Essential person becomes eligible for benefits.* If the essential person becomes eligible for supplemental security income payments on the basis of age, blindness, or disability (see § 416.201), his status as an essential person shall continue throughout the month prior to the month for which he is determined to be eligible for such payment in his own right and shall cease at the end of such prior month.

(e) *Essential person becomes an eligible spouse.* If the essential person becomes eligible for supplemental security income payments as the eligible spouse of the qualified individual or any other individual, his status as an essential person shall continue throughout the month prior to the month for which he is determined to be eligible for such payments and shall cease at the end of such prior month.

§ 416.249 Qualified individual's option to exclude the needs of an essential person.

A qualified individual may request the Administration to determine his standard payment amount without the addition of an increment based on an essential person. Should there be more than one essential person, the qualified individual may choose the essential person or persons who should no longer be included for purposes of such determination. Thus, one or more essential persons may be excluded while the remaining essential person(s) can continue to be included. Such request shall be effective with the month after the month in which such request, in writing, is filed with the Administration. Once it has become effective, such request is irrevocable, and essential person status is lost permanently.

2. Sections 416.531 and 416.532 are added to proposed Subpart E to read as follows:

Subpart E—Payment of Benefits, Overpayments, and Underpayments

§ 416.531 Standard of payment based on existence of an essential person.

In determining the amount of the supplemental security income standard of payment to any qualified individual (see § 416.242), for months after December 1973, such standard shall be increased to take into account the needs of an essential person (see § 416.243). The amount of such increase shall be at the rate of $840 per year, in the case of any period prior to July 1974, and at the rate of $876 per year thereafter. The total amount due the qualified individual will be computed in accordance with section 1611 of the Act. The resulting monthly payment will be made to the qualified individual. If State records appropriately identify two or more essential persons for a qualified individual, an increment of $70 per month ($73 after June 1974) shall be added to the qualified individual's standard of payment for each such essential person.

§ 416.532 Method of payment when the essential person resides with more than one eligible person.

(a) When an essential person lives with an eligible individual and an eligible spouse, the State may report that the person is essential to one or both members of the couple. In either event, the income and resources of the essential person will be considered to be available to the family unit. The payment increment attributable to the essential person will be added to the rate of payment for the couple, the countable income subtracted, and the resulting total benefit divided equally between the eligible individual and the eligible spouse.

(b) Where the essential person lives with two eligible individuals (as opposed to an eligible individual and eligible spouse), one of whom has been designated the qualified individual, the income and resources of the essential person will be considered to be available only to the qualified individual (as defined in § 416.242) and any increase in payment will be made to such qualified individual.

(c) In those instances where the State has designated the essential person as essential to two or more eligible individuals so that both are qualified individuals, the payment increment attributable to the essential person must be shared equally, and the income and resources of the essential person divided and counted equally against each qualified individual.

(d) When an essential person lives with an eligible individual and an eligible spouse (or two or more eligible individuals) only one of whom is the qualified individual, essential person status is not automatically retained upon the death of the qualified individual or upon the separation from the qualified individual. A review of the State records established on or before December 31, 1973, will provide the basis for a determination as to whether the remaining eligible individual or eligible spouse meets the definition of qualified individual. Payment in consideration of the essential person will be dependent on whether the essential person continues to live with a qualified individual. If the essential person does reside with a qualified individual, status as an essential person is retained.

(e) Where an eligible couple is separated for less than 6 months, the full payment attributable to the essential person, less the income of the essential person, will be made to the qualified individual with whom the essential person resides (see Subpart D for computation of payment where one person in a separated couple has an essential person).

3. Section 416.1190 is added to proposed Subpart K to read as follows:

Subpart K—Income

§ 416.1190 Deeming of income of an essential person.

In the case of a qualified individual (as defined in § 416.242) whose payment standard has been increased because of the presence of an essential person (as defined in § 416.243), the income of such qualified individual shall be deemed to include all the income of such essential person. The income deemed to the qualified individual shall be treated as unearned income. If such qualified individual would not meet the income criteria for eligibility (as defined in § 416.241) because of this deemed income, then the payment standard increase because of the essential person will be nullified and the provision of this section will not apply; essential person status is lost permanently. However, if such essential person is the ineligible spouse of the qualified individual, or a parent (or spouse of a parent) of the qualified individual who is a child under age 21, then the income of such person will be deemed to such qualified individual in accordance with the provisions of section 1614(f) of the Act and § 416.1185 of this subpart.

4. Sections 416.1203 and 416.1262 are added to proposed Subpart L to read as follows:

Subpart L—Resources

§ 416.1203 Deeming of resources of an essential person.

In the case of a qualified individual (as defined in § 416.242) whose payment standard has been increased because of the presence of an essential person (as defined in § 416.243), the resources of such qualified individual shall be deemed to include all the resources of such essential person. If such qualified individual would not meet the resource criteria for eligibility (as defined in §§ 416.1205 and 416.1260) because of the deemed resources, then the payment standard increase because of the essential person will be nullified and the provision of this section will not apply; essential person status is lost permanently. However, if such essential person is an ineligible spouse of a qualified individual or a parent (or spouse of a parent) of a qualified individual who is a child under age 21, then the resources of such person will be deemed to such qualified individual in accordance with the provision in § 416.1202.

§ 416.1262 Special resource provision applicable in cases involving essential persons.

(a) *Essential persons continuously meet criteria of eligibility.* In determining the resources of an individual (and spouse, if any) who meet the conditions specified in § 416.1260 and whose payment standard is increased because such individual has in his home an essential person (as defined in § 416.243), either the State plan resource limit and exclusions (as specified in § 416.1260) applicable to cases in which the needs of an essential person are taken into account in determining the individual's needs, or the resource limit as specified in § 416.1205 and exclusions as specified in § 416.1210, whichever is most advantageous to the individual (and spouse), will be used.

(b) *Essential person fails to meet criteria of eligibility.* If for any month after December 1973 a person fails to meet the criteria for an essential person as specified in § 416.243, in determining the resources of an individual (and spouse, if any) either the State plan resource limit and criteria as specified in § 416.1260 applicable to the individual or individual and spouse, as the case may be, or the resource limit as specified in § 416.1205 and exclusions as specified in § 416.1210, whichever is most advantageous to the individual (and spouse), will be used.

[FR Doc.74-21901 Filed 9-19-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated the following new animal drug applications and supplemental application proposing the safe and effective use of tylosin premix in the manufacture of animal feed: Ralston Purina Co., St. Louis, MO 63188, (43-387V, for use in swine and beef cattle feeds) and Central Soya Co., Inc., Fort Wayne, IN 46802, (91-582V, 95-550V, for use in swine feeds). These applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act. (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.10 is amended by revising paragraph (b)(5) and adding a new (b)(10) as follows:

§ 135e.10 Tylosin.

• • • • • •

(b) • • •

(5) To 047: 0.4, 0.8, and 10 grams per lb., item 4; 40 grams per lb., items 4, 6, 7, 8, and 11.

• • • • • •

(10) To 006: 0.4 and 0.8 gram per lb.; item 4.

• • • • • •

Effective date. This order shall be effective September 20, 1974.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))

Dated: September 13, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-21840 Filed 9-19-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 712—THE ACQUISITION FUNCTION

Federal Land Transfers and Direct Federal Acquisition

Correction

In FR Doc. 74-20852, appearing at page 32604 in the issue for Tuesday, September 10, 1974, in the 12th and last lines of § 712.503(b), the references to "Attachment 1" should be changed to read "Appendix 1".

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO, THE VIRGIN ISLANDS AND AMERICAN SAMOA

Changes in Procedures as the Result of the Fair Labor Standards Amendments of 1974

Correction

In the first complete sentence in column one on page 17948 of Vol. 39, No. 100, of the FEDERAL REGISTER dated Wednesday, May 22, 1974, the phrase "or from the mainland to Puerto Rico" was inadvertently omitted in § 511.8(b).

As corrected this sentence reads as follows:

If such statements are sent by airmail from Puerto Rico or the Virgin Islands to the mainland or from the mainland to Puerto Rico, or from the mainland to Washington, such filing shall be deemed timely if postmarked within the time provided.

Signed at Washington, D.C., this 16th day of September, 1974.

BETTY SOUTHARD MURPHY,
Administrator, Wage and Hour Division.

[FR Doc.74-21904 Filed 9-19-74;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER A—ADMINISTRATION

PART 807—ISSUING AIR FORCE PUBLICATIONS AND FORMS OUTSIDE THE AIR FORCE

Shipment of Publications by Contractors

This update includes an expansion of the activities that stock and issue publications (§ 807.3(c)), and adds a new section covering the shipment of publications by contractors (§ 807.3).

Part 807 is amended as follows:

1. The contents of Part 807 is amended by adding a new § 807.3 to read as follows:

Sec.
807.3 Shipment made by contractors.

2. Section 807.1 is amended by revising paragraph (c) to read as follows:

§ 807.1 Issuing publications and forms to private citizens, private organizations, and commercial activities.

• • • • • •

(c) Publications and forms other than those specified in paragraphs (a) and (b) of this section will be issued, on request to private citizens and organizations of any country, but only under the conditions cited in AFR 11-25 and Parts 806, and 813 of this chapter. If requested items are not immediately available from local stocks, the Publication Dis-

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tribution Office will obtain them from the Air Force Publications Distribution Center for release to the requester. For those publications with M or X distribution symbols to which the Publications Distribution Office is not normally entitled, PDOs will include a statement in the remarks section of the request that the item is for release to the public. When the index indicates that an item is stocked and issued by some activity other than the Air Force Publication Distribution Center the following action will be taken:

(1) If an office of primary responsibility in HQ USAF is designated as the source of availability, the request will be referred to HQ USAF/DADP.

(2) If some other source, such as AFLC/MMOSD, Wright-Patterson Air Force Base OH 45433 is shown, the request will be referred to that source.

• • • • •

3. A new § 807.3 is added to read as follows:

§ 807.3 Shipments made by contractors.

(a) Air Force activities responsible for printing and distribution contracts will insure that contractors comply with this part. Appropriate shipping instructions must be included in printing contracts that require initial distribution of the publications being printed.

(b) When the terms of the printing and distribution contract require the contractor to make distribution by mail, the Air Force contracting activity is authorized to furnish the contractor Air Force official mailing labels bearing the "Postage and Fees Paid" indicia. The labels must bear the return address of the sponsoring Air Force activity rather than that of the contractor. Shipments of backup stock points will normally be by freight.

(10 U.S.C. 8012)

By Order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF Chief, Legislative Division Office of The Judge Advocate General.

[FR Doc.74-21881 Filed 9-19-74;8:45 am]

Title 33—Navigation and Navigable Waters

[CGD 74-82]

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Duwamish Waterway and Lake Washington Ship Canal, Washington

The regulations for the drawbridges across the Duwamish Waterway and the Lake Washington Ship Canal, Washington are amended by deleting the vertical clearances given for each bridge in § 117.790 and § 117.795 of Title 33. These deletions are being made because the clearances differ from the clearances shown on National Oceanic and Atmospheric Agency charts for the Lake Washington Ship Canal, Lake Washington, and Puget Sound. This inconsistency between datums could confuse the mariner and are therefore deleted.

As this action does not affect the regulations governing the operation of these bridges and does not affect the public in any way, the changes are made without notice of proposed rule making.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended as follows:

§ 117.790 [Amended]

1. By deleting the note at the end of paragraph (b) (2) (i) (a).

2. By deleting the words "clearance 52 feet at mean lower low water" from paragraph (b) (2) (ii).

3. By deleting the words "clearance 45 feet at mean lower low water" from paragraph (b) (2) (iv).

§ 117.795 [Amended]

4. Delete the words "clearance 42 feet at high tide" from paragraph (b) (1) (i).

5. Delete the words "clearance 45 feet" from paragraph (b) (1) (ii).

6. Delete the words "clearance 16 feet" from paragraph (b) (1) (iii).

7. Delete the words "clearance 30 feet" from paragraph (b) (1) (iv).

8. Delete the words "clearance 44 feet" from paragraph (b) (1) (v).

9. Delete the words "clearance 46 feet" from paragraph (b) (1) (vi).

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g) (2)); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4))

Effective date: This revision shall become effective on September 23, 1974.

Dated: September 16, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-21873 Filed 9-19-74;8:45 am]

[CGD 74-048]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Mystic River, Mass

In the June 5, 1974, issue of the FEDERAL REGISTER (39 FR 19942), the Coast Guard issued drawbridge operation regulations for the Wellington Bridge between Somerville and Medford, Massachusetts. The heading of § 117.75(g) was not changed to reflect the addition of this bridge to the regulations.

§ 117.75 [Amended]

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by striking the words "Boston and Maine Railroad" in the heading of § 117.75(g) and inserting the word "Wellington" in place thereof.

Effective date. This correction shall become effective September 20, 1974.

Dated: September 16, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-21874 Filed 9-19-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 203-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revision for State of Maine

On May 31, 1972 (37 FR 10857) pursuant to section 110 of the Clean Air Act and 40 CFR 51, the Administrator approved with exceptions, the Maine implementation plan for the attainment of national ambient air quality standards. Included in approved portions of the plan were regulations banning the use of open burning as a means of solid waste disposal after July 1, 1974. This publication contains the Administrator's approval of a revision to that portion of the plan concerning open burning.

By a letter dated September 4, 1973, Mr. William R. Adams, Jr., Commissioner of the Maine Department of Environmental Protection, submitted for EPA approval a proposed revision to the plan which would postpone the date for cessation of open burning until July 1, 1975. On February 1, 1974 the Administrator announced the proposed revision to the Maine plan in 39 FR 4116. Copies of the Maine submittal were made available for public inspection at the regional office of the Environmental Protection Agency, Boston, Massachusetts; the Maine Department of Environmental Protection, Augusta, Maine; and the Freedom of Information Center, Washington, D.C. Written comments were solicited from the public and representatives from more than twenty towns in Maine responded by urging the Administrator to approve the revision. No comments recommending disapproval were received.

In addition to postponing the final date of compliance with the Maine regulation 100.2, the revision sets forth the following schedule for compliance.

A. *November 1, 1973.* Status reports from towns currently open burning to be submitted to the Maine Board of Environmental Protection.

B. *April 15, 1974.* Status report indicating that the necessary studies and investigation, and preparation of final plans is progressing to insure compliance with Regulation 100.2.

C. *October 1, 1974.* Final plans for alternate methods of solid waste disposal to be submitted to the Board for review and approval.

D. *April 15, 1975.* Copies of executed contracts or agreements necessary to implement the approved final plans.

E. *July 1, 1975.* Certification of compliance.

After a careful evaluation of the State's submittal, the Administrator has determined that the proposed revision meets the requirements of 40 CFR part 51 and section 110(a) (2) (A)-(H) of the Clean Air Act. Accordingly it is approved as a revision to the Maine implementation plan for attainment and maintenance of national ambient air quality standards postponing the final date for

open burning until July 1, 1975 and amending the schedule for compliance as described above.

Dated: September 17, 1974.

JOHN QUARLES,
Acting Administrator, Environmental Protection Agency.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart U—Maine

1. Section 52.1020 paragraph (c) is revised to read as follows:

§ 52.1020 Identification of plan.

• • • • •

(c) Supplemental information was submitted on:

(1) July 28, 1972 by the Environmental Improvement Commission, State of Maine.

(2) September 4, 1973 by the Maine Department of Environmental Protection.

[FR Doc.74-21916 Filed 9-19-74;8:45 am]

Title 41—Public Contracts and Property Management

SUBTITLE A—FEDERAL PROCUREMENT REGULATIONS SYSTEM

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

[FRL 264-1]

PART 15-1—GENERAL

Subpart 15-1.6—Debarred, Suspended, and Ineligible Bidders

Subpart 15-1.6, Debarred, Suspended, and Ineligible Bidders is hereby amended to provide changes in this subpart, to adjust to revised numbering of one subparagraph, to conform to revised numbering in 41 CFR 1-1.6. 41 CFR 15-1.602-1(b) is deleted. 41 CFR 15-1.603 is revised as to references to subparagraphs to conform to amendments in 41 CFR 1-1.6.

Effective date. This regulation will become effective on September 20, 1974.

Dated: September 17, 1974.

JOHN QUARLES,
Acting Administrator.

§ 15-1.602-1 [Amended]

1. Section 15-1.602-1(b) is deleted.

2. Section 15-1.603 is amended to read as follows:

§ 15-1.603 Treatment to be accorded firms and individuals in debarred, suspended, or ineligible status.

The Deputy Assistant Administrator for Administration makes the determinations required by CFR 1-1.603(a).

((40 U.S.C. 486(c)), 63 Stat. 377, as amended)

[FR Doc.74-21915 Filed 9-19-74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—PASSENGER VESSELS

[CGD 72-181]

PART 73—WATERTIGHT SUBDIVISION

Minimum Compartment Standards

On page 19954 of the FEDERAL REGISTER of June 5, 1974, a notice of proposed rulemaking was published to revoke regulations concerning the minimum compartment standards for passenger vessels under 100 gross tons. These standards are now contained in Subchapter T of Title 46. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No comments have been received and the proposed regulations are hereby adopted without change, as set forth below.

Effective date. These regulations become effective as of September 20, 1974.

(46 U.S.C. 482; 49 U.S.C. 1655(b) (1) and 49 CFR 1.46(b))

Dated: September 17, 1974.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

Part 73 of Title 46 of the Code of Federal Regulations is amended as follows:

1. By revoking paragraph (a) of § 73.15-5.

2. By revising paragraph (b) of § 73.15-5.

As revised, § 73.15-5 reads as follows:

§ 73.15-5 Compartmentation of all vessels other than ferry vessels.

(a) [Reserved]

(b) Every vessel shall be subdivided so as not to submerge the margin line with any one main compartment flooded.

• • • • •

[FR Doc.74-21878 Filed 9-19-74;8:45 am]

[CGD 72-180]

PART 178—WATERTIGHT INTEGRITY AND SUBDIVISION

Minimum Bulkhead Spacing

On pages 19954 and 19955 of the FEDERAL REGISTER of June 5, 1974, a notice of proposed rulemaking was published to issue regulations concerning the minimum bulkhead spacing for vessels under 143 feet in length not on an international voyage. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No comments have been received and the proposed regulations are hereby adopted without change, as set forth below.

Effective date. These regulations become effective as of September 20, 1974.

(46 U.S.C. 482; 49 U.S.C. 1655(b) (1) and 49 CFR 1.46(b))

Dated: September 17, 1974.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

Part 178 of Title 46 of the Code of Federal Regulations is amended as follows:

1. By revising paragraph (b) of § 178.20-1 to read:

§ 178.20-1 Requirements for "S" vessels carrying not more than 150 passengers—S.

• • • • •

(b) In lieu of complying with paragraph (a) of this section, any owner may, if he so desires, determine compliance with the subdivision and damaged stability requirements by direct calculations that take into account the form and proportions of the hull. If this option is taken the provisions of § 178.20-5 and the alternate procedure of § 179.10-3 of this chapter apply. These calculations and the supporting data must be submitted to the Commandant for approval.

2. By revising § 178.20-5 to read:

§ 178.20-5 Requirements for "S" vessels carrying more than 150 passengers and all "L" vessels—S and L.

(a) For "S" vessels carrying more than 150 passengers and all "L" vessels, engaged in international voyages, the location of the transverse watertight bulkheads to meet the requirements for subdivision and damage stability, is determined by direct calculations which take into account the form and proportions of the hull. For the purposes of this paragraph, the provisions of subparts 73.05, 73.15 and Part 74 of Subchapter H (Passenger Vessels) of this chapter shall be applicable. These calculations and the supporting data must be submitted to the Commandant for approval.

(b) For S vessels carrying more than 150 passengers and all L vessels, not engaged in international voyages, the location of the transverse watertight bulkheads to meet the requirements for subdivision and damaged stability is determined by direct calculations that take into account the form and proportions of the hull. For the purposes of this paragraph, the provisions of subparts 73.05, 73.15 (except 73.15-15 for vessels under 143 feet in length) and Part 74 of Subchapter H (Passenger Vessels) of this chapter apply. For vessels not over 143 feet in length, watertight bulkheads abaft the collision bulkhead, to be considered effective, may not be spaced less than 10 percent of the load waterline length but in no case may the minimum spacing be less than 6 feet. For double ended ferries, this minimum spacing applies between collision bulkheads. These

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calculations and supporting data must be submitted to the Commandant for approval.

[FR Doc.74-21877 Filed 9-19-74;8:45 am]

CHAPTER IV—FEDERAL MARITIME COMMISSION

[Docket No. 74-11]

PART 502—RULES OF PRACTICE AND PROCEDURE

Miscellaneous Amendments; Correction

SEPTEMBER 17, 1974.

The Commission's final rules in this proceeding were published in the FEDERAL REGISTER September 16, 1974 (39 FR 33221).

Amendment number (6) of that order, appearing at page 33224, should amend § 502.205 by adding a new paragraph (e) instead of the stated new paragraph (h).

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-21920 Filed 9-19-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-37; Sub-No. 1A]

PART 1048—COMMERCIAL ZONES

Syracuse, N.Y., Commercial Zone

At a session of the Interstate Commerce Commission, Review Board Number 2, Members Mills, Boyle, and Parker, held at its office in Washington, D.C., on the 25th day of September, 1972.

It appearing, That on October 15, 1971, the Commission, Review Board Number 3, made and filed its order on petition in 114 M.C.C. 141, in this proceeding, specifically defining the limits of the zone adjacent to and commercially a part of Syracuse, N.Y., contemplated by section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8));

It further appearing, That by joint petition filed June 29, 1972, the Town of Lysander, N.J., and the New York State Urban Development Corporation seek modification of the limits of the Syracuse, N.Y., commercial zone so as to include points within specified portions of the towns of Van Buren and Lysander, Onondaga County, N.Y. (New England type townships);

It further appearing, That pursuant to section 553 of the Administrative Procedure Act, notice of the said petition was published in the FEDERAL REGISTER, which notice stated that no oral hearings were contemplated; that persons desiring to participate in the proceeding were invited to file representations supporting or opposing the proposal; that 20 representations were filed in support of the proposal; and that no representations were filed in opposition thereto;

And it further appearing, That the area sought for inclusion within the limits of the Syracuse, N.Y., commercial zone is, in fact, economically and commercially a part of Syracuse, N.Y.;

It is ordered, That the proceeding be, and it is hereby, reopened for reconsideration.

It is further ordered, That the order entered herein on October 15, 1971 (49 CFR 1048.20) be, and it is hereby, vacated and set aside and the following revision is hereby substituted in lieu thereof:

§ 1048.20 Syracuse, N.Y.

The zone adjacent to and commercially a part of Syracuse, N.Y., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuing carriage to or from a point beyond the zone is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)), includes and is comprised of all points as follows:

(a) The municipality of Syracuse, N.Y., itself;

(b) All other municipalities and unincorporated areas within 5 miles of the corporate limits of Syracuse, N.Y., and all of any other municipality any part of which lies within 5 miles of such corporate limits;

(c) Those points in the town of Geddes, Onondaga County, N.Y., which are not within 5 miles of the corporate limits of Syracuse, N.Y.;

(d) Those points in the towns of Van Buren and Lysander, Onondaga County, N.Y., not within 5 miles of the corporate limits of Syracuse, N.Y., and within an area bounded by a line beginning at the intersection of Van Buren Road with the line described in (b) above, thence northwesterly along Van Buren Road to its intersection with the cleared right-of-way of Niagara Mohawk Power Company, thence northwesterly and north along said right-of-way to its intersection between Church Road and Emerick Road, with the cleared right-of-way of New York State Power Authority, thence easterly along said cleared right-of-way to its intersection with the Seneca River, thence south along the Seneca River to its intersection, near Gaskin Road, with the cleared right-of-way of Niagara Mohawk Power Company, thence southwesterly along said cleared right-of-way to its intersection with the eastern limits of the Village of Baldwinsville, thence south along such Village limits to their intersection with a line of railroad presently operated by the Erie-Lackawanna Railroad Company, thence southeasterly along said line of railroad to its intersection with the Van-Buren Lysander Town line, thence southeasterly along the Van-Buren Lysander Town line to its intersection with the Van-Buren Geddes Town line, thence southeasterly along the Van-Buren Geddes Town line to the line described in (b) above.

(49 Stat. 543, as amended, 49 U.S.C. 302, 303, and 304).

It is further ordered, That this order shall become effective on November 24, 1972, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Review Board Number 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21897 Filed 9-19-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Quivira National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on September 20, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

Public hunting of mourning doves, sora and Virginia rails, and Wilson's snipe is permitted from September 16 through October 18, 1974, inclusive, but only on the areas designated by signs as open to hunting. This open area, comprising 7,980 acres, is delineated on maps available at refuge headquarters, Stafford, Kansas and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of migratory birds.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 18, 1974.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kansas.

SEPTEMBER 11, 1974.

[FR Doc.74-21838 Filed 9-19-74;8:45 am]

PART 32—HUNTING

Quivira National Wildlife Refuge, Kansas

The following special regulation is issued and is effective on September 20, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

QUIVIRA NATIONAL WILDLIFE REFUGE

The public hunting of ring-necked pheasants, bobwhite, squirrel and rabbits on the Quivira National Wildlife Refuge, Kansas is permitted only in the areas open to waterfowl hunting. These areas, comprising 7,990 acres are delineated on maps available at refuge headquarters, Stafford, Kansas, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Hunting shall be in accordance with all applicable State regulations governing the hunting of ring-necked pheasants, bobwhite, squirrel and rabbits September 16, 1974 through January 31, 1975, inclusive, subject to the following special conditions:

(1) The use of rifles is prohibited for taking squirrel and rabbits.

(2) The hunting of any species after sunset is prohibited.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1975.

CHARLES R. DARLING,
Refuge Manager, Quivira National Wildlife Refuge, Stafford, Kansas.

SEPTEMBER 11, 1974.

[FR Doc.74-21839 Filed 9-19-74;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE

PART 216—MARINE MAMMALS

Instructions for Preparing Application for General Permits To Take Marine Mammals Incidental to Commercial Fishing Operations

Regulations entitled "Incidental Taking in the Course of Commercial Fishing Operations", Part 216, Chapter II, Title 50 of the Code of Federal Regulations were published in the FEDERAL REGISTER (39 FR 32117) on Thursday, September 5, 1974, to become effective on September 30, 1974.

Item No. 34 of the preamble to the September 5, 1974 regulations stated that no formal action with respect to applications for permits would be taken prior to September 30, 1974, and that modifications to the regulations would be announced in the FEDERAL REGISTER. This is to announce that the National Marine Fisheries Service will immediately accept applications for general permits under the provisions of § 216.24(b) and (c) of the September 5, 1974, regulations. Pursuant to Item No. 34, instructions for making application for general permits and an amendment to § 216.24(b)(5) are hereby published.

The following instructions set forth the minimum requirements for submissions of applications for general permits to allow the taking of marine mammals incidental to the course of commercial fishing operations. In addition, the instructions will serve as a basis for judging if an application is complete to the extent that it will enable the Director, National Marine Fisheries Service to make a determination as to whether a general permit should be issued. An original and four copies of the application are required.

Give complete information. It is to the Applicant's benefit to furnish a complete application. Incomplete information may delay processing of the application or even result in its rejection. Only a completed application will be published in the FEDERAL REGISTER.

If additional space is needed to provide information the Applicant should prepare an original and four copies of supplemental attachments properly identified by the appropriate item number in these instructions.

Where to send application. Send the original and required copies of the application to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235. Assistance may be obtained by writing the Director, National Marine Fisheries Service, or calling the Marine Mammals and Endangered Species Division, in Washington, D.C. 20235, telephone number 202-343-9445.

Instructions for preparing application. A separate application is required for each category of permit. Applicants should provide the following information using separate sheets as needed:

1. *Title.* Application for a General Permit under the Marine Mammal Protection Act of 1972, to allow the taking of marine mammals incidental to commercial fishing, and;

2. Identify the category of permit for which application is being made;

a. Towed or Dragged Gear;

b. Encircling Gear, Yellowfin Tuna Purse Seining;

c. Encircling Gear, Seining other than Yellowfin;

d. Stationary Gear;

e. Other Gear, and;

3. List the date of the application, and;

4. *Name, address and telephone number of the Applicant.* If the Applicant is an organization or corporate entity, a copy of the corporate or organization charter which sets forth the basis for application on behalf of a group or class of commercial fishermen must be included with the application, and;

5. A statement describing why the Applicant cannot avoid taking marine mammal(s) incidental to commercial fishing operations. Describe the fishing operations by which marine mammals are taken, and;

6. List the fish sought by those fishermen who may become parties to the General Permit through issuance of individual certificates of inclusion, and general areas of operation of the fishermen, and;

7. A statement identifying the marine mammals and numbers of marine mammals which are expected to be taken (involved in actual fishing operations, e.g., entangled in gear, killed, injured, intentionally harassed) under the proposed General Permit, and;

8. Applicants must describe the procedures and techniques that will be utilized in order that takings under the Permit will be consistent with the purposes and policies of the Marine Mammal Protection Act of 1972 and the regulations promulgated in the FEDERAL REGISTER (39 FR 32117), September 5, 1974, as amended, and;

9. A certification in the following language:

I hereby certify that the foregoing information is complete, true, and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to penalties provided under the Marine Mammal Protection Act of 1972.

(Signature of Applicant)

Section 216.24(b)(5) of the regulations, published September 5, 1974, is amended by adding the following:

§ 216.24 Taking and related acts incidental to commercial fishing operations.

• • • • • •

(b) • • •

(5) • • • Provided, however, that persons at sea on a fishing trip on the ef-

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fective date of these regulations for whom an application for a certificate of inclusion has been submitted and to whom a certificate of inclusion has been issued may continue that fishing trip without possession of such certificate of inclusion so long as their fishing operations are carried out in accordance with the provisions of the certificate of inclusion.

• • • • •

Dated: September 18, 1974.

JOSEPH W. SLAVIN,
Acting Director, National Marine Fisheries Service.

[FR Doc.74-21976 Filed 9-19-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 133]

TRADEMARKS, TRADE NAMES, AND COPYRIGHTS

Fees and Copyrights

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), section 624, 46 Stat. 759 (19 U.S.C. 1624), section 42, 60 Stat. 440 (15 U.S.C. 1124), and section 501, 65 Stat. 290 (31 U.S.C. 483a), it is proposed to amend Part 133 of the Customs regulations (19 CFR Part 133), to provide for an increase in Customs fees to be submitted for trademark, trade name, and copyright recordations, ownership changes, name changes, and renewals of a recorded trademark or copyright recordation, and to provide for the consistent treatment of trademark and copyright fees.

The United States Customs Service has determined that the proposed increase in fees is necessary because of the increased costs incurred in providing these services to the public. The proposed increase in fees is as follows:

1. For recording a trademark, trade name, or copyright, from $100 to $190.

2. For a change in the ownership of a previously recorded trademark or copyright, from $40 to $80.

3. A change in the name of the owner of a recorded trademark or copyright, from $40 to $80.

4. A renewal of a trademark recordation or of a copyright recordation, from $40 to $80.

Presently § 133.7(a)(3) provides that one fee may cover all trademark recordation renewals submitted at the same time by a trademark owner. Section 133.37(a)(3) does not provide a similar benefit with respect to multiple copyright recordation renewals submitted at the same time by a copyright owner. Likewise §§ 133.5(d) and 133.6(b) permit a trademark owner to submit one fee with respect to a change in the ownership, or a change in the name of the owner, respectively, of one or more specified trademarks previously recorded with Customs. Sections 133.35(b)(2) and 133.36(b) do not provide a similar benefit with respect to a change in the ownership, or a change in the name of the owner, respectively, submitted at the same time for more than one copyright previously recorded with Customs. There is no valid reason for treating copyrights differently from trademarks in the above situations.

The proposed amendments permit copyright owners or trademark owners to submit one fee for the recording of a change in the ownership or in the name of the owner requested at the same time with respect to one or more specified trademarks or copyrights recorded with Customs, but require a trademark owner or copyright owner to submit a separate fee for each trademark recordation renewal or each copyright recordation renewal request. This would reflect the costs incurred by Customs in notifying field offices when a trademark owner or copyright owner renews the recordation of multiple trademarks or copyrights.

Accordingly, it is proposed to amend Part 133 as follows:

1. It is proposed to amend paragraph (b) of § 133.3 to read:

§ 133.3 Documents and fee to accompany application.

• • • • •

(b) *Fee.* The application shall be accompanied by a fee of $190 for each trademark to be recorded. However, if the trademark is registered for more than one class of goods (see 37 CFR Part 6) the fee for recordation shall be $190 for each class for which the applicant desires to record the trademark with the United States Customs Service. For example, to secure recordation of a trademark registered for three classes of goods, a fee of $570 is payable. A check or money order shall be made payable to the United States Customs Service.

2. It is proposed to amend paragraph (d) of § 133.5 to read:

§ 133.5 Change of ownership of recorded trademark.

• • • • •

(d) Paying a fee of $80, which covers all trademarks included in the application which have been previously recorded with the United States Customs Service. A check or money order shall be made payable to the United States Customs Service.

3. It is proposed to amend paragraph (b) of § 133.6 to read:

§ 133.6 Change in name of owner of recorded trademark.

• • • • •

(b) A fee of $80, which covers all trademarks included in the application which have been previously recorded with the United States Customs Service. A check or money order shall be made payable to the United States Customs Service.

4. It is proposed to amend (a)(3) of § 133.7 to read:

§ 133.7 Renewal of trademark recordation.

(a) • • •

(3) A fee of $80 for each renewal of a trademark recordation. Where the trademark covers several classes, a fee of $80 is required for each class. A check or money order shall be made payable to the United States Customs Service.

• • • • •

5. It is proposed to amend paragraph (b) of § 133.13 to read:

§ 133.13 Documents and fee to accompany application.

• • • • •

(b) *Fee.* The application shall be accompanied by a fee of $190 for each trade name to be recorded. A check or money order shall be made payable to the United States Customs Service.

6. It is proposed to amend paragraph (b) of § 133.33 to read:

§ 133.33 Documents and fee to accompany application.

• • • • •

(b) *Fee.* Each application shall be accompanied by a fee of $190 for each copyright to be recorded. A check or money order shall be made payable to the United States Customs Service.

7. It is proposed to amend (b)(2) of § 133.35 to read:

§ 133.35 Change of ownership of recorded copyright.

• • • • •

(b) • • •:

(2) A fee of $80, which covers all copyrights included in the application which have been previously recorded with the United States Customs Service. A check or money order shall be made payable to the United States Customs Service.

8. It is proposed to amend paragraph (b) of § 133.36 to read:

§ 133.36 Change in name of owner of recorded copyright.

• • • • •

(b) Payment of a fee of $80, which covers all copyrights included in the application which have been previously recorded with the United States Customs Service. A check or money order shall be made payable to the United States Customs Service.

9. It is proposed to amend paragraph (a)(3) of § 133.37 to read:

§ 133.37 Renewal of copyright recordation.

(a) • • •:

(3) Payment of a fee of $80. A check or money order shall be made payable to the United States Customs Service.

• • • • •

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Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received on or before October 21, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved September 12, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-21908 Filed 9-19-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

FOOD ADDITIVES

Proposed Change in Test Procedures for Octyltin Stabilizers in Vinyl Chloride Plastics

Correction

In FR Doc. 74-18348, appearing at page 28899, in the issue of August 12, 1974, in § 121.2602, on page 28900 the word "stimulating" in line 6 of paragraph (b)(2), should read "simulating".

[42 CFR Ch. I]

Special Action Office for Drug Abuse Prevention

[21 CFR Part 1401]

CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS

Advance Notice of Proposed Joint Rulemaking

Correction

In FR Doc. 74-19615, appearing at page 30426 in the issue for Thursday, August 22, 1974, the pages were incorrectly assembled. The material appearing on page 30431 should immediately precede the material appearing on page 30430.

Social Security Administration

[20 CFR Part 404]

[Regulations No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Special Payments at Age 72

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments reflect the amendments to the Social Security Act made by sections 1(b), 2(b), and 18(c) of Pub. Law 93-233 enacted December 31, 1973; section 201(g) of Pub. Law 92-336 enacted July 1, 1972; and section 202(b) of Pub. Law 92-5 enacted March 17, 1971; which: (1) provide for nonpayment of special payments at age 72 under section 228 for any month for which a supplemental security income benefit is payable under title XVI (as amended by Public Law 92-603); and (2) increase the amount of the special payment effective June 1974, March 1974, September 1972, and January 1971.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before October 21, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments to the regulations are to be issued under the authority contained in sections 205, 228, 1102, 53 Stat. 1368, as amended, 80 Stat. 67, 49 Stat. 647, as amended, 42 U.S.C. 405, 428, 1302.

(Catalog of Federal Domestic Assistance Program No. 13.804, Social Security—Special Benefits for Persons Aged 72 and Over.)

Dated: August 21, 1974.

JAMES B. CARDWELL,
Commissioner of Social Security.

Approved: September 17, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is further amended as set forth below.

1. Section 404.376 is amended by revising paragraphs (a) and (b) to read as follows:

§ 404.376 Special payments at age 72; amount of payment.

(a) *General.* The amount of the special payment to which an individual is entitled under the provisions of section 228 of the Act for any month (except as provided in paragraph (b) of this section) shall be as follows:

(1) $64.40 for months after May 1974;

(2) $62.10 for months after February 1974 and before June 1974;

(3) $58 for months after August 1972 and before March 1974;

(4) $48.30 for months after December 1970 and before September 1972;

(5) $46 for months after December 1969 and before January 1971;

(6) $40 for months after January 1968 and before January 1970;

(7) $35 for months after September 1966 and before February 1968.

(b) *Husband and wife entitled.* If both husband and wife are simultaneously entitled (or upon application would be entitled) to special payments as provided under section 228 of the Act for any month, the amount of the special payment shall be as follows:

(1) For months after May 1974 (i) $64.40 for the husband and (ii) $32.20 for the wife;

(2) For months after February 1974 and before June 1974 (i) $62.10 for the husband and (ii) $31.10 for the wife;

(3) For months after August 1972 and before March 1974 (i) $58 for the husband and (ii) $29 for the wife;

(4) For months after December 1970 and before September 1972 (i) $48.30 for the husband and (ii) $24.20 for the wife;

(5) For months after December 1969 and before January 1971 (i) $46 for the husband, and (ii) $23 for the wife;

(6) For months after January 1968 and before January 1970 (i) $40 for the husband, and (ii) $20 for the wife;

(7) For months after September 1966 and before February 1968, (i) $35 for the husband and (ii) $17.50 for the wife.

For purposes of this paragraph, the determination of whether an individual has the relationship of husband or wife to another individual is made in accordance with the provisions of § 404.1101 without regard to the provisions of § 404.1103 or § 404.1106.

. . . . . .

(2) Section 404.377 is amended by revising paragraphs (b) and (c) to read as follows:

§ 404.377 Reduction of special payments under section 228 for government pension systems benefits.

. . . . . .

(b) *Husband or wife entitled.* In the case of a husband and wife, is one of such individuals, but not the other, is entitled to a special payment under section 228 for any month, the special payment, after any reduction under paragraph (a) of this section, is further reduced (but not below zero) by the excess (if any) of (1) the total amount of any periodic benefits under governmental pension systems for which the entitled individual's spouse is eligible for such month, over (2) $32.20 for months after May 1974; $31.10 for months after February 1974 and before June 1974; $29 for months after August 1972 and before March 1974; $24.20 for months after December 1970 and before September 1972; $23 for months after December 1969 and before January 1971; $20 for months after January 1968 and before January 1970 and $17.50 for months after September 1966 and before February 1968.

(c) *Husband and wife entitled.* In the case of a husband and wife both of whom are entitled to a special payment under section 228 for any month:

(1) The special payment of the wife, after any reduction under paragraph (a) of this section, is further reduced (but not below zero), by the excess (if any) of (i) the total amount of any periodic benefits under governmental pension systems for which the husband is eligible for such month, over (ii) $64.40 for months after May 1974; $62.10 for months after February 1974 and before June 1974; $58 for months after August 1972 and before March 1974; $48.30 for months after December 1970 and before September 1972; $46 for months after December 1969 and before January 1971; $40 for months after January 1968 and before January 1970; and $35 for months after September 1966 and before February 1968.

(2) The special payment of the husband, after any reduction under paragraph (a) of this section, is further reduced (but not below zero) by the excess (if any) of (i) the total amount of any periodic benefits under governmental pension systems for which the wife is eligible for such month, over (ii) $32.20 for months after May 1974; $31.10 for months after February 1974 and before June 1974; $29 for months after August 1972 and before March 1974; $24.20 for months after December 1970 and before September 1972; $23 for months after December 1969 and before January 1971; $20 for months after January 1968 and before January 1970 and $17.50 for months after September 1966 and before February 1968.

. . . . . .

3. Section 404.378 is revised to read as follows:

§ 404.378 Nonpayment of special payments under section 228 of the Act for months in which cash payments are made under public assistance or for which supplemental security income benefits are payable.

(a) *General.* Except as provided in paragraphs (b) and (c) of this section, no special payment under section 228 of the Act may be paid to an individual for any month if:

(1) In the period October 1966 through December 1973, such individual receives aid or assistance in the form of money payments in such month under a State plan approved under titles I, X, XIV, or XVI, or part A of title IV of the Social Security Act (which titles relate to (i) old-age assistance and medical assistance for the aged, (ii) aid to the blind, (iii) aid to the permanently and totally disabled, (iv) aid to the aged, blind or disabled, or for such aid or medical assistance for the aged, and (v) aid and services to needy families with children, respectively), or

(2) Such individual's husband or wife receives such aid or assistsance (as described in paragraph (a)(1) of this section in such month, and under the State plan the needs of such individual were taken into account in determining eligibility for (or amount of) such aid or assistance, or

(3) Beginning January 1974, such individual receives aid or assistance in the form of money payments in such month under a State plan approved under part A of title IV of the Social Security Act (which relates to aid and services to needy families with children), or

(4) Such individual's husband or wife receives such aid or assistance (as described in paragraph (a)(3) of this section) in such month, and under the State's plan the needs of such individual were taken into account in determining eligibility for (or amount of) such aid or assistance, or

(5) Beginning January 1974, such individual is an individual with respect to whom supplemental security income benefits are payable pursuant to title XVI of the Social Security Act (as amended by Public Law 92-603) or section 211 of Public Law 93-66 (which relates to increasing an individual's supplemental security income benefit due to the presence in such individual's home of one or more essential persons) for such month.

(b) *State agency notification of termination of aid or assistance under a State plan.* No special payment with respect to which paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this section apply may be paid for a month in the absence of receipt by the Social Security Administration of a notice from the State agency administering or supervising the administration of the applicable State plan that the aid or assistance referred to in such paragraphs has been or will be terminated with the payment or payments made in such month; nor may such special payment be made for a month unless the Social Security Administration determines that such individual is not an individual with respect to whom supplemental security income benefits are payable pursuant to title XVI of the Social Security Act (as amended by Public Law 92-603) or section 211 of Public Law 93-66 for the following month. To be effective for this purpose the notice shall identify the name of the individual age 72 or over on whose behalf aid or assistance was paid, his social security number, and the last month in which the aid or assistance was or will be paid to him or on his behalf. The notice also should show the individual's date of birth or age, his current address, that the notice is being filed in compliance with section 228(d) of the Act as amended, and, where the State agency has the information, whether the individual has filed an application for social security benefits. To permit prompt payment of the special payments under section 228, such notice should be filed as soon as it is determined that the pertinent aid or assistance will be terminated. The notice should be sent to the social security district office servicing the area in which the individual age 72 or over resides. The special payment under section 228 may be paid for the last month in which the aid or assistance was paid.

(c) *Determination that supplemental security income benefits are not payable.* No special payment with respect to which paragraph (a)(5) of this section applies may be paid for a month unless the Administration determines that the supplemental security income benefits referred to in such paragraph (a)(5) are not payable for the month following such month. The special payment under section 228 may be paid for the last month for which such benefits were payable.

[FR Doc.74-21900 Filed 9-19-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 74 223]

COLUMBIA AND SNAKE RIVERS, PASCO, WASHINGTON

Proposed Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the Burlington Northern Railroad drawbridges across the Columbia and Snake Rivers in the vicinity of Pasco, Washington. The proposed amendment is being considered because of increased marine traffic in the area. The proposal also makes editorial revisions for clarity and simplicity and updates the regulation to reflect current ownership of the bridges by the Burlington Northern Railroad rather than the Northern Pacific Railroad.

The Burlington Northern Railroad bridge across the Snake River is presently required to open on signal between 8 a.m. and 4 p.m. Two hours advance notice for opening is required between 4 p.m. and 8 a.m. The proposal would change the regulations to require the bridge to open on signal at all times.

The Burlington Northern drawbridge across the Columbia River is presently required to open on signal between 8 a.m. and 4 p.m. Two hours advance notice is required between 4 p.m. and 8 a.m. The proposal would require opening on signal on Monday and Saturday from 8 a.m. to midnight and on Tuesday through Friday and Sunday from 8 a.m. to 4 p.m. At all other times two hours advance notice would be required.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Thirteenth Coast Guard District, 618 Second Avenue, Seattle, Washington 98104. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications will be available for examination by interested persons at the office of the Commander, Thirteenth Coast Guard District.

The Commander, Thirteenth Coast Guard District, will forward any comments received before October 22, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

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In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.760 to read as follows:

§ 117.760 Columbia and Snake Rivers in the vicinity of Pasco, Washington; bridges.

(a) The draws of the Union Pacific Railroad bridge across the Columbia River at mile 323.5 between Burbank and Kennewick and the Burlington Northern Railroad bridge across the Snake River at mile 1.5 between Pasco and Burbank shall open on signal.

(b) The draw of the Burlington Northern railroad bridge across the Columbia River at mile 328.0 between Pasco and Kennewick shall open on signal from 8 a.m. to midnight on Monday and Saturday and from 8 a.m. to 4 p.m. Tuesday through Friday and Sunday. At all other times the draw shall open on signal if at least two hours notice is given through the General Yardmaster, Pasco, Washington. The owner of or agency controlling this bridge shall, on both the upstream and downstream sides of the bridge, post a notice stating how and to whom notice is to be given.

(c) *Signals.* (1) Opening sound signal—to be repeated until acknowledged by the drawtender.

(i) Union Pacific Railroad bridge—2 long blasts and 1 short blast;

(ii) Burlington Northern Railroad bridges—1 long blast and 2 short blasts.

(2) Opening visual signals may be used in conjunction with sound signals for all bridges in this section. These visual signals are a white flag by day and a white light at night swung in a full circle at arm's length in full sight of the bridge facing the draw.

(3) The acknowledging sound signal shall be the same as the opening sound signal when the draw will open. When the draw cannot open, the signal shall be 4 short blasts, given in rapid succession, repeated until acknowledged by the same signal from the vessel.

(4) Sound and visual signals may be omitted when radiotelephone communications have been satisfactorily established and maintained between the drawtender and the approaching vessel, until the vessel has passed through the bridge.

(d) When two vessels approaching from opposite directions meet near a drawbridge listed in this section, the downbound vessel shall have the right-of-way. When one vessel waits for passage of another, the waiting vessel shall repeat the call signal for the bridge and receive an acknowledging signal from the drawtender before proceeding.

(e) Vessels with hinged or adjustable masts or booms projecting above their fixed structure shall lower these appurtenances and pass under the bridges, if practicable, without signaling for the draw to open.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: September 17, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-21876 Filed 9-19-74;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 74-NW-18-AD]

AIRWORTHINESS DIRECTIVES

Boeing Model 737 Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation regulations by adding an airworthiness directive applicable to Boeing model 737 airplanes. There have been reports of failures of the splices in the electrical wiring to the "B" hydraulic system electrical pumps. Boeing issued Service Bulletin 29-1004 on October 11, 1968 to increase the performance and reliability of the "B" system electrical hydraulic pumps by replacement of the spliced wires with a continuous run of heavier gage wire. However, as recently as July 1, 1974, an in-flight failure of the spliced wire damaged a wire bundle to the extent that it disabled numerous other systems including engine instruments, warning indicators, and the APU. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require replacement of the "B" hydraulic system electrical pump wiring in accordance with Boeing Service Bulletin 29-1004, Revision 1, dated April 2, 1969, or later FAA revisions, or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Northwest Region, Attention: The Regional Counsel, Airworthiness Rules Docket, 9010 East Marginal Way South, Seattle, Washington 98108. All communications received on or before November 10, 1974, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation regulations by adding the following new airworthiness directive:

BOEING: Applies to Boeing model 737 airplanes, listed under Group I in Boeing Service Bulletin 29-1004, Revision 1, dated April 2, 1969, or later FAA approved revisions. Compliance required within the next 1,000 hours time in service after the effective date of this AD, unless already accomplished

To prevent failure of the "B" hydraulic system electrical wiring and other systems wiring which use a common wire bundle, replace the "B" hydraulic system electrical pump spliced wires in accordance with Boeing Service Bulletin 29-1004, Revision 1, dated April 2, 1969, or later FAA approved revisions, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on September 13, 1974.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.74-21854 Filed 9-19-74;8:45 am]

[14 CFR Part 39]

[Docket No. 74-GL-7]

AIRWORTHINESS DIRECTIVES

General Electric CF6 Fan Blades; Withdrawal of Notice of Proposed Airworthiness Directive

A proposal to amend Part 39 of the Federal Aviation regulations to include an airworthiness directive requiring the installation of solid fan blades on General Electric CF6 engines was published in 39 FR 20994.

Upon further consideration, and in the light of comments received in response to the notice of proposed rule making, the agency has determined that an unsafe condition does not exist with regard to containment of broken pieces from fan blade tips caused by foreign object damage and degradation of engine performance. Therefore, the proposed Airworthiness Directive is not required at this time.

Withdrawal of this notice of proposed rule making constitutes only such action, and does not preclude the agency from issuing another notice in the future, or commit the agency to any course of action in the future.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89) the proposed Airworthiness Directive published in the FEDERAL REGISTER on June 17, 1974, (39 FR 20994) is hereby withdrawn.

Issued in Des Plaines, Illinois on September 10, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.74-21853 Filed 9-19-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-AL-16]

CONTROL ZONE

Proposed Designation at Valdez, Alaska

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation regulations which would designate a control zone at Valdez, Alaska.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Administratian, 632 Sixth Avenue, Anchorage, Alaska 99501.

Increased air activity, low ceilings, low visibilities, and high terrain features surrounding the Valdez airport, where operations are confined to a small operating area, necessitate designation of a control zone to provide for safe VFR operations.

The proposed control zone would be designated to provide controlled airspace for handling special Visual Flight Rule (VFR) operations using the Valdez, Alaska, airport. The control zone would be designated part time during specific hours to coincide with the hours of operation of the Valdez Combined Station Tower (CS/T) which is scheduled for commissioning on or about January 1, 1975. The control zone hours would also coincide with anticipated periods of heavy traffic. The control zone conforms to the minimum requirement for controlled airspace protection in accordance with Federal Aviation regulations Part 71, Designation of Controlled Airspace, which criteria is based on safety and the efficient use of navigable airspace.

Aviation surface hourly and special weather observations will be available for the Valdez airport during the times and dates the control zone is effective.

In consideration of the foregoing, it is proposed to amend Part 71 of the Federal Aviation regulations as hereinafter set forth:

1. In Section 71.171 (39 FR 354) the Valdez, Alaska, control zone is designated to read:

VALDEZ, ALASKA

Within a three mile radius of the Valdez Municipal Airport, latitude 61°08'10" N, longitude 146°14'40" W. This control zone is effective from 0800 to 1600 local time daily from mid-October to mid-May, and from 0600 to 2200 local time daily from mid-May to mid-October or during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the U.S. Government Flight Information Publication Supplement Alaska.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 USC 1348(a)) and section 6(c) of the Department of Transportation Act (49 USC 1655(c)).

Issued in Anchorage, Alaska, on September 12, 1974.

LYLE K. BROWN,
Director, Alaskan Region.

[FR Doc.74-21857 Filed 9-19-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-GL-32]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations so as to alter the transition area at Muncie, Indiana.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before October 21, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed to the Delaware County—Johnson Field, Muncie, Indiana. Additional controlled airspace is required to protect this procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is amended to read:

MUNCIE, INDIANA

That airspace extending upward from 700 feet above the surface within a seven-mile radius of Delaware County—Johnson Field (Latitude 40°14'26" N., Longitude 85°23'43" W.) within three miles each side of the Muncie VOR 136° radial, extending from the seven-mile radius area to 13.5 miles southeast of the VOR; within three miles each side of the Muncie VOR 125° radial, extending from the seven-mile radius area to eight miles southeast of the VOR; within three miles each side of the Muncie VOR 017° radial, extending from the seven-mile radius area to eight miles north of the VOR; and within 3½ miles each side of the Muncie VOR 320° radial, extending from the seven-mile radius area to 10 miles northwest of the VOR.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Illinois, on August 30, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.74-21856 Filed 9-19-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-GL-29]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations so as to designate a transition area at Frankfort, Indiana.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before October 21, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal

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Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A standard instrument approach procedure has been developed for the Frankfort Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this approach procedure by designating a transition area at Frankfort, Indiana.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

FRANKFORT, INDIANA

That airspace extending upward from 700 feet above the surface within a five mile radius of Frankfort Municipal Airport (Latitude 40°16'25" N., Longitude 86°33'45" W.) and within three miles each side of the 221° bearing from the airport extending from the five mile radius area to 8.5 miles southwest.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Illinois, on August 30, 1974.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc 74-21855 Filed 9-19-74;8:45 am]

Hazardous Materials Regulations Board

[49 CFR Part 174]

[Docket No. HM-120; Notice No. 74-11]

FREIGHT CARS

Switching of Placarded "Dangerous"; Extension of Time To File Comments

On August 14, 1974, the Hazardous Materials Regulations Board published Docket No. HM-120; Notice 74-11 (39 FR 29197) proposing changes to § 174.589 that would prohibit the uncoupling or cuting off of cars placarded "Dangerous" while they are in motion, the striking of such cars by other cars moving under their own motion, and the coupling of these cars with more force than is necessary to complete the coupling, but in no case at a speed of more than 4 m.p.h.

Petitions requesting an additional 30 days to submit comments have been presented to the Board by the Association of American Railroads and the Manufacturing Chemists' Association. Both petitions contained justifications sufficient to warrant the additional time requested.

In consideration of the foregoing, the Hazardous Materials Regulations Board has extended the time to file comments on Notice 74-11 from September 20, 1974 to October 22, 1974.

(Transportation of Explosives Act (18 U.S.C. 831-835); sec. 6, Department of Transportation Act (49 U.S.C. 1655).)

ALAN I. ROBERTS,
Secretary Hazardous Materials Regulations Board.

SEPTEMBER 16, 1974.

[FR Doc.74-21913 Filed 9-19-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 265-4]

COMMONWEALTH OF PENNSYLVANIA IMPLEMENTATION PLAN

Proposed Revision

On May 28, 1974 the Commonwealth of Pennsylvania submitted to the Administrator proposed revisions to the City of Philadelphia's approved portion of the Pennsylvania Implementation Plan. The revisions were submitted as amendments to regulation I, General Provisions; Regulation II, Air Contaminant and Particulate Matter Emissions; regulation X, Complex Source Review. Also submitted was Air Management regulation XI, Control of Emissions from Incinerators. A public hearing was conducted on January 8, 1974, following the rules set forth in 40 CFR 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

Regulation I is amended by retitling section II, "Source Registration and Emission Reporting" and by adding detailed requirements for registration of emission sources and reporting of emissions. The provisions for source registration are essentially a consolidation of existing permit and license requirements and additional relevant portions of the implementation plan pertaining thereto. Regulation II, Air Contaminant and Particulate Matter Emissions, section IV.1.d. was amended by changing the reference to incinerator regulation from those adopted May 16, 1969 to the new regulation XI.

Regulation X, Complex Source Review, amends the previous regulation X, Constructive Review, in its entirety. The new regulation is more comprehensive in order to conform to Federal requirements.

The definition of "complex source" in this amendment includes all potential installations that may affect the achievement and maintenance of air quality standards. However, section II.B. contains several exclusions that exempt smaller facilities which are not likely to have a significant impact on air quality.

Section III of Regulation X requires the submission of an impact statement with any request for approval to construct a complex source. Review procedures and conditions of approval are also specified.

Regulation XI, Control of Emissions from Incinerators, replaces regulations relating to control of incinerators which became effective May 19, 1969. The major provisions of the new regulation are the retention of the ban on new refuse incinerators and the lowering of the allowable particulate emission limit in accordance with Federal standards. Two additional provisions to the previous regulation are in section III.B.1, prohibiting any emission to exceed 60 percent capacity, and section III.B.2, which prohibits any fly ash emission.

This notice is issued to advise the public of the receipt of this proposed amendment and request public comment on it. Only comments received by October 21, 1974, will be considered. The Administrator's decision to approve or disapprove this proposed revision will be based on whether it meets the requirements of section 110(a)(2)(A)(H) and 40 CFR 51.

Copies of the proposed revisions are available for public inspection during normal business hours at the offices of EPA, Region III, Curtis Building, 2nd Floor, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460, and at the Office of the Air Management Services, 4320 Wissahickon Avenue, Philadelphia, Pennsylvania 19129.

All comments should be addressed to the Director of Air and Water Programs Division, Environmental Protection Agency, Region III, Curtis Building, 2nd Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

DANIEL J. SNYDER, III,
Regional Administrator.

[FR Doc.74-21803 Filed 9-19-74;8:45 am]

GENERAL ACCOUNTING OFFICE

[4 CFR Part 10]

CLEARANCE OF INFORMATION COLLECTION PROPOSALS BY REGULATORY AGENCIES

Use of Clearance Expiration Date

Notice is hereby given that the General Accounting Office has under consideration a proposal to amend § 10.12(a) of 4 CFR Part 10 concerning the use of expiration dates for clearances.

Effective July 2, 1974, the General Accounting Office adopted final regulations captioned 4 CFR, Part 10 (39 FR 24345) to implement the provisions of section 3512 of title 44, United States Code, added by Pub. L. 93-153, 409, 87 Stat. 593, concerning clearance of proposals by independent Federal regulatory agencies to conduct or sponsor the collection of information. Section 10.12(a) of these regulations provides, in part, that the expiration date prescribed for clearances must appear prominently on the report form or in the reporting or recordkeeping requirement.

Objections have been raised to the requirement for inclusion of expiration dates on the ground that this requirement will involve substantial administrative burdens and costs for additional printing of new forms and destruction of unused forms, and that inclusion of expiration dates is unlikely to produce any meaningful benefits. If it is determined that the requirement for inclusion of expiration dates should be eliminated, § 10.12(a) will be amended by deleting from the second sentence thereof the words "• • • and the expiration date • • •."

Comments on the proposed amendment by an interested party should carry the control number B-180224 and should be submitted to the Comptroller General of the United States, Attention: Director, Office of Energy and Special Projects, 441 G Street NW., Washington, D.C. 20548. All comments received on or before October 21, 1974, will be considered. Comments and other written materials submitted will be available for public inspection in room 5014, Chester Arthur Building, 425 I Street NW., Washington, D.C.

It is requested that independent Federal regulatory agencies submitting comments specify in as much detail as possible precisely what administrative burdens and costs, if any, are occasioned by the requirement for inclusion of expiration dates on forms.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.74-21919 Filed 9-19-74;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 36]

MOBILE HOMES

Freight and Set-Up Charges

The Veterans Administration is considering amending § 36.4232, Title 38 of the Code of Federal Regulations to permit a veteran-purchaser to pay freight and set-up charges, in excess of the amounts that may be included in the guaranteed loan, in cash. In addition a minor editorial change has been made in § 36.4231(a) to reflect agency policy of using precise terms denoting gender.

The proposed amendment is issued pursuant to the authority of section 210(c), Title 38, United States Code.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (27A1), Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before October 21, 1974, will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any persons visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make any change in § 36.4232 adopted effective upon final approval by the Administrator.

1. In § 36.4231, paragraph (a) is revised to read as follows:

§ 36.4231 Manufacturers warranty.

(a) When a new mobile home purchased with financing guaranteed under 38 U.S.C. 1819 is delivered to the veteran-borrower he or she will be supplied a written warranty by the manufacturer in the form and content prescribed by the Administrator. Such warranty shall be in addition to, and not in derogation of, all other rights and privileges which such purchaser or owner may have under any other law or instrument, and the warranty instrument will so provide. No evidence of guaranty shall be issued by the Administrator unless a copy of such warranty duly receipted by the purchaser is submitted with the loan papers.

• • • • • •

2. In § 36.4232 paragraphs (a) (5) and (6) are revoked and paragraph (d) is added to read as follows:

§ 36.4232 Allowable fees and charges: mobile home unit.

(a) Incident to the origination of a guaranteed loan for the purchase of a mobile home unit only, no charge shall be made against, or paid by, the veteran-borrower without the express prior approval of the Administrator except as follows:

• • • • • •

(5) [Revoked]
(6) [Revoked]

• • • • • •

(d) Subject to the limitations set forth in this section, the following may be included in the loan and paid out of the proceeds of the loan, provided such inclusion does not increase the amount of the loan to more than the maximum amount allowable under § 36.4204:

(1) The actual cost of transportation or freight not to exceed $400 or not to exceed $600 when the mobile home consists of two or more modules.

(2) Setup charges for installing the mobile home on site not to exceed $200 or not to exceed $400 when the mobile home consists of two or more modules.

If the actual costs exceed the limitations in this section, the veteran must certify that any excess cost has been paid in cash from the veteran's own resources without borrowing.

Approved: September 16, 1974.

[SEAL] R. L. ROUDEBUSH,
Acting Administrator.

[FR Doc.74-21888 Filed 9-19-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

FIREARMS; GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Adams, Jr., Vance Edward, Route 4, Box 177, Statesville, North Carolina, convicted on or about August 29, 1968, in the Iredell County Superior Court, Statesville, North Carolina.

Barnes, Carson, B., Route 1, Spring Hope, North Carolina, convicted on June 11, 1959, in the United States District Court (Eastern District of North Carolina).

Boyer, Mickey D., Route No. 2, Box 103A, Woodburn, Oregon, convicted on or about June 2, 1972, in the Washington County Circuit Court, Oregon.

Brown, Charles L., 536 West Bailey, Sioux Falls, South Dakota, convicted on April 10, 1972, in the Circuit Court, Third Judicial Circuit, Brookings County, South Dakota.

Brozovich, Jr., Jasper, 6559 42d NE., Seattle, Washington, convicted on September 24, 1971, in the United States District Court, Western District of Washington.

Cady, Gregory G., 5241 16th Avenue SW., Seattle, Washington, convicted on February 17, 1965, in the Superior Court, Snohomish County, Washington.

Daniels, James Clyde, Route No. 1, Box 56-A, Elizabethtown, North Carolina, convicted on June 19, 1951, in the Columbus County Superior Court, Whiteville, North Carolina.

Davieau, Walter M., 1498 Farm Drive, Ferndale, Washington, convicted on April 1, 1966, in the Superior Court, Whatcom County, Washington.

Engel, Ronald E., 5754 North 38th Street, Milwaukee, Wisconsin, convicted on June 23, 1970, in the Milwaukee County Circuit Court, Milwaukee, Wisconsin.

Goldberg, Henry, 2312 O'Kane Street, Laredo, Texas, convicted on June 3, 1970, in the United States District Court for the Southern District of Texas, Laredo Division.

Green, Donald R., 1150 Champlost Avenue, Philadelphia, Pennsylvania, convicted on October 16, 1969, in the Philadelphia Quarter Sessions County, Philadelphia, Pennsylvania.

Griggs, Gary Stephen, 8203 Furray, Houston, Texas, convicted on November 15, 1961, in the Criminal District Court No. 2, Tarrant County, Texas, and on October 8, 1968, in the 178th District Court, Harris County, Texas.

Head, Willie, 4442 Concord, Detroit, Michigan, convicted on March 3, 1933, in the Court of General Sessions, Manhattan, New York, and on September 13, 1935, in the Recorder's Court, Detroit, Michigan.

Hill, Richard P., RD No. 1, Box 429, Upperco, Maryland, convicted on June 13, 1951, in the Edgemers Police Court, Maryland, and on October 17, 1958, and December 30, 1960, in the Dundalk Magistrates Court, Maryland.

Hodges, Homer L., P.O. Box 197, Cabot, Arkansas, convicted on September 19, 1969, in the United States District Court, Eastern District of Arkansas.

Hurckman, Dennis E., Route 2, Rio, Wisconsin, convicted on July 9, 1970, in the Dane County Court, Wisconsin.

Kirkland, Harold, 103 Hamilton Place, New York, convicted on May 15, 1947, in the Court of General Sessions, New York, New York.

Kirkpatrick, Perry S., 719 Maine Street, Davenport, Iowa, convicted on October 14, 1971, in the District Court of Des Moines County, Iowa.

Krause, Larry E., 867 Washington Street, Walnutport, Pennsylvania, convicted on August 26, 1971, in the Court of Common Pleas, Criminal Division, Northampton County, Pennsylvania.

Leibert, Jr., Stanley E., 3200 Dorset Road, Richmond, Virginia, convicted on November 4, 1970, in the Superior Court, Guilford County, North Carolina.

McAfee, James, Route No. 1, Box 9-A, Radford, Virginia, convicted on May 15, 1933, February 28, 1938, and July 28, 1948, in the Hustings Court, Roanoke, Virginia.

Miller, Robert L., 1325 Cleveland Avenue, Flint, Michigan, convicted on April 21, 1955, in the Circuit Court, County of Gaylord, Michigan.

Murray, Jr., Donald R., 11944 Beltsville Drive No. 13, Beltsville, Maryland, convicted on March 10, 1961, in the Circuit Court of Fairfax County, Virginia, and on February 21, 1962, in the Circuit Court of Goochland County, Virginia.

Pettine, Edward M., 1819 Ardin Drive, Norristown, Pennsylvania, convicted on August 6, 1970, in the Court of Quarter Sessions of Montgomery County, Pennsylvania.

Pion, Dennis C., 722 North Cherry, Evart, Michigan, convicted on August 30, 1965, in the Circuit Court for the County of Mecosta, Michigan.

Reid, Willard M. L., 8849 Braesmont, Houston, Texas, convicted on April 1, 1963, in the Criminal District Court No. 5, Harris County, Texas.

Ryder, Eddie H., P.O. Box 585, Bath County, Hot Springs, Virginia, convicted on March 4, 1964, in the Circuit Court, County of Bath, Virginia.

Slater, Robert A., 1515 Contour Drive, Apt. No. 203, San Antonio, Texas, convicted on October 12, 1970, in the 186th Judicial District Court of Bexar County, Texas.

Spiezio, Frederick A., 1497 Sunset Drive, Pottstown, Pennsylvania, convicted on February 9, 1951, in the Court of Quarter Sessions of the Peace of Montgomery County, Pennsylvania.

Wyatt, Jr., John Miles, 1746 Channel Road, Austin, Texas, convicted on June 15, 1972, in the United States District Court, Western District of Texas, Austin Division.

Wyatt, Sr., John Miles, 5821 Trailridge Drive, Austin, Texas, convicted on June 15, 1972, in the United States District Court, Western District of Texas, Austin Division.

Signed at Washington, D.C. this 10th day of September, 1974.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms

[FR Doc.74-21815 Filed 9-19-74;8:45 am]

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE TENTH NATIONAL BANK REGION

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Tenth National Bank Region will be held in the board room of the Northwestern National Bank of Sioux City, Sioux City, Iowa on September 30, 1974 beginning at 10:00 a.m.

The purpose of this meeting is to assist the Regional Administrator and the Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Region.

These meetings are concerned with the liquidity, solvency and continuity of the banking system and involve discussion of commercial and financial information obtained in confidence and required to be kept confidential.

It is hereby determined pursuant to section 10(d) of Public Law 92-463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10(a) (1) and (3) of the Act (Public Law 92-463) relating to open meetings and public participation therein.

Dated: September 16, 1974.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74-21925 Filed 9-19-74;8:45 am]

DEPARTMENT OF DEFENSE

Defense Supply Agency

DEFENSE CONTRACT ADMINISTRATION SERVICES

Notice of Proposed Sanctions

The following letter is published in accordance with the requirements of 41 CFR 60-1.26(b)(2) (i) and (ii):

SEPTEMBER 17, 1974.

DCAS-VO
Mr. Eugene Alpert, President,
Stillwater, Incorporated,
40 East Thirty-Fourth Street, New York, New York 10016.

DEAR MR. ALPERT: Stillwater, Incorporated has agreed, pursuant to the Equal Employment Opportunity (EEO) clause of United States Government contracts, to comply with all provisions of Executive Order 11246, as amended, and the rules, regulations and relevant orders of the Secretary of Labor, 41 Code of Federal Regulations (CFR) Chapter 60. The Defense Supply Agency is charged with responsibility for securing compliance with the referenced Order and regulations under Department of Defense Directive No. 1100.11.

On 16 January 1974 an onsite review was initiated in connection with a possible award of a $1.7 million contract for work to be performed at your Goshen, Virginia facility. The review was not continued as you did not have an Affirmative Action Program (AAP) despite the fact that under your existing contract you had checked that you had held previous contracts subject to the EEO clause. Further, your contract contained an EEO clause stating the contractor would comply with Executive Order 11246, as amended.

On 25 January 1974 a show cause letter was sent to your company. The DCASR, Philadelphia offered assistance in the development of your AAP. Your repeated requests for an extension of 120 days could not be permitted under provisions of current rules and regulations. To date you have not submitted an AAP for evaluation.

In view of your apparent noncompliance with the Order and applicable regulations, you are hereby notified of the proposed cancellation or termination of any existing United States Government contracts or subcontracts and the proposed ineligibility for further contracts and subcontracts. This action is pursuant to Section 209 of the Order and 41 CFR 60-1.26(b). Stillwater, Incorporated may within 14 days after receipt of this notice file an answer to the notice and a request for a hearing with the Director, Defense Supply Agency, Cameron Station, Alexandria, Virginia 22314. The answer and the request for hearing should conform to the requirements of 41 CFR 60-1.26(b)(2)(iii). Failure to file an answer, including a hearing request, within the 14 day period may result in sanctions as provided by 41 CFR 60-1.26(b)(2)(v).

Sincerely,

WALLACE H. ROBINSON, JR.,
Lieutenant General, USMC, Director.

[FR Doc.74-22001 Filed 9-19-74;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

GOLDEN GATE NATIONAL RECREATION AREA CITIZENS' ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Citizens' Advisory Commission will be held at 10 a.m. on October 5, 1974 at the West Marin School on Highway 1, Point Reyes Station, California.

The purpose of the Golden Gate National Recreation Area Citizens' Advisory Commission is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the National Park system in Marin and San Francisco counties.

Members of the Advisory Commission are as follows:

Mr. Frank Boerger, Chairman
Mr. Ernest C. Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Mr. Joseph Caverly
Mr. Lambert Lee Choy
Mrs. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Joseph Mendoza
Mrs. Amy Meyer
Mr. John M. Mitchell
Mr. Merritt Robinson
Mr. William Thomas
Mr. Gene Washington
Dr. Edgar Washington

The major items on the agenda will be briefings on the Point Reyes National Seashore management operations, the Point Reyes Resource Management Plan, and the Golden Gate Recreational Travel Study.

This meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact William J. Whalen, General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, California 94123, telephone 415-556-2920.

Minutes of the meeting will be available for public inspection by October 18, 1974 in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco.

Dated: September 3, 1974.

WILLIAM J. WHALEN,
General Superintendent.

[FR Doc.74-21812 Filed 9-19-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

MOCCASIN BASIN AND CALF CREEK—PAPOOSE CREEK TIMBER SALES

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Moccasin Basin and Calf Creek-Papoose Creek Timber Sales, Bridger-Teton National Forest and Shoshone National Forest, Wyoming. The Forest Service report number is USDA-FS-FES (Adm) R4-74-9.

The environmental statement evaluates the environmental effects of timber harvesting and road construction activities planned within the timber sales.

This final environmental statement was transmitted to CEQ on September 12, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Building, Room 3230
12th Street and Independence Avenue SW
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
324-25th Street
Ogden, Utah 84401

Forest Supervisor
Bridger-Teton National Forest
Forest Service Building
P.O. Box 1888
Jackson, Wyoming 83001

District Forest Ranger
Gros Ventre Ranger District
Forest Service Building
P.O. Box 1386
Jackson, Wyoming 83001

A limited number of single copies are available upon request to Regional Forest Vern Hamre, Federal Office Building, 324-25th Street, Ogden, Utah 84401.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: September 12, 1974.

VERN HAMRE,
Regional Forester

[FR Doc.74-21836 Filed 9-19-74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

TANKER CONSTRUCTION PROGRAM

Environmental Impact Statement

An environmental impact statement entitled, Maritime Administration Tanker Construction Program, NTIS Report No. EIS730725-F, was published on May 30, 1973. The statement concerns proposed assistance to private industry to aid in the construction in the United States of a fleet of oil-carrying vessels during the decade of the 1970's. Vessel classes included range from approximately 35,000 DWT to 400,000 DWT.

The Maritime Subsidy Board has received the following application for assistance under the Tanker Construction Program and has determined that the vessels to be constructed with such assistance are of the type, design and characteristics of those vessels treated in the above mentioned environmental impact statement. As a consequence the Board has found that no supplement to the impact statement mentioned herein, nor any new impact statement need be prepared with respect to these vessels. Future Board action with respect to the application will be, from an environmental standpoint, based on the above men-

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tioned impact statement. These applications are:

ACHILLES Marine Shipping Company, for two ships; AJAX Marine Shipping Company for two ships; and ATHENA Marine Shipping Company, for two ships. They are to be of MarAd Design T6–M–118a, about 42,900 DWT as proposed to be built to plans and specifications of Avondale Shipyards, Inc. This class of ship is described in the EIS as an example of a "Handy Tanker" given in Section II. The environmental impact of such designs are covered throughout the Statement in various sections.

The bases for the Board's determinations, as described herein, are available for public inspection in the Office of the Secretary, Room 3099–B, Maritime Administration, Commerce Department Building, 14th & "E" Streets, NW., Washington, D.C. 20230.

Dated: September 17, 1974.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-21918 Filed 9-19-74;8:45 am]

National Oceanic and Atmospheric Administration

FOREIGN INVESTMENT IN U.S. FISHING COMPANIES

Notice of Final Policy

On October 23, 1973, the Administrator of the National Oceanic and Atmospheric Administration published a notice of intent regarding policy in relation to foreign investment in U.S. fishing companies in the FEDERAL REGISTER (38 FR 29239), and solicited written views, data or arguments pertaining thereto, stating that these should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235.

Responses were received from Mr. Roger Hillhouse; Whitney-Fidalgo Seafoods, Inc.; Bumble Bee Seafoods; Pacific Fisheries, Inc.; the State of Alaska (2); Senator Theodore F. Stevens of Alaska; the Commercial Fishermen's Organization of Morro Bay; The National Fish Meal and Oil Association; and the Pacific Marine Fisheries Commission. Four responses opposed or tended to oppose foreign control of U.S. fishing companies. One response favored such ownership. Two responses offered no substantive comment but requested to be supplied with copies of the final policy. One response approved foreign control of U.S. fishing companies under certain circumstances, but disapproved of it under others. One response recommended that, whatever policy finally was adopted, it be applied uniformly. Several of the responses suggested matters which should be considered in arriving at a final policy.

The opponents of foreign control of U.S. fishing companies felt that foreign owners would employ aliens instead of U.S. citizens, would not be sufficiently conservation-minded, would ship large amounts of fish and/or fish products abroad and, in general, would operate the companies in a manner detrimental to U.S. fishing interests. The one response favoring foreign control of U.S. fishing companies did so on the ground that foreign companies could provide needed capital.

On February 28, 1974, the Service published in the FEDERAL REGISTER (39 FR 7819) notice of a public hearing on the application of Richard Reiss which had been submitted to the U.S. Maritime Administration pursuant to sections 9 and 37 of the Shipping Act, 1916, as amended, (16 U.S.C. 808, 835), to transfer approximately 72 menhaden fishing vessels and work boats and certain interests in two shipyards, to one or both of two domestic corporations wholly owned by a British corporation, Hanson Trust, Ltd. The notice solicited inquiry and comment with regard to the application. Responses and/or expressions of interest were recieved from Senator Russel Long of Louisiana; Congressmen James. J. Howard and John Sandman, Jr., of New Jersey; Lipman Marine Products, Inc.; Beaufort Fisheries; and the Associate Editor of "National Fisherman." At the hearing, which was held on March 20–21 in Washington, D.C., the Zapata, Haynie Corporation and Standard Products, Inc., entered appearances in opposition to the grant of the Reiss application; and the International Federation of Commercial Fishermen informally recommended conditional approval of the application.

Those persons favoring the grant of the Reiss application did so on the basis of their understanding that the foreign owner would continue to employ U.S. citizens on the vessels and in the shipyards. Those persons conditionally favoring the grant of the application did so, respectively, on condition that the vessels not fish for menhaden off the New England coast, and on condition that the approval be for only two years, or until either legislation or final policy with regard to foreign investment in U.S. fishing companies was enacted or established. Those persons opposing the grant of the application contended, variously and principally, that U.S. fishing companies should be owned by U.S. citizens; that the foreign owner might not be as conservation-minded as an American owner; and that the foreign owner might not employ U.S. citizens, and might compel the purchase of services and supplies, and the sale of most or all of the fish products involved, in a foreign country.

Having considered the responses to these two FEDERAL REGISTER notices, contentions which were advanced at the hearing on the Reiss application and other relevant matters, it has been decided to establish and publish the final policy on foreign investment in U.S. fishing companies set out below. It is felt that this policy makes ample provision for consideration of the concerns relating to foreign control of U.S. fishing companies and related shipyards which have been expressed to date, for consideration of Federal policy in the area of foreign investment in the U.S. economy, and for administrative flexibility in reacting to a possibly increasing foreign interest in financial participation in the U.S. commerical fishing industry.

FINAL POLICY

The National Marine Fisheries Service wishes to contribute in every possible and practical way to the maintenance of an economically sound United States commercial fishing industry, and to use all of the means available to it to conserve the fisheries resources upon which the nation's supply of protein significantly depends and to encourage the conservation of those resources by the industry. These considerations will guide the Service as, in cooperation with the U.S. Maritime Administration (MARAD), the Service considers applications by foreign investors to transfer fishing vessels owned by U.S. fishing companies to foreign control. If, on balance, the Service concludes that the approval of a given application reasonably can be expected to contribute to the economic health of the industry and to the conservation of fisheries resources, or not to threaten either, the Service will interpose no objection to such approval by MARAD.

MARAD shall promptly refer to the Director, National Marine Fisheries Service, any application submitted to MARAD which seeks the approval of the transfer of a U.S. fishing company or a U.S. shipyard engaged in the construction, maintenance or repair of fishing vessels, or of a controlling interest in such a company or such a shipyard, to foreign control, for the purpose of obtaining the views of the Director before taking final action on the application. MARAD shall consider the Director's views before taking final action under 16 U.S.C. 808, 835.

The Director, in his discretion, may hold a public hearing on an application for the purpose of obtaining the views of interested persons. If the Director decides to hold a hearing, he shall publish timely notice of the time, place, and subject matter of the hearing in the FEDERAL REGISTER, and shall solicit the views of interested persons. The hearing and any ancillary or related proceedings shall be conducted as the Director may order. If the Director decides not to hold a hearing, he shall publish timely notice of the referral of the application to the Service in the FEDERAL REGISTER, and shall solicit the views of interested persons.

The Director, on the basis of the information available to him, including information of the type normally collected by the Service, shall reach a conclusion as to whether he should recommend the approval, conditional approval or disapproval of the application to MARAD, and shall transmit said recommendation to MARAD within a reasonable time after the referral of the application to him. In reaching his conclusion, he shall consider, along with other matters which he may deem relevant, the following:

1. Whether the application is made by, or on behalf of, a foreign entity or person which is incorporated in, and/or has its principal place of business in, a country under whose flag or under whose national ownership, whether state, public or individual, commercial fishing operations are conducted in a manner which diminishes the effectiveness of any international fishery conservation program to which the United States is a party.

2. Whether the Federal Government's policy on foreign investment in the United States poses any impediment to disapproval, approval or conditional approval of the application. In this connection, the Director shall consider whether he should recommend any exception to that policy on the basis of considerations peculiar to the domestic commercial fishing industry.

3. Whether the grant of the application reasonably can be expected to adversely affect, favorably affect, or have no effect upon the fish stock(s) to be exploited or possibly to be exploited. In this connection, the Director shall consider such matters as the number of species to be fished; the condition(s) of the stock(s) of that species; the degree of fishing effort to be expended in terms of (i) the number of vessels to be operated, (ii) the grounds to be fished, and (iii) the length(s) of the fishing season(s) to be observed; and the degree to which the fishing operations envisioned by the application will be subject to Federal and/or State and/or international conservation regimes.

4. Whether the grant of the application reasonably can be expected to adversely affect, favorably affect, or have no effect upon the U.S. company subject to foreign control. In this connection, the Director shall consider such matters as the applicant's reputation in the business community, and that of any other company or individual having a substantial ownership position in the applicant; the apparent purpose of the acquisition (whether for investment or direct operational control and, if the latter, the experience of the applicant in commercial fishing); the amount and source of money which the applicant intends to pay, and the form of the payment; the experience and reputations of the managers who will operationally direct the company; the likelihoods of (i) the continued employment of U.S. citizens, and (ii) the selling off of the fishing assets of the company, or its dissolution, by the applicant; the projected use of profits; and whether any subsidized fishing vessels are involved.

5. Whether the grant of the application reasonably can be expected to adversely affect, favorably affect, or have no effect upon the particular segment(s) of the commercial fishing industry involved. In this connection, the Director shall consider such matters as the degree of foreign control of such industry segment(s) which would result from approval of the application; the nature of the competitive situation which would result; and the likelihood of the employment of unfair trade practices by the applicant.

6. Whether the grant of the application reasonably can be expected to adversely affect, favorably affect, or have no effect upon the domestic suppliers of goods and services to the domestic company, and/or upon the domestic purchasers of that company's products. In this connection, the Director shall consider such matters as the likelihoods of the company's (i) purchasing fewer goods and services domestically, (ii) exporting disproportionate amounts of its products, and (iii) reducing the quality of its products sold domestically.

In reaching his conclusion on the basis of the foregoing considerations, and any other matters which he may deem relevant, the Director shall place particular emphasis upon the reasonably forseeable effect of the grant of the application upon the fish resource(s) to be exploited by the applicant.

If, on balance, the Director concludes that, from the standpoint of the U.S. commercial fishing interests, the approval of the application by MARAD would be undesirable, or would be acceptable only if subject to one or more conditions, he shall so notify MARAD in writing, together with any recommended condition(s) and his reasons therefor. If the Director concludes that the unconditional approval of the application would be acceptable, he shall inform MARAD in writing that the Service has no objection to the approval of the application.

In this policy, the word "applicant" refers to the foreign entity or individual which seeks control of one or more U.S. fishing companies, without regard to whether that foreign entity or individual is the applicant of record in a given application.

This policy is effective September 20, 1974.

Dated: September 13, 1974.

ROBERT M. WHITE,
Administrator.

[FR Doc.74-21885 Filed 9-19-74;8:45 am]

MARINE MAMMALS

Receipt of Application for a General Permit

Notice is hereby given that the following applicant has applied in due form for a General Permit to take marine mammals incidental to the course of commercial fishing operations as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the regulations thereunder.

The American Tunaboat Owners Association, 1 Tuna Lane, San Diego, California, has applied for a general permit, category 2, "Encircling Gear, Yellowfin Tuna Purse Seining."

Copies of the application are available for review as follows:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (telephone 202–343–9446); Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 Ferry Street, Terminal Island, California 90731.

Interested parties may submit written data or views on this application within 30 days of the publication of this notice to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: September 18, 1974.

JOSEPH W. SLAVIN,
Acting Director, National Marine Fisheries Service.

[FR Doc.74-21975 Filed 9-19-74;8:45 am]

Office of the Secretary

FIRE EDUCATION AND TRAINING PROGRAMS

Proposed Survey

Notice is hereby given that the Department of Commerce proposes to undertake a survey to identify the fire education and training courses and programs currently being conducted throughout the country. The Department is particularly interested that the survey determine the scope and substance of these programs, the levels on which they are conducted, and by whom, e.g., 2-year colleges, 4-year universities, local fire departments, municipalities and states. At this time the Department contemplates that the survey will be in machine readable form in order to increase its ability to be analyzed.

To assist the Department in its preparation of the proposed survey interested parties are encouraged to submit written comments as to what information and data should be elicited by the survey and how the survey may best be designed and conducted. These statements, in quadruplicate, should be submitted to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, on or before October 31, 1974.

A public record of all comments received will be available for examination by interested persons at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7043, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230.

Issued: September 17, 1974.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.74-21844 Filed 9-17-74;12:31 pm]

United States Travel Service

TRAVEL ADVISORY BOARD

Notice of Meeting

As noted in the FEDERAL REGISTER dated August 30, 1974, on page 31677, a meeting of the Travel Advisory Board of the U.S. Department of Commerce will be held on October 1, 1974, at 9:30 a.m., in Room 4830, of the Main Commerce Building, 14th Street and Consti-

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tution Avenue NW., Washington, D.C. 20230.

Established in July, 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments, who are appointed by the Secretary of Commerce to serve two year terms.

Members advise the Secretary of Commerce and Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended.

Agenda items are as follows:

1. Opening remarks by Assistant Secretary of Commerce for Tourism, C. Langhorne Washburn;
2. Discussion of the 1974 Discover America Travel Mart and Pow Wow;
3. Highlights of USTS activities, July, 1974, October, 1974;
4. Discussion of latest visitor arrival figures;
5. Report on status of resolutions passed by the Travel Advisory Board meeting, June 11, 1974;
6. Adjournment.

A limited number of seats—approximately 14—will be available to observers from the public and the press. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements will be allowed.

Robert Jackson, Director of Information Services, of the United States Travel Service, Room 1525, U.S. Department of Commerce, Washington, D.C. (telephone 202/967–4987) will respond to public requests for information about the meeting.

C. LANGHORNE WASHBURN,
Assistant Secretary for Tourism, U.S. Department of Commerce.

[FR Doc.74–22016 Filed 9–19–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 4B2980]

W. R. GRACE & CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4B2980) has been filed by Dewey and Almy Chemical Division, W. R. Grace & Co., 62 Whittemore Ave., Cambridge, MA 02140, proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended to provide for safe use of isobutylene-isoprene-divinylbenzene copolymer as a component of can end cements for use in contact with food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 12, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74–21841 Filed 9–19–74;8:45 am]

Federal Council on the Aging

COMMITTEE ON ECONOMICS OF AGING

Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging and the Congress on matters relating to the special needs of older Americans.

The Committee on the Economics of Aging of the Council will meet on October 3, 12 noon to 5 p.m. and October 4, 9 a.m. to 3 p.m. in the offices of the Federal Council on the Aging, Room 4022, Donohoe Building, 400–6th Street, SW, Washington, D.C., Telephone: (202) 245–0441. The agenda will consist of the following items: review of effect on elderly of Federal efforts to stabilize the economy, determine recommendations for Federal Council on the Aging work plan, status of study of combined impact of all taxes on the elderly and review of Committee staffing arrangements. Meeting open to public observation.

CLEONICE TAVANI,
Executive Director, Federal Council on the Aging.

SEPTEMBER 17, 1974.

[FR Doc.74–21902 Filed 9–19–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. STN 50–482]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO.

Wolf Creek Generating Station, Unit No. 1; Receipt of Application for Construction Permit and Operating License and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters

Kansas Gas and Electric Company and Kansas City Power and Light Company (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application which was docketed May 17, 1974, for authorization to construct and operate a generating unit utilizing a standardized pressurized water reactor. The application was tendered on April 1, 1974. Following a preliminary review for completeness, the application was accepted on May 10, 1974, for docketing.

This application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or group of utilities. Docket No. STN 50–482 has been assigned to the application and should be referenced in any correspondence relating to the application. The other duplicate plants are: Docket Nos. STN 50–483 and STN 50–486 involving an application by Union Electric Company for construction permits for the Callaway Plant, Units 1 and 2, to be located in Callaway County, Missouri; Docket Nos. STN 50–484 and STN 50–487 involving an application by Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation, for construction permits for the Tyrone Energy Park, Units 1 and 2 to be located in Dunn County, Wisconsin, and Docket No. STN 50–485 involving an application by Rochester Gas and Electric Corporation for a construction permit for the Sterling Power Project Nuclear Unit 1 to be located in Cayuga County, New York.

The proposed nuclear facility, designated by the applicants as the Wolf Creek Generating Station Unit No. 1, is located approximately 3.6 miles east of the Neosho River and the spillway at the John Redmond Reservoir in Coffey County, Kansas, approximately 3.5 miles northeast of Burlington, Kansas, and is designed for initial operation at approximately 3411 megawatts (thermal), with a net electrical output of approximately 1120 megawatts.

A Notice of Hearing with opportunity for public participation will be published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 29, 1974. The request should be filed in connection with Docket No. STN 50–482–A.

A copy of the application is available for public inspection at the Commission's Public Reference Section, 1717 H Street, NW., Washington, D.C. 20545, and at the Office of County Clerk (Ms. Joan Cox), Coffey County Courthouse, Burlington, Kansas.

The applicants have also filed an Environmental Report, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, dated April 1, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations and at the Budget Division, Department of Administration, First Floor-State House, Topeka, Kansas 66612.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 16th day of August, 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1–1, Directorate of Licensing.

[FR Doc.74–19984 Filed 8–29–74;8:45 am]

[Docket Nos. STN 50–516 and STN 50–517]

LONG ISLAND LIGHTING CO.

Jamesport Nuclear Power Station, Units 1 and 2; Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

The Long Island Lighting Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed September 6, 1974, for authorization to construct and operate two generating units utilizing two pressurized water reactors. The application was tendered on June 14, 1974. Following a preliminary review of completeness, the application was accepted on August 13, 1974 for docketing. Docket Nos. STN 50–516 and STN 50–517 have been assigned to the application and they should be referenced in any correspondence relating to the application.

The proposed nuclear facilities, designated by the applicant as the Jamesport Nuclear Power Station, Units 1 and 2 are to be located in Suffolk County, New York, 6 miles northeast of the town of Riverhead. Each unit is designed for initial operation at approximately 3425 megawatts (thermal), with a net electrical output of approximately 1150 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before November 12, 1974. The request should be filed in connection with Docket Nos. STN 50–516–A and STN 50–517–A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street N.W., Washington, D.C. 20545, and at the Riverhead Free Library, 330 Court Street, Riverhead, New York 11901.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an Environmental Report dated August 28, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations and at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207; and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10007.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 6th day of September, 1974.

For the Atomic Energy Commission.

FRANCIS J. WILLIAMS,
Acting Chief, Light Water Reactors Projects Branch 2–1, Directorate of Licensing.

[FR Doc.74–21143 Filed 9–12–74;8:45 am]

[Docket Nos. STN 50–484 and STN 50–487]

NORTHERN STATES POWER CO. (MINNESOTA) AND NORTHERN STATES POWER CO. (WISCONSIN)

Tyrone Energy Park, Units 1 and 2; Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters

Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application, which was docketed June 21, 1974, for authorization to construct and operate two generating units utilizing two standardized pressurized water reactors. The application was tendered on April 30, 1974. Following a preliminary review for completeness, the application was accepted on June 18, 1974, for docketing.

This application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or group of utilities. Docket Nos. STN 50–484 and STN 50–487 have been assigned to the application and should be referenced in any correspondence relating to the application. The other duplicate plants are: Docket No. STN 50–482 involving an application by Kansas Gas and Electric Company and Kansas City Power and Light Company for a construction permit for the Wolf Creek Generating Station, Unit No. 1 to be located in Coffey County, Kansas; Docket Nos. STN 50–483 and STN 50–486 involving an application by Union Electric Company for construction permits for the Callaway Plant, Units 1 and 2, to be located in Callaway County, Missouri, and Docket No. STN 50–485 involving an application by Rochester Gas and Electric Corporation for a construction permit for the Sterling Power Project Nuclear Unit 1 to be located in Cayuga County, New York.

The proposed nuclear facilities, designated by the applicants as the Tyrone Energy Park, Units 1 and 2, are located on the left descending bank of the Chippewa River in Dunn County, Wisconsin, approximately 19 miles west-southwest of Eau Claire, Wisconsin, and are each designed for initial operation at approximately 3411 megawatts (thermal) with a net electrical output of approximately 1129 megawatts.

A Notice of Hearing with opportunity for public participation will be published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 29, 1974. The request should be filed in connection with Docket Nos. STN 50–484–A and STN 50–487–A.

A copy of the application is available for public inspection at the Commission's Public Reference Section, 1717 H Street, NW., Washington, D.C. 20545, and at the Stout Library (Mr. John Jax, Director), University of Wisconsin, Menomenie, Wisconsin.

The applicants have also filed an Environmental Report, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, dated April 26, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Bureau of Planning and Budget, Department of Administration, One West Wilson Street, State

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Office Building, Madison, Wisconsin 53701.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 16th day of August, 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing.

[FR Doc.74-19986 Filed 8-29-74;8:45 am]

[Docket No. STN 50-485]

ROCHESTER GAS AND ELECTRIC CORP.

Receipt of Application for Construction Permit and Operating License; Time for Submission of Views on Antitrust Matters

Rochester Gas and Electric Corporation (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed June 21, 1974, for authorization to construct and operate a generating unit utilizing a standardized pressurized water reactor. The application was tendered on April 30, 1974. Following a preliminary review for completeness, the application was accepted on June 18, 1974, for docketing.

This application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or group of utilities. Docket No. STN 50-485 has been assigned to the application and should be referenced in any correspondence relating to the application. The other duplicate plants are: Docket No. STN 50-482 involving an application by Kansas Gas and Electric Company and Kansas City Power and Light Company for a construction permit for the Wolf Creek Generating Station, Unit No. 1 to be located in Coffey County, Kansas; Docket Nos. STN 50-483 and STN 50-486 involving an application by Union Electric Company for construction permits for the Callaway Plant, Units 1 and 2, to be located in Callaway County, Missouri, and Docket Nos. STN 50-484 and STN 50-487 involving an application by Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation, for construction permits for the Tyrone Energy Park, Units 1 and 2, to be located in Dunn County, Wisconsin.

The proposed nuclear facility, designated by the applicant as the Sterling Power Project Nuclear Unit 1, is bounded on the northwest by Lake Ontario, is located in Cayuga County, New York, and is designed for initial operation at approximately 3411 megawatts (thermal), with a net electrical output of approximately 1120 megawatts.

A Notice of Hearing with opportunity for public participation will be published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention, Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 29, 1974. The request should be filed in connection with Docket No. STN 50-485-A.

A copy of the application is available for public inspection at the Commission's Public Reference Section, 1717 H Street, N.W., Washington, D.C. 20545, and at the Seymour Library (Mr. Erskine, Librarian), Case Memorial Building, 176 Genesee Street, Auburn, New York.

Approximately September 30, 1974 the applicant plans to file an Environmental Report, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51. The report will discuss environmental considerations related to the construction and operation of the proposed facility. After it is docketed, it will be available for public inspection at the aforementioned locations and at the Office of Environmental Analysis, New York Department of Environmental Conservation, Albany, New York 12210; at the New York State Atomic Energy Council, New York State Department of Commerce, 99 Washington Street, Albany, New York 12210; and at the Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, New York 13202. A Notice of Availability of Applicant's Environmental Report will be published following docketing of the Environmental Report.

Dated at Bethesda, Maryland, this 16th day of August, 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing.

[FR Doc.74-19987 Filed 8-29-74;8:45 am]

[Docket Nos. STN 50-483 and STN 50-486]

UNION ELECTRIC CO.

Callaway Plant, Units 1 and 2; Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

Union Electric Company (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed June 21, 1974, for authorization to construct and operate two generating units utilizing two standardized pressurized water reactors. The application was tendered on April 30, 1974. Following a preliminary review for completeness, the application was accepted on June 18, 1974, for docketing.

The application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants. The applicable option involves a limited number of duplicate plants to be constructed within a limited time span by a utility or group of utilities. Docket Nos. STN 50-483 and STN 50-486 have been assigned to the application and should be referenced in any correspondence relating to the application. The other duplicate plants are: Docket No. STN 50-482 involving an application by Kansas Gas and Electric Company and Kansas City Power and Light Company for a construction permit for the Wolf Creek Generating Unit No. 1 to be located in Coffey County, Kansas; Docket Nos. STN 50-484 and STN 50-487 involving an application by Northern States Power Company, a Minnesota corporation, and Northern States Power Company, a Wisconsin corporation, for construction permits for the Tyrone Energy Park, Units 1 and 2, to be located in Dunn County, Wisconsin, and Docket No. STN 50-485 involving an application by Rochester Gas and Electric Corporation for a construction permit for the Sterling Power Project Nuclear Unit 1 to be located in Cayuga County, New York.

The proposed nuclear facilities, designated by the applicants as the Callaway Plant, Units 1 and 2, are located approximately five miles north of the Missouri River in Callaway County, Missouri, approximately ten miles southeast of Fulton, Missouri, and are each designed for initial operation at approximately 3411 megawatts (thermal), with a net electrical output of approximately 1120 megawatts.

A Notice of Hearing with opportunity for public participation will be published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before October 29, 1974. The request should be filed in connection with Docket Nos. STN 50-483-A and STN 50-486-A.

A copy of the application is available for public inspection at the Commission's Public Reference Section, 1717 H Street, NW., Washington, D.C. 20545, and at the Fulton City Library (Mrs. Frieda Metweedie), 709 Market Street, Fulton, Missouri, and at the Olin Library of Washington University (Mrs. Ranata Rotkowicz), Skinker and Lindell Boulevards, St. Louis, Missouri.

The applicant has also filed an Environmental Report, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, dated May 30, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Division of Planning, Office of Administration, P.O. Box 809, Jefferson City, Missouri 65101, and at the Mid-Missouri Regional Planning Commission, 10 West Sixth Street, Fulton, Missouri 65251.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 16th day of August, 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing.

[FR Doc.74-19985 Filed 8-29-74;8:45 am]

[Docket No. 50-317]

BALTIMORE GAS AND ELECTRIC CO.

Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR-53 issued to Baltimore Gas and Electric Company which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Unit 1, located in Calvert County, Maryland. The amendment is effective as of its date of issuance.

The amendment permits certain containment isolation valves to be open during preoperational testing.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment, dated September 11, 1974, (2) Amendment No. 1 to License No. DPR-53, with any attachments, and (3) the related safety evaluation contained in the Commission's letter to Baltimore Gas and Electric Company. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland 20678.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 12th day of September 1974.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Deputy Director, for Light Water Reactors, Group 1, Directorate of Licensing.

[FR Doc.74-21886 Filed 9-19-74;8:45 am]

[Docket Nos. STN 50-516 and STN 50-517]

LONG ISLAND LIGHTING CO.

Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Long Island Lighting Company (the applicant), for construction permits for two pressurized water nuclear reactors designated as the Jamesport Nuclear Power Station, Units 1 and 2 (the facilities), each of which will be designed for operation at 3425 thermal megawatts with a net electrical output of approximately 1150 megawatts. The proposed facilities are to be located 6 miles northeast of the town of Riverhead in Suffolk County, Long Island.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facilities, will be conducted by an Atomic Safety and Licensing Board (Board) consisting of Dr. A. Dixon Callihan, Dr. Franklin C. Daiber, and Elizabeth S. Bowers, Esq., Chairman.

Pursuant to 10 CFR § 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

Issues pursuant to the Atomic Energy Act of 1954, as amended. 1. Whether in accordance with the provisions of 10 CFR § 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

Issue pursuant to National Environment Policy Act of 1969 (NEPA). 5. Whether, in accordance with the requirements of 10 CFR Part 51, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR § 2.4(n), the Board will determine: (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's regulatory staff has been adequate to support the proposed findings to be made by the Director of Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) whether the review conducted by the Commission pursuant to NEPA has been adequate.

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In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permits should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with § 51.52(c) of 10 CFR Part 51: (1) determine whether the requirements of section 102(2)(C) and (D) of NEPA and 10 CFR Part 51 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing and the respective notices will be published in the FEDERAL REGISTER.

Pursuant to 10 CFR 2.761a, a hearing and decision by the Board on issues pursuant to NEPA and general site suitability and certain other possible issues may be held and issued prior to and separate from the hearing and decision on other issues. In the event the Board, after the hearing, makes favorable findings on such issues, the Director of Regulation may, pursuant to 10 CFR 50.10(e), authorize the applicant to conduct certain on-site work entirely at its own risk prior to completion of the remainder of the proceeding.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1–5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others by October 21, 1974, in the manner specified below.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matter outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by October 21, 1974. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant by October 10, 1974.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to the applicant's attorney, Mr. Edward M. Barrett, Esq., General Counsel, Long Island Lighting Company, 250 Old Country Road, Mineola, New York 11501.

For further details, see the application for construction permits dated August 28, 1974, and amendments thereto, and the applicant's environmental report dated August 28, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents are also available at the Riverhead Free Library, 330 Court Street, Riverhead, New York 11901, for inspection by members of the public between the hours of 9 a.m. and 9 p.m. on Mondays; 9 a.m. and 5 p.m. on Tuesdays, Thursdays, and Saturdays; and 12 a.m. and 9 p.m. on Wednesday and Fridays. As they become available, a copy of the safety evaluation report by the Commission's Directorate of Licensing, the Commission's draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation report and the Commission's final environmental statement, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Director of Licensing, United States Atomic Energy Commission—Regulation, Washington, D.C. 20545.

Dated at Germantown, Md., this 11th day of September 1974.

UNITED STATES ATOMIC ENERGY COMMISSION,
GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.74-21954 Filed 9-19-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26985]

AIR MANILA, INC.

Charter Permit. Application Philippines-United States; Notice of Postponement of Prehearing Conference and Hearing

Notice is hereby given that, at the request of the applicant and of the Bureau of Operating Rights, the prehearing conference and hearing in the above-entitled proceeding have been postponed from September 24, 1974 (39 FR 32177, September 5, 1974), to Tuesday, October 8, 1974, at 10 a.m. (local time) in Room 1027, Universal Building, 1825, Connecticut Avenue, NW., Washington, D.C.

By agreement of the parties, the hearing will be held immediately following the conclusion of the prehearing conference.

The time for the applicant to file its direct exhibits and its responses to the Bureau's request for evidence is extended to October 1, 1974.

Dated at Washington, D.C., September 16, 1974.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.74-21903 Filed 9-19-74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Chief Counsel, Office of Foreign Direct Investments.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-21829 Filed 9-19-74;8:45 am]

DEPARTMENT OF DEFENSE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Director for Policy and Program Development (Civilian), Directorate for Policy and Program Development (Civilian), Office of the Deputy Assistant Secretary of Defense (Equal Opportunity), Office of the Assistant Secretary of Defense (Manpower and Reserve Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-21831 Filed 9-19-74;8:45 am]

FEDERAL TRADE COMMISSION

Grant of Authority To Make A Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Trade Commission to fill by noncareer executive assignment in the excepted service the position of Director for Policy Planning and Evaluation, Office of Policy Planning and Evaluation.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-21830 Filed 9-19-74;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority To Make A Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Associate Deputy Attorney General for Criminal Justice, Office of Criminal Justice, Office of the Deputy Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-21826 Filed 9-19-74;8:45 am]

DEPARTMENT OF THE NAVY

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Navy to fill by noncareer executive assignment in the excepted service the position of Executive Assistant (Financial Management) to the Secretary of the Navy, Immediate Office of the Secretary of the Navy.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-21827 Filed 9-19-74;8:45 am]

DEPARTMENT OF THE NAVY

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Navy to fill by non-carrer executive assignment in the excepted service the position of Deputy Under Secretary of the Navy.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-21828 Filed 9-19-74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ATOMIC ENERGY COMMISSION AND DEPARTMENT OF DEFENSE

Administrative Actions Requiring Environmental Impact Statements

The following lists, filed with the Council by the Atomic Energy Commission and the Department of Defense pursuant to Council Guideline 40 CFR 1500.6 (e), indicate those administrative actions that AEC and DOD have determined will require the preparation of environmental impact statements under NEPA.

Hon. RUSSELL PETERSON,
Chairman, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20506.

JULY 17, 1974.

DEAR MR. PETERSON: In accordance with the Council's Guidelines for Preparation of Environmental Statements (1500.6(e), I am transmitting a list of Atomic Energy Commission operational environmental statements that are being prepared. The preparation of the statements covering administrative actions was announced in the FEDERAL REGISTER as noted, while those prepared in support of the fiscal year 1975 appropriations requests could not be announced in advance. The availability of the latter statements was announced in the FEDERAL REGISTER February 7, 1974.

We have not prepared any negative declarations covering Commission operational actions since your Guidelines became effective January 28, 1974.

Sincerely,

JAMES L. LIVERMAN,
Assistant General Manager for Biomedical and Environmental Research and Safety Programs.

AEC OPERATIONS
ENVIRONMENTAL STATEMENTS IN PREPARATION

Wash No.	Action	Issue schedule: Draft	Issue schedule: Final	Federal Register announcement
1530	Additional high level waste facilities, Savannah River Plant, Aiken, S.C.	Feb. 5, 1974	July 1974	Feb. 7, 1974.
1531	New waste calcining facility, National Reactor Testing Station, Idaho.	do	June 26, 1974	Do.
1532	Radioactive waste facilities, Oak Ridge National Laboratory, Oak Ridge, Tenn.	do	July 1974	Do.
1533	HTGR fuel refabrication pilot plant, Oak Ridge National Laboratory, Oak Ridge, Tenn.	do	do	Do.
1534	HTGR fuels reprocessing facility, National Reactor Testing Station, Idaho.	do	do	Do.
1535	Liquid metal fast breeder reactor program	March 1974	Aug. 1974	Oct. 4, 1973.
1536	Waste management operations, National Reactor Testing Station, Idaho.	April 1974	Sept. 1974	Aug. 14, 1973.
1537	Waste management operations, Savannah River Plant, Aiken, S.C.	do	do	Do.
1538	Waste management operations, Hanford Reservation, Richland, Wash.	June 1974	Nov. 1974	Do.
1539	Program for the management of commercially-generated high-level radioactive waste.	Aug. 1974	Feb. 1975	Oct. 24, 1973.
1540	Brookhaven National Laboratory Site, Upton, N.Y.	Dec. 1974	June 1975	June 12, 1974.
1541	Light water breeder reactor program	July 1975	Jan. 1976	July 8, 1974.
1542	International nuclear power program	do	do	June 14, 1974.

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None.
5. List of actions for which statements are not yet timely.
None.

QUARTERLY CEQ REPORT DEPARTMENT OF THE ARMY SEPTEMBER 1, 1973—JUNE 30, 1974

(a) Final Statements:
None filed during reporting period.

(b) Draft Statements:

Subject	Date filed
1. South approach, Golden Gate Bridge, Presidio, CA.	Filed August 30, 1973; however, was not reported in Federal Register until May 6, 1974.

(c) Statements under preparation:

Subject	Projected date
1. Construction and operation, parachute drop zone and short-field landing strip, Alaska.	Not scheduled.
2. Land acquisition at White Sands Missile Range, N. Mex.	Project deferred.
3. Land acquisition at Fort Carson, Colo.	Aug. 1974 (draft).
4. Division Stationing Plan, Fort Ord, Calif.	Not scheduled.
5. Project Eagle—Expanded:	
Supplement A—Disposal of GB agent in underground tanks.	Third quarter 1974 (final).
Supplement B—Disposal of GB agent in 1-ton containers.	Fourth quarter 1974 (final).
Supplement C—WETEYE bombs	Second quarter 1975 (final).
Supplement D—Honest John warhead	First quarter 1975 (final).
6. Project Eagle phase III, disposal of obsolete phosgene (carbonyl chloride).	Not scheduled.
7. Demilitarization of toxic munitions at USAMIC installations:	Fourth quarter 1974 (final).
Without explosives	Not scheduled.
With explosives	Fourth quarter 1974 (draft).
8. Family housing, Alamanu Military Reservation, Hawaii, 2950 units.	Mar. 1975 (draft).
9. Family housing project, Fort Belvoir, Va.	Oct. 1974 (draft).
10. Family housing project, Fort Campbell, Ky.	Oct. 1974 (draft).
11. Family housing project, Fort Bragg, N.C.	

(d) List of Actions for which a statement is not required:
1. Actions which normally require a statement: None.

2. Actions similar to those for which a significant number of statements have been filed:
a. Subject: THOR Tracking Evaluation Program. *Date of Determination:* June 25, 1974.
b. Brief Reason for Determination: The proposed action is to obtain test data for use in Ballistic Missile Defense research by tracking THOR missiles launched from Johnston Island (JI) to the vicinity of Kwajalein Atoll. A detailed environmental impact assessment concludes that the proposed THOR tracking program is not a major action that will significantly affect the quality of the human environment. Although this action takes place in a geographical area (JI) for which EIS have been prepared for other projects, no EIS will be submitted for this project.
3. Actions previously announced as requiring a statement.
a. Subject: Bird Control, Ft. Campbell, KY, Milan AAP, TN. *Date of Determination:* Brief Reason for Determination: After review the environmental assessment and in consultation with CEQ, it was determined that the action was not a major action having significant impact on the quality of the human environment.
4. Actions for which the CEQ requested a statement: None.
5. List of actions for which statements are not yet timely: None.

QUARTERLY CEQ REPORT, DEPARTMENT OF THE NAVY, APRIL–JUNE 1974

(a) Final Statements.
Subject: "Modernization of Plant A, Naval Ammunition Depot, McAlester, Oklahoma."
Date Filed: April 17, 1974.
(b) Draft Statements:
Subject: "U.S. Navy Atlantic Fleet Air Combat Maneuvering Range, Atlantic Ocean Training Area".
Date filed: April 1, 1974.
Subject: "Land Acquisition and Construction of Two Helicopter Outlying Fields, Naval Air Station, Whiting Field, Milton, Florida".
Date filed: June 19, 1974.
Subject: "Naval Submarine Base, New London, Groton, Connecticut".
Date filed: June 19, 1974.
Subject: "Navy Family Housing Project, Naval Air Station, Glenview (at Fort Sheridan), Illinois".
Date filed: June 25, 1974.
(c) Statements under preparation:
Subject: Final EIS for "U.S. Navy Atlantic Fleet Air Combat Maneuvering Range, Atlantic Ocean Training Area".
Projected date: July 1974.
Subject: Final EIS for "TRIDENT Support Site, Bangor Washington".
Projected date: July 1974.
Subject: Final EIS for "Improvement/Addition of Ship Berthing Spaces, Naval Station, Norfolk, Virginia".
Projected date: July 1974.
Subject: Final EIS for "Camping Facility, Naval Air Station, Miramar, California".
Projected date: August 1974.
Subject: Final EIS "Off-Road Vehicle Use, Naval Weapons Center, China Lake, California".
Projected date: August 1974.
Subject: Final EIS for "Abrasive Blasting of Ship Hulls".
Projected date: August 1974.
Subject: Final EIS for "Continued Use of Farallon de Medinilla Bombardment Range, Marianas Islands".
Projected date: September 1974.
Subject: Draft EIS for the "Proposed Acquisition and Development of an Air to Surface Weapons Delivery (Training) Range, Douglas County, Washington".
Projected date: September 1974.
Subject: Draft EIS for the "Proposed New Ammunition Facility at the Naval Air Station North Island, San Diego, California".
Projected date: September 1974.
(d) Lists of actions for which a statement is not required.
a. Subject: "Naval Electronics Laboratory Center, NELC, (Building Construction), San Diego, California".
Date of determination: May 30, 1974.
Brief Reason for Determination: Proposed construction did not constitute a "major Federal action significantly affecting the quality of the human environment", nor was the environmental impact of the proposed construction considered likely to be environmentally controversial.
Subject: "Fuels for the Torpedo, Mark 46 and Mark 48 Programs".
Date of determination: May 30, 1974.
Brief Reason for Determination: Proposed safe handling procedures for subject fuels did not constitute a "major Federal action significantly affecting the quality of the human environment" and ongoing programs within Navy are being pursued to improve even further those safe handling procedures now in effect.
Subject: "Real Estate Outlease of Hunters Point Naval Shipyard, San Francisco, California".
Date of determination: May 30, 1974.
Brief Reason for Determination: Statement addressed cooperation ongoing between City of San Francisco and Navy to reach satisfactory and beneficial uses of facility closed by the Secretary of Defense in April 1973. As state and local standards for environmental protection govern future leasee operations, action was not considered a major one "significantly affecting the quality of the human environment".
1. Actions which normally require a statement:
Subject: "Amphibious Assault Landing Craft".
Date of determination: April 17, 1974.
Brief reason for determination: Submission returned to originator for additional information.
2. Actions similar to those for which a significant number of statements have been filed:
a. Subject: "Navy Family Housing, Great Lakes Naval Base, Illinois".
Date of determination: April 17, 1974.
b. Brief Reason for Determination: Submission was the second part of a two phased approach (statement for Glenview (at Fort Sheridan), Illinois was also reviewed) to alleviate Navy family housing requirements in the Great Lakes area. A decision was made to file the Fort Sheridan EIS (filed on June 25, 1974), however, environmental impact of Great Lakes project was not determined to constitute "a significant impact on the quality of the human environment", from either a primary or secondary aspect.
Subject: "Navy Family Housing, Guantanamo Bay, Cuba."
Date of Determination: April 17, 1974.
Brief Reason for Determination: Considered to have negligible environmental impact due to location.
Subject: "Navy Family Housing, Naval Station, Mayport, Florida".
Date of Determination: May 30, 1974.
Brief Reason for Determination: Proposed construction did not constitute a "major Federal action significantly affecting the quality of the human environment", nor was the environmental impact of the proposed construction considered likely to be environmentally controversial.
3. Actions previously announced as requiring a statement: None identified.
4. Actions for which the CEQ requested a statement: None identified.
(e) List of Actions for which Statements Are Not Yet Timely:
Subject: "Continued Use of Atlantic Fleet (Inner) Weapons Range".
Date of Evaluation: Undetermined.
Subject: "Proposed Move of Naval Bureau of Naval Personnel to New Orleans, Louisiana".
Date of Evaluation: September 1974.

FEDERAL REGISTER, VOL. 39, NO. 184—FRIDAY, SEPTEMBER 20, 1974

Hon. RUSSELL W. PETERSON,
Chairman, CEQ 722 Jackson Place NW., Washington, D.C. 20006.

AUGUST 15, 1974.

DEAR MR. PETERSON: The attached report is provided in response to the requirements of § 1500.8(e) of the revised CEQ Guidelines dated August 1, 1973. This submission covers the period September 1, 1973, through June 30, 1974.

Enclosure 1 includes those actions pertaining to the Office of the Secretary of Defense, OJCS, and Defense Agencies. Enclosures 2, 3 and 4 pertain respectively to the Army, Navy and Air Force.

Sincerely,

VERNON MCKENZIE,
Acting Principal Deputy.

Quarterly CEQ Report
Defense Nuclear Agency
Initial Report Period
(A) Final Statements—None.
(B) Draft Statement—None.
(C) Statements Under Preparation
1. *Subject:* Clean up, Rehabilitation, Resettlement—Enewetak.
2. Projected Publication Date—Sep 1, 1974.
(D) List of Actions for which a Statement is not required:
1. Actions which normally require a statement:
None During This Period.
2. Actions similar to those for which a significant number of statements have been filed:
None During This Period.
3. Actions previously announced as requiring a statement:
None During This Period.
4. List of actions for which CEQ has requested a statement:
None During This Period.
(E) List of Actions for which Statements are not yet timely:
Subject: National Nuclear Test Readiness Program (NNTRP)
Date of evaluation: Continuous. EIS will be written when decision to resume nuclear testing in environment now prohibited Limited Test Ban Treaty is imminent.

ESTIMATED DIRECT COST DATA
SEPTEMBER 1—JUNE 30, 1974

Statement title	Type	Projected release date	Estimated direct cost data					Public hearing
			Salaries	Travel	Research	Consultants	ADDM	
Clean up, rehabilitation, resettlement—ENEWETAK.	Draft	Unknown	21,700	3,800		78,600		CINCPAC

ENCLOSURE

QUARTERLY CEQ REPORT
UNIFIED AND SPECIFIED COMMANDS
SEPTEMBER 1, 1973—JUNE 30, 1974

1. Final Statements:
None filed during reporting period.
2. Draft Statements:
None filed during reporting period.
3. Statements under Preparation: *CINC*
Subject and projected date:
Environmental statement for Tinian, Marianas Island—Created Isle, fourth quarter, calendar year 1974. CINCPAC
4. List of Actions for which a statement is not required:
a. Actions which normally require a statement. None.
b. Actions similar to those for which a significant number of statements have been filed:
Subject and date of determination: *CINC*
Fiscal year 1973 family housing project, lightning field, Sebo-field barracks, Oahu, Hawaii. CINCPAC
Sept. 1973
P-105, sanitary landfill, CEIS. Do.
Oct. 4, 1973
Navy family housing project. Do.
CEIS, Sept. 1, 1973
P-741 indoor playing court, EIA. Do.
June 26, 1974
(2) Brief Reason for Determination:
(a) Commander determined that there would be no significant impacts from construction of 540 family housing units at Schofield Barracks proper. Existing facilities were determined to be inadequate to accommodate expected population increase.
(b) Project not of scope to require additional review. No draft of final EIS required.
(c) CEIS determined draft of final EIS is unnecessary.
(d) Project not of scope to require further review.
c. Actions previously announced as requiring a statement.
None.
d. Actions for which the CEQ requested a statement.
None.

QUARTERLY CEQ REPORT
UNITED STATES AIR FORCE
SEPTEMBER 1, 1973 TO JUNE 30, 1974
ECS: DD-H&E(Q) 1326

A. Final statements:

Subject	Date filed
1. Air Force Accounting and Finance Center—Move to Lowry AFB.	Dec. 21, 1973
2. B-1 Aircraft, revised final	Feb. 4, 1974
3. Blair Lakes Range	Mar. 30, 1974

B. Draft statements:

Subject	
1. Operation Giant Patriot (OBL)	Feb. 13, 1974
2. 150 family housing units, Eglin AFB, Fla	Apr. 22, 1974
3. F-15 Beddown Luke AFB	May 6, 1974
4. Disposition of orange herbicide by incineration	May 9, 1974

C. Statements under preparation:

Subject	Project date
1. USAF continental operations range (COR)	First quarter fiscal year 1975.
2. High Reynolds number tunnel, Arnold Engineering Development Center.	First quarter fiscal year 1975.
3. Joint city/Air Force use of Norton AFB	First quarter fiscal year 1975.
4. Over-the-horizon radar CONUS (OTH-B) revised draft.	First quarter fiscal year 1975.

D. Lists of actions for which a statement is not required*:

Subject and date of determination: 1. Andrews AFB, FY 74, Military Housing, January 25, 1974.
a. Reason for determination:
Originally there was a question of meeting State standards on sewage treatment at the time the project would be completed. This problem was resolved. No other points of significant impact or possible controversy remained.
2. Blytheville AFB, FY 74, Family Housing, November 1973.
a. Reason for determination:
Although no significant environmental effects from the project were foreseen, local community sentiment toward the project was sought because land acquisition was involved. All interested local organizations were unanimous in support of the project.
3. Hickam AFB, FY 74 & 75, Family Housing, January 1974.
a. Reason for determination:
The project was of sufficient magnitude (600 units) to warrant close scrutiny regarding environmental effects. However, no significant environmental problems or points of controversy were revealed in the course of preparing a thorough candidate statement.
4. Grand Forks FY 74, Military Family Housing, January 1974.
a. Reason for determination:
Initially there was an indication of local opposition to the project from a socio-economic standpoint. The matter was thoroughly explored with the mayor of Grand Forks and the local FHA administrator and their approval of the project was obtained. No other opposition was evident.
Subject and date of determination: 5. Eglin AFB Auxiliary Field 6&9, Military Family Housing, January 1974.
a. Reason for determination:
During the preparation of the environmental statement on the 275 FY 74 military family housing on Eglin AFB, it was determined that the environmental impact or controversy would only be in question at the 150 units of military family housing on the main base. Since there was no interactive effect between the three sites it was decided that a draft environmental statement be prepared on the 150 units on the main base and that a statement on the 125 units was not required.
6. Air Force Plant 42, Joint Use of the Runway, February 1974.
a. Reason for determination:
The primary possible significant impact of this action would be citizen response to noise generated by use of the airfield by commercial flights as a weather alternate to Los Angeles International Airport. The assessment revealed no significant noise im-

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pact from the action and no indication of probable controversy.

7. Dare County Bomb Range Lease Renewal, April 1974.

a. Reason for determination:

The range has been in continual operation for nine years. The environmental impact of this operation has consisted of the effects of bombing and strafing, fires started from activities on the range, and a few sonic booms. Most of these impacts have been reduced in recent years and the environmental effects during the period of the proposed lease renewal will be considerably less than in the early years of the present lease. The fire hazard has been substantially reduced by the application of presuppression measures and better access. Use of "cold smoke" spotting charges should remove the cause of all the fires originating from practice bombing activities. The impact of bombing and strafing will only be due to inert projectiles impacting in areas already cleared and prepared for the purpose. The present explosive spotting charge will be eliminated by the cold smoke spotters. A continuing effort is being made to eliminate the few sonic booms through coordination and indoctrination of crews. The lack of significant impact of the present operation, coupled with the reduced impact expected in the future, and the absence of controversy about the environmental effects of the range all indicate that there is no need to prepare an environmental impact statement on this action.

*These actions are not broken into subcategories because of limited experience to date with the categories. Future submissions will conform to the reporting format.

E. List of Actions for which Statements are not yet timely: None.

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-21146 Filed 9-19-74;8:45 am]

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from September 9 through September 13, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (November 4, 1974). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available, at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Draft

Triangle Range Wetlands Exchange, Modoc N.F., Modoc County, California, September 9: The statement concerns a proposed land exchange on the Modoc National Forest, California. Approximately 17,800 acres of privately owned land have been offered to the U.S. in exchange for not to exceed an equal value of National Forest land, primarily timberland in the same forest and county. It is estimated that the National Forest land may comprise 1,800 acres. Adverse impacts are the loss of revenue to Modoc County, and short-term soil erosion and water sedimentation will occur (51 pages). (ELR Order No. 41417.)

Aspen-Horsethief Timber Sales, Sierra, N.F., Fresno County, California, September: The statement refers to the Aspen-Horsethief Timber Sales proposed within the Kaiser Roadless Area. The proposal is to continue preparation of the timber to be advertised and awarded to the highest bidder. The Aspen-Horsethief Study Area would be removed from roadless status and placed under long-term multiple use management which included production of timber resources. Adverse impacts include: possible loss of wilderness classification; negative on-site aesthetic impacts; short-term noise increase, and temporary soil erosion and water sedimentation. (ELR Order No. 41436.)

Final

Weyerhauser Company—Gifford Pinchot N.F., several counties, Washington, September 12: The statement is concerned with the proposed land ownership adjustment plan between Weyerhaeuser and the Forest Service, which involves three exchanges. Weyerhaeuser is offering 13,089 acres of its land to the Forest Service in exchange for 13,765 acres of National Forest lands. The exchange will consolidate public and private lands. Adverse impacts of the exchanges are: reduction in Forest Service annual sell of board; loss of 84 jobs affecting 311 families; extensive logging by Weyerhaeuser on the lands they will own; and loss of lands which outdoor groups have proposed be included in a National Monument (175 pages). Comments made by: EPA, HUD, HEW, DOI, USDA, State and local agencies, and concerned citizens. (ELR Order No. 41430.)

SOIL CONSERVATION SERVICE

Draft

Pierce Creek No. 2 Watershed, Page and Montgomery Counties, Iowa, September 13: The statement refers to the construction of the Pierce Creek No. 2 Watershed Project in Page and Montgomery Counties, Iowa. Eleven acres of cropland, 32 acres of pasture and 6 acres of forest land will be permanently inundated by the project. In addition, four miles of ephermeral stream channel will be inundated by the project (30 pages). (ELR Order No. 41431.)

Oak Orchard Creek Watershed, Genesee and Orleans Counties, New York, September 11: The statement refers to the Oak Orchard Creek Watershed project, which will consist of conservation land treatment measures on 12,050 acres and about 90.8 miles of channel work. Installation of structures will result in the loss of 10 acres of cropland and 28 acres of forest land. There will be disturbance to wildlife habitat, and temporary construction activities. (ELR Order No. 41425.)

Mission Hill Watershed, Yankton County, South Dakota, September 9: The statement refers to the proposed construction of the Mission Hill Watershed in Yankton County. The project is for watershed protection and flood prevention in agricultural lands and to homes in the town of Mission Hill. The planned project measures to be installed include conservation land treatment, one flood water retarding structure, one grade stabilization structure, and 3.8 miles of channel work. There will be a periodic inundation by floodwater of up to 34 acres of cropland and 59 acres of pasture. There will also be a temporary loss of 124 acres of pasture, cropland, herbaceous habitat, and woody habitat during construction, and increased levels of noise and dust (39 pages). (ELR Order No. 41411.)

Draft

Bigwood Ski Area, Sawtooth N.F., Blaine County, Idaho, September 12: Proposed is the development, by Sprenger Land Development Corp., of a major winter sports complex in the Butterfield Creek Area of the Sawtooth National Recreation Area. Capacity of the facility would be 4,700 skiers per day. Full development would include an access road, 21 ski runs, parking for 900 cars, seven chair lifts, two surface lifts, and support facilities. Adverse impact will include soil erosion and water quality effects, the straining of sewage disposal systems, and the placing of additional burdens on fire protection, police, and school resources (ELR Order No. 41428.)

Final

Madera Canyon Planning Unit, Coronado N.F., Arizona, September 13: The statement refers to a proposed land use plan for the Madera Canyon Planning Unit of the Coronado National Forest. Management emphasis will be on wildlife habitat, natural beauty, water quality, and public outdoor recreation. Existing summer home permits will be placed upon limited tenure, after which the structures will be removed; existing private holdings will be acquired, and utility lines will be buried. Comments made by: EPA, DOI, USDA, State and local agencies, and concerned citizens. (ELR Order No. 41434.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314. (202) 693-7168.

Draft

Saint John River Flood Protection, Fort Kent, Aroostock County, Maine, September 13: The statement refers to the local flood protection project designed to afford protection to the residents of Fort Kent, Aroostock County. The plan selected calls for the construction of an earth dike on the Saint John River, a pumping station and appurtenances, a pressure conduit, and a raised roadway at Fort Kent. Adverse impacts are the loss of part of the shore line, and temporary noise and dust associated with construction. (Waltham District) (23 pages). (ELR Order No. 41432.)

Little Creek Water Supply Reservoir, Newport News, James City, Virginia, September 9: The statement discusses the city of Newport News proposal to increase the safe yield of their water supply system by damming Little Creek and creating an impoundment which will store water to be pumped from the Chickahomy River at Walker Dam. The Army Corps portion of the project includes: construction of an earthfill dam, construction of a pumping station, dredging from the stream bed at the dam site, and expansion of the pumping station at Walker Dam. Adverse impacts are the alteration of 916 acres to an aquatic habitat, displacement of wildlife habitats, and the conversion of 2.5 miles of stream to a lake (Norfolk District). (ELR Order No. 41412.)

Final

Optima Lake, North Canadian River, Texas County, Oklahoma, September 9: The statement refers to the continued construction of the dam and lake on the North Canadian River and Coldwater Creek. Purposes of the project are flood control, water supply, recreation, nd fish and wildlife. The lake will permanently inundate 5,340 acres of wildlife habitat, with possible periodic inundation of 7,639 acres. The free flowing nature of Coldwater Creek and the North Canadian River will be lost. The historic townsite of Old Hardesty will be inundated (Tulsa District). Comments made by: EPA, DOI, DOT, USDA, AHP, State agencies, and concerned citizens. (ELR Order No. 41410.)

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

BUREAU OF LAND MANAGEMENT

Draft

Motorcycle Race, Barstow, California to Las Vegas, Nevada, September 10: The statement discusses a point to point motorcycle race approximately 155 miles on existing roads and trails over open desert from near Barstow, California to Las Vegas, Nevada. Three thousand motorcyclists released in 2 waves will race over previously used roads and trails. An estimated 10,000 to 12,000 people will attend as pit crews and spectators. The proposed race will result in an increment of damage to the soil, vegetation, wildlife habitat, and cultural resources within the area of influence. (ELR Order No. 41420.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tennessee 37401, (615) 755-2002.

Draft

Raccoon Mountain Pumped-Storage Plant, Marion County, Tennessee, September 11: Proposed is the construction of a 4 unit pumped-storage hydroelectric power project, totaling 1530 MWt. Approximately 1,000 acres of timber will be removed for project-related construction, resulting in adverse impacts to wildlife populations. (ELR Order No. 41424.)

DEPARTMENT OF THE INTERIOR

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, FEDERAL HIGHWAY ADMINISTRATION Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, (202) 426-4357.

Draft

Freeway 520, Black Hawk, Grundy Counties, Iowa, September 10: The proposed project involves the construction of a segment of Freeway 520 in Black Hawk and Grundy Counties. The 4-lane facility will have a total length of 12.3 miles. Adverse impacts include the diversion of 765 acres of land to right-of-way, displacement of 6 homes and farm buildings, and increased air and noise pollution. A 4(f) determination is necessary concerning the Black Hawk Creek Greenbelt (115 pages). (ELR Order No. 41421.)

Hamilton County, Tennessee, September 9: The statement refers to the proposed construction of S.R. 58 which will connect the intersection of Riverfront Parkway and Main Street with the intersection of 20th and Broad Street. The length of the project is .87 mile. Adverse impacts are the displacement of families and increased air and noise pollution. (ELR Order No. 41409.)

S.R. 55 Bypass, Warren County, Tennessee, September 10: The project involves the construction of S.R. 55 bypass beginning near S.R. 55 near Smartt and extending in a northern direction to S.R. 1 at the junction McMinnville. The project length is approximately 3.8 miles. Adverse impacts are the displacement of residences and businesses, loss of natural resources, increased noise and air pollution, and increased siltation in Barren Fork River during construction. (ELR Order No. 41423.)

S.T.H. 27 and 77, Sawyer County, Wisconsin, September 10: The statement discusses the improvement of STH 27-77 in northwestern Sawyer County. The proposed project is a relocation of the highway around the city of Hayward business district which will require about 2.2 miles of new highway construction. Adverse impacts are the acquisition of land for right-of-way, displacement of 1 family, and increased air and noise pollution (93 pages). (ELR Order No. 41422.)

Final

Rte. 262, Waterbury-Plymouth, Connecticut, September 12: The statement refers to the reconstruction of Conn. Route 262 in the City of Waterbury and the Town of Plymouth. The total length of the project is 0.7 miles. Adverse impacts are the loss of 15 acres of land to right-of-way, some relocation of Spruce Brook, and temporary impacts associated with construction. A 4(f) determination was necessary concerning Mattatuck State Forest. Comments made by: EPA, AHP, USDA, DOI, DOC, HUD, and local agency. (ELR Order No. 41429.)

I 190, Worcester County, Massachusetts, September 11: The statement refers to the construction of four miles of I 190 (Route 52) in Worcester and West Boylston. The project will extend from I 290 to Mass. Route 12. Comments made by: DOI, HEW, HUD, USDA, EPA, State and local agencies. (ELR Order No. 41427.)

Route 61, Pike County, Missouri, September 13: The project consists of improving approximately 6.0 miles of Route 61 from south of Bowling Green to south of Cyrene in Pike County. The proposed project will consist of initially providing a 4-lane limited access facility with provisions for ultimately providing a 4-lane fully controlled access facility and diamond type interchange at Route HH. Adverse impacts are the loss of land to right-of-way, displacement of homes, and increased noise and air pollution (24 pages). (ELR Order No. 41433.)

I-90, Mineral County, Montana, September 9: The project involves the construction of I-90, located in Mineral County. The proposed project consists of 7.7 miles of 4-lane interstate highway and includes two interchanges, a rest area, two grade separations, six minor river crossings, one major crossing, and associated auxiliary road. Adverse impacts are the displacement of businesses and residences, some loss of vegetation and big game winter range, channel changes on the St. Regis River, and temporary impacts usually associated with construction. Comments made by: DOT, USDA, EPA, COE, DOI, HUD, USCG, State and local agencies. (ELR Order No. 41413.)

I-90 and F 254(10), Mineral County, Montana, September 11: The project involves four lane road construction on I-90 for 8.05 miles, and two lane construction of F-254(10) for 2.2 miles. Adverse impact will include a rise in noise levels and the relocation of one family. There will be some alteration of the behavior patterns of the wildlife indigenous to the area (46 pages). Comments made by: USDA, DOI, EPA, HUD, and State agencies. (ELR Order No. 41426.)

US-35, Jackson County, Ohio, September 9: The project involves the relocation of US 35 in Jackson County. The plan involves construction of approximately 4.8 miles of new four lane, median divided highway with all necessary appurtenances on limited right-of-way. Adverse impacts are the displacement of 13 families, removal of some vegetation, and loss of wildlife habitat (44 pages). (ELR Order No. 41414.)

I-440, Oklahoma City, Oklahoma, September 9: The statement refers to the proposed upgrading of existing US 66, a ground-level four-lane expressway to provide the north leg of the I-440, a six-laned freeway with full control of access through Oklahoma City. Adverse impacts are the displacement of 27 families and 12 businesses (already have been relocated), the reduction of privately owned lands and the disruption of traffic services during construction (45 pages). Comments made by: EPA, COE, HEW. (ELR Order No. 41416.)

U.S. 259, Daingerfield to Lone Star, Morris County, Texas, September 9: The statement refers to the proposed upgrading of US 259 to a four lane facility. The project will run from Daingerfield South to F.M. Road 250 in Lone Star. Adverse impacts include the conversion of 52 acres of land into additional right-of-way, and the displacement of 12 families and six businesses (63 pages). Comments made by: HEW, COE, USDA, DOI, EPA, state and local agencies. (ELR Order No. 41415.)

Draft

Transmission Lines, Panama Canal Zone, September 13: Proposed is the granting of a license by the Canal Zone government to the Instituto de Recursos Hidraulicos y Electrificacion, an autonomous agency of the Republic of Panama, for the construction and operation of two 230 kV transmission lines across the Canal Zone. The lines are part of a hydroelectric development which will deliver power from the mountainous western end of the country to the urban and industrial center of Panama City. The action will result in the use of 580 acres for right-of-way, and the loss of some tropical forest (34 pages). (ELR Order No. 41435.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-21862 Filed 9-19-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 267-1]

CALIFORNIA STATE STANDARDS

Waiver of Federal Preemption Continued

By FEDERAL REGISTER notices dated April 26, 1973 (38 FR 10317) and March 15, 1974 (39 FR 10013), the Administrator of the Environmental Protection Agency granted the State of California a waiver of Federal preemption to permit California to enforce emission standards for 1975 model year light duty vehicles of 9 grams/mile HC, 9 grams/mile CO and 2.0 grams/mile NO_x in lieu of Federal standards of 1.5 grams/mile HC, 9 grams/mile CO and 3.1 grams/mile NO_x. California has requested that this waiver be continued for 1976 model year light duty vehicles.

Notice is hereby given that the Administrator has informed California that this waiver is continued for 1976 model year light duty vehicles. California's 1976 model year light duty vehicle emission standards are identical to their 1975 model year light duty vehicle standards.

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The Federal 1975 model year light duty vehicle emission standards are in effect for 1976.

The Administrator's action was accomplished by letter dated August 29, 1974, to the California Air Resources Board.

Dated: September 16, 1974.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

[FR Doc.74-21917 Filed 9-19-74;8:45 am]

[FRL 266-3]

COST AND TECHNOLOGY INFORMATION ON REDUCTION OF PORTABLE AIR COMPRESSOR AND MEDIUM AND HEAVY DUTY TRUCK NOISE

Availability of Reports

Pursuant to the authority of section 5(b)(2) of the Noise Control Act of 1972, 42 U.S.C., section 4904(b)(2), the Environmental Protection Agency has published, with respect to newly manufactured portable air compressors and medium and heavy duty trucks, reports giving information on techniques for control of noise from such products, including available data on the technology, costs, and alternative methods of noise control.

These reports expand upon preliminary cost and technology reports made available to the public on June 21, 1974; see 39 FEDERAL REGISTER 22297–22299.

Copies of the reports may be obtained from the Public Information Center, PM–215, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Dated: September 17, 1974.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.74-21914 Filed 9-19-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[TIAS 2594; Supplement No. 7]

CANADA–U.S.A. T.V AGREEMENT OF 1952

SEPTEMBER 12, 1974.

Amendment to the table of Canadian television channel allocations within 250 miles of the Canada–U.S.A. border, dated March 21, 1973, as revised to January 20, 1973.

This supplement corrects Supplement No. 6, dated August 28, 1974, to correct channel changes for Lac du Bonnet, Manitoba.

Supplement No. 6 is corrected to read as follows:

Pursuant to exchange of correspondence between the Department of Communications of Canada and the Federal Communications Commission, Table A of the Canadian-U.S.A. Television Agreement has been amended as follows:

CITY AND PROVINCE	CHANNEL NO. DELETE	CHANNEL NO. ADD
Lac du Bonnet, Manitoba....	75	5–1, 7, 13+, 24–, 46, 82.

Further amendments to Table A will be issued as public notices in the form of numbered supplements or recapitulated lists.

Copies of the basic Table of Allocations may be obtained from ABS Duplicators, Inc., 1732 Eye St., Washington, D.C. 20006, telephone (202) 298–5537.

[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.74-21811 Filed 9-19-74;8:45 am]

[Report No. 719]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

SEPTEMBER 16, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed below—if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20361–CD–P–75, **Bloomingdale Home Telephone Company (KCJ817).** C.P. to change antenna system operating on 152.72 MHz located West side of Main St. at Smith St., Bloomingdale, Indiana.

20362–CD–P–(2)–75, **Tel-Car, Inc. (KLF594).** C.P. to add a new location to operate on 158.70 MHz designed as Loc. #2: Squaw Butte, 9.5 miles NNE of Emmett, Idaho.

20363–CD–TC–75, **S. M. W., Inc.** Consent to Transfer of Control from Sherman W. Wolf, TRANSFEROR to DPRS, Inc., TRANSFEREE. Station: KCI297, Brighton, Massachusetts.

20364–CD–AL–75, **Del Mintz dba National Mobile Radio.** Consent to Assignment of License from National Mobile Radio, ASSIGNOR to Cleveland Mobile Telephone, Inc., ASSIGNEE. Station: KQC881, Cleveland, Ohio.

20366–CD–P–75. **Mid State Telephone Company (New).** C.P. for a new 2-way station to operate on 152.66 MHz to be located 0.57 mile North of Spicer, Minnesota.

20367–CD–R–75, **General Telephone Company of Wisconsin (KRM946) (Air-Ground).** Renewal of license expiring September 1, 1974. Term: September 1, 1974 to September 1, 1978.

20368–CD–P–75, **WAOO Communications, Inc. (New).** C.P. for a new 2-way station to operate on 158.64 MHz to be located ¾ mile W. Traffic Circle on College Street, Meria, Texas.

20369–CD–P–(2)–75, **BCC of Virginia, Inc. (KIY394).** C.P. for additional facilities to operate on 158.13 and 152.15 MHz to be located at 3613 Jackson Avenue, Mechanicsville, Virginia.

20370–CD–P–75, **Biggs Radio Dispatch (New).** C.P. for a new 1-way station to operate on 43.22 MHz to be located at 510 W. 19th Street, Merced, California.

20371–CD–P–(2)–75, **Bair's Communication, Inc. (KIY520).** C.P. to reinstate expired license operating on 454.125 & 159.21 MHz located at 557 SE Avenue E, Belle Glade, Florida.

20373–CD–P–75, **Illinois Consolidated Telephone Company (KSJ763).** C.P. to relocate facilities operating on 152.69 MHz to be located 1.1 mile North of Fifth and Dewitt Street, Matteson, Illinois.

20374–CD–P–75, **Otis L. Hale dba Mobilfone Communications (KQZ752).** C.P. to change system and relocate facilities operating on 158.70 MHz at Loc. #2: 1501 N. University, Little Rock, Arkansas.

20375–CD–P–(2)–75, **Peacock Radio Service (KIY511).** C.P. for additional facilities to operate on 454.250 & 454.300 MHz at a new site Loc. #2: 430 Bay Street, NE., St. Petersburg, Florida.

20376–CD–P–(2)–75, **Peacock Radio Service (KIJ367).** C.P. for additional facilities to operate on 454.200 & 454.275 MHz at a new site Loc. #2: 1100 Cleveland Street, Clearwater, Florida.

20377–CD–P–75, **Wendell Hill dba Hilltex Communications, Inc. (New).** C.P. for a new 2-way station to operate on 454.250 MHz to be located near Pierce Lane and Lake Street, approximately 500 feet N. of KEBE Tower, Jacksonville, Texas.

MAJOR AMENDMENTS

20813–C2–P–(5)–74, **Peabody Telephone Answering Service (KSV954).** Amend to change Location #5 at Windham, Massachusetts to Derry, New Hampshire. All other particulars to remain as reported on PN #684 dated January 21, 1974.

21488–C2–P–74, **Peoples Telephone Company, Inc. (New).** Amend to change coordinates to Lat. 34°12'25" N., Long. 85°45'50" W. All other particulars to remain as reported in PN #704 dated June 10, 1974.

21257–C2–P–(4)–74, **A-Plus Communications of Puerto Rico, Inc. dba Caribbean Mobile Telephone Systems (New).** Amend frequencies 454.150 and 454.225 MHz to read 454.200 and 454.250 MHz. All other particulars to remain as reported in PN #698 dated April 29, 1974.

CORRECTIONS

6236–C2–P–(3)–69, **American Radio-Telephone Service, Inc., Catonsville, Maryland,** which appeared on PN dated April 28, 1969 should have been listed as a second location and additional channels to KGA249, Baltimore, Maryland.

7057–C2–P–(3)–69, **Radio Phone Communications, Inc., Falls Church, Virginia,** which appeared on PN dated June 2, 1969, should have been listed as additional channels to KMM684. All other particulars are to remain the same.

8325–C2–P–73 and 8326–C2–P–73, **Tel-Illinois, Inc.,** which appeared on PN #649 dated May 21, 1973, should have been listed as a single application for two locations. All other particulars to remain the same.

8432–C2–P–(2)–73, **Advanced Radio Communications Company** should have been listed as an additional channel and location to 8339–C2–P–73, KQZ755, as amended on PN #652 dated June 11, 1973. All other particulars to remain the same as reported on PN #650 dated May 29, 1973.

RURAL RADIO SERVICE, CORRECTIONS

60015–CR–P/L–75, **Phillips H. Lovering (New).** Correct PN #715 dated August 26, 1974 to delete entry as being in the wrong service.

POINT-TO-POINT MICROWAVE RADIO SERVICE

321–CF–P–75, **Mid-Kansas, Inc. (KZA43),** 0.6 Mile East of Lyons, Kansas. Lat. 38°20'48" N., Long. 98°10'23" W. C.P. to add (reinstate) 6212.2H MHz toward Lyons, Kans. on azimuth 344°10'.

514–CF–P–75, **Mountain Microwave Corporation (WQR97),** North Platte Jct., Nebraska. Lat. 40°52'20" N., Long. 101°04'35" W. C.P. to construct passive repeater antenna system (back-to-back tower mounted parabolics) near station KNOP–TV tower (North Platte) at coordinate—Lat. 41°12'-23" N., Long. 100°44'03" W.

587–CF–P–75, **Microwave Service Company of Florida, Inc. (New), Sarasota, Florida.** Lat. 27°16'09" N., Long. 82°29'14" W. C.P. for a new station on 6366.2V MHz toward Verna, Fla. on azimuth 52°44'.

588–CF–P–75, **Same (KTF24), Verna, Florida.** Lat. 27°25'03" N., Long. 82°16'05" W. C.P. to add 5945.2V MHz toward Edgeville, Fla. on azimuth 134°20'.

589–CF–P–75, **Same (KJG37), Edgeville, Florida.** Lat. 27°17'58" N., Long. 82°06'46" W. C.P. to add 6286.2V MHz toward Fort Ogden, Florida on azimuth 149°34'.

590–CF–P–75, **Same (KJF38),** 1.1 Mile South of Fort Ogden, Florida. Lat 27°04'00" N., Long. 81°57'37" W. C.P. to add 6152.8V MHz toward Acline, Fla. on azimuth 180°47'.

591–CF–P–75, **Same (KGF39),** 5.3 Miles S.E. of Acline, Florida. Lat. 28°49'45" N., Long. 81°57'50" W. C.P. to add 6404.8H MHz toward Cape Coral, Fla. on azimuth 180°00'.

592–CF–P–75, **Same (New), Cape Coral, Florida.** Lat 26°34'40" N., Long. 81°57'50" W. C.P. for a new station on 600.45H MHz toward Bonita Springs (WEVU–TV Studio XMTR), Florida on azimuth 148°30'. (Note: Special Temporary Authority to construct above facilities is requested by Microwave Service Company of Florida (MSCF).).

641–CF–P–75, **The Mountain States Telephone and Telegraph Company (New),** 220 Benton Avenue, Wolf Point, Montana. Lat. 48°05'31" N., Long. 105°38'11" W. C.P. to add 11245V and 11485H MHz toward a new point of communication at Vida, Mont. on azimuth 152°50'.

642–CF–P–75, **Same (KPH77),** 6.9 Miles NNW of Vida, Montana. Lat. 47°55'35" N., Long. 105°30'36" W. C.P. to add 10795V and 11035H MHz toward a new point of communication at Wolf Point, Mont. on azimuth 332°56'.

643–CF–P–75, **The Mountain States Telephone and Telegraph Company (KYO85),** Missionary Ridge, 8 Miles N.E. of Durango, Colorado. Lat. 37°21'52" N., Long. 107°48'-56" W. C.P. to add 2112.0V MHz toward a new point of communication at Pagosa Springs, Colo. on azimuth 190°24'.

644–CF–P–75, **Same (New),** 8 Miles SW of Pagosa Springs, Colorado. Lat 37°10'21" N., Long. 107°06'26" W. C.P. for a new station on 2162.0V MHz toward Missionary Ridge, Colo. on azimuth 289°49'; 2171.6H MHz toward Pagosa Springs, Colo. via Passive Reflector.

645–CF–P–75, **Widwestern Relay Company (WKR99),** 4.2 Miles NW of River Falls, Wisconsin. Lat. 44°54'10" N., Long. 92°41'27" W. C.P. to add point of communication at Arden Hills, Minn. on azimuth 296°11' for freqs. 11425H and 11585H MHz.

646–CF–P–75, **Same (WIV45),** 1296 W. County Road "F", Arden Hills, Minnesota, Lat. 45° 03'47" N., Long. 93°09'18" W. C.P. to add 10975H MHz toward a new point of communication at Columbia Heights, Minn. on azimuth 259°00'.

647–CF–ML–75, **The Mountain States Telephone and Telegraph Company (KPQ57),** Casper, Wyoming. Mod. of License to change polarization of freqs. 3770 and 3850 MHz to Vertical.

648–CF–ML–75, **Same, (WAY20),** Casper Junction, Wyoming. Mod. of License to change polarization of freqs. 3730 and 3810 MHz to Vertical.

649–CF–P–75, **South Central Bell Telephone Company (KIB86),** 0.2 Mile East of Omaha, Alabama. Lat. 33°18'09" N., Long. 85°18' 26" W. C.P. to add 4130V MHz toward a new point of communication at Lanett, Ala. on azimuth 172°11'.

650–CF–P–75, **Same (KIN44),** 2.4 Miles West of Lanett, Alabama. Lat. 32°50'48" N., Long. 85°14'01" W. C.P. to correct Call Sign of Point of Communication at Omaha, Ala. to read: KIB86; add 4170H MHz toward Omaha, Ala. on azimuth 352°13'; 4150V MHz toward Phenix City, Ala. on azimuth 151°44'.

651–CF–P–75, **Same (KIN45),** 3.2 Miles NNW of Phenix City, Alabama. Lat. 32°31'45" N., Long. 85°01'56" W. C.P. to add 4110H MHz toward Lanett, Ala. on azimuth 331°51'; 4110V MHz toward Columbus, Ga. on azimuth 146°59'.

652–CF–P–75, **South Central Bell Telephone Company (WAN71),** Corner of 9th and Willard Streets, Morgan City, Louisiana. Lat. 29°42'14" N., Long. 91°12'03" W. C.P. to add 6063.8V MHz toward Franklin, La. on azimuth 286°11'.

653–CF–P–75, **South Central Bell Telephone Company (WQR40),** Approx. 0.3 Mile S.W. of Franklin, Louisiana. Lat. 29°47'02" N., Long. 91°31'06" W. C.P. to add 6315.9H MHz toward Morgan City, La. on azimuth 106°3'; 6404.8H MHz toward New Iberia, La. on azimuth 310°4'.

654–CF–P–75, **Same (WHB42),** 201 Center Street, New Iberia, Louisiana. Lat. 30°00' 07" N., Long. 91°49'00" W. C.P. to add 6152.8H MHz toward Lafayette, La. on azimuth 321°48'; 6152.8V MHz toward Franklin, La. on azimuth 129°55'.

655–CF–P–75, **Same (KLK84),** 530 South Buchanan Street, Lafayette, Louisiana. Lat. 30°13'32" N., Long. 92°01'10" W. C.P. to add 6404.8V MHz toward New Iberia, La. on azimuth 141°42'.

656–CF–P–75, **Southern Bell Telephone and Telegraph Company (KIY59),** 1645 Hampton Street, Columbia, South Carolina. Lat. 34°00'29" N., Long. 81°01'42" W. C.P. to add 4030H MHz toward Swansea, S.C. on azimuth 188°11'.

657–CF–P–75, **Same (KJC87),** 1.7 Miles East of Swansea, South Carolina. Lat. 33°44'42" N., Long. 81°04'25" W. C.P. to add 4050V MHz toward Columbia, S.C. on azimuth 08°09'; 3750H MHz toward Blackville, S.C. on azimuth 208°09'.

658–CF–P–75, **Same (KJC88),** 4 Miles N.N.W. of Blackville, South Carolina. Lat. 33°24' 55" N., Long. 81°17'02" W. C.P. to add 4090V MHz toward Swansea, S.C. on azimuth 28°02'; 3990V MHz toward Allendale, S.C. on azimuth 188°02'.

659–CF–P–75, **Same (KJC89),** 3 Miles N.W. of Allendale, South Carolina. Lat. 33°01'56" N., Long. 81°20'53" W. C.P. to add 4050H MHz toward Blackville, S.C. on azimuth 08°00'; 4050V MHz toward Walterboro, S.C. on azimuth 107°30'.

660–CF–P–75, **Same (KJC90),** 8.5 Miles West of Walterboro, South Carolina. Lat. 32°53' 16" N., Long. 80°48'34" W. C.P. to add 4090V MHz toward Allendale, S.C. on azimuth 287°48'; 4090V MHz toward Summerville, S.C. on azimuth 91°49'.

661–CF–P–75, **Same (KJC91),** 10 Miles S.W. of Summerville, South Carolina. Lat. 32°52' 20" N., Long. 80°16'22" W. C.P. to add 4050V MHz toward Walterboro, S.C. on azimuth 272°07'; 4050V MHz toward Charleston, S.C. on azimuth 106°59'.

662–CF–P–75, **Same (KJC92),** 81 St. Philip Street, Charleston, South Carolina. Lat. 32°47'08" N., Long. 79°56'19" W. C.P. to add 4090V MHz toward Summerville, S.C. on azimuth 287°10'.

663–CF–P–75, **American Satellite Corporation (KFN71),** 1.5 Miles S.W. of Mtn. Lodge, New York. Lat. 41°22'41" N., Long. 74°08' 12" W. C.P. to change alarm center location and add 10775V and 10935V MHz toward a new point of communication at Mahwah, N.J. on azimuth 188°49'.

664–CF–P–75, **Same (New),** 2.5 Miles N.W. of Mahwah, New Jersey. Lat. 41°07'17" N., Long. 74°11'24" W. C.P. for a new station on freqs. 11545V and 11225V MHz toward Mtn. Lodge, N.Y. on azimuth 8°52'; 8230.0V and 4150.0V MHz toward Jersey City, New Jersey on azimuth 168°38'.

665–CF–P–75, **Same (KFN76),** 418 Duncan Street, Jersey City, New Jersey. Lat. 40° 43'58" N., Long. 74°05'13" W. C.P. to change alarm center location and add 3710.0V and 4080.0V MHz toward a new point of communication at Mahwah, N.J. on azimuth 348°42'.

671–CF–P/L–75, **General Telephone Company of the Northwest, Inc. (New), Temporary** fixed locations located within the territory of the grantee. C.P. and License for a new station on freqs. 5925–6425 MHz.

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cut-off rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (part 21 of the rules).

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672–CF–P/ML–75, American Telephone and Telegraph Company (KSA43), 1.2 Miles S.W. of Mishawaka, Indiana. Lat. 41°38'00" N., Long. 86°11'52" W. C.P. & Mod. of License to add 11670H MHz toward Elkhart (WNIT–TV), Ind. on azimuth 65°55'.

673–CF–P–75, American Telephone and Telegraph Company (KPT99), 14.5 Miles N.W. of Oracle, Arizona. Lat. 32°45'48" N., Long. 110°56'13" W. C.P. to add 3930V MHz toward Kelvin, Ariz. on azimuth 342°13'.

674–CF–P–75, Same (KPV20), 120 East Pennington Street, Tucson, Arizona. Lat. 32° 13'26" N., Long. 110°58'08" W. C.P. to add 3890V MHz toward Oracle, Ariz. on azimuth 02°52'.

675–CF–P–75, American Telephone and Telegraph Company (KLN23), 4.6 Miles E.S.E. of Tchula, Mississippi. Lat. 33°09'33" N., Long. 90°08'53" W. C.P. to add 4170V MHz toward Pickens, Miss. on azimuth 172°12'.

676–CF–P–75, Same (KLN24), Corner of George and East Market St., Greenwood, Mississippi. Lat. 33°31'15" N., Long. 90° 10'48" W. C.P. to add 4130V MHz toward Tchula, Miss. on azimuth 175°56'.

677–CF–P–75, Telephone Utilities Services Corporation (New), 5317 Wier Hills Road, Oak Hill, Texas. Lat. 30°15'26" N., Long. 97°52'30" W. C.P. for a new station on 6215.7V MHz toward San Marcos, Tex. on azimuth 192°14'.

678–CF–ML–75, American Telephone and Telegraph Company (KVU38), Lynnport, Pennsylvania. Mod. of License to change polarization of freqs. 3730, 3810, and 4130 MHz to Horizontal.

679–CF–TC–(3)–75, Superior Communications Company, Inc. Consent to Transfer of Control from Elizabeth A. Caswell, TRANSFEROR to International TV Cable Corporation, TRANSFEREE for Stations: KAQ73—Virginia, Minnesota; KAQ74—Kubetogama, Minnesota; and KAQ75—Gheen, Minnesota.

MAJOR AMENDMENTS

4507–C1–P–74, Midwestern Relay Company (WLJ51), 3.0 Miles S.S.E. of DePere, Wisconsin. Lat. 44°24'30" N., Long. 87°59'57" W. Application amended to increase transmitter output power to 5.0 watts toward Green Bay (WLUK–TV), Wisconsin on azimuth 336°58'—frequency 10935H MHz, unchanged.

61–CF–MP–75, Microwave Transmission Corporation (KNK60), Guesta Ridge, 5.5 Miles North of San Luis Obispo, California. Lat. 35°21'37" N., Long. 120°39'18" W. Application amended to replace seven (7) existing transmitters with seven (7) new transmitters, output power 1.0 watt, emission: 25000F9 and stability .02 percent.

3230–C1–P–74, RCA Alaska Communications, Inc. (New), Put River, Alaska. Application amended to change frequency from 2122.0H to 2118.0V MHz toward Deadhorse, Alaska.

3231–C1–P–74, Same (KXQ75), Deadhorse, 390 Miles North of Fairbanks, Alaska. Application amended to change frequency from 172.0H to 2168.0V MHz toward Put River, Alaska. (All other particulars same as reported in Public Notices dated March 4 and March 28, 1974.

[FR Doc.74–21808 Filed 9–19–74;8:45 am]

[FCC 74–956; Docket No. 20183]

NEW YORK TELEPHONE CO.

Memorandum Opinion and Order Re Investigation & Hearing

In the matter of interconnection facilities provided to international record carriers.

1. A question has been raised as to whether certain actions taken by the New York Telephone Company (NYT) constitute a discontinuance of service pursuant to section 214 of the Communications Act. Over the years, NYT has provided interconnection facilities to the international record carriers (IRCs) pursuant to unwritten informal agreements. However, in response to recent Commission orders,[1] the Bell System Companies, including NYT, filed tariffs offering interconnection facilities to other common carriers, including the IRCs.[2]

2. Following the filing of NYT's Tariff F.C.C. No. 37, the Commission received a large number of protests from the IRCs in the form of petitions for suspension and petitions for rejection of NYT's Tariff F.C.C. No. 37. The IRCs' principal contentions were (a) that NYT's Tariff F.C.C. No. 37 offers only voice grade facilities to other carriers, including WUI, ITT and RCA, whereas NYT has for years been providing telegraph grade facilities to such carriers under informal contracts at lower rates than apply to voice grade facilities and the result is that petitioners will now be required to pay substantially higher amounts under the NYT Tariff F.C.C. No. 37 for such local distribution facilities; and (b) that by not offering telegraph grade rates in F.C.C. Tariff No. 37, NYT is proposing to discontinue telegraph grade local distribution service to petitioners in violation of section 214 of the Act. We rejected these arguments on three separate occasions.[3] Basically, the IRCs argued that the Commission should allow rates to be applied that have been used in alleged informal oral contracts. After noting that the alleged contracts were not even on file with the Commission, we refused to reverse our fundamental ruling that, with the sole exception of the Bell/Western Union exchange of facilities contracts (which are on file with the Commission), all interconnection facilities must be furnished only under effective tariffs on file with this Commission. Although we were not able to take remedial action based on the pleadings then before us, we chose to include in our order instituting an investigation into Bell's tariffs offering interconnection facilities (Docket No. 20099)[4] the question whether such facilities should be furnished pursuant to such informal contracts rather than pursuant to filed tariffs. Thus, unless and until decided otherwise in Docket No. 20099, any interconnection facilities provided to the IRCs must be furnished pursuant to filed tariffs.

3. With respect to the alleged discontinuance of telegraph grade service in violation of section 214 of the Communications Act, we could not find, on the basis of the facts presented, that there was any reason to believe a discontinuance of service had occurred or was proposed. The pleadings of the IRCs were primarily addressed to the rate question which, of course, has no bearing on the question of discontinuance of service. The remainder of the arguments concerned the fact that the tariff offered only voice grade facilities and not telegraph grade facilities as had been the case under the contracts. However, the IRCs offered little or no evidence that this was anything more than a change of name, and that they were not receiving substantially the same service as before. Furthermore, there were no allegations that, as a result of any actions taken by NYT, the IRCs would be unable to continue to serve their customers using the facilities provided by NYT.

4. Subsequent to the above-mentioned Commission rulings, we were informed of the June 19, 1974 decision of the U.S. District Court for the Southern District of New York[5] in which NYT was
The court made no final determination as to whether the proposed action of NYT would constitute a discontinuance of service, but merely acted to preserve the status quo before the issue became moot in a practical sense.

5. It appears from reading the court's decision that the evidence before the court was more comprehensive than that which was before the Commission. In reaching its decision, the court found that "the history of the teletypewriter grade service tends to establish that it is a discrete service."[6] Teletypewriter grade service, it found, involves the use of direct current (DC) over wire pairs (or a 43 type carrier, not in general use, which can work on DC), whereas voice grade service may consist of wire pairs or carrier circuits, which require alternating current (AC). A problem arises because the IRC's equipment is compatible only with the use of DC, and NYT is proposing to supply only voice grade service over carrier circuits which operate only on AC. Adaptation to AC carrier circuits can be made by the installation of modems on each circuit, which will require large expenditures and a lead time of 2½ years to complete the conversion.

6. Examination of the court's decision indicates that evidence was presented which raises a substantial question as to whether NYT's proposal to replace "direct current teletypewriter grade service" with "alternating current voice grade service" constitutes a discontinuance of service within the meaning of Section 214 of the Communications Act. Such questions are raised as: is the only significant change proposed merely a change in nomenclature; is the service proposed essentially the same as the service being provided except for minor technical changes or does NYT propose to change the technical parameters to such an extent as to constitute an entirely different service offering; would a different result be reached if the changes took place over a period long enough (i.e., 2½ years) to allow the IRCs to convert their equipment to be compatible with AC transmission without encountering a disruption of service.

7. In view of the foregoing, we will now institute an investigation to consider the above questions in the context of an examination of the service presently provided as compared to the service NYT proposes to offer. We intend to decide whether the changes in service proposed by NYT are such as to constitute a discontinuance of service within the meaning of section 214 of the Communications Act, and if so, whether a certificate that neither the present nor future public convenience and necessity will be adversely affected thereby should be issued.

8. In accordance with section 2 of the Administrative Procedure Act, 5 U.S.C. section 551, and section 409 of the Communications Act, 47 U.S.C. section 409, this proceeding shall be treated as an adjudication and the Chief, Common Carrier Bureau shall participate as a party and be separated from the Commission.

9. Accordingly, *it is ordered*, That, pursuant to the provisions of Sections 4(i), 4(j), 214, and 403 of the Communications Act, an investigation and hearing is hereby instituted into the following issues:

(1) What are the technical and operational characteristics of the interconnection facilities presently provided to the IRCs by NYT;

(2) What are the technical and operational characteristics of the interconnection facilities which NYT proposes to furnish the IRCs;

(3) What are the technical, operational, or other differences (other than rates) between the facilities described in (1) and (2) above;

(4) Are the differences, if any, determined under (3) above such as to constitute a discontinuance of service within the meaning of Section 214 of the Communications Act;

(5) If it is determined under (4) above that NYT's proposal would result in a discontinuance of service, should the Commission issue a certificate that neither the present nor future public convenience and necessity will be adversely affected thereby.

10. *It is further ordered*, That, New York Telephone Company, RCA Global Communications, Inc., ITT World Communications Inc. and Western Union International, Inc. are hereby named parties respondent herein; and that the Chief, Common Carrier Bureau is hereby named a party herein.

11. It is further ordered, That the hearing in this proceeding shall be held at the Commission's offices in Washington, D.C. at a time to be specified by the presiding Administrative Law Judge; and that such Administrative Law Judge shall, upon the closing of the record, prepare and issue an initial decision, which shall be subject to the submittal of exceptions and requests for oral argument as provided in §§ 1.276 and 1.277 of the Commission's rules (47 CFR §§ 1.276 and 1.277), after which the Commission shall issue its decision as provided in § 1.282 of the Commission's rules (47 CFR § 1.282).

Adopted: September 6, 1974.

Released: September 12, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–21810 Filed 9–19–74;8:45 am]

[FCC 74–950; Docket No. 20181; File No. BPH–8408; Docket No. 20182; File No. BPH–8798]

ROCKET RADIO, INC. AND APOSTOLIC COUNCIL OF CHURCHES, INC.

Memorandum Opinion and Order

In re applications of Rocket Radio, Inc., Fort Valley, Georgia (Requests: 106.3 MHz; #292; 3 kW (H&V) 297 feet), Apostolic Council of Churches, Inc., Fort Valley, Georgia, (Requests: 106.3 MHz; #292; 3 kW (H&V) 109 feet), for construction permits.

1. The Commission has before it the above mutually exclusive applications and a "Petition For Dismissal of Application"[1] filed by Rocket Radio, Inc. (Rocket), against the application of Apostolic Council of Churches, Inc. (Apostolic).

2. Rocket's petition claims that Apostolic's application should be dismissed pursuant to § 1.566 of our rules because the application was patently not in accordance with our rules as filed on January 31, 1974. Apostolic's original application (File No. BPH–8684), filed on November 7, 1973, was found to be defective and was dismissed by the Commission's staff on January 4, 1974. The dismissal letter referred to several gross deficiencies in sections III and IV–A of the application. On January 31, 1974, Apostolic filed a new, more complete application which was accepted for filing. Rocket's petition to dismiss gives a detailed list of omissions and inconsistencies in Apostolic's more recent application. Some of these objections involve the notion that since Apostolic is a nonprofit corporation, it cannot sell commercial time. This concept is so obviously incorrect that it will not receive further treatment. In addition, several of the petitioner's objections simply point out Apostolic's failure to respond fully to certain parts of sections II, III and IV of the application form. Apostolic has at least attempted to respond to most of those portions of the application form in a subsequent amendment. The petitioner also notes that the application was not filed by a person shown to be an officer of the corporation and that a copy of the corporation's bylaws was not submitted. These omissions have been corrected by a subsequent amendment. Moreover, contrary to the petitioner's objection, Apostolic's Articles of Incorporation have been included by reference to its original application (File No. BPH–8684), since a copy of Apostolic's original application remained on file with the Commission after that application was dismissed on January 4, 1974, and that file has been properly cited by the applicant. Rocket also notes that Apostolic has failed to file a section VI (Equal Employment Opportunity Program), but since Apostolic proposes to utilize volunteer labor only, it is not required to file a section VI.

3. The petitioner's main arguments appear to be that Apostolic has not adequately delineated its total first-year costs and the means of meeting these costs and that Apostolic has not submitted an ascertainment of community problems. In this regard, we observe that Apostolic's original application (BPH–8684) did not contain a balance sheet or financial statement to support its claim that it had $5,104 in existing capital to meet its first-year costs and did not list any operating costs except those for electricity and recording tapes. The instant application is more complete in its itemization of total first-year costs, which are more than double the amount of the total costs listed in Apostolic's original application: In addition, Apostolic has at least attempted to explain the means of financing its proposed operation in the instant application. The current financial portion of Apostolic's application states that the applicant will need $10,645 to construct and operate its proposed station for one year. To meet this requirement, Apostolic relies on $5,104 in existing capital and a $6,000 loan from Mr. Charles R. Cobb and his wife, Mrs. Willie Mae Cobb. However, Mr. and Mrs. Cobb have not submitted a balance sheet or financial statement to demonstrate that they have sufficient liquid assets to make the loan, as required by paragraph 4(b), section III of the application form. In addition, although the applicant relies on $5,104 in existing capital, it states that $739.20 of

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[1] For a brief description of these Commission orders, see paragraphs one and two of *Offer of Facilities for Use by Other Common Carriers*, FCC 74–690, released July 5, 1974.

[2] NYT filed its Tariff F.C.C. No. 37 on November 12, 1973.

[3] *New York Telephone Company Tariff F.C.C. No. 37*, 45 F.C.C. 2d 365 (1974); *New York Telephone Company Tariff F.C.C. No. 37*, 46 F.C.C. 2d 132 (1974); *Offer of Facilities for Use by Other Common Carriers*, FCC 74–690, para. 10, released July 5, 1974.

[4] *Offer of Facilities for Use by Other Common Carriers*, FCC 74–690, released July 5, 1974.

[5] *ITT World Communications Inc. et al. v. New York Telephone Company*, 74 Civ. 1644 MIG (D.C. S.D. New York). enjoined from reducing or impairing the provision of direct current teletypewriter grade service in the New York metropolitan area heretofore provided by the defendant to ITT and RCA pending the disposition of this action or until the FCC either determines that a certificate of public convenience and necessity pursuant to section 214(a) of the Communications Act of 1934, 47 U.S.C. section 214(a) should issue with respect to such discontinuance, reduction or impairment, or is not required. Slip Opinion, pp. 28–9.

[6] *Ibid.*, slip opinion, p. 19.

[1] The petitioner has stated that its petition may also be construed as a petition to deny the application of Apostolic Council of Churches, Inc.

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that amount is cash and that $4,364.80 is available "From sale of other Apostolic Council of Churches property." Thus, it is unclear whether the $4,364.80 is currently on hand or whether it is merely an estimate of the sale value of property held by Apostolic. Moreover, it is unclear whether the $739.20 in cash has been earmarked for Apostolic's proposed FM station or whether it may be used to pay other debts which Apostolic might incur. Thus, although we shall not dismiss Apostolic's application because of defects in its financial plan, we shall specify a general financial issue against the applicant.

4. Insofar as Apostolic's ascertainment of community problems is concerned, it is clear that neither the original application nor the application filed on January 31, 1974, explained the methods by which Apostolic attempted to ascertain the problems of its proposed service area. Nevertheless, Apostolic's application of January 31, 1974, contained a revised schedule of programs which included both news and public affairs, neither of which was included in the programming proposed in its original application (BPH-8684). In addition, in its more recent application, Apostolic has at least indicated that it made an effort to ascertain community problems. Further, Apostolic has amended its ascertainment of community problems by submitting a substantial amount of relevant material which indicates that it is aware of the community problems of Fort Valley, Georgia, and that it plans a considerable amount of public affairs programming. Accordingly, we shall not dismiss Apostolic's application because of gross deficiencies in its ascertainment. However, a review of Apostolic's amended ascertainment reveals that it has not complied fully with our Primer on ascertainment of community problems, 27 FCC 2d 650 (1971). Specifically, Apostolic does not state whether principals or management-level personnel conducted interviews with community leaders, as required by question and answer 11(a) of the Primer. Further, it is unclear whether a random sample of members of the general public was undertaken, as required by question and answer 13(b) of the Primer. Moreover, the materials presented by Apostolic indicate that those members of the general public who were interviewed were asked if they wanted a local religious broadcast station instead of their opinions as to what the community problems were. In light of the foregoing, an ascertainment issue will be specified.

5. Section 1.580(f) of our rules describes certain information which must be contained in public notices published on behalf of applicants for construction permits for new broadcast stations. Although Apostolic has published certain notices of the filing of its application, it is clear that those notices do not contain all of the information required by 1.580(f) of the rules. Accordingly, an issue will be specified to determine whether Apostolic has substantially complied with § 1.580(f) of the rules.

6. Apostolic Council of Churches, Inc. proposes independent programming, while Rocket Radio, Inc. proposes to duplicate the programming of its commonly owned AM station, WPPM, during 67 percent of its broadcast time. When duplicated programming is proposed, the showing permitted under the standard comparative issue is usually limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inherent inefficiency. Jones T. Sudbury, 8 FCC 2d 360, 10 RR 114 (1967). Moreover, since Apostolic Council of Churches, Inc. proposes predominantly religious programming and Rocket Radio, Inc. proposes general market programming, the relative need for these different types of programming will also be considered under the standard comparative issue. Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965).

7. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and population which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services (1 mV/m or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, *it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Apostolic Council of Churches, Inc. has substantially complied with § 1.580(f) of the Commission's rules, and if not, the effect thereof on the applicant's basic or comparative qualifications to be a Commission licensee.

2. To determine whether Apostolic Council of Churches, Inc. is financially qualified to construct and operate its proposed station for one year.

3. To determine the efforts made by Apostolic Council of Churches, Inc. to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

4. To determine which of the proposals would, on a comparative basis, better serve the public interest.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

10. *It is further ordered*, That the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the rules.

11. *It is further ordered*, That the applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonably file the statement required by § 1.594(g).

12. *It is further ordered*, That the "Petition For Dismissal of Application" filed by Rocket Radio, Inc., is granted to the extent indicated above, and is denied in all other respects.

Adopted: September 5, 1974.

Released: September 13, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-21809 Filed 9-19-74;8:45 am]

FEDERAL MARITIME COMMISSION

GULF/UNITED KINGDOM CONFERENCE AND SEATRAIN INTERNATIONAL S.A.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 10, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

W. A. J. van Campenhout
Vice President
Seatrain International S. A.
Port Seatrain
Weehawken, New Jersey 07087

Agreement No. 10140 between the Gulf/United Kingdom Conference, as a single party, and Seatrain International S. A. permits the parties to confer and agree on rates, charges and related tariff matters affecting the U.S. Gulf/United Kingdom trade, subject to the right of each to take independent action on 48 hours notice to the other party.

By order of the Federal Maritime Commission.

Dated: September 17, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-21921 Filed 9-19-74;8:45 am]

PORT OF PALM BEACH DISTRICT AND BIRDSALL, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 10, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Dwight Green
Traffic Consultant
Port of Palm Beach
P.O. Box 9935
Riviera Beach, Florida 33404

Agreement No. T-2937, as amended, between the Port of Palm Beach District (Port) and Birdsall, Inc. (Birdsall), provides for Birdsall's use of an area of land at the Port of Palm Beach Terminal for the installation of a truck weighing scale, constructed and owned by Birdsall and available to all users of the Port's terminal. As compensation, Birdsall shall pay Port 50 percent of all charges collected for use of the scales, subject to a minimum of $134.00 per annum.

By order of the Federal Maritime Commission.

Dated: September 17, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-21922 Filed 9-19-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI66-892, etc.]

M. H. MARR, ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 12, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before October 10, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI66-892..... D 8-30-74	M. H. Marr, 2500 Republic National Bank Bldg., Dallas, Tex. 75201.	Texas Eastern Transmission Corp., Rayne Field, Acadia Parish, La.	(1)	.....
CI72-66..... CD 8-8-74	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	El Paso Natural Gas Co., Southeast Buffalo Wallow Area, Hemphill and Wheeler Counties, Tex.	Reason for delete acreage not stated	
CI75-129..... B 8-26-74	J & M Well Service, Inc., 1608 Walnut St., Philadelphia, Pa. 19103.	Natural Gas Pipeline Co. of America, Willimar Field, Wilacy County, Tex.	$ 43.0	14.65
CI75-131..... (CS72-405) F 8-29-74	Dorchester Exploration, Inc. (successor to Jack E. Trigg et al.), 1204 Vaughn Bldg., Midland, Tex. 79701.	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Greeley County, Kans.	well plugged and abandoned.	.....
CI75-132..... A 8-29-74	ONG Exploration, Inc., 624 South Boston, Tulsa, Okla. 74102.	Northern Natural Gas Co., Gheen Field, Lipscomb County, Tex.	$ 42.0	14.65
CI75-133..... (CS71-711) B 8-30-74	Gene M. Woodfin, Trustee, 2300 First City National Bank Bldg., Houston, Tex. 77002.	Florida Gas Transmission Co., Chacahoula Field, LaFourche Parish, La.	$ 55.204	14.65
CI75-134..... (CS71-529) B 8-30-74	Superwell Development Corp., 6060 Hillcroft, Houston, Tex. 77036.	Transcontinental Gas Pipe Line Corp., Stuart City Field, La Salle County, Tex.	Depleted	.....
CI75-136..... A 8-30-74	Southern Union Production Co., Suite 1700, Campbell Centre, 8350 North Central Expressway, Dallas, Tex. 75206.	Arkansas Louisiana Gas Co., Gilmer (Jurassic) Field, Gilmer County, Tex.	(4)	.....
CI75-137..... A 9-3-74	Belco Petroleum Corp., as Agent for Belco 1973 Oil & Gas Fund, Ltd., 8707 Katy Freeway, Houston, Tex. 77024.	Texas Eastern Transmission Corp., Tatton Ranch Area, Refugio County, Tex.	$ 60.0	14.65
CI75-139..... (CI69-244) B 8-28-74	Robinson Engineering, 4920 Bellemead Ave., Evansville, Ind. 47715.	Texas Gas Transmission Corp.; Mackey Field, Gibson County, Ind.	$ 53.0	14.65
CI75-140..... (CI-2285) B 8-30-74	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	Transcontinental Gas Pipe Line Corp., Church Point Field, Acadia Parish, La.	(7)	.....
CI75-141..... (CI70-430) B 9-3-74	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	Arkansas Louisiana Gas Co.; Southeast Carlton Area, Blaine County, Okla.	Depleted	.....

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

V 39 I 184 SEP 20 74 XUM

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C175-142..... A 9-3-74	Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.	El Paso Natural Gas Co., South Carlsbad Field, Eddy County, N. Mex.	[1] 71.34	14.73
C175-143..... A 9-3-74	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Trunkline Gas Co., South Marsh Island Block 261, offshore Vermilion Parish, La.	[2] [3] 65.0	15.025

[1] Certain leases have ceased to produce gas or never were productive of gas.
[2] Subject to upward and downward Btu adjustment.
[3] Includes 7.358 cents per Mcf upward Btu adjustment; 3.851 cents per Mcf tax adjustment and 1 cent per Mcf off lease gathering.
[4] Crisp No. 1 well became non-commercial.
[5] Subject to Btu adjustment and subject to a deduction for compression by buyer.
[6] Applicant is willing to accept a certificate in accordance with Opinion No. 699.
[7] High sulfur content and depleted reserves.
[8] Appellant's interest in all leases has terminated either due to expiration of the leases by their own terms or assignment in full to Cotton Petroleum Corp.
[9] Includes 11.34 cents per Mcf upward Btu adjustment.

[FR Doc.74-21729 Filed 9-19-74;8:45 am]

[Docket No. RI75-28]

PICKRELL DRILLING CO.

Petition for Special Relief

SEPTEMBER 16, 1974.

Take notice that on September 6, 1974, Cecil Burton, et al. d/b/a Pickrell Drilling Company, (Petitioner), 705 Fourth National Bank Building, Wichita, Kansas 67202, filed a petition for special relief in Docket No. RI75-28, seeking a rate above the applicable area ceiling under Opinion No. 586. Petitioner seeks a price of 42 cents per Mcf, pursuant to § 2.76 of the Commission's statements of general policy and interpretations under The Natural Gas Act, for the sale of gas to Cities Service Gas Company under its FPC Gas Rate Schedule No. 1 from the Medicine Lodge, North Field, Barber County, Kansas. Petitioner cites as the basis of his petition previously incurred pumping equipment costs and proposed expenditures for installation of a gas compressor unit.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21824 Filed 9-19-74;8:45 am]

[Docket Nos. RP75-11, RP74-90 and RP73-107]

CONSOLIDATED GAS SUPPLY CORP.

Order Accepting for Filing and Suspending Proposed Rate Increase, Consolidating Dockets, and Granting Permission To Amend Currently Effective Rates

SEPTEMBER 13, 1974.

On August 14, 1974, Consolidated Gas Supply Corporation (Consolidated) filed in this docket a proposed rate increase in its jurisdictional commodity rates as set forth in Fifth Substitute Twenty-Fourth Revised Sheet No. 8 to its FPC Gas Tariff, First Revised Volume No. 1. The proposed increase, amounting to approximately $2.3 million annually, would purportedly recover increased transportation charges of Transcontinental Gas Pipe Line Corporation (Transco) which are included in Transco's tendered rate increase filed with the Commission in Docket No. RP75-3. Consolidated proposes a September 1, 1974, effective date, the same effective date requested by Transco for its rate increase in Docket No. RP75-3 or such other date as the Commission might permit Transco's rate increase to become effective. By order issued August 30, 1974, the Transco rate increase was suspended for five months or until February 1, 1975. Consolidated's filing was noticed on August 30, 1974, but no comments were received.

Our review of the filing indicates that Consolidated should be permitted to collect such increased transportation charges, subject to refund, pending decision in the above-mentioned Transco docket. Accordingly, we shall accept the proposed rates for filing and suspend their effectiveness for five months until February 1, 1975, or until the rates in the above-mentioned Transco proceeding become effective, subject to refund in the manner provided by the Natural Gas Act. We shall also grant permission pursuant to Section 154.66 of the Regulations to permit a change in a tariff continued in effect because of the June 24, 1974, suspension order in Docket Nos. RP74-90, et al.

Certain issues of law and fact in this docket are substantially the same as those in Docket Nos. RP74-90 and RP73-107. We believe it appropriate that these proceedings be consolidated for purposes of hearing and decision. In view of this action, we shall make these consolidated proceedings subject to the procedures prescribed in Docket Nos. RP73-107 and RP74-90.

The Commission finds. It is necessary and proper and in the public interest in carrying out the provisions of the Natural Gas Act that the Commission grant Consolidated permission to amend its rates currently in effect and to accept for filing, suspend and permit to become effective the proposed tariff sheet as hereinafter ordered.

The Commission orders. (A) Docket Nos. RP75-11, RP74-90 and RP73-107 are hereby consolidated for purposes of hearing and decision and the consolidated proceedings are hereby made subject to the procedures prescribed in Docket Nos. RP73-107 and RP74-90.

(B) We hereby grant Consolidated permission, in accordance with § 154.66 of the regulations, to amend its currently effective rates and Consolidated's proposed rate increase is hereby accepted for filing and suspended for five months, and its use deferred until February 1, 1975, or until the rates in the above-mentioned Transco docket become effective in the manner provided in the Natural Gas Act, subject to the condition hereinafter ordered.

(C) The rates and charges in such tariff sheet shall be subject to refund in the amount of any difference between the charges made to Consolidated and the revenues collected by Consolidated, subject to the outcome of the above-mentioned Transco docket and as determined after the hearing in this docket.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21819 Filed 9-19-74;8:45 am]

[Docket Nos. CP71-290, CP73-283]

CONSOLIDATED SYSTEM LNG CO.

Order Permitting Late Intervention and Granting Extension of Time for Comments

SEPTEMBER 13, 1974.

This case concerns the routing of a 30-inch pipeline that is to run from Loudoun County, Virginia, to Leidy, Pennsylvania. The pipeline is part of a major

LNG import project that we earlier authorized (47 FPC 1624, 48 FPC 723 (1972)), but we severed the question of the pipeline's location in order to permit further study (48 FPC 732). A Final Environmental Impact Statement has now been prepared and has been introduced in evidence, and a hearing was held on July 15, 1974. The Presiding Administrative Law Judge has since certified to us a proposed settlement, noting in his certification of July 17 that the Department of Natural Resources of the State of Maryland had been given 15 days from the date of the hearing in order to clarify its position.

The Department of Natural Resources of the State of Maryland has since filed with us a petition for late intervention, filed August 12, and a motion "To Stay Consideration and Possible Acceptance Into the Record of the July 8, 1974, Proposed Stipulation Agreement", filed August 15. We grant the petition to intervene, in recognition of Maryland's manifest interest in a pipeline located within its borders; and we grant the motion in part, in order to allow the Department of Natural Resources until October 15, 1974, to comment further on the proposed settlement.

The Department of Natural Resources does not indicate in its August 15 motion how much more time it requires. From the filings before us, including the responses of the Consolidated System LNG Company and the Staff, it is clear that the Department of Natural Resources has already had many weeks to consider its position and has already received two extensions of time. Its counsel stated that the first of these would suffice (Tr., p. 35). We cannot grant an indefinite extension of time, because the Loudoun-Leidy pipeline is essential to the overall LNG project, many portions of which are now under construction. Our own approval of a pipeline routing must occur within the next few weeks, lest the overall project be further delayed. At the same time, we recognize that Maryland's Department of Natural Resources has important responsibilities relating to environmental considerations, and we think it desirable that it be afforded a further opportunity to express its considered views. Therefore, in an effort to balance the need for our early action, on the one hand, and our desire to know the views of the Department of Natural Resources, on the other, we shall grant to that Department a further extension of time, to and including October 15, 1974, for the filing of its comments.

The Commission finds. (1) Although the petition to intervene of the Department of Natural Resources, State of Maryland, was not timely filed, good cause exists for permitting such intervention.

(2) It is desirable and in the public interest to allow the Department of Natural Resources, State of Maryland, until October 15, 1974, to file comments on the proposed settlement agreement.

The Commission orders. (A) The above named petitioner is permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(B) The Department of Natural Resources, State of Maryland, may file comments on the proposed settlement on or before October 15, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21818 Filed 9-19-74;8:45 am]

[Docket Nos. RP74-22 and RP74-57, et al.]

EL PASO NATURAL GAS CO.

Order Granting Rehearing for Purposes of Further Consideration

SEPTEMBER 13, 1974.

On August 14, 1974, El Paso Natural Gas Company (El Paso) submitted an Application for Rehearing (Application) of our order of July 15, 1974, in which we granted the motion of the people of the State of California and the Public Utilities Commission of the State of California to reject certain charges contained in El Paso's proposed rate increase in its filing in Docket No. RP74-57. These charges relate to contingent overriding royalty payments for which El Paso may be liable. In its application, El Paso alleges four errors in our treatment of these payments.

On September 9, 1974, El Paso filed a motion for deferral of action on its application for rehearing. El Paso states that since it filed its application for rehearing on August 14, 1974, it has been engaged in negotiations with representatives of the special overriding royalty owners in order to reach a settlement. El Paso requests that the Commission defer action on El Paso's application for rehearing for a period of thirty days so that these negotiations can be completed and the Commission promptly advised of the outcome.

We shall grant rehearing of our July 15, 1974, order in this docket for purposes of further consideration in order to allow time for El Paso and the representatives of the special overriding royalty owners to complete their settlement negotiations and to file a proposed settlement agreement with the Commission. However, if no proposed settlement agreement has been filed on or before October 9, 1974, we shall then take action on the merits of El Paso's application for rehearing which was filed on August 14, 1974.

The Commission finds. Good cause exists to grant El Paso's application for rehearing of our July 15, 1974 order in this docket for purposes of further consideration as hereinafter conditioned.

The Commission orders. El Paso's application for rehearing of our July 15, 1974 order in this docket is hereby granted for purposes of further reconsideration in order to allow time for El Paso and the other interested parties to this proceeding to pursue settlement negotiations and to file a proposed settlement agreement with the Commission; *Provided, however,* That if a proposed settlement agreement is not filed on or before October 9, 1974, we shall then act on the merits of El Paso's application for rehearing, filed on August 14, 1974.

(B) The Secretary of the Commission shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21825 Filed 9-19-74;8:45 am]

[Docket No. E-8957]

INTERSTATE POWER CO.

Filing of Service Agreement

SEPTEMBER 13, 1974.

Take notice that by letter dated July 23, 1974, the Interstate Power Company of Dubuque, Iowa filed with the Federal Power Commission copies of an electric transmission service agreement between the Interstate Power Company and the Public Utilities Commission of the City of Owatonna, Minnesota dated July 19, 1974.

This transmission service agreement supplements the municipal electric service agreement dated November 24, 1970 (designated Interstate Power Company Rate Schedule FPC No. 100) and specifies the terms of interconnection facilities, transmission service, power purchases and sales, scheduling, generation and energy accounting.

Applicant requests that the Commission designate July 19, 1974 as the effective date of this agreement pursuant to § 35.3 of its regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 16, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21822 Filed 9-19-74;8:45 am]

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[Docket No. RP74-86]

NORTH PENN GAS CO.

Extension of Procedural Dates

SEPTEMBER 16, 1974.

On September 11, 1974, Staff Counsel filed a motion for extension of procedural dates fixed by order issued June 28, 1974, in the above-designated matter. The motion states that all of the parties concur.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, November 14, 1974.
Service of Intervenor's Testimony, November 29, 1974.
Service of Company's Rebuttal Testimony, December 13, 1974.
Hearing, January 14, 1975 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-21817 Filed 9-19-74;8:45 am]

[Docket No. E-8888]

OHIO ELECTRIC CO.

Order Accepting for Filing, Instituting Investigation and Establishing Procedures

SEPTEMBER 16, 1974.

On July 3, 1974, as completed on August 19, 1974, Ohio Electric Company (Ohio Electric) tendered for filing as an initial rate schedule a Power Agreement between Ohio Electric and Ohio Power Company (Ohio Power) dated February 1, 1972 to become effective August 5, 1974. Ohio Electric asked that August 5, 1974, be the effective date in the supplemental filing (the initial filing was assessed as deficient), and in order that such date be established, Ohio Electric seeks a waiver of the notice requirements set forth in the Commission's rules and regulations.

Ohio Electric estimates that the annual revenues it will receive from sales to Ohio Power during the first twelve months following the date of commercial operation of Unit No. 1 at the General James M. Gavin Generating Plant will aggregate $147,790,000, or an average of approximately $12,316,000 of revenue during each of the months of said period.

Ohio Electric states that on April 10, 1972, pursuant to authorization by the Securities and Exchange Commission in Order Authorizing Sale of Generating Plant to Newly-Organized Subsidiary Company and Related Transactions (70-5142) (Administrative Proceeding File No. 3-3533), Ohio Power transferred to Ohio Electric its interest in the General James M. Gavin Generating Plant (Plant) located on the Ohio River near Chesshire, Ohio. The Plant consists of two 1,300,000 kilowatt fossil-fired steam electric generating units and associated equipment and facilities. Under the Power Agreement, Ohio Power shall be the sole purchaser of power and energy generated at the Plant by Ohio Electric. Ohio Electric states that it does not now, and has no present plans to own, any electric facilities other than the Plant.

The initial filing was noticed with July 29, 1974 being established as the deadline for intervention by interested parties. No interventions were filed prior to the supplemental filing. The supplemental filing was noticed on September 5, 1974, with September 20, 1974 being established as the deadline for intervention by interested parties.

Our review of Ohio Electric's initial and supplemental filing indicates that the proposed initial rate schedule has not been shown to be just and reasonable, and may be unjust, unreasonable, and unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall institute an investigation of the proposed initial rate schedule pursuant to the Commission's authority under section 206 of the Federal Power Act and establish hearing procedures to determine the reasonableness of Ohio Electric's filing.

The Commission finds. (1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act that the Commission institute a section 206 investigation and hearing.

(2) Good cause exists to grant the requested waiver of the notice requirements in the Commission's rules and regulations in order that an effective date of August 5, 1974 be established.

The Commission orders. (A) Pursuant to the authority of the Federal Power Act, particularly Section 206 thereof the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held on February 18, 1975 in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in Ohio Electric's proposed initial rate schedule.

(B) On or before November 5, 1974, company shall serve its direct testimony. On or before January 7, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before January 21, 1975. Any company rebuttal evidence shall be served on or before February 4, 1975.

(C) Ohio Electric's request of a waiver of the notice requirements set forth in the Commission's rules and regulations to allow an effective date of August 5, 1974 is hereby granted.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21821 Filed 9-19-74;8:45 am]

[Docket No. E-8999]

ORANGE & ROCKLAND UTILITIES, INC.

Notice of New Power Supply Contract

SEPTEMBER 11, 1974.

Take notice that on August 30, 1974, Orange & Rockland Utilities, Inc. (Orange & Rockland) tendered for filing a new power supply contract between Orange & Rockland and Pike County Light and Power Company (Pike). This contract replaces an outstanding contract between the parties providing for the sale of power by Orange & Rockland to Pike, its wholly owned subsidiary, on a cost of service basis.

Orange & Rockland asserts that the only changes effected by the new contract are a new method of determining rate of return, and some minor modifications to working capital. The new contract, the company states, represents an increase in revenues of $13,490. An effective date of October 1, 1974, has been requested.

Any person desiring to be heard or to protest said contract should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21820 Filed 9-19-74;8:45 am]

[Docket No. RP74-87]

PENNZOIL CO.

Extension of Time To Respond

SEPTEMBER 13, 1974.

In the matter of investigation of Pennzoil Company—United States Gas Pipe Line Company spin-off and related transactions.

On September 9, and September 10, 1974, respectively, United Gas Pipe Line Company and Pennzoil Company filed motions for extensions of time to respond to the joint motion of August 26, 1974, which seeks to make available information acquired by staff investigation in the above-designated matter. The motion states that counsel for each of the Movants has no objection to the granting of this motion. On September 13, 1974, Staff Counsel filed a reply in opposition to the motion for extension on procedural grounds as well as a desire to expedite the proceedings.

Upon consideration, notice is hereby given that the date for response to the above-mentioned motion is extended to and including September 17, 1974.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-21816 Filed 9-19-74;8:45 am]

[Docket No. CP75-51]

UNITED GAS PIPE LINE CO.

Application for Certificate of Public Convenience and Necessity

SEPTEMBER 13, 1974.

Take notice that on August 23, 1974, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP75-51 an application pursuant to section 7(c) of that Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a farm tap on the eight-inch pipeline serving Fort Polk in Vernon Parish, Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the eight-inch pipeline serving Fort Polk is the property of the United States leased to applicant. According to applicant the construction of a 1-inch tap is required pursuant to a right-of-way agreement between applicant and C. M. Sellers authorizing applicant to construct its 6-inch Leesville Loop Line across certain lands owned by Sellers. In partial consideration for the granting of said right-of-way applicant agreed to construct a farm tap and deliver natural gas to Sellers' principal dwelling through applicant's then affiliated customer-distributor, United Gas Corporation, now unaffiliated and known as Entex, Inc. Applicant states that the obtaining of the right-of-way from Sellers and the construction of the pipeline across his property was in the public interest as it enabled applicant to improve its service in the Leesville area.

Applicant estimates that deliveries through the farm tap will range from 60 to 100 Mcf annually. The application states that Entex, Inc., has advised applicant that farm tap service can be provided to Sellers within the seasonal volumetric limitations which may be established by the Commission for its purchases from applicant. Cost of facilities is estimated at $760 which will be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-21823 Filed 9-19-74;8:45 am]

FEDERAL RESERVE SYSTEM

UNITED CAROLINA BANCSHARES, INC.

Application To Engage in Providing Management and Consulting Advice to Nonaffiliated Banks

United Carolina Bancshares, Inc., Whiteville, North Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y, for permission to engage in the activity of providing management and consulting advice to nonaffiliated banks. Notice of the application was published on July 28, 1974, in newspapers circulated in Asheville, Charlotte, Raleigh, Winston-Salem and Wilmington, North Carolina. Such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 9, 1974.

Board of Governors of the Federal Reserve System, September 11, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21884 Filed 9-19-74;8:45 am]

VIRGINIA NATIONAL BANKSHARES, INC.

Proposed Acquisition of Notes Receivable, Property and Equipment

Virginia National Bankshares, Inc., Norfolk, Virginia, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's regulation Y, for permission to acquire indirectly through its wholly owned subsidiary, Atlantic Credit Corporation, Elizabeth City, North Carolina, the notes receivable and certain property and equipment of General Finance Company, and its wholly owned subsidiary, City Auto Finance, both located in High Point, North Carolina. Notice of the application was published on August 14, 1974, in the High Point Enterprise, a newspaper circulated in High Point, North Carolina and environs.

Applicant states that the proposed subsidiary would continue to engage in making auto loans and selling credit life, disability and automobile physical damage insurance related to such loans; and that it proposes to expand these activities to include consumer finance loans and loans secured principally by second mortgages on real property and to sell credit life, credit accident and health, and physical damage insurance in connection with such loans. Such activities have been specified by the Board in section 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and re-

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ceived by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 8, 1974.

Board of Governors of the Federal Reserve System, September 12, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21883 Filed 9-19-74;8:45 am]

VIRGINIA NATIONAL BANKSHARES, INC.

Order Approving Acquisition of Bank

Virginia National Bankshares, Inc., Norfolk, Virginia ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to Community Bank and Trust Company, Springfield, Virginia ("Bank")

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Applicant, the second largest banking organization in Virginia, controls four banks with aggregate deposits of approximately $1.4 billion, representing 11.6 per cent of the total deposits in commercial banks in the State.[1] Acquisition of Bank would increase Applicant's share of State deposits by less than one-tenth of one per cent and would not alter Applicant's ranking among other State banking organizations. Accordingly, consummation of the proposal would not significantly affect state-wide concentration of banking resources in Virginia.

Bank is a unit bank with its office located in Springfield, Fairfax County, Virginia.[2] Bank holds deposits of approximately $4.1 million, representing less than one percent of total deposits in commercial banks in the relevant market, and thereby ranks as the 54th largest of 77 banks with a total of 622 offices operating therein.[3] Applicant's lead bank, Virginia National Bank, Norfolk, Virginia ("VNB") operates 18 branch offices in the Virginia portion of the market, but due to State branching restrictions, does not have any offices in Fairfax County. The office of VNB closest to Bank is located approximately 7½ miles away. Although the service areas of several of VNB's offices and Bank overlap to some extent, it appears that any competition that would be eliminated by consummation of the proposed transaction would be slight due to the size of Bank and the numerous other banking offices intervening between the VNB offices and Bank. Furthermore, it does not appear that any competition presently exists between Applicant's other banking subsidiaries and Bank; nor does it appear likely that any significant competition would develop between Applicant and Bank due to Virginia's branching laws, the size of Bank and the distances involved.[4] Although Applicant appears to have the financial resources to enter Fairfax County de novo, such entry appears unlikely due to the low population per banking office ratio. Therefore, the Board concludes that consummation of the proposal would not have significant adverse effects on existing or potential competition in any relevant area, and that the competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant, its subsidiaries and Bank are considered satisfactory and the future prospects for each appear favorable. Thus, the considerations relating to the banking factors are consistent with approval of this application. Applicant proposes to expand the range of services presently offered by Bank. In particular, affiliation with Applicant will provide Bank with access to loan participations and Applicant's expertise in mortgage and commercial lending, as well as offer Bank's customers trust services and international banking services through Applicant's subsidiaries. These considerations relating to convenience and needs lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

[1] All banking data are as of December 31, 1973, and reflect holding company formations and acquisitions approved through July 31, 1974.

[2] Bank has an application pending for a branch office in Springfield, Va.

[4] Of Applicant's three other banking subsidiaries, the one closest to Bank is located approximately 85 miles away in Richmond, Virginia.

[3] The relevant geographic market is approximated by the Washington, D.C. SMSA, which consists of Charles, Montgomery and Prince Georges Counties in Maryland; Washington, D.C.; and the cities of Alexandria, Fairfax and Falls Church, and Arlington, Fairfax, Loudoun and Prince William Counties in Virginia.

By order of the Board of Governors,[5] effective September 13, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21882 Filed 9-19-74;8:45 am]

NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

National Endowment for the Humanities FELLOWSHIPS PANEL

Notice of Meeting

SEPTEMBER 18, 1974.

The availability of the panelists prevented earlier scheduling of this meeting. As provided by 44 U.S.C. 1508(2), the National Endowment for the Humanities considers this notice reasonable in light of the fact that this meeting is closed to the public.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Fellowships Panel will be held in Washington, D.C., on September 20, 1974.

The purpose of the meeting is to review Independent Fellowships applications submitted to the National Endowment for the Humanities for 1975-76 fellowship grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's delegation of authority to close advisory committee meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74-21969 Filed 9-19-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 17, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

[5] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, Holland and Wallich.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF DEFENSE

Department of the Army: Three Market Survey of Attitudes toward U.S. Army, Form 51256, A, B, C, Single time, NSD(395-4734), Hall(395-4697), Gonzales(395-3793), 15-21 yr old males, parents and educators.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:
Financial Accountability Statement for Disability Program, Form SSA 874, Annual, Caywood (395-3443), State agencies.

Departmental:
Preliminary Plan for Evaluation of State Agencies on Aging, Form OS-39-74, Occasional, HRD (395-3532), Reese (395-5630), State agency directors, state legislators, advocate group heads.
Preliminary Plan for Title IV R & D Utilization Evaluation, Form OS-38-74, Single time, HRD (395-3532), Reese (395-5630), Individuals.

DEPARTMENT OF THE TREASURY

Departmental:
Weekly Report of Positions in Specified Foreign Currencies of Banks in the United States, Form FC-1, Weekly, Hulett (395-4730), Bankers and banking institutions.
Monthly Report of Assets, Liabilities and Positions in Specified Currencies of Banks in the U.S. Form FC-1a, Monthly, Hulett (395-4730), Bankers and banking institutions.
Weekly Consolidated Report of Positions in Specified Foreign Currencies of Foreign Branches and Subsidiaries of United States Banks, Form FC-2, Weekly, Hulett (395-4730), Bankers and banking institutions.
Monthly Consolidated Report of Assets, Liabilities, and Positions in Specified Foreign Currencies of Foreign Branches and Subsidiaries of United States Banks, Form FC-2a, Monthly, Hulett (395-4730), Bankers & banking institutions.

REVISIONS

None.

EXTENSIONS

GENERAL SERVICES ADMINISTRATION

Solicitation, Offer and Award: Form SF 33, Occasional, Evinger (395-3648), Business firms.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-21984 Filed 9-19-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-4645, etc.; 7-4646; 7-4655]

ARA SERVICES, INC., ET AL. CONTINENTAL ILLINOIS REALTY, AND RORER-ANCHEM, INC., ET AL.

Unlisted Trading Privileges and Opportunity for Hearing

Correction

SEPTEMBER 4, 1974.

In FR Docs. 74-20834, 20833, and 20835, appearing on pages 32668 and 32669 in the issue for Tuesday, September 10, 1974, insert the following as the first paragraph in each document:

"In the matter of the Boston Stock Exchange:"

[811-2005]

AFORTRESS INCOME FUND, INC.

Filing of Application

SEPTEMBER 16, 1974.

Notice is hereby given that Afortress Income Fund, Inc. ("Applicant"), 8 Pennell Road, Lima, Pennsylvania 19060, registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end management investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a Delaware corporation on October 17, 1969 and registered under the Act on January 15, 1970.

The Application states that a Plan of Liquidation and Dissolution ("Plan") was adopted by a majority of Applicant's outstanding voting securities at a special meeting of its shareholders on April 15, 1974. Pursuant to and in furtherance of the Plan all Applicant's assets (except $10,000 to cover necessary liquidation expenses) have been distributed in cash to its shareholders in cancellation of Applicant's outstanding shares. Applicant represents that it no longer has any shareholders, that it does not engage or propose to engage in any investment company activity, and that its sole business is the final dissolution and winding up of its affairs under state law.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 15, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following October 15, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-21869 Filed 9-19-74;8:45 am]

[File No. 500-1]

BBI, INC.

Notice of Suspension of Trading

SEPTEMBER 13, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from September 16, 1974 through September 25, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-21867 Filed 9-19-74;8:45 am]

[Release Nos. 33-5526, 34-11003, 40-8488]

BENEFICIAL OWNERSHIP, TAKEOVERS AND ACQUISITIONS OF CORPORATIONS BY FOREIGN AND DOMESTIC PERSONS

Public Investigatory Proceedings

The Securities and Exchange Commission announced today that it has ordered

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a public investigatory proceeding, including public hearings, to ascertain facts, conditions, practices and other matters relating to beneficial ownership, takeovers and acquisitions by foreign and domestic persons in light of the statutory purposes underlying the Securities Act of 1933 ("the Securities Act") and the Securities Exchange Act of 1934 ("the Exchange Act"), particularly certain amendments to the Exchange Act which were enacted in 1968 and 1970 ("the Williams Act").[1] The purpose of this investigatory proceeding is to develop a factual basis for determining whether it is necessary or appropriate in the public interest or for the protection of investors for the Commission to adopt or amend rules, regulations and forms under the Securities Act and the Exchange Act and/or to recommend further legislation to the Congress concerning these subjects. Although the proceeding is investigatory in nature, it is not being conducted for enforcement purposes.

[1] The term "Williams Act" is sometimes used to refer to subsections 13(d), 13(e), 14(d), 14(e) and 14(f) of the Exchange Act. Subsection 13(d) is presently applicable to classes of equity securities which are registered pursuant to section 12 of the Exchange Act, or which would be required to be registered pursuant to that section except for a specific statutory exemption for insurance companies, or which have been issued by a closed-end investment company registered under the Investment Company Act of 1940. Generally, subsection 13(d) requires, subject to certain limited exemptions, that any person (or group of persons) who makes any acquisition of securities which results in that person being the direct or indirect beneficial owner of more than 5 percent of a class of such securities must within 10 days after the acquisition, send to the issuer of such securities and to any national securities exchange on which such securities are listed and file with the Commission a statement disclosing, among other things, background information regarding that person, his source of funds, his purpose in effecting the acquisition, his interests in the securities of the issuer and any arrangements with other persons regarding the securities of the issuer. Subsection 13(e), which is applicable to classes of equity securities registered under section 12 of the Exchange Act or issued by a closed-end investment company registered under the Investment Company Act of 1940, but is not applicable to securities of insurance companies exempted by subdivision 12(g)(2)(G) of the Exchange Act, prohibits an issuer of such securities (or a person controlling, controlled by, or under common control with the issuer) from purchasing any securities of the issuer in contravention of rules adopted by the Commission. Generally, subsection 14(d) of the Exchange Act, which is applicable to those securities subject to subsection 13(d), makes it unlawful for any person (or group of persons) to make a tender offer for or a request or invitation for tenders of such securities which, if successful, would result in that person being the direct or indirect beneficial owner of more than 5 percent of a class of such securities unless that person, at the time of publication or distribution of the tender offer, has filed with the Commission a statement disclosing the information specified in subsection 13(d) as well as information required by the Commission's rules. Among other things, subsection 14(d) also contains regulatory provisions relating to shareholders' withdrawal rights and their pro rata acceptance rights, as well as the bidder's obligation to treat all tendering shareholders equally with respect to any increase in the offered consideration. The subsection further requires that all recommendations relating to tender offers be made in accordance with rules adopted by the Commission. Subsection 14(e), which is applicable to all tender offers and recommendations related thereto, makes it unlawful for any person to make any untrue statement of a material fact or to omit to state any necessary material fact or to engage in any fraudulent, deceptive or manipulative acts or practices in connection with any actual or planned tender offer. Subsection 14(f) requires that an issuer of securities file certain information with the Commission and transmit it to stockholders in accordance with rules adopted by the Commission whenever, in connection with a transaction subject to subsections 13(d) or 14(d), there is an arrangement or understanding whereby a majority of the persons constituting the issuer's board of directors would be elected or designated otherwise than at a meeting of stockholders.

[2] Form S-1 (17 CFR 239.11) (Item 19); Form S-2 (17 CFR 239.12) (Item 11); Form S-3 (17 CFR 239.13) (Item 10); Form S-8 (17 CFR 239.12) (Item 24); Form S-11 (17 CFR 239.18) (Item 18); Form S-16 (17 CFR 239.27) (Item 5). *See also* Notification Form 1-A (17 CFR 239.90) (Item 2).

[3] Form 10 (17 CFR 249.210) (Item 5); Form 12 (17 CFR 249.212) (subdivision 6(b)(1) of Instructions As To Exhibits).

[4] Form 10-K (17 CFR 249.310) (Item 11); Form 12-K (17 CFR 249.312) (subparagraph 2(b) of Instructions As To Exhibits).

[5] Schedule 14A (Item 5); Schedule 14B (Item 3); Schedule 14C (Item 1).

Beneficial Ownership

The disclosure requirements of the Williams Act, with respect to both completed acquisitions and proposed tender offers, are triggered whenever a person (or group of persons) becomes or would become, directly or indirectly, the beneficial owner of more than 5 per centum of a class of equity securities specified in subsection 13(d) of the Exchange Act. The term "beneficial owner" is not defined in the Exchange Act or in rules adopted pursuant to the rulemaking authority set forth in the Williams Act Amendments to the Exchange Act.

The concept of beneficial ownership, however, is not limited to the Williams Act. As enacted in 1933, Item 6 of Schedule A of the Securities Act requires, among other things, disclosure of certain information regarding persons, if any, "owning * * * beneficially * * * more than 10 per centum of any class of stock of the issuer." Based in part on that provision of Schedule A, various registration statement forms promulgated under the Securities Act require disclosure of certain information regarding persons beneficially owning specified percentages of certain classes of securities.[2] Similarly, various forms for registration statements,[3] reports[4] and proxy schedules[5] under the Exchange Act require disclosure of certain information regarding persons beneficially owning specified percentages of certain classes of securities. The terms "beneficially owning" and "beneficial owner" are not defined in the Securities Act or the Exchange Act or in any rules promulgated thereunder for the purposes of registration statements, periodic reports or proxy materials, although the term "beneficial ownership" is defined for certain purposes of Subsection 16(a) of the Exchange Act.

The Commission is aware that there are certain questions as to whether there is adequate disclosure to the investing public regarding who possesses voting rights and other benefits of ownership of securities of publicly owned issuers.[6] Inasmuch as the term "beneficial owner" is essential to an understanding of and compliance with the disclosure requirements of the Securities Act and the Exchange Act, the Commission has authorized this proceeding to consider, among other things, whether a definition of the term "beneficial owner" should be adopted.

It should be noted that the term "beneficial owner" is contained in subsections 16(a), (b) and (c) of the Exchange Act. In light of certain rules promulgated under Section 16 by the Commission and in light of the substantial case law which has developed, the Commission has determined not to consider this area as a subject matter of the investigation.

Takeovers and Acquisitions

The Congressional intent in enacting the Williams Act was to require:

> * * * the disclosure of pertinent information and * * * afford other protections to stockholders (1) when a person or group of persons seeks to acquire a substantial block of equity securities of a corporation by a cash tender offer or through open market or privately negotiated purchases and (2) when a corporation repurchases its own equity securities.[7]

This approach of disclosure and other regulatory protections was considered necessary because:

> The competence and integrity of a company's management, and of those persons who seek management positions, are of vital importance to stockholders. Secrecy in this area is inconsistent with the expectations of the people who invest in the securities of publicly held corporations and impairs public confidence in securities as a medium of investment.[8]

However, in adopting this approach, Congress took:

> * * * extreme care to avoid tipping the balance of regulation either in favor of management or in favor of the person making the takeover bid. The bill is designed to require full and fair disclosure for the benefit of investors while at the same time providing the offeror and management equal opportunity to fairly present their case.[9]

[6] *See, e.g., Disclosure of Corporate Ownership*, S. Doc. 93-62, 93rd Cong., 2d Sess. (1974). *See also Hearings on Corporate Disclosure Before the Subcommittee on Intergovernmental Relations and on Budgeting, Management and Expenditures of the Senate Committee on Government Operations*, 93d Cong., 2d Sess. (1974).

[7] *Full Disclosure of Corporate Equity Ownership and In Corporate Takeover Bids*, S. Rep. No. 550, 90th Cong., 1st Sess. 1 (1967).

[8] *Id.* at 2.

[9] *Id.* at 3.

In order to implement immediately those provisions of the 1968 Williams Act Amendments which were not self-executing upon their effectiveness, the Commission adopted temporary rules and regulations under subsections 13(d), 13(e), 14(d) and 14(f) in Exchange Act Release No. 8370 (July 30, 1968) (33 FR 11015) and amended such rules shortly thereafter in Exchange Act Release No. 8392 (33 FR 14109) (August 30, 1968). Based upon approximately two years of experience with the statutory amendments and the temporary rules promulgated thereunder, the Commission returned to Congress and, upon passage of the 1970 Williams Act Amendments, again amended such rules in Exchange Act Release No. 9060 (36 FR 977) (January 18, 1971). In addition, the Commission has adopted various rules relating to short-tendering, to trading by persons interested in certain distributions, and to purchases by a bidder outside of tender offers, pursuant to its rulemaking authority under subsection 10(b) of the Exchange Act. At the present time, the Commission is considering comments from interested persons on a proposed Rule 13e-2 under subsection 13(e) of the Exchange Act and a related proposed amendment to a rule under subsection 10(b) of the Exchange Act (*see* Exchange Act Release No. 10539, December 6, 1973, 39 FR 34341). The investigatory proceeding will not consider any matters within the purview of that proposed rule.

The Commission is aware that there are certain questions as to whether the present schedules, rules and regulations under Subsections 13(b), 14(d) and 14(e) of the Exchange Act provide adequate disclosure and other protections to investors with respect to acquisitions and takeovers[10] or provide adequate guidance to persons effecting such transactions. Similarly, the Commission is aware of Congressional concern in these areas and of apparently varying judicial decisions regarding certain of these matters. Accordingly, the Commission also has authorized this proceeding to consider various issues and problems dealing with acquisitions and takeovers by foreign and domestic persons as set forth below.

Specific Inquiries

The investigatory proceeding, which will be conducted by the Division of Corporation Finance, will examine the following general topics including, but not limited to, the specific inquiries thereunder. Among other things, the proceeding will consider, with respect to each inquiry, whether the Commission does have or should seek the authority to take the action set forth therein.

A. Scope of the term "Beneficial Owner". *A-1.* Whether the Commission should define the term "beneficial owner" for the purposes of subsections 13(d) and 14(d) of the Exchange Act.

A-2. Whether the Commission should define the term "beneficial owner" for the purposes of the disclosure requirements of registration statements, periodic reports, and proxy and information statements filed under the Securities Act and the Exchange Act.

A-3. Whether a definition, if adopted, should include any or all of the following: (a) a person who holds with the power to vote (i.e., record holder); (b) a person who has or shares the power to direct the sale or voting of securities; (c) a person who has the right to receive economic benefits from securities.

A-4. Whether the Commission should adopt special rules or procedures relating to persons subject to jurisdictions whose laws permit or require bank secrecy procedures and/or bearer shares (i.e., equity securities recorded on the issuer's books in the name of "Bearer").

B. Scope of the terms "Tender Offer" and "Request or Invitation for Tenders". *B-1.* Whether the Commission should define the terms "tender offer" and "request or invitation for tenders" for the purposes of subsection 14(d) of the Exchange Act.

B-2. Whether such definitions, if adopted, should include or exclude or whether the Commission should specifically exempt from Subsection 14(d), in whole or in part, under all or certain circumstances, any or all of the following: (a) open market transactions; (b) offers or invitations to a limited number of persons; (c) privately negotiated transactions.

C. Scope of certain other terms. *C-1.* Whether the Commission should define the term "acquisition" for purposes of subsections 13(d) and 14(d) of the Exchange Act.

C-2. Whether the definition, if adopted, should include or exclude any or all of the following: (a) gifts; (b) inheritances; (c) contracts to purchase securities on a future date or upon the happening of a future event.

C-3. Whether the Commission should define the term "group" or otherwise adopt rules for the purpose of subparagraph 13(d)(3) of the Exchange Act in order to provide greater certainty with respect to the commencement and termination of a group's reporting requirements.

D. Disclosure requirements. *D-1.* Whether the Commission should adopt separate schedules setting forth disclosure requirements for filings pursuant to subparagraphs 13(d)(1) and 14(d)(1) of the Exchange Act.

D-2. Whether the Commission should expressly require disclosure of any or all of the following information for filings pursuant to subparagraphs 13(d)(1) and 14(d)(1): (a) breakdown of beneficial owner's voting authority—sole, shared, or none; (b) present and proposed relationships between beneficial owner or bidder and issuer (e.g., debtor-creditor); (c) regulatory requirements for or resulting from an acquisition (e.g., approval by Civil Aeronautics Board), (d) anti-trust considerations; (e) financial statements and other information regarding any bidder.

D-3. Whether the Commission should amend the disclosure requirements, presently set forth in Schedule 13D, for filings pursuant to subparagraphs 13(d)(1) and 14(d)(1), and amendments thereto, to require more meaningful disclosure regarding the purpose of a tender offer or the purpose of an acquisition, including any plans or proposals to influence the direction or policies of management of the issuer (e.g., attempt to effect noncontested takeover; attempt to thwart a competing tender offer, preliminary discussions and negotiations between the person filing a Schedule 13D and management of the issuer or other persons).

D-4. Whether the Commission should amend any other item requirement of Schedule 13D (17 CFR 240.13d-101) or should adopt additional item requirements to make more meaningful the disclosure required for the purposes of subparagraphs 13(d)(1) and 14(d)(1).

D-5. Whether the Commission should amend any of the disclosure requirements presently set forth in Schedule 14D (17 CFR 240.14d-101) to require, among other things, disclosure whether any person making a recommendation has decided to tender his shares or has any formal or informal arrangements, understandings or plans relating to employment or other relationships with the bidder or has received any offers relating thereto.

D-6. Whether the Commission should adopt a schedule of disclosure items pursuant to subsection 13(e) of the Exchange Act for issuers making tender offers for their own securities, including when issuers attempt to "go private" and cease reporting under the Exchange Act.

D-7. Whether the Commission should adopt a short form notice pursuant to subparagraph 13(d)(5) of the Exchange Act for, or exempt by rule pursuant to subparagraphs 13(d)(6) and 14(d)(8), any or all of the following classes of persons, or transactions by such persons, who acquire securities in the ordinary course of business without the purpose or effect of acquiring control of the issuer of such securities: (a) specialists and market makers; (b) investment companies; (c) insurance companies; (d) pension funds; (e) other persons.

E. Tender offer requirements. *E-1.* Whether the Commission should adopt a rule setting forth specific requirements for publication of tender offers.

E-2. Whether the Commission should adopt a rule requiring or permitting the use of advertisements or notices containing limited, specified information in connection with any or all of the following: (a) the publication of a tender offer; (b) the announcement of a tender offer to be made at some future time; (c) the increase in price of, or the extension of time of, a tender offer already published.

E-3. Whether the Commission should adopt a rule requiring that a company whose securities are subject to a tender offer should provide a bidder with access

[10] *See, e.g., Institutional Investor Study Report*, H.R. Doc. No. 92-64, 92d Cong., 1st Sess., Pt. 5 (1971).

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to its list of shareholders or should mail the bidder's tender offer and solicitation material to its shareholders on behalf of the bidder, who shall incur the reasonable expenses of such mailing.

E–4. Whether the Commission should adopt rules clarifying the applicability of the shareholders' withdrawal rights and pro rata rights as well as bidder's obligation to treat all tendering shareholders equally with respect to any increase in the offered consideration.

F. Possible legislative proposals. F–1. Whether it is necessary or desirable for the Commission to recommend legislative amendments to the Congress with respect to any of the following: (a) lowering the reporting threshold of subsection 13(d) from 5 percent to, for example, 1 percent (and concomitantly reducing the 2 percent exemption of subdivision 13(d)(6)(B)), and lowering the ownership disclosure requirements of subsections 12(b), 12(g), 13(a) and 15(d) of the Exchange Act from 10 percent to, for example, 1 percent; (b) providing other appropriate means of reporting beneficial ownership, such as requiring identification of the largest shareholders and their holdings; (c) granting the Commission summary suspension power similar to subparagraphs 15(c)(5) and 19(a)(4) of the Exchange Act with respect to tender offers; (d) replacing present 10 day reporting requirement of subsection 13(d) with a substantially shorter notice requirement and a 10 day reporting requirement.

F–2. Whether the Commission should recommend legislative amendments to the Congress with respect to any other provision of the Williams Act.

The Commission reserves the right to amend this listing of general topics and specific inquiries.

PROCEDURES

Any interested person wishing to submit a written statement of his views or suggestions concerning other topics or inquiries relating to beneficial ownership, takeovers and acquisitions by foreign and domestic persons which should be examined during the course of the proceeding is invited to submit such a statement by Monday, October 11, 1974. In addition, any interested person wishing to submit specific written comments of his views concerning the inquiries set forth herein is invited to do so at any time prior to the close of the record of this proceeding. All comment letters should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 and should be captioned with File No. 4–175. All such communications will be made part of the record of the proceeding and will be available for public inspection.

The public hearings are tentatively scheduled to commence on Tuesday, November 12, 1974 at the Commission's offices in Washington, D.C. At a later date, the Commission will issue another order designating the specific date, time and place for the hearings and appointing hearing officers to preside over the hearings. Any interested person desiring to make an oral presentation of his views at the hearings in addition to submitting written comments is requested to write or call Mary E. T. Beach, Chief of the Division of Corporation Finance's Office of Disclosure Policy and Proceedings (tel. 202/755–1750). Persons making oral statements shall generally be limited to 20 minutes each, should be prepared to respond to specific inquiries from the hearing officer and Commission staff, and shall be required to submit 25 copies of their prepared statements three business days in advance of their scheduled date of appearance.

This public investigatory proceeding has been ordered by the Commission pursuant to section 21(a) of the Exchange Act and rule 4(b) of the Commission's rules of practice.

(Section 21(a), 48 Stat 899; 15 U.S.C. 78u(a))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 9, 1974.

[FR Doc.74–21872 Filed 9–19–74;8:45 am]

[File No. 500–1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

SEPTEMBER 13, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from September 15, 1974 through September 24, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–21866 Filed 9–19–74;8:45 am]

[811–1611]

FML GROWTH FUND, INC.

Proposal To Terminate Registration

SEPTEMBER 16, 1974.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that FML Growth Fund, Inc. ("Growth"), Fidelity Mutual Life Insurance Company, Fidelity Mutual Life Building, South Penn Square, Philadelphia, Pennsylvania 19101, registered under the Act as an open-end diversified management investment company, has ceased to be an investment company.

Growth, a Delaware corporation, registered under the Act on February 27, 1968.

The Commission's records indicate that Growth and FML Equity Income Fund, Inc. ("Equity"), a Delaware corporation, also a registered open-end diversified management investment company under the Act, entered into an Agreement and Plan of Merger dated March 7, 1974 (the "Agreement") providing for the merger of Growth into Equity and a change of the name of the latter fund to Combined Shares, Inc. ("Combined"). On May 21, 1974 both Growth and Equity Shareholders approved the Agreement and the transactions contemplated were effected on May 23, 1974. As of the close of business May 22, 1974, there were 652,485 Growth shares outstanding representing net assets of $3,755,886. A total of 444,799 Equity shares were issued to purchase Growth's assets, based solely on the relative net assets of the two Funds at the time of conversion. As a result of the merger, Growth's separate existence as an investment company ceased.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 15, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon FML Growth Fund, Inc. at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following October 15, 1974 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–21871 Filed 9–19–74;8:45 am]

[812–3689]

THE MUTUAL LIFE INSURANCE CO. OF NEW YORK AND THE MONY VARIABLE ACCOUNT–A

Application for Exemption

SEPTEMBER 16, 1974.

Notice is hereby given that The Mutual Life Insurance Company of New York ("MONY"), a mutual life insurance company organized under the laws of the State of New York, and the MONY Variable Account–A ("VA–A"), 1740 Broadway, New York, New York 10019, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), have filed an application pursuant to section 6(c) of the Act for an order of exemption to the extent noted below from the provisions of section 22(d) of the Act. (MONY and VA–A are herein collectively called "Applicants.") All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

MONY established VA–A in 1968, pursuant to the provisions of section 227 of the New York Insurance Law, for the purpose of providing an investment medium for certain variable annuity contracts to be issued by MONY and VA–A. The application deals only with VA–A's Group Tax-Deferred Variable Annuity Contracts, which are eligible for federal tax-deferred treatment under section 403(b) of the Internal Revenue Code of 1954. MONY, which acts as the principal underwriter of the variable annuity contracts participating in VA–A, is a registered broker-dealer under the Securities Exchange Act of 1934 and is member of the National Association of Securities Dealers, Inc.

In addition to offering VA–A's Group Tax-Deferred Variable Annuity Contracts, MONY offers so-called "companion" group fixed-dollar annuity contracts, which are also eligible for tax-deferred treatment under section 403(b). Applicants offer employers who fund their section 403(b) annuity plan by means of a MONY group annuity contract the opportunity to select companion plans, namely, a fixed-dollar plan (funded in a MONY group fixed-dollar annuity contract) and a corresponding variable plan (funded in a MONY VA–A group variable annuity contract). Each individual employee of an employer who selected companion plans may elect to place the section 403(b) contributions made in his behalf in either the variable plan, the fixed plan, or, to whatever extent he may allocate portions of a contribution, in both plans. He may also change this election at any time with respect to the allocation of future contributions to be made on his behalf.

Applicants propose to eliminate all sales and administrative expense charges with respect to any payment made under the MONY VA–A Group Tax-Deferred Variable Annuity Contracts representing a transfer by the employee participant, prior to the commencement of annuity payments, of all (or a designated portion) of such participant's accumulated values under a companion MONY group fixed-dollar annuity contract. Applicants propose to permit such transfers provided that (a) only one transfer is made during a single twelve month period, and (b) the transfer does not exceed $1,000 or 25 percent of the total accumulation under the fixed-dollar contract, whichever is greater.

Section 22(d) provides, in pertinent part, that no registered investment company as principal underwriter thereof shall sell any redeemable security to the public except at a current offering price described in the prospectus.

Applicants state that those persons who make the proposed transfers without a sales charge will receive no preferential treatment in relation to those who had initially placed their funds in the variable annuity contract, since comparable charges, at least equal to those exacted under the variable contract, will have been paid under the fixed-dollar contract. Applicants represent that no sales expenses will be incurred on the sums transferred because no sales effort will be involved. Applicants state that the administrative expense charge made in connection with the sums initially placed in the fixed-dollar contract are sufficient to cover the additional administrative expenses incurred by MONY in effecting the transfer. Applicants further assert that to impose sales and administrative expenses in connection with the proposed transfers would be unduly burdensome and unnecessary. Applicants state that transfers without any sales charge would permit greater flexibility of retirement planning without imposing any inequity on those who did not choose to transfer their funds from the fixed-dollar annuity contract to the variable annuity contract.

Applicant asserts that no unfair discrimination will result from the elimination of the sales and administrative charges. Applicant states that the elimination of such charges is necessary to avoid the inequitable imposition of the charges on the class of purchasers involved in the proposed transfers. Applicants submit that since a secondary market in variable annuity contracts is not possible, the requested exemption sents no danger of disrupting the orderly pattern of mutual fund distribution which section 22(d) seeks to preserve.

Section 6(c) of the Act authorizes the Commission, upon application, to exempt any person from any provision or provisions of the Act conditionally or unconditionally if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than October 15, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following October 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–21870 Filed 9–19–74;8:45 am]

[Administrative Proceeding File No. 3–4507; File No. 24SF–3977]

NEVADA ELECTRONICS AND VIDEO CORP.

Order Permanently Suspending Exemption

SEPTEMBER 10, 1974.

Nevada Electronics and Video Corporation ("NEVCO"), 315 Wall Street, Las Vegas, Nevada 89105, filed a Notification on Form 1–A and Offering Circular with the San Francisco Branch Office on December 11, 1972. This filing related to a proposed offering of 100,000 shares of common stock at $1.00 per share for an aggregate offering price of $100,000. The purpose of this filing was to obtain an exemption from the registration requirements of the Securities Act of 1933 pursuant to the provisions of section 3(b) thereof and regulation A promulgated thereunder.

The Commission, on June 25, 1974, temporarily suspended the Regulation A exemption of NEVCO, stating it had reasonable cause to believe, on the basis of information reported to it by its staff, that:

A. The Notification and Offering Circular of NEVCO omitted to state material facts necessary in order to make the statements made, in the light of the

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circumstances under which they were made, not misleading, primarily with respect to, among other things:

1. The offering circular failed to accurately describe the manner of sale and distribution;

2. The failure to disclose all sales of unregistered securities within the preceding year;

3. The offering circular of NEVCO did not disclose material loans made by Gilbert Wynn Barnes to NEVCO;

4. The offering circular contained false information with respect to NEVCO's financial position; and

5. the notification and offering circular did not disclose Gilbert Wynn Barnes as a promoter for NEVCO.

B. The terms and conditions of Regulation A had not been complied with in that:

1. Item 3 of the notification fails to name Gilbert Wynn Barnes as a promoter of NEVCO;

2. Item 9 of the notification fails to describe offers and sales of NEVCO shares; and

3. The offering circular fails to state material facts about the sales of NEVCO securities, the manner of the proposed Regulation A offering and the liabilities of NEVCO.

C. The offering, if made, would be in violation of Section 17 of the Securities Act of 1933.

No hearing having been requested by Nevada Electronics and Video Corporation within thirty days after the entry of an order temporarily suspending the exemption of Nevada Electronics and Video Corporation under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of Nevada Electronics and Video Corporation under Regulation A be permanently suspended.

It is ordered, pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, that the exemption of Nevada Electronics and Video Corporation, under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-21863 Filed 9-19-74;8:45 am]

[File No. 500-1]

NICOA CORP.

Notice of Suspension of Trading

SEPTEMBER 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 16, 1974 through September 25, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-21865 Filed 9-19-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Notice of Suspension of Trading

SEPTEMBER 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 15, 1974 through September 24, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-21864 Filed 9-19-74;8:45 am]

[File No. 500-1]

WINNER INDUSTRIES, INC.

Notice of Suspension of Trading

SEPTEMBER 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 15, 1974 through September 24, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-21868 Filed 9-19-74;8:45 am]

TARIFF COMMISSION

[AA1921-142]

TAPERED ROLLER BEARINGS FROM JAPAN

Rescheduling of Hearing Date

Notice is hereby given that the hearing in Investigation No. AA1921-142, scheduled to be held in the Tariff Commission's Hearing Room, Tariff Commisison Building, 8th and E Streets, NW., Washington, D.C., beginning at 10 a.m. e.d.t., on October 22, 1974, has been rescheduled for 10 a.m. e.d.t., on Tuesday, October 29, 1974. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon, Wednesday, October 23, 1974

The hearing is being held in connection with a Commission investigation under the provisions of section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is being prevented from being established, by reason of the importation of tapered roller bearings from Japan which the Assistant Secretary of the Treasury has determined are being, or are likely to be, sold at less than fair value. Notice of the investigation was published in the FEDERAL REGISTER of September 16, 1974.

Issued: September 17, 1974.

By order of the Commission.

KENNETH R. MASON, *Secretary.*

[FR Doc.74-21861 Filed 9-19-74;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[Docket 211-1]

MISSOURI-KANSAS-TEXAS RAILROAD

Application for a Loan

Section 211 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721) authorizes the United States Railway Association (Association) in part to make loans to railroads connecting with railroads in reorganization under section 77 of the Bankruptcy Act if the loan is required to prevent the insolvency of the connecting railroad. Section 211(b) requires that the Association publish notice of the receipt of any application thereunder in the FEDERAL REGISTER and afford interested parties an opportunity to comment thereon.

Regulations implementing section 211 in part were published by the Association in the FEDERAL REGISTER on July 24, 1974 (49 CFR Part 921). Notice is hereby given that, on September 4, 1974, the Missouri-Kansas-Texas Railroad filed an application pursuant to those regulations for a loan of $21,000,000 to be used principally for relaying new, heavy rail on 110 miles of its main line in South Texas.

Interested parties are invited to submit written comments relevant to this application. Any such submissions must identify, by its Docket No., the application to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2222, Trans Point Building, 2100 Second Street, SW., Washington, D.C. 20595, on or before October 31, 1974, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address, Monday through Friday (holidays excepted) between 8:30 a.m. and 5 p.m.

Dated at Washington, D.C. this 17th day of September, 1974.

EDWARD G. JORDAN, *President, United States Railway Association.*

[FR Doc.74-21891 Filed 9-19-74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[Employment Standards Order 1-74]

ADMINISTRATOR, WAGE AND HOUR DIVISION

Redelegation of Certain Authority and Responsibility

1. *Purpose.* This order redelegates authority and reassigns responsibility within the Employment Standards Administration for the performance of designated functions of the Secretary of Labor assigned by Secretary's Orders Nos. 13-71, 14-71, and 32-72 (36 FR 8755, 8753, and 37 FR 22660) to the Assistant Secretary for Employment Standards.

2. *Background.* Secretary's Order No. 13-71, Secretary's Order No. 14-71, and Secretary's Order No. 32-72 delegated authority and assigned responsibility for employment standards programs and activities as designated therein to the Assistant Secretary for Employment Standards with authority to redelegate. Secretary's Order No. 13-71 also redesignated the Workplace Standards Administration as the Employment Standards Administration and authorized the Assistant Secretary to make organizational changes.

3. *Redelegation of authority and reassignment of responsibility.* The authority and responsibility delegated and assigned by the Secretary of Labor to the Assistant Secretary for Employment Standards, for performance of functions of the Secretary in carrying out the responsibilities of the Department of Labor under the following statutes, are redelegated and reassigned to the Administrator, Wage and Hour Division, Employment Standards Administration:

(1) Fair Labor Standards Act of 1938, as amended, including the issuance of child labor Hazardous Occupation Orders and other regulations concerning child labor standards;

(2) The Walsh-Healey Public Contracts Act of 1936, as amended;

(3) The Service Contract Act of 1965, as amended;

(4) The Davis-Bacon Act, as amended, and any laws now existing, or which may be subsequently enacted, providing for prevailing wage findings by the Secretary of Labor in accordance with or pursuant to the Davis-Bacon Act; the Copeland Act; Reorganization Plan No. 14 of 1950; and the Tennessee Valley Authority Act;

(5) The Contract Work Hours and Safety Standards Act, as amended;

(6) Title III of the Consumer Credit Protection Act;

(7) The Vocational Rehabilitation Act Amendments of 1965;

(8) The Arts and Humanities Act of 1965;

(9) The Age Discrimination in Employment Act of 1967, as amended;

(10) The Farm Labor Contractor Registration Act of 1963;

(11) Such additional Federal Acts as may from time to time confer upon the Secretary of Labor duties and responsibilities similar to the Fair Labor Standards Act.

4. *Redelegation.* The Administrator may redelegate authority vested in her by this order.

5. *Reservation of authority.* Functions of the Secretary under the statutes and programs listed in paragraph 3 which are reserved to the Secretary in Secretary's Orders Nos. 13-71, 14-71, and 32-72, and functions delegated to other Assistant Secretaries and the Solicitor of Labor which are reserved to such officers by those Secretary's Orders are not included in the redelegation to the Administrator by this Order. Further, the submission of reports and recommendations to the Secretary concerning the administration of employment standards programs shall be reserved to the Assistant Secretary for Employment Standards. The powers and authority delegated to the Assistant Secretary for Employment Standards by paragraph #4 b & c of Secretary of Labor's Order 13-71, *supra*, are reserved to the Assistant Secretary.

6. *Directives affected.* Secretary's Order No. 15-71 (36 FR 8756) is superseded insofar as it relates to the functions and responsibilities redelegated and reassigned by paragraph 3 of this Order. Secretary's Order No. 33-72 (37 FR 22660) is canceled.

7. *Effective date.* This Order shall be effective September 20, 1974.

Signed at Washington, D.C., this 18th day of September 1974.

BERNARD E. DELURY, *Assistant Secretary for Employment Standards.*

[FR Doc.74-22077 Filed 9-19-74;10:32 am]

Occupational Safety and Health Administration

BOEING AEROSPACE CO.

Application for Variance and Interim Order; Grant of Interim Order

I. Notice of application. Notice is hereby given that Boeing Aerospace Company, P.O. Box 3999, Seattle, Washington 98124 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.252 (f) (4) (ii) and (7) (iii), 1926.353(c) (2) and (4), and § 1926.354(c) (i) concerning respirators and ventilation in enclosed spaces within which a welding, cutting or heating operation is to be performed upon a surface coated with lead-bearing materials.

The addresses of the places of employment that will be affected by the application are as follows:

Seattle Test Program Facility III
9725 E. Marginal Way South
Seattle, Washington 98124

Boeing Pacific Test Center
P.O. Box 1636
Vandenberg Air Force Base
California 93437

Boeing Aerospace Company
Hill Engineering Test Facilities
Hill Air Force Base
Utah 84406

Boeing Aerospace Company—Wing I
P.O. Box 2428
Great Falls, Montana 59402

Boeing Aerospace Company—Wing II
P.O. Box 188
Ellsworth Air Force Base
South Dakota 57706

Boeing Aerospace Company—Wing III
P.O. Box 3000
Minot, North Dakota 58701

Boeing Aerospace Company—Wing IV
P.O. Box 5060
Whiteman Air Force Base
Missouri 65301

Boeing Aerospace Company—Wing V
P.O. Box 1950
Cheyenne, Wyoming 82001

Boeing Aerospace Company—Wing VI
Grand Forks Air Force Base
North Dakota 58201

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

The applicant states that subcontractors will be informed of this application for a variance and will be required by the terms of their contracts to inform their employees of the contents of the variance application.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by §§ 1910.252(f) (4) (ii) and (7) (iii), 1926.353(c) (2) and (4), and § 1926.354(c) (1), which require that airline respirators approved by the Bureau of Mines be used to protect workers in the immediate area of welding, cutting or heating of metals coated with lead-bearing materials.

The applicant states that it is performing work under various contracts between itself or its subcontractors and the United States Air Force. The applicant is making modifications inside missile silos.

The applicant states that it uses heat for cutting and welding surfaces coated with red lead primer, TT-P-86. The applicant contends that NIOSH approved powered air-purifying positive-pressure fume respirators, which it proposes to use when the concentration of inorganic lead fumes are less than 15.0 mg/M³ as an eight hour time-weighted average, would provide a degree of safety equal to that provided by the required airline

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respirators. The applicant also contends that reusable filter-type air-purifying fume respirators provide equal safety to airline respirators when used by transient personnel, including construction management, safety inspectors, etc., for exposures to inorganic lead fumes and dust at levels less than 1.5 mg/M³ 8 hour TWA.

On July 29, 1972, the FEDERAL REGISTER, Vol. 37, No. 147, p. 15354, published a grant of variance to the Boeing Aerospace Company. The applicant requests that, in light of its present variance application, its previous grant of variance be modified in the following manner:

(a) In cases where airline respirators are required, powered air-purifying positive-pressure fume respirators shall be accepted as an alternative for exposures to 15.0 mg/M³ 8 hour TWA, and reusable filter-type air-purifying fume respirators shall be accepted as an alternative for exposures to 1.5 mg/M³ 8 hour TWA.

(b) When it is impractical to provide a local exhaust ventilation system having a minimum control velocity of 100 f.p.m. when the local exhaust hood is at its most remote distance from the point of work, as an alternative, all employees shall be provided with and use respirators approved for protection from the level of contaminants to which they would otherwise be exposed.

(c) Weekly monitoring for airborne lead contaminants will no longer be required when all employees in the enclosed spaces are provided with, and are using respirators approved for protection from the level of contaminants to which they would otherwise be exposed. Quarterly inspection by qualified Industrial Hygienists shall be conducted to verify the selection of respiratory protection equipment. Appropriate action to protect employees shall be taken whenever air samplings indicate levels are in excess of those allowed by §§ 1926.55 and 1910.12.

The applicant contends that the powered air-purifying positive-pressure fume respirators and reusable filter-type air-purifying fume respirators will provide more mobility and comfort for the employees than airline respirators.

The applicant states that available automatic samplers, in addition to measuring only the lower general air lead concentrations, do not operate reliably over long sampling periods in atmospheres containing high dust loadings. During certain site demolition activities, particulates other than lead are generated (e.g., iron oxide and concrete dust) which rapidly plug filters and interfere with efficient sampler operations.

The applicant contends that quarterly monitoring done by Industrial Hygienists in the breathing zone and the work area of the employees is much more accurate than the weekly monitoring done by the automatic samplers.

The applicant further submits that the highest lead fume/dust concentrations determined during worst case contaminant-producing demolition activities was 2.06 mg/M³ 8 hour TWA. Due to the repetitive nature of the operations being performed, this figure represents the upper limit of airborne contamination. This figure is well below the designed capacity of the NIOSH approved powered air-purifying positive-pressure fume respirators.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, Room 210, 1726 M Street, NW., Washington, D.C. 20210, and at the following Regional and Area Offices:

REGIONAL OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
911 Walnut Street—Room 3000
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 15010
1961 Stout Street
Denver, Colorado 80202

U.S. Department of Labor
Occupational Safety and Health Administration
9470 Federal Building
P.O. Box 36017
450 Golden Gate Avenue
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
1808 Smith Tower Building
506 Second Avenue
Seattle, Washington 98104

AREA OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
1627 Main Street—Room 1100
Kansas City, Missouri 64108

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 525 Petroleum Building
2812 1st Avenue North
Billings, Montana 59101

U.S. Department of Labor
Occupational Safety and Health Administration
Executive Building—Suite 309
455 East 4th South
Salt Lake City, Utah 84111

U.S. Department of Labor
Occupational Safety and Health Administration
Hartwell Building—Room 401
19 Pine Avenue
Long Beach, California 90802

U.S. Department of Labor
Occupational Safety and Health Administration
121 107th Street, N.E.
Bellevue, Washington 98004

U.S. Department of Labor
Occupational Safety and Health Administration
Squire Plaza Building
8527 W. Colfax Avenue
Lakewood, Colorado 80215

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than October 21, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than October 21, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim order.* It appears from the application for a variance and interim order that an interim order is necessary to prevent an undue hardship on the applicant pending a decision on the variance application. Therefore it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Boeing Aerospace Company be, and it is hereby, authorized to permit workers engaged in operations currently protected by airline respirators to use, as an alternative, a NIOSH approved powered air-purifying positive-pressure fume respirator; and to provide transient personnel, such as construction management and safety inspectors, with reusable filter-type air-purifying fume respirators for exposures to inorganic lead fumes and dust at levels less than 1.5 mg/M³ as an eight hour time-weighted average.

When local exhaust ventilation is inadequate to maintain the atmosphere below the TLV, as an alternative, all employes in enclosed spaces within which a welding, cutting or heating operation is to be performed upon a surface coated with red lead primer, TT-P-86, shall be provided with and use respirators approved for protection from the level of contaminants to which they would otherwise be exposed.

The workplace atmosphere in enclosed spaces within which a welding, cutting or heating operation is performed upon a surface coated with red lead primer, TT-P-86 shall be monitored on a weekly basis for airborne lead contaminants unless all employees in the enclosed space are provided with, and are using respirators approved for protection from the level of contaminants to which they would otherwise be exposed. Quarterly inspection by qualified Industrial Hygienists shall be conducted to verify the selection of respiratory protection equipment. Appropriate action to protect employees shall be taken whenever air samplings indicate levels are in excess of those allowed by 1926.55 and 1910.12.

Applicable portions of the grant of variance to the applicant published in the FEDERAL REGISTER, Vol. 37, No. 147, P. 15354, on July 29, 1972, shall be interpreted as amended by the provisions of this interim order.

Boeing Aerospace Company shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of September 20, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C. this 16th day of September, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-21906 Filed 9-19-74;8:45 am]

[V-74-46]

GRANITE-GROVES, A JOINT VENTURE

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Granite-Groves, A Joint Venture, 1844 Potomac Avenue, S.E., Washington, D.C. 20003 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.37(f)(6) Access to exists and 1910.37(l) Means of Egress-Headroom.

The addresses of the places of employment that will be affected by the application are as follows:

Granite-Groves, A Joint Venture
1844 Potomac Avenue, S.E.
Washington, D.C. 20003

Granite-Groves, A Joint Venture
1846 Potomac Avenue, S.E.
Washington, D.C. 20003

The applicant certifies that employees who would be affected by the variance have been notified of the application by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.37(f)(6) which requires that any way of exit access shall have a minimum width of not less than 28 inches; and 29 CFR 1910.37(l) which requires that the ceiling height of a means of egress shall be at least 90 inches and projections from the ceiling must be at least 80 inches from the floor.

The applicant states that it has converted two private dwellings into field offices during the subway construction it is involved in. Each building has two stories and a basement. Fifteen office workers are employed at the two sites. At 1844 Potomac Avenue, SE., one employee works in the basement, four are on the first floor, and two are on the second. At 1846 Potomac Avenue, SE., there are four employees on the first floor and four on the second.

Each floor of both buildings has a primary means of egress which meets the minimum width requirement of 28 inches. However, the secondary means of egress are narrower. The stairway from the basement to the second floor in each building is 24 inches wide and the archway connecting the second floors is 24 inches wide. The applicant alleges that it is not possible to increase the width of the means of egress without destroying the buildings.

The ceiling height in the basement is 84 inches instead of the required minimum of 90 inches. In addition, pipes project to a distance of 78 inches from the floor instead of the minimum allowance of 80 inches.

The applicant contends that in view of the number of employees in the buildings and the overall size and physical conditions of the buildings, the current means of egress provide a degree of safety equal to that required by the standards.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street, NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
15220 Gateway Center
3535 Market Street
Philadelphia, Pennsylvania 19104

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building-Room 1110-A
31 Hopkins Plaza-Charles Center
Baltimore, Maryland 21201

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than October 21, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than October 21, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim order.* It appears from the application for a variance and interim order that an interim order is necessary to prevent an undue hardship on the applicant pending a decision on the variance application. Therefore, it is ordered pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety & Health Act of 1970, and 29 CFR 1905.11(c) that Granite-Groves, A Joint Venture be, and it is hereby, authorized to continue use of its offices at 1844 and 1846 Potomac Avenue, SE., Washington, D.C. provided that:

(1) Employment in the two buildings shall be limited to administrative staff.

(2) All employees shall be made aware of both the primary and secondary means of egress. Instructions pertaining to routes of emergency egress shall be posted at exits.

(3) Pipes on the basement ceiling which are closer than 80 inches from the floor shall be padded with a material which will prevent employees from head injuries if they should walk into these obstructions. Signs shall be posted warning of the low clearance.

Granite-Groves; A Joint Venture shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of September 20, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 16th day of September 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-21907 Filed 9-19-74;8:45 am]

STANDARDS FOR PROTECTING HEALTH OF EMPLOYEES EXPOSED TO AIR CONTAMINANTS

Intent To Prepare an Environmental Impact Statement

The National Environmental Policy Act of 1969 (42 U.S.C. section 102) requires each Federal agency to consider the environmental effects of proposed actions and to prepare environmental impact statements on major actions significantly affecting the quality of the human environment. Accordingly, the Occupational Safety and Health Administration, U.S. Department of Labor, in conformance with its procedures for environmental impact statements (29 CFR Part 1999), announces its intention to prepare an environmental statement assessing the combined impact of extending and adding to the provisions regulating employee exposure to certain air contaminants listed in 29 CFR Part 1910, Subpart G, Occupational Health and Environmental Control, Tables G-1, G-2, and G-3, FEDERAL REGISTER Vol. 39, No. 125, pages 23541-43, Thursday, June 27, 1974. Specific proposals for additional provisions will be published for each regulated substance in the FEDERAL REGISTER beginning in the near future.

The Office of Standards Development, Occupational Safety and Health Administration, is currently collecting information and data on possible environmental impacts of the proposed standards, such as any adverse environmental effects which cannot be avoided should the standards be adopted; alternatives to such standards; the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and any irreversible commitments of resources which would be involved if the standards were implemented. It is anticipated that a single Environmental Impact Statement will be prepared for all above substances which will outline data relating to:

a. Costs of compliance to the proposed standard provisions for recordkeeping, sanitation, monitoring, exposure control, medical surveillance and personal protective equipment.

b. The ability of suppliers of goods and services to meet increased demand for monitoring devices, control equipment,

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protective clothing, medical services, and any other proposed requirements.

c. Current exposure levels, and number of employees whose exposure level may exceed fifty percent of the existing permissible exposure level.

d. Any information indicating the decrease in health hazards to workers that will result from implementation of proposed standards.

e. Any other pertinent information.

Any person having information or data on this subject which is not readily available in the open literature or has not previously been submitted to the Office of Standards Development is invited to submit it, with accompanying documentation, to the U.S. Department of Labor, Director, Office of Standards Development, Occupational Safety and Health Administration, Standards Completion Project, 1726 M Street NW., Room 500, Washington, D.C. 20210 by October 28, 1974. All information received will be available for public inspection at the Office of Standards Development.

When the draft environmental impact statement is completed, copies will be available to any member of the public who requests it. The public will be allowed a 45-day period to comment on the draft statement. All inquiries, questions and comments should reference the Standards Completion Project to ensure proper and expedient processing.

Signed at Washington, D.C., this 16th day of September, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-21905 Filed 9-19-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 594]

ASSIGNMENT OF HEARINGS

SEPTEMBER 17, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after September 20, 1974.

MC 111231 Sub 183, Jones Truck Lines, Inc., now assigned October 3, 1974, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 124211 Sub 235, Hilt Truck Lines, Inc., now assigned October 7, 1974, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

MC 128981 Sub 7, Land-Air Delivery, Inc., now assigned October 10, 1974, at Kansas City, Mo., will be held in Room 609, Federal Office Bldg., 911 Walnut Street.

No. 35786, Feed Grains to New England, now assigned November 4, 1974, at Boston, Mass., is postponed to December 3, 1974, in Room 501, 150 Causeway St., Boston, Mass.

MC-F-12220, Dohrn Transfer Company—Purchase—Kings Hi/Way, Inc., FD-27653, Dohrn Transfer Company, Notes, MC 43421 Sub 48, Dohrn Transfer Company, now being assigned hearing November 12, 1974 (2 weeks), at the LaSalle Hotel, 10 North LaSalle Street, Chicago, Illinois.

No. 35659, Miller Oil Purchasing Co., -V-Amerada-Hess Corporation, Et Al, now assigned October 15, 1974, at Washington, D.C., is postponed to November 4, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I&S M 27733, Capacity Load Minimum Charges, from, to and Within the South, now assigned October 1, 1974, at Washington, D.C., is cancelled.

MC 100666 Sub 259, Melton Truck Lines, Inc., now assigned September 18, 1974, at Atlanta, Ga., is cancelled and transferred to modified procedure.

MC-C-8315, Larry A. Penner, Dba Penner's Feed and Supply—Investigation of Operations, now assigned October 1, 1974, at Kansas City, Mo., is cancelled.

I&SM 27884, Export, Import, Coastwise and Intercoastal Shipments, now assigned October 16, 1974, at Washington, D.C., is cancelled.

MC 139053 Sub 2, Hiram E. Blue, Jr. Trucking Co., now assigned October 16, 1974, will be held in the Grand Jury Room, U.S. Post Office & Federal Building, Corner of Capitol & West Streets, Jackson, Miss.

MC 119777 Sub 285, Ligon Specialized Hauler, Inc., now assigned October 21, 1974, will be held in the East Courtroom, U.S. Court of Appeals, 600 Camp St., New Orleans, La.

MC 52460 Sub 141, Ellex Transportation, Inc., now assigned October 23, 1974, will be held in the East Courtroom, U.S. Court of Appeals, 600 Camp Street, New Orleans, Louisiana.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21892 Filed 9-19-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 17, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before September 30, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-59150 (Sub-No. E13), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight, require specialized handling or rigging, between points in that part of Louisiana in and south of DeSoto, Red River, Natchitoches, Winn, Caldwell, Franklin, and Tensas Counties, on the one hand, and, on the other, points in that part of Georgia in and south of Heard, Coweta, Fulton, Forsyth, Hall, Banks, and Stephens Counties. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC-59150 (Sub-No. E14), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall, or insulating boards, and materials and supplies* used in the installation of building, wall, or insulating boards, from points in Florida, to points in that part of South Carolina in and west of Spartanburg, Laurens, Greenwood, and McCormick Counties. The purpose of this filing is to eliminate the gateway of the plantsite of the Armstrong Cork Company at Macon, Ga.

No. MC-59150 (Sub-No. E15), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall, or insulating boards, and materials and supplies* used in the installation of building, wall, or insulating boards, from points in Nassau, Duval, Baker, Union, Bradford, Clay, St. Johns, Putnam, and Flagler Counties, Fla., to points in that part of Virginia in and west of Fairfax, Prince William, Stafford, Spotsylvania, Louisa, Fluvanna, Buckingham, Appomattox, Campbell, and Pittsylvania Counties. The purpose of this filing is to eliminate the gateway of the plant site of Armstrong Cork Company at Macon, Ga.

No. MC 59150 (Sub-No. E16), filed May 28, 1874. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Florida 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall or insulating boards, and materials and supplies* used in the installation of building, wall, or insulating boards, from points in Florida in, south and west of Columbia, Alachua, Marion, and Volusia Counties, to points in Virginia. The purpose of this filing is to eliminate the gateway of the plantsite of the Armstrong Cork Company at Macon, Ga.

No. MC 59150 (Sub-No. E17), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Florida 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall or insulating boards, and materials and supplies* used in the installation of building, wall, or insulating boards, from points in Florida in, east, and south of Jackson, Calhoun, and Gulf Counties, to points in Tennessee. The purpose of this filing is to eliminate the gateway of the plantsite of the Armstrong Cork Company at Macon, Ga.

No. MC 59150 (Sub-No. E18), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Florida 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall or insulating boards, and materials, and supplies* used in the installation of building, wall, or insulating boards, from points in Nassau, Duval, St. Johns, Clay, Baker, Union, and Bradford Counties, Fla., to points in that part of North Carolina in and west of Alleghany, Wilkes, Alexander, Catawba, Lincoln, and Gaston Counties. The purpose of this filing is to eliminate the gateway of the plantsite of the Armstrong Cork Company at Macon, Ga.

No. MC 59150 (Sub-No. E19), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Florida 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall or insulating boards, and materials and supplies* used in the installation of building, wall or insulating boards, from points in Putnam, Flagler, Volusia, Lake, Seminole, Orange, Osceola, Brevard, Indian River, St. Lucie, and Martin Counties, Fla., to points in that part of North Carolina in and west of Caswell, Randolph, Davidson, Rowan, Cabarrus, and Mecklenburg Counties. The purpose of this filing is to eliminate the gateway of the plantsite of the Armstrong Cork Company at Macon, Ga.

No. MC 88368 (Sub-No. E29), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) from points in Oregon to points in Alabama (points in Washington east of the Cascade Mountains, and points in Colorado, Kansas, and Mississippi) *, points in Arkansas (points in Washington east of the Cascade Mountains, points in Colorado and Newton, Kansas, and points within 15 miles thereof) *, points in Connecticut and Delaware (points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kansas, and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio and Philadelphia, Pa.) *, points in Florida (points in Washington east of the Cascade Mountains, points in Kansas and Mississippi, Florence, Sheffield, and Tuscumbia, Ala., and Valdosta, Ga.) *, points in Georgia (points in Washington east of the Cascade Mountains, points in Colorado, Kansas, and Mississippi, and Florence, Sheffield, and Tuscumbia, Ala.) *, points in Illinois (points in Washington east of the Cascade Mountains, points in Wyoming, Colorado, Newton, Kansas, and points within 15 miles thereof, Harlan, Iowa, and points within 15 miles thereof, and points in Kimball, Cheyenne, and Banner Counties, Nebr.) *, points in Indiana (points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereof, points in Wyoming, points in Kimball, Banner, and Cheyenne Counties, Nebr., Harlan, Iowa, and points within 15 miles thereof, and Bloomington, Ill., and points within 25 miles thereof) *

Points in Iowa within 15 miles of Harlan, Iowa (points in Washington east of the Cascade Mountains, points in Wyoming, and points in Kimball, Banner, and Cheyenne Counties, Nebr.) *, points in Maine (points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof) *, points in Massachusetts (points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kans., and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, and Philadelphia, Pa.) *, points in Mississippi (points in Washington east of the Cascade Mountains, and points in Colorado, and Kansas) *, points in Missouri (points in Washington east of the Cascade Mountains and points in Colorado) *, points in Montana (points in Washington, east of the Cascade Mountains) * points in Kimball, Banner, and Cheyenne Counties, Nebr., (points in Washington east of the Cascade Mountains and points in Wyoming) *, points in New Hampshire (points in Washington on and east of the Cascade Mountains, points in Colorado, Newton, Kansas, and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof) *, points in New Jersey (points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kansas, and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof and Philadelphia, Pa.) *.

Points in North Carolina (points in Washington east of the Cascade Mountains, points in Colorado, Kansas, and Mississippi and Florence, Sheffield, and Tuscumbia, Ala.) *, points in Ohio (points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kansas, and points within 15 miles thereof and Bloomington, Ill., and points within 25 miles thereof) *, points in Pennsylvania (points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kansas, and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, and points in Jefferson County, Ohio) *. Points in Rhode Island (points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kansas, and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles, thereof) *, points in Tennessee (points in Washington east of the Cascade Mountains, points in Colorado and Newton, Kansas, and points within 15 miles thereof) *, points in Vermont (points in Washington east of the Cascade Mountains, points in Colorado, points in Kansas, Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio, Philadelphia, Pa., and Boston, Mass., and points within 25 miles thereof) *, points in Viriginia (points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kansas, and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, and points in Harlan County, Ky.) *, points in West Virginia (points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kansas, and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof and points in Jefferson County, Ohio) *, and points in the District of Columbia (points in Washington east of the Cascade Mountains, points in Colorado, Newton, Kansas, and points within 15 miles thereof, Bloomington, Ill., and points within 25 miles thereof, points in Jefferson County, Ohio and Philadelphia, Pa.) *.

(2) from points in Oregon in and north of Lincoln, Benton, Linn, Jefferson, Wheeler, Morrow, Umatilla, Union, and Wallowa Counties, Oregon, to points in Arizona within 25 miles of Chandler, Ariz., (points in Washington east of the Cascade Mountains and points in San Bernardino County, Calif., within 25 miles of Earp, Calif.) *; (3) from points in Multnomah, Hood River, Clackamas, Washington, Columbia, Clatsop, Wasco, Sherman, Gilliam, Morrow, Umatilla, Union, and Wallowa Counties, Oregon,

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to points in California (points in Washington, and points in Washington east of the Cascade Mountains) *; (4) from points in Oregon in and north of Lincoln, Benton, Linn, Jefferson, Wheeler, Morrow, Umatilla, Union, and Wallowa Counties, Oreg., to points in California in and south of Santa Barbara, Ventura, Los Angeles, and San Bernadino Counties (points in Washington east of the Cascade Mountains) *; (5) from points in Oregon in and west of Lane, Douglas, and Jackson Counties and in and north of Lincoln, Benton, Linn, Jefferson, Wheeler, Morrow, Umatilla, Union, and Wallowa Counties to points in Idaho on and east of U.S. Highway 93 (points in Washington east of the Cascade Mountains) *. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 107496 (Sub-No. E8), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check, Attorney (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates, 61 M.C.C. 209*, in bulk, in tank vehicles from points in Nebraska, on and south of U.S. Highway 30 to points in Montana (except points south of U.S. Highway 12 and east of a line from Custer along Montana Highway 47 to Hardin, thence along U.S. Highway 87 to the Montana-Wyoming State line. The purpose of this filing is to eliminate the gateways of Sidney, North Platte, and Norfolk, Nebr., and points in Pennington County, S.D.

No. MC 107496 (Sub-No. E102), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check, Attorney (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Utah on and south of U.S. Highway 40 to points in Minnesota. The purpose of this filing is to eliminate the gateways of Norfolk, Nebr., and the terminal of Koneb Pipeline Co., at Milford, Iowa.

No. MC-107496 (Sub-No. E133) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER July 12, 1974. Applicant: RUAN TRANSPORT CORP., P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Madison, Wisc., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Bartonville, Ill. The purpose of this correction is to eliminate the restriction in the commodity and to substitute Bartonville for Rock Island as the gateway.

No. MC-107496 (Sub-No. E311) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER, July 29, 1974. Applicant: RUAN TRANSPORT CORP., P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Iowa (except points in Adams, Taylor, Montgomery, Page, Mills, Fremont, Ringgold, and Union Counties) to points in Wyoming. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa and points within 10 miles thereof, points in Nebraska, and points in Nebraska on and west of U.S. Highway 83. The purpose of this correction is to clarify the origin territory.

No. MC-110525 (Sub-No. E527) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER, August 13, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative. Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in that part of Ohio on and east of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 93 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Ohio Highway 13, thence along Ohio Highway 13 to Lake Erie, to points in Mississippi. The purpose of this filing is to eliminate the gateway of Institute, W. Va. The purpose of this correction is to clarify the origin route description.

No. MC-110525 (Sub-No. E533) (Correction), filed May 20, 1974 published in the FEDERAL REGISTER August 14, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Utah on and south of U.S. Highway 40 to points in Minnesota. The purpose of this filing is to eliminate the gateways of Norfolk, Nebr., and the terminal of Koneb Pipeline Co., at Milford, Iowa.

No. MC-110525 (Sub-No. E537) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER, August 14, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and liquid coal tar products*, in bulk, in tank vehicles, from points in that part of Ohio on and south of Interstate Highway 70 on and east of U.S. Highway 23, to points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to Ebensberg, thence along U.S. Highway 22 to Duncansville, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa. The purpose of this correction is to further described the origin territory.

No. MC-110525 (Sub-No. E538) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER, August 14, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and liquid coal tar products*, in bulk, in tank vehicles, from points in that part of Ohio on and north of Interstate Highway 70 and on and east of U.S. Highway 23, to points in that part of Pennsylvania on, east, and south of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 220 to Milesburg, thence along Interstate Highway 80 to the New Jersey-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa. The purpose of this correction is to further describe the origin territory.

No. MC-110525 (Sub-No. E539) (Correction), filed May 20, 1974 published in the FEDERAL REGISTER August 14, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and liquid coal tar products*, in bulk, in tank vehicles, from points in that part of Ohio on and south of Interstate Highway 70 on and east of U.S. Highway 23, to points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to Ebensberg, thence along U.S. Highway 22 to Duncansville, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of points in Allegheny County, Pa. The purpose of this correction is to further described the origin territory.

No. MC-110525 (Sub-No. E541) (Correction), filed May 20, 1974 published in the FEDERAL REGISTER August 14, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in West Virginia to points in Connecticut. The purpose of this filing is to eliminate the gateways of points in that part of Virginia located in the District of Columbia, commercial zone, Lima, Pa., and Elizabeth, N.J.

No. MC 110525 (Sub-No. E784), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of West Virginia on and west of U.S. Highway 219 to points in that part of New Hampshire on and east of U.S. Highway 3. The purpose of this filing is to eliminate the gateways of Morgantown, W. Va., and Syracuse, N.Y.

No. MC 110525 (Sub-No. E785), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of West Virginia on and west of U.S. Highway 219 to points in New Jersey. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va.

No. MC 110525 (Sub-No. E787), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of West Virginia on and west of U.S. Highway 19, to points in that part of New York on and west of Interstate Highway 81. The purpose of this filing is to eliminate the gateway of Follansbee, W. Va.

No. MC 110525 (Sub-No. E794), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of West Virginia on and west of U.S. Highway 50, to points in that part of Pennsylvania on and west of Interstate Highway 81 and on and north of U.S. Highway 30. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va.

and west of U.S. Highway 89. The purpose of this filing is to eliminate the gateways of Institute, W. Va., and Addyston, Ohio. The purpose of this correction is to set out the origin.

No. MC-110525 (Sub-No. E545) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 14, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Ohio on and south of Interstate Highway 70 and on and west of U.S. Highway 23, to points in that part of West Virginia on and east of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 50 to Ellenboro, thence along West Virginia Highway 16 to Gouley Bridge, thence along U.S. Highway 21 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. The purpose of this correction is to change U.S. Highway 16 to West Virginia Highway 16.

No. MC-110525 (Sub-No. E546) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 14, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in the part of Ohio on and north of Interstate Highway 70 to points in that part of West Virginia on and south of a line beginning at the West Virginia-Kentucky State line, thence along U.S. Highway 119 to Marmet, thence along U.S. Highway 60 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. The purpose of this correction is to change U.S. Highway 70 to Interstate Highway 70.

No. MC 110525 (Sub-No. E571) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 22, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), from points in that part of Pennsylvania on and east of U.S. Highway 219 to points in that part of North Carolina on and south of a line beginning at the Tennessee-North Carolina State line, thence along U.S. Highway 421 to Winston-Salem, thence along Interstate Highway 40 to Greensboro, thence along Interstate Highway 85 to Durham, thence along U.S. Highway 70 to Raleigh, thence along U.S. Highway 64 to the Atalntic Ocean. The purpose of this filing is to eliminate the gateway of Greensboro, N.C. The purpose of this correction is to change Interstate Highway 70 to U.S. Highway 70.

No. MC 110525 (Sub-No. E691), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Tennessee on and east of U.S. Highway 27, to points in that part of Ohio on and north of U.S. Highway 30 and on and east of U.S. Highway 83. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va.

No. MC 110525 (Sub-No. E693), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Tennessee on and east of U.S. Highway 27, (1) to Philadelphia, Pa. (that part of Virginia located in the District of Columbia commercial zone and Lima, Pa.) *, and (2) to points in that part of Pennsylvania on, west, and north of a line beginning at the Delaware-Pennsylvania State line, thence along U.S. Highway 202 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to Allentown, thence along Interstate Highway 78 to the Pennsylvania-New Jersey State line (Morgantown, W. Va.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E749), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Virginia on and west of U.S. Highway 220, to points in that part of Pennsylvania on and north of Interstate Highway 70 and on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Morgantown, W. Va.

No. MC 110525 (Sub-No. E763), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid*

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No. MC 110525 (Sub-No. E795), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in West Virginia to points in Rhode Island. The purpose of this filing is to eliminate the gateways of points in that part of Virginia located in the District of Columbia, commercial zone, Lima, Pa., and Elizabeth, N.J.

No. MC 110525 (Sub-No. E940), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Cement* (except in bulk), from Painesville, Ohio, to points in Maine, New Hampshire, and Vermont (Howes Cave, N.Y.)*; and (B) *Dry Cement* (except in bulk), Virginia (Security, MD.)*, and (2) to points in Connecticut, Massachusetts, and Rhode Island (Stockertown, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E941), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk (except in dump or hopper type vehicles), from Akron, Ohio to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of points in Bronx, Manhattan, or Richmond Counties, N.Y.

No. MC 110525 (Sub-No. E942), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry aluminum sulphate*, in bulk, in tank vehicles, from Cleveland, Ohio to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 110525 (Sub-No. E943), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methanol*, in bulk, in tank vehicles, from Huron, Ohio, and points within 5 miles thereof, to points in New Mexico. The purpose of this filing is to eliminate the gateway of Mapleton, Ill.

No. MC 110525 (Sub-No. E944), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Transformer oil*, in bulk, to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 110525 (Sub-No. E946), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols, and liquid spent olefins*, in bulk, in tank vehicles, from the plant site of the Oxo-Chemical Co., at Haverhill, Ohio, (1) to points in Virginia, North Carolina, Georgia, and that part of Tennessee on and east of U.S. Highway 27, (Huntington, W. Va.)*, and (2) to points in Maine, New Hampshire, and Vermont (Syracuse, N.Y.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E947), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols, and liquid spent olefins*, in bulk, in tank vehicles, from the plant site of the Oxo-Chemical Co., at Haverhill, Ohio, (1) to points in Iowa, Kansas, and Nebraska (Louisville, Ky.)*; and (2) to points in New Mexico (Mapleton, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E948), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from the plant site of Marquette Cement Manufacturing Company, at Baltimore, Md., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 110525 (Sub-No. E950), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Buffalo and Niagara Falls, N.Y., to points in that part of New Hampshire on and south of U.S. Highway 302 and on and east of U.S. Highway 3. The purpose of this filing is to eliminate the gateway of Stoneham, Mass.

No. MC 110525 (Sub-No. E951), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Buffalo, N.Y., to points in Maine (except points in Aroostoock County), and New Hampshire. The purpose of this filing is to eliminate the gateway of Springfield, Mass.

No. MC 110525 (Sub-No. E952), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Petroleum products* (except petro acids and chemicals, asphalt and asphalt products, liquid wax, and those commodities requiring attached heater equipment), in bulk, in tank vehicles, from terminals off the Colonial Pipeline at or near Fairfax, Va., to points in Connecticut, Masachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateways of Lima, Washington, and Chester, Pa., and Ft. Lee, N.J.

No. MC 110525 (Sub-No. E953), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solutions* (except phosphoric acid), in bulk, in tank vehicles, from the plant site of Monsanto Chemical Company at Trenton, Mich., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of E. Liverpool, Ohio, and points in Allegheny County, Pa.

No. MC 110525 (Sub-No. E954), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from W. Conshohocken, Pa., to points in Virginia and West Virginia. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 110525 (Sub-No. E955), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority is sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Litharge, red lead, lead silicates, and lead chemicals* containing more than 50 percent of lead weight (other than those specified above), all

dry, in bulk, in tank or hopper-type vehicles, from Charleston, W. Va., (1) to points in Connecticut, Massachusetts, and Rhode Island (Newark, N.J.)*, and (2) to points in Maine (except points in Aroostook County), New Hampshire, and Vermont (Newark, N.J., and Springfield, Mass.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E957), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and linseed oil*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in that part of New Hampshire on and south of U.S. Highway 302 and on and east of U.S. Highway 3. The purpose of this filing is to eliminate the gateways of points in Aston Township, Pa., New York, N.Y., and Stoneham, Mass.

No. MC 110525 (Sub-No. E958), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk*, in tank vehicles, from Philadelphia, Pa., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateways of points in Aston Township, Pa., and New York, N.Y.

No. MC 110525 (Sub-No. E959), filed May 20, 1874. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and sugar syrup*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Maine. The purpose of this filing is to eliminate the gateways of points in Aston Township, Pa., New York, N.Y., and Boston, Mass.

No. MC 110525 (Sub-No. E961), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from points in Essex and Union Counties, N.J., that part of Middlesex County, N.J., north of the Raritan River, and those parts of Bergen and Passaic Counties, N.J., east of the Ramapo River, to points in Maine (except points in Aroostook County), New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Springfield, Mass.

No. MC 110525 (Sub-No. E966), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such dry plastics as are dry chemicals*, in bulk, in tank or hopper-type vehicles, from Springfield, Mass., to points in Arkansas, Kansas, and Nebraska. The purpose of this filing is to eliminate the gateway of Ottawa, Ill.

No. MC 110525 (Sub-No. E967), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid synthetic latex*, in bulk, in tank vehicles, from the plant site of B.F. Goodrich Chemical Company at Avon Lake, Ohio, (1) to points in Vermont (Syracuse, N.Y.)*, (2) points in Virginia (Clairton, Pa.)*, and (3) to points in Delaware and Maryland (Pittsburgh, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E968), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feldspar*, in bulk, in tank vehicles, from Alstead, N.H., to the District of Columbia and points in Maryland and Delaware. The purpose of this filing is to eliminate the gateways of (1) points in that part of New Jersey located in The Philadelphia, Pa., Commercial Zone, and (2) points in Aston Township, Pa.

No. MC 110525 (Sub-No. E970), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry aluminum sulphate*, in bulk, in tank vehicles, from Clagmont, Del., (1) to points in Connecticut, Massachusetts, and Rhode Island (Philadelphia, Pa., and Newark, N.J.)*, (2) to points in Maine (except points in Aroostook County), New Hampshire, and Vermont (Philadelphia, Pa., Newark, N.J., and Springfield, Mass.)*, and (3) to points in Missouri (South Fayette Township, Allegheny County, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E971), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid urea*, in bulk, in tank vehicles, from those ports of entry on the International Boundary line between the United States and Canada located on the Niagara River (1) to points in Connecticut, Massachusetts, and Rhode Island (Buffalo, N.Y.)*, (2) to points in Kentucky (Akron, Ohio)*, and (3) to points in Delaware and Maryland (points in Erie or Niagara Counties, N.Y.)*, restricted in each case to the transportation of traffic originating at the plant sites of Cyanamid of Canada Limited, located at Hamilton and Niagara Falls, Ontario, Canada. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E972), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sodium sulphate*, in bulk, in tank vehicles, from Baltimore, Md., to points in Alabama, Florida, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC 110525 (Sub-No. E973), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200 Downingtown, Pa. 18335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea, fertilizer grade*, in bulk, from Belle, W. Va., (1) to points in Connecticut, Rhode Island, and Massachusetts (Newark, N.J.)*, and (2) to points in Maine (except points in Aroostook County), New Hampshire, and Vermont (Newark, N.J., and Springfield, Mass.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E974), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the pipeline, loading and storage facilities of Phillips Petroleum Company at or near Wyandotte, Mich., (1) to points in Illinois (Milan Township, Allen County, Ind.)*, and (2) to points in Pennsylvania (Warren, Ohio, and points in Allegheny County, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E975), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea, fertilizer grade*, in bulk, in tank vehicles, from points in Virginia (except Alexandria, Chesapeake, and Hopewell, and points in Warren, Clarke, Loudoun, and Frederick Counties), to points in Michigan and Wisconsin. The purpose of

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this filing is to eliminate the gateway of Belle, W. Va.

No. MC 110525 (Sub-No. E976), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Liquid chemicals* in bulk, in tank vehicles, from points in Oneida County, N.Y., to points in Illinois, Indiana, and Michigan (Painesville, Ohio) *; and (B) *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Oneida County, N.Y., to points in Kentucky (Pittsburgh, Pa.) *. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E977), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk, in tank vehicles, from the facilities of the E. I. DuPont de Nemours and Company at Lima, Ohio, to points in Illinois and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of the B. F. Goodrich Company at Milan Township, Allen County, Ind.

No. MC 110525 (Sub-No. E1014), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities in bulk* (except classes A and B explosives), in tank vehicles, from points in Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 110525 (Sub-No. E1016), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except classes A and B explosives), in bulk, in tank vehicles, from points in Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J., to points in Maine (except points in Aroostook County), New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of New York, N.Y., and Springfield, Mass.

No. MC 110525 (Sub-No. E1020), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry paper*, in bulk, in tank vehicles, from New York, N.Y., to the District of Columbia and points in Delaware and Maryland. The purpose of this filing is to eliminate the gateway of points in Aston Township, Pa.

No. MC 110525 (Sub-No. E1021), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in tank vehicles, from Philadelphia, Pa., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 110525 (Sub-No. E1022), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fatty acids*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Milan Township, Allen County, Ind.

No. MC 110525 (Sub-No. E1027), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in tank vehicles, from Nitro, W. Va., (1) to points in Michigan (Akron, Ohio) *, (2) to points in Minnesota, Wisconsin, New York, and that part of Missouri on and north of U.S. Highway 24 (Dover, Ohio) *, (3) to points in New Jersey (Lima, Pa.) *, (4) to points in Connecticut, Massachusetts, and Rhode Island (Lima, Pa., and Newark, N.J.) *, and to points in Maine (except points in Aroostook County), New Hampshire, and Vermont (Lima, Pa., Newark, N.J., and Springfield, Mass.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1028), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Solvay, N.Y., to points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Tennessee (except Kingsport and Elizabethton), and Wisconsin.

No. MC 110525 (Sub-No. E1063), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Freeport, Tex., (1) to points in the District of Columbia and points in Delaware, Maryland, Connecticut, Massachusetts, New Jersey, Pennsylvania, Rhode Island, that part of Ohio on, north, and east of a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 40 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Michigan State line, and that part of Michigan on and east of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 127 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to the International Boundary line between the United States and Canada (Willow Island, W. Va.) *; and (2) to points in New Hampshire, Vermont, and Maine (except points in Aroostook County) (Willow Island, W. Va., and Springfield, Mass.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 111545 (Sub-No. E105), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *Machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving air, gas, or liquids, and (3) *Parts, attachments, and accessories* for the use in installation and operations of items (1) and (2) above, from the plant and warehouse facilities of The Trane Company in Montgomery County, Tenn., to points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to Horseheads, thence along New York Highway 13 to Chittenango, thence along New York Highway 5 to Utica, thence along New York Highway 8 to Speculator, thence along New York Highway 30 to Tupper Lake, thence along New York Highway 3 to Plattsburgh, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or the consignee, or both. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC 111545 (Sub-No. E113), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *Machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving air, gas, or liquids, and (3) *Parts, attachments, and accessories* for the use in installation and operations of items (1) and (2) above, from the plant site and warehouse facilities of The Trane Company in Montgomery County, Tenn., to points in that part of Pennsylvania on and east of U.S. Highway 220, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and the special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC 111545 (Sub-No. E120), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline rights-of-way) from points in that part of Alabama within 175 miles of Chattanooga, Tenn., to points in California, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or the consignee, or both. The purpose of this filing is to eliminate the gateways of Piedmont, Ala., Hugo, Okla., and the plant site and warehouse facilities of Western Foundary Company at or near Tyler, Tex.

No. MC 111545 (Sub-No. E169), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *Machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving air, gas, or liquids, and (3) *Parts, attachments, and accessories* for the use in installation and operations of items (1) and (2) above, from points in Maryland and the District of Columbia to points in that part of Tennessee on and west of a line beginning at the Tennessee-Mississippi State line, thence along Tennessee Highway 13 to Clarksville, thence along U.S. Highway 79 to the Tennessee-Kentucky State line, restricted to the transportation of commodities which, because of size or weight require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways of points in North Carolina within 175 miles of Chattanooga, Tenn., and the plant site and warehouse facilities of the Trane Company at Clarksville, Tenn.

No. MC 111545 (Sub-No. E219), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except agricultural machinery and implements, other than hand, as defined by the Commission), the transportation of which, because of size or weight, requires the use or special equipment, between points in Florida, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateways of points in those parts of North Carolina and South Carolina within 150 miles of Charlotte, N.C.

No. MC 111545 (Sub-No. E320), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings*, from points in that part of North Carolina within 175 miles of Chattanooga, Tenn., to points in North Dakota, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 111545 (Sub-No. E324), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings*, (1) from points in Georgia to points in North Dakota (1) points in Georgia within 175 miles of Chattanooga, Tenn., and (2) Anniston or Gadsden, Ala., or Chattanooga, Tenn.) *; and (2) from points in that part of Alabama within 175 miles of Chattanooga, Tenn., to points in North Dakota (Anniston or Gadsden, Ala., or Chattanooga, Tenn.) *; restricted in (1) and (2) above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or the consignee, or both. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 111545 (Sub-No. E337), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Cast iron pipe* (except pipe as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline rights-of-way), (1) from points in that part of Mississippi on and south of U.S. Highway 82, to points in that portion of Kansas on and west of U.S. Highway 281; and (2) from points in that part of Mississippi on and south of a line beginning at the Mississippi-Louisiana State line, thence along Mississippi Highway 26 to Lucedale, thence along U.S. Highway 98 to the Mississippi-Alabama State line, to points in Kansas; restricted in (1) and (2) above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or the consignee, or both, and restricted in (1) and (2) above against the transportation of machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Western Foundry Company at or near Tyler, Tex.

No. MC 111545 (Sub-No. E340), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings*, from points in that part of Tennessee on and

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east of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 431 to Nashville, thence along U.S. Highway 31 to the Tennessee-Alabama State line, and within 175 miles of Chattanooga, Tenn., to points in North Dakota, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 111545 (Sub-No. E351), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fitting*, (1) from points in Georgia to points in South Dakota (points in Georgia within 175 miles of Chattanooga, Tenn., and Chattanooga, Tenn.)*; (2) from points in North Carolina to points in South Dakota (points in North Carolina within 175 miles of Chattanooga, Tenn., and Chattanooga, Tenn.)*; (3) from points in South Carolina to points in South Dakota (points in South Carolina within 175 miles of Chattanooga, Tenn., and Chattanooga, Tenn.)* restricted in (1), (2), and (3) above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 111545 (Sub-No. E376), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings*, from points in that part of Kentucky on and south of a line beginning at the Kentucky-Tennessee State line, thence along Kentucky Highway 61 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 27W, thence along U.S. Highway 27W to Corbin, thence along U.S. Highway 25E to the Kentucky-Tennessee State line, to points in North Dakota and South Dakota, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or the consignee, or both. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 111545 (Sub-No. E434), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, or liquids, (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving air, gas, or liquids, and (3) *parts, attachments, and accessories* for the use in installation and operations of items (1) and (2) above, from points in New Jersey, that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 11 to Binghamton, thence along New York Highway 12 to Lowville, thence along New York Highway 26 to Carthage, thence along New York Highway 3 to Pine, thence along New York Highway 58 to Morristown, and that part of Pennsylvania on and east of U.S. Highway 220 to points in that part of Tennessee on and west of Tennessee Highway 13, restricted in (1), (2), and (3) above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or the consignee or both. The purpose of this filing is to eliminate the gateways of Asheville, N.C., and Clarksville, Tenn.

No. MC 111545 (Sub-No. E448), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline rights-of-way), from points in Georgia to points in that part of Colorado on and west of a line beginning at the Colorado-New Mexico State line, thence along Interstate Highway 25 to Pueblo, thence along U.S. Highway 50 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to Wolcott, thence along Colorado Highway 131 to junction U.S. Highway 40, thence along U.S. Highway 40 to Craig, thence along Colorado Highway 13 to the Colorado-Wyoming State line, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or the consignee, or both. The purpose of this filing is to eliminate the gateways of (1) Atlanta, Ga., or points in that part of Georgia within 50 miles thereof; (2) points in Oklahoma; and (3) the plant site and warehouse facilities of Western Foundary Company at or near Tyler, Tex.

No. MC 111545 (Sub-No. E450), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representatives: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline rights-of-way), from points in that part of North Carolina on and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 1 to Raleigh, thence along U.S. Highway 70 to Smithfield, thence along U.S. Highway 301 to Dunn, thence along U.S. Highway 421 to Kure Beach, to points in that part of Washington on and west of a line beginning at the Washington-Oregon State line, thence along Washington Highway 125 to junction Washington Highway 124, thence along Washington Highway 124 to Burbank, thence along U.S. Highway 395 to junction Washington Highway 17, thence along Washington Highway 17 to junction U.S. Highway 97, thence along U.S. Highway 97 to the International Boundary line between the United States and Canada, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways of Asheville, N.C., Ringgold, Ga., Hugo, Okla., and the plant site and warehouse facilities of Western Foundary Company at or near Tyler, Tex.

No. MC 111545 (Sub-No. E453), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426 Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline rights-of-way), from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 271 to Paris, thence along Texas Highway 24 to Greenville, thence along U.S. Highway 67 to Dallas, thence along U.S. Highway 77 to Schulenburg, thence along

U.S. Highway 90 to Sealy, thence along Texas Highway 36 to Freeport, to points in Arizona, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Western Foundary Company, at or near Tyler, Tex.

No. MC 111545 (Sub-No. E455), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline rights-of-way), from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 377 to Brady, thence along U.S. Highway 87 to San Antonio, thence along U.S. Highway 81 to points in Montana, Oregon, and Washington, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Western Foundary Company at Tyler, Tex.

No. MC 111545 (Sub-No. E467), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving air, gas, or liquids, and (3) *parts, attachments, and accessories* for the use in installation and operations of items (1) and (2) above, from points in Connecticut and Delaware to points in that part of Tennessee on and west of U.S. Highway 231, restricted in (1), (2), and (3) above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways of Asheville, N.C., and the plant and warehouse facilities of the Trane Company at Clarksville, Tenn.

No. MC 111545 (Sub-No. E468), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving air, gas, or liquids, and (3) *parts, attachments, and accessories* for the use in installation and operations of items (1) and (2) above, from points in Connecticut and Delaware to points in that part of Tennessee on and west of U.S. Highway 231, restricted in (1), (2), and (3) above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways of Asheville, N.C., and the plant and warehouse facilities of the Trane Company at Clarksville, Tenn.

No. MC 111545 (Sub-No. E469), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving air, gas, or liquids, and (3) *parts, attachments, and accessories* for the use in installation and operations of items (1) and (2) above, from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont to points in Mississippi, restricted in (1), (2), and (3) above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways of Asheville, N.C., and the plant and warehouse facilities of the Trane Company at Clarksville, Tenn.

No. MC 111545 (Sub-No. E479), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving air, gas, or liquids, and (3) *parts, attachments, and accessories* for the use in installation and operations of items (1) and (2) above, from the plant and warehouse facilities of the Trane Company in Montgomery County, Tennessee, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont, restricted in (1), (2), and (3) above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateway of Ashville, N.C.

No. MC 111545 (Sub-No. E480), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving air, gas, or liquids, and (3) *parts, attachments, and accessories* for the use in installation and operations of items (1) and (2) above, from points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont to points in Mississippi, restricted in (1), (2), and (3) above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways of Asheville, N.C., and the plant and warehouse facilities of the Trane Company at Clarksville, Tenn.

No. MC 111545 (Sub-No. E481), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids, and (3) *parts, attachments, and accessories* for the use in the installation and operation of (1) and (2) above, from the plant and warehouse facilities of the Trane Company in Montgomery County, Tennessee, to points in Nebraska, restricted in (1), (2), and (3) above to the transportation of commodities which, because of

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size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateway of Keokuk, Iowa.

No. MC 111545 (Sub-No. E522), filed June 2, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving air, gas, or liquids, and (3) *parts, attachments, and accessories* for the use in installation and operations of items (1) and (2), from points in that part of Nebraska on and west of U.S. Highway 385 to points in that part of Mississippi on and east of U.S. Highway 51, restricted in (1), (2), and (3) above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways of points in Iowa and the plant and warehouse facilities of the Trane Company at Clarksville, Tenn.

No. MC 111545 (Sub-No. E524), filed June 2, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving air, gas, or liquids, and (3) *parts, attachments, and accessories* for the use in installation and operations of items (1) and (2) above, from points in that part of Wisconsin on, north, and west of a line beginning at the Wisconsin-Iowa State line, thence along Wisconsin Highway 104 to Madison, thence along U.S. Highway 151 to Chilton, thence along Wisconsin Highway 57 to Green Bay, to points in Mississippi, restricted in (1), (2), and (3) above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways of points in Iowa and the plant and warehouse facilities of the Trane Company at Clarksville, Tenn.

No. MC 111545 (Sub-No. E527), filed June 2, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving air, gas, or liquids, and (3) *parts, attachments, and accessories* for the use in installation and operations of items (1) and (2) above, from points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along U.S. Highway 220 to Williamsport, thence along U.S. Highway 15 to the Pennsylvania-New York State line, to points in Mississippi, restricted to (1), (2), and (3) above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways of points in that part of North Carolina within 175 miles of Chattanooga, Tenn., and the plant and warehouse facilities of the Trane Company at Clarksville, Tenn.

No. MC 111545 (Sub-No. E529), filed June 2, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving air, gas, or liquids, and (3) *parts, attachments and accessories* for the use in installation and operations of items (1), and (2) above, from points in that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14 to Horsehead, thence along New York Highway 13 to Ithaca, thence along New York Highway 34 to Auburn, thence along New York Highway 38 to North Victory, thence along New York Highway 104 to Oswego, to points in Mississippi, restricted in (1), (2), and (3) above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways of points in that part of North Carolina within 175 miles of Chattanooga, Tenn., and the plant and warehouse facilities of the Trane Company at Clarksville, Tenn.

No. MC 112288 (Sub-No. E4), filed May 16, 1974. Applicant: YARBROUGH TRANSFER COMPANY, 1500 Doune Street, Winston-Salem, N.C. Applicant's representative: Charles Ephraim, Suite 600, 1250 Conn. Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (A) from points in Rutherford, Burke, Cleveland, Catawba, Lincoln,

No. MC 111545 (Sub-No. E530), filed June 2, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids, (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving air, gas, or liquids, and (3) *parts, attachments, and accessories* for the use in installation and operations of items (1) and (2) above, from points in that part of Minnesota on, east, and north of a line beginning at the Minnesota-Iowa State line, thence along Minnesota Highway 15 to New Ulm, thence along on U.S. Highway 14 to the Minnesota-South Dakota State line to points in Mississippi, restricted in (1), (2), and (3) above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways of points in Iowa and the plant and warehouse facilities of the Trane Company at Clarksville, Tenn.

No. MC 111545 (Sub-No. E594), filed June 3, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline rights-of-way), from points in North Carolina to points in Arizona, California, Nevada, New Mexico, and Oregon, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways of points in that part of North Carolina within 175 miles of Chattanooga, Tenn., Ringgold, Ga., points in Oklahoma, and the plant site and warehouse facilities of Western Foundary Company at or near Tyler, Tex.

Gaston, Mecklenburg, Cabarrus, Stanly, Union, and Anson counties, N.C., to the District of Columbia and points in Virginia (except those in Lee, Wise, Scott, Dickenson, Buchanan, Russell, Washington, Tazewell, Smyth, Grayson, Bland, Wythe, Carroll, Patrick, Floyd, Montgomery, Pulaski, Giles, Craig, Roanoke, Franklin, Henry, Pittsylvania, Campbell, Bedford, Botetourt, Alleghany, Bath, Rockbridge, Amherst, Nelson, Augusta, Highland, and Rockingham counties), (B) from points in Richmond, Montgomery, Moore, Scotland, Hoke, Cumberland, and Robeson Counties, N.C., to the District of Columbia and points in Virginia (except those in Carroll and Grayson Counties), (C) from points in Gates, Camden, Currituck, Pasquotank, Chowan, and Perquimans Counties, N.C., to points in Bath, Alleghany, Craig, Giles, Bland, Wythe, Grayson, Carroll, Patrick, Henry, Pittsylvania, Halifax, Charlotte, Mecklenburg, Lunenburg, Prince Edward, Appomattox, Campbell, Bedford, Amherst, Rockbridge, Botetourt, Roanoke, Montgomery, Pulaski, Franklin, Floyd, Tazewell, Smyth, Washington, Russell, Buchanan, Dickenson, Wise, Scott, and Lee Counties, Va., (D) from points in Dare, Tyrrell, Washington, Beaufort, Hyde, Pamlico, Craven, Jones, Onslow, and Carteret Counties, N.C., to the District of Columbia and points in Virginia (except those in Isle of Wight, Southampton, Nansemond, Norfolk, and Princess Anne Counties), (E) from points in Northampton, Halifax, Hertford, Bertie, Nash, Edgecombe, Martin, Pitt, and Wilson Counties, N.C., to the District of Columbia and points in Virginia (except those in Gloucester, James City, York, Surry, Sussex, Isle of Wight, Southampton, Nansemond, Norfolk, Matthews, Greensville, and Princess Anne Counties).

(F) From points in Caswell, Person, Granville, Vance, Warren, Orange, Alamance, Durham, Franklin, Wake, Chatham, Lee, Harnett, Wayne, Johnston, Greene, Lenoir, Duplin, Sampson, Pender, Bladen, Columbus, New Hanover, and Brunswick Counties, N.C., to the District of Columbia and points in Virginia, (G) from points in Cherokee, Clay, Graham, Swain, Macon, Jackson, Transylvania, Haywood, Madison, Buncombe, Henderson, Polk, McDowell, Yancey, and Mitchell Counties, N.C., to the District of Columbia and points in Virginia (except those in Lee, Wise, Scott, Dickenson, Russell, Washington, Grayson, Smyth, Tazewell, Buchanan, Wythe, Bland, Giles, Pulaski, Carroll, Patrick, Floyd, Montgomery, Craig, Roanoke, Henry, Franklin, Pittsylvania, Bedford, Botetourt, Alleghany, Bath, Highland, and Rockbridge Counties), (H) from points in Surry, Yadkin, Iredell, Rowan, Davie, Stokes, Forsyth, Davidson, Rockingham, Guilford, and Randolph Counties, N.C., to the District of Columbia and points in Halifax, Mecklenburg, Lunenburg, Charlotte, Prince Edward, Buckingham, Cumberland, Fluvanna, Loudon, Fairfax, Prince William, Stafford, Spotsylvania, Louisa, Brunswick, Greensville, Southampton, Isle of Wight, Nansemond, Norfolk, Princess Anne, Surry, Sussex, Dinwiddie, Prince George, Nottoway, Amelia, Chesterfield, Powhatan, Goochland, Hanover, Caroline, King George, Westmoreland, Essex, Northumberland, Richmond, Lancaster, Middlesex, Mathews, Gloucester, King and Queen, King William, Henrico, New Kent, Charles City, James City, York, Accomack, and Northampton Counties, Va., (I) from points in Alleghany, Ashe, Wilkes, Watauga, Alexander, Avery, and Caldwell Counties, N.C., to the District of Columbia and points in Virginia (except those in Lee, Wise, Scott, Dickenson, Russell, Washington, Grayson, Smyth, Tazewell, Buchanan, Wythe, Bland, Giles, Pulaski, Carroll, Patrick, Floyd, Montgomery, Craig, Roanoke, Franklin, Henry, Pittsylvania, Bedford, Botetourt, Alleghany, Bath, Highland, Rockingham, Page, Warren, Shenandoah, Frederick, Rappahannock, Madison, Albermarle, Greene, Culpeper, Nelson, Campbell, and Orange Counties),

(J) From points in York, Chester, Fairfield, Kershaw, and Lancaster Counties, S.C., to the District of Columbia and points in Virginia (except those in Lee, Wise, Scott, Dickenson, Buchanan, Russell, Washington, Tazewell, Smyth, Grayson, Bland, Wythe, Carroll, Patrick, Floyd, Montgomery, Pulaski, Giles, Craig, Roanoke, Franklin, Henry, Pittsylvania, Campbell, Bedford, Botetourt, Alleghany, Bath, Rockbridge, Amherst, Nelson, Augusta, Highland, and Rockingham Counties), (K) from points in Oconee, Pickens, Greenville, Spartanburg, Cherokee, Anderson, Abbeville, McCormick, Greenwood, Saluda, Newberry, Union, and Laurens Counties, S.C., to the District of Columbia and points in Virginia (except those in Lee, Wise, Scott, Dickenson, Buchanan, Russell, Washington, Tazewell, Smyth, Grayson, Bland, Wythe, Carroll, Patrick, Floyd, Montgomery, Pulaski, Giles, Craig, Roanoke, Franklin, and Henry Counties), (L) from points in Edgefield, Aiken, Barnwell, Bamberg, and Allendale Counties, S.C., to the District of Columbia and points in Virginia (except those in Lee, Wise, Scott, Dickenson, Buchanan, Russell, Washington, Tazewell, Smyth, Grayson, Bland, Wythe, Carroll, Patrick, Floyd, Pulaski, Montgomery, and Giles Counties), (M) from points in Lexington, Richland, Sumter, Clarendon, Calhoun, and Orangeburg Counties, S.C., to the District of Columbia and points in Virginia (except those in Lee, Wise, Scott, Dickenson, Buchanan, Russell, Washington, Tazewell, Smyth, Grayson, Bland, Wythe, Carroll, Patrick, Floyd, Pulaski, Montgomery, Giles, Craig, Roanoke, Franklin, Henry, Bedford, Botetourt, Rockbridge, Alleghany, Bath, and Highland Counties), (N) from points in Hampton, Jasper, Beaufort, Colleton, Dorchester, Berkeley, and Charleston Counties, S.C., to the District of Columbia and points in Virginia (except those in Lee, Wise, Scott, Dickenson, Buchanan, Russell, Washington, Tazewell, Smyth, Grayson, Bland, Wythe, Carroll, Patrick, Floyd, Montgomery, Pulaski, Giles, Craig, Roanoke, Franklin, Henry, Botetourt, and Alleghany Counties),

(O) From points in Chesterfield Marlboro, Dillon, Marion, Lee, Darlington, Florence and Williamsburg Counties, S.C., to points in Loudon, Fauquier, Rappahannock, and Culpeper Counties, Va., (P) from points in Georgia (except those in Harris, Muscogee, Chattahoochee, Stewart, Quitman, Randolph, Clay, Calhoun, Early, Miller, Seminole, Decatur, Talbot, Marion, Webster, Terrell, Dougherty, Baker, Mitchell, Grady, Taylor, Schley, Sumter, Lee, Macon, Peach, Dooly, Houston, Pulaski, Wilcox, Crisp, Worth, Turner, Ben Hill, Irwin, Coffee, Tift, Colquitt, Cook, Berrien, Atkinson, Thomas, Brooks, Lowndes, Lanier, Clinch, and Echols Counties), to the District of Columbia and points in Virginia (except those in Lee, Wise, Scott, Dickenson, Buchanan, Russell, Washington, Tazewell, Smyth, Grayson, Bland, Wythe, Carroll, Patrick, Floyd, Montgomery, Pulaski and Giles Counties), (Q) from points in Harris, Muscogee, Chattahoochie, Stewart, Quitman, Randolph, Clay, Calhoun, Early, Miller, Seminole, Decatur, Talbot, Marion, Webster, Terrell, Dougherty, Baker, Mitchell, Grady, Taylor, Schley, Sumter, Lee, Macon, Peach Dooly, Houston, Pulaski, Wilcox, Crisp, Worth, Turner, Ben Hill, Irwin, Coffee, Tift, Colquitt, Cook, Berrien, Atkinson, Thomas, Brooks, Lowndes, Lanier, Clinch, and Echols Counties, Ga., to the District of Columbia and points in Virginia (except those in Lee, Wise, Scott, Dickenson, Buchanan, Russell, Washington, Tazewell, Smyth, Grayson, Bland, Wythe, and Carroll Counties), (R) from points in Hancock, Hawkins, Greene, Washington, Unicol, Carter, Sullivan, and Johnson Counties, Tenn., to points in Southampton, Isle of Wight, Nansemond, Norfolk, Princess Anne, Accomack, and Northampton Counties, Va.

(S) from points in Scott, Campbell, Claiborne, Morgan, Union, Grainger, Anderson, Knox, Roane, Loudon, Monroe, Blount, Sevier, Cocke, Jefferson, and Hamblen Counties, Tenn., to the District of Columbia, and points in Fairfax, Prince William, Stafford, King George, Spotsylvania, Caroline, Essex, Westmoreland, Richmond, Middlesex, Northumberland, Lancaster, Matthews, Gloucester, King and Queen, King William, Hanover, Goochland, Powhatan, Cumberland, Prince Edward, Charlotte, Halifax, Mecklenburg, Lunenburg, Nottoway, Amelia, Chesterfield, Henrico, New Kent, Charles City, James City, York, Dinwiddie, Brunswick, Greensville, Sussex, Surrey, Southampton, Isle of Wight, Nansemond, Norfolk, Princess Anne, Accomack, and Northampton Counties, Va., (T) from points in Lauderdale, Tipton, Shelby, and Fayette Counties, Tenn., to the District of Columbia and points in Virginia (except those in Lee, Wise, Scott, Dickenson, Buchanan, Russell, Washington, Smyth, Tazewell, Bland, Wythe, Grayson, Carroll, Patrick, Henry, Floyd, Franklin, Montgomery, Pulaski, Giles, Craig, Roanoke, Bedford, Botetourt, Alleghany, Bath, Highland, and Rockbridge Counties), (U) from points in Tennessee (except those in Lauderdale, Tipton, Shelby, Fayette, Scott, Morgan, Roane,

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Loudon, Monroe, Blount, Sevier, Knox, Anderson, Campbell, Clairborne, Union, Grainger, Hamblen, Cocke, Jefferson, Hawkins, Hancock, Sullivan, Johnson, Carter, Washington, Unicoi, and Greene Counties), to the District of Columbia and points in Virginia (except those in Lee, Wise, Scott, Dickenson, Buchanan, Russell, Washington, Smyth, Tazewell, Bland, Wythe, Grayson, Carroll, Patrick, Henry, Franklin, Floyd, Montgomery, Pulaski, Giles, Craig, Roanoke, Bedford, Botetourt, Alleghany, Bath, Rockbridge, Amherst, Nelson, Albermarle, Augusta, Highland, Rockingham, Greene, Madison, Rappahannock, Warren, Shenandoah, Frederick, and Clark Counties). The purpose of this filing is to eliminate the gateway of points in Gaston, Person, Warren, or Vance Counties, N.C.

No. MC 113843 (Sub-No. E766), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prune juice*, from New York, N.Y., points in New Jersey, and points in that part of Pennsylvania east of U.S. Highway 15 to points in South Dakota. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC 113843 (Sub-No. E768), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prune juice*, from New York, N.Y., points in New Jersey, and points in that part of Pennsylvania east of U.S. Highway 15 to points in Nebraska. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC 113843 (Sub-No. E767), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prune juice*, from New York, N.Y., points in New Jersey, and points in that part of Pennsylvania east of U.S. Highway 15 to points in North Dakota. The purpose of this filing is to eliminate the gateway of Holley, N.Y.

No. MC 111843 (Sub-No. E770), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from New York, N.Y., to points in Colorado, Iowa, Minnesota, Nebraska, and Wisconsin. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-No. E772), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prune juice*, from New York, N.Y., points in New Jersey and points in that part of Pennsylvania east of U.S. Highway 15 to points in Kansas. The purpose of this filing is to eliminate the gateway of the plant site or storage facilities of Duffy-Mott Co., Inc., at or near Holley, N.Y.

No. MC 113843 (Sub-No. E774), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and berries, and frozen fruit and berry concentrates*, from New York, N.Y., points in New Jersey, and points in that part of Pennsylvania east of U.S. Highway 15 to points in Iowa and Texas. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E777), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the District of Columbia, to points in that portion of New York bounded by a line beginning at the Pennsylvania-New York State line and extending along Interstate Highway 81 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 9N, thence along New York Highway 9N to Westport and Lake Champlain, thence along the western shore of Lake Champlain to the Canada-U.S. International Boundary line, thence along the Canada-U.S. International Boundary line and the southern and eastern shores of Lake Ontario to Port Ontario, thence along New York Highway 13 to Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line and the point of beginning. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E778), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hampton, Va., to points in that portion of New York bounded by a line beginning at the Pennsylvania-New York State line and extending along Interstate Highway 81 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 9N, thence along New York Highway 9N to Westport and Lake Champlain, thence along the western shore of Lake Champlain to the Canada-U.S. International Boundary line, thence along the Canada-U.S. International Boundary line and the southern and eastern shores of Lake Ontario to Port Ontario, thence along New York Highway 13 to Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line and the point of beginning. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 119774 (Sub-No. E297), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, and (2) *Machinery, equipment, materials, and supplies*, used in or in connection with, the drilling of water wells, between points in Florida, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E298), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Florida, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E299), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Florida, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 119774 (Sub-No. E300), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Florida, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 123407 (Sub-No. E81), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from L'Anse, Mich., to points in Pennsylvania, and Indianapolis, Ind. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E82), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size or weight require the use of special equipment), from Dubuque, Iowa, to points in South Carolina, that part of Georgia in and east of Towns, Habersham, Franklin, Elbert, Stephens, Hart Wilkes, Warren, Glascock, Jefferson, Emanuel, Telfair, Wheeler, Treutlen, Coffee, Atkinson, and Clinch Counties, and that part of Florida in and east of Columbia, Gilchrist, and Levy Counties. The purpose of this filing is to eliminate the gateway of Brookville, Ind., and the plant and warehouse site of the Abitibi Corporation near Roaring River, N.C.

No. MC 123407 (Sub-No. E80), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Kankakee, Ill., to points in Nebraska, Gogebic, and Ontonagon Counties, Mich., and that part of Kansas west of a line beginning at the Kansas-Oklahoma State line and extending along Interstate Highway 35 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E83), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt roofing, asbestos shingles, asbestos siding, and commodities* required in the installation thereof, *vermiculite, and mineari wool insulation* (except commodities in bulk lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment), from Minneapolis, Minn., to points in North Carolina, Virginia, West Virginia, that part of Kentucky in and east of Ohio, Hancock, Butler, and Logan Counties, and that part of Tennessee in and east of Robertson, Cheatham, Williamson, Hickman, Lewis, and Wayne Counties. The purpose of this filing is to eliminate the gateways of points in that part of Wisconsin within the Warren Ill., commercial zone and Brookville, Ind.

No. MC 123407 (Sub-No. E84), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* used as a building material, from Sturgis, S. Dak., to points in the Lower Peninsula of Michigan and in the Upper Peninsula of Michigan in Dickinson, Menominee, Delta, Alger, Schoolcraft, Luce, Mackinac, and Chippewa Counties. The purpose of this filing is to eliminate the gateway of points in that part of Wisconsin within the Warren, Ill., commercial zone.

No. MC 123407 (Sub-No. E85), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing material* (except commodities in bulk), from the plant site of Johns-Manville Products Corporation at Waukegan, Ill., to points in Indiana, restricted to the transportation of shipments originating at said plantsite. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 123407 (Sub-No. E87), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials* (except commodities in bulk, lumber, chemicals, and commodities, the transportation of which because of their size or weight require the use of special equipment), from the plant site of Johns-Manville Products Corporation at Waukegan, Ill., to points in West Virginia, Virginia, and North Carolina, restricted to the transportation of shipments originating at the above-named plant site. The purpose of this filing is to eliminate the gateway of Chicago, Ill., and Brookville, Ind.

No. MC 123407 (Sub-No. E88), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from International Falls, Minn., to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E89), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, pulpboard, and hardboard* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size or weight require special equipment), from Superior, Wis., to points in West Virginia, Virginia, Tennessee, North Carolina, that part of Kentucky, on and east of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. E90), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork from Pennsauken, N.J., to points in Minnesota, South Dakota, Nebraska, Kansas, and Dickinson, Iron, Houghton, Keweenaw, Gogebic, and Ontonagon Counties, Mich., restricted against the transportation of

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commodities which, because of size or weight, require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E91), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork, from Charleston, W. Va., to points in Minnesota, South Dakota, and Nebraska, restricted against the transportation of commodities which, because of size or weight, require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E92), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork, from Richmond, Va., to points in Minnesota, South Dakota, Nebraska, the Upper Peninsula of Michigan (except points in Marquette, Menominee, Alger, Delta, Schoolcraft, Luce, Mackinac, and Chippewa Counties), and points in Kansas in and west of Brown, Jackson, Pottawatomie, Riley, Clay, Ottawa, Lincoln, Ellsworth, Rice, Stafford, Pratt, and Barber Counties, restricted against the transportaiton of commodities which, because of size or weight, require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E93), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size or weight require the use of special equipment), from Elgin, Ill., to points in Scotland County, N.C. The purpose of this filing is to eliminate the gateway of Warren, Ill., and Brookville, Ind.

No. MC 123407 (Sub-No. E94), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* used as a building material, from Custer, S. Dak., to points in Michigan (except points in Gogebic, Ontonagon, Iron, Houghton, Keweenaw, and Baraga Counties). The purpose of this filing is to eliminate the gateway of points in Wisconsin within the Warren, Ill., commercial zone.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21896 Filed 9-19-74;8:45 am]

[Notice No. 159]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 20, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 10, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularly.

No. MC-FC-75349. By order of September 13, 1974, the Motor Carrier Board approved the transfer to Transport Amedee Cayer, Inc., LaPocatiere, Kamouraska County, Quebec, Canada, of the operating rights in Certificates Nos. MC 126509, MC 126509 (Sub-No. 1), and MC 126509 (Sub-No. 2) issued December 24, 1970, June 21, 1971, and October 2, 1972, respectively, to Guy & Fortin, Inc., St. Pamphile, Cte L'Islet, Quebec, Canada, authorizing the transportation of lumber, wood laths, and wood shingles, from ports of entry on the United States-Canada Boundary Line at or near Jackman and Coburn Gore, Me., Derby Line, Norton Mills, and St. Albans, Vt., and Rouses Point, N.Y., to points in Maine, New York, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Delaware, and lumber, from the ports of entry on the United States-Canada Boundary Line in Maine, New Hampshire, Vermont, and New York, to points in the above-named states and to points in Michigan, Ohio, Illinois, Indiana, Virginia, Maryland, and the District of Columbia. Frank J. Weiner, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

No. MC-FC-75377. By order entered 9.13.74, the Motor Carrier Board approved the transfer to M.S.U. Corporation, Inc., Tucson, Ariz., of that portion of Certificate of Registration No. MC 54537 (Sub-No. 2), issued July 26, 1965, to Fermin R. Montiel, doing business as Ralph's Transfer, Tucson, Ariz., evidencing a right to engage in the transportation, in interstate or foreign commerce, of freight and baggage, general commodities, and explosives, between points in Arizona. A. Michael Bernstein, 1327 United Bank Bldg., Phoenix, Ariz. 85012, attorney for applicants.

No. MC-FC-75378. By order entered 9.13.74, the Motor Carrier Board approved the transfer to Underhill Transfer of Tucson, Inc., doing business as Ralph's Transfer, Tucson, Ariz., of that portion of Certificate of Registration No. MC-54537 (Sub-No. 2), issued July 26, 1965, to Fermin R. Montiel, doing business as Ralph's Transfer, Tucson, Ariz., evidencing a right to engage in transportation, in interstate or foreign commerce, of household goods, furniture and fixtures, between points in Arizona. A. Michael Bernstein, 1327 United Bank Bldg., Phoenix, Ariz. 85012, attorney for applicants.

No. MC-FC-75380. By order of September 13, 1974, the Motor Carrier Board approved the transfer to Raymond A. Rondeau, doing business as J. R. Trucking, North Branch, Minn., of the operating rights in Permit No. MC 128490 (Sub-No. 5), issued April 12, 1971, to Robert J. Erickson, doing business as Bob Erickson Trucking, Rush City, Minn., authorizing the transportation of various commodities from and to specified points in Minnesota, Wisconsin, North Dakota, South Dakota, and Iowa. F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104, representative for applicants.

No. MC-FC-75383. By order of September 13, 1974, the Motor Carrier Board approved the transfer to Apple House, Inc., Scranton, Pa., of the operating rights in Certificates No. MC 117846 and MC 117846 (Sub-No. 2), issued August 8, 1960, and November 2, 1964, respectively to Joseph Scamacca, Scranton, Pa., authorizing the transportation of bananas from Weehawken, N.J., New York, N.Y., Baltimore, Md., and Newark, N.J., to Scranton, Pa. Kenneth R. Davis, 999 Union St., Taylor, Pa. 18517, Representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-21895 Filed 9-19-74;8:45 am]

[Rule 19; Ex Parte No. 241; Exemption No. 85]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO., ET AL.

Exemption From Mandatory Car Service Rules

It appearing, That the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), Missouri Pacific Railroad Company (MP), and Southern Railway Company (SOU), have mutually agreed to the use of each other's empty plain cars having mechanical designations XM, FM-less than 200,000 lbs., GA, GB, GD, GH, GS, and GT, and bearing reporting marks owned by the aforementioned roads.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, empty plain cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 392, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations XM, FM-less than 200,000 lbs., GA, GB, GD, GH, GS, and GT, and bearing the following reporting marks are exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b), while on the lines of any of the above named railroads.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Reporting marks: MILW.
Missouri Pacific Railroad Company. Reporting marks: MP, C&EI, MI, and T&P.
Southern Railway Company. Reporting marks: SOU, AEC, CG, GF, NS, and SA.

Effective September 14, 1974.

Expires December 14, 1974.

Issued at Washington, D.C., September 11, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc. 74-21893 Filed 9-19-74;8:45 am]

[Exception No. 7 to 2nd Rev. Service Order No. 1112]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO. ET AL.

Empty Plain Cars

SEPTEMBER 11, 1974.

It appearing, That the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), Missouri Pacific Railroad Company (MP), and Southern Railway Company (SOU), have mutually agreed to the use of each other's *empty plain* cars having mechanical designations XM, FM-less than 200,000 lbs., GA, GB, GD, GH, GS, and GT, and bearing reporting marks owned by the aforementioned roads.

It is ordered, That pursuant to the authority vested in me by section (a), Paragraph (1), Part (viii) of Second Revised Service Order No. 1112, all *empty plain* cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 392, issued by W. J. Trezise, or successive issues thereof as having mechanical designations XM, FM-less than 200,000 lbs., GA, GB, GD, GH, GS, and GT, and bearing the following reporting marks, are exempt from Section (a), Paragraph (1), Part (iii) of Second Revised Service Order No. 1112 while on the lines of any of the above named railroads.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Reporting marks: MILW.
Missouri Pacific Railroad Company. Reporting marks: MP, C&EI, MI, and T&P.
Southern Railway Company. Reporting marks: SOU, AEC, CG, GF, NS, and SA.

Effective September 14, 1974.

Expires Dec. 14, 1974.

Issued at Washington, D.C., September 11, 1974.

[SEAL] R. D. PFAHLER,
Chairman,
Railroad Service Board.

[FR Doc.74-21894 Filed 9-19-74;8:45 am]

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MAINE CENTRAL RAILROAD CO.

Abandonment Between Carroll, New Hampshire and Canaan, Vermont, in Coos County, New Hampshire and Essex County, Vermont

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Coos County, N.H., and Essex County, Vt.; within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office by the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 12th day of September 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

MAINE CENTRAL RAILROAD COMPANY ABANDONMENT BETWEEN CARROLL, NEW HAMPSHIRE AND CANAAN, VERMONT, IN COOS COUNTY, NEW HAMPSHIRE AND ESSEX COUNTY, VERMONT

The Interstate Commerce Commission hereby gives notice that by order dated September 12, 1974, it has been determined that the proposed abandonment by the Maine Central Railroad Company of its line of railroad or of operations over such line between Carroll, Coos County, N.H., and Canaan, Essex County, Vt., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed action are considered insignificant because (1) rail service will continue to be available upon abandonment between Waumbek Junction and North Stratford, N.H., over existing or acquired rail lines of the Boston and Maine Corporation or the Canadian National Railway Company, (2) diversion of rail traffic potentially available over the segment of line between North Stratford and Beecher Falls, Vt., will not be significant in relation to the total volume of freight movements within the States of Vermont and New Hampshire, (3) degradation of the area's ambient air quality and noise levels will be minimal, and (4) there are no definitive local economic development projects dependent upon the availability of direct rail access.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before October 7, 1974.

[FR Doc.74-21898 Filed 9-19-74;8:45 am]

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federal register

FRIDAY, SEPTEMBER 20, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 184

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

PLASTICS AND SYNTHETICS POINT SOURCE CATEGORY

Proposed Effluent Limitations and Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 416]

[FRL 265-3]

PLASTICS AND SYNTHETICS POINT SOURCE CATEGORY

Proposed Effluent Limitations and Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources

Notice is hereby given that effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On April 5, 1974, EPA promulgated a regulation adding Part 416 to Chapter 40 of the Code of Federal Regulations (39 FR 12502). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and preteatment standards for new sources for the plastics and synthetics manufacturing point source category. The regulation proposed below will amend 40 CFR, Part 416—plastics and synthetics manufacturing point source category by adding thereto the ethylene vinyl acetate copolymers subcategory (Subpart N), the fluorocarbons subcategory (Subpart O), the polypropylene fiber subcategory (Subpart P), the alkyds and unsaturated polyester resins subcategory (Subpart Q), the cellulose nitrate subcategory (Subpart R), the polyamides (Nylon 6/12) subcategory (Subpart S), the polyester resins (thermoplastic) subcategory (Subpart T), the silicones subcategory (Subpart U), the epoxy resins subcategory (Subpart V), the phenolic resins subcategory (Subpart W), and the urea and melamine resins subcategory (Subpart X), pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500) (the Act).

(a) *Legal authority.* (1) *Existing point sources.* Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulation proposed herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the ethylene vinyl acetate copolymers subcategory (Subpart N), the fluorocarbons subcategory (Subpart O), the polypropylene fiber subcategory (Subpart P), the alkyds and unsaturated polyester resins subcategory (Subpart Q), the cellulose nitrate subcategory (Subpart R), the polyamides (Nylon 6/12) subcategory (Subpart S), the polyester resins (thermoplastic) subcategory (Subpart T), the silicones subcategory (Subpart U), the epoxy resins subcategory (Subpart V), the phenolic resins subcategory (Subpart W), and the urea and melamine resins subcategory (Subpart X), of the plastics and synthetics manufacturing point source category.

(2) *New sources.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973, (38 FR 1624) a list of 27 source categories, including the plastics and synthetics manufacturing category. The regulations proposed herein set forth the standards of performance applicable to new sources for ethylene vinyl acetate copolymers subcategory (Subpart N), the fluorocarbons subcategory (Subpart O), the polypropylene fiber subcategory (Subpart P), the alkyds and unsaturated polyester resins subcategory (Subpart Q), the cellulose nitrate subcategory (Subpart R), the polyamides (Nylon 6/12) subcategory (Subpart S), the polyester resins (thermoplastic) subcategory (Subpart T), the silicones subcategory (Subpart U), the epoxy resins subcategory (Subpart V), the phenolic resins subcategory (Subpart W), and the urea and melamine resins subcategory (Subpart X) of the plastics and synthetics manufacturing category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 416.146, 416.156, 416.166, 416.176, 416.186, 416.196, 416.206, 416.216, 416.226, 416.236, and 41.246, proposed below, provide pretreatment standards for new sources within the ethylene vinyl acetate copolymers subcategory (Subpart N), the fluorocarbons subcategory (Subpart O), the polypropylene fiber subcategory (Subpart P), the alkyds and unsaturated polyester resins subcategory (Subpart Q), the cellulose nitrate subcategory (Subpart R), the polyamides (Nylon 6/12) subcategory (Subpart S), the polyester resins (thermoplastic) subcategory (Subpart T), the silicones subcategory (Subpart U), the epoxy resins subcategory (Subpart V), the phenolic resins subcategory (Subpart W), and the urea and melamine resins subcategory (Subpart X) of the plastics and synthetics manufacturing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(b) *Summary and basis of proposed effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for New Sources.* (1) *General methodology.* The effluent limitations, guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation, was identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources under 40 CFR 128. The basis for such standards is set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources" under section 306 if they were to discharge pollutants directly to navigable waters, except for § 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, §§ 416.146, 416.156, 416.166, 416.176, 416.186, 416.196, 416.206, 416.216, 416.226, 416.236, 416.246, and 416.256 below amend § 128.133 to specify the application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to the ethylene vinyl acetate copolymers subcategory (Subpart N), the fluorocarbons subcategory (Subpart O), the polypropylene fiber subcategory (Subpart P), the alkyds and unsaturated polyester resins subcategory (Subpart Q), the cellulose nitrate subcategory (Subpart R), the polyamides (Nylon 6/12) subcategory (Subpart S), the polyester resins (thermoplastic) subcategory (Subpart T), the silicones subcategory (Subpart U), the epoxy resins subcategory (Subpart V), the phenolic resins subcategory (Subpart W), and the urea and melamine resins subcategory (Subpart X) of the plastics and synthetics manufacturing point source category.

(i) *Categorization.* For the purpose of studying waste treatment and effluent limitations, the plastics and synthetics manufacturing category was divided into discrete product subcategories which coincide with a breakdown of the category as outlined in the Development Document. The plastics and synthetics manufacturing industry parameters allowing the most effective categorization were found to be waste water characteristics, specifically: raw waste load, with a BOD5 value of greater than 10 kg/kkg (lb/1000 lb) defined as high raw waste load and raw waste load with a BOD5 value of less than 10 kg/kgg (lb/1000 lb) defined as low raw waste load; attainable BOD5 concentrations (as demonstrated by plastics and synthetics plants using technologies which are defined herein as the basis for best practicable control technology currently available) under 20 ppm BOD5 defined as low attainable BOD5 concentrations; attainable BOD5 concentrations of 30 ppm—75 ppm defined as medium attainable BOD5 concentrations; and attainable BOD5 concentrations of above 75 ppm defined as high attainable BOD5 concentrations.

Based on these two dimensions of categorization, four major groupings were defined: Grouping I—low waste load, low attainable BOD5 concentration: ethylene vinyl acetate, fluorocarbons, polypropylene fibers, and polyvinylidene chloride; Grouping II—high waste load, low attainable BOD5 concentrations: acrylic resins, and cellulose derivatives; Grouping III—high waste load, medium attainable BOD5 concentrations: alkyds and unsaturated polyester resins, cellulose nitrate, polyamides (Nylon 6/12), polyesters (thermoplastic), polyvinylbutyral, silicones, and epoxy resins; Grouping IV—high waste load, high attainable BOD5 concentrations: nitrile barrier resins, spandex fibers, phenolic resins, and urea and melamine resins.

Additional subcategorization within the above four major groupings was necessary to account for the waste water generation which is specific to the individual products and their various processing methods. For several of the products listed in the groupings, it was determined that the relatively few producers used different processes, had widely varying waste water flows, or commercial production had not yet been achieved. These products include polyvinylidene chloride, acrylic resins, cellulose derivatives, polyvinylbutyral, nitrile barrier resins and spandex fibers. Since it is not possible to arrive at standards which would be applicable to all facilities with the groupings, no standards are presented for these products. However, the methodology for determining permit conditions on a case by case basis may be found in the "Development Document."

The separation of the remaining products into separate subcategories simplifies the application of the effluent limitation guidelines and standards of performance by providing clear and unambiguous direction as to the proper standard applicable to that product. The substantial advantage of clarity appears to outweigh any technical advantages of product groupings. Hence, for these reasons the following product subcategorization is used for the application of effluent limitation guidelines and standards, and standards of performance in this segment of the category.

(1) *Subpart N—Ethylene Vinyl Acetate Copolymers Subcategory.* This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the reaction of vinyl acetate with ethylene, and from associated processing to manufacture ethylene vinyl acetate copolymers.

(2) *Subpart O—Fluorocarbons Subcategory.* This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the manufacture of additional type polymers in which all, or a significant portion, of the substituted groups on the carbon atoms in the polymer chain are fluorine and from associated processing to manufacture fluorocarbons.

(3) *Subpart P—Polypropylene Fiber Subcategory.* This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the manufacture of polypropylene fibers from polypropylene and from associated processing.

(4) *Subpart Q—Alkyds and Unsaturated Polyester Resins Subcategory.* This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the manufacture of alkyds and unsaturated polyester resins and from associated processing.

(5) *Subpart R—Cellulose Nitrate Subcategory.* This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the reaction of fibrous cellulose with a mixture of sulfuric and nitric acids and from associated processing to manufacture cellulose nitrate.

(6) *Subpart S—Polyamides (Nylon 6/12) Subcategory.* This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the manufacture of Nylon 6/12 and from associated processing.

(7) *Subpart T—Polyester Resins (Thermoplastic) Subcategory.* This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the manufacture of the saturated polyester polymers based on poly (ethylene terephthalate) and poly (butylene terephthalate) and from associated processing.

(8) *Subpart U—Silicones Subcategory.* This subpart is applicable to the dis-

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charges of process waste water pollutants and other waste water pollutants resulting from the manufacture of silicone fluids, greases, emulsions, rubbers, and resins from associated processing.

(9) *Subpart V—Epoxy Resins Subcategory.* This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the reaction between epichlorohydin and bisphenol A and/or other reactants which create an epoxy group within the resin and from associated processing to manufacture epoxy resins.

(10) *Subpart W—Phenolic Resins Subcategory.* This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the reaction of phenol or a substituted phenol such as creosol or resorcinol and an aldehyde such as formaldehyde or acetaldehyde and from associated processing to manufacture phenolic resins.

(11) *Subpart X—Urea and Melamine Resins Subcategory.* This subpart is applicable to the discharges of process waste water pollutants and other waste water pollutants resulting from the reaction of urea or melamine with formaldehyde and from associated processing to manufacture urea or melamine resins.

(ii) *Waste characteristics.* The ranges of raw waste loads reported in this segment of the plastics and synthetics industry vary from 0 to 220 kg/kkg of product for BOD5, from 0.8 to 950 for COD, and from 0 to 50 for suspended solids. BOD5, COD and suspended solids are the critical constituents requiring guidelines and standards.

Other constituents are even more specific to the product subcategory, and are summarized below.

Subcategory:	*Other element or compound*
Alkyd compounds and unsaturated polyester resins.	Lead, Cobalt.
Fluorocarbons	Fluorides.
Spandex fibers	Cyanides, Oil and Grease, Organic Nitrogen.
Acrylic resins	Oil and Grease.
Polypropylene fiber.	Oil and Grease, Phosphates.
Nitrile barrier resins.	Organic Nitrogen, Cyanides.
Polyamides	Organic Nitrogen
Cellulose derivatives.	Inorganic Nitrogen
Cellulose nitrate	Inorganic Nitrogen
Silicones	Polychlorinated Organics, Copper, Fluorides.
Polyvinylidene chloride.	Polychlorinated Organics.
Polyester resins (thermoplastic).	Cobalt, Manganese, Cadmium.
Epoxy resins	Phenolic Compounds
Phenolic resins	Phenolic Compounds
Urea and melamine resins.	Organic Nitrogen.

Effluent limitations guidelines and standards and standards of performance are proposed for phenolic compounds, copper, mercury, fluorides, cyanides, oil and grease, and cadmium for the specified product. The additional pollutant parameters of inorganic nitrogen, organic nitrogen, phosphate, polychlorinated organics, sulfur compounds, manganese and cobalt were selected because they are known to be used in the processes or to occur in the waste waters of specific product subcategories. However, insufficient data was available on raw waste loads or treated waste waters to permit proposing guidelines and standards at this time. In most cases where metals are used, the pH adjustments and additions of precipitating agents and flocculants associated with biological treatment systems reduce or remove them to low concentration levels. The above pollutant parameters should be considered to be present in the specific product subcategories as previously summarized. Receiving water quality standards should determine if limitations are necessary.

(iii) *Origin of waste water pollutants.* Waste water generated by this segment of the plastics and synthetics industry contains monomers, monomer impurities, reaction by-products, catalysts, surfactants, accelerators, inhibitors, lubricants and others and originate from the following sources: product purification, equipment cleanup, leaks and spills, scrubber operation, utility blowdowns, maintenance procedures and others.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

Control and treatment technology currently in use by the industry includes equalization, chemical treatment, precipitation, settling, biological systems (activated sludge, aerated lagoons, aerobic-anaerobic lagoons, trickling filters, extended containment, etc.), clarification, filtration, polishing lagoons, and incineration. Most of these technologies are generally applicable across the entire plastics and synthetics industry.

Potentially applicable control and treatment technology includes adsorption (activated carbon, adsorbent floc), multi-media filtration, chemical precipitation, chemical treatments, anaerobic processes, air or steam stripping, foam separation, algal systems, wet air oxidation, incineration, liquid extraction, ion exchange, reverse osmosis, freeze thaw, evaporation, and electrodialysis. Most of these technologies are for the removal of specific pollutant parameters and can be applied in cases where the pollutant parameter is a problem.

In-plant technology and controls which are currently in practice in the plastics and synthetics industry include segregation of contact process waste water from noncontact waste water, elimination of once-through barometric condensers, control of leaks, and good housekeeping practices.

Best practicable control technology currently available (BPCTCA) for existing point sources is based on the application of end-of-pipe technology such as biological treatment for BOD reduction as typified by activated sludge, aerated lagoons, trickling filters, aerobic-anaerobic lagoons, etc., with appropriate preliminary treatment typified by equalization to dampen shock loadings, settling, clarification and chemical treatment, for removal of suspended solids, oils, other elements, and pH control and subsequent treatment typified by clarification and polishing processes for additional BOD5 and suspended solids removal and dephenolizing units for the removal of phenolic compounds where applicable. The phenolic compounds limits are based on currently operating plants using activated carbon systems, and a multiproduct plant using biological treatment. Any information received during the public comment period relating to these treatment systems and the costs of these facilities will be given full consideration prior to promulgation. Application of in-plant technology and changes which may be helpful in meeting BPCTCA include segregation of contact process waste waters from noncontact waste waters, elimination of once-through barometric condensers, control of leaks, and good housekeeping practices.

Best available technology economically achievable (BATEA) for existing point sources is based on the best in-plant practices of the industry which minimize the volume of waste generating water as typified by segregation of contact process waters from noncontact waste water, maximum waste water recycle and reuse, elimination of once-through barometric condensers, control of leaks, good housekeeping practices, etc., and end-of-pipe technology for the further removal of suspended solids and other elements typified by media filtration, chemical treatment, etc., and further COD removal as typified by the application of adsorption processes such as activated carbon and adsorptive flocs, and incineration for the treatment of highly concentrated small volume wastes, and additional biological treatment for further BOD5 removal as needed.

Best available demonstrated technology (BADT) for new source performance standards (NSPS) are based on BPCTCA and the maximum possible reduction of process waste water generation as demonstrated by the industry subcategory and the application of media filtration and chemical treatment for additional suspended solids and other element removal and additional biological treatment for further BOD5 removal as needed.

The effluent from a properly designed and operated treatment plant changes continually due to (a) changes in product mix, production rate, climatic conditions, and reaction chemistry, which influence the composition of raw waste load and, therefore, its treatability; and (b) changes in biological factors which influence the efficiency of the treatment process. A common indicator of the strength of the discharge from a plant is the long-term average of the effluent load. The long-term (e.g., design or yearly) average is not a suitable parameter on which to base an enforcement standard. However, by the use of data which shows the variability in the effluent load, statistical analysis can be applied to compute short-term limits (monthly or daily) which should not be exceeded, provided that the plant is designed and run in the proper way to achieve the desired long-term average load. The levels of technology for BPCTCA, BATEA, and BADT take into account this variability as determined from properly designed and operated treatment plants.

Solid waste control must be considered. Best practicable control technology and best available control technology as they are known today require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In most cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction in which the site is located.

(v) *Cost estimates for control of waste water pollutants.* Approximately 240 plant locations participate in the manufacture of the 18 synthetic polymer products listed in the categorization section. Some of the company operations include multiplant divisions and others are part of multiproduct plants. A large number of plants discharge to municipal treatment systems. Total production of these products during 1972–73 was estimated at 2.2 million kkg (4.8 billion lbs) per year. The 1972–73 water usage was estimated at 112 thousand cubic meters (30 MGD) per day and is expected to increase 7–10 percent per year through 1977.

Annual costs of treatment for the 18 products for 1977 (BPCTCA) was estimated at seven million dollars. The annual cost for 1983 was estimated at 18.6 million dollars and for new sources by 1977 at 5.3 million dollars.

(vi) *Energy requirements and nonwater quality environmental impacts.* The energy requirements for this segment of the plastics and synthetics industry is minimal, requiring an increase of less than 1 percent of the industries current power consumption. Other nonwater quality aspects of the treatment and control technology for the plastics and synthetics industry are related to (1) the disposal of solids or slurries resulting from waste water treatment and in-process plant control methods, (2) the generation of a by-product of commercial value, (3) disposal of off-specification and scrap products, and (4) the creation of problems of air pollution and land utilization. The nonwater quality aspects of treatment and pollution control are minimal in this industry and largely depend upon the type of waste water treatment technology employed. In general, noise levels from typical waste water treatment plants are not excessive. If incineration of waste sludges is employed, there is a potential for air pollution, principally particulates and possible nitrogen oxides, although stack emission devices exist for control of these problems. There are no radioactive nuclides used within the industry, other than in instrumentation, so that no radiation report problems will be encountered. Odors from the waste water treatment plants may cause occasional problems since heavy, stable foams occur on aerated basins. But in general, odors are not expected to be a significant problem when compared with odor emissions possible from other plant sources.

(vii) Economic impact analysis. Generally, the costs of compliance are low and are not expected to significantly affect prices, industry production, employment, or growth. These costs usually can be passed on to the consumer through price increases ranging from approximately .1 to 2.1 percent for 1977 with an additional zero to 8.6 percent in 1983. However, in two segments, unsaturated and thermoplastic polyester resins, producers may have to absorb these costs in their profit margins. As a result, it is estimated that two to three plants in the unsaturated polyester segment and one plant producing thermoplastic polyesters may close. The unsaturated polyester plants represent less than one percent of the segment's total productive capacity. The thermoplastic polyester plant is one of three in the industry and, thus, represents a significant percent of current productive capacity; however, it is expected to represent a smaller portion of future capacity for this growing product segment. Approximately thirty employees would be affected by the closures; however, there should be no significant impact on the local communities, balance of trade, or industry growth for these segments.

The economic analysis covered all product segments being proposed for the first time. For the four product segments currently being reproposed—epoxy, melamine, phenolic and urea resins—the impacts were assessed in the economic analysis which was performed when these subcategories were proposed initially. At that time, it was concluded that only minimal impacts would occur in any of these segments. However, recent information has indicated that greater impacts may in fact exist for the phenolics subcategory. An addendum analysis of this segment will be conducted to determine if the conclusions of the initial analysis are still valid. Any information received during the public comment period relating to these plants and the impacts of the proposed regulations will be given full consideration prior to promulgation.

The reports entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Synthetic Polymer Segment of the Plastics and Synthetics Manufacturing Point Source Category" and "Addendum to the Development Document for Effluent Limitation Guidelines and Standards of Performance for the Synthetic Resins Segment of the Plastics and Synthetics Manufacturing Point Source Category" detail the analysis undertaken in support of the regulation being proposed herein and are available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's advance notice of public review procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Phillip B. Wisman.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which prescribe national standards of environmental quality or require national emission, effluent or performance standards and limitations.

The Agency determined to implement these procedures in order to insure that the public was apprised of the environmental effects of its major standards setting actions and was provided with detailed background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where, because of the length of these materials, such publication is impracticable, the material

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may be made available in an alternate format.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Synthetic Polymer Segment of the Plastics and Synthetics Manufacturing Industry Point Source Category" contains information available to the Agency concerning the major environmental effects of the regulation proposed below, including:

(1) The pollutants presently discharged into the Nation's waterways by manufacturers of plastics and synthetics and the degree of pollution reduction obtainable from implementation of the proposed guidelines and standards (see particularly Sections IV, V, VI, IX, X, and XI);

(2) The anticipated effects of the proposed regulation on other aspects of the environment including air, solid waste disposal and land use, and noise (see particularly Section VIII); and

(3) Options available to the Agency in developing the proposed regulatory system and the reasons for its selecting the particular levels of effluent reduction which are proposed (see particularly Sections VI, VII, and VIII).

The supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines Plastics and Synthetics Industry" contains an estimate of the cost of pollution control requirements and an analysis of the possible effects of the proposed regulation on prices, production levels, employment, communities in which plastics and synthetics manufacturing plants are located, and international trade. In addition, the Development Document describes, in Section VIII, the cost and energy consumption implications of the proposed regulations.

The two reports described above in the aggregate exceed 300 pages in length and contain a substantial number of charts, diagrams, and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in foregoing portions of this preamble. Additional discussion is contained in the following analysis of comments received and the Agency's response to them. As has been indicated, both documents are available for inspection at the Agency's Washington, D.C. and regional offices and at State water pollution control agency offices. Copies of each have been distributed to persons and institutions affected by the proposed regulations or who have placed themselves on a mailing list for this purpose. Finally, so long as the supply remains available, additional copies may be obtained from the Agency as described above.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151.

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the developments of effluent limitations, guidelines and standards proposed for the plastics and synthetics manufacturing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) Department of Commerce; (4) Department of Interior; (5) Water Resources Council; (6) Department of Defense; (7) Atomic Energy Commission; (8) Department of Health, Education, and Welfare; (9) American Society of Mechanical Engineers; (10) The Conservation Foundation; (11) Environmental Defense Fund, Inc.; (12) Natural Resources Defense Council; (13) American Society of Civil Engineers; (14) Water Pollution Control Federation; (15) National Wildlife Federation; (16) American Institute of Chemical Engineers; (17) Synthetic Organic Chemical Manufacturers Association; (18) Manufacturing Chemists Association; (19) New England Interstate Water Pollution Control Commission; (20) Ohio River Valley Sanitation Commission; and (21) Delaware River Basin Commission.

The following responded with comments: (1) States of North Carolina, New York, California, and Illinois; (2) Department of Health, Education and Welfare; (3) Department of Interior; (4) Department of Commerce; (5) Delaware River Basin Commission; (6) U.S. Water Resources Council; (7) U.S. Industrial Chemicals Company; (8) Dow Corning; (9) SWS Silicones; (10) Manufacturing Chemists Association; (11) Union Carbide Corporation; and (12) Monsanto.

The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) A commenter stated that the BADT–NSPS waste water flow basis appears to be especially restrictive for ethylene vinyl acetate copolymer, polypropylene fibers, and alkyds and unsaturated polyester resins. Specifically the commenter stated that the effluent limitations for alkyds and unsaturated polyester resins is not zero as implied.

The data base supports the waste water flow basis with the changes as proposed in the "Development Document." Alkyds and unsaturated polyester resins are not zero discharge in the proposed regulations.

(2) A commenter stated that the total cost for BPCTCA is estimated at $5.04 million/yr for approximately 60 plants or $80,000/year plant which is an amount barely sufficient to provide full time operation. The commenter stated that costs for operations and maintenance seem low.

Most of the plants in this segment of the plastics and synthetics industry discharge into municipal systems or multiplant systems. The costs assessed against these segments of the industry are apportioned on the bases of treatment plants with capacity larger than the specific waste water flows, thereby taking into consideration the advantages of lower costs per unit of pollutant removed that results because of treatment plant size. Either case supports the low cost per plant estimate as stated by the commenter. Cost for operations and maintenance is based on data obtained from industry.

(3) A commenter stated that the average draft development document reporting operating costs seems unreasonable since the BADT–NSPS costs are approximately the same as BPCTCA cost though the BADT–NSPS requirements are more nearly equal to the BATEA levels.

The costs for BADT-NSPS are based on new plants which are assumed to be designed for lower flows at higher production rates with technology similar to BPCTCA. Based on this, BADT–NSPS costs are expected to be closer to BPCTCA cost than BATEA cost levels.

(4) A commenter stated that the incremental cost to go from BPCTCA to BATEA is not cost effective on a solids removal basis.

The calculated cost effectiveness by the commenter appears to be based on assuming solids to include both dissolved and suspended; however, since some of these solids, especially the dissolved solids, are biologically active or long-lived environmentally, the effectiveness of their removal should also consider the benefits that accrue to the environment. Because assessment of the latter is extremely difficult and imprecise, the BATEA standards and costs were developed to insure that the best available technology could be economically achieved.

(5) A commenter stated that the cost of treatment is grossly understated by comparison with the sales price of a finished product. They suggested that a better measure would be cost of treatment as a percentage of profits represented since it cannot be assumed that domestic and overseas competition will allow a price increase to recover the increased cost.

Although data on the profitability of individual products is difficult to obtain, the economic analysis has attempted to evaluate the costs of treatment in relation to industry profits. In addition, the industry's ability to pass on treatment costs through price increases and the effect of those price increases on the domestic and international demand for these products has been evaluated.

(6) A commenter suggested that guidelines for pH be established.

Guidelines for pH are being proposed in this regulation.

(7) One commenter stated that guidelines should be established for industries producing polymers in less than one million pound quantities and/or which have less than three manufacturing facilities. The commenter noted that there are 20 such plants.

Such products are generally manufactured on a custom basis or in a multiproduct facility. Data collection and analysis must, therefore, be done on a plant by plant basis. It is not feasible to develop uniform guidelines and standards which would apply to all of these facilities.

(8) A commenter suggested that the 20 mg/l basis for fluoride in the fluorocarbons subcategory was high.

In the fluorocarbon industry the raw waste load contains a minimal amount of fluoride which in some cases already meets the 20 mg/l limitation basis. However, by equalization, adjusting pH and solids separation this limit should always be attainable. A system to guarantee a lower fluoride value would not be cost effective.

(9) A commenter stated that nitrogen limits should be established for the appropriate subcategories.

EPA's current data base doe.: not support a limitation value for nitrogen based on technology at this time. Nitrogen limits should be set based on water quality considerations until such data or technology are obtained to develop technology based limitations.

(10) Several commenters stated that the subcategory breakdown for silicone into multiproduct plants and fluid product plants is not justified. They stated that an example of this is the different copper limitations of which they believe on a production basis should be similar, since copper is consumed as a catalyst in the same process for each basic producer.

The data basis supports the division of the silicones industry into two subcategories based on hydraulic waste water loads. The copper limitation is based on treatment of copper in the total effluent and not at the waste generation source to a soluble copper limitation.

(11) A commenter stated that the production rate basis for determining specific guidelines was not apparent in the draft development document.

The guidelines are based on actual production rates, except the silicones subcategory, where the guidelines are based on sales of product.

(12) A commenter stated that based on the raw waste loads and treated effluent data in the draft development document the subcategories of epoxy batch and continuous epoxy batch, fusion, and urea and melamine should be in major subcategory IV.

The data base supports the placement of epoxy resins in category III. After further review of the data, urea and melamine resins were placed in subcategory IV.

(13) A commenter suggested that the draft development document guidelines could not be met by most plants producing a variety of phenolic based polymers.

The data base for this industry was reviewed and it was determined that the draft development document proposed limitations were based on a special case not representative of the industry. Appropriate changes have been made in the proposed regulations for BPCTCA, BATEA, and BADT–NSPS.

(14) Some commenters stated that the "new source" values are lower than the "best available" value and that they would expect the reverse to be true.

A "new source" can be designed to operate at a lower waste water flow level than most existing sources. For most existing sources to meet a lower waste water flow level, it would require retrofitting which in most cases would be very expensive and still not attain a waste water flow, which can be designed for in a new facility.

(15) One commenter stated that although the guidelines conform to the wording and intent of the Act, the characterization of the components of the effluent are inexact and incomplete and in some cases the source of the stated effluent parameters are not clearly identified.

It is not within the scope of this project to identify every possible compound, element, or parameter which is present in each waste stream but to identify the constituents of the waste waters which should be subject to effluent limitations guidelines and standards of performance based on a waste treatment technology evaluation and not on water quality criteria or health effects as stated in the Act. The identification as to which chemicals, compounds, elements, etc., which make up the COD and BOD5 wastes from this industry would require a major research program (for which neither time nor funds were available) and are not necessary for the setting of guidelines and standards. The sources of some of the stated effluent parameters are not clearly identified because exact sources, concentrations in effluents, etc., would disclose proprietary process information.

(16) Some commenters requested that Chemical Oxygen Demand (COD) should not be used as a parameter for BPCTCA and BADT (best available demonstrated technology for new source performance standards) since the technology proposed is Biochemical Oxygen Demand (BOD) removal oriented.

For BPCTCA, the COD parameter was recognized as being removed only as a consequence of BOD5 removal. The COD daily and monthly limitations reflect COD removal which occurs with BOD5 removal. The COD/BOD5 ratios were set higher (less stringent) than determined from the available data. The COD limits are therefore liberal and are not meant to be a technology controlling parameter but only to assure the treatment of COD wastes. For BADT, the COD parameter in the proposed regulation does in most cases control the technology design instead of BOD5. The COD basis for BADT has been adjusted such that BOD5 is now the technology controlling parameter.

(17) Several commenters recommended that the effluent limitations and guidelines be expressed as a range of values with allowances for variation.

The plastics manufacturing industry has been categorized and subcategorized in such a manner that the subject range of values would not be appropriate.

In total, four broad process oriented subcategories have been established for the plastics industry for which over thirty-one known product-process segments have been classified. Thirteen of the more significant of these segments were covered by the Phase I effluent limitations guidelines with twenty-seven different sets of values. Phase II covers eleven additional segments with fourteen different sets of limitations guidelines.

In establishing the various segments and sub-segments mentioned above and the associated effluent limitations guidelines, factors such as process, raw waste load, size, location, age and variability of waste treatment effectiveness were considered.

In addition, the industry may, in the case of the 1977 requirements, submit proper evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) requesting that the requirements be adjusted on the basis that factors relating to the equipment of the facilities involved, the processes to be applied or other such factors related to such discharger were not given adequate consideration in the regulations and would adversely affect the ability of the particular facility to meet the established effluent limitations.

(18) Several commenters stated that the data presented for each subcategory do not demonstrate the reduction capabilities claimed of the BPCTCA defined technologies on a subcategory by subcategory basis.

In many subcategories of this segment of the plastics and synthetics industry, the in-place waste water technology and treatment levels are inadequate. By proper design and application of the defined technologies, the levels proposed are attainable as demonstrated by other subcategories within this industry and other industries such as organics and petroleum refining.

(19) A commenter stated that the data indicate that for thermoplastic polyester resins the effluent BOD5 level is to be 422 mg/l, which is far beyond the range of major subcategory III effluent levels.

The plant from which the data were obtained was a multiproduct plant discharging into a treatment system which based on its design is not considered BPCTCA. There are only three plants in the thermoplastic polyester subcategory and none of these plants were considered meeting BPCTCA. Since the raw waste constituents of thermoplastic polyesters are similar to unsaturated polyester and polyester resin and fiber wastes, the thermoplastic polyester subcategory was placed in major subcategory III.

(20) A commenter stated that the BPCTCA flow basis for alkyd and unsaturated polyester resins is incorrectly

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stated as compared to the proposed limitations.

The BPCTCA flow basis is correct. The error was in the calculation of the limits and has been corrected.

(21) A commenter stated that the data presented for suspended solids removal from biological systems averages 52 mg/l which is different than the proposed 30 mg/l basis.

The suspended solids limitations for BPCTCA were based on a 30 ppm average since many plants in the industry achieve this average and in many cases of the data presented, settling aids, coagulants, and other chemical treatments for the reduction of suspended solids were not in practice.

(22) Several commenters stated that a separate variability factor to properly account for temperature effects on biological systems was not included.

Temperature was considered by the variability factors, which have taken into account the day-to-day variability and the month-to-month variability under seasonal conditions in a northern climate.

(23) A commenter stated that the data do not support a 15 mg/l and 25 mg/l basis for BOD5 for BATEA.

The basis for BOD5 guidelines of 15 mg/l and 25 mg/l is based on plants in other subcategories of the plastics and synthetics industry which are currently attaining these limits using controls and technology which are considered BATEA for the plastics and synthetics industry.

(24) A commenter stated that the BATEA TSS level of 10 mg/l has not been demonstrated on the wastes for this industry.

The BATEA level of 10 mg/l is based on technology transfer from petroleum refining and municipal treatment industries since the industry does not currently practice this technology.

(25) A commenter stated that the variability factors were not used according to the text of Draft Development Document for BATEA and BADT-NSPS.

Corrections in the text and use of the variability factors have been made.

(26) A commenter stated that the flow for BADT-NSPS based on the lowest verified rate for each product subcategory is inappropriate since flow values are often set by product quality considerations.

A new source is capable of designing the plant to obtain the lowest possible flows through such methods as choosing the low flow process, recycle reuse systems, and well designed segregated sewer systems.

(27) A commenter stated that the setting of COD levels for BADT-NSPS was not applied consistently.

Corrections in the text and adjustments to the COD values have been made.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460. Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitations guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306, and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before October 21, 1974, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: September 11, 1974.

JOHN QUARLES,
Acting Administrator.

PART 416—PLASTICS AND SYNTHETICS POINT SOURCE CATEGORY

Subpart N—Ethylene-Vinyl Acetate Copolymers Subcategory

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416.140 Applicability; description of the ethylene-vinyl acetate copolymers subcategory.
416.141 Specialized definitions.
416.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.144 [Reserved]
416.145 Standards of performance for new sources.
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Subpart O—Fluorocarbons Subcategory

416.150 Applicability; description of the fluorocarbons subcategory.
416.151 Specialized definitions.
416.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.154 [Reserved]
416.155 Standards of performance for new sources.
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Subpart P—Polypropylene Fiber Subcategory

416.160 Applicability; description of the polypropylene fiber subcategory.
416.161 Specialized definitions.
416.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.163 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.164 [Reserved]
416.165 Standards of performance for new sources.
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Subpart Q—Alkyds and Unsaturated Polyester Resins Subcategory

416.170 Applicability; description of the alkyds and unsaturated polyester resins subcategory.
416.171 Specialized definitions.
416.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.173 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.174 [Reserved]
416.175 Standards of performance for new sources.
416.176 Pretreatment standards for new sources.

Subpart R—Cellulose Nitrate Subcategory

416.180 Applicability; description of the cellulose nitrate subcategory.
416.181 Specialized definitions.
416.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.184 [Reserved]
416.185 Standards of performance for new sources.
416.186 Pretreatment standards for new sources.

Subpart S—Polyamide (Nylon 6/12) Subcategory

416.190 Applicability; description of the polyamide (nylon 6/12) subcategory.
416.191 Specialized definitions.
416.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

Sec.
416.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.194 [Reserved]
416.195 Standards of performance for new sources.
416.196 Pretreatment standards for new sources.

Subpart T—Polyester Resins (Thermoplastic) Subcategory

416.200 Applicability; description of the polyester resins (thermoplastic) subcategory.
416.201 Specialized definitions.
416.202 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.203 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.204 [Reserved]
416.205 Standards of performance for new sources.
416.206 Pretreatment standards for new sources.

Subpart U—Silicones Subcategory

416.210 Applicability; description of the silicones subcategory.
416.211 Specialized definitions.
416.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.213 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.214 [Reserved]
416.215 Standards of performance for new sources.
416.216 Pretreatment standards for new sources.

Subpart V—Epoxy Resins Subcategory

416.220 Applicability; description of the epoxy resins subcategory.
416.221 Specialized definitions.
416.222 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.223 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.224 [Reserved]
416.225 Standards of performance for new sources.
416.226 Pretreatment standards for new sources.

Subpart W—Phenolic Resins Subcategory

416.230 Applicability; description of the phenolic resins subcategory.
416.231 Specialized definitions.
416.232 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.233 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.234 [Reserved]
416.235 Standards of performance for new sources.
416.236 Pretreatment standards for new sources.

Subpart X—Urea and Melamine Resins Subcategory

416.240 Applicability; description of the urea and melamine resins subcategory.
416.241 Specialized definitions.
416.242 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
416.243 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
416.244 [Reserved]
416.245 Standards of performance for new sources.
416.246 Pretreatment standards for new sources.

Subpart N—Ethylene-Vinyl Acetate Copolymers Subcategory

§ 416.140 Applicability; description of the ethylene-vinyl acetate copolymers subcategory.

The provisions of this subpart are applicable to discharges resulting from the reaction of vinyl acetate and ethylene and associated processing to manufacture ethylene vinyl acetate copolymers.

§ 416.141 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 416.142 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the processes applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of product		
BOD5	0.14	0.07
COD	.70	.35
TSS	.35	.19
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	0.14	0.07
COD	.70	.35
TSS	.35	.19
pH	Within the range 6.0 to 9.0.	

§ 416.143 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

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Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	0.09	0.06
COD	.29	.19
TSS	.05	.04
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	0.09	0.06
COD	.29	.19
TSS	.05	.04
pH	Within the range 6.0 to 9.0.	

§ 416.144 [Reserved]

§ 416.145 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product)		
BOD5	0.10	0.05
COD	.40	.22
TSS	.05	.04
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	0.10	0.05
COD	.40	.22
TSS	.25	.04
pH	Within the range 6.0 to 9.0.	

§ 416.146 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the ethylene vinyl acetate copolymers subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.145; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for new discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart O—Fluorocarbons Subcategory

§ 416.150 Applicability; description of the fluorocarbons subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of addition type polymers in which all, or a significant portion, of the substituted groups on the carbon atoms in the polymer chain are fluorine and associated processing to manufacture fluorocarbons.

§ 416.151 Specialized definitions.

For the purpose of this subpart, except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 416.152 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	7.0	3.6
COD	13.0	6.7
TSS	18.0	9.9
Fluorides	1.2	.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	7.0	3.6
COD	13.0	6.7
TSS	18.0	9.9
Fluorides	1.2	.6
pH	Within the range 6.0 to 9.0.	

§ 416.153 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	3.3	2.2
COD	5.9	4.0
TSS	1.8	1.6
Fluorides	1.2	.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	3.3	2.2
COD	5.9	4.0
TSS	1.8	1.6
Fluorides	1.2	.6
pH	Within the range 6.0 to 9.0.	

§ 416.154 [Reserved]

§ 416.155 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	1.6	0.80
COD	2.9	1.4
TSS	.83	.57
Fluorides	1.2	.6
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	1.6	0.80
COD	2.9	1.4
TSS	.83	.57
Fluorides	1.3	.67
pH	Within the range 6.0 to 9.0.	

§ 416.156 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the fluorocarbons subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.155; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart P—Polypropylene Fiber Subcategory

§ 416.160 Applicability; description of the polypropylene fiber subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of polypropylene fibers from polypropylene and associated processing.

§ 416.161 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 416.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	0.78	0.40
COD	3.9	2.0
TSS	2.0	1.1
O&G	1.0	.5
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	0.78	0.40
COD	3.9	2.0
TSS	2.0	1.1
O&G	1.0	.5
pH	Within the range 6.0 to 9.0.	

§ 416.163 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	0.33	0.22
COD	.59	.40
TSS	.18	.16
O&G	.18	.092
pH	Within the range 6.0 to 9.0	
(English units) lb/1000 lb of product		
BOD5	0.33	0.22
COD	.59	.40
TSS	.18	.16
O&G	.18	.092
pH	Within the range 6.0 to 9.0	

§ 416.164 [Reserved]

§ 416.165 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	0.08	0.04
COD	.14	.07
TSS	.04	.03
O&G	.033	.017
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	0.08	0.04
COD	.14	.07
TSS	.04	.03
O&G	.033	.017
pH	Within the range 6.0 to 9.0.	

§ 416.166 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the polypropylene fiber subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment stand-

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ard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.165; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart Q—Alkyds and Unsaturated Polyester Resins Subcategory

§ 416.170 Applicability; description of the alkyds and unsaturated polyester resins subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of alkyds and unsaturated polyester resins and associated processing.

§ 416.171 Specialized definitions.

For the purpose of this subpart, except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 416.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	0.60	0.33
COD	3.0	1.7
TSS	.40	.22
pH	Within the range 6.0 to 9.0	
(English units) lb/1000 lb of product		
BOD5	0.60	0.33
COD	3.0	1.7
TSS	.40	.22
pH	Within the range 6.0 to 9.0	

§ 416.173 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	0.14	0.10
COD	.74	.52
TSS	.04	.02
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	0.14	0.10
COD	.74	.52
TSS	.04	.02
pH	Within the range 6.0 to 9.0.	

§ 416.174 [Reserved]

§ 416.175 Standards of performance for new sources.

The following standards of performance established the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	0.08	0.02
COD	.20	.11
TSS	.008	.006
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	0.08	0.02
COD	.20	.11
TSS	.008	.006
pH	Within the range 6.0 to 9.0.	

§ 416.176 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the alkyds and unsaturated polyester resins subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.175; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart R—Cellulose Nitrate Subcategory

§ 416.180 Applicability; description of the cellulose nitrate subcategory.

The provisions of this subpart are applicable to discharges resulting from the reaction of fibrous cellulose and a mixture of sulfuric and nitric acids and associated processing to manufacture cellulose nitrate.

§ 416.181 Specialized definitions.

For the purpose of this subpart, except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 416.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to

factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	26	14.0
COD	85	46.0
TSS	17	9.4
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lbs of product		
BOD5	26	14.0
COD	85	46.0
TSS	17	9.4
pH	Within the range 6.0 to	

§ 416.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	9.4	6.9
COD	47.0	34.0
TSS	2.5	2.1
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	9.4	6.9
COD	47.0	34.0
TSS	2.5	2.1
pH	Within the range 6.0 to 9.0.	

§ 416.184 [Reserved]

§ 416.185 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	11.0	6.0
COD	54.0	30.0
TSS	2.7	1.8
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	11.0	6.0
COD	54.0	30.0
TSS	2.7	1.8
pH	Within the range 6.0 to 9.0.	

§ 416.186 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the cellulose nitrate subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.185; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart S—Polyamide (Nylon 6/12) Subcategory

§ 416.190 Applicability; description of the polyamide (nylon 6/12) subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of Nylon 6/12 and associated processing.

§ 416.191 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 416.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written find-

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ing that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available.

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	1.2	0.66
COD	6.0	3.3
TSS	.80	.44
pH	Within the range 6.0 to 9.0.	
(English units) lb/1,000 lb of product		
BOD5	1.2	0.66
COD	6.0	3.3
TSS	.80	.44
pH	Within the range 6.0 to 9.0.	

§ 416.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	0.59	0.37
COD	2.6	1.9
TSS	.18	.11
pH	Within the range 6.0 to 9.0.	

§ 416.194 [Reserved]

§ 416.195 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	0.67	0.37
COD	3.4	1.9
TSS	.17	.11
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	0.67	0.37
COD	3.4	1.9
TSS	.17	.11
pH	Within the range 6.0 to 9.	

§ 416.196 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the polyamides (nylon 6/12) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.195; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart T—Polyester Resins (Thermoplastic) Subcategory

§ 416.200 Applicability; description of the polyester resins (thermoplastic) subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of the saturated polyester polymers based on poly (ethylene terephthalate) and poly (butylene terephthalate) and associated processing.

§ 416.201 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 416.202 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	1.4	0.78
COD	22	12
TSS	.95	.52
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	1.4	0.78
COD	22	12
TSS	.95	.52
pH	Within the range 6.0 to 9.0.	

§ 416.203 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	0.59	0.44
COD	3.1	2.3
TSS	.16	.14
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	0.59	0.44
COD	3.1	2.3
TSS	.16	.14
pH	Within the range 6.0 to 9.0.	

§ 416.204 [Reserved]

§ 416.205 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	0.80	0.44
COD	12	6.5
TSS	.20	.14
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	0.80	0.44
COD	12	6.5
TSS	.20	.14
pH	Within the range 6.0 to 9.0.	

§ 416.206 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the polyester resins (thermoplastic) subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.205; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart U—Silicones Subcategory

§ 416.210 Applicability; description of the silicones subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of silicone fluids, greases, emulsions, rubber and resins and associated processing.

§ 416.211 Specialized definitions.

For the purpose of this subpart, except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 416.212 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) (1) Except as provided in paragraph (a) (2) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of silicones in a multiproduct plant by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	26	14
COD	127	70
TSS	17	9.1
Cn	.14	.071
pH	Within the range 6.0 to 9.0.	

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Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
(English units) lb/1000 lb of product		
BOD5	26	14
COD	127	70
TSS	17	9.1
Cu	.14	.071
pH	Within the range 6.0 to 9.0.	

(2) An additional allocation for multiproduct plants who manufacture silicone coupling agents, the following quantity or quality of pollutant parameter may be discharged in addition to the limitation set forth in paragraph (a)(1) of this section:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	15	8.2
COD	75	41
TSS	10	5.4
Cu	.083	.042
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	15	8.2
COD	75	41
TSS	10	5.4
Cu	.083	.042
pH	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged from the manufacture of silicones in a fluid product plant by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	6.0	3.3
COD	30	17
TSS	4.0	2.2
Cu	.034	.017
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	6.0	3.3
COD	30	17
TSS	4.0	2.2
Cu	.034	.017
pH	Within the range 6.0 to 9.0.	

§ 416.213 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by the manufacture of silicones in multiproduct plants by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	9.1	4.7
COD	47	25
TSS	2.4	2.0
Cu	.06	.03
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	9.1	4.7
COD	47	25
TSS	2.4	2.0
Cu	.06	.03
pH	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by the manufacture of silicones in fluid product plants by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	1.6	1.2
COD	8.5	6.3
TSS	.44	.37
Cu	.011	.0055
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	1.6	1.2
COD	8.5	6.3
TSS	.44	.37
Cu	.011	.0055
pH	Within the range 6.0 to 9.0.	

§ 416.214 [Reserved]

§ 416.215 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by the manufacture of silicones in a multiproduct plant by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	10	5.5
COD	82	46
TSS	2.5	1.7
Cu	.060	.025
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	10	5.5
COD	82	46
TSS	2.5	1.7
Cu	.060	.025
pH	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by the manufacture of silicones in a fluid product plant by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	1.0	0.57
COD	8.5	4.7
TSS	.26	.18
Cu	.0062	.0036
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	1.0	0.57
COD	8.5	4.7
TSS	.26	.18
Cu	.0062	.0036
pH	Within the range 6.0 to 9.0.	

§ 416.216 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the silicones subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.215; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart V—Epoxy Resins Subcategory

§ 416.220 Applicability; description of the epoxy resins subcategory.

The provisions of this subpart are applicable to discharges resulting from the reaction between epichlorohydiun and bisphenol A and/or other reactants which create an epoxy group within the resin and associated processing to manufacture epoxy resins.

§ 416.221 Specialized definitions.

For the purpose of this subpart, except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 416.222 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by manufacture of batch and continucus epoxy resins (liquid, solid solution) by a point source subject to the provisions of this subpart after application of the best practicable control technoloy currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	3.9	2.1
COD	58	32
TSS	2.6	1.4
Phenolic Compounds	.022	.011
pH	Within the range 6.0 to 9.0	
(English units) lb/1000 lb of product		
BOD5	3.9	2.1
COD	58	32
TSS	2.6	1.4
Phenolic Compounds	.022	.011
pH	Within the range 6.0 to 9.0	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properities, controlled by this paragraph, which may be discharged from the manufacture of epoxy resins by batch fusion (solid and solution) by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	0.45	0.25
COD	6.7	3.9
TSS	.30	.17
Phenolic Compounds.	.0025	.0013
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	0.45	0.25
COD	6.7	3.9
TSS	.30	.17
Phenolic Compounds.	.0025	.0013
pH	Within the range 6.0 to 9.0.	

§ 416.223 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by the manufacture of epoxy resins by batch and continuous processing (liquid, solid, solution) by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	1.3	0.95
COD	6.5	4.8
TSS	.33	.28
Phenolic Compounds.	.0033	.0017
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	1.3	0.95
COD	6.5	4.8
TSS	.33	.28
Phenolic Compounds.	.0033	.0017
pH	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by the manufacture of epoxy resins by batch fusion processing (solid, solution) by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	0.17	0.12
COD	.88	.65
TSS	.05	.04
Phenolic Compounds.	.00044	.00022
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	0.17	0.12
COD	.88	.65
TSS	.05	.04
Phenolic Compounds.	.00044	.00022
pH	Within the range 6.0 to 9.0.	

§ 416.224 [Reserved]

§ 416.225 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by the manufacture of epoxy resins by batch or by a new source subject to the provisions of

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this subpart: continuous processing (liquid, solid, solution) by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	1.2	0.67
COD	12.9	9.2
TSS	.30	.20
Phenolic Compounds.	.0024	.0012
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	1.2	0.67
COD	12.9	9.2
TSS	.30	.20
Phenolic Compounds.	.0024	.0012
pH	Within the range 6.0 to 9.0.	

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this paragraph, which may be discharged by the manufacture of epoxy resins by batch fusion processing (solid, solution) by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	0.19	0.11
COD	2.1	1.5
TSS	.08	.03
Phenolic Compounds.	.00038	.00019
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	0.19	0.11
COD	2.1	1.5
TSS	.08	.03
Phenolic Compounds.	.00038	.00019
pH	Within the range 6.0 to 9.0.	

§ 416.226 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the epoxy resins subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.225; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart W—Phenolic Resins Subcategory

§ 416.230 Applicability; description of the phenolic resins subcategory.

The provisions of this subpart are applicable to discharges resulting from the reaction of phenol or a substituted phenol such as creosol or resorcinol and an aldehyde such as formaldehyde or acetaldehyde and associated processing to manufacture phenolic resins.

§ 416.231 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations, and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 416.232 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of product		
BOD5	6.7	3.7
COD	34	19
TSS	2.7	1.5
Phenolic Compounds.	.023	.011
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	6.7	3.7
COD	34	19
TSS	2.7	1.5
Phenolic Compounds.	.023	.011
pH	Within the range 6.0 to 9.0.	

§ 416.233 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of product		
BOD5	1.3	0.66
COD	8.5	5
TSS	.35	.20
Phenolic Compounds.	.0035	.0018
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	1.3	0.66
COD	8.5	5
TSS	.35	.20
Phenolic Compounds.	.0035	.0018
pH	Within the range 6.0 to 9.0.	

§ 416.234 [Reserved]

§ 416.235 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of product		
BOD5	1.3	0.69
COD	34	19
TSS	.31	.21
Phenolic Compounds	.0025	.0013
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	1.3	0.69
COD	34	19
TSS	.31	.21
Phenolic Compounds	.0025	.0013
pH	Within the range 6.0 to 9.0.	

§ 416.236 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the phenolic resins subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.235; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart X—Urea and Melamine Resins Subcategory

§ 416.240 Applicability; description of the urea and melamine resins subcategory.

The provisions of this subpart are applicable to discharges resulting from the reaction of urea or melamine with formaldehyde and associated processing to manufacture urea or melamine resins.

§ 416.241 Specialized definitions.

For the purpose of this subpart:

Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

§ 416.242 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kg of product		
BOD5	0.33	0.20
COD	5.5	3.2
TSS	.25	.13
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	0.38	0.20
COD	5.5	3.2
TSS	.25	.13
pH	Within the range 6.0 to 9.0.	

§ 416.243 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	0.08	0.06
COD	.13	.09
TSS	.021	.017
pH	Within the range 6.0 to 9.0.	
(English units) lb/1000 lb of product		
BOD5	0.08	0.06
COD	.13	.09
TSS	.021	.017
pH	Within the range 6.0 to 9.0.	

§ 416.244 [Reserved]

§ 416.245 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
(Metric units) kg/kkg of product		
BOD5	0.11	0.06
COD	.18	.10
TSS	.04	.02
pH	Within the range 6.0 to 9.0.	

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Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
(English units) lb/1000 lb of product		
BOD5	0.11	0.06
COD	.18	.10
TSS	.04	.02
pH	Within the range 6.0 to 9.0.	

§ 416.246 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the urea and melamine resins subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 416.245; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

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PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

GENERAL WAGE DETERMINATION DECISIONS. General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Kansas:	
AQ–36	Oct. 24, 1973
Michigan:	
AR–3102; AR–3103; AR–3105; AR–3106; AR–3107; AR–3108; AR–3109; AR–3110; AR–3111; AR–3112; AR–3113; AR–3114; AR–3115; AR–3116; AR–3117; AR–3118; AR–3119; AR–3120; AR–3121; AR–3122	Aug. 16, 1974
Montana:	
AR–1018	Do.
Oklahoma:	
AQ–123	June 28, 1974
AR–15	Aug. 16, 1974
Pennsylvania:	
AQ–2059; AQ–2061; AQ–2062	Feb. 15, 1974
AQ–2058; AQ–2060	Mar. 8, 1974

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

Georgia:	
AP–160(AR–4037)	Feb. 23, 1973
Iowa:	
AM–2455(AR–18)	Aug. 25, 1971
AQ–11(AR–28); AQ–13 (AR–29); AQ–14(AR–23); AQ–15(AR–20); AQ–16(AR–22); AQ–17(AR–25)	Aug. 3, 1973
AQ–19(AR–28); AQ–20 (AR–27)	Aug. 24, 1973
AQ–101(AR–21); AQ–102 (AR–17)	Apr. 12, 1974
AQ–107(AR–19); AQ–108 (AR–24)	May 10, 1974
Louisiana:	
AR–12(AR–37)	Aug. 16, 1974
New York:	
AQ–2041(AR–2021)	Jan. 25, 1974
Pennsylvania:	
AQ–2011(AR–2028)	Aug. 17, 1973
AQ–2124(AR–2036)	May 31, 1974
Texas:	
AQ–98(AR–38)	May 10, 1974
AQ–118(AR–36)	June 21, 1974
AQ–122(AR–44)	June 28, 1974
AR–2(AR–39)	July 5, 1974
AR–4(AR–43)	July 12, 1974
AR–7(AR–42); AR–8(AR–40)	July 26, 1974
AR–31(AR–45)	Aug. 23, 1974

Signed at Washington, D.C., this 13th day of September 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR–3102 – Mod. #2 (39 FR 29784 – August 16, 1974) Allegan County, Michigan						
CHANGE:						
Laborers:						
Class A	$5.86	.40	.30			.04
Class B	6.01	.40	.30			.04
Class C	6.11	.40	.30			.04
Class D	5.98	.40	.30			.04
Class E	6.08	.40	.30			.04
Class F	6.18	.40	.30			.04
Class G	6.36	.40	.30			.04
Power Equipment Operators:						
Underground Construction						
Class I	9.79	.55	.75		.05	
Class II	9.66	.55	.75		.05	
Class III	8.93	.55	.75		.05	
Class IV	8.36	.55	.75		.05	
Oiler & Firemen	8.36	.55	.75		.05	
DECISION #AR–3103 – Mod. #2 (39 FR 29787 – August 16, 1974) Alpena County, Michigan						
CHANGE:						
Power Equipment Operators:						
Underground Construction						
Class I	$8.28	.55	.75		.05	
Class II	7.99	.55	.75		.05	
Class III	7.49	.55	.75		.05	
Class IV	7.21	.55	.75		.05	
Oiler & firemen	7.21	.55	.75		.05	
DECISION #AR–3105 – Mod. #2 (39 FR 29793 – August 16, 1974) Berrien County, Michigan						
CHANGE:						
Power Equipment Operators:						
Underground Construction						
Class I	$9.79	.55	.75		.05	
Class II	9.66	.55	.75		.05	
Class III	8.93	.55	.75		.05	
Class IV	8.36	.55	.75		.05	
Oiler & firemen	8.36	.55	.75		.05	

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ–36 – Mod. #2 (38 FR 28511 – October 24, 1973) Leavenworth County, Kansas						
Change:						
Building Construction						
Glaziers	$8.675	.35	.27	.99	.01	

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MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3106 - Mod. #2 (39 FR 29797 - August 16, 1974) Calhoun County, Michigan						
CHANGE:						
Power Equipment Operators:						
Underground Construction:						
Class I	$9.79	.55	.75		.05	
Class II	9.66	.55	.75		.05	
Class III	8.93	.55	.75		.05	
Class IV	8.36	.55	.75		.05	
Oiler & firemen	8.36	.55	.75		.05	
DECISION #AR-3107 - Mod. #2 (39 FR 29801 - August 16, 1974) Chippewa and Mackinac Counties, Michigan						
CHANGE:						
Carpenters:						
Building	$7.54	.50	.40		.01	
Water front work	7.74	.50	.40		.01	
Glaziers	5.80		.50			
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op.-Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver						
Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Millwrights	8.04	.50	.40		.01	
Piledrivermen	7.74	.50	.40		.01	
Roofers	7.75		.50			
Soft floor layers	7.54	.50	.40		.01	
Sprinkler Fitters	9.25	.50	.70		.08	

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3108 - Mod. #2 (39 FR 29803 - August 16, 1974) Emmet County, Michigan						
CHANGE:						
Power Equipment Operators:						
Underground Construction						
Class I	$8.28	.55	.75		.05	
Class II	7.99	.55	.75		.05	
Class III	7.49	.55	.75		.05	
Class IV	7.21	.55	.75		.05	
Oiler & firemen	7.21	.55	.75		.05	
DECISION #AR-3109 - Mod. #1 (39 FR 29807 - August 16, 1974) Genesee, Lapeer & Shiawassee Counties, Michigan						
CHANGE:						
Asbestos workers	$7.98	.66	.95		.02	
Line Construction:						
Genesee and Shiawassee Counties						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver						
Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Lapeer County:						
Linemen & Technicians	9.96	.85	3.4%	10%	.25%	
Cable Splicer & Helio Arc Welder	10.39	.85	3.4%	10%	.25%	
Comb. Equipment Op. & Groundman	8.04	.85	3.4%	10%	.25%	
Comb. Driver & Groundman	7.59	.85	3.4%	10%	.25%	
Groundman	7.00	.85	3.4%	10%	.25%	
Power Equipment Operators:						
Underground Construction						
Class I	9.79	.55	.75		.05	
Class II	9.66	.55	.75		.05	
Class III	8.93	.55	.75		.05	
Class IV	8.36	.55	.75		.05	
Oiler & firemen	8.36	.55	.75		.05	
Soft floor layers-resilient floor layers	8.03	.50	.40	.56	.01	
Sprinkler fitters	9.50	.50	.70		.08	

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3110 - Mod. #2 (39 FR 29811 - August 16, 1974) Gogebic County, Michigan						
CHANGE:						
Carpenters	$7.54	.50	.40		.01	
Electricians:						
Electrical contracts over $3,000 including industrial	8.45	4%	1%	11%	3%	
Electrical contracts up to $3,000 except industrial	7.05	4%	1%	11%	3%	
Elevator constructors' helpers	70%JR	.39	.26	2.5%+b&c	.02	
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver						
Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Millwrights	8.04	.50	.40		.01	
Piledrivermen	7.74	.50	.40		.01	
Soft floor layers	7.54	.50	.40		.01	

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3111 - Mod. #1 (39 FR 29814 - August 16, 1974) Grand Traverse and Leelanau Counties, Michigan						
CHANGE:						
Asbestos workers	$7.98	.66	.95		.02	
Bricklayers	7.94	.40	.25			
Cement masons						
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver						
Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Marble setters	7.94	.40	.25			
Plasterers	7.94	.40	.25			
Power Equipment Operators:						
Underground Construction						
Class I	9.79	.55	.75		.05	
Class II	9.66	.55	.75		.05	
Class III	8.93	.55	.75		.05	
Class IV	8.36	.55	.75		.05	
Oiler & firemen	8.36	.55	.75		.05	
Sprinkler fitters	9.50	.50	.70		.08	
Stone masons	7.94	.40	.25			
DECISION #AR-3112 - Mod. #2 (39 FR 29817 - August 16, 1974) Huron County, Michigan						
CHANGE:						
Line Construction:						
Linemen & Technicians	$9.96	.85	3.4%	10%	.25%	
Cable Splicer & Helio Arc Welder	10.39	.85	3.4%	10%	.25%	
Comb. Equipment Op. & Groundman	8.04	.85	3.4%	10%	.25%	
Comb. Driver & Groundman	7.59	.85	3.4%	10%	.25%	
Groundman	7.00	.85	3.4%	10%	.25%	
Power Equipment Operators:						
Underground Construction						
Class I	9.79	.55	.75		.05	
Class II	9.66	.55	.75		.05	
Class III	8.93	.55	.75		.05	
Class IV	8.36	.55	.75		.05	
Oilers & firemen	8.36	.55	.75		.05	
Roofers	9.50	.60	.50			
Sprinkler fitters	9.50	.50	.70		.08	
Soft floor layers	8.03	.50	.40	.56	.01	

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MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3113 - Mod. #2 (39 FR 29820 - August 16, 1974) Ingham County, Michigan						
CHANGE:						
Power Equipment Operators:						
Underground Construction						
Class I	$9.79	.55	.75		.05	
Class II	9.66	.55	.75		.05	
Class III	8.93	.55	.75		.05	
Class IV	8.36	.55	.75		.05	
Oiler & firemen	8.36	.55	.75		.05	
DECISION #AR-3114 - Mod. #1 (39 FR 29823 - August 16, 1974) Kalamazoo County, Michigan						
CHANGE:						
Asbestos workers	$7.98	.66	.95		.02	
Line Construction						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver						
Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Plumbers & Steamfitters	9.73	.44	.61			
Power Equipment Operators:						
Underground Construction						
Class I	9.79	.55	.75		.05	
Class II	9.66	.55	.75		.05	
Class III	8.93	.55	.75		.05	
Class IV	8.36	.55	.75		.05	
Oiler and firemen	8.36	.55	.75		.05	
Sprinkler fitters	9.50	.50	.70		.08	

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3115 - Mod. #2 (39 FR 29827 - August 16, 1974) Marquette County, Michigan						
CHANGE:						
Line Construction:						
Linemen & Heavy Equipment Op.	$7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver						
Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Soft floor layers	7.54	.50	.40		.01	
Sprinkler fitters	9.50	.50	.70		.08	
DECISION #AR-3116 - Mod. #1 (39 FR 29830 - August 16, 1974) Mason County, Michigan						
CHANGE:						
Asbestos workers	$7.98	.66	.95		.02	
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver						
Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Power Equipment Operators:						
Underground Construction						
Class I	9.79	.55	.75		.05	
Class II	9.66	.55	.75		.05	
Class III	8.93	.55	.75		.05	
Class IV	8.36	.55	.75		.05	
Oiler & firemen	8.36	.55	.75		.05	
Sprinkler fitters	9.50	.50	.70		.08	

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3117 - Mod. #1 (39 FR 29833 - August 16, 1974) Muskegon and Oceana Counties, Michigan						
CHANGE:						
Asbestos workers	$7.98	.66	.95		.02	
Cement masons	7.65	.40	.25		.02	
Glaziers	7.00	.29	.20			
Laborers:						
Class A	5.86	.40	.30		.04	
Class B	6.01	.40	.30		.04	
Class C	6.11	.40	.30		.04	
Class D	5.98	.40	.30		.04	
Class E	6.08	.40	.30		.04	
Class F	6.18	.40	.30		.04	
Class G	6.36	.40	.30		.04	
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver						
Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Marble setters	7.05	.25	.50			
Power Equipment Operators:						
Underground Construction						
Class I	9.79	.55	.75		.05	
Class II	9.66	.55	.75		.05	
Class III	8.93	.55	.75		.05	
Class IV	8.36	.55	.75		.05	
Oiler & firemen	8.36	.55	.75		.05	
Sprinkler fitters	9.50	.50	.70		.08	
Terrazzo workers	7.05	.25	.50			
Tile setters	7.05	.25	.50			
ADD:						
Millwrights	9.30	.50	.40		.01	

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3118 - Mod. #2 (39 FR 29837 - August 16, 1974) Saginaw County, Michigan						
CHANGE:						
Line Construction:						
Linemen & Heavy Equipment Op.	$7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver						
Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Power Equipment Operators:						
Underground Construction						
Class I	9.79	.55	.75		.05	
Class II	9.66	.55	.75		.05	
Class III	8.93	.55	.75		.05	
Class IV	8.36	.55	.75		.05	
Oiler & Firemen	8.36	.55	.75		.05	
Roofers	9.50	.60	.50			
Soft floor layers	8.03	.50	.40	.56	.01	
Sprinkler fitters	9.50	.50	.70		.08	
DECISION #AR-3119 - Mod. #1 (39 FR 29840 - August 16, 1974) St. Clair County, Michigan						
CHANGE:						
Asbestos workers	$10.32	.64	1.06			
Line Construction:						
Linemen & Technicians	9.96	.85	3.4%	10%	.25%	
Cable Splicer & Helio Arc Welder	10.39	.85	3.4%	10%	.25%	
Comb. Equipment Op. & Groundman	8.04	.85	3.4%	10%	.25%	
Comb. Driver & Groundman	7.59	.85	3.4%	10%	.25%	
Groundman	7.00	.85	3.4%	10%	.25%	
Plasterers	8.90	.56	.37	.56		
Power Equipment Operators:						
Underground Construction						
Class I	9.79	.55	.75		.05	
Class II	9.66	.55	.75		.05	
Class III	8.93	.55	.75		.05	
Class IV	8.36	.55	.75		.05	
Oiler & Firemen	8.36	.55	.75		.05	
Sprinkler fitters	9.50	.50	.70		.08	

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MODIFICATIONS P. 11

DECISION #AR-3120 - Mod. #1
(39 FR 29843 - August 16, 1974)
Washtenaw County, Michigan

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers:						
Townships: Bridgewater, Dexter, Freedom, Lime, Lyndon, Sharon, Sylvan & Manchester	$7.98	.66	.95		.02	
Remainder of County	10.32	.64	1.06			
Line Construction:						
Townships of Lyndon, Manchester Sylvan and Sharon						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op.						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver Operator Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver-Groundman	4.40	.35	1%	a	.25%	
Remainder of County:						
Linemen & Technicians	9.96	.85	3.4%	10%	.25%	
Cable Splicer & Helio Arc Welder	10.39	.85	3.4%	10%	.25%	
Comb. Equipment Op. & Groundman	8.04	.85	3.4%	10%	.25%	
Comb. Driver & Groundman	7.59	.85	3.4%	10%	.25%	
Groundman	7.00	.85	3.4%	10%	.25%	
Painters:						
Brush & roller	9.72	.43	.20		.03	
Spray & sandblast	10.47	.43	.20		.03	
High Pay	10.22	.43	.20		.03	
Drywall taper	10.12	.43	.20		.03	
Power Equipment Operators:						
Underground Construction						
Class I	9.79	.55	.75		.05	
Class II	9.66	.55	.75		.05	
Class III	8.93	.55	.75		.05	
Class IV	8.36	.55	.75		.05	
Oiler & firemen	8.36	.55	.75		.05	

MODIFICATIONS P. 12

DECISION #AR-3121 - Mod. #1
(39 FR 29846 - August 16, 1974)
Wayne, Oakland & Macomb Counties, Michigan

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$10.32	.64	1.06			
Line Construction:						
Linemen & Technicians	9.96	.85	3.4%	10%	.25%	
Cable Splicer & Helio Arc Welder	10.39	.85	3.4%	10%	.25%	
Comb. Equipment Op. & Groundman	8.04	.85	3.4%	10%	.25%	
Comb. Driver & Groundman	7.59	.85	3.4%	10%	.25%	
Groundman	7.00	.85	3.4%	10%	.25%	
Power Equipment Operators:						
Underground Construction						
Class I	9.79	.55	.75		.05	
Class II	9.66	.55	.75		.05	
Class III	8.93	.55	.75		.05	
Class IV	8.36	.55	.75		.05	
Oiler & Firemen	8.36	.55	.75		.05	

DECISION #AR-3122 - Mod. #2
(39 FR 29850 - August 16, 1974)
Charlevoix County, Michigan

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators:						
Underground Construction						
Class I	$9.79	.55	.75		.05	
Class II	9.66	.55	.75		.05	
Class III	8.93	.55	.75		.05	
Class IV	8.36	.55	.75		.05	
Oiler & firemen	8.36	.55	.75		.05	

MODIFICATIONS P. 13

DECISION NO. AR-1018 - Mod. #2
(39 FR 29864-August 16, 1974)
Statewide, Montana

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers:					
Cascade, Chouteau, Glacier, Pondera and Teton Counties	$8.25	.25	.30	.30	
Terrazzo Workers and Tile Setters:					
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweetgrass, Stillwater, Treasure, Wibaux and Yellowstone Counties	7.90		.25		.02
Cascade, Choteau, Glacier, Pondera, and Teton Counties	6.50	.30	.30		

DECISION NO. AQ-123-Mod #4
(39 FR 24192-June 28, 1974)
Tulsa & Creek Counties, Oklahoma

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Laborers air tools op. (Jackhammer, Vibrator) Mason tender; Mortar Mixers; Pipe layers (concrete & clay) Plasterers tenders	5.60	.25	.20		
Wagon drill operator	5.90	.25	.20		
Powderman or Blaster	6.00	.25	.20		
Pipefitters	6.45	.25	.20		
Sheet Metal Workers	8.57	.35	.40		.08
Plasterers	8.09	.45	.45		.06
Plumbers	7.65				.01
	8.57	.35	.40		.08

MODIFICATIONS P. 14

DECISION NO. AR-15 Mod #1
(39 FR 29907-August 16, 1974)
Oklahoma, Cleveland, Canadian Lincoln, and Pattawatomie Counties, Oklahoma

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Sheet metal workers	8.00	.40	.40		.05
Soft floor layers:					
Resilient floor layer and carpet layer	7.20	.40			
Sprinkler fitters	8.90	.50	.70		.08
Terrazzo workers	7.35		.20		
Tile setters	7.35		.20		
Painters:					
Brush	6.80	.40	.35	.25	.02
Spray under 30 feet	7.30	.40	.35	.25	.02
Spray over 30 feet	7.80	.40	.35	.25	.02
Paperhanging	7.80	.40	.35	.25	.02
Sandblaster	7.30	.40	.35	.25	.02
Omit:					
Painters:					
Smoke stacks, towers, Swing stage chair work and window Jack	6.55	.35	.25	.15	.02
Add:					
Painters					
Hazardous work	7.30	.40	.35	.25	.02

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MODIFICATIONS P. 15

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2058 - Mod.#2 (39 FR 9410 - March 8, 1974) Armstrong, Blair, Crawford, Indiana, Venango, Warren and McKean Counties, Pennsylvania Add to: Power Equipment Operators, Class 1: Scrapers, and Dozer, D-8 or Larger					
DECISION #AQ-2059 - Mod. #4 (39 FR 6004 - February 15, 1974) Allegheny and Beaver Counties, Pennsylvania Add to: Power Equipment Operators, Class 1: Scrapers, and Dozer, D-8 or Larger					
DECISION #AQ-2060 - Mod. #2 (39 FR 9410 - March 8, 1974) Bedford, Cameron, Clarion, Clinton, Elk, Franklin, Forest, Fulton, Huntingdon, Mifflin & Potter Counties, Pennsylvania Add to: Power Equipment Operators, Class 1: Scrapers, and Dozer, D-8 or Larger					

MODIFICATIONS P. 16

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2061 - Mod. #4 (39 FR 6008 - February 15, 1974) Centre, Clearfield, Jefferson and Greene Counties, Pennsylvania Add to: Power Equipment Operators, Class 1: Scrapers, and Dozer, D-8 or Larger					
DECISION #AQ-2062 - Mod. #3 (39 FR 6011 - February 15, 1974) Butler, Cambria, Erie, Fayette, Lawrence, Mercer, Washington, Westmoreland and Somerset Counties, Pennsylvania Add to: Power Equipment Operators, Class 1: Scrapers, and Dozer, D-8 or Larger					

SUPERSEDEAS DECISION

STATE: Georgia

COUNTIES: Charlton, Pierce, and Ware

DECISION NUMBER: AR-4037

DATE: Date of Publication

Supersedas Decision No. AP-160 in 38 FR 5083 dated February 23, 1973

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Air Conditioning Mechanics	$4.00				
Bricklayers	5.00				
Carpenters	3.63				
Cement Masons	2.75				
Electricians	4.00				
Laborers:					
Laborers	2.00				
Mason Tenders	2.38				
Painters	3.75				
Plumbers	3.17				
Roofers	5.00				
Sheet Metal Workers	3.50				
Soft Floor Layers	3.88				
Tile Setters	5.00				
Truck Drivers	2.00				
Power Equipment Operators:					
Backhoe Operators	3.00				
Bulldozer Operators	3.00				
Motor Grader Operators	3.00				

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SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Webster County (City of Fort Dodge), Iowa

DECISION NO.: AR-17

DATE: Date of Publication

Supersedes Decision No. AQ-102, dated April 12, 1974, in 39 FR 13460.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy & Highway Construction.

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.87	.525	.48		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS - STONEMASONS	7.24		.40		
CARPENTERS:					
Carpenters; Piledrivermen	7.20				
Millwrights	6.75				
CEMENT MASONS	6.50				
ELECTRICIANS	7.98	.35	1%		1%
ELEVATOR CONSTRUCTORS	7.77	.395	.26	2½%a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½%a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Ornamental; Reinforcing; Structural	7.405	.26	.50		.02
LABORERS:					
Common laborers	4.25				
Machine & air tool operators; Mortar mixers	4.45				
LATHERS	7.10				
PAINTERS:					
Brush; Drywall finishers; Rollers	5.45				
Paperhangers	5.70				
Spray	5.95				
PLASTERERS	4.425				
PLUMBERS-STEAMFITTERS	8.05	.30	.50		.10
ROOFERS	5.50				
SPRINKLER FITTERS	9.25	.50	.70		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTE:
a - Employer contributed 4% of the basic hourly rate for over 5 years of service and 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit. Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

DECISION NO AR-17

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.325	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower crane; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

GROUP 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm Type Tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive.

GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloader (under 35 h.p.) with or without attachments; Air compressors (over 125 c.f.m.); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".

GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

NOTICES

DECISION NO. AR-17

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS; PILEDRIVERMEN	$4.15				
CEMENT MASONS	3.90				
LABORERS:					
GROUP 1	3.80	.10			
GROUP 2	3.55	.10			
GROUP 3	3.30	.10			
GROUP 4	3.15	.10			
GROUP 5	3.05	.10			

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line or block & tackle; Drill op. of air tracs, wagon drills & similar drills.

GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen (not mechanical); Bull float, hand operated; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12') Grade checker & cutting torches on demolition work.

GROUP 3 - Power buggyman; Concrete & paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker & jointer & painter; Timber & chain-saw man; Mechanical grouter; Boring machine; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete (on or off the job); Powdermen helpers.

GROUP 4 - Form tamper; Air, gas & electric tool op.; vibrator, barco hammer, paving breaker, spader, tamper, electric drills, hammer & jack hammer; Tree groundmen; Chuck tender; Drill helpers tool room men & checker; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers.

GROUP 5 - Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying relnforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

DECISION NO. AR-17

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$4.40	.20	.10		
GROUP 2	4.25	.20	.10		
GROUP 3	4.00	.20	.10		
GROUP 4	3.80	.20	.10		
GROUP 5	3.60	.20	.10		
GROUP 6	3.30	.20	.10		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Power shovel & crane type equipment (over 1/2 cy); Central mix plant op. (concrete 5 cy & over); Dredge op. & leverman concrete mixer-paver op.; Hoisting engineer (steel erection); Tractor operating scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow or push boat; Piledriver machine.

GROUP 2 - Asphalt plant; Asphalt paver; Asphalt pugmill; Power shovel (crane type equipment, under 1/2 cy); Front end loader (all types 40 HP or over); Mechanics & welders; Tournapull (DW 10 & all similar equipment, over 10 cy struck cap.); All self-loading scrapers; Tractor, bulldozer, push cat, pulling scraper or rooter & sideboom tractor; Churn & rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepsfoot roller (100,000 lbs. & over); Central mix plant (concrete, under 5 cy).

GROUP 3 - Motor patrol (on other work); Asphalt roller (high type surfacing); Asphalt spreader (back end); Concrete curb breaking machine; Concrete widening machine; Elevating grader & Athey loader; Tournapull (DW 10 & all similar equipment under 10 cy struck cap.); Paving breaker (drop or pneumatic); Spreader box (self-propelled or tractor-pushed); Subgrade stab. (P&H & similar sizes); Boiler (2 or one boiler & dryer); Subgrading machine (CMI); Slip form paver.

GROUP 4 - Self-propelled roller (other than high type asphalt); Distributor; Screening & washing plant; Spreader (concrete tank car heater, combination boiler & booster); Self-propelled vibrating compactor; Trenching machine; (other) pumps on well points & deep wells for dewatering mechanical broom; Steel placing machine; Boat op.; Compressor; Concrete mixer (side loader); Conveyor; Crusher feeder; Finishing machine on concrete; Flex-plane; Bull float; Form grade; Group equipment greaser; Motor crane combination driver & oiler.

GROUP 5 - Boiler (single); Apprentice engineer or oiler or mechanics' helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine; Pump op. (other than dredge); Boom & winch truck; Hydro seeder op.; Mulcher blower op.

GROUP 6 - Batching plant (dry); Front end loader, rubber-tired (with backhoe attachment, under 3/8 cy); Farm tractor pulling pneumatic roller; Farm tractor with attachments.

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DECISION NO. AR-17

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION					
TRUCK DRIVERS:					
GROUP 1	$3.25				
GROUP 2	3.35				

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP 1 - Truck drivers (not otherwise specified); Warehousemen; Drivers on: 4-wheel service trucks, bus hauling men, carry all & winch trucks & scoopmobiles.

GROUP 2 - Truck drivers for semi & tandem; Ready mix; Dumpster; Drivers on: Korking & similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors & welding machines, including those pulled by separate units.

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Pottawattamie (City of Council Bluffs & the area within 3 miles from the city limits)

DECISION NO.: AR-18

DATE: Date of Publication

Supersedeas Decision No. AM-2,455, dated August 25, 1971, in 36 FR 16820.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.44	.40	.40	4½%	.03
BOILERMAKERS	8.35	.30	1.00		.02
BRICKLAYERS; Stonemasons	7.82	.25	.25	.355	
CARPENTERS:					
Carpenters	7.10	.40	.20	.20	.03
Piledrivermen	7.225	.40	.20	.20	.03
Millwrights	7.35	.40	.20	.20	.03
CEMENT MASONS	7.54	.25	.25		
DRYWALL TAPERS & FINISHERS	7.34	.35		.40	
ELECTRICIANS	8.68	.40	1%+.40		½%
ELEVATOR CONSTRUCTORS	8.53	.395	.26	2½%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	6.75	.35	.20		.01
IRONWORKERS:					
Ornamental; Reinforcing; Structural	7.35	.25	.25	.30	
LABORERS:					
Common laborers	5.62	.25	.25		
Mason tenders; Mortar mixers	5.765	.25	.25		
Pipelayers	5.90	.25	.25		
Plasterers' tenders	5.935	.25	.25		

FOOTNOTE:
a - Employer contributes 4% basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

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DECISION NO. AR-18

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush; Paperhangers	$6.30		.20		
Highwork; Spray; Stage; Structural steel	6.80		.20		
PLASTERERS	7.55	.25	.25		
PLUMBERS; Steamfitters	8.57	.30	.45	.54	.05
ROOFERS:					
Slate; Tile	6.88	.15	.20	.20	.01
Composition	6.58	.15	.20	.20	.01
SHEET METAL WORKERS	7.85	.15			
SPRINKLER FITTERS	9.25	.50	.70		.08
TERRAZZO WORKERS; TILE SETTERS; MARBLE SETTERS	7.30	.20	.25		
TERRAZZO, TILE AND MARBLE SETTERS HELPERS	5.20				
TRUCK DRIVERS:					
Single axle	6.145	.25	.25		
Tandem axle	6.22	.25	.25		
Trailer; Lowboys	6.345	.25	.25		
Lumber carriers	6.52	.25	.25		
BUILDING CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
GROUP 1	8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.325	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower crane; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and wench truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

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DECISION NO. AR-18

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; second man on locomotive.

GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air compressors (over 125 cfm); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 K.W. and over); Fork lifts (other than above Group #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".

GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
(City of Council Bluffs & the area within 3 miles from the city limits)					
CARPENTERS:					
Carpenters	$6.025	.125	.10		
Piledrivermen	6.025	.125	.10		
CEMENT MASONS	5.775	.125	.10		
LABORERS:					
Form setters and precast manhole setter; Inlet builders and manhole setter	4.775	.125	.10		
Tunnelers, free air	4.65	.125	.10		
Laborer welder	4.50	.125	.10		
Concrete saw op.; Pipelayer	4.40	.125	.10		
Form setter helper	4.35	.125	.10		
Chain saw op., rakers and screech-men on asphalt, mortar mixer	4.325	.125	.10		
Towboat and dredge deckhand	4.25	.125	.10		
Common laborer	4.15	.125	.10		

DECISION NO AR-18

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$5.75	.30	.20		.01
GROUP 2	5.60	.30	.20		.01
GROUP 3	5.25	.30	.20		.01
GROUP 4	4.90	.30	.20		.01
GROUP 5	4.65	.30	.20		.01
GROUP 6	4.55	.30	.20		.01

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Power shovel & crane type equipment (over 1/2 cy); Central mix plant op; Concrete 5 cy & over; Dredge operator & leverman concrete mixer-paver op.; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol op. on finishing work; Master mechanic, when 4 or more mechanics are employed; Tow or push boat op.; Piledriver machine operator.

GROUP 2 - Asphalt plant op.; Asphalt paver; Asphalt pugmill operator; Power shovel crane type equipment, under 1/2 cy; Front end loader op.; 40 HP or over; Mechanics & welders; Tournapull op.; DW 10 & all similar equipment, over 10 cy struck cap.; All self-loading scrapers; Tractor op., bulldozer, push cat, pulling scraper or rooter & side-boom tractor; Churn & rotary drill op.; Trench machine, Cleveland 80 or similar cap.; All types propelled sheepsfoot roller, 100,000 lbs. & over; Central mix plant op., concrete, under 5 cy.

GROUP 3 - Motor patrol op., in other work; Asphalt roller op., high type surfacing; Asphalt spreader op., back end; Concrete curb breaking machine op.; Concrete widening machine op.; Elevating grader & Athey loader op.; Tournapull op., DW 10 & all similar equip., under 10 cy. struck cap.; Paving breaker op., drop or pneumatic; Spreader box op., self-propelled or tractor-pushed; Subgrade stab. (P&H & similar sizes); Boiler op., 2 or 1 boiler and dryer; Subgrading machine op., CMI; Slip form paver operator.

GROUP 4 - Self-propelled roller op., other than high type asphalt; Distributor op.; Screening & washing plant op.; Spreader op., concrete tank car heater, combination boiler & booster; Self-propelled vibrating compactor; Trenching machine op.; (other) pumps on well points & deep wells for dewatering mechanical broom op.; Steel placing machine op.; Boat op.; Compressor op.; Concrete mixer op.; Side loader; Conveyor op.; Crusher feeder op.; Finishing machine op. on concrete; Flexplane op.; Bull float op.; Form grade op.; Group equipment greaser; Motor crane combination driver & oiler.

DECISION NO. AR-18

GROUP 5 - Boiler op., single; Apprentice engineer or oiler or mechanics' helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine op.; Pump op. other than dredge; Boom & winch truck; Hydro seeder op.; Mulcher blower operator.

GROUP 6 - Batching plant op., dry; Front end loader op., rubber tired, with backhoe attachment, under 3/8 cy.; Farm tractor pulling pneumatic roller; Farm tractor with attachments.

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Lumber carrier	$4.87	.125	.10		
Lowboys-tractor trailer	4.70	.125	.10		
Cab control powerlift form truck; Euclid; Tandem axle	4.57	.125	.10		
Single axle	4.51	.125	.10		

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Scott
DECISION NO.: AR-19 DATE: Date of Publication
Supersedes Decision No. AQ-107, dated May 10, 1974, in 39 FR 17016.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.05	.25	.25		.10
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS - STONEMASONS	7.91	.35	.30		.02
CARPENTERS:					
Carpenters	7.46	.35	.35		.02
Piledrivermen	7.71	.35	.35		.02
Millwrights	8.45	6%	7%		6%
CEMENT MASONS	7.72	.40			
ELECTRICIANS:					
Electricians	8.30	.32	5.5%		.03
Cable splicers	8.55	.32	5.5%		.03
ELEVATOR CONSTRUCTORS	8.045	.395	.26	2½%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	7.3848	.40	.82		
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.75	.40	.375		.07
LABORERS:					
Carpenter tenders; Common laborers; Mason tenders	6.25	.20	.20		.035
Concrete saw; Pipesetters; Plumber laborer; Power tools (Barco-Vibrator-Mortar mixers-Dynamite handlers-Burner, on dismantling work to be junked); Prime movers; Sand points	6.45	.20	.20		.035

FOOTNOTE:
a - Employer contributes 4% of basic hourly rate for over 5 years service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Paid Holidays: New Years Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

DECISION NO AR-19

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Caissons, after 6' in depth	$6.75	.20	.20		.035
Dynamite men	6.75	.20	.20		.035
Tunnel miners	6.75	.20	.20		.035
PAINTERS:					
Brush, Rollers	7.22	.40	.40		.09
Spray; Structural steel	7.47	.40	.40		.09
PLASTERERS	8.18				
PLUMBERS-STEAMFITTERS	8.25	.40	.35		.10
ROOFERS	8.80		.20		
SHEET METAL WORKERS	8.95	.25	.20		.04
SOFT FLOOR LAYERS	7.46	.35	.35		.02
SPRINKLER FITTERS	9.25	.50	.70		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING, HEAVY & HIGHWAY CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
GROUP 1	9.10	.40	.50		.08
GROUP 2	9.00	.40	.50		.08
GROUP 3	8.90	.40	.50		.08
GROUP 4	7.75	.40	.50		.08
GROUP 5	7.50	.40	.50		.08
GROUP 6	6.65	.40	.50		.08

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - All hoists or steel erecting equipment.
GROUP 2 - Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (two operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (two drums), Hot Paint Wrapping Machine, Cleaning and Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver,

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Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists.
GROUP 3 - Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing one paver), Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneaupull and similar machines, DW-10, Hyster Winch and similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix and Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement and Gravel Batch Plants (one stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine and Float, Self-propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screed Operator, Apsco Spreader or similar machine, Slusher, Forklift (over 6000 lb. cap. or working at heights above 28 ft.), Concrete Conveyors.
GROUP 4 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power attachment, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than one well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 or less cap.), Gypsum Pump, Conveyor over 20 HP, Fuller Kenyon Cement Pump or similar machines.
GROUP 5 - Air Compressor (275 cfm or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (two or three stop set-up), Small Rubber-tired Tractors (not including backhoes or end loaders), Self-propelled curing machine.
GROUP 6 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
GROUP 1	$6.35	.35	10.00p/w		
GROUP 2	6.55	.35	10.00p/w		
GROUP 3	6.75	.35	10.00p/w		
GROUP 4	6.95	.35	10.00p/w		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP 1 - Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, truck drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rates 2 cu. yds. or less, and small pallet type fork lift operator & driver on pilot trucks.
GROUP 2 - Drivers on 4-wheel trucks over 5 cu. yds. or more than 7½ tons, 6-wheel trucks, Koehring or similar dumpsters, track trucks, euclids, tournapulls, hug-bottom dumps, tournatrailers, tournarockers or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork lift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks wet or dry - over 2 up to & including 4 - 34E batches.
GROUP 3 - Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks euclids, hug-bottom dumps, tournatrilers, tournarockers, tractor-trailers, tandem A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks wet or dry over 4-34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors.
GROUP 4 - Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters, track trucks, euclids, hug-bottom dumps, tournapuils, tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation pole trailers over 6-wheels, water pulls, lowboy trailers, tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics.

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.95	.35	.30		.02
CEMENT MASONS	7.72	.40			
LABORERS:					
GROUP 1	7.12	.30	.50		.035
GROUP 2	7.37	.30	.50		.035
GROUP 3	7.62	.30	.50		.035

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Common Laborers; Carpenter tenders; Rod and Chain Man; Flagman; Gravel Box Man, Dumpmen and spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber Material Checkers, Dispatchers; Unloading explosives; Laying of Sod; Planting of Trees; Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Writer of Scale Tickets, Scalemen, Permanent Portable or Temporary Plant; Deck Hand.

GROUP 2 - Laying and jointing of telephone conduit; Barco and Jackhammer operator; Mechanical tamper and air spade; Wagon and Hand Drill; Vibrator Operator; Operator on Power Tools used under the jurisdiction of Laborers; Cement Dumpers; Puddler; Form setter helper; Power and Hand Saw (when cleaning timber); Center strip; reinforcing in concrete; Wire Mesh; Concrete Saw; Mortar Mixer; Prime mover or any mechanical devise taking the place of concrete buggy or wheelbarrow, Sand Point Setter; Asphalt Kettleman; Mastic Asphalt Mixerman or other preparations used on joints; Sheeting Hammer Drivers (2 men); Back-up Man or Joint Man with Pipelayer, Laborers in ditch or tunnel on sewer and water main and telephone conduit; Gas Distribution Men; Pipe setter on Laterals, Drain Tiles, Culvert Pipe, and Storm Sewer Connections to Catch Basins, Manholes or Main Line. Handling of materials treated with oil, creosole asphalt and/or any forcign material harmful to skin or clothing; Chloride Handlers; the unloading and Laborers with steel workers and re-bars; Tunnel Helpers in free air; Batch Dumpers; Tank Cleaners; Cofferdam Workers; Bankmen on Floating Plant.

GROUP 3 - String or Wireline (1 man); Head Form Setter; Dynamite Man; Asphalt Raker; Tunnel Miner; Pipelayer on sewer and water main; Gunnite Nozzleman; Welders, Cutters, Burners and Torchman; Screedman on Asphalt Pavers; Luteman; Curb Asphalt Machine Operator; Laser Beam Operator; Concrete Burning Machine Operator; Coving Machine Operator; Head Grade Man.

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Polk (City of Des Moines & abutting municipalities)

DECISION NO.: AR-20

DATE: Date of Publication

Supersedes Decision No. AQ-15 dated August 3, 1973, in 38 FR 21070.

DESCRIPTION OS WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.87	.525	.48		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; STONEMASONS	8.915	.35	.30		.01
CARPENTERS:					
Carpenters	8.10	.30	.25		.04
Millwrights; Pliedrivermen	8.45	.30	.25		.04
CEMENT MASONS	7.63				
ELECTRICIANS	9.33	.35	17+.35		1%
ELEVATOR CONSTRUCTORS	7.77	.395	.26	2½%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTES:					
a - Employer contributes 4% of basic hourly rate for over 5 years service and 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	6.895	.30	.25	2 weeks	
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.20	.275	.64		.02
LABORERS:					
General laborers	6.335	.325	.325		
Mortar mixers; motor buggies, when pouring concrete; power tool ops. (air tools, concrete vibrator, gunnite nozzlemen, electric drills & hammers)	6.435	.325	.325		
Plasterers' tenders	6.46	.325	.325		
Powdermen	6.485	.325	.325		
Air tool, power tampers & other similar self-powered tools weighing 50 lbs. & over	6.535	.325	.325		
All tunnel work	6.585	.325	.325		
Paving breakers weighing 50 lbs. and over	6.635	.325	.325		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	7.10				
PAINTERS:					
Brush, roller, drywall finisher	7.55				.03
Paperhangers	7.80				.03
Spray; structural steel; sandblasting	8.05				.03
Stack; tower work over 100'	8.65				.03
PLASTERERS	8.50				
PLUMBERS; STEAMFITTERS	8.05	.30	.50		.10
ROOFERS	7.82		.10		
SHEET METAL WORKERS	8.235	.35	.20		.05
SOFT FLOOR LAYERS	7.85	.30	.25		.04
SPRINKLER FITTERS	9.25	.50	.70		.08
TRUCK DRIVERS	5.91				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
GROUP 1	8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.325	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower crane; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm Type tractors (with loaders, backhoes, attachments, etc.); Scrapers (townspull, etc., Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive.

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GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air compressors (over 125 c.f.m.); Pumps 3" or over; Welding machines (400 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 kw and over); Fork lifts (other than above Group #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".

GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILED RIVERMEN	$5.91	.25			
CEMENT MASONS	5.65				
LABORERS:					
GROUP 1	5.50	.30	.10		
GROUP 2	5.25	.30	.10		
GROUP 3	5.00	.30	.10		
GROUP 4	4.85	.30	.10		
GROUP 5	4.75	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air tracs, wagon drills and similar drills.

GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checkers and cutting torches on demolition work.

GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers.

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GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers.

GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$6.40	.30	.30		.01
GROUP 2	6.25	.30	.30		.01
GROUP 3	6.00	.30	.30		.01
GROUP 4	5.80	.30	.30		.01
GROUP 5	5.60	.30	.30		.01
GROUP 6	5.30	.30	.30		.01

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator.

GROUP 2 - Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Turnapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator.

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GROUP 3 - Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt pavor, back hoe under 3/8 cu. yd.

GROUP 4 - Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator.

GROUP 5 - Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck.

GROUP 6 - Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller.

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$4.65	.25			
GROUP 2	4.75	.25			

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP 1 - Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles.

GROUP 2 - Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units.

NOTICES

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SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Cerro Gordo County (City of Mason City), Iowa

DECISION NO.: AR-21

DATE: Date of Publication

Supersedes Decision No. AQ-101, dated April 12, 1974, in 39 FR 13456.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy & Highway Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.87	.525	.48		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS - STONEMASONS	7.45		.35		
CARPENTERS:					
Carpenters	7.07				.01
Millwrights; Piledrivermen	7.32				.01
CEMENT MASONS	7.07				
ELECTRICIANS:					
Electricians	8.65	.30	1%		1%
Cable splicers	9.15	.30	1%		1%
GLAZIERS	5.78	.30	.25		
IRONWORKERS:					
Fence erector; Ornamental; Reinforcing; Structural	8.20	.275	.64		.02
LABORERS:					
Common laborers; Power tools; Barco operator; Mortar mixers; Concrete saw; Sand point setter Tenders to the crafts; Caissons (after 6' depth); Dynamite men; Gunniting-nozzlemen; Backup man; Swinging stage work, wood hoist tower, scaffolds or ladders at a height of 35' or over	5.79	.30	.20		
All underground labor (other than compressed air); Swinging stage work, wood hoist tower, scaffolds or ladders at a height of 75' or over	6.04	.30	.20		
	6.25	.30	.20		
PAINTERS:					
Brush	6.15				
Tapers	6.25				
Spray	6.65				
PLASTERERS	7.12				
PLUMBERS-STEAMFITTERS	7.90				.80p/w
ROOFERS	5.85				
SOFT FLOOR LAYERS	7.07				.01
SPRINKLER FITTERS	9.25	.50	.70		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.325	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers(tournapull, etc.); End-loaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story);Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive.

GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air compressors (over 125 c.f.m.); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".

GROUP 4 - Oilers; Mechanical Heaters; Truck crane drivers; Permanent elevators.

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HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS; PILEDRIVERMEN	$4.80	.21			
CEMENT MASONS	4.45				
LABORERS:					
GROUP 1	4.15	.10	.10		
GROUP 2	3.90	.10	.10		
GROUP 3	3.65	.10	.10		
GROUP 4	3.50	.10	.10		
GROUP 5	3.40	.10	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits, etc.; Sewer utility man; Cunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line or block & tackle; Drill op. of air tracs, wagon drills & similar drills.

GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen (not mechanical); Bull float, hand operated; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12'); Grade checker & cutting torches on demolition work.

GROUP 3 - Power buggyman; Concrete & paving sawman; Form liner expansion joint assembler; Bottom man; Caulker & jointer & painter; Timber & chain-saw man; Mechanical grouters; Boring machine; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or prestressed concrete (on or off the job); Powdermen helpers.

GROUP 4 - Form tamper; Air, gas & electric tool op., vibrator, barco hammer, paving breaker, spader, tamper, electric drills hammer & jack hammer; Tree groundmen; Chuck tender; Drill helpers, tool room men & checkers; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers.

GROUP 5 - Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

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HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$4.95	.30	.20		.01
GROUP 2	4.80	.30	.20		.01
GROUP 3	4.55	.30	.20		.01
GROUP 4	4.35	.30	.20		.01
GROUP 5	4.15	.30	.30		.01
GROUP 6	3.85	.30	.20		.01

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Power shovel & crane type equipment (over 1/2 cy); Central mix plant op. (concrete 5 cy & over); Dredge op. & leverman concrete mixer-paver op.; Hoisting engineer (steel erection); Tractor operating scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow or push boat; Piledriver machine.

GROUP 2 - Asphalt plant; Asphalt paver; Asphalt pugmill; Power shovel (crane type equipment, under 1/2 cy); Front end loader (all types 40 HP or over); Mechanics & welders; Tournapul (DW 10 & all similar equipment, over 10 cy struck cap.); All self-loading scrapers; Tractor, bulldozer, push cat, pulling scraper or rooter & sideboom tractor; Churn & rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepsfoot roller (100,000 lbs. & over); Central mix plant (concrete, under 5 cy).

GROUP 3 - Motor patrol (on other work); Asphalt roller (high type surfacing); Asphalt spreader (back end); Concrete curb breaking machine; Concrete widening machine; Elevating grader-& Athey loader; Tournapull (DW 10 & all similar equipment under 10 cy struck cap.); Paving breaker (drop or pneumatic); Spreader box (self-propelled or tractor-pushed); Subgrade stab. (P&H & similar sizes); Boiler (2 or one boiler & driver); Subgrading machine (CMI); Slip form paver.

GROUP 4 - Self-propelled roller (other than high type asphalt); Distributor: Screening & washing plant; Spreader (concrete tank car heater, combination boiler & booster); Self-propelled vibrating compactor; Trenching machine; (other) pumps on well points & deep wells for dewatering mechanical broom; Steel placing machine; Boat op.; Compressor; Concrete mixer (side loader); Conveyor; Crusher feeder; Finishing machine on concrete; Flex-plane; Bull float; Form grade; Group equipment greaser; Motor crane combination driver & oiler.

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GROUP 5 - Boiler (single); Apprentice engineer or oiler or mechanics' helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine; Pump op. (other than dredge); Boom & winch truck; Hydro seeder op.; Mulcher blower op.
GROUP 6 - Batching plant (dry); Front end loader, rubber-tired (with backhoe attachment, under 3/8 cy); Farm tractor pulling pneumatic roller; Farm tractor pulling pneumatic roller; Farm tractor with attachments.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION					
TRUCK DRIVERS:					
GROUP 1	$3.55	.10			
GROUP 2	3.65	.10			

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP 1 - Truck drivers (not otherwise specified); Warehousemen; Drivers on: 4-wheel service trucks, bus hauling men, carry all & winch trucks, dumpcretes & scoopmobiles.
GROUP 2 - Truck drivers for semi & tandem; Ready mix; Dumpster; Drivers on: Korking & similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors & welding machines, including those pulled by separate units.

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Des Moines (City of Burlington & abutting municipalities and Burlington Ordnance Plant)

DECISION NO.: AR-22

DATE: Date of Publication

Supersedeas Decision No. AQ-16, dated August 3, 1973, in 38 FR 21074.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BUILDING CONSTRUCTION:					
ASBESTOS WORKERS	$8.05	.25	.25		.10
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS-STONEMASONS	8.62		.20		
CARPENTERS:					
Carpenters & soft floor layers	7.44	.45	.40		.01
Millwrights	8.12	.45	.40		.01
Piledrivermen	7.97	.45	.40		.01
CEMENT MASONS	8.05				
ELECTRICIANS	9.15	.28	1%		1%
GLAZIERS	7.3848	.40	.82		
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.54	.40	.30		
LABORERS:					
Common laborers; Signal man; Wrecking, deck hand	5.76	.30			
Plaster tender; Mortar Mixer; Mason tender; Stone & marble setter tender; Drill op.; Jackhammer man; Air tamper; Air spade (electric or pneumatic); Spraying equipment & all mechanical operated tools; Excavation work over 6' deep below ground level or basement level	5.91	.30			
Tile layers (sewers)	6.01	.30			
Gunniting & sandblasting	6.11	.30			
Tunnel & sewer mucker & miner over 6' deep; Caisson worker & drill op. in tunnel & caisson; Powdermen	6.21	.30			
PAINTERS:					
Brush	6.05				
Rollers	6.15				
Sign	6.55				

DECISION NO AR-22

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Spray; Structural steel; Swing stage	$6.50				
Painting of structural steel over 25' from the ground or floor, bridges, water towers and stage work; spray gun & sandblasting	7.05				
PLASTERERS	7.70				
PLUMBERS-STEAMFITTERS	7.75	.30	.60		.05
ROOFERS	6.25			.25	
SHEET METAL WORKERS	8.70	.25	.20		.025
SPRINKLER FITTERS	9.25	.50	.70		.08
TRUCK DRIVERS:					
Warehouseman; Helpers; Teamsters; Mechanic helpers; Greasers; Single axle flat beds & dump trucks; Pulling air compressors & welding machines; Batch trucks 2-34E; Batches or less Chip Spreader;	5.95	11.50p/w			
Cheater axle; Pandems; 6 wheel trucks; Semi-trailers; Carryall; Winch; Mixers; Batch over 2-34E	6.15	11.50p/w			
Track trucks; Euclid type truck; Oil distributors; Front & rear; All types of dumpsters; Pavement breakers	6.45	11.50p/w			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING					
POWER EQUIPMENT OPERATORS:					
GROUP 1	9.10	.40	.50		.08
GROUP 2	9.00	.40	.50		.08
GROUP 3	8.90	.40	.50		.08
GROUP 4	7.75	.40	.50		.08
GROUP 5	7.50	.40	.50		.08
GROUP 6	6.65	.40	.50		.08

DECISION NO. AR-22

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - All hoists or steel erecting equipment.
GROUP 2 - Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (two operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (two drums), Hot Paint Wrapping Machine, Cleaning and Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Mucking Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists.
GROUP 3 - Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing one paver), Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneaupull and similar machines, DW-10, Hyster Winch and similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix and Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement and Gravel Batch Plants (one stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine and Float, Self-propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screen Operator, Apsco Spreader or similar machine, Slusher, Forklift (over 6000 lb. cap. or working at heights above 28 ft.), Concrete Conveyors.
GROUP 4 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power attachment, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than one well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 or less cap.), Gypsum Pump, Conveyor over 20 HP, Fuller Kenyon Cement Pump or similar machines.

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GROUP 5 - Air Compressor (275 cfm or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (two or three stop set-up), Small Rubber-tired Tractors (not including backhoes or endloaders), Self-propelled curing machine.
GROUP 6 - Oiler, Mechanic's Helper, Mechanical Heater (other than steamboiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine.

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$5.91	.25			
CEMENT MASONS	6.65				
LABORERS:					
GROUP 1	5.50	.30	.10		
GROUP 2	5.25	.30	.10		
GROUP 3	5.00	.30	.10		
GROUP 4	4.85	.30	.10		
GROUP 5	4.75	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air tracs, wagon drills and similar drills.
GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work.
GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer end painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers.

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GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers.
GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; water boy; Common labor; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$6.40	.30	.30		.01
GROUP 2	6.25	.30	.30		.01
GROUP 3	6.00	.30	.30		.01
GROUP 4	5.80	.30	.30		.01
GROUP 5	5.60	.30	.30		.01
GROUP 6	5.30	.30	.30		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator.
GROUP 2 - Asphalt plant operator; asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mixplant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator.

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GROUP 3 - Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Toutnapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.
GROUP 4 - Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator.
GROUP 5 - Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck.
GROUP 6 - Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller.

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$4.65	.25			
GROUP 2	4.75	.25			

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CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP 1 - Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles.

GROUP 2 - Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units.

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Story (City of Ames & abutting municipalities)

DECISION NO.: AR-23

DATE: Date of Publication

Supersedeas Decision No. AQ-14, dated August 3, 1973, in 38 FR 21066.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.87	.525	.48		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons	8.645		.20		
CARPENTERS:					
Carpenters; Piledrivermen	7.90		.15		
Millwrights	8.15		.15		
CEMENT MASONS	7.435				
ELECTRICIANS	9.33	.35	1%+.35		1%
ELEVATOR CONSTRUCTORS	7.77	.395	.26	2½%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTE:					
a - Employer contributes 4% of the basic hourly rate for 5 years of aervice and 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	6.895	.30	.25	2 weeks	
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.20	.275	.64		.02
LABORERS:					
Common laborers	5.715	.30	.05		
Mortar, plaster, & grout mixers; Jackhammer; Paving breaker; Rock drill; Vibrator operator; Motor buggy operators while pouring concrete	5.865	.30	.05		
Plasterers' tenders	5.915	.30	.05		
Concrete saw man	5.965	.30	.05		
Sandblaster	6.065	.30	.05		
Digging of or work within a shaft entering into natural underground cavities or caverns & work within the said shaft or caverns	6.215	.30	.05		

DECISION NO AR-23

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	$7.10				
PAINTERS:					
Brush; Roller; Drywall finisher	7.55				.03
Paperhangers	7.80				.03
Spray; Structural steel; Sandblasting	8.05				.03
PLASTERERS	8.50				
PLUMBERS; Steamfitters	8.05	.30	.50		.10
ROOFERS	7.82		.10		
SHEET METAL WORKERS	8.235	.35	.20		.05
SOFT FLOOR LAYERS	7.85	.30	.25		.04
SPRINKLER FITTERS	9.25	.50	.70		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
GROUP 1	8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.325	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm Type tractors (with loaders, backhoes attachments, etc.); Scrapers (townspull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist caze operated; Second man on locomotive.

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GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air compressors (over 125 cfm); Pumps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 kw and over); Fork lifts (other than above Group #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".
GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$5.91	.25			
CEMENT MASONS	5.65				
LABORERS:					
GROUP 1	5.50	.30	.10		
GROUP 2	5.25	.30	.10		
GROUP 3	5.00	.30	.10		
GROUP 4	4.85	.30	.10		
GROUP 5	4.75	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air tracs, wagon drills and similar drills.
GROUP 2 - Tree climber; Form setters; Rakers; Box tenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work.
GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers.

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GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers.
GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$6.40	.30	.30		.01
GROUP 2	6.25	.30	.30		.01
GROUP 3	6.00	.30	.30		.01
GROUP 4	5.80	.30	.30		.01
GROUP 5	5.60	.30	.30		.01
GROUP 6	5.30	.30	.30		.01

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator.
GROUP 2 - Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader Operator; Group equipment greaser; Automatic subgrade machine, slip form paving operator.

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GROUP 3 - Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P & H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/6 cu. yd.
GROUP 4 - Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator.
GROUP 5 - Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck.
GROUP 6 - Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller.

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$4.65	.25			
GROUP 2	4.75	.25			

DECISION NO. AR-23

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP 1 - Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles.
GROUP 2 - Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on; tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units.

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Clinton (City of Clinton & abutting municipalities)

DECISION NO.: AR-24

DATE: Date of Publication

Supersedes Decision No. AQ-108 dated May 10,1974, 39 FR 17019.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.05	.25	.25		.10
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS - STONEMASONS	7.60		.40		
CARPENTERS:					
Carpenters; Soft floor layers	6.84	.35	.25		
Piledrivermen	7.24	.35	.25		
Millwrights	8.45	6%	7%		6%
CEMENT MASONS	7.10		.40		
ELECTRICIANS:					
Electricians	8.30	.32	5.5%		.03
Cable splicers	8.55	.32	5.5%		.03
GLAZIERS	7.3848	.40	.82		
IRONWORKERS	8.75	.40	.375		.07
LABORERS:					
Common laborers	6.62	.30	.15		
Operator on air or power tools; mortar mixer man; any work thirty-five feet high or over; cement dumper, puddlers or vibrator man and men working with concrete pump hose; ditch work eight feet below ground level; any man working with creosote materials	6.87	.30	.15		
Cutting torch burner; caisson and cofferdam workers	6.92	.30	.15		
PAINTERS:					
Brush	7.22	.40	.40		.09
Spray; Structural steel	7.47	.40	.40		.09
PLASTERERS	7.60		.40		
PLUMBERS - STEAMFITTERS	8.25	.40	.35		.10
ROOFERS	8.80		.20		
SHEET METAL WORKERS	8.95	.25	.20		.04
SPRINKLER FITTERS	9.25	.50	.70		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$9.10	.40	.50		.08
GROUP 2	9.00	.40	.50		.08
GROUP 3	8.90	.40	.50		.08
GROUP 4	7.75	.40	.50		.08
GROUP 5	7.50	.40	.50		.08
GROUP 6	6.65	.40	.40		.08

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - All hoists or steel erecting equipment.

GROUP 2 - Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (two operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Bulking Hoist (2 drums), Hot Paint Wrapping Machine, Cleaning and Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Bucking Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Nine Hoists.

GROUP 3 - Athey, Barber-Green, Euclid or Halss Loader, Asphalt Pug Mill, Fireman and Oiler, Concrete Pump, Concrete Spreader (servicing one paver); Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneaupull and similar machines, DW-10, Hyster Winch and similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix and Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement and Gravel Batch Plants (one stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-propelled Rotary Drill or similar Machines, Work Boat, Combination Concrete Finishing Machine and Float, Self-propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screed Operator, Apsco Spreader or similar machine, Slusher, Forklift (over 6000 lb. cap. or working at heights above 28 ft.), Concrete Conveyors.

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GROUP 4 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power attachments, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work; Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than one well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 or less cap.), Gypsum Pump, Conveyor over 20 HP, Fuller-Kenyon Cement Pump or similar machines.

GROUP 5 - Air Compressor (275 cfm or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (two or three stop set-up), Small Rubber-tired Tractors (not including backhoes or endloaders), Self-propelled Curing Machine.

GROUP 6 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine.

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$5.91	.25			
CEMENT MASONS	5.65				
LABORERS:					
GROUP 1	5.50	.30	.10		
GROUP 2	5.25	.30	.10		
GROUP 3	5.00	.30	.10		
GROUP 4	4.85	.30	.10		
GROUP 5	4.75	.30	.10		

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CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe Layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air tracs, wagon drills and similar drills.

GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt Curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timberman; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work.

GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or prestressed concrete on or off the job; Powderman helpers.

GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers.

GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$6.40	.30	.30		.01
GROUP 2	6.25	.30	.30		.01
GROUP 3	6.00	.30	.30		.01
GROUP 4	5.80	.30	.30		.01
GROUP 5	5.60	.30	.30		.01
GROUP 6	5.30	.30	.30		.01

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CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator.

GROUP 2 - Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Clevcland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator.

GROUP 3 - Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.

GROUP 4 - Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator.

GROUP 5 - Boiler operator, single; Apprentice engineer or oil or mechanics helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck.

GROUP 6 - Batching plant operator, dry; Front end loader, rubber tired, with backhoe attachment, under 3/6 cu. yd.; Farm tractor pulling pneumatic roller.

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
GROUP 1	$4.65	.25			
GROUP 2	4.75	.25			

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP 1 - Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles.

GROUP 2 - Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units.

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Black Hawk (City of Waterloo & abutting municipalities)

DECISION NO.: AR-25

DATE: Date of Publication

Supersedes Decision No. AQ-17, dated August 3, 1973, in 38 FR 21078.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

7-IOWA-BHA-1 o (1-2)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.05	.25	.25		.10
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; STONEMASONS	7.88	.31	.50		
CARPENTERS:					
Carpenters; Piledrivermeh	6.97	.31	.73		.01
Millwrights	7.32	.31	.73		.01
CEMENT MASONS	6.90	.31	.55		
ELECTRICIANS:					
Electricians	8.68	.30	1%		1%
Cable Splicers	9.18	.30	1%		1%
ELEVATOR CONSTRUCTORS	7.545	.395	.26	2½%a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½%a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTE:					
a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.22				
LABORERS:					
Common laborers; Carpenters' helpers; Moving; Wrecking & demolition	5.96	.31			
Mason tenders; Hod carriers; Machine and air tool operators	6.06	.31			
Powderman	6.21	.31			
LATHERS	6.54	.25			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush, roller	$6.15		.20		.03
Tapers	6.25		.20		.03
Spray	6.65		.20		.03
PLASTERERS	6.74	.25			
PLUMBERS; STEAMFITTERS	7.47	.42	.50		.08
ROOFERS	6.92				
SHEET METAL WORKERS	7.10	.35	.10		
SOFT FLOOR LAYERS	6.97	.31	.73		.01
SPRINKLER FITTERS	9.25	.50	.70		.08
TRUCK DRIVERS:					
Up to 6 tons	5.14	.25	.30		
Helpers	4.97	.25	.30		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
GROUP 1	8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.325	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story);Concrete pump; Dewatering pumps, Temporary hoist cage operated; Second man on locomotive.

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GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air Compressors (over 125 c.f.m.); Pumps 3" or over; Welding machines 600 amps or combination thereof; conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group #2); Gunite machine; Self-propelled rollers; Stump Chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".

GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$6.55	.31			
CEMENT MASONS	5.65				
LABORERS:					
GROUP 1	5.50	.30	.10		
GROUP 2	5.25	.30	.10		
GROUP 3	5.00	.30	.10		
GROUP 4	4.85	.30	.10		
GROUP 5	4.75	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air track, wagon drills and similar drills.

GROUP 2 - Tree climber; Form setters; Bakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work.

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GROUP 3 - Power buggyman; Concrete and paving saxman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers.

GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers, and jack hammers; Tree groundman; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers.

GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$6.40	.30	.30		.01
GROUP 2	6.25	.30	.30		.01
GROUP 3	6.00	.30	.30		.01
GROUP 4	5.80	.30	.30		.01
GROUP 5	5.60	.30	.30		.01
GROUP 6	5.30	.30	.30		.01

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CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver-machine operator.

GROUP 2 - Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator.

GROUP 3 - Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.

GROUP 4 - Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flex-plane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator.

GROUP 5 - Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck.

GROUP 6 - Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller.

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HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$4.65	.25			
GROUP 2	4.75	.25			

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP 1 - Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scooprobiles.

GROUP 2 - Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units.

XUM

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Woodbury (City of Sioux City & abutting municipalities)

DECISION NO.: AR-26

DATE: Date of Publication

Supersedes Decision No. AC-11 , dated August 3, 1973 in FR 21055.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

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BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.78				.03
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS-STONEMASONS	7.71		.20		.01
CARPENTERS:					
Carpenters; Piledrivermen	7.00	.30	.25		.01
Millwrights	7.30	.30	.25		.01
CEMENT MASONS	8.255				
ELECTRICIANS	8.98	.27	1%	6%	1%
ELEVATOR CONSTRUCTORS	7.38	.395	.26	2½%a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½%a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTES:					
a - Employer contributes $% of basic hourly rate for over 5 years; service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Paid holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	6.95				
IRONWORKERS:					
Ornamental; Reinforcing; Structual	7.355	.30	.14		.01
LABORERS:					
Common laborers	5.39	.37	.20		.02
Mortar mixer; Plasterers' mixers; Air tool operators; Mechanical tampers; Concret saw; Gunite nozzle; Chain saw; Wrecking torch; San pot & blasting	5.49	.37	.20		.02
LATHERS	7.20				.01
MARBLE SETTERS	7.71		.20		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush	6.10	.30	.20		
Spray	6.60	.30	.20		
All swing work	6.60	.30	.20		
All work higher than 40 ft. - scaffolds, jacks, ladders, etc.	6.60	.30	.20		
Pressure roller, sandblasting	6.60	.30	.20		
Structural steel over 25 ft.	6.60	.30	.20		
PLASTERERS	7.30				
PLUMBERS-STEAMFITTERS	8.34	.30	.45		.10
ROOFERS:					
Roofers	6.75				
Kettlemen	6.55				
SHEET METAL WORKERS	8.14	.35	.25		
SPRINKLER FITTERS	9.25	.50	.70		.08
TERRAZZO WORKERS	7.71		.20		.01
TILE SETTERS	7.00				
TRUCK DRIVERS	4.95				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
GROUP 1	7.65	.40	.40		.03
GROUP 2	7.54	.40	.40		.03
GROUP 3	6.825	.40	.40		.03
GROUP 4	6.55	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

GROUP 2 - 1 and 2 drum hoists; air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixer; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (townspull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor

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patrol; Buildozers; Push cat; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8'and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive.

GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air Compressors (over 125 c.f.m.); Pumps 3"or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 kw and over); Fork lifts (other than above Group 02); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".

GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

XUM

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Johnson (City of Iowa City & abutting municipalities)

DECISION NO.: AR-27

DATE: Date of Publication

Supersedeas Decision No. AQ-20, dated August 24, 1973, in 38 FR 22861.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

52-IOWA-JOH-1 M (1 - 2)

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.05	.25	.25		.10
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS-STONEMASONS	7.885		.55		
CARPENTERS:					
Carpenters; Soft floor layers	7.23	.35	.30		.03
Piledrivermen	7.48	.35	.30		.03
Millwrights	8.45	6%	7%		6%
CEMENT MASONS	7.23	.25			
ELECTRICIANS	9.10	.33	1%		1%
ELEVATOR CONSTRUCTORS	7.545	.395	.26	2½%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTE: a - Employer contributes 4% of the basic hourly rate for over 5 years service and 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit. Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	7.3848	.40	.82		
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.22				
LABORERS:					
Common laborers	5.72	.30	.25		
Mason mortar mixers	5.92	.30	.25		
All jack & chipping hammers; All water & sewer tile layers; Chain saw; Cutting torches; Power buggies; Rock drills; Tampers; Vibrators; Well point work	6.02	.30	.25		
LATHERS	8.50				
PAINTERS:					
Brush	6.93				
Paperhangers; Structural steel; Swing stage to 55 ft.	7.18				
Spray	7.58				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS	$8.50				
PLUMBERS-STEAMFITTERS	7.90	.30	.30		.10
ROOFERS	6.50		.20		
SPRINKLER FITTERS	9.25	.50	.70		.08
TRUCK DRIVERS	4.63				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING & CONSTRUCTION POWER EQUIPMENT OPERATORS:					
GROUP 1	8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.325	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors, caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor patrol; Bulldozers; Push cat; Truck cranes and cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive.

GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air compressors (over 125 c.f.m.); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 5".

GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

DECISION NO. AR-27

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$5.91	.25			
CEMENT MASONS	5.65				
LABORERS:					
GROUP 1	5.50	.30	.10		
GROUP 2	5.25	.30	.10		
GROUP 3	5.00	.30	.10		
GROUP 4	4.85	.30	.10		
GROUP 5	4.75	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air tracs, wagon drills and similar drills.

GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade Checker and cutting torches on demolition work.

GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers.

GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tempers; electric drills, hammers and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sandblaster helper; Concrete processing material and monitors; Cement finishers helpers.

GROUP 5 - Fence erectors; Handling and placing of metal mesh; dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

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HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$6.40	.30	.30		.01
GROUP 2	6.25	.30	.30		.01
GROUP 3	6.00	.30	.30		.01
GROUP 4	5.80	.30	.30		.01
GROUP 5	5.60	.30	.30		.01
GROUP 6	5.30	.30	.30		.01

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator.

GROUP 2 - Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator.

GROUP 3 - Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (PAH and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.

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GROUP 4 - Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator.

GROUP 5 - Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck.

GROUP 6 - Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller.

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$4.65	.25			
GROUP 2	4.75	.25			

DECISION NO. AR-27

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP 1 - Truck-drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles.

GROUP 2 - Truck drivers for semi and tandem: Ready mix; Dumpster operator; Drivers on: tandem service trucks, Forking and similar dumpsters, track trucks, euclids, bug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units.

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Linn (City of Cedar Rapids & abutting municipalities)

DECISION NO.: AR-28

DATE: Date of Publication

Supersedes Decision No. AQ-19, dated August 24, 1973, in 38 FR 22857.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.05	.25	.25		.10
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS-STONEMASONS	7.885		.55		
CARPENTERS:					
Carpenters	7.23	.30			.02
Millwrights; Piledrivermen	7.60	.30			.02
CEMENT MASONS	7.23	.25			
ELECTRICIANS	9.10	.33	1%		1%
ELEVATOR CONSTRUCTORS	7.545	.395	.26	2½%a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½%a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTE: a - Employer contributed 4% of basic hourly rate for over 5 years service; 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	7.3848	.40	.82		
IRONWORKERS: Ornamental; Reinforcing; Structural	8.22				
LABORERS:					
Common laborers	5.77	.30	.20		
All water service, Mortar mixers; Sewer tile layers	5.895	.30	.20		
Air, electric or gasoline powered jackhammers, chipping hammers; Machine rock drills; Power driven buggies; Tampers; Vibrators; Well point work	5.97	.30	.20		
LATHERS	8.50				

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush	$6.93				
Paperhangers; Structural steel; Swing stage to 55 feet	7.18				
Spray	7.58				
PLASTERERS	8.50				
PLUMBERS-STEAMFITTERS	7.90	.30	.30		.10
ROOFERS	6.50		.20		
SOFT FLOOR LAYERS	7.23	.30			.02
SPRINKLER FITTERS	9.25	.50	.70		.08
TRUCK DRIVERS	5.64				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
GROUP 1	8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.325	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower Cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm Type tractors (with loader's, backhoes, attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive.

DECISION NO. AR-28

GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air compressors (over 125 cfm); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (boiler); Generator (75 kw and over); Fork lifts (other than above Group 02); Cunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".

GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
CARPENTERS & PILEDRIVERMEN	$5.91	.25			
CEMENT MASONS	5.65				
LABORERS:					
GROUP 1	5.50	.30	.10		
GROUP 2	5.25	.30	.10		
GROUP 3	5.00	.30	.10		
GROUP 4	4.85	.30	.10		
GROUP 5	4.75	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operator of air tracs, wagon drills and similar drills.

GROUP 2 - Tree climber; Form setters, Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade Checker and cutting torches on demolition work.

GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers.

DECISION NO. AR-28

GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers; electric drills, hammers and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sandblaster helper; Concrete processing material and monitors; Cement finishers helpers.

GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers, Water boy; Common laborers; Rodmen Tending to carpenters; Hot asphalt labor; Stringman on paving work.

HEAVY AND HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
GROUP 1	$6.40	.30	.30		.01
GROUP 2	6.25	.30	.30		.01
GROUP 3	6.00	.30	.30		.01
GROUP 4	5.80	.30	.30		.01
GROUP 5	5.60	.30	.30		.01
GROUP 6	5.30	.30	.30		.01

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator.

GROUP 2 - Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator.

DECISION NO. AR-28

GROUP 3 - Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.

GROUP 4 - Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator.

GROUP 5 - Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck.

GROUP 6 - Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller.

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP 1 - Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles.

GROUP 2 - Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units.

XUM

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Dubuque (City of Dubuque & abutting municipalities)

DECISION NO.: AR-29

DATE: Date of Publication

Supersedes Decision No. AQ-13, dated August 3, 1973, in 38 FR 21062.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.05	.25	.25		.10
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS - STONEMASONS	7.82	.31			
CARPENTERS:					
Carpenters	6.70		.37		
Piledrivermen	7.10		.37		
Millwrights	7.20		.37		
CEMENT MASONS	7.12				1%
ELECTRICIANS	7.85	.27	1%		
ELEVATOR CONSTRUCTORS	7.545	.395	.26	2½%a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½%a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTE: a - Employer contributes 4% of basic hourly rate for over 5 years service and 2% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Paid Holidays: New Years Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	7.3848	.40	.82		.07
IRONWORKERS (SE Portion)	8.75	.40	.375		
IRONWORKERS (Remainder of County)	8.22				
LABORERS:					
Common laborers; Gas distributors	5.32	.30			
All air operated tools; Bricklayers' helpers & tenders; Caisson workers; Carpenters helpers; Handling & cleaning of all steel floor pans & wall forms; Mortar mixers; Plasterers' helpers & tenders; Tile setters (4"-6"-8")	5.42	.30			
Tile Setters (10" & up)	5.57	.30			
LATHERS	7.10				
MARBLE SETTERS; TERRAZZO WORKERS; TILE SETTERS	7.57	.31			

DECISION NO AR-29

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush or roller epoxy; Paperhanging; Tapes	$6.25		.20		
High work and steel; spraying	6.60		.20		
PLASTERERS	7.10				
PLUMBERS - STEAMFITTERS	9.61	.36	.30		.08
ROOFERS	6.40		.15		
SHEET METAL WORKERS	7.85	.25	.20		.03
SPRINKLER FITTERS	9.25	.50	.70		.08
TRUCK DRIVERS:					
Single axle	5.24	9.50p/w			
Tandem axle; Tractor trailers; Winches	5.39	9.50p/w			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:					
GROUP 1	8.15	.40	.40		.03
GROUP 2	8.04	.40	.40		.03
GROUP 3	7.325	.40	.40		.03
GROUP 4	7.05	.40	.40		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derricks; Piledrivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3 drum hoist; Welders; Mechanics; Locomotive; Dredge (levermen).

GROUP 2 - 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoes attachments, etc.); Scrapers (tournapull, etc.); Endloaders; Dredge (engineer); Side boom and winch truck other than Group #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 tons and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pump; Temporary hoist cage operated; Second man on locomotive.

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GROUP 3 - Tractors (under 35 h.p.) with or without attachments; Endloaders (under 35 h.p.) with or without attachments; Air compressors (over 125 c.f.m.); Pumps 3" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Group #2); Gunite machine; Self-propelled rollers; Stump chippers; self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8".

GROUP 4 - Oilers; Mechanical Heaters; Truck Crane Drivers; Permanent elevators.

HEAVY & HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$5.91	.25			
CEMENT MASONS	5.65				
LABORERS:					
GROUP 1	5.50	.30	.10		
GROUP 2	5.25	.30	.10		
GROUP 3	5.00	.30	.10		
GROUP 4	4.85	.30	.10		
GROUP 5	4.75	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air tracs, wagon drills and similar drills.

GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timbermen; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work.

GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or pre-stressed concrete on or off the job; Powderman helpers.

DECISION NO. AR-29

GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundman; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers.

GROUP 5 - Fence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborers; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work.

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP 1	$6.40	.30	.30		.01
GROUP 2	6.25	.30	.30		.01
GROUP 3	6.00	.30	.30		.01
GROUP 4	5.80	.30	.30		.01
GROUP 5	5.60	.30	.30		.01
GROUP 6	5.30	.30	.30		.01

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge levermen; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator.

GROUP 2 - Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator.

GROUP 3 - Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd. struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.

GROUP 4 - Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator.

GROUP 5 - Boiler operator, single; Apprentice engineer or oil or mechanics' helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck.

GROUP 6 - Batching plant operator, dry; Front end loader operator, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY AND HIGHWAY CONSTRUCTION					
TRUCK DRIVERS:					
GROUP 1	$4.65	.25			
GROUP 2	4.75	.25			

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP 1 - Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoopmobiles.

GROUP 2 - Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units.

SUPERSEDEAS DECISION

STATE: Louisiana
PARISH: Statewide
DECISION NO.: AR-37
DATE: Date of Publication
Supersedes Decision No. AR-12, dated August 16, 1974, in 39 FR 29764.
DESCRIPTION OF WORK: Building (including Residential in Bossier, Caddo & Calcasieu Parishes only) Construction and Construction of Highways, Roads, Streets, Parking Areas (except those let with a building contract)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS					
ZONE 1	$8.145	.325	.30		.04
ZONE 2	7.98	.30	.51		.025
ZONE 3	7.25	.40	.90		
ZONE 4	7.35	.30			

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, Vermilion & Vernon Parishes
ZONE 2 - Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Grant, Jackson, Lincoln, Natchitoches, Ouachita, Red River, Sabine, Union, Webster & Winn Parishes
ZONE 3 - Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, LaSalle, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 4 - East Carroll, Franklin, Madison, Morehouse, Richland, Tensas & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BOILERMAKERS	$7.80	.30	.76		.02
BRICKLAYERS & STONEMASONS					
ZONE 1	7.44	.20	.15		.01
ZONE 2	6.68				
ZONE 3	7.85	.43	.20		.02
ZONE 4	7.90	.25	.15		.035
ZONE 5	6.75				
ZONE 6	6.68				
ZONE 7	7.45	.30	.30		
ZONE 8	7.75		.30		
ZONE 9	7.75		.10		
ZONE 10	8.00				

Area Covered by Boilermakers Zones

ZONE 1 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Evangeline, Pointe Coupee & St. Landry Parishes
ZONE 3 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 4 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U.S. Highway #190 through the lower limits of Covington, along State Highway #58, through the lower limits of Abita Springs & Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 5 - St. Tammany (north half including Covington north of Highway #190) & Washington Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Natchitoches & Sabine Parishes
ZONE 9 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 10 - Iberia, Lafayette, St. Martin & St. Mary Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS					
ZONE 1	$6.88				
ZONE 2	6.965	.25	.18		.05
ZONE 3	5.80				
ZONE 4	6.95	.20	.20		.04
ZONE 5	7.95	.20	.20		.04
ZONE 6	7.785	.20	.20		.04
ZONE 7	6.40				
ZONE 8	7.15	.10	.25		.03
ZONE 9	6.40				
ZONE 10	6.60	.35	.20		.05

Area Covered by Carpenters Zones

ZONE 1 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - St. Tammany (to the overpass at Slidell, Louisiana, along State Highway #464 in St. Tammany Parish to the city limits of the town of Ponchatoula running north & south to Amite, Louisiana in Tangipahoa Parish including the town of Covington, Louisiana in St. Tammany Parish), Tangipahoa & Washington Parishes

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CARPENTERS (CONT'D)

ZONE 4 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 5 - Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) & St. John the Baptist Parishes
ZONE 6 - Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 7 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 9 - Natchitoches & Sabine Parishes
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS (BUILDING CONSTRUCTION)					
ZONE 1	$6.235				
ZONE 2	6.70				
ZONE 3	6.40	.40	.25		.05
ZONE 4	7.205	.25	.30		.04
ZONE 5	5.85				
ZONE 6	5.00				
ZONE 7	6.60				
ZONE 8	6.57		.10		
ZONE 9	5.75		.30		

Area Covered by Cement Masons Zones

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jeffercon Davis & Vernon Parishes
ZONE 3 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (southern portion) & Terrebonne Parishes
ZONE 5 - St. Tammany (northern half including Covington north of Highway #190) & Washington Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Natchitoches & Sabine Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS (HIGHWAY CONSTRUCTION)					
On concrete lined ditches:					
ZONE 1	$8.195				
ZONE 2	6.75				
On other work:					
ZONE 1	6.20				
ZONE 2	6.05				
ZONE 3	6.05				
ZONE 4	6.00				
ZONE 5	5.46				

AREA COVERED BY CEMENT MASONS ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - Ascension, East Baton Rouge, U.S. Highway 61 in East Feliciana & West Feliciana Parishes
ZONE 3 - Bossier, Caddo, Calcasieu & Cameron Parishes
ZONE 4 - Acadia, Allen, Assumption, Avoyelles, Beauregard, Bienville, Claiborne, DeSoto, East Feliciana (excluding U.S. Highway 61), Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Lafourche, Lincoln, Livingston, Madison, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Webster & West Baton Rouge Parishes
ZONE 5 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Morehouse, Sabine, Tensas, Union, Washington, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS					
Electricians					
ZONE 1	$8.80	.25	1%+.30		3/10%
ZONE 2	7.25		1%		
ZONE 3	9.05	.35	1%+.10		1/10%
ZONE 4	8.20	.25	1%		
ZONE 5	8.90	.30	1%+.20		.03
ZONE 6	7.70	.30	1%		1/2%
ZONE 7	7.95	.45	1%		1%
ZONE 8	7.45	.35	1%		1/2%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cable splicers	$9.05	.25	1%+.30		3/10%
ZONE 1	7.75		1%		
ZONE 2	9.30	.35	1%+.10		1/10%
ZONE 3	8.45	.25	1%		
ZONE 4	8.90	.30	1%+.20		.03
ZONE 5	8.20	.30	1%		1/2%
ZONE 6	8.45	.45	1%		1%
ZONE 7	7.70	.35	1%		1/2%
ZONE 8					

AREA COVERED BY ELECTRICIANS ZONES

ZONE 1 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes
ZONE 2 - St. Tammany, Tangipahoa & Washington Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (that portion north of Iberia Parish), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (that portion south of Iberia Parish), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS					
ZONE 1					
Elevator constructors	$7.93	.395	.26	2.5%+a+b	.02
Elevator constructors' helpers	70%JR	.395	.26	2.5%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
ZONE 2					
Elevator constructors	6.68	.395	.26	2.5%+a+b	.02
Elevator constructors' helpers	70%JR	.395	.26	2.5%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				

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FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

AREA COVERED BY ELEVATOR CONSTRUCTORS ZONES

ZONE 1 - Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Bantist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS					
ZONE 1	$5.55				
ZONE 2	5.90				
ZONE 3	7.175	.17	.30		.01
ZONE 4	4.35				
ZONE 5	6.30				
ZONE 6	5.60				

Area Covered by Glaziers Zones

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (north & west of Highway #22), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberville, Livingston (north & west of Highway #22), Pointe Coupee, St. Helena, Tangipahoa (west of Highway #51), West Baton Rouge & West Feliciana Parishes
ZONE 3 - Ascension (east & south of Highway #22), Assumption (south of Grand Bayou), Jefferson, Lafourche, Livingston (east & south of Highway #22), Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany, Tangipahoa (east of Highway #51), Terrebonne & Washington Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary (except Morgan City Area) & Vermilion Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to the city of Natchitoches), Red River, Sabine & Webster Parishes
ZONE 6 - Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS (BUILDING CONSTRUCTION)					
ZONE 1	$7.75	.20	.35		.02
ZONE 2	8.09	.30	.25		.015
ZONE 3	7.65	.30	.35		.04
ZONE 4	7.65	.30	.35		.04
ZONE 5	6.40	.30	.25		.04
ZONE 6	7.50	.30	.35		.025

Area Covered by Ironworkers Zones

ZONE 1 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Parishes; Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (west of a straight line drawn from the Louisiana-Mississippi border, east of the city limits of Warrenton, Louisiana, southwest through Hammond, Louisiana to the Gulf of Mexico)

ZONE 2 - All of Ascension, Assumption, Avoyelles, East Baton Rouge, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. Martin, St. Mary, West Baton Rouge & West Feliciana Parishes; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Parishes (east of a line drawn from the meeting point of the boundaries of the Parishes of Rapides, Avoyelles & Evangeline, southwest along the western city limits of Abbeville, Louisiana, to the Gulf of Mexico); Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (west of a straight line drawn from the Louisiana-Mississippi border, west of the city limits of Warrenton, Louisiana, southwest through Hammond, Louisiana to the Gulf of Mexico);Parts of Catahoula, Concordia, LaSalle & Rapides Parishes (south of a line drawn from Natchez, Mississippi southwesterly to the city of Kolin, from there northwesterly through the city of Boyce to the Natchitoches Parish boundary)

ZONE 3 - All of Bossier, Caddo, DeSoto, Red River & Webster Parishes; Parts of Bienville, Claiborne, Natchitoches & Winn Parishes (west of a line drawn directly south from the Arkansas-Louisiana border through the cities of Arcadia & Clouterville); Part of Sabine Parish (north of a line drawn from the Natchitoches Parish boundary west through the city of Peason to the Texas-Louisiana border)

ZONE 4 - All of Caldwell, East Carroll, Franklin, Grant, Jackson, Lincoln, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes; Parts of Bienville, Claiborne, Natchitoches & Winn Parishes (east of a line drawn directly south from the Arkansas-Louisiana border through the cities of Arcadia & Clouterville); Part of Madison Parish (except the cities of Mound, Delta & adjacent areas); Parts of Catahoula, Concordia, LaSalle & Rapides Parishes (north of a line drawn from Natchez, Mississippi southwesterly to the city of Kolin, from there northwesterly through the city of Boyce to the Natchitoches Parish boundary)

ZONE 5 - That part of Madison Parish (including the cities of Mound, Delta & adjacent areas)

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IRONWORKERS (CONT'D)

ZONE 6 - All of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes; Parts of Acadia, Evangeline, Lafayette, Rapides, St. Landry & Vermilion Parishes (west of a line drawn from the city of Kolin, southwest along the western city limits of Abbeville, Louisiana to the Gulf of Mexico and southwest of a line drawn from Kolin through Boyce to the Natchitoches-Rapides Parish boundary); Part of Sabine Parish south of a line drawn from the Natchitoches Parish boundary west through the city of Peason to the Texas-Louisiana border)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS (HIGHWAY CONSTRUCTION)					
ZONE 1	$8.32				
ZONE 2	8.08				
ZONE 3	8.30				
ZONE 4	7.90				
ZONE 5	7.76				
ZONE 6	6.67				
ZONE 7	6.15				
ZONE 8	5.57				

Area Covered by Ironworkers Zones

ZONE 1 - Jefferson & Orleans Parishes
ZONE 2 - Plaquemines, St. Bernard & St. Charles Parishes
ZONE 3 - East Baton Rouge Parish
ZONE 4 - Calcasieu Parish
ZONE 5 - Bossier & Caddo Parishes
ZONE 6 - Lafayette, Ouachita & Rapides Parishes
ZONE 7 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 8 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (that portion south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (BUILDING CONSTRUCTION)					
ZONE 1					
GROUP 1	$3.90	.10			
GROUP 2	4.05	.10			
GROUP 3	4.15	.10			
ZONE 2					
GROUP 1	4.32	.15			.05
GROUP 2	4.52	.15			.05
ZONE 3					
GROUP 1	5.23	.15	.10		
GROUP 2	5.33	.15	.10		
GROUP 3	5.38	.15	.10		
GROUP 4	6.19	.15	.10		
GROUP 5	5.75	.15	.10		
GROUP 6	5.49	.15	.10		
GROUP 7	5.28	.15	.10		
ZONE 4					
GROUP 1	4.83	.10	.10		.05
GROUP 2	4.93	.10	.10		.05
GROUP 3	4.98	.10	.10		.05
ZONE 5					
GROUP 1	4.43	.10	.10		.05
GROUP 2	4.53	.10	.10		.05
GROUP 3	4.58	.10	.10		.05
ZONE 6					
GROUP 1	5.46	.10	.10		
GROUP 2	5.56	.10	.10		
GROUP 3	5.71	.10	.10		
GROUP 4	5.58	.10	.10		
GROUP 5	5.68	.10	.10		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 7					
GROUP 1	$5.205	.10	.10		
GROUP 2	5.355	.10	.10		
GROUP 3	5.405	.10	.10		
ZONE 8					
GROUP 1	3.95	.15	.10		
GROUP 2	4.15	.15	.10		
GROUP 3	4.20	.15	.10		
GROUP 4	4.25	.15	.10		
GROUP 5	4.60	.15	.10		
ZONE 9					
GROUP 1	4.23	.15	.10		
GROUP 2	4.33	.15	.10		
GROUP 3	4.38	.15	.10		
GROUP 4	4.43	.15	.10		
ZONE 10					
GROUP 1	4.16	.15	.10		.05
GROUP 2	4.26	.15	.10		.05
GROUP 3	4.41	.15	.10		.05

CLASSIFICATION DEFINITIONS

LABORERS - ZONE 1

GROUP 1 - Building and labor construction
GROUP 2 - Stone mason helpers; mechanical tool operators; sewerman (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers and ditchers 4 feet or over); tender of all crafts; sandblaster (nozzlemen); Sandblaster (pot tender); laying non-metallic pipe over 4 feet deep, including sewer pipe, drain pipe, and underground tile; septic tank diggers and installers, over 4 feet deep; gas & oil pipeline laborers and wrappers
GROUP 3 - Gunite tool operators

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LABORERS - ZONE 2

GROUP 1 - Building laborer; rotary drill laborers; foundation drill crewman
GROUP 2 - Mason mixer; plaster mixer; mechanical tool operator; sandblaster; laying concrete pipe, clay pipe, plastic pipe, asbestos cement pipe, casing pipe and corrugated metal pipe, as sewer pipe, drain pipe, and underground tile (caulkers, joint wrappers, hot pot and pipe layers); gas and oil pipeline laborers, wrappers and dopers

LABORERS - ZONE 3

GROUP 1 - Building and general laborer; tenders (carpenter, plaster, cement finisher, mason); tank and vessel cleaners
GROUP 2 - Air tool operators (except jackhammer); interior of closed tanks and vessels power equipment
GROUP 3 - Mortar mixers and jackhammer operators
GROUP 4 - Blasterers
GROUP 5 - Blaster helpers; concrete cutters behind paving machine and puddlers; form setters and lines asphalt worker
GROUP 6 - Wiping joints, laying pipe and tile from pumpcrete
GROUP 7 - Interior of closed tanks and vessels manually

LABORERS - ZONES 4 & 5

GROUP 1 - Building and general laborers, carpenter tenders
GROUP 2 - Power tool operators (hamer men, tamper, vibrators, power buggies, concrete chippers or cutters, chain saw operators, etc.); pipelayers (non-metallic)
GROUP 3 - Mason tenders, plaster tenders, cement mix (wet or dry) tenders, hod carrier tender; mortar mixers & cement mixers (wet or dry)

LABORERS - ZONE 6

GROUP 1 - Building laborers
GROUP 2 - Laborers handling steel pans, stone masons helpers, mechanical tool operators, sewermen (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers and ditchers 4 feet and over), sand blaster (nozzlemen and pot tender), laying non-metallic pipe over 4 feet deep, septic diggers and installers over 4 feet deep, gas and oil pipeline laborers and wrappers
GROUP 3 - Gunite tool operators
GROUP 4 - Bricklayers tenders and mason tenders
GROUP 5 - Hod carriers using prime mover to serve a bricklayer; mortar mixers

LABORERS - ZONE 7

GROUP 1 - Common laborers
GROUP 2 - Jackhammermen, sewermen, mason tenders, plasterer tenders, stone masons helpers, vibratormen
GROUP 3 - Mortar mixers

LABORERS - ZONE 8

GROUP 1 - Common laborers; carpenter helpers; mason tenders (other than cement); plasterers' tenders; stone mason helpers; concrete workers; scaffold builders
GROUP 2 - Air tool operators (jackhammer, vibrator, and tamper); sewer pipe joiners and setters; concrete cutters; hod carriers; creosote materials handler; acid worker; mason tenders (cement); mortar mixer (wet or dry); motorized buggy operator; waterproofers (mastic); form setters (steel paving forms)
GROUP 3 - Chain saw operator
GROUP 4 - Asphalt raker, tamper, smoother and shovelers; sewer pipe layers; blaster helpers
GROUP 5 - Powderman

LABORERS - ZONE 9

GROUP 1 - Building laborers
GROUP 2 - Mason tenders, plasterer tenders; Asphalt rakers, asphalt smoothers
GROUP 3 - Mortar mixers
GROUP 4 - Air jack operators, vibrator operators; Sewer pipe layers, sewer pipe wipers

LABORERS - ZONE 10

GROUP 1 - Laborers, tenders (brickmasons, stonemasons, cement masons, carpenter, plasterers); Stripping & dismantling; concrete form work; loading, unloading, carrying & handling steel & steel mesh; assisting to the setting of cut stone, granite or artifical stone; building scaffolds; shoring
GROUP 2 - Mechanical tool operator (air, electric, motor, engine, etc.); sewer pipe layers; mortar mixers (hand or machine); gunite operator
GROUP 3 - Pipe dopers & burners

AREA COVERED BY LABORERS ZONES

ZONE 1 - St. Tammany (as far south as Bayou Lacombe and east to the Mississippi State Line at Pearlington), Tangipahoa (except that portion south of a line running due east from the western boundary of Tangipahoa Parish which follows the northern city limits of Independence, Louisiana to 29 miles east of U.S. Highway #51, then running south paralleling Highway #51 at a 29 mile distance to Lake Pontchartrain) & Washington Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge & West Feliciana Parishes; Parts of Assumption, St. James, St. John the Baptist Parishes (north of a line drawn from the southern limits of the town of St. James in St. James Parish to the northern limits of the town of Napoleonville, in Assumption Parish & then directly west to the Parish line, all of St. James Parish except that part which is east of a line drawn from Lutcher, Louisiana to U.S. Highway 61 (Airline Highway) then west on U.S. 61 to Blind River and on a direct line to Manchac, Louisiana)
ZONE 5 - Livingston, St. Helena & Tangipahoa (south & west of a line running from the western parish line to a point directly east which touches the northern limits of the town of Independence, then directly south to Lake Pontchartrain) Parishes.
ZONE 6 - Jefferson (except Grand Isle), Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist (on the west bank of the Mississippi River and the portion of St. John the Baptist on the east bank of the Mississippi River as far as the Sycanore Inn Lutcher and north to Blind River and Manchac) & St. Tammany (north as far as Bayou Lacombe, east to the Mississippi State Line at Pearlington) Parishes
ZONE 7 - Assumption (north of Napoleonville), Jefferson (Grand Isle), Lafourche, St. James (on the west bank and including the town of Vacherie) & Terrebonne Parishes
ZONE 8 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides & Winn Parishes
ZONE 9 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS (HIGHWAY CONSTRUCTION)					
GROUP 1					
ZONE 1	$4.65	.10	.10		.05
ZONE 2	4.35	.10	.10		.05
ZONE 3	3.95	.10	.10		.05
ZONE 4	4.65	.10	.10		.05
ZONE 5	3.90	.10	.10		.05
ZONE 6	3.65	.10	.10		.05
ZONE 7	3.55	.10	.10		.05
GROUP 2					
ZONE 1	4.75	.10	.10		.05
ZONE 2	4.45	.10	.10		.05
ZONE 3	4.05	.10	.10		.05
ZONE 4	4.75	.10	.10		.05
ZONE 5	4.00	.10	.10		.05
ZONE 6	3.75	.10	.10		.05
ZONE 7	3.65	.10	.10		.05
GROUP 3					
ZONE 1	5.20	.10	.10		.05
ZONE 2	4.90	.10	.10		.05
ZONE 3	4.50	.10	.10		.05
ZONE 4	5.20	.10	.10		.05
ZONE 5	4.45	.10	.10		.05
ZONE 6	4.20	.10	.10		.05
ZONE 7	4.10	.10	.10		.05
GROUP 4					
ZONE 1	5.45	.10	.10		.05
ZONE 2	5.15	.10	.10		.05
ZONE 3	4.75	.10	.10		.05
ZONE 4	5.45	.10	.10		.05
ZONE 5	4.65	.10	.10		.05
ZONE 6	4.40	.10	.10		.05
ZONE 7	4.30	.10	.10		.05

CLASSIFICATION DEFINITIONS

GROUP 1 - Laborers, including but not limited to signalman, foundation driller, and demolishing and dismantling man
GROUP 2 - Raker, concrete spreader, carpenters helpers, distributor man, finishers helpers, formsetters helpers, jackhammer operator, jetting laborer, painters helpers, pit man, pipelayer or tile layer, power monkey helper, tamper, tree pruner, stone masons helper, stoker, asphalt raker, concrete shovelers, power tool operator and motorized buggy operator
GROUP 3 - Formsetter, head or master--high type pavement
GROUP 4 - Powderman

AREA COVERED BY VARIOUS ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - East Baton Rouge Parish
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu Parish
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Mary, St. Martin (that portion south of Iberia Parish), Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LATHERS					
ZONE 1	$6.45		.29		.01
ZONE 2	7.38	.20	.15		.05
ZONE 3	6.00	.125			.01
ZONE 4	7.475				.01
ZONE 5	5.75				.01

AREA COVERED BY LATHERS ZONES

ZONE 1 - All of Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, Vermilion, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James (up to a 40 mile radius of Baton Rouge); Parts of Evangeline & St. Mary (up to a 40 mile radius of Lafayette)
ZONE 2 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne & Washington Parishes; Parts of Assumption & St. James Parishes (beyond a 40 mile radius of Baton Rouge); Part of St. Mary Parish (beyond a 40 mile radius of Lafayette)
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Evangeline (that portion beyond a 40 mile radius of Lafayette), Jefferson Davis & Vernon Parishes
ZONE 4 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Lincoln, Natchitoches, Red River & Webster Parishes
ZONE 5 - Rapides Parish

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION					
ZONE 1					
Linemen	$8.90	.30	1%+.20		.03
Operator hole digging equipment; operator, tractor with winch & derrick; operator line truck with winch & derrick working hot lines	75%JR	.30	1%+.20		.03
Operator using hole truck & trailer, or pole hauling & setting truck (not in energized lines)	65%JR	.30	1%+.20		.03
Operator using truck without winch	45%JR	.30	1%+.20		.03
Groundmen (1½ years service or over)	50%JR	.30	1%+.20		.03
Groundmen (starting rate to 1½ years service)	45%JR	.30	1%+.20		.03
ZONE 2					
Linemen, line equipment & line truck operators	8.80	.25	1%+.30		3/10%
Cable splicers	9.05	.25	1%+.30		3/10%
ZONE 3					
Linemen, equipment operators	9.05	.35	1%+.10		1/10%
Cable splicers	9.30	.35	1%+.10		1/10%
Groundmen	7.05	.35	1%+.10		1/10%
ZONE 4					
Linemen & equipment operators	7.80	.25	1%		
Cable splicers	8.45	.25	1%		
Groundmen	50%JR	.25	1%		
ZONE 5					
Linemen & equipment operators	7.45	.35	1%		1/2%
Cable splicers	7.70	.35	1%		1/2%
Groundmen	60%JR	.35	1%		1/2%
ZONE 6					
Linemen	7.70	.30	1%		1/2%
Cable splicers	8.20	.30	1%		1/2%
ZONE 7					
Linemen	7.95	.45	1%		1%
Cable splicers	8.65	.45	1%		1%

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AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (that portion south of Iberia Parish), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 2 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (that portion north of Iberia Parish), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS					
ZONE 1	$7.90	.25	.15		.035
ZONE 2	7.85	.43	.20		.02
ZONE 3	8.00				
ZONE 4	6.82		.10		
ZONE 5	5.50				

AREA COVERED BY MARBLE SETTERS HELPERS ZONES

ZONE 1 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U.S. Highway #190 through the lower limits of Covington, along State Highway #58, through the lower limits of Abita Springs and Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 3 - Iberia, Lafayette, St. Martin & St. Mary Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS' HELPERS					
ZONE 1	$5.05	.15			
ZONE 2	4.26	.15	.10		.05
ZONE 3	3.00				

AREA COVERED BY MARBLE SETTERS ZONES

ZONE 1 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U.S. Highway #190 through the lower limits of Covington, along State Highway #58, through the lower limits of Abita Springs and Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 2 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine, Webster & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MILLWRIGHTS					
ZONE 1	$7.995				.05
ZONE 2	8.24	.20	.20		.04
ZONE 3	7.975				.01
ZONE 4	7.605				
ZONE 5	7.15				
ZONE 6	7.65	.10	.25		.03
ZONE 7	7.15				
ZONE 8	7.50	.35	.20		.05

AREA COVERED BY MILLWRIGHTS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (south of the Mississippi River), Assumption, Iberia (northeast of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany, Tangipahoa, Terrebonne & Washington Parishes
ZONE 3 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 4 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes

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ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS					
ZONE 1					
GROUP 1 - Brush, wood or wall	$6.01				
GROUP 2 - Brush on steel, buffer on wood or wall	6.135				
GROUP 3 - Paperhanging, taping & floating	6.21				
GROUP 4 - Spray, wood & wall, rollers	6.355				
GROUP 5 - Steeplejack, sandblasting, spider operator, rubberizing & pyroflexing, steam jennier, spray, steel	6.495				
ZONE 2					
GROUP 1 - Brush; Taping, floating & texture	6.45		.10		
GROUP 2 - Industrial & steel	7.12		.10		
GROUP 3 - All spray painting; roller operator & using of mitts; All power tools for cleaning & preparing surfaces for painting; All work on stacks, steeples, flag poles and all towers and tanks over 50 feet; All work off swing stage, bosun chair and spiders; All work with creosote material or any similar material as service cement paint	6.70		.10		

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 3					
GROUP 1 - Painters, paperhangers and sheetrock tapers & floaters	$6.375	.175	.20		.05
GROUP 2 - Structural steel painters of new buildings under construction; the following over-all of 30 feet: tanks, air conditioning towers, smoke stacks, sprinkler systems, wharves and structural steel in old buildings; spray painters, swing stage painters	6.75	.175	.20		.05
GROUP 3 - Industrial	7.625	.175	.20		.05
ZONE 4					
GROUP 1 - Brush, wood or wall	5.85				
GROUP 2 - Industrial & steel	6.22				
GROUP 3 - Textone, paperhanging, wall covering & spray	6.10				
ZONE 5					
GROUP 1 - Commercial brush	4.25				
GROUP 2 - Industrial	5.00				
GROUP 3 - Roller, power tools; sheetrock finishers	4.50				
GROUP 4 - Spray, sandblasting	5.50				
ZONE 6					
GROUP 1 - Painters, paperhangers, tapers, floaters; Commercial steel, such as churches or any commercial building with closed roof deck or walls	5.75				
GROUP 2 - Other commercial work, brush spray, stage, window jacks, flagpoles and steeple work	6.10				
GROUP 3 - All industrial work including sandblasting or power tools of any kind	6.60				

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 7					
GROUP 1 - Painters, tape & float & paperhangers; Stage, window jacks & structural steel	$6.75				
GROUP 2 - Stage, window jacks & structural steel over 30 feet	7.00				
GROUP 3 - Stage, window jacks & structural steel over 75 feet	7.25				
GROUP 4 - Sandblasting, spray	7.35				
ZONE 8					
GROUP 1 - Painters, paperhangers, tapers, floaters	5.80				
GROUP 2 - Stage, window jacks, bosun chairs; Structural steel, roller; equipment painting; sandblasting, spray; Stack, sign, tank painting, steeple jack work	6.80				
GROUP 3 - Structural steel, brush	6.30				

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (north & west of Highway #22), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberville, Livingston (north & west of Highway #22), Pointe Coupee, St. Helena, Tangipahoa (west of Highway #51), West Baton Rouge & West Feliciana Parishes
ZONE 3 - Ascension (east & south of Highway #72), Assumption (south of Grand Bayou), Lafourche, Livingston (east & south of Highway #22), Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area) & Vermilion Parishes
ZONE 5 - St. Tammany (northern portion), Tangipahoa (east of Highway #51) & Washington Parishes
ZONE 6 - Allen (northeast corner), Avoyelles, Catahoula, Evangeline, Grant, LaSalle, Natchitoches (south half), Rapides, St. Landry (north half) & Winn (south half) Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to city of Natchitoches), Red River, Sabine & Webster Parishes
ZONE 8 - Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PILEDRIVERMEN					
ZONE 1	$6.10				
ZONE 2	6.95	.20	.20		.04
ZONE 3	8.05	.20	.20		.04
ZONE 4	7.335				.05
ZONE 5	6.90				
ZONE 6	7.40	.10	.25		.03
ZONE 7	6.90				
ZONE 8	7.10	.35	.20		.05

AREA COVERED BY PILEDRIVERMEN ZONES

ZONE 1 - St. Tammany (to the overpass at Slidell, Louisiana, along State Highway #464 in St. Tammany Parish to the city limits of the town of Ponchatoula running north & south to Amite, Louisiana in Tangipahoa Parish, including the town of Covington, Louisiana in St. Tammany Parish), Tangipahoa & Washington Parishes
ZONE 2 - Ascension (north of the Mississippi River), East Baton Roune, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Roune & West Feliciana Parishes
ZONE 3 - Ascension (south of the Mississippi River), Assumptinn, Iberia (northeast of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Iberia (west of the Atchafalaya River), Jefferson Davis, Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River), Vermilion & Vernon Parishes
ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLASTERERS					
ZONE 1	$6.20				
ZONE 2	6.20				.01
ZONE 3	7.17				
ZONE 4	6.375				.01
ZONE 5	7.05	.30	.20		.03
ZONE 6	5.09				.01
ZONE 7	7.475				
ZONE 8	7.75		.10		
ZONE 9	7.75		.30		

AREA COVERED BY PLASTERERS ZONES

ZONE 1 - St. Tammany (northern half including Covington north of Highway #190) & Washington Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (parish line on the west, along U.S. Highway #190 through the lower limits of Covington and Abita Springs along State Highway #435 to Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Natchitoches & Sabine Parishes

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLUMBERS & PIPEFITTERS					
ZONE 1	$8.55	.40	.60		.06
ZONE 2	7.90	.465	.575		.035
ZONE 3	7.65	.35	.25		.05
ZONE 4	7.37	.35	.45		.02
ZONE 5	7.34		.30	.55	.06
ZONE 6	7.88	.42	.32		.06

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AREA COVERED BY PLUMBERS AND PIPEFITTERS ZONES

ZONE 1 - Jefferson, Lafourche (except small portion of western part of Parish), Livingston (northeast corner), Orleans, Plaquemines, St. Bernard, St. Charles, St. James (northern 2/3 of Parish), St. John the Baptist, St. Tammany, Tangipahoa (southern 1/2 of Parish), Terrebonne (eastern 1/3 of Parish) & Washington Parishes

ZONE 2 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (eastern 1/2 of Parish), Iberville, Lafourche (small portion of western part of Parish), Livingston (except northeast corner), Pointe Coupee (except northwest corner), St. Helena, St. James (western 1/3 of Parish), St. Landry (eastern 2/3 of Parish), St. Martin (southern part of eastern 1/7 of Parish), St. Mary (except western tip), Tangipahoa (northern 1/2 of Parish), Terrebonne (western 2/3 of Parish), West Baton Rouge & West Feliciana Parishes

ZONE 3 - Allen (northeast corner), Avoyelles, Evangeline (except southwest corner), Grant, Natchitoches (south of Highway #84 & #6 from Winnfield to Natchitoches & southeast from Natchitoches to Anacoco through Bellwood), Rapides, Vernon (northeast of Highway #10) & Winn Parish (south of a line drawn from Natchitoches through Winnfield to Standard); Parts of Catahoula, Concordia & LaSalle Parishes (south of a line drawn from Standard southeast through Harrisonburg to the junctions of U.S. 84 & State Route 15 and west of a line drawn from that junction to the meeting place of the Concordia-West Feliciana Parish Line)

ZONE 4 - All of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes; Parts of Catahoula, Concordia & LaSalle Parishes (north of a line drawn from Standard southeast through Harrisonburg to the junctions of U.S. 84 & State Route 15 and east of a line drawn south from that junction to the meeting place of the Concordia-West Feliciana Parish Line); Part of Winn Parish (east of a line drawn from Winnfield to the junction of the Parish boundaries of Winn, Bienville & Jackson & north of a line drawn east from Winnfield to Standard)

ZONE 5 - All of Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes; Parts of Natchitoches & Vernon Parishes (northwest from a line drawn from Natchitoches to Anacoco through Bellwood & north of Highway #111 between Anacoco & Haddens); Part of Winn Parish (west of a line drawn from Winnfield to the junction of the Parish boundaries of Winn, Bienville & Jackson)

ZONE 6 - Acadia, Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Evangeline (southwest corner), Iberia (western 1/2 of Parish), Jefferson Davis, Lafayette, Pointe Coupee (northwest corner), St. Landry (western 1/3 of Parish), St. Martin (west of Highway #31), St. Mary (western tip), Vermilion & Vernon (south of Highway #111 & southwest of Highway #10) Parishes

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION)					
ZONES 1, 2 & 3 (Excluding Residential Construction in Caddo & Bossier Parishes)					
GROUP 1	$5.56	.25	.15		
GROUP 2	5.80	.25	.15		
GROUP 3	6.06	.25	.15		
GROUP 4	6.10	.25	.15		
GROUP 5	6.35	.25	.15		
GROUP 6	7.40	.25	.15		
ZONE 4					
GROUP 1	5.865	.25	.15		.05
GROUP 2	5.68	.25	.15		.05
GROUP 3	5.51	.25	.15		.05
GROUP 4	6.095	.25	.15		.05
GROUP 5	7.725	.25	.15		.05
GROUP 6	6.35	.25	.15		.05
GROUP 7	6.83	.25	.15		.05
ZONE 5					
GROUP 1	5.34	.25	.15		.03
GROUP 2	4.965	.25	.15		.03
GROUP 3	4.825	.25	.15		.03
GROUP 4	5.15	.25	.15		.03
GROUP 5	5.61	.25	.15		.03
GROUP 6	6.325	.25	.15		.03
GROUP 7	7.00	.25	.15		.03
ZONE 6					
GROUP 1	8.02	.25	.15		
GROUP 2	8.27	.25	.15		
GROUP 3	5.88	.25	.15		
GROUP 4	6.21	.25	.15		
GROUP 5	6.685	.25	.15		
GROUP 6	7.77	.25	.15		

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 7					
GROUP 1	$5.56	.25	.15		
GROUP 2	5.76	.25	.15		
GROUP 3	6.06	.25	.15		
GROUP 4	6.10	.25	.15		
GROUP 5	6.36	.25	.15		
GROUP 6	7.40	.25	.15		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS - ZONES 1, 2 & 3

GROUP 1 - Oiler

GROUP 2 - Mechanic helper

GROUP 3 - Oiler-Driver

GROUP 4 - Scaleman

GROUP 5 - Air Compressor; Asphalt Plant Operator; Bulldozers, D-4 and equivalent & under; Bullfloats; Concrete Spreader; Finishing Machines; Concrete Mixer (16-s or less); Concrete Saw; Distributors (Bitum Surface); Dowell Bar Machine; Farm-Type Tractor (with all attachments except backhoe); Fireman; Fork Lifts (other than setting steel, machinery or pipe); Hoist, 1 drum or less than 4 stories; Kolum Buff Machine; Pull Cats; Pump (3" and over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on streets & roads (Motorized); Winch Truck, A-Frame (other than handling steel or pipe)

GROUP 6 - Asphalt Spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching Machines; Draglines; Fork Lifts (setting steel, machinery or pipe); Front-End Loaders (except Farm-type tractors); Grease Serviceman; Hoist, 1 drum, 4 stories or more; Hoist, 2 drums and over; Hydrolifts; Heavy Duty Mechanic; Motor Patrols; Piledrivers; Pump, concrete (6" & over); Road Pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom Cats; Shovels; Tractovators; Welder, journeyman; Well Point System; Winch Cats (hoisting); Winch Truck, A-Frame (handling steel or pipe)

POWER EQUIPMENT OPERATORS - ZONE 4

GROUP 1 - Scale operator; Oiler-Driver on Motor Crane; Batch Plant Operator

GROUP 2 - Pumps under 3 inch suction; Mechanic Helper

GROUP 3 - Oiler

GROUP 4 - Fireman

GROUP 5 - Combination Oiler-Compressor; Combination Oiler-Fireman; Asphalt Spreader; Backhoes (all types); Bulldozers; Cableways; Cherry Pickers (all types); Concrete Mixers (over 1 sack); Cranes; Deck Winch (2 drums or over); Front End Loaders (except farm type); Grease Serviceman; Hoist (1 drum, 4 stories, or 40 feet) on construction other than buildings; Hoist (2 drums or over); Locomotives (all types); Mechanic; Mixer Plant Operator, Central Mix; Motor Patrols; Piledrivers; Pull Cat; Pump Crete, 6" and over discharge; Push Cat; Road Pavers; Derricks; Ditching or Trenching Machines (riding type); Draglines; Dredges; Fork Lifts (other than farm type) outside warehouses; Foundation Drill; Rollers (plant Mix Asphalt); Scrapers; Shovels; Sidebooms; Unit Operator; Welder, journeyman; Well Point System; Whirleys; Winch Cats (Cat D-4 and over); Winch Trucks with A-Frame (5 tons and over); Work Boats, requiring licensed operator

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POWER EQUIPMENT OPERATORS - ZONE 4 (CONT'D)

GROUP 6 - Bush Hog; Compressors; Concrete Pumps, under 6" discharge; Concrete Saw; Kolum Buff Machines; Mixers (1 sack and under); Motorized street sweepers self-propelled; Pumps (3 inch and over); Deck Winch (1 drum); Distributors; Dowel Bar Machine; Farm-type tractors (when used to pull discs, grasscutters, etc.); Test Pump, Internal combustion engine powered; Ditching or Trenching Machines (non-riding type); Water Blast Pumps; Hoist, 1 drum under 4 stories)

GROUP 7 - Asphalt Plant Operator; Boom Trucks; Bullfloats; Concrete Spreader; Farm Type Front End Loaders; Rollers (other than plant mix asphalt); Straddle Buggies; Winch Truck with A-Frame (under 5 tons); Work Boat, not requiring licensed operator; Finishing Machines

POWER EQUIPMENT OPERATORS - ZONE 5

GROUP 1 - Snatch Cat; Pumps, 3 inch suction or more

GROUP 2 - Pumps, under 3 inch suction; Mechanic Helper

GROUP 3 - Oiler

GROUP 4 - Batch Plant Operator

GROUP 5 - Air Compressor; Asphalt Plant Engineer; Blade Grader; Distributor (Bitum Surface); Finishing Machine (Concrete, Paving); Hoist, 1 drum, less than 4 stories; Concrete Mixer under 16S; Oiler Driver; Pump Crete; Street and Road Sweeper; Roller (except on asphalt or brick); Roller, asphalt or brick (under 5 tons); Post-Hole Digger; Tractor operated Bush Hog and similar grass or bush cutting equipment

GROUP 6 - A-Frame Truck; Bulldozer, under 6; Crew Boat Operator; Fireman; Fork Lift; Straddle Buggy; Traxcavator, Scoopmobile and similar front-end loading equipment with Scoopmobile or Bucket under one (1) cubic yard capacity; Locomotive; Well Point System; Unit Operator; Hoist, 1 drum, 4 stories or over

GROUP 7 - Backhoe; Cableway; Concrete Mixer, 16S & up; Crane; Derrick; Dragline; Dredge; Equipment Maintenance Mechanic; Hoist, 2 drum; Locomotive Crane; Paving Mixer; Piledriver; Road Paver; Roller on Asphalt or Brick (5 tons & over); Shovel; Sideboom Cat; Bulldozer, 6 and over; Motor Patrol; Scraper; Hydrolift Crane, Hydrolift Truck, Yard Crane; Cherry Picker, etc.; Foundation Boring and Reaming Machine; Cement Stabilizer; Trenching Machine; Asphalt Spreader; Traxcavator and similar front-end loading equipment with Scoop or Bucket of one (1) cubic yard or more capacity; Tug Boat Operator; Turnapull Euclid, DW-10 and other similar self-loading earth moving equipment; Concrete Pump (not Pump Crete)

POWER EQUIPMENT OPERATORS - ZONE 6

GROUP 1 - Assistant Master Mechanic

GROUP 2 - Master Mechanic

GROUP 3 - Oilers

GROUP 4 - Batch Plant Operators; Mechanic Helpers; Oilers (Drivers)

GROUP 5 - A-frame truck, except when working with ironworkers or pipefitters; Air Compressor; Asphalt Plant Engineers; Asphalt Finisher, Screed Men; Blade Graders; Boat Operator; Bullfloats; Concrete Joining Machines; Concrete Mixers, 16s and under; Concrete Spreader; Crusher Operator; Deck Winch Operator (1); Distributors, asphalt "Ditch Witch" and similar equipment; Electric Elevators (inside); Finishing Machine; Fireman; Form Graders; Fork Lifts; Hoist, 1 drum, under 4 stories; Power Subgrader; Pug Mill Operators; Pull Tractors; Pump, Pump Crete; Rollers, except on brick and asphalt; Rubber Tired Front End Loader (with or without blade attachments) less than 1 cu. yd. capacity; Scale Operator; Scoopmobile; Snatch Cats; Spray Machines; Stabilizers, less than 3 drums; Straddle-Buggy; Truck Machines and equivalent Machines; Tractors or Bullozers smaller than D-6

POWER EQUIPMENT OPERATORS - ZONE 6 (CONT'D)

GROUP 6 - A-Frame Truck, when working with ironworkers and pipefitters; Bulldozers D-6 and larger; Cable Ways; Concrete Mixers; Over 16-s paving machines; Cranes; Derricks; Draglines and Clam Shells; Deck Winches (2); Gradealls; Hi-Ho and similar type equipment; Hoist, 1 drum, 4 stories and over; Hoist, 2 drums or more; Hydro Cranes; Mechanic; Motor Patrols; Piledrivers; Rollers on brick and asphalt; Rubber Tired Front End Loader, with or without blade attachments 1 cu. yd. capacity or more; Scrapers; Shovels, Backhoes (all types); Sideboom Cats; Stabilizers, 3 drums or more; Trenchexcavators; Trenching Machines; Unit Operator; Welder, journeymen; Well Point Systems (gas, diesel, electri etc.)

POWER EQUIPMENT OPERATORS - ZONE 7

GROUP 1 - Oiler
GROUP 2 - Mechanic Helper
GROUP 3 - Oiler-Driver
GROUP 4 - Scaleman
GROUP 5 - Bullfloats; Concrete Spreader; Finishing Machines; Pull Cats; Air Compressor; Fireman; Motorized Sweepers; Pump, concrete (under 6"); Straddle Buggies; Rollers, except on asphalt or brick; Hoist, 1 drum, less than 4 stories; Winch Truck; A-Frame (other than handling steel or pipe); Farm-type Tractor (with front-end buckets and/or when used to pull discs, grasscutters, etc.); Asphalt Plant Operator; Bulldozers, D-4 & equivalent & under; Fork Lifts; Concrete Saw; Concrete Mixer; 16-s or less; Dowell Bar Machines; Kolum Buff Machines; Pumps (3" and over); Distributors (Bitum Surface)
GROUP 6 - Backhoe; Cableways; Derricks; Dredges; Locomotives; Motor Patrols; Piledrivers; Road Pavers; Scrapers; Shovels; Hydrolifts; Scoopmobiles; Pump, concrete (6" & over); Welder, journeymen; Winch Cats (hoisting); Winch Trucks (handling steel and pipe); Front-end loaders (except farm-type tractors); Bulldozer, over D-4 or equivalent; Asphalt Spreader; Crane; Draglines; Grease Serviceman; Heavy Duty Mechanic; Hoist, 1 drum, 4 stories or more; Hoist, 2 drums or over; Roller on asphalt or brick; Sideboom Cats; Well Point Systems; Tractorvators; Concrete Mixers (over 16-s); Fork Lift setting steel, machinery or pipe)

AREA COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 2 - All of Acadia, Lafayette & Vermilion Parishes; Parts of Iberia, St. Martin & St. Mary Parishes (west of a line drawn from the city of Berwick to the junction of the Iberville-St. Landry Parishes border)
ZONE 3 - Avoyelles, Evanneline, Grant, LaSalle, Natchitoches, Rapides, Sabine, St. Landry & Winn Parishes
ZONE 4 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 5 - All of Assumption, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James Parishes (northeast of a straight line drawn from the city of Berwick to the city of Lutcher); Parts of Iberia & southern & northern St. Martin Parishes (east and west of a line from the city of Berwick north to the eastern boundary of the city of Krotz Springs Parts of Livingston, Tangipahoa & Washington Parishes (west of a line drawn north from the city of Lutcher to the east side of the city of Hammond to the Louisiana-Mississippi border)

ZONE 6 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Terrebonne Parishes; Parts of Assumption, Livingston, St. James, St. Martin, St. Mary, Tangipahoa & Washington Parishes (that part of southeastern Louisiana bounded on the north by the State of Mississippi, on the east by the State of Mississippi and the Mississippi Sound, on the south by the Gulf of Mexico and on the west by a line drawn as follows: beginning at a point on the Louisiana-Mississippi boundary in Washington Parish, Louisiana, due north of the town of Hackley, Louisiana, thence southwesterly in a straight line to a point on the east bank of the Mississippi River at the southernmost point of Lutcher (including Gramercy in the area), thence in a more southwesterly direction in a straight line to midstream of the Atchafalaya River at Morgan City-Berwick (including Morgan City in this area), thence southerly on a line following midstream of the Atchafalaya River to Atchafalaya Bay and in a line due south to the Gulf of Mexico)
ZONE 7 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION)					
GROUP 1					
ZONE 1	$7.86	.25	.21		.05
ZONE 2	7.73	.25	.21		.05
ZONE 3	7.52	.25	.21		.05
ZONE 4	7.68	.25	.21		.05
ZONE 5	6.46	.25	.21		.05
ZONE 6	5.94	.25	.21		.05
ZONE 7	5.36	.25	.21		.05
GROUP 2					
ZONE 1	8.11	.25	.21		.05
ZONE 2	7.98	.25	.21		.05
ZONE 3	7.77	.25	.21		.05
ZONE 4	7.93	.25	.21		.05
ZONE 5	6.71	.25	.21		.05
ZONE 6	6.19	.25	.21		.05
ZONE 7	5.61	.25	.21		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 3					
ZONE 1	$7.61	.25	.21		.05
ZONE 2	7.48	.25	.21		.05
ZONE 3	7.27	.25	.21		.05
ZONE 4	7.43	.25	.21		.05
ZONE 5	6.21	.25	.21		.05
ZONE 6	5.69	.25	.21		.05
ZONE 7	5.11	.25	.21		.05
GROUP 4					
ZONE 1	6.70	.25	.21		.05
ZONE 2	6.63	.25	.21		.05
ZONE 3	6.42	.25	.21		.05
ZONE 4	6.43	.25	.21		.05
ZONE 5	5.39	.25	.21		.05
ZONE 6	4.86	.25	.21		.05
ZONE 7	4.32	.25	.21		.05
GROUP 5					
ZONE 1	6.40	.25	.21		.05
ZONE 2	5.96	.25	.21		.05
ZONE 3	5.96	.25	.21		.05
ZONE 4	5.59	.25	.21		.05
ZONE 5	4.86	.25	.21		.05
ZONE 6	4.34	.25	.21		.05
ZONE 7	3.86	.25	.21		.05
GROUP 6					
ZONE 1	5.85	.25	.21		.05
ZONE 2	5.37	.25	.21		.05
ZONE 3	5.37	.25	.21		.05
ZONE 4	5.37	.25	.21		.05
ZONE 5	4.71	.25	.21		.05
ZONE 6	4.18	.25	.21		.05
ZONE 7	3.70	.25	.21		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 7					
ZONE 1	$5.59	.25	.21		.05
ZONE 2	5.11	.25	.21		.05
ZONE 3	5.11	.25	.21		.05
ZONE 4	5.11	.25	.21		.05
ZONE 5	4.71	.25	.21		.05
ZONE 6	4.18	.25	.21		.05
ZONE 7	3.70	.25	.21		.05
GROUP 8					
ZONE 1	6.70	.25	.21		.05
ZONE 2	6.63	.25	.21		.05
ZONE 3	6.42	.25	.21		.05
ZONE 4	6.43	.25	.21		.05
ZONE 5	5.39	.25	.21		.05
ZONE 6	4.86	.25	.21		.05
ZONE 7	4.32	.25	.21		.05
GROUP 9					
ZONE 1	6.95	.25	.21		.05
ZONE 2	6.86	.25	.21		.05
ZONE 3	6.67	.25	.21		.05
ZONE 4	6.68	.25	.21		.05
ZONE 5	5.64	.25	.21		.05
ZONE 6	5.11	.25	.21		.05
ZONE 7	4.57	.25	.21		.05
GROUP 10					
ZONE 1	5.84	.25	.21		.05
ZONE 2	5.36	.25	.21		.05
ZONE 3	5.36	.25	.21		.05
ZONE 4	5.36	.25	.21		.05
ZONE 5	4.96	.25	.21		.05
ZONE 6	4.43	.25	.21		.05
ZONE 7	3.95	.25	.21		.05

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CLASSIFICATION DEFINITIONS

GROUP 1 - 60 ton crane & over; Crane with 175' boom
GROUP 2 - Crane with 175' boom
GROUP 3 - Heavy Duty Operators-Crane all types; deck winches (2); Hi-Ho and similar type equipment; three drum (or more) stabilizers; pulls all types; concrete mixer one yard and over; all pavers; ditching or trenching machines (track type); mechanics and equipment welders; well-point systems; hoist, two drums or more; hoist, one drum, forty vertical feet or more; scrapers; bulldozers, rubber-tired or track other than farm-type; scoopmobiles; motor patrol; gradall; rollers on hot mix; asphalt paving machines; front end loaders, other than farm-type, one cubic yard or over; shovels and backhoes, all types, and equivalent equipment; piledriver operator; sideboom cats; A-frame trucks when handling steel or pipe; work boats requiring licensed operators; tugboats; fork lifts over ten ton capacity; and foundation drilling machines
GROUP 4 - Medium Duty Operators-Two drum stabilizers; front end loaders under 1 cubic yard; A-Frame truck except when handling steel or pipe; finishing machines (concrete); power subgraders; two tractors (crawler type); one drum hoist under 40 vertical feet; fireman; concrete spreader; pugmill operator; bituminous distributor on surface treatment and equivalent; bull floats and equivalent; job grease man on "Highway Construction" unit operator (all Highway Zones); work boats not requiring licensed operators; inboard motored crew boats
GROUP 5 - Light Duty Operators-Single drum stabilizer; concrete mixer under one yard; spray curing machines; rollers on subgrade; one air compressor over 125 cubic feet; form graders; asphalt finisher screed man; pump over 4 inches; scale operators; crusher operators; concrete jointing machines; concrete saw; tack machines and equivalent equipment; pump crete; elecctric elevator (inside); oiler driver; farm-type, rubber-tired tractor, with attachments, except backhoe; Kolum buff and similar equipment; fork lifts, ten ton capacity and under; outboard motored crew boats
GROUP 6 - Mechanic Helper; Batch Plant Operator
GROUP 7 - Oiler
GROUP 8 - Fireman
GROUP 9 - Wireman Operating Steam Valve
GROUP 10 - Oiler on Crane Using Air to Drive Piles

AREA COVERED BY VARIOUS ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - Ascension, East Baton Rouge, Iberville & West Baton Rouge Parishes
ZONE 3 - Bossier, Caddo & Red River Parishes
ZONE 4 - Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Bienville, DeSoto, Iberia, Livingston, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington & Webster Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS					
ZONE 1					
Roofers	$6.88		.10		
Roofers' helpers	5.38		.10		
ZONE 2					
Roofers	6.80	.45	.45		.25
ZONE 3					
Roofers	6.155	.35	.30		.04
Roofers' helpers	4.535	.35	.30		.04
ZONE 4					
Roofers, steep	5.80				
Roofers, flat	5.55				
Roofers, kettlemen	5.30				
Roofers' helpers	4.25				
ZONE 5					
Roofers	5.70		.20		.02
Kettlemen	3.97		.20		.02
Roofers' helpers	3.60		.20		.02

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 2 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, South St. Martin, St. Mary, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, North St. Martin, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Rapides, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS					
ZONE 1	$8.03	.25	.15		.06
ZONE 2	7.315	.25	.40	.25	.10
ZONE 3	7.75	.20	.50		.12
ZONE 4	7.25	3%+.40	.25		.05

AREA COVERED BY SHEET METAL WORKERS ZONES

ZONE 1 - Calcasieu Parish
ZONE 2 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Allen, Ascension, Assumption, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS					
ZONE 1	$6.945	.25	.18		.05
ZONE 2	7.95	.20	.20		.04
ZONE 3	7.785	.20	.20		.04
ZONE 4	5.80				
ZONE 5	6.40				
ZONE 6	7.15	.10	.25		.03
ZONE 7	6.40				
ZONE 8	6.60	.35	.20		.05

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AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) & St. John the Baptist Parishes
ZONE 3 - Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - St. Tammany (to the overpass at Slidell, Louisiana, along State Highway #464 in St. Tammany Parish to the city limits of the town of Pontchatoula running north and south to Amite, Louisiana in Tangipahoa Parish including the town of Covington, Louisiana in St. Tammany Parish), Tangipahoa, & Washington Parishes
ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SPRINKLER FITTERS	$8.60	.50	.70		.08
TERRAZZO WORKERS					
ZONE 1	6.85	.15			
ZONE 2	7.85	.43	.20		.02
ZONE 3	6.25				
ZONE 4	6.82		.10		
ZONE 5	5.50				

AREA COVERED BY SPRINKLER FITTERS

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 3 - Iberia, Lafayette, St. Martin & St. Mary Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

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MICROFILMED BY UNIVERSITY MICROFILMS

DECISION NO. AR-37

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS' HELPERS					
ZONE 1	$5.05	.15			
ZONE 2	4.26	.15	.10		.05
ZONE 3	3.30				

AREA COVERED BY TERRAZZO WORKERS

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes
ZONE 2 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine, Webster & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS					
ZONE 1	$6.85	.15			
ZONE 2	5.87		.20		
ZONE 3	6.75				
ZONE 4	6.82		.10		
ZONE 5	5.50				

AREA COVERED BY TILE SETTERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - St. Tammany (northern half including Covington north of Highway #190) & Washington Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS' HELPERS					
ZONE 1	$5.05	.15			
ZONE 2	4.26	.15	.10		.05
ZONE 3	3.00				

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AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Terrebonne & Washington Parishes
ZONE 2 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine, Webster & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (BUILDING CONSTRUCTION)					
ZONE 1					
GROUP 1	$4.91				
GROUP 2	5.34				
GROUP 3	5.55				
GROUP 4	5.35				
GROUP 5	5.55				
GROUP 6	5.45				
GROUP 7	5.55				
GROUP 8	5.37				
GROUP 9	5.76				
ZONE 2					
GROUP 1	4.45				
GROUP 2	4.65				
GROUP 3	5.51				
GROUP 4	5.39				
GROUP 5	5.77				
GROUP 6	5.84				
GROUP 7	6.09				
GROUP 8	6.24				
ZONE 3					
GROUP 1	4.87				
GROUP 2	4.95				
GROUP 3	5.20				
GROUP 4	5.35				
GROUP 5	5.50				
GROUP 6	5.70				
GROUP 7	6.05				

DECISION NO. AR-37

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS - ZONE 1

GROUP 1 - Teamsters, Pick-up drivers & chauffeurs
GROUP 2 - Stake bodies (all sizes)
GROUP 3 - Trucks trailer & dumps over 8 yds.
GROUP 4 - Mixers on trucks up to and including 3 yds.
GROUP 5 - Mixers on trucks over 3 yds.
GROUP 6 - Winch trucks
GROUP 7 - Mississippi wagons & Koehring dumpsters & similar dirt moving equipment (up to and including 8 yds.)
GROUP 8 - Trucks - dump
GROUP 9 - Mississippi wagons & Koehring dumpsters & similar dirt moving equipment over 8 yds.

TRUCK DRIVERS - ZONE 2

GROUP 1 - Teamster, pick-up drivers
GROUP 2 - Stake bodies (all sizes)
GROUP 3 - Truck & trailer; Dump
GROUP 4 - Mixers on trucks, up to and including 3 yds.
GROUP 5 - Mixers on trucks over 3 yds.
GROUP 6 - Winch trucks
GROUP 7 - Mississippi wagons & Koehring dumpsters, tandem and similar dirt moving equipment, up to and including 8 yds.
GROUP 8 - Mississippi wagons, Koehring dumpsters, tandem and similar dirt moving equipment, over 8 yds.

TRUCK DRIVERS - ZONE 3

GROUP 1 - Pick-up drivers, spottars & dumpers of dirt, gravel, asphalt & rock; Truck helpers
GROUP 2 - Stake bodies; flat beds (all sizes)
GROUP 3 - Single axle dumps & water trucks; transit mix, up to & including 3 yds.
GROUP 4 - Tandem axle dump, batch and water trucks over 3 tons, pickups with trailer
GROUP 5 - Mississippi wagons; floats; tractor trailers; rubber tired tractors and wobble wheels
GROUP 6 - Fuelids, low-boys, Dempsey dumpsters, Koehring-dumps, five axle trucks, transit mix over three (3) yards, fuel truck
GROUP 7 - Fork lift

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (HIGHWAY CONSTRUCTION)					
GROUP 1					
ZONE 1	$4.99				
ZONE 2	4.99				
ZONE 3	4.78				
ZONE 4	5.12				
ZONE 5	4.25				
ZONE 6	4.15				
ZONE 7	4.05				
GROUP 2					
ZONE 1	5.10				
ZONE 2	5.10				
ZONE 3	4.86				
ZONE 4	5.22				
ZONE 5	4.36				
ZONE 6	4.26				
ZONE 7	4.16				
GROUP 3					
ZONE 1	5.15				
ZONE 2	5.15				
ZONE 3	5.04				
ZONE 4	5.27				
ZONE 5	4.41				
ZONE 6	4.31				
ZONE 7	4.21				
GROUP 4					
ZONE 1	5.20				
ZONE 2	5.20				
ZONE 3	5.20				
ZONE 4	5.33				
ZONE 5	4.46				
ZONE 6	4.36				
ZONE 7	4.26				
GROUP 5					
ZONE 1	5.36				
ZONE 2	5.36				
ZONE 3	5.54				
ZONE 4	5.48				
ZONE 5	4.62				
ZONE 6	4.52				
ZONE 7	4.42				

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CLASSIFICATION DEFINATIONS

GROUP 1 - One ton and under: Warehouseman, material checker, receiving clerk, spotter and dumper
GROUP 2 - One and one-half (1½) tons to and including two (2) tons (exclusive of dump trucks), truck mechanic helper
GROUP 3 - Single axle dump trucks, single axle water trucks
GROUP 4 - Heavy equipment, tandem axle dump and tandem axle water trucks, winch lift, transit mix, floats, pole trailers, four axle trailer and truck mechanic
GROUP 5 - Special equipment, euclids and five axle moving equipment

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - East Baton Rouge Parish
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu Parish
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Ascension, Avoyelles, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental

SUPERSEDEAS DECISION

STATE: NEW YORK
DECISION NO. AR-2021

COUNTY: WESTCHESTER
DATE: DATE OF PUBLICATION

Supersedes Decision No. AQ-2041 dated January 25, 1974 in 39 FR 3421
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$11.2278	5%	4%		
Boilermakers	10.57	5%	15%	7%	.01
Bricklayers	8.65	.75	1.70	.90+f	.05
Carpenters and insulators	8.40	.85	.85+.35	.67	.085
Cement masons	8.65	.75	1.70	.90+f	.05
Electricians	9.33	.56	1%+.61	.93	½%
Elevator constructors	9.10	.395	.26+e	a+b	.015
Elevator constructors' helpers	6.83	.395	.26+e	a+b	.015
Elevator constructors' helpers (prob)	4.55	.395	.26+e	a+b	.015
Elevator constructor modernization	8.33	.395	.26+e	a+b	.015
Elevator constructor modern. helpers	6.25	.395	.26+e	a+b	.015
Elevator constructor repair	7.48	.395	.26+e	a+b	.015
Elevator constructor repair helper	5.61	.395	.26+e	a+b	.015
Glaziers	8.75	.66	1.66	.365	.03
Ironworkers, structural	9.78	.80	2.08	1.06+g	.04
Ironworkers, ornamental finisher	8.40	.63	2.035	.76	.03
Ironworkers, reinforcing	9.10	.785	1.755	.75	.01
Laborers: (Building)					
Laborers, mason, plasterers, bricklayers, tenders, concrete laborers & pipelayers	7.20	.54	.89		
Jackhammer, vibrators, power buggies, fork lifts, all pneumatic equipment	7.45	.54	.89		
Lathers, nail-on	8.40				
Lathers, metal	9.10	.785	1.755	.75	.01
Lead burners	9.25	.35		c	.01
Line construction:					
Linemen	9.33	.56	1%+.61	.93	½%
Cable splicer	9.33	.56	1%+.61	.93	½%
Cable splicer helper	9.33	.56	1%+.61	.93	½%
Groundman	9.33	.56	1%+.61	.93	½%
Driver groundmen	9.33	.56	1%+.61	.93	½%
Dynamite man	9.33	.56	1%+.61	.93	½%
Marble setters	7.80	.63	1.41		
Marble setters' helpers, crane op, Marble cutters	7.33	.63	1.41		
	7.80	.63	1.41		

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Marble carvers	7.95	.63	1.41		
Derrickmen	7.33	.63	1.41		
Marble sawers, rubbers, polishers	7.57	.63	1.41		
Millwrights	9.36	.90	1.53		
Painters:					
Brush	7.80	.45	.87-6/7		
Structural steel	8.91-3/7	.45	.87-6/7		
Spray	8.80	.45	.87-6/7		
Piledrivermen & dock builders	9.36	.90	1.53	.50	.02
Plasterers	9.25	.50	1.00	.30+f	.02
Plumbers	8.435	7%	8%+h	10%	2%
Riggers	8.10	5½%	12%+.55	6%+.55	
Roofers:					
Composition, damp & waterproofing	8.40	11%	1.83	4%	
Slate and tile	7.45	.50	.30	.75	
Slate and tile helpers	5.96	.40	.24	.60	
Sheet metal workers	10.34	8%	8%	8%	.02
Soft floor layers		.75	.75	.52	.085
Steamfitters	8.395	6½%	8½%+d	10½%	1%
Stone masons	9.25	.50	1.00	30+f	.02
Terrazzo machine operator	7.13	.88	.63		
Terrazzo workers	8.70	1.23	1.26		
Terrazzo workers' helpers	7.43	.88	1.26		
Tile setters	6.66	.45	.555		
Tilesetters' helpers	4.85	6%	4%+.45		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Armistice Day and Election Day.

b. Employer contributes 6.4% of basic hourly rate for 5 years or more of service of 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

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FOOTNOTES (CONT'D):

c. Holidays: A through F; Washington's Birthday, Good Friday, Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regularly schedule work days immediately preceding and following the holiday.

d. Employer contributes $5.60 per day to Security Benefit Fund, providing the employee works 3½ hours or more during the working day.

e. Employer contributes $8.00 per day to Annuity Fund.

f. Holidays: D, Armistice Day, Columbus Day, Presidential Election Day or Election Day for Governor of New York (Highway Construction only.)

g. Holidays: A through F, providing the employee works a full hald day preceding the holiday.

h. Employer contributes $4.96 per day to Security Benefit Fund providing the employee works 3½ hours or more during the working day.

EXCAVATION, HEAVY CONSTRUCTION AND ROAD CONSTRUCTION (Open Cut)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers:						
Blasters, blaster (quarry master)	$ 8.53	8%	6%	a +.50		
Joy drillers, wagon drillers, air track drillers, concrete form aligner, concrete form and curb form highway (steel), and deck winches on scows, jumbo driller	7.98	8%	6%	a +.50		
Asphalt curb machine operator, jeeper operator, pavement breaker operatnr, rock scalers, power saw operator, vibrator operator, bit grinder or grinders, barco rammer operator, air tamper and all type powered tampers not covered by any other classification, steel kings, power buggy operator, jack hammer drillers, all type pneumatic tool and gasoline drillers, concrete saw or saws, asphalt screeder on barbergreen, form pin puller railroad spike puller, pumps and their operation, and pneumatic tools and service of air power, gunniting	7.88	8%	6%	a +.50		
General concrete laborers or anything pertaining to concrete which means any men handling aggregate or concrete materials and carpenters tender and steel handling, pipe layers, puddlers, asphalt worker, fine grade men between forms, Epoxy and waterproofing	7.73	8%	6%	a +.50		
Joy driller's helper wagon driller helper, air track drillar helper, common laborers, signal man and pitman, truck spotters, powdermen, landscape and nursery men, and dump men	7.63	8%	6%	a +.50		
Wrecking:						
Barmen, and burner	8.13	8%	6%	a +.50		
Barmen helpers and laborers	7.98	8%	6%	a +.50		
Shaft and Tunnel in Free Air:						
Blasters	8.78	8%	6%	a +.50		
Concrete setters	8.98	8%	6%	a +.50		
Form setters	8.48	8%	6%	a +.50		
Miners, drill runners, air tuggers, chippers, pneumatic tools and source of air-power pumps and their operations, and vibrator operators	8.28	8%	6%	a +.50		
Puddlers	8.23	8%	6%	a +.50		
Chuck tenders, nippers, concrete laborers, tunnel sewer and water pipe reliners	8.13	8%	6%	a +.50		

EXCAVATION, HEAVY CONSTRUCTION AND ROAD CONSTRUCTION (Open Cut)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OT
Laborers	7.88	8%	6%	a +.50		
Powder carriers, signalmen	7.83	8%	6%	a +.50		
Brakeman	7.78	8%	6%	a +.50		
Outside laborers	7.73	8%	6%	a +.50		
Powder watchman	7.63	8%	6%	a +.50		

Paid Holidays:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; November Election Day; Veteran's Day; and Good Friday, provided employee works (2) two or more days in the calendar week in which the holiday falls.

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP I: Backhoe Oliver 88, Fordson, dymahoe, dual purpose & similar machine, Barber Green loader-Euclid loader or similar type, cherry picker (cableway), compressor (Steel erection), conway or similar mucking machinee, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scrapers over 20 yds. struck), mucking machines, pavement breaker (air ram), paver (concrete), puleemeter, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-½ yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scraper-20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-½ yds., & under, lighting unit (portable & generator), locomotive (all sizes), mixer concrete-21E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone curcher, welding machine (steel erection excavation), well drilling machine, well point systen

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hopper-sand-stone-cement, mixer-concrete-under 21S, mulching grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump-plaster roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cutting machine, sweeper, syphon pump air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler (fuel truck), oiler (grease truck), paint compressor, welder's helper

GROUP VI:

A. Master mechanic
B. Helicopter hoist op.
C. Oiler, asphalt paver, utility man
D. Welder - certified
E. Second engineer on cranes 30 ton and over
F. Cable splicer
G. Helicopter pilot
H. Helicopter signalman
I. Engineer, all tower cranes, all climbing cranes and all cranes of 100 ton capacity or greater (3900 maintowac or similar) irrespective of manufacturer and regardless of how the same is rigged (except for pile rigs).

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POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP VI (CONT'D):
J. Cranes (crawlers or truck) 100 ft. but less than 149 ft
K. Cranes (crawlers or truck) 149 ft. and over
L. Loaders op. (over 5 yd. capacity)
M. Shovel op. (over 4 yd. capacity)

GROUP VII: Concrete-portable hoist, crane & hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overhead crane, power house plant, telephies, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer-concrete (crane, derrick, mine hoist), hoist engineer material

POWER EQUIPMENT OPERATORS, BUILDING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$12.285	6%+.875	8½%	a	1½%
GROUP II	11.37	6%+.875	8½%	a	1½%
GROUP III	11.2275	6%+.875	8½%	a	1½%
GROUP IV	11.085	6%+.875	8½%	a	1½%
GROUP V	9.9425	6%+.875	8½%	a	1½%
GROUP VI					
A	13.655	6%+.875	8½%	a	1½%
B	12.7975	6%+.875	8½%	a	1½%
C	8.9975	6%+.875	8½%	a	1½%
D	11.7975	6%+.875	8½%	a	1½%
E	10.5125	6%+.875	8½%	a	1½%
F	11.37	6%+.875	8½%	a	1½%
G	16.5125	6%+.875	8½%	a	1½%
H	9.9425	6%+.875	8½%	a	1½%
I	16.2275	6%+.875	8½%	a	1½%
J	14.5125	6%+.875	8½%	a	1½%
K	15.5125	6%+.875	8½%	a	1½%
L	12.785	6%+.875	8½%	a	1½%
M	13.285	6%+.875	8½%	a	1½%
GROUP VII	12.5125	6%+.875	8½%	a	1½%

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS:

GROUP I: Auger, auto grader, backhoe Oliver 88, Pordson, dynahoe, dual purpose and similar machines, barber green loader-euclid loader or similar type, central mix plant operator, cherry picker (cableway), compactor with blade, compressor (steel erection), concrete portable hoist, C.M.I. or similar Conway or similar mucking machines, Crane (crawler or truck) drag-line, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, LeTourneau or Tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsometer, push button (buzz box) elevator, road mix machines, Ross carrier and similar machines, shovel (tunnels), side boom, spreader (Asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 and over, maintenance engineer, mechanic (outside) all types, welder, scrapers 20 yards struck and under, shop foreman, vibratory roller, etc., roller 4 ton and over

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete pump, conveyor belt machine-irrespective of motor size, firemen, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1½ yds. and under, lighting unit (portable & generator), locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete-21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection-excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump 4 inches and over, pump station (water & sewer), pump-gypsum, etc., pump-plaster, roller under 4 ton, shop mechanic (not employed on job site), spreading & fine grading machine, steam jenny, steel cutting machine, sweeper, syphon pump-air-steam, tar joint machine, Turbo jet burner or similar equipment, vibrator (1 to 5), fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck), stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4". roller motorized (walk behind), welder's helper

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP VI: Hoist engineer-steel, sub-struct., engineer-pile driver

GROUP VII: Welder-certified crawlers or truck: 100 ft. but less than 149 ft. $2.00 per hour additional crawlers or truck: 149 ft. and over $3.00 per hour additional loader operators: Over 5 cu. yd. capacity $.50 per hour additional shovel operators: over 4 cu. yd. capacity $1.00 per hour additional

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.75	6%	8%+a	b	1½%
GROUP II	9.95	6%	8%+a	b	1½%
GROUP III	9.825	6%	8%+a	b	1½%
GROUP IV	9.70	6%	8%+a	b	1½%
GROUP V	8.70	6%	8%+a	b	1½%
GROUP VI	10.95	6%	8%+a	b	1½%
GROUP VII	10.325	6%	8%+a	b	1½%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. $.66 per hour.

b. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday Columbus Day; November Election Day and Veteran's Day.

TRUCK DRIVERS, BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Straight jobs, A-Frame (inside cab), winch (inside cab), two, dynamite, seeding, mulching, agitator, water, welding on pipelines, post hole diggers mortar mixing, suburbans, oil distributors, pick-up, hopper men & crusher op. concrete mixer, lift (in garage, yards and on job site)	$7.675	.40	.65	a+b		
Tractor trailers (all types), 3 axle trucks (physically load and unload), mixer men, high pressure boiler in asphalt and batch plants	7.80	.40	.65	a+b		
Tractor trailers (carrying equipment), weighmasters	7.925	.40	.65	a+b		
Euclid	8.05	.40	.65	a+b		
Euclids, Athey wagons, trailer wagons, belly dumps (under 40 tons)	8.425	.40	.65	a+b		
Athey wagons, trailer wagons, belly dumps (over 40 tons)	8.675	.40	.65	a+b		
Dual purpose grease & fuel trucks, fuel trucks, tire trucks	8.125	.40	.65	a+b		
Welders, maintenance men, mechanics	7.90	.40	.65	a+b		
Helicopter operator	17.65	.40	.65	a+b		
Mechanic helpers, stock room men	7.55	.40	.65	a+b		
Yardmen and helpers	7.425	.40	.65	a+b		
Darts (up to 100 tons)	9.175	.40	.65	a+b		
RXS	9.55	.40	.65	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:
a. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Election Day, Veteran's Day (provided employee works one day of the work week in which the holiday occurs).

b. One week vacation after 90 days of employment in calendar year, plus one additional day for each additional 18 days of employment, not exceeding 10 days in any one calendar year; two weeks after 130 days of employment in a calendar year. However, an employee with 5 years of seniority service shall receive 2 weeks' paid vacation provided he works 90 days in a calendar year; three weeks and one day after 16 years of seniority service - plus 1 additional day for each year up to 19 years of seniority service; four weeks after 20 years of seniority service.

NOTICES 33982 NOTICES 33983

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTIES: Bucks, Chester, Delaware, Montgomery and Philadelphia

DECISION NO.: AR-2028 DATE: Date of Publication

Supersedes Decision No. AQ-2011, dated August 17, 1973 in 38 FR 22341

DESCRIPTION OF WORK: Heavy and Highway Construction and Tunnel.

51-PA-2-3-A

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION:					
Carpenters	$ 9.72	1.28	.90	a	.07
Laborers:					
Powder,en, Multiple wagon drill op.	7.60	.60	.30		
Finished surface asphalt rakers, ope., pipelayers, caulkers, conduct and duct layers	7.40	.60	.30		
Other pneumatic tools ops., Laborers stripping concrete forms, carrying or handling lumber, steel & steel mesh and other concrete matherials, form pinners, tool room men, Mortar mixers, Concrete pitmen & spaders, Grade men, Asphalt shovelers, Men working in shoring, Men working in lagging, Laborers assisting in the setting of out sotne, granite or artificial stone, hod carriers, Scaffold builders	7.30	.60	.30		
Wagon drill operators	7.45	.60	.30		
YARD WORKERS:					
Laborers, Scale mixermen, Burnermen Dustmen. Feeders	7.20	.60	.30		
FREE AIR TUNNELS:					
Miners, Miners bore driver, Basters Drillers, Pneumatic Shield oprs., Welders & burners	7.85	.60	.30		
Miners' helpers, Form setters	8.70	.60	.30		
Trackmen, Brakemen, Groutmen, Bottom shaft men, All others in free air tunnels	7.55	.60	.30		
Circular ciasson excavation bottom men	7.70	.60	.30		
Underpinning excavation bottom men	7.60	.60	.30		
All other laborers on construction work, with the exception of workers in compressed air	7.30	.60	.30		

51-PA-2-3-A

TUNNEL COMPRESSED AIR	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters, Sheild Drivers	$48.29	.10	.10		
Miners	46.86	.10	.10		
Brakemen, trackmen, miners' helpers	44.74	.10	.10		
Croutmen, lock tenders' helpers	44.74	.10	.10		
Laborers and other men	44.74	.10	.10		
Mucking machines	52.83	.10	.10		
Laborers (surface) per hour	4.05	.10	.10		
Between Locks					
Lock tenders, motor men	46.86	.10	.10		
All other men	44.75	.10	.10		
Outside of Locks					
Outside lock tenders, gauge tenders	44.74	.10	.10		
Outside lock tenders' helpers	42.64	.10	.10		

AIR PRESSURE*	WORKING HOURS PER DAY	AMOUNT IN ADDITION TO BASE RATE (NOT CUMULATIVE)
15 pounds and up to 26 pounds	6 hours	$ 1.00
26 " " " " 33 "	4 "	1.50
33 " " " " 38 "	3 "	2.00
38 " " " " 43 "	2 "	2.50
43 " " " " 48 "	1½ "	3.00
48 " " " " 50	1 "	3.50

LINE CONSTRUCTION:					
Journeyman Lineman	11.57	.30	.115		.043
Cable Puller	11.57	.30	.115		.043
Pole Erector	11.57	.30	.115		.043
Auger Operator	11.57	.30	.115		.043
Pipe Threader Operator	11.57	.30	.115		.043
Winch Truck Operator Experienced	8.10	.30	.080		.032

51 - PA-2-3A

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION (CONT'D)					
Winch Truck Operator/2nd 6-months	$ 7.91	.30	.079		.031
Winch Truck Operator/1st 6-months	7.71	.30	.077		.030
Truck Driver Experienced	7.52	.30	.075		.029
Truck Driver 2nd 6-months	7.33	.30	.073		.029
Truck Driver 1st 6-months	7.13	.30	.071		.028
Groundman Experienced	6.94	.30	.069		.027
Groundman 2nd 6-months	6.75	.30	.067		.026
Groundman 1st 6-months	6.56	.30	.066		.026
POWER EQUIPMENT : HEAVY CONSTRUCTION					
WAGE GROUP 1	$10.50	4.6%	9.5%	a	1.2%
WAGE GROUP 2	10.24	4.6%	9.5%	a	1.2%
WAGE GROUP 3	9.37	4.6%	9.5%	a	1.2%
WAGE GROUP 4	9.15	4.6%	9.5%	a	1.2%
WAGE GROUP 5	8.85	4.6%	9.5%	a	1.2%
WAGE GROUP 6	8.67	4.6%	9.5%	a	1.2%
WAGE GROUP 7	8.15	4.6%	9.5%	a	1.2%
WAGE GROUP 8	7.41	4.6%	9.5%	a	1.2%

CLASSIFICATIONS

WAGE GROUP 1 Handling Steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning Machine; Helicopters; Machines similar to the above

WAGE GROUP 2 Engineers working with Dock Building and Pile Drivers; All Types of cranes; All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Trenching machines; Pippin type backhoes; Hoist with two towers' Pavers 21E and over; All types overhead cranes; Building Hoists double drum (unless used as single drum); Mucking Machines in tunnel; Gradalls; Front-end loaders over 3 cu. yd., Boat Captain; Tandem scrapers; Tower type crane operation, erecting, dismatling, jumping or jacking; Drills self-contained (Drillmaster type ; Fork Lift (20 ft. and over), Motor Patrols (Fine Grade), Batch Plant with Mixer, Machines similar to the above

WAGE GROUP 3 Conveyors (Except Building Conveyor), Building Hoists (single drum), Scrapers and Tournapulls, Asphalt plant engineers, Roller (High Grade finishing); Caterpiller-type tractor with front-end overhead loaders and Rubber-tired loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y. Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps. Well drillers, Forklift trucks of all types; Bulldozers D-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above

WAGE GROUP 4 Concrete breaking machines; Rollers; Machines similar to the above

WAGE GROUP 5 All bulldozers under D-7 Tractors including rubber-tired type with front and overhead loaders under 2 c.y.; Seaman pulverizing mixer Welders and Maintenance Engineers Fireman on Power Equipment; Maintenance Engineer (Power Boat Machines similar to the above

WAGE GROUP 6 Conveyors (Building); Welding Machines; Heaters; Wellpoints; Compressors Farm Tractors; Form line graders; Road finishing machines; Pump; Power Broom (Self contained); See Spreader; Machines similar to the above

WAGE GROUP 7 Fireman

WAGE GROUP 8 Oilers and Deck Hand (Personnel Boats)

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

POWER EQUIPMENT OPERATORS HIGHWAY CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WAGE GROUP 1	$10.25	4.6%	9.5%	a	1.2%
WAGE GROUP 2	10.03	4.6%	9.5%	a	1.2%
WAGE GROUP 3	9.40	4.6%	9.5%	a	1.2%
WAGE GROUP 4	8.88	4.6%	9.5%	a	1.2%
WAGE GROUP 5	8.51	4.6%	9.5%	a	1.2%
WAGE GROUP 6	8.15	4.6%	9.5%	a	1.2%
WAGE GROUP 7	7.41	4.6%	9.5%	a	1.2%

WAGE GROUP 1 Handling steel and stone in connection with erection; Cranes doing hook work; Any machine handling machinery; Helicopters; Machines similar to the above

WAGE GROUP 2 Engineers working with dock builders and pile drivers; All types of cranes; All types of backhoe; Cableways; Draglines; Keystones; All types of shovels; Pavers 21E and over; Trenching Machines; Gradalls; Front end loaders over 3 cu. yd.; Boat Captain; Pippin type backhoes; Tandem scrapers; Tower type crane operation, erecting, dismatling, jumping or jacking; Drills self contained (Drill-master type); Forklift (20 ft. and over); Motor Patrols (fine grade); Batch Plant with Mixer; Machines similar to the above

WAGE GROUP 3 Carryalls, Scrapers, Tournapulls, Asphalt plant engineers; Roller (high grade finishing); Caterpillar-type tractors with front end overhead loaders and rubber-tired loaders 2 cu. yd. up to and including 3 cu. yd.; Spreaders (asphalt Concrete pumps; Well drillers; Bulldozers D-7 or equivalent and over Ditch witch (small trencher); Motor Patrols; Maintenance Engineer with tools Machines similar to the above

WAGE GROUP 4 Conveyor loader; Bulldozer under D-7 rating, tractors including rubber-tired type and front end, under 2 c.y. over-head loaders; Seamen Pulverizer; Tenton roller (grade fill stone base); Welders and Maintenance Engineers; Concrete Breaking Machines; Machines similar to the above.

WAGE GROUP 5 Form line grader; Fine grade machines; Farm tractors; Road finishing Concrete spreaders; Compressors; Power Broom, self-contained; Seed Spreader; Pumps; Well point pumps; Welding machines; Fireman, Power Equipment Maintenance engineers (Power Boats); Machines similar to the above

WAGE GROUP 6 Fireman

WAGE GROUP 7 Oilers and Deck Hands (Personnel Boats)

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day Thanksgiving Day and Christmas Day, providing the employee working the day before and after the holiday.

HEAVY & HIGHWAY TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$6.82	.505	.425	a&b	
CLASS 2	6.92	.505	.425	a&b	
CLASS 3	7.12	.505	.425	a&b	

FOOTNOTES:

a. Employee will earn one (1) vacation day every two (2) months up to a maximum of five (5) vacation days per calendar year. During each two (2) consecutive months period, employee must have worked twenty-six (26) days in that two month period. After 130 workdays the employee will be entitle to all days of vacation.

b. Paid Holidays: Memorial Day; Independence Day, Labor Day and Veterans Day and five (5) personal holidays provided such employee work the scheduled work days before and after said holiday; and employee gives employer one (1) week's notice requesting a personal holiday. The eligibility for personal holidays will be as follows: Employee will earn one (1) personal holidays every two (2) months up to a maximum of five (5) personal holidays per calendar year. During each two (2) consecutive month period, employee must have worked twenty-six (26) days in that two month period. After 130 workdays the employee will be entitled to all personal holidays.

CLASSIFICATIONS

HEAVY & HIGHWAY TRUCK DRIVERS

CLASS 1: Helpers, Stake Body Truck (single axle, Dumpster

CLASS 2: Dump Trucks, Tandem & Batch Trucks, Sem-Trailers, Agitator Mixer Trucks, and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for Transportation, Stake Body Truck (Tandem)

CLASS 3: Euclid Type, Off-Highway Equipment or Belly Dump Trucks and Double Hitched Equipment, Staddle (Ross) Carrier, Low-Bed Trailers

XUM

SUPERSEDEAS DECISION

STATE: Pennsylvania — Counties: Butler & Fayette
DECISION NO.: AR-2036 — DATE: Date of Publication
Supersedes Decision No. AQ-2124, dated May 31, 1974, in 39 FR 19367
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

10-Butler-26-Fayette-PA-1-B 1 of 4

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$ 9.92	.35	.70			
Boilermakers	9.07	7%	7%		.01	
Bricklayers & Stonemasons:						
Butler County	9.05	.35	.635			
Fayette County:						
Jefferson & Washington Twps.	9.22	.58				
Remainder of County	9.16	.35	.64			
Carpenters	8.92	5%	7%	6%	.4 of 1%	
Cement masons	9.00	6%	10%+6%			
Electricians:						
Butler County	9.75	.29	.20+1%		.005	
Fayette County	8.90	.35	1%+.40		.04	
Glaziers	7.89	.35	.44	.33	.01	
Ironworkers	8.775	.785	.775		.03	
Lead burners	9.25	.35		a	.01	
Line Construction:						
Linemen	10.33	.30	1%		3/8%	
Groundman	6.20	.30	1%		3/8%	
Winch truck operator	7.23	.30	1%		3/8%	
Marble setters:						
Butler County	8.72	.45	.75			
Fayette County	9.16	.35	.64			
Millwrights	7.66	5%	2%%	26%	1%	
Painters						
Fayette County:						
Brush & Roller	6.55					
Spray	7.55					
Butler County:						
Brush	7.10	.35	.35		.01	
Roller	7.40	.35	.35		.01	
Spray	8.10	.35	.35		.01	
Piledrivermen	9.27	5%	7%		.50%	
Plasterers	7.58	.37	.50			
Plumbers & Steamfitters:						
Butler County	8.72	.30	.25		.04	
Fayette County	9.32	.65	.65		.19	
Roofers	9.21	.37	1.10		.06	
Sheet metal workers	8.83	.65	.85		.02	
Soft floor layers	8.245	5%	5%	4.5%	.50%	
Sprinkler Fitters	9.45	.50	.70		.08	

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10-Butler-26-Fayette-PA-1-B 2 of 4

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Terrazzo workers						
Butler County	$ 8.47	.45	.75			
Fayette County	9.16	.35	.64			
Terrazzo workers helpers	7.855	.35	.10			
Tile setters:						
Butler County	7.85	.35	.95			
Fayette County	9.16	.35	.95			
Tile setters helpers	7.89					

Welders - receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS: (where applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. 9 paid holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.

AR-2036 P. 3
10-Butler-26-Fayette-PA-1-B 3 of 4

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Laborers (Butler County):						
Laborers, carryable pumps west brick buggy or similar, vibrator operators, walk behind forklift or similar (non self-propelled)stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting & stopping)	$7.15	.40	.40			
West brick buggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forlift or similar, (self-propelled) wagon drill helper, drill runner, drill runners' helper, (including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment, pipe layer, burner, jack-hammer man-concrete buster	7.275	.40	.40			
Hod carrier, scaffold builder, bell & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, including starting & stopping) grout machine feeder & pump operator	7.40	.40	.40			
Concrete saw operators	7.40	.40	.40			
Gunnite nozzleman	7.65	.40	.40			
Blaster & wagon drill operator	7.85	.40	.40			
Laborers (Fayette County):						
Laborers, carry pumps, West brick buggy or similar, vibrator operators, walk-behind forklift or similar (non self-propelled), stripper and mover of forms as follows: Cement masons, footers, forms not to be reused, forms that are a matter of record, window cleaner, tool room man, all material conveyor (regardless of power used, including starting and stopping).	7.05	.40	.40			
West brick buggy or similar (self-propelled), power wheel barrows & buggies, walk-behind forklift or similar, self-propelled wagon drill runner, drill runners' helper (incl. drill mounted on truck, track, or similar), blaster's helper, all operators of compacting equipment, pipelayer, burner, jackhammerman, concrete buster	$7.175	.40	.40			
Hod carrier, scaffold builder, bell and bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, incl. starting & stopping), grout machine feeder, pump operator	7.35	.40	.40			
Concrete saw operators	7.35	.40	.40			
Gunnite nozzelman	7.55	.40	.40			
Blaster, wagon drill operator	7.60	.40	.40			

AR-2036 P. 4
10-Butler-26-Fayette-PA-1-B 4 of 4

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	9.875	.50	.50		.09
CLASS 1-A	10.125	.50	.50		.09
CLASS 1-B	10.375	.50	.50		.09
CLASS 1-C	10.625	.50	.50		.09
CLASS II	9.725	.50	.50		.09
CLASS III	9.15	.50	.50		.09
CLASS 3-A	9.65	.50	.50		.09
CLASS IV	9.15	.50	.50		.09
CLASS V	8.40	.50	.50		.09
CLASS VI	8.15	.50	.50		.09
CLASS 6-A	8.25	.50	.50		.09
CLASS 6-B	8.40	.50	.50		.09

CLASS I: Austin-Western or similar type up to 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar), backhoe, batch plant when conveyors are used for direct feeding or discharge, batch plant - no conveyors for direct feeding or discharge (without oiler) cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type) cranes - tower (mobile) cranes tower (climbing type), derrick-traveler (self propelled), derrick (all types) (when assistance required it will be an oiler or apprentice), derrick boats, dragline, drsdge, engineer-maintenance (mechanic weekly rated), franki or similar type, pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes, Hi Lift 4 yds. or over hoist-hod (2 cages up to 10 floors) hoist-single cage with chicago boom attached hoist (50 ft. or over) (stacks stoves or furnaces), hoist (slipform jobs) hop-to or similar type with 180° swing, hop-to or similar type with 360° swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver - guard rail (truck mounted pumpkrete-mobils or similar type, quad nine, shovels (all types), slip form paver (CMI or similar, tractors - boom mounted (all types) tractors (all types with hydraulic backhoe attached), tug boat, whirley

CLASS 1-A: Austin-Western or similar type up to 25 tons with jib, austin western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft. (truck or crawler type) cranes - mobile (any type 15 ton or over) hoist-rod (2 cages over 10 floors)

CLASS 1-B: Cranes (boom or mast over 150 ft. up to & including 200 ft. (truck or crawler type), engineer - lead.

CLASS 1-C: Cranes (boom or mast over 200 ft. + .75

CLASS II: auger - truck or tractor mounted, back filling machine, boat - material or personnel carrying (powered) boat of job week (inboard or out-board), bulldozer, cable layer, compactor with blade, concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similar type, drill - core (truck or skid mounted), drill - well & core (truck mounted) elevator (new buildings and major remodeling old), euclid loader, excavating equipment (all other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), Hi-Lift less than 4 yds, hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic), mixer - paving, mucking machine, pipe oleaning machine, refrigeration plant (used for constr. jobs ie. cooling, concrete & holding tanks), ross carrier (or similar type) scoop (single bowl) self-powered & tractor drawn) spreader - concrete, asphalt and stone, Tower Mobile (hoisting or lowering material) trenchar, well point systems, grout pump (10 H.P. or over) paver operator asphalt (spreader), pumperete or similar type (not self-propelled) pumpkrete machine operator (stationary), tire repairman (when assigned to job), welder repariman) Asphalt plant operator, athey loader.

CLASS III: Boiler, compactor (ridden or self-propelled), crane (carry) curb builder (self-propelled) drills-wells and horizontal, elevator (alterations of old building), forklifts (ridden or self-propelled), hoist one drum (regardless of power used) pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finishing (CMI or similar type), tugger, truck (winch) truck or hydraulic boom (when hoisting & placing), ballast regulator, boring machine, broom, power (except push type), conveyor over 1 and up to units (regardless of power used) form line machine, hoists (monorail) regardless of power used) hoist roof, (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar - over 10 cu. ft. (regardless of power used), spray cure machine power driven steam jenny (or similar type) syphon (steam or air), welding machine single (300 amp or over) (other than electrically driven

CLASS 3-A: Conveyors 4 units or more

CLASS IV: Ballast Regulator, Boring Machine, Broom, power (except push type), Compressor - Single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used), Form line machine, Generator (over 5 KW), Hoists (Monorail) (regardless of power used), Hoist Roof (regardless of power used), Huck machine or similar type, Mixer Concrete (regardless of power used), Mixer Mortar - over 10 cu ft (regardless of power used), pump (over 1½" discharge regardless of power used), Spray Cure Machine (power Driven), steam jenny (or similar type), syphon (steam or air), Welding machine single (300 amp or over) other than electrically driven. plant, private or industrial air or steam valve

CLASS V: Compressor - 65 cu. ft. or under (regardless of power used), conveyor one (1) unit (regardless of power used), heatere - up to and including 6, jack motor hydraulic (single type) power driven, ladavator, mixer mortar (10 cu. ft. or under), mulching machine, pin puller (powered), pulverizer, pump - 1½" discharge or less. seeding machine, spreader side delivery, shoulder (attachment), tie tamper (multiple heads), tractor farm (when used for landscaping), water blaster

CLASS VI: Brake man, deck hand, helicopter signalman, oiler

CLASS 6-A: Crane truck oiler and fireman

CLASS 6-B: Oiler truck crane 50 ton or over, mechanic helper

PA-2-TD-1-F

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.855	.30	.30	a	
Dumps and flat tops	5.905	.30	.30	a	
Transit-mix, single axle	5.93	.30	.30	a	
Transit-mix, tandem	5.93	.30	.30	a	
Distributed truck over 33.00 lbs. gross weight	5.905	.30	.30	a	
Distributed truck up to 33.00 lbs. gross weights	6.055	.30	.30	a	
Heavy duty trailers with high bed, 4 wheels	5.955	.30	.30	a	
Heavy duty trailers with low bed, 6 to 16 wheels	6.255	.30	.30	a	
Trucks with dolly	6.055	.30	.30	a	
Euclids or equivalent	6.055	.30	.30	a	
Truck with dump trailers or tandems	6.055	.30	.30	a	
Winch trucks	6.23	.30	.30	a	
Towing equipment off job site	6.055	.30	.30	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

XUM

SUPERSEDEAS DECISION

Decision Number AR-36 Page 2

STATE: Texas

COUNTY: Statewide (excluding Dallas-Fort Worth Regional Airport)

DECISION NO.: AR-36

DATE: Date of Publication

Supersedes Decision No. AQ-118, dated June 21, 1974, in 39 FR 22401.

DESCRIPTION OF WORK: See "Area Covered by Various Zones"

	ZONE 1 Basic Hourly Rates	ZONE 2 Basic Hourly Rates	ZONE 3 Basic Hourly Rates	ZONE 4 Basic Hourly Rates	ZONE 5 Basic Hourly Rates
Air Tool Man	$ -	$2.60	$2.90	$2.75	$2.25
Asphalt Heaterman	3.75	2.75	3.00	3.25	2.75
Asphalt Raker	3.90	3.00	3.05	2.25	3.00
Asphalt Shoveler	-	2.35	2.50	2.00	2.00
Batching Plant Scaleman	4.30	3.35	3.00	3.50	3.10
Batterboard Setter	-	-	-	-	3.25
Carpenter	4.50	3.75	3.50	3.50	3.55
Carpenter Helper	3.75	3.15	2.75	2.10	2.50
Concrete Finisher (Paving)	4.15	4.00	3.50	3.50	3.50
Concrete Finisher Helper (Paving)	3.40	2.90	2.75	-	2.75
Concrete Finisher (Structures)	4.35	3.50	3.50	3.20	3.50
Concrete Finisher Helper (Structures)	2.90	2.80	2.75	2.40	2.75
Concrete Rubber	-	-	-	3.00	2.50
Electrician	-	6.15	5.90	-	6.35
Electrician Helper	-	3.30	-	-	3.40
Fireman	-	-	-	-	2.85
Flagman	-	-	-	-	2.20
Form Builder (Structures)	4.25	3.25	3.75	3.00	3.50
Form Builder Helper (Structures)	3.35	2.80	2.75	2.45	3.00
Form Liner (Paving and Curb)	-	4.00	-	-	-
Form Setter (Paving and Curb)	-	4.00	3.10	2.65	3.85
Form Setter Helper (Paving and Curb)	-	-	2.75	-	-
Form Setter (Structures)	4.80	3.50	3.65	3.00	3.30
Form Setter Helper (Structures)	3.75	2.65	2.75	2.50	2.50
Laborer, Common	2.50	2.25	2.50	2.00	2.00
Laborer, Utility Man	3.10	2.85	2.80	2.25	2.50
Manhole Builder, Brick	3.25	-	-	2.75	-
Mechanic	4.50	3.50	3.60	3.45	3.65
Mechanic Helper	3.35	-	2.80	2.40	2.75
Oiler	3.55	3.30	2.50	2.50	2.70
Serviceman	3.70	3.00	3.20	3.00	2.50
Painter (Structures)	3.55	-	3.50	-	-
Painter Helper (Structures)	-	-	-	-	-
Piledriverman	-	-	-	-	-
Pipelayer	2.85	2.50	3.20	2.50	3.25
Pipelayer Helper	2.50	2.25	2.50	2.00	2.50
Pneumatic Mortarman	-	3.35	3.35	-	-
Powderman	3.95	4.00	3.55	3.30	2.85
Powderman Helper	-	-	2.50	3.00	2.35
Reinforcing Steel Setter (Paving)	$ -	$ -	$2.85	$ -	$3.25
Reinforcing Steel Setter (Structures)	4.00	-	3.25	3.00	3.40
Reinforcing Steel Setter Helper	-	-	2.75	2.25	2.25
Steel Worker (Structural)	-	-	-	5.00	3.00
Steel Worker Helper (Structural)	-	-	-	2.50	2.60
Sign Erector	-	2.75	-	2.75	-
Spreader Box Man	3.20	3.50	3.00	3.00	2.75
Swamper	2.50	-	-	2.00	3.25
Power Equipment Operators:					
Asphalt Distributor	3.95	3.00	3.25	3.00	3.25
Asphalt Paving Machine	4.45	3.25	3.25	3.00	3.25
Broom or Sweeper Operator	2.60	2.45	2.80	-	-
Bulldozer, 150 HP and Less	3.75	3.00	3.25	3.00	3.25
Bulldozer, over 150 HP	4.20	3.50	3.50	3.50	3.50
Concrete Paving Curing Machine	-	-	-	-	-
Concrete Paving Finishing Machine	3.05	-	-	3.75	-
Concrete Paving Gang Vibrator	-	-	-	-	-
Concrete Paving Joint Sealer	-	-	-	-	-
Concrete Paving Mixer	-	-	-	-	-
Concrete Paving Saw	-	-	-	-	-
Concrete Paving Spreader	-	-	-	-	-
Paving Sub Grader	-	-	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.25	3.50	3.60	3.50	3.50
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	4.80	4.00	4.00	3.75	4.00
Crusher or Screening Plant Operator	3.85	3.25	3.25	3.00	2.75
Form Loader	-	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	-	-	-	3.50
Foundation Drill Operator (Truck Mounted)	-	5.00	4.95	4.75	4.65
Foundation Drill Operator Helper	-	3.25	3.35	-	3.10
Front End Loader (2¼ CY and Less)	3.75	3.00	3.00	3.00	3.00
Front End Loader (Over 2¼ CY)	4.20	3.70	3.50	3.50	3.50
Mixer (Over 16 CF)	-	-	-	-	-
Mixer (16 CF and Less)	-	-	-	-	-
Motor Grader Operator, Fine Grade	4.80	4.10	4.00	4.00	4.00
Motor Grader Operator	4.15	3.75	3.75	3.75	3.75
Roller, Steel Wheel (Plant-Mix Pavements)	3.50	3.25	3.10	2.75	2.75
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.25	2.55	2.50	2.50	2.50

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	ZONE 1 Basic Hourly Rates	ZONE 2 Basic Hourly Rates	ZONE 3 Basic Hourly Rates	ZONE 4 Basic Hourly Rates	ZONE 5 Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Roller, Pneumatic (Self-Propelled)	$3.05	$3.00	$2.50	$2.50	$2.50
Scrapers (17 CY and Less)	3.50	3.00	3.25	3.25	3.00
Scrapers (Over 17 CY)	4.20	3.50	3.50	3.75	3.50
Side Boom	-	3.50	-	-	-
Tractor (Crawler Type) 150 HP and Less	2.90	3.00	2.75	-	2.50
Tractor (Crawler Type) over 150 HP	3.60	3.50	3.00	2.95	2.50
Tractor (Pneumatic) 80 HP and Less	2.90	2.95	2.50	2.50	2.10
Tractor (Pneumatic) over 80 HP	3.00	3.00	2.95	2.75	2.50
Traveling Mixer	3.75	3.80	-	-	2.50
Trenching Machine, Light	3.00	2.75	-	-	3.25
Trenching Machine, Heavy	-	-	-	-	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.40	3.50	3.20	3.15	3.00
Truck Drivers:					
Single Axle, Light	2.50	2.50	2.50	2.50	2.25
Single Axle, Heavy	3.10	3.00	2.50	2.50	2.50
Tandem Axle or Semitrailer	2.50	3.00	2.70	2.25	2.50
Lowboy-Float	3.00	-	-	3.00	3.25
Transit-Mix	-	-	3.00	2.50	-
Winch	-	-	-	-	-
Vibrator Man (Hand Type)	-	-	-	-	-
Weighman (Truck Scales)	2.75	2.55	2.50	2.50	-
Welder	4.80	-	3.00	3.40	4.00
Welder Helper	2.75	-	-	2.50	3.00

	ZONE 6 Basic Hourly Rates	ZONE 7 Basic Hourly Rates	ZONE 8 Basic Hourly Rates	ZONE 9 Basic Hourly Rates	ZONE 10 Basic Hourly Rates
Air Tool Man	$2.25	$ -	$2.30	$2.85	$ -
Asphalt Heaterman	-	2.50	2.50	2.80	3.15
Asphalt Raker	2.90	3.15	3.00	3.15	3.55
Asphalt Shoveler	-	-	-	-	2.65
Batching Plant Scaleman	-	3.55	-	3.15	3.55
Batterboard Setter	-	2.75	3.15	-	-
Carpenter	3.25	3.00	3.60	3.65	4.00
Carpenter Helper	2.40	2.55	2.25	2.65	2.75

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	ZONE 6 Basic Hourly Rates	ZONE 7 Basic Hourly Rates	ZONE 8 Basic Hourly Rates	ZONE 9 Basic Hourly Rates	ZONE 10 Basic Hourly Rates
Concrete Finisher (Paving)	$3.25	$ -	$4.00	$3.75	$4.00
Concrete Finisher Helper (Paving)	-	-	-	3.00	3.00
Concrete Finisher (Structures)	3.25	3.35	3.45	3.70	4.00
Concrete Finisher Helper (Structures)	2.25	2.75	2.75	2.50	3.00
Concrete Rubber	-	2.85	-	2.95	2.65
Electrician	6.25	5.95	6.50	5.20	5.95
Electrician Helper	3.40	-	-	-	4.25
Fireman	-	-	3.50	-	-
Flagman	-	-	-	-	-
Form Builder (Structures)	3.50	3.75	3.75	3.50	3.75
Form Builder Helper (Structures)	2.50	2.65	2.85	3.00	2.85
Form Liner (Paving and Curb)	-	3.25	-	-	4.15
Form Setter (Paving and Curb)	3.00	3.50	-	3.65	3.75
Form Setter Helper (Paving and Curb)	2.75	2.40	-	2.80	3.00
Form Setter (Structures)	3.50	3.55	3.00	3.80	3.75
Form Setter Helper (Structures)	2.50	2.75	2.50	2.85	3.00
Laborer, Common	2.00	2.00	2.00	2.25	2.50
Laborer, Utility Man	2.60	2.70	2.50	2.50	2.75
Manhole Builder, Brick	-	-	-	-	-
Mechanic	3.75	3.75	3.75	4.00	4.00
Mechanic Helper	3.25	2.95	2.60	3.25	-
Oiler	3.25	2.85	2.50	3.00	3.25
Serviceman	2.50	3.25	3.00	3.25	-
Painter (Structures)	-	-	3.75	2.85	-
Painter Helper (Structures)	-	-	-	2.25	-
Piledriverman	3.50	-	-	-	-
Pipelayer	2.65	2.55	2.90	3.20	3.85
Pipelayer Helper	2.30	-	2.60	2.40	2.75
Pneumatic Mortarman	-	-	-	-	-
Powderman	-	-	3.50	3.40	3.80
Powderman Helper	-	-	2.70	-	-
Reinforcing Steel Setter (Paving)	-	-	-	-	3.00
Reinforcing Steel Setter (Structures)	3.00	3.75	3.75	4.00	3.80
Reinforcing Steel Setter Helper	2.40	3.00	2.75	2.70	3.00
Steel Worker (Structural)	-	-	-	4.00	3.00
Steel Worker Helper (Structural)	-	-	-	3.00	-
Sign Erector	-	-	-	3.00	3.20
Spreader Box Man	-	3.00	-	3.25	3.60
Swamper	-	-	-	2.60	-
Power Equipment Operators:					
Asphalt Distributor	3.10	3.10	3.00	3.35	3.50
Asphalt Paving Machine	3.50	3.35	3.25	3.25	3.70
Broom or Sweeper Operator	-	-	-	2.25	3.65

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	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Bulldozer, 150 HP and Less	$3.00	$3.00	$3.25	$3.50	$3.75
Bulldozer, over 150 HP	3.55	3.15	3.50	3.75	4.00
Concrete Paving Curing Machine	-	-	-	-	-
Concrete Paving Finishing Machine	-	-	-	-	4.00
Concrete Paving Gang Vibrator	-	-	-	-	4.15
Concrete Paving Joint Sealer	-	-	-	-	-
Concrete Paving Mixer	-	-	-	3.65	-
Concrete Paving Saw	-	-	-	-	3.50
Concrete Paving Spreader	-	-	-	-	4.15
Paving Sub Grader	-	-	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (Less than 1½ CY)	3.40	3.00	3.75	3.50	3.75
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	3.75	3.75	4.00	4.25	4.00
Crusher or Screening Plant Operator	-	-	3.00	3.25	-
Form Loader	-	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	-	3.50	-	-
Foundation Drill Operator (Truck Mounted)	-	-	4.25	4.25	4.45
Foundation Drill Operator Helper	-	-	3.30	2.90	3.25
Front End Loader (2½ CY and Less)	3.00	3.00	3.00	3.50	3.50
Front End Loader (Over 2½ CY)	3.30	3.30	3.50	3.75	3.90
Mixer (Over 16 CF)	-	-	-	-	-
Mixer (16 CF and Less)	-	-	-	-	-
Motor Grader Operator, Fine Grade	4.00	4.00	4.00	4.00	4.00
Motor Grader Operator	3.50	3.50	3.65	3.75	3.75
Roller, Steel Wheel (Plant-Mix Pavements)	2.50	2.75	2.85	2.90	3.90
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.35	2.50	2.50	2.50	3.30
Roller, Pneumatic (Self-Propelled)	2.55	2.00	2.25	2.50	3.00
Scrapers (17 CY and Less)	3.00	3.00	3.00	3.50	3.50
Scrapers (Over 17 CY)	3.50	3.25	3.25	3.75	3.75
Side Boom	-	-	-	-	-
Tractor (Crawler Type) 150 HP and Less	2.65	2.75	2.75	3.00	3.50
Tractor (Crawler Type) over 150 HP	3.15	2.85	3.25	3.25	3.80
Tractor (Pneumatic) 80 HP and Less	2.55	2.50	2.50	2.50	-
Tractor (Pneumatic) over 80 HP	2.85	2.85	2.75	3.10	4.00
Traveling Mixer	3.00	2.60	2.75	3.15	-
Trenching Machine, Light	4.15	2.75	-	2.75	-

	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Trenching Machine, Heavy	$ -	$ -	$3.25	$3.50	$ -
Wagon Drill, Boring Machine or Post Hole Driller Operator	-	-	3.00	3.00	3.55
Truck Drivers:					
Single Axle, Light	2.00	2.25	2.25	2.50	2.75
Single Axle, Heavy	2.25	2.40	2.50	2.50	2.90
Tandem Axle or Semitrailer	2.00	2.50	2.40	2.50	3.00
Lowboy-Float	-	-	-	-	3.75
Transit-Mix	-	-	-	-	-
Winch	-	2.50	-	-	3.00
Vibrator Man (Hand Type)	-	-	-	-	-
Weighman (Truck Scales)	2.85	-	-	2.25	-
Welder	3.60	3.00	4.30	3.50	3.80
Welder Helper	2.85	-	3.00	-	-

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -	$ -	$ -	$ -	$3.40
Asphalt Heaterman	-	2.75	3.50	-	3.25
Asphalt Raker	3.70	3.50	3.25	3.00	3.55
Asphalt Shoveler	3.50	2.40	2.55	-	-
Batching Plant Scaleman	3.25	3.50	3.25	2.80	3.85
Batterboard Setter	-	-	-	-	-
Carpenter	4.00	3.75	4.15	3.70	4.10
Carpenter Helper	2.50	3.00	2.75	3.00	3.40
Concrete Finisher (Paving)	4.00	3.90	-	3.50	4.50
Concrete Finisher Helper (Paving)	3.50	3.10	-	-	3.00
Concrete Finisher (Structures)	3.50	3.65	3.60	3.65	3.75
Concrete Finisher Helper (Structures)	3.00	3.00	2.75	2.75	3.25
Concrete Rubber	2.75	-	3.90	-	3.65
Electrician	5.50	-	-	-	6.15
Electrician Helper	3.75	-	-	-	3.90
Fireman	-	-	2.75	-	-
Flagman	-	-	-	-	-
Form Builder (Structures)	4.25	-	3.70	4.00	3.75
Form Builder Helper (Structures)	3.25	-	2.25	2.55	3.00

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Form Liner (Paving and Curb)	$3.65	$ -	$ -	$3.55	$4.50
Form Setter (Paving and Curb)	3.50	3.00	-	-	4.10
Form Setter Helper (Paving and Curb)	3.00	2.75	-	-	3.20
Form Setter (Structures)	3.05	4.00	3.55	3.40	4.00
Form Setter Helper (Structures)	3.00	2.80	2.25	3.00	3.00
Laborer, Common	2.35	2.25	2.25	2.35	2.50
Laborer, Utility Man	2.50	2.75	2.75	2.50	2.75
Manhole Builder, Brick	-	-	-	-	3.25
Mechanic	4.00	3.85	4.00	3.50	4.50
Mechanic Helper	2.75	3.25	3.60	2.60	3.25
Oiler	3.10	2.95	3.25	3.00	3.40
Serviceman	3.50	2.95	3.10	2.50	3.80
Painter (Structures)	-	-	-	-	5.25
Painter Helper (Structures)	-	-	-	-	3.00
Piledriverman	-	-	-	-	5.00
Pipelayer	3.00	3.00	3.25	3.50	4.00
Pipelayer Helper	2.75	2.50	-	2.75	3.25
Pneumatic Mortarman	-	-	-	-	-
Powderman	-	-	-	3.40	-
Powderman Helper	-	-	-	-	-
Reinforcing Steel Setter (Paving)	2.50	-	-	-	3.00
Reinforcing Steel Setter (Structures)	3.50	3.50	3.35	3.25	3.50
Reinforcing Steel Setter Helper	3.25	-	2.25	2.75	2.50
Steel Worker (Structural)	-	-	-	-	3.75
Steel Worker Helper (Structural)	-	-	-	-	-
Sign Erector	3.20	-	-	-	-
Spreader Box Man	3.30	2.50	-	-	-
Swamper	-	-	-	-	-
Power Equipment Operators:					
Asphalt Distributor	3.75	3.00	3.50	2.75	3.75
Asphalt Paving Machine	3.75	3.75	3.40	3.00	3.95
Broom or Sweeper Operator	-	-	-	-	-
Bulldozer, 150 HP and Less	3.50	3.50	3.50	3.25	3.50
Bulldozer, over 150 HP	4.00	3.75	3.75	3.50	4.00
Concrete Paving Curing Machine	-	-	-	-	3.15
Concrete Paving Finishing Machine	4.00	-	-	-	3.50
Concrete Paving Gang Vibrator	-	-	-	-	3.00
Concrete Paving Joint Sealer	3.15	-	-	-	-
Concrete Paving Mixer	4.25	-	-	-	4.50
Concrete Paving Saw	3.75	-	-	-	-
Concrete Paving Spreader	4.15	-	-	-	3.90
Paving Sub Grader	4.00	-	-	-	4.00

	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	$3.50	$3.50	$3.75	$3.70	$4.00
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.00	4.00	4.00	4.00	4.50
Crusher or Screening Plant Operator	3.50	-	-	3.35	-
Form Loader	-	-	-	-	4.10
Foundation Drill Operator (Crawler Mounted)	-	-	-	-	4.50
Foundation Drill Operator (Truck Mounted)	4.80	4.50	4.25	5.10	4.00
Foundation Drill Operator Helper	4.00	3.45	-	3.75	-
Front End Loader (2½ CY and Less)	3.35	3.25	3.25	3.00	3.25
Front End Loader (Over 2½ CY)	4.00	3.50	3.75	3.80	4.00
Mixer (Over 16 CF)	3.65	-	-	-	-
Mixer (16 CF and Less)	3.35	-	-	-	-
Motor Grader Operator, Fine Grade	4.00	4.00	4.00	4.00	4.50
Motor Grader Operator	3.75	3.75	3.75	3.75	4.00
Roller, Steel Wheel (Plant-Mix Pavements)	3.75	3.25	3.20	2.75	3.50
Roller, Steal Wheel (Other-Flat Wheel or Tamping)	3.25	2.50	3.00	3.00	2.75
Roller, Pneumatic (Self-Propelled)	3.00	2.50	3.10	2.50	3.40
Scrapers (17 CY and Less)	3.50	3.50	3.00	3.00	3.25
Scrapers (Over 17 CY)	4.00	3.75	3.75	3.50	4.00
Side Boom	-	-	-	-	-
Tractor (Crawler Type) 150 HP and Less	-	3.00	3.25	-	-
Tractor (Crawler Type) over 150 HP	3.65	3.75	4.00	3.50	3.60
Tractor (Pneumatic) 80 HP and Less	3.00	3.00	2.75	2.50	3.00
Tractor (Pneumatic) over 80 HP	-	3.10	3.50	2.75	3.25
Traveling Mixer	3.75	3.65	3.30	-	3.15
Trenching Machine, Light	-	3.85	-	3.00	-
Trenching Machine, Heavy	4.00	-	-	-	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.70	-	-	-	-
Truck Drivers:					
Single Axle, Light	3.00	2.50	2.25	2.50	3.00
Single Axle, Heavy	3.00	2.50	2.75	2.50	3.25
Tandem Axle or Semitrailer	3.00	2.50	2.50	2.35	2.75
Lowboy-Float	-	-	4.00	-	3.45
Transit-Mix	-	3.15	-	-	-
Winch	-	-	-	-	3.40

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	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Vibrator Man (Hand Type)	$ -	$ -	$2.25	$ -	3.10
Weighman (Truck Scales)	2.50	2.75	-	2.75	2.75
Welder	4.00	3.50	4.15	3.50	4.60
Welder Helper	3.25	-	-	-	-

	ZONE 16
	Basic Hourly Rates
Air Tool Man	$ -
Asphalt Heaterman	-
Asphalt Raker	3.45
Asphalt Shoveler	-
Batching Plant Scaleman	-
Batterboard Setter	-
Carpenter	3.70
Carpenter Helper	-
Concrete Finisher (Paving)	4.25
Concrete Finisher Helper (Paving)	-
Concrete Finisher (Structures)	4.00
Concrete Finisher Helper (Structures)	3.75
Concrete Rubber	-
Electrician	6.20
Electrician Helper	-
Fireman	-
Flagman	2.50
Form Builder (Structures)	-
Form Builder Helper (Structures)	-
Form Liner (Paving and Curb)	-
Form Setter (Paving and Curb)	4.25
Form Setter Helper (Paving and Curb)	-
Form Setter (Structures)	4.20
Form Setter Helper (Structures)	3.45
Laborer, Common	2.50
Laborer, Utility Man	3.25
Manhole Builder, Brick	-
Mechanic	4.00
Mechanic Helper	-
Oiler	2.95

	ZONE 16
	Basic Hourly Rates
Serviceman	$3.50
Painter (Structures)	4.50
Painter Helper (Structures)	-
Piledriverman	-
Pipelayer	2.95
Pipelayer Helper	-
Pneumatic Mortarman	-
Powderman	-
Powderman Helper	-
Reinforcing Steel Setter (Paving)	3.75
Reinforcing Steel Setter (Structures)	4.10
Reinforcing Steel Setter Helper	-
Steel Worker (Structural)	-
Steel Worker Helper (Structural)	-
Sign Erector	-
Spreader Box Man	4.25
Swamper	-
Power Equipment Operators:	
Asphalt Distributor	4.00
Asphalt Paving Machine	4.00
Broom or Sweeper Operator	-
Bulldozer, 150 HP and Less	3.50
Bulldozer, over 150 HP	4.50
Concrete Paving Curing Machine	-
Concrete Paving Finishing Machine	-
Concrete Paving Gang Vibrator	-
Concrete Paving Joint Sealer	-
Concrete Paving Mixer	-
Concrete Paving Saw	-
Concrete Paving Spreader	-
Paving Sub Grader	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.00
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	4.50
Crusher or Screening Plant Operator	-
Form Loader	-
Foundation Drill Operator (Crawler Mounted)	-
Foundation Drill Operator (Truck Mounted)	-
Foundation Drill Operator Helper	-

	ZONE 16
	Basic Hourly Rates
Power Equipment Operators (Cont'd):	
Front End Loader (2½ CY and Less)	$3.60
Front End Loader (Over 2½ CY)	4.25
Mixer (Over 16 CF)	-
Mixer (16 CF and Less)	-
Motor Grader Operator, Fine Grade	4.50
Motor Grader Operator	4.00
Roller, Steel Wheel (Plant-Mix Pavements)	3.75
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.00
Roller, Pneumatic (Self-Propelled)	3.35
Scrapers (17 CY and Less)	3.50
Scrapers (Over 17 CY)	4.00
Side Boom	-
Tractor (Crawler Type) 150 HP and Less	3.00
Tractor (Crawler Type) over 150 HP	-
Tractor (Pneumatic) 80 HP and Less	3.10
Tractor (Pneumatic) over 80 HP	4.50
Traveling Mixer	2.75
Trenching Machine, Light	-
Trenching Machine, Heavy	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	-
Truck Drivers:	
Single Axle, Light	3.00
Single Axle, Heavy	-
Tandem Axle or Semitrailer	2.50
Lowboy-Float	4.60
Transit-Mix	-
Winch	-
Vibrator Man (Hand Type)	-
Weighman (Truck Scales)	-
Welder	4.55
Welder Helper	-

DECISION NO. AR-36

AREA COVERED BY VARIOUS ZONES

ZONE 1 - Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita & Wilbarger Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 2 - Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum & Young Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 3 - Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward & Winkler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 4 - Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Paving Incidental to General Building Construction and Utilities Incidental to General Building Construction (excluding El Paso County)*. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*El Paso County for the exclusion of Utilities Incidental to General Building Construction only

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ZONE 5 - Aransas, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 6 - Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy & Zapata Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 7 - Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 8 - Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 9 - Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan & Navarro Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction (excluding Bell & Coryell Counties)*. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Bell & Coryell Counties for the exclusion of Paving & Utilities Incidental to General Building Construction

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ZONE 10 - Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Somervell, Tarrant & Wise Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway Construction, Paving Incidental to General Building Construction and Utilities Incidental to General Building Construction (excluding Tarrant County)*. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Tarrant County for the exclusion of Utilities Incidental to General Building Construction only

ZONE 11 - Collin, Dallas, Ellis, Grayson & Rockwall Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels, dams & work performed on the site of water or sewage treatment facilities) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 12 - Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt & Wood Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 13 - Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction and Incidental Shore Work and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

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ZONE 14 - Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker & Washington Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway construction and Paving & Utilities Incidental to General Building Construction. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

ZONE 15 - Brazoria, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller & Wharton Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction (excluding Galveston Island)*. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Galveston Island for the exclusion of Paving & Utilities Incidental to General Building Construction

ZONE 16 - Chambers, Hardin, Jefferson, Liberty & Orange Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams & Jefferson & Orange Counties)* and Highway Construction, Incidental Shore Work (excluding Jefferson & Orange Counties)*, and Paving & Utilities Incidental to General Building Construction (excluding Jefferson & Orange Counties)*. This wage determination does not apply to any residential construction (single family homes and garden type apartments up to and including 4 stories).

*Jefferson & Orange Counties for the exclusion of Heavy Construction, Incidental Shore Work and Paving & Utilities Incidental to General Building Construction

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: AR-38
COUNTIES: Kleberg & Nueces
DATE: Date of Publication
Supersedes Decision No. AQ-98, dated May 10, 1974, in 39 FR 17080.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AR-36 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.64	.35	.30		
BOILERMAKERS	7.80	.30	.76		.02
BRICKLAYERS	6.81	.15	.15		.02
CARPENTERS:					
Carpenters	6.00	.27	.22		.02
Millwrights	6.89				1%
CEMENT MASONS	6.40				
ELECTRICIANS:					
Electricians	7.85	.35	1%		1/2%
Cable splicers	7.975	.35	1%		1/2%
GLAZIERS (Excluding Kleberg County)	5.34		.20		
IRONWORKERS:					
Structural; Ornamental	5.54	.40	.40		.04
Reinforcing	5.435	.40	.40		.04
LABORERS:					
General laborer (any work not specifically defined herein)	3.75	.28	.10		
Craft tenders: Bricklayers, plasterers, tile setters, concrete & mortar mixers, pipelayers, lathers, finish carpenters, slip form operators, scaffolding water proofers, cement finishers	3.95	.28	.10		
Power tool operators - Includes paving buster, jackhammer, chipping gun, air tamper, barle tamper, electric vibracor, air or gasoline driven vibrator or drills, sump pumps and any and all power driven equipment operated by laborers	3.95	.28	.10		
Gunnite nozzlemen	4.20	.28	.10		
Pipe wrappers & dopers	4.10	.28	.10		
Powderman or blaster	4.20	.28	.10		
LATHERS	6.30	.30	.10	1.00	.01
MARBLE SETTERS	6.21				.02
MARBLE SETTERS' HELPERS	4.67				

DECISION NO AR-38

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:	$5.99	.25	.25		2/10%
Brush	6.39	.25	.25		2/10%
Spray	6.24	.25	.25		2/10%
Sign	7.30				.01
PLASTERERS	6.70	.15	.25		.035
PLUMBERS-STEAMFITTERS					
ROOFERS:	5.525		.15		
Roofers	5.525		.15		
Kettlemen	5.525		.15		
Waterproofers	5.525		.15		
Deckmen	6.52	.15	.25		.01
SHEET METAL WORKERS	6.00	.27	.22		.02
SOFT FLOOR LAYERS	8.90	.50	.70		.08
SPRINKLER FITTERS	6.21				.02
TERRAZZO WORKERS					
TERRAZZO WORKERS' HELPERS:	4.67				
Terrazzo helpers	4.87				
Floor machine operators	5.02				
Base machine operators	6.21				.02
TILE SETTERS	4.67				
TILE SETTERS' HELPERS					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
POWER EQUIPMENT OPERATORS:	6.20	.15	.45		
Group 1	5.525	.15	.45		
Group 2	4.925	.15	.45		
Group 3	5.075	.15	.45		
Group 4					
LINE CONSTRUCTION:	7.92	.28	1%		1/2%
Lineman	8.045	.28	1%		1/2%
Cable splicer	5.23	.28	1%		1/2%
Groundman					

DECISION NO. AR-38

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Asphalt Plant Mixer; Back Filler; Back Hoe; Batch Plant (concrete); Blade Grader; Boring Machine (foundation, horizontal or watermell); Bull Clam; Bull Dozer; Cableway; Clamshell; Crane, power operated, all types; Crusher; Derrick, power operated, all types; Dragline; Elevating Grader; Elevator, outside the building; Euclids and similar type machines; Forklift (on construction except in warehouses); Grade-All; Hi-Lift; Hoist (2 drums or more); Locomotive and Switch Engines; Mixer (paving); Mixer (concrete); Pile Driver; Pumps (2) over 3 inches; Pumpcrete Machine; Push Cat or Pull Cat; Roller (pneumatic, flatwheel); Scraper (all types); Shovel (power); Scoopmobile; Trench Machine; Tugboat (on Construction); Turn-a-pulls and similar machines; Welding Machines (7 to 13) other than electric; Wellpoint; Winch Trucks; All other equipment of similar nature coming within Heavy Equipment Class when power operated; Mechanic; Lubrication Engineer (required on grease racks and service trucks)

GROUP 2 - Air Compressor (1 or 2) 125 CFM or less, gasoline or diesel powered; Blade Grader (towed); Conveyor; Elevator, inside the building, permanent type; Fireman (required on any boiler, steam locomotive, steam crane, etc.); Flexplane; Form Grader; Generator (gas, diesel over 1500 watts); Hoist (1 drum); Mixer (less than 14 cu. ft.); Pulsometer; Pumps (1) over 3 inches; Pumps (1 or 2) 3 inches or under; Roller (towed); Tractor (wheel type); Driver-oiler (required on tractor or truck cranes on which controls of crane and those of tractor or truck are operated from different seats or stations, mobile type grade all, etc.); Wagon drill; Welding Machines (3 to 6) other than electric; All other equipment of similar nature coming within Light Equipment Class when power operated

GROUP 3 - Oiler, 1st year

GROUP 4 - Oiler, 2nd year

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Cameron, Hidalgo, Starr & Willacy

DATE: Date of Publication

DECISION NO.: AR-39

Supersedes Decision No. AR-2, dated July 5, 1974, in 39 FR 24819.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$5.57				
CARPENTERS:					.025
Carpenters	5.00				
Piledrivermen	4.67				
CEMENT MASONS	3.50				
ELECTRICIANS:					
Electrical contracts under $300,000	6.21	.30	1%		1%
Electrical contracts $300,000 & over	7.85	.30	1%		1%
GLAZIERS	2.75				
LABORERS:					
Common laborers	2.00				
Mason tenders	2.00				
Pipelayers (concrete & clay)	2.00				
PAINTERS, BRUSH	2.60				
PLASTERERS	5.00				
PLUMBERS & PIPEFITTERS	6.20	.18			.05
ROOFERS:					
Roofers	3.00				
Kettlemen	2.05				
SOFT FLOOR LAYERS	2.00				
TERRAZZO WORKERS	2.50				
TERRAZZO WORKERS' HELPERS	2.00				
TILE SETTERS	2.50				
TILE SETTERS' HELPERS	2.00				
TRUCK DRIVERS	2.00				

DECISION NO AR-39

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Tool Man	$2.25				
Asphalt Raker	2.90				
Carpenter	3.25				
Carpenter Helper	2.40				
Concrete Finisher (Paving)	3.25				
Concrete Finisher (Structures)	3.25				
Concrete Finisher Helper (Structures)	2.25				
Electrician	6.25				
Electrician Helper	3.40				
Form Builder (Structures)	3.50				
Form Builder Helper (Structures)	2.50				
Form Setter (Paving and Curb)	3.00				
Form Setter Helper (Paving & Curb)	2.75				
Form Setter (Structures)	3.50				
Form Setter Helper (Structures)	2.50				
Laborer, Common	2.00				
Laborer, Utility Man	2.60				
Mechanic	3.75				
Mechanic Helper	3.25				
Oiler	3.25				
Serviceman	2.50				
Piledriverman	3.50				
Pipelayer	2.65				
Pipelayer Helper	2.30				
Reinforcing Steel Setter (Structures)	3.00				
Reinforcing Steel Setter Helper	2.40				
Power Equipment Operators:					
Asphalt Distributor	3.10				
Asphalt Paving Machine	3.50				
Bulldozer, 150 HP and Less	3.00				
Bulldozer, over 150 HP	3.55				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1¼ CY)	3.40				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1¼ CY and Over)	3.75				
Front End Loader (2½ CY and Less)	3.00				
Front End Loader (Over 2½ CY)	3.50				
Motor Grader Operator, Fine Grade	4.00				
Motor Grader Operator	3.50				

DECISION NO AR-39

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Roller, Steel Wheel (Plant-Mix Pavements)	$2.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.35				
Roller, Pneumatic (Self-Propelled)	2.55				
Scrapers (17 CY and Less)	3.00				
Scrapers (Over 17 CY)	3.50				
Tractor (Crawler Type) 150 HP and Less	2.65				
Tractor (Crawler Type) over 150 HP	3.15				
Tractor (Pneumatic) 80 HP & Less	2.55				
Tractor (Pneumatic) over 80 HP	2.85				
Traveling Mixer	3.00				
Trenching Machine, Light	4.15				
Truck Drivers:					
Single Axle, Light	2.00				
Single Axle, Heavy	2.25				
Tandem Axle or Semitrailer	2.00				
Weighman (Truck Scales)	2.85				
Welder	3.60				
Welder Helper	2.85				

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SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Cameron, Hidalgo, Starr & Willacy

DECISION NO.: AR-40

DATE: Date of Publication

Supersedes Decision No. AR-8, dated July 26, 1974, in 39 FR 27410.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AR-36 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.64	.35	.30		
BOILERMAKERS	7.80	.30	.76		.02
BRICKLAYERS	5.57				
CARPENTERS:					
Carpenters	5.00				.025
Piledrivermen	4.67				
CEMENT MASONS	3.50				
ELECTRICIANS:					
Electrical contracts under $300,000	6.21	.30	1%		1%
Electrical contracts $300,000 & over	7.85	.30	1%		1%
GLAZIERS	2.75				
LABORERS:					
Common laborers	2.00				
Mason tenders	2.00				
Pipelayers (concrete & clay)	2.00				
LINE CONSTRUCTION:					
Linemen	6.26	.28	1%		1/2%
Groundmen	3.72	.28	1%		1/2%
Groundmen, 1st 6 mos.	2.56	.28	1%		1/2%
PAINTERS:					
Brush	2.60				
PLASTERERS	5.00				
PLUMBERS & PIPEFITTERS	6.20	.18			.05
ROOFERS:					
Roofers	3.00				
Kettlemen	2.05				
SOFT FLOOR LAYERS	2.00				
SPRINKLER FITTERS	8.90	.50	.70		.08
TERRAZZO WORKERS	2.50				
TERRAZZO WORKERS' HELPERS	2.00				
TILE SETTERS	2.50				
TILE SETTERS' HELPERS	2.00				
TRUCK DRIVERS	2.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Galveston & Harris

DECISION NO.: AR-41

DATE: Date of Publication

Supersedes Decision No. AR-32, dated August 23, 1974, in 39 FR 30811.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AR-36 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.35	.60	.50		.04
BOILERMAKERS	7.80	.30	.76		.02
BRICKLAYERS-STONEMASONS	7.84	.325	.30		.03
CARPENTERS:					
Carpenters	7.77	.45	.30		.05
Millwrights	8.04	.45	.30		.05
Piledrivermen	7.77	.45	.30		.05
CEMENT MASONS:					
Harris County	7.30	.49	.42		.05
Galveston County	7.30	.49	.42		
ELECTRICIANS:					
Harris County	8.40	.30	3%		.04
Galveston County	7.97	.28	1%+.34		.03
ELEVATOR CONSTRUCTORS:					
Elevator constructors	7.79	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
FOOTNOTES:					
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates.					
b - Following Paid Holidays: New Years' Day; Memorial Day; Thanksgiving Day; Christmas Day					
GLAZIERS	7.46	.275	.20		.01
IRONWORKERS	7.645	.55	.60		.075
LABORERS:					
Common	5.60	.28	.30		.02
Air tool operator (jackhammer-vibrator); Mason tenders; Pipelayers (concrete & clay); Sandblasters; Power buggy operator	5.775	.28	.30		.02
Lather tender; Mortar mixers; Plaster tenders & hod carriers	5.875	.28	.30		.02
Well driller	6.15	.28	.30		.02
Well driller tender	5.725	.28	.30		.02
Blaster, powderman	6.025	.28	.30		.02

DECISION NO. AR-41

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS (Harris County only)	$7.97	.30	.15		.02
LINE CONSTRUCTION:					
Lineman	8.575	.28	1%		1/2%
Groundmen	5.07	.28	1%		1/2%
Groundmen (1st 6 mos.)	4.29	.28	1%		1/2%
MARBLE MASONS:					
Harris County	6.78	.37		.25	
Galveston County	7.35				
PAINTERS:					
East-Harris County:					
GROUP 1 - All brush painting, hand rolling and all other work other than that below	7.62				
GROUP 2 - All pneumatic and electric tools and steam cleaning	7.975				
GROUP 3 - All tape and float on drywall	7.745				
GROUP 4 - All paper and vinyl hanging	7.87				
GROUP 5 - All spray painting, sandblasting and waterblasting	8.015				
GROUP 6 - Steeple jack work, hot materials	8.275				
Remainder of Harris County:					
GROUP 1 - All brush painting, hand roller, steam cleaning, all pneumatic tools	6.645	.275	.30	.40	.04
GROUP 2 - All spray painting, sandblasting, waterblasting	7.02	.275	.30	.40	.04
GROUP 3 - Tape, float & drywall	6.77	.275	.30	.40	.04
GROUP 4 - Steeple jack work, hot materials	7.27	.275	.30	.40	.04
Galveston County:					
GROUP 1 - Painters	6.095	.55	.45	.665	.02
GROUP 2 - Painters on swinging stage work or using materials injurious to the skin	6.345	.55	.45	.665	.02
PIPEFITTERS:					
Harris County and that part of Galveston County west of the Trinity River	7.80	.40	.55		.045
That part of Galveston County East of the Trinity River:					
Commercial work to $50,000	7.34	.275	.30		.02
Commercial work $50,000 & over	7.75	.275	.30		.02

DECISION NO AR-41

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS:					
Harris County	$7.80	.32	.30		.02
Galveston County	7.80	.32	.30		.05
PLUMBERS:					
Harris County	7.40	.32	.47	.50	.10
Galveston County:					
Commercial work up to $50,000	7.34	.275	.30		.02
Commercial work $50,000 & over	7.75	.275	.30		.02
POWER EQUIPMENT OPERATORS:					
GROUP 1	7.65	.35	.40		.04
GROUP 2	6.92	.35	.40		.04
GROUP 3	6.48	.35	.40		.04
GROUP 4	6.34	.35	.40		.04

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick - power operated (all types); Clam Shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more; Mix Mobile; Water Well Drilling Machines, Used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; DW-10 Caterpillar, S-18 Euclid and similar Tractors; Asphalt Plant Mixer Operator on job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

GROUP 2 - Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader; Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck crane Driver; Gasoline or diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or Diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A light Equipment Operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

DECISION NO AR-41

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Roofers	$6.69	.20	.10	.15	.03
Kettlemen	5.73	.20	.10	.15	.03
Helpers	4.48	.20	.10	.15	.03
SHEET METAL WORKERS:					
Harris County	7.585	.225	.475	.20	.025
Galveston County	8.35	.15	.25		.10
SOFT FLOOR LAYERS	7.12	.25	.10		.07
SPRINKLER FITTERS	8.90	.50	.70		.08
TERRAZZO WORKERS:					
Harris County	6.78	.37		.25	
Galveston County	7.35				
TILE SETTERS:					
Harris County	6.78	.37		.25	
Galveston County	7.35				
TRUCK DRIVERS:					
GROUP 1 - Under 1½ tons; wash, grease, fireman, fuel pump operation when used on construction jobs	6.42				
GROUP 2 - 1½ thru 2½ tons; dump truck less than 7 yds.	6.74				
GROUP 3 - Over 2½ tons; farm tractors; fork lifts, floats	6.92				
GROUP 4 - Euclids (not self-loading)	7.05				
GROUP 5 - Warehousemen	6.63				
GROUP 6 - Material checkers; pick-up drivers	7.49				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: AR-42
COUNTY: Travis
DATE: Date of Publication

Supersedes Decision No. AR-7, dated July 26, 1974, in 39 FR 27409.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AR-36 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.43	.30	.30		.08
BOILERMAKERS	7.80	.30	.76		.02
BRICKLAYERS & STONEMASONS	7.45	.35	.20		.03
CARPENTERS:					
Carpenters	7.08	.38	.30		.02
Millwrights	7.33	.38	.30		.02
CEMENT MASONS	6.49	.30	.10		
ELECTRICIANS:					
Electricians & cable splicers	8.20		1%		.8%
ELEVATOR CONSTRUCTORS:					
Elevator constructors	6.83	.395	.26	2.5%+a+b	.02
Elevator constructors' helpers	70%JR	.395	.26	2.5%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
FOOTNOTES:					
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.					
b - Paid Holidays; New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day					
GLAZIERS	6.31		.20		
IRONWORKERS	7.265	.55	.60		.12
LABORERS:					
General laborer and pier hole men	4.225	.275	.15		.02
Mason tender; Pipelayer (concrete & clay); Cement finisher tender; scaffold builder; gunnite & cement work mixer & power tool operator	4.375	.275	.15		.02
Plaster tender; Hod carrier; Mortar mixer; Lather tender; Water or damp proofers	4.55	.275	.15		.02
Gunnite over 1½" thick; Nozzlemen; Machine operator; Powderman & blaster	4.625	.275	.15		.02
LATHERS	8.125				.01

DECISION NO. AR-42

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Linemen	$7.87	.28	1%		1/2%
Groundmen	5.67	.28	1%		1/2%
Groundmen (1st 6 mos.)	4.58	.28	1%		1/2%
MARBLE SETTERS	6.85				
MARBLE SETTERS' HELPERS	4.67				
PAINTERS:					
Brush; Taping & floating of sheetrock	6.35				
Paperhangers; Chipper, burner, torch; Skelton steelwork erected	6.60				
Spray; Steam cleaning, sand blast & other powered equipment	6.85				
Swinging stage, bosun chair, window jack or scaffold (above 2nd floor) - 25c per hour above all base rates					
PLASTERERS	7.40	.25			.01
PLUMBERS & STEAMFITTERS	7.85	.20	.25		.03
POWER EQUIPMENT OPERATORS:					
GROUP 1	7.38		.40		
GROUP 2	6.46		.40		
GROUP 3	5.43		.40		
GROUP 4	5.33		.40		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor Driven, two drums or more; Mix Mobile; High-Lifts & loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Trenching Machine (all sizes); Gradall; Foundation Boring Machine; Scoopmobile; Shovel, Power Operated; Pump Crete Machine; Clam Shell Operator; Rock Crusher Operated on Job; Welding Machine, 6 to 12; Two 125 cu. ft. Compressors; Well points, including installations

GROUP 2 - Blade Greder, Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pulsometer; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2½ in. or larger; Pneumatic Roller; High-Lifts & Loaders, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machine or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator

GROUP 3 - Fireman

GROUP 4 - Oiler

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DECISION NO. AR-47

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Roofers	$5.23				.01
Kettlemen	5.00	.30	.35		.01
SHEET METAL WORKERS	8.30	.25	.10		.07
SOFT FLOOR LAYERS	7.12	.50	.70		.08
SPRINKLER FITTERS	8.90				
TERRAZZO WORKERS	6.35				
TERRAZZO WORKERS' HELPERS:					
Terrazzo helpers	4.67				
Floor machine operators	4.87				
Base machine operators	5.12				
TILE SETTERS	6.85				
TILE SETTERS' HELPERS	4.67				

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

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DECISION NO. AR-43

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS (CONT'D):					
ZONE 3 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties:					
AREA A - All work performed in Dallas County:					
Electricians	$8.20	4%	12		7/10%
Cable splicers	9.02	4%	12		7/10%
AREA B - All work performed outside of Dallas County up to a radius of 40 road miles from the City Hall in the City of Dallas:					
Electricians	8.45	4%	12		7/10%
Cable splicers	9.27	4%	12		7/10%
AREA C - All work performed outside of Area A and Area B:					
Electricians	8.70	4%	12		7/10%
Cable splicers	9.52	4%	12		7/10%
ELEVATOR CONSTRUCTORS:					
Elevator constructors	7.89	.445	.29	3%+4%	.02
Elevator constructors' helpers (prob.)	7%JR	.445	.29	3%+4%	.02
	5%JR				

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates.
b - Paid Holidays: New Years' Day; Memorial Day; Independance Day; Labor Day; Thanksgiving Day; Christmas Day

GLAZIERS:
ZONE 1 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties: 7.39 .25 .25 .025
IRONWORKERS: 7.125 .55 .60 .03
LABORERS:
ZONE 1 - Grayson County:
GROUP 1 - Unskilled laborers 5.27 .275 .30
GROUP 2 - Air tool operator (jackhammer, vibrator), mason tenders & mortar mixers, pipelayers 5.52 .275 .30

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise

DECISION NO.: AR-43
Supersedes Decision No. AR-4, dated July 12, 1974, in 39 FR 25974

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and also excluding Dallas-Fort Worth Regional Airport. (See General Wage Determination AR-36 for Incidental Paving & Utilities).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.96	.30	.51		
BOILERMAKERS	7.80	.30	.76		
BRICKLAYERS & STONEMASONS:					
ZONE 1 - Grayson County	6.80				
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties	8.29	.30	.50		.04
CARPENTERS:					
ZONE 1 - Grayson County:					
Carpenters	7.485	.30			.005
Power saw operators	7.735	.30			.005
Millwrights	7.885	.30			.005
Piledriverman	7.985	.30			.005
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties					
Carpenters	7.81	.30	.30		.02
Power saw operators	7.935	.30	.30		.02
Millwrights	8.44	.30			.02
CEMENT MASONS:					
ZONE 1 - Grayson County	6.16				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	7.545	.25	.45		.01
ZONE 3 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	7.485	.40	.35		.03
ELECTRICIANS:					
ZONE 1 - Grayson County					
Electricians	7.225	.30	1%		7/10%
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties:					7/10%
Electricians	8.87	4%	1%		
Cable splicers	9.12	4%	1%		

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DECISION NO. AR-43

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (CONT'D):					
ZONE 2 - Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties:					
GROUP 1	$5.27	.275	.30		.02
GROUP 2	5.42	.275	.30		.02
GROUP 3	5.52	.275	.30		.02
GROUP 4	5.67	.275	.30		.02

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - All hand digging dirt work and backfilling; firing of salamanders, loading and unloading of materials to and from hoist or cages; loading and unloading of tools and equipment; wheeling, placing and pouring of concrete; all excavation; handling of lumber, steel, cement; distribution of all materials; miscellaneous job clean-up; wrecking and razing of buildings and all structures; cleaning and clearing of all debris; handling of broken concrete or other damaged or undamaged materials; removing, moving, handling and greasing of forms, wrecking forms; storing materials to storage place; slip form jacks, scaffold builders, checking materials and tools in and out of receiving lots and sheds; tool house man; landscaper; asphalt ironer and raker; waterproofing tender; dumper; spotter concrete pumpcrete pipe (handling and laying); carpenter tender

GROUP 2 - All power tool and equipment operators (gas, electric or air); cutting torches man; concrete gridman; power buggy operator; wagon drill operator, well driller, drilling rig tender; cement finisher tender; metal pan and steel form men; handling creosoted materials; liquid acids or like materials when injurious to health, eyes, skin or clothes; all newly developed equipment which replaces wheelbarrow or buggies previously used by laborers, scale men on batch plants

GROUP 3 - Concrete and clay pipe (handling & laying); mason handler; scaffold builder; mason tender; hod carriers mortar mixers; lather tenders, plaster tenders; water pump operators up to four inches; cement mason tenders; mortar mixers; hod carriers; dry mixers, kettle and pot men; tank cleaning; all pipe doping, treating, and wrapping, including all men working with dope, mortar and plaster mixing machines, grout machines; pump crete machines, gunite mixing machines, including placing and cleaning of pipe and conduits used in placing of concrete, handling and placing of gunite materials from stockpiles, screening sand, running sand dryer and loading and operating sand blaster, except nozzle, conveying, stocking and handling of all materials for brick masons, lathers, cement finishers, plasterers; ditch work over 6 feet and cleaning out drill piers

GROUP 4 - Sand blaster, blaster powderman; Gunite worker; gunite nozzle man, gunite worker, gunite nozzleman and terrizzo grinder

DECISION NO. AR-43

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS:					
ZONE 1 - Collin, Dallas, Denton, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties	$8.03	.20		.50	.04
ZONE 2 - Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	8.43	.30			.04
LINE CONSTRUCTION:					
Lineman	9.21		1%		1/2%
Cable splicer	10.13		1%		1/2%
Lineman operator	9.21		1%		1/2%
Groundman, 1st 6 months	5.53		1%		1/2%
Groundman, 2nd 6 months	5.99		1%		1/2%
Groundman, 1 year & over	6.45		1%		1/2%
MARBLE SETTERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	7.90				
MARBLE SETTERS' HELPERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	6.40				
PAINTERS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties:					
GROUP 1 - Brush	7.425	.35	.30		.04
GROUP 2 - All wall covering work; paper, fabric, sheeting, flexwood, etc.	7.675	.35	.30		.04
GROUP 3 - Ames tools operator	7.55	.35	.30		.04
GROUP 4 - Structural steel, stage work, bosun chair, spray gun, sandblasting and window jacks, fire escapes	7.80	.35	.30		.04
ZONE 2 - Denton County:					
GROUP 1 - Brush, hand roller	7.49				
GROUP 2 - All wall covering work	7.61				
GROUP 3 - Structural steel; stage & bosun chair work, window jacks, spraying, sandblasting & power tool work	7.745				
ZONE 3 - Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties:					
GROUP 1	7.895		.20		.02
GROUP 2	8.145		.20		.02
GROUP 3	7.895		.20		.02
GROUP 4	9.145		.20		.02

DECISION NO. AR-43

CLASSIFICATION DEFINITIONS

PAINTERS

GROUP 1 - Brush

GROUP 2 - Spray; Wallcovering; Pressure roller; Sandblasting; Structural steel; Bosun chair; Window jack & window sill; Stage; Fire escape; Steel storage tanks; Stilts; Mittens; Ames tools; Drywall finishing

GROUP 3 - On jobs requiring less than six 250 foot rolls of joint tape, or less than eight man hours of bedding time the drywall finishing rate will be

GROUP 4 - Steeple jack rate (radio and TV towers, smoke stacks, chimneys and water towers, and similar facilities and flag poles atop buildings located closer to the edge of the building than the height of the pole); Toxic material rate (creosote, coal tar products or similar materials injurious to the skin)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS:					
ZONE 1 - Grayson County	$6.05				
ZONE 2 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	7.885	.35		.50	.03
ZONE 3 - Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	8.755				.01
PLUMBERS & STEAMFITTERS	8.00	.38	.90		.08
POWER EQUIPMENT OPERATORS:					
ZONE 1 - Dallas County:					
GROUP 1	6.465	.30	.40		
GROUP 2	7.25½	.30	.40		
GROUP 3	7.65½	.30	.40		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Oilers

GROUP 2 - Air compressors; Blade Grader, towed; Flex plane; Form grader; Concrete mixer, less than 14 cu. ft.; Water pumps - 2½" or over and 2 or more pumps; Pulsometer; Welding machines, gasoline or diesel driven (2 to 6 machines); Wagon drill operator; Conveyor; Hoist, single drum; Scraper, 3 cu. yd. or less; Generator, gasoline or diesel driven (over 1500 watts); Bob cat with loader; All other equipment of similar nature coming under the light equipment class, when power operated

GROUP 3 - Heavy duty mechanic; Asphalt mixer operator on job; Blade grader, self-propelled; Bull clam; Backfiller; Bulldozer & all cat type tractors; Backhoe; Concrete mixers, over 14 cu. ft.; Crusher operator on job; Concrete batch plant operator; Clam shell; Cranes (all types); Truck mounted on crawler requires oiler including groves (hydraulic) or similar type over 12½ ton capacity; Escalated rate on crane and derricks booms; .01c per hour, per foot over 90' including jib; draglines; derricks, power operated (all types); DW-10 caterpillar, S-6 Euclid and similar tractors; Elevating grader, self-propelled; Foundation drilling machine (all); Forklifts, used in handling machinery on construction; Gradeall; Hoist, motor driven, 2 drums or more; Locomotive crane; Mixmobile; Paving mixers (all types); Pile drivers; Pumpcrete machines; Pneumatic rollers, self-propelled; Shovels, power operated; Scrapers, over 3 cu. yds.; Scoopmobile; Trenching machines, all types; Winch trucks, when pole and winch is used; Water well drilling machines, used on construction; Well point pumps; Welding machines (7 to 13 machines); All other equipment of similar nature coming under heavy equipment class, when power operated

DECISION NO. AR-43

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
ZONE 2 - Collin, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Parker, Rockwall, Tarrant & Wise Counties:					
GROUP 1	$6.265	.30	.50		.10
GROUP 2	7.05	.30	.50		.10
GROUP 3	7.45	.30	.50		.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Oiler - Fireman

GROUP 2 - Air compressor (1); Pump (1); Pulsometer; Conveyor; Throttle valves; Wagon drill; Elevators building; Form graders; Hoist, single drum; Mixers, less than 14 cu. ft.; Screening plants; Welding machine gas & diesel (2 or more); Crushing plants; Fork lifts (short, under 75 feet); Concrete pumps (all types); Bobcat type equipment

GROUP 3 - Ford tractor or like with any attachments (except backhoe); Drilling machines (all types); Scoopmobile; Hoist, two drums or more; Forklifts (over 25 feet); Winch trucks; Six wheel truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixer, 14 cu. ft. or over; Blade graders, self-propelled; Cableways; Cranes - power operated to 100 feet; Pordson type backhoe; Derrick, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile drivers; Mobile concrete mixers over 14 cu. ft.; Bulldozers, loaders, tractovators; Scrapers and pulls; Welders; Trenching machines; Roller, ten tons or over; Air compressors, three; Air compressors & 1 pump; Pump, three or more; Air compressor & air tugger; Boilers, two or more fired by one man; Heavy duty mechanic

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties:					
GROUP 1 - Slate & tile	$7.565				
GROUP 2 - Composition and built-up roofing, damp proofing & bituminous waterproofing	7.415				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties:					
GROUP 1 - Slate, tile asbestos roofing & siding	7.515				.05
GROUP 2 - Composition, built-up, damp & waterproofing, kettlemen	7.365				.05

DECISION NO. AR-43

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS:					
ZONE 1 - Collin, Dallas, Ellis, Grayson, Hunt, Kaufman & Rockwall Counties	$7.835	.35	.50		.03
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	8.205	.25	.30		.055
SOFT FLOOR LAYERS	7.53	.25	.20		.03
SPRINKLER FITTERS	8.90	.50	.70		.08
TERRAZZO WORKERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	7.95				
TILE SETTERS:					
ZONE 1 - Collin, Dallas, Hunt, Kaufman & Rockwall Counties	8.30		.15		
TILE SETTERS' HELPERS:					
ZONE 1 - Collin, Dallas, Hunt, Kaufman & Rockwall Counties	6.40				
TRUCK DRIVERS:					
ZONE 1 - Collin, Dallas, Ellis, Hunt, Kaufman & Rockwall Counties	4.25				
ZONE 2 - Denton, Hood, Johnson, Palo Pinto, Parker, Tarrant & Wise Counties	4.09				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Roxar
DECISION NO.: AR-44 DATE: Date of Publication
Supersedes Decision No. AQ-122, dated June 28, 1974, in 39 FR 24201.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
AIR CONDITIONING INSTALLERS	$3.50				
BRICKLAYERS	7.27	.30	.30		.05
CARPENTERS	4.10				
CEMENT MASONS	7.02	.25			
DUCT INSTALLERS	3.45				
ELECTRICIANS:					
Single or multiple family dwellings or apartments up to and including 8 units not exceeding 2 stories	5.40	.30	1%		1/2%
Over 8 units or over 2 stories	8.33	.255	1%		1/2%
FORM SETTERS	3.29				
GLAZIERS	3.50				
INSULATION INSTALLERS	4.50				
IRONWORKERS	4.66				
LABORERS, UNSKILLED	2.34				
PAINTERS	3.675				
TAPE & FLOAT	4.00				
PLASTERERS	7.40				.01
PLUMBERS & PIPEFITTERS	7.13	.25	.35		.10
ROOFERS	3.10				
ROOFERS, SHINGLES	3.50				
SHEETROCK INSTALLER	4.00				
SOFT FLOOR LAYERS	3.71				
TILE SETTERS	5.18				
TRUCK DRIVERS	2.25				
T.V. ANTENNA INSTALLERS	3.50				
POWER EQUIPMENT OPERATORS:					
Fork lifts	2.75				
Foundation drill operator (crawler mounted)	5.85				
Front end loader	2.58				
Tractor	3.75				

DECISION NO. AR-44

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Tool Man	$2.25				
Asphalt Heaterman	2.75				
Asphalt Raker	3.00				
Asphalt Shoveler	2.00				
Batching Plant Scaleman	3.10				
Batterboard Setter	3.25				
Carpenter	3.55				
Carpenter Helper	2.50				
Concrete Finisher (Paving)	3.50				
Concrete Finisher Helper (Paving)	2.75				
Concrete Finisher (Structures)	3.50				
Concrete Finisher Helper (Structures)	2.75				
Concrete Rubber	2.50				
Electrician	6.35				
Electrician Helper	3.40				
Fireman	2.85				
Flagman	2.20				
Form Builder (Structures)	3.50				
Form Builder Helper (Structures)	3.00				
Form Setter (Paving and Curb)	3.85				
Form Setter (Structures)	3.30				
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Laborer, Common	2.00				
Laborer, Utility Man	2.50				
Mechanic	3.65				
Mechanic Helper	2.75				
Oiler	2.70				
Serviceman	2.50				
Pipelayer	3.25				
Pipelayer Helper	2.50				
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Steel Worker (Structural)	3.00				
Steel Worker Helper (Structural)	2.60				
Spreader Box Man	2.75				
Swamper	3.25				

XUM

DECISION NO AR-44

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Asphalt Distributor	$3.25				
Asphalt Paving Machine	3.25				
Bulldozer, 150 HP and Less	3.25				
Bulldozer, over 150 HP	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1¼ CY)	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1¼ CY & Over)	4.00				
Crusher or Screening Plant Operator	2.75				
Foundation Drill Operator (Crawler Mounted)	3.50				
Foundation Drill Operator (Truck Mounted)	4.65				
Foundation Drill Operator Helper	3.10				
Front End Loader (2½ CY and Less)	3.00				
Front End Loader (Over 2½ CY)	3.50				
Motor Grader Operator, Fine Grade	4.00				
Motor Grader Operator	3.75				
Roller, Steel Wheel (Plant-Mix Pavements)	2.75				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50				
Roller, Pneumatic (Self-Propelled)	2.50				
Scrapers (17 CY and Less)	3.00				
Scrapers (Over 17 CY)	3.50				
Tractor (Crawler Type) 150 HP and Less	2.50				
Tractor (Crawler Type) over 150 HP	2.50				
Tractor (Pneumatic) 80 HP & Less	2.10				
Tractor (Pneumatic) over 80 HP	2.50				
Traveling Mixer	2.50				
Trenching Machine, Light	3.25				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00				
Truck Drivers:					
Single Axle, Light	2.25				
Single Axle, Heavy	2.50				
Tandem Axle or Semitrailer	2.50				
Lowboy-Float	3.25				
Welders	4.00				
Welder Helper	3.00				

SUPERSEDEAS DECISION

STATE: Texas
COUNTY: Bexar
DECISION NO.: AR-45
DATE: Date of Publication
Supersedes Decision No. AR-31, dated August 23, 1974, in 39 FR 30809.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AR-36 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.43	.30	.30		.08
BOILERMAKERS	7.80	.30	.76		.02
BRICKLAYERS-STONEMASONS	7.87	.35	.30	.25	.05
CARPENTERS:					
Carpenters	6.62	.33	.30		.02
Millwrights	6.92	.33	.30		.02
CEMENT MASONS:					
Cement masons	7.57	.25			
Machine operators	7.82	.25			
ELECTRICIANS:					
Electricians	8.33	.255	1%		1/2%
Cable splicers	8.58	.255	1%		1/2%
ELEVATOR CONSTRUCTORS:					
Elevator constructors	7.01	.395	.26	2.5%+a+b	.02
Elevator constructors' helpers	70%JR	.395	.26	2.5%+a+b	.02
Elevator constructors' helpers (Prob.)	50%JR				
FOOTNOTES:					
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 4%; over 5 yrs. - 4% of basic hourly rate.					
b - Following Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day					
GLAZIERS	5.60		.20		
IRONWORKERS	7.15	.55	.60		.07
LABORERS:					
Common laborers; Pipelayers, concrete & clay (non-metallic)	4.59	.28	.20		.02
Air tool operators (jackhammer, vibrator)	4.68	.28	.20		.02
Bell hole man; Mason tenders	4.70	.28	.20		.02
Mortar mixers; Plasterers' tender	4.96	.28	.20		.02
LATHERS	7.21	.20			.01

DECISION NO. AR-45

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Lineman	$8.055	.28	1%		1/2%
Groundman	5.45	.20	1%		1/2%
Groundmen, 1st 6 mos.	4.02	.28	1%		1/2%
MARBLE MASONS	6.84	.35	.30		
MARBLE MASONS' HELPERS	4.67				
PAINTERS:					
Brush	6.05		.20		
Spray	6.30		.20		
Structural steel	6.30		.20		
Spray on structural steel; sandblaster	6.55		.20		
PLASTERERS	7.40				.01
PLUMBERS-PIPEFITTERS	8.36	.25	.40		.10
POWER EQUIPMENT OPERATORS:					
GROUP 1	7.62	.35	.30		
GROUP 2	6.81	.35	.30		
GROUP 3	5.77	.35	.30		
GROUP 4	5.55	.35	.30		

CLASSIFICATION DEFINITIONS

GROUP 1 - All foundation drilling rigs; All rollers (5 tons or over); Backfiller; Backhoe; Blade graders (self-propelled); Bull clam; Bulldozers; Cableway; Clam shell operator; Crane (power operated, all types); Derricks (power operated, all types); Draglines; DW-10 caterpillar and similar tractors; Elevating graders (self-propelled); Euclid; Fork lift used on construction; Gasoline or diesel-driven welding machines (7 to 12); Gradall; Heavy duty mechanic; High lifts; Hoist (two drums or more); Locomotives; Mixer (14 cu. ft. or over); Mixmobile; Paving mixers (all sizes); Piledrivers; Pumpcrete machine operator; Rock crusher operator on job; Scoopmobile; Scrapers; Shovel (power operated); Turnapulls; Trenching machines (all sizes); Winch truck; All other equipment of similar nature, coming within the heavy equipment class, when power operated

GROUP 2 - Air compressor (any time there are three or more attachments operating on a 125 cu. ft. air compressor or less, a light equipment operator shall be employed. Any compressor over 125 cu. ft. shall have a light equipment operator); Blade graders (towed); Building elevator used on construction; Flex planes; Form graders; Hoist (single drum); Mixer (less than 14 cu. ft.); Pneumatic roller; Pulsometers; Pump (2½ or larger shall require a light equipment operator); Three to six welding machines or any three pieces or equipment of equal or similar nature, coming within the light equipment class when power operated; Roller (under 5 tons); Truck crane drivers

GROUP 3 - Fireman

GROUP 4 - Oiler

MUX 47 ON SMS 4814 1934

DECISION NO AR-45

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Roofers; Deckman	$5.15				
Kettlemen	4.52				
Waterproofer	4.81				
SHEET METAL WORKERS	8.30	.30	.35		.07
SOFT FLOOR LAYERS	3.81				
SPRINKLER FITTERS	8.90	.50	.70		.08
TERRAZZO WORKERS	6.84	.35	.30		
TERRAZZO WORKERS' HELPERS:					
Terrazzo helpers	4.67				
Floor machine operators	4.87				
Base machine operator	5.02				
TILE SETTERS	6.84	.35	.30		
TILE SETTERS' HELPERS	4.67				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Washington

COUNTIES: Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Mason, Pacific (North of the Wahkiakum County northern boundary extended due west to the Pacific Ocean), Pierce, Skagit, Snohomish, Thurston and Whatcom

DECISION NUMBER: AR-1030

DATE: Date of Publication

Supersedes Decision No. AR-1021 dated August 23, 1974 in 39 FR 30813

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS:					
Grays Harbor and Pacific (as defined) Counties	$ 6.50		.35		
Pierce County	8.34	.45	.35		.02
Clallam, Island, Jefferson, King, Kitsap, Skagit (South of the Cities of Burlington, Sedro-Woolley, and Concrete), and Snohomish Counties	8.18	.45	.35		.02
Skagit (including the Cities of Burlington, Sedro-Woolley and Concrete and North thereof) and Whatcom Counties	8.15	.40	.45		
CARPENTERS	7.30	.50	.60		.01
CEMENT MASONS:					
King (City of Auburn), Pierce and Thurston Counties	7.20	.40	.50		.02
Clallam, Grays Harbor, Island, Jefferson, King (except City of Auburn), Kitsap, Mason, Skagit, Snohomish and Whatcom Counties	7.13	.55	.60		.01
ELECTRICIANS:					
Clallam, Jefferson, King and Kitsap Counties	8.435	.25	1%		.02
Grays Harbor, Mason, Pacific (as defined), Pierce and Thurston Counties	5.69	.45	1% + .45	4%	.02
Island, Skagit, Snohomish and Whatcom Counties	6.35	.45	1%		.01
GLAZIERS:					
(All Counties except Mason, Pacific and Thurston)	7.20	.22	.40		
IRONWORKERS:					
(All Counties except Mason, Pacific and Thurston)					
Structural; Ornamental Reinforcing	7.95	.48	.80		.05

AR-1030 P.2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
General laborer; Asphalt laborer	$ 5.80	.55	.65		.03
PAINTERS:					
Brush; Tapers	7.42	.40	.27		.02
PLUMBERS:					
Clallam, Jefferson and King Cos. Grays Harbor, Island, Kitsap, Mason, Pacific (as defined), Pierce, Skagit, Snohomish, Thurston and Whatcom Counties	8.04	.52	.85	.63	.07
POWER EQUIPMENT OPERATORS:	7.96	.33	.85	.49	.08
(All Counties except Mason and Pacific)					
Compressor (excavating and general purposes); Rollers, Tampers, and vibrators (other than plant, road mix or multi-lift materials); Tractor (farm-all type, 60 HP and under)	7.68	.45	.65		.04
Loaders (overhead and front end, under 2 1/2 yards); Mixers (concrete and batch, 200 yards per hour and under)	8.01	.45	.65		.04
ROOFERS (All Counties except Mason and Thuraton)	7.55	.20	.20		
SHEET METAL WORKERS:					
Island and Snohomish Counties	7.90	.32	.40	.42	.03
King County	8.47	.27	.30		.01
Grays Harbor and Pierce Counties	7.79	.32	.45	.47	.02
Clallam, Jefferson and Kitsap Counties	8.16	.37	.50	.47	.02
Skagit and Whatcom Counties	8.01	.42	.50	.45	.02
SOFT FLOOR LAYERS:					
Pierce and Grays Harbor Counties	7.76	.36	.60		.05
King, Kitsap and Snohomish Cos.	7.82	.36	.60		.05
Clallam, Island, Jefferson, Skagit and Whatcom Counties	7.62	.36	.60		.05
TRUCK DRIVERS:					
(All Counties except Mason, Pacific and Thurston)	7.00	.54	.50		.01

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federal register

MONDAY, SEPTEMBER 23, 1974
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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

Subpart A—Regulations

QUOTATIONS COMMITTEE MEETINGS

Statement of Considerations. The revision of § 27.97(b) of the Regulations for Cotton Classification Under Cotton Futures Legislation (7 CFR Part 27, Subpart A) hereinafter set forth requires that quotations committees in bona fide spot markets assemble in a scheduled meeting not less than twice each week instead of once each week as was formerly required. This change from a minimum of one meeting a week to a minimum of two meetings a week was discussed and agreed upon at a meeting the Department held with representatives of cotton exchanges in bona fide spot markets May 15, 1974. The change was made to strengthen and improve the establishment and maintenance of daily spot quotations.

Accordingly, pursuant to authority contained in the cotton futures provisions in sections 4862 and 4863 of the Internal Revenue Code of 1954 (68A Stat. 581, 582; 26 U.S.C. 4862, 4863) paragraph (b) of § 27.97 of the regulations governing cotton classification (7 CFR 27.97 (b)) under such provisions is hereby revised to read as follows:

§ 27.97 Quotations committees; establishment; duties.

* * * * *

(b) The committee shall assemble in a scheduled meeting not less than twice each week. The committee shall also meet upon request of a representative of the Cotton Division.

* * * * *

(Secs. 4862 and 4863, 68A Stat. 581, 582; 26 U.S.C. 4862, 4863)

This revision will impose no hardship or advance preparation on the part of the industry since quotations committees in bona fide spot markets are already meeting twice each week and it is hereby found that pursuant to the administrative provisions of 5 U.S.C. 553 notice and other public rule making procedures are impracticable and good cause is found for making the revision effective less than 30 days after publication in the FEDERAL REGISTER.

Effective Date. This revision becomes effective on September 23, 1974.

Dated: September 17, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-21971 Filed 9-20-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted travel-time periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1974 ed.), as amended January 4, 1974 (39 FR 999) January 18, 1974 (39 FR 2265), March 18, 1974 (39 FR 10115), April 4, 1974 (39 FR 12252), June 5, 1974 (39 FR 19940), June 25, 1974 (39 FR 22942), August 14, 1974 (39 FR 29172), and August 30, 1974 (39 FR 31622), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, is hereby amended by adding to or deleting from the respective lists therein as follows:

OUTSIDE METROPOLITAN AREA

FOUR HOURS

Add: Calexico, California (served from Yuma, Arizona).

(64 Stat. 561 (7 U.S.C. 2260))

Effective date. The foregoing amendment shall become effective September 23, 1974.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of September 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator,
Veterinary Services, Animal
and Plant Health Inspection
Service.

[FR Doc.74-22050 Filed 9-20-74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Due Bills as Deposits

By notice published in the FEDERAL REGISTER of July 1, 1974, (39 FR 24243) the Board of Governors proposed to amend Regulation D to classify as "deposits," and thereby subject to reserve requirements, funds received by member banks from the issuance of due bills in connection with sales of securities where the securities sold are not delivered to or for the account of the purchaser within three business days from the time of the purchase and where, for any period thereafter, such due bills are not fully collateralized by securities similar to those that the due bill represents. The July 1, 1974 proposal reflected the Board's consideration of comments received on its proposal of December 26, 1973 (38 FR 35236) to amend both Regulations D and Q to classify uncollateralized due bills as deposits. After review and consideration of all comments received, pursuant to its authority under section 19 of the Federal Reserve Act to define the terms used in that section and for the reasons stated in the Board's previous notices on this subject, the Board has approved an amendment to Regulation D in substantially the same form as published for comment on July 1, 1974.

Since 1966 due bills that are issued by a member bank principally as a means of obtaining funds to be used in its banking business have been defined as deposits subject to reserve requirements and interest rate limitations under both Regulations D and Q. The Board regards the good faith effort to make timely delivery of the underlying security and

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full disclosure to customers that a due bill may be issued in lieu of the security sought to be purchased as basic elements of bona fide due bill transactions. This amendment does not alter the regulatory stance adopted in 1966, but adds a provision under Regulation D to define as deposits funds received from the issuance of due bills in connection with sale of securities where the securities sold are not delivered to or for an account of the purchaser within three business days from the time of purchase and where, for any period thereafter, such due bills are not fully collateralized by securities similar to those that the due bill represents.

Under the amendment, due bill transactions entered into on or after the effective date of this amendment, which remain uncollateralized for more than three business days are treated as demand deposits under Regulation D. Deposits treatment applies to such due bill transactions whether funds are received from another bank or other customers and regardless of the method by which such transactions are evidenced or recorded—whether by issuance of an instrument, oral undertaking or understanding, record notation or other manner.

At the same time, the Board approved an interpretation (12 CFR 204.110) intended to describe the types of collateralization and other conditions required to remove due bill transactions from the reserve requirements of Regulation D. The interpretation approved by the Board indicates that due bills in Treasury issues may be secured by appropriate amounts of any other marketable Treasury issues regardless of maturities and that due bills in Federal agency securities can be secured by either Treasury or agency issues, again regardless of maturities. The Board stated also that the collateralization requirement may be satisfied by the pooling of appropriate collateral as well as by piece-by-piece collateralization using specific Treasury and Federal agencies securities.

Effective October 14, 1974, § 204.1(f) (5) of Regulation D (12 CFR Part 204) is amended by adding a new sentence at the end thereof to read as follows:

§ 204.1 **Definitions.**

* * * * *

(f) *Deposits as including certain promissory notes and other obligations.* * * *

(5) * * * In addition to and notwithstanding the foregonig, the term "deposit" includes any liability or undertaking on the part of a member bank to sell or deliver securities to, or purchase securities for the account of, any customer (including other banks), involving mer (including other banks), involving the receipt of funds by the member bank or a debit to an account of such customer before the securities are delivered, unless such securities are delivered to or for the account of the purchaser within three business days from the date of purchase or, thereafter, such liability or undertaking is fully secured by collateral consisting of one or more securities "similar to" and with an aggregate market value at least equal to that of the securities which are the subject of the member bank's liability or undertaking.

By order of the Board of Governors, September 13, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21931 Filed 9-20-74;8:45 am]

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Due Bills as Deposits; Interpretation

§ 204.110 Collateralization of due bills outstanding for more than three days.

On September 13, 1974, the Board of Governors approved an amendment to § 204.1(f) of Regulation D (effective October 14, 1974) to define as deposits for reserve requirement purposes due bills issued on or after the effective date by member banks that are uncollateralized which remain outstanding for more than three business days. Since 1966, due bills issued or undertaken by a member bank principally as a means of obtaining funds to be used in its banking business, have been defined as deposits under both Regulation D (204.1(f)) and Regulation Q (217.1(f)).

This amendment retains the existing deposit treatment under both Regulations D and Q for due bills issued principally as a means of obtaining funds and provides an additional provision under Regulation D to define as deposits due bills that remain uncollateralized after three business days. Such due bills would be subject to demand deposit reserve requirements. These amendments define as deposits for reserve purposes due bills outstanding for more than three business days and which are not fully secured by securities "similar to" those that are the subject of the underlying due bill transaction. For purposes of the collateralization requirement, due bills in Treasury securities may be secured by appropriate amounts of any other marketable Treasury issues (including Federal Financing Bank issues) regardless of maturity. Due bills in securities of agencies of the Federal government may be secured by either Treasury or agency issues, also regardless of maturity.

The securities used to collateralize due bill transactions may be individually identified and issued against a particular due bill transaction. In addition, securities qualified to serve as collateral may be placed in a pool of similarly qualified securities and all or part of such pool may be used to collateralize a member bank's due bill transactions.

In addition to the foregoing requirements, the good faith effort to make (1) timely delivery of the underlying security represented by the due bill transaction and (2) full disclosure to customers that a due bill may be issued in lieu of the security sought to be purchased, are regarded as basic elements of bona fide due bill transactions. Where it is the practice of a member bank not to attempt to obtain and deliver the underlying security within a reasonable time from the issuance of the due bill or where customers are not informed of a bank's inability to obtain the security sought to be purchased, such practices indicate that a member bank is utilizing due bill transactions as a means of obtaining funds principally for its banking business and therefore, regardless of outstanding collateralization, such transactions are regarded as a "deposit" under both § 204.1(f) of Regulation D and § 217.1(f) of Regulation Q. For example, where a bank issues due bills with short maturities and where due bills are regularly issued under agreement or understanding to repurchase and reissue for an additional period, such transactions may be regarded as "deposits" under both Regulation D and Regulation Q.

References to due bills issued by member banks contained in paragraph (e) of the Board's interpretation issued in 1970 (§ 217.137, 1970 BULLETIN 38) regarding Federal funds transactions are superseded by this interpretation.

By order of the Board of Governors, September 13, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21932 Filed 9-20-74;8:45 am]

[Reg. H]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Loans by State Member Banks in Flood-Prone Areas

Pursuant to an amendment to Chapter III of Title XIII of the Housing and Urban Development Act of 1968 (P.L. 93-383) on August 22, 1974, the Board of Governors of the Federal Reserve System is adopting the following amendment to Part 208 by adding § 208.8(e)(4) to § 208.8(e). The amendment requires any State member bank, on or after September 22, 1974, as a condition of making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards pursuant to Title XIII of the Housing and Urban Development Act or the Flood Disaster Protection Act of 1973 (P.L. 93-234), to provide the purchaser or lessee of affected property with written notice of such designation.

1. Effective September 22, 1974, § 208.8 (e) shall be amended by adding a new subparagraph (4) as follows:

§ 208.8 **Banking practices.**

* * * * *

(e) Loans by State member banks in identified flood hazard areas. * * *

(4) Notice to borrower of special flood hazard. After September 21, 1974, each State member bank shall as a condition of making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards pursuant to Title XIII of the Housing and Urban Development Act of 1968 or The Flood Disaster Protection Act of 1973 (P.L. 93-234), to provide the purchaser or lessee of affected property with written notice of such designation in the manner specified in section 1364 of Chapter III of the Housing and Urban Development Act of 1968 as amended.

2. Part 339 of Chapter III, Title 12 of the Code of Federal Regulations is therefore amended by adding a new § 339.5 thereto which reads as follows:

§ 339.5 Notice to borrower of special flood hazard.

After September 21, 1974, each insured State nonmember bank shall, as a condition of making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, mail or deliver as soon as feasible but not less than 10 days in advance of closing of the transaction (or not later than the bank's commitment, if any, if the period between commitment and closing is less than 10 days) a written notice to the borrower that the property securing the loan is in an area so identified. In lieu of the notification required in this section, a bank may obtain satisfactory written assurances from a seller or lessor that such seller or lessor has notified the borrower, prior to the execution of any agreement for sale or lease, that the property securing the loan is in an area so identified. A bank shall require the borrower, prior to closing, to provide the bank with a written acknowledgment that the borrower realizes that the property, securing the loan or upon which a mobile home is or will be located, is in a special flood hazard area.

2. The provisions of section 553 of Title V, United States Code, relating to notice, public participation and deferred effective date were not followed in connection with this amendment because Public Law 93-383 directs the Board to adopt implementing regulations no later than September 22, 1974, and this amendment to Regulation H merely implements statutory provisions without significant exercise of administrative discretion or interpretation.

By order of the Board of Governors, effective September 22, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21899 Filed 9-20-74;8:45 am]

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 339—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

Notice to Borrower of Special Flood Hazard

1. On August 22, 1974, Chapter III of Title XIII of the Housing and Urban Development Act of 1968 was amended by section 816(a) of the Housing and Community Development Act of 1974 (P.L. 93-383) by adding thereto a new section 1364. That section requires that by September 22, 1974 (thirty days after the enactment of P.L. 93-383), the federal instrumentalities responsible for the supervision, approval, regulation, or insuring of banks, savings and loan associations, or similar institutions shall by regulation require such institutions, as a condition of making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards pursuant to Title XIII of the Housing and Urban Development Act of 1968 or The Flood Disaster Protection Act of 1973 (P.L. 93-234), to provide the purchaser or lessee of affected property with written notice of such designation in the manner specified in section 1364 of Chapter III of the Housing and Urban Development Act of 1968 as amended.

2. Part 339 of Chapter III, Title 12 of the Code of Federal Regulations is therefore amended by adding a new § 339.5 thereto which reads as follows:

§ 339.5 Notice to borrower of special flood hazard.

After September 21, 1974, each insured State nonmember bank shall, as a condition of making, increasing, extending, or renewing any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, mail or deliver as soon as feasible but not less than 10 days in advance of closing of the transaction (or not later than the bank's commitment, if any, if the period between commitment and closing is less than 10 days) a written notice to the borrower that the property securing the loan is in an area so identified. In lieu of the notification required in this section, a bank may obtain satisfactory written assurances from the seller or lessor that such seller or lessor has notified the borrower, prior to the execution of any agreement for sale or lease, that the property securing the loan is in an area so identified. A bank shall require the borrower, prior to closing, to provide the bank with a written acknowledgment that the borrower realizes that the property, securing the loan or upon which a mobile home is or will be located, is in an area so identified.

(Sec. 816(a), 88 Stat. 730)

3. The requirements of sections 553(b) and 553(d) of Title 5 of the United States Code and §§ 302.1, 302.2 and 302.5 of the rules and regulations of the Federal Deposit Insurance Corporation, with respect to notice, public participation, and deferred effective date, were not followed in connection with the promulgation of this regulation because the Board of Directors found that the public interest and requirements of existing law compelled it to make the action effective no later than September 22, 1974.

4. *Effective date.* This regulation is effective September 22, 1974.

By order of the Board of Directors, September 18, 1974.

FEDERAL DEPOSIT INSURANCE CORPORATION,

[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.74-22151 Filed 9-19-74;3:29 pm]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2523]

PART 13—PROHIBITED TRADE PRACTICES

GAC Corporation, etc.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections;* 13.15-90 Government endorsement; 13.15-280 Unique or special status or advantage; § 13.75 *Free goods or services;* § 13.85 *Government approval, action, connection or standards;* 13.85-20 Commercialization, unsanctioned, of the military or navy; 13.85-35 Government endorsement; § 13.135 *Nature of product or service;* § 13.143 *Opportunities;* § 13.155 *Prices;* 13.155-5 Additional charges unmentioned; 13.155-25 Coupon, certificate, check, credit voucher, etc., values; 13.155-75 Product or quantity covered; 13.155-95 Terms and conditions; § 13.160 *Promotional sales plans;* § 13.170 *Qualities or properties of product or service;* § 13.185 *Refunds, repairs, and replacements;* § 13.195 *Safety;* 13.195-30 Investment; § 13.205 *Scientific or other relevant facts;* § 13.260 *Terms and conditions;* § 13.275 *Undertakings, in general;* § 13.285 *Value.* Subpart—Claiming or using endorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using endorsements or testimonials falsely or misleadingly;* 13.330-90 United States Government; 13.330-90(a) Armed services. Subpart—Delaying or withholding corrections, adjustments or action owed:

§ 13.675 *Delaying or withholding corrections, adjustments or action owed;* § 13.677 *Delaying or failing to deliver goods or provide services or facilities.* Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1430 *Government endorsement, sanction or sponsorship;* § 13.1553 *Services;* § 13.1570 *Unique status or advantages*—Goods: § 13.1610 *Demand for or business opportunities;* § 13.1625 *Free goods or services;* § 13.1632 *Government endorsement or recommendation;* § 13.1685 *Nature;* § 13.1697 *Opportunities in product or service;* § 13.1710 *Qualities or properties;* § 13.1725 *Refunds;* § 13.1740 *Scientific or other relevant facts;* § 13.1760 *Terms and conditions;* § 13.1760-50 Sales contract; § 13.1765 *Undertakings, in general;* § 13.775 *Value*—Prices: § 13.1778 *Additional costs unmentioned;* § 13.1790 *Coupons, credit vouchers, etc., of specified value;* § 13.1823 *Terms and conditions*—Services: § 13.1835 *Costs;* § 13.1843 *Terms and conditions.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1857 *Instruments' sale to finance companies;* § 13.1863 *Limitations of*

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product; § 13.1876 *Notice of third party sale of contract;* § 13.1889 *Risk of loss;* § 13.1890 *Safety;* § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1895 *Scientific or other relevant facts;* § 13.1905 *Terms and conditions;* § 13.1905–50 **Sales** contract. Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 56. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.) [Cease and desist order, GAC Corporation, et al., Miami, Fla., Docket C-2523, July 23, 1974]

In the matter of GAC Corporation, GAC Properties, Inc., and GAC Properties, Inc., of Arizona, Corporations and Their Subsidiaries

Consent order requiring a Miami, Fla., land developer and two of its subsidiaries, among other things to cease using false, misleading, deceptive and unfair practices in connection with the sale of land and to cease misrepresenting the qualities, characteristics or state of present or planned development of their land; misrepresenting the nature and purpose of events or activities used to solicit land **sales**; misrepresenting endorsements or connections with agencies of the U.S. Government; and misrepresenting the legal significance of signing a contract. The order further provides comprehensive consumer protection to future purchasers, including mandatory affirmative disclosures and a cooling-off period; benefits to past purchasers which could cost the company more than $17 million; and relief from the contractual provision under which defaulting purchasers forfeit all payments previously made to GAC under the contract (liquidated damages). The order requires GAC to offer to many purchasers of lots in two of its subdivisions, an option to exchange them for property in other GAC subdivisions, an option to exchange them for property in other GAC subdivisions which have already been developed; and undertake a redevelopment program for Golden Gate Estates subdivision in particular. The order further requires GAC to clearly disclose in contracts the uncertainty of the future value of land, the difficulty of reselling it and other material factors, and suggest the purchaser consult a qualified professional; and allow the purchaser a ten calendar day cooling-off period within which to cancel the contract with full refund rights.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

For purposes of this order the following definitions shall be applicable:

"Land" shall mean real property subdivided into parcels without any house or building constructed thereon, but shall not include anything defined below as "other real property."

"Other real property" shall mean a house or building constructed for residential purposes and the land upon which it is situated, including land upon which, pursuant to a purchase agreement or contract, a house or building is to be constructed within 12 months and with respect to which no consideration will pass to respondents until closing other than moneys held in escrow or a minimal earnest money deposit.

"Consumer" shall mean a natural person to whom respondents offer to sell or sell land or other real property: *Provided, however,* That the term "consumer" shall not include a natural person who purchases land in a single transaction for a sum in excess of $50,000.

I.

As used in this section of the order, a requirement to cease **and desist** from representing or misrepresenting shall, unless otherwise indicated, include representing or misrepresenting directly or by implication, and by any manner or means.

It is ordered: That respondents GAC Corporation, GAC Properties, Inc. and GAC Properties, Inc. of Arizona, corporations, and their officers, and their subsidiaries and the said subsidiaries' officers, and respondents' successors, assigns, agents, representatives and employees, directly or through any corporate or other device in connection with the advertising, offering for sale, or sale of land and other real property to consumers in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwise cease and desist from:

1. (a) **Failing** to disclose, clearly and conspicuously, in any written or oral invitation or other initial communication to consumers concerning any event or activity, including but not limited to dinner parties or other **gatherings**, contests, awards of free or low cost gifts or vacations, and **sightseeing** tours, or for any other goods or services, which invitation or communication is in any manner a part of a plan or procedure to sell land, the following statement: "The purpose of [the event or activity] is to attempt to sell you land presently undeveloped in [name of State in which land is located.]"

(b) (i) If the invitation or communication is in writing, such disclosure shall be in writing and shall be made clearly and conspicuously and in conjunction with the invitation or communication; (ii) if the invitation or communication is oral and delivered in person, such disclosure shall be both oral and in writing and shall be made clearly and conspicuously and in conjunction with the invitation or communication; and (iii) if the invitation or communication is made by telephone, such disclosure shall be made orally and clearly and conspicuously in conjunction with the telephone invitation or communication and in writing by mail to be received by the prospective purchaser at least 24 hours prior to the event or activity: *Provided, however,* With respect to subpart (iii) above, that if the event or activity is a sales presentation to be conducted in the home of the consumer, such written disclosure may be made at any time prior to the sales presentation, but in no event shall such disclosure be made later than the introductory remarks of the salesman; *and further provided,* With respect to subpart (iii) above that if the invitation or communication is received at a place other than the consumer's residence or place of employment, such written disclosure may be made at any time prior to the consumer's attendance at the sales presentation.

2. Misrepresenting the true nature and purpose of any event or activity, including but not limited to dinner parties or other gatherings, contests, awards of free or reduced gifts or vacations, and sightseeing tours.

3. Failing to furnish the purchaser with a fully completed copy of the contract at the time of its signing by the purchaser, which is in the same language as that principally used in the oral sales presentation, if any, and which shows the date of the transaction and contains the name and address of the respondent: *Provided, however,* That a foreign language copy of the contract need not be furnished if the purchaser is literate in the English language; and further provided, that the contract need not at this time contain the signature of respondents.

4. Failing to set forth as the title of any contract for the purchase of land, in boldface type, the following language: "Contract for Deed for the Purchase of Land."

5. (a) Failing to print clearly and conspicuously in 12-point boldface type on the top half of the first page of all contracts for the sale of land, in addition to that language required by paragraph 4 above, the following:

This is a contract by which you agree to purchase land. You have 10 days in which to determine whether to continue this contract or cancel it with full refund. See the attached notice of cancellation form for an explanation of this right. Use this time to examine with care the property report (sometimes called a public offering statement) which must be given to you at or before the time you sign this contract.

The future value of this land, like all undeveloped real estate, is uncertain. It is unlikely that a purchaser will be able to resell his land without substantial community development and population growth, which may not occur for a number of years after you have completed your contract payments, if at all. It is suggested that you have both this contract and the property report reviewed by a lawyer, realtor or other qualified professional.

(b) In addition, there shall appear, in the form and place described in subparagraph (a), such of the following statements as are applicable:

(i) For contracts for the sale of lots to which respondents are not obligated to make a central sewer system available at the time title passes to the purchaser, add the following, including the second and third sentence only where applicable: "A central sewer system will not be available when you have completed your contract payments. Installation of septic tank would be at your expense. However, the use of a septic tank on your lot is contingent on passing a soil test and approval by governmental authorities."

(ii) For contracts for the sale of lots to which respondents are not obligated to make a central water system available at the time title passes to the purchaser, add the following, including the second sentence only where applicable: "A central water system will not be available when you have completed your contract payments. Installation of a well would be at your expense."

(iii) For contracts for the sale of lots to or on which respondents are not obligated to provide any improvements, add the following in lieu of any of the above: "This completely undeveloped land is being sold 'as is.' No improvements are planned for this subdivision. Your lot is probably inaccessible by conventional means of transportation, and has no use in the present or in the foreseeable future."

6. Failing to include in any contract for the sale of land a provision whereby the seller agrees not to create during the contract term, without the express written permission of the purchaser, by sale, lease or any other means, any restriction, easement or reservation of any kind which can substantially limit the purchaser's use or enjoyment of his lot after the maturity date of said contract.

7. Including in any contract for the sale of land, or in any document shown or provided to purchasers or prospective purchasers of land, whether or not signed by such purchasers or prospective purchasers, language stating expressly or by implication:

(a) That no express or implied representations have been made in connection with the sale of respondents' land, or that any particular representation has not been made in connection therewith; and

(b) That the purchaser has had an opportunity to examine or understand any property report, offering statement or similar document required by state or federal law to be made available to him; *provided, however,* That such language may be included when authorized by the Interstate Land Sales Full Disclosure Act, presently codified at 15 U.S.C. 1701–20 (1970).

8. Changing a contract in any respect after signature by the purchaser unless such change is made by mutual agreement in writing, and unless it is clearly and conspicuously disclosed to the purchaser that he can refuse to accept such change and in lieu thereof receive a full refund of all moneys paid under the contract.

9. Making any statement or representation concerning the rights or obligations of respondents or the purchaser which differs in any material respect from the rights or obligations of the parties as stated in the contract.

10. (a) Representing that respondents will provide, or that respondents' subdivisions will have available, any recreational facility, improvement (roads or drainage) or utility (central sewage and water systems, electricity, or telephone service), unless respondents' contracts at the time of the representation contain a legal obligation on the part of respondents to provide or make available (i) said recreational facilities and improvements at a date certain, not later than 12 years from the date of purchase, set out clearly and conspicuously in the contract; (ii) said utilities within 90 days after respondents' receipt of written notification of the issuance of a building permit, *provided* That, if so represented, the time for installation of central water and sewer systems may be stated in the contract in terms of population density rather than as a specific date or time; and (iii) without, in the case of improvements or utilities, any cost to the purchaser in excess of the purchase price stated in the contract, except hook-up or installation charges for utilities as estimated in the contract on a current cost basis, subject to future local adjustments in accordance with regulations of and tariffs filed with appropriate public authorities.

(b) Failing to express the aforesaid contractual obligations set out in subparagraph (a) above in the contract with the purchaser in the following manner:

(i) An adequate description of each improvement, utility or recreational facility to be provided;

(ii) A provision that in the event any of the improvements, utilities or recreational facilities specified in the contract are not available to the lot which is the subject of the contract or are not completed within six months of the time provided in the contract, respondents will immediately, upon the expiration of said six-month period, provide the purchaser by certified mail, return receipt requested, with notice of such unavailability of or failure to complete the aforesaid improvements, utilities or recreational facilities and of the purchaser's right to exercise within 30 days of receipt of said notice his option to receive an exchange or to cancel and receive a full refund as set out in subparagraph (iii) below;

(iii) An option to the purchaser stated substantially as follows: In the event that any of the improvements, utilities or recreational facilities specified by the seller in this contract are not available to the lot which is the subject of this contract or are not completed within six months of the time provided in this contract, the buyer may elect, at his option, to (1) receive an exchange acceptable to the buyer of the contracted-for homesite property for another of at least equal price, equivalent size, with equivalent zoning classification and same promised improvements and utilities, and located in the same general geographic area of the subdivision, or (2) cancel this contract and receive from the seller a full refund of all moneys paid under the contract. To exercise this option, the buyer must give notice to the seller by registered or certified mail within 30 days after receipt of notice from the seller of such unavailability of or failure to complete the aforesaid improvements, utilities or recreational facilities. Where the buyer has received a deed or other evidence of interest in the contracted-for property other than this contract, the buyer must, as a condition of obtaining an exchange or a refund hereunder, recovery to the seller such evidence of interest in the title to such property by General Warranty Deed in recordable form. In the event only the contract has been recorded in the Public Records, the buyers must quit claim in recordable form his interest to the seller to remove any clouds on the title to said property.

(c) Failing to make the exchange or refund requested by a purchaser under the terms of this paragraph of the order within 60 days of receipt of notification from the purchaser.

(d) Soliciting or obtaining the purchaser's assent to or otherwise imposing any condition, waiver or limitation upon the right of a purchaser to an exchange or a refund as set forth in this paragraph of the order; *provided, however,* That respondents may require purchasers to request an exchange or a refund within a stated time period of not less than 30 days after receipt by the purchaser of the notice required by subparagraph (b) (ii) above.

11. (a) Failing to furnish each purchaser of land, at the time he signs the contract, with a completed form in duplicate, captioned "NOTICE OF CANCELLATION," which shall contain in boldface type of a minimum size of 10 points the following statement:

NOTICE OF CANCELLATION

(Date of transaction)

(Print Purchasers' names)

You may cancel this transaction, without any penalty or obligation, at any time prior to midnight of the tenth (10th) day after the above date.

If you cancel, any payments made by you under the contract will be refunded within ten (10) business days following receipt by the seller of your cancellation notice.

To cancel this transaction, mail or deliver a signed copy of this cancellation notice or any other written notice, or send a telegram, to (name of respondent), at (address of respondent's place of business) not later than midnight of ----------

(date)

I (we) hereby cancel this transaction. (each purchaser must sign this notice).

(Date)

(Purchasers' signatures)

(b) Failing, before furnishing copies of the "Notice of Cancellation" to the purchaser, to complete both copies by entering the name of the respondent, the address of the respondent's place of business, the date of the transaction, and the date, not earlier than the tenth day following the date of the transaction, by which the purchaser may give notice of cancellation.

12. Failing, in any instance where a timely notice of cancellation as required by paragraph 11 above is received, and said notice is not properly signed, and respondents do not intend to honor the notice, immediately to notify the purchaser by certified mail, return receipt

[1] Copies of the complaint, and decision and order filed with the original document.

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requested, enclosing the notice, informing the purchaser of his error, and stating clearly and conspicuously that a notice signed by each purchaser must be mailed by midnight of the third day following the purchaser's receipt of said mailing if such purchasers are to obtain a refund.

13. Failing or refusing to honor any signed and timely notice of cancellation by a purchaser, including any such notice received in accordance with paragraph 12 above, and within ten business days after the receipt of such notice, to (i) refund all payments collected under the contract, and/or (ii) cancel and return any negotiable instrument executed by the purchaser and retained by respondents in connection with the contract.

14. Negotiating, transferring, selling or assigning any note or other evidence of indebtedness of a purchaser of land to a finance company or other third party prior to midnight of the fifteenth business day following the day the contract was signed.

15. Whenever the signature of a prospective purchaser of land is solicited during the course of a sales presentation, failing to inform each purchaser orally, prior to or at the time he signs the contract, of his right to cancel as provided for in paragraph 11 above.

16. Requiring the purchaser to make a personal inspection of his lot, the subdivision in which it is located, or any other property, as a condition precedent to the cancellation of any contract or the refund of any moneys paid thereunder, unless respondents (a) allow such purchaser two business days following the date of inspection within which to cancel, and (b) provide the purchaser at the time of inspection with a notice which clearly and conspicuously states (i) that the purchaser has two business days within which to cancel, (ii) that, in order to cancel, the purchaser must give respondents written notification by registered or certified mail of his desire to cancel, (iii) the final date by which the purchaser must mail such notice of cancellation, and (iv) the address where such notice must be sent: *Provided, however*, That nothing in this paragraph of the order shall permit respondents to condition any other cancellation rights provided for in this Order on the purchaser's inspection of any property.

17. Failing to comply with §226.9 of Regulation Z, 12 CFR § 226.9, or its successor regulation.

18. Failing to disclose, clearly and conspicuously, in all promotional materials and advertisements relating to the sale of land, the following statement: "Since land values are uncertain, you should consult a qualified professional before purchasing." *Provided, however*, That the above statement shall not be required in the following:

(a) billboards;

(b) radio and television advertisements of ten seconds or less;

(c) the following advertisements when limited to soliciting requests for information through the mail;

(i) Magazine advertisements of ¼ page or less in size;

(ii) Newspaper advertisements of ½ page or less in size;

(iii) Radio advertisements of more than ten seconds but not more than 45 seconds in duration.

19. Representing:

(a) That the purchase of a lot in one of respondents' subdivisions is a way to insure financial security or to become wealthy;

(b) That real estate is a good or safe investment, or that the purchase of a lot in one of respondents' subdivisions is a good or safe investment;

(c) That land is becoming scarce; or

(d) That the value of any land, including lots being offered for sale or previously sold by respondents, has increased, or will or may increase, or that purchasers have made, or will or may in the future make, a profit by reason of having purchased respondents' land.

20. Misrepresentating the past, present or future sales price of lots in respondents' subdivisions.

21. Making any representation in connection with the sale of land which in any manner refers to or concerns, directly or by implication, investment in stocks, insurance, banks, or any other form of investment other than respondents' land.

22. (a) Directly stating that airports, Walt Disney World, tourism or industry may or will increase the price or value of any land or other real property sold or being offered for sale by respondents.

(b) Representing data or statistics concerning the growth or development of any geographic area or the business or industry in any geographic area, unless such representations are true and respondents have at the time of making such representations, and maintain for three years thereafter, adequate substantiation for such representations; *provided, however*, That in the event such substantiation consists of data or statistics compiled by any governmental agency which are readily available to respondents, respondents need not retain such substantiation in their possession.

23. (a) Representing in any written promotional or advertising materials relating to the sale of respondents' land, including written materials prepared for use by respondents' salesmen in oral presentations, that the population of any geographic area other than respondents' subdivisions has increased, is increasing, or will increase unless respondents have, at the time of making such representation, and maintain for three years thereafter, a valid study or report which demonstrates that respondents' subdivisions within such geographic area or in the general vicinity thereof will materially benefit from said population increase.

(b) Making any representation concerning the population of any geographic area, including the representations referred to in subparagraph (a) above, unless such is the fact and unless respondents have at the time of making such representation, and maintain for three years thereafter, substantiating data which shall consist of a valid census or other valid report or study; *provided, however*, That in the event such substantiation consists of data or statistics compiled by any governmental agency which are readily available to respondents, respondents need not retain such substantiation in their possession.

24. Representing that respondents will buy back lots from or resell lots for purchasers, unless such is the fact.

25. Representing that respondents will provide, or that respondents' subdivisions will have available, any recreational facility, without clearly disclosing in immediate conjunction therewith and with the same conspicuousness as such representation (a) the year by which such recreational facility will be completed, and (b) the current approximate cost to purchasers and to their families of membership therein, misrepresenting the recreational facilities available at respondents' subdivisions available at respondents' subdivisions generally or from individual lots therein.

26. Representing that waterfront property provides access by boat to the Atlantic Ocean, Gulf of Mexico, or any other body of water, or that canals are navigable or can be used for any recreational activity, unless such is the fact and unless all significant qualifications pertaining to such access, navigability or use are clearly disclosed in immediate conjunction therewith and with the same conspicuousness as such representation.

27. Representing that Golden Gate:

(a) has shopping facilities or stores without clearly disclosing in immediate conjunction therewith and with the same conspicuousness as such representation the nature or extent of these facilities;

(b) has resort facilities without clearly disclosing in immediate conjunction therewith and with the same conspicuousness as such representation that Golden Gate does not have beaches or fishing and boating facilities, unless the contrary is in fact true.

28. Representing:

(a) That River Ranch Acres or Remuda Ranch Grants will be developed in any manner;

(b) That all purchasers of lots in River Ranch Acres or Remuda Ranch Grants can make substantial use of their lots in the present or in the future; or

(c) That purchasers of land have the right to lease to third persons or otherwise have any rights of enjoyment or possession during the contract term in the lots which they have agreed to purchase, unless such is the fact.

29. Assigning similar names to new subdivisions in which the facilities, improvements, and utilities available in such subdivisions are not substantially identical.

30. (a) Making any representation concerning Cape Coral or any other homesite subdivision at a sales presentation at which one or more lots not located in a homesite subdivision are being offered for sale; or

(b) Making any representation concerning any improvement, utility or recreational facility at one subdivision at a sales presentation for another subdivision at which respondents have not provided and are not obligated to provide similar improvements, utilities, or recreational facilities unless respondents disclose in immediate conjunction therewith and with the same conspicuousness as such representation that similar improvements, utilities, or recreational facilities will not be provided at the subdivision to which the advertisement or sales presentation is directed.

31. Misrepresenting the amount, proportion or magnitude of roads or canals completed or under construction in any subdivision.

32. Misrepresenting the qualities, characteristics, location or state of present or planned development of any subdivision or portion thereof.

33. Making any statement or representation concerning the proximity of any city or place to a subdivision or a part thereof without clearly disclosing in immediate conjunction therewith and with the same conspicuousness as such representation the approximate distance in road miles from the geographic center of the subdivision or part thereof to the other city or place referred to.

34. Making any statement or representation concerning the purchase price of land without clearly disclosing in immediate conjunction therewith and with the same conspicuousness as such statement or representation the nature and estimated amount of any additional payments, including but not limited to payments for property taxes, which must be made by the purchaser to respondents or to any third party in order to purchase such land.

35. Representing that central sewage and/or water systems will be available in a subdivision when a given level of population density is reached unless it is clearly disclosed in immediate conjunction therewith and with the same conspicuousness as such representation that purchasers will be required to install, at their own expense, wells and septic tanks until said level of population density is reached.

36. (a) Representing that free or low cost transportation to or accommodations at respondents' subdivisions will be provided unless such is the fact and without clearly disclosing in immediate conjunction therewith and with the same conspicuousness as such representation all conditions or limitations applicable thereto.

(b) Failing to provide the aforesaid transportation or accommodations on the date or within the time period stated or agreed upon; *provided, however*, That it shall not be a violation of this paragraph of the order if such transportation or accommodations are not available due to conditions beyond the control of respondents.

(c) In the event the aforesaid transportation or accommodations are not provided on the date or within the time period stated or agreed upon, failing within 30 days to offer to refund and, upon request by the purchaser, to refund all moneys paid (i) under a contract entered into prior to said failure to provide such transportation or accommodations, and (ii) toward such transportation or accommodations; *provided, however*, That respondents shall not be required to make refunds under subpart (i) above if such transportation or accommodations are not available due to conditions beyond the control of respondents.

37. Making any statement concerning any credit, refund or other monetary benefit or remuneration to purchasers or prospective purchasers unless such is the fact and without clearly disclosing in immediate conjunction therewith and with the same conspicuousness as such statement all conditions and limitations applicable to such credit, refund, benefit, or remuneration.

38. Referring to any instrument or document as a "credit check" or otherwise representing that a credit toward a purchaser's account is an actual payment to the purchaser in the form of cash, check, or other negotiable instrument.

39. Representing that persons being solicited to purchase respondents' land are being asked to take the first step, or are reserving the land, or are not making a final decision, or are not buying the land; or otherwise misrepresenting the legal significance of signing a contract.

40. Representing that prospective purchasers must sign a contract immediately in order to assure purchasing property in a choice location, or that property similar to that being offered for sale may not or will not be available or available at the same price in the foreseeable future, unless such is the fact.

41. In connection with the sale of land:

(a) Representing that increasing the amount of the monthly payment will speed up passage of title, unless such is the fact;

(b) Representing that increasing the amount of the monthly payment will speed up completion of improvements; or

(c) Misrepresenting the benefits to be obtained by increasing the amount of the monthly payment or by completing payment of the purchase price prior to the date the final payment is due under the contract.

42. Representing that any document, sales presentation, advertisement or promotional material has been filed with or approved by any State, the Federal Department of Housing and Urban Development, the Armed Forces or any other governmental agency, unless such is the fact; or representing that governmental regulation means that respondents' representations are true, complete, or should be relied upon; or representing that respondents are affiliated in any manner with the Armed Forces of the United States or any government or governmental agency.

43. Including in any contract or other document any waiver, limitation or condition on the right of a purchaser to cancel a transaction or receive a refund under any provision of this order, except as such waiver, limitation or condition is by this order expressly allowed; *provided, however*, That this Paragraph shall not be construed as prohibiting respondents from conditioning the purchaser's right to cancel and receive a refund under any provision of this order on the purchaser's relinquishing and, where appropriate, reconveying to respondents his interest in the land which is the subject of the transaction being cancelled.

44. Misrepresenting the right of a purchaser to cancel a transaction or receive a refund under any provision of this order or any applicable statute or regulation.

45. Making any representation or taking any action which is inconsistent with or detracts from the effectiveness of this order.

It is further ordered: That respondents, upon receipt of a complaint from a purchaser alleging facts that indicate this order may have been violated and requesting a refund or cancellation of the purchaser's contract, refund all moneys paid by such purchaser where respondents determine, after a good faith investigation, that one or more of the paragraphs in section I of this order have been violated in connection with such purchaser's transactions with respondents; *provided, however*, That in the event respondents refund any money pursuant to this paragraph of the order, the sole fact of such refund shall not be admissible against respondents in any proceeding brought to recover penalties for alleged violation of any other paragraph of this order; *and further provided*, That this paragraph shall not be applicable to transactions in which the contract was entered into prior to the date this order became final.

II.

It is further ordered: In connection with the refund of moneys forfeited under contracts in default prior to the date this order becomes final:

A. That respondents compile a list of the last known name and address of all persons entering into contracts for the purchase of respondents' land who defaulted on said contracts and forfeited moneys paid in excess of the sum of the downpayment plus an amount equal to 30 standard monthly payments as stated in the contract, said list to contain all such forfeitures from July 1, 1968 to the date this order becomes final; *provided, however*, That for contracts which were entered into or amended as a result of an exchange by which land purchased pursuant to a single contract was exchanged for land with a higher total price, the terms of the original contract entered into by the purchaser prior to such exchange shall be used to compute the sum of the downpayment and an amount equal to 30 standard monthly payments.

B. That respondents send a letter within 12 months of the date this order

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becomes final, by first class mail, to each person referred to in paragraph A above, advising them of their right to a refund as set out below, the approximate time period and manner in which such refund will be made, and the need for notifying respondents of any future change of residence or address where such refund can be delivered; *provided, however,* That with respect to those purchasers whose letters are returned to respondents undelivered, respondents shall seek to obtain, prior to the date respondents are obligated to commence making refunds to purchasers as set out in paragraph D below, a current mailing address for such purchasers by a method acceptable to the Federal Trade Commission, such as but not limited to contacting credit bureaus and telephone and utilities companies, and, where the foregoing are unsuccessful and the amount to be refunded exceeds $50.00, employment of an independent contractor engaged in the business of skip-locating; *and further provided,* That with respect to those purchasers entitled to a refund under this section of the order whose letters are returned to respondents undelivered, respondents' obligation to make refunds shall terminate after respondents' efforts as outlined above have been unsuccessful, but in no event shall respondents' obligations with respect to such purchasers expire prior to 24 months after the date this order becomes final.

C. That respondents refund to each purchaser for whom a current mailing address has been obtained pursuant to paragraph B above all moneys paid by such purchaser to respondents in excess of the sum of the downpayment plus an amount equal to 30 standard monthly payments as stated in the contract; *provided, however,* That for contracts which were entered into or amended as a result of an exchange by which land purchased pursuant to a single contract was exchanged for land with a higher total price, the terms of the original contract entered into by the purchaser prior to such exchange shall be used to compute the sum of the downpayment and an amount equal to 30 standard monthly payments.

D. That respondents' obligation to make refunds under this section of the order shall commence 24 months after the date this order becomes final, such refunds to be payable over a period of not more than eight years after said 24-month period.

E. That the total refund payments made each year during said eight-year period referred to in paragraph D above shall be approximately equal; *provided, however,* That in the event respondents accelerate such refund schedule, each year's total payments under such accelerated schedule shall equal at least one-eighth (⅛) of the total refunds to be made.

F. That the refund payments made to purchasers pursuant to this section of the order shall be made in either of the following manners:

1. All refund payments shall equal the entire sum due a purchaser, such payments to be made in chronological order by date of forfeiture, the purchasers forfeiting at the earliest dates receiving the first refunds; or

2. All purchasers shall receive proportionately equal annual installments of the sums due them; *provided, however,* That respondents may at their discretion make payment in full in a single payment to purchasers to whom only a small sum is due.

G. That respondents maintain, for 12 years after the date this order becomes final or three years after the last refund payment is made pursuant to an accelerated refund schedule, whichever occurs first, records which are adequate to disclose respondents' compliance with this section of the order, such records to be furnished by respondents to the Federal Trade Commission upon request.

III

It is further ordered: In connection with the future development of Golden Gate Estates:

A. That respondents assure the availability of an adequate supply of potable water and an adequate sewage system to each homesite in Golden Gate Estates by means of a well or central water system and a septic tank or central sewage system.

B. That in the event it becomes necessary for respondents to install or have installed central water and/or central sewage systems with respect to one or more homesites in Golden Gate Estates:

1. Respondents may condition the hook-up of said central water and sewage systems to each homesite upon the respective purchasers' payment of a reasonable and customary main-line extension fee as approved by the appropriate governmental body; *provided, however,* That no purchaser shall be assessed in any manner for the extension of main lines to or past one or more lots which such purchaser does not own; and

2. Such systems must be made available to each homesite not then served by a septic tank and well within 90 days after respondents' receipt of written notice of the issuance of a building permit with respect to such homesite.

C. That in the event an adequate supply of potable water or an adequate sewage system is not available to any homesite in Golden Gate Estates as set out in paragraphs (A) and (B) above, respondents, upon written notification of such unavailability by the purchaser of such homesite, shall (1) reimburse said purchaser for his cost of any test or procedure used to determine the unavailability of water or sewage disposal; and (2) exchange said homesite for another homesite of equivalent zoning classification and located in the same general geographic area of Golden Gate Estates to which an adequate supply of potable water and an adequate sewage system are available; *provided, however,* That in the event no lots are available in Golden Gate Estates for purposes of such exchange, respondents shall offer the purchaser, at respondents' option, either a refund of all moneys paid under the contract or an alternative exchange acceptable to the purchaser.

D. That respondents make available to each lot in Golden Gate Estates within 180 days after receipt of written notice of the issuance of a building permit, at no initial cost to the purchaser other than nominal hook-up and installation fees and thereafter at customary and usual rates:

1. standard electrical service from an authorized local utility; and

2. standard telephone service from an authorized local utility.

Provided, however, That in the event either electrical service or telephone service is not available as set out above to any lot in Golden Gate Estates, respondents, upon written notification of such unavailability by the purchaser of such lot, shall exchange said lot for another lot of equivalent zoning classification and located in the same general geographic area of Golden Gate Estates to which such electrical service and telephone service are available; *and further provided,* That in the event no lots are available in Golden Gate Estates for purposes of such exchange, respondents shall offer the purchaser, at respondents' option, either a refund of all moneys paid under the contract or an alternative exchange acceptable to the purchaser.

E. Respondents, within 13 years after date this order becomes final, shall convey the fee simple title of not less than eleven hundred (1100) acres in Golden Gate Estates to Collier County, Florida, or any other appropriate public agency free and clear of any debt, obligation, encumbrance, or impediment to the title thereof to be used for any public purpose of benefit to Golden Gate Estates; *provided, however,* That if by the end of said 13-year period any portion of said eleven hundred (1100) acres has not been dedicated to and accepted by the Commissioners of Collier County, Florida, or any other appropriate public agency, respondents shall dedicate the remaining acreage as a private park for the use of the general public.

F. That respondents complete the installation of roads and drainage improvements in Golden Gate Estates as provided in the plats and bonding agreements on file with Collier County, Florida, on December 31, 1973.

G. That respondents send a letter or notice within 90 days after the date this order becomes final to all purchasers in Golden Gate Estates who are making monthly payments as of the date this order becomes final, advising them of the development program set out in this section of the order.

IV.

For purposes of this section of the order, the following definitions shall be applicable:

When used in reference to land at Remuda Ranch Grants or River Ranch Acres, "lot" shall mean a parcel of land

approximately 1¼ acres in size, and "lots" shall mean a parcel or parcels of land purchased pursuant to a single contract with respondent GAC Properties Inc., or its predecessor Gulf American Corporation, the total acreage of which is a multiple of the approximately 1¼ acre parcel comprising a lot.

It is further ordered: In connection with the exchange of land purchased in Remuda Ranch Grants and River Ranch Acres:

A. That respondents compile a list containing the last known name and address of the purchaser and date of purchase for each contract for the purchase of a lot or lots in Remuda Ranch Grants or River Ranch Acres where the purchaser is either deeded or has an outstanding contract not in default, said list to be arranged in chronological order by subdivision and grouped according to the number of lots purchased.

B. That respondent send a letter as set out in Appendix A or B, as applicable, within six (6) months of the date this order becomes final and thereafter in accordance with paragraph G below, by certified mail, return receipt requested, to the following of the purchasers referred to in paragraph A above: (1) all purchasers whose date of purchase is January 1, 1969 or later; (2) all purchasers of 3 or more lots whose date of purchase is prior to January 1, 1969; and (3) as many purchasers of 1 or 2 lots whose date of purchase is prior to January 1, 1969 as the inventory of lots set aside for this exchange offer will permit, in accordance with the schedule set out in subparagraph E(6) below.

C. That respondents enclose together with the letter referred to in paragraph B above the following material:

1. A notice of acceptance form as set out in Appendix C;

2. A document listing (a) the contract number and date of purchase for the lot or lots in which the purchaser's interest will be relinquished if the exchange offer is accepted and (b) the legal and/or other adequate description and approximate size concerning both the lot or lots being offered in exchange and the lot or lots in which the purchaser's interest will be relinquished if the exchange offer is accepted;

3. The applicable property report for the lot or lots being offered in exchange; and

4. A map or maps showing the location in the subdivision and, where available, the block or unit of the lot or lots being offered in exchange.

D. That with respect to any letter referred to in paragraph B above which is returned to respondents undelivered, respondents, within 60 days of receipt of such undelivered letter, shall take measures which are reasonably calculated to obtain the current address of the purchaser and shall deliver said letter to him; *provided, however,* That in the event respondents are unable to deliver such letter within said 60-day period, said offer of exchange shall be deemed rejected by the purchaser for purposes of this order.

E. That respondents, upon receipt of a notice of acceptance of the exchange offer provided for in this section of the order, shall exchange the lot or lots purchased in Remuda Ranch Grants and/or River Ranch Acres for land in certain of respondents' other subdivisions according to the following schedule:

1. Remuda Ranch Grants—date of purchase January 1, 1969 or later:

(a) A purchaser of 3 or more lots may exchange such lots for lots in Cape Coral which had, or would have had if offered for sale, a selling price on July 1, 1973 equal to or greater than the purchase price of his lots as stated in the contract of purchase: *Provided, however,* That no such purchaser shall be offered less than 2 adjacent Cape Coral lots (1 homesite) in exchange for the lots he has purchased.

(b) A purchaser of 1 or 2 lots may exchange such lots for 1 homesite lot in Golden Gate Estates.

2. River Ranch Acres—date of purchase January 1, 1969 or later:

(a) A purchaser of 3 or more lots may exchange such lots for lots in Cape Coral which had, or would have had if offered for sale, a selling price on July 1, 1973 equal to or greater than the purchase price of his lots as stated in the contract of purchase: *Provided, however,* That no such purchaser shall be offered less than 2 adjacent Cape Coral lots (1 homesite) in exchange for the lots he has purchased.

(b) A purchaser of 1 or 2 lots may exchange such lot or lots for 1 homesite lot in River Ranch Shores.

3. Date of purchase prior to January 1, 1969:

(a) Remuda Ranch Grants—A purchaser of 3 or more lots may exchange such lots for lots in Golden Gate Estates which had, or would have had if offered for sale, a selling price on July 1, 1973 equal to or greater than the purchase price of his lots as stated in the contract of purchase; *Provided, however,* That no such purchaser shall be offered less than 1 Golden Gate Estates lot in exchange for all the lots he has purchased.

(b) River Ranch Acres—A purchaser of 3 or more lots may exchange such lots for lots in Cape Coral which had, or would have had if offered for sale, a selling price on July 1, 1973 equal to or greater than the purchase price of his lots as stated in the contract of purchase: *Provided, however,* That no such purchaser shall be offered less than 2 adjacent Cape Coral lots (1 homesite) in exchange for the lots he has purchased.

(c) Remuda Ranch Grants and River Ranch Acres—A purchaser of 1 or 2 lots may exchange such lot or lots for 1 lot, to be located in either Golden Gate Estates or River Ranch Shores at the discretion of respondents, subject to the inventory of lots set aside for the exchange offer as provided for in subparagraph 4 below.

4. For purposes of the exchange offer provided for in this section, respondents shall make available 3,429 lots in Golden Gate Estates, 7,058 lots in River Ranch Shores, and enough lots in Cape Coral to meet the demands of subparts 1(a), 2(a), and 3(b) above: *Provided, however,* That in the event respondents' inventory of lots in Cape Coral should prove insufficient to meet the demands of the exchange offer provided for in this section, lots in Poinciana shall be substituted: *And further provided,* That in the event any governmental regulation prevents the use of any portion of Golden Gate Estates as provided for in this section of the order, respondents may offer to the applicable purchasers an alternative exchange, acceptable to the Commission, of a homesite lot in another subdivision.

5. (a) The lots in Golden Gate Estates to be offered in exchange pursuant to this section of the order shall be developed in accordance with section III above.

(b) The lots in Cape Coral, River Ranch Shores, and Poinciana to be offered in exchange pursuant to this section of the order shall be developed in accordance with the most recent applicable property report on file on the date this order becomes final with the Office of Interstate Land Sales Registration of the U.S. Department of Housing and Urban Development: *Provided, however,* That in the event no property report is on file with the Office of Interstate Land Sales Registration with respect to any lot in Cape Coral, River Ranch Shores, or Poinciana which is being offered in exchange pursuant to this section of the order, such lot shall be developed in accordance with the most recent applicable property report or offering statement on file with the State of Florida.

6. For purposes of the exchange offer set out in subpart 3(c) above, such exchanges shall be made until the inventory of lots in Golden Gate Estates and River Ranch Shores set out in subparagraph 4 above is exhausted, subject to the following conditions:

(a) the exchanges shall be offered to all purchasers of 2 lots prior to being offered to purchasers of 1 lot; and

(b) the exchanges shall be offered to purchasers by date of purchase in reverse chronological order (most recent purchase exchanged first).

F. That in the event a purchaser fails to mail a notice of acceptance to respondents within 60 days of his receipt of the letter referred to in Paragraph B above, then for purposes of this order such purchaser shall be deemed to have rejected the exchange offer.

G. That within 120 days of the initial exchange offer set out in paragraph B above, respondents shall offer all lots referred to in subparagraph E(4) above for which an exchange offer has been rejected to the next purchasers eligible to receive said exchange offer in accordance with subparagraph E(6) above; and respondents shall thereafter continue, at intervals not to exceed 120 days, to offer all lots for which an exchange offer has been rejected to the next eligible purchasers until either all the aforesaid lots have been exchanged or the list of purchasers eligible to receive the exchange offer has been exhausted.

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H. That the ten-day right of cancellation provided for in Paragraphs 6 through 10 of section I of this order shall not be applicable to lots exchanged pursuant to this section of the order.

I. That respondents may condition the exchange offer under this section of the order on the purchaser's execution of a quit-claim deed and/or other documents necessary to release his interest in the lot or lots being given up in exchange, such document or documents to be prepared by respondents.

J. That respondents maintain, for three years after the final exchange is made pursuant to this section of the order, records which are adequate to disclose respondents' compliance with this section of the order, such records to be furnished by respondents to the Federal Trade Commission upon request.

APPENDIX A

(Date)

DEAR CUSTOMER: GAC Properties Inc. (formerly Gulf American Corporation) has entered into an agreement with the Federal Trade Commission pursuant to which GAC Properties is required to offer to purchasers of lots in River Ranch Acres an option to exchange their lots for property in certain of GAC Properties' other subdivisions. Under the terms of the agreement, you are entitled to exchange your lot or lots in River Ranch Acres for the property described in the attached material.

In deciding whether to accept this offer, you should be aware that whereas River Ranch Acres will not be developed in any manner and virtually all lots therein are inaccessible by conventional means of transportation, the property being offered in exchange has been or will be developed, with roads, drainage and utilities, for use as homesites. Also note that the property being offered in exchange may not be as large as your present lot or lots. A property report and other materials which describe in detail the property to be received in exchange are enclosed and should be examined with care. In addition, it is recommended that you consult a lawyer, realtor or other qualified professional before making your decision.

If you are still making monthly payments under the terms of your original contract, you must continue to do so. On the other hand, if you have completed your payments and have received a deed or Certificate for Deed for one or more lots at River Ranch Acres, you will be required, as a condition to accepting this offer, to reconvey to GAC your interest in such lot or lots, and you will receive in return a deed to the new property which you will receive in exchange. In either event, by accepting this offer you will thereby relinquish any and all rights to the lot or lots which you purchased under your original contract. Furthermore, if you accept this offer, any legal claims which you may otherwise have against the seller or developer arising out of your original purchase may be adversely affected. To accept this offer, you must sign and return to GAC by certified mail the enclosed Notice of Acceptance not later than 60 days from the date you receive this letter. Any inquiries regarding this offer should be directed to GAC Properties Inc. at ----------, or
(respondent's telephone number)
write the Office of the Secretary, Federal Trade Commission, Washington, D.C. 20580.

Very truly yours,

(Signed)
President, GAC Properties, Inc.

APPENDIX B

(Date)

DEAR CUSTOMER: GAC Properties Inc. (formerly Gulf American Corporation) has entered into an agreement with the Federal Trade Commission pursuant to which GAC Properties is required to offer to purchasers of lots in Remuda Ranch Grants an option to exchange their lots for property in certain of GAC Properties' other subdivisions. Under the terms of the agreement, you are entitled to exchange your lot or lots in Remuda Ranch Grants for the property described in the attached material.

In deciding whether to accept this offer, you should be aware that whereas Remuda Ranch Grants will not be developed in any manner and virtually all lots therein are inaccessible by conventional means of transportation, the property being offered in exchange has been or will be developed, with roads, drainage and utilities, for use as homesites. Also note that the property being offered in exchange may not be as large as your present lot or lots. A property report and other materials which describe in detail the property to be received in exchange are enclosed and should be examined with care. In addition, it is recommended that you consult a lawyer, realtor or other qualified professional before making your decision.

If you are still making monthly payments under the terms of your original contract, you must continue to do so. On the other hand, if you have completed your payments and have received a deed or Certificate for Deed for one or more lots at Remuda Ranch Grants, you will be required, as a condition to accepting this offer, to reconvey to GAC your interest in such lot or lots, and you will receive in return a deed to the new property which you will receive in exchange. In either event, by accepting this offer you will thereby relinquish any and all rights to the lot or lots which you purchased under your original contract. Furthermore, if you accept this offer, any legal claims which you may otherwise have against the seller or developer arising out of your original purchase may be adversely affected. To accept this offer, you must sign and return to GAC by certified mail the enclosed Notice of Acceptance not later than 60 days from the date you receive this letter. Any inquiries regarding this offer should be directed to GAC Properties Inc. at ----------, or
(respondents' telephone number)
write the Office of the Secretary, Federal Trade Commission, Washington, D.C. 20580.

Very truly yours,

(Signed)
President, GAC Properties Inc.

NOTICE OF ACCEPTANCE

Contract Number ----------
(To be filled in by Purchaser)

I hereby accept the exchange offer described in the materials sent to me by GAC Properties Inc.

I understand that I will be required to execute one or more documents, to be prepared by GAC Properties Inc., relinquishing all rights in the lot or lots purchased under the above contract number. In return, I will be sent a deed or other evidence of interest in the property which I will receive in exchange.

All purchasers must sign below

---------- ----------
(Date) (Purchaser's Signature

(Purchaser's Signature)

NOTE.—This Notice of Acceptance must be returned to GAC Properties Inc., ----------,
(respondent's address)
by certified mail.

APPENDIX C

V.

For purposes of this section of the order, the following definition shall be applicable:

"Residential property" shall mean land located in a subdivision in which the majority of lots are sold or offered for sale for use as homesites.

It is further ordered: A. (1) That respondents shall include the following language, or words of similar import and meaning, in all installment contracts for the sale of residential property to consumers which are entered into after the date this order becomes final, and shall make refunds in accordance therewith:

In the event of Buyer's default, Seller shall refund to Buyer within 180 days of the date of default principal payments (not interest, finance charges or taxes) made pursuant to this contract in accordance with the following schedule of refunds:

a. If Buyer's total principal payments do not exceed 30 percent of the cash price, Buyer shall not receive any refund whatsoever.

b. If Buyer's total principal payments exceed 30 percent but are less than 66⅔ percent of the cash price, Buyer shall receive a refund of two-thirds of all principal payments made in excess of 30 percent of the cash price.

c. If Buyer's total principal payments are in excess of 66⅔ percent of the cash price, Buyer shall receive a refund of one-half of all principal payments made in excess of 66⅔ percent of the cash price, together with and in addition to all sums refundable to Buyer under subpart b above.

(2) That in the event the rate of default for all contracts for the sale of respondents' land to consumers in which the amount of principal paid exceeds 30 percent of the cash price due thereunder, which are entered into during the ten-year period after the date this order becomes final, does not exceed by more than ten percent the rate of default, computed in the same manner, for all such contracts for the three-year period immediately preceding the date this order becomes final, the following schedule of refunds shall be included by respondents in all installment contracts for the sale of residential property to consumers which are entered into more than 90 days after the expiration of said ten-year period, in lieu of the schedule of refunds set out in subparagraph A(1) above:

a. If Buyer's total principal payments do not exceed 30 percent of the cash price, Buyer shall not receive any refund whatsoever.

b. If Buyer's total principal payments exceed 30 percent of the cash price, Buyer shall receive a refund of 75 percent of all principal payments made in excess of 30 percent of cash price.

(3) That respondents submit to the Federal Trade Commission, within 90 days after the date this order becomes final, data disclosing the rate of default referred to in subparagraph A(2) above for the three-year period immediately preceding the date this order becomes final, and documentation in support thereof.

B. That respondents shall include the following language, or words of similar import and meaning, in all installment contracts for the sale of land other than residential property to consumers which are entered into after the date this order becomes final, and shall make refunds in accordance therewith:

In the event of Buyer's default, Seller shall refund to Buyer within 180 days of the date of default principal payments (not interest, finance charges or taxes) made pursuant to this contract in accordance with the following schedule of refunds:

1. If Buyer's total principal payments do not exceed 30 percent of the cash price, Buyer shall not receive any refund whatsoever.

2. If Buyer's total principal payments exceed 30 percent of the cash price, shall receive a refund of 75 percent of all principal payments made in excess of 30 percent of the cash price.

C. That respondents may condition their payments of refunds under this section of the order on the purchaser's execution of a quit-claim deed and/or other documents necessary to release his interest in the land purchased from respondents pursuant to the contract in default, such document or documents to be prepared by respondents.

D. That in the event the Federal Trade Commission promulgates a valid Trade Regulation Rule applicable to respondents' sale of land to consumers which regulates the amount or percentage of moneys paid by a purchaser which may be retained by the seller in the event of the purchaser's default, then this section of the order shall be deemed modified by said Trade Regulation Rule; *provided, however,* That this paragraph shall not be construed as waiving or in any way limiting respondents' legal rights or standing to challenge or otherwise contest such a Trade Regulation Rule.

VI.

It is further ordered: (a) That in the event respondents fail to correct any default under a contract entered into prior to the effective date of this Order within six months after receiving notice in writing from the purchaser of said default, respondents shall, within ten days after completion of said six-month period, notify the purchaser that, at his option, he may receive a refund of all moneys paid under the contract or an exchange acceptable to him of the contracted-for property for another of at least equal price, equivalent size, with equivalent zoning classification and same promised improvements and utilities, and located in the same general geographic area of the subdivision.

(b) That respondents shall make the exchange or refund requested by the purchaser under the terms of paragraph (a) above within 60 days of receipt of the purchaser's acceptance of said exchange or refund; *Provided, however,* That in the event the purchaser has received a deed or other evidence of interest in the contracted-for property other than the contract, the purchaser must, as a condition of obtaining such refund or exchange, reconvey to the seller such evidence of interest by General Warranty Deed in recordable form; *And further provided,* That in the event only the contract has been recorded in the Public Records, the purchaser must quit claim in recordable form his interest to the seller to remove any clouds on the title to such property.

VII

It is further ordered: (a) That respondents herein deliver, by hand or by certified mail, a copy of sections I and VI through X of this order to each of their present or future salesmen, independent brokers, and employees who sell or promote the sale of land or other real property to consumers, and all others so engaged;

(b) That respondents provide each person so described in paragraph (a) above with a form, returnable to respondents, clearly stating his intention to be bound by and to conform his sales practices to the requirements of this order;

(c) That respondents inform each person described in paragraph (a) above that respondents shall not use any such party, or the services of any such party, unless such party agrees to and does file notice with respondents that it will be bound by the provisions contained in this order;

(d) That in the event such party will not agree to so file notice with respondents and to be bound by the provisions of this order, respondents shall not use such party, or the services of such party;

(e) That respondents so inform the persons described in paragraph (a) above that respondents are obligated by this order to discontinue dealing with those persons who engage on their own in the acts or practices prohibited by this order;

(f) That respondents institute a program of continuing surveillance adequate to reveal whether the sales practices of each of said persons described in paragraph (a) above conform to the requirements of this order; and

(g) That respondents discontinue dealing with any person described in paragraph (a) above, revealed by the aforesaid program of surveillance, who engages on his own in the acts or practices prohibited by this order by present or future employees of independent brokers shall not be deemed a violation of this order by respondents unless respondents, upon knowledge of such violation, fail to take, within a reasonable time, corrective action to insure that such act or practice is terminated: *And further provided,* That in the event remedial action is taken, the sole fact of such dismissal or termination shall not be admissible against respondents in any proceeding brought to recover penalties for alleged violation of any other paragraph of this order.

VIII.

It is further ordered: (a) That in the event the Interstate Land Sales Full Disclosure Act, presently codified at 15 U.S.C. §§ 1701–20 (1970), or any regulation promulgated pursuant thereto by the Office of Interstate Land Sales Registration of the U.S. Department of Housing and Urban Development, requires an act or practice which is prohibited by any provision of this order, such order prohibition shall be inoperative.

(b) That in the event any provision of this Order requires an act or practice which is prohibited by the Interstate Land Sales Full Disclosure Act, presently codified at 15 U.S.C. 1701–20 (1970), or any regulation promulgated pursuant thereto by the Office of Interstate Land Sales Registration of the U.S. Department of Housing and Urban Development, such order requirement shall be inoperative.

IX

It is further ordered: That this order shall become effective in accordance with standard Commission procedure: *Provided, however,* That all written advertising and promotional materials, and form contracts, which must be filed with and accepted for dissemination by state or federal agencies, shall not be subject to the provisions of this order, except for those provisions which prohibit or limit the use of any statement, representation, or misrepresentation, for a period of six months from the date this order becomes final or until said acceptance for dissemination is obtained from all applicable state or federal agencies, whichever occurs first: *And further provided,* That until said six-month period expires or said acceptance for dissemination is obtained, whichever occurs first, respondents shall file with the Federal Trade Commission monthly reports detailing respondents' progress toward obtaining the aforementioned acceptance for dissemination by the applicable state or federal agencies.

X.

It is further ordered: That respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions engaged in the sale of land or other real property to consumers.

It is further ordered: That respondents herein shall, within 60 days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered: That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents, such as dissolution, assignment or sale resulting in the emer-

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gence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

Decision and order issued by the Commission July 23, 1974.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.74-21964 Filed 9-20-74;8:45 am]

Title 18—Conservation of Water and Power Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-432(A); Order No. 512]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Monthly Report of Cost and Quality of Fuels for Electric Plants

SEPTEMBER 12, 1974.

By notice issued in Docket No. R-432 (A) on July 19, 1973 the Federal Power Commission proposed to amend FPC Form No. 423, Monthly Report of Cost and Quality of Fuel for Steam Plant, designated in 18 CFR 141.61, prescribing collection of monthly fuel costs and quality determinants of fuel received at steam generating plants of electric utilities. The Commission proposed to revise Form 423 to include monthly purchase reports for fuels which are to be used in gas turbine and internal combustion engine generation of power by electric utilities in addition to that information presently required for steam generating plants.

Form 423 is presently designated to obtain monthly data on the cost and quality of fuels received at steam electric generating plants. A separate form is to be completed by each electric power producer for each of its steam electric generating plants having a capacity of 25 megawatts or greater during the reporting month. The completed form is due on the 45th day after the close of the reference month.

On June 7, 1972, the Commission issued Order No. 453 in Docket No. R-432 enacting the new 18 CFR 141.61 and FPC Form 423. On August 3, 1972, the Commission issued an order denying the application for rehearing in Docket No. 432 made by the National Coal Association. This denial was appealed to the United States Court of Appeals for the District of Columbia. *National Coal Association* v. *Federal Power Commission* No. 72-1919, D.C. Cir., filed October 2, 1972. The parties to this appeal filed, on May 14, 1973, a joint motion to withdraw the above appeal, which was approved by the Court nunc pro tunc. Subsequently, on application of Alabama Power Company and other electric utilities, the Commission, on March 2, 1973, issued, *Order Denying Petition for Amendment of the Commission's Regulations with Respect to Form No. 423*, in Docket No. R-432. An Order Denying Rehearing in this matter was issued on April 16, 1973, and this denial has been appealed to the Circuit Court of Appeals for the District of Columbia. *Alabama Power Company, et al.* v. *Federal Power Commission*, No. 73-1436, D.C. Cir., filed April 25, 1973.

Twenty-seven utilities and three nonutility groups submitted responses to this notice of proposed rulemaking. Twenty-four utilities proposed that the cost of fuels to utilities should be held confidential, arguing that since the inception of Form 423 it had become extremely difficult for a purchaser to negotiate best buy contracts in an arms length bargaining process. However, trade publications such as *Platts' Oilgram* are already an easy source of regional fuel prices open to fuel suppliers. Assuming arguendo that the utilities companies did show some harm from public disclosure, such harm must still outweigh the benefit accruing to the overall public interest from full disclosure of the data.

It was also argued that public use of Form 423 has altered the competitive structure of the coal and oil supply markets in a manner contrary to the policies of antitrust laws. Assuming this were true, that fact could still not bar a governmental agency from fully disclosing the information when it had been lawfully determined that such action would best serve the overall public interest.

Favorable comments were received from the Treasury Department and the Petrochemical Group. The former stated tillates was important and would be of that accurate information concerning the availability of natural gas and distillates was important and would be of significance in regard to the surveillance of the oil-import control program as well as in an array of analytical applications.

After consideration of the comments received in response to the Notice, the Commission has determined that revised Form 423 should be adopted as proposed to include monthly purchase reports for fuels which are to be used in gas turbine and internal combustion engine generation of powder by electric utilities.

The Commission feels that the proposed amendments are necessary to provide information on utility purchases of fuels for the important generation segment represented by gas turbines and internal combustion engines and to provide timely data on a comparable basis for each type of fuel by quality determinants.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding through the submission in writing of data, views, comments and suggestions in the manner described above are consistent and in accordance with the procedural requirements prescribed in 5 U.S.C. 553.

(2) The amended Form hereinafter set forth is necessary and appropriate in the administration of the Federal Power Act.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly sections 202, 301, 304(a), 309 and 311 (49 Stat. 848, 849, 854, 855, 856, 858, 859; 67 Stat. 461; 16 U.S.C. 824a, 825, 825c, 825h, 825j) orders:

(1) FPC Revised Form No. 423 as set out in Attachment A[1] to this order is hereby adopted.

(2) The Revised Form adopted herein shall be effective as of October 1, 1974.

The Secretary shall cause prompt publication of this Order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22020 Filed 9-20-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a new animal drug application (97-289V) filed by Feed Specialties Co., 1877 NE 58th Ave., Des Moines, IA 50313, proposing the safe and effective use of tylosin premix in the manufacture of animal feed. The application is approved.

To facilitate referencing, the firm is being assigned a code number and placed in the list of firms in 21 CFR 135.501(c).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135e are amended as follows:

1. In § 135.501(c) by adding a new sponsor as follows:

§ 135.501 Names, addresses and code numbers of sponsors of approved applications.

• • • • • •

(c) • • •

Code No.	*Firm name and address*
•	•
115	Feed Specialties Co., 1877 NE 58th Ave., Des Moines, IA 50313.

2. In § 135e.10 by adding a new paragraph (b)(11) as follows:

§ 135e.10 Tylosin.

• • • • • •

(b) • • •

(11) To 115: 10 grams per pound; item 4.

• • • • • •

[1] Attachment A filed as part of the original document.

Effective date. This order shall be effective September 23, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: September 13, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-21951 Filed 9-20-74;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

AMOXICILLIN

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, with respect to approval of the antibiotic drug amoxicillin.

The Commissioner concludes that data supplied by the manufacturer concerning the subject antibiotic drug is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for its certification.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 430, 436 and 440 in Subchapter D of Chapter I of Title 21, Code of Federal Regulations, are amended as follows:

PART 430—ANTIBIOTIC DRUGS: GENERAL

1. Part 430 is amended in Subpart A:

a. In § 430.5 by adding paragraphs (a)(53) and (b)(53), as follows:

§ 430.5 Definitions of master and working standards.

(a) • • •

(53) *Amoxicillin.* The term "amoxicillin master standard" means a specific lot of amoxicillin that is designated by the Commissioner as the standard of comparison in determining the potency of the amoxicillin working standard.

(b) • • •

(53) *Amoxicillin.* The term "amoxicillin working standard" means a specific lot of a homogeneous preparation of amoxicillin.

b. In § 430.6 by adding a new paragraph (b)(56), as follows:

§ 430.6 Definition of the terms "unit" and "microgram" as applied to antibiotic substances.

• • • • • • • • • • •

(b) • • •

(56) *Amoxicillin.* The term "microgram" applied to amoxicillin means the amoxicillin activity (potency) contained in 1.17647 micrograms of the amoxicillin master standard.

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

2. Part 436 is amended:

a. In Subpart C, by amending § 436.33 (b) by alphabetically inserting a new item in the table, as follows:

§ 436.33 Safety test.

• • • • • • • • • • •

(b) • • •

Antibiotic drug	Diluent (diluent number as listed in § 436.31)	Test dose: Concentration in units or milligrams of activity per milliliter	Test dose: Volume in milliliters to be administered to each mouse	Route of administration as described in paragraph (c) of this section
Amoxicillin	9	20 mg	.5	Intravenous.

• • • • • • • • • • •

b. In Subpart D, by amending § 436.105(a) and (b) by alphabetically inserting a new item in the respective tables, as follows:

§ 436.105 Microbiological agar diffusion assay.

• • • • • • • • • • •

(a) • • •

Antibiotic	Media to be used (as listed by medium number in § 436.102(b)): Base layer	Media to be used (as listed by medium number in § 436.102(b)): Seed layer	Milliliters of media to be used in the base and seed layers: Base layer	Milliliters of media to be used in the base and seed layers: Seed layer	Test organism	Suggested volume of standardized inoculum be added to each 100 milliliters of seed agar	Incubation temperature for the plates
						Milliliters	*Degrees C.*
Amoxicillin	11	11	21	4	C	0.5	32 to 35.

• • • • • • • • • • •

(b) • • •

Antibiotic	Working standard stock solutions: Drying conditions method number as listed in § 436.200)	Working standard stock solutions: Initial solvent	Working standard stock solutions: Diluent (solution number as listed in § 436.101(a))	Working standard stock solutions: Final concentrations, units or milligrams per milliliter	Standard response line concentrations: Storage time under refrigeration	Standard response line concentrations: Diluent	Standard response line concentrations: Final concentrations, units or micrograms of antibiotic activity per milliliter
Amoxicillin	Not dried		Distilled water	1.0 mg	7 days	3	0.064, 0.080, 0.100, 0.125 and 0.156 µg. (Prepare the standard response line simultaneously with the sample solution.)

• • • • • • • • • • •

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c. In Subpart E, by amending § 436.204(b) (1) and (2) by alphabetically inserting a new item in the respective tables as follows:

§ 436.204 Iodometric assay.

• • • • • • • •

(b) • • •

(1) • • •

Antibiotic	Initial solvent	Diluent (solution number as listed in § 436.101(a))	Final concentration in units or milligrams of activity per milliliter of standard solution
Amoxicillin	None	Distilled water	1.0 milligram.

• • • • • • • •

(2) • • •

Antibiotic	Initial solvent	Diluent (solution number as listed in § 436.101(a))	Final concentration in units or milligrams of activity per milliliter of sample
Amoxicillin	None	Distilled water	1.0 milligram.

• • • • • • • •

d. In Subpart E, by amending § 436.205 (b) and (c) by alphabetically inserting a new item in the respective tables as follows:

§ 436.205 Hydroxylamine colorimetric assay.

• • • • • • • •

(b) • • •

Antibiotic	Diluent (solution number as listed in § 436.101(a))	Final concentration in milligrams per milliliter of standard solution
Amoxicillin	Distilled water	1.0.

• • • • • • • •

(c) • • •

Antibiotic	Diluent (solution number as listed in § 436.101(a))	Final concentration in milligrams per milliliter of standard solution
Amoxicillin	Distilled water	1.0.

• • • • • • • •

e. In Subpart E, by amending § 436.213(c) by alphabetically inserting a new item in the table, as follows:

§ 436.213 Nonaqueous titrations.

• • • • • • • •

(c) • • •

Antibiotic	Weight in milligrams of sample	Solvent
Amoxicillin-acid titration.	500	20 milliliters dimethylsulfoxide and 30 milliliters methyl alcohol."
Amoxicillin-base titration.	500	50 milliliters glacial acetic acid.

• • • • • • • •

(f) By adding a new section to Subpart F as follows:

§ 436.311 Thin layer chromatography identity test for amoxicillin.

Using the sample solution prepared as described in the section for the antibiotic drug to be tested, proceed as described in paragraphs (a) through (e) of this section.

(a) *Equipment*—(1) *Chromatography tank.* A rectangular tank, approximately 23 centimeters long, 23 centimeters high, and 9 centimeters wide, equipped with a glass solvent trough in the bottom and a tight-fitting cover for the top. Line the inside walls of the tank with Whatman's 3MM chromatographic paper (0.33 millimeters) or equivalent.

(2) *Plates.* Use 20- by 20-centimeter thin layer chromatography plates coated with Silica Gel G or equivalent to a thickness of 250 microns.

(b) *Reagents* — (1) *Developing solvent.* Mix methyl alcohol, chloroform, pyridine, and distilled water in volumetric proportions of 90:80:10:30, respectively.

(2) *Spray solution.* Dissolve 300 milligrams of ninhydrin in 100 milliliters of ethyl alcohol.

(c) *Preparation of working standard.* Weigh an amount of the amoxicillin working standard equivalent to 200 milligrams of amoxicillin into a 50-milliliter volumetric flask and bring to volume with 0.1*N* hydrochloric acid.

(d) *Procedure.* Pour developing solvent into the chromatography tank to a depth of about 1 centimeter. Cover and seal the tank. Allow it to equilibrate for at least 2 hours. Spot duplicate plates by applying approximately 5 microliters each of standard and sample solutions on a line 1.5 centimeters from the base of the plate and at intervals of not less than 2.0 centimeters. All solutions must be spotted within 10 minutes of preparation. Place spotted plate in a desiccator until solvent has evaporated from spots. Pour developing solvent into the glass trough. Place the plate into the glass trough at the bottom of the chromatography tank. Cover the tank. Allow the solvent to reach the 15-centimeter scored mark, remove the plate from the tank and dry with a current of warm air until there is no detectable solvent odor. Apply the ninhydrin spray solution to the plate—do not saturate—and place immediately into an oven maintained at 110° C for 15 minutes.

(e) *Evaluation.* Measure the distance the solvent front traveled from the starting line and the distance the spots are from the starting line. Calculate the R_f value by dividing the latter by the former. Amoxicillin has an R_f value of about 0.53. The sample and standard should have spots of corresponding R_f values.

PART 440—PENICILLIN ANTIBIOTIC DRUGS

3. Part 440 is amended:

a. By adding a new § 440.3 to Subpart A to read as follows:

§ 440.3 Amoxicillin trihydrate.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Amoxicillin trihydrate is the trihydrate form of D(-) α-amino-*p*-hydroxybenzyl penicillin. It is so purified and dried that:

(i) Its potency is not less than 900 micrograms and not more than 1,050 micrograms of amoxicillin per milligram on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 11.5 percent and not more than 14.5 percent.

(iv) Its pH in an aqueous solution containing 2 milligrams per milliliter is not less than 3.5 and not more than 6.0.

(v) Its amoxicillin content is not less than 90 percent on an anhydrous basis.

(vi) The acid-base titration concordance is such that the difference between the percent amoxicillin content when determined by nonaqueous acid titration and by nonaqueous base titration is not more than 6. The potency acid titration concordance is such that the difference between the potency value divided by 10 and the percent amoxicillin content of the sample determined by the nonaqueous acid titration is not more than 6. The potency-base titration concordance is such that the difference between the potency value divided by 10 and the percent amoxicillin content of the sample determined by the nonaqueous base titration is not more than 6.

(vii) It is crystalline.

(viii) It gives a positive identity test for amoxicillin trihydrate.

(2) *Labeling.* In addition to the labeling requirements of § 432.5 of this chapter, each package shall bear on its outside wrapper or container and the immediate container the following statement: "For use in the manufacture of nonparenteral drugs only".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, amoxicillin content, concordance, crystallinity, and identity.

(ii) Samples required: 12 packages, each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Use any of the following methods; however, the results obtained from the iodometric assay shall be conclusive:

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient sterile distilled water to give a stock solution containing 1.0 milligram of amoxicillin per milliliter (estimated). Further dilute an aliquot of the stock solution with solution 3 to the reference concentration of 0.1 microgram of amoxicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter.

(iii) *Hydroxylamine colorimetric assay.* Proceed as directed in § 436.205 of this chapter.

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 2 milligrams per milliliter.

(5) *Amoxicillin content.* Proceed as directed in § 436.213 of this chapter, using both the titration procedures described in paragraph (c) (1) and (2) of that section. Calculate the percent amoxicillin content as follows:

(i) *Acid titration.*

$$\text{Percent amoxicillin content} = \frac{(A-B)\ (\text{normality of lithium methoxide reagent})\ (365.4)\ (100)\ (100)}{(\text{weight of sample in milligrams})\ (100-m)}$$

where:
A = Milliliters of lithium methoxide reagent used in titrating the sample;
B = Milliliters of lithium methoxide reagent used in titrating the blank;
m = Percent moisture content of the sample;

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent amoxicillin content;}$$

(ii) *Base titration.*

$$\text{Percent amoxicillin content} = \frac{(A-B)\ (\text{normality of perchloric acid reagent})\ (365.4)\ (100)\ (100)}{(\text{weight of sample in milligrams})\ (100-m)}$$

where:
A = Milliliters of perchloric acid reagent used in titrating the sample;
B = Milliliters of perchloric acid reagent used in titrating the blank;
m = Percent moisture content of the sample;

$$\text{Difference} = \frac{\text{Potency in micrograms per milligram}}{10} - \text{percent amoxicillin content;}$$

(6) *Crystallinity.* Proceed as directed in § 436.203(a) of this chapter.

(7) *Identity.* Proceed as directed in § 436.211 of this chapter, using a 0.5 percent potassium bromide disc prepared as described in paragraph (b) (1) of that section.

b. By adding new §§ 440.103, 440.103a, and 440.103b to Subpart B, to read as follows:

§ 440.103 Amoxicillin oral dosage forms.

§ 440.103a Amoxicillin trihydrate capsules.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Amoxicillin trihydrate capsules are composed of amoxicillin trihydrate with or without one or more suitable and harmless lubricants, diluents, and drying agents, enclosed in a gelatin capsule. Each capsule contains amoxicillin trihydrate equivalent to 250 milligrams or 500 milligrams of amoxicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of amoxicillin that it is represented to contain. Its moisture content is not more than 14.5 percent. It passes the identity test. The amoxicillin trihydrate used conforms to the standards prescribed by § 440.3(a) (1).

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 of this chapter, this drug shall be labeled "amoxicillin capsules".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The amoxicillin trihydrate used in making the batch for potency, safety, moisture, pH, amoxicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency, moisture, and identity.

(ii) Samples required:

(*a*) The amoxicillin trihydrate used in making the batch: 12 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 30 capsules.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the iodometric assay shall be conclusive:

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar containing sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram of amoxicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Place the contents of a representative number of capsules into a high-speed glass blender jar and add sufficient distilled water to give a convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot with distilled water to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Identity.* Proceed as directed in § 436.311 of this chapter, preparing the sample solution as follows: Dissolve an accurately weighed portion of the amoxicillin capsule contents in 0.1*N* hydrochloric acid to give a solution containing 4 milligrams of amoxicillin per milliliter.

§ 440.103b Amoxicillin trihydrate for oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Amoxicillin trihydrate for oral suspension is a mixture of amoxicillin trihydrate with one or more suitable and harmless colorings, flavorings, buffers, sweetening ingredients, preservatives, stabilizers, and suspending agents. When reconstituted as directed in the labeling, it contains amoxicillin trihydrate equivalent to either 25 or 50 milligrams of amoxicillin per milliliter. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of amoxicillin that it is represented to contain. Its moisture content is not more than 3.0 percent. Its pH, when reconstituted as directed in the labeling, is not less than 5.0 and not more than 7.5. It passes the identity test. The amoxicillin trihydrate used conforms to the standards prescribed by § 440.3(a) (1).

(2) *Labeling.* In addition to the labeling requirements prescribed by § 432.5 of this chapter, this drug shall be labeled "amoxicillin for oral suspension".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The amoxicillin trihydrate used in making the batch for potency, safety, moisture, pH, amoxicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency, moisture, pH, and identity.

(ii) Samples required:

(*a*) The amoxicillin trihydrate used in making the batch: 12 packages, each

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containing approximately 300 milligrams.

(b) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the iodometric assay shall be conclusive:

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured representative portion of the sample into a suitable volumetric flask and dilute to volume with 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Mix well. Further dilute an aliquot with solution 3 to the reference concentration of 0.1 microgram of amoxicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured aliquot (usually a single dose) into an appropriately sized volumetric flask and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Mix well. Further dilute with solution 1 to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using the suspension reconstituted as directed in the labeling.

(4) *Identity.* Proceed as directed in § 436.311 of this chapter, preparing the sample solution as follows: Place a 2-gram weighed portion of the sample into a 50-milliliter volumetric flask. Dilute to volume with 0.1*N* hydrochloric acid and shake for 5 minutes.

Since the conditions prerequisite for providing the certification of subject antibiotic have been complied with and since the matter is noncontroversial in nature, notice and public procedures and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective September 23, 1974.

(Sec. 507, 59 Stat. 463; 21 U.S.C. 357)

Dated: September 16, 1974.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.74-21842 Filed 9-20-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI363]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Delaware	Sussex	Milton, town of	Sept. 17, 1974, emergency			
Louisiana	St. Tammany Parish.	Madisonville, town of	do			
Missouri	St. Louis	Moline Acres, city of	do	June 14, 1974		
Montana	Silver Bow	Butte, city of	do	do		
Nebraska	Washington	Blair, city of	do	June 21, 1974		
Pennsylvania	Franklin	Hamilton, township of	do			
Utah	Grand	Moab, city of	do	June 21, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: September 9, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-21858 Filed 9-20-74;8:45 am]

[Docket No. FI365]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
California	Marin	Ross, town of	Sept. 18, 1974, emergency	Mar. 29, 1974		
Illinois	Cook	Northfield, village of	do	do		
Kansas	Marion	Peabody, city of	do	June 19, 1974		
Minnesota	Wabasha	Hammond, city of	do	Aug. 2, 1974		
Mississippi	Forrest and Lamar.	Hattiesburg, city of	April 3, 1970, reg.; January 15, 1973, susp.; September 12, 1974, rein.	April 3, 1970		
Nebraska	Scotts Bluff	Goring, city of	Sept. 18, 1974, emergency			
New Jersey	Hunterdon	Califon, borough of	do	Sept. 18, 1974		
New York	Oneida	Deerfld, town of	do	Aug. 2, 1974		
Oregon	Jackson	Central Point, city of	do	June 21, 1974		
Pennsylvania	Montgomery	Norristown, borough of	July 9, 1971, emerg.; December 22, 1972, reg.; October 30, 1974, susp.	Dec. 22, 1972		
Wisconsin	Ozaukee	Cedarburg, city of	Sept. 18, 1974, emergency	Dec. 28, 1973		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: September 11, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-21860 Filed 9-20-74;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER I—OFFICE OF PREPAREDNESS, GENERAL SERVICES ADMINISTRATION

Revocation of Miscellaneous Orders and Regulations and Retitling of Chapter

Reorganization Plan No. 1 of 1973 abolished the Office of Emergency Preparedness and transferred to the President all functions vested by law in the Office of Emergency Preparedness or the Director of the Office of Emergency Preparedness after the effective date of Reorganization Plan No. 1 of 1958. Executive Order 11725 of June 27, 1973 (38 FR 17175), transferred to the Administrator of General Services all authority vested in the Director of the Office of Emergency Preparedness a sof June 30, 1973, by Executive order, proclamation, or other directive issued by or on behalf of the President or otherwise, other than certain authority relating to disaster relief and the authority to conduct import investigations under section 232 of the Trade Expansion Act of 1962. The Administrator has established the Office of Preparedness within the General Services Administration to perform these functions. To reflect these changes, Chapter I of Title 32A is being retitled.

By authority of Executive Orders 10480 and 11725, certificates of necessity and payment certificates may be issued pursuant to subsections (e) and (g), respectively, of section 168 of the Internal Revenue Code of 1954. The authority to issue certificates of necessity under subsection (e) was terminated as of December 31, 1959, by section 4(c) of Pub. L. 85-165 (71 Stat. 414). Since the tax amortization allowed on the basis of certificates of necessity was for a period of 5 years, the orders and regulations listed under 2b, 2c, and 2e below are no longer needed and therefore they are being revoked. The orders and regulations listed below under 2a and 2f are being revoked because they are no longer needed to carry out the provisions of the abovecited Executive orders relative to issuance of payment certificates under subsection (g).

GAO I-2 and ODM Reg. 3, listed below nnder 2d and 2g, are being revoked because they are no longer needed to carry out the provisions of section 2 of Executive Order 10494 (18 FR 6585, October 14, 1953) which provides for the orderly conclusion of administrative proceedings under Title IV of the Defense Production Act of 1950, as amended. Title IV was terminated as of April 30, 1953, by section 121(b) of the Defense Production Act Amendments of 1952 (66 Stat. 306).

Industry representatives were not consulted in the formulation of this issuance because the special circumstances pertaining to the issuance have rendered such consultation impracticable.

1. Chapter I of Title 32A is retitled to read as set forth above.

2. The following orders and regulations are revoked:

(a) Defense Mobilization Order I-11, Delegation of Authority to Issue Payment Certificates under section 168(g) of the Internal Revenue Code of 1954 (19 FR 6667, September 21, 1954).

(b) Defense Mobilization Order III-1, Policy Directive Governing Issuance of Tax Amortization Certificates under section 124A of the Internal Revenue Code, and Defining the Extent to Which Accelerated Amortization can be Allowed as a Cost in Negotiated Contract Pricing (16 FR 8098, August 15, 1951, as amended by Amendment 1, 17 FR 6657, July 19, 1952, and Amendment 2, 19 FR 2898, May 19, 1954, redesignated at 18 FR 6737, October 23, 1953).

(c) Defense Mobilization Order III-1, Supp. 1, Policy for the Establishment of Expansion Goals for Tax Amortization (20 FR 7369, October 4, 1955).

(d) GAO I-2, Administrative Proceedings under Title IV of the Defense Production Act of 1950, as amended (18 FR 6966, November 4, 1953).

(e) OCDM Reg. 1B, Issuance of Necessity Certificates under section 168 of the Internal Revenue Code of 1954 (24 FR 2491, March 31, 1959).

(f) ODM Reg. 2, Providing for the Issuance of Payment Certificates under section 124A(G) of the Internal Revenue Code (19 FR 5814, September 9, 1954).

(g) ODM Reg. 3, Preservation of Wage and Salary Records under Defense Production Act (21 FR 2940, May 3, 1956).

(Executive Order No. 10480 of August 14, 1953, as amended; and Executive Order No. 11725 of June 27, 1973)

Effective date. This regulation is effective September 23, 1974.

Dated: September 13, 1974.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.74-21940 Filed 9-20-74;8:45 am]

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Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER C—AIDS TO NAVIGATION

[CGD 74-130]

PART 74—CHARGES FOR COAST GUARD AIDS TO NAVIGATION WORK

Buoy and Vessel Use Costs

The purpose of these amendments to the aids to navigation regulations is to update the table contained in 33 CFR Subpart 74.20 so that it reflects current costs for the establishment, maintenance, repair, replacement, or removal of an aid to navigation.

14 U.S.C. 86, as delegated to the Coast Guard in 49 CFR 1.46(b), provides that the Coast Guard may mark for the protection of navigation any sunken vessel or other similar obstruction existing on any navigable waters of the United States, in such manner and for so long as in its judgment, the needs of maritime navigation require. This law makes the owner of the obstruction liable to the United States for the cost of such marking until the obstruction is removed, or its abandonment is legally established, or until an earlier time as the Coast Guard may establish.

14 U.S.C. 642 requires that the Coast Guard be reimbursed for the damage or destruction of an aid to navigation or other property belonging to the Coast Guard. This law requires that the reimbursement include the cost of repair or replacement of the damaged or destroyed property.

In the July 11, 1959 issue of the FEDERAL REGISTER (24 FR 5608), the Coast Guard promulgated a table containing the costs for the preparation of an aid to navigation, the servicing of an aid on a monthly basis, and the use of a vessel in placing or retrieving the aid. This table was updated in the February 4, 1965 issue of the FEDERAL REGISTER (30 FR 1193). Since that time, the table has not been changed to reflect current costs.

The amendments in this document reflect current Coast Guard costs. Two tables are included. Table 1 contains the buoy costs which include costs for preparing the buoy, servicing an aid (based on monthly use), and accessories. The accessories are added to the buoy if they are needed.

Table 2 contains the vessel use cost. It includes costs for personnel, fuel, and maintenance, on an hourly basis.

Since the amendments in this document relate to general statements of policy, they are exempted from notice of proposed rule making, and they may be made effective in less than 30 days.

In consideration of the foregoing, Subpart 74.20 of Title 33, Code of Federal Regulations is revised to read as follows:

Subpart 74.20—Aids to Navigation Costs

§ 74.20 Buoy and vessel use costs.

The cost to establish, maintain, repair, replace, or remove an aid to navigation in accordance with the requirements of this part include the buoy costs contained in Table 1 and the vessel use costs contained in Table 2, as appropriate.

TABLE 1—BUOY COSTS

[In dollars]

Buoy type	Preparation[1]	Servicing[2]	Accessory[3]		
			Bell	Gong	Whistle
9 ft., lighted	651	84	12	13	7
9 ft., unlighted	391	32	7	7	NA
8 ft	520	58	6	7	10
7 ft	435	49	NA	NA	NA
6 ft	406	46	5	NA	NA
5 ft	228	30	NA	NA	NA
3½ ft	121	27	NA	NA	NA
Can or nun, 1st class	265	25	NA	NA	NA
Can or nun, 2nd class	156	13	NA	NA	NA
Can or nun, 3rd class	92	11	NA	NA	NA
Can or nun, 4th class	82	16	NA	NA	NA
Can or nun, 5th class	29	7	NA	NA	NA
Can or nun, 6th class	26	7	NA	NA	NA

[1] Includes preparing, adapting, and placing a replacement aid, and preparing, adapting, placing, retrieving, and overhauling after retrieving a temporary aid, but does not include vessel use costs (see table 2 of this subpart).
[2] Based on monthly use. A month is 16 or more days use.
[3] Added costs if assembled on the buoy.

NOTE.—NA indicates not applicable.

TABLE 2.—VESSEL USE COSTS PER HOUR (IN DOLLARS)

Vessel class	Personnel (a)	Fuel (b)	Maintenance (c)	Total (a)+(b)+(c)
Seagoing buoy tender (WLB)	168	10	77	255
Coastal buoy tender (WLM)	99	8	55	162
Inland buoy tender (WLI)	39	4	39	82
River buoy tender (WLR)	42	4	13	59
Inland, construction buoy tender (WLIC)	30	4	28	62
26 ft., 44 ft., or 52 ft. motor lifeboat (MLB)	11	1	27	39
40 ft., 45 ft., or 46 ft. buoy boat (BUO)	10	1	15	26
40 ft. large utility boat (UTB)	10	2	22	34

(14 U.S.C. 633; Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

Effective date. These amendments are effective on September 20, 1974.

Dated: September 13, 1974.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.74-21875 Filed 9-20-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35 and 36

CERTIFICATION AS TO EDUCATIONAL NEEDS

On page 26174 of the FEDERAL REGISTER of July 17, 1974, there was published a notice of proposed regulatory development to issue changes in §§ 21.4235(e) and 21.4237(e), (f) and (g) to provide that Veterans Administration counselors may certify as to the educational needs for veterans and eligible spouses for training under the special assistance programs for the educationally disadvantaged. In addition minor editorial changes have been made to §§ 21.4234, 21.4235 and 21.4237 to reflect agency policy of using precise terms denoting gender. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received. The proposed regulations are adopted subject to the following: In § 21.4235(a)(1), line 3, the reference "§ 3.1040(e)(3)" is corrected to read "§ 21.1040(e)(3)."

Effective date. Sections 21.4235(e) and 21.4237(e), (f), and (g) are effective September 17, 1974.

Approved: September 17, 1974.

[SEAL] R. L. ROUDEBUSH,
Acting Administrator.

1. In § 21.4234, paragraphs (d) and (e)(3) are revised to read as follows:

§ 21.4234 Change of program.

* * * * *

(d) *Chapter 35; wife, husband, widow, widower.* The eligible wife, husband, widow, or widower may make one optional change of program if the previous course was not interrupted or discontinued due to her or his own misconduct, neglect or lack of application. A second change or an initial change after interruption or discontinuance due to her or his own misconduct, neglect or lack of application may be approved if it is found that:

(1) The program of education which the eligible wife, husband, widow or widower proposes to pursue is suitable to her or his aptitudes, interests, and abilities; and

(2) In any instance where the eligible wife, husband, widow, or widower has interrupted, or failed to progress in, her or his program due to her or his own misconduct, neglect or lack of application, there exists a reasonable likelihood with respect to the program which she or he proposes to pursue that there will not be a recurrence of such an interruption or failure to progress.

(e) *Adjustments; transfers.* A change in courses or places of training will not be considered a change of objective in the following instances:

* * * * *

(3) Revision of a program which does not involve a change of objective or material loss of credit nor loss of time originally planned for completion of the veteran's or eligible person's program. For example, an eligible person enrolled for a bachelor of science degree may show a professional objective such as chemist, teacher or engineer. His or her objective for purposes of this paragraph shall be considered to be "bachelor degree" and any change of courses will be considered only an adjustment in the program, not a change, so long as the subjects he or she pursues lead to the bachelor degree and there is no extension of time in the attaining of that degree.

2. § 21.4235, paragraphs (a) (1) and (3), (e) and (f) are revised to read as follows:

§ 21.4235 Predischarge Education Program (PREP) and Special Assistance for Educationally Disadvantaged Veterans; chapter 34.

(a) *Enrollment.* Enrollment of a veteran may be approved in any elementary, secondary, preparatory, refresher, remedial, deficiency, or special educational assistance course not otherwise prohibited, regardless of his or her previous educational experience;

(1) While he or she is on active duty and meets the eligibility requirements of § 21.1040(e)(3), if such course or courses (but not including correspondence courses) are required to receive a secondary school diploma, or if such course or courses (including individual unit subjects within a General Education Development (G.E.D.) examination program) are required for or preparatory to the pursuit of an appropriate course or training program in an approved educational institution or training establishment; or

* * * * *

(3) After discharge or release from active duty, if such course or courses are necessary to the pursuit of a program of education for which he or she would be eligible but for that lack.

* * * * *

(e) *Certifications.* Certifications as to the serviceman's or servicewoman's need for deficiency and/or remedial courses in basic English language skills and mathematic skills under paragraph (a)(1) of this section may be made by either the service education officer, by a Veterans Administration counselor, or by the educational institution administering the course or to which the student has made application for admission. Certifications as to the veteran's need for deficiency and/or remedial courses in basic English language skills under paragraph (a)(2) and (3) of this section may be made by a Veterans Administration counselor or by the educational institution administering the course or to which the student has made application for admission. Certifications as to need for other refresher, remedial and/or deficiency course requirements under paragraph (a)(1), (2) and (3) of this section are to be made by the educational institution administering the course which the student is preparing to enter, or to which the student has made application for admission.

(f) *Basic skills.* Basic English language courses or mathematic courses will be authorized when it is found by accepted testing methods that the serviceman, servicewoman, or veteran is lacking in basic reading, writing, speaking or essential mathematics.

* * * * *

3. In § 21.4237, the headnote, the introductory portion of paragraph (a) preceding subparagraph (1), and paragraph (d) are revised and paragraphs (e), (f), and (g) are added so that the amended and added material reads as follows:

§ 21.4237 Special Assistance for the Educationally Disadvantaged; chapter 35 wife, husband, widow, or widower.

(a) *Enrollment.* Enrollment of an eligible wife, husband, widow, or widower may be approved in an appropriate course or courses at the secondary school level in a State if the wife, husband, widow, or widower:

* * * * *

(d) *Entitlement charge.* No charge will be made against the period of the entitlement of the wife, husband, widow, or widower because of enrollment in courses under the provisions of this section. (38 U.S.C. 1733)

(e) *Certifications.* Certifications as to the need of the eligible spouse for deficiency and/or remedial courses in basic English language skills and mathematic skills under paragraph (a) of this section may be made by either the Veterans Administration counselor or by the educational institution administering the course, or to which the student has made application for admission. Certification as to the need for other refresher, remedial and/or deficiency course requirements under paragraph (a) of this section are to be made by the educational institution administering the course which the student is preparing to enter, or to which the student has made application for admission.

(f) *Basic skills.* Basic English language courses or mathematic courses will be authorized when it is found by accepted testing methods that the eligible spouse is lacking in basic reading, writing, speaking or essential mathematics.

(g) *Deficiency course.* A deficiency course is any secondary level course or subject not previously completed satisfactorily which is specifically required for pursuit of a post-secondary program of education.

Approved: July 10, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-21985 Filed 9-20-74;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Incapacity in AFDC

Notice of proposed regulations for the programs administered under Title IV-A of the Social Security Act was published in the FEDERAL REGISTER on February 1, 1974 (39 FR 4115). The proposal would establish a uniform Federal definition of incapacity of a parent.

Three no comment responses from ACIR and 17 letters from 14 State and local welfare agencies and 3 organizations were received. Welfare agencies objected to or criticized:

1. The requirement that there be a causal relationship between the parent's incapacity and the child's deprivation of support or care. The law says "deprived * * * by reason of * * *", thus clearly establishing that there must be a casual relationship. The regulation previously provided that no affirmative showing of a causal relationship is required. The deletion of this language is in no way intended to change existing State procedures, regarding the burden of establishing eligibility, either upon initial determination or at a hearing.

2. The requirement that the incapacity "be expected to last at least 30 days." (The majority recommended elimination; the minority suggested increase to 60 or 90 days.) The 30 days is not intended to be a "waiting period". Expected duration is pertinent to "causal relationship" and to "substantially." A condition lasting only a few days would not usually result in substantial deprivation.

3. The definition, which they consider restrictive, or punitive, or unclear. In a regulation of this nature, some judgment is necessary. The vagueness of the current regulations resulted in a wide variation of State interpretations. Since "substantially" carries a generally accepted legal connotation, the past extremes of interpretation should be minimized. The department recognizes that where a subjective determination is necessary, some variation must be accepted.

The principal recommendations of the respondents were:

1. Modify the requirement for "competent medical testimony" so that States can make use of other professionals (such as psychologists and optometrists) who are qualified to give testimony on certain conditions. An appropriate change has been made. (§ 233.90(c)(1)(iv))

2. Modify the regulation so that States may accept evidence of eligibility for

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OASDI disability or SSI incapacity benefits as proof of incapacity for AFDC purposes. The regulation incorporates this suggestion (§ 233.90(c)(1)(iv)).

3. Permit States to continue AFDC until an incapacitated parent receiving vocational rehabilitation services is fully rehabilitated. 45 CFR 233.10(a)(4) provides for Federal sharing in AFDC payments continued for a reasonable period, while the effects of the parent's incapacity are being overcome.

4. Eliminate section 233.90(b)(6). This section is necessary to establish a uniform Federal definition, since the definition itself is contained in the paragraph on Federal financial participation.

5. Strengthen the regulation by requiring that the incapacitated parent be required to accept medical treatment likely to enable him or her to work or to care for the children. This would be consistent with current AFDC requirement for registration in the work incentive program and the SSI requirement for acceptance of vocational rehabilitation services by incapacitated beneficiaries. The State may administratively impose such a requirement.

The proposed regulations, with the changes indicated above, are hereby adopted.

Section 233.90, Part 233, Chapter II, Title 45 of the Code of Federal Regulations is amended by adding a new subdivision (6) to paragraph (b) and revising paragraphs (c)(1)(i) and (iv). As amended, § 233.90(b) and (c) read as set forth below:

§ 233.90 Factors specific to AFDC.

• • • • •

(b) *Conditions for plan approval.* (1) A child may not be denied AFDC either initially or subsequently "because of the conditions of the home in which the child resides", or because the home is considered "unsuitable", unless "provision is otherwise made pursuant to a State statute for adequate care and assistance with respect to such child". (Section 404(b) of the Social Security Act.)

(2) An otherwise eligible child who is under the age of 18 years may not be denied AFDC, regardless of whether he attends school or makes satisfactory grades.

(3) If a State elects to include in its AFDC program children 18 and over, it must include all children 18 years of age and under 21 who are students regularly attending a school, college, or university, or a course of vocational or technical training designed to fit them for gainful employment.

(4) A child may not be denied AFDC either initially or subsequently because a parent or caretaker relative fails to assist:

(i) In the establishment of paternity of a child born out of wedlock; or

(ii) In seeking support from a person having a legal duty to support the child; But neither this nor any other provision of these regulations should be construed to require that provision be made by a State in its AFDC program for the maintenance of a parent or caretaker who fails to provide such assistance and AFDC may be denied with respect to such parent or caretaker.

(5) [Reserved]

(6) An otherwise eligible child may not be denied AFDC if a parent is mentally or physically incapacitated as defined in paragraph (c)(1)(iv) of this section.

(c) *Federal financial participation.* (1) Federal financial participation under title IV–A of the Social Security Act in payments with respect to a "dependent child", as defined in section 406(a) of the Act, is available within the following interpretations:

(i) *Needy child deprived by reason of.* The phrase "needy child • • • deprived • • • by reason of" requires that both need and deprivation of parental support or care exist in the individual case. The phrase encompasses the situation of any child who is in need and otherwise eligible, and whose parent—father or mother—either has died, has a physical or mental incapacity, or is continually absent from the home. This interpretation is equally applicable whether the parent was the chief bread winner or devoted himself or herself primarily to the care of the child, and whether or not the parents were married to each other. The determination whether a child has been deprived of parental support or care is made in relation to the child's natural parent or, as appropriate, the adoptive parent or stepparent described in paragraph (a) of this section.

(ii) *Death of a parent.* If either parent of a child is deceased, the child is deprived of parental support or care, and may, if he is in need and otherwise eligible, be included within the scope of the program.

(iii) *Continued absence of the parent from the home.* Continued absence of the parent from the home constitutes the reason for deprivation of parental support or care when the parent is out of the home, the nature of the absence is such as either to interrupt or to terminate the parent's functioning as a provider of maintenance, physical care, or guidance for the child, and the known or indefinite duration of the absence precludes counting on the parent's performance of his function in planning for the present support or care of the child. If these conditions exist, the parent may be absent for any reason, and he may have left only recently or some time previously.

(iv) *"Physical or mental incapacity".* "Physical or mental incapacity" of a parent shall be deemed to exist when one parent has a physical or mental defect, illness, or impairment. The incapacity shall be supported by competent medical testimony and must be of such a debilitating nature as to reduce substantially or eliminate the parent's ability to support or care for the otherwise eligible child and be expected to last for a period of at least 30 days. In making the determination of ability to support, the agency shall take into account the limited employment opportunities of handicapped individuals.

A finding of eligibility for OASDI or SSI benefits, based on disability or blindness is acceptable proof of incapacity for AFDC purposes.

(v) *"Living with [a specified relative] in a place of residence maintained • • • as his • • • own home".* (A) A child may be considered to meet the requirement of living with one of the relatives specified in the Act if his home is with a parent or a person in one of the following groups:

(*1*) Any blood relative, including those of half-blood, and including first cousins, nephews, or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great.

(2) Stepfather, stepmother, stepbrother, and stepsister.

(3) Persons who legally adopt a child or his parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with State law.

(*4*) Spouses of any persons named in the above groups even after the marriage is terminated by death or divorce.

(B) A home is the family setting maintained or in process of being established, as evidenced by assumption and continuation of responsibility for day to day care of the child by the relative with whom the child is living. A home exists so long as the relative exercises responsibility for the care and control of the child, even though either the child or the relative is temporarily absent from the customary family setting. Within this interpretation, the child is considered to be "living with" his relative even though

(*1*) He is under the jurisdiction of the court (e.g., receiving probation services or protective supervision); or

(2) Legal custody is held by an agency that does not have physical possession of the child.

(vi) *"Student regularly attending a school, college, or university, or regularly attending a course of vocational or technical training designed to fit him for gainful employment."* A child may be considered a student regularly attending a school or a training course:

(A) If he is enrolled in and physically attending a full-time (as certified by the school or institute attended) program of study or training leading to a certificate, diploma or degree; or

(B) If he is enrolled in and physically attending at least half-time (as certified by the school or institute attended) a program of study or training leading to a certificate, diploma or degree and is regularly employed in or available for and actively seeking part-time employment; or

(C) If he is enrolled in and physically attending at least half-time (as certified by the school or institute attended) a program of study or training leading to a certificate, diploma or degree and is precluded from full-time attendance or part-time employment because of a verified physical handicap.

Under this interpretation:

(D) Full-time and half-time attendance are defined, as set forth in Veterans Administration requirements:

(*1*) In a trade or technical school, in a program involving shop practice, full-time is 30 clock hours per week and half-time is 15 clock hours; in a program without shop practice, full-time is 25 clock hours and half-time is 12 clock hours;

(2) In a college or university, full-time is 12 semester or quarter hours and half-time is 8 semester or quarter hours;

(3) In a secondary school, full-time is 25 clock hours per week or 4 Carnegie units per year and half-time is 12 clock hours or 2 Carnegie units;

(*4*) In a secondary education program of cooperative training or in apprenticeship training, full-time attendance is as defined by State regulation or policy; and

(E) A child shall be considered in regular attendance in months in which he is not attending because of official school or training program vacation, illness, convalescence, or family emergency, and for the month in which he completes or discontinues his school or training program.

(2) Federal financial participation is available in:

(i) Initial payments made on behalf of a child who goes to live with a relative specified in section 406(a)(1) of the Social Security Act within 30 days of the receipt of the first payment, provided payments are not made for a concurrent period for the same child in the home of another relative or as AFDC–FC;

(ii) Payments with respect to an unborn child when the fact of pregnancy has been determined by medical diagnosis;

(iii) Payments made for the entire month in the course of which a child leaves the home of a specified relative, provided payments are not made for a concurrent period for the same child in the home of another relative or as AFDC–FC; and

(iv) Payments made to persons acting for relatives specified in section 406(a)(1) of the Act in emergency situations that deprive the child of the care of the relative through whom he has been receiving aid, for a temporary period necessary to make and carry out plans for the child's continuing care and support.

(3) Federal financial participation (at the 50 percent rate) is available in any expenses incurred in establishing eligibility for AFDC, including expenses incident to obtaining necessary information to determine the existence of incapacity of a parent or pregnancy of a mother.

Effective date. The regulation in this section shall be effective on November 22, 1974, or earlier at State option.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))
(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance-Maintenance Assistance (State Aid).)

Dated: May 15, 1974.

JAMES S. DWIGHT, JR.,
Administrator, Social and Rehabilitation Service.

Approved: September 18, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.74-21992 Filed 9-20-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 35949]

EQUITY METHOD OF ACCOUNTING FOR CERTAIN LONG-TERM INVESTMENTS IN COMMON STOCKS

At a general session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 3rd day of September 1974.

Consideration having been given to the matters[1] and things involved in this proceeding, and the said Commission, on the date hereof, having made and filed a report herein containing its findings and conclusions, which report is hereby made a part hereof:

It is ordered, That Parts 1201 through 1210 of Title 49 of the Code of Federal Regulations be, and they are hereby, amended to read as set forth below.

It is further ordered, That the prescribed amendments shall be effective January 1, 1974, and reflected in the annual reports to this Commission for the accounting year ending December 1974.

It is further ordered, That the initial adjustment to convert to the equity method shall be reflected in the financial statements as adjustments to the investment and retained income accounts.

And it is further ordered, That service of this order shall be made on all affected carriers; and to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

(49 U.S.C. 12, 20, 304, 913, 1012.)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

NOTE: This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

[1] These amendments were proposed on April 9, 1974 at 39 FR 12876.

PART 1201—UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

REGULATIONS PRESCRIBED

Under "(ii) Definitions", add the following:

• • • • •

22. (a) "Investor" means a business entity that holds an investment in voting stock of another company.

(b) "Investee" means a corporation that issued voting stock held by an investor.

(c) "Corporate joint venture" is a company owned and operated by a small group of businesses as a separate and specific business or project for the mutual benefit of the members of the group. Joint facilities for purposes of this system of accounts are not considered corporate joint ventures.

(d) "Dividends", unless otherwise specified, means dividends paid or payable in cash, other assets, or another class of stock and does not include stock dividends or stock splits.

(e) "Earnings or losses of an investee" and "financial position of an investee" refer to net income (or net loss) and financial position of an investee determined in accordance with generally accepted accounting principles.

(f) "Undistributed earnings of an investee" means net income less dividends declared whether received or not.

(g) "Date of acquisition" is the date on which the investor assumes the rights of ownership. Ordinarily, this is the date assets are received and other assets are given or securities issued.

INSTRUCTIONS FOR INCOME AND BALANCE SHEET ACCOUNTS

Instruction "6–2 Recorded value of securities owned" is amended by designating the present paragraph as (a) and adding new paragraphs (b) and (c). As amended the instruction reads:

6–2 *Recorded value of securities owned.* (a) • • •

(b)(1) *For financial statement purposes* the carrier shall follow the principles of equity accounting for (1) all investments in corporate joint ventures (see definition 22(c)), and (2) all investments in voting stock of affiliated companies giving the carrier the ability to significantly influence the operating and financial policies of an investee (see definition 22(b)). For purposes of this instruction an investment of 20 percent or more of the outstanding voting stock of an investee will indicate the ability to exercise significant influence over an investee in the absence of evidence to the contrary.

(2) Since the equity method is not to be effected by entries in the books of accounts but is to apply only in financial reports to the Commission, the carrier shall establish worksheet or memorandum accounts. Three basic worksheet or memorandum accounts are needed:

(a) An investment account to include (1) equity in the undistributed earnings or losses of the investee since the date

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of acquisition (see definition 22(g)); (2) accumulated amortization of the difference between cost and net assets at date of acquisition (see (b)(3) below); and other adjustments for disposition or writedown of investments.

(b) An income account to include (1) the investor's share of the investee's undistributed profits or losses for each reporting period subsequent to acquisition of the investment except that in the year of acquisition such amount shall be determined from the date of acquisition; (2) amortization for the reporting period of the difference between cost and net assets at date of acquisition. This account shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) low.

(c) A retained income account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition; (2) accumulated amortization of the difference between cost and net assets acquired at date of acquisition (see (b)(3) below).

(d) Other memorandum accounts will be needed for such adjustments as gains and losses on disposition of investments, recognition of impairments in value, the investor's share of extraordinary and prior period items reported in the investee's financial statements (see instruction 1-2(d)), and provision for deferred taxes where it is reasonable to assume that undistributed earnings of an investee will be transferred to the investor in a taxable distribution. These memorandum accounts shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) above.

(3) The carrier shall retain the following information for each investee in support of the worksheet or memorandum accounts:

(a) Original cost of investment.

(b) Equity in net assets of investee at date of acquisition.

(c) Allocation of difference between cost and equity in net assets, namely, to specific assets of investee or to goodwill.

(d) Accumulated amortization of difference between cost and equity in net assets.

(e) Unamortized balance of difference between cost and equity in net assets.

(f) Equity in undistributed earnings/losses for each year since date of acquisition.

(g) Dividends received since date of acquisition if determinable.

(h) Proceeds from sale of investments.

(4) Any difference between the investor's cost and its share of the net assets of the investee at date of acquisition shall be allocated to specific assets of the investee to the extent the difference is attributable to them. When the difference is allocated to depreciable or amortizable assets, depreciation and amortization (through the investment and income memorandum accounts) should absorb the difference over the remaining life of the related assets. If the difference is not related to specific accounts, it should be considered goodwill and amortized over a reasonable period not to exceed 40 years. For investments made prior to November 1, 1970, amortization of goodwill is not required in the absence of evidence that the goodwill has a limited term of existence.

(5) The financial statements of the investee that are used for equity accounting should be timely. If the accounting year of the investee differs from that of the investor then the most recent available financial statements may be used. The lag in reporting should be consistent from period to period.

(6) Material profits or losses on transactions between the investor and investee shall be eliminated until realized by either company as if the two were consolidated.

(7) A transaction of the investee of a capital nature that affects the investor's share of the investee's stockholder's equity should be reported in the financial statements as if the two were consolidated.

(8) The investor shall deduct any dividends applicable to outstanding cumulative preferred stock whether or not declared, and any other dividends declared when computing its share of undistributed earnings or losses.

(9) The investor shall suspend application of the equity method when the investment (including the investment memorandum account) together with any net advances made to the investee is reduced to zero. Additional losses shall not be provided for unless the investor has guaranteed obligations of the investee or is otherwise committed to provide further financial support for the investee. If the investee subsequently reports net income the investor shall resume applying the equity method at such time as its share of that net income equals the share of net losses not recognized during the period of suspension.

(10) When the investor's voting stock interest falls below the level of ownership described in paragraph (b)(1) of this instruction, the investment no longer qualifies for the equity method. Should dividends received on the investment in subsequent periods exceed the investor's share of earnings for such periods, the investment memorandum and income memorandum accounts shall be reduced by the excess amount.

(11) When the level of ownership of an investment increases to that described in paragraph (b)(1) of this instruction, the equity method shall be applied. The memorandum accounts for the investment, income (for current year's equity in undistributed earnings less amortization), and retained income (for prior years' equity in undistributed earnings less amortization) shall be adjusted retroactively on a step-by-step basis determining the equity in net assets at date of acquisition, amortization adjustment, and equity in undistributed earnings or losses at each level of ownership. Where small purchases are made over a period of time and then a purchase is made which qualifies the investment for the equity method, the date of latest purchase may be used as date of acquisition. In those situations where the information needed to apply the equity method is not determinable, the date of acquisition may be considered as January 1, 1974.

(12) Information having significance with respect to the investor's ownership in investees shall be disclosed in notes to financial statements of annual reports filed with the Commission in accordance with generally accepted accounting principles.

(c) When securities with a fixed maturity date are purchased at a discount (i.e., when total cost including brokerage fees, taxes, commissions, etc., is less than par), such discounts may be amortized over the remaining life of the securities through periodic debits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and credits to the same account in which interest income is credited. No debits shall be made in respect to discounts upon securities held as investments or in special funds if there is reason to believe that such securities will be disposed of by redemption or otherwise at less than par or will not be paid at date of maturity. When securities with a fixed maturity date are purchased at a premium (i.e., when the total cost including brokerage fees, taxes, commissions, etc., is in excess of par), such premium may be amortized over the remaining life of the securities through periodic credits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and debits to the same accounts in which the interest income is recorded.

NOTE: The carrier shall follow generally accepted accounting principles where an interpretation of the rules for equity accounting is needed or obtain an interpretation from its public accountant or the Commission.

INCOME ACCOUNTS

Section "599 Form of Income Statement" is amended as follows:

599 Form of Income Statement.

. . . . . .

513 Dividend income (other than from affiliates)

. . . . . .

519 . . .
Income from affiliated companies.
Dividends.
Equity in undistributed earnings (losses).
Total other income.

. . . . . .

PART 1202—UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC RAILWAYS

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Balance Sheet," the following amendments are made:

Line item "05-7 Form of general balance sheet statements" is redesignated as line item 05-8 to read:

05-8 Form of general balance sheet statements.

After line item "05-6 Surplus" the following added:

05-7 Recorded value of securities owned.

DEFINITIONS

Section "00-2 Definitions" is amended by adding the following new definitions:

00-2 Definitions.

. . . . . .

"Investor" means a business entity that holds an investment in voting stock of another company.

"Investee" means a corporation that issued voting stock held by an investor.

"Corporate joint venture" is a company owned and operated by a small group of businesses as a separate and specific business or project for the mutual benefit of the members of the group.

"Dividends", unless otherwise specified, means dividends paid or payable in cash, other assets, or another class of stock and does not include stock dividends or stock splits.

"Earnings or losses of an investee" and "financial position of an investee" refer to net income (or net loss) and financial position of an investee determined in accordance with generally accepted accounting principles.

"Undistributed earnings of an investee" means net income less dividends declared whether received or not.

"Date of acquisition" is the date on which the investor assumes the rights of ownership. Ordinarily, this is the date assets are received and other assets are given or securities issued.

INCOME INSTRUCTIONS

Instruction "03-6 Form of income statement" is amended as follows:

03-6 Form of income statement.

. . . . . .

206 Dividend income (other than from affiliates).

. . . . . .

212 Miscellaneous income.
Income from affiliated companies.
Dividends.
Equity in undistributed earnings (losses).
Total nonoperating income. .

. . . . . .

GENERAL BALANCE SHEET

The number of instruction "05-7 Form of general balance sheet statements" is redesignated as instruction "05-8" to read:

05-8 Form of general balance sheet statements.

. . . . . .

After the text of instruction "05-6 Surplus" the following new instruction number, title and text are added:

05-7 Recorded value of securities owned.

(a) The investment in securities other than those issued or assumed by the accounting company shall be recorded at the money value, at the date of acquisition, of the consideration given therefor by the accounting company, but excluding amounts paid for accrued interest and accrued dividends. The accounting company shall write down the ledger value of any securities to the extent of impairment in their value or write off entirely if there is no reasonable prospect of realizing any value therefrom, but fluctuations in market value are not to be recorded. Adjustments in the ledger values of securities shall not be delayed beyond the year in which a loss is claimed for income tax purposes. The amount of the adjustment for loss in value may be recorded in the accounts by establishing a reserve for such loss through credits to account 406-1, "Reserve for adjustment in securities". Losses attributable to write downs or write offs shall be charged to account 225, "Miscellaneous debits", or to account 270, "Extraordinary items", as appropriate.

(b)(1) *For financial statement purposes* the carrier shall follow the principles of equity accounting for (1) all investments in corporate joint ventures (see definition) and (2) all investments in voting stock of affiliated companies giving the carrier the ability to significantly influence the operating and financial policies of an investee (see definition). For purposes of this instruction an investment of 20 percent or more of the outstanding voting stock of an investee will indicate the ability to exercise significant influence over an investee in the absence of evidence to the contrary.

(2) Since the equity method is not to be effected by entries in the books of accounts but is to apply only in financial reports to the Commission, the carrier shall establish worksheet or memorandum accounts. Three basic worksheet or memorandum accounts are needed:

(a) An investment account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition (see definition); (2) accumulated amortization of the difference between cost and net assets at date of acquisition (see (b)(3) below); and other adjustments for disposition or write down of investments.

(b) An income account to include (1) the investor's share of the investee's undistributed profits or losses for each reporting period subsequent to acquisition of the investment except that in the year of acquisition such amount shall be determined from the date of acquisition; (2) amortization for the reporting period of the difference between cost and net assets at date of acquisition. This account shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) below.

(c) A retained income account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition; (2) accumulated amortization of the difference between cost and net assets acquired at date of acquisition (see (b)(3) below).

(d) Other memorandum accounts will be needed for such adjustments as gains and losses on disposition of investments, recognition of impairments in value, the investor's share of extraordinary and prior period items reported in the investee's financial statements (see instruction 01-6), and provision for deferred taxes where it is reasonable to assume that undistributed earnings of an investee will be transferred to the investor in a taxable distribution. These memorandum accounts shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) above.

(3) The carrier shall retain the following information for each investee in support of the worksheet or memorandum accounts:

(a) Original cost of investment.

(b) Equity in net assets of investee at date of acquisition.

(c) Allocation of difference between cost and equity in net assets, namely, to specific assets of investee or to goodwill.

(d) Accumulated amortization of difference between cost and equity in net assets.

(e) Unamortized balance of difference between cost and equity in net assets.

(f) Equity in undistributed earnings/losses for each year since date of acquisition.

(g) Dividends received since date of acquisition if determinable.

(h) Proceeds from sale of investments.

(4) Any difference between the investor's cost and its share of the net assets of the investee at date of acquisition shall be allocated to specific assets of the investee to the extent the difference is attributable to them. When the difference is allocated to depreciable or amortizable assets, depreciation and amortization (through the investment and income memorandum accounts) should absorb the difference over the remaining life of the related assets. If the difference is not related to specific accounts, it should be considered goodwill and amortized over a reasonable period not to exceed 40 years. For investments made prior to November 1, 1970, amortization of goodwill is not required in the absence of evidence that the goodwill has a limited term of existence.

(5) The financial statements of the investee that are used for equity accounting should be timely. If the accounting year of the investee differs from that of the investor then the most recent available financial statements may be used. The lag in reporting should be consistent from period to period.

(6) Material profits or losses on transactions between the investor and investee shall be eliminated until realized by either company as if the two were consolidated.

(7) A transaction of the investee of a capital nature that affects the investor's share of the investee's stockholder's equity should be reported in the financial statements as if the two were consolidated.

(8) The investor shall deduct any dividends applicable to outstanding cumulative preferred stock whether or not declared, and any other dividends declared

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when computing its share of undistributed earnings or losses.

(9) The investor shall suspend application of the equity method when the investment (including the investment memorandum account) together with any net advances made to the investee is reduced to zero. Additional losses shall not be provided for unless the investor has guaranteed obligations of the investee or is otherwise committed to provide further financial support for the investee. If the investee subsequently reports net income the investor shall resume applying the equity method at such time as its share of that net income equals the share of net losses not recognized during the period of suspension.

(10) When the investor's voting stock interest falls below the level of ownership described in paragraph (b)(1) of this instruction, the investment no longer qualifies for the equity method. Should dividends received on the investment in subsequent periods exceed the investor's share of earnings for such periods, the investment memorandum and income memorandum accounts shall be reduced by the excess amount.

(11) When the level of ownership of an investment increases to that described in paragraph (b)(1) of this instruction, the equity method shall be applied. The memorandum accounts for the investment, income (for current year's equity in undistributed earnings less amortization), and retained income (for prior years' equity in undistributed earnings less amortization) shall be adjusted retroactively on a step-by-step basis determining the equity in net assets at date of acquisition, amortization adjustment, and equity in undistributed earnings or losses at each level of ownership. Where small purchases are made over a period of time and then a purchase is made which qualifies the investment for the equity method, the date of latest purchase may be used as date of acquisition. In those situations where the information needed to apply the equity method is not determinable, the date of acquisition may be considered as January 1, 1974.

(12) Information having significance with respect to the investor's ownership in investees shall be disclosed in notes to financial statements of annual reports filed with the Commission in accordance with generally accepted accounting principles.

(c) When securities with a fixed maturity date are purchased at a discount (i.e., when total cost including brokerage fees, taxes, commissions, etc., is less than par), such discounts may be amortized over the remaining life of the securities through periodic debits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and credits to the same account in which interest income is credited. No debits shall be made in respect to discounts upon securities held as investments or in special funds if there is reason to believe that such securities will be disposed of by redemption or otherwise at less than par or will not be paid at date of maturity. When securities with a fixed maturity date are purchased at a premium (i.e., when the total cost including brokerage fees, taxes, commissions, etc., is in excess of par), such premium may be amortized over the remaining life of the securities through periodic credits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and debits to the same accounts in which the interest income is recorded.

NOTE A: Cost (for purposes of this instruction) is cash or fair market value of the consideration given at the time of acquisition but excluding amounts of accrued interest and accrued dividends.

NOTE B: The carrier shall follow generally accepted accounting principles where an interpretation of the rules for equity accounting is needed or obtain an interpretation from its public accountant or the Commission.

PART 1203—UNIFORM SYSTEM OF ACCOUNTS FOR EXPRESS COMPANIES

DEFINITIONS

Under "(i) Definitions" add the following new definitions:

• • • • •

42. (a) "Investor" means a business entity that holds an investment in voting stock of another company.

(b) "Investee" means a corporation that issued voting stock held by an investor.

(c) "Corporate joint venture" is a company owned and operated by a small group of businesses as a separate and specific business or project for the mutual benefit of the members of the group.

(d) "Dividends", unless otherwise specified, means dividends paid or payable in cash, other assets, or another class of stock and does not include stock dividends or stock splits.

(e) "Earnings or losses of an investee" and "financial position of an investee" refer to net income (or net loss) and financial position of an investee determined in accordance with generally accepted accounting principles.

(f) "Undistributed earnings of an investee" means net income less dividends declared whether received or not.

(g) "Date of acquisition" is the date on which the investor assumes the rights of ownership. Ordinarily, this is the date assets are received and other assets are given or securities issued.

INSTRUCTIONS FOR BALANCE SHEET ACCOUNTS

The text of instruction "2–2 Investments—special funds" is revised to read:

2–2 Investments—special funds.

• • • • •

(c)(1) For financial statement purposes the carrier shall follow the principles of equity accounting for (1) all investments in corporate joint ventures (see definition 42(c)), and (2) all investments in voting stock of affiliated companies giving the carrier the ability to significantly influence the operating and financial policies of an investee (see definition 42(b)). For purposes of this instruction an investment of 20 percent or more of the outstanding voting stock of an investee will indicate the ability to exercise significant influence over an investee in the absence of evidence to the contrary.

(2) Since the equity method is not to be effected by entries in the books of accounts but is to apply only in financial reports to the Commission, the carrier shall establish worksheet or memorandum accounts. Three basic worksheet or memorandum accounts are needed:

(a) An investment account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition (see definition 42(g)); (2) accumulated amortization of the difference between cost and net assets at date of acquisition (see (c)(3) below); and other adjustments for disposition or writedown of investments.

(b) An income account to include (1) the investor's share of the investee's undistributed profits or losses for each reporting period subsequent to acquisition of the investment except that in the year of acquisition such amount shall be determined from the date of acquisition; (2) amortization for the reporting period of the difference between cost and net assets at date of acquisition. This account shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) below.

(c) A retained income account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition; (2) accumulated amortization of the difference between cost and net assets acquired at date of acquisition (see (c)(3) below).

(d) Other memorandum accounts will be needed for such adjustments as gains and losses on disposition of investments, recognition of impairments in value, the investor's share of extraordinary and prior period items reported in the investee's financial statements (see instruction 1–1), and provision for deferred taxes where it is reasonable to assume that undistributed earnings of an investee will be transferred to the investor in a taxable distribution. These memorandum accounts shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) above.

(3) The carrier shall retain the following information for each investee in support of the worksheet or memorandum accounts:

(a) Original cost of investment.

(b) Equity in net assets of investee at date of acquisition.

(c) Allocation of difference between cost and equity in net assets, namely, to specific assets of investee or to goodwill.

(d) Accumulated amortization of difference between cost and equity in net assets.

(e) Unamortized balance of difference between cost and equity in net assets.

(f) Equity in undistributed earnings/losses for each year since date of acquisition.

(g) Dividends received since date of acquisition if determinable.

(h) Proceeds from sale of investments.

(4) Any difference between the investor's cost and its share of the net assets of the investee at date of acquisition shall be allocated to specific assets of the investee to the extent the difference is attributable to them. When the difference is allocated to depreciable or amortizable assets, depreciation and amortization (through the investment and income memorandum accounts) should absorb the difference over the remaining life of the related assets. If the difference is not related to specific accounts, it should be considered goodwill and amortized over a reasonable period not to exceed 40 years. For investments made prior to November 1, 1970, amortization of goodwill is not required in the absence of evidence that the goodwill has a limited term of existence.

(5) The financial statements of the investee that are used for equity accounting should be timely. If the accounting year of the investee differs from that of the investor then the most recent available financial statements may be used. The lag in reporting should be consistent from period to period.

(6) Material profits or losses on transactions between the investor and investee shall be eliminated until realized by either company as if the two were consolidated.

(7) A transaction of the investee of a capital nature that affects the investor's share of the investee's stockholder's equity should be reported in the financial statements as if the two were consolidated.

(8) The investor shall deduct any dividends applicable to outstanding cumulative preferred stock whether or not declared, and any other dividends declared when computing its share of undistributed earnings or losses.

(9) The investor shall suspend application of the equity method when the investment (including the investment memorandum account) together with any net advances made to the investee is reduced to zero. Additional losses shall not be provided for unless the investor has guaranteed obligations of the investee or is otherwise committed to provide further financial support for the investee. If the investee subsequently reports net income the investor shall resume applying the equity method at such time as its share of that net income equals the share of net losses not recognized during the period of suspension.

(10) When the investor's voting stock interest falls below the level of ownership described in paragraph (c)(1) of this instruction, the investment no longer qualifies for the equity method. Should dividends received on the investment in subsequent periods exceed the investor's share of earnings for such periods, the investment memorandum and income memorandum accounts shall be reduced by the excess amount.

(11) When the level of ownership of an investment increases to that described in paragraph (c)(1) of this instruction, the equity method shall be applied. The memorandum accounts for the investment, income (for current year's equity in undistributed earnings less amortization), and retained income (for prior years' equity in undistributed earnings less amortization) shall be adjusted retroactively on a step-by-step basis determining the equity in net assets at date of acquisition, amortization adjustment, and equity in undistributed earnings or losses at each level of ownership. Where small purchases are made over a period of time and then a purchase is made which qualifies the investment for the equity method, the date of latest purchase may be used as date of acquisition. In those situations where the information needed to apply the equity method is not determinable, the date of acquisition may be considered as January 1, 1974.

(12) Information having significance with respect to the investor's ownership in investees shall be disclosed in notes to financial statements of annual reports filed with the Commission in accordance with generally accepted accounting principles.

(c) When securities with a fixed maturity date are purchased at a discount (i.e., when total cost including brokerage fees, taxes, commissions, etc., is less than par), such discounts may be amortized over the remaining life of the securities through periodic debits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and credits to the same account in which interest income is credited. No debits shall be made in respect to discounts upon securities held as investments or in special funds if there is reason to believe that such securities will be disposed of by redemption or otherwise at less than par or will not be paid at date of maturity. When securities with a fixed maturity date are purchased at a premium (i.e., when the total cost including brokerage fees, taxes, commissions, etc., is in excess of par), such premium may be amortized over the remaining life of the securities through periodic credits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and debits to the same accounts in which the interest income is recorded.

NOTE A: The carrier shall follow generally accepted accounting principles where an interpretation of the rules for equity accounting is needed or obtain an interpretation from its public accountant or the Commission.

INCOME ACCOUNTS

Section "998 Form of income statement" is amended as follows:

998 Form of income statement.

• • • • •

630 Dividend Income (other than from affiliates).
640 • • •
Income From Affiliated Companies.
Dividends.
Equity in Undistributed Earnings (Losses).
Total Nonoperating Income.

• • • • •

PART 1204—UNIFORM SYSTEM OF ACCOUNTS FOR PIPELINE COMPANIES

DEFINITIONS

The following new definitions are added:

• • • • •

31.(a) "Investor" means a business entity that holds an investment in voting stock of another company.

(b) "Investee" means a corporation that issued voting stock held by an investor.

(c) "Corporate joint venture" is a company owned and operated by a small group of businesses as a separate and specific business or project for the mutual benefit of the members of the group.

(d) "Dividends", unless otherwise specified, means dividends paid or payable in cash, other assets, or another class of stock and does not include stock dividends or stock splits.

(e) "Earnings or losses of an investee" and "financial position of an investee" refer to net income (or net loss) and financial position of an investee determined in accordance with generally accepted accounting principles.

(f) "Undistributed earnings of an investee" means net income less dividends declared whether received or not.

(g) "Date of acquisition" is the date on which the investor assumes the rights of ownership. Ordinarily this is the date assets are received and other assets are given or securities issued.

INSTRUCTIONS FOR BALANCE SHEET ACCOUNTS

Instruction "2–2 Investments and special funds" is revised to read:

2–2 Investments and special funds.

• • • • •

(c)(1) *For financial statement purposes* the carrier shall follow the principles of equity accounting for (1) all investments in corporate joint ventures (see definition 31(c)), and (2) all investments in voting stock of affiliated companies giving the carrier the ability to significantly influence the operating and financial policies of an investee (see definition 31(b)). For purposes of this instruction an investment of 20 percent or more of the outstanding voting stock of an investee will indicate the ability to exercise significant influence over an investee in the absence of evidence to the contrary.

(2) Since the equity method is not to be effected by entries in the books of accounts but is to apply only in financial reports to the Commission, the carrier shall establish worksheet or memorandum accounts. Three basic worksheet or memorandum accounts are needed:

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(a) An investment account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition (see definition 31(g)); (2) accumulated amortization of the difference between cost and net assets at date of acquisition (see (c)(3) below); and other adjustments for disposition or writedown of investments.

(b) An income account to include (1) the investor's share of the investee's undistributed profits or losses for each reporting period subsequent to acquisition of the investment except that in the year of acquisition such amount shall be determined from the date of acquisition; (2) amortization for the reporting period of the difference between cost and net assets at date of acquisition. This account shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) below.

(c) A retained income account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisiton; (2) accumulated amortization of the difference between cost and net assets acquired at date of acquisition (see (c)(3) below).

(d) Other memorandum accounts will be needed for such adjustments as gains and losses on disposition of investments, recognition of impairments in value, the investor's share of extraordinary and prior period items reported in the investee's financial statements (see instruction 1-6), and provision for deferred taxes where it is reasonable to assume that undistributed earnings of an investee will be transferred to the investor in a taxable distribution. These memorandum accounts shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) above.

(3) The carrier shall retain the following information for each investee in support of the worksheet or memorandum accounts:

(a) Original cost of investment.

(b) Equity in net assets of investee at date of acquisition.

(c) Allocation of difference between cost and equity in net assets, namely, to specific assets of investee or to goodwill.

(d) Accumulated amortization of difference between cost and equity in net assets.

(e) Unamortized balance of difference between cost and equity in net assets.

(f) Equity in undistributed earnings/losses for each year since date of acquisition.

(g) Dividends received since date of acquisition if determinable.

(h) Proceeds from sale of investments.

(4) Any difference between the investor's cost and its share of the net assets of the investee at date of acquisition shall be allocated to specific assets of the investee to the extent the difference is attributable to them. When the difference is allocated to depreciable or amortizable assets, depreciation and amortization (through the investment and income memorandum accounts) should absorb the difference over the remaining life of the related assets. If the difference is not related to specific accounts, it should be considered goodwill and amortized over a reasonable period not to exceed 40 years. For investments made prior to November 1, 1970, amortization of goodwill is not required in the absence of evidence that the goodwill has a limited term of existence.

(5) The financial statements of the investee that are used for equity accounting should be timely. If the accounting year of the investee differs from that of the investor then the most recent available financial statements may be used. The lag in reporting should be consistent from period to period.

(6) Material profits or losses on transactions between the investor and investee shall be eliminated until realized by either company as if the two were consolidated.

(7) A transaction of the investee of a capital nature that affects the investor's share of the investee's stockholder's equity should be reported in the financial statements as if the two were consolidated.

(8) The investor shall deduct any dividends applicable to outstanding cumulative preferred stock whether or not declared, and any other dividends declared when computing its share of undistributed earnings or losses.

(9) The investor shall suspend application of the equity method when the investment (including the investment memorandum account) together with any net advances made to the investee is reduced to zero. Additional losses shall not be provided for unless the investor has guaranteed obligations of the investee or is otherwise committed to provide further financial support for the investee. If the investee subsequently reports net income the investor shall resume applying the equity method at such time as its share of that net income equals the share of net losses not recognized during the period of suspension.

(10) When the investor's voting stock interest falls below the level of ownership described in paragraph (c)(1) of this instruction, the investment no longer qualifies for the equity method. Should dividends received on the investment in subsequent periods exceed the investor's share of earnings for such periods, the investment memorandum and income memorandum accounts shall be reduced by the excess amount.

(11) When the level of ownership of an investment increases to that described in paragraph (c)(1) of this instruction, the equity method shall be applied. The memorandum accounts for the investment, income (for current year's equity in undistributed earnings less amortization), and retained income (for prior years' equity in undistributed earnings less amortization) shall be adjusted retroactively on a step-by-step basis determining the equity in net assets at date of acquisition, amortization adjustment, and equity in undistributed earnings or losses at each level of ownership. Where small purchases are made over a period of time and then a purchase is made which qualifies the investment for the equity method, the date of latest purchase may be used as date of acquisition. In those situations where the information needed to apply the equity method is not determinable, the date of acquisition may be considered as January 1, 1974.

(12) Information having significance with respect to the investor's ownership in investees shall be disclosed in notes to financial statements of annual reports filed with the Commission in accordance with generally accepted accounting principles.

NOTE A: The carrier shall follow generally accepted accounting principles where an interpretation of the rules for equity accounting is needed or obtain an interpretation from its public accountant or the Commission.

Section 798 is revised as follows:

798 FORM OF INCOME STATEMENT

* * * * *

630 Interest and Dividend Income (dividends from other than affiliates).

* * * * *

660 * * *
Income from affiliated companies.
Dividends.
Equity in undistributed earnings (losses).
Total other income and deductions.

* * * * *

PART 1205—UNIFORM SYSTEM OF ACCOUNTS FOR REFRIGERATOR CAR LINES

General Instructions

Instruction "2 Definitions" is amended by adding the following new definitions:

* * * * *

(aa)(1) "Investor" means a business entity that holds an investment in voting stock of another company.

(2) "Investee" means a corporation that issued voting stock held by an investor.

(3) "Corporate joint venture" is a company owned and operated by a small group of businesses as a separate and specific business or project for the mutual benefit of the members of the group.

(4) "Dividends", unless otherwise specified, means dividends paid or payable in cash, other assets, or another class of stock and does not include stock dividends or stock splits.

(5) "Earnings or losses of an investee" and "financial position of an investee" refer to net income (or net loss) and financial position of an investee determined in accordance with generally accepted accounting principles.

(6) "Undistributed earnings of an investee" means net income less dividends declared whether received or not.

(7) "Date of acquisition" is the date on which the investor assumes the rights of ownership. Ordinarily, this is the date assets are received and other assets are given or securities issued.

INCOME AND BALANCE SHEET ACCOUNTS INSTRUCTIONS

The text of instruction "37 Book value of securities owned" is revised to read:

* * * * *

(b)(1) *For financial statement purposes* the carrier shall follow the principles of equity accounting for (1) all investments in corporate joint ventures (see definition (aa)(3)), and (2) all investments in voting stock of affiliated companies giving the carrier the ability to significantly influence the operating and financial policies of an investee (see definition (aa)(2)). For purposes of this instruction an investment of 20 percent or more of the outstanding voting stock of an investee will indicate the ability to exercise significant influence over an investee in the absence of evidence to the contrary.

(2) Since the equity method is not to be effected by entries in the books of accounts but is to apply only in financial reports to the Commission, the carrier shall establish worksheet or memorandum accounts. Three basic worksheet or memorandum accounts are needed:

(a) An investment account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition (see definition (aa)(7)); (2) accumulated amortization of the difference between cost and net assets at date of acquisition (see (b)(3) below); and other adjustments for disposition or writedown of investments.

(b) An income account to include (1) the investor's share of the investee's undistributed profits or losses for each reporting period subsequent to acquisition of the investment except that in the year of acquisition such amount shall be determined from the date of acquisition; (2) amortization for the reporting period of the difference between cost and net assets at date of acquisition. This account shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) below.

(c) A retained income account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition; (2) accumulated amortization of the difference between cost and net assets acquired at date of acquisition (see (b)(3) below).

(d) Other memorandum accounts will be needed for such adjustments as gains and losses on disposition of investments, recognition of impairments in value, the investor's share of extraordinary and prior period items reported in the investee's financial statements (see instruction 3), and provision for deferred taxes where it is reasonable to assume that undistributed earnings of an investee will be transferred to the investor in a taxable distribution. These memorandum accounts shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) above.

(3) The carrier shall retain the following information for each investee in support of the worksheet or memorandum accounts:

(a) Original cost of investment.

(b) Equity in net assets of investee at date of acquisition.

(c) Allocation of difference between cost and equity in net assets, namely, to specific assets of investee or to goodwill.

(d) Accumulated amortization of difference between cost and equity in net assets.

e() Unamortized balance of difference between cost and equity in net assets.

(f) Equity in undistributed earnings/losses for each year since date of acquisition.

(g) Dividends received since date of acquisition if determinable.

(h) Proceeds from sale of investments.

(4) Any difference between the investor's cost and its share of the net assets of the investee at date of acquisition shall be allocated to specific assets of the investee to the extent the difference is attributable to them. When the difference is allocated to depreciable or amortizable assets, depreciation and amortization (through the investment and income memorandum accounts) should absorb the difference over the remaining life of the related assets. If the difference is not related to specific accounts, it should be considered goodwill and amortized over a reasonable period not to exceed 40 years. For investments made prior to November 1, 1970, amortization of goodwill is not required in the absence of evidence that the goodwill has a limited term of existence.

(5) The financial statements of the investee that are used for equity accounting should be timely. If the accounting year of the investee differs from that of the investor then the most recent available financial statements may be used. The lag in reporting should be consistent from period to period.

(6) Material profits or losses on transactions between the investor and investee shall be eliminated until realized by either company as if the two were consolidated.

(7) A transaction of the investee of a capital nature that affects the investor's share of the investee's stockholder's equity should be reported in the financial statements as if the two were consolidated.

(8) The investor shall deduct any dividends applicable to outstanding cumulative preferred stock whether or not declared, and any other dividends declared when computing its share of undistributed earnings or losses.

(9) The investor shall suspend application of the equity method when the investment (including the investment memorandum account) together with any net advances made to the investee is reduced to zero. Additional losses shall not be provided for unless the investor has guaranteed obligations of the investee or is otherwise committed to provide further financial support for the investee. If the investee subsequently reports net income the investor shall resume applying the equity method at such time as its share of that net income equals the share of net losses not recognized during the period of suspension.

(10) When the investor's voting stock interest falls below the level of ownership described in paragraph (b)(1) of this instruction, the investment no longer qualifies for the equity method. Should dividends received on the investment in subsequent periods exceed the investor's share of earnings for such periods, the investment memorandum and income memorandum accounts shall be reduced by the excess amount.

(11) When the level of ownership of an investment increases to that described in paragraph (b)(1) of this instruction, the equity method shall be applied. The memorandum accounts for the investment, income (for current year's equity in undistributed earnings less amortization), and retained income (for prior years' equity in undistributed earnings less amortization) shall be adjusted retroactively on a step-by-step basis determining the equity in net assets at date of acquisition, amortization adjustment, and equity in undistributed earnings or losses at each level of ownership. Where small purchases are made over a period of time and then a purchase is made which qualifies the investment for the equity method, the date of latest purchase may be used as date of acquisition. In those situations where the information needed to apply the equity method is not determinable, the date of acquisition may be considered as January 1, 1974.

(12) Information having significance with respect to the investor's ownership in investees shall be disclosed in notes to financial statements of annual reports filed with the Commission in accordance with generally accepted accounting principles.

NOTE: The carrier shall follow generally accepted accounting principles where an interpretation of the rules for equity accounting is needed or obtain an interpretation from its public accountant or the Commission.

Income Account Texts

Section "599 Form of income statement" is revised to read:

599 Form of income statement.

* * * * *

513 Dividend income (other than from affiliates)

* * * * *

519 * * *
Income from affiliated companies.
Dividends.
Equity in undistributed earnings (losses).
Total other income.

* * * * *

PART 1206—UNIFORM SYSTEM OF ACCOUNTS FOR COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

LIST OF DEFINITIONS, INSTRUCTIONS, AND ACCOUNTS

Under "Definitions", after line item "1-40 Used" add:

1-42 Terminology relative to equity accounting.

Under "Balance Sheet Accounts" after line item "1650 Other investments and advances" add:

1675 Reserve for adjustment of investments in securities.

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DEFINITIONS

The following new definitions are added:

• • • • •

1–42 Terminology relative to equity accounting.

(a) "Investor" means a business entity that holds an investment in voting stock of another company.

(b) "Investee" means a corporation that issued voting stock held by an investor.

(c) "Corporate joint venture" is a company owned and operated by a small group of businesses as a separate and specific business or project for the mutual benefit of the members of the group.

(d) "Dividends", unless otherwise specified, means dividends paid or payable in cash, other assets, or another class of stock and does not include stock dividends or stock splits.

(e) "Earnings or losses of an investee" and "financial position of an investee" refer to net income (or net loss) and financial position of an investee determined in accordance with generally accepted accounting principles.

(f) "Undistributed earnings of an investee" means net income less dividends declared whether received or not.

(g) "Date of acquisition" is the date on which the investor assumes the rights of ownership. Ordinarily, this is the date assets are received and other assets are given or securities issued.

INSTRUCTIONS

Instruction "2–15 Book cost of securities owned" is revised to read:

2–15 Book cost of securities owned.

• • • • •

(f) (1) *For financial statement purposes* the carrier shall follow the principles of equity accounting for (1) all investments in corporate joint ventures (see definition 1–42(c)), and (2) all investments in voting stock of affiliated companies giving the carrier the ability to significantly influence the operating and financial policies of an investee (see definition 1–42(b)). For purposes of this instruction an investment of 20 percent or more of the outstanding voting stock of an investee will indicate the ability to exercise significant influence over an investee in the absence of evidence to the contrary.

(2) Since the equity method is not to be effected by entries in the books of accounts but is to apply only in financial reports to the Commission, the carrier shall establish worksheet or memorandum accounts. Three basic worksheet or memorandum accounts are needed:

(a) An investment account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition (see definition 1–42(g)); (2) accumulated amortization of the difference between cost and net assets at date of acquisition (see (f)(3) below); and other adjustments for disposition or writedown of investments.

(b) An income account to include (1) the investor's share of the investee's undistributed profits or losses for each reporting period subsequent to acquisition of the investment except that in the year of acquisition such amount shall be determined from the date of acquisition; (2) amortization for the reporting period of the difference between cost and net assets at date of acquisition. This account shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) below.

(c) A retained income account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition; (2) accumulated amortization of the difference between cost and net assets acquired at date of acquisition (see (f)(3) below).

(d) Other memorandum accounts will be needed for such adjustments as gains and losses on disposition of investments, recognition of impairments in value, the investor's share of extraordinary and prior period items reported in the investee's financial statements (see instruction 2–7), and provision for deferred taxes where it is reasonable to assume that undistributed earnings of an investee will be transferred to the investor in a taxable distribution. These memorandum accounts shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) above.

(3) The carrier shall retain the following information for each investee in support of the worksheet or memorandum accounts:

(a) Original cost of investment.

(b) Equity in net assets of investee at date of acquisition.

(c) Allocation of difference between cost and equity in net assets, namely, to specific assets of investee or to goodwill.

(d) Accumulated amortization of difference between cost and equity in net assets.

(e) Unamortized balance of difference between cost and equity in net assets.

(f) Equity in undistributed earnings/losses for each year since date of acquisition.

(g) Dividends received since date of acquisition if determinable.

(h) Proceeds from sale of investments.

(4) Any difference between the investor's cost and its share of the net assets of the investee at date of acquisition shall be allocated to specific assets of the investee to the extent the difference is attributable to them. When the difference is allocated to depreciable or amortizable assets, depreciation and amortization (through the investment and income memorandum accounts) should absorb the difference over the remaining life of the related assets. If the difference is not related to specific accounts, it should be considered goodwill and amortized over a reasonable period not to exceed 40 years. For investments made prior to November 1, 1970, amortization of goodwill is not required in the absence of evidence that the goodwill has a limited term of existence.

(5) The financial statements of the investee that are used for equity accounting should be timely. If the accounting year of the investee differs from that of the investor then the most recent available financial statements may be used. The lag in reporting should be consistent from period to period.

(6) Material profits or losses on transactions between the investor and investee shall be eliminated until realized by either company as if the two were consolidated.

(7) A transaction of the investee of a capital nature that affects the investor's share of the investee's stockholder's equity should be reported in the financial statements as if the two were consolidated.

(8) The investor shall deduct any dividends applicable to outstanding cumulative preferred stock whether or not declared, and any other dividends declared when computing its share of undistributed earnings or losses.

(9) The investor shall suspend application of the equity method when the investment (including the investment memorandum account) together with any net advances made to the investee is reduced to zero. Additional losses shall not be provided for unless the investor has guaranteed obligations of the investee or is otherwise committed to provide further financial support for the investee. If the investee subsequently reports net income the investor shall resume applying the equity method at such time as its share of that net income equals the share of net losses not recognized during the period of suspension.

(10) When the investor's voting stock interest falls below the level of ownership described in paragraph (f)(1) of this instruction, the investment no longer qualifies for the equity method. Should dividends received on the investment in subsequent periods exceed the investor's share of earnings for such periods, the investment memorandum and income memorandum accounts shall be reduced by the excess amount.

(11) When the level of ownership of an investment increases to that described in paragraph (f)(1) of this instruction, the equity method shall be applied. The memorandum accounts for the investment, income (for current year's equity in undistributed earnings less amortization), and retained income (for prior years' equity in undistributed earnings less amortization) shall be adjusted retroactively on a step-by-step basis determining the equity in net assets at date of acquisition, amortization adjustment, and equity in undistributed earnings or losses at each level of ownership. Where small purchases are made over a period of time and then a purchase is made which qualifies the investment for the equity method, the date of latest purchase may be used as date of acquisition. In those situations where the information needed to apply the equity method is not determinable, the date of acquisition may be considered as January 1, 1974.

(12) Information having significance with respect to the investor's ownership in investees shall be disclosed in notes to financial statements of annual reports filed with the Commission in accordance with generally accepted accounting principles.

NOTE: The carrier shall follow generally accepted accounting principles where an interpretation of the rules for equity accounting is needed or obtain an interpretation from its public accountant or the Commission.

BALANCE SHEET ACCOUNTS

After the text of account "1650 Other investments and advances", the following new account number, title and text are added:

1675 Reserve for adjustment of investments in securities.

(a) This account shall be credited with amounts charged to account 7500, Other Deductions, or account 9010, Extraordinary Items, as appropriate, to provide a reserve for adjustments in the value of investment securities included in account 1600, Investments and Advances-Associated Companies, and account 1650, Other Investments and Advances, where there is a permanent impairment in the recorded values.

(b) If reserves are maintained for anticipated losses in specific securities, when such securities are disposed of, this account shall be charged to the extent of the credit balance applicable to the particular securities involved. The remainder, if any, shall be charged to account 7500, Other Deductions, or account 9010, Extraordinary Items, as appropriate.

(c) In case a general reserve for losses in unspecified security values is maintained, all such losses on disposition shall be charged to this account to the extent of the credit balance, and the remainder, if any, shall be charged to account 7500, Other Deductions, or account 9010, Extraordinary Items, as appropriate.

Section "2999 Form for balance sheet statement" is revised as follows:

2999 Form of balance sheet statement.

• • • • •

1650 • • •
Less: Reserve for adjustment of investments in securities • • •

• • • • •

INCOME ACCOUNTS

Section "2999 Form of income statement" is revised as follows:

2999 For for balance sheet statement.

• • • • •

6300 Dividend income (other than from affiliates).

• • • • •

6500 • • •
Income from affiliated companies.
Dividends.
Equity in undistributed earnings (losses).
Total other income.

• • • • •

PART 1207—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

DEFINITIONS

The following new definitions are added:

• • • • •

40. (a) "Investor" means a business entity that holds an investment in voting stock of another company.

(b) "Investee" means a corporation that issued voting stock held by an investor.

(c) "Corporate joint venture" is a company owned and operated by a small group of businesses as a separate and specific business or project for the mutual benefit of the members of the group.

(d) "Dividends", unless otherwise specified, means dividends paid or payable in cash, other assets, or another class of stock and does not include stock dividends or stock splits.

(e) "Earnings or losses of an investee" and "financial position of an investee" refer to net income (or net loss) and financial position of an investee determined in accordance with generally accepted accounting principles.

(f) "Undistributed earnings of an investee" means net income less dividends declared whether received or not.

(g) "Date of acquisition" is the date on which the investor assumes the rights of ownership. Ordinarily, this is the date assets are received and other assets are given or securities issued.

CLASS I AND CLASS II MOTOR CARRIERS INSTRUCTIONS

The text of instruction "16 Book cost of securities owned" is amended by adding the following:

18 Book cost of securities owned.

• • • • •

(c) (1) *For financial statement purposes* the carrier shall follow the principles of equity accounting for (1) all investments in corporate joint ventures (see definition 40(c)), and (2) all investments in voting stock of affiliated companies giving the carrier the ability to significantly influence the operating and financial policies of an investee (see definition 40(b)). For purposes of this instruction an investment of 20 percent or more of the outstanding voting stock of an investee will indicate the ability to exercise significant influence over an investee in the absence of evidence to the contrary.

(2) Since the equity method is not to be effected by entries in the books of accounts but is to apply only in financial reports to the Commission, the carrier shall establish worksheet or memorandum accounts. Three basic worksheet or memorandum accounts are needed:

(a) An investment account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition (see (e)(3) below); and other adjustments for disposition or writedown of investments.

(b) An income account to include (1) the investor's share of the investee's undistributed profits or losses for each reporting period subsequent to acquisition of the investment except that in the year of acquisition such amount shall be determined from the date of acquisition; (2) amortization for the reporting period of the difference between cost and net assets at date of acquisition. This account shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) below.

(c) A retained income account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition; (2) accumulated amortization of the difference between cost and net assets acquired at date of acquisition (see (e)(3) below).

(d) Other memorandum accounts will be needed for such adjustments as gains and losses on disposition of investments, recognition of impairments in value, the investor's share of extraordinary and prior period items reported in the investee's financial statements (see instruction 8), and provision for deferred taxes where it is reasonable to assume that undistributed earnings of an investee will be transferred to the investor in a taxable distribution. These memorandum accounts shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) above.

(3) The carrier shall retain the following information for each investee in support of the worksheet or memorandum accounts:

(a) Original cost of investment.

(b) Equity in net assets of investee at date of acquisition.

(c) Allocation of difference between cost and equity in net assets, namely, to specific assets of investee or to goodwill.

(d) Accumulated amortization of difference between cost and equity in net assets.

(e) Unamortized balance of difference between cost and equity in net assets.

(f) Equity in undistributed earnings/losses for each year since date of acquisition.

(g) Dividends received since date of acquisition if determinable.

(h) Proceeds from sale of investments.

(4) Any difference between the investor's cost and its share of the net assets of the investee at date of acquisition shall be allocated to specific assets of the investee to the extent the difference is attributable to them. When the difference is allocated to depreciable or amortizable assets, depreciation and amortization (through the investment

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and income memorandum accounts) should absorb the difference over the remaining life of the related assets. If the difference is not related to specific accounts, it should be considered goodwill and amortized over a reasonable period not to exceed 40 years. For investments made prior to November 1, 1970, amortization of goodwill is not required in the absence of evidence that the goodwill has a limited term of existence.

(5) The financial statements of the investee that are used for equity accounting should be timely. If the accounting year of the investee differs from that of the investor then the most recent available financial statements may be used. The lag in reporting should be consistent from period to period.

(6) Material profits or losses on transactions between the investor and investee shall be eliminated until realized by either company as if the two were consolidated.

(7) A transaction of the investee of a capital nature that affects the investor's share of the investee's stockholder's equity should be reported in the financial statements as if the two were consolidated.

(8) The investor shall deduct any dividends applicable to outstanding cumulative preferred stock whether or not declared, and any other dividends declared when computing its share of undistributed earnings or losses.

(9) The investor shall suspend application of the equity method when the investment (including the investment memorandum account) together with any net advances made to the investee is reduced to zero. Additional losses shall not be provided for unless the investor has guaranteed obligations of the investee or is otherwise committed to provide further financial support for the investee. If the investee subsequently reports net income the investor shall resume applying the equity method at such time as its share of that net income equals the share of net losses not recognized during the period of suspension.

(10) When the investor's votng stock interest falls below the level of ownership described in paragraph (e)(1) of this instruction, the investment no longer qualifies for the the equity method. Should dividends received on the investment in subsequent periods exceed the investor's share of earnings for such periods, the investment memorandum and income memorandum accounts shall be reduced by the excess amount.

(11) When the level of ownership of an investment increases to that described in paragraph (e)(1) of this instruction, the equity method shall be applied. The memorandum accounts for the investment, income (for current year's equity in undistributed earnings less amortization), and retained income (for prior years' equity in undistributed earnings less amortization) shall be adjusted retroactively on a step-by-step basis determining the equity in net assets at date of acquisition, amortization adjustment, and equity in undistributed earnings or losses at each level of ownership. Where small purchases are made over a period of time and then a purchase is made which qualifies the investment for the equity method, the date of latest purchase may be used as date of acquisition. In those situations where the information needed to apply the equity method is not determinable, the date of acquisition may be considered as January 1, 1974.

(12) Information having significance with respect to the investor's ownership in investees shall be disclosed in notes to financial statements of annual reports filed with the Commission in accordance with generally accepted accounting principles.

NOTE: The carrier shall follow generally accepted accounting principles where an interpretation of the rules for equity accounting is needed or obtain an interpretation from its public accountant or the Commission.

PART 1208—UNIFORM SYSTEM OF ACCOUNTS FOR MARITIME CARRIERS

LIST OF INSTRUCTIONS AND ACCOUNTS

Under "General Instructions" after line item "12 Accounting for the Investment Tax Credit," add:

13 Recorded value of securities owned.

GENERAL INSTRUCTIONS

Instruction "1 Definitions" is amended by adding the following new definitions:

1 Definitions.

. . . . . .

(t) "Investor" means a business entity that holds an investment in voting stock of another company.

(u) "Investee" means a corporation that issued voting stock held by an investor.

(v) "Corporate joint venture" is a company owned and operated by a small group of businesses as a separate and specific business or project for the mutual benefit of the members of the group.

(w) "Dividends," unless otherwise specified, means dividends paid or payable in cash, other assets, or another class of stock and does not include stock dividends or stock splits.

(x) "Earnings or losses of an investee" and "financial position of an investee" refer to net income (or net loss) and financial position of an investee determined in accordance with generally accepted accounting principles.

(y) "Undistributed earnings of an investee" means net income less dividends declared whether received or not.

(z) "Date of acquisition" is the date on which the investor assumes the rights of ownership. Ordinarily, this is the date assets are received and other assets are given or securities issued.

After the text of instruction "12 Accounting for the investment tax credit" the following new instruction number, title and text are added:

13 Recorded value of securities owned.

(a) Securities of others acquired by the carrier shall be recorded in these accounts at cost, including brokerage and registration fees, stock transfer taxes, and similar expenses, at the time of acquisition. Cost does not include any amount paid for accrued interest or dividends.

(b)(1) *For financial statement purposes* the carrier shall follow the principles of equity accounting for (1) all investments in corporate joint ventures (see definition (v)), and (2) all investments in voting stock of affiliated companies giving the carrier the ability to significantly influence the operating and financial policies of an investee (see definition (u)). For purposes of this instruction an investment of 20 percent or more of the outstanding voting stock of an investee will indicate the ability to exercise significant influence over an investee in the absence of evidence to the contrary.

(2) Since the equity method is not to be effected by entries in the books of accounts but is to apply only in financial reports to the Commission, the carrier shall establish worksheet or memorandum accounts. Three basic worksheet or memorandum accounts are needed:

(a) An investment account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition (see definition (x)); (2) accumulated amortization of the difference between cost and net assets at date of acquisition (see (b)(3) below); and other adjustments for disposition or writedown of investments.

(b) An income account to include (1) the investor's share of the investee's undistributed profits or losses for each reporting period subsequent to acquisition of the investment except that in the year of acquisition such amount shall be determined from the date of acquisition; (2) amortization for the reporting period of the difference between cost and net assets at date of acquisition. This account shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) below.

(c) A retained income account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition; (2) accumulated amortization of the difference between cost and net assets acquired at date of acquisition (see (b)(3) below).

(d) Other memorandum accounts will be needed for such adjustments as gains and losses on disposition of investments, recognition of impairments in value, the investor's share of extraordinary and prior period items reported in the investee's financial statements (see instruction 11), and provision for deferred taxes where it is reasonable to assume that undistributed earnings of an investee will be transferred to the investor in a taxable distribution. These memorandum accounts shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) above.

(3) The carrier shall retain the following information for each investee in support of the worksheet or memorandum accounts:

(a) Original cost of investment.

(b) Equity in net assets of investee at date of acquisition.

(c) Allocation of difference between cost and equity in net assets, namely, to specific assets of investee or to goodwill.

(d) Accumulated amortization of difference between cost and equity in net assets.

(e) Unamortized balance of difference between cost and equity in net assets.

(f) Equity in undistributed earnings/losses for each year since date of acquisition.

(g) Dividends received since date of acquisition if determinable.

(h) Proceeds from sale of investments.

(4) Any difference between the investor's cost and its share of the net assets of the investee at date of acquisition shall be allocated to specific assets of the investee to the extent the difference is attributable to them. When the difference is allocated to depreciable or amortizable assets, depreciation and amortization (through the investment and income memorandum accounts) should absorb the difference over the remaining life of the related assets. If the difference is not related to specific accounts, it should be considered goodwill and amortized over a reasonable period not to exceed 40 years. For investments made prior to November 1, 1970, amortization of goodwill is not required in the absence of evidence that the goodwill has a limited term of existence.

(5) The financial statements of the investee that are used for equity accounting should be timely. If the accounting year of the investee differs from that of the investor then the most recent available financial statements may be used. The lag in reporting should be consistent from period to period.

(6) Material profits or losses on transactions between the investor and investee shall be eliminated until realized by either company as if the two were consolidated.

(7) A transaction of the investee of a capital nature that affects the investor's share of the investee's stockholder's equity should be reported in the financial statements as if the two were consolidated.

(8) The investor shall deduct any dividends applicable to outstanding cumulative preferred stock whether or not declared, and any other dividends declared when computing its share of undistributed earnings or losses.

(9) The investor shall suspend application of the equity method when the investment (including the investment memorandum account) together with any net advances made to the investee is reduced to zero. Additional losses shall not be provided for unless the investor has guaranteed obligations of the investee or is otherwise committed to provide further financial support for the investee. If the investee subsequently reports net income the investor shall resume applying the equity method at such time as its share of that net income equals the share of net losses not recognized during the period of suspension.

(10) When the investor's voting stock interest falls below the level of ownership described in paragraph (b)(1) of this instruction, the investment no longer qualifies for the equity method. Should dividends received on the investment in subsequent periods exceed the investor's share of earnings for such periods, the investment memorandum and income memorandum accounts shall be reduced by the excess amount.

(11) When the level of ownership of an investment increases to that described in paragraph (b)(1) of this instruction, the equity method shall be applied. The memorandum accounts for the investment, income (for current year's equity in undistributed earnings less amortization), and retained income (for prior years' equity in undistributed earnings less amortization) shall be adjusted retroactively on a step-by-step basis determining the equity in net assets at date of acquisition, amortization adjustment, and equity in undistributed earnings or losses at each level of ownership. Where small purchases are made over a period of time and then a purchase is made which qualifies the investment for the equity method, the date of latest purchase may be used as date of acquisition. In those situations where the information needed to apply the equity method is not determinable, the date of acquisition may be considered as January 1, 1974.

(12) Information having significance with respect to the investor's ownership in investees shall be disclosed in notes to financial statements of annual reports filed with the Commission in accordance with generally accepted accounting principles.

(c) When securities with a fixed maturity date are purchased at a discount (i.e., when total cost including brokerage fees, taxes, commissions, etc., is less than par), such discounts may be amortized over the remaining life of the securities through periodic debits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and credits to the same account in which interest income is credited. No debits shall be made in respect to discounts upon securities held as investments or in special funds if there is reason to believe that such securities will be disposed of by redemption or otherwise at less than par or will not be paid at date of maturity. When securities with a fixed maturity date are purchased at a premium (i.e., when the total cost including brokerage fees, taxes, commissions, etc., is in excess of par), such premium may be amortized over the remaining life of the securities through periodic credits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and debits to the same accounts in which the interest income is recorded.

(d) The accounting company shall write down the cost of any investment to the extent of impairment in values; however, mere fluctuations in market value shall not be recorded. Write downs for impairment shall not be delayed beyond the year in which a loss is claimed for income tax purposes. The loss may be recorded in the accounts by establishing a reserve for such loss through credits to account 329, "Reserve for revaluation of investments". Losses attributable to write downs or write offs shall be charged to account 979, "Miscellaneous deductions for income" or to account 990, "Extraordinary items (net)", as appropriate.

NOTE.—The carrier shall follow generally accepted accounting principles where an interpretation of the rules for equity accounting is needed or obtain an interpretation from its public accountant or the Commission.

INCOME ACCOUNTS

Section "2001 Income statement" is amended as follows:

2001 Income statement.

. . . . . .

685 Dividend income (other than from affiliates).

. . . . . .

691 . . .

Income from affiliated companies.

Dividends.

Equity in undistributed earnings (losses).

Total other income.

PART 1209—UNIFORM SYSTEM OF ACCOUNTS FOR INLAND AND COASTAL WATERWAYS CARRIERS

General Instructions

Instruction "2 Definitions" is amended by adding the following new definitions:

2 Definitions.

. . . . . .

(ss) "Investor" means a business enitty that holds an investment in voting stock of another company.

(tt) "Investee" means a corporation that issued voting stock held by an investor.

(uu) "Corporate joint venture" is a company owned and operated by a small group of businesses as a separate and specific business or project for the mutual benefit of the members of the group.

(vv) "Dividends", unless otherwise specified, means dividends paid or payable in cash, other assets, or other class of stock and does not include stock dividends or stock splits.

(ww) "Earnings or losses of an investee" and "financial position of an investee" refer to net income (or net loss) and financial position of an investee determined in accordance with generally accepted accounting principles.

(xx) "Undistributed earnings of an investee" means net income less dividends declared whether received or not.

(yy) "Date of acquisition" is the date on which the investor assumes the rights of ownership. Ordinarily, this is the date assets are received and other assets are given or securities issued.

Balance-Sheet Instructions

Instruction "23 Book cost of securities owned" is amended by adding the following:

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23 Book cost of securities owned.

• • • • •

(e)(1) *For financial statement purposes* the carrier shall follow the principles of equity accounting for (1) all investments in corporate joint ventures (see definition (uu)), and (2) all investments in voting stock of affiliated companies giving the carrier the ability to significantly influence the operating and financial policies of an investee (see definition (tt)). For purposes of this instruction an investment of 20 percent or more of the outstanding voting stock of an investee will indicate the ability to exercise significant influence over an investee in the absence of evidence to the contrary.

(2) Since the equity method is not to be effected by entries in the books of accounts but is to apply only in financial reports to the Commission, the carrier shall establish worksheet or memorandum accounts. Three basic worksheet or memorandum accounts are needed:

(a) An investment account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition (see definition (yy)); (2) accumulated amortization of the difference between cost and net assets at date of acquisition (see (e)(3) below); and other adjustments for disposition or writedown of investments.

(b) An income account to include (1) the investor's share of the investee's undistributed profits or losses for each reporting period subsequent to acquisition of the investment except that in the year of acquisition such amount shall be determined from the date of acquisition; (2) amortization for the reporting period of the difference between cost and net assets at date of acquisition. This account shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) below.

(c) A retained income account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition; (2) accumulated amortization of the difference between cost and net assets acquired at date of acquisition (see (e)(3) below).

(d) Other memorandum accounts will be needed for such adjustments as gains and losses on disposition of investments, recognition of impairments in value, the investor's share of extraordinary and prior period items reported in the investee's financial statements (see instruction 4), and provision for deferred taxes where it is reasonable to assume that undistributed earnings of an investee will be transferred to the investor in a taxable distribution. These memorandum accounts shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) above.

(3) The carrier shall retain the following information for each investee in support of the worksheet or memorandum accounts:

(a) Original cost of investment.

(b) Equity in net assets of investee at date of acquisition.

(c) Allocation of difference between cost and equity in net assets, namely, to specific assets of investee or to goodwill.

(d) Accumulated amortization of difference between cost and equity in net assets.

(e) Unamortized balance of difference between cost and equity in net assets.

(f) Equity in undistributed earnings/losses for each year since date of acquisition.

(g) Dividends received since date of acquisition if determinable.

(h) Proceeds from sale of investments.

(4) Any difference between the investor's cost and its share of the net assets of the investee at date of acquisition shall be allocated to specific assets of the investee to the extent the difference is attributable to them. When the difference is allocated to depreciable or amortizable assets, depreciation and amortization (through the investment and income memorandum accounts) should absorb the difference over the remaining life of the related assets. If the difference is not related to specific accounts, it should be considered goodwill and amortized over a reasonable period not to exceed 40 years. For investments made prior to November 1, 1970, amortization of goodwill is not required in the absence of evidence that the goodwill has a limited term of existence.

(5) The financial statements of the investee that are used for equity accounting should be timely. If the accounting year of the investee differs from that of the investor then the most recent available financial statements may be used. The lag in reporting should be consistent from period to period.

(6) Material profits or losses on transactions between the investor and investee shall be eliminated until realized by either company as if the two were consolidated.

(7) A transaction of the investee of a capital nature that affects the investor's share of the investees stockholder's equity should be reported in the financial statements as if the two were consolidated.

(8) The investor shall deduct any dividends applicable to outstanding cumulative preferred stock whether or not declared, and any other dividends declared when computing its share of undistributed earnings or losses.

(9) The investor shall suspend application of the equity method when the investment (including the investment memorandum account) together with any net advances made to the investee is reduced to zero. Additional losses shall not be provided for unless the investor has guaranteed obligations of the investee or is otherwise committed to provide further financial support for the investee. If the investee subsequently reports net income the investor shall resume applying the equity method at such time as its share of that net income equals the share of net losses not recognized during the period of suspension.

(10) When the investor's voting stock interest falls below the level of ownership described in paragraph (e)(1) of this instruction, the investment no longer qualifies for the equity method. Should dividends received on the investment in subsequent periods exceed the investor's share of earnings for such periods, the investment memorandum and income memorandum accounts shall be reduced by the excess amount.

(11) When the level of ownership of an investment increases to that described in paragraph (e)(1) of this instruction, the equity method shall be applied. The memorandum accounts for the investment, income (for current year's equity in undistributed earnings less amortization), and retained income (for prior years' equity in undistributed earnings less amortization) shall be adjusted retroactively on a step-by-step basis determining the equity in net assets at date of acquisition, amortization adjustment, and equity in undistributed earnings or losses at each level of ownership. Where small purchases are made over a period of time and then a purchase is made which qualifies the investment for the equity method, the date of latest purchase may be used as date of acquisition. In those situations where the information needed to apply the equity method is not determinable, the date of acquisition may be considered as January 1, 1974.

(12) Information having significance with respect to the investor's ownership in investees shall be disclosed in notes to financial statements of annual reports filed with the Commission in accordance with generally accepted accounting principles.

NOTE: The carrier shall follow generally accepted accounting principles where an interpretation of the rules for equity accounting is needed or obtain an interpretation from its public accountant or the Commission.

INCOME ACCOUNTS

Section "599 Form of income statement" is amended as follows:

599 Form of income statement.

• • • • • •

503 Dividend income (other than from affiliates).

• • • • • •

508 • • •

Income from affiliated companies.
Dividends.
Equity in undistributed earnings (losses).
Total other income.

• • • • • •

PART 1210—UNIFORM SYSTEM OF ACCOUNTS FOR FREIGHT FORWARDERS

LIST OF INSTRUCTIONS AND ACCOUNTS

Instruction "2 Definitions" is amended by adding the following:

• • • • • •

Under "General Balance Sheet Instructions", after line item "27 Contingent assets and liabilities" add:

28 Recorded value of securities owned.

Under "General Balance Sheet Accounts", after line item "131 Other investments" add:

132 Reserve for adjustment of investments in securities.

GENERAL INSTRUCTIONS

Instruction "2 Definitions" is amended by adding the following after definition (n) "Premium":

(y) "Investor" means a business entity that issued voting stock held by an investor.

(z) "Investee" means a corporation that issued voting stock held by an investor.

(aa) "Corporate joint venture" is a company owned and operated by a small group of businesses as a separate and specific business or project for the mutual benefit of the members of the group.

(bb) "Dividends", unless otherwise specified, means dividends paid or payable in cash, other assets, or another class of stock and does not include stock dividends or stock splits.

(cc) "Earnings or losses of an investee" and "financial position of an investee" refer to net income (or net loss) and financial position of an investee determined in accordance with generally accepted accounting principles.

(dd) "Undistributed earnings of an investee" means net income less dividends declared whether received or not.

(ee) "Date of acquisition" is the date on which the investor assumes the rights of ownership. Ordinarily, this is the date assets are received and other assets are given or securities issued.

GENERAL BALANCE SHEET INSTRUCTIONS

Instruction "28 Form of general balance sheet statement" is redesignated as instruction "29 Form of general balance sheet statement."

After the text of instruction "27 Contingent assets and liabilities", the following new instruction number, title and text are added:

28 Recorded value of securities owned.

(a) Securities of others acquired by the carrier shall be recorded in these accounts at the money value, at time of acquisition, of the consideration given therefor by the carrier, but excluding amounts paid for accrued interest and dividends.

(b)(1) *For financial statement purposes* the carrier shall follow the principles of equity accounting for (1) all investments in corporate joint ventures (see definition (aa)), and (2) all investments in voting stock of affiliated companies giving the carrier the ability to significantly influence the operating and financial policies of an investee (see definition (z)). For purposes of this instruction an investment of 20 percent or more of the outstanding voting stock of an investee will indicate the ability to exercise significant influence over an investee in the absence of evidence to the contrary.

(2) Since the equity method is not to be effected by entries in the books of accounts but is to apply only in financial reports to the Commission, the carrier shall establish worksheet or memorandum accounts. Three basic worksheet or memorandum accounts are needed:

(a) An investment account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition (see definition (ee)); (2) accumulated amortization of the difference between cost and net assets at date of acquisition (see (b)(3) below); and other adjustments for disposition or writedown of investments.

(b) An income account to include (1) the investor's share of the investee's undistributed profits or losses for each reporting period subsequent to acquisition of the investment except that in the year of acquisition such amount shall be determined from the date of acquisition; (2) amortization for the reporting period of the difference between cost and net assets at date of acquisition (see (b)(3) below); and other adjustments for disposition or writedown of investments.

(c) A retained income account to include (1) equity in the undistributed earnings or losses of the investee since the date of acquisition; (2) accumulated amortization of the difference between cost and net assets acquired at date of acquisition (see (b)(3) below).

(d) Other memorandum accounts will be needed for such adjustments as gains and losses on disposition of investments, recognition of impairments in value, the investor's share of extraordinary and prior period items reported in the investee's financial statements (see instruction 4), and provision for deferred taxes where it is reasonable to assume that undistributed earnings of an investee will be transferred to the investor in a taxable distribution. These memorandum accounts shall be closed at year-end to the retained income memorandum account discussed in paragraph (c) above.

(3) The carrier shall retain the following information for each investee in support of the worksheet or memorandum accounts:

(a) Original cost of investment.

(b) Equity in net assets of investee at date of acquisition.

(c) Allocation of difference between cost and equity in net assets, namely, to specific assets of investee or to goodwill.

(d) Accumulated amortization of difference between cost and equity in net assets.

(e) Unamortized balance of difference between cost and equity in net assets.

(f) Equity in undistributed earnings/losses for each year since date of acquisition.

(g) Dividends received since date of acquisition if determinable.

(h) Proceeds from sale of investments.

(4) Any difference between the investor's cost and its share of the net assets of the investee at date of acquisition shall be allocated to specific assets of the investee to the extent the difference is attributable to them. When the difference is allocated to depreciable or amortizable assets, depreciation and amortization (through the investment and income memorandum accounts) should absorb the difference over the remaining life of the related assets. If the difference is not related to specific accounts, it should be considered goodwill and amortized over a reasonable period not to exceed 40 years. For investments made prior to November 1, 1970, amortization of goodwill is not required in the absence of evidence that the goodwill has a limited term of existence.

(5) The financial statements of the investee that are used for equity accounting should be timely. If the accounting year of the investee differs from that of the investor then the most recent available financial statements may be used. The lag in reporting should be consistent from period to period.

(6) Material profits or losses on transactions between the investor and investee shall be eliminated until realized by either company as if the two were consolidated.

(7) A transaction of the investee of a capital nature that affects the investor's share of the investee's stockholder's equity should be reported in the financial statements as if the two were consolidated.

(8) The investor shall deduct any dividends applicable to outstanding cumulative preferred stock whether or not declared, and any other dividends declared when computing its share of undistributed earnings or losses.

(9) The investor shall suspend application of the equity method when the investment (including the investment memorandum account) together with any net advances made to the investee is reduced to zero. Additional losses shall not be provided for unless the investor has guaranteed obligations of the investee or is otherwise committed to provide further financial support for the investee. If the investee subsequently reports net income the investor shall resume applying the equity method at such time as its share of that net income equals the share of net losses not recognized during the period of suspension.

(10) When the investor's voting stock interest falls below the level of ownership described in paragraph (b)(1) of this instruction, the investment no longer qualifies for the equity method. Should dividends received on the investment in subsequent periods exceed the investor's share of earnings for such periods, the investment memorandum and income memorandum accounts shall be reduced by the excess amount.

(11) When the level of ownership of an investment increases to that described in paragraph (b)(1) of this instruction, the equity method shall be applied. The memorandum accounts for the investment, income (for current year's equity in undistributed earnings less amortization), and retained income (for prior years' equity in undistributed earnings less amortization) shall be adjusted retroactively on a step-by-step basis determining the equity in net assets at date of acquisition, amortization adjustment, and equity in undistributed earnings or

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losses at each level of ownership. Where small purchases are made over a period of time and then a purchase is made which qualifies the investment for the equity method, the date of latest purchase may be used as date of acquisition. In those situations where the information needed to apply the equity method is not determinable, the date of acquisition may be considered as January 1, 1974.

(12) Information having significance with respect to the investor's ownership in investees shall be disclosed in notes to financial statements of annual reports filed with the Commission in accordance with generally accepted accounting principles.

(c) When securities with a fixed maturity date are purchased at a discount (i.e., when total cost including brokerage fees, taxes, commission, etc., is less than par), such discounts may be amortized over the remaining life of the securities through periodic debits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and credits to the same account in which interest income is credited. No debits shall be made in respect to discounts upon securities held as investments or in special funds if there is reason to believe that such securities will be disposed of by redemption or otherwise at less than par or will not be paid at date of maturity. When securities with a fixed maturity date are purchased at a premium (i.e., when the total cost including brokerage fees, taxes, commissions, etc., is in excess of par), such premium may be amortized over the remaining life of the securities through periodic credits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and debits to the same accounts in which the interest income is recorded.

NOTE: The carrier shall follow generally accepted accounting principles where an interpretation of the rules for equity accounting is needed or obtain an interpretation from its public accountant or the Commission.

Redesignated instruction "29 Form of general balance sheet statement" is amended by adding the following after line item "131 Other investments":

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131 • • •
Pledged.
Unpledged.
  Less: Reserve for adjustment of investments in securities.
Total investment securities and advances.
Tangible property.
•  •  •  •  •
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GENERAL BALANCE SHEET ACCOUNTS

After the text of account "131 Other investments" the following new account number, title and text are added:

132 Reserve for adjustment of investments in securities.

(a) This account shall be credited with amounts charged to account 414, "Miscellaneous income charges", or account 435, "Extraordinary items (net)", as appropriate, to provide a reserve for adjustments in the value of investment securities included in account 130, "Investments in affiliated companies", and account 131, "Other investments", where there is a permanent impairment in the recorded values.

(b) If reserves are maintained for anticipated losses in specific securities, when such securities are disposed of, this account shall be charged to the extent of the credit balance applicable to the particular securities involved. The remainder, if any, shall be charged to account 414, "Miscellaneous income charges" or account 435, "Extraordinary items (net)," as appropriate.

(c) In case a general reserve for losses in unspecified security values is maintained, all such losses on disposition shall be charged to this account to the extent of the credit balance, and the remainder, if any, shall be charged to account 414, "Miscellaneous income charges" or account 435, "Extraordinary items (net)", as appropriate.

INCOME INSTRUCTIONS

Instruction "63 Form of income statement" is amended as follows:

```
63 Form of income statement.
•  •  •  •  •  •
401 Dividend (other than from affiliates) and interest income.
•  •  •  •  •  •
403 • • •
Income from affiliated companies.
  Dividends.
  Equity in undistributed earnings (losses).
Total other income.
•  •  •  •  •  •
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[FR Doc.74-22063 Filed 9-20-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Flint Hills National Wildlife Refuge, Kansas

The following special regulation is issued and is effective September 23, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

KANSAS

FLINT HILLS NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots, and mergansers on the Flint Hills National Wildlife Refuge, Kansas, is permitted as follows: Ducks, coots, and mergansers October 19 through December 8, 1974, inclusive, and from December 23 through December 29, 1974, inclusive; Canada Geese October 19, through December 15, 1974, inclusive, and White-fronted and Snow Geese October 1 through December 29, 1974, inclusive, but only on the area designated by signs as open to hunting. All State and Federal laws and regulations apply. This open area is delineated on maps available at refuge headquarters, Burlington, Kansas, and from the Area Manager, U.S. Fis and Wildlife Service, Federal Building Room 1748, 601 East 12th Street, Kansas City, Missouri 64106. Refuge hunting shall be subject to the following special conditions:

(1) Vehicle access shall be restricted to designated parking areas and to existing roads.

(2) Blind construction by the public is permitted but limited to temporary above ground construction. Blind construction does not constitute a reservation of hunting space. Daily occupancy of blinds erected on refuge hunting units will be detremined on a first-come-first-serve basis.

The provisions of the special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

MICHAEL J. LONG,
Refuge Manager, Flint Hills National Wildlife Refuge, Burlington, Kansas.

SEPTEMBER 13, 1974.

[FR Doc.74-21938 Filed 9-20-74;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER F—AID TO FISHERIES

PART 251—FINANCIAL AID PROGRAM PROCEDURES

Fishery for Salmon in Alaska

On March 28, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 11429) stating that the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, was considering an amendment to Financial Aid Program Procedures (50 CFR Part 251) to incorporate in Subpart B of Part 251 a new section to adopt the "fishery for salmon in Alaska" as a Conditional Fishery. This notice contained an explanatory statement describing the principal situations and conditions under consideration for determining that this fishery should be adopted as a Conditional Fishery and that the use of financial assistance programs to add vessel capacity to this fishery would not be consistent with the wise use of that fishery resource and with the development, advancement, management, conservation, and protection of that fishery.

Subpart A of 50 CFR Part 251 sets forth the general policy under which financial assistance programs for the commercial fishery will be administered and establishes the procedure to be used in proposing and adopting a fishery as a Conditional Fishery. Each fishery adopted as a Conditional Fishery will be enumerated under Subpart B of 50 CFR Part 251. The terms under which financial assistance related to a Conditional Fishery may be approved are set forth in the regulations on procedures and administration of each financial assistance program. Consequently, in considering the adoption of a Conditional Fishery, the terms and conditions of regulations for administering the Fishing Vessel Obligation Guarantee program (50 CFR Part 255) and the Fishing Vessel Capital Construction Fund program (50 CFR Part 259) are reviewed to assure that due consideration is afforded to participants or potential participants in these programs.

Four comments were received in response to the proposed amendment to adopt the "fishery for salmon in Alaska" as a Conditional Fishery. The Alaska Department of Fish and Game endorsed the proposal as it supports Alaska in its attempt to manage Alaska's salmon fishery in a manner consistent with biological and economic principles. Alaska's Commercial Fisheries Entry Commission also endorsed the proposal and indicated that it was consistent with the Commission's objectives and program of regulating and controlling entry into Alaska's commercial fishery. Two industry members expressed concern that under this proposed amendment, financial assistance programs of the National Marine Fisheries Service would not be available for vessel owners already operating in a Conditional Fishery.

A review of the regulations for administering the Fishing Vessel Obligation Guarantee program (50 CFR Part 255) and of the Fishing Vessel Capital Construction Fund program (50 CFR Part 259) was made in response to the two industry comments. It was determined that these program regulations do allow participation by owners of vessels already operating in a Conditional Fishery for approved purposes other than adding vessel capacity to a fishery adopted as a Conditional Fishery.

Having considered the comments received, the Director concludes that the proposal to amend Part 251 of this Chapter, Subpart B—Conditional Fisheries, to add a new § 251.21 is hereby adopted as set forth below. This section shall be effective September 23, 1974.

Subpart B—Conditional Fisheries

§ 251.21 Fishery for salmon in Alaska.

Dated: September 16, 1974.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

[FR Doc.74-21941 Filed 9-20-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7325]

PART 420—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Temporary Rules Regarding Disclosure of Certain Information With Respect to Deferred Compensation Plans

Disclosure of information relating to deferred compensation plans by the Secretary or his delegate to proper officers and employees of the Pension Benefit Guaranty Corporation is authorized by section 6103(g) of the Internal Revenue Code of 1954, as added by section 1022 (h) of the Employee Retirement Income Security Act of 1974, P.L. 93-406 (hereinafter referred to as the "Act"). This document contains temporary regulations on Procedure and Administration (26 CFR Part 420) which shall remain in force and effect until superseded by permanent regulations. The purpose of this temporary regulation is to provide for disclosure, pursuant to section 6103 (g), by the Internal Revenue Service of certain identification and statistical information to the Pension Benefit Guaranty Corporation which is required immediately by it for purposes of the administration of the collection of premiums under title IV of the Act and to assist it in responding to inquiries and claims in respect of the application of the provisions of title IV to specific plans.

The temporary regulations also prescribe by title the officer of the Pension Benefit Guaranty Corporation permitted to request information. The temporary regulations limit access to the information to the proper users of the information, and provide restrictions on the use of any information obtained.

The regulations set forth in this document comprise the first of a number of units of temporary regulations to be issued under the Employee Retirement Income Security Act of 1974. Because of the large number of temporary regulations which are expected to be issued under that Act, and in the interest of making it easier for members of the public to locate the regulations in which they are interested, the sections of temporary regulations under the Act are to be designated in a manner different from that which has been used in connection with temporary regulations issued under other tax laws. Each section of the temporary regulations to be issued under the Employee Retirement Income Security Act of 1974 will be designated by a number composed of a part number (Part 11 in the case of temporary income tax regulations; Part 141 in the case of temporary excise tax regulations; or Part 420 in the case of temporary regulations on procedure and administration) followed by a decimal point and the number of the corresponding provision of the Internal Revenue Code of 1954, followed in turn by a hyphen and a number identifying the regulations section. The temporary regulations contained in this document are the first of these temporary regulations under section 6103(g) of such Code and are to appear in Part 420, Temporary Regulations on Procedure and Administration under the Employee Retirement Income Security Act of 1974. Thus, the regulation set forth below is numbered § 420.6103(g)-1. This follows closely the numbering procedure used for permanent regulations issued by the Internal Revenue Service.

ADOPTION OF REGULATIONS

In order to prescribe temporary regulations, which shall remain in force and effect until superseded by permanent regulations, relating to disclosure to the Pension Benefit Guaranty Corporation of certain information with respect to deferred compensation plans, the following regulations are hereby adopted:

§ 420.6103(g)-1 Disclosure of certain identification and statistical information to the Pension Benefit Guaranty Corporation.

(a) *In general.* Pursuant to section 6103 (g), the Commissioner of Internal Revenue or his delegate may furnish to the Pension Benefit Guaranty Corporation upon writen request signed by its Executive Director, setting forth the specific purpose for which the information is needed in the administration of title IV of the Employee Retirement Income Security Act of 1974 (hereafter referred to in this section as the "Act"), the following information in respect of a plan deferring receipt of compensation (within the meaning of section 404) maintained by an employer:

(1) With respect to each employer maintaining such a plan, the—

(i) Name,
(ii) Address,
(iii) Employer identification number (EIN),
(iv) Type of business entity,
(v) Total number of employees, and
(vi) Taxable year of the employer.

(2) With respect to each such plan which is administered by a board of trustees or other administrator which has been assigned an employer identification number (EIN), the—

(i) Name,
(ii) Address,
(iii) Employer identification number (EIN), and
(iv) Taxable year of such board or other administrator.

(3) With respect to each such plan, the—

(i) Plan serial number,
(ii) Type of plan,
(iii) Type of benefit,
(iv) Total number of plan participants,
(v) Number of participants with fully vested rights under the plan,
(vi) Fund type of entity,
(vii) Medium of funding,
(viii) Amount of contributions, and
(ix) Amount of assets.

(b) *Disclosure of information.* Any information obtained under this section by the Pension Benefit Guaranty Corporation shall be held confidential, and shall not be disclosed to any person, department, or agency except proper officers and employees of the Pension Benefit Guaranty Corporation whose duties require such information for the purposes specified in the request, and they may use itonly for such purposes. The Pension Benefit Guaranty Corporation may use information obtained under this section to mail forms, instructions, and announcements to employers, plan sponsors and administrators provided that the mailing is performed solely by the Pension Benefit Guaranty Corporation or in such manner as the Commissioner

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of Internal Revenue or his delegate agrees to in writing. Information obtained under this section may be published or disclosed in statistical form provided that such publication or disclosure does not reveal, directly or indirectly, the identity of any person or associate any information obtained under this section with any person.

(c) *Effective date.* This section shall be effective on September 20, 1974.

Because this Treasury decision constitutes a general statement of policy and establishes rules of Departmental practice and procedure, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: September 20, 1974.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.74-22192 Filed 9-20-74;10:04 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-SW-25; Amdt. 39-1963]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 204B and 205A-1 Helicopters

A proposal to amend Part 39 of the Federal Aviation regulations to include an airworthiness directive, superseding Amendment 39-1860 (39 FR 19448), AD 74-12-05, requiring replacement of the tail rotor pitch change chains prior to or on attaining 150 hours total time in service, and requiring tail rotor rigging in accordance with Service Bulletin No. 205-05-74-1, Rev. A., and retaining the repetitive inspections of Amendment 39-1860 on Bell Model 204B and 205A-1 helicopters was published in 39 FR 27692.

The agency proposed to make the adopted rule of the new AD effective on publication in the FEDERAL REGISTER and specific comments on this proposal were also requested.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment was received in response to the proposals. The operator suggested a control system redesign to provide a conventional chain that would be placed in service immediately. The operator reported one chain failure occurred at 37 hours since new. The manufacturer has been considering certain redesigns of the tail rotor control. Until these changes are approved, the pitch change chains will be subject to the repetitive inspections and mandatory retirement as specified in the AD. The repetitive inspections should detect impending chain failures.

Since publication of the proposal, one additional report of an inflight failure of the tail rotor pitch chain, P/N 205-001-721-1 on a Bell Model 205A-1 was received. Manufacturing techniques may have contributed to the failure of the chain links. Bell Helicopter Co., issued a message dated August 2, 1974 and letter dated August 12, 1974, concerning a 50 hour retirement life on the chains P/N 205-001-721-1 manufactured prior to June 1, 1974. Chains manufactured on or after June 1, 1974 are subject to a 150 hour retirement time. Therefore the agency additionally proposes to require replacement of chains P/N 206-001-721-1, manufactured prior to June 1, 1974, prior to or on attaining 50 hours total time in service. The proposed 150 hour replacement time on chains P/N 205-001-721-1 manufactured on or after June 1, 1974 will be retained.

The 150 hour replacement time on chains P/N 205-001-748-1, regardless of the manufacturing date, will be retained as proposed.

Since a situation exists that requires immediate adoption of this rule change, it is found that further notice and public procedure are impracticable and good cause exists for making the amendment effective in less than thirty days. If the results of the evaluation and tests of chains substantiate relaxation of the inspections and retirement time, the agency may process any changes by means of an adopted rule.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

BELL.—Applies to Bell Model 204B and 205A-1 helicopters, certificated in all categories.

Compliance required as indicated.

To detect cracks in the tail rotor pitch change link segments and to prevent possible failure of the tail rotor pitch change chains accomplish the following repetitive inspections on chains, P/N 205-001-721-1 and 205-001-748-1.

(a) Within five hours time in service after June 7, 1974, unless already accomplished, and thereafter at intervals not to exceed 25 hours time in service from the last inspection, accomplish the following inspections:

(1) Remove the chain or chains from the helicopter in accordance with the applicable maintenance manual.

(2) Clean each chain with solvent and stiff bristle brush and air dry.

(3) Roll each chain into a tight flat disc and inspect the links' outer segments, both sides, for cracks using a light and a ten power or higher magnifying glass. Unroll the chain and with teeth up, inspect inner segments of the links at the radius between the teeth. Turn each chain over and inspect the opposite side of the link segments.

(4) Replace chains with cracked segments before further flight.

(5) Install chains with uncracked link segments in accordance with the pertinent maintenance manual and rig tail rotor controls in accordance with the pertinent maintenance manual. If 212-010-701 Tail Rotor Hub and Blade Assembly is installed on the Model 205A-1, rig the controls in accordance with the maintenance manual and as specified in Bell Helicopter Company Service Bulletin No. 205-05-74-1, Revision A, dated June 24, 1974 or later approved revision.

(b) Before the first flight of each day after June 7, 1974, accomplish the following repetitive inspections.

(1) Remove the cover from the chain assembly.

(2) Inspect each chain assembly for cracks in the link segments using a 3 power or higher magnifying glass. Particular attention should be placed on the portion of each chain that travels over each sprocket and that extends three inches each side of this area or portion.

(3) Remove chains with cracked segments before further flight in accordance with the applicable maintenance manual.

(4) Install chains with uncracked segments in accordance with the applicable maintenance manual and rig the controls as specified in paragraph (a)(5) of this A.D.

(c) Replace chains, P/N 206-001-721-1, having manufacturing dates of June 1, 1974 or later etched on the clevis, as follows:

(1) Replace chains with more than 140 hours total time in service on the effective date of this A.D. within 10 hours time in service.

(2) Replace chains with less than 140 hours total time in service on the effective date of this A.D. prior to attaining 150 hours total time in service.

(d) Replace chains, P/N 205-061-721-1, having manufacturing dates prior to June 1, 1974, as follows:

(1) Replace chains with more than 40 hours total time in service on the effective date of this A.D. within 10 hours time in service.

(2) Replace chains with less than 40 hours total time in service on the effective date of this A.D. prior to attaining 50 hours total time in service.

(e) Replace chains, P/N 205-001-748-1, with more than 140 hours total time in service on the effective date of this A.D. within 10 hours total time in service. Replace chains, P/N 205-001-748-1, with less than 140 hours total time in service on the effective date of this A.D. prior to attaining 150 hours total time in service.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this A.D. which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas. (Bell telefax messages dated May 10, 1974, June 15, 1974 and August 2, 1974 pertain to this subject, and Information Letter to all Bell 204B/205A-1 operators 35:WJD:jge-3152 dated August 12, 1974 also pertains to this subject.)

This supersedes Amendment 39-1860 (39 FR 19448), A.D. 74-12-05.

This amendment becomes effective September 21, 1974.

Issued in Fort Worth, Texas on September 9, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

NOTE: The incorporation by reference provisions in this document were approved by the Director of the FEDERAL REGISTER on June 19, 1967.

[FR Doc.74-22184 Filed 9-20-74;9:24 am]

[Airspace Docket No. 74-NW-11]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Routes; Correction

On September 4, 1974, FR Doc. 74-20322 was published in the FEDERAL REGISTER (39 FR 32012) and amends Part 75 of the Federal Aviation Regulations, effective 0901 G.m.t., November 7, 1974, by altering several Jet Routes in the Olympia, Wash., Area. FR Doc. 74-20322 indicated that J-54 from Pendleton, Oreg., via Olympia, Wash.; to Neah Bay, Wash., NDB, was revised. Actually, this portion of J-54 was intended as an addition to existing J-54 and not as a replacement to the existing route. The document also realigned and extended J-126 to Vancouver, B.C. The description of J-126 inadvertently included that portion of the route within Canada. Action is taken herein to correct the description of J-54 and J-126.

Since this amendment is a minor editorial change on which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary. However, since it is necessary that aeronautical charts be depicted correctly, this amendment is being made effective immediately.

In consideration of the foregoing, effective on September 23, 1974, FR Doc. 74-20322 (39 FR 32012) is amended, as hereinafter set forth.

In No. 2. J-54 is revised to read as follows:

"Jet Route No. 54. From Neah Bay, Wash., NDB, via Olympia, Wash.; Pendleton, Oreg.; Boise, Idaho; to Pocatello, Idaho."

In No. 3. J-126 is revised to read as follows:

"Jet Route No. 126. From Los Angeles, Calif., via the INT of the Los Angeles 319° and the Avenal, Calif., 145° radials; Avenal; Stockton, Calif.; Sacramento, Calif.; Red Bluff, Calif.; Medford, Oreg.; Eugene, Oreg.; Newberg, Oreg.; Olympia, Wash.; to Vancouver, British Columbia, Canada. That portion outside the United States is excluded."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on September 17, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-21944 Filed 9-20-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

ORANGE MARMALADE

Grade Standards [1]

Notice is hereby given that the United States Department of Agriculture is considering an amendment to the United States Standards for Grades of Orange Marmalade pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624). The cited section of the Agricultural Marketing Act of 1946 provides for the issuance of official United States grades to designate different quality levels for voluntary use of producers, buyers, and consumers. Official grading services are also provided for under this Act upon request and upon payment of the fee to cover the cost of such services.

Interested persons desiring to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than October 25, 1974, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public review at the office of the Hearing Clerk during regular business hours (7 CFR. 1.27(b)).

STATEMENT OF CONSIDERATION LEADING TO THE AMENDMENT

The National Preservers Association, representing a large segment of the preserving industry has requested that the minimum soluble solids content for (finished) orange marmalade be reduced from the present 68 percent to 65 percent. Reducing the soluble solids to 65 percent is in keeping with the new minimum soluble solids for fruit preserves under the amended Food and Drug Standards of Identity for Fruit Preserves which become effective October 29, 1974.

The proposed amendment would change § 52.1451 (only) to read:

§ 52.1451 **Product description.**

Orange marmalade is the semi-solid or gel-like product prepared from orange fruit ingredients together with one or more sweetening ingredients and may contain suitable food acids, food pectins, lemon juice, or lemon peel. The ingredients are concentrated by cooking to such a point that the soluble solids content of the finished marmalade is not less than 65 percent.

Dated: September 18, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-22051 Filed 9-20-74;8:45 am]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

[7 CFR Part 905]

ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Proposed Extension of Grade and Size Requirements

These proposals would extend the current grade and size requirements for the period October 21, 1974, through September 28, 1975, applicable to the handling of oranges, grapefruit, tangerines, and tangelos grown in the production area in Florida. Shipments of Florida oranges, grapefruit, tangerines, and tangelos are currently regulated through October 20, 1974, pursuant to Orange Regulation 73, Grapefruit Regulation 75, Tangerine Regulation 46, Tangelo Regulation 46, and Export Regulation 24. The proposed extension of the effective period of such regulations is designed to promote orderly marketing and provide consumers with an ample supply of acceptable-quality fruit.

Notice is hereby given that the Department is considering proposed amendments, as hereinafter set forth, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The amendments were proposed by the Growers Administrative Committee, established under said amended marketing agreement and order, as the agency to administer the terms and provisions thereof.

The proposed amendments reflect the committee's appraisal of the need for regulation of shipments of the specified varieties of oranges, grapefruits, tangerines, and tangelos during the period October 21, 1974, through September 28, 1975, based on the available supply and current and prospective market conditions. The amendments are designed to continue shipment of ample supplies of fruit of the better grades and more desirable sizes in the interest of both growers and consumers. The proposed action is designed to maintain orderly marketing conditions by preventing the adverse effect on the market caused by shipment of lower-quality and smaller-size fruit when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The proposed amendments are consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

The regulatory proposals are as follows:

Order. 1. In § 905.555 (Orange Regulation 73; 39 FR 32976) the provisions of paragraph (b) preceding paragraph (1) thereof are amended to read as follows:

§ 905.555 **Orange Regulation 73.**

* * * * *

(b) During the period October 21, 1974, through September 28, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

2. In § 905.556 (Grapefruit Regulation 75; 39 FR 32976) the provisions of paragraph (b) preceding paragraph (1) thereof are amended to read as follows:

§ 905.556 **Grapefruit Regulation 75.**

* * * * *

(b) During the period October 21, 1974, through September 28, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

3. In § 905.557 (Tangerine Regulation 46; 39 FR 32976) the provisions of paragraph (b) preceding paragraph (1) thereof are amended to read as follows:

§ 905.557 **Tangerine Regulation 46.**

* * * * *

(b) During the period October 21, 1974, through September 28, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

4. In § 905.558 (Tangelo Regulation 46; 39 FR 32976) the provisions of paragraph (b) preceding paragraph (1) thereof are amended to read as follows:

§ 905.558 **Tangelo Regulation 46.**

* * * * *

(b) During the period October 21, 1974, through September 28, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

5. In § 905.559 (Export Regulation 24; 39 FR 32976) the provisions of paragraph (b) preceding paragraph (1) thereof are amended to read as follows:

§ 905.559 **Export Regulation 24.**

* * * * *

(b) During the period October 21, 1974, through September 28, 1975, no handler shall ship to any destination outside the continental United States other than to Canada or Mexico:

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250, not later than October 11, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 17, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.74-21970 Filed 9-20-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. OSH-38]

EMPLOYMENT RELATED HOUSING (TEMPORARY LABOR CAMPS)

Safety and Health Standards

Pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12–71 (36 FR 8754) and 29 CFR Part 1911, it is hereby proposed to revise § 1910.142 of 29 CFR as set forth below.

The revision proposed herein contains the standards which, if adopted, would apply generally under the Williams-Steiger Occupational Safety and Health Act of 1970 to housing furnished by employers to employees, to the extent that such housing constitutes a condition of employment. The scope of these standards is more fully described in § 1910.142(a).

Part 620 of 20 CFR sets forth certain standards relating to housing for agricultural workers. Those standards set minimum housing conditions that must be available to farm workers before the Manpower Administration of the U.S. Department of Labor will authorize its recruitment service to be made available to farm employers (see 20 CFR 620.1).

The standards issued by the Manpower Administration are limited in application, as they concern only agricultural employment and only those situations where the Manpower Administration's assistance has been sought to help employers recruit agricultural workers from other states. On the other hand, the occupational safety and health standards proposed herein apply to all employments covered by 29 CFR Part 1910, to the extent that housing is a condition of employment.

There are circumstances where both the proposed Occupational Safety and Health Administration (OSHA) standards and the Manpower Administration standards would apply to the same housing facilities. For example, where housing is furnished by an employer to agricultural employees as a condition of employment, the Manpower Administration housing standards would apply prior to occupancy by the workers and the OSHA standards would apply when the housing facilities are occupied by the employees. To avoid the undue and unnecessary burden of requiring employers to become familiar with and to comply with two sets of standards which may differ in some respects, OSHA's position has been that to the extent the standards overlap, compliance with either standard would be considered compliance under the Occupational Safety and Health Act (37 FR 743).

It has been decided that the policies of OSHA and the Manpower Administration should be further coordinated by the development of a single Department of Labor standard for employment related housing. This standard would be applied and enforced by both agencies within their respective areas of authority.

Accordingly, the revision proposed herein, if adopted, will become the OSHA standard for employment related housing. It is expected that the Manpower Administration would then propose the same standard, so as to achieve uniformity within the Department of Labor. The two agencies would also coordinate their respective enforcement of the single standard.

The significant changes proposed herein are summarized as follows:

(1) The proposal would change the title of § 1910.142 from "temporary labor camps" to "employment related housing" so as to more accurately describe the subject of the standard;

(2) Proposed paragraph (a)(1) sets forth the scope of the standard and clearly indicates that its application is limited to non-mobile housing sites provided by an employer as a condition of employment. (Rulemaking proceedings to be commenced at a future date will be directed toward the establishment of standards specifically applicable to the conditions of mobile housing.);

(3) Proposed paragraph (b)(1) deletes the requirement currently in § 1910.142(a)(1) that drainage through and from the camp will not endanger any public water supply, as occupational safety and health standards should properly relate to employees and their places of employment;

(4) Proposed paragraph (b)(2) adds the requirement to the present § 1910.142(a)(3) that "noxious plants (poison ivy, etc.)" as well as rubbish, debris, garbage, or other refuse be removed from areas surrounding the shelters. Noxious plants present a health hazard and can reasonably be expected to be removed;

(5) Proposed paragraph (b)(3) deletes the requirement in the present § 1910.142(a)(2), that sleeping or living quarters be located at least 500 feet from any area in which livestock is kept. This requirement could prove physically impracticable and unnecessary to the provision of safe or healthy working conditions in many situations, such as may be found in housing of agricultural employees. The proposal modifies § 1910.142(a)(2) by removing the reference to 500 feet and requiring that livestock be located outside the housing site to minimize potential health hazards to employees. The requirement presently in § 1910.142(a)(2) that sites be adequate in size is also deleted by the proposal. This requirement is vague and unnecessary for employee safety and health;

(6) Proposed paragraph (b)(4) adds a new requirement that prohibits storage or mixing of agricultural pesticides and toxic chemicals in the housing site. This requirement does not prohibit the use of household pesticides in shelters;

(7) The proposal deletes the present requirements in paragraphs (b)(4) and (b)(5) which specifically require shelter floors to be of wood, asphalt or concrete and that wood floors be elevated 1 foot above ground to prevent dampness. They are replaced by a requirement in paragraph (c)(2) requiring flooring to be constructed of rigid materials and so located as to prevent the entrance of ground and surface water. Limiting flooring materials to only wood, asphalt or concrete and requiring a 1-foot elevation for wooden floors is unduly limiting where desired results can be attained as well with other materials and construction;

(8) Proposed paragraph (c)(5) would delete the spacing requirements between beds, cots or bunks, currently in paragraph (b)(3). The floor space requirements contained in proposed paragraphs (c)(4) and (c)(7) adequately provide sufficient space for employees within the shelter;

(9) Proposed paragraph (c)(6) requires that separate sleeping accommodations be provided for each sex or each family. This proposal recognizes the potential physiological and psychological problems which may arise where separate facilities are not provided;

(10) Proposed paragraph (c)(8) revises the present paragraph (b)(7), by permitting ventilation of habitable rooms by mechanical or other means as well as by openable windows. The proposed rule would also delete the "one-tenth" and "one-half" requirements relating to provision and construction of windows;

(11) Proposed paragraph (c)(9) would permit existing housing sites provided for agricultural employees and meeting the space requirements of 20 CFR 620.7(c) to be so maintained. Housing sites constructed after the effective date of

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this proposed paragraph would be required to conform to the space requirements of paragraphs (c)(4) and (c)(7) of the proposal;

(12) Proposed paragraph (e)(1) requires that potable water be provided for drinking, cooking, bathing, and laundry purposes and conforms to the definition of potable water to that adopted in the general sanitation standard (§ 1910.141(a)(2)(v));

(13) Proposed paragraph (e)(2) deletes the requirement in the present §1910.142(c)(3) that the water supply system be capable of supplying water for "simultaneous operation" of all fixtures. Such a requirement for "simultaneous operation" appears unrelated to safety and health;

(14) Proposed paragraph (e)(3) references those rules in §1910.141(b) which could find application in this section (i.e., drinking fountains, portable water dispensers, ice in drinking water, open containers, common drinking cups and single service cups). This paragraph has deleted, as being unrelated to safety and health, the requirement in § 1910.142(c)(4) that one drinking fountain be provided for each 100 occupants or fraction thereof and be constructed in accordance with ANSI Standard Specifications for Drinking Fountains, Z4.2–1942. The proposed rule does not require drinking fountains, but does require them to be constructed in accordance with §1910.141(b)(1)(ii) if they are provided. The requirements in §1910.141(b)(1)(ii) are extractions from ANSI Z4.2–1942 and are considered the most relevant rules which do facilitate maintenance of a sanitary facility and are so referenced in lieu of the entire ANSI standard;

(15) Proposed paragraph (f) adds two requirements to the present §1910.142(e). These additions prohibit liquid wastes from being discharged or allowed to accumulate on the ground surface and require the use of septic tank-seepage system or other non-water carriage disposal system in accordance with §1910.143 where public sewers are not available;

(16) Proposed paragraph (g) establishes the number of lavatories and bathing facilities required to be provided in accordance with 20 CFR 620.12. Bathtubs would be permitted in lieu of showerheads. In addition, providing a laundry service would be permitted in lieu of providing laundry facilities. This proposed paragraph also adopts the provision in 20 CFR Part 620 that separate bathing facilities be provided for each sex in common use facilities. Exceptions to this rule are permitted in individual family units and for bathing rooms which are designed for single occupancy;

(17) Standards concerning heating based on 20 CFR 620.9 are set forth in paragraph (h);

(18) Proposed paragraph (i) deletes the specific light level requirements in the present § 1910.142(g) and requires all wiring and lighting fixtures to be installed and maintained in accordance with Subpart S of Part 1910;

(19) Proposed paragraph (j)(1) deletes the requirement currently in § 1910.142(h)(1) that refuse containers be located within 100 feet of each shelter and placed on a wooden, metal, or concrete stand. Location of refuse containers for convenience purposes does not relate to safety and health, nor does the placing of the container on a wooden, metal or concrete stand appear relevant;

(20) Proposed paragraph (k)(2) deletes as being unrelated to safety and health, the rules in the present § 1910.142(d)(2) that toilet rooms shall be located so as to be accessible without any individual passing through any sleeping room and that the window required to be in toilet rooms be at least 6-square feet in area;

(21) Proposed paragraph (k)(3) deletes, as being unrelated to safety and health, the requirement from the present § 1910.142(d)(3) that a toilet room shall be located within 200 feet of the door of each sleeping room;

(22) Proposed paragraph (k)(5) replaces the present § 1910.142(d)(5) and changes the number of toilet facilities required to be provided to conform to the requirements in § 1910.141(c);

(23) Proposed paragraph (k)(6) replaces § 1910.142(d)(6). The proposal deletes the requirement that urinals must be provided and only regulates their construction if they are provided and permits urinals in men's toilet rooms to count towards compliance with the required number of toilets specified in proposed paragraph (k)(5);

(24) Proposed paragraph (l) replaces § 1910.142(b)(10). The proposal deletes the specific requirement for the number of stoves to be provided as being unrelated to safety and health, but includes additional duties that means of refrigeration of food, and tables and chairs for dining, be provided. The intent of these rules are to facilitate prevention of food spoilage and its associated health hazard and to facilitate maintenance of proper housekeeping;

(25) Proposed paragraph (m)(2) deletes § 1910.142(l)(2) a rule prohibiting direct openings from living and sleeping quarters into kitchens or dining halls;

(26) Proposed paragraph (m)(3) deletes from the present the prohibition of employees with communicable disease from working in food service establishments which are "regularly used by persons living in a camp." The present rule could be interpreted as apply to any commercial food establishment frequented by housing occupants. The intent of the proposed rule is to apply only to employer-provided facilities operated in connection with the housing facility, for the employer has no control over outside commercial food establishments and no control over which such establishments his employees might regularly use;

(27) Proposed paragraph (o) modifies § 1910.142(l) by placing the duty of reporting on the employer rather than the camp superintendent. This does not prohibit the employer from designating an individual to perform the tasks but places the responsibility on the employer to insure they are performed;

(28) Proposed paragraph (o) adds two new subparagraphs designed to insure the establishment and facilitate the effectiveness of a plan of communication to provide emergency medical services;

(29) Proposed paragraph (p) prescribes several common practices relating to fire prevention and protection and requires a fire suppression system in accordance with Subpart L of Part 1910 to be provided; and

(30) Proposed paragraph (q) requires all shelters to be provided with means of egress in accordance with the provisions of Subpart E of Part 1910. Providing proper means of egress from buildings is considered a major aspect in protecting the safety and health of the occupants of a building.

Written comments concerning the proposal may be mailed to the U.S. Department of Labor, Occupational Safety and Health Administration, Docket Officer, Docket OSH–38, Room 220, 1726 M Street, NW., Washington, DC 20210, on or before October 23, 1974. The data, views, and arguments will be available for public inspection and copying at the above address.

Pursuant to 29 CFR 1911.11 (b) and (c), interested persons may, in addition to filing written matter as provided above, file objections to the proposal requesting an informal hearing with respect thereto, in accordance with the following conditions:

(1) The objections must include the name and address of the objector.

(2) The objections must be postmarked on or before October 23, 1974.

(3) The objections must specify with particularity the provision of the proposed rule to which objection is taken, and must state the grounds therefor.

(4) Each objection must be separately stated and numbered.

(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

As revised, § 1910.142 would read as follows:

§ 1910.142 Employment related housing.

(a) *General*—(1) *Scope.* (i) This section is applicable to all housing sites, including those that utilize tents, that are owned, managed or controlled by employers and are furnished by them to employees as a condition of employment; however, facilities which because of the nature of the work are mobile, such as may be the case with trailers and railroad cars, are not subject to the requirements in this section unless such normally mobile facilities are permanently located and not utilized as mobile facilities.

(ii) The furnishing of housing sites will be deemed "a condition of employment" only when the employees are required by the employer to utilize them, or are compelled by the practical or economic realities of the employment situation to utilize them. However, if housing

made available by an employer is accepted by employees voluntarily, without contractual or practical compulsion, for example, on normal landlord-tenant basis and in preference to other reasonably available facilities, such housing would not constitute a condition of employment.

(2) *Definitions applicable to this section.* (i) Subject to the limitations set forth in paragraph (a)(1) of this section, "Housing site" means the land site, shelters, service facilities and related appurtenances, provided by an employer for the occupancy and use by employees engaged in any occupation or work for which a labor force is maintained in such housing.

(ii) "Shelter" means any structure, within the scope of this section, of one or more rooms, used for sleeping or living purposes.

(b) *Site.* (1) All housing site land shall be adequately drained. Housing sites shall not be subject to periodic flooding, nor located within 200 feet of swamps, pools, sink holes, or other surface collections of water unless such quiescent water surfaces are subjected to effective mosquito control measures. Housing sites shall be located so the drainage from and through the site will not endanger its water supply. All housing site land shall be graded, ditched, and rendered free from depressions in which water may collect.

(2) The grounds and open areas surrounding the shelters shall be maintained in a clean and sanitary condition free from noxious plants (poison ivy, etc.), rubbish, debris, garbage, or other refuse.

(3) Livestock shall not be quartered or fed within the housing site.

(4) Agricultural pesticides and toxic chemicals shall not be stored or mixed in the housing site, nor shall empty containers be used or stored in, or adjacent to the housing site.

(c) *Shelter.* (1) Every shelter shall have a waterproof roof.

(2) Shelters shall have flooring constructed of smoothly finished and readily cleanable rigid materials, and so located as to prevent the entrance of ground and surface water.

(3) Nothing in this section shall be construed to prohibit "banking", where floors are elevated, with earth or other suitable material around the outside walls in areas subject to extreme low temperatures.

(4) Each room used for sleeping purposes shall contain at least 50 square feet of floor space for each employee except as permitted by paragraph (c)(9) of this section. At least one-half of the floor area in each sleeping area shall have a minimum ceiling height of 7 feet.

(5) Beds, cots, or bunks, and suitable storage facilities such as wall lockers for clothing and personal articles shall be provided in every room used for sleeping purposes for each employee accommodated there. Triple-deck bunks are prohibited.

(6) Separate private areas for sleeping shall be provided for each sex or each family.

(7) In a room where employees cook, live, and sleep a minimum of 100 square feet per employee shall be provided except as permitted by paragraph (c)(9) of this section.

(8) Except where ventilation is provided by mechanical or some other method, each habitable room in a shelter shall have openable windows or skylight openings directly to the out-of-doors.

(9) Housing sites constructed prior to (effective date of this paragraph would be inserted here), provided for the use of agricultural employees and meeting the space requirements in effect on that date under 20 CFR 620.7(c) are deemed to be in compliance with the space requirements of this paragraph. The requirements of that provision are that the following be provided:

(i) For sleeping purposes only in family units and in dormitory accommodations using single beds, not less than 50 square feet of floor space per occupant;

(ii) For sleeping purposes in dormitory accommodations using double bunk beds only, not less than 40 square feet per occupant;

(iii) For combined cooking, eating, and sleeping purposes not less than 60 square feet of floor space per occupant.

(d) *Insect and rodent control.* (1) Every enclosed shelter shall be constructed, equipped and maintained, so far as reasonably practicable, in such a manner as to prevent the entrance or harborage of rodents, insects and other vermin. A continuing and effective extermination program shall be instituted where their presence is detected.

(2) Exterior openings in all shelters shall be effectively screened where necessary to limit the entrance of insects, rodents and other vermin.

(3) Where necessary to limit the entrance of insects, rodents and other vermin, all screen doors shall be tight fitting, in good repair, and equipped with self-closing devices.

(e) *Water supply.* (1) Potable water shall be provided for drinking, cooking, bathing, and laundry purposes. "Potable water" means water which meets the quality standards prescribed in the U.S. Public Health Service Drinking Water Standards published in 42 CFR Part 72, or water which is approved for drinking purposes by the State or local authority having jurisdiction.

(2) Water outlets shall be distributed throughout the housing site in such a manner that no shelter is more than 100 feet from a yard hydrant if water is not piped to the shelters.

(3) There shall be compliance with the requirements prescribed in § 1910.141(b), relating to water supply, drinking fountains, portable drinking water dispensers, ice in contact with drinking water, open containers for drinking water, common drinking cups, single service cups and use of nonpotable water.

(f) *Excreta and liquid waste disposal.* (1) Facilities shall be provided and maintained for effective disposal of excreta and liquid waste. Raw or treated liquid waste shall not be discharged or allowed to accumulate on the ground surface.

(2) Where public sewer systems are available, all facilities for disposal of excreta and liquid wastes shall be connected thereto.

(3) Where public sewers are not available, a subsurface septic tank-seepage system or other type of liquid waste treatment and disposal system or a non-water carriage disposal system in accordance with § 1910.143 of this Part, shall be provided.

(g) *Laundry, handwashing, and bathing facilities.* (1) Bathing and handwashing facilities, supplied with hot and cold water, shall be provided for the use of all employees.

(2) There shall be a minimum of 1 bathtub or shower head per 15 employees or fraction thereof. Shower floors shall be constructed of nonabsorbent materials and sloped to properly constructed floor drains. Except in individual family units, and except as otherwise indicated in this paragraph, bathing facilities in rooms separate for each sex, shall be provided. The number of facilities to be provided for each sex shall be based on the number of employees of that sex who are accommodated within the housing site. Where bathing rooms will be occupied by no more than one employee at a time, can be locked from the inside, and contain at least one shower head or bathtub, separate rooms for each sex need not be provided. Where such single occupancy rooms have more than one shower head or bathtub, only one such facility in each room shall be counted for the purpose of meeting minimum bathing facility requirements. When common use bathing facilities for both sexes are in the same building they shall be separated by a solid nonabsorbent wall extending from the floor to ceiling, or roof, and shall be plainly designated "men" or "women" in English and in the native language of the employees expected to occupy the shelters.

(3) Lavatories or equivalent units shall be provided in a ratio of 1 per 15 employees or fraction thereof. In a multiple use lavatory, 24 linear inches of wash sink or 20 inches of a circular basin, when provided with water outlets for each space, shall be considered equivalent to one lavatory.

(4) Laundry facilities supplied with hot and cold water under pressure and facilities for drying clothes or laundry service, shall be provided for the use of all employees.

(h) *Heating.* (1) All living quarters and service rooms shall be provided with operable heating equipment capable of maintaining a temperature of at least 68° F. if during the period of normal occupancy the temperature in such quarters falls below 68° F.

(2) Any stoves or other sources of heat utilizing combustible fuel shall be installed and vented in such a manner as to prevent fire hazards and a dangerous concentration of gases. No portable heaters other than those operated by electricity shall be permitted. If a solid or liquid fuel stove is used in a room with wooden or other combustible flooring, there shall be a concrete slab, in-

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sulated metal sheet, or other fire resistant, material on the floor under each stove, extending at least 18 inches beyond the perimeter of the base of the stove.

(3) Any wall or ceiling within 18 inches of a solid or liquid fuel stove or a stovepipe shall be of fire resistant material. A vented metal collar shall be installed around a stovepipe, or vent passing through a wall, ceiling, floor or roof of combustible material.

(4) When a heating system has automatic controls, the controls shall be of the type which cut off the fuel supply upon the failure or interruption of the flame or ignition, or whenever a predetermined safe temperature or pressure is exceeded.

(i) *Electricity and lighting.* (1) Unless the community is not served by electricity, each habitable room and all common use rooms, and areas such as laundry rooms, toilets, hallways, stairways, etc., shall contain lighting from ceiling or wall-type light fixtures. At least one wall-type electrical convenience outlet shall be provided in each individual living room.

(2) Where the community is not served by electricity, other means of lighting shall be provided in those areas specified in subparagraph (1) of this paragraph.

(3) Lighting shall be provided for pathways to common use facilities.

(4) All wiring and lighting fixtures shall be installed and maintained in accordance with Subpart S of this Part.

(j) *Refuse disposal.* (1) Fly-tight, rodent-tight, impervious, cleanable or single service containers shall be provided for the storage of garbage. At least one such container shall be provided for each shelter.

(2) Garbage containers shall be emptied when they are full, but not less than twice a week while in use and shall, when emptied, be cleansed of any solid or liquid waste materials that adhere to the container surfaces.

(k) *Toilet facilities.* (1) Toilet facilities shall be provided in accordance with the requirements of this paragraph.

(2) Toilet rooms shall have a window opening directly to the outside area or otherwise be ventilated. No water closet, chemical toilet, or urinal shall be located in a room used for other than toilet or washing purposes.

(3) No privy (nonwater carriage toilet room) shall be closer than 100 feet to any sleeping room, dining room, lunch area, or kitchen.

(4) Where the toilet facilities are shared, such as in multi-family shelters and in barracks type facilities, they shall be kept in a sanitary condition, cleaned at least daily and supplied with toilet paper. Separate toilet rooms shall be provided in such shared facilities for each sex, except as provided in subparagraph (5) of this paragraph. These rooms shall be distinctly marked "men" or "women" by signs printed in English and in the native language of the employees expected to occupy the shelters, or marked with easily understood pictures or symbols. If the facilities for each sex are in the same building, they shall be separated by solid walls or partitions extending from the floor to the roof or ceiling.

(5) Toilet facilities, shall be provided in accordance with Table J–1 of § 1910.141. The number of facilities to be provided for each sex shall be based on the number of employees of that sex for whom the facilities are furnished. Where toilet rooms will be occupied by no more than one employee at a time, can be locked from the inside, and contain at least one water closet or nonwater carriage facility, separate toilet rooms for each sex need not be provided. Where such single-occupancy rooms have more than one toilet facility, only one such facility in each toilet room shall be counted for the purpose of Table J–1.

(6) Urinals, constructed of nonabsorbent materials, may be substituted for men's toilet seats on the basis of one urinal or 24 inches of trough-type urinal for one toilet seat up to a maximum of one-third of the required toilet seats.

(l) *Cooking and eating facilities.* (1) When employees are permitted or required to cook in their individual shelter, a space shall be provided and equipped for cooking and eating. Such space shall be provided with:

(i) A cookstove or hot plate;

(ii) Food storage shelves and a counter for food preparation;

(iii) Provisions for refrigeration to maintain food at a temperature of not more than 45° F; and

(iv) A table and chairs or equivalent seating and eating arrangements to accommodate the number of employees living in the shelter.

(2) When employees are permitted or required to cook and eat in a common facility, a room or building separate from the sleeping facilities shall be provided for cooking and eating. Such room or building shall be provided with:

(i) Stoves or hot plates;

(ii) Adequate food storage shelves and a counter for food preparation;

(iii) Refrigeration to maintain food at a temperature of not more than 45° F;

(iv) Tables and chairs or equivalent seating to accommodate the number of employees intending to use the facility at any one time;

(v) Sinks and hot and cold water under pressure; and

(vi) Floors shall be of nonabsorbent materials.

(m) *Construction and operation of kitchens, dining hall, and feeding facilities.* (1) In all housing sites where central dining or multiple feeding operations are permitted or provided, the food handling facilities and operations shall be carried out in accordance with sound hygienic principles. The food dispensed shall be wholesome, free from spoilage, and shall be processed, prepared, handled, and stored in such a manner as to be protected against contamination.

(2) A kitchen and dining hall, separate from the sleeping quarters of the employees, shall be provided in connection with all food handling facilities.

(3) No person with any communicable disease shall be employed or permitted to work in the preparation, cooking, serving, or other handling of food, foodstuffs, or materials used therein, in any kitchen or dining room operated in connection with a housing site.

(n) *First aid.* First aid facilities shall be provided in accordance with the requirements of paragraph (b) of §1910.151.

(o) *Reporting communicable disease.* (1) It shall be the duty of the employer to report immediately to the local health officer the name and address of any individual in the housing site known to have or suspected of having a communicable disease.

(2) Whenever there shall occur in any housing site a case of suspected food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, it shall be the duty of the employer to report immediately the existence of the outbreak to the health authority by telegram or telephone.

(3) A plan of communication shall be arranged to provide emergency medical service on a 24-hour basis.

(4) Instructions for the use of this plan of communication, including if appropriate, telephone numbers for emergency services, shall be posted at the site in English and in the common language of the employees expected to occupy the housing site.

(p) *Fire protection.* (1) Fires are prohibited in the housing site, except in equipment specifically designed for such purposes.

(2) No stove or combustion heater shall be located so as to block escape from a shelter.

(3) All housing sites shall be equipped with a means of arousing the employees in the event of danger from fire or other emergency.

(4) A portable or fixed fire suppression system in accordance with Subpart L of this Part shall be provided for all shelters.

(q) *Means of egress.* All shelters shall be provided with means of egress in accordance with the provisions of Subpart E of this Part.

(Sec. 6(b), Pub. L. 91-596, 84 Stat. 1593 (29 U.S.C. 655), Secretary of Labor's Order No. 12-71 (36 FR 8754))

Signed at Washington, D.C. this 16th day of September 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-21986 Filed 9-20-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 416]

[Regs. No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Reopening of Determinations and Decisions

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments provide policies and procedures with respect to the reopening of determinations or decisions under the Supplemental Security Income program.

The rules set forth in the proposed regulations will be applied by the Social Security Administration in order to administer the Supplemental Security Income program during the period from January 1, 1974, when the new program became effective, until the regulations are finally adopted.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before October 23, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendment is to be issued under the authority contained in sections 1102, and 1631, 49 Stat. 647, as amended, 86 Stat. 1476, 42 U.S.C. 1302, 1383.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: September 2, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 13, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding to Subpart N new §§ 416.1475–416.1487 to read as follows:

Subpart N—Determinations, Reconsiderations, Hearings, Appeals, and Judicial Review

Sec.

416.1475 Reopening and revision for error or other reason; time limit generally.
416.1477 Reopening initial, revised, or reconsidered determinations of the Administration, and decisions or revised decisions of a presiding officer or the Appeals Council; finality of determinations and decisions.
416.1479 Good cause for reopening a determination or decision.

Sec.

416.1481 Change of ruling or legal precedent.
416.1483 Notice of revision.
416.1485 Effect of revised determination or decision.
416.1487 Time and place of requesting reconsideration or hearing on revised determination.

§ 416.1475 Reopening and revision for error or other reason; time limit generally.

(a) *Initial, revised, or reconsidered determination.* An initial, revised, or reconsidered determination (see § 416.1403 and § 416.1416) may be reopened and revised by the Administration on its own motion or upon the petition of any party for such reasons and within such time periods as prescribed in § 416.1477.

(b) *Decision or revised decision of a presiding officer or the Appeals Council.* Either upon the motion of the presiding officer or the Appeals Council, or upon the petition of any party to a hearing, any decision of a presiding officer as prescribed in § 416.1457 or any revised decision of a presiding officer may be reopened and revised by such presiding officer, or by another presiding officer if the presiding officer who issued the decision is unavailable, or by the Appeals Council for such reasons and within such time periods as prescribed in § 416.1477. Any decision of the Appeals Council provided for in § 416.1469 or any revised decision of the Appeals Council, may be reopened and revised by the Appeals Council for such reasons and within such time periods as prescribed in § 416.-1477. For purposes of this paragraph (b), a presiding officer shall be considered to be unavailable, if among other circumstances, such presiding officer has died, terminated his employment, is on leave of absence, has been transferred to another official station, or is unable to conduct a hearing because of illness.

§ 416.1477 Reopening initial, revised, or reconsidered determinations of the Administration, and decisions or revised decisions of a presiding officer or the Appeals Council; finality of determinations and decisions.

An initial, revised, or reconsidered determination of the Administration or a decision or revised decision of a presiding officer or of the Appeals Council which is otherwise final under § 416.1405, § 416.-1423, § 416.1458, or § 416.1470 may be reopened:

(a) Within 12 months from the date of the notice of the initial determination (see § 416.1404), to the party to such determination, or

(b) After such 12-month period, but within 2 years from the date of the notice of the intial determination to the party to such determination, upon a finding of good cause for reopening such determination or decision, or

(c) At any time when such initial, revised, or reconsidered determination or decision or revised decision was procured by fraud or similar fault of the claimant or some other person.

§ 416.1479 Good cause for reopening a determination or decision.

"Good cause" for reopening a determination or decision shall be deemed to exist where:

(a) A clerical error has been made or there is an error on the face of the evidence on which such determination or decision is based, or

(b) New and material evidence is furnished after notice to the party to the initial determination.

§ 416.1481 Change of ruling or legal precedent.

"Good cause" shall be deemed not to exist where the sole basis for reopening the determination or decision is a change of legal interpretation or administrative ruling upon which such determination or decision was made.

§ 416.1483 Notice of revision.

(a) When any determination or decision is revised, as provided in § 416.1475, notice of such revision shall be mailed to the parties to such determination or decision at their last known addresses and to their representatives. The notice of revision which is mailed to the parties shall state the basis for the revised determination or decision.

(b) Where an initial or reconsidered determination is revised and such revised determination involves an adverse action, other than cessation of disability due to medical improvement, which requires advance notice and continuation of payments in accordance with § 416.1336, the notice of revision shall inform the parties of their right to reconsideration as provided in § 416.1408 and § 416.1419(a).

(c) Where an initial or reconsidered determination is revised and such revised determination does not involve an adverse action which requires advance notice and continuation of payments, or such revised determination involves cessation of disability due to medical improvement which requires advance notice and continuation of payments, the notice of revision shall inform the parties of their right to a hearing as provided in § 416.1425.

(d) Where a presiding officer or the Appeals Council proposes to revise a decision and the revision would be based on evidence theretofore not included in the record on which the decision proposed to be revised was based, the parties shall be given notice of the proposal of the presiding officer or the Appeals Council, as the case may be, to revise such decision, and unless hearing is waived, a hearing with respect to such proposed revision shall be granted as provided in this Subpart N. A revised decision of a presiding officer or the Appeals Council, as the case may be, shall be rendered on the basis of the entire record, including additional evidence. If the decision is revised by a presiding officer, any party thereto may request review by the Appeals Council (see § 416.1461) or the Appeals Council may review the decision on its own motion (see § 416.1463).

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(e) Where a presiding officer, in connection with a valid request for hearing, proposes to reopen an issue other than the one on which the request for hearing is based, he must provide notice in accordance with § 416.1434(b) and such action must be initiated within the time limits prescribed in § 416.1477.

§ 416.1485 Effect of revised determination or decision.

The revision of a determination or decision shall be final and binding upon all parties thereto unless a party to the determination or decision authorized to do so in accordance with § 416.1483 files a written request for reconsideration (see § 416.1483(b)) or a hearing with respect to a revised determination in accordance with § 416.1487 or a revised decision is reviewed by the Appeals Council as provided in § 416.1465 or such revised determination or decision is further revised in accordance with § 416.1475 and § 416.1477.

§ 416.1487 Time and place of requesting reconsideration or hearing on revised determination.

The request for reconsideration or hearing shall be made in writing and filed at an office of the Administration, or with a presiding officer, or the Appeals Council, within 30 days after notice of the Administration's revised determination is received by a party to such determination. Upon the filing of such request, the reconsideration or hearing with respect to such revision shall be processed and a determination or decision made in accordance with the provisions of § 416.1416 or § 416.1457, respectively.

[FR Doc.74-21993 Filed 9-20-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-33; Notice 1]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Protection From Steering Control System

This notice proposes an amendment of Standard No. 203, *Impact protection from the steering control system*, 49 CFR §571.203, that would exclude some passenger cars which meet the frontal barrier crash requirements of Standard No. 208, *Occupant crash protection*, from the steering control systems impact requirements of Standard No. 203.

Standard No. 203 limits the amount of force which would be experienced by a driver's torso in an impact with the steering control system of a passenger car. Standard No. 208's frontal barrier crash requirement (S5.1) limits the amount of acceleration experienced by an occupant's torso (upper thorax) at any vehicle speed up to 30 mph in an impact with a fixed barrier. This level of protection is at least equivalent to that of the 15-mile-per-hour body impact of Standard No. 203.

Standard No. 208's broadly stated performance requirements permit the vehicle manufacturer to moderate these impact forces by any design he chooses. General Motors has developed an air cushion restraint system to meet S5.1 that is mounted in the steering control system at the driver's position. In modifying the steering control system to incorporate the cushion device and to accept the higher loads which would be exerted on it in the event of a crash, the steering system's structure is strengthened and its energy absorbing characteristics and mass are increased. These changes in the steering control make its conformity with Standard No. 203 difficult and in some cases impossible. General Motors has petitioned to exempt passenger cars which conform to S5.1 from Standard No. 203 on the grounds that the latter has become redundant and design restrictive in the development of their crash-deployed restraint system.

The occupant protection requirements of S5.1 alone are designed to provide adequate protection to the driver from impact forces. In the case of an air cushion restraint system, this protection level must be met by the uncushioned steering control system below the system's deployment level and by the cushion system above the deployment level. Redundant protection does not appear justified in this case where it directly interferes with development of a more advanced, convenient, and effective restraint system. For crash-deployed restraint systems, therefore, the GM petition appears to have merit.

The proposed exemption would extend only to vehicles equipped with restraint systems other than safety belt assemblies. The NHTSA cannot propose elimination of redundant protection in belt-equipped vehicles at this point. Although advanced passive belt systems show promise of close to 100 percent usage, actual experience with these systems is insufficient to justify an exemption from Standard No. 203. As long as it can be expected that a significant number of belt systems will be defeated, the redundant protection of Standard No. 203 should remain available to occupants. In any case, the steering control system requirements do not interfere with design of belt restraint systems.

The proposed effective date of the amendment would be the date of publication of the final rule, because the proposed exclusion does not create any additional burden on manufacturers.

In consideration of the foregoing, it is proposed that the paragraph S3. (Application) in Standard No. 203 (49 CFR § 571.203) be amended to read as follows:

S3. *Application.* This standard applies to passenger cars. However, it does not apply to vehicles that conform to the frontal barrier crash requirements (S5.1) of Standard No. 208 (§ 571.208) by means other than seat belt assemblies.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: November 22, 1974.

Proposed effective date: Date of publication of the final rule.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on September 18, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74-21989 Filed 9-20-74;8:45 am]

[49 CFR Part 571]

[Docket No. 74-1; Notice 2]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Proposed Safety Standard for Power-Operated Window Systems

This notice proposes an amendment of 49 CFR 571.118, Motor Vehicle Safety Standard No. 118, *Power-Operated Window Systems*, that would permit operation of power windows under certain circumstances even though the ignition is not in the "on" position.

The agency proposed on January 10, 1974 (39 FR 1517) that a power-operated window could be movable "if a door does not have a frame that meets the upper edge of the window in its closed position, by activation of a switch that is separated from the normal power window switch and energized only when the door locking mechanism is completely disengaged from the door lock striker."

American Motors in responding to the notice expressed its opinion that a hazardous situation could still result when the door locking mechanism was disengaged from the striker, if the door had not opened far enough to remove its window in a fully raised position from the vicinity of the roof rail, and was prevented from opening further by an obstruction such as an adjoining vehicle. American Motors suggested a minimum distance of 6 to 8 inches between the trailing edge of the raised window and the roof rail, equivalent to a child's head diameter, before the window could be moved without the ignition key in the "on" position. The NHTSA believes that this comment has merit. It is therefore amending its prior proposal to specify that the auxiliary window switch may be "energized only when its door is open wide enough to permit a ball 8 inches in diameter to pass between the top trailing edge of the window in its fully raised position, and the vehicles roof rail."

In consideration of the foregoing, it is proposed that in 49 CFR 571.118, S3 be revised to read as follows:

§ 571.118 Motor Vehicle Safety Standard No. 118; power-operated window systems.

• • • • •

S3. *Requirements.* When the key that controls activation of the vehicle's engine is in an off position or is removed from the lock, no power-operated window or partition shall be movable except—

(a) By muscular force, unassisted by a power source within the vehicle;

(b) Upon activation by a key-locking system on the exterior of the vehicle or;

(c) If a door does not have a frame that meets the upper edge of the window in its closed position, by activation of a switch that is separate from the normal power window switch and energized only when the door is open wide enough to permit a ball 8 inches in diameter to pass between the top trailing edge of the window, in its fully raised position, and the vehicle's roof rail.

• • • • •

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible comments filed after the closing date will be also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: October 23, 1974.

Proposed effective date: Thirty days after publication of final rule in the FEDERAL REGISTER.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on September 18, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74-21990 Filed 9-20-74;8:45 am]

[Docket No. 73-3; Notice 2]

[49 CFR Part 571]

SCHOOL BUS PASSENGER CRASH PROTECTION

Proposed Federal Motor Vehicle Safety Standard; Extension of Comment Period

A second notice proposing a new motor vehicle safety standard, "School bus passenger seating and crash protection," was published on July 30, 1974 (39 FR 27585).

The announced closing date for comments on this proposal was September 24, 1974. After considering petitions for an extension of this deadline by the School Bus Manufacturers Institute and the Motor Vehicle Manufacturers Association, NHTSA hereby extends the comment closing date until October 24, 1974.

In granting this limited extension the NHTSA wishes to emphasize the importance it attaches to issuing a final rule in time to maintain its proposed effective date of January 1, 1976. There has been much public interest and numerous expressions of Congressional opinion on school bus passenger crash protection. The NHTSA expects to issue a final rule promptly, and not to postpone the effective date. A longer comment period extension would jeopardize that effective date by shortening lead times for affected manufacturers.

(Secs. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407; delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on September 18, 1974.

ROBERT L. CARTER,
Associate Administrator
Motor Vehicle Programs.

[FR Doc.74-21965 Filed 9-20-74;8:45 am]

ACTION

[45 CFR Part 1217]

VISTA VOLUNTEER LEADER

Proposed Designation Provisions

Notice is hereby given that the Director of ACTION proposes to amend amend Chapter XII of Title 45, Code of Federal Regulations, to add a new Part 1217. Pursuant to sections 105(a) and 420 of the Domestic Volunteer Service Act of 1973, Public Law 93-113, 87 Stat. 398 and 414, the proposed regulation provides for the designation of volunteer leaders for the VISTA volunteer program. Such leaders are designated after at least one year of service on the basis of experience and special skills and a demonstrated leadership among volunteers.

Inquiries may be addressed and comments and views concerning the proposed new part may be submitted to ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525, Attention: Associate Director for Domestic and Anti-Poverty Operaions. All comments received on or before October 21, 1974 will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

It is therefore proposed to add a new Part 1217 to Chapter XII of Title 45 of the Code of Federal Regulations as follows:

PART 1217—VISTA VOLUNTEER LEADER

Sec.
1217.1 Introduction.
1217.2 Establishment of position.
1217.3 Qualifications.
1217.4 Selection procedure.
1217.5 Allowances and benefits.
1217.6 Roles of volunteers.

AUTHORITY: (Sections 104(b) and 420 of Pub. L. 93-113, 87 Stat. 398 and 414.)

§ 1217.1 Introduction.

Section 105(a)(1), Part A, of the Domestic Volunteer Service Act of 1973, P.L. 93-113, 87 Stat. 398, authorizes the Director of ACTION to pay VISTA volunteers a stipend not to exceed $50 per month and a stipend not to exceed $75 a month in the case of VISTA volunteers who have served for at least a year and have been designated volunteer leaders. Section 105(a)(1) further provides that the selection of volunteer leaders shall be pursuant to standards, established in regulations which the Director shall prescribe, which shall be based upon the experience and special skills and the demonstrated leadership of such persons among volunteers.

§ 1217.2 Establishment of position.

A request for the proposed establishment of VISTA volunteer leader position for a specific project shall be submitted by a sponsor in writing in advance to the appropriate ACTION Regional Director. Specific tasks, responsibilities, qualifications, and the proposed supervisory structure are to be detailed in the request.

§ 1217.3 Qualifications.

A volunteer recommended for a VISTA volunteer leader position must have:

(a) completed a one-year term as a VISTA volunteer.

(b) demonstrated ability to work constructively and communicate with volunteers, supervisor/sponsor, and the target population.

(c) demonstrated ability to work well with and gain acceptance of other volunteers.

(d) demonstrated ability to provide self-motivation and self-direction, and maturity to accept supervision and direction from supervisor/sponsor.

(e) sensitivity to the needs and attitudes of others, and exhibit a sincere commitment to the mission of VISTA.

§ 1217.4 Selection procedure.

(a) *Nomination.* Candidates may be nominated in writing to the Regional Di-

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rector by the Program Officer or the State Program Director in whose area the volunteer serves. The nomination shall include a copy of the completed ACTION Form V–95a, for the Regional Director's review.

(b) *Selection.* VISTA volunteer leaders will be selected by the Regional Director (or his designee). The criteria for selection shall include:

(1) The recommendation of the volunteer by the State Program Director or Program Officer.

(2) An overall rating by the supervisor/sponsor of above average on the ACTION Form V–95a.

(3) A description of specific tasks, responsibilities, qualifications, and the proposed supervisory structure, which justifies the establishment of the VISTA volunteer leader position. A selection decision is final.

(c) *Reenrollment.* VISTA volunteer leaders may be reenrolled in accordance with the VISTA reenrollment and extension policy.

§ 1217.5 Allowances and benefits.

The VISTA volunteer leader shall be entitled to all allowances and benefits of a VISTA volunteer at the level which is consistent with the level for all volunteers on his/her project, except that:

(a) The stipend will be increased from $50 to $75 per month effective on the date of selection of the VISTA volunteer leader.

(b) Support for on-the-job transportation may be increased, consistent with ACTION policy.

§ 1217.6 Roles of volunteers.

VISTA volunteer leaders may have the following roles:

(a) Primary contact with VISTA volunteers on personal and administrative matters.

(b) Aid in communication of VISTA policies to VISTA volunteers.

(c) Encourage and develop VISTA volunteer leadership and initiative on projects.

(d) Aid as a resource in development and conduct of training programs.

(e) Assist sponsor in preparation for arrival of VISTA volunteers, and assist new volunteers in settling-in, housing, orientation, etc.

(f) Aid in the development of meaningful relationship and understanding of individual program concepts with VISTA volunteers and supervisor/sponsor.

(g) Advise supervisor on potential problem areas, and needs of VISTA volunteers.

(h) Aid supervisor/sponsor in the redevelopment of projects to best meet goals and objectives addressing the community's problem(s).

Issued in Washington, D.C. on September 17, 1974.

MICHAEL P. BALZANO, Jr.,
Director, ACTION.

[FR Doc.74–21952 Filed 9–20–74;8:45 am]

[45 CFR Part 1219]

COMPETITIVE SERVICE ELIGIBILITY

Proposed Policy Provisions

Notice is hereby given that the Director of ACTION proposes to amend the Code of Federal Regulations to add a new Part 1219. This Part implements section 415(d) of the Domestic Volunteer Service Act of 1973, Public Law 93–113, 87 Stat. 412. It provides ACTION policy as to which VISTA Volunteers have successfully completed their periods of service so as to be eligible for appointment in the Federal competitive service in the same manner as Peace Corps Volunteers as prescribed in Executive Order No. 11103 (April 10, 1963).

Inquiries may be addressed and comments and views concerning the proposed new Part may be submitted to ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525, Attention: Associate Director for Domestic and Anti-Poverty Operations. All comments received on or before October 21, 1974, will be considered. All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

It is therefore proposed to add a new Part 1219 to Chapter XII of Title 45 of the Code of Federal Regulations as follows:

PART 1219—COMPETITIVE SERVICE ELIGIBILITY

Sec.
1219.1 Introduction.
1219.2 Policy.
1219.3 Procedure.

AUTHORITY: (Sections 415(d) and 420 of Public Law 93–113, 87 Stat. 412 and 414.)

§ 1219.1 Introduction.

Section 415(d), Title IV, of the Domestic Volunteer Service Act of 1973, Public Law 93–113, 87 Stat. 412, provides that VISTA Volunteers who have successfully comleted their period of service shall be eligible for apointment in the Federal competitive service in the same manner as Peace Corps Volunteers as prescribed in Executive Order No. 11103 (April 10, 1963). This section further provides that the Director of ACTION shall determine who has successfully completed his period of service in accordance with regulations he shall prescribe.

§ 1219.2 Policy.

Certificates of satisfactory service for the purpose of this order shall be issued only to persons who have completed at least one full year of service as a full-time Volunteer under Part A of Title I of the Domestic Volunteer Service Act of 1973 (or Title VIII of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2991–2994d), and who have not been terminated for cause.

§ 1219.3 Procedure.

(a) The Deputy Associate Director for VISTA and Anti-Poverty Programs will ensure that each eligible VISTA Volunteer is promptly notified of his eligibility for competitive service, prior to the completion of his service.

(b) The Deputy Associate Director for VISTA and Anti-Poverty Programs (or his designee) shall, upon the request of a duly recognized representative of any agency in the Executive Branch, certify the VISTA Volunteer's service on ACTION Form A–507.

Issued in Washington, D.C. on September 17, 1974.

MICHAEL P. BALZANO, Jr.,
Director, ACTION.

[FR Doc.74–21953 Filed 9–20–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 265–6]

IOWA

Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards. The State of Iowa submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. 40 CFR 51.8 requires the Administrator to approve or disapprove compliance schedules submitted by the States. Therefore, the Administrator proposes the approval of the compliance schedules listed below.

The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules, and have been reviewed and determined to be consistent with the approved control strategies of Iowa. Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the Federally approved State implementation plan. This date is indicated in the table below, under the heading "Final Compliance Date". In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Under Iowa law, the compliance schedule is not enforceable after the date on which the associated variance expires and variances cannot extend for more than one year. Therefore, to the extent that the schedules extend past the variance expiration date, they are not legally enforceable at this time. For this reason, EPA's approval of each compliance schedule will be unconditional only as to that part of the schedule covered by the initial variance. Approval of the remainder of the schedule will be conditioned upon the State's renewal of the variance in identical form and substance to that included in the schedule submitted to the Environmental Protection Agency and approved herein. If the variance is renewed in this manner, the condition precedent will be satisfied and the approval of the next segment of the schedule would not require further action by the State or this Agency. If the variance is not renewed, or is modified from the version that had been Federally approved, the condition will not be fulfilled, the approval of the remainder of the schedule would not be effective, and the State's immediately-effective regulation would again become Federally enforceable.

Provisional approval of final compliance dates and extensions of variances is justifiable only because of the one-year variance limitation in the law of Iowa. Since there will be no substantive changes in the schedules set forth below and public hearings were held on the complete schedule, there is no reason to require compliance with 40 CFR 51.6 procedures at the time Iowa renews each variance. The schedules were immediately effective on the date of adoption. An Effective Date is not indicated on the table. The Variance Expiration Date is included instead. One schedule appeared in the November 27, 1973 FEDERAL REGISTER as Chariton Valley Foundry, Centerville. The company has subsequently been renamed and appears in this proposal as L. Benac and Son, Inc.

In the indication of proposed approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large numbers of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports and the compliance schedules proposed to be approved or disapproved are available for public inspection at the Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, Missouri 64108.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Region VII office at the above address. All comments submitted on or before October 23, 1974 will be considered. Receipt of comments will be acknowledged but substantive responses will not be provided. All comments received, as well as copies of the applicable implementation plans, will be available for inspection during normal business hours at the Regional Office.

(42 U.S.C. 1857c–5)

Dated: June 11, 1974.

JEROME H. SVORE,
Regional Administrator.

Subpart Q—Iowa

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

§ 52.825 [Amended]

1. In § 52.825 the table in paragraph (c) is revised as follows:

§ 52.825 Compliance Schedules.

(c) • • •

IOWA

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
Foote Mineral Co	Keokuk				
(a) Kiln handling at furnaces		4.3(2)a	Nov. 16, 1973	Sept. 12 1974	June 1, 1975
(b) Furnaces Nos. 9 and 10		4.4(5)	do	do	Do.
The Hubinger Co	Keokuk				
(a) Boiler No. 9		4.3(2)b	Sept. 13, 1973	Nov. 15, 1974	Do.
(b) Starch dryers Nos. 3 and 5		4.4(7)	do	Sept. 1, 1974	Sept. 1, 1974
(c) "A" dryer		4.4(7)	do	June 15, 1974	June 15, 1974
(d) "B" dryer		4.4(7)	do	Oct. 1, 1974	Oct. 1, 1974
Keokuk Steel Casting	Keokuk				
(a) Electric furnace		4.4(5)	Jan. 16, 1974	Jan. 16, 1975	June 1, 1975
(b) Rotary screen		4.3(2)c	do	do	Do.
(c) Shakeout area		4.3(2)d	do	do	Do.
Midwest Carbide	Keokuk				
Carbide furnace		4.3(2)a	Dec. 13, 1973	Dec. 13, 1974	Dec. 31, 1974
Caradco window and door division (Scoville Manufacturing Co.)	Dubuque				
(a) Mill waste system		4.3(2)a	Apr. 11, 1974	July 1, 1974	July 1, 1974
(b) Grinding system		4.3(2)a	do	Sept. 30, 1974	Sept. 30, 1974
The Celotex Corp. boiler	Dubuque	4.3(2)b	Aug. 16, 1973	Aug. 16, 1974	June 1, 1975
John Deere Dubuque Tractor Works	do				
(a) Cupolas Nos. 1, 2, and 3		4.4(4)	May 10, 1973	May 10, 1974	Dec. 30, 1974
(b) Oil core sand mixing		4.3(2)a	do	do	Aug. 31, 1974
(c) Resin sand coating		4.3(2)a	do	do	Do.
R. S. Bacon Veneer Co	Dubuque				
Teepee burner		4.4(12)	Apr. 11, 1974	June 30, 1974	June 30, 1974
Dubuque Hardwoods	Dubuque				
Teepee burner		4.4(12)	Aug. 16, 1973	June 1, 1974	June 1, 1974
Tschiggfie Excavating	Dubuque				
Asphalt concrete plant		4.4(2), 4.3(2)d	Feb. 14, 1974	May 1, 1974	May 1, 1974
Aluminum Company of America	Davenport				
(a) A-1 ingot plant holding furnace.		4.3(2)a	Aug. 16, 1973	Aug. 16, 1974	June 30, 1975
(b) A–2 ingot plant rotary barrels		4.3(2)a	Sept. 13, 1973	do	Mar. 1, 1975
(c) A–5 ingot plant skimhouse		4.3(2)a	Aug. 16, 1973	do	Do.
Nichols-Homshield, Inc	Davenport				
Secondary aluminum furnace		4.3(2)a	Apr. 11, 1974	July 31, 1974	July 31, 1974
Linwood Stove Products Co., Inc	Davenport				
Kilns Nos. 1, 2, and 3		4.48	Apr. 11, 1974	Sept. 1, 1974	Sept. 1, 1974
Kelsey-Hayes	Bettendorf				
Boilers Nos. 1, 2, and 3		4.3(2)b	Aug. 16, 1973	July 15, 1974	July 15, 1974
Frank Foundries Corp. Cupola	Davenport	4.4(4)a	Apr. 11, 1974	Apr. 30, 1974	Apr. 30, 1974
Clinton Corn Processing Co	Clinton				
(a) Raymond Dryers Nos. 1 and 3.		4.4(7)	Oct. 11, 1973	Apr. 15, 1974	Apr. 15, 1974
(b) Raymond Dryers Nos. 2 and 4.		4.4(7)	do	Nov. 15, 1974	Dec. 31, 1974
(c) Heil Dryers Nos. 1, 2, 3, 4, and 5.		4.4(7)	do	do	June 1, 1975
(d) Louisville Germ Dryers Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 22, 23, and 24.		4.4(7)	do	June 15, 1974	June 15, 1974
(e) Herreshoff Multihearth Furnace.		4.3(2)a	Jan. 16, 1974	July 1, 1974	July 1, 1974
International Milltifoods	Davenport				
Elevator System E–3		4.4(7)	Mar. 8, 1973	Nov. 30, 1974	Nov. 30, 1974
Sivyer Steel Casting Co	Bettendorf				
Shakeout Area for Furnaces		4.3(2)a, 4.3(2)d.	July 12, 1973	July 12, 1974	Dec. 31, 1974
Alloy Metal Products, Inc	Davenport				
Electric Arc Furnace		4.3(2)a, 4.3(3)d.	April 11, 1974	July 15, 1974	June 1, 1975
Grain Processing Corp	Muscatine				
(a) Dryer No. 46		4.4(6), 4.3(2)d.	June 14, 1973	June 15, 1974	Sept. 15, 1974
(b) Dryers Nos. 43 and 46		4.4(6), 4.3(2)d	do	do	June 15, 1975
The Pillsbury Co	Council Bluffs				
Grain Elevator (Cyclones)		4.4(7)	Nov. 15, 1973	Nov. 1, 1974	Nov. 1, 1974
Sheldon Dehydrating Co	Sheldon				
Alfalfa dehydrating plant		4.3(2)a	April 11, 1974	Aug. 1, 1974	Aug. 1, 1974
Iowa Electric Light and Power Co	Cedar Rapids				
Sixth Street Station					
Boilers Nos. 1 and 2		§ 26.07	Sept. 21, 1973	Note 1	June 1, 1975
Iowa Electric Light and Power Co	Cedar Rapids				
Prairie Creek Station					
Boiler No. 4		§ 26.07	Sept. 21, 1973	do	Feb. 1, 1975
Cargill Corn Starch and Syrup Co	Cedar Rapids				
16th Street, Southeast Plant					
(a) Germ aspiration system		§ 26.09	Dec. 21, 1973	do	July 1, 1974
(b) Aspiration system in Millhouse.		§ 26.09	do	do	Do.
(c) Starch storage bins Nos. 7 and 8.		§ 26.09	do	do	Apr. 1, 1974
(d) HCl storage tank vent		§ 26.09	do	do	Oct. 1, 1974
(e) Fiber dryer		§ 26.09	do	do	June 15, 1974
(f) Gluten dryer		§ 26.09	do	do	Do.
(g) P and S dryers Nos. 1 and 2		§ 26.09	do	do	Oct. 1, 1974
Cargill, Inc	Cedar Rapids				
411 6th Street N.E. Plant					
(a) Extraction feed aspiration		§ 26.09	Jan. 2, 1974	Note 1	Mar. 1, 1979
(b) Rail meal loading		§ 26.09	do	do	July 30, 1975

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Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
Cargill, Inc.	Cedar Rapids				
1020 16th Avenue S.W. Plant					
(a) Soybean Conditioning Cyclone.		§ 26.09	Dec. 27, 1973	Note 1	July 1, 1975
(b) Hull Grinding Cyclone		§ 26.09	do	do	Do.
Penick and Ford, Ltd.	Cedar Rapids				
(a) Heil dryer		§ 26.09	Dec. 21, 1973	do	Sept. 30, 1974
(b) Duster dust collector		§ 26.09	do	do	Aug. 31, 1974
(c) Heil dryer pickup ring dust collector.		§ 26.09	do	do	Sept. 30, 1974
(d) No. 3 blender dust collector		§ 26.09	do	do	April 30, 1974
Diamond V Mills, Inc.	Cedar Rapids				
(a) Yeast culture (S-1)		§ 26.09	Dec. 21, 1973	do	Oct. 31, 1974
(b) Grain storage bin (S-2)		§ 26.09	do	do	Do.
(c) Grain storage bin (S-6)		§ 26.09	do	do	Do.
(d) Yeast culture (S-7)		§ 26.09	do	do	Do.
(e) Yeast load-out (S-8)		§ 26.09	do	do	Mar. 31, 1974
(f) Yeast load-out (S-9)		§ 26.09	do	do	Do.
(g) Railroad unloading pit (S-10)		§ 26.09	do	do	Apr. 30, 1974
National Oats Co.	Cedar Rapids				
(a) Building H					
(1) General suction system (S-52).		§ 26.09	Dec. 26, 1973	do	Aug. 11, 1974
(2) Cooler (S-53)		§ 26.09	do	do	Do.
(3) Aspiration system (S-55)		§ 26.09	do	do	Do.
(b) Building A					
(1) Aspiration system (A (S-20, 27, 28, 29, 35, 36, 37, 38 and 39).		§ 26.09	do	do	Do.
(c) Building A					
(1) Forsberg separators (S-8 and 47).		§ 26.09	do	do	Nov. 30, 1974
(2) Aspiration system 4A (S-24).		§ 26.09	do	do	Do.
(3) Aspiration system 6A (S-45).		§ 26.09	do	do	Do.
(d) Building A					
(1) Aspiration system 6A (S-7-1).		§ 26.09	do	do	June 30, 1975
(2) Suction systems (S-12-1 and 12-4).		§ 26.09	do	do	Do.
(3) Aspiration system (S-12-4).		§ 26.09	do	do	Do.
(e) Building H					
(1) Huller (S-12)		§ 26.09	do	do	July 31, 1975
(2) Midds recycle cyclone (S-11-1).		§ 26.09	do	do	Do.
(j) Building G					
(1) Forsberg separators (S-55 and 56).		§ 26.09	do	do	Do.
(g) Building A					
(1) Indented cylinder separator (S-12).		§ 26.09	do	do	Do.
(2) Separating tables (S-11)		§ 26.09	do	do	Do.
(3) Aspiration system		§ 26.09	do	do	Do.
John Deere Waterloo Tractor Works	Waterloo				
(a) Cupolas Nos. 1, 2, 4, 7, and 8		4.4(4)a	Dec. 13, 1973	Sept. 30, 1974	Sept. 30, 1974
(b) Boiler No. 5		4.3(2)b(2)	Nov. 15, 1973	Nov. 1, 1973	April 30, 1975
(c) Boiler No. 6		4.3(2)b(2)	do	do	Nov. 1, 1974
Cedar Falls Utilities Boiler No. 6	Cedar Falls	4.3(2)b	Dec. 13, 1973	April 1, 1974	April 1, 1974
Interstate Power Co. Boiler No. 3	Lansing	4.3(2)b	May 10, 1973	June 30, 1974	June 30, 1974
Corn Belt Power Corp.	Humboldt	4.3(2)b	Aug. 16, 1973	Aug. 16, 1974	Mar. 31, 1975
Iowa Electric Light and Power Co.	Iowa Falls				
Boilers Nos. 3 and 4		4.3(2)b	Aug. 16, 1973	Aug. 16, 1974	June 1, 1975
National Gypsum Co.	Fort Dodge				
Stucco silos, screw conveyors and Perlite system (Phase III).		4.3(2)a	Aug. 16, 1973	June 1, 1974	June 1, 1974
Green Products Co.	Conrad				
Alfalfa dehydrating plant		4.3(2)a	Dec. 13, 1973	Dec. 13, 1974	Apr. 20, 1975
Corn Belt Power Corp.	Spencer				
Boiler No. 1		4.3(2)b	Aug. 16, 1973	Aug. 16, 1974	Mar. 31, 1975
Iowa Valley Milling Co.	West Branch				
Alfalfa dehydrating plant		4.3(2)a	Feb. 14, 1974	Feb. 14, 1975	May 1, 1975
Carter-Waters Corp., kilns	Centerville	4.3(2)a	Aug. 16, 1973	Aug. 16, 1974	June 1, 1975
Iowa State University	Ames				
(a) Boiler No. 1		4.3(2)b	Jan. 16, 1974	May 31, 1974	May 31, 1974
(b) Boiler No. 2		4.3(2)b	do	Apr. 30, 1974	Apr. 30, 1974
(c) Boiler Nos. 3 and 4		4.3(2)b	do	May 31, 1974	May 31, 1974
(d) Boiler No. 5		4.3(2)b	do	July 31, 1974	July 31, 1974
(e) Boiler No. 6		4.3(2)b	do	June 30, 1974	June 30, 1974
Iowa Electric Light and Power Co.	Marshalltown				
(a) Boiler No. 1		4.3(2)b	Aug. 16, 1973	Aug. 16, 1974	June 1, 1975
(b) Boiler No. 2		4.3(2)b	do	do	Do.
(c) Boiler No. 3		4.3(2)b	do	do	Mar. 1, 1975
L. Benac and Son, Inc. (formerly Chariton Valley Foundry).	Centerville				
Cupola		4.4(4), 4.3(2)a	Apr. 11, 1974	Aug. 15, 1974	Aug. 15, 1974
Long Farms, Inc.	Grinell				
Alfalfa dehydrating plant		4.3(2)a	Dec. 13, 1973	June 15, 1974	June 15, 1974
Iowa Electric Light and Power Co.	Boone				
Boilers Nos. 1 and 2		4.3(2)b	Aug. 16, 1973	Aug. 16, 1974	June 1, 1975
Progressive Foundry, Inc.	Perry				
Cupola		4.4(4)	Nov. 16, 1973	Oct. 30, 1974	Oct. 30, 1974
Central Iowa Power Coop.	Creston				
Boiler No. 3		4.3(2)b	July 12, 1973	July 12, 1974	June 1, 1975

NOTE 1.—Linn County Health Department does not issue variances if source(s) is on an approvable compliance schedule.

[FR Doc.74-21805 Filed 9-20-74;8:45 am]

[40 CFR Part 52]

[FRL 265-7]

MISSOURI

Approval and Disapproval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards. The State of Missouri submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. 40 CFR 51.8 requires the Administrator to approve or disapprove compliance schedules submitted by the states. Therefore, the Administrator proposes the approval and disapproval of the compliance schedules listed below.

The approvable schedules were adopted by the States and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules, and have been reviewed and determined to be consistent with the approved control strategies of Missouri. Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitations in the Federally approved State implementation plan. This date is indicated in the table below under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Disapproval of certain schedules is proposed because of failure to comply with the substantive requirements relating to compliance schedules in 40 CFR 51.15. These schedules do not contain a firm compliance date as required by § 51.15(a). If the State-submitted schedules are disapproved, the air pollution sources involved would continue to remain subject to the immediately-effective compliance dates set by applicable State regulations in the Federally-approved State implementation plan.

In the indication of proposed approval or disapproval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large numbers of compliance schedules preclude setting forth detailed reasons for approval or disapproval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports and the compliance schedules proposed to be approved or disapproved are available for public inspection at the Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, Missouri 64108.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Region VII office at the above address. All comments submitted on or before October 23, 1974 will be considered. All comments received, as well as copies of the applicable implementation plans, will be available for inspection during normal business hours at the Regional Office.

(42 U.S.C. 1857c-5)

Dated: June 11, 1974.

JEROME H. SVORE,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart AA—Missouri

§ 52.1335 [Amended]

1. In § 52.1335, the tables in paragraph (a) are amended as follows:

MISSOURI

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
U.S. Steel (Universal Atlas Cement), rotary cement kiln.	Hannibal	S-V, S-VIII	Jan. 23, 1974	July 31, 1974	July 31, 1974
Kaiser Refractories	Mexico				
Rotary Kiln No. 1		S-V, S-VIII	Feb. 28, 1973	Jan. 18, 1974	Jan. 18, 1974
Rotary Kiln No. 2		do	Jan. 23, 1974	July 18, 1974	July 18, 1974
St. Joseph Light and Power	St. Joseph				
Boiler No. 1		Note 2	Jan. 23, 1974	Jan. 23, 1975	May 31, 1975
Boiler No. 2		do	do	do	Do.
Boiler No. 3 (1 variance granted)		do	do	do	Do.
Boiler No. 4		do	do	do	Do.
Boiler No. 5		do	do	do	Do.
Boiler No. 6		do	do	do	Do.
A.P. Green Refractories	Mexico				
Rotary calcining kiln		S-V, S-VIII	Mar. 27, 1974	Mar. 27, 1975	Do.
Vibrating grate dryer		do	do	do	Do.
A. P. Green Refractories, rotary calcining kiln.	Oran	do	do	do	June 15, 1975
U.S. By-Products	Henrietta				
Aluminum turnings operation		Note 1	Feb. 27, 1974	Nov. 18, 1974	Nov. 18, 1974
Carbon waste disposal system		do	do	do	Do.
Aluminum-foil drag kiln operation		do	do	do	June 6, 1974
Harbison-Walker Refractories	Fulton				
Rotary dryer		S-V, S-VIII	Feb. 28, 1973	Jan. 18, 1974	June 1, 1973
Rotary kiln		do	Feb. 27, 1974	June 30, 1974	June 30, 1974
Allied Chemical Corp.	Owensville				
Crushers		S-V, S-VIII	Mar. 27, 1974	Oct. 1, 1974	Oct. 1, 1974
Rotary kiln stack		do	do	do	Do.
Ball mill		do	do	do	Do.
Silo vent system		do	do	do	Do.
Rotary cooler west system		do	do	do	June 1, 1974
Franklin County Stone, limestone crusher.	Pacific	Note 3	Aug. 23, 1972	Aug. 24, 1973	June 1, 1974
ADM Milling	North Kansas City				
03 Mixers and bulk plant suction		Note 4	Jan. 10, 1974	Jan. 10, 1974	June 30, 1974
26 Bran grinders		do	do	do	June 15, 1972
22 No. 4 screening grinders		do	do	do	Dec. 1, 1972
18 Bulgur grinders		do	do	do	Jan. 15, 1973
27 Elevator head suction		do	do	do	Apr. 1, 1973
30 Top belt suction		do	do	do	May 1, 1973
16 A mill entoleter and break suction.		do	Jan. 23, 1974	July 1, 1974	July 1, 1974
17 BRK suction B mill		do	do	do	Do.
19 BRK suction A mill		do	do	do	Do.
23 No. 8 millerators B mill		do	do	do	Do.
29 Bottom belt suction—new		do	do	do	Mar. 29, 1974
28 Bottom belt suction—old		do	do	do	Do.
Missouri Power and Light, Boiler Nos. 5 and 6.	Jefferson City	S-VI, S-VIII	Nov. 28, 1973	Nov. 28, 1974	Nov. 1, 1974
CPC International, wet corn fed rotary dryers.	North Kansas City.	Note 5	Jan. 23, 1974	Apr. 25, 1974	Oct. 31, 1974
Gardner-Denver, cupola furnaces	LaGrange	S-V	Feb. 27, 1974	Feb. 14, 1974	Feb. 14, 1974
Mississippi Lime	Ste. Genevieve				
Mississippi rotary plant:					
Kiln No. 1, No. 2, No. 3, and No. 4 and coolers.		S-V	Feb. 27, 1974	Feb. 27, 1974	July 31, 1975
Kiln No. 5 cooler		do	do	do	June 30, 1975
Kiln No. 6 cooler		do	do	do	Mar. 7, 1975
Kiln No. 7 cooler		do	do	do	Nov. 15, 1974
Kiln No. 8 cooler		do	do	do	July 12, 1974
Peerless rotary plant:					
Kiln No. 1 cooler		do	do	do	Oct. 18, 1974
Kiln No. 2 cooler		do	do	do	Dec. 27, 1974
Kiln No. 3 cooler		do	do	do	Feb. 28, 1975
Kiln No. 4 cooler		do	do	do	Apr. 25, 1975
Kiln No. 5 cooler		do	do	do	June 27, 1975
Kiln No. 6 cooler		do	do	do	July 31, 1975
6" and 5" grinding mills		do	do	do	July 1, 1974
Henry Wurst, Inc., lithograph presses	North Kansas City.	Note 6	Jan. 23, 1974	Nov. 20, 1974	Nov. 20, 1974
Armco Steel	Kansas City				
Scarfing operation		Note 10	Oct. 10, 1973	NA	Feb. 1, 1974
Electric furnace		do	do	NA	Do.
Quisenberry Mills, railcar unloading	Kansas City	Note 11	do	NA	Dec. 31, 1973
Clay-Bailey Manufacturing, cupola	do	Note 9	Apr. 18, 1974	NA	July 31, 1974
Cargill, Inc., roof vents	do	Note 10	Dec. 19, 1973	NA	Mar. 15, 1974
Ralston Purina, rail car unloading No. 6 and No. 7.	do	do	Oct. 10, 1973	NA	May 31, 1974
Kansas City Terminal Elevator No. 2, grain handling cyclones.	do	do	do	NA	Nov. 15, 1973
GAF Corporation	Kansas City				
Asphalt blowing		Notes 10 and 7	Mar. 28, 1974	NA	June 30, 1974
Asphalt saturating		do	do	NA	Do.
Dry fines unloading		Note 10	Mar. 5, 1974	NA	Oct. 1, 1974

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Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
True Temper Corp., heat treating process.	Kansas City	Note 10	Dec. 19, 1973	NA	May 18, 1974
Metallurgical, Inc, N-2 draw furnace	do	do	Oct. 10, 1973	NA	Feb. 20, 1974
Centropolis Crusher, rock pulverising and drying.	do	Note 8	Dec. 18, 1973	NA	Sept. 5, 1974
Bartlett and Company Grain, Missouri Pacific "B" elevator.	do	Note 10	Nov. 29, 1973	NA	Nov. 1, 1974
Certain-Teed Products, limestone tank loading.	do	do	Dec. 26, 1973	NA	July 8, 1974

1. Regulation IV, air pollution control regulations for Kansas City Metropolitan Area.
2. Regulation III and V air pollution control regulations for Kansas City Metropolitan Area.
3. Regulation IX, air pollution control regulations for St. Louis Metropolitan Area.
4. Regulation IV, air pollution control regulations for Kansas City Metropolitan Area.
5. Regulations V and VI, air pollution control regulations for the Kansas City Metropolitan Area.
6. Regulation V, air pollution control regulations for the Kansas City Metropolitan Area.
7. Section 18.86 (A), Kansas City air pollution control code.
8. Section 18.86 (A) and (C) and 18.87, Kansas City air pollution control code.
9. Section 18.86 (A)(3)(a)(i), Kansas City air pollution control code.
10. Section 18.87(A), Kansas City air pollution control code.
11. Sections 18.86(C)(1), and 18.87(A), Kansas City air pollution control code.

2. In § 52.1335, the table in paragraph (b) is amended as follows:

Source	Location	Regulation involved	Date adopted
Union Electric, Electric generating facility	Labadie	X	Mar. 28, 1974
Union Electric, Electric generating facility	Portage des Sioux	X	July 26, 1974

NOTE.—X—Air pollution control regulations for St. Louis Metropolitan Area.

[FR Doc.74-21804 Filed 9-20-74;8:45 am]

[40 CFR Part 52]

[FRL 265-8]

MISSOURI

Approval and Disapproval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards. The State of Missouri submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. 40 CFR 51.8 requires the Administrator to approve or disapprove compliance schedules submitted by the States. Therefore, the Administrator proposes the approval and disapproval of the compliance schedules listed below.

The approvable schedules were adopted by the States and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Missouri. Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State implementation plan. This date is indicated in the table below under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Disapproval of the Kansas City Power and Light Company, Kansas City, schedule is proposed because of failure to comply with the substantive requirements relating to compliance schedules in 40 CFR 51.15. This schedule does not contain increments of progress or a firm compliance date as required by § 51.15 (a). If this State-submitted schedule is disapproved, the air pollution source involved would continue to remain subject to the immediately-effective compliance date set by applicable State regulations in the federally-approved State implementation plan.

In the indication of proposed approval or disapproval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large numbers of compliance schedules preclude setting forth detailed reasons for approval or disapproval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports and the compliance schedules proposed to be approved or disapproved are available for public inspection at the Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, Missouri 64108.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Region VII office at the above address. All comments submitted on or before October 23, 1974 will be considered. All comments received, as well as copies of the applicable implementation plans, will be available for inspection during normal business hours at the Regional Office.

(42 U.S.C. 1857c-5)

Dated: August 9, 1974.

JEROME H. SVORE,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart AA—Missouri

§ 52.1335 [Amended]

1. In § 52.1335, the table in paragraph (a) is amended as follows:

MISSOURI

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
U.S. Steel (Universal Atlas Cement), rotary cement kiln.	Hannibal	S-V, S-VIII	Jan. 23, 1974	Immediately	July 31, 1974
Kaiser Refractories	Mexico				
Rotary kiln No. 1		S-V, S-VIII	Feb. 28, 1973	Immediately	Jan. 18, 1974
Rotary kiln No. 2		do	Jan. 23, 1974	do	July 18, 1974
St. Joseph Light and Power	St. Joseph				
Boiler No. 1		Note 1	Jan. 23, 1974	Immediately	May 31, 1975
Boiler No. 2		do	do	do	Do.
Boiler No. 3		do	do	do	Do.
Boiler No. 4		do	do	do	Do.
Boiler No. 5		do	do	do	Do.
Boiler No. 6		do	do	do	Do.
A. P. Green Refractories, rotary calcining kiln.	Mexico	S-V, S-VIII	Mar. 27, 1974	do	May 31, 1974
A. P. Green Refractories, rotary calcining kiln.	Oran	do	do	do	June 15, 1975
U.S. By-Products	Henrietta				
Aluminum turnings operation		a(3)	Feb. 27, 1974	Immediately	Nov. 18, 1974
Carbon waste disposal system		do	do	do	Do.
Aluminum-foil drag kiln operation		do	do	do	June 6, 1974
Harbison-Walker Refractories	Fulton				
Rotary dryer		S-V, S-VIII	Feb. 28, 1973	Immediately	June 1, 1973
Rotary kiln		do	Feb. 27, 1974	do	June 30, 1974
Allied Chemical Corp.	Owensville				
Crushers		S-V, S-VIII	Mar. 27, 1974	Immediately	Oct. 1, 1974
Rotary kiln		do	do	do	Do.
Rotary cooler		do	do	do	Do.
Valley Mineral Products, rotary kiln	Bonne Terre	do	May 22, 1974	do	Dec. 31, 1974
Henry Wurst, Inc., lithograph presses	North Kansas City.	Note 1	Jan. 23, 1974	do	Nov. 20, 1974
ADM milling	do				
20 Bran grinders		Note 2	Jan. 10, 1973	Immediately	June 15, 1972
22 No. 4 screening grinders		do	do	do	Dec. 1, 1972
18 Bulgur grinder		do	do	do	Jan. 15, 1973
27 Elevator head suction		do	do	do	Apr. 1, 1973
30 Top belt suction		do	do	do	May 1, 1973
16 A mill entoleter and break suction.		do	Jan. 23, 1974	do	July 1, 1974
17 B R K suction B mill		do	do	do	Do.
19 B R K suction A mill		do	do	do	Do.
23 No. 8 millerators—B mill		do	do	do	Do.
29 Bottom belt suction—new		do	do	do	Mar. 29, 1974
28 Bottom belt suction—old		do	do	do	Do.
Armco Steel	Kansas City				
Searling operation		Note 1	Oct. 10, 1973	Immediately	Feb. 1, 1974
Electric furnace		do	do	do	Do.
Mississippi Lime	Ste. Genevieve				
Mississippi Rotary Plant:					
Kiln No. 1, No. 2, No. 3, No. 4 coolers.		S-V, S-VII, and S-VIII.	Feb. 27, 1974	Immediately	July 31, 1975
Kiln No. 5 cooler		do	do	do	June 30, 1975
Kiln No. 6 cooler		do	do	do	Mar. 7, 1975
Kiln No. 7 cooler		do	do	do	Nov. 15, 1974
Kiln No. 8 cooler		do	do	do	July 12, 1974
Peerless Rotary Plant:					
Kiln No. 1 cooler		do	do	do	Oct. 18, 1974
Kiln No. 2 cooler		do	do	do	Dec. 27, 1974
Kiln No. 3 cooler		do	do	do	Feb. 28, 1975
Kiln No. 4 cooler		do	do	do	Apr. 25, 1975
Kiln No. 5 cooler		do	do	do	June 27, 1975
Kiln No. 6 cooler		do	do	do	July 31, 1975
60 in and 5 in grinding mills		do	do	do	July 1, 1974
Quisenberry Mills, railcar unloading	Kansas City	Note 2	Oct. 10, 1973	Immediately	Dec. 31, 1973
Clay-Bailey Manufacturing cupola	do	Note 3	Apr. 18, 1974	do	July 31, 1974
Atlas Powder Company	Joplin				
NH_4NO_3 prill—neutralizer		S-V	Apr. 24, 1974	Immediately	July 31, 1975
Urea prill tower		do	do	do	Do.
Stengel reactor		do	do	do	Do.
Soda spray vent		do	do	do	Do.
Soda dry furnace		do	do	do	Do.
Urea desorber stripper		do	do	do	Do.
Cargill, Inc., roof vents	Kansas City	Note 1	Dec. 19, 1973	do	Mar. 15, 1974
Ralston Purina, railcar unloading No. 6 and No. 7.	do	do	Oct. 10, 1973	do	May 31, 1974
True Temper Corp., heat treating process.	do	do	Dec. 19, 1973	do	May 18, 1974
Kansas City Terminal Elevator No. 2, grain handling cyclones.	do	do	Oct. 10, 1973	do	Nov. 15, 1973
GAF Corporation	do				
Asphalt blowing		Notes 1 and 5	Mar. 28, 1974	Immediately	June 30, 1974
Asphalt saturating		do	do	do	Do.
Dry fines unloading		Note 1	Mar. 5, 1974	do	Oct. 1, 1974
Metallurgical, Inc., N-2 draw furnace	Kansas City	do	Oct. 10, 1973	do	Feb. 20, 1974
Centropolis Crusher, rock pulverising and drying.	do	Note 4	Dec. 18, 1973	do	Sept. 5 1974
Bartlett and Company Grain, Missouri Pacific "B" elevator.	do	Note 1	Nov. 29, 1973	do	Nov. 1, 1974
Certain-Teed Products, limestone tank loading.	do	do	Dec. 26, 1973	do	July 8, 1974
Alpha Portland Cement, 2 clinker coolers.	St. Louis County.	IV	Sept. 14, 1973	do	Jan. 31, 1975

V 39 I 185 SEP 23 74 XUM

2. In § 52.1335, the table in paragraph (b) is amended as follows:

Source	Location	Regulation involved	Date adopted
Kansas City Power and Light	Kansas City		
Units 1 and 2—Hawthorne Plant		18.36B, 18.37A	Nov. 19, 1973
Units 3 and 4		do	Do.
Unit 5		do	Do.

[FR Doc.74-21802 Filed 9-20-74;8:45 am]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Parking Management Regulations; Public Hearings and Extension of Comment Period

On August 22, 1974, the Environmental Protection Agency proposed amendments to the parking management regulations in order to provide clarifications and slight modifications necessary for the successful implementation of transportation control plans (39 FR 30440). Written comments were invited and public hearings were announced with specific dates and places to be published in local newspapers pursuant to the provisions of 40 CFR 51.4. On August 27, 1974, the FEDERAL REGISTER published a further listing of vehicle miles traveled minimization measures (39 FR 30942) that had been omitted from the August 22 FEDERAL REGISTER.

The public hearings will be held both to receive comments on the proposed amendments and to gather information on the status of local efforts to develop parking management plans. The Administrator is especially interested in previous local actions which provide a foundation for parking management plan development and the areas in which the Federal government can assist the plan development process.

The following list, containing the dates and locations for the public hearings, is provided as an additional notification to the public, although notice has been or will be published locally in order to notify those persons directly concerned with the regulations.

PARKING MANAGEMENT HEARING DATES

EPA Region I:
Boston—October 24, 1974, and October 25, 1974, Faneuil Hall at 9:00 a.m.

EPA Region II:
S. New Jersey—October 21, 1974, Health and Agriculture Building, John Fitch Plaza, 1st Floor Auditorium, Trenton, New Jersey at 10:00 a.m.
N. New Jersey—October 22, 1974, Newark College of Engineering, Room 312, College Center, 150 Bleeker Street, Newark, New Jersey at 10:30 a.m.

EPA Region III:
Philadelphia—October 10, 1974, Green Federal Building, Room 7306 at 10:00 a.m.
VA Suburbs of D.C.—October 21, 1974, Quality Motel, Arlington Boulevard, Arlington, Virginia at 10:00 a.m.
Washington, D.C.—October 21, 1974, Waterside Mall, Room 3805, 401 M Street, SW, at 2:00 p.m.
MD Suburbs of D.C.—October 22, 1974, Holliday Inn, Silver Room, 8777 Georgia Avenue, Silver Spring, Maryland at 10:00 a.m.
Baltimore—October 22, 1974, Fallon Federal Building, Room G30-A at 2:00 p.m.
Pittsburgh—October 23, 1974, Room 2218, Federal Building, 1000 Liberty Avenue, at 10:00 a.m.

EPA Region IX:
San Diego—October 8, 1974, California State Office Building, Room B109, 1350 Front Street at 1:30 p.m. and 7:30 p.m.
Phoenix—October 9, 1974, U.S. Court House, Room 8413, 230 N. First Avenue at 1:30 p.m. and 7:30 p.m.
Tucson—October 10, 1974, Hilton Inn, Williamburg Room, 1601 Miracle Mile Strip at 1:30 p.m. and 7:30 p.m.
Fresno—October 11, 1974, Fresno Convention Center, 700 M Street at 1:30 p.m. and 7:30 p.m.
Los Angeles—October 15, 1974, Baltimore Hotel, Roman Room, 515 S. Olive Street at 1:30 p.m. and 7:30 p.m.
San Francisco—October 17, 1974, Sir Francis Drake Hotel, Franciscan Room, 450 Powell Street at 1:30 p.m. and 7:30 p.m.
Sacramento—October 18, 1974, State Department of Resources, First Floor Auditorium, 1416 Ninth Street at 1:30 p.m. and 7:30 p.m.

EPA Region X:
Fairbanks—October 31, 1974, Hunter Elementary School, Gymnasium, at 7:00 p.m.

The public hearing in Boston will cover not only the proposed amendments to the parking management regulations, but also other proposed changes to the Boston transportation control plan. The proposed amendments to the parking management regulations were published in the August 22, 1974 FEDERAL REGISTER (39 FR 30451), while the other proposed changes to the Boston plan will be published in the immediate future. These proposed changes relate to the Boston parking management regulation promulgated in the November 8, 1973 FEDERAL REGISTER (38 FR 30960) and specifically involve the responsibilities of employers, universities, and municipalities under the existing regulations. The proposed changes will be available in the EPA Boston Regional Office within the next few days.

A FEDERAL REGISTER notice containing a withdrawal of the proposed amendments to the parking management regulations for Houston-Galveston, Texas, as published in the FEDERAL REGISTER of August 22, 1974 (39 FR 30456), will be published in the immediate future.

Because of the importance of expedition, some hearings in different parts of the nation are scheduled on the same day. Any persons or organizations unable to attend a public hearing, for this or other reasons, may submit comments in writing and be assured that their comments will be reviewed by the Agency. The period for written comment, originally scheduled to close on September 23, 1974, will close on October 31, 1974. Written comments, preferably in triplicate, may be submitted at the hearings, or may be sent to Mr. Roger Strelow, Assistant Administrator for Air and Waste Management, Attention: Transportation and Land Use Policy Office, AW-443, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Dated: September 19, 1974.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management, Environmental Protection Agency.

[FR Doc.74-22183 Filed 9-20-74;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19551]

FM BROADCAST STATIONS

Proposed Table of Assignments

In the matter of amendment of § 73.202 (b), table of assignments, FM broadcast stations. (Atlanta, Blackshear, Cochran, Dublin, Eastman, Hawkinsville, Hazlehurst, Macon, Monroe, and Ocilla, Georgia; Birmingham, Gadsden, *Haleyville, Jasper,* Northport, *Sheffield,* and Tuscaloosa, Alabama; and Columbus, Macon, New Albany, Oxford, and Starkville, Mississippi). (RM-1821, RM-2037, RM-1864, RM-2038, RM-1923, RM-2067, RM-2004, RM-2077, RM-2029)

1. Among the counterproposals incorporated into this FM rule making proceeding[1] under the standard cut-off procedure is that of Radio South, Inc., Jasper, Alabama (Radio South) proposing the assignment of Channel 224A in lieu of Channel 292A at Sheffield, Alabama, which is in operation as Station WRCK-FM, licensed to Radio Station WRCK (WRCK). In the circumstances, WRCK should be formally notified of this possibility and its rights in these and other related respects.

2. Helton & Norris Enterprises, Inc. (Helton & Norris) filed a petition for rule making requesting that Channel 224A be assigned to Haleyville, Alabama (RM-2004). Radio South, licensee of daytime AM Station WARF, opposed the Helton & Norris proposal and counterproposed the assignment of the same channel as a second FM assignment to Jasper, Alabama (RM-2037). Because of minimum mileage separation requirements, both assignments may not be made. To resolve the conflict, Radio South proposed the assignment of Channel 292A to Haleyville which requires the deletion of the assignment of that channel at Sheffield, Alabama, for which Radio South proposes the substitution of Channel 224A. Haleyville, Alabama, population 4,190, is located in Winston County, 16,654. Jasper, population 10,798, is the seat of Walker County, population 56,246. Since Station WRCK-FM operates on the Sheffield assignment, it is appropriate to issue an Order to Show Cause on WRCK to apprise it of its rights including entitlement to reimbursement.

[1] Notice of proposed rule making, adopted July 19, 1972 (FCC 72-639; 37 FR 15320).

3. In the latter respect, the parties have discussed reimbursement and WRCK has informally expressed its willingness to change channels and to accept reimbursement. It is well settled Commission policy that where a change in the FM Table of Assignments is made which requires that an operating station change the channel of operation it is entitled to be reimbursed for actual cost of change. See e.g., Cocoa Beach, 1 F.C.C. 2d 643, 645 (1965); Wenatchee, 2 F.C.C. 2d 828, 830 (1966); Kenton and Bellefontaine, 3 F.C.C. 2d 598, 603-5 (1966); *Gretna and Danville,* 5 F.C.C. 2d 333, 341 (1966); and Circleville, 8 F.C.C. 2d 159 (1967). Further Radio Station WRCK's right of recovery accrues only against a benefitting applicant; see Elizabethtown 26 F.C.C. 2d 162, 166 (1970).

4. *Accordingly, it is ordered,* That, pursuant to Section 316 of the Communications Act of 1934, as amended, Radio Station WRCK, licensee of Station WRCK-FM, Sheffield, Alabama, shall show cause why its licensee should not be modified to specify operation on Channel 224A instead of Channel 292A if the Commission in this proceeding finds it in the public interest to assign Channel 292A to Haleyville, Alabama, or another community, and to substitute Channel 224A for Channel 292A at Sheffield, Alabama. This order is being made with the understanding that the applicants benefitting from the proposed change at Sheffield, Alabama, will pay reasonable reimbursement of expenses incurred in the change of channel of operation of Station WRCK-FM at Sheffield, Alabama.

5. Pursuant to section 1.87 of the Commission's Rules and Regulations, the licensee of Station WRCK-FM, may, not later than October 21, 1974, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Radio Station WRCK may, not later than October 21, 1974, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the Order to Show Cause. In this case, the Commission may call on Radio Station WRCK to furnish additional information, designate the matter for hearing, or issue without further proceeding an order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Radio Station WRCK will be deemed to consent to modification as proposed in the Order to Show Cause and a final Order will be issued by the Commission if the channel changes mentioned in paragraph 2 above are found to be in the public interest.

6. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), 303(r), and 316 of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's rules and regulations.

7. It is directed, that the Secretary of the Commission send a copy of this Order by Certified Mail, Return Receipt Requested, to Radio Station WRCK, Tuscumbia, Alabama, the party to whom the Order to Show Cause is directed.

Adopted: September 6, 1974.

Released: September 9, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-21981 Filed 9-20-74;8:45 am]

[47 CFR Part 73]

[Docket No. 20190, RM-2303]

FM BROADCAST STATIONS IN FUQUAY-VARINA, NORTH CAROLINA

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Fuquay-Varina, North Carolina).

1. Notice is hereby given of the institution of this proceeding to consider a proposal to amend the FM Table of Assignments by assigning Channel 280A to Fuquay-Varina, North Carolina, for a first FM assignment and a first full-time aural broadcast outlet. The proposal is advanced by Wake County Broadcasting Co., Inc. (Wake), licensee of AM Station WAKS, a daytime-only operation, at Fuquay-Varina, in a petition for rule making filed on December 28, 1973. Since the petitioner's Fuquay-Varina Channel 280A proposal (RM-2303) was mutually exclusive with a proposal to assign Channel 280A to Fayetteville, North Carolina (RM-2279), advanced as a counterproposal in the Lake City, S.C.-Fayetteville, N.C. proceeding in Docket No. 19827, and was untimely received for consideration therewith under our cut-off procedures in that proceeding, action on its request was tabled pending our consideration and disposition of the conflicting Fayetteville Channel 280A proposal in Docket No. 19827. The proceeding in Docket No. 19827 has now been concluded, and in our decision therein[1] we decided, inter alia, that the Fayetteville Channel 280A assignment proposal under consideration therein did not warrant adoption. Therefore, having thus disposed of the Fayetteville Channel 280A proposal in Docket No. 19827, and it appearing from Wake's showing in its petition and timely-filed supporting comments that its Fuquay-Varina Channel 280A proposal may possibly warrant adoption, we believe it now appropriate and desirable to consider it further in rule making.

2. Fuquay-Varina (population, 3,576) is located in the southeastern section of Wake County (population, 228,453) in the eastern part of North Carolina, approximately 18 miles south of Raleigh (population, 121,577), the state capital (also located in Wake County), and approximately 35 miles north of Fayetteville, North Carolina (population, 53,510).[2] The petitioner states that Wake County, like most areas in the eastern part of North Carolina, is currently growing rapidly. During the ten year period from 1960 to 1970, Wake County increased by 35.1 percent in population (from 169,082 to 228,453); Raleigh increased by 29.4 percent in population (from 93,931 to 121,577); and Fuquay-Varina increased by 5.5 percent in population (from 3,389 to 3,576).

3. The petitioner avers that Fuquay-Varina has achieved significance as a regional trade center in southern Wake County and in northern Harnett County which extends to approximately two miles south of Fuquay-Varina and that, while Fuquay-Varina has in the past principally been noted for its large tobacco market, its economy is now changing from an agricultural to an industrial base. Relying on information furnished by the Fuquay-Varina Chamber of Commerce, Wake points out that Fuquay-Varina has five banking and saving and loan establishments and some 140 retail stores; that three new shopping centers are in the planning stage, three new apartment complexes are under construction, with plans for others in the offing; that residents of the city have recently approved a one and one-half million dollar water bond referendum, a three million dollar public school complex and a quarter million dollar sewage bond; and that industrial firms now located in Fuquay-Varina include the Kendal Company, Cornell Dubiller Electronics, Paragon Woven Labels, Universal Polymer Products, Adams Concrete Products Co., Tobacco Growers Services, North State Tobacco Co., Variety Wholesalers Warehouse and Sales Headquarters, Golf Carts, Inc., Ashworth's Inc., and Norcom Electronics. In addition, Wake states that the industrial base of Fuquay-Varina is expected to be broadened by the construction of a proposed nuclear power generating plant and dam by the Carolina Power and Light Company within a few miles of the city.

4. At present, Fuquay-Varina's only local aural broadcast outlet is the petitioner's daytime-only AM station (WAKS), and no FM channel has been assigned. Wake states that Station WAKS also serves as the only aural broadcast outlet for local expression for a cluster of nearby smaller towns whose combined population (excluding outlying rural areas) exceeds 8,000 persons.

[1] In re Lake City, S.C.-Fayetteville, N.C., Report and Order, released July 26, 1974, Docket No. 19827, FCC 74-799, 47 F.C.C. 2d ——.

[2] All population figures are from the 1970 U.S. Census unless otherwise indicated.

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Among these towns, Wake mentions Apex (population 2,192), located eight miles north of Fuquay-Varina in Wake County; Angier (population 1,431), located five miles to the southwest of Fuquay-Varina in Harnett County; and Lillington (population 1,155), located thirteen miles to the south of Fuquay-Varina in Harnett County. It urges that the assignment of Channel 280A as a first FM assignment to Fuquay-Varina would provide a first local nighttime aural broadcast service in this area and that Fuquay-Varina is a growing community deserving and warranting a first local fulltime broadcast service to provide local news and informational programming not presently available at night. If Channel 280A is assigned to Fuquay-Varina, Wake states that it will immediately apply for it and, if authorized, will construct and operate a station.

5. As to the technical feasibility of a Fuquay-Varina Channel 280A assignment, it appears that the channel could be assigned without any other changes in the FM Table of Assignments and in conformity with the Commission's minimum mileage separation requirements if used at a transmitter site located at least seven miles southwest of Fuquay-Varina to meet the required 105-mile spacing from the Channel 281 station (WTQR) at Winston-Salem, North Carolina, and the Channel 279 station (WIAM-FM) at Williamston, North Carolina. It also appears from the engineering showing accompanying Wake's supporting comments that the location it contemplates for a Channel 280A transmitter site for a Fuquay-Varina station—the proposed location (North Latitude 35°30'11", West Longitude 78°50'59") is slightly closer to Fuquay-Varina than the location contemplated in its petition—would meet spacing requirements and enable a Channel 280A station to place a signal of the required intensity (70 dBu) over Fuquay-Varina and that it has taken steps to insure that this location would be available to it for use by obtaining a lease commitment for the land.

6. Accordingly, in view of the foregoing, and pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as concerns Fuquay-Varina, North Carolina, as follows:

City	Channel No.	
	Present	Proposed
Fuquay-Varina, N.C.		280A

7. *Showings required.* Comments are invited on the proposal discussed above. Proponent will be expected to answer whatever questions that may be presented in initial comments. The proponent of the proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

8. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before November 12, 1974, and reply comments on or before December 2, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

10. In accordance with the provisions of Section 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

11. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

Adopted: September 13, 1974.

Released: September 17, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.74-21980 Filed 9-20-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 660]

PUERTO RICO

Petroleum Allocation

The Department of Consumer Affairs hereby gives notice of a proposal to amend Title 10 of the Code of Federal Regulations to add a new Part 660 to Subchapter K of Chapter II, setting forth the mandatory allocation regulations applicable to motor gasoline, propane, butane, middle distillates and residual fuel oil sold for use within the Commonwealth of Puerto Rico.

The Mandatory Petroleum Allocation Regulations of the Federal Energy Administration are based upon energy consumption and distribution patterns established in the mainland United States, and differ substantially from the unique characteristics in the Commonwealth.

Puerto Rico is 99 percent dependent upon imported petroleum for all its energy requirements, whereas the mainland United States depends upon petroleum for only about 45.6% of all energy. On the mainland, use of petroleum for energy is supplemented by significant amounts of coal, natural gas and nuclear fuels, none of which are available in Puerto Rico.

With respect to consumption of energy, Puerto Rico's use of petroleum fuels is far less per capita than in the mainland United States. For example, per capita Puerto Rican consumption of motor gasoline in 1972 was only 179 gallons per year as opposed to 456 gallons per year in the mainland United States. Hardly any refined petroleum products are used for space heating in Puerto Rico and despite tropical temperatures, only about 7 percent of all homes are air-conditioned.

Virtually all petroleum fuels consumed in Puerto Rico are for high priority uses. Residual fuel oil and middle distillates are used primarily for electric power generation and for industrial purposes. Much of the motor gasoline is for public transportation and commercial use.

Starting from a far lower economic base than the rest of the United States and as a result of operation Bootstrap in Puerto Rico and the policy of promoting Puerto Rico's economic development by the past six administrations, Puerto Rico's economy has been growing at the rate of about 12 percent per year as opposed to about 5 percent for the mainland. But despite its high economic growth rate, Puerto Rico remains poorer than any state, with a per capita income of only 39.5 percent of the U.S. average. The Island's official unemployment rate is 13 percent, more than double the U.S. national average.

Because of these unique characteristics of Puerto Rico and in order to assure a sufficient supply of petroleum products to maintain economic growth, the Governor petitioned the Federal Energy Office for delegation of authority to allocate petroleum products in the Commonwealth of Puerto Rico. On March 7, 1974, the Federal Energy Office delegated such allocation authority to the Governor, in FEO Order No. 4 which reads as follows:

GOVERNOR OF THE COMMONWEALTH OF PUERTO RICO

DELEGATION OF AUTHORITY

Pursuant to the authority vested in me as Administrator of the Federal Energy Office Executive Order 11748, It is hereby ordered, as follows:

1. There is delegated to the Governor of the Commonwealth of Puerto Rico all authority delegated to the Administrator of the Federal Energy Office by section 3(a) of Executive Order 11748 with respect to the allocation of propane, butane, motor gasoline, middle distillate and residual fuel oil within the Commonwealth of Puerto Rico, provided that any allocation program established pursuant to this delegation complies with the provisions of paragraphs 2, 3 and 4 of this order.

2. The volume of each product subject to allocation pursuant to this order shall not exceed one hundred percent (100%) of the volume of each such product sold for use within the Commonwealth of Puerto Rico during the corresponding calendar quarter of the base period January 1 to December 31, 1973. Any amounts of allocated products in excess of 100% of the base period used within Puerto Rico any amounts of allocated products exported from Puerto Rico shall be subject to the Mandatory Petroleum Allocation Regulations of the Federal Energy Office as set forth in Part 211 of Title 10, Code of Federal Regulations.

3. The Administrator of the Federal Energy Office shall be fully advised of any allocation program implemented pursuant to this order and shall receive monthly reports on the operation of such allocation program from the Governor of the Commonwealth of Puerto Rico in accordance with forms and instructions to be issued by the Federal Energy Office.

4. The Governor of the Commonwealth of Puerto Rico shall submit to the Administrator of the Federal Energy Office a program for energy conservation for Puerto Rico, which must be approved by the Administrator before this delegation may be implemented.

5. The Governor of the Commonwealth of Puerto Rico may redelegate to any officer or agency of the Commonwealth of Puerto Rico any authority delegated to him by this order.

6. This delegation may be modified or amended by the Administrator of the Federal Energy Office at any time after consultation with the Governor of the Commonwealth of Puerto Rico.

7. This order is effective immediately.

WILLIAM E. SIMON,
Administrator,
Federal Energy Office.

MARCH 7, 1974.

The Conservation Program referred to in the delegation order was submitted by the Commonwealth and approved by the Federal Energy Office. The Governor's authority under the delegation order has been delegated by the Governor to the Secretary of the Department of Consumer Affairs of the Commonwealth of Puerto Rico. It is in exercise of this authority that the regulations herein are proposed.

The regulations focus on the "supplier" of petroleum products, who may either be a refiner or a wholesaler or distributor, and the "wholesale purchaser" who may either be one who buys wholesale and sells to retailers, a "wholesale purchaser-reseller", or one who consumes petroleum products in large volumes, a "wholesale purchaser-consumer". Suppliers of petroleum products will supply base period volumes, subject to an allocation fraction, to base period wholesale purchasers. No allocation levels will govern sales by retailers to end-users but such sales must be on an equitable basis.

In order to create a minimum of market disruption, end-use priorities have not been proposed at this point. It is anticipated that with strict compliance with the Conservation Program the historical percentage distribution of petroleum products will remain adequate and equitable without the establishment of priorities. Undoubtedly, adjustments will be necessary, particularly for new consumers and for changed conditions. Those experiencing hardship may petition the DOCA for relief, and the DOCA will retain authority to provide relief on an individual basis as well as on an industry-wide or other class-wide basis, should it be warranted.

Pursuant to the proposed regulations, estimated allocable supply by each supplier for each allocation period will be reported to the DOCA fifteen (15) days prior to the beginning of each allocation period. Persons importing products for their own consumption will also report new or increased imports to the DOCA. Such direct imports are encouraged by the Commonwealth and the suppliers will not become subject to allocation by the DOCA except in the face of extreme emergency or hardship. Suppliers ordinarily engaged in the export of petroleum products (all sales not for use within the Commonwealth) will be required to report total sales volumes to the DOCA. Authority will be retained to redirect such exports if the suppliers engaged in sales for use within the Commonwealth experience a shortfall below 1973 volumes. Under ordinary circumstances no supplier's total supply subject to allocation under this program should exceed its sales for use within the Commonwealth during the corresponding period of 1973.

Authority is retained to establish a prenotification plan for allocation products. The method of prenotification which would be implemented is set forth in Subpart E. However, these provisions would not become effective unless a special order requiring prenotification is issued by the Administrator.

A set-aside system is established to meet hardships and inequities. The set-aside volume will be held by each "prime supplier" and be computed as a specified percentage of its sales as a prime supplier.

The proposed method for allocation of unleaded gasoline is designed to assure that wholesale purchasers are able to purchase unleaded gasoline necessary to meet the EPA requirements. In addition, it is intended to make available unleaded gasoline in an equitable manner throughout the entire Commonwealth, to meet market demands, and to avoid substantial market disruption.

The method of allocation of unleaded gasoline is similar to that of the Federal Energy Administration.

The proposed regulations are to become effective on October 31, 1974, and will apply to all petroleum products sold after 11:59 p.m., October 31, 1974. The Mandatory Petroleum Allocation Regulations of the Federal Energy Administration remain applicable to the method of allocation of petroleum products sold prior to 11:59 p.m., October 31, 1974. The prices at which petroleum products may be sold remains subject to the Mandatory Pricing Regulations of the Federal Energy Administration.

Procedural regulations applicable to individuals seeking an exception or exemption from the DOCA regulations will be forthcoming in Part 661. They will also include provisions concerning violations, administrative sanctions, and judicial action.

As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments to offer in this regard.

Interested persons are invited to participate in the rule-making by submitting written comments on the proposed regulations set forth in this notice. Such comments should be addressed to the Department of Consumer Affairs, P.O. Box 13934, Santurce, Puerto Rico 00908, and should be identified on the outside of the envelope with the designation "Proposed Allocation Regulations." Comments should be received by October 9, 1974.

In addition, public hearings will be held on October 2, 1974 at the Room for Public Hearings in the Department of Consumer Affairs, Santurce, Puerto Rico. The hearings will begin at 10 a.m. and will be open to all representatives of industry, government, retailers and consumer groups. The rules for the conduct of the hearings will be announced at the opening session and will be repeated at each subsequent session.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275, E.O. 11790, 39 FR 23185; FEO Order No. 4, 39 FR 9506; Governor of the Commonwealth of Puerto Rico, E.O. No. 2039)

In consideration of the foregoing, it is proposed to amend Chapter II of Title 10 of the Code of Federal Regulations to add a new Subchapter K, Part 660 as set forth below.

Issued in San Juan, Puerto Rico, September 18, 1974.

FEDERICO HERNANDEZ-DENTON,
Secretary, Department of Consumer Affairs, Commonwealth of Puerto Rico.

SUBCHAPTER K—DELEGATIONS

PART 660—MANDATORY PETROLEUM REGULATIONS—PUERTO RICO

Subpart A—General Provisions

660.1 Purpose.
660.2 Applicability.
660.3 Exclusions.
660.4 Exceptions and exemptions.
660.5 Ratification of prior directives, orders and actions.
660.6 Retaliatory actions.
660.7 Normal business practices.
660.8 Supplier/purchaser relationships.
660.9 Administrative actions.

Subpart B—Definitions

Subpart C—General Allocation Rules

660.51 General definitions.
660.101 Applicability.
660.102 Supplier/purchaser accommodations.
660.103 Supplier's method of allocation.
660.104 Basis for purchaser's entitlement to allocation.

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Sec.
660.105 Purchaser's allocation entitlement.
660.106 Adjustments to base period volume.
660.107 Allocation of unleaded gasoline.
660.110 Set-aside system.
660.114 Energy conservation.

Subpart D—Reporting and Recordkeeping

660.151 Initial report.
660.152 Periodic reports.
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660.154 Recordkeeping requirements.

Subpart E—Prenotification

660.181 Implementation of prenotification.
660.182 Prenotification.
660.183 Manner of prenotification.
660.184 Measure of the prenotification period.
660.185 DOCA action.
660.186 Implementation of proposed allocation plan.

AUTHORITY: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275, E.O. 11790, 39 FR 23185; FEO Order 4, 39 FR 9506; Governor of the Commonwealth of Puerto Rico, E.O. No. 2039.

Subpart A—General Provisions

§ 660.1 Purpose.

The purpose of this part is to set forth the regulations applicable to the mandatory allocation of motor gasoline, middle distillates, propane, butane and residual fuel oil in the Commonwealth. To the extent of any conflict, the provisions of this part supersede the provisions of the Mandatory Petroleum Allocation Regulations of the Federal Energy Administration.

§ 660.2 Applicability.

(a) Effective 11:59 p.m., October 31, 1974, the provisions of this part apply to each petroleum product produced in or imported into the Commonwealth up to the volume of that product sold for use within the Commonwealth during the corresponding calendar quarter of 1973.

(b) Effective 11:59 p.m., October 31, 1974, the provisions of this part apply to each firm which refines, imports, exports, purchases or sells petroleum products in the Commonwealth.

§ 660.3 Exclusions.

(a) Any volume of a petroleum product in the Commonwealth in a particular calendar quarter in excess of the volume of that petroleum product sold for use within the Commonwealth in the corresponding calendar quarter of 1973, is excluded from the provisions of this part and remains subject to the Mandatory Petroleum Allocation Regulations of the FEA.

(b) Exports of petroleum products subject to Subchapter B of Chapter III of Title 15 of the Code of Federal Regulations are excluded from this part.

§ 660.4 Exceptions and exemptions.

When necessary to accomplish the purposes of the Act, the DOCA may permit an exception or an exemption from the regulations of this part. Requests for exception and exemption shall be submitted in accordance with the provisions of Part 661 of this subchapter.

§ 660.5 Ratification of prior directives, orders and actions.

Unless modified by any provisions of this part any directive, order or action in effect pursuant to the Act shall remain in effect:

(a) Until its expiration by its own terms; or

(b) Until its revocation or amendment by any directive or order or superseding regulation issued under the provisions of this part.

§ 660.6 Retaliatory actions.

No firm (including an individual) may take retaliatory action against any other firm (including an individual) that files or manifests an intent to file a complaint of alleged violation of, or that otherwise exercises any rights conferred by the Act, any provision of this part, or any order issued under this part. For the purposes of this paragraph, "retaliatory action" means any action contrary to the purpose or intent of the Act or the DOCA to allocate petroleum products and may include a refusal to continue to sell, any reduction in quality, any reduction in quantity of services or products customarily available for sale or lease, any slowdown in customary delivery time or schedule, any violation of privacy, any form of harassment, or any inducement of others to retaliate.

§ 660.7 Normal business practices.

(a) Suppliers will deal with purchasers of a petroleum product according to normal business practices in effect during the base period specified in this part for that petroleum product, and no supplier may modify any normal business practice so as to result in the circumvention of any provision of this part. "Summer fill" programs and other "dating" or seasonal credit programs are among the normal business practices which must be maintained by a supplier under this paragraph, if that supplier had such programs in effect during the base period. Credit terms other than those associated with seasonal credit programs are included as a part of the May 15, 1973 price charged to a class of purchasers under Part 212 of this Chapter. Nothing in this paragraph shall be construed to require suppliers to sell to purchasers who do not arrange proper credit or payments for petroleum products, as customarily associated with that class of purchaser during the base period (for seasonal credit), or on May 15, 1973 (for other credit terms). However, no supplier may require or impose more stringent credit terms or payment schedules on purchasers than those in effect for that class of purchaser during the base period (for seasonal credit), or on May 15, 1973 (for other credit terms).

(b) No supplier shall engage in any form of discrimination among purchasers of any petroleum product. For purposes of this paragraph, "discrimination" means extending any preference or sales treatment which has the effect of frustrating or impairing the objectives, purposes and intent of this part or the Act, and includes, but is not limited to, refusal by a retail marketer of motor gasoline or diesel fuel to furnish or sell any petroleum product due to the absence of a prior selling relationship with the purchaser, or establishment of new volume purchase arrangements where customers of retailers agree in advance to purchase in excess of normal amounts of motor gasoline or diesel fuel and thereby receive preferential treatment.

(c) Any practice which constitutes a means to impose terms or conditions not customarily imposed upon the sale of a petroleum product is in violation of these regulations.

§ 660.8 Supplier/purchaser accommodations.

(a) Any supplier may arrange to supply any purchaser which is entitled to receive an allocation from it through another supplier or suppliers in accordance with normal business practices. The purchaser shall, however, be entitled to receive the same amount of the petroleum product from the substituted supplier or suppliers that it would receive if it were directly supplied by the original supplier using that supplier's allocation fraction.

(b) In order to alleviate imbalance, suppliers and refiners may make normal business exchanges among themselves.

(c) To accommodate seasonal and other fluctuations in both supply and demand such as requirements for agricultural production, suppliers and wholesale purchasers may agree between and among themselves either to borrow on future allocations or to defer current allocations or both within the total allocations for one calendar year as long as such arrangements do not result in an involuntary reduction in allocations to other wholesale purchasers.

§ 660.9 Administrative actions.

(a) *Directed sales.* (1) Notwithstanding any other provision of this part, the DOCA may order any supplier, including a refiner, importer, exporter, or any other seller of petroleum products to sell a particular petroleum product to a specified purchaser or class of purchasers if it is determined that such a sale or sales are necessary in order to further the purpose and goals of the Act and these regulations.

(2) With respect to suppliers described in § 660.103(g), the DOCA will notify the supplier of the volume of its petroleum products subject to directed sales five (5) days prior to the allocation period for which the sale or sales are directed.

(b) *Inventories of petroleum products.* No supplier, importer, wholesale purchaser or end-user shall accumulate inventories of any petroleum product which exceed customary inventories maintained by that supplier, importer, wholesale purchaser or end-user in the conduct of his normal business practices unless otherwise directed by the DOCA. Normal inventory practices shall be observed in determining allocable supplies of petroleum products each month. The DOCA may review inventory practices

and may direct an increase or decrease in inventories if:

(1) The inventory practices employed are inconsistent with the provisions of this part;

(2) The inventory practices circumvent or otherwise violate other provisions of this part; or

(3) The DOCA determines that an adjustment is necessary in order to allocate petroleum products in a manner consistent with the objectives of the allocation program.

(c) *Adjustment to calculations.* Upon a finding that incorrect or otherwise inaccurate data have been used in calculating the allocation of any petroleum product subject to this part, the DOCA may take appropriate action to adjust any such figures or data and any allocations based thereon to account for the error.

(d) *Adjustments to allocable supply.* Notwithstanding any other provision of this part, the DOCA may order any supplier, including a refiner, importer, exporter or any other seller of petroleum products to increase its allocable supply in excess of the amount computed under § 660.103(b)(1) if necessary in order to assure that the total volume of petroleum products subject to this part in a particular calendar quarter are equal to the volume sold for use in the Commonwealth in the corresponding calendar quarter of 1973.

(e) *Redirection of product.* To meet imbalances that may occur in the supplies of any petroleum product, the DOCA may order the transfer of specified amounts of any such product from one area to another or may order that different allocation fractions be used in different areas. Furthermore, the DOCA may transfer supplies of petroleum products among suppliers in order to remedy supply imbalances.

(f) *Reassignment of wholesale purchasers.* Any supplier which has significantly reduced marketing or distribution activities in any area and which is obligated to supply its base period purchasers in that area under the terms of this program may apply to the DOCA to seek a change in the method of supplying such purchasers. The DOCA may order the reassignment of wholesale purchasers from one supplier to another.

Subpart B—Definitions

§ 660.51 General definitions.

"Act" means the Emergency Petroleum Allocation Act of 1973, the Federal Energy Administration Act of 1974, and the Economic Stabilization Act of 1970, as amended, as appropriate.

"Adjusted base period volume" means base period volume as adjusted pursuant to § 660.106.

"Administrator" means the Secretary of the Department of Consumer Affairs or his delegate.

"Allocation period" means a period corresponding to a base period.

"Allocable supply" means allocable supply as defined in § 660.103(b)(1).

"Allocation fraction" means allocation fraction as defined in § 660.103(b).

"ASTM" means American Society for Testing Materials.

"Assignment" means an action taken by the DOCA, designating that an authorized purchaser be supplied a volume of a petroleum product determined by the DOCA by a specified supplier.

"Base period" means:

(i) For motor gasoline and middle distillates, the month of 1972 corresponding to the current month; and

(ii) For propane, butane and residual fuel oil, the month of 1973 corresponding to the current month.

"Base period use" means base period volume or adjusted base period volume.

"Base period volume" means base period volume as defined in § 660.103(b)(2)(ii).

"Commonwealth" means the Commonwealth of Puerto Rico.

"DOCA" means the Department of Consumer Affairs of the Commonwealth.

"End-user" means any firm which is an ultimate consumer of a petroleum product in the Commonwealth other than a wholesale purchaser-consumer.

"Ethane" means a hydrocarbon whose chemical composition is C_2H_6.

"Exporter" means any firm which owns at the last place of storage in the Commonwealth any petroleum product leaving the Commonwealth, provided, however, that a commercial fisherman whose primary harbor is in the Commonwealth, and a commercial freighter engaged in the business of transporting cargo between points in the Commonwealth or to or from the Commonwealth is not an exporter of a petroleum product it purchases for use as fuel in that freighter.

"FEA" means the Federal Energy Administration or its delegate or its predecessor.

"Firm" means any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal Government including corporations, departments, Federal agencies, and other instrumentalities, or local government units provided that such entity or entities are located or doing business in the Commonwealth. The DOCA may, in regulations and forms issued in this part, treat as a firm: (1) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls, (2) a parent and its consolidated entities, (3) an unconsolidated entity, or (4) any part of a firm.

"Importer" means any firm that owns at the first place of storage any petroleum product brought into the Commonwealth, and includes petroleum product brought into the Commonwealth from the mainland.

"LPG" means liquefied petroleum gas, and includes propane and butane, and propane/butane mixes, but not ethane.

"Middle distillate" means any derivatives of petroleum including kerosene, home heating oil, range oil, stove oil, and diesel fuel, which have a fifty (50) percent boiling point in the ASTM D-86 standard distillation test falling between 370° and 700° F. Products specifically excluded from this definition are kerosene-base and naphtha-base jet fuel, heavy fuel oils as defined in VV-F-815C or ASTM D-396, grades #4, 5, and 6, intermediate fuel oils (which are blends containing #6 oil), and all specialty items such as solvents, lubricants, waxes and process oil.

"Motor gasoline" means a mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140° to 390° F and whose source is distillation of petroleum and cracking, polymerization, and other chemical reactions by which the naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties and includes products such as natural gas liquids, alkylates, naptha, toluene and mixed xylenes when used as blending stock to form motor gasoline.

"Petroleum product" means propane, butane, motor gasoline, middle distillate and residual fuel oil.

"Prime supplier" means any supplier which makes the first sale of a petroleum product in the Commonwealth. In the case of an imported petroleum product, the first sale is the sale by the importer.

"Purchaser" means a wholesale purchaser, an end-user, or both, but does not include an exporter.

"Refiner" means those firms which own, operate or control the operations of one or more industrial plants, regardless of capacity, processing crude oil feedstock or refined petroleum products and manufacturing propane, butane, motor gasoline, middle distillate or residual fuel oil.

"Refined petroleum product" means gasoline, kerosene, middle distillate (including number 2 fuel oil), LPG, refined lubricating oils, or diesel fuel.

"Residual fuel oil" means the fuel oils commonly known as: (1) No. 4, No. 5 and No. 6 fuel oils; (2) Bunker C; (3) Navy Special Fuel Oil; (4) crude oil when burned directly as a fuel; and all other fuel oils which have a fifty (50) percent boiling point over 700° F in the ASTM D-86 standard distillation test.

"Retail sales outlet" means a site on which a supplier maintains an on-going business of selling any petroleum product to end-users or wholesale purchaser-consumers.

"Set-aside volume" means, with respect to a particular prime supplier, the amount calculated pursuant to §660.110(c)(1).

"Supplier" means any firm located or doing business in the Commonwealth, which supplies, sells, transfers or otherwise furnishes (as by consignment) any petroleum products to wholesale purchasers, end-users or exporters. Supplier includes but is not limited to refiner, importer, exporter, reseller, jobber, and retailer.

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"Supply obligation" means supply obligation as defined in § 660.103(b)(2).

"Wholesale purchaser" means a wholesale purchaser-reseller (other than an exporter) or a wholesale purchaser-consumer, or both.

"Wholesale purchaser-consumer" means any firm that is an ultimate consumer in the Commonwealth, which, as part of its normal business practices, purchased or obtained in any completed calendar year subsequent to 1971 more than 24,000 gallons of a petroleum product from a supplier and received delivery of that product into a storage tank substantially under the control of that firm at a fixed location in the Commonwealth.

"Wholesale purchaser-reseller" means any firm which purchases, receives through transfer, or otherwise obtains (as by consignment) a petroleum product and resells or otherwise transfers it to other purchasers in the Commonwealth without substantially changing its form.

Subpart C—General Allocation Rules

§ 660.101 Applicability.

This subpart applies to each petroleum product to be sold for use within the Commonwealth after 11:59 p.m., October 31, 1974, and to each firm which refines, imports, exports, purchases or sells petroleum products in the Commonwealth.

§ 660.102 Supplier/purchaser relationships.

(a) *Supplier/wholesale purchaser relationship.* Each supplier of a petroleum product shall supply all wholesale purchasers which purchased or obtained that petroleum product from that supplier during the base period as specified in the provisions of this part or as otherwise ordered by the DOCA.

(b) *Changes in ownership or brand.* The supplier/purchaser relationship required by this part shall not be altered by (1) changes in the ownership or right to possession of the real property on which a wholesale purchaser maintains its on-going business or end use; or (2) changes in the brand or franchise under which a wholesale purchaser-reseller maintains its on-going business.

(c) *New relationships* (1) Suppliers shall not supply new wholesale purchasers except in accordance with § 660.105(d).

(2) New suppliers shall not supply wholesale purchasers or end-users except in accordance with § 660.103(d).

(d) *Dual capacities.* A supplier may also act in the capacity of a wholesale purchaser, an importer, an exporter, or an end-user. A wholesale purchaser may act in the capacity of both a wholesale purchaser-reseller and wholesale purchaser-consumer. A firm which is acting in one or more different capacities shall comply with the appropriate regulations governing each capacity in which it acts.

§ 660.103 Supplier's method of allocation.

(a) *General.* (1) Subject to the prenotification provisions in subpart E, suppliers of petroleum products shall allocate all of their allocable supply in accordance with the provisions of this section. Each supplier shall determine its allocation fraction pursuant to the provisions of paragraph (b) of this section. Suppliers shall then allocate to purchasers in accordance with the provisions of paragraph (c) of this section. The method of allocation for new suppliers is specified in paragraph (d) of this section. Suppliers with allocation fractions less than one (1.0) must act in accordance with the provisions of paragraph (e) of this section while suppliers with allocation fractions equal to or greater than one (1.0) must act in accordance with the provisions of paragraph (f) of this section. Suppliers, other than new suppliers, which in a particular base period have no supplier/purchaser relationships must act in accordance with the provisions of paragraph (g) of this section.

(2) For purposes of defining a supplier in this part, a firm shall mean the parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls.

(b) *Allocation fraction.* Each supplier shall determine a single allocation fraction for each petroleum product prior to making any allocation. A supplier's allocation fraction for any allocation period for a petroleum product shall be equal to its allocable supply of that product, which is defined in paragraph (b)(1) of this section, for that period divided by its supply obligation for all levels of distribution, which is defined in paragraph (b)(2) of this section.

(1) *Allocable supply.* Each supplier's allocable supply of a petroleum product for an allocation period shall be equal to its total supply for that period, which is the sum of its estimated production, including amounts received under processing and exchange agreements, imports, purchases and its beginning inventory and any adjustment in inventory of that petroleum product made pursuant to § 660.9 and any other adjustments ordered by DOCA; less (i) any amounts designated as set-aside pursuant to § 660.110 and (ii) any amount in excess of the amount sold for use within the Commonwealth of Puerto Rico in the 1973 period corresponding to the allocation period unless otherwise ordered by the DOCA pursuant to § 660.9.

(2) *Supply obligation*—(i) *General.* A supplier's supply obligation of a particular petroleum product is the sum of (A) the amounts of its wholesale purchasers' base period volumes, as adjusted pursuant to § 660.106, which were supplied by the supplier during the appropriate base period provided that the purchaser is still in business or continues to use the product for the same purposes for which it was purchased in the base period; (B) the amounts of adjusted base period volumes of new wholesale purchasers which are assigned to or accepted by the supplier in accordance with the provisions of § 660.105; and (C) the amount equal to its total sales to end-users during that base period. Base period volume is defined below.

(ii) *Base period use.* Base period use means base period volume or adjusted base period volume as appropriate. A wholesale purchaser's base period volume of a particular petroleum product is the volume of that petroleum product purchased or obtained during the appropriate base period as determined in accordance with § 660.105(c) or the base period volume as adjusted pursuant to § 660.106. In the case of a new wholesale purchaser, base period volume means the volume assigned or agreed to pursuant to § 660.105(d). Adjustments to base period volumes shall be made in accordance with the provisions of § 660.106.

(c) *Allocation by suppliers to wholesale purchasers and end-users*—(1) *Wholesale purchasers.* A supplier shall allocate to each of its wholesale purchasers a volume of a petroleum product equal to the product of that supplier's allocation fraction multiplied by an amount equal to that wholesale purchaser's base period use.

(2) *End-users.* Suppliers shall allocate equitably among end-users, a volume of petroleum product equal to the product of that supplier's allocation fraction multiplied by an amount equal to its total sales to end-users in the appropriate base period or adjusted base period.

(d) *New supplier.* (1) A supplier which was not a base period supplier but was a supplier prio. to January 15, 1974 shall supply in accordance with the provisions of this section, (i) wholesale purchasers which it supplied as of January 15, 1974 and which have no base period supplier; (ii) any purchasers assigned by DOCA; (iii) new wholesale purchasers acquired after January 15, 1974 in accordance with the provisions of § 660.105; and (iv) to the maximum extent possible, end-users.

(2) A supplier which was not a supplier prior to January 15, 1974 shall be considered to have no supply obligation and shall not allocate supplies to any purchaser without DOCA approval.

(3) Notwithstanding any other provision of paragraph (d), a supplier which was not a base period supplier but which is a supplier on October 31, 1974 shall for the allocation periods which includes the months of November and December, supply the wholesale purchasers assigned by the FEA prior to October 31, 1974.

(e) *Allocation fractions less than one.* When a supplier's allocation fraction is less than one (1.0), a supplier shall reduce, on a pro rata basis, the amounts supplied to end-users and wholesale purchasers.

(f) *Allocation fractions equal to or greater than one.* (1) In allocating allocable supplies of any petroleum product among wholesale purchasers and end-users no supplier may use an allocation fraction greater than one (1.0). If a supplier's allocable supply is of sufficient magnitude that the allocation fraction exceeds one (1.0), the supplier shall make allocations based on an allocation fraction of one (1.0), and shall notify the DOCA pursuant to § 660.152 as to the volume of petroleum product remaining in its allocable supply. The DOCA may

direct that the petroleum product be distributed among other suppliers, sold to designated wholesale purchasers or end-users, be accumulated in inventory, or be added to the supplier's set-aside volume. If the reporting supplier is not notified to the contrary by the DOCA within fifteen (15) days after filing of its report with the DOCA, he may distribute these volumes to any wholesale purchasers or end-users.

(2) No supplier shall supply and no end-user or wholesale purchaser-consumer shall accept quantities of a petroleum product which exceed one hundred (100) percent of that end-user or wholesale purchaser-consumer's current requirements, unless directed by DOCA.

(g) *Suppliers without wholesale purchasers or end-users.* A supplier such as an exporter which was in existence prior to January 15, 1974, but which in a particular base period has no supplier/purchaser relationships established pursuant to § 660.102, shall report its total supply to the DOCA pursuant to the provisions of § 660.153(a). Unless the supplier is notified by the DOCA to make directed sales pursuant to § 660.9, the suppliers shall allocate its petroleum products pursuant to the FEA regulations.

§ 660.104 Basis for purchaser's entitlement to allocation.

(a) *Basis of entitlement.* A wholesale purchaser shall receive an allocation based on its conduct of an ongoing business in the Commonwealth or maintenance of an established end-use within the Commonwealth.

(b) *End-users and wholesale purchasers as a firm.* (1) For purposes of defining a wholesale purchaser-consumer in this part, a firm shall mean those parts of the parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls which act as ultimate consumers in the Commonwealth including all sites, storage tanks and other facilities or entities of the wholesale purchaser-consumer that utilize or store a petroleum product in the Commonwealth.

(2) Except as provided in paragraph (b)(3) of this section, for purposes of defining a wholesale purchaser-reseller in this part, a firm shall mean all those parts of the parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls which sell petroleum products in the Commonwealth.

(3) Each firm or part of a firm which operates an on-going business of selling motor gasoline at a retail sales outlet shall be considered a separate firm with respect to each such outlet, and therefore shall be a separate wholesale purchaser-reseller. The entity which merely holds a real property interest in a retail sales outlet on which another entity operates an on-going business shall not be considered the wholesale purchaser-reseller with respect to that outlet.

(c) *Loss of allocation entitlement for going out of business.* Wholesale purchasers which have gone out of business shall not be eligible for allocations based on volumes received or purchases made prior to going out of business.

(d) *Transfer of entitlement.* The right to receive an allocation shall not be assignable separately but shall be considered an integral part of the on-going business or established end-use. The right to an allocation shall be deemed to have been transferred to a successor firm.

§ 660.105 Purchaser's allocation entitlement.

(a) *Scope.* This section describes a purchaser's allocation entitlements. Paragraph (b) of this section specifies the volumes of a petroleum product which wholesale purchasers are entitled to receive from suppliers. The method by which wholesale purchasers determine base period volumes is provided in paragraph (c) of this section. Paragraphs (d) and (e) of this section set forth procedures by which new wholesale purchasers and new importer-consumers, respectively determine their entitlements and suppliers. End-users do not have allocation entitlements. If an end-user is unable to locate a supplier or is unable to purchase a volume of a petroleum product sufficient to meet its requirements, it may petition the DOCA for relief pursuant to Part 661.

(b) *Entitlements: wholesale purchasers.* A wholesale purchaser shall be entitled to receive a volume of a petroleum product equal to the sum of the volumes allocable to it from each of its suppliers in the Commonwealth. The volume supplied to a purchaser by each of its suppliers in the Commonwealth shall be the product of that supplier's allocation fraction multiplied by that purchaser's base period use purchased or obtained from that supplier.

(c) *Base period volume determination.* (1)(i) By October 31, 1974, each wholesale purchaser shall certify to each of its suppliers the amount of a petroleum product purchased from that supplier and which it exported or sold for export from the Commonwealth in each base period. If a wholesale purchaser is unable to determine the supplier from which the petroleum product is exported or sold for export was purchased, the wholesale purchaser shall certify to each supplier a pro rata share of the total volume of petroleum product it exported or sold for export in each base period.

(ii) By November 4, 1974, each supplier which sells a petroleum product to a wholesale purchaser shall report to each of its wholesale purchasers with respect to each petroleum product, the volume of petroleum product it sold or transferred to that purchaser in each base period, less any amount reported to the supplier by the wholesale purchaser pursuant to paragraph (c)(1)(i) of this section.

(2) In the event that the purchaser disagrees with the base period volume computed by its supplier, it should make application to the DOCA for a corrected base period volume in accordance with DOCA forms and instructions. Copies of the purchaser's records for base period purchases should be included with the application.

(d) *New wholesale purchasers*—(1) *Mutual arrangements.* (i) Subject to the provisions of paragraph (d)(1)(ii) of this section a wholesale purchaser without a base period supplier or a new supplier as provided in § 660.103(d)(1) and a supplier may agree upon a proposed base period volume for the wholesale purchaser. The base period volume agreed upon shall afford the wholesale purchaser a fair and equitable volume in light of its requirements together with other relevant circumstances including the supplier's supply obligations to its other wholesale purchasers.

(ii) In determining a base period volume, the supplier must notify the DOCA of any such arrangement and the proposed base period volume within ten (10) days of the making of the mutual arrangement, or, with respect to any existing arrangements, within ten (10) days of the effective date of these regulations. The supplier may not provide the wholesale purchaser with petroleum products until he has so notified the DOCA of the mutual arrangement. The DOCA may assign the wholesale purchaser to another supplier and may adjust the proposed base period volume.

(2) *Assignment of supplier.* (i) Any wholesale purchaser which does not have a base period supplier, or new supplier as provided in § 660.103(d)(1), or which is unable to locate a supplier pursuant to paragraph (d)(1) of this section, and any other wholesale purchaser which is otherwise unable to obtain sufficient supplies may petition the DOCA pursuant to Part 661, for the assignment of a supplier and a base period volume.

(ii) Any assignment of a base period volume will be deemed to have been adjusted for growth through the date of the assignment and may be adjusted thereafter under the provisions of § 660.106(b).

(iii) Any wholesale purchaser which is assigned to or accepted by the supplier under the provisions of this part shall be accepted by the supplier for the duration of the program or until otherwise directed by the DOCA.

(e) *New end-user and wholesale purchaser-consumer importer.* End-users and wholesale purchaser-consumers which have not previously imported a petroleum product or which import a petroleum product in excess of the volumes imported in the base period, must report pursuant to § 660.153(b) such imports to the DOCA within five (5) days of receipt of the petroleum product. Unless the DOCA orders a directed sale of the imported petroleum product pursuant to the provisions of § 660.9(a), the importer may retain the petroleum product for its own use.

§ 660.106 Adjustments to base period volumes.

(a) *Scope.* The adjustment procedures under this section are applicable to the allocation of all petroleum products. This section describes the means by which wholesale purchasers may receive

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adjustments to their base period volumes.

(b) *Adjustments.* (1) Suppliers shall adjust a wholesale purchaser's base period volume for gasoline or middle distillates without an application of the wholesale purchaser if the supplier's records indicate that the volume of the wholesale purchaser's purchases of that product in a 1973 period corresponding to a base period exceed the base period volume of that product. The increase to the base period volume shall be calculated as the difference between the volume purchased in the 1973 period corresponding to a base period, and the volume purchased in the base period.

(2) Any wholesale purchaser of any petroleum product may apply to the DOCA pursuant to Part 661 for an adjustment to a base period volume for changed circumstances or growth pursuant to forms and instructions issued by the DOCA. Such adjustments shall be based upon applications which are fully supported by detailed facts, figures and other relevant documentation.

§ 660.107 Allocation of unleaded gasoline.

(a) *General.* All the provisions of this part shall apply to all substances meeting the definition of motor gasoline, including leaded and unleaded gasoline, without regard to the different characteristics of those substances except as provided in this section.

(b) *Definitions.* For purposes of this section—

"Allocation entitlement" for a wholesale purchaser means its allocation entitlement as described in § 660.105.

"Allocation ratio" means that ratio of a supplier's total supply of unleaded gasoline to the supplier's total supply of motor gasoline (leaded and unleaded).

"Unleaded gasoline" means unleaded gasoline as defined by the Environmental Protection Agency.

(c) *Supplier/purchaser relationships.* In addition to the provisions of § 660.102, a supplier of unleaded gasoline shall further allocate unleaded gasoline in accordance with the provisions of this section to wholesale purchasers which are entitled to receive motor gasoline (whether leaded or unleaded) from that supplier without regard to whether the supplier has previously supplied unleaded gasoline to that purchaser.

(d) *Method of allocation for unleaded gasoline.* (1) For each allocation period each supplier shall make available to each of its wholesale purchasers of motor gasoline a volume of unleaded gasoline which bears the same ratio to that purchaser's allocation entitlement as the supplier's allocation ratio for that period. Suppliers may refuse to supply unleaded gasoline to any wholesale purchaser-reseller which does not have facilities suitable for the storage and delivery of unleaded gasoline, as required by the provisions of 40 CFR Chapter I, Part 80, Subpart B.

(2) No purchaser may be required to accept any quantity of unleaded gasoline in lieu of part or all of its allocation entitlement to motor gasoline for a period which corresponds to a base period.

(3)(i) After its initial offer of unleaded gasoline pursuant to paragraph (d)(1) of this section a supplier shall offer any of its supply of unleaded gasoline which remains only to purchasers which are entitled to receive motor gasoline from that supplier and which desire to purchase unleaded gasoline. New car dealers, fleet owners or operators, or any other wholesale purchaser-consumers which require unleaded gasoline as a greater proportion of their allocation entitlement than the supplier's allocation ratio shall have first priority to any such additional quantities of unleaded gasoline.

(ii) Any supplier with a motor gasoline allocation fraction less than or equal to one (1.0) which has a supply of unleaded gasoline that none of its purchasers entitled to receive motor gasoline from that supplier desire to purchase shall notify the DOCA and may dispose of such supply only with the written consent of the DOCA.

(4) The total volume of leaded and unleaded gasoline which a supplier allocates to a purchaser for an allocation period shall equal the total amount of motor gasoline which the supplier could otherwise allocate to that purchaser pursuant to this part without regard to the provisions of this section.

(5) Any purchaser which has been notified that its supplier will not supply it with unleaded gasoline and which with reasonable diligence cannot otherwise obtain a supply of unleaded gasoline under the provisions of this part, may apply to the DOCA in accordance with DOCA forms and instructions for assignment of a supplier of unleaded gasoline.

(6) DOCA may require recipients of assigned quantities of unleaded gasoline to provide leaded gasoline in exchange for the assigned product.

(e) *Prime suppliers.* Prime suppliers shall make available in their set-aside a ratio of unleaded gasoline to all motor gasoline equal to their allocation ratio.

(f) *Relationship to EPA regulations.* Nothing in this section shall be interpreted to supersede any regulation concerning unleaded gasoline issued by the Environmental Protection Agency, or any regulation issued by the DOCA concerning gasoline.

§ 660.110 Set-aside system.

(a) *Purpose and scope.* The DOCA shall establish and administer a set-aside system for all petroleum products. The set-aside shall be utilized by the DOCA to order sales by prime suppliers to meet hardship and emergency requirements of all wholesale purchasers and end-users.

(b) *Definitions.* For purposes of this section—"Percentage set-aside level" means:

(1) for gasoline, three (3%) percent;
(2) for propane, three (3%) percent;
(3) for butane, one (1%) percent;
(4) for middle distillates, four (4%) percent; and
(5) for residual fuel oil, three (3%).

(c) *Prime suppliers*—(i) *Calculation of set-aside volume.* The set-aside volume of a prime supplier of a particular petroleum product shall be calculated by multiplying the prime supplier's estimated allocable supply for the forthcoming allocation period in its capacity as a prime supplier by the percentage set-side level for that product.

(ii) *Reports of set-aside volumes.* Fifteen (15) days prior to the beginning of each allocation period each prime supplier shall calculate its set-aside volume for each petroleum product for the forthcoming allocation period and shall report pursuant to § 660.152 the volume and calculations according to forms and instructions issued by the DOCA.

(iii) *Sales of set-aside volumes.* A supplier must sell a petroleum product from the set-aside volume for a particular month within three (3) days of presentation by a wholesale purchaser or end-user, of a written authorization of the DOCA. No other sale may be made from the set-aside volume. The petroleum product remaining in a prime supplier's set-aside volume at the end of a particular allocation period shall become part of that supplier's total supply for the subsequent allocation period and shall be distributed according to the procedures set forth in this part.

(d) *DOCA action.* If the DOCA approves a hardship or emergency petition submitted by a wholesale purchaser or end-user pursuant to the provisions of Part 661, it shall issue to the petitioner a written authorization to purchase a specified volume from the set-aside volume of a specified prime supplier.

(e) *Changes in percentage set-aside levels.* The Administrator may alter the percentage set-aside level for a particular petroleum product for a particular allocation period through the issuance of an order fifteen (15) days prior to the beginning of that allocation period.

§ 660.114 Energy conservation.

Unless otherwise ordered for good cause shown, no wholesale purchaser or end-user shall receive an allocation pursuant to the procedures of Part 661 unless he shall have certified that he has in effect an energy conservation program consistent with the conservation program of the Commonwealth.

Subpart D—Reporting and Recordkeeping

§ 660.151 Initial reports.

(a) By November 15, 1974, each supplier shall report to the DOCA consistent with forms and instructions issued by the DOCA the following information concerning each petroleum product:

(1) Name and address of supplier;

(2) Total sales volume (including internal transfers and volume of its own end-use) for each completed period of 1972, 1973 and 1974 corresponding to a base period; and

(3) The percentage of total sales volume and actual sales volume exported or sold for export for each completed period of 1972, 1973 and 1974 corresponding to a base period.

(b) Notwithstanding the provisions of paragraph (a), information filed in accordance with Regulation No. 41 of the DOCA need not be repeated.

§ 660.152 Periodic reports.

(a) Except as provided in paragraph (b), each supplier must file a report for each petroleum product for each allocation period beginning with the allocation period including November 1974 which sets forth the (1) estimated allocable supply, (2) estimated set-aside volume, and (3) the estimated volume of product subject to § 660.103(f). The report, consistent with forms and instructions issued by the DOCA, must be filed with the DOCA fifteen (15) days prior to the beginning of each allocation period; except however, the report for the allocation period including November must be filed by November 1, 1974.

(b) The reporting requirement of paragraph (a) of this section does not apply to:

(1) A supplier to the extent he is subject to § 660.103(g), provided however, that the supplier makes reports pursuant to § 660.153.

(2) Sales by a supplier which sells exclusively to end-users.

§ 660.153 Other reports.

(a) *Suppliers without base period supplier/purchaser relationships.* Each supplier subject to § 660.103(g) must file a report for each petroleum product for each allocation period beginning with the allocation period including October 1974. The report, consistent with forms and instructions issued by the DOCA must be filed with the DOCA fifteen (15) days prior to the beginning of each allocation period; except however, the report for the allocation period including November 1974, must be filed by November 1, 1974. The report for each petroleum product shall contain the following information concerning the next allocation period:

(1) Name and address of the supplier submitting the report;

(2) Total estimated inventory;

(3) Estimated volume of exports; and

(4) Estimated volume which it will consume in its capacity as an end-user or wholesale purchaser-consumer.

Pursuant to the provisions of § 660.9 the DOCA may order a directed sale of such petroleum product.

(b) *End-user and wholesale purchaser-consumer importers.* Each end-user and wholesale purchaser-consumer which imports a petroleum product in excess of the volume imported during the base period, and each end-user and wholesale purchaser consumer which did not import a petroleum product prior to January 1, 1974, must report to the DOCA within five (5) days of receipt of that imported petroleum product on forms and instructions issued by the DOCA. These reports shall contain the following information:

(1) Name and address of supplier submitting the report;

(2) The volume received, point of origin, and seller of the imported petroleum product;

(3) The intended use of the import;

(4) The base period volume, current requirements, and the amount purchased or expected to be purchased from suppliers subject to this part in the most recently completed, the current, and the next allocation period; and

(5) The volume of imported petroleum product anticipated to be received in the next allocation period.

Pursuant to the provisions of § 660.9 the DOCA may order the directed sale of such a petroleum product.

(c) *Duplication of information.* Notwithstanding the provisions of paragraph (a) and (b) of this section, information filed in accordance with Regulation No. 41 of the DOCA need not be repeated.

(d) *Additional reports.* Whenever the DOCA considers it necessary for the effective administration of the program it may order any firm to file special or separate reports, setting forth information relating to the DOCA regulations in addition to any other report required by this part.

§ 660.154 Recordkeeping requirements.

(a) *General.* Each firm subject to this part shall keep such records that serve as source for the information submitted under this part.

(b) *Inspection.* Records required to be kept under paragraph (a) shall be made available for inspection at any time upon request of a representative of the DOCA.

(c) *Justification.* Upon the request of a representative of the DOCA any supplier which has filed a notice of a proposed method of allocation or makes a sale subject to the allocation regulations of this part shall:

(1) Specify the records that it is maintaining to comply with this paragraph; and

(2) Justify that action pursuant to the allocation provisions of this part.

(d) *Period for keeping records.* Each firm required to keep records under this paragraph shall maintain and preserve those records for at least four (4) years after the last day of the calendar year in which the transaction or other events recorded in the record occurred or the property was acquired by that firm whichever is later.

Subpart E—Prenotification

§ 660.181 Implementation of prenotification.

(a) Upon a finding by the DOCA that the purposes and goals of the allocation program and the Act would be furthered by prenotification of the proposed method of allocation of each petroleum product by each supplier, the DOCA shall issue an order requiring prenotification pursuant to the provisions of this subpart.

(b) The provisions of this subpart are not effective unless implemented by a DOCA order.

§ 660.182 Prenotification.

(a) *Prenotification requirement.* Except as provided in paragraph (b) of this section, each supplier shall file a notice of the proposed method of allocation for each petroleum product with the DOCA fifteen (15) days prior to the beginning of the allocation period in which the proposed sales are to be made.

(b) *Waiver of prenotification.* The prenotification requirements of paragraph (a) of this section do not apply to:

(1) A supplier to the extent he is subject to § 660.103(g), provided however, that the supplier makes periodic reports pursuant to § 660.153.

(c) *Notification to wholesale purchaser-resellers.* Eighteen (18) days prior to the beginning of each allocation period each supplier shall notify each of its wholesale purchaser-resellers in writing of its allocation entitlement for the next allocation period. Notification will not be considered to have been made until it is received by the wholesale purchaser-reseller.

§ 660.183 Manner of prenotification.

The notice of the proposed method of allocation must be filed with the DOCA by each supplier for each petroleum product in accordance with forms and instructions issued by the DOCA.

§ 660.184 Measure of the prenotification period.

The fifteen (15) day prenotification period will begin on the first day following the date of filing of the proposed allocation method which is not a Friday, Saturday or Sunday.

§ 660.185 DOCA action.

(a) During the fifteen (15) day prenotification period the DOCA may issue an order disapproving, modifying, or suspending a proposed allocation plan in whole or in part.

(1) The DOCA may issue an order disapproving or modifying a proposed allocation plan in whole or in part if it finds:

(i) That the proposed method of allocation does not conform to the rules of this part;

(ii) That if allocation were made pursuant to the plan submitted undue hardship or inequity would result to a particular sector of the economy, or it would be unreasonably inconsistent with the purposes and goals of the Act or regulations; or

(iii) That area imbalances would result due to weather variation, seasonal demand, or other circumstances beyond the control of the sellers or purchasers.

(2) The DOCA may issue an order temporarily suspending the running of the fifteen (15) day prenotification period if it finds that additional information is necessary or that the form was improperly filed.

(b) The DOCA may issue an order directing the surplus product reported pursuant to the provisions of § 660.103 (f) be sold to a particular supplier, wholesale purchaser or end-user, be added to the supplier's set-aside volume, or be held in inventory for a specified period of time, in order to meet the purpose and goals and objectives of the Act or regulations.

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§ 660.186 **Implementation of proposed allocation plan.**

(a) If the DOCA does not act upon the proposed allocation plan pursuant to § 660.185 and prior to the first day of the allocation period the plan may be implemented upon the first day of the allocation period.

(b) If the DOCA does not act pursuant to § 660.185 concerning surplus product reported pursuant to § 660.183 the surplus may be sold for consumption in the Commonwealth to any purchaser, at the discretion of the supplier.

(c) Failure of the DOCA to act upon the proposed method of allocation prior to the first day of the allocation period does not constitute approval of the proposal, and nothing in this part shall be construed to limit the authority of the DOCA to modify, suspend or disapprove the continuation of the proposed plan in whole or in part, if the DOCA finds that:

(1) The plan does not conform to the rules of this part; or

(2) The plan would result in undue hardship or inequity to a particular firm or to a particular sector of the economy of the Commonwealth or would be unreasonably inconsistent with the purpose and goals of the Act or the DOCA.

[FR Doc.74-23060 Filed 9-20-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 74-930]

FEDERAL SAVINGS AND LOAN SYSTEM

Branch Office Applications

SEPTEMBER 13, 1974.

The Federal Home Loan Bank Board considers it desirable to propose an amendment to § 545.14 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.14) in order to permit a Federal savings and loan association that has had two branch applications denied within the preceding twelve months to refile in cases where another Federal association has filed for any substantial part of the same savings service area. By a companion Resolution (Resolution No. 74-931 dated Sept. 13, 1974), the Board proposes a similar amendment to Part 582 of the regulations for District of Columbia Savings and Loan Associations and Branch Offices (12 CFR Part 582).

The present § 545.14(b)(1)(ii) requires that before a Federal association may have a branch application considered 12 months must have elapsed since the date of disapproval by the Board of an application to serve any substantial part of the same savings service area. However, this requirement is applicable only if such Federal association has filed two applications to serve any substantial part of such savings service area within the 12 months preceding such date of disapproval and both such applications were disapproved by the Board. The proposal would allow such a Federal association which would otherwise be prohibited from filing an application for 12 months to do so if another savings and loan association, savings bank, or similar institution has filed an application to establish a branch in any substantial part of the same savings service area. An additional result of the proposal would be a clarification of the present language in § 545.14(b)(1)(ii).

Accordingly, the Board hereby proposes to amend § 545.14 by revising paragraph (b)(1)(ii) thereto, to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, N.W., Washington, D.C. 20552, by October 9, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.14 Branch office.

* * * * *

(b) *Eligibility.* (1) Except as provided in paragraph (b)(2) of this section, a Federal association shall be eligible to have an application for permission to establish a branch office (including an application for a limited facility branch office) considered and processed only if, at the date on which such application is filed with the Board:

* * * * *

(ii) Two such applications, whereby such association proposes to serve any substantial part of the same savings service area (as determined by the Supervisory Agent) have not been disapproved by the Board during the 24 months preceding such date unless at least 12 months have elapsed since the most recent disapproval. However, if two such applications by such association have been disapproved during the 24 months preceding such date, either of such disapproved applications will be considered and processed upon refiling if any other savings and loan association, savings bank, or similar institution files such an application whereby it proposes to serve any substantial part of the same savings service area (as determined by the Supervisory Agent) within 12 months since the most recent disapproval.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74-22014 Filed 9-20-74;8:45 am]

[12 CFR Part 582]

[No. 74-931]

DISTRICT OF COLUMBIA SAVINGS AND LOAN ASSOCIATIONS AND BRANCH OFFICES

Branch Office Applications

SEPTEMBER 13, 1974.

The Federal Home Loan Bank Board considers it desirable to propose an amendment to § 582.1 of the Regulations for the District of Columbia Savings and Loan Associations and Branch Offices (12 CFR 582.1) in order to permit a savings and loan association that has had two branch applications denied within the preceding twelve months to refile in cases where another association has filed for any substantial part of the same savings service area. By a companion Resolution (Resolution No. 74-930 dated Sept. 13, 1974), the Board proposes a similar amendment to Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545).

The present § 582.1(b)(ii) requires that before an association may have a branch application considered 12 months must have elapsed since the date of disapproval by the Board of an application to serve any substantial part of the same savings service area. However, this requirement is applicable only if such association has filed two applications to serve any substantial part of such savings service area within the 12 months preceding such date of disapproval and both such applications were disapproved by the Board. The proposal would allow such an association which would otherwise be prohibited from filing an application for 12 months to do so if another savings and loan association, savings bank, or similar institution has filed an application to establish a branch in any substantial part of the same savings service area. An additional result of the proposal would be a clarification of the present language in § 582.1(b)(ii).

Accordingly, the Board hereby proposes to amend § 582.1 by revising paragraph (b)(ii) thereto, to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by October 9, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 582.1 Branch offices.

* * * * *

(b) *Eligibility.* (1) Except as provided in paragraph (b)(2) of this section, an association shall be eligible to have an application for permission to establish a branch office (including an application for a limited facility branch office) considered and processed only if, at the date on which such application is filed with the Board:

* * * * *

(ii) Two such applications, whereby such association proposes to serve any substantial part of the same savings service area (as determined by the Supervisory Agent) have not been disapproved by the Board during the 24 months preceding such date unless at least 12 months have elapsed since the most recent disapproval. However, if two such applications by such association have been disapproved during the 24 months preceding such date, either of such disapproved applications will be considered and processed upon refiling if any other savings and loan association, savings bank, or similar institution files such an application whereby it proposes to serve any substantial part of the same savings service area (as determined by the Supervisory Agent) within 12 months since the most recent disapproval.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; Sec. 8, 48 Stat. 132, as added by Sec. 913, 84 Stat. 1815; 12 U.S.C. 1464, 1466a. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74-22015 Filed 9-20-74;8:45 am]

NATIONAL LABOR RELATIONS BOARD

[29 CFR Part 103]

PRIVATE SECONDARY AND ELEMENTARY SCHOOLS AND PRESCHOOLS

Proposed Declination of Jurisdiction

The National Labor Relations Board, pursuant to the authority vested in it by Section 6 of the National Labor Relations Act, as amended (49 Stat. 452; 29 U.S.C. Sec. 156), and in accordance with the provisions of Section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. Sec. 553), publishes this notice that it is giving consideration to issuance of a rule (Part 103, Subpart A—Jurisdictional Standards) amending the Board's Rules and Regulations, Series 8, as amended, by adding thereto, as § 103.4, language providing that the Board will decline to assert jurisdiction for any purposes over private secondary and elementary schools and preschools.

Proposed rule:

§ 103.4 **Secondary, elementary and preschool educational institutions.**

The Board will decline to assert jurisdiction in any proceeding under sections 8, 9, and 10 of the Act involving any private educational institution at the secondary, elementary, or preschool level which provides educational programs generally comparable to those offered by public school systems.

All persons who desire to submit written comments, views, or arguments for consideration in relation to the proposed rule should file 15 copies of the same, on or before October 23, 1974, with the Executive Secretary, National Labor Relations Board, Washington, D.C. 20570. Copies of such communications will be available for examination by interested persons during normal business hours in the Office of the Executive Secretary of the Board, Room 701, 1717 Pennsylvania Avenue, NW., Washington, D.C.

Dated, Washington, D.C., September 23, 1974.

By direction of the Board:

JOHN C. TRUESDALE,
Executive Secretary.

EXPLANATORY NOTE

The jurisdiction of the National Labor Relations Board under section 9 of the National Labor Relations Act, as amended,[1] to determine questions concerning representation, and under Section 10 of the Act, to prevent unfair labor practices, extends to all such matters which "affect commerce" as defined in Section 2(7) of the Act.[2] Under section 14(c) of the Act,[3] the Board, in its discretion, may decline to assert jurisdiction over labor disputes involving any class or category of employers if such labor disputes will not have a substantial impact on commerce and provided that it had not asserted jurisdiction over such class or category prior to August 1, 1959.

The proposed rule would reverse existing case precedent[4] by which the Board had previously set a jurisdictional standard of $1 million annual gross revenue with respect to private secondary schools (both profit and nonprofit) for assertion of jurisdiction. In addition, under the proposed rule, jurisdiction would also be declined over private elementary schools and private preschools. However, the Board does not intend by this proposal to decline to assert jurisdiction over trade or technical schools such as secretarial schools, welding schools, beauticians schools, etc., which otherwise meet the appropriate jurisdictional standard.[5]

Issuance of the proposed rule is prompted by such factors as: the relatively insubstantial impact on commerce of labor disputes involving private secondary and elementary schools; the extensive state regulation and control of nonpublic schools which approximately parallel that of the public school system; the essentially local nature of secondary and elementary school operations; and the necessity for optimum utilization of Board resources.

As to the insubstantial impact on commerce factor, the operations of private secondary and elementary schools constitute a relatively small portion of our educational structure. Preliminary governmental statistical data for 1971 indicate that there were approximately 109,000 elementary and secondary schools in the United States of which in excess of 90,000 or over 80 percent were public schools, and that nearly 90 percent of the total number of students in such category were enrolled in the public schools.[6] Further, according to the Council of State Governments, both the number of and enrollment in private schools were declining primarily due to financial considerations. Since the vast and growing majority of secondary and elementary schools are public and excluded from our jurisdiction by Section 2(2) of the Act, the private school sector, at least in the secondary and elementary schools (grade 12 and below) is diminishing in significance.[7] It thus appears that the operations of private secondary and elementary schools, whether considered individually or collectively, do not appear to have a pronounced impact on commerce nor do labor disputes in such schools result in a significant obstruction to commerce or the instrumentalities of commerce.

Indicative of the extensive state regulation and control is the circumstance that approximately 250 provisions in state constitutions directly related to nonpublic schools and approximately 500 provisions in state codes also directly related to nonpublic schools.[8] Virtually all States require attendance in an approved school and in so doing directly or indirectly control the curriculum, term, teacher certification, accreditation, and health and safety standards.[9] Other programs such as free bus service, school lunches, and textbook subsidies are often geared to schools approved or accredited by the State. The Board previously declined to assert jurisdiction in the horseracing and dogracing industries, in part because of extensive state regulation and control.[10]

The operations of the private secondary and elementary school system are inherently local in nature and in impact due in large part to the high degree of local concern as evidence by the input and involvement of parents, teachers, and administrators and other concerned groups. In public school operations, Congress has given recognition to the deep local interest and makes its appropriations to the States and the school boards. It thus appears that the operations of such schools would have essentially a local impact.

With respect to optimum utilization of Board resources as it relates to the exercise of its discretionary jurisdiction, the Board has consistently taken the posi-

[1] 61 Stat. 140, 143, 146, 29 U.S.C. Secs. 158, 159, 160.

[2] 61 Stat. 137, 29 U.S.C. Sec. 1527)). See *N.L.R.B. v. Fainblatt*, 306 U.S. 601.

[3] 29 U.S.C. Sec. 164.

[4] *The Windsor School, Inc.*, 200 NLRB No. 163; *Shattuck School*, 189 NLRB 886.

[5] See *National College of Business*, 186 NLRB 490, as modified by *Windsor School, supra*, fn. 5.

[6] *Statistical Abstract of the United States*, 1973, p. 104.

[7] Council of State Governments, *Book of the States*, 1972-73, p. 297.

[8] Werkma, Gordon R., *Law and the Non-Public School*, 1964.

[9] *Ibid.*

[10] Sec. 103.3, Rules and Regulations of the National Labor Relations Board, p. 208-209.

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tion "that it would better effectuate the purposes of the Act, and promote the prompt handling of major cases, not to exercise its jurisdiction to the fullest extent possible under the authority delegated to it by Congress, but to limit that exercise to enterprises whose operations have, or at which labor disputes would have, a pronounced impact upon the flow of interstate commerce." [11] The Board is of the preliminary view, therefore, that declination of jurisdiction over private secondary schools and below is also warranted in view of its expanding caseload [12] and limited resources available to it and such action would constitute a prudent exercise of its discretionary jurisdiction.

The views of educational institutions and associations, of labor organizations, and of the public are solicited to assist the Board in making a final determination as to whether or not to implement the proposed rule on jurisdictional standards for secondary and elementary schools and preschools. Interested parties are invited to address themselves to the proposed rule and to submit any pertinent and relevant data in support of, or in opposition to, the proposed rule change.

It is the intention of the Board to apply such rule as may be adopted to all proceedings pending at the time of adoption thereof, as well as to all proceedings which arise thereafter. As to all complaint cases, however, in which a decision has already issued, the Board will proceed with compliance, enforcement and contempt proceedings, depending upon the status of the case, without regard to whether the particular case meets the revised jurisdictional standards.

Member Fanning, notwithstanding his doubts about the correctness or adequacy of some of the explanations advanced for the publication of this proposed rule joined in directing its publication. It is his hope that interested parties will address themselves to the question of the authority of the Board to take the proposed action as well as to the question of the wisdom of such course of action.

[FR Doc.74-21999 Filed 9-20-74;8:45 am]

[11] *Hollow Tree Lumber Company*, 91 NLRB 635, 636. See also *Floridan Hotel of Tampa, Inc.*, 124 NLRB 261, 264.

[12] In fiscal 1974, the Agency docketed 27,715 unfair labor practice charges and 14,069 representation petitions and miscellaneous other cases for a total of 42,351 cases. In addition to the normal increase in these cases, we also tinent and relevant data in support of, cases involving nonprofit hospitals which, effective August 25, 1974, are now within our jurisdiction.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-11014; File No. S7-432]

QUOTATIONS OF SPECIALISTS AND OVER-THE-COUNTER MARKET MAKERS

Extension of Time

On August 14, 1974, the Commission published for comment proposed Rule 17a-14 (39 FR 31920, September 3, 1974), which would provide that every registered national securities exchange and national securities association having one or more members which act as market makers or specialists in listed securities must report to the Commission quotations of their respective members in such securities, and every broker-dealer which acts as a market maker in listed securities must report to the Commission its quotations, in each case by making such quotations available on a realtime, current and continuing basis in accordance with the terms and provisions of a plan providing for the collection, processing and dissemination of such quotations filed with and declared effective by the Commission (Securities Exchange Act Release No. 10969). The time originally specified for submitting such comments expires on September 16, 1974.

In view of requests for additional time within which to submit comments on the proposed amendment, the Commission has determined to extend the time for submitting comments thereon to September 30, 1974. All interested persons are invited to submit their comments in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 on or before September 30, 1974. Such communications should refer to File No. S7-432 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 16, 1974.

[FR Doc.74-21949 Filed 9-20-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74-14]

PHILLIP A. FAIX

Notice of Hearing

Notice is hereby given that on June 3, 1974, the Drug Enforcement Administration, Department of Justice, issued to Phillip A. Faix, M.D., Pittsburgh, Pennsylvania, an order to show cause as to why the Drug Enforcement Administration registration No. AF0411392 issued to the Respondent pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said order was received by the Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on September 24, 1974, in Room 1210, 1405 Eye Street NW., Washington, D.C.

Dated: September 16, 1974.

ANDREW C. TARTAGLINO,
Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc.74-22135 Filed 9-20-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

BONNEVILLE REGIONAL ADVISORY COUNCIL

Notice of Public Meetings

The Bonneville Regional Advisory Council will hold a series of regional meetings to discuss the energy situation in the Pacific Northwest. The dates and places of the meetings are as follows:

Tuesday, October 8—Burley, Idaho (Ponderosa Inn).
Thursday, October 10—Spokane, Wash. (Ridpath Hotel).
Friday, October 11—Walla Walla, Wash. (Black Angus Motor Inn).
Thursday, October 17—Portland, Oregon (Sheraton-Portland Hotel).
Monday, October 21—Seattle, Wash. (University Tower Hotel).

Each meeting will begin at 9:30 a.m. and will be open to interested members of the public. There is no registration fee, but there will be a charge for the no-host luncheon.

The main purpose of the meeting will be to discuss the near-term power outlook, the proposed BPA rate increase, Phase 2 of the regional Hydro-Thermal Power Program, and land use planning as it relates to the regional power supply system.

The regional meetings of the Bonneville Regional Advisory Council provide a general forum for the free exchange of ideas as to the best ways of utilizing the energy resources of the region.

Copies of the proceedings of each meeting will be furnished on request to the Executive Secretary, Bonneville Regional Advisory Council, P.O. Box 3621, Portland, Oregon 97208.

Dated: September 13, 1974.

DAN W. SCHAUSTEN,
Executive Secretary, Bonneville Regional Advisory Council.

[FR Doc.74-21967 Filed 9-20-74;8:45 am]

Bureau of Land Management

[CA 2268]

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, serial number CA 2268, for the withdrawal of public lands described below, from all forms of appropriation under the public land laws including the mining laws but not the mineral leasing laws. The lands will be used for the improvement and enlargement of a dike, and for the operation and maintenance of Clear Lake Reservoir.

The lands are located within the Modoc National Forest and are to be used for the continuation of and a part of the Klamath Project.

On or before October 20, 1974, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. Adjustments will be made as necessary to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration of the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO BASE AND MERIDIAN, CALIFORNIA
MODOC NATIONAL FOREST
T. 46 N., R. 7 E.,
Sec. 27, SE¼SW¼, SW¼SE¼.

The area described aggregates approximately 80 acres in Modoc County.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-22097 Filed 9-20-74;8:45 am]

[NM 20420]

NEW MEXICO

Notice of Application

SEPTEMBER 16, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a dehydration site right-of-way on the following lands;

NEW MEXICO PRINCIPAL MERIDIAN
NEW MEXICO
T. 10 S., R. 29 E.,
Sec. 1, SW¼SW¼;
Sec. 12, NW¼NW¼.

The area of the dehydration site is 5.0 acres on national resource lands in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-22004 Filed 9-20-74;8:45 am]

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National Park Service

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Advisory Committee will be held at 1:30 p.m. on Monday, October 7, 1974 in the Training Center, Classroom B, at the National Capital Parks Headquarters, 1100 Ohio Drive, SW., Washington, D.C.

The committee was established for the purpose of preparing and recommending to the Secretary broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital region (as defined in the National Capital Planning Act of 1952, as amended) through the media of monuments, memorials, and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary with respect to site location on Federal land in the National Capital region and to serve as an information focal point for those seeking to erect memorials on Federal land in the National Capital region.

The members of the committee are as follows:

Mr. Ronald H. Walker (Chairman)
Director, National Park Service
Washington, D.C.
Mr. George M. White
Architect of the Capitol
Washington, D.C.
General Mark W. Clark
Chairman, American Battle Monuments Commission
Washington, D.C.
Mr. J. Carter Brown
Chairman, Fine Arts Commission
Washington, D.C.
Mr. William H. Press
Chairman, National Capital Planning Commission
Washington, D.C.
Honorable Walter E. Washington
Mayor-Commissioner of the District of Columbia
Washington, D.C.
Mr. Larry F. Roush
Commissioner, Public Buildings Service
Washington, D.C.

The purpose of this meeting is to review draft criteria and guidelines and policies for memorializing persons and events on Federal lands in the National Capital region.

The meeting will be open to the public. Any person may file with the committee a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at area code 202–426–6715. Minutes of the meeting will be available for public inspection 2 weeks after the meeting at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: September 12, 1974.

MANUS J. FISH, Jr.,
Director, National Capital Parks.

[FR Doc 74–22076 Filed 9–20–74;8:45 am]

Office of the Secretary

[INT FES 74–63]

PROPOSED ACQUISITION OF MERCER SLOUGH ECOLOGICAL AREA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior, Bureau of Outdoor Recreation, in cooperation with the City of Bellevue and the Washington Interagency Committee for Outdoor Recreation, has prepared a final environmental statement for a proposed acquisition of Mercer Slough Ecological Area. The Notice of Availability inviting comments on the Draft Environmental Impact Statement was published in the FEDERAL REGISTER on June 14, 1974.

The proposed project is to acquire 181 acres of marshland for preservation and minimal recreation development. The project is located within the city limits of Bellevue, Washington, near the interchange between Interstate #90 and Interstate #405, being the major north-south and east-west freeways of the State.

Copies are available for inspection at the following locations:

Bureau of Outdoor Recreation, Northwest Regional Office, 1000 Second Avenue, Seattle, Washington 98104.
Bureau of Outdoor Recreation, Division of State Programs, Department of the Interior, Washington, D.C. 20240.
Washington Interagency Committee for Outdoor Recreation, 4800 Capitol Boulevard, Tumwater, Washington 98504.
City of Bellevue, Planning Department, 111–116th Street S.E., Bellevue, Washington 98004.

Copies may be obtained by writing the Regional Director, Northwest Region, Bureau of Outdoor Recreation, 1000 Second Avenue, Seattle, Washington 98104. Please refer to the statement number above.

Dated: September 13, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc 74–21942 Filed 9–20–74;8:45 am]

[INT DES 74–86]

PROPOSED BIG LAKE WILDERNESS AREA, ARKANSAS

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91–190, the Department of the Interior has prepared a draft environmental statement for the proposed Big Lake Wilderness Area, Arkansas, and invites written comments on or before November 7, 1974.

The proposal recommends that 1,818 acres of the Big Lake National Wildlife Refuge, located in Mississippi County, Arkansas be included in the National Wilderness Preservation System.

Copies of the draft statement are available for inspection at the following locations:

U.S. Fish and Wildlife Service
17 Executive Park Drive, NE.
Atlanta, Georgia 30329
Big Lake National Wildlife Refuge
Box 67
Manila, Arkansas 72442
U.S. Fish and Wildlife Service
Office of Environmental Coordination
Department of the Interior
Room 2254
18th and C Streets, N.W.
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Coordination. Please refer to the statement number above.

Dated: September 17, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74–22005 Filed 9–20–74;8:45 am]

[INT FES 74–56]

PROPOSED UNIMAK WILDERNESS ALEUTIAN ISLANDS NATIONAL WILDLIFE REFUGE, ALASKA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91–190, the Department of the Interior has prepared a final environmental statement which proposes that approximately 973,000 acres of the 998,-260-acre Unimak Island in the Aleutian Islands National Wildlife Refuge, Third Judicial Division, Alaska, be designated as wilderness within the National Wilderness Preservation System. An additional 10 acres of private land is proposed for potential wilderness addition, to be added to the wilderness unit through acquisition at a future date.

Copies of the final statement are available for inspection at the following locations:

U.S. Fish and Wildlife Service
6917 Seward Highway
Anchorage, Alaska 99502
Headquarters
Aleutian Islands National Wildlife Refuge
Box 5251
Adak, Alaska 98791
U.S. Fish and Wildlife Service
Office of Environmental Coordination
Department of the Interior
18th and C Streets, NW., Room 2252
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, U.S. Fish and Wildlife Service, Department of the Interior, 18th and C Streets, Washington, D.C. 20240. Please refer to the statement number.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

SEPTEMBER 16, 1974.

[FR Doc.74–21943 Filed 9–20–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 86]

GRAPES, NEW YORK AND PENNSYLVANIA

Extension of the Closing Date for Filing of Applications for the 1975 Crop Year

Pursuant to the authority contained in § 411.3 of Title 7 of the Code of Federal Regulations, and pursuant to paragraph (1) of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for grape crop insurance for the 1975 crop year in all counties in New York and Pennsylvania where such insurance is otherwise authorized to be offered is hereby extended until the close of business on December 14, 1974. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL] D. W. MCELWRATH,
Acting Manager, Federal Crop Insurance Corporation.

[FR Doc.74–21972 Filed 9–20–74;8:45 am]

Forest Service

DESCHUTES NATIONAL FOREST ADVISORY COMMITTEE

Notice of Meeting

The Deschutes National Forest Advisory Committee will meet at 6:30 p.m. October 10, 1974, for a no host dinner at the Black Forest restaurant, Bend, Oregon (located on the Cascade-Lakes Highway and 14th Street). The program will follow at 8 p.m.

The subject to be discussed at this meeting will be the Environmental Program for the Future (EPFF) as it relates to the Deschutes National Forest land use long range planning and programming. This will be presented by Assistant Forest Supervisor (Planning and Programming), William Shenk.

The meeting will be open to the public.

Dated: September 13, 1974.

EARL E. NICHOLS,
Forest Supervisor.

[FR Doc.74–22003 Filed 9–20–74;8:45 am]

Packers and Stockyards Administration

DOTHAN LIVESTOCK AUCTION, INC. ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AL–159, Dothan Livestock Auction, Inc., Dothan, Alabama.
AL–157, Casey Stock Yard, Inc., Montgomery, Alabama.
AL–158, Cleburne County Livestock Sales, Inc., Ranburne, Alabama.
IA–251, Crescent Comm. Co., Crescent, Iowa.
MT–117, Great Falls Livestock Market Center, Great Falls, Montana.
TX–307, Bode's Livestock Commission Company, Milano, Texas.
WV–116, United Livestock Sales Company, Parkersburg, West Virginia.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et. seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by October 8, 1974.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 17th day of September 1974.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.74–22052 Filed 9–20–74;8:45 am]

Soil Conservation Service

LAKEVIEW WATERSHED, TEXAS

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for Floodwater Retarding Structure Nos. 1 and 2, Lakeview Watershed Project, Hall and Donley Counties, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The proposal concerns plans for installing two floodwater retarding structures in the Lakeview Watershed, Hall and Donley Counties, Texas.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501.

No administrative action on implementation of the proposal will be taken until October 8, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

SEPTEMBER 13, 1974.

[FR Doc.74–21934 Filed 9–20–74;8:45 am]

LYE CREEK DRAIN WATERSHED PROJECT, INDIANA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines; and § 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19651), June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Lye Creek Drain Watershed Project, Montgomery County, Indiana, USDA–SCS–EIS–WS–(ADM)–75–1(D)–IN.

The environmental statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment, supplemented by channel work. Structural measures will consist of 11.3 miles of multiple purpose flood prevention and drainage channel work. The work will be for deepening and enlargement for 10.2 miles and debris removal only for 1.1 miles. All work will be performed on intermittent, manmade or modified channels. Floodwater damages will be reduced by 84 percent with the installation of the proposed measures; 3,320 acres will benefit from joint floodwater-drainage relief.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 5610 Crawfordsville Road, Suite 2200, Indianapolis, Indiana 46224.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

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Comments concerning the proposed action or requests for additional information should be addressed to Cletus J. Gillman, State Conservationist, Soil Conservation Service, 5610 Crawfordsville Road, Suite 2200, Indianapolis, Indiana 46224.

Comments must be received on or before November 15, 1974, to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Service)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

SEPTEMBER 13, 1974.

[FR Doc.74-21936 Filed 9-20-74;8:45 am]

MILL CREEK WATERSHED, TEXAS

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Multipurpose Structure No. 1, Mill Creek Watershed Project, Van Zandt County, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The proposal concerns plans for installing one multipurpose structure in the Mill Creek Watershed, Van Zandt County, Texas. The structure will provide storage capacity for flood prevention, sediment accumulation, municipal water for the City of Canton and public water-based recreation. Basic recreational facilities will be installed around the reservoir.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501.

No administrative action on implementation of the proposal will be taken until October 8, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

SEPTEMBER 13, 1974.

[FR Doc.74-21935 Filed 9-20-74;8:45 am]

PIERCE CREEK NO. 2 WATERSHED PROJECT, IOWA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969: Part 1500 of the Council on Environmental Quality Guidelines; and § 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19651), June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Pierce Creek No. 2 Watershed Project, Page and Montgomery Counties, Iowa, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-IA.

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment and 9 grade stabilization structures.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 823 Federal Building, Des Moines, Iowa 50309.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Wilson T. Moon, State Conservationist, Soil Conservation Service, 823 Federal Building, Des Moines, Iowa 50309.

Comments must be received on or before November 8, 1974, in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

SEPTEMBER 13, 1974.

[FR Doc.74-21937 Filed 9-20-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Technology Transfer Subgroup of the Computer Systems Technical Advisory Committee will be held Tuesday, October 8, 1974, at 9:30 a.m. in Room 1851, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by Henry S. Forrest, Chairman.
2. Presentation of papers or comments by the public.
3. Report on the work program.
4. Discussion of other necessary work assignments.
5. Executive Session:
a. Discussion of and progress report on the work program.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the subgroup. Interested persons are also invited to file written statements with the subgroup.

With respect to agenda item 5, "Executive Session," the Assistant Secretary of Commerce for Administration, on May 16, 1974, determined, pursuant to section 10(d) of Public Law 92-463, that this agenda item should be exempt from the provisions of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Henry S. Forrest, Control Data Corpoartion, 6003 Executive Blvd., Rockville, Maryland 20852 (AC 301/770-8320).

Dated: September 18, 1974.

RAUER H. MEYER,
Acting Director, Bureau of East-West Trade.

[FR Doc.74-21991 Filed 9-20-74;8:45 am]

National Oceanic and Atmospheric Administration

ALASKA

Determination of Commercial Fishery Failure Due to Resource Disaster Arising from Natural Causes

SEPTEMBER 17, 1974.

Whereas, many individuals and firms in Alaska are engaged in harvesting, processing, and marketing sockeye salmon to meet consumer demands; and

Whereas, the sockeye salmon resource in Bristol Bay makes an important contribution to the economy of the State and comprises almost one-half of the total United States harvest of this species; and

Whereas, the residents of Bristol Bay depend primarily on this fishery for their total income and subsistence; and

Whereas, mortalities of juvenile sockeye salmon from unusually severe climatic conditions in Bristol Bay in 1971 and 1972 resulted in commercial catches in 1973 and 1974 which were the lowest in the more than 80 year history of the commercial fishery; and

Whereas, the poor catches in 1973, the necessity of fishing closures in 1974, and planned curtailment of harvesting activities in 1975, will have a serious effect on the economic well being of Bristol Bay residents; and

Whereas, rehabilitation of the resource can be expedited through the construction of rearing facilities which will supplement natural reproduction;

Now, therefore, as the authorized representative of the Secretary of Commerce, I hereby determine that the foregoing circumstances constitute a commercial fishery failure due to a resource disaster arising from natural causes within the meaning of subsection 4(b) of the Commercial Fisheries Research and Development Act, as amended, (16 U.S.C. 779(b)). I hereby authorize the use of funds under subsection 4(b) of this Act, when available, for the rehabilitation of the sockeye salmon resource in Bristol Bay, Alaska.

ROBERT M. WHITE,
Administrator.

[FR Doc.74-21973 Filed 9-20-74;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON STATE AND LOCAL GOVERNMENTS STATISTICS

Notice of Meeting

The Census Advisory Committee on State and Local Governments Statistics will convene on October 11, 1974 at 9:15 a.m. The Committee will meet in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on State and Local Governments Statistics was established in October 1948 to advise the Director, Bureau of the Census on planning current work and various censuses of Governments, and to advise on where the needs of users of the statistics could be served better.

The Committee is composed of ten members appointed by the Secretary of Commerce, and five members appointed by the organization they represent.

The agenda for the meeting is: (1) topics of current interest including staff changes and major program developments, (2) Criminal justice and election statistics, including national surveys of court organization and court caseloads, juvenile detention and corrections facilities studies, and pretest surveys of election expenditures and voting participation, (3) Composite finances in selected city areas, (4) Application of census data to local government problems, (5) Application of Governments Division data by a public finance organization, (6) Status report on Governments Division including the 1973 General Revenue Sharing Survey and the 1972 Census of Governments, and (7) Planning for the 1977 Census of Governments.

A limited number of seats, approximately 15, will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact Mr. Sherman Landau, Acting Division Chief, Governments Division, Bureau of the Census, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233) Telephone: 301-763-7502.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.74-21974 Filed 9-20-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

IMMUNIZATION PRACTICES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), the Director, Center for Disease Control, announces the meeting dates and other required information for the following National Advisory body which is scheduled to assemble during the month of October 1974.

Committee name	Date, time, place	Type of meeting and/or contact person
Immunization Practices Advisory Committee.	October 17-18, 1974, 8:30 a.m., Room 207, Center for Disease Control, 1600 Clifton Road NE., Atlanta, Ga. 30333.	Open: October 17, 1974, 8:30 to 11:00 a.m. Closed: October 17, 1974, 11:00 a.m. to end of day. Open: October 18, 1974. Contact: Dr. H. Bruce Dull, Room 224, Bldg. 1, Center for Disease Control, Atlanta, Ga. 30333. Code: 404, 633-3311, Ext. 3701.

Purpose. The Committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda. From 8:30 a.m. to 11:00 a.m. on October 17 and from 8:30 a.m. to the end of the meeting on October 18, the meeting will be open for consideration of the status of selected immunizable diseases and continuation of its annual review of recommendations on the use of vaccines in public health practice. From 11:00 a.m. to the end of the meeting on October 17, the Committee will review information on various biological products including their preparation, dosage, potency, and effectiveness. In that preliminary, unpublished results from the testing and evaluation of individual producers' products are involved, much of the discussion will relate to trade secrets, commercial, or financial information which constitutes privileged or confidential matter under 5 U.S.C. 552(b)(4). This session will not be open to the public, in accordance with the determination by the Director, Center for Disease Control, pursuant to the provisions of Pub. L. 92-463, section 10(d).

Agenda items are subject to change as priorities dictate.

A portion of the meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: September 13, 1974.

DAVID J. SENCER,
Director, Center for Disease Control.

[FR Doc.74-22002 Filed 9-20-74;8:45 am]

Health Resources Administration

NATIONAL COMMITTEE ON VITAL HEALTH STATISTICS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, (P.L. 92-463), the Administrator, Health Resources Administration, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble during the month of October 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
U.S. National Committee on Vital and Health Statistics.	Oct. 29-30, 1974, 9:30 a.m., room 200, Brookings Institution, Washington, D.C.	Open—contact Dr. I. M. Moriyama, room 8A-54, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., code 301-443-1640.

Purpose. To delineate statistical problems on public health importance which are of national or international interest; review findings submitted by other organizations and agencies; make recommendations for national and/or international adoption; cooperate with and advise other organizations on matters relating to vital and health statistics in the U.S.; and cooperate with national committees of other countries, and with the World Health Organization and other international agencies, in the study of problems of mutual interest.

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Agenda. Discussion items include the consideration of statistics needed to ascertain the effects of environment on health; study of uses of disease classification for various purposes; analytical potentialities of National Center for Health Statistics data; the implementation of additional responsibilities given to the National Committee by P.L. 93–353; quality of medical care; and needed statistics and data systems on preventable diseases and deaths (indexes).

Agenda items are subject to change as priorities dictate.

Anyone wishing to participate, obtain a roster of members, or other relevant information should contact the person listed above.

Dated: September 16, 1974.

DANIEL F. WHITESIDE,
Associate Administrator for Operations and Management.

[FR Doc.74-21830 Filed 9-20-74;8:45 am]

Office of the Secretary

OFFICE FOR CIVIL RIGHTS

Statement of Organization, Functions, and Delegations

The Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare has been amended to include an addition to the Statement of the Office for Civil Rights (39 FR 11325) 3/27/74, as follows:

Section 1D.10, the Statement of Organization is amended to include Directors, Office for Civil Rights (Regions I–X), showing that they are line organizations responsible directly to the Director, Office for Civil Rights.

Section 1D.20, the Statement of Functions is amended to include the functional Statement for Directors, Office for Civil Rights (Regions I–X).

The revised sections read as follows:

Section 1D.10 Organization. The Office for Civil Rights is under the supervision of the Director, Office for Civil Rights, who reports directly to the Secretary. He also serves as Special Assistant to the Secretary for Civil Rights. The Office for Civil Rights consists of:

Office of the Director:
- Director
- Deputy Director
- Office of Policy Communication
- Office of Public Affairs
- Office of Governmental Relations
- Assistant Director (Planning and Program Coordination)
- Assistant Director (Administration and Management)
- Contract Compliance Division
- Elementary and Secondary Education Division
- Higher Education Division
- Health and Social Services Division
- Directors, Office for Civil Rights (Regions I–X)

The statement for Directors, Office for Civil Rights (Regions I–X) will be numbered (12).

The added statement reads as follows:

(12) Directors, Office for Civil Rights (Regions I–X) are responsible for administering comprehensive programs for assuring compliance with Title VI of the Civil Rights Act of 1964, sections 799A and 845 of the Comprehensive Health Manpower and Nurse Training Acts of 1971, Titles VII and IX of the Education Amendments of 1972, Parts II and III of Executive Order 11246, as amended, and section 504 of the Rehabilitation Act of 1973. They provide leadership, decision making, and overall direction to their Regional Office staff in the accomplishment of research, technical assistance, negotiation (except when a case has been forwarded to Washington, D.C. with a recommendation to impose sanctions), evaluation of Affirmative Action Plans, resolution of complaints, compliance determinations, and advisory activities involved in securing voluntary cooperation. The Directors advise the Director, Office for Civil Rights, as to the adequacy and effectiveness of plans and policies for enforcing and promoting voluntary acceptance of the non-discrimination provisions of the above legislative authorities. Each Director establishes and maintains effective working relationships with State governments, school systems, hospitals and welfare organizations to promote understanding and acceptance of the legislative authorities and to keep informed of legislative proposals or community efforts which may impact on regional civil rights compliance and enforcement activities; and maintains liaison with other Federal agencies on civil rights matters of mutual interest as well as with regional HEW program officials.

Dated: September 16, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-21994 Filed 9-20-74;8:45 am]

OFFICE OF CONSUMER AFFAIRS

Statement of Organization, Functions, and Delegations of Authority

Chapter 1A20 (38 FR 7135) of Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary, is amended to reflect the reorganization of the Office of Consumer Affairs. The revised Chapter reads as follows:

Section 1A20.00 Mission. The Office of Consumer Affairs executes the functions assigned by Executive Orders 11583 and 11566, serves as principal advisor to the Secretary on consumer related policy and programs, and constitutes the staff of the Special Assistant to the President for Consumer Affairs.

Section 1A20.10 Organization. A. The Director of the Office of Consumer Affairs reports directly to the Secretary and directs and coordinates the activities of the Office of Consumer Affairs.

B. The Office of Consumer Affairs consists of the following components:

Office of the Director
Office of the General Counsel, OCA
Office of Public Affairs
Office of Program Development and Implementation
Office of External Liaison
Office of Administrative Management and Finance
Executive Secretariat
Economic Policy and Planning Staff

Section 1A20.20 Functions. A. Office of Consumer Affairs. (1) With respect to consumer interests in Federal policies and programs, encourage and assist in development and implementation of consumer programs; coordinate and review policies and programs; seek resolution of conflicts; advise and make recommendations to Federal agencies with respect to policy matters, the effectiveness of their programs and operations, and the elimination of duplication; (2) Assure that the interests of consumers are presented and considered in a timely manner by the appropriate levels of the Federal Government in the formulation of policies and in the operation of programs that affect the consumer interest; (3) Conduct investigations, conferences, and surveys concerning the needs, interests and problems of consumers, except that it shall, where feasible, avoid duplicating activities conducted by other Federal agencies; (4) Submit recommendations to the President on how Federal programs and activities affecting consumers can be improved; (5) Take action with respect to consumer complaints; (6) Provide advice, assistance, and continuing policy guidance to the Consumer Product Information Coordinating Center and perform related responsibilities pertaining to consumer product information as set forth in Executive Order 11566; (7) Encourage and coordinate the development of information of interest to consumers by Federal agencies and the publication and distribution of materials which will inform consumers of matters of interest to them in language which is readily understandable by the layman; (8) Encourage and coordinate research conducted by Federal agencies leading to improved consumer products, services, and consumer information; (9) Encourage, initiate, coordinate, evaluate and participate in consumer education programs and consumer counseling programs; (10) Encourage, cooperate with, and assist State and local governments in the promotion and protection of consumer interests; and (11) Cooperate with and encourage private enterprise in the promotion and protection of consumer interests.

B. Office of the Director. Directs and coordinates the activities of the Office of Consumer Affairs.

C. Office of the General Counsel. In coordination with the AS for Legislation, participates in the design and enactment of the President's consumer legislative program, to include preparation of Congressional testimony for the Special Assistant, and serves as Congressional liaison for the Special Assistant and the Office; prepares and reviews materials for presentation by the Director and Special Assistant to Departments and agencies; and in coordination with the Departmental General Counsel, provides all necessary legal services for the Office and the Special Assistant.

D. Office of Public Affairs. Is responsible for relations with the press and media; prepares speeches and articles and syndicated radio programs and a newspaper column, and publishes a newsletter for consumers.

E. Office of Program Development and Implementation. Monitors major Federal consumer related programs and activities with a view to evaluating their effectiveness, and develops information used to make appropriate policy and resource allocation decisions within the Office. Encourages private industry voluntarily to develop self-regulatory programs and adopt competitive policies and programs aimed at resolving common to large numbers of consumers, and maintains liaison with trade associations and industry as necessary to the functioning of the Office.

F. Office of External Liaison. Maintains liaison with state, county and city officials responsible for consumer education and protection, and with representatives of other nations, particularly within the framework of the Committee on Consumer Policy of the Organization for Economic Coordination and Development; serves as focal point in the Office of Consumer Affairs for liaison with national and state voluntary consumer organizations.

G. Office of Administrative Management and Finance. Recommends and applies administrative policy and procedures; is responsible for the activities of the Office of Consumer Affairs in the areas of annual budget, procurement, personnel and record keeping; and takes action with respect to consumer complaints and requests for information.

H. Executive Secretariat. Monitors staff replies to insure compliance with established office policies and facilitates timely, accurate and high quality correspondence.

I. Economic Policy and Planning Staff. Analyzes economic issues impacting on the consumer and provides economic data evaluation surveys to other OCA staff elements.

Date: September 11, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-21996 Filed 9-20-74;8:45 am]

PRESIDENT'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

Meeting

The President's Council on Physical Fitness and Sports will hold its quarterly meeting on October 8–9, 1974. The meetings will be held from 9:30 a.m. to 4 p.m. on October 8; and from 9 a.m. to 4 p.m. on October 9 in Room 248, Old Executive Office Building, Washington, D.C.

The purpose of the meeting is to assess progress on the national program of physical fitness and sports and to determine future directions.

A list of the Council members and the Executive Order, dated September 25, 1974, establishing their responsibilities may be obtained from:

Mr. C. Carson Conrad
Executive Director
President's Council on Physical Fitness and Sports
Washington, D.C. 20201
Telephone: (202) 755-7947

The meeting will be open to the public.

Dated: September 18, 1974.

C. CARSON CONRAD,
Executive Secretary, President's Council on Physical Fitness and Sports.

[FR Doc.74-21995 Filed 9-20-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-3003-EM; Docket No. NFD-231]

ALASKA

Notice of Emergency Declaration and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on September 14, 1974, the President declared an emergency as follows:

I have determined that the impact of the loss of power generating capability on the State of Alaska is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93–288. I therefore declare that such an emergency exists in the State of Alaska.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket D–74–285, I hereby appoint Mr. William H. Mayer, HUD Region X, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following area in the State of Alaska to have been adversely affected by this declared emergency:

The City of Kodiak and those environs of the City served by the Kodiak Electric Association, Inc.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: September 17, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-22012 Filed 9-20-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

OLYMPIA AIRPORT

Commissioning of Airport Traffic Control Tower

Notice is hereby given that on or about September 16, 1974, the Airport Traffic Control Tower at the Olympia Airport, Olympia, Washington, will be commissioned. It will improve the operational flow of terminal traffic consisting predominately of general aviation aircraft. Communications to the Airport Traffic Control Tower should be addressed as follows:

Airport Traffic Control Tower
Department of Transportation
Federal Aviation Administration
Olympia Airport
Route 13, Box 78
Olympia, Washington 98502

Issued in Seattle, Washington, on September 13, 1974.

J. H. TANNER,
Acting Director, Northwest Region.

[FR Doc.74-21945 Filed 9-20-74;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON CLAIMS ADJUDICATIONS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Claims Adjudications of the Administrative Conference of the United States, to be held at 10 a.m., September 28, 1974 in the offices of the Administrative Conference of the United States, Suite 500, 2120 L Street, NW., Washington, D.C., 20037.

The Committee will meet to consider the Case for Consolidation of the Boards of Contract Appeals and a study of Debarment of Government Contractors.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact William Francis Murphy, Staff Liaison, (phone 202–254–7038). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

SEPTEMBER 12, 1974.

[FR Doc.74-22006 Filed 9-20-74;8:45 am]

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ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY GUIDES

Notice of Meeting

SEPTEMBER 17, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Regulatory Guides will hold a meeting on October 9, 1974 in Room 1046 at 1717 H Street NW., Washington, D.C. This meeting will have both open and closed sessions.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, October 9, 1974, 9:30 a.m. until about 10:30 a.m. The Subcommittee will hear presentations from the Regulatory Staff and will hold discussions with this group pertinent to its review of the June 1974 issue of Regulatory Guide 1.79, Preoperational Testing of Emergency Core Cooling Systems for Pressurized Water Reactors.

In connection with the above agenda item, the Subcommittee may hold one or more Executive Sessions, not open to the public, at approximately 8:30 a.m. and 10:30 a.m. on October 9 to consider matters related to the above review. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

After the above portion of the meeting is concluded, the Subcommittee will meet in closed session with the AEC Regulatory Staff and any consultants at about 10:45 a.m. until the close of business to discuss the following working papers:

(1) Seismic Response Combination of Modes and Spatial Components.

(2) Effects of Residual Elements on Predicted Radiation Damage.

(3) Protection of Nuclear Power Plant Control Room Operators Against an Accidental Chlorine Release.

(4) Evaluation of Explosions Postulated to Occur on Transportation Routes Near Nuclear Power Plant Sites.

This portion of the meeting may include Executive Sessions both before and after the closed session with the Regulatory Staff.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that other closed sessions will be held to discuss and exchange views on working papers which fall within exemption (5) of 5 U.S.C. 552(b). Further, any nonexempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Subcommittee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting concerning Regulatory Guide 1.79, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding Regulatory Guide 1.79 may do so by mailing 25 copies thereof, postmarked no later than October 1, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statement concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 9:30 a.m. and 10:30 a.m. on October 9

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been canceled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on October 8, 1974, to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 10, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Streets, NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after January 9, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-21959 Filed 9-20-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON SEABROOK STATION, UNITS 1 & 2

Notice of Meeting

SEPTEMBER 17, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Seabrook Station, Units 1 & 2 will hold a meeting on October 9, 1974 in Room 1146 at 1717 H Street NW., Washington, D.C. The purpose of the meeting will be to develop information for consideration by the ACRS in its review of the application of the Public Service Company of New Hampshire for a permit to construct this nuclear power plant. The facility will be located in Rockingham County, New Hampshire. The plant site is approximately 8 miles southeast of Exeter, New Hampshire and 5 miles northeast of Amesbury, Massachusetts.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, October 9, 1974—9:00 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the Regulatory Staff and the Public Service Company of New Hampshire and will hold discussions with these groups pertinent to its review of the application of the Public Service Company of New Hampshire for a permit to construct the Seabrook Station, Units 1 & 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representaitves of the Regulatory Staff and Applicant for the purpose

of discussing privileged information concerning plant physical security and other matters related to plant design, construction and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any nonexempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than October 2, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and at the Exeter Public Library, Front Street, Exeter, New Hampshire 03833.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 10:00 a.m. and 12:00 noon on October 9, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on October 8, 1974 to the Office of the Executive Secretary of the Committee (telephone 301-973-5640) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 10, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and within approximately nine days at the Exeter Public Library, Front Street, Exeter, New Hampshire 03833. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after January 9, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-21958 Filed 9-20-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON THE REACTOR SAFETY STUDY (WASH-1400)

Notice of Meeting

SEPTEMBER 17, 1974.

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Working Group on the Reactor Safety Study (WASH-1400) will hold a meeting on October 9, 1974 in Room 1046, 1717 H Street, NW, Washington, D.C.

The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the draft report on the "Reactor Safety Study (WASH-1400), An Assessment of Accident Risks in U.S. Commercial Nuclear Power Plants."

The following constitutes that portion of the Working Group's agenda for the above meeting which will be open to the public:

Wednesday, October 9, 1974, 2:00 p.m. until the conclusion of business. The Working Group will hear presentations by representatives of the AEC Regulatory Staff and will hold discussions with this group pertinent to its review of matters related to the draft report on the Reactor Safety Study (WASH-1400).

In connection with the above agenda item, the Working Group will hold Executive Sessions, not open to the public, at approximately 1:30 p.m. and at the end of the day to consider matters related to the above review. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Working Group Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any nonexempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views and avoid undue interference with agency or Working Group operation.

Practical considerations may dictate alteration in the above agenda or schedule.

The Chairman of the Working Group is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than October 2, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents on file and available for public inspection at the Atomic Energy Commission's Public

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Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the AEC's field information offices in Albuquerque; Chicago; King of Prussia, Pennsylvania; Idaho Falls, Idaho; Las Vegas, Nevada; Grand Junction, Colorado; Oak Ridge, Tennessee; Richland, Washington; San Francisco; Aiken, South Carolina; Atlanta, and Denver.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Working Group. To the extent that the time available for the meeting permits, the Working Group will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Working Group, between the hours of 3:00 p.m. and 5:00 p.m. on October 9, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Working Group who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on October 7, 1974 to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m. e.d.t.

(e) Questions may be propounded only by members of the Working Group and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 11, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and within approximately nine days at various local public document rooms throughout the country. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after January 9, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-21961 Filed 9-20-74;8:45 am]

CONTROLLED THERMONUCLEAR RESEARCH SUBCOMMITTEE OF THE U.S. NUCLEAR DATA COMMITTEE

Notice of Meeting

SEPTEMBER 17, 1974.

In accordance with the Atomic Energy Act of 1954, as amended, primarily sections 161a, 31, 32, and 33, the Controlled Thermonuclear Research Subcommittee of the U.S Nuclear Data Committee will hold a meeting on October 27, 1974, in the Franklin Room of the Sheraton-Park Hotel in Washington, D.C. The meeting will be open to the public. The agenda is as follows:

SUNDAY, OCTOBER 27, 1974

9 to 10:30 am	Administrative.
10:30 to 12 am	Presentation of the Radiation Shielding Information Center (RSIC): Nuclear data services for the CTR community.
1 to 2:30 pm	Presentation by Los Alamos Scientific Laboratory: Nuclear data assessment for CTR applications.
2:30 to 3:30 pm	Nuclear data requests.
3:30 to 4:30 pm	Open discussion.
4:30 to 5:30 pm	Summary of conclusions; required actions and future plans and meetings.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items listed above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, postmarked, if possible, no later than October 21, 1974, to the Chairman, CTR Subcommittee, USNDC (Dr. Don Steiner) Oak Ridge National Laboratory, P.O. Box Y, Oak Ridge, Tennessee 37830. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman, between the hours of 9 and 11 a.m. on October 27, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on October 25, 1974, to the office of the Chairman of the Subcommittee (telephone: 615-483-8611, ext. 37995) between 9 a.m. and 4 p.m. eastern time.

(e) Questions may be asked only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, in accordance with the Federal Advisory Committee Act, on or after January 27, 1975, at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C., upon payment of all charges required by law.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-21960 Filed 9-20-74;8:45 am]

[Dockets Nos. 50-400, 50-401, 50-402, 50-403]

CAROLINA POWER AND LIGHT CO.

Supplemental Notice of Hearing

In the matter of The Carolina Power & Light Company (Shearon Harris Nuclear Power Plant, Units 1, 2, 3 and 4).

Please take notice that the evidentiary hearing in this matter will commence at 9:30 a.m. e.d.t. October 8, 1974 at the following location:

Chamber Room
Holiday Inn Downtown
320 Hillsborough Street
Raleigh, North Carolina 27603

This public evidentiary hearing before an Atomic Safety and Licensing Board will be conducted pursuant to the Atomic Energy Act of 1954, as amended, and the Atomic Energy Commission's Rules of Practice (10 CFR Part 2), and will concern the application of the Carolina Power & Light Company (the Applicant) for AEC construction permits to build four pressurized water nuclear reactors on the Applicant's 18,000-acre site about 20 miles southwest of Raleigh, North Carolina, in Wake and Chatham Counties. The proposed facility would be known as the Shearon Harris Nuclear Power Plant. Each of the four nuclear units will be designed for an initial power output of 2,785 megawatts thermal, with an equivalent net electrical output of about 900 megawatts electrical.

This hearing had been scheduled earlier but postponed by prior notices of the Board. The hearing will concern the radiological health and safety matters set forth in the Commission's September 21, 1972 Notice of Hearing (published in the FEDERAL REGISTER on September 29, 1972 at 37 FR 20,344), as well as the specific contentions and matters in controversy admitted by prior orders of the Board.

Persons who have filed requests to make limited appearance statements pursuant to the Commission's rules of practice (10 CFR § 2.715(a)) will be heard on the first day of the hearing. All interested members of the public are invited to attend the hearing.

It is so ordered.

Issued at Bethesda, Maryland this 17th day of September, 1974.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,
Chairman.

[FR Doc.74-21955 Filed 9-20-74;8:45 am]

[Dockets Nos. 50-416, 50-417]

MISSISSIPPI POWER & LIGHT CO. (GRAND GULF NUCLEAR STATION, UNITS 1 & 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for these proceedings to consist of the following members:

Dated: September 17, 1974.

Alan S. Rosenthal, Chairman
Richard S. Salzman, Member
Dr. Lawrence R. Quarles, Member

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74-21957 Filed 9-20-74;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR-17 issued to Niagara Mohawk Power Corporation which revised Technical Specifications for operation of the Nine Mile Point Nuclear Station Unit 1. The amendment is effective as of its date of issuance.

The amendment permits minor changes in the Administrative staff of the organization to allow for better distribution of the supervisory workload.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated June 17, 1974, (2) Amendment No. 5 to License No. DPR-17, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the Oswego City Library at 120 East Second Street, Oswego, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 13th day of September, 1974.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Directorate of Licensing.

[FR Doc.74-21962 Filed 9-20-74;8:45 am]

[Docket No. 50-423]

NORTHEAST NUCLEAR ENERGY CO.

Reconstitution of Atomic Safety and Licensing Appeal Board

Northeast Nuclear Energy Company (formerly the Millstone Point Company, et al.) (The Millstone Nuclear Power Station, Unit No. 3).

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

Alan S. Rosenthal, Chairman
Dr. Lawrence R. Quarles, Member
Richard S. Salzman, Member

Dated: September 17, 1974.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74-21956 Filed 9-20-74;8:45 am]

[Docket No. 50-282]

NORTHERN STATES POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-42, issued to Northern States Power Company, which revised the license for operation of the Prairie Island Nuclear Generating Plant, Unit 1 (the facility), located in Goodhue County, Minnesota. The amendment is effective as of its date of issuance.

The amendment revises Appendix A to the Technical Specifications increasing the limiting temperature difference between containment air and shield building air during plant operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated April 25, 1974, (2) Amendment No. 4 to License No. DPR-42, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Environmental Library of Minnesota, 1222 SE. 4th Street, Minneapolis, Minnesota 55414.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 16th day of September 1974.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2, Directorate of Licensing.

[FR Doc.74-21963 Filed 9-20-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26603, Order 74-9-59]

AIRLIFT INTERNATIONAL, INC. AND PAN AMERICAN WORLD AIRWAYS, INC.

Order of Suspension Regarding Puerto Rico/Virgin Islands Freight Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of September 1974.

By tariff revisions filed August 21 and marked to become effective September 20, 1974, Airlift International, Inc., (Airlift) and Pan American World Airways, Inc., (Pan American) propose to increase their local and joint general commodity bulk rates between points in the U.S. and San Juan by 8 and 9 percent, respectively.

In support of its proposal Pan American states, *inter alia*, that (1) fuel costs have increased 70 percent in these markets with fuel expenses now representing 13.87 percent of total operating expenses; (2) to offset these increased fuel prices would require a revenue increase of 9.4 percent; and (3) the proposed rate increase is less than that required to offset these fuel price increases.

Airlift contends that proposed rate increases are necessary to help offset rising operating costs and keep it competitive in these markets.

All of the proposed rates and charges come within the scope of Docket 26603, the investigation of *Puerto Rico/Virgin Islands Freight Rates*. The issue now before the Board is whether to suspend the

V 39 I 185 SEP 23 74 XUM

proposals or to permit them to become effective pending final decision in that investigation.

The Board has reviewed the instant proposals in the light of industry average costs of carrying air freight (including a full return on investment) [1] and reflecting recent fuel price increases and finds that a number of the proposed rates are higher than costs and should be suspended. The remainder of the proposals, where rates are equal to or below costs, do not appear excessive and should be permitted to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the rates and charges described in Appendix A hereto [2] are suspended and their use deferred to and including December 18, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board.

2. Copies of this order shall be filed with the tariffs and served upon Airlift International, Inc., and Pan American World Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-22010 Filed 9-20-74;8:45 am]

[Docket No. 26530]

FRONTIER AIRLINES, INC.—DELETION APPLICATION-COLUMBUS, NEBRASKA

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on October 15, 1974, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before September 27, 1974, and the other parties on or before October 8, 1974. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

[1] See Order 74-7-120 for explanation of cost-based rates.

[2] Attachment filed as part of the original document.

Dated at Washington, D.C., September 17, 1974.

[SEAL] ROBERT L. PARK, *Chief Administrative Law Judge.*

[FR Doc.74-22011 Filed 9-20-74;8:45 am]

[Docket Nos. 24752, 24753; Order No. 74-9-54]

UNITED AIR LINES, INC.

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of September 1974.

On September 13, 1972, United Air Lines, Inc. (United) concurrently filed applications requesting: (1) Amendment of its certificate of public convenience and necessity for route 1 by modifying segment 7 thereof to redesignate the intermediate points Visalia and Fresno as the hyphenated intermediate point Fresno-Visalia (Docket 24752); and (2) a temporary exemption from the provisions of Title IV of the Act which would otherwise prohibit United from providing service to Visalia through Fresno pending the Board's final determination with respect to the hyphenation application (Docket 24753). United further requested that the hyphenation application be handled by the issuance of a show cause order.[1]

In support of its applications, United alleges, *inter alia*, that: since March, 1968, United has continuously served Visalia with one daily round trip; Visalia traffic volumes are not sufficient to support direct service; during the first six months of 1972, average daily passenger enplanements dropped from the 1971 level of 12 per departure to 9 per departure; the number of passengers per day utilizing connecting service on United's system to points beyond San Francisco and Los Angeles is insignificant; operating present schedules, United forecasts, on an incremental cost basis, a negative contribution to profit of $360,704 in calendar 1972; United can provide adequate service to Visalia through Fresno; Fresno Air Terminal is only 46 miles and 45–50 minutes from Visalia; the California Public Utilities Commission has granted Swift Aire Lines, Inc. (Swift) authority to serve, *inter alia*, the Visalia-Fresno and Visalia-Los Angeles markets; Swift operates four-engine 17-seat DH–14 De Havilland Heron aircraft; and United seeks to hyphenate Visalia with Fresno rather than delete Visalia so that it will have the flexibility of serving Visalia through either Fresno or Visalia, depending upon the conditions in the overall market.

On September 22, 1973, the City of Visalia filed a petition for leave to intervene in Dockets 24752 and 24753, accompanied by a City Council resolution opposing United's applications.

[1] United's application has twice been amended by the filing of supplements on April 28 and December 11, 1973.

Upon consideration of pleadings and all the relevant facts, we have tentatively decided to dismiss United's applications for hyphenation and temporary exemption and to authorize United to temporarily suspend service at Visalia for a period of seven years subject to the following conditions: (1) That the suspension terminate seven days after Swift (or an acceptable Part 298 carrier) ceases or fails to provide daily scheduled commuter service between Visalia and Los Angeles and between Visalia and San Francisco on a regular basis; (2) that United, as an indication of its ability to reactivate service, be required to file with the Board an executed contract with either Swift, another commuter air carrier, or an aircraft lessor which provides that, in the event Swift ceases operations at Visalia, service between Visalia and Los Angeles and between Visalia and San Francisco shall begin within seven days and shall continue without interruption until United resumes service with its own aircraft or until an acceptable Part 298 operator provides replacement services at Visalia; (3) United be required to obtain specific Board approval before resuming service during the period in which Swift (or an acceptable Part 298 carrier) provides daily commuter service; and (4) that joint fares be established for the replacement services.

We tentatively find and conclude that a temporary suspension, subject to the provision of the replacement service described above, is in the public interest.[2] In 1971, the calendar year preceding the filing of the instant application, Visalia generated 23.3 enplaned passengers per day. Although the traffic fell off slightly in 1972 and 1973,[3] Visalia generated 23.0 enplaned passengers per day during the first half of 1974. On the other hand, in light of its close proximity to Fresno, it is clear that Visalia is not isolated. Moreover, the nature of the Visalia traffic continues to be short-haul and low-density so that United would gain financially if it were authorized to stop serving Visalia.

In light of the foregoing, we have tentatively concluded that the most reasonable course of action is to temporarily suspend United at Visalia subject to the requirement that replacement air taxi services be provided. The suspension will benefit United financially and the replacement services will be more closely geared to the needs of the Visalia community than that which can be provided by United.[4] Moreover, the community will retain the assurance of remaining a certificated point and, should commuter service cease, United will be obliged to resume service within seven days in the absence of an available and satisfactory Part 298 carrier.[5]

[2] We further tentatively conclude that this action will not result in a major Federal action significantly affecting the quality of the environment within the meaning of the National Environmental Policy Act of 1969. The elimination of United's two daily takeoffs and landings with large aircraft at Visalia will be sufficient to offset the resulting increase in the level of air taxi operations.

[3] In 1972, Visalia generated 19.0 enplaned passengers per day, and 20.2 in 1973.

We conclude that Swift's record and experience render it qualified to provide the proposed replacement service.[6] We are also satisfied that there are no safety considerations which would warrant a determination that a replacement arrangement will not be in the public interest. Swift is a Part 298 operator and, as such, has been issued an Air Taxi/Commercial Operator's Certificate by the Federal Aviation Administration (FAA), having demonstrated its competence and ability to comply with all applicable safety regulations. The Secretary of Transportation, through the FAA, is charged by law with insuring the highest degree of safety in air transportation and, to this end, the operations of Swift are monitored by the FAA in accordance with the strictures set forth in the Federal Aviation Act of 1958, as amended, and the safety regulations promulgated thereunder. In this connection, we have been verbally notified by the FAA that Swift's operations have been conducted in accordance with all applicable safety regulations, and that NTSB and FAA records indicate that the carrier has met all the necessary requirements as to safety and reliability.[7]

Further, consistent with our practice in similar cases, we view the inclusion of joint fares and rates to be required in the public interest [8] and, accordingly, we tentatively conclude that the approval of the suspension should be conditioned upon the maintenance of joint passenger fares and cargo rates at levels equal to the through, single-factor, Visalia fares United currently charges for travel between Visalia, on the one hand, and other cities on United's system, on the other hand. In addition, Phase 4 of the *Domestic Passenger-Fare Investigation* (Docket 21866) requires that joint fares be provided in all markets over all routings. Therefore, in order to effectuate the intent of the Board, we tentatively conclude that United should be required to maintain in effect, for the Visalia service provided by Swift, all joint-fare tariffs now in effect or hereafter required to be filed by the Board in Phase 4 of the *DPFI*.[9]

In order that Swift may be able to operate and develop its services free from competition by United, we tentatively conclude that the suspension should be granted for a period of seven years subject to the requirement that United seek Board approval before it resumes service at Visalia during the period in which commuter service is provided. Furthermore, since we believe that suspension, as conditioned herein, will serve the needs of both the community and United, we will not hear United's application to hyphenate Visalia nor its application for a temporary exemption permitting United to serve Visalia through Fresno. Accordingly, in light of the Board's general policy with respect to applications not likely to be designated for hearing before they become stale, we have tentatively concluded that these applications should be dismissed without prejudice. *Cf.*: Rule 911(b–1) of the Board's Rules of Practice.

Although there is presently no replacement agreement between the carriers, we have examined the facts and our findings in light of *Air Line Pilots Association* v. *C.A.B.*, C.A.D.C. Nos. 73–1068, *et al.*, decided March 20, 1974, involving air taxis replacement services. We find that it would be inappropriate and not in the public interest to require Swift to undergo a certification proceeding in order to provide replacement services for United at Visalia. Swift commenced service as a scheduled commuter air carrier in 1969. In 1973, the carrier served 49,195 passengers in 16 markets, which traffic produced 8 million RPM's. This level of RPM's amounted to only .64 percent of the average RPM's for each certificated local service carrier in 1973. On the basis of these facts and the basis of our findings as set forth in Order 72–9–39, September 12, 1972, and Order 73–1–3, January 2, 1973, we conclude that the certification process is inappropriate for Swift.

We further conclude that certification would be an undue burden on Swift by reason of the limited extent of, and unusual circumstances affecting its operations. As described above, the carrier's operations are of limited extent in terms of both the proposed replacement services involved and the overall scope of its operations. Furthermore, the nature of the small aircraft which a commuter carrier utilizes tends to restrict the scope of its operations. The accommodations on these aircraft not only limit the competitive capabilities of Swift, but also the amount of traffic it can carry and the length of markets it can serve, compared with a certificated carrier operating large aircraft. Thus, the cost of certification procedures would impose a severe financial burden on Swift wholly disproportionate to its existing and proposed operations. Moreover, enforcement of section 401 requirements would be an undue burden because certification would deprive Swift of the necessary operating flexibility it must have to conduct non-subsidized services with small aircraft in short-haul, low-density markets.

Consequently, for the reasons set forth above, we tentatively find and conclude that:

1. United should be authorized to suspend service temporarily at Visalia, California, for a period of seven years, subject to the conditions that: (a) Such suspension shall terminate seven days after Swift Aire Lines, Inc. (or an acceptable Part 298 carrier) ceases or fails to provide daily scheduled commuter service between Visalia and and Los Angeles, and between Visalia and San Francisco, on a regular basis [10]; (b) United shall maintain in effect for the Visalia service operated by Swift all joint-fare traiffs now in effect or hereafter required to be filed by the Board in the *Domestic Passenger-Fare Investigation*, Docket 21866; (c) United and Swift shall maintain, as long as the suspension is in effect, joint passenger fares and cargo rates at levels equal to the through single-factor Visalia fares and rates United could charge for travel between Visalia, on the one hand, and other points on United's system, on the other hand, if it were providing service at Visalia with its own aircraft [11]; (d) United shall not itself resume service without explicit Board approval during the period in which Swift (or an acceptable Part 298 carrier) is providing daily scheduled commuter service at Visalia; and (e) United shall file with the Board an executed contract with either Swift, another commuter air carrier, or an aircraft lessor which provides that, in the event Swift ceases operations at Visalia, service between Visalia and Los Angeles and between Visalia and San Francisco shall begin within seven days and shall continue without interruption until United resumes service with its own aircraft or

[4] Although we have not conditioned suspension upon the establishment of a fixed level of commuter replacement service (see Order 73–8–67, August 13, 1973) we intend to monitor this service to insure that Visalia receives regular air service to San Francisco and Los Angeles at a level commensurate with its needs. Specifically, we shall retain jurisdiction over this proceeding so as to be able to modify our decision (with or without hearing) if such modification is required by the public interest, and we shall require United to notify the Board should Swift's service cease and to specify what other commuter service will be available at Visalia if the carrier itself does not resume service at the point. At that time, we will evaluate the new commuter service and determine whether the operator is an acceptable replacement carrier.

[5] United's suspension will be conditioned so as to insure that United will be able to reactivate service within seven days in the event that Swift ceases to provide daily scheduled commuter service to Los Angeles and San Francisco.

[6] Swift commenced service as a scheduled commuter air carrier in 1969, and has steadily expanded. In 1973, Swift served eight cities: Fresno, Los Angeles, Paso Robles, Sacramento, San Francisco, San Jose, San Luis Obispo, and Santa Maria. Swift is currently providing one Los Angeles-Bakersfield-Visalia-Fresno-Sacramento round trip five days a week plus an additional San Luis Obispo-Los Angeles-Bakersfield-Visalia-Sacramento flight five days per week.

[7] This verbal notification will be confirmed by letter. Copies of the FAA's letter, as well as the FAA's safety and compliance evaluation of Swift, will be placed in this docket as soon as they are received.

[8] See, *e.g.*, Order 74–4–119, April 23, 1974.

[9] We will expect United to file such tariff revisions as are necessary to effectuate this requirement.

[10] Should Swift cease to provide regularly scheduled commuter service, United shall notify the Board within seven days what alternative replacement service it intends to rely upon for a continued suspension if the carrier does not itself resume service at the point.

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until an acceptable Part 298 operator provides replacement services at Visalia.

2. United's applications requesting hyphenation of the Visalia with Fresno, the processing of that application by show cause procedures, and a temporary exemption authorizing United to serve Visalia through Fresno should be dismissed.

Interested persons will be given thirty days following the service date of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary, and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, granting United a temporary suspension at Visalia, subject to the terms and conditions specified above, and dismissing United's applications and petition in Dockets 24752 and 24753;

2. Any interested person having objection to the issuance of an order making final the proposed findings, conclusions, and suspension authorization set forth herein shall, within thirty days after service of a copy of this order, file with the Board and serve upon all persons listed in Appendix A attached hereto, a statement of objections, together with such statistical data and other materials in evidence relied upon to support the stated objections; answers to such objections shall be filed within fourteen days thereafter;

3. Any interested person requesting an evidentiary hearing shall state in detail why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

5. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

6. A copy of this order shall be served upon all persons listed in Appendix A attached hereto.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX

SERVICE LIST

Honorable Ronald Reagan
Governor of California
Sacramento, California 95814

California Aeronautics Department
Sacramento Municipal Airport
Sacramento, California 95822

Mr. William R. Johnson
Secretary, Public Utilities Commission
State of California
350 McAllister Street
San Francisco, California 94102

Office of the Mayor
Visalia, California 93277

Airport Manager
Visalia Municipal Airport
Visalia, California 93277

United Air Lines, Inc.
P.O. Box 66100
Chicago, Illinois 60666

Swift Aire Lines, Inc.
Terminal Building
San Luis Obispo County Airport
P.O. Box 1381
San Luis Obispo, California 93401

Hughes Airwest, Inc.
San Francisco International Airport
San Francisco, California 94128

The Postmaster General
Attention: Assistant Postmaster General
Bureau of Transportation
Post Office Department
Washington, D.C. 20260

[FR Doc.74-22009 Filed 9-20-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

MASSACHUSETTS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts State Advisory Committee (SAC) to this Commission will convene at 12 Noon on October 16, 1974, at the Jewish Labor Committee, 27 School Street, Boston, Massachusetts 02108.

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss health care available to the Spanish Speaking in Massachusetts.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., September 16, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-21983 Filed 9-20-74;8:45 am]

CIVIL SERVICE COMMISSSION

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Title Change in Noncareer Executive Assignment

By notice of November 30, 1972, FR Doc. 72-20576, the Civil Service Commission authorized the Department of Housing and Urban Development to make a change in title for the position of Executive Assistant, Office of the Assistant Secretary-Commissioner, Housing Production and Mortgage Credit, authorized to be filled by noncareer executive assignment. This is notice that the title of this position is now being changed to Executive Assistant Commissioner, Office of the Assistant Secretary for Housing Production and Mortgage Credit/Federal Housing Administration Commissioner.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-21998 Filed 9-20-74;8:45 am]

DEPARTMENT OF THE TREASURY

Title Change in Noncareer Executive Assignment

By notice of February 21, 1974, FR Doc. 74-4101 the Civil Service Commission authorized the Department of the Treasury to make a title change in the title for the position of Special Assistant to the Deputy Under Secretary, Office of the Deputy Under Secretary, Office of the Secretary, authorized to be filled by noncareer executive agency. This is notice that the title of this position is now being changed to Deputy Assistant Secretary (Legislative Affairs), Office of the Assistant Secretary (Legislative Affairs), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-21999 Filed 9-20-74;8:45 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

NOTICE OF MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under the authority of section Pub. L. 91-452, Part D, section 804-808 of the Organized Crime Control Act of 1970, will meet on October 8, 1974, in Room 301 of the Russell Senate Office Building, Washington, D.C., at 1:30 p.m.

The purpose of the meeting is to discuss the expenditures of Fiscal Year 1974, to approve the proposed Fiscal Year 1975 expenditures and to discuss and approve the Fiscal Year 1976 budget requested by the Office of Management and Budget, and the activities of the Commission prior to January 1975. The Commission will also consider whether it is appropriate to make an expedited recommendation to Congress regarding state operated lotteries.

The meeting of the Commission will be open to the public, and interested persons are invited to attend. The rules of procedure for person or persons presenting matters to the Commission are subject to the following conditions:

(a) Any such interested person or persons must receive authorization to present such matters from the Chairman of the Commission. Not later than seven (7) days preceding such Executive or Public Hearings, a request for such authorization must be received in writing at the offices of the Commission. Such a request shall be accompanied by a concise description of the material which such person or persons desire to present to the Commission or Subcommittee.

(b) The Chairman of the Commission shall, within three (3) days from the receipt of such a request make a determination that the subject matter presented by such interested person or persons is timely and appropriate for such Executive or Public Hearings of the Commission or Subcommittee thereof, and shall notify such interested persons or person by Certified Mail of the decision.

(c) In the event such interested person or persons is allowed to present matters to the Commission or Subcommittee thereof in Executive or Public Hearings, then a prepared written statement of expected presentation shall be filed in the office of the Commission, not later than 48 hours in advance of the hearings of which the statement is to be presented.

(d) After the receipt of the statement of expected presentation, the Chairman shall then make a determination of the extent that time is available for such interested person or persons to present oral statements in addition thereto. In the event that the Chairman determines that time is not available for such oral statements, the interested person or persons' statement shall be recorded and made a part of the subject proceedings.

(e) Provided further that any such interested person or persons who feel aggrieved by or takes exception to any of the determinations made by the Chairman of the Commission shall have the opportunity to present in writing to each member of the Commission the basis for such grievance or exception taken to such ruling by the Chairman and thereafter the decision of the Chairman shall be reconsidered by each member of the Commission at its next regular meeting or hearing. Notice by Certified Mail to such interested person or persons shall include the final decision of the full Commission on its reconsideration and shall constitute notification of the action taken by the Commission.

(f) Any deviation from the preceding requirements, shall constitute on the part of such interested person or persons, a withdrawal of any request previously made.

JAMES E. KENDRICK,
Executive Director.

[FR Doc. 74-22008 Filed 9-20-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 266-7]

AMCHEM PRODUCTS, INC.

Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 180.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (40 CFR 180.8), Amchem Products, Inc., Ambler, PA 19002, has withdrawn its petition (PP 2F1213), notice of which was published in the FEDERAL REGISTER of January 11, 1972, proposing establishment of tolerances for residues of the herbicide 2,3,6-trichlorophenylacetic acid in fish and water at 1 part per million.

Dated: September 6, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74-22056 Filed 9-20-74;8:45 am]

[FRL 267-3]

CIBA-GEIGY, CORP.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1538) has been filed by CIBA-GEIGY Corp., P.O. Box 11422, Greensboro, NC 27409, proposing establishment of a tolerance (40 CFR Part 180) for negligible residues of the herbicide profluralin (*N*-(cyclopropylmethyl)-α,α,α-trifluoro-2,6-dinitro-*N*-propyl-*p*-toluidine) in or on the raw agricultural commodities alfalfa forage and hay at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure with electron-capture detection.

Dated: September 6, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74-22058 Filed 9-20-74;8:45 am]

[FRL 267-4]

CIBA-GEIGY CORP.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (5F1539) has been filed by CIBA-GEIGY Corp., P.O. Box 11422, Greensboro, NC 27409, proposing establishment of tolerances (40 CFR Part 180) for residues of the herbicide procyazine (2-[[4-chloro-6-(cyclopropylamino)-1,3,5-triazin-2-yl] amino]-2-methylpropanenitrile) and its hydroxy metabolites, *N*-[4-(cyclopropylamino)-6-hydroxy-1,2,5-triazin-2-yl]-2-methylalanine, *N*-(4-amino-6-hydroxy-1,3,5-triazin-2-yl)-2-methylalanine, and *N*-(4,6-dihydroxy-1,3,5-triazin-2-yl)-2-methylalanine (calculated as procyazine) in or on the raw agricultural commodities corn fodder and forage at 2 parts per million; fresh corn including sweet corn (kernels plus cob with husk removed) and corn grain at 0.2 part per million (negligible residue); and eggs, milk, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.02 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the parent compound procyazine is a gas chromatographic procedure using a Dohrmann chloride specific microcoulometric detector. The analytical method proposed for determining residues of the hydroxy metabolites involves a degradation reaction to form 5,5-dimethylhydantoin (DMH) which is derivatized to form trichloromethyl sulfide (TCMS-DMH). The latter compound is determined by gas chromatography using an electron capture detector.

Dated: September 6, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74-22059 Filed 9-20-74;8:45 am]

[FRL 266-5]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given of a meeting of the Effluent Standards and Water Quality Information Advisory Committee (ES&WQIAC), established under section 515 of the Federal Water Pollution Control Act ("The Act") 33 U.S.C. 1374, P.L. 92-500, to be held in Room 821, Building No. 2, Crystal Mall, Arlington, Virginia, Thursday, October 31, 1974, 9 a.m.-5 p.m.

This meeting is one of a series of special monthly meetings of ES&WQIAC conducted for the purpose of reviewing and preparing comments on technical documents supporting the development of effluent limitations.

The meeting will be open to the public and under the overall direction of the Committee Chairman. Any member of the public wishing to attend the meeting should contact Dr. Martha Sager, Chairman, ES&WQIAC, Room 821, CM No. 2, Washington, D.C. 20460, Tel: (703-557-7390).

MARTHA SAGER,
Chairman, Effluent Standards and Water Quality Information Advisory Committee.

SEPTEMBER 18, 1974.

[FR Doc.74-22054 Filed 9-20-74;8:45 am]

[n] United and Swift shall publish, on not less than ten days notice, tariffs containing the rates and fares required herein to be effective 45 days after the date of service of the Board's order finalizing this order.

V391185 SEP 23 74 XUM

[FRL 256-8]

MONSANTO CO.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512, 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1536) has been filed by Monsanto Co., 800 N. Lindbergh Boulevard, St. Louis, MO 63166, proposing establishment of tolerances (40 CFR Part 180) for combined negligible residues of the herbicide glyphosate (*N*-(phosphonomethyl) glycine) and its metabolite aminomethylphosphonic acid in or on forage grasses and soybean forage and hay at 0.2 part per million and grain crops and soybeans at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide and its metabolite is a procedure in which the residues are derivatized to form the corresponding *N*-trifluoroacetyl methyl esters. The derivative is then determined by a gas chromatographic procedure with a flame photometric detector for phosphorus.

Dated: September 6, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-22057 Filed 9-20-74;8:45 am]

[FRL 256-8]

PLUTONIUM AND THE TRANSURANIUM ELEMENTS

Contamination Limits; Intent To Review the Need for Establishing New Rules

The President's Reorganization Plan No. 3 of 1970, which became effective on December 2, 1970, transferred certain functions from the Atomic Energy Commission to the Environmental Protection Agency " * * * to the extent that such functions of the Commission consist of establishing generally applicable environmental standards for the protection of the general environment from radioactive material. As used herein, standards mean limits on radiation exposures or levels, or concentrations or quantities of radioactive material in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material."

This Reorganization Plan also transferred to the EPA all the functions of the Federal Radiation Council, as specified in the Atomic Energy Act. Section 274(h) provides that "the Administrator shall advise the President with respect to radiation matters, directly or indirectly affecting health, including guidance for all Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with States."

Notice is hereby given that the U.S. Environmental Protection Agency intends to evaluate the environmental impact of transuranium elements and to consider whether guidelines or standards under these authorities are needed to assure adequate protection of the general ambient environment and of the public health from potential contamination of the environment by radionuclides of the transuranium elements.

The transuranium elements include plutonium and the higher atomic number elements. Many of these nuclides are characterized by long radioactive half-lives and high radiotoxicity. Because of these properties, releases of the transuranium elements may result in environmental buildup of these nuclides to the point that the general public could be exposed to significant cumulative radiation doses. Any release of these radionuclides constitutes an irreversible commitment to the environment and may entail a potential health hazard for both current and future generations.

The transuranium nuclides are man-made and produced primarily in nuclear reactors. When the spent reactor fuel is reprocessed, only the transuranium elements neptunium and plutonium are presently recovered. Relatively small amounts of the transuranium elements are now in commerce but, because of the rapid growth of the nuclear power industry, increasingly large quantities of these nuclides are expected to be produced and processed in controlled facilities in the future. In the past, the largest use of these elements has been in nuclear weapons. Future use is expected to be primarily as fuel for nuclear power reactors, both in light-water moderated reactors and especially in the breeder reactors. Application of transuranium elements in diverse other areas, such as thermal power sources for space, medical, and other applications is only now beginning but may increase rapidly over the next few decades. Small releases of the transuranium elements to the environment are possible at most locations where these elements are handled. In addition, despite stringent design criteria and quality assurance programs, larger single releases may occur as the result of low probability accidents or other unforeseen circumstances. Current environmental levels consist of (1) a general background level of plutonium resulting from widespread fallout from atmospheric tests of nuclear explosive devices and from atmospheric burnup of one reentering space power source, and (2) more localized residual contamination from weapons accidents, and from releases from nuclear materials production, fabrication, and utilization facilities. The plutonium present in the environment from sources other than fallout is only a small fraction of the total amount, and projections indicate that fallout will continue as the most significant contributor for at least the next few decades. However, near a plutonium handling facility, cumulative small releases could lead to localized environmental buildup considerably higher than that resulting from fallout alone.

Once the transuranium elements are in the environment the major long-term pathway of exposure of the population has been assumed to be by primary deposition and by air resuspension, i.e., particles which have been deposited on the surface are picked up by wind or other disturbance and inhaled. Primary exposure would be to the lungs and lymph nodes for insoluble plutonium, and additionally also to the bone and liver for soluble plutonium. Over the potentially very long periods of time of persistence of some of these radionuclides, their distribution in the ecosystem may change and it is possible that they may eventually predominantly enter man through the food chain. Information presently available on environmental transport processes of the transuranium elements is sufficient to allow only an approximate assessment of exposures through these pathways. Therefore, increased research is needed to better define these pathways and to accurately determine transfer parameters needed for dose assessment.

For purposes of standard setting, the health hazard from a radiation dose has generally been assessed by using a linear nonthreshhold dose-effect relationship. While there is no scientific information to definitely confirm this hypothesis, in light of current uncertainties this should be considered as a prudent and probably conservative assumption. Using this approach, it is assumed that every dose received, no matter how small, carries with it some risk of an adverse health effect. A substantial body of information already exists on the long-term effects of exposure to various types of radiation. Considerable additional work is in progress on the specific bioeffects associated with continued exposure to the transuranium elements. Current radiation standards need to be reviewed in terms of their adequacy in providing sufficient protection to both the environment and the public health, and decisions made as to whether new standards may be required to limit releases to the general environment.

Therefore, to insure adequate protection of the general public and the environment from the effects of environmental releases of the transuranium elements, it is the intent of the Environmental Protection Agency to consider the need to establish generally applicable environmental standards for the transuranium elements. Although present practice attempts to minimize the release of these elements reaching the environment, it is recognized that some minor releases are inevitable during normal operations involving the transuranium nuclides. This Agency desires information required to assess the expected magnitude of such releases, the costs of averting these, possible alternative actions, the potential environmental and public health impact as they relate to standards development, and other pertinent topics. This Agency also desires to evaluate the adequacy of the current guidelines for emergency action and the criteria for cleanup of the environment after an accident or other contaminating event has occurred. All information received will be evaluated for its adequacy, relevance, and technical acceptability.

Consideration will be given to holding of technical symposia and public hearings for the purpose of obtaining technical data and opinions from interested parties. The dates and locations of such symposia and hearings, if deemed necessary, will be published at a later date. Adequate advance notice will be provided for the preparation of technical reviews and testimony.

Comments and other contributions are desired and should be addressed to the Criteria and Standards Division, Office of Radiation Programs (AW-560), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

JOHN QUARLES,
Acting Administrator.

SEPTEMBER 17, 1974.

[FR Doc.74-22053 Filed 9-20-74;8:45 am]

[FRL 266-6]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of EPA Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of August 16, 1974 and August 31, 1974.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: September 16, 1974.

SHELDON MEYERS,
Director, Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Aug. 16, 1974 and Aug. 31, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-A65104-CA	Proposed Shasta-Trinity National Forest timber management plan, California.	ER-2	J
D-AFS-E61001-KY	Management of Beaver Creek unit in Daniel Boone National Forest, McCreary and Pulaski Counties, Ky.	LO-1	E
D-AFS-E61003-NC	10-year management of Cullasaja River unit, and Whitewater River unit in Nantahala National Forest, Transylvania, Jackson, Macon Counties, N.C.	LO-1	E
D-AFS-J65001-WY	Moccasin Basin and Calf Creek, Papoose Creek timber sales, Wyoming.	ER-2	I
D-SCS-A36419-SC	Rabon Creek watershed project and work plan, Greenville and Laurens Counties, S.C.	ER-2	E
Atomic Energy Commission:			
D-AEC-A06126-WY	Utah International, Inc., Shirley Basin Uranium Mill, Shirley Basin, Wyo.	3	A
D-AEC-A06128-MA	Pilgrim Nuclear Power Station, units 2 and 3, Boston Edison Co., docket No. 50-471 and 50-472, Plymouth, Mass.	ER-2	A
Corps of Engineers:			
DS-COE-A32426-00	Operation and maintenance of existing navigation channel at mouth of East Pearl River, Louisiana and Mississippi.	LO-2	G
D-COE-A32130-TX	Big Pine Lake, Big Pine Creek, Tex.	LO-2	G
D-COE-A32147-IL	Operation and maintenance of lake, Shelbyville, Ill.	LO-2	F
DS-COE-IA36176-GU	Name River, flood control project, Guam.	ER-2	J
D-COE-A32512-TX	Maintenance and dredging, Matagorda ship channel, Texas.	ER-1	G
D-COE-A36420-00	Tombigbee River and tributaries, Luxapallia Creek segment, flood control, Alabama and Mississippi.	ER-2	E
D-COE-D30001-VA	Virginia Beach erosion control project, Virginia Beach, Va.	ER-2	D
D-COE-D30002-VA	Beach erosion control, Westmoreland State Park, Va.	LO-2	D
D-COE-D30001-PA	Lock Haven flood protection project, West Branch, Susquehanna River and Bald Eagle Creek, Pennsylvania.	LO-2	D
D-COE-D30002-WV	Channel Rehabilitation project, Coal River Basin, W. Va.	LO-1	D
D-COE-E30001-FL	Panacea Harbor, Wakulla County, maintenance and dredging, Florida.	ER-2	E
D-COE-F32001-OH	Navigation project, Huron Harbor, Erie County, Huron, Ohio.	LO-2	F
D-COE-F32003-MI	Fiscal year 1975 navigation season extension demonstration program, Michigan.	LO-1	F
D-COE-L36002-OR	Turning basin at Astoria, Columbia, and lower Willamette Rivers, Oregon.	LO-1	K
DS-COE-L36003-WA	Chief Joseph Dam additional units, operation and maintenance, Columbia River, Washington.	LO-1	K
Department of Defense:			
D-USN-K11003-CA	Proposed new berthing pier No. 7, naval station, San Diego, Calif.	LO-2	J
Federal Power Commission:			
D-FPC-F03001-OH	Crawford underground storage project, Hocking and Fairfield Counties, Ohio.	ER-2	F
General Services Administration:			
D-GSA-E81001-SC	Federal building and courthouse, Columbia, S.C.	LO-1	E
Department of Housing and Urban Development:			
D-HUD-B80001-MA	Urban renewal, Heritage Plaza East, Salem, Essex County, Mass.	LO-2	B
Department of Interior:			
D-IBR-G29001-TX	Nueces River project, Choke Canyon dam and reservoir site, Texas.	ER-1	G
D-SFW-K61003-AZ	Proposed Cabeza Prieta Wilderness Area, Yuma and Pima Counties, Ariz.	LO-1	J
Department of Transportation:			
D-FAA-A51860-IA	Cedar Rapids Municipal Airport, Iowa	LO-2	H
D-FAA-A51861-PA	Jimmy Stewart Airport, Indiana, Pa.	LO-2	D
DS-FHW-A41457-IA	North-south freeway 561, Dubuque County, Iowa	LO-2	H
DS-FHW-A41662-IA	F-561, Scott and Clinton Counties, Iowa	LO-1	H
D-FHW-A42247-NY	Interstate route 518, west side from Batter, N.Y.	3	C
D-FHW-A42288-CA	Freeway development, CA-101 in Sonoma County, Cloverdale, Calif.	LO-1	J
D-FHW-A42360-TX	Loop 360, from U.S. 81 in Bellmead to FM 3051 in McLennan County, Tex.	ER-2	G
D-FHW-A42365-WI	Madison St. Underpass, City of Eau Claire, Eau Claire County, Wis.	LO-2	F
D-FHW-B40001-MA	Route 140, highway relocation, Worcester County, Gardner-Westminster, Mass.	ER-2	B
D-FHW-B40003-MA	Route 52, extension, Worcester County, Oxford-Auburn, Mass.	ER-2	B
D-FHW-E40001-FL	SR-75, U.S. 231, Jackson County, Fla.	LO-2	E
D-FHW-F40001-MN	M.R. 41 from U.S. 169 to M.R. 7, Scott and Carver Counties, Minn.	ER-2	F
D-FHW-F40003-MN	U.S. 84, Mankato by-pass from U.S. 169 to existing U.S. 14 and MN-60, Blue Earth County, Minn.	LO-1	F
D-FHW-G40001-TX	Loop 363, from I-35 in Temple Northwest to SH 36, Bell County, Tex.	LO-2	G

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Identifying No.	Title	General nature of comments	Source for copies of comments
D-FHW-H40000-IA	U.S. 6, Scott County, Iowa	ER-2	H
FHW-H40001-KS	95th St., Lenexa and Overland Park, Johnson County, Kans.	ER-2	H
D-FHW-L40002-ID	Cherry Lane, Linder Road to U.S. 30, Idaho	LO-1	K
D-FHW-L40005-OR	West Portland Park and Ride, Oreg.	LO-1	K
RD-CGD-A52073-00	Proposed regulations to implement Port and Water Safety Act of 1972 (P.L. 92-340).	ER-2	A

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—Lack of objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonably available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between Aug. 16, 1974 and Aug. 31 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-REA-A38005-MS	Purvis Generating Plant, units 1 and 2, four 161 KV transmissions lines, Lamar County, Miss.	EPA requested clarification as to what process will be used to control sulfur dioxide emissions.	E
F-SCS-A36221-AL	Swan Creek Watershed, Limestone County, Ala.	Generally, EPA had no objections to the project as proposed. However, EPA emphasized that for the project to proceed appropriate Federal permits may be needed pursuant to the FWPCAA of 1972.	E
Department of Commerce:			
F-DOC-A20081-HI	Field test of the submarine sand recovery system, Hawaii.	EPA expressed no objections to the project as proposed.	J
Corps of Engineers:			
FS-COE-A32305-CA	Lakeport Lake project, Lake County, Calif.	EPA has continuing concerns regarding the proposed project and is reserving final comment until the COE provides response to the findings as to the suggested trace element water quality study, the results of the Corps' study of the need for water quality appurtenances, suggestions of water contract stipulations, and indications of implementing a water quality monitoring program.	J
F-COE-A34074-AL	Jones Bluff Lock and Dam, Alabama River Basin, multi-purpose impoundments, Alabama.	EPA recommended that the COE supplement the final statement with data relating to the dissolved oxygen change that has taken place since impoundment and information more precisely stating the adverse effects due to natural stream reaeration.	E
F-COE-A34100-OH	East Fork Lake, Clermont County, Ohio.	EPA requested assurance from the COE that stream flows for both Ceasar Creek and East Fork be maintained at current critical low flows, as a minimum, on a continuous basis. Also EPA recommended that an implementation schedule with the necessary commitments providing for adequate treatment of all point source discharges upstream of the dams should be adopted.	F
F-COE-A34132-OH	Ceasar Creek Lake, Warren County, Ohio.		
F-COE-A39064-WV	Beach Fork Lake, Beach Fork Creek, Twelvepole Creek Basin, Cabell and Wayne Counties, W. Va.	EPA recommended careful monitoring of water quality in the creek because the high fecal coliform counts may limit or prohibit recreation at the facility.	D

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Defense:			
F-USN-A10040-WA	Trident support site at Bangor, Wash.	EPA expressed no objections to the project as proposed.	K
Federal Power Commission:			
F-FPC-A03060-00	Consolidated System LNG Co., Loudoun-Leidy project, Virginia, Maryland, and Pennsylvania.	EPA requested that the FPC provide additional information to permit EPA to assess the environmental impact of the proposed action.	D
Department of Interior:			
F-DOI-A61127-ND	Garrison diversion unit, Pick-Sloan Missouri Basin program, North Dakota.	EPA expressed serious concerns regarding the environmental impacts of the proposed project. Pending the resolution of the major environmental issues, EPA expressed concern about the forthcoming construction activities which would commit the Bureau of Reclamation to an irreversible course of action, notwithstanding the adverse environmental effects.	I
Department of Transportation:			
F-FHW-A40104-PA	LR 1015, TR 119, Uniontown, Fayette County, Pa.	EPA expressed no objections to the project as proposed.	D
F-FHW-A41204-IL	FA route 45, Mannheim Road, 197th St. to 143rd St., Cook County, Ill.	do	F
F-FHW-A41423-PA	LR 557, Allentown to South Whitehall Township, Lehigh County, Pa.	EPA expressed no objections to the proposed project.	D
F-FHW-A42045-WI	STH 33, CTH "P" to USH 41, Washington and Dodge Counties, Wis.	EPA expressed no objections to the project as proposed.	F
F-FHW-A42184-CA	I-15 in and near Escondido, San Diego, County, Calif.	do	J
F-FHW-A42334-OH	SR 619, State St., Cummit County, City of Barberton, Ohio.	do	F
F-FHW-A41947-HI	Interstate route H-3, Halowa/Haleiou supplement, Honolulu, Hawaii.	EPA expressed its continuing reservations concerning the public health impacts of the proposed project, and accordingly, requested the FHWA to undertake an updated air quality analysis so that EPA could ascertain what these public health impacts will be.	J

APPENDIX IV.—*Regulations, legislation, and other Federal agency actions for which comments were issued between Aug. 16, 1974 and Aug. 31, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Transportation:			
R-DOT-A88058-00	Docket number HM-103—transportation of hazardous materials; and docket number HM-112—hazardous materials regulations.	EPA expressed several concerns relating to the proposed regulations intended to deal with substances in transport.	A
R-FAA-A52075-00	14 CFR Part 121; aircraft security, use of X-ray devices.	EPA stated that the potential impact of these proposed regulations is very significant and recommended that an environmental impact statement be prepared.	A

APPENDIX V

SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs,
Environmental Protection Agency,
401 M Street SW.,
Washington, D.C. 20460

B. Director of Public Affairs,
Region I, Room 2303,
John F. Kennedy Federal Building,
Boston, Massachusetts 02203

C. Director of Public Affairs,
Region II,
Environmental Protection Agency,
Room 847,
26 Federal Plaza,
New York, New York 10007

D. Director of Public Affairs,
Region III,
Environmental Protection Agency,
Curtis Building, 6th and Walnut Streets,
Philadelphia, Pennsylvania 19106

E. Director of Public Affairs,
Region IV,
Environmental Protection Agency,
Suite 300,
1421 Peachtree Street NE.,
Atlanta, Georgia 30309

F. Director of Public Affairs,
Region V,
Environmental Protection Agency,
1 N. Wacker Drive,
Chicago, Illinois 60606

G. Director of Public Affairs,
Region VI,
Environmental Protection Agency,
1600 Patterson Street,
Dallas, Texas 75201

H. Director of Public Affairs,
Region VII,
Environmental Protection Agency,
1735 Baltimore Street,
Kansas City, Missouri 64108

I. Director of Public Affairs,
Region VIII,
Environmental Protection Agency,
Lincoln Tower, Room 916,
1860 Lincoln Street,
Denver, Colorado 80203

J. Director of Public Affairs,
Region IX,
Environmental Protection Agency,
100 California Street,
San Francisco, California 94111

K. Director of Public Affairs,
Region X,
Environmental Protection Agency,
1200 Sixth Avenue,
Seattle, Washington 98101

[FR Doc.74-22055 Filed 9-20-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE (CTAC) PANEL 2 (SUBJECT EVALUATIONS: PICTURE QUALITY)

Notice of Meeting

SEPTEMBER 12, 1974.

Pursuant to section 10 of the Federal Advisory Committee Act, 5 U.S.C. App. I § 10 (Supp. II, 1972), notice is hereby given of a meeting of the CTAC Panel 2 (Subject Evaluations; Picture Quality) meeting on October 2, 1974, to be held at 2025 M Street, NW., Washington, D.C. Room 6331. The meeting is scheduled to commence at 10 a.m.

The agenda is as follows:

(1) Review of Draft of Panel 2 Report.
(2) Review Proposed Format and Content of Stimulus Tape Recordings.
(3) Review Psychologist Proposal.
(4) Review Details of Recording Session at RCA, Camden Scheduled for Week of October 14, 1974.
(5) Progress Report on Proposal to National Science Foundation.
(6) New Business.
(7) Adjournment.

Any member of the public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. A. M. Rutkowski, FCC, 1919 M Street, NW., Washington, D.C. 20554—(202) 632-9797.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-21978 Filed 9-20-74;8:45 am]

[FCC 74-981, Docket No. 20191]

MICHIGAN BELL TELEPHONE CO.

Memorandum Opinion and Order Instituting Investigation and Hearing

1. On July 16, 1974, Michigan Bell Telephone Company (Michigan Bell) filed Tariff F.C.C. No. 37, cancelling its prior Tariff F.C.C. No. 33, under Transmittal No. 374 which is currently scheduled to become effective September 17, 1974. This tariff provides for an average increase of 275 percent in the monthly rates and nonrecurring charges applicable to Michigan Bell's CATV channel distribution service provided to cable television system operators in Michigan. The four affected cable television operators and the principal Michigan communities served by each are: Wonderland Ventures, Inc. (Wonderland), serving Flint; Twin Valley Community Antenna T.V., Inc. (Twin Valley), serving Jonesville and Hillsdale; Fetzer Cablevision (Fetzer), serving Kalamazoo; and Wolverine Cablevision, Inc. (Wolverine), serving Battle Creek and Albion. In the economic data submitted pursuant to

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section 61.38 of our rules, Michigan Bell estimates that the proposed increases will provide additional revenues of approximately $2,900,000.00 annually (to produce an overall rate of return for the service of 9½ percent).

2. On August 13, 1974, Wonderland and Twin Valley filed a joint petition requesting suspension, an investigation, and an accounting order with respect to Michigan Bell's proposed tariff increases [1] and Fetzer and Wolverine filed similar petitions on their own.

The essence of the various suspension petitions is that the proposed tariff increases are unlawful under sections 201 (b) and 202(a) of the Act because, among other things, the cable operators involved will be unable to generate the additional revenues required to meet the proposed tariff increases due to (a) an unwillingness on the part of their subscribers, both present and proposed, to pay the increased subscription fees that will be necessary in light of the increased tariff rates and (b) the impossibility of cutting their own expenses in light of, among other things, present economic conditions. Thus, the petitioners claim they may be forced out of the cable television business by such increases. In addition, the petitioners challenge the sufficiency of several aspects of Michigan Bell's § 61.38 material, in particular, Michigan Bell's utilization of costs that are based upon estimates of what it would cost Michigan Bell to build and service the systems today, resulting in a new and higher rate base, rather than utilization of actual historical (original) costs of building and servicing the systems. Finally, the petitioners make the very serious contention that in view of recent negotiations among the various cable operators and Michigian Bell regarding possible purchase of the facilities in question by the operators, the instant filing, with such substantial rate increases, is designed to force the cable operators to choose between the prospect of going out of business or accepting the unjust and unreasonable terms of Michigan Bell's offer to sell. In its responsive pleading Michigan Bell denies the allegations of the various petitions, alleges that its tariff filing is lawful and sufficient in all respects, and requests that the various suspension petitions be denied.

3. Upon consideration of the previous tariff rates, the proposed tariff rates, Michigan Bell's § 61.38 material, and the pleadings of the parties we are of the opinion that questions of lawfulness are raised as to whether the proposed tariffs are lawful within the meaning of section 201(b) and 202(a) of the Act. Initially, we are concerned with the magnitude of the rate increases and whether such rate increases are unjust and unreasonable or otherwise unlawful within the meaning of sections 201(b) and 202(a) of the Act. In addition, a question exists as to whether Michigan Bell's previous rates and rate of return were unduly low. Regarding the § 61.38 material submitted by Michigan Bell, we note that Michigan Bell uses current reproduction costs in developing the rate base rather than original costs of plant. The justification for departing from original cost depreciated ratemaking is not clearly stated in Michigan Bell's § 61.38 material nor in its pleading and, therefore, questions of lawfulness exist as to whether Michigan Bell's rate base was properly calculated. We are also concerned about the alleged relationship of this tariff filing to the various purchase negotiations and whether Michigan Bell's conduct in making such filing, under all the facts and circumstances, constitutes an unlawful practice within the meaning of section 202(a) of the Act.

4. In view of the foregoing, we are unable to conclude that Michigan Bell's tariff filing is lawful. We shall therefore designate this tariff filing for hearing and shall suspend the effectiveness thereof for the full statutory ninety-day period and enter an accounting order providing for possible refunds. 47 U.S.C. 204.

5. In the present case, due to the magnitude of the increases and the potential for harm to petitioners if they are required to pay the substantial rate increases to Michigan Bell during the pendency of a prolonged trial-type hearing before the Commission, we shall order that "paper" proceedings be utilized to expedite the resolution of this controversy. Such proceedings provide for the submission of interrogatories and requests for information, which process merges cross-examination and the informal gathering of information traditionally undertaken during the prehearing and hearing stages of rulemaking proceedings. However, participants may, if they so desire, call witnesses for oral examination with regard to alleged unlawful coercive conduct on the part of Michigan Bell. If such a request is made the Administrative Law Judge shall call a conference of the parties to set dates for oral proceedings which should, if at all possible, not delay the completion of procedures herein established. The Administrative Law Judge shall prepare Findings of Fact and Conclusions of Law with regard to evidence presented at any such oral proceeding. Further, due and timely execution of our regulatory function in this case imperatively and unavoidably requires that we issue a final decision upon the close of the record without initial, recommended, or tentative decision. We believe the employment of the procedures noted above will best conduce to the proper dispatch of business and the ends of justice and promote the objectives of the Act for expeditious resolution of the issues herein. 47 U.S.C. 154(j) and 204. Should it develop that the procedures which we are establishing prove inadequate or result in unfairness to any person, orders in modification thereof shall be issued.

6. *Accordingly, it is ordered*, That, pursuant to the provisions of Sections 4(i), 4(j), 201, 202, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation and hearing is instituted into the lawfulness of the tariff schedules filed by Michigan Bell with Transmittal No. 347, including any cancellations, amendments or re-issues thereof.

7. *It is further ordered*, That, pursuant to the provisions of section 204, the revised tariff schedules filed by Michigan Bell and submitted with Transmittal No. 347 are hereby suspended until December 16, 1974 and that Michigan Bell, as to the operation of such tariff schedules shall, in the case of all increased charges and until further order of the Commission, keep accurate account of all amounts received by reason of such increases, specifying by whom and in whose behalf such amounts were paid, and upon completion of the hearing and decision therein, the Commission may by further order, require the refund thereof, with interest, pursuant to Section 204 of the Act, and the carrier shall file such reports on the amounts accounted for as the Chief, Common Carrier Bureau shall require.

8. *It is further ordered*, That without in any way limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether the charges, classifications, practices, and regulations published in the aforesaid tariffs are or will be unjust and unreasonable within the meaning of section 201(b) of the Act;

(2) Whether such charges, classifications, practices, and regulations, will, or could be applied to, subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or prejudice to any person, class of persons, or locality, within the meaning of section 202(a) of the Act;

(3) If any of such charges, classifications, practices, or regulations are found to be unlawful, whether the Commission, pursuant to section 205 of the Act, should prescribe charges, classifications, practices and regulations for the service governed by the tariffs, and if so, what should be prescribed;

(4) Whether, in light of the purchase negotiations being conducted with its customers, Michigan Bell's conduct in filing the substantial rate increases in question, under all the facts and circumstances, constitutes an unlawful practice within the meaning of section 202(a) of the Act.

9. *It is further ordered*, That the following procedures will apply in this proceeding:

(a) The record for decision will consist of all matters submitted for the record by respondents, interested persons and the Common Carrier Bureau trial staff. Interrogatories and information requests and responses thereto shall be part of the record. Such submittals together with supporting documentation and workpapers will be available for public inspection as they are received.

(b) All matters submitted for the record, including answers to interrogatories and responses to information requests, must be identified as to sponsoring party, numbered consecutively and identified with the name of a person by whom or under whose supervision the submittal was prepared.

(c) The source of all data must be clearly and specifically noted. Supporting documents which are not readily available and working papers must be presented with the submittals to which they apply. Statistical studies will be submitted and supported in the form prescribed in section 1.363 of the Commission's rules.

(d) Original and five copies of all matters submitted for the record as well as of supporting documentation and workpapers must be filed with the Commission. Part I of our Rules governs as to the number of copies and other submissions, such as briefs, pleadings and proposed findings. Matters submitted for the record shall be served on all interested persons filing a notice of intent to participate ("participants").

(e) Interrogatories and requests for information must be filed with the Commission and served on the participants to this proceeding. Objections to interrogatories and information requests should be resolved, if possible, by immediate informal conferences between the persons involved and the Trial Staff. If such persons are unable to resolve their differences, the Administrative Law Judge should be notified, and on notification should convene an immediate oral conference of the persons involved. After oral presentations by such persons and the Trial Staff the Judge shall forthwith issue a ruling. Appeals from such rulings shall be governed by 47 CFR 1.301 except that the Judge shall set an expedited procedure.

(f) Requests for oral proceedings must be filed with, and acted upon, by the Commission and must be specific as to the issues requiring further evidence, the persons to be cross-examined and the reason why such oral proceedings are required to avoid prejudice. Oral proceedings, if any, will be held before the Administrative Law Judge who will certify the record of such proceedings to the Commission.

10. *It is further ordered*, That the following schedule will be adhered to:

(a) Within 20 days of the release of this order Michigan Bell may supplement the materials submitted pursuant to § 61.38 of our rules. Any such supplementation, together with the material originally filed will form the evidence upon which it intends to rely. At the same time Michigan Bell should place materials already filed into proper form as described in paragraph 9 at "b" above.

(b) Participants may file with the Commission written interrogatories for Michigan Bell witnesses and requests for information within 15 days following the filing of any supplement to Michigan Bell's direct case. Answers to such interrogatories and requests for information shall be filed within 20 days of the filing thereof.

(c) If necessary, further interrogatories and requests for information may be filed within 10 days of filing of answers to the first interrogatories and requests for information. Answers to such second interrogatories and requests for information should be filed within 10 days of the filing thereof.

(d) Participants may file material in response to Michigan Bell within ten days following the filing of answers to interrogatories and requests for information which they have submitted in accordance with sub-paragraph (c) above, except that this period will not be tolled pending resolution of conflicts with regard to answers which are not forthcoming but contested.

(e) Any participant may serve interrogatories and requests for information on other participants filing material in response to Michigan Bell within 15 days of the filing of such responses. Answers to such interrogatories and requests for information shall be filed within 20 days of the filing thereof.

(f) Further interrogatories and requests for information on other participants may be filed within 10 days of the filing of such answers to the first interrogatories and requests for information. Answers to such second interrogatories and requests for information shall be filed within 10 days of the filing thereof.

(g) Michigan Bell may file material in reply to that submitted by other participants within ten days following the filing of answers to all interrogatories and requests for information which they have submitted in accordance with sub-paragraph (f) above, except that this period will not be tolled pending resolution of conflicts with regard to answers which are not forthcoming but contested.

(h) In response to the material which Michigan Bell submits in accordance with sub-paragraph (g) above, any participant may serve interrogatories and requests for information within 10 days following the submittal of such material. Answers to such interrogatories and requests for information shall be filed within 10 days of the filing thereof.

(i) Proposed findings of fact and conclusions of law may be filed by any participant within 30 days of the filing of the last filed responses to interrogatories and requests for information.

(j) Replies to the Proposed Findings of Fact and Conclusions of Law may be filed by any participant within 15 days of the filing of such findings and conclusions.

11. *It is further ordered*, That, the Petitions are granted to the extent noted herein and otherwise denied.

12. *It is further ordered*, That Michigan Bell is hereby made party respondent herein, and that pursuant to § 1.221 (d) of the Commission Rules Wonderland, Twin Valley, Fetzer, and Wolverine are made parties to the proceeding, and that all other interested persons wishing to participate may do so by filing a notice of intent to participate within 10 days of the release of this order.

13. *It is further ordered*, That, upon closing of the record, the Commission shall issue a final decision herein.

14. *It is further ordered*, That pursuant to § 1.1209(d) of the Commission's Rules, a separated trial staff will participate in this proceeding. As provided therein, the Chief, Hearing and Legal Division and his staff will be separated from the Commission, the presiding Administrative Law Judge, the Office of the General Counsel, and the Chief, Deputy Chief and all Division Chiefs of the Common Carrier Bureau, but are unrestricted in their access to all other Commission personnel.

15. *It is further ordered*, That, the Commission will rule on requests for oral proceedings except as provided in paragraph 5 herein. Objections to the admissibility of evidence may be made in Proposed Findings of Fact and Conclusions of Law and Replies thereto and will be considered by the Commission in arriving at its decision. All other procedural requests should be addressed to the Administrative Law Judge who shall rule thereon unless a significant modification of the procedures here established is required in which case the request should be certified to the Commission.

Adopted: September 16, 1974.

Released: September 16, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-21977 Filed 9-20-74;8:45 am]

[Docket Nos. 20179, 20180; File Nos. BPH-8523, BPH-8732]

TRI-COUNTY STEREO INC. ET AL.

Designating Applications for Construction Permits; Consolidated Hearing on Stated Issues

In re applications of Tri-County Stereo, Inc., Avon Park, Florida; Requests: 106.3 mHz; channel No. 292; 3 kW(H&V); 154.9 feet; Morison Enterprises, Inc. of Polk County, Avon Park, Florida; Requests: 106.3 mHz; channel No. 292; 3 kW(H&V); 300 feet for construction permits.

1. The Chief of the Broadcast Bureau, acting pursuant to delegated authority, § 0.281 of the rules, has under consideration the above-captioned applications, which are mutually exclusive in that the applicants seek the same channel in Avon Park, Florida.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/m or greater in the case of FM)

[1] Pursuant to delegated authority, the Chief, Common Carrier Bureau denied the separate joint petition of Wonderland and Twin Valley to reject the tariff filing by Order adopted on September 3, 1974, and released on September 4, 1974. The Commission has before it an application for review of the Bureau's action filed by Wonderland and Twin Valley on September 5, 1974. We have considered the grounds stated in such application, as well as petitioners' reply to Michigan Bell's opposition to rejection, and shall deny the application.

[2] Commissioners Reid and Hooks concurring in the result.

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in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. Tri-County Stereo, Inc. (Tri-County) proposes to operate a minimum of 16 hours per day and proposes duplication of commonly-owned standard station WAPR six hours per day. Morison Enterprises, Inc., of Polk County (Morison), proposes 100 percent independent programming. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inherent inefficiency. *Jones T. Sudbury*, 8 FCC 2d 360 (1967).

4. The survey of community problems and needs submitted by Tri-County fails to state the total population of Avon Park. In addition, no details on any minority groups (except for Blacks) are given, nor is there a statement that there are no other significant minority groups in the area. No list of civic or social organizations is provided. Further, there is no description of the economic activities of the community, including business, industry, or labor, although the applicant does make reference to the citrus industry and to the seasonal employment related thereto. With reference to consultations with community leaders, the applicant has failed to indicate that consultations were conducted with labor leaders. Lastly, Tri-County has not stated what time of day it plans to air the programs which it has determined will meet the problems and needs of the community. Consquently, an appropriate issue will be included.

5. Morison's survey of community problems and needs states that the community leaders were contacted by Mrs. Anne T. Morison, and by two others, Anthony J. Alexander and Frank Ujlaki, all under the supervision of Mrs. Anne S. Morison. However, there is no indication as to whether Mr. Alexander and Mr. Ujlaki are management-level employees of the applicant. Consequently, it is impossible to determine whether the requirements of question and answer 11 (a) of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650 (1971), have been met. Moreover, the survey indicates that the members of the general public were contacted by three persons under Mrs. Anne S. Morison's supervision. However, since we are not told whether these persons are employees or prospective employees, we cannot determine whether the requirements of question and answer 11(b) of the *Primer* have been met. Finally, while some of the community leaders contacted from South Wales and Frostproof included Blacks, the interviews with community leaders from the proposed city of license apparently failed to include Black leaders and also leaders of industry, labor, citrus organizations, representatives of the beef and dairy industry, all of which had been mentioned in the applicant's composition of the community as significant. Accordingly, an appropriate issue has been included as to this applicant as well.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. *Accordingly, It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the efforts made by both applicants to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet these problems.

2. To determine, which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

8. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publications of such notice as required by § 1.594(g) of the rules.

Adopted: September 12, 1974.

Released: September 17, 1974.

FEDERAL COMMUNICATIONS COMMISSION

[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.74-21979 Filed 9-20-74;8:45 am]

[Canadian List 380]

CANADIAN STANDARD BROADCAST STATION ASSIGNMENTS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian bro adcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

SEPTEMBER 6, 1974.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		670 kHz							
New (assignment of call letters).	Musgravetown, Newfoundland, N. 48°34'10", W. 53°55'00".	10	DA-2	U	II				E.I.O. 9-6-75.
		810 kHz							
CKJS	Winnipeg, Manitoba, N. 49°44'07", W. 97°11'36".	10	DA-1	U	II				
		1240 kHz							
CJNH (assignment of call letters).	Bancroft, Ontario, N. 45°03'37", W. 77°50'20".	1D/0.25N	ND-175	U	IV	[1] 140	120	200	
CFLD (change in site)	Burn Lake, British Columbia, N. 54°14'05", W. 125°46'27".	0.25	ND-175	U	IV	120	120	282	
		1400 kHz							
CHNL-1 (assignment of call letters).	Clearwater, British Columbia, N. 51°39'20", W. 120°04'54".	1D/0.25N	ND-191	U	IV	180	120	282	
		1400 kHz							
CKOB (correction to coordinates).	Renfrew, Ontario, N. 45°28'55", W. 76°40'46".	0.25	ND-180	U	IV	135	120	250	
		1400 kHz							
CKRV (assignment of call letters).	Drummondville, Quebec, N. 45°52'-12", W. 72°30'45".	0.25N/0.1N	DA-1	U	IV				
		1440 kHz							
CFGO (now in operation with increased power).	Ottawa, Ontario, N. 45°16'59", W. 75°44'31".	50	DA-1	U	III				

[1] Top loaded to 75°.

[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.74-21982 Filed 9-20-74;8:45 am]

FEDERAL MARITIME COMMISSION

GULF/UNITED KINGDOM FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 736, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126, or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 3, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward S. Bagley, Esquire
Terriberry, Carroll, Yancey & Farrell
2141 International Trade Mart
2 Canal Street
New Orleans, Louisiana 70130

Agreement No. 161-27 modifies the basic agreement of the above named Conference (1) to extend its jurisdiction to include places or points on inland waterways tributary to the ocean points and ranges in the U.S. Gulf and the United Kingdom, (2) to alter its self-policing provisions and (3) to make changes in its administrative procedures and requirements.

Dated: September 18, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-22018 Filed 9-20-74;8:45 am]

JOHNSON LINE AND NOSAC

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 15, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notices of agreement filed by:

John R. Mahoney, Esquire
Casey, Lane & Mittendorf
26 Broadway
New York, New York 10004

Agreement No. 10141 between the above named carriers provides for the parties to cooperate in the carriage of automobiles and other vehicles under the

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name Johnson Line/Nosac either directly from United Kingdom ports or by transshipment from such ports via other European ports to ports on the West Coast of the United States in accordance with terms and conditions contained therein.

Dated: September 18, 1974.

By order of the Federal Maritime Commisison.

FRANCIS C. HURNEY,
Secretary.

[FR Doc 74-22019 Filed 9-20-74;8:45 am]

[Docket No. 74-42]

POUCH TERMINAL, INC., AND PORT OF NEW YORK AUTHORITY AND NEW JERSEY

Notice of Filing of Complaint

SEPTEMBER 18, 1974.

Notice is hereby given that a complaint filed by Pouch Terminal, Inc. against The Port Authority of New York and New Jersey alleging violations of sections 16 and 17 of the Shipping Act, 1916 in connection with respondent's terminal leasing practices was served by the Commission on September 17, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-22017 Filed 9-20-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. ID-1524]

DONALD G. ALLEN

Supplemental Application

SEPTEMBER 17, 1974.

Take notice that on August 26, 1974, Donald G. Allen (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Director, Connecticut Yankee Atomic Power Company, Public Utility.

Connecticut Yankee Atomic Power Company is engaged in the generation and sale of electricity. The Company sells its entire net electrical output to its utility company stockholders.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 3, 1974, file with the Federal Power Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22098 Filed 9-20-74;8:45 am]

[Project Nos. 432, 2748]

CAROLINA POWER & LIGHT CO. AND NORTH CAROLINA ELECTRIC MEMBERSHIP CORP.

Competing Application for New License for Constructed Project; Order Setting Hearings and Consolidating Proceedings

SEPTEMBER 16, 1974.

Public notice is hereby given that a competing application for a new major license was filed August 20, 1974, under the Federal Power Act (16 U.S.C. 791a-825r) by North Carolina Electric Membership Corporation (NCEMC) (Correspondence to Robert N. Cleveland, Executive Vice President, North Carolina Electric Membership Corporation, Post Office Box 1699, Raleigh, North Carolina 27062; Tally & Tally, Suite 307, 1300 Connecticut Avenue, NW., Washington, DC 20036, and Post Office Drawer 1660, Fayetteville, North Carolina 28902; Edward P. Martin, Southern Engineering Company of Georgia, 1000 Crescent Avenue, NE., Atlanta, Georgia 30309; Robert E. Bathen, R. W. Beck & Associates, Post Office Box 6817, Orlando, Florida 32803; and William T. Crisp, Post Office Box 1699, Raleigh, North Carolina 27602) for constructed Walters Hydroelectric Development No. 432 located in Haywood County, North Carolina, in the region of Waynesville and Canton, North Carolina, and near Newport, Cocke County, Tennessee, on the Pigeon River. The project affects navigable waters of the United States.

This application is a competing application to that of Carolina Power & Light Company (CP&L), current licensee of the Walters Hydroelectric Development No. 432. The application by CP&L for a new license for the Walters Project was filed August 7, 1973. Public notice of that application was given December 5, 1973, with February 1, 1974, as the last date for intervention. On January 31, 1974, a petition to intervene was filed by the following related entities: (1) EPIC, Inc.; (2) North Carolina Consumers Power, Inc.; (3) the City of Shelby; (4) North Carolina Electric Membership Corporation; and (5) Blue Ridge Electric Membership Corporation. These parties were granted intervention by our order issued March 18, 1974.

The existing Walters Hydroelectric Development consists of: (1) a concrete arch dam 185 feet high and approximately 900 feet long, with a spillway containing 14 steel taintor gates each 24 feet by 19 feet; (2) a reservoir with a surface area of 340 acres at normal high water elevation 2258.6 feet above mean sea level; (3) a concrete-lined water tunnel 32,700 feet long, extending from the base of an intake structure 120 feet high; (4) a 42-foot diameter steel surge tank 193 feet high; (5) three 8-foot diameter penstocks each 615 feet long; (6) a powerhouse containing three electric generating units each rated at 36,000 kW plus a 600 kW house service generator; and (7) appurtenant facilities.

This general description of the project and principal project works was adopted by NCEMC from the application for new license of CP&L. NCEMC states that in addition it proposes public recreation facilities, for which further details have been requested by the Secretary.

NCEMC states that the initial and, in all probability the ultimate use of the power to be generated by the project is proposed to be the same as under the current license. The initial market for the power generated is those members of NCEMC which presently receive some or all of their wholesale power requirements from the current licensee as set forth in Exhibit U of the competing application.

The application filed by NCEMC is in essence identical to that of CP&L with additional recreational facilities included. Therefore, we are of the opinion that these two dockets should be consolidated, with the above intervenors in Project No. 432 made intervenors herein, and set for hearing.

Any additional person desiring to be heard or to make protest with reference to said application should on or before November 11, 1974, file with the Federal Power Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing herein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Both the application by CP&L and that by NCEMC are deficient as set forth in the Secretary's letters dated September 3, 1974. Both applicants have been requested to file proper Exhibits F and K. NCEMC has been requested to file proper Exhibits R and S. Additionally, several technical deficiencies in NCEMC's application arise, in the main, as a result of rote reproduction and incorporation by reference of the application of CP&L, thereby including in this application statements which are untenable by this applicant in light of our regulations. We expect that both the Exhibits R and S deficiencies and the technical deficiencies will be cured by the date set in the deficiency letter.

The Commission finds: (1) It is appropriate and in the public interest to hold a prehearing conference and such hearings as may be required as hereinafter provided on the question of the issuance of a new license for this project.

(2) The actions designated as Project No. 432 and Project No. 2748 are for licenses for the same existing project facilities and should be consolidated.

The Commission orders: (A) The competing applications for a new license for the existing Walters Hydroelectric Development, having been docketed under Project No. 432 and Project No. 2748 are hereby consolidated.

(B) A prehearing conference before an Administrative Law Judge shall be held at 10 a.m. on November 19, 1974, in a hearing room of the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426, respecting the issue of issuance of a new license for the Walters Hydroelectric Project, at which the parties shall be ready to set forth all issues of fact and law and stipulate to uncontroverted facts.

(C) If the Administrative Law Judge finds that there is disagreement on the facts bearing on the issuance of a new license, he shall schedule a hearing on the remaining factual issues to be followed by briefing and an initial decision in accordance with §§ 1.29 and 1.30 of the rules of practice and procedure.

(D) If the Administrative Law Judge finds no disagreement on material fact bearing on the question of the issuance of a new license, he shall provide a briefing schedule to be followed by an initial decision in accordance with §§ 1.29 and 1.30 of the rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22035 Filed 9-20-74;8:45 am]

[Docket No. E-7523]

CENTRAL TELEPHONE & UTILITIES CORP.

Fourth Supplement to Application

SEPTEMBER 17, 1974.

Take notice that on September 4, 1974, Central Telephone & Utilities Corporation (Applicant), filed a fourth supplement to its application pursuant to section 204 of the Federal Power Act seeking authority to extend to not later than December 31, 1976, the final maturity date of short-term unsecured promissory notes to be authorized to be issued not later than December 31, 1975, in an aggregate principal amount at any one time outstanding of $85,000,000.

Applicant is incorporated under the laws of the State of Kansas, with its principal business office in Lincoln, Nebraska. It is engaged in electric utility operations in the southeastern part of Colorado and the central and western portions of the State of Kansas.

The proceeds from the issuance of short-term notes are to provide temporary funds for the construction, completion, extension or improvement of facilities of Applicant and for advances to and investment in subsidiaries of Applicant to be used for the construction and improvement of facilities of such subsidiaries pending permanent financing. The estimated construction programs for the above purposes for 1974, 1975 and 1976 are $131,000,000, $135,000,000 and $141,000,000, respectively.

Any person desiring to be heard or to make any protest with reference to said fourth supplement to application should on or before October 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The fourth supplement to application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22047 Filed 9-20-74;8:45 am]

[Docket No. CP75-79]

COLORADO INTERSTATE GAS CO.

Application

SEPTEMBER 17, 1974.

Take notice that on September 9, 1974, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation, P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP75-79 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a revision in peak day sales, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant requests authority to increase transmission system peak-day jurisdictional sales by 22,000 Mcf beginning January 1, 1975. The application states that the increased jurisdictional peak-day volumes will be obtained by reducing the daily firm entitlement of two of Applicant's nonjurisdictional customers, Public Service Company of Colorado (Public Service Company) and Great Western Sugar Company (Great Western).

Applicant indicates that the contract with Public Service Company provided for the delivery of firm gas in the amount of 24,500 Mcf per day for use in its electric generating plants in the Denver area. By a direct gas sales agreement dated August 8, 1974, the parties agreed to reduce this firm obligation to 4,500 Mcf per day. Great Western's contract provided for a firm daily delivery obligation of 14,000 Mcf. The parties agreed to reduce this obligation to 12,000 Mcf per day, by a contract amendment dated July 5, 1974, because Great Western had at least this much excess firm entitlement. The highest daily volume sold to Great Western for the past three years was 10,941 Mcf which was 3,059 Mcf below the firm entitlement. Applicant states that with existing facilities, Great Western feels that no less than 12,000 Mcf per day will be needed in order to maintain operations under current plant design conditions.

The additional volumes have been allocated on a *pro rata* basis to Applicant's full requirement customers who have indicated a need for additional peak day volumes during the 1974–1975 heating season. Applicant states that all but 141 Mcf of the additional peak day volumes will be used for service to residential and small commercial customers and that total transmission system peak day and annual sales will not increase as a result of the proposed revisions.

Applicant estimates jurisdictional demand revenues will increase $309,738 and states that no new facilities will be required to implement the instant proposal.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 11, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22031 Filed 9-20-74;8:45 am]

V 39 I 185 SEP 23 74 XUM

[Docket No. CP75-64]

COLUMBIA GULF TRANSMISSION CO.

Application

SEPTEMBER 17, 1974.

Take notice that on August 30, 1974, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed an application pursuant to section 7 (b) and (c) of the Natural Gas Act, as implemented by § 157.7(g) of the regulations thereunder (18 CFR 157.7(g)), for a certificate of public convenience and necessity authorizing the construction and for permission and approval of the abandonment, for the 12-month period commencing January 1, 1975, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $2,000,000, nor will the cost of any single project exceed $500,000. Applicant states that the proposed facilities will be financed from current working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 7, 1974, file with the Federal Power Commision, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22039 Filed 9-20-74;8:45 am]

[Docket No. CP75-65]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

SEPTEMBER 17, 1974.

Take notice that on August 30, 1974, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas, filed in Docket No. CP75-65 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction, from January 6, 1975, to January 1, 1976, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof by its affiliate, Columbia Gas Transmission Corporation (Columbia Transmission), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system additional supplies of natural gas in areas generally co-extensive with said system. Applicant states that its existing operations consist of the transportation of natural gas purchased by Columbia Transmission and therefore requests a waiver of that portion of § 157.7 (b) which limits budget-type gas purchase facility authorization to construction of facilities necessary to connect an applicant's system with facilities of an independent producer or other similar seller authorized to sell natural gas to the applicant.

Applicant states that the total cost of the proposed facilities would not exceed $7,000,000. Applicant submits that the rate of inflation since the present single project cost limits of $1,000,000 for any onshore project and 25 percent of the total budget amount for any offshore project were established by the Commission, together with increased water depths in which facilities must be laid, have severely limited the use of budget-type authorizations. Therefore, Applicant requests a waiver of that portion of § 157.7(b) which limits the cost of any single facility and requests authorization to construct any single onshore facility at a cost not to exceed $1,500,000 and any single offshore facility at a cost not to exceed $2,500,000. Such amounts would be financed with working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 7, 1974, file with the Federal Power Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22040 Filed 9-20-74;8:45 am]

[Docket No. E-8914]

COMMONWEALTH EDISON CO.

Filing of Service Schedule

SEPTEMBER 17, 1974.

Take notice that by letter dated July 18, 1974, the Commonwealth Edison Company of Illinois (Applicant) tendered for filing with the Federal Power Commission a Service Schedule contract between the City of Naperville, Illinois, and Applicant. Applicant states that on July 2, 1974, service to the Naperville Substation, located at Modaff Road and 83rd Street, Naperville, Illinois, was terminated. Applicant further states that it expects to terminate service to a permanent substation at Modaff Road and 75th Street, Naperville, Illinois, within one month. Applicant states that the removal of metering equipment required at the Modaff Road Substation will decrease the City's monthly rental payments from $817.95 to $770.10.

Applicant further requests that the Commission waive its 30 day notice requirements under the provisions of § 35.11 of the Commission's regulations, and that the contract be made effective as of July 2, 1974.

Any person desiring to be heard or to make any protest with reference to said

application should on or before October 16, 1974, file with the Federal Power Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22037 Filed 9-20-74;8:45 am]

[Docket Nos. RP74-90, RP73-107]

CONSOLIDATED GAS SUPPLY CORP.

Order Granting In Part and Denying In Part Motion of Commission Staff, and Prescribing Procedural Dates

SEPTEMBER 16, 1974.

The Commission staff on July 11, 1974, moved that the procedural dates in the above proceedings be indefinitely postponed pending further order of the Commission, that a seller of gas to Consolidated Gas Supply Corporation involved herein be made a respondent and, that an investigation under section 5 of the Natural Gas Act be instituted with respect to the seller's rates at such time as the Commission issues a further order and be consolidated with the present section 4 proceedings.

On March 15, 1974, as amended on April 16, 1974, Consolidated filed in Docket No. RP72-157 revised tariff sheets which proposed a rate change pursuant to its Purchased Gas Adjustment Clause (PGA Clause). These sheets were accepted for filing and made effective without suspension by letter order dated May 20, 1974. However, the Commission noted in that order that Consolidated's increase was based in part on the purchase of gas from an unspecified small producer at a price of 49 cents per Mcf and determined that the propriety of that rate would be reviewed in conjunction with the general rate increase proceedings pending at Docket No. RP73-107.

On May 16, 1974, Consolidated filed another general rate increase in Docket No. RP74-90. By order issued June 24, 1974, that filing was suspended for five months; Docket No. RP74-90 was consolidated with Docket No. RP73-107 for purposes of hearing and decision; and procedural dates were set for the consolidated proceedings. By notice of July 19, 1974, the Secretary of the Commission deferred the procedural dates pending Commission action on Staff's July 11, 1974, motion.

In its July 11, 1974, motion, Staff pointed out that on June 10, 1974, the Supreme Court had held that the Commission's standards in Order No. 428[1] relating to the pricing of gas sold by small producers were not sufficiently clear.[2] The staff therefore requests that the Commission suspend the procedural dates pending further order of the Commission. The staff also asks that the small producer involved, now identified as Cecil Ramsey, be made a respondent and that a section 5 investigation be instituted into the rates charged Consolidated and that such investigation be consolidated with the present proceeding under section 4. Otherwise, the staff says, Consolidated might be required to make refunds without relief from the charges made by the producer.

In our opinion, we do not believe that the procedural dates in Docket Nos. RP73-107 and RP74-90, which involve two major rate cases, should be held in abeyance pending further order of the Commission merely because of the small producer rate issue raised in that proceeding. Accordingly, we shall re-set the procedural dates in this docket but order that the small producer issue be reserved in this docket pending further order of the Commission because of the status of Order No. 428.[3] We also believe that it is premature to determine whether an investigation of Consolidated's supplier's should be instituted. Accordingly, we shall consider that issue when we prescribe, by further order, the procedures to resolve the small producer issue in this docket.

The Commission finds: (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that staff's motion be granted, insofar as it proposes to reserve the determination of the small producer issue pending further order of the Commission; but be denied insofar as it proposes to defer the trial in Docket Nos. RP73-107 and RP74-90 of all issues save the small producer issue.

The Commission orders: (A) Staff's July 11, 1974, motion is granted to the extent it proposes to reserve the small producer issue raised in Docket Nos. RP73-107 and RP74-90 pending further order of the Commission.

(B) Staff's July 11, 1974, motion is denied to the extent it proposes to defer the trial of all issues in Docket Nos. RP73-107 and RP74-90 save the small producer issue and we shall prescribe revised procedural dates for the trial of these issues as set forth in Ordering Paragraph (C) below.

(C) The proposed testimony and exhibits of the Commission Staff shall be served on or before December 9, 1974. All intervenor evidence shall be served on or before December 23, 1974. Any rebuttal evidence by Consolidated shall be served on or before January 6, 1975. The public hearing herein ordered shall convene on January 21, 1975, at 10 a.m., e.d.t.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22044 Filed 9-20-74;8:45 am]

[Docket No. RP72-134]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

SEPTEMBER 17, 1974.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on August 28, 1974, tendered for filing First Substitute Ninth Revised Sheet No. 3A and First Substitute Ninth Revised PGA-1 to its FOC Gas Tariff, Original Volume No. 1 to become effective October 1, 1974. Eastern Shore asserts that the proposed changes would increase revenues from jurisdictional sales and service by approximately $23,148 annually based on sales for the 12-month period ending July 31, 1974.

Pursuant to the Purchased Gas Adjustment Clause contained in its tariff, Eastern Shore proposes to increase the commodity or delivery charges in its rate schedules CD-1, CD-E, G-1, PS-1, E-1 and I by 0.8¢ per Mcf, equivalent to the increases in the similar rates of its sole supplier, Transcontinental Gas Pipe Line Corporation (Transcontinental), as contained in the latter's filing in Docket No. RP73-3 dated August 15, 1974. Eastern Shore requests waiver of the notice requirements of § 154.22 of the Regulations under the Natural Gas Act and § 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the proposed tariff sheets to become effective as of October 1, 1974, coincident with the proposed effective date of Transcontinental's rate changes.

Eastern Shore states that copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, DC, 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 26, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22027 Filed 9-20-74;8:45 am]

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[1] 45 FPC, 454, 457 (March 18, 1971).

[2] F.P.C. v. Texaco, Inc., et al., —— U.S. ——, Docket Nos. 72-1490 and 72-1491 (June 10, 1974).

[3] See *Southern Natural Gas Company*, —— FPC ——, Docket Nos. RP73-64 and RP72-91, issued June 28, 1974, and similar cases.

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[Docket No. CP75-75]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Application

SEPTEMBER 17, 1974.

Take notice that on September 3, 1974, Iowa-Illinois Gas and Electric Company (Applicant), P.O. Box 4350, Davenport, Iowa 52808, filed in Docket No. CP75-75 an application pursuant to section 7(c) of the Natural Gas Act authorizing it to continue operation of approximately 1.06 miles of 12-inch natural gas pipeline facilities near Davenport, Iowa, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that in 1969, as requested by Applicant, Natural Gas Pipeline Company of America relocated its Linwood Station delivery point to a point approximately two miles north of its original location in the flood plain of the Mississippi River. In connection with said relocation, in 1969, Applicant constructed approximately 1.06 miles of 12-inch pipeline with a design capacity of 100,900 Mcf per day reconnecting relocated Linwood Station to its existing and certificated 8 and 10-inch facilities, at an installed cost of $89,977 financed from funds on hand. Applicant here seeks certificate authorization for continued operation of said reconnection facilities.

Applicant states that no additional gas deliveries will result from the proposal, but that the authorization sought is essential to continued maintenance of service in the greater Davenport area.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 7, 1974, file with the Federal Power Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22042 Filed 9-20-74;8:45 am]

[Docket No. E-9014]

KANSAS GAS AND ELECTRIC CO.

Proposed Service Schedule

SEPTEMBER 17, 1974.

Take notice that on September 9, 1974, Kansas Gas and Electric Company (Kansas G&E) tendered for filing a proposed service schedule between Kansas G&E and the Omaha Public Power District. The proposed service schedule would increase the rate at which the two companies exchange emergency power. Kansas G&E states that the proposed rate of 17.5 mills per kilowatt-hour was arrived at through negotiations and is equivalent to the rate charged by other utilities in the geographic area for similar service. Kansas G&E asserts that the rate increase is necessary due to rapidly escalating labor, material, and fuel costs and also to compensate the supplying party for the difficulties being incurred in obtaining and maintaining adequate fuel supplies.

Kansas G&E did not estimate total revenues to result from the proposed rate increase citing such an estimate to be impossible due to the nature of the service being offered.

Kansas G&E requests the Commission to waive the 30-day notice requirement and place the proposed service schedule into effect as of September 1, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before September 27, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22023 Filed 9-20-74;8:45 am]

[Docket No. RP73-43]

MID LOUISIANA GAS CO.

Notice of Proposed Change in Rates

SEPTEMBER 17, 1974.

Take notice that Mid Louisiana Gas Company (Mid Louisiana), on August 9, 1974, tendered for filing as a part of First Revised Volume No. 1 of its FPC Gas Tariff, Substitute Eighth Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment to Mid Louisiana's Rate Schedules G-1, SG-1 and I-1, to the effective date of August 1, 1974, pursuant to Commission order dated July 31, 1974 in the above-captioned docket. Mid Louisiana requests an effective date of August 1, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commision, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 24, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22029 Filed 9-20-74;8:45 am]

[Docket No. RP72-149]

MISSISSIPPI RIVER TRANSMISSION CORP.

Proposed Change in Rates

SEPTEMBER 17, 1974.

Take notice that on August 19, 1974, Mississippi River Transmission Corporation (Mississippi) tendered for filing Twenty-first Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1 to become effective October 1, 1974.

Mississippi states that the instant filing was made pursuant to the purchased gas cost adjustment provisions of Mississippi's tariff in order to reflect a change in Mississippi's deferred cost adjustment pursuant to subparagraph 17.3 of Mississippi's tariff.

Mississippi further states that submitted schedules containing computations supporting the rate changes to be effective October 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 1974. Protests will be considered by the Commission to determine appropriate action to be taken but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22030 Filed 9-20-74;8:45 am]

[Docket No. RP74-35]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

SEPTEMBER 17, 1974.

Take notice that on August 23, 1974, National Fuel Gas Supply Corporation (formerly United Natural Gas Company) (National), tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Tenth Revised Sheet No. 3-A to be effective September 1, 1974.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provision in section 16 of the General Terms and Conditions approved by the Commission's Order issued December 10, 1973, in Docket No. RP74-35. National further states that such tariff sheet reflects an adjustment in National's rates of .80¢ per Mcf on Tenth Revised Sheet No. 3-A.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 27, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22026 Filed 9-20-74;8:45 am]

[Docket No. RP73-110]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Rate Changes Pursuant to Settlement Agreement

SEPTEMBER 17, 1974.

Take notice that on July 17, 1974, Natural Gas Pipeline Company of America (Natural) tendered for filing Substitute Sixteenth Revised Sheet No. 5 of its FPC Gas Tariff, Third Revised Volume No. 1 to be effective September 1, 1974.

Natural states that the purpose of the filing is to give effect to a unit adjustment to reflect the cost of service effect for accordance with the provisions of Articles V, VIII, and XI of the proposed Stipulation and Agreement at Docket No. RP73-110 presently pending before the Commission. The Advance Payment balance as of July 15 has been adjusted to reflect the elimination of certain advances determined to be nonrecoverable for which Commission authorization to defer and amortize has been requested. A copy of this request, dated July 12, is enclosed including a schedule of the nonrecoverable advances.

Natural further states that it recognizes that the rate changes as filed will not become effective unless the Commission approves the proposed Stipulation and Agreement and that the filing was made to comply with the 45 day notice of rate change as required by the settlement agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure, (18 CFR 1.8, 1.10). All such petitions should be filed on or before September 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a petition to intervene. Copies of this application are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22033 Filed 9-20-74;8:45 am]

[Docket No. ID-1577]

GUY W. NICHOLS

Supplemental Application

SEPTEMBER 17, 1974.

Take notice that on August 26, 1974, Guy W. Nichols (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Director, Yankee Atomic Electric Company, Public Utility.

Yankee Atomic Electric Company is engaged in the generation and sale of electricity. The Company sells its entire net electrical output to its utility company stockholders.

Any person desiring to be heard or to make any protest with reference to said application, should on or before October 3, 1974, file with Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22046 Filed 9-20-74;8:45 am]

[Docket No. CP75-74]

NORTHWEST PIPELINE CORP.

Notice of Application

SEPTEMBER 17, 1974.

Take notice that on September 3, 1974, Northwest Pipeline Corporation (Northwest), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-74 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing a change in service to Southwest Gas Corporation (Southwest), all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Northwest proposes to sell and deliver a contract demand volume of 1,199,130 therms per day of natural gas to Southwest, pursuant to the terms and conditions of Northwest's FPC Gas Rate Schedule ODL-1, in lieu of Northwest's FPC Gas Rate Schedules PL-4 and PL-5. Northwest estimates that annual revenues will increase by approximately $276,000 to $366,000 due to this change in service.

Northwest states that as a result of the change in service, Southwest will be able to avail itself of a storage service provided by Northwest, pursuant to Northwest's FPC Rate Schedule SGS-1. Said storage service is only available to Northwest's customers purchasing gas pursuant to Rate Schedule ODL-1. Southwest has requested to receive storage service delivery of 7,971 Mcf per day of peak day volume and 282,200 Mcf of seasonal quantity, as set forth in Northwest's application in Docket No. CP75-18 for storage service pursuant to Rate Schedule SGS-1. Notice of the application in Docket No. CP75-18 was published in the FEDERAL REGISTER on August 15, 1974 (39 FR 29437).

Any person desiring to be heard or to make any protest with reference to said application should on or before October 8, 1974 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public con-

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venience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22034 Filed 9-20-74;8:45 am]

[Docket No. E-8159]

PENNSYLVANIA POWER CO.

Certification of Proposed Settlement Agreement

SEPTEMBER 17, 1974.

Take notice that on September 5, 1974, the Presiding Administrative Law Judge certified to the Commission a proposed settlement in the above-entitled proceeding, together with the entire record relating thereto. The settlement agreement, if approved, would resolve all rate and tariff issues pertaining to primary voltage service rendered by Pennsylvania to the customer-intervenors.

Any person wishing to do so may file comments concerning the proposed settlement agreement. All such comments should be submitted in writing to the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before September 27, 1974. The Commission will consider all comments in determining the proper action to be taken.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22025 Filed 9-20-74;8:45 am]

[Docket No. E-8878]

POTOMAC EDISON CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Instituting Investigation, Denying Motion To Reject, Permitting Intervention and Establishing Procedures; Correction

SEPTEMBER 10, 1974.

APPENDIX A

Designation	Description
1. Potomac Edison Co., First Revised Sheet No. 2, under FPC Electric Tariff Volume II (supersedes Original Sheet No. 2 under FPC Electric Tariff Volume II).	Preliminary statement, dated: June 26, 1974, filed: July 1, 1974, effective: May 31, 1974.
2. Potomac Edison Co., First Revised Sheet No. 3, under FPC Electric Tariff Volume II (supersedes Original Sheet No. 3 under FPC Electric Tariff Volume II).	Map of company system, dated: June 26, 1974, filed: July 1, 1974, effective: May 31, 1974.
3. Potomac Edison Co., Fifth Revised Sheet No. 8, under FPC Electric Tariff Volume II (supersedes Fourth Revised Sheet No. 8 under FPC Electric Tariff Volume II).	List of wholesale purchases under rate schedules, dated: June 26, 1974, filed: July 1, 1974, effective: May 31, 1974.
4. Potomac Edison Co., supplement No. 2 to Rate Schedule FPC No. 35.	Other party: Borough of Chambersburg, Pa., dated: July 1, 1974, filed: July 1, 1974, effective: May 31, 1974.
5. Potomac Edison Co., service agreement under FPC Electric Tariff Volume No. II (redesignation of service agreements of Potomac Edison Co. of Pennsylvania, FPC Electric Tariff Volume No. II).	Other party: Borough of Chambersburg, Pa. (school services), filed: Oct. 22, 1971, filed: Aug. 9, 1965, dated: Sept. 9, 1965.
6. Potomac Edison Co. (same as No. 5 above).	Other party: Borough of Mount Alto, Pa., filed: Aug. 9, 1965, effective Sept. 9, 1965.
7. Potomac Edison Co. (same as No. 5 above).	Other party: Metropolitan Edison Co., filed: Aug. 9, 1965, dated: Sept. 9, 1965.
8. Potomac Edison Co., service agreement under FPC Electric Tariff Volume No. II (redesignation of service agreements of Potomac Edison Company of West Virginia, FPC Electric Tariff Volume No. II).	Other party: Shenandoah Valley Electric Cooperative (near Mocrefield), filed: Aug. 9, 1965, dated: Sept. 9, 1965.
9. Potomac Edison Co. (same as No. 8 above).	Other party: Shenandoah Valley Electric Cooperative (near Baker), filed: Aug. 9, 1965, dated: Sept. 9, 1965.
10. Potomac Edison Co., Rate Schedule FPC No. 37, (redesignation of Potomac Edison of Virginia Rate Schedule FPC No. 12).	Other party: town of Front Royal, Va., filed: June 1, 1970, dated: Feb. 23, 1970.
11. Potomac Edison Co., service agreement under FPC Electric Tariff Volume No. II (redesignation of Monterey Utilities Corporation Rate Schedule FPC No. 2).	Other party: BARC Electric Cooperative, filed: Mar. 27, 1972, dated: Oct. 29, 1971.
12. Potomac Edison Co. of Pennsylvania, supplement No. 1 to FPC Electric Schedules Volume No. 2 (cancels Potomac Edison Co. of Pennsylvania FPC Electric Schedules Volume No. 2).	Notice of cancellation. Other party: Metropolitan Edison Co., borough of Mont Alto, Chambersburg, Pa., dated: June 26, 1974, filed: July 1, 1974, effective: May 31, 1974.

APPENDIX A—Continued

Description	Designation
13. Potomac Edison Co. of Virginia supplement No. 1 to FPC Electric Schedules Volume No. 2 (cancels Potomac Edison Co. of Virginia FPC Electric Schedules Volume No. 2).	Notice of cancellation. Other party: Potomac Light & Power Co., dated: June 26, 1974, filed: July 1, 1974, effective: May 31, 1974.
14. Potomac Edison Co. of West Virginia, supplement No. 1 to FPC Electric Schedules Volume No. 2 (cancels Potomac Edison Co. of West Virginia FPC Electric Schedules Volume No. 2).	Notice of cancellation. Other party: Northern Virginia Power Co., Shenandoah Valley Electric Cooperative, Monongahela Power Co., dated: June 26, 1974, filed: July 1, 1974, effective: May 31, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22048 Filed 9-20-74;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Revision to Tariff

SEPTEMBER 17, 1974.

Take notice that on September 3, 1974, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of Original Volume No. 1 to its FPC Gas Tariff the following revised tariff sheets:

Ninth Revised Sheet No. 3A
Thirty-Fourth Revised Sheet No. 5
Thirty-Third Revised Sheet No. 6
Twenty-Fifth Revised Sheet No. 9
Twenty-Fourth Revised Sheet No. 11
Twenty-Eighth Revised Sheet No. 12B

South Georgia states that the above sheets represent a rate change under its PGA clause, such clause approved to become effective April 14, 1973, by Commission Order in FPC Docket No. RP73-49 issued April 13, 1973. The company further states that it proposes to decrease its rates $37,105 for the purpose of tracking a rate decrease filing by Southern Natural Gas Company (Southern) on August 27, 1974, which would decrease South Georgia's cost of gas $60,394 annually. An effective date of October 11, 1974 is requested.

South Georgia has requested waiver of the forty-five (45) day notice requirement as set forth in § 14.2(e) of the General Terms and Conditions of South Georgia's FPC Gas Tariff. South Georgia states that knowledge of Southern's filing, which South Georgia proposes to track, was not known to South Georgia until August 29, 1974 making it impossible for South Georgia to comply with the forty-five (45) day notice requirement.

South Georgia states that copies of this filing are being made available in the Company's office in Thomasville, Georgia, and are being mailed to purchasers, State Commissions, and other interested parties.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 26, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22024 Filed 9-20-74;8:45 am]

[Docket No. E-9016]

SOUTHWESTERN PUBLIC SERVICE CO.

Notice of Cancellation

SEPTEMBER 17, 1974.

Take notice that on September 10, 1974, Southwestern Public Service Company (SWPSC) tendered for filing a notice of cancellation of an agreement entered into on January 4, 1971 by SWPSC and the Public Service Company of Oklahoma (PSCO) and filed with the Commission on August 30, 1971. The cancellation agreement between SWPSC and PSCO, effective August 9, 1974, cancels the obligation of SWPSC to furnish and the obligation of PSCO to take and pay for capacity and energy from a generating unit that was completed this year and another generating unit anticipated to be completed in 1976. The cancellation agreement also provides for PSCO to return energy, in a like amount, furnished it by SWPSC during June and July of 1974. SWPSC states that the cancellation of the service is due to supplier curtailments of gas fuel to SWPSC.

SWPSC further requests the Commission to cancel an earlier filed amendment to the cancelled agreement. That amendment was filed on February 11, 1974 and assigned Docket No. E-8623.

Notice of the proposed cancellation was served on PSCO and the Oklahoma Corporation Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before September 27, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22022 Filed 9-20-74;8:45 am]

[Docket No. CP75-62]

TENNECO INC.

Notice of Application

SEPTEMBER 17, 1974.

Take notice that on August 30, 1974 Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75-62 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to perform a limited-term service for Consolidated Edison Company of New York, Inc. (Con Ed), whereby Applicant will bank gas for Con Ed for the purpose of assisting Con Ed in meeting planned deliveries to the proposed Honeoye Storage Field (Honeoye) in Ontario County, New York, for base and top storage injections all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that Con Ed has advised Applicant that it wishes to release gas to Applicant to be banked until the summer of 1975, when Con Ed plans to use such volumes to assist it in meeting its planned deliveries to Honeoye, which will serve three New York City area utilities, Con Ed, The Brooklyn Union Gas Company, and Long Island Lighting Company. Applicant further states that Con Ed has advised it that such banking of natural gas will provide assurance of the availability of adequate volumes for Honeoye storage development in light of Con Ed's uncertainty as to total volumes to be available to it from all sources during 1975.

Applicant informs the Commission that Con Ed desires flexibility in this banking arrangement so as to assure adequate 1974–1975 winter season supplies of gas. To this end Con Ed desires the right to withdraw during the 1974–1975 winter up to one-half of the gas already banked with Applicant as of November 30, 1974,[1] and to restore any banked gas so withdrawn by further release of gas to Applicant during the 1974–1975 winter.

Accordingly, Applicant proposes to render the following natural gas service to Con Ed, pursuant to a letter agreement between the two parties, dated August 12, 1974:

(1) During the release period, from August 19, 1974, to March 31, 1975, Con Ed may nominate for release to Appli-

[1] Applicant has informed the Commission that it commenced the subject banking service on August 19, 1974, pursuant to § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22).

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cant as banking gas daily volumes of natural gas of up to 30,600 Mcf, the maximum daily entitlement of Con Ed from Applicant under Rate Schedule CD–5; at no time shall the banked volume inventory exceed 2 million Mcf; and Con Ed shall pay Applicant as if the gas were delivered directly to Con Ed.

(2) During the winter period, from December 1, 1974, to March 31, 1975, Applicant, at its sole discretion, will deliver at an existing White Plains, New York, delivery point to Con Ed such volumes as Con Ed may request, not to exceed 20,000 Mcf per day and 1 million Mcf for the entire winter period, if the Con Ed banked inventory reaches 2 million Mcf by November 30, 1974, to be reduced proportionately if said inventory does not reach 2 million Mcf by November 30, 1974.

(3) During the summer period, from April 1, 1975, to October 31, 1975, Applicant, at its sole discretion, will deliver either to Honeoye Storage Field or to Con Ed at the White Plains delivery point volumes as Con Ed may request from its banked gas inventory, not to exceed 40,000 Mcf per day and not to exceed Con Ed's banked gas inventory as of April 1, 1975.

Con Ed, under the terms of the August 12, 1974, agreement, is to pay Applicant 74.32 cents per Mcf (1) for the volumes of banked gas delivered by Applicant to Con Ed during each month in the Winter period which exceed the volumes of natural gas accepted by Applicant for banking in each such month; (2) for the volumes of banked gas delivered by Applicant to Honeoye for the account of Con Ed or directly to Con Ed; and (3) for the remaining volumes of banked gas which have not been requested or taken by Con Ed through October 31, 1975.[1] The agreement of August 12, 1974, further provides for Con Ed to reimburse Applicant for all costs incurred by Applicant associated with the installation and removal of any additional necessary facilities, including measurement facilities, to interconnect the facilities of Applicant and Honeoye to provide the service to be performed by Applicant under the provisions of the agreement.

Applicant states that the proposed banking service can be rendered through presently existing facilities, that the service will not result in increased annual sales of gas and that Applicant's unused top storage capacity is sufficient to accommodate the 2 million Mcf of banked gas for Con Ed.

Any person desiring to be heard or to make any protest reference to said application should on or before October 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–22043 Filed 9–20–74;8:45 am]

[1] The excess volumes of banked gas accumulated by Applicant after October 31, 1975, shall be transferred to Con Ed's winter storage volumes to the extent such transfers can be accomplished without exceeding Con Ed's storage quantities. Applicant asserts that this application is not dependent upon receipt of authorization in Docket No. CP74–206 for operation of the Honeoye Storage Field, the application for which was noticed in the FEDERAL REGISTER on March 19, 1974 (39 FR 10318).

[Docket No. CP75–76]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

SEPTEMBER 17, 1974.

Take notice that on September 5, 1974, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP75–76 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act, as implemented by § 157.7(g) of the Commission's regulations thereunder (18 CFR 157.7(g)), for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the abandonment, for a twelve-month period commencing the date of authorization, and the operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

The purpose of this "budget-type" proposal is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

The total cost of the proposed facilities to be constructed hereunder and the abandonment of facilities will not exceed $2,000,000, with no single project to exceed $500,000. Applicant plans to finance these costs from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–22032 Filed 9–20–74;8:45 am]

[Docket No. ID–1741]

JAMES E. TRIBBLE

Initial Application

SEPTEMBER 17, 1974.

Take notice that on August 26, 1974, James E. Tribble (Applicant) filed an initial application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Vice President and Director, Maine Yankee Atomic Power Company, Public Utility.
Vice President and Director, New England Power Company, Public Utility.
Director, Vermont Yankee Nuclear Power Corporation, Public Utility.

Maine Yankee Atomic Power Company is engaged in the generation and sale of electricity to other electric utilities.

New England Power Company is engaged in the generation, purchase, transmission, and sale of electricity at wholesale, principally to other utilities doing retail distribution.

Vermont Yankee Nuclear Power Corporation is the owner of a nuclear power plant in Vernon, Vermont, which went into commercial operation on November 30, 1972, and sells its entire net electrical output to its utility company stockholders.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 3, 1974, file with the Federal Power Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–22021 Filed 9–20–74;8:45 am]

[Docket No. RP73–94]

VALLEY GAS TRANSMISSION CO.

Certification of Settlement Agreement

SEPTEMBER 17, 1974.

Take notice that on August 9, 1974, the Presiding Administrative Law Judge certified a Settlement Agreement (Settlement) in the above-captioned docket. The certification also states that appropriate testimony is also being certified to the Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–22028 Filed 9–20–74;8:45 am]

[Docket No. ID–1694]

DONALD E. VANDENBURGH

Supplemental Application

SEPTEMBER 17, 1974.

Take notice that on August 26, 1974, Donald E. Vandenburgh (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Vice President, Maine Yankee Atomic Power Company, Public Utility.

Maine Yankee Atomic Power Company is engaged in the generation and sale of electricity to other electric utilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 3, 1974, file with the Federal Power Commission, Washington, DC 20426, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–22041 Filed 9–20–74;8:45 am]

[Docket No. E–8746]

VERMONT PUBLIC SERVICE BOARD AND POWER AUTHORITY OF THE STATE OF NEW YORK

Extension of Procedural Dates

SEPTEMBER 16, 1974.

On September 6, 1974, Staff Counsel, acting for the Staff and the Counsel for the Vermont Public Service Board, the Power Authority of the State of New York, and the Allegheny Electric Cooperative, Inc., filed a motion to extend the procedural dates fixed by order issued August 23, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of testimony by State of Vermont Public Service Board, September 30, 1974.
Service of testimony by the Power Authority of the State of New York, Allegheny Electric Cooperative, Inc., and American Municipal Power-Ohio, Inc., October 14, 1974.
Staff testimony and rebuttal testimony of Vermont Public Service Board, October 25, 1974.
Cross examination to commence, November 6, 1974 (10 a.m. e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–22045 Filed 9–20–74;8:45 am]

[Docket No. E–9010]

WEST PENN POWER CO.

Tariff Change

SEPTEMBER 17, 1974.

Take notice that West Penn Power Company (West Penn) on September 6, 1974, tendered for filing FPC Electric Tariff, Volume No. 1 and Supplement No. 4 to Rate Schedule FPC Nos. 15 and 16. As filed, Volume No. 1 would cancel and supersede Rate Schedule FPC Nos. 15, 16, 29 and 30. West Penn states that the changes proposed by Volume No. 1 would produce an overall increase in revenues from jurisdictional sales and service of $326,967 based on the 12-month period ending December 31, 1973. The changes proposed by Supplement No. 4 provide for application of a fuel cost adjustment to the consumption billed under Rate Schedule FPC No. 15 and 16 and would result in an increase of $65,492 based on the 12-month period ending December 31, 1973.

West Penn asserts that the changes proposed are for the purpose of recovering increased costs incurred by the Company and to provide uniform application of the Company's fuel cost adjustment clause. West Penn has asked the Commission to waive the applicable notice requirements.[1] The Company asks that Supplement No. 4 be effective as of September 10, 1974, and that Volume No. 1 take effect January 1, 1975.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–22036 Filed 9–20–74;8:45 am]

[1] 18 CFR 35.3(a).

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[Docket No. E-8619]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Extension of Procedural Dates

SEPTEMBER 16, 1974.

On September 11, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued April 19, 1974, as modified by notice issued August 9, 1974, in the above-designated matter. The motion is supported by the intervenors, and the company has no objections.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Evidence, December 6, 1974.
Service of Intervenor's Evidence, December 20, 1974.
Service of Rebuttal Evidence by Company, January 10, 1975.
Hearing, January 21, 1975 (10 a.m. e.d.t.)

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-22049 Filed 9-20-74;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN CORP.

Formation of Bank Holding Company

American Corporation, North Platte, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of an additional 57.6 per cent or more of the voting shares of American Security Bank, North Platte, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

American Corporation has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain voting shares of American State Savings Company, North Platte, Nebraska and to continue to engage in insurance agency activities. Notice of the application was published on July 31, 1974, in the North Platte Telegraph, a newspaper circulated in North Platte, Nebraska.

Applicant states that the proposed subsidiary would engage in industrial banking. Applicant would continue to engage in insurance agency activities in connection with extensions of credit. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than October 14, 1974.

Board of Governors of the Federal Reserve System, September 16, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21929 Filed 9-20-74;8:45 am]

ASSOCIATED BANK CORP.

Order Approving Acquisition of Banks

Associated Bank Corporation, Iowa City, Iowa, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval in three separate applications under section 3(a) of the Act (12 U.S.C. 1842(a)) to acquire 80 per cent or more of the voting shares of Hawkeye State Bank, Iowa City, Iowa ("Iowa City Bank"); First Trust & Union Savings Bank, Sigourney, Iowa ("Sigourney Bank"); and Kalona Savings Bank, Kalona, Iowa ("Kalona Bank").[1]

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant presently controls two banks with aggregate deposits of approximately $36 million, representing 0.4 per cent of the total commercial bank deposits in Iowa, and is the forty-fifth largest banking organization in the State. (All banking data are as of December 31, 1973, and reflect holding company formations and acquisitions approved through August 31, 1974.) The acquisition of Iowa City Bank ($13 million deposits), Sigourney Bank ($11 million deposits), and Kalona Bank ($11 million deposits) would increase Applicant's share of commercial bank deposits in Iowa by 0.3 of 1 per cent, and Applicant would become the fifteenth largest banking organization in the State.

Each of the three proposals represents Applicant's initial entry into the respective market area of the banks involved. Applicant's closest banking office to any of the banks proposed to be acquired is separated by a distance of approximately 32 miles. Iowa City Bank and Kalona Bank, which is located 17 miles from the Iowa City Bank, each serve the Iowa City banking market and together hold 10.5 per cent of total market deposits. Sigourney Bank is the smaller of two banks headquartered in the town of Sigourney (population of approximately 2300) and is the third largest of nine banks in the Sigourney banking market, approximated by Keokuk County, with about 16 per cent of the market's total deposits. No appreciable amount of deposits and loans are derived by Iowa City Bank, Kalona Bank, or Sigourney Bank from the other's respective service areas nor from the areas served by Applicant's present subsidiaries. Thus, it appears there is no meaningful present competition between any of Applicant's present banks with any of the three proposed subsidiary banks, nor among the banks to be acquired. Moreover, Applicant's acquisition of three banks would not result in Applicant attaining a dominant position in either the Iowa City or Sigourney's banking markets. Furthermore, in view of distances separating the banks involved, the number of intervening banking offices, and common ownership existing between the banks to be acquired and Applicant's principals, it appears there is little likelihood of competition developing in the future. Accordingly, the Board concludes that competitive considerations are consistent with approval of the applications.

The financial and managerial resources and prospects of Applicant and the three proposed subsidiaries appear to be generally satisfactory and consistent with approval of the applications, especially in view of Applicant's commitments to augment the capital positions of its present and proposed subsidiaries. Applicant plans no immediate change in services for the three proposed subsidiaries, but proposes to develop trust services, improve present computer services, and institute programs for the recruitment, training, allocation and retention of capable personnel. Considerations relating to the convenience and needs of the communities served by the proposed subsidiary banks are consistent with, and lend some weight toward, approval of the applications. It is the Board's judgment that consummation of the proposed acquisitions would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be made (a) before the thirtieth calendar day following the effective date of this Order nor (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[2] effective September 16, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21927 Filed 9-20-74;8:45 am]

[1] Control of the three proposed subsidiary banks is now held by six shareholders (principals of Applicant) through individual ownership in the case of the Iowa City Bank and, in the cases of the Sigourney and Kalona banks, by means of two one-bank holding companies.

FINANCIAL SERVICES HOLDING CORP.

Formation of Bank Holding Company

Financial Services Holding Corporation, Wichita, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 60.83 per cent or more of the voting shares of Seneca State Bank, Wichita, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Financial Services Holding Corporation has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire certain assets of Harrison Insurance Center, Inc., Wichita, Kansas. Notice of the application was published on July 31, 1974, in The Daily Record, a newspaper circulated in Wichita, Kansas.

Applicant states that the proposed subsidiary would engage in the sale of credit life, credit accident and health, and single interest insurance. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 14, 1974.

Board of Governors of the Federal Reserve System, September 16, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21933 Filed 9-20-74;8:45 am]

MICHIGAN FINANCIAL CORP.

Order Approving Acquisition of Bank

Michigan Financial Corporation, Marquette, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank of Ironwood, Ironwood, Michigan ("Bank"). The bank into which Bank is to be marged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired. The Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the tenth largest multibank holding company and the 27th largest commercial banking organization in Michigan, controls six banks with aggregate deposits of $145 million, representing 0.5 percent of total deposits held by commercial banks in the State.[1] Acquisition of Bank (deposits of $19.1 million) would increase Applicant's share of commercial bank deposits in the State by one-tenth of one percentage point and would not result in any significant increase in the concentration of banking resources in Michigan.

Bank, the largest of six commercial banks located in the relevant banking market (approximated by Gogebic County, Michigan and western Ontonagon County in Wisconsin, holds about 29 percent of the total commercial bank deposits in the market. Applicant's nearest subsidiary bank is located 120 miles east of Bank. No competition exists between Bank and any of Applicant's subsidiary banks and, due to the distances involved and the fact that the intervening areas are sparsely populated, it is unlikely that any will develop in the near future. The present economic character of the market and Michigan's restrictive branching laws make conditions for *de novo* entry appear unfavorable. The Board concludes therefore, that consummation of the proposed acquisition would not have significantly adverse effects on existing or potential competition.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks and Bank are regarded as satisfactory, particularly in view of Applicant's commitment to inject equity capital into three of Applicant's subsidiary banks. Applicant's affiliation with Bank should enable Bank to expand the range of banking services offered. Therefore, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

By order of the Board of Governors,[2] effective September 16, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21926 Filed 9-20-74;8:45 am]

MITSUI BANK, LTD.

Order Approving Formation of Bank Holding Company

The Mitsui Bank, Ltd., Tokyo, Japan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of The Mitsui Bank of California, Los Angeles, California ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a Japanese commercial bank with total assets of approximately $19.6 billion and total deposits of approximately $13 billion,[3] is the eighth largest commercial bank in Japan. Applicant has 147 banking offices located through-

[2] Voting for this action: Vice-Chairman Mitchell and Governors Sheehan, Holland, and Wallich. Absent and not voting: Chairman Burns and Governor Bucher.

[1] Banking data are as of December 31, 1973, adjusted to reflect holding company formations and acquisitions approved through July 31, 1974.

[2] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Holland, and Wallich. Absent and not voting: Chairman Burns and Governor Bucher.

[3] All banking and financial data for Applicant are as of September 30, 1973.

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out Japan, and it also has 12 overseas offices,[2] including an agency in Los Angeles and an agency in New York City.

Bank proposes to offer a full range of retail and wholesale banking services in the Los Angeles area, but would primarily be a wholesale bank specializing in the financing of trade between Japan and the United States. Applicant has one office in Los Angeles, but that office is an agency and is not authorized to accept deposits. Bank is expected to compete primarily with other banks in California that are controlled by Japanese banks, and, to some extent, with the larger California banks having international banking capabilities. Of the five banks in California that are presently controlled by Japanese banks, The Mitsubishi Bank of California and The Tokai Bank of California are headquartered in Los Angeles. The Bank of Tokyo of California, The Sumitomo Bank of California and The Sanwa Bank of California are all headquartered in San Francisco.[3] Based on the record before it, the Board concludes that Bank's entry into the Los Angeles area will have no adverse effects on existing or potential competition, nor would it have a significant effect on the concentration of banking resources in any relevant area. Rather, the addition of Bank will provide increased banking facilities and competition.

The financial and managerial resources and future prospects of Applicant and Bank are regarded as satisfactory and consistent with approval. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval, due to the addition to the Los Angeles area of a new bank and another international banking link to Japan.

In the light of the purpose of the Bank Holding Company Act to maintain the separation of banking from commerce in the United States, the Board has given special attention in this application and in previous bank holding company applications by Japanese commercial banks,[4] to the relationships that Japanese banks are permitted to have with industrial or commercial companies under the laws of Japan. A study of the relationships indicates that, in general, Applicant and other of the large Japanese commercial banks are linked in a group with their major Japanese customers through interlocking stock ownership and that the members of these groups tend to act in concert. In particular, these groups include among their members companies that do business in the United States, notably, major trading companies accounting for a significant percentage of Japan's exports and imports to and from the United States.

The Board has examined the facts submitted to it in connection with the present application with a view to determining whether Applicant exercises control or a controlling influence over the management or policies of any of the companies closely associated with Applicant through interlocking stock ownership or whether any of such companies exercises control or a controlling influence over the management or policies of Applicant.

Based on the Board's evaluation of the facts submitted in connection with the present application and giving due consideration to the specific assurances given by Applicant that no control exists, by agreement or otherwise, between Applicant and those of its customers that are among the group of companies closely associated with Applicant through interlocking stock ownership, the Board has concluded that at this time Applicant should not be regarded as having control or exerting a controlling influence over, or as being subject to the control or controlling influence of any of such customers and that the group does not constitute a "company" within the meaning of section 2(b) of the Bank Holding Company Act.

It is the Board's judgment that the application should be approved. However, the Board will review regularly the operations of Bank and Applicant's other banking agencies in this country with a view toward ascertaining whether the relationships between them and other companies in Applicant's group remain consistent with the purposes of section 4 of the Bank Holding Company Act and the Board's regulations thereunder.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after that date, and (c) The Mitsui Bank of California, Los Angeles, California, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[5] effective September 13, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21930 Filed 9-20-74;8:45 am]

OSKALOOSA BANCSHARES, INC.

Formation of Bank Holding Company

Oskaloosa Bancshares, Inc., Oskaloosa, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(1)) to become a bank holding company through acquisition of 81.5 per cent or more of the voting shares of The State Bank of Oskaloosa, Oskaloosa, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842 (c)).

Oskaloosa Bancshares, Inc., Oskaloosa, Kansas, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Curtis Patrick Agency, Oskaloosa, Kansas. Notice of the application was published on August 22, 1974, in the Oskaloosa Independent, a newspaper circulated in Jefferson County, Kansas.

Applicant states that the proposed subsidiary would engage in the following activities: sale of credit life and credit accident and health insurance directly related to extensions of credit by The State Bank of Oskaloosa. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 14, 1974.

Board of Governors of the Federal Reserve System, September 16, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-21928 Filed 9-20-74;8:45 am]

[2] At the time of its original application to acquire Bank, Applicant owned 15 per cent of the shares of City Bank, a State-chartered bank in Honolulu, Hawaii, and also had a director interlock with such bank. In conformity with the provisions of section 3(d) of the Act, Applicant has subsequently modified its proposal by reducing its share ownership in City Bank to 4.9 per cent and by terminating its director interlock with such bank.

[3] Each of these banks, however, does have branches in Los Angeles.

[4] Board Orders of December 1, 1971 approving the applications of The Dai-Ichi Kangyo Bank, Ltd., The Mitsubishi Bank Ltd., and The Sanwa Bank, Ltd., all of Japan, to become bank holding companies (58 Federal Reserve Bulletin 49–51).

[5] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, Holland, and Wallich.

GENERAL SERVICES ADMINISTRATION

EXECUTIVE BRANCH POSITION

Commission on Government Procurement Recommendations

Notice is given that an executive branch position has been reached on the following Commission on Government Procurement (COGP) recommendations:

I. *Recommendation D–2.* Provide a positive means for users to communicate satisfaction with their support system as a method of evaluating its effectiveness and ensuring user confidence.

Executive Branch Position. This recommendation has been accepted. Implementation will be accomplished by a Federal Management Circular to be issued by GSA.

II. *Recommendation I–2.* Enact legislation to make clear the authority of all agencies to issue exclusive licenses under patents held by them.

Executive Branch Position. The recommendation has been accepted. The Federal Council for Science and Technology will be assigned responsibility for drafting appropriate legislation with due consideration given to current litigation on the subject of exclusive licensing.

III. *Recommendation I–3.* Supplement the Presidential policy by the adoption of uniform procedures for application of the rights reserved to the Government under the policy.

Executive Branch Position. The recommendation has been accepted. Responsibility for implementation has been assigned to the Federal Council for Science and Technology (FCST). Suitable implementing action(s) will be determined by the Council on the basis of results obtained in a study recently conducted by the Committee on Government Patent Policy.

IV. *Recommendation I–4.* Amend 28 U.S.C. 1498 to make authorization and consent automatic in all cases except where an agency expressly withholds its authorization and consent as to a specific patent.

Executive Branch Position. The recommendation has been rejected. The Executive Subcommittee of the Committee on Government Patent Policy concluded that areas of contractor uncertainty largely arise under contracts where only a limited authorization and consent is generally granted by the Government or where a contract is silent on authorization and consent. While recognizing that certain benefits could stem from adopting this recommendation, they found that areas of contractor uncertainty were relatively few or largely avoidable by improved administrative practices.

The Executive Subcommittee has been assigned the task of undertaking a review of agency authorization and consent practices to determine where contractor uncertainties can be corrected by administrative action.

V. *Recommendation I–5.* Amend agency regulations and clauses to provide that all contractual warranties against patent infringement be provided by specific contractual language and not by implication.

Executive Branch Position. The recommendation has been accepted and will be implemented by appropriate regulations in the Armed Services and Federal Procurement Regulations.

VI. *Recommendations I–6 and I–7. I–6.* Authorize all agencies to settle patent infringement claims out of available appropriations prior to the filing of suit.

I–7. Grant all agencies express statutory authority to acquire patents, applications for patents, and licenses or other interests thereunder.

Executive Branch Position. The recommendations have been accepted. Implementation action has been assigned to the Federal Council for Science and Technology (FCST) and will be accomplished by legislation as proposed in sections 6 and 7 of the Draft Bill in Appendix B to Part I of the COGP Report, with concomitant repeal of all existing individual agency authorizing legislation as proposed in section 8 of the Draft Bill.

VII. *Recommendation I–8.* Give the United States District Courts concurrent jurisdiction with the Court of Claims for suits brought pursuant to 28 U.S.C. 1498 subject to the dollar levels set forth under the Tucker Act.

Executive branch position. The recommendation has been rejected. The Executive Subcommittee of the Committee on Government Patent Policy concluded that although the objective of reducing a patent claimant's litigation expenses is meritorious, its achievement by adoption of the recommendation is doubtful. Instead of providing additional avenues of judicial relief to gain the stated objective, the Executive Subcommittee found that the objective may be better achieved by providing for effective administrative consideration of patent claims by all executive agencies.

VIII. *Recommendations I–9, I–10 and I–12. I–9.* Amend or repeal statutes limiting agency flexibility concerning rights in technical data.

I–10. Undertake, through the Federal Council for Science and Technology, in coordination with the Office of Federal Procurement Policy, to develop and evaluate the implementation of a statement of Government policy on rights in technical data supplied under Government contracts. Give specific consideration to the relationships between prime contractors and subcontractors.

I–12. Undertake, through the Federal Council for Science and Technology, in coordination with the Office of Federal Procurement Policy, to develop and evaluate the implementation of a statement of Government policy on the treatment of data submitted with proposals or other related communications.

Executive Branch Position. These recommendations have been accepted. The Federal Council for Science and Technology has been assigned the responsibility for conducting the requisite study which will be the basis for the Council to develop a Government policy on rights in technical data supplied under Government contracts and the treatment of data submitted with proposals or other related communications. While conducting this study, the Council will also consider the aspects of COGP Recommendation I–9; i.e., draft any necessary amendments or repealers of statutes which are identified as limiting agency flexibility concerning rights in technical data.

IX. *Recommendation I–11.* Authorize agencies to acquire information and data.

Executive Branch Position. The recommendation has been accepted. The Federal Council for Science and Technology will be assigned the responsibility for drafting appropriate legislation.

Dated at Washington, DC on September 13, 1974.

R. E. ZECHMAN,
Associate Administrator for Federal Management Policy.

[FR Doc.74-21939 Filed 9-20-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ESTABLISHMENT OF ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

Notice of Determination

Pursuant to the Federal Advisory Committee Act, P.L. 92–463, it is hereby determined that the establishment of an Advisory Panel on Science Education Projects, as hereinafter identified, is necessary, appropriate, and in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 9. (a) of the Federal Advisory Committee Act and OMB Circular No. A–63, Revised.

1. *Name of panel.* Advisory Panel on Science Education Projects.

2. *Purpose.* To provide a forum for the exchange of information relating to the Foundation's support in the field of science education and, in the process, to provide recommendations on ways to improve the efforts of the Foundation in support of science education. Also, the Panel will identify new directions and possible future trends in innovative science education and provide a mechanism for the review and evaluation of specific proposals, projects, and applications via peer review.

3. *Effective date of establishment and duration.* The Panel is established effective 15 days after publication of this notice; and its duration shall be two years from the effective date.

4. *Membership.* The membership of the Panel shall be fluid, depending upon the scope of the Panel's particular meet-

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ing. The Panel shall be comprised of current and previous NSF grantees whose projects are or have been supported through the Foundation's Directorate for Education. Membership shall also consist of other individuals from the scientific community with expertise in science education. Representation will be sought from a broad spectrum in the community of science education to provide a fair balance in terms of the points of view represented and the function of the particular meeting. There will be no discrimination on the basis of race, color, national origin, religion, or sex.

5. *Committee operation.* The Panel will operate in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, Foundation policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions issued in implementation of the Act.

H. GUYFORD STEVER,
Director.

[FR Doc.74-21968 Filed 9-20-74;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

RAILROAD FIRE AT WENATCHEE, WASH.

Hearing

In the Matter of the Investigation of the Explosion and Fire of a Tank Car in Apple Yard of the Burlington Northern in Wenatchee, Washington on August 6, 1974 Resulting in Several Fatalities and Numerous Injuries.

Notice is hereby given that an Accident Investigation Hearing on the above matter be held commencing at 9 a.m., P.S.T. on Tuesday, September 24, 1974, in the Thunderbird Motor Inn, 1225 N. Wenatchee Avenue, Wenatchee, Washington.

Dated this 29th day of August 1974.

For the board.

ISABEL A. BURGESS,
Chairman, Board of Inquiry.

[FR Doc.74-22172 Filed 9-20-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 18, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Economic Research Service: Study of Price and Volume Effects of Retail Meat Specialing, Form ----, Weekly, Raynsford (395-3814), Retail grocery chain division.

ENVIRONMENTAL PROTECTION AGENCY

Survey of Participants in Water Workshops: Form ----, Single time, NRD (395-6827), Weiner (395-4890), Individuals.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Industry Wage Survey: Contract Construction Pilot Study, Form BLS 3054, Single time, Strasser (395-3880), Construction contractors.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Instructions for the Preparation of an Application for an Education Project Grant, Form ----, Occasional, Lowry (395-3772), Colleges, universities, schools.

REVISIONS

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration: Regulations under Packers and Stockyards Act Form ----, Occasional, Lowry (395-3772), Meat packers.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration:
Annual Report of Auction Markets and Commission Firms (Livestock), Form PSA 130, 126, Annual, Evinger (395-3648), Auction markets.
Annual Report of Dealers and Commission Market Agencies (Livestock), Forms PSA 124, 124-1, Annual, Evinger (395-3648), Livestock dealers or market agencies.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-22161 Filed 9-20-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1907]

CAPITAL FUND FOR FIDUCIARIES, INC.

Filing of Application

SEPTEMBER 17, 1974.

Notice is hereby given that Capital Fund For Fiduciaries, Inc. ("Applicant"), 30 Wall Street, New York, New York 10005, registered under the Investment Company Act of 1940 (the "Act") as a non-diversified, closed-end management investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a Delaware corporation on July 16, 1969. On July 18, 1969, Applicant registered under the Act by filing a Form N-8A Notification of Registration. Concurrently, Applicant filed a Form N-8B-1 Registration Statement under the Act and a Form S-5 Registration under the Securities Act of 1933.

Applicant states that on April 15, 1974 Applicant's Board of Directors unanimously voted in favor of a proposal to dissolve Applicant and wind up its business and that after receiving notice of this action, all but one of Applicant's shareholders redeemed their shares of Capital Stock of Applicant at prices equal to the net asset value of such shares. Applicant states that on July 25, 1974 the sole remaining shareholder of Applicant consented to the dissolution and liquidation of Applicant and thereupon redeemed its shares of Capital Stock of Applicant. Applicant represents that a Certificate of Dissolution was filed with the Secretary of State of Delaware, and that it no longer continues the business for which it was organized but rather intends that its existence shall be terminated subject to final settlement of its affairs pursuant to the General Corporation Law of the State of Delaware.

Applicant states that it has now distributed to its shareholders all of its assets except for the sum of $5,000, representing a reserve established for the purpose of meeting expenses of dissolution and winding up. Applicant asserts that any assets remaining after payment of all such expenses will be distributed pro rata to shareholders of record of Applicant on April 15, 1974, or that any expenses in excess of $5,000 will be borne by Applicant's investment adviser, Brokaw, Shaenen, Clancy Management Co., Inc.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 15, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following October 15, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-21947 Filed 9-20-74;8:45 am]

[811-3437]

CHANNING SECURITIES, INC.

Filing of Application

SEPTEMBER 17, 1974.

Notice is hereby given that Channing Securities, Inc. ("Applicant"), 280 Park Avenue, New York, New York 10017, a Maryland corporation registered as a diversified, open-end, management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Porteous Growth Fund, Inc. ("Growth Fund"), a diversified, open-end, management investment company registered under the Act, has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

On August 1, 1960, Growth Fund filed a Notification of Registration pursuant to section 8(a) of the Act and Registration Statements pursuant to section 8(b) of the Act and section 5 of the Securities Act of 1933 ("1933 Act"). Applicant's Registration Statement under the 1933 Act became effective on July 14, 1972. At a special meeting of shareholders of Growth Fund held on June 28, 1974, shareholders voted to merge Growth Fund into Applicant pursuant to a Plan and Articles of Merger, dated April 19, 1974, by which the outstanding shares of Growth Fund were converted into shares of Channing American Fund (one of two separate classes of stock of Channing Securities, Inc.). Thereupon the corporate existence of Growth Fund ceased and all its assets and liabilities were transferred by operation of law to Applicant.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 16, 1974, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-21948 Filed 9-20-74;8:45 am]

[70-5541]

PUBLIC SERVICE COMPANY OF OKLAHOMA AND CENTRAL AND SOUTH WEST CORP.

Filing of Application

SEPTEMBER 17, 1974.

Notice is hereby given that Central and South West Corporation ("Central"), 300 Delaware Avenue, Wilmington, Delaware 19899, a registered holding company, and its electric utility subsidiary, Public Service Company of Oklahoma ("Public Service"), P.O. Box 201, Tulsa, Oklahoma 74102, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and Rule 50(a)(4) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Public Service proposes to enter into a loan agreement with the Small Business Administration of the United States ("the SBA") for the purpose of borrowing $1,000,000 for repairs and replacements to its property damaged by numerous tornadoes on June 8, 1974. The proposed borrowing by Public Service will be represented by a promissory note payable to the SBA, maturing in 20 years (or such lesser period as the SBA approves) and bearing interest at 5 percent, to be paid ratably semi-annually over the life of the note. As further security for the SBA loan, Central proposes to guarantee payment of the note of Public Service.

The entire proceeds realized from the proposed borrowing will be used by Public Service to finance replacements and repairs to its property and equipment.

The fees and expenses to be paid by Public Service in connection with the transactions are estimated to total $2,800, including legal fees of $700. It is stated that the Corporation Commission of Oklahoma and the SBA has jurisdiction over the issuance of the note by the Company and that no other state commission or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 9, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-21950 Filed 9-20-74;8:45 am]

[812-3679]

UNITED BENEFIT LIFE INSURANCE CO. AND UNITED BENEFIT VARIABLE FUND B

Filing of Application

SEPTEMBER 17, 1974.

Notice is hereby given that United Benefit Variable Fund B ("Fund B"), 3316 Farnam Street, Omaha, Nebraska

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68131, which is a diversified, open-end, management investment company registered under the Investment Company Act of 1940 (the "Act") and United Benefit Life Insurance Company ("United"); a Nebraska stock insurance corporation, (together hereinafter called the "Applicants") have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting Applicants from the provisions of section 27(a)(3) of the Act, to the extent noted below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Fund B was established by United pursuant to Nebraska Insurance Law on April 28, 1970 as a "separate account," as defined in Rule 0–1(e) promulgated under the Act, so that it might serve as a facility for the public offering of variable annuity contracts in connection with individual and group retirement plans qualifying for special tax treatment under relevant provisions of the Internal Revenue Code. The contracts relevant to this application are the Group Variable Annuity Contracts—section 401(a) and section 403(a) Corporate Pension Programs ("Corporate Contracts") which are specifically designed to provide retirement payments for plans established by corporations or trusts entitled to the benefits of section 401(a) and 403(a) of the Internal Revenue Code. Deposits by contract owners are allocated to Fund B, after certain deductions, and then invested, primarily in common stock, although at least 25 percent is invested in fixed income securities.

The proposed amount of sales load deduction from contributions received under a Corporate Contract during each contract year is as follows:

Contributions received during contract year	*Deduction (as Percent of contributions)*
First $25,000	6
Next $10,000	4
Next $15,000	3
Excess over $50,000	2

Section 27(a)(3) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate if the amount of sales load deducted from any one of the first 12 monthly payments exceeds proportionately the amount deducted from any other such payment or if the amount of sales load deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment.

Rule 27a–2 provides, in pertinent part, that a registered separate account shall be exempt from section 27(a)(3) provided that the proportionate amount of sales load deducted from any payment during the contract period does not exceed the proportionate amount deducted from any prior payment during the contract period.

Applicants state that under the proposed schedule of sales deductions it is possible that the percentage of sales load deducted from contributions made in any contract year after the first year could be higher than the percentage deducted from contributions made in any previous contract year. For example, if first contract year contributions were $30,000, the applicable sales load would be 6 percent on the first $25,000 and 4 percent on the remaining $5,000. However, second contract year contributions of only $25,000 would be subject to a sales load deduction of 6 percent. Therefore, applicants contend that an increase in the level of sales load might occur during the term of the Corporate Contract that Rule 27a–2 would not be applicable and that the uniformity of deduction provisions of section 27(a)(3) would be violated.

Applicants request an exemption from section 27(a)(3) of the Act to permit the proposed schedule of sales load deductions or any similar schedule under which the percentage amount of sales load deducted from contributions under Corporate Contract issued by Fund B may decrease within a contract year as a result of discounts based on the quantity of contributions made during a contract year, provided that the percentage of sales load deducted will not exceed 9 percent.

Section 6(c) of the Act permits the Commission, upon application, to grant an exemption from any provision of the Act if it finds that any exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that section 27(a)(3) of the Act was designed to lessen losses which might be incurred upon early termination of periodic payment plan certificates involving front end load arrangements. Applicants state that its proposed sales deduction schedule does not involve a front-end load arrangement. In no event will the sales load deducted on any payment under the Corporate Contracts be in excess of the statutory limitation of 9 percent. Applicants therefore represent that the schedule they propose cannot lead to the abuses intended to be curbed by section 27(a)(3).

Notice is further given that any interested person may, not later than October 17, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following October 17, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–21946 Filed 9–20–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V–73–25]

STAR TEXTILE AND RESEARCH, INC.

Grant of Variance; Correction

In FR Doc. 74–20772 of the issue for September 10, 1974 (39 FR 32670), the paragraph entitled "Effective date" on page 32671 should be corrected to read as follows:

Effective date. This order shall become effective on September 10, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, DC. this 18th day of September, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–21987 Filed 9–20–74;8:45 am]

[V–73–35]

UNITED VIRGINIA BANKSHARES, INC.

Grant of Variance; Correction

In FR Doc. 74–20773, appearing at page 32671 of the issue for September 10, 1974, the paragraph entitled "Effective date" should be corrected to read as follows:

Effective date. This order shall become effective on September 10, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 18th day of September, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–21988 Filed 9–20–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 595]

ASSIGNMENT OF HEARINGS

SEPTEMBER 18, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only

once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 130219, Fred M. Wolf, dba The Merry-Go-Around, now assigned October 22, 1974, will be held in Room 395, U.S. Courthouse & Federal Bldg., 550 W. Fort St., Boise, Idaho.

MC 134599 Sub 97, Interstate Contract Carrier Corp., now assigned October 1, 1974, at Boston, Mass., is cancelled and application dismissed.

AB–77, Bangor and Aroostook Railroad Co., Abandonment Between Monticello and Bridgewater, Aroostook County, Maine, now assigned October 7, 1974, at Houlton, Maine, postponed to October 30, 1974 (2 days), Gentle Bldg., Recreation Center, Main Street, Houlton, Maine.

MC 136903 Sub 7, Intermodal Transport, Inc., now assigned October 9, 1974, at Atlanta, Ga., is cancelled and application dismissed.

MC 115841 Sub 466, Colonial Refrigerated Transportation, Inc., now being assigned hearing November 12, 1974 (2 days), at Louisville, Ky., in a hearing room to be later designated.

MC 116014 Sub 66, Oliver Trucking Company, Inc., now being assigned hearing November 14, 1974 (3 days), at Louisville, Ky., in a hearing room to be later designated.

MC–F–11986, Ligon Specialized Hauler, Inc.—Purchase (Portion)—Webb Transfer Line, Inc., John C. Ryan, Trustee, MC–F–11987, Oliver Trucking Company, Inc.—Purchase (Portion)—Webb Transfer Line, Inc., John C. Ryan, Trustee, MC–F–11988, O'Nan Transportation Co., Inc.—Purchase (Portion)—Webb Transfer Line, Inc., John C. Ryan, Trustee, MC 133916, O'Nan Transportation Co., Inc., and MC–F–11989, Cecil O'Nan, Dba O'Nan Transfer Co.—Purchase (Portion)—Webb Transfer Line, Inc., John C. Ryan, Trustee, now being assigned hearing November 18, 1974 (1 week), at Louisville, Ky., in a hearing room to be later designated.

MC–C–8338, Hunt Truck Lines, Inc.—Investigation and Revocation of Certificate, now assigned October 21, 1974, at Kansas City, Mo., is postponed indefinitely.

MC 124174 Sub 98, Momsen Trucking Co., now assigned November 7, 1974, at Kansas City, Mo., is cancelled and transferred to modified procedure.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–22061 Filed 9–20–74;8:45 am]

[Notice 160]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 23, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–75399. By application filed September 13, 1974, CITIZEN EXPRESS, INC., P.O. Box 2215, Asheville, N.C. 28802, and MEDIA EXPRESS, INC., P.O. Box 1145, Charlotte, N.C. 28231, seeks authority to temporarily lease the operating rights of CAROLINA DELIVERY SERVICE COMPANY, INC., P.O. Box 2215, Charlotte, N.C. 28231, under section 210a(b). The transfer to CITIZEN EXPRESS, INC., and MEDIA EXPRESS, INC., of the operating rights of CAROLINA DELIVERY SERVICE COMPANY, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–22062 Filed 9–20–74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY
Elimination of Gateway Letter Notices

SEPTEMBER 18, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 3, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 504 (Sub-No. E10) (Correction), filed May 24, 1974, published in the FEDERAL REGISTER August 28, 1974. Applicant: HARPER MOTOR LINES, P.O. Box 6985, Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: • • • (3) *Cotton and cotton goods*, from points in South Carolina on and south of U.S. Highway 1, extending from North Augusta, S.C., to Columbia, S.C., thence along U.S. Highway 378 to Conway, S.C., thence along U.S. Highway 501 to Myrtle Beach, S.C., to points in Virginia (except points west of U.S. Highway 220). The purpose of this filing is to eliminate the gateway of Sanford, N.C. The purpose of this partial correction is to correct U.S. Highway 220. The remainder of the letter-notice remains as previously published.

No. MC 2368 (Sub-No. E65) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 4, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 11th St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in North Carolina, Tennessee, and South Carolina to Pawtucket, R.I. The purpose of this filing is to eliminate the gateway of Richmond, Va., and Suffolk, Va. The purpose of this correction is to set forth Pawtucket, R.I., as the destination point.

No. MC 2368 (Sub-No. E78) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 5, 1974. Applicant: BRALLEY-WILLETT TANK LINES, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: Wilmer B. Hill, 666 11th St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (except liquid cocoa butter), in bulk, in tank vehicles, from points in Virginia on, east, and north of a line beginning at the Virginia-District of Columbia line and extending along U.S. Highway 1 to Richmond, Va., thence along Interstate Highway 64 to its junction with Interstate Highway 264, thence along Interstate Highway 264 to the Atlantic Ocean, to that part of North Carolina on and west of U.S. Highway 29. The purpose of this filing is to eliminate the gateway of Richmond, Va. The purpose of this correction is to set forth the destination territory.

No. MC 51018 (Sub-No. E9), filed May 31, 1974. Applicant: BESL TRANSFER CO., 5550 Este Ave., Cincinnati, Ohio 45232. Applicant's representative: Raymond A. Besl (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of their size or weight require the use of special equipment, (2) *Self-propelled articles*, each weighing 15,000 pounds or more (restricted to commodities which are transported on trailers), and (3) *related machinery, tools, parts, and supplies*, moving in connection with the commodities described in (2) above, between points in that part of Ohio on, south, and west of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 40 to junction Ohio Highway 235, thence along Ohio Highway 235 to Zenia, thence along U.S. Highway 35 to Washington Court House, thence along Ohio Highway 41 to Locust Grove, thence along Ohio Highway 73 to Portsmouth, thence along Ohio 140 to junction Ohio Highway 93, thence along Ohio Highway 93 to Oak Hill, thence along Ohio Highway 279 to junction U.S. Highway 35, thence along U.S. Highway 35 to Gallipolis, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of points in that part of Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75.

No. MC 51018 (Sub-No. E10), filed May 31, 1974. Applicant: BESL TRANS-

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FER CO., 5550 Este Ave., Cincinnati, Ohio 45232. Applicant's representative: Raymond A. Beal (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of their size or weight require the use of special equipment, (2) *Self-Propelled articles*, each weighing 15,000 pounds or more (restricted to commodities which are transported on trailers), and (3) *Related machinery, tools, parts, and supplies*, moving in connection with the commodities described in (2) above, between points in Missouri, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of points in that part of Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75.

No. MC 51018 (Sub-No. E11), filed May 31, 1974. Applicant: BESL TRANSFER CO., 5550 Este Ave., Cincinnati, Ohio 45232. Applicant's representative: Raymond A. Beal (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of their size or weight require the use of special equipment, (2) *Self-propelled articles*, each weighing 15,000 pounds or more (restricted to commodities which are transported on trailers), and (3) *related machinery, tools, parts, and supplies*, moving in connection with the commodities described in (2) above, between points in that part of Ohio on, south, and west of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 30 to Delphos, thence along U.S. Highway 30S to Kenton, thence along Ohio Highway 31 to Marysville, thence along Ohio Highway 38 to Washington Court House, thence along U.S. Highway 62 to Hillsboro, thence along Ohio Highway 247 to Wrightsville, on the one hand, and, on the other, points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to Duncannon, thence along Pennsylvania Highway 274 to junction Pennsylvania Highway 34, thence along Pennsylvania Highway 34 to Gettysburg, thence along U.S. Highway 15 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of points in that part of Ohio on and south of Interstate Highway 70 and on and west of Interstate Highway 75.

No. MC 59150 (Sub-No. E8), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall, or insulating boards, and materials and supplies* used in the installation of building, wall, or insulating boards, from points in Columbia, Gilchrist, Alachua, Levy, Marion, Citrus, Sumter, Hernando, Pasco, Pinellas, Monroe, Collier, Hillsborough, Polk, Manatee, Hardee, Highlands, Okeechobee, Dade, Broward, Sarasota, DeSoto, Charlotte, Glades, Lee, Hendry, and Palm Beach Counties, Fla., to points in that part of North Carolina north of Carteret, Onslow, Pender, Bladen, Robeson, and Scotland Counties. The purpose of this filing is to eliminate the gateway of the plant site of Armstrong Cork Company at Macon, Ga.

No. MC 59150 (Sub-No. E9), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall, or insulating boards, and materials and supplies* used in the installation of building, wall, or insulating boards, from points in Florida in and west of Madison and Taylor Counties, to points in North Carolina. The purpose of this filing is to eliminate the gateway of the plant site of the Armstrong Cork Company at Macon, Ga.

No. MC 59150 (Sub-No. E10), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall, or insulating boards, and materials and supplies* used in the installation of building, wall, or insulating boards, from points in that part of Florida in and west of Holmes, Washington, and Bay Counties, to points in Charleston, Allendale, Hampton, Jasper, Beaufort, Colleton, and Dorchester Counties, S.C. The purpose of this filing is to eliminate the gateway of the plant site of Armstrong Cork Company at Macon, Ga.

No. MC 59150 (Sub-No. E11), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall, or insulating boards, and material and supplies* used in the installation of building, wall, or insulating boards, from points in that part of Florida in and west of Madison and Taylor Counties, to points in that part of South Carolina in and north of Barnwell, Bamberg, Orangeburg, Dorchester, Berkeley, and Georgetown Counties. The purpose of this filing is to eliminate the gateway of the plant site of the Armstrong Cork Company at Macon, Ga.

No. MC 59150 (Sub-No. E12), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight, require the use of specialized handling or rigging, between points in Louisiana, on the one hand, and, on the other, points in that part of Georgia in and south of Stewart, Webster, Schley, Macon, Peach, Bibb, Jones, Baldwin, Hancock, Glascock, Jefferson, and Richmond Counties. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 59150 (Sub-No. E22), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight, require specialized handling or rigging, between points in that part of Mississippi in and south of Adams, Franklin, Lincoln, Lawrence, Jefferson Davis, Covington, Jones, and Wayne Counties, on the one hand, and, on the other, points in that part of Georgia in and south of Muskogee, Marion, Taylor, Crawford, Bibb, Jones, Baldwin, Hancock, Warren, Chattahoochee, McDuffie, and Columbia Counties. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 59150 (Sub-No. E23), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require specialized handling or rigging, between points in that part of Mississippi in and south of Wilkinson, Amite, Pike, Walthall, Marion, Lamar, Forrest, Perry, and Greene Counties, on the one hand, and, on the other, points in that part of Georgia in and south of Heard, Coweta, Fulton, Gwinnett, Barrow, Clarke, Oglethorpe, Wilkes, Oconee, and Lincoln Counties. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 59150 (Sub-No. E24), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight, require the use of specialized handling or rigging, between points in Hancock, Harrison, and Jackson Counties, on the one hand, and, on the other, points in that part of Georgia on in and south of Floyd, Gordon, Gilmer, Union, Towns, and Rabun Counties. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 59150 (Sub-No. E25), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require specialized handling or rigging, between points in that part of Louisiana in and south of Beauregard, Allen, Evangeline, St. Landry, St. Martin, Iberville, West Baton Bouge, East Baton Rouge, Livingston, St. John the Baptist, Jefferson, Orleans, and St. Bernard Counties, on the one hand, and, on the other, points in that part of Georgia in and south of Floyd, Gordon, Pickens, Dawson, Lumpkin, White, Habersham, and Stephens Counties. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 59150 (Sub-No. E27), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* used as building or construction materials, building contractor's machinery and equipment, or agricultural implements; and (2) *Gypsum products* and *commodities* used in connection with the erection of gypsum products when moving in the same vehicle and at the same time as gypsum products, from points in Nassau, Duval, Clay, Putnam, Volusia, Lake, Orange, Osceola, Okeechobee, Highlands, Glades, Lee, St. Johns, Flagler, Seminole, Brevard, Indian River, and St. Lucie Counties, Fla., to points in that part of Alabama in and north of Franklin, Lawrence, Morgan, Marshall, Etowah, Calhoun, and Cleburne Counties. The purpose of this filing is to eliminate the gateway of Savannah, Ga.

No. MC 59150 (Sub-No. E28), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* used as building and construction materials, agricultural implements, or building contractor's machinery and equipment; and (2) *Gypsum products* and *commodities* used in connection with the erection of gypsum products when moving in the same vehicle and at the same time as gypsum products, from points in Palm Beach, Hendry, Collier, Monroe, Broward, and Dade Counties, Fla., to points in that part of Alabama in and north of Sumter, Greene, Tuscaloosa, Jefferson, St. Clair, Calhoun, and Cleburne Counties. The purpose of this filing is to eliminate the gateway of Savannah, Ga.

No. MC 59150 (Sub-No. E29), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, 1907 Hill Street, Jacksonville, Florida 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* used as building and construction materials, agricultural implements, or building contractor's machinery and equipment; and (2) *Building material* (except liquid commodities in bulk and cement, except in mixed loads with building materials), from points in that part of Florida in and east of Hamilton, Suwannee, Lafayette, and Dixie Counties, to points in that part of South Carolina in and east of York, Chester, Fairfield, Richland, Lexington, and Aiken Counties. The purpose of this filing is to eliminate the gateway of points in Chatham County, Ga.

No. MC 59150 (Sub-No. E30), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Florida 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, used as building and construction materials, agricultural implements, or building contractor's machinery and equipment; and (2) *Building materials* (except liquid commodities in bulk and cement, except in mixed loads with building materials), (A) from points in those parts of Hamilton, Suwannee, Lafayette, Dixie, Columbus, Baker, Union, Bradford, Alachua, Levy, Gilchrist, Citrus, Pinellas, and Marion Counties, Fla., west of U.S. Highway 301, and points in those parts of Sumter, Hernando, and Pasco Counties, Fla., west of Interstate Highway 75, to points in that part of Tennessee in and east of Claiborne, Union, Knox, Loudon, Monroe, and Polk Counties; and (B) from points in that part of Florida east of a line beginning at the Florida-Georgia State line, thence along the Baker County-Druvall County line to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Interstate Highway 75, thence along Interstate Highway 75 to Tampa, to points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Chatham County, Ga.

No. MC 59150 (Sub-No. E31), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Florida 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* used as building and construction materials, agricultural implements, or building contractor's machinery and equipment; and (2) *Building materials* (except liquid commodities in bulk and cement, except in mixed loads with building materials), from points in that part of Florida in and east of Jefferson County, to points in that part of North Carolina in and east of Surry, Yadkin, Iredell, Mecklenburg, and Union Counties. The purpose of this filing is to eliminate the gateway of points in Chatham County, Ga.

No. MC 59150 (Sub-No. E32), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from points in that part of Florida in and west of Leon and Wakulla Counties, to points in that part of North Carolina in and west of Alleghany, Wilkes, Alexander, Catawba, Lincoln, and Gaston Counties, and points in that part of South Carolina in and west of Cherokee, Union, Newberry, Saluda, and Edgefield Counties. The purpose of this filing is to eliminate the gateway of the plant site of Panel Products Company at or near Lithonia, Ga.

No. MC 59150 (Sub-No. E33), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Florida 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from points in that part of Florida in and east of Jackson, Washington, and Bay Counties, to points in that part of Tennessee in and east of Sumner, Wilson, Cannon, Coffee, Bedford, and Lincoln Counties. The purpose of this filing is to eliminate the gateway of the plantsite of Panel Products Company at or near Lithonia, Ga.

No. MC 59150 (Sub-No. E34), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Florida 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt roofing and asphalt roofing materials, gypsum and gypsum products, composition boards, insulator materials, urethane and urethane products, and related materials, supplies and accessories* incidental thereto (except commodities in bulk), from the plantsite of Celotex Corporation at Birmingham, Ala., to points in that part of Florida in and east of Holmes, Washington, and Bay Counties. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 59150 (Sub-No. E35), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common*

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carrier, by motor vehicle,over irregular routes, transporting: *Plywood and composition boards and sheets*, from the plant site and storage facilities of Westvaco Corporation of North Charleston, S.C., to points in that part of Tennessee in and west of Pickett, Fentress, Morgan, Roane, Loudon, Monroe, and Polk Counties. The purpose of this filing is to eliminate the gateway of points in Chatham County, Ga.

No. MC 59150 (Sub-No. E36), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition boards, insulation materials, and related materials, supplies, and accessories* incidental thereto (except commodities in bulk), from the plant site of the Celotex Corporation at Birmingham, Ala., to points in that part of Virginia, in and east of Loudoun, Fauquier, Rappahannock, Madison, Greene, Albermarle, Nelson, Amherst, Campbell, Pittsylvania, Franklin, and Patrick Counties. The purpose of this filing is to eliminate the gateway of the plant site of the Armstrong Cork Company at Macon, Ga.

No. MC 59150 (Sub-No. E37), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard*, from the plant site of Evans Products Company at or near Moncure, N.C., to points in Mississippi and Louisiana. The purpose of this filing is to eliminate the gateway of the plant site of the Armstrong Cork Company at Macon, Ga.

No. MC 59150 (Sub-No. E38), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and moldings, and other accessories* used in the installation of plywood, when moving at the same time and in the same vehicle with plywood, from the plant site of Vancouver Plywood Company at Charlotte, N.C., to points in Louisiana. The purpose of this filing is to eliminate the gateway of the plant site of the Armstrong Cork Company at Macon, Ga.

No. MC 59150 (Sub-No. E39), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall, or insulating boards, and materials and supplies* used in the installation of building, wall, or insulating boards, from points in that part of Florida in, east, and south of Columbia, Alachua, Marion, and Citrus Counties, to points in that part of Alabama in and north of Pickens, Tuscaloosa, Jefferson, Shelby, Talladega, Clay, and Randolph Counties. The purpose of this filing is to eliminate the gateway of the plant site of the Armstrong Cork Company at Macon, Ga.

No. MC 59150 (Sub-No. E40), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: J. Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall, or insulating boards, and materials and supplies* used in the installation of building, wall, or insulating boards, from points in Florida in, east, and south of Columbia, Alachua, Marion, and Citrus Counties, to points in Louisiana in and north of Vernon, Rapeds, Avoyelles, and Concordia Counties. The purpose of this filing is to eliminate the gateway of the plant site of Armstrong Cork Company at Macon, Ga.

No. MC 69833 (Sub-No. E1), filed June 1, 1974. Applicant: ASSOCIATED TRUCK LINES, INC., Vandenberg Center, Grand Rapids, Mich. 49502. Applicant's representative: Harry Pohlad (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metals* used in manufacturing, *metal products in bulk, and heavy constructions, excavating, and mill machinery* (a) between points in Michigan in and north and west of Van Buren, Kalamazoo Barry, Ionia, Montcalm Isabella, and Midland Counties and south of a line from Lake Huron along Michigan Highway 247 (formerly Michigan Highway 47) to Bay City thence along unnumbered highway (formerly Michigan Highway 20) to the junction of Business U.S. Highway 10 (formerly Michigan Highway 20) to the junction of Michigan Highway 20, thence along Michigan Highway 20 to Muskegon on the one hand, and, on the other, points in Ohio in and east of Lake, Geauga, Summit, and Stark Counties and on and north of a line from the western boundary of Stark County along U.S. Highway 62 to the junction of U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line (points in Wayne County, Mich.)*, (b) between points in Michigan in, north and west of Ottawa, Kent, Ionia, Montcalm, Isabella, and Midland Counties and south of a line from Lake Highway 247 (formerly Michigan Highway 47) to Bay City, thence along unnumbered highway (formerly Michigan Highway 20) to the junction of Michigan Highway 20, thence along Michigan Highway 20 to Muskegon on the one hand, and, on the other, points in Ohio in and east of Lucas, Wood, Hancock, Hardin, Logan, Champaign, and Clark Counties and on and north of a line from the Clark-Greene County line along U.S. 42 to London, thence along Ohio Highway 142 to West Jefferson, thence along U.S. Highway 40 to Columbus, thence along U.S. Highway 62 to Canton, thence along U.S. Highway 30 to the West Virginia-Ohio State line (points in Wayne County, Mich.)*. (2) *Sheet and coil steel*, in bulk, and in containers, (a) from points in the Ohio portion of the Portsmouth, Ohio Commercial Zone, as defined by the Commission to points in Michigan in and north and west of Ottawa, Kent, Ionia, Montcalm, Isabella, and Midland Counties and south of a line from Lake Huron along Michigan Highway 247 (formerly Michigan Highway 47) to Bay City, thence along unnumbered highway (formerly Michigan Highway 20) to the junction of Michigan Highway 20, thence along Michigan Highway 20 to Muskegon (Marysville, Dayton or Toledo, Ohio)*, (b) from points in the Ohio portion of the Portsmouth Ohio Commercial Zone as defined by the Commission to points in Michigan in, east, and south of Branch, Calhoun, Eaton, Clinton, Gratiot, Midland, and Bay Counties. (Marysville, Dayton, or Toledo, Ohio)*. The purpose of the filing is to eliminate the gateways marked with asterisks above.

No. MC 95540 (Sub-No. E443) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER, August 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from points in South Carolina on, east and south of a line beginning at North Augusta and extending along U.S. Highway 25 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to its junction with U.S. Highway 1, thence along U.S. Highway 1 to the North Carolina-South Carolina State line, to points in Oregon. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss. The purpose of this correction is to reflect points in Oregon as the destination territory.

No. MC 95540 (Sub-No. E565) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER August 27, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in New Mexico on and south of a line beginning at the New Mexico-Texas State line and extending along U.S. Highway 60 to Clovis, thence along U.S. Highway 60/84 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to its junction

with Interstate Highway 40, thence along Interstate Highway 40 to the New Mexico-Arizona State line, to points in Virginia. The purpose of this filing is to eliminate the gateway of Dothan, Ala. The purpose of this correction is to correct the gateway.

No. MC 95540 (Sub-No. E661) (correction), filed May 11, 1974, published in the FEDERAL REGISTER, August 29, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Fresh and frozen fruits and vegetables*, in vehicles equipped with mechanical refrigeration, from points in Texas on and south of a line beginning at the Texas-Louisiana State line extending along U.S. Highway 80 to Dallas; thence Interstate Highway 35 to junction with U.S. Highway 380; thence along U.S. Highway 380 to its junction with U.S. Highway 287; thence along U.S. Highway 287 to Amarillo; thence along Interstate Highway 40 the Texas-New Mexico State line, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of points in Florida. The purpose of this correction is to correct U.S. Highway 287.

No. MC 104210 (Sub-No. E1), filed May 14, 1974. Applicant: TRANSPORT COMPANY, INC., P.O. Box 4726, Corpus Christi, Tex. 78404. Applicant's representative: Mike Cotten, P.O. Box 1148, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from points in Texas within 125 miles of Delmita, Tex., including Delmita to Oklahoma City, Okla., and Baton Rouge, Lake Charles, and New Orleans, La. The purpose of this filing is to eliminate the gateway of Bishop, Tex.

No. MC 107678 (Sub-No. E7), filed June 4, 1974. Applicant: HILL & HILL TRUCK LINE, INC., P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, Bank of The Southwest Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, (except the stringing and picking up of pipe in connection with the construction and dismantling of pipelines), between points in Oklahoma, on the one hand, and, on the other, points in North Dakota, on and west of North Dakota Highway 30 and in South Dakota west of the Missouri River and on and north of U.S. Highway 14. The purpose of this filing is to eliminate the gateways of points in the State of Texas.

No. MC 110420 (Sub-No. E26), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible animal oils* (except lard, tallow, and grease, (1) from Waterloo, Cedar Rapids, and Des Moines, Iowa and Cudahy, Wis., to points in Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey (except points in the New York, N.Y., and Philadelphia, Pa.), commercial zones (Chicago, Ill.)*; and (2) from Louisville, Ky., to points in Maine and New Hampshire (points in Indiana within the Chicago, Ill., commercial zone)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E31), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001, Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, from points in St. Joseph County, Ind., to points in Minnesota, Wisconsin, Iowa, Nebraska, Missouri, Illinois, Tennessee, the Upper Peninsula of Michigan McCracken County, Ky., and to Charlotte, N.C. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 110420 (Sub-No. E32), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001, Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, from points in Milwaukee County, Wis., to Lititz, Pa., and Charlotte, N.C., and points in Kentucky, Delaware, and Tennessee. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 110420 (Sub-No. E70), filed June 24, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid edible chocolate and cocoa butter coating compounds*, in bulk, in tank vehicles, from Chicago, Ill., to Denver, Colo. (Cincinnati, Ohio)*. (2) *Liquid chocolate*, in bulk, in tank vehicles, from Chicago, Ill., to Minneapolis, Minn., Omaha, Nebr., and Sioux Falls, S. Dak. (Milwaukee, Wis.)*. (3) *Liquid chocolate*, in bulk, in tank vehicles, from Chicago, Ill., to Denver, Colo., Boston and North Abington, Mass., New York, N.Y., Fargo, N. Dak., and points in that part of Alabama on and south of U.S. Highway 80, that part of Georgia on and south of U.S. Highway 29, that part of North Carolina on and east of U.S. Highway 29, that part of South Carolina on and south of U.S. Highway 29, and that part of Pennsylvania in Wayne, Pike, Monroe, Northampton, Bucks, Montgomery, Chester, Philadelphia, and Delaware Counties, and to Allentown, Pa. (Milwaukee, Wis.)*. (4) *Liquid chocolate and liquid cocoa butter*, in bulk, in tank vehicles, from Chicago, Ill., to points in Kansas, Louisiana, Texas, Oklahoma, California, Colorado, Minnesota, Nebraska, New Jersey, North Dakota, South Dakota, Utah, that part of Arkansas on and south of a line beginning at the Arkansas-Mississippi State line, thence along Arkansas Highway 4 to junction Arkansas Highway 8, thence along Arkansas Highway 8 to the Arkansas-Texas State line, that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 11 to junction New York Highway 26, thence along New York Highway 26 to junction New York Highway 13, thence along New York Highway 13 to Lake Ontario, that part of Iowa on and north of Iowa Highway 3, that part of North Carolina on and east of U.S. Highway 29, that part of South Carolina on and east of U.S. Highway 29, that part of Virginia on and east of U.S. Highway 29, and in and east of Wayne, Monroe, Northampton, Bucks, Chester, and Montgomery Counties, and to Allentown, Pa. (Milwaukee, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E72), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chocolate*, from Boston, Mass., to Grand Forks, N. Dak., Denver, Colo., and points in and southwest of St. Joseph, Allegan, and Kalamazoo Counties, Mich., the Upper Peninsula of Michigan, Missouri, Texas, Louisiana, Minnesota, and Iowa (Chicago, Ill.)*. (2) *Liquid chocolate and liquid cocoa butter*, in bulk, in tank vehicles, from Boston, Mass., to St. Paul, Minn., St. Joseph, and Joplin, Mo., Lincoln and Omaha, Nebr., Memphis, Tenn., Waco, Tex., Madison, and Milwaukee, Wis. (Chicago, Ill.)*. (3) *Chocolate and chocolate coating*, from points in Boston, Mass., to points in South Dakota (Chicago, Ill.)*. (4) *Liquid chocolate and chocolate coating*, in bulk, in tank vehicles, from Boston, Mass., to points in that part of Indiana in and west of Elkhart, Kosciusko, Wabash, Grant, Madison, Hancock, Shelby, Bartholomew, Brown, Monroe, Lawrence, Orange, DuBois, and Spencer Counties, and that part of Kentucky on and west of U.S. Highway 431 (points in Indiana within the Chicago, Ill., commercial zone)*. (5)

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Liquid chocolate and liquid cocoa butter, in bulk, in tank vehicles, from Boston, Mass., to points in Oklahoma, Texas, and California (Chicago, Ill., and Milwaukee, Wis.) *. (6) *Liquid chocolate and liquid chocolate products*, from Boston, Mass., to points in Colorado, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and points in that part of Illinois in and north of Randolph, Perry, Franklin, Hamilton, and White Counties (Chicago, Ill., and Milwaukee, Wis.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E619) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 19, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Rhode Island to points in that part of Pennsylvania on and west of Pennsylvania Highway 191. The purpose of this filing is to eliminate the gateway of Carteret, N.J. The purpose of this correction is to set forth the route number in Pennsylvaina.

No. MC–110525 (Sub-No. E629) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilicic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in that part of South Carolina on and north of a line beginning at the Georgia-South Carolina State line, thence along Interstate Highway 20 to Columbia, thence along U.S. Highway 378 to the Atlantic Ocean, to points in that part of Alabama on and west of Interstate Highway 65. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. The purpose of this correction is to correct typographical errors.

No. MC 110525 (Sub-No. E672) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 19, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Tennessee on and east of U.S. Highway 27 to points in Alabama. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn. The purpose of this correction is to expand the origin territory.

No. MC 110525 (Sub-No. E695) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Tennessee on and east of U.S. Highway 27, to points in South Dakota. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Addyston, Ohio. The purpose of this correction is to expand the origin territory.

No. MC 110525 (Sub-No. E697) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Tennessee on and east of U.S. Highway 27 to points in that part of Utah on and west of U.S. Highway 89. The purpose of this filing is to eliminate the gateways of Copperhill, Tenn., and Addyston, Ohio. The purpose of this correction is to expand the territorial descriptions.

No. MC 110525 (Sub-No. E719) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluodilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in that part of West Virginia on and north of a line beginning at the West Virginia-Kentucky State line, thence along Interstate Highway 64 to Charleston, thence along Interstate Highway 77 to the West Virginia-Virginia State line, to points in Mississippi. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. The purpose of this correction is to set forth the correct origin State.

No. MC 110525 (Sub-No. E724) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 26, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Virginia on and south of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 501 to South Boston, thence along U.S. Highway 15/360 to Richmond, thence along U.S. Highway 60 to Newport News, thence along U.S. Highway 17 to the Virginia-North Carolina State line, to points in Delaware. The purpose of this filing is to eliminate the gateway of Hopewell, Va. The purpose of this correction is to set forth the correct origin territory.

No. MC 110525 (Sub-No. E746) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 27, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Virginia on and east of U.S. Highway 21 to points in Ohio. The purpose of this filing is to eliminate the gateway of Institute, W. Va. The purpose of this correction is to reflect the correct route description in Virginia.

No. MC 110525 (Sub-No. E747) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 27, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Virginia on and east of U.S. Highway 21 to points in Oklahoma. The purpose of this filing is to eliminate the gateways of Point Pleasant, W. Va., and Addyston, Ohio. The purpose of this correction is to reflect the correct route description in Virginia.

No. MC 110525 (Sub-No. E752) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER August 27, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Virginia on and east of U.S. Highway 21 to points in that part of Tennessee on and west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of Twin Oaks, N.C. The purpose of this correction is to redescribe the territorial description in Tennessee.

No. MC 110525 (Sub-No. E969), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box

200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials* (except coal tar derivatives), in bulk, in tank or hopper-type vehicles, from Kobuta, Pa., (1) to points in Connecticut, Massachusetts, and Rhode Island (Newark, N.J.) *, (2) to points in Maine (except points in Aroostook County), New Hampshire, and Vermont (Newark, N.J., and Springfield, Mass.) *, and (3) to points in Delaware (points in that part of New Jersey located in the New York, N.Y., commercial zone, restricted in (2) above to the transportation of such dry plastic materials as are dry chemicals. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1044), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry urea*, in bulk, in tank vehicles, from the plantsite of American Cyanamid Company, at Avondale, La., to points in Colorado, Wyoming, Arizona, California, and Utah. The purpose of this filing is to eliminate the gateway of Texas City, Tex.

No. MC 110525 (Sub-No. E1043), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum wax*, in bulk, in tank vehicles, from Baton Rouge, La., to points in California. The purpose of this filing is to eliminate the gateway of Houston, Tex.

No. MC 110525 (Sub-No. E1042), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten dimethyl terephthalate*, in bulk, in tank vehicles, from Old Hickory, Tenn., (1) to points in Connecticut, Massachusetts, and Rhode Island (Brevard and Greensboro, N.C., and Newark, N.J.) *, (2) to points in Maine, New Hampshire, and Vermont (Brevard and Greensboro, N.C., and Syracuse, N.Y.) *, and (3) to points in South Carolina, that part of North Carolina on and east of U.S. Highway 441, and that part of Virginia on and east of U.S. Highway 52 (Brevard, N.C.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1045), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the plant site of American Cyanamid Company at Avondale, La., (1) to points in Virginia (Ranger, N.C.) *, (2) to points in New Mexico, Arizona, California, Colorado, Nebraska, and Wyoming, (Beaumont, Tex.) *, and (3) to points in Utah (Texas City, Tex.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1046), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry caprolactum*, in bulk, from points in Richmond County, Ga., to points in Vermont, Maine (except points in Aroostook County), Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Springfield, Mass.

No. MC 110525 (Sub-No. E1047), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Carpentersville, Ill., (1) to points in Massachusetts, Connecticut, Rhode Island, and Delaware (Newark, N.J.) *, and (2) to points in that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along Pennsylvania Highway 10 to Reading, thence along U.S. Highway 222 to Allentown, thence along the Pennsylvania Turnpike, Northeast Extension, to Scranton, thence along U.S. Highway 6 to the Pennsylvania-New York State line (Somerville, N.J.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1048), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Terephthalic acid*, in bulk, from the plantsite of Amoco Chemicals Corporation at or near Decatur, Ala., (1) to points in that part of Florida on and east of a line beginning at the Alabama-Florida State line, thence along U.S. Highway 27 to junction U.S. Highway 319, thence along U.S. Highway 319 to the Gulf of Mexico (Atlanta, Ga.) *, (2) to points in New York and that part of Michigan on and east of U.S. Highway 23 (Akron, Ohio) *, (3) to points in Maine, Vermont, Massachusetts, and New Hampshire (Akron, Ohio, and Solvay, N.Y.) *, (4) to points in Delaware, Maryland, New Jersey, and Pennsylvania (Cincinnati, Ohio) *, and (5) to points in Connecticut and Rhode Island (Cincinnati, Ohio, and Newark, N.J.) *, restricted in (1) and (4) above to the transportation of traffic in tank or hopper-type vehicles, restricted in (2) and (3) above to the transportation of traffic in tank vehicles and restricted in (3) and (4) above to the transportation of dry terephthalic acid. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. 1050), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum sulphate*, in bulk, in tank vehicles, from Naheola, Ala., to points in North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 110525 (Sub-No. E1051), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except those sold for use as fertilizers), in bulk, in tank vehicles, from the plantsite of Hooker Chemical Corporation at or near Taft, St. Charles Parish, La., to points in Indiana, Ohio, and that part of Illinois on, north, and east of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 136 to junction Illinois Highway 29, thence along Illinois Highway 29 to Peoria, thence along Illinois Highway 88 to the Illinois-Iowa State line, restricted to the transportation of liquid chemicals to points in Butler, Hamilton, Lake, Mahoning, Trumbull, and Wayne Counties, Ohio. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 110525 (Sub-No. E1052), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except those derived from petroleum, fertilizer, and fertilizer ingredients), in bulk, in tank vehicles, from Vicksburg, Miss., (1) to points in North Carolina and Virginia (points in Georgia) *, (2) to points in that part of Florida on and east of U.S. Highway 319 and on and south of U.S. Highway 90 (Columbus, Ga.) *, and (3) to points in that part of Ohio on and east of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 68 to Findlay, thence along U.S.

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Highway 25 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Michigan State line (Ashland, Ky.)*, restricted in (1) above against the transportation of bituminous products and materials. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1053), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as described in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicles, in foreign commerce only, from points in Harris and Jefferson Counties, Tex., to those ports of entry on the International Boundary line between the United States and Canada located on the Niagara River. The purpose of this filing is to eliminate the gateways of points in West Virginia and Niagara Falls, N.Y.

No. MC 11-525 (Sub-No. E1054), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as described in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicles, from points in Harris and Jefferson Counties, Tex., (1) to points in Ohio and Michigan (Louisville, Ky.)*, (2) to points in Maryland, New York, and Pennsylvania (Institute, W. Va.)*, (3) to points in Maine, New Hampshire, and Vermont (Institute, W. Va., and Syracuse, N.Y.)*, (4) to points in Delaware and New Jersey (Greensboro, N.C.)*, (5) to points in Connecticut, Massachusetts, and Rhode Island (Greensboro, N.C., and Newark, N.J.)*, and (6) to the District of Columbia (Hopewell, Va.)*, restricted in (3) above against the transportation of liquid oxygen, liquid hydrogen, and liquid nitrogen to points in Vermont. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1057), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Freeport, Tex., (1) to Charlotte, N.C., and points within 5 miles thereof (Tuscaloosa, Ala.)*, (2) to points in Ohio and that part of Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, thence along Kentucky Highway 163 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Indiana State line (Copperhill, Tenn.)*, (3) to points in Maryland, New Jersey, Pennsylvania, and New York (except points in Nassau, Queens, and Suffolk Counties) (Copperhill, Tenn., and Fernald, Ohio)*, (4) to points in Connecticut, Massachusetts, and Rhode Island (Copperhill, Tenn., Fernald, Ohio, and Newark, N.J.)*, (5) to points in Maine, New Hampshire, and Vermont (Copperhill, Tenn., Fernald, Ohio, and Solvay, N.Y.)*, and (6) to points in South Carolina and that part of North Carolina on and east of U.S. Highway 441 (Augusta, Ga.)*, restricted in (1) above against the transportation of derivatives of petroleum or bituminous materials and restricted in (5) above against the transportation of calcium chloride, and against the transportation of shipments originating at or destined to points in Canada. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1058), filed May 20, 1974. Applicant: CHEMICAL LEAMANT TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from North Seadrift, Tex., (1) to Charlotte, N.C., and points within 5 miles thereof (Tuscaloosa, Ala.)*, (2) to points in Ohio and that part of Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, thence along Kentucky Highway 163 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Indiana State line (Copperhill, Tenn.)*, (3) to points in Maryland, New Jersey, Pennsylvania, and New York (except points in Nassau, Queens, and Suffolk Counties) (Copperhill, Tenn., and Fernald, Ohio)*, (4) to points in Connecticut, Massachusetts, and Rhode Island (Copperhill, Tenn., Fernald, Ohio, and Newark, N.J.)*, (5) to points in Maine, New Hampshire, and Vermont (Copperhill, Tenn., Fernald, Ohio, and Solvay, N.Y.)*, and (6) to points in South Carolina and that part of North Carolina on and east of U.S. Highway 441 (Augusta, Ga.)*, restricted in (1) above against the transportation of derivatives of petroleum or bituminous materials, and restricted in (5) above against the transportation of calcium chloride and against the transportation of shipments originating at or destined to points in Canada. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1059), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Texas City, Tex., (1) to Charlotte, N.C., and points within 5 miles thereof (Tuscaloosa, Ala.)*, (2) to points in Ohio and that part of Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, thence along Kentucky Highway 163 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Indiana State line (Copperhill, Tenn.)*, (3) to points in Maryland, New Jersey, Pennsylvania, and New York (except points in Nassau, Queens, and Suffolk Counties) (Copperhill, Tenn., and Fernald, Ohio)*, (4) to points in Connecticut, Massachusetts, and Rhode Island (Copperhill, Tenn., Fernald, Ohio, and Newark, N.J.)*, (5) to points in Maine, New Hampshire, and Vermont (Copperhill, Tenn., Fernald, Ohio, and Solvay, N.Y.)*, and (6) to points in South Carolina and that part of North Carolina on and east of U.S. Highway 441 (Augusta, Ga.)*, restricted in (1) above against the transportation of derivatives of petroleum or bituminous materials, and restricted in (5) above against the transportation of calcium chloride and against the transportation of shipments originating at or destined to points in Canada. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1060), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from Texas City, Tex., (1) to points in North Carolina, South Carolina, Virginia, and West Virginia (points in Georgia or that part of Tennessee on and east of U.S. Highway 27)*, (2) to points in Maryland, Pennsylvania, and New York (except points in Nassau, Queens, and Suffolk Counties) (Copperhill, Tenn., and Fernald, Ohio)*, (3) to points in Delaware and New Jersey (Atlanta, Ga., and Greensboro, N.C.)*, (4) to the District of Columbia (Atlanta, Ga., and Hopewell, Va.)*, (5) to points in Connecticut, Massachusetts, and Rhode Island (Atlanta, Ga., Greensboro, N.C., and Newark, N.J.)*, (6) to points in Maine, New Hampshire, and Vermont (Knoxville, Tenn., Institute, W. Va., and Syracuse, N.Y.)*, (7) to points in Ohio and that part of Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, thence along Kentucky Highway 163 to junction Kentucky Highway 63, thence along Kentucky Highway 63 to Glasgow, thence along Interstate Highway 65 to the Kentucky-Indiana State line (Copperhill, Tenn.)*, and (8) to points in Michigan and that part of Indiana on and east of a line beginning at the Michigan-Indiana State line, thence along U.S. Highway 31 to Kokomo, thence along U.S. Highway 35 to the Indiana-Ohio State line (Copperhill, Tenn., and Louisville, Ky.)*, restricted in (6) above against the transportation of liquid oxygen, liquid hydrogen, and liquid nitrogen, to points in Vermont. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1061), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from North Seadrift, Tex., (1) to points in North Carolina, South Carolina, Virginia, and West Virginia (points in Georgia or that part of Tennessee on and east of U.S. Highway 27)*, (2) to points in Maryland, Pennsylvania, and New York (Knoxville, Tenn., and Institute, W. Va.)*, (3) to points in Delaware and New Jersey (Atlanta, Ga., and Greensboro, N.C.)*, (4) to the District of Columbia (Atlanta, Ga., and Hopewell, Va.)*, (5) to points in Connecticut, Massachusetts, and Rhode Island (Atlanta, Ga., Greensboro, N.C., and Newark, N.J.)*, (6) to points in Maine, New Hampshire, and Vermont (Knoxville, Tenn., Institute, W. Va., and Syracuse, N.Y.)*, to points in Ohio and that part of Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, thence along Kentucky Highway 163 to junction Kentucky Highway 63, thence along Kentucky Highway 63 to Glasgow, thence along Interstate Highway 65 to the Kentucky-Indiana State line (Copperhill, Tenn.)*, and (8) to points in Michigan and that part of Indiana on and east of a line beginning at the Michigan-Indiana State line, thence along U.S. Highway 31 to Kokomo, thence along U.S. Highway 35 to the Indiana-Ohio State line (Copperhill, Tenn., and Louisville, Ky.)*, restricted in (6) above against the transportation of liquid oxygen, liquid hydrogen, and liquid nitrogen, to points in Vermont. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1062), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from Freeport, Tex., (1) to points in North Carolina, South Carolina, Virginia, and West Virginia (points in Georgia, or that part of Tennessee on and east of U.S. Highway 27)*, (2) to points in Maryland, Pennsylvania, and New York (Knoxville, Tenn., Institute, W. Va., and Syracuse, N.Y.)*, (3) to points in Delaware and New Jersey (Atlanta, Ga., Greensboro, N.C., and Newark, N.J.)*, (4) to the District of Columbia (Atlanta, Ga., and Hopewell, Va.)*, (5) to points in Connecticut, Massachusetts, and Rhode Island (Atlanta, Ga., Greensboro, N.C., and Newark, N.J.)*, (6) to points in Maine, New Hampshire, and Vermont (Knoxville, Tenn., Institute, W. Va., and Syracuse, N.Y.)*, to points in Ohio and that part of Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, thence along Kentucky Highway 163 to junction Kentucky Highway 63, thence along Kentucky Highway 63 to Glasgow, thence along Interstate Highway 65 to the Kentucky-Indiana State line (Copperhill, Tenn.)*, and (8) to points in Michigan and that part of Indiana on and east of a line beginning at the Michigan-Indiana State line, thence along U.S. Highway 31 to Kokomo, thence along U.S. Highway 35 to the Indiana-Ohio State line (Copperhill, Tenn., and Louisville, Ky.)*, restricted in (6) above against the transportation of liquid oxygen, liquid hydrogen, and liquid nitrogen to points in Vermont. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 112288 (Sub-No. E1), filed May 16, 1974. Applicant: YARBROUGH TRANSFER COMPANY, 1500 Doune Street, Winston-Salem, N.C. 27107. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (A) between points in Hertford, Gates, Camden, Currituck, Bertie, Martin, Washington, Chowan, Perquimans, Pasquotank, Tyrrell, and Dare Counties, N.C., on the one hand, and, on the other, points in South Carolina (except those in Horry, Marion, Florence, Dillon, Williamsburg, Georgetown, Berkeley, Clarendon, Dorchester, and Charleston Counties), (B) between points in Northampton, Halifax, Nash, Edgecombe, Wilson, and Pitt Counties, N.C., on the one hand, and, on the other, points in South Carolina (except those in Dillon, Horry, Georgetown, Williamsburg, Berkeley, Dorchester, Colleton, Jaspar, Beaufort, Charleston, Clarendon, and Florence Counties), (C) between points in Vance, Granville, Franklin, Johnston, Wake, Durham, Person, and Warren Counties, N.C., on the one hand, and, on the other, points in South Carolina (except those in Horry, Marion, Florence, Dillon, Williamsburg, Georgetown, Berkeley, Clarendon, Dorchester, and Charleston Counties), (D) between points in Orange, Caswell, Rockingham, Guilford, Alamance, Chatham, and Randolph Counties, N.C., on the one hand, and, on the other, points in South Carolina (except those in Dillon, Marion, Horry, Georgetown, and Williamsburg Counties), (E) between points in Surry, Stokes, Forsyth, Davidson, Davie, Yadkin, Rowan, and Iredell Counties, N.C., on the one hand, and, on the other, points in South Carolina (except those in Horry County), (F) between points in Alleghany, Ashe, Wilkes, Watauga, Alexander, Avery, and Caldwell Counties, N.C., on the one hand, and points in South Carolina (except those in Cherokee, Union, Laurens, Spartanburg, Greenville, Pickens, Oconee, and Anderson Counties).

(G) Between points in Mitchell, Yancey, McDowell, Rutherford, Polk, Henderson, Transylvania, Jackson, Macon, Clay, Cherokee, Graham, Swain, Haywood, Madison, and Buncombe Counties, N.C., on the one hand, and, on the other, points in Dillon, Marion, Horry, Florence, Clarendon, Williamsburg, Georgetown, Berkeley, Charleston, Dorchester, Colleton, Hampton, Jaspar, Beaufort Counties), (H) between points in Burke, Catawba, Cleveland, Gaston, Mecklenburg, Union, Cabarrus, Stanly, and Anson Counties, N.C., on the one hand, and, on the other, points in South Carolina, (I) between points in Richmond, Montgomery, Moore, Scotland, Hoke, Harnett, Cumberland, Robeson, Bladen, Columbus, Brunswick, New Hanover, Pender, Sampson, N.C., on the one hand, and, on the other, points in Oconee, Pickens, Greenville, Cherokee, York, chester, Union, Spartanburg, Anderson, Abbeville, Laurens, Greenwood, McCormick, and Newberry Counties, S.C., and (J) between points in Duplin, Onslow, Carteret, Pamlico, Craven, Lenoir, Wayne, Greene, Jones, Beaufort, and Hyde Counties, N.C., on the one hand, and, on the other, points in Oconee, Pickens, Greenville, Cherokee, York, Chester, Union, Spartanburg, Anderson, Abbeville, Laurens, Greenwood, McCormick, Newberry, Edgefield, Saluda, and Aiken Counties, S.C. The purpose of this filing is to eliminate the gateway of points in Gaston County, N.C.

No. MC 112288 (Sub-No. E2), filed May 16, 1974. Applicant: YARBROUGH TRANSFER COMPANY, 1500 Doune St., Winston-Salem, N.C. 27107. Applicants representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (A) between points in Montgomery, Moore, Harnett, Sampson, Bladen, Robeson, Scotland, Richmond, Hoke, and Cumberland Counties, N.C., on the one hand, and, on the other, points in Georgia (except those in Lincoln, Columbia, Richmond, Burke, Jenkins, Screven, Bulloch, Candler, Effingham, Tattnall, Evans, Bryan, Chatham, Long, Liberty, Wayne, Brantley, Camden, Charlton, Glynn, and McIntosh Counties), (B) between points in Avery, Caldwell, Alexander, Wilkes, Alleghany, Ashe, and Watauga Counties, N.C., on the one hand, and, on the other, points in Georgia (except points in Fannin, Union, Towns, and Rabun Counties), (C) between points in North Carolina (except points in Montgomery, Moore, Richmond, Hoke, Scotland, Robeson, Bladen, Columbus, Brunswick, New Hanover, Pender, Onslow, Carteret, Pamlico, Jones, Craven, Beaufort, Hyde, Lenoir, Greene, Wayne, Duplin, Sampson, Harnett, Cumberland, Rutherford, McDowell, Caldwell, Alexander, Wilkes, Alleghany, Ashe, Watauga, Avery, Yancey, Mitchell, Polk, Henderson, Bun-

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combe, Madison, Haywood, Transylvania, Jackson, Macon, Swain, Graham, Clay, and Cherokee Counties), on the one hand, and, on the other, points in Georgia, (D) between points in Cherokee, Clay, Graham, Swain, Macon, Jackson, Transylvania, Haywood, Madison, Buncombe, Henderson, Polk, Rutherford, McDowell, Yancey, and Mitchell Counties, N.C., on the one hand, and, on the other, points in Lowndes, Echols, Clinch, Ware, Charlton, Camden, Glynn, Brantley, Pierce, Bacon, Appling, Wayne, Long, McIntosh, Liberty, Bryan, Effingham, and Chatham Counties, Ga.

(E) Between points in Wayne, Duplin, Greene, Lenoir, Jones, Onslow, Carteret, Craven, Beaufort, and Hyde Counties, N.C., on the one hand, and, on the other, points in Georgia (except those in Columbia, Burke, Jenkins, Screven, Candler, Bulloch, Effingham, Toombs, Tattnall, Evans, Bryan, Chatham, Long, Liberty, Appling, Wayne, McIntosh, Bacon, Pierce Brantley, Glynn, Ware, Clinch, Echols, Charlton, and Camden Counties, (F) between points in Columbus, Brunswick, New Hanover, and Pender Counties, N.C., on the one hand, and, on the other, points in Georgia (except those in Wilkes, Lincoln, Taliaferro, Hancock, Warren, McDuffie, Columbia, Richmond, Wilkinson, Washington, Glascock, Jefferson, Burke, Bleckley, Laurens, Johnson, Treutlen, Emanuel, Jenkins, Screven, Candler, Bulloch, Effingham, Pulaski, Wilcox, Dodge, Telfair, Wheeler, Montgomery, Toombs, Tattnall, Evans, Bryan, Chatham, Ben Hill, Irwin, Coffee, Jeff Davis, Appling, Wayne, Long, Liberty McIntosh, Tift, Colquitt, Cook, Berrien, Atkinson, Ware, Bacon, Pierce, Brantley, Glynn, Thomas, Brooks, Lowndes, Lanier, Echols, Clinch, Charlton, and Camden Counties). The purpose of this filing is to eliminate the gateway of points in Gaston County, N.C.

No. MC 112288 (Sub-No. E3), filed May 16, 1974. Applicant: YARBROUGH TRANSFER COMPANY, 1500 Doune Street, Winston-Salem, N.C. 27107. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (A) between points in North Carolina (except those in Surry, Stokes, Forsyth, Davidson, Davie, Yadkin, Iredell, Rockingham, Guilford, Caswell, Person, Granville, Vance, Warren, Durham, Orange, Alamance, Alleghany, Ashe, Wilkes, Watauga, Alexander, Avery, Caldwell, Mitchell, Yancey, McDowell, Burke, Rutherford, Polk, Henderson, Transylvania, Jackson, Macon, Clay, Cherokee, Graham, Swain, Haywood, Madison, and Buncombe Counties) on the one hand, and, on the other, points in Tennessee, (B) between points in Surry, Stokes, Forsyth, Davidson, Davie, Yadkin, Iredell, Rockingham, Guilford, Caswell, Person, Granville, Vance, Warren, Durham, Orange, and Alamance Counties, N.C., on the one hand, and, on the other, points in Tennessee (except those in Johnson, Carter, Sullivan, Washington, Unicoi, Hancock, Hawkins, and Greene Counties), and (C) between points in Alleghany, Ashe, Wilkes, Watauga, Alexander, Avery, and Caldwell Counties, N.C., on the one hand, and, on the other, points in Tennessee (except those in Johnson, Carter, Unicoi, Washington, Sullivan, Hawkins, Greene, Hancock, Claiborne, Campbell, Scott, Pentress, Pickett, Overton, Putnam, Cumberland, Morgan, Anderson, Union, Grainger, Knox, Jefferson, Cocke, Sevier, Blount, Roane, White, Clay, Jackson, Warren, Van Buren, Bledsoe, Rhea, Meigs, McMinn, Monroe, Polk, and Loudon Counties). The purpose of this filing is to eliminate the gateway of points in Gaston County, N.C.

No. MC 112288 (Sub-No. E6), filed May 15, 1974. Applicant: YARBROUGH TRANSFER COMPANY 1500 Doune St., Winston-Salem, N.C. 27107. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, which because of size or weight requires the use of special equipment, A. from points in Accomack, Northampton, Matthews, Gloucester, York, James City, Charles City, Prince George, Surry, Sussex, Southampton, Isle of Wight, Nansemond, Norfolk, and Princess Anne Counties, Va., to points in North Carolina (except those in Granville, Vance, Warren, Halifax, Northampton, Hertford, Gates, Camden, Currituck, Pasquotank, Perquimans, Chowan, Bertie, Dare, Tyrrell, Washington, Martin, Edgecomb, Nash, Franklin, Durham, Chatham, Wake, Johnston, Wilson, Wayne, Greene, Pitt, Beaufort, Hyde, Pamlico, Craven, Lenoir, Jones, Duplin, Sampson, Cumberland, Harnett, Lee, Moore, Hoke, Scotland, Robeson, Bladen, Columbus, Brunswick, New Hanover, Pender, Onslow, and Carteret Counties). B. from points in Prince Edward, Amelia, Nottoway, Dinwiddie, Lunenburg, Mecklenburg, Brunswick, Greensville, Buckingham, Cumberland, Fluvanna, Goochland, Powhatan, Chesterfield, Henrico, New Kent, Hanover, Caroline, Essex, Westmoreland, Northumberland, Richmond, Lancaster, King and Queen, and King William Counties, Va., to points in North Carolina (except those in Granville, Vance, Warren, Halifax, Northampton, Hertford, Gates, Camden, Currituck, Pasquotank, Perquimans, Chowan, Bertie, Dare, Tyrrell, Washington, Martin, Edgecomb, Nash, Franklin, Wake, Johnston, Wilson, Wayne, Greene, Pitt, Beaufort, Hyde, Pamlico, Craven, Lenoir, Jones, Columbus, Brunswick, New Hanover, Pender, Onslow, and Carteret Counties). C. from points in Bath, Rockbridge, Alleghany, Botetourt, Craig, and Roanoke Counties, Va., to points in North Carolina (except those in Rutherford, Polk, Henderson, Transylvania, Jackson, Macon, Clay, Cherokee, Graham, Swain, Haywood, Buncombe, Madison, Yancey, Mitchell, McDowell, Burke, Avery, Watauga, Caldwell, Catawba, Alexander, Iredell, Davie, Rowan, Davidson, Forsyth, Stokes, Surry, Yadkin, Wilkes, Alleghany, and Ashe Counties). D. from points in Highland, Augusta, Nelson, Ablemarle, Greene, Rockingham, Shenandoah, and Page Counties, Va., to points in North Carolina (except those in Halifax, Northampton, Hertford, Gates, Camden, Currituck, Pasquotank, Perquimans, Chowan, Bertie, Martin, Washington, Tyrrell, and Dare Counties). E. from points in Loudon, Fairfax, Prince William, Stafford, and King George Counties, Va., to points in North Carolina (except those in Granville, Vance, Warren, Halifax, Northampton, Hertford, Gates, Camden, Currituck, Pasquotank, Perquimans, Chowan, Bertie, Dare, Tyrrell, Washington, Martin, Edgecomb, Nash, Franklin, Wilson, Greene, Pitt, Beaufort, Hyde, Pamlico, Craven, Lenoir, Jones Onslow, and Carteret Counties). F. from points in Frederick, Clarke, Warren, Fauquier, Rappahannock, Madison, Culpeper, Orange, Spotsylvania, and Louisa Counties, Va., to points in North Carolina (except those in Vance, Warren, Halifax, Northampton, Hertford, Gates, Camden, Currituck, Pasquotank, Perquimans, Chowan, Bertie, Dare, Tyrrell, Washington, Martin, Edgecomb, Nash, Franklin, Wilson, Greene, Pitt, Beaufort, Hyde, Pamlico, Craven, Lenoir, Jones, and Carteret Counties). G. from points in Henry, Franklin, Bedford, Amherst, Appomattox, Campbell, Charlotte, Halifax, and Pittsylvania Counties, Va., to points in North Carolina. H. points in Bland, Wythe, Grayson, Carroll, Patrick, Floyd, Pulaski, Montgomery, and Giles Counties, Va., to points in Caswell, Person, Alamance, Orange, Durham, Granville, Warren, Franklin, Wake, Johnston, Sampson, Bladen, Columbus, Brunswick, New Hanover, Pender, Duplin, Wayne, Wilson, Nash, Halifax, Northampton, Edgecomb, Pitt, Greene, Lenoir, Craven, Jones, Onslow, Carteret, Pamlico, Beaufort, Hyde, Dare, Tyrrell, Washington, Martin, Bertie, Hertford, Gates, Chowan, Perquimans, Pasquotank, Camden, and Currituck Counties, N.C. I. from points in Lee, Wise, Scott, Dickenson, Buchanan, Tazewell, Russell, Washington, and Smyth Counties, Va., to points in Rockingham, Chatham, Lee, Harnett, Moore, Hoke, Scotland, Robeson, Cumberland, Caswell, Person, Alamance, Orange, Durham, Granville, Vance, Warren, Franklin, Wake, Johnston, Sampson, Bladen, Columbus, Brunswick, New Hanover, Pender, Duplin, Wayne, Wilson, Nash, Halifax, Northampton, Edgecomb, Pitt, Greene, Lenoir, Craven, Jones, Onslow, Carteret, Pamlico, Beaufort, Hyde, Dare, Tyrrell, Washington, Martin, Bertie, Hertford, Gates, Chowan, Perquimans, Pasquotank, Camden, and Currituck Counties, N.C. The purpose of this filing is to eliminate the gateway of points in Caswell County, N.C.

No. MC 112822 (Sub-No. E40), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in

that part of Kansas on, east, and south of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 81 to Concordia, thence along Kansas Highway 9 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Kansas State line to points in Oregon (except points in Josephine County). The purpose of this filing is to eliminate the gateways of El Dorado, Kans., and Casper, Wyo.

No. MC 112822 (Sub-No. E87), filed May 12, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Wyoming to points in Arizona, New Mexico, Missouri, and points in that part of California on and south of a line beginning at the Pacific Ocean and extending along California Highway 128 to junction Interstate Highway 80, thence along Interstate Highway 80 to Sacramento, thence along U.S. Highway 50 to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of any point in Colorado.

No. MC 112822 (Sub-No. E99), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in that part of Kansas on, south, and east of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 40 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Oklahoma State line to points in Wyoming. The purpose of this filing is to eliminate the gateway of El Dorado or Wichita, Kans.

No. MC 112822 (Sub-No. E109), filed May 17, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in that part of Kansas on and west of U.S. Highway 77 to points in Georgia. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC 113678 (Sub-No. E14), filed May 5, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from the storage facilities utilized by Armour and Company, at or near Worthington and Mankato, Minn. (a) To points in Arizona, California, Nevada, and New Mexico. The purpose of this filing is to eliminate the gateway of Denver, Colo. (b) To El Paso, Tex. The purpose of this filing is to eliminate the gateway of Greeley, Colo. (c) To points in Washington, Oregon, and Utah. The purpose of this filing is to eliminate the gateway of Hall County (Grand Island), Nebr. Restriction: The service authorized herein is restricted to shipments originating at said storage facilities at or near Worthington and Mankato, Minn.

No. MC 113678 (Sub-No. E16), filed May 5, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned dairy products and canned vegetable food products*, from Chicago, Ill., to points in Arizona. The purpose of this filing is to eliminate the gateway of Denver, Colo. (2) *Frozen meats, frozen meat products, and frozen meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Chicago, Ill.; Des Moines and Ottumwa, Iowa; and Omaha, Nebr., to points in Washington, Oregon, and Idaho. The purpose of this filing is to eliminate the gateway of Denver, Colo. (3) *Pickles*, from Chicago, Ill.; Des Moines and Ottumwa, Iowa; and Omaha, Nebr., to points in Arizona and Utah. The purpose of this filing is to eliminate the gateway of Denver, Colo. Restriction: The operations authorized in (1), (2), and (3) above, are restricted to the transportation of traffic moving to or from the facilities of meat packinghouses.

No. MC 113678 (Sub-No. E17), filed May 5, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen candy, frozen confectionery, and frozen confectionery products* (except commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Topps Chewing Gum, Inc., at or near Duryea, Pa., to points in Idaho, Nevada, North Dakota, Oregon, South Dakota, Utah, Montana, Washington, and Wyoming. Restriction: The operations authorized herein are restricted to traffic originating at the plantsite and warehouse facilities of Topps Chewing Gum, Inc., at or near Duryea, Pa. The purpose of this filing is to eliminate the gateway of Ames, Iowa.

No. MC 113843 (Sub-No. E223) (correction), filed May 12, 1974, published in the FEDERAL REGISTER August 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat poducts, and edible meat by-products*, as defined by the Commission, from Sandusky, Ohio, to points in that part of Connecticut on, east, and north of a line beginning at the Connecticut-Massachusetts State line and extending along U.S. Highway 7 to junction Connecticut Highway 63, thence along Connecticut Highway 63 to junction Connecticut Highway 4, thence along Connecticut Highway 4 to junction Connecticut Highway 25, thence along Connecticut Highway 25 to junction U.S. Highway 44, thence along U.S. Highway 44 to junction U.S. Alternate Highway 44, thence along U.S. Alternate Highway 44 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction thence along U.S. Highway 6 to junction Connecticut Highway 87, thence along Connecticut Highway 87 to junction Connecticut Highway 2, thence along Connecticut Highway 2 to the Connecticut-Rhode Island State line. The purpose of this filing is to eliminate the gateway of Detroit, Mich. (via Canada). The purpose of this correction is to reflect the origin point.

No. MC 113843 (Sub-No. E536) (correction), filed May 12, 1974, published in the FEDERAL REGISTER, August 7, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, from Houlton, Caribou, and Corinna, Maine, to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Nebraska, Oklahoma, Texas, and Wisconsin. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to include Nebraska as a destination State.

No. MC 113843 (Sub-No. E757), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Connecticut to points in Arkansas, Colorado, Kansas, Minnesota, Nebraska, and Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E758), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of Massachusetts on and east of U.S. Highway 3 to points in that part of Virginia on, south, and west of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 60 to junction U.S. Highway

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220, thence along U.S. Highway 220 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E759), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from New Haven, Conn., to Wheeling and Moundsville, W. Va., and points in that part of West Virginia on, west, and south of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 21 to junction West Virginia Highway 12, thence along West Virginia Highway 12 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 19, thence along U.S. Highway 19 to Clarksburg, thence along U.S. Highway 50 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E760), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 220 to Lock Haven, thence along Pennsylvania Highway 664 to junction Pennsylvania Highway 44 to junction Pennsylvania Highway 414, thence along Pennsylvania Highway 414 to junction Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in Massachusetts and Rhode Island, and points in that part of Connecticut on, east, and north of a line beginning at New Haven at Long Island Sound and extending along U.S. Highway 5 to junction Interstate Highway 91, thence along Interstate Highway 91 to junction U.S. Highway 44, thence along U.S. Highway 44 to Cannan, thence along U.S. Highway 7 to the Connecticut-Massachusetts State line. The purpose of this filing is to eliminate the gateway Elmira, N.Y.

No. MC 113843 (Sub-No. E761), filed May 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Rhode Island, Massachusetts, and Connecticut to points in Kentucky. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E762), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and edible meat by-products*, as defined by the Commission (except in bulk, in tank vehicles), from Cincinnati, Ohio, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Rochester, N.Y.

No. MC 113843 (Sub-No. E763), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in New Jersey to points in Colorado, Iowa, Minnesota, Nebraska, and Wisconsin. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-No. E779), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Richmond, Va., to Albany, N.Y., and points in that portion of New York bounded by a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to junction New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line to the U.S.-Canada International Boundary line, thence along the U.S.-Canada International Boundary line and the eastern and southern shores of Lake Ontario to Port Ontario, thence along New York Highway 13 to junction Interstate Highway 81, thence along Interstate Highway 81 to the New York-Pennsylvania State line and the point of beginning. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E780), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen seafood*, from points in those portions of Delaware and Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal (except Pocomoke City, Cambridge, and Crisfield, Md.), to points in that portion of Vermont on and north of a line beginning at the Vermont New York State line and extending along Vermont Highway 15 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Vermont-New Hampshire State line. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 113843 (Sub-No. E781), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen seafood*, from points in that portion of Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal (except Pocomoke City, Cambridge, and Crisfield, Md.), to points in that portion of New Hampshire on and north of a line beginning at the Vermont-New Hamsphire State line and extending along U.S. Highway 3 to junction New Hampshire Highway 110, thence along New Hampshire Highway 110 to Berlin, thence along New Hampshire Highway 16 to junction New Hampshire Highway 26, thence along New Hampshire Highway 26 to the New Hampshire-Maine State line. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 113843 (Sub-No. E782), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen seafood*, from points in that part of Virginia east of the Chesapeake Bay to points in that part of Vermont on and north of a line beginning at the New York-Vermont State line and extending along Vermont Highway 15 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Vermont-New Hampshire State line. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 113843 (Sub-No. E783), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen seafood*, from points in that part of Virginia east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal (except Pocomoke City, Cambridge, and Crisfield, Md.), to points in that portion of New Hampshire on and north of U.S. Highway 2. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 113843 (Sub-No. E784), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen seafood*, from points in that portion of Virginia east of the Chesapeake Bay to points in Aroostook and Penobscot Counties, Maine. The purpose of this filing is to eliminate the gateway of Milton, Pa.

No. MC 113843 (Sub-No. E785), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen seafood*, from points in that part of Maryland east of the Chesapeake Bay (except Pocomoke City, Cambridge, and Crisfield, Md.), to points in that portion of Minnesota on, north, and west of a line beginning at the Iowa-Minnesota State line and extending along Minnesota Highway 60 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC 113843 (Sub-No. E796), May 19, 1974. Applicant REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen seafood*, from points in that portion of Virginia east of the Chesapeake Bay to points west of a line beginning at the Iowa-Minnesota State line and extending along Minnesota Highway 60 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Le Roy, N.Y.

No. MC 113843 (Sub-No. E797), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen seafood*, from points in that part of Maryland east of the Chesapeake Bay (except Pocomoke City, Cambridge, and Crisfield, Md.), to points in that portion of Minnesota on, north, and west of a line beginning at the Iowa-Minnesota State line and extending along Minnesota Highway 60 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E798), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittston, Pa., to points in Indiana. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E799), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittston, Pa., to points in Missouri. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E800), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittston, Pa., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 116763 (Sub-No. E8) (Correction), filed May 28, 1974, published in the FEDERAL REGISTER, August 19, 1974. Applicant: CARL SUBLER TRUCKING, INC., P.O. Box 81, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Croswell, Mich., to points in that part of Illinois on, south, and west of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 50 to Lebanon, thence along Illinois Highway 4 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Missouri State line, and points in that part of Missouri on, south, and west of a line beginning at the Illinois-Missouri State line, and extending along Interstate Highway 70 to the junction of Missouri Highway 41, thence along Missouri Highway 41 to Marshall, thence along Missouri Highway 65 to Waverly, thence along U.S. Highway 24 to Lexington, thence along Missouri Highway 13 to Richmond, thence along Missouri Highway 10 to Excelsior Springs, thence along Missouri Highway 92 to the junction of U.S. Highway 169, thence along U.S. Highway 169 to the junction of Missouri Highway 116, thence along Missouri Highway 116 to the Missouri-Kansas State line (except points in Missouri east of U.S. Highway 67), restricted to the transportation of traffic originating at the plant sites and storage facilities of Aunt Jane's Foods, Division of Borden, Inc., at Croswell, Mich. The purpose of this filing is to eliminate the gateway of points in Kentucky located in the Owensboro, Ky., commercial zone, as defined by the Commission. The purpose of this correction is to correct certain route descriptions.

No. MC 116763 (Sub-No. E9) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER, August 19, 1974. Applicant: CARL SUBLER TRUCKING, INC., P.O. Box 81, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved vegetables, canned*, from the plant site and warehouse facilities of Food Processors, Inc., at Wilson, N.C., to Kenosha, Milwaukee, and Racine, Wis., and points in Illinois, Iowa, Minnesota (except Duluth, Minneapolis and St. Paul, that part of Missouri west of U.S. Highway 67, and the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone as defined by the Commission, restricted to traffic originating at the above-specified plant site and warehouse facilities. The purpose of this filing is to eliminate the gateway of points in Kentucky located in the Owensboro, Ky., Commercial Zone as defined by the Commission. The purpose of this correction is to correct U.S. Highway 67.

No. MC 116763 (Sub-No. E23) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER, August 20, 1974. Applicant: CARL SUBLER TRUCKING, INC., P.O. Box 81, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay tile* (except in bulk), from Lakeland, Fla., to points in West Virginia on, west and north of a line beginning at the Kentucky-West Virginia State line near Williamson, and extending along U.S. Highway 52 to the junction of U.S. Highway 119, thence along U.S. Highway 119 to Spencer, thence along U.S. Highways 33 and 119 to Weston, thence along U.S. Highway 19 to Morgantown, thence along U.S. Highway 119 to the West Virginia-Pennsylvania State line; and to points in Pennsylvania on, west, and north of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 119 to the junction of Pennsylvania Highway 31 near Mt. Pleasant, thence along Pennsylvania Highway 31 to the junction of Pennsylvania Highway 711 near Donegal, thence along Pennsylvania Highway 711 to Ligonier, thence along Pennsylvania Highway 271 to the Junction of U.S. Highway 22, thence along U.S. Highway 22 to Cresson, thence along Pennsylvania Highway 53 to Philipsburg, thence along U.S. Highway 322, to the junction of Pennsylvania Highway 26; thence along Pennsylvania Highway 26 to the junction of Pennsylvania Highway 64, thence along Pennsylvania Highway 64 to the junction of U.S. Highway 220, thence along U.S. Highway 220 to Larry Creek, thence along Pennsylvania Highway 287 to Wellsboro, thence along U.S. Highway 6 to Mansfield, thence along U.S. Highway 15 to the Pennsylvania-New York State line; and to points in that part of New York bounded in the west by Interstate Highway 81 and on the south by a line beginning at the junction of Interstate Highway 81 and New York Highway 221 near Marathon, and extending along New York Highway 221 to Willet, thence along New York Highway 26 to the junction of New York Highway 23, thence along New York Highway 23 to Norwich, thence along New York Highway 12 to Sangerfield, thence along U.S. Highway 20 to the junction of New York Highway 10, thence along New York Highway 10 to Palatine Branch, thence along New York Highway 5 to Amsterdam, thence along New York Highway 67 to Ballston Spa, thence along New York Highway 50

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to Saratoga, thence along U.S. Highway 9 to Glens Falls, thence along U.S. Highway 4 to the New York-Vermont State line. The purpose of this filing is to eliminate the gateway of Lawrenceburg, Ky. The purpose of this correction is to indicate Pennsylvania as a destination State and to correct typographical errors.

No. MC 116915 (Sub-No. E3), filed June 3, 1974. Applicant: ECK MILLER TRANSPORTATION CORPORATION, 1125 Sweeney Street, Owensboro, Ky. 42301. Applicant's representative: William P. Sullivan, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum oil well and mine machinery, aluminium pipe, and aluminum supplies*, (1) from points in Georgia, Kentucky (except those east of Kentucky Highway 91 and north of U.S. Highway 60), those points in Indiana on and south of a line beginning at New Harmony and extending along Indiana Highway 68 to Dale, thence along U.S. Highway 231 to Haysville, thence along Indiana Highway 56 to Madison, those points in Tennessee on and east of Tennessee Highway 22, and those points in Mississippi on and east of a line beginning at the Tennessee-Mississippi State line and extending along Mississippi Highway 2 to Ripley, thence along Mississippi Highway 15 to Laurel, thence along U.S. Highway 11 to the Mississippi-Louisiana State line to Minneapolis, Minn., and points in Iowa and Wisconsin, (2) from points in Kentucky north of U.S. Highway 60 to Minneapolis, Minn., points in Iowa and those points in Wisconsin on and north of Wisconsin Highway 70, and (3) from points in Kentucky west of Kentucky Highway 91, points in Tennessee west of Tennessee Highway 22 and points in Mississippi west of a line beginning at the Tennessee-Mississippi State line and extending along Mississippi Highway 2 to Ripley, thence along Mississippi Highway 15 to Laurel, thence along U.S. Highway 11 to the Mississippi-Louisiana State line to Minneapolis, Minn., and points in Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of Harvey Aluminum, Inc., in Hancock County, Ky.

No. MC 119774 (Sub-No. E10), filed May 20, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit* as described in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459; and (2) *Conduit* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, from points in New Mexico to points in the District of Columbia. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., and points in Oklahoma.

No. MC 119774 (Sub-No. E122), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Texas 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic conduit* from the plant site and storage facilities of Cement Asbestos Products Company at Van Buren, Ark., to points in Nevada. The purpose of this filing is to eliminate the gateway of Burns Flat, Okla.

No. MC 119774 (Sub-No. E271), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic, pipe, plastic pipe connections, and plastic pipe couplings* (except that used or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products), from Oklahoma City, Okla., to points in Florida and Louisiana. The purpose of this filing is to eliminate the gateway of Lone Star, Tex.

No. MC 134356 (Sub-No. E1), filed June 4, 1974. Applicant: GALE DELIVERY, INC., P.O. Box 573, Lynbrook, Long Island, N.Y. 11. Applicant's representative: Maxwell A. Howell, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y. The purpose of this filing is to eliminate the gateway of points in Hudson County, N.J.

No. MC 127122 (Sub-No. E3), filed June 3, 1974. Applicant: SIMPSONVILLE GARAGE WRECKER SERVICE, P.O. Box 66, Simpsonville, Ky. 40067. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 12101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles, and replacement vehicles and parts therefor*, by use of wrecker equipment only, between points in the Lower Peninsula of Michigan and points in the Upper Peninsula of Michigan on, south, and east of Interstate Highway 75, and points in the Sault Ste. Marie commercial zone, on the one hand, and, on the other, points in Nebraska; points in Iowa on and south of a line beginning at the Iowa-Wisconsin State line and Iowa Highway 64, thence over Iowa Highway 64 to its intersection with U.S. Highway 151, thence over U.S. Highway 151 to Cedar Rapids, thence over Iowa Highway 150 to its intersection with U.S. Highway 20, thence over U.S. Highway 20 to Waterloo, thence over U.S. Highway 20 to Sioux City, thence over U.S. Highway 20 to the Iowa-Nebraska State line and points in Iowa in the Waterloo, Sioux City, and Cedar Rapids commercial zones; and points in Wyoming beginning at the intersection of U.S. Highway 30 with the Nebraska-Wyoming State line, thence over U.S. Highway 30 to Cheyenne, thence over Interstate Highway 25 to Casper, thence over Wyoming Highway 220 to its intersection with U.S. Highway 287, thence over U.S. Highway 287 to its intersection with U.S. Highway 89, thence over U.S. Highway 89 to its intersection with Wyoming Highway 22, thence over Wyoming Highway 22 to its intersection with the Wyoming-Idaho State line, and points in Wyoming in the Cheyenne and Casper commercial zones. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 127122 (Sub-No. E4), filed June 3, 1974. Applicant: JOE MOSS, dba SIMPSONVILLE GARAGE WRECKER SERVICE, P.O. Box 66, Simpsonville, Ky. 40067. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles, and replacement vehicles and parts* therefor by use of wrecker equipment only, between points in Michigan on and south of a line from Port Huron, westward over Michigan Highway 21 to Flint (including Flint and its commercial zone as defined by the Commission), thence on Michigan Highway 21 to Grand Rapids (including Grand Rapids and its commercial zone), thence over Interstate Highway 96 to its intersection with Michigan Highway 104, thence over Michigan Highway 104 to Ferrysburg, on the one hand, and, on the other, points in Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Montana, Wyoming, and Iowa. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 127122 (Sub-No. E5), filed June 3, 1974. Applicant: JOE MOSS, dba SIMPSONVILLE GARAGE WRECKER SERVICE, P.O. Box 66, Simpsonville, Ky. 40067. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles, and replacement vehicles and parts* therefor by use of wrecker equipment only, between points in Michigan on and south of Michigan Highway 32, on the one hand, and, on the other, points in Iowa, Nebraska, Wyoming, points in Wisconsin on and south of U.S. Highway 18, including Milwaukee and Madison, and points in their respective commercial zones, points in Montana on and south of a line beginning at the intersection of U.S. Highway 93 with the Canadian-United States International Border, thence over U.S. Highway 93 to Kalispell, thence over U.S. Highway 2 to its intersection with U.S. Highway 89 to Browning, thence over U.S. Highway 89 to Great Falls, Mont., including Great Falls and points in its commercial zone, thence over U.S. Highway 89 at its intersection with Interstate Highway 90, thence over Interstate Highway 90 to Billings, including Billings and points in its commercial zone, thence over U.S. Highway 87 to its intersection with the Montana-Wyoming State line, and points in South Dakota on and a line beginning at the Minnesota-South Dakota State line, at its intersection with U.S. Highway 16, thence over U.S. Highway 16 to its intersection with U.S. Highway 83, thence over U.S. Highway 83 to Pierre, including Pierre and points in its commercial zone, thence over U.S. Highway 14 to Rapid City, including Rapid City and points in its commercial zone, thence over U.S. Highway 14 to Sturgis, thence over Alternate U.S. Route 14 to its intersection with U.S. Highway 85, thence over U.S. Highway 85 to the South Dakota-Wyoming State line. The purpose of this filing is to eliminate the gateway of points in Illinois.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-22064 Filed 9-20-74;8:45 am]

[Notice 132]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 17, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 C.F.R. 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 371TA), filed September 9, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Palm oil and derivatives, and coconut oil and derivatives*, in bulk, in tank vehicles, from Portland, Oreg., to points in the United States (including Alaska, but excluding Hawaii), for 180 days. Supporting shipper: Palmco, Inc., 12805 N. Burgard Road, P.O. Box 03380, Portland, Oreg. 97203. Send protests to: District Supervisor A. J. Rodrigues, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 1293 (Sub-No. 3TA), filed September 9, 1974. Applicant: EBEL TRANSFER, INC., 212 W. Sherman Street, West Point, Nebr. 68788. Applicant's representative: Vern Fred Ebel, Box A, Scribner, Nebr. 68057. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between Omaha, Nebr., and Lyons, Nebr., serving the intermediate and off-route points of Oakland, Uehling, Winslow, Hooper, Nickerson, and Arlington, from Omaha over U.S. Highway 75 to junction of U.S. Highway 75 and U.S. Highway 77, thence over U.S. Highway 77 to Lyons and return over the same route, for 180 days. Supporting shippers: There are approximately 55 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, 110 No. 14 Street, Omaha, Nebr. 68102.

NOTE.—Applicant states that it does intends to tack and/or interline with any other carrier with authority held in MC 1293.

No. MC 5470 (Sub-No. 99TA), filed September 6, 1974. Applicant: TAJON, INC., R.D. #5, Mercer, Pa. 16137. Applicant's representative: Don Cross, 918 Sixteenth St. NW., Washington, D.C. 20006, and/or William A. Eshenbaugh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anthracite coal*, in bulk, in dump vehicles, from points in Luzerne, Carbon, and Schuylkill Counties, Pa., to the plantsite of BASF Wyandotte Corporation at Wyandotte, Mich., for 180 days. Supporting shipper: BASF Wyandotte Corporation, 1000 Cherry Hill Road, Parsippany, N.J. 07054. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 19311 (Sub-No. 28TA), filed August 30, 1974. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, Mich. 48077. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of Guardian Industries, Inc., at or near Upper Sandusky, Ohio, as an off route point in connection with carrier's otherwise authorized regular route operations to and from Findlay and Mansfield, Ohio, for 180 days. Supporting shipper: Guardian Industries, Inc., Plant Manager, 14600 Tomine Road, Carleton, Mich. 48117. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 29910 (Sub-No. 147TA), filed September 6, 1974. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Gary D. Bronson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden and wire-bound box and crating material*, from the plantsite of the Chicago Mill and Lumber Company located at West Helena, Ark., to points in Ohio, for 180 days. Supporting shipper: Chicago Mill and Lumber Company, P.O. Box 1400, Greenville, Miss. 38701. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 29910 (Sub-No. 148TA), filed September 6, 1974. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Forth Smith, Ark. 72901. Applicant's representative: Gary D. Bronson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flattened car bodies and scrap metal* for recycling, from points in Arkansas, Missouri, and Tennessee, to Chicago, Ill., including Gary and Hammond, Ind., for 180 days. Supporting shipper: Krushette Kleen, Inc., Box 661, Livingston, Mont. 59047. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 51146 (Sub-No. 392TA), filed August 30, 1974. Applicant: SCHNEIDER

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TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from points in Portage County, Wis., to points in the United States, for 180 days. Supporting shipper: American Potato Company, 555 California Street, San Francisco, Calif. (H. E. Link, Corporate Traffic Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 82492 (Sub-No. 112TA), filed September 5, 1974. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from St. Louis, Mo., to points in Iowa, Kansas, and Nebraska, restricted to traffic originating at the facilities utilized by P. V. O. International, Inc., at St. Louis, Mo., for 180 days. Supporting shipper: P. V. O. International, Inc., 3400 N. Wharf, St. Louis, Mo. 63147. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 82492 (Sub-No. 113TA), filed September 5, 1974. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potatoes and potato products*, from Plover, Wis., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, those points in New York in and west of Allegheny, Livingston, and Monroe Counties and those points in Pennsylvania on and west of U.S. Highway 219, for 180 days. Supporting shipper: American Potato Company, Bank of America Center, 555 California Street, San Francisco, Calif. 94104. Send protests to: C. R. Fleming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 100666 (Sub-No. 283TA), filed September 6, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Ft. Mill, S.C., to points in Alabama and Tennessee, for 180 days. Supporting shipper: Queen City Plastics, Inc., P.O. Box 15612, Charlotte, N.C. 28210, K. C. Jones, Plant Manager. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 103051 (Sub-No. 322TA), filed September 5, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue, North, Nashville, Tenn. 37209. Applicant's representative: William G. North (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from points in Mecklenburg County, N.C., to points in Ohio, for 180 days. Supporting shipper: Gold Kist, Inc., P.O. Box 2210, Atlanta, Ga. 30301. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803-1808 West End Building, Nashville, Tenn. 37203.

No. MC 105269 (Sub-No. 58TA), filed September 6, 1974. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, P.O. Box 986, Kalamazoo, Mich. 49005. Applicant's representative: Thomas B. Woodworth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pulpboard or fibreboard boxes*, knocked down flat or folded flat other than corrugated, from Kalamazoo, Mich., to Campbellsville, Harlan, Hiseville, Hopkinsville, Lexington, Midway, Morehead, Murray, Owensvoro, Russell, and Russellville, Ky.; and (2) *Paper mill materials and supplies*, from the above destinations, to Kalamazoo, Mich., for 180 days. Supporting shipper: International Paper Company, Single Service Division, 2315 Miller Road, Kalamazoo, Mich. 49003. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 107295 (Sub-No. 737TA), filed September 9, 1974. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Richard Vollmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plantsite and storage facilities of Evans Products Company at or near Chesapeake, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Minnesota, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting Shipper: Joseph D. Sharpe, Ass't to the General Traffic Manager, Evans Products Company, 201 Dexter Street West, Chesapeake, Va. 23324. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 111729 (Sub-No. 463TA), filed September 6, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, office supplies, and critical replacement parts*, relative to the telephone industry, restricted to the transportation of packages or articles weighing in the aggregate no more than 50 pounds from one consignor to one consignee on any one day, between Charlottesville, Va., on the one hand, and, on the other, Asheboro, Catawba, Eden, Elkin, Granite Falls, Hickory, Hillsborough, Madison, Mocksville, Mt. Airy, North Wailkesboro, Pilot Mountain, Ramseur, Roxboro, Troy, Valdese, West Jefferson, and Walkertown, N.C.; (2) *Business papers, records, audit and accounting media of all kinds*, (a) between Counce, Tenn., on the one hand, and, on the other, points in Alabama and Mississippi, north of U.S. State Highway #20, and (b) between Lexington, Ky., on the one hand, and, on the other, Craigsville and Holden, W. Va., and Keen Mountain, Va.; and (3) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material* moving therewith (excluding motion picture film used primarily for commercial theatre and television exhibition), between Memphis, Tenn., on the one hand, and, on the other, points in Missouri, south of U.S. State Highway #70, for 180 days. Supporting shippers: (1) Central Telephone Company of Virginia, 2211 Hydraulic Road, Charlottesville, Va.; (2) Tennessee River Pulp and Paper Company, P.O. Box 33, Counce, Tenn.; (3) Island Creek Coal Company, 167 W. Main Street, P.O. Box 710, Lexington, Ky.; and (4) Fox Photo, 735 North Parkway, Memphis, Tenn. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113828 (Sub-No. 221 TA), filed September 9, 1974. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, D.C. Applicant's representatives: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006, and/or Michael A. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lithium Ore*, via ex-rail, from Richmond, Va., to Dutch Gap, Va., ex-rail from Richmond, Va., to storage facility at Dutch Gap, Va., and via tank truck, approximately 10 tons per month, for 90 days. Note: Supplier unable to provide truckloading at shipping point. Supporting shipper: Corning Glass Works, P.O. Box 709, Martinsburg, W. Va. 25401. Send protests to: District Supervisor W. C. Hersman, Interstate Commerce Commission, Bureau of Operations, 12th & Constitution Avenue, N.W., Room 317, Washington, D.C. 20423.

No. MC 114725 (Sub-No. 68 TA), filed September 6, 1974. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed supplements*, from Blair, Nebr., to points in California and Arizona, for 180 days. Supporting shipper: Ruminant Nitrogen Products Company, P.O. Box 450, 128 South 17th Street, Blair, Nebr. 68008. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 115278 (Sub-No. 2 TA), filed September 3, 1974. Applicant: SIEGEL & COHEN EXPRESS, INC., 567 South 11th Street, Newark, N.J. 07103. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount and department stores, between points in the New York, N.Y., Commercial Zone as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 (1951), within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), on the one hand, and, on the other, Hampton, Va.; Virginia Beach and Portsmouth, Va., for 180 days. Restriction: The authority granted herein is restricted to the transportation of shipments destined to the facilities of "Trend Centers", a subsidiary of Robert Hall Clothes. Supporting shipper: Robert Hall Clothes, 333 West 34th Street, New York, N.Y. 10001. Send protests to: District Supervisor Robert S. H. Vance, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 116073 (Sub-No. 305 TA), filed September 5, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1625 Main Avenue, Moorhead, Minn. 56560. Applicant's representative: David L. Wanner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in sections, transported on wheeled undercarriages, from the plantsite of Marshfield Homes in Chillicothe, Mo., to Creston, Des Moines, Sioux City, Winterset, Ottumwa, Burlington, Keokuk, Boone, and Spencer, Iowa, for 180 days. Supporting shipper: Marshfield Homes, P.O. Box 687, 400 South Mitchell, Chillicothe, Mo. 64601. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 119226 (Sub-No. 88 TA), filed September 3, 1974. Applicant: LIQUID TRANSPORT, CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils, greases, tallow*, in bulk, in tank vehicles, from Jeffersonville, Ind., to points in Connecticut, for 180 days. Supporting shipper: Geo. Pfau's Sons Co., P.O. Box 7, Jeffersonville, Ind. 47130. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, Century Building, Eighth Floor, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 119399 (Sub-No. 47 TA), filed September 4, 1974. Applicant: CONTRACT FREIGHTERS, INC., 2900 David Boulevard, Joplin, Mo. 64801. Applicant's representative: David L. Sitton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers from Fort Worth, Tex., to Lamar, Mo., for 180 days. Supporting shipper: Stahl Sales Company, Route No. 3, Lamar, Mo. 64759. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119434 (Sub-No. 4 TA), filed September 6, 1974. Applicant: JOYCE TRUCKING COMPANY, 1621 Shields Avenue, Chicago Heights, Ill. 60411. Applicant's representative: Carl L. Steiner, 39 S. La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts*, from the plantsite and warehouse facilities of the Ford Motor Company at Chicago Heights, Ill., to O'Hare International Airport and Midway Airport, Chicago, Ill., restricted to shipments having a subsequent movement by air, for 150 days. Supporting shipper: W. G. Knuff, Ford Motor Company, 1000 E. Lincoln Highway, Chicago Heights, Ill. 60411. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 119489 (Sub-No. 37 TA), filed September 5, 1974. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, P.O. Box 249, Norfolk, Nebr. 68701. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed supplements*, from Blair, Nebr., to points in California and Arizona, for 180 days. Supporting shipper: Ruminant Nitrogen Products Company, P.O. Box 450, 128 South 17th Street, Blair, Nebr. 68008. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 124701 (Sub-No. 10TA) (Correction), filed August 26, 1974, published in the FEDERAL REGISTER issue of September 11, 1974, and republished as corrected this issue. Applicant: HAYWARD TRANSPORTATION, INC., Main Street, Fairlee, Vt. 05045. Applicant's representative: Frederick T. O'Sullivan, Box 2184, 622 Lowell Street, Peabody, Mass. 01960.

NOTE.—The purpose of this republication is to show the applicant's correct MC number as No. MC 124701 (Sub-No. 10 TA), in lieu of No. MC 124071 (Sub-No. 10 TA), which was published in the FEDERAL REGISTER in error. The rest of the application will remain the same.

No. MC 127812 (Sub-No. 19 TA), filed September 5, 1974. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectioneries*, between New Brighton, Minn., on the one hand, and, on the other, points in Ashland, Barron, Bayfield, Buffalo, Burnett, Clark, Chippewa, Douglas, Dunn, Eau Claire, Iron, Jackson, LaCrosse, Oneida, Pepin, Pierce, Polk, Price, Rusk, Sawyer, St. Croix, Trempealeau, Washburn, and Vilas Counties, Wis., for 180 days. Supporting shippers: There are approximately 25 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 110 South 4th Street, Room 414, Federal Building & U.S. Courthouse, Minneapolis, Minn. 55401.

No. MC 128273 (Sub-No. 158 TA), filed September 3, 1974. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum, aluminum alloys, aluminum products and articles, aluminum foil backed with paper, and aluminum foil backed with pulpboard* (except commodities in bulk and commodities which because of size and weight require use of special equipment), from plant sites

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and storage facilities of Kaiser Aluminum & Chemical Corporation at Ravenswood, W. Va., to points in Arkansas, Kansas, California, Missouri, Oklahoma and Texas, for 180 days. Supporting shipper: Kaiser Aluminum & Chemical Corporation, 300 Lakeside Drive, Oakland, Calif. 94612. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 136008 (Sub-No. 41 TA), filed September 5, 1974. Applicant: JOE BROWN COMPANY, INC., 20 Third Street NE., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 N.W. 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite*, from points in Natrona County, Wyo., to points in Arkansas, Kansas, Oklahoma and Texas, for 180 days. Supporting shipper: Henry McCabe, President, McCabe Minerals and Chemical Company, Lincoln Center, Ardmore, Okla. 73401. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240—Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC–136285 (Sub-No. 11 TA), filed September 10, 1974. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., 137 Fair Street, P.O. Box 9165, Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bagged clay* in cargo containers; from the facilities of Floridin Company near Quincy, Fla. and near Havana, Fla. (in Gadsden County, Fla.), to Jacksonville, Fla., restricted to the transportation of traffic having subsequent movement by water and (2) *Empty cargo containers* to be used in the transportation of bagged clay, from Jacksonville, Fla., to the facilities of Floridin Company near Quincy, Fla. and near Havana, Fla. (in Gadsden County, Fla.), for 180 days. Supporting shippers: Pennsylvania Glass Sand Corporation, No. 3 Penn Center Bldg., Pittsburgh, Pa. 15235, and Sea-Land Service, Inc., 2701 Talleyrand Avenue, Jacksonville, Fla. 32206. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 136915 (Sub-No. 7 TA), filed September 9, 1974. Applicant: GOODMAN TRANSPORTATION, INC., 4062 South 3rd West, Salt Lake City, Utah 84107. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses* as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Joe Doctorman & Son, South Salt Lake City, Utah, to (1) Waco, Laredo, Fort Worth, Houston, and San Antonio, Tex.; (2) Los Angeles, Los Angeles Commercial Zone, San Francisco, San Diego, San Jose, Sacramento, and Stockton, Calif.; and (3) Elko, Winnemucca, and Reno, Nev., for 180 days. Supporting shipper: Joe Doctorman & Son, Inc., 2900 South 3rd West, Salt Lake City, Utah 84115 (Harry Doctorman, President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 125 South State Street, 5301 Federal Building, Salt Lake City, Utah 84138.

No. MC 136915 (Sub-No. 8 TA), filed September 9, 1974. Applicant: GOODMAN TRANSPORTATION, INC., 4062 South 3rd West, P.O. Box 7213, Murray, Utah 84107. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Joe Doctorman & Son, South Salt Lake City, Utah, to Dallas, Tex., for 180 days. Supporting shipper: Joe Doctorman & Son, Inc., 2900 South 3rd West, Salt Lake City, Utah 84115 (Harry Doctorman, Vice-President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State Street, Salt Lake City, Utah 84138.

No. MC 139336 (Sub-No. 4 TA), filed September 6, 1974. Applicant: TRANSTATES, INC., 2449 Marseilles Way, Costa Mesa, Calif. 92626. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycle parts and accessories* in specially designed equipment, from points in Orange County, Calif., to points in the United States, for 180 days. Supporting shipper: Kimstock, Inc., 2200 South Yale Street, Santa Ana, Calif. 92704. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 139858 (Sub-No. 1 TA) (Amendment), filed August 26, 1974, published in the FEDERAL REGISTER issue of September 11, 1974, and republished as amended this issue. Applicant: AMSTAN TRUCKING, INC., 40 West 40th Street, New York, N.Y. 10018. Applicant's representative: Chandler L. Van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plumbers' goods and fittings*, from the plantsite of American Standard located at Louisville, Ky., to points in Fairfield, Hartford, Litchfield, Middlesex, New Haven, New London, Tolland, and Windham Counties, Conn.; Dover, Lewes, and Wilmington, Del.; points in the District of Columbia; Auburn, Bangor, Lewiston, and Portland, Maine; points in Allegany, Anne Arundel, Baltimore, Calvert, Carrol, Cecil, Charles, Dorchester, Garrett, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Anne, St. Marys, Wicomico, and Worcester Counties, Md., and Baltimore, Md.; points in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester Counties, Mass.; Berlin, Concord, Laconia, Manchester, Salem and Waterville, N.H.; Atlantic City, N.J.; points in Bergen, Camden, Essex, Hudson, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Union, and Warren Counties, N.J.; Albany, Amherst, Binghamton, Buffalo, Corning, East Rochester, Elmira, Falconer, Haverstraw, Hudson, Ithaca, Kingston, Liberty, Lockport, Middletown, New York City, Niagara Falls, Nyack, Olean, Port Jervis, Poughkeepsie, Rochester, Schenectady, Syracuse, Troy, and Utica, N.Y.; points in Nassau, Suffolk, and Westchester Counties, N.Y.; Asheboro, Asheville, Burlington, Charlotte, Durham, Fayetteville, Graham, Greensboro, Greenville, Jacksonville, Kingston, Morehead City, Mount Airy, New Bern, Pinehurst, Raleigh, Sanford, Shelby, Wilmington, Wilson, and Winston-Salem, N.C.; Allentown, Altoona, Bethleham, Berwyn, Carlisle, Carnegie, Chester, Easton, Erie, Harrisburg, Haverford, Hazleton, Johnstown, Lancaster, Lansdale, Lansdowne, Lebanon, New Castle, Norristown, Pittsburgh, Reading, Philadelphia, Wilkes-Barre, Scranton, Williamsport, Willow Grove, and York, Pa.

Central Falls, Providence, Warwick, Westerly, and Woonsocket, R.I.; Anderson, Columbia, Charleston, Florence, Greenville, Hilton Head, Manning, Myrtle Beach, and Spartanburg, S.C.; Barre, Burlington, Rutland, St. Johnsbury, and White River Junction, Vt.; and Alexandria, Charlottesville, Danville, Emporia, Fredericksburg, Hampton, Lynchburg, Manassas, Martinsville, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, Roanoke, Staunton, Virginia Beach, and Winchester, Va.; Arlington and Fairfax Counties, Va.; and (2) *Materials, equipment supplies and accessories* used in manufacture and distribution of plumbers' goods and fittings, from the named destination points in (1) above, to Louisville, Ky., under a continuing contract with American Standard, Inc., for 180 days. Supporting shipper: American Standard, Inc., P.O. Box 2003, New Brunswick, N.J. 08903. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 139934 (Sub-No. 2TA) (correction), filed July 3, 1974, published in the FEDERAL REGISTER issues of July 17, 1974, and July 29, 1974, and republished as corrected this issue. Applicant: WALKER CONTRACT CARRIER, INC., 4214 Beach Park Drive, Tampa, Fla. 33609. Applicant's representative: M. Craig Massey, 202 East Walnut Street, P.O. Drawer J, Lakeland, Fla. 33802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in containers and empty containers, the containers being with or without bogies (chassis), having an immediate prior or subsequent movement by water, between Tampa and Port Manatee, Fla., on the one hand, and, on the other, points in Florida, east and southeast of the Suwanee River, for 180 days. Supporting shippers: A. J. Arango, Inc., 709 Franklin St., Tampa, Fla.; Hillebaum-Tampa, Inc., 501 Jackson St., Tampa, Fla. 33602; Eller & Company, 13th & York Street, Tampa, Fla.; and Fillette, Green & Co. of Tampa, P.O. Box 2948, Tampa, Fla. 33601. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

NOTE.—The purpose of this republication is to correct the commodity description to read as above in lieu of "Containers, empty or loaded, with or without bogies (chassis), general commodities, which was published in the FEDERAL REGISTER in error in previous publications.

No. MC 140074 (Sub-No. 1TA), filed September 5, 1974. Applicant: WALDO W. WILLIAMS, doing business as TRIPLE W TRANSPORT, Route 2, Missoula, Mont. 59801. Applicant's representative: Jerome Anderson, 100 Transwestern Bldg., 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from the Intermountain Company sawmill located at or near Salmon, Idaho, to the Hoerner-Waldorf plant site located approximately thirteen (13) miles west of Missoula, Mont., for 180 days. Supporting shipper: Hoerner Waldorf Corporation, Drawer D, Missoula, Mont. 59801. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 140123 (Sub-No. 1TA), filed September 6, 1974. Applicant: J. C. BEASLEY, Route 3, Linden, Tenn. 37096. Applicant's representative: A. O. Buck, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Railroad cross ties, switch ties, crossing blanks, and related rail ties*, from points in Dickson, Hickman, Humphreys, Lawrence, Lewis, Perry, Wayne, and Williamson Counties, Tenn., and Trigg County, Ky., to points in Kentucky, Illinois, Indiana, Mississippi, and Tennessee, for 180 days. Supporting shipper: Moss-American, Inc., Dickson, Tenn. 37055. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 140126 (Sub-No. 1TA), filed September 6, 1974. Applicant: MARVIN H. PRITCHETT AND CLEATUS WARD, doing business as PRITCHETT-WARD, Main & Broad Streets, P.O. Box 311, Lake Butler, Fla. 32054. Applicant's representative: William J. Haley, P.O. Box 1029, Lake City, Fla. 32055. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in Baker, Columbia, Suwannee, Hamilton, and Union Counties, Fla., to Clyattville, Ga., for 180 days. Supporting shipper: O–I Timber Corp. (Owens-Illinois, Inc.), P.O. Box 1620, Jacksonville, Fla. 32201. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 140150 (Sub-No. 1TA), filed September 3, 1974. Applicant: UNITED OIL OF IDAHO, INC., 1992 Kimberly Road, P.O. Box 405, Twin Falls, Idaho 83301. Applicant's representative: John R. Coleman, P.O. Box 525, Twin Falls, Idaho 83301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato starch slurry*, a waste material, in bulk, from Ontario, Oreg., to Murtaugh, Idaho, for 180 days. Supporting shipper: A. E. Staley Manufacturing Company, 2200 Eldorado Street, Decatur, Ill. 62525. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort, Box 07, Boise, Idaho.

No. MC 140168 (Sub-No. 1TA), filed September 3, 1974. Applicant: FANETTI REFRIGERATED TRANSPORT, Route 1, Box 29–A, Bloomer, Wis. 54724. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, fresh, inedible*, from Greenwood and Cameron, Wis., to Bloomsburg and Allentown, Pa.; Cleveland and Sebring, Ohio; Chicago, Ill.; and New Paris, Ind., for 180 days. Supporting shipper: Barr Animal Food, Greenwood, Wis. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Courthouse, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 140172 (Sub-No. 1TA), filed September 3, 1974. Applicant: ED DAVENPORT, P.O. Box 907, Brady, Tex. 76825. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in McCulloch County, Tex., to points in Louisiana, Oklahoma, and Tennessee, for 180 days. Supporting shippers: Halliburton Services, P.O. Box 1431, Duncan, Okla. 73533; Western Company, P.O. Box 186, Fort Worth, Tex. 76101; Dowell Division of Dow Chemical Company, P.O. Box 21, Tulsa, Okla. 74102; and CX Products Corp., 1200 Simons Bldg., Dallas, Tex. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 140176 TA filed September 3, 1974. Applicant: RILEY WAYNE POWELL, doing bsuiness as POWELL TRUCKING COMPANY, Route 3, Sumrall, Miss. 39482. Applicant's representative: Fred W. Johnson, Jr., 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poles and piling*, treated and untreated, from the plant site of Davis Lumber Company, Hattiesburg, Miss., to points in Michigan, Kentucky, Tennessee, Alabama, Georgia, Indiana, Louisiana, Arkansas, Missouri, Texas, Kansas, South Carolina, Ohio, New York, Nebraska, Virginia, North Carolina, Illinois, Oklahoma, Florida, and West Virginia, for 180 days. Supporting shipper: Davis Lumber Company, P.O. Box 1591, Hattiesburg, Miss. 39401. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission; Room 2121, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 140178 (Sub-No. 1TA), filed September 6, 1974. Applicant: BRAY DELIVERY, INC., 6856 Knoll Avenue, St. Louis, Mo. 63134. Applicant's representative: Hettie O. Bray (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ladies ready to wear clothing and other items*, handled for the account of Thomas W. Garland, Inc., between St. Louis, Mo., and Fairview Heights, Ill., for 180 days. Supporting shipper: Thomas W. Garland's, Inc., 410 N. 6th Street, St. Louis, Mo. 63101. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 140179 TA, filed September 6, 1974. Applicant: NRG HAULING, INC., Sacramento, Ky. 42372. Applicant's representative: Fred F. Bradley, P.O. Box 773, 213 St. Clair Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, between points in Ballard, Butler, Breckinridge, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Grayson, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Meade, Muhlenberg, Ohio, Todd, Trigg, Union, and Webster Counties, Ky., for 180 days. Supporting shipper: Jerry Driskill, Hartford, Ky. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

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No. MC 140182 (Sub-No. 1 TA), filed September 4, 1974. Applicant: LEROY HOFFMAN AND GILBERT HOFFMAN, P.O. Box 43, St. Clair, Mo. 63077. Applicant's representative: Dale E. Sporleder, 614 Central Trust Building, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* by the driveaway method and with a towbar by the driveaway method, from the plant and warehouse facilities of Steelweld Equipment Company, Inc., located at or near St. Clair, Franklin County, Mo., to points in Kansas, Illinois, Arkansas, and Oklahoma, for 180 days. Supporting shipper: B. G. Loyd, Motor Vehicle Methods Supervisor, Southwestern Bell Telephone Co., 1010 Pine Street, Room 1024, St. Louis, Mo. 63101. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 140185 TA, filed September 6, 1974. Applicant: NEAL BROWN, LEON BROWN, AND CLAYTON BROWN, doing business as BROWN BROTHERS, Main Street, Lavaca, Ark. 72941. Applicant's representative: James M. Llewellyn, Jr., P.O. Box 108, Citizens Bank Building, Lavaca, Ark. 72941. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic, plastic, vinyl, and asbestos tile and floor coverings and materials and supplies* for the installation of named floor coverings, from New Orleans, La.; Houston, Tex.; Mineral Wells, Tex.; Cleveland, Miss.; Jackson, Tenn.; and Des Plaines, Ill., to Little Rock, Ark.; Barling, Ark.; Tulsa, Okla.; and Oklahoma City, Okla.; to include transport between Little Rock, Ark.; Barling, Ark.; Tulsa, Okla.; and Oklahoma City, Okla., and to points within seventy-five (75) miles of the destination cities of Little Rock, Ark.; Barling, Ark.; Tulsa, Okla.; and Oklahoma City, Okla., for 180 days. Supporting shippers: Plunkett Company of Oklahoma, Inc. and Plunkett Company of Arkansas, Inc., 1717 North 75th E. Avenue, P.O. Box 51332, Tulsa, Okla. 74151. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 140188 (Sub-No. 1 TA), filed August 30, 1974. Applicant: GROUND AIR TRANSFER, INC., P.O. Box 8315, Detroit, Mich. 48213. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods or commodities requiring special equipment), restricted to traffic having a prior or subsequent movement by air, between the Cleveland-Hopkins Airport at Cleveland, Ohio, on the one hand, and, on the other, Lordstown, Ohio, for 150 days. Supporting shipper: General Motors Corporation, GM Assembly Division, 30007 Van Dyke Avenue, Warren, Mich. 48090. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

Motor Carriers of Passengers

No. MC 29948 (Sub-No. 8 TA), filed September 9, 1974. Applicant: EMPIRE LINES, INC., 1125 W. Sprague Avenue, Spokane, Wash. 99210. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Wenatchee and Ellensburg, Wash., serving all intermediate points, from Wenatchee over Washington State Highway 28 to Quincy, thence over Interstate Highway 90 to Ellensburg and return over the same route, for 180 days. Supporting shipper: Greyhound Lines, Inc. (Western Division), 371 Market Street, San Francisco, Calif. 94106. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, 909 1st Avenue, Seattle, Wash. 98174.

NOTE.—Applicant, Empire Lines, Inc., will tack the authority sought with its present authority at Wenatchee, Wash. Empire's regular route service, authorized by Certificate of Public Convenience and Necessity in Interstate Commerce Commission Docket MC 29948, and Subs thereunder, extends North from Wenatchee along U.S. Highway 97 into British Columbia, Canada, and East from Brewster, Wash., located on U.S. Highway 97 North of Wenatchee, to Spokane, Wash., and Coeur d'Alene, Idaho and Empire Lines will interchange with Greyhound Lines-West at Ellensburg, Wash., for passengers going West to Seattle, Wash., South to points in Washington, Oregon, California, and Nevada, and Eastward across the continent. Connections will be made with Greyhound at Coeur d'Alene for passengers travelling Eastward.

No. MC 139035 (Sub-No. 1 TA) (Amendment), filed August 27, 1974, published in the FEDERAL REGISTER issue of September 11, 1974, and republished as amended this issue. Applicant: NATIONAL BUS LEASING, INC., 11408 Old Baltimore Pike, Beltsville, Md. 20705. Applicant's representative: Clarice Rowe (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle as passengers, in charter operations, beginning and ending at Washington, D.C. and extending to points in Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Indiana, Ohio, Michigan, Maryland, New Jersey, Delaware, Pennsylvania, New York, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, and Maine, for 180 days. Supporting shipper: Maryland Arrows, Springhill Drive, Greenbelt, Md. Send protests to: District Supervisor W. C. Hersman, Interstate Commerce Commission, Bureau of Operations, 12th & Constitution Avenue, NW., Washington, D.C. 20423.

No. MC 139807 (Sub-No. 1 TA), filed September 9, 1974. Applicant: NAPA TRANSIT COMPANY, a corporation, 1851 Soscol Avenue, Napa, Calif. 94558. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations in round-trip sightseeing or pleasure tours, beginning and ending at points in the County of Sonoma, Calif.; and extending to points in California and Nevada, for 180 days. Supporting shippers: Ken-Tours Associated, P.O. Box 426, Kenwood, Calif. 95452; Lawson's Corners, 6001 Sonoma Highway, Santa Rosa, Calif. 95405; Petaluma Bowl, 8 Kazen Way, Petaluma, Calif.; Saint James Parish, 1650 Ely Road, Petaluma, Calif. 94952; and Santa Rosa Moose Lodge, 2350 Santa Rosa Avenue, Santa Rosa, Calif. Send protests to: A. J. Rodriguez, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-22065 Filed 9-20-74;8:45 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug

■

FOOD ADDITIVES AND GRAS SUBSTANCES

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Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PART 121—FOOD ADDITIVES

Substances Prohibited From Use in Human Food

The Commissioner of Food and Drugs proposed establishment of new § 121.106 *Substances prohibited from use in food* in the FEDERAL REGISTER of July 26, 1973 (38 FR 20040). The proposal included the listing of 13 food ingredients under this new section which were prohibited from use in food by previous actions of the Food and Drug Administration, and revocation of trade correspondence and specific sections of the Code of Federal Regulations presently applicable to the regulation of these ingredients.

The proposal was based upon the Commissioner's conclusion that previous actions of this kind should be consolidated into one regulation for ease of reference and ready availability to the public of the record of such actions. It was emphasized that the proposal contained no new actions on the listed substances, was not intended to be a complete compilation of presently prohibited food ingredients, and cannot be interpreted to mean that a substance may lawfully be used in food because it is not listed in this section. The Commissioner also provided for addition or deletion of substances from the proposed list, at his own initiative or on the petition of any interested person, as additional scientific information becomes available for each subject ingredient.

Four comments from animal feed manufacturers were received in response to the proposal, requesting that the proposed section clearly indicate its exclusive applicability to human food and requesting confirmation that the proposal does not effect the use of cobalt salts for animal use, as permitted in § 121.101(f) (21 CFR 121.101(f)). The Commissioner confirms that continued use of cobalt salts in animal feed is permitted by § 121.101(f) and he has taken appropriate action to clarify that § 121.106 is applicable only to human food. Exclusion of animal feed from this section, however, cannot be interpreted as permission for such use.

In addition to the 13 substances included in the proposed list of prohibited food ingredients, the Commissioner is including mercaptoimidazoline and 2-mercaptoimidazoline in the list of prohibited indirect food ingredients in § 121.106(e)(3). This addition does not represent a new action by the Commissioner, and is based upon an order published in the FEDERAL REGISTER of November 30, 1973 (38 FR 33072).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701(a), 52 Stat. 1046–1047, 1055, 72 Stat. 1784–1787, as amended; 21 U.S.C. 321(s), 342, 348, 371(a)), and under authority delegated to the Commissioner (21 CFR 2.120), Trade Correspondence No. 377 (December 29, 1941) is revoked; and in Title 21 of the Code of Federal Regulations, §§ 3.14, 3.33, and 3.65 of Part 3 are revoked, and a new § 121.106 is added to Part 121, as follows:

§§ 3.14, 3.33, 3.65 [Revoked]

1. Part 3 is amended by revoking §§ 3.14, 3.33 and 3.65.

2. Part 121 is amended by adding the following new section:

§ 121.106 Substances prohibited from use in human food.

(a) The food ingredients listed in this section have been prohibited from use in human food by the Food and Drug Administration because of a determination that they present a potential risk to the public health or have not been shown by adequate scientific data to be safe for use in human food. Use of any of these substances in violation of this section causes the food involved to be adulterated in violation of the act.

(b) This section includes only a partial list of substances prohibited from use in human food, for easy reference purposes, and is not a complete list of substances that may not lawfully be used in human food. No substance may be used in human food unless it meets all applicable requirements of the act.

(c) The Commissioner of Food and Drugs, either on his own initiative or on behalf of any interested person who has submitted a petition, may publish a proposal to establish, amend, or repeal a regulation under this section on the basis of new scientific evaluation or information. Any such petition shall include an adequate scientific basis to support the petition, shall be in the form set forth in § 2.65 of this chapter, and will be published for comment if it contains reasonable grounds.

(d) Substances prohibited from direct addition or use as human food:

(1) *Calamus, oil of calamus, extract of calamus.* (i) Calamus is the dried rhizome of *Acorus calamus* L. It has been used as a flavoring compound, especially as the oil or extract.

(ii) Food containing any added calamus, oil of calamus, or extract of calamus is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of May 9, 1968 (33 FR 6967).

(iii) The analytical method used for detecting oil of calamus (β-asarone) is in the *Journal of the Association of Official Analytical Chemists* 56(5):1281–1283, Sept. 1973.[1]

(2) *Dulcin.* (i) Dulcin is the chemical 4-ethoxyphenylurea, $C_9H_{12}N_2O_2$. It is a synthetic chemical having a sweet taste about 250 times that of sucrose, is not found in natural products at levels detectable by the official methodology, and has been proposed for use as an artificial sweetener.

(ii) Food containing any added or detectable level of dulcin is deemed to be adulterated in violation of the act, based upon an order published in the FEDERAL REGISTER of January 19, 1950 (15 FR 321).

(iii) The analytical methods used for detecting dulcin in food are in §§ 20.133 through 20.136 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(3) *P–4000.* (i) P–4000 is the chemical 5-nitro-2-n-propoxyaniline, $C_9H_{12}N_2O_3$. It is a synthetic chemical having a sweet taste about 4000 times that of sucrose, is not found in natural products at levels detectable by the official methodology, and has been proposed for use as an artificial sweetener.

(ii) Food containing any added or detectable level of P–4000 is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of January 19, 1950 (15 FR 321).

(iii) The analytical methods used for detecting P–4000 in food are in §§ 20.137 through 20.141 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(4) *Coumarin.* (i) Coumarin is the chemical 1,2-benzopyrone, $C_9H_6O_2$. It is found in tonka beans and extract of tonka beans, among other natural sources, and is also synthesized. It has been used as a flavoring compound.

(ii) Food containing any added coumarin as such or as a constituent of tonka beans or tonka extract is deemed to be adulterated under the act, based upon an order published in the FEDERAL REGISTER of March 5, 1953 (19 FR 1239).

(iii) The analytical methods used for detecting coumarin in food are in §§ 19.014 through 19.023 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(5) *Cyclamate; calcium, sodium, magnesium and potassium.* (i) Calcium, sodium, magnesium and potassium salts of cyclohexane sulfamic acid, $(C_6H_{12}NO_3S)_2Ca$, $(C_6H_{12}NO_3S)NA$, $(C_6H_{12}NO_3S)_2Mg$, and $C_6H_{12}NO_3SK$. Cyclamates are synthetic chemicals having a sweet taste 30 to 40 times that of sucrose, are not found in natural products at levels detectable by the official methodology, and have been used as artificial sweeteners.

(ii) Food containing any added or detectable level of cyclamate is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of October 21, 1969 (34 FR 17063).

(iii) The analytical methods used for detecting cyclamate in food are in §§ 20.127 through 20.132 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(6) *Safrole.* (i) Safrole is the chemical 4-allyl-1,2-methylenedioxy-benzene, $C_{10}H_{10}O_2$. It is a natural constituent of the sassafras plant. Oil of sassafras is about 80 percent safrole. Isosafrole and dihydrosafrole are derivatives of safrole, and have been used as flavoring compounds.

(ii) Food containing any added safrole, oil of sassafras, isosafrole, or dihydrosafrole, or any safrole as a constituent of any food or extract is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of December 3, 1960 (25 FR 12412).

(iii) The analytical method used for detecting safrole, isosafrole and dihydrosafrole is in the *Journal of the Association of Official Analytical Chemists* 54(4):900–902, July 1971.[1]

(7) *Monochloroacetic acid.* (i) Monochloroacetic acid is the chemical chloroacetic acid, $C_2H_3ClO_2$. It is a synthetic chemical not found in natural products, and has been proposed as a preservative in alcoholic and nonalcoholic beverages. Monochloroacetic acid is permitted in food package adhesives with an accepted migration level up to 10 parts per billion (ppb) under § 121.2520. The official methods do not detect monochloroacetic acid at the 10 ppb level.

(ii) Food containing any added or detectable level of monochloroacetic acid is deemed to be adulterated in violation of the act based upon trade correspondence dated December 29, 1941 (TC–377).

(iii) The analytical methods used for detecting monochloroacetic acid in food are in §§ 20.057 through 20.062 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(8) *Thiourea.* (i) Thiourea is the chemical thiocarbamide, CH_4N_2S. It is a synthetic chemical, is not found in natural products at levels detectable by the official methodology, and has been proposed as an antimycotic for use in dipping citrus.

(ii) Food containing any added or detectable level of thiourea is deemed to be adulterated under the act.

(iii) The analytical methods used for detecting thioureau are in §§ 20.009 through 20.100 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(9) *Cobaltous salts; acetate, chloride and sulfate.* (i) Cobaltous salts are the chemicals, $CoC_4H_6O_4$, $CoCl_2$, and $CoSo_4$. They have been used in fermented malt beverages as a foam stabilizer and to prevent "gushing."

(ii) Food containing any added cobaltous salts is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of August 12, 1966 (31 FR 8788).

(10) *NDGA (Nordihydroguaiaretic acid).* (i) Nordihydroguaiaretic acid is the chemical 4,4'-(2,3-dimethyltetramethylene)dipyrocatechol. $C_{18}H_{22}O_4$. It occurs naturally in the resinous exudates of certain plants. The commercial product, which is synthesized, has been used as an antioxidant in foods.

(ii) Food containing any added NDGA is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of April 11, 1968 (33 FR 5619).

(iii) The analytical method used for detecting NDGA in food is in § 20.008 of the "Official Methods of Analysis of the Association of Official Analytical Chemists."[1]

(11) *DEPC (Diethylpyrocarbonate).* (i) Diethylpyrocarbonate is the chemical pyrocarbonic acid diethyl ester, $C_6H_{10}O_5$. It is a synthetic chemical not found in natural products at levels detectable by available methodology and has been used as a ferment inhibitor in alcoholic and nonalcoholic beverages.

(ii) Food containing any added or detectable level of DEPC is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of August 2, 1972 (37 FR 15426).

(e) Substances prohibited from indirect addition to human food through use in food-contact surfaces:

(1) *Flectol H.* (i) Flectol H is the chemical 1,2-dihydro-2,2,4-trimethylquinoline, polymerized, $C_{12}H_{17}N$. It is a synthetic chemical not found in natural products, and has been used as a component of food packaging adhesives.

(ii) Food containing any added or detectable level of this substance is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of April 7, 1967 (32 FR 5675).

(2) *4,4'-Methylenebis (2-chloroaniline).* (i) 4,4'-Methylenebis (2-chloroanaline) has the molecular formula, $C_{13}H_{12}Cl_2N_2$. It is a synthetic chemical not found in natural products and has been used as a polyurethane curing agent and as a component of food packaging adhesives and polyurethane resins.

(ii) Food containing any added or detectable level of this substance is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of December 2, 1969 (34 FR 19073).

(3) *Mercaptoimidazoline and 2-mercaptoimidazoline.* (i) Mercaptoimidazoline and 2-mercaptoimidazoline both have the molecular formula $C_3H_6N_2S$. They are synthetic chemicals not found in natural products and have been used in the production of rubber articles that may come into contact with food.

(ii) Food containing any added or detectable levels of these substances is deemed to be adulterated in violation of the act based upon an order published in the FEDERAL REGISTER of November 30, 1973 (38 FR 33072).

Effective date. This order is effective October 23, 1974.

(Secs. 201(s), 402, 409, 701(a), 52 Stat. 1046–1047, 1055, 72 Stat. 1784–1787, as amended; 21 U.S.C. 321(s), 342, 348, 371(a))

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

NOTE: Incorporation by reference materials approved by the Director of the Office of the Federal Register March 20, 1973 and August 9, 1974.

[FR Doc.74-21189 Filed 9-20-74;8:45 am]

PART 121—FOOD ADDITIVES

Designation of Food Categories and Food Ingredient Functions

In the FEDERAL REGISTER of July 26, 1973 (38 FR 20044), the Commissioner of Food and Drugs proposed to amend § 121.1 to add two new paragraphs defining food categories under § 121.1(n) and physical or technical functional effects produced by direct human food ingredients under § 121.1(o). The definitions were proposed to establish a uniform system whereby food ingredients may be regulated according to the listed food categories and physical or technical food processing function.

The food categories and food ingredient functions listed in the proposal were adopted from descriptions incorporated in the National Academy of Sciences/National Research Council (NAS/NRC) 1972 survey of industry, on the production and use of GRAS and prior-sanctioned food substances. The utility of these descriptions in the survey and their use in the 1972 NAS/NRC survey report and summary data, on production, use, and consumption of the ingredients, provides a sound basis for adopting them as a uniform system for regulating ingredients by food categories and functional effects.

Eight comments were received in response to the proposal. Two of these comments were letters of inquiry, seeking clarification of the applicability of proposed food categories to specific foods. Four additional comments suggested changes in 35 of the proposed 43 food categories, and 18 of the proposed 31 functional effect categories.

The Commissioner notes that although many of these suggestions sought consistency with established regulatory food standards, and were otherwise helpful in establishing better definitions for food and functional effect categories, most of the suggestions reflected a lack of clear understanding that designated food categories have been cross-referenced to specific food products in Exhibit 33B of the NAS/NRC report, "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe" (September 1972). This report

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

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is incorporated by reference into the regulation for purposes of resolving close questions with respect to proper classification of specific foods.

On the basis of the comments received, the Commissioner concludes that it would be appropriate to clarify the descriptions of some food categories and functional effect categories. Accordingly, editorial changes of this nature have been made in many places.

In addition to these editorial modifications, some comments requested major revision of proposed definitions or objected to their use in regulating food ingredients. The specific comments raised, and the Commissioner's conclusions thereon, are as follows:

1. Comments stated that the adoption of separate definitions for the use of "antioxidants" and "preservatives" was in conflict with the singular definition of "preservative" in other regulations and section 403 of the Federal Food, Drug, and Cosmetic Act.

Although the food and functional effect categories in proposed §§ 121.1(n) and § 121.1(o) are designated for the specific purpose of establishing tolerances or limitations for the use of direct human food ingredients, the Commissioner agrees that the adoption of these separate functional effect categories may create uncertainty or ambiguity. The Commissioner concludes that the proposed "preservatives" functional effect category should be redesignated as "antimicrobial agents." The definitions for "antioxidant" and "antimicrobial agent" have been changed to state that each is used for a preservative effect within the meaning of section 403 of the act.

2. One comment objected to use of the term "dough conditioner", as a functional effect, on the ground that this is a general term used to designate dough strengtheners, oxidizing and reducing agents, and yeast foods and calcium salts. The comment stated that different ingredients may be required for each of these three functional effects, to produce a single workable and stable dough.

The Commissioner agrees with this comment. Accordingly, this term has been replaced by the more specific "dough strengthener" and "oxidizing and reducing agent" functional effects, with appropriate definitions. Yeast foods and calcium salts, used to stimulate or produce carbon dioxide in baked goods, are adequately described as "leavening agents", and the Commissioner concludes that the definition of this category should be expanded to provide inclusion of yeast foods and calcium salts. This will not create a hardship for the baking industry or unnecessary functional effect categories. The NAS/NRC "dough conditioner" category has also been appropriately cross-referenced to the replacement terms adopted here, by including such cross-referencing within the adopted definitions for the new term.

3. One comment objected to the use of functional effect categories to regulate use limitations for food ingredients. The comment argued that limitations of use, within specific food categories, adequately describe permissible ingredient use and requested the Commissioner to withdraw functional effect considerations for food ingredients.

As the Commissioner has indicated in the proposal and the discussion herein, the adoption of standardized functional food processing effects is intended to provide a systematic dictionary of terms whereby food ingredients and food additives can be defined and regulated on a common basis. Adoption of these terms will provide a common understanding of regulatory requirements affecting such ingredients. The Commissioner concludes that such understanding is in the best interests of the public and therefore denies this request.

4. Two comments requested clarification of various food categories including confections and frostings as defined in § 121.1(n)(9), hard candy and cough drops as defined in § 121.1(n)(25), and soft candy as defined in § 121.1(n)(38). Designation of the correct food category was also requested for chocolate covered nut rolls, solid chocolate bars, lump sugar, and meat substitutes.

Although the Commissioner has already answered these questions by letter, copies of which are on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, he has also attempted to clarify the interpretation of these and other food categories by adding additional descriptive terms to each food category in this regulation. The Commissioner acknowledges, however, that these additional descriptive terms will not serve to answer all questions relating to the classification of specific foods within the adopted broad food categories. The 1972 NAS/NRC Comprehensive Survey, containing approximately 4,000 specific food descriptions cross-referenced to these broad food categories, has been incorporated into this regulation by reference to meet the individual needs of interested parties.

In answer to the specific questions asked by these comments, both chocolate covered nut rolls and solid chocolate bars are soft candy as defined in § 121.1(n)(38), lump sugar is listed under confections and frostings as defined in § 121.1(n)(9), and meat substitutes are listed under plant protein products as defined in § 121.1(n)(33) if they are of plant protein origin.

5. One comment suggested modifications in the grouping of condiments and relishes as defined in § 121.1(n)(8), and herbs, seeds, spices, seasonings, blends, extracts, and flavorings as defined in § 121.1(n)(26). The comment also suggested definition changes for functional effect listings of "flavor enhancers" as defined in § 121.1(o)(11), and "flavoring agents and adjuvants" as defined in § 121.1(o)(12). The suggested definition changes included the cross-referencing of these functional effect categories to specific parts of these identified food categories, as well as definition changes for the functional effect categories.

Although the Commissioner has adopted modified versions of the functional effect definitions suggested by this comment, these definitions have not been adopted with cross-reference to specific food categories because they represent specific definitions that may be interpreted only with designated applicability. This interpretation would be contrary to the Commissioner's intended use of this regulation, to define functional effects for which food ingredients may be added to broad general food categories.

The Commissioner has also considered each of the food category redesignations suggested by this comment. They have been rejected, however, because there is insufficient reason to support such redesignations, other than the respondent's preference. Such adoption would also cause unjustified confusion by cross-referencing the suggested categories to those adopted by the NAS/NRC.

The Commissioner concludes that more precise definitions than those proposed are necessary for nutritive and non-nutritive sweeteners. Therefore, the proposed "sweetener" functional effect category has been changed to "nutritive sweetener" in this regulation to clarify its meaning, and both nutritive and non-nutritive sweeteners have been defined in terms of their caloric value clearly to distinguish their separate meanings.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788, as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to § 121.1 new paragraphs (n) and (o) to read as follows:

§ 121.1 Definitions and interpretations.

• • • • •

(n) The following general food categories are established to group specific related foods together for the purpose of establishing tolerances or limitations for the use of direct human food ingredients. Individual food products will be included within these categories according to the detailed classification lists contained in Exhibit 33B of the report of the National Academy of Sciences/National Research Council report, "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe" (September 1972):[1]

(1) Baked goods and baking mixes, including all ready-to-eat and ready-to-bake products, flours, and mixes requiring preparation before serving.

(2) Beverages, alcoholic, including malt beverages, wines, distilled liquors, and cocktail mix.

(3) Beverages and beverage bases, nonalcoholic, including only special or spiced teas, soft drinks, coffee substitutes, and fruit and vegetable flavored gelatin drinks.

[1] Copies may be obtained from: National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22151.

(4) Breakfast cereals, including ready-to-eat and instant and regular hot cereals.

(5) Cheeses, including curd and whey cheeses, cream, natural, grating, processed, spread, dip, and miscellaneous cheeses.

(6) Chewing gum, including all forms.

(7) Coffee and tea, including regular, decaffeinated, and instant types.

(8) Condiments and relishes, including plain seasoning sauces and spreads, olives, pickles, and relishes, but not spices or herbs.

(9) Confections and frostings, including candy and flavored frostings, marshmallows, baking chocolate, and brown, lump, rock, maple, powdered, and raw sugars.

(10) Dairy product analogs, including non-dairy milk, frozen or liquid creamers, coffee whiteners, toppings, and other non-dairy products.

(11) Egg products, including liquid, frozen, or dried eggs, and egg dishes made therefrom, i.e., egg roll, egg foo young, egg salad, and frozen multi-course egg meals, but not fresh eggs.

(12) Fats and oils, including margarine, dressings for salads, butter, salad oils, shortenings, and cooking oils.

(13) Fish products, including all prepared main dishes, salads, appetizers, frozen multi-course meals, and spreads containing fish, shellfish, and other aquatic animals, but not fresh fish.

(14) Fresh eggs, including cooked eggs and egg dishes made only from fresh shell eggs.

(15) Fresh fish, including only fresh and frozen fish, shellfish, and other aquatic animals.

(16) Fresh fruits and fruit juices, including only raw fruits, citrus, melons, and berries, and home-prepared ades and punches made therefrom.

(17) Fresh meats, including only fresh or home-frozen beef or veal, pork, lamb or mutton and home-prepared fresh meat-containing dishes, salads, appetizers, or sandwich spreads made therefrom.

(18) Fresh poultry, including only fresh or home-frozen poultry and game birds and home-prepared fresh poultry-containing dishes, salads, appetizers, or sandwich spreads made therefrom.

(19) Fresh vegetables, tomatoes, and potatoes, including only fresh and home-prepared vegetables.

(20) Frozen dairy desserts and mixes, including ice cream, ice milks, sherbets, and other frozen dairy desserts and specialties.

(21) Fruit and water ices, including all frozen fruit and water ices.

(22) Gelatins, puddings, and fillings, including flavored gelatin desserts, puddings, custards, parfaits, pie fillings, and gelatin base salads.

(23) Grain products and pastas, including macaroni and noodle products, rice dishes, and frozen multi-course meals, without meat or vegetables.

(24) Gravies and sauces, including all meat sauces and gravies, and tomato, milk, buttery, and specialty sauces.

(25) Hard candy and cough drops, including all hard type candies.

(26) Herbs, seeds, spices, seasonings, blends, extracts, and flavorings, including all natural and artificial spices, blends, and flavors.

(27) Jams and jellies, home-prepared, including only home-prepared jams, jellies, fruit butters, preserves, and sweet spreads.

(28) Jams and jellies, commercial, including only commercially processed jams, jellies, fruit butters, preserves, and sweet spreads.

(29) Meat products, including all meats and meat containing dishes, salads, appetizers, frozen multi-course meat meals, and sandwich ingredients prepared by commercial processing or using commercially processed meats with home preparation.

(30) Milk, whole and skim, including only whole, lowfat, and skim fluid milks.

(31) Milk products, including flavored milks and milk drinks, dry milks, toppings, snack dips, spreads, weight control milk beverages, and other milk origin products.

(32) Nuts and nut products, including whole or shelled tree nuts, peanuts, coconut, and nut and peanut spreads.

(33) Plant protein products, including the National Academy of Sciences/National Research Council "reconstituted vegetable protein" category, and meat, poultry, and fish substitutes, analogs, and extender products made from plant proteins.

(34) Poultry products, including all poultry and poultry containing dishes, salads, appetizers, frozen multi-course poultry meals, and sandwich ingredients prepared by commercial processing or using commercially processed poultry with home preparation.

(35) Processed fruits and fruit juices, including all commercially processed fruits, citrus, berries, and mixtures; salads, juices and juice punches, concentrates, dilutions, ades, and drink substitutes made therefrom.

(36) Processed vegetables and vegetable juices, including all commercially processed vegetables, vegetable dishes, frozen multi-course vegetable meals, and vegetable juices and blends.

(37) Snack foods, including chips, pretzels, and other novelty snacks.

(38) Soft candy, including candy bars, chocolates, fudge, mints, and other chewy or nougat candies.

(39) Soups, home-prepared, including meat, fish, poultry, vegetable, and combination home-prepared soups.

(40) Soups and soup mixes, including commercially prepared meat, fish, poultry, vegetable, and combination soups and soup mixes.

(41) Sugar, white, granulated, including only white granulated sugar.

(42) Sugar substitutes, including granulated, liquid, and tablet sugar substitutes.

(43) Sweet sauces, toppings, and syrups, including chocolate, berry, fruit, corn syrup, and maple sweet sauces and toppings.

(o) The following terms describe the physical or technical functional effects for which direct human food ingredients may be added to foods. They are adopted from the National Academy of Sciences/National Research Council national survey of food industries, reported to the Food and Drug Administration under the contract title "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe" (September 1972):[1]

(1) "Anticaking agents and free-flow agents": Substances added to finely powdered or crystalline food products to prevent caking, lumping, or agglomeration.

(2) "Antimicrobial agents": Substances used to preserve food by preventing growth of microorganisms and subsequent spoilage, including fungistats, mold and rope inhibitors, and the effects listed by the National Academy of Sciences/National Research Council under "preservatives."

(3) "Antioxidants": Substances used to preserve food by retarding deterioration, rancidity, or discoloration due to oxidation.

(4) "Colors and coloring adjuncts": Substances used to impart, preserve, or enhance the color or shading of a food, including color stabilizers, color fixatives, color-retention agents, etc.

(5) "Curing and pickling agents": Substances imparting a unique flavor and/or color to a food, usually producing an increase in shelf life stability.

(6) "Dough strengtheners": Substances used to modify starch and gluten, thereby producing a more stable dough, including the applicable effects listed by the National Academy of Sciences/National Research Council under "dough conditioner."

(7) "Drying agents": Substances with moisture-absorbing ability, used to maintain an environment of low moisture.

(8) "Emulsifiers and emulsifier salts": Substances which modify surface tension in the component phase of an emulsion to establish a uniform dispersion or emulsion.

(9) "Enzymes": Enzymes used to improve food processing and the quality of the finished food.

(10) "Firming agents": Substances added to precipitate residual pectin, thus strengthening the supporting tissue and preventing its collapse during processing.

(11) "Flavor enhancers": Substances added to supplement, enhance, or modify the original taste and/or aroma of a food, without imparting a characteristic taste or aroma of its own.

(12) "Flavoring agents and adjuvants": Substances added to impart or help impart a taste or aroma in food.

(13) "Flour treating agents": Substances added to milled flour, at the mill, to improve its color and/or baking qualities, including bleaching and maturing agents.

(14) "Formulation aids": Substances used to promote or produce a desired physical state or texture in food, includ-

[1] Copies may be obtained from: National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22151.

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ing carriers, binders, fillers, plasticizers, film-formers, and tableting aids, etc.

(15) "Fumigants": Volatile substances used for controlling insects or pests.

(16) "Humectants": Hygroscopic substances incorporated in food to promote retention of moisture, including moisture-retention agents and anti-dusting agents.

(17) "Leavening agents": Substances used to produce or stimulate production of carbon dioxide in baked goods to impart a light texture, including yeast, yeast foods, and calcium salts listed by the National Academy of Sciences/National Research Council under "dough conditioners."

(18) "Lubricants and release agents": Substances added to food contact surfaces to prevent ingredients and finished products from sticking to them.

(19) "Non-nutritive sweeteners"; Substances having less than 2 percent of the caloric value of sucrose per equivalent unit of sweetening capacity.

(20) "Nutrient supplements"; Substances which are necessary for the body's nutritional and metabolic processes.

(21) "Nutritive sweeteners": Substances having greater than 2 percent of the caloric value of sucrose per equivalent unit of sweetening capacity.

(22) "Oxidizing and reducing agents": Substances which chemically oxidize or reduce another food ingredient, thereby producing a more stable product, including the applicable effect listed by the National Academy of Sciences/National Research Council under "dough conditioners."

(23) "pH control agents": Substances added to change or maintain active acidity or basicity, including buffers, acids, alkalies, and neutralizing agents.

(24) "Processing aids": Substances used as manufacturing aids to enhance the appeal or utility of a food or food component, including clarifying agents, clouding agents, catalysts, flocculents, filters aids, and crystallization inhibitors, etc.

(25) "Propellants, aerating agents, and gases": Gases used to supply force to expel a product or used to reduce the amount of oxygen in contact with the food in packaging.

(26) "Sequestrants": Substances which combine with polyvalent metal ions to form a soluble metal complex, to improve the quality and stability of products.

(27) "Solvents and vehicles": Substances used to extract or dissolve another substance.

(28) "Stabilizers and thickeners": Substances used to produce viscous solutions or dispersions, to impart body, improve consistency, or stabilize emulsions, including suspending and bodying agents, setting agents, jellying agents, and bulking agents, etc.

(29) "Surface-active agents": Substances used to modify surface properties of liquid food components for a variety of effects, other than emulsifiers, but including solubilizing agents, dispersants, detergents, wetting agents, rehydration enhancers, whipping agents, foaming agents, and defoaming agents, etc.

(30) "Surface-finishing agents": Substances used to increase palatability, preserve gloss, and inhibit discoloration of foods, including glazes, polishes, waxes, and protective coatings.

(31) "Synergists": Substances used to act or react with another food ingredient to produce a total effect different or greater than the sum of the effects produced by the individual ingredients.

(32) "Texturizers": Substances which affect the appearance or feel of the food.

Effective date. This order is effective on October 23, 1974.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a))

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

NOTE: Incorporation by reference provisions approved by the Director of the Office of the Federal Register July 10, 1973.

[FR Doc.74-21193 Filed 9-20-74;8:45 am]

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives From the Requirement of Tolerances

METHYLPARABEN AND PROPYLPARABEN; AFFIRMATION OF GRAS STATUS AS DIRECT HUMAN FOOD INGREDIENTS

In the FEDERAL REGISTER of July 26, 1973 (38 FR 20048), a proposal was published to affirm methylparaben and propylparaben as generally recognized as safe (GRAS) for use as direct human food ingredients, and to establish a new § 121.104, under which all direct human food ingredients affirmed as GRAS would be listed. The proposal was made on the initiative of the Commissioner of Food and Drugs, pursuant to the announced Food and Drug Administration review of the safety of GRAS and prior-sanctioned food ingredients.

In accordance with provisions of § 121.40, relating to the affirmation of GRAS food ingredients, a copy of the Scientific Literature Review on methylparaben and propylparaben, data on the teratology experiments on these ingredients, and the report of the Select Committee on GRAS Substances (SCOGS) for methylparaben and propylparaben have been made available for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. The same data and information have also been made available for public purchase through the facilities of the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22151 as announced in notices of availability published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20054) and April 17, 1974 (39 FR 13796).

In addition to the proposal to affirm the GRAS status of methylparaben and propylparaben, the Commissioner gave public notice that he was unaware of any prior-sanctioned food ingredient use for these ingredients, other than for the proposed conditions of use. Persons asserting such additional or extended uses, as a result of sanctions approved by the U.S. Department of Agriculture or the Food and Drug Administration, were requested to submit proof of such sanction so that the safety of the prior-sanctioned use could be determined at this time. This request was also presented as an opportunity to have prior-sanctioned uses of methylparaben and propylparaben approved by issuance of an appropriate regulation under Subpart E, substances for which prior sanctions have been granted, provided the prior-sanctioned use could be affirmed as safe on the basis of information and data now available to the Commissioner. Notice was given that failure to submit proof of an applicable prior sanction in response to this request would constitute a waiver of the right to assert such sanction at any future time.

No reports of prior-sanctioned use for methylparaben or propylparaben were submitted in response to this notice. Therefore, in accordance with this notice, any right to assert a prior sanction for a use of these ingredients under conditions different from those set out in the regulations has been waived.

Three comments were received in response to the Commissioner's proposal and supporting data and information on methylparaben and propylparaben. A summary of the comments and the Commissioner's conclusions thereon are as follows:

1. One comment requested that the spelling of "methylparaben" and "propylparaben" and "methyl *p*-hydroxybenzoate" and "propyl *p*-hydroxybenzoate" be made consistent with identical nomenclature used in the Food Chemicals Codex and the U.S. Pharmacopeia for these compounds.

The Commissioner concludes that the regulations for these compounds should be consistent with these compendia and this nomenclature has therefore been adopted throughout this document.

2. The second comment suggested that the 18-month rat feeding study, summarized in the Select Committee's report to the Commissioner, should be considered a carcinogenicity study for propylparaben. In the opinion of this respondent the Select Committee was in error when concluding that "no oral carcinogenicity studies of the parabens have been reported."

Although this comment may in principle be correct, the Commissioner has been advised by the Select Committee that this study was not considered a carcinogenicity study because there was no evidence of pathological examination for abnormal cell growth or neoplasms in the test animals. Unless a long-term feeding study is specifically conducted as a carcinogenicity study, or otherwise demonstrates pathological examination for abnormal cell growth, the Select Committee will not assume that the investigators made or were trained to make such an examination. The Commissioner concurs in this conclusion.

3. The third comment opposed specifying methods of manufacture for substances in proposed § 121.104. The comment contended that methods of manufacture are unjustifiably restrictive and unrelated to the safety evaluation. The comment indicated that good manufacturing practice requires manufacturers to test for impurities which may be unique to their own method of manufacture, and that neither the Food Chemicals Codex nor the FAO/WHO Food Additives Committee incorporates process descriptions within their specifications for food additives. Therefore the comment concluded that methods of manufacture are not required to establish safety, serve no other useful purpose, and should be deleted from these regulations.

The Commissioner concludes that sufficient information on methods of manufacture must be incorporated into GRAS affirmation regulations to identify the GRAS ingredient and to differentiate it from variations of the ingredient that have not yet been determined to be GRAS. Methods of manufacture have been an important search parameter in the preparation of Scientific Literature Reviews on GRAS and prior-sanctioned substances. Changes in methods of manufacture have also been considered in §§ 121.3 and 121.40, wherein the Commissioner expressed his willingness and intent to consider the affirmed GRAS status of ingredients that have been significantly modified by commercial manufacturing methods.

The Commissioner is not restricted to specifications of the Food Chemicals Codex or other compendia in describing safety specifications for food ingredients. These compendia are not intended to set safety specification requirements for ingredients made by new methods of manufacture. The law does not contemplate uncontrolled use of new methods of manufacture, which could result in increased levels of impurities or contaminants.

The Commissioner further concludes that there are no better means of describing significant alterations in chemical composition of food ingredients modified by method of manufacture, than by describing a manufacturing method of acceptable reference. Incorporation of a description of a method of manufacture with sufficient specificity to identify the ingredient into affirmed GRAS regulations will also provide a universal definition of the chemical origin of the ingredient which has been evaluated and affirmed as GRAS by the Commissioner.

Although the Commissioner finds that methods of manufacture are justifiably related to the GRAS status of food ingredients, this conclusion does not eliminate the manufacturer's responsibility to utilize current good manufacturing practices to produce the safest possible product nor inhibit chemical and food technology. The Commissioner intends to specify only those parameters found necessary to establish the identity and safety of the ingredient. Thus, while synthetic food ingredients will require varying degrees of specificity in describing the method(s) of manufacture, most natural food ingredients will only require identification of the natural source of the ingredient and possibly extraction or distillation methods used in processing this natural ingredient. Methods of manufacture other than those included in these proposals may be included in the final regulation if brought to the Commissioner's attention and found to be safe.

In further consideration of the methods of manufacture of methylparaben and propylparaben described in the proposal, the Commissioner concludes that these methods must be described with more specificity in order adequately to identify them. Accordingly, additional details of the methods of manufacture have been incorporated into the final regulations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788, as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. In § 121.101(d) by revising the introductory text, the table heading, and the entry for "Methylparaben (methyl *p-hydroxybenzoate*)" and "Propylparaben (propyl *p*-hydroxybenzoate)" to read as follows:

§ 121.101 Substances that are generally recognized as safe.

* * * * * *

(d) Substances that are generally recognized as safe for their intended use within the meaning of section 409 of the act are listed as follows: When the status of a substance has been reevaluated and affirmed as GRAS or deleted from this paragraph, an appropriate explanation will be noted, e.g., "affirmed as GRAS," "food additive regulation," "interim food additive regulation," or "prohibited from use in food," with a reference to the appropriate new regulation. Such notation will apply only to the specific use covered by the review, e.g., direct human food use and/or indirect human food use and/or animal feed and pet food use and will not affect its status for other uses not specified in the referenced regulation, pending a specific review of such other uses.

Product	Tolerance	Limitations, restrictions, or explanations
* * *	* * *	* * *
(2) CHEMICAL PRESERVATIVES		
* * *	* * *	* * *
Methylparaben (methyl *p*-hydroxybenzoate).	0.1 percent	Affirmed as GRAS, § 121.104(g)(1).
* * *	* * *	* * *
Propylparaben (propyl *p*-hydroxybenzoate).	0.1 percent	Affirmed as GRAS, § 121.104(g)(2).
* * *	* * *	* * *

2. In Subpart B by adding a new § 121.104 to read as follows:

§ 121.104 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

(a) The direct human food ingredients listed in this section have been reviewed by the Food and Drug Administration and determined to be generally recognized as safe (GRAS) for the purposes and under the conditions prescribed.

(b) Any use levels included in this section represent maximum use levels under current good manufacturing practices. This section does not authorize addition of any level of an ingredient to a specific food above the amount reasonably necessary to accomplish the intended effect.

(c) The listing of a food ingredient in this section does not authorize the use of such substance in a manner that may lead to deception of the consumer or to any other violation of the act.

(d) The listing of more than one ingredient to produce the same technological effect does not authorize use of a combination of two or more ingredients to accomplish the same technological effect in any one food at a combined level greater than the highest level permitted for one of the ingredients.

(e) If the Commissioner of Food and Drugs is aware of any prior sanction for use of an ingredient under conditions different from those proposed to be affirmed as GRAS, he will concurrently propose a separate regulation covering such use of the ingredient under Subpart E of this part. If the Commissioner is unaware of any such applicable prior sanction, the proposed regulation will so state and will require any person who intends to assert or rely on such sanction to submit proof of its existence. Any regulation promulgated pursuant to this section constitutes a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person

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to come forward with proof of such an applicable prior sanction in response to the proposal will constitute a waiver of the right to assert or rely on such sanction at any later time. The notice will also constitute a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to the proposal.

(f) The label and labeling of the in- the ingredient for use in finished food shall bear, in addition to the other labelgredient and any intermediate mix of ing required by the act:

(1) The name of the ingredient.

(2) A statement of concentration of the ingredient in any intermediate mix.

(3) Adequate information to assure that the final food product may comply with any limitations prescribed for the ingredient.

(g) The following direct human food ingredients have been affirmed as GRAS:

(1) *Methylparaben.* (i) Methylparaben is the chemical methyl *p*-hydroxybenzoate. It is produced by the methanol esterification of *p*-hydroxybenzoic acid in the presence of sulfuric acid, with subsequent distillation.

(ii) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(iii) The ingredient is used as an antimicrobial agent as defined in § 121.1(o) (2).

(iv) The ingredient is used in food at levels not to exceed good manufacturing practices. Current good manufacturing practice results in a maximum level of 0.1 percent in food.

(v) Prior sanctions for this ingredient different from the uses established in this regulation do not exist or have been waived.

(2) *Propylparaben.* (i) Propylparaben is the chemical propyl *p*-hydroxybenzoate. It is produced by the *n*-propanol esterification of *p*-hydroxybenzoic acid in the presence of sulfuric acid, with subsequent distillation.

(ii) The ingredient meets the specifications of the Food Chemicals Codex 2d Ed. (1972).[1]

(iii) The ingredient is used as an antimicrobial agent as defined in § 121.1(o) (2).

(iv) The ingredient is used in food at levels not to exceed good manufacturing practices. Current good manufacturing practice results in a maximum level of 0.1 percent in food.

(v) Prior sanctions for this ingredient different from the uses established in this regulation do not exist or have been waived.

Effective date. This order is effective on October 23, 1974.

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788, as amended; 21 U.S.C. 321(s), 348, 371(a))

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

NOTE: Incorporation by reference provisions approved by the Director of the Office of the Federal Register July 10, 1973.

[FR Doc.74-21186 Filed 9-20-74;8:45 am]

PART 121—FOOD ADDITIVES

Subpart H—Food Additives Permitted in Food for Human Consumption or in Contact with Food on an Interim Basis Pending Additional Study

MANNITOL; REMOVAL FROM GRAS STATUS AND ESTABLISHMENT OF INTERIM FOOD ADDITIVE REGULATION FOR DIRECT HUMAN FOOD USE

In the FEDERAL REGISTER of July 26, 1973 (38 FR 20048), a proposal was published to revoke § 121.1115 of the food additive regulations and to amend proposed new § 121.104 to affirm mannitol as generally recognized as safe (GRAS) for use as a direct human food ingredient. These proposals were made on the initiative of the Commissioner of Food and Drugs, pursuant to the announced Food and Drug Administration review of the safety of GRAS and prior-sanctioned food ingredients. Following the publication of these proposals, however, the Commissioner received information raising questions about the safety of this ingredient. The information now available to the Commissioner is sufficient to justify an interim food additive regulation for mannitol, pending additional study of this ingredient.

In accordance with provisions of § 121.40, relating to the affirmation of GRAS food ingredients, a copy of the Scientific Literature Review on mannitol, data on teratology experiments on this ingredient, and the report of the Select Committee on GRAS Substances (SCOGS) for mannitol have been made available for public review in the office of the Hearing Clerk, Food and Drug Administration. The same data and information have also been made available for public purchase through the facilities of the National Technical Information Service, as announced in notices of availability of information published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20054) and April 17, 1974 (39 FR 13796).

In addition to the proposal to affirm the GRAS status of mannitol, the Commissioner gave public notice that he was unaware of any prior-sanctioned food ingredient use for this ingredient, other than for the proposed conditions of use. Persons asserting such additional or extended uses, as a result of sanctions approved by the U.S. Department of Agriculture or the Food and Drug Administration, were requested to submit proof of such sanction so that the safety of the prior-sanctioned use could be determined at this time. This request was also presented as an opportunity to have prior-sanctioned uses of mannitol approved by issuance of an appropriate regulation under Subpart E, substances for which prior sanctions have been granted, provided the prior-sanctioned use could be affirmed as safe on the basis of the information and data now available to the Commissioner. Notice was given that failure to submit proof of an applicable prior sanction in response to this request would constitute a waiver of the right to assert such sanction at any future time.

No reports of prior-sanctioned use for mannitol were submitted in response to this notice. Therefore, in accordance with this notice, any right to assert a prior sanction for a use of mannitol under condtions different from those set out in the regulation has been waived.

Four comments were received concerning mannitol. Two of the comments were from manufacturers of the ingredient, one from an individual user firm, and one from a trade association.

The comments raised and the Commissioner's conclusions thereon are as follows:

1. All four comments took issue with the proposal to name finite levels of use as expressions of current good manufacturing practice.

This comment has been fully discussed in paragraph 1 of the preamble to the final order on sorbitol, published elsewhere in this issue of the FEDERAL REGISTER. Because of the need to establish an interim food additive regulation for mannitol, specific limitations on use have been imposed in this regulation.

2. Two comments requested recognition of specific good manufacturing practice levels for mannitol at levels higher than those proposed, and the recognition of additional functional effect uses.

The Commissioner concludes that present uses of mannitol should not be altered during the period that the interim food additive regulation is in effect. Accordingly, specific limitations on the use of the ingredient are imposed in this regulation.

Although the Commissioner is establishing an interim food additive regulation for mannitol, he agrees that some of the additional functional effects and the present higher levels of use of mannitol requested by these comments may properly be approved. Therefore, the levels for chewing gum (increased from 25 percent to 31 percent) and nonstandardized commercial jams and jellies (increased from no prior reported use to 30 percent) have been recognized in this regulation because they do not represent a significant increase in consumption. The Commissioner also agrees that the present

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

level of use for mannitol in pressed mints (98 percent) should be recognized as an exception to all other hard candy. However, the Commissioner concludes that increasing use of mannitol in all other food to 5 percent should not be allowed at this time because it would represent a potentially significant increase in present levels of consumption.

The Commissioner concludes that the maximum proposed good manufacturing practice limit for use of mannitol in hard candy was incorrectly listed as 33 percent. The correct maximum level has been affirmed as 5 percent for this use, with exception for pressed mints noted above, and has been corrected in this regulation.

3. Two comments opposed including the methods of manufacture in the regulation on the basis that safety is not dependent upon the method of manufacture, and that Food Chemicals Codex and the FAO/WHO Food Additives Committee have not considered process descriptions in their specifications or limitations. One of the comments claimed that the electrolytic reduction method of manufacture is no longer used and, although opposing inclusion of any manufacturing method in this regulation, stated that the current method of manufacture is the transition metal catalytic hydrogenation of sugar solutions containing glucose or fructose. Catalysts used in this method, as reported in the literature, include nickel, palladium, platinum, ruthenium, etc.

The Commissioner has fully discussed the need for identifying methods of manufacture in paragraph 3 of the preamble to the final order on the parabens, published elsewhere in this issue of the FEDERAL REGISTER.

After evaluating the possible residual contaminants resulting from the additional method of manufacture described in this comment, the Commissioner concludes that it may safely be used.

4. One comment reported on the results of test feeding sorbitol and mannitol separately to limited numbers of rats for two years, conducted after initiation of the GRAS review program. No significant adverse effects relating to sorbitol were described. However, the data for mannitol showed the occurrence of a significant incidence of benign thymomas, an abnormal growth of thymus gland tissue, in the female rats fed the test substance. The comment concluded that these preliminary results are likely to be of no significance because thymomas rarely occur in man, mannitol has never been reported as producing such response in previous animal studies, and the incidence of thymomas was not dose related. The manufacturer is repeating the studies with more animals, including various genetic strains and using suitable controls, to establish the validity of the data and to ascertain the relative metabolism in rats and in humans.

On the basis of the test results to date, the Commissioner is unable to affirm that the use of mannitol is GRAS at this time. However, the observations made and levels administered are such that the Commissioner can conclude that there will be no increased risk to the public health to continue existing levels of use under an interim food additive regulation for the time needed to complete and report the results of the new tests, including the periodic progress reports, required under § 121.4000(c)(2). Until the required studies have been completed and satisfactorily evaluated, mannitol will not be listed in § 121.104(g).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C., 321(s), 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. In § 121.101(d)(5) by revising the entry for "Mannitol" to read as follows:

§ 121.101 Substances that are generally recognized as safe.

(d) * * *

Product	Tolerance	Limitations, restrictions, or explanations
* * *	* * *	* * *
(5) NUTRIENTS AND/OR DIETARY SUPPLEMENTS		
* * *	* * *	* * *
Mannitol		Interim food additive regulation, § 121.4005.
* * *	* * *	* * *

§ 121.1115 [Revoked]

2. In subpart D—Food Additives Permitted in Food for Human Consumption by revoking § 121.1115.

3. In Subpart H by adding a new section to read as follows:

§ 121.4005 Mannitol.

(a) Mannitol is the chemical 1,2,3,4,5,6,-hexanehexol ($C_6H_{14}O_6$) a hexahydric alcohol, differing from sorbitol principally by having a different optical rotation. Mannitol is produced by the electrolytic reduction, or the transition metal catalytic hydrogenation, of sugar solutions containing glucose or fructose.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The ingredient is used as an anticaking agent and free-flow agent as defined in § 121.1(o)(1), formulation aid as defined in § 121.1(o)(14), firming agent as defined in § 121.1(o)(10), flavoring agent and adjuvant as defined in § 121.1(o)(12), lubricant and release agent as defined in § 121.1(o)(18), nutritive sweetener as defined in § 121.1(o)(21), processing aid as defined in § 121.1(o)(24), stabilizer and thickener as defined in § 121.1(o)(28), surface-finishing agent as defined in § 121.1(o)(30), and texturizer as defined in § 121.1(o)(32).

(d) The ingredient is used in food at levels not to exceed 98 percent in pressed mints and 5 percent in all other hard candy and cough drops as defined in § 121.1(n)(25), 31 percent in chewing gum as defined in § 121.1(n)(6), 40 percent in soft candy as defined in § 121.1(n)(38), 8 percent in confections and frostings as defined in § 121.1(n)(9), 30 percent in nonstandardized jams and jellies, commercial, as defined in § 121.1(n)(28), and at levels less than 2.5 percent in all other foods.

(e) The label and labeling of food whose reasonably foreseeable consumption may result in a daily ingestion of 20 grams of mannitol shall bear the statement "Excess consumption may have a laxative effect".

(f) In accordance with § 121.4000, adequate and appropriate feeding studies have been undertaken for this substance. Continued uses of this ingredient are contingent upon timely and adequate progress reports of such tests, and no indication of increased risk to public health during the test period.

(g) Prior sanctions for this ingredient different from the uses established in this regulation do not exist or have been waived.

Any person who will be adversely affected by the foregoing order may at any time on or before October 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order is effective on September 23, 1974.

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

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(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a))

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

NOTE: Incorporation by reference provisions approved by the Director of the Office of the Federal Register July 10, 1973.

[FR Doc.74-21185 Filed 9-20-74;8:45 am]

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives From the Requirement of Tolerances

SORBITOL; AFFIRMATION OF GRAS STATUS AS DIRECT HUMAN FOOD INGREDIENT

In the FEDERAL REGISTER of July 26, 1973 (38 FR 20047), a proposal was published to revoke § 121.1053 of the food additive regulations and to amend proposed new § 121.104 to affirm sorbitol as generally recognized as safe (GRAS) for use as a direct human food ingredient. These proposals were made on the initiative of the Commissioner of Food and Drugs, pursuant to the announced Food and Drug Administration review of the safety of GRAS and prior-sanctioned food ingredients. Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is publishing the final regulation establishing new § 121.104.

In accordance with provisions of § 121.40, relating to the affirmation of GRAS food ingredients, a copy of the Scientific Literature Review on sorbitol, data on the teratology experiments on this ingredient, and the report of the Select Committee on GRAS Substances (SCOGS) for sorbitol have been made available for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. The same data and information have also been made available for public purchase through the facilities of the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22151, as announced in notices of availability of information, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20054) and April 17, 1974 (39 FR 13796).

In addition to the proposal to affirm the GRAS status of sorbitol, the Commissioner gave public notice that he was unaware of any prior-sanctioned food ingredient use for this ingredient, other than for the proposed conditions of use. Persons asserting such additional or extended uses, as a result of sanctions approved by the U.S. Department of Agriculture or the Food and Drug Administration, were requested to submit proof of such sanction so that the safety of the prior-sanctioned use could be determined at this time. This request was also presented as an opportunity to have prior-sanctioned uses of sorbitol approved by issuance of an appropriate regulation under Subpart E, substances for which prior sanctions have been granted, provided the prior-sanctioned use could be affirmed as safe on the basis of the information and data now available to the Commissioner. Notice was given that failure to submit proof of an applicable prior sanction in response to this request would constitute a waiver of the right to assert such sanction at any future time.

No reports of prior-sanctioned use for sorbitol were submitted in response to this notice. Therefore, in accordance with this notice, any right to assert a prior sanction for a use of sorbitol under conditions different from those set out in this regulation has been waived.

Seven comments were received concerning sorbitol. One asked for a definition of "soft candy" and was answered by letter, which is on public display at the office of the Hearing Clerk, Five of the remaining six comments were from manufacturers or associations of users of the ingredient.

The comments raised and the Commissioner's conclusions thereon are as follows:

1. Four comments objected to the proposal to name finite levels of use, as expressions of current good manufacturing practice. Several cited, as support for their arguments, the SCOGS' conclusion that current and reasonably anticipated levels are safe.

The Commissioner advises that a GRAS substance may not properly be used in any and all amounts for any and all uses. General recognition of safety depends upon both current and reasonably anticipated levels of use, and the need for the substance at specified levels in order to achieve an appropriate function in the food. Accordingly, the Commissioner concludes that, although levels reflecting current good manufacturing practice (GMP) do not constitute specific tolerances, they do establish important guidelines on appropriate use of food ingredients. A future unanticipated increase in consumer exposure to any ingredient, as measured by these levels, may well require an evaluation of the need for and safety of such use. Thus, although the GMP levels are not rigid limitations, neither is the GRAS determination an authorization for use levels higher than reasonably required to accomplish the intended physical or other technical effect in any specific food.

2. Three representatives of associations requested recognition of specific GMP levels at levels higher than those proposed and recognition of additional functional effect uses. One user requested recognition of an additional use.

The Commissioner agrees that the additional functional effect uses and higher levels submitted as good manufacturing practices for chewing gum (75 percent), hard candy (99 percent), nonstandardized commercial jams and jellies (15 percent), and all other foods (12 percent) should be included in this regulation. Although these new levels of use may appear to represent high levels of use of sorbitol in these food categories, the Commissioner concludes that these permitted usage levels are within established safety guidelines for this ingredient. The Commissioner notes, however, that these levels do not authorize the use of this ingredient at any level higher than necessary to achieve the intended effect in a specific food, or in any standardized food in which the ingredient is not permitted.

3. Two comments opposed including the methods of manufacture in the regulation on the basis that safety is not dependent upon the method of manufacture and that the Food Chemicals Codex and the FAO/WHO Food Additives Committee have not considered process descriptions in their specifications or limitations. One of the comments stated that the electrolytic reduction method of manufacture is no longer used and, although opposing inclusion of any manufacturing method in this regulation, stated that the current method of manufacture is the transition metal catalytic hydrogenation of sugar solutions containing glucose or fructose. Catalysts used in this method, as reported in the literature, include nickel, palladium, ruthenium, etc.

The Commissioner has fully discussed the need for identifying methods of manufacture in paragraph 3 of the preamble to the final order on the parabens, published elsewhere in this issue of the FEDERAL REGISTER.

After evaluating the possible residual contaminants resulting from the additional method of manufacture for sorbitol described in the comment, the Commissioner concludes that it may safely be used.

4. One comment objected to the labeling statement in the proposal concerning the possible laxative effect from excess consumption of sorbitol. The comment suggested that this conclusion is inconsistent with the Select Committee's opinion on sorbitol, was not previously part of revoked § 121.1053, and is inconsistent with the FAO/WHO Food Additives "not limited" conclusion of acceptable use for sorbitol.

The Commissioner was aware of all these sources of information when this label statement was proposed for this regulation. After reviewing this information, the Commissioner further concludes that the most complete source of information, the Select Committee's report, may be properly interpreted as support for the proposed labeling. Although the Select Committee did not recommend this labeling statement and concluded that they were not generally concerned with this effect, it is apparent that this disclaimer of concern was based upon the Select Committee's calculated lower and "more probable" levels of average consumer consumption of sorbitol. The Select Committee, however, did admit concern for this effect in individuals that may select foods containing high levels of sorbitol, and for children of lower body weight consuming such foods. The Commissioner shares this concern for these persons and concludes that consumers using such foods should be alerted to their possible laxative effect by an appropriate label statement.

5. One comment reported on the results of feeding sorbitol and mannitol separately to limited numbers of rats for two years, in tests conducted after initiation of the GRAS review program. No significant adverse effects relating to sorbitol were described. The mannitol study is reported elsewhere in this issue of the FEDERAL REGISTER.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. In § 121.101(d)(5) by revising the entry for "Sorbitol" to read as follows:

§ 121.101 Substances that are generally recognized as safe.

• • • • • •

(d) • • •

Product	Tolerance	Limitations, restrictions, or explanations
• • •	• • •	• • •
(5) NUTRIENTS AND/OR DIETARY SUPPLEMENTS		
• • •	• • •	• • •
Sorbitol		Affirmed as GRAS, § 121.104(g)(4).
• • •	• • •	• • •

• • • • • • • •

2. In § 121.104 by adding a new paragraph (g)(4) to read as follows:

§ 121.104 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

• • • • • •

(g) • • •

(4) *Sorbitol.* (i) Sorbitol is the chemical 1,2,3,4,5,6-hexanehexol ($C_6H_{14}O_6$), a hexahydric alcohol, differing from mannitol principally by having a different optical rotation. Sorbitol is produced by the electrolytic reduction, or the transition metal catalytic hydogenation of sugar solutions containing glucose or fructose.

(ii) The ingredient meets the specifications of the Food Chemicals Codex 2d Ed. (1972).[1]

(iii) The ingredient is used as an anticaking agent and free-flow agent as defined in § 121.1(o)(1), curing and pickling agent as defined in § 121.1(o)(5), drying agent as defined in § 121.1(o)(7), emulsifier and emulsifier salt as defined in § 121.1(o)(8), firming agent as defined in § 121.1(o)(10), flavoring agent and adjuvant as defined in § 121.1(o)(12), formulation aid as defined in § 121.1(o)(14), humectant as defined in § 121.1(o)(16), lubricant and release agent as defined in § 121.1(o)(18), nutritive sweetener as defined in § 121.1(o)(21), sequestrant as defined in § 121.1(o)(26), stabilizer and thickener as defined in § 121.1(o)(28), surface-finishing agent as defined in § 121.1(o)(30), and texturizer as defined in § 121.1(o)(32).

(iv) The ingredient is used in food at levels not to exceed good manufacturing practices. Current good manufacturing practice in the use of sorbitol results in a maximum level of 99 percent in hard candy and cough drops as defined in § 121.1(n)(25), 75 percent in chewing gum as defined in § 121.1(n)(6), 98 percent in soft candy as defined in § 121.1(n)(38), 15 percent in nonstandardized jams and jellies, commercial, as defined in § 121.1(n)(28), 30 percent in baked goods and baking mixes as defined in § 121.1(n)(1), 17 percent in frozen dairy desserts and mixes as defined in § 121.1(n)(20), and 12 percent in all other foods.

(v) The label and labeling of food whose reasonably forseeable consumption may result in a daily ingestion of 50 grams of sorbitol shall bear the statement: "Excess consumption may have a laxative effect."

(vi) Prior sanctions for this ingredient different from the uses established in this regulation do not exist or have been waived.

§ 121.1053 [Revoked]

3. In Subpart D—Food Additives Permitted in Food for Human Consumption by revoking § 121.1053.

Effective date. This order is effective October 23, 1974.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a))

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissoner of Food and Drugs.

NOTE: Incorporation by reference provisions approved by the Director of the Office of the Federal Register July 10, 1973.

[FR Doc.74-21182 Filed 9-20-74;8:45 am]

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives from the Requirement of Tolerances

LOCUST (CAROB) BEAN GUM; AFFIRMATION OF GRAS STATUS WITH LIMITATIONS AS DIRECT HUMAN FOOD INGREDIENT AND AFFIRMATION OF GRAS STATUS FOR INDIRECT HUMAN FOOD USE

In the FEDERAL REGISTER of July 26, 1973 (38 FR 20041), a proposal was published to affirm the status of locust (carob) bean gum as generally recognized as safe (GRAS) as an indirect human food ingredient, establish a new § 121.105 under which all indirect human food ingredients affirmed as GRAS would be listed, and transfer the ingredient to a food additive regulation for direct human food use. The proposal was made on the initiative of the Commissioner of Food and Drugs, pursuant to the announced Food and Drug Administration review of the safety of GRAS and prior-sanctioned food ingredients.

The Commissioner has determined that the direct human food use of locust (carob) bean gum is properly affirmed as GRAS with specific limitations, rather than approved as safe under a food additive regulation. This affirmed GRAS status includes the same limitations of use for the ingredient that were proposed for the food additive regulation.

No comments were received on the proposal to establish § 121.105. Accordingly, it is being promulgated without change.

In accordance with provisions of § 121.40, relating to the affirmation of GRAS food ingredients, a copy of the Scientific Literature Review on locust (carob) bean gum, data on the teratology and mutagenesis experiments on the gum, and the report of the Select Committee on GRAS Substances (SCOGS) for locust (carob) bean gum has been made available for public review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852. The same data and information have also been made available for public purchase through the facilities of the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22151, as announced in the FEDERAL REGISTER of July 26, 1973 (38 FR 20054) and April 17, 1974 (39 FR 13796).

In addition to the proposal to affirm the GRAS status of locust (carob) bean gum as an indirect ingredient and regulate its direct human food use, the Commissioner gave public notice that he was unaware of any prior-sanctioned food ingredient use for locust (carob) bean gum, other than for the proposed conditions of use. Persons asserting such additional or extended uses, as a result of sanctions approved by the U.S. Department of Agriculture or the Food and Drug Administration, were requested to submit proof of such sanction so that the safety of the prior-sanctioned use could be determined at this time. This request was also presented as an opportunity to have prior-sanctioned uses of locust (carob) bean gum approved by issuance of an appropriate regulation under Subpart E, substances for which prior sanctions have been granted, provided the prior-sanctioned use could be affirmed as safe on the basis of the information and data now available to the Commissioner. Notice was also given that failure to submit proof of an applicable prior sanction in response to this request would constitute a waiver of the right to assert such sanction at any future time.

No reports of prior-sanctioned use for locust (carob) bean gum were submitted

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. N.W., Washington, DC 20037.

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in response to this notice. Therefore, in accordance with this notice, any right to assert a prior sanction for a use of locust (carob) bean gum under conditions different from those set out in the regulations has been waived.

Nine comments were received in response to the Commissioner's proposal and supporting data and information on locust (carob) bean gum. All of the comments were submitted by manufacturers of the gum or manufacturers of foods in which locust (carob) bean gum is used. A summary of the comments and the Commissioner's conclusions thereon are as follows:

1. Six comments expressed concern about the proposed labeling requirements for the ingredient and intermediate mixes containing the ingredient. The comments noted that the functionality variation of the gum as obtained from its various natural sources would make it very difficult to label the percentage of locust (carob) bean gum with any consistent accuracy. They also objected to this requirement from a formula disclosure standpoint, arguing that percentage composition disclosure would create a compositive hardship on current manufacturers of stabilizers containing locust (carbo) bean gum. Several of the comments favored supplying alternate information labeling to users of the ingredient, to assure that the final food products were in compliance with the maximum limitations prescribed by this regulation.

The Commissioner recognizes the validity of the arguments made in these comments, and the regulation exempts locust (carob) bean gum from the requirement in § 121.104(f)(2) for a statement of concentration of the ingredient in any intermediate mix.

2. Three comments objected to the proposed maximum usage levels in various ways. One cheese was reported as manufactured with 2.0 percent locust (carob) bean gum. One comment stated that § 19.775 provides for up to 0.8 percent gum addition to pasteurized processed cheese spread, and that the indicated maximum usage levels are weighted mean levels of addition for the indicated food categories. One comment expressed some uncertainty regarding the application of the maximum levels to both food product mixes and the same finished food products made from those mixes. Another comment requested clarification of the maximum usage level applicable to the case of a bakery shell containing filings, toppings, or icings, etc.

The Commissioner advises that the maximum usage levels cited in the proposal were, with one exception, the maximum usage levels reported to the National Academy of Sciences/National Research Council (NAS/NRC) through the 1972 "NAS/NRC Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe." This one exception was the case of 2.0 percent locust (carob) bean gum reported as used in one cheese product. Because the Food and Drug Administration had no knowledge of the identity of this manufacturer or this cheese product, it was asumed that this level of use was in error since all other reported levels of use for locust (carob) bean gum in cheeses were less than 0.5 percent. The maximum weighted mean level of use (0.75 percent), was therefore the maximum usage level reported in the proposal for this food category anticipating that any higher level of use would be reported through comment on the proposal. After requesting the NAS/NRC to attempt to validate the reported 2.0 percent use of locust (carob) bean gum in this cheese product, the Commissioner was advised by the manufacturer that this level was correctly assumed to be in error. The manufacturer confirmed that 0.8 percent of this gum would adequately meet his needs for this food product. The Commissioner therefore increases the maximum usage level for locust (carob) bean gum in cheeses to 0.8 percent, to accommodate its permitted usage in Part 19 of these regulations.

Maximum usage levels for the food categories in new § 121.104(g)(5) are maximum levels for foods "as served". Therefore food product mixes, contributing only a portion of the total weight to the prepared food product, may contain incrementally greater percentages of locust (carob) bean gum. This explanation has been added to the regulation to clarify this matter.

Exhibit 33B of the NAS/NRC report, "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized As Safe" (September 1972), contains a detailed classification list of all food products included in each general food category listed in § 121.1(n). This document, incorporated into § 121.1 (n) by reference, classified sweet rolls, coffee cakes, and pies and tarts as baked goods and baking mixes § 121.1(n)(1). Therefore, products thought to be mixed products by one comment have been included in the food category descriptions and are limited to 0.15 percent locust (carob) bean gum by this regulation.

3. Three comments objected to proposed § 121.105(f)(1)(ii), requiring locust (carob) bean gum to meet Food Chemicals Codex specifications for indirect GRAS human food use. These comments state that "technical grade" gum, containing a higher percentage of seed hull and embryo than food-grade locust (carob) bean gum, has been historically used for this purpose. Specifications for the "technical grade" gum were submitted.

After comparison of specifications for food grade and "technical grade" locust (carob) bean gum, the Commissioner agrees with these comments. The Commissioner concludes that the specifications submitted with these comments for "technical grade" locust (carob) bean gum must be supplemented by the Food Chemicals Codex limits of impurities for arsenic (3 parts per million), heavy metals (20 parts per million), and lead (10 parts per million), until other limits for these impurities can be established. Addition of these specifications will assure the continued safe use of locust (carob) bean gum as an indirect GRAS human food ingredient. Section 121.105 (f)(1) therefore is being amended in this order, to permit the use of "technical grade" locust (carob) bean gum, within the description and specifications adopted for this ingredient.

4. Three comments disagreed with the description of locust (carob) bean gum in the proposals. The comments suggested that carob bean gum is primarily known as locust bean gum in U.S. trade and industry and is described predominantly by this name in the Food Chemicals Codex. The comments stated that the product should also be described as "primarily the endosperm of the locust bean seed," as it contains considerable amounts of seed coat and germ. The comments also disagreed with the flavoring agent function as defined in § 121.1 (o)(12) designated for locust (carob) bean gum as a direct human food ingredient because the pod powder, not the seed gum, is used for this function.

The Commissioner accepts the suggestion that locust bean gum be adopted as the primary name. In order that no misunderstandings occur, the name used is being changed to "locust (carob) bean gum". The suggestion that the product description provide also for the presence of seed coat and germ has been accepted by defining the gum as proposed, i.e., "primarily the endosperm of the locust bean seed with lesser quantities of seed coat and germ."

The Commissioner concludes that the gum form of the locust (carob) bean is not appropriately considered as a flavoring agent. It has been indicated that only the ground whole bean and other fractions of the bean are correctly utilized for flavoring, and there is much confusion in the trade over the various locust (carob) bean products and their uses. Accordingly, the Commissioner is deleting the flavoring agent function from this regulation.

5. One comment submitted additional use levels for locust (carob) bean gum in gelatins, puddings, and fillings (0.75%); jams and jellies, commercial (0.75%); and reconstituted vegetable proteins (0.75%). These use levels were not reported in the 1972 NAS/NRC survey because they represent recent uses of locust (carob) bean gum in food products developed since that survey was conducted. Jam and jelly products and gelatin, pudding, and filling products are now reportedly marketed with these levels of gum, but the reconstituted vegetable protein application is still in product development stages.

After consideration of the overall consumer consumption of locust (carob) bean gum reported in the 1972 NAS/NRC survey, and the additional consumption which may result from these higher new use levels of the gum, the Commissioner concludes that the requested use levels for locust (carob) bean gum are permissible in nonstandard jams and jellies, commercial, as defined in § 121.1(n)(28) and gelatins, puddings, and fillings as defined in § 121.1(n)(22). The requested use level for reconstituted vegetable proteins, as defined in § 121.1(n)(33) as plant protein products, is denied, however, because such use represents potentially expanded levels of consumption which cannot be evaluated by the Commissioner without data to indicate its anticipated use in the consumer diet. If such use data are made available to the Commissioner, and available safety data support the anticipated use, this new level will then be permitted.

6. One comment, representing the dairy industry, indicated that the proposed regulation was unnecessary for this industry. Dairy products are otherwise regulated at a maximum 0.5 percent total stabilizer, and no stabilizer formulation is composed entirely of locust (carob) bean gum; furthermore, the comment stated that any dairy product stabilized with as much as 0.5 percent locust (carob) bean gum would be an unprocessable disaster.

The Commissioner agrees with these remarks and concludes that the intent of the proposed regulation has been misunderstood. This regulation is intended to permit the Commissioner to regulate possible expanded uses of gum, until additional safety data justify such extended or expanded use and consumption. Thus the proposed maximum limits of use have been adopted in general terms as reported for the general food categories used in the 1972 NAS/NRC survey of the food industry. The Commissioner recognizes that good manufacturing practices and other regulations prohibit maximum limits of use for many food products, and this regulation should not be interpreted to encourage maximum use of locust (carob) bean gum. The levels permitted are only those levels reasonably necessary to accomplish the intended physical or technical effect in a particular food product.

In accordance with a notice published elsewhere in this issue of the FEDERAL REGISTER proposing to establish three types of regulations affirming the GRAS status of food ingredients, the Commissioner has determined that locust (carob) bean gum must be affirmed as GRAS with specific limitations for use as a direct human food ingredient. Although this determination does not alter the permissible uses of the gum that were proposed by the Commissioner, this change clearly indicates the Commissioner's conclusion that there are insufficient safety data to support a direct food additive regulation for this gum, as required by section 409 of the Federal Food, Drug, and Cosmetic Act. This determination is consistent with the Commissioner's conclusions that available safety data support the continued use of locust (carob) bean gum under present conditions of use, based upon its common use in food prior to 1958.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. In § 121.101(d)(7), (h), and (i) by revising the entry for "Carob bean gum (locust bean gum)" to read as follows:

§ 121.101 Substances that are generally recognized as safe.

• • • • • •

(d) • • •

Product	Tolerance	Limitations, restrictions, or explanations
• • •	• • •	• • •
(7) STABILIZERS		
Locust (carob) bean gum		Affirmed as GRAS, § 121.104(g)(5).
• • •	• • •	• • •

• • • • • • •

(h) • • •

Locust (carob) bean gum (affirmed as GRAS, § 121.105(f)(1)).

• • • • • •

(i) • • •

Locust (carob) bean gum (affirmed as GRAS, § 121.105(f)(1)).

• • • • • •

2. In § 121.104 by adding a new paragraph (g)(5) to read as follows:

§ 121.104 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

• • • • • •

(g) • • •

(5) *Locust (carob) bean gum.* (i) Locust (carob) bean gum is primarily the macerated endosperm of the seed of the locust (carob) bean tree, *Ceratonia siliqua* (Linne) a leguminous evergreen tree, with lesser quantities of seed coat and germ.

(ii) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(iii) The ingredient is used at levels not to exceed the following maximum levels:

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

MAXIMUM USAGE LEVELS PERMITTED

Food (as served)	Percent	Funstion
Baked goods and baking mixes, § 121.1(n)(1)	0.15	Stabilirer and thickener, § 121.1(o)(28)
Beverages and beverage bases, nonalcoholic, § 121.1(n)(3)	0.25	Do.
Cheeses, § 121.1(n)(5)	0.8	Do.
Gelatins, puddings, and fillings, § 121.1(n)(22)	0.75	Do.
Jams and jellies, commercial, § 121.1(n)(28)	0.75	Do.
All other food categories	0.5	Do.

(iv) The requirement of § 121.104(f)(2) is optional.

(v) Prior sanctions for this ingredient different from the uses established in this regulation do not exist or have been waived.

3. In Subpart B by adding a new section, as follows:

§ 121.105 Substances in food-contact surfaces affirmed as generally recognized as safe (GRAS).

(a) The indirect human food ingredients listed in this section have been reviewed by the Food and Drug Administration and determined to be generally recognized as safe (GRAS) for the purposes and under the conditions prescribed.

(b) This section does not authorize direct addition of any food ingredient to a food. It authorizes only the use of these ingredients as indirect ingredients of food, through migration from their immediate wrapper, container, or other food-contact surface. Any migration or use levels included in this section represent maximum levels under current good manufacturing practice.

(c) The listing of a food ingredient in this section does not authorize the use of such substance for the purpose of adding the ingredient to the food through extraction from the food-contact surface.

(d) The listing of a food ingredient in this section does not authorize the use of such substance in a manner that may lead to deception of the consumer or to any other violation of the act.

(e) If the Commissioner of Food and Drugs is aware of any prior sanction for use of an ingredient under conditions different from those proposed to

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be affirmed as GRAS, he will concurrently propose a separate regulation covering such use of the ingredient under Subpart E of this part. If the Commissioner is unaware of any such applicable prior sanction, the proposed regulation will so state and will require any person who intends to assert or rely on such sanction to submit proof of its existence. Any regulation promulgated pursuant to this section constitutes a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to the proposal will constitute a waiver of the right to assert or rely on such sanction at any later time. The notice will also constitute a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to the proposal.

(f) The following indirect human food ingredients have been affirmed as GRAS:

(1) *Locust (carob) bean gum* (technical grade). (i) Locust (carob) bean gum, technical grade, is primarily the macerated endosperm of the seed of the locust (carob) bean tree, *Ceratonia siliqua* (Linne), a leguminous evergreen tree, containing greater quantities of seed hull and embryo than locust (carob) bean gum meeting the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(ii) The technical grade gum meets the following specifications:

Galactomannans, not less than 50 percent.
Acid insoluble matter, not more than 17 percent.
Loss on drying, not more than 15 percent.
Protein, not more than 15 percent.
Ash, not more than 3 percent.
Arsenic (As), not more than 3 parts per million.
Heavy metals, not more than 20 parts per million.
Lead (Pb), not more than 10 parts per million.

(iii) The ingredient is used or intended for use as a constituent of food-contact surfaces.

(iv) The ingredient migrates to the packaged or wrapped food at levels not to exceed good manufacturing practices.

(v) Prior sanctions for this ingredient different from the uses established in this regulation do not exist or have been waived.

Effective date: This order is effective on October 23, 1974.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a))

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

NOTE: Incorporation by reference provisions approved by the Director of the Office of the Federal Register July 10, 1973.

[FR Doc.74–21183 Filed 9–20–74;8:45 am]

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives from the Requirements of Tolerances

L-CYSTEINE; AFFIRMATION OF GRAS STATUS AS DIRECT HUMAN FOOD INGREDIENT

The Food and Drug Administration is conducting a study of the safety of ingredients added directly to human food that have been previously classified as generally recognized as safe (GRAS), or prior-sanctioned through actions of the Food and Drug Administration or the U.S. Department of Agriculture before enactment of the Food Additives Amendment of 1958. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20035–20057), implementing this review.

Section 409 of the act does not require that a food manufacturer consult with, or obtain the approval of, the Food and Drug Administration before using a food ingredient on the ground that it is GRAS for the use involved. Moreover, the original GRAS list promulgated on the initiative of the Food and Drug Administration concluded in § 121.101(a) that it was impractical for the Food and Drug Administration to attempt to list all food ingredients that are generally recognized as safe for their intended use. Thus, a number of ingredients are used in food on the determination and responsibility of the food manufacturer that the ingredient is GRAS for that purpose, without review or approval by the Food and Drug Administration.

Use of food ingredients as GRAS without the review and approval of the Food and Drug Administration often does not afford the opportunity for participation of qualified scientists and other interested members of the public. In addition, the law requires the Food and Drug Administration to monitor the use of all food ingredients, and to make certain that no ingredients are used which are not in fact GRAS, unless a food additive regulation is promulgated. Accordingly, the Commissioner has determined that it is in the public interest to have the safety of ingredients, used in food on the ground of GRAS status, reviewed through public procedures. The Commissioner has promulgated criteria by which a substance may be eligible for GRAS status, and procedures for submitting petitions requesting Food and Drug Administration affirmation of GRAS status or determination of food additive status.

The "affirmed GRAS lists" now established in §§ 121.104 and 121.105 contemplate a complete list of substances except traditional food items which do not need listing. Because of the wide scope of sections 201(s) and 409 of the act, which encompass all ingredients in any processed or fabricated food, including raw agricultural commodities and substances migrating from food-contact articles, an all-inclusive list of affirmed GRAS food ingredients will not be attained for some time.

In accordance with the procedures established in §§ 121.40, Foremost-McKesson, Inc., Crocker Plaza, One Post St., San Francisco, CA 94104, has submitted a petition (GRASP 3G0010) requesting affirmation that the addition of L-cysteine to yeast-leavened bakery products, at a level not to exceed 0.009 part for each 100 parts flour for reducing the fermentation time and improving the dough, is GRAS.

A notice of the filing of this petition was published in the FEDERAL REGISTER of March 7, 1973 (38 FR 6214), and interested persons were notified therein of the opportunity to review the petition and to submit comments thereon to the Hearing Clerk, Food and Drug Administration. No comments were received.

L-Cysteine (L-2-amino-3-mercaptopropanoic acid) and L-cysteine monohydrochloride (L-2-amino-3-mercaptopropanoic acid monohydrochloride) are amino acids approved as safe for use for nutritive purposes in § 121.1002 of the food additive regulations.

L-Cysteine is in many foods as a constituent of the naturally occurring protein. Cysteine is generally converted to cystine prior to analysis in order to obtain a more accurate value for the total cystine plus cysteine content of the proteins. Values for the sulfur-containing amino acid content of foods are therefore generally given for methionine and cystine. The cystine content of wheat flour (12 percent protein) is approximately 0.32 percent. The addition of the proposed 90 parts per million (ppm) (0.009 percent) of cysteine would have no nutritional impact since it would not alter the amino acid balance significantly. The cysteine of the flour is an integral part of the protein and is not readily available to the yeast metabolic system until the protein is hydrolized by enzymatic action. The addition of this amount of L-cysteine (90 ppm) has been used for years in the "continuous mix" commercial production of yeast-leavened bakery products such as bread, rolls, buns, sweet goods, pizzas, and the like. The introduction of up to 90 ppm L-cysteine to doughs reduces the long fermentation step necessary in the batch mixing processes. This small quantity of L-cysteine serves as an essential nutrient for the yeast in the early stages of yeast fermentation. In addition, it improves the machinability, flavor, and texture of yeast leavened bakery products made by the continuous mix process.

This use of L-cysteine is specifically permitted in 21 CFR 17.1(a)(16) as an optional ingredient in standardized bakery products. Since this use is intended to produce only a technical effect and has no nutritional implications, it is not subject to the requirements of § 121.1002, which governs the use of amino acids for nutrient purposes.

The Commissioner finds that:

1. L-Cysteine has been added to yeast-leavened bakery products in these amounts for many years and is effective for this purpose.

2. The addition of this amount of L-cysteine to bakery products will not increase significantly the consumption of L-cysteine from naturally occurring protein.

3. This level of L-cysteine is generally recognized as safe.

This regulation is issued prior to a general evaluation of use of this ingredient and is subject to reconsideration when general evaluation is undertaken. Other uses of L-cysteine for a functional effect may also be GRAS.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in § 121.104 by adding new paragraph (g) (22) and (23) as follows:

§ 121.104 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

* * * * * * *

(g) * * *

(22) *L-Cysteine.* (i) L-Cysteine is the chemical L-2-amino-3-mercaptopropanoic acid ($C_3H_7O_2NS$).

(ii) The ingredient meets the appropriate part of the specifications set forth in the Food Chemicals Codex, 2d Ed. (1972) [1] for L-cysteine monohydrochloride.

(iii) The ingredient is used to supply up to 0.009 part of total L-cysteine per 100 parts of flour in dough as a dough strengthener as defined in § 121.1(o)(6) in yeast-leavened baked goods and baking mixes as defined in § 121.1(n)(1).

(iv) This regulation is issued prior to a general evaluation of use of this ingredient in order to affirm as GRAS the specific use named.

(23) *L-Cysteine monohydrochloride.* (i) L-Cysteine monohydrochloride is the chemical L-2-amino-3-mercaptopropanoic acid monohydrochloride monohydrate ($C_3H_7O_2NS\ HCl\ H_2O$).

(ii) The ingredient meets the specifications of Food Chemicals Codex, 2d Ed. (1972).[1]

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

(iii) The ingredient is used to supply up to 0.009 part of total L-cysteine per 100 parts of flour in dough as a dough strengthener as defined in § 121.1(o)(6) in yeast-leavened baked goods and baking mixes as defined in § 121.1(n)(1).

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

(iv) This regulation is issued prior to a general evaluation of use of this ingredient in order to affirm as GRAS the specific use named.

Effective date. This order shall be effective October 23, 1974.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a))

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

NOTE: Incorporation by reference provisions approved by the Director of the Office of the Federal Register July 10, 1973.

[FR Doc.74–21190 Filed 9–20–74;8:45 am]

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives from the Requirement of Tolerances

ETHYL ALCOHOL; AFFIRMATION OF GRAS STATUS AS DIRECT HUMAN FOOD INGREDIENT

The Food and Drug Administration is conducting a study of the safety of ingredients added directly to human food that have been previously classified as generally recognized as safe (GRAS), or prior-sanctioned through actions of the Food and Drug Administration or the U.S. Department of Agriculture before enactment of the Food Additives Amendment of 1958. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20035–20057), implementing this review.

Section 409 of the act does not require that a food manufacturer consult with, or obtain the approval of, the Food and Drug Administration before using a food ingredient on the ground that it is GRAS for the use involved. Moreover, the original GRAS list promulgated on the initiative of the Food and Drug Administration concluded in § 121.101(a) that it was impractical for the Food and Drug Administration to attempt to list all food ingredients that are generally recognized as safe for their intended use. Thus, a number of ingredients are used in food on the determination and responsibility of the food manufacturer that the ingredient is GRAS for that purpose, without review or approval by the Food and Drug Administration.

Use of food ingredients as GRAS without the review and approval of the Food and Drug Administration often does not afford the opportunity for participation of qualified scientists and other interested members of the public. In addition, the law requires the Food and Drug Administration to monitor the use of all food ingredients, and to make certain that no ingredients are used which are not in fact GRAS, unless a food additive regulation is promulgated. Accordingly, the Commissioner has determined that it is in the public interest to have the safety of ingredients, used in food on the ground of GRAS status, reviewed through public procedures. The Commissioner has promulgated criteria by which a substance may be eligible for GRAS status, and procedures for submitting petitions requesting Food and Drug Administration affirmation of GRAS status or determination of food additive status.

The "affirmed GRAS lists" now established in §§ 121.104 and 121.105 contemplate a complete list of substances except traditional food items which do not need listing. Because of the wide scope of sections 201(s) and 409 of the act, which encompass all ingredients in any processed or fabricated food, including raw agricultural commodities and substances migrating from food-contact articles, an all-inclusive list of affirmed GRAS food ingredients will not be attained for some time.

In accordance with the procedures established in § 121.40, Fairmont Foods, 3201 Farnam Street, P.O. Box 1191, Omaha, NB 68131, has submitted a petition (GRASP 3G0028) requesting affirmation that the use of a 95 percent ethyl alcohol (ethanol) spray, at concentrations of up to 2 percent of the product weight, on manufactured pre-baked pizza crusts to extend the handling and shelf life thereof through inhibition of the growth of microorganisms, is GRAS.

A notice of the filing of this petition was published in the FEDERAL REGISTER of July 24, 1973 (38 FR 19851) and interested persons were notified therein of the opportunity to review the petition and to submit comments thereon to the Hearing Clerk, Food and Drug Administration. No comments were received.

The petitioner intends to spray 95 percent ethanol which meets the specifications of the Food Chemicals Codex, 2d Ed., 1972,[1] and the formula requirements of 26 CFR Part 212, on the tops and bottoms of cooled pre-baked pizza crusts prior to packaging in plastic bags for shipment to restaurants where the toppings are applied and the pizza is cooked. Shipments to firms making frozen pizzas for home cooking are also contemplated.

The petition presents data which demonstrate that pizza crusts, so treated, have a shelf life at room temperature of 4 to 5 times as long as untreated crusts. Refrigerated storage further enhances the shelf life. The data include both visual observation and laboratory test results to demonstrate inhibition of microbial growth.

The petitioner's data show that residual ethyl alcohol concentration on the finished baked pizza with the treated crusts is essentially equal to that level normally found in yeast leavened baked goods. The effect of ethyl alcohol on bacteria is well recognized. Ethyl alcohol is a component of yeast-leavened baked goods up to a concentration of 0.5 percent and is used as the solvent vehicle for many flavor substances added to foods, e.g., lemon extract, vanilla extract, etc., and such uses pose no risk to the public health. The quantity of alcohol remaining after cooking is quite small.

V 39 185 SEP 23 74 XUM

The Commissioner finds that:

1. The use requested is effective.

2. Ethyl alcohol residues remaining on the treated pizza crusts as consumed will not increase significantly the level of ethyl alcohol ordinarily consumed from yeast-leavened bakery products and from the flavor substances that use ethyl alcohol as a solvent vehicle.

3. This level of ethyl alcohol is generally recognized as safe.

This regulation is issued prior to a general evaluation of use of this ingredient and is subject to reconsideration when general evaluation is undertaken. Other uses of ethyl alcohol may also be GRAS.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in § 121.104 by adding a new paragraph (g)(24) to read as follows:

§ 121.104 **Substances added directly to human food affirmed as generally recognized as safe (GRAS).**

• • • • •

(g) • • •

(24) *Ethyl alcohol.* (i) Ethyl alcohol (ethanol) is the chemical C_2H_5OH.

(ii) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972)[1] and the formula requirements of 26 CFR Part 212.

(iii) The ingredient is used as an antimicrobial agent as defined in § 121.1(o)(2) on pizza crusts prior to final baking at levels not to exceed 2.0 percent by product weight.

(iv) This regulation is issued prior to general evaluation of use of this ingredient in order to affirm as GRAS the specific use named.

Effective date. This order shall be effective on October 23, 1974.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a))

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-21191 Filed 9-20-74;8:45 am]

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives From the Requirement of Tolerances

Subpart D—Food Additives Permitted in Food for Human Consumption

BAKERS YEAST EXTRACT, AFFIRMATION OF GRAS STATUS AS DIRECT HUMAN FOOD INGREDIENT; BAKERS YEAST GLYCAN AND BAKERS YEAST PROTEIN

The Food and Drug Administration is conducting a study of the safety of ingredients added directly to human food that have been previously classified as generally recognized as safe (GRAS), or prior-sanctioned through action of the Food and Drug Administration or the U.S. Department of Agriculture taken before enactment of the Food Additives Amendment of 1958. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20035–20057), implementing this review.

Section 409 of the act does not require that a food manufacturer consult with, or obtain the approval of, the Food and Drug Administration before using a food ingredient on the ground that it is GRAS for the use involved. Moreover, the original GRAS list promulgated on the initiative of the Food and Drug Administration concluded in § 121.101(a) that it was impractical for the Food and Drug Administration to attempt to list all food ingredients that are generally recognized as safe for their intended use. Thus, a number of ingredients are used in food on the determination and responsibility of the food manufacturer that the ingredient is GRAS for that purpose, without review or approval by the Food and Drug Administration.

Use of food ingredients as GRAS without the review and approval of the Food and Drug Administration often does not afford the opportunity for participation of qualified scientists and other interested members of the public. In addition, the law requires the Food and Drug Administration to monitor the use of all food ingredients, and to make certain that no ingredients are used which are not in fact GRAS, unless a food additive regulation is promulgated. Accordingly, the Commissioner has determined that it is in the public interest to have the safety of ingredients, used in food on the ground of GRAS status, reviewed through public procedures. The Commissioner has promulgated criteria by which a substance may be eligible for GRAS status, and procedures for submitting petitions requesting Food and Drug Administration affirmation of GRAS status or determination of food additive status.

The "affirmed GRAS lists" now established in §§ 121.104 and 121.105 contemplate a complete list of substances except traditional food items which do not need listing. Because of the wide scope of sections 201(s) and 409 of the act, which encompass all ingredients in any processed or fabricated food, including raw agricultural commodities and substances migrating from food-contact articles, an all-inclusive list of affirmed GRAS food ingredients will not be attained for some time.

In accordance with the procedures established in § 121.40, Anheuser-Busch, Inc., St. Louis, Mo. 63118, submitted a petition (GRASP 3G0025) requesting affirmation that the use of fractions of commercial bakers yeast identified as "bakers yeast protein," "bakers yeast glycan," and "bakers yeast extract" as food and in food is GRAS. Each fraction has been considered separately.

A notice of the filing of this petition was published in the FEDERAL REGISTER of June 12, 1973 (38 FR 15471), and interested persons were notified therein of the opportunity to review the petition and submit comments thereon to the Hearing Clerk, Food and Drug Administration. No comments were received.

Various yeasts have been used in foods for centuries, and their use in baking and brewing is known to have been well established among the Egyptians as early as several centuries B.C. The yeast which has been most used to date is known as "bakers yeast." This name includes any one of several selected strains of *Saccharomyces cerevisiae*. Extended periods of human consumption of as much as 100 grams per day of yeast cake, dried yeast, or autolyzed yeast have been reported without observed adverse effects. Overindulgence with viable yeasts has been associated with intestinal disturbances.

Commercial bakers yeast is normally produced as described in "Federal Specifications—Yeast EE–Y–131D," a copy of which is on public display in the office of the Hearing Clerk, and consists principally of whole yeast cells. The petitioner processes bakers yeast to produce a mechanical rupture of the yeast cells that permits separation of three components of yeast cells. The cell walls are recovered by centrifugation, washed and dried as "bakers yeast glycan." Further processing produces an insoluble protein portion called "bakers yeast protein" and a soluble cellular portion called "bakers yeast extract."

Bakers yeast glycan is the comminuted, washed, pasteurized, and dried yeast cell walls. It is composed principally of long chain carbohydrates, 53 percent glycans and 35 percent mannans, on a dry solids basis. Its intended use is primarily as a thickening agent. If used at levels of 5 percent in the designated products, it is not expected significantly to contribute to caloric intake. Its caloric value is reported as 1.81 calories per gram. The petitioner claims that it reduces the need for gums and other additives, is compatible with oil-containing foods, and would substitute for vegetable gums in many foods. Several such uses are requested by the petitioner.

Two short term feeding studies on bakers yeast glycan have been completed by the petitioner. The first was a 1-week study with rats on a diet of 10 percent bakers yeast glycan. The second was a 90-day feeding study with rats at 5, 10, 15, and 20 percent dietary levels of bakers yeast glycan. A limited study was conducted with four human subjects ingesting 10 to 15 grams of bakers yeast glycan per day for 90 days. None of the completed studies indicated any undesirable effects.

Considerable information exists establishing the effects on man and animals of the ingestion of whole yeast cells and autolyzed yeast cells. However, the Commissioner is not aware of any published data on the effects of feeding the cell walls of yeast in quantities significantly greater than the number of yeast cells contained in a normal diet.

The data presented in the petition are adequate to support the conclusion that use of bakers yeast glycan in food is safe if restricted to an amount approximating the quantity of yeast cells ingested in a normal diet. The Commissioner concludes that use of bakers yeast glycan is safe if limited to 5 percent or less in nonstandardized salad dressings, which was one of the petition's requests. This use would not significantly increase a person's dietary intake of bakers yeast glycan over normal ingestion of yeast cells consumed in other foods. Use of bakers yeast glycan at 5 percent concentration in the other requested food categories, such as in milk shakes and instant puddings, would significantly increase the number of yeast cell walls in the diet. Therefore, the Commissioner is promulgating a food additive regulation permitting use only in nonstandardized salad dressings.

At the request of the Food and Drug Administration, the petitioner initiated in April 1974 a modified sub-chronic feeding study with rats to run for at least 8 months. Additional uses of bakers yeast glycan may be approved after evaluation of the data resulting from this study.

Bakers yeast protein is the insoluble protein remaining after removal of the cell walls and is said to account for about 40 percent of the solids, 64 percent of the protein, 94 percent of the lipid, 8 percent of the nucleic acid, and 14 percent of the carbohydrate of the original yeast cells. The data provided by the petitioner indicate a significant zinc content because of use of zinc salts to control nucleic acid content and increase the production of the bakers yeast. Bakers yeast protein is intended for use in food as a source of protein.

The data provided by the petitioner are adequate to show that bakers yeast protein may be safely used in food if the maximum nucleic acid content is limited to 2 percent and the maximum zinc content to 500 parts per million (ppm) and the levels of other heavy metals and of viable microbes are acceptably low. The Commissioner has therefore specified such levels in the regulations.

The petitioner calls attention to the recent clinical nutritional research which establishes that the average human should ingest no more than 2 grams of nucleic acid per day. The work of J. C. Edozien, et al., is cited, and a copy of the publication is included in the petition as a basis for this conclusion. The petition suggests a limitation of not more than 2 percent nucleic acid in bakers yeast protein. In regard to the acceptable level of 2 percent nucleic acid, the petition indicates that the content of bakers yeast protein in practice is more generally about 0.7 percent. The Commissioner concludes that, with reasonably foreseeable uses of bakers yeast protein, the requirement of not more than 2 percent nucleic acid will protect against the ingestion of more than 2 grams per day of nucleic acid from this and other sources.

If all or nearly all of the protein in a diet comes from a single source, adverse effects frequently occur. This fact is well understood by nutritionists working with many species of animals, including man. However, the human diet, especially in the United States, is generally of such wide variation that few, if any, individuals are dependent on a sole source of protein in their diet. It is anticipated that bakers yeast protein will constitute no more than 30 to 50 percent of the total dietary protein for humans under normal conditions. These levels of consumption are safe. Increased uses could be permitted only after well-controlled studies have confirmed the safety of such uses.

Bakers yeast extract is that 40 percent of the yeast which solubilizes and remains after removal of the glycan and the protein. It is claimed that this extract, when processed under appropriate conditions, yields flavoring substances of various flavors. Bakers yeast extract produced by this process is said to account for about 40 percent of the solids, 32 percent of the protein, 87 percent of the nucleic acid, 3 percent of the lipid, and 33 percent of the carbohydrates in the original yeast. The extract itself is generally composed of 35 to 40 percent protein, 9 to 12 percent nucleic acids, 25 to 30 percent carbohydrates, 25 to 30 percent ash, and less than 1 percent each of lipids and crude fibers. Bakers yeast extract appears to differ in no essential characteristics from the yeast extracts that have been used as flavors for a number of years.

Most uses of bakers yeast extracts are at concentrations of 1 to 2.5 percent. A few uses are as high as 5 percent in the food. Even at a 5-percent level, a person would have to ingest daily 400 grams of a food flavored with bakers yeast extract to approach the critical level of nucleic acid ingestion. This level is highly unlikely for a single day's intake, let alone for an extended period of time.

The Commissioner finds that:

1. No evidence was presented that there exist published studies on the safety of the glycan and protein fractions of yeast that are subjects of the petition that are available to scientists generally, or that there is common knowledge about the safety of these products throughout the scientific community knowledgeable about the safety of food ingredients. The petition includes unpublished data to establish the safety of the proposed uses of the glycan and the protein under prescribed limitations.

2. The individual fractions of the yeast cell as isolated yeast cell walls and isolated insoluble protein were not commonly used in foods in the United States prior to January 1, 1958.

3. Bakers yeast extracts have been widely consumed in reasonable amounts in the United States for years without evidence of significant adverse effects.

4. The requested uses for bakers yeast extract and bakers yeast protein, and the requested use for bakers yeast glycan in nonstandardized salad dressings are functional.

5. The requested uses for bakers yeast extract and bakers yeast protein, and the requested use for bakers yeast glycan in nonstandardized salad dressings are safe.

Accordingly, the Commissioner concludes, in accordance with § 121.40(c)(5), that there is a lack of convincing evidence that bakers yeast glycan and bakers yeast protein are GRAS. They are therefore food additives, subject to section 409 of the act. The Commissioner also concludes that the uses of bakers yeast extract set forth in the petition are GRAS.

The Commissioner further advises that the petition submitted for GRAS affirmation with respect to the glycan and protein fractions has been evaluated also as a food additive petition for these two yeast fractions in accordance with §§ 121.41(c) and 121.51. The Commissioner finds that the data provided establish the conditions of safe use for these two additives and concludes that the request for GRAS affirmation of bakers yeast glycan and bakers yeast protein be denied, the request for GRAS affirmation of bakers yeast extract as a flavoring agent be granted, and that food additive regulations be established for bakers yeast glycan and bakers yeast protein.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. In § 121.104 by adding new paragraph (g)(25) to read as follows:

§ 121.104 **Substances added directly to human food affirmed as generally recognized as safe (GRAS).**

• • • • •

(g) • • •

(25) *Bakers yeast extract.* (i) Bakers yeast extract is the food ingredient resulting from concentration of the solubles of mechanically ruptured cells of a selected strain of yeast, *Saccharomyces cerevisiae*. It may be concentrated or dried.

(ii) The ingredient meets the following specifications on a dry weight basis: Less than 0.4 part per million (ppm) arsenic, 0.13 ppm cadmium, 0.2 ppm lead, 0.05 ppm mercury, 0.09 ppm selenium, and 10 ppm zinc.

(iii) The viable microbial content of the finished ingredient as a concentrate or dry material is:

(*a*) Less than 10,000 organisms/gram by aerobic plate count.

(*b*) Less than 10 yeasts and molds/gram.

(*c*) Negative for *Salmonella, E. coli*, coagulase positive *Staphylococci, Clostridium perfringens, Clostridium botulinum*, or any other recognized microbial pathogen or any harmful microbial toxin.

(iv) The ingredient is used as a flavoring agent and adjuvant as defined in § 121.1(o)(12) at a level not to exceed 5 percent in food.

(v) This regulation is issued prior to general evalution of use of this ingredient in order to affirm as GRAS the specific use named.

2. In Subpart D by adding two new sections to read as follows:

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

V 39 I 185 SEP 23 74 XUM

§ 121.1262 **Bakers yeast glycan.**

Bakers yeast glycan may be safely used in food in accordance with the following conditions:

(a) Bakers yeast glycan is the comminuted, washed, pasteurised, and dried cell walls of the yeast, *Saccharomyces cerevisiae*. It is composed principally of long chain carbohydrates, not less than 85 percent on a dry solids basis. The carbohydrate is composed of glycan and mannan units in approximately a 2:1 ratio.

(b) The additive meets the following specifications on a dry weight basis: Less than 0.4 part per million (ppm) arsenic, 0.13 ppm cadmium, 0.2 ppm lead, 0.05 ppm mercury, 0.09 ppm selenium, and 10 ppm zinc.

(c) The viable microbial content of the finished ingredient is:

(1) Less than 10,000 organisms/gram by aerobic plate count.

(2) Less than 10 yeasts and molds/gram.

(3) Negative for *Salmonella, E. coli*, coagulase positive *Staphylococci, Clostridium perfringens, Clostridium botulinum*, or any other recognized microbial pathogen or any harmful microbial toxin.

(d) The additive is used or intended for use only in salad dressings as an emulsifier and emulsifier salt as defined in § 121.1(o)(8), stabilizer and thickener as defined in § 121.1(o)(28), or texturizer as defined in § 121.1(o)(32) at a maximum concentration of 5 percent.

(e) The label and labeling of the ingredient shall bear adequate directions to assure that use of the ingredient complies with this regulation.

§ 121.1263 **Bakers yeast protein.**

Bakers yeast protein may be safely used in food in accordance with the following conditions:

(a) Bakers yeast protein is the insoluble proteinaceous material remaining after the mechanical repture of yeast cells of *Saccharomyces cerevisiae* and removal of whole cell walls by centrifugation and separation of soluble cellular materials.

(b) The additive meets the following specifications on a dry weight basis:

(1) Zinc salts less than 500 parts per million (ppm) as zinc.

(2) Nucleic acid less than 2 percent.

(3) Less than 0.3 ppm arsenic, 0.1 ppm cadmium, 0.4 ppm lead, 0.05 ppm mercury, and 0.3 ppm selenium.

(c) The viable microbial content of the finished ingredient is:

(1) Less than 10,000 organisms/gram by aerobic plate count.

(2) Less than 10 yeasts and molds/gram.

(3) Negative for *Salmonella, E. coli*, coagulase positive *Staphylococci, Clostridium perfringens, Clostridium botulinum*, or any other recognized microbial pathogen or any harmful microbial toxin.

(d) The ingredient is used in food as a nutrient supplement as defined in § 121.1(o)(20).

Any person who will be adversely affected by § 121.1262 or § 121.1263 may at any time on or before October 23, 1974, file with the Hearing Clerk, Food and Drug Administration Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable, and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Any objections received may be seen in the above office during working hours, Monday through Friday.

Effective date. Section 121.104(g)(25) shall be effective October 23, 1974. Sections 121.1262 and 121.1263 shall be effective September 23, 1974.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a))

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-21187 Filed 9-20-74;8:45 am]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CITRIC ACID

The Food and Drug Administration is conducting a study of the safety of ingredients added directly to human food that have been previously classified as generally recognized as safe (GRAS), or prior sanctioned through actions of the Food and Drug Administration or the U.S. Department of Agriculture before enactment of the Food Additives Amendment of 1958. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20035–20057), implementing this review.

Section 409 of the act does not require that a food manufacturer consult with, or obtain the approval of, the Food and Drug Administration, before using a food ingredient on the ground that it is GRAS for the use involved. Moreover, the original GRAS list promulgated on the initiative of the Food and Drug Administration concluded in § 121.101(a) that it was impractical for the Food and Drug Administration to attempt to list all food ingredients that are generally recognized as safe for their intended use. Thus, a number of ingredients are used in foods on the determination and responsibility of the food manufacturer that the ingredient is GRAS for that purpose, without review or approval by the Food and Drug Administration.

Use of food ingredients as GRAS without the review and approval of the Food and Drug Administration often does not afford the opportunity for participation of qualified scientists and other interested members of the public. In addition, the law requires the Food and Drug Administration to monitor the use of all food ingredients, and to make certain that no ingredients are used which are not in fact GRAS, unless a food additive regulation is promulgated. Accordingly, the Commissioner has determined that it is in the public interest to have the safety of ingredients, used in food on the ground of GRAS status, reviewed through public procedures. The Commissioner has promulgated criteria by which a substance may be eligible for GRAS status, and procedures for submitting petitions requesting Food and Drug Administration affirmation of GRAS status or determination of food additive status.

The "affirmed GRAS lists" now established in §§ 121.104 and 121.105 contemplate a complete list of substances except those traditional food items which do not need listing. Because of the wide scope of sections 201(s) and 409 of the act, which encompass all ingredients in any processed or fabricated food, including raw agricultural commodities and substances migrating from food-contact articles, an all-inclusive list of affirmed GRAS food ingredients will not be attained for some time.

In accordance with the procedures described in § 121.40, Pfizer, Inc., 235 East 42d St., New York, NY 10017, submitted a petition (GRASP 3G0014) proposing affirmation that citric acid produced by a newly developed process involving yeast fermentation of straight chain paraffin hydrocarbon is GRAS for use in food.

A notice of the filing of this petition was published in the FEDERAL REGISTER of July 24, 1973 (38 FR 19852), and interested persons were notified therein of their opportunity to review the petition and to submit comments to the Hearing Clerk, Food and Drug Administration. One comment was received, and is discussed below.

Citric acid has been an article of commerce of considerable volume since the turn of the century. Originally produced by concentration of the juice of citrus fruit, principally lime and lemon, increasing demands upon the production led to the discovery and introduction of a process of production utilizing enzyme fermentation of carbohydrates about 1923. By the end of World War II, production in the United States was about 26 million pounds. In 1970 the reported use in foods alone reached nearly 36 million pounds.

The scientific literature indicates that most of the citric acid of commerce is presently produced by fermentation processes utilizing the enzyme systems of selected strains of *Aspergillus niger* in the conversion into citric acid of carbohydrates such as dextrose, sucrose, and by-products of sugar production. These fungal fermentations generally produce other organic compounds in appreciable quantities under certain conditions. However, the physical parameters of the

fermentation processes can be adjusted to minimize the production of undesirable metabolites. Consideration of these enzyme systems is included in the review, now being undertaken in the Food and Drug Administration, of a petition (GRASP 3G0016) submitted by the Ad Hoc Enzyme Committee.

The petition has presented adequate data to demonstrate the feasibility of food-grade citric acid production by fermentation of *n*-paraffin with a selected strain of the yeast *Candida lipolytica*. The petition has been filed as provided for in § 121.40 and carefully evaluated in accordance with the criteria established for GRAS substances.

The citric acid which is the subject of this GRAS petition is produced by a new enzymatic process from purified normal alkanes (petroleum). The organism used in the new fermentation process for production does not have a history of use in food production. The petitioner describes the process for production of citric acid through the action of a selected strain of yeast, *Candida lipolytica*, on a product of the petro-chemical industry, *n*-paraffin.

The single comment received in response to the notice of filing raised several issues. These are summarized with the Commissioner's comments, as follows:

1. The comment stated that the data provided are insufficient to establish the safety of citric acid from the new process. Extensive biological testing is necessary because of the possible presence of unknown impurities, including polycyclic hydrocarbons and isocitric acid.

The Commissioner concludes that it is well established that citric acid produced by microbial fermentation contains less isocitric acid as a contaminant than a similar product derived from natural citrus juices. In fact, this difference has been suggested as a means of identifying adulteration of natural products such as orange juice. The natural presence of small amounts of isocitric acid in citrus fruits has produced no adverse toxicological effects and the somewhat lower levels in the citric acid produced by this new process raise no concern. A specification that polynuclear aromatic hydrocarbons (PNAs) shall be absent from food grade citric acid is included to assure that these impurities are not present at the levels of 2 parts per billion (ppb), the level at which PNA impurities can be detected in any food ingredient using present methodology. Under these circumstances, no added assurance of safety would be expected by the extensive biological tests suggested by the comment.

2. The comment asserts that the policy of the Food and Drug Administration is that a GRAS substance made from new raw materials and/or by new processes is treated as a new product.

The Commissioner advises that the purpose of the Food Additives Amendment is to assure the safety of the food supply. The definition of a "food additive" in section 201(s) of the act provides that a food ingredient may be determined to be GRAS on the basis of scientific procedures. Thus, he concludes that there is no legal impediment to a determination of GRAS status for citric acid produced by this new process.

The Commissioner further concludes that, if a product manufactured by a new process is identical with an existing GRAS substance as far as adequate specifications can assure, the end product may be considered GRAS. If the new process suggests the need for additional specifications to maintain a food grade, these should be applied to such GRAS substances produced by any process. If the new process suggests the need for regulation of the process to assure that significant alteration of the product does not occur when utilized by other manufacturers, a regulation covering the process will be promulgated, as is done in the instant case.

3. The comment stated that the analytical techniques included in the petition are not adequate to detect impurities present in small amounts.

The Commissioner recognizes that the analytical techniques criticized by the comment as not adequate for the detection of small amounts of impurities in the citric acid are not adequate for this purpose. These analyses were submitted for purposes of showing the similarity of this citric acid with that conventionally produced and no claims to detect impurities were made for these methods.

The Commissioner has included in this regulation an analytical method to assure the absence of polynuclear aromatic hydrocarbons (PNA's). Such assurance is required because of the recognized carcinogenic potential of PNA's. The method adopted herein will detect PNAs present in citric acid at levels greater than 2 ppb. The Commissioner concludes that this level of sensitivity, which is applicable to the detection of PNA's in all food, is sufficiently sensitive using the Mantel-Bryan method of determining an appropriately sensitive method.

4. The comment contended that the social and economic advantages claimed for the process are not valid.

The Commissioner advises that social and economic issues are not a part of the consideration given to evaluating the safe conditions of use for a good ingredient.

The petition requests GRAS affirmation of citric acid derived from yeast fermentation of petroleum hydrocarbons. There is no reason to consider the new citric acid different from food-grade citric acid prepared by other processes; if the existing Food Chemicals Codex specifications are supplemented to include a specification assuring the absence of polynuclear hydrocarbons. Citric acid is the subject of a Scientific Literature Review that will be evaluated in the current GRAS review program. Therefore, pursuant to the provision of § 121.40(c)(1), citric acid produced by this method is not eligible for GRAS affirmation by petition, and that request in the petition is denied. Pending the evaluation of the GRAS status of food-grade citric acid, the Food and Drug Administration will consider citric acid produced by this method, meeting the specifications of the Food Chemicals Codex and free from PNA's when tested by the prescribed method, in the same category as other citric acid.

The petition also requires consideration of the status and conditions of safe use of the new process, utilizing the action of *Candida lipolytica* on a petroleum substrate. The Commissioner finds that:

1. No evidence was presented that there exist published studies on the safety of this fermentation process that are available to scientists generally, or that there is common knowledge about the safety of this enzyme system throughout the scientific community knowledgeable about the safety of food ingredients. The petitioner presents unpublished data to establish the safety of the proposed use of the enzyme system of this organism in the production of citric acid.

2. The enzyme system was not widely used in food production in the United States prior to January 1, 1958.

3. The use requested is effective.

4. The use requested is safe.

5. Information is not presented to permit an adequate evaluation of the safety of the fermentation residue as a by-product for animal feed use.

Accordingly, the Commissioner concludes, in accordance with § 121.40(c)(5), that there is a lack of convincing evidence that the organism is GRAS. The enzyme system is therefore a food additive, subject to section 409 of the act.

The Commissioner advises that the petition submitted for GRAS affirmation has been evaluated also as a food additive petition in accordance with §§ 121.41(c) and 121.51. The Commissioner finds that the data establish the conditions of safe use for the food additive enzyme system of the parent microorganism *Candida lipolytica* for the production of food-grade citric acid. This action does not authorize use of the fermentation residue as a byproduct for inclusion in animal feeds. The latter use is properly the subject of a separate petition for feed additive use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner concludes that the request for GRAS affirmation of citric acid produced by this process be denied, and that Part 121 be amended by adding to Subpart D a new § 121.1259 to read as follows:

§ 121.1259 **Candida lipolytica.**

The food additive *Candida lipolytica* may be safely used as the organism for fermentation production of citric acid in accordance with the following conditions:

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(a) The food additive is the enzyme system of the organism *Candida lipolytica* and its concomitant metabolites produced during the fermentation process.

(b) (1) The nonpathogenic organism is classified as follows:

Class: Deuteromycetes.
Order: Moniliales.
Family: Cryptococcaceae.
Genus: *Candida*.
Species: *lipolytica*.

(2) The taxonomic characteristics of the culture agree in the essentials with the standard description for *Candida lipolytica* variety lipolytica, listed in *The Yeasts—A Taxonomic Study*, 2d Ed. (1970) by Jacomina Lodder.

(c) The additive is used or intended for use as a pure culture in the fermentation process for the production of citric acid from purified normal alkanes.

(d) The additive is so used that the citric acid produced conforms to the specifications of the Food Chemicals Codex, 2d Ed. (1972)[1] and meet the following ultraviolet absorbance limits when subjected to the analytical procedure described in this paragraph:

Ultraviolet absorbance per centimeter path length:

	Maximum
280 to 289 millimicrons	0.25
290 to 299 millimicrons	0.20
300 to 359 millimicrons	0.13
360 to 400 millimicrons	0.03

ANALYTICAL PROCEDURE FOR CITRIC ACID

GENERAL INSTRUCTIONS

Because of the sensitivity of the test, the possibility of errors arising from contamination is great. It is of the greatest importance that all glassware be scrupulously cleaned to remove all organic matter such as oil, grease, detergent residues, etc. Examine all glassware including stoppers and stopcocks, under ultraviolet light to detect any residual fluorescent contamination. As a precautionary measure it is recommended practice to rinse all glassware with purified isooctane immediately before use. No grease is to be used on stopcocks or joints. Great care to avoid contamination of citric acid samples in handling is essential to assure absence of any extraneous material arising from inadequate packaging. Because some of the polynuclear hydrocarbons sought in this test are very susceptible to photo-oxidation, the entire procedure is to be carried out under subdued light.

APPARATUS

1. Aluminum foil, oil free.
2. Separatory funnels, 500-milliliter capacity, equipped with tetrafluoroethylene polymer stopcocks.
3. Chromatographic tubes: (a) 80-millimeter ID x 900-millimeter length equipped with tetrafluoroethylene polymer stopcock and course fritted disk; (b) 18-millimeter ID x 300-millimeter length equipped with tetrafluoroethylene polymer stopcock.
4. Rotary vacuum evaporator, Buchi or equivalent.
5. Spectrophotometer—Spectral range 250–400 nanometers with spectral slit width of 2 nanometers or less; under instrument operating conditions for these absorbance measurements, the spectrophotometer shall also meet the following performance requirements:

Absorbance repeatability, ±0.01 at 0.4 absorbance.
Wavelength repeatability, ±0.02 nanometer.
Wavelength accuracy, ±1.0 nanometer.

The spectrophotometer is equipped with matched 1 centimeter path length quartz microcuvettes with 0.5-milliliter volume capacity.

6. Vacuum oven, minimum inside dimensions: 200 mm x 200 mm x 300 mm deep.

REAGENTS AND MATERIALS

Organic solvents. All solvents used throughout the procedure shall meet the specifications and tests described in this specification. The methyl alcohol, isooctane, benzene, hexane and 1,2-dichloroethane designated in the list following this paragraph shall pass the following test:

The specified quantity of solvent is added to a 250-milliliter round bottom flask containing 0.5 milliliter of purified *n*-hexadecane and evaporated on the rotary evaporator at 45° C to constant volume. Six milliliters of purified isooctane are added to this residue and evaporated under the same conditions as above for 5 minutes. Determine the absorbance of the residue compared to purified *n*-hexadecane as reference. The absorbance of the solution of the solvent residue shall not exceed 0.03 per centimeter path length between 280 and 299 nanometers and 0.01 per centimeter path length between 300 and 400 nanometers.

Methyl alcohol, A.C.S. reagent grade. Use 100 milliliters for the test described in the preceding paragraph. If necessary, methyl alcohol may be purified by distillation through a Virgreaux column discarding the first and last ten percent of the distillate or otherwise.

Benzene, spectrograde (Burdick and Jackson Laboratories, Inc., Muskegon, Mich., or equivalent). Use 80 milliliters for the test. If necessary, benzene may be purified by distillation or otherwise.

Isooctane (2,2,4-trimethylpentane). Use 100 milliliters for the test. If necessary, isooctane may be purified by passage through a column of activated silica gel, distillation or otherwise.

Hexane, spectrograde (Burdick and Jackson Laboratories, Inc., Muskegon, Mich., or equivalent). Use 100 milliliters for the test. If necessary, hexane may be purified by distillation or otherwise.

1,2-Dichloroethane, spectrograde (Matheson Laboratories, Inc., Muskegon, Mich., or or equivalent). Use 100 milliliters for the test. If necessary, 1,2-dichloroethane may be purified by distillation or otherwise.

ELUTING MIXTURES

1. *10 percent 1,2-dichloroethane in hexane.* Prepare by mixing the purified solvents in the volume ratio of 1 part of 1,2-dichloroethane to 9 parts of hexane.

2. *40 percent benzene in hexane.* Prepare by mixing the purified solvents in the volume ratio of 4 parts of benzene to 6 parts of hexane.

n-Hexadecane, 99 percent olefin-free. Determine the absorbance compared to isooctane as reference. The absorbance per centimeter path length shall not exceed 0.00 in the range of 260–400 nanometers. If necessary, *n*-hexadecane may be purified by percolation through activated silica gel, distillation or otherwise.

Silica gel, 28–200 mesh (Grade 12, Davison Chemical Co., Baltimore, MD, or equivalent). Activate as follows: Slurry 900 grams of silica gel reagent with 2 liters of purified water in a 3-liter beaker. Cool the mixture and pour into a 80 x 900 chromatographic column with coarse fritted disc. Drain the water, wash with an additional 6 liters of purified water and wash with 3,600 milliliters of purified methyl alcohol at a relatively slow rate. Drain all of the solvents and transfer the silica gel to an aluminum foil-lined drying dish. Place foil over the top of the dish. Activate in a vacuum oven at low vacuum (approximately 750 millimeters Mercury or 27 inches of Mercury below atmospheric pressure) at 173° to 177° C for at least 20 hours. Cool under vacuum and store in an amber bottle.

Sodium sulfate, anhydrous, A.C.S. reagent grade. This reagent should be washed with purified isooctane. Check the purity of this reagent as described in 21 CFR 121.1156.

Water, purified. All water used must meet the specifications of the following test:

Extract 600 milliliters of water with 50 milliliters of purified isooctane. Add 1 milliliter of purified *n*-hexadecane to the isooctane extract and evaporate the resulting solution to 1 milliliter. The absorbance of this residue shall not exceed 0.02 per centimeter path length between 300–400 nanometers and 0.03 per centimeter path length between 280–299 nanometers. If necessary, water may be purified by distillation, extraction with purified organic solvents, treatment with an absorbent (e.g., activated carbon) followed by filtration of the absorbent or otherwise.

PROCEDURE

Separate portions of 200 milliliters of purified water are taken through the procedure for use as control blanks. Each citric acid sample is processed as follows: Weigh 200 grams of anhydrous citric acid into a 500 milliliter flask and dissolve in 200 milliliters of pure water. Heat the solution to 60° C and transfer to a 500 milliliter separatory funnel. Rinse the flask with 50 milliliters of isooctane and add the isooctane to the separatory funnel. Gently shake the mixture 90 times (caution: vigorous shaking will cause emulsions) with periodic release of the pressure caused by shaking.

Allow the phases to separate for at least 5 minutes. Draw off the lower aqueous layer into a second 500-milliliter separatory funnel and repeat the extraction with a second aliquot of 50 milliliters of isooctane. After separation of the layers, draw off and discard the water layer. Combine both isooctane extracts in the funnel containing the first extract. Rinse the funnel which contained the second extract with 10 milliliters of isooctane and add this portion to the combined isooctane extract.

A chromatographic column containing 5.5 grams of silica gel and 3 grams of anhydrous sodium sulfate is prepared for each citric acid sample as follows: Fit 18 x 300 column with a small glass wool plug. Rinse the inside of the column with 10 milliliters of purified isooctane. Drain the isooctane from the column. Pour 5.5 grams of activated silica gel into the column. Tap the column approximately 20 times on a semisoft, clean surface to settle the silica gel. Carefully pour 3 grams of anhydrous sodium sulfate onto the top of the silica gel in the column.

Carefully drain the isooctane extract of the citric acid solution into the column in a series of additions while the isooctane is draining from the column at an elution rate of approximately 3 milliliters per minute. Rinse the separatory funnel with 10 milliliters of isooctane after the last portion of the extract has been applied to the column and add this rinse to the column. After all of the extract has been applied to the column and the solvent layer reaches the top of the sulfate bed, rinse the column with 25 milliliters of isooctane followed by 10 milliliters of a 10-percent dichlorocethane in hexane solution. For each rinse solution, drain the column until the solvent layer reaches the top of the sodium sulfate bed. Discard the rinse solvents. Place a 250-milliliter round bottom flask containing 0.5 milliliter of purified *n*-hexadecane under the column. Elute the polynuclear aromatic hydrocarbons from the column with 80 milliliters of 40-percent benzene in hexane solution. Drain the eluate until the 40-percent benzene in the hexane solvent reaches the top of the sodium sulfate bed.

Evaporate the 40-percent benzene in hexane eluate on the rotary vacuum evoporator at 45° C until only the *n*-hexadecane residue of 0.5 milliliter remains. Treat the *n*-hexadecane residue twice with the following wash step: Add 6 milliliters of purified isooctane and remove the solvents by vacuum evaporation at 45° C to constant volume, i.e., 0.5 milliliter. Cool the *n*-hexadecane residue and transfer the solution to 0.5-milliliter microcuvette. Determine the absorbance of this solution compared to purified *n*-hexadecane as reference. Correct the absorbance values for any absorbance derived from the control reagent blank. If the corrected absorbance does not exceed the limits prescribed, the samples meet the ultraviolet absorbance specifications.

The reagent blank is prepared by using 200 milliliters of purified water in place of the citric acid solution and carrying the water sample through the procedure. The typical control reagent blank should not exceed 0.03 absorbance per centimeter path length between 280 and 299 nanometers, 0.02 absorbance per centimeter path length between 300 and 359 nanometers, and 0.01 absorbance per centimeter path length between 360 and 400 nanometers.

Any person who will be adversely affected by § 121.1259 in the foregoing order may at any time on or before October 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on September 23, 1974.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788, as amended; 21 U.S.C. 321(s), 348, 371(a))

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

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[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

SUGAR (SUCROSE); ALPHA-GALACTOSIDASE ENZYME

The Food and Drug Adminstration is conducting a study of the safety of ingredients added directly to human food that have been previously classified as generally recognized as safe (GRAS), or prior-sanctioned through actions of the Food and Drug Administration or the U.S. Department of Agriculture before enactment of the Food Additives Amendment of 1958. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (36 FR 20035–20057), implementing this review.

Section 409 of the act does not require that a food manufacturer consult with, or obtain the approval of, the Food and Drug Administration before using a food ingredient on the ground that it is GRAS for the use involve. Moreover, the original GRAS list promulgated on the initiative of the Food and Drug Administration concluded in § 121.101(a) that it was impractical for the Food and Drug Administration to attempt to list all food ingredients that are generally recognized as safe for their intended use. Thus, a number of ingredients are used in food on the determination and responsibility of the food manufacturer that the ingredient is GRAS for that purpose, without review or approval by the Food and Drug Administration.

Use of food ingredients as GRAS without the review and approval of the Food and Drug Administration often does not afford the opportunity for participation of qualified scientists and other interested members of the public. In addition, the law requres the Food and Drug Administration to monitor the use of all food ingredients, and to make certain that no ingredients are used which are not in fact GRAS, unless a food additive regulation is promulgated. Accordingly, the Commissioner has determined that it is in the public interest to have the safety of ingredients, used in food on the ground of GRAS status, reviewed through public procedures. The Commissioner has promulgated criteria by which a substance may be eligible for GRAS status, and procedures for submitting petitions requesting Food and Drug Administration affirmation of GRAS status or determination of food additive status.

The "affirmed GRAS lists" now established in §§ 121.104 and 121.105 contemplate a complete list of substances except traditional food items which do not need listing. Because of the wide scope of sections 201(s) and 409 of the act, which encompass all ingredients in any processed or fabricated food, including raw agricultural commodities and substances migrating from food-contact articles, an all-inclusive list of affirmed GRAS food ingredients will not be attained for some time.

In accordance with the procedures established in § 121.40, Markel, Hill, and Byerly, 1625 K Street, NW., Washington, DC 20006, has submitted a petition (GRASP 3G0030) on behalf of Hokkaido Sugar Co., Ltd., requesting affirmation that beet sugar (sucrose) treated with an alpha-galactosidase enzyme is GRAS for use in food.

A notice of the filing of this petition was published in the FEDERAL REGISTER of August 9, 1973 (38 FR 21514) and interested persons were notified therein of the opportunity to review the petition and to submit comments thereon to the Hearing Clerk, Food and Drug Administration. No comments were received.

The production of sugar from sugar beets produces a liquid molasses as a by-product. Sucrose (sugar) can also be separated from the molasses by precipitation as a calcium salt. This latter step increases the yield of sucrose significantly. However, the precipitation of sucrose from the molasses is less than it should be because of the presence in the molasses of raffinose, another sugar that interferes with the sucrose precipitation. As the molasses is recycled to remove sucrose, the raffinose level reaches a point where crystallization of sucrose ceases. Utilization of the enzyme alpha-galactosidase has been shown to hydrolyze the raffinose to sucrose and galactose, permitting a further increase in the total process yield of sucrose.

Alpha-galactosidase is found as an endogenous enzyme produced by the mycelium of the microorganism *Morticrella vinaceae* var. *raffinoseutilizer*, and, for purposes of sugar processing, is dispensed as mycelial pellets to be filtered from the molasses after treatment. A patent for the process was granted on March 7, 1972.

The petition has presented data to demonstrate the feasibility of increasing sugar yields by use of the microorganism. The petition has been filed as provided for in § 121.40 and carefully evaluated in accordance with the criteria established for GRAS substances.

The petition requests GRAS affirmation of sugar produced by use of the microorganism, *Mortierella vinaceae* var. *raffinoseutilizer* and its specific enzyme system. There is no reason to consider sugar prepared in this fashion different from food grade sugar prepared by other processes as long as the process results in no residue of the enzyme system in the final sugar. Sugar is the subject of a Scientific Literature Review that will be evaluated in the current GRAS review program. Therefore, pursuant to the provisions of § 121.40(c)(1), sugar produced by this method is not eligible for GRAS affirmation by petition, and that request in the petition is denied. Pending the evaluation of the GRAS status of food grade sugar, the Food and Drug Administration will consider sucrose (sugar) produced by this method meeting the specifications of the Food Chemicals Codex and free from the microorganism and its enzyme system in the same category as other sucrose.

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The petition also requires consideration of the status and conditions of safe use of the new process, utilizing the action of the microorganism *Mortierella vinaceae* var. *raffinoseutilizer* and its enzyme system in mycelial pellets. The Commissioner finds that:

1. No evidence was presented that there exist published studies on the safety of this enzyme system that are available to scientists generally, or that there is common knowledge about the safety of this enzyme system throughout the scientific community knowledgeable about the safety of food ingredients. The petitioner presents unpublished data to establish the safety of the proposed use of the enzyme system in the production of sugar.

2. The enzyme substance was not commonly used in food production in the United States prior to January 1, 1958.

3. The use requested is effective.

4. The use requested is safe.

5. Information is not presented to permit an adequate evaluation of the safety of the sucrose-free molasses byproduct for animal feed use.

Accordingly, the Commissioner concludes, in accordance with § 121.40(c)(5), that there is a lack of convincing evidence that the enzyme system is GRAS. The enzyme substance is therefore a food additive, subject to section 409 of the act.

The Commissioner further advises that the petition submitted for GRAS affirmation has been evaluated also as a food additive petition in accordance with §§ 121.41(c) and 121.51. The Commissioner finds that the data provided establish the conditions of safe use for the food additive alpha-galactosidase and its parent microorganism *Mortierella vinaceae* var. *raffinoseutilizer* in the production of beet sugar. This action does not authorize use of the molasses endproduct in animal feed. The latter use is properly the subject of a separate petition for feed additive use.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788, as amended; 21 U.S.C. 321(s), 348, 371(a)), and under the authority delegated to him (21 CFR 2.120), the Commissioner concludes that the request for GRAS affirmation of sucrose derived by this process be denied, and that Subpart D of the food additive regulations be amended by adding a new § 121.1260 to read as follows:

§ 121.1260 Alpha-galactosidase from Morteirella vinaceae var. raffinoseutilizer.

The food additive alpha-galactosidase and parent mycelial microorganism *Mortierella vinaceae* var. *raffinoseutilizer* may be safely used in food in accordance with the following conditions:

(a) The food additive is the enzyme alpha-galactosidase and the mycelia of the microorganism *Mortierella vinaceae* var. *raffinoseutilizer* which produces the enzyme.

(b) The nonpathogenic microorganism matches American Type Culture Collection (ATCC) No. 20034,[1] and is classified as follows:

Class: Phycomycetes.
Order: Mucorales.
Family: Mortierellaceae.
Genus: *Mortierella*.
Species: *vinaceae*.
Variety: *raffinoseutilizer*.

(c) The additive is used or intended for use in the production of sugar (sucrose) from sugar beets by addition as mycelial pellets to the molasses to increase the yield of sucrose, followed by removal of the spent mycelial pellets by filtration.

(d) The enzyme removal is such that there are no enzyme or mycelial residues remaining in the finished sucrose.

Any person who will be adversely affected by § 121.1260 in the foregoing order may at any time on or before October 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective September 23, 1974.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788, as amended; 21 U.S.C. 321(s), 348, 371(a))

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

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[1] Available from: American Type Culture Collection, 12301 Parklawn Drive, Rockville, MD 20852.

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ELECTROLYTIC DIAPHRAGM PROCESS FOR SALT

The Food and Drug Administration is conducting a study of the safety of ingredients added directly to human food that have been previously classified as generally recognized as safe (GRAS), or prior-sanction through actions of the Food and Drug Administration or the U.S. Department of Agriculture, before enactment of the Food Additives Amendment of 1958. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20035–20057), implementing this review.

Section 409 of the act does not require that a food manufacturer consult with, or obtain the approval of, the Food and Drug Administration before using a food ingredient on the ground that it is GRAS for the use involved. Moreover, the original GRAS list promulgated on the initiative of the Food and Drug Administration concluded in § 121.101(a) that it was impractical for the Food and Drug Administration to attempt to list all food ingredients that are generally recognized as safe for their intended use. Thus, a number of ingredients are used in food on the determination and responsibility of the food manufacturer that the ingredient is GRAS for that purpose, without review or approval by the Food and Drug Administration.

Use of food ingredients as GRAS without the review and approval of the Food and Drug Administration often does not afford the opportunity for participation of qualified scientists and other interested members of the public. In addition, the law requires the Food and Drug Administration to monitor the use of all food ingredients, and to make certain that no ingredients are used which are not in fact GRAS, unless a food additive regulation is promulgated. Accordingly, the Commissioner has determined that it is in the public interest to have the safety of ingredients, used in food on the ground of GRAS status, reviewed through public procedures. The Commissioner has promulgated criteria by which a substance may be eligible for GRAS status, and procedures for submitting petitions requesting Food and Drug Administration affirmation of GRAS status or determination of food additive status.

The "affirmed GRAS lists" now established in §§ 121.104 and 121.105 contemplate a complete list of substances except traditional food items which do not need listing. Because of the wide scope of sections 201(s) and 409 of the act, which encompass all ingredients in any processed or fabricated food, including raw agricultural commodities and substances migrating from food-contact articles, an all-inclusive list of affirmed GRAS food ingredients will not be attained for some time.

In accordance with procedures described in § 121.40, a petition (GRASP 3G0015) was submitted by Bernstein, Alper, Schoene and Friedman, 818 18th St., NW., Washington, DC 20006, requesting affirmation that chemically purified salt produced in conjunction with the electrolytic production of chlorine and caustic soda is GRAS for use in food.

A notice of filing of this petition was published in the FEDERAL REGISTER of July 12, 1973 (38 FR 15471) and interested persons were notified therein of their opportunity to review the petition and to submit comments thereon to the Hearing Clerk, Food and Drug Administration. No comments were received.

Sodium chloride in the form commonly known as "table salt" is generally a refined product obtained from natural deposits of the mineral or by solar evaporation of sea water or salt lakes. About 95 percent of the salt used in the United States is recovered from natural deposits either by shaft mining or solution mining. Table salt is refined generally by selective crystallization of brines to decrease the calcium, magnesium, and other metal halides generally found in the natural deposits. The generally used methods of manufacturing salt for food use will produce a product which meets the specifications as set forth in the Food Chemicals Codex, 2d Ed. (1972).[1] Many manufacturers produce special grades of salt for use in specialty type foods which are even more highly refined or purified than food grade salt.

The petition has presented data to demonstrate the feasibility of food grade sodium chloride production as a byproduct of the electrolytic production of chlorine and sodium hydroxide. The petition has been filed as provided for in § 121.40 and carefully evaluated in accordance with the criteria established for GRAS substances.

This salt is produced as a byproduct of the electrolytic diaphragm process for manufacturing chlorine and sodium hydroxide. The new electrodes proposed for use in the electrolytic diaphragm process do not have a history of use for this purpose, and could be unsafe if compounds dissolved from the electrodes caused contamination. The petitioner describes an electrolytic diaphragm process utilizing electrodes that do not produce impurities that will exceed the levels established for food grade salt in the Food Chemical Codex. The petitioner has shown that sodium chloride (salt) produced by this process does have a higher alkalinity than most of the other commercial products. Since there is no specification for this, a specification is needed to assure that the alkalinity level of such salt is without increased risk. The petitioner proposes a limit of alkalinity for his product of 500 parts per million (ppm) as Na_2O. This calculates to 645 ppm or 0.0645 percent NaOH. This level of alkalinity as sodium hydroxide in such a product is reasonable and poses no nutrition or toxicity problems. The analytical data supplied by the petitioner show that sodium chloride from this electrolytic process is otherwise comparable to other commercial preparations.

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

There is no reason to consider that salt produced electrolytically is different from food grade salt prepared by conventional processes if the existing Food Chemicals Codex specifications are supplemented to assure a safe limitation on the degree of alkalinity. Salt is the subject of a Scientific Literature Review that will be evaluated in the current GRAS review program. Therefore, pursuant to the provisions of § 121.40(c)(1), salt produced by this method is not eligible for GRAS affirmation by petition, and that request in the petition is denied. Pending the evaluation of the GRAS status of food grade salt, the Food and Drug Administration will consider salt (electrolytically produced) in the same category as other salt.

The petition also requires consideration of the status and conditions of safe use of the electrodes used in the electrolytic production of chlorine and sodium hydroxide. The Commissioner finds that:

1. No evidence was presented that there exist published studies on the safety of this electrolytic diaphragm process in producing salt that are available to scientists generally, or that there is common knowledge about the safety of this production method throughout the scientific community knowledgeable about the safety of food ingredients. The petitioner presents unpublished data to establish the safety of the proposed use of the electrode system of this process for the production of salt.

2. The electrode system was not commonly used in food production in the United States prior to January 1, 1958.

3. The use requested is effective.

4. The use requested is safe.

Accordingly, the Commissioner concludes in accordance with § 121.40(c)(5) that there is a lack of convincing evidence that the electrolytic diaphragm process is GRAS. The process with its electrode system is therefore a food additive, subject to section 409 of the act.

The Commissioner further advises that the petition submitted for GRAS affirmation has been evaluated also as a food additive petition in accordance with §§ 121.41(c) and 121.51. The Commissioner finds that the data provided establish the conditions of safe use for the production of food grade salt.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a) and under the authority delegated to him (21 CFR 2.120), the Commissioner concludes that the request for GRAS affirmation of sodium chloride (electrolytically produced) be denied, and that Part 121 be amended by adding to Subpart D a new § 121.126 to rlead as follows:

§ 121.1261 Electrolytic diaphragm process for salt.

The electrolytic diaphragm process for producing chlorine and sodium hydroxide may be safely used to produce food grade sodium chloride (salt) as a byproduct in accordance with the following conditions:

(a) The electrodes used in the diaphragm process are fabricated from materials that do not produce impurities in the salt that are not present in salt produced by other means.

(b) The salt so produced meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(c) The salt contains not more than 0.065 percent alkalinity calculated as sodium hydroxide (NaOH).

Any person who will be adversely affected by § 121.1261 in the foregoing order may at any time on or before October 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on September 23, 1974.

(Secs. 201(s), 409 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a))

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc. 74-21192 Filed 9-20-74;8:45 am]

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, D.C. 20037.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

GENERAL RECOGNITION OF SAFETY AND PRIOR SANCTIONS FOR FOOD INGREDIENTS

Notice of Proposed Rule Making

In the FEDERAL REGISTER of July 26, 1973 (38 FR 20035–20057), the Commissioner of Food and Drugs issued several proposed regulations and notices governing the review of the safety of ingredients that have been used in food on the determination that they are generally recognized as safe (GRAS) or subject to a prior sanction from the Food and Drug Administration or the United States Department of Agriculture issued prior to September 6, 1958, the effective date of section 201(s) of the Federal Food, Drug, and Cosmetic Act. The Commissioner had promulgated definitions in § 121.1 (21 CFR 121.1), criteria for determining GRAS status in § 121.3 (21 CFR 121.3), regulations governing issuance of opinion letters on the status of ingredients under section 201(s) and 409 of the act in § 121.11 (21 CFR 121.11), procedures for affirmation of GRAS status and determination of food additive status in §§ 121.40 and 121.41 (21 CFR 121.40 and 121.41), and procedures for codifying and limiting or revoking prior sanctions in § 121.4000 (21 CFR 121.4000).

In reviewing the comments received on the notices and proposals published on July 26, 1973, and preparing the final orders on these proposals that appear elsewhere in this issue of the FEDERAL REGISTER, the Commissioner has concluded that it would be advisable to revise some of the existing regulations in 21 CFR Part 121 to clarify the criteria for GRAS status, the differences between GRAS status and food additive status, and the procedures being used to conduct the current review of food ingredients.

GRAS STATUS

Section 201(s) of the act provides that a food ingredient may be determined to be GRAS on the basis either of scientific procedures or, if the ingredient was used in food prior to January 1, 1958, through experience based on common use in food. Prior to the current review of the safety of GRAS and prior-sanctioned ingredients, the precise implications of this provision of the act, and its relation to the food additive provisions of the act, had not been clarified.

Under section 409 of the act, a food additive is required to be proved to be safe through adequate scientific evidence. The Commissioner believes that Congress intended the phrase "scientific procedures" as used in section 201(s) of the act to have the same dimensions as the full reports of investigations required to prove the safety of a food additive under section 409 of the act. Accordingly, the Commissioner proposes to define "scientific procedures" to include those scientific studies appropriate to establish the safety of a substance. General recognition of safety through scientific procedures under section 201(s) would therefore require the same quantity and quality of scientific evidence as is required for proof of safety under section 409. This is consistent with the recent decisions of the Supreme Court in Weinberger v. Hynson, Westcott & Dunning, Inc., 412 U.S. 609 (1973) and Weinberger v. Bentex Pharmaceuticals, Inc., 412 U.S. 645 (1973), where the Court held that the reach of scientific inquiry under the comparable provisions of sections 505(b) and 201(p) is "precisely the same".

The Commissioner also proposes to require that general recognition of safety must ordinarily be based upon published literature. This is consistent with the Supreme Court's statement in the Bentex decision that whether a particular drug is a "new drug" depends in part on the expert knowledge and experience of scientists based on controlled clinical experimentation and backed by "substantial support in scientific literature". Although the Supreme Court was there referring to new drugs rather than to food additives, and to effectiveness rather than to safety, the underlying legal issues are indistinguishable.

Unlike the definition of a "new drug" in section 201(p), however, under section 201(s) a food ingredient may become generally recognized as safe solely through common use in food if it was marketed prior to January 1, 1958. For such ingredients, scientific procedures are not required either to establish GRAS status or to obtain a food additive regulation to permit continued marketing. Accordingly, the Commissioner proposes to define "common use in food" to mean a substantial history of consumption of a substance by a significant number of consumers in the United States, and explicitly to recognize that, under the law, GRAS status based upon such a determination does not require or involve the same quantity or quality of scientific evidence that would be required for approval of a food additive regulation.

This is a particularly important concept under the law. The current review of GRAS and prior-sanctioned ingredients used in food has made it clear that, for a large number of food ingredients marketed prior to 1958, scientific studies of the types now required for approval of food additives have never been undertaken. This includes virtually all raw agricultural commodities and other substances of natural biological origin. A requirement that all of these foods be tested according to modern standards for new food additives would be a substantial misallocation of the country's testing resources and would represent a serious misordering of priorities. Where significant safety questions arise, immediate new testing can and will be required. Where no known hazard exists for pre-1958 ingredients, however, the law clearly contemplates that the full battery of tests for a new food additive is not to be required.

For substances introduced into food after 1958, GRAS status may not be achieved through experience based on common use in food. For such substances, GRAS status may be determined, if at all, solely on the basis of scientific procedures, i.e., the same quantity and quality of scientific evidence as is necessary to obtain approval of a food additive at this time.

Section 201(s) of the act does provide, however, that such GRAS status may be achieved for post-1958 food ingredients on the basis of scientific procedures even prior to any significant history of marketing and use. Unlike the definition of "new drug" in section 201(p) of the act, section 201(s) does not require that a food ingredient be used "to a material extent or for a material time" before it may become GRAS.

On the other hand, general recognition of safety through scientific procedures does require that the scientific evidence on the basis of which this status is achieved has been published in the literature or otherwise widely disseminated throughout the scientific community knowledgeable about the safety of food ingredients, and that this evidence has indeed become common knowledge among such scientists. Accordingly, there will be at least some gap between the gathering of the scientific knowledge necessary to provide the toxicological underpinning for general recognition of safety and the dissemination to and assimilation by the scientific community of this material that is necessary for general recognition of safety to exist.

The Commissioner recognizes that it is not feasible at this time to prepare a list of all GRAS substances, and that such a list may well not be feasible for many years to come. GRAS status for raw agricultural commodities and other substances of natural biological origin that have been in common use prior to 1958 will ordinarily not require promulgation of a regulation in the FEDERAL REGISTER, unless a new type of processing is instituted. Instead, priority will be given to review of the status of food ingredients for which new processing methods have been introduced since 1958 or for which other significant alteration of composition has been made, synthetic food ingredients, substances intended for consumption for other than their nutrient properties, products extracted or otherwise obtained from GRAS substances, and other food ingredients for which safety questions have arisen. Once this lengthy list of substances is reviewed, it may then be feasible to return to matters of lower priority, and ultimately to develop a comprehensive GRAS list.

In the past, it has been too often assumed that a GRAS substance may be used in any food, at any level, for any purpose. As a result, the uses of some GRAS food ingredients have proliferated

to the point where their GRAS status has been brought into serious question.

The Commissioner has concluded that there should be three types of regulations affirming the GRAS status of an ingredient. Where it is concluded after general evaluation of use of an ingredient that it is GRAS under conditions of use that presently exist or that are reasonably foreseeable, it is sufficient that the regulation affirming GRAS status state that it may be used under good manufacturing practices. This type of regulation will contain the conditions and levels of use that have been reported by the 1972 NAS/NRC survey on food manufacturers pursuant to current good manufacturing practices. These reported conditions of use (the function for which it is used, the food categories in which it is used, and the maximum levels at which it is used) are not intended as rigid limitations. Variations in use of a GRAS ingredient subject to this type of regulation will be permitted as long as the new conditions of use are not significantly different from those on the basis of which the GRAS status of the substance was affirmed.

For some GRAS ingredients, however, GRAS status is affirmed after general evaluation of their use only on the basis of existing use patterns, and not on the basis of possible increase in use. For these substances, the Commissioner proposes to establish rigid limitations in the regulations affirming the ingredient as GRAS. Any use of the ingredient under conditions other than those explicitly set out in the regulation (e.g., a use in a different category of food, or for a different functional purpose, or at a higher level) will automatically require a food additive regulation prior to such use. Thus, these limitations have the same effect as a limitation in a food additive regulation.

Where a general evaluation of use of an ingredient has not been made, specific uses of the ingredient may nevertheless be affirmed as GRAS. Petitions to affirm the GRAS status of substances under such circumstances are invited by § 121.40(c) (21 CFR 121.40(c)). Although a general evaluation of all uses of an ingredient is pertinent to its GRAS status, it is not feasible to make such an evaluation whenever a specific use is sought to be affirmed as GRAS. Such an evaluation would eventually be made in the course of development of a comprehensive GRAS list, however. The Commissioner proposes that specific uses be affirmed as GRAS, subject to reconsideration when general evaluation is undertaken. A regulation issued prior to general evaluation of use of an ingredient would not necessarily list all uses that are GRAS.

The Commissioner believes that the type of experience based on common use in food that will support a GRAS determination must involve use in the United States, and not solely in foreign countries. Reported use in foreign countries often cannot be verified, and in any event the experience based upon such use cannot be monitored or evaluated. Food consumption patterns and differences between cultures make it impossible to assess whether a history of use abroad would be comparable to a history of use in the United States.

The determination that a food ingredient is GRAS is generally made on a product of specific composition, produced by one or more known manufacturing processes. This is particularly important where GRAS status is determined through experience based on common use in food, rather than through scientific procedures, because any change in a manufacturing process makes the relevance of the prior experience questionable. Accordingly, the Commissioner regards it as important that regulations affirming the GRAS status of an ingredient specify the manufacturing process used to obtain the ingredient that has been determined to be GRAS, and differentiate it from other possible versions of the ingredient that have not yet been determined to be GRAS. Other processes of manufacture may significantly alter the composition, and perhaps the toxicity, of the ingredient.

A change in manufacturing process may or may not require a food additive regulation, depending upon the information available about it. In any event, consideration must be given to the new process, to determine whether additional specifications or limitations are required to assure that the new version of the ingredient is not significantly different from the version that has been determined to be GRAS.

PRIOR SANCTIONS

The present review of GRAS and prior-sanctioned ingredients has required development of a means of ascertaining the existence or waiving the applicability of prior sanctions for use of such ingredients in food through approvals granted by the United States Department of Agriculture and the Food and Drug Administration prior to the effective date of the Food Additives Amendment of 1958, i.e., September 6, 1958. In the FEDERAL REGISTER of July 26, 1973 (38 FR 20041, 20048), the Commissioner proposed new regulations (21 CFR 121.104 and 121.105) incorporating a procedure for accomplishing this. Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is publishing final regulations incorporating this procedure without change. Any person who wishes to assert or at any time rely upon a prior sanction is required to submit proof of such prior sanction when a GRAS affirmation regulation is proposed. The failure to do so constitutes a waiver of any such prior sanction. The Commissioner has concluded that this procedure should be incorporated in other provisions of the regulations so that it will apply uniformly whenever regulations are adopted setting restrictions or limitations on ingredients where prior sanctions may possibly exist.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701(a), 52 Stat. 1046–1047 as amended, 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 342, 348, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 121:

1. In § 121.1 by revising paragraphs (f), (h), (i) and (k), and by adding new paragraphs (l) and (m) as follows:

§ 121.1 Definitions and interpretations.

* * * * *

(f) "Common use in food" means a substantial history of consumption of a substance by a significant number of consumers in the United States.

* * * * *

(h) "Scientific procedures" include those human, animal, analytical, and other scientific studies, whether published or unpublished, appropriate to establish the safety of a substance.

(i) "Safe" or "safety" means that there is a reasonable certainty in the minds of competent scientists that the substance is not harmful. It is impossible in the present state of scientific knowledge to establish with complete certainty the absolute harmlessness of any substance. Safety may be determined by scientific procedures or by general recognition of safety. In determining safety, the following factors shall be considered:

(1) The probable consumption of the substance and of any substance formed in or on food because of its use.

(2) The cumulative effect of the substance in the diet, taking into account any chemically or pharmacologically related substance or substances in such diet.

(3) Safety factors which, in the opinion of experts qualified by scientific training and experience to evaluate the safety of food and food ingredients, are generally recognized as appropriate.

(4) The benefit contributed by the substance.

* * * * *

(k) "General recognition of safety" shall be determined in accordance with § 121.3.

(l) "Prior sanction" means an explicit approval granted with respect to use of a substance in food prior to September 6, 1958, by the United States Department of Agriculture or the Food and Drug Administration pursuant to the Federal Food, Drug, and Cosmetic Act, the Poultry Products Inspection Act, or the Meat Inspection Act.

(m) "Food" includes human food, substances migrating to food from food-contact articles, pet food, and animal feed.

2. By revising § 121.3 to read as follows:

§ 121.3 Classification of a food ingredient as generally recognized as safe (GRAS).

(a) General recognition of safety may be based upon either (1) scientific procedures or (2) in the case of a substance used in food prior to January 1, 1958, through experience based on common use in food. General recognition of safety

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requires common knowledge about the substance throughout the scientific community knowledgeable about the safety of food ingredients.

(b) General recognition of safety based upon scientific procedures shall require the same quantity and quality of scientific evidence as is required to obtain approval of a food additive regulation for the ingredient. General recognition of safety through scientific procedures shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data and information.

(c) General recognition of safety through experience based on common use in food prior to January 1, 1958, may be determined without the quantity or quality of scientific procedures required for approval of a food additive regulation. General recognition of safety through experience based on common use in food prior to January 1, 1958, shall ordinarily be based upon generally available data and information. An ingredient not in common use in food prior to January 1, 1958, may achieve general recognition of safety only through scientific procedures.

(d) The food ingredients listed as GRAS in § 121.101 or affirmed as GRAS in § 121.104 or § 121.105 do not include all substances that are generally recognized as safe for their intended use in food. Because of the large number of substances the intended use of which results or may reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of food, it is impracticable to list all such substances that are GRAS. A food ingredient of natural biological origin that has been widely consumed for its nutrient properties in the United States prior to January 1, 1958, without known detrimental effects, which is subject only to conventional processing as practiced prior to January 1, 1958, and for which no known safety hazard exists, will ordinarily be regarded as GRAS without specific inclusion in §§ 121.101, 121.104, or 121.105.

(e) Food ingredients were listed as GRAS in § 121.101 during 1958–1962 without a detailed scientific review of all available data and information relating to their safety. Beginning in 1969, the Food and Drug Administration has undertaken a systematic review of the status of all ingredients used in food on the determination that they are GRAS or subject to a prior sanction. All determinations of GRAS status or food additive status or prior sanction status pursuant to this review shall be handled pursuant to §§ 121.40, 121.41, and 121.4000. Affirmation of GRAS status shall be handled pursuant to §§ 121.104 or 121.105. The result of such review shall also be made known by an appropriate reference under the heading for the column "Limitations, restrictions, or explanations" in the tables in § 121.101.

(f) The status of the following food ingredients will be reviewed and affirmed as GRAS or determined to be a food additive or subject to a prior sanction pursuant to §§ 121.40, 121.41, or 121.4000.

(1) Any substance of natural biological origin that has been widely consumed for its nutrient properties in the United States prior to January 1, 1958, without known detrimental effect, for which no health hazard is known, and which has been modified by processes first introduced into commercial use after January 1, 1958, which may reasonably be expected significantly to alter the composition of the substance.

(2) Any substance of natural biological origin that has been widely consumed for its nutrient properties in the United States prior to January 1, 1958, without known detrimental effect, for which no health hazard is known, that has had significant alteration of composition by breeding or selection after January 1, 1958, where the change may be reasonably expected to alter the nutritive value or the concentration of toxic constituents.

(3) Distillates, isolates, extracts, concentration of extracts, or reaction products of GRAS substances.

(4) Substances not of a natural biological origin, including those for which evidence is offered that they are identical to a GRAS counterpart of natural biological origin.

(5) Substances of natural biological origin intended for consumption for other than their nutrient properties.

(g) A food ingredient that is not GRAS or subject to a prior sanction requires a food additive regulation promulgated under section 409 of the act or a tolerance or action level promulgated under Part 122 of this chapter before it may be used in food as an added substance.

(h) Unless it is affirmed as GRAS for a specific use prior to general evaluation of use of the ingredient, a food ingredient that is listed as GRAS in § 121.101 or affirmed as GRAS in §§ 121.104 or 121.105 shall be regarded as GRAS only if, in addition to all the requirements in the applicable regulation, it also meets all of the following requirements:

(1) It complies with any applicable food grade specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(2) It performs an appropriate function in the food in which it is used.

(3) It is used at a level no higher than necessary to achieve its intended purpose in that food.

(4) If it is affirmed as GRAS in §§ 121.104 or 121.105 with no limitation other than good manufacturing practices, its conditions of use are not significantly different from those reported in the regulation as the basis on which the GRAS status of the substance was affirmed.

(5) If it is affirmed as GRAS in §§ 121.104 or 121.105 with specific limitation(s), it is used in food only within such limitation(s) (including the category of food(s), the functional use(s) of the ingredient, and the level(s) of use). Any use of such an ingredient not in full compliance with each such established limitation shall require a food additive regulation.

(i) A food ingredient that is affirmed as GRAS in §§ 121.104 or 121.105 for a specific use(s), prior to general evaluation of use of the ingredient, shall be regarded as GRAS if, in addition to all the requirements in the applicable regulation, it meets the requirements of paragraph (h)(1), (2), and (3) of this section. In addition to the use(s) specified in the applicable regulation, other uses of such an ingredient may also be GRAS. Any affirmation of GRAS status for a specific use(s), prior to general evaluation of use of the ingredient, is subject to reconsideration upon such evaluation.

(j) New information may at any time require reconsideration of the GRAS status of a food ingredient. Any change in §§ 121.101, 121.104, or 121.105 shall be accomplished pursuant to § 121.41.

3. By adding a new § 121.14 to read as follows:

§ 121.14 Prior sanctions.

(a) A prior sanction shall exist only for a specific use(s) of a substance in food, i.e., the level(s), condition(s), product(s), etc., for which there was explicit approval by the Food and Drug Administration or the United States Department of Agriculture prior to September 6, 1958.

(b) The existence of a prior sanction exempts the sanctioned use(s) from the food additive provisions of the act but not from the other adulteration or the misbranding provisions of the act.

(c) All known prior sanctions shall be the subject of a regulation published in Subpart E of this part. Any such regulation is subject to amendment to impose whatever limitation(s) or condition(s) may be necessary for the safe use of the ingredient, or revocation to prohibit use of the ingredient, in order to prevent the adulteration of food in violation of section 402 of the act.

(d) In proposing regulations affirming the GRAS status of substances added directly to human food in § 121.104 or substances in food-contact surfaces in § 121.105, or in establishing a food additive regulation for substances added directly to human food in Subpart D of this part or food additives in food-contact surfaces in Subpart F of this part, the Commissioner shall, if he is aware of any prior sanction for use of the ingredient under conditions different from those proposed in the regulation, concurrently propose a separate regulation covering such use of the ingredient under Subpart E of this part. If the Commissioner is unaware of any such applicable prior sanction, the proposed regulation will so state and will require any person who intends to assert or rely on such sanction to submit proof of its existence. Any food additive or GRAS regulation promulgated pursuant to this part constitutes a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to a proposal will constitute a waiver of the right to assert or rely on such sanction at any later time. The notice will also constitute a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to the proposal.

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, D.C. 20037.

4. By amending § 121.40 to add the following new paragraph (c)(6) to read as follows:

§ 121.40 Affirmation of generally recognized as safe (GRAS) status.

• • • • • •

(c) • • •

(6) The notice of filing in the FEDERAL REGISTER will request submission of proof of any applicable prior sanction for use of the ingredient under conditions different from those proposed to be determined to be GRAS. The failure of any person to come forward with proof of such an applicable prior sanction in response to the notice of filing will constitute a waiver of the right to assert or rely on such sanction at any later time. The notice of filing will also constitute a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to the notice of filing.

5. By amending § 121.41 to add a new paragraph (d) to read as follows:

§ 121.41 Determination of food additive status.

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(d) If the Commissioner of Food and Drugs is aware of any prior sanction for use of the substance, he will concurrently propose a separate regulation covering such use of the ingredient under Subpart E of this part. If the Commissioner is unaware of any such applicable prior sanction, the proposed regulation will so state and will require any person who intends to assert or rely on such sanction to submit proof of its existence. Any regulation promulgated pursuant to this section constitutes a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to a proposal will constitute a waiver of the right to assert or rely on such sanction at any later time. The notice will also constitute a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to the proposal.

6. By amending § 121.104 to add a new sentence to paragraph (a) and by adding new subparagraphs (1), (2), and (3) to paragraph (b) to read as follows:

§ 121.104 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

(a) • • • The regulations in this section shall sufficiently describe each ingredient to identify the characteristics of the ingredient that has been affirmed as GRAS and to differentiate it from other possible versions of the ingredient that have not been affirmed as GRAS.

(b) • • •

(1) If the ingredient is affirmed as GRAS with no limitation other than good manufacturing practices, it shall be regarded as GRAS as long as its conditions of use are not significantly different from those reported in the regulation as the basis on which the GRAS status of the substance was affirmed.

(2) If the ingredient is affirmed as GRAS with specific limitation(s), it shall be used in food only within such limitation(s) (including the category of food(s), the functional use(s) of the ingredient, and the level(s) of use). Any use of such an ingredient not in full compliance with each such established limitation shall require a food additive regulation.

(3) If the ingredient is affirmed as GRAS for a specific use, prior to general evaluation of use of the ingredient, other uses may also be GRAS.

• • • • • •

7. By amending § 121.105 to add a new sentence to paragraph (a) and by adding new subparagraphs (1) and (2) to paragraph (b) to read as follows:

§ 121.105 Substances in food contact surfaces affirmed as generally recognized as safe (GRAS).

(a) • • • The regulations in this section shall sufficiently describe each ingredient to identify the characteristics of the ingredient that has been affirmed as GRAS and to differentiate it from other possible versions of the ingredient that have not been affirmed as GRAS.

(b) • • •

(1) If the ingredient is affirmed as GRAS with no limitation other than good manufacturing practices, it shall be regarded as GRAS as long as its conditions of use are not significantly different from those reported in the regulation as the basis on which the GRAS status of the substance was affirmed.

(2) If the ingredient is affirmed as GRAS with specific limitation(s), it shall be used in food-contact surfaces only within such limitation(s) (including the category of food-contact surface(s), the functional use(s) of the ingredient, and the level(s) of use). Any use of such an ingredient not in full compliance with each such established limitation shall require a food additive regulation.

(3) If the ingredient is affirmed as GRAS for a specific use, prior to general evaluation of use of the ingredient, other uses may also be GRAS.

• • • • • •

Interested persons may, on or before December 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-21203 Filed 9-20-74;8:45 am]

[21 CFR Part 121]

BENZOIC ACID AND SODIUM BENZOATE

Proposed Affirmation of GRAS Status as Direct Human Food Ingredients

The Food and Drug Administration is conducting a comprehensive study of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20035–20057), implementing this review. Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is issuing the final regulations resulting from those proposals. Pursuant to this review, the safety of benzoic acid and sodium benzoate has been evaluated. In accordance with the provisions of § 121.40, the Commissioner proposes to affirm the GRAS status of these two ingredients.

Benzoic acid (benzencarboxylic acid) and its sodium salt, sodium benzoate (benzoate of soda) were listed in § 121.-101(d)(2) as GRAS for use in food as chemical preservatives at a maximum of 0.1 percent, published in the FEDERAL REGISTER of November 20, 1959 (24 FR 9369). Subsequently, sodium benzoate was listed in § 121.2001 as prior-sanctioned for use in food as an antimycotic in the manufacture of food-packaging materials in the FEDERAL REGISTER of February 2, 1960 (25 FR 866).

Benzoic acid and sodium benzoate have been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 1527 abstracts on benzoates and benzoic acid was reviewed and 42 particularly pertinent reports from the literature survey have been summarized in a Scientific Literature Review.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which benzoic acid and sodium benzoate were used and

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at what levels. Available surveys of consumer consumption were obtained and combined with the production information to obtain an estimate of the consumer exposure to benzoic acid and sodium benzoate. The total benzoic acid used in food in 1970 is reported to be 84,000 pounds, 2.1 times that used in 1960. The total sodium benzoate used in food in 1970 is reported to be 3,325,000 pounds, 1.4 times that used in 1960.

The Scientific Literature Review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (SCOGS):

Benzoic acid and sodium benzoate are rapidly absorbed by mammals, conjugated with glycine, and rapidly excreted (more than 75 percent within 6 hours) in the urine as hippuric acid. There is no accumulation of benzoate in the body. When large doses are given, some of the compound is excreted as benzoyl glucuronide. The ability to conjugate benzoic acid depends upon adequate liver function and nutritional supply of glycine. Large doses of benzoic acid or sodium benzoate can produce glycine insufficiency with concurrent decrease in glycine-dependent metabolites.

The oral LD_{50} for benzoic acid in the rat is reported to be 2,000 to 2,500 mg per kg; for sodium benzoate, 2,100 to 4,070 mg per kg. The oral LD_{100} for benzoic acid is reported to be 1,520 to 2,000, 2,000, and 2,000 mg per kg for the rabbit, cat and dog respectively. The oral LD_{50} for sodium benzoate in the rabbit and the dog is reported to be 2,000 mg per kg. The lethal dose for benzoic acid in sheep is estimated to be 1,000 mg per kg.

Mice, fed 80 mg per kg per day of benzoic acid for 8 months, showed significant depression of weight gain, increased liver weights, and enlarged spleens, ovaries, and lungs. In another report from the same laboratory, mice, administered 80 mg per kg per day of benzoic acid by oral intubation for 3 months, showed weight gains of 66 to 71 percent of the controls despite equivalent total feed consumption.

Benzoic acid, added to the diet at levels of "1 g% to 10 g%," stimulated growth rate and resulted in rats weighing more than the controls over a span of several weeks. The growth stimulation period was reported to be followed by growth depression but confirmation of this conclusion is not evident in the meager data presented.

Male Royal Wister rats fed a diet containing 3 percent benzoic acid for periods up to 35 days, showed early evidence of toxicity and death of half of the animals in 5 days. Histological examination revealed changes in the ganglia cells of the brain parenchyma. A comparable group of these animals, fed benzoic acid at a level of 1.1 percent failed to show neurotoxic signs or brain pathology. However, the authors interpreted their limited data to indicate that some growth retardation occurred at the 1.1 percent level.

Sodium benzoate fed at the high level of 5 percent in the diet of male weanling rats for 3 to 6 weeks elicited no gross toxicity other than growth depression which was largely counteracted by addition of extra glycine to the diet.

There are many short term studies in which sodium benzoate has been fed at a 1 percent level in the diet of rats with no discernible effects. However, sodium benzoate or benzoic acid fed to rats with a poor nutritional status at a level of 3 percent of the feed produced growth retardation and some deaths. A 90-day feeding study was carried out on rats exposed to diets containing sodium benzoate at levels of 1, 2, 4, or 8 percent. No adverse effects were observed at the levels lower than 8 percent.

Benzoic acid or sodium benzoate was fed to dogs at a level of 1 g per kg per day for 250 days without evidence of an adverse effect on growth, appetite or general physical condition.

In an early study (1909), 12 men who drank from 1–2.5 liters of apple juice containing 0.1 percent sodium benzoate complained of burning taste, headache, nausea and vomiting, itching of the skin, sweating, constipation and albuminuria. On the other hand, there are many accounts in which larger doses of benzoic acid produced no obvious symptoms in man. For example, ingestion of 1 g of benzoic acid in 88 doses over 92 days, or 1 g per day for 88 days, produced no observable untoward effects in human subjects. According to Kinsey and Wright, massive doses of sodium benzoate (25–60 g per day) were formerly given to rheumatic patients without producing a harmful effect. Doses of 6 g of sodium benzoate have been used to test liver function in many patients. Temporary distress due to gastrointestinal irritation, headache, and other central nervous system disturbances are often noted in such tests.

Comparisons of toxicity based on these short term studies show the mouse did not tolerate 80 mg per kg per day of benzoic acid, while the rat was not affected by 500 mg per kg per day, the dog by 1,000 mg per kg per day, or humans by 17 mg per kg per day.

No evidence of teratogenicity was found in rats administered 510 mg per kg of sodium benzoate by gavage on days 9–11 of gestation. Intraperitoneal injection of 1000 mg per kg of sodium benzoate on days 9–11 of gestation produced gross abnormalities and 12 percent fetal mortality.

The oral administration of 175 mg per kg of sodium benzoate to pregnant mice and rats daily from day 6 through day 15 of gestation, 300 mg per kg to pregnant hamsters daily from day 6 through day 10 of gestation, and 250 mg per kg to pregnant rabbits daily from day 6 through day 18 of gestation produced no discernible teratologic effects.

In long term studies (more than half the life span of the species) benzoic acid has been fed to rats at levels of 1 percent for 4 generations without appearance of abnormality.

Feeding studies designed to elicit evidence of mutagenicity of benzoates have not been reported. With respect to carcinogenicity, sodium benzoate fed to rats at a level of 5 percent in food for 23 weeks elicited no tumors. We are also aware of a report by investigators who dosed mice by oral intubation with 40 mg per kg per day of benzoic acid plus 80 mg per kg per day of sodium disulfite for 17 months. Of the first generation, 8 out of 100 and of the third generation, 1 out of 8 mice were reported to have malignant tumors. However, it is impossible to assess the validity of the findings or the causative factor(s) from the data given in the report.

In vitro sodium benzoate at a final concentration of 1.7 M inhibited a variety of enzymes and promoted autooxidation of heme pigments. Oral administration of sodium benzoate to rabbits (100 mg per kg) reduced the prothrombin time for 7 days. Intubation of 50 mg per kg of sodium benzoate to adult rats caused a decrease in the rate of fat absorption.

All of the available safety information on benzoic acid and sodium benzoate has been carefully evaluated by qualified scientists of the Select Committee on GRAS Substances (SCOGS) selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). It is the opinion of the Select Committee that:

There are extensive metabolic data on benzoic acid and sodium benzoate in experimental animals and man. It appears that the rat and human have similar metabolic pathways. Short and long term feeding studies, as well as teratological investigations, have also been reported in the rat. Interpolation of the rat data and consumer exposure data indicates that the highest no effect level reported in the long term laboratory feeding study of sodium benzoate is approximately 180 fold the amount usually present in man's daily diet. The highest no effect level reported in laboratory animal feeding is approximately 90 fold the amount that would be consumed if an individual's diet were to consist only of those foods containing the greatest amounts of sodium benzoate in current usage.

It is the conclusion of the Select Committee that there is no evidence in the available information on benzoic acid and sodium benzoate that demonstrates a hazard to the public when they are used at current levels and in the manner now practiced or under conditions that might reasonably be expected in the future. Based upon his own evaluation of all available information on benzoic acid and sodium benzoate, the Commissioner concurs with this conclusion. The Commissioner therefore concludes that no change in the current GRAS status of these ingredients is justified.

Copies of the Scientific Literature Review on benzoic acid and sodium benzoate, reports of the teratology screening tests for the ingredients, and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, and may be purchased from the National Technical Information Service (NTIS) 5285 Port Royal Rd., Springfield, VA 22151, as follows:

Title	Order No.	Cost
Benzoates (scientific literature review).	PB-221-208	$5.45
Benzoates (FASEB evaluation).	PB-223-837/AS	2.75
Sodium benzoate (teratology test).	PB-221-777	4.50

The above titles may also be purchased in microfiche form. Microfiche document prices are $1.45 each for those with order numbers having an FDABF prefix or AS suffix, and $0.95 each for all others.

This proposed action does not affect the present use of benzoic acid and sodium benzoate for pet food or animal feed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended as follows:

1. In § 121.101(d)(2) by revising the entries for "Benzoic acid" and "Sodium benzoate" to read as follows:

§ 121.101 Substances that are generally recognized as safe.

(d) • • •

Product	Tolerance	Limitations, restrictions, or explanations
• • •	• • •	• • •
(2) CHEMICAL PRESERVATIVES		
• • •	• • •	• • •
Benzoic acid	0.1 percent	Affirmed as GRAS, § 121.104(g)(6).
• • •	• • •	• • •
Sodium benzoate	0.1 percent	Affirmed as GRAS, § 121.104(g)(7).
• • •	• • •	• • •

2. In § 121.104 by adding new paragraph (g)(6) and (7) to read as follows:

§ 121.104. Substances added directly to human food affirmed as generally recognized as safe (GRAS).

(g) • • •

(6) *Benzoic acid.* (i) Benzoic acid is the chemical benzenecarboxylic acid ($C_7H_6O_2$), occurring in nature in free and combined forms. Among the foods in which benzoic acid occurs naturally are cranberries, prunes, plums, cinnamon, ripe cloves and most berries. Benzoic acid is manufactured by treating molten phthalic anhydride with steam in the presence of a chromate catalyst, by vapor phase decarboxylation of the phthalic anhydride with steam in the presence of a zinc oxide catalyst, by the hydrolysis of benzotrichloride, or by the oxidation of toluene with nitric acid or sodium bichromate or air.

(ii) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(iii) The ingredient is used as an antimicrobial agent as defined in § 121.1(o)(2) and flavoring agent and adjuvant as defined in § 121.1(o)(12).

(iv) The ingredient is used in food at levels not to exceed good practices. Current good manufacturing practice results in a maximum level of 0.1 percent in food.

(7) *Sodium benzoate.* (i) Sodium benzoate is the chemical, benzoate of soda ($C_7H_5NaO_2$), produced by the neutralization of benzoic acid with sodium bicarbonate solution, followed by treatment with charcoal or potassium permanganate, filtration, and drying. The salt is not found to occur naturally.

(ii) The ingredient meets the specification of the Food Chemicals Codex 2d Ed. (1972).[1]

(iii) The ingredient is used as an antimicrobial agent as defined in § 121.1(o)(2) and flavoring agent and adjuvant as defined in § 121.1(o)(12).

(iv The ingredient is used in food at levels not to exceed good manufacturing practices. Current good manufacturing practice results in a maximum level of 0.1 percent in food.

• • • • • • •

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of these ingredients in food under conditions different from those proposed herein or listed in § 121.2005(b). Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before December 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-21202 Filed 9-20-74;8:45 am]

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, D.C. 20037.

[21 CFR Part 121]

PROPYL GALLATE

Proposed Affirmation of GRAS Status as Direct Human Food Ingredient

The Food and Drug Administration is conducting a comprehensive study of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20035–20057), implementing this review. Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is issuing the final regulations resulting from those proposals. Pursuant to this review the safety of propyl gallate has been evaluated. In accordance with the provisions of § 121.40, the Commissioner proposes to affirm the GRAS status of this ingredient.

Propyl gallate is the propyl ester of 3,4,5-trihydroxybenzoic acid. It is listed in § 121.101(d)(2) as GRAS for use as a food preservative at a maximum total antioxidant content of 0.02 percent of fat or oil content, including essential (volatile) oil content of the food, pursuant to a regulation published in the FEDERAL REGISTER of November 20, 1959 (24 FR 9368).

Propyl gallate has been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection and (13) processing. A total of 627 abstracts on propyl gallate was reviewed and 31 particularly pertinent reports from the literature survey have been summarized in a Scientific Literature Review.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which propyl gallate was used and at what levels. Available surveys of consumer consumption were obtained and combined with the production information to obtain an estimate of the consumer exposure to propyl gallate. The total propyl gallate used in food in 1970 is reported to be 96,420 pounds as compared with 88,901 reported for 1960.

The Scientific Literature Review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (SCOGS):

Orally-administered propyl gallate and other alkyl esters of gallic acid undergo cleavage of the ester linkage. The gallic acid portion is metabolized and excreted mainly (about 72 percent) as the glucuronide of 4–0 methyl gallic acid. The main pathway of metabolism appears to be the initial methylation of the hydroxyl group in the 4 position, followed by conjugation with glucuronic acid other excretion products and include 4-0-methyl gallic acid, gallic acid pyrogalloi, accounting for some 80 percent of the administered propyl gallate in rabbits. It has been suggested that the nature and relative amounts of the excretion products may depend on the availability of methyl-donors in the diet.

The oral LD_{50} of propyl gallate in mice is reported to be in the range of 2,000 milligrams per kilogram to 3,500 milligrams per kilogram; in the rat, 3,000 to 3,800; in the hamster, 2,480; and in the rabbit, 2,750.

The following short-term studies (extending for less than half of the life span of the

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species) are relevant, although conflicting and difficult to interpret.

Diets containing 0.002 percent or 0.004 percent propyl gallate were fed to rats for 13 weeks. No differences were noted in protein and fat utilization or in survival time for the experimental animals as compared to the controls.

A delayed increase in weight in rats and mice was reported when the animals were fed propyl gallate at levels of ¼ to ½ of the LD_{50} for 10 weeks. There was also reduced blood catalase, peroxidase, and cholinesterase activity.

Rats fed a diet containing a mixture of 50 milligrams per kilogram of propyl gallate and 100 milligrams per kilogram of butylated hydroxytoluene daily for 10 weeks showed normal weight gains. Decreased blood cholinesterase, catalase, and glucose levels were noted after 3 weeks, but they returned to normal by the end of the experimental period.

Some investigators have stated that indices of fertility and physical endurance as well as weight increments were unaffected when female albino rats were fed propyl gallate at a level of 202 milligrams per kilogram per day. The authors indicate that this dosage amounts to about 35 times the level of human intake.

Daily administration of a mixture of propyl gallate (10 milligrams per kilogram) and butylated hydroxyanisole (20 milligrams per kilogram) was reported to increase male rat mortality and sterility with a decrease in blood ketone bodies and no change in blood sugar level or in blood catalase or cholinesterase activity.

Male albino rats fed a diet consisting of sunflower seed oil and animal fat to which 0.02 percent of propyl gallate was added, showed markedly lower weight gains and delayed development; the nutritional value of the fat tended to be lower than in the controls.

Propyl gallate, fed at a level of 0.1 percent for 6 weeks to weanling male and female Norway Hooded rats, elicited no effect on serum cholesterol level.

Male albino rats, fed 4 milligrams of propyl gallate daily in lard, showed somewhat lower assimilation of fat than the control animals.

Propyl gallate and certain other antioxidants are reported to inhibit the liberation of fatty acids from adipose tissue as measured by examination of the epididymis of Wistar rats, starved for 16 hours and treated with adrenaline to activate fatty acid mobilization.

In studies to test for teratogenicity, pregnant Walter Reed-Carworth Farms rats, fed 500 milligrams of propyl gallate, showed 18.3 percent of implantations terminating in resorptions compared to 10.6 percent in control animals. In the same report resorptions due to feeding ascorbic acid, glutathione, and butylated hydroxytoluene at equivalent levels were 15.3, 13.9 and 2.4 percent, respectively. The feeding of 0.025 to 0.075 percent propyl gallate to vitamin E deficient rats resulted in decreased incidence of congenital abnormalities in the offspring.

The following significant longer-term studies have been reported:

Rats fed diets containing as much as 0.117 percent, and guinea pigs and dogs as much as 0.0117 percent propyl gallate for 1 to 2 years showed no adverse changes in gross appearance, growth, hemoglobin reproduction (guinea pig), renal function (dog), erythrocyte and leucocyte levels (rat), or in the histology of the liver, kidneys, spleen, stomach, gonads, lungs, or heart (rat and guinea pig). Feeding of higher levels (1.17 percent or more) of propyl gallate to rats led to some growth inhibition, lowered hemoglobin levels, and kidney damage.

Rats fed 1 percent propyl gallate in the diet for their entire life span showed no adverse effects.

Young Wistar rats were fed for as long as a year on diets to which propyl gallate, butylated hydroxyanisole, and chlorine dioxide were added at levels 50 times those normally used in bread ingredients. No adverse effects were noted on growth, mortality, organ weights, or histopathology tissues.

In one report a man ingested 0.5 gram of propyl gallate daily for 6 consecutive days. Examination of the urine during this period and for an additional 6 days thereafter revealed the presence of no albumin, blood or abnormal sediments or casts.

Feeding studies to test for carcinogenicity or mutagenicity of propyl gallate have not been reported. A number of reports record observations on the in vitro effects of propyl gallate on deoxyribonucleic acid (DNA) and on cell cultures but the relevance of these studies to the in vivo oral effects of propyl gallate in humans is not clear. However, the intraperitoneal administration of a single 180-milligram dose of propyl gallate to mice with Ehrlich ascites tumor and hepatomas was reported to inhibit tumor growth.

All of the available safety information on propyl gallate has been carefully evaluated by qualified scientists of the Select Committee on GRAS Substances selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). It is the opinion of the Select Committee that:

Although interpretation of some reports is difficult, particularly where propyl gallate has been studied in mixtures with other antioxidants, it is evident that the no effect level of propyl gallate for the rat exceeds 100 milligrams per kilogram per day, and no effect levels of this order have also been reported for mice, guinea pigs, and dogs. The Select Committee regards as reasonable the estimate of the FAO/WHO Expert Committee on Food Additives of 100 milligrams per kilogram per day as the level of propyl gallate that causes no significant toxicological effect when fed to the rat. Using this estimate and the consumer exposure data, the highest no effect level of orally administered propyl gallate is more than 1,500 fold that usually present in an adult's daily diet and more than 400 fold that which would obtain if his diet were to consist only of those foods containing the maximum amount of propyl gallate. Also the highest no effect level is some 200 fold the maximum reported levels of consumption of children who consume propyl gallate at the highest rates.

It is the conclusion of the Select Committee that there is no evidence in the available information on propyl gallate that demonstrates a hazard to the public when it is used at current levels and in the manner now practiced or under conditions that might reasonably be expected in the future. Based upon his own evaluation of all available information on propyl gallate, the Commissioner concurs with this conclusion. The Commissioner therefore concludes that no change in the current GRAS status of propyl gallate is justified.

Copies of the Scientific Literature Review on propyl gallate, reports of the teratology screening tests for the ingredient, and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22151, as follows:

Title	Order number	Cost
Propyl gallate (scientific literature review).	PB–221–207	$3.75
Propyl gallate (teratology test)	PB–221–790	3.75
Propyl gallate (teratology test)	PB–223–816/AS	2.75
Propyl gallate (FASEB evaluation).	PB–223–840/AS	2.75

The above titles may also be purchased in microfiche form. Microfiche document prices are $1.45 each for those with order numbers having an FDABF prefix or AS suffix, and $0.95 each for all others.

This proposed action does not affect the present use of propyl gallate for pet food or animal feed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended as follows:

1. In § 121.101(d)(2) by revising the entry for "Propyl gallate" to read as follows:

§ 121.101 Substances that are generally recognized as safe.

* * * * * *

(d) * * *

Product	Tolerance	Limitations, restrictions, or explanations
* * *	* * *	* * *
(2) CHEMICAL PRESERVATIVES		
* * *	* * *	* * *
Propyl gallate	Total content of antioxidants not over 0.02 percent of fat or oil content, including essential (volatile) oil content of the food.	Affirmed as GRAS, § 121.104(g)(26).
* * *	* * *	* * *

2. In § 121.104 by adding a new paragraph (g)(26) to read as follows:

§ 121.104 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

* * * * * *

(g) * * *

(26) *Propyl gallate.* (i) Propyl gallate is the *n*-propylester of 3,4,5-trihydroxybenzoic acid ($C_{10}H_{12}O_5$). Natural occurrence of propyl gallate has not been reported. It is commercially prepared by esterification of gallic acid with propyl alcohol followed by distillation to remove excess alcohol.

(ii) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(iii) The ingredient is used as an antioxidant as defined in § 121.1(o)(3).

(iv) The ingredient is used in food at levels not to exceed good manufacturing practices. Current good manufacturing practice results in a maximum level of 0.015 percent in food.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before December 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 3, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

NOTE: Incorporation by reference provisions approved by the Director of the Office of the Federal Register July 10, 1973.

[FR Doc.74–21199 Filed 9–20–74;8:45 am]

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

[21 CFR Part 121]

GUAR GUM

Proposed Affirmation of GRAS Status With Specific Limitations as Direct Human Food Ingredient and Affirmation of GRAS Status as Indirect Human Food Ingredient

The Food and Drug Administration is conducting a comprehensive study of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20035–20057), implementing this review. Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner of Food and Drugs has issued tions resulting from those proposals. Pursuant to this review, the safety of guar gum has been evaluated. In accordance with the provisions of § 121.40, the Commissioner proposes to affirm the direct use of guar gum in food as GRAS with specific limitations and to affirm guar gum as GRAS when used in packaging material.

Guar gum is the natural gum obtained by maceration of the seeds of the guar plant, *Cyamopsis tetragonoloba* (Linne) Taub., or *Cyamopsis psoraloides*, (Lam.) D.C., family leguminosae. Guar gum is sometimes referred to as guar flour if obtained by macerating the endosperm portion of the seed. Guar gum does not have a completely descriptive chemical name. It is a polysaccharide composed of D-galactopyranose and D-mannopyranose units. Guar gum has been listed in § 121.101(d)(7), published in the FEDERAL REGISTER of November 20, 1959 (24 FR 9368), as GRAS as a food stabilizer, and in § 121.101(h) for paper and paperboard and in § 121.101(i) for cotton and cotton fabrics, published in the FEDERAL REGISTER of June 10, 1961 (26 FR 5421), as GRAS for paper and paperboard packaging. The whole plant is reported to be grazed in the field and the processed gum has a multitude of human and animal food ingredient uses.

Guar gum has been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) the chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 116 abstracts on guar gum was reviewed and 21 particularly pertinent reports from the literature survey have been summarized in a Scientific Literature Review.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which guar gum was used and at what levels. Available surveys of consumer consumption were obtained and combined with the production information to obtain an estimate of the consumer exposure to guar gum. The total poundage used in food increased about 4 fold between 1960 and 1970. The 1960 total poundage used in food was 1.1 million.

The Scientific Literature Review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (SCOGS):

Acute toxicity studies in rats have shown that, at levels up to 30 percent of the diet, guar gum is not toxic, except that it may cause intestinal obstruction because of the physical properties of the gum. An appreciable portion of the ingested gum was found to be utilized as a calorie source by rats. At 5 percent of the diet there were no adverse effects on weight gain, or on the liver, kidney, or blood-forming tissues, after 6 months.

Monkeys fed 1 gm per day (about 200 mg per kg per day) for 6 months showed no apparent adverse effects. Chickens fed a diet containing 2 percent guar gum grew more slowly than controls but growth inhibition seemed to be counteracted by adding a pectinase to a processed guar gum meal diet.

No additional information on the long-term effects of consuming guar gum or on its absorption, digestion, metabolism, or excretion has been uncovered.

Mutagenicity tests of guar gum by three different methods have been conducted. In the course of these studies, it was determined that guar gum given once orally as a suspension in corn oil at a dose of 10 g per kg caused no deaths in rats; oral doses of 5 g per kg for five days produced no adverse effects. Guar gum did not elicit a measurable mutagenic response in the host-mediated assay test or cause alteration in the recombination frequency for *Saccharomyces cerevisiae* or for *Salmonella typhimurium* in the associated in vitro tests. However, *S. cerevisiae* showed an increased mitotic recombination frequency when the cells were exposed to either 1 or 5 percent guar gum concentrations, and the gum was quite toxic to the cells at these concentrations. In the cytogenetic assay, guar gum did not adversely affect rat bone marrow cell chromosomes, but it caused a large increase in the number of aberrant anaphase cells in human embryonic lung cells in culture when tested in vitro. The significance of these differences in the cytogenetic assays are unclear. No consistent responses occurred in the dominant lethal gene test.

Teratologic tests on three species of animals were negative. Oral intubation of up to 170 mg per kg of guar gum daily to pregnant mice on day 6 through day 15 of gestation had no clearly discernible effect on nidation or on maternal and fetal survival. However, at a level of 800 mg per kg, 6 of 29 dams died. The surviving dams produced normal litters. In rats, the administration of up to 900 mg per kg of guar gum daily on day 6 through 15 of gestation, and in hamsters, the administration of up to 600 mg per kg of guar gum daily on day 6 through day 10 of gestation, produced no teratological effects and had no significant effect on nidation, or on maternal or fetal survival. It should also be noted in this regard that the mutagenic studies cited above included higher doses, i.e. oral intubation of guar gum (in corn oil) at a daily dose of 5 g per kg for five consecutive days to adult male rats without adverse effects.

No evidence of carcinogenic or allergenic activity of guar gum has been reported.

The Joint FAO/WHO Expert Committee on Food Additives has established a temporary acceptable daily intake of guar gum for man of 0 to 125 mg per kg of body weight.

All of the available safety information on guar gum has been carefully evaluated by qualified scientists of the Select Committee on GRAS Substances selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). It is the opinion of the Select Committee that:

The available information reveals that there are no adverse short term toxicological consequences in animals of consuming guar gum in amounts exceeding those currently consumed in the normal diet of the U.S. population. In addition, there is no evidence that the consumption of guar gum by man has had adverse effects in India or Pakistan,

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where it has long been used as food, or in the U.S., where it has been used in foods since 1949. However, it should be noted that no long term animal feeding studies of guar gum have been reported. While the available information does not suggest long term toxicity, it may be advisable in due course to conduct adequate feeding studies in several species, including pregnant animals, at dosage levels that approximate and exceed the current estimated maximum daily human intake.

Guar gum, fed at relatively high levels, is reported to be toxic to pregnant mice. Because these toxic levels reported are well in excess of the highest levels now consumed by man, the Select Committee is of the opinion that there are no adverse health aspects of consuming guar gum at current levels. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard.

It is the conclusion of the Select Committee that there is no evidence in the available information on guar gum that demonstrates a hazard to the public when it is used at current levels and in the manner now practiced, but not necessarily under different conditions of use. It is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard. Based upon his own evaluation of all available information on guar gum, the Commissioner concurs with this conclusion. The Commissioner therefore concludes that continued safe use of guar gum requires regulation of this GRAS ingredient with specific limitations to preserve present conditions of use. The levels of use adopted in this proposal, for various categories of food, are the maximum levels reported to the National Academy of Sciences/National Research Council in their survey of food manufacturers. Use of the ingredient in any manner not permitted by the proposed regulation results in its becoming a food additive for which no regulation currently exists. The Commissioner further concludes that use of guar gum in food packaging does not contribute significantly to the guar gum content of the packaged food and thus should be affirmed as GRAS for this purpose.

Copies of the Scientific Literature Review on guar gum, reports of the teratology and mutagenic screening tests for the ingredient, and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfiled, VA 22151, as follows:

Title	Ordering number	Cost
Guar Gum (scientific literature review).	PB-221-216	$3.75
Guar gum (mutagenic tests)	PB-221-815	5.45
Guar gum (teratology tests)	PB-221-900	3.75
Guar gum (teratology tests)	PB-222-819/AS	2.75
Guar gum (FASEB evaluation).	PB-223-836/AS	2.75

The above titles may also be purchased in microfiche form. Microfiche document prices are $1.45 each for those with order numbers having an FDABF prefix or AS suffix, and $0.95 each for all others.

These proposed actions do not affect the present use of guar gum for pet food or animal feed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended as follows:

1. In § 121.101(d)(7) by revising the entry for "Guar gum" to read as follows:

§ 121.101 Substances that are generally recognized as safe.

• • • • • •

(d) • • •

Product	Tolerance	Limitations, restrictions, or explanations
• • •	• • •	• • •
(7) STABILIZERS		
• • •	• • •	• • •
Guar gum		Affirmed as GRAS § 121.104(g)(27) and § 121.105(f)(2).
• • •	• • •	• • •

• • • • • • • • • •

2. In § 121.104 by adding a new paragraph (g)(16) to read as follows:

§ 121.104 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

• • • • • •

(g) • • •

(27) *Guar gum.* (i) Guar gum is the natural substance obtained from the maceration of the seed of the guar plant, *Cyamopsis tetragonoloba* (Linne) Taub., or *Cyamopsis psoraloides* (Lam.) D. C.

(ii) The ingredient meets specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(iii) The ingredient is used in food under the following conditions:

MAXIMUM USAGE LEVELS PERMITTED

Food categories	Percent	Function
Baked goods and baking mixes, §121.1(n)(1)	0.2	Emulsifier and emulsifier salt, § 121.1(o)(3); stabilizer and thickener, § 121.1(o)(28).
Breakfast cereals, § 121.1(n)(4)	1.2	Stabilizer and thickener, § 121.1(o)(28).
Cheeses, § 121.1(n)(5)	0.8	Stabilizer and thickener, § 121.1(o)(28).
Processed vegetables and vegetable juices, § 121.1(n)(26).	1.1	Stabilizer and thickener, § 121.1(o)(28).
Sweet sauces, toppings, and syrups, § 121.1(n)(43).	1	Stabilizer and thickener, § 121.1(o)(28).
All other food categories	0.5	Emulsifier and emulsifier salt, § 121.1(o)(6); flavoring agent and adjuvant § 121.1(o)(12); stabilizer and thickener § 121.1(o)(28).

• • • • • • • • • •

3. In § 121.105 by adding a new paragraph (f)(2) to read as follows:

§ 121.105 Substances in food contact surfaces affirmed as generally recognized as safe (GRAS).

• • • • • •

(f) • • •

(2) *Guar gum.* (i) Guar gum is the natural substance obtained from maceration of the seed of the guar plant, *Cyamopsis tetragonoloba* (Linne) Taub., or *Cyamopsis psoraloides* (Lam.) D. C.

(ii) The ingredient meets specifications of the Food Chemical Codex, 2d Ed. (1972).[1]

(iii) The ingredient is used or intended for use as a constituent of food packaging containers and becomes a component of food only through migration from this surface.

(iv) The ingredient is used at levels not to exceed good manufacturing practice.

• • • • • •

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulations proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before December 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, D.C. 20037.

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

NOTE: Incorporation by reference provisions approved by the Director of the Office of the Federal Register July 10, 1973.

[FR Doc.74-21197 Filed 9-20-74;8:45 am]

[21 CFR Part 121]

GUM ARABIC (ACACIA)

Proposed Affirmation of GRAS Status With Specific Limitations as Direct Human Food Ingredient and Affirmation of GRAS Status as Indirect Human Food Ingredient

The Food and Drug Administration is conducting a comprehensive study of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20035–20057), implementing this review. Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is issuing the final regulations resulting from those proposals. Pursuant to this review, the safety of gum arabic has been evaluated. In accordance with the provisions of § 121.40, the Commissioner proposes to affirm the direct use of gum arabic in food as GRAS with specific limitations, and to affirm its GRAS status for use in food-contact articles.

Gum arabic (acacia) is listed in § 121.101(d)(7), published in the FEDERAL REGISTER of January 31, 1961 (26 FR 938), as GRAS as a food stabilizer; and in § 121.101(i), published in the FEDERAL REGISTER of June 10, 1961 (26 FR 5224), as GRAS for substances migrating from cotton and cotton fabrics used in dry food packaging. Gum arabic is the dried, gummy exudate obtained from stems and branches of trees belonging to the various species of the genus *Acacia*. The number of species of the genus *Acacia* has been estimated by various investigators at from 500 to 900. Almost all of the gum used in the United States is imported from the Sudan Republic and is obtained from *Acacia senegal* Linne. Analysis shows this gum to be the calcium, magnesium, and potassium salts of a polysaccharide acid, arabic acid. It is composed of about 30 percent L-arabinose, 37 percent D-galactose, 11 percent L-rhamnose and 14 percent glucuronic acid. The molecular weight is believed to vary from about 250,000 to 1,000,000.

Gum arabic has been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) the chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 388 abstracts on gum arabic was reviewed and 45 particularly pertinent reports from the literature survey have been summarized in a Scientific Literature Review.

Gum arabic is probably the oldest and best known of the vegetable gums, reported to be first used in the United States in 1880. A representative crosssection of food manufacturers was surveyed to determine the specific foods in which gum arabic was used and at what levels. Available surveys of consumer consumption were obtained and combined with the production information to obtain an estimate of the consumer exposure to gum arabic. The total poundage of gum arabic used by the U.S. food industry in 1970 was 10.4 million pounds, about three times that used in 1960.

The Scientific Literature Review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (SCOGS):

ABSORPTION AND METABOLISM

The available information does not establish clearly the fate of ingested gum arabic. In one study, rats were fed for one week on a basal ration supplemented with various levels of gum arabic. Using a method involving restricted food and caloric intakes, gum arabic fed to weanling male Sprague-Dawley rats at dietary levels of 0.5 g per day and 2 g per day was shown to have caloric values of 131 percent and 110 percent of corn starch, respectively. In a similar study, gum arabic fed to weanling rats, at a level of 1 g per day was shown to have a caloric value 75 percent that of sucrose. While both of these studies suggest absorption of gum arabic or some digestion product, an earlier study did not support these observations. Using a test for glycogenesis rats were fed high levels (34 percent gum arabic) in a single meal. Seventy-two hours later hepatic glycogen levels were determined. It was concluded that the difference in liver glycogen between the control and gum-fed rats was insignificant.

As in the rat, the guinea pig appears to have some ability to utilize gum arabic for energy. Two feeding studies have indicated that gum arabic exhibits growth-promoting effects. In one study, 89 to 95 percent digestibility was reported, while in the other, about 70–80 percent of normal growth rate was reported and the investigators appeared to emphasize the need for the intact gum molecule.

The rabbit also appears to be able to utilize gum arabic. A total caloric value for gum arabic slightly greater than that for starch has been reported. In the same study, evidence for glycogenesis was demonstrated.

In one study with humans, no evidence for absorption of the intact gum molecule was found. In this study, 22 infants 1 to 15 months old were fed 15 to 20 g per day of gum arabic in milk. No urinary pentose excretion was observed, while significant excretion of gum arabic occurred in the stools.

It would appear, then, that gum arabic is capable of being digested to simple sugars in herbivores, and to some extent in omnivores such as man. After absorption, the digestion products are available for oxidation. Conclusive evidence indicating that the intact gum arabic molecule is absorbed under normal conditions is lacking.

SHORT TERM STUDIES

Several short term feeding studies have been made with laboratory animals. In one, guinea pigs were fed a synthetic diet for 6 weeks and the effects of various supplements were noted. The animals on a gum arabic supplement showed a slightly lower growth rate than did the control animals. Similar results were obtained in a succeeding study in which the effects of various mineral supplements were noted. In both studies it appears that the basal ration was deficient in some way. In spite of this, gum arabic tended to improve growth rate. When the influence of feeding gum arabic on the intestinal synthesis of vitamin B_{12} was examined, it was shown not only to permit growth in guinea pig but also to promote the intestinal synthesis of the vitamin. In rabbits the ingestion of diets providing 20 percent by weight of gum arabic permitted significant growth with no evidence of deleterious effects.

Studies in mice, rats, hamsters, and rabbits showed no clearly discernible teratological effects with oral doses of gum arabic up to 1,600 mg per kg per day in mice, rats, and hamsters, and up to 37 mg per kg per day in rabbits, when each animal was treated daily for 10 days (5 days in hamsters and 18 days in rabbits), starting at the sixth day of gestation. However, at a dose level of 800 mg per kg per day in rabbits, a majority of the dams died.

No mutagenic effect was noted in the recombination frequency in a host-mediated assay in mice, and no mutagenic effects were noted in a dominant lethal gene test in rats. However, a moderate effect was observed in the cytogenetic effect assay in bone marrow after in vivo treatment with 5.0 g per kg and 2.5 g per kg in rats. In general, these represented chromosomal breaks rather than recombinations and occurred within 6 hours after treatment. Similar effects were found in in vitro tissue cultures of human embryonic lung cells.

Neither oral LD_{50} values nor long term gum arabic feeding studies have been reported.

OTHER STUDIES

There are several reports on the effect of parenterally administered gum arabic in man and other animals.

Treatment with intraperitioneal doses of gum arabic three times per week for up to 15 weeks in rats revealed no evidence of carcinogenicity. Solutions in saline or water containing 1.75 or 7.00 percent gum arabic were used. The size of dose is difficult to ascertain from the data presented, but it appears that levels were of the order of several hundred mg per kg. In a similar study with mice, no carcinogenic effect was noted, but amounts of gum arabic injected are not indicated. Injections of as much as 4.8 g of gum arabic per kg in dogs elicited no evidence of toxic effects but the same dose level killed dehydrated dogs, the highest no effect level being 1.9 g per kg.

The intravenous LD_{50} of sodium arabinate, specially prepared from calcium arabinate by alcohol precipitation from an aqueous sodium chloride solution, can be estimated as 1 g per kg in rabbits from data reported. The effect of single and repeated intravenous doses of gum arabic solution in dogs was investigated. Total doses ranged from about 1 to 2 g per kg given over a period ranging from 1 to 84 days. The most characteristic finding was that of enlarged livers and swollen kidneys. Similar levels of gum arabic were fatal to two rabbits.

A similar study in which doses ranging from 16 to 48 g per kg were given intravenously over 76 days to three dogs showed gum arabic to be stored in the liver for as much as

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2 years after cessation of dosing in the two dogs that survived. The dog administered gum arabic at the level of 48 g per kg died 6 months after cessation of the treatment. No functional hepatic injury was noted, but large amounts of gum arabic were found in the liver.

Hospitalized patients have received gum arabic solutions intravenously as a part of therapy in an attempt to develop a blood plasma substitute in the treatment of shock. These early trials conducted between 1922 and 1937 proved unsuccessful. They do provide an estimate of the intravenous acute toxicity of this relatively crude substance for man to be of the order of 150 to 600 mg per kg.

Other human studies on patients with nephrosis, as well as studies on dogs and rabbits, showed that intravenously injected gum arabic or some product associated with it accumulated in the liver and remained in the tissues for several months. Non-lethal effects included serious disturbances in hemoglobin, white blood cells, and serum proteins. These investigators also noted that in the nephrotic patient about 20 percent of the gum arabic injected over a period of 6 weeks was excreted in the urine. Similar accumulation effects have been noted in other animal studies. Studies have also been reported to indicate the mobilization of gum arabic from storage in various organs.

These observations become more important when considered in terms of the possible oral allergenicity of gum arabic. Studies in animals have shown that the antigenic property of the gum is a function of the gum itself and not of a contaminant. Other studies have confirmed that sensitivity to gum arabic is in fact a true antibody-antigen phenomenon and not an artifact of some other metabolic event. Human sensitivity to gum arabic has been suggested in a number of reports of work-associated allergic reactions to the gum. However, the most carefully documented series of studies on human subjects and their response to oral administration of vegetable gums in general and gum arabic in particular is that of Gelfand. In 10 sensitive patients, vegetable gums in their food were confirmed as the allergens responsible for their sensitivity. Moreover, Gelfand was also able to show cross-sensitivity with several other gums such as tragacanth and karaya.

In general, the foregoing studies suggest a systemic effect of gum arabic when administered intravenously. Moreover, there appears to be in certain susceptible individuals significant allergic response to ingestion of this gum.

All of the available safety information on gum arabic has been carefully evaluated by qualified scientists of the Select Committee on GRAS Substances selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). It is the opinion of the Select Committee that:

In common with many other food ingredients of natural origin, commercial gum arabic is a relatively crude and undefined material. In view of the demonstrated capacity of this material as a sensitizing agent, and despite strong indications that sensitization is due to the gum polysaccharide itself, it becomes important to know, nevertheless, to what extent extraneous contaminants such as protein may be contained in the commercial product. The Select Committee suggests consideration of revising the specifications for gum arabic to establish limits for the content of materials such as protein that may possibly be associated with some of the observed biological effects of the commercial gum.

In view of the prevalance of allergies to gum arabic, and its increasing use in a wide variety of food products, additional experiments should be undertaken to evaluate the significance of its allergenicity in the population as a whole. An epidemiological survey might determine whether significant numbers of persons are being placed in a state of receptiveness to cross-reactive allergies based upon daily lifelong exposures to gum arabic and two other gums alleged to be allergenic, gum tragacanth and karaya gum.

Gum arabic, fed at relatively high levels, is reported to be toxic to pregnant animals of one species. Hence it may be advisable, in due course, to conduct feeding studies in several animal species, including pregnant animals, at dosage levels that approximate and exceed the current maximum daily human intake.

It is the conclusion of the Select Committee that there is no evidence in the available information on gum arabic that demonstrates a hazard to the public when it is used at current levels and in the manner now practiced, but not necessarily under different conditions of use. It is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard. Based on his own evaluation of all available information on gum arabic, the Commissioner concurs with this conclusion. The Commissioner therefore concludes that continued safe use of gum arabic requires regulation of this GRAS ingredient with specific limitations to preserve present conditions of use. The levels of use adopted in this proposal, for various categories of food, are the maximum levels reported to the National Academy of Sciences/National Research Council in their survey of food manufacturers. Use of the ingredient in any manner not permitted by the proposed regulation results in its becoming a food additive for which no regulation currently exists.

The Commissioner, in reaching this conclusion, recognizes that many substances occurring in nature may produce allergic type reactions in susceptible individuals. As an indication of the large variety of materials which have been implicated, there can be mentioned dusts of various kinds, pollens, feathers, seeds, dandruff, and foods. In general, sensitive individuals may react with a number of responses which may include, among others, angioedema, urticaria, bronchial asthma, pruritis, and vascular purpura. In some instances, these reactions may be life threatening. Within the past several decades there has accumulated a body of evidence which indicates that food ingredients may indeed produce sensitization in susceptible individuals, and these include gum tragacanth, gum arabic, and sterculia (karaya) gum. However, the data on these gums do not suggest an incidence of reactions sufficiently greater than those produced by other foods, to justify a conclusion at this time that they are not GRAS.

The Food and Drug Administration has been concerned about allergies, involving cosmetics and drugs, as well as food ingredients, and concurs with the suggestion of the Select Committee that a survey of the allergenic effects of tragacanth, arabic, and sterculia gums is needed. However, such a study should consider more than these three gums.

Funds of approximately $250,000 have been provided for this fiscal year to contract for information on how to predict human intolerances to food ingredients, and an analysis of human intolerance case histories. The results of these contracts should provide the agency with the necessary information to channel resources to minimize allergic reactions from food to the degree possible.

Meanwhile, the Commissioner is of the opinion that the particular gums used should be specifically named on the labels of all foods. Proposals to amend certain food standards to require the naming of the specific gum(s) used are in process and will be published in the future.

Copies of the Scientific Literature Review on gum arabic, reports of the teratology and mutagenic screening tests for the ingredient, and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22151, as follows:

Title	Order number	Cost
Gum arabic (scientific literature review).	PB-221-201	$4.85
Gum arabic (teratology tests)	PB-221-798	4.50
Gum arabic (mutagenic tests)	PB-221-821	5.45
Gum arabic (FASEB evaluation).	FDABF-GRAS-207.	3.00

The above titles may also be purchased in microfiche form. Microfiche document prices are $1.45 each for those with order numbers having an FDABF prefix or AS suffix, and $0.95 each for all others.

This proposed action does not affect the present use of gum arabic for pet food or animal feed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended as follows:

1. In § 121.101(d)(7) by revising the entry for "Acacia (gum arabic)" to read as follows:

§ 121.101 Substances that are generally recognized as safe.

• • • • • •

(d) • • •

Product	Tolerance	Limitations, restrictions, or explanations
• • •	• • •	• • •
(7) STABILIZERS		
Acacia (gum arabic)		Affirmed as GRAS, § 121.104(g)(19); affirmed as GRAS for food-contact surfaces, § 121.105(f)(4).
• • •	• • •	• • •

• • • • • • • • •

2. In § 121.104 by adding a new paragraph (g)(19) to read as follows:

§ 121.104 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

• • • • • •

(g) • • •

(19) *Gum arabic.* (i) Gum arabic is the dried gummy exudate from stems and branches of trees of various species of the genus *Acacia*, family Leguminosae.

(ii) The ingredient meets specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(iii) The ingredient is used in food under the following conditions:

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

MAXIMUM USAGE LEVELS PERMITTED

Food categories	Percent	Function
Chewing gum, § 121.1(n)(6)	5.6	Flavoring agent and adjuvant, § 121.1(o)(12); formulation aid, § 121.1(o)(14); humectant, § 121.1(o)(16); surface-finishing agent, § 121.1(o)(30).
Confections and frostings, § 121.1(n)(9)	12.4	Formulation aid, § 121.1(o)(14); stabilizer and thickener, § 121.1(o)(28); surface-finishing agent, § 121.1(o)(30).
Dairy product analogs, § 121.1(n)(10)	1.2	Stabilizer and thickener, § 121.1(o)(28).
Fats and oils § 121.1(n)(12)	1.5	Stabilizer and thickener, § 121.1(o)(28).
Hard candy and cough drops, § 121.1(n)(25)	31.0	Flavoring agent and adjuvant, § 121.1(o)(12); formulation aid, § 121.1(o)(14).
Snack foods, § 121.1(n)(37)	2.9	Emulsifier and emulsifier salt, § 121.1(o)(8).
Nuts and nut products, § 121.1(n)(32)	8.3	Formulation aid, § 121.1(o)(14); surface-finishing agent, § 121.1(o)(30).
Soft candy, § 121.1(n)(38)	85.0	Emulsifier and emulsifier salt, § 121.1(o)(8); firming agent, § 121.1(o)(10); flavoring agent and adjuvant, § 121.1(o)(12); formulation aid, § 121.1(o)(14); humectant, § 121.1(o)(16); stabilizer and thickener, § 121.1(o)(28); surface-finishing agent, § 121.1(o)(30).
All other food categories	1.0	Emulsifier and emulsifier salt, § 121.1(o)(8); flavoring agent and adjuvant, § 121.1(o)(12); formulation aid, § 121.1(o)(14); stabilizer and thickener; § 121.1(o)(28).

3. In § 121.105 by adding a new paragraph (f)(4) to read as follows:

§ 121.105 Substances in food contact surfaces affirmed as generally recognized as safe (GRAS).

• • • • • •

(f) • • •

(4) *Gum arabic.* (i) Gum arabic is the dried gummy exudate from stems and branches of trees of various species of the genus *Acacia*, family Leguminosae.

(ii) The ingredient meets specifications of the Food Chemicals Codex, 2d Ed. (1972),[1]

(iii) The ingredient is used or intended for use as a constituent of food packaging containers.

(iv) The ingredient is used at levels not to exceed good manufacturing practices.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on sanction at any later time. This notice also constitutes a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before December 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

NOTE: Incorporation by reference provisions approved by the Director of the Office of the Federal Register July 10, 1973.

[FR Doc.74-21196 Filed 9-20-74;8:45 am]

[21 CFR Part 121]

GUM GHATTI

Proposed Affirmation of GRAS Status With Specific Limitations as Direct Human Food Ingredient

The Food and Drug Administration is conducting a comprehensive study of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20035–20057), implementing this review. Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is issuing the final regulations resulting from those proposals. Pursuant to this review, the safety of gum ghatti has been evaluated. In accordance with the provisions of § 121.40, the Commissioner proposes to affirm the direct use of gum ghatti in food as GRAS with specific limitations.

Gum ghatti, or Indian gum, has been listed in § 121.101(d)(7), published in the FEDERAL REGISTER of January 31, 1961 (26 FR 938), as GRAS as a food stabilizer. Gum ghatti is obtained as an exudate from wounds in the bark of *Anogeissus latifolia*, a large tree in the dry deciduous forests of India and Ceylon. The gum is basically the calcium salt of ghatti acid, a complex polysaccharide whose exact chemical structure is obscure and has not been determined. The dried gum has considerable nonfood use, primarily in oil-drilling muds, and is also used in drugs and cosmetics. Other parts of the tree from which this exudate is obtained have no reported human food or food ingredient uses. This proposal covers only the gum whose food ingredient uses began as early as 1938 in the United States.

Gum ghatti has been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 19 abstracts on gum ghatti was reviewed and 9 particularly pertinent reports from the literature survey have been summarized in a Scientific Literature Review.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which gum ghatti was used and at what levels. Available surveys of consumer consumption were obtained and combined with the production information to obtain an estimate of the consumer exposure to gum ghatti. The total gum ghatti used in food in 1970 is reported to be a little more than 4,000 pounds. No data or information on use in prior years is available.

The Scientific Literature Review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (SCOGS):

Very little biological and toxicological data are available on gum ghatti in animals or man. Nothing is known about the absorption, distribution, metabolism or excretion of the gum in man or in animals and no short term or long term feeding experiments in laboratory animals have been reported.

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Tests on mutagenicity and teratogenicity of gum ghatti have only recently been completed.

Mutagenic tests on rats and mice using three different methods gave negative results. There was no measurable mutagenic response or alteration in the recombination frequency for *Saccharomyces cerevisiae* in either the host-mediated assay or the associated in vitro tests. No adverse effects were observed on either metaphase chromosomes from rat bone marrow or anaphase chromosomes from in vitro cultures of human embryonic lung cells at any of the doses or time periods tested. No significant adverse responses were noted in the dominant lethal gene test on rats.

Teratologic tests on four species of animals were negative. Oral intubation of up to 1,700 mg of gum ghatti in anhydrous corn oil to pregnant mice from day 6 through day 15 of gestation exerted no clearly discernible effect on nidation or on maternal or fetal survival. The frequency of abnormalities in either the soft tissues or skeletal tissues of the fetuses in the tet groups did not differ from those occurring spontaneously in the sham-treated controls. The same negative reaction was exhibited by pregnant hamsters administered up to 1,700 mg per day from day 6 through day 10 of gestation. In the case of rats dosed in a similar manner (day 6 through day 15 of gestation), no untoward results were obtained at levels up to 370 mg per kg. At 1,700 mg per kg, however, 5 out of 24 dams died. The surviving rats bore their living young to term and delivered healthy litters. A comparable response to that in rats was shown by pregnant rabbits at 33 mg per kg and 150 mg per kg, respectively, dosed from day 6 through day 18 of gestation.

It should be noted that in connection with the mutagenicity studies cited above, gum ghatti was administered to rats by oral intubation in corn oil in doses of 10 g per kg for 1 day and 5 grams per kg for 5 successive days. None of the 10 male Sprague-Dawley rats (weighing 200–250 g each) in either experiment died. The oral toxicity for multiple doses was reported to be greater than 5 g per kg.

No studies of the carcinogenicity or allergenicity of gum ghatti have been reported.

All of the available safety information on gum ghatti has been carefully evaluated by qualified scientists of the Select Committee on GRAS Substances selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). It is the opinion of the Select Committee that:

There is no evidence that consumption of gum ghatti by man has adverse effects when used at present levels. However, this presumption of lack of hazard is based primarily on the absence of evidence of human toxicity, rather than on substantive evidence supporting this conclusion. In view of the sparseness of toxicity data, the Select Committee attaches greater possible significance to the preliminary evidence indicating the maternal toxicity of gum ghatti at very high oral doses to pregnant rats and rabbits than it might otherwise accord these few data. It may be advisable, in due course, to conduct feeding studies in several animal species, including pregnant animals, at dosage levels that approximate and exceed the current estimated maximum daily human intake.

It is the conclusion of the Select Committee that there is no evidence in the available information on gum ghatti that demonstrates a hazard to the public when it is used as a food ingredient at current levels and in the manner now practiced, but not necessarily under different conditions of use. It is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard. Based upon his own evaluation of all available information on gum ghatti, the Commissioner concurs with this conclusion. The Commissioner therefore concludes that continued safe use of gum ghatti requires regulation of this GRAS ingredient with specific limitations to preserve present conditions of use. The levels of use adopted in this proposal, for various categories of food, are the maximum levels reported to the National Academy of Sciences/National Research Council in their survey of food manufacturers. Use of the ingredient in any manner not permitted by the proposed regulation results in its becoming a food additive for which no regulation currently exists.

Copies of the Scientific Literature Review on gum ghatti, reports of the teratology and mutagenic screening tests for the ingredient, and the report of the Select Committee are available for review at the office of the Hearing Clerk, Rm. 4–65, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22151, as follows:

Title	Order No.	Cost
Gum Ghatti (Scientific Literature Review)	PB-221-213	$3.00
Gum Ghatti (Teratology Tests)	PB-221-790	4.50
Gum Ghatti (FASEB Evaluation)	PB-223-841/AS	2.75
Gum Ghatti (Mutagenic Tests)	PB-221-822	4.85

The above titles may also be purchased in microfiche form. Microfiche document prices are $1.45 each for those with order numbers having an FDABF prefix or AS suffix, and $0.95 each for all others.

This proposed action does not affect the present use of gum ghatti for pet food or animal feed.

Therefore, pursuant to provisions of the Federal Food, Drug and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055–1056, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a)), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended as follows:

1. In § 121.101(d)(7) by revising the entry for "Gum ghatti" to read as follows:

§ 121.101 Substances that are generally recognized as safe.

* * * * * * *

(d) * * *

Product	Tolerance	Limitations, restrictions, or explanations
* * *	* * *	* * *
(7) STABILIZERS		
* * *		* * *
Gum ghatti		Affirmed as GRAS, § 121.104(g)(17).
* * *		* * *

2. In § 121.104 by adding a new paragraph (g)(17) to read as follows:

§ 121.104 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

* * * * * * *

(g) * * *

(17) *Gum ghatti.* (i) Gum ghatti (Indian gum) is an exudate from wounds in the bark of *Anogeissus latifolia*, a large tree found in the dry deciduous forests of India and Ceylon.

(ii) The ingredient meets specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(iii) The ingredient is used in food under the following conditions:

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

MAXIMUM USAGE LEVELS PERMITTED

Food categories	Percent	Function
Beverages and beverage bases, nonalcoholic, § 121.1(n)(3).	0.2	Emulsifier and emulsifier salt § 121.1(o)(8).
All other food categories	.1	Emulsifier and emulsifier salt § 121.1(o)(8).

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before December 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

NOTE: Incorporation by reference provisions approved by the Director of the Office of the Federal Register July 10, 1973.

[FR Doc.74–21201 Filed 9–20–74;8:45 am]

[21 CFR Part 121]

GUM TRAGACANTH

Proposed Affirmation of GRAS Status With Specific Limitations as Direct Human Food Ingredient

The Food and Drug Administration is conducting a comprehensive study of direct human food ingredients classified generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20035–20057), implementing this review. Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is issuing the final regulations resulting from those proposals. Pursuant to this review, the safety of gum tragacanth has been evaluated. In accordance with provisions of § 121.40 the Commissioner proposes to affirm the direct use of gum tragacanth in food as GRAS with specific limitations.

Tragacanth (gum tragacanth) has been listed in § 121.101(d)(7), published in the FEDERAL REGISTER of January 31, 1961 (26 FR 938), as GRAS as a food stabilizer. Gum tragacanth, *Astragalus gummifer* Lab., or other Asiatic species of *Astragalus* have been in U.S. food production since 1925. Gum tragacanth is one of the oldest natural emulsifiers known. It has been recognized in the U.S. Pharmacopeia since 1820. Tragacanth is a complex mixture of polysaccharides containing galactose, fructose, xylose, arabinose, and acidic components largely present as calcium, magnesium, and potassium salts. Tragacanth is considered to contain two primary constituents, bassorin and tragacanthin. The lesser component, tragacanthin, is water soluble and contains 3 molecules of a uronic acid and 1 molecule of arabinose, with a side chain of 2 molecules of arabinose. The larger component, bassorin which swells but is insoluble in water, is believed to contain polymethoxylated acids that yield tragacanthin upon demethoxylation. The dried gum has been used as a stabilizer and thickening agent in foods. The shrub from which this gum is obtained has no reported human food or food ingredient uses. This proposal covers only the food ingredient uses of the gum obtained from the tap roots of the plant.

Gum tragacanth is the dried exudate from the incised roots and stems of the shrub-like plants of the genus *Astragalus*. *Astragalus gummifer* Labillardiere is said to be the principal species from which the gum is obtained in the dry mountainous regions of Asia Minor, Iran, Syria, and Turkey.

Gum tragacanth has been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) the chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 159 abstracts on gum tragacanth was reviewed and 17 particularly pertinent reports from the literature survey have been summarized in a Scientific Literature Review.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which the gum tragacanth was used and at what levels. Available surveys of consumer consumption were obtained and combined with the production information to obtain an estimate of the consumer exposure to gum tragacanth. The total gum tragacanth used in food in 1970 is reported to be 1.52 million pounds. The total imports of gum tragacanth for all purposes were 1.71 million pounds in 1970. The average imports for the 8 years, 1964 through 1971, were 1.88 million pounds of gum tragacanth.

The Scientific Literature Review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (SCOGS):

Kratzer and co-workers have studied the nutritive value of gum tragacanth in poultry feeds, in comparison with other sources of carbohydrate. A control group of day-old chicks was fed a nutritionally balanced stock diet, ad lib. Test groups received the stock diet modified with 2 percent gum tragacanth. After 3 weeks, the checks receiving tragacanth exhibited a 34-percent depression of the growth rate. Similar effects were noted in separate tests of chicks receiving guar gum, carob bean gum, gum karaya, carrageenan, dried okra, or psyllium husk. The growth depression was not attributed to dilution of the energy content of the diet, inasmuch as the addition of 2 percent cellulose to the stock diet caused little or no depression. The cause of the inhibitory effect was not reported.

Galbraith et al. investigated the mechanism whereby tragacanth powder inhibits ascites tumor growth in mice. The evidence indicated that tragacanth acts indirectly as a mitotic block by becoming attached to the cellular membrane. The observed effects occurred in the interphase or early prophase cell.

Riccardi et al. showed that gum tragacanth fed to cockerels at a level of 3 percent, together with 3 percent cholesterol, inhibited the development of hypercholesterolemia.

Gum tragacanth is known to induce an allergic response by ingestion, contact, or inhalation; with respect to the incidence or severity of these reactions, it resembles many allergens commonly encountered in the diet. Cases of sensitivity to tragacanth are reported by Gelfand and by Brown and Crepea. The latter workers state that very small amounts of tragacanth (0.5 mg per kg of body weight, daily for a week) can cause severe symptoms when ingested by susceptible individuals. Also, they report that among the gums, the three most common allergens, in order, are acacia (arabic), karaya, and tragacanth.

Zawhry et al. in 1963 reported that tragacanth powder, given orally in the amount of 3 g per day to patients suffering from dermatitis, had markedly anti-allergenic therapeutic value. They also stated that an amount equivalent to 150 times the therapeutic dose, given orally to mice for 15 days, caused no deaths. However, the data given in the report were insufficient to permit an evaluation of the experimental method, results, or conclusions.

In 1969, Frohberg et al. reported lethal effects of tragacanth on mice. However, subsequent investigation indicated that metabolic products or enteric bacteria were responsible for the lethality.

Perhaps the most significant observations on the toxicity of gum tragacanth are a by-product of research on the teratogenicity of the substance conducted by Food and Drug Research Laboratories under contract from the Food and Drug Administration. Pregnant animals were fed by oral intubation with suspensions of gum tragacanth at the following levels:

Mice, 1,200 mg per kg for 10 consecutive days.

Rats, 210 mg per kg for 10 consecutive days.

Hamsters, 900 mg per kg for 5 consecutive days.

Rabbits, 33 mg per kg for 13 consecutive days.

At these levels, there was no discernible effect on nidation or on maternal or fetal survival. The number of abnormalities seen in both soft and skeletal tissues of the test groups did not differ from the number occurring spontaneously in aham-treated controls. However, at higher levels of feeding, significant toxic effects were produced in some groups of animals, as follows:

(1) In pregnant rats dosed at 1,200 mg per kg, significant maternal toxicity enaued with loss of 6 out of 22 pregnant rats. Death was accompanied by severe diarrhea and urinary incontinence with anorexia in the terminal 48 to 72 hours. At autopsy there were no gross pathological findings apart from marked petechial hemorrhage in the mucosae of the small intestine. Rats that survived this high dose and bore living young to term, remained outwardly normal, and the offspring were likewise normal in all respects.

(2) In pregnant rabbits dosed at 150 and 700 mg per kg, significant maternal toxicity ensued with the loss of a majority of the animals. In all other respects, the foregoing observations on pregnant rats applied to the rabbits.

No studies of the carcinogenicity or mutagenicity of gum tragacanth have been found in the literature surveyed.

All of the available safety information on gum tragacanth has been carefully evaluated by qualified scientists of the Select Committee on GRAS Substances selected by the Life Sciences Research

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Office of the Federation of American Societies for Experimental Biology (FASEB). It is the opinion of the Select Committee that:

Since uncertainties exist with respect to the prevalence of allergies to gum tragacanth, additional experiments should be undertaken to evaluate the significance of its allergenic effects. A statistically significant survey, conducted by practicing allergists, would help to determine whether significant numbers of persons are being placed in a state of receptiveness to cross-reactive allergies based upon lifelong daily exposures to gum tragacanth and other two gums alleged to be allergenic (gum arabic and karaya gum).

Gum tragacanth fed at relatively high levels is reported to be toxic to pregnant animals of some species. Hence, it may be advisable, in due course, to conduct feeding studies in several animals species, including pregnant animals, at dosage levels that approximate and exceed the current estimated maximum daily human intake.

It is the conclusion of the Select Committee that there is no evidence in the available information on gum tragacanth that demonstrates a hazard to the public when used at current levels and in the manner now practiced, but not necessarily under different conditions of use. It is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard. Based upon his own evaluation of all available information on gum tragacanth, the Commissioner concurs with this conclusion. The Commissioner therefore concludes that continued safe use of gum tragacanth requires regulation of this GRAS ingredient with specific limitations to preserve present conditions of use. The levels of use adopted in this proposal, for various categories of food, are the maximum levels reported to the National Academy of Sciences/National Research Council in their survey of food manufacturers. Use of the ingredient in any manner not permitted by the proposed regulation results in its becoming a food additive for which no regulation currently exists.

The Commissioner, in reaching this conclusion, recognizes that many substances occurring in nature may produce allergic type reactions in susceptible individuals. As an indication of the large variety of materials which have been implicated, there can be mentioned dusts of various kinds, pollens, feathers, seeds, dandruff, and foods. In general, sensitive individuals may react with a number of responses which may include, among others, angioedema, urticaria, bronchial asthma, pruritis, and vascular purpura. In some instances, these reactions may be life threatening. Within the past several decades there has accumulated a body of evidence which indicates that food ingredients may indeed produce sensitization in susceptible individuals, and these include gum tragacanth, gum arabic, and sterculia (karaya) gum. However, the data on these gums do not suggest an incidence of reactions sufficiently greater than those produced by other foods, to justify a conclusion at this time that they are not GRAS.

The Food and Drug Administration has been concerned about allergies, involving cosmetics and drugs, as well as food ingredients, and concurs with the suggestion of the Select Committee that a survey of the allergenic effects of tragacanth, arabic, and sterculia gums is needed. However, such a study should consider more than these three gums.

Funds of approximately $250,000 have been provided for this fiscal year to contract for information on how to predict human intolerances to food ingredients, and an analysis of human intolerance case histories. The results of these contracts should provide the agency with the necessary information to channel resources to minimize allergic reactions from food to the degree possible.

Meanwhile, the Commissioner is of the opinion that the particular gums used should be specifically named on the labels of all foods. Proposals to amend certain food standards to require the naming of the specific gum(s) used are in process and will be published in the future.

Copies of the Scientific Literature Review on gum tragacanth, report of the teratology screening tests for the ingredient, and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22141, as follows:

Title	Order No.	Cost
Gum Tragacanth (Scientific Literature Review).	PB-221-204	$3.00
Gum Tragacanth (Teratology Tests).	PB-221-797	4.50
Gum Tragacanth (FASEB Evaluation).	PB-223-835/AS	2.75

The above titles may also be purchased in microfiche form. Microfiche document prices are $1.45 each for those with order numbers having an FDABF prefix or AS suffix, and $0.95 each for all others.

This proposed action does not affect the present use of gum tragacanth for pet food or animal feed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended as follows:

1. In § 121.101(d)(7) by revising the entry for "Tragacanth (gum tragacanth) to read as follows:

§ 121.101 Substances that are generally recognized as safe.

* * * * * *

(d) * * *

Product	Tolerance	Limitations, restrictions, or explanations
* * *	* * *	* * *
(7) STABILIZERS		
* * *	* * *	* * *
Gum tragacanth (Tragacanth)		Affirmed as GRAS, § 121.104(g)(18).
* * *	* * *	* * *

2. In § 121.104 by adding a new paragraph (g) (18) to read as follows:

§ 121.104 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

* * * * * *

(g) * * *

(18) *Gum tragacanth.* (i) Gum tragacanth is the exudate from one of several species of *Astragalus gummifer* Labillardiere, a shrub that grows wild in mountainous regions of the Middle East.

(ii) The ingredient meets specifications of the Food Chemicals Codex, 2d Ed. (1972),[1]

(iii) The ingredient is used in food under the following conditions:

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

MAXIMUM USAGE LEVELS PERMITTED

Food categories	Percent	Function
Baked goods and baking mixes, § 121.1(n)(1)	0.2	Emulsifier and emulsifier salt, § 121.1(o)(8); flavoring agent and adjuvant, § 121.1(o)(28).
Fats and oils, § 121.1(n)(12)	1.3	Emulsifier and emulsifier salt, § 121.1(o)(8); stabilizer and thickener, § 121.1(o)(28).
Gravies and sauces, § 121.1(n)(24)	.8	Emulsifier and emulsifier salt, § 121.1(o)(8); formulation aid, § 121.1(o)(14); stabilizer and thickener, § 121.1(o)(28).
Meat products, § 121.1(n)(29)	.2	Flavoring agent and adjuvant, § 121.1(o)(12); stabilizer and thickener, § 121.1(o)(28).
All other food categories	1.0	Emulsifier and emulsifier salt, § 121.1(o)(8); stabilizer and thickener, § 121.1(o)(28).

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. This regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before December 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

NOTE: Incorporation by reference provisions approved by the Director of the Office of the Federal Register July 10, 1973.

[FR Doc.74-21204 Filed 9-20-74;8:45 am]

[21 CFR Part 121]

STERCULIA GUM (KARAYA GUM)

Proposed Affirmation of GRAS Status With Specific Limitations as Direct Human Food Ingredient

The Food and Drug Administration is conducting a comprehensive study of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20035–20057), implementing this review. Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is issuing the final regulations resulting from those proposals. Pursuant to this review the safety of sterculia gum (karaya gum) has been evaluated. In accordance with the provisions of § 121.40, the Commissioner proposes to affirm the direct use of sterculia gum in food as GRAS with specific limitations.

Sterculia gum (karaya gum) is listed in § 121.101(d)(7), published in the FEDERAL REGISTER of January 31, 1961 (26 FR 938), as GRAS as a food stabilizer. Sterculia gum, also called karaya gum, gum karaya, gum kadaya, Indian tragacanth, and Indian gum, is the dried exudate of *Sterculia urens* Roxburgh, a large deciduous tree which grows in dry, elevated areas of North and Central India. Sterculia gum is also produced from various other species of *Sterculia* (S.), *S. campanulata, S. foetida, S. guttata, S. ornata, S. villosa,* all from India; *S. barteri, S. cinerea, S. setigera, S. tragacantha,* from Africa; and *S. acerifolia, S. diversifolia, S. plantanifalia, S. quadrifica, S. rupestris,* from Australia; *S. hypochroa, S. thorelii,* from Indochina; and *S. schaphigera* from China and Indochina. Some of these gums are not available in commercial amounts.

Almost all of the sterculia gum used in the United States is imported from India and is the dried gummy exudate from *S. urens.* Sterculia gum came into general use in the United States during World War I. Sterculia gum is a member of the galacturonorhamnan group of polysaccharides. Its components are L-rhamnose, D-galactose and D-galacturonic acid. The molecular weight of sterculia gum has been determined to average 9,500,000.

Sterculia gum has been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) the chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity or mutagenicity, (7) dose response, (8) reproduction effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 73 abstracts on sterculia gum was reviewed and 17 particularly pertinent reports from the literature survey have been summarized in a Scientific Literature Review.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which sterculia gum was used and at what levels. Available surveys of consumer consumption were obtained and combined with the production information to obtain an estimate of the consumer exposure to sterculia gum. The total poundage of sterculia gum used by the U.S. food industry in 1970 was 295,000 pounds, a 25 percent increase over that used in 1960.

The Scientific Literature Review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (SCOGS):

The LD_{50} of sterculia gum in laboratory animals apparently has not been reported. However, the Stanford Research Institute determined that sterculia gum, given orally to groups of five male rats as a suspension in corn oil, in doses of 5 to 10 g per kg of body weight each, caused only transient depression and no deaths.

Sterculia gum is apparently not appreciably "disintegrated" in the alimentary tract when fed to dogs. Other undocumented reports state that the gum is not digested or absorbed by humans.

Hoelzel et al. fed sterculia gum to a group of nine male hooded rats, as a 10 to 25 percent component of the diet, for their entire life span. "Serious intestinal lesions" were found in three of five test subjects that were fed the gum for from 396 to 711 days. At the higher concentrations of the gum, marked depression of the growth rate occurred. In a subsequent report, the same workers fed sterculia gum to three male and three female Wistar rats, as a 10 to 25 percent component of the diet, for their entire life span. The rats exhibited a depressed food intake and growth rate; however, contrary to the previous findings, no cecal ulcerations were observed.

On a Wisconsin Alumni Research Foundation study, 10 weanling male Sprague-Dawley rats were fed a basal diet of 5 g per day plus 3 g per day of either sterculia gum or cornstarch. At the end of a week, the rats fed sterculia gum appeared to be bloated, with intestinal weights considerably larger than those of controls, and the animals showed a significant depression in growth rate. It was considered that sterculia gum had only 30 percent of the available caloric value of cornstarch.

Kratzer and co-workers have studied the nutritive value of sterculia gum in poultry feeds, in comparison with other sources of carbohydrate. When day-old Arbor-Acres chicks were given 2 percent sterculia gum in their diet for 21 days, some growth depression occurred; however, this was not considered to be statistically significant.

Ivy and Isaacs fed 5 g of unprocessed sterculia gum to three dogs daily for 30 consecutive days. The feces of the dogs showed increased bulk and moisture; but no irritating effect was observed.

There are few human studies available. Ivy and Isaacs studied the laxative effect of sterculia gum by feeding about 7 g daily to 89 human subjects over a 4-week period. They observed that because of its water-absorbing properties, the gum increased the bulk and moisture content of stools; they considered it to be a useful, harmless laxative.

Hoelzel et al. reported that they had personally ingested small amounts of powdered sterculia gum from time to time between 1919 and 1936 (presumably as a laxative), but regarded it as an unpalatable, highly fermentable, and irritating type of nonnutritive material.

Various reports on allergic reactions to sterculia gum have appeared in the literature, beginning in 1934. Figley in 1940 reported on 16 cases where the allergen had been contacted by ingestion and surface contact as well as by inhalation. The chief symptoms were perennial hay fever, asthma, atopic dermatitis, and gastrointestinal distress. Figley cautions against the indiscriminate use of sterculia gum as a laxative.

In 1943 and 1949, Gelfand published comprehensive reviews of the allergenic hazards of gums tragacanth, sterculia, and arabic. He estimated the possible per capita daily exposure of the three gums combined to be as much as 300 mg. He concluded that "widespread employment of these gums in food and other industries is a hazard for the sensitive individual from ingestion, inhalation, and surface contact of these gums." He recommended that the three gums be replaced by other less hazardous gums, natural or synthetic.

In connection with work on the fetotoxicity of gum tragacanth, Frohberg et al. made comparative studies of various other gums. Their procedures on sterculia were as follows:

(1) An 0.2 ml dose of 1 percent aqueous mucilage of the substance was injected intraperitoneally into pregnant mice, on the 11th through 15th days of gestation;

(2) An 0.2 ml dose of 1 percent aqueous mucilage was injected intraperitoneally into pregnant mice, on the 4th through 8th days of gestation;

(3) An 0.5 ml dose of both 1 percent and 10 percent aqueous suspensions was fed orally to pregnant mice, on the 11th through 15th days of gestation.

In all of these tests, sterculia gum had no influence on fetal development.

In recent teratology studies, pregnant animals were fed by oral intubation with suspensions of sterculia gum in corn oil at the following levels:

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Mice, 170 mg per kg of body weight for 10 consecutive days, beginning on the sixth day of gestation;

Rats, 900 mg per kg for 10 consecutive days, beginning on the sixth day of gestation; and

Hamsters, 800 mg per kg for 5 consecutive days, beginning on the 6th day of gestation.

At these levels, there was no clearly discernible effect on nidation or on maternal or fetal survival. The number of abnormalities seen in either soft or skeletal tissues of the test groups did not differ from the number occurring spontaneously in the sham-treated controls.

In a concurrent group of mice dosed at a level of 800 mg per kg for 10 consecutive days, a significant number of maternal deaths occurred (9 out of 28). The surviving dams appeared completely normal and bore normal fetuses with no effect on the rate of nidation or survival of live pups in utero. It was concluded that sterculia gum was not a teratogen to mice under the conditions of the test. No reasons were advanced to explain the maternal deaths.

Studies of mutagenic effects of sterculia gum have been reported. Sterculia gum did not produce any measurable mutagenic response or alteration in the recombination frequency for *Saccharomyces cerevisiae* in either the host-mediated assay or the associated in vitro tests. Sterculia gum exhibited no adverse effect on either metaphase chromosomes from rat bone marrow or anaphase chromosomes from in vitro cultures of human embryonic lung cells at any of the dose levels or time periods tested. No consistent responses occurred to suggest that sterculia gum is mutagenic to the rat as a result of the dominant lethal test procedure.

All of the available safety information on sterculia gum has been carefully evaluated by qualified scientists of the Select Committee on GRAS Substances selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). It is the opinion of the Select Committee that:

While the literature on biological effects of sterculia gum is not extensive, it does permit several observations on the health aspects of the substance as a food ingredient.

Sterculia gum can cause allergic reaction in sensitive individuals. What proportion of the population is so affected is not known. A statistically significant survey, conducted by practicing allergists, would help to determine whether significant numbers of persons are being placed in a state of receptiveness to cross-reactive allergies based upon lifelong daily exposures to sterculia gum and the other two gums alleged to be allergenic, gum arabic and gum tragacanth.

Growth-depressing properties have been attributed to sterculia gum when fed in large amounts to laboratory animals. However, it is to be expected that the unpalatability of the gum in any diet to which it is added at a high level would ultimately affect consumption and hence the growth curve.

While no fetotoxic effects were reported in teratologic tests, the data indicated that sterculia gum fed at a level of 800 mg per kg of body weight for 10 days resulted in maternal deaths of one-third of the pregnant mice. The Select Committee has noted the same type of result in other reports by this institution, using high doses of a variety of vegetable gums, tested on a variety of laboratory animals. The doses of gum were generally much higher than those to which humans are likely to be exposed. Nevertheless, these tests should be repeated, in due course, to determine the cause of the maternal toxicity.

It is the conclusion of the Select Committee that there is no evidence in the available information on sterculia gum that demonstrates a hazard to the public when it is used at current levels and in the manner now practiced, but not necessarily under different conditions of use. It is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard. Based on his own evaluation of all available information on sterculia gum, the Commissioner concurs with this conclusion. The Commissioner therefore concludes that continued safe use of sterculia gum requires regulation of this GRAS ingredient with specific limitations to preserve present conditions of use. The levels of use adopted in this proposal, for various categories of food, are the maximum levels reported to the National Academy of Sciences/National Research Council in their survey of food manufacturers. Use of the ingredient in any manner not permitted by the proposed regulation results in its becoming a food additive for which no regulation currently exists.

The Commissioner, in reaching this conclusion, recognizes that many substances occurring in nature may produce allergic type reactions in susceptible individuals. As an indication of the large variety of materials which have been implicated, there can be mentioned dusts of various kinds, pollens, feathers, seeds, dandruff, and foods. In general, sensitive individuals may react with a number of responses which may include, among others, angioedema, urticaria, bronchial asthma, pruritis, and vascular purpura. In some instances, these reactions may be life threatening. Within the past several decades there has accumulated a body of evidence which indicates that food ingredients may indeed produce sensitization in susceptible individuals, and these include gum tragacanth, gum arabic, and sterculia (karaya) gum. However, the data on these gums do not suggest an incidence of reactions sufficiently greater than those produced by other foods, to justify a conclusion at this time that they are not GRAS.

The Food and Drug Administration has been concerned about allergies, involving cosmetics and drugs, as well as food ingredients, and concurs with the suggestion of the Select Committee that a survey of the allergenic effects of tragacanth, arabic, and sterculia gums is needed. However, such a study should consider more than these three gums.

Funds of approximately $250,000 have been provided for this fiscal year to contract for information on how to predict human intolerances to food ingredients, and an analysis of human intolerance case histories. The results of these contracts should provide the agency with the necessary information to channel resources to minimize allergic reactions from food to the degree possible.

Meanwhile, the Commissioner is of the opinion that the particular gums used should be specifically named on the labels of all foods. Proposals to amend certain food standards to require the naming of the specific gum(s) used are in process and will be published in the future.

Copies of the Scientific Literature Review on sterculia gum, report for the teratogenic and mutagenic screening tests for the ingredient, and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22151, as follows:

Title	Order number	Cost
Sterculia gum (scientific literature review).	PB-221-295	$3.00
Sterculia gum (teratology tests).	PB-221-769	3.75
Sterculia gum (teratology tests).	PB-223-818/AS	2.75
Sterculia gum (mutagenic test).	PB-221-823	4.85
Gum sterculia (FASEB evaluation).	FDABF-GRAS-209	3.00

The above titles may also be purchased in microfiche form. Microfiche document prices are $1.45 each for those with order numbers having an FDABF prefix or AS suffix, and $0.95 each for all others.

This proposed action does not affect any present use of sterculia gum for pet food or animal feed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended as follows:

1. In § 121.101(d)(7) by revising the entry for "Sterculia gum (karaya gum)" to read as follows:

§ 121.101 Substances that are generally recognized as safe.

(d) * * *

Product	Tolerance	Limitations, restrictions, or explanations
(7) STABILIZERS		
Sterculia gum (karaya gum)		Affirmed as GRAS, § 121.104(g)(20).

2. In § 121.104 by adding a new paragraph (g)(20) to read as follows:

§ 121.104 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

(g) * * *

(20) *Sterculia gum.* (i) Sterculia gum is the dried gummy exudate from the trunk of trees of various species of the genus *Sterculia*.

(ii) The ingredient meets specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(iii) The ingredient is used in food under the following conditions:

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

MAXIMUM USAGE LEVELS PERMITTED

Food categories	Percent	Function
Frozen dairy desserts and mixes, § 121.1(n)(30).	0.3	Stabilizer and thickener, § 121.1(o)(28).
Meat products, § 121.1(n)(29)	0.1	Do.
Milk products, § 121.1(n)(31)	0.02	Do.
Soft candy, § 121.1(n)(38)	0.9	Do.
All other food categories	0.002	Do.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before December 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

NOTE: Incorporation by reference provisions approved by the Director of the Office of the Federal Register July 10, 1973.

[FR Doc.74–21200 Filed 9–20–74;8:45 am]

[21 CFR Part 121]

DILL, DILL OIL, INDIAN DILL AND INDIAN DILL OIL

Proposed Affirmation of GRAS Status as Direct Human Food Ingredients

The Food and Drug Administration is conducting a comprehensive study of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissoner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20035–20057), implementing this review. Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is issuing the final regulations resulting from those proposals. Pursuant to this review the safety of dill and Indian dill have been evaluated. In accordance with the provisions of § 121.40, the Commissioner proposes to affirm the GRAS status of these ingredients.

Dill is listed in § 121.101(e) as GRAS for use in food as spices, natural seasonings, and flavorings pursuant to regulations published in the FEDERAL REGISTER of January 19, 1960 (25 FR 404), and Indian dill is listed in § 121.1163(b) as safe for use in food as natural flavoring substances and natural substances used in conjunction with flavors pursuant to regulations published in the FEDERAL REGISTER of January 30, 1965 (30 FR 992). Dill (American and European) belongs to the species *Anethum graveolens* Linne. It is an annual herb native to the Orient and has been cultivated in the U.S. since about 1930. Commercially, dill is available in the U.S. as the dill herb, physically macerated dried fruit or seeds, and dill oil obtained by steam distillation of freshly cut stalks, leaves, and/or seeds. Indian dill, cultivated in India and Japan, has been classified as *Anethum sowa* D.C. and is also referred to as *Anethum sowa* Roxb. It is also an annual herb native to Asia, cultivated in India and Japan and available in the United States as the oil obtained by steam distillation of physically macerated mature fruit and/or seeds.

The oils distilled from the seed of the two plant types differ in regard to their physiochemical properties and chemical composition. Some principal common constituents of *Anethum graveolens* and *Anethum sowa* seed oil are carvone, dihydrocarvone, limonene, pinene, and dipentene. Dillapiole and probably its isomer apiole are present in significant but variable amounts in the *A. sowa oil* but occur only in trace amounts, if at all, in the oil of *A. graveolens*.

Dill and Indian dill have been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 61 abstracts on dill and Indian dill was reviewed and 15 particularly pertinent reports from the literature survey have been summarized in a Scientific Literature Review.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which dill, dill oil, Indian dill, and Indian dill oil were used and at what levels. Available surveys of consumer consumption were obtained and combined with the production information to obtain an estimate of the consumer exposure to dill and Indian dill. A total of 88,356 pounds of dill, 108,300 pounds of dill oil, and 316,972 pounds of Indian dill seed were used in food in the United States in 1970. Most of the domestic dill is presumably processed to herb oil. None of the data available indicate the extent to which total poundages used have changed in recent years. However, import statistics for 1968 through 1972 indicate the total annual imports of dill have tended to increase slightly during this period. Use data for 1960 are not reported.

The Select Committee on GRAS Substances evaluated both dill and Indian dill literature information. Biological studies referred to in the Select Committee report presented limited toxicity data on both types of dill as well as their principal common component, carvone. The FAO/WHO Expert Committee on Food Additives has established a conditionally acceptable human daily intake of up to 1.25 mg/kg body weight of the sum of *l*- and *d*-carvone. The Select Committee also recognized the importance of evaluating dillapiole, a significant component of Indian dill (*Anethum sowa*). No toxic effects have been reported for dill (*Anethum graveolens*) oil containing no dillapiole or of *Anethum sowa* oil containing dillapiole, or effects on blood pressure or heart rate of mice.

The Scientific Literature Review shows, among other studies, the following information as summarized in the report of the Select Committee:

There is a paucity of information on the biological effects of dill or the essential oils derived from the plant or seed.

Dill oil derived from *A. graveolens*, as well as the essential oils from a number of other spices, exhibits an antispasmotic and myotropic effect on rabbit and guinea pig intestinal strips in vitro. Dill has been used historically as an aromatic carminative. It is reported to induce rebuilding of damaged tissues in hemorrhoidal cases.

Some toxicity data are available on the principal constituents of dill oil. The oral LD_{50} of carvone in the rat is reported as 1,640 mg per kg. The following oral LD_{50}'s in mg

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per kg also are reported: Eugenol, 500 in the rat; myristicin, 570 in the cat; anethole, 2,090 in the rat; anisaldehyde, 1,510 in rat; thymol, 1,000 in the mouse. Oral LD_{50}'s for eugenol ranging from 1,930 to 2,680 mg per kg in the fasted rat have also been reported.

Pure carvone was found to have no adverse effect on 5 male and 5 female rats fed 2,500 ppm in the diet (approximately 250 mg per kg per day) for 1 year; but at 10,000 ppm for 16 weeks, growth retardation and testicular atrophy were observed. Eugenol, thymol, or anisaldehyde fed at a level of 10,000 ppm in the diet for 15 to 19 weeks had no effect. Anethole fed at 2,500 ppm for a year produced no effect; but at 10,000 ppm for 15 weeks, it produced slight microscopic hydropic changes of hepatic cells in males.

As noted previously, dillapiole and probably its isomer apiole are present in significant but variable amounts in the oil of Indian dill (*A. sowa*) but occur only in trace amounts, if at all, in the oil from *A. graveolens*. Since about half of the dill consumed in U.S. foods is estimated to be of Indian origin, the available biological information on dillapiole and its relatives is important in consideration of dill.

Apiole, an isomer of dillapiole from parsley, is reported to have been used as an abortifacient and as such produced polyneuritis in a number of cases in Holland, but this effect was shown to be due to a contaminant, tri-o-cresol phosphate. An apiole of 96-percent purity was lethal to dogs when fed at a level of 0.5 to 0.75 g per kg. Rabbits fed doses of 2.25 to 20 g of apiole for 6 days to 2 months developed lesions of the liver and kidneys. An oral LD_{50} of 1 to 1.5 g per kg is reported for dillapiole, in mice. The same investigators observed no toxic effect of *A. graveolens* oil containing no dillapiole or *A. sowa* oil containing dillapiole, or effects on blood pressure or heart rate. After ingestion of 1.6 g of apiole for 3 days, two individuals excreted the compound in the urine on the first day and one on the second and third days. There was no detectable apiole in the blood.

No reports are available to the Select Committee that bear on the possible carcinogenic, mutagenic, reproductive, or teratogenic effects of feeding dill or oil of dill, or their major constituents.

All of the available safety information has been carefully evaluated by qualified scientists of the Select Committee on GRAS Substances selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB).

It is the opinion of the Select Committee that:

• • • daily consumption of dill probably does not exceed the equivalent of 1 mg of dill oil per capita, or about 0.017 mg per kg per day in adults and about twice that level in children. The oil's most plentiful constituent, carvone, present to the extent of about 60 percent in the oil, elicits toxic responses only at the levels much greater than those that might be present in the diet. Other constituents, present in some oils in lesser to trace amounts, such as apiole, dillapiole, and myristicin have not been shown to produce toxic effects on feeding at levels many times those that could exist in man's diet.

It is the conclusion of the Select Committee that there is no evidence in the available information on dill or Indian dill that demonstrates a hazard to the public when used at current levels and in the manner now practiced or under conditions that might reasonably be expected in the future. Based upon his own evaluation of all available information on dill and Indian dill, the Commissioner concurs with this conclusion. The Commissioner therefore concludes that no change in the current GRAS status of dill *Anethum graveolens* Linne and Indian dill *Anethum sowa* Roxburgh is justified.

Copies of the Scientific Literature Review on dill and Indian dill and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22151, as follows:

Title	Order number	Cost
Dill (Scientific literature review)	PB-231-223	$3.00
Dill (FASEB evaluation)	FDABF-GRAS-215	3.00

The above titles may also be purchased in microfiche form. Microfiche document prices are $1.45 each for those with order numbers having an PDABF prefix or AS suffix, and $0.95 each for all others.

This proposed action does not affect the present use of dill, or Indian dill, for pet food or animal feed.

Therefore pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended as follows:

1. In § 121.101(e) (1) and (2) by revising the entries for "Dill" and adding a new entry "Dill, Indian" to read as follows:

§ 121.101 Substances that are generally recognized as safe.

• • • • • •

(e) • • •

(1) SPICES AND OTHER NATURAL SEASONINGS AND FLAVORINGS (LEAVES, ROOTS, BARKS, BERRIES, ETC.)

Common name	Botanical name of plant source
• • • • •	•
Dill (affirmed as GRAS, § 121.104(g)(13))	*Anethum graveolens* Linne.
Dill, Indian (affirmed as GRAS, § 121.104(g)(15)).	*Anethum sowa* D.C.
• • • • •	•

(2) ESSENTIAL OILS, OLEORESINS (SOLVENT-FREE), AND NATURAL EXTRACTIVES (INCLUDING DISTILLATES)

Common name	Botanical name of plant source
• • • • •	•
Dill (affirmed as GRAS, § 121.104(g)(14))	*Anethum graveolens* Linne.
Dill, Indian (affirmed as GRAS, § 121.104(g)(16)).	*Anethum sowa* D.C.
• • • • •	•

2. In § 121.104 by adding new paragraph (g) (13) through (16) to read as follows:

§ 121.104 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

• • • • •

(g) • • •

(13) *Dill.* (i) Dill (American or European) is the herb and seeds from *Anethum graveolens* Linne.

(ii) The ingredient meets the specification of the Food Chemicals Codex, 2d Ed. (1972).[1]

(iii) The ingredient is used as a flavoring agent and adjuvant as defined in § 121.1(o)(12).

(iv) The ingredient is used in food at levels not to exceed good manufacturing practices. Current good manufacturing practice in the use of dill results in maximum levels of 3,600 parts per million (ppm) in baked goods and baking mixes as defined in § 121.1(n)(1), 5,250 ppm in cheeses as defined in § 121.1(n)(5), 4,600 ppm in gravies and sauces as defined in § 121.1(n)(24), and 1,000 ppm in all other foods.

(14) *Dill oil.* (i) Dill oil (American or European) is the essential oil obtained by steam distillation of freshly cut stalks, leaves, and/or seeds of the herb, *Anethum graveolens* Linne native to the Orient.

(ii) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(iii) The ingredient is used as a flavoring agent and adjuvant as defined in § 121.1(o)(12).

(iv) The ingredient is used in food at levels not to exceed good manufacturing practices. Current good manufacturing practice results in maximum levels of 400 parts per million (ppm) in cheeses as defined in § 121.1(n)(5), 1,062 ppm in condiments and relishes as defined in § 121.1(n)(8), 750 ppm in snack foods as defined in § 121.1(n)(37), and 200 ppm in all other foods.

(15) *Dill, Indian.* (i) Dill, Indian is the seed from *Anethum sowa* D.C.

(ii) The ingredient meets the specification of the Food Chemicals Codex, 2d Ed. (1972).[1]

(iii) The ingredient is used as a flavoring agent and adjuvant as defined in § 121.1(o)(12).

(iv) The ingredient is used in food at levels not to exceed good manufacturing practices. Current good manufacturing practice results in maximum levels of 8,300 parts per million (ppm) in baked goods and baking mixes as defined in § 121.1(n)(1), 20,000 ppm in condiments and relishes as defined in § 121.1(n)(8), and 1,000 ppm in all other foods.

(16) *Dill oil, Indian.* (i) Dill oil, Indian is the essential oil obtained by steam distillation of physically macerated mature fruit and/or seeds of the herb, *Anethum sowa* D.C.

(ii) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(iii) The ingredient is used as a flavoring agent and adjuvant as defined in § 121.1(o)(12).

(iv) The ingredient is used in foods at levels not to exceed good manufacturing practices. Current good manufacturing practice results in maximum levels of 400 parts per million (ppm) in cheeses as defined in § 121.1(n)(5), 1,064 ppm in condiments and relishes as defined in § 121.1(n)(8), 750 ppm in snack foods as defined in § 121.1(n)(37), and 200 ppm in all other foods.

§ 121.1163 [Amended]

3. In § 121.1163 *Natural flavoring substances and natural substances used in conjunction with flavors* by deleting the entry for "Dill, Indian" from the list of substances in paragraph (b).

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of these ingredients in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before December 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

NOTE: Incorporation by reference provisions approved by the Director of the Federal Register July 10, 1973.

[FR Doc.74-21195 Filed 9-20-74;8:45 am]

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

Food and Drug Administration

[21 CFR Part 121]

GARLIC AND OIL OF GARLIC

Proposed Affirmation of GRAS Status as Direct Human Food Ingredients

The Food and Drug Administration is conducting a comprehensive study of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20035–20057), implementing this review. Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is publishing the final regulations resulting from those proposals. Pursuant to this review, the safety of garlic and oil of garlic has been evaluated. In accordance with the provisions of § 121.40, the Commissioner proposes to affirm the GRAS status of these two ingredients.

Garlic is obtained from a genus of the lily family, *Allium sativum*. The underground bulb of this genus consists of a stem core surrounded by storage leaves rich in sugar and pungent allyl derivatives. Garlic oil is obtained from macerated garlic bulbs.

Garlic and garlic oil were listed in §§ 121.101(e) (1) and (2) for use in food as a natural spice seasoning and an essential oil flavoring, respectively, in the FEDERAL REGISTER of January 19, 1960 (25 FR 404). The major chemical constituents of whole garlic include allylsulfinyl alanine, volatile and fatty acids, mucilage, and albumin. The principal constituents of garlic oil include allylpropyl disulfide and diallyl disulfide and diallyl trisulfide. Garlic has been used in food dating back to 4500 B.C.

Garlic and garlic oil have been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) the chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 316 abstracts on garlic and garlic oil was reviewed and 47 particularly pertinent reports from the literature survey have been summarized in a Scientific Literature Review.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which these substances were used and at what levels. Available surveys of consumer consumption were obtained and combined with the production information to obtain an estimate of the consumer exposure to garlic and garlic oil. Although no information is available to indicate whether the consumption of garlic and garlic oil has changed significantly in recent years, average annual consumption is estimated at 73 million pounds.

The Scientific Literature Review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (SCOGS):

Daily oral doses of a partially purified aqueous alcohol extract of garlic bulbs, equivalent of 40 g of garlic per kg had no effect on guinea pigs except for a slight loss of weight. In the case of rats, continuous daily ingestion of the same extract, equivalent to about 138 g of garlic per kg also resulted only in a slight loss of weight. The intravenous LD_{50} of the extract for the rat and mouse was reported as the equivalent of 500 g of garlic per kg. It should be noted that the relationship between the composition of the alcohol extract used in the foregoing studies and garlic oil is not directly ascertainable from the data available. However, if one assumes that this investigator's alcohol extract contained all of the garlic oil present in the garlic bulbs extracted, a rough calculation can be made based on a content of 0.2 percent garlic oil in fresh garlic. On this basis the 40 g of garlic per kg indicated above would be equivalent of 80 mg of garlic oil per kg.

The subcutaneous LD_{50} of allicin, one of the major constituents of oil of garlic, is reported to be 50 mg per kg in mice. The intraperitoneal LD_{50}, 20 mg per kg. According to Cavallito and collaborators, extraction of fresh garlic yields 0.3 to 0.5 percent allicin. On the basis of 0.5 percent, the figures given above would be equivalent to about 10 g and 4 g of fresh garlic per kg, respectively.

The intraperitoneal LD_{50} for mice of diallyl sulfide, one of the reported constituents of oil of garlic, is 500 mg per kg. The "qualifying toxic dose" for man by inhalation for another reported constituent of oil of garlic, allylpropyl disulfide, is a concentration of 3.4 ppm in air.

Six of ten guinea pigs on a 5 to 20 percent fresh garlic diet died within 28 days and all five rats died within 11 days on a diet of 20 to 30 percent fresh garlic. However, the addition of 3 percent garlic to the diet of young leghorn chicks, resulted in increased rate of growth.

There is no reported information on the absorption, metabolism or excretion of garlic, garlic oil, or their major constituents.

In an investigation of the effects of garlic powder in controlling infectious chronic lung congestion, it was noted that Wistar rats on a 2.5 percent dehydrated garlic diet, equivalent to 10 percent fresh garlic, showed a slight lowering of the hemoglobin concentration and red cell count. On a diet of 5 percent dehydrated garlic, equivalent to 20 percent fresh garlic, the second generation rats were sterile.

A decrease in blood pressure was observed both in the first five minutes and in the following hour when rabbits were given 0.015 mg per kg of "garlic juice." The pressure gradually returned to its original level after two hours. No side effects were noted.

When garlic juice, obtained by pressing, was administered orally to guinea pigs at a level of 1 cc per kg body weight daily, the blood calcium level increased to a peak between 14 and 28 days, but became normal again after 2 months of the same diet. A comparable reaction has also been reported in dogs.

No reports have been found that suggest garlic or garlic oil to be carcinogenic. On the other hand, antitumor potentialities have been claimed. For example, in one series of investigations, the feeding of fresh garlic was reported to completely prevent the development of mammary tumors in female mice, and the effect was attributed to the allicin component. It has also been reported

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that a 2 mg injection of a 1 percent ethyl alcohol extract of whole garlic altered the estrous cycle of ovariectomized rats. Crude garlic extracts, injected intraperitoneally, exerted an antimitotic effect similar to that of colchicine on the cells of ascites sarcoma in albino rats.

Investigations of the mutagenicity and teratogenicity of garlic or garlic oil have not been reported.

In addition to the foregoing limited toxicological data, two biological observations have been reported during the course of investigations of the medicinal properties of garlic and garlic oil. Ingestion by man of 10, 100 or 200 mg of garlic oil per day did not affect the blood erythrocyte count. Inhalation of garlic juice diluted in physiological salt solution or with 0.25 percent of a 1:3 procaine solution, by 34 patients with chronic pneumonia complicated by candidiasis of the lungs brought about an improvement in 26 of the patients. There was a decrease or disappearance of the candida fungus from the sputum of 16 patients.

Several reports have been made on allergic reactions to garlic, including asthmatic reaction to inhalation of garlic powder and contact dermatitis. Food allergenic reactions with symptoms similar to Meniere's disease have been reported for garlic and resemble those earlier found for certain foods, among them various fruits, tomatoes, hazelnuts, potatoes, pork, lobster, eggs and other foods. These studies of allergic reactions to foods containing garlic were case reports; definitive investigations of allergenicity of garlic and its constituents are lacking.

All of the available safety information on garlic and garlic oil has been carefully evaluated by qualified scientists of the Select Committee on GRAS Substances selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). It is the opinion of the Select Committee that:

The long history of the use of garlic in food and acute, chronic and inhalation studies, although limited, reveal no credible adverse biological effects even at concentrations which are of orders of magnitude greater than the levels reported to be currently consumed in man's daily diet.

It is the conclusion of the Select Committee that there is no evidence in the available information on garlic or oil of garlic that demonstrates a hazard to the public when they are used at current levels and in the manner now practiced or under conditions that might reasonably be expected in the future. Based upon his own evaluation of all available information on garlic and oil of garlic, the Commissioner concurs with this conclusion. The Commissioner therefore concludes that no change in the current GRAS status of these ingredients is justified.

Copies of the Scientific Literature Review on garlic and garlic oil and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22151, as follows:

Title	Order number	Cost
Oil of Garlic (Scientific Literature Review).	PB-221-219	$3.75
Garlic and Garlic Oil (FASEB Evaluation).	PB-223-836/AS	2.75

The above titles may also be purchased in microfiche form. Microfiche document prices are $1.45 each for those with order numbers having an FDABF prefix or AS suffix, and $.95 each for all others.

This proposed action does not affect the present use of garlic and garlic oil for pet food or animal feed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended as follows:

1. In § 121.101(e) (1) and (2) by adding a new column headed "Limitations, restrictions, or explanations" and revising the entries for "Garlic" to read as follows:

§ 121.101 Substances that are generally recognized as safe.

• • • • • •

(e) • • •

Common name	Botanical name	Limitations, restrictions, or explanations
(1) SPICES AND OTHER NATURAL SEASONINGS AND FLAVORINGS (LEAVES, ROOTS, BARKS, BERRIES, ETC.)		
• • • • • • •		
Garlic	*Allium sativum* Linne	Affirmed as GRAS, § 121.104(g)(8).
• • • • • • •		
(2) ESSENTIAL OILS, OLEORESINS (SOLVENT-FREE), AND NATURAL EXTRACTIVES (INCLUDING DISTILLATES)		
• • • • • • •		
Garlic	*Allium sativum* Linne	Affirmed as GRAS, § 121.104(g)(9).
• • • • • • •		

2. In § 121.104 by adding paragraph (g) (8) and (9) to read as follows:

§ 121.104 Substances added directly to human food affirmed as generally recognized as safe (GRAS).

• • • • • •

(g) • • •

(8) *Garlic.* (i) Garlic is the bulb or cloves obtained from *Allium sativum*, a genus of the lily family.

(ii) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(iii) The ingredient is used as a flavoring agent and adjuvant as defined in § 121.1(o) (12).

(iv) The ingredient is used in food at levels not to exceed good manufacturing practices. Current good manufacturing practice results in a maximum level of 1,300 parts per million (ppm) for condiments and relishes as defined in § 121.1 (n) (8), gravies and sauces as defined in § 121.1(n) (24), meat products as defined in § 121.1(n) (29), and processed vegetables and vegetable juices as defined in § 121.1(n) (36); and 800 ppm for baked goods and baking mixes as defined in § 121.1(n) (1) and in soups and soup mixes as defined in § 121.1(n) (40).

(9) *Garlic oil.* (i) Garlic oil is the natural substance obtained from the maceration of garlic bulbs.

(ii) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(iii) The ingredient is used as a flavoring agent and adjuvant as defined in § 121.1(o) (12).

(iv) The ingredient is used in food at levels not to exceed good manufacturing practices. Current good manufacturing practice results in a maximum level of 15 parts per million (ppm) for condiments and relishes as defined in § 121.1(n) (8), fats and oils as defined in § 121.1(n) (12), gravies and sauces as defined in § 121.1 (n) (24), and meat products as defined in § 121.1(n) (29); and 10 ppm for baked goods and baking mixes as defined in § 121.1(n) (1), beverages and beverage bases, nonalcoholic, as defined in § 121.1 (n) (3), frozen dairy desserts and mixes as defined in § 121.1(n) (20), and gelatins, puddings, and fillings as defined in § 121.1(n) (22).

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of these ingredients in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulations proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before December 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

NOTE: Incorporation by reference provisions approved by the Director of the Office of the Federal Register July 10, 1973.

[FR Doc.74-21194 Filed 9-20-74;8:45 am]

[21 CFR Part 121]

OIL OF RUE

Proposed Affirmation of GRAS Status With Specific Limitations as Direct Human Food Ingredient

The Food and Drug Administration is conducting a comprehensive study of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Foods and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20035–20057), implementing this review. Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is publishing the final regulations resulting from those proposals. Pursuant to this review, the safety of oil of rue has been evaluated. In accordance with the provisions of §§ 121.40, the Commissioner proposes to affirm the direct use of oil of rue in food as GRAS with specific limitations.

Rue (oil of rue) is listed in § 121.101 (e) (1) and (2) as GRAS for use in food as a natural spice seasoning and an essential oil flavoring, respectively, pursuant to a regulation published in the FEDERAL REGISTER of January 19, 1960 (25 FR 404).

Oil of rue is the volatile oil obtained by steam distillation from the fresh blossoming plants of several species of *Ruta*. Spain is the most important commercial source. The Spanish oil is distilled primarily from *Ruta montana* Linne. Ninety percent or more of the active components of oil of rue, the yellow to yellow-amber oil, contains primarily methyl nonyl ketone and methyl heptyl ketone. It also contains cineole, limonene, methyl salicylate, pinene, and other compounds less well identified.

Use of the oil in the United States as a flavoring agent has been known for many years, but the year of first use is unknown. Oil of rue is used as a flavoring agent in amounts ranging from 8.6 parts per million (ppm) to 0.5 ppm in the following categories of foods arranged in decreasing order of content: Baked goods, soft candy, frozen dairy desserts and mixes, nonalcoholic beverages, alcoholic beverages, gelatins, condiments, and hard candy.

Oil of rue has been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 31 abstracts on oil of rue was reviewed and 11 particularly pertinent reports from the literature survey have been summarized in a Scientific Literature Review.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which oil of rue was used and at what levels. Available surveys of consumer consumption were obtained and combined with the production information to obtain an estimate of the consumer exposure to oil of rue. In 1970 it was reported that 3 pounds of rue derived principally from *Ruta montana* would not contain more than 0.03 pound of the oil, and 90 pounds of oil of rue were used in foods in the United States.

The Scientific Literature Review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (SCOGS):

Data on the biological effects of oil of rue administered orally to either animals or man are extremely limited.

The oral LD_{50} for mice of samples of oil of rue prepared by steam distillation of plants collected by an investigator has been reported to be 2,070 mg per kg. The LD_{50} of methyl-*n*-nonyl ketone was reported to be 3,880 mg per kg. No studies have been found on the absorption, disposition, biotransformation, and excretion of oil of rue, nor are there any data on the possible teratogenic, mutagenic, or carcinogenic properties of the oil when administered orally.

Guinea pigs and rabbits have been administered relatively large doses of oil of rue by oral intubation. The doses varied from "250 to 300 drops for guinea pigs weighing 250 to 300 g and from 500 to 600 drops for rabbits weighing 2,000 to 2,500 g." Of 10 animals, three died within 7 to 9 days, four were alive after 20 days and were sacrificed, and three (all pregnant) did not seem to "suffer further from their intoxication." The animals, variously, showed evidence of dyspnea, diarrhea, body weight loss, fatty livers, and nephritis, with more pronounced pathological changes reported to occur in fetal than in maternal tissues. The investigators observed that "the experimental and histological results do not match the quantities ingested."

When two pregnant guinea pigs were fed a relatively large dose but unknown quantity, i.e., 12 drops of oil of rue, both animals aborted and direct analysis of fetal tissues indicated that oil of rue penetrated the placenta and was toxic to fetal tissues. Infusions of the rue plant were also reported to cause sharp contractions of the isolated guinea pig uterus.

The oil rapidly penetrates the abdominal skin of male mice. Direct application of the oil to the skin persistently or rubbing leaves of the plant on the skin can produce redness, burning, and vesication. Large oral doses are reported to cause violent gastric pain, confusion, convulsive twitching, and in pregnant women, abortion. There are two reports in the literature indicating that oil of rue, together with other plant products, can be used to produce abortion; neither report provides supportive data.

In most of the work referred to above it is not possible to quantitate the doses used, but it would appear that the toxic manifestations reported were elicited by amounts of oil of rue that are orders of magnitude greater than those now consumed in food in the U.S.

All of the available safety information on oil of rue has been carefully evaluated by qualified scientists of the Select Committee on GRAS Substances selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). It is the opinion of the Select Committee that:

The data available indicate that the quantity of oil rue in the diet is minute, probably as little as one microgram per person per day. Adverse effects due to oil of rue from long term exposure at such a low level in the human diet are not evident in the meager data now available.

It is to be noted, however, that oil of rue is a complex of organic substances only a few of which have been identified. Chemical identification of all the substances in the oil could be accomplished with present analytical techniques and would provide positive assurance that oil of rue does not contain components known to be toxic. Moreover, the evidence that oil of rue is absorbed, can pass the placenta, and is toxic to fetal tissues at relative high doses suggests the desirability, in due course, of conducting teratological and fetal toxicity tests at oral dosages equivalent to the present very low levels of consumption. The Select Committee recognizes that there is little incentive to develop this kind of information for a substance that is used in the United States to the extent of less than 100 pounds per year.

It is the conclusion of the Select Committee that there is no evidence in the available information on oil of rue that demonstrates a hazard to the public when it is used at current levels and in the manner now practiced, but not necessarily under different conditions of use. It is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard. Based upon his own evaluation of all available information on oil of rue, the Commissioner concurs with this conclusion. The Commissioner therefore concludes that continued safe use of oil of rue requires regulation of this GRAS ingredient with specific limitations to preserve present conditions of use. The levels of use adopted in this proposal, for various categories of food, are the maximum levels reported to the National Academy of Sciences/National Research Council in their survey of food manufacturers. Use of the ingredient in any manner not permitted by the proposed regulation results in its becoming a food additive for which no regulation currently exists.

Copies of the Scientific Literature Review on oil of rue and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, and may be purchased from the National Technical Information Service

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(NTIS), 5285 Port Royal Rd., Springfield, VA 22151, as follows:

Title	Order number	Cost
Oil of rue (scientific literature review).	PB-221-212	$3.00
Oil of rue (FASEB evaluation).	PB-223-839/AS	2.75

The above titles may also be purchased in microfiche form. Microfiche document prices are $1.45 each for those with order numbers having an FDABF prefix or AS suffix, and $0.95 each for all others.

This proposed action does not affect the present use of oil of rue for pet food or animal feed.

Common name	Botanical name	Limitations, restrictions, or explanations
• • •	• • •	• • •
(2) ESSENTIAL OILS, OLEORESINS (SOLVENT-FREE), AND NATURAL EXTRACTIVES (INCLUDING DISTILLATES)		
• • •	• • •	• • •
Rue	*Ruta montana* Linne, *Ruta graveolens* Linne, and *Ruta bracteosa* Linne.	Affirmed as GRAS, § 121.101(g)(21).
• • •	• • •	• • •

2. In § 121.104 by adding paragraph (g) (21) to read as follows:

§ 121.104 **Substances added directly to human food affirmed as generally recognized as safe (GRAS).**

• • • • •

(g) • • •

(21) ***Oil of rue.*** (i) Oil of rue is the natural substance obtained from fresh blossoming plants of species of *Ruta*—*Ruta montana* Linne, *Ruta graveolens* Linne, *Ruta bracteosa* Linne.

(ii) The ingredient meets specifications of the Food Chemicals Codex, 2d Ed. (1972).[1]

(iii) The ingredient is used in food under the following conditions:

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

MAXIMUM USAGE LEVELS PERMITTED

Food categories	Percent	Function
Baked goods and baking mixes, § 121.1(n)(1)	.001	Flavoring agent and adjuvant, § 121.1(o)(12).
Frozen dairy desserts and mixes, § 121.1(n)(20).	.001	Flavoring agent and adjuvant, § 121.1(o)(12).
Soft candies, § 121.1(m)(38)	.001	Flavoring agent and adjuvant, § 121.1(o)(12).
All other food categories	.0004	Flavoring agent and adjuvant, § 121.1(o)(12).

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before December 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

NOTE: Incorporation by reference provisions approved by the Director of the Office of the Federal Register July 10, 1973.

[FR Doc.74–21198 Filed 9–20–74;8:45 am]

[21 CFR Part 121]

PULPS

Proposed Affirmation of GRAS Status as Indirect Human Food Ingredients

The Food and Drug Administration is conducting a comprehensive study of direct human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20035–20057), implementing this review. Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is publishing the final regulations resulting from those proposals. Included as a part of this review of direct food ingredients are a limited number of substances migrating to food from paper and paperboard products used in food packaging. In accordance with the provisions of § 121.40, the Commissioner proposes to affirm the GRAS status of pulps for use in food packaging materials.

Pulp from wood, straw, bagasse, or other natural sources is listed in § 121.101(h), published in the FEDERAL REGISTER of June 17, 1961 (26 FR 5421), as GRAS when migrating to food from paper and paperboard products used in food packaging. Pulp from sugarcane is called bagasse. Other pulps are obtained from the plants from which their names are derived. Bagasse consists of the crushed remnants of sugarcane stalks from which the sugar-containing juices have been extracted. Physically, bagasse is composed of two distinct cellular constituents: the thick-walled, relatively long, fibrous fraction derived primarily from the rind and, to a lesser degree, from the fibrovascular bundles dispersed throughout the interior of the stalk; and a pithy fraction derived from the delicate, thin-walled cells of the ground tissue or parenchyma of the stalk. The usual composition of bagasse from the sugar mill is about 45 percent insoluble solids or crude fiber, 6 percent soluble solids, and the remainder moisture. Beet pulp is made up of about 76 percent carbohydrates essentially in the following proportions: 6 percent galactan; 20 percent araban; 25 percent cellulose; and 25 percent pectin. Protein, ash, acetyl, and other constituents make up the remainder. A typical wheat straw pulp composition is 44 percent cellulose; 20 percent pentosan; 7 percent furfuraldehyde; and 6 percent other carbohydrates. Protein, ash, lignin, and other constituents make up the remainder.

There are no animal, synthetic, or natural inorganic sources of pulp. The term "pulp" refers to materials in paper or paperboard, derived from wood, straw, bagasse, or other natural sources. Accordingly, this proposal concerns paper and paperboard as made by conventional paper making processes. Further, it concerns only such part of the constituents of paper and paperboard as may migrate from packages to the food contained therein.

Pulps have been the subject of a search of the scientific literature from 1920 to the present. The parameters used in the search were chosen to discover any articles that considered (1) the chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproduction effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 50 abstracts on pulps was reviewed and 10 pertinent reports from the literature survey have been summarized in a Scientific Literature Review.

No data have been found that would provide an adequate basis for estimating the extent to which the constituents of paper and paperboard migrate to food from packages and containers.

Unlined paper and paperboard packages are not used for foods of high moisture content, making it unnecessary to consider the leaching into food of the water soluble, nonfibrous materials from such packages. This proposal considers only the amount of cellulose pulp that might enter dry packaged food as a result of abrasion of the container during marketing, storage, and use. The amount of cellulose added to processed foods is estimated at 152 milligrams per kilogram body weight. It is a logical assumption that consumer exposure to pulp, primarily cellulose, from container abrasion is of a much lower order. It is also estimated to be lower than the cellulose regularly consumed by man as a constituent of vegetable foods eaten.

The Scientific Literature Review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (SCOGS):

> The Select Committee is not aware of any toxicological tests on pulp per se. However, the available information on cellulose, the principal constituent of pulp, has been evaluated and found to be without hazard as a food ingredient at levels considerably higher than could conceivably be present in food as a result of the migration of pulp from food packages and containers. Experience also provides confirmation of the innocuousness of pulp as a food ingredient. As a natural ingredient of plant materials, pulp is eaten regularly in large amounts by livestock and other herbivorous animals. Pulp is present in most of the basic diets of laboratory test animals used for metabolic and toxicologic studies. Pulp is consumed by man as common constituents of the vegetable matter of his diet. No evidence of animal toxicity due to pulp has been reported.

All of the available safety information on pulps has been carefully evaluated by qualified scientists of the Select Committee on GRAS Substances selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). It is the opinion of the Select Committee that:

> Since paper and paperboard packaging materials are not food but might be considered possible contaminants in food, it is not surprising that the Food Chemical Codex does not include specifications for such materials.

However, inasmuch as pulp from paper and paperboard can conceivably migrate to foods and thus become a food ingredient, specifications for paper used in connection with food, including limits with respect to source, abradability, and content of heavy metals and other possible toxicants, could be a useful, additional safeguard of food wholesomeness. In the meantime it is assumed that good manufacturing practice and quality control provide for adequate safeguards in the use of "food quality" cellulose and other pulp ingredients in the packaging materials used for food.

It is the conclusion of the Select Committee that there is no evidence in the available information on pulps that demonstrates a hazard to the public when they are used in food packaging materials as now practiced or as they might be expected to be used for such purposes in the future. Based upon his own evaluation of all available information on pulps, the Commission concurs with this conclusion. The Commissioner therefore concludes that no change in the current GRAS status of pulps is justified.

Copies of the Scientific Literature Review on pulps and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, and may be purchased from the National Technical Information Service (NTIS), 5285 Port Royal Rd., Springfield, VA 22151, as follows:

Title	Order number	Cost
Pulps (scientific literature review).	PB-223-848/AS	$2.75
Pulps (FASEB evaluation)	FDABF-GRAS-222	3.00

The above titles may also be purchased in microfiche form. Microfiche document prices are $1.45 each for those with order numbers having an FDABF prefix or AS suffix, and $0.95 each for all others.

This proposed action does not affect the present use of pulps for pet food or animal feed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a)), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended as follows:

1. In § 121.101(h) by revising the entry for "Pulps from wood, straw, bagasse, or other natural sources" to read as follows:

§ 121.101 **Substances that are generally recognized as safe.**

• • • • •

(h) • • •

Pulps from wood, straw, bagasse, or other natural sources.	Affirmed as GRAS, § 121.105(f)(3).	

• • • • •

2. By adding to § 121.105 a new paragraph (f) (3) to read as follows:

§ 121.105 **Substances in food contact surfaces affirmed as generally recognized as safe (GRAS).**

• • • • •

(f) • • •

(3) *Pulp.* (i) Pulp is the soft, spongy pith inside the stem of a plant such as wood, straw, sugarcane, or other natural plant sources.

(ii) The ingredient is used or intended for use as a constituent of food packaging containers.

(iii) The ingredient is used in paper and paperboard made by conventional paper-making processes at levels not to exceed good manufacturing practice.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Subpart E, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before December 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–21205 Filed 9–20–74;8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GRAS OR PRIOR-SANCTIONED DIRECT HUMAN FOOD INGREDIENTS

Availability of Information

In notices published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20044) and April 17, 1974 (39 FR 13796), the Commissioner of Food and Drugs announced the availability of data and information compiled during the safety review of generally recognized as safe (GRAS) and prior-sanctioned food ingredients. The availability of this data and information was announced by the Commissioner to provide public opportunity to present additional data, information, and views on such substances directly to the Select Committee on GRAS Substances (SCOGS), and to provide maximum public opportunity to present comments on proposed Food and Drug Administration actions for the ingredients as they are published in the FEDERAL REGISTER.

This notice announces the public availability of new data and information obtained by the Food and Drug Administration in conducting its review of GRAS and prior-sanctioned food ingredients. In addition to announcing the availability of recently prepared Scientific Literature Reviews on numerous ingredients now being evaluated by the Select Committee on GRAS Substances, this notice announces the availability of seven reports of the Select Committee on the evaluation of health aspects of the various food ingredients. These evaluations are directly related to proposed actions by the Food and Drug Administration on these ingredients, published elsewhere in this issue of the FEDERAL REGISTER.

The Commissioner recognizes that data and information on GRAS and prior-sanctioned food ingredients is of broad interest to the public. Accordingly, this information is available for public disclosure in the following ways.

1. Copies of each Scientific Literature Review have been placed in the Library of Congress under the title, "Scientific Literature Reviews on GRAS Food Ingredients," L.C. Card No. 73-600105.

2. The following Scientific Literature Reviews and Reports of the Select Committee on GRAS Substances to the Commissioner of Food and Drugs are now available for purchase from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22151.

SCIENTIFIC LITERATURE REVIEWS

Ingredient(s)	Ordering number	Cost
Glutamates	PB-229-856/AS	$11.00
Glycerophosphates	PB-228-543/AS	3.75
Hypophosphites	PB-228-544/AS	3.00
P-hydroxybenzyl-isothiocyanate	PB-228-545/AS	3.00
Vegetable oils, and oleic and linoleic acids.	PB-228-546/AS	5.75
Gum guaiac	PB-228-547/AS	3.00
Sucrose	PB-229-540/AS	5.75
Magnesium salts	PB-228-550/AS	5.50
Hydrosulfites	PB-228-551/AS	3.00
Sulfamic acid	PB-228-552/AS	3.25
Manganese salts	PB-228-553/AS	5.00
Silicates	PB-228-554/AS	4.75
Fish oils	PB-228-555/AS	4.00
Tall oil	PB-228-556/AS	4.00
Hydrogenated soy bean oil	PB-228-557/AS	4.00
Formic acid	PB-228-558/AS	4.00
Gluconate salts	PB-228-537/AS	3.25
Propionates and thiodipropionates.	PB-228-538/AS	4.00
Dextrins	PB-228-539/AS	3.75
Rennet (rennin)	PB-229-541/AS	3.25
Adipic acid	PB-230-305/AS	3.25
Pectin	PB-230-306/AS	3.75

REPORTS OF THE SELECT COMMITTEE

Report Ingredient(s)	Ordering Number	Cost
Gum tragacanth	PB-223-835/AS	$2.75
Guar gum	PB-223-836/AS	2.75
Benzoic acid and sodium benzoate.	PB-223-837/AS	2.75
Garlic and garlic oil	PB-223-838/AS	2.75
Oil of rue	PB-223-839/AS	2.75
Propyl gallate	PB-223-840/AS	2.75
Gum ghatti	PB-223-841/AS	2.75
Pulps	FDABF-GRAS-224.	3.00
Dill	FDABF-GRAS-216.	3.00
Gum arabic (acacia)	FDABF-GRAS-207.	3.00
Gum sterculia (karaya)	FDABF-GRAS-209.	3.00

The above titles may also be purchased in microfiche form. Microfiche document prices are $1.45 each for those with order numbers having an FDABF or AS suffix, and $0.95 each for all others.

3. A single copy of all of the data and information given above is available for review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-21206 Filed 9-20-74;8:45 am]

SAFETY OF CERTAIN FOOD INGREDIENTS

Opportunity for Public Hearing

In the FEDERAL REGISTER of July 26, 1973 (38 FR 20053), the Commissioner of Food and Drugs issued a notice advising the public that an opportunity would be provided for the oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereinafter referred to as the Select Committee), with respect to the safety of ingredients used in food on a determination that they are generally recognized as safe (GRAS) or subject to a prior sanction.

The Commissioner hereby gives notice that the Select Committee is prepared to conduct a public hearing with respect to the following four categories of food ingredients:

Stannous chloride
Ammonium ion
Iodine and iodine-salts
Aconitic acid

This public hearing will provide an opportunity, before the Select Committee reaches its final conclusions, for any interested person to present scientific data, information, and views in addition to those previously submitted in writing pursuant to the notices previously published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20051 and 20053), and April 17, 1974 (39 FR 13796 and 13798), relevant to the safety of these substances.

The Select Committee has reviewed all of the available data and information on the above categories of food ingredients and has reached one of the four following tentative conclusions on their status:

1. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future.

2. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current and in the manner now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard.

3. While no evidence in the available information demonstrates a hazard to the public when it is used at levels that are now current and in the manner now practiced, uncertainties exist requiring that additional studies be conducted.

4. The evidence is insufficient to determine that the adverse effects reported are not deleterious to the public health when it is used at levels that are now current and in the manner now practiced.

The following table lists each ingredient, the Select Committee's tentative conclusion (keyed to the four types of conclusions listed above), and the available information on which the Select Committee reached its conclusion. Footnoted items in the first column will not be considered at this hearing.

Substance	Select committee tentative conclusion	Scientific literature review		Animal study report		Other information
		Order number	Cost	Order number	Cost	
Stannous chloride	1	PB-221-232	$4.50	PB-221-780	$3.75	None.
Ammonium ion		PB-221-235	5.45			Do.
Ammonium alginate [1]						
Aluminum ammonium sulfate [2]						
Ammonium bicarbonate	1					
Ammonium carbonate	1					
Ammonium chloride	1					
Ammonium glutamate [3]						
Ammonium hydroxide	1					
Ammonium phosphate	1					
Ammonium saccharin [4]						
Ammonium sulfate	1					
Iodine and iodine salts		PB-222-849/AS	3.75			Do.
Calcium iodate	1					
Cuprous iodide [5]						
Potassium iodide	1					
Potassium iodate	1					
Aconitic acid	1	PB-223-847/AS	2.75			Do.

[1] Included in report on alginates.
[2] To be included in report on aluminum salts.
[3] To be included in report on other glutamates.
[4] To be included in report on saccharin and its derivatives.
[5] To be included in report on other copper salts.

Reports given in the table may be obtained from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, VA 22151. The above titles may also be purchased in microfiche form. Microfiche document prices are $1.45 each for those with order numbers having an FDABF prefix or AS suffix, and $0.95 each for all others.

In addition to the information contained in the Scientific Literature Review, the Select Committee supplemented, where appropriate, the scientific information developed in the reviews with updated information and expert consultations. The order number, if any, for such materials is listed in the "other information" column of the table. Aside from extracting all relevant information from standard reference sources, the following specialized sources were used:

1. *Chemical Mutagenesis: a Survey of the 1971 Literature.* 1973. Environmental Mutagen Information Center. Report ORNL-EMIC-2. Oak Ridge National Laboratory, Oak Ridge, TN, 273 pp.

2. *Chemical Mutagenesis in Laboratory Animals: a Bibliography on the Effects of Chemicals on Germ Cells.* 1973. Environmental Mutagen Information Center. Report ORNL-EMIC-5. Oak Ridge National Laboratory, Oak Ridge, TN, 80 pp.

3. *Computer Literature Retrieval Systems/ MEDLINE (including COMPFILE, MEDFILE and SDILINE) and TOXLINE (including CHEMLINE).* National Library of Medicine, Bethesda, MD.

4. *Drug Interactions: an Annotated Bibliography with Selected Excerpts 1967-1970, Vol. 1.* 1972. National Library of Medicine, Toxicology Information Program. U.S. Department of Health, Education, and Welfare, Public Health Service. DHEW publication no. (NIH) 73-322. U.S. Government Printing Office, Washington, DC.

5. *The Mutagenicity and Teratogenicity of a Selected Number of Food Additives (EMIC/GRAS Literature Review).* 1973. Environmental Mutagen Information Center. Report ORNL-EMIC-1 (2 parts). Oak Ridge National Laboratory, Oak Ridge, TN, 448 pp.

The Select Committee's tentative reports on stannous chloride, ammonium ion, iodine and iodine salts, and aconitic acid are available for review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852 and also at the Public Information Office, Food and Drug Administration, Rm. 3807, 200 C St. SW., Washington, DC 20204.

In order to schedule the public hearing, it is necessary that the Select Committee be informed of the number of persons who wish to take advantage of this opportunity for hearing, and the length of time requested for presentation of their views. Accordingly, any interested person who wishes to appear at the public hearing to make an oral presentation shall so inform the Select Committee in writing, addressed to: The Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014. A copy of each such request shall be sent to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, and all such requests shall be placed on public display in that office. Any such request shall be postmarked on or before October 23, 1974, shall state the substance(s) on which an opportunity to present oral views is requested, and shall state the length of time requested for the presentation. As soon as possible thereafter, a notice will be published in the FEDERAL REGISTER announcing the date, time, place, and scheduled presentations for any public hearing that may be requested.

The purpose of the public hearing is to receive data, information, and views not previously available to the Select Committee with respect to the substances listed above. Information already contained in the scientific literature reviews and in the tentative Select Committee report shall not be duplicated, although views on the interpretation of this material may be presented.

Depending upon the number of requests for opportunity to make oral presentations, the Select Committee may reduce the time requested for any presentation. Individuals and organizations with common interests are urged to consolidate their presentations in view of the limitations of time. Any interested person may, in lieu of an oral presentation, submit written views, which shall be considered by the Select Committee. Three copies of such written views shall be addressed to the Select Committee at the above address, and shall be postmarked not later than 10 days prior to the scheduled date of the hearing. A copy of any written views shall be sent to the Hearing Clerk, Food and Drug Administration, and shall be placed on public display in that office.

A public hearing will be presided over by a member of the Select Committee. A hearing will be transcribed by a reporting service, and a transcript of each hearing may be purchased directly from the reporting service and will also be placed on public display in the office of the Hearing Clerk, Food and Drug Administration.

Dated: September 9, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-21207 Filed 9-20-74;8:45 am]

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federal register

MONDAY, SEPTEMBER 23, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 185

PART III



THE PRESIDENT

■

SPECIAL MESSAGE TO CONGRESS ON BUDGET RESCISSIONS AND DEFERRALS

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presidential documents

Special Message on Budget Rescissions and Deferrals

To the Congress of the United States:

The recently enacted Congressional Budget and Impoundment Control Act of 1974 provides new procedures for executive reporting and congressional review of actions by the executive branch affecting the flow of Federal spending. It thereby serves to make the Congress a full partner in the continuing struggle to keep Federal spending under control.

The new law provides that the executive branch may seek to alter the normal course of spending either through deferrals of spending actions or by asking the Congress to rescind authority to spend. The use of funds may be deferred unless either House of the Congress enacts a resolution requiring that they be made available for spending. For executive rescission proposals to take effect, the Congress must enact rescission bills within 45 days of continuous session.

Following these procedures, I am today reporting the first in a series of deferrals and proposed rescissions.

As is often the case in the institution of new procedures, and in the implementation of new laws, there are questions as to what the law may require of the executive branch and what the Congress may expect. In this instance, the Attorney General has determined that this act applies only to determinations to withhold budget authority which have been made since the law was approved.

However, I am including in today's submission to the Congress reports on some actions which were concluded before the effective date of the act. While these items are not subject, in the Attorney General's opinion, to congressional ratification or disapproval as are those addressed in the recent law, I believe that it is appropriate that I use this occasion to transmit this information to the Congress.

Reasonable men frequently differ on interpretation of law. The law to which this message pertains is no exception. It is particularly important that the executive and legislative branches develop a common understanding as to its operation. Such an understanding is both in keeping with the spirit of partnership implicit in the law and essential for its effective use. As we begin management of the Federal budget under this new statute, I would appreciate further guidance from the Congress.

The added information on the status of funds not subject to Congressional action is being made available with this in mind. It will also permit a better understanding of the status of some funds reported previously under the earlier impoundment reporting law.

Virtually all of the actions included in this report were anticipated in the 1975 budget, and six of them were taken before July 12, when the new procedures came into effect. Failure to take these actions would cause more than $20 billion of additional funds to become available for obligation. The immediate release of these funds would raise Federal spending by nearly $600 million in the current fiscal year. More significantly, outlays would rise by over $2 billion in 1976 and even more in 1977, the first year in which the new procedures for congressional review of the budget will be in full effect.

The deferrals of budget authority being reported today total $19.8 billion. The major deferrals are:

—Grants for waste treatment plant construction ($9 billion). Release of all these funds would be highly inflationary, particularly in view of the rapid rise in non-Federal spending for pollution control. Some of the funds now deferred will be allotted on or prior to February 1, 1975.

—Federal aid highway funds ($4.4 billion for fiscal year 1975 and $6.4 billion for fiscal year 1976). Release of these funds would also be highly inflationary and would have to be offset by cuts in higher priority programs. Some of the funds are being withheld pending resolution of court cases concerning the environmental effects of proposed highway construction.

—Various programs of the Department of Health, Education, and Welfare ($39.6 million). Pending enactment of the 1975 appropriations, HEW funds are being provided under a continuing resolution. Amounts available under the continuing resolution above the budget request are deferred to preserve the flexibility of the Congress and the Administration in arriving at a final decision on the funding levels for these programs.

The larger of the two rescissions which I am proposing would write off the $456 million of budget authority provided for rural electric and telephone loans at a 2 percent interest rate. The release of these funds would be inconsistent with the legislation enacted in 1973, which limits the availability of 2 percent loans to cases of special need. Loans to borrowers who meet the specified criteria can be financed out of funds provided by the pending Agriculture Appropriations Act.

The deferrals and rescissions covered in this first report are those believed to be of particular interest to the Congress and which would have significant impact on budget spending if released. They are summarized in the attached table. A second report of a series on additional deferrals and rescissions will be submitted to the Congress soon.

Budgetary restraint remains a crucial factor in our efforts to bring inflation under control. In today's environment, we cannot allow excess

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Federal spending to stimulate demand in a way that exerts further pressures on prices. And we cannot expect others to exercise necessary restraint unless the Government itself does so.

The responsible apportionment of congressional appropriations and other Federal budget authority is an essential—though often controversial—element of budget execution. Sound management principles and common sense dictate that Federal agencies spend money in an orderly fashion and only to the extent necessary to carry out the objectives for which the spending authority was provided. Current economic conditions require extra care to assure that Federal spending is held to the minimum levels necessary.

The deferrals and rescissions described in the attached report represent an essential step toward the goal of reducing spending and achieving the balanced budget we seek by fiscal year 1976. These actions, by themselves, will not be enough. However, failure to take and sustain this important step would jeopardize our ability to control Federal spending not only during the current fiscal year but, more importantly, for several years to come.

Gerald R. Ford

THE WHITE HOUSE,
September 20, 1974.

SUMMARY
PROPOSED RESCISSIONS AND DEFERRALS
(dollars in thousands)

Item	Budget Authority
Rescissions:	
Appalachian Regional Development Programs:	
Airport Construction*	40,000
Agriculture: Rural Electrification Administration: Loans*	455,635
Deferrals:	
To be deferred part of year:	
Corps of Engineers - General construction	108
Health, Education and Welfare:	
Library resources	5,437
Higher education:	
(University community services)	2,906
(Land grant colleges)	9,500
(State postsecondary education commissions)	350
School assistance in federally affected areas	16,000
Rehabilitation services (innovation and expansion)	5,000
Public assistance (Child welfare services)	375
Environmental Protection Agency:	
Construction Grants*	9,000,000
General Services Administration:	
Automatic data processing fund	4,300
To be deferred for entire year:	
Agriculture: Agriculture research service (Construction)*	770
Commerce: Fisheries loan fund*	4,039
Interior:	
Oregon and California Grant lands*	23,693
Construction and rehabilitation	1,055
Upper Colorado River Basin fund	1,150
State: International Center, Washington, D.C.	500
Transportation: Federal-aid highways	
1975 & prior programs	4,370,090
1976 program	6,357,500
Foreign Claims Settlement Commission:	
Payment to Vietnam prisoners of war	10,500
General Services Administration:	
Automatic data processing fund	14,000
Total	20,322,908

*Action taken prior to enactment of the Impoundment Control Act on July 12, 1974.

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Rescission Proposal No.: R75-1

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Appalachian Regional Commission (ARC)	New budgetary resources (P.L. 92-65)	$ 185,000,000
Bureau	Unobligated balance from prior years	240,000,000
Appropriation Title & Symbol Appalachian Regional Development Programs 11X0090 (Section 208 - Appalachian Airport Safety Improvements)	Total Budgetary Resources	425,000,000
	Amount proposed for rescission	40,000,000

JUSTIFICATION: Contract authority of $40,000,000 is proposed for withdrawal pursuant to the Antideficiency Act (31 U.S.C. 665). The airport safety activities provided for under this contract authority are already being achieved under the authority for the FAA program for navigation aids, the national program of grants-in-aid for airports and by State and local governments through ARC's Supplemental Grant authority. The Federal Cochairman of ARC does not plan to request an appropriation to liquidate this contract authority prior to the expiration of the authorization on June 30, 1975, and has so notified the State members of the Commission.

ESTIMATED EFFECTS: The withdrawal of this contract authority will not significantly affect the ability of localities in the Appalachian region to improve their airports because of the existence of other airport construction and safety programs.

Had there been an appropriation in 1975 to liquidate this contract authority, this withdrawal would represent outlay savings of approximately $2,000,000 in FY 1975 and future savings of approximately $4,000,000 in FY 1976 and $9,000,000 in FY 1977. The FY 1975 savings are assumed in the latest budget estimates. Thus, this withdrawal has the effect of maintaining the current budget estimates.

A BILL

To delete the contract authority contained in Section 208 of the Appalachian Regional Development Act of 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That,

Subsection (f) of Section 208 of the Appalachian Regional Development Act of 1965 (85 Stat. 169, 40 App. U.S.C. 208) is deleted.

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Rescission Proposal No.: R75-2

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency: Agriculture	New budget authority (P.L. _____)	$ _____
Bureau: Rural Electrification Administration	Other budgetary resources	455,635,000
Appropriation Title & Symbol: Loans 12X3197	Total Budgetary Resources	455,635,000
	Amount proposed for rescission	455,635,000

Justification

Public Law 93-32, approved May 11, 1973, amended the Rural Electrification Act by establishing the Rural Electrification and Telephone Revolving Fund (RETRF). Insured electric and telephone loans are now financed from this fund. Public Law 93-32 recognized and dealt with two major objectives which were particularly essential to the reform of the REA program. First, it limited the availability of Federally insured loans at the "special" 2% interest rate to those electric or telephone borrowers in rural areas with a definite need as defined explicitly in the legislation. Second, it provided that in those areas in which the borrowers are able and can afford to help themselves, credit and assistance will come from the private sector.

The funds now proposed for recission, when appropriated, were for direct Government loans at 2% interest for all borrowers in rural areas for the purposes authorized in Sections 4 and 201 of the Act. We believe that the Congress in enacting Public Law 93-32, subsequent to this authorization, recognized that the need for the indiscriminate use of a 2% interest rate should now be limited to those borrowers meeting the criteria for need expressed in Section 305(b) of the Act, as amended by P.L. 93-32.

Estimated Effects

No effect is anticipated since use of the funds is not planned and the needs of the borrowers for insured loans at the special rate can be met within levels of funding to be provided when the Appropriation Act is enacted.

If the Department were to obligate these funds in 1975, they would be made available to borrowers that do not qualify under current law and added spending would result as follows:

	FY 1975	FY 1976	FY 1977
Electric loans.....	$122,155,333	$122,155,333	$122,155,334
Telephone loans.....	29,722,842	29,722,842	29,722,841
TOTAL.....	$151,878,175	$151,878,175	$151,878,175

DEPARTMENT OF AGRICULTURE
RURAL ELECTRIFICATION ADMINISTRATION
LOAN AUTHORIZATIONS

Authorizations provided under this heading in the Act of August 22, 1972 (Public Law 92-399) are reduced in the following amounts: rural electrification program, $366,466,000, and rural telephone program, $89,168,525.

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Deferral No.: D75-1

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of the Army	New budget authority (P.L. _____) $ - 0 -
Bureau Corps of Engineers, Civil	Other budgetary resources 108,000
Appropriation Title & Symbol Construction, General, COE, Civil 96X3122	Total Budgetary Resources 108,000
	Amount to be deferred part of year ------
	Amount to be deferred for entire year 108,000

Justification

Pursuant to the Antideficiency Act (31 U.S.C. 665), funds for the construction of Lafayette Reservoir, Indiana, have been placed in reserve for contingencies because environmental opposition to the project required that a restudy of the project be conducted. An environmental study has been commissioned to reassess and update an earlier environmental impact statement which had been prepared in accordance with the National Environmental Protection Act, P.L. 91-190. A decision on the next steps will be made after review of the completed study.

Estimated Effects

The Corps' outlays will be reduced by $108,000 during the period of this deferral.

Deferral No. D75-2

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-324) $11,647,000
Bureau Office of Education	Other budgetary resources _____
Appropriation Title & Symbol Library Resources - 7550212 (Public Libraries)	Total Budgetary Resources 11,647,000
	Amount to be deferred part of year 5,437,000
	Amount to be deferred for entire year ---

Justification:

The 1975 budget proposed continuing the Public Libraries program at a level of $25.0 million. The House passed HEW-Labor appropriations bill provides $46,749 thousand, presumably the maximum annual rate available under the Continuing Resolution. In addition, the Library Partnership Act has been submitted by the Administration at $15.0 million and is designed to give greater impact to Federal funding directed toward public libraries. Demonstrations will be supported that test the integration of library and information service, and new methods of library service delivery. This deferral is proposed until enactment of the Labor-HEW appropriation bill.

Estimated Effects:

The effect of this deferral is to fund the program at a level of $6,210,000 in the first quarter as contrasted to $11,647,000 per quarter in FY 1974.

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Deferral No. 075-3

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-324) $3,206,000
Bureau Office of Education	Other budgetary resources ----
	Total Budgetary Resources 3,206,000
Appropriation Title & Symbol Higher Education - 7550293 (University Community Services)	Amount to be deferred part of year 2,906,000
	Amount to be deferred for entire year ---

Justification:

No funds were requested in the 1975 President's Budget for the University Community Services program because this program provided support for projects of cooperation between communities and universities, which is primarily the responsibility of the State or locality. Aid directed to the student is a more desirable use of Federal resources in Higher Education. The House, in acting on the Labor-HEW bill, provided an appropriation of $14,250 thousand, presumably the maximum annual rate permissible under the Continuing Resolution. This deferral does not address the 10% of the appropriation which is reserved to the Commissioner which is not normally obligated until later in the fiscal year. Of the remaining 90%, an amount of $3,206 thousand would presumably be available for the first quarter.

Funds of $300 thousand have been released under the Continuing Resolution to cover operating expenses of State agencies during the first quarter. Although more funds could be released under the Continuing Resolution, there is no urgent need to do so. If an appropriation is enacted before the end of the first quarter; the entire amount appropriated can be utilized in an orderly and efficient manner. In the meantime, this proposed deferral, pending Senate action on the Labor-HEW bill, would preserve the flexibility of the Congress and the Administration in arriving at a final decision on the level at which this program should be continued.

Estimated Effects:

Except for the State agency operating expenses, for which funds have been released, the States and institutions do not begin using the funds until later in the year. Therefore, the effect on institutions of a deferral through the first quarter is not adverse. Excluding the released $300 thousand this proposal will have no budgetary impact. The total outlay saving is $2,906 thousand in the first quarter of FY 1975. These savings are reflected in the latest budget estimates.

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Deferral No. 075-3

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-324) $3,206,000
Bureau Office of Education	Other budgetary resources ___
	Total Budgetary Resources 3,206,000
Appropriation Title & Symbol Higher Education - 7550293 (University Community Services)	Amount to be deferred part of year 2,906,000
	Amount to be deferred for entire year ---

Justification:

No funds were requested in the 1975 President's Budget for the University Community Services program because this program provided support for projects of cooperation between communities and universities, which is primarily the responsibility of the State or locality. Aid directed to the student is a more desirable use of Federal resources in Higher Education. The House, in acting on the Labor-HEW bill, provided an appropriation of $14,250 thousand, presumably the maximum annual rate permissible under the Continuing Resolution. This deferral does not address the 10% of the appropriation which is reserved to the Commissioner which is not normally obligated until later in the fiscal year. Of the remaining 90%, an amount of $3,206 thousand would presumably be available for the first quarter.

Funds of $300 thousand have been released under the Continuing Resolution to cover operating expenses of State agencies during the first quarter. Although more funds could be released under the Continuing Resolution, there is no urgent need to do so. If an appropriation is enacted before the end of the first quarter; the entire amount appropriated can be utilized in an orderly and efficient manner. In the meantime, this proposed deferral, pending Senate action on the Labor-HEW bill, would preserve the flexibility of the Congress and the Administration in arriving at a final decision on the level at which this program should be continued.

Estimated Effects:

Except for the State agency operating expenses, for which funds have been released, the States and institutions do not begin using the funds until later in the year. Therefore, the effect on institutions of a deferral through the first quarter is not adverse. Excluding the released $300 thousand this proposal will have no budgetary impact. The total outlay saving is $2,906 thousand in the first quarter of FY 1975. These savings are reflected in the latest budget estimates.

V 39 I 185 SEP 23 74 XUM

Deferral No. D75-4

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-324) $9,500,000
Bureau Office of Education	Other budgetary resources ___
	Total Budgetary Resources 9,500,000
Appropriation Title & Symbol Higher Education - 7550293 (Land Grant Colleges)	Amount to be deferred part of year 9,500,000
	Amount to be deferred for entire year ---

Justification:

The Administration has submitted legislation to repeal the Bankhead-Jones Act which authorizes an annual appropriation for the support of land grant colleges. No funds were requested in the President's 1975 Budget to continue support for this activity. However, the House approved a $9.5 million appropriation in the Labor-HEW bill. This amount is presumably the maximum rate permissible under the Continuing Resolution. It is proposed to defer obligation and expenditure of funds for this activity pending Senate action on the Labor-HEW bill and in order to preserve the flexibility of the Congress and the Administration in arriving at a final decision on the future of this program.

Estimated Effects:

The programmatic effect of a first quarter deferral will not be severe, although institutions are accustomed to receiving these funds in August. Pending a final resolution of the future of the program, a deferral is preferable to a first quarter allotment of one-fourth of the funds authorized. Full obligation and expenditure of the annual amount at this time would preempt the Congress' ability to deal with the legislative question. Total outlay savings are $9.5 million and are reflected in the 1975 budget.

Deferral No. D-75-5

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-324) $750,000
Bureau Office of Education	Other budgetary resources ___
	Total Budgetary Resources 750,000
Appropriation Title & Symbol Higher Education - 7550293 (State Postsecondary Education Commissions)	Amount to be deferred part of year 350,000
	Amount to be deferred for entire year ---

Justification:

No funds were requested in the 1975 President's Budget to continue support for this activity, on the grounds that the programs which the commissions administer are now so small that the required funding level can be borne out of other State funds. However, the House, in acting on the Labor-HEW bill, provided an appropriation of $3 million, the same as the 1974 level and presumably the maximum annual rate permissible under the Continuing Resolution. An amount of $400 thousand has been released to provide funds needed by State agencies during the first quarter to administer certain Federal programs for which funds were appropriated during 1974. While additional funds of $350 thousand could be released under authority of the Continuing Resolution to carry out comprehensive planning activities, the relatively small increment for each State could not be utilized in an orderly way. This deferral is proposed pending Senate action on the Labor-HEW bill and to preserve the flexibility of the Congress and the Administration in arriving at a final decision on funding for this program.

Estimated Effects:

A first quarter deferral will have little programmatic effect. State agencies will not be helped by small incremental funding. Except for the $400 thousand already released, this proposed action has no budgetary impact. The total outlay savings is $350 thousand in the first quarter of FY 1975. These savings are reflected in the latest budget estimate.

V 39 185 SEP 23 74 XUM

Deferral No. D75-6

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Department of Health, Education, and Welfare	New budget authority (P.L. 93-324)	$16,000,000
Bureau: Office of Education	Other budgetary resources	
	Total Budgetary Resources	16,000,000
Appropriation Title & Symbol: School Assistance in Federally Affected Areas - 7550280 (Payments for "B" children)	Amount to be deferred part of year	16,000,000
	Amount to be deferred for entire year	---

Justification:

This is a program of aid to school districts, authorized by P.L. 81-874, that provides support to eligible districts to offset revenue lost due to the presence of Federal, non-taxable land.

The Continuing Resolution (P.L. 93-324) continues funding through September 30, 1974 of payments to school districts with Section 3(b) children most of whose parents work on Federal property and live on private property paying local property taxes for the support of their schools. No funds were requested in the President's 1975 Budget for these children. An amount of $40 million was budgeted to provide funds on a hardship basis (no school district would lose an amount greater than 5 percent of its 1974 operating budget) for those school districts which will be most severely affected by the termination of funding for "B" children.

Neither the House nor the Senate has considered the proposed budget for this program. The requested deferral of $16.0 million represents the estimated amount which would be obligated through September 30, 1974 (the current expiration date of the Continuing Resolution). This amount is proposed for deferral to preserve the flexibility of the Congress and the Administration in arriving at a final decision on the level at which this program should be continued.

It is believed that this type of Federal activity does not really constitute an economic burden on local schools. Withholding of 3(b) funds will effect no severe hardship on any school district during the first quarter.

Estimated Effects:

The total outlay savings from deferring 3(b) funds is $16,000,000 through the first quarter of FY 1975. These savings are reflected in the latest budget estimate. Estimated outlays under the hardship provision (upon enactment) remain the same as reflected in the President's Budget; 1975, $28,000,000; 1976, $11,000,000; and 1977, $1,000,000.

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Deferral No.: D75-7

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-324)	$ 5,000,000
Bureau Social and Rehabilitation Service	Other budgetary resources	---
Appropriation Title & Symbol	Total Budgetary Resources	5,000,000
Rehabilitation Services - 7550508 (Innovation and Expansion)	Amount to be deferred part of year	5,000,000
	Amount to be deferred for entire year	---

Justification:

No funds were requested in the 1975 Budget for this program. The House-passed bill included $20,000,000 for this program, and we assume that is the authorized level of activity for purposes of the Continuing Resolution. The FY 1974 appropriation included funds to cover the final phase of a three year program to expand vocational rehabilitation services to recipients of Public Assistance. The objectives of this program have been achieved. The budget is based on full funding of Section 110, the basic state grant program, which provides funding for the same kinds of services for the rehabilitation of the handicapped in the regular State programs, at a much larger level of expenditure. In a period of two years, the amount requested for that program has increased by almost $100 million. This increase provides the States with the leeway necessary to accomplish all of the objectives of both the state grant program and the expansion grant program particularly since the latter program was made a formula grant program under the provisions of the 1973 Act. The Senate has not yet acted on the appropriations bill for this program.

This deferral is proposed to preserve the flexibility of the Congress and the Administration in arriving at a final decision of funding for this program.

Estimated Effects:

There are already a number of important initiatives to focus vocational rehabilitation services on the severely disabled within the basic state grant program. The total outlay savings for this deferral is $5,000,000 in the first quarter of FY 1975, i.e., one quarter of the $20,000,000 level available under the Continuing Resolution. These savings are reflected in the latest budget estimates.

Deferral No.: D75-8

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-324)	$ 11,875,000
Bureau Social and Rehabilitation Service	Other budgetary resources	---
Appropriation Title & Symbol	Total Budgetary Resources	11,875,000
Public Assistance - 754/50581 (Child Welfare Services)	Amount to be deferred part of year	375,000
	Amount to be deferred for entire year	---

Justification:

The amount of $46,000,000 was requested in the 1975 Budget for support of Child Welfare Services authorized under Title IV, Part B, Section 420 of the Social Security Act. The House-passed appropriations bill included $47,500,000 for this program, which is presumably the authorized level of activity under the Continuing Resolution. The budget request reflected the historic level of support which existed for the several preceeding years.

Federal support under Title IV, Part B, has always been a small portion (about 3%) of the total Child Welfare Services funded under Title IV, Parts A and B. Due to increases in other programs dealing with Child Welfare Services, especially under public assistance social services (Title IV, Part A), there is no need to increase this appropriation. The Senate has not yet acted on the appropriations for this program. This deferral is proposed to preserve the flexibility of the Congress and the Administration in arriving at a final decision on a funding level for this program.

Estimated Effects:

The proposed deferral for Title IV, Part B, Child Welfare Services until the end of the first quarter or until the 1975 appropriation is finalized, whichever is sooner, would have a negligible effect on the provision of services or the number of persons receiving services.

Federal dollars in this program represent a small portion of the activities funded by State and other Federal grant programs. The total outlay savings is $375,000. These savings are reflected in the latest budget estimate.

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Deferral No.: D75-9

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Environmental Protection Agency	New budget authority (P.L. 92-500)	$ 9,000,000,000
Bureau Water Program Operations	Other budgetary resources	
Appropriation Title & Symbol Construction Grants 68X0103	Total Budgetary Resources	9,000,000,000
	Amount to be deferred part of year	9,000,000,000
	Amount to be deferred for entire year	

Justification:

1. Deferral of Funds

The Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) authorized funds to finance the construction of waste treatment plants. The Administration has consistently held that the Act vests discretion in the Administrator of the Environmental Protection Agency to allot less than the maximum amounts of contract authority authorized by the Act. At this date, $9 billion authorized by the Act are either unallotted, or being withheld from obligation at the direction of the Federal Courts pending a Supreme Court review of lower court decisions. The matter before the courts involves the question of authority to allot amounts less than the maximums authorized in the Act.

2. Period of Deferral

The period of deferral of the unallotted contract authority is dependent upon two events:

a. An allotment of a substantial portion of the funds will be made to the States on or prior to February 1, 1975. The fiscal implications of allotting these funds at the present time require that determination of a specific allotment be deferred until this program's funding level can be balanced with the demand for funds for other programs in the context of the FY 1976 budget.

b. Implicit in the Supreme Court's grant of a writ of certiorari in the case is a recognition that the Administration's interpretation of the Federal Water Pollution Control Act is worthy of review. The Supreme Court's decision is anticipated prior to the end of the current fiscal year. Thus, any funds not allotted after February 1, 1975, are proposed for deferral until the Supreme Court is given the opportunity to decide the merits of the cases now before it.

Legal Authority

It is the position of the Executive Branch that the Act permits the allotment to the States for any fiscal year of sums less than the maximum authorized for that year. That position has been challenged in a number of cases in the Federal Courts with conflicting results. Two of those cases, City of New York v. Train (Sup. Ct. No. 73-1377) and Campaign Clean Water, Inc. v. Train (Sup. Ct. No. 73-1378), are now pending before the Supreme Court on writs of certiorari. The Court will be called upon to determine whether the Water Pollution Control Act Amendments of 1972 (P.L. 92-500) vest discretion in the Administrator at the allotment stage of the waste treatment facility program. The Government contends that the Conference Committee's insertion, in Section 207 of the Act, of a provision that the contract authority authorized is "not to exceed" the stated amounts and the Committee's deletion of the word "all" from the clause "all sums authorized to be appropriated...shall be allotted..." in Section 205 establishes a clear grant of the discretion which the President has sought to exercise. This program is not one in which the Executive asserts a power to control spending in opposition to the wishes of Congress; it is one in which the President is seeking to exercise the discretion which the Congress intended that he should have. Thus, the Supreme Court is presented with a question of statutory construction as to which lower Federal courts have rendered conflicting decisions. The Court is clearly the appropriate forum in which to resolve that question, pending which contract authority should continue at present rates of availability.

Reason for the Deferral

The Federal Water Pollution Control Act authorized the allotment of a maximum of $18 billion over a three year period beginning in FY 1973. The following table shows the status of these funds as of July 1, 1974.

CONSTRUCTION GRANT OBLIGATIONS
($ in Millions)

Fiscal Year	Authorization	Allotment	Obligation of Allotments 1973	1974	1975 est.
1973	5,000	2,000	1,337	663	-
1974	6,000	3,000	194	700	2,106
1975	7,000	4,000	-	82	1,797
	$18,000	$9,000	$1,531	$1,445	$3,903

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The obligation estimated for FY 1975 of nearly $4 billion from P.L. 92-500 funds is more than double the amount obligated from this source in FY 1973 or FY 1974 and nearly three times the $1.3 billion obligated in FY 1973 from funds provided by prior authorizations. Outlays are increasing even more dramatically, from a total of $684 million in FY 1973 to $1.6 billion in FY 1974 and an estimate of approximately $3 billion in FY 1975.

The fiscal year 1976 and 1977 outlays, related to an allotment of an additional $9 billion, would be in the range of a total of $1 billion. This would require reductions in spending for other programs if balanced budgets are to be achieved as called for by many members of Congress and the President. The main impact of this problem would occur in the first year that all Congressional and Executive budget actions will be subject to the new Impoundment Control Act of 1974.

Estimated Effects

The allotment of an additional $9 billion would add to the inflationary pressure currently being exerted on the national economy.

Inflation is now recognized as a crucial economic problem for this nation. In the first two quarters of 1974, for example, the implicit GNP price deflator has risen by 12.3 percent and 9.6 percent respectively. Certainly, without prudent governmental offset policies inflation would continue at this dangerous level into the foreseeable future. Thus, the fiscal and monetary policies of this administration and of the Federal Reserve System have been directed toward economic restraint. Additional fiscal stimulus would only fuel the current inflationary pressures. Moreover, in the current climate of inflation-oriented expectations, this additional fiscal stimuli might serve as a signal to business and labor as well as to consumers and investors that the government will not be able to check inflation and that they should therefore base their future decisions on the assumption that prices will continue to rise rapidly.

It should be emphasized that there is currently no dearth of investment in the pollution abatement sector. To the contrary, because of Federal regulatory activities, expenditures for this purpose are increasing at a substantial rate without any increase in Federal spending over existing levels. It has been estimated that U.S. nonfarm business spent $4.9 billion in 1973 for pollution abatement alone, and will spend $6.5 billion in 1974 for the same purpose, an increase of 26 percent.

Federal outlays for pollution control and abatement will approach $4 billion in 1975, an increase of over 50 percent from 1974 and an average annual increase of 74 percent since 1972. While up-to-date statistics are not available for the State and local sector, some understanding of their activity can be obtained through the activity of tax-exempt bonds for pollution control. In the first half of this year, tax-exempt bond financing for pollution abatement grew 42 percent over the equivalent period last year, growing from $859 million to $1,222 million, despite soaring interest rates. Though the majority of these issues will finance business construction, a growing percentage will finance governmental construction.

Collectively, these figures demonstrate a sizable and growing national investment in pollution abatement. In the judgment of the Administration, the allotment of an additional $9 billion at this time would generate inflationary pressures in both the industries concerned and the economy as a whole. For these reasons, the President has no choice but to defer this authority.

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Deferral No.: D75-10

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency General Services Administration	New budget authority (P.L. _____)	$ --
Bureau	Other budgetary resources	81,653,000
Appropriation Title & Symbol Automatic Data Processing Fund	Total Budgetary Resources	81,653,000
	Amount to be deferred part of year	4,300,000
	Amount to be deferred for entire year	14,000,000

Justification

The 1975 budget provides a capital purchase level in the ADP Revolving Fund of $6M. Of this amount, $1.7M has been apportioned and $4.3M is being deferred, pending development by GSA of criteria for opportunity buy decisions. These opportunity buys represent purchases by GSA of bargain priced computer equipment which will be available for a limited time period and for which the using agency does not have funds available for procurement. It is expected that the $4.3M will be apportioned by the end of the first quarter.

The current estimate is that of the $81.7M in available resources, $42.1M will be obligated for operating costs and capital outlays. This will leave a balance for requirements in subsequent years of $37.5M. Of this balance, $14.0M is deferred for the entire fiscal year 1975 in order to achieve the most effective and economical use of funds (Anti-Deficiency Act, 31 U.S.C. 665), consistent with the Office of Management and Budget's oversight responsibility under the Federal Property and Administrative Services Act of 1949 (Section 111(g) U.S.C. 759). This action is consistent with present estimates of opportunity buys which could effectively meet agency demands and program requirements. It also anticipates greater reliance on long-term leasing which would be available upon enactment of pending legislation.

Estimated Effects:

There will be no impact on agency programs as it is not expected that discount purchases will be precluded where there is a justified agency program requirement for ADP purchases and financing is not otherwise available. The part-year deferral of $4.3M will have no effect on budget outlays. The $14M deferral will result in outlay savings of $7M in FY 75, no change in FY 76, and an increase of $7M in FY 77. The deferral will maintain current budget estimates.

Deferral No.: D75-11

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	New budget authority (P.L. _____)	$ --
Bureau Agricultural Research Service	Other budgetary resources	4,556,000
Appropriation Title & Symbol Agricultural Research Service (Construction) 12X1400	Total Budgetary Resources	4,556,000
	Amount to be deferred part of year	--
	Amount to be deferred for entire year	770,000

Justification

At the present time, the research facilities of the ARS are not fully utilized - a recent review indicated that the 3,352 laboratories operated nationwide are staffed at 85% of their capacity in terms of scientific man-years, 73% with ARS personnel and 12% with non-ARS personnel.

Although this situation is due, in part, to efforts to hold down Federal employment, it also is due to the agency's efforts to optimize such staffing by terminating projects which have served their purpose and relocating and consolidating similar lines of work at the various locations.

The Department, with the support of the Congress, is continuing to improve utilization by further sharing of the resources with other Federal agencies.

In view of this situation and the need to continue efforts to hold down Federal employment and budgetary costs during the fiscal year 1975, the use of funds for the following projects have been deferred through June 30, 1975:

1. Beckley, West Virginia; $700,000 for construction of a soil and water research laboratory.

2. Ithaca, New York; $40,000 for planning a soil and water conservation research facility.

3. Albany, California; $15,000 for updating the planning of a wool research laboratory. Initial planning has been completed.

4. Riverside, California; $15,000 for updating the planning of a soil and water conservation laboratory. Initial planning has been completed.

Estimated Effects

No significant impact. Outlay savings would be approximately $250,000 annually over a three-year period or until the year the construction is initiated.

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Deferral No.: D75-12

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. _____)	$ _____
Bureau National Oceanic and Atmospheric Administration	Other budgetary resources	4,659,000 1/
Appropriation Title & Symbol	Total Budgetary Resources	4,659,000
Fisheries Loan Fund 137/04317	Amount to be deferred part of year	_____
	Amount to be deferred for entire year	4,039,000

1/ Reflects an increase of $2,924,000 over amounts shown in the President's FY 1975 Budget due to current receipts from loan repayments.

Justification

The Fisheries Loan Fund was established pursuant to section 4 of the Fish and Wildlife Act of 1956, as amended (16 USC 742c). The purpose of the Fund, "is to provide financial assistance which will aid the commercial fishing industry to bring about a general upgrading of the condition of both commercial fishing vessels and gear thereby contributing to more efficient and profitable fishing operations" (50 CFR 250.2). This is a revolving fund with an authorized level of $20 million. Loans from the Fund can be provided whenever members of the fishing industry are unable to obtain commercial loans on reasonable terms.

By notice of action recorded in the Federal Register on February 20, 1973, the Administrator of the National Oceanic and Atmospheric Administration (NOAA) declared a moratorium on accepting further loan applications effective March 1, 1973, until further notice. The order indicated that, "the aggregate amount of outstanding loans, applications on hand or anticipated, and the Fund's actual or contingent expenses are expected to exhaust the Fund's ability to make further loans in a meaningful manner until such a time as scheduled collections sufficiently restore the Fund's available capital."

On February 22, 1973, the General Accounting Office issued a report entitled the "Need to Establish Priorities and Criteria for Managing Assistance Programs for U. S. Fishing-Vessel Operators (B-177024). The GAO concluded in its report that loans made from the Fisheries Loan Fund (1) allowed the continued use of inefficient vessels rather than improving vessels and equipment for more efficient and profitable fishing, and (2) maintained or added vessels to segments of the fishing industry which were considered to have excess, but not necessarily efficient harvesting capacity. GAO recommended that the Secretary of Commerce, to the extent legally permissible, develop criteria for evaluating vessel efficiency and priorities for directing these program funds.

NOAA has had the management of the Fisheries Loan Fund and the recommendations of the GAO under review. NOAA agrees with the GAO on the need to restrict loans from the Fund to improving efficient vessels in under-capitalized areas or where an excess harvesting capacity does not already exist. NOAA has determined that legislative clarification of the Act will be required to establish criteria for directing the Fund. A legislative proposal is expected to be included in the Department of Commerce's legislative program submitted with the FY 1976 budget. Until such time as legislative clarification has been obtained and the Fund regains a stronger capital position, we believe that prudent management dictates that the moratorium remain in effect and the receipts of the Fund continue to be held in reserve for contingencies (31 USC 665).

Estimated Effects

If these funds are released, then the probability exists that loans made from the Fund would not be directed toward improving U.S. fishing fleet efficiency and competitiveness due to lack of meaningful criteria. Release of these funds would also result in increasing FY 1975 outlays by $1,750,000 over that shown in the President's Budget.

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Deferral No.: D75-13

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Dept. of the Interior Bureau Bureau of Land Management Appropriation Title & Symbol 14X5136 Oregon and California Grant Lands	New budget authority (P.L. _____)	$ 47,200,000
	Other budgetary resources	8,743,000
	Total Budgetary Resources	55,943,000
	Amount to be deferred part of year	0
	Amount to be deferred for entire year	23,693,000

Justification: Annual appropriation bill language in recent years consistently provides that 25 percent of current year receipts from Oregon and California grant lands be used to fund this account. The account provides for management, development, and protection of Federal Oregon and California grant lands including the construction, and maintenance of roads. The President's budget estimated 25 percent of 1975 receipts to be $28,750,000, and a program was designed to obligate that amount. The budget predicted that $5,243,000 of unobligated balances from prior years would be carried into FY 1975 and a like amount would be carried into FY 1976.

Subsequent to preparation of the budget, $3,500,000 planned for use in 1974 was deferred until 1975; thus, the current estimate of 1975 obligations is $32,250,000. The 1975 budget authority estimate has now been increased by the Department of the Interior to $47,200,000 because of higher estimated prices for sawtimber. The program plan for use of the funds has not been changed. Therefore, the total amount now expected to be deferred through FY 1975 is $23,693,000 - $5,243,000 originally planned plus the $18,450,000 increase.

The program plan remains the same as budgeted because the management, protection, and development opportunities are largely independent of sawtimber prices. Because budget authority is based on current year receipts, the budget authority available for a year is never finally known until the end of the year. For these reasons, carryovers are retained as a cushion for the possibility that receipts turn out to be lower than anticipated. Failure to do this could result in over programming. As receipts estimates are changed after submission of the President's budget, the program level is held relatively constant as a matter of sound management practice and the changes in funding are accounted for by adjusting the amount deferred. This may either be an increase or decrease in the amount deferred. This is a reserve for contingencies (81 U.S.C. 665).

Estimated Effects: Obligation in FY 1975 of all the deferred funds would result in $12 million of expenditures in 1975. The remainder would be expended in 1976.

Deferral No.: D75-14

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of the Interior Bureau Bureau of Reclamation Appropriation Title & Symbol Construction and Rehabilitation 14X5061	New budget authority (P.L. _____)	$ - 0 -
	Other budgetary resources	1,055,000
	Total Budgetary Resources	1,055,000
	Amount to be deferred part of year	
	Amount to be deferred for entire year	1,055,000

Justification

Funds to begin construction of the 2nd Bacon Siphon and Tunnel, the first feature of the East High-East Low area of the Columbia Basin Irrigation Project, Washington are presently in reserve. The project has a total estimated Federal cost of approximately $1B. Using a discount rate of 5 7/8%, the current rate, the benefit cost ratio would be less than unity. The beneficiaries are estimated to be able to repay only 12% of the total Federal investment, requiring a subsidy of approximately $175,000 per 160 acre farm. In view of the above, an economic restudy has been undertaken. Pending the economic restudy, the 1975 budget proposed reprogramming the $1,055,000 to other projects. Though the appropriation committees called for use of the $1,055,000 for the 2nd Bacon and Siphon only, the Senate appropriation committee recommended that a study of possible alternatives to the present design of the 2nd Bacon Siphon and Tunnel be undertaken. Therefore, the funds will be deferred pending the outcome of the studies. This is a reserve for contingencies (31 U.S.C. 665).

Estimated Effects

The deferral of $1,055,000 in FY 75 results in a reduction in outlays this year by approximately that amount. If at a later date the funds were rescinded the deferral could result in a savings of some $1B. If the study produces a different design in the project feature this also could result in some savings. Should the project ultimately be built as presently designed the FY 75 deferral would result only in temporary savings.

V 39 I 185 SEP 23 74 XUM

Deferral No.: D75-15

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of the Interior Bureau Reclamation Appropriation Title & Symbol Upper Colorado River Basin Fund 14X4081	New budget authority (P.L. _____) $ - 0 - Other budgetary resources 1,150,000 Total Budgetary Resources 1,150,000 Amount to be deferred part of year _____ Amount to be deferred for entire year 1,150,000

Justification

Funds to begin construction of 3 water resources projects (Dallas Creek participating project, Colo. - $250,000, Fruitland Mesa, Colo. - $500,000 and Savery Pot Hook project Colo., Wyo., - $250,000) have been placed in reserve pending the completion of salinity effect studies to determine each projects impact on Colorado River Salinity levels. Salinity has become an economic problem in the lower Colorado and has led to the requirement, under recent agreements, to desalt irrigation return flows before water enters Mexico. Though the specific studies described are called for by the Executive and not mandated by law, the Water Pollution Control Act amendments of 1972 provide for determining pollution abatement requirements for irrigation return flows as for other pollution sources. The reanalysis is to include estimates of the costs for pollution abatement facilities necessary to control water quality conditions. These external costs will then be considered in the justification for development of these projects. Funds for the Jensen Unit, Central Utah project, Utah - $150,000) have been placed in reserve pending the completion of a definite plan report and draft environmental impact statement. Therefore, the funds will be deferred pending the completion of these two reports. This is a reserve for contingencies (31 U.S.C. 655).

Estimated Effects

The total estimated Federal cost of these 4 projects is approximately $171.4M. The external costs of mitigating the effects of higher levels of total desolved salts in the Colorado River, as a result of constructing the 3 projects as presently designed, is being studied. Deferring the expenditure of the $1,000,000 until the external costs can be estimated delays the expenditure of that amount and may result in less costly final designs for the projects. Deferring the expenditure of the $150,000 for the Jensen Unit results in a temporary savings of that amount.

Deferral No.: D75-16

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of State Bureau NA Appropriation Title & Symbol International Center, Washington, D.C. 19X5151	New budget authority (P.L. _____) $ _____ Other budgetary resources 2,200,000 Total Budgetary Resources 2,200,000 Amount to be deferred part of year _____ Amount to be deferred for entire year 500,000

Justification:

Public Law 90-553, approved October 8, 1968, provided "That in order to facilitate the conduct of foreign relations by the Department of State in Washington, District of Columbia, through the creation of a more propitious atmosphere for the establishment of foreign government and international organization offices and other facilities, the Secretary of State is authorized to sell or lease to foreign governments and international organizations property owned by the United States in the Northwest section of the District of Columbia bounded by Connecticut Avenue, Van Ness Street, Reno Road, and Tilden Street." It also provided that certain design and site preparation activities in the described area shall be undertaken by the Secretary, in coordination with the Administrator of General Services and the government of the District of Columbia, and that the costs of those activities shall be funded from proceeds of the sale or lease of property to foreign governments and international organizations.

Public Law 93-40, approved June 12, 1973, amended the 1968 Act to authorize the appropriation, without fiscal year limitation, of not to exceed $2,200,000 to fund the design and site preparation costs, provided that the sums appropriated shall be reimbursed to the Treasury from proceeds of the sale or lease of property to foreign governments and international organizations.

The Department of State Appropriation Act, 1974 (Title I, Public Law 93-162), approved November 27, 1973, appropriated $2,200,000, to remain available until expended, for payment to a special account with the Secretary of Treasury from which the design and site preparation costs would be administered by the Secretary of State. The entire $2,200,000 was apportioned within thirty days, to that special account.

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The full amount which can be utilized in the current fiscal year, $1,700,000, has been apportioned from the special account for obligation in 1975 for necessary design and site preparation. The balance of $500,000 has been apportioned to reserve to achieve the most economical use of appropriations and to provide for contingencies (31 U.S.C. 665 (c)(1) and (2)). It is anticipated that the reserve will be apportioned for use in 1976 as needed.

Estimated effects:

None. The amount deferred could not be obligated this year.

Deferral No.: D75-17

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Transportation	New budget authority (P.L. 93-87)	$ 6,357,500,000
Bureau Federal Highway Administration	Other budgetary resources	8,970,090,427
Appropriation Title & Symbol	Total Budgetary Resources	15,327,590,427
Federal-aid Highways 69-20X8102	Amount to be deferred part of year	
	Amount to be deferred for entire year 1975 & prior years program 1976 program	4,370,090,427 6,357,500,000 10,727,590,427

Justification

The $10.7 billion deferral of obligational authority consists of two components. The first is $4.37 billion associated with the contract authority for FY 1975 and prior years and already apportioned to the States. The second portion is $6.36 billion of FY 1976 authority which will be available for obligation by January 1, 1975, but cannot be expended until July 1, 1975. The FY 1976 authority will be apportioned to the States prior to January 1, 1975. In accordance with past practice, a substantial portion of the deferred funds are expected to be released at the beginning of FY 1976.

These funds are being withheld for reasons relating to economic policy, and program priorities and management. Each will be discussed in turn.

A. Economic Policy

The deferral of Federal-aid highway obligations is one of many temporary deferrals which stretch out Federal spending to minimize immediate unfavorable budgetary impact. It is one of many actions which will help reduce the 1975 deficit and balance the 1976 budget. These deferrals are consistent with the type of fiscal policy actions recommended by 54 Senators who in a letter to President Nixon on June 19, 1974, urged "remedial, dramatic action" to halt excessive spending practices that are contributing to the nation's intolerable inflation problems and requested "a proposed balanced budget for fiscal year 1975, incorporating changes in programs and funding of programs you believe necessary to meet that objective."

Without careful government policies, inflation could continue at a dangerous rate into the foreseeable future. The fiscal and monetary policies of this Administration are being directed toward economic restraint. Additional fiscal stimulus of any kind would enhance inflationary pressure directly by increasing the demand for scarce goods and services. Moreover, in the current climate of rising inflationary expectations, additional fiscal stimulus would be a signal to business and labor, to consumers and investors, that

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the government is not doing its share to check inflation and that they should therefore base their future decisions on a long-lasting period of fast-rising prices. For this reason, Federal expenditures must be restrained. The impact of the deferrals and recissions must be assessed in the aggregate to determine the macroeconomic effects of this policy of budget restraint.

Full release of these highway funds would make $15.3 billion available to the states in 1975 alone. This would be larger than the total amounts advanced in any prior three year period. Although it is obvious that this entire amount could not be utilized in 1975, national highway construction in 1975 and 1976 would nevertheless be greatly accelerated. It is important to note that the inflationary effects of highway construction are actually measured by the bid prices for such work despite the natural lag of outlays arising out of highway obligations. Bid prices, which generally are determined quickly after obligations are available, are a leading indicator of events. A sudden, high increase in demand should not descend upon highway construction at a time when its price index has just skyrocketed 38 percent during the 12 months ending June 30. Over-stimulation of demand for materials such as certain steel and cement products at a time when their prices have experienced some of the highest inflation in the economy, and when spot supply shortages are occuring, is precisely the kind of activity which should be avoided. Comparable effects would be felt in related wages, equipment, and petroleum-based products used in highway construction. It can be reasonably assumed that a large number of additional projects in many local areas would require such large amounts of labor, material and supply resources that local inflationary pressures would be further stimulated. Accordingly, prudent management of existing Federal highway resources combined with a successful campaign against inflation on a national scale could trigger a significant reversal in these price indicies and allow future contracts to produce more work per dollar than under present circumstances.

B. Program Priorities and Management

While highway construction continues to remain a national priority (50% of obligations in DOT's 1975 budget even under the proposed deferral program level), its claim to a larger share of our budgetary resources ($4.6 billion in obligations in FY 1975) is less clear than in 1956 when construction of the Interstate System commenced. As of July 1, 1974, over 84% of the Interstate System was open to traffic. With the capital infrastructure of the finest highway system in the world largely in place, the rate of highway construction can proceed at a moderate rate without frustrating the legislative purposes expressed in the Federal-Aid Highway Acts.

In making appropriations for FY 1977, the Congress will for the first time be able to weigh the claims of highway construction against the claims of other essential programs. Outlays for highways in FY 1977, however, are a function of obligations incurred in 1975 and 1976. If

the total obligational authority for highways were released in 1975, this would cause outlays to approach $7.5 billion in that fiscal year. Clearly this is undesirable in light of both Administration and Congressional goals to control the level of the Federal budget.

The release of these funds would also result in substantial program management problems. It is anticipated that States would attempt to place these funds under contract as quickly as possible both to avoid a potential loss of funds through later Executive or Congressional recall actions and to satisfy project requests of local highway officials. Such release, as noted earlier, would result in severe strain on the resources of a specialized industry, geared to handle a relatively stable program level. Saturating contractors with work would increase bid prices, and in turn result in higher unit costs, leading to less highway construction per dollar of investment. Secondly, the release of these funds would create an immediate, relatively short term bulge in project volume which would overtax Federal, State and private resources. If resources were quickly shifted into highway construction, there would be not only substantial near-term social and economic dislocational costs in other sectors of the economy, but also potential longer term costs for relocating these resources (manpower and equipment) into other productive areas after this $10B, one time bulge has passed.

Deferral rather than rescission of so large a sum is being recommended as a result of the basic structure of the Federal-Aid Highway program. The program includes about ten separate authorizations. Each year funds for each authorization are apportioned to each State by statutory formula. Obligations are then incurred against these various authorizations by activity and by year. Over time, different States have had different priorities and spending rates and thus, the relative amounts available to each State for each activity differ significantly. As a result, rescission of authorizations would not uniformly impact all the States but rather would penalize the slow-spending states. While we believe that the program level should be substantially lower than that authorized and available, we do not believe that these reductions should be taken at the expense of some States and not others.

There is no provision in the Federal-Aid Highway Act, as amended (23 U.S.C. 101 et seq.), which mandates the rates at which highway funds will be made available to the States for obligation. On the contrary, the Congress has rejected several attempts to insert such mandatory language in the Act. For this reason it is the position of this Administration, and has been the position of Administrations since 1967, that the Executive has authority to control the rate of spending under the highway program so long as the purposes of the program are not frustrated. A number of States have brought suits in the Federal District Courts challenging the Administration's position. Two of these cases are pending in the United States Courts of Appeal. These courts, and probably later the Supreme Court, will be called upon to decide whether the Federal-Aid Highway Act, when construed in the light of the President's responsibilities for maintaining a stable economy, the duties of fiscal prudence imposed by such statutes as the Anti-deficiency Act and and the Budget and Accounting Act of 1921, and the President's powers under

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Article II of the Constitution, requires that the States be permitted to use highway obligational authority at the maximum rates authorized by law. (One Court of Appeals decision, State Highway Commission of Missouri v. Volpe (479 F.2d 1099), has become final, but the foregoing issues were not presented by the record in that case).

Estimated Effects: This deferral is subsumed in the President's 1975 budget. If it were released, it is estimated that outlays would increase by $350 million in 1975, $1.6 billion in 1976, and $2.5 billion in 1977, over levels consistent with the program request of 1975 budget, reflecting anticipated delay in obligating these funds and the average 18-month lag between obligation and outlay. The deferral in effect delays the Federal-aid highway programs by 8-12 months. Since the States will eventually receive all apportioned funds in every program category (no apportioned Federal-aid funds for highways have ever permanently lapsed), Congressional allocations among programs and States are preserved.

Deferral No.: D75-18

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Foreign Claims Settlement Commission	New budget authority (P.L. _____)	$ _____
Bureau NA	Other budgetary resources	11,592,000
Appropriation Title & Symbol	Total Budgetary Resources	11,592,000
Payment of Vietnam Prisoners of War Claims	Amount to be deferred part of year	_____
79X0104	Amount to be deferred for entire year	10,500,000

Justification:

Public Law 91-289, approved June 24, 1970, authorized a program for the payment of claims of American military and civilian prisoners of war held during the Vietnam conflict or their survivors and provides for the Foreign Claims Settlement Commission to adjudicate the claims and certify payment. A total of $16,565,000 was appropriated for that purpose during 1971, 1972, and 1973, to remain available until expended. The Commission has largely adjudicated and certified the claims of returned prisoners of war. However, the Commission does not certify claims for payment to survivors of servicemen missing in action in the Vietnam conflict until the appropriate military service determines the status of each serviceman missing in action and reports it to the Commission. Furthermore, by court order, the Secretaries of the respective services cannot make a final status determination until a hearing is held on each case and certain rights have been afforded to the next of kin. This procedure results in an extended process requiring additional time that will defer the Commission's receipt and adjudication of claims beyond June 30, 1975. Accordingly, of the $11,592,000 available for 1975, $1,092,000 has been apportioned for obligation in 1975 and $10,500,000 has been reserved. This deferral of 1975 budget authority is necessary to achieve the most economical use of appropriations (31 U.S.C. 665(c)(1)) and to provide for contingencies after 1975 (31 U.S.C. 665(c)(2)).

Estimated effects:

No savings result from the deferral, since no claims can be adjudicated or payments made until after status determinations are made by the military services.

[FR Doc.74-22221 Filed 9-20-74;12:00 p.m.]

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TUESDAY, SEPTEMBER 24, 1974

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Title 3—The President

PROCLAMATION 4315

Johnny Horizon '76
Clean Up America Month, 1974

By the President of the United States of America

A Proclamation

Although our Nation's 200th birthday is less than two years away, much has been accomplished through the Johnny Horizon '76 Program toward improving the environment of our country for this historic event. But much remains to be done. To date, thousands of schools; churches; youth groups; chambers of commerce; conservation, civic and commercial organizations and millions of private citizens have joined in partnership with Johnny Horizon '76 in a wide range of projects to create environmental awareness and to beautify America.

Our most precious environment is the area in which we live—our city streets and rural towns—and this is where each individual can effectively exercise his responsibility. This has been exemplified by the many action projects which have been undertaken thus far across our country.

We need to continue these improvements. To dramatize this need, the Congress has by House Joint Resolution 1070, 93rd Congress, requested the President to proclaim the period of September 15, 1974, to October 15, 1974, as "Johnny Horizon '76 Clean Up America Month."

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the period September 15 through October 15, 1974 as Johnny Horizon '76 Clean Up America Month and ask our Nation's attention to the Johnny Horizon '76 environmental awareness and action program for America's 200th birthday and related Bicentennial activities. I urge representatives of business, industry, labor, Government, civic groups, and other citizens to continue to join together to demonstrate the significant results that can be realized when Americans translate their concern into affirmative action. I further urge a continuation of neighborhood and community cleanups, beautification

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programs, resource recovery and education programs, energy and wildlife conservation efforts and other worthwhile activities.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of September, in the year of our Lord nineteen hundred seventy-four and of the Independence of the United States of America, the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.74-22256 Filed 9-20-74;2:55 pm]

EXECUTIVE ORDER 11805

Inspection by President and Certain Designated Employees of the White House Office of Tax Returns Made Under the Internal Revenue Code of 1954

By virtue of the authority vested in me as President of the United States, and in the interest of protecting the right of taxpayers to privacy and confidentiality regarding their tax affairs consistent with proper internal management of the Government, and in the further interest of maintaining the integrity of the self-assessment system of Federal taxation, it is hereby ordered that any return, as defined in Section 301.6103(a)-1 of the Treasury Regulations on Procedure and Administration (26 CFR Part 301) as amended from time to time, made by a taxpayer in respect of any tax described in Section 301.6103(a)-1(a)(2) of such regulations shall be delivered to or open to inspection by the President only upon written request signed by the President personally.

Any such request for delivery or inspection shall be addressed to the Secretary of the Treasury or his delegate and shall state: (i) the name and address of the taxpayer whose return is to be inspected, (ii) the kind of return or returns which are to be inspected, and (iii) the taxable period or periods covered by such return or returns.

In any such request for delivery or inspection, the President may designate by name an employee or employees of the White House Office who are authorized on behalf of the President to receive any such return or make such inspection, provided that the President will not so designate an employee unless such employee is the holder of a Presidential commission whose annual rate of basic pay equals or exceeds the annual rate of basic pay prescribed by 5 U.S.C. 5316. No disclosure of such return, or any data contained therein or derived therefrom shall be made by such employee except to the President, without the written direction of the President.

All persons obtaining access to such return, or any data contained therein or derived therefrom shall in all respects be subject to the provisions of 26 U.S.C. 6103, as amended.

Gerald R. Ford

THE WHITE HOUSE,
September 20, 1974.

[FR Doc.74-22293 Filed 9-20-74;4:42 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 46—REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

Monetary Penalty

Pursuant to the authority contained in section 15, 46 Stat. 537, as amended; 7 U.S.C. 499o, the regulations, other than rules of practice (7 CFR Part 46), under the Perishable Agricultural Commodities Act, 1930, are hereby amended to add a new center heading and section as follows:

MISREPRESENTATION OR MISBRANDING

§ 46.45 Monetary penalty.

(a) *Procedure in administering section 2(5) of the Act.* In administering Section 2(5) of the Act, the Department will consider taking one of the following actions with regard to persons violating that section of the Act:

1. A person who violates section 2(5) of the Act will be given a written warning of the violation and be advised to take corrective action so that further violations will be avoided; or

2. Such person may, with the consent of the Secretary, settle his liability for such violation by admitting the violation in writing and paying a penalty in an amount satisfactory to the Secretary, not to exceed $2,000, in lieu of formal disciplinary action. The admission of such violation and payment of the monetary penalty assessed will be in lieu of a formal disciplinary action based solely on such violation. However, in the event of a formal proceeding to suspend or revoke the license of such person because he has committed other violation(s) of section 2 of the Act, the violation thus admitted may be used as a part of the evidence to support such a proceeding; or

3. Such person will be subject to a formal proceeding for suspension or revocation of license for repeated or flagrant violations of the Act.

(b) Any monetary penalties paid will be deposited into the Treasury of the United States as miscellaneous receipts. These regulations are necessary to carry out the intent of the amendment to the Act, effective August 10, 1974 (Pub. L. 93-369).

The amendment authorizes the Secretary to permit a person who has violated the Act by misrepresenting or misbranding fruits and vegetables shipped, sold, or offered for sale in interstate or foreign commerce, to pay a monetary penalty in lieu of a formal proceeding to suspend or revoke his license if the person admits the violation and pays the penalty. This monetary penalty is an additional sanction available against persons violating Section 2(5) of the Act.

Since the authority to assess this monetary penalty is provided in the statute, as amended, notice of proposed rulemaking is unnecessary and this amendment becomes effective on September 24, 1974.

Done at Washington, D.C., this 19th day of September 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-22167 Filed 9-23-74:8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—GUARANTEED LOANS

[FmHA Instructions 449.1 and 449.2]

PART 1842—BUSINESS AND INDUSTRIAL LOANS

Revision of Part

Part 1842 of 7 CFR Chapter XVIII (38 FR 29047; 38 FR 32921; 39 FR 16117) is revised and reissued. This revision makes the following changes and additions:

1. Refers to the regulations as such, rather than calling them the Handbook.

2. Corrects editorial errors, changes the order of some sections and clarifies others.

3. Sets requirements for financing housing developments in rural areas under 10,000 population.

4. Makes production of agricultural products an ineligible loan purpose, except in certain cases.

5. Provides for the value of security to be determined by appraisal.

6. Provides for feasibility studies and consultants.

7. Provides for joint financing.

8. Provides for variable interest rates on loans made by the Banks for Cooperatives under a memorandum of understanding between FmHA and the Farm Credit Administration.

9. Provides for insured loans to public bodies, nonprofit associations and Indian tribes.

10. Establishes priority categories for projects to be funded.

11. Details FmHA's evaluation of proposed projects.

12. Exempts small rural business enterprise loans from A-95 review requirements.

13. Provides for a maximum interest rate for nonprofit associations and Indian tribes on community facility loans.

14. Provides for veterans preference.

15. Clarifies the submission of applications from cooperatives to the Bank for Cooperatives.

16. Defines community facilities loans to public bodies and restricts use of loan funds for improvements erected on industrial park sites. Permits the use of funds for construction and equipment of industrial plants for lease. Restricts use of funds for operating such businesses.

17. Provides for the type and frequency of financial statements and reports required of the guaranteed loan borrowers.

18. Includes eligibility criteria published at (39 FR 26914) as a proposal and withdrawn effective with this overall revision of Part 1842.

These regulations are not issued for proposed rulemaking because pending applications would be delayed and such delay would be contrary to the public interest.

Interested persons are invited to submit written comments, suggestions, or objections regarding this new Part 1842 to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before October 24, 1974. Material thus submitted will be evaluated and acted upon the same manner as if this document were a proposal. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours (8:15 a.m.—4:45 p.m.).

As revised, Part 1842 reads as follows:

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AUTHORITY: (7 U.S.C. 1989); Order of Secretary of Agriculture, 7 CFR 2.23; Order of Assistant Secretary of Agriculture for Rural Development, 7 CFR 2.70.

§ 1842.1 Introductory information.

This Part 1842 supplements the provisions of Part 1841 of this chapter with respect to Business and Industrial (B&I) loans guaranteed by the Farmers Home Administration (FmHA) and is applicable to lenders, borrowers, and other parties involved in making, guaranteeing, insuring, servicing, and liquidating B&I loans as defined herein. FmHA shall cooperate fully with appropriate State agencies in the guaranteeing and insuring of loans in a manner which will assure maximum support of the State's strategies for development of its rural areas. State and substate A–95 agencies may recommend priorities for applications (except that applications for small business enterprise loans shall not ordinarily be subject to the A–95 review process). FmHA will fully consider all A–95 review comments and A–95 agency priority recommendations in selecting applications for processing. For information concerning FmHA insured loans, see § 1842.61.

§ 1842.2 Definitions.

The following definitions, in addition to those in § 1841.3 of this chapter, are applicable to the terms used in this chapter and related forms used for B&I loan guarantees:

(a) *Applicant (for loan).* An applicant may be a cooperative, corporation, partnership, trust, or other legal entity organized and operated on a profit or nonprofit basis, an Indian tribe on a Federal or State reservation or other federally recognized tribal group, a municipality, county, or other political subdivision of a State, or an individual engaged or proposing to engage in improving, developing, or financing business, industry, and employment and improving the economic environmental climate, including pollution abatement and control in rural areas.

(b) *Development cost.* These costs include, but are not limited to those for acquisition, construction, repair, or enlargement of the proposed facility, purchase of buildings, machinery, equipment, land, easements, rights-of-way; payments of appraisal, engineering and legal fees, and administrative costs; payment of start-up operating costs, and interest during the period before the first principal payment becomes due, including interest on interim financing.

(c) *Insured loan.* A loan made and serviced by FmHA with funds from the Rural Development Insurance Fund.

(d) *Joint financing.* Occurs when two or more public or private lenders (or any combination of such lenders) make separate loans to supply the funds required by one applicant. FmHA may guarantee such loans, except loans made, insured, or guaranteed by other Federal or State agencies.

(e) *Pollution abatement.* Reduction of pollution of air, noise, land, or water.

(f) *Pollution control.* Keeping pollution of air, noise, land, or water under established limits.

(g) *Public body.* A municipality, political subdivision, public authority, district, or similar organization.

(h) *Rural area.* May include all territory of a State, the Commonwealth of Puerto Rico or the Virgin Islands, that is not within the outer boundary of any city having a population of fifty thousand or more and its immediately adjacent urbanized and urbanizing areas with a population density of more than one hundred persons per square mile, as determined by the Secretary of Agriculture according to the latest decennial census of the United States.

(i) *Working capital.* The excess of current assets over current liabilities. It identifies the relatively liquid portion of total enterprise capital which constitutes a margin or buffer for meeting obligations within the ordinary operating cycle of business.

§ 1842.3—1842.10 [Reserved]

§ 1842.11 General.

(a) FmHA may guarantee B&I loans made by lenders to eligible applicants in rural areas. The lender processes the loan application and presides over the loan closing. The holder is responsible for servicing the loan until final settlement. Loan collection and liquidation are two of the servicing functions.

(b) FmHA will not guarantee a loan made by other Federal agencies.

(c) Inability to obtain credit elsewhere is not a requirement for guarantee assistance under this regulation.

§ 1842.12 [Reserved]

§ 1842.13 Loan purposes.

Loans must be for improving, development or financing of business, industry, and employment and improving the economic and environmental climate, and may include but not be limited to:

(a) Financing business and industrial acquisition, construction, conversion, enlargement, repair, or modernization.

(b) Financing the purchase and development of land, easements, rights-of-way, buildings, equipment, facilities, long-term leases, leasehold improvements, machinery, supplies, or materials.

(c) Financing the development of housing development sites located in open country or towns or villages of not over 10,000 population, provided the community demonstrates a need for additional housing to prevent a loss of jobs in the area, or to house families moving to the area as a result of new employment opportunities.

(d) Financing pollution control and abatement incident to industrial development.

(e) Financing transportation services incident to industrial development.

(f) Payment of start-up costs and supplying working capital.

(g) Payment of interest during the period before the first principal becomes due, including interest on interim financing.

(h) Payment of appraisal, engineering, legal, and other fees and costs as provided in § 1842.26.

(i) Loans ordinarily will not be made for refinancing debts, except that with prior approval of the National FmHA Office, loans may include funds for refinancing when such refinancing is necessary to the success of the project and arrangements for continuation with the present lender cannot be made.

§ 1842.14 Ineligible loan purposes.

Loans may not be guaranteed if the funds are used:

(a) To pay off a creditor in excess of the value of the security.

(1) Value of security will be determined by appraisal.

(2) If security is $100,000 or less, FmHA will make the appraisal.

(3) If security is more than $100,000, an independent appraisal will be made and paid for by the lender or applicant.

(b) For distribution or payment to the owner, partners, members, shareholders, or beneficiaries of the applicant or lender or members of their families.

(c) For any project that is calculated to or likely to result in the transfer of any employment or business activity from one area to another. This limitation shall not prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity if the expansion will not result in an increase in the unemployment in the area of original location or in any other area where such entity conducts business operations, unless there is reason to believe that such expansion is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

(d) For any project which is calculated to or likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial

or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

(e) For projects for the production of agricultural products. This does not preclude loans for processing or marketing facilities, hatcheries, commercial nurseries, or integrated poultry operations where ownership of such poultry is retained by such operators.

§ 1842.15 Rural area determination.

FmHA shall make the determination as to whether the area is rural as described in § 1842.2(h).

§ 1842.16 Environmental impact statements.

The need for an environmental impact statement will be determined by FmHA in accordance with Part 1824 of this chapter. If a statement is required, the applicant will furnish any information for its preparation on Form FmHA 449–10, "Applicant's Environmental Impact Evaluation," to the lender for transmittal to FmHA.

§ 1842.17 Department of Labor (DL) determination.

A Contract of Guarantee shall not be issued if the Secretary of Labor certifies within 60 days after the matter has been submitted to him by the Secretary of Agriculture that the provisions of § 1842.14 (c) and (d) have not been complied with. Information for obtaining this certification will be submitted in writing to FmHA for transmittal to DL. When requested by FmHA, the applicant will submit:

(a) Form FmHA 449–22, "Certificate of Non-Relocation."

(b) Form FmHA 449–23, "Market and Capacity Information Report."

§ 1842.18 Flood hazards.

If the project is located in a flood plain, a Conditional Commitment for Loan Guarantee will not be issued without a prior determination by FmHA that the likelihood of flood is of little significance to the loan.

(a) The applicant and lender will evaluate flood hazards in connection with the project facilities. In order to minimize the exposure of such facilities to potential flood damage and the need for future Federal expenditures for flood protection and flood disaster relief, they will, as far as possible, preclude the uneconomic, hazardous, or unnecessary use of flood plains for such projects. Their evaluation report will be made to FmHA.

(b) The applicant will be required to obtain flood hazard insurance prescribed by the National Insurance Administration, Department of Housing and Urban Development, if it is available in the project area.

§ 1842.19 Consultants and feasibility studies.

Studies by independent, recognized consultants will be required of applicants requesting loans of one million dollars or more to determine the economics and feasibility of the project. FmHA may grant an exemption from this requirement when the credit factors presented in the application indicate that an outside, independent feasibility study is not necessary for a sound credit determination to be reached. The cost of any feasibility study will be borne by the applicant requesting the study and may be paid from funds included in the loan.

§ 1842.20 Joint financing.

FmHA may guarantee or insure loans to eligible applicants to enable them to obtain joint financing for eligible loan purposes. Such joint financing may consist of FmHA loans and financial assistance from the Economic Development Administration (EDA), the Department of Housing and Urban Development (HUD), Small Business Administration (SBA), other Federal and State agencies, and private and quasi-public financing institutions. When joint financing is involved, the FmHA guaranteed or insured loan must comply with the requirements of Parts 1841, 1842, and 1823 of this chapter.

§ 1842.21 Applicant equity.

The applicant will be required to contribute sufficient tangible assets to provide reasonable assurance of a successful project. Normally, a minimum of ten percent may provide reasonable assurance of success; however, FmHA may require more equity depending on all the other credit factors present in the particular project. The total financing program, including equity and debt, shall include real estate, machinery and equipment, and working capital in sufficient amounts to assure the success of the project.

§ 1842.22 Collateral.

(a) Collateral must be of such a nature that, when considered with the integrity and ability of the project management, the soundness of the project, and the applicant's prospective earnings, repayment of the loan will reasonably be assured.

(b) Full personal guarantees of principals of applicant and/or related corporate guarantees by closely held corporate applicants or by the parent corporation of subsidiary corporate applicants, secured by collateral where deemed necessary, will be ordinarily required.

(1) Such guarantees should be understood to provide not only additional collateral benefits, but also the necessary personal involvement of the principals required to provide assurance of continuity of job opportunities.

(2) Applicants will provide, in the case of personal guarantors, current (not over 90 days old at the time of filing) personal financial statements signed by both husband and wife disclosing community and individual assets and indebtedness.

§ 1842.23 Interest rate to borrower.

(a) The interest rate on B&I guaranteed loans, subject to the approval of FmHA will be negotiated between the lender and the applicant at a rate that shall be legal and reasonable. The rate of interest will remain constant during the term of the loan.

(b) Under a memorandum of understanding between FmHA and the Farm Credit Administration dated July 23, 1974, the interest rate on loans made by the Bank for Cooperatives may be a variable rate based on their administrative and borrowing costs.

(c) Insured loans to private parties (private entrepreneurs), public bodies, nonprofit associations, and Indian tribes shall bear interest at a rate prescribed by the Secretary of Agriculture, which is to be not less than a rate determined by the Secretary of the Treasury, taking into consideration current average market yield on outstanding marketable obligations of the United States comparable to the average maturities of such loans, adjusted in the judgment of the Secretary of the Treasury to provide for a rate comparable to the rates prevailing in the private market for similar loans and considering the Secretary's insurance of the loan, plus an additional charge to cover losses and cost of administration. The prescribed rate shall be adjusted to the nearest one-eighth of one percentum and shall be announced periodically. However, loans to public bodies and nonprofit associations and Indian tribes used to finance community facilities for the purpose of developing private business enterprises shall bear an interest rate of five (5) percent. (See § 1842.61(a))

§ 1842.24 Maturity.

The maximum final maturity of an FmHA guaranteed loan will be limited to: Thirty years for land, buildings, and permanent fixtures; the usable life of the machinery and equipment purchased with loan funds, but not to exceed fifteen (15) years; and seven years for the working capital portion of the loan.

§ 1842.25 Repayments.

Principal and interest on the loan will be due and payable as provided in the promissory note. Ordinarily, such installments shall be scheduled for payment as agreed upon by the lender and applicant but on terms no more liberal than the projected cash flow indicates. However, the first installment to include a repayment of principal may be scheduled for payment after the project is operable and has begun to generate income, but such installment will be due and payable within three years from the date of the promissory note. Interest will be due at least annually after the loan is closed. All of the loan may be repaid without penalty at any time before it is due. Additional payments may be made at times and in amounts as specified in the promissory note. Normally, monthly payments will be expected, except for seasonal-type businesses.

§ 1842.26 Compensation for loan services.

Loans may include funds for reasonable costs incurred for services rendered by accountants, appraisers, architects,

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attorneys, engineers, and other parties for services in connection with preparation of the loan application, making the loan, developing the project, and verification of proper project completion. However, the applicant may not pay from loan funds nor from its equity contribution, nor include such fees in calculating its equity contribution, any costs for such services in excess of the reasonable value thereof as approved by FmHA. (See § 1841.12 of this chapter for restrictions.)

§ 1842.27 Qualifications of specialists.

The applicant and lender will be responsible for determining that accountants, appraisers, architects, attorneys, engineers, and other parties furnishing services in connection with preparation of the loan application, making the loan, developing the project, and verifying proper project completion have the necessary qualifications and experience to properly perform the services involved.

§ 1842.28 Change orders.

All construction contract changes will be authorized by written change orders. Changes within the scope of work which do not result in an increase in the total contract cost or in additional time which might adversely affect the project may be approved by applicant or lender. All other changes must be approved by FmHA.

§§ 1842.29—1842.30 [Reserved]

§ 1842.31 Application and loan processing.

(a) *Applications from cooperatives.* Applicants eligible for loans from the Bank for Cooperatives will be encouraged to obtain guaranteed loans from that source since the Bank for Cooperatives is experienced in making and servicing such loans and can provide substantial counsel to the applicant. All insured loan applications must be submitted to the Bank for Cooperatives as a test for credit elsewhere when an insured loan is being considered.

(b) *Small Business Administration (SBA).* All applicants for loan guarantees eligible for SBA assistance will be advised by the FmHA State Director at the time of receipt of the preapplication of the availability of such assistance and encouraged to apply to that agency.

(c) *Filing preapplications.* Applicants will file a lettertype preapplication which may be prepared either by the applicant or the prospective guaranteed lender. The preapplication shall include the name of the applicant, loan amount requested, name of the proposed guaranteed lender, a brief description of the proposed project which should include an estimate of the type and number of employment opportunities to be generated and the amount of the applicant's equity. Applicants should also attach copies of financial statements and other pertinent information.

(d) *Preliminary determination by FmHA.* FmHA will review the preapplication and if it appears that the loan would be for an eligible project located in a rural area, FmHA will:

(1) Request the applicant to submit it to the A–95 agency. If it is for a small rural business enterprise loan with no significant economic or environmental impact outside the community in which it is located, it is exempt from A–95 review requirements, but a copy marked for information only must be sent to the A–95 agency.

(2) In selecting projects, give due consideration to state development strategies, clearinghouse comments and priority recommendations and assign priorities in the following order to:

(i) Those projects which will save existing jobs.

(ii) Those projects which will enlarge, extend, or otherwise improve existing businesses and industries.

(iii) Those projects which will create the most permanent employment opportunities.

(iv) Those projects which will generate little or no permanent employment opportunities beyond the entrepreneur himself.

(3) Cooperate with all Federal, State, substate, regional, and local planning and development agencies and officials involved in project selection and implementation.

(4) Give priority to projects in areas other than cities having a population of more than 25,000.

(5) Where applications on hand otherwise have equal priority, the application from a veteran will have preference. A veteran is a person who has been discharged or released from the active forces of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard under conditions other than dishonorable, and served on active duty in any such forces:

(i) During the period of April 6, 1917, through March 31, 1921;

(ii) During the period of December 7, 1941, through January 21, 1955; or

(iii) For a period of 180 days or more, any part of which occurred after January 31, 1955.

(e) *Application conference.* If the guarantee or insurance authority is available and the application is to be further processed, FmHA will so inform the lender and will arrange an application conference with the prospective applicant, the lender, and other appropriate parties.

(1) If it appears at the conference that the applicant is eligible as to area, location, credit, type of project, loan purpose, loan amount and project priority, the applicant will be informed that it may prepare and submit to the lender Forms FmHA 449–22, FmHA 449–23, FmHA 449–1, "Application for Loan and Guarantee," with attachments, FmHA 449–2, "Statement of Collateral," FmHA 400–1, "Equal Opportunity Agreement," if construction costing more than $10,000 is involved, and FmHA 449–4, "Statement of Personal History." Form FmHA 449–4 will be submitted for each partner, officer, director, key employee or stockholder holding 20 percent or more interest in the applicant.

(2) If it appears at the conference that the applicant is not eligible for the requested assistance, the lender and the applicant will be informed in writing by FmHA. Such notification will include the reasons for ineligibility.

§ 1842.32 Lender evaluation.

When the material required by § 1842.31(e)(1) is received by the lender, it will conduct the necessary investigations to determine the soundness of the proposed loan. If the lender believes that the proposed loan would be sound and is still interested in making it if an FmHA Contract of Guarantee can be obtained, the lender will request a Contract of Guarantee. The basic purpose of this request is to obtain the issuance of a Conditional Commitment for Guarantee.

§ 1842.33 Request for Contract of Guarantee.

This request will be made by an approved lender on Form FmHA 449–1. Among other things, the request will advise FmHA that the lender considers the proposed loan to be sound and believes that all FmHA requirements will be met. Along with the request, the lender will submit to FmHA:

(a) Forms FmHA 449–1 with attachments, and FmHA 449–2, FmHA 449–4, FmHA 449–10, and FmHA 400–1 if construction costing more than $10,000 is involved, the engineering plan and drawings, appraisal reports, and any other material developed concerning the loan up to that date. Detailed preliminary plans and specifications required by item 10(e) of Form FmHA 449–1 must contain the comments, necessary certifications and recommendations of appropriate regulatory or other agency having jurisdiction over the project.

(b) An economic and technical feasibility project study acceptable to FmHA covering engineering aspects especially for new or innovative machinery and equipment, processes, and procedures; sources, adequacy and required training of management personnel and labor supply; adequacy and sources of raw materials and supplies; adequacy of buildings, land development, and transportation; market study; and statements from public utility officials that there is reasonable assurance that the project site will be adequately supplied with power, water, and waste disposal service.

(c) Credit analysis, report, conclusion, and recommendations.

(d) Statement from lender and applicant that all things necessary for success of the enterprise will be available at the beginning of operations.

(e) Advice as to whether all or any part of the project is or will be located in a flood plain and whether flood insurance is available and being required.

(f) Any additional information required by the DL as a basis for its determinations with respect to transfer of employment or business activity from one area to another and the effect of the project on existing competitive enterprises in the area.

(g) Any additional information needed to enable FmHA to pass on the request for issuance of a Conditional Commitment for Guarantee.

§ 1842.34 FmHA evaluation.

FmHA's evaluation may include but need not be limited to the following:

(a) The documentation submitted in accordance with § 1842.33 to determine the kind of business, objectives, and location.

(b) The market feasibility for the product or service.

(c) Technical and financial management capability.

(d) The availability of adequate labor, utilities, and supporting services.

(e) The loan, to determine whether the loan amount, with other available resources, appears adequate to accomplish the loan purpose.

(f) The necessary start-up capital, operating capital and short-term credit based on past financial statements as well as projected cash flow and earnings statements supported by a listing of assumptions showing the basis for the projections.

(g) The collateral to determine its adequacy.

(h) The applicant's character.

(i) A visit to the applicant's project location and possibly to the applicant's place of business, if it is at a different location, for on-site evaluation and consultation. A determination shall be made whether there is reasonable assurance of repayment based on the evaluation.

§ 1842.35 Conditional guarantee commitment.

If FmHA decides to guarantee the loan subject to the conditions set forth in Form FmHA 449–14, "Conditional Commitment for Guarantee," that form will be executed and forwarded to the lender. If FmHA determines it is unable to guarantee the loan, the lender will be informed in writing. Such notification shall include the reasons for denial of the guarantee.

§ 1842.36 Review of requirements.

On receipt of Form FmHA 449–14, together with any additional loan guarantee conditions and requirements, and related forms, the lender shall review and discuss the matter with the applicant to determine whether the conditions and requirements are acceptable. If the terms and conditions are not acceptable to the applicant or lender, they shall inform FmHA of their recommendations and reasons for needed revisions. The applicant, lender, and FmHA shall discuss and agree on any changes in the conditions and requirements. A conditional commitment for guarantee may be issued prior to receipt of the required DL certification, provided one of the conditions and requirements of the Conditional Commitment for Guarantee will be that the FmHA Contract of Guarantee will be issued only after receipt of a favorable DL certification.

§ 1842.37 Loan closing.

The responsibility for closing guaranteed loans will rest with the lender. Ordinarily an FmHA representative will attend preclosing and loan closing meetings of applicant and lender. Lenders are responsible for notifying the FmHA County Supervisor of planned closing dates.

§ 1842.38 FmHA investigation.

The FmHA investigation required by § 1841.26(b) of this chapter may be made by a licensed architect or registered engineer, as appropriate. These will be individuals who are not associated in any capacity with those who assisted in the construction. The fees of such architects and engineers will be paid by the borrowers. The amount of such fees may be included in the loan.

§ 1842.39 Issuance of Contract of Guarantee.

The Contract of Guarantee will be executed by the State Director or County Supervisor as detailed in § 1841.27 of this chapter.

§§ 1842.40–1842.60 [Reserved]

§ 1842.61 Insured loans.

Applications from private parties for whom FmHA and such applicants agree that a guaranteed lender is not available, and from public bodies, nonprofit associations, and Indian tribes, shall be processed as insured loans in accordance with the applicable provisions of this chapter and Subpart A of Part 1823 of this chapter, including the credit elsewhere requirement.

(a) *Public bodies and other community organizations.* Loans may be made to finance community facilities for the purpose of developing private business enterprises when the requested loan is not available under Part 1823 of this chapter. Community facilities include industrial parks, consisting of land, the necessary access ways and utilities to the sites, but not improvements erected on such site. Loans for other than community facilities may be made for the purpose of constructing and equipping industrial plants for lease to private businesses. This does not include loans for the purpose of operating such business.

§§ 1842.62–1842.70 [Reserved]

§ 1842.71 Financial reports and audits.

(a) The lender will require FmHA guaranteed loan borrowers to agree in writing to:

(1) Maintain accounting records satisfactory to the lender and FmHA.

(2) Submit an annual unqualified audited financial statement prepared by an independent certified public accountant or by an independent public accountant licensed and certified on or before December 31, 1970, by a regulatory authority of a State or other political subdivision of the United States if the loans are for $100,000 or more.

(3) The submission of financial statements and other management reports on a basis and frequency acceptable to the borrower, lender, and FmHA. In some cases, reports may be necessary on a monthly basis, but at least semiannual reports shall be required.

(b) The lender will furnish a copy of each audit report and other financial reports to FmHA.

(c) FmHA, the Comptroller General of the United States, or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers and records of the lender, holder, or borrower that are pertinent to the guaranteed loan.

§§ 1842.72–1842.80 [Reserved]

§ 1842.81 FmHA forms.

The following forms are applicable to the FmHA guaranteed Business and Industrial loan program and may be obtained from FmHA:

FmHA 400–1, Equal Opportunity Agreement
FmHA 400–3, Notice to Contractors and Applicants
FmHA 400–6, Compliance Statement
FmHA 424–12, Inspection Report
FmHA 449–1, Application for Loan and Guarantee
FmHA 449–2, Statement of Collateral
FmHA 449–4, Statement of Personal History
FmHA 449–5, Personal Financial Statement
FmHA 449–10, Applicant's Environmental Impact Evaluation
FmHA 449–14, Conditional Commitment for Guarantee
FmHA 449–17, Contract of Guarantee
FmHA 449–18, Lenders or Holders Request for Approval
FmHA 449–19, Guarantee Fee Report
FmHA 449–20, Report of Loss
FmHA 449–22, Certificate of Non-Relocation
FmHA 449–23, Market and Capacity Information Report

Any needed forms not provided by FmHA will be provided by the lender, holder, or applicant.

Effective date. This revision is effective September 24, 1974.

Dated: September 13, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-22131 Filed 9-23-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-GL-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Pages 26753 and 26754 of the FEDERAL REGISTER dated July 23, 1974, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Sandusky, Ohio.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

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This amendment shall be effective 0901 G.m.t., December 5, 1974.

(Sec. 307(a) Federal Aviation Act of 1958 [49 U.S.C. 1348], Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on August 30, 1974.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

SANDUSKY, OHIO

That airspace extending upward from 700 feet above the surface with a 5-mile radius of the Griffing Sandusky Airport (latitude 41°26'01'' N., longitude 82°39'08'' W.); within 3 miles either side of the Sandusky VOR 090° radial extending from the five mile radius to 7½ miles east of the airport excluding that portion that overlies the Port Clinton transition area.

[FR Doc.74-22081 Filed 9-23-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 51—CANNED VEGETABLES

Canned Corn; Order To Delete Certain Optional Styles of Pack and Declaration of Yellow Color Type

In the FEDERAL REGISTER of October 5, 1972 (37 FR 21112), the Commissioner of Food and Drugs issued a proposal to amend the U.S. definitions and standards of identity, quality, and fill of container for canned sweet corn (21 CFR 51.20, 51.21, and 51.22) in consideration of the "Recommended International Standard for Canned Sweet Corn," hereinafter referred to as the Codex standard. An order adopting this proposal was published in the FEDERAL REGISTER of February 15, 1974 (39 FR 5760). Objections concerning two provisions of the order have been received, and the Commissioner will issue an order, to be published in the FEDERAL REGISTER, ruling on these objections in the near future.

Also in the FEDERAL REGISTER of February 15, 1974 (39 FR 5777), the Commissioner proposed additional amendments to the U.S. standard of identity for canned corn to bring the standard in closer conformity with the Codex standard. He proposed to delete three optional styles: Fritter corn defined as pieces of the inner portion of the corn kernel substantially free from hull, ground corn defined as ground kernels from which the hulls have not been separated, and evaporated corn defined as cut and cooked kernels from which most of the moisture has been evaporated. Information available to the Commissioner indicated that these products are not being produced commercially. The Commissioner also proposed that mixtures of white and yellow sweet corn be considered nonstandardized foods because such products are not of commercial significance in the United States, and that, in the interest of international uniformity, the color type be required to be a part of the name of the food only when the food consists of white corn. No comments were received in response to this proposal.

In consideration of the information set forth in the February 15, 1974 proposal, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to amend the identity standard for canned sweet corn as proposed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919; 21 U.S.C. 341, 371(e)) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That § 51.20 be amended by revising paragraphs (b) and (e)(4) to read as follows:

§ 51.20 Canned corn, canned sweet corn, canned sugar corn; identity; label statement of optional ingredients.

• • • • • •

(b) *Styles.* The optional styles referred to in paragraph (a) of this section consist of succulent sweet corn of the yellow (golden) or white color type, conforming to *Zea mays* L. having the sweet corn characteristic as follows:

(1) Whole kernel or whole grain or cut kernel consisting of whole or substantially whole cut kernels packed with a liquid medium.

(2) Cream style consisting of whole or partially whole cut kernels packed in a creamy component from the corn kernels and other liquid or other ingredients to form a product of creamy consistency.

• • • • •

(e) • • •

(4) The color type used only when the product consists of white corn.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before October 24, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. Compliance with this order, which shall include any labeling changes required, may begin on November 25, 1974, and all labeling used for products shipped in interstate commerce after December 31, 1974 shall comply with this regulation except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 (21 U.S.C. 341, 371(e)))

Dated: September 18, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-22092 Filed 9-23-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-267]

PART 275—LOW RENT PUBLIC HOUSING

Prototype Cost Limits for Public Housing; Charlottesville, Va.

In the FEDERAL REGISTER issued for Friday, May 17, 1974 (39 FR 17678) prototype per unit cost schedules were published pursuant to section 15(5) of the U.S. Housing Act of 1937. Consideration of subsequent factual project cost data received from the Philadelphia Regional Office (Region III) indicates a prototype per unit cost schedule should be established for the Charlottesville, Virginia prototype cost area.

Written data, views or statements may be filed with the appropriate HUD Area Office. The offices were listed in our publication of May 17, 1974.

The new prototype per unit costs for Charlottesville, Virginia are shown on the table set forth hereinafter, entitled Prototype Per Unit Cost Schedule.

(Sec. 7(d) of Dept. of HUD Act, 42 U.S.C. 3535(d))

Effective date. This amendment is effective September 24, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner.

PROTOTYPE FOR UNIT COST SCHEDULE

REGION III

	Number of bedrooms						
	0	1	2	3	4	5	6
Charlottesville, Va.:							
Detached and semidetached	11,900	14,350	17,650	21,000	25,400	28,250	29,400
Row dwellings	10,650	12,900	15,850	19,000	22,900	25,450	26,500
Walk-up	10,100	12,550	16,000	18,750	21,800	24,050	25,250
Elevator structure	14,850	17,300	21,900				

[FR Doc.74-22013 Filed 9-23-74;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI364]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
•	•	•	•	•	•	•
Alabama	Blount	Oneonta, city of	H 010015 01 through H 010015 06	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, City Hall, City Oneonta, Oneonta, Ala. 35121.	Sept. 13, 1974.
Do	Chilton	Maplesville, town of.	H 010032 01	do	Mayor, City Hall, Town of Maplesville, Maplesville, Ala. 36750.	Do.
Do	Fayette	Belk, town of	H 010063 01 through H 010063 02	do	Mayor, Town of Belk, Belk, Ala. 35545.	Do.
Do	Geneva	Malvern, town of	H 010067 01 through H 010067 02	do	Mayor, Town of Malvern, Malvern, Ala. 36349.	Do.
Do	Houston	Kinsey, town of	H 010106 01 through H 010106 02	do	Mayor, City Hall, Town of Kinsey, Route 4, Dothan, Ala. 36301.	Do.
Do	do	Taylor, town of	H 010106 01	do	Mayor, City Hall, Town of Taylor, Route 2, Dothan, Ala. 36301.	Do.
Do	Randolph	Unincorporated areas.	H 010182 02	do	Mayor, City Hall, Randolph County, Randolph County, Ala.	Do.
Arizona	Greenlee	Duncan, town of	H 040036 01 through H 040036 02	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7098, 718 West Glenrosa, Phoenix, Ariz. 85001.	Mayor, City Hall, Town of Duncan, Duncan, Ariz.	Do.
Do	Santa Cruz	Unincorporated areas.	H 040090 01 through H 040090 09	do	Chairman, Board of Supervisors, Santa Cruz County, P.O. Box 1150, Nogales, Ariz. 85621.	Do.
Do	Yuma	do	H 040099 01 through H 040099 11	do	Mayor, Yuma County, Ariz. 85364	Do.
Arkansas	Clay	McDougal, city of	H 050033 01	Division of Soil and Water, Resources, State Department of Commerce, 1020 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Power Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, City of McDougal, McDougal, Ark. 72441.	Do.
Colorado	Elbert	Simla, town of	H 080058 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, Town of Simla, Simla, Colo. 80835.	Do.
Do	El Paso	Ramah, town of	H 080066 01	do	Mayor, Town of Ramah, Ramah, Colo. 80832.	Do.
Do	Jefferson	Morrison, town of	H 080092 01	do	Chairman, County Commissioners, Town of Morrison, Golden, Colo. 80401.	Do.
Do	Teller	Cripple Creek, city of.	H 080174 01	do	Mayor, City Hall, City of Cripple Creek, Cripple Creek, Colo. 80813.	Do.
Connecticut	Fairfield	Bridgeport, city of.	H 090002 01 through H 090002 06	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capital Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Engineering Department, 45 Lyon Terrace, City of Bridgeport, Bridgeport, Conn. 06604.	Do.
Do	do	Ridgefield, town of.	H 090013 01 through H 090013 09	do	Mayor, Town of Ridgefield, Ridgefield, Conn. 06877.	Do.
Do	Litchfield	Bantam, borough of.	H 090043 01 through H 090043 02	do	Warden, P.O. c/o Clerk, Borough of Bantam, Bantam, Conn. 06750.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	do.	New Hartford, town of.	H 090048 01 through H 090048 12	do.	First Selectman, Town Hall, Town of Litchfield, Litchfield, Conn. 06057.	Do.
Do.	New London	East Lyme, town of.	H 090096 01 through H 090096 11	do.	Office of the Town Clerk, East Lyme Town Hall, East Lyme, Conn. 06357.	Do.
Do.	do.	North Stonington, town of.	H 090101 01 through H 090101 18	do.	Selectman, Town of North Stonington, North Stonington, Conn. 06359.	Do.
Delaware	Kent	Kenton, town of.	H 100013 01	Division of Soil and Water Conservation, Department of Natural Resources and Environmental Control, Tatnall Bldg., Capitol Complex, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, Del. 19971.	President Levy Court, Court House, Town of Kenton, Dover, Del. 19901.	Do.
Do.	Sussex	Frankford, town of.	H 100037 01	do.	Planning and Zoning Commission, Court House, Town of Frankford, Georgetown, Del. 19947.	Do.
Do.	do.	Milton, town of.	H 100045 01	do.	Planning and Zoning Commission, Court House, Town of Milton, Georgetown, Del. 19947.	Do.
Do.	New Castle	Arden, town of.	H 100052 01	do.	Chairman, Town Assembly, Town of Arden, Wilmington, Del. 19803.	Do.
Florida	Bay	Edgewater Beach, town of.	H 120007 01	Department of Community Affairs, 2571 Executive Center Circle, East Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Mayor, Town of Edgewater Beach, Panama City Beach, Fla. 32401.	Do.
Do.	do.	Long Beach Resort, city of.	H 120008 01	do.	Mayor, City of Long Beach Resort, Panama City Beach, Fla. 32401.	Do.
Do.	Broward	Lazy Lake, village of.	H 120045 01	do.	Mayor, Village Hall, 2200 Lazy Lane, Village of Lazy Lake, Ft. Lauderdale, Fla. 33305.	Do.
Do.	Dixie	Cross City, town of.	H 120071 01	do.	Mayor, Town of Cross City, Cross City, Fla. 32628.	Do.
Do.	Lake	Leesburg, city of.	H 120136 01 through H 120136 04	do.	City Manager, City of Leesburg, Lewsburg, Fla. 32748.	Do.
Do.	Palm Beach	Palm Beach, town of.	H 120220 01 through H 120220 04	do.	G. R. Frost, Town Manager, Town of Palm Beach, P.O. Box 2029, Palm Beach County, Palm Beach, Fla. 33480.	Do.
Idaho	Bannock	Inkom, town of.	H 160010 01	Department of Water Administration, State House Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, City Hall, Town of Inkom, Inkom, Idaho 83245.	Do.
Do.	Benewah	Chatcolet, city of.	H 160015 01 through H 160015 08	do.	State Parks Department, State House, City of Chatcolet, Boise, Idaho 83707.	Do.
Do.	Idaho	White Bird, city of.	H 160072 01	do.	Mayor, City of White Bird, White Bird, Idaho 83864.	Do.
Do.	Washington	Midvale, city of.	H 160123 01	do.	Mayor, City of Midvale, Midvale, Idaho 83645.	Do.
Illinois	Iroquois	Danforth, village of.	H 170292 01	Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, Village of Danforth, Danforth, Ill. 60930.	Do.
Do.	Lake	Lake Barrington, village of.	H 170372 01 through H 170372 04	do.	Mayor, 142 Vance, Village of Lake Barrington, Barrington, Ill. 60010.	Do.
Do.	Lee	Steward, village of.	H 170420 01	do.	Mayor, Village Hall, Village of Steward, Steward, Ill. 60553.	Do.
Do.	McDonough	Bardolph, village of.	H 170470 01	do.	President, Village Board, Village of Bardolph, Bardolph, Ill. 61416.	Do.
Do.	Putnam	McNabb, village of.	H 170573 01	do.	Mayor, Village of McNabb, McNabb, Ill. 61335.	Do.
Iowa	Lyon	Alvord, town of.	H 190197 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, Town of Alvord, Alvord, Iowa 51230.	Do.
Do.	Woodbury	Oto, town of.	H 190294 01	do.	Mayor, City Hall, Town of Oto, Lawton, Iowa 51044.	Do.
Do.	do.	Pierson, town of.	H 190295 01	do.	Mayor, City Hall, Town of Pierson, Pierson, Iowa 51048.	Do.
Louisiana	Calcasieu	Unincorporated areas.	H 220037 01 through H 220037 09	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Office of the Parish Engineer, 2d Floor, Parish Government Bldg., Calcasieu Parish, La. 70601.	Do.
Do.	Ouachita	do.	H 220135 01 through H 220135 03	do.	City Plaza, Ouachita Parish Police Jury, Monroe, La. 71201.	Do.
Do.	St. Landry	Palmetto, town of.	H 220171 01	do.	Mayor, City Hall, Town of Palmetto, Palmetto, La. 71358.	Do.
Maine	Franklin	Kingfield, town of.	H 230058 01 through H 230058 06	Maine Soil and Water Conservation, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	1st Selectman, Town Office, Town of Kingfield, Kingfield, Maine 04947.	Do.
Do.	Knox	Owls Head, town of.	H 230075 01 through H 230075 04	do.	1st Selectman, Town of Owls Head, Owls Head, Maine 04854.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Oxford	Brownfield, town of.	H 230089 01 through H 230089 04	do.	Chief Selectman, Town of Brownfield, Brownfield, Maine 04010.	Do.
Do.	do.	Norway, town of.	H 230096 01 through H 230096 05	do.	Town Manager, Town Hall, Town of Norway, Norway, Maine 04268.	Do.
Do.	York	Sanford, town of.	H 230156 01 through H 230156 15	do.	Chairman, Board of Selectmen, Town of Sanford, Sanford, Maine 04073.	Do.
Do.	Kennebec	Wayne, town of.	H 230188 01 through H 230188 04	do.	Mayor, Town Hall, Town of Wayne, Wayne, Maine 04284.	Do.
Maryland	Cecil	Chesapeake, town of.	H 240099 01	Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Mayor, Town Hall, Town of Chesapeake, Chesapeake, Md. 21915.	Do.
Massachusetts	Berkshire	Cheshire, town of.	H 250019 01 through H 250019 05	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Chairman, Board of Selectmen, Town of Cheshire, Cheshire, Mass. 01225.	Do.
Do.	Essex	Salisbury, town of.	H 250103 01 through H 250103 04	do.	Town Hall, Town of Salisbury, Salisbury, Mass. 01950.	Do
Do.	do.	Saugus, town of.	H 250104 01 through H 250104 04	do.	Town Manager, Town Hall, Town of Saugus, Saugus Center, Mass. 01906.	Do.
Do.	do.	Topsfield, town of.	H 250106 01 through H 250106 03	do.	Chairman, Board of Selectmen, Town Hall, Town of Topsfield, Topsfield, Mass. 01983.	Do.
Do.	Franklin	Deerfield, town of.	H 250115 01 through H 250115 09	do.	Chairman, Planning Board, Town Hall, Town of Deerfield, Deerfield, Mass. 01342.	Do.
Do.	do.	Greenfield, town of.	H 250118 01 through H 250118 06	do.	Chairman, Planning Board, Town Hall, Town of Greenfield, Greenfield, Mass. 01301.	Do.
Do.	Hampshire	Williamburg, town of.	H 250174 01 through H 250174 08	do.	Chairman, Planning Board, Town Hall, Town of Williamburg, Haydenville, Mass. 01039.	Do.
Do.	Middlesex	Dunstable, town of.	H 250191 01 through H 250191 10	do.	Chairman, Board of Selectmen, Town Hall, Town of Dunstable, Dunstable, Mass. 01827.	Do.
Do.	Nantucket	Nantucket, town of.	H 250230 01 through H 250230 10	do.	Chairman, Board of Selectmen, Town and City Bldg., Town of Nantucket, Nantucket, Mass. 02554.	Do.
Do.	Norfolk	Canton, town of.	H 250235 01 through H 250235 05	do.	Ms. Sheila Chelmats, Chairman, Town of Canton, Town Hall, Canton, Mass. 02021.	Do.
Do.	Plymouth	Plympton, town of.	H 250279 01 through H 250279 03	do.	Board of Selectmen, Town of Plympton, Main St., Plympton, Mass. 02367.	Do.
Do.	Worcester	Petersham, town of.	H 250827 01 through H 250827 15	do.	Chairman, Board of Selectmen, Town Hall, Town of Petersham, Petersham, Mass. 01366.	Do.
Do.	do.	Spencer, town of.	H 250835 01 through H 250835 13	do.	Chairmah, Board of Selectmen, Town Hall, Town of Spencer, Spencer, Mass. 01562.	Do.
Do.	do.	Sturbridge, town of.	H 250837 01 through H 250837 04	do.	Chairman, Board of Selectmen, Town Hall, Town of Sturbridge, Sturbridge, Mass. 01566.	Do.
Michigan	Eaton	Delta, township of.	H 260066 01 through H 260066 11	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Homer St., Lansing, Mich. 48913.	Don Quimby, Bldg., Official and Zoning Administrator, 7710 West Saginaw, Township of Delta, Grand Ledge, Mich. 48837.	Do.
Do.	Monroe	Monroe, township of.	H 260154 01 through H 260154 06	do.	Township Building, 1235 South Monroe St., Monroe, Mich. 48161.	Do.
Do.	Saginaw	Saginaw, township of.	H 260190 01 through H 260190 06	do.	Saginaw Township Clerk, 4980 Shattuck Rd., Saginaw, Mich. 48603.	Do.
Do.	St. Clair	Burtchville, township of.	H 260193 01 through H 260193 05	do.	Burtchville Township Hall, 2d St., R.D. No. 1, Port Huron, Mich. 48060.	Do.
Do.	Oceana	Pentwater, village of.	H 260277 01	do.	Pentwater Village Township Bldg., Hancock St., Pentwater, Mich. 49449.	Do.
Minnesota	Aitkin	McGrath, city of.	H 270003 01	Division of Water, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City Hall, City of McGrath, McGrath, Minn. 55350.	Do.
Do.	Anoka	East Bethel, city of.	H 270012 01 through H 270012 02	do.	Ms. Jacqueline Strueder, Village Clerk, East Bethel, Minn. 55005.	Do.
Do.	Carlton	Wright, city of.	H 270048 01	do.	Mayor, City Hall, City of Wright, Wright, Minn. 55798.	Do.
Do.	Cass	Lake Shore, city of.	H 270062 01 through H 270062 08	do.	Mayor, City Hall, City of Lake Shore, Route No. 6, Brainerd, Minn. 56401.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Crow Wing	Baxter, city of	H 270092 01 through H 270092 06	do	Mrs. Robert Knudson, Village Clerk, Route No. 8, City of Baxter, Brainerd, Minn. 56401.	Do.
Do.	do	Crosslake, city of.	H 270095 01 through H 270095 04	do	Mayor, City Hall, City of Crosslake, Crosslake, Minn. 56442.	Do.
Do.	Itasca	Bigfork, city of	H 270201 01 through H 270201 02	do	Mayor, City Hall, City of Bigfork, Bigfork, Minn. 56628.	Do.
Do.	do	Deer River, city of.	H 270233 01	do	Office of The Clerk, Village of Deer River, Deer River, Minn. 56636.	Do.
Do.	do	Warba, city of	H 270210 01 through H 270210 02	do	Mayor, City of Warba, Warba, Minn. 55793.	Do.
Do.	Polk	East Grand Forks, city of.	H 275236 01 through H 275236 03	do	Mr. D. E. Mack, Clerk-Treasurer, City of East Grand Forks, P.O. Box 373, East Grand Forks, Minn. 56721.	Do.
Mississippi	Grenada	Unincorporated areas.	H 280090 02	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Office of the County Engineer, Grenada County, Board of Supervisors, Room 1, Grenada, Miss. 38901.	Do.
Do.	Yazoo	do	H 280199 02 through H 280199 03	do	Office of the Chancery Clerk, Yazoo County Court House, Yazoo City, Miss. 39194.	Do.
Missouri	Crawford	Steelville, city of.	H 290114 01 through H 290114 02	Department of Natural Resources, Division of Program and Policy, Development, State of Missouri, 308 East High St., Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	City Hall, City of Steelville, Steelville, Mo. 65565.	Do.
Do.	Osage	Meta, town of	H 290271 01	do	City Council, Town of Meta, Meta, Mo. 65058.	Do.
Do.	Warren	Marthasville, village of.	H 290444 01	do	Mayor, Village of Marthasville, Marthasville, Mo. 63357.	Do.
Montana	Flathead	Unincorporated areas.	H 300023 01 through H 300023 15	Montana Department of Natural Resources and Conservation, Water Resource Division, 32 South Ewing St., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, Flathead County, Flathead County, Mont.	Do.
Nebraska	Otoe	Talmage, village of.	H 310167 01	Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 "L" St., Lincoln, Nebr. 68509.	Mayor, Village of Talmage, Talmage, Nebr. 68448.	Do.
Do.	Washington	Kennard, village of.	H 310230 01	do	Mayor, Village of Kennard, Kennard, Nebr. 68034.	Do.
New Hampshire	Carroll	Conway, town of	H 330011 01 through H 330011 09	Office of State Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Selectmen, Center Conway, Town of Conway, Conway, N.H. 03818.	Do.
Do.	Cheshire	Marlow, town of	H 330025 01 through H 330025 02	do	Chairman, Planning Board, Town of Marlow, Marlow, N.H. 03456.	Do.
Do.	Rockingham	Derry, town of	H 330128 01 through H 330128 14	do	Selectmen, Town Office Building, Town of Derry, Derry, N.H. 03038.	Do.
Do.	Strafford	Durham, town of	H 330146 01 through H 330146 11	do	Chairman, Board of Selectmen, Town Hall, Town of Durham, Durham, N.H. 03824.	Do.
Do.	Sullivan	Acworth, town of	H 330152 01 through H 330152 05	do	Chairman, Board of Selectmen, Town of Acworth, Acworth, N.H. 03601.	Do.
Do.	Grafton	Warren, town of	H 330168 01 through H 330168 06	do	Chairman, Planning Board, Town of Warren, Warren, N.H. 03279.	Do.
New Jersey	Burlington	Edgewater Park, township of.	H 340056 01	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, Municipal Bldg., 400 Delanco Rd., Township of Edgewater, Edgewater, N.J. 08010.	Do.
Do.	Gloucester	Franklin, township of.	H 340292 01 through H 340292 17	do	Mayor, Coles Mill Rd., Township of Franklin, Franklinville, N.J. 08322.	Do.
Do.	do	Logan, township of.	H 340200 01 through H 340200 09	do	Mayor, Township of Logan, 73 Main St., Bridgeport, N.J. 08014.	Do.
Do.	Hunterdon	Califon, borough of.	H 340232 01	do	Mayor, Borough of Califon, Box 368, Califon, N.J. 07830.	Do.
Do.	Salem	Lower Alloways Creek, township of.	H 340416 01 through H 340416 17	do	Mayor, Township of Lower Alloways Creek, R.D. No. 2, Salem, N.J. 08079.	Do.
Do.	do	Pennsville, township of.	H 340512 01 through H 340512 08	do	Mr. James T. Shidner, Tax Assessor, Township of Pennsville, Municipal Building, 90 North Broadway, Pennsville, N.J. 08070.	Do.
New Mexico	San Juan	Unincorporated areas.	H 350064 01 through H 350064 08	State Engineers Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, San Juan County, San Juan County, N. Mex.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New York	Cattaraugus	Ashford, town of	H 360062 01 through H 360062 15	New York State Department of Environmental Conservation, Division of Resources, Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Supervisor, Town of Ashford, West Valley, N.Y. 14171.	Do.
Do.	Clinton	Schuyler, town of	H 360172 01 through H 360172 03	do	Town Supervisor, Town of Schuyler, Schuyler Falls, N.Y. 12985.	Do.
Do.	Lewis	Diana, town of	H 360364 01 through H 360364 10	do	Town Board—Diana, Town Clerk, Town of Diana, Harrisville, N.Y. 13648.	Do.
Do.	do	High Market, town of.	H 360367 01 through H 360367 09	do	Town Board—High Market, Town Clerk, Town of High Market, Constableville, N.Y. 13325.	Do.
Do.	do	West Turin, town of.	H 360378 01 through H 360378 03	do	Town Board—West Turin, Town Clerk, Constableville, N.Y. 13325.	Do.
Do.	Madison	Fenner, town of	H 360399 01 through H 360399 02	do	Town Supervisor, Town of Fenner, R.D. No. 1, Cazenovia, N.Y. 13035.	Do.
Do.	Oneida	Augusta, town of	H 360517 01 through H 360517 04	do	Supervisor, Augusta Town Barn, Oriskany Falls, Sconondoa, N.Y. 13425.	Do.
Do.	do	Florance, town of	H 360527 01 through H 360527 08	do	Supervisor, Florence Town Barn, Town of Florence, Camden, N.Y. 13316.	Do.
Do.	do	Verona, town of	H 360561 01 through H 360561 10	do	Supervisor, Town Hall, Town of Verona, Verona, N.Y. 13478.	Do.
Do.	do	Vienna, town of	H 360562 01 through H 360562 09	do	Supervisor, Vienna Town Barn, Town of Vienna, Rome, N.Y. 13340.	Do.
Do.	do	Whitestown, town of.	H 360567 01 through H 360567 05	do	Supervisor, Town Hall, Town of Whitestown, Whitesboro, N.Y. 13492.	Do.
Do.	Putnam	Carmel, town of	H 360669 01 through H 360669 12	do	Supervisor, Town Hall, Town of Carmel, Mahopac, N.Y. 10541.	Do.
Do.	St. Lawrence	Macomb, town of	H 360704 01 through H 360704 09	do	Town Supervisor, Town Hall, Town of Macomb, Macomb, N.Y.	Do.
Do.	do	Oswegatchie, town of.	H 360708 01 through H 360708 05	do	Town Supervisor, Town House, Town of Oswegatchie, Heuvelton, N.Y. 13670.	Do.
Do.	Saratoga	Hadley, town of	H 360718 01 through H 360718 13	do	Supervisor, Town of Hadley, c/o Board of Supervisors, Municipal Center, Ballston Spa, N.Y. 12020.	Do.
Do.	do	Saratoga, town of.	H 360737 01 through H 360737 05	do	Supervisor, Town of Saratoga, c/o Board of Supervisors, Municipal Center, Ballston Spa, N.Y. 12020.	Do.
Do.	Sullivan	Lumberland, town of.	H 360825 01 through H 360825 07	do	Town Supervisor, Town of Lumberland, Glen Spey, N.Y. 12737.	Do.
Do.	Ulster	Wawarsing, town of.	H 360867 01 through H 360867 15	do	Town Supervisor, Town of Wawarsing, Ellenville, N.Y. 12428.	Do.
Do.	Wyoming	Eagle, town of	H 360943 01 through H 360943 05	do	Town Supervisor, Town Clerk's Office, Town of Eagle, Box 147, Bliss, N.Y. 14024.	Do.
Do.	do	Pike, town of	H 360947 01 through H 360947 04	do	Town Supervisor, Town Office, Main St., Town of Pike, Pike, N.Y. 14130.	Do.
North Carolina	Catawba	Hickory, city of	H 370054 01 through H 370054 07	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, City of Hickory, Hickory, N.C. 28601.	Do.
North Dakota	Pembina	Crystal, city of	H 380082 01	State Water Commission, State Office Building, 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, City of Crystal, Crystal, N. Dak. 58222.	Do.
Ohio	Columbiana	East Rochester, village of.	H 390080 01	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Department, 115 East Rich St., Columbus, Ohio 43215.	Mayor, East Village of East Rochester, Rochester, Ohio 44625.	Do.
Do.	Licking	Hartford, village of.	H 390331 01	do	Mayor, City Hall, Village of Hartford, Croton, Ohio 43013.	Do.
Oklahoma	McClain and Grady.	Blanchard, town of.	H 400101 01 through H 400101 04	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, Town Hall, Town of Blanchard, Blanchard, Okla. 73010.	Do.
Do.	Osage	Avant, town of	H 400147 01	do	Mayor, Town of Avant, Avaut, Okla. 74001.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Oregon	Curry	Unincorporated, areas.	H 410062 01 through H 410062 19	Executive Department, State of Oregon, Lexington, Oreg. 97839. Oregon Insurance Division, Department of Commerce, 158 12th NE., Salem, Oreg. 97310.	Chairman, Board of County Commissioners, County of Curry, P.O. Box 746, Gold Beach, Oreg. 97444.	Do.
Do	do	Gold Beach, town of.	H 410064 01	do	Mayor, City Hall, Town of Gold Beach, Gold Beach, Oreg. 97444.	Nov. 23, 1973.
Do	Douglas	Elkton, city of	H 410062 01	do	Mayor, City Hall, City of Elkton, Elkton, Oreg. 97436.	Sept. 13, 1974.
Do	Klamath	Bonanza, town of	H 410110 01	do	Mayor, Town Hall, Town of Bonanza, Bonanza, Oreg. 97620.	Sept. 13, 1974.
Do	Lake	Paisley, town of	H 410117 01	do	Mayor, Town of Paisley, Paisley, Oreg. 97636.	Do.
Do	Tillamook	Wheeler, town of	H 410203 01	do	City Hall, Town of Wheeler, Wheeler, Oreg. 97147.	Do.
Do	Umatilla	Echo, city of	H 410207 01	do	Mayor, 213 Thielson St., City of Echo, Echo, Oreg. 97826.	Do.
Pennsylvania	Columbia	Hemlock, township of.	H 420344 01 through H 420344 08	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mr. Herman H. Ikeler, Supervisor, Hemlock Township, R.D. No. 2, Bloomsburg, Pa. 17815.	Do.
Do	Northumberland	Little Mahanoy, township of.	H 421015 01 through H 421015 03	do	Malin L. Eyster, Flood Insurance Coordinator, R.F.D. No. 1, Box 29, Dornsife, Pa. 17823.	Do.
Do	York	Mount Wolf, borough of.	H 421021 01 through H 421021 01	do	Mr. Maurice Brenner, Borough of Mount Wolf, 72 North Third St., Mount Wolf, Pa. 17347.	Do.
Do	Berks	South Heidelberg, township of.	H 421107 01 through H 421107 05	do	Town Hall, Township of South Heidelberg, Galen Hall Rd., Wernersville, Pa. 19565.	Do.
Do	do	Spring, township of.	H 421108 01 through H 421108 03	do	Mrs. Sharon E. Weiss, Secretary, Township of Spring, 2800 Shillington Rd., Cornwall Terrace, Reading, Pa. 19608.	Do.
Do	Erie	Harborcreek, township of.	H 421144 01 through H 421144 05	do	Mayor, Township of Harborcreek, Harborcreek, Pa.	Do.
Do	Northampton	Plainfield, town of.	H 421147 01 through H 421147 04	do	Mr. Earl E. Ackerman, Township of Plainfield, R.D. No. 1, Wind Gap, Pa. 18091.	Do.
Do	Montour	Anthony, township of.	H 421232 01 through H 421232 02	do	Mrs. Eleanor Gardner, Secretary, Township of Anthony, R.D. No. 1, Turbotville, Pa.	Do.
Do	do	Mahoning, township of.	H 421234 01 through H 421234 03	do	Township of Mahoning, Mahoning Township Municipal Bldg., Danville, Pa. 17821.	Do.
Do	Lancaster	West Cocalico, township of.	H 421787 01 through H 421787 10	do	Mr. Richard F. Fasnacht, Township of Cocalico, R.D. No. 2, Denver, Pa. 17517.	Do.
Do	Armstrong	Manorville, borough of.	H 420008 01	do	Borough Secretary, Borough of Manorville, Manorville, Pa. 16238.	Do.
Do	Butler	Washington, township of.	H 420224 01 through H 420224 03	do	Butler County Planning Commission, Township of Washington, Butler, Pa. 16001.	Do.
Do	Clearfield	Brisbin, borough of.	H 420297 01	do	Mayor, Borough of Brisbin, Brisbin, Pa. 16620.	Do.
Do	Tioga	Liberty, borough of.	H 420822 01	do	President, Borough Council, Borough of Liberty, Liberty, Pa. 16930.	Do.
Do	Bradford	Asylum, township of.	H 421048 01 through H 421048 05	do	Mayor, Township of Asylum, Asylum, Pa.	Do.
Do	Berks	Bernville, borough of.	H 421051 01	do	Mayor, Borough of Bernville, Bernville, Pa. 19506.	Do.
Do	do	Brecknock, township of.	H 421053 01 through H 421053 03	do	Mayor, Township of Brecknock, Brecknock, Pa.	Do.
Do	Bradford	Burlington, township of.	H 421054 01 through H 421054 08	do	Burlington Township Council, Township of Burlington, Burlington, Pa. 18814.	Do.
Do	Berks	Exeter, township of.	H 421063 01 through H 421063 04	do	Mayor, Township of Exeter, Exeter, Pa. 18643.	Do.
Do	Allegheny	Kilbuck, town of	H 421073 01 through H 421073 02	do	Mayor, Town of Kilbuck, Kilbuck, Pa. 15233.	Do.
Do	Berks	Marion, township of.	H 421079 01 through H 421079 05	do	Mayor, Township of Berks, Marion, Pa. 17235.	Do.
Do	Bradford	Monroe, township of.	H 421083 01 through H 421083 11	do	Mayor, Township of Monroe, Monroe, Pa.	Do.
Do	Berks	North Heidelberg, township of.	H 421086 01 through H 421086 05	do	Mayor, Township of Heidelberg, North Heidelberg, Pa.	Do.
Do	do	Richmond, township of	H 421006 01 through H 421006 04	do	Mayor, Township of Richmond, Richmond, Pa.	Do.
Do	Allegheny	Scott, township of.	H 421100 01 through H 421100 02	do	Mayor, Township of Scott, Scott, Pa.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Bradford	South Creek, township of.	H 421105 01 through H 421105 08	do	Mayor, Township of South Creek, South Creek, Pa.	Do.
Do	Allegheny	South Fayette, township of.	H 421106 01 through H 421106 08	do	Mayor, Township of South Fayette, South Fayette, Pa.	Do.
Do	Bradford	Troy, township of.	H 421114 01 through H 421114 12	do	Troy Township Council, Township of Troy, Troy, Pa. 16947.	Do.
Do	do	Wells, township of.	H 421121 01 through H 421121 04	do	Mayor, Township of Wells, Wells, Pa.	Do.
Do	Bucks	West Rockhill, township of.	H 421123 01 through H 421123 02	do	Mayor, Township of West Rockhill, West Rockhill, Pa.	Do.
Do	Berks	Windsor, township of.	H 421125 01 through H 421125 04	do	Mayor, Township of Windsor, Windsor, Pa.	Do.
Do	Centre	Boggs, township of.	H 421193 01 through H 421193 07	do	Mayor, Township of Boggs, Boggs, Pa.	Do.
Do	do	Miles, township of.	H 421197 01 through H 421197 05	do	Mayor, Township of Miles, Miles, Pa.	Do.
Do	do	Snow Shoe, township of.	H 421198 01 through H 421198 06	do	Mayor, Township of Snow Shoe, Snow Shoe, Pa. 16874.	Do.
Do	Armstrong	Cowanshannock, township of.	H 421230 01 through H 421230 07	do	Township Supervisor Secretary, R.D. No. 1, Township of Cowanshannock, Dayton, Pa. 16222.	Do.
Do	Indiana	Burrell, township of.	H 421213 01 through H 421213 02	do	Chairman Burrell Township, Supervisor, Burrell, Pa.	Do.
Do	Armstrong	Manor, township of.	H 421309 01 through H 421309 06	do	Township Supervisor Secretary, 820 Main St., Township of Manor, Ford City, Pa. 16226.	Do.
Do	do	Wayne, township of.	H 421318 01 through H 421318 04	do	Township Supervisor Secretary, R.D. No. 1, Township of Wayne, Dayton, Pa. 16222.	Do.
Do	Erie	Springfield, township of.	H 421369 01 through H 421369 06	do	Mayor, Township of Springfield, Springfield, Pa. 16064.	Do.
Do	Butler	Adams, township of.	H 421415 01 through H 421415 10	do	Adams Township Building, Officer, Township Bldg., Township of Adams, Mars, Pa. 16046.	Do.
Do	do	Center, township of.	H 421417 01 through H 421417 07	do	Center Township Board of Supervisors, R.D. No. 5, Township of Center, Butler, Pa.	Do.
Do	do	Forward, township of.	H 421419 01 through H 421419 02	do	Forward Township Board of Supervisors, Township of Forward, Forward, Pa.	Do.
Do	Chester	East Fallowfield, township of.	H 421479 01 through H 421479 03	do	Mayor, Township of East Fallowfield, East Fallowfield, Pa.	Do.
Do	do	East Nottingham, township of.	H 421482 01 through H 421482 08	do	Mayor, Township of East Nottingham, East Nottingham, Pa.	Do.
Do	do	Sadsbury, township of.	H 421488 01	do	Mayor, Township of Sadsbury, Sadsbury, Pa. 19369.	Do.
Do	do	Warwick, township of.	H 421494 01 through H 421494 03	do	Mayor, Township of Warwick, Warwick, Pa.	Do.
Do	do	West Brandywine, township of.	H 421496 01 through H 421496 02	do	Mayor, Township of West Brandywine, West Brandywine, Pa.	Do.
Do	Clinton	Allison, township of.	H 421534 01	do	Chairman, Allison Township Board of Supervisors, P.O. Box 191, Lock Haven, Pa. 17745.	Do.
Do	do	Logan, township of.	H 421541 01 through H 421541 05	do	Clinton County Zoning Officer, 1209 West 4th St., Township of Logan, Flemington, Pa. 17745.	Do.
Do	Crawford	Woodcock, township of.	H 421578 01 through H 421578 06	do	Chairman, Woodcock Township, R.D. No. 3, Meadville, Pa. 16335.	Do.
Do	Elk	Horton, township of.	H 421610 01 through H 421610 05	do	Mayor, Township of Horton, Horton, Pa.	Do.
Do	Franklin	Peters, township of.	H 421654 01 through H 421654 08	do	Chairman, Peters Township Supervisor, Municipal Building, Township of Peters, Lemasters, Pa. 17231.	Do.
Do	do	Saint Thomas, township of.	H 421656 01 through H 421656 17	do	Chairman, St. Thomas Township, Supervisor, R.D. No. 1, St. Thomas, Pa. 17252.	Do.
Do	Indiana	West Wheatfield, township of.	H 421724 01 through H 421724 05	do	Mayor, Township of West Wheatfield, West Wheatfield, Pa.	Do.
Do	Jefferson	Snyder, township of.	H 421735 01 through H 421735 05	do	Snyder Township Supervisors, R.D. No. 1, Township of Snyder, Brockway, Pa.	Do.
Do	Mercer	Findley, township of.	H 421866 01 through H 421866 03	do	Findley Township Supervisor, Township of Findley, Findley, Pa.	Do.
Do	Northampton	Wilson, borough of	H 421927 01	do	Mayor, Borough of Wilson, Wilson, Pa.	Do.
Do	Washington	Cross Creek, borough of.	H 422145 01 through H 422148 03	do	Mayor, Borough of Cross Creek, Cross Creek, Pa.	Do.
Do	Westmoreland	Bell, township of	H 422185 01 through H 422185 03	do	Bell Township Chairman, Board of Supervisors, Box D, Township of Bell, Salina, Pa. 15680.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	do.	Loyalhanna, township of.	H 422190 01 through H 422190 03	do.	Chairman, Board of Supervisors, R.D. No. 2, Township of Loyalhanna, Saltsburg, Pa. 15681.	Do.
Rhode Island	Providence	Burrillville, town of.	H 440013 01 through H 440013 06	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, R.I. 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, R.I. 02903.	Mayor, Town Hall, Town of Burrillville, Burrillville, Pa.	Do.
Do.	do.	Foster, town of.	H 440033 01 through H 440033 08	do.	Mayor, Town Hall, Town of Foster, Foster, R.I. 02918.	Do.
South Dakota	Brookings	Bruce, city of.	H 460005 01	South Dakota Planning Agency, Office of Executive Management, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Bldg., Pierre, S. Dak. 57501.	Mayor, City Hall, City of Bruce, Bruce, S. Dak. 57220.	Do.
Do.	Haakon	Midland, town of.	H 460032 01	do.	Mayor, Town of Midland, Midland, S. Dak. 57552.	Do.
Tennessee	Putnam	Unincorporated, areas.	H 470149 02	Tennessee State Planning, Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, County of Putnam, Putnam County, Tenn.	Do.
Do.	Stewart	do.	H 470180 02	do.	Mayor, County of Stewart, Stewart County, Tenn. 37175.	Do.
Do.	Tipton	Gilt Edge, city of.	H 470190 01 through H 470190 02	do.	Mayor, City Hall, City of Gilt Edge, Tipton County, Tenn. 38071.	Do.
Do.	Wilson	Unincorporated, areas.	H 470207 02	do.	Mayor, County of Wilson, Wilson County, Tenn.	Do.
Texas	El Paso	do.	H 480212 01 through H 480212 04	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 110 San Jacinto St., Austin, Tex. 78701.	City Clerk's Office, Room 211, City-County Bldg., El Paso, Tex. 79901.	Do.
Do.	Medina	Hondo, city of.	H 480474 01 through H 480474 04	do.	City Manager, Municipal Building, Hondo, Tex. 78861.	Do.
Do.	Ochiltree	Perryton, city of.	H 480609 01	do.	City Manager, 110 South Ash, Perryton, Tex. 79070.	Do.
Do.	Travis	Austin, city of.	H 480624 01 through H 480624 57	do.	Mayor, City Hall, P.O. Box 1088, Austin, Tex. 78767.	Do.
Do.	Ward	Grandfalls, city of.	H 480643 01	do.	Mayor, City Hall, Grandfalls, Tex. 79742.	Do.
Do.	Hardin	Rose Hill Acres, city of.	H 480646 01	do.	County Judge, Hardin County Commissioners Court, County Courthouse, Kountze, Tex. 77625.	Do.
Vermont	Bennington	Bennington, town of.	H 500013 01 through H 500013 06	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Bennington Board of Selectmen, Bennington, Vt. 05201.	Do.
Do.	Windsor	Reading, town of.	H 500152 01 through H 500152 04	do.	Chairman, Reading Board of Selectmen, Reading, Vt. 05062.	Do.
Do.	Bennington	Manchester, village of.	H 500179 01 through H 500179 02	do.	Chairman, Manchester Board of Selectmen, Manchester, Vt. 05254.	Do.
Do.	Orleans	Craftsbury, town of.	H 500247 01 through H 500247 04	do.	Mayor, Town Hall, Town of Craftsbury, Craftsbury, Vt. 05826.	Do.
Do.	do.	Jay, town of.	H 500258 01 through H 500258 05	do.	Mayor, Town Hall, Town of Jay, Orleans, Vt. 05860.	Do.
Do.	Windsor	Woodstock, village of.	H 500303 01 through H 500303 02	do.	Mr. Robert G. Horne, Municipal Manager, Village of Woodstock, Woodstock, Vt. 05091.	Do.
Virginia	Powhatan	Unincorporated, areas.	H 510117 01 through H 510117 19	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Chairman, Powhatan County Board of Supervisors, Rt. 4, Powhatan, Va. 23139.	Do.
Do.	Roanoke	do.	H 510190 01 through H 510190 21	do.	Roanoke County Courthouse, 305 East Main St., Salem, Va. 24153.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
West Virginia	Fayette	Mount Hope, town of.	H 540080 01	Office of Federal-State, Relations, Room West 115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Mayor, Town of Mount Hope, Mount Hope, W. Va. 25880.	Do.
Do.	Wayne	Fort Gay, town of.	H 540202 01	do.	Mayor, City Hall, Town of Fort Gay, Fort Gay, W. Va. 25515.	Do.
Wisconsin	Waukesha	Menomonee Falls, village of.	H 550483 01 through H 550483 12	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Village of Menomonee Falls, Municipal Bldg., West 156 North 8480 Pilgrim Rd., Menomonee Falls, Wis. 53501.	Do.
Wyoming	Big Horn	Manderson, town of.	H 560006 01	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Mayor, Town Hall, Town of Manderson, Manderson, Wyo. 82432.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: September 11, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–21859 Filed 9–23–74;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Correction

On January 8, 1972, at 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the unincorporated areas of Fairfax County, Virginia, as an eligible community and included map No. H 51 059 0000 18 which indicates that Lot No. 561 of Canterbury Woods, section 9, (present address: 4823 Tabard Place, Annandale, Virginia), Fairfax County, Virginia, as recorded in Fairfax County, Virginia, Deed Book 3321, Page 530, is, in its entirety, within the Special Flood Hazard Area. A review of the above map and other information by the Federal Insurance Administration indicates that the above property is not within the Special Flood Hazard Area. Accordingly, effective January 7, 1972, map No. H 51 059 0000 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Public Law 91–152, December 24, 1969), (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969)

Issued: September 17, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–22095 Filed 9–23–74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

Correction

On Thursday, August 31, 1972, at 37 FR 17704, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Winston-Salem, North Carolina as an eligible community and included map No. H 37 067 5120 06 which indicates that Lot No. 5 of Block C in Section No. 2 Cummings Court, Winston-Salem, North Carolina, as recorded in Plat Book No. 17, Page 111, of the Forsyth County Records (existing street address of the property, 2801 Monticello Drive) is in its entirety within the Special Flood Hazard Area. A review of the above map by the Federal Insurance Administration indicates that the above property is not within the Special Flood Hazard Area. Accordingly, effective August 31, 1972, map No. H 37 067 5120 06 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Public Law 91–152, December 24, 1969), (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969)

Issued: September 17, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–22094 Filed 9–23–74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 712—THE ACQUISITION FUNCTION

Special Counsel; Correction

The document amending Chapter I of Title 23 of the Code of Federal Regulations by adding Part 712, published in the FEDERAL REGISTER on August 16, 1974, at 39 FR 29590, is corrected by changing the last section number in the regulation from § 712.708 (Special Counsel) to § 712.408.

Issued on: September 12, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74–22126 Filed 9–23–74;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

PART 1953—CHANGES TO STATE PLANS FOR THE DEVELOPMENT AND ENFORCEMENT OF STATE STANDARDS

Subpart C—Federal Program Change Supplements

Correction

In FR Doc. 74–21091 appearing at page 32905 in the issue for Thursday, September 12, 1974, make the following change:

In the second column on page 32905, change the 15th line of paragraph (1) *Applicability to standards* which reads "standards which were not approved at" to read "are met include review and approval of".

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Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A–6—FOREIGN PURCHASES

Subpart 5A–6.1—Buy American Act—Supply and Service Contracts

FOREIGN PURCHASES

This change to the General Services Administration Procurement Regulations (GSPR), updates and transfers the policies and procedures related to foreign purchases from Chapter 5, GSPR, to Chapter 5A, GSPR.

The table of contents for Part 5A–6 is amended by deleting §§ 5A–6.100 and 5A–6.104, and adding §§ 5A–6.104–4, 5A–6.104–50, and 5A–6.105, as follows:

5A–6.104–4 Evaluation of bids and proposals.

5A–6.104–50 Evaluating bids for hand and measuring tools.

5A–6.105 Excepted articles, materials, and supplies.

§§ 5A–6.100 and 5A–6.104 [Deleted]

1. Section 5A–6.100 is deleted.

2. Section 5A–6.104 is deleted.

3. Section 5A–6.104–4 is added as follows:

§ 5A–6.104–4 Evaluation of bids and proposals.

(a) Proposed awards requiring the approval of the head of the agency pursuant to paragraphs (b) and (c) of this section shall be submitted to the Assistant Commissioner for Procurement (FP) together with a statement of facts containing the following information:

(1) Description of the item(s), including unit and quantity.

(2) Estimated cost.

(3) Statement as to whether duty is included in estimated cost; if not included, state the reasons for exclusion.

(4) Transportation costs for delivery to destination if the item is to be procured f.o.b. origin.

(5) Country of origin.

(6) Name and address of proposed contractor(s), if available.

(7) Brief statement as to necessity for procurement.

(8) Reasons why an award to a small business concern or labor surplus area concern would or would not be unreasonable as to cost, or inconsistent with the public interest in cases where an award for more than $100,000 to a domestic concern would be made if the 12 percent factor is applied, but would not be made if the 6 percent factor is applied.

(9) Reasons for recommending rejection of an acceptable low foreign bid to protect essential national security interests, or rejection of any bid or proposal for other reasons of national interest.

(b) Except for (a)(8) of this section, prior to final action under paragraph (a) of this section, the Assistant Commissioner for Procurement (FP) will obtain advice from the Director, Office of Preparedness, GSA, with respect to rejection of bids or offered prices on the grounds that such rejection is necessary to protect essential national security interests, and apprise the Executive Office of the President, Office of Management and Budget, of the facts in the matter with respect to rejection of bids or offered prices for reasons of the national interest not described or referred to in Executive Order 10582, as amended.

4. Section 5A–6.104–50 is added as follows:

§ 5A–6.104–50 Evaluating bids for hand and measuring tools.

(a) *Appropriation Act restrictions.* Title V, section 505 of Pub. L. 93–143 provides the following:

SEC. 505. No part of any appropriations contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possessions except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6–104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

(b) *Definition.* "Hand and measuring tools" are those items listed in Groups 51 and 52, as contained in Cataloging Handbook H2–1, Federal Supply Classification, Part I, Groups and Classes, published by the Defense Supply Agency.

(c) *Solicitation provision.* All solicitations for hand and measuring tools shall include the following special provision:

BUY AMERICAN ACT—HAND AND MEASURING TOOLS

Article 14 of Standard Form 32, General Provisions, is amended by including the following at the end of that provision:

Congressional policy requires that GSA purchases of hand and measuring tools must be from domestic sources except in accordance with procedures prescribed by § 6–104.4(b) of Armed Services Procurement Regulation (as such regulation existed on June 15, 1970). Accordingly, bids under this solicitation offering domestic source end products normally will be evaluated against bids offering other end products by adding a factor of fifty percent (50%) to the latter, exclusive of import duties. Details of the evaluation procedure are set forth in § 5A–6.104–50 of the General Services Administration Procurement Regulations.

Each bid offering a foreign source end product must state below or on an attachment to the bid the amount of duty included in each bid price. Failure to furnish duty information will result in use of the entire item bid price (inclusive of any unspecified duty) when adding the "Buy American" differential.

Item No.	Unit	Amount of duty (in dollars and cents)

(End of provision)

(d) *Procedures.* Bids and proposals for hand and measuring tools shall be evaluated in accordance with the following procedures.

(NOTE: Congressional policy requires that the procedures in § 6–104.4(b) of Armed Services Procurement Regulations which existed as of June 15, 1970, shall govern. Accordingly, the following procedures are FSS adaptations to ASPR 6–104.4(b), the full text of which is shown in § 5A–76.302.):

Bids and proposals shall be evaluated to give preference to domestic bids, except the bids offering end products manufactured in Canada shall be evaluated on the same basis as bids offering domestic end products after any applicable duty (whether or not a duty free entry certificate is issued) is included for evaluation purposes. Each foreign bid shall be adjusted for purposes of evaluation either by excluding any duty from the foreign bid and adding 50 percent of the bid (exclusive of duty) to the remainder, or by adding to the foreign bid (inclusive of duty) a factor of 6 percent of that bid, whichever results in the greater evaluated price, except that a 12 percent factor shall be used instead of the 6 percent factor if the firm submitting the low acceptable domestic bid is a small business concern, or a labor surplus area concern, or both, and if any contract award to a domestic concern which would result from applying the 12 percent factor, but which would not result from applying the 6 percent or 50 percent factor, would not exceed $100,000. (If an award for more than $100,000 would be made to a domestic concern and if the 12 percent factor is applied, the matter shall be submitted to the Commissioner, FSS, for a decision as to whether the award to the small business or labor surplus area concern would involve unreasonable cost or inconsistency with the public interest.) If the foregoing procedure results in a tie between a foreign bid as evaluated and a domestic bid, award shall be made on the latter. When more than one line item is offered in response to an invitation for bids or request for proposals, the appropriate factor shall be applied on an item-by-item basis, except that the factor may be applied to any group of items as to which the invitation for bids or requests for proposals specifically provides that award may be made on a particular group of items.

(e) *Supplemental instructions.* The following examples illustrate how the procedure in (d) above, should be applied. Throughout these examples, "foreign bid" means a bid or offered price for a foreign end product which is not a Canadian end product; "domestic bid—large" means a domestic bid which is not from a small business or labor surplus area concern, and "domestic bid—small" means a domestic bid which is from either a small business concern or a labor surplus area concern, or both. Bid prices are evaluated net prices including consideration of transportation costs and prompt payment discounts. The same differentials shall be applied when using small purchase procedures.

EXAMPLE A

Foreign bid, including duty of $4,500	$14,500
Domestic bid—large	15,100
Domestic bid—small	15,110

Award on domestic bid—large. Domestic bid—small is out because it is not the low acceptable domestic bid. Foreign bid, if adjusted by the 50 percent factor, would be $14,500 less $4,500 duty (i.e., $10,000), plus 50 percent of $10,000 (i.e., $5,000), or $15,000; but if adjusted by the 6 percent factor, it would be $14,500 plus 6 percent of $14,500 (i.e., $870), or $15,370; therefore, the 6 percent factor is added and domestic bid—large is the low evaluated bid.

EXAMPLE B

Foreign bid, including duty of $3,000	$12,000
Domestic bid—large	15,000

Award on domestic bid—large. Foreign bid adjusted by 50 percent factor is $15,000; adjusted by 6 percent factor, it is $12,720. Therefore, foreign bid is evaluated at $15,000, resulting in a tie and consequent award on the domestic bid—large.

EXAMPLE C

Foreign bid, including duty of $3,500	$13,500
Domestic bid—large	17,000
Domestic bid—Small	15,100

Award on domestic bid—small. Foreign bid adjusted by 50 percent factor is $15,000; adjusted by 12 percent factor, it is $15,120. Therefore, it is evaluated at $15,120, resulting in award on the domestic bid—small.

EXAMPLE D

Foreign bid, including duty of $70,000	$270,000
Domestic bid—large	310,000
Domestic bid—small	302,000

Foreign bid adjusted by 50 percent factor is $300,000; adjusted by 12 percent factor, it is $302,400; adjusted by 6 percent factor, it is $286,200. Therefore, domestic bid—small is in line for possible award only because of the bidder's small business or labor surplus area status. But since the contract award would exceed $100,000, the matter requires submission for decision pursuant to § 5A–6.104–50(d).

5. Section 5A–6.105 is added as follows.

§ 5A–6.105 Excepted articles, materials, and supplies.

(a) Requests for determinations concerning nonavailability of domestic supplies (see § 1–6.103–2) shall be submitted on a case-by-case basis, with an appropriate statement of facts and a proposed determination to the appropriate FSS Central Office Assistant Commissioner, Regional Commissioner, or other equivalent official authorized to make this determination. The statement of facts shall include the following information:

(1) Description of the item(s), including unit and quantity.

(2) Estimated cost, including duty, if any (show the amount of duty separately).

(3) Transportation costs for delivery to destination, if item is to be procured f.o.b. origin.

(4) Country of origin.

(5) Name and address of prospective contractor(s), if available.

(6) Brief statement as to the necessity for the procurement.

(7) Statement of effort made to procure a similar item of domestic origin or statement that there is no domestic item which can be used as a reasonable substitute.

(b) Ordinarily, the findings and determination of nonavailability shall be prepared in the format shown below:

GENERAL SERVICES ADMINISTRATION

Reference No. _____

FINDINGS AND DETERMINATION OF NONAVAILABILITY UNDER THE BUY AMERICAN ACT REGARDING PURCHASE OF (INSERT DESCRIPTION)

Pursuant to the provisions of the Buy American Act (41 U.S.C. 10a–d), and Executive Order 10582, December 17, 1954 (3 CFR Supp.), and by virtue of delegated authority, the following findings of fact and determination are hereby made:

1. Findings (*set forth a statement of facts*).

2. Determination. In view of the foregoing, it is hereby determined that for the purpose of the Buy American Act (*insert item description*) is not mined, produced, or manufactured at the present time in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

Date _____ (Signed) _____

(End of Findings and Determination)

(c) When it has been determined that the Buy American Act is not applicable to the purchase of the end product, or to the components from which it is manufactured, the original of the determination shall be made a part of the contract file. In addition, a statement substantially as follows shall be inserted in the applicable contract documents:

DETERMINATION OF NONAVAILABILITY OF DOMESTIC SUPPLIES

For the purpose of the Buy American Act, the (*insert title of person making determination*), General Services Administration, has determined that (*insert item description*) is not mined, produced, or manufactured at the present time in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality. (End of Statement.)

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Effective date. These regulations are effective on the date shown below.

Dated: September 10, 1974.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.74–22116 Filed 9–23–74;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114–60—PERSONAL PROPERTY MANAGEMENT

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Part 114–60 of 41 CFR Chapter 114 is amended as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective September 24, 1974.

RICHARD R. HITE,
Deputy Assistant Secretary
of the Interior.

JULY 19, 1974.

1. Section 114–60.000 is revised, §§ 114–60.001—114.60.003 are added, and Subpart 114–60.1 is revised to read as follows:

Sec.

114–60.000 Scope of part.

114–60.001 Supplemental regulations.

114–60.002 Compliance reviews.

114–60.003 Optional forms.

Subpart 114–60.1—General

114–60.100 Definitions.

114–60.101 Statutory provisions.

114–60.102 Regulatory requirements.

114–60.103 Property controls.

114–60.103–1 Accountability.

114–60.103–2 General Ledger control accounts.

114–60.103–3 Property records.

114–60.104 Use of Government property restricted to official purposes.

114–60.105 Property irregularities.

114–60.106 Property loss/damage/destruction.

AUTHORITY: (5 U.S.C. 301), sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

§ 114–60.000 Scope of part.

This part prescribes basic policies and procedures governing the management of personal property which are not appropriate for codification in other parts of the Interior property management regulations. The provisions of this part are applicable to the personal property acquired by all Bureaus and Offices of the Department of the Interior. Compliance with the basic requirements established herein will insure that proper records of all personal property are maintained and that such property is protected, preserved, and used only for official purposes.

§ 114–60.001 Supplemental regulations.

The head of each Bureau and Office shall issue such supplemental regulations, not inconsistent with the provisions of this Part 114–60, as deemed necessary for proper implementation of Interior Property Management Regulations.

§ 114–60.002 Compliance reviews.

The head of each Bureau and Office shall provide for such periodic review of the property management operations at regional and other field office levels as he deems necessary to insure that an adequate and effective personal property management program, appropriate to the mission of each such field office, is established and maintained in accordance with the provisions of this Part 114–60 and applicable Bureau regulations.

§ 114–60.003 Optional forms.

Department of the Interior forms, illustrated in appendix I through VIII of Subpart 114–60.1, are provided for optional use in carrying out the provisions of this part 114–60. These forms may be modified to accommodate individual Bureau or Office requirements at the discretion of the head thereof. However, such modified forms shall contain no less data than are required to be included in the forms provided in appendix I through VIII. If a Bureau or Office adopts the use of modified forms in lieu of Department

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of the Interior forms, it shall assign appropriate Bureau or Office numbers to such modified forms.

Subpart 114–60.1—General

§ 114–60.100 Definitions.

The terms used in this Part 114–60 are defined as follows:

(a) *Personal property.* Personal property means property of any kind or any interest therein, except (1) real property, (2) records of the Federal Government, and (3) vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines. Specifically, personal property includes all equipment, materials, and supplies, unless or until incorporated in or permanently affixed to real property.

(b) *Accountable officer.* The official(s) of the Bureau or Office designated by the head thereof or other official not below the regional (or comparable) level, as responsible for insuring the establishment and maintenance of adequate property accounting records and effective control over the property assigned for use of the organization or a particular element (e.g., region, area, project, park, refuge, or other office) of the organization. As a general rule, the head of the organizational unit having jurisdiction over the property should be designated as the "accountable officer" for such property.

(c) *Property accountability.* The obligation of the official designated as the accountable officer to establish and maintain adequate property accounting records and safeguards to insure effective control over the property under his administrative jurisdiction. This obligation may not be delegated to other officers or employees, although the property recordkeeping function and responsibility for the use, care, and safekeeping of property may be assigned to others.

(d) *Property responsibility.* The obligation of an individual for the proper use, care, and safekeeping of property entrusted to his possession or under his direct supervision.

(e) *Expendable property.* As used in this Part 114–60, the term "expendable property" has two meanings:

(1) Property which, when put to use, is consumed, loses its identity, or becomes an integral part of other property, and

(2) Property which, although nonexpendable by definition, is administratively considered and treated as expendable because of its high rate of breakage in service, short service life, or relatively insignificant value.

(f) *Nonexpendable property.* Property which has continuing use as a self-contained unit; is not consumed in use; does not lose its identity when put to use; or does not ordinarily become a component of other equipment or plant.

(g) *Capitalized property.* Nonexpendable property, the value of which is charged to an asset account (general ledger control account) in the finance office and is to be distributed to capital accounts in accordance with established Bureau procedures.

(h) *Noncapitalized property.* Nonexpendable property, the value of which is charged to an expense account, either when issued for use or at time of receipt.

(i) *Materials and supplies.* Property items which, when put to use, are consumed, lose their identity, or become an integral part of other property. (Synonymous with expendable property as defined in paragraph (e)(1) of this section.)

(j) *Neglect and negligence.* Neglect and negligence is the failure or omission to observe, for the protection of the interests of the Government, that degree of care, precaution, and vigilance which the circumstances justly demand, whereby the Government suffers loss, damage, or destruction of property.

(k) *Loss.* The terms "loss" and "property loss" are used frequently to indicate the loss of, damage to, or destruction of, property of the United States and other property under the control of the Department of the Interior. They are used as comprehensive terms to avoid repetition of the longer expression.

§ 114–60.101 Statutory provisions.

(a) The importance of adequate property accounting has been specifically recognized by the Congress in section 202(b) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 483(b)). This section requires that each executive agency shall maintain adequate inventory controls and accountability systems for property under its control.

(b) Title 31 of the United States Code (31 U.S.C. 66a) requires that each executive agency shall establish and maintain systems of accounting and internal control designed to provide effective control over and accountability for all property for which it is responsible.

(c) Title 18 of the United States Code (18 U.S.C. 641) provides that:

> Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys, or disposes of any record, voucher, money, or thing of value of the United States, or of any department or agency thereof, or any property made or being made under contract for the United States, or any department or agency thereof; or
>
> Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined, or converted—
>
> Shall be fined not more than $10,000 or imprisoned not more than 10 years, or both; but if the value of such property does not exceed the sum of $100, he shall be fined not more than $1,000 or imprisoned not more than 1 year, or both.

§ 114–60.102 Regulatory requirements.

General Government-wide regulations governing the maintenance of adequate property accounting records are contained in subsection 12.5 of the General Accounting Office Policy and Procedures Manual. These regulations include principles and standards relating to:

(a) The recordation, classification, and capitalization of property,

(b) The taking of periodic physical inventories of property on hand, and

(c) The reconciliation and adjustment of differences between quantities of property determined by physical inventories and those reflected in the accounting records.

§ 114–60.103 Property controls.

§ 114–60.103–1 Accountability.

All property acquired by the Government shall be charged to an accountable officer immediately upon receipt of the property regardless of the source from which the property was acquired. Property accountability remains fixed until an accountable officer is relieved of such accountability by one of the following:

(a) Transfer of accountability to another accountable officer in accordance with IPMR 114–60.703;

(b) Transfer of available property to another accountable officer within the Department and transfer of excess property to another Government agency (§ 114–43.102–53);

(c) Sale of property under the conditions and limitations set forth in FPMR 101–45.3 and IPMR 114–45.3;

(d) Authorized condemnation, destruction, abandonment, or donation;

(e) Board of Survey procedures as set forth in IPMR 114–60.9.

§ 114–60.103–2 General ledger control accounts.

Each Bureau and Office shall establish and maintain general ledger control accounts to properly account for all capitalized personal property acquired or to be acquired in accordance with the provisions of this Part 114–60. All basic property accounting systems and procedures shall be cleared with the Office of the Assistant Secretary—Management (Reference shall be made to the Budget and Accounting Procedures Act of 1950 (64 Stat. 832)).

§ 114–60.103–3 Property records.

Each Bureau and Office shall establish and maintain records to identify the units of property acquired, the cost of which is recorded in general ledger control accounts. The total valuation of property reflected in these records and the general ledger control accounts shall be reconciled at periodic intervals and any necessary adjustments, properly and adequately supported, made to bring these two records into complete agreement.

§ 114–60.104 Use of Government property restricted to official purposes.

No officer or employee of the Department shall use or authorize the use of Government property for other than official purposes (See 18 U.S.C. 641 and § 114–60.101(g)). The use of such property in rendering assistance in major disasters or other emergency situations pursuant to 205 DM 1 and 905 DM 1 would be for an official purpose. Similarly, it would be proper to make such property available in accordance with a cooperative arrangement or a contract which is made pursuant to authority vested in the Department.

§ 114–60.105 Property irregularities.

As provided in 355 DM 2, matters involving any irregularity in the use of, or accounting for, Government property are to be handled in accordance with the instructions contained in 356 DM 1. Cases of theft or vandalism are to be immediately reported to local or Federal law enforcement officers except in those instances where there is an indication of employee involvement. In any instance involving property irregularities subject to the provisions of 355 DM 2, final Board of Survey Action should be deferred until completion of action by the Office of the Secretary.

§ 114–60.106 Property loss/damage/destruction.

When Government property is lost, damaged, or destroyed, the Board of Survey will conduct an official investigation of the facts and circumstances surrounding such loss, damage, or destruction in accordance with § 114–60.9. In making its investigation, the Board of Survey will consider the possibility that the employee(s) involved were responsible for the loss, damage, or destruction. In any instance where such a possibility does exist, the Board will use the following guidelines in making its recommendations pertaining to the financial liability of any employee:

(a) Employees will not be held financially liable for loss/damage/destruction attributable to inexpert use, inadequate supervision or instruction, or inherent defects in the property.

(b) Under circumstances other than the above, employees will not be held financially liable unless, after thorough investigation, it is determined that the property involved was being used for other than official purposes, or that the loss/damage/destruction was due to an act or omission of the employee(s) which is of such nature as to constitute misconduct, willful negligence, or a wanton and reckless disregard for the property. In each instance where such an investigation is to be conducted, the employee(s) involved will be given due notice of the investigation and will be permitted to submit written, signed statements for the investigative file. Employees and accountable officers should be relieved of accountability and financial liability for lost/damaged/destroyed Government property when they satisfactorily explain, and the evidence is consistent with such explanation, that, under the circumstances of the case, the loss occurred despite all reasonable precautions taken by the individual(s) concerned.

(c) In the case of missing property where the employee is unable to produce the property and is unable to explain meaningfully the circumstances under which it disappeared, the Board will usually be concerned with the question as to whether the employee had, or should have had, adequate control over and custody of the property. If the nature of the property or the circumstances of the employee's holding it were such that custody and control were unimpaired, the Board would understandably be reluctant to recommend that the employee should be relieved of financial liability.

(d) A sufficient amount of evidence of loss resulting from, but not limited to, the following, will be regarded as just cause for denial of relief from responsibility and for imposing financial liability:

(1) Intent to defraud.

(2) When cause of loss was due to misconduct or failure to follow standards of procedures prescribed and disseminated by written or oral means by the accountable or responsible official.

(3) Failure to exercise such supervision over subordinates as normally might be expected to detect delinquencies under paragraph (d) (1) or (2) of this section, or failure to report such delinquencies to proper authorities.

(e) Any deliberation as to the question of an employee's financial liability must be completely separate and apart from, and without prejudice to, any personnel action that may be under consideration (e.g., admonishment, reprimand, suspension, reassignment, demotion, etc.). The assessment of financial liability is not to be used in lieu of, or as a form of, disciplinary action, and some cases merit both actions.

(f) When the Board of Survey recommends that an employee should be held liable for property loss/damage/destruction, the Board will determine the extent of financial liability for which the employee should be held liable. The amount of liability for property damage should be the estimated or actual cost or repairs for damage that was a direct result of the incident, regardless of whether or not the property is repaired. The amount of liability for lost or destroyed property should be the estimated fair market value of the property based upon the last known condition and age of the property at the time of its loss or destruction.

(g) Prompt action is required. Survey action will be initiated as promptly as possible upon discovery of property loss/damage/destruction. A delay of over 30 days in originating survey action will be regarded as being without justification unless the cause of delay is fully and adequately explained by the accountable officer.

(h) The Board's recommendations as to the financial liability of an employee are subject to approval by appropriate reviewing authority (§ 114–60.905).

(i) When it is determined that an employee should be held liable for property loss/damage/destruction, the Government will establish its claim against the employee, usually by billing the employee for the amount involved. (Payment of such billing does not convey title to the property.) If the employee does not consent to reimburse the Government for the amount billed, there is no statutory authority under which the amount can be withheld from current salay payments due the employee. However, this prohibition does not apply to final salary payments or to lump sum leave payments due the employee at the time of separation from service (29 CG 99).

(j) An employee who feels that a determination of financial liability was unfair or unjust has the right of appeal through bureau and Departmental grievance procedures (see 370 DM 771).

2. Subpart 114–60.9 is added to read as follows:

Subpart 114–60.9—Board of Survey Procedures

Sec.

114–60.900 Scope of subpart.
114–60.901 Requirement for survey action.
114–60.902 Documentation required.
114–60.903 Survey authority.
114–60.904 Responsibilities of a Board of Survey.
114–60.905 Reviewing authority.

AUTHORITY: (5 U.S.C. 301), sec. 205(c), 63S Stat. 390 (40 U.S.C. 486(c)).

Subpart 114–60.9—Board of Survey Procedures

§ 114–60.900 Scope of subpart.

This subpart establishes the basic requirements for the appointment of boards of survey or other survey authorities to investigate circumstances surrounding lost, stolen, damaged, and unserviceable property, and to report findings and make recommendations for (a) relieving the accountable officer of accountability for the property, and (b) establishing the possibility of personal liability for damaged or missing property. It also provides for the review of any survey action by an appropriate reviewing authority for final determination as to financial liability and disposition of the property.

§ 114–60.901 Requirement for survey action.

(a) Survey action is required to document the circumstances under which property is lost, damaged, stolen, or determined to be unserviceable. Accountable officers shall be required to request relief of responsibility for such property by initiating either a Report of Survey, Form DI–103, illustrated in Appendix VIII of Subpart 114–60.1, or a Certificate of Loss or Damage under the circumstances set forth in § 114–60.902(b). Complete documentation is essential, and information provided shall be such that Boards of Survey and other reviewing officials will be able to make intelligent and impartial decisions concerning the disposition of the property and determinations as to any financial liability in accordance with § 114–60.106.

(b) Exceptions: Survey action is not required for the following types of property disposal actions which are otherwise authorized and amply documented:

(1) Transfer of available property (as defined in IPMR 114–43.104–50) to another accountable office within the holding bureau or within the Department;

(2) Transfer of excess property to another Federal agency;

(3) Donation of surplus personal property to eligible recipients in accordance with FPMR 101–44 and subject to

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the limitations specified in IPMR 114–44.5;

(4) Exchange/sale in accordance with FPMR 101–46; and

(5) Sale of surplus property, including scrap, when such property has been released by the General Services Administration for disposal by the holding activity.

§ 114–60.902 Documentation required.

(a) Form DI–103, Report of Survey, is required for:

(1) Loss of property when the original acquisition cost exceeds $100.

(2) Property damage that exceeds $100 (except for damage to a Government vehicle resulting from a motor vehicle accident that is investigated and reported in accordance with 395 DM 4, in which case there is no need for a Report of Survey unless there is a need to determine whether or not an employee should be held financially responsible for the damage. Any recommendation or determination as to financial liability for motor vehicle damage should be based on the official report of the investigation, and then only after final disposition of any tort claim that may be involved or it is determined that there is no probability that a tort claim will be filed).

(3) Condemnation of property for salvage, reduction to scrap, destruction, and abandonment, regardless of circumstances, when the original acquisition cost of the property involved exceeds $100.

(4) Donation to public bodies as set forth in IPMR 114–44.5.

(5) Any circumstance, except motor vehicle accidents, in which there is a possibility of a claim against the Government in connection with the administration, care, and use of Government property.

(b) A Certificate of Loss or Damage may be used in lieu of a Report of Survey to document loss of, or damage to, property in those instances where the total amount of the loss or the extent of damage to all items involved does not exceed $100, and possible claims against the Government are not involved. Form DI–103 may be used as a Certificate of Loss or Damage provided the title "Report of Survey" is obliterated and the title "Certificate of Loss or Damage" is substituted therefor. Alternate procedures are authorized provided they require, as a minimum, the responsible employee's certification as to the circumstances under which the property was lost or damaged, the findings and recommendations of the employee's supervisor or the responsible property officer, and review and approval by a responsible Reviewing Officer designated in accordance with § 114–60.905.

(c) Any form used shall be prepared in triplicate (as a minimum), with one copy being retained for record purposes by the initiating office. The original and other copy (or copies) will be submitted through channels for approval or disapproval. When approved, the original will be used to make appropriate adjustments to the property records, after which a copy will be annotated and forwarded to the initiating office.

§ 114–60.903 Survey authority.

When survey action is required, it may be conducted by the following authorities:

(a) A Board of Survey, consisting of not less than three members appointed by the head of the bureau or office, the regional director or comparable official, or the accountable officer. Neither the accountable officer nor the employee responsible for the property to be surveyed shall be a member of the Board of Survey. A standing Board may be appointed to act on all cases, or the Board may be selected on a case-by-case basis.

(b) A traveling survey officer appointed by the head of the bureau or office or by the regional director or comparable official. Traveling survey officers may conduct surveys, report findings and recommendations, and approve Reports of Survey (made by themselves or by others) except those relieving themselves or their own administrative supervisors.

(c) A local survey officer appointed by the accountable officer. Appointment of a local survey officer pursuant to this paragraph shall be for the single purpose of simplifying and facilitating surveys of property which has been rendered unserviceable due to fair wear and tear in service, and this authority shall not be extended to any other circumstance. Local survey officers may (1) inspect wornout property, (2) make recommendations as to what disposition should be made of the property, and (3) witness the destruction and/or reduction to scrap of the property after such disposition has been approved by the reviewing authority, except in those instances where the Property Officer is appointed as the local survey officer.

(d) Special Boards of Survey shall be appointed (by the head of the bureau or office or by the regional director or comparable official) to investigate unusual losses such as those resulting from disaster (e.g., fire, flood, drought, etc.). Copies of special reports rendered by such Boards may be made attachments to Report of Survey, Form DI–103, to comprise a document of entry to property records and accounts.

§ 114–60.904 Responsibilities of a Board of Survey.

(a) Boards of Survey and Survey Officers must fully investigate matters submitted to them. They will call for all evidence obtainable and will not limit inquiries to evidence or statements presented by parties in interest. They will examine and verify all evidence presented and available, and make recommendations consistent with the circumstances and findings disclosed by such examination. Where additional data or proof is required to fully support a finding, it should be developed by the Board of Survey through impartial investigation in which the legitimate interests of both the individual and the Government are completely protected. Recommendations must be supported by logical findings. Facts, circumstances, conclusions, findings, and recommendations must be clearly stated and fully documented when it is determined that an employee or employees should be held financially liable. Complete data must be available in the event of an employee appeal through Bureau and Departmental grievance procedures (370 DM 771).

(b) In the case of property loss/damage/destruction, the Board of Survey will follow the guidelines set forth in 114–60.106.

(c) Boards of Survey should carefully examine property being surveyed. Where the Board finds that the property has further usefulness, either as is or after justifiable repairs or reconditioning, it may recommend that the property be continued in service.

(d) Where final Board of Survey action directs the destruction or reduction to scrap of property, such disposition should be witnessed by at least one member of the Survey Board. In those instances where a member of the survey board cannot witness the reduction of property to scrap, the Board will appoint a witnessing officer who shall be a responsible official other than the accountable officer or a previous custodian of the property.

§ 114–60.905 Reviewing authority.

Authority to approve or disapprove Reports of Survey and Certificates of Loss or Damage shall be vested in a reviewing authority. This reviewing authority shall be (a) the head of the bureau or office, (b) the head of a regional, area, or comparable office, or (c) traveling survey officers designated by either of the foregoing designated to serve as a reviewing authority such as provided in § 114–60.903(b). With the exception of traveling survey officers as provided in § 114–60.903(b), a reviewing authority shall not include any member of the Board of Survey which acted in the particular case under consideration. Under no circumstances shall a reviewing authority include the accountable officer for the property involved.

NOTE: The Department of Interior Manuals (DM's) referred to in this document have not been filed with the original document, and these references are not to be considered incorporated by reference within the meaning of 5 U.S.C. 552 and 1 CFR Part 51.

[FR Doc.74–17121 Filed 9–23–74;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 27—NONDISCRIMINATION IN ACTIVITIES CONDUCTED UNDER PERMITS, RIGHTS-OF-WAY, PUBLIC LAND ORDERS, AND OTHER FEDERAL AUTHORIZATIONS GRANTED OR ISSUED UNDER TITLE II OF PUBLIC LAW 93–153

On April 26, 1974, there was published in the FEDERAL REGISTER (39 FR 14718) a notice of proposed rulemaking

to issue regulations to implement section 403 of Public Law 93–153 which states as follows:

The Secretary of the Interior shall take such affirmative action as he deems necessary to assure that no person shall, on the grounds of race, creed, color, national origin, or sex, be excluded from receiving or participating in any activity conducted under, any permit, right-of-way, public land order, or other Federal authorization granted or issued under this title. The Secretary of the Interior shall promulgate such rules as he deems necessary to carry out the purposes of this subsection and may enforce this subsection and any rules promulgated under this subsection through agency and Department provisions and rules which shall be similar to those established and in effect under Title VI of the Civil Rights Act of 1964.

The following regulations are issued to carry out the purposes of section 403. The regulations reflect changes which were made as a result of comments received on the proposed rules, all of which were carefully reviewed.

The Department received comments proposing changes in most of the provisions in the regulations. Several comments took issue with the scope of the rules.

Comments proposed that the Department delete provisions contained in §§ 27.2 through 27.6, relating to application of the rules, prohibited discrimination, assurances of compliance with the rules, and requirements for implementation. Comments proposed that the Department replace those sections with a single requirement that recipients of authorizations to which section 403 applies file appropriate plans for achieving the objectives of section 403. In making the decision to maintain §§ 27.2 through 27.6, the Department determined that agency requirements should be clearly set forth. It also determined that specific provisions were required to meet the Congressional mandate of applying policies, rules, regulations and orders of the various Federal agencies relating to equal opportunity to activities conducted under federal authorizations to which section 403 applies.

Several comments took issue with the scope of the proposed regulations on the basis that they contain provisions which exceed the mandate of section 403.

Comments proposed deletion of provisions relating to services, financial aids, and benefits, on the basis that such activities were not applicable to construction of the Alaska Pipeline. The comments also proposed deletion of provisions requiring affirmative action to include persons protected by section 403 in activities conducted under federal authorizations, on the basis that section 403 provides authority only to prohibit exclusion of protected persons from activities conducted under Federal authorizations.

The Department determined to maintain provisions of the proposed regulations. It determined to maintain provisions relating to services, financial aids, and benefits on the basis that such activities could and probably would be conducted under Federal authorizations, even if they were not involved in current activities. The Department based its decision upon section 403, in its reference to all activities conducted under Federal authorizations, and on Government equal opportunity regulations referred to by the Congress as guidelines for these regulations, in their particular reference to services, financial aids, and other benefits.

The Department also determined that government equal opportunity regulations, as well as the express language of section 403, required provisions to assure affirmative action to cause nondiscriminatory practices in activities conducted under Federal authorizations to which section 403 applies.

Other comments stated that the proposed regulations exceed the authority of section 403 in their application to establishments and operations "made possible in whole or in part" by any Federal authorization to which the regulations apply. Comments stated that section 403, in its reference to activities "conducted under" Federal authorizations, would not apply to certain of the establishments and operations covered by the proposed regulations, as they would not be conducted under Federal authorizations. On that same basis, comments took issue with application of the proposed regulations to those facilities of contractors which were not engaged in activities conducted under those authorizations.

The Department made changes in the regulations to exempt establishments which have no contractual relationship with recipients of Federal authorizations to which section 403 applies, or their contractors or subcontractors. The Department also determined to exempt those facilities of recipients, their contractors and subcontractors, which are in no way connected with performance of activities conducted under Federal authorizations. Those changes were made as it did not appear that section 403 requires or clearly suggests that the regulations apply to those facilities. The Department further determined that exemption of those facilities would not be detrimental to assuring nondiscrimination on the Alaska Pipeline Project.

Other comments requested exemption from the requirements of the regulations for work performed outside the United States. In order to provide consistency with other government equal opportunity regulations, the Department provided an exemption with regard to work performed outside the country by employees who are not recruited within the United States.

Comments requested that the Department replace employment provisions in the proposed regulations with employment obligations set forth in the Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline. This alternative was rejected because it was determined that provisions in the regulations more clearly implemented section 403, and more clearly set forth responsibilities for assuring compliance with the regulations.

Comments were received requesting that the requirements for employment on construction projects not exceed requirements established for "home-town" plans established under Executive Order 11246. The Department determined to adopt the requirements established in "home-town" plans. The decision was made in order to provide consistency in Government regulations. The decision was also made for the reason that the Alaska Hometown Plan provides for amendment to include employment opportunities arising from construction of the Pipeline. The Department did, however, maintain the option of requiring additional construction goals where they are not established under "home-town" plans, in order for example, to require construction goals for women, which are not established under "home-town" plans. The Department determined that such a provision was necessary in order to provide the nondiscriminatory assurances required by section 403.

Other comments requested that the regulations make provision for filling employment vacancies on the Pipeline Project, in those instances where unions are unable to provide qualified applicants and employers are deficient in meeting affirmative action goals. Comments proposed that the regulations require that the State of Alaska Employment Office be offered the first opportunity to fill vacancies. The Department did not adopt the proposal for the reason that existing government equal opportunity regulations do not require employment selection from specified sources. It further did not appear that the provisions of section 403 require or suggest specification.

Comments took issue with those requirements in the regulations which exceed Federal procurement requirements relating to utilization of minority business enterprises, on the basis that the regulations require more of its recipients and contractors than is required of other contractors doing business with the Government. The Department made the decision to maintain provisions requiring goals for contracting with minority business enterprises, and other specific provisions which exceed existing Government requirements relating to utilization of minority business enterprises. The Department determined that section 403, in authorizing the Secretary to promulgate rules he deemed necessary to carry out the purposes of the section, would also provide authority for extension of existing government requirements. It was also determined that the regulations offered greater assurance of contracting opportunities in both their specificity and in their increased application to smaller contracts. Further, provisions in the regulations requiring affirmative action goals utilize a mechanism which has proved effective in meeting objectives of other government equal opportunity programs.

Comments proposed that the Department raise to $500,000 the $50,000 con-

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tractual level for requiring the minority business contracting program set forth in § 27.6(c). They maintained that other provisions in the regulations offer protection of opportunities on smaller contracts, and that application of § 27.6(c) to those contracts would cause reluctance to provide services and supplies for the Pipeline Project, particularly where equipment or supplies were in low supply, or where contractors had limited connection with the Pipeline. The comments also argued that application of § 27.6(c) to small contractors would create an undue enforcement burden on recipients in meeting their obligation to assure their contractors' adherence to the regulations.

The Department determined to apply the requirements of § 27.6(c) to all contracts over $150,000 as it determined that application of the provisions to smaller contractors might create the problems addressed by the comments. It was further determined that application of the provisions to those contractors was not necessary to gain contracting opportunities on small projects, as other provisions in the regulations require affirmative action to contract with minority business enterprises on all contracts of $10,000 or more. An additional factor in making the determination to raise the contractual level was the exemption of small contracts from specific contracting programs which exists in other government regulations requiring utilization of minority business enterprises.

The Department did not raise the contractual level beyond $150,000 as it was determined that the requirements of § 27.6(c) would not create an undue burden for larger contractors. It was also determined that raising the amount to higher levels could be detrimental to assuring contracting opportunities for minority enterprises.

Comments proposed deletion of provisions requiring affirmative action with regard to business enterprises owned or controlled by women. Those comments took the position that complaints alleging sex discrimination are based primarily upon denials of employment, rather than contracting, opportunities. The Department determined to maintain provisions in the proposed regulations on the basis that section 403, in prohibiting discrimination in all activities, would provide authority to address discrimination against women in contracting activities.

Comments also proposed deletion of the requirement that recipients and contractors take necessary steps to assist minority business enterprises in obtaining and maintaining suitable bonding requirements, on the basis that the provision appears to require that recipients and contractors serve as bonding companies. As it was not intended that the provision require creation of bonding companies or the guarantee of bonding availability, the language of the provision was changed to clarify that the regulations require specific actions to assist potential minority business enterprises in obtaining and maintaining suitable bonding capabilities, in those instances where bonds are required.

A large number of comments requested "set asides" for minority businesses. They also proposed funding for minority business trade associations to assist in packaging materials and providing services related to contracting opportunities offered by the Pipeline Project.

The Department did not incorporate either proposal in the regulations. It determined that provisions in the regulations requiring goals and timetables for contracting with minority business enterprises would meet the same objectives as set asides. They would also offer consistency with goals and timetables provisions of other government regulations requiring affirmative action of enterprises doing business with the Government.

The Department found no authority or precedent in government equal employment programs for requiring or providing funding of trade associations.

A large number of comments requested that the regulations require a publication system to inform minority business associations of contracting opportunities covered by the regulations. The Department made the decision to add a section to the rules to provide both minority business enterprises and their trade associations with information on contracting opportunities. It determined that communication of contracting opportunities provided the basis for taking affirmative action in the contracting area, and that the requirement should be specifically stated. Comments that the provision for notification was overly broad were dismissed for the reason that the regulations require that specific affirmative action provisions provide the standard for compliance with the notification requirement.

Other comments proposed that goals and timetables for contracting with minority enterprises apply to qualification and placement on bid lists rather than to award of contracts. The Department made the decision to maintain the proposed requirements, determining that the award of contracts, rather than procedures prior to award, was of necessity the ultimate concern in assuring nondiscrimination in contracting.

Other comments requested changes in provisions relating to compliance procedures. The Department was requested to extend the time for submission of affirmative action plans from 60 to 120 days after the effective date of the regulations. In making the decision to maintain the 60 days period, it determined that sixty days was sufficient to prepare the submission, and that the process of achieving a final plan should be delayed no longer than necessary.

Several comments requested changes in the complaint procedures established by the regulations. Comments requested deletion of the provision authorizing complaints made on behalf of a class. They also proposed deletion of the provision permitting the extension of time in which a complaint must be filed, and deletion of the provision ensuring confidentiality of a complainant's identity. Other comments requested deletion of the requirement that complaints establish "good cause" in order to qualify for investigation.

Changes were made in the language of the provisions to delete the concept of establishing "good cause" prior to investigation of a compliance review report, complaint, or other information which appears to indicate failure to comply with the rules. Changes were also made to indicate that a complaint could be filed by any person who believed himself or any other individual to be subjected to discrimination. The Department determined that the complaint provisions should provide the flexibility to assure maximum and just use of the complaint procedure and to assure that the Department is apprised of potential compliance problems. It was determined that flexibility of complaint procedures would impose little additional burden on regulated establishments for the reason that the regulations do not authorize complainants to commence enforcement action on their own behalf. Therefore, the Department determined to make no further changes in the provisions.

Other comments requested deletion of provisions requiring an assurance of compliance with the rules prior to award of a federal authorization or a contract to which they apply. The comments stated that contractual provisions required by the regulations provide the assurances requested. The Department determined to require that all applications for federal authorizations and all contracts to which the regulations apply contain assurances. It made the determination in order to provide consistency with other government equal opportunity regulations, which require similar assurances. The Department determined to provide further consistency by incorporating in the assurances a provision from other equal opportunity regulations, that the recipient or contractor does not and will not maintain facilities in a segregated manner.

Comments took issue with proposed § 27.7(e) on the basis that it appeared to require that recipients and contractors open their books and records to all participants and beneficiaries of its operations and services. The comments stated that the proposed section would disrupt operations and would provide no protection of confidential data. The Department made changes in § 27.7(e) to clarify the intent of the provision, to limit release of data to information which would enhance an individual's participation in nondiscrimination programs, and aid recipients and contractors in meeting their obligations under the regulations.

Comments were also received relating to enforcement provisions in the regulations. A large number of comments took issue with proposed § 27.9(d), on the basis that it appeared to limit "judicial recourse," to permit the Secretary to restrain a complainant's access to the courts. The comments stated that the maximum limitation upon a complainant should be his exhaustion of administrative remedies. The Department found no reason to make changes in the provision as § 27.9(d) is concerned with actions to effect compliance by the Department, rather than by private individuals.

Comments took issue with provisions of the regulations that require recipients and contractors to "secure the compliance" of those with whom they contract. The Department adopted language suggested in the comments to clarify the intent of the regulations, that ultimate enforcement is achieved through termination of contractual arrangements with a violating party rather than through securing his compliance. The provisions now require that recipients and contractors make "every good faith effort" to achieve the compliance of their contracting parties with the regulations.

Other comments proposed deletion of provisions in § 27.8(e) which state that a recipient's or contractor's commitments to achieve compliance with the regulations will not preclude future determinations of noncompliance "based on a finding that the commitments are not sufficient to achieve compliance or that the commitments are not being met."

It was determined that a change of language to define the circumstances in which new determinations can be made would clarify the intent of the section and also meet the objection that it is inequitable to require additional compliance commitments after determining adherence to the regulations. The section now provides for future determinations of noncompliance when information not known to the Department Compliance Officer caused acceptance of commitments which were insufficient to correct deficiencies and when commitments are not being met.

The Department made no further change in the section for the reason that other Government regulations concerned with equal opportunity make provision for similar future determinations of noncompliance.

Comments proposed deletion of provisions authorizing the use of proceedings under State or local law to effect compliance with the regulations. They took the position that compliance with Federal obligations should be secured through Federal proceedings. The Department determined to maintain the proposed provisions on the basis that similar procedures are authorized in regulations implementing Title VI of the Civil Rights Act of 1964, regulations which section 403 establishes as guidelines for enforcing the requirements of that section.

Requests for provisions to define "contractor" and "subcontractor" were met with the addition of two subsections in § 27.14.

Requests for revision of language of the regulations, which involved no change in substance, were met by making minor language changes where they appeared to provide clarification.

Comments proposing implementing policy will be considered as implementation of the regulations proceeds.

With changes resulting from comments received on the proposed rules, Title 43 of the Code of Federal Regulations is amended by adding a new Part 27, reading as follows. The Regulations will become effective September 24, 1974.

JOHN C. WHITAKER,
Under Secretary.

SEPTEMBER 16, 1974.

Sec.

27.1 Purpose.
27.2 Application.
27.3 Discrimination prohibited.
27.4 Assurances.
27.5 Equal opportunity terms.
27.6 Equal opportunity implementation.
27.7 Compliance information.
27.8 Compliance procedures.
27.9 Procedures for effecting compliance.
27.10 Hearings.
27.11 Decisions and notices.
27.12 Judicial review.
27.13 Effect on other regulations; forms and instructions.
27.14 Definitions.

AUTHORITY: Sec. 403, 87 Stat. 576 (1973).

§ 27.1 Purpose.

The purpose of this part is to effectuate section 403 of Public Law 93–153 (87 Stat. 576) to the end that no person shall on the grounds of race, creed, color, national origin, or sex, be excluded from receiving, or participating in any activity conducted under, any permit, right-of-way, public land order, or other Federal authorization granted or issued under Title II of Public Law 93–153, 87 Stat. 584, the Trans-Alaska Pipeline Authorization Act.

§ 27.2 Application.

This part applies to all activities, including contracting, employment, services, financial aids, and other benefits, conducted under permits, rights-of-way, public land orders, and other Federal authorizations granted or issued under Title II of the Act by recipients of those authorizations, their agents, contractors, and subcontractors at each of their facilities conducting such activities.

§ 27.3 Discrimination prohibited.

(a) *General.* No person shall on the grounds of race, creed, color, national origin, or sex, be excluded from receiving or participating in any activity conducted under, any permit, right-of-way, public land order, or other Federal authorization to which this part applies.

(b) *Specific discriminatory actions prohibited.* No recipient of any permit, right-of-way, public land order, or other Federal authorization to which this part applies, or its contractors, or subcontractors to which this part applies may directly or through contractual or other arrangements, on the grounds of race, creed, color, national origin, or sex, discriminate in offering or providing employment, contracting, services, financial aids, or other benefits as follows:

(1) *Employment practices.* No recipient, contractor, or subcontractor to which this part applies may, directly or through contractual or other arrangements, subject an individual to discrimination on the grounds of race, creed, color, national origin, or sex in its employment practices, including recruitment advertising, hiring, firing, up-grading, promotion, demotion, or transfer, layoff, or terminations, rates of pay or other forms of compensation, or benefits, selection for training, or apprenticeship, use of facilities, treatment of employees or any other employment practice.

(2) *Contracting practices.* No recipient, contractor, or subcontractor to which this part applies may discriminate on the grounds of race, creed, color, national origin, or sex in its contracting practices, including but not limited to, determining qualification for placement on bidder lists, composition of bidder lists, pre-bid conferences, solicitation for bids, designation of quantities, or other specifications, delivery schedules, contract award and performance, or any other contracting practice.

(3) *Services, financial aids and other benefits.* No recipient, contractor, or subcontractor to which this part applies may, directly or through contractual or other arrangements, on the grounds of race, creed, color, national origin, or sex, discriminate in offering or providing services, financial aids, or other benefits as follows:

(i) Deny an individual any service, financial aid, or other benefit provided, in whole or in part, because of any Federal authorization to which this part applies;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit provided, in whole or in part, because of any Federal authorization to which this part applies;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit provided, in whole or in part, because of any Federal authorization to which this part applies;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit offered, in whole or in part, because of any Federal authorization to which this part applies;

(vi) Deny an individual an opportunity to participate in any activity made possible, in whole or in part, because of any Federal authorization to which this part applies, through the provision of services or otherwise, or afford him an opportunity to do so which is different from that afforded others;

(vii) Deny an individual the opportunity to participate as a member of a

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planning or advisory body participating in the provision of any service, financial aid, or other benefit which is integrally associated with any Federal authorization to which this part applies;

(4) *Determining and administering services, financial aids and other benefits.* In determining the types of services, financial aids or other benefits, or facilities which will be provided because of any Federal authorization to which this part applies, or the class of individuals or establishments to whom, or the situations in which, such services, financial aids, other benefits or facilities will be provided, or the class of individuals or establishments to be afforded an opportunity to participate in any activity made possible, in whole or in part, because of any Federal authorization to which this part applies, a recipient, contractor, or subcontractor to which this part applies, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals or establishments to discrimination because of their race, creed, color, national origin, or sex.

(5) *Site or location of facilities.* In determining the site or location of facilities, for the provision of services, financial aids, or other benefits, a recipient, contractor or subcontractor to which this part applies, may not make selections with the purpose or effect of excluding individuals or establishments from, denying them the benefits of, or subjecting them to discrimination on the grounds of race, creed, color, national origin, or sex, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Section 403 of Public Law 93–153 and implementing rules, regulations, and orders.

(6) *References to services, financial aides or other benefits.* References to services, financial aids or other benefits shall be deemed to include all services, financial aids, or other benefits provided in or through facilities, programs, or operations made possible, in whole or in part, because of any Federal authorizations to which this part applies.

(7) *Scope of prohibited discrimination.* The enumeration of specific forms of prohibited discrimination in this paragraph (b) does not limit the generality of the prohibitions in paragraph (a) of this section.

§ 27.4 Assurances.

Every application for a permit, right-of-way, public land order, or other Federal authorization to which this part applies, filed after the effective date of these regulations, and every contract covered hereunder to provide goods, services or facilities in the amount of $10,000 or more to the recipient of any Federal authorization to which this part applies, must contain an assurance that the recipient, contractor, or subcontractor does not and will not maintain any facilities in a segregated manner, and that all requirements imposed by or pursuant to section 403 of Public Law 93–153 shall be met, and that it will require a similar assurance in every subcontract over $10,000. The assurances shall be in a form specified by the Department Compliance Officer.

§ 27.5 Equal opportunity terms.

Each permit, right-of-way, public land order, or other Federal authorization to which this part applies, shall include by reference or incorporation by operation of law the terms, conditions, obligations, and responsibilities of this § 27.5, as follows:

(a) The recipient hereby agrees that it will not, directly or through contractual or other arrangements, on the grounds of race, creed, color, national origin, or sex, discriminate against any individual or establishment in offering or providing contracts, employment, services, financial aids, or other benefits. Recipient will take affirmative action to utilize minority business enterprises in the performance of contracts awarded by recipient, to assure that applicants for employment are employed and that employees are treated during employment, and that individuals are offered and provided services, financial aids, and other benefits without regard to their race, creed, color, national origin, or sex. Recipient agrees to post in conspicuous places available to contractors, employees, and other interested individuals, notices which set forth these equal opportunity terms and to notify interested individuals, such as bidders, purchasers, and labor unions or representatives of workers with whom it has collective bargaining agreements of recipient's obligations under section 403 of Public Law 93–153.

(b) The recipient will comply with all rules, regulations, and orders of the Department of the Interior which implement section 403 of Public Law 93–153.

(c) The recipient will furnish all information and reports required by or pursuant to rules, regulations, and orders implementing section 403 of Public Law 93–153 and permit access to its books, records, and accounts by the Secretary of the Interior, the Department Compliance Officer, or other designee of the Secretary, for purposes of investigation to ascertain compliance with rules, regulations, and orders of the Department of the Interior which implement section 403 of Public Law 93–153.

(d) The recipient recognizes and agrees that its obligation for compliance with section 403 of Public Law 93–153 and implementing rules, regulations, and orders extends not only to direct activities, but also to require that contractors, subcontractors, suppliers, and lessees, comply with section 403 and implementing rules, regulations and orders. To that end the recipient agrees that with regard to all contracts over $10,000 and all contracts of indefinite quantity [unless there is reason to believe that the amount to be ordered in any year under the contract will not exceed $10,000] to:

(1) Obtain as part of its contractual arrangements with such parties, as a minimum form of assurance an agreement in writing, that:

(i) The contractor hereby agrees that it will not, directly or through contractual or other arrangements, on the grounds of race, creed, color, national origin, or sex, discriminate against any individual or establishment in offering or providing contracts, employment, services, financial aids, or other benefits. Contractor will take affirmative action to utilize minority business enterprises in the performance of subcontracts which it awards, and to assure that applicants are employed and that employees are treated during employment, and that individuals are offered and provided services, financial aids, and other benefits without regard to their race, creed, color, national origin, or sex. Contractor agrees to post in conspicuous places available to contractors, employees, and other interested individuals notices which set forth these equal opportunity terms and to notify interested individuals, such as bidders, purchasers, and labor unions or representatives of workers with whom it has collective bargaining agreements of contractor's obligations under section 403 of Public Law 93–153.

(ii) The contractor will comply with all rules, regulations, and orders of the Department of the Interior which implement section 403 of Public Law 93–153.

(iii) The contractor will furnish all information and reports required by or pursuant to rules, regulations, and orders implementing section 403 of Public Law 93–153 and permit access to its books, records, and accounts by the Secretary of the Interior, the Department Compliance Officer, or other designee of the Secretary, for purposes of investigation to ascertain compliance with rules, regulations, and orders of the Department of the Interior which implement section 403 of Public Law 93–153.

(iv) Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of said rules, regulations, and orders shall constitute a breach of its contractual arrangements whereby said arrangements may be cancelled, terminated, or suspended, or may be subject to enforcement otherwise by appropriate legal proceedings.

(v) Contractor will obtain the provisions of paragraph (d)(1)(i)–(v) of this section in all subcontracts over $10,000 and all subcontracts of indefinite quantity [unless there is reason to believe that the amount to be ordered in any year under the contract will not exceed $10,000].

(2) Recipient will make every good faith effort to secure the compliance and will assist and cooperate actively with the Department Compliance Officer and the Secretary or his designee in obtaining and enforcing the compliance of said contracting parties with the requirements of Section 403 and implementing rules, regulations, and orders, and with their respective contractual arrangements; and will take such action with respect to any contract or purchase order

that the Secretary of the Interior, the Department Compliance Officer, or other designee of the Secretary may direct as a means of enforcing such provisions: *Provided, however,* That in the event the recipient becomes involved in litigation with a noncomplying party, it may request the Department of the Interior to enter into such litigation to protect the interests of the United States in the enforcement of these obligations, and

(3) Recipient will obtain and furnish to the Department Compliance Officer such information as he may require for the supervision or securing of such compliance.

(e) In the event of the recipient's noncompliance with the equal opportunity terms, compliance may be effected by the suspension or termination or refusal to grant or to continue providing the Federal authorization in accordance with procedures authorized by section 403 of Public Law 93–153, and set forth in implementing rules, regulations, or orders, or by any other means authorized by law.

§ 27.6 Equal opportunity implementation.

Within sixty (60) days of the effective date of these regulations, or within sixty (60) days from the commencement of a Federal authorization to which this part applies, whichever occurs later, recipients of Federal authorizations to which this part applies, shall prepare and submit an affirmative action plan for each of their establishments to which this part applies, to assure that the requirements of this part will be met. In addition, recipients and each of their prime contractors and subcontractors shall require each contractor and subcontractor with a contract of $50,000 or more and 50 or more employees to develop within sixty (60) days from the commencement of the contract and to keep on file a written affirmative action plan for each of its establishments, to which this part applies, with the exception of those establishments which the Department Compliance Officer determines are in all respects separate and distinct from performance of the activities of the prime contractor or subcontractor conducted under the Federal authorizations. Such plans shall include a set of specific and result-oriented procedures which the recipient, contractor or subcontractor commits itself to apply every good faith effort to achieve equal opportunity in all aspects of its operations. An acceptable program must include an analysis of all areas of operation of the recipient, contractor, or subcontractor in which it could be deficient in offering services, opportunities, or benefits to minority groups and women, and all areas of employment in which it could be deficient in the utilization of minority groups and women and all areas of contracting in which it could be deficient in the utilization of minority business enterprises, and, further, specific goals and specific timetables to which its efforts will be directed, to correct all deficiencies and thus to increase materially the participation of minorities and women in all aspects of its operation. The implementing affirmative action plans shall include the following:

(a) *Services, financial aids, and other benefits.* The implementing program is required to specifically address all areas of operation of the recipient, contractor or subcontractor which offer and provide services, financial aids, and other benefits; it shall identify those services, financial aids, and benefits; analyze the opportunities available to minorities and women in each area; and set forth affirmative action, including goals and timetables, which will be taken to materially increase participation of minorities and women.

(b) *Employment practices.* The implementing plan shall address all aspects of employment operations and is required to contain all analyses and commitments, including goals and timetables, which are required in rules, regulations, and orders implementing Executive Order 11246, as amended, and to include additional commitments to employment goals for minorities and women in construction operations, to the extent that those goals are not established under Executive Order 11246.

(c) *Contracting practices.* Recipients to which this part applies and each of their contractors and subcontractors with a contract of $150,000 or more shall also include in their affirmative action plan a program in which the recipient, contractor or subcontractor agrees to take specific affirmative action as set forth below to utilize minority business enterprises as subcontractors and suppliers. For this purpose, the term "minority business enterprise" means a business enterprise that is owned or controlled by minority group members or women. The plan shall identify specific actions which the recipient, contractor or subcontractor will take to:

(1) Designate a liaison officer who will administer the minority business enterprises program;

(2) Provide adequate and timely consideration of the potentialities of minority business enterprises in all contracting decisions;

(3) Afford minority business enterprises an equitable opportunity to compete for contracts and subcontracts by arranging solicitations, time for preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of minority business enterprises;

(4) Submit periodic reports of contracting opportunities, procedures, and awards to minority business enterprises, at such times, and in such form, and containing such information as the Department Compliance Officer may prescribe, including reports showing:

(i) Procedures which have been adopted to comply with the policies set forth in this clause, including the establishment of a source list of minority business enterprises;

(ii) Awards to minority business enterprises on the source lists, and

(iii) Specific efforts to identify and award contracts to minority business enterprises.

(5) Establish specific goals and timetables to utilize minority business enterprises in the performance of contracts awarded.

(6) Inform minority business enterprises and organizations of minority business enterprises of contracting opportunities and procedures.

(7) Cooperate with the Department Compliance Officer in any studies and surveys of the recipient's minority business enterprise procedures and practices that the Department Compliance Officer may from time to time conduct.

(8) Assist potential minority business enterprises in obtaining and maintaining suitable bonding capabilities, in those instances where bonds are required.

(d) *Exemption.* Contracts and subcontracts are exempt from the requirements of the equal opportunity clause with regard to work performed outside the United States by employees who were not recruited within the United States.

§ 27.7 Compliance information.

(a) *Records, reports, and access to books.* Each recipient, contractor, or subcontractor to which this part applies, shall keep such records and submit to the Department Compliance Officer complete and accurate reports, at such times, and in such form, and containing such information, as he may determine to be necessary to enable him to ascertain whether the recipient, contractor or subcontractor has complied or is complying with rules, regulations and orders implementing section 403 of Public Law 93–153. In the case where the recipient, contractor or subcontractor contracts with another, such other contractor shall also submit such compliance reports to the recipient, contractor or subcontractor as may be necessary to enable the recipient, contractor or subcontractor to determine and carry out his obligations under section 403 of Public Law 93–153 and implementing rules, regulations, and orders.

(b) *Access to sources of information.* Each recipient, contractor and subcontractor to which this part applies, shall permit access by the Department Compliance Officer or his designee or by the Secretary or his designee during normal business hours to such of his books, records, accounts, and other sources of information, and his facilities, as may be pertinent to ascertain compliance with rules, regulations, and orders implementing section 403 of Public Law 93–153.

(c) *Information in possession of other agency, institution, or person.* Where any information required of a recipient, contractor or subcontractor is in the exclusive possession of any other agency, institution, or person and such agency, institution or person shall fail or refuse to furnish this information, the recipient, contractor or subcontractor shall so certify in a report and shall set forth what efforts it has made to obtain the information.

(d) *Failure to submit reports.* Failure to file timely, complete and accurate re-

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ports as required constitutes noncompliance with the equal opportunity clause and is ground for the imposition by the agency, recipient, contractor, or subcontractor of any sanctions as authorized by section 403 of Public Law 93–153 and implementating rules, regulations, and orders.

(e) *Information to beneficiaries and participants.* Each recipient, contractor and subcontractor to which this part applies, shall make available to participants in and beneficiaries of its operations and services, information regarding the provisions of this part and the details of the recipient's, contractor's or subcontractor's compliance with this part, to the extent that it will enhance their participation in nondiscrimination programs of recipient, contractor, or subcontractor, and aid the recipient, contractor, or subcontractor in meeting its obligations under this part.

§ 27.8 **Compliance procedures.**

(a) *Approval of affirmative action plans.* The Department Compliance Officer shall from time to time review the recipient's, contractor's or subcontractor's affirmative action plans to determine whether they meet the requirements of rules, regulations and orders implementing section 403 of Public Law 93–153. Where deficiencies are found to exist, the Department Compliance Officer or his designee will so inform the recipient, contractor or subcontractor and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 27.9.

(b) *Periodic compliance reviews.* The Department Compliance Officer shall from time to time review the practices of recipients, contractors and subcontractors to determine whether they are complying with the rules, regulations and orders implementing section 403 of Public Law 93–153. The purpose of the compliance review is to determine if the recipient, contractor or subcontractor maintains nondiscriminatory operations and practices and whether it is taking the action required by the rules, regulations, and orders implementing section 403 of Public Law 93–153 to assure that no person on the grounds of race, creed, color, national origin or sex is excluded from receiving or participating in any activity conducted under any permit, right-of-way, public land order or other Federal authorization to which this part applies. It shall consist of a comprehensive analysis of all aspects of the recipient's, contractor's or subcontractor's operations and practices which may be involved, and the policies and conditions resulting therefrom. Where necessary, recommendations for appropriate sanctions shall be made.

(c) *Complaints.* Any person who believes himself or any other individual to be subjected to discrimination prohibited by this part may file with the Department Compliance Officer or his designee, a written complaint. A complaint must be filed not later than 120 days from the date of the alleged discrimination, unless the time for filing is extended by the Department Compliance Officer or his designee.

(d) *Investigations.* The Department Compliance Officer or his designee will make a prompt investigation whenever a compliance review report, complaint, or any other information indicates a possible failure to comply with the rules, regulations, and orders implementing section 403 of Public Law 93–153. The investigation should include, where appropriate, a review of the pertinent practices and polices of the recipient, contractor, or subcontractor, the circumstances under which the possible noncompliance occurred and other factors relevant to a determination as to whether the recipient, contractor or subcontractor has failed to comply with section 403 of Public Law 93–153 and implementing rules, regulations, and orders.

(e) *Resolution of matters.* (1) If an investigation pursuant to paragraph (a), (b), (c), or (d) of this section indicates a failure to comply with the rules, regulations, and orders implementing section 403 of Public Law 93–153, the Department Compliance Officer or his designee will so inform the recipient, contractor or subcontractor and the matter will be resolved by informal means whenever possible. Before the recipient, contractor or subcontractor can be found to be in compliance, he must make specific commitments in writing, to correct all deficiencies. The commitments must include the precise actions to be taken and dates for completion. The time periods allotted shall be no longer than the minimum periods necessary to effect such changes. Upon approval of the Department Compliance Officer, the recipient, contractor or subcontractor, may be considered in compliance, on condition that the commitments are faithfully kept. The recipient, contractor or subcontractor shall be notified that making such commitments does not preclude future determinations of noncompliance when the commitments are not being met or when there is a determination by the Department Compliance Officer that the full facts were not known at the time commitments were accepted, and that commitments are not sufficient to correct deficiencies.

(2) If an investigation does not warrant action pursuant to paragraph (e) (1) of this section, the Department Compliance Officer shall so inform the recipient, contractor or subcontractor, and the complainant, if any, in writing.

(f) *Intimidatory or retaliatory acts prohibited.* No recipient, contractor or subcontractor shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 403 of Public Law 93–153 and implementing rules, regulations, and orders, or because he has made a complaint, testified, assisted, benefited from, or participated in any manner in an investigation, compliance review, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

(g) *Approval of action by Authorized Officer.* During the period of construction of the Trans-Alaska Pipeline, and until such time as this paragraph (g) is rescinded by the Secretary, the Department Compliance Officer shall coordinate all actions taken pursuant to this part with the Authorized Officer and shall secure the approval of the Authorized Officer prior to the taking of any final act hereunder.

§ 27.9 **Procedures for effecting compliance.**

(a) *General.* If there appears to be a failure or refusal of any recipient, contractor, or subcontractor to observe or comply substantially with section 403 of Public Law 93–153, or implementing rules, regulations, and orders, compliance may be effected through the use of conciliation conferences, informal hearings, and procedures to cause termination or suspension of or refusal to grant or to continue the permit, or other Federal authorization to which this part applies, or of the contracts to which this part applies, or by any other means authorized by law. Such other means may include, but are not limited to:

(1) A reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States or any assurance or other contractural undertaking, and

(2) Any applicable proceeding under State or local law.

(b) *Noncompliance with § 27.4.* In the event that a recipient fails or refuses to furnish an assurance required under § 27.4, or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section the failure or refusal may, at the option of the Secretary, be grounds for authorizing proceedings to cause refusal of the Federal authorization in accordance with the procedures of paragraph (c) of this section. The Department of the Interior shall not be required to provide the authorization in such a case during the pendency of the administrative proceedings under such paragraph.

(c) *Termination of or refusal to grant or to continue the Federal authorization.*—(1) *General.* In those instances where a recipient fails or refuses to observe or comply substantially with section 403 of Public Law 93–153 or implementing rules, regulations, and orders, noncompliance at the option of the Secretary, may be grounds for termination, suspension, refusal to grant or continue the Federal authorization.

(i) *Recommendation to proceed.* The Department Compliance Officer may request that the Secretary commence procedures to suspend, terminate, or refuse to grant or continue the Federal authorization or to cause such suspension, termination, or refusal to grant. He shall indicate the specific grounds for alleging noncompliance with section 403 and implementing rules, regulations, and orders, the actions which would create compliance, and the time necessary to achieve compliance.

(ii) *Commencement of proceedings.* Before the Secretary authorizes the commencement of an administrative proceeding for termination, suspension, or refusal to grant any Federal authorization to which this part applies, the Secretary or his designee shall give the recipient notice in writing of the alleged ground or grounds for termination or formal suspension, or refusal to grant, with sufficient particularity to enable the recipient to comply with section 403 of Public Law 93–153 and implementing rules, regulations and orders. The recipient shall have sixty (60) days from the date of delivery of the notice within which to comply. If compliance cannot be achieved in sixty (60) days, the recipient shall be entitled to additional time if he demonstrates that compliance is not possible within the sixty (60) day period and that the necessary curative actions were undertaken promptly and have been diligently prosecuted toward completion; provided further that the aforesaid additional time shall not exceed ninety (90) days from the last day of the said sixty (60) day period, without the prior written consent of the Secretary or his designee which shall specify the last day upon which the curative action must be completed to the satisfaction of the Secretary or his designee.

(iii) *Opportunity for a hearing.* No order suspending, terminating or refusing to grant or continue any Federal authorization to which this part applies shall become effective until there has been an express finding on the record, after opportunity for a formal hearing, of a failure by the applicant or recipient to comply substantially with section 403 of Public Law 93–153 or implementing rules, regulations, and orders and the action has been approved by the Secretary pursuant to paragraph (e) of § 27.11.

(d) *Other means authorized by law.* No action to effect compliance by any other means authorized by law shall be taken until (1) the action has been approved by the Secretary, (2) the recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance, and (3) the expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days additional efforts shall be made to persuade the recipient or other person to comply and to take such corrective action as may be appropriate.

§ 27.10 **Hearings.**

(a) *Informal hearings*—(1) *Purpose.* The Department Compliance Officer may convene such informal hearings as may be deemed appropriate for the purpose of inquiring into the status of compliance of any recipient, contractor, or subcontractor to which this part applies.

(2) *Notice.* Recipients, contractors, and subcontractors shall be advised in writing as to the time and place of the informal hearings and may be directed to bring specific documents and records, or furnish other relevant information concerning their compliance status. When so requested, the recipient, contractor, or subcontractor shall attend and bring requested documents and records, or other requested information.

(3) *Conduct of hearings.* The hearing shall be conducted by hearing officers appointed by the Department Compliance Officer. Parties to informal hearings may be represented by counsel or other authorized representative as provided in 43 CFR, Part 1 and shall have a fair opportunity to present any relevant material. Formal rules of evidence will not apply to such proceedings.

(b) *Formal hearings*—(1) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by paragraph (c) of § 27.9, reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (i) fix a date not less than twenty (20) days after the date of such notice within which the applicant or recipient may request of the Secretary or his designee or the administrative judge to whom the matter has been assigned that the matter be scheduled for hearing or (ii) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 403 of Public Law 93–153 and implementing rules, regulations, and orders and consent to the making of a decision on the basis of information on the record.

(2) *Time and place of hearing.* Hearings shall be conducted by the Office of Hearings and Appeals of the Department, at a time and place fixed by the administrative law judge to whom the matter has been assigned. Hearings shall be held before an administrative law judge designated by the Office of Hearings and Appeals in accordance with its procedures.

(3) *Right to Counsel.* In all proceedings under this section, the applicant or recipient and the Department shall have the right to be represented by counsel or other authorized representative as provided in 43 CFR Part 1.

(4) *Procedures, evidence, and record.* (i) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (b) (1) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the administrative law judge conducting the hearing at the outset of or during the hearing.

(ii) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where determined reasonably necessary by the administrative law judge conducting the hearing. The administrative law judge may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent that the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(5) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more Federal authorizations to which this part applies, or asserted to constitute noncompliance with this part and the regulations of one or more other Federal departments or agencies, the Secretary may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with § 27.11.

§ 27.11 **Decisions and notices.**

(a) *Initial decision by an administrative law judge.* The administrative law judge shall make an initial decision and a copy of such initial decision shall be sent by registered mail, return receipt requested, to the recipient or applicant.

(b) *Review of the initial decision.* The applicant or recipient may file his exceptions to the initial decision, with his reasons therefor, with the Director, Office of Hearings and Appeals, within thirty (30) days of receipt of the initial decision. In the absence of exceptions, the Director, Office of Hearings and Appeals, on his own motion within forty-five (45) days after the initial decision, may notify the applicant or recipient that he will review the decision. In the

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absence of exceptions or a notice of review, the initial decision shall constitute the final decision subject to the approval of the Secretary pursuant to paragraph (f) of this section.

(c) *Decisions by the Director, Office of Hearings and Appeals.* Whenever the Director, Office of Hearings and Appeals, reviews the decision of an administrative law judge pursuant to paragraph (b) of this section, the applicant or recipient shall be given reasonable opportunity to file with him briefs or other written statements of its contention, and a copy of the final decision of the Director, Office of Hearings and Appeals, shall be given to the applicant or recipient and to the complainant, if any.

(d) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to paragraph (b)(1) of § 27.10, a decision shall be made by the Director, Office of Hearings and Appeals, on the record and a copy of such decision shall be given in writing to the applicant or recipient and to the complainant, if any.

(e) *Rulings required.* Each decision of an administrative law judge or the Director, Office of Hearings and Appeals, shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(f) *Approval by Secretary.* Any final decision of an administrative law judge or of the Director, Office of Hearings and Appeals, which provides for the suspension or termination of, or the refusal to grant or continue a Federal authorization, or the imposition of any other sanction available under this part, shall promptly be transmitted to the Secretary, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(g) *Content of decisions.* The final decision may provide for suspension or termination of, or refusal to grant or continue a Federal authorization, in whole or in part, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of section 403 of Public Law 93-153 and implementing rules, regulations, and orders, including provisions designated to assure that no Federal authorization will be extended under Title II of Public Law 93-153 to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to section 403 and implementing rules, regulations, and orders or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the Secretary that it will fully comply with this part.

(h) *Post termination decisions.* An applicant or recipient adversely affected by an order issued under paragraph (g) of this section shall be restored to full eligibility to receive the Federal authorization if it satisfies the terms and conditions of that order for such eligibility and if it provides reasonable assurance that it will fully comply with this part.

§ 27.12 **Judicial review.**

Action taken pursuant to this part is subject to judicial review.

§ 27.13 **Effect on other regulations; forms and instructions.**

(a) *Effect on other regulations.* Nothing in these regulations shall be deemed to supersede any of the following (including future amendments thereof):

(1) Executive Order 11246, as amended, and regulations therefor;

(2) Executive Order 11063 and regulations issued thereunder, or any other regulations or instructions insofar as such Order, regulations, or instructions prohibit discrimination on the ground of race, creed, color, national origin, or sex in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(3) Regulations to effectuate Title VI of the Civil Rights Act of 1964.

(b) *Forms and instructions.* The Department Compliance Officer may issue and make available to interested persons instructions and procedures for effectuating this part.

(c) *Supervision and coordination.* The Secretary may from time to time assign to such officials of the Department as he deems appropriate, or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of this part (other than responsibility for final decision as provided in § 27.11), including the achievement of effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of this part. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action had been taken by the Secretary of the Interior.

§ 27.14 **Definitions.**

As used in this part:

(a) The term "Secretary" means the Secretary of the Interior.

(b) The term "applicant" means one who submits an application for any Federal authorization to which this part applies.

(c) The term "recipient" means any entity or individual who receives a permit, right-of-way, public land order, or other Federal authorization granted or issued under Title II of Public Law 93-153 and its agent or agents.

(d) The term "contract" means any agreement or arrangement between a recipient and any person (in which the parties do not stand in the relationship of an employer and an employee) in any way related to the activities of the recipient conducted under any permit, right-of-way, public land order, or other Federal authorization granted or issued under Title II.

(e) The term "subcontract" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee) in any way related to the performance of any one or more contracts as defined above.

(f) The Authorized Officer means the employee of the Department, designated to act on behalf of the Secretary pursuant to the Agreement and Grant of Right-of-Way for Trans-Alaska Pipeline or such other person to whom the Authorized Officer redelegates his authority pursuant to the delegation of authority to the Authorized Officer from the Secretary.

(g) The Department Compliance Officer means that officer of the Department of the Interior so designated by the Secretary.

[FR Doc.74-22147 Filed 9-23-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Salt Plains National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on September 24, 1974.

§ 28.28 **Special regulations; public access, use, and recreation; for individual wildlife refuge areas.**

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Retrieving zones of approximately 100 yards in width are established immediately inside the exterior refuge boundary at certain locations as designated by signs. These retreiving zones are delineated on maps available at refuge headquarters, Jet, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. A hunter may enter these retrieving zones to retrieve dead or crippled waterfowl which he has legally killed or crippled by hunting outside the refuge boundary but which have fallen inside the exterior boundary of the refuge and within the designated retrieving zones. The use of dogs and the possession of firearms or weapons inside the exterior boundary of the refuge and in the authorized retrieving zones is prohibited.

The provisions of this special regulation supplement the regulations which govern the public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through January 11, 1975.

JERRY L. STEGMAN,
Acting Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

SEPTEMBER 16, 1974.

[FR Doc.74-22122 Filed 9-23-74;8:45 am]

PART 32—HUNTING

De Soto National Wildlife Refuge, Iowa

The following special regulation is issued and is effective September 24, 1974.

§ 32.12 **Special regulations; migratory game birds; for individual wildlife refuge areas.**

IOWA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of waterfowl on De Soto National Wildlife Refuge, Iowa, is permitted in accordance with the following special regulations:

1. *Species.* Only waterfowl species (ducks, geese, coots) may be taken.

2. *Seasons.* The open season on the refuge hunting area will be November 1–December 9, 1974. Shooting hours will be the same as for the respective state, with the exception that refuge hunting will stop at 12:00 noon each day.

3. *Bag Limits.* Bag limits for waterfowl species will be the same as the state bag limits.

4. *Methods of Hunting.* Hunters must hunt from refuge-constructed, 3-man blinds only. Blinds will be assigned under an advance reservation system. Individuals will be allowed to hold only one reservation at any one time. When this is used, he may apply for an unfilled date. Hunters will be required to check in and out at the refuge check station. Hunters will be allowed the use of decoys (either personal or rented at check station) and retrieving dogs (one per hunter).

All hunting will be from blinds only, with the exception that crippled birds may be pursued and shot within the shooting zone only (within 40 yards of blind as posted). Crippled birds may be pursued beyond this point up to the retrieval zone line (as posted), but guns must remain inside the shooting zone.

Shotguns only will be permitted, capable of holding three shells or less. Steel shot loads will be required in the refuge hunting area. These may be purchased at the refuge check station and will be available in 12 gauge only. Lead loads will not be allowed. A maximum of 25 shells per hunter will be allowed per day.

5. *Open Area.* The area open to hunting is delineated on maps available at refuge headquarters. The location of the hunting area is on the periphery of refuge lands in the northeast portion of the refuge. This area comprises about 355 acres.

6. *Other Provisions.* All hunting will be by permit only. Applications for a specific date will be accepted by mail or in person at refuge headquarters, DeSoto National Wildlife Refuge, RR-1, Box 114, Missouri Valley, Iowa 51555, between the hours of 8:00 a.m.–5:00 p.m., Monday through Friday. Reservations will be accepted on and after September 18, 1974. Reservations will not be accepted by phone. Applicants for reservations must be at least 16 years of age or older. A $3.00 fee must accompany each request for a reservation, and this must be in the form of a check or money order. Each reservation holder will be entitled to bring two additional hunters with him in order to utilize the 3-man blinds. Each person will be charged $1.00 when he registers to hunt. Goose decoys, up to 3 dozen per blind, may be rented at the refuge check station at a charge of $1.00 per dozen. Hunters will be responsible for decoys and will be charged for any decoys lost or damaged. Personal decoys may also be used.

Reservations are non-transferable and fees will not be refunded. No provisions will be made for "stand by" hunters. Blinds will be assigned only once each day. Vacated blinds will not be refilled.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 9, 1974.

JAMES E. FRATES,
Refuge Manager, DeSoto National Wildlife Refuge, Missouri Valley, Iowa.

SEPTEMBER 16, 1974.

[FR Doc.74-22144 Filed 9-23-74;8:45 am]

PART 32—HUNTING

De Soto National Wildlife Refuge, Nebraska

The following special regulations is issued and is effective on September 24, 1974.

§ 32.12 **Special regulations; migratory game birds; for individual wildlife refuge areas.**

NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Public hunting of waterfowl on De Soto National Wildlife Refuge, Nebraska, is permitted in accordance with the following special regulations:

1. *Species.* Only waterfowl species (ducks, geese, coots) may be taken.

2. *Seasons.* The open season on the refuge hunting area will be November 1–December 8, 1974. Shooting hours will be the same as for the respective state, with the exception that refuge hunting will stop at 12:00 noon each day.

3. *Bag Limits.* Bag limits for waterfowl species will be the same as the state bag limits.

4. *Methods of Hunting.* Hunters must hunt from refuge-constructed, 3-man blinds only. Blinds will be assigned under an advance reservation system. Individuals will be allowed to hold only one reservation at any one time. When this is used, he may apply for an unfilled date. Hunters will be required to check in and out at the refuge check station. Hunters will be allowed the use of decoys (either personal or rented at check station) and retrieving dogs (one per hunter).

All hunting will be from blinds only, with the exception that crippled birds may be pursued and shot within the shooting zone only (within 40 yards of blind as posted). Crippled birds may be pursued beyond this point up to the retrieval zone line (as posted), but guns must remain inside the shooting zone.

Shotguns only will be permitted, capable of holding three shells or less. Steel shot loads will be required in the refuge hunting area. These may be purchased at the refuge check station and will be available in 12 gauge only. Lead loads will not be allowed. A maximum of 25 shells per hunter will be allowed per day.

5. *Open Area.* The area open to hunting is delineated on maps available at refuge headquarters. The location of the hunting area is on the periphery of refuge lands in the southwest portion of the refuge. This area comprises about 431 acres.

6. *Other Provisions.* All hunting will be by permit only. Applications for a specific date will be accepted by mail or in person at refuge headquarters, DeSoto National Wildlife Refuge, RR-1, Box 114, Missouri Valley, Iowa 51555, between the hours of 8:00 a.m.–5:00 p.m., Monday through Friday. Reservations will be accepted on and after September 18, 1974. Reservations will not be accepted by phone. Applicants for reservations must be at least 16 years of age or older. A $3.00 fee must accompany each request for a reservation, and this must be in the form of a check or money order. Each reservation holder will be entitled to bring two additional hunters with him in order to utilize the 3-man blinds. Each person will be charged $1.00 when he registers to hunt. Goose decoys, up to 3 dozen per blind, may be rented at the refuge check station at a charge of $1.00 per dozen. Hunters will be responsible for decoys and will be charged for any decoys lost or damaged. Personal decoys may also be used.

Reservations are non-transferable and fees will not be refunded. No provisions will be made for "stand by" hunters. Blinds will be assigned only once each day. Vacated blinds will not be refilled.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 8, 1974.

JAMES E. FRATES,
Refuge Manager, DeSoto National Wildlife Refuge, Missouri Valley, Iowa.

SEPTEMBER 16, 1974.

[FR Doc.74-22145 Filed 9-23-74;8:45 am]

PART 32—HUNTING

Bombay Hook National Wildlife Refuge; Delaware

The following special regulation is issued and is effective during the period October 14, 1974 through October 19, 1974.

§ 32.32 **Special regulations; big game; for individual wildlife refuge areas.**

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer with primitive weapons on the Bombay Hook National Wildlife Refuge, Delaware, is permitted

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only on the Deer Hunting Area and South Upland Hunting Area. These open deer hunting areas are delineated on maps available at refuge headquarters, Smyrna, Delaware 19977 and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer with firearms subject to the following special conditions:

(1) Hunting with primitive weapons on the Deer Hunting Area is permitted only on October 14 through October 19.

(2) The number of hunters admitted to the Deer Hunting Area at any one time will be restricted to 50.

(3) Permits are required for the Deer Hunting Area and will be issued on a first-come, first-served basis one hour before shooting time.

(4) Hunters using the Deer Hunting Area and the South Upland Hunting Area must show proof of completion of a weapons qualification test. This test will consist of placing three consecutive rounds in a 12-inch circle at 50 yards, firing from the offhand position. The type of weapon used for the qualification test must be the same type that is to be used for the hunt—percussion or flintlock.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through October 19, 1974.

RICHARD E. GRIFFITH,
Regional Director, U.S. Fish and Wildlife Service.

SEPTEMBER 12, 1974.

[FR Doc.74-22118 Filed 9-23-74;8:45 am]

PART 32—HUNTING

Audubon National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on September 24, 1974.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

NORTH DAKOTA

AUDUBON NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Audubon National Wildlife Refuge, North Dakota, is permitted only in the area designated by signs as open to hunting. This open area, comprising 13,837 acres, is delineated on a map available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following special conditions:

(1) Hunting is permitted from 12:00 noon, c.d.t. November 8, 1974 to sunset of that day, and from sunrise until sunset of each day from November 9 through November 17, 1974.

(2) All hunters must exhibit their hunting license, deer tag, game, and vehicle contents to Federal and State officers upon request.

(3) Vehicular traffic, including the use of boats, is prohibited by hunters on the refuge during the deer season.

The provision of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 17, 1974.

DAVID C. MCGLAUCHLIN,
Refuge Manager, Audubon National Wildlife Refuge.

SEPTEMBER 17, 1974.

[FR Doc.74-22121 Filed 9-23-74;8:45 am]

PART 32—HUNTING

Chincoteague National Wildlife Refuge, Va.

The following special regulation is issued and is effective during the period October 12, 1974 through January 3, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VIRGINIA

CHINCOTEAGUE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Chincoteague National Wildlife Refuge, Virginia, is permitted only on the areas designated by signs as open to hunting. The open areas are delineated on maps available at refuge headquarters, P.O. Box 62, Chincoteague, Virginia 23336, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston Massachusetts 02109. Hunting will be in accordance with all applicable State regulations governing the hunting of deer subject to the following conditions:

(1) Species to be taken: (a) Archery hunt—sika deer and whitetail deer, either sex; (b) Stag hunt—sika or whitetail. Hunter must bag an adult female, (maybe a buck with unbranched antlers), before a stag (five points or better) can be taken.

(2) Bag limits: (a) Archery hunt—one per day, two per license year, either sex; (b) Stag hunt—one per day, two per license year, with the provisions that the first deer must be an adult female and the second a stag (five points or better).

(3) Season: (a) Archery—October 12 through November 9, 1974 except Sundays; (b) Gun hunts—December 2–December 6, December 9–13, December 16–20, December 23–26 and December 30, 1974–January 3, 1975.

(4) Weapons: (a) Archery—Long bow and arrow only. Archers must use broadhead arrows with blades at least ⅞ inch wide and bows capable of propelling any arrow in their possession 125 yards. All arrows in an archers possession while hunting must be marked with hunters name and address. Archers may not have firearms or illegal arrows in their possession. (b) Stag Hunt weapons—Rifles and Shotguns, modern or antique, capable of being modified to hold only one round will be acceptable. Rifles of .23 caliber or larger will be permitted. Slugs only will be permitted in shotguns. Possession of firearms or ammunition on refuge which is not stipulated as permitted in these regulations is prohibited.

(5) Dogs are prohibited.

(6) Hunting hours—Same as State hunting hours. All hunters must be clear of the hunting areas by 8:00 PM.

(7) Carrying loaded firearms or bows in or on or shooting from a vehicle is prohibited.

(8) Camping and fires are prohibited.

(9) All hunters under 18 years of age must be accompanied by an adult.

(10) All wounded deer will be reported to refuge personnel immediately. All deer killed on area must be brought by the maintenance area to be tagged.

(11) Before a permit will be issued to any hunter he must take and pass a hunter qualification test based on State and Refuge hunting regulations. (a) Archery—To qualify for an archery permit, archers must submit a certified target to the refuge office. The target must bear the name and address of the archery range and the signature of the range official who actually witnessed the placing of at least three out of five arrows within a 12-inch bullseye from 25 yards or better. Hunter's name and complete mailing address should be on the target. Permits will be mailed or may be picked up in person at the refuge office. Permits must be returned with the data section completed to the refuge office by November 30, 1974. Hunters failing to return their permit, whether used or not, may be refused a permit for the 1975 season.

(b) Stag Hunt—Ten hunters will be selected for each 5 day hunt by a drawing held on October 30 and will be notified of their selection by mail. To apply for the hunt, each hunter must submit a target to the refuge office not later than October 12, 1974. The target must bear the name and address of the range official who actually witnesses the firing of three consecutive shots held within the 12-inch bullseye. The shots must be fired from 50 yards or better in the standing position with the weapon to be used during the hunt. Hunter's name and address must be written on the target. Specify which hunt you prefer if any. Permits to hunt will be issued during an orientation briefing held at 8:00 a.m. on the Monday of each hunt. Hunters will need to bring their license, big game tag and weapon to the briefing. A refuge official will show each hunter the boundaries of his or her assigned hunting areas. All applicable Virginia game laws and Federal regulations shall be in effect.

The provisions of this Special Regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 3, 1975.

RICHARD E. GRIFFITH,
Regional Director, U.S. Fish and Wildlife Service.

SEPTEMBER 12, 1974.

[FR Doc.74-22119 Filed 9-23-74;8:45 am]

PART 32—HUNTING

Presquile National Wildlife Refuge, Va.

The following special regulations are issued and are effective during the period October 18, 1974 through November 8, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VIRGINIA

PRESQUILE NATIONAL WILDLIFE REFUGE

Public hunting of white-tailed deer on the Presquile National Wildlife Refuge is permitted on the entire refuge except within 200 yards of all buildings. Hunting shall be in accordance with all applicable State regulations governing the hunting of white-tailed deer, subject to the following special conditions:

(1) A Federal permit will be required at no charge to the applicant. Permits will be issued for a two consecutive day period except for November 1, 5 and 8, which will be for one day only. Permits will be limited to 135 for each two-day period and 80 for each one-day hunt. They will be issued in advance of the season to hunters selected from a public drawing to be held on October 1 in the refuge office, 202 Tartan Building, 320 E. Broadway, Hopewell, Virginia. Applications must be printed or typed and contain the following information: Name, address, specify gun hunt or archery hunt, up to three other names and addresses of members in party, three preference dates, and whether hunter will use boat or not. Bow hunters must pass a qualification test which will consist of placing 3 out of 5 arrows in a 9 by 15 inch chest area of a standard deer size target at 25 yards. In order to be in the drawing for an archery permit, archers must submit a certification statement to the refuge office by September 27. The statement must bear the name and address of the archery range and signature of range official who actually witnessed the qualification. Permits are non-transferable and will be mailed to selected applicants after the drawing. Alternates will also be selected from standby hunters at the ferry landing to fill any vacant slots if permittees do not show up.

(2) Only white-tailed deer may be taken from one half-hour before sunrise to one half-hour after sunset with bow and arrow only on October 18, 19, 25 and 26; and with shotguns on November 1, 5 and 8.

(3) Bag limits: One deer pay day, either sex.

(4) All hunters must enter the refuge on the ferry at 6 a.m. e.d.t. (5 a.m. e.s.t.) except that boats will be permitted only for those hunters desiring to hunt in the swamp. All boat occupants must wear life jackets. Only small boats will be permitted with outboard engines no larger than 10 h.p. There will be an official State checking station at the refuge headquarters. Hunters must be checked out by refuge officials before leaving the island and leave the refuge by 7 p.m. e.d.t. (6 p.m. e.s.t.).

(5) All travel on the refuge will be on foot or by refuge vehicles. Boats will be permitted in the swamp creeks. Horses and dogs are prohibited.

(6) Possession of firearms on the refuge during the bow and arrow only hunts is prohibited.

(7) All arrows in the possession of each hunter must be marked with the stand number issued to the hunter.

(8) One-hundred thirty-five stands corresponding to the allowable number of hunters on each day of the bow hunts and 80 stands corresponding to the allowable number of hunters on each day of the gun hunts are located throughout the refuge. Each hunter will be assigned the stand corresponding to his permit number. Fluorescent orange must be visible on each gun hunter. Bow hunters will remain at their assigned stands from one half-hour before sunrise to 10 a.m. From 10 a.m. to one half-hour after sunset, they may hunt anywhere within the open area. Archers must wear fluorescent orange when going to and from their stand, and when hunting away from their stand. Shotgun hunters will remain on their stands throughout the day's hunt. Boats must be moored throughout the day. Boats leaving the creek during the day cannot return that day.

(9) All hunters under 18 years of age must be accompanied by an adult.

(10) Scouting will be permitted on October 11 and 12. The refuge ferry will take passengers to the island at 8 a.m. e.d.t., and return to the mainland at 10 a.m. and 12 noon.

(11) These special regulations and maps are available at refuge headquarters, Hopewell, Virginia, and from the Regional Director, U.S. Fish and Wildlife Service, Post Office and Courthouse Building, Boston, Massachusetts 02109.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally, as set forth in Title 50, Code of Federal Regulations, Parts 26 and 32, and are effective through November 8, 1974.

RICHARD E. GRIFFITH,
Regional Director, U.S. Fish and Wildlife Service.

SEPTEMBER 12, 1974.

[FR Doc.74-22120 Filed 9-23-74;8:45 am]

V 39 186 SEP 24 74 XUM

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 6]

INDUCEMENTS FURNISHED TO RETAILERS OF DISTILLED SPIRITS

Notice of Proposed Rulemaking

Notice is hereby given that the regulations set forth in tentative form are proposed to be prescribed by the Director, Bureau of Alcohol, Tobacco and Firearms, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, on or before October 24, 1974. Any written comments or suggestions not specifically designated as confidential in accordance with 27 CFR 71.22(d)(7) may be inspected by any person upon written request. The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions as exempt from disclosure. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Director within the 30-day period. In such a case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended (27 U.S.C. 205)).

Dated: September 12, 1974.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

The Bureau of Alcohol, Tobacco and Firearms has been petitioned by the Distilled Spirits Council of the United States (DISCUS), a trade association representing numerous distillers and bottlers of distilled spirits, to amend the regulations relating to inducements furnished to retailers (27 CFR Part 6) issued under the provisions of the Federal Alcohol Administration Act (27 U.S.C. 205).

The "Tied House" provisions of the Federal Alcohol Administration Act (27 U.S.C. 205(b)(3)), among other things, make it unlawful for an importer, producer, or wholesaler of alcoholic beverages, directly or indirectly or through an affiliate, to induce a retailer to purchase distilled spirits, wine, or malt beverages from such person to the exclusion in whole or in part of distilled spirits, wine, or malt beverages sold or offered for sale by other persons in interstate commerce, under the conditions set forth therein, by furnishing, giving, renting, lending, or selling to the retailer any equipment, fixtures, signs, supplies, services, or other things of value. The Act, however, authorizes the Secretary to prescribe by regulations certain exceptions to this rule. As guidelines in considering whether or not a particular trade practice should be excepted, section 5(b) of the Act provides that consideration is to be given to the "public health, the quantity and value of articles involved, established trade customs not contrary to the public interest and the purposes of this subsection", which is, of course, designed to outlaw unfair competition and unlawful trade practices.

One exception to the Act's general prohibitions is set forth in 27 CFR 6.23a. This section provides, in part, that a person engaged in business as a distiller, rectifier, blender, producer, importer, wholesaler, or bottler of distilled spirits, may, regardless of the inducement effect, give, rent, lend, or sell to a retailer signs, posters, placards, designs, devices, decorations or graphic displays, for use in windows, or elsewhere within a retailer's establishment, if they have no value to the retailer except as advertisements, and if the total value of all such materials furnished by any individual industry member in use at any time at any one retail establishment does not exceed $15 for materials used in window displays, or $30 for materials used elsewhere than in windows, exclusion of expenses incurred by the industry member in connection with the transportation, assembly, and installation of such materials.

Another exception to the Act's general prohibitions is found in 27 CFR 6.28. This section, provides in part, that advertising specialties, such as trays, coasters, thermometers, or clocks, which bear advertising matter, may be given, furnished, or sold to a retailer if the aggregate cost to any industry member of such materials does not exceed $10 for any one retail establishment in any one calendar year.

The DISCUS petition proposes amendment of 27 CFR 6.23a, to increase the limitation for advertising materials furnished to retailers from $15 to $25 for materials used in window displays, and from $30 to $50 for materials used elsewhere than in windows. It also proposes amendment of 27 CFR 6.28, to increase the limitation for advertising specialties furnished to retailers from $10 to $20.

The advertising limitation for distilled spirits at the retail level was established at $10, in 1936. In 1954, subsequent to public hearings held in 1953, two separate limitations were established for distilled spirits advertising material—one limitation for materials used in window displays and another for materials used in interior displays. These limits were set at $15 and $30, respectively. The reasons behind the change were primarily related to the increase in the cost of advertising materials. The limitation for retailer advertising specialties, however, has remained at $10 since it was established in 1936.

The justification given by DISCUS in its current amendment proposal is, again, the increased cost of materials. Based on wholesale price index figures, it appears that costs in general have increased approximately 110% since 1936 and 60% since 1954. Thus, the increases requested in the DISCUS petition seem reasonable in respect to inflation. But, "quantity" and "value" are only two of the factors the Bureau must consider in reaching a decision as to the proposed regulatory change. With respect to two of the other factors that must be considered, "public health" and "trade customs", the Bureau has limited information. Therefore, the Bureau has decided to propose the regulatory changes petitioned for, but at the same time to encourage the submission of relevant data, comments, or suggestions by members of the alcoholic beverage industry, consumers, or other government agencies. It is therefore proposed to amend 27 CFR Part 6 as follows:

PARAGRAPH 1. Revise § 6.23a to increase the advertising allotment. As revised, § 6.23a reads as follows:

§ 6.23a Inside signs; distilled spirits.

Signs, posters, placards, designs, devices, decorations or graphic displays, bearing advertising matter and for use in the windows or elsewhere in the interior of a retail establishment, may be given, rented, loaned, or sold to a retailer by an industry member engaged in business as a distiller, rectifier, blender, producer, importer, wholesaler, bottler, or warehouseman and bottler, of distilled spirits, (a) if they have no value to the retailer except as advertisements, (b) if the total value of all such materials furnished by any industry member and in use in any one retail establishment at any one time does not exceed $25 in the case of materials used in window displays, or does not exceed $50 in the case of materials used elsewhere than in the windows, and (c) if the cost of installation of such materials does not exceed that which is usual and customary in that locality: *Provided*, That the industry member shall not directly or indirectly pay or credit the retailer for displaying such materials or for any expense incidental to their operation.

PAR. 2. Revise § 6.28 to increase the maximum allotment. As revised, § 6.28 reads as follows:

§ 6.28 Retailer advertising specialties.

Retailer advertising specialties, such as trays, coasters, beer mats, menu cards, meal checks, paper napkins, foam scrapers, back bar mats, tap markers, thermometers, clocks, and calendars, which bear advertising matter and which are primarily valuable to the retailer as point of sale advertising media, may be furnished, given, or sold to a retailer if the aggregate cost to any industry member of such retailer advertising specialties furnished, given, or sold in connection with any one retail establishment in any one calendar year does not exceed $20.

[FR Doc.74-22086 Filed 9-23-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1030, 1001, 1002, 1004, 1006, 1007, 1011, 1012, 1013, 1015, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1060, 1061, 1062, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096, 1097, 1098, 1099, 1101, 1102, 1104, 1106, 1108, 1120, 1121, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1137, 1138, and 1139]

[Docket Nos. AO-361-A12, etc.]

MILK IN THE CHICAGO REGIONAL, AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

In the matter of:

7 CFR part	Marketing area	Docket No.
1030	Chicago Regional	AO-361-A12.
1001	Boston Regional	AO-14-A54.
1002	New York-New Jersey	AO-71-A69.
1004	Middle Atlantic	AO-160-A52.
1006	Upper Florida	AO-356-A12.
1007	Georgia	AO-366-A12.
1011	Appalachian	AO-251-A17.
1012	Tampa Bay	AO-347-A16.
1013	Southeastern Florida	AO-286-A24.
1015	Connecticut	AO-305-A32.
1032	Southern Illinois	AO-313-A26.
1033	Ohio Valley	AO-166-A45.
1036	Eastern Ohio-Western Pennsylvania.	AO-179-A40.
1040	Southern Michigan	AO-225-A29.
1044	Michigan Upper Peninsula	AO-299-A21.
1046	Louisville-Lexington-Evansville.	AO-123-A41.
1049	Indiana	AO-319-A24.
1050	Central Illinois	AO-355-A17.
1060	Minnesota-North Dakota	AO-360-A11.
1061	Southeastern Minnesota-Northern Iowa (Dairyland).	AO-367-A10.
1062	St. Louis-Ozarks	AO-10-A48.
1063	Quad Cities-Dubuque	AO-105-A40.
1064	Greater Kansas City	AO-23-A47.
1065	Nebraska-Western Iowa	AO-86-A33.
1068	Minneapolis-St. Paul, Minn.	AO-178-A34.
1069	Duluth-Superior	AO-153-A23.
1070	Cedar Rapids-Iowa City	AO-229-A29.
1071	Neosho Valley	AO-227-A30.
1073	Wichita	AO-173-A31.
1075	Black Hills, S. Dak	AO-248-A16.
1076	Eastern South Dakota	AO-260-A22.
1078	North Central Iowa	AO-272-A24.
1079	Des Moines, Iowa	AO-295-A29.
1090	Chattanooga, Tenn	AO-266-A19.
1094	New Orleans, La	AO-103-A36.
1096	Northern Louisiana	AO-257-A24.
1097	Memphis, Tenn	AO-219-A30.
1098	Nashville, Tenn	AO-184-A36.
1099	Paducah, Ky	AO-183-A30.
1101	Knoxville, Tenn	AO-195-A23.
1102	Fort Smith, Ark	AO-237-A24.
1104	Red River Valley	AO-268-A24.
1106	Oklahoma Metropolitan	AO-210-A37.
1108	Central Arkansas	AO-243-A28.
1120	Lubbock-Plainview, Tex	AO-328-A17.
1121	South Texas	AO-364-A9.
1124	Oregon-Washington	AO-368-A7.
1125	Puget Sound, Wash	AO-226-A27.
1126	North Texas	AO-231-A42.
1127	San Antonio, Tex	AO-232-A28.
1128	Central West Texas	AO-238-A31.
1129	Austin-Waco, Tex	AO-256-A24.
1130	Corpus Christi, Tex	AO-259-A28.
1131	Central Arizona	AO-271-A18.
1132	Texas Panhandle	AO-262-A26.
1133	Inland Empire	AO-275-A27.
1134	Western Colorado	AO-301-A15.
1136	Great Basin	AO-309-A21.
1137	Eastern Colorado	AO-326-A19.
1138	Rio Grande Valley	AO-335-A22.
1139	Lake Mead, Nev	AO-374-A2.

Notice is hereby given of a public hearing to be held at the Camelot Inn, 6565 North Mannheim Road, Rosemont, Illinois (near O'Hare National Airport), beginning at 9:00 a.m., local time, on October 8, 1974, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforelisted marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions that relate to the minimum level of Class I price to be established for the forthcoming fall and winter months under each of the aforesaid orders. Evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably require the omission of a recommended decision in conjunction with any emergency amendatory actions that may result with respect to any of the aforesaid orders.

Proponents of price proposals point out that prices to producers have declined nearly $2.00 per hundredweight over the past five months while milk production costs have increased. Thus, they point out that, unless appropriate price adjustments are immediately initiated to provide assurance of returns sufficient to offset production costs, adequate milk supplies cannot be assured.

Numerous requests for this hearing have been received from Members of Congress; state officials; national, state, and local farm organizations; regulated handlers; and individual producers and may be summarized as follows:

ALL ORDERS

PROPOSAL NO. 1

Amend each of the respective orders to provide immediately for a minimum basic formula price of up to $7.50 and for each of the months through March 1975.

PROPOSAL NO. 2

Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

No proposal has received the approval of the Secretary except for purposes of hearing.

Copies of this notice of hearing and the orders may be procured from the market administrators of the respective orders, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on September 18, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-22128 Filed 9-20-74;9:54 am]

Farmers Home Administration

[7 CFR Part 1842]

[FmHA Instruction 449.1]

BUSINESS AND INDUSTRIAL LOANS

Eligibility Criteria; Withdrawal of Proposed Rulemaking

The purpose of this notice is to withdraw Notice 74-16869 (39 FR 26914) in which the Farmers Home Administration solicited comments on a proposed amendment of Part 1842 involving § 1842.12 which provided for investigative procedures for establishing eligibility requirements for guaranteed or insured loans. No comments have been received during the 30-day solicitation period, and inasmuch as the entire Part 1842 is being revised, this proposal published at 39 FR 26914 dated July 24, 1974, is hereby withdrawn.

((7 U.S.C. 1989); delegation of authority by Secretary of Agriculture, 7 CFR 2.23; delegation of authority by Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: September 18, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-22130 Filed 9-23-74;8:45 am]

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DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 254]

TOTAL ACCOMMODATIONS AND CREW COMPLEMENTS FOR SUBSIDIZED VESSELS

Procedures for Establishing

There is hereby proposed a new Part 254 to Title 46 of the Code of Federal Regulations setting forth the procedures by which the Maritime Subsidy Board of the Maritime Administration (the Board) will establish proper total accommodations and crew complements for vessels to be constructed, reconstructed or reconditioned with construction-differential subsidy under Title V of the Merchant Marine Act, 1936, as amended (the Act) (46 U.S.C. 1151–1161), and crew complements necessary for the efficient and economical operation of vessels to be operated with operating-differential subsidy under Title VI of the Act (46 U.S.C. 1171–1183).

Under the procedures as proposed, the Crew Committee of the Maritime Administration will review the proposed crew complements and total accommodations submitted by the applicant for subsidy and will recommend either that they be adopted as proposed or that a disallowance be made. If the Crew Committee proposes to disallow any proposed accommodation, officer or crew member, the applicant may comment on such proposed disallowance before the Crew Committee transmits its recommendation to the Board.

After review of the Crew Committee's recommendation and the submissions made by the applicant, the Board will establish total accommodations and crew complements for vessels to be constructed, reconstructed or reconditioned with construction-differential subsidy, and crew complements necessary for the efficient and economical operation of vessels to be operated with operating-differential subsidy. Representatives of the collective bargaining units responsible for the manning of the vessel involved will be provided with the opportunity to comment on the disallowance of any officer or crew member proposed by the applicant before such Board action becomes final. Finally, any person having an interest in the Board's action may petition the Secretary of Commerce for review thereof.

Although the promulgation of regulations establishing agency procedures is exempt from the requirements of 5 U.S.C. 553, the Board is publishing these regulations in proposed form. Comments concerning these proposed regulations should be submitted in duplicate to the Secretary, Maritime Administration, Washington, D.C. 20230. All material received on or before October 24, 1974, will be considered.

All comments in response to this proposal will be available for public inspection during normal business hours at the foregoing address.

Part 254 of Title 46 of the Code of Federal Regulations is proposed to read as follows:

PART 254—PROCEDURES FOR ESTABLISHING TOTAL ACCOMMODATIONS AND CREW COMPLEMENTS FOR SUBSIDIZED VESSELS

Sec.

254.1 Purpose.
254.2 Definitions.
254.3 Submissions by applicant for subsidy.
254.4 Crew Committee recommendation to the Board.
254.5 Board action and the right of petition for review.
254.6 New determination of crew complement.

AUTHORITY: Sec. 204(b), Merchant Marine Act, 1936, as amended, 49 Stat. 1987 (46 U.S.C. 1114); Reorganization Plans No. 21 of 1950, 64 Stat. 1273 and No. 7 of 1961, 75 Stat. 840, as amended by Pub. L. 91–469, 84 Stat. 1036; Department of Commerce Organization Order 10–8, 38 FR 19707, July 23, 1973.

§ 254.1 Purpose.

The purpose of this part is to set forth the procedure by which the Maritime Subsidy Board shall approve total accommodations and crew complements for vessels to be constructed, reconstructed or reconditioned with construction-differential subsidy under Title V of the Merchant Marine Act, 1936, as amended, and crew complements necessary for the efficient and economical operation of vessels to be operated with operating-differential subsidy under Title VI of that Act.

§ 254.2 Definitions.

For purposes of this part:

(a) "Act" means the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101–1294).

(b) "Applicant" means any United States citizen who submits to the Maritime Administration, Department of Commerce, an application for CDS, ODS or both.

(c) "Board" means the Maritime Subsidy Board of the Maritime Administration, Department of Commerce.

(d) "Construction-differential subsidy" ("CDS") means the excess of the cost of constructing, reconstructing or reconditioning a vessel (excluding the cost of national defense features) in a shipyard of the United States over the foreign cost of constructing, reconstructing or reconditioning such vessel, as estimated by the Board.

(e) "Crew Committee" means the Crew Committee of the Maritime Administration, Department of Commerce.

(f) "Operating-differential subsidy" ("ODS") means the excess of the cost of subsidizable items of expense incurred in the operation under United States registry of a vessel over the cost of the same items (excluding any increase in the cost of such items due to national defense features) if such vessel were operated under the registry of substantial foreign competitors, as estimated by the Board, or in the case of any vessel in an essential bulk carrying service, such sums as the Board determines to be necessary to make the cost of operating such vessel competitive with the costs of operating a similar vessel under the registry of a foreign country.

(g) *"Total accommodations"* means the accommodations provided for officers, crew members and all others.

§ 254.3 Submissions by applicant for subsidy.

(a) *Applicant for CDS.* At the time of application for CDS, the applicant shall submit to the Board the proposed total accommodations and crew complement, specifying each officer and crew member for each vessel to be constructed, reconstructed or reconditioned with CDS and the purpose of each accommodation other than for officers and crew members.

(b) *Applicant for ODS.* At the time of application for ODS, the applicant shall submit to the Board a proposed crew complement for each vessel for which ODS is requested, setting forth each officer and crew member proposed to man such vessel.

(c) *Analysis of crew complement.* If the crew complement proposed by the applicant has not been previously approved by the Board for a vessel of comparable type, or if the Crew Committee determines that a significant change in vessel operation or design or other event effecting the crew complement necessary for the efficient and economical operation of the vessel has occurred subsequent to a determination by the Board of the crew complement for a vessel of comparable type, the Crew Committee may request and the applicant shall thereupon submit a detailed analysis of the functions and responsibilities of each proposed officer and crew member.

§ 254.4 Crew Committee recommendation to the Board.

(a) *Recommendation of allowance or disallowance.* After review of the proposed total accommodations, the proposed crew complement, and any submission made by the applicant pursuant to § 254.3(c) of this part, the Crew Committee shall either (i) recommend to the Board the adoption of the proposals as submitted by the applicant, or (ii) notify the applicant in writing that it proposes to recommend disallowance of the proposals as submitted and provide the applicant with an analysis and comment setting forth the basis for its proposed recommendation of disallowance.

(b) *Comment by applicant.* (1) Within a reasonable time specified in the notice of proposed recommendation of disallowance, the applicant may comment on the Crew Committee's analysis and comment.

(2) After consideration of any comments submitted by the applicant on the Crew Committee's analysis and comment, the Crew Committee shall recommend to the Board the crew complement necessary for the efficient and economical operation of each vessel to be operated with ODS and the proper total accommodations and crew complement for each vessel to be constructed, reconstructed or reconditioned with CDS. If such recommendation disallows any accommodation or officer or crew member proposed by the applicant, the Crew Committee shall notify the applicant in writing and provide the applicant with a copy of its recommendation to the Board.

§ 254.5 Board action and the right of petition for review.

(a) *Board action.* (1) After consideration of the Crew Committee's recommendation and the submissions made by the applicant pursuant to §§ 254.3 and 254.4(b)(1), the Board shall determine the crew complement necessary for the efficient and economical operation of each vessel to be operated with ODS and proper accommodations and crew complement for each vessel to be constructed, reconstructed, or reconditioned with CDS.

(2) If the Board's determination under paragraph (a)(1) of this section disallows any officer or crew member proposed by the applicant, such determination shall be tentative and the Board shall issue a Tentative Opinion and Order setting forth the basis for such disallowance. A copy of such Tentative Opinion and Order shall be mailed to the representatives of the collective bargaining units responsible for the manning of the vessel, and they may submit comments thereon within a reasonable period of time specified by the Board.

(3) After consideration of any comments submitted pursuant to paragraph (a)(2) of this section and such amendment of its determination as may be considered by the Board to be appropriate in view of such comments, the Board shall issue a Final Opinion and Order.

(b) *Petition for review.* Any person having an interest in the Board's Final Opinion and Order may petition the Secretary of Commerce for review in accordance with § 7.02 of Department of Commerce Organization Order 10–8 (38 FR 19707, July 23, 1973).

§ 254.6 New determination of crew complement.

If the Board determines that any proposed amendment to the ODS contract would significantly alter the basis of its prior determination of the crew complement necessary for the efficient and economical operation of a vessel subject to such contract, e.g., because of a proposed change in the operation or design of the vessel, the operator shall be so notified and shall thereupon apply for a new determination by the Board of the proper crew complement for such vessel pursuant to this part.

Dated: September 17, 1974.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.74-22173 Filed 9-23-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 610 and 620]

BIOLOGICAL PRODUCTS

Proposed Additional Standards for Cholera Vaccine

Section 351 of the Public Health Service Act requires that each manufacturer of Cholera Vaccine be licensed prior to marketing such vaccine in interstate commerce. Licenses for establishments manufacturing the vaccine may be issued only upon a showing that the particular establishment will produce Cholera Vaccine that is safe, pure, potent, and efficacious. Currently, licensing for the production and distribution of Cholera Vaccine is guided primarily by uncodified standards published in 1964 by the Department of Health, Education, and Welfare as "Recommendations Relating to the Manufacture of Cholera Vaccine."

The Bureau of Biologics, Food and Drug Administration, has been reviewing many licensed products, including Cholera Vaccine, for the purpose of revising older standards of production and testing. The proposed additional standards for the manufacture of Cholera Vaccine include many of the provisions of the published uncodified standards but also contain changes and additions that reflect more recent experience and development of scientific knowledge in the field.

A significant change is the proposed establishment of a limit of no more than three valid potency tests to be performed on each lot of vaccine. The limitation is proposed as a result of an evaluation of the statistical significance of the biological variations encountered in the potency testing of Cholera Vaccine. Analysis of the data reflects that a single test estimate of 4.4 units per milliliter or a two- or three-test geometric mean estimate of 5.3 or 5.7 units per milliliter, respectively, would not be statistically different from the corresponding U.S. Standard Vaccine having a potency of 8 units per milliliter. If the vaccine fails to meet the potency test requirements after three valid potency tests, it is extremely unlikely that results from subsequent tests could raise the cumulative mean value sufficiently to pass a corresponding potency requirement.

Cholera Vaccine contains killed *Vibrio cholerae* bacteria of the Ogawa and Inaba serotypes. Millions of people have been vaccinated with Cholera Vaccine as a means of preventing the disease. Nevertheless, effectiveness of the vaccine remained equivocal until recent years when it was shown that the vaccine could provide about 50 percent effectiveness for a period of 3 to 6 months. Presently, the vaccine is widely used in the face of epidemics, and a certificate of vaccination is required by many countries for travelers to and from areas with cholera. After considering the possible hazards associated with improper manufacture of Cholera Vaccine, the Commissioner of Food and Drugs concludes that the additional standards for Cholera Vaccine, as set forth below, are necessary to assure a uniform, quality product.

Pertinent background data and information on which the Commissioner relies in proposing this regulation are on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Subchapter F in 21 CFR Chapter I be amended as follows:

A. In Part 610:

1. By alphabetically adding two new items to the list of substances under the heading "Antigens" in § 610.20(a) as follows:

§ 610.20 Standard preparations.

(a) • • •

ANTIGENS

Cholera Vaccine, Inaba serotype.
Cholera Vaccine, Ogawa serotype.

2. By alphabetically adding a new item to the list of substances under "Antigens" in § 610.21 as follows:

§ 610.21 Limits of potency.

ANTIGENS

Cholera Vaccine, 8 units each of Inaba and Ogawa serotype antigens per milliliter.

B. In Part 620 by adding a new Subpart D consisting of seven sections, as follows:

Subpart D—Cholera Vaccine

§ 620.30 Cholera Vaccine.

The proper name of this product shall be Cholera Vaccine which shall consist of an aqueous preparation of equal parts of Ogawa and Inaba serotypes of killed *Vibrio cholerae* bacteria.

§ 620.31 Production.

(a) *Strains of bacteria.* (1) A strain of Ogawa serotypes and a strain of Inaba of *V. cholerae* shall be used in the manufacture of the vaccine. Each serotype strain shall have been shown in controlled field studies to yield a vaccine no less potent than vaccines prepared from Ogawa strain 41 and Inaba strain 35A3 obtained from the Bureau of Biologics.

(2) Antigenic integrity of the strains shall be verified by (i) the agglutination of living bacteria of each serotype by

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cholera O Group I antiserum; (ii) the agglutination of the Ogawa strain in monospecific Ogawa antiserum and of the Inaba strain in monospecific Inaba antiserum; and (iii) the absence of spontaneous agglutination of living bacteria of either strain in 0.85 percent sodium chloride solution during incubation for at least 5 hours at 37° C.

(b) *Propagation of bacteria.* The culture medium for the propagation strains shall not contain ingredients known to be capable of producing allergenic effects in human subjects. The harvested bacteria shall be free of extraneous bacteria, fungi, and yeasts as demonstrated by microscopic examination and cultural methods. Bacteria of the two serotypes shall be grown separately.

(c) *Bacterial content.* (1) The number of bacteria in each separate bacterial harvest shall be determined by use of the U.S. Opacity Standard not later than 2 hours after harvest and before treatment with a preservative or other agent capable of altering opacity of the bacterial suspension.

(2) The vaccine shall contain equal numbers of bacteria of the Ogawa and Inaba serotypes and the total number shall not exceed 8 x 10^9 bacteria per milliliter.

(d) *Nitrogen content.* The total nitrogen content of the vaccine shall not exceed 0.3 milligram per milliliter for bacteria grown on solid medium or 1.0 milligram per milliliter if grown in liquid medium. In no instance shall the vaccine contain more than 0.07 milligram per milliliter of nitrogen precipitable by the addition of an equal volume of 10 percent trichloracetic acid.

(e) *Preservative.* The vaccine shall contain a preservative.

§ 620.32 U.S. Standard preparations.

The following U.S. Standard preparations shall be obtained from the Bureau of Biologics, Food and Drug Administration, for use as prescribed in this subpart:

(a) *Vaccine Standard.* The U.S. Standard Cholera Vaccine, Ogawa serotype, and U.S. Standard Cholera Vaccine, Inaba serotype, for determining the potency of Cholera Vaccine upon reconstitution as directed.

(b) *Opacity standard.* The U.S. Opacity Standard for use in estimating the bacterial content of the vaccine and of the challenge culture.

(c) *Seed culture.* Seed cultures of *V. cholerae*, Inaba serotype, strain 35A3 and Ogawa serotype, strain 41 for preparation of vaccine challenge cultures for use in the vaccine potency test.

§ 620.33 Potency tests.

Each lot of vaccine shall be subjected to two potency tests. One test shall determine the potency of the vaccine in comparison with the U.S. Standard Cholera Vaccine, Ogawa serotype, and the other test shall determine the potency of the vaccine in comparison with the U.S. Standard Cholera Vaccine, Inaba serotype. Each test shall be performed as follows:

(a) *Mice.* Healthy mice shall be used, all from a single strain and of the same sex, or an equal number of each sex in each group, with individual weights between 10 and 14 grams. There shall be at least 4 groups consisting of no less than 16 mice each, for each dilution of vaccine in each potency test. In addition, there shall be at least four groups consisting of no less than 10 mice each for each potency test as a control for virulence titration of the challenge suspension.

(b) *Injections of vaccine.* Serial dilutions, no greater than fivefold of the vaccine to be tested and of the appropriate serotype standard vaccine shall be made in 0.85 percent sodium chloride solution. The ED_{50} value shall be bracketed by the dilutions used. Each mouse in each dilution group shall receive intraperitoneally 0.5 milliliter of the appropriate vaccine dilution. At least 87.5 percent of the mice in each dilution group shall survive and all surviving mice shall appear healthy at the time of challenge.

(c) *The challenge.* The challenge shall be administered 12 to 16 days after injection of the vaccine.

(1) The strains of *V. cholerae* for challenge shall be Ogawa 41 and Inaba 35A3. For each test, the challenge culture shall be taken from a batch of cultures maintained by a method such as freeze-drying that retains constancy of virulence.

(2) The challenge and virulence titration doses shall be prepared as follows: The bacteria for each challenge shall be harvested from a 16- to 18-hour culture grown at 36°±1° C., on a nutrient agar medium adjusted to pH 7.4. The harvested bacteria shall be uniformly suspended in a diluent consisting of M/15 phosphate buffered saline adjusted to pH 7.4 and 0.1 percent gelatin and free from agar particles and clumps of bacteria. The suspension shall be adjusted to an opacity of 10 units, and diluted in tenfold increments using the same diluent. The suspensions for the challenge and virulence titrations shall be suspended in a 5 to 10 percent sterile gastric mucin preparation adjusted to pH 7.4. The challenge suspension shall be prepared from whichever bacterial dilution provides the required LD_{50} doses for a 0.5 milliliter challenge dose. The virulence titration suspensions shall consist of the challenge suspension and at least three dilutions of the challenge suspension calculated to bracket the LD_{50} value.

(3) Each surviving mouse that received vaccine shall be inoculated intraperitoneally with a 0.5 milliliter dose of the challenge suspension. Mice in each of the four groups of control mice used for the virulence titration of the challenge suspension shall be inoculated intraperitoneally with a 0.5 milliliter dose of the challenge suspension and its respective dilutions. The challenge dose control mice shall be inoculated last. The interval between removal of the bacteria from the culture medium and the inoculation of the last mouse shall not exceed 2½ hours.

(d) *Recording the results.* The mice shall be observed daily for 2 days following challenge. A daily record shall be maintained of the number of mice that die. A record of the number of mice that survive shall be made at the end of the observation period.

(e) *Validity of the test.* The test is valid provided: (1) The ED_{50} value of the vaccine under test and the standard vaccine is between the largest and smallest doses inoculated into the mice; (2) the test for homogeneity of the dose response curves of the line for both the vaccine under test and the standard vaccine shall be acceptable; (3) the slopes of the dose response curves for the vaccine under the test and the standard vaccine shall be shown to be parallel by an appropriate statistical method; (4) the results of all dilutions shall be used to calculate the ED_{50} value of both the standard and test vaccine by the Parallel Line Bioassay Method or one statistically equivalent to it; (5) the challenge dose contains between 100 and 10,000 LD_{50} doses; and (6) the LD_{50} value of the challenge suspension contains no more than 5,000 colony-forming units determined by plate count.

(f) *Repeat tests.* If the vaccine does not meet the potency requirements prescribed in paragraph (h) of this section, repeat tests may be performed and the results of each test meeting the criteria in paragraph (e) of this section shall be combined by means of a geometric mean. The determination that the vaccine meets the potency requirements shall be made from the results of not more than three valid tests.

(g) *Estimate of the potency.* The ED_{50} value of each vaccine shall be calculated. The protective unit value of each serotype per milliliter of the vaccine under test shall be calculated in terms of the unit value of the corresponding standard vaccine.

(h) *Potency requirements.* The vaccine shall have a potency of not less than 8 units per serotype per milliliter. This requirement shall be met only if the potency for a single test is not less than 4.4 units per serotype per milliliter, or for two tests not less than 5.3 units, or for three tests not less than 5.7 units.

§ 620.34 Mouse toxicity test.

The final vaccine shall be demonstrated to be free from toxicity by the following test: A group of no less than 10 and no more than 40 mice, each mouse weighing 14 to 16 grams, shall have free access to food and water for no less than 2 hours before injection. The group weight of the mice shall be determined immediately prior to injection. Each mouse shall be injected intraperitoneally with a test dose of 0.5 milliliter of undiluted vaccine. The group weight of the mice shall be determined at the end of 72 hours. The 72-hour average weight per mouse shall be no less than the average weight per mouse immediately preceding the injection. No more than 5 percent of the total number of mice used shall die during the test period; however, neither death nor significant toxic signs that may be attributed to the vaccine, other than those caused by the preservative or the

native endotoxin in the vaccine, shall result.

§ 620.35 General requirements.

(a) *Freezing prohibition.* Cholera Vaccine shall not be frozen at any time.

(b) *Dose.* These standards are based on a total immunizing dose of two injections of 0.5 milliliter and 1.0 milliliter, respectively, given at intervals specified in the manufacturer's labeling.

(c) *Date of manufacture.* The date of manufacture shall be the date of initiation by the manufacturer of the last valid potency test for the Ogawa serotype or the Inaba serotype, whichever date is earlier.

(d) *Labeling.* In addition to the applicable labeling provisions of this chapter, the package label shall bear the following:

(1) The statement that the vaccine contains 8 units of each serotype antigen per milliliter.

(2) The statement, "DO NOT FREEZE".

(3) The statement, "SHAKE WELL".

(e) *Samples; protocols; official release.* For each lot of vaccine, the following material shall be submitted to the Director, Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20014.

(1) A sample consisting of no less than 40 milliliters of the final product contained in no less than 4 finished packages.

(2) A protocol which consists of a summary of the history of manufacture of each lot including all results of each test for which test results are requested by the Director, Bureau of Biologics, Food and Drug Administration. The raw data and results from each potency test performed shall be included.

(3) The vaccine shall not be issued by the manufacturer until notification of official release is received from the Director, Bureau of Biologics.

§ 620.36 Equivalent methods.

Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in the additional standards relating to Cholera Vaccine may be permitted whenever the manufacturer presents evidence that demonstrates the modification will provide assurances of the safety, purity, and potency of the vaccine that are equal to, or greater than, the assurances provided by such standards, and the Commissioner of Food and Drugs so finds and makes such findings a matter of official record.

Interested persons may, on or before November 25, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 17, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-22091 Filed 9-23-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-GL-31]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Baraboo, Wisconsin.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before October 24, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A standard instrument approach procedure has been developed for the Reedsburg Municipal Airport. Controlled airspace is required to protect the procedure. We propose to enlarge the Baraboo transition area to cover this procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is amended to read:

BARABOO, WISCONSIN

That airspace extending upward from 700 feet above the surface within an eleven-mile radius of Baraboo-Wisconsin Dells Airport (Latitude 43°31'30" N., Longitude 89°46'15" W.) and within an eleven-mile radius of the Reedsburg Airport (Latitude 43°31'44" N., Longitude 89°59'06" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois on September 4, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.74–22079 Filed 9–23–74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74–GL–28]

TRANSITION AREAS

Proposed Alternation and Revocation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Janesville, Wisconsin and revoke the transition area at Rockton, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before October 24, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A standard instrument approach procedure has been developed for the Beloit Wisconsin Airport. Controlled airspace is required to protect this procedure. Rather than developing an additional citation, we propose to include this airspace in the Janesville, Wisconsin transition area citation as well as combining the Rockton, Illinois transition area with the Janesville area. The required airspace for the airports at Janesville, Rockton, and Beloit overlie one another.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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1. In § 71.181 (39 FR 440), the following transition area is amended to read:

JANESVILLE, WISCONSIN

That airspace extending upward from 700 feet above the surface within a ten-mile radius of the Rock County Airport, Janesville, Wisconsin (Latitude 42°37'12" N., Longitude 89°02'28" W.), within a six-mile radius of the Beloit Wisconsin Airport (Latitude 42°29'51" N., Longitude 88°58'05" W.), and within a five-mile radius of the Wagon Wheel Airport, Rockton, Illinois (Latitude 42°26'15" N., Longitude 89°04'21" W.).

2. In § 71.181 (39 FR 440) the following transition area is deleted: Rockton, Illinois.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, August 30, 1974.

R. O. ZIEGLER,
Director,
Great Lakes Region.

[FR Doc.74-22080 Filed 9-23-74;8:45 am]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 410]

ALLOCATION OF BUSINESS UNIT GENERAL AND ADMINISTRATIVE EXPENSE TO COST OBJECTIVES

Proposed Cost Accounting Standard

Notice is hereby given of a proposed Cost Accounting Standard on Allocation of Business Unit General and Administrative (G&A) Expense to Cost Objectives, being considered by the Cost Accounting Standards Board for promulgation to implement further the requirement of section 719 of the Defense Production Act of 1950, as amended, Public Law 91-379, 50 U.S.C. App. 2168. When promulgated, the Standard will be used by all relevant Federal agencies and national defense contractors and subcontractors.

The proposed Standard, if adopted, would be one of a series of Cost Accounting Standards which the Board is promulgating "to achieve uniformity and consistency in the cost accounting principles followed by defense contractors and subcontractors under Federal contracts." (See section 719(g) of the Defense Production Act of 1950, as amended.) It is anticipated that any contractor receiving an award of a contract on or after the effective date of this Standard will be required to follow it in accordance with the provisions of § 410.80.

The Standard provides a definition of G&A expense. The definition describes G&A expense narrowly and provides criteria for distinguishing between G&A expense and other costs or expenses whose beneficial or causal relationship to cost objectives can be more directly measured by a base other than a cost input base representing the overall activity of a business unit during a cost accounting period. The definition provides the guidelines necessary to determine whether a particular expense should be included or excluded from the G&A pool.

The Standard precludes the use of a cost of sales base for the allocation of G&A expense. The Standard provides for the use of an allocation base which is measured on cost input to final cost objectives. Three types of cost input allocation bases are provided. For those contractors who are presently using a cost of sales base, the application of this Standard will result in an equitable adjustment on all pre-existing covered contracts.

The Standard requires that items produced for stock or product inventory be accounted for as final cost objectives. This treatment requires an allocation of G&A expense to these items. The Standard provides for alternative methods for handling the allocation of G&A expense to these items.

The Cost Accounting Standards Board is particularly interested in comments on the above subjects. The Board also solicits comments on any other matter concerning the proposed Cost Accounting Standard which will assist the Board in its consideration of the proposal.

Interested persons should submit written data and views, concerning the proposed Cost Accounting Standard to the Cost Accounting Standards Board, 441 G Street NW., Washington, D.C. 20548.

To be given consideration by the Board in its determination relative to final promulgation of the Cost Accounting Standard covered by this notice, written submissions must be made to arrive no later than November 25, 1974.

NOTE: All written submissions made pursuant to this notice will be made available for public inspection at the Board's office during regular business hours.

It is proposed to add Part 410 to read as follows:

Sec.
410.10 General applicability.
410.20 Purpose.
410.30 Definitions.
410.40 Fundamental requirement.
410.50 Techniques for application.
410.60 Illustrations.
410.70 Exemptions.
410.80 Effective date.

AUTHORITY: 84 Stat. 796, sec. 103 (50 U.S.C. App. 2168).

§ 410.10 General applicability.

This standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof and by all relevant Federal agencies in estimating, accumulating, and reporting expenses in connection with the pricing, administration, and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of $100,000 other than contracts or subcontracts where the price negotiated is based on, (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

§ 410.20 Purpose.

The purpose of this Cost Accounting Standard is to provide criteria for the allocation of a group of business unit expenses commonly identified as general and administrative (G&A) expense based on their beneficial or causal relationship to business unit final cost objectives. These are expenses which the business unit incurs for its overall management and administration and similar types of home office expenses which are allocated to it. This Standard will increase the likelihood of achieving objectivity in the allocation of these expenses to final cost objectives and comparability of cost data among contractors in similar circumstances.

§ 410.30 Definitions.

(a) *Allocate.* To assign an item of cost or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(b) *Business unit.* Any segment of an organization, or an entire business organization which is not divided into segments.

(c) *Cost input.* Those business unit costs which are allocated to the production of goods and services during a cost acounting period, exclusive of G&A expenses.

(d) *Cost objective.* A function, organizational subdivision, contract or other work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capitalized projects, etc.

(e) *Final cost objective.* A cost objective which has allocated to it both direct and indirect costs, and, in the contractor's accumulation system, is one of the final accumulation points.

(f) *General and administrative (G&A) expense.* Those management, financial, and similar expenses which are incurred by or allocated to a business unit for general management and administration, and which have no directly measurable relationship to particular cost objectives as opposed to the business unit as a whole. G&A expense does not include those management expenses whose beneficial or causal relationship to cost objectives can be more directly measured by a base other than a cost input base representing the overall activity of a business unit during a cost accounting period.

(g) *Segment.* One of two or more divisions, product departments, plants, or other subdivisions of an organization reporting directly to a home office, usually identified with responsibility for profit and/or producing a product or service. The term includes Government-owned contractor-operated (GOCO) facilities, and joint ventures and subsidiaries (domestic and foreign) in which the organization has a majority ownership. The term also includes those joint ventures and subsidiaries (domestic and foreign) in which the organization has less than a majority of ownership, but over which it exercises control.

§ 410.40 Fundamental requirement.

(a) Business unit G&A expenses shall be identified and grouped in a separate indirect cost pool and shall be allocated only to final cost objectives.

(b) (1) The G&A expense of a business unit shall be allocated to its final cost objectives using a cost input allocation base except as provided in paragraph (b) (2) of this section. The base selected shall be representative of the total activity of the business unit during the entire cost accounting period.

(2) The allocation of G&A expense to final cost objectives which receive benefits significantly different than the benefits accruing to other final cost objectives shall be determined by special allocation.

(c) Business units which receive allocations of expense from a home office shall allocate these expenses to the appropriate cost objectives of the business unit on a basis reflecting the beneficial or causal relationships between the business unit cost objectives and the home office expenses.

(d) Notwithstanding any other provisions herein, the costs of independent research and development and bidding and proposal efforts shall continue to be allocated pursuant to provisions of existing laws, regulations, and other controlling factors.

§ 410.50 Techniques for application.

(a) G&A expense incurred by one or more business units for another business unit(s) shall be removed from the incurring business unit's or units' G&A expense. These expenses shall be allocated to the business units for which the expenses were incurred on the basis of a beneficial or causal relationship using an allocation base common to all receiving business units.

(b) G&A expenses may be pooled with other expenses for allocation to final cost objectives where the following conditions are met:

(1) The allocation base used for the pool of expenses would be appropriate for the G&A expenses and the other expenses if each were separately allocated; and

(2) Provision is made to identify the components and total of the G&A expenses separately from the other expenses in the pool.

(c) A cost input base which measures the total activity of a business unit shall be used to allocate G&A expense. The allocation base shall include all elements of cost input necessary to describe the total activity of the business unit. Once the elements of the cost input allocation base have been determined the allocation base shall not be fragmented. A total cost input allocation base generally is an appropriate measure of the total activity of the business unit and shall be used except that—

(1) Value-added cost input shall be used as an allocation base where inclusion of material and subcontract costs would significantly distort the allocation of G&A expense in relation to the benefits received, but where costs other than direct labor are significant measures of activity. A value-added cost input base is total cost input less materials and subcontract costs.

(2) A single element cost input base, e.g., direct labor dollars, shall be used where it is a better representation of the total activity of the business unit during a cost accounting period than either a total cost input base or a value-added cost input base. A single element base may not produce equitable results where other measures of activity are also significant in relation to total activity. A single element base will usually be inappropriate where it is an insignificant part of the total cost of some or all of the final cost objectives which receive an allocation of G&A expense.

(d) (1) Allocations to a segment of the expenses of home office line management of particular segments or groups of segments, residual expenses, and directly allocated expenses related to the overall management and administration of the segment shall be included with the segment's G&A expense.

(2) Allocations to a segment of the expenses of home office centralized service functions, staff management of specific activities of segments, and central payments or accruals, where any such expenses are separately allocated and significant in amount, shall be allocated to the segment cost objectives in proportion to the beneficial or causal relationship between the cost objectives and the expense. Where a beneficial or causal relationship for these types of expenses is not identifiable with segment cost objectives, these expenses may be included in G&A expense.

(e) Where a segment performs home office functions and also performs as an operating segment having a responsibility for contracts and other final cost objectives, the expense of the home office functions shall be segregated and allocated to all benefiting segments pursuant to disclosed or established accounting practices for the allocation of home office expenses to segments.

(f) Items produced for stock or product inventory shall be accounted for as final cost objectives in accordance with the following paragraphs:

(1) Where items are produced for stock or product inventory in a given cost accounting period, the cost input to such items in that period shall be included only once in the computation of the G&A expense allocation base and in the computation of the G&A expense allocation rate for that period, and shall not be included in the computation of the base or rate for any other cost accounting period.

(2) G&A expense shall be allocated to items produced for stock or product inventory in the cost accounting period or periods in which such items are produced at the rates determined for such periods except where the contractor does not normally include G&A expense in inventory as part of the cost of stock or product inventory items. In such circumstances, the G&A expense allocation may be made in the subsequent cost accounting period in which such items are issued to contracts or other final cost objectives, or otherwise used, at the rates determined for that subsequent period.

(g) Where a particular final cost objective in relation to other final cost objectives received significantly different benefit from G&A expense than that which would be reflected by the allocation of such expenses pursuant to paragraph (c) of this section, the Government and the contractor may agree to a special allocation from G&A expense to the particular final cost objective commensurate with the benefits received. The amount of a special allocation to any final cost objective made pursuant to such an agreement shall be excluded from the pool of G&A expense to be allocated pursuant to paragraph (b) of this section, and the particular final cost objective's data shall be excluded from the base used to allocate this pool.

§ 410.60 Illustrations.

(a) (1) The home office of segment "A" separately allocates the home office expenses of staff management functions relative to manufacturing, engineering, contract administration, the expenses reflecting the central payment and accrual of health insurance costs and residual expenses to benefiting segments. Segment "A" maintains three indirect cost pools: (i) G&A expense, (ii) manufacturing overhead, and (iii) engineering overhead. All allocated home office expenses are included in the G&A expense pool.

(2) The accounting practices of segment "A" would not be in compliance with the Standard. Home office residual expense would be retained in the G&A expense pool. However, expenses of the staff management functions and health insurance are not includable in their entirety in G&A expense under the requirements of this Standard. The expenses of the staff management functions relative to manufacturing and engineering should be included in the manufacturing overhead and engineering overhead pools, respectively. The expense of staff management functions relative to contract administration should be included in the cost pool which contains contract administration. The health insurance costs should be allocated in proportion to the beneficial or causal relationship between cost objectives and these costs.

(b) (1) A business unit maintains three indirect cost pools: (i) G&A expense, (ii) manufacturing overhead, and (iii) engineering overhead. Costs of pension plans for all of the employees of the business unit are charged to G&A expense, which is allocated to final cost objectives on the basis of total cost input. Other labor-related fringe benefit costs are included in the three indirect cost pools for subsequent allocations to final cost objectives. The business unit allocates manufacturing overhead using direct labor cost bases.

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(2) Since the costs of pension plans can be allocated on a more directly traceable basis than overall benefit, not all of these costs should be included in the G&A expense pool.

(c) (1) A business unit has been charging the costs of both scientific computer operations and business data processing operations to G&A expense. The scientific computer is used predominantly by engineers working on research and development cost objectives whereas the business data processing operations are directed to general accounting and budgeting activities of the business unit as a whole.

(2) The inclusion of the costs of the scientific computer operation in the G&A expense would not conform to the requirements of this Standard. These costs benefit a narrower group of cost objectives, research and development, rather than the operation of the business unit as a whole. As such, the costs of the scientific computer operation can be allocated to the using work projects on a more directly traceable beneficial or causal relationship and should not be included in the G&A expense pool.

(d) (1) Business Unit "A" produces Item Z for stock or product inventory. A production run of these items occurred during the cost accounting period Year 1. A number of units of Item Z were not used during Year 1 and are issued to a Government contract in the next period, Year 2. The cost input of Item Z shall be included in the G&A allocation base for Year 1. Business Unit "A" shall—

(i) allocate a portion of Year 1 G&A expense and inventory this as part of the cost of Item Z, or

(ii) if the contractor does not inventory G&A expense as part of the cost of these items, allocate G&A expenses to units of Item Z when they are used, in this case those used in Year 1 will have G&A applied using the G&A rate of Year 1 and those used in Year 2 will have G&A applied using the G&A rate of Year 2.

(2) Business Unit "B" produces Item 2 for stock or product inventory. During Year 3 a production run of these items was started and finished and placed in product inventory. Later during Year 3 the items were taken out of inventory and used on a contract. The cost of these items shall be included in the G&A expense allocation base only one.

(e) Segment "X" contains a budgeting function as part of its G&A expense. This function includes the preparation of budgets for Segment "Y." The cost of preparing the budgets for "Y" should be removed from the pool and transferred to "Y" before the remaining G&A expense is allocated to the final cost objectives of "X." Since the costs of the budget preparation function are included in the G&A expense pool when this cost is transferred to Segment "Y," the cost transferred will not include an allocation of G&A expense.

(f) The normal productive activity of Business Unit "K" includes the erection of base facilities for others. Business Unit "K" uses a total cost input base to allocate G&A expense to final cost objectives. As part of a contract to construct a base facility, Business Unit "K" agrees to accommodate the purchaser by acquiring a large group of trucks and other mobile equipment for use with the base facility. Business Unit "K" does not usually supply such equipment as part of the base facility construction function, and the cost of the equipment constitutes a significant part of total contract costs. In this unusual circumstance, the accounting practice of Business Unit "K" is to exclude the total cost of the contract from the computation of the total cost input base since a significant part of the contract receives substantially less benefit from G&A expense than that which would result from inclusion of the total contract in the cost input base. This practice is permitted by section 410.50(g) of this standard and a special G&A allocation to this contract may be agreed to by the Government and the contractor.

§ 410.70 Exemptions.

This standard shall not apply to contractors who are subject to the provisions of Federal Management Circular 73-8 (Cost Principles for Educational Institutions) or Circular 74-4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments).

§ 410.80 Effective date.

(a) The effective date of this Cost Accounting Standard is [Reserved].

(b) This Cost Accounting Standard shall be followed by each contractor after the start of his next fiscal year beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.74-22062 Filed 9-23-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 265-5]

[40 CFR Part 52]

IOWA: APPROVAL OF COMPLIANCE SCHEDULES

Approval and Promulgation of Implementation Plans

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards. The State of Iowa submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. 40 CFR 51.8 requires the Administrator to approve or disapprove compliance schedules submitted by the states. Therefore, the Administrator proposes the approval of the compliance schedules listed below.

The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Iowa. Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State implementation plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Under Iowa law, the compliance schedule is not enforceable after the date on which the associated variance expires and variances cannot extend for more than one year. Therefore, to the extent that the schedules extend past the variance expiration date, they are not legally enforceable at this time. For this reason, EPA's approval of each compliance schedule will be unconditional only as to that part of the schedule covered by the initial variance. Approval of the remainder of the schedule will be conditioned upon the State's renewal of the variance in identical form and substance to that included in the schedule submitted to the Environmental Protection Agency and approved herein. If the variance is renewed in this manner, the condition precedent will be satisfied and the approval of the next segment of the schedule would not require further action by the State or this Agency. If the variance is not renewed, or is modified from the version that had been federally approved, the condition will not be fulfilled, the approval of the remainder of the schedule would not be effective, and the State's immediately-effective regulation would again become federally enforceable.

Provisional approval of final compliance dates and extensions of variances is justifiable only because of the one-year variance limitation in the law of Iowa. Since there will be no substantive changes in the schedules set forth below and public hearings were held on the complete schedule, there is no reason to require compliance with 40 CFR 51.6 procedures at the time Iowa renews each variance. The schedules were immediately effective on the date of adoption. An Effective Date is not indicated on the table. The Variance Expiration Date is included instead.

In the indication of proposed approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large numbers of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports and the compliance schedules proposed to be approved or disapproved are available for public inspection at the Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, Missouri 64108.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Region VII office at the above address. All comments submitted within on or before October 24, 1974. Receipt of comments will be acknowledged but substantive responses will not be provided. All comments received, as well as copies of the aplicable implementation plans, will be available for inspection during normal business hours at the Regional Office.

(42 U.S.C. 1857c-5)

Dated: August 12, 1974.

JEROME H. SVORE,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart Q—Iowa

1. In § 52.825, the table in paragraph (c) is amended to read as follows:

§ 52.825 Compliance schedules.

* * * * *

(c) * * *

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
888 Gray Iron Casting Corp., cupola	West Burlington	4.4(4)	May 9, 1974	Jan. 31, 1975	Jan. 31, 1975
Quality Foundry, cupola	Stockton	do	do	do	Do.
Russelloy Foundry, cupola	Durant	do	do	do	Do.
Bartlett and Co. Grain	Council Bluffs				
(a) Cyclone		4.3(2)c	May 9, 1974	Dec. 31, 1974	Dec. 31, 1974
(b) Grain handling		4.4(7)	do	do	Do.
Vance Grain Inc.	Council Bluffs				
(a) Cyclone		4.3(2)c	May 9, 1974	Aug. 31, 1974	Aug. 31, 1974
(b) Grain handling		4.4(7)	do	do	Do.
Bartlett and Co. Grain	Sioux City				
(a) Cyclone		4.3(2)c	May 9, 1974	Dec. 31, 1974	Dec. 31, 1974
(b) Grain handling		4.4(7)	do	do	Do.
Arco Dehydrating Co., alfalfa dehydrating plant.	Lake Park	4.3(2)a	do	July 1, 1975	July 1, 1975
Newton Foundry, cupola	Newton	4.4(4)	do	Jan. 31, 1975	Jan. 31, 1975
Clinton Corn Processing Co., Raymond dryer nos. 3 and 4.	Clinton	4.4(7)	June 20, 1974	Dec. 31, 1974	Dec. 31, 1974
Hawkeye Chemical Co.	do				
(a) Neutralizer		4.3(2)a, 4.3(2)d.	June 20, 1974	May 31, 1975	May 31, 1975
(b) Prill tower		4.3(2)a, 4.3(2)d.			
(c) Evaporator at prill tower		4.3(2)a, 4.3(2)d.	June 20, 1974	Mar. 15, 1975	Mar. 15, 1975
Kalleman Foundry, Inc., cupola	Council Bluffs	4.4(4), 4.3(2)d.	do	Feb. 7, 1975	Feb. 7, 1975
Beerman Bros. Dehy, alfalfa dehydrating plant.	Port Neal	4.3(2)a	do	Apr. 15, 1975	Apr. 15, 1975
American Pop Corn Co., teepee burner.	Sioux City	4.4(12)	do	Nov. 15, 1974	Nov. 15, 1974
John Deere Waterloo Tractor Works, boilers nos. 6, 7, 8, and 9.	Waterloo	4.3(2)b(2)	do	May 9, 1975	May 30, 1975
Lehigh Portland Cement Co.	Mason City				
(a) Kilns nos. 1, 2, 3, 4, 5, and 6		4.3(2)a	June 20, 1974	Aug. 15, 1974	Aug. 15, 1974
(b) Clinker cooler No. 7		do	do	Oct. 10, 1975	June 1, 1975
Mount Pleasant Municipal Utilities, boilers Nos. 4 and 5.	Mount Pleasant	4.3(2)b	do	Oct. 15, 1974	Oct. 15, 1974
The Dexter Co., cupolas	Fairfield	4.4(4)	do	Aug. 31, 1974	Aug. 31, 1974
Burget Mills, corn dryer	Altoona	5-22	do	Note 1	Dec. 31, 1974
Ankeny Concrete Block, Inc., cement storage silos.	Ankeny	5-16 (L)	do	do	Aug. 31, 1974
Midwest Concrete Co., cement storage silos.	West Des Moines	do	do	do	Jan. 1, 1975
Penn-Dixie Industries, Inc., Clinker cooler No. 7.	do	5-15	do	do	Dec. 30, 1974
Can-Tex Industries, clay pipe plant	Des Moines	5-23, 5-24	do	do	Jan. 1, 1975
J. C. White Concrete Co.	do				
(a) Main plant No. 2:					
(1) Cement storage silos		3B-16(L)	June 20, 1974	Note 2	Dec. 31, 1974
(2) Truck charging point		do	do	do	Do.
(b) Plant 2A		do	do	do	Do.
(c) Plant No. 3		do	do	do	Do.
Mid-America Dairymen, Inc., milk dryer system.	Des Moines	3B-15	do	do	Do.
St. Regis Paper Co., cement storage silos.	do	3B-16(L)	do	do	Aug. 15, 1975
Iowa Southern Utilities	Eddyville				
Boiler No. 2		4.3(2)b	June 20, 1974	Mar. 3, 1975	Mar. 3, 1975
Boiler No. 3		do	do	Apr. 7, 1975	Apr. 7, 1975
Farmers Mercantile Co., cyclone	Red Oak	4.4(7)	do	Oct. 30, 1974	Oct. 30, 1974
S and H Products, Inc., alfalfa dehydrating plant.	Audubon	4.3(2)a	do	May 9, 1975	May 31, 1975

Note 1.—Polk County Department of Health does not issue variances if source(s) is on an accepted and approved compliance schedule.

Note 2.—City of Des Moines, Department of Public Health does not issue variances if source is on an accepted and approved compliance schedule.

[FR Doc.74-21806 Filed 9-23-74;8:45 am]

[FRL 266-1]

[40 CFR Part 52]

NEVADA: APPROVAL OF COMPLIANCE SCHEDULES

Approval and Promulgation of Implementation Plans

On May 31, 1972 (37 FR 10842), and July 27, 1972 (37 FR 15080), the Administrator approved certain portions of the implementation plan for the State of Nevada for attainment and maintenance of national ambient air quality standards in accordance with section 110 of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.) and 40 CFR Part 56. On February 15, 1973 and August 13, 1973, after notice and public hearing, the Governor of Nevada submitted to the Environmental Protection Agency (EPA) revisions to the compliance schedule portion of the approved plan pursuant to 40 CFR 51.6. The approval and disapproval of these revisions was proposed on November 23, 1973 (38 FR 32267), and December 13, 1973 (38 FR 34330). On April 22, 1974 (39 FR 14208), these revisions were approved, with specific exceptions, pursuant to the provisions of 40 CFR 51.8. The schedule for U.S. Gypsum was disapproved because it failed to require that each increment of progress be met or the variance granted the corporation would become invalid and subject to immediate enforcement. In the new schedule this deficiency has been corrected.

On February 20, 1974, after notice and public hearing, the Governor of Nevada submitted to the EPA revisions to the compliance schedule of U.S. Gypsum Corporation, one of the sources whose revisions had been disapproved. On April 25, 1974, after notice and public hearing, the Executive Secretary of the Nevada State Environmental Commission submitted to the EPA a revised copy of the Variance Approval for the Baroid Division of National Lead Industries, Inc., which Approval includes a compliance schedule.

The Administrator has determined that the compliance schedules for the sources listed below are consistent with the requirements of section 110 of the Clean Air Act and 40 CFR Part 51 and the schedules are proposed for approval. It is proposed to delete U.S. Gypsum Corporation from the table of compliance schedules disapproved, 40 CFR 52.1482(c) (39 FR 14209), and to amend the table of compliance schedules approved, 40 CFR 52.1482(b) (39 FR 14209), by adding U.S. Gypsum Corporation and the Baroid Division of National Lead Industries, Inc.

A copy of the complete implementation plan, including these proposed schedules, is available for inspection at the addresses listed below:

(1) Environmental Protection Agency, Region IX, 100 California St., San Francisco, Calif. 94111.

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(2) Washoe County District Health Department, Division of Environmental Protection, 10 Kirman Ave., Reno, Nev. 89502.

(3) Nevada Environmental Commission, 201 South Fall St., Carson City, Nev. 89701.

(42 U.S.C. 1857c-5)

Dated: September 11, 1974.

R. L. O'CONNELL,
Acting Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart DD—Nevada

1. In § 52.1482(b) the table is amended by adding the following schedules:

§ 52.1482 Compliance schedules.

(b) • • •

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
U.S. Gypsum Corp.	Empire	Washoe Co. § 040.035, § 040.010, § 040.020.	Jan. 28, 1974	Immediately	May 30, 1975
Baroid Division National Lead Industries, Inc.	Battle Mountain.	Article 4.	Jan. 27, 1973	do	Jan. 1, 1975

2. In § 52.1482(c) the table is revised to read as follows:

§ 52.1482 Compliance schedules.

(c) • • •

Source	Location	Regulation involved	Date of adoption
Jack N. Tedford, Inc.	Fallon	Not given	Aug. 14, 1972
Basic, Inc.	Gabbs	Article 4.	Feb. 13, 1973
		Article 7.	June 26, 1973
Duval Corp.	Battle Mountain	Article 5.	Feb. 13, 1973
Mohave Generating Station, Southern California Edison Co.	Laughlin	Clark County, Section 16.	Jan. 11, 1973
		Section 26.	July 17, 1972

[FR Doc.74-21807 Filed 9-23-74;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 154]

[Docket No. R-478]

NATURAL GAS PRODUCED FROM WELLS COMMENCED BEFORE JANUARY 1, 1973

Just and Reasonable Rates; Staff Rate Recommendation and Procedures

SEPTEMBER 12, 1974.

On May 23, 1973, a notice of rulemaking was issued initiating the above-docketed proceeding.[1] To this notice, data collection forms prepared by the Commission staff were appended. Interested parties were given an opportunity to file comments as to the sufficiency of these forms. Comments filed pursuant to this notice were reviewed by the Commission staff, and as a result, modifications to the original forms were made by staff. These modified forms were attached to a Commission order issued August 17, 1973,[2] as amended by Commission orders issued on November 9, 1973. On December 7, 1973, the staff issued a notice reconciling data submitted by the parties to this proceeding in compliance with the Commission order of November 23, 1973.[3]

The order of August 17, 1973, inter alia, directed that the respondents, named in Appendix A thereof, and any interested participants supply cost data for test year 1972. In response to this notice, such data were supplied by large producers of natural gas, pipeline affiliated companies, and pipelines owning production. Based upon the completed data forms, the staff has completed a rate proposal which is attached hereto.

Notice is hereby given, pursuant to the Administrative Procedure Act, 5 U.S.C. 553, et seq. (1970)[4] and sections 4, 5, 7, 8, 14, 15, and 16 of the Natural Gas Act, 15 U.S.C. 717, et seq. (1970),[5] that the Commission has determined that the attached Staff rate design proposal and recommendation inclusive of a non-cost factor of 3.5 cents per Mcf to be used for exploration and development purpose and to meet the effects of short-term inflation should be made a part of the record in this proceeding. All participants to this proceeding are hereby given opportunity to respond to these staff recommendations and to comment thereon.

Employing costing methodology adopted by this Commission in previous area rate proceedings,[6] the staff computed cost of service studies from these data which are set forth in the Staff recommendation. As in previous area rate opinions, these studies exclude gas production costs of pipeline owned production. The rationale for this approach is that Commission adopted pipeline accounting methods are not compatible with accounting practices of producers. Inclusion of pipeline production costs would increase the staff's recommended rate for flowing gas by approximately one cent per Mcf.

In undertaking this proposed rulemaking to consider a nationwide rate for gas produced from wells commenced before January 1, 1973, this Commission once again acknowledged its concern and awareness of this nation's shrinking energy base and the need to develop additional supplies of natural gas. Published data indicate a decrease in potential and available natural gas supplies. The Potential Gas Committee's latest report shows little change in the total estimated potential supply of natural gas in the United States.[7] The American Petroleum Institute reported that proven crude oil and liquid hydrocarbon reserves at the end of 1973 decreased by 1.3 billion barrels, or 3.2 percent below proven crude oil and liquid hydrocarbon reserves at the end of 1972.[8] During 1973 total proven gas reserves of the lower 48 states declined to 218.3 Tcf at year end, the lowest level in twenty years. Last year was the sixth consecutive year in which production of natural gas exceeded reserve additions.

In this period when the supply of natural gas continues a long-term, critical decline, total domestic energy requirements concomitantly continue to increase. On March 13, 1974, U.S. Department of the Interior statistical compilations were released that showed that demand for energy increased by 4.8 percent in 1973, a slight decrease from a 5 percent increase in 1972.

As a consequence of increasing domestic demand for energy and declining resource availability with which to meet this nation's energy requirements, importation of fuels increased by one-third over 1972. Last year this nation was forced to import 16 percent of its energy supplies.

Revenues from currently producing wells must bear part of the burden of financing[9] increased gas exploration and development as well as to provide for increasing costs of operation. Additional sources of natural gas must be secured if the consumer is to be provided reliable, long-run service of gas.

Hence, the staff of the Commission has developed a rate design proposal for flowing gas which is set forth below. This proposal, inter alia, recommends the following:

1. A nationwide just and reasonable rate of 24.5 cents per Mcf, exclusive of state production taxes, measured at 14.73 psia and 60°F., subject to contractual Btu adjustment, for gas produced from wells commenced prior to January 1, 1973, except in instances where the Commission has previously found higher rates to be just and reasonable be adopted.

2. The 24.5 cents per Mcf rate would be subject to downward adjustment for deliveries made closer to the wellhead than a central point in the field; the tailgate of a processing plant; and offshore platform to the buyer's pipeline, or a point on the buyer's pipeline.

3. The recommended 24.5 cents rate is inclusive of a 3.5 cents per Mcf incentive increment for increased exploration and development, non-cost factors, and short term inflation.

4. Retention of the special relief provisions of §§ 2.76[10] and 2.77[11] of the Commission's rules of practice and procedure and the "Out-of-Pocket Cost" concept of special relief set forth in the Commission area rate opinions are recommended.

5. Refund of all monies collected subject to refund above the recommended rate levels or the last firm rate is proposed.

6. A minimum rate of 15.0 cents per Mcf is recommended regardless of contract terms.

Supporting data, consisting of a cost of service for a 1972 test year, allocation of production and exploration and development costs to flowing gas, state and local severance and production taxes as of May 1, 1973, and a recommended rate of return, are attached as appendices[12] to the rate design proposal.

We have concluded that the data contained in the Staff proposal and that the data and information contained in the comments of the parties to be submitted in response thereto may be material to the Commission's resolution of the issues in this proceeding. It is concluded that the public interest requires that all participants to this proceeding be given an opportunity to comment upon the Staff proposal.

Further, the public interest requires that the attached Staff proposal be made a part of the record to this proceeding and that all participants to this proceeding be given an opportunity to comment upon it in accordance with the procedures set forth herein.

The Commission would be aided immeasurably in the performance of its responsibilities in this proceeding if interested participants would direct their attention to the assumptions underlying the Staff's recommendations as well as commenting upon the specific recommendations made.

The Commission believes that it should reevaluate its traditional approach to flowing-gas ratemaking. Do Permian I methods suit today's realities? If not, what ratemaking alternative theory is proper and upon what factual foundation will it stand? Participants in this proceeding, by the submission of evidence, comments and cross-comments, will assist the Commission in making its ultimate response to these questions.

It is also in the public interest that procedures for the filing of comments and cross-comments be established herein. Initial written comments pertaining to this notice and the attached Staff proposal are to be filed on or before October 25, 1974. Responses to the initial written comments are to be filed on or before November 25, 1974.

Comments and replies thereto are to be filed with the Secretary of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The initial comments and replies thereto shall state the name, title, mailing address, and telephone number of the person or persons to whom communications concerning this matter should be addressed. An original and fourteen (14) conformed copies of the comments and replies thereto shall be filed with the Secretary of the Commission, and copies of the initial comments and replies thereto shall be served upon all persons who are participants to this proceeding.

All comments and replies thereto filed in response to this notice shall be under oath, acknowledged by a notary public or comparable official, as follows:

---------- being duly sworn, deposes
(Name)

and says that he is (title and organization, if filing is in a representative capacity), that he is authorized to verify and file this document, that he has examined the statements contained in the initial comments or replies thereto, and that all such statements are true and correct to the best of his knowledge, information, and belief.

The persons preparing the written comments and replies thereto shall submit such filings on letter-size paper (8" by 10½" or 8½" by 11") in accordance with the rules of practice and procedure of the Federal Power Commission.[13]

All comments and replies thereto will be available to the public for inspection in the Commission's Office of Public Information. The Commission will consider all such written submittals before issuing an order in this proceeding.

The Secretary of the Commission shall cause prompt publication of this notice and the attached Staff rate design proposal in the FEDERAL REGISTER and shall serve this notice upon all participants to this proceeding.

By Direction of the Commission.

KENNETH F. PLUMB,
Secretary.

NOTE: Appendices A–D and Exhibit A filed as part of the original document.

RECOMMENDATIONS OF FEDERAL POWER COMMISSION STAFF

SUMMARY

Pursuant to this notice of proposed rulemaking, Staff submits its proposed rate recommendations which consist of a single nationwide base rate of 24.5¢/Mcf[1] @ 14.73 psia applicable to sales from all wells commenced prior to January 1, 1973, in the lower 48 states except where higher rates have previously been found to be just and reasonable. Producers holding small producer certificates would be exempt from these regulations.

Staff has carefully reviewed and applied the guidelines and principles necessary to determine a just and reasonable flowing gas rate as set forth in both Commission and Court approved area rate related opinions and orders. Staff's recommendations have given consideration to the nation's energy shortage and the need for a rate level which is just and reasonable to both producer and consumer.

The recommended ceiling rate of 24.5¢/Mcf at 14.73 psia would be adjusted where applicable for Btu content, gas quality, delivery point, state production or severance taxes and state pressure bases.[2] Producers would not be allowed to file for rates above the prescribed ceilings except under petitions for special relief. The rates would remain in effect indefinitely, subject to periodic review and such appropriate prospective adjustment as may be necessary.

We recommend that the Commission impose a minimum rate of 15¢ per Mcf for producer sales contracts.

We are cognizant of the fact that certain producers may be collecting rates found to be just and reasonable for gas from wells drilled prior to January 1973 which are in excess of our recommended nationwide rate. In these circumstances, Staff recommends that such sales continue under the rates found just and reasonable in the prior proceedings.

A national gas quality standard is proposed to be established as a guide in evaluating the quality of gas produced in the various areas of the country. In our rate design we have added an increment for treating cost incurrence to raise the national average cost of gas to the recommended nationwide pipeline quality standard. Price deductions for gas of substandard quality would be made on the basis of actual costs incurred by the purchaser in bringing the gas up to the national standard.

Staff, in arriving at its rate recommendations, has considered both cost and non-cost factors to achieve its objective of increasing exploration and development in the future consistent with a reasonable rate.

As a point of departure, Staff calculated a current flowing gas cost before production taxes of 20.10¢/Mcf using the data furnished by the respondents in answer to the Commission's questionnaire and following ap-

[1] 38 FR 14288.
[2] 38 FR 22898.
[3] 38 FR 33766.
[4] 60 Stat. 237, 918, 993 (1946); 61 Stat. 37, 201 (1947); 62 Stat. 99 (1948); 80 Stat. 250 (1966).
[5] 52 Stat. 822, 823, 824, 825, 829, 830 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1947); 76 Stat. 72 (1972); 15 U.S.C. 717c, 717d, 717f, 717g, 717m, 717n, 717o (1970).
[6] See Permain Basin Area Rate Cases, 390 U.S. 47.
[7] Potential Supply of Natural Gas in the United States as of December 31, 1972, dated November 1, 1973.
[8] Reserves of Crude Oil, Natural Gas Liquids, and Natural Gas in the United States and Canada, and United States Productive Capacity as of December 31, 1973. Issued June 1974.
[9] Placid Oil Co., et al. v. F.P.C., 483 F.2d 880, 899 (5th Cir. 1973).
[10] 18 CFR 2.76.
[11] 18 CFR 2.77.
[12] Appendices filed as part of the original comment.
[13] 18 CFR 1.1 et seq.

[1] This figure would be subject to possible minor upward or downward revision upon completion of gas quality improvement cost studies.
[2] Appendix C (filed as part of original document) sets forth state and local severance and Production taxes on Natural Gas and Applicable pressure bases.

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proved historical costing procedures.[3] In order to allow for any possible imprecision in the costing techniques, Staff has rounded this figure upward to 20.5¢/Mcf. To the cost base, Staff has added an increment for pipeline incurred treating costs of 0.5¢/Mcf [4] to bring substandard quality gas up to the national quality standard.

The Commission in Opinion No. 662 (Permian II), added to its flowing gas cost base an additional 3.5¢/Mcf as an increment to provide internally generated funds to encourage additional exploration and development and to provide for other non-cost contingencies. Staff recommends a similar incremental incentive of 3.5¢ to the national cost base to provide funds for increased E and D, cover non-cost factors and inflationary considerations prior to the proposed rate review. This resultant rate, when combined with the just and reasonable nationwide new gas rate as determined in Docket No. R–389–B, should provide a substantial stimulus to increased gas exploration and drilling by enhancing the financial ability of the industry to provide this service.

Flowing gas cost. Pursuant to the notice of rulemaking in Docket No. R–478, issued on August 17, 1973, cost data were supplied for test year 1972 by large producers, pipeline affiliated companies and pipelines owning production. The composite cost of service studies prepared from these data are set forth in Appendix A.[5] These studies follow costing methodology adopted by the Commission and approved by the Courts in connection with Area Rate Proceedings. These studies, which include a 15 percent rate of return, were used to develop the gas well gas unit cost studies discussed below and in attached Appendix B. This cost base is the cornerstone underlying Staff's recommended nationwide flowing gas ceiling rate.

These cost of service studies contain data from a total of one hundred and twelve (112) companies producing over 16,000,000 MMcf of gas in 1972, including sixty-eight (68) large independent producers producing approximately 14,000,000 MMcf, fourteen (14) pipeline affiliates producing approximately 1,000,000 MMcf, and 30 pipeline producers producing approximately 1,000,000 MMcf. When adjusted upward to include an assumed one-eighth royalty interest, the total production reported by the 112 companies accounts for 73.6 percent of the total 1972 production reported by the Mineral Industry Surveys, U.S. Department of Interior, Bureau of Mines.

Unit gas well gas cost. The attached Appendix B describes in detail the allocation of cost of service reported in Appendix A between non-associated gas and liquids to develop a nationwide unit cost of gas well gas. Two studies were prepared by the Staff. The first study utilized a composite of the individual cost data submitted by the 68 large independent producers and the 14 pipeline affiliated companies; the second study utilized a composite of cost data submitted by producers, pipeline affiliates and pipelines.

Rate schedule analysis and gas quality data. Rate schedule analysis and gas quality data filed in this proceeding are available to all parties in the public files of the Commission.

The national gas quality and delivery point standard and pipeline incurred treating cost utilized in the Staff rate design recommendation are based on a preliminary review and random sample of the filed information. It is Staff's opinion that the final compilation of the data will not have any significant effect on its rate design conclusions.

SUPPLY AND DEMAND

Introduction. The nationwide situation with respect to the supply and demand for natural gas has been discussed in great detail in many recent reports and official pronouncements of the Commission. These have been reviewed and given careful consideration by the Staff in reaching its conclusions of the appropriate design for its nationwide flowing gas rate.

In addition, the Staff has studied the statistical data from various published sources which have become available since the release of the documents mentioned above.

Recent supply trends. During 1973 the total proven gas reserves of the lower 48 states continued to decline and were 218.3 Tcf at year-end, their lowest level since 1954. This was the sixth consecutive year that production, which increased slightly to 22.5 Tcf, exceeded reserve additions. The reported new additions to reserves of 6.5 Tcf were the lowest since the American Gas Association began publishing reports in 1946. The reserves to production ratio (R/P ratio) dropped again from 10.5 in 1972 to 9.7 in 1973.

Reserves owned or controlled by interstate pipelines, as reported in FPC Form 15 and Form 15–A, also have continued to decline reaching a low of 146.9 Tcf in 1972. The volume of production reported in Form 15 leveled off in 1970 and has remained at approximately 14.2 Tcf through 1972. New supply additions continued to decline. The R/P ratio of gas committed to interstate markets dropped to 10.3 in 1972.

The American Petroleum Institute (API) on March 28, 1974, reported that proven crude oil and liquid hydrocarbon reserves at the end of 1973 were 41.7 billion barrels, a decrease of 1.3 billion barrels or 3.2% below 1972.

Energy demand. Statistics released by the Interior Department on March 13, 1974, show that the total U.S. energy demand increased 4.8% in 1973 which was only slightly less than the 5% rise in 1972.

Demand for natural gas increased by 1.9%. Coal, other than anthracite, showed an increase in demand of 8.9% while the demand for crude petroleum went up 6.1%. The domestic production of both coal and crude oil declined during 1973, with natural gas being the only domestic fuel showing an increase in production. The increased energy demand was met through increased imports of crude oil, petroleum products, and natural gas; a slight increase in domestic natural gas production, and a draw down of stocks.

Imported fuels represented 16% of total energy consumption, an increase of 33.1% over 1972. Crude oil imports in 1973 totalled 1.2 billion barrels. This was a 45.3% increase over 1972. Imports of refined petroleum products which totalled 1.1 billion barrels were up 15.3% over 1972 while natural gas imports (1 Tcf) increased only 1%.

Interior reported that 1973 natural gas marketed production reached 22.6 Tcf, an increase of 0.5% over 1972. The only consuming sector showing a decrease in natural gas use was the electric generating market (down 4.5%). By far the largest increase in the use of natural gas (7.0%) was its use as a raw material for the petrochemical industry.

While total consumption of natural gas increased, the sales by major interstate pipelines decreased by 4.9%—from 13.6 Tcf to 12.9 Tcf. The biggest percentage drop was in direct sales to ultimate consumers which fell nearly 11% (FPC press release 3/4/74).

Interior also reported 1973 domestic crude oil production decreased to 3,200 million Bbls. a decrease of 2.8% from 1972. The demand for most refinery products increased in 1972 with the demand for gasoline up 4.3%. Only fuels connected with the aviation industry showed any marked decrease.

Trends in drilling. The overall trend in drilling in 1973 for the U.S. was down 2.6% from 1972. The year 1973 saw a continuation of the upward trend in gas well drilling which started in 1972; oil drilling on the other hand continued its downward trend. The 1973 annual drilling statistics, released on March 28, 1974, by the American Petroleum Institute, show a 49.8% increase in exploratory gas wells, a 26.8% increase in developmental gas wells and a 29.6% increase in total gas wells drilled during 1973 compared with 1972. On the other hand total oil wells drilled decreased by 12.4%. With this increasing effort on gas well drilling there was a 6.8% decrease in dry holes drilled.

The reported number of wells drilled on the various categories are tabulated below.

NUMBER OF WELLS DRILLED IN THE UNITED STATES

	1972	1973	Percent change in 1973
Exploratory wells:			
Gas wells	601	900	49.8
Oil wells	684	619	(9.5)
Dry holes	6,254	5,947	(4.9)
Total	7,539	7,466	(.9)
Development wells:			
Gas wells	4,327	5,485	26.8
Oil wells	10,622	9,283	(12.6)
Dry holes	4,803	4,358	(8.7)
Total	19,752	19,126	(3.2)
Total wells:[1]			
Gas wells	4,928	6,385	29.6
Oil wells	11,306	9,902	(12.4)
Dry holes	11,057	10,305	(6.8)
Total	27,291	26,592	(2.6)

[1] Excludes service wells, and stratigraphic and core tests.

Possible improvement in the supply of new gas has been signaled by the increase in gas-well drilling activity during 1972 and 1973 and the expanded Federal offshore lease sales. The initial emphasis of this extended drilling has been in low risk, low productivity wells in the older more extensively developed areas. It is apparent that the new reserves that have been developed to date as a result of the increased gas well drilling have either not been fully reported or have not been sufficient to prevent a continued decline of the nation's gas supply.

A precise quantifiable relationship between gas price and the level and location of gas well gas drilling activity is not possible. The rate for new gas in Docket No. R–389–B gives consideration to future cost and non-cost factors which will provide an adequate incentive to drill in all areas of the country having potential gas reserves. The choice of areas where future drilling occurs should remain with industry management. The producer is the one who knows his best prospects and the risks involved in these prospects. It is also logical for the producers to drill first the prospects having smallest degree of risk especially if capital is limited. The current critical shortages of tubular steel, drilling rigs and drilling crews, also has discouraged investment in the more risky prospects. If these shortages continue, revenue obtained from the sale of flowing gas may be attracted to investments outside the oil and gas business. To allow the additional revenue over cost provided by the Staff's 3.5¢/Mcf incentive increment in the flowing gas rate design to flow into other investments would be contrary to the public interest. The incentive increment in Staff's rate design is to provide funds to encourage the search for gas. Future review of the rates established in this proceeding should carefully study any undesirable trends in this regard. Accordingly, Staff recommends that all parties including Staff, be directed to comment on methods whereby the incentive increment will be directed toward additional exploration and development and institution of a reporting basis to monitor the expenditure of revenues derived from the incentive increment.

Potential gas supply. The latest report of the Potential Gas Committee issued in November 1973 [6] shows little change in the total estimated potential supply of natural gas in the United States. The report shows some major changes in the estimated potential reserves in the various subareas included in the total for the United States. These subarea changes in estimated potential reserves would have a bearing in designing individual area rates; however, because the consideration in Docket No. R–478, is the determination of a single nationwide rate, the importance of these adjustments is not too significant.

RATE DESIGN

General. Staff recommends a single nationwide ceiling base rate of 24.50¢/Mcf, except in instances where the Commission has previously found higher rates to be just and reasonable in other proceedings. (see Column (b) of Table I which follows this section of the report). These rates should be sufficient to prevent premature abandonment of many existing wells and provide monies for increased gas exploration and development, thereby hopefully providing adequate gas reserves to maintain the current level of gas service. Staff considered both cost and non-cost factors. The rates will cover incurred cost, provide an adequate return, provide additional revenues for drilling and exploration, provide a consideration for non-cost factors, and a hedge against short term inflation until national flowing gas prices are again reviewed by the Commission.

The Staff's nationwide ceiling price for flowing gas was derived by taking the average flowing gas well gas cost for independent producers and pipeline affiliates, including a 15 percent rate of return (see Appendix B), and adding thereto an increment to bring the gas up to pipeline quality. Staff would also add a 3.5¢/Mcf incentive increment, as the Commission did in its Opinion No. 662. Staff believes that the 24.5¢/Mcf nationwide flowing gas rate will provide additional internally generated capital and result in increased leasing, exploration and drilling activity.

Staff considers that the 24.5¢/Mcf rate is at a level sufficient to cover actual expenses, prevent premature abandonment of many producing properties, pay for remedial work, and provide capital for gas exploration and development.

We recognize that there may be certain sales that would warrant special relief from our proposed nationwide rates. Staff recommends that producers be allowed to file for special relief from our proposed rates under the provisions of Section 2.76 (Order No. 481) and 2.77 (Order No. 482) of the Commission's Rules and also in instances where the rates herein provide revenue insufficient to cover the cash "out-of-pocket" expenses of a sale.

Table II shows the comparison of Staff proposed rates (Column c) adjusted to include current taxes, with te area rates prior to January 1, 1973, (Column a and b) that would be superseded. In areas where the just and reasonable area rate is higher than the proposed nationwide rate, (Permian Basin Offshore Federal Domain and the Appalachian Basin), the area rate would remain effective.

TABLE I.—NATIONWIDE FLOWING GAS WELL GAS CEILING RATE DETERMINATION (AT 15 PERCENT RATE OF RETURN) (FIGURES SHOWN AT 14.73 PSIA)

Line No.	(a) Description	(b) Cents per Mcf[1]
1	Production costs:	
2	Cash expenses	[2] 2.27
3	DD & A	[2] 3.81
4	Return	[2] 5.55
5	E & D costs:	
6	Expense	[2] 5.95
7	Return	[2] 2.42
8	Regulatory expenses	[3] .10
9	P/L incurred treating costs	.50
10	Total cost, less production tax	20.60
11	Total cost round to next 1/2 cent	21.00
12	Additional E & D funds	[4] 3.50
13	Proposed nationwide base ceiling rate excluding applicable production taxes	24.5

[1] Independent producers and pipeline affiliates.
[2] Taken from column (b), "Summary of Results" appendix B.
[3] Taken from page 4 of "Discussion," Appendix A.
[4] Additional revenue allowance provided by the Commission in opinion No. 662.

TABLE II.—*Comparison of staff proposed nationwide rate adjusted for local taxes with existing area ceiling rates as o July 1, 1974 (rates at 14.73 per square inch absolutes)*

[In cents per Mcf]

Area	Current rates under area rate orders[1] Flowing gas (a)	New gas (b)	Staff proposed flowing gas rate, docket No. R–478 (c)
Permian Basin:			
Texas	23.13	35.19	[2] 26.4865
New Mexico	23.38	35.39	[2] 25.4403
Texas Gulf Coast	20.11	25.14	26.4865
Southern Louisiana:			
Onshore	26.46	29.52	31.3626
Offshore	21.45	25.49	[4] 24.5000
Other Southwest:			
Other Oklahoma	20.52	24.89	26.3944
Texas RR district No. 9	20.81	25.14	26.4865
Texas RR district No. 5		24.63	26.4865
Texas RR district No. 6	20.21	24.63	26.4865
Northern Louisiana	25.21	29.52	31.3626
Southern Arkansas	19.36	23.63	24.8519
Northern Arkansas	19.91	24.13	24.8519
Mississippi	20.59	25.49	26.0638
Alabama	20.59	25.49	26.0638
Hugoton Anadarko:			
Panhandle and Hugoton fields:			
Kansas	13.59	20.12	24.5478
Oklahoma	14.55	21.44	26.3944
Texas	14.58	21.62	26.4865
Other fields:			
Kansas	18.61	20.12	24.5478
Oklahoma	19.91	21.44	26.3944
Texas	20.11	21.62	26.4865
Appalachian-Illinois Basins:			
Appalachian Basin—North Subares:			
New York	30.75	32.75	[5] 30.75
Pennsylvania	30.75	32.75	[5] 30.75
Northern Ohio	30.75	32.75	[5] 30.75
Appalachian Basin—South Subares:			
West Virginia	29.0	30.75	[5] 29.0
Maryland	29.0	30.75	[5] 29.0
Virginia	29.0	30.75	[5] 29.0
Southern Ohio	29.0	30.75	[5] 29.0
Eastern Kentucky	29.0	30.75	[5] 29.0
Illinois Basin:			
Illinois	23.5	23.5	24.500
Western Kentucky	23.5	23.5	24.500
Gibson County, Ind	23.5	23.5	24.747
Rocky Mountain:			
Aneth Field—Utah	24.4396	23.0582	25.00
San Juan Basin:			
New Mexico	24.9714	23.5288	25.4916
Colorado	24.8705	23.5288	25.3886
Uinta-Green River Basin:			
Utah	24.4896	23.2837	25.0000
Colorado	24.8705	22.2837	25.3886
Wyoming	24.7423	23.2837	25.2577
Colorado-Julesburg Basin:			
Colorado	24.8705	23.0386	25.3886
Nebraska	24.5289	23.0846	25.0511
Wyoming	24.7423	23.0386	25.2577

[3] Flowing gas costs as adopted by the Commission in the various area rate proceedings have always excluded gas production costs of pipeline owned production on the grounds that accounting methods used by pipelines are not compatible with those of independent producers and pipeline affiliated producers. Inclusion of the pipelines' production cost would raise flowing gas cost by an additional cent per Mcf.
[4] See Note 1, supra.
[5] Appendices filed as part of the original document.

[6] Potential Supply of Natural Gas in the United States as of December 31, 1972, dated November 1973.

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TABLE II.—*Comparison of staff proposed nationwide rate adjusted for local taxes with existing area ceiling rates as of July 1, 1974 (rates at 14.73 per square inch absolutes)*—Continued

[In cents per Mcf]

Area	Current rates under area rate orders [1]		Staff proposed flowing gas rate, docket No. R-478
	Flowing gas	New gas	
	(a)	(b)	(c)
Montana-Wyoming:			
Montana	24.0500	22.3033	24.5500
Wyoming	24.7423	22.3033	25.2577
Montana-Dakota:			
Montana	24.0500	23.0386	24.5500
North Dakota	25.2632	23.0386	25.7895
South Dakota	24.000	23.0386	24.5000

[1] The dividing date between "flowing" and "new" gas vintages is Oct. 1, 1968, under all area rate orders except for the following: (1) Hugoton-Anadarko Area—the dividing date is Nov. 1, 1969. (2) Appalachian and Illinois Basin Areas—the dividing date is Oct. 7, 1969.
[2] For contracts dated on or after Oct. 1, 1968, the rate is 35.19 cents per Mcf.
[3] For contracts dated on or after Oct. 1, 1968, the rate is 35.59 cents per Mcf.
[4] For contracts dated on or after Oct. 1, 1968, the rate is 25.49 cents per Mcf.
[5] The rate for sales under contracts dated on or after Oct. 8, 1969 is 32.75 cents per Mcf.
[6] The rate for sales under contracts dated on or after Oct. 8, 1969 is 30.75 cents per Mcf.

National gas quality standards. In conjunction with the recommended single nationwide flowing gas ceiling rate, nationwide gas quality standards are recommended. Our recommended rate has been adjusted upward to include improvement costs necessary to bring the gas up to pipeline quality standards. From a preliminary review of the rate schedule analysis and gas quality information furnished in this proceeding by the major gas producers, the Staff tentatively recommends the following nationwide gas quality standards:

a. Carbon Dioxide: Pipeline quality gas shall contain not more than 3 percent carbon dioxide by volume.

b. Hydrogen Sulphide: Pipeline quality gas shall contain not more than 10 grains of hydrogen sulphide per Mcf of natural gas at 14.73 psia and 60° F.

c. Total Sulphur: Pipeline quality gas shall contain not more than 200 grains of total sulphur per Mcf of natural gas at 14.73 psia and 60° F.

d. Water: Pipeline quality gas shall contain not more than .007 pound of H_2O per Mcf of natural gas at 14.73 psia.

e. Other Impurities: Pipeline quality gas shall contain no oxygen, dirt, dust, gum, or other impurity in sufficient amounts to require the buyer to incur processing cost to eliminate such impurities in order for the gas to meet either customary commercial standards or the customary requirements of any of the interstate pipelines in the area.

f. Pressure: Pipeline quality gas shall be delivered at a pressure sufficient to enter buyer's pipeline.

g. Btu Adjustment: The standard will be 1,000 Btu's per cubic foot of gas, saturated with water vapor, at 60° F and 14.73 psia. For gas with more than 1,000 Btu's per cubic foot, upward adjustments shall be made on a proportional basis from a base of 1,000 Btu's. For gas with less than 1,000 Btu's per cubic foot, downward adjustments shall be made on a proportional basis from a base of 1,000 Btu's.

In establishing these standards, Staff recognizes that not all gas has to be processed to these standards. Gas of superior quality is blended with gas of inferior quality and in such case no additional costs are incurred by the pipeline in the conversion of gas of inferior quality to marketable conditions. Therefore, Staff recommends that adjustments to the ceilings for sub-standard gas shall be applied only to contracts where the purchaser incurs additional cost to bring gas to marketable conditions.

Refunds. Monies collected subject to refund in excess of the rate levels proposed herein or the last firm rate, whichever is higher, should be refunded.

Production taxes. The applicable nationwide rate shall be adjusted upward or downward to reflect 100% of any change in State or Federal production, severance, gathering or similar taxes.

Gathering allowance. The cost information supplied by the producers in connection with this proceeding includes off-lease gathering investment and expenses (see Footnote 3, to Schedule No. 1 and 2 of the "Continental United States Cost and Operational Data," Questionnaire, issued August 17, 1973, in Docket No. R-478). In previous cost questionnaire of this type issued in connection with area rate proceedings this off-lease gathering cost information was either obtained on a separate schedule, included with Related Producing Facilities, or not included. Therefore no additional cost increment need be added to the nationwide flowing gas cost as shown in Table I, Page 11, to adjust the flowing gas cost to a standard delivery point. The cost of gathering to a central point is thus included in the base cost data.

A preliminary review of gas delivery point information reported by the producers in this proceeding indicates that the predominate delivery point for jurisdictional gas in the United States is a central point in the field or the tailgate of a plant. The Commission, for ratemaking purposes, has considered these delivery points as equivalent in the various area rate proceedings.

The Commission in Opinion No. 595 (Texas Gulf Coast) and Opinion No. 598 (Southern Louisiana) found that the ceiling rate for gas sold at the wellhead should be lower by 0.4¢/Mcf and 0.5¢/Mcf respectively than for gas sold at the central delivery points. Staff recommends that the nationwide flowing gas rate be reduced by 0.5¢/Mcf for gas being sold at points closer to the wellhead than a central point in the field or a tailgate of a plant.

In area rate Opinion No. 586 (Hugoton-Anadarko) and Opinion No. 662 (Permian II) the Commission established a procedure whereby the producer's rate could be adjusted upward by an additional defined amount where the seller could show that substantial off-lease gathering was being performed. The cost data collected in this proceeding includes such producer incurred off-lease gathering costs. Therefore, Staff does not recommend a fixed additional incremental adjustment for substantial off-lease gathering be added to the nationwide flowing gas ceiling rate. Instead Staff recommends that producers be afforded the opportunity to show special circumstances where they believe unusually extensive off-lease gathering warrants special consideration.

Minimum rates. We recommend for these proceedings a minimum rate of 15¢ per Mcf.

Rate schedule analysis forms. The rate schedule analysis and gas quality data filed as Schedule No. 5 of the data request in this proceedings should be part of the permanent data available to the Commission for its use in subsequent reviews of the rates established in this proceeding. To be of use, the data will require continual updating. Staff therefore, recommends that all producers making filings under the large producer filing procedures of the Commission's Regulations be required to submit a rate schedule analysis Form 459 as part of each initial rate or certificate filing made with the Commission and an updated Form 459 as part of each rate change filing.

Contingent escalation of area rates. Producers who desire to obtain the contingent escalations for flowing gas as provided in Opinion Nos. 595, 598, 607, from reserves dedicated to wells commenced prior to January 1, 1973, shall be required to dedicate natural gas supplies which they seek to have applied toward triggering the flowing gas escalations at the rates provided in those opinions.

RATE DESIGN RECOMMENDATIONS

I. *Nationwide base rates.* The base nationwide rate ceiling @ 14.73 psia and 60° F proposed for all gas of pipeline quality produced from wells drilled prior to January 1, 1973, and delivered to the purchaser at a central point in the field, a tailgate of a plant, an offshore platform or a point on the buyers pipeline shall be 24.5¢/Mcf.

These rates shall remain in effect until changed by a subsequent Commission Opinion. Rate increases above these rates shall not be allowed except where special relief from the applicable ceiling has been obtained.

These rates shall be adjusted downward by 0.5¢/Mcf for gas sold at the wellhead.

In instances where prior orders of the Commission have provided for just and reasonable rates greater than those herein recommended, the rates and provisions of the prior opinions would pertain where applicable.

II. *Quality Standards and Adjustments to the Base Area Rates.* The base nationwide rates established above would be subject to adjustment for Btu content as follows:

Btu adjustment: The standard will be 1,000 Btu's per cubic foot of gas, saturated with water vapor, at 60° F and 14.73 psia. For gas with more than 1,000 Btu's per cubic foot, upward adjustments shall be made on a proportional basis from a base of 1,000 Btu's. For gas less than 1,000 Btu's per cubic foot, downward adjustments shall be made on a proportional basis from a base of 1,000 Btu's.

The rates shall be adjusted downward for gas of less than the following standards only where actual expenses are incurred by the purchaser in improving the gas to these standards.

a. Carbon dioxide: Pipeline quality gas shall contain not more than 3 percent carbon dioxide by volume.

b. Hydrogen sulphide: Pipeline quality gas shall contain not more than 10 grains of hydrogen sulphide per Mcf of natural gas at 14.73 psia and 60° F.

c. Total sulphur: Pipeline quality gas shall contain not more than 200 grains of total sulphur per Mcf of natural gas at 14.73 psia and 60° F.

d. Water: Pipeline quality gas shall contain not more than .007 pound of H_2O per Mcf of natural gas at 14.73 psia.

e. Other impurities: Pipeline quality gas shall contain no oxygen, dirt, dust, gum, or other impurity in sufficient amounts to require the buyer to incur processing costs to eliminate such impurities in order for the gas to meet either customary commercial standards or the customary requirements of

any of the interstate pipelines in the area.

f. Pressure: Pipeline quality gas shall be delivered at a pressure sufficient to enter buyer's pipeline.

III. *Minimum rate.* A minimum rate of 15¢ is recommended.

IV. *Refunds.* Monies collected subject to refund in excess of the prescribed rate levels or the last firm rate shall be refunded.

V. *Contingent escalations of area rate opinions.* Producers wishing to avail themselves of these contingent escalations provisions must be limited to the area rate ceiling of those opinions.

VI. *Special relief.* Producers shall be allowed to file for special relief from the nationwide flowing gas ceiling (1) under the provisions of Section 2.76 and 2.77 of the Commission's Rules and (2) pursuant to the "out-of-pocket" concept as set forth in the Commission's discussion in Opinion No. 468.

[FR Doc.74-21539 Filed 9-23-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of Economic Stabilization

[Order No. 6]

ASSOCIATE DIRECTOR FOR OPERATIONS

Delegation of Authority

Pursuant to the authority vested in me as Director, Office of Economic Stabilization, by Treasury Department Order 233, it is hereby ordered as follows:

1. (a) There is hereby delegated to the Associate Director for Operations, subject to the general policy guidance of the Director, authority to take the following actions with respect to pay adjustments for work performed prior to May 1, 1974:

(i) Process, consider, decide and issue decisions and orders with respect to individual cases involving pay adjustments for work performed prior to May 1, 1974, presented to the Office of Economic Stabiliztion or its predecessors under the policies, rulings and regulations of the Office of Economic Stabilization or its predecessors. This delegation includes the authority to process exception requests, pay challenges, executive compensation submissions, requests for approval of construction pay adjustments, appeals from Internal Revenue Service adverse actions, and related matters.

(ii) Rule on any request for review, reconsideration, rescission or modification of initial decisions involving pay adjustments issued by the Office of Economic Stabilization, its predecessors, or the Internal Revenue Service.

(iii) Monitor pay adjustments and issue challenges with respect to pay adjustments effective with respect to work performed prior to May 1, 1974, as provided by regulations of the Office of Economic Stabilization or its predecessors.

(iv) Request information and conduct hearings with respect to the functions delegated herein.

(b) In the exercise of authority under this paragraph, the Associate Director for Operations may solicit and receive the advice and recommendations of any appropriate individual, group, panel, or committee.

2. Paragraph 3 of Office of Economic Stabilization Order No. 1 is hereby revoked.

3. Authority delegated by this Order May be redelegated.

4. In exercising the authority delegated by this Order or redelegated pursuant thereto, officials of the Office of Economic Stabilization shall be governed by the regulations and rulings of the Office of Economic Stabilization and its predecessors and by the policies, procedures, and controls prescribed by the Director of the Office of Economic Stabilization.

5. This Order is effective September 24, 1974.

ANDREW T. H. MUNROE,
Director, Office of Economic Stabilization, Department of the Treasury.

[FR Doc.74-22168 Filed 9-23-74;8:45 am]

Office of the Secretary

[T.D 74-246]

CERTAIN STAINLESS STEEL FLATWARE

Notice of Increase in Tariff-Rate Quota

Notice is hereby given of a Presidential determination to increase the tariff-rate quota on the imports of certain stainless steel flatware by six percent. Such increase, to be allocated on a quarterly basis, is to take effect on October 1, 1974. A copy of the President's letter dated September 3, 1974, advising the Secretary of the Treasury of such determination is published as an appendix to this notice in accordance with the provisions of Presidential Proclamation No. 4076 of August 21, 1971, 3 CFR 84 (1971 Comp.).

[SEAL] PETER O. SUCHMAN,
Acting Assistant Secretary (Enforcement, Operations, and Tariff Affairs).

SEPTEMBER 19, 1974.

[FR Doc.74-22215 Filed 9-23-74;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON 'NAVAL SURFACE WARFARE'

Notice of Advisory Committee Meeting

A Defense Science Board Task Force on "Naval Surface Warfare" will meet in closed session on 2-3 October 1974 at the Pentagon, Arlington, Virginia.

The mission of this Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering regarding the adequacy and directions of U.S. programs in surface offensive operations in the face of continuing increases in Soviet capabilities in naval weapons, command and control, and out-of-area operations.

The Task Force will concentrate first on U.S. programs in tactical surface surveillance, targeting, command and control, and weaponry for surface engagement to help assure that our R&D investments yield the greatest improvement in our total force capabilities, when deployed in quantities we can afford.

In accordance with Public Law 92-463 section 10, Paragraph (d), it has been determined that the Task Force meetings concern matters listed in section 552 (b) of Title 5 of the United States code, particularly Subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Public Law 92-463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

SEPTEMBER 19, 1974.

[FR Doc.74-22134 Filed 9-23-74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74-16]

JAMES EMORY SEASHOLTZ

Notice of Hearing

Notice is hereby given that on May 9, 1974, the Drug Enforcement Administration, Department of Justice, issued to James Emory Seasholtz, D.O., Fallansbee, West Virginia, an order to show cause as to why the Drug Enforcement Administration registration No. AS5678721 issued to the Respondent pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said order was received by the Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on October 3, 1974, in Room 1210, 1405 Eye Street, NW., Washington, D.C.

Dated: September 16, 1974.

ANDREW C. TARTAGLINO,
Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc.74-22137 Filed 9-23-73;8:45 am]

[Docket No. 74-15]

SIDNEY ALFONSO NELSON

Notice of Hearing

Notice is hereby given that on June 13, 1974, the Drug Enforcement Administration, Department of Justice, issued to Sidney Alfonso Nelson, M.D., Union City, New Jersey, an order to show cause as to why the Drug Enforcement Administration registration No. AN1487328 issued to the Respondent pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said order was received by the Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on September 26, 1974, in Room 1210, 1405 Eye Street, NW., Washington, D.C.

Dated: September 16, 1974.

ANDREW C. TARTAGLINO,
Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc.74-22136 Filed 9-23-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 22911, 22977]

NEW MEXICO

Notice of Applications

SEPTEMBER 16, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 4½ inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 22 S., R. 34 E.,
Sec. 15, NW¼SE¼.
T. 20 S., R. 37 E.,
Sec. 26, E½NW¼ and SW¼NE¼.

These pipelines will convey natural gas across .537 miles of national resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-22142 Filed 9-23-74;8:45 am]

[NM 22913, 22914, 22915, 22978, 22979, 22980, 22989]

NEW MEXICO

Notice of Applications

SEPTEMBER 16, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for five 4½ inch and two 2⅜ inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 29 N., R. 9 W.,
Sec. 19, NE¼SE¼;
Sec. 20, SW¼NW¼ and NW¼SW¼;
Sec. 28, E½NE¼ and NE¼SE¼.
T. 29 N., R. 10 W.,
Sec. 8, Lots 10 and 15;
Sec. 9, Lots 6 and 13;
Sec. 18, Lots 9 and 10.

These pipelines will convey natural gas across .793 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-22143 Filed 9-23-74;8:45 am]

[Utah 6222, etc.]

UTAH

Order Providing for Opening of Public Lands

1. In exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

Minerals in the following lands were not reconveyed to the United States:

UTAH 6222

T. 38 S., R. 1 E.,
Sec. 2;
Sec. 36.
T. 39 S., R. 1 E.,
Sec. 2.
T. 36 S., R. 2 E.,
Sec. 36.
T. 37 S., R. 2 E.
Sec. 2.
T. 36 S., R. 3 E.
Sec. 32.
T. 34 S., R. 5 E.,
Sec. 16.
T. 32 S., R. 6 E.
Sec. 36.
T. 33 S., R. 5 E.,
Sec. 2.
T. 34 S., R. 6 E.,
T. 34 S., R. 6 E.,
Sec. 2.
T. 40 S., R. 6 E.
Sec. 2.
T. 32 S., R. 7 E.,
Sec. 32.
T. 33 S., R. 7 E.,
Sec. 16.
T. 40 S., R. 7 E.,
Sec. 16;
Sec. 36.
T. 41 S., R. 7 E.,
Sec.
T. 38 S., R. 1 W.,
Sec. 36.
T. 39 S., R. 1 W.,
Sec. 2.
T. 42 S., R. 3 W.,
Sec. 32.
T. 39 S., R. 4 W.,
Sec. 36.
T. 42 S., R. 4 W.,
Sec. 32.
T. 43 S., R. 4 W.,
Sec. 16.
T. 41 S., R. 5 W.,
Sec. 16.
T. 43 S., R. 9 W.,
Sec. 36, N½.

UTAH 11460

T. 2 S., R. 23 E.,
Sec. 35, S½SW¼.

Minerals in the following land in U-11460 were retained by the United States in previous patents:

T. 2 S., R. 24 E.,
Sec. 20, NW¼SE¼;
Sec. 29, SW¼SE¼.
T. 1 S., R. 25 E.,
Sec. 18, lot 1.

UTAH 12281

T. 15 S., R. 24 E.,
Sec. 32.

UTAH 6223

Coal in U-6223 retained by the United States in previous patent except for land in Sec. 6, T. 37 S., R. 2 W.
T. 36 S., R. 2 W.,
Sec. 27, beginning at the northeast corner of the SW¼SW¼ and running thence southwest in a straight line to the southwest corner of the SW¼SW¼, thence east to the southeast corner of the SW¼SW¼, thence north to point of beginning;
Sec. 33, NW¼SE¼;
Sec. 34, NW¼NW¼.
T. 37 S., R. 2 W.,
Sec. 5, lot 4, SW¼NW¼, SE¼NW¼, SW¼NE¼;
Sec. 6, Beginning at the east quarter section corner of Sec. 6, thence north 20 chains, thence south 63°25' west 44.73 chains, thence east 40 chains to point of beginning.

UTAH 16124

T. 12 N., R. 12 W.,
Sec. 30, Beginning at the southeast corner of Sec. 30, thence north 32 rods, thence west 160 rods, thence south 32 rods, thence east 160 rods to point of beginning;
Sec. 31, Excepting the north 70 acres of the NW¼.
T. 12 N., R. 13 W.,
Sec. 34, E½ excepting the S½SW¼SE¼;
Sec. 36, E½.

UTAH 14332

T. 9 N., R. 14 W.,
Sec. 7, Excepting a strip of land 400 feet wide containing 1.81 acres lying equally on each side of the center line of the C.P. Railway Company right-of-way.
T. 12 N., R. 14 W.,
Sec. 33.

UTAH 14331

T. 39 S., R. 16 W.
Sec. 32, W½NE¼NW¼, NW¼NW¼.
Less right-of-way given in favor of the State Road Commission of Utah: Beginning at the intersection of the west boundary line of Sec. 32, T. 39 S., R. 16 W., SLM, and the center line of survey of said Project at Engineers Station 979+47.4, which intersection is 1120.7 feet from the NW corner of said Sec. 32; thence north 64.9 feet; thence north-

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easterly 330.4 feet along the arc of a 5779.7 foot radius curve to the right (Note: Tangent to said curve at its point of beginnning bears N. 50°36' East), thence north 53°53' east, 1307 feet; thence north 68.4 ft. to a point on the north boundary line of said Sec. 32 which point is 1317 feet east along said north boundary line from the northwest corner of said Sec. 32; thence west 259.5 feet along said north boundary line; thence south 53°53' west, 1555.3 feet to a point of tangency with a 5679.7 radius curve to the left; thence southwesterly 407.3 feet along the arc of said 5679.7 foot radius curve, to said west boundary line of said Sec. 32; thence north 65.3 feet to beginning as shown on the official map of said project on file in the office of the State Road Commission of Utah. Above-described parcel of land contains 4.26 acres.

UTAH 15600

T. 11 N., R. 16 W.,
Sec. 31, lots 1, 2, NE¼, E½NW¼.

UTAH 16122

T. 4 S., R. 20 E.,
Sec. 31, lot 3.
Minerals in U-5715 were reconveyed to the United States.

UTAH 5715

T. 2 S., R. 23 E.,
Sec. 26, SW¼SW¼;
Sec. 35, NW¼NW¼.

UTAH 16122

T. 5 S., R. 19 E.,
Sec. 1, NE¼SE¼. (Petroleum retained by the United States in the original patent.)
T. 9 S., R. 23 E.,
Sec. 10, NE¼NE¼ (oil and gas retained by the United States in the original patent).
Sec. 17, NW¼SW¼ (oil and gas retained by the United States in the original patent).
T. 3 S., R. 20 E.,
Sec. 18, SE¼NW¼ (all minerals were retained by the United States in the original patent).

The public lands described above aggregate 17,872.31 acres in Box Elder, Garfield, Kane, Uintah, and Washington Counties.

2. The topography of the lands described varies from nearly level and moderately steep to rough hills and mountainous areas with rock outcrops. Vegetation consists of sagebrush, blackbrush, cheat grass, western wheat grass, Indian rice grass, halogeton, shadscale, pinon juniper, and miscellaneous desert grasses and shrubs. Soils range from deep clay loam to shallow rocky soils, and from sandy to desert clay hardpan. The lands are semiarid in character and not suitable for farming. They have been acquired to further Federal programs. Public lands in these areas have been classified for retention in Federal ownership for multiple-use management.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location and selection, except for appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. Sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171). All valid applications received at or prior to 10 a.m., October 28, 1974, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

PAUL L. HOWARD,
State Director.

[FR Doc.74-22117 Filed 9-23-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 75-20]

PALMER COKING COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Palmer Coking Coal Company has filed a petition to modify the application of 30 CFR 75.501 to its Rogers No. 3 Mine, Black Diamond, Washington.

30 CFR 75.501 provides:

On and after March 30, 1974, all electric face equipment, other than equipment referred to in paragraph (b) of § 75.500, which is taken into and used inby the last open crosscut of any coal mine which is operated entirely in coal seams located above the water table and which has not been classified under any provision of law as a gassy mine prior to March 30, 1970, and in which one or more openings were made prior to December 30, 1969, shall be permissible.

In support of its petition to secure a waiver of § 75.501 Petitioner states:

(1) Petitioner is the sole supplier of coal to three of Washington State's institutions: Washington State Correction Center at Shelton, State Soldier's Home at Orting, and Washington State Reformatory at Monroe. Petitioner is concerned that the required fuel supply for these institutions will be unavailable this winter if Petitioner is not allowed to operate its machinery.

(2) Methane gas has never been detected in the subject mine. In addition, the mine is wet and relatively dust free. The life expectancy of the mine is approximately six months.

(3) Petitioner asserts that the safety of its employees will not be compromised or jeopardized in any way by continuing the use of its present machinery for the six months the mine is expected to be in operation.

(4) Petitioner asserts that its miners, members of UMWA Local No. 6481, support this petition for modification of Section 75.501.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 24, 1974. Such requests or comments must be filed with the Departmental Hearings Branch—OHA, U.S. Department of the Interior, 6432 Federal Bldg., Salt Lake City, Utah 84138. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 17, 1974.

[FR Doc.74-22123 Filed 9-23-74;8:45 am]

[Docket No. M 75-22]

PALMER COKING COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Palmer Coking Coal Company has filed a petition to modify the application of 30 CFR 75.1002-1(a) to its Rogers No. 3 Mine, Black Diamond, Washington.

30 CFR 75.1002-1(a) provides:

Electric equipment other than trolley wires, trolley feeder wires, high-voltage cables, and transformers shall be permissible, and maintained in a permissible condition when such electric equipment is located within 150 feet from pillar workings, except as provided in paragraphs (b) and (c) of this section.

In support of its petition to secure a waiver of § 75.1002-1(a) Petitioner states:

(1) Petitioner is the sole supplier of coal to three of Washington State's institutions: Washington State Correction Center at Shelton, State Soldiers' Home at Orting, and Washington State Reformatory at Monroe. Petitioner is concerned that the required fuel supply for these institutions will be unavailable this winter if Petitioner is not allowed to operate its machinery.

(2) Methane gas has never been detected in the subject mine. In addition, the mine is wet and relatively dust free. The life expectancy of the mine is approximately six months.

(3) Petitioner asserts that the safety of its employees will not be compromised or jeopardized in any way by continuing the use of its present machinery for the six months the mine is expected to be in operation.

(4) Petitioner asserts that its miners, members of UMWA Local No. 6481, support this petition for modification of § 75.1002-1 (a).

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 24, 1974. Such requests or comments must be filed with the Departmental Hearings Branch—OHA, U.S. Department of the Interior, 6432 Federal Bldg., Salt Lake City, Utah 84138. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 17, 1974.

[FR Doc.74-22124 Filed 9-23-74;8:45 am]

[Docket No. M 75-21]

PALMER COKING COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Palmer Coking Coal Company has filed a petition to modify the application of 30 CFR 75.1002 to its Rogers No. 3 Mine, Black Diamond, Washington.

30 CFR 75.1002 provides:

Trolley wires and trolly feeder wires, high-voltage cables and transformers shall not be located inby the last open crosscut and shall be kept at least 150 feet from pillar workings.

In support of its petition to secure a waiver of § 75.1002 Petitioner states:

(1) Petitioner is the sole supplier of coal to three of Washington State's institutions: Washington State Correction Center at Shelton, State Soldiers' Home at Orting, and Washington State Reformatory at Monroe. Petitioner is concerned that the required fuel supply for these institutions will be unavailable this winter if Petitioner is not allowed to operate its machinery.

(2) Methane gas has never been detected in the subject mine. In addition, the mine is wet and relatively dust free. The life expectancy of the mine is approximately six months.

(3) Petitioner asserts that the safety of its employees will not be compromised or jeopardized in any way by continuing the use of its present machinery for the six months the mine is expected to be in operation.

(4) Petitioner asserts that its miners, members of UMWA Local No. 6481, support this petition for modification of Section 75.1002.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 24, 1974. Such requests or comments must be filed with the Departmental Hearings Branch—OHA, U.S. Department of the Interior, 6432 Federal Bldg., Salt Lake City, Utah 84138. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 17, 1974.

[FR Doc.74-22125 Filed 9-23-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Notice of Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Board Room of the Flue-Cured Tobacco Cooperative Stabilization Corporation, 522 Fayetteville Street, Raleigh, North Carolina 27602, at 1 p.m., on Monday, October 14, 1974.

The purpose of the meeting is to readjust selling schedules for the markets remaining open in the flue-cured area, and to develop revised marketing schedules for individual warehouses in those areas following the third grower redesignation period which ends Friday, October 4, 1974. Also, matters, as specified in 7 CFR Part 29, Subpart G, § 29.9404 will be discussed.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members who wish to attend the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street, SW., United States Department of Agriculture, Washington, D.C. 20250, (202) 447-2567.

Dated: September 18, 1974.

E. L. PETERSON,
Administrator.

[FR Doc.74-22129 Filed 9-23-74;8:45 am]

Commodity Credit Corporation

COMMODITY CREDIT CORPORATION ADVISORY BOARD

Notice of Public Meeting

Notice is hereby given that the Commodity Credit Corporation Advisory Board established under section 9(b) of the Commodity Credit Corporation Charter Act of 1949 (63 Stat. 154, 155; 15 U.S.C. 714g(b)), will meet at 8:30 a.m. on Wednesday, October 9, 1974, and Thursday, October 10, 1974, in Room 2-W, of the Administration Building of the U.S. Department of Agriculture, Washington, D.C.

The purpose of this regularly scheduled quarterly meeting of the Advisory Board is to survey the policies of the Commodity Credit Corporation in connection with the purchase, storage and sale of commodities, and the operation of lending and price support programs. The meeting will be open to the public.

The names of the Presidential appointees comprising the Advisory Board, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Mr. Frank G. McKnight, Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, D.C.

Signed at Washington, D.C. on September 11, 1974.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.74-22133 Filed 9-23-74;8:45 am]

Forest Service

CONSTRUCTION OF PHASES II AND III OF THE BLANCHARD SPRINGS CAVERNS PROJECT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Construction of Phases II and III of the Blanchard Springs Caverns Project, Ozark-St. Francis NF, Arkansas, USDA-FS-R8-DES (Adm.)-75-6. This environmental statement concerns proposed construction and development of tours B and C together with additional supporting facilities constituting Phases II and III of the development plan for the Blanchard Springs Caverns Project. Phase I of this project is complete and tour A, the Visitor Information Center, and other supporting facilities, have been in operation since July 1973. This draft environmental statement was transmitted to CEQ on September 16, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg. Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
1720 Peachtree Rd., NW, Room 804
Atlanta, Georgia 30309

USDA, Forest Service
District Ranger
Ozard-St. Francis NF
Mountain View, Arkansas 72560

A limited number of single copies are available upon request to Forest Supervisor, Larry Henson, Ozark-St. Francis NF, P.O. Box 1008, Russellville, Arkansas 72801.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Larry Henson, Forest Supervisor, Ozark-St. Francis NF, P.O. Box 1008, Russellville, Arkansas 72801.

Comments must be received by November 15, 1974 in order to be considered in the preparation of the final environmental statement.

DAVID F. JOLLY,
Regional Environmental Coordinator.

[FR Doc.74-22113 Filed 9-23-74;8:45 am]

Soil Conservation Service

CANE CREEK RECREATIONAL DEVELOPMENT RC&D MEASURE, ARKANSAS

Notice of Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement for the Cane Creek Recreational Development RC&D Measure, Lincoln County, Arkansas, USDA-SCS-EIS-RCD-(ADM)-74-22-(F)-AR.

The environmental impact statement concerns a plan for watershed protection and recreational development in Lincoln County, Arkansas. This will be achieved by applying conservation land treatment measures, developing a 1,750-acre recreational lake, and developing a 1,900-acre state park.

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The final environmental impact statement was transmitted to CEQ on August 23, 1974.

A limited supply is available for inspection or to fill single copy requests at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, Room 5029, Federal Office Building, Little Rock, Arkansas 72201.

Copies of the environmental impact statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

(Catalog of Federal Domestic Assistance Program No. 10.901, National Archives Reference Services)

D. M. WHITT,
Deputy Administrator for Field Services, Soil Conservation Service.

[FR Doc.74-22114 Filed 9-23-74;8:45 am]

DEPARTMENT OF COMMERCE

National Technical Information Service

FEDERALLY SPONSORED BUSINESS, ECONOMIC AND TECHNICAL REPORTS

Notice of Pricing Policy

Notice is hereby given of the following pricing schedule adopted by the National Technical Information Service (NTIS). The NTIS provides government and public availability of federally sponsored business, economic and technical reports.

Microfiche. Effective October 1, 1974, the per title selling price for microfiche is $2.25 domestic and $3.75 foreign. This price increase will be retroactive for all reports, regardless of announcement date, beginning October 1, 1974.

Documents in excess of 1,000 printed pages will be specially priced.

Certain special reports previously specially priced will continue to be treated as exceptions to this price schedule.

WILLIAM T. KNOX,
National Technical Information Service.

[FR Doc.74-22115 Filed 9-23-74;8:45 am]

Office of the Secretary

CTAB PANEL ON PROJECT INDEPENDENCE BLUEPRINT

Notice of Meetings

The Panel on Project Independence Blueprint was formed under the U.S. Department of Commerce Technical Advisory Board (CTAB) to provide the Secretary an assessment of the feasibility of the actions and policies resulting from the Project Independence Blueprint. Previous notices of Panel meetings have been published in the FEDERAL REGISTER, Vol. 39, No. 122, June 24, 1974; Vol. 39, No. 133, July 10, 1974, and Vol. 39, No. 134, August 8, 1974. This notice provides the schedule of Panel meetings to be held during October 1974.

Date, Time, Purpose, and Meeting Place

Oct. 7, 8:30 am to 12:00 noon, Subcommittee review of Labor Cross-Cut Study, 1522 K Street NW, Room 210, Washington, D.C.

Oct. 7, 1:00 pm to 5:00 pm, Subcommittee review of other Energy Sources Report, 1522 K Street NW, Room 210, Washington, D.C.

Oct. 8–10, 8:30 am to 5:30 pm, Review of Subcommittee evaluations by Executive Committee, 1522 K Street NW, Room 210, Washington, D.C.

Oct. 16, 8:30 am to 5:00 pm, Presentation of CTAB Panel Report to CTAB, Room 6802, Main Commerce Bldg., Washington, D.C.

A limited number of seats will be available to the press and to the public. Written statements or inquiries may be filed with the Chairman before or after any of these meetings.

Persons desiring further information on the Panel or on individual meetings should contact Mr. Frank Castellon, Executive Secretary, 10th Floor, Suite 1000, 1750 K Street, NW, Washington, D.C. 20006.

Dated: September 18, 1974.

BETSY ANCKER-JOHNSON,
Assistant Secretary of Commerce for Science and Technology.

[FR Doc.74-22267 Filed 9-23-74;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON THE BLACK POPULATION FOR THE 1980 CENSUS

Notice of Establishment

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) and Office of Management and Budget Circular A-63 (revised March 27, 1974), and after consultation with OMB, the Secretary of Commerce has determined that the establishment of the Census Advisory Committee on the Black Population for the 1980 Census is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee will provide an organized and continuing channel of communication between the black population and the Bureau of the Census on the problems and opportunities of the Twentieth Decennial Census as they relate to the black population of the United States. Experience has shown that there is a special need for this interchange. Major efforts to improve the situation are necessary since decennial census data are widely used for such critical matters as legislative apportionment, allocation of government funds, and public and private program planning.

Having an established channel of communication will be helpful to the Census Bureau in its efforts to develop the procedures and techniques which might yield the necessary improvements. To the extent that these efforts are successful, there will be direct and substantial gain to the black population.

The Committee will draw on the knowledge and expertise of its members to provide advice during the planning of the 1980 Census of Population and Housing on such elements as improving the accuracy of the population count, recommending subject content and tabulations of especial use to the black population, expanding the dissemination of census results among present and potential users of census data in the black community, and generally maximizing the usefulness of the census product to the Nation's largest minority group.

The Committee will consist of 21 members appointed by the Secretary of Commerce from among a broad spectrum of community leaders, such as neighborhood council members, elected public officials, executives of minority organizations, marketing and media people, roving leaders, and clergymen from inner cities. The Committee will report and be responsible to the Director, Bureau of the Census. The Committee will function solely as an advisory body, and in compliance with the Federal Advisory Committee Act and Office of Management and Budget Circular A-63 (revised—March 26, 1974).

The Charter for the Committee will be filed under the Act, 15 days after publication of this notice.

Dated: September 18, 1974.

GUY W. CHAMBERLIN,
Assistant Secretary for Administration.

[FR Doc.74-22096 Filed 9-23-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

MINORITY GROUP MENTAL HEALTH PROGRAMS REVIEW COMMITTEE

Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776) the Alcohol, Drug Abuse, and Mental Health Administration announces approval and certification by the Secretary, Department of Health, Education, and Welfare, on August 27, 1974, with the concurrence of the Office of Management and Budget Committee Management Secretariat of the following advisory committee:

Designation: Minority Group Mental Health Programs Review Committee.

Purpose. The Minority Group Mental Health Programs Review Committee shall advise the Secretary and the Director, National Institute of Mental Health, on applications for basic and applied research and training grants related to problems and issues concerned with understanding and improving the mental health of minority groups, i.e., (1) improving the skills and numbers of minority group members engaged in mental health research, training and service efforts; (2) developing more knowledge and better understanding of minority group life styles and value systems; and (3) investigating the particular mental health problems associated with these life styles. Members shall make recommendations concerning these applications also to the Division of Special Mental Health Programs, National Institute of Mental Health, and the National Advisory Mental Health Council.

Authority for this committee will expire August 27, 1976, unless the Secretary formally determines that continuance is in the public interest.

Dated: September 16, 1974.

JAMES D. ISBISTER,
Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.74-22090 Filed 9-23-74;8:45 am]

Health Services Administration

MATERNAL AND CHILD HEALTH RESEARCH GRANTS REVIEW COMMITTEE AND NATIONAL MIGRANT HEALTH ADVISORY COMMITTEE

Notice of Meetings

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), the Administrator, Health Services Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble during the month of October 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
Maternal and Child Health Research Grants Review Committee.	October 10 to 11, 9:00 a.m., Parklawn Bldg., Conference Room E, 5600 Fishers Lane, Rockville, Md.	Open—October 10, 9:00 to 11:30 a.m. Contact: Gloria Wachernah, Room 12A-08, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-2190.

Purpose. The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Community Health Services, Health Services Administration.

Agenda. The Committee will be performing the review of grant applications for Federal assistance. This meeting will be open to the public from 9:00 to 11:30 on October 10 for the Opening Remarks. The remainder of the meeting will be closed to the public for the review of grant applications for Federal assistance, in accordance with the provisions set forth in section 552(b)(4), Title 5, U.S. Code and the determination by the Administrator, Health Services Administration, pursuant to Pub. L. 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
National Migrant Health Advisory Committee.	October 29 to 31, 9:00 a.m., Expressway No. 83 and North Stuart Place Rd., Harlingen, Tex.	Open—Contact Billy Saadlin, Room 7-22, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-1153.

Purpose. The Committee is charged with advising the Administrator on National policies and priorities; program guidelines, standards, and evaluation techniques; and other crucial issues relating to the migrant health program.

Agenda. The Committee will review the implementation of National policy and its effect on selected projects in order to identify program areas for which policy needs to be developed or modified.

Agenda items are subject to change as priorities dictate.

Those portions of the meetings so indicated, are open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, agenda, or other relevant information should contact the persons listed above.

Date: September 16, 1974.

ISABELLE G. GOLDBERG,
Acting Associate Administrator for Management, Health Services Administration.

[FR Doc.74-21843 Filed 9-23-74;8:45 am]

Public Health Service

CENTER FOR DISEASE CONTROL

Statement of Organization, Functions, and Delegations of Authority

Part 9 (Center for Disease Control) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (39 FR 1461, January 9, 1974) is hereby amended to reflect the establishment of the Bureau of Health Education (9F00) and the transfer of the National Clearinghouse for Smoking and Health (9S00) to the Bureau of Health Education as indicated in the following changes to Section 9-B, *Organization and Functions:*

1. After the chapter entitled "Bureau of Epidemiology (9E00)," add a new chapter entitled "Bureau of Health Education (9F00)" by inserting the following heading and succeeding paragraphs:

BUREAU OF HEALTH EDUCATION (9F00)

(1) Provides leadership and direction to a comprehensive national health education program for the prevention of disease, disability, premature death, and undesirable and unnecessary health problems; (2) recommends health education goals, objectives, and priorities for the Department of Health, Education, and Welfare; and develops collaborative efforts to accomplish health education objectives; (3) coordinates major health education activities of the Department; (4) develops and evaluates standards, criteria, and methodologies for improved health education programs; (5) serves as a clearinghouse on health education; (6) working with and through the Regional Offices, encourages and assists in the broader application of effective health education programs at the State and community level; (7) develops mechanisms for coordinating health education activities of the private sector; (8) participates in, and provides staff support for, the Intradepartmental Health Education Board; (9) provides leadership and direction for a national program to reduce death and disability due to smoking; (10) maintains liaison with other Federal agencies and with public and private organizations engaged in health education activities.

Office of the Director (9F01). (1) Plans, directs, coordinates, and evaluates activities of the Bureau; (2) provides leadership and guidance in policy formulation and program planning and development; (3) participates in, and provides staff support for, the Intradepartmental Health Education Board; (4) develops mechanisms for coordinating health education activities of the private sector; (5) provides consultation and assistance to CDC organizations in developing and implementing health education activities; (6) maintains liaison with other Federal agencies engaged in health education activities; (7) provides overall administrative services to the Bureau.

National Clearinghouse for Smoking and Health (9F41). (1) Administers a national program to reduce death and disability due to smoking; (2) develops standards, criteria, and methodologies for improved health education programs; and evaluates effectiveness of selected ongoing programs; (3) serves as a clearinghouse on health education; collects and disseminates information about effective techniques, strategies, and approaches; and handles health education inquiries; (4) conducts and stimulates behavioral research; (5) coordinates Department activities related to smoking and health, and maintains liaison with official and voluntary groups concerned with the problem of smoking; (6) conducts surveys to assess the incidence of smoking.

Community Program Development Division (9F45). (1) Develops, conducts, and evaluates health education demonstration projects, in cooperation with State and local health departments and with public and private organizations, to develop and apply effective, comprehensive programs in selected communities; (2) develops and applies new combinations of approaches and methods to unmet public health education needs.

Professional Services and Consultation Division (9F49). (1) Provides technical advice and consultation to State and local health agencies, and to public and private organizations in planning and implementing health education activities; (2) working with and through the Regional Offices, encourages and assists in the broader application of effective health education programs at the State and community level; (3) assists the Office of the Bureau Director in coordinating health education activities of the private sector.

2. Delete the chapter entitled "National Clearinghouse for Smoking and Health (9S00)."

Dated: September 16, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-22089 Filed 9-23-74;8:45 am]

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FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6 (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 FR 3685–92, dated February 25, 1970, as amended) is amended to reflect the reorganization of the Bureau of Drugs:

Section 6–B is amended as follows:

SEC. 6–B Organization. • • •

• • • • •

(1) *Bureau of drugs* (6A11). Develops FDA policy with regard to the safety, effectiveness, and labeling of all drugs for human use.

Reviews and evaluates new drug applications (NDA's) and notices of claimed investigational exemption for new drugs (IND's). Develops and implements standards for the safety and effectiveness of all over-the-counter (OTC) drugs.

Monitors the quality of marketed drugs through product testing, surveillance, and compliance programs.

Develops and promulgates guidelines on current good manufacturing practices for use by the drug industry.

Develops and disseminates information and educational material dealing with drugs to the medical community and the public in coordination with the Office of Professional and Consumer Programs.

Conducts research and develops scientific standards on the composition, quality, safety, and efficacy of human drugs.

Collects and evaluates information on the effects and use trends of marketed drugs.

Monitors prescription drug advertising and promotional labeling to assure their accuracy and integrity.

Analyzes data on accidental poisonings; disseminates toxicity and treatment information on household products and medicines.

Evaluates applications for operation of methadone treatment centers and other activities using methadone or other drugs.

Directs the FDA antibiotic and insulin certification program.

(1–1) *Office of the Director* (6A1101). Develops FDA human drug policy and provides executive direction to Bureau scientific and regulatory programs and activities.

Develops and implements regulatory policy regarding human drugs.

Provides advice and expertise to the Commissioner and the Department on all human drug matters.

Promotes collaboration and exchange of drug information with scientists and scientific bodies.

Coordinates with other bureaus on scientific and technical programs.

Recommends to the Office of the Commissioner new and revised legislation and participates in the preparation of legislative proposals and testimony for presentation at congressional hearings.

Develops and interprets compliance and surveillance programs and current good manufacturing practices.

Coordinates the Bureau's intramural and extramural scientific and regulatory programs within FDA.

Develops and implements Bureau program and resource plans. Evaluates the effectiveness of Bureau operating programs.

Provides overall direction to the Bureau's utilization of research grants and research and service contracts program.

(1–1–i) *Office of Planning and Evaluation* (6A11012). Advises and assists the Bureau Director and other key Bureau officials regarding strategic and operational planning and substantive program policy development.

Develops and implements Bureau planning and programming strategy and the annual budget.

Identifies operational goals and evaluation measures; develops and applies appropriate effectiveness measures to Bureau programs.

Provides planning and evaluation consulting services to Bureau program and management officials.

Represents the Bureau in matters related to planning and evaluation within FDA and with Federal agencies and the regulated industries.

Develops policy and provides technical and professional services to the Bureau's contract and grant program including the Bureau Contract and Grant Review Committee.

Develops compliance and surveillance programs for field implementation, including appropriate evaluation and reporting requirements.

Plans allocations of field resources and monitors the status of implementation of plans.

Acts as the Director's principal advisor and coordinator for Bureau position allocations, financial management, contract and grant program, and field resources; develops and implements related plans.

Directs Bureau program management system operations including goal-setting, performance review, and related utilization reporting systems.

(1–2–i) *Division of OTC Drug Evaluation* (6A11022). Identifies and classifies over-the-counter (OTC) drugs into categories for review by appropriate panels; coordinates the collection of safety and effectiveness data on drugs to be reviewed.

Coordinates the establishment of, and provides technical and clerical support to, OTC advisory panels which make recommendations on standards for OTC drugs.

Receives, controls, and screens all OTC drug submissions including protocols; notifies sponsor of inadequate or deficient data; schedules and participates in industry/agency conferences.

Notifies Bureau components of OTC panel recommendations; obtains concurrence for final OTC recommendations from respective reviewing Bureau components.

Provides information regarding OTC advisory panel activities; assists in preparing official summary minutes, information memoranda, panel reports, and drug monographs.

Recommends Bureau actions based on OTC advisory panel evaluations.

Coordinates the development of each proposed, tentative final, and final drug monograph; provides technical assistance to the Associate Director for Compliance as required in implementing final drug monographs.

Develops and implements, in coordination with the Office of Professional and Consumer Programs, consumer and professional educational programs including formal presentations relating to the OTC drug program; participates in agency sponsored OTC drug consumer education programs.

(1–2–ii) *Division of Biopharmaceutics* (6A11023). Evaluates bioavailability and pharmacokinetic protocols and data in notices of claimed investigational exemption for new drugs (IND's), abbreviated new drug applications (ANDA's), new drug applications (NDA's), antibiotic applications (Forms 5 and 6) and their supplements and amendments.

Approves, disapproves, or recommends new bioavailability and pharmacokinetic studies and/or protocols.

Identifies potential bioavailability problems and prepares protocols and guidelines for conducting bioavailability studies.

Reviews and evaluates drug disposition data, dosing regimen, and specialized drug delivery systems to assure bioavailability of drugs.

Coordinates the establishment of and provides technical and clerical support to biopharmaceutic advisory panels.

Assists in developing or revising drug monographs on the basis of bioavailability data.

Initiates, monitors, and conducts intramural biopharmaceutic research; identifies extramural research needs; initiates, monitors, and coordinates extramural research contracts with in-house activities.

(1–2–iii) *Division of Generic Drug Monographs* (6A11024). Evaluates medical and scientific data and determines approvability of original and amended abbreviated new drug applications (ANDA's), abbreviated antibiotic applications (Forms 6), and their supplements.

Recommends withdrawal of approval of ANDA's.

Coordinates the review of ANDA and abbreviated antibiotic bioavailability protocols and resultant studies with the Division of Biopharmaceutics.

Serves as the primary source for information on current labeling, methods validation, and establishment inspection reports of ANDA's, abbreviated antibiotic applications, and old drug monographs.

Coordinates development of and provides scientific inputs to generic drug monographs and subsequent revisions.

Evaluates the nonmedical aspects of human drug products in abbreviated antibiotic applications and their supplements.

Recommends and reviews regulations concerning human antibiotic products.

(1–3–i) *Division of Biometrics* (6A11032). Provides comprehensive statistical and biomathematical services to Bureau programs.

Conducts research and development in statistical, biomathematical and other scientific decision-making methodologies.

Evaluates and applies new statistical methodologies in support of scientific decisions.

Develops statistical methodologies for analyzing epidemiological data and collaborates with other Bureau units on such methodologies to be used in intramural and extramural programs.

Develops computational computer programs.

(1–3–ii) *Division of Poison Control* (6A11033). Promotes the establishment of and provides technical support to State and local governments in the creation and maintenance of poison control centers. Furnishes information to such centers concerning the treatment of toxic, hazardous, and caustic substances that may be ingested.

Collects, evaluates, and disseminates clinical and statistical data concerning the toxic effects of drugs, chemicals, and hazardous household substances on humans and animals.

Evaluates reports on injuries and fatalities resulting from accidental ingestion of household substances, medicines, and other chemicals; identifies cases of special interest and pursues further field investigations.

Analyzes data to determine products causing injuries to children and recommends within FDA and to the Consumer Product Safety Commission those drugs and substances requiring child-resistant packaging or special precautionary labeling as required by Federal legislation.

Conducts and supports research on treatment of ingested toxic substances, on product modifications considered necessary to reduce their injury-producing characteristics, and on prevention techniques.

Provides medical support in developing warning and first aid statements for hazardous and potentially hazardous substances.

Develops and implements, in coordination with the Office of Professional and Consumer Programs, education and information programs designed to reduce accidental poisonings.

(1–3–iii) *Division of Drug Experience* (6A11034). Develops and implements systems for the acquisition of data concerning drug experiences and drug use trends; evaluates and disseminates such information to the Bureau and other organizations within FDA. Plans and conducts the research and development activities to evaluate and determine optimal media and techniques to meet the needs of health professionals and consumers concerning drug usage information.

Develops and monitors contracts to acquire drug experience data.

Evaluates socioeconomic implications of drug usage information.

Participates in World Health Organization programs to implement an international drug monitoring system.

(1–4–i) *Division of Methadone Monitoring* (6A11046). Develops the basic strategy for and approves, directs, coordinates, and monitors compliance programs for drugs requiring special controls over the conditions of use.

Evaluates field report submissions, including inspections, investigations, and recommendations for compliance actions; recommends, directs, and/or coordinates case development and contested case assistance in the handling of compliance actions.

Evaluates applications for the establishment of treatment centers and other activities which plan to use methadone or other drugs requiring special controls over the conditions of use; monitors and evaluates the medical and scientific quality of the treatment centers.

Develops and/or reviews regulations to control and monitor the usage of methadone and other such drugs.

Coordinates drug use monitoring programs with Federal, State, and local agencies.

Conducts training seminars for industry and Federal, State, and local health officials on drug usage control practices in coordination with the Executive Director of Regional Operations.

Develops and monitors special investigations involving drug usage and/or false or fraudulent statements or entries.

(1–4–ii) *Division of Drug Product Quality* (6A11047). Develops the basic strategy for and approves, directs, coordinates, and monitors compliance programs issued in the areas of product quality assurance (other than manufacturing), product surveillance, and antibiotic and insulin certification.

Evaluates field report submissions, including inspections, investigations, and recommendations for compliance actions; recommends, directs, and/or coordinates case development and contested case assistance in the handling of compliance actions regarding drug product quality.

Plans, develops, and maintains a product quality surveillance system.

Coordinates, evaluates, and monitors all incoming product quality surveillance data concerning product defects, problems, developments, and trends within the drug industry; advises and coordinates data with other Bureau components with regard to their current programs. Identifies new areas for potential FDA responsibility or action.

Certifies batches of insulin and antibiotics; issues exemptions when appropriate.

(1–4–iii) *Division of Drug Labeling Compliance* (6A11048). Develops the basic strategy for and approves, directs, coordinates, and monitors compliance programs issued to implement NAS/NRC Drug Efficacy Study Implementation (DESI) announcements, OTC and other drug monographs, and for drugs not covered under specific regulations or announcements.

Evaluates field report submissions, including inspections, investigations, and recommendations for compliance actions; recommends, directs, and/or coordinates case development and contested case assistance in the handling of compliance actions regarding drug labeling compliance.

Notifies firms regarding the status of their drugs under specific DESI announcements and OTC and other drug monographs.

Directs the FDA Drug Product Listing and Establishment Registration program.

(1–4–iv) *Division of Drug Manufacturing* (6A11049). Develops the basic strategy for and approves, directs, coordinates, and monitors compliance programs issued with regard to drug manufacturing practices.

Evaluates field report submissions, including inspections, investigations, and recommendations for compliance actions; recommends, directs, and/or coordinates case development and contested case assistance in the handling of compliance actions regarding drug manufacturing problems.

Develops, coordinates, reviews, and revises current good manufacturing practice (CGMP) regulations; provides for their uniform interpretation.

Serves as the primary source of information concerning compliance by individual firms with CGMP in connection with NDA's, ANDA's, supplements, and antibiotic and insulin certification evaluations.

Promotes a better understanding of the requirements and objectives of the laws and regulations regarding CGMP and encourages compliance on a voluntary basis; plans and conducts educational and informational activities in conjunction with other agency units, trade associations, and academic groups.

(1–5–i) *Division of Drug Biology* (6A11052). Provides expert advice to the drug review divisions and other scientific and regulatory units of the Bureau on drug pharmacology and toxicology.

Plans and conducts research to investigate the utility of diverse animal and biochemical systems for the assay of drug products. Performs bioassays by official and nonofficial methods to determine drug potency including testing insulin for the certification program.

Correlates bioanalytical findings with results of newly devised physicochemical methods of drug analysis in conjunction with the Division of Drug Chemistry.

Plans and conducts research to determine the nature, extent, and significance of microbial and other microscopic contaminants in drugs and investigates their effects in microbiological systems.

Devises microanalytical and biological methods for the study and analysis of drugs.

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Plans and conducts research to investigate the nature and properties of pharmacologically significant substances in drugs and investigates their effects in biological systems.

Conducts research to investigate the metabolism of drugs, the mechanisms and identity of adverse drug reactions, the interactions between drugs and between drugs and chemicals in the environment, the neuroendocrine relationships, and the effects of drugs on behavior.

(1-5-ii) *Division of Drug Chemistry* (6A11053). Provides expert advice to the drug review divisions and other scientific and regulatory units of the Bureau on the chemistry of drugs and the methods of physicochemical identification of drugs and conducts special investigations upon request.

Appraises and improves current and proposed drug standards and specifications; validates NDA analytical procedures and reviews validation data from field laboratories.

Investigates the principles underlying the chemical reactions employed in the analysis of drugs.

Proposes and establishes specifications to standardize drugs and reference substances and cooperates with the United States Pharmacopoeia (USP), the National Formulary (NF), and the Association of Official Analytical Chemists (AOAC), in preparing official drug monographs which incorporate these specifications.

Participates in collaborative studies to test the validity of analytical methods proposed for adoption by the USP, NF, and AOAC.

Plans and conducts research to devise new methods to detect, isolate, and disclose the chemical nature of potent and toxic substances occurring in drug products.

Plans and conducts research to investigate the utility of electronic, optical, radiometric, and other physicochemical instruments for the analysis of drugs.

Devises new methods for the examination of individual drugs that present analytical problems in accepted procedures and for the examination of minute drug quantities; subjects these new methods to collaborative study.

(1-5-iii) *National Center for Antibiotics Analysis* (6A11054). Tests large numbers of antibiotics samples obtained through the certification program, surveillance programs, or other Federal agencies; provides expert advice on the analysis of the samples to the review divisions and other scientific and regulatory units of the Bureau.

Plans and conducts research on new and improved methods for the rapid analysis of large numbers of antibiotic samples and for the examination of individual antibiotics; subjects these new methods to collaborative study.

Devises and applies new methods for the analysis of antibiotic residues in tissues, body fluids, and other substances.

Participates in collaborative studies to test the validity of analytical methods proposed for adoption by the United States Pharmacopoeia (USP), National Formulary (NF), and Association of Official Analytical Chemists (AOAC), or in Antibiotic Forms 5 and 6.

Reviews and validates the analytical procedures included in Antibiotic Forms 5 and 6; assists in developing monographs for inclusion in the Code of Federal Regulations.

Cooperates with the World Health Organization, USP, and NF in testing and establishing reference standard drug substances for use in antibiotic analysis.

Tests, establishes, and maintains a collection of authenticated official antibiotic reference standard drug substances for distribution to FDA field laboratories, other Federal agencies, and to industry participants in the antibiotic and insulin certification program.

(1-5-iv) *National Center for Drug Analysis* (6A11055). Tests large numbers of drug samples obtained through surveillance programs, FDA field consumer safety officers, and other Federal agencies to obtain drug analysis data for use by the review divisions and other scientific and regulatory units of the Bureau.

Devises new automated methods for the rapid analysis of large numbers of drug dosage forms; establishes and maintains the Drug Auto Analysis Manual.

Devises new methods and develops and/or acquires new equipment for the examination of individual drugs which present analytical problems in accepted procedures and new methods for the analysis of minute drug quantities of single dosage entities; subjects these new methods to collaborative study.

Participates in collaborative studies to test the validity of analytical methods proposed for adoption by the United States Pharmacopoeia (USP), National Formulary (NF), and Association of Official Analytical Chemists (AOAC).

Cooperates with the USP and NF in testing drug reference substances (other than antibiotics) for compliance with specifications.

(1-6-i) *Division of Anti-Infective Drug Products* (6A11062). Performs the following IND/NDA review process with regard to anti-infective, dermatologic, ophthalmologic, and antibiotic drug products, develops related policy applying to this category of drug products:

Reviews notices of claimed investigational exemption for new drugs (IND's) and recommends action including approval of research plans and protocols, modifications, and restrictions, or disapproval.

Evaluates for safety and effectiveness, new drug applications (NDA's) submitted by manufacturers for permisson to market new drugs.

Evaluates adequacy of directions for use and warnings in proposed labeling.

Conducts continuing surveillance and medical evaluation of the labeling, clinical experience, and reports, submitted by an applicant under the records and reports requirements, of all drugs for which an approved NDA is in effect.

Evaluates manufacturing and laboratory methods, facilities, and controls exercised in firms producing new drugs.

Makes recommendations concerning withdrawal of approval of NDA's.

Provides advice and serves as the primary source of information within FDA on anti-infective, dermatologic, ophthalmologic, and antibiotic drug products with regard to the status of these drug applications, existing policy decisions, proposed regulatory actions, and the state of product development.

(1-6-ii) *Division of Cardio-Renal Drug Products* (6A11063). Performs the same functions as described above (1-6-i) with regard to cardiac, anti-hypertensive/renal, and gastro-intestinal drug products.

(1-6-iii) *Division of Surgical-Dental Drug Products* (6A11064). Performs the same functions as described above (1-6-i) with regard to surgical, dental, and pulmonary-anesthesia drug products.

(1-6-iv) *Division of Metabolism and Endocrine Drug Products* (6A11065). Performs the same functions as described above (1-6-i) with regard to obstetric, gynecological, and all other metabolic and endocrine drug products.

(1-6-v) *Division of Neuropharmacological Drug Products* (6A11066). Performs the same functions as described above (1-6-i) with regard to neurological, psychopharmacological, and drug abuse drug products.

Serves as the FDA resource on drug abuse information. Evaluates Investigational and marketed drugs for abuse potential as requested by IND/NDA review staffs. Recommends special studies or safeguards. Recommends drugs for addition to, removal from, or transfer within schedules provided by the Comprehensive Drug Abuse Prevention and Control Act of 1970.

(1-6-vi) *Division of Oncology and Radiopharmaceutical Drug Products* (6A11067). Performs the same functions as described above (1-6-i) with regard to oncology, radiopharmaceutical, and anti-inflammatory drug products.

(1-6-vii) *Division of Drug Advertising* (6A11069). Monitors and evaluates prescription drug promotional material, advertisements, practices, and related labeling.

Provides guidance and support in formulation of policy, regulations, and advisory opinions in advertising and promotional labeling.

Initiates or recommends administrative action to remedy violative advertising and promotional labeling; recommends field investigations; assists in the preparation of prospective cases. Provides training for Bureau and agency personnel in drug promotional literature and practices.

(1-7-i) *Division of Drug Information Resources* (6A11072). Operates systems for the collection, processing, and retrieval of information required to meet research and operating needs.

Reviews, abstracts, and retrieves scientific and technical information contained i. drug applications and other scientific documents.

Provides data input services within the Bureau and coordinates operational data processing activities.

Creates and maintains data files for medical and scientific purposes.

(1-7-ii) *Division of Information Systems Design* (6A11073). Designs, implements, and monitors management and scientific/technical information systems for the Bureau.

Establishes and monitors implementation of Bureau policies regarding all Bureau automated data processing activities including planning, contracts, equipment and software procurement, training, and utilization of automatic data processing (ADP) systems and facilities.

Serves as the Bureau point of contact with the agency's ADP operations.

Develops dictionaries, listings of terms, and thesauri to assure standardization of terminology within Bureau information systems.

Maintains overall Bureau responsibility for the FDA Chemical Structure File and conducts research on the design of systems and routines for chemical substructure searching.

(1-7-iii) *Medical Library* (6A11074). Acquires, catalogs, and disseminates pharmaco-medical and scientific information for use by Bureau and FDA scientists and administrators.

Provides manual and automated services in support of compiling and disseminating medical and scientific information.

Serves as liaison with drug information centers outside of FDA such as the National Library of Medicine.

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These functional statements supersede the previous functional statements for the entire Bureau of Drugs published in 37 FR 4972, March 8, 1972, and 38 FR 13574, May 23, 1973.

Effective Date. This order shall be effective September 24, 1974.

Dated: September 16, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-22088 Filed 9-23-74;8:45 am]

Social and Rehabilitation Service

WORK INCENTIVES—SOCIAL AND SUPPORTIVE SERVICES

Imposition of Interim Limits of Entitlement

Notice is hereby given that, in order to insure that the Federal financial participation in expenditures under the work Incentive Program—"WIN"—to States pursuant to sections 402(a)(19)(G) and 403(d) of the Social Security Act, 42 U.S.C. 602(a)(19)(G) and 603(d), for the period from July 1, 1974 to December 31, 1974 does not exceed funds available therefor under Public Law 93-324, limits of entitlement for each State are hereby established. The semiannual limits of entitlement published below are an interim measure. At such time as the Department's regular appropriation for Fiscal Year 1975 is enacted into law, the Department intends to publish a notice establishing the annual limit of entitlement for each State for the entire Fiscal Year 1975. Such annual limits of entitlement will replace and supersede the semiannual limits of entitlement published herein. While the semiannual limits herein promulgated remain in effect, requests for Federal financial participation in expenditures incurred pursuant to section 402(a)(19)(G) of the Social Security Act, 42 U.S.C. 602(a)(19)(G), in the period from July 1, 1974 to December 31, 1974, will not be honored to the extent they exceed the limits promulgated herein.

The semiannual limits of entitlement have been calculated so as to provide each State with an amount equal to that proportion of $47,000,000 (the amount available for WIN social and supportive services under Pub. L. 93-324) which such State's program costs under section 402(a)(19)(G) of the Social Security Act, 42 U.S.C. 602(a)(19)(G), during the first three quarters of Fiscal Year 1974 bear to the total of such program costs by all States as reflected on the quarterly statements of expenditures reported by the States.

The limits of entitlement for each State for child care, other supportive services and administration under section 402(a)(19)(G) of the Social Security Act, 42 U.S.C. 602(a)(19)(G), for the period from July 1, 1974 to December 31, 1974 are as follows:

JULY 1, 1974, TO DECEMBER 31, 1974, LIMIT OF ENTITLEMENT

State:	
Alabama	$644,750
Alaska	210,968
Arizona	432,544
Arkansas	303,035
California	2,251,161
Colorado	553,802
Connecticut	638,614
Delaware	194,045
District of Columbia	784,837
Florida	1,209,158
Georgia	1,910,333
Hawaii	134,299
Idaho	322,058
Illinois	1,051,547
Indiana	439,295
Iowa	477,194
Kansas	301,237
Kentucky	664,066
Louisiana	490,994
Maine	308,003
Maryland	1,043,713
Massachusetts	646,112
Michigan	5,753,153
Minnesota	822,628
Mississippi	212,568
Missouri	949,430
Montana	229,598
Nebraska	229,644
Nevada	19,981
New Hampshire	68,371
New Jersey	3,295,636
New Mexico	181,462
New York	7,460,778
North Carolina	460,384
North Dakota	105,966
Ohio	852,195
Oklahoma	393,351
Oregon	1,411,172
Pennsylvania	1,128,353
Rhode Island	367,092
South Carolina	549,363
South Dakota	145,456
Tennessee	624,970
Texas	1,437,378
Utah	318,611
Vermont	328,313
Virginia	698,468
Washington	1,094,257
West Virginia	693,256
Wisconsin	1,550,533
Wyoming	50,808
Guam	12,590
Puerto Rico	514,294
Virgin Islands	9,177

Dated: September 19, 1974.

JAMES S. DWIGHT, JR.,
Administrator, Social and Rehabilitation Service.

[FR Doc.74-22150 Filed 9-23-74;8:45 am]

Social and Rehabilitation Service

CUBAN REFUGEE PROGRAM

Suspension of Phaseout of Federal Reimbursement to States

Notice of the phaseout of Federal Cuban Refugee Program reimbursements to the States, under the Migration and Refugee Assistance Act of 1962 (Pub. L. 87-510), was published in the FEDERAL REGISTER of June 7, 1974 (39 FR 20222), effective July 1, 1974.

Subsequent to the publication of the phaseout notice, Congress passed and the President approved Pub. L. 93-324 (Continuing Appropriations) which authorizes expenditures for the Cuban Refugee Program at a nonphaseout level.

In light of the Congressional action, the Secretary has decided to continue the program on the previous basis until further notice. Therefore the notice of June 7 is suspended, and States may, without interruption, continue to claim reimbursement of assistance to Cuban refugees in accordance with the eligibility and reimbursement policies in effect prior to July 1, 1974.

Dated: September 18, 1974.

JAMES S. DWIGHT JR.,
Administrator, Social and Rehabilitation Service.

[FR Doc.74-22087 Filed 9-23-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Docket No. RST-1; Waiver Petition No. 18]

NORWOOD & ST. LAWRENCE RAILROAD CO.

Petition for Waiver of Track Safety Standards

Notice is hereby given that the Norwood and St. Lawrence Railroad Com-

V 39 I 186 SEP 24 74 XUM

pany has petitioned the Federal Railroad Administration (FRA) for a temporary waiver of compliance with §§ 213.33, 213.37 (a), (b), and (c), 213.109 (c) and 213.137 of the FRA Track Safety Standards (49 CFR 213.33, 213.37(a), (b), and (c), 213.109(c) and 213.137) for one year or until its abandonment application pending before the Interstate Commerce Commission is decided (ICC Docket No. AB–81).

The trackage for which a waiver is requested extends from Norfolk to Waddington, New York, a distance of 14 miles. The petitioner states that from December 1 to May 1, no operations are conducted over this trackage due to heavy snow and the high cost of snow removal. During the remainder of the year, an average of one car per week is hauled to the only shipper located on this trackage.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should identify the proceeding (RST–1; Waiver Petition No. 18) and should be addressed to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW, Washington, D.C. 20590. Communications received prior to October 24, 1974 will be considered before action is taken on this petition.

This petition and all comments received will be available for examination by interestd persons at any time during normal busines hours in Room 5101, Nassif Building, 400 Seventh Street, SW, Washington, D.C.

This notice is issued under the authority of sections 202 and 209 of the Federal Railroad Safety Act of 1970, 84 Stat. 971, 975; 45 U.S.C. 431 and 438 and § 1.49(n) of the regulations of the Office of the Secretary of Transportation; 49 CFR 1.49(n).

Issued in Washington, D.C. on September 18, 1974.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74–22078 Filed 9–23–74;8:45 am]

ACTION

INTERIOR BOARD OF CONTRACT APPEALS

Designation to Hear and Determine Appeals Under ACTION Contracts

1. The Interior Board of Contract Appeals is hereby designated the authorized representative of the Director of ACTION in hearing, considering and determining as fully and finally as might the Director, appeals by contractors from decisions on disputed questions taken pursuant to the provisions of contracts requiring the determination of such appeals by the Director or his duly authorized representative or Board.

2. In acting under this designation, the Interior Board of Contract Appeals will follow such rules and procedures as it follows and as are or may be prescribed for the determination of the Department of Interior contract appeals cases (43 CFR Part 4).

3. The General Counsel of ACTION will assure representation of the interests of the Government in proceedings before the Interior Board of Contract Appeals.

4. All officers and employees of ACTION will cooperate with the Interior Board of Contract Appeals and Government counsel in the processing of appeals so as to assure their speedy and just determination.

5. This designation will apply to all appeals pending under contracts let by ACTION and not finally determined by the Director as of its date and to all appeals which may thereafter arise under ACTION contracts.

MICHAEL P. BALZANO, Jr.,
Director.

SEPTEMBER 16, 1974.

[FR Doc.74–22174 Filed 9–23–74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON ST. LUCIE NUCLEAR GENERATING STATION, UNIT 1

Rescheduling of Meeting

SEPTEMBER 19, 1974.

The meeting of the Advisory Committee on Reactor Safeguards' Subcommittee on St. Lucie Nuclear Generating Station, Unit 1, originally scheduled for October 8, 1974, notice of which was published at 39 FR 32775, September 11, 1974, has been rescheduled for November 12, 1974. The time and place for the meeting remain unchanged from the original notice.

The following additional changes are made concerning the original meeting notice:

(a) Written statements submitted on the agenda item should be postmarked no later than November 5, 1974.

(b) The time set aside for oral statements will be November 12, 1974, vice October 8, 1974.

(c) Calls to the Office of the Executive Secretary regarding cancellation or rescheduling should be made by prepaid telephone call on November 11, 1974.

(d) Copies of the transcript of the open portion of the meeting will be available after November 14, 1974.

(e) Copies of the minutes of the meeting will be available after February 12, 1975.

All other aspects of the original notice for the meeting remain unchanged, and the determination made to close specific portions of the meeting is applicable to the rescheduled meeting.

JOSEPH B. LAGRONE,
Acting Advisory Committee Management Officer.

[FR Doc.74–22159 Filed 9–23–74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON ST. LUCIE NUCLEAR GENERATING STATION, UNIT 2

Rescheduling of Meeting

SEPTEMBER 19, 1974.

The meeting of the Advisory Committee on Reactor Safeguards' Subcommittee on St. Lucie Nuclear Generating Station, Unit 2, originally scheduled for October 9, 1974, notice of which was published at 39 FR 32776, September 11, 1974, has been rescheduled for November 13, 1974. The time and place for the meeting remain unchanged from the original notice.

The following additional changes are made concerning the original meeting notice:

(a) Written statements submitted on the agenda item should be postmarked no later than November 6, 1974.

(b) The time set aside for oral statements will be November 13, 1974, vice October 9, 1974.

(c) Calls to the Office of the Executive Secretary regarding cancellation or rescheduling should be made by prepaid telephone call on November 12, 1974.

(d) Copies of the transcript of the open portion of the meeting will be available after November 15, 1974.

(e) Copies of the minutes of the meeting will be available after February 13, 1975.

All other aspects of the original notice for the meeting remain unchanged, and the determination made to close specific portions of the meeting is applicable to the rescheduled meeting.

JOSEPH B. LAGRONE,
Acting Advisory Committee Management Officer.

[FR Doc.74–22158 Filed 9–23–74;8:45 am]

[Docket Nos. 50–438, 50–439]

TENNESSEE VALLEY AUTHORITY

Limited Work Authorization

Pursuant to the provisions of 10 CFR § 50.10(e) of the Atomic Energy Commission's (Commission) regulations, the Commission has authorized the Tennessee Valley Authority to conduct certain site activities in connection with the Bellefonte Nuclear Plant, Units 1 and 2, prior to a decision regarding the issuance of construction permits.

The activities that are authorized are within the scope of those authorized by 10 CFR 50.10(e)(1) and specifically include the following:

A. Construction plant. 1. Move and set office and shop trailers and vans on site including utility services.

2. Upgrade roads on site including drainage structures.

3. Clear and grub construction plant areas including roads, railroads, shops, offices, storage, dock, utilities, drainage structures, holding ponds, and parking areas.

4. Grade and surface with crushed stone as appropriate construction plant areas including roads, railroads, shops, offices, storage, dock, utilities, drainage structures, holding ponds, and parking areas.

5. Receive both permanent and construction plant materials and equipment and store and/or handle as appropriate.

6. Erect construction dock at river including dredging and erection of sheet pile cells and equipment handling crane.

7. Install electrical, telephone, air and water utilities including electrical substation, elevated water tank, pumping station, and sewage facilities.

8. Place concrete or other type foundations as appropriate and erect shops, Offices, trailers, concrete mixing plant, and fuel and water tanks and pumps with protective dikes.

9. Install protective fencing.

10. Clear, grub, and construct 46–kV electrical feeder line from existing transmission line west of U.S. Highway 72 to construction substation.

11. Clear, grade, and install telephone and potable water lines from offsite to project facilities.

B. Permanent features. 1. Clear and grub for powerhouse and general yard including reactor, auxiliary, diesel generator, office and service bay, and turbine room buildings, switchyards, cooling tower and yard drainage pond areas.

2. Excavate both earth and rock from the above areas as applicable.

3. Place useable dirt excavation or borrow material as fill in switchyard or other fill areas and the unuseable material to spoil areas.

4. Place excavated rock either in storage or use as appropriate for road beds, fill, etc.

5. Clear, grub, grade, and build permanent railroad to plant including interchange yard near Hollywood, Alabama.

6. Clear, grub, grade, and construct access road from U.S. Highway 72 to vicinity of powerhouse including causeway across Town Creek embayment.

7. Clear, grub, grade, and erect environmental data collecting station including parking areas, road, and utilities.

8. Relocate Shipp Cemetery.

The authorization is subject to the following conditions for the protection of the environment:

a. An approved sampling program, as outlined in section 5.4.2.5 and 6.2.1.1 of the AEC Staffs Final Environmental Statement (SFES) will be implemented to obtain data necessary for assessment of the significance of the loss of icthyoplankton through entrainment in the proposed intake.

b. The data obtained in the program specified in (a) above shall be submitted to the staff for review on a continuing basis and shall form the basis for a final decision on the acceptability of the proposed intake. The results will be subjected to thorough evaluation and a decision on the intake acceptability will be made on the basis of a cost–benefit analysis which will include both projected losses of fisheries resources on the entire reservoir and real and projected costs for the plant.

c. The applicant shall not use the broadcase application of herbicides on the right–of–way covered under Step One (section 3.3, SFES) of the transmission line construction plant. (section 5.4.1 and Appendix B, SFES).

The applicant shall conduct studies which will assess the impacts of various alternative methods of transmission line construction and maintenance, and prior to any construction of Steps Two and Three (section 3.3 SFES), the applicant shall submit (1) for staff evaluation the results of these studies and (2) an updated version of its proposed clearing and maintenance methods for staff approval. This submittal should include analysis of cost experience factors as well as environmental impacts such as the effects on vegetation, wildlife and soil stability. (sections 4.1.2 and 9.2.4 SFES)

d. Prior to initiating construction of the discharge facility, the applicant shall provide the results of thermal–hydraulic analytical studies and plans for physical modeling experiments to be conducted in support of the final design and location of the plant cooling water discharge. (sections 5.4.2.3.1 and 9.2.5 SFES)

e. The applicant shall take the necessary mitigating actions, including those summarized in section 4.4, SFES, during construction of the plant and associated transmission lines to avoid unnecessary adverse environmental impacts from construction activities.

f. A control program shall be established by the applicant to provide for a periodic review of all construction activities to assure that those activities conform to the environmental conditions set forth in the construction permit.

g. Before engaging in a construction activity which may result in a significant adverse environmental impact that was not evaluated or that is significantly greater than that evaluated in the SFES, the applicant shall provide written notification to the Director of Licensing.

h. The applicant may develop either, but not both, of the two alternative access routes to the plant as the permanent plant access road; provided that approximately 500 acres of land located on the northeast tip of Bellefonte peninsula will be developed as a "generally dispersed recreation area" as defined in Tennessee Valley Authority's Recreation Plan Volume 1, Methodology (1973); and that the proposed recreation area will be developed consistent with the maximum "peak hour recreation visits" of approximately 800 visits within a two mile radius of the plant for the life of the facility.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Tennessee Valley Authority and the grant of the authorization has no bearing on the issuance of a construction permit with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, and regulations, or orders promulgated pursuant thereto.

An Partial Initial Decision on matters relating to the National Environmental Policy Act and site suitability was issued by the Atomic Safety and Licensing Board in the above captioned proceeding on September 6, 1974. A copy of (1) The Partial Initial Decision; (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report, and amendments thereto; (4) the staff's Final Environmental Statement dated June 1974; and (5) the Commission's letter of authorization, dated September 17, 1974, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW, Washington, DC.., and the Scottsboro Public Library, 1002 South Broad Street, Scottsboro, Alabama 35768.

Dated at Bethesda, Maryland the 17th day of September, 1974.

For the Atomic Energy Commission.

WM. H. REGAN, Jr.,
Chief, Environmental Projects Branch 4, Directorate of Licensing.

[FR Doc.74–22139 Filed 9–23–74;8:45 am]

[Docket Nos. 50–259, 50–260]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR–33 and Amendment No. 2 to Facility Operating License No. DPR–52 to the Tennessee Valley Authority which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant Units 1 and 2 located in Limestone County, Alabama. The amendments are effective as of their dates of issuance.

Amendment No. 5 to (Unit 1) License No. DPR–33 revises the maximum average planar linear heat generation rate (MAPLHGR) curves; and describes modifications pertaining to pipe whip restraints.

Amendment No. 2 to (Unit 2) License No. DPR–52 revises the MAPLHGR curves. The amendments to both licenses incorporate Change No. 6 in the Technical Specifications (Appendix A).

The application for the amendment and supplement thereto comply with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated June 3, 1974 and supplement thereto dated June 10, 1974; (2) Amendment No. 5 to License No. DPR–33 and Amendment No. 2 to License No. DPR–52, with any attachments; (3) the Commission's related Safety Evaluation; (4) the Commission's Technical Report on Densification of General Electric Re-

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actor Fuels, dated August 28, 1973, and Supplement 1 dated December 14, 1973; (5) Amendment No. 49 to the application; (6) the report entitled "Concluding Report on the Effects of Postulated Pipe Failure Outside of Containment for Unit 1 of Browns Ferry Nuclear Plant," transmitted by the licensee's letter dated November 2, 1973; and (7) the Directorate of Licensing's Safety Evaluation and Errata dated June 26, 1972, and Supplements 1 through 6 thereto. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545, and at the Athens Public Library, South and Forrest, Athens, Alabama 35611.

A copy of items (2), (3), (4) and (7) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 17th day of September, 1974.

For the Atomic Energy Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Project Branch 2-1, Directorate of Licensing.

[FR Doc.74-22140 Filed 9-23-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

SEPTEMBER 19, 1974.

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on October 10–12, 1974, in Room 1046, 1717 H Street, NW., Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

THURSDAY, OCTOBER 10, 1974

9:15 AM–12:45 PM: 1:45–2:45 PM—River Bend Station Units 1 & 2. The Committee will review the application for a construction permit for this facility. The ACRS will hear presentations by and hold discussions with representatives of the AEC Regulatory Staff and the Gulf States Utility Company as part of its review.

Portions of this session will be closed, if required, to discuss proprietary information related to the design, construction and/or operation of this plant and to discuss security arrangements for this facility. Closed sessions will also be held for Committee deliberative sessions.

3:15 PM–7:45 PM—Perry Nuclear Plants 1 and 2. The Committee will continue its review of the request for a construction permit for this facility. Representatives of the AEC Regulatory Staff and the Cleveland Electric Illuminating Company will make presentations to and hold discussion with the Committee. Portions of this session will be closed, if required, to discuss proprietary information related to the design, construction and/or operation of this plant. Closed portions will also be held to discuss security provisions for this facility and for Committee deliberative sessions.

FRIDAY, OCTOBER 11, 1974

9:30 AM–1:00 PM—Comanche Peak Steam Electric Station. The Committee will hear presentations by and hold discussions with representatives of the AEC Regulatory Staff and the Texas Utilities Generating Company with respect to the request for a construction permit for this facility.

Closed sessions will be held, if required, to discuss proprietary information related to the design, construction and/or operation of this facility. Closed sessions will also be held to discuss security arrangements for this facility and for Committee deliberative sessions.

2:00 P.M–3:30 PM—Meeting with AEC Regulatory Staff. The Committee will meet with members of the AEC Regulatory Staff to hear presentations on and hold discussions regarding recent reactor operating experience and recent licensing actions.

4:15 PM–8:30 PM—Crystal River Nuclear Plant Unit No. 3. The Committee will meet with representatives of the AEC Regulatory Staff and the Florida Power Corporation as part of its review of the application for an operating license for this facility. Closed portions will be held, if necessary, to discuss proprietary information related to the design, construction and/or operation of this facility. Closed sessions will also be held to discuss security arrangements for this unit and for Committee deliberative sessions.

In the event it is necessary to defer consideration of any of the projects noted above, the Committee will consider the following as time permits:

Atlantic Nuclear Generating Station. The Committee will meet with representatives of the AEC Regulatory Staff, the Public Service Electric and Gas Company of New Jersey, and Offshore Power Systems to continue the Committee's review of the request for a construction permit for this facility. This session will include closed portions, if required, to discuss proprietary information related to the design, construction, and/or operation of this station. Closed portions will also be held, if required, to discuss security arrangements for this station and for Committee deliberative sessions.

Clinch River Breeder Reactor. The Committee will hold a pre-application information meeting on this project. The Committee will hear presentations by and hold discussions with representatives of the AEC Regulatory Staff and the Project Management Corporation pertinent to the design features and current project status and plans related to the application for a construction permit for this plant.

Portions of this session will be closed, if required, to discuss proprietary information related to the design, construction and/or operation of this facility. Closed portions will also be held for Committee deliberative sessions.

It should be noted that, in addition to the closed portions of the agenda items noted above, the Committee will hold other sessions not open to the public under the authority of section 10(d) of Public Law 92–463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined in accordance with subsection 10(d) of Public Law 92–463 that it is necessary to close such portions of the meeting to protect proprietary data (5 U.S.C. 552(b)(4)), and to protect the free interchange of internal views to avoid undue interference with agency or Committee operation (5 U.S.C. 552(b)(5)). Any non-exempt material that may be discussed during the closed portions of the meeting will be inextricably intertwined with discussion of exempt material and no further separation is practical. Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than October 2, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and as follows:

COMANCHE PEAK STEAM ELECTRIC STATION

Somervell County Public Library
On the Square
P.O. Box 417
Glen Rose, Texas 76043

RIVER BEND STATION UNITS 1 AND 2

Audubon Library
W. Feliciana Branch
St. Francisville, Louisiana 70775

CRYSTAL RIVER NUCLEAR PLANT UNIT NO. 3

Crystal River Public Library
Crystal River, Florida 32629

PERRY NUCLEAR PLANT UNITS 1 AND 2

Perry Public Library
3753 Main Street
Perry, Ohio 44081

ATLANTIC NUCLEAR GENERATING STATION

Library
Stockton State College
Pomona, New Jersey 08240
ATTN: Mrs. Brunn

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on October 9, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301–973–5651) between 8:30 a.m. and 5:15 p.m. Eastern Daylight Saving Time. It should be noted that the schedule noted above is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items during the same day to accommodate required changes. The ACRS Executive Secretary will be prepared to describe these changes on October 9, 1974.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) Persons desiring to attend portions of the meeting where proprietary information is being discussed may do so by providing to the Executive Secretary 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C., on or after January 11, 1975. Copies may be obtained upon payment of appropriate charges.

JOE B. LAGRONE,
Acting Advisory Committee Management Officer.

[FR Doc.74-22160 Filed 9-23-74;8:45 am]

LABOR-MANAGEMENT ADVISORY COMMITTEE

Notice of Meeting

SEPTEMBER 18, 1974.

The Atomic Energy Commission's Atomic Energy Labor-Management Advisory Committee will hold a meeting on October 31, 1974, at the AEC's Washington office, Room No. 1146, 1717 H Street NW., Washington, D.C. The meeting will be open to the public and will begin at 9:30 a.m.

The following agenda items are scheduled for discussion:

1. Briefing on the organization of the Energy Research and Development Administration (ERDA).
2. AELMAC's role under the new legislation.
3. Status of actions to implement AEC–DOL agreement exempting AEC GOCO employees from OSHA.
4. Status of manpower studies.
5. Status of the NCRP recommendation for lower radiation standards for female employees.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 10 copies thereof, postmarked, if possible, no later than October 18, 1974, to Mr. H. T. Herrick, Chairman, Atomic Energy Labor-Management Advisory Committee, Division of Labor Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statements and their usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a total period of not more than 30 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call to the office of the Chairman of the Committee named in paragraph (a) above. His telephone number is Area Code 301–973–5083.

(e) Questions at the meeting may be asked only by members of the Advisory Committee.

(f) Seating for the public will be made available on a first-come first-served basis.

(g) Copies of minutes of the meeting will be made available for copying, following their acceptance by the Committee, in accordance with the Federal Advisory Committee Act, at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, upon payment of all charges required by law.

JOE B. LA GRONE,
Acting Advisory Committee Management Officer.

[FR Doc.74-22157 Filed 9-23-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 74-9-66; Docket No. 26487]

TRANSATLANTIC, TRANSPACIFIC, AND LATIN AMERICAN MAIL RATES

Order Fixing Final Rates and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of September, 1974.

By Order 74–7–136, dated July 30, 1974, the Board directed the parties to show cause why the Board should not establish 13.007 cents per ton-mile as the fair and reasonable final rate of compensation for the transportation of space available mail (SAM) for the period May 26 through December 31, 1973, and 13.787 cents per ton-mile as the fair and reasonable final rate of compensation for the transportation of SAM for the period January 1 through March 7, 1974.

The time for filing notices of objection has expired, and the parties have not filed objections to these proposed final rates.[1] All parties have therefore waived further procedural steps, and the proposed rates will be made final herein. However, motions requesting clarification of the show cause order have been filed by Pan American World Airways, Inc. (Pan American)[2] and the Postmaster General (PMG3.[3]

Pan American requests that the Board make it clear that the temporary SAM rate to be in effect on and after March 8, 1974, pending the establishment[4] of a higher temporary rate, will be 13.787 cents per ton-mile, the final rate for the period immediately preceding March 8. The carrier believes that it was the Board's intention to establish the 13.787-cent rate as the temporary rate, but notes that lack of an express provision in the show cause order for a temporary rate may lead to some uncertainty and confusion. Pan American argues that there is no risk of overpayment since the Board has announced in prior orders its intent to establish a fuel surcharge applicable to all international mail rates effective March 8, 1974, and it is clear that this surcharge will be greater than the 6 percent fuel-related increase incorporated in the 13.787-cent rate. The carrier states that failure to establish a 13.787-cent temporary rate would defer payment of a substantial amount of revenue.

We did not propose a temporary SAM rate in Order 74–7–136, because, as we noted therein, we intend to propose by separate order new temporary rates for all international mail services for the period on and after March 8, 1974,[4] and we

[1] Trans World Airlines, Inc. (TWA), filed a comment indicating that, in the interest of expediting the resolution of the past-period rates, it would not file an objection.

[2] An answer in support of Pan American's motion was filed by TWA.

[3] An answer in support of the PMG's motion was filed by Continental Air Lines, Inc.

[4] Order 74–7–136 at page 3.

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expected that, in the interim, the PMG would continue to pay the carriers at the 13.787-cent final rate in effect on March 7, 1974.[6] Nevertheless, since there appears to be some doubt as to the SAM rates to be paid pending adoption of new temporary rates for all classes of mail in foreign air transportation, we herein propose to establish as temporary SAM rates the final rates in effect on March 7, 1974.

The PMG requests clarification of the statement in the show-cause order that all of Continental's mail rates in the Trust Territory of the Pacific are open for the period on and after March 8, 1974, and are included in this investigation. The PMG argues that Order 74–3–40, dated March 8, 1974, did not open Continental's military ordinary mail (MOM) and airmail rates, and that the statement in the show cause order was not effective to open such rates. In addition, the PMG requests that the ordering paragraphs of the final order reflect the Board's determination recited in the show cause order to leave unchanged the SAM rate applicable to Continental's Trust Territory service for the period prior to March 8, 1974.

We agree that Order 74–3–40 did not open Continental's MOM and airmail rates to, from, and within the Trust Territory. Furthermore, since mail rates for this area have traditionally been determined separately based on the peculiar characteristics of the service, we have determined not to consider these rates in the current proceeding. Since all of the Trust Territory mail rates are interrelated, we agreed with Continental and the PMG in Order 74–7–136 that the past period SAM rate in this area should not be adjusted.[6] For the same reasons, we believe it would be inappropriate to adjust the SAM rate alone for the period on and after March 8, 1974. Therefore, we propose by this order to finalize Continental's SAM rates to, from, and within the Trust Territory at the current level of 12.31 cents per great-circle ton-mile, which we tentatively find to be fair and reasonable until such time as all of Continental's Trust Territory mail rates may be considered in a separate proceeding.[7]

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, and 406 thereof,

It is ordered, That:

1. The fair and reasonable final rates of compensation to be paid to the carriers by the Postmaster General for the transportation by aircraft, the facilities used and useful therefor, and the service connected therewith, for the carriage of space-available mail (SAM), as provided for by sections 3401(b) and 3401(c) of the United States Code, for the periods May 26 through December 31, 1973, and January 1 through March 7, 1974, shall be those set forth in Appendix A attached hereto for the areas set forth therein; [8] *Provided*, That the fair and reasonable final rate of compensation to be paid by the Postmaster General to Continental Air Lines, Inc., for the transportation by aircraft, the facilities used and useful therefor, and the service connected therewith, for the carriage of SAM to, from, and within the Trust Territory of the Pacific for the period May 26, 1973, through March 7, 1974, shall be 12.31 cents per ton-mile.

2. The terms and conditions applicable to the transportation of SAM shall be those set forth in Order E–25654 (47 C.A.B. 957 (1967)) as amended (Order E–26713, 48 C.A.B. 810 (1968)), and Order 72–2–22, February 7, 1972 (for Continental's service to, from, and within the Trust Territory); and the mail ton-miles shall be based upon nonstop great-circle ton-miles in accordance with Order 73–4–16, April 3, 1973.

3. Except to the extent granted herein, the motions for clarification filed by the Postmaster General and Pan American World Airways, Inc., are hereby dismissed.

4. All interested persons and particularly Airlift International, Inc., Alaska Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Airlines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Hughes Air Corp., d/b/a Hughes Airwest, Mackey International, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., the Postmaster General, and the Department of Defense, are directed to show cause why the Board should not establish for the period on and after March 8, 1974, the fair and reasonable temporary rates to be paid by the Postmaster General to the carriers for the transportation by aircraft, the facilities used and useful therefor, and the service connected therewith, for the carriage of SAM as set forth in Appendix A attached hereto and in accordance with paragraph 2 above.

5. All interested persons, and particularly Continental Air Lines, Inc., the Postmaster General, and the Department of Defense are directed to show cause why the Board should not establish the fair and reasonable final rate of compensation of 12.31 cents per ton-mile, in accordance with paragraph 2 above, to be paid by the Postmaster General to Continental Air Lines, Inc., for the transportation by aircraft, the facilities used and useful therefor, and the service connected therewith, for the carriage of SAM to, from, and within the Trust Territory of the Pacific for the period on and after March 8, 1974.

6. Further procedures herein with respect to the proposals set forth in paragraphs 4 and 5 above shall be in accordance with 14 CFR, Part 302, and, if there is any objection to the rates proposed in paragraphs 4 and 5, notice thereof shall be filed within 8 days after the date of service of this order, and, if notice is filed, written answer and supporting documents shall be filed with 15 days after date of service of this order.

7. With respect to the proposals set forth in pargraphs 4 and 5 above, if notice of objection is not filed within 8 days or if notice is filed and answer is not filed within 15 days after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed and fixing the rates specified herein.

8. This order shall be served on the parties listed in paragraph 4 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A.—FINAL AND PROPOSED TEMPORARY SPACE-AVAILABLE MAIL RATES

Geographic rate areas: [1]	Final rate May 26, 1973 to Dec. 31, 1973	Final rate Jan. 1, 1974 to Mar. 7, 1974 and proposed temporary rate from Mar. 8, 1974
	Cents	*Cents*
Atlantic rate area:		
(1) U.S.—Europe/Mediterranean	13.064	13.848
(2) U.S.—Africa	13.498	14.308
(3) U.S.—Middle East	13.566	14.380
Latin American rate area:		
(1) U.S.—South America	13.258	14.053
(2) U.S.—Central America	13.840	14.670
(3) U.S.—Caribbean	13.087	13.872
Pacific rate area:		
(1) U.S.—Orient	14.046	14.889
(2) U.S.—South Pacific	13.669	14.489
(3) U.S.—Southeast Asia	15.232	16.146

[1] As defined in Appendices A, B, C, and D, Order 73–4–16.

[FR Doc.74–22171 Filed 9–23–74;8:45 am]

[Order 74–9–65; Docket No. 25659]

INVESTIGATION OF LOCAL SERVICE CLASS SUBSIDY RATE; CLASS RATE VII

Order Amending Appendix P Attached To Order 74–1–123

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of September, 1974.

Section IV of the Rate Formula in Order 74–1–123, January 24, 1974, requires that a review of the local service carriers' subsidy ineligible services be performed predicated on a six-month moving annual basis ending in March and September of each year. The next review will encompass the 12 months ended September 30, 1974. In the past, an information report, "Distribution of Reported Services and Financial Data to Selected Categories," was required to be filed with the Board no later than 30 days following the close of the review period. Appendix P, attached to Order 74–1–123, sets forth the substantive requirements of the report.

Based on our experience with the first two reviews, several revisions of the instructions are needed. The allowable amount of time for filing the information report with the Board will be changed from 30 days to 45 days following the close of the review period. This coincides with the time requirement for the submission of financial data for the Form 41 Reports. Furthermore, this will be done in order to enable the carriers to compile and submit reports that are complete and accurate without the necessity of submitting amended reports. In several instances in past review periods, amended reports were required to correct flaws in initial reports due to the lack of time to gather all necessary data and submit it in the required form.

The Board believes that evaluation of carrier operating results under the Class Rate would be facilitated by more precise reporting of data for specific types of subsidy-eligible operations. Therefore, five separate categories of subsidy-eligible authority have been formulated to assist the Board in making these subsidy determinations. These new categories are set forth in the attached amended paragraphs D, G, and L of Appendix P.[1]

In the attached revised Table III of Appendix P, incidental non-transport revenues (net), formerly Account 4600, has been changed to transport-related revenues (Account 4898) and transport-related expenses (Account 7100), both of which will now appear separately. In addition, other transport revenues (Account 3919) and transport-related revenues (Account 4898) will be recorded separately.

In the attached revised Table IV of Appendix P, the sub-totals of debt and equity after direct adjustments should be added to achieve the sum of debt and equity. This amount, for each quarter and the average, should be directly below the equity line. Also, the ratios of the debt and equity sub-totals should be provided for completeness.

In the attached revised Table VI of Appendix P, several changes have been necessary due to revisions in some of the methods used in computing the yield formulas and the updating of information to reflect changes since the previous study. The distance represented by the X intercept is the longest market with at least five passengers in each direction daily in which through-plane service exists. This virtually assures that the longest possible haul is included in that distance. A more precise method of determining the slope has been inserted to make calculations more accurate in determining the relationship between hop and haul. Dilution factors are based on data from the quarter ended June 30, 1974 in order to show the effect of recent fare changes and elimination of many discount fares. In figuring the local traffic yields, some confusion has arisen as to which month to use in determining the actual local fares. Consequently, the yields will now be based on actual local fares in effect 45 days prior to the end of the review period. The formulas for beyond traffic yields have been changed to reflect different values for average hop, average haul, and the regression equations.

Accordingly, *It is ordered*, That:

1. The first paragraph on page 1 of Appendix P attached to Order 74–1–123 be and it is hereby amended to require the information reports to be filed with the Board no later than 45 days following the close of the review period.

2. The attached amended paragraphs D, G, and L of Appendix P be and they are hereby substituted for paragraphs D, G, and L on pages 2, 3, and 4, respectively, of Appendix P attached to Order 74–1–123.

3. The revised Tables III, IV, and VI of Appendix P attached to this order, be and they are hereby substituted for Tables III, IV, and VI of Appendix P attached to Order 74–1–123.

4. This order shall become effective on the seventh day after service hereof, unless prior to that date exceptions and supporting reasons shall have been filed with the Board by parties to this proceeding. If exceptions and supporting reasons are filed by any of the parties within the time prescribed above, the effective date of this order shall be stayed pending disposition of the exceptions.

5. This order shall be served upon all parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–22169 Filed 9–23–74;8:45 am]

[Order No. 74–9–62; Docket Nos. 26560, 26563, 27031]

PAN AMERICAN WORLD AIRWAYS, INC., ET AL.

Subsidy Mail Rates and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of September, 1974.

In the matter of petitions of Pan American World Airways, Inc. for establishment of subsidy mail rates pursuant to section 406(b) of the Federal Aviation Act of 1958, as amended, Docket No. 26560; Trans World Airlines, Inc. for establishment of subsidy mail rates for its international operations, Docket No. 26563; investigation of the financial, operational, and managerial practices and activities of Pan American World Airways, Inc., and its subsidiaries, Docket No. 27031.

On April 3, 1974, Pan American World Airways, Inc. (Pan Am), petitioned the Board for the establishment of a final subsidy mail rate under section 406 of the Federal Aviation Act of 1958, for each annual period beginning with April 3, 1974, in the amount of $194 million consisting of $85.4 million to cover its operating loss plus $108.6 million as a return on investment. In support thereof, Pan Am alleges that, as the principal U.S. flag international carrier it is a national asset whose preservation is essential to the commerce, Postal Service and national defense of the United States; that it has suffered losses of $174.3 million in the last five years; that in spite of rigid cost controls, schedule reductions, suspensions, and numerous other courses of action, no amount of "self-help" will offset the losses which Pan Am will incur by reason of the increase in the price of fuel. Pan Am alleges that it has been subjected to enormous increases in the prices which it must pay for fuel and that these increases will continue in the future. It estimates that its 1974 fuel costs will be $204 million more than its expenditures for fuel for 1973. Pan Am maintains that it is unable to control the price of fuel since with the overall shortage of fuel it has no alternative but to pay the higher prices since other suppliers are not willing to take on new accounts. Also, it must purchase the higher-priced bonded fuel, since it is an international carrier. Pan Am alleges that it is taking all measures possible to ameliorate these fuel cost increases while maintaining adequate service in order to reduce the magnitude of its losses associated with the fuel crisis by suspending service at a number of points, reducing its schedules either unilaterally or through capacity reduction agreements, reducing the number of employees, reducing costs wherever possible, and seeking fare increases. In addition, Pan Am states that it hopes other actions, most of which are subject to government control and action, will significantly reduce the amount of subsidy requested. These actions include fare increases, revisions in the jet fuel allocations relating to the allocation of domestic jet fuel to international carriers, and federal legislation which would make payments to U.S. international airlines in an amount equal to the differential between the fuel price paid for both bonded fuel and fuel purchased at foreign locations, on the one hand, and the price paid for such fuel in the year ended November 1, 1973, less fuel-related fare and rate increases. However, Pan Am alleges that none of these measures will offset the operating loss of $85.4 million for the year beginning April 3, 1974, and that subsidy in the amount of $194 million is neeeded to cover this operating loss plus a return on investment of $108.6 million.

[6] When a final rate is opened, the appropriate rate to be paid pending determination of a new final rate is the last final rate, unless a temporary rate is established by the Board at a different level. See Order 74–1–89, dated January 16, 1974, at page 3.

[6] We include an ordering paragraph herein to clarify our finding, as requested by the PMG.

[7] As the PMG acknowledges in his motion, all of Continental's mail rates applicable to its services between Honolulu, Guam, and Okinawa are included in this investigation.

[8] This order is not intended to disturb the other service mail rates established, or to be established, under separate order of the Board.

[1] Filed as part of the original document.

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Also on April 3, 1974, Trans World Airlines, Inc. (TWA), petitioned the Board for temporary and final subsidy rates for its international operations under section 406 of the Federal Aviation Act of 1958, as amended. TWA's petition describes the substantial increases in international fuel prices which have adversely affected its earnings ability and seeks the establishment of a formula to provide subsidy for the difference between current fuel cost and those experienced for the 12 months ended October 31, 1973. TWA states that unless substantial relief is afforded, its international operations in 1974 will suffer losses that would make it impossible for the carrier to maintain anything approaching adequate service between the United States and foreign countries and to compete effectively with foreign-flag airlines. TWA projects a before-tax loss of $47.2 million for international operations for calendar year 1974, as compared with a profit before income taxes of $19,500,000 for the year 1973. This projection assumes no increase in fuel prices above the average price paid for fuel in February 1974, a somewhat reduced level of operations, but the same volume of traffic as that carried in 1973, and a continuation of the presently effective fares and rates, including the increase effective on April 2, 1974. TWA asserts that it cannot, in the interest of the public and its shareholders, bear losses of the magnitude projected for 1974. In view of the urgency of the fuel crisis, TWA requests expedited action on its petition and that it be provided a temporary subsidy rate under the expedited procedures provided for in Rule 310 of the Board Rules of Practice.

Comments and answers with respect to the petitions of Pan Am and TWA were filed by the Aviation Consumer Action Project (ACAP), the Davis Agency, Inc. (Davis), Member Carriers of the National Air Carrier Association (NACA), and the Department of Transportation (DOT). Pan Am subsequently filed a motion for leave to file an otherwise unauthorized document and a reply to DOT's answer.

ACAP opposes the requests for subsidy on the basis that they are premature, that they lack factual support, that the carriers have not made a showing that they are operating economically and efficiently, that granting subsidy to Pan Am and TWA would cause an unfair competitive disadvantage to nonsubsidized U.S. carriers, and that there are many alternatives to subsidy. The answer of NACA urges the Board, if it grants subsidy to the two carriers, to do so only on the condition that they will terminate all civil charter operations in competition with U.S. supplemental carriers. Davis urges the Board to insist that, as a condition to granting subsidy to Pan Am and TWA, the carriers must raise all their fares to economic levels, particularly the 22-45-day excursion fare and the special military fares. It is DOT's position that subsidy should not be considered for the two carriers until it is clear that their prospects cannot be sufficiently improved by a combination of carrier-initiated actions and government assistance in nonsubsidy areas, which DOT lists in its answer.

In its reply to DOT's answer, Pan Am submits that DOT has not supported its position that the Board should dismiss Pan Am's petition, even though without prejudice to refiling; that the petition was properly filed under section 406(b) of the Act and the Board's Rules of Practice and therefore may not lawfully be denied; and that Pan Am is entitled to implementation of the procedures set out in the Rules of Practice as of the date of filing, rather than as of a later date.

On July 16, 1974, TWA filed a motion requesting the Board to expedite its final subsidy rate proceeding and to grant TWA immediate temporary relief. In support of its request, TWA states that, based on actual operating results for the first five months of 1974 and current projections for the remainder of the year, it is now forecasting a before-tax loss of $65.3 million. Assuming that perhaps the Board has not taken action on its original petition because of legislation pending in Congress which proposes to give the Board authority to grant subsidy to U.S. carriers in international operations based on the increased cost of fuel, TWA asks the Board not to wait on such legislation, but to proceed promptly to provide TWA temporary subsidy. On July 25, 1974, the DOT filed an answer urging the Board to deny TWA's motion and dismiss the carrier's petition for temporary and final subsidy rates on the basis that the petition is procedurally defective in that it does not indicate TWA's total subsidy need, does not contain a detailed economic justification sufficient to form the basis for determining a fair and reasonable rate, and does not contain any evidence demonstrating that TWA has exhausted all nonsubsidy alternatives.

On August 23, 1974, Pan Am petitioned the Board for the establishment of a temporary subsidy mail rate in the amount of $10,175,000 per month effective on and after April 3, 1974. Pan Am alleges that, for the most part, the hoped-for governmental actions have not occurred, and that, despite numerous fare and rate increases and the benefit of the FEA regulation allocating domestic jet fuel to international carriers, Pan Am's position continues to deteriorate. It states that fuel prices and other expenses continue to escalate and traffic increasingly falls below the levels achieved in 1973 and initially forecast for 1974. Pan Am estimates that its projected operating loss for 1974 as set forth in its April 3 petition of $75.1 million must be revised upward to $76.6 million. Pan Am indicates that a shortage of cash will occur by early fall and that it may be unable to meet current obligations without resorting to drawing upon its credit agreement for $202.5 million with a number of banks. The carrier further asserts that its situation may deteriorate to the point that it will be unable to borrow because of possible violations of covenants contained in the credit arrangement.[1] Accordingly, Pan Am seeks $6,383,000 a month as temporary subsidy to cover its estimated monthly operating loss and $3,792,000 a month to cover its forecast net monthly interest expense.

Answers to Pan Am's temporary subsidy petition were filed by NACA on August 29, 1974, and ACAP and Seaboard on September 4, 1974. In addition, DOT filed a letter in response to the temporary rate petition on September 4, 1974, stating that it did not have a recommendation to make at that time, but would file a statement of position at a later date.

In its answer, NACA alleges that Pan Am's charter operations are conducted at a loss; that grant of temporary subsidy to Pan Am will have a competitive impact on the supplementals which the Board must protect against by the imposition of a condition that Pan Am suspend all civil charter operations in competition with the U.S. supplementals during any period of subsidy; that all carriers are faced with the increase in fuel costs; that subsidy must only be used to support those operations which are essential to the maintenance of Pan Am's certificate, that is, scheduled route operations; that suspension of Pan Am's civil charter operations will cause no harm and little or no inconvenience to the traveling public; and that the matter should be set down for an expedited evidentiary hearing. Seaboard alleges that it is unfair and discriminatory to Seaboard to give Pan Am subsidy for carrying transatlantic cargo and mail when Seaboard is not eligible for the subsidy; that the Board should require Pan Am to suspend carriage of cargo during the period when it is receiving subsidy; that the Board's policy is to exclude cargo operations from subsidy consideration; and that, if the Board decides to grant Pan Am subsidy for its cargo operations, then the provision in Seaboard's certificate making Seaboard subsidy-ineligible should be removed. ACAP alleges that granting the temporary subsidy petition of Pan Am would underwrite inefficient and uncompetitive air transportation at the expense of the public interest in vigorous competition; that the payment of subsidy would be highly inflationary; that Pan Am is suffering from a combination of financial and management problems which are largely of its own making; that Pan Am's current losses are caused more by excessive fares than by increased fuel prices; that Pan Am is not indispensible to the national interest or to the consumer; and that in the final analysis Pan Am, like other businesses suffering from inefficient management, deteriorating business conditions, and high fuel prices, should use the voluntary reorganization provisions of the bankruptcy laws for protection while it restructures its debts and management

[1] This credit arrangement was originally established in March of 1972 and has undergone two major modifications. The terms of the arrangement require that Pan Am pay a fee amounting to 0.5 percent of face value to keep the agreement active.

policies for a return to profitable operations.

On September 10, 12, and 13, 1974, respectively, Pan Am filed motions for leave to file otherwise unauthorized documents and replies to the answers of NACA, Seaboard, and ACAP to the temporary rate petition. In support of its motions, Pan Am states that, but for the grant of the motions, Pan Am would not have an opportunity to respond to the requests made by NACA and Seaboard, the grant of either of which would bring further serious injury to Pan Am, or to the arguments of ACAP. In its reply to the answer of NACA, Pan Am alleges that its cash position would deteriorate if it was prohibited from conducting charter operations; that the charter operations are profitable in terms of economic impact on the company's overall operations, even if they are conducted at a loss on a fully allocated cost basis; that Pan Am has been affected by the fuel cost more than any other U.S. carrier; that NACA could not be harmed by Pan Am's receiving subsidy since charters are already sold out for the period in question; that the ineligibility of the supplemental carriers for subsidy indicates the nonessential character of their services; that the setting down of the temporary rate petition is unnecessary and would delay the issuance of temporary subsidy; and that the temporary mail rate is provisional and any rights of NACA can be protected in a final mail rate proceeding.

In its reply to Seaboard's answer, Pan Am alleges that the Board has underwritten substantial portions of those fixed costs which would be allocated to cargo service under a "fully allocated" approach to costing combination service; that the Board recognizes all-cargo service costs if revenue from that service covers the added costs of the service and a return on the investment devoted thereto; that the Board should maintain the status quo, rather than protecting Seaboard; that in any event Pan Am's cargo operations are profitable and will reduce Pan Am's subsidy need.

In its reply to ACAP's answer, Pan Am alleges that Pan Am's management had brought Pan Am to the verge of profitability in 1973 through cost consciousness and control; that excessive competition from U.S. and foreign scheduled and supplemental carriers is the root cause of Pan Am's critical financial need, and not monopoly; that subsidy is necessary while the United States Government takes those steps needed to change the uneconomic and hostile environment in which Pan Am and other U.S. international carriers operate so that U.S. carriers have a fair and equal opportunity to compete in international air transportation markets; that no other business or domestic carrier has been impacted by the fuel crisis to the extent Pan Am has been impacted; that the amount of revenue gained from fare increases falls short of the amount needed to compensate Pan Am for the increase in its fuel bill; that Pan Am is a national asset; and that the C.A.B. has a responsibility for Pan Am which entitles it to look to the regulator under section 406 of the Act, not to bankruptcy proceedings.

Petitions to intervene have been filed in Docket 26560 by NACA, Seaboard, DOT, and ACAP, and in Docket 26563 by ACAP. Answers to the petitions in Docket 26560 have been filed by Pan American. The petitions to intervene filed by DOT and ACAP have been dealt with in Order 74-9-50, dated September 16, 1974. Action on the intervention petitions of NACA and Seaboard will be deferred. We have treated the various answers and comments filed with respect to the petitions of Pan Am and TWA as memoranda filed pursuant to Rule 302 of the Rules of Practice (14 CFR § 302.302) and have taken them into consideration in making our decisions herein.

1. *TWA's petition for temporary and final subsidy.* TWA's petition in Docket 26563 seeks the establishment of subsidy to cover the increased cost of fuel in its international operations without reference to other costs and revenues. Since the basis for subsidy determination under section 406 of the Act is the need of the carrier together with all other revenue, the basic theory of TWA's petition is not consistent with the "need" provision of the statute. No information is provided on TWA's domestic operations, which must be taken into account because subsidy under section 406 must be computed with reference to the entire operations of the carrier.[2] Moreover, the petition does not set forth the rate which the carrier believes to be fair and reasonable, nor does it contain a detailed economic justification sufficient to establish the reasonableness of such a rate. The petition is accordingly deficient under the statute and Rule 303 of the Board's rules of practice.

The Board long ago put carriers on notice that they would be held to the requirements of Rule 303 in the initiation of subsidy cases and that any petition which failed to meet those requirements would be dismissed without leave to amend.[3] The Board has applied this policy to defective subsidy petitions without exception for over 21 years.[4] Therefore, we have decided to dismiss TWA's petition without prejudice. TWA's petition and motion to expedite will accordingly be dismissed.

2. *Pan American's petitions for temporary and final subsidy.* Pan American's petition requesting the establishment of temporary subsidy mail rates cites pressing financial difficulties, particularly in view of the unprecedented rise in the cost of aviation fuel, and requests temporary subsidy amounting to over 10 million dollars per month, effective on and after April 3, 1974, pending establishment of final rates.

Rule 303(a) of the Board's rules of practice requires that a subsidy petition set forth "a detailed economic justification sufficient to establish the reasonableness of the rate or rates proposed." Pan Am's petition for temporary subsidy does not do so. Furthermore, it is the Board's policy that temporary subsidy shall not be awarded unless the carrier would ultimately be entitled to final subsidy. This policy has been followed consistently in order to avoid unwarranted disbursement of Government funds.[5] It is by no means clear that Pan American will ultimately receive subsidy support for its operations. In the first place, section 406(b) of the Federal Aviation Act requires that the Board test the merits of a subsidy application against all facets of the following standards:

"• • • the need of each such air carrier for compensation for the transportation of mail sufficient to insure the performance of such service, and, together with all other revenue of the air carrier, to enable such air carrier under honest, economical, and efficient management, to maintain and continue the development of air transportation to the extent and of the character and quality required for the commerce of the United States, the Postal Service, and the national defense." (Federal Aviation Act, Sec. 406 (b) (3).)

The petitions of Pan Am for temporary and final subsidy were filed following a long period of subsidy-free operations, and of their nature they raise substantial questions. Indeed, it is not clear that those operations of Pan American which parallel those of other American-flag carriers can be found to be required in order to maintain and continue development of a proper air transportation system.

We have carefully studied the material contained in the temporary subsidy petition plus the additional supporting data supplied by the carrier at our request. This material clearly supports a contention that Pan Am's financial situation is serious. For the six months ended June 30, 1974, the carrier experienced operating losses amounting to nearly $50 million because of the combined effects of escalating expenses, particularly for fuel, and declining revenues resulting primarily from falling traffic. As a consequence, the ability to generate cash from its operations has been impaired.

As indicated by the following table, Pan Am last reported a system net profit in fiscal year 1969. For the past five years, including the most recent twelve months ended June 30, 1974, it has consistently reported a system net loss.

[2] Delta Air Lines v. Summerfield, 347 U.S. 74 (1954).

[3] Bonanza Airlines, Inc., Mail Rates, Order E-7382, May 14, 1953.

[4] Caribbean-Atlantic Airlines, Inc., Petition for Temporary and Final Subsidy Rates, Order 69-10-136, October 28, 1969, and Order 70-3-48, March 10, 1970; Braniff Airways, Inc., Mail Rates, Order E-17780, November 24, 1961, and Order E-17817, December 6, 1961; Los Angeles Airways, Inc., Mail Rates, Order E-14788, December 29, 1959; Ozark Air Lines, Inc., Mail Rates, Order E-12310, April 1, 1958, and 27 C.A.B. 1106 (1958).

[5] Capital Airlines, Mail Rates, 30 C.A.B. 1569 (1960); Aloha Airlines, Mail Rates, Order 69-11-82, November 19, 1969; Caribbean-Atlantic Airlines, Mail Rates, Order 72-11-78, November 17, 1972.

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PAN AM SYSTEM

[In thousands of dollars]

Year ended	Operating profit (loss)	Net profit (loss)[1]
June 30, 1969	$27,420	$25,284
June 30, 1970	(30,493)	(32,816)
June 30, 1971	(46,782)	(68,298)
June 30, 1972	(26,247)	(41,508)
June 30, 1973	11,366	(28,464)
June 30, 1974	(25,675)	(39,249)

[1] After special items as shown on Form 41 reports.

It is obvious from the above data that Pan Am's management has taken measures to reduce losses. If this were not so, the net loss shown for the current year ended 6/30/74 might well have been greater, since this period reflects rising fuel costs for at least six of the past twelve months. While there is no doubt that increases in passenger fares and cargo rates have helped to offset some of the higher expenses, it appears that there are open to management further avenues to reduce losses and obviate a need for subsidy.

However, we are not convinced that the carrier's management has yet undertaken all of the "belt-tightening" measures normally associated with a cash crisis. The worldwide operations of Pan Am are generally associated with long-haul traffic markets that can and must be operated, over the long term, on a non-subsidy basis. In order to achieve this status, it may be that a restructuring or route modification will be necessary and include a few routes required by the national interest that cannot be operated without subsidy support. However, to supplement working capital with Federal subsidy payments over the short term is a different matter. In lieu thereof, we would expect Pan Am to explore such measures as further reductions in operational levels, discontinuance of uneconomic services, reductions in operating expenses through severe austerity measures, paring of capital expenditures, sale of capital assets not required to continue certificated authority, and other actions which are characteristic of a firm confronted by a severe cash shortage. Moreover, the carrier has not satisfactorily demonstrated that it faces such a crisis as to require an infusion of Government subsidy on a temporary basis. A petition for temporary subsidy support implies that an urgent and desperate need exists and that there are few, if any, open options remaining to explore. It appears from our review that the potential avenues available to prevent a further cash drain have not been exhausted.

In order to determine whether Pan American is entitled to subsidy under section 406(b) of the Act, important policy issues must be resolved, such as what types of operations should be underwritten. The Board is concerned about providing subsidy in competitive markets served by two or more U.S. certificated carriers.[6] In this regard, it is noted that for calendar year 1973 about 53 percent of Pan Am's total revenue passenger miles in international operations were generated in competitive markets which included at least one other U.S. flag carrier.[7] In our view, any market with sufficient traffic to warrant service by two or more U.S. flag carriers requires intensive analysis as to reasons for subsidy need as well as a policy consideration as to the propriety of public monetary payments to maintain competition. We would add that the same considerations are present with respect to the domestic scheduled trunk services because of the wide range of alternative services available from other carriers.

There are a number of different services which the Board has traditionally considered ineligible for subsidy support. Included in this category are all-cargo scheduled operations, charter services, both commercial and military, and all non-transport activities. These operations because of their voluntary nature require careful monitoring on the part of management in order to avoid losses which cannot be considered for subsidy determination.

The circumstances surrounding Pan Am's difficulties would seem to create an obligation to scrutinize all aspects of the carrier's worldwide services. This would include its route structure as well as all levels of operations. In this regard, the carrier can be assured that the Board would give expedited consideration to any proposals for suspension or deletion of any points or operations that the carrier might deem uneconomic. We would continue to urge Pan Am, as well as other U.S. and foreign flag carriers, to seek unilateral and bilateral solutions to overcapacity problems in individual markets. In this regard, it will be the Board's policy to seek to mitigate overcapacity situations through carrier agreements and appropriate intergovernmental consultation procedures.

Pan Am has indicated that the request for subsidy support was primarily motivated by the sudden and exorbitant increases in the price of fuel. The carrier estimates that for the 12 months beginning April 1, 1974, system fuel cost will be about $235 million greater than the amount spent for fuel in 1973. This is a tremendous increase to absorb in only one element of the overall cost structure. To try to compensate for general as well as specific cost rises such as fuel, the Board has approved several large increases in both passenger fares and cargo rates since the beginning of the year. For example, on January 1, 1974 passenger fares increased in the North Atlantic by 13 percent and in other areas of the world by six percent for both passenger fares and cargo rates. This was followed by another increase in passenger fares of seven percent throughout the Pacific area on March 15, 1974. Several additional increases in various areas of the world for both passenger fares and cargo rates have been noted. While it is expected that passenger traffic will decline as fares increase in price-sensitive markets, we would also expect prudent management to the extent possible to tailor such capacity accordingly.

Wherefore, based on the foregoing, we find that Pan Am has not established that it has such an immediate and critical need for subsidy support as to warrant the establishment of a temporary subsidy rate. It is therefore concluded that Pan Am's temporary subsidy petition should be denied. Furthermore, it is clear that before the Board can pass upon the question of whether Pan American is entitled to subsidy, and, if so, the amount thereof, a full evidentiary hearing must be conducted consistent with the requirements of section 406 of the Act. We are therefore assigning Pan American's petition for final subsidy in Docket 26560 for hearing before an administrative law judge of the Board.

3. *Investigation of Pan American's financial, operational, and managerial practices.* In addition to the investigation of Pan American's subsidy petition in Docket 26560, the Board has concluded that it should institute an informal investigation for the purpose of inquiring into the management and business practices of Pan American and accumulating data with respect to its operational and financial practices and activities. As we have noted previously, for a carrier to receive subsidy support it must qualify and be tested under the exacting requirements of the following standard:

". . . the need of each such air carrier (other than a supplemental air carrier) for compensation for the transportation of mail sufficient to insure the performance of such service, and, together with all other revenue of the air carrier, to enable such air carrier under honest, economical, and efficient management, to maintain and continue the development of air transportation to the extent and of the character and quality required for the commerce of the United States, the Postal Service, and the national defense." (Federal Aviation Act, Sec. 406(b)(3).)

Furthermore, the Board is charged under the Federal Aviation Act with exercising and performing its powers and duties so as to encourage and develop an air transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, to foster economically sound conditions in air transportation, and to promote adequate, economic and efficient services under honest, economic, and efficient management at reasonable rates. Toward this end, section 204 of the Act confers on the Board the general powers to conduct investigations as the Board shall deem necessary to carry out its powers and duties; section 407 empowers the Board to require periodic and special reports from any air carrier, as well as to require any air carrier to answer questions on any matter concerning which the Board may deem information to be necessary. The Board is also authorized by section 415 to inquire into the management of the business of any air carrier and to obtain full and complete reports and other information in the exercise and performance of its statutory duties, and it is authorized by section 1002(b) to institute investigations on its own initiative concerning any question that may arise under the Act.

In view of all the circumstances, the Board believes that the public interest requires that an informal, nonadjudicatory fact-finding investigation be instituted pursuant to the powers conferred on the Board by section 204(a), 407, 415, and 1002(b) of the Act, for the purpose of inquiring into the management and business practices of Pan American and accumulating data with respect to its past, current, and future activities. The purpose of this inquiry is to gather data, information, and testimony and, based thereon, to make studies which may form the basis for recommendations by the Board with regard to voluntary actions by the carrier or may be lawfully usable in the proceedings under Title IV of the Act. In this connection, the Board may use the data, information, and testimony gathered or obtained in this proceeding to issue a show-cause order which would set forth its tentative findings and conclusions.

The Board finds that an inspection and examination of the accounts, records, memoranda, including documents, papers, and correspondence, now or hereafter existing and kept, or required to be kept by Pan American, and the taking of depositions and other sworn testimony of its directors, officers, employees, consultants, and financial advisers, is necessary to the effective conduct of this proceeding.

Since this is a preliminary fact-finding investigation which will not result in any adjudicatory action on the part of the Board in this proceeding, it is appropriate to utilize nonpublic procedures similar to those employed by the Board pursuant to Part 305 of the Board's rules. Moreover, an informal, nonpublic investigation is appropriate because the subject matter encompasses the internal affairs of private corporations and will involve the examination of confidential matters including future economic prospects and forecasts, some of which are protected from disclosure by statute.[8]

The Board has heretofore promulgated rules and procedures for conducting informal investigations in other contexts, and the utilization of these established procedures will facilitate the instant investigation. Specifically, we shall follow the procedures specified in existing C.A.B. Regulations, Parts 240, 305, and 385.22(c) except that the Bureau of Operating Rights will be the staff component primarily responsible for the conduct of the investigation. Under these procedures, the Bureau of Operating Rights will have the rights of access, inspection, copying, etc., conferred by Part 240, the procedures for the conduct of informal investigations under Part 305, and the authority held by the Director, Bureau of Enforcement, under 14 CFR 385.22 to issue orders requiring air carriers to prepare and submit special reports, copies of agreements, records, accounts, papers, documents, and specific answers to questions upon which information is deemed necessary.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204(a), 406, 407, 415, and 1002(b) thereof, and regulations promulgated in 14 CFR,

It is ordered, That:

1. The motions of Pan American World Airways, Inc., to file replies to the answer of the Department of Transportation to Pan American's petition for final subsidy, and to the answers of Member Carriers of the National Air Carrier Association, Seaboard World Airlines, Inc., and the Aviation Consumer Action Project to Pan American's petition for temporary subsidy in Docket 26560 be and they hereby are granted.

2. Action on the petitions to intervene in Docket 26560 filed by Member Carriers of the National Air Carrier Association and Seaboard World Airlines, Inc., be and it hereby is deferred.

3. The petition of Pan American World Airways, Inc., in Docket 26560 requesting the establishment of a temporary subsidy mail rate be and it hereby is denied.

4. The petition filed by Trans World Airlines, Inc., in Docket 26563 requesting the establishment of final and temporary subsidy mail rates be and it hereby is dismissed without leave to amend.

5. The motion to expedite filed by Trans World Airlines, Inc., in Docket 26563 be and it hereby is dismissed.

6. The petition filed by Pan American World Airways, Inc., in Docket 26560 requesting the establishment of final subsidy mail rates be and it hereby is assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated.

7. An informal nonadjudicatory proceeding be and it hereby is instituted in Docket 27031 pursuant to sections 204(a), 407, 415, and 1002(b) of the Federal Aviation Act of 1958, as amended, to inquire into the management and business practices of Pan American World Airways, Inc., and its subsidiaries and affiliates, and accumulate, compile, and evaluate information, data, and testimony, and the like, with respect to the carrier's past, current, and future operational and financial practices and activities.

8. The investigation ordered in paragraph 7 shall be conducted under the direction of the Director, Bureau of Operating Rights, and such persons as he may designate, including employees of any staff components of the Board, and shall be conducted pursuant to existing C.A.B. Regulations §§ 240, 305, and 385.22 (c), with there being substituted in those regulations as necessary the terms "Director, Bureau of Operating Rights" or "Bureau of Operating Rights" for other designated Board personnel or staff components.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-22170 Filed 9-23-74;8:45 am]

[6] In Order 73-10-65, the Board proposed to render ineligible for subsidy competitive nonstop service provided by the local service carriers in relatively large city-pair markets.

[7] A representative figure for Trans World during the same time frame assuming no adjustment for the strike period 11/4/73 through 12/18/73, is 62 percent.

[8] The public release of the information obtained will be governed by applicable Board rules.

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/114; FRL 267-6]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before November 25, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data; and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c)

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application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 25, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 12265–E. Acme Chemex, 239 S. Cooper St., Memphis TN 38104. CHEMEX LEMON ODOR DISINFECTANT, COEF. 15. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential Oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12265–R. Acme Chemex, 239 S. Cooper St., Memphis TN 38104. CHEMEX MINT ODOR DISINFECTANT, COEF. 15. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12162–U. Acme Chemical & Supply, Inc., PO Box 7099, Lexington KY 40502. ACME CHEMICAL MINT 7 DISINFECTANT CLEANER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.0%; Isopropanol 2.0%; Methyl salicylate 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12162–G. Acme Chemical & Supply, Inc. ACME CHEMICAL PINE ODOR 6 DISINFECTANT CLEANER. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12162–E. Acme Chemical & Supply, Inc. ACME CHEMICAL PINE ODOR 13 DISINFECTANT CLEANER. Active Ingredients: Isopropanol 9.50%; Pine oil 7.90%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 3.95%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12162–R. Acme Chemical & Supply, Inc. ACME CHEMICAL MINT 15 DISINFECTANT CLEANER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33458–E. Allied Chlorine & Chemical Products, 55 Jacobus Ave., S. Kearny NJ 07032. CHC GRANULAR CHLORINE FOR SWIMMING POOLS. Active ingredients: Calcium Hypochlorite 70%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33458–L. Allied Chlorine & Chemical Products, Inc. ALLIED POOL GUARD CHLORINE. Active Ingredients: Sodium Hypochlorite 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33458–U. Allied Chlorine & Chemical Products, Inc. HI POOL GUARD CHLOR. Active Ingredients: trichloro-s-triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34429–U. American Chemical Corp., PO Box 296, Bayamon PR 00619. SUPER KILLER AEROSOL. Active Ingredients: Petroleum distillates 69.3508%; Perfume 0.3500%; N-Octyl bicycloheptane dicarboxide 0.1575%; Technical Piperonyl Butoxide 0.0945%; Pyrethrins 0.0472%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34429–G. American Chemical Corp. SUPER KILLER AEROSOL 500. Active Ingredients: Petroleum distillates 70.00%; 2-Butoxyethanol 3.60%; O-Isopropoxyphenyl Methyl Carbamate 0.40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34429–E. American Chemical Corp. SUPER KILLER. Active Ingredients: Petroleum distillates 9.0725%; N-Octyl bicycloheptane dicarboximide 0.2250%; Technical Piperonyl Butoxide 0.1350%; Pyrethrins 0.0675%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34429–L. American Chemical Corp. SUPER KILLER 500. Active Ingredients: Petroleum distillates 92.00%; 2-Botoxyethanol 6.75%; O-Isopropoxyphenyl Methyl Carbamate 0.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12466–G. Aqua Laboratories, Inc., 36 High St., Amesbury MA 01913. AQUACIDE-350. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5185–EGU. Bio-Lab, PO Box 1489, Decatur GA 30031. BIO-GUARD LS-22 LEMON SCENTED DETERGENT-DISINFECTANT-SANITIZER DEODORANT-PATHOGENIC FUNGICIDE. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.50%; Essential oils 0.25%; Ethylene diamine tetraacetic acid, tetrasodium salt 0.19%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5185–EGA. Bio-Lab, Inc. BIO-GUARD MP-44 DETERGENT-DISINFECTANT SANITIZER-DEODORANT-PATHOGENIC FUNGICIDE. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5158–EGT. Bio-Lab, Inc. (LEMON SCENTED) BIO-GUARD LS-44 DETERGENT - DISINFECTANT SANITIZER - DEODORANT - PATHOGENIC FUNGICIDE. Active Ingredients: Alkyl (C14 58% C16 28%, C12 14%) dimethyl benzyl ammonium chloride 5.00%; Essential oils 0.50%; Ethylenediamine tetraacetic acid, tetrasodium salt 0.38%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5185–EGN. Bio-Lab, Inc., D-S CLEANER AND SANITIZER. Active Ingredients: Sodium carbonate 35.0%; Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzyl ammonium chloride 2.5%; Alkyl (C12 50%, C14 30%, C16 17%, C18 3%) dimethyl ethylbenzyl ammonium chloride 2.5%; Tetrasodium salt of ethylene diamine tetraacetic acid 2.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4–EGR. Bonide Chemical Co., Inc., 2 Wurz Ave., (off Commercial Dr.), Yorkville NY 13495. BONIDE MANEB FUNGICIDE. Active Ingredients: Manganese 16%; Zinc 2%; Ethylenebisdithiocarbamate ion (C4H6N2S4) 62%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 19409–U. Leonard Brush Co., 900 East Main St., Louisville KY 40206. LEONARD BRUSH PINE ODOR 13 DISINFECTANT CLEANER. Active Ingredients: Isopropanol 9.50%; Pine oil 7.90%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 3.95%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 19409–G. Leonard Brush Co. LEONARD BRUSH CO. MINT 15 DISINFECTANT CLEANER. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 19409–E. Leonard Brush Co. LEONARD BRUSH CO. PINE ODOR 6 DISINFECTANT CLEANER. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7350–P. Chaska Chemical, 304 Masters Ave., Savage MN 55378. TACSAN PLUS. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 239–2211. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. CHEVRON ORTHO DIFOLATAN 4 FLOWABLE. Active Ingredients: cis-N-[(1,1,2,2-tetrachloroethyl)thio]-4 - cyclohexene-1,2-dicarboximide 39%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4829–LN. Coastal Chemical Co., 190 Jony Dr., Carlstadt NJ 07072. CLOR SUPER CHLORINE POWDER. Active Ingredients: Sodium Dichloro-s-triazinetrione Dihydrate 64.0%; Sodium Carbonate 27.0%; Alkyl (C14 95%, C12 3%, C16 2%) dimethyl benzyl ammonium chlorides 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 4829–LR. Coastal Chemical Co., 190 Jony Dr., Carlstadt NJ 07072. ISO CLOR SUPER CHLORINE TABLETS. Active Ingredients: Sodium Dichloro-s-triazinetrione Dihydrate 64.0%; Sodium Carbonate 27.0%; Alkyl (C14 95%, C12 3%, C16 2%) dimethyl benzyl ammonium chlorides 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 4715–GUN. Colorado International Corp., 5321 Dahlia St., Commerce City CO 80022. BEST 4 SERVIS BRAND CAPTAN 5 DUST. Active Ingredients: Captan: N - [(trichloromethyl)thio] - 4 - cyclohexene - 1,2 - dicarboximide 5.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279–614. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. C–O–C–S WETTABLE FUNGICIDE. Active Ingredients: Copper expressed as metallic 50.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 912–65. Farmers Union Central Exchange, Inc., PO Box "G", St. Paul MN 55165. CENEX GRAIN STORER–P A NATURAL ORGANIC ACID FUNGICIDE. Active Ingredients: Propionic Acid 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 912–77. Farmers Union Central Exchange, Inc., PO Box "G", St. Paul MN 55165. CENEX GRAIN STORER AN ORGANIC ACID FUNGICIDE. Active Ingredients: Isobutyric Acid 28.2%; Propionic Acid 18.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 25561–U. G & G Chemical Co., Inc., 1550 Carroll Ave., San Francisco CA 94124. FORMULA 4604 MILDEW PREVENTATIVE. Active Ingredients: Dideoyl dimethyl ammonium chloride 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 200–LO. Glidden Coatings & Resins, 900 Union Commerce Bldg., Cleveland OH 44115. GLIDDEN 178–B–404 BLACK VINYL-COTE NO-COP ANTI-FOULING COATING 531–B–16–100. Active Ingredients: bis (Tri-n-butyltin) Oxide 9.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 200–LI. Glidden Coatings & Resins. GLIDDEN 178–A–5231 BLUE VINYL-COTE NO-COP ANTI-FOULING COATING 531–A–16–100. Active Ingredients: bis (Tri-n-butyltin) Oxide 4.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 200–LT. Glidden Coatings & Resins. GLIDDEN 178–R–401 RED VINYL-COTE NO-COP ANTI-FOULING COATING 531–R–16–101. Active Ingredients: bis (Tri-n-butyltin) Oxide 8.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 200–AN. Glidden Coatings & Resins. GLIDDEN 178–R–3 RED VINYL-COTE ANTI-FOULING COATING. Active Ingredients: Cuprous Oxide 52.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 200–AR. Glidden Coatings & Resins. GLIDDEN 178–R–401B RED VINYL-COTE NO-COP ANTI-FOULING COATING DGL 3191. Active Ingredients: bis (Tri-n-Butyltin) Oxide 4.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 200–AE. Glidden Coatings & Resins. GLIDDEN 178–W–401 WHITE VINYL-COTE NO-COP ANTI-FOULING COATING 531–W–16–100. Active Ingredients: bis (Tri-n-Butyltin) Oxide 7.95%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1251–RE. Hadco Corp. 146 Progress Pkwy., Maryland Heights MO 63043. ALL-KLEEN KLOR CLEANER-SANITIZER. Active Ingredients: Sodium Hypochlorite 2.25%; Sodium Phosphate expressed as $NA_3PO_412H_2O$ 91.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 407–GAG. Imperial Inc., PO Box 423, Shenandoah IA 51601. IMPERIAL 3% CIODRIN DUST. Active Ingredients: Dimethyl Phosphate of Alpha-Methylbenzyl 3-hydroxy-cis-crotonate 3.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 635–AAI. B–Z Flo Chemical Co., Div. of Kirsto Co., PO Box 808, Lansing MI 48903. B–Z–FLO ATRAZINE 80 W. Active Ingredients: Atrazine (2-chloro-4 ethylamine-6-isopropylamino-s-triazine 76% and related compounds 4%) 80%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11800–RG. Midwest Agricultural Warehouse Co., 200 S. Main St., Fremont NE 68025. CHEMSTOR. Active Ingredients: Organic Acids 99% Min. (19% Acetic acid and 80% propionic). Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 524–285. Monsanto Co., 800 North Lindbergh Blvd., St. Louis MO 63166. LASSO. Active Ingredients: Alachlor (2-chloro - 2,6 - diethyl - N - (methoxymethyl) acetamilde 45.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33978–E. Newport News Shipbuilding and Dry Dock Co., 4101 Washington Ave., Newport News VA) *07. COPPER PAINT NO. 6A. Active Ingredients: Copper Pigment 32.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33978–E. Newport News Shipbuilding and Dry Dock Co. WOOD & TWINE PRESERVATIVE NO. 1. Active Ingredients: Copper Naphthenate 23.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33978–G. Newport News Shipbuilding and Dry Dock Co. MARINE ANTI-FOULING R–2. Active Ingredients: Copper Pigment 29.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33978–U. Newport News Shipbuilding and Dry Dock Co. COPPER PAINT NO. 4. Active Ingredients: Copper pigment 16.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7267–L. Savol Bleach Co., PO Box 246, East Hartford CT 06108. SAVOL SHOCK TREATMENT. Active Ingredients: Sodium Hypochlorite 10.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 17264–E. Superior Mfg. Co., PO Box 2185, Memphis TN 38101. PERFORM "O" PINE ODOR DISINFECTANT. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95% Alkyl (C14 58%, C16 26%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 11687–13. Transvaal, Inc., PO Box 69, Jacksonville AR 72076. TRANSVAAL BRUSH—RHAP A–4T HERBICIDE, 2,4,5–T AMINE. Active Ingredients: Triethylamine Salt of 2,4,5–Trichlorophenoxyacetic Acid 57.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 9250–15. United Laboratories, Inc., 1555 Rt. 53, Addison IL 60101. UL–85 WEED & BRUSH KILLER. Active Ingredients: Petroleum oil 97.26%; 2,4–Dichlorophenoxyacetic acid isooctyl ester 1.10%; Bromacil (5-bromo-3-secbutyl-6-methyluracil) 0.61%; Pentachlorophenol 0.79%; Other chlorophenols 0.09%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1023–23. Tuco Products Co., Div. of Upjohn Co., 7171 Portage Rd., Kalamazoo MI 49001. KNIDE 50 W. Active Ingredients: Diphenamid (N,N-Dimethyl-2,2-diphenylacotamide 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1270–RIU. Zep Mfg. Co., 1310 Seaboard Ind. Blvd., NW. Atlanta Ga 30301. ZEP X–8974 DETERGENT DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.8%; Sodium Metasilicate 2.4%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy.

Dated: September 16, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74–22169 Filed 9–23–74;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[24298]

PREMIUMS NOT CONSIDERED PAYMENT OF INTEREST OR DIVIDENDS

The Board of Directors of the Federal Deposit Insurance Corporation approved the following policy at its offices in Washington, D.C., on the 18th day of September, 1974.

Part 329 of the Corporation's regulations prohibits the payment of interest on demand deposits by insured nonmember banks and provides maximum rates of interest or dividends which may be paid on time and savings accounts by insured nonmember commercial and mutual savings banks.

In a policy statement effective March 1, 1970, the Board of Directors indicated that the Corporation would regard a premium given by an insured nonmember bank to its depositors as an advertising or promotional expense rather than a payment of interest or dividends if, among other conditions, the value of the premium did not exceed $5.00, or $10.00 if the amount of the deposit was $5,000 or more.

Since August 15, 1974, insured nonmember banks subject to the General Regulations of the New York State Banking Board have been authorized by those Regulations to give a premium costing up to $7.50, including any in-freight and packaging charges or, if the amount of the deposit was $5,000 or more, a premium costing up to $15.00, including any in-freight and packaging charges.

Effective September 13, 1974, the Corporation will regard a premium conforming with the cost limitations prescribed by the General Regulations of the New York State Banking Board and given by an insured nonmember bank in the State of New York which is subject to those Regulations as an advertising or promotional expense rather than a payment of interest or dividends if the premium is given to a depositor only at the time of the opening of a new account or an addition to an existing account and no more than one premium is given for each account opened or increased.

By order of the Board of Directors, September 18, 1974.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.74–22152 Filed 9–23–74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENVIRONMENTAL ADVISORY COMMITTEE

Cancellation of Meeting

A meeting of the Environmental Advisory Committee for the Federal Energy Administration scheduled for 9 a.m., Friday, September 27, 1974, Room 3400, 12th & Pennsylvania Avenue, NW., Washing-

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ton, D.C. has been cancelled. The meeting will be rescheduled for mid October. A notice of meeting was published in the issue of September 13, 1974, (39 FR 33028).

Issued at Washington, D.C. on September 20, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.74-22245 Filed 9-23-74;8:45 am]

FEDERAL MARITIME COMMISSION

ATLANTIC GULF SERVICE, AB

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 14, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Christer Cinthio, Managing Director
Atlantic Gulf Service, AB
c/o Galland, Kharasch, Calkins & Brown
1054 31st Street, NW.
Washington, D.C. 20007

Agreement No. 9959-2, among the member lines of the above-named agreement, is an application to extend the approval of the agreement for a period of not less than three years.

By order of the Federal Maritime Commission.

Dated: September 19, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-22156 Filed 9-23-74;8:45 am]

[Independent Ocean Freight Forwarder License No. 1119-R]

DONALD R. WINTER & CO., INC.

Order of Revocation

On August 29, 1974, Donald R. Winter & Co., Inc., P.O. Box 20973, Municipal Airport, Atlanta, Georgia 30320 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1119-R for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) sec. 7.04(f) (dated September 15, 1973);

It is ordered, That Independent Ocean Freight Forwarder License No. 1119-R be and is hereby revoked effective August 29, 1974.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Donald R. Winter & Co., Inc.

AARON W. REESE,
Managing Director.

[FR Doc.74-22154 Filed 9-23-74;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSES

Certain Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Mueller International, L. Gene Mueller d/b/a, 9599 Maple Drive, Apt. 2-S, Rosemont, Illinois 60018.

Director Van Service, Inc., 5353 Leake Avenue, New Orleans, Louisiana 70175, Officers: Donald F. Smith, President, Bonnie J. Smith, Secretary, B. A. McNaughton, Vice President, Dorothy McNaughton, Treasurer.

Over-Sea Forwarding Service, Yoko Kanbayashi d/b/a, 133 South Euclid Street, Fullerton, California.

San Mode Freight Service, Inc., 5 South Nevada Street, Seattle, Washington 98134, Officers: Ichimatsu Torii, President, Nobuyoshi Yonemori, Vice President/Secretary, Seiji Kirisawa, Treasurer, R. Joseph La Rocque, Vice President.

By the Federal Maritime Commission.

Dated: September 19, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-22155 Filed 9-23-74;8:45 am]

PORT OF NEW ORLEANS AND UNITED BRANDS CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 14, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Cyrus C. Guidry
Port Counsel
Port of New Orleans
P.O. Box 60046
New Orleans, Louisiana 70160

Agreement No. T-2925-1, between the Port of New Orleans (Port) and United Brands Company (United) modifies the basic agreement between the parties which provides for the construction and lease to United of a roll-on/roll-off platform and related properties at New Orleans, Louisiana for the berthing of vessels and for the marshalling, receipt, and delivery of containers and breakbulk cargoes. The purpose of the modification is to include a building containing approximately 10,800 square feet, with adjacent parking area and non-exclusive right of use of roadway and access area, in order to provide additional shedded space for United's operations at the leased premises.

By order of the Federal Maritime Commission.

Dated: September 19, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-22153 Filed 9-23-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8621]

ARIZONA PUBLIC SERVICE CO.

Filing of Supplement to Contract

SEPTEMBER 18, 1974.

Take notice that Arizona Public Service Company (APS) tendered for filing on August 28, 1974, Supplement No. 8 to its FPC Rate Schedule No. 3.

APS requests waiver of the provisions of § 35.11 of the Commission's regulations to allow the current escalations to become effective at the beginning of each billing month. APS states that such waiver is necessary because of the impossibility of anticipating an escalation until sometime after the end of the month involved, and also in order to avoid multiplicity of monthly filings.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 30, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants, parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22107 Filed 9-23-74;8:45 am]

[Docket No. E-9011]

CONNECTICUT LIGHT AND POWER CO.

Purchase Agreement

SEPTEMBER 18, 1974.

Take notice that on September 6, 1974, Connecticut Light and Power Company (CL&P) submitted for filing a Purchase Agreement dated August 23, 1974. The agreement is between (1) CL&P, The Hartford Electric Light Company (HELC) and Western Massachusetts Electric Company (WMEC) and (2) Public Service Company of New Hampshire (PSNH).

The parties to the Purchase Agreement propose to make the rate schedule filed herewith effective as of September 1, 1974. The agreement provides for the sale to PSNM of a specified percentage of capacity and energy together with related transmission service from September 1, 1974 to October 31, 1974.

Applicant requests that the Commission, pursuant to § 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed herewith to become effective on September 1, 1974. Applicant states the reason for such request is to permit PSNH to receive urgently needed capacity.

Copies of the rate schedule have been mailed or delivered to CL&P, HELC, WMEC and PSNH.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22109 Filed 9-23-74;8:45 am]

[Docket No. RP75-14]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Tariff Changes

SEPTEMBER 18, 1974.

Take notice that on September 9, 1974, Consolidated Gas Supply Corporation (Consolidated) tendered for filing certain Pro Forma Tariff Sheets reflecting the addition to Consolidated's tariff of provisions that would authorize Consolidated to include in its current rates the cost of money used during construction on major new gas supply projects. Consolidated states that it is estimated that investments in excess of $978,000,000 will be required over the next seven years on just two major gas supply projects, one involving facilities necessary to receive and transport LNG imported from Algeria and another involving Consolidated's coal gasification program.

Consolidated further states that while the immediate impact upon its rates will be to increase them, over the long-term the impact on consumer rates will be about the same as if it were to continue the current practice of capitalizing the cost of money used during construction. Consolidated does not seek to make the Pro Forma Tariff Sheets effective prior to approval by the Commission and requests that a hearing be held to consider such proposed tariff sheets. In support of such sheets, Consolidated has submitted prepared testimony and exhibits for four witnesses. Consolidated also seeks a waiver of any portion of the Commission's regulations to the extent such waiver is deemed necessary.

Copies of the proposed tariff sheets and supporting data have been furnished Consolidated's jurisdictional customers, interested State Commissions and parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 1, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22098 Filed 9-23-74;8:45 am]

[Docket No. CI75-147]

GETTY OIL CO.

Notice of Application

SEPTEMBER 18, 1974.

Take notice that on September 9, 1974, Getty Oil Company (Applicant), P.O. Box 1404, Houston, Texas 77001, filed in Docket No. CI75-147 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas in interstate commerce in Lea County, New Mexico, to El Paso Natural Gas Company (El Paso), all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a contract dated August 15, 1949, on file as its FPC Gas Rate Schedule No. 43, it has sold gas-well gas to El Paso from the subject acreage pursuant to authorization in Docket No. G-6272. Applicant further states that it has percentage-type contracts with Skelly Oil Company (Skelly) to sell oil well gas to be produced from these same properties and Skelly sells residue gas to El Paso pursuant to authorization in Docket No. CI74-580.

Applicant submits with its application in the instant docket letters from the New Mexico Oil Conservation Commission reclassifying as oil wells, effective August 1, 1974, and August 9, 1974, the R. L. Brunson, 1-P well in the Blinebry Oil and Gas Pool and the R. L. Clifton 2-M well in the Drinkard Pool, respectively. Accordingly, Applicant requests that it be authorized to abandon the sale of gas other than gas-well gas to El Paso under its Gas Rate Schedule No. 43.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 11, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is

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filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22105 Filed 9-23-74;8:45 am]

[Docket No. CP75-63]

INDUSTRIAL GAS CORP.

Notice of Application

SEPTEMBER 17, 1974.

Take notice that on August 30, 1974, Industrial Gas Corporation (Applicant), P.O. Box 1101, Pampa, Texas 79065, filed in Docket No. CP75-63 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) and (c) of the regulations thereunder (18 CFR 157.7(b) and (c)), for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing July 1, 1974, and operation of certain natural gas purchase facilities, necessary to connect Applicant's system with facilities of independent gas producers, and certain natural gas sales and transportation facilities to enable Applicant to make miscellaneous rearrangements of existing facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system and in providing adequate and reliable gas service to its customers by miscellaneous rearrangements of existing facilities.

Applicant states that the total cost of the proposed gas purchase facilities is estimated to be approximately $45,000, and the total cost of the proposed sales and transportation facilities is estimated to be approximately $92,000. Applicant states further that the proposed capital expenditure will be made from cash on hand and from cash generated from normal internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22099 Filed 9-23-74;8:45 am]

[Docket No. CI75-145]

KERR-McGEE CORP.

Notice of Application

SEPTEMBER 18, 1974.

Take notice that on September 9, 1974, Kerr-McGee Corporation (Applicant), P.O. Box 25861, Oklahoma City, Oklahoma 73125, filed in Docket No. CI75-145 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas in interstate commerce to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), from the Hog Bayou Field, offshore Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the Commission by order accompanying Opinion No. 470 (34 FPC 486) authorized in Docket G-16719 the continuation of the sale and delivery of natural gas to Tennessee from reservoirs underlying certain leases in the Hog Bayou Field, pursuant to the terms of an agreement dated February 6, 1953, between Applicant and the predecessor in interest to Tennessee, on file as Applicant's FPC Gas Rate Schedule No. 57. According to Applicant its agreement with Tennessee expires on November 1, 1974, after which the gas subject to said agreement is dedicated to Michigan Wisconsin Pipe Line Company under a contract on file as Applicant's FPC Gas Rate Schedule No. 85. Accordingly, Applicant requests permission and approval to abandon the sale of gas to Tennessee as of November 1, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 11, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22106 Filed 9-23-74;8:45 am]

[Docket No. RP71-125]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Purchased Gas Cost Adjustment to Rates and Charges

SEPTEMBER 17, 1974.

Take notice that Natural Gas Pipeline Company of America (Natural) on August 21, 1974, tendered for filing Substitute Sixteenth Revised Sheet No. 5 and alternate tariff sheet Second Substitute Sixteenth Revised Sheet No. 5 to its FPC Gas Tariff, Third Revised Volume No. 1.

Natural states that the filing is made pursuant to the provisions of section 18 of Natural's FPC Gas Tariff, Third Revised Volume No. 1. Natural further states that such changes are intended to track increased cost of gas purchased from Colorado Interstate Gas Company and Great Lakes Gas Transmission Company, pipeline suppliers to Natural. Natural proposes an effective date of October 1, 1974 to coincide with the effective dates of the suppliers increases.

Natural states that the PGA unit adjustment was added to alternative tariff sheets on reflecting Base Rates currently effective on motion in Docket No. RP73-110 and subject to refund and the other reflects the proposed interim Base Rates set out in Natural's Stipulation and Agreement, which is presently before the Commission in Docket No. RP73-110, adjusted by the advance payment unit adjustments filed to be effective June 1 and September 1, 1974 under provisions of the pending settlement agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22101 Filed 9-23-74;8:45 am]

[Docket No. CP75-71]

NATURAL GAS PIPELINE CO. OF AMERICA AND TRANSWESTERN PIPELINE CO.

Notice of Application

SEPTEMBER 17, 1974.

Take notice that on September 3, 1974, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, and Transwestern Pipeline Company (Transwestern), Southern National Bank Building, Houston, Texas 77002, filed in Docket No. CP75-71 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an exchange of natural gas to enable gas to be sold to Natural while an experimental fracture treatment is being tested on the Big Eddy No. 40 well in the Big Eddy area, Eddy County, New Mexico, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

The application states that Natural has entered into a long-term gas purchase agreement with Perry R. Bass and Bass Enterprises Production Company (Bass) involving the subject well and that Bass has filed for authorization to make the long-term sale to Natural in Docket No. CI75-21. The application further states that Bass is conducting tests to determine the results of an experimental fracture treatment. Bass will, furthermore, according to the application, construct approximately three miles of pipeline to connect the subject well to Transwestern's existing 8-inch Crawford lateral in Eddy County in order to facilitate the proposed exchange.

Applicants propose an arrangement whereby Natural will cause Bass to deliver to Transwestern at this point of inter-connection up to 5,000 Mcf of gas per day, and Transwestern will deliver equivalent volumes to Natural at the outlet of the Bluitt Plant, a common gas purchase point of both applicants in Roosevelt County, New Mexico. The exchange is to continue until the testing of the subject well is complete and gas purchase facilities are constructed by Natural to receive the gas directly into its system. Natural intends to construct the permanent facilities pursuant to budget-type authorization in effect at the time of construction.

Applicants will have to construct a tap and measuring facilities at the proposed exchange point, at an estimated cost of $23,920, which will be borne by Natural.

Applicants assert that the proposed exchange will provide additional gas to augment Natural's reserves and will eliminate the necessity of flaring gas until the fracture treatment has proved successful.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 11, 1974 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22104 Filed 9-23-74;8:45 am]

[Docket No. CP73-7]

NORTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 18, 1974.

Take notice that on September 3, 1974, Northern Natural Gas Company (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP73-7 a petition to amend the order of the Commission issued in the subject docket pursuant to section 7(c) of the Natural Gas Act on November 20, 1972 (48 FPC 1110), as amended October 5, 1973 (50 FPC ———), by authorizing the continued transportation and redelivery of a maximum daily volume of 50,000 Mcf of natural gas for Minnesota Gas Company[1] (Minnegasco) during the 1974-75 heating season, and 2) the upward, not to exceed 75,000 Mcf per day, and downward adjustment by Petitioner of such maximum daily volumes in accordance with Minnegasco's desires, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

On November 20, 1972, the Commission issued its order in Docket No. CP73-7 authorizing Petitioner to accept, transport and redeliver to Minnegasco volumes of gas withdrawn from Minnegasco's Waterville Storage Field pursuant to a transportation contract between the parties dated July 5, 1972. Under terms of such agreement, Petitioner agreed to accept for transportation and redelivery a maximum daily volume of 50,000 Mcf commencing October 27, 1972, and continuing through March 26, 1973 (1972-73 heating season). Then, commencing October 27, 1973, and continuing through March 26, 1974 (1973-74 heating season) and each yearly winter season thereafter, Petitioner's maximum daily obligation would be 75,000 Mcf. Pursuant to the Commission's Order Amending Order issued October 5, 1973, in Docket No. CP73-7, the increase in maximum volumes to 75,000 Mcf was deferred for one year and said maximum daily volumes remained at 50,000 Mcf for the 1973-74 heating season.

Petitioner states that it has agreed with Minnegasco to an amendment to the contract dated August 14, 1974, whereby commencing October 27, 1974, and continuing through March 26, 1975 the maximum daily volumes shall continue at 50,000 Mcf per day and that thereafter Minnegasco shall advise Petitioner in writing of the amount by which it desires to increase, not to exceed 75,000 Mcf, or decrease the maximum daily volume to be transported and redelivered for the period commencing October 27 of such year and thereafter until another change is agreed to.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to

[1] Formerly Minneapolis Gas Company.

V391186 SEP 24 74 XUM

the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22102 Filed 9-23-74;8:45 am]

[Docket No. CP75-80]

NORTHWEST PIPELINE CORP.

Notice of Application

SEPTEMBER 17, 1974.

Take notice that on September 9, 1974, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75-80 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of an additional exchange point between Applicant and El Paso Natural Gas Company (El Paso) at an existing point of interconnection between the gathering systems of Applicant and El Paso in Rio Arriba County, New Mexico, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

The application states that by order issued September 21, 1973, in Docket No. CP73-331, et al. (50 FPC ——), Applicant was authorized, inter alia, to acquire and operate El Paso's Northwest Division System facilities. The application further states that as part of the implementation of such divestiture, Applicant and El Paso entered into the San Juan Gathering Agreement dated January 31, 1974, as amended, to provide for the mutual sharing and exchange of gas in the San Juan Basin area after divestiture. Applicant states that by order issued January 22, 1974, in Docket Nos. CP73-331, et al. (51 FPC ——), the Commission approved such gathering arrangement and authorized Applicant and El Paso to operate two existing points of interconnection between their gathering systems in order to make necessary exchange deliveries of gas for the purpose of balancing gas volumes delivered to each other.

Applicant requests authorization by this application to add a third point of exchange at the existing intersection of El Paso's lateral L-1 and Applicant's Trunk 11-H for use as an exchange balancing delivery point between gathering systems in the San Juan area to provide each party with greater flexibility and reliability in making balanced exchange deliveries.

No new facilities are proposed in the instant application.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22103 Filed 9-23-74;8:45 am]

[Rate Schedule No. 280]

SUN OIL CO.

Rate Change Filing

SEPTEMBER 17, 1974.

Take notice that the producer listed in the Appendix attached hereto has filed a proposed increased rate to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to this sale is listed below.

Any person desiring to be heard or to make any protest with reference to said filing should on or before September 26, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Rate Schedule No.	Buyer	Area
Aug. 30, 1974	Sun Oil Co., Southland Center, P.O. Box 2880, Dallas, Tex. 75221.	280	United Gas Pipe Line Co...	Texas Gulf Coast.

[FR Doc.74-22097 Filed 9-23-74;8:45 am]

[Docket No. CP75-81]

TEXAS OFFSHORE PIPELINE SYSTEM, INC.

Notice of Application

SEPTEMBER 17, 1974.

Take notice that on September 9, 1974, Texas Offshore Pipeline System, Inc. (formerly Pennzoil Offshore Transmission Company) (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP75-81 an application pursuant to section 7(c) of the Natural Gas Act, § 157.5, et seq. (18 CFR 157.5, et seq.), of the Commission's regulations thereunder and § 2.65 of the Commission's general policy and interpretations (18 CFR 2.65) for a certificate of public convenience and necessity authorizing the construction and operation of a new natural gas pipeline system and the transportation of gas for United Gas Pipe Line Company (United), all as more fully set forth in the application in this proceeding.

The application indicates that the Applicant-company is a wholly-owned subsidiary of United and was formed to construct and operate a pipeline system to transport newly-discovered gas supplies to be purchased by United in the High Island Area, South Addition and East Addition, South Extension, offshore Texas, to a point onshore in Calcasieu Parish, Louisiana. According to the application the pipeline system proposed will be designed, constructed and operated under United's supervision.

Applicant proposes to construct and operate the following facilities:

1. Approximately 30 miles of 30-inch pipeline beginning at a point in Block A-532, East Addition, South Extension, High Island Area, Outer Continental Shelf, Gulf of Mexico, and extending in a generally northwesterly direction to a point in Block A-442, High Island Area, South Addition, Outer Continental Shelf, Gulf of Mexico.

2. Approximately 31.7 miles of 30-inch pipeline beginning at a point in Block A-570, High Island Area, South Addition, Outer Continental Shelf, Gulf of Mexico, and extending in a generally northeasterly direction to a point in Block A-442, High Island Area, South Addition, Outer Continental Shelf, Gulf of Mexico.

3. Approximately 35.3 miles of 30-inch pipeline beginning at a point in Block A-555, High Island Area, South Addition, Outer Continental Shelf, Gulf of Mexico, and extending in a generally northeasterly direction to a point in Block A-442, High Island Area, South Addition, Outer Continental Shelf, Gulf of Mexico.

4. Approximately 98 miles of 42-inch pipeline beginning at a point in Block A-442, High Island Area, South Addition, Outer Continental Shelf, Gulf of Mexico, and extending in a northerly direction to a point in section 23, Township 15 South, Range 13 West, Cameron Parish, Louisiana, near Johnson's Bayou, Louisiana, together with appurtenant facilities.

5. Various gathering facilities to connect producing platforms to the mainline pipeline system.

6. Liquid condensate separation and storage facilities and dehydration facilities at a point in Section 23, Township 15 South, Range 13 West Cameron Parish, Louisiana.

7. Approximately 36.3 miles of 36-inch pipeline beginning at a point in Section 23, Township 15 South, Range 13 West, Cameron Parish, Louisiana, and extending in a generally northerly direction to a point of interconnection with the 30-inch pipeline of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), in Calcasieu Parish, Louisiana.

8. Measuring and regulating facilities to deliver up to 600,000 Mcf per day of gas to Tennessee for the account of United at a point in Calcasieu parish, Louisiana.

The application shows the estimated cost of the proposed facilities, including capitalized items, to be $312,552,000. Further, it is stated that it presently is contemplated that Applicant will be financed permanently by United's purchase of approximately $78,-163,000 of Applicant's common stock and by the execution of a bank loan agreement in the amount of $234,489,000, with a maximum maturity of 10 to 12 years. Based upon existing conditions, Applicant anticipates that the interest rate on the long-term debt will fluctuate with changes in the prime rate from time to time charged by some designated bank to responsible commercial and industrial borrowers.

Applicant estimates that during the first year of operations, its annual cost of service will be $83,806,000, given a 13.25 percent overall rate of return. Included in the annual cost of service is a proposed depreciation rate of 10 percent per annum. Applicant states that the depreciation rate is based on the anticipated 10 to 12-year limitation on the maturity of the long-term debt and the fact that notwithstanding the size of Applicant's proposed pipeline system, Applicant will function primarily as a gathering system to transport gas to be purchased by United and others.

Initially, Applicant proposes to transport gas which United expects to purchase from Pennzoil Offshore Gas Operators, Inc. (Pogo), Pennzoil Louisiana and Texas Offshore, Inc. (Plato) and Pennzoil Company (Pennzoil) covering the gas reserve owned or controlled by these companies in thirty offshore Texas blocks. Further, Applicant states, United, through interest reimbursement agreements, has obtained commitments from Louisiana Land Offshore Exploration Company, Inc., ECEE, Inc., Pinto, Inc., VSEA, Inc., Texas Production Company and TBP Offshore Company to purchase their respective gas reserves in eleven offshore Texas blocks.

The application indicates that approximately 27 percent of the gas reserves underlying the blocks initially to be connected to its proposed pipeline system are expected to be committed to United; 30 percent of these reserves are committed to purchasers other than United; and the remaining 43 percent are not committed to any purchaser at the present time. Applicant alleges that United is actively negotiating with the producers who have not committed their working interests in these offshore Texas blocks.

Currently available information indicates, Applicant states, that total deliverability from these offshore Texas blocks can be expected to be at least 1,180,258 Mcf per day.

Applicant and United have entered into a gas transportation agreement, dated September 9, 1974, providing for a contract demand of 325,000 Mcf of gas per day for United. Applicant states that based on its presently estimated annual costs, the agreement provides for a daily demand charge to United of 70.69 cents for each Mcf of contract demand, subject to adjustment to reflect the effect of changes in the interest rate payable on Applicant's long-term debt. Applicant further states that it is ready and willing to transport gas for others upon terms and conditions similar to those contained in the agreement with United and that, assuming Applicant is able to transport gas for others, United's daily demand charge will be reduced proportionately.

The application indicates that, following initial construction, Applicant will transport up to 600,000 Mcf of gas per day for United and others to the terminus of its proposed pipeline system on the 30-inch pipeline of Tennessee in Calcasieu Parish. Applicant states that with the installation of 49,400 onshore compression horsepower, the proposed pipeline system will have an additional 600,000 Mcf of daily design capacity available, and moreover, given the additional installation of 49,400 horsepower of offshore compression, the maximum design capacity could be increased to approximately 1.6 million Mcf. Thus, Applicant states, it is ready and willing to transport gas for others purchased in the offshore area traversed by the proposed pipeline system.

The application shows that on August 30, 1974, Tennessee advised United that it has capacity to transport up to 600,000 Mcf of gas per day for United or for United's account from the terminus of Applicant's proposed system for redelivery at mutually agreeable existing points of interconnection. Further, the application shows that, subject to the negotiation of a mutually agreeable contract, Tennessee and United will file an interrelated application for a certificate covering this proposed transportation arrangement as soon as practicable.

Applicant states that United has been confronted with a serious shortage of gas supply since 1970 and that it is of the utmost importance to United and its customers that Applicant be granted the requested authorization so that additional supplies of offshore gas may be transported on the earliest possible date.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 11, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22112 Filed 9-23-74;8:45 am]

[Docket No. RI75-29]

TEXAS PACIFIC OIL COMPANY, INC.

Petition for Special Relief

SEPTEMBER 18, 1974.

Take notice that on September 9, 1974, Texas Pacific Oil Company, Inc. (Petitioner), 1700 One Main Place, Dallas, Texas 75250, filed a petition for special relief in Docket No. RI75-29, seeking a rate above the applicable area ceiling under Opinion No. 586 and nationwide rate under Opinion No. 699 pursuant to § 2.56 (h) (6) (ii). Petitioner seeks a rate of 55 cents per Mcf with annual escalations of 1¢ per Mcf for the sale of gas to Panhandle Eastern Pipeline Company from currently producing wells and for gas produced from wells to be drilled on acreage within the Reydon Area located in Roger Mills County, Oklahoma and Hemphill County, Texas.

Petitioner states that it intends to commit an additional 9,563 acres of previously uncommitted acreage within the Reydon Area to Panhandle Eastern Pipeline Company and Kansas Nebraska Natural Gas Company, Inc. on an equal basis. Petitioner further states that it proposes to drill five wells in the Reydon Area within the next three years. The additional costs incurred by drilling below 15,000 feet or greater are cited as economic justification for the increased rate.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and proce-

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dure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22111 Filed 9-23-74;8:45 am]

[Docket No. RI75-30]

TEXAS PACIFIC OIL CO., INC.

Petition for Special Relief

SEPTEMBER 18, 1974.

Take notice that on September 9, 1974, Texas Pacific Oil Company, Inc. (Petitioner), 1700 One Main Place, Dallas, Texas 75250, filed a petition for special relief in Docket No. RI75-30, seeking a rate above the applicable area ceiling under Opinion No. 586 and nationwide rate under Opinion No. 699 pursuant to § 2.56(h)(6)(ii). Petitioner seeks a rate of 55 cents per Mcf with annual escalations of 1¢ per Mcf for the sale of gas to Kansas Nebraska Natural Gas Company, Inc. from currently producing wells and for gas produced from wells to be drilled on acreage within the Reydon Area located in Roger Mills County, Oklahoma and Hemphill County, Texas.

Petitioner states that it intends to commit an additional 9,563 acres of previously uncommitted acreage within the Reydon Area to Panhandle Eastern Pipeline Company and Kansas Nebraska Natural Gas Company, Inc. on an equal basis. Petitioner further states that it proposes to drill five wells in the Reydon Area within the next three years. The additional costs incurred by deep drilling below 15,000 feet or greater are cited as economic justification for the increased rate.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22108 Filed 9-23-74;8:45 am]

[Docket No. E-7929]

TOLEDO EDISON CO.

Certification of Proposed Settlement Agreement

SEPTEMBER 18, 1974.

Take notice that on September 4, 1974, the Presiding Administrative Law Judge in the above-referenced docket certified to the Commission a proposed settlement agreement together with the complete record of the proceeding. In addition to the settlement agreement, a Joint Motion supporting the settlement agreement was also submitted on behalf of Toledo and the Cities of Bowling Green and Bryan, Ohio.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, on or before October 4, 1974. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22110 Filed 9-23-74;8:45 am]

[Docket No. CP75-77]

VALLEY GAS TRANSMISSION, INC.

Notice of Application

SEPTEMBER 17, 1974.

Take notice that on September 5, 1974, Valley Gas Transmission, Inc. (Applicant), P.O. Box 1188, Houston, Texas 77001, filed in Docket No. CP75-77 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas pipeline facilities in Texas, all as more fully described in the application, which is on file with the Commission and open to public inspection.

Applicant requests authority to abandon (1) 28,000 feet of 4-inch pipeline and appurtenant facilities connecting wells in the Viboras Field, Brooks County, Texas, (2) approximately 100,000 feet of 6-inch pipeline and related facilities in Jim Wells and Nueces Counties, Texas, connecting Applicant's Live Oak System in Live Oak County, Texas, to the main transmission line of Tennessee Gas Pipeline Company, a Division of Tenneco Inc., in Nueces County, and (3) approximately 8,500 feet of 4-inch pipeline and appurtenant facilities connecting wells in the Whitted Field, Hidalgo County, Texas. The net book value of these facilities is stated to be $46,561.67. Applicant will sell these facilities for salvage.

Applicant states that the wells providing the gas supply have been depleted, plugged and abandoned. Applicant states that it does not propose to terminate service to any customer and further states that the proposed abandonment will have no effect upon any of its rate schedules or its FPC gas tariff.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22100 Filed 9-23-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

COMMISSION ON GOVERNMENT PROCUREMENT RECOMMENDATIONS

Executive Branch Position

Notice is given that an executive branch position has been reached on the following Commission on Government Procurement (COGP) recommendations:

I. *Recommendations A-1, A-10 and A-11.* On August 30, 1974, The President signed into law the Office of Federal Procurement Policy Act (Pub. L. 93-400). The enactment of this Act constitutes acceptance by the executive branch of COGP Recommendations A-1, A-10, and A-11 and reconfirms the acceptance of Recommendation D-1.

Recommendation A-1 called for the establishment of an Office of Federal Procurement Policy in the Executive Office of the President, preferably in the Office of Management and Budget. Pub. L. 93-400 is responsive to this recommendation. Section 6(d) of the Act, "Authority and Functions" sets forth that the Administrator's functions shall include: "(1) establishing a system of coordinated and, to the extent feasible, uniform procurement regulations for the executive agencies" (COGP Recommendation A-10); "(2) establishing criteria and procedures for an effective and timely method of soliciting the viewpoints of interested parties in the development of procurement policies, regulations, procedures, and forms" (COGP Recommendation A-11); and "(5) establishing a system for collecting, developing, and disseminating procurement data which takes into account the needs of the Congress, the executive branch, and the private sector" (COGP Recommendation D-1). The implementation of COGP Recommendations A-10, A-11, and D-1 will be accomplished under the authority of the OFPP Act in lieu of the procedures established for dealing with the COGP's recommendations.

II. *Recommendation A-39.* Establish a program to coordinate and promote interagency use of contract administration and contract audit services; and use, to the fullest extent possible, for comparable contract support requirements, the services of those Federal agencies charged with performing designated support services for the general public at contractors' facilities.

Executive Branch Position. The recommendation has been accepted. Implementation will be initiated through the medium of a GSA Federal Management Circular.

Dated at Washington, D.C. on September 17, 1974.

R. E. ZECHMAN,
Associate Administrator for Federal Management Policy.

[FR Doc.74-22141 Filed 9-23-74;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

MEETING AND AGENDA

SEPTEMBER 20, 1974.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a 2-day meeting, October 10 and 11, 1974. The meeting will be held at the Virginia Institute of Marine Sciences, Gloucester Point, Virginia, just outside Williamsburg. Both sessions will commence at 9 a.m. and are open to the public.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Public Law 92-125, on August 16, 1971. Its duties are to: (1) Undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

The purpose of the meeting is to obtain first hand information on the major estauarine research program conducted by the Institute and issues of coastal zone management.

The agenda will include discussion of the following topics:

OCTOBER 10

Morning—Old business and briefing on the programs at the Virginia Institute of Marine Science in coastal zone management, Sea Grant and related research.

Afternoon—Continuation of VIMS briefing, discussion of local marine activities and a tour of marine related facilities.

OCTOBER 11

Morning—Committee discussion of its work plan for the coming year.

1 p.m.—Adjournment.

The public is welcome and will be admitted to the limit of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussion. Written statements may be submitted at anytime.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. Telephone: (202) 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.74-22296 Filed 9-23-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (74-58)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL PANEL ON AERONAUTICAL OPERATING SYSTEMS

Notice of Meeting

The NASA Research and Technology Advisory Council Panel on Aeronautical Operating Systems will meet on October 16-17, 1974, at the NASA Langley Research Center, Hampton, Virginia 23665. The meeting will be held in Conference Room 225 of Building 1219. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 50 persons. All visitors must report to the Langley Research Center's main gate and thence to the receptionist in Building 1219.

The NASA Research and Technology Advisory Council Panel on Aeronautical Operating Systems serves in an advisory capacity only. The Chairman is Mr. Franklin W. Kolk. There are 10 members. The following list sets forth the approved agenda and schedule for the October 16-17, 1974, meeting of the Aeronautical Operating Systems Panel. For further information, please contact Mr. Kenneth E. Hodge, Area Code 202, 755-2360.

OCTOBER 16, 1974

Time	Topic
8:30 a.m.	Report of the Chairman. (Purpose: To summarize action taken at the May 1974 meeting of the Research and Technology Advisory Council.)
9:00 a.m.	Report of the Executive Secretary (Purpose: To brief the Panel on recent or proposed changes in NASA policy and organization and in pertinent aeronautics programs.)
9:30 a.m.	Status Reports on NASA Research of Interest to the Panel. (Purpose: To inform members on progress of projects of particular interest and to develop possible recommendations pertaining to the focus and scope of the technical effort and to the importance of the results.)
1:00 p.m.	Report of Ad Hoc Panel on Terminal Configured Vehicles. (Purpose: To obtain Panel comments and discussion on recommendations of the Ad Hoc Panel which were published in the minutes of its May 1974 meeting.)
2:00 p.m.	Panel Members' Reports. (Purpose: To afford an opportunity for members to report on research or other activity being pursued within their company or agency which is of interest to NASA and relates to the responsibility of the Panel.)

OCTOBER 17, 1974

8:00 a.m.	General Discussion of Civil Aeronautical Operating Effectiveness. (Purpose: To obtain members' comments in the form of specific recommendations as to where and how NASA might best apply its resources and expertise in solving operational problems in civil aviation.)
9:30 a.m.	Review of Langley Research Center's Operating Systems Research Programs. (Purpose: To inform members on Center projects of particular interest and to obtain suggestions pertaining to the focus and scope of the technical efforts and to the importance of the results.)
1:00 p.m.	Inspection of Langley Facilities and Description of Programs in Panel's Areas of Interest.

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2:30 p.m.---- Continuation of Members' General Discussion and Development of Panel Recommendations. (Purpose: To discuss information from previous agenda items and to develop recommendations and position statements.)

4:00 p.m.---- Chairman's Concluding Remarks.

4:30 p.m.---- Adjournment.

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

SEPTEMBER 17, 1974.

[FR Doc.74-22138 Filed 9-23-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 19, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Economic Research Service, rail user survey, form ----, single time, Strasser (395-3880), Users of rail service at sampled stations.

ENVIRONMENTAL PROTECTION AGENCY

Survey of "Recreation Losses from Water Pollution" form ----, single time, Planchon (395-3898), Weiner (395-4890); households in Boston SMSA.

SOTDAT (Source Test Data) form ----, occasional, Weiner (395-4890), air pollution emission record.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Policy Development and Research mailing list questionnaire, form ----, occasional, CVA (395-3532), business firms.

TENNESSEE VALLEY AUTHORITY

Surface mine survey—landowner interview, form ----, single time, ESD (395-3910), surface and mineral owners of orphan bank land.

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard: Preliminary Plans for a Boating Industry Survey, Form ----, single time, Planchon (395-3898), Business firms.

Departmental:
Questionnaire on Federal Economic Regulations Governing Private Trucking, Form ----, single time, ECG (395-3451), Strasser (395-3880), Companies having private trucking operations.

U.S. CIVIL SERVICE COMMISSION

Supplemental Qualification Questionnaire for Equal Opportunity Specialist, GS-5 and GS-7, Form CSC 1195, Occasional, Sheftel (395-3898), Applicants.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Rice Production and Farm Stocks, Form ----, Occasional, Lowry (395-3772), Rice farmers.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service:
Regulations for the Voluntary Grading and Inspection of Poultry (7 CFR Part 70), Form ----, Occasional, Evinger (395-3648), Poultry processors.
Regulations Governing the Grading and Inspection of Domestic Rabbits (7 CFR 54), Form ----, Occasional, Evinger (395-3648), Rabbits processing firms.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-22246 Filed 9-23-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

SEPTEMBER 18, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 19, 1974 through September 28, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-22163 Filed 9-23-74;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

SEPTEMBER 18, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 19, 1974 through September 28, 1974.

By the Commission:

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-22164 Filed 9-23-74;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

SEPTEMBER 18, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (classes A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 19, 1974 through September 28, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-22165 Filed 9-23-74;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

SEPTEMBER 18, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 19, 1974 through September 28, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-22166 Filed 9-23-74;8:45 am]

[70-5550]

LOUISIANA POWER & LIGHT CO.

Notice of Issuance and Sale of First Mortgage Bonds

SEPTEMBER 18, 1974.

Notice is hereby given that Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174 ("LP&L"), an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

LP&L proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $50,000,000 principal amount of a new series of its First Mortgage Bonds having a term of not less than five nor more than thirty years. The interest rate of the bonds (which will be a multiple of ⅛ of 1%) and the price, exclusive of accrued interest, to be paid to LP&L for the bonds (which will be not less than 100% nor more than 102¾% of the principal amount thereof) will be determined by competitive bidding. The bonds will be issued under the company's Mortgage and Deed of Trust, dated as of April 1, 1944, to The Chase Manhattan Bank (National Association), as successor Trustee, as heretofore supplemented by various indentures and as to be further supplemented by a Twentieth Supplemental Indenture to be dated as of November 1, 1974. The Supplemental Indenture will include, among other things, a prohibition for a period not more than five years against refunding the bonds, directly or indirectly, with funds borrowed at a lower effective interest cost. It is further stated that, in light of existing market conditions, LP&L may amend its filing to seek exemptions from Rule 50 and the Commission's Statement of Policy with respect to First Mortgage Bonds so that it may offer the bonds through a negotiated public offering and with refunding protection in excess of five years.

LP&L states it will apply the net proceeds derived from the issue and sale of the bonds to the payment of short-term borrowings estimated to total $48,000,000 at the time the sale proceeds are received, to the financing, in part, of the company's construction program, and to other corporate purposes.

Fees and expenses incident to the issuance and sale of the bonds are estimated to total $140,000, including legal fees of $40,000 and auditor's fees of $8,500. LP&L states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than October 15, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-22083 Filed 9-23-74;8:45 am]

[70-5548]

OHIO POWER CO.

Notice of Proposed Issue and Sale by Subsidiary Company of First Mortgage Bonds at Competitive Bidding

SEPTEMBER 18, 1974.

Notice is hereby given that Ohio Power Company, 2 Broadway, New York, New York 10004 ("Ohio"), an electric utility subsidiary company of American Electric Power Company ("AEP"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Ohio proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, up to $30,000,000 aggregate principal amount of its first mortgage bonds ("bonds") of a new series maturing in not less than 5 and not more than 30 years. The maturity of the bonds will be determined not less than 72 hours prior to the bidding date. The interest rate on the bonds (which shall be a multiple of ⅛ of 1 percent) and the price to be paid to Ohio (which shall not be less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by competitive bidding. The bonds will be issued under and pursuant to the Mortgage and Deed of Trust between Ohio and Manufacturers Hanover Trust Company and Donald B. Herterich, as trustee, as amended and supplemented, and as further supplemented by an Indenture Supplemental to be dated as of the first day of the month in which the bonds are issued and sold. The terms of each series of bonds will preclude Ohio from redeeming any such bonds at a regular redemption price prior to November 1, 1979, if such redemption is for the purpose of refunding such bonds through the use of funds borrowed at an effective interest cost lower than the effective interest cost of the bonds.

The bonds proposed to be sold herein will not be issued and sold unless prior to such sale Ohio shall have received from AEP one or more cash capital contributions aggregating $30,000,000 subsequent to August 31, 1974, and prior to the time of such sale. Request for authority for such capital contributions is now pending before the Commission (File No. 70-5338).

The proceeds from the sale of the bonds and the cash capital contributions are to be applied to payment of Ohio's unsecured short-term indebtedness. It is expected that as of the time of the issuance and sale of the bonds, Ohio will have short-term debt outstanding estimated at approximately $180,000,000.

It is stated that the Public Utilities Commission of Ohio has jurisdiction over the proposed issue and sale of the bonds and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may, not later than October 16, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in

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case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-22084 Filed 9-23-74;8:45 am]

SEC REPORT COORDINATING GROUP (ADVISORY)

Notice of Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, the Securities and Exchange Commission announces several public advisory committee meetings.

The Commission's Report Coordinating Group will hold the following meetings during the month of October, 1974:

1. October 8 and 9, 1974 at 55 Water Street, Twenty-third Floor, New York, N.Y. The meetings will commence at 9:30 a.m. local time each day and will be for the purpose of developing the FOCUS Report of financial and operational information and discussing the simplification of trading forms, assessment forms, and registration forms;

2. October 14, 1974 at 77 Water Street, Nineteenth Floor, New York, N.Y. The meeting will commence at 9:30 a.m. local time and will be for the purpose of discussing development of simplified trading forms;

3. October 25, 1974 at 618 South Spring Street, Eighth Floor, Los Angeles, California. The meeting will commence at 1 p.m. local time and will be for the purpose of discussing simplified assessment forms; and

4. October 28, 1974 at 77 Water Street, Nineteenth Floor, New York, N.Y. The meeting will commence at 9:30 a.m. local time and will be for the purpose of discussing development of simplified trading forms.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted by the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide, coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms, and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is expected to advise the Commission on such matters as eliminating unnecessary duplication in reporting, reducing report requirements where feasible, and developing the FOCUS Report of financial and operational information (Securities Exchange Act Release No. 10812; Securities Exchange Act Release No. 10859).

Information concerning the meetings, including the procedures for submitting statements to the Group, may be obtained by contacting: Mr. Daniel J. Pilliero II, Secretary, SEC Report Coordinating Group, Securities and Exchange Commission, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

SEPTEMBER 17, 1974.

[FR Doc.74-22085 Filed 9-24-74;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[USRA Docket No. 75-29]

PENN CENTRAL TRANSPORTATION CO.

Boston-Bay View Main Line; Proposed Interim Abandonment of Part of Branch

The Trustees in Bankruptcy of the Penn Central Transportation Company ("Penn Central") propose to abandon a portion of the Boston-Bay View Main Line, a line of railroad in Schenectady County, New York, and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93-236.

Section 304(f) provides:

> After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority.

The portion of the Boston-Bay View Main Line sought to be abandoned extends from milepost 156.4 near Carman in a westerly direction to milepost 169.9 near Hoffmans, a distance of 13.5 miles in Schenectady County, New York. There are no stations on the line to be abandoned.

In support of its request, Penn Central asserts that:

(1) The area is served by motor common carriers, as well as by private carriers which will adequately accommodate any demand for freight service in the area.

(2) No passenger service is provided on the line involved.

(3) The volume of freight traffic on the line has decreased in recent years because of the improvement in highway facilities and the concurrently increased use of highway carriers.

(4) Presently there is no train service on the line because the primary function of the line was the movement of overhead or bridge traffic, which has since been routed over other lines. The line has not been used for freight service since July 1, 1971. Passenger service over this line ceased on January 26, 1972. There has been no use of the line except for an occasional detour movement since that time.

The request is accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2216, Trans Point Building, 2100 Second Street, SW, Washington, D.C. 20590, by October 30, 1974, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address.

In addition to this publication, Penn Central shall, by September 30, 1974, furnish a copy of this notice and invitation for written submissions, to known shippers on the portion of the Boston-Bay View Main Line sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line.

This action is taken pursuant to section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93-236.

Copies of this notice have been sent by USRA to the Governor of New York, the New York Department of Transportation, the County Manager and Board of Representatives of Schenectady County, N.Y., the Mayor and City Council of Schenectady, N.Y., the Town Supervisors of Rotterdam, N.Y., Glenville, N.Y. Notices have also been sent to the Director of the Rail Services Planning Office, the Chairman of the Interstate Commerce Commission and the President of AMTRAK, and also to newspapers and radio and television broadcasting stations servicing the area involved.

Dated at Washington, D.C. this 17th day of September 1974.

EDWARD G. JORDAN, *President, United States Railway Association.*

[FR Doc.74-22073 Filed 9-23-74;8:45 am]

[USRA Docket No. 75-26]

PENN CENTRAL TRANSPORTATION CO.

Ida Branch; Proposed Interim Abandonment of Branch

The Trustees in Bankruptcy of the Penn Central Transportation Company ("Penn Central") propose to abandon the Ida Branch, a line of railroad in Lenawee and Monroe Counties, Michigan, and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93-236.

Section 304(f) provides:

> After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of a railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority.

The Ida Branch sought to be abandoned extends from milepost 0.0 near Lenawee Junction in an easterly direction to milepost 19.8 near Ida, a distance of 19.8 miles in Lenawee and Monroe Counties, State of Michigan. The line includes the stations of Deerfield, Petersburg, and Ida.

In support of its request, Penn Central asserts that:

(1) The line is generally in poor condition. Continued use of the line would require extensive restoration and renewal work due to progressive wear and tear.

(2) The area is served by motor common carriers as well as by private carriers which will adequately accommodate any demand for freight service in the area.

(3) No passenger service is provided on the line involved.

(4) The volume of freight traffic on the line has decreased in recent years because of the improvement in highway facilities and the concurrently increased use of highway carriers.

(5) The line is not operated as a joint facility.

(6) Operation of the line has been conducted at deficits of $2,999 for 1970, $16,469 for 1971, and $1,336 for the first three months of 1972.

(7) Expenditures for line improvements and maintenance would be prohibitive and could not be justified because of the small traffic volume.

The request is accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2216, Trans Point Building, 2100 Second Street, SW, Washington, D.C. 20590, by October 30, 1974, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address.

In addition to this publication, Penn Central shall, by September 30, 1974, furnish a copy of this notice and invitation for written submissions, to known shippers on the portion of the Ida Branch sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line. It shall also post and prominently display a copy of this notice at each station along that part of the line, continually during the period September 30—October 30, 1974.

This action is taken pursuant to section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93-236.

Section 304(f) provides:

> After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority.

The Ida Branch sought to be abandoned extends from milepost 0.0 near Lenawee Junction in an easterly direction to milepost 19.8 near Ida, a distance of 19.8 miles in Lenawee and Monroe Counties, State of Michigan. The line includes the stations of Deerfield, Petersburg, and Ida.

In support of its request, Penn Central asserts that:

(1) The line is generally in poor condition. Continued use of the line would require extensive restoration and renewal work due to progressive wear and tear.

(2) The area is served by motor common carriers as well as by private carriers which will adequately accommodate any demand for freight service in the area.

(3) No passenger service is provided on the line involved.

(4) The volume of freight traffic on the line has decreased in recent years because of the improvement in highway facilities and the concurrently increased use of highway carriers.

(5) The line is not operated as a joint facility.

(6) Operation of the line has been conducted at deficits of $2,999 for 1970, $16,469 for 1971, and $1,336 for the first three months of 1972.

(7) Expenditures for line improvements and maintenance would be prohibitive and could not be justified because of the small traffic volume.

The request is accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2216, Trans Point Building, 2100 Second Street, SW, Washington, D.C. 20590, by October 30, 1974, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address.

In addition to this publication, Penn Central shall, by September 30, 1974, furnish a copy of this notice and invitation for written submissions, to known shippers on the portion of the Ida Branch sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line. It shall also post and prominently display a copy of this notice at each station along that part of the line, continually during the period September 30—October 30, 1974.

This action is taken pursuant to section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93-236.

Section 304(f) provides:

> After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of a railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority.

The Ida Branch sought to be abandoned extends from milepost 0.0 near Lenawee Junction in an easterly direction to milepost 19.8 near Ida, a distance of 19.8 miles in Lenawee and Monroe Counties, State of Michigan. The line includes the stations of Deerfield, Petersburg, and Ida.

In support of its request, Penn Central asserts that:

(1) The line is generally in poor condition. Continued use of the line would require extensive restoration and renewal work due to progressive wear and tear.

(2) The area is served by motor common carriers as well as by private carriers which will adequately accommodate any demand for freight service in the area.

(3) No passenger service is provided on the line involved.

(4) The volume of freight traffic on the line has decreased in recent years because of the improvement in highway facilities and the concurrently increased use of highway carriers.

(5) The line is not operated as a joint facility.

(6) Operation of the line has been conducted at deficits of $2,999 for 1970, $16,469 for 1971, and $1,336 for the first three months of 1972.

(7) Expenditures for line improvements and maintenance would be prohibitive and could not be justified because of the small traffic volume.

The request is accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2216, Trans Point Building, 2100 Second Street, SW, Washington, D.C. 20590, by October 30, 1974, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address.

In addition to this publication, Penn Central shall, by September 30, 1974, furnish a copy of this notice and invitation for written submissions, to known shippers on the portion of the New Milford Secondary Track sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line. It shall also post and prominently display a copy of this notice at each station along that part of the line, continually during the period September 30—October 30, 1974.

This action is taken pursuant to section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93-236.

Section 304(f) provides:

> After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of a railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority.

The Ida Branch sought to be abandoned extends from milepost 0.0 near Lenawee Junction in an easterly direction to milepost 19.8 near Ida, a distance of 19.8 miles in Lenawee and Monroe Counties, State of Michigan. The line includes the stations of Deerfield, Petersburg, and Ida.

In support of its request, Penn Central asserts that:

(1) The line is generally in poor condition. Continued use of the line would require extensive restoration and renewal work due to progressive wear and tear.

(2) The area is served by motor common carriers as well as by private carriers which will adequately accommodate any demand for freight service in the area.

(3) No passenger service is provided on the line involved.

(4) The volume of freight traffic on the line has decreased in recent years because of the improvement in highway facilities and the concurrently increased use of highway carriers.

(5) The line is not operated as a joint facility.

(6) Operation of the line has been conducted at deficits of $2,999 for 1970, $16,469 for 1971, and $1,336 for the first three months of 1972.

(7) Expenditures for line improvements and maintenance would be prohibitive and could not be justified because of the small traffic volume.

The request is accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2216, Trans Point Building, 2100 Second Street, SW, Washington, D.C. 20590, by October 30, 1974, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address.

In addition to this publication, Penn Central shall, by September 30, 1974, furnish a copy of this notice and invitation for written submissions, to known shippers on the portion of the New Milford Secondary Track sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line. It shall also post and prominently display a copy of this notice at each station along that part of the line, continually during the period from September 30—October 30, 1974.

This action is taken pursuant to section 304(f) of the Regional Rail Reor-

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ganization Act of 1973, Pub. L. 93–236.

Copies of this notice have been sent by USRA to the Governor of Connecticut, the Public Utility Commission of Connecticut, the Connecticut Department of Transportation, the Selectmen of Litchfield, Conn., Gaylordsville, Conn., Kent, Conn., Cornwall Bridge, Conn., Falls Village, Conn., and Canaan, Conn. Notices have also been sent to the Director of the Rail Services Planning Office, the Chairman of the Interstate Commerce Commission and the President of AMTRAK, and also to newspapers and radio and television broadcasting stations servicing the area involved.

Dated at Washington, D.C., this 17th day of September, 1974.

EDWARD G. JORDAN,
President, United States Railway Association.

[FR Doc.74–22074 Filed 9–23–74;8:45 am]

[USRA Docket No. 75–27]

PENN CENTRAL TRANSPORTATION CO.

Newport Secondary Track; Proposed Interim Abandonment of Part of Branch

The Trustees in Bankruptcy of the Penn Central Transportation Company ("Penn Central") propose to abandon a portion of the Newport Secondary Track, a line of railroad in Newport County, Rhode Island, and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93–236.

Section 304(f) provides:

After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of a railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority.

The portion of the Newport Secondary Track sought to be abandoned extends from milepost 21.2 near Portsmouth in a southerly direction to milepost 30.5 near Newport, a distance of 9.3 miles in Newport County, Rhode Island. The line includes the stations of Melville and Newport.

In support of its request, Penn Central asserts that:

(1) The line is generally in poor condition. Continued use of the line would require extensive restoration and renewal work due to progressive wear and tear.

(2) The area is served by motor common carriers, as well as by private carriers which will adequately accommodate any demand for freight service in the area.

(3) No passenger service is provided on the line involved.

(4) The volume of freight traffic on the line has decreased in recent years because of the improvement in highway facilities and the concurrently increased use of highway carriers.

(5) The line is not operated as a joint facility.

The request is accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2216, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590, by October 30, 1974, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address.

In addition to this publication, Penn Central shall, by September 30, 1974, furnish a copy of this notice and invitation for written submissions, to known shippers on the portion of the Newport Secondary Track sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line. It shall also post and prominently display a copy of this notice at each station along that part of the line, continually during the period from September 30—October 30, 1974.

This action is taken pursuant to section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93–236.

Copies of this notice have been sent by USRA to the Governor of Rhode Island, the Rhode Island Department of Business Regulation; Division of Public Utility, the Rhode Island Department of Transportation, the Mayor and City Councilmen of Newport, R.I., the town Administrator and Councilmen of Portsmouth, R.I. Notices have also been sent to the Director of the Rail Services Planning Office, the Chairman of the Interstate Commerce Commission and the President of AMTRAK, and also to newspapers and radio and television broadcasting stations serving the area involved.

Dated at Washington, D.C. this 17th day of September 1974.

EDWARD G. JORDAN,
President, United States Railway Association.

[FR Doc.74–22071 Filed 9–23–74;8:45 am]

[USRA Docket No. 75–25]

PENN CENTRAL TRANSPORTATION CO.

Poland Secondary Track; Proposed Interim Abandonment of Branch

The Trustees in Bankruptcy of the Penn Central Transportation Company ("Penn Central") propose to abandon the Poland Secondary Track, a line of railroad in Herkimer County, New York, and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93–236.

Section 304(f) provides:

After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of a railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority.

The Poland Secondary Track sought to be abandoned extends from milepost 0.3 near Herkimer, New York in a northwesterly direction to milepost 17.0 near Poland, New York, a distance of 16.9 miles in Herkimer County, New York. The line includes the stations of Middleville, Newport, and Poland.

In support of its request, Penn Central asserts that:

(1) The line is generally in poor condition and unservicable. Continued use of the line would require extensive restoration and renewal work due to progressive wear and tear.

(2) The area is served by motor common carriers, as well as by private carriers which will adequately accommodate any demand for freight service in the area.

(3) No passenger service is provided on the line involved.

(4) The volume of freight traffic on the line has decreased in recent years because of the improvement in highway facilities and the concurrently increased use of highway carriers.

(5) Expenditures for line improvements and maintenance would be prohibitive and could not be justified because of the small traffic volume.

(6) The principal patron on the line, the Borden Company, ceased operations at Newport, N.Y. in September, 1971.

The request is accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2216, Trans Point Building, 2100 Second Street, SW, Washington, D.C. 20590, by October 30, 1974, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address.

In addition to this publication, Penn Central shall, by September 30, 1974, furnish a copy of this notice and invitation for written submissions, to known shippers on the Poland Secondary Track sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line. It shall also post and prominently display a copy of this notice at each station along that part of the line, continually during the period from September 30–October 30, 1974.

This action is taken pursuant to section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93–236.

Copies of this notice have been sent by USRA to the Governor of Connecticut, the Public Utility Commission of Connecticut, the Connecticut Department of Transportation, the Selectmen of Litchfield, Conn., Gaylordsville, Conn., Kent, Conn., Cornwall Bridge, Conn., Falls Village, Conn., and Canaan, Conn. Notices have also been sent to the Director of the Rail Services Planning Office, the Chairman of the Interstate Commerce Commission and the President of AMTRAK, and also to newspapers and radio and television broadcasting stations servicing the area involved.

Dated at Washington, D.C. this 17th day of September 1974.

EDWARD G. JORDAN,
President, United States Railway Association.

[FR Doc.74–22068 Filed 9–23–74;8:45 am]

[USRA Docket No. 75–26]

PENN CENTRAL TRANSPORTATION CO.

St. Mary's Secondary Track; Proposed Interim Abandonment of Branch

The Trustees in Bankruptcy of the Penn Central Transportation Company ("Penn Central") propose to abandon the St. Mary's Secondary Track, a line of railroad in Logan and Auglaize Counties, Ohio, and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93–236.

Section 304(f) provides:

After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of a railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority.

The St. Mary's Secondary Track sought to be abandoned extends from Mile Post 54.7 near Bellefontaine in a westerly direction to Mile Post 23.5 near St. Mary's, a distance of 31.8 miles, in Logan and Auglaize Counties, Ohio. This line includes the stations of Lewistown, Russell's Point, Lakeview, Sante Fe, Guiman, Wapakoneta, Moulton, and St. Mary's, Ohio.

In support of its request, Penn Central asserts that:

(1) The line is generally in poor condition. Continued use of the line would require extensive restoration and renewal

furnish a copy of this notice and invitation for written submissions, to known shippers on the Poland Secondary Track sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line. It shall also post and prominently display a copy of this notice at each station along that part of the line, continually during the period from September 30–October 30, 1974.

This action is taken pursuant to section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93–236.

Copies of this notice have been sent by USRA to the Public Service Commission of New York, the New York Department of Transportation, the County Legislators of Herkimer County, the town Supervisors of Russia, N.Y., Newport, N.Y., Fairfield, N.Y., and Herkimer, N.Y., the Mayor and Board of Trustees of the Villages of Poland, N.Y., Newport, N.Y., Middleville, N.Y. and Herkimer, N.Y. Notices have also been sent to the Director of the Rail Services Planning Office, the Chairman of the Interstate Commerce Commission and the President of AMTRAK, and also to newspapers and radio and television broadcasting stations servicing the area involved.

Dated at Washington, D.C., this 17th day of September 1974.

EDWARD G. JORDAN,
President, United States Railway Association.

[FR Doc.74–22069 Filed 9–23–74;8:45 am]

[USRA Docket No. 75–24]

PENN CENTRAL TRANSPORTATION CO.

Redstone Secondary Track; Proposed Interim Abandonment of Part of Branch

The Trustees in Bankruptcy of the Penn Central Transportation Company ("Penn Central") propose to abandon a portion of the Redstone Secondary Track in Fayette County, Pennsylvania, and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93–236.

Section 304(f) provides:

After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of a railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority.

The portion of the Redstone Secondary Track sought to be abandoned extends from milepost 52.5 near West Brownsville in a southeasterly direction to milepost 65.1 near Vance Mills, a distance of 12.6 miles, in Fayette County, Pennsylvania. The line includes the station of Walterburg, Pennsylvania.

In support of its request, Penn Central asserts that:

(1) The line is generally in poor condition and unserviceable. Continued use of the line would require extensive restoration and renewal work due to progressive wear and tear.

(2) The area is served by motor common carriers, as well as by private carriers which will adequately accommodate any demand for freight service in the area.

(3) No passenger service is provided on the line involved.

(4) The volume of freight traffic on the line has decreased in recent years because of the improvement in highway facilities and the concurrently increased use of highway carriers.

(5) Operation of the line has been conducted at deficits of $16,614 for 1970, $16,525 for 1971, and $4,092 for the first three months of 1972.

(6) Expenditures for line improvements and maintenance would be prohibitive and could not be justified because of the small traffic volume.

(7) Any possible demand for freight transportation service that may arise in the future will be adequately handled by team track facilities at Uniontown, by Penn Central's TrailVan (Piggyback) service or by motor carriers.

(8) The volume of freight traffic on the line has decreased in recent years because of the depletion of marketable coal reserves, the improvement in highway facilities and the concurrently increased use of highway carriers. The area is primarily one of light industry, farmland and residential, and most of the commerce in this area is conducted by highway.

The request is accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2216, Trans Point Building, 2100 Second Street, SW, Washington, D.C. 20590 by October 30, 1974, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address.

In addition to this publication, Penn Central shall, by September 30, 1974, furnish a copy of this notice and invitation for written submissions, to known shippers on the portion of the Redstone Secondary Track sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of its line. It shall also post and prominently display a copy of this notice at each station along that part of the line, continually during the period from September 30–October 30, 1974.

This action is taken pursuant to section 304(f) of the Regional Rail Transportation Act of 1973, Pub. L. 93–236.

Copies of this notice have been sent by USRA to the Governor of Pennsylvania, the Public Utility Commission of Pennsylvania, the Pennsylvania Department of Transportation, the Board of County Commissioners of Fayette County, Pa., the Board of Supervisors of Franklin Township, Pa., and Jefferson Township, Pa., the Borough Council of Grindstone, Pa. Notices have also been sent to the Director of the Rail Services Planning Office, the Chairman of the Interstate Commerce Commission and the President of AMTRAK, and also to newspapers and radio and television broadcasting stations servicing the area involved.

Dated at Washington, D.C. this 17th day of September 1974.

EDWARD G. JORDAN,
President, United States Railway Association.

[FR Doc.74–22068 Filed 9–23–74;8:45 am]

[USRA Docket No. 75–29]

PENN CENTRAL TRANSPORTATION CO.

St. Mary's Secondary Track; Proposed Interim Abandonment of Branch

The Trustees in Bankruptcy of the Penn Central Transportation Company ("Penn Central") propose to abandon the St. Mary's Secondary Track, a line of railroad in Logan and Auglaize Counties, Ohio, and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93–236.

Section 304(f) provides:

After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of a railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority.

The St. Mary's Secondary Track sought to be abandoned extends from Mile Post 54.7 near Bellefontaine in a westerly direction to Mile Post 23.5 near St. Mary's, a distance of 31.8 miles, in Logan and Auglaize Counties, Ohio. This line includes the stations of Lewistown, Russell's Point, Lakeview, Sante Fe, Guiman, Wapakoneta, Moulton, and St. Mary's, Ohio.

In support of its request, Penn Central asserts that:

(1) The line is generally in poor condition. Continued use of the line would require extensive restoration and renewal

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work due to progressive wear and tear.

(2) The area is served by motor common carriers, as well as by private carriers, which will adequately accommodate any demand for freight service in the area.

(3) No passenger service is provided on the line involved.

(4) The volume of freight traffic on the line has decreased in recent years because of increased use of highway carriers.

(5) The line is not operated as a joint facility.

(6) Operation of the line has been conducted at deficits of $19,561 in 1970 and $43,168 in 1971.

(7) Expenditures for line improvements and maintenance would be prohibitive and could not be justified because of the small traffic volume.

The request is accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2216, Trans Point Building, 2100 Second Street, SW, Washington, D.C. 20590, by October 30, 1974, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address.

In addition to this publication, Penn Central shall, by September 30, 1974, furnish a copy of this notice and invitation for written submissions, to known shippers on the part of the St. Mary's Secondary Track sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of the line. It shall also post and prominently display a copy of this notice at each station along that part of the line, continually during the period from September 30–October 30, 1974.

This action is taken pursuant to section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93–236.

Copies of this notice have been sent by USRA to the Governor of Ohio, the Public Utility Commission of Ohio, the County Commissioners of Logan and Auglaize Counties, Ohio; the Mayor and City Council of Bellefontaine, St. Mary's, and Wapokoneta, Ohio; the Mayor and Town Council of Russell's Point, Lakeview, and Moulton, Ohio. Notices have also been sent to the Director of the Rail Services Planning Office, the Chairman of the Interstate Commerce Commission and the President of AMTRAK, and also to newspapers and radio and television broadcasting stations servicing the area involved.

Dated at Washington, D.C. this 17th day of September 1974.

EDWARD G. JORDAN,
President, United States Railway Association.

[FR Doc.74–22067 Filed 9–23–74;8:45 am]

[USRA Docket No. 75–28]

PENN CENTRAL TRANSPORTATION CO.

Stoughton Branch; Proposed Interim Abandonment of Part of Branch

The Trustees in Bankruptcy of the Penn Central Transportation Company ("Penn Central") propose to abandon a portion of the Stoughton Branch, a line of railroad in Bristol and Norfolk Counties, Massachusetts, and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93–236.

Section 304(f) provides:

After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of a railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority.

The portion of the Stoughton Branch sought to be abandoned extends from milepost 4.4 near Stroughton in a northerly direction to milepost 10.0 (Terminus) near Easton, a distance of 5.6 miles, in Bristol and Norfolk Counties, Massachusetts. The line includes the stations of North Easton and Easton, Massachusetts.

In support of its request, Penn Central asserts that:

(1) The line is generally in poor condition. Continued use of the line would require extensive restoration and renewal work due to progressive wear and tear.

(2) The area is served by motor common carriers, as well as by private carriers which will adequately accommodate any demand for freight service in the area.

(3) No passenger service is provided on the line involved.

(4) The volume of freight traffic on the line has decreased in recent years because of the improvement in highway facilities and the concurrently increased use of highway carriers.

(5) The line is not operated as a joint facility.

(6) Operation of the line has been conducted at deficits of $3,629 for 1970, $3,648 for 1971, and $912 for the first three months of 1972.

(7) Expenditures for line improvements and maintenance would be prohibitive and could not be justified because of the small traffic volume.

The request is accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this request, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2216, Trans Point Building, 2100 Second Street, SW, Washington, D.C. 20590, by October 30, 1974, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address.

In addition to this publication, Penn Central shall, by September 30, 1974, furnish a copy of this notice and invitation for written submissions, to known shippers on the portion of the Stoughton Branch sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of the line. It shall also post and prominently display a copy of this notice at each station along that part of the line, continually during the period from September 30–October 30, 1974.

This action is taken pursuant to section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93–236.

Copies of this notice have been sent by USRA to the Governor of Massachusetts, the Massachusetts Department of Public Utility, the Massachusetts Executive Office of Transportation and Construction, the Board of County Commissioners of Bristol County, Mass., and Norfolk County, Mass., the Selectmen of Easton, Mass., and Stoughton, Mass. Notices have also been sent to the Director of the Rail Services Planning Office, the Chairman of the Interstate Commerce Commission and the President of AMTRAK, and also to newspapers and radio and television broadcasting stations servicing the area involved.

Dated at Washington, D.C. this 17th day of September 1974.

EDWARD G. JORDAN,
President, United States Railway Association.

[FR Doc.74–22072 Filed 9–23–74;8:45 am]

[USRA Docket No. 75–31]

PENN CENTRAL TRANSPORTATION CO.

Valley Branch; Proposed Interim Abandonment of Part of Branch

The Trustees in Bankruptcy of the Penn Central Transportation Company ("Penn Central") propose to abandon part of the Valley Branch, a line of railroad in Chautauqua County, N.Y., and Warren County, Pa., and have made a request to the United States Railway Association ("USRA") for the authorization required for that purpose under section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93–236.

Section 304(f) provides:

After [January 2, 1974], no railroad in reorganization may discontinue service or abandon any line of a railroad other than in accordance with the provisions of [the Act], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of or the pendency of any proceeding before any Federal or State court, agency, or authority.

The portion of the Valley Branch sought to be abandoned extends from milepost 32.1 near Falconer, N.Y., in a southerly direction to milepost 51.3 near North Warren, Pa., a distance of 19.2 miles in Chautauqua County, N.Y. and Warren County, Pa. The line includes the stations of Falconer, Falconer Jct., Jamestown, Frewsburg in New York and Akeley and Russel in Pa.

In support of its request, Penn Central asserts that:

(1) The line is generally in poor condition. Continued use of the line would require extensive restoration and renewal work due to progressive wear and tear.

(2) The area is served by motor common carriers, as well as by private carriers which will adequately accommodate any demand for freight service in the area.

(3) No passenger service is provided on the line involved.

(4) The volume of freight traffic on the line has decreased in recent years because of the improvement in highway facilities and the concurrently increased use of highway carriers.

(5) The line is not operated as a joint facility.

(6) Expenditures for line improvements and maintenance would be prohibitive and could not be justified because of the small traffic volume.

The request is accompanied by exhibits providing more detailed information.

To assist USRA in its analysis and disposition of this report, all affected or interested parties are invited to submit written statements, views, arguments or comments either favoring or opposing the discontinuance proposal.

Any such submissions must identify, by its Docket No., the request to which it relates, and must be filed with the Docket Clerk, United States Railway Association, Room 2216, Trans Point Building, 2100 Second Street, SW, Washington, D.C. 20590, by October 30, 1974, to enable timely consideration by USRA. The docket containing the original application and all submissions received shall be available for public inspection at that address.

In addition to this publication, Penn Central shall, by September 30, 1974, furnish a copy of this notice and invitation for written submissions, to known shippers on the portion of the Valley Branch sought to be abandoned, to each creditor holding an obligation secured by that property, and to each labor union whose members are employed on that part of the line. It shall also post and prominently display a copy of this notice at each station along that part of the line, continually during the period from September 30–October 30, 1974.

This action is taken pursuant to section 304(f) of the Regional Rail Reorganization Act of 1973, Pub. L. 93–236.

Copies of this notice have been sent by USRA to the Governors of New York and Pennsylvania, the Public Service Commission of New York, the Public Utility Commission of Pennsylvania, the New York and Pennsylvania Departments of Transportation, the County Legislature of Chautauqua County, N.Y., the Board of County Commissioners of Warren County, Pa., the Mayor and City Council of Jamestown, N.Y., the town Supervisors of Carroll, N.Y., Ellicott, N.Y., and Poland, N.Y., the Board of Supervisors of Conewango Township, Pa., and Pine Grove Township, Pa., the Mayor of Falconer, N.Y. Notices have also been sent to the Director of the Rail Services Planning Office, the Chairman of the Interstate Commerce Commission and the President of AMTRAK, and also to newspapers and radio and television broadcasting stations servicing the area involved.

Dated at Washington, D.C., this 17th day of September, 1974.

EDWARD G. JORDAN,
President, United States Railway Association.

[FR Doc.74–22075 Filed 9–23–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V–74–47]

BOEING AEROSPACE CO.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. Notice of application. Notice is hereby given that Boeing Aerospace Company, P.O. Box 3999, Seattle, Washington 98124 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR Part 1910, Subparts D, E, and S, and 29 CFR Part 1926, Subparts E, K, and M concerning the guarding of openings and means of egress.

The addresses of the places of employment that will be affected by the application are as follows:

Seattle Test Program
Facility Number III
9724 E. Marginal Way South
Seattle, Washington 98124

Boeing Pacific Test Center
P.O. Box 1626
Vandenberg Air Force Base
California 93437

The Boeing Company Utah Area
Air Force Plant 77
Hill Air Force Base
Ogden, Utah 84401

The Boeing Company—Wing I
P.O. Box 2428
Great Falls, Montana 59402

The Boeing Company—Wing II
P.O. Box 188
Ellsworth Air Force Base
South Dakota 57706

The Boeing Company—Wing III
P.O. Box 3000
Minot Air Force Base
Minot, North Dakota 58701

The Boeing Company—Wing IV
P.O. Box 5050
Whiteman Air Force Base
Missouri 65301

The Boeing Company—Wing V
P.O. Box 122
Warren Air Force Base
Wyoming

The Boeing Company—Wing VI
Grand Forks Air Force Base
North Dakota 58201

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

The applicant states that subcontractors will be informed of this application for a variance and will be required by the terms of their contracts to inform their employees of the contents of the variance application.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by the standards contained in §§ 1910.23 *Guarding Floor and Wall Openings and Holes;* 1910.27 *Fixed Ladders;* 1910.36 and 1910.37 *Means of Egress;* 1926.104 *Safety Belts, Lifelines, and Lanyards;* and 1926.500 *Guardrails, Handrails, and Covers.*

The applicant states that it and the applicant's subcontractors perform various support functions for the Minuteman Weapon System of the United States Air Force. The means of access into, and therefore egress from, underground launch facilities and the walking and working surfaces within the facilities, are designed to deter unauthorized access to critical system components. In addition, the applicant maintains that the design of the launch facilities require that no physical feature could present a hazard during the launch of missiles. The applicant alleges that conformity with the standards would present such a hazard.

The applicant contends that while the existing Minuteman facilities do not meet the requirements of specific standards in Parts 1910 and 1926 the alternatives it proposes will provide a place of employment as safe as that required by the standards. As an alternative to the requirements of specific standards, the applicant proposes to comply with the following:

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1. In lieu of the requirements of §§ 1910.23(a)(2), 1910.23(e)(1), 1926.500(b)(2), 1910.23(e)(3)(ii), and 1926.500(f)(1), safety belts and lanyards must be used by all personnel at the ladderway opening, which is on the level of the Personnel Access Hatch(PAH). When work is performed at the ladderway opening, tools must be attached by a tether to the workman. In addition, when the PAH is open, a perimeter guard must be erected by placing three posts in permanently mounted anchor plates with chain top railings mounted on posts providing protection on two sides. The chains must be at a height of at least 30 inches and they must withstand a weight of 200 pounds. The third side must be protected by the hatch cover itself. The PAH barrier must normally be covered by an igloo-type shelter. When extensive work is being done at the ladderway opening, the opening must be closed by means of a special purpose cover or safety belts and lanyards must be used by all personnel at the ladderway opening. Hard hats must be worn by all personnel inside the launch facility. All tools and materials must be lowered via a basket or bucket to the interior of the facility.

2. For the launch facility upper level barrier, the present chains and hinged cover shall be used as a safety barrier in lieu of the requirements of §§ 1910.23(a)(3), 1910.23(e)(1), 1910.23(e)(3)(ii), 1926.500(b)(3), and 1926.500(f)(1). When work is required in the area, safety belts and lanyards must be used by all personnel.

3. In lieu of the requirements of §§ 1910.23(a)(7), 1910.23(e)(1), 1910.23(e)(3)(ii), 1910.23(e)(3)(iv), 1910.23(e)(4), 1926.500(b)(7), 1926.500(f)(1), and 1926.500(f)(3)(i), safety belts and lanyards must be used by all personnel in the area. In addition, the present railing with a chain midrail for the payload transporter van barrier must continue to be used. Three ⅜ inch nylon rope rails must surround the opening at the reentry vehicle guidance and control van barrier.

4. In lieu of the requirements of §§ 1910.23(a)(8), 1910.23(a)(9), and 1926.500(b)(8), either a toeboard at lease three inches high or a safety barrier at least thirty inches high must be provided as a warning at the launch facility rattle space which is 6" wide. On the shock isolated floors, such toeboards must be provided in order to prevent objects from falling to a lower level.

5. At the launch tube access door railing, safety belts and lanyards must be used by all personnel on the platform, and tools must be attached to workers by tethers, in lieu of the requirements of §§ 1910.23(b)(1), 1910.23(e)(1), 1910.23(e)(3)(ii), 1910.23(e)(3)(iv), 1910.23(e)(9), 1926.500(c)(2), 1926.500(f)(1), and 1926.500(f)(7).

6. The transporter erector ladder, the payload transporter ladder, the launch control facility elevator shaft egress ladder, the personnel access hatch ladder, and the launch facility equipment room ladder must be as designed and described in Attachment 2 of the application for variance, in lieu of the requirements of §§ 1910.27(b)(1)(ii), 1910.27(b)(1)(iii), 1910.27(c)(4), 1910.27(d)(1)(i), 1910.27(d)(1)(ii), 1910.27(d)(1)(iv), 1910.27(d)(1)(v), 1910.27(d)(2), and 1910.27(d)(3).

7. For the launch tube railing, the railing presently in use or a railing of the same design and construction must be used in lieu of the requirements of §§ 1910.23(e)(3)(iv) and 1926.500(f)(1).

8. Attach points for lifelines or lanyards in the Minuteman launch facilities must be as designed and described in Attachment 3 of the application for variance, in lieu of the requirements of § 1926.104(b), provided they are annually proof load tested to 2,500 pounds without deformation or failure and are visually inspected prior to use.

9. In lieu of the requirements of §§ 1910.36(b)(4), 1910.37(a), 1910.37(f)(1), 1910.37(i), 1910.37(j), and 1910.37(k)(2), whenever the doors to a Minuteman launch facility must be closed for special tests with personnel inside, manloading shall be restricted and lock mechanisms shall not be operated to the locked position, supervisory personnel and equipment necessary to open the door(s) shall be immediately available and personnel in the closed facility shall be provided with self contained breathing apparatus for emergency use. In addition, whenever the single path of egress at a launch facility must be temporarily obstructed, manloading underground shall be restricted and a standby capability to remove the obstruction to egress, or to open a secondary egress path, shall be provided on site.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

REGIONAL OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
911 Walnut Street—Room 3000
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 15010
1961 Stout Street
Denver, Colorado 80202

U.S. Department of Labor
Occupational Safety and Health Administration
9470 Federal Building
P.O. Box 36017
450 Golden Gate Avenue
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
1808 Smith Tower Building
506 Second Avenue
Seattle, Washington 98104

AREA OFFICES

U.S. Department of Labor
Occupational Safety and Health Administration
1627 Main Street—Room 1100
Kansas City, Missouri 64108

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 525 Petroleum Building
2812 1st Avenue—North
Billings, Montana 59101

U.S. Department of Labor
Occupational Safety and Health Administration
Squire Plaza Building
8527 W. Colfax Avenue
Lakewood, Colorado 80215

U.S. Department of Labor
Occupational Safety and Health Administration
Executive Building—Suite 309
455 East 4th South
Salt Lake City, Utah 84111

U.S. Department of Labor
Occupational Safety and Health Administration
Hartwell Building—Room 401
19 Pine Avenue
Long Beach, California 90802

U.S. Department of Labor
Occupational Safety and Health Administration
121—107th Street, N.E.
Bellevue, Washington 98004

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than October 24, 1974.

In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than October 24, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. Interim Order. It appears from the application for a variance and interim order, and from attachments and exhibits accompanying the application, that an interim order is necessary to prevent an undue hardship on the applicant pending a decision on the variance application. Therefore it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Boeing Aerospace Company be, and it is hereby, authorized to continue support functions at various Minuteman missile launching sites provided that the alternative safety measures proposed in the application for variance are adhered to.

Boeing Aerospace Company shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of September 24, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 18th day of September 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-22149 Filed 9-23-74;8:45 am]

[V-74-48]

KANSAS CITY CENTRAL PAPER BOX CO.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. Notice of application. Notice is hereby given that Kansas City Central Paper Box Company, 2911-43 Belleview Avenue, Kansas City, Missouri 64108 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.213(c) Hand-fed ripsaws.

The address of the place of employment that will be affected by the application is as follows:

Kansas City Central Paper Box Company
2911-43 Belleview Avenue
Kansas City, Missouri 64108

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.213(c) which requires that each circular handfed ripsaw shall be guarded by a hood which shall completely enclose that portion of the saw above the table and that portion of the saw above the material being cut. It is also required that the hood and mounting shall be arranged so that the hood will automatically adjust itself to the thickness of and remain in contact with the material being cut.

The applicant states that it makes wood block dies. It contends that the drag created by the contact of the guard against the wood blocks would cause an inaccuracy in the individual dies. Instead, the guard is kept in a fixed position slightly above the material being cut. All the material is ¾ inch thick.

The applicant alleges that the factory guard does not permit accurate cuts on blocks less than ⅝ inch wide. Instead, the applicant proposes the use of a two-piece transparent plastic guard for all cuts on material less than ⅝ of an inch. The stationary piece covers the saw blade and is ¼ inch above the blade at operating height. The other part of the guard is attached to a push guide 5/16 inch from the stationary guard leaving a slot for a pick to hold the wood blocks being sawed.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street NW, Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
911 Walnut Street—Room 3000
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
1627 Main Street—Room 1100
Kansas City, Missouri 64106

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than October 24, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than October 24, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. Interim Order. It appears from the application for a variance and interim order that an interim order is necessary to prevent an undue hardship on the applicant pending a decision on the variance. Therefore it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety & Health Act of 1970, and 29 CFR 1905.11(c) the Kansas City Central Paper Box Company be, and it is hereby, authorized to use the following guards in lieu of the hood required by 29 CFR 1910.213(c)(1):

(a) A fixed guard, *Provided*, That the space between the bottom of the guard and the material being cut shall not exceed ⅜ of an inch if 1½ inches or more from the blade, and ¼ inch if closer than 1½ inches.

(b) A two-piece transparent plastic guard as described in the application.

Kansas City Central Paper Box Company shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of September 24, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 18th day of September 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-22148 Filed 9-23-74;8:45 am]

Office of the Secretary

PPG INDUSTRIES, INC.

Worker Request for Certification of Eligibility to Apply for Adjustment Assistance; Amendment of Scope of Investigation

On September 13, 1974, the U.S. Department of Labor, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, published notice in the FEDERAL REGISTER (39 FR 33038) of the institution of an investigation as provided in 29 CFR 90.11. The investigation is to determine whether any workers or former workers of the Henryetta, Oklahoma sheet glass plant of PPG Industries, Inc., Pittsburgh, Pennsylvania should be certified as eligible to apply for adjustment assistance under Chapter 3, Title III of the Trade Expansion Act of 1962, including determinations of related subsidiary subjects and matters such as the date when unemployment or underemployment of such workers began or threatened to begin and the subdivision of the firm involved. A petition requesting certification of eligibility to apply for adjustment assistance had been filed with the Director on behalf of such workers and former workers by the United Glass and Ceramic Workers of North America (AFL-CIO) and Window Glass Cutters League of America (AFL-CIO). The request for certification was made under Presidential Proclamation 3967 (Adjustment of Duties on Certain Sheet Glass) of February 27, 1970.

Upon subsequent request of petitioners, the Director amended the scope of the Department's investigation on September 16, 1974 to include the Clarksburg, West Virginia sheet glass plant of PPG Industries, Inc. where petitioners allege that workers and former workers are also entitled to apply for certification of eligibility to apply for adjustment assistance under Proclamation 3967.

The closing date for interested parties to submit to the Director written data, views or arguments relating to the subjects of investigation is hereby extended to October 3, 1974.

Signed at Washington, D.C. this 19th day of September, 1974.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.74-22255 Filed 9-23-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 506]

ASSIGNMENT OF HEARINGS

SEPTEMBER 19, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after September 24, 1974.

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MC-F-12154, Dodds Truck Line, Inc.—Purchase—Clinton Truck Lines, Inc., now being assigned hearing November 7, 1974 (2 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 97830 Sub 4, Bowen Trucking Co., Inc., continued to October 16, 1974, at Washington, D.C., at the Offices of Interstate Commerce Commission.

MC-C-8060, The Maxwell Co., Et Al—V—American Bulk Transport, Inc., formerly, Eldon Miller, Inc., and MC-C-8411, American Bulk Transport Co.—Investigation and Revocation of Certificates, now assigned October 1, 1974, at Kansas City, Mo., is postponed indefinitely.

MC 139084 Sub 1, Big Valley Supply & Enterprises Ltd., now assigned September 24, 1974, at Chicago, Illinois, is cancelled and application dismissed.

MC 139545 Sub 2, Henry C. Kocot and Anthony J. Kocot, Dba H. C. Kocot & Sons, now being assigned hearing December 2, 1974 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 71593 Sub 1, C. G. Potter, Dba Maumee Express, now being assigned hearing December 3, 1974 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 18302 Sub 2, State Moving & Storage, Inc., now being assigned hearing December 5, 1974 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 52657 Sub 714, Arco Auto Carriers, Inc., now being assigned hearing December 3, 1974 (2 days), at Dallas, Tex., in a hearing room to be later designated.

MC 95876 Sub 150, Anderson Trucking Service, Inc., now being assigned hearing December 5, 1974 (2 days), at Dallas, Tex., in a hearing room to be later designated.

MC 127253 Sub 80, R. A. Corbett Transport, Inc., now being assigned hearing December 9, 1974 (2 days), at Dallas, Tex., in a hearing room to be later designated.

No. 35065, Bluebonnet Express, Inc., V. Texas Tex-Pack Express, Inc., now being assigned hearing December 11, 1974 (3 days), in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-22182 Filed 9-23-74;8:45 am]

[No. 34013]

COST EVIDENCE; RULES TO GOVERN ASSEMBLING AND PRESENTING

Dissolution of Task Force

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 30th day of August, 1974.

It appearing, That by a report and order served July 30, 1970, 337 I.C.C. 298, 327, and by notice dated February 19, 1971, the Commission, in the above captioned proceeding, established a task force of Commission employees for the purpose of conferring with shipper, carrier, and other government agency representatives to consider the feasibility and practicability of additional research projects into specific areas of transportation cost ascertainment;

It further appearing, That the task force has met and conferred with shippers, carriers, and government agencies and has fulfilled its mandated obligations of inquiry;

And it further appearing, That, having rendered its findings and conclusions to participating representatives, the task force has completed its assigned duties.

It is ordered, That the task force be, and it is hereby dissolved.

And it is further ordered, That copy of this order be served upon all participants in this proceeding and that a copy be filed in the Office of the Secretary of the Commission as notice to the public.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-22177 Filed 9-23-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 19, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before October 9, 1974.

FSA No. 42877—*Joint Water-Rail Container Rates—Showa Line, Ltd.* Filed by Showa Line, Ltd. (No. 8), for itself and interested rail carriers. Rates on general commodities, between ports in The Philippines, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-22178 Filed 9-23-74;8:45 am]

[Notice No. 161]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 24, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 14, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75199. By order of September 17, 1974, the Motor Carrier Board approved the transfer to Wabash Valley Moving & Storage, Inc., Wabash, Ind., of Certificate No. MC 107246 issued by the Commission April 28, 1948, to Robert O. Rish, Wabash, Ind., authorizing the transportation of household goods between points in Wabash County, Ind., on the one hand, and, on the other, points in Illinois, Ohio, and the lower peninsula of Michigan. Donald W. Smith, Esq., Suite 2465, One Indiana Square, Indianapolis, Ind. 46204.

No. MC-FC-75301. By order of September 17, 1974 the Motor Carrier Board approved the transfer to Industrial Riggers, Inc., Waterbury, Conn., of that portion of Certificate No. MC 34970 issued January 14, 1960, to The Ellis Motor Lines, Inc., Torrington, Conn., authorizing the transportation of household goods between Torrington, Conn., on the one hand, and, on the other, points in New York. John E. Fay, Esq., attorney for Transferee, 630 Oakwood Avenue, West Hartford, Conn. 06110.

No. MC-FC-75360. By order of September 16, 1974, the Motor Carrier Board approved the transfer to Sunvan Washington, Inc., Seattle, Wash., of the operating rights in Certificate No. MC-133356 (Sub-No. 1), issued June 29, 1971, to Sunvan & Storage Company, Inc., Seattle, Wash., authorizing the transportation of used household goods, between points in King, Pierce, Thurston, Snohomish, and Kitsap Counties, Wash., restricted to shipments having a prior or subsequent movement beyond said points, in containers, and to pickup and delivery service incidental to and in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments. Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-22181 Filed 9-23-74;8:45 am]

[Notice No. 162]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 24, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75405. By application filed June 10, 1974, MARTIN FLEET EQUIPMENT, INC., 2970 Blanchette St., Beaumont, TX 77701, seeks temporary authority to lease the operating rights of N. J. ARABIE, doing business as N. J. ARABIE TRUCKING SERVICE, Route 2, Box 255, Kountze, TX 77625, under section 210a(b). The transfer to MARTIN FLEET EQUIPMENT, INC., of the operating rights of N. J. ARABIE, doing business as N. J. ARABIE TRUCKING SERVICE, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-22180 Filed 9-23-74;8:45 am]

[Notice No. 163]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 24, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75408. By application filed September 17, 1974, LEE HAWKES TRANSFER, INC., 200 Poplar St., Pocatello, ID 83201, seeks temporary authority to lease the operating rights of LEE M. HAWKES, doing business as LEE HAWKES TRANSFER, 200 Poplar St., Pocatello, ID 83201, under section 210a(b). The transfer to LEE HAWKES TRANSFER, INC., of the operating rights of LEE M. HAWKES, doing business as LEE HAWKES TRANSFER, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-22179 Filed 9-23-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

SEPTEMBER 19, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 4, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 14702 (Sub-No. E45), filed May 31, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road machinery*, between points in Indiana on the one hand, and, on the other, points in Pennsylvania (except points in Fayette, Greene, and Washington Counties). The purpose of this filing is to eliminate the gateway of points in Trumball County, Ohio.

No. MC 14702 (Sub-No. E46), filed May 31, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between points in Illinois and Michigan on the one hand, and, on the other, points in Pennsylvania, New Jersey, New York, N.Y., Maryland, and those in the Washington, D.C., commercial zone, as defined by the Commission in 3 M.C.C. 243. The purpose of this filing is to eliminate the gateway of Liberty Township, Trumbull County, Ohio.

No. MC 14702 (Sub-No. E47), filed May 31, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, between New York, N.Y., on the one hand, and, on the other, points in Pennsylvania on, south, west, and north of a line beginning at the Ohio-Pennsylvania State line at Sharon and extending along U.S. Highway 62 to Mercer, thence along Pennsylvania Highway 58 to its intersection with Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to Butler, thence along Pennsylvania Highway 68 to its intersection with Pennsylvania Highway 65, thence along Pennsylvania Highway 65 to Leetsdale, and thence along the southern boundary line of Beaver County to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Liberty Township, Trumbull County, Ohio.

No. MC 47336 (Sub-No. E1), filed May 15, 1974. Applicant: ECLIPSE MOTOR LINES, INC., P.O. Box 507, Bridgeport, Ohio 43912. Applicant's representative: John Koish (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* (except those of unusual value, high explosives, household goods, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (a) from points in Pennsylvania on and south of a line beginning at the New Jersey-Pennsylvania State line and extending along Interstate Highway 78 to its intersection with Interstate Highway 81, thence along Interstate Highway 81 to its intersection with the Pennsylvania Turnpike, thence along Pennsylvania Turnpike to its intersection with Interstate Highway 70, and thence along Interstate Highway 70 to the Pennsylvania-West Virginia State line, to points in Ohio (except Geauga and Ashtabula Counties); (b) from points in Pennsylvania on, east, and south of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to its intersection with the Pennsylvania Turnpike, thence along the Pennsylvania Turnpike to its intersection with Interstate Highway 70, and thence along Interstate Highway 70 to the Pennsylvania-West Virginia State line, to points in Ohio on, south, and west of a line beginning at E. Liverpool and extending along U.S. Highway 30 to its intersection with U.S. Highway 250, and thence along U.S. Highway 250 to the shore of Lake Erie at Sandusky.

(c) From points in Pennsylvania on, east, and south of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 220 to its intersection with U.S. Highway 22, thence along U.S. Highway 22 to its intersection with U.S. Highway 119, thence along U.S. Highway 119 to its intersection with Interstate Highway 70, and thence along Interstate Highway 70 to the Pennsylvania-West Virginia State line, to points in Ohio on and south of a line beginning at Steubenville and extending along U.S. Highway 22 to its intersection with U.S. Highway 36, and thence along U.S. Highway 36 to the Ohio-Indiana State line, and (2) *Metal products and machinery* (except with exceptions specified above in (1)), between points in Pennsylvania within 45 miles of Wheeling, W. Va., on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateways of (a) Wheeling and Follansbee, W. Va., for (1) above, and (b) Wheeling, W. Va., for (2) above.

No. MC 52979 (Sub-No. E1), filed June 4, 1974. Applicant: HUNT TRUCK LINES, INC., P.O. Box 72, Rockwell City, Iowa 50579. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardware, automotive supplies, and iron and steel articles* (except commodities requiring special equipment), from Chicago, Ill., to points in Minnesota and South Dakota within 10 miles of Larchwood, Iowa. The purpose of this filing is to eliminate the gateway of points in Iowa on and north of U.S. Highway 20 and on and west of Iowa Highway 17.

No. MC 53965 (Sub-No. E1), filed June 4, 1974. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 838, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat pack-*

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inghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from points in that portion of Kansas lying on and east of a line commencing at junction U.S. Highway 81 and the Kansas-Nebraska State line and thence along U.S. Highway 81 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Kansas Highway 68, thence along Kansas Highway 68 to junction Missouri-Kansas State line to points in Oklahoma and Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Oldham, Potter, Carson, Gray, Wheeler, Hamphill, Roberts, Moore, Hartley, Dallam, Sherman, Hensford, Lipscomb, Ochiltree, and Hutchinson Counties, Tex. The purpose of this filing is to eliminate the gateway of the plant site of Armour & Company located at or near Emporia, Kans.

No. MC 59150 (Sub-No. E21), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require specialized handling or rigging, between points in that part of Mississippi in and south of Coahoma, Quitman, Tallahatchie, Talobusha, Calhoun, Chickasaw, and Monroe Counties, on the one hand, and, on the other, points in that part of Georgia in and south of Stewart, Webster, Sumter, Crisp, Wilcox, Telfair, Wheeler, Montgomery, Toombs, Tatnall, Evans, Bryan, and Chatham Counties. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 59150 (Sub-No. E26), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Florida 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall, or insulating boards, and materials and supplies* used in the installation of building, wall, or insulating boards, from points in that part of Florida in, east, and south of Columbia, Alachua, Marion, and Citrus Counties, to points in that part of Mississippi in and north of Warren, Hinds, Rankin, Scott, Newton, and Lauderdale Counties. The purpose of this filing is to eliminate the gateway of the plantsite of Armstrong Cork Company, at Macon, Ga.

No. MC 63792 (Sub-No. E8), filed May 23, 1974. Applicant: TOM HICKS TRANSFER COMPANY, INC., P.O. Box 16006, Houston, Tex. 77022. Applicant's representative: C. W. Ferebee (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Machinery, equipment, materials, and supplies* used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking-up thereof (except the stringing and picking-up of pipe in connection with main pipelines). (B) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way.

(c) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, (1) between points in that part of Kansas on and south of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 56 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line, on the one hand, and, on the other, points in that part of Colorado on and west of Interstate Highway 25, (2) between points in Kansas, on the one hand, and, on the other, points in New Mexico, (3) between points in Utah, on the one hand, and, on the other, points in that part of Kansas on and south of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 56 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Kansas-Missouri State line, (4) between points in Wyoming, on the one hand, and, on the other, points in that part of Kansas on and south of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 56 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Missouri State line, and (5) between points in that part of Kansas on and east of Interstate Highway 35 and on and south of U.S. Highway 54, on the one hand, and, on the other, points in that part of Wyoming in and west of Carbo, Natrona, Johnson, and Sheridan Counties. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 70063 (Sub-No. E2), filed June 4, 1974. Applicant: DRAKE MOTOR LINES, INC., 20 Olney Avenue, Cherry Hill, N.J. 08034. Applicant's representative: Leonard C. Zucker (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which, by reason of size or weight, require the uses of special equipment), between points in Rhode Island, on the one hand, and, on the other, New York, N.Y. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 73688 (Sub-No. E13), filed May 14, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards*, composed of wood fibre and cement combined, and *accessories* therefor, when moving incidental to and in the same vehicle with such boards, when such boards and accessories are roofing materials (except steel roofing materials), from Arkadelphia, Ark., to points in Kentucky. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 88368 (Sub-No. E1) (Correction), filed May 15, 1974, republished in the FEDERAL REGISTER August 16, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Avenue, Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) from points in Alabama, to points in Massachusetts (points in Harlan County, Ky., points in Jefferson County, Ohio, and Philadelphia, Pa.)*, points in Minnesota (Florence, Sheffield, and Tuscumbia, Ala., points in Mississippi and Missouri, and Harlan, Iowa, and points within 25 miles thereof)*, points in Missouri (Florence, Sheffield, and Tuscumbia, Ala., and points in Mississippi)*; * * * (3) from points in Mobile, Baldwin, Washington, Escambia, Conecuh, Monroe, Clark, Choctaw, Wilson, Sumter, and Marengo Counties, Ala., to points in Mississippi County, Ark. (Florence, Sheffield, and Tuscumbia, Ala., and points in Mississippi and Missouri)*; * * * (5) from points in and south of Pickens, Tuscaloosa, Bibb, Chilton, Chambers, Coosa, Tallapoosa Counties, Ala., within 100 miles of Birmingham, Ala., not including Montgomery, Ala., to points in Berkeley, Dorohester, Colleton, Hampton, Jasper, Beaufort, and Charleston Counties, S.C.

(Valdosta, Ga.)*; * * * The purpose of this filing is to eliminate the gateways marked with asterisks above. The purpose of this correction is to indicate Chambers County, Ala.

No. MC-106668 (Sub-No. E137), filed May 14, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* from points in Richmond County, Ga., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming (points in Little River County, Ark.)*, to points in Colorado and New Mexico (the plant site of Calcasieu Paper Company, Inc., at or near Elizabeth, La.)*, and to points in Kansas on and west of U.S. Highway 81 and points in Nebraska on and west of U.S. Highway 281 (the plant site and storage facilities of the Weyerhaeuser Company located at or near Valliant, Okla.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 102143 (Sub-No. E1), filed June 4, 1974. Applicant: DOSCHER'S MOVING & STORAGE WAREHOUSE, INC., Hollis, N.Y. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Connecticut on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., points in New York west of U.S. Highway 81 and points in New Jersey west and south of a line from the New York-New Jersey State line along New Jersey Highway 17 to the junction of U.S. Highway 1, thence along U.S. Highway 1 to the New York-New Jersey State line, (2) between points in New Jersey on and north of U.S. Highway 40 on the one hand, and on the other points in South Carolina on and North of U.S. Highway 17, (3) between points in New Jersey on and north of a line from Trenton, N.J., along the northern boundary of Burlington County, thence along the western boundary of Monmouth County and thence along the Monmouth County-Ocean County boundary line to the Atlantic Ocean, on the one hand, and, on the other, points in North Carolina, (4) between points in New Jersey on and north of New Jersey Highway 24 on the one hand, and, on the other points in Virginia, West Virginia, and Washington, D.C., (5) between points in New Jersey on, north, and east of a line from the Hudson River at or near Weehawken, along N.J. Highway 3 to the junction of U.S. Highway 46, thence along U.S. Highway 46, to the junction of U.S. Highway 202, thence along U.S. Highway 202 to the New York-New Jersey State line on the one hand, and, on the other, points in Maryland, (6) between points on New Jersey on and east of the Garden State Parkway on the one hand, and, on the other points in Connecticut. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 106644 (Sub-No. E1), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight require the use of special equipment and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Alabama on and east of a line from the Alabama-Tennessee State line along U.S. Highway 231 to the Montgomery County line, thence along the eastern boundary of Montgomery County to the junction of U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Florida State line on the one hand, and, on the other, points in Texas on and west of U.S. Highway 75. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 106644 (Sub-No. E2), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 W. Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith between points in Arkansas on the one hand, and, on the other, points in Alabama on and east of a line from the Alabama-Florida State line along U.S. Highway 231 to the junction of U.S. Highway 431, thence along U.S. Highway 431 to the junction of Alabama Highway 9, thence along Alabama Highway 9 to the junction of Alabama Highway 35, thence along Alabama Highway 35 the the junction of U.S. Highway 11, thence along U.S. Highway 11 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 106644 (Sub-No. E3), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 W. Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight require the use of special equipment; (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Florida on and east of U.S. Highway 231 on the one hand, and, on the other, points in Arkansas and Texas. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 106644 (Sub-No. E4), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 W. Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith between points in Tennessee on and east of U.S. Highway 127 on the one hand, and, on the other, points in Arkansas and Texas. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 106644 (Sub-No. E5), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 W. Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith between points in North Carolina and South Carolina, on the one hand, and, on the other, points in Texas and Arkansas. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 106644 (Sub-No. E6), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth 1252 W. Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities requiring special equipment and handling by reason of size or weight* and *machinery and self-propelled articles*, each weighing 15,000 pounds or more and *related machinery, tools, parts, and supplies* moving in connection therewith between points in Alabama and Mississippi on the one hand, and, on the other, points in Maryland, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC 106644 (Sub-No. E7), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Pey-

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ton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 W. Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and machinery parts, and heating or power boilers, iron or steel tanks, and steel smokestacks* requiring special equipment between points in Arkansas on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of points in Louisiana or Mississippi.

No. MC 106644 (Sub-No. E8), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities requiring special equipment and handling by reason of size or weight* and *machinery and self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Tennessee on the one hand, and, on the other, points in Maryland, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC 106644 (Sub-No. E9), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery or parts thereof* and *heating and power boilers, iron or steel tanks, or steel smokestacks* which require special equipment between points in Texas on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateways of points in Louisiana and Mississippi.

No. MC 106644 (Sub-No. E10), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size and weight, require the use of special equipment, and (2) *Self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies, moving in connection therewith*, between points in Louisiana on the one hand, and, on the other, points in Iowa and Missouri (except between points in Louisiana on and west of a line from the Louisiana-Arkansas State line along U.S. Highway 167 to the junction of U.S. Highway 84, thence along U.S. Highway 84 to the junction of Louisiana Highway 6, thence along Louisiana Highway 6 to the Louisiana-Texas State line, on the one hand, and, on the other, points in Iowa east of U.S. Highway 71 and except between points in Louisiana on the one hand, and, on the other, points in Missouri east and north of a line from the Missouri-Arkansas State line along U.S. Highway 63 to the junction of U.S. Highway 36, thence along U.S. Highway 36 to the junction of U.S. Highway 65 [excluding Chillicothe], thence along U.S. Highway 65 to the Missouri-Iowa State line). Restriction: The operations authorized under the commodities described in (2) above are subject to the following conditions: Said operations are restricted to the transportation of commodities which are transported on trailers. Said operations are restricted against the transportation of pipe, pipeline machinery, equipment and supplies incidental to and used in connection with the construction, operation, repair, servicing, and dismantling of pipelines and the stringing or picking up thereof. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC 106644 (Sub-No. E11), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 W. Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size and weight, require the use of special equipment and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith between points in Arkansas on and east of a line from West Memphis along U.S. Highway 63 to the Arkansas-Missouri State line on the one hand, and, on the other, points in Louisiana and Mississippi. Restriction: The operations authorized under (2) above are subject to the following condition: Said operations are restricted to the transportation of commodities which are transported on trailers. Said operations are restricted against the transportation of pipe, pipeline machinery, equipment and supplies incidental to and used in connection with the construction, operation, repair, servicing, and dismantling of pipelines and the stringing or picking up thereof. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC 107403 (Sub-No. E410), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitro paraffines and derivatives thereof*, in bulk, in tank vehicles, from Sterlington, La., to points in Maine, Masachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E412), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave. NW., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid methanol*, in bulk, in tank vehicles, from Sterlington, La., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E413), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid methanol*, in bulk, in tank vehicles, from Sterlington, La., to points in Delaware, Maryland, New York, New Jersey, Pennsylvania, and Virginia. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC 107403 (Sub-No. E415), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of Dow Chemical Co., at or near Plaquemine, La., to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of Mapleton, Ill.

No. MC 107403 (Sub-No. E416), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-flammable liquid chemicals* (except liquefied petroleum gases and anhydrous ammonia), in bulk, in tank vehicles, from Norco, La., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E417), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquefied petroleum gases and anhydrous ammonia), in bulk, in tank vehicles, from Norco, La., to points in Maine, Massachusetts, New Hampshire, and Vermont.

The purpose of this filing is to eliminate the gateways of Greensboro and Newark, N.J.

No. MC 107403 (Sub-No. E419), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050 Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles (except fly ash and calcium chloride), from Lake Charles, La., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of points in the state of Kentucky, Painesville, Ohio, and Solvay, N.Y.

No. MC 107403 (Sub-No. E420), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050 Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-flammable liquid chemicals* in bulk, in tank vehicles (except petroleum and petroleum products other than medicinal petroleum products and liquid wax, and coal tar and coal tar products), from Lake Charles, La., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Newark, N.J.

No. MC 113843 (Sub-No. E422), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals), in bulk, in tank vehicles, from Lake Charles, La., to points in Ohio. The purpose of this filing is to eliminate the gateway of Ashland, Ky.

No. MC 107403 (Sub-No. E423), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except gasoline, fuel oil, benzene, and kerosene), from Lake Charles, La., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E424), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonflammable liquid chemicals* (except coal tar and coal tar products, petroleum, liquefied petroleum gases, and petroleum products other than medicinal petroleum products and liquid wax, and anhydrous ammonia), from the plantsite and storage facilities of Kaiser Aluminum and Chemical Corporation at or near Gramercy, La., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateways of Norco, La., Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E425), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from the plantsite and storage facilities of Kaiser Aluminum and Chemical Corporation at or near Gramercy, La., to points in Colorado, Illinois, Indiana, Kentucky, Missouri, Tennessee, Utah, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of Baton Rouge, La.

No. MC 107403 (Sub-No. E426), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from the plant site and storage facilities of Kaiser Aluminum and Chemical Corporation at or near Gramercy, La., to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of Gramercy, La.

No. MC 107403 (Sub-No. E430), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from the plantsite and storage facilities of Kaiser Aluminum and Chemical Corporation at or near Gramercy, La., to points in Kansas. The purpose of this filing is to eliminate the gateway of Baton Rouge, La.

No. MC 107403 (Sub-No. E430), filed may 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Chemicals* (except liquefied petroleum gases and anhydrous ammonia), in bulk, in tank vehicles, from the plantsite and storage facilities of Kaiser Aluminum and Chemical Corporation, at or near Gramercy, La., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Norco, La., Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E431), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except benzene, fuel oil, gasoline, kerosene, and liquefied petroleum gases), in bulk, in tank vehicles, from Good Hope, La., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E434), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemical* (except benzene, fuel oil, gasoline, kerosene, and liquefied petroleum gases), in bulk, in tank vehicles, from Good Hope, La., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E436), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonflammable liquid chemicals* (except coal tar and coal tar products, liquid wax, liquefied petroleum gases, petroleum and petroleum products other than medicinal petroleum products, and road oil), from Good Hope, La., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E437), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonflammable liquid chemicals* (except coal tar and coal tar products, liquid wax, petroleum and petroleum products other than medicinal petroleum products and road oil), from Baton Rouge, La., and points in Iberville and West Baton Rouge Parishes, La., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E440), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except benzene, fuel oil, gasoline, kerosene, liquefied petroleum gases), from Baton Rouge, La., and points in Iberville and West Baton Rouge Parishes, La., to points in Maine,

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Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E441), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank, in hopper vehicles, from Baton Rouge, La., to points in North Carolina. The purpose of this filing is to eliminate the gateways of points in West Baton Rouge Parish, La.

No. MC 107403 (Sub-No. E442), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Baton Rouge, La., to points in South Carolina. The purpose of this filing is to eliminate the gateway of the plantsite and storage facilities of Kaiser Aluminum and Chemical Corporation at or near Gramercy, La.

No. MC 107403 (Sub-No. E444), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from the plantsite of American Cyanamid Company at Avondale, La., to points in Arizona and New Mexico. The purpose of this filing is to eliminate the gateway of Geisma, La.

No. MC 107403 (Sub-No. E446), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except benzene, fuel oil, gasoline, and kerosene), from the plantsite of American Cyanamid Company at Avondale, La., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E447), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonflammable liquid chemicals* (except coal tar and coal tar products, liquid wax, petroleum and petroleum products other than medicinal petroleum products, and road oil), in bulk, in tank vehicles, from the plantsite of American Cyanamid Company at Avondale, La., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E448), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Chemicals* (except liquefied petroleum gases), in bulk, in tank vehicles, from the plantsite of American Cyanamid Company at Avondale, La., to points in Colorado, Kansas, Missouri, Oklahoma, Texas, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of Baton Rouge, La.

Applicant: HILL & HILL TRUCK LINE, INC., P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, Bank Of The Southwest Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of thier size or weight, requires the use of special equipment except *machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials, equipment* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, between points in Alaska, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateway of Harris County, Tex.

No. MC 107678 (Sub-No. E2), filed June 4, 1974. Applicant: HILL & HILL TRUCK LINES, INC., P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, Bank Of The Southwest Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof, except the stringing and picking-up of pipe in connection with main or trunk pipe lines, between points in Oklahoma, on the one hand, and, on the other, points in Utah, in and south and west of Box Elder, Cache, Moyan, Rich, Salt Lake, Tooele, and Weber Counties, Utah. The purpose of this filing is to eliminate the gateways of Casper, Wyo., and points in the State of Texas.

No. MC 107678 (Sub-No. E8), filed June 4, 1974. Applicant: HILL & HILL TRUCK LINE, INC., P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, Bank Of The Southwest Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main or trunk pipe lines, between points in Louisiana, on the one hand, and, on the other, points in Montana and Wyoming. The purpose of this filing is to eliminate the gateway of points in the State of Texas.

No. MC 107678 (Sub-No. E6), filed June 4, 1974. Applicant: HILL & HILL TRUCK LINE, INC., P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, Bank Of The Southwest Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main or trunk pipe lines, between points in Louisiana, on the one hand, and, on the other, points in Montana and Wyoming. The purpose of this filing is to eliminate the gateway of Harris County, Tex.

Applicant: HILL & HILL TRUCK LINE, INC., P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, Bank Of The Southwest Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main or trunk pipe lines, between points in Louisiana, on the one hand, and, on the other, points in Montana and Wyoming. The purpose of this filing is to eliminate the gateways of points in the State of Texas.

No. MC 107678 (Sub-No. E9), filed June 4, 1974. Applicant: HILL & HILL TRUCK LINE, INC., P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, Bank Of The Southwest Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main or trunk pipe lines, between points in Louisiana, on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateways of points in the State of Texas.

No. MC 107678 (Sub-No. E12), filed June 4, 1974. Applicant: HILL & HILL TRUCK LINE, INC., P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, Bank Of The Southwest Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials,* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, except the stringing and picking up of pipe in connection with the construction and dismantling of pipe lines, between points in Louisiana in and south of Chatahoula, Concordia, La Salle, Natchitoches, Sabine, and Winn Parishes, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of Harris County, Tex.

No. MC 107678 (Sub-No. E14), filed June 4, 1974. Applicant: HILL & HILL TRUCK LINE, INC., P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, Bank Of The Southwest Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials,* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof except in connection with main or trunk pipe lines, between points in New Mexico, on the one hand, and, on the other, points in North Dakota on and west of North Dakota Highway 30 and in South Dakota west of the Missouri River and on and north of U.S. Highway 14. The purpose of this filing is to eliminate the gateways of points in Texas.

No. MC 107678 (Sub-No. E17), filed June 4, 1974. Applicant: HILL & HILL TRUCK LINE, INC., P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: Joy W. Elston, Bank of The Southwest Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, equipment, materials,* and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof except in connection with main or trunk pipe lines, between points in Nevada, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, and Mississippi. The purpose of this filing is to eliminate the gateways of points in the States of Oklahoma or Texas.

No. MC 107678 (Sub-No. E18), filed June 4, 1974. Applicant: HILL & HILL TRUCK LINE, INC., P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, Bank of The Southwest Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials,* and *supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials* and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, restricted to pipelines used for the transmission of natural gas and petroleum and their products and by-products, and restricted against the stringing or picking up of pipe in connection with main or trunk pipelines, between points in Alaska, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, and Mississippi. The purpose of this filing is to eliminate the gateways of points in Kansas, Louisiana, New Mexico, Oklahoma, or Texas.

No. MC 107678 (Sub-No. E22), filed June 4, 1974. Applicant: HILL & HILL TRUCK LINE, INC., P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, Bank Of The Southwest Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials,* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main or trunk pipe lines, between points in Nevada, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, and Mississippi. The purpose of this filing is to eliminate the gateways of points in the States of Oklahoma or Texas.

No. MC 107678 (Sub-No. E23), filed June 4, 1974. Applicant: HILL & HILL TRUCK LINE, INC., P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, Bank Of The Southwest Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials,* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main or trunk pipe lines, between points in Montana and Wyoming, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, and Mississippi. The purpose of this filing is to eliminate the gateways of points in the State of Texas.

No. MC 107678 (Sub-No. E24), filed June 4, 1974. Applicant: HILL & HILL TRUCK LINE, INC., P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, Bank Of The Southwest Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining,

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manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials,* and *supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main or truck pipe lines, between points in Dawson and Sioux Counties of Nebraska on the one hand, and, on the other, points in Mississippi and south of Adams, Amite, Forrest, Franklin, Greene, Lamar, Marion, Perry, Pike, and Walthall Counties, Mississippi, and in Alabama in and south of Baldwin, Escambia, and Mobile Counties, Alabama, and in Florida, except Duval and Nassau Counties, Florida. The purpose of this filing is to eliminate the gateways of points in the State of Texas and Casper, Wyoming.

No. MC 107678 (Sub-No. E27), filed June 4, 1974. Applicant: HILL & HILL TRUCK LINE, INC., P.O. Box 9698, Houston, Tex. 77015. Applicant's representative: Jay W. Elston, Bank Of The Southwest Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials,* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment,* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, except the stringing and picking up of pipe in connection with the construction and dismantling of pipe lines, between points in Texas in and south and east of Angelina, Bee, Brazos, Burleson, Dewitt, Fayette, Goliad, Laraca, Lee, Madison, Nueces, Sabine, San Augustine, San Patricio, Trinity, and Walker Counties, Tex., on the one hand, and, on the other, points in Colorado, in and northeast of Cheyenne, Crowley, Los Animas, and Lincoln Counties, Colo. The purpose of this filing is to eliminate the gateway of Harris County, Tex.

No. MC 110420 (Sub-No. E73), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chocolate and chocolate coating*, in bulk, in tank vehicles, from New York, N.Y., to points in Missouri, Texas, Minnesota, that part of Louisiana in and west of East Feliciana, East Baton Rouge, Iberville, Iberia, Port of St. Martin, and St. Mary's Parishes, the Upper Peninsula of Michigan and points in and west of Allegan, Kalamazoo, and St. Joseph Counties, Mich., and to Denver, Colo., and Grand Forks, N. Dak. (Chicago, Ill.)°. (2) *Liquid chocolate and liquid cocoa butter*, in bulk, in tank vehicles, from New York, N.Y., to St. Paul, Minn., St. Joseph and Joplin, Mo., Lincoln and Omaha, Nebr., Memphis, Tenn., Waco, Tex., and Madison and Milwaukee, Wis. (Chicago, Ill.)°. (3) *Chocolate and chocolate coating*, from New York, N.Y., to points in South Dakota (Chicago, Ill.)°. (4) *Chocolate and chocolate coating*, from New York, N.Y., to points in Indiana in, north, and west of Elkhart, Marshall, Pulaski, White, Tippecanoe, Fountain, and Warren Counties and that part of Kentucky in and west of Calloway and Marshall Counties (Chicago, Ill.)°. (5) *Liquid chocolate and liquid cocoa butter*, in bulk, in tank vehicles, from New York, N.Y., to points in Texas, Oklahoma, and California (Chicago, Ill., and Milwaukee, Wis.)°. (6) *Liquid chocolate and liquid cocoa butter*, in bulk, in tank vehicles, from New York, N.Y., to points in Colorado, Iowa, the Upper Peninsula of Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Utah (Chicago, Ill., and Milwaukee, Wis.)°. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E74), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chocolate and chocolate products*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in the Upper Peninsula of Michigan and Berrien County, Mich., Missouri, Texas, Minnesota, Iowa, and that part of Louisiana in and west of Union, Quachita, Jackson, Wynn, Natchitoches, Vernon, Beauregard, and Calcasieu Parishes, and to Denver, Colo., and Grand Forks, N. Dak. (Chicago, Ill.)°. (2) *Liquid chocolate and liquid cocoa butter*, in bulk, in tank vehicles, from Philadelphia, Pa., to St. Paul, Minn., St. Joseph, and Joplin, Mo., Lincoln and Omaha, Nebr., Waco, Tex., Madison and Milwaukee, Wis. (Chicago, Ill.)°. (3) *Chocolate and chocolate coating*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in South Dakota (Chicago, Ill.)°. (4) *Chocolate and chocolate coating*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Indiana in, north, and west of St. Joseph, Marshall, Pulaski, White, Tippecanoe, Fountain, and Warren Counties, and that part of Kentucky in and west of Livingston, Marshall, and Calloway Counties. (5) *Liquid chocolate and cocoa butter*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Oklahoma and California (Chicago, Ill., and Milwaukee, Wis.)°. (6) *Liquid chocolate and liquid cocoa butter*, from Philadelphia, Pa., to points in Colorado, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Utah, and that part of Illinois on and north of Interstate Highway 80 (Chicago, Ill., and Milwaukee, Wis.)°. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E75), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chocolate and chocolate products*, in bulk, in tank vehicles from Philadelphia, Pa., to St. Paul, Minn., St. Joseph, Joplin, and Kansas City, Mo., Lincoln and Omaha, Nebr., Waco, Tex., points in South Dakota, and that part of Indiana in, north, and west of St. Joseph, Marshall, Stark, Pulaski, White, Tippecanoe, Fountain, and Warren Counties, and that part of Kentucky in and west of Livingston, Marshall, and Calloway Counties (Chicago, Ill.)°; (2) *Liquid chocolate and chocolate products*, from Philadelphia, Pa., to points in the Kansas City, Kansas-Missouri commercial zone (St. Louis, Mo.)°; (3) *Liquid chocolate and chocolate products*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Colorado, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Utah, California, Oklahoma, that part of Illinois on and north of Interstate Highway 80, that part of Kansas on, north and west of a line beginning at the Kansas-Missouri State line, thence along Interstate Highway 70 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line (Chicago, Ill., and Milwaukee, Wis.)°; (4) *Liquid chocolate and chocolate products*, in bulk, in tank vehicles, from Philadelphia, Pa., to Denver, Colo., and points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Texas, and Wisconsin (Waukegan, Ill.)°; (5) *Liquid chocolate and chocolate products*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Texas, Minnesota, Iowa, and that part of Louisiana in and west of East Feliciana, East Baton Rouge, Iberville, Iberia, Port of St. Martin, and St. Mary Parishes (Chicago, Ill.)°. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 111548 (Sub-No. E1), filed June 4, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Catawba, Burke, McDowell, and Caldwell Counties, N.C., to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, and points in that part of New York bounded by a line beginning at the New York-Vermont State line, thence along New York Highway 7 to junction New York Highway 5, thence along New York Highway 12, thence along New York Highway 37, thence along New York Highway 37 to the United States-Canada International Boundary line near Fort Covington. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 111548 (Sub-No. E2), filed June 4, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Wilkes and Lincoln Counties, N.C., to points in that part of New York north and east of a line beginning at the New York-New Jersey State line, thence along New York Highway 17 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction New York Highway 213, thence along New York Highway 213 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 205, thence along New York Highway 205 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 26, thence along New York Highway 26 to junction New York Highway 3, thence along New York Highway 3 to junction New York Highway 58, thence along New York Highway 58 to junction New York Highway 37, thence along New York Highway 37 to the United States-Canada International Boundary line near Fort Covington. The purpose of this filing is to eliminate the gateway of Bridgeport, Conn.

No. MC 111548 (Sub-No. E3), filed June 4, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Mecklenburg County, N.C., to points in that part of New York north and east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 97 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 206, thence along New York Highway 206 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 80, thence along New York Highway 80 to junction New York Highway 12B, thence along New York Highway 12B to junction New York Highway 46, thence along New York Highway 46 to junction New York Highway 316, thence along New York Highway 316 to junction New York Highway 13, thence along New York Highway 13 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction New York Highway 37, thence along New York Highway 37 to the United States-Canada International Boundary line near Fort Covington. The purpose of this filing is to eliminate the gateway of Bridgeport, Conn.

No. MC 111548 (Sub-No. E4), filed June 4, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from points in Mitchell County, N.C., to points in that part of New York north and east of a line beginning at the New York-Vermont State line, thence along New York Highway 7 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 37, thence along New York Highway 37 to the United States-Canada International Boundary line near Fort Covington. The purpose of this filing is to eliminate the gateway of Bridgeport, Conn.

No. MC 111548 (Sub-No. E5), filed June 4, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and parts thereof*, from the plant site of the Broyhill Furniture Company at or near Rutherfordton, N.C., and points in Mitchell County, N.C., to points in New Hampshire. The purpose of this filing is to eliminate the gateway of points in the New York, N.Y., commercial zone.

No. MC 111548 (Sub-No. E6), filed June 4, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Charlotte, N.C., and points in Alexander, Iredell, and Lincoln Counties, N.C., to points in New Hampshire. The purpose of this filing is to eliminate the gateway of points in the New York, N.Y., commercial zone.

No. MC 111548 (Sub-No. E7), filed June 4, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and parts thereof*, from points in Connecticut, Rhode Island, Massachusetts, and New Hampshire, to Hickory, N.C., and points within 25 miles of Hickory and points in Catawba, Burke, McDowell, and Caldwell Counties, N.C. The purpose of this filing is to eliminate the gateway of points in Hudson County, N.Y., within the New York, N.Y., commercial zone.

No. MC 111548 (Sub-No. E8), filed June 4, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, livestock, new furniture, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment such as tank trucks or refrigerator trucks, and commodities contaminating to other lading), from Niagara Falls and Buffalo, N.Y., and points on U.S. Highway 62 between Buffalo and junction U.S. Highway 20, points on U.S. Highway 20 between junction U.S. Highways 20 and 62, and Fredonia, N.Y., points on New York Highway 60 between Fredonia, N.Y., and Frewsburg, N.Y., and points on U.S. Highway 62 between Frewsburg, and the New York-Pennsylvania State line, to Hickory, N.C., and points within 25 miles of Hickory. The purpose of this filing is to eliminate the gateway of Warren, Pa.

No. MC 111548 (Sub-No. E9), filed June 4, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Connecticut, Rhode Island, Massachusetts, and New Hampshire, to points in Tennessee, Georgia, and points in that part of South Carolina west and south of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 521 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction Interstate Highway 26, thence along Interstate Highway 26 to Charleston. The purpose of this filing is to eliminate the gateway of Marion, N.C., and points in Hudson County, N.Y., which lie within the New York, N.Y., commercial zone.

No. MC 112288 (Sub-No. E5), filed May 16, 1974. Applicant: YARBROUGH TRANSFER COMPANY, 1500 Doune St., Winston-Salem, N.C. Applicant's representative: Charles Ephraim, Suite 600, 1250 Conn. Ave., NW., Washington, D.C. 20036. Authority sought to operate as a

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common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (A) from points in Cleveland, Lincoln, Gaston, Mecklenburg, Stanley, Cabarrus, Union, and Anson Counties, N.C., to points in Gilmer County and those points in Ritchie and Doddridge Counties, W. Va., within 125 miles of Narrows, Va., (B) from points in Caswell, Person, Granville, Vance, Warren, Franklin, Durham, Orange, Alamance, and Chatham Counties, N.C., to points in West Virginia within 125 miles of Narrows, Va. (except points in Randolph, Pendleton, Pocahontas, and Greenbrier, Counties), (C) from points in Montgomery, Richmond, Scotland, Robeson, Cumberland, Harnett, Lee, Moore, and Hoke Counties, N.C., to points in West Virginia within 125 miles of Narrows, Va. (except points in McDowell and Mercer Counties), (D) from points in Wake, Johnston, Wayne, Greene, Lenoir, Duplin, Sampson, Bladen, Columbus, New Hanover, Brunswick, Pender, Onslow, Jones, Carteret, Craven, Pamlico, Beaufort, and Hyde Counties, N.C., to points in West Virginia within 125 miles of Narrows, Va., (E) from points in Northhampton, Halifax, Nash, Wilson, Edgecomb, and Pitt Counties, N.C., to points in West Virginia within 125 miles of Narrows, Va., (except points in Randolph, Pendleton, and Pocahontas Counties), (F) from points in Hertford, Gates, Camden, Currituck, Pasquotank, Chowan, Bertie, Martin, Washington, Tyrell, and Dare Counties, N.C., to points in West Virginia within 125 miles of Narrows, Va., (except those in Ritchie, Doddridge, Gilmer, Braxton, Lewis, Upshur, Barbour, Randolph, Pendleton, Pocahontas, and Webster Counties), (G) from points in Oconee, Pickens, Greenville, Spartanburg, Cherokee, York, Chester, Union, Laurens, Anderson, Newberry, Fairfield, Richland, Lexington, and Calhoun Counties, S.C., to points in Gilmore County, and those points in Ritchie and Doddridge Counties, W. Va., within 125 miles of Narrows, Va.

(H) From points in Abbeville, Greenwood, McCormick, Edgefield, Saluda, Aiken, Barnwell, Orangeburg, Bamberg, Allendale, Hampton, Colleton, Dorchester, Berkeley, Charleston, Beaufort, and Jasper Counties, S.C., to points in Calhoun, Gilmer, and Braxton Counties and those on Wirt, Ritchie, Doddridge, and Lewis Counties, W. Va., within 125 miles of Narrows, Va., (I) from points in Union, Towns, Rabun, Stephens, Habersham, White, Lumpkin, Dawson, Pickens, Cherokee, Bartow, Polk, Haralson, Paulding, Cobb, Fulton, Forsyth, Hall, Banks, Franklin, Hart, Elbert, Madison, Jackson, Barrow, Gwinnett, De Kalb, Douglas, Carroll, Heard, Coweta, Fayette, Clayton, Henry, Newton, Morgan, Walton, Oconee, Clarke, Oglethorpe, Lincoln, Wilkes, Taliaferro, Greene, Putnam, Jasper, Butts, Lamar, Pike, Spalding, Meriwether, Troup, Upson, Crawford, Bibb, Monroe, Jones, Baldwin, Hancock, Warren, McDuffie, Columbia, Richland, Burke, Jefferson, Glascock, Washington, Wilkinson, Twiggs, Bleckley, Laurens, Johnson, Treutlen, Emanuel, Candler, Jenkins, Screven, Bulloch, Evans, Liberty, Bryan, Effingham, and Chatham Counties, Ga., to point in Calhoun, Gilmer, and Braxton Counties, and those points in Wirt, Ritchie, Doddridge, and Lewis Counties, W. Va., within 125 miles of Narrows, Va., (J) from points in Peach, Houston, Macon, Sumter, Lee, Worth, Tift, Turner, Crisp, Dooly, Pulaski, Wilcox, Ben Hill, Irwin, Dodge, Telfair, Wheeler, and Jeff Davis Counties, Ga., to points in Cabell, Putnam, Kanawha, Roane, Calhoun, Gilmer, Braxton, Clay, Nicholas, Webster, and Pocahontas Counties, and those points in Mason, Jackson, Wirt, Ritchie, Doddridge, Lewis, Upshur, Barbour, Randolph, and Pendleton Counties, W. Va., within 125 miles of Narrows, Va., (K) from points in Harris, Talbot, Taylor, Muscogee, Marion, Schley, Chattahoochee, Stewart, Webster, Quitman, Randolph, and Terrell Counties, Ga., to points in Calhoun, Gilmer, Braxton, and Webster Counties, and those points in Wirt, Ritchie, Doddridge, Lewis, Barbour, Upshur, and Randolph Counties, W. Va., within 125 miles of Narrows, Va.

(L) From points in Colquitt, Thomas, Brooks, Cook, Berrien, Coffee, Atkinson, Lowndes, Lanier, Clinch, and Echols Counties, Ga., to points in Roane, Calhoun, Gilmer, Braxton, Webster, and Pocahontas, Counties, and those points in Mason, Jackson, Wirt, Ritchie, Doddridge, Lewis, Upshur, Barbour, Randolph, and Pendleton Counties, W. Va., within 125 miles of Narrows, Va., (M) from points in Montgomery, Toombs, Tattnall, Appling, Wayne, Long, McIntosh, Bacon, Ware, Pierce, Brantley, Glynn, Camden, and Charlton Counties, Ga., to points in Roane, Calhoun, Gilmer, Braxton, and Webster Counties, and those points in Mason, Jackson, Wirt, Ritchie, Doddridge, Lewis, Upshur, Barbour, and Randolph Counties, W. Va., within 125 miles of Narrows, Va., (N) from points in Clay, Calhoun, Dougherty, Early, Baker, Mitchell, Miller, Seminole, Decatur, and Grady Counties, Ga., to points in Roane, Calhoun, Gilmer, Braxton, Clay, Nicholas, Webster, Greenbrier, and Pocahontas Counties, and those points in Jackson, Wirt, Ritchie, Doddridge, Lewis, Upshur, Barbour, Randolph, and Pendleton Counties, W. Va., within 125 miles of Narrows, Va. The purpose of this filing is to eliminate the gateways of Narrows, Va., and points within 10 miles thereof, points in Gaston County, N.C., and points in Person County, N.C.

No. MC 113843 (Sub-No. E801), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittston, Pa., to points in Iowa. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-No. E802), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittston, Pa., to points in Wisconsin. the purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-No. E803), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carteret, N.J., to points in Missouri. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E804), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Moosic, Pa., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E805), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Moosic, Pa., to points in Kansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E806), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Moosic, Pa., to points in Colorado. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E807), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Moosic, Pa., to points in Arkansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E808), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to points in Kansas. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E809), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittston, Pa., to points in Michigan. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E810), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E811), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittston, Pa., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E812), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Moosic, Pa., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Dundee, N.Y.

No. MC 113843 (Sub-No. E813), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-No. E814), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Maysville, Pa., to that portion of New Hampshire on and north of a line beginning at the New Hampshire-Vermont State line and extending along U.S. Highway 4 to junction New Hampshire Highway 118, thence along New Hampshire Highway 118 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to the New Hampshire-Maine State line. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 113843 (Sub-No. E815), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to points in Iowa. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-No. E816), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Richmond, Va., to points in that portion of Nebraska on, west, and north of a line beginning at the Nebraska-Iowa State line and extending along U.S. Highway 34 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Colorado-Nebraska State line. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-No. E817), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Richmond, Va., to points in that part of Virginia on and north of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 12 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 2, thence along U.S. Highway 2 to Lake Superior. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-No. E818), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hampton, Va., to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 12 to Eau Claire, thence along U.S. Highway 53 to junction U.S. Highway 63, thence along U.S. Highway 63 to U.S. Highway 2, thence along U.S. Highway 2 to Lake Superior. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 113843 (Sub-No. E819), filed May 19, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the District of Columbia to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 12 to Baldwin, thence along U.S. Highway 63 to junction U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y.

No. MC 114552 (Sub-No. E5), filed April 27, 1974. Applicant: SENN TRUCKING COMPANY, PO Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor, vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), (1) from points in South Carolina, to points in Arkansas, Iowa, Kansas, Maine, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin; (2) from points in South Carolina on and west of a line beginning at Charleston and extending along U.S. Highway 176 to its intersection with U.S. Highway 601, thence along U.S. Highway 601 to its intersection with U.S. Highway 76/378, thence along U.S. Highway 76/378 to its intersection with U.S. Highway 176, thence along U.S. Highway 176 to its intersection with Interstate Highway 26, and thence along Interstate Highway 26 to the North Carolina-South Carolina State line, to points in Rhode Island and Massachusetts; (3) from points in South Carolina, to points in Vermont; and (4) from points in South Carolina on and west of a line beginning at a point near the Atlantic Ocean and extending along South Carolina Highway 41 to its intersection with U.S. Alternate Highway 17, thence along U.S. Alternate Highway 17 to its intersection with U.S. Highway 52, thence along U.S. Highway 52 to its intersection with South Carolina Highway 527, thence along South Carolina Highway 527 to its intersection with South Carolina Highway 341, thence along South Carolina Highway 341 to its intersection with South Carolina Highway 34, thence along South Carolina Highway 34 to its intersection with South Carolina

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Highway 97, thence along South Carolina Highway 97 to its intersection with South Carolina Highway 9, thence along South Carolina Highway 9 to its intersection with U.S. Highway 176, thence along U.S. Highway 176 to the North Carolina-South Carolina State line, to points in New Hampshire. The purpose of this filing is to eliminate the following gateways: (a) McDuffie County, Ga., and Greenwood County, S.C. for (1) and (4) above; (5) points in Georgia for (2) above; (c) Camden County, N.J., for (3) above; and (4).

No. MC 118180 (Sub-No. E1), filed June 5, 1974. Applicant: GOVAN EXPRESS, INC., P.O. Box 3186, Enid, Okla. 73701. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products, dairy products*, and *articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Oklahoma City, Okla., to New Orleans and Shreveport, La.; (2) *Meats, meat products and meat by-products, dairy products*, and *articles distributed by meat packinghouses* as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in that part of Texas east and south of a line beginning at the United States-Mexico Boundary line and extending along the Texas-New Mexico State line to junction of U.S. Highway 285, thence along U.S. Highway 285 to Pecos, thence along U.S. Highway 80 to Sweetwater, thence in a northeasterly direction through Stamford to Seymour, thence along U.S. Highway 283 to Vernon, thence due north from Vernon to the Texas-Oklahoma State line, including Sweetwater and points on the portion of the designated line between Sweetwater and the Texas-Oklahoma State line to points in Colorado. The purpose of this filing is to eliminate the gateway of Dallas, Tex., in (1) above and the plant site and storage facilities of Wilson Certified Foods, Inc., at Oklahoma City, Okla., in (2) above.

No. MC 119531 (Sub-No. E275), filed May 29, 1974. Applicant: SUN EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard shipping containers*, from Seymour, Ind., (1) to points in Maryland, and (2) to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of Mt. Vernon, Ohio, in (1) above, and the plant site of the Liquid Box Corporation, Worthington, Ohio, and (2) above.

No. MC 123407 (Sub-No. E95), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furring, studding, lathing, and ribbing, and accessories, materials, and supplies* used in the installation of furring, studding, lathing, and ribbing (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment), from Chicago, Ill., to points in Kentucky in and east of Jefferson, Bullitt, Nelson, Larue, Hart, Edmonson, Warren, and Simpson Counties, restricted to the transportation of traffic originating at the plant sites and storage facilities of Chicago Metallic Corporation at Chicago, Ill. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. E96), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor tile* from Kankakee, Ill., to points in that part of North Dakota in and north of Slope, Hettinger, Mercer, Oliver, McLean, Sheridan, Wells, Benson, Nelson, and Grand Forks Counties. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E97), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), from Port Clinton, Ohio, to points in Wisconsin (except points in Kenosha, Walworth, Racine, Waukesha, Washington, Ozaukee, Fond du Lac, Sheboygan, Calcumet, Manitowoc, Kewaunee, and Door Counties. The purpose of this filing is to eliminate the gateway of Freeport, Ill.

No. MC 123407 (Sub-No. E98), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork, and materials and accessories used in the installation thereof from Wichita Falls, Tex., to points in Michigan, that part of Indiana north of U.S. Highway 30, and that part of Ohio north of U.S. Highway 36. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa, and Warren, Ill.

No. MC 127122 (Sub-No. E6), filed June 3, 1974. Applicant: JOE MOSS, doing business as SIMPSONVILLE GARAGE WRECKER, INC., P.O. Box 66, Simpsonville, Ky. 40067. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles, and replacement vehicles and parts therefor by use of wrecker equipment only*, between points in the Lower Peninsula of Michigan and points in the Upper Peninsula of Michigan on and east of U.S. Highway 41, including Marquette and points in its commercial zone, on the one hand, and, on the other, points in Wyoming on, south, and west of a line beginning at the intersection of Wyoming Highway 430 with the Wyoming-Colorado State line, thence over Wyoming Highway 430 to Rock Springs, including Rock Springs and its commercial zone, thence over U.S. Highway 30 to its intersection with U.S. Highway 30–N, thence over U.S. Highway 30–N to Sage, thence over Wyoming Highway 89 to its intersection with the Wyoming-Utah State line; and points in Wyoming on and south of a line beginning at the intersection of U.S. Highway 30 with the Nebraska-Wyoming State line, thence over U.S. Highway 30 to Cheyenne, including Cheyenne and its commercial zone, thence over U.S. Highway 30 to Laramie, including Laramie and its commercial zone, thence over Wyoming Highway 130 to its intersection with Wyoming Highway 230, thence over Wyoming Highway 230 to its intersection with the Wyoming-Colorado State line. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 128383 (Sub-No. E65), filed June 4, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Pike County, Pa., on the one hand, and, on the other, Friendship International Airport (Anne Arundel County, Md.), Dulles International Airport (Fairfax and Loudoun Counties, Va.), and Washington National Airport (Gravelly Point, Va.), restricted to the transportation of traffic having an immediately prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of the Newark Airport, Newark, N.J.

No. MC 128383 (Sub-No. E67), filed June 4, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303

N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Detroit International Airport (Detroit, Mich.), and Chicago O'Hare International Airport (Chicago, Ill.), on the one hand, and, on the other, Milford, Pa., restricted to the transportation of traffic having an immediately prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of John F. Kennedy International Airport, New York, N.Y.

No. MC 128383 (Sub-No. E68), filed June 4, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except motor vehicles, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Norfolk and Hampton, Va., on the one hand, and, on the other, Atlantic City, N.J., and points in that part of Montgomery County, Pa., on and north of Interstate Highway 276 and that part of Bucks County, Pa., north and west of Pennsylvania Highway 232, restricted to the transportation of traffic having an immediately prior or subsequent movement by air. The purpose of this filing is to eliminate the gateways of Friendship International Airport, Anne Arundel County, Md., and Philadelphia International Airport, Philadelphia, Pa.

No. MC 128383 (Sub-No. E69), filed June 4, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except motor vehicles, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Atlantic, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, N.J., Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., that part of Burlington County, N.J., south of Rancocas Creek and that part of Bucks County, Pa., north and west of Pennsylvania Highway 232, on the one hand, and, on the other, Richmond, Salem, Roanoke, and Newport News, Va., and points in York, Hanover, Isle of Wight, Nansemond, Henrico, Chesterfield, Roanoke, Franklin, Montgomery, Craig, Bedford, and Botetourt Counties, Va., restricted to the transportation of traffic having an immediately prior or subsequent movement by air. The purpose of this filing is to eliminate the gateways of Friendship International Airport, Anne Arundel County, Md., and Philadelphia International Airport, Philadelphia, Pa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-22175 Filed 9-23-74;8:45 am]

[AB 12 (Sub-No. 3)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Portion Jefferson Street Branch, Portland, Multnomah County, Oreg.

SEPTEMBER 16, 1974.

The Interstate Commerce Commission hereby gives notice that: 1. On Friday, August 23, 1974, notice was published in Multnomah County, Oreg., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the August 23, 1974 notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-22176 Filed 9-23-74;8:45 am]

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TUESDAY, SEPTEMBER 24, 1974
WASHINGTON, D.C.
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PART II



FEDERAL TRADE COMMISSION

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AUTOMOBILE FUEL ECONOMY CLAIMS

Notice of Public Hearing and Opportunity to Submit Data, Views, or Arguments Concerning Rulemaking Proceeding

V 39 186 SEP 24 74 4 XUM

FEDERAL TRADE COMMISSION

[16 CFR Ch. I]

AUTOMOBILE FUEL ECONOMY CLAIMS

Notice of Public Hearing and Opportunity To Submit Data, Views or Arguments Concerning Rulemaking Proceeding

The Federal Trade Commission, pursuant to the Federal Trade Commission Act, 15 U.S.C. 41 et seq., and the provisions of Part I, Subpart B of the Commission's Procedures and Rules of Practice, 16 CFR 1.11, et seq., and Section 553 of Subchapter II, Chapter 5, Title 5, U.S. Code (Administrative Procedure) hereby serves notice that it is initiating a rulemaking proceeding to consider the feasibility of developing a Trade Regulation Rule pertaining to the advertising and promotion of automobile fuel economy in interstate commerce.

This rulemaking proceeding is being initiated by the Commission after preliminary investigation by the Commission's staff into advertising and testing practices presently engaged in by the automobile industry. In addition, during the course of the investigation, Consumers Union filed a petition requesting a Trade Regulation Rule prescribing a uniform fuel economy test for new cars.

A. *The importance of fuel economy information.* Fifty-five percent of all energy consumed in this country by the transportation sector in 1970 was consumed by automobiles.[1] The cost of this consumption is primarily borne by the consuming public in its purchases of gasoline. Shortages of the winter of 1973–1974 and the ensuing substantial rises in price have made the level of gasoline consumption a critical issue for the American public, both in terms of the cost of obtaining gasoline for individual consumers and in terms of the cost to society of the depletion of the nation's resources.

In order for consumers to be able to distinguish among competing cars on the basis of fuel economy, they need adequate, accurate information. Traditional assumptions or "rules of thumb" about fuel economy are not a substitute for relevant and comparable numerical information with respect to fuel economy. For example, the apparent size of a car is not, contrary to public misconception, the best determinant of fuel economy; rather weight is more important[2] and weight cannot be visually measured. Also, the consumer cannot rely on previous experience even with small cars to determine fuel economy because the weights of small cars have been increasing steadily in the last few years.[3] Some "small" cars popularly called compacts actually weigh as much as cars that are commonly referred to as "intermediate" or "standard" due to the addition of heavy optional equipment such as eight cylinder engines, air conditioning, etc.[4] It is also becoming more difficult to purchase the smaller cars without heavy, gas-consuming optional equipment, so that even the smaller cars are becoming less efficient.[5] The consumer who buys a "small" car strictly on apparent size expecting "small car" fuel economy may not have his expectations fulfilled.

Prior to 1974, advertising was the principal source of information regarding fuel economy, and this consisted of a few general claims. In August 1973, the U.S. Environmental Protection Agency (hereinafter referred to as "EPA") in cooperation with most manufacturers and importers, announced a voluntary fuel economy labeling program.[6] Cooperating companies (which included most but not all companies) agreed to post labels on their cars which displayed a range of expectable mileage calculated by EPA for the weight class of the cars to which the specific car being sold belonged. For the first time the consumer was exposed to information derived from a uniform test as to the relative fuel economies of various classes of cars. Thus the consumer was provided with a rough yardstick for comparing the performance of various classes of cars in making his purchase decision.

Labeling, however, even if present on all cars (which is not the case), and even if a source of specific fuel economy information (which is also not the case), cannot cure legal deficiencies in the advertising of fuel economy. Claims concerning fuel economy have now emerged as a major feature of automobile advertising, raising substantial issues of deception and unfairness.

B. *Current developments in the advertising of fuel economy.* It is evident that as 1974 progressed, the number of fuel economy claims in automobile advertisements increased dramatically, reflecting the growing importance of fuel economy information to prospective new car purchasers. The staff of the Commission has conducted a review of 915 different automobile advertisements randomly collected by the staff in the course of its monitoring functions since the introduction of 1973 model year automobiles.[7] This review has revealed that from January to March, 1974, 61 percent of all car advertisements made some sort of economy claim, an increase of 243 percent over the equivalent period of 1973 and an increase of 174 percent over just the last four months of 1973 (the first four months of the current model year for domestic automobiles). This trend in fuel economy claims is illustrated by the rate of increase in such claims in the last months of 1973 and first three months of 1974. Not only had the sheer number of such claims multiplied enormously, but the specificity of the claims also rose. Advertisements in which a specific miles per gallon figure was claimed increased from 5 percent of the ads run in the September to December 1973 period, to 7.6 percent, 12.9 percent and 35 percent of those run in January, February and March of 1974 respectively.

This increase in specific claims was accompanied by a proliferation of ads in which the test method on which the claim purportedly was based was referred to or described to some degree in the advertisement. Only one advertisement citing the test method used was counted between September 1972 and November 1973, but in March of this year, 35 percent of the automobile advertisements made some reference to a specific test method said to have generated the claimed fuel economy data.

The utility to consumers of the test information in the ads is open to sereous question. The tests are not comparable. Some tests used were conducted on interstate highways at or near the speed limit; others were on test tracks, at varying speeds, still others were simply termed "city", "suburban" or "highway" tests without further description. Test drivers ran the range from professional drivers, to employees of the manufacturer, to celebrities. Although the type of car tested is not always disclosed, cars varied by number of cylinders, type of transmission, and other features which affect fuel economy. Other advertisements failed to note the average speed of the car tested, or the number of stops per mile, or the degree to which the car was warmed up. The disclosures were not sufficient to enable the consumer to determine the relevance of the claimed fuel economy figures to his own likely experience with the advertised car and they confirmed that variations in the tests render comparison by the consumer of competing mileage claims impossible.

These difficulties cannot be entirely overcome solely through the efforts of the variety of independent organizations which have published test results that differed with the advertising claims and usually with each other. Consumers Union,[8] the publishers of "Road and Track Magazine", and numerous other interested groups have issued mileage reports on different automobiles which differed from advertising claims made for the autos, from one another's figures and from figures published by EPA,[9] due to the differences in test methods.

The general confusion resulting from this state of affairs has been the subject of several recent articles in the popular press including one entitled, "Gas Mileage: Whom Do You Believe" in the April 1974 issue of "Consumer Reports."[10]

C. *Deception and unfairness in the advertising of fuel economy.* Advertised mileage claims raise significant issues of unfairness and deception under section 5 of the Federal Trade Commission Act.[11] The Commission has repeatedly recognized that when the seller describes the attributes of a product he must, in order to avoid deception, describe the product in terms relevant to the ordinary experience of consumers.[12] The Commission's recently issued Rule on "Power Output Claims for Amplifiers Utilized in Home Entertainment Products" provides that "[n]o performance characteristics • • • shall be represented or disclosed if they are not obtainable as represented or disclosed when the equipment is operated by the consumer in the usual and normal manner • • •".[13] To the extent that mileage claims may exaggerate the mileage that can be expected by a consumer under ordinary or typical driving situations, such claims are deceptive.[14] Moreover, as the Commission has recognized in other areas, economy claims can constitute implicit comparisons to the cost of competing products.[15] Where mileage claims are based on test conditions that are relatively favorable to the advertised car, the failure to reveal results that may be relatively less favorable to the advertised car may constitute a failure to reveal a material fact, thereby rendering the advertisement deceptive.[16] Indeed, the very disparity between the various tests being cited as the bases for mileage claims is itself a source of potential deception in that consumers may compare at least certain advertised mileage figures for competing cars on the erroneous assumption that the mileage figures are the result of a standard test.[17]

The absence of any recognized standard upon the basis of which consumers can evaluate the gas mileage of the cars they buy may be unfair as well as deceptive. The Trade Regulation Rules relating to Posting of Minimum Octane Numbers[18] Care Labeling of Textile Wearing Apparel[19] and Incandescent Bulbs supra, all recognize the inherent unfairness of denying to consumers information that enables them to distinguish between products of differing value and benefit, and to relate such products to their own needs and preferences. While consumer preferences and requirements with respect to automobiles vary widely, the Commission believes that a substantial portion of the consuming public is vitally concerned about the mileage it will receive under the types of driving ordinarily engaged in.

In summary, the Federal Trade Commission is aware that there are presently in existence many different non-uniform test procedures proffered by advertisers of automobiles as a basis for advertised fuel economy claims. Because the results obtained from such disparate test procedures cannot be compared by consumers, either among competing cars or to the mileage obtained by the prospective purchaser's presently owned car, such advertisements may unfairly and deceptively deny to consumers information which will enable them to compare advertised automobiles on the basis of fuel economy—and to relate available fuel economies to their own needs and preferences. Moreover, because it appears that many of the tests used to generate fuel economy figures bear an insufficient relation to typical driving patterns, advertisements containing such figures may have the tendency and capacity to deceive consumers as to the fuel economy they would experience with the advertised automobile.

For these reasons, the Commission is commencing this proceeding. Moreover, because of the complexity of the subject matter, the Commission is simultaneously publishing a staff analysis which has been neither adopted, nor disapproved by it, to acquaint interested parties with the analysis made by its staff to date. It is believed that such publication will facilitate comments by interested parties relating to the prevention of deception and unfairness in the advertising and promotion of fuel economy claims. Additionally, the Commission deems it useful to set forth the following questions to which it is particularly interested in receiving comment:

1. What are the test procedures currently used which generate figures for claims of automobile fuel economy in advertising and promotion?

2. What elements in these test procedures have been included in order to approximate actual consumer driving patterns? What available data exists as to actual consumer driving patterns?

3. Can there be devised a single test procedure for determining fuel economy under typical driving conditions, the results of which should be required to appear in the advertising or other forms of promotion of cars?

4. If a single test procedure is to be used to generate automobile fuel economy figures to be used in advertising and other promotion efforts, what should such a test be? Specifically, should such a test procedure be a road, track or laboratory test procedure?

5. Should such a single test procedure be designed to generate one or more fuel economy result(s), representative of expectable mileage in (a) city and (b) open highway driving modes? or an (c) "overall" expectable fuel economy figure? How are "city" and "highway" driving to be defined?

6. Who should actually conduct the testing of individual cars according to the procedure? If manufacturers are to conduct the tests, how can the results be adequately checked and confirmed?

7. With regard to advertisements that do not specify the precise car (with reference to the major variables affecting gas mileage e.g., engine size, weight, transmission, axle ratio, options) being advertised, (a) what mileage figure should be used, and how should that figure be derived? (b) Should the mileage figure be computed on the basis of a representative sample of cars within the model, and make, advertised? (i) If so, how is that sample to be selected? (ii) Should all available combinations of options be tested and, if so, should the test result for each combination be disclosed?

8. Should more than one test procedure for determining fuel economy under typical driving conditions be devised, the results of which should be required to appear in advertising or promotion of fuel economy? If so, what should such test procedures be? For example, should a laboratory test be utilized to measure fuel economy in city driving and a road test for fuel economy in highway driving? Consider specifically the issues numbered 5 and 6 above.

9. If a certain test procedure or procedures are to be prescribed by the Federal Trade Commission, should the results of the procedure(s) be the sole permitted basis for fuel economy claims in advertising and promotion, or should advertising and promotional materials be permitted to include fuel economy figures derived from other test procedures so long as they also include figures from the prescribed test procedure?

10. Without regard to claims made in advertising, should every automobile offered for sale be accompanied, at point of purchase, by a disclosure indicating the anticipated fuel economy of such automobile under typical driving conditions? If so, how should such a mileage figure be expressed and by what means should it be disclosed?

The Commission is advised that Congress is presently considering the question of assigning to a Federal agency the responsibility for the testing of fuel economy. The Commission does not consider this circumstance to be a reason for delaying an informational hearing pertaining to the advertising and promotion of fuel economy. If during the pendency of this proceeding a final decision is reached concerning responsibility for fuel economy testing, the

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[1] Senate Committee on Commerce, Report on S. 2176, "The Fuels and Energy Conservation Act of 1973", S. Rep. No. 93-526, 93d Cong., 1st Sess. 8 (November 16, 1973).

[2] See "Automobile Fuel Economy: Contributing Factors and Advertising Disclosures, An Analysis by the Staff of the Federal Trade Commission", at § IIIA.

[3] "Fuel Economy Labeling Program", EPA Press Release, (August 23, 1973).

[4] Weights of various automobiles equipped with a variety of optional equipment were published by the U.S. E.P.A. in conjunction with "New Motor Vehicles and Engines; Air Pollution Control", 1974 Model Year Test Results, 39 FR 7664, 7665 et seq. (February 27, 1974).

[5] See, e.g., "Flint", "The Energy Crisis Spurs Demand for Small Cars • • •," "New York Times", April 7, 1974 section 11, col. 1.

[6] 38 FR 22944 (August 27, 1973).

[7] The survey included 915 different advertisements (i.e., although an advertisement may have appeared several times in several different magazines or on different networks, it was only counted once in each medium) taken from a variety of national magazines, newspapers and the television and radio networks. All four of the principal domestic producers and various foreign manufacturers were represented in the sample.

[8] See, "Consumer Reports", April 1974, at 313.

[9] 39 FR. 7666 et seq. (February 27, 1974).

[10] At 307. See also, "Picking a Car in a Pinch", The Marzella, Consumers Gev Little Mileage from Tests", St. Petersburg "*Times*", March 13, 1974, § D, at 1, col. 1. One Mercedes advertisement which has appeared in numerous periodicals notes the "welter of conflicting figures you're seeing these days."

[11] 15 U.S.C. 45.

[12] See, the Trade Regulation Rule relating to extension ladders, 16 CFR Part 418, and the Trade Regulation Rule Relating to Sleeping Bags, 16 CFR Part 400.

[13] 39 FR 15387, 15388 (May 3, 1974).

[14] Cf. In re Berns Air King Corp., 76 F.T.C. 319 (1969).

[15] See, In re Dolcin Corp., 53 F.T.C. 387, 400 (1956).

[16] See, "Statement of Basis and Purpose for Incandescent Light Bulb Rule", 16 CFR Part 409.

[17] Cf., In re Berns Air King, 76 F.T.C. 319 (1969); In re American Tire Co., 77 F.T.C. 1169 (1970).

[18] 16 CFR Part 422.

[19] 15 CFR Part 423.

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Commission will consider whether a modification of the present proceeding is warranted. If such a decision is reached after the completion of this proceeding, the record developed herein will, in addition to aiding the Commission in the discharge of its consumer protection functions, be available to any other Federal agency having responsibilities relating to fuel economy.

All interested parties are given notice of opportunity to orally present data, views or comments with respect to the issues at a public hearing to be held commencing at 10 a.m., e.d.t., Nov. 25, 1974, in Room 532 of the Federal Trade Commission Building, 6th and Pennsylvania Avenue NW., Washington, D.C.

Any person desiring to orally present his views at the hearing should so inform the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580 not later than November 18, 1974, and state the estimated time required for his oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. To the extent practicable, persons wishing to file written presentations in excess of two pages should submit twenty copies of such proposed statements to the Special Assistant Director for Rulemaking 48 hours before the first day of the hearing.

Written comments may also be submitted no later than November 25, 1974, to the Special Assistant Director for Rulemaking.

The data, views or arguments presented and written comments submitted with respect to the practices in question will be available for examination by interested parties in Room 130 of the Division of Legal and Public Records, Federal Trade Commission, Washington, D.C. and will be considered by the Commission.

Issued: September 24, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

AUTOMOBILE FUEL ECONOMY: CONTRIBUTING FACTORS AND ADVERTISING DISCLOSURES

AN ANALYSIS BY THE STAFF OF THE FEDERAL TRADE COMMISSION

This Analysis Is a Staff Document and the Conclusions Contained Herein Have Neither Been Accepted Nor Rejected by the Commission.

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INTRODUCTION

A. Scope and limitations of the analysis. The Commission believes it to be useful to publish this staff analysis of issues relating to the advertising of automobile fuel economy in order to apprise interested parties of the current consideration and understanding of the staff of the Commission of the very complex issues involved in the prevention of deception and unfairness in such advertising. Such publication is intended to enhance the ability of interested parties to comment on the issues contained herein and in the Notice of Initiation of Rulemaking Proceeding Concerning Automobile Fuel Economy Claims published simultaneously also in the FEDERAL REGISTER. It must be read with two caveats in mind. First, it has been prepared by the Staff of the Commission for the Commission's use, but the conclusions contained herein have neither been accepted or rejected by the Commission.

Second, although the preliminary inquiry of the Commission's staff into automobile fuel economy has been substantial, this analysis is not considered to be complete or exhaustive. The staff of the Commission has availed itself of the expertise of the technical staffs of the Department of Transportation's Transportation Systems Center in Cambridge, Massachusetts (hereinafter referred to as "DOT") and the Environmental Protection Agency's Motor Vehicle Emissions Laboratory in Ann Arbor, Michigan (hereinafter referred to as "EPA"). In addition, reference has been made to numerous technical papers and other materials, including testimony and documents submitted to Congress and state legislatures. Input has also been received from both foreign and domestic automobile manufacturers, independent testing organizations, and the Society of Automotive Engineers' Fuel Economy Measurement Procedures Task Force (hereinafter referred to as the "SAE Task Force"). However, new data is continuously being generated, and, after analysis by the staff, it will be presented to and considered by the Commission in connection with future actions in this area.

B. The need for fuel economy testing and information. Under actual driving conditions all drivers do not experience the same fuel economy in all different cars. If it were otherwise, there would be no need for the development of fuel economy data to enable comparisons between automobiles, since they would all be the same in this respect. However, fuel economy experience does vary and this information is relevant and may be critically important to the consumer's purchase decision. In order to generate this data, testing becomes necessary, and in order either to devise a test or to evaluate the validity of the data generated by a test, it becomes necessary to inquire into the reasons why drivers experience varying rates of fuel consumption.

The first step in this inquiry therefore will be to identify those variables or factors which significantly contribute to variations in fuel consumption rates and, where possible, to quantify the degree of contribution. After this is determined, the interrelationships of the various factors must be analyzed. Thus data based on past experience, from both actual driving experience and from tests designed to measure the reasons for fuel economy variance between cars, must first be analyzed before any conclusions can be drawn as to tests which are intended to project the fuel economy possible with a given vehicle under various conditions.

If no changes were made in cars from one year to the next, this type of projection might not be necessary. All that would be necessary would be an accurate compilation of fuel economy data for vehicles already on the road, and since they would be the same as those subsequently offered for sale, potential purchasers would know the fuel economy of the car they were considering buying. But cars do change, so information based on past experience is not necessarily relevant to new cars and it is not possible to compile enough data based on a broad range of actual driving experiences between the time a new model is developed and the time it is sold. Consequently, tests are needed by which information can be generated rapidly enough so that it is available to prospective purchasers during the applicable model year.

Tests, however, can not duplicate actual driving conditions for all drivers. Rather, tests simulate actual driving conditions of some kind. To understand the correlation of a test simulation to real driving, the manner in which the factors affecting fuel economy have been accounted for in the test procedure must be examined.

Thus, for each of the most significant variables affecting fuel economy, this inquiry will entail a three stage analysis. First, we will review the extent to which each variable affects fuel economy independent of other variables. Second, the analysis will focus on the manner in which each variable itself is affected by other variables in actual driving. Finally, the meaning of all this in connection with testing for fuel economy will be discussed, particularly as it relates to the consumer's ability to compare his present car or competing automobiles to one being advertised.

I. TYPES OF VARIABLES AFFECTING AUTOMOBILE FUEL ECONOMY

To facilitate the analysis of the variables which most significantly affect the rate at which gasoline is consumed, it is useful to group them into three broad categories as follows:

A. *Driving condition variables.* Some of the factors which cause drivers to experience differing rates of fuel consumption relate to the conditions under which the driving takes place. These include ambient conditions (such as temperature, presence or absence of precipitation, and altitude), road conditions (e.g., type of road surface and the grade or incline of the road) and driving environment or mode (i.e., whether the vehicle is cold or warmed-up and whether driving is done under city, suburban or highway conditions or some combination of these, whether actual or simulated). Varying these conditions among tests will result in different rates of fuel consumption even if the driver, his driving performance and the vehicle remain identical.

These driving condition factors are discussed in Section II of this analysis.

B. *Differences between automobiles.* This category includes all those variables affecting fuel economy that distinguish cars from one another, whether the cars are different makes or models, or different varieties of the same model. While many differences in cars can potentially affect fuel economy, certain differences between cars will not be considered. Since this analysis is primarily concerned with how the factors affecting fuel economy relate to the advertising of new cars, there will be no discussion of changes in fuel economy due to the age or state of tune of the car or the inflation of the tires. For new cars, these factors are presumed to be according to specifications or constant. Nor are idiosyncratic differences between otherwise identical cars considered since these could not possibly be accounted for or disclosed in advertising due to the fact that every car would have to be tested and accompanied by its own disclosure.

If the driving conditions alluded to in subsection A, above, and the driver and his performance are constant, differences between cars (such as size, weight, engine power and size, and axle ratio) will yield differences, often significant, in fuel economy. These factors are discussed in Section III of this analysis.

C. *Differences among drivers.* Even if the car and driving conditions are identical, different drivers are likely to have different fuel economy experience due solely to the manner in which the car is operated and maintained. The driver who fails to keep his car in tune and his tires properly inflated is wasting gasoline. Similarly, anyone who idles for a long time when the car is cold or races the engine right after starting is unnecessarily wasting gasoline.[1] Consequently, a person who exhibits these habits will realize fewer miles per gallon of gasoline than someone who does not.

The manner in which a car is driven will also affect fuel economy. For example, drivers who habitually accelerate away from stops more rapidly than is normally necessary can use as much as 15% more gasoline than would drivers who accelerate more gently.[2]

This analysis is not addressed to this last category of variables since the driving habits of any driver are unique to him and solely under his control and therefore cannot be reasonably controlled in a test designed to provide fuel economy information to the public at large. Just as idiosyncratic differences between vehicles could not reasonably be subject to testing, differences between drivers can only be tested by testing with each driver.

By controlling the other variables, tests can provide useful information for comparing cars, thus permitting consumer choice between cars on the basis of fuel economy and creating incentives for manufacturers to improve the fuel economy of their products. The issue then is choice between cars, not between drivers. Manufacturers cannot control the habits of drivers, but cars can be improved. Thus, factors unrelated to the performance of the car itself, as opposed to the performance of the driver, are not within the scope of this analysis.

Consequently, this inquiry is limited to those driving condition—and vehicle—related factors which most significantly affect fuel economy and which could either be quantified (so that their values might be related to real driving conditions in order to provide a means of evaluating test results), or which could be specified (to provide a test yielding reasonable and relevant data to the greatest number of consumers).

Of these two types of factors, the most difficult to control are driving conditions. It is in the selection of these variables that the degree of correlation, if any, of the test results to actual driving conditions is determined. Variations among vehicles are most important in the manner of either selecting a test sample or of disclosing the nature of the vehicle tested. Naturally, every individual car cannot be tested; the costs would be enormous and it would be unnecessary. Thus, a sample must be chosen from all the cars which might be tested and it is in the selection of this sample that differences between cars must be taken into account either by disclosing enough significant data about the precise vehicle to which the test relates or by carefully selecting enough vehicles to form a representative sample.

The following discussion is therefore organized as follows: A discussion of the most significant variables or factors by category, as set out above, followed by an analysis of how these factors relate to test procedures, either as the bases of disclosures or as sources of test specifications.

II. EFFECTS OF DRIVING CONDITION VARIABLES ON FUEL ECONOMY

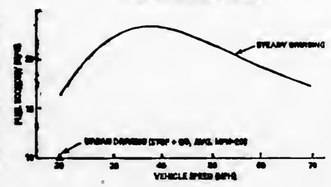
Introduction. The discussion in this section concerns the effects of the total driving environment on fuel economy and the relationship of the individual components of the driving conditions to advertised fuel economy claims. The total driving environment is composed of three types of conditions which are as follows:

(a) *The driving cycle.* The general type of driving being done (e.g., city, suburban, highway, etc.) is reflected in the average speed; frequency, rate and size of speed changes; frequency of stopping, trip length and engine starting condition (i.e., warmed-up or "hot" starts versus starts at the ambient temperature or "cold" starts). These variables can be assigned any value within the mechanical capabilities of the automobile, but by assigning values based on studies of actual driving patterns, it is possible to define different types of driving in terms of these factors.[3] The components of the driving cycle are discussed in subsection A of this section.

(b) *Ambient conditions.* Location, season and weather affect fuel economy. The significant factors in location and weather are temperature, humidity, wind, precipitation and altitude which are dealt with in subsection B of this section.

(c) *Road conditions.* The type of road surface, road grade (incline) and road curvature all can affect fuel economy. These variables are briefly discussed in subsection C of this section.

A. *The driving cycle*—1. *Speed.* The effect of speed on fuel economy under real driving conditions is very difficult to assess since other factors are always at play. Nevertheless, it is clear that speed contributes significantly to the rate of fuel consumption. This can be shown by tests, not duplicable by most drivers under real driving conditions, which isolate speed as the only variable. These tests involve driving a car at various unwavering speeds under otherwise identical conditions. When tests of this type are performed, and the fuel economy at the various constant speeds is plotted on a graph, a curve of the type shown in Figure 1 is generated for an average car.[4] From this graph it can be seen that peak fuel economy at constant speed is realized at about 40 miles per hour ("mph") and most cars peak at between 30 and 40 mph.[5] Such peak economy, however, is not realizable by the average driver, and the actual fuel economy a driver would realize in real driving would fall below the curve shown in Figure 1, even if the cars were identical.



FUEL ECONOMY VS. VEHICLE SPEED

	SPEED	FUEL ECONOMY
URBAN DRIVING	20 MPH	16 MPG
CRUISE	20 MPH	16.5 MPG
	30 MPH	22.0 MPG
	40 MPH	22.5 MPG
	50 MPH	21.5 MPG
	60 MPH	19.5 MPG
	70 MPH	17.3 MPG

Source: U.S. Environmental Protection Agency, Office of Air and Water Programs, Mobile Source Air Pollution Control, *A Report on Automotive Fuel Economy*, at 26 (October 1973).

For example, while the fuel economy of the car represented in Figure 1 at a constant 20 mph was 16.5 miles per gallon ("mpg"), under real driving conditions this speed would be an average speed in typical city stop and go driving. The resulting fuel economy at that average speed in such conditions would be only 10 mpg. This 65% variance between a constant and average speed of 20 mph, depending upon whether it is the result of steady or stop and go driving, is attributable to speed transients (acceleration and deceleration) which are encountered under actual driving conditions and which increase fuel consumption,[6] due largely to the extra fuel consumed by accelerating from stops.[7] These fluctuations result from a variety of factors which cannot be avoided under most real driving conditions, e.g., traffic, other necessary stops, varying speed limits, differences in road grade and curvature, and shifting wind direction and speed.[8]

These differences between constant speed driving and real driving are most pronounced in city driving, but even under driving conditions which are characterized by fewer speed changes, the fuel economy realized is typically lower than at constant speeds.

The one driving environment in which speed fluctuations might be minimized would be highway driving and even here, some of the factors resulting in speed fluctuations, such as passing of other cars, hills and curves and even driver inadvertence, will probably be present. Additional speed deviation would result from passing, but even if the driver conscientiously attempted to maintain a constant speed, some "hunting" around the desired speed would typically occur, so that at 50 mph, for example, a speed deviation of 5 mph or more might be experienced. These fluctuations would cause fuel economy to differ considerably from that generated by constant speed tests at highway speeds.

Straying from 50 mph but staying in a range of 45–55 mph—a not unrealistic driving pattern—entails a total speed variance of 10 mph. At these speeds, a single 10 mph deceleration each mile could result in increased fuel consumption of 15%.[9] One slowdown of 20 mph per mile, as might be encountered after passing, could increase fuel consumption 25%.[10] The substantial impact on fuel economy from seemingly insignificant departures from constant speed clearly illustrates the significance of the difference between constant speed test driving and actual driving which occurs within a range of speeds yielding an average speed.

Therefore, mileage figures generated by a test conducted at a constant 55 mph,[11] the

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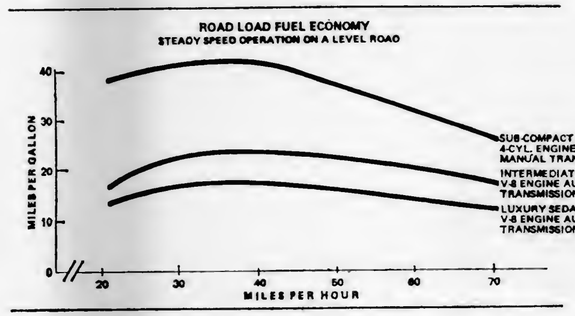
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speed closest to the range in which consumers can drive in a manner most closely approximating steady speed, would be misleading to consumers for two reasons.

First, as shown above, even on the highway, real driving involves fuel economy-robbing speed changes, so that the constant 55 mph test figure would be unrealistically high.[13]

Second, a constant 55 mph test might be biased against smaller cars. It can be seen by referring to Figure 2 that at 55 mph, a small car can obtain an approximately 15% lower rate of fuel economy than the optimum fuel economy achieved at approximately 35 mph; while the intermediate car's rate of fuel economy is reduced only about half as much, approximately 8% from the optimum achieved at 35 mph. Such a test tends to misleadingly deemphasize the difference in fuel economies between smaller and larger cars which is so noticeable at the lower speed ranges. The lower speed ranges more closely approximate the city type driving patterns most experienced by the majority of the driving population.[13] (While 35 mph steady speed driving is not a good approximation of the stop and go type driving pattern experienced in city driving, it may be reasonably expected that due to the predominantly inertial effects during stop and go driving, there would be an even greater gap between larger and smaller cars if the comparison was made under that circumstance.)

Figure 2
Road Load Economy
Versus Driving Speed



Source: G. J. Huebner, Jr., and D. J. Gasser, "General Factors Affecting Vehicle Fuel Consumption," (paper presented at National Automobile Engineering Meeting, Society of Automotive Engineers, Detroit, Michigan, May 15, 1973.)

In summary then, the results of steady speed tests ordinarily cannot be duplicated by consumers.[14]

Though consumers' driving speed patterns could possibly be approximated by assigning average speeds to their experiences, knowing this alone would not provide enough information to design or evaluate a valid testing procedure. Even an average speed figure is potentially deceptive unless more is known. Speeds in a range of zero to 70 mph can average 30 mph, but so can a range of 25–35 mph. The latter, however, would probably result in better fuel economy, since the speed changes would be smaller and much of the driving would be in most cars' optimal speed range.

Thus to control or evaluate the effect of speed in a test, at least the speed range, as well as the average speed, would have to be specified or disclosed. However, even this would be insufficient, since fuel economy is also affected by other driving cycle factors which interrelate with speed under actual driving conditions often in known ratios. These are discussed below.

Footnotes at end of analysis, p. 34391.

2. *Acceleration, deceleration and stopping.* Real driving takes place in a range of speeds from a stop (zero mph) to speeds in excess of the maximum speed limit (55 mph). In moving through this range, periods of acceleration and deceleration occur at varying rates. All driving also includes some periods of time during which the engine is running but the car is not moving ("idling"), whether it is a few seconds at the beginning and end of trips or more substantial periods of time typical of city driving.[15] Idling, acceleration and deceleration all result in increased fuel consumption.

Naturally, since fuel is being consumed, but no mileage is being accumulated, the fuel economy during idling is zero mpg. The degree to which periods of idle affect overall fuel economy depends on the length of such periods as a proportion of total engine running time.

The degree to which acceleration and deceleration increase gasoline consumption depends upon the size of the speed change, the speed from which the change took place [16] and the rate of speed change.[17]

In a study for the National Research Council,[18] it was reported that at 50 mph, a single speed decrease (deceleration) of 10 mph during each mile traveled increased fuel consumption by as much as 15%.[19] Decelerations of 20 mph and 30 mph from the same base speed—as might result from passing another car—resulted in increased consumption of up to 25% and 30% respectively.[20] Thus as the size of the speed change increased, so did the rate of fuel consumption.

The rate of speed change also affects the rate of gasoline use to the extent that habitual rapid acceleration may result in a 15% higher rate of fuel consumption than an acceleration at a more gentle rate,[21] as noted earlier in the discussion of driver-related variables.

When acceleration and deceleration involve one or more full stops, fuel consumption increases even more [22] due to idling while the car is stopped, the amount of speed change involved in going to or from a full stop and the necessity of overcoming the inertia of the vehicle's weight.

Thus speeding up, slowing down and stopping are significant factors in fuel economy. Typical values for these factors under various driving conditions can be measured by analyzing the values for these factors actually experienced in real driving as determined in tests done on actual roads of various types. For example, in several studies, the frequency of stopping and the duration of stops have been measured for various driving conditions. In a study done on various routes in five urban areas, idle time was found to constitute from 13–18% of total engine running time.[23] The five-city composite (weighted for the number of vehicles registered in the five cities) yielded idle time of just over 19%.[24]

Frequency of idle time (expressed as a number of stops per mile) varies significantly depending upon the type of driving. Urban driving ranges from one to three stops per mile.[25] Suburban driving involves one to two stops per mile [26] and highway driving is typified from 0.1 to 0.5 stops per mile.[27] See Figure 3.

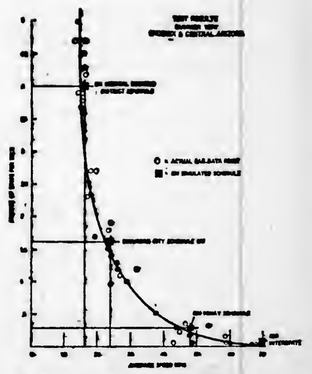
By controlling the number of stops per mile in a test procedure, fuel economy data generated will either be raised or lowered, depending on the stopping rate chosen. As can be seen from the stops per mile data noted above, the empirical data show ranges of stop frequency, depending upon the type of driving studied.[28]

The speed ranges and average speeds found by various investigators in empirical investigations of different types of driving were as follows: [29]

	Range	Average
City driving	0–30 mph	16–20 mph.
Suburban driving	0–40 mph	24 mph.
Highway driving	0–70 mph	47–50 mph.

These speeds can be seen to correlate with stop frequency on the curve in Figure 3 which is the curve presented by the President of General Motors Corporation in recent hearings before the Senate Committee on Public Works. See, supra, note 12. Data independently developed in different geographic areas by EPA showed values for stops per mile vs. average speed which are in agreement with this curve,[30] which suggests that the curve is valid for areas other than those in which the testing was done.

FIGURE 3



Source: Hearings on Compliance with Title VI (Auto Emission Standards) of the Clean Air Act before the Senate Committee on Public Works, 93d Cong., 1st Sess., at 122 (Nov. 1973). This graph appeared in Attachment 7 to the statement of E.N. Cole, President, General Motors Corporation.

By specifying the average speed, number of stops per mile and the range of speeds for a test, it is possible to control acceleration and deceleration rates within reasonably confined limits. By examining the values for these factors employed in a test, it is possible to determine what type of driving the test most represents and, if the degree of agreement with the values given in Figure 3 and above is known, just how representative a test is as to these factors can be evaluated.

To illustrate this, some sample figures can be examined. If a test was designed with an average speed of 18 mph and 4 stops per mile, with a range of speeds from 0–30 mph, it would be clear, to anyone familiar with the proper mix of factors, that this represents city driving. If, however, the upper limit of the speed range were increased, or the number of stops per mile decreased, the test might not generate fuel economy data representative of normal driving of any kind, even though the average speed remained the same.

If a driver must maintain a specified average speed, and must also stop a prescribed number of times, and cannot exceed a certain speed, he cannot accelerate too gently between stops or the average speed will not be attained for the entire test. Similarly, increasing the upper limit of the speed range in this example would permit gentler acceleration (since a higher speed could be averaged in) and might permit periods of relatively steady speed driving in the optimum speed range (20–40 mph).

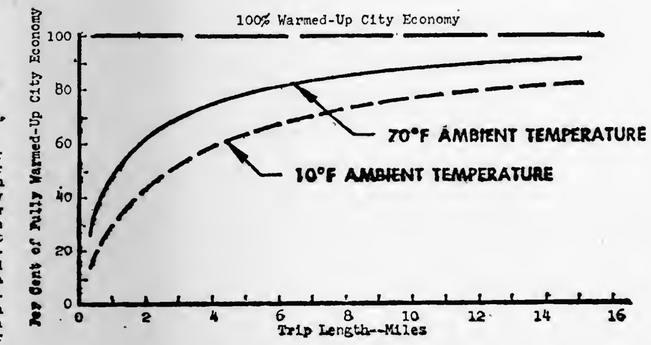
Thus average speed, stopping rate and speed range can be specified in a manner intended to correlate to real driving under various conditions. Similarly, when the values assigned to these factors in a test procedure are known, the degree to which it represents some type of real driving can be assessed. However, knowing the values assigned to these factors—speed, acceleration, deceleration and stopping—does not necessarily mean that the data generated by the test can be evaluated in terms of real driving experience since still more factors, apart from the general type of driving, can affect fuel economy, as is discussed in the sections below.

3. *Trip length and cold vs. warmed-up starting.* Although there is some dispute over this point, it appears that the effect of cold starting (and the subsequent period during which the vehicle is warming up) is to significantly decrease fuel economy. The degree to which cold starting affects overall fuel economy decreases as trip length increases, since an increasingly larger proportion of the test is conducted with the engine warmed up.

The graph in Figure 4, infra, shows the effect on fuel economy of cold starting, expressed as a percentage of fully warmed-up ("hot start") fuel economy for different trip lengths. The national average for trip length is 8.9 miles [31] and at the point on the curve corresponding to this trip length, the difference in fuel economy between starting cold and starting warmed up is about 14% (at 70° F). This suggests that the choice between cold start and hot start has a significant bearing on the relevance of test results to typical consumer expectance.

FIGURE 4

WARM-UP ECONOMY



Source: Derived from C.E. Scheffler and G.W. Niepoth, General Motors Corporation, Customer Fuel Economy Estimated from Engineering Tests, Society of Automotive Engineers paper No. 650861, at 10 (1965).

Some of the experts with whom the Commission's staff conferred expressed the view that this 14% fuel economy penalty would be only typical of vehicles manufactured without emissions controls, i.e., those manufactured in model years prior to 1968. They reason that the advent of emission controls necessitated design changes in automobiles which reduce the effect of the warm-up period on fuel economy. Specifically, the time during which the choke is on has been reduced since "choking" (i.e., reducing the air-fuel mixture thus increasing the amount of fuel relative to air fed to the engine) tends to increase emissions as well as reducing fuel economy.

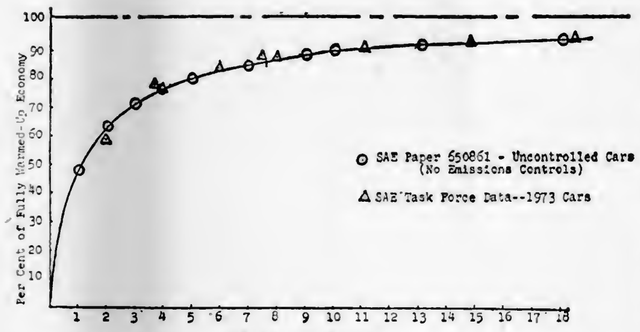
But in the Society of Automotive Engineers paper from which Figure 4 is reproduced,[32] it was reported that choking apparently is not the determining factor causing the increase in fuel consumption during the warm-up period.[33] Rather, the report cites frictional losses due to cold components and lubricants and the need to bring the entire vehicle to stable operating temperature as causes of fuel economy loss during warm-up. These factors operate to reduce fuel economy irrespective of the action of the choke.[34]

The data upon which these conclusions and the graph in Figure 4 are based were developed prior to 1968, but it is supported by more recent information from several sources. Figure 5 shows the same curve as Figure 4 with more recent data based on tests performed on 1975 model year vehicles by the SAE Task Force referred to at the beginning of this analysis. The circles represent data points reported in the paper Figure 4 is taken from; the triangles represent data points generated by the SAE Task Force's tests. This new data indicates that there has been virtually no change since the advent of emissions controls.

Footnotes at end of analysis, p. 34391.

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FIGURE 5



Source: Prepared informally for the staff of the Federal Trade Commission by the staff of the U.S. Environmental Protection Agency's Ann Arbor Laboratory (March 1974).

Preliminary figures in a draft report dated January 1974,[48] prepared for DOT and EPA showed smaller fuel economy penalties attributed to cold starting, but these were nevertheless significant. The mean penalty reported for a trip of 7.5 miles was 8.2% and the penalties ranged up to 17.9% for trips of the same length. Consequently, it appears that cold starting is a significant factor affecting fuel economy.

Nevertheless, there remain important questions concerning whether the use of cold starts in fuel economy testing is practicable and even if so, whether the incorporation of cold starts in a test procedure is necessary. The potential problem with the practicability of cold starting in tests goes to the question of repeatability. Some of the experts consulted expressed the opinion that cold start tests yield results which cannot be repeated from test to test, which might indicate that use of cold starting in tests introduces a factor which cannot be sufficiently controlled to generate valid test data.

Investigating this contention, the Commission staff compared cold start test results obtained on identical cars in identical cold start tests as reported in the 1974 draft report noted above.[49] The average variance between the two cold starts performed was 4%[50] (or 0.43 MPG) with no two tests on the same car differing by as much as one MPG. When these data are considered along with the fact that cold start tests performed on 1973 cars by the SAE Task Force shown in Figure 5 fell almost precisely on the curve generated in 1965 shown in Figure 4 and 5, it appears that the small variability in cold start testing is outweighed by the gain in relevance to consumer experience obtained by the use of cold start test data, thereby enhancing the credibility of the data as a basis for advertising claims or for other promotional disclosures to consumers.

One further criticism of cold start testing should be noted. It is contended that although the short trips which are most typified by cold running represent the largest portion of all trips, most vehicles miles traveled are accumulated during long trips. Data supplied to the Commission staff by DOT indicates that the majority of trips made in this country are under 5 miles long, but that these trips account for just over 11% of the vehicle miles accumulated.[51] The significance attached to this by some critics of cold start testing is that fuel consumption is a function of aggregate vehicle miles travelled, not of average trip length alone. By using cold starts in tests, this argument goes, the effect of cold starts on a national basis is exaggerated. However, gasoline consumption is not directly proportional to vehicle mile accumulation, since cold starting during the shorter trips results in significantly higher gasoline consumption, and because longer trips tend to be made under conditions more favorable to good fuel consumption (fewer stops per mile, highway cruising, etc.).[52] Thus, the argument comes full circle, and the indication is that cold starting does significantly contribute to this country's fuel consumption. Although not all trips begin cold, "The majority of day-to-day driving is composed of a succession of relatively short trips, and typically includes some degree of vehicle warm-up *each time* car is driven." (Italics added.) [53]

Ideally, the degree to which cold starting affects the test data should reflect actual driving. Most driving involves some warming up as noted above, but not all starts are cold. In a comprehensive study done in the Los Angeles area, it was found that average car use involved 4.7 trips per day.[54] One of these trips begins after overnight disuse so it is a cold start. Another begins after inactivity of a considerable period (such as during work for a commuting vehicle).[55] Thus, two out of 4.7 starts were made when the vehicle was completely cold or virtually so.[56] From this it is easily calculated that about 43% of all trips began with cold starts in Los Angeles. On a national basis however, the ratio of cold starts to hot starts may be even higher, since the national average for daily trips is four in metropolitan areas.[57] It would be reasonable to assume that this still includes two cold starts daily, yielding a one-to-one ratio for cold starts to hot starts.

Thus, to properly account for cold starting and warm up, fuel economy test data should include at least a 43% contribution from cold starting. This can be done by running the test in two segments, one cold and one "hot" and releasing the test results as a harmonic average of the results from the two segments.[58]

B. *Ambient conditions*—1. *Temperature.* As temperature falls, fuel economy becomes poorer. For example, at 50 mph, every 10°F. drop in temperature results in a fuel economy reduction of 2%.[59]

Due to wide fluctuations in temperature, tests cannot be representative of all driving at all temperatures. Usually, the ambient temperature range is specified for outdoor tests. For indoor tests, ambient temperature can be closely controlled. Thus, by specifying or controlling temperature, there will be no variance between tests due to temperature fluctuation.

2. *Humidity.* High humidity tends to reduce fuel economy somewhat since there is a higher percentage of water vapor in the air-gasoline vapor mixture in the engine and water vapor does not contribute to combustion. This can be accounted for by specifying humidity tolerances for testing out of doors. When tests are performed in a laboratory which is heated in the winter and air conditioned during the summer, humidity tends to be relatively low and deviates less and therefore contributes less to test variance.

3. *Precipitation.* Rain severely reduces fuel economy, and since the rate and volume of rainfall cannot be controlled, outdoor tests are never conducted in the rain. Naturally, this restricts time available for testing, a problem not experienced in indoor testing.

4. *Wind.* Wind significantly affects fuel economy in degrees reflecting the direction of the car relative to the wind direction and the wind velocity. The effect of wind resistance, which is a product of wind speed and vehicle speed, is covered in the following section's discussion of vehicle size.

Outdoor tests usually specify maximum wind speed and are run in two directions in an attempt to nullify wind effects. Obviously, this is not an issue in indoor testing.

5. *Altitude.* At high altitudes (over 2,000 ft.) fuel economy decreases somewhat.[60] Tests ordinarily are conducted at altitudes lower than this, so the tests are somewhat inaccurate as reflections of the fuel economy which would be realized by that part of the population which primarily drives at high altitudes.

C. *Road conditions*—1. *Road surface.* Fuel economy is significantly better on smooth paved roads than on dirt or broken surface roads.[61] Since most roads are paved, testing is done either on a paved road or in a manner which simulates a smooth road.

2. *Road curvature and grade.* Road curvature and grade also affect fuel economy. Road curvature increases gasoline consumption depending upon the degree of curvature.[62] Tests are either conducted on a straight course or a course with relatively gentle curvature. For example, a car going up a 7% grade at 50 mph is penalized 55% in its fuel economy compared to a car going 50 mph on a level road. On a 3% grade the fuel economy penalty is about 32%.[63] Therefore, it is clear that tests should be conducted on a level surface.

D. *Summary—driving condition variables.* The most significant driving condition variables are speed, amount and rate of deceleration and acceleration, frequency of stopping, duration of stops (idling time), engine starting condition (cold or warmed-up), trip length, ambient conditions and road conditions.

Footnotes at end of analysis, p. 34391.

As a general rule when these factors are isolated from one-another, the following relationships to fuel economy can be seen:

1. When plotted against speed, fuel economy peaks between 30 and 40 mph forming a characteristic curve for most cars; better fuel economy is realized at constant speeds;

2. Fuel economy decreases as the size, rate and number of accelerations or decelerations increase;

3. Fuel economy decreases as the rate and duration of stops increase;

4. Fuel economy when measured from a cold start is less than that measured when the car is warmed-up;

5. Fuel economy increases as trip length increases.

Under real driving conditions, these variables are not independent of one another, but exist in clearly defined relationships to one another and their values vary depending upon the general driving environment (i.e., city, suburban, highway) as follows:

1. Average speed increases as trip length increases;

2. Average speed and stopping frequency are related in that as average speed increases, the number of stops per mile decreases and this tends to control the rate and frequency of accelerations and decelerations;

3. The size of accelerations is reflected by the range of speeds and the average speed together with stopping frequency;

4. The effect of cold starting decreases as trip length increases;

5. The more constant speed is, the better fuel economy is and the degree of speed constancy depends on acceleration, deceleration and stops so that driving at higher speeds on the highway tends to produce better fuel economy. As average speed decreases, highway conditions are not represented so that stopping and speed changes increase while length of trip decreases.

III. VEHICLE-RELATED VARIABLES.

In selecting a new car, the consumer chooses between general types of automobiles (luxury, standard, intermediate, compact or subcompact, etc.), between packages of options and between models. Inevitably the choices the consumer makes lead to better or worse fuel economy, depending upon some of the particular characteristics of the car and the optional equipment selected. The differences among cars which affect fuel economy and which consumers can control in their purchase selection are the subject of this section.

These variables include weight, horsepower, the size of the engine (expressed in terms of total displacement), compression ratio, rear axle ratio and various accessories. All of these variables are explained and discussed below.

A. *Vehicle size.* The size of an automobile affects fuel economy in two ways. The weight of the vehicle increases both the power needed to move the car and the inertial resistance of the car to speed changes, particularly accelerations from stops. The exterior size of the car also may affect fuel economy, depending on its design, because the larger a car is, generally, the larger is the area of the front of the car (the cross sectional frontal area). At high speeds, increase in the cross sectional frontal area increases the resistance to movement from the air, i.e., wind resistance or aerodynamic drag, affecting fuel economy to varying degrees depending upon speed and streamlining; at low speeds, however, this effect is insignificant.[64]

Vehicle weight is the single most important difference between automobiles in terms of gasoline consumption at any speed.[65] A 500 pound increase in vehicle weight, with all other factors equal, has been estimated to result in an average 14% fuel economy loss with a difference of 100% between a 2500 and 5000 lb. car.[66] Consumers Union tests indicated a decrease of 0.5 mpg for every 500 lb. increase in weight.[54]

In addition to the effect of the weight itself, heavier cars also usually need power options and larger more powerful engines, which additionally increase gasoline consumption.[65]

B. *Horsepower.* As the power of an engine increases, it tends to consume more gasoline.[66] One study reported that fuel economy decreased by one mpg for every 120 horsepower increase in engine output.[67] However, power must be considered together with vehicle weight, since an underpowered, heavy car will perform relatively poorly on the highway, thereby losing the usual fuel economy advantage of highway over city driving.[68]

Thus, the horsepower of a car is significant, but to judge the car's performance on a test involving some but not all driving conditions, e.g., highway but not city, the power to weight ratio must be known. Without this knowledge, it might falsely be assumed that the mpg number generated by a highway test would be considerably lower in the city and vice versa.

C. *Engine size (displacement).* Engine size is commonly noted merely in terms of the number of cylinders, but different engines with the same number of cylinders vary in size due to differences in the effective volume of the cylinders. Therefore, a more realistic and accurate measurement of engine size is "displacement". Displacement is a measure of the maximum volume of a cylinder (when the piston is furthest from the tip of the cylinder) or, the volume of the cylinder through which the piston acts. The total of all of the cylinders is the engine displacement, usually expressed in cubic inches (C.I.D.) or litres in the metric system.

As displacement increases, fuel economy decreases,[69] in a ratio of 0.2 mpg per 10% engine displacement increase.[60] Thus, a larger engine consumes more gasoline.

Additional fuel economy loss is attributable to larger engines due to their weight. The difference between a six and eight cylinder engine is often well over 100 lbs.[61]

D. *Compression ratio.* Compression ratio is a ratio of the volume of the air and gasoline mixture in the cylinder before compression by the piston to the volume after compression. Thus, if the initial volume is ten times the volume after compression, the ratio is 10:1. Higher compression engines are generally more efficient. A 10% increase in compression ratio improves fuel economy by half an mpg in urban driving,[62] (although it also increases the octane requirements of the engine.)[63]

Thus, vehicles with high compression ratios may be more efficient and burn relatively less gasoline, but the fuel to power them costs more per gallon since high octane fuel is more expensive. There is a trade off here which the consumer would have to evaluate.

E. *Axle ratio.* The axle ratio is the number of revolutions of the drive shaft as the ratio to the number of revolutions of the rear wheels. The range of ratios available is from about 2.7 to 4.1.[64]

Several different axle options might be available for the same model car. For example, a higher ratio is often needed if the car is going to be used for towing a trailer, but a 10% reduction in axle ratio can improve fuel economy by more than 2%[65] or 0.1 mpg for an intermediate size car in urban traffic.[66]

Weight, engine horsepower and displacement, type of transmission, and the compression and axle ratios account for 90% of the variances in fuel economy between automobiles. Vehicle size alone accounts for 80% of the difference in urban driving taking into account the way heavier vehicles are actually sold, i.e., with larger more powerful engines.[67]

In addition to these factors, which might be considered descriptive of the basic car, optional equipment can increase fuel consumption both through the power drained when the equipment is in use and due to the increased weight of the car attributable to the equipment. The values attributed to the increase in power consumption caused by the most significant accessories and convenience devices are shown in Table 1.

TABLE 1.—*Effect of engine accessori es and convenience devices*

Reference [1]	Type of Accessory	Fuel Economy Penalty (urban operation)
(11).....	Power steering, air conditioning, generator.	7.7 percent.
(12).....	Air conditioning.....	13 percent (85° ambient).
(12).....	Power Steering.....	About 1 percent.
(12).....	Automatic transmission.	14 percent to 15.5 percent.
(14).....	Air conditioning.....	9 percent (70°F ambient).
(14).....	Automatic transmission.	5 percent to 6 percent.
This paper.....	do.....	0 percent to 6 percent.

[1] References cited in paper.

Source: Austin and Hellman, "Passenger Car Fuel Economy—Trends and Influencing Factors," Society of Automotive Engineers paper No. 730790, 1973 at 17.

IV. DISCLOSURE OF TEST CONDITIONS IN ADVERTISING

Introduction. In the preceding two sections of this analysis, the discussion focused on the contributions of various factors to an automobile's rate of gasoline consumption. Briefly, the most significant of these factors are as follows:

1. Speed (average and range).
2. Acceleration and Deceleration (rate and number of mph increase or decrease and frequency of speed changes).
3. Stopping frequency.
4. Trip length.
5. Engine starting condition (cold or "hot").
6. Temperature.
7. Humidity.
8. Precipitation.
9. Wind.
10. Altitude.
11. Road surface.
12. Road curvature.
13. Road grade.
14. Vehicle size.
15. Vehicle weight.
16. Engine horsepower.
17. Engine displacement.
18. Compression ratio.
19. Axle ratio.

In this section, the possibility of disclosing the values of these variables in tests used to support advertising claims is discussed. With respect to disclosure of conditions, two alternatives warrant discussion. The first is disclosure of a few of the key test conditions. The second is disclosure of key features of the vehicle which was tested.

A. *Disclosure of test conditions.* The first approach taken to disclosure of test conditions was to examine the possibility that just disclosure of only one or two significant facts would permit consumers to relate advertised fuel economy claims to the type of driving they personally do. If this were possible, consumers might be able to do the following:

(1) Make a general decision as to the validity of the advertising claim;

(2) Decide whether they would get more or fewer mpg's based on a comparison of the way they drive to the way the test was conducted;

Footnotes at end of analysis, p. 34391.

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(3) Estimate with reasonable accuracy the number of mpg's they should add or subtract from the advertised claims to adjust it to the type of driving they do;

(4) Compare the advertised car's fuel economy to that of the car they already own;

(5) Compare the advertised car to other cars' mileage being advertised.

It soon became apparent that estimates of this sort—based upon disclosure of factors but without drawing any conclusions for consumers as to the impact on fuel economy of deviations of specified amounts from the disclosed factors—were not likely to be made with a sufficient degree of accuracy.

In order to determine whether disclosure of just a few conditions would be adequate, the Commission's staff reviewed advertisements in which such disclosures were already made. Examples of advertising [32] disclosure and their limitations follow:

(a) Car A, weighing 2750 lbs claims to get 29.8 mpg, when driven at a steady speed of 55 mph in the Arizona desert, with the engine warmed up. A consumer who equated this 55 mph figure with "highway driving", would be mistaken, for the reasons discussed in sec. II.A.1. supra. Ordinary consumers do not, and cannot, drive at steady speeds, and to the extent that their speed fluctuates, either through "hunting" or passing, they reduce their fuel economy significantly.

(b) Car B, weighing 4500 lbs claims 17.6 mpg at 55 mph and 12.8 mpg at an average speed of 24 mph, with 1.6 stops per mile. As noted, the exaggeration in the first figure may well escape a consumer who is familiar with 55 mph speed limits. The second figure, which may appear to a consumer to approximate city driving, is really a suburban driving figure, as shown by Figure 3, supra. But even if the consumer were somehow alerted by the average speed or number of stops per mile to the fact that the mileage derived from this test does not approximate city driving, he would not be able to determine what mileage could be achieved in city driving.

That comparison between one test and another may be dangerous is illustrated by an attempt to predict the mileage obtainable by a car A at 24 mph with 1.6 stops per mile. If the consumer were to use car B's experience as his guide, he might expect a reduction of fuel economy of about 25%, to about 22.4 mpg. If so, his estimate would be off by over 4 miles per gallon, or about 15%. The ad from which example A is derived claimed 26.5 mpg at an average speed of 24 mph with 1.6 stops per mile.

(c) Car C, weighing 4500 lbs, claims to get 16.4 mpg at an average speed of 37 mph, with speed ranges from 0–55, over a 73 mile trip in conditions ranging from urban to suburban to highway. Although somewhat more conditions are disclosed than in examples (a) or (b), the consumer who wished to know what sort of mileage could be expected either in highway driving or city driving would not be aided by these disclosures. As discussed in Section II above, disclosure of average speed or even speed range by itself is insufficient, since the significant effects of acceleration, deceleration, and stops are ignored. But even if the number of stops per mile were disclosed (e.g., 0.5) and the consumer were able to relate this to some aspect of his driving experience (e.g. highway), he could still not do more than guess as to what mileage this car could achieve under urban conditions. As the prior example shows, reliance on experience with other cars, or even the consumer's present car, to arrive at a "discount factor" can be quite misleading.

Footnotes at end of analysis, p. 34391.

Disclosure of more factors will of course give the consumer a better picture of how the advertised figure was derived and may give at least some idea of how that test compares with his own driving patterns. Such additional disclosures, however, will not be adequate to permit meaningful comparisons between two advertised cars.

To illustrate the problems that might occur if five significant factors were disclosed in advertising, four examples should suffice. Table 2, infra, shows the values that might be found in four different ads involving four different cars and four different tests; a highway test, a city test and two arbitrary tests not representative of real driving.

TABLE 2

Factor [1]	(1) City driving	(2) Highway driving	(3) Conditions disclosed but not characterized	(4) Conditions disclosed but not characterized
Average speed (in mph)	16	48	37	20.
Speed range (in mph)	0-30	0-55	0-55	0-35.
Stops per mile	4	0.3	1	2.
Trip length	8	10	73	20.
Starting condition (hot or cold)	Cold	Hot	Hot	Cold.

[1] To simplify the problem, it is assumed that ambient conditions and road conditions are optimal. Acceleration and deceleration are not included since a very lengthy disclosure would be needed to cover these factors; it would appear to be impossible for a consumer to drive and at the same time monitor the frequency and rate (i.e. gentleness or harshness) of his own accelerations and decelerations and, in any case, stopping frequency would frequently provide an indication of at least the most costly accelerations and decelerations in terms of fuel economy. Thus, this chart does not show all of the significant test conditions. It merely shows the most significant test conditions which might be disclosed in advertising.

If a consumer wished to adjust the fuel economy figure in any one of these ads to estimate fuel economy in some other mode, it is extremely unlikely that he would be able to do so. (The other mode might be the consumer's own driving pattern which he had monitored, or it might be a mode as expressed in another ad, e.g. "city driving.")

If a consumer who had taken the trouble to monitor his own driving was comparing these advertisements, he might see that the first was a reasonably representative city test and the second a reasonably representative highway test, but how would he judge the other two? Test 3 is essentially the test discussed above as Advertisement No. C except that the number of stops per mile were not given in the advertisement and the figure in the chart is therefore fictitious. Test 4 is a test with a mixture of characteristics.

Comparing the city test to the second arbitrary test shows a slight increase in the average speed and the upper limit of the speed range and a decrease in the number of stops per mile. The trip length is longer, but might not seem unusually long to the consumer. The number of stops per mile is about what would be expected at an average speed of 20 mph.[33] The arbitrary test would yield higher numbers than the city test since the overall effect of the cold start is minimized by the trip length, and the lower stop frequency and higher upper limit of the speed range would permit much of the driving to be done in the optimal speed range of 30–35 mph. Yet, even if the consumer knew all of this, he would still not know by how much to adjust the number generated by this arbitrary test to arrive at a city number since warm-up characteristics of cars differ and it is difficult to quantify how much of an improvement these changes would make.

Furthermore, even if the consumer in question takes the time to determine the characteristics of his own driving and finds that about a third of his driving is on the highway, a third downtown and a third in the suburbs, how could he adjust this test's results to his driving? Even for a knowledgeable consumer who knew that he should adjust the advertised claim downward, the amount of the adjustment would still be only a guess. And there would still be no means of determining the relative ranking of advertised cars. To do so requires nothing less than data for a number of cars all run on the same test and it should be a test which represents real driving and which contemplates all the significant variables as to which automobiles differ so that particularly poor or particularly good performance in some portion of driving (such as accelerating or warming up) is measured and included in the final mpg figure.

B. *Disclosure of vehicle information.* To the extent that the advertised car matched the car the consumer would want, the claim would be relevant if based upon a test approximating typical driving conditions. However, there are dozens of combinations of options for each model. Thus an advertisement for a given car with randomly selected options would only be relevant to some prospective purchasers. If for example, a purchaser was in the market for an eight cylinder car with a high axle ratio suitable for towing a trailer, air conditioning and automatic transmission, and an advertisement for a car claimed a given fuel economy for eight cylinder, low axle ratio with a three speed standard transmission, the figure in the advertisement would be higher than the consumer would realize under the same driving conditions as the one in which the advertised car was tested. Even if the consumer knew about and understood these variations, it would be difficult for him to quantify the differences so as to enable him to "discount" the advertised figure.

The amount by which equipment changes affect fuel economy varies. Adding an automatic transmission to a small car may reduce its fuel economy about 6%[34] or 1.5 mpg for a car which gets 25 mpg while; adding it to a larger car will likely result in a much smaller reduction in fuel economy. Changing from a six to an eight cylinder engine will have an effect, but the degree of change in fuel economy depends upon the relative weights, displacement and horsepower of the two engines. The difference between the most efficient combination of equipment and the least efficient in city driving was 2 mpg for the large car noted in Advertisement 2 above, but it was almost 7 mpg for the subcompact car in Advertisement 3. Thus the number of mpg's to be discounted for the addition of a larger engine or air conditioning or automatic transmission depends upon the car. Consequently, there is no good rule of thumb for the consumer to follow.

Disclosure of variables relating to the driving conditions or features of the car used in the test, without also disclosing the quantitative impact on mpg of specified deviations from those conditions or features, will not ordinarily provide adequate information to consumers. This conclusion does not mean that in particular advertisements the failure to disclose information bearing upon

the relevance to the consumer of the claimed mpg may not render the advertisement deceptive or unfair. Such disclosure might, for example, in certain circumstances serve to apprise the consumer that he would not realize the advertised fuel economy.

V. CONCLUSION

This discussion has been intended to set forth staff's present understanding of the major considerations bearing upon a sound technical underpinning for the avoidance of deception and unfairness in fuel economy claims for automobiles. It is expected that interested parties will, by reason of publication of this analysis, be better able to comment upon the issues currently before the staff, to bring to the staff's attention further issues not reflected in this analysis, and to contribute to an informed and effective rulemaking.

Issued: September 24, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

FOOTNOTES—ANALYSIS

[1] Ford Motor Company, Customer Service Division, *Car Owning Made Easier*, at 69 (1973).

[2] U.S. Environmental Protection Agency, Office of Air and Water Programs, Mobile Source Air Pollution Control, *A Report on Automotive Fuel Economy*, at 29 (1973) [hereinafter cited as the EPA Report].

[3] Obviously, driving conditions can be characterized in other ways than by these factors. City driving for example might be typified by a certain traffic density or number of traffic lights, but it is the effects of these characteristics on driving which are accounted for by the variables in the driving cycle.

[4] EPA Report, supra note 2, at 26.

[5] *Id.* at 26; Cf., Claffey, *Running Costs of Motor Vehicles as Affected by Road Design and Traffic*, National Cooperative Highway Research Program Report No. 111, Highway Research Board, Division of Engineering, National Research Council, National Academy of Sciences—National Academy of Engineering, at 51 et seq. (1971) [hereinafter cited as Claffey]; G. Huebner and D. Gasser, *Energy and the Automobile—General Factors Affecting Vehicle Fuel Consumption*, Society of Automotive Engineers Paper No. 730618 in *Energy and the Automobile*, Society of Automotive Engineers Special Publication No. 383, at 25 (1973) [hereinafter cited as Huebner]. The authors of the latter paper are employed by Chrysler Corporation.

[6] C. Scheffler and G. Niepoth, *Customer Fuel Economy Estimated from Engineering Tests*, Society of Automotive Engineers Paper No. 650861, at 5 (1965) [hereinafter cited as Scheffler] (The authors are employed by General Motors.)

[7] Cf., Scheffler at 5.

[8] See, Claffey supra note 5.

[9] Id. at 51 (Table A–14).

[10] Id. at 52 (Table A–18).

[11] Many of the advertising claims monitored by the staff were in fact based on just such a test.

[12] See, *Hearings on "Compliance with Title II (Auto Emission Standards) of the Clean Air Act"* before the Senate Comm. on Public Works, 93 Cong., 1st Sess., at 186, 192 (Nov. 1973) (Attachment 7 to the statement of E. N. Cole, President, General Motors Corporation) [hereinafter cited as the Clean Air Act Hearings]; See also, the discussion of stopping frequency and Figure 3, infra.

[13] See, U.S. Dep't of Transportation, Federal Highway Administration, Office of Highway Planning, Program Management Division, *Estimated Motor Vehicle Travel in the United States and Related Data—1972*, Table VM–1 (1973). [hereinafter cited as the VM–1 Table].

[14] Clean Air Act Hearings, supra note 11, at 186.

[15] Scott Research Laboratories, Inc., *Vehicle Operations Survey*, Coordinating Research Council—APRAC Project No. CAPE 10–68 (1–70) at Table 4–2 (1971) [hereinafter cited as Vehicle Operations Survey]

[16] Claffey supra note 5, at 51 et seq. (Charts A–14 to A–21).

[17] EPA Report, supra note 2, at 29.

[18] Claffey, supra note 5.

[19] Id. at 52 (Chart A–18).

[20] Id. at 52 (Charts A–17 and A–18).

[21] EPA Report, supra note 2, at 29.

[22] Cf., Claffey, supra note 5, at 51 *et seq.*

[23] Vehicle Operations Survey, supra note 15 Table 4–2.

[24] Id.

[25] Clean Air Act Hearing, supra note 11 at 186; See also Federal Test Procedure, 40 C.F.R. Section 85 (1973).

[26] Clean Air Act Hearings, at 186.

[27] Id.; R. Kruse and C. Paulsell, Development of a Highway Driving Cycle for Fuel Economy Measurements, Mar. 1974 [Available from EPA].

[28] Clean Air Act Hearings, at 192.

[29] Id. at 186: Vehicle Operations Survey, supra note 16, Table 4–1; Federal Test Procedure, 40 C.F.R. § 85.075 (1973) [hereinafter cited as the 1975 FTP].

[30] The FTP, developed in Los Angeles, has an average speed of 19.5 mph with 2.4 stops per mile. The 1975 EPA Highway Schedule developed in Michigan has an average speed of 49 mph with 0.2 stops per mile. Both tests show values consistent with the curve in Figure 3.

[31] U.S. Dep't of Transportation, Federal Highway Administration, *Nationwide Personal Transportation Study* [hereinafter cited as the NPTS], Report No. 3, "Seasonal Variations of Automobile Trips and Travel," at 13 (1972).

[32] Scheffler, supra note 6.

[33] Id., at 2.

[34] Id.

[35] Energy Conservation Systems Section, Dep't of Automotive Research, Southwest Research Institute, *A Study of Technological Improvements to Automobile Fuel Consumption* (contract DOT–TSC–628) at Appendix D. Note: This is a Jan. 1974 draft of a report prepared for D.O.T. and E.P.A. containing preliminary information subject to change [Hereinafter cited as the SWRI Draft Report].

[36] Id.

[37] In each case the variance was calculated at a percentage of the smaller test result, thus maximizing the percentage difference.

[38] Data derived from the NPTS, supra note 31.

[39] Id.

[40] Scheffler, supra note 6, at 1.

[41] D. H. Kearin and R. L. Lamoureaux, System Development Corp., *A Survey of Average Driving Patterns in the Los Angeles Urban Area*, Coordinating Research Council Air Pollution Research Advisory Committee Project No. CAPE–10 (1969) [hereinafter cited as Kearin].

[42] Huls, *Evolution of Federal Light—Duty Mass Emission Regulations*, Society of Automotive Engineers Paper No. 730554, at 12 (1973). (The author is employed by the EPA.)

[43] Id.

[44] NPTS, supra note 31, Report No. 7, *Household Travel in the United States*, at 20 (1972).

[45] Unlike the simple arithmetic means, the harmonic average would account for the different weighting of "hot" and cold starts. For example, if the values designated were 43% cold and 57% hot, the overall mpg would equal:

$$\frac{1}{\frac{.43}{\text{mpg (cold)}} + \frac{.57}{\text{mpg (hot)}}}$$

[46] EPA Report, supra note 2, at 30. See also, Scheffler, supra note 6, at 5, 11.

[47] SWRI Draft Report, supra note 35, at Appendix G.

[48] EPA Report, supra note 2, at 31.

[49] Claffey supra note 5, at 6.

[50] EPA Report, supra note 2, at 31.

[51] SWRI Draft Report, supra note 35, at 329; T. Austin and K. Hellman, *Passenger Car Fuel Economy—Trends and Influencing Factors*, Society of Automotive Engineers Paper No. 730790 at 16 (1973) (The authors are employed by EPA.)

[52] Austin and Hellman, supra, at 20; Huebner, supra note 5, at 26; Senate Committee on Commerce, Report on S. 2176, *"The National Fuels and Energy Conservation Act of 1973* S. Rep. No. 93–526, 93 Cong., 1st Sess. 9 (1973) [hereinafter cited as the Senate Report on S. 2176].

[53] Senate Report on S. 2176, supra, at 9.

[54] "Options: The Gasoline Trade—Off", *Consumer Reports*, Apr. 1974, at 304.

[55] Senate Report on S. 2176, supra note 52, at 10.

[56] Scheffler, supra note 6, at 5.

[57] Id.

[58] Id.

[59] "Options: The Gasoline Trade-Off," Consumer Reports, Apr. 1974, at 304.

[60] Heubner, supra note 5, at 27.

[61] See, e.g., "Options: The Gasoline Trade-Off," Consumer Reports, Apr. 1974, at 304.

[62] Heubner, supra note 5, at 27.

[63] Id.

[64] See, 39 Fed. Reg. 7664 et seq. (Feb. 27, 1974) wherein the axle ratios of tested cars were listed.

[65] EPA Report, supra note 2, at 14.

[66] Heubner, supra note 5, at 28.

[67] Id., at 26.

[68] This data is drawn from actual ads.

[69] See Figure 3, supra: Clean Air Act Hearings, supra note 11, at 192.

[70] Austin, supra note 49, at 15.

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Intramammary infusion products for treating mastitis; comments by 9–30–74..... 31647; 8–30–74

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Wage and Hour Division—

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Mass transit and special use highway projects; comments by 10–1–74. 32298; 9–5–74

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Union County Grazing Advisory Board; to be held in Clayton, New Mexico (open, contact Chairman Weston Baker) 9–30–74.. 33382; 9–17–74

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Advisory Committee on Reactor Safeguards, Subcommittee on Nuclear Merchant Ships; to be held in Washington, D.C. (open) 10–3–74. 33390; 9–17–74

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Citizens' Advisory Committee on Environmental Quality; to be held in Washington, D.C. (open with restrictions) 9–30–74..... 33025; 9–13–74

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Montana State Advisory Committee; to be held in Helena, Mont. (open with restrictions) 10–4–74..... 33025; 9–13–74

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Domestic and International Business Administration—

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Lake Michigan Cooling Water Studies Panel; to be held in Rosemont, Illinois (open contact Executive Secretary) 10–1–74 ..... 33393; 9–17–74

Meteorology Advisory Committee of the Science Advisory Board; to be held at Research Triangle Park, North Carolina (open with restrictions) 10–1 and 10–2–74 ..... 31549; 8–29–74

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Public Advisory Panel on Architectural and Engineering Services for the Office of Operating Programs; to be held in Washington, D.C. (closed) 10–4–74..... 32942; 9–12–74

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Food and Drug Administration—

One advisory committee meeting the week of 9–30–74; closed (to be held in Rockville, Md.)..... .. 30523; 8–23–74

National Institutes of Health—

Committee on Cancer Immunobiology; to be held in Bethesda, Md. (open with restrictions) 9–30–74 30182; 8–21–74

Transplantation and Immunology Committee; to be held in Bethesda, Md. (open with restrictions) 10–3 and 10–4–74..... 30184; 8–21–74

Mental Retardation Research Committee; to be held in Bethesda, Md. (open with restrictions) 10–3 to 10–4–74..... 30183; 8–21–74

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INTERIOR DEPARTMENT

Land Management Bureau—

Outer Continental Shelf Research Management Advisory Board; to be held in Washington, D.C. (open) 10–3 and 10–4–74.. .... 32569; 9–9–74

LABOR DEPARTMENT

Wage and Hour Division—

Advisory Committee on Sheltered Workshops; to be held in Washington, D.C. (open) 10–2–74. 33425; 9–17–74

NATIONAL ADVISORY COUNCIL ON SUPPLEMENTARY CENTERS AND SERVICES

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Summer Seminar Panel; to be held in Washington, D.C. (closed) 10–4–74. 29623; 8–16–74

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Astronomy; to be held in Washington, D.C. (open with restrictions) 9–30–74 thru 10–1–74..... 33036; 9–13–74

Advisory Panel for Engineering Materials; to be held in Washington, D.C. (open with restrictions) 9–30–74 thru 10–1–74.. 33036; 9–13–74

Advisory Panel For Psychobiology; to be held in Washington, D.C. (open/closed sessions); 10–3 and 10–4–74

STATE DEPARTMENT

U.S. Advisory Committee of the Inter-American Tropical Tuna Commission; to be held La Jolla, California (Open); 10–4–74..... 33576; 9–18–74

VETERANS ADMINISTRATION

Chief Medical Director's Ad Hoc Advisory Committee on Spinal Cord Injury; to be held in Washington, D.C. (open with restrictions) 10–1 and 10–2–74..... 31962; 9–3–74

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Industry committees for various industries in Puerto Rico; minimum wages; to be held in Santurce, Puerto Rico, on 9–30–74.... 30941; 8–27–74

H.R. 15172..... Pub. Law 93–417
Passport fees
(Sept. 17, 1974; 88 Stat. 1151)

H.J. Res. 1070..... Pub. Law 93–418
Johnny Horizon Clean Up America Month.
(Sept. 18, 1974; 88 Stat. 1151)

Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 9456..... Pub. Law 93–422
Alcohol and Drug Abuse Education Act Amendments of 1974
(Sept. 21, 1974; 88 Stat. 1154)

H.R. 13267..... Pub. Law 93–421
Federal agricultural assistance to Guam
(Sept. 19, 1974; 88 Stat. 1154)

H.R. 15172..... Pub. Law 93–417
Passport fees
(Sept. 17, 1974; 88 Stat. 1151)

H.R. 15406..... Pub. Law 93–419
Refine procedures for adjustments in military compensation
(Sept. 19, 1974; 88 Stat. 1152)

H.J. Res. 1070..... Pub. Law 93–418
Johnny Horizon Clean Up America Month
(Sept. 18, 1974; 88 Stat. 1151)

S. 3052..... Pub. Law 93–420
Act of October 13, 1972, amendment
(Sept. 19, 1974; 88 Stat. 1153)

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

United States Standards for Grades of Processed Raisins; Corrections

In FR Doc. 74–20308, published at page 32004 in the issue for Wednesday, September 4, 1974, make the following changes:

1. On page 32004, the third column, § 52.1842(a) which reads "Type I—Seedless" should read "Type I—Thompson Seedless:".

2. On page 32008, in Table II, the allowance heading that states "Maximum count (percent by weight)" should read "Maximum (percent by weight)".

Dated: September 19, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74–22280 Filed 9–24–74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This amendment of the rules and regulations under the amended marketing agreement and Order No. 910 requires handlers to submit to the Lemon Administrative Committee amended reports reflecting any shipment declared for export and diverted into other channels, and any fruit reported as destined for processing which is not shipped during the week such fruit is reported to the committee. Such reports are essential to the committee for the computation of prorate base and granting of allotment and for the equitable apportionment of prorate base and allotment among all of the handlers of lemons.

Notice was published in the FEDERAL REGISTER on August 29, 1974, (39 FR 31532), that the Department was giving consideration to proposed amendment of § 910.170 of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 910.100 et seq.) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), which regulate the handling of fresh lemons grown in Arizona and designated part of California, hereinafter referred to collectively as the "order." This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment of said rules and regulations was unanimously recommended by the Lemon Administrative Committee, established under said order as the agency to administer the terms and provisions thereof. Said notice allowed interested persons until September 16, 1974, to submit written data, views, or arguments for consideration in connection with the proposed amendment. None were received.

After consideration of all relevant matter presented, including that in the notice, it is hereby found that amendment of said rules and regulations as hereinafter set forth is in accordance with the amended order and will tend to effectuate the declared policy of the act.

Currently, handlers are required to submit to the committee a weekly report showing the total shipments of fresh lemons subject to allotments, volume exported other than to Canada, volume handled for conversion into byproducts, and certain other information concerning receipt and disposition of lemons. The amendment adds a new subparagraph (3) in § 910.170(d) Weekly Report (LAC Form 8) which requires handlers to submit an amended weekly report to the committee whenever necessary to reflect: (1) any shipments declared for export and diverted into other channels and (2) any fruit destined for processing which is not shipped during the week such fruit is documented and reported to the committee.

Handlers submit the information concerning exports upon shipment from the packinghouse and this corresponds to the volume reported on the accompanying Weekly Report. At times export shipments are refused at dockside by reason of condition. These are diverted into other channels or returned to the packinghouse. If the shipments are returned to the packinghouse and repacked, the salvageable fruit may be reshipped into export or domestic channels, or diverted to juice. Handlers' prompt advice to the committee of rejections is particularly important in cases of shipments made on Friday or Saturday prior to an official storage inventory by the committee's field staff, since preliminary inventory completed by the field representative would reflect such shipments. For example, when a shipment is rejected and returned to the packinghouse after the preliminary inventory is completed, prompt advice of such return is necessary for the committee to increase the storage inventory figures in the amount of the volume returned in order to compute an accurate field box conversion factor. Each official storage inventory is used to compute a conversion factor which is applied to the picks for the weeks back to the preceding inventory date and is used as a preliminary factor until the next storage inventory date.

Amended reports reflecting shipments declared for export and diverted into other channels and any fruit destined for processing which was not shipped during the week such fruit is reported are essential for the computation of handlers' prorate bases and allotments.

Order. The provisions of paragraph (d) of § 910.170 are hereby revised by adding a new subparagraph (3) to read as follows:

§ 910.170 Reports.

* * * * *

(d) *Weekly Report (LAC Form 8).*
(1) * * *

(3) An amended Weekly Report Form (LAC Form 8) shall be promptly filed by the handler whenever necessary to reflect:

(i) Any shipment declared for export and diverted into other channels; and

(ii) Any fruit destined for processing which is not shipped during the week such fruit is documented and reported to the committee.

It is hereby found that good causes exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the handling of lemons is now in progress subject to regulated weekly allotment provisions of the order and to be of maximum benefit the provisions of this amendment should become operative at the time specified herein, (2) the information required by this amendment is necessary to enable the committee to compute prorate bases and allotments on an equitable basis, and (3) the effective time hereof will not require of handlers any preparation that cannot be completed prior thereto.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, September 19, 1974, to become effective September 26, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–22213 Filed 9–24–74;8:45 am]

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CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK) DEPARTMENT OF AGRICULTURE

[Milk Order No. 30]

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

Temporary Revision of Shipping Percentage

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the provisions of § 1039.7(b) (6) of the order regulating the handling of milk in the Chicago Regional marketing area.

Notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 32753) concerning a proposed decrease in the supply plant shipping percentages for the month of September 1974. Interested persons were afforded an opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of September 1974 the supply plant shipping percentage of 40 percent set forth in § 1030.7(b)(4) shall be decreased to 30 percent and in § 1030.7(b)(7)(iii) the shipping requirement of 20 percent applicable to each plant in a unit of two or more plants shall be decreased to 15 percent.

Pursuant to the provisions of § 1030.7 (b)(6) the supply plant shipping percentages set forth in § 1030.7(b)(4) and § 1030.7(b)(7)(iii) shall be increased or decreased by up to 10 percentage points during the months of August-March, if necessary to obtain needed shipments or to prevent uneconomic shipments.

Twelve cooperative associations, which represent most of the producers supplying the Chicago Regional market, and two proprietary handlers state that the supply plant shipping percentage should be decreased for September 1974 to prevent uneconomic shipments of milk. These cooperatives and plant operators urge that the amount of such decrease should be 10 percentage points for the basic 40 percent shipping requirement and 5 percentage points with respect to the 20 percent shipping requirement for any plant that is part of a supply plant unit.

In support of this temporary change, these cooperatives state that producer milk receipts are up and Class I sales are down, so that a smaller than normal percentage of the market's milk supply is needed at distributing plants to fulfill fluid milk requirements.

To fulfill their fluid milk requirements, distributing plants obtain a major portion of their milk supplies from supply plants, since about 80 percent of the market's milk supply is assembled at supply plants. In recent months, however, Class I sales have been significantly below a year ago. In August, for instance, Class I sales were down more than 7 million pounds compared to August 1974. In contrast, producer milk on the market increased by nearly 50 million pounds in August 1974 compared to August 1973.

This recent development of lower Class I sales and higher receipts of producer milk indicates that a significantly lower proportion of supply plant milk will need to be shipped to distributing plants this September than in such month of prior years.

A reduction in the required shipments of supply plant milk during the month of September will allow greater flexibility in obtaining milk as among supply plants in the market and may prevent uneconomic movements of milk merely for purposes of pool plant qualification.

It is concluded that it is necessary to reduce the pool supply plant shipping percentages as specified hereinbefore for the month of September 1974 to prevent uneconomic shipments.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that during September 1974 it will prevent uneconomic shipments to pool distributing plants;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rule making was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective for the month of September 1974.

It is therefore ordered. That the aforesaid provisions of the order are hereby revised for September 1974.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on September 19, 1974.

H. L. FOREST,
Director, Dairy Division.

[FR Doc.74-22211 Filed 9-24-74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 2—RULES OF PRACTICE

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Information Requested by Attorney General for Antitrust; Review of Facility License Applications

On April 25, 1974, the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 14613) proposed amendments of 10 CFR Part 2, Rules of Practice and 10 CFR Part 50, Licensing of Production and Utilization Facilities, which would provide for early submission to the Commission of copies of information requested by the Attorney General for the conduct of his antitrust review and rendering of advice to the Commission with respect to certain facility license applications.

Under the proposed amendments, applicants for class 103 construction permits would be required to file the required document "Information Requested by the Attorney General for Antitrust Review" at least nine months but not more than thirty-six months prior to the date that any other part of the construction permit application is filed. In addition, under the proposed amendments Question 9 of Appendix L of Part 50 would be amended to require the applicant to provide mailing addresses for non-affiliated listed electric utility systems with peak loads smaller than the applicant's which now serve either at wholesale or retail adjacent to areas served by the applicant.

The early filing of antitrust information was intended to permit the Attorney General and the Commission to complete the antitrust review process, including antitrust hearings where necessary, concurrently with other licensing reviews.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments by May 28, 1974. After consideration of the comments received and other factors involved, the Commission has adopted the proposed amendments with one significant change. Several commentors pointed out that applicants whose applications were filed between the effective date of the amendments and nine months after the effective date would be required to wait nine months after filing antitrust information to file the rest of the application even though the entire application had been prepared. In order to resolve this problem, § 50.33a(b) and (c) have been changed to require nine-months' prior submission of antitrust information only in the case of a construction permit applied for after nine months after the effective date of the amendments. Persons applying for construction permits before that time are required to submit the antitrust information as soon as possible.

It should be noted that Part 50 contains a provision (§ 50.12) that authorizes the Commission to grant exemptions from Part 50 requirements, including § 50.33a, as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments of Title 10 of the Code of Federal Regulations, Chapter I, Parts 2 and 50, are published as a document subject to codification.

1. Section 2.101(a) of 10 CFR Part 2 is amended by deleting sentences eight through fourteen and substituting therefor the following:

§ 2.101 Filing of application.

(a) • • • An applicant for a construction permit for a nuclear power reactor subject to § 51.5(a) of this chapter may submit the information required of applicants by Part 50 of this chapter in three parts. One part shall be accompanied by the information required by § 50.30(f) of this chapter, another part shall include any information requested by §§ 50.34(a) and 50.34a of this chapter and a third part shall include any information required by § 50.33a. One part may precede or follow other parts by no longer than six (6) months except that the part including information required by § 50.33a shall be submitted in accordance with time periods specified in § 50.33a. The Regulatory staff may return the later information to the applicant, informing it in what respects the information is incomplete, if the information is not complete or in conformance with the requirements of this chapter. Such a determination of completeness will generally be made within a period of thirty (30) days. Except for the part including information required by § 50.33a, whichever part is filed first shall also include the fee required by §§ 50.33 (e) and 170.21 of this chapter and the information required by § 50.37 of this chapter. The Commission will accept for docketing an application for a construction permit for a nuclear power reactor subject to § 51.5(a) of this chapter where one part of the application as described above is complete and conforms to the requirements of Part 50 of this chapter.

• • • • •

2. Section 50.33a is amended to read as follows:

§ 50.33a Information required for antitrust review.[1]

(a) An applicant for a construction permit for a nuclear power reactor shall submit the information requested by the Attorney General, as described in Appendix L to this part, if the application is for a class 103 permit. This information shall be submitted as a separate document prior to any other part of the license application as provided in paragraph (b) and in accordance with § 2.101 of this chapter.

(b) Any person who applies for a class 103 construction permit for a nuclear power reactor on or after July 28, 1975 shall submit the document titled "Information Requested by the Attorney General for Antitrust Review" at least nine (9) months but not more than thirty-six months prior to the date of submittal of any part of the application for a class 103 construction permit.

(c) Any person who applies for such a construction permit prior to July 28, 1975 shall submit the document titled "Information Requested by the Attorney General for Antitrust Review" as soon as possible.

[1] The reporting requirements contained in §§ 50.33a, 50.55b, 50.80, and Appendix L of Part 50 have been approved by GAO under B-180225 (R0071). This clearance expires 8-31-77.

3. The Introduction to Appendix L is amended to read as follows:

Introduction. The information in this Appendix is that requested by the Attorney General in connection with his review, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, of certain license applications for nuclear power plants. The applicant shall submit the information as a separate document titled, "Information Requested by the Attorney General for Antitrust Review." Twenty (20) copies shall be submitted prior to any other part of the facility license application as provided in § 50.33a and in accordance with § 2.101 of this chapter and not less than twenty-five (25) additional copies shall be retained by the applicant to be available as needed during the antitrust review.

• • • • •

4. The first sentence of Question 9 of Appendix L is amended to read as follows:

• • • • •

9. List, and provide the mailing address for non-affiliated electric utility systems with peak loads smaller than applicant's which serve either at wholesale or at retail adjacent to areas served by the applicant. • • •

Effective date. The foregoing amendments become effective on October 25, 1974.

(Sec. 105, 161, Pub. L. 83–703, 91–560, 68 Stat. 938, 948; 84 Stat. 1473 (42 U.S.C. 2135, 2201))

Dated at Washington, D.C., this 20th day of September 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.72-22230 Filed 9-24-74;8:45 am]

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 204—RECORDS OF ORAL COMMUNICATION WITH PERSONS OUTSIDE FEA

Establishment of Procedures to Record Certain Oral Communications

The Federal Energy Administration ("FEA") hereby establishes Part 204 of its regulations in order to provide internal FEA procedures for preparing and maintaining written records of oral communications received from persons outside FEA concerning applications, petitions, appeals, investigations, or enforcement proceedings being considered by FEA. The new Part also sets forth procedures for maintaining logs of meetings between the Administrator, the Deputy Administrator, the General Counsel, Assistant Administrators or Directors of FEA Offices and persons outside the agency concerning FEA policy questions. Finally, procedures are established for preparing and making available to the public a list of all meetings that have occurred between the Administrator, the Deputy Administrator, Assistant Administrators or the General Counsel and persons outside FEA during the preceding two-week period.

Part 204 is designed to maintain the integrity of FEA's decision making process, to insure that FEA's programs and policies are developed and implemented in an open atmosphere and to promote public confidence in the agency.

Section 204.1 sets forth the general organization and objectives of Part 204. Section 204.2 contains the definitions applicable to this part.

Under the provisions of § 204.3, FEA employees in grade GS–15 and above, will be required to prepare and maintain written records of oral communications received from "non-involved" persons expressing an opinion or viewpoint on a specific application, interpretation request, appeal, petition for special redress, investigation, or enforcement proceeding pending before FEA. The purpose of the requirement that written records be maintained on communications from "non-involved" persons, rather than from actual parties to applications or proceedings, is to insure that sources of influence that would not otherwise be apparent to the public are identified. Section 204.3 also prescribes the form to be utilized in reporting conversations. Such forms will provide information on: The name of the communicant, the application or proceeding involved, the organization or entities represented by the communicant, and the subject matter or matters discussed.

Under the provisions of § 204.4, the Administrator, the Deputy Administrator, the General Counsel, and all Assistant Administrators and Directors of FEA Offices will be required to maintain records of their meetings with persons from outside the agency concerning FEA policy questions. These records will identify the organizations and entities represented by each participant and will provide a brief summary of the subject matter or matters discussed.

Section 204.4 requires the Office of Public Affairs to distribute to interested parties a list of all meetings that have occurred between the Administrator, the Deputy Administrator, Assistant Administrators, or the General Counsel and persons from outside the agency during the preceding two-week period. These lists will also be made available to the public in the Office of Public Affairs' Public Reference Room.

Because Part 204 pertains to rules of internal agency procedure and practice, formal notice and public hearings are not required.

In consideration of the foregoing, a new Part 204 of Chapter II, Title 10 of the Code of Federal Regulations is hereby established.

Issued in Washington, D.C., on September 20, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

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Part 204 is added to Chapter II to read as follows:

Sec.
204.1 Purpose and scope.
204.2 Definitions.
204.3 Preparation of record of outside contact forms.
204.4 Preparation of meeting logs.
204.5 Public record of meetings.

AUTHORITY: Federal Energy Administration Act of 1974, Pub. L. 93-275; E. O. 11790, 39 FR 23185.

§ 204.1 Purpose and Scope.

This part establishes regulations for the preparation and maintenance, by specified FEA employees, of written reports and meeting logs regarding certain types of oral communications received from and meetings held with persons from outside the agency. Procedures are also established for the preparation and distribution to the public of a list of all meetings that have occurred between the Administrator, the Deputy Administrator, Assistant Administrators, or the General Counsel and persons from outside the agency during the preceeding two-week period. These regulations and procedures are designed to maintain the integrity of FEA's decision making process, to insure that FEA programs and policies are developed and implemented in an open atmosphere, and to promote public confidence in FEA.

§ 204.2 Definitions.

As used in this part—

(a) "Appeal" means a request for further view of an order or interpretation, or of any action taken in response to an application.

(b) "Application" means a request for an exception, exemption, assignment or adjustment, modification or recision, or stay.

(c) "Enforcement proceeding" means a proceeding relating to the preparation and issuance by FEA of notices of probable violation or remedial orders.

(d) "FEA" means the Federal Energy Administration.

(e) "Noninvolved person" means a person with whom contact would normally not be made in the routine processing by FEA personnel of an application, interpretation request, petition for special redress, appeal, investigation or enforcement proceeding and includes, but is not limited to, a Member of Congress or his staff, an employee or official of another government agency or of the Executive Branch, and any other person in public or private life not directly involved in the matter. It does not include an official or employee of FEA, or a person from outside the agency with whom an employee would be expected routinely to communicate in the normal course of processing the matter, including but not limited to, the applicant, the person requesting an interpretation, an appellant, a petitioner for special redress, a person under investigation, an informant in an investigation, a person charged with a violation, a party or witness to a proceeding or the attorney representing such persons.

(f) "Person from outside the agency" means a person not employed by FEA or detailed to FEA by another Federal agency.

(g) "Petition for special redress" means a "Petition for Special Redress and Other Relief" filed with the FEA Office of Private Grievances and Redress pursuant to section 21 of the Federal Energy Administration Act and Part 205 of this chapter.

§ 204.3 Preparation of record of outside contact forms.

(a) All FEA employees in grades GS-15 and above shall prepare a "Record of Outside Contact Form" ("Record Form") on each oral communication received (in person, by telephone or otherwise) from a non-involved person expressing an opinion or viewpoint on a specific application, interpretation request, appeal, petition for redress, investigation, or enforcement proceeding pending before FEA: *Provided*, That no Record Form shall be prepared for routine requests for information concerning the status of a matter, including, but not limited to, inquiries regarding when FEA actions were or may be taken, the identity of parties or staff personnel responsible for a matter, or the availability and location of public information concerning a matter.

(b) The form set forth below, entitled "Record of Outside Contact Form", shall be used in complying with the provisions of paragraph (a) of this section.

RECORD OF OUTSIDE CONTACT

(Identity of Application, Petition for Redress, Appeal, Interpretation Request, Investigation or Enforcement Proceeding Involved)

Name of Communicant_____
Organizations or Entities Represented_____

Date and time of Communication_____
Place or Method of Communication_____
Brief Summary of Subject Matter(s) Discussed:

Completed by:
Name _____
Office _____

(c) Completed Record Forms shall be placed in the appropriate subject matter or case file and shall thereafter become part of the public record, if and when a public record of that particular matter is established. If the communication concerns an appeal before the Office of Exceptions and Appeals, the completed Record Form shall be immediately transmitted to that Office where it shall be placed in the appropriate application or enforcement proceeding file: *Provided, however*, That such Record Forms shall be maintained separately from the materials upon which the Review Committee may rely in reaching a final decision.

§ 204.4 Preparation of meeting logs.

(a) The Administrator, the Deputy Administrator, the General Counsel, and all Assistant Administrators and Directors of FEA Offices shall maintain logs of their meetings with persons from outside the agency concerning FEA policy questions.

(b) The meeting logs prepared pursuant to paragraph (a) of this section shall reflect, at a minimum, the date and place of each meeting, the name of each participant in the meeting, the organizations or entities represented by each participant, and a brief summary of the subject matter or matters discussed.

§ 204.5 Public record of meetings.

(a) Within one week after the 15th and the end of each month, the Administrator, the Deputy Administrator, each Assistant Administrator, and the General Counsel shall submit to the Office of Public Affairs a list of all meetings that they have held with persons from outside FEA during the preceeding half-month period. The list shall contain the date of each meeting, the names of all participants, the entities represented, and the general subject discussed.

(b) The Office of Public Affairs shall make the lists prepared pursuant to paragraph (a) of this section available to the public, upon request, in its Public Reference Room. In addition, the Office of Public Affairs shall distribute copies of the lists to interested parties on a regular basis.

[FR Doc.74-22278 Filed 9-24-74;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 74-956]

PART 523—MEMBERS OF BANKS

Liquidity

SEPTEMBER 18, 1974.

The Federal Home Loan Bank Board considers it desirable to amend § 523.11 of the regulations for the Federal Home Loan Bank System (12 CFR 523.11) for the purposes of reducing the overall liquidity requirement of each Federal Home Loan Bank member from 5½ percent to 5 percent of its liquidity base and of reducing each member's short-term liquidity requirement from 1½ percent to 1 percent of such base. Accordingly, the Federal Home Loan Bank Board hereby amends said § 523.11 by revising paragraph (a) thereof, to read as follows, effective September 25, 1974:

§ 523.11 Liquidity requirements.

(a) *General.* For each calendar month, each member, other than a mutual savings bank as to which there is in effect the election provided for in paragraph (e) of this section, shall maintain an average daily balance of liquid assets in an amount not less than 5 percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section. For each calendar month, each member, other than a mutual savings bank or an insurance company, shall maintain an average daily balance of short-term liquid assets in an amount not less than 1 percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section.

* * * * *

Since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since the Board determines that in view of current economic conditions such amendment should become effective so that both the reduced overall liquidity requirement of 5 percent and the reduced short-term liquidity requirement of 1 percent shall apply beginning with the month of September, 1974, the Board hereby finds that notice and public procedure thereon are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, the Board hereby finds that the provision regarding the publication of such amendment for the minimum 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof shall not apply to the above amendment; and the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

(Sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended; (12 U.S.C. 1425a, 1437). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48, Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.74-22256 Filed 9-24-74;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 301—ESTABLISHMENT AND ORGANIZATION

Subpart D—Disclosure of Information to the Public

AVAILABILITY

Correction

In FR Doc. 74-21235 appearing at page 32979 in the issue of Friday, September 13, 1974, the third line of § 301.55(b)(9) reading "cerning wells. If it is determined, after" should appear as follows: "cerning wells.
If it is determined, after".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-SW-18; Amdt. 39-1985]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 212 Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a modification to the synchronized elevator on Bell Model 212 helicopters was published in 39 FR 26428.

Interested persons have been afforded the opportunity to participate in the making of the amendment. No comments were received.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Model 212 Helicopters, Serial Numbers 30501 Through 30593, Certificated in all Categories

Compliance required within the next 100 hours' time in service after the effective date of the A.D., unless already accomplished.

To prevent possible failure of the synchronized elevator ribs with resulting loss of the elevator, modify the right and left elevators as specified in Part III of Bell Helicopter Company Service Bulletin No. 212-01-74-2 dated March 27, 1974, or later FAA approved revision.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this A.D. which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

This amendment becomes effective October 21, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on September 6, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

NOTE: The incorporation by reference provisions in this document were approved by the Director of the Office of the Federal Register on June 19, 1967.

[FR Doc.74-22187 Filed 9-24-74;8:45 am]

[Docket No. 74-CE-16-AD, Amdt. 39-1975]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 310, 310A, and 310B Airplanes

A recent accident investigation disclosed that the pilot of a Cessna 310 series airplane, who experienced an inflight fire, may not have followed proper emergency procedures in coping with the situation. Pilot ignorance of proper inflight emergency procedures has also been corroborated by other accident findings. To assure that the pilot is informed of and follows proper inflight emergency procedures, the agency concludes that any available procedures should be placed in the cockpit. Accordingly, to reduce the possibility of an accident resulting from the pilot's failure to follow proper inflight emergency procedures, an Airworthiness Directive (AD) is being issued requiring the placing of presently available fire procedures pilot's checklist in the cockpit of Cessna Models 310, 310A and 310B airplanes.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD:

CESSNA. Applies to all Models 310, 310A, and 310B Airplanes.

Compliance: Required as indicated, unless already accomplished.

To provide adequate inflight fire emergency procedure information, within the next 100 hours' time in service after the effective date of this AD, place in the cockpit either checklist P/N 0811875-24 entitled "Aircraft Fire Procedures Checklist" or any equivalent checklist approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective October 1, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on September 16, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-22185 Filed 9-24-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-873, Amdt. 26]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Liability Insurance Coverage

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., September 20, 1974.

Part 298 of the Board's Economic Regulations requires all air taxi operators engaging in air transportation to register with the Board and to maintain in effect at all times current insurance coverage which meets the requirements set forth in Subpart D of that Part. Compliance with these requirements is among the conditions upon which air taxi operators' exemption authority is granted by Part 298, and it is therefore desirable that each air taxi maintain on file with the Board a current certificate of insurance. While Part 298 imposes on each air taxi a specific obligation to file a currently effective certificate of insurance at each registration and reregistration, there is no explicit obligation to make any filings of certificates of insurance

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evidencing changes in insurance coverage between registrations.

Although the Board's staff and the industry have been following a practice of maintaining current certificates of insurance on file with the Board,[1] we believe that it would facilitate enforcement of the substantive insurance requirements in Part 298 if we codify this practice by appropriate regulatory amendment.

Since this amendment is of an interpretative nature and imposes no substantial new burden on air taxi operators, the Board finds that notice and public procedure hereon are not necessary, and that the amendment should be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 298 of its Economic Regulations (14 CFR Part 298), effective September 20, 1974 as follows:

1. Amend subparagraph (3) of § 298.3 (a), to read:

§ 298.3 Classification.

(a) • • •

(3) Have and maintain in effect liabil. bility insurance coverage in compliance with the requirements set forth in Subpart D of this part and have and maintain a current certificate of insurance evidencing such coverage on file at the Board; and

• • • • • •

2. Amend paragraph (a) of § 298.41 to read:

§ 298.41 Basic requirements.

(a) Each air taxi operator engaging in air transportation shall maintain in effect liability insurance coverage which complies with the requirements of this subpart and which is evidenced by a currently effective policy of insurance, with an attached standard endorsement, available for inspection by the Board and the public at its principal place of business. Evidence of such insurance coverage, in the form of a certificate of insurance, shall be maintained on file at the Board at all times. No air taxi operator shall operate in air transportation or perform services in air transportation unless it maintains liability coverage which complies with this subpart, and maintains on file with the Board a current certificate of insurance evidencing such coverage.

• • • • • •

(Secs. 204(a), 407, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766 (as amended by 83 Stat. 103), 771; (49 U.S.C. 1324, 1377, 1386))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-22277 Filed 9-24-74;8:45 am]

[1] For a description of this practice, see EDR-247 (mimeo), p. 5, dated May 24, 1973; 38 FR 14294, May 31, 1973.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Subpart E—Hearings

IN CAMERA HEARINGS IN ADJUDICATIVE PROCEEDINGS

The Commission announces the following amendment to § 3.41 of Part 3 of Chapter I of Title 16 of the Code of Federal Regulations to clarify the authority of Commission administrative law judges to issue an order providing for *in camera* hearings in adjudicative proceedings. This amendment is effective on September 25, 1974.

Section 3.41(a) is amended to read as follows:

§ 3.41 General rules.

(a) *Public hearings.* All hearings in adjudicative proceedings shall be public unless an *in camera* order is entered by the Administrative Law Judge pursuant to § 3.45(b) of this chapter or unless otherwise ordered by the Commission.

• • • • • •

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46))

By direction of the Commission dated July 31, 1974.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74-22247 Filed 9-24-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Tetracycline Capsules, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (65-456V) filed by Zenith Laboratories, Inc., Northvale, NJ 07647, proposing safe and effective use of tetracycline hydrochloride capsules in the treatment of dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135c.123(e) is amended by adding to the table a new item 4, as follows:

§ 135c.123 Tetracycline capsules, veterinary.

• • • • • •

(e) *Conditions of use.* It is used as follows:

	Milligrams per capsule	Sponsor	Limitations	Indications for use
•	•	•	•	•
4. Tetracycline.	(a), 100, 125, 250, 500	077	For dogs; as tetracycline hydrochloride; administer orally 25 mg/lb of body weight per day given in divided doses every 6 hours; treatment should be continued until symptoms of the disease have subsided and the temperature is normal for 48 hours; not for use in animals which are raised for food production. Federal law restricts this drug to use by or on the order of a licensed veterinarian.	Do.

Effective date. This order shall be effective September 25, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: September 18, 1974.

FRED J. KINGMA, *Acting Director, Bureau of Veterinary Medicine.*

[FR Doc 74-22207 Filed 9-24-74;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

In the FEDERAL REGISTER of December 21, 1973 (38 FR 34997), § 135e.10 (21 CFR 135e.10) was amended to provide for approval of tylosin premixes in the manufacture of cattle feed. The approval should have limited the premix for such use to one that contains 40 grams of tylosin per pound. Accordingly, § 135e.10 is being amended to correct this oversight.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.10 is amended by revising paragraph (b)(1) to read as follows:

§ 135e.10 Tylosin.

• • • • • •

(b) • • •

(1) To 014: 10, 40 and 100 grams per pound, items 1 through 10; 40 grams per pound, item 11.

• • • • • •

Effective date. This order shall be effective September 25, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: September 18, 1974.

FRED J. KINGMA, *Acting Director, Bureau of Veterinary Medicine.*

[FR Doc.74-22209 Filed 9-24-74;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a new animal drug application (95-953V) filed by Moorman Manufacturing Co., Quincy, IL 62301, proposing safe and effective use of tylosin premix in the manufacture of animal feed. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.10 is amended by adding a new paragraph (b)(12) to read as follows:

§ 135e.10 Tylosin.

• • • • • •

(b) • • •

(12) To 058: 2 grams per pound; item 4.

• • • • • •

Effective date. This order shall be effective September 25, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: September 13, 1974.

C. D. VAN HOUWELING, *Director, Bureau of Veterinary Medicine.*

[FR Doc.74-22208 Filed 9-24-74;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin Sodium, Zinc Bacitracin

The Commissioner of Food and Drugs has evaluated a new animal drug application (47-933V) filed by Elanco Products Co., Indianapolis, IN 46206, proposing safe and effective use of monensin sodium, 110 grams per ton, and zinc bacitracin, 10 to 30 grams per ton, in broiler chicken feeds. This application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347, 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.50 is amended by revising paragraph (b)(3) and by adding new items 8 and 9 to the table in paragraph (f) to read as follows:

§ 135e.50 Monensin; monensin sodium.

• • • • • •

(b) • • •

(3) 110 grams per lb. to 014; items 3, 5, 6, 7, 8, and 9.

• • • • • •

(f) *Conditions of use.* It is used as follows:

• • • • • •

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
8. Monensin sodium.	110 (as monensic acid activity).	Bacitracin..	10	For broiler chickens; do not feed to laying chickens; feed continuously as sole ration; withdraw 72 hours before slaughter. As zinc bacitracin as provided by code No. 000, § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati, E. maxima;* for increased rate of weight gain and improved feed efficiency.
9. Do.	do.	do.	10-30	do.	As an aid in the prevention of coccidiosis caused by *E. necatrix, E. tenella, E. acervulina, E. brunetti, E. mivati,* and *E. maxima;* for improved feed efficiency.

Effective date. This order shall be effective September 25, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: Stepmber 18, 1974.

FRED J. KINGMA, *Acting Director, Bureau of Veterinary Medicine.*

[FR Doc.74-22206 Filed 9-24-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 650—BRIDGE AND ROADWAY STRUCTURES

Water Supply and Sewage Treatment at Safety Rest Areas

This will amend Chapter I of Title 23 of the Code of Federal Regulations by adding a new Subpart, Subpart E—Water Supply and Sewage Treatment at Safety Rest Areas, to Part 650 of the regulations of the Federal Highway Administration.

The new regulation prescribes policies and procedures for providing safe and adequate water supply and sewage treatment facilities constructed with Federal-aid funds at safety rest areas. It codifies selected provisions of Federal-Aid Highway Program Manual Volume 6, Chapter 7, section 3, subsection 3, which revised and expanded provisions formerly contained in paragraph 10 of policy and procedure memorandum 90-3.

General notice of proposed rulemaking is not required because the material published relates to grants, benefits or contracts and is exempt under 5 U.S.C. § 553(a)(2).

In consideration of the foregoing, Part 650 of Chapter I of Title 23 of the Code of Federal Regulations is amended by adding a new Subpart, Subpart E, "Water Supply and Sewage Treatment at Safety Rest Areas."

These regulations are effective on the date of issuance set forth below.

Subpart E—Water Supply and Sewage Treatment at Safety Rest Areas

Sec.
650.501 Purpose.
650.502 Applicability.
650.503 Definitions.
650.504 Policy.
650.505 Site Selection.
650.506 Water Supply Facilities.
650.507 Sewage Treatment Facilities.
650.508 Federal-aid Participation in Construction Costs.

AUTHORITY: 23 U.S.C. 109(h), 319(a), 319(b), 23 U.S.C. 315, 49 CFR 1.48(b).

Subpart E—Water Supply and Sewage Treatment at Safety Rest Areas

§ 650.501 Purpose.

The purpose of this regulation is to prescribe policies and procedures for providing safe and adequate water supply and sewage treatment facilities at safety rest areas constructed with Federal-aid funds.

§ 650.502 Applicability.

The provisions of this regulation shall apply to safety rest areas on the Federal-aid systems with existing or proposed drinking water supply and sewage treatment facilities.

§ 650.503 Definitions.

(a) A safety rest area is an off-roadway area with parking facilities provided for motorists to stop and rest for short periods. Drinking water, toilets, tables and benches, telephones and other facilities may be provided for the comfort and convenience of travelers.

(b) Drinking water standards are the standards for assessing the physical, chemical, biological and radiological characteristics of water for drinking.

(c) Water quality standards are standards established for purposes of maintaining or improving water quality in bodies of water and streams.

(d) A sanitary survey is a visual inspection of areas adjacent to a spring or well supply to insure that possible sources of contamination do not threaten the potability of the supply.

(e) Pub. L. 90-500 refers to "Federal Water Pollution Control Act Amendments of 1972."

(f) Sewage is the liquid wastes conducted away from rest area comfort and convenience facilities.

(g) Sewerage system is the physical system that collects, conveys, and treats the sewage.

§ 650.504 Policy.

(a) It is the policy of the Federal Highway Administration that drinking water supply facilities shall be designed, constructed and maintained to meet current and impending drinking water standards.

(b) It is the policy of the Federal Highway Administration that onsite sewage treatment facilities shall be designed, constructed and operated to meet the 1977 effluent limitations pursuant to Pub. L. 92-500 or State standards, whichever is more restrictive, and water quality standards for the receiving waters.

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§ 650.505 Site selection.

(a) The availability of an adequate water supply in both quantity and quality and the feasibility of providing for adequate and safe disposal of sewage shall be ascertained, insofar as possible, prior to the selection of the safety rest area location.

(b) Water quality standards that the treated sewage effluent must meet shall be identified and considered in the site selection phase.

§ 650.506 Water supply facilities.

(a) Where a public water supply system is to be utilized, the supplier's ability to maintain a potable and adequate water supply shall be ascertained.

(1) If the public supply cannot meet the drinking water quality standards required at the rest area, necessary water treatment shall be accomplished at the site, or a different source shall be provided.

(b) Regardless of source, the safety rest area water supply shall be monitored on a regular basis in accordance with State regulatory agency standards.

§ 650.507 Sewage treatment facilities.

(a) All necessary permits for discharging the sewage effluent, including the NPDES permit, shall be obtained prior to approval of PS&E and authorization to advertise for bids. Delays will be experienced in obtaining NPDES permits as this System is implemented. Until such time as permit applications can be handled expeditiously, timely application for the NPDES permit shall be evidence of compliance with the permit requirement.

(b) Where a public sanitary sewerage system is to be utilized, the capability of the facility to adequately treat the added sewage load should be ascertained prior to selection of this means of disposal.

§ 650.508 Federal-aid participation in construction costs.

(a) New Rest Areas. (1) Federal-aid projects may be approved for the construction of water supply and sewage treatment facilities that will meet the requirements of § 650.504(a) and (b).

(2) Federal-aid participation in the cost to connect to a public facility may include participation in the highway agency's share of the cost to construct, expand or improve the public facility to assure adequate water supply or sewage treatment. Participation in amounts expended for capital improvements to the public facility will be limited to the lesser of:

(i) The appropriate pro rata share of the highway project's responsibility for the improvements;

(ii) The present worth of the capital investment, maintenance and operation costs for an onsite facility; however, participation may be authorized for additional costs that may be incurred because of environmental reasons or resource conservation.

(b) Existing Rest Areas. (1) Quantity Requirements.

(i) Federal-aid Interstate (FAI) funds may be used to increase the capacity of deficient Interstate rest area water supply and sewerage systems to accommodate anticipated usage for the design year of the original rest area construction based on the following criteria:

FAI construction authorized:	*Design year*
Prior to Jan. 1, 1964	1975.
On or after Jan. 1, 1964 and before Jan. 1, 1970	20 years after authorization.
After Jan. 1, 1970	Not eligible for FAI participation.

(ii) FAI funds may be used to construct, expand, or improve water supply and sewerage systems at existing Interstate rest areas, where such facilities have not previously been constructed with FAI funds, for anticipated usage 20 years after authorization of the new construction.

(iii) Federal-aid funds other than FAI may be used to expand or improve water supply and sewerage systems at existing rest areas without regard for the design year for the original construction.

(2) Quality Requirements;

(i) The use of Federal-aid funds may be approved to improve or replace existing water supply systems which fail to meet existing or new and more stringent drinking water quality standards imposed pursuant to Federal or State law.

(ii) Where safety rest area sewage effluent quality does not meet the 1977 effluent limitations, Federal-aid participation in sewage treatment facility replacement or improvements to meet those standards may be authorized for projects where the construction of these facilities was authorized prior to the date of this regulation, subject to the following:

(A) Evidence of failure of existing treatment facility to meet effluent standards established by field investigation and appropriate testing of influent and effluent samples.

(B) Failure to meet effluent standards is not a result of inadequate maintenance or plant operation. If plant operation is deficient, such steps as increased operator training or certification should be accomplished.

(C) Receipt of an engineering report describing the characteristics, volumes, and rates of sewage flows. The report should also contain design computations and a discussion of modifications required to meet the standards.

(iii) Highway Planning funds may be used to establish the need for upgrading existing water supply and sewage treatment facilities at safety rest areas to meet new quality standards.

Issued on September 18, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-22201 Filed 9-24-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7323]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Requirements of a Domestic International Sales Corporation (DISC)

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for Saturday, May 20, 1972 (37 FR 10366), and a notice of proposed rulemaking appearing in the FEDERAL REGISTER for Tuesday, September 12, 1972 (37 FR 18475), amendments to the Income Tax Regulations (26 CFR Part 1) under sections 991, 992, 442, and 1602 of the Internal Revenue Code of 1954 were proposed in order to provide rules relating to the qualification requirements of corporations electing to be treated as DISC's. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made, and the proposed amendments of the regulations, subject to the changes indicated below, are adopted by this document.

Under a transition rule proposed under § 1.991–1(b)(5), in the case of a corporation organized before January 1, 1972, the first taxable year of the corporation does not begin until the corporation acquires any asset (other than cash or other property acquired as consideration for the issuance of stock) or begins doing business, whichever is earlier. However, this rule applies only if the corporation is a DISC for that first taxable year. Under the regulations as proposed, it was not clear whether supplier's agreements (which are, generally, agreements by means of which DISC's become entitled to income and to use the intercompany pricing rules of section 994) would be treated as assets and if so, at what date the agreements would be treated as coming into existence. Section 1.991–1(b)(5) now provides that a supplier's agreement generally is to be considered an asset coming into existence on the date property is first purchased or sold, or services are first performed, subject to such an agreement.

The separate bank account requirement set forth in proposed § 1.992–1(a)(6) has been modified. In the regulations as proposed, a separate bank account was required on every day of the taxable year of every corporation. The question was raised whether a corporation which elected to be treated as a DISC for a taxable year beginning before the publication of this rule in Technical Information Release No. 1152 on March 16, 1972, would be required to have a separate bank account on every day of the period between the beginning of that year and March 16, 1972. It was further questioned whether a new corporation must have a separate bank account on the date it is organized. Section 1.992–1(a) was revised to provide that a new corporation need not establish a separate bank account until the last day of the period during which it can elect to be treated as a DISC, and no corporation seeking to qualify as a DISC is required to have a separate bank account prior to April 30, 1972.

There have been changes to § 1.992–1(d)(1), as proposed. This subparagraph provides, generally, that a DISC must have only one class of stock and that the par or stated value of such stock and the amount of cash or other property paid in must equal at least $2,500. A sentence was added to provide that for purposes of this subparagraph the definition of "other property" does not include evidences of indebtedness received by a corporation from a shareholder in return for stock of such corporation. A second change is the addition of a provision under which unrealized losses (such as through market fluctuations) resulting in the impairment of capital will not result in the disqualification of a corporation as a DISC, provided the corporation does not take any legal or formal action under State law to reduce its capital below $2,500. Further, a provision has been added to make clear the fact that a corporation may sell, exchange, or otherwise dispose of property or cash paid in for stock.

A wording change has been made in § 1.992–1(d)(2)(ii)(c), as proposed, for purposes of clarification. A sentence has been added to § 1.992–1(d)(2)(iv), as proposed, which makes it clear that the liberal treatment of debt applies to a corporation only during such years as a corporation qualified or is treated as a DISC. Thus, for example, a corporation is not allowed to qualify as a DISC for 1 year, become disqualified for a second year, and use the liberal debt rules provided in this subparagraph during the second year or any taxable year thereafter for which it is not a DISC.

Section 1.992–1(d)(3) relating to classes of stock has been reserved.

Section 1.992–1(g), as proposed, is amended to indicate that the provision is not a relief measure. A corporation will generally be treated as a DISC only if it satisfies the requirements for qualification as a DISC. A corporation which fails (through inadvertance or otherwise) to meet all of those tests for a taxable year might, nonetheless, seek the benefits of being a DISC by filing a return as a DISC. It may later appear to the corporation that it is more beneficial not to be treated as a DISC for that year. If the conditions of § 1.992–1(g)(1), (2), and (3) are met, that corporation will not be able to avoid being treated as a DISC by reason of its failure to meet all the qualification requirements for the year.

The transitional rule for corporations which elect DISC status during 1972 (§ 1.992–2(a)(1)(ii) was changed to provide a later date before which such a corporation must provide the Internal Revenue Service with the information required by Form 4876 which is not required to be furnished on the statement of election. The deadline has been changed from December 31, 1972, to March 31, 1973. This change was reflected in § 12.7 of the Temporary Regulations under the Revenue Act of 1971 published in the FEDERAL REGISTER for Thursday, December 28, 1972 (37 FR 28626).

Section 1.992–3(a)(4) as proposed has been deleted from this Treasury decision. The contents of such subparagraph is the subject of a notice of proposed rule making which will be published shortly.

Section 1.992–3(b)(4) has been changed by the insertion of a parenthetical phrase in the last sentence thereof for purposes of clarification.

Section 1.992–3(c)(3) was also changed. In the notice of proposed rule making, a corporation was given an automatic extension of 30 days to make a deficiency distribution if it contested the Internal Revenue Service's determination that the corporation had failed to satisfy the 95 percent of gross receipts or 95 percent assets test or both such tests in the Tax Court. The 30 days was measured from the date of final determination as set forth in section 7481. The Treasury decision provides for such an automatic extension in any case in which the corporation contests such a determination by the Service in any court of the United States or if it contests such determination through the administrative procedures of the Service itself.

In paragraph (b)(1) of § 1.991–1, paragraphs (b), (e), and (h) of § 1.992–1, and paragraph (b)(2) of § 1.992–3, certain references to sections of the Internal Revenue Code have been replaced by references to regulations sections.

Section 12.7 of the Temporary Income Tax Regulations under the Revenue Act of 1971 (TD 7237) as published in the FEDERAL REGISTER for Thursday, December 28, 1972 (37 FR 28626) is superseded by the adoption of § 1.992–2 which is included in this document. The provisions of § 1.992–2, as adopted herein, are substantially the same as the provisions of § 12.7 of the Temporary Income Tax Regulations under the Revenue Act of 1971.

The regulations which are adopted in this document contain references to other regulations relating to DISC's which have not been published. Such references are to those other regulations as finally published. This procedure is being followed because of the need for immediate guidance with respect to the provisions contained in this Treasury decision. Proposed regulations correspsonding to such references, which can be used for informational purposes, have been published with notices of proposed rulemaking in the FEDERAL REGISTER. Thus, § 1.995–1 through § 1.995–5 and § 1.996–1 through § 1.996–8 were proposed in the FEDERAL REGISTER for Friday, December 29, 1972 (37 FR 28754), and § 1.993–1 through § 1.993–7 were proposed in the FEDERAL REGISTER for Wednesday, October 4, 1972 (37 FR 20853) and amended in the FEDERAL REGISTER for Friday, December 22, 1972 (37 FR 28302) and Friday, March 9, 1973 (38 FR 6395).

Adoption of amendments to the regulations. On May 20, 1972, and September 12, 1972, notices of proposed rulemaking were published in the FEDERAL REGISTER (37 FR 10366 and 37 FR 18475) to provide regulations relating to the taxation and requirements of a domestic international sales corporation (DISC). After consideration of all such relevant matters as were presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed in both such notices of proposed rulemaking is hereby adopted, subject to the changes set forth below, and § 12.7 of the Temporary Income Tax Regulations under the Revenue Act of 1971 (TD 7237) published in the FEDERAL REGISTER for December 28, 1972 (37 FR 28626) is hereby superseded:

PARAGRAPH 1. Paragraph (b)(1) and (5) of § 1.991–1, as set forth in paragraph 1 of the appendix to the notice of proposed rulemaking published May 20, 1972 (37 FR 10366) is revised to read as set forth below.

PAR. 2. Paragraphs (a), (b), (d)(1), (d)(2), (d)(2)(iv), (e), (g), and (h) of § 1.992–1 as set forth in paragraph 1 of the appendix to the notice of proposed rulemaking published May 20, 1972 (371 FR 10366) are revised to read as set forth below.

PAR. 3. Sections 1.992–2, 1.992–3, and 1.992–4 were reserved in paragraph 1 of the appendix to the notice of proposed rulemaking published May 20, 1972 (37 FR 10366) and were set forth in paragraph 2 of the appendix to the notice of proposed rulemaking published September 12, 1972 (37 FR 18475). Such sections are adopted as set forth in the appendix to the notice of proposed rulemaking published September 12, 1972, except that paragraph (a)(1)(ii) of §1.992–2 and paragraphs (a)(4), (b)(2) and (4), and (c)(3) of § 1.992–3 are revised to read as set forth below.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: September 17, 1974.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

PARAGRAPH 1. §§ 1.991, 1.991–1, 1.992, and 1.992–1 are added immediately after § 1.972–1 to read as follows:

DOMESTIC INTERNATIONAL SALES CORPORATIONS

§ 1.991 Statutory provisions; taxation of a domestic international sales corporation.

SEC. 991. *Taxation of a domestic international sales corporation.* For purposes of the taxes imposed by this subtitle upon a DISC (as defined in section 992(a)), a DISC shall not be subject to the taxes imposed by this subtitle except for the tax imposed by chapter 5.

[Sec. 991 as added by sec. 501, Rev. Act 1971 (85 Stat. 535)]

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§ 1.991–1 Taxation of a domestic international sales corporation.

(a) *In general.* A corporation which is a DISC for a taxable year is not subject to any tax imposed by subtitle A of the Code (sections 1 through 1564) for such taxable year, except for the tax imposed by chapter 5 thereof (sections 1491 through 1494) on certain transfers to avoid tax. Thus, for example, a corporation which is a DISC for a taxable year is not subject for such year to the corporate income tax (section 11), the minimum tax on tax preferences (sections 56 through 58), or the accumulated earnings tax (sections 531 through 537). A DISC is liable for the payment of all taxes payable by corporations under other subtitles of the Code, such as, for example, income taxes withheld at the source and other employment taxes under subtitle C and the interest equalization tax and other miscellaneous excise taxes imposed by subtitle D. In addition, a DISC is subject to the provisions of chapter 3 of subtitle A (including section 1461), relating to withholding of tax on nonresident aliens and foreign corporations and tax-free covenant bonds. See § 1.992–1 for the definition of the term "DISC."

(b) *Determination of taxable income*—(1) *In general.* Although a DISC is not subject to tax under subtitle A of the Code (other than chapter 5 thereof), a DISC's taxable income shall be determined for each taxable year in order to determine, for example, the amount deemed distributed for that taxable year to its shareholders pursuant to § 1.995–2. Except as otherwise provided in the Code and the regulations thereunder, the taxable income of a DISC shall be determined in the same manner as if the DISC were a domestic corporation which had not elected to be treated as a DISC. Thus, for example, a DISC chooses its method of depreciation, inventory method, and annual accounting period in the same manner as if it were a corporation which had not elected to be treated as a DISC. Any elections affecting the determination of taxable income shall be made by the DISC. Thus, as a further example, a DISC which makes an installment sale described in section 453 is able to avail itself of the benefits of section 453: *Provided*, The DISC complies with the election requirements of such section. See § 1.995–2(e) and § 1.996–8 and the regulations thereunder for rules relating to the application for a taxable year of a DISC of a deduction under section 172 for a net operating loss carryback or carryover or of a capital loss carryback or carryover under section 1212.

(2) *Choice of method of accounting.* A DISC may, generally, choose any method of accounting permissible under section 446(c) and the regulations thereunder. However, if a DISC is a member of a controlled group (as defined in § 1.993–1(k)), the DISC may not choose a method of accounting which, when applied to transactions between the DISC and other members of the controlled group, will result in a material distortion of the income of the DISC or any other member of the controlled group. Such a material distortion of income would occur, for example, if a DISC chooses to use the cash method of accounting where the DISC acts as commission agent in a substantial volume of sales of property by a related corporation which uses the accrual method of accounting and which customarily pays commissions to the DISC more than 2 months after such sales. As a further example, a material distortion of income would occur if a DISC chooses to use the accrual method of accounting where the DISC leases a substantial amount of property from a related corporation which uses the cash method of accounting, if the DISC customarily accrues any portion of the rent on such property more than 2 months before the rent is paid. Changes in the method of accounting of a DISC are subject to the requirements of section 446(e) and the regulations thereunder.

(3) *Choice of annual accounting period*—(i) *In general.* A DISC may choose its annual accounting period without regard to the annual accounting period of any of its stockholders. In general, changes in the annual accounting period of a DISC are subject to the requirements of section 442 and the regulations thereunder.

(ii) *Transition rule for change in taxable year in order to become a DISC.* A corporation may, without the consent of the Commissioner, change its annual accounting period and adopt a new taxable year beginning on the first day of any month in 1972: *Provided*, That—

(a) Such change has the effect of accelerating the time as of which such corporation can become a DISC,

(b) The Commissioner is notified of such change by means of a statement filed (with the regional service center with which such corporation files its election to be treated as a DISC) not later than the end of the period during which such corporation may file an election to be treated as a DISC for such new taxable year, and

(c) The short period required to effect such change is not a taxable year in which such corporation has a net operating loss as defined in section 172.

Thus, for example, if a corporation which uses the calendar year for its taxable year does not complete arrangements to become a DISC until May 15, 1972, such corporation can, pursuant to this subdivision, change its annual accounting period and adopt a taxable year beginning on the first day of any month in 1972 after May. A change to a new annual accounting period made pursuant to this subdivision is effective only if the corporation which makes such change qualifies as a DISC for such new period. A corporation may change its annual accounting period and adopt a new taxable year pursuant to this subdivision without regard to the provisions of § 1.1502–76 (relating to the taxable year of members of a group). A copy of the statement described in (b) of this subdivision shall be attached to the return of a corporation for the new taxable year to which such corporation changes pursuant to this subdivision. A corporation which changes its annual accounting period pursuant to this subparagraph will not be permitted under section 442 to change its annual accounting period at any time before 1982, except with the consent of the Commissioner as provided in § 1.442–1(b)(1) or pursuant to subparagraph (4) of this paragraph.

(4) *Transition rule for change of taxable year of certain DISC's.* In the case of a DISC all of the shares of which are held by a single shareholder or by members of a group who file a consolidated return, such DISC may (without the consent of the Commissioner) change its annual accounting period and adopt a taxable year beginning in 1972 which is the same as the taxable year of such shareholder or the members of such group. A change to a new annual accounting period may be made by a DISC pursuant to this subparagraph even if such DISC has changed its annual accounting period pursuant to subparagraph (3)(ii) of this paragraph.

(5) *Transition rule for beginning of first taxable year of certain corporations.* If a corporation organized before January 1, 1972, neither acquires assets (other than cash or other property acquired as consideration for the issuance of stock) nor begins doing business prior to January 1, 1972, the first taxable year of such corporation is deemed to begin at the time such corporation acquires any asset (other than cash or other property acquired as consideration for the issuance of stock) or begins doing business, whichever is earlier: *Provided*, That such corporation is a DISC for such first taxable year. If the corporation enters into a supplier's agreement described in § 1.993–1(l)(1), then for purposes of this subparagraph the agreement is deemed to be an asset acquired by such corporation as of the date property is first purchased or sold, or services are first performed, subject to such agreement. For purposes of this subparagraph, the consummation of a supplier's agreement described in § 1.993–1(l)(1) is not considered to be an act of doing business. For purposes of § 1.6012–2(a), such corporation is treated as not coming into existence until the beginning of such first taxable year.

(c) *Effective date.* The provisions of this section and the regulations under sections 992 through 997 apply with respect to taxable years ending after December 31, 1971, except that a corporation may not be a DISC for any taxable year beginning before January 1, 1972.

(d) *Related statutes.* For rules relating to the transfer, during a taxable year beginning before January 1, 1976, to a DISC of assets of an export trade corporation (as defined in section 971), where a parent owns all the outstanding stock of both such DISC and such export trade corporation, see section 505(b) of the Revenue Act of 1971 (85 Stat. 551). For rules regarding limitations on the qualification of a corporation as an export trade corporation for any taxable year beginning after October 31, 1971, see section 971(a)(3).

§ 1.992 Statutory provisions; requirements of a domestic international sales corporation.

SEC. 992. *Requirements of a domestic international sales corporation*—(a) *Definition of "DISC" and "Former DISC"*—(1) *DISC.* For purposes of this title, the term "DISC" means, with respect to any taxable year, a corporation which is incorporated under the laws of any State and satisfies the following conditions for the taxable year:

(A) 95 percent or more of the gross receipts (as defined in section 993(f) of such corporation consist of qualified export receipts (as defined in section 993(a)),

(B) The adjusted basis of the qualified export assets (as defined in section 993(b)) of the corporation at the close of the taxable year equals or exceeds 95 percent of the sum of the adjusted basis of all assets of the corporation at the close of the taxable year,

(C) Such corporation does not have more than one class of stock and the par or stated value of its outstanding stock is at least $2,500 on each day of the taxable year, and

(D) The corporation has made an election pursuant to subsection (b) to be treated as a DISC and such election is in effect for the taxable year.

(2) *Status as DISC after having filed a return as a DISC.*—The Secretary or his delegate shall prescribe regulations setting forth the conditions under and the extent to which a corporation which has filed a return as a DISC for a taxable year shall be treated as a DISC for such taxable year for all purposes of this title, notwithstanding the fact that the corporation has failed to satisfy the conditions of paragraph (1).

(3) *"Former DISC".*—For purposes of this title, the term "former DISC" means, with respect to any taxable year, a corporation which is not a DISC for such year but was a DISC in a preceding taxable year and at the beginning of the taxable year has undistributed previously taxed income or accumulated DISC income.

(b) *Election*—(1) *Election*—(A) An election by a corporation to be treated as a DISC shall be made by such corporation for a taxable year at any time during the 90-day period immediately preceding the beginning of the taxable year, except that the Secretary or his delegate may give his consent to the making of an election at such other times as he may designate.

(B) Such election shall be made in such manner as the Secretary or his delegate shall prescribe and shall be valid only if all persons who are shareholders in such corporation on the first day of the first taxable year for which such election is effective consent to such election.

(2) *Effect of election.*—If a corporation makes an election under paragraph (1), then the provisions of this part shall apply to such corporation for the taxable year of the corporation for which made and for all succeeding taxable years and shall apply to each person who at any time is a shareholder of such corporation for all periods on or after the first day of the first taxable year of the corporation for which the election is effective.

(3) *Termination of election*—(A) *Revocation.*—An election under this subsection made by any corporation may be terminated by revocation of such election for any taxable year of the corporation after the first taxable year of the corporation for which the election is effective. A termination under this paragraph shall be effective with respect to such election—

(i) For the taxable year in which made, if made at any time during the first 90 days of such taxable year, or

(ii) For the taxable year following the taxable year in which made, if made after the close of such 90 days, and for all succeeding taxable years of the corporation. Such termination shall be made in such manner as the Secretary or his delegate shall prescribe by regulations.

(B) *Continued failure to be DISC.*—If a corporation is not a DISC for each of any 5 consecutive taxable years of the corporation for which an election under this subsection is effective, the election shall be terminated and not be in effect for any taxable year of the corporation after such 5th year.

(c) *Distributions to meet qualification requirements*—(1) *In general.*—Subject to the conditions provided by paragraph (2), a corporation which for a taxable year does not satisfy a condition specified in paragraph (1)(A) (relating to gross receipts) or (1)(B) (relating to assets) of subsection (a) shall nevertheless be deemed to satisfy such condition for such year if it makes a pro rata distribution of property after the close of the taxable year to its shareholders (designated at the time of such distribution as a distribution to meet qualification requirements) with respect to their stock in an amount which is equal to—

(A) If the condition of subsection (a)(1)(A) is not satisfied, the portion of such corporation's taxable income attributable to its gross receipts which are not qualified export receipts for such year,

(B) If the condition of subsection (a)(1)(B) is not satisfied, the fair market value of those assets which are not qualified export assets on the last day of such taxable year, or

(C) If neither of such conditions is satisfied, the sum of the amounts required by subparagraphs (A) and (B).

(2) *Reasonable cause for failure.*—The conditions under paragraph (1) shall be deemed satisfied in the case of a distribution made under such paragraph—

(A) If the failure to meet the requirements of subsection (a)(1)(A) or (B), and the failure to make such distribution prior to the date on which made, are due to reasonable cause; and

(B) The corporation pays, within the 30-day period beginning with the day on which such distribution is made, to the Secretary or his delegate, if such corporation makes such distribution after the 15th day of the ninth month after the close of the taxable year, an amount determined by multiplying (i) the amount equal to 4½ percent of such distribution, by (ii) the number of its taxable years which begin after the taxable year with respect to which such distribution is made and before such distribution is made. For purposes of this title, any payment made pursuant to this paragraph shall be treated as interest.

(3) *Certain distributions made within 8½ months after close of taxable year deemed for reasonable cause.*—A distribution made on or before the 15th day of the 9th month after the close of the taxable year shall be deemed for reasonable cause for purposes of paragraph (2)(A) if—

(A) At least 70 percent of the gross receipts of such corporation for such taxable year consist of qualified export receipts, and

(B) The adjusted basis of the qualified export assets held by the corporation on the last day of each month of the taxable year equals or exceeds 70 percent of the sum of the adjusted basis of all assets held by the corporation on such day.

(d) *Ineligible corporations.*—The following corporations shall not be eligible to be treated as a DISC—

(1) A corporation exempt from tax by reason of section 501,

(2) A personal holding company (as defined in section 542),

(3) A financial institution to which section 581 or 593 applies,

(4) An insurance company subject to the tax imposed by subchapter L,

(5) A regulated investment company (as defined in section 851(a)),

(6) A China Trade Act corporation receiving the special deduction provided in section 941(a), or

(7) An electing small business corporation (as defined in section 1371(b)).

(e) *Coordination with personal holding company provisions in case of certain produced film rents.*—If—

(1) A corporation (hereinafter in this subsection referred to as "subsidiary") was established to take advantage of the provisions of this part, and

(2) A second corporation (hereinafter in this subsection referred to as "parent") throughout the taxable year owns directly at least 80 percent of the stock of the subsidiary, then, for purposes of applying subsection (d)(2) and section 541 (relating to personal holding company tax) to the subsidiary for the taxable year, there shall be taken into account under section 543(a)(5) (relating to produced film rents) any interest in a film acquired by the parent and transferred to the subsidiary as if such interest were acquired by the subsidiary at the time it was acquired by the parent.

[Sec. 992 as added by sec. 501, Rev. Act 1971 (85 Stat. 535)]

§ 1.992–1 Requirements of a DISC.

(a) *"DISC" defined.* The term "DISC" refers to a domestic international sales corporation. The term "DISC" means a corporation which, for a taxable year—

(1) Is duly incorporated and existing under the laws of any State or the District of Columbia,

(2) Satisfies the gross receipts test described in paragraph (b) of this section,

(3) Satisfies the assets test described in paragraph (c) of this section,

(4) Satisfies the capitalization requirement described in paragraph (d) of this section,

(5) Satisfies the requirement that an election to be treated as a DISC be in effect for such year, as described in paragraph (e) of this section,

(6) Has its own bank account on each day of the taxable year,

(7) Maintains separate books and records, and

(8) Is not an ineligible corporation described in paragraph (f) of this section.

The separate bank account requirement described in subparagraph (6) of this paragraph is satisfied by a corporation for any taxable year which either ends before April 30, 1972, or includes such date if such corporation has a separate bank account on or before April 30, 1972, and on each succeeding day of its taxable year which includes such date. Except as provided in the preceding sentence, in the case of a corporation which elects to be treated as a DISC for its first taxable year, the separate bank account requirement described in subparagraph (6) of this paragraph is satisfied if such corporation has a separate bank account on

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the last day of the period within which such election must be made (as described in § 1.992–2(a)(2)) and on each succeeding day of such taxable year.

A corporation which satisfies the requirements described in subparagraphs (1) through (8) of this paragraph for a taxable year is treated as a separate corporation for Federal tax purposes and qualifies as a DISC, even though such corporation would not be treated (if it were not a DISC) as a corporate entity for Federal income tax purposes. An association cannot qualify as a DISC even if such association is taxable as a corporation pursuant to section 7701(a)(3). In addition, a corporation created or organized in, or under the law of, a possession of the United States cannot qualify as a DISC. The rules contained in this paragraph constitute a relaxation of the general rules of corporate substance otherwise applicable under the Code. The separate incorporation of a DISC is required under section 992(a)(1) to make it possible to keep a better record of the income which is subject to the special treatment provided by sections 991 through 996, but this does not necessitate in all other respects the separate relationships which otherwise would be required between a parent corporation and its subsidiary. However, this relaxation of the general rules of corporate substance does not apply with respect to other corporations in other contexts. In the case of a transaction between a DISC and a person related to such DISC for purposes of section 482, see § 1.993–1(i) for rules for determining whether income is income of a DISC to which the intercompany pricing rules authorized by section 994 apply.

(b) *Gross receipts test.* In order for a corporation described in paragraph (a)(1) of this section to be a DISC for a taxable year, 95 percent or more of its gross receipts (as defined in § 1.993–6 for such year must consist of qualified export receipts (as defined in § 1.993–1). Gross receipts for a taxable year are determined in accordance with the method of accounting adopted by the corporation pursuant to § 1.991–1(b)(2). However, for rules regarding gross receipts in the case of a commission sale by such corporation, see § 1.993–6. See § 1.992–3 with respect to distributions to meet qualification requirements in the event the requirements of this paragraph are not satisfied for the taxable year.

(c) *Assets test*—(1) *In general.* In order for a corporation described in paragraph (a)(1) of this section to be a DISC for a taxable year, the adjusted basis (determined under section 1011) of its qualified export assets (as defined in § 1.993–2) at the close of such year must equal or exceed 95 percent of the sum of the adjusted bases (determined under section 1011) of all assets of such corporation at the close of such year. See § 1.992–3 with respect to distributions to meet qualification requirements in the event the requirements of this paragraph are not satisfied for the taxable year.

(2) *Assets acquired to meet assets test.* For purposes of determining whether the requirements of subparagraph (1) of this paragraph are satisfied by a corporation at the end of a taxable year, an asset which is a qualified export asset (as defined in § 1.993–2) is treated as not being an asset of such corporation at such time if such asset is held for a total of 60 days or less and is acquired directly or indirectly through borrowing, unless the acquisition of such asset is established to the satisfaction of the Commissioner or his delegate to have been for bona fide purposes. Such acquisition is deemed to have been for bona fide purposes if, for example, it is made in the usual course of the corporation's trade or business.

(d) *Capitalization requirement*—(1) *In general.* In order for a corporation to be a DISC for a taxable year, such corporation must have, on each day of such taxable year, only one class of stock, and the par value (or, in the case of stock without par value, the stated value) of such corporation's outstanding stock, and the amount of cash or other property which was paid in, must be, on each day of such taxable year, at least $2,500. In the case of a corporation which elects to be treated as a DISC for its first taxable year, the requirements of this subparagraph are satisfied if such corporation has no more than one class of stock at any time during such period and if the par value (or, in the case of stock without par value, the stated value) of such corporation's outstanding stock, and the amount of cash or other property paid in, is at least $2,500 on the last day of the period within which such election must be made and on each succeeding day of such year. For purposes of this subparagraph, property paid in does not include notes or other evidences of indebtedness, under which a shareholder of such corporation is an obligor, received by such corporation in return for its stock. For purposes of this subparagraph, the stated value of shares is the aggregate amount of the consideration paid for such shares which is not allotted to paid in surplus, or other surplus. If a corporation has a realized or unrealized loss during a taxable year which results in the impairment of all or part of the capital required under this subparagraph, such impairment does not result in disqualification under this subparagraph, provided that such corporation does not take any legal or formal action under State law to reduce capital for such year below the amount required under this subparagraph. For example, if a corporation issues ten shares of stock at a par value of $250 each, and received property other than cash worth $2,500 in return, and because of market fluctuations the value of such property is reduced to $1,500 at any time during a taxable year, such corporation is not disqualified from being treated as a DISC for that year solely because of such impairment of its capital. The sale, exchange, or other disposition of cash or other property paid in for stock shall not result in the failure of a corporation to qualify as a DISC pursuant to this subparagraph, unless such transaction is a purchase of, or exchange for, a note or other evidence of indebtedness under which a shareholder of such corporation is an obligor.

(2) *Treatment of debt payable to shareholders*—(i) *In general.* Purported debt of a DISC payable to any person, whether or not such person is a shareholder or a member of a controlled group (as defined in § 1.993–1(k)) of which such DISC is a member, is treated as debt for all purposes of the Code, provided that such purported debt—

(a) Would qualify as debt for purposes of the Code if the DISC were a corporation which did not qualify as a DISC,

(b) Qualifies under subdivision (ii) of this subparagraph, or

(c) Are trade accounts payable described in subdivision (iii) of this subparagraph.

Such debt is not treated as stock, and interest payable by the DISC on such debt is treated as interest by both the DISC and the holder of such debt. Payment of the principal of such debt by a DISC does not constitute the payment of a dividend by such DISC. The provisions of this subparagraph apply for a taxable year of a DISC, even though debt described in this subparagraph would be treated as stock of the corporation if such corporation did not qualify as a DISC for such year.

(ii) *Safe harbor rule.* Purported debt of a DISC will in no event be treated as other than debt for purposes of subdivision (i) of this subparagraph if—

(a) It is a written obligation to pay a sum certain on or before a fixed maturity date,

(b) Interest is payable on such purported debt at an arm's length interest rate (as determined under § 1.482–2(a)(2)), expressed as a fixed dollar amount or a fixed percentage of principal,

(c) Such purported debt is not convertible into stock or into other purported debt unless such other purported debt qualifies under this subparagraph as debt of the DISC.

(d) Such purported debt does not confer voting rights upon its holder, except in the event of default thereon, and

(e) Interest and principal are paid in accordance with the terms of such purported debt or with any modification of such terms consistent with (a) through (d) of this subdivision.

The determination of whether purported debt of a DISC constitutes debt described in this subdivision is made without regard to the proportion of debt of the DISC held by any of its shareholders, to the ratio of the outstanding debt of the DISC to its equity, or to the amount of outstanding debt of such DISC. The provisions of (e) of this subdivision do not prevent the modification of the terms of debt of a DISC where, for example, a DISC becomes unable to make timely payments of principal required under such terms, provided that such modification is consistent with (a) through (d) of this subdivision.

(iii) *Trade accounts payable.* Trade accounts payable of a DISC which arise in the normal course of its trade or business (such as in consideration for inventory or supplies) constitute debt of the DISC (whether or not such accounts payable are debt described in subdivision (i) (a) or (b) of this subparagraph), provided that such accounts are payable within 15 months after they arise. If such accounts are payable more than 15 months after they arise, they are debt of such DISC only if they are debt described in subdivision (i) (a) or (b) of this subparagraph.

(iv) *Relation of subparagraph to other corporations.* The provisions of this subparagraph generally constitute a relaxation of the ordinary rules used in determining whether purported debt of a corporation is debt or equity. This relaxation is in recognition of the principle that a corporation may qualify as a DISC even though it has relatively little capital. This relaxation does not apply with respect to purported debt of other corporations in other contexts. The provisions of subdivisions (i), (ii), and (iii) of this subparagraph apply only for taxable years for whch a corporation qualifies (or is treated) as a DISC.

(3) *Classes of stock* [Reserved]

(e) *Election in effect.* In order for a corporation to be a DISC for a taxable year, an election to be treated as a DISC must be made by such corporation pursuant to § 1.992–2 and must be in effect for such taxable year. A corporation does not become or remain a DISC solely by making such an election. A corporation is a DISC for a taxable year only if such an election is in effect for that year and the corporation also satisfies the requirements of paragraphs (a) through (d) of this section. See § 1.992–2 for rules regarding the time and manner of making such an election.

(f) *Ineligible corporations.* The following corporations shall not be eligible to be treated as a DISC—

(1) A corporation exempt from tax by reason of section 501,

(2) A personal holding company (as defined in section 542),

(3) A financial institution to which section 581 or 593 applies,

(4) An insurance company subject to the tax imposed by subchapter L,

(5) A regulated investment company (as defined in section 851(a)),

(6) A China Trade Act corporation receiving the special deduction provided in section 941(a), or

(7) An electing small business corporation (as defined in section 1371(b)).

(g) *Status as DISC after having filed return as a DISC.* Under section 992(a)(2), notwithstanding the failure of a corporation to meet the requirements of paragraph (a) of this section for a taxable year, such corporation will be treated as a DISC for purposes of the Code for such taxable year (and, thus, will not be able to claim that it is not eligible to be a DISC) if—

(1) Such corporation files a return as a DISC for such taxable year,

(2) Such corporation does not notify the district director, more than 30 days before the expiration of the period of limitation (including extensions thereof) on assessment for underpayment of tax for such taxable year (as determined under section 6501 and the regulations thereunder), that it is not a DISC for such taxable year, and

(3) The Internal Revenue Service has not issued, within such period of limitation (including extensions thereof) on assessment for underpayment of tax for such taxable year, a notice of deficiency based on a determination that such corporation is not a DISC for such taxable year.

A corporation is treated as a DISC, for all purposes, pursuant to the provisions of this paragraph for any taxable year for which it meets the requirements of this paragraph, even if such corporation is an ineligible corporation described in paragraph (f) of this section for such taxable year. Thus, for example, a corporation which is treated as a DISC for a taxable year pursuant to this paragraph is treated as a DISC for that taxable year for purposes of § 1.992–2(e)(3) (relating to the termination of a DISC election if a corporation is not a DISC for each of any 5 consecutive taxable years). If a corporation is treated as a DISC for a taxable year pursuant to this paragraph, persons who held stock of such corporation at any time during such taxable year are treated, with respect to such stock, as holders of stock in a DISC for the period or periods during which they held such stock within such taxable year.

(h) *Definition of "former DISC".* Under section 992(a)(3), the term "former DISC" refers to a corporation which is not a DISC for a taxable year but which was (or was treated as) a DISC for a prior taxable year. However, a corporation is not a former DISC for a taxable year unless such corporation has, at the beginning of such taxable year, undistributed previously taxed income (as defined in § 1.996–3(e) or accumulated DISC income (as defined in § 1.996–3(b)). A corporation which is a former DISC for a taxable year is a former DISC for all purposes of the Code.

PAR. 2. Section 1992–1(f) is revised to read as follows:

§ 1.992–1 Requirements of a DISC.

* * * * *

(f) *Ineligible corporations.* The following corporations shall not be eligible to be treated as a DISC—

(1) A corporation exempt from tax by reason of section 501,

(2) A personal holding company (as defined in section 542),

(3) A financial institution to which section 581 or 593 applies,

(4) An insurance company subject to the tax imposed by Subchapter L,

(5) A regulated investment company (as defined in section 851(a)),

(6) A China Trade Act corporation receiving the special deduction provided in section 941(a), or

(7) An electing small business corporation (as defined in section 1371(b)).

* * * * *

PAR. 3. The following new sections are added immediately after § 1.992–1:

§ 1.992–2 Election to be treated as a DISC.

(a) *Manner and time of election*—(1) *Manner*—(i) *In general.* A corporation can elect to be treated as a DISC for a taxable year beginning after December 31, 1971. Except as provided in subdivision (ii) of this subparagraph, the election is made by the corporation filing Form 4876 with the service center with which it would file its income tax return if it were subject for such taxable year to all the taxes imposed by subtitle A of the Internal Revenue Code of 1954, and a copy of the completed Form 4876 with the Commissioner of Internal Revenue (Attention: ACTS:A: AO), Washington, D.C. 20224. The form shall be signed by any person authorized to sign a corporation return under section 6062, and shall contain the information required by such form. Except as provided in paragraphs (b)(3) and (c) of this section, such election to be treated as a DISC shall be valid only if the consent of every person who is a shareholder of the corporation as of the beginning of the first taxable year for which such election is effective is on or attached to such Form 4876 when filed with the service center.

(ii) *Transitional rule for corporations electing during 1972.* If the first taxable year for which an election by a corporation to be treated as a DISC is a taxable year beginning after December 31, 1971, and on or before December 31, 1972, such election may be made either in the manner prescribed in subdivision (i) of this subparagraph or by filing, at the place prescribed in subdivision (i) of this subparagraph, a statement captioned "Election to be Treated as a DISC." Such statement of election shall be valid only if the consent of each shareholder is filed with the service center in the form, and at the time, prescribed in paragraph (b) of this section. Such statement shall be signed by any person authorized to sign a corporation return under section 6062 and shall include the name, address, and employer identification number (if known) of the corporation, the beginning date of the first taxable year for which the election is effective, the number of shares of stock of the corporation issued and outstanding as of the earlier of the beginning of the first taxable year for which the election is effective or the time the statement is filed, the number of shares held by each shareholder as of the earlier of such dates, and the date and place of incorporation. As a condition of the election being effective, a corporation which elects to become a DISC by filing a statement in accordance with this subdivision must furnish (to the service center with which the statement was filed) such additional information as is required by Form 4876 by March 31, 1973.

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(2) *Time of making election*—(i) *In general.* In the case of a corporation making an election to be treated as a DISC for its first taxable year, such election shall be made within 90 days after the beginning of such taxable year. In the case of a corporation which makes an election to be treated as a DISC for any taxable year beginning after March 31, 1972 (other than the first taxable year of such corporation), the election shall be made during the 90-day period immediately preceding the first day of such taxable year.

(ii) *Transitional rules for certain corporations electing during 1972.* In the case of a corporation which makes an election to be treated as a DISC for a taxable year beginning after December 31, 1971, and on or before March 31, 1972 (other than its first taxable year), the election shall be made within 90 days after the beginning of such taxable year.

(b) *Consent by shareholders*—(1) *In general*—(i) *Time and manner of consent.* Under paragraph (a)(1)(i) of this section, subject to certain exceptions, the election to be treated as a DISC is not valid unless each person who is a shareholder as of the beginning of the first taxable year for which the election is effective signs either the statement of consent on Form 4876 or a separate statement of consent attached to such form. A shareholder's consent is binding on such shareholder and all transferees of his shares and may not be withdrawn after a valid election is made by the corporation. In the case of a corporation which files an election to become a DISC for a taxable year beginning after December 31, 1972, if a person who is a shareholder as of the beginning of the first taxable year for which the election is effective does not consent by signing the statement of consent set forth on Form 4876, such election shall be valid (except in the case of an extension of the time for filing granted under the provisions of subparagraph (3) of this paragraph or paragraph (c) of this section) only if the consent of such shareholder is attached to the Form 4876 upon which such election is made.

(ii) *Form of consent.* A consent other than the statement of consent set forth on Form 4876 shall be in the form of a statement which is signed by the shareholder and which sets forth (*a*) the name and address of the corporation and of the shareholder and (*b*) the number of shares held by each such shareholder as of the time the consent is made and (if the consent is made after the beginning of the corporation's taxable year for which the election is effective) as of the beginning of such year. If the consent is made by a recipient of transferred shares pursuant to paragraph (c) of this section, the statement of consent shall also set forth the name and address of the person who held such shares as of the beginning of such taxable year and the number of such shares. Consent shall be made in the following form: "I (insert name of shareholder), a shareholder of (insert name of corporation seeking to make the election) consent to the election of (insert name of corporation seeking to make the election) to be treated as a DISC under section 992(b) of the Internal Revenue Code. The consent so made by me is irrevocable and is binding upon all transferees of my shares in (insert name of corporation seeking to make the election)." The consents of all shareholders may be incorporated in one statement.

(iii) *Who may consent.* Where stock of the corporation is owned by a husband and wife as community property (or the income from such stock is community property), or is owned by tenants in common, joint tenants, or tenants by the entirety, each person having a community interest in such stock or the income therefrom and each tenant in common, joint tenant, and tenant by the entirety must consent to the election. The consent of a minor shall be made by his legal guardian or by his natural guardian if no legal guardian has been appointed. The consent of an estate shall be made by the executor or administrator thereof. The consent of a trust shall be made by the trustee thereof. The consent of an estate or trust having more than one executor, administrator, or trustee, may be made by any executor, administrator, or trustee, authorized to make a return of such estate or trust pursuant to section 6012(b)(5). The consent of a corporation or partnership shall be made by an officer or partner authorized pursuant to section 6062 or 6063, as the case may be, to sign the return of such corporation or partnership. In the case of a foreign person, the consent may be signed by any individual (whether or not a U.S. person) who would be authorized under sections 6061 through 6063 to sign the return of such foreign person if he were a U.S. person.

(2) *Transitional rule for corporations electing during 1972.* In the case of a corporation which files an election to be treated as a DISC for a taxable year beginning after December 31, 1971, and on or before December 31, 1972, such election shall be valid only if the consent of each person who is a shareholder as of the beginning of the first taxable year for which such election is effective is filed with the service center with which the election was filed within 90 days after the first day of such taxable year or within the time granted for an extension of time for filing such consent. The form of such consent shall be the same as that prescribed in subparagraph (1) of this paragraph. Such consent shall be attached to the statement of election or shall be filed separately (with such service center) with a copy of the statement of election. An extension of time for filing a consent may be granted in the manner, and subject to the conditions, described in subparagraph (3) of this paragraph.

(3) *Extension of time to consent.* An election which is timely filed and would be valid except for the failure to attach the consent of any shareholder to the Form 4876 upon which the election was made or to comply with the 90-day requirement in subparagraph (2) of this paragraph or paragraph (c)(1) of this section, as the case may be, will not be invalid for such reason if it is shown to the satisfaction of the service center that there was reasonable cause for the failure to file such consent, and if such shareholder files a proper consent to the election within such extended period of time as may be granted by the Internal Revenue Service. In the case of a late filing of a consent, a copy of the Form 4876 or statement of election shall be attached to such consent and shall be filed with the same service center as the election. The form of such consent shall be the same as that set forth in paragraph (b)(1)(ii) of this section. In no event can any consent be made pursuant to this paragraph on or after the last day of the first taxable year for which a corporation elects to be treated as a DISC.

(c) *Consent by holder of transferred shares*—(1) *In general.* If a shareholder of a corporation transfers—

(i) Prior to the first day of the first taxable year for which such corporation elects to be treated as a DISC, some or all of the shares held by him without having consented to such election, or

(ii) On or before the 90th day after the first day of the first taxable year for which such corporation elects to be treated as a DISC, some or all of the shares held by him as of the first day of such year (or if later, held by him as of the time such shares are issued) without having consented to such election, then consent may be made by any recipient of such shares on or before the 90th day after the first day of such first taxable year. If such recipient fails to file his consent on or before such 90th day, an extension of time for filing such consent may be granted in the manner, and subject to the conditions, described in paragraph (b)(3) of this section. In addition, if the transfer occurs more than 90 days after the first day of such taxable year, an extension of time for filing such consent may be granted to such recipient only if it is determined under paragraph (b)(3) of this section that an extension of time would have been granted the transferor for the filing of such consent if the transfer had not occurred. A consent which is not attached to the original Form 4876 or statement of election (as the case may be) shall be filed with the same service center as the original Form 4876 or statement of election and shall have attached a copy of such original form or statement of election. The form of such consent shall be the same as that set forth in paragraph (b)(1)(ii) of this section. For the purposes of this paragraph, a transfer of shares includes any sale, exchange, or other disposition, including a transfer by gift or at death.

(2) *Requirement for the filing of an amended Form 4876 or statement of election.* In any case in which a consent to a corporation's election to be treated as a DISC is made pursuant to subparagraph (1) of this paragraph, such corporation must file an amended Form 4876 or statement of election (as the case may be) reflecting all changes in ownership of shares. Such form must be filed with the same service center with which the original Form 4876 or statement of election was filed by such corporation.

(d) *Effect of election*—(1) *Effect on corporation.* A valid election to be treated as a DISC remains in effect (without regard to whether the electing corporation qualifies as a DISC for a particular year) until terminated by any of the methods provided in paragraph (e) of this section. While such election is in effect, the electing corporation is subject to sections 991 through 997 and other provisions of the Code applicable to DISC's for any taxable year for which it qualifies as a DISC (or is treated as qualifying as a DISC pursuant to § 1.992-1(g)). Such corporation is also subject to such provisions for any taxable year for which it is treated as a former DISC as a result of qualifying or being treated as a DISC for any taxable year for which such election was in effect.

(2) *Effect on shareholders.* A valid election by a corporation to be treated as a DISC subjects the shareholders of such corporation to the provisions of section 995 (relating to the taxation of the shareholders of a DISC or former DISC) and to all other provisions of the Code relating to the shareholders of a DISC or former DISC. Such provisions of the Code apply to any person who is a shareholder of a DISC or former DISC whether or not such person was a shareholder at the time the corporation elected to become a DISC.

(e) *Termination of election*—(1) *In general.* An election to be treated as a DISC is terminated only as provided in subparagraph (2) or (3) of this paragraph.

(2) *Revocation of election*—(i) *Manner of revocation.* An election by a corporation to be treated as a DISC may be revoked by the corporation for any taxable year of the corporation after the first taxable year for which the election is effective. Such revocation shall be made by the corporation filing a statement that the corporation revokes its election under section 992(b) to be treated as a DISC. Such statement shall indicate the corporation's name, address, employer identification number, and the first taxable year of the corporation for which the revocation is to be effective. The statement shall be signed by any person authorized to sign a corporation return under section 6062. Such revocation shall be filed with the service center with which the corporation filed its election, except that, if it filed an annual information return under section 6011(e)(2), the revocation shall be filed with the service center with which it filed its last such return.

(ii) *Years for which revocation is effective.* If a corporation files a statement revoking its election to be treated as a DISC during the first 90 days of a taxable year (other than the first taxable year for which such election is effective), such revocation will be effective for such taxable year and all taxable years thereafter. If the corporation files a statement revoking its election to be treated as a DISC after the first 90 days of a taxable year, the revocation will be effective for all taxable years following such taxable year.

(3) *Continued failure to be a DISC.* If a corporation which has elected to be treated as a DISC does not qualify as a DISC (and is not treated as a DISC pursuant to § 1.992-1(g)) for each of any 5 consecutive taxable years, such election terminates and will not be effective for any taxable year after such fifth taxable year. Such termination will be effective automatically, without notice to such corporation or to the Internal Revenue Service. If, during any 5-year period for which an election is effective, the corporation should qualify as a DISC (or be treated as a DISC pursuant to § 1.992-1(g)) for a taxable year, a new 5-year period shall automatically start at the beginning of the following taxable year.

(4) *Election after termination.* If a corporation has made a valid election to be treated as a DISC and such election terminates in either manner described in subparagraph (2) or (3) of this paragraph, such corporation is eligible to reelect to be treated as a DISC at any time by following the procedures described in paragraphs (a) through (c) of this section. If a corporation terminates its election and subsequently reelects to be treated as a DISC, the corporation and its shareholders continue to be subject to sections 995 and 996 with respect to the period during which its first election was in effect. Thus, for example, distributions upon disqualification includible in the gross incomes of shareholders of a corporation pursuant to section 995(b)(2) continue to be so includible for taxable years for which a second election of such corporation is in effect without regard to the second election.

§ 1.992-3 Deficiency distributions to meet qualification requirements.

(a) *In general.* A corporation which meets the requirements described in § 1.992-1 for treatment as a DISC for a taxable year, other than the 95 percent of gross receipts test described in § 1.992-1(b) or the 95-percent assets test described in § 1.992-1(c), or both tests, may nevertheless qualify as a DISC for such year by making deficiency distributions (attributable to its gross receipts other than qualified export receipts and its assets other than qualified export assets) if all of the following requirements are satisfied:

(1) The corporation distributes the amount determined under paragraph (b) of this section as a deficiency distribution. The amount of a deficiency distribution is determined without regard to the amount by which the corporation fails to meet either test.

(2) The reasonable cause requirements prescribed in paragraph (c)(1) of this section are satisfied with respect to both the corporation's failure to meet either test and its failure to make a deficiency distribution prior to the time the distribution is made.

(3) The corporation makes such deficiency distribution pro rata to all its shareholders.

(4) [Reserved]

See sections 246(d), 904(f), 995, and 996 for rules regarding the treatment of a deficiency distribution to meet qualification requirements by the shareholders and the corporation.

(b) *Amount of deficiency distribution*—(1) *In general.* In order to meet the requirements of paragraph (a) of this section, the amount of a deficiency distribution must be, if the corporation fails to meet—

(i) The 95 percent of gross receipts test, the amount determined in subparagraph (2) of this paragraph,

(ii) The 95-percent assets test, the amount determined in subparagraph (3) of this paragraph, and

(iii) Both such tests, except as provided in subparagraph (4) of this paragraph, the sum of the amounts determined in subparagraphs (2) and (3) of this paragraph.

(2) *Computation of deficiency distribution to meet 95 percent of gross receipts test.*—(i) *In general.* If a corporation fails to meet the 95 percent of gross receipts test described in § 1.992-1(b) for its taxable year, the amount of the deficiency distribution required by this subparagraph is an amount equal to the sum of its taxable income (if any) from each transaction giving rise to gross receipts (as defined in § 1.993-6) which are not qualified export receipts (as defined in § 1.993-1). A corporation's taxable income from a transaction shall be the amount of such gross receipts from such transaction reduced only by (*a*) its cost of goods sold attributable to such gross receipts, and by (*b*) its expenses, losses, and other deductions properly apportioned or allocated thereto in a manner consistent with the rules set forth in § 1.861-8. For purposes of this subdivision, however, any expenses, losses, or other deductions which cannot definitely be allocated to some item or class of gross income in such manner shall not reduce such gross receipts. If the corporation is a commission agent for a principal in a transaction, the corporation's taxable income is the amount of the commission from such transaction reduced only by the amounts described in (*b*) of this subdivision.

(ii) *Example.* The provisions of this subparagraph may be illustrated by the following example:

Example. (*a*) X and Y are calendar year taxpayers. X, a domestic manufacturing company, owns all the stock of Y, which seeks to qualify as a DISC for 1973. During 1973, X manufactures a machine which is eligible to be export property as defined in § 1.993-3. Y enters into a written supplier's agreement with X, whereby Y is made a commission agent with respect to exporting such machine, which satisfies the requirements of § 1.993-1(1). Under the supplier's agreement, Y is to receive a commission. Thereafter, during 1973 Y is considered to receive gross receipts of $100,000, as determined under section 993(f), attributable to X's sale of the machine in a manner which causes the gross receipts to be ex-

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cluded receipts pursuant to section 993(a)(2) and, therefore, not qualified export receipts. Y's total gross receipts for 1973 are $1 million of which $900,000 (i.e., 90 percent) are qualified export receipts. Therefore, Y does not satisfy the 95 percent of gross receipts test for 1973 because less than 95 percent of its gross receipts are qualified export receipts. Y has $9,000 of expenses properly apportioned or allocated to its gross income from such sale and $1,000 of other expenses which cannot definitely be allocated to some item or class of gross income, determined in a manner consistent with the rules set forth in § 1.861-8. In order to satisfy the 95 percent of gross receipts test for 1973, if the commission due from X to Y under the supplier's agreement of the parties were $15,000, Y must make a deficiency distribution of $6,000 computed as follows:

Y's commission (gross income) from the transaction	$15,000
Less: Y's expenses apportioned or allocated to its gross income from the transaction	9,000
Required deficiency distribution by reason of $100,000 of gross receipts which are not qualified export receipts	6,000

(b) If the commission due from X to Y under the supplier's agreement of the parties were $9,400, resulting in a net loss of $600 to Y ($9,400 to $10,000), Y must make a deficiency distribution of $400 computed as follows:

Y's commissions (gross income) from the transaction	9,400
Less: Y's expenses apportioned or allocated to its gross income from the transaction	9,000
Required deficiency distribution by reason of $100,000 of gross receipts which are not qualified export receipts	400

(c) If the commission due from X to Y under the commission agreement of the parties were $8,500, Y would not be required to make a deficiency distribution since, under this subparagraph, there would be no taxable income attributable to gross receipts from the sale.

(3) *Computation of deficiency distribution to meet 95 percent assets test*—(i) *In general.* If a corporation fails to meet the 95 percent assets test described in § 1.992-1(c) for its taxable year, the amount of the deficiency distribution required by this subparagraph is an amount equal to the fair market value as of the last day of such taxable year of the assets which are not qualified export assets held by such corporation on such last day.

(ii) *Asset held for more than 1 year.* In the case of a corporation which holds continuously an asset which is not a qualified export asset at the close of more than 1 taxable year, it must distribute an amount equal to its fair market value (or, if greater, the amount determined under subparagraph (4) of this paragraph) only once if, at the close of the first such taxable year, such corporation reasonably believed that such asset was a qualified export asset. This subdivision shall not apply for any taxable year beginning after the date the corporation knows (or a reasonable man would have known) that an asset is not a qualified export asset and in order to qualify for each such year, the corporation must distribute the fair market value of such asset for each such year.

(4) *Computation in the case of a failure to meet both tests as a result of a single transaction.* If a corporation fails to meet both the 95 percent of gross receipts test and the 95 percent assets test for a taxable year, and if the corporation holds at the end of such year assets (other than cash or qualified export assets) which were received as proceeds of a sale or exchange during such year which resulted in gross receipts other than qualified export receipts, then the amount of the deficiency distribution required by this paragraph with respect to such sale or exchange and assets held is the larger of the amount required by subparagraph (2) of this paragraph with respect to the sale or exchange or the amount required by subparagraph (3) of this paragraph with respect to such assets held. Thus, for example, if a corporation sells property which is not a qualified export asset for $100, receives $85 in cash and a note for $15, and derives $25 of taxable income from the sale as determined under subparagraph (2) of this paragraph, it must distribute $25. If the provisions of this subparagraph are applied with respect to assets of a DISC, (other than qualified export assets), such provisions do not apply to any property received as proceeds from a sale or exchange of such assets.

(c) *Reasonable cause for failure*—(1) *In general.* If for a taxable year, a corporation has failed to meet the 95 percent of gross receipts test, the 95 percent assets test, or both tests, such corporation may satisfy any such test for such year by means of a deficiency distribution in the amount determined under paragraph (b) of this section only if the reasonable cause requirements of this subparagraph are satisfied. Such reasonable cause requirements are satisfied if—

(i) There is reasonable cause (as determined in accordance with subparagraph (2) of this paragraph) for such corporation's failure to satisfy such test and to make such distribution prior to the date on which it was made, the time limit in subparagraph (3) of this paragraph for making the distribution is satisfied, and interest (if required) is paid in the amount and in the manner prescribed by subparagraph (4) of this paragraph, or

(ii) The time and "70-percent" requirements of the reasonable cause test of paragraph (d) of this section are satisfied.

(2) *Determination of reasonable cause.* In general, whether a corporation's failure to meet the 95 percent of gross receipts test, the 95 percent assets test, or both tests for a taxable year and its failure to make a pro rata distribution prior to the date on which it was made will be considered for reasonable cause where the action or inaction which resulted in such failure occurred in good faith, such as failure to meet the 95 percent assets test resulting from blocked currency or expropriation, or failure to meet either test because of reasonable uncertainty as to what constitutes a qualified export receipt or a qualified export asset. For further examples, if a corporation's reasonable determination of the percentage of its total gross receipts that are qualified export receipts is subsequently redetermined to be less than 95 percent as a result of a price adjustment by the Internal Revenue Service under section 482, or if the corporation has a casualty loss for which it receives an unanticipated insurance recovery which causes its qualified export receipts to be less than 95 percent of its total gross receipts, then the failure to satisfy the 95 percent of gross receipts test is considered to be due to reasonable cause.

(3) *Time limit for deficiency distribution.* Except as otherwise provided in this subparagraph, the time limit prescribed by this subparagraph for making a deficiency distribution is satisfied if the amount of the distribution required by paragraph (b) of this section is made within 90 days from the date of the first written notification to the corporation by the Internal Revenue Service that it had not satisfied the 95 percent of gross receipts test or the 95 percent assets test or both tests, for a taxable year. Upon a showing by the corporation that an extension of the 90-day time limit is reasonable and necessary, the Commissioner may grant such extension of such time limit. In any case in which a corporation contests the decision of the Internal Revenue Service that such corporation has not met the 95 percent of gross receipts test, the 95 percent assets test, or both tests, an extension of the 90-day time limit will be allowed until 30 days after the final determination of such contest. The date of the final determination of such contest shall, for purposes of section 992(c), be established in the manner specified in subdivisions (i) through (iv) of this subparagraph:

(i) The date of final determination by a decision of the United States Tax Court is the date upon which such decision becomes final, as prescribed in section 7481.

(ii) The date of final determination in a case which is contested in a court (and upon which there is a judgment) other than the Tax Court is the date upon which the judgment becomes final and will be determined on the basis of the facts and circumstances of each particular case. For example, ordinarily a judgment of a United States district court becomes final upon the expiration of the time allowed for taking an appeal, if no such appeal is duly taken within such time; and a judgment of the United States Court of Claims becomes final upon the expiration of the time allowed for filing a petition for certiorari if no such petition is duly filed within such time.

(4) *Payment of interest for delayed distribution*—(i) *In general.* If a corporation makes a deficiency distribution after the 15th day of the ninth month after the close of the taxable year with respect to which such distribution is made, such distribution will not be

deemed to satisfy the 95 percent of gross receipts test or the 95 percent assets test for such year unless such corporation pays to the Internal Revenue Service a charge determined by multiplying (a) an amount equal to 4½ percent of such distribution by (b) the number of its taxable years which begin (1) after the taxable year with respect to which the distribution is made and (2) before such distribution is made. Such charge must be paid, within the 30-day period beginning with the day on which such distribution is made, to the service center with which the corporation files its annual information return for its taxable year in which the distribution is made. For purposes of the Internal Revenue Code, such charge is considered interest.

(ii) *Example.* The provisions of subdivision (i) of this subparagraph may be illustrated by the following example:

Example. X corporation, which uses the calendar year as its taxable year, meets the 95 percent assets test but fails to meet the 95 percent of gross receipts test for 1972 and does not by September 15, 1973, make the deficiency distribution required by reason of its failure to meet such test. Assume that reasonable cause exists for the corporation's failure to meet the 95 percent of gross receipts test and failure to make the required deficiency distribution. If X makes the required deficiency distribution, in the amount of $10,000, on April 1, 1976, X must pay on or before April 30, 1976, to the service center with which it files its annual information return a charge of $1,800, computed as follows:

Deficiency distribution made by X	$10,000
Multiplied by 4½ percent	.045
Intermediate product	450
Multiplied by: Number of X's taxable years beginning after 1972 and before April 1, 1976	4
Charge to be paid service center because of late deficiency distribution (which is considered interest)	1,800

(d) *Certain distributions deemed for reasonable cause.* If a corporation makes a distribution in the amount required by paragraph (b) of this section with respect to a taxable year on or before the 15th day of the ninth month after the close of such year, it will be deemed to have acted with reasonable cause with respect to its failure to satisfy the 95 percent of gross receipts test, the 95 percent assets test, or both tests, for such year and its failure to make such distribution prior to the date on which the distribution was made if—

(1) At least 70 percent of the gross receipts of such corporation for such taxable year consist of qualified export receipts, and

(iii) The date of a final determination by a closing agreement, made under section 7121, is the date such agreement is approved by the Commissioner.

(iv) A final determination under section 992(c) may be made by an agreement signed by the district director or director of the service center with which the corporation files its annual return or by such other official to which authority to sign has been delegated, and by or on behalf of the taxpayer. The agreement shall set forth the total amount of the deficiency distribution to be paid to the shareholders of the DISC for the taxable year or years. An agreement under this subdivision shall be sent to the taxpayer at his last known address by either registered or certified mail. If registered mail is used for such purpose, the date of registration is considered the date of final determination; if certified mail is used for such purpose, the date of postmark on the sender's receipt for such mail is considered the date of final determination. If the corporation makes a deficiency distribution before such registration or postmark date but on or after the date the district director or director of the service center or other official has signed the agreement, the date of signature by the district director or director of the service center or other official is considered the date of final determination. If the corporation makes a deficiency distribution before the district director or director of the service center or other official signs the agreement, the date of final determination is considered to be the date of the making of the deficiency distribution. During any extension of time the interest charge provided in subparagraph (4) of this paragraph will continue to accrue at the rate provided for in such subparagraph.

(2) The sum of the adjusted bases of the qualified export assets held by such corporation on the last day of each month of the taxable year equals or exceeds 70 percent of the sum of the adjusted bases of all assets held by the corporation on each such day.

§ 1.992-4 Coordination with personal holding company provisions in case of certain produced film rents.

(a) *In general.* Section 992(d)(2) provides that a personal holding company is not eligible to be treated as a DISC. Section 543(a)(5)(B) provides that, for purposes of section 543, the term "produced film rents" means payments received with respect to an interest in a film for the use of, or the right to use, such film, but only to the extent that such interest was acquired before substantial completion of production of such film. Under section 992(e), if such produced film rents are included in the ordinary gross income (as defined in section 543(b)(1)) of a qualified subsidiary for a taxable year of such subsidiary, and such interest was acquired by such subsidiary from its parent, such interest is deemed (for purposes of the application of sections 541, 543(b)(1), and 992(d)(2), and § 1.992-1(f) for such taxable year) to have been acquired by such subsidiary at the time such interest was acquired by such parent. Thus, for example, if a parent acquires an interest in a film before it is substantially completed, then substantially completes such film prior to transferring an interest in such motion picture to a qualified subsidiary, the qualified subsidiary is considered as having acquired such interest prior to substantial completion of such motion picture for purposes of determining whether payments from the rental of such motion picture will be classified as produced film rents of such subsidiary. The provisions of section 992(e) and this section are not applicable in determining whether payments received with respect to an interest in a film are included in the ordinary gross income of a parent or a qualified subsidiary. Thus, even though a qualified subsidiary is treated pursuant to this section as having acquired an interest in a film at the time such interest was acquired by such subsidiary's parent, payments received by such parent with respect to such interest prior to the transfer of such interest to such subsidiary are includible in the ordinary gross income of such parent and not includible in the ordinary gross income of such subsidiary.

(b) *Definitions*—(1) *"Qualified subsidiary".* For purposes of this section, a corporation is a qualified subsidiary for a taxable year if—

(i) Such corporation was established for the purpose of becoming a DISC,

(ii) Such corporation would qualify (or be treated) as a DISC for such taxable year if it is not a personal holding company, and

(iii) On every day of such taxable year on which shares of such corporation are outstanding, at least 80 percent of such shares are held directly by a second corporation.

(2) *"Parent".* For purposes of this section, the term "parent" means a second corporation referred to in subparagraph (1)(iii) of this paragraph.

PAR. 4. Subparagraph (4) of § 1.442-1(c) is revised to read as follows:

§ 1.442-1 Change of annual accounting period.

* * * * * *

(c) *Special rule for certain corporations.* * * *

(4) A corporation which is an electing small business corporation (as defined in section 1371(b)) or a DISC (as defined in section 992(a)(1)) during the short period required to effect the change of annual accounting period may change its taxable year only if it secures the prior approval of the Commissioner in accordance with paragraph (b)(1) of this section. This subparagraph shall apply only if such short period ends after February 28, 1959. See subparagraphs (3)(ii) and (4) of § 1.991-1(b) for special rules relating to the change of a DISC's annual accounting period during 1972.

* * * * * *

PAR. 5. The first two sentences of paragraph (a) of § 1.1502-77 are revised to read as follows:

§ 1.1502-77 Common parent agent for subsidiaries.

(a) *Scope of agency of common parent corporation.* The common parent, for all purposes (other than the making of the consent required by paragraph (a)(1) of § 1.1502-75, the making of an election to

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be treated as a DISC under § 1.992–2, and a change of the annual accounting period pursuant to paragraph (b)(3)(ii) of § 1.991–1) shall be the sole agent for each subsidiary in the group, duly authorized to act in its own name in all matters relating to the tax liability for the consolidated return year. Except as provided in the preceding sentence, no subsidiary shall have authority to act for or to represent itself in any such matter. • • •

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Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER O—SPECIAL INVESTIGATION

POLICIES AND AUTHORITY

A new Subchapter O, Special Investigation, consisting of five parts, is added to inform the general public of certain Air Force policies and authority relating to this area.

Chapter VII of Title 32 of the Code of Federal Regulations is amended by the inclusion of a new Subchapter O, containing Parts 950, 951, 952, 953, 954, and 955 (with Parts 956–999 to be reserved under this subchapter).

NOTE: Parts 950–999 were previously reserved under Subchapter N. Subchapter O—Special Investigation, is added to read as follows:

PART 950—AUTHORITY TO ADMINISTER OATHS

Sec.
950.1 Purpose.
950.2 Who is authorized to administer oaths.
950.3 Source of authority.
950.4 Scope of authority.
950.5 Termination of authority.

AUTHORITY: 10 U.S.C. 8012, unless otherwise indicated.

§ 950.1 Purpose.

(a) This part states who is authorized to administer oaths in connection with certain official investigative duties and cites the laws containing such authority.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 950.2 Who is authorized to administer oaths.

Special Agents of the Office of Special Investigations, The Inspector General, USAF are authorized to administer oaths in connection with official investigative duties within the scope of the laws cited in § 950.3. Special agents are persons, both military and civilian, who have been designated as special agents as stated in Part 951 of this subchapter and by issuance of the OSI Agent Identification credential.

§ 950.3 Source of authority.

Authority to administer oaths is contained in the Uniform Code of Military Justice, Article 136, for military investigators, and in 5 U.S.C. 303, for civilian investors.

§ 950.4 Scope of authority.

In conformity with the laws cited in § 950.3, this authority applies to official investigative duties prescribed in Air Force Regulation (AFR) 23–18 (Air Force Office of Special Investigation). It does not permit personnel so authorized to administer oaths or to take sworn statements in connection with other matters.

§ 950.5 Termination of authority.

The authority vested in individual military and civilian special agents of the Office of Special Investigation under the provisions of this part will terminate when the special agent is reassigned to duties other than those performed by the Office of Special Investigations, or upon withdrawal of authorized credentials.

PART 951—AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS SPECIAL AGENTS

Sec.
951.1 Purpose.
951.2 Special Agents.

AUTHORITY: 10 U.S.C. 8012.

§ 951.1 Purpose.

(a) This part explains AFOSI special agents.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 951.2 Special Agents.

A "Special Agent" is authorized to conduct investigations in accordance with Air Force Regulation (AFR) 23–18 (Air Force Office of Special Investigations). Each agent is issued a badge and credentials to identify him as an accredited agent. While he is engaged in an investigation, a Special Agent may:

(a) Enter any U.S. Air Force installation or off-limits area not specifically prohibited by Air Force directives for security reasons, and

(b) Have access to such documents, records, publications, files and persons necessary for the successful conduct of the investigation.

PART 952—REQUESTS FOR INVESTIGATION: SAFEGUARDING, HANDLING, AND RELEASE OF INFORMATION ON OFFICE OF SPECIAL INVESTIGATION REPORTS

Sec.
952.1 Purpose.
952.2 Definitions.
952.3 Initiating an OSI investigation.
952.4 How to submit request for investigation.
952.5 Safeguarding OSI reports.
952.6 Special handling of OSI reports required.
952.7 Use of OSI reports.
952.8 Preparation and release of extracts or summaries.
952.9 Rules for release of OSI reports outside the Air Force.
952.10 Handling investigative reports of other agencies.

AUTHORITY: 10 U.S.C. 8012, unless otherwise indicated.

§ 952.1 Purpose.

(a) This part tells how to request an investigation by the Office of Special Investigations and explains how, when, and to whom such reports and information may be released.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 952.2 Definitions.

(a) *OSI report.* An official record of the results of OSI investigative activity. As used here, it includes all OSI reports, whether formal or in letter or memorandum form, together with exhibits, statements, and other attachments.

(b) *Subject.* A person whose background or activities are or have been under investigation, or who is suspected or accused of having committed an offense.

§ 952.3 Initiating an OSI investigation.

An OSI investigation (Air Force Regulation (AFR) 23–18 (Air Force Office of Special Investigations) pertains to matters within the OSI investigative jurisdiction) may be initiated:

(a) At the request of an Air Force commander responsible for the security, discipline, and law enforcement of a command or installation. Normally, the request will come from the appropriate Air Force installation commander or higher authority.

(b) By an OSI district commander when delay in obtaining the commander's concurrence would handicap the investigation. The written concurrence of the commander will be obtained as soon as possible after the investigation has begun.

(c) At the request of any other authoritative official sources with a legitimate interest in the matter to be investigated.

NOTE: When an appropriate commander or other authoritative source requests that an OSI district not investigate a matter which clearly is within OSI investigative jurisdiction, the district will comply with the request and promptly notify the Director of Special Investigations of the circumstances.

§ 952.4 How to submit request for investigation.

The request for an investigation will be sent directly to the appropriate OSI servicing element together with available information on the matter to be investigated. An oral request for an investigation must be confirmed promptly in writing.

§ 952.5 Safeguarding OSI reports.

Each OSI report is privileged within the meaning of paragraph 151, Manual for Courts-Martial 1969 (Rev), and retains this privilege regardless of classification or absence thereof.

§ 952.6 Special handling of OSI reports required.

(a) Access to an OSI report or the information contained therein will not be granted to an individual solely on the basis of grade, title, or position.

(b) Access to an OSI report or the information contained therein will not be granted to any individual unless required in direct connection with the performance of official duties and then only in strict compliance with this part.

(c) Any unauthorized disclosure of an OSI report of investigation or of the information contained therein will be immediately reported to OSI.

§ 952.7 Use of OSI reports.

(a) No information that might disclose confidential investigative sources, methods, or procedures will be revealed to any person, unless it is required in direct connection with the performance of his official duties. No such information will be disclosed to any subject or respondent, or his counsel or representative; or disclosed to any other person, without the approval of the Director of Special Investigations, USAF (or higher authority) if there is reason to believe that the disclosure might compromise such confidential sources, methods, or procedures.

(b) An OSI report (see § 952.2(a) for definition) will not be introduced in evidence, or included or incorporated in any paper or record of a court-martial, board, or other proceedings that the subject or respondent, or his counsel or representative, or trial counsel has a right to see. Also, it will not be furnished or made available to any officer conducting an investigation pursuant to Article 32, Uniform Code of Military Justice (10 U.S.C. 832), or to the subject or respondent in an administrative proceeding, or to his counsel or representative, or to trial counsel.

(c) Extracts from or summaries of an OSI report or its attachments may be prepared and released according to § 952.8 and AFR 124–4 (Requests for Investigation: Safeguarding, Handling, and Release of Information on Office of Special Investigation Reports) for use in court-martial, or board, or other administrative proceeding. (See § 952.10 and AFR 124–4 for special procedures or release of summaries and extracts of investigative reports of investigative agencies other than OSI, and of OSI reports reflecting investigative activities of other investigative or law enforcement agencies.)

§ 952.8 Preparation and release of extracts or summaries.

(a) The commander who was furnished the report will prepare the summaries of extracts that he determines necessary. A summary or extract may be prepared for release to one or more of the following, depending on the circumstances and directives applicable to a particular case:

(1) An investigating officer.

(2) Trial counsel, or the legal or other adviser to a board.

(3) The subject, accused, or respondent, and his counsel or representative.

(b) Except as provided in paragraph (g) of this section, the commander, before releasing a summary or extract, will obtain the concurrence of the OSI district office servicing his command. The commander will request this concurrence in writing.

(c) Only the Director of Special Investigations, or higher authority, may approve the release of an extract or summary of a report concerning a counterintelligence investigation of alleged treason, sedition, espionage, subversion, sabotage, or disaffection, or the release of any statement attached to such a report. The commander of an OSI district office who receives a request to approve the release of such an extract, summary, or statement will send the request to the Director of Special Investigations.

(d) A commander will not include in any summary of extract:

(1) Any information described in § 952.7(a).

(2) Any information that may prejudice the effective conduct of any other investigation by the OSI or other Government agency, such as by prematurely disclosing the nature or existence of such investigation.

(3) Routine administrative entries made by OSI personnel in their reports, which are common to all OSI reports.

(4) The names of OSI agents or personnel except those who took statements, or were witnesses to statements, or who included observations in the report based on their personal knowledge.

(5) Any other information, the disclosure of which, to the person who will receive the extract or summary, would be contrary to law or otherwise against the public interest.

(6) Any information, the disclosure of which, to the person who will receive the extract or summary, would be prejudicial to the national defense.

(e) Normally, a summary or extract will not contain classified information. If an extract or summary contains classified information, it will be appropriately marked and any person given access to it must have proper security clearance.

(f) Normally, the summary or extract furnished to a subject, respondent, witness in a proceeding, or his counsel or representative, will not be marked "For Official Use Only".

(g) A person who has furnished a statement to OSI during an investigation may be furnished a copy of his own statement upon request, unless the OSI report stipulates that the statement should not be released without OSI concurrence or if the statement is classified.

§ 952.9 Rules for release of OSI reports outside the Air Force.

The following rules will govern the release outside the Air Force of OSI reports, their attachments, extracts, and summaries. (See also § 952.10.)

(a) OSI reports contain information that is For Official Use Only within the meaning of AFR 12–30 (Disclosure of Air Force Records) and Part 806 of this chapter. Therefore, the policies in that regulation that require protection from disclosing such information apply to OSI reports. No person will release an OSI report, or an extract or investigative information from it, unless such release is authorized by this part or an Air Force regulation, or is approved by the Secretary of the Air Force.

(b) The Inspector General, HQ USAF, the Director of Special Investigations, or Deputy Directors of Special Investigations may approve the release of an OSI report, for an extract or summary of it, to a department or agency in the Executive Branch of the United States Government if he determines that the department or agency has a need for it and that the release would not be contrary to law or regulation or otherwise against the public interest. Before releasing an OSI report, the releasing authority will ensure that the report will be protected against unauthorized disclosure and access.

(c) Requests for OSI reports or investigative information for use in pending or potential litigation will be sent to HQ USAF according to AFR 110–5 (Releasing Information for Litigation and Appearance of Witness Before Civilian Courts and Other Tribunals). Requests for such information from a representative of the General Accounting Office will be processed as required by AFR 11–8 (Air Force Relations with General Accounting Office (GAO)).

(d) The Inspector General, HQ USAF, the Director or a Deputy Director of Special Investigations may approve a request for the release of information in an OSI report, or an extract of a report (but not the entire OSI report itself), submitted by other individuals and agencies (including agencies of State and local governments) if he determines that the requester is properly and directly concerned and that release to the requester would not be contrary to law or regulation or otherwise against the public interest.

(e) If the information or papers are classified, AFR 205–1 (Information Security Program) also applies.

(f) In matters of premarital investigation of prospective spouses of military personnel and in the absence of any specific prohibition in individual cases, commanders are authorized to provide copies of OSI reports to the appropriate U.S. Consular officials without obtaining approval for the release prescribed in paragraphs (a) and (b) of this section.

§ 952.10 Handling investigative reports of other agencies.

Any document or report of investigation, or any summary or extract of it, that reflects investigative activity of any Federal, State, or local investigative or law enforcement agency and was furnished through OSI channels will be treated, processed, and submitted for release in the manner prescribed by pertinent Air Force regulations for OSI reports and information, except: The OSI will coordinate with the originator of such documents before concurring in the release.

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PART 953—VIOLATIONS OF PUBLIC TRUST IN CONTRACT, PROCUREMENT, AND OTHER MATTERS

Sec.
953.1 Purpose.
953.2 Violations of public trust.
953.3 Reporting responsibilities.
953.4 Investigative responsibilities.

AUTHORITY: 10 U.S.C. 8012.

§ 953.1 Purpose.

This part assigns responsibilities and prescribes procedures for reporting and investigating violations or suspected violations of public trust—in Air Force contract, procurement, and other matters—and Air Force standards of conduct.

§ 953.2 Violations of public trust.

The public trust in the integrity of Air Force contract, procurement, disposal and all other business transactions must be maintained. All Air Force personnel (military and civilian), who have reason to believe that the public trust has been or is being violated, will promptly report all information within their knowledge or belief to the responsible Air Force authorities. Violations of the public trust include fraud; collusion; favoritism; bribery; offering, soliciting, or accepting gratuities; and conflicts of interest. Violations of the standards of conduct will be reported and investigated as violations of the public trust.

§ 953.3 Reporting responsibilities.

The prompt reporting of any indications of the violations mentioned in § 953.2 is extremely important. All personnel (particularly those concerned with the placement, administration, audit, inspection, or termination of Air Force contracts), who have information leading to the belief that any of the violations referred to in § 953.2 have been or may be committed, will report all such information to the commander having:

(a) Immediate jurisdiction over the Air Force personnel allegedly involved; or

(b) Administrative responsibility for the contract(s) involved.

§ 953.4 Investigative responsibilities.

(a) The Director of Special Investigation, HQ USAF, is responsible, within the Air Force jurisdiction for investigating all suspected violations of public trust in Air Force contract, procurement, disposal and other matters. The OSI will forward initial, interim, and final reports of investigation to the commander concerned, for information and necessary action. In appropriate cases, OSI will coordinate investigations conducted outside the United States with host country authorities as provided for in Status of Forces or related agreements.

(b) The Director of Special Investigations will refer appropriate cases in these categories to the Department of Justice (including the Federal Bureau of Investigation) and will coordinate Air Force investigations with all interested Government agencies. Air Force commanders will not refer allegations or complaints on such matters either to the local or the national office of the Department of Justice (or the Federal Bureau of Investigation); however, they will cooperate fully with representatives of the Department of Justice when requested.

PART 954—ACQUISITION OF INFORMATION CONCERNING PERSONS AND ORGANIZATIONS NOT AFFILIATED WITH THE DEPARTMENT OF DEFENSE

Sec
954.1 Purpose.
954.2 Applicability.
954.3 General policy.
954.4 Controls.
954.5 Authorized activities.
954.6 Prohibited activities.
954.7 Operational guidance.

AUTHORITY: 10 U.S.C. 8012.

§ 954.1 Purpose.

(a) This part establishes Air Force policy, limitations, procedures, and operational guidance pertaining to the collecting, processing, storing, and dissemination of information concerning persons and organizations not affiliated with the Department of Defense. It applies to all investigations, whether conducted by a command or by the Office of Special Investigations (OSI).

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 954.2 Applicability.

(a) This part is applicable to all U.S. Air Force personnel, components, and organizations within the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and U.S. territories and possessions. This part covers all investigations conducted by a command, as well as those conducted by the Office of Special Investigations.

(b) This part is not applicable to the acquisition of foreign intelligence information or to activities involved in ensuring communications security.

(c) Responsibility for execution of functions and tasks in this part will be determined in accordance with pertinent Air Force directives which assign mission, responsibilities, and functions to Air Force activities.

§ 954.3 General policy.

(a) Air Force policy prohibits collecting, reporting, processing, or storing information on individuals or organizations not affiliated with the Department of Defense, except in those limited circumstances where such information is essential to the accomplishment of the Department of Defense or Air Force missions as outlined in this section.

(b) In order to ensure compliance with the policy as stated in paragraph (a) of this section, information-gathering activities shall be subject to overall civilian control at Department of Defense and Department of Air Force level, and to a high level of general supervision and frequent inspections at the field level by OSI and designated external groups.

(c) Where collection activities are authorized to meet an essential requirement for information, maximum reliance shall be placed upon domestic civilian investigative agencies, Federal, State, and local.

§ 954.4 Controls.

To establish a coordinated Defense Investigative Program within the Department of Defense, and to assign functions and responsibilities for the administration of the program, DOD Directive 5200.26 was issued on February 17, 1971. This directive establishes a Defense Investigative Program with the Assistant Secretary of Defense (Administration) being delegated responsibility to direct, manage, and inspect military investigative and related counterintelligence activities. A Defense Investigative Review Council (DIRC), which includes the Under Secretary of the Air Force as a member, has been established to assist the Assistant Secretary of Defense (Administration) in carrying out these responsibilities.

§ 954.5 Authorized activities.

U.S. Air Force units are authorized to gather information consistent with their assigned missions and which is essential to the accomplishment of the following Defense missions.

(a) *Protection of USAF or other DOD functions and property.* Information may be acquired about activities threatening Air Force military and civilian personnel and defense activities and installations, including vessels, aircraft, communications equipment and supplies. Only the following types of activities justify acquisition of information under the authority of this section:

(1) Subversion of loyalty, discipline, or morale of Air Force or other Department of Defense military or civilian personnel, where pertinent, by actively encouraging violation of law, disobedience of lawful order or regulations, or disruption of military activities.

(2) Theft of arms, ammunition, or equipment, or destruction or sabotage of facilities, equipment, or records belonging to Air Force or other DOD units or installations, where pertinent.

(3) Acts jeopardizing the security of Air Force or other DOD elements, where pertinent, or operations or compromising classified defense information by unauthorized disclosure or by espionage.

(4) Unauthorized demonstrations on active or Reserve Air Force installations.

(5) Direct threats to Air Force or other DOD military or civilian personnel in connection with their official duties, or to other persons whom the Air Force has been authorized to protect.

(6) Activities endangering facilities which have classified defense contracts, or which have been officially designated as key defense facilities.

(7) Crimes for which the Air Force has responsibility for investigating or prosecuting.

(b) *Personnel security.* Investigations may be conducted in relation to the following categories of persons:

(1) Members of the Air Force or other U.S. Armed Forces, including retired personnel; members of the Reserve Components; and applicants for commission or enlistment.

(2) Air Force or other DOD civilian personnel and applicants for such status.

(3) Persons having need for access to official information requiring protection in the interest of national defense under the Department of Defense Industrial Security Program or being considered for participating in other authorized Department of Defense programs.

(c) *Operations related to civil disturbances.* The Attorney General of the United States is the chief civilian officer in charge of coordinating all Federal Government activities relating to civil disturbances. Upon specific prior authorization of the Secretary of the Army, as designee of the Secretary of Defense, information may be acquired which is essential to meet operational requirements flowing from the mission assigned to the Department of Defense by the President to assist civil authorities in dealing with civil disturbances. Authorizations will be granted only when there is a distinct threat of a civil disturbance exceeding the law enforcement capabilities of State and local authorities. All requests for authorizations will be submitted to the Chief of Staff through The Inspector General for transmittal to the Under Secretary of the Air Force. Under DOD Directive 5200.27, final approval authority of these requests is vested in the Secretary of the Army, and may be delegated only to the Under Secretary of the Army.

§ 954.6 Prohibited activities.

The acquisition of information on individuals or organizations not affiliated with the Department of Defense will be restricted to that which is essential to the accomplishment of assigned Air Force missions under this part. The following activities are specifically prohibited:

(a) No information shall be acquired about a person or organization solely because of lawful advocacy of measures in opposition to Government policy.

(b) There shall be no physical or electronic surveillance of Federal, State, or local officials, or of candidates for such offices.

(c) There shall be no electronic surveillance of any individual or organization except as authorized by law.

(d) There shall be no covert or otherwise deceptive surveillance or penetration of civilian organizations unless specifically approved by the Under Secretary of the Air Force after authorization by the Chairman, DIRC. All requests will be submitted to the Chief of Staff through The Inspector General for transmittal to the Under Secretary of the Air Force. Prior to submitting requests to DIRC, all prospective activities will be coordinated with the Federal Bureau of Investigation by HQ USAF.

(e) No Air Force personnel will be assigned to attend public or private meetings, demonstrations, or other similar activities off of a military installation for the purpose of acquiring information, the collection of which is authorized by this part, without specific prior approval by the Under Secretary of the Air Force. Approval authority may not be delegated to any other person. Requests for approval will be submitted to the Chief of Staff through The Inspector General by transmittal to the Under Secretary. An exception to this policy may be made by the local commander concerned, or higher authority, when, in his judgment, the threat is direct and immediate and time precludes obtaining prior approval. In each such case a report will be made immediately to the Chief of Staff through The Inspector General for transmittal to the Under Secretary.

(f) No computerized data banks shall be maintained relating to individuals or organizations not affiliated with the Department of Defense. Approval for exceptions to this prohibition lies with the Under Secretary of the Air Force after authorization by the Chairman, DIRC. All Air Force requests for authorization will be addressed to the Chief of Staff through The Inspector General, and will be presented to DIRC by the Under Secretary of the Air Force if deemed appropriate.

(g) No practice or training in the art of acquisition of information shall take place using individuals or organizations not affiliated with the Department of Defense.

§ 954.7 Operational guidance.

(a) Nothing in this part shall be construed to prohibit the prompt reporting to law enforcement agencies of any information indicating the existence of a threat to life or property, or the violation of law, nor to prohibit keeping a record of such a report.

(b) Nothing in this part shall be construed to restrict the direct acquisition by overt means of the following information:

(1) Listing of Federal, State, and local officials who have official responsibilities related to the control of civil disturbances. Such listings may be maintained currently.

(2) Physical data on vital public or private installations, facilities, highways, and utilities, as appropriate, to carry out a mission assigned by this part.

(c) Access to information obtained under this part shall be restricted to governmental agencies which require such information in the execution of their duties.

(d) Information within the purview of this part shall be destroyed within 90 days after acquisition unless its retention is required by law or unless its retention is specifically authorized under criteria established by the Secretary of Defense, or through his designee, the Chairman, DIRC.

(e) This part does not abrogate any provision of the Delimitations Agreement of 1949, as amended, between the Federal Bureau of Investigation and the Departments of the Army, Navy and Air Force, nor preclude the collection of information required by Federal Statute or Executive Order. This part does not abrogate or alter any mission responsibilities assigned to Air Force activities by appropriate Air Force directives.

PART 955—CONDUCT OF POLYGRAPH EXAMINATIONS WITHIN THE DEPARTMENT OF THE AIR FORCE

Sec.
955.1 Purpose.
955.2 Applicability.
955.3 Exceptions.
955.4 General.
955.5 Delegation of authority to approve polygraph examinations.
955.6 Procedure of obtaining approval.
955.7 Requests for polygraph examination assistance from other DOD elements.
955.8 Polygraph examinations in criminal investigations.
955.9 Polygraph examinations in counterintelligence and personnel security investigations.
955.10 Control of information obtained during polygraph examinations.

AUTHORITY: 10 U.S.C. 8012.

§ 955.1 Purpose.

(a) This part prescribes the conditions under which polygraph examinations may be conducted within the Department of the Air Force.

(b) Part 806 of this chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 955.2 Applicability.

(a) This part applies to all U.S. Air Force components.

(b) It pertains to polygraph examination of:

(1) Any U.S. citizen.

(2) Any foreign national residing within the United States.

(3) Any foreign national serving in the Armed Forces of the United States.

§ 955.3 Exceptions.

(a) The Assistant Secretary of Defense (Administration) and the Secretary of the Air Force, for cause, may make individual exceptions to this part. Requests for exception should be prepared in writing, including the basis therefore, and sent promptly to the Director of Special Investigations for processing and referral.

(b) This part does not preclude conducting a polygraph examination in conjunction with a criminal counterintelligence, or personnel security investigation when the individual under investigation or associated with an investigation voluntarily seeks a polygraph examination as a means of exculpation. All such voluntary requests shall first be reviewed by the approving authority to determine the propriety of the request and to assure compliance with all other requirements of this part applicable to

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examinations. The conduct of such polygraph examinations also shall be subject to all the requirements of this part for such examinations.

(c) A polygraph examination may be authorized by the Director of Special Investigations in the case of an individual covered by this part who is a principal in an intelligence operation where information cannot be verified through other investigative methods. In such instances paragraphs (a) and (b) of § 955.9 do not apply.

§ 955.4 General.

(a) Within the jurisdiction of the United States Air Force a single agency conducts polygraph examinations in connection with counterintelligence, major criminal, and personnel security investigations. The Directorate of Special Investigations is designated as that agency.

(b) It is Department of the Air Force policy that criminal and counterintelligence investigations, including personnel security investigations, be oriented to depend upon evidence secured through skillful investigation and interrogation rather than upon the possibility of self-disclosure induced by a polygraph examination.

(c) The probing of a person's thoughts or beliefs, and questions about conduct which have no security implication, or are not directly relevant to an investigation, are prohibited. Examples of subject areas which should not be probed include religious beliefs and affiliations, beliefs and opinions regarding racial matters, political beliefs and affiliations of a nonsubversive nature, and opinions regarding the constitutionality of legislative policies.

(d) No polygraph examination shall be given to personnel of the Department of Defense, or to personnel outside the Department of Defense requiring access to classified defense information, except as authorized herein.

(e) Adverse action shall not be taken against a person for refusal to take a polygraph examination or for unwillingness to volunteer to take a polygraph examination. Moreover, information concerning a person's refusal either to submit to a polygraph examination or to volunteer for a polygraph examination shall not be recorded in his personnel file and shall be given the same protection afforded by § 955.10. This continuation of an investigation is, however, not considered to be an adverse action and is not prohibited by this section.

§ 955.5 Delegation of authority to approve polygraph examinations.

The authority to approve polygraph examinations within USAF jurisdiction is delegated to:

(a) Director of Special Investigations.

(b) Deputy Director of Operations.

(c) Chief, Counterintelligence Division.

(d) Chief, General Investigations Division.

(e) Chief, Personnel Investigations Division.

§ 955.6 Procedures for obtaining approval.

Specific prior approval of the Directorate of Special Investigations must be obtained for all proposed polygraph examinations. The request will incorporate a summary of the pertinent facts and cite the reason why the examination is deemed essential. Except in emergency situations, the request should be in writing.

§ 955.7 Requests for polygraph examination assistance from other DOD elements.

Heads of DOD components, the Assistant Secretary of Defense (Administration), and the Director, Office of Industrial Personnel Access Authorization Review, OASD(M), who receive investigative support (including the use of polygraph examinations) from the Department of the Air Force are authorized to request that polygraph examinations be conducted. To the extent applicable, they shall provide the Directorate of Special Investigations, in the case of examinations conducted in connection with:

(a) Criminal investigations, the information specified in § 955.8(a).

(b) Personnel security investigations, the information specified in § 955.9(a)(1).

§ 955.8 Polygraph examinations in criminal investigations.

Polygraph examinations may be conducted as a part of a criminal investigation of Department of the Air Force personnel or of personnel outside the Department of the Air Force, provided:

(a) A determination has been made, to be confirmed in writing in accordance with § 955.6, that:

(1) The investigation by other means has been as thorough as circumstances permit, the subject has been interviewed, and, consistent with the circumstances of the case, the development of additional information by means of a polygraph examination is essential and timely for the further conduct of the investigation;

(2) The alleged crime is an offense punishable under the United States Code or the Uniform Code of Military Justice by death or confinement for a term of 1 year or more;

(3) There is reasonable cause to believe that the person to be examined has knowledge of, or was involved in, the matter under investigation.

(4) Whether the area in which the polygraph examination is to be conducted contains a two-way mirror or other device whereby the examinee can be observed without his knowledge; and whether the examination will be monitored in whole or in part by any means.

(b) The person to be examined has been advised:

(1) That he has the opportunity to obtain and consult with counsel of his own choice before the polygraph examination.

(2) Of his rights, in accordance with either the "self-incrimination clause" of the Fifth Amendment to the Constitution or Article 31 of the Uniform Code of Military Justice, whichever is appropriate.

(3) That the polygraph examination will be conducted only with his prior written consent and that no adverse action will be taken against him because of a refusal to consent to take a polygraph examination.

§ 955.9 Polygraph examinations in counterintelligence and personnel security investigations.

Polygraph examinations may be conducted as a part of a counterintelligence investigation of Department of the Air Force personnel or as a part of a personnel security investigation of Department of Defense personnel outside the Department of the Air Force requiring access to classified defense information, *Provided*:

(a) A determination has been made to be confirmed in writing in accordance with § 955.6 that:

(1) The investigation by other means has been as thorough as circumstances permit, the subject has been interviewed, and further productive investigative effort is not likely without a polygraph examination; and,

(2) The purpose of the investigation is to determine whether to grant, deny, or withdraw a security clearance higher than Confidential; or, in accordance with DOD Directives 5210.7 and 5210.9, initial or continued employment, or membership in the Armed Forces, is clearly consistent with the interests of the national security; and

(3) The information furnished by the individual cannot be checked through the use of other investigative methods.

(b) The person to be examined has been advised:

(1) That he has the opportunity to obtain and consult with counsel of his own choice before the polygraph examination.

(2) Of his rights, in accordance with either the "self-incrimination clause" of the Fifth Amendment to the Constitution or Article 31 of the Uniform Code of Military Justice, whichever is appropriate.

(3) That the polygraph examination will be conducted only with his prior written consent and that no adverse action will be taken against him because of a refusal to consent to take a polygraph examination.

(4) Whether the area in which the polygraph examination is to be conducted contains a two-way mirror or other device whereby the examinee can be observed without his knowledge; and whether the examination will be monitored in whole or in part by any means.

§ 955.10 Control of information obtained during polygraph examinations.

(a) Each examiner prepares a written report of each polygraph examination conducted.

(b) The examiners report will be permanently retained only in the appropriate master investigative case file of the Directorate of Special Investigations.

Additional copies of this report will be destroyed within 3 months after close of the investigation which included the relevant polygraph examination.

(c) Polygraph examination results shall be available within the Department of the Air Force only to the Secretary thereof, his immediate advisors, and officials expressly charged with responsibility for personnel security, law enforcement, or the administration of criminal justice.

(d) Polygraph examination results shall not be made available outside the Department of the Air Force except to:

(1) Officials of the Office of the Secretary of Defense or other DOD component, corresponding to those enumerated in paragraph (c) of this section.

(2) Other Federal officials charged with intelligence, security, or law enforcement responsibilities with a clear need to know;

(3) State law enforcement officials where the results indicate an alleged violation of State law, or that a serious crime is likely to be committed;

(4) Legal counsel for the person examined, upon request therefor (subject to provisions for safeguarding classified defense information);

(5) Such other persons as the Secretary of the Air Force personally may determine.

(e) Polygraph examinations otherwise falling within the scope of this part will not be given to persons who are not in sound physical or mental condition. Any doubt by an examiner or examinee as to the fitness of the examinee to submit to such examination shall be referred to a supervisory official for resolution.

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-22264 Filed 9-24-74;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER D—RANGE MANAGEMENT (4000)

[Circular No. 2362]

PART 4110—GRAZING ADMINISTRATION

Branding and Marking of Livestock

On page 5193 of the FEDERAL REGISTER of February 11, 1974, there was published a notice and text of a proposed amendment to Subpart 4112 of Title 43, Code of Federal Regulations. The purpose of this amendment is to incorporate into the regulations adequate branding and marking requirements for livestock authorized to graze on the public lands administered by the Bureau of Land Management.

Present regulations found at 43 CFR 4112.3-2(a) provide "the statutory provisions of the State in which the Federal range or stock driveway to be used is located relating to the branding of livestock and sanitary requirements, shall be followed." Some States, however, do not require all livestock to be branded, making efficient range administration of the public lands difficult. The proposed amendment would establish branding and marking requirements for livestock using public lands, retaining the requirement that appropriate State statutes be observed.

Implementation of this amendment will improve identification of livestock for the purposes of claiming ownership and controlling unauthorized use of the public lands. In addition, branding of domestic horses and burros authorized to graze on public lands will reduce the possibility of misconception regarding the ownership of those animals.

Interested persons were given until March 8, 1974, to submit comments, suggestions, or objections to the proposed amendment. One comment was received. The writer recommended that the regulations provide for exceptions to branding in instances where brands would detract from the appearance of show animals or other "special" livestock. The regulation has been reworded to accommodate exceptions to the brand requirement where warranted.

The amendment is hereby adopted as set forth below and shall become effective October 23, 1974.

Section 4112.3-2(a) is amended to read as follows:

§ 4112.3-2 Rules of fair range practice.

All licensees and permittees shall comply with the following rules of fair range practice:

(a) (1) State laws and regulations relating to sanitary and branding requirements for livestock shall be followed by graziers using the Federal range.

(2) However, the following minimum branding requirements are mandatory for livestock authorized to graze the Federal range: (i) All cattle, horses, and burros over 6 months of age must carry a brand which has been filed with the District Manager, and (ii) All sheep and goats over 6 months of age must be identified with earmarks, paint brands, or other markings filed with the District Manager. The District Manager may, for good cause, exempt certain livestock (such as show animals) from the minimum branding requirements. An alternative method of identifying the animals shall be used in such instances.

(3) To the extent that State laws and regulations are lacking or less stringent than the regulations in this paragraph, the regulations in this paragraph are minimum and controlling on the Federal range.

(4) The District Manager shall retain the discretionary authority to require eartagging and other marking of livestock in order to abate trespass and promote the orderly administration of the range.

* * * * *

JACK O. HORTON,
Assistant Secretary of the Interior.

SEPTEMBER 16, 1974.

[FR Doc.74-22266 Filed 9-24-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 1—PRACTICE AND PROCEDURE

Broadcast Procedure Manual

Order. Amendment of § 1.526(a)(6) as it refers to the Broadcast Procedure Manual.

1. Section 1.526(a)(6) makes reference to the 1972 edition of the Broadcast Procedure Manual. Now that the 1974 revision is available, it is necessary to amend that rule to make reference to the current edition.

2. Inasmuch as this is an editorial amendment, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply. Authority for this amendment appears in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules and regulations.

3. *Accordingly, it is ordered,* That effective October 2, 1974, § 1.526(a)(6) is amended to read as follows:

§ 1.526 Records to be maintained locally for public inspection by applicants, permittees, and licensees.

(a) * * *

(6) The Public and Broadcasting—A Procedure Manual (see FCC 74-942, 39 FR 32288, September 5, 1974).

* * * * * *

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Adopted and Released: September 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

[FR Doc.74-22254 Filed 9-24-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1197]

PART 1033—CAR SERVICE

Atchison, Topeka and Santa Fe Railway Company Authorized To Operate Over Tracks of the Chicago, Rock Island and Pacific Railroad Company

SEPTEMBER 20, 1974.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 19th day of September 1974.

It appearing, that the excessive hazard to vehicular and pedestrian traffic, the City of Colorado Springs, Colorado, had requested The Atchison, Topeka and Santa Fe Railway Company (ATSF) to discontinue the use of certain tracks in Colorado Springs, Colorado; that such discontinuances will deprive certain shippers of ATSF services; that service to these shippers can be continued by the ATSF on certain tracks of The Chicago, Rock Island and Pacific Railroad Com-

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pany (RI); that the RI has consented to the use of its tracks by the ATSF between a point of connection between the RI and the joint line of The Denver and Rio Grande Western Railroad Company (DRGW) and the ATSF between DRGW milepost 74.3 and RI milepost at 606.21; that operation by the ATSF over the aforementioned tracks of the RI, pending disposition of application by the ATSF with the Commission seeking permanent authority to operate over these tracks, is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1197 Service Order No. 1197.

(a) *The Atchison, Topeka and Santa Fe Railway Company authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company.* The Atchison, Topeka and Santa Fe Railway Company (ATSF) be, and it is hereby, authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) between a point of connection between the RI and the joint line of The Denver and Rio Grande Western Railroad Company (DRGW) and the ATSF between DRGW milepost 74.3 and RI milepost at 606.21.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Effective date.* This order shall become effective at 12:01 a.m., September 20, 1974.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 15, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10–17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-22286 Filed 9-24-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Benton Lake National Wildlife Refuge, Montana

The following regulations are issued and are effective September 25, 1974. These regulations supersede previous regulations published in FEDERAL REGISTER, Volume 39, No. 168, dated August 28, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MONTANA

BENTON LAKE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks, coots, mergansers and Wilson's snipe on the Benton Lake National Wildlife Refuge, Montana, is permitted only on areas designated by signs as open to public hunting. This open area is delineated on maps available at refuge headquarters.

Hunting shall be in accordance with all applicable state and federal regulations governing the hunting of the aforementioned species subject to the following special conditions:

1. Special regulations for conducting an experimental steel shot program:

a. On all odd numbered days during the waterfowl season hunters may not possess or use shells containing steel containing steel pellets.

b. On all even numbered days during the waterfowl season hunters may not possess or use shells containing steel pellets.

c. Hunters are required to register at the checking station prior to entering the hunting area.

d. Hunters will be required to check out at the checking station at which time they will present their bag to refuge personnel for species identification.

e. In the advent of adverse weather conditions, special steel shot regulations (1a, 1b, 1c, and 1d) may be rescinded by order of the Refuge Manager. If rescinded, hunters will be advised by means of a large sign erected at the entrance to the check station.

2. Refuge roads and dike areas are closed to hunting.

3. Temporary blinds may be constructed with natural vegetation found on the refuge.

4. Vehicle use and parking shall be confined to gravelled roads and designated parking areas.

5. Boats without motors may be used in conjunction with waterfowl hunting activities.

In order to avoid disruption of the Service's pilot iron shot program and continue the collection of important data and for the further reason that the waterfowl hunting season in this area opens on October 6, it is determined that this regulation shall take effect in less than 30 days from date of publication and that notice of public procedures thereof is impractical, unnecessary and contrary to public interest, thus falling within the exceptions of 5 U.S.C. 553(b)(3)(B), and that these regulations shall be effective on September 28, 1974.

The provisions of this special regulation supplement to regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 29, 1974.

LYLE A. STEMMERMAN,
Refuge Manager, Benton Lake National Wildlife Refuge, Great Falls, Montana.

SEPTEMBER 17, 1974.

[FR Doc.74-22372 Filed 9-24-74;8:45 am]

PART 32—HUNTING

J. Clark Salyer National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective September 25, 1974.

§ 32.32 Special regulations; upland game; for individual wildlife refuge areas.

NORTH DAKOTA

J. CLARK SALYER NATIONAL WILDLIFE REFUGE

Public hunting of gray partridge, sharptailed grouse and pheasant on the J. Clark Salyer National Wildlife Refuge, North Dakota, is permitted from sunrise to sunset November 18, 1974 through December 15, 1974, only on the area designated by signs as open to hunting. This open area, comprising 58,400 acres of the total refuge area is delineated on a ers, Upham, North Dakota 58789, and map available at the refuge headquarters, Upham, North Dakota 58789, and from the office of the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 1897, Bismarck, North Dakota 58501. Hunting shall be in accordance with all applicable State regulations covering the hunting of gray partridge, sharptailed grouse and pheasant subject to the following special condition:

(1) All hunters must exhibit their hunting license, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 15, 1974.

DAROLD T. WALLS,
Acting Refuge Manager, J. Clark Salyer National Wildlife Refuge.

SEPTEMBER 17, 1974.

[FR Doc.74-22197 Filed 9-24-74;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 216—MARINE MAMMALS

Incidental Taking in the Course of Commercial Fishing Operations

Regulations entitled "Incidental Taking in the Course of Commercial Fishing Operations," Part 216 of Chapter II, Title 50 of the Code of Federal Regulations were published in the FEDERAL REGISTER (39 FR 32117) on Thursday, September 5, 1974, to become effective on September 30, 1974. As provided in said publication, "Modifications of these regulations prior to the effective date, to the extent such modifications are necessary and permissible, will be announced in the FEDERAL REGISTER." It has been determined that the following modifications are necessary and permissible in order to carry out the intent of the regulations.

The following changes are made in the September 5, 1974 regulations:

1. Section 216.24 is amended by adding the word "serious" before the word "injury" in paragraph (e)(2) and adding paragraphs (e)(2)(i), (e)(4), (5), and (6) as follows:

2. The addition of "serious" to "injury" more accurately reflects the wording of the Act. Paragraph (e)(2)(i) implements the determination by the Director that only yellowfin tuna, salmon, halibut, and pilchards from South Africa have been found, at this time, to be involved with commercial fishing operations which cause the death or serious injury of marine mammals. Section 216.24(e)(2) may be amended by adding or deleting fish as available information supports subsequent determinations. Paragraphs (e)(5) and (6) provide for a boarding procedure consistent with Customs procedures for the importation of fish lacking adequate documentation or certification at the time of importation.

§ 216.24 Taking and related acts incidental to commercial fishing operations.

• • • • • •

(e) • • •

(2) • • • serious injury • • •

(i) All fish, except yellowfin tuna; salmon; halibut; and pilchards from South Africa. The following U.S. Tariff Schedule Item Numbers identify these categories of yellowfin tuna, salmon, halibut, and pilchard products which are imported into the United States and are to be covered by the documentation and certification requirements of § 216.24(e):

110.10–20	Tuna, yellowfin, whole fish.
110.10–25	Tuna, yellowfin, eviscerated, head on.
110.10–30	Tuna, yellowfin, eviscerated, head off.
110.10–37	Tuna, yellowfin, eviscerated.
110.20–25	Halibut, fresh or chilled.
110.20–30	Halibut, frozen.
110.20–45	Salmon, fresh or chilled.
110.20–50	Salmon, frozen.
110.70–40	Halibut, other—except portion controlled steaks.
111.48–00	Salmon, salted.
111.88–00	Salmon, smoked or kippered.
112.18–00	Salmon, preserved, not in oil.
112.20–00	Canned sardines/pilchards, [from S. Africa].
112.22–00	Canned sardines/pilchards, [from S. Africa].

• • • • •

(4) *Fish refused entry.* If fish is denied entry under the provisions of § 216.24(e)(3), the district director of Customs shall refuse to release the fish for entry into the United States and shall issue a notice of such refusal to the importer or consignee.

(5) *Release under bond—Provided however*, That fish not accompanied or covered by the required documentation or certification when offered for entry may be entered into the United States if the importer or consignee gives a bond on Customs Form 7551, 7553, or 7595 for the production of the required documentation or certification. The bond shall be in the amount required under 19 CFR 25.4(a). Within 90 days after such Customs entry, or such additional period as the district director of Customs may allow for good cause shown, the importer or consignee shall deliver a copy of the required documentation or certification to the district director of Customs, and an original of the required documentation or a copy of the certification to the regional director of the National Marine Fisheries Service, unless the district director of Customs has received notification from the National Marine Fisheries Service that the fish is covered by a certification. If such documentation, certification, or notification is not delivered to the district director of Customs for the port of entry of such fish within 90 days of the date of Customs entry or such additional period as may have been allowed by the district director of Customs for good cause shown, the importer or consignee shall redeliver or cause to be redelivered to the district director of Customs those fish which were released in accordance with this paragraph. In the event that any such fish is not redelivered within 5 days following the date specified in the preceding sentence, liquidated damages shall be assessed in the full amount of a bond given on Form 7551. When the transaction has been charged against a bond given on Form 7553 or 7595, liquidated damages shall be assessed in the amount that would have been demanded under the preceding sentence under a bond given on Form 7551. Fish released for entry into the United States through use of the bonding procedure provided in this paragraph shall be subject to the civil and criminal penalties and the forfeiture provisions provided for under the Act if (i) the required documentation or certification is not delivered to the regional director of the National Marine Fisheries Service within 90 days of the date of Customs entry, or such additional period as may have been allowed by the district director of Customs for good cause shown, or (ii) the required certification is not on file in the office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, within this 90 day period or such additional period as may have been allowed by the district director of Customs for good cause shown. Fish refused entry into the United States shall also be subject to the civil and criminal penalties and the forfeiture provisions provided for under the Act.

(6) *Disposition of fish refused entry into the United States; redelivered fish.* Fish which is denied entry under § 216.24(e)(3) or which is redelivered in accordance with § 216.24(e)(5) and which is not exported under Customs supervision within 90 days from the date of notice of refusal of admission or date of redelivery shall be disposed of under Customs laws and regulations. *Provided however*, That any disposition shall not result in an introduction into the United States of fish in violation of the Marine Mammal Protection Act of 1972.

Dated: September 20, 1974.

JOSEPH W. SLAVIN,
Acting Director, National Marine Fisheries Service.

[FR Doc.74-22198 Filed 9-24-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 966]

TOMATOES GROWN IN FLORIDA

Proposed Minimum Grade and Size Requirements

This regulation, designed to promote orderly marketing of Florida tomatoes, would impose minimum grade, size, quality and maturity standards and require inspection of fresh shipments to keep undesirable tomatoes from being shipped to consumers.

Consideration is being given to the issuance of the handling regulation, hereinafter set forth, which was recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Marketing Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the production area. This program is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the composition of the 1974–75 crop of Florida tomatoes and the marketing prospects for this season. The proposed requirements for containers, container net weights, and size classifications are intended to standardize shipments in the interest of orderly marketing and thereby improve net returns to producers. The proposals with respect to special pack and special purpose shipments are designed to meet the different requirements for such shipments. The minimum grade and size requirements would preclude shipments to fresh market of tomatoes which usually are of negligible economic value to producers.

Consideration will be given to any written data, views, or arguments pertaining to this proposal which are filed in duplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 11, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation is as follows:

§ 966.312 Handling regulation.

During the period October 28, 1974, through June 15, 1975, no person shall handle any lot of tomatoes for shipment outside the regulated area unless they meet the requirements of paragraph (a) of this section or are exempted by paragraphs (b) or (d) of this section.

(a) *Grade, size, container and inspection requirements*—(1) *Grade.* Tomatoes shall be graded and meet the requirements specified in § 51.1855 U.S. No. 1, § 51.1856 U.S. Combination, § 51.1857 U.S. No. 2 or § 51.1858 U.S. No. 3, of the U.S. Standards for Grades of Fresh Tomatoes except that when not more than 15 percent of tomatoes in any lot fail to meet the requirements of U.S. No. 1 grade and not more than one-third of this 15 percent (or 5 percent) are comprised of defects causing very serious damage including not more than one percent of tomatoes which are soft or affected by decay, such tomatoes may be shipped and designated as at least 85 percent U.S. No. 1 grade.

(2) *Size.* (i) Tomatoes shall be over $2\frac{1}{32}$ inches in diameter and be sized in accordance with § 51.1859 of the U.S. tomato standards.

(ii) Tomatoes of designated sizes may not be commingled unless they are over $2\frac{17}{32}$ inches in diameter and each container shall be marked to indicate the designated size.

(iii) Only the generic terms as defined in § 51.1859 may be used to indicate size designations on containers of tomatoes; except that the following abbreviations may be used—sml for small, med for medium, lg for large, ex lg for extra large, or max lg for maximum large.

(3) *Containers.* (i) Tomatoes shall be packed in containers of 20, 30 or 40 pounds designated net weights and comply with the requirements of § 51.1863 of the U.S. tomato standards.

(ii) Each container shall be marked to indicate the designated net weight.

(4) *Inspection.* Tomatoes shall be inspected and certified pursuant to the provisions of § 966.60. Each handler who applies for inspection shall register with the committee pursuant to § 966.113. Registered handlers shall pay assessments as provided in § 966.42. Inspection certificates must accompany truck shipments.

(b) *Special purpose shipments.* The requirements of paragraph (a) of this section shall not be applicable to shipments of tomatoes for canning, relief, charity or export if the handler thereof complies with the safeguard requirements of paragraph (c) of this section. Shipments for canning are also exempt from the assessment requirements of this part.

(c) *Safeguards.* Each handler making shipments of tomatoes for canning, relief, charity or export in accordance with paragraph (b) of this section shall:

(1) Apply to the committee and obtain a Certificate of Privilege to make such shipments.

(2) Prepare on forms furnished by the committee a report in quadruplicate on such shipments authorized in paragraph (b) of this section.

(3) Bill or consign each shipment directly to the designated applicable receiver.

(4) Forward one copy of such report to the committee office and two copies to the receiver for signing and returning one copy to the committee office. Failure of the handler or receiver to report such shipments by signing and returning the applicable report to the committee office within ten days after shipment shall be cause for cancellation of such handler's certificate and/or receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of any such certificate, the handler may appeal to the committee for reconsideration.

(d) *Exemption*—(1) *For types.* The following types of tomatoes are exempt from these regulations: Elongated types commonly referred to as pear shaped or paste tomatoes and including but not limited to San Marzano, Red Top and Roma varieties; cerasiform type tomatoes commonly referred to as cherry tomatoes, hydroponic tomatoes, and greenhouse tomatoes.

(2) *For minimum quantity.* For purposes of these regulations each person subject thereto may handle up to but not to exceed 60 pounds of tomatoes per day without regard to the requirements of these regulations but this exemption shall not apply to any shipment or any portion thereof of over 60 pounds of tomatoes.

(3) *For special packed tomatoes.* Tomatoes resorted, regraded and repacked by a handler who has been designated as a "Certified Tomato Repacker" by the committee are exempt from the tomato grade classifications of paragraph (a)(1) of this section and the size classifications of paragraph (a)(2) of this section and the container weight requirements of paragraph (a)(3) of this section if such tomatoes comply with the inspection requirements of paragraph (a)(4) of this section.

(e) *Definitions.* "Hydroponic tomatoes" means tomatoes grown in solution without soil; "greenhouse tomatoes" means tomatoes grown indoors. A "Certified Tomato Repacker" is a repacker of tomatoes in the regulated area who has the facilities for handling, regrading, resorting, and repacking tomatoes into consumer sized packages and has been certified as such by the committee. "U.S. tomato standards" means the revised United States Standards for Grades of Fresh Tomatoes (§§ 51.1855–51.1877 of this title), effective December 1, 1973, or variations thereof specified in this section. Other terms in this section shall have the same meaning as when used in Marketing Agreement No. 125, as amended, and this part, and the U.S. tomato standards.

Dated: September 20, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-22281 Filed 9-24-74;8:45 am]

[7 CFR Part 980]

TOMATOES

Proposed Grade, Size and Inspection Requirements

Notice is hereby given of proposed grade, size and inspection requirements to be made applicable to the importation of fresh tomatoes into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The import regulation would apply the same requirements to be made effective under the Federal marketing order for tomatoes grown in Florida.

All persons who desire to submit data, views, or arguments in connection with this proposal may file the same with the Hearing Clerk, U.S. Department of Agriculture, Room 112–A, Washington, D.C. 20250, not later than October 11, 1974. Written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation is as follows:

§ 980.208 Tomato import regulation.

Except as otherwise provided, during the period October 28, 1974, through June 15, 1975, no person may import fresh tomatoes, except pear shaped, cherry, hydroponic and greenhouse tomatoes as defined herein, unless they are inspected and meet the requirements of this section.

(a) *Minimum grade and size requirements.* (1) At least U.S. No. 3 grade and over $2\frac{1}{32}$ inches in diameter;

(2) Not more than 10 percent, by count, in any lot may be smaller than the specified minimum diameter.

(b) *Minimum quantity exemption.* Any importation which in the aggregate does not exceed 60 pounds may be imported without regard to the provisions of this section.

(c) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(d) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of tomatoes that are imported into the United States under the provisions of Section 8e of the act.

(e) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the tomatoes meet the United States import requirements for tomatoes under section 8e (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specified lot is required on all imports of fresh tomatoes.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice
All Texas points.	L. M. Denbo, P.O. Box 107, San Juan, Tex. 78589 (Phone 512-787-4091 or 6881).	1 day.
All Arizona points.	B. O. Morgan, P.O. Box 1614, Nogales, Ariz. 85621 (Phone 602-287-2902).	Do.
All California points.	D. P. Thompson, 784 S. Central Ave., Room 256, Los Angeles, Calif. 90021 (Phone 213-622-8756).	3 days.
All Hawaii points.	Stevenson Ching, P.O. Box 5425, Pawaa Subetation, 1428 S. King St., Honolulu, Hawaii 96814 (Phone 808-941-3071).	1 day.
All Puerto Rico points.	Darrell McNeal, P.O. Box 10163, Santurce, P.R. 00908 (Phone 809-783-2220 or 4116).	2 days.
New York City.	Frank J. McNeal, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone 212-991-7669 or 7668).	1 day.
New Orleans...	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70113 (Phone 504-527-6741 or 6742).	Do.
Miami.....	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 536, Miami, Fla. 33136 (Phone 305-324-6116 or 6117).	Do.
All other Florida points.	C. B. Brantley, P.O. Box 1232, Winter Haven, Fla. 33880 (Phone 813-294-3011, Ext. 33 and 813-294-2089).	Do.
All other points.	D. S. Matheson, Fruit and Vegetable Division, AMS, Washington, D.C. 20250 (Phone 202-447-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certification issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e–1.

(f) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of tomatoes for the purpose of making it eligible for importation.

(g) *Definitions.* For the purpose of this section, "Importation" means release from custody of the United States Bureau of Customs. "Cherry tomatoes" means cerasiform types commonly referred to as "cherry tomatoes." "Pear shaped tomatoes" means elongated types, commonly referred to as pear shaped or paste tomatoes and include San Marzano, Red Top and Roma varieties. "Hydroponic tomatoes" means tomatoes grown in solution without soil. "Greenhouse tomatoes" means tomatoes grown indoors. The terms relating to grade and size, as used herein, shall have the same meaning as when used in the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855–51.1877 of this title).

Dated: September 20, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-22282 Filed 9-24-74;8:45 am]

[7 CFR Part 982]

FILBERTS GROWN IN OREGON AND WASHINGTON

Proposed Expenses of the Filbert Control Board and Rate of Assessment for the 1974–75 Fiscal Year

Notice is given of a proposal regarding expenses of the Filbert Control Board, and rate of assessment, for the 1974–75 fiscal year, under §§ 982.60 and 982.61 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Board has recommended for the 1974–75 fiscal year beginning August 1, 1974, a budget of expenses in the total amount of $40,025. Based on the volume of filberts estimated to be subject to this

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regulatory program during the 1974–75 fiscal year, an assessment rate of 0.20 cent per pound of assessable filberts is expected to provide sufficient funds to meet the estimated expenses of the Board.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 11, 1974. All written submissions made regarding this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 982.319 **Expenses of the Filbert Control Board and rate of assessment for the 1974–75 fiscal year.**

(a) *Expenses.* Expenses in the amount of $40,025 are reasonable and likely to be incurred by the Filbert Control Board during the fiscal year beginning August 1, 1974, for its maintenance and functioning and for such purposes as the Secretary may, under this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for this fiscal year, payable by each handler under § 982.61, is fixed at 0.20 cent per pound of filberts.

Dated: September 19, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-22212 Filed 9-24-74;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 3]

DOGS AND CATS

Proposed Veterinary Care, Space and Exercise, and Audio-Visual Requirements

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of the Act of August 24, 1966 (Pub. L. 89–544), as amended by the Animal Welfare Act of 1970 (Pub. L. 91–579), the Department of Agriculture is considering amending Subpart A of Part 3, Subchapter A, Chapter I, Title 9, Code of Federal Regulations, to require random source dogs, after 21 days, to be released from minimum size cages into larger areas for 30 minutes for each of 5 days of a 7-day week; to provide for communal housing of dogs; to require dogs which develop abnormal behavior to be given prompt care and treatment or to be euthanized; and to require dogs and cats to have audio-visual contact with members of their own species.

Statement of considerations. The question of a mandatory exercise requirement for dogs has repeatedly been the topic of controversy and discussion since standards for dogs were first considered by the Department under Pub. L. 89–544, the Laboratory Animal Welfare Act of 1966. Although such requirements were not mentioned in the notice of proposed rulemaking (36 FR 20472–20480) published prior to the amendments to the regulations of December 24, 1971, a number of comments were received indicating that dogs held and used for research should be removed from cages and placed in runs for exercise each day. The statement of considerations which was included with miscellaneous amendments to the regulations and standards under the Act, as published in the FEDERAL REGISTER on December 24, 1971 (36 FR 24917), discussed the need for mandatory exercise requirements for animals at that time.

The Department recognized that under the Laboratory Animal Welfare Act of 1966, as amended by the Animal Welfare Act of 1970, it was responsible for developing minimum standards, as charged by Congress, for the humane care and handling of animals, including the opportunity for exercise. On March 7, 1972, the Department did declare its intent to revise the standards by publication of a notice of proposed rulemaking in the FEDERAL REGISTER (37 FR 4918) requesting data, views, and arguments from the public as to what standards, if any, should be issued with respect to the exercise requirements for animals, especially dogs. The more than 500 comments received were divided essentially into two categories: those who opposed the exercise requirement on the basis of no scientific justification and those who favored it on the basis that empirical evidence demonstrates the need for such requirements for dogs.

Subsequent to the comment period, a number of work conferences were held with representatives of the scientific community, animal welfare groups, zoos, animal dealers, exhibitors, and representatives of other Federal agencies to gain further information on the subject. Although the discussions were open and frank, there was very little additional information offered over what had been presented during the comment period.

It is an accepted fact that, in general, the dog is a very adaptable animal. However, dogs from an unknown background and environment (e.g. pets, strays, etc.) may be subject to a great deal of stress when placed in restricted quarters such as a cage of USDA minimum size, and therefore, it appears that such dogs should be released periodically to have an opportunity for exercise. Several animal behaviorists feel that those few dogs which are prone to developing abnormal stereotyped behavior (e.g. whirling, depression, inappetance, copraphagy, self-inflicting injuries, etc.) will exhibit such abnormal behavior after a 21-day period in a restricted environment.

Therefore, we are proposing that dogs which were not born and reared in a known restricted environment (cages and/or runs) shall be released from their primary enclosures, if housed in the minimum space as required by § 3.4(b)(2)(i) of the standards, after an initial period of confinement of 21 days, into a larger area for a minimum of a 30-minute period during the normal working hours of each of 5 days of the 7-day calendar week. The minimum size of the larger area shall be not less than three times the minimum square footage of floor space required for such dog by § 3.4(b)(2)(i) of the standards and a height of not less than twice the height of the dog as measured to the top of its shoulders while in a standing position (in no case shall the height be less than two feet).

It is also proposed to make provisions for dogs to be communally housed or communally released into a larger area. In such cases, for example, the exercise area that would be satisfactory for one dog would also be satisfactory for two compatible dogs of the same size to be communally housed together. Such would be possible because the same communal space would be available to each dog. Dogs that are housed in primary enclosures which meet the space requirements of the larger area do not need to be released as they would have the larger area available at all times.

It is also proposed that dogs which exhibit abnormal behavior or similar problems shall be provided veterinary medical care and released to runs or other primary enclosures which may correct the abnormal behavior, assigned promptly to short term, terminal experiments or immediately euthanized. Such practices are routinely followed in research facilities.

The question of whether dogs and cats should have audio-visual contact with members of their own species is primarily related to the housing of such animals at research facilities. The Department's information indicates that while dogs and cats on dealers' premises are seldom deprived of such contact, dogs and cats in research facilities are often housed individually in cages or primary enclosures with only the front constructed for visual contact. Further, information indicates that psychological stress in such animals may be reduced because of such audio-visual contact since it appears that fewer animals show boredom or depression and the animals are apparently more quiet and happy when they have such contact. Accordingly, it is proposed to amend the standards to require dogs and cats to have audio-visual contact with members of their own species unless otherwise required by the attending veterinarian in providing adequate veterinary care.

Due to the possible impact of these proposed requirements, it is proposed that if these amendments are promulgated, such requirements would not take effect with respect to dealers until the expiration of six months after publication of the final amendments in the Federal Register and with respect to research facilities until the expiration of eighteen months after such publication. Such delay would appear to be necessary in order to give dealers and research facilities sufficient time to comply with the requirements.

Accordingly, it is proposed that the standards under the Animal Welfare Act, as amended, (9 CFR 3.1 et seq.) be amended as follows:

1. In § 3.4 it is proposed that a new paragraph (a)(1)(v) would be added to read:

§ 3.4 Primary enclosures.

• • • • •

(a) *General*—(1) • • •

(v) In the case of dogs and cats housed individually in primary enclosures, the primary enclosures shall be so positioned that each dog and cat therein has audio-visual contact with one or more members of its own species: *Provided, however,* That such housing shall not be necessary if there is only one dog or cat located in the housing facility or if, in the opinion of the attending veterinarian, a dog or cat should be exempted from the provisions of this paragraph for the reason of providing adequate veterinary care.

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2. In § 3.10, a new paragraph (d) would be added to read:

§ 3.10 Veterinary care.

• • • • • •

(d) Dogs held in a restricted environment may develop abnormal behavior (exhibited by such signs as whirling, depression, inappetence, copraphagy, and self-inflicted injuries) or may refuse to eliminate body wastes. Dogs developing these or similar problems shall be provided veterinary medical care and released permanently to runs or other primary enclosures which may correct such abnormal behavior, assigned promptly to short term, terminal experiments, or immediately euthanized.

3. The present §§ 3.11, 3.12, 3.13, and 3.14, concerning transportation standards, would be renumbered as §§ 3.12, 3.13, 3.14, and 3.15, respectively, and a new § 3.11 would be added with a new heading as follows:

EXERCISE REQUIREMENTS

§ 3.11 **Exercise requirements and exceptions for random source dogs.**

(a) *General.* A random source dog is a dog which was not born and reared in a restricted environment such as a cage or run. Random source dogs shall be given an opportunity for exercise after a maximum of 21 days after acquisition by a dealer, exhibitor, or research facility, in accordance with the requirements and subject to the exceptions in paragraphs (b) and (c) of this section.

(b) *Exercise requirements.* (1) The minimum available floor space of the exercise area for a random source dog shall be at least 3 times the minimum square footage of floor space required for such dog by paragraph (b)(2)(i) of § 3.4 of the standards; *Provided,* That, neither the length nor the width of such area shall be less than the length of the dog, as measured from the tip of its nose to the base of its tail, plus six inches.

(2) The minimum height of the exercise area for a random source dog shall be the greater of either 2 feet or twice the height of such dog as measured to the top of its shoulders while in a standing position.

(3) The minimum period of time a random source dog shall have access to the exercise area shall be 30 minutes during the normal working hours of each of 5 days of the 7-day calendar week.

(c) *Exceptions.* (1) More than one dog can have access to the exercise area at the same time if the dogs are compatible and the minimum available floor space of the exercise area is at least the sum of 1½ times the minimum square footage of floor space required for each dog by paragraph (b)(2)(i) of § 3.4 of the standards.

(2) A random source dog is not required to be released into an exercise area if it is housed in a primary enclosure that meets the minimum space requirements set forth in paragraphs (b)(1) and (2) of this section.

(3) Random source dogs are not required to be released into an exercise area if they are communally housed in a primary enclosure that meets the minimum space requirements set forth in paragraphs (c)(1) and (b)(2) of this section.

(4) The provisions of this section are not applicable to random source dogs under research, experimentation, or testing if the research, experimentation or testing program, protocol or procedure requires that the dogs not be exercised and this requirement has been approved in writing by the attending veterinarian of the research facility or by an institutional committee of at least three members, one of whom is a Doctor of Veterinary Medicine, established for the purposes of evaluating the care, treatment, and use of all warmblooded animals held or used for research, experimentation, or testing.

§§ 3.12–3.14 [Renumbered]

Any person who wishes to submit written data, views, arguments, or information concerning this notice may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Federal Center Building, Hyattsville, Maryland 20782, before November 25, 1974.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 20th day of September 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-22208 Filed 9-24-74;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1464]

BURLEY TOBACCO

Advance Grade Rates for Price Support on 1974 Crop

Notice is hereby given that CCC is considering the grade loan rates to be applied in making price support available on 1974-crop burley tobacco.

Consideration will be given to data, views and recommendations pertaining to the advance rates set out in this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than October 20, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during the regular business hours (8:15 a.m. to 4:45 p.m.). (7 CFR 1.27(b)).

Under the Tobacco Loan Program published June 6, 1974 (39 FR 20070), and amended August 23, 1974 (39 FR 30477), CCC proposes to establish loan rates by grades for the 1974 crop burley tobacco, type 31, as set forth herein. These proposed rates, calculated to provide the level of support of 85.8 cents per pound as determined under section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445), are as follows:

§ 1464.21 1974 Crop Burley Tobacco, Type 31, Loan Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Loan rate	Grade	Loan rate
B1F	91	B4VR	80
B2F	90	B5VR	77
B3F	89	B3GF	82
B4F	88	B4GF	80
B5F	87	B5GF	77
B1FR	90	B3GR	75
B2FR	89	B4GR	73
B3FR	88	B5GR	70
B4FR	87	T3F	87
B5FR	85	T4F	84
B1R	88	T5F	81
B2R	87	T3FR	85
B3R	86	T4FR	83
B4R	85	T5FR	80
B5R	84	T3R	81
B4D	77	T4R	78
B5D	73	T5R	74
B3K	86	T4D	73
B4K	84	T5D	70
B5K	79	T4K	72
B3M	86	T5K	71
B4M	84	T4VF	82
B5M	78	T5VF	77
B3VF	88	T4VR	75
B4VF	85	T5VR	71
B5VF	82	T4GF	76
B3VR	81	T5GF	72

[1] Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "W" (wet), "No.-G" (no grade), or scrap will not be accepted. Cooperatives are authorized to deduct $1 per hundred pounds to apply against overhead costs.

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Grade	Loan rate	Grade	Loan rate
T4GR	70	X4L	88
T5GR	67	X5L	87
C1L	91	X1F	91
C2L	90	X2F	90
C3L	89	X3F	89
C4L	88	X4F	88
C5L	87	X5F	87
C1F	91	X4M	85
C2F	90	X5M	79
C3F	89	X4G	80
C4F	88	X5G	74
C5F	87	M1F	90
C3K	86	M2F	89
C4K	84	M3F	88
C5K	79	M4F	86
C3M	87	M5F	83
C4M	85	M3FR	85
C5M	81	M4FR	81
C3V	88	M5FR	77
C4V	86	N1L	83
C5V	82	N2L	76
C4G	76	N1F	78
C5G	72	N1R	72
X1L	91	N2R	67
X2L	90	N1G	70
X3L	89	N2G	66

Signed at Washington, D.C., on September 11, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-22132 Filed 9-24-74;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

REA REQUIREMENTS FOR RURAL TELEPHONE FACILITIES

Proposed Memorandum Covering Use of Filled Buried Cables

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), including the amendment thereto enacted by Pub. L. 93-32, REA proposes to issue a memorandum (File With REA Bulletin 383-1) to announce a change in requirements for the use of filled buried cables. On issuance of File With REA Bulletin 383-1, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the contents of the proposed memorandum may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before October 10, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

The text of the proposed memorandum is as follows:

FILE WITH REA BULLETIN 383-1

SUBJECT: USE OF LARGER PAIR SIZES OF FILLED BURIED CABLES

In a letter dated August 30, 1973, we informed all REA telephone borrowers, consulting engineers and contractors that the use of filled buried wires and cables in the 2 through 50 pair sizes would be mandatory for all projects bid after September 30, 1973, and on all orders placed by REA borrowers after that same date. This was done in order to take advantage of the moisture resistance of such cables and circumvent problems associated with moisture and water penetration in air core type buried cables.

We now feel there is sufficient justification for requiring larger pair sizes of buried cable to be of the filled type. Accordingly, this is to inform all borrowers that effective on all projects bid after December 1, 1974, and on all orders placed by REA borrowers after December 1, 1974, REA loan funds will not be authorized to be used for the purchase of nonfilled buried cables of 75 through 200 pair sizes. Filled cables under the BJF assembly units shall be specified in lieu of BJ units for those sizes referenced above.

For all cable sizes above 200 pairs, it is recommended that favorable consideration be given to utilizing filled cables in preference to nonfilled cables if, after evaluation of cost differences and quantities, their selection can be justified in the judgment of the owner, engineer and REA.

Dated: September 19, 1974.

C. R. BALLARD,
Assistant Administrator Telephone.

[FR Doc.74-22214 Filed 9-24-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-SO-94]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Punta Gorda, Fla., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before October 25, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Punta Gorda transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Charlotte County Airport (latitude 26°55'15" N., longitude 81°59'30" W.).

The proposed designation is required to provide controlled airspace protection for IFR operations at Charlotte County Airport. A prescribed instrument approach procedure to this airport, utilizing the Fort Myers VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on September 16, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-22186 Filed 9-24-74;8:45 am]

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-58; Notice No. 74-21]

REQUIRING NON-SLIP SURFACES AND HANDHOLDS FOR DRIVERS OF COMMERCIAL MOTOR VEHICLES

Extension of Time for Comments

The Director of the Bureau of Motor Carrier Safety has received a number of requests for extension of the closing date for comments upon an advance notice of proposed rule making that he issued on May 12, 1974. The advance notice, which was published on May 21, 1974 (39 FR 17863), invited interested persons to submit comments on a proposal to require non-slip surfaces and handholds at locations on commercial motor vehicles where drivers must climb upon the vehicles in order to perform their duties. September 9, 1974 was set as the closing date for comments.

Having examined the requests for extension of that date, the Director has determined that there is good cause for granting the requests and allowing an additional period of time for filing comments on the advance notice.

In consideration of the foregoing, the closing date for comments on the advance notice of proposed rule making in Docket No. MC-58 is extended to the close of business on January 9, 1975.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304; sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegations of authority at 49 CFR 1.48 and 389.4).

Issued on September 16, 1974.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.74-22202 Filed 9-24-74;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 2, 50, 51]

CONSTRUCTION PERMIT OR OPERATING LICENSE

Initial Treatment of Application

Notice is hereby given that the Atomic Energy Commission is considering the amendment of its regulations in 10 CFR Parts 2, 50, and 51. The proposed amendments are of a minor nature or are procedural and clarifying changes.

Parts 2 and 50 would be amended with respect to the initial treatment of an application for a construction permit, or operating license, for a production or utilization facility, or an application for amendment of a construction permit or operating license. If the Director of Licensing determines that the tendered application, including any environmental report required by Part 51 of the Commission's regulations, is complete and acceptable for processing, the applicant would be informed of this determination and requested to (a) submit to the Director of Licensing additional copies of the application and environmental report and (b) make direct distribution of additional copies of the documents to Federal, State, and local officials, and other interested persons in accordance with requirements of the Commission's regulations and written instructions furnished by the Director of Licensing.

Direct distribution by the applicant of additional copies of the application and environmental report would materially expedite the distribution of such copies by eliminating duplicate handling of them by the applicant and the Regulatory staff. This procedure also would alleviate problems of the Regulatory staff with regard to the receipt, storage, assembly, and remailing of large volumes of applications and environmental reports.

The application and environmental report would be formally docketed upon receipt by the Director of Licensing of the required copies of the application and environmental report and an affidavit by the applicant that distribution of the additional copies to Federal, State, and local officials and other interested persons has been completed in accordance with regulatory requirements and instructions by the Director of Licensing. The date of docketing shall be the date when the required copies and affidavit have been received by the Director of Licensing.

Section 51.40 of Part 51 currently requires that applicants covered by § 51.5(a) submit 200 copies of the environmental report. The amendments set forth below would amend § 51.40 to require the applicant for a license to construct and operate a production or utilization facility to submit 50 copies of the environmental report to the Director of Licensing and retain an additional 150 copies to be submitted to the Director of Licensing upon request or distributed in accordance with instructions furnished by the Director of Licensing.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 2, 50, and 51 is contemplated. All interested persons who wish to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section by November 11, 1974. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

PART 2—RULES OF PRACTICE

1. Section 2.101 is revised to read as follows:

§ 2.101 Filing of application.

(a)(1) An application for a license or an amendment to a license shall be filed with the Director of Licensing as prescribed by the applicable provisions of this chapter. A prospective applicant may confer informally with the Regulatory staff prior to the filing of an application.

(2) Each application for a license for a facility, or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee will be assigned a docket number. However, an application for a construction permit or operating license for a production or utilization facility will be initially treated as a tendered application after it is received to allow a determination as to whether it is complete and is acceptable for docketing. Generally, that determination will be made within a period of thirty (30) days.

(3) If the Director of Licensing determines that the tendered application for a construction permit or operating license for a production or utilization facility, and any environmental report required pursuant to Part 51 of this chapter, are complete and acceptable for docketing, a docket number will be assigned to the application, or the application will be docketed, as the case may be, the applicant will be notified of the determination of the Director of Licensing and requested to (i) submit to the Director of Licensing such additional copies of the application and environmental report as the regulations in Parts 50 and 51 require; (ii) serve a copy of the application and environmental report on the chief executive of the municipality in which the facility is to be located or, if the facility is not to be located within a municipality, on the chief executive of the county; and (iii) make direct distribution of additional copies of the application and environmental report to Federal and State officials, and other interested persons in accordance with the requirements of this chapter and written instructions furnished to the applicant by the Director of Licensing. The copies of the application and environmental report submitted to the Director of Licensing and distributed by the applicant shall be completely assembled documents, identified by docket number.

(4) The tendered application for a construction permit or operating license for a production or utilization facility will be formally docketed upon receipt by the Director of Licensing of the required additional copies and an affidavit by the applicant that distribution of the additional copies to Federal, State, and local officials, and other interested persons has been completed in accordance with requirements of this chapter and written instructions furnished to the applicant by the Director of Licensing. The date of docketing shall be the date when the required copies and affidavit have been received by the Director of Licensing. If it is determined that the tendered application, or environmental report, is incomplete and not acceptable, the Director of Licensing will inform the applicant of this determination, and the respects in which the document is deficient.

(5) An applicant for a construction permit for a nuclear power reactor subject to § 51.5(a) of this chapter may tender the information required of applicants by Part 50 of this chapter in two parts. One part shall be accompanied by the information required by § 50.30(f) of this chapter, and the other part shall include any information required by §§ 50.33a, 50.34(a), and 50.34a of this chapter. Tendering of one part may precede or follow the tendering of the other by no longer than six (6) months. If it is determined that the later tendered information is incomplete and not acceptable for processing, the Director of Licensing will inform the applicant of this determination and the respects in which the document is deficient. Such a determination of completeness will generally be made within a period of thirty (30) days. Whichever part is tendered first shall also include the fee required by §§ 50.30(e) and 170.21 of this chapter and the information required by §§ 50.33, 50.34(a)(1) and 50.37 of this chapter. The Commission will accept for docketing an application for a construction permit for a nuclear power reactor subject to § 51.5(a) of this chapter if one part of the application described above is complete.

(b) After the application has been docketed, each applicant for a license for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee shall serve a copy of the application and environmental report on the chief executive of the municipality in which the activity is to be conducted, or, if the activity is not to be conducted within a municipality, on the chief executive of the county.

(c) The Director of Licensing will give notice of the receipt of an application for a license for a facility, or for receipt of waste radioactive material from other persons for the purpose of commercial disposal by the waste disposal licensee, to

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the Governor or other appropriate official of the State in which the facility is to be located or the activity is to be conducted, and will cause to be published in the FEDERAL REGISTER a notice of receipt of the application which states the purpose of the application and specifies the location at which the proposed activity would be conducted.

(d) The notice published in the FEDERAL REGISTER of receipt of the application for a facility license under section 103 of the Act, except for those applications described in § 2.102(d)(2), will also state that a person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Director of Licensing within sixty (60) days after publication of the notice.

(e) The notice published in the FEDERAL REGISTER of receipt of the application for a facility operating license under section 104b of the Act will, when appropriate, also state that any person who intervened or sought, by timely written notice to the Commission, to intervene in the construction permit proceeding for the facility to obtain a determination of antitrust considerations or to advance a jurisdictional basis for such determination may, within 25 days after the date of publication, submit a written petition for leave to intervene and a request for a hearing on the antitrust aspects of the application.

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

2. Section 50.30(c)(2) is amended by deleting "Director of Regulation" and substituting therefor "Director of Licensing", and sections 50.30(a), 50.30(b), 50.30(c)(1), and 50.30(c)(3) are amended to read as follows:

§ 50.30 Filing of applications for licenses; oath or affirmation.

(a) *Place of filing.* Each application for a license, including whenever appropriate a construction permit, or amendment thereof, and each amendment of such application, and correspondence, reports, or other written communications from the applicant to the Commission pertaining to such application, should be filed with the Director of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545. Communications, reports, correspondence, and applications may be delivered in person at the Commission's offices at 1717 H Street, NW., Washington, D.C.; at 7920 Norfolk Avenue, Bethesda, Md.; or at Germantown, Md.

(b) *Oath or affirmation.* Each application for a license, including whenever appropriate a construction permit, or amendment thereof, and each amendment of such application should be executed in three signed originals by the applicant or duly authorized officer thereof under oath or affirmation.

(c) *Number of copies of application.* (1) Each filing of an application for a license to construct and operate a production or utilization facility (including amendments to such applications) should include three signed originals and the following number of copies which shall be in addition to the copies distributed by the applicant to Federal, State, and local officials and other interested persons in accordance with the written instructions of the Director of Licensing:

(i) For an application for a license for a facility described in § 50.21(b) or § 50.22, or a testing facility: 15 copies of that portion of the application containing the information required by § 50.33 (general information) and 40 copies of that portion of the application containing the information required by § 50.34 (safety analysis report);

(ii) For an application for an amendment to a license for a facility described in § 50.21(b) or § 50.22, or a testing facility: 15 copies of that portion of the application containing the information required by § 50.33 (general information) and 30 copies of that portion of the application containing the information required by § 50.34 (safety analysis report);

(iii) For an application for a license for any other facility, or an amendment to a license for such facility: 15 copies of both that portion of the application containing the information required by § 50.33 (general information) and that portion of the application containing the information required by § 50.34 (safety analysis report);

(iv) Application for a license or an amendment to a license authorizing export only: three copies;

(v) For an application for a license for a production or utilization facility: 50 copies of any applicant's environmental report required by Part 51 of this chapter.

. . . . .

(3) The copies required by subparagraphs (1) and (2) of this paragraph (c) need not be filed until the application has been assigned a docket number or docketed pursuant to § 2.101(a) of this chapter. In addition to the original application; the following documents shall be filed to enable the Director of Licensing to determine whether the application is sufficiently complete to permit the assignment of a docket number or docketing, as appropriate.

(i) Fifteen (15) copies of that portion of the application containing the information required by § 50.34 (safety analysis report);

(ii) Ten (10) copies of that portion of the application containing the general information required by § 50.33; and

(iii) Fifteen (15) copies of any environmental report required by Part 51 of this chapter.

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

3. Section 51.40 is amended to read as follows:

§ 51.40 Environmental reports.

(a) Except as provided in paragraph (b) of this section, applicants for permits, licenses, and orders, and amendments thereto and renewals thereof, covered by § 51.5(a) shall submit to the Director of Licensing two hundred (200) copies of an environmental report which discusses the matters described in § 51.20. Petitioners for rule making covered by § 51.5(a) shall submit to the Director of Licensing eighty (80) copies of an environmental report which discusses the matters described in § 51.20.

(b) Applicants for a license to construct and operate a production or utilization facility (including amendments to such applications) covered by § 51.5(a) shall submit to the Director of Licensing, in accordance with § 50.30(c)(1)(v) of Part 50 of this chapter, fifty (50) copies of an environmental report which discusses the matters described in § 51.20. The applicant shall retain an additional 150 copies of the environmental report to be submitted to the Director of Licensing upon request or distributed to Federal, State, and local officials, or other interested persons in accordance with written instructions issued by the Director of Licensing.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201))

Dated at Bethesda, Md., this 18th day of September 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74-22231 Filed 9-24-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 19658]

COMMERCIAL RADIO OPERATOR LICENSE

Fee Schedule; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Subpart G of Part 1 of the Commission's rules relating to the schedule of fees.

1. The Consumer Electronics Group of the Electronic Industries Association has requested an extension of time for filing comments in the above-captioned matter. The notice, which was released on August 12, 1974 (39 FR 30016),[1] called for comments and reply comments on September 23 and October 4, 1974, respectively.

2. The request is supported by the fact that the Consumer Electronics Group has requested information from the Commission which, it is asserted, is necessary to enable it to file complete comments on the proposed fees. This request for information has not yet been acted upon.

[1] Published in the issue of Monday, August 19, 1974.

3. *Accordingly, it is ordered,* Pursuant to the authority delegated in § 0.251(b), that the time limits for the filing of comments and reply comments are extended to October 21, 1974 and November 4, 1974, respectively.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] ASHTON R. HARDY,
General Counsel.

[FR Doc.74-22253 Filed 9-24-74;8:45 am]

[47 CFR Parts 2, 91]

[Docket No. 20147]

NONGOVERNMENT RADIOLOCATION

Assignment of Frequencies; Correction

In the matter of amendments of Parts 2 and 91 of the Commission's rules and regulations to permit assignment of frequencies in the 420-450 MHz band for non-Government radiolocation.

1. In the notice of proposed rulemaking in the above entitled proceeding, FCC 74-882, released August 23, 1974, and published in the FEDERAL REGISTER on Thursday, August 29, 1974 (39 FR 31533) it was incorrectly stated in paragraph 5 that the American Petroleum Institute filed a letter in support of the NMI Request. The letter was actually submitted by Keller and Heckman, attorneys for Offshore Navigation, Inc.

Released: September 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-22251 Filed 9-24-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1208]

[No. 32451 (Sub-No. 1)]

UNIFORM SYSTEM OF ACCOUNTS FOR MARITIME CARRIERS

Conformity With Generally Accepted Accounting Principles

At a session of the Interstate Commerce Commission held at its office in Washington, D.C., on the 22nd day of August 1974.

This proceeding is being instituted on our own motion to consider proposed rulemaking to adopt the new uniform system of accounts for maritime carriers prescribed by the Federal Maritime Administration, Department of Commerce (FMA), as published on May 9, 1974, in the FEDERAL REGISTER (39 FR 16445). The uniform system of accounts for maritime carriers has been jointly prescribed by this Commission and the FMA. Since the FMA has adopted a new system of accounts, it is necessary for us to adopt the same system or else jointly regulated carriers would be subject to different systems of accounts. However, in adopting the FMA system we are incorporating certain rules that this Commission is currently considering for adoption in the various systems of accounts under its jurisdiction to conform with generally accepted accounting principles (GAAP) such as deferred income taxes, equity method of accounting, extraordinary and prior period items, and treasury stock; and also rules on affiliate transactions and just and reasonable charges.

The intent of this proposal is to maintain a long-standing arrangement between this Commission and the FMA (and also the Federal Maritime Commission) to prescribe identical and compatible systems of accounts for maritime carriers. The adoption of the FMA new uniform system of accounts with the proposed changes supra by this Commission will enable maritime carriers to use one accounting system that will meet the requirements of both this Commission and the FMA. We find the FMA system adequate to provide the necessary financial and cost information for regulatory as well as management decision-making purposes.

It is intended that the proposed revisions to the uniform system of accounts for Maritime Carriers would be reflected in the annual reports for the year ending December 31, 1974. During an operator's fiscal year beginning on or after January 1, 1974, an operator may employ presently existing accounts and convert its account numbers to conform to this amendment. Thereafter accounts must reflect the requirements of 49 CFR 1208 as herein amended.

Upon consideration of the above described matters and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of the section 313(c) of Part III of the Interstate Commerce Act and pursuant to sections 553 and 559 of the Administrative Procedures Act with a view toward adopting the proposed regulations set forth in the appendix of this notice, and for the purpose of taking such other and further actions as the facts and circumstances may justify and require.

It is further ordered, That all maritime carriers subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested parties may participate in this proceeding by submitting for consideration written statements of fact, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any interested person wishing to submit statements of facts, arguments, and order representations on the proposed modification in the uniform system of accounts shall file an original and 15 copies of such representations with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before October 21, 1974, and that all such statements will be considered as evidence of record in this proceeding.

It is further ordered, That written material or suggestions submitted shall be made available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423, during regular business hours.

And it is further ordered, That statutory notice of the institution of this proceeding be given to all respondents and to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by posting a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, for public inspection, and by delivering a copy thereof to the Director, Division of the Federal Register for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

NOTE: This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

PART 1208—MARITIME CARRIERS

CROSS REFERENCE: For uniform system of accounts for operating-differential subsidy contractors, issued by Federal Maritime Board, Maritime Administration, Department of Commerce, see Title 46, Part 282.

01 Abstract from law: Interstate Commerce Act.

General Instructions

(A) Definitions.
(B) Records.
(C) Accrued items.
(D) Submission of questions.
(E) Voyage accounts.
(F) Balance sheet accounts.
(G) Conversion of securities.
(H) Contingent assets and liabilities.
(I) Revenue accounts.
(J) Expense accounts.
(K) Extraordinary, unusual and infrequently occurring events and transactions; prior period adjustments; and the effects of disposal of segment of a business.
(L) Accounting for income taxes.
(M) Record value of security owned.
(N) Transactions with affiliated companies.
(O) Charges to be just and reasonable.

Balance Sheet Accounts

(A) ASSET ACCOUNTS

ACCOUNT

100 Cash.
101 Cash on deposit—domestic.
106 Cash on deposit—foreign.
111 Imprest and petty cash funds.
114 Cash on hand and in transit.
115 Special cash deposits.
120 Marketable securities.
129 Discounts and premiums on marketable securities.
130 Notes receivable.
140 Notes receivable—affiliates.
150 Accounts receivable.
151 Traffic accounts receivable—U.S. Government.
152 Traffic accounts receivable—other.
153 Accounts receivable—affiliates.
155 Claims receivable.

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Sec.
160 Accounts receivable—Maritime Administration — operating — differential subsidy.
161 Accounts receivable—Maritime Administration—construction — differential subsidy.
162 Accounts receivable—Maritime Administration—other.
165 Accounts receivable—miscellaneous.
168 Accrued accounts receivable.
169 Estimated allowances for doubtful notes and accounts receivable.
170 Inventories—aboreside.
171 Vessels stores, supplies, and equipment ashore.
172 Other shipping inventories.
173 Non-shipping inventories for sale.
174 Non-shipping inventories for consumption.
175 Miscellaneous inventories.
190 Other current assets.
191 Prepaid current insurance.
192 Advances to officers and employees for expenses.
193 Other prepaid current expenses.
198 Deferred income tax charges.
199 All other current assets.
200 Deferred expenses—unterminated voyages.
300 Special funds and deposits.
301 Capital reserve fund.
302 Capital construction fund.
303 Construction reserve fund.
304 Interest accruals for deposit in statutory funds.
305 Insurance funds.
306 Debt retirement funds.
307 Escrow funds.
308 Construction funds.
309 Other special funds.
310 Restricted funds.
312 Special and guaranty deposits.
315 Investments.
316 Securities of related companies.
319 Non-current notes receivable—affiliated companies.
320 Non-current accounts receivable—affiliated companies.
325 Cash value of life insurance policies.
328 Other investments.
329 Decline in value of investments.
330 Property and equipment.
331 Floating equipment—vessels.
332 Accumulated depreciation—vessels.
335 Floating equipment—barges.
336 Accumulated depreciation—barges.
337 Other floating equipment.
338 Accumulated depreciation — other floating equipment.
341 Containers.
342 Accumulated depreciation — containers.
343 Refrigerated containers.
344 Accumulated depreciation — refrigerated containers.
345 Container related equipment.
346 Accumulated depreciation—container related equipment.
347 Chassis and trailer equipment.
348 Accumulated depreciation—chassis and trailer equipment.
349 Terminal property and equipment.
350 Accumulated depreciation — terminal property and equipment.
351 Other shipping property and equipment.
352 Accumulated depreciation — other shipping property and equipment.
353 Non-shipping property and equipment.
354 Accumulated depreciation—non-shipping property and equipment.
355 Office leaseholds and leasehold improvements.
356 Accumulated amortization—office leaseholds and leasehold improvements.
357 Terminal leaseholds and leasehold improvements.
358 Accumulated amortization — terminal leaseholds and leasehold improvements.
359 Construction work in progress.
360 Other assets.
361 Claims pending.
362 Spare parts on which construction—differential subsidy has been paid.
363 Spare parts—other.
364 Notes and accounts receivable from officers and employees.
367 Deferred operating-differential subsidy receivable.
368 Other non-current notes and accounts receivable.
370 Maritime Administration allowance for obsolete vessels.
374 Miscellaneous other assets.
375 Deferred charges and prepaid expenses.
376 Prepaid long-term insurance.
383 Accumulated deferred income tax charges.
384 Debt discount and expense.
385 Organization expenses.
389 Deferred prepayments and other deferred charges.
390 Goodwill and other intangible assets.
391 Goodwill.
398 Other intangible assets.
399 Accumulated amortization—other intangible assets.

(B) Liability Accounts

ACCOUNT

400 Notes payable.
401 Bank loans.
410 Insurance notes.
414 Other short-term notes.
415 Notes and accounts payable—affiliates.
420 Accounts payable.
421 Accounts payable—trade.
422 Accounts payable—traffic.
426 Accounts payable—officers and employees.
430 Accounts payable—Maritime Administration.
431 Pension and welfare funds payable.
438 Dividends payable.
439 Accounts payable—miscellaneous.
440 Accrued liabilities.
441 Accrued voyage payrolls.
442 Accrued payrolls—other.
443 Accrued liability for Federal income taxes.
444 Accrued liability for State and local taxes based upon income.
445 Accrued liability for foreign taxes.
446 Accrued liability for payroll taxes.
447 Accrued liability for other taxes.
459 Other accrued accounts payable.
479 Other current liabilities.
480 Deferred income tax credits.
495 Advance ticket sales and deposits.
500 Deferred revenues—unterminated voyages.
525 Long-term debt.
526 Mortgage notes—Maritime Administration.
527 U.S. Government insured or guaranteed merchant marine bonds and notes.
530 Other bonds and debentures.
534 Other long-term debt.
540 Other long-term liabilities.
541 Noncurrent notes and accounts payable—affiliates.
549 Noncurrent notes and accounts payable—officers and employees.
550 Recapturable profits—Maritime Administration.
554 Miscellaneous other long-term liabilities.
555 Deferred credits.
556 Premium on funded debt.
563 Accumulated deferred income tax credits.
564 Miscellaneous deferred credits.
565 Estimated operating allowances.
566 Estimated allowances for repairs.
570 Estimated allowances for insurance.
579 Estimated operating allowances—miscellaneous.
580 Owner's equity.
581 Capital stock issued and outstanding.
585 Capital stock subscribed.
587 Discount on capital stock.
590 Additional paid-in capital.
591 Treasury stock.
593 Prior period adjustments to beginning retained income accounts.
598 Retained earnings—restricted.
599 Retained earnings—unrestricted.

Revenue Accounts

(A) Ordinary Items

ACCOUNT

600 Vessel revenue.
601 Freight—foreign.
605 Freight—coastwise and intercoastal.
608 Passenger—foreign.
612 Passenger—coastwise and intercoastal.
620 Charter revenue.
624 Other voyage revenue.

(B) Subsidies

ACCOUNT

625 Operating-differential subsidy.

(C) Other Shipping Revenue

ACCOUNT

640 Collections from pools.
645 Revenue from terminal operations.
650 Revenue from cargo handling operations.
655 Revenue from tug and lighter operations.
660 Revenue from container related operations.
665 Revenue from other shipping operations.
670 Agency fees, commissions, and brokerage earned.

(D) Other Revenue Accounts

ACCOUNT

675 Interest income.
685 Dividend income.
690 Miscellaneous other income.
691 Release of premium on long-term debt.
692 Unusual or infrequent items (credit).
695 Revenue from non-shipping operations.
697 Income from affiliated companies.

Operating Expenses

(A) Direct Vessel Expenses

ACCOUNT

701 Crew wages.
703 Crew fringe benefits.
704 Union payments unrelated to the crew.
708 Payroll taxes.
710 Domestic subsistence.
714 Foreign subsistence.
715 Domestic consumable stores, supplies and equipment.
716 Foreign consumable stores, supplies and equipment.
725 Other maintenance expense.
730 Insurance—hull and machinery.
732 Insurance—protection and indemnity.
734 Insurance—other marine-risk.
735 Vessel fuel.
740 Vessel repairs—domestic.
741 Vessel repairs—foreign.
742 Depreciation—vessels.
743 Time and trip charter hire.
744 Time and trip charter hire—affiliates.
745 Short-term bareboat charter hire.
746 Short-term bareboat charter hire—affiliates.

Sec.
747 Long-term bareboat charter hire.
748 Long-term bareboat charter hire—affiliates.
749 Other vessel expenses.

(B) Allocated Voyage Expense

ACCOUNT

750 Allocated container and barge expense.
751 Allocated terminal expense.

(C) Port Expense

ACCOUNT

752 Cargo handling-loading/discharging.
753 Cargo handling-loading/discharging barges.
754 Cargo handling—container yard.
755 Cargo handling—container freight station.
756 Cargo handling—lighter freight station.
757 Cargo handling—lighter consolidation.
758 Cargo handling—commercial cargo.
759 Cargo handling—other.
762 Purchased off-dock container freight station services.
763 Port transportation expense—commercial.
764 Port transportation expense—military.
765 Inland transportation expense—commercial.
766 Inland transportation expense—military.
767 Substituted service transportation expense—commercial.
768 Substituted service transportation expense—military.
770 Wharfage and dockage.
771 Other port expenses.
772 Port costs of passenger operations.
773 Transit canal tolls.

(D) Idle Vessel Expense

ACCOUNT

801 Crew wages.
803 Crew fringe benefits.
804 Union payments unrelated to the crew.
808 Payroll taxes.
810 Subsistence.
815 Consumable stores, supplies and equipment.
825 Other maintenance expense.
830 Insurance—hull and machinery.
832 Insurance—protection and indemnity.
834 Insurance—other marine-risk.
835 Vessel fuel.
840 Vessel repairs.
842 Depreciation—idle vessels.
843 Time and trip charter hire.
844 Time and trip charter hire—affiliates.
845 Short-term bareboat charter hire.
846 Short-term bareboat charter hire—affiliates.
847 Long-term bareboat charter hire.
848 Long-term bareboat charter hire—affiliates.
849 Other vessel expense.

(E) Terminal Expense

855 Terminal operations expense—container yards.
856 Terminal operations expense—container freight station/breakbulk.
857 Terminal operations expense—barges.
858 Terminal operations expense—other.
859 Depreciation—terminal property and equipment.
860 Amortization—terminal leaseholds and leasehold improvements.
861 Other expense—terminal equipment.
862 Operating expense of tug and barge operations.
863 Maintenance expense of tug and barge operations.
864 Depreciation—other floating equipment.
866 Allocated terminal expense—contra.

(F) Container/Barge Expense

867 Container rental and lease expense.
868 Container rental and lease expense—affiliates.
869 Refrigerated container rental and lease expense.
870 Refrigerated container rental and lease expense—affiliates.
871 Chassis rental and lease expense.
872 Chassis rental and lease expense—affiliates.
873 Trailer rental and lease expense.
874 Trailer rental and lease expense—affiliates.
875 Barge rental and lease expense.
876 Barge rental and lease expense—affiliates.
877 Container related equipment rental and lease expense.
878 Container related equipment rental and lease expense—affiliates.
879 Other cargo handling equipment rental and lease expense.
880 Other cargo handling equipment rental and lease expense—affiliates.
881 Depreciation—container.
882 Depreciation—refrigerated containers.
883 Depreciation—chassis and trailer equipment.
885 Depreciation—barges.
886 Depreciation—container related equipment.
888 Other expense—containers.
889 Other expense—refrigerated containers.
890 Other expense—chassis.
891 Other expense—trailers.
892 Other expense—barges.
893 Other expense—other container equipment.
894 Other expense—other cargo handling equipment.
899 Allocated container/barge expense—contra.

(G) Administrative and General Expenses

901 Compensation of officers and directors.
902 Salaries and wages of employees.
903 Fringe benefits.
905 Legal fees.
906 Accounting and auditing fees.
907 Other professional fees.
910 Rental expense.
912 Utilities.
915 Communication expense.
920 Office expense.
923 Data processing equipment rental expense.
925 Dues and subscriptions.
926 Donations and contributions.
929 Entertainment and solicitation.
930 Travel expense.
931 Insurance expense.
931 Insurance expense.
934 Repairs and maintenance.
940 Management fees and commissions—affiliates.
941 Management fees and commissions—other.
945 Advertising—passenger.
946 Advertising—other.
950 Freight brokerage.
951 Passenger brokerage.
952 Agency fees and commissions.
955 Contributions to pools.
960 Interest expense.
961 Interest expense—affiliates.
965 Doubtful notes and accounts receivable.
970 Depreciation—other shipping property and equipment.
971 Depreciation—non-shipping property and equipment.
975 Amortization—office leaseholds and leasehold improvements.
976 Amortization—debt discount and expense.
977 Amortization—organization expense.
979 Miscellaneous amortization expense.
980 Expense of non-shipping operations.
983 Income or loss from operations of discontinued segments.
984 Gain or loss on disposal of discontinued segments.
985 Income taxes accrued on ordinary income.
986 Provision for deferred income taxes.
987 Income taxes on extraordinary items.
988 Provisions for deferred taxes—extraordinary items.
989 Other taxes.
990 Miscellaneous expense.
991 Unusual or infrequent items (debit).
995 Extraordinary items.

Appendix

Clearance Accounts

.001 Masters and pursers.
.005 Allotments on wages of crews.
.010 Agents and branch houses.
.012 Sub-agency operations.
.015 Related companies; accounts current.
.025 Collections and deposits for passenger transportation.
.030 Collections on unrecorded freight manifests.
.035 Advance on prepaid beyond charges, and miscellaneous manifest items.
.040 Bar accounts.
.045 Slop chest account.
.050 Foreign exchange account.
.055 Pool participation.
.060 Stores, supplies, and equipment aboard vessels.
.095 Profit and loss account.

Financial Statements

2000 *Balance sheet.*
2001 *Income statement.*
2002 *Waterline operating revenue and expense.*
2003 *Vessel operating statement.*

Authority: The provision of this Part 1208 issued under Sec. 12, 24 Stat. 383, as amended, 54 Stat. 933, Sec. 20, 24 Stat. 386, as amended, 54 Stat. 944, as amended; (49 U.S.C. 12, 904, 20, 913).

01 Abstract from law: Interstate Commerce Act.

Part I and III of the Interstate Commerce Act, of which section 313(c) of part III reads as follows:

The Commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this part prescribe a uniform system of accounts, applicable to any class of water carrier, and a period of time, within which such class shall have such uniform system of accounts and the manner in which such accounts shall be kept.

Note: For comparable provisions, under part I, see section 20(3).

General Instructions

(A) Definitions.

(1) "Additions" means structures, facilities, or equipment added to those in service and not replacing property or equipment previously in service.

(2) "Affiliated companies" or "affiliates" means companies or persons that directly, or indirectly through one or more intermediaries, control, or are controlled by, or are under common control with, the accounting carrier. Where reference is made to control (in referring to

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a relationship between any person or persons and other person or persons), such reference shall be construed to include actual as well as legal control, whether maintained or exercised through or by reason of the method of or circumstances surrounding organization or operation, through or by common directors, officers, or stockholders, a voting trust or trusts, a holding or investment company or companies, or through or by any other direct or indirect means; and to include the power to exercise control.

(3) "Barge" means a cargo carriage technology type known as a lighter, used in the operation of LASH, SEABEE or similar operation to hold bulk, break bulk, and containerized cargo, and which may be stowed in holds or on deck, and which has the capability of floating on water and being towed from one location to another.

(4) "Break-bulk" means a cargo carriage technology type referring to cargo which is unitized by bagging, drumming, palletizing, or some other similar method, and is transported in holds of vessels without benefit of containers or barges.

(5) "Bulk" means a cargo carriage technology type referring to cargo which is not palletized, bagged, drummed, or otherwise unitized, and is transported in holds of vessels without benefit of containers or barges. Bulk cargo is considered barge cargo when it is placed in barges.

(6) "Cargo carriage technology type (CCTV)" means the classification of cargo for accounting purposes by its mode of carriage, including: (i), barge; (ii), break-bulk; (iii), bulk; (iv), container, and (v), vehicle.

(7) "Container" means a cargo carriage technology type referring to cargo carrying recepticle, either refrigerated, dry, or liquid, open top, flat rack, or of other configuration, which may be stowed in vessels or on deck, but which is not used as a floating vehicle which may be towed from one location to another.

(8) "Current assets" means cash other than cash held in special funds, as well as those assets that are readily convertible into cash, held for current operation, and other amounts accruing to the carrier and subject to settlement within one year from date of the balance sheet.

(9) "Current liabilities" means those obligations the amounts of which are definitely determined or can be closely estimated and which are either matured at the date of the balance sheet or become due upon demand or within one year from the date of the balance sheet.

(10) "Debt expense" means all expense in connection with the issuance and sale of evidences of long-term debt, such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds, certificates of indebtedness, and other evidences of debt; fees paid trustees; specific cost of obtaining governmental authority; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing evidences of debt; fees and expenses of listing on exchanges; and other like costs.

(11) "Discount", as applied to securities issued or assumed by the carrier, means the excess of the par or face value of the securities, over the cash value of the consideration received from the sale, plus interest or dividends accrued to the date of the sale.

(12) "Nonshipping property" means property neither used in nor held for use by the carrier in the conduct of its shipping operation.

(13) "Port expense" means an expense incurred as a direct result of the movement of cargo to and from ships and the expenses incurred in the docking and undocking of ships.

(14) "Terminal expense" means all expenses related to maintaining terminals for handling breakbulk, containers, vehicles and barges and the costs of tug, other barge operations and other floating equipment.

(15) "Premiums", as applied to securities issued or assumed by the carrier, means the excess of the cash value of the consideration received at their sale over the sum of their par or face value plus interest or dividends accrued to the date of sale.

(16) "Vehicle" means a cargo carriage technology type referring to cargo carrying receptacles or containers only when mounted on wheeled chassis which can be towed as a unit.

(17) "Shipping property" means property which is used or held for use by the carrier in the conduct of its shipping operation.

(18) "Vessel expense" means an expense incurred as a direct result of owning and operating vessels in the carriage of cargo or passengers in domestic or foreign trade, whether the vessel is in port or at sea.

(19) "Income taxes" means taxes based on income determined under provisions of the United States Internal Revenue Code and foreign, state and other taxes (including franchise taxes) based on income.

(20) "Income tax expense" means the amount of income taxes (whether or not currently payable or refundable) allocable to a period in the determination of net income.

(21) "Pretax accounting income" means income or loss for a period, exclusive of related income tax expense.

(22) "Taxable income" means the excess of revenues over deductions or the excess of deductions over revenues to be reported for income tax purposes for a period.

(23) "Timing differences" means differences between the periods in which transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income. Timing differences originate in one period and reverse of "turn around" in one or more subsequent periods. Some timing differences reduce income taxes that would otherwise be payable currently; others increase income taxes that would otherwise be payable currently.

(24) "Permanent differences" means differences between taxable income and pretax accounting income arising from transactions that, under applicable tax laws and regulations, will not be offset by corresponding differences or "turn around" in other periods.

(25) "Tax effects" means differentials in income taxes of a period attributable to (1) revenue or expense transactions which enter into the determination of pretax accounting income in one period and into the determination of taxable income in another period, (2) deductions or credits that may be carried backward or forward for income tax purposes and (3) adjustments of prior periods and direct entries to other stockholders' equity accounts which enter into the determination of taxable income in a period but which do not enter into the determination of pretax accounting income of that period. A permanent difference does not result in a "tax effect" as that term is used in this definition.

(26) "Deferred taxes" means tax effects which are deferred for allocation to income tax expense of future periods.

(27) "Interperiod tax allocation" means the process of apportioning income taxes among periods.

(28) "Tax allocation within a period" means the process of apportioning income tax expense applicable to a given period between income before extraordinary items and extraordinary items, and of associating the income tax effects of adjustments of prior periods and direct entries to other stockholders' equity accounts with these items.

(29) "Investor" means a business entity that holds an investment in voting stock of another company.

(30) "Investee" means a corporation that issued voting stock held by an investor.

(31) "Corporate joint venture" is a company owned and operated by a small group of businesses as a separate and specific business or project for the mutual benefit of the members of the group.

(32) "Dividends", unless otherwise specified, means dividends paid or payable in cash, other assets, or another class of stock and does not include stock dividends or stock splits.

(33) "Earnings or losses of an investee" and "financial position of an investee" refer to net income (or net loss) and financial position of an investee determined in accordance with generally accepted accounting principles.

(34) "Segment of a business" refers to a component of an entity whose activities represent a separate major line of business or class of customer. A segment may be in the form of a subsidiary, a division, or a department, and in some cases a joint venture or other non-subsidiary investee, provided that its assets, results of operations, and activities can be clearly distinguished, physically and operationally and for financial reporting purposes, from the other assets, results of operations, and activities of the entity.

(35) "Measurement date" means the date on which the management having

authority to approve the action commits itself to a formal plan to dispose of a segment of the business, whether by abandonment or sale.

(36) "Disposal date" refers to the date of closing the sale if the disposal is by sale or the date that operations cease if the disposal is by abandonment.

(B) Records.

(1) The carrier's accounting records shall be kept in sufficient detail to show fully the facts pertaining to all entries in its accounts.

(2) Where the general ledger book entries do not contain complete information they shall be supported by other detailed records, and cross-referenced for ready identification.

(3) All records shall be filed and readily accessible for examination.

(4) All accounts reported shall conform in number and title to those prescribed in this part.

(5) Accounts included in this system may be subdivided if such subaccounts do not impair the integrity of the accounts or records prescribed in this part.

(6) Transactions shall be recorded currently so that whenever possible all transactions applicable to each month are identifiable to that month.

(C) Accrued items.

(1) When it is known that a transaction has occurred but the amount involved and its effect upon the accounts cannot be determined with absolute accuracy, the amount thereof shall be estimated and included in the appropriate revenue, expense and balance sheet accounts. Any such estimate shall be adjusted as soon after the actual amount is determined as is practicable.

(2) Accruals shall not be recorded for purely speculative items, but shall be limited to reasonable estimates based on reliable information of transactions that have been consummated.

(D) Submission of questions.

To promote and maintain uniformity of accounting, carriers shall submit all questions involving an interpretation of the accounting regulations for consideration and decision to the agency having jurisdiction over the carrier's accounts.

(E) Voyage accounts.

(1) The carrier shall keep its records in a manner that will report with respect to operating revenue, operating expense, and other accounts affected, the revenues accrued and the expenses incurred for each terminated voyage of its vessels operated.

(2) The revenues and expenses applicable to unterminated voyages at the end of an accounting period shall be transferred to account 500, "Deferred revenues-unterminated voyages" and account 200, "Deferred expenses-unterminated voyages."

(F) Balance sheet accounts.

The balance sheet accounts are intended to disclose the financial condition of the carrier as of a given date by showing the assets, liabilities, and owner's equity.

(G) Conversion of securities.

Journal entries which record the retirement of capital stock or funded debt securities by issuing in exchange the carrier's capital stock or funded debt shall be submitted to the Interstate Commerce Commission for approval before being recorded upon the books by carriers reporting to that Commission.

(H) Contingent assets and liabilities.

Contingent assets and liabilities shall not be recorded in the accounts; however, appropriate footnote disclosures shall be included as an integral part of the financial statements in order to present fairly the financial position of the carrier as of the balance sheet date. Disclosure of lease commitments by lessee shall include information required by opinion number 31 of the Accounting Principles Board with respect to total rental expense, minimum rental commitments, present value of commitments and additional disclosures. Those companies subject to the regulations of the Securities and Exchange Commission (SEC) shall disclose the information required by (SEC) Regulation S–X.

(I) Revenue accounts.

(1) The revenue accounts are designed to show the amount of revenue which the carrier becomes entitled to receive from furnishing of transportation service, including services incidental thereto.

(2) The accounting for operating revenues shall be coincident with the transactions which create them. For the purpose of meeting this requirement, the carrier shall account for revenues upon an accrual basis.

(J) Expense accounts.

(1) The expense accounts are designed to show expenses of the carrier in furnishing transportation service including services incidental thereto, such as the expenses of utilization (repairs and depreciation) of the property used in such service.

(2) The accounting for expenses shall be coincident with the transactions which create them; expenses and revenues shall be matched. For the purpose of meeting this requirement, the carrier shall account for expenses on an accrual basis.

(K) Extraordinary, unusual and infrequently occurring events and transactions; prior period adjustments; and the effects of disposal of segment of a business.

(1) *Extraordinary items.* (i) All items of profit and loss recognized during the year are includible in ordinary income unless evidence clearly supports their classification as extraordinary items. Extraordinary items are characterized by both their unusual nature and infrequent occurrence taking into account the environment in which the firm operates; they must also meet the material standard.

(ii) Unusual means the event or transaction must possess a high degree of abnormality and be of a type clearly unrelated to, or only incidentally related to the ordinary and typical activities of the entity.

(iii) Infrequent occurrence means the event or transaction shall be of a type not reasonably expected to recur in the foreseeable future.

(iv) In determining materiality, as a general standard an item shall exceed 10 percent of ordinary income or be considered in relation to the trend of annual earnings before, extraordinary items or to other appropriate criteria. Items shall be considered individually and not in the aggregate in determining materiality. However, the effects of a series of related transactions arising from a single specific and identifiable event or plan of action shall be aggregated to determine materiality.

(2) *Unusual or infrequent items.* Material events unusual in nature or infrequent in occurrence but not both, thus not meeting both criteria for classification as extraordinary, shall be includible in the accounts provided as separate components of income/expense from continuing operations. Such items are not to be reported net of income taxes.

(3) *Discontinued operations.* The results of continuing operations shall be reported separately from discontinued operations and any gain or loss resulting from disposal of a segment of a business (see definition (34)) shall be reported in conjunction with the related results of discontinued operations and not as an extraordinary item. The disposal of a segment of a business shall be distinguished from other disposals of assets incident to the evolution of the entity's business, such as the disposal of part of a line of business, the shifting of production or marketing activities for a particular line of business from one location to another, the phasing out of a product line or class of service, and other changes occasioned by technological improvements. If a loss is expected from the proposed sale or abandonment of a segment, the estimated loss shall be provided for at the measurement date (see definition (35)). If a gain is expected, it shall be recognized when realized, which ordinarily is the disposal date (see definition (36)).

(4) *Prior period adjustments.* Adjustments occurring in the current accounting period, relating to events or transactions which occurred in a prior period the accounting effects of which could not be determined with reasonable assurance at that time, shall be reported as prior period adjustments. Such adjustments shall not be considered prior period unless: (i) they can be specifically identified with and directly related to the business activities of particular prior periods, and (ii) are not attributable to economic events occurring subsequent to the date of the financial statements for the prior period, and (iii) depend primarily on determinations by persons other than management, and (iv) were not susceptible of reasonable estimation prior to such determination. If an adjustment does not meet such criteria, it

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shall be separately disclosed as to year of origin, nature, and amount and classified in the current period in the same manner as the original item. If the adjustment is the correction of an error it shall be reflected as an adjustment of the opening balance of retained earnings.

(5) *Commission approval and accountant's letter.* Items shall be included in the accounts provided for extraordinary items, unusual or infrequent items, discontinued operations, and prior periods adjustments only upon approval of the Commission. A request for special accounting on these items shall be accompanied by a letter from the carrier's independent accountants approving or otherwise commenting on the item.

(L) Accounting for income taxes.

(1) The interperiod tax allocation method of accounting shall be applied where material timing differences (see definition (23)) occur between pretax accounting income and taxable income. Carriers may elect, as provided by the Revenue Act of 1971, to account for the investment tax credit by either the flow through method or the deferred method of accounting. See paragraphs (4) and (5) below. All income taxes (Federal, state, and other) currently accruable for income tax return purposes shall be charged to account 985, "Income taxes accrued on ordinary income", and account 987, "Income taxes on extraordinary items", as applicable.

(2) Under the interperiod tax allocation method of accounting the tax effect of timing differences (see definitions (25) and (23)) originating in the current accounting period are allocated to income tax expense of future periods when the timing differences reverse. Similar timing differences originating and reversing in the current accounting period should be combined into groups and the current tax rates applied to determine the tax effect of each group. A carrier shall not apply other than current tax rates in detremining the tax effect of reversing differences except upon approval of the Commission. When determining the amount of deferred taxes, rather than computing state and other taxes individually by jurisdiction, the Federal income tax rate may be increased by a percent equivalent to the taxes imposed by the jurisdictions.

(3) The future tax benefits of loss carryforwards shall normally be recognized in the year in which such loss is applied to reduce taxes. Only in those unusual instances when realization is assured beyond any reasonable doubt should the future tax benefits of loss carryforwards be recognized in the year of loss. The tax effects of any realizable loss carrybacks shall be recognized in the determination of net income (loss) of the loss periods; appropriate adjustments of existing net deferred tax credits may also be necessary in the loss period.

(4) Carriers electing to account for the investment tax credit by the flow through method shall credit account 985, "Income taxes accrued on ordinary income," or account 987, "Income taxes on extraordinary items," as applicable, and charge account 443, "Accrued liability for Federal income taxes", with the amount of investment tax credit utilized in the current accounting period.

(5) Carriers electing to account for the investment tax credit by the deferred method shall concurrently with making the entries prescribed in (4) above charge account 986, "Provision for deferred income taxes" or account 988, "Provision for deferred income taxes—extraordinary items," as applicable, and shall credit account 563, "Accumulated deferred income tax credits" with the investment tax credit utilized as a reduction of the current year's tax liability but deferred for accounting purposes. The investment tax credit so deferred shall be amortized by credits to account 986, "Provision for deferred income taxes".

NOTE A: Any change in practice of accounting for the investment tax credit shall be reported promptly to the Commission. Carriers desiring to clear deferred investment tax credits because of a change from the deferral method to the flow through method shall submit the proposed journal entry to the Commission for consideration and advice.

NOTE B: A carrier shall follow generally accepted accounting principles where an interpretation of the accounting rules for income taxes is needed or obtain an interpretation from its public accountant or the Commission.

(M) Recorded value of securities owned.

(1) Investments in the securities of any company other than those issued or assumed by the accounting company, where the investment does not represent 20 percent or more of the outstanding voting common stock of the company should be recorded at cost and should not be stated in excess of cost. Exceptions to this rule may be approved by the Commission in special circumstances where an investment of less than 20 percent gives the accounting company power to significantly influence the financial and policy making decisions of the investee.

(2) All investments in common stocks of affiliated companies where the investment represents 20 percent or more of the voting common stock of the company and all investments in corporate joint ventures (see definition (31)) shall be accounted for according to the principles of equity accounting as prescribed in paragraph (3) below.

(a) The principles of equity accounting provide that the accounting company shall record all investments described in paragraph (2) above as follows:

(i) All investments when acquired shall be recorded in the appropriate account at cost. Any difference between the cost of the investment and the investor carrier's equity in net assets of the affiliated company shall be amortized to account 697, "Income from affiliated companies," over a reasonable period not to exceed 40 years.

(ii) The investor shall record in account 697, "Income from affiliated companies", its share of the affiliated company's profits or losses (see (iii) below for extraordinary and prior period items) for each accounting period subsequent to acquisition of the investment except that in the year of acquisition such amount shall be determined from the date of acquisition. Dividends received shall be recorded by credit to the investment account.

(iii) The accounting company shall record its share of extraordinary items and its share of prior period adjustments reported in the affiliated companies' financial statements according to the provisions of instruction K.

(iv) Any profits or losses on transactions between the accounting company and the investee affiliate shall be eliminated until realized by the accounting company or the investee company as if the two were consolidated.

(v) A transaction of the investee of a capital nature that affects the accounting company's share of stockholders' equity of the investee should be accounted for as if the two were consolidated.

(vi) Sales of stock of an investee by an investor company should be accounted for as gains or losses equal to the difference at the time of sale between selling price and the carrying amount of the stock sold.

(vii) The financial statements of the investee that are used for equity accounting should be timely. If the accounting year of the investee differs from that of the accounting carrier then the most recent statements may be used. A lag in reporting should be consistent from period to period.

(viii) An investor company should suspend application of the equity method when the investment together with any net advances made to the investee is reduced to zero. Additional losses should not be provided for unless the accounting company has guaranteed obligations of the investee or is otherwise committed to provide further financial support for the investee. If the investee subsequently reports net income the accounting carrier shall resume applying the equity method at such time as its share of that net income equals the share of net losses not recognized during the period of suspension.

(ix) The accounting company shall deduct any dividends applicable whether or not declared on outstanding cumulative preferred stock of the investee affiliate when computing its share of earnings or losses.

(x) When the accounting company voting stock interest falls below the level of ownership described in paragraph (2) above the investment no longer qualifies for the "equity method". Any dividends received on the investment in subsequent periods shall be applied as a reduction of the carrying amount of the investment to the extent they exceed the accounting carrier's share of earnings for such periods.

(xi) When the level of ownership of an investment accounted for under the cost method increases to that described in paragraph (ii) above, then the investment shall be accounted for under the equity method. The investment, net

income (current and prior periods) and retained earnings of the accounting carrier shall be adjusted retroactively (see Instruction K). The adjustment should be made on a step by step basis determining the income, dividend, and amortization adjustment applicable at each level of ownership.

(4) The accounting company shall write down the cost of any investment to the extent of impairment in values; however, mere fluctuations in market value shall not be recorded. Write downs for impairment shall not be delayed beyond the year in which a loss is claimed for income tax purposes. The loss may be recorded in the accounts by establishing a reserve for such loss through credits to account 329, "Decline in value of investments". Losses attributable to write downs or write offs shall be charged to account 990, "Miscellaneous expense" or to account 995, "Extraordinary items (net)", as appropriate.

(5) When securities with a fixed maturity date are purchased at a discount (i.e., when total cost including brokerage fees, taxes, commissions, etc., is less than par), such discounts may be amortized over the remaining life of the securities through periodic debits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and credits to the same account in which interest income is credited. No debits shall be made in respect to discounts upon securities held as investments or in special funds if there is reason to believe that such securities will be disposed of by redemption or otherwise at less than par or will not be paid at date of maturity. When securities with a fixed maturity date are purchased at a premium (i.e., when the total cost including brokerage fees, taxes, commissions, etc., is in excess of par), such premium may be amortized over the remaining life of the securities through periodic credits to the account in which the securities are carried (preferably coincident with entries recording interest accruals) and debits to the same accounts in which the interest income is recorded.

NOTE: Cost (for purposes of this instruction) is cash or fair market value of the consideration given at the time of acquisition but excluding amounts of accrued interest and accrued dividends.

(N) Transaction with affiliated companies.

(1) All transactions with affiliated companies shall be entered in the appropriate accounts provided for transactions of the same nature.

(2) Transportation-related charges from affiliated companies shall be debited to the appropriate operating expense accounts. (Where applicable the component of each account shall be distributed to the appropriate activity.)

(3) Each bill rendered by an affiliated company shall state the specific basis for charges concerning any type of service rendered, sale or use of facilities or any other type of asset or property, with an adequate description of such basis used.

(4) The carrier shall record, as the cost of assets or services received from an affiliated supplier, their invoice price in those cases where the invoice price can be determined from a prevailing price list of the affiliated supplier available to the general public in the normal course of business. If no such price list exists, the charges shall be recorded at the lower of their cost to the originating affiliated supplier (less all applicable valuation reserves in case of asset sales), or their estimated fair market value determined on the basis of a representative study of similar competitive and arm's-length or bargained transactions. Any differences between actual transaction prices and the above, as well as charges that are not transportation related, shall be considered of a financing nature and shall be recorded accordingly, as nonoperating charges or credits.

(5) The records supporting all transactions with affiliated companies shall be so maintained in a separate file as to show the contractual arrangement for each transaction, the amounts paid to and received from each company, and the basis of each assessment.

(6) The file maintained pursuant to this instruction shall be kept in such a manner as to enable the carrier to furnish accurately and expeditiously information and supporting documentation relating to the transactions. It is not intended that the file include data relating to ordinary carrier operation such as lawful tariff charges, interchange of equipment and similar items.

(7) Punched cards, magnetic tapes, discs, or other machine-sensible device used for recording, consolidating, and summarizing accounting transactions and records with a carrier's electronic or automatic data processing system shall constitute a file within the meaning of this instruction, provided the carrier maintains the capability to produce a record of transactions with affiliates within 10 days of a request of the Commission.

(8) Nothing contained herein shall be construed as restraining the carrier from subdividing accounts (see Instruction b(5)) for the purpose of recording separately transactions with affiliated companies.

(O) Charges to be just and reasonable.

All charges to the accounts prescribed in this system of accounts for carrier property, operating revenues, operation and maintenance expenses, and other carrier expenses, shall be just, reasonable and necessary to the honest and efficient operations and management of the carrier business. Payments should not exceed the fair market value of goods and services acquired in an arms-length transaction. Any payments in excess of such just and reasonable charges shall be included in account 990, "Miscellaneous expense".

Balance Sheet Accounts

(A) Asset Accounts

ACCOUNT

100 Cash.

(a) This account shall include the amount of current funds available for use on demand in the hands of financial officers or deposited in banks or trust companies including cash in transit for which agents or others have received credit. Cash appropriated for replacement, debt retirements, funded reserves, etc., and cash on deposit to guarantee performance of agreements shall be carried in appropriate accounts numbered 115 and 301 to 312, inclusive. If the withdrawal of any portion of the cash included in this account is restricted for any purpose whatsoever, the balance sheet must carry an appropriate notation to that effect.

(b) This account shall be subdivided into the following sub-accounts: 101, 106, 111, and 114.

101 Cash on deposit—domestic.

This account shall include all cash on deposit in banks in the United States and available for general purposes.

106 Cash on deposit—foreign.

This account shall include all cash on deposit in foreign banks and available for general purposes.

111 Imprest and petty cash funds.

This account shall include cash funds maintained at fixed amounts to be used in making change or in the nature of revolving funds for minor disbursements requiring immediate payment, the funds being regularly reimbursed from the general cash. Subsidiary accounts shall be maintained by agents or by type of fund.

114 Cash on hand and in transit.

This account shall include cash in the hands of financial officers; cash transfers between banks; and cash in transit from agents, branch houses, and employees.

115 Special cash deposits.

(a) This account shall include the amounts of cash on special deposit (other than in special funds or deposits as elsewhere provided) for the payment of dividends, interest, and other debts of a current nature, when such payments are due one year or less from date of deposit; also amounts of cash deposited to insure the performance of contracts to be performed within one year from date of deposit; and other cash deposits of a special nature not provided for elsewhere.

(b) This account shall also include cash realized from the sale of the carrier's securities and deposited with trustees to be held until disbursed for the purpose for which the securities were sold: Provided, that cash held for such purposes, including cash held for redemption of securities, shall be included in the appropriate special funds unless

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the liability for the disbursement is included under current liabilities.

(c) Cash on deposit in special bank accounts where the funds are available for current requirements shall be included in account 100, "Cash."

120 Marketable securities.

(a) This account shall include the cost of government securities and temporary investments in other readily marketable securities which are available for general purposes of the business. Securities issued or assumed by the carrier or by a related company shall not be included in this account.

(b) Subsidiary accounts shall be maintained as determined necessary.

129 Discounts and premiums on marketable securities.

This account may be charged with accumulation of any discount and may be credited with amortization of any premium on marketable securities, at the time of accrual or collection of interest thereon, with contra entry in Account 675, "Interest income" if it is the practice of the carrier to adjust that account to a yield basis. When the securities are disposed of, any balance applicable thereto in this account shall be transferred to the account in which the cost of such securities is recorded.

130 Notes receivable.

(a) This account shall include the amount of all collectible obligations in the form of short-term notes receivable, or other evidences (except interest coupons) of money receivable on demand or within one year from date of issue, except notes receivable from related companies subject to current settlement, which shall be included in account 140, "Notes receivable—affiliates."

(b) This account shall be divided into the following sub-accounts:

131 *Miscellaneous notes receivable.*
135 *Subscriptions to capital stock.*

140 Notes receivable—affiliates.

(a) This account shall include the amount of all obligations in the form of short term notes receivable from related companies which are subject to current settlement.

(b) Items which are not subject to current settlement shall be included in account 319, "non-current notes receivable—affiliated companies."

(c) Subsidiary accounts shall be maintained by companies and shall show all essential detail.

150 Accounts receivable.

This account shall be divided into the following subaccounts: 151–153, 155, 160–162, 165, and 168.

151 Traffic accounts receivable—U.S. Government.

(a) This account shall include accounts receivable from U.S. Government agencies arising incident to the carriage of passengers, excess baggage, freight, and mail.

(b) Subsidiary accounts shall be maintained by individual agencies and by vessels and voyages.

152 Traffic accounts receivable—other.

(a) This account shall include accounts receivable from shippers, consignees, connecting carriers, and others (excluding related companies) arising incident to the carriage of passengers, excess baggage, freight, and mail.

(b) Subsidiary accounts shall be maintained by individual debtors and by vessels and voyages.

(c) Receivables from any agent with whom assignments are made to disburse vessels from revenue collections shall not be included in this account, but shall be included in account 010, "Agents and branch houses."

153 Accounts receivable—affiliates.

(a) This account shall include the amounts receivable from related companies which are subject to current settlement, such as balances in open accounts for services rendered, materials furnished, traffic accounts, rents for use of property and similar items; also interest, dividends, loans, notes and drafts for which related companies are liable.

(b) Items which are not subject to current settlement shall be included in account 320, "Non-current accounts receivables—affiliated companies."

(c) Subsidiary accounts shall be maintained by companies and shall show all essential details.

155 Claims receivable.

(a) This account shall include claims transferred from account 361, "Claims pending" and other adjusted claims collectible within one year.

(b) Subsidiary accounts shall be maintained in the names of the insurance underwriters, connecting carriers, or other entities with whom the claim has been filed and detailed as to the identity of the claims outstanding within each subsidiary account.

160 Accounts receivable—Maritime Administration — operating - differential subsidy.

This account shall include operating-differential subsidy accruals, expected to be collected within one year.

161 Accounts receivable—Maritime Administration — construction - differential subsidy.

This account shall include construction-differential subsidy accruals.

162 Accounts receivable—Maritime Administration—other.

This account shall include all other current receivables that may arise from transactions between the carrier and the Maritime Administration.

165 Accounts receivable—miscellaneous.

(a) This account shall include all accounts receivable from other than related companies for which no other account is specifically provided, including all amounts receivable from officers, employees and others, which are collectible in the ordinary course of business within one year.

(b) Subsidiary accounts shall be maintained by debtors.

168 Accrued accounts receivable.

(a) This account shall be used for periodic accruals of unmatured receivables such as interest, rents, dividends and charter-hires, provided; the collection thereof is reasonably assured by past experience, anticipated provisions, or otherwise.

(b) This account shall not be charged with accrued interest on securities on deposit in account 301 "Capital reserve fund" and account 302 "Capital construction fund," with accrued receivables from related companies, which are chargeable to account 153, "Accounts receivable—affiliates," or with dividends or other returns on securities issued by the company.

169 Estimated allowances for doubtful notes and accounts receivable.

This account shall be credited at the close of each accounting period with the amount charged to account 965 "Doubtful notes and accounts receivable" to provide for estimated uncollectible notes and accounts. For balance sheet purposes, the balance in this account shall be segregated between current and non-current items.

170 Inventories—shoreside.

(a) This account shall include the cost of all unissued and unapplied materials, articles in process of manufacture by the carrier, fuel, tools, stationery, and other stores and supplies, but excluding fuel, stores, and supplies on board vessels, and spare parts includable in account 362 "Spare parts on which construction-differential subsidy has been paid" and account 363 "Spare parts—other."

(b) The costs chargeable to this account are the actual costs of the material and supplies at point of free delivery, plus custom duties, sales and other taxes, insurance, inspection, special tests, loading and unloading, and transportation charges paid from the free point of delivery to the carrier's line. No charge shall be made to this account for the cost of transporting material and supplies when performed by the carrier.

(c) An annual inventory of material and supplies shall be taken, except in instances where inventories are waived by the Interstate Commerce Commission or the Maritime Administration, and the necessary adjustments made to bring this account into harmony with the actual inventory balance. In effecting such adjustments, differences for important classes of material shall be equitably assigned among the accounts to which such classes are ordinarily chargeable.

(d) This account shall be divided into the following sub-accounts: 171–175.

171 Vessels stores, supplies, and equipment ashore.

(a) This account shall include the cost of all stores, supplies, and equipment held for delivery to vessels including quantity purchases warehoused and delivered to vessels as required.

(b) Subsidiary accounts shall be so maintained as to show location of inventories.

172 Other shipping inventories.

(a) This account shall include the cost of all stores, supplies, and equipment held for use in the conduct of the shipping business, including terminal, cargo handling, tug and lighters, and other incidental shipping operations, for which no other account is specifically provided.

(b) Subsidiary accounts shall be maintained to show location of inventories.

173 Nonshipping inventories for sale.

This account shall include inventories of merchandise for sale by firms engaged in nonshipping enterprises and shall be maintained so as to show separately the major classes of inventory such as raw materials, work in process, and finished goods.

174 Nonshipping inventories for consumption.

This account shall include the cost of all stores, supplies and equipment, held for use in the conduct of non-shipping enterprises, other than merchandise for sale.

175 Miscellaneous inventories.

This account shall include the cost of all stores, supplies and equipment acquired for use in the conduct of the business which cannot be allocated as between shipping and non-shipping enterprises.

190 Other current assets.

This account shall be divided into the following sub-accounts: 191–193 and 199.

191 Prepaid current insurance.

This account shall include the unexpired amount of insurance premiums paid, or recorded as a liability in advance of payment, but only to the extent that such premiums apply to the period within one year of the date of the balance sheet and are properly chargeable within that period to appropriate 700, 800 or 900 series of accounts. This account shall be subdivided to show separately prepayments on the several classes of insurance.

192 Advances to officers and employees for expenses.

(a) This account shall include all amounts advanced to officers and employees for travel, entertainment, and similar expenses, from which such expenses are to be paid and accounted for. This account shall not include imprest and petty cash funds in fixed amounts held by employees and branch offices for the purpose of making minor expenditures.

(b) Subsidiary accounts shall be maintained by officers and employees, agents or branch offices.

193 Other prepaid current expenses.

This account shall include the amount of prepaid current expenses, such as interest, taxes, rentals, advertising, charter hire, and similar expense not otherwise specifically provided for, but only to the extent that such prepayments apply to the period within one year from the date of the balance sheet and are properly chargeable within that period to appropriate 700, 800, or 900 series of accounts. Minor items may be charged directly to the appropriate expense accounts.

198 Deferred income tax charges.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net debit.

(b) A net credit balance shall be included in account 480, "Deferred income tax credits".

199 All other current assets.

This account shall include the amount of assets of a current nature not includible in any of the foregoing current asset accounts. Subsidiary accounts shall be maintained so as to show separately each class of other current assets.

200 Deferred expenses—unterminated voyages.

When the accounts are maintained on a terminated voyage basis, the expense of voyages in progress at the end of an accounting period shall be transferred to this account from the related voyage expense accounts. Detail coding shall be maintained by individual vessel and related voyage.

300 Special funds and deposits.

This account shall be divided into the following subaccounts: 301–310, and 312.

301 Capital reserve fund.

This account shall be subdivided as follows:

(a) *301–1 Cash and securities—nontrust.* This account shall be charged with cash and the value of securities approved for deposit in this fund, and shall be credited with withdrawals therefrom in accordance with the provisions of section 607(b) of the Merchant Marine Act, 1936, as amended, in effect prior to the enactment of Pub. L. 91–4691 (34 Stat. 1018) and under such rules and regulations as the Maritime Administration may issue from time to time. Subsidiary accounts are to be subdivided as to depositories or trustees, as the case may be, and further subdivided to show the amount of (1) cash and (2) marketable securities, and (3) Current balances of mortgages from the sale of vessels.

(b) *301–2 Discounts and premiums, nontrust.* This account may be charged with accumulation of any discount and may be credited with amortization of any premium on securities, at the time of accrual or collection of interest thereon, with contra entry in account 675, "Interest income," if it is the practice of the carrier to adjust that account to a yield basis. When such securities are disposed of, any balance applicable thereto in this account shall be transferred to account 301–1.

(c) *301–3 Common stock trust.* This account shall be charged with the amount of the non-trust portion of the capital reserve fund transferred to the capital reserve fund-common stock trust, the acquisition cost of common stock in which the trust is invested, the income, capital gains, and other principal, and shall be credited with withdrawals therefrom and capital losses in accordance with the provisions of section 607(d) of the Merchant Marine Act, 1936, as amended, in effect prior to the enactment of Pub. L. 91–469 (84 Stat. 1018) and under such rules and regulations as the Maritime Administration may issue. Subsidiary accounts of the capital reserve fund-common stock trust are to be maintained to record cash, common stocks, and other principal.

302 Capital construction fund.

This account shall be subdivided as follows:

(a) *302–1 Cash and securities.* This account shall be charged with cash and the value of securities deposited in this fund as determined in accordance with 26 CFR § 3.2(g) and shall be credited with withdrawals therefrom in accordance with the provisions of section 607 of the Merchant Marine Act, 1936, as amended, and under such rules and regulations as the Maritime Administration may issue either independently or together with the Internal Revenue Service. Subsidiary accounts are to be subdivided as to depositories or trustees, as the case may be, and further subdivided to show the amount of (1) cash, (2) marketable securities and (3) current balances of mortgages from the sale of vessels, and further subdivided in accordance with sub-paragraph 607 (e)(1) of the Act—namely, (A) capital account, (B) capital gain account, (C) ordinary income account.

(b) *302–2 Discounts and premiums.* This account may be charged with accumulation of any discount and may be credited with amortization of any premium on securities, at the time of accrual or collection of interest thereon, with contra entry in account 675, "Interest income," if it is the practice of the carrier of the adjust that account to a yield basis. When such securities are disposed of, any balance applicable thereto in this account shall be transferred to account 302–1.

303 Construction reserve fund.

(a) This account shall be charged with cash and the cost of approved securities deposited in such fund, and shall be credited with withdrawals therefrom in accordance with the provisions of section 511 of the Merchant Marine Act, 1936, as amended, and section 112(b) of the Internal Revenue Code, and other Inter-

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nal Revenue Acts. It shall also include accretions on investments in such fund when retained therein.

(b) Subsidiary accounts are to be maintained as described in account 301.

304 Interest accruals for deposit in statutory funds.

This account shall include the periodic (not less frequent than annual) accruals of interest on cash and securities on deposit in account 301 "Capital reserve fund", account 302, "Capital construction fund" and account 303, "Construction reserve fund" with corresponding credit to account 675, "Interest income."

305 Insurance funds.

(a) This account shall include cash, marketable securities, and other quick assets placed on deposit or in the hands of trustees to guarantee the satisfaction of obligations for losses in instances where the carrier is a self-insurer in whole or in part.

(b) Subsidiary accounts shall be maintained by depositories or trustees, as the case may be, and further subdivided as to (1) cash, (2) marketable securities and (3) other quick assets.

306 Debt retirement funds.

(a) This account shall include cash, marketable securities, and other quick assets placed on deposit or in the hands of trustees as a sinking fund to meet obligations maturing in the future, or to carry out such operations as the retirement of preferred stock or the purchase of serial bonds.

(b) Subsidiary accounts shall be maintained by depositories or trustees, further subdivided to show cash or marketable securities, other quick assets and purposes of the fund.

307 Escrow funds.

This account shall be charged with the amounts required to be deposited in the Escrow fund and credited with disbursements therefrom, in connection with the insurance or guarantee of obligations financed by sale of U.S. Government insured or guaranteed obligations, pursuant to the provisions of section 1111 of the Merchant Marine Act, 1936, as amended, the provisions of contracts or agreements entered into and regulations published by the Assistant Secretary of Commerce for Maritime Affairs. These funds shall be reported separately and maintained in accordance with such rules and regulations as the Assistant Secretary of Commerce for Maritime Affairs may issue.

308 Construction funds.

This account shall be charged with the amounts required to be deposited therein, representing the difference between the principal of insured or guaranteed obligations and the principal amount required to be deposited in the escrow fund or such other amounts required by contracts or agreements, and shall be credited with authorized disbursements therefrom. These funds shall be reported separately and maintained in accordance with such rules and regulations as the Assistant Secretary of Commerce for Maritime Affairs may issue.

309 Other special funds.

(a) This account shall include cash, marketable securities, and other quick assets appropriated for replacement of unsubsidized vessels (except instances where account 303 "Construction reserve fund" is applicable), to fund reserves for pensions and any other special funds for which no specific account is provided.

(b) Subsidiary accounts shall be maintained for each class of fund by depositories or trustees, and further subdivided to show (1) cash, (2) marketable securities and (3) other quick assets.

310 Restricted funds.

This account shall be established at the time of the first deposit required therein, and shall be charged with deposits pursuant to the provisions of contracts or agreements. This account shall be credited with authorized withdrawals therefrom. These funds shall be reported separately and maintained in accordance with such rules and regulations as the Assistant Secretary of Commerce for Maritime Affairs may issue.

312 Special and guaranty deposits.

(a) This account shall include cash and marketable securities deposited to guarantee the performance of conference and similar agreements; also deposits in lieu of mortgaged property sold, and other trust deposits, to be held until equivalent property is acquired or pending other disposition. This account shall also include deposits on oil drums, ammonia cylinders and similar equipment.

(b) Subsidary accounts shall be maintained by depositories.

315 Investments.

This account shall be divided into the following subaccounts: 316, 319, 320, 325, 328, and 329.

316 Securities of related companies.

(a) This account shall include the investment in securities issued or assumed by related companies other than securities held in special deposits or special funds. All such investments shall be accounted for in accordance with the provisions of instruction M.

(b) This account shall be maintained in such a manner as to show each of the following investment elements in each affiliated company (including corporate joint ventures).

(1) Common stock at cost and (if applicable) to show:

(i) Equity in net assets at the date of acquisition.

(ii) Unamortized balance of the original goodwill amount.

(iii) Equity in undistributed earnings since acquisition.

(iv) Dividends received from the date of acquisition.

(2) Preferred stocks.

(3) Bonds.

(4) Other.

319 Noncurrent notes receivable—affiliated companies.

(a) This account shall include the amounts of all obligations in the form of notes receivable from affiliated companies which are not subject to current settlement.

(b) Subsidiary accounts shall be maintained by companies and show all essential details.

320 Noncurrent accounts receivable—affiliated companies.

(a) This account shall include receivables from affiliated companies for other than services rendered, supplies furnished, and other transactions customarily subject to current settlement.

(b) Subsidiary accounts shall be maintained by companies and shall show all essential detail.

325 Cash value of life insurance policies.

This account shall include the cash surrender value of life insurance policies, under which the carrier is the beneficiary, less the amount of any loans which have been obtained on such policies and not repaid.

328 Other investments.

This account shall include investment advances to companies and individuals, and miscellaneous investments not provided for elsewhere.

329 Decline in value of investments.

(a) This account shall be credited at the close of each accounting period with amount necessary to reflect the decline in value of securities and other assets held as investments, where there appears to be permanent impairment in their value, by contra charge to account 990, "Miscellaneous expense".

(b) When securities are disposed of, the balance in this account applicable to such securities shall be charged hereto.

330 Property and equipment.

(a) This account shall include the cost of acquisition or construction, including additions and betterments, of property and equipment owned by the carrier.

(b) This account shall be divided into the following sub-accounts: 331, 332, 335–338, 341–359.

331 Floating equipment—vessels.

(a) This account shall include the cost of acquisition or construction and related capitalizable costs, including additions and betterments, of vessels and of appurtenances, furniture and fixtures necessary to equip them for service, including inspection, trial runs and tests. This account also includes those costs, if capitalizable for Federal income tax determination directly incurred in placing the vessel into active service, limited to the direct vessel operating expense during the period from delivery of the vessel to arrival at the first loading berth.

(b) Capitalizable costs must be determined in accordance with applicable orders, rules and regulations prescribed or

adopted by the Maritime Administration. Subsidiary accounts shall be maintained in such manner as to show by vessels the original cost to the carrier and cost of additions and betterments.

332 Accumulated depreciation—vessels.

(a) This account shall be credited with all depreciation on vessels charged to accounts 742 "Depreciation—vessels" and 842 "Depreciation—idle vessels."

(b) Credit to this account applicable to subsidized vessels shall be computed on an estimated useful life of twenty-five years, except in instances where some other basis is specifically authorized by the Maritime Administration, with such allowances for residual values as approved by that Administration, and in accordance with applicable orders, rules and regulations prescribed or adopted by the Maritime Administration. Subsidiary accounts shall be maintained by individual vessel.

335 Floating equipment—barges.

(a) This account shall include the cost of acquisition or construction and related capitalizable costs, including additions and betterments of barges carried aboard vessels (e.g., LASH, SEABEE or other) and of appurtenances and fixtures necessary to equip them for service, including inspection, trial runs and tests.

(b) Subsidiary accounts shall be maintained by the various types of barges.

336 Accumulated depreciation—barges.

(a) This account shall be credited with all depreciation charged to account 885 "Depreciation—barges."

(b) Subsidiary accounts shall be maintained by the various types of barges.

337 Other floating equipment.

(a) This account shall include the cost of construction or acquisition, including additions and betterments, of other floating equipment, such as tugs, barges (other than barges carried aboard vessels which are included in account 335 "Floating equipment—barges"), scows, launches, lighters, floating cranes, etc., and of appurtenances, furniture, and fixtures necessary to equip for service including inspection, trial runs and tests.

(b) Subsidiary accounts shall be maintained in such manner as to show the foregoing information by the various types of other floating equipment.

338 Accumulated depreciation—other floating equipment.

This account shall be credited with all depreciation charged to account 864 "Depreciation—other floating equipment." Subsidiary accounts shall be maintained in the same manner as the corresponding accounts supporting account 337, "Other floating equipment."

341 Containers.

(a) This account shall include the cost of construction or acquisition of all types of containers except refrigerated containers used for the shipping of cargo.

(b) Subsidiary accounts shall be maintained by the various types of containers within this category.

342 Accumulated depreciation—containers.

(a) This account shall be credited with all depreciation on containers which is charged to account 881 "Depreciation—containers."

(b) Subsidiary accounts shall be maintained by the various types of containers within this category.

343 Refrigerated containers.

(a) This account shall include the cost of construction or acquisition, including additions and betterments, of all types of refrigerated containers used for the shipping of cargo.

(b) Subsidiary accounts shall be maintained by the various types of containers within this category.

344 Accumulated depreciation—refrigerated containers.

(a) This account shall be credited with all depreciation on refrigerated containers which is charged to account 882 "Depreciation—refrigerated containers."

(b) Subsidiary accounts shall be maintained by the various types of containers within this category.

345 Container related equipment.

This account shall include the cost of construction or acquisition, including additions and betterments of all types of container related equipment, including container cranes, yard container movement equipment, generator sets and other auxiliary equipment and similar equipment.

346 Accumulated depreciation—container related equipment.

This account shall be credited with all depreciation on container related equipment which is charged to account 886 "Depreciation—container related equipment."

347 Chassis and trailer equipment.

(a) This account shall include the cost of construction or acquisition, including additions and betterments, of chassis equipment used in the local drayage and inland movement of cargo and cargo carrying equipment.

(b) Subsidiary accounts shall be maintained by the various types of chassis and trailer equipment within this category.

348 Accumulated depreciation—chassis and trailer equipment.

(a) This account shall be credited with all depreciation on chassis and trailer equipment which is charged to account 883, "Depreciation—chassis and trailer equipment."

(b) Subsidiary accounts shall be maintained by the various types of chassis and trailer equipment.

349 Terminal property and equipment.

(a) This account shall include the cost of construction or acquisition, including additions and betterments, of terminal, land, buildings, stevedoring and other cargo handling gear, repair yards, shore cranes, appurtenances, furniture and fixtures, and other terminal gear and equipment.

(b) Subsidiary accounts shall be subdivided between the various types of property and equipment, and shall be maintained in such manner as to show port location, original cost, and cost of additions and betterments.

350 Accumulated depreciation—terminal property and equipment.

(a) This account shall be credited with all depreciation on terminal property and equipment which is charged to account 859 "Depreciation—terminal property and equipment."

(b) Subsidiary accounts shall be maintained in the same manner as the corresponding accounts supporting account 349, "Terminal property and equipment."

351 Other shipping property and equipment.

(a) This account shall include the cost of construction or acquisition, including additions and betterments, of land and buildings, appurtenances, furniture and fixtures, transportation equipment other than barges, containers and chassis and trailer and any other property and equipment used exclusively in shipping and auxiliary operations which are not properly chargeable to accounts 331, 335, 337, 341, 343, 345, 347, and 349.

(b) Subsidiary accounts shall be subdivided between the various types of property and equipment and maintained in such manner as to show location, original cost and cost of additions and betterments.

352 Accumulated depreciation—other shipping property and equipment.

(a) This account shall be credited with all depreciation on other shipping property and equipment (as described in account 351) which is charged to account 970, "Depreciation—other shipping property and equipment."

(b) Subsidiary accounts shall be maintained in the same manner as the corresponding accounts supporting account 351, "Other shipping property and equipment."

353 Nonshipping property and equipment.

(a) In instances where companies are engaged in nonshipping enterprises, cost of all property and equipment which can be directly assigned to such nonshipping enterprises shall be included in this account, including cost of additions, betterments, fixtures, furniture, and appurtenances.

(b) Subsidiary accounts shall be subdivided between the various types of nonshipping property and equipment, and maintained in such manner as to show location, original cost, and cost of additions and betterments.

354 Accumulated depreciation—nonshipping property and equipment.

(a) This account shall be credited with all depreciation on non-shipping property and equipment which is charged to account 971 "Depreciation—non-shipping property and equipment."

(b) Subsidiary accounts shall be maintained in the same manner as the corresponding accounts supporting account

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353, "Non-shipping property and equipment."

355 Office leaseholds and leasehold improvements.

(a) This account shall include the cost of acquiring long-term leases of office facilities and the cost of alterations thereto and fixtures installed in leased property.

(b) Subsidiary accounts shall be subdivided between the various types of property and equipment and maintained in such manner as to show location, original cost, and cost of additions and betterments.

356 Accumulated amortization—office leaseholds and leasehold improvements.

This account shall be credited with all amortization on office leaseholds and leasehold improvements which is charged to account 975 "Amortization—office leaseholds and leasehold improvements."

357 Terminal leaseholds and leasehold improvements.

(a) This account shall include the cost of acquiring long-term leases of terminals, the cost of alterations thereto and the cost of fixtures installed in leased terminal property.

(b) Subsidiary accounts shall be maintained by individual terminal.

358 Accumulated amortization—terminal leaseholds and leasehold improvements.

(a) This account shall be credited with all amortization on terminal leasehold and leasehold improvements which is charged to account 860 "Amortization—terminal leasehold and leasehold improvements."

(b) Subsidiary accounts shall be maintained in the same manner as the corresponding accounts supporting account 357, "Terminal leasehold and leasehold improvements."

359 Construction work in progress.

(a) This account shall be charged with all payments incident to the costs on vessels or other transportation property in process of construction which are capitalized in accordance with generally accepted accounting procedures.

(b) Subsidiary accounts shall be subdivided as between the various kinds of construction, and maintained in such manner as to show type of construction and location. When the construction is completed, the cost thereof shall be credited to the account and charged to the appropriate property accounts.

360 Other assets.

This account shall be divided into the following sub-accounts: 361–364, 367, 368, 370, and 374.

361 Claims pending.

(a) This account shall include any claims in litigation, and insurance claims in process of compilation or adjustment. After adjudication of claims in litigation, or adjustment of insurance claims, this account shall be credited and a charge made to account 155 "Claims receivable." Deductible average insurance losses (if policies provide deductibles) should at the same time be transferred to account 570 "Estimated allowances for insurance."

(b) Subsidiary accounts shall be subdivided as between hull underwriters, protection and indemnity underwriters, general average claims connecting carriers, and such further classes as may be necessary. Each group of subsidiary accounts shall be maintained by vessels and voyages supported by sufficient detail to permit ready identification and analysis of each claim.

362 Spare parts on which construction-differential subsidy has been paid.

This account shall include the acquisition cost (or other applicable basis) of shore side spare parts and equipment upon which construction-differential subsidy has been paid, such as propellers and tail shafts held for future installation on vessels of the carrier.

363 Spare parts—other.

This account shall include the acquisition cost (or other applicable acquisition basis) of shore side spare parts and equipment for which construction-differential subsidy has not been paid, such as propellers, propeller blades, tail shafts, pumps, rudders, hoisting engines, generators, rotors, anchors, etc. held for future installation on vessels of the carrier, the individual minimum gross book value of which is not less than $1,000.

364 Notes and accounts receivable from officers and employees.

This account shall include the acquisition from officers, directors, and employees other than (a) unpaid subscriptions to capital stock and (b) amounts collectible in the ordinary course of business within one year. Records supporting entries to this account and subsidiary accounts shall be maintained as to show separately such major classes as officers' personal accounts, employees' salary advances, and amounts due for such items as group insurance and retirement annuity deposits. The records referred to in this section shall be retained in accordance with the provisions of § 380.24 of this chapter.

367 Deferred operating-differential subsidy receivable.

This account shall include that part (if any) of accrued operating-differential subsidy receivable, the payment of which is withheld by the Maritime Administration pursuant to Pub. L. 862, 80th Congress, or any subsequent legislation having the same or substantially similar force and effect.

368 Other noncurrent notes and accounts receivable.

(a) This account shall include all non-current receivables from other than officers, employees, or related companies, which, by agreement, are not collectible within one year. It shall include the non-current portion of Operating-Differential Subsidy due from the Maritime Administration.

(b) Subsidiary accounts shall be maintained by individual debtors.

370 Maritime Administration allowance for obsolete vessels.

This account shall include the gross amounts allowed by the Maritime Administration for obsolete vessels traded in, except where the obsolete vessel is retained under a Use Agreement, in which case this account is charged with the net trade-in allowance. Credit this account and charge account 359, "Construction work in progress", with the amount of progress payments on new construction made by the Maritime Administration for the account of the purchaser (operator).

374 Miscellaneous other assets.

This account shall include the estimated value of salvage recoverable from property retired when the recovery of the salvage is deferred for any reason; funds on deposit with closed banks; and all other deferred items not covered by other deferred asset accounts.

375 Deferred charges and prepaid expenses.

This account shall be divided into the following subaccounts: 376, 383, 384, 385 and 389.

376 Prepaid long-term insurance.

This account shall include the cost of insurance premiums prepaid or recorded as a liability in advance of payment, but only to the extent that such premiums apply to a period more than one year following the date of the balance sheet. The proportions of the same premium payments properly chargeable to expenses prior to such period are provided for in account 191, "Prepaid current insurance". This account shall be subdivided to show separately prepayments on the several classes of insurance.

383 Accumulated deferred income tax charges.

This account shall include the amount of deferred taxes (see definition (26)) determined in accordance with instruction and the text of account 583, "Accumulated Deferred Income Tax Credits", when the balance is a net debit.

384 Debt discount and expense.

(a) This account shall include all discount and expense for all classes of funded debt. The debt and expense shall be amortized periodically over the respective lives of the securities by charge to account 976 "Amortization—debt discount and expense."

(b) When an issue of funded debt, or any part thereof, refunded and at the date of refunding there is a balance of unamortized discount and expense relating to such issue, such balance, together with any premium paid in retiring such issue, shall be charged to account 990 "Miscellaneous expense" or to account 995 "Extraordinary items," as may be appropriate, in accordance with the text of these accounts.

385 Organization expenses.

This account shall include the unamortized balance of expenses incurred in the formation and development of the business. The balance of this account shall be amortized by annual charges to account 977 "Amortization—organization expense."

389 Deferred prepayments and other deferred charges.

This account shall include the amount of prepaid expenses such as interest, taxes, rentals, advertising, charter hire, and similar expense not otherwise specifically provided for in accounts 384, and 385, but only to the extent that such prepayments apply to a period more than one year following the date of the balance sheet. The proportions of the prepayments and other deferred charges in this account, properly chargeable to expenses prior to such period are provided for in account 193, "Other prepaid current expenses." Minor items and nominal payments covering such expenses may be charged directly to the appropriate expense accounts, even though they relate to periods in excess of one year.

390 Goodwill and other intangible assets.

This account shall be divided into the following sub-accounts: 391, 398, and 399.

391 Goodwill.

This account shall include only Goodwill actually purchased in taking over assets, trade name, etc., calculated to enhance future profits of the business.

398 Other intangible assets.

This account shall include the purchase price or cost of development of such intangible assets as patents, copyrights, operating rights, etc.

399 Accumulated amortization—other intangible assets.

This account shall be credited with all amortization on other intangible assets which is charged to account 979 "Miscellaneous amortization expense."

(B) LIABILITY ACCOUNTS

ACCOUNT

400 Notes payable.

(a) This account shall include the face value of notes, drafts, and other evidences of indebtedness issued by the carrier (except interest coupons) which are payable on demand or within one year.

(b) This account shall be divided into the following sub-accounts: 401, 410, and 414.

401 Bank loans.

Subsidiary accounts shall be subdivided by lender to show separately (a) amount secured and (b) amount unsecured.

410 Insurance notes.

This account shall include the face amount of notes issued by the company to cover deferred payments of insurance premiums. This account shall be maintained by creditor to show (a) notes secured and (b) notes unsecured.

414 Other short-term notes.

This account shall include notes payable within one year, for which no other account is specifically provided, but excluding notes issued to related companies. This account shall be maintained by creditor to show (a) notes secured and (b) notes unsecured.

415 Notes and accounts payable—affiliates.

(a) This account shall include notes and accounts payable to affiliated companies which are subject to settlement within one year, such as credit balances in open accounts for services rendered, materials furnished, traffic accounts, claims, rents and for interest, dividends, loans, notes, and drafts.

(b) No amount representing dividends payable shall be included in this account unless they have been declared.

(c) Items which are not subject to current settlement shall be included in account 541 "Non-current payables—affiliated companies."

(d) Subsidiary accounts shall be maintained by companies and shall show all essential detail.

420 Accounts payable.

This account shall be divided into the following sub-accounts: 421, 422, 428, 430, 431, 438, 439.

421 Accounts payable—trade.

This account shall include all liabilities currently due to trade creditors for services rendered and supplies furnished in the general conduct of the business.

422 Accounts payable—traffic.

This account shall include exchange orders and other amounts due connecting carriers, freight and passenger brokerage, amounts due for hotel reservations and sightseeing tours, custodian funds payable such as head taxes, freight and passenger manifest stamp taxes, consular fees; advance, prepaid beyond, and transshipping charges, and claims payable, but excluding amounts due related companies.

428 Accounts payable—officers and employees.

This account shall include amounts due to officers, directors, individual stockholders, and employees, which are payable within one year.

430 Accounts payable—Maritime Administration.

This account shall include all current accounts payable to the Maritime Administration, including accrued interest, that arise from transactions with that agency.

431 Pension and welfare funds payable.

This account shall include the liability of the carrier for the amount of assets (whether contributed by the carrier or by the employees) in the hands of the treasurer or of a trustee or manager as the administrator of employees' pension, savings, relief, hospital, or other association funds.

438 Dividends payable.

This account shall include the amount of dividends declared on actually outstanding capital stock, unpaid at the date of the balance sheet except dividend payable to related companies which shall be reflected in account 415 "Notes and accounts payable—affiliates."

439 Accounts payable—miscellaneous.

This account shall include all current accounts payable to other than related companies, including unclaimed wages, taxes withheld or collected from others for the account of taxing agencies, and other items for which no other account is specifically provided.

440 Accrued liabilities.

This account shall be divided into the following sub-accounts: 441–447 and 459.

441 Accrued voyage payrolls.

This account shall include the accruals of voyage wages payable.

442 Accrued payrolls—other.

This account shall include the accruals of all other wages payable.

443 Accrued liability for Federal income taxes.

This account shall include the accruals for federal income taxes payable.

444 Accrued liability for state and local taxes based upon income.

This account shall include the accruals for state and local income taxes payable based upon income.

445 Accrued liability for foreign taxes.

This account shall include the accruals for foreign taxes payable.

446 Accrued liability for payroll taxes.

This account shall include the accruals for the employer's portion of payroll taxes payable and amounts withheld from employees wages.

447 Accrued liability for other taxes.

This account shall include the accruals for all other taxes payable for which no other account has been specifically provided.

459 Other accrued accounts payable.

(a) This account shall include periodical accruals of amounts payable other than taxes.

(b) Subsidiary accounts shall be maintained as between (1) interest, (2) rentals and (3) such other items as frequently occur.

479 Other current liabilities.

(a) This account shall include all current liabilities for which no other account has been specifically provided.

(b) Subsidiary accounts shall be maintained to show separately each class of current liability.

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480 Deferred income tax credits.

(a) This account shall include the portion of deferred income tax charges and credits relating to current assets and liabilities, when the balance is a net credit.

(b) A net debit balance shall be included in account 198, "Deferred income tax charges".

495 Advance ticket sales and deposits.

This account shall include the credit balance remaining in account 025, "Collections and deposits for passanger transportation", after the balances in the account have been analyzed and those relating to completed transactions have been transferred to the appropriate other accounts designated in the chart.

500 Deferred revenues—unterminated voyages.

When the accounts are maintained on a terminated voyage basis, the revenue of voyages in progress at the end of an accounting period shall be transferred to this account from the related voyage revenue accounts. Detail coding shall be maintained by individual vessel and related voyage.

525 Long-term debt.

This account shall be divided into the following subaccounts: 526, 527, 530, and 534.

526 Mortgage notes—Maritime Administration.

(a) This account shall include all mortgage notes payable to the Maritime Administration.

(b) Subsidiary accounts shall be maintained by vessel.

527 U.S. Government insured or guaranteed merchant marine bonds and notes.

This account shall include all U.S. Government insured or guaranteed merchant marine bonds and notes issued pursuant to the provisions of contracts or agreements. Subsidiary accounts shall be maintained by vessel.

530 Other bonds and debentures.

This account shall include the face amount of bonds and debentures not provided for in other accounts and shall be maintained to show full particulars in respect to each issue outstanding. Reacquired bonds and debentures shall be charged to this account at face amount.

534 Other long-term debt.

This account shall include all long-term obligations, excluding amounts due related companies, for which no other account has been specifically provided, and shall be subdivided to show separately long-term obligations secured by capital assets and unsecured long-term debt.

540 Other long-term liabilities.

This account shall be divided into the following subaccounts: 541, 549, 550, and 554.

541 Noncurrent notes and accounts payable—affiliates.

(a) This account shall include all loans, advances, and other payables to related companies not subject to current settlement.

(b) Subsidiary accounts shall be maintained by companies and shall show all essential detail.

549 Noncurrent notes and accounts payable—officers and employees.

This account shall include all notes and accounts payable to officers, directors, individual stockholders, and employees, which by arrangement become due later than one year from the balance sheet date.

550 Recapturable profits—Maritime Administration.

If excess profits accrue to the Maritime Administration under the "recapture" provisions of sections 606 and 607 of the Merchant Marine Act, 1936, as amended, in effect prior to the enactment of Pub. L. 91-469 (84 Stat. 1018), such profits shall be credited to this account at the close of each accounting period within a recapture period, adjusted so as to reflect the net amount of such excess profits accrued to the Maritime Administration as at that date.

554 Miscellaneous other long-term liabilities.

This account shall include all long-term liabilities for which no other account has been specifically provided.

555 Deferred credits.

This account shall be divided into the following subaccounts: 556, 563, and 564.

556 Premium on funded debt.

(a) This account shall include premiums for all classes of funded debt which are to be amortized periodically over the respective lives of the securities by credit to account 691, "Release of Premium on long-term debt".

(b) When an issue of funded debt or any part thereof is refunded and at the date of refunding there is a balance of unamortized premium relating thereto, the amount of such balance shall be credited to account 690, "Miscellaneous other income", or account 995, "Extraordinary items", as may be appropriate.

563 Accumulated deferred income tax credits.

(a) This account shall be credited (charged) with amounts concurrently charged (credited) to account 986, "Provision for deferred taxes", and account 988, "Provision for deferred taxes—extraordinary and prior period items", representing the net tax effect of material timing differences (see definition (25) and (23)) originating and reversing in the current accounting period.

(b) This account shall be credited with the amount of investment tax credit utilized in the current year for income tax purposes but deferred for accounting purposes (see instruction 1).

(c) This account shall be concurrently debited with amounts credited to account 986, "Provision for deferred income taxes", representing amortization of amounts for investment tax credits deferred in prior accounting periods.

(d) This account shall be maintained in such a manner as to show separately: (1) the unamortized balance of deferred income taxes and deferred investment tax credit separately as of the beginning and as of the end of each year entries are made affecting the account balance, and (2) the current years net credit or charges applicable to timing differences and deferred investment tax credits.

NOTE A: The portion of deferred charges and credits relating to current assets and liabilities should likewise be classified as current and included in account 198, "Deferred income tax charges", or account 480, "Deferred income tax credits", as appropriate.

NOTE B: This account shall include a net credit balance only. A net debit balance shall be recorded in account 383, "Accumulated deferred income tax charges".

564 Miscellaneous deferred credits.

This account shall include all deferred income and unadjusted credits for which no other account is specifically provided.

565 Estimated operating allowances.

This account shall be divided into the following subaccounts: 566, 570, and 579.

566 Estimated allowances for repairs.

(a) This account shall be credited and account 740, "Vessel repairs—domestic" charged, when allowances are provided for equalization of domestic repairs to vessels. As actual domestic repair expenses are incurred, they shall be charged to this account. At the end of the accounting year, after all repair expenses incurred and all commitments against terminated voyages have been recorded, any balance in this account, applicable to terminated voyages shall be distributed equitably to such voyages in account 740, "Vessel repairs—domestic".

(b) Subsidiary accounts shall be maintained by vessel and consecutively by voyage.

(c) Repair expenses incurred at foreign ports shall be charged directly to account 741, "Vessel repairs—foreign".

570 Estimated allowances for insurance.

(a) Agreed amounts for Marine and P&I Insurance deductibles (if provided in the policies) should be charged to each voyage in the appropriate vessel insurance expense account and the corresponding credits posted to this account. When the amount within the deductibles average chargeable against each voyage is determined, it should be transferred from account 361, "Claims pending", as a charge to this account.

(b) This account may also be used for equalization of other insurance risks assumed by the carrier, as for example, self-carried workmen's compensation, and public liability insurance. At the end of each accounting year, any balance in this account applicable to voyages, terminated during the preceding accounting year, in those instances where the records indicate that all claims have been settled, shall be transferred to the appropriate insurance expense account.

(c) Subsidiary accounts shall be maintained by the various classes of insurance for which provisions are made and shall be arranged by vessel and consecutively by voyage.

579 Estimated operating allowances—miscellaneous.

(a) This account shall include all provisions for the equalization of operating expenses for which no other allowance account is specifically provided.

(b) Subsidiary accounts shall be maintained by the various classes of expense arranged by vessels and consecutively by voyages, or by other accounting units.

580 Owners' equity.

This account shall be divided into the following subaccounts: 581, 585, 587, 590, 591, 593, 598, and 599.

581 Capital stock—issued and outstanding.

(a) This account shall include the par value, or for stock without par value the stated money value of the consideration received, of capital stock or other form of proprietary interest in the carrier which has been issued to purchasers and has not been reacquired and canceled. It shall also include stock issued representing appropriations of surplus for stock dividends. When capital stock is retired, this account shall be charged with the book value at which such stock is recorded herein.

(b) Recordings supporting the entries to this account shall be maintained to show the various classes and series of capital stock.

(c) A separate record shall be kept for each subclass of stock showing the number of shares authorized by the articles of incorporation and amendments, the number of shares issued, the number of shares reacquired, the number of shares canceled, the number of shares outstanding, and their book value.

585 Capital stock subscribed.

This account shall include the amount of subscriptions to capital stock of the carrier. It shall be credited with the par value, or with the subscription price of stock without par value, exclusive of dividends, if any. Concurrently, account 135 "Subscriptions to capital stock" shall be debited with the agreed price and any discount or premium shall be included in the appropriate account. When properly executed stock certificates are issued, this account shall be debited and account 581 "Capital stock—issued and outstanding" credited.

587 Discount on capital stock.

(a) This account shall include the discount incurred in connection with the sale of capital stock. Records supporting the entries to this account shall be maintained to show the discount and commissions on each class and series of capital stock.

590 Additional paid-in capital.

(a) This account shall include the amount of capital donated or paid-in as additional capital (including premiums and assessments on capital stock) and also gains from reacquired or donated shares of capital stock, from forfeiture of subscriptions and from reduction of the par or recorded value of capital stock.

591 Treasury stock.

(a) This account shall include in subdivisions for each class the reacquisition cost of capital stock which has been actually issued or assumed by the carrier then reacquired, and is neither retired or cancelled, nor properly includible in sinking or other funds.

(b) This account shall be maintained to reflect separately securities pledged and unpledged.

(c) This account shall be shown on the Balance Sheet as a deduction in arriving at Stockholders' Equity.

593 Prior period adjustments to beginning retained income accounts.

This account shall include adjustments, in accordance with the text of instruction K, to the net balance in the retained income account at the beginning of the calendar year, upon approval by the Commission.

598 Retained earnings—restricted.

(a) Retained earnings restricted from distribution by agreement with others shall be credited to this account with a corresponding charge to account 599, "Retained earnings—unrestricted".

(b) Subsidiary accounts shall be maintained by classes of restrictions.

599 Retained earnings—unrestricted.

(a) All nominal accounts at the end of the accounting year shall be closed to this account.

(b) Any part of retained earnings restricted from payment as dividends shall be charged to this account, including excess profits accruing to the Maritime Administration under the "recapture" clauses in sections 606 and 607 of the Merchant Marine Act, 1936, as amended, in effect prior to the enactment of Pub. L. 91-469 (84 Stat. 1018), which shall be credited to account 550, "Recapturable profits—Maritime Administration".

(c) This account shall include other adjustments, net of assigned Federal income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Commission.

Revenue Accounts

(A) Ordinary Items

ACCOUNT

600 Vessel revenue.

(a) This account shall be credited with all revenue from vessel operations. Revenue items applicable to voyages in progress at the end of each accounting period shall be transferred to account 500, "Deferred revenues—unterminated voyages". Revenue items arising in connection with voyages terminated in prior years shall be accounted for as ordinary delayed items.

(b) Subsidiary accounts shall be maintained by vessels and consecutively by voyages, according to the classification of revenues, as shown in the chart of accounts. Subsidiary accounts shall be subdivided according to:

(1) Cargo carriage technology type.

(2) Refrigerated and nonrefrigerated cargoes.

(3) Military procurement from competitive bid systems.

(4) Military other.

(5) Outward, intermediate and inward voyage legs.

(c) For purposes of postings in subsidiary accounts, coastwise and intercoastal service shall be deemed to be all commerce conducted by vessels between points in the United States, including Districts, Territories and possessions thereof embraced within the coastwise laws, and foreign commerce shall be deemed to be all commerce conducted by vessels over the seas other than coastwise and intercoastal commerce. Operators receiving operating-differential subsidy shall expand the subdivision in their subsidiary accounts to show, separately, revenue earned on coastwise and intercoastal legs of voyages as described in section 605(a) of Title VI of the Merchant Marine Act, 1936, as amended, as well as commerce between points in the United States including Districts, Territories, and possessions thereof and Puerto Rico embraced within the coastwise laws.

(d) The same subsidiary ledger forms may be used for both account 500 and account 600, and the sheets may be physically transferred or the totals by classification transferred to new sheets, as the carrier elects.

(e) This account shall be divided into the following sub-accounts: 601, 605, 608, 612, 620, and 624.

601 Freight—foreign.

(a) This account shall include all revenue accruing from the transportation of freight based upon tariff rates or in the absence of tariff provisions on basis of contracts.

(b) It will also include the surcharge on freight revenue.

(c) It shall be charged with refunds due to errors in classification or computation of rates and charges; refunds due to errors in routing or shipping freight to the extent not reimbursed by insurance refunds and uncollectible charges on lost, damaged or destroyed freight shipments; and with refunds of overcharges assumed by the carrier under the voucher minimum.

605 Freight—coastwise and intercoastal.

(a) This account shall include all revenue accruing from the transportation of freight based upon tariff rates or in the absence of tariff provisions on the basis of contracts.

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(b) It will also include the surcharge on freight revenue.

(c) It shall be charged with refunds due to errors in classification or computation of rates and charges; refunds due to errors in routing or shipping freight; refunds and uncollectible charges on lost, damaged or destroyed freight shipments to the extent not reimbursed by insurance and with refunds of overcharges assumed by the carrier under the voucher minimum.

608 Passenger—foreign.

(a) This account shall include all revenue accruing from the transportation of passengers based upon tariff rates. It shall include the revenue from transportation of passengers, the rental of staterooms, berths, or living accommodations and the furnishing of meals.

(b) The credits to this account shall be subdivided as follows among (1) revenue from passenger fares, (2) revenue from staterooms, (3) revenue from meals, and (4) revenue that cannot be separated among items (1), (2), and (3) of this paragraph.

612 Passenger coastwise and intercoastal.

(a) This account shall include all revenue accuring from the transportation of passengers based upon tariff rates. It shall include the revenue from transportation of passengers, the rental of staterooms, berths, or living accommodations, and the furnishing of meals.

(b) The credits to this account shall be subdivided as follows among (1) revenue from passenger fares, (2) revenue from staterooms, (3) revenue from meals, and (4) revenue that cannot be separated among items (1), (2), and (3) of this paragraph.

620 Charter revenue.

This account shall include revenue from the charter of vessels to others when the amount receivable for charter is not directly related to and dependent upon the commodities and volume transported, such as bareboat and time charters. Compensation is usually based upon daily or monthly hire of the vessel.

624 Other voyage revenue.

This account shall include all revenue accruing from other services by and activities aboard vessels, not otherwise provided for, such as :

Advances, prepaid beyond and manifest transactions, net credit.
Assisting vessels in distress or salvage.
Barber shop and other services to passengers aboard vessels.
Concessions aboard vessels granted to others.
Demurrage and dispatch.
Excess baggage.
Parcel rooms aboard vessels.
Radio service aboard vessels.
Refrigeration aboard vessels.
Rent from steamer chairs and other equipment to passengers.
Sale of periodicals and newsstand supplies to passengers.
Sale of buffet and bar supplies to passengers, net credit.
Sale of slop chest supplies to crew, net credit.
Refreshment, weighing and all other vending machines aboard vessels.

(B) SUBSIDIES

ACCOUNT

625 Operating-differential subsidy.

(a) This account shall be credited with sums accruing to the carrier under the subsidy provisions of the operating-differential subsidy agreement.

(b) Subsidiary accounts shall be maintained by vessels and consecutively by voyages.

(C) OTHER SHIPPING REVENUES

ACCOUNT

640 Collections from pools.

This account shall be credited with collections for each accounting period in accordance with pooling agreements by transfer from account 055, "Pool participation."

645 Revenue from terminal operations.

(a) This account shall include all revenue derived from the rental, lease, or use by others of the carrier's terminal facilities, including dockage, side wharfage, top wharfage, storage, doorways, lights, water, protective service, refrigeration, precooling, and similar service.

(b) Subsidiary accounts shall be maintained to show separately for each terminal the different kinds of revenues earned.

650 Revenue from cargo handling operations.

(a) This account shall include all revenue derived from the performance by the carrier for others of stevedoring and other cargo handling services, such as checking, tallying, receiving, delivering, coopering, loading, and discharging cargo; also use of gear, equipment, etc.

(b) Subsidiary accounts shall be maintained to show separately for each port the different kinds of revenues earned.

655 Revenue from tug and lighter operations.

(a) This account shall include all revenue derived from services performed for others by the carrier's tugs, lighters, barges, scows, launches, floating cranes, and other equipment, including rental and charter hire for use of such equipment.

(b) Subsidiary accounts shall be maintained to show separately for each port the different kinds of revenues earned.

660 Revenue from container related operations.

(a) This account shall include all revenue derived from container related operations such as income from inland haulage of military containers, container detention charges and container interline billings.

(b) Subsidiary accounts shall be maintained to show separately for each port the different kinds of revenues earned.

665 Revenue from other shipping operations.

(a) This account shall be credited with gross revenue derived from the performance of repairs, and any other services or operations for others which are incidental to the shipping business and for which no other account is specifically provided.

(b) Subsidiary accounts shall be maintained to show separately for each port the different kinds of revenues earned.

670 Agency fees, commissions, and brokerage earned.

(a) This account shall include revenues received from others covering gross agency fees, commissions, and brokerage, less amounts paid to sub-agents therefrom.

(b) Subsidiary accounts shall be maintained by offices, and postings shall show sources of earnings and classification thereof such as agency fees, management and operating commissions, freight brokerage, passenger brokerage, and names of sub-agents in instances where such payments are charged to this account.

(D) OTHER REVENUE ACCOUNTS

ACCOUNT

675 Interest income.

(a) This account shall be credited with all interest accrued. This account shall be charged with amortization of any premium and shall be credited with accumulation of any discount on securities at the time of accrual or collection of interest thereon.

(b) Interest shall not be credited before actual collection unless its payment is reasonably assured by past experience, guaranty, anticipated provisions, or otherwise.

(c) This account shall not include interest on securities issued or assumed and owned by the carrier.

(d) This account shall be divided into sub-accounts representing sources of significant interest income. Interest from affiliated companies must be identified.

685 Dividend income.

(a) This account shall include dividends declared on stocks of companies except for affiliated companies accounted for under the equity method of accounting (see instruction m), the income from which is the property of the accounting company, whether such stocks are owned by the accounting company and held in its treasury, or deposited in trust, or are controlled through a lease or otherwise.

(b) This account shall be divided into sub-accounts representing sources of significant dividend income.

690 Miscellaneous other income.

(a) This account shall include all income not provided for elsewhere, such as:

Gain from conversion of foreign currencies (Transferred from account 050, "Foreign exchange account")
Fees collected in connection with exchange of coupon bonds for registered bonds
Gain from sale of securities
Gain from sale of shipping and nonshipping property
Gain from company bonds reacquired

(b) When the gain from the sale of property, equipment or securities, or from reacquisition of the company's own bonds is of an amount sufficiently large to constitute an extraordinary item, pursuant to instruction (K), such gain shall be credited to account 995, "Extraordinary items".

691 Release of premium on long-term debt.

This account shall include for each fiscal period such proportion of the premium on funded debt as is transferred from account 556, "Premium on funded debt".

692 Unusual or infrequent items (credit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction K, upon approval by the Commission.

695 Revenue from nonshipping operations.

(a) This account shall include the gross income derived from ventures other than shipping and shipping auxiliary operations.

(b) Separate accounts shall be maintained for each enterprise and location.

697 Income from affiliated companies.

This account shall be debited or credited with the following:

(a) The accounting company's share of the current earnings or losses of affiliated companies and corporate joint ventures required to be accounted for under equity accounting (see Instruction m).

(b) The amortization of any difference between the cost of an investment and the equity of the accounting company in the net assets of the investee (see Instruction m(3)(a)).

NOTE: Dividends paid or declared by companies on the stock of companies in which the accounting company holds 20 percent or more of the voting common stock shall be credited to balance sheet account 316, "Securities on related companies".

Operating Expenses

(A) DIRECT VESSEL EXPENSES

(a) Accounts 701–749 shall be charged with all direct expenses of operation and maintenance of all vessels, for terminated and unterminated voyages.

(b) Expenses incurred for vessels in idle status shall be included in the 800 series accounts.

(c) Subsidiary accounts shall be maintained by vessels and consecutively by voyages, according to the classification of expense as shown in the chart of accounts.

(d) The same subsidiary ledger forms may be used for both account 200 and the 700 series of accounts, and the sheets may be physically transferred or the totals, by classifications, transferred to new sheets, as the carrier elects.

(e) At the conclusion of the accounting period, all items relating to unterminated voyages shall be transferred to account 200, "Deferred expenses, unterminated voyages".

(f) Expenses shall be charged according to the provisions of instruction (K).

ACCOUNT

701 Crew wages.

This account shall include salaries and wages of masters, officers, pursers, radio operators, relief crews and other members of crews of vessels including:

(a) Regular wages.
(b) Overtime.
(c) Split wages (overlap).
(d) Bonus.
(e) Shifting allowance.
(f) Extra wages.
(g) Travel wages.
(h) Accrued wage adjustments.
(i) Crew transportation.
(j) Non-watch pay.
(k) Board and lodging.

703 Crew fringe benefits.

This account shall include all compensation to crew members other than salaries and wages. Such compensation will include, but is not limited to, vacation pay, sick leave, retirement and pension, group insurance, welfare plans, medical center contributions and joint committee payments.

704 Union payments unrelated to the crew.

This account shall include all payments to unions, such as quid pro quo and compensatory payments, made for agreed upon crew reductions.

708 Payroll taxes.

This account shall include taxes computed on the basis of a payroll such as old age benefits, unemployment compensation and similar social security taxes.

710 Domestic subsistence.

This account shall include the cost (including sales taxes and delivery and inspection charges thereon) of all edibles (but not bar and slop chest supplies and water) purchased in the United States and its Territories and possessions except the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, and the Island of Guam (excluding purchases out of bond) for consumption by passengers, officers, and crews of vessels.

714 Foreign subsistence.

This account shall include the cost (including sales taxes and delivery and inspection charges thereon) of all edibles (except bar and slop chest supplies and water) purchased in foreign countries or in the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, and the Island of Guam, or purchased in the United States out of bond, for consumption by passengers, officers and crew of vessels.

715 Domestic consumable stores, supplies and equipment.

This account shall include the cost (and related sales taxes and delivery and inspection charges thereon) of all consumable stores and supplies and expendable equipment (other than edibles, bar and slop chest supplies, fuel, and water) purchased in the United States and its Territories and possessions, except the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, and the Island of Guam (excluding purchases out of bond), for use aboard vessels. The term "expendable equipment" includes all tools, utensils, instruments, small machinery, and paraphernalia of a portable or removabe nature, as distinguished from "permanent equipment" fastened to the vessel or installed as an integral part thereof, and spares required by the classification societies. The cost of such permanent equipment and spares shall be included in account 740 "Vessel Repairs—Domestic," or account 741 "Vessel Repairs—Foreign."

716 Foreign consumable stores, supplies and equipment.

This account shall include the cost (including related sales taxes and delivery and inspection charges thereon) of all consumable stores and supplies and expendable equipment (other than edibles, bar and slop chest supplies, fuel, and water) purchased in foreign countries or in the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef and the Island of Guam, or purchased in the United States out of bond, for use aboard vessels.

725 Other maintenance expense.

This account shall include such expenses as laundry and pressing services; wages of shoregang labor for cleaning, painting, scraping, or other vessel-upkeep services usually performed by the crew; inspection service charges; and the cost of maintaining expendable equipment, such as adjusting compasses, rating chronometers, retinning utensils, mending linens, upholstering chairs, repairing typewriters, and other such expenses.

730 Insurance—hull and machinery.

This account shall include the cost of hull and machinery insurance, such as premiums, deductibles, and provision for deductible average losses.

732 Insurance—protection and indemnity.

This account shall include the costs of protection and indemnity insurance, such as premiums, personal injury claims, illness claims, cargo claims, provision for deductible average losses and Second Seamen's insurance premiums.

734 Insurance—other marine-risk.

This account shall include the premiums on all classes of marine-risk coverage carried by the carrier which are not properly chargeable to account 730 "Insurance—Hull and Machinery," and account 732 "Insurance—Protection and Indemnity."

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735 Vessel fuel.

This account shall include the cost of fuel and of services and facilities incident to delivery, inspection and trimming thereof.

740 Vessel repairs—domestic.

This account shall include the cost of repairs (not recoverable from insurance) directly attributable to replacement by duplication of, or restoration to satisfactory condition of, damaged or worn parts of vessels, machinery, and equipment which are integral parts of vessels, including the purchase of permanent equipment and spares required by the classification societies, in the United States and its Territories and possessions, except the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, and the Island of Guam. The cost of repairing or servicing expendable equipment shall be included in account 725 "Other maintenance expense."

741 Vessel repairs—foreign.

This account shall include the cost of repairs (not recoverable from insurance) directly attributable to replacement by duplication of, or restoration to satisfactory condition of, damaged or worn parts of vessels, machinery and equipment which are integral parts of vessels, including the purchase of permanent equipment and spares required by the classification societies, in foreign countries or in the Virgin Islands, American Samoa, Wake Island, Midway Island, Kingman Reef, and the Island of Guam.

742 Depreciation—vessels.

This account shall include the accrual of depreciation of vessels owned by the carrier with a corresponding credit to account 332, "Accumulated depreciation—vessels."

743 Time and trip charter hire.

This account shall include the charter payments for hiring vessels from nonaffiliated companies on a time or trip basis.

744 Time and trip charter hire—affiliates.

This account shall include the charter payments for hiring vessels from affiliated companies on a time or trip basis.

745 Short term bareboat charter hire.

This account shall include the rental or lease payments for hiring vessels from nonaffiliated companies on a bareboat basis for periods of one year or less.

746 Short-term bareboat charter hire—affiliates.

This account shall include the rental or lease payments for hiring vessels from affiliated companies on a bareboat basis for periods of one year or less.

747 Long-term bareboat charter hire.

This account shall include the rental or lease payments for hiring vessels from non-affiliated companies on a bareboat basis for periods of over one year.

748 Long-term bareboat charter hire—affiliates.

This account shall include the rental or lease payments for hiring vessels from affiliated companies on a bareboat basis for periods of over one year.

749 Other vessel expenses.

This account shall include all miscellaneous expenses directly incident to the operation of vessels which are not properly chargeable to other vessel account classifications, such as:

(a) Expenses of masters.
(b) Expenses of pursers.
(c) Radio equipment rental.
(d) Seaworthy certificate.
(e) Vessel communications.
(f) Water.

(B) Allocated Voyage Expense

(a) The practice of terminated voyage accounting requires the allocation to a voyage of indirect costs incurred as a result of operating and maintaining containers and barges as well as terminals. The following accounts represent the container and barge expense and the indirect terminal expenses allocated to terminated and unterminated voyages.

(b) Subsidiary accounts shall be maintained by vessel and consecutively by voyage.

ACCOUNT

750 Allocated container and barge expense.

(a) This account shall be maintained by those operators engaged in the practice of terminated voyage accounting and shall be charged monthly for all container and barge expenses charged to accounts 867 through 894, except for accounts 881 through 886 which will be included in the Water Line Operating Revenue and Expense Statement, with a corresponding credit to account 899, "Allocated container and barge expense—contra."

(b) Subsidiary accounts shall be maintained by vessel and consecutively by voyage.

751 Allocated terminal expense.

(a) This account shall be maintained by those operators engaged in the practice of terminated voyage accounting and shall be charged monthly with all indirect terminal expenses allocated to vessels and related voyages with a corresponding credit to account 866, "Allocated terminal expense—contra" except for accounts 859, 860 and 864 which will be included in the Water Line Operating Revenue and Expense Statement.

(b) Subsidiary accounts shall be maintained by vessel and consecutively by voyage.

(C) Port Expense

(a) Accounts 752—772 shall be charged with all direct expenses related to (1) the movement of cargo to and from ships, and (2) port expenses incurred in the docking and undocking of ships.

(b) Subsidiary accounts shall be maintained by individual port, by vessel and consecutively by voyages and in some cases by cargo technology type.

ACCOUNT

752 Cargo handling—loading/discharging.

(a) This account shall include the cost of removing and handling break bulk, bulk, container, and vehicle cargo from the pier or in pier sheds, or from cars, barges, lighters, scows, or booms alongside, and stowing the same in or on any part of the vessel, and the cost of discharging cargo from any part of the vessel onto the pier or into pier sheds, or into or on cars, lighters, scows, or booms alongside the vessel and piling the same on the pier or in pier sheds, such as:

1. Straight time.
2. Overtime.
3. Extra labor.
4. Fringe benefits.
5. Union contributions.
6. Detentions.
7. Transportation, travel & meals.
8. Lashing/unloading.
9. Crane rental.
10. Clerk/tally.
11. Contractors commodity charges.
12. Outside contractors terminal charges.
13. Dunnage, pallets.
14. Shoring and unshoring.
15. Watchmen.

(b) Detail coding shall be maintained by cargo carriage technology types.

(c) Loading or discharging of cargo to and from LASH on SEABEE barges shall be charged to account 753, "cargo handling—loading/discharging barges."

753 Cargo handling—loading/discharging barges.

This account shall include costs of loading and discharging barges into and from vessels, including:

1. Straight time.
2. Overtime.
3. Extra labor.
4. Fringe benefits.
5. Union contributions.
6. Detentions.
7. Transportation—travel and meals.
8. Clerk/tally.
9. Contractors commodity rates.
10. Tug hire.

754 Cargo handling—container yard.

This account shall include all the costs directly incident to the handling of containers within a yard which are not properly assigned to account 752, "Cargo Handling — Loading/Discharging", as above defined.

755 Cargo handling—container freight station.

This account shall include all costs directly incident to the stuffing and unstuffing of containers. In addition, this account shall include the costs directly incident to receiving, delivery and warehousing of such cargo at the container freight station facility.

756 Cargo handling—lighter freight station.

This account shall include all costs directly incident to the loading and discharging of cargo to and from LASH and SEABEE-type barges including tug hire for positioning at the lighter freight station. In addition, this account shall include costs directly incident to receiving, delivery and warehousing of such cargo at the lighter freight station.

757 Cargo handling—lighter consolidation.

This account shall be charged for all costs incident to storing barges at dockside prior to and after delivery from shipside.

758 Cargo handling—commercial cargo.

This account shall be charged for all miscellaneous cargo costs which are unique to carriage of commercial cargo and which are never applicable to carriage of military cargo. Such costs might include:

Baggage Handling.
Bill of Lading Fees.
Equalizations.
Inspections.
Measuring Cargo Fees.
Railcar Loading and Discharging.

759 Cargo handling—other.

This account shall include all expenses not properly assignable to accounts 752–758 including such costs as surveys, cargo dues, etc. and those costs which cannot be assigned to a cargo technology type.

762 Purchased off-dock container freight station services.

This account shall include the costs of off-dock container freight consolidation services purchased.

763 Port transportation expense—commercial.

This account shall include the costs of transporting containers and LASH and SEABEE type barges being used for commercial cargo within the port area for vessel convenience and local pick-up and delivery, such as: drayage, tug hire, fees and duties, miscellaneous charges, and other such expenses. Detail coding shall be maintained by cargo carriage technology type.

764 Port transportation expense—military.

This account shall include the costs of transporting containers and LASH and SEABEE type barges being used for military cargo within the port area for vessel convenience and local pick-up and delivery, such as: drayage, tug hire, fees and duties, miscellaneous charges, and other such expenses. Detail coding shall be maintained by cargo carriage technology type. For use of this account see 46 CFR 282.1(d).

765 Inland transportation expense—commercial.

This account shall include the cost of transporting containers and LASH and SEABEE type barges being used for commercial cargo out of the port area to inland terminals or locations, overland or upriver, and to other marine terminals, such as: rail charges, truck charges, handling charges, tug towage, and other such expenses. Detail coding shall be maintained by cargo carriage technology type.

766 Inland transportation expense—military.

This account shall include the cost of transporting containers and LASH and SEABEE type barges being used for military cargo out of the port area to inland terminals or locations, overland or upriver, and to other marine terminals, such as: rail charges, truck charges, handling charges, tug towage, and other such expenses. Detail coding shall be maintained by cargo carriage technology type. For use of this account see 46 CFR 282.1(d).

767 Substituted service transportation expense—commercial.

This account shall include the cost of transporting full or partially full containers and LASH and SEABEE type barges being used for commercial cargo from one port area to other port area(s) when such land transportation facilities the avoidance of a vessel call at the latter port(s), such as: rail charges, truck charges, handling charges, tug towage, and other such expenses. Detail coding shall be maintained by cargo carriage technology type and by the port avoided by use of the substituted service.

768 Substituted service transportation expense—military.

This account shall include the cost of transporting full or partially full containers and LASH and SEABEE type barges being used for military cargo from one port area to other port area(s) when such land transportation facilitates the avoidance of a vessel call at the latter port(s), such as: rail charges, truck charges, handling charges, tug towage, and other such expenses. Detail coding should be maintained by cargo carriage technology type and by the port avoided by use of the substituted service. For use of this account see 46 CFR 282.1(d).

770 Wharfage and dockage.

This account shall include the cost of wharfage and dockage. Detail coding shall be maintained by cargo technology type.

771 Other port expenses.

This account shall contain detail coding by cargo technology type and shall include port service charges, dues, taxes, and other such expenses, such as:

(a) Pilotage.
(b) Vessel towage.
(c) Launch hire.
(d) Anchor dues.
(e) Canal tolls other than Panama Canal, Suez Canal and Saint Lawrence Seaway (see Account 773).
(f) Cargo dues.
(g) Entry dues and fees.
(h) Handling lines.
(i) Port dues and taxes.
(j) Dispatch.
(k) Stowage plan.
(l) Demurrage.
(m) Customs.

772 Port costs of passenger operations.

This account shall include all port costs of passenger vessels (vessels which carry more than twelve passengers) that would otherwise be charged to accounts 770, "Wharfage and dockage" and 771, "Other port expenses." Detail coding shall be maintained by cargo technology type.

773 Transit canal tolls.

This account shall include canal tolls for the Panama Canal, Suez Canal and Saint Lawrence Seaway.

(D) Idle Vessel Expense

(a) These accounts shall include all expenses incurred during periods of idleness or inactivity between voyages.

(b) Subsidiary accounts shall be maintained by vessel and by related idle period.

ACCOUNT

801 Crew wages.
803 Crew fringe benefits.
804 Union payments unrelated to the crew.
808 Payroll taxes.
810 Subsistence.
815 Consumable stores, supplies and equipment.
825 Other maintenance expense.
830 Insurance—hull and machinery.
832 Insurance—protection and indemnity.
834 Insurance—other marine-risk.
835 Vessel fuel.
840 Vessel repairs.
842 Depreciation—idle vessels.
843 Time and trip charter hire.
844 Time and trip charter hire—affiliates.
845 Short-term bareboat charter hire.
846 Short-term bareboat charter hire—affiliates.
847 Long-term bareboat charter hire.
848 Long-term bareboat charter hire—affiliates.
849 Other vessel expense.

(E) Terminal Expense

(a) These accounts shall be charged for all expenses incident to maintaining terminals for handling breakbulk, containers, vehicle cargo and barges. In addition, all costs of tug, other barge operations, and other floating equipment shall be maintained under this category.

(b) Subsidiary accounts shall be maintained by individual terminal.

(c) Charges to accounts 855–858 will be made directly whenever possible. When a terminal provides more than one function, costs will be allocated between the individual functions as prescribed in General Order 12.

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855 Terminal operations expense—container yards.

This account shall include all costs and fringe benefits related to a carrier operated container yard. These costs will include:

(a) Supervision salaries including terminal management, port captains, port engineers and non-union cargo supervisors.

(b) Supplies.

(c) Maintenance and repair of container yard property and office equipment.

(d) Security costs for permanent watchmen used within the container yard proper.

(e) Utilities for container yard buildings and for lighting of the container yard.

(f) Rent and property taxes for the container yard.

(g) Other maintenance labor including unallocated clerks, sweepers, etc.

(h) Other, including insurance, business fees, etc.

856 Terminal operations expense—container freight station/breakbulk.

This account shall include all costs and fringe benefits related to a carrier operated on dock container freight station or breakbulk terminal such as:

(a) Supervision salaries including terminal management, port captains, port engineers and non-union cargo supervisors.

(b) Supplies.

(c) Maintenance and repair of sheds, terminal property, and office equipment.

(d) Security costs of permanent watchmen used within the CFS and terminal area.

(e) Utilities.

(f) Rent and property taxes for the CFS and breakbulk terminal.

(g) Other maintenance labor including unallocated clerks, sweepers, coopers, baggage masters, etc.

(h) Other, including insurance, business license fees, etc.

857 Terminal operations expense—barges.

This account shall include all costs and fringe benefits related to carrier operated terminal used to service LASH or SEABEE barges. These costs will include:

(a) Supervision salaries including terminal management, port captains, port engineers and non-union cargo supervisors.

(b) Supplies.

(c) Maintenance and repairs of terminal property, sheds and office equipment.

(d) Security costs for permanent watchmen used within the terminal area.

(e) Utilities for buildings and yard areas.

(f) Rent and property taxes.

(g) Other maintenance labor including unallocated clerks, checkers, sweepers, coopers, etc.

(h) Other, including insurance, business license fees, etc.

858 Terminal operations expense—other.

This account shall include all costs and fringe benefits related to a carrier operated terminal which cannot properly be charged to Account 855, 856 or 857. Costs will include:

(a) Supervision salaries including terminal management, port captains, port engineers and non-union cargo supervisors.

(b) Supplies.

(c) Maintenance and repair of terminal property and office equipment.

(d) Security costs for permanent watchmen.

(e) Utilities.

(f) Terminal rent and property taxes.

(g) Other maintenance labor including unallocated clerks, checkers, sweepers, coopers, etc.

(h) Other, including insurance, business license fees, etc.

859 Depreciation—terminal property and equipment.

This account shall include the accrual depreciation of terminal buildings, cranes, trucks, furniture and fixtures, cargo handling gear, and equipment, tools and other terminal gear, and equipment with a corresponding credit to account 350, "Accumulated depreciation—terminal property and equipment."

860 Amortization—terminal leaseholds and leasehold improvements.

This account shall include the amortization of the cost of acquiring long-term leases, and the cost of alterations to, and fixtures installed in, leased terminal property, with a corresponding credit to account 357, "Terminal leaseholds and leasehold improvements."

861 Other expense—terminal equipment.

This account shall include costs applicable to owned terminal equipment such as maintenance and repair, licensing, property taxes, insurance, etc.

862 Operating expense of tug and barge operations.

This account shall include the expense incurred in the operation by the carrier of tugs, other barges, scows, launches, floating cranes, and similar floating equipment. Detail coding shall be maintained by port.

863 Maintenance expense of tug and other barge operations.

This account shall include the expense incurred in the maintenance by the carrier of tugs, other barges, scows, launches, floating cranes and similar floating equipment and will be identified to a port.

864 Depreciation—other floating equipment.

This account shall include the accrual of depreciation of tugs, barges, scows, launches, floating cranes, and similar floating equipment with a corresponding credit to account 338, "Accumulated depreciation—other floating equipment."

866 Allocated terminal expense—contra.

This account shall be credited with the allocation of Terminal Expenses to Vessels and related voyages for the following expenses:

855 Terminal operations expense—container yards.
856 Terminal operations expense—CFS/breakbulk.
857 Terminal operations expense—barges.
858 Terminal operations expense—other.
861 Other expense—terminal equipment.
862 Operating expenses of tug and barge operations.
863 Maintenance expense of tug and barge operations.

A corresponding debit shall be made to Account 751—Allocated Terminal Expense.

(F) CONTAINER/BARGE EXPENSE

(a) These accounts shall be charged with all expenses related to the use of containers, chassis and barges which are carried aboard vessels. Such costs do not include the labor for loading and unloading nor the transportation charges for moving containers and barges: instead, such excluded expenses shall be charged to the appropriate port cost center expense accounts:

ACCOUNT

867 Container rental and lease expense.

This account shall include the rental and lease payments to nonaffiliated companies for containers.

868 Container rental and lease expense—affiliates.

This account shall include the rental and lease payments to affiliated companies for containers.

869 Refrigerated container rental and lease expense.

This account shall include the rental and lease payments to non-affiliated companies for refrigerated containers.

870 Refrigerated container rental and lease expense—affiliates.

This account shall iclude the rental and lease payments to affiliated companies for refrigerated containers.

871 Chassis rental and lease expense.

This account shall include the rental and lease payments to non-affiliated companies for chassis.

872 Chassis rental and lease expense—affiliates.

This account shall include the rental and lease payments to affiliated companies for chassis.

873 Trailer rental and lease expense.

This account shall include the rental and lease payments to nonaffiliated companies for trailers used in vehicle operations.

874 Trailer rental and lease expense—affiliates.

This account shall include the rental and lease payments to affiliated companies for trailers used in vehicle operations.

875 Barge rental and lease expense.

This account shall include the rental and lease payments to nonaffiliated companies for barges carried aboard vessels, such as LASH and SEABEE barges.

876 Barge rental and lease expense—affiliates.

This account shall include the rental and lease payments to affiliated companies for barges carried aboard vessels, such as LASH and SEABEE barges.

877 Container related equipment rental and lease expense.

This account shall include the rental and lease payments to nonaffiliated companies for container related equipment, such as container cranes and yard container movement equipment.

878 Container related equipment rental and lease expense—affiliates.

This account shall include the rental and lease payments to affiliated companies for container related equipment, such as container cranes and yard container movement equipment.

879 Other cargo handling equipment rental and lease expense.

This account shall include the rental and lease payments to nonaffiliated companies for other cargo handling equipment not included in accounts 867–878.

880 Other cargo handling equipment rental and lease expense—affiliates.

This account shall include the rental and lease payments to affiliated companies for other cargo handling equipment not included in accounts 867–878.

881 Depreciation—containers.

This account shall include the accrual of depreciation of containers, with a corresponding credit to account 342, "Accumulated depreciation—containers."

882 Depreciation—refrigerated containers.

This account shall include the accrual of depreciation of refrigerated containers, with a corresponding credit to account 344, "Accumulated depreciation—refrigerated containers."

883 Depreciation—chassis and trailer equipment.

This account shall include the accrual of depreciation of chassis and trailer and other transportation equipment, with a corresponding credit to account 348, "Accumulated depreciation—chassis and trailer equipment."

885 Depreciation—barges.

This account shall include the accrual of depreciation of barges carried aboard vessels with a corresponding credit to account 336, "Accumulated Depreciation—Barges."

886 Depreciation—container related equipment.

This account shall include the accrual of depreciation of container related equipment, such as container cranes and yard container movement equipment, with a corresponding credit to account 344, "Accumulated depreciation—container related equipment."

888 Other expense—containers.

This account shall include the costs of containers other than depreciation and rental and lease payments, such as insurance, taxes, and maintenance and repairs. Costs relating to the handling of containers will be charged to the appropriate cargo handling or terminal operations account.

889 Other expense—refrigerated containers.

This account shall include the costs of refrigerated containers other than depreciation and rental and lease payments, such as insurance, taxes, maintenance and repairs. Costs relating to the handling of refrigerated containers will be charged to the appropriate cargo handling or terminal operations account.

890 Other expense—chassis.

This account shall include the costs of chassis, other than depreciation and rental and lease payments, such as insurance, taxes, and maintenance and repairs. Costs relating to the handling of chassis will be charged to the appropriate cargo handling or terminal operations account.

891 Other expense—trailers.

This account shall include the costs of trailers, other than depreciation and rental and lease payments, such as insurance, taxes, and maintenance and repairs. Costs relating to the handling of trailers will be charged to the appropriate cargo handling or terminal operations account.

892 Other expense—barges.

This account shall include the costs of barges carried aboard vessels, other than depreciation and rental and lease payments, such as insurance, taxes, and maintenance and repairs. Costs relating to the handling of barges will be charged to the appropriate cargo handling or terminal operations account.

893 Other expense—other container equipment.

This account shall include the cost of maintaining other container equipment including maintenance and repairs, licensing and property tax.

894 Other expense—other cargo handling equipment.

This account shall include the cost of maintaining all other cargo handling equipment including maintenance and repairs, licensing, property taxes etc. not included in accounts 888–893.

899 Allocated container/barge expense—contra.

This account shall be credited with the allocation of container/barge expense to vessels and related voyages with a corresponding charge to Account 750 "Allocated container and barge expense", the expenses for which are included in the following accounts:

867 Container rental and lease expense.
868 Container rental and lease expense—affiliates.
869 Refrigerated container rental and lease expense.
870 Refrigerated container rental and lease expense—affiliates.
871 Chassis rental and lease expense.
872 Chassis rental and lease expense—affiliates.
873 Trailer rental and lease expense.
874 Trailer rental and lease expense—affiliates.
875 Barge rental and lease expense.
876 Barge rental and lease expense—affiliates.
877 Container related equipment rental and lease expense.
878 Container related equipment rental and lease expense—affiliates.
879 Other cargo handling equipment rental and lease expense.
880 Other cargo handling equipment rental and lease expense—affiliates.
888 Other expense—containers.
889 Other expense—refrigerated containers.
890 Other expense—chassis.
891 Other expense—trailers.
892 Other expense—barges.
893 Other expense—other container equipment.
894 Other expense—other cargo handling equipment.

(G) ADMINISTRATIVE AND GENERAL EXPENSES

(a) These accounts shall include all administartive and general expenses incurred in the operation of the business for which no other specific accounts have been provided.

(b) Additional detail coding shall be maintained by vessel and consecutively by voyage to facilitate terminated voyage accounting, with respect to accounts 950, 951 and 952.

ACCOUNT

901 Compensation of officers and directors.

This account shall include the compensation of officers and directors, including salaries, bonuses, fees and other payments for services.

902 Salaries and wages of employees.

This account shall include the compensation of all employees performing administrative and service functions that benefit overall operations other than compensation of officers and directors.

903 Fringe benefits.

This account shall include the cost of all fringe benefits of administrative and general personnel, such as:

(a) Vacation pay.
(b) Sick leave.
(c) Payroll taxes (employer's portion).
(d) Workmen's compensation.
(e) Group insurance.
(f) Pension and retirement.
(g) Health and welfare.
(h) Profit-sharing.
(i) Other.

905 Legal fees.

This account shall include fees, retainers, and other expenses for profes-

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sional services of attorneys, including cost of law books, legal forms, testimony, notarial and witness fees, law and court expenses, and lawsuits.

906 Accounting and auditing fees.

This account shall include fees and other expenses for accounting or independent audit services rendered.

907 Other professional fees.

This account shall include fees and other expenses for professional services other than legal, accounting or auditing.

910 Rental expense.

This account shall include the rental costs for use of office buildings, general offices and storage space.

912 Utilities.

This account shall include the cost of utilities, such as:

(a) Heat.
(b) Light.
(c) Power.
(d) Water.
(e) Waste removal.

915 Communication expense.

This account shall include all communication expense, such as the cost of telephone, cables, telegrams, radio, postage, telex and teletype.

920 Office expense.

This account shall include the cost of office supplies, printing, equipment rental and all other general expenses relating to the operation of offices.

923 Data processing equipment rental expense.

This account shall include all rental costs of data processing equipment.

925 Dues and subscriptions.

This account shall include membership dues and fees in associations and subscriptions to periodicals and newspapers.

926 Donations and contributions.

This account shall include the cost of donations and contributions.

929 Entertainment and solicitation.

This account shall include all entertainment expenses and expenses of canvassing and solicitation in connection with the procurement of cargo.

930 Travel expense.

This account shall include all traveling expenses of officers and employees on official business of the company.

931 Insurance expense.

This account shall include premiums on insurance such as burglary, theft, robbery, premiums on fidelity bonds on officers and employees, and other such expenses.

934 Repairs and maintenance.

This account shall include the cost of repairing and maintaining general office buildings and equipment, furniture, and machines.

940 Management fees and commissions—affiliates.

This account shall include all commissions paid or payable to affiliated companies for general and financial management services.

941 Management fees and commissions—other.

This account shall include commissions paid or payable to persons or concerns other than affiliated companies acting as managing agents of the carrier. It does not include the customary agency fees and commissions paid to general and sub-agents at out-ports. Such fees should be charged to account 952, "Agency fees and commissions."

945 Advertising—passenger.

This account shall be charged with the cost of all passenger advertising.

946 Advertising—other.

This account shall be charged with all other advertising costs of the carrier.

950 Freight brokerage.

This account shall include commissions paid to brokers for procuring cargo.

951 Passenger brokerage.

This account shall include commissions paid to brokers and booking agencies for procuring passenger business.

952 Agency fees and commissions.

This account shall include agency fees, attendance fees, and commissions for services performed by agents at out-ports. This account shall not include reimbursements to agents for those expenses incurred in the administration and supervision of port activities. Such expense shall be charged to the appropriate port expense account.

955 Contributions to pools.

This account shall be charged with contributions and other related expenses incurred with participation in pooling agreements, by transfer from account 055, "Pool participation."

960 Interest expense.

This account shall include all interest expense, other than amounts to affiliates which shall be charged to account 961, "Interest expense—affiliates", paid or payable. It shall not include interest on obligations issued and assumed and owned by the carrier.

961 Interest expense—affiliates.

This account shall include all interest paid or payable to affiliated companies.

965 Doubtful notes and accounts receivable.

This account shall be charged with provisions for reserves against all notes and accounts receivable considered doubtful of collection.

970 Depreciation—other shipping property and equipment.

This account shall include the accrual of depreciation of property and equipment incident to shipping and its auxiliary operations for which no other account has been specifically provided, with a corresponding credit to account 352, "Accumulated depreciation—other shipping property and equipment."

971 Depreciation—non-shipping property and equipment.

This account shall include the accrual of depreciation of property and equipment used in ventures other than shipping and shipping auxiliary operations, with a corresponding credit to account 354, "Accumulated depreciation—non-shipping property and equipment."

975 Amortization—office leaseholds and leasehold improvements.

This account shall include the amortization of the cost of acquiring long-term leases, and the cost of alterations to, and fixtures installed in, leased office property, with a corresponding credit to account 355, "Office leaseholds and leasehold improvements."

976 Amortization—debt discount and expense.

This account shall include for each fiscal period such proportion of debt discount and expense on funded debt as is transferred from account 384, "Debt discount and expense."

977 Amortization—organization expense.

Amortization of expenses incurred in the formation or development of the business shall be charged to this account as transferred from account 385, "Organization expense."

979 Miscellaneous amortization expense.

Amortization of any deferred charges for which no other account is specifically provided shall be included in this account.

980 Expense of non-shipping operations.

This account shall include the gross expense other than depreciation incurred in ventures other than shipping and shipping auxiliary operations.

983 Income or loss from operations of discontinued segments.

This account shall include the results of operations of a segment of a business (see definition 34), after giving effect to Federal income tax consequences, that has been or will be discontinued in accordance with the text of instruction K, upon approval by the Commission.

984 Gain or loss on disposal of discontinued segments.

This account shall include the gain or loss from the disposal of a segment of a business, after giving effect to Federal income tax consequences, in accordance with the text of instruction K, upon approval by the Commission.

985 Income taxes accrued on ordinary income.

(a) This account shall be debited with the monthly accruals for all income taxes which are estimated to be payable and

which are applicable to ordinary income (see instruction 1). See text of account 599, "Retained earnings; unrestricted", and 987, "Income taxes on extraordinary items", for recording other income tax consequences.

(b) Details pertaining to the tax consequences of other unusual and significant items and also cases where the tax consequences are disproportionate to the related amounts included in the income accounts, shall be submitted to the Commission for consideration and decision as to proper accounting.

986 Provision for deferred income taxes.

(a) This account shall include the net tax effect of all material timing differences (see definitions (25) and (23)) originating and reversing in the current accounting period and the future tax benefits of loss carryforwards recognized in accordance with instruction 1(3).

(b) This account shall include credits for the amortization of the investment tax credit if the carrier elected to use the deferred method of accounting for the investment tax credit. See instruction 1 (4)).

987 Income taxes on extraordinary items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which for accounting purposes are classified as unusual and extraordinary, and are recorded in account 995, "Extraordinary items". The tax effect of any timing differences caused by recognizing an item in the accounts provided for extraordinary and prior period items in different periods in determining accounting income and taxable income shall be included in account 998, "Provision for deferred taxes—extraordinary items".

988 Provision for deferred taxes—extraordinary items.

This account shall include debits or credits for the current accounting period for income taxes deferred currently, or for amortization of income taxes deferred in prior accounting periods applicable to items of revenue or expense included in accounts 995, "Extraordinary items". (See instruction 1).

989 Other taxes.

(a) This account shall include all taxes other than income taxes, sales taxes, and taxes computed on basis of payrolls such as old age benefits, unemployment compensation, and similar social security taxes.

(b) Sales taxes and taxes assessed against carriers for electrical energy, telegraph, telephone, radio, cables, checks, rental and safe deposit boxes, motor vehicle licenses, and other such expenses, shall be included in the respective accounts to which the cost of the material or services is charged. Social security taxes are to be included in the respective accounts to which other fringe benefits are charged.

(c) This account shall also be charged with the costs of business licenses.

990 Miscellaneous expense.

This account shall include all expenses of a general character for which no other account is provided including expenses from conversion of foreign currencies.

991 Unusual or infrequent items (debit).

Included in this account shall be material items unusual in nature or infrequent in occurrence, but not both, accounted for in the current year in accordance with the text of instruction K, upon approval by the Commission.

995 Extraordinary items.

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with the text of instruction K, upon submission of a letter from the carrier's independent accountants, approving or otherwise commenting on the item and upon approval by the Commission.

(b) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

(c) Federal income tax consequences of charges and credits to this account shall be recorded in account 987—"Income taxes on extraordinary items".

APPENDIX

CLEARANCE ACCOUNTS

(a) This group of accounts is designed to accommodate transactions which cannot be allocated directly to balance sheet or income and expense accounts until such transactions have been completely accounted for. In the preparation of periodical financial and operating statements, it is essential that these clearance accounts be analyzed and the balances reflected therein be distributed to appropriate account classifications on such statements.

(b) The balances in this group of accounts applicable to terminated voyages, or other accounting units of a closed fiscal year, must not be carried forward to the succeeding fiscal year.

ACCOUNT

SEC. .001 *Masters and pursers.* (a) This account shall be charged with amounts advanced to or collected by masters and pursers. The account shall be credited with the net amount of vessels' payrolls, with cash advances to members of the crew, with allowable expenses incurred, with endorsed travelers checks, and unexpended cash balances returned.

(b) Subsidiary accounts shall be maintained for each master and purser and a separate account maintained for each voyage or other accounting unit.

SEC. .005 *Allotments on wages of crews.* This account shall be charged with payments made to allottees of crews and shall be credited with deductions made therefor on vessels' payrolls.

SEC. .010 *Agents and branch houses.* (a) This account shall serve as a clearance account for all current transactions with foreign and domestic agents, and branch houses of the carrier. The account shall be charged with cash advances to agents and branch houses, and with freight and other voyage revenue collectible by the agent or branch house in instances where arrangements are made with them to disburse vessels therefrom. Freight and other voyage revenues collectible by agents who are required to remit in full shall be recorded in account 150, "Accounts receivable." This account shall be credited with remittances by the agents or branch houses, and with approved disbursements made for the account of the carrier.

(b) Subsidiary accounts shall be maintained by names of agents or branch houses.

SEC. .012 *Sub-agency operations.* (a) This account shall serve as a clearance account for all current transactions with other principals for whom the carrier acts as agent.

(b) The balances in this account shall be reflected in account 165, "Accounts receivable—miscellaneous," and account 421, "Accounts payable" for balance sheet purposes.

SEC. .015 *Related companies; accounts current.* (a) This account shall be charged with receivables and credited with payables which are customarily subject to current settlement. Under no circumstances shall loans, advances, or other transactions, the settlement of which is deferred beyond one year, be recorded in this account.

(b) The balance in this account shall be reflected in account 153, "Accounts receivable—affiliates" or account 415, "Notes and accounts payable—affiliates," for balance-sheet purposes.

(c) Subsidiary accounts shall be arranged by company, and a description of each transaction shall be reflected in the accounts.

SEC. .025 *Collections and deposits for passenger transportation.* (a) Gross passenger ticket sales and deposits including those for future reservations, hotel accommodations, shore excursions, passenger taxes, etc., shall be credited to this account.

(b) As transportation is furnished to passengers by vessels of the carrier, this account shall be charged and account 600, "Vessel revenue," credited. Deposits or collections for other purposes, including commissions earned or payable incident thereto, shall be cleared from this account as soon as practicable to appropriate accounts designated in the Chart. The credit balances remaining in this account shall be reflected in account 495, "Advance ticket sales and deposits," for balance sheet purposes.

(c) Subsidiary accounts shall be maintained in sections corresponding to the classifications shown on the daily ticket sales report, examples of which are: Prepaid orders, one-way tickets, round-trip tickets, exchange orders, railroad fares, hotel reservations, sightseeing tours, head tax, U.S. Government stamp tax, foreign government passenger taxes, commissions due agents and brokers, and commissions earned.

SEC. .030 *Collections and unrecorded freight manifests.* (a) This account shall be credited with all collections of freight revenue from shippers or consignees prior to the recording of the revenue manifests. When the manifest is recorded, the balance in this account applicable thereto shall be cleared with a corresponding credit to account 600, "Vessel revenue."

(b) Subsidiary accounts shall be maintained by vessels and consecutively by voyages or other accounting units.

SEC. .035 *Advance and prepaid beyond charges, and miscellaneous manifested items.* (a) When vessels manifests are journalized, this account shall be credited with advance charges, prepaid beyond charges, and miscellaneous manifested items, such as: Consular fees, cargo insurance, handling, transshipment, and transfer charges. The account shall be charged with expenses incurred in the performance of the services for which these collections were made. As transactions applicable to terminated voyages are completely accounted for net debit

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balances in this account shall be transferred to the appropriate 700 account and net credit balances to account 600, "Vessel revenue."

(b) Subsidiary accounts should be subdivided as between advance charges, prepaid beyond charges, and miscellaneous manifested items. Each group of account should be maintained by vessels and consecutively by voyages.

SEC. .040 *Bar accounts.* (a) This account shall be charged with inventories of bar supplies aboard vessels at the beginning of each voyage for sale to passengers, and with all purchases of such supplies during the voyage. The account shall be credited with the inventory of bar supplies on hand at the end of each vayage, and with gross sales during the voyage. As transactions applicable to terminated voyages are completely accounted for, net debit balances in this account shall be transferred to the appropriate 700 accounts and net credit balances to account 600, "Vessel revenue." The balance remaining in this account after profits and losses, on sales applicable to voyages terminated during the accounting period, have been cleared to the vessel operating accounts shall be reported on the balance sheet under the classification "Inventories."

(b) The subsidiary accounts shall be maintained by vessels and consecutively by voyages.

SEC. .045 *Slop chest account.* (a) This account shall be charged with inventories of slop chest supplies aboard vessels at the beginning of each voyage for sale to members of the crew, and with all purchases of such supplies during the voyage. The account shall be credited with the inventory of slop chest supplies on hand at the end of each voyage, and with all gross sales during the voyage. As transactions applicable to terminated voyages are completely accounted for, net debit balances in this account shall be transferred to the appropriate 700 account and net credit balances to account 600, "Vessel revenue." The balance remaining in this account after profits and losses, on sales applicable to voyages terminated during the accounting period, have been cleared to the vessel operating accounts, shall be reported on the balance sheet under the classification "Inventories."

(b) The subsidiary accounts shall be maintained alphabetically by vessels and consecutively by voyages.

SEC. .050 *Foreign exchange account.* All gains or losses in foreign exchange shall be recorded in this account. At the close of each accounting period the balance in the account shall be transferred to account 690, "Miscellaneous—other income," or account 990, "Miscellaneous expense," as the case may be.

SEC. .055 *Pool participation.* (a) This account shall be charged with contributions to pools for the purpose of equalizing revenues in accordance with pooling agreements and shall be credited with gross collections received from pools for the same purpose.

(b) Charges against the carrier in administering the pooling agreements shall be recorded in account 925, "Dues and subscriptions." The balances in this account at the close of each accounting period, as prescribed in pooling agreements, shall be transferred to account 640, "Collections from pools," and account 955, "Contributions to pools."

(c) This account shall be maintained to show separately transactions under each pooling agreement and accounting period.

SEC. .060 *Stores, supplies, and equipment aboard vessels.* (a) Where inventories of vessels stores, supplies, and/or equipment are not taken and priced at the end of each voyage, the value of such inventories shall be charged to this account at the beginning of each contract period. The account should also be credited with the value of inventories of stores, supplies, and/or equipment at the end of each accounting period, after which any balance therein shall be charged or credited, as the case may be, to the last voyage of each vessel involved terminated during the accounting period.

(b) The accounts will not be used in instances where inventories of stores, supplies, and/or equipment are taken and priced at the end of each voyage.

(c) The balance in the account at the end of each accounting period, applicable to the subsequent account period, will be reflected in balance sheet account 200, "Deferred expense—unterminated voyages."

SEC. .095 *Profit and loss account.* At the end of the accounting year this account shall be credited or charged, as the case may be, with the balances in all ordinary, and extraordinary revenue and expense accounts, except where otherwise specifically indicated. After all entries have been made, the account shall reflect,the net income for the accounting year. The net balance in this account after adjustments have been made for the accounting year shall be transferred to account 599, "Retained earnings—unrestricted."

FINANCIAL STATEMENTS

(A) BALANCE SHEET

Account No.	Assets
	Current assets:
100	Cash.
115	Special cash deposits.
120, 129	Marketable securities.
130	Notes receivable.
140	Notes receivable—affiliates.
150	Accounts receivable.
169	Less: Estimated allowance for doubtful notes and accounts receivable.
170	Inventories—shoreside.
190	Other current assets.
198	Deferred income tax charges.
	Total current assets.
	Voyages in progress (when a net debit balance).
200	Deferred expenses—unterminated voyages.
500	Less: Deferred revenues—unterminated voyages.
	Special funds and deposits:
301	Capital reserve fund.
302	Capital construction fund.
303	Construction reserve fund.
304	Interest accounts for deposit in statutory funds.
305	Insurance funds.
306–310, 312	Other special funds and deposits.
	Total special funds and deposits.
	Investments:
316	Securities of related companies.
319	Noncurrent notes receivable—affiliated companies.
320	Noncurrent accounts receivables—affiliated companies.
325	Cash value of life insurance.
328	Other investments.
	Total investments.
	Property and equipment:
331	Floating equipment—vessels.
332	Less: Accumulated depreciation—vessels.
335	Floating equipment—barges.
336	Less: Accumulated depreciation—barges.
337	Other floating equipment.
338	Less: Accumulated depreciation—other floating equipment.
341	Containers.
342	Less: Accumulated depreciation—containers.
343	Refrigerated containers.
344	Less: Accumulated depreciation—refrigerated containers.
345	Container-related equipment.
346	Less: Accumulated depreciation—container-related equipment.
347	Chassis and trailer equipment.
348	Less: Accumulated depreciation—chassis and trailer equipment.
349	Terminal property and equipment.
350	Less: Accumulated depreciation—terminal property and equipment.
351	Other shipping property and equipment.
352	Less: Accumulated depreciation—other shipping property and equipment.
353	Nonshipping property and equipment.
354	Less: Accumulated depreciation—nonshipping property and equipment.
355	Office leaseholds and leasehold improvements.
356	Less: Accumulated amortization—office leaseholds and leasehold improvements.
357	Terminal leaseholds and leasehold improvements.
358	Less: Accumulated amortization—terminal leaseholds and leasehold improvements.
359	Construction work in progress.
	Total property and equipment after accumulated allowances.
	Other assets:
361	Claims pending.
362	Spare parts on which construction-differential subsidy has been paid.
363	Spare parts—other.
364	Notes and accounts receivable from officers and employees.
367	Deferred operating-differential subsidy receivable.
368	Other noncurrent notes and accounts receivable.
370	Maritime Administration allowance for obsolete vessels.
374	Miscellaneous other assets.
	Total other assets.
169	Less: Estimated—allowance for doubtful notes and accounts receivable.
	Total other assets after estimated allowance for doubtful notes and accounts receivables
375	Deferred charges and prepaid expenses.
383	Accumulated deferred income tax charges.
391	Goodwill.
398	Other intangible assets.
399	Less: Accumulated amortization—other intangible assets.
	Total assets.

	Liabilities
	Current liabilities:
400	Notes payable.
415	Notes and accounts payable—affiliates.
420	Accounts payable.
440	Accrued liabilities.
479	Other current liabilities.
480	Deferred income tax credits.
495	Advance ticket sales and deposits.

Account No.	Assets
526	Mortgage notes—Maritime Administration.
527	U.S. Government insured or guaranteed merchant marine bonds and notes.
530	Other bonds and debentures.
534	Other long-term debt.
	Total current liabilities.
	Voyages in progress (when a net credit balance).
500	Deferred revenues—unterminated voyages.
200	Less: Deferred expense—unterminated voyages.
	Long-term debt (due after 1 year):
526	Mortgage notes—Maritime Administration.
527	U.S. Government insured or guaranteed merchant marine bonds and notes.
530	Other bonds and debentures.
534	Other long-term debt.
	Total long-term debt.
	Other liabilities:
541	Noncurrent payables—affiliated companies.
549	Noncurrent notes and accounts payable—officers and employees.
550	Recapturable profits—Maritime Administration.
554	Miscellaneous other liabilities.
	Total other liabilities.
	Deferred credits:
556	Premium on funded debt.
563	Accumulated deferred income taxes.
564	Miscellaneous deferred credits.
	Total deferred credits.
	Estimated operating allowances:
566	Estimated allowances for repairs.
570	Estimated allowances for insurance.
579	Estimated operating allowances—Miscellaneous.
	Total estimated operating allowances.
	Total liabilities.
	Owner's equity—capital stock:
581	Issued and outstanding.
585	Subscribed.
587	Less: Discount on capital stock.
	Total capital stock.
590	Additional paid-in capital.
	Retained earnings:
593	Prior period adjustments to beginning retained income accounts.
598	Restricted.
599	Unrestricted.
591	Total retained earnings.
	Less: Treasury stock.
	Total owner's equity.
	Total liabilities and equity.

(B) INCOME STATEMENT

Account No.	Assets
	Shipping operations:
601–670	Waterline operating revenue.
701–989	Waterline operating expense.
	Gross profit (loss) from shipping operations.
	Other income:
675	Interest income.
685	Dividend income.
690	Miscellaneous other income.
691	Release of premium on long-term debt.
692	Unusual or infrequent items (credit).
697	Income from affiliated companies.
	Other deductions from income:
960	Interest expense.
961	Interest expense—affiliates.
965	Doubtful notes and accounts receivable.
976	Amortization—debt discount and expense.
977	Amortization—organization expense.
979	Miscellaneous amortization expense.
990	Miscellaneous expense.
991	Unusual or infrequent items (debit).
	Net income from shipping operations.
	Nonshipping operations:
695	Revenue from nonshipping operations.
980	Expense of nonshipping operations.
971	Depreciation—nonshipping property and equipment.
	Net income (loss) from nonshipping operations.
	Income (loss) before income taxes and extraordinary items.
983	Income or loss from operations of discontinued segments.
984	Gain or loss on disposal of discontinued segments.
985	Income taxes accrued on ordinary income.
986	Provision for deferred income taxes.
	Income (loss) before extraordinary items.
	Extraordinary items:
995	Extraordinary items (net).
987	Income tax on extraordinary items.
988	Provision for deferred taxes—extraordinary items.
	Total extraordinary items.
	Net income (loss).

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(c) WATERLINE OPERATING REVENUE AND EXPENSE STATEMENT

Account No.	Shipping operations—Terminated voyage results (from sec. 282.6(D))	Revenue	Expense	Net
801–840, 843–849	Idle vessel expense			
640, 955	Collection from and contributions to pools			
	Gross profit (loss) from shipping operations before subsidy			
625	Operating-differential only subsidy			
	Gross profit (loss) from vessel operations after subsidy			
645	Revenue from terminal operations			
650	Revenue from cargo handling operations			
655	Revenue from tug and lighter operations			
660	Revenue from container related operations			
665	Revenue from other shipping operations			
670	Agency fees, commissions, and brokerage earned			
	Gross profit (loss) from shipping operations, before overhead, amortization, and depreciation.			
	Overhead			
901–934	Administrative and general expenses			
940	Management fees and commissions—affiliates			
941	Management fees and commissions—other			
945	Advertising—passenger			
946	Advertising—other			
989	Other taxes			
	Gross profit (loss) from shipping operations before amortization and depreciation.			
	Amortization-depreciation—shipping property and equipment			
742	Depreciation—vessels			
842	Depreciation—idle vessels			
859	Depreciation—terminal property and equipment			
864	Depreciation—other floating equipment			
881	Depreciation—container			
882	Depreciation—refrigerated containers			
883	Depreciation—chassis and trailer equipment			
885	Depreciation—barges			
886	Depreciation—container-related equipment			
970	Depreciation—other shipping property and equipment			
975	Amortization—office leaseholds and leasehold improvements			
860	Amortization—terminal leaseholds and leasehold improvements.			
	Total waterline revenue and expense			
	Gross profit (loss) from shipping operations			

(D) VESSEL OPERATING STATEMENT

Account No.	Vessel revenue-terminated voyages
601	Freight—foreign.
605	Freight—coastwise and intercoastal.
608	Passenger—foreign.
612	Passenger—coastwise and intercoastal.
620	Charter revenue.
624	Other voyage revenue.
	Total vessel revenue.
	Operating expense—terminated voyages
	Vessel expenses:
701	Crew wages.
703	Crew fringe benefits.
704	Union payments unrelated to the crew.
708	Payroll taxes.
710	Domestic subsistence.
714	Foreign subsistence.
715	Domestic consumable stores, supplies, and equipment.
716	Foreign consumable stores, supplies, and equipment.
725	Other maintenance expense.
730	Insurance—hull and machinery.
732	Insurance—protection and indemnity.
734	Insurance—other marine-risk.
735	Vessel fuel.
740	Vessel repairs—domestic.
741	Vessel repairs—foreign.
743	Time and trip charter hire.
744	Time and trip charter hire—affiliates.
745	Short-term bareboat charter hire.
746	Short-term bareboat charter hire—affiliates.
747	Long-term bareboat charter hire.
748	Long-term bareboat charter hire—affiliates.
749	Other vessel expenses.
	Total vessel expense.
	Voyage expenses:
750	Container and barge expenses: Allocated container and barge expense.
751	Terminal expenses: Allocated terminal expenses.
	Port expenses:
752	Cargo handling—loading/discharging.
753	Cargo handling—loading/discharging—barges.
754	Cargo handling—container yard.
755	Cargo handling—container freight station.

Account No.	Vessel revenue-terminated voyages
756	Cargo handling—lighter freight station.
757	Cargo handling—lighter consolidation.
758	Cargo handling—commercial cargo.
759	Cargo handling—other.
762	Purchased off-dock container freight station services.
763	Port transportation expense—commercial.
764	Port transportation expense—military.
765	Inland transportation expense—commercial.
766	Inland transportation expense—military.
767	Substituted service transportation expense—commercial.
768	Substituted service transportation expense—military.
770	Wharfage and dockage.
771	Other port expenses.
772	Port costs of passenger operations.
773	Transit canal tolls.
	Total port expenses.
	Brokerage expense and agency fees and commissions:
950	Freight brokerage.
951	Passenger brokerage.
952	Agency fees and commissions.
	Total brokerage expense, agency fees and commissions.
	Total voyage expense.
	Total operating expense.
	Terminated voyage results.

[FR Doc.74-22066 Filed 9-24-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE ADVISORY GROUP ON ELECTRON DEVICES

Notice of Meetings

The Department of Defense Advisory Group on Electron Devices and various working groups thereof will meet in closed sessions on dates indicated below at 201 Varick Street, New York, New York:

Working Group A (Mainly Microwave Devices Oct. 30, 1974
Working Group B (Mainly Low Power Devices) Oct. 30, 1974
Working Group C (Mainly Imaging and Display Devices) Oct. 8, 1974
Advisory Group on Electron Devices, Oct. 8, 1974

The purpose of the DoD Advisory Group on Electron Devices, and various working groups thereof, is to provide the Director of Defense Research and Engineering and the Military Departments with advice and recommendations on the conduct of economical and effective research and development programs in the field of electron devices; e.g., lasers, radar tubes, transistors, infrared sensors, etc. The group is also the vehicle for interservice coordination of planned R&D efforts.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it is hereby determined that the AGED meetings concern matters listed in section 552(b) of title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92-463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

SEPTEMBER 20, 1974.

[FR Doc.74-22210 Filed 9-24-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 21966]

MOON LAKE ELECTRIC ASSOCIATION

Pipeline Application

SEPTEMBER 13, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Moon Lake Electric Association, P.O. Box 278, Roosevelt, Utah 84066, has applied for a right of way for a four-inch natural gas gathering pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 2 N., R. 102 W.,
Sections 25, 26, and 35.

The pipeline will convey natural gas to Moon Lake Electric's Rangely Generating Plant near Rangely in Rio Blanco County, Colorado.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, by October 25, 1974.

EVERETT K. WEEDIN,
Chief, Branch of Land Operations.

[FR Doc.74-22265 Filed 9-24-74;8:45 am]

[Wyoming 47624]

WYOMING

Notice of Application

SEPTEMBER 16, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Richard Schanck has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 26 N., R. 89 W.,
Sec. 21, E½SE¼;
Sec. 27, W½NW¼, N½SW¼, SW¼SW¼;
Sec. 28, NE¼NE¼;
Sec. 34, N½NE¼, SE¼NE¼, NE¼NW¼.

The pipeline will convey natural gas from an existing pipeline to the applicant's place of business.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under that terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301.

ALMA LUNDBERG,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-22196 Filed 9-24-74;8:45 am]

[Wyoming 47855]

WYOMING

Notice of Application

SEPTEMBER 16, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Trigg Exploration Company has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 56 N., R. 97 W.
Sec. 21, SE¼NE¼;
Sec. 22, SW¼NW¼.

The pipeline will convey natural gas to the site of Federal Well No. 1-21.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, PO. Box 119, Worland, Wyoming 82401.

ALMA LUNDBERG,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-22195 Filed 9-24-74;8:45 am]

National Park Service

SECRETARY'S ADVISORY BOARD ON NATIONAL PARKS, HISTORIC SITES, BUILDINGS AND MONUMENTS

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the Advisory Board of National Parks, Historic Sites, Buildings and Monuments will be held on October 7, 8, 9, and 10, at the Department of the Interior, 18th and C Streets, NW., Washington, D.C.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System, and the administration of the Historic Sites Act of 1935.

The members of the Advisory Board are as follows:

Mr. Peter C. Murphy, Jr. (Chairman), Springfield, Oregon
Mr. Steven Rose (Vice Chairman), La Canada, California
Dr. William G. Shade (Secretary), Bethlehem, Pennsylvania
Hon. E. Y. Berry, Rapid City, South Dakota
Mr. Laurence W. Lane, Jr., Menlo Park, California
Dr. A. Starker Leopold, Berkeley, California
Mr. Linden C. Pettys, Ludington, Michigan
Capt. Walter M. Schirra, Jr., Englewood, Colorado
Dr. Douglas W. Schwartz, Santa Fe, New Mexico

Meetings will be conducted in different locations as follows:

October 7, 9 a.m., Room 5160. The Advisory Board will meet in general session in regard to administrative matters pertaining to the Board and to hear reports on several topics, including administrative policies for the National Park System, proposed revision of criteria for parklands, wilderness program, safety program, park interpretation, concessions study, and environmental modification.

October 8. At 8:30 a.m., North Penthouse, Room 8068, the Natural Areas Committee will meet to hear reports on natural history theme studies, and shall consider 50 natural areas as potential additions to the National Registry of Natural Landmarks.

At 8:30 a.m., Room 7000A, the History Areas Committee will meet to consider reports on two new areas and to hear reports on various studies, including a partial revision of the subtheme "Architecture" considering several sites in Louisiana, update of the subtheme "Education" to consider sites associated with the education of Blacks, and special studies of Cincinnati Music Hall, Ohio, Snow's Island, South Carolina, Governor's Mansion, Texas, and Court House, Carlisle, Pennsylvania.

At 2:30 p.m., Room 5160, the full Board will meet to consider the study of grizzly bears in Yellowstone National Park.

October 9. 8:30 a.m., The Advisory Board will meet to receive reports from the committee meetings. At 9:30 a.m., the Advisory Board will begin an inspection tour for the remainder of the day of several areas within National Capital Parks.

October 10. 8:30 a.m., Room 7000A. The Advisory Board will continue its meeting with a discussion of the management of urban parks/recreation areas and to formulate its comments and recommendations.

The meetings will be open to the public, but the facilities and space to accommodate members of the public are limited and it is expected that not more than 25 people will be able to attend. In regard to the National Capital Parks inspection tour on October 9, members of the public wishing to participate must provide their own transportation.

Any member of the public may file with the Advisory Board a statement in writing concerning any of the matters to be discussed. Persons desiring further information concerning this meeting or who wish to file written statements may contact Miss Shirley Luikens, National Park Service, Washington, D.C., at 202-343-2012.

Minutes of the meeting will be available for public inspection 8 to 10 weeks after the meeting in Room 3123, Interior Building, Washington, D.C.

Dated: September 10, 1974.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions National Park Service.

[FR Doc.74-22313 Filed 9-24-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 75-2]

BETHLEHEM MINES CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Bethlehem Mines Corporation has filed a petition to modify the application of 30 CFR 75.305 to its Mine No. 58, Marianna, Pennsylvania.

30 CFR 75.305 provides in pertinent part:

In addition to the preshift and daily examinations required by this Subpart D, examinations for hazardous conditions including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return air course in its entirety, idle workings, and insofar as safety considerations permit, abandoned areas. • • •

For the reasons specified below, Petitioner seeks modification of that portion of 30 CFR 75.305 which requires a certified person to make a weekly examination in each return split of air with respect to the return air courses paralleling the following mainline haulages: B-Face East; three (3) miles of 30 Mains from the junction of B-Face East to Moore Portal; A-Face West; and 46 Mains from the junction of A-Face West to Hoover Shaft.

(1) The Marianna Mine was opened in 1906. Petitioner acquired the mine in 1923. Most of the return air courses for the locations in question were driven many years ago; in some cases, they were driven approximately fifty (50) years ago during hand-loading days. Since much of this development had been done before the advent of roof bolts for roof support, timbers had been used for support as part of the mining cycle. These timbers have long since deteriorated due to adverse conditions (moisture, roof pressures, etc.) leaving much of the roof in the return air courses in question unsupported; thus, there have been numerous extensive roof falls in those return airways in the area in question. The roof falls that have occurred in the area in question are extremely high and, in some areas, very tight. In addition, large impassable accumulations of water are present in these return air courses. This accumulation of water not only obstructs travel, but also aids in further deterioration of the roof and mine timbers. At present approximately 150,000 gallons of water are pumped daily from the area in question.

(2) The return air courses described above have not been maintained or used to ventilate active workings since the time they were driven. These returns are impassable today due to the adverse conditions described above which exist in the area under consideration. A survey of these entries has been completed and indicates that it would require a minimum of 96 man years to make the returns safe to travel. As a result of these adverse conditions the air courses cannot be safely traveled for examination purposes on a weekly basis as required by the Act.

(3) Petitioner proposes an alternate method for achieving the result contemplated by 30 CFR 75.305, which will at all times guarantee no less than the same protection afforded by such standard. This alternate method also eliminates the hazards which would be encountered if attempts were made to travel and also to rehabilitate every portion of the return air courses in the areas in question.

Alternate method. (a) Despite the above-described conditions which exist in the return air courses in the areas in question, twelve (12) safe monitoring stations have been established at which examinations for hazardous conditions are conducted, as well as examinations for compliance with the mandatory health or safety standards. Air and methane readings are also made at these monitoring stations to assure the air flow is in its proper course and usual volume. In addition, measuring stations have been established at both Piper and Hoover Fans underground to measure the total quantity of air handled by the fans, including that from the inaccessible areas referred to above.

(b) Methane and air readings are made by a certified, competent person on a weekly basis, if not more frequently.

(c) Methane will not be permitted to accumulate in the return air courses, as determined at the underground measuring stations, beyond legal limits.

(d) Both access to and the measuring stations themselves will continue to be kept in safe condition.

(e) A date board is located at each measuring station, and air quantity and methane readings are taken and recorded, including the initials of the certified person taking such readings, as well as the date and time the readings are taken.

(f) Examinations are made at each measuring station at least once each week.

(g) All employees required to perform measurements at the underground stations will be certified for such work on the basis of state examinations.

Persons interested in this petition may request a hearing on the petition or furnish comments by October 25, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Ar-

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lington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 18, 1974.

[FR Doc.74-22271 Filed 9-24-74;8:45 am]

[Docket No. M 74-194]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Alpine Mine, Bayard, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with 30 CFR 75.1405 is 30 CFR 75.1405–1 which provides:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition for modification Petitioner states:

1. The supply cars identified as Type 1 used in the subject mine are of vintage manufacture and do not have automatic couplers.

2. Manufacture of cars equipped with automatic couplers would not be technologically and financially feasible for the following reasons:

A. The subject mine utilizes a total of seven supply cars.

B. Cars presently in use are not uniform in size because they were made by different manufacturers.

C. The radius of curves and steep grades creates serious problems for installation of automatic couplers.

3. The Type 1 car has a coupling pin attached to a lever which extends to the side of the car and the pin remains in the bumper hole, thus making it unnecessary for any person to be required to go between the ends of the cars. A chain and lever lock is provided to keep the lever in place when it is in an uncoupled position.

4. The coupling link end has a rod attached permanently to the coupling link of the other car and an aligning rod which extends out to the side of the car, thus making it unnecessary for any person to go between the ends of the cars. A chain safety device and a rest lock provide additional safety for securing the rod in its proper position.

5. The above-mentioned cars can be coupled and uncoupled by these rods with adequate clearance and safety to employees.

6. These cars may be maneuvered by motormen coupling the link to the bumper of the locomotive.

7. The Type 2 car like the Type 1 car has a coupling pin which is attached to a lever extending to the side of the car. The pin remains in the bumper hole, thus making it unnecessary for any person to go between the ends of the cars.

8. An aligning rod is used on the link end. This rod allows a person to move the link into position without the necessity of persons moving between the ends of the Type 2 cars.

9. A lever rod is provided for security and safety reasons when the rod is uncoupled.

10. The aligning rods will be maintained in position on each bumper of each locomotive by a link end and locked in position by lock pin and snap pin. A safety factor in the alternate method is a chain which prevents the loss of the rod.

11. The foregoing plan was initiated and instituted through a pilot project which was designed to determine feasibility and operational efficiency.

12. Results obtained by tests and the pilot project show that outstanding protection is afforded to employees.

13. A program of training for all personnel will be initiated by the Petitioner and a scheduled training orientation program will be instituted for all new employees.

In support of its petition, Petitioner has submitted a schematic drawing detailing the alternate plan.

Persons interested in this petition may request a hearing on the petition or furnish comments by October 25, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 18, 1974.

[FR Doc.74-22274 Filed 9-24-74;8:45 am]

[Docket No. M 74-193]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its North Branch Mine, Bayard, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with 30 CFR 75.1405 is 30 CFR 75.1405–1 which provides:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition for modification Petitioner states:

1. The supply cars identified as Type 1 used in the subject mine are of vintage manufacture and do not have automatic couplers.

2. Manufacture of cars equipped with automatic couplers would not be technologically and financially feasible for the following reasons:

A. The subject mine utilizes a total of sixteen supply cars.

B. Cars presently in use are not uniform in size because they were made by different manufacturers.

C. The radius of curves and steep grades creates serious problems for installation of automatic couplers.

3. The Type 1 car has a coupling pin attached to a lever which extends to the side of the car and the pin remains in the bumper hole, thus making it unnecessary for any person to be required to go between the ends of the cars. A chain and lever lock is provided to keep the lever in place when it is in an uncoupled position.

4. The coupling link end has a rod attached permanently to the coupling link of the other car and an aligning rod which extends out to the side of the car, thus making it unnecessary for any person to go between the ends of the cars. A chain safety device and a rest lock provide additional safety for securing the rod in its proper position.

5. The above-mentioned cars can be coupled and uncoupled by these rods with adequate clearance and safety to employees.

6. These cars may be maneuvered by motormen coupling the link to the bumper of the locomotive.

7. The Type 2 car like the Type 1 car has a coupling pin which is attached to a lever extending to the side of the car. The pin remains in the bumper hole, thus making it unnecessary for any person to go between the ends of the cars.

8. An aligning rod is used on the link end. This rod allows a person to move the link into position without the necessity of persons moving between the ends of the Type 2 cars.

9. A lever rod is provided for security and safety reasons when the rod is uncoupled.

10. The aligning rods will be maintained in position on each bumper of each locomotive by a link end and locked in position by lock pin and snap pin. A safety factor in the alternate method is a chain which prevents the loss of the rod.

11. The foregoing plan was initiated and instituted through a pilot project which was designed to determine feasibility and operational efficiency.

12. Results obtained by tests and the pilot project show that outstanding protection is afforded to employees.

13. A program of training for all personnel will be initiated by the Petitioner and a scheduled training orientation program will be instituted for all new employees.

In support of its petition, Petitioner has submitted a schematic drawing detailing the alternate method.

Persons interested in this petition may request a hearing on the petition or furnish comments by October 25, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 18, 1974.

[FR Doc.74-22275 Filed 9-24-74;8:45 am]

[Docket No. M 74-196]

JANDY COAL COMPANY, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Jandy Coal Company, Inc. has filed a petition to modify the application of 30 CFR 75.1405 to its Eureka No. 40 Mine, Scalp Level, Cambria County, Pennsylvania.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with 30 CFR 75.1405 is CFR 75.1405–1 which provides:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of his petition, Petitioner states:

1. Petitioner has twenty (20) supply cars, six (6) personnel cars and three hundred seventy-five (375) coal cars. These cars are of vintage manufacture and do not have automatic couplers.

2. The nature of the grade of track and the distance the cars travel create problems which have not been solved by conventional manufacturers.

3. All the cars have fore and aft sections, which have couplers with different designs.

4. The front or fore section, is composed of a pin which is welded to a coupler handle. This coupler handle moves up and down in a manner necessary to remove the coupling pin.

5. A handle stop guide prevents the coupler handle from going beyond a given range. The connecting link assembly pin is inserted into the connecting link.

6. The rear or aft section is composed of a fixed coupling pin, which is inserted through a bar swivel panel.

7. A link alignment rod is used for alignment of the pin into coupling position. The link alignment rod will be kept in the following places: the mine car dump, the loading points and the front of each locomotive.

8. A coupler handle is attached to the welded pin in a permanent position and it extends out beyond the side of the car, making it unnecessary for persons to go between the cars.

9. Cars can be coupled and uncoupled by this coupler handle device with adequate clearance and safety to the employees.

10. Petitioner averages fifty (50) round-trips a day. In the course of each round-trip the car trip is uncoupled and coupled from the locomotive.

11. The subject cars have not caused any injuries in the past ten (10) years.

12. This plan was initiated and instituted by a pilot plan on one car in order to determine its efficacy. The results of the pilot project showed that outstanding protection is afforded employees. This is also indicated by the fact that no employee is required to place any part of his body between the cars when coupling or uncoupling.

13. Attached hereto is a schematic drawing of the proposed modification.

14. All employees will be trained in the proper operation and use of the coupling devices. Their proper use will be a mandatory requirement for coupling and uncoupling of all the mine cars at Petitioner's mine.

Persons interested in this petition may request a hearing on the petition or furnish comments by October 25, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 18, 1974.

[FR Doc.74-22272 Filed 9-24-74;8:45 am]

[Docket No. M 75-15]

PITTSBURGH COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Pittsburgh Coal Company has filed a petition to modify the application of 30 CFR 75.155(b) (1) and (2) to its Laurel Mine, Somerset County, Pennsylvania.

30 CFR 75.155(b) (1) and (2) provides:

A person is a qualified hoisting engineer within the provisions of Subpart O of this part, for the purpose of operating an electrically driven hoist in a coal mine, if he has at least 1 year experience operating a hoist plant in a mine or maintaining electric-hoist equipment in a mine and is qualified by the State in which the mine is located as an electric-hoisting engineer; or

If a State has no program for qualifying persons as electric-hoisting engineers, the Secretary may temporarily qualify persons for this purpose for periods of time not to exceed 6 months for each temporary certification if the operator of the coal mine in which such persons are employed makes an application and a satisfactory showing that each such person has had 1 year experience in operating electric-driven hoists and has held the position of hoisting engineer for a period of 6 months immediately preceding the application.

In support of its petition, Petitioner states:

Consolidation Coal Company started construction of the Laurel Mine, Somerset County, Pennsylvania, in November, 1972. Presently, 27 men are employed at the mine, with employment to reach 200 men in 1975 when the mine comes into full production. Mining will be from the lower Kittanning Seam, averaging about 7 to 7½ feet height in this area. Access to the seam will be by a slope with ventilation provided by one shaft. The shaft has been completed and the slope will be finished in October, 1974. Currently, work is progressing to connect the shaft and the slope with one underground entry; mining will then begin to develop the property.

The following are the requirements for hoisting engineers, as stated in the Pennsylvania Bituminous Coal Mining Law, section 267:

Competent Engineers. No operator or superintendent of any bituminous coal mine worked by shaft, slope, or incline, shall place in charge of any engine used for lowering or hoisting persons employed in such mine any but competent engineers who are at least twenty-one years of age; and no engineer in charge of such machinery shall allow any person, except as may be designated for this purpose by the operator or superintendent to interfere with any part of the machinery and no person shall interfere with or intimidate the engineer in the discharge of his duties. When workmen are being lowered or raised, the engineer shall take special precautions to keep the engine well under control. No persons shall ride on a loaded cage or car in any shaft, slope, or incline; provided, however, that this shall not prevent any trip rider from riding during the performance of his authorized duties.

Since the state law, section 267, does not set up any program for qualifying hoisting engineers, other than to require a competent person over 21 years of age, Federal regulation 30 CFR 75.155(b) (1) and (2) comes into effect.

Federal law as it pertains to Laurel Mine. Laurel Mine is the only mining operation of the Pittsburgh Coal Company, Division of Consolidation Coal Company,

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located in Somerset County. Personnel hiring has just started and, since no other Consolidation Coal Company mines are located nearby to transfer personnel from, all hiring is from the local labor force. Although mining is a major industrial activity in Somerset County and most miners hired to date have State miners certification, no acceptable qualified hoist operators have been available for hiring.

Since the State has no program for qualifying persons as hoisting engineers, Federal requirements for qualifications and temporary certification apply. However, the requirements set up by the Code of Federal Regulations specify 1 year experience in operating electric-driven hoists and 6 months holding the position of hoisting engineer immediately preceding the application before temporary certification can be given.

Laurel Mine is now using a Wiley stiff leg hoist, for service at the shaft while mining progresses from the shaft to the slope to make an air connection and while bottom development work is being done. A hoist will then be used at the slope to raise and lower men and material. No one hired to date has any prior experience operating a hoist and thus, under State and Federal Regulations, no one at the mine can be certified to operate the hoist, regardless of any training they would be given.

Alternate Method. Since the Federal Law makes no provision for opening a new mine and qualifying hoisting operators, Pittsburgh Coal Company, Division of Consolidation Coal Company, proposes an alternate method of training to replace the experience requirements of the Federal Law. R. G. Johnson Company, shaft contractors, who constructed the shaft and slope for Laurel Mine, used a stiff leg hoist which will be left in place and used by Laurel Mine until November, when the slope hoist will be used. R. G. Johnson's hoist operator, who has proper certification and qualifications, will spend an adequate period of time to assure proper instruction in hoist operation and mechanics with competent personnel designated by the mine operator to receive training. In addition, the MESA approved course of instruction in hoist operation, given to hoist operators at the Pittsburgh Coal Company, Division of Consolidation Coal Company, mines (Renton Mine, Harmar Mine, Oakmont Mine, Montour #4 Mine) will be given by a qualified instructor. Daily examinations and regular tests required by 30 CFR 75.1400 will be performed by the master mechanic or another designated, competent mechanic.

Measure of protection. The proposed alternate method for qualification of hoisting engineers will satisfy all requirements of 30 CFR 75.1400. In addition, temporarily certified people will be made available to operate the hoist and the mine will be able to operate. Since these people will be trained in hoist operation and the master mechanic or other designated person will perform all hoist examinations, no diminution of safety will occur. This alternate method will at all times guarantee no less than the same measure of protection afforded the miners at Laurel Mine as provided by the Federal Law.

Persons interested in this petition may request a hearing on the petition or furnish comments by October 25, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 18, 1974.

[FR Doc.74-22270 Filed 9-24-74;8:45 am]

[Docket No. M74-197]

POCAHONTAS FUEL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Pocahontas Fuel Company has filed a petition to modify the application of 30 CFR 75.1105 to its Jenkinjones Mine, McDowell County, West Virginia.

30 CFR 75.1105 provides:

Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fire proof construction.

In support of its petition, Petitioner states:

The Consolidation Coal Company seeks modification of that portion of 30 CFR 75.1105 which stipulates "air currents used to ventilate structures or areas enclosing electrical installations shall be coursed directly into the return".

The 6-1 Section of the Jenkinjones Mine consists of an old haulway with pillared areas on three sides. This section is ventilated by a fan on the back side of the pillared area. Due to the location of the fan, there is no return through which air can be vented. Because of the distance involved it is necessary to maintain a haulage rectifier along the haulway.

In lieu of the provision to course the air current which is used to ventilate the structure or area directly into the return, it is proposed that a fire protection system be installed as herein below described and that such system will at all times provide no less than the same degree of safety as intended by the Act.

Petitioner plans for alternate system. The Petitioner plans to adopt an alternate system which will provide for the ventilating of these structures or areas enclosing electrical installations in such a manner which will, in the event of a fire to the electrical installation, confine the smoke to the enclosed area.

An outline of the system to be used is as follows:

1. Plastered cement block walls (a minimum of 4" thick block) will be used to enclose the area in which the structure is installed (the rectifiers and/or transformers referred to are dry-type and enclosed in a fireproof structure of their own).

2. Two steel doors approximately 32" x 32" will be installed in such a manner as to permit an air current to pass through the structure and which will close automatically when the fused link separates at 160 degrees F.

3. All electrical cables will be mortared in the wall of the enclosure.

4. The inside of the enclosure will be well rock-dusted and kept free from accumulation of combustible material.

5. Additional fire protection will be provided on the outside of the structure as required by 30 CFR 75.1100-2(e) regarding a fire extinguisher and a supply of rock dust.

The Petitioner's alternate plan will provide:

1. A structure which will be well ventilated without the loss of the much needed air at the working face.

2. A system which will automatically and completely enclose the structure or area to confine smoke in the event of a fire to the electrical installation.

3. A system which will, in the event of a fire to the electrical installation, confine the smoke in such a manner so as not to smoke out the intake travel ways for the men who are inby the electrical installation.

4. A system which will permit mine examiners who are required to travel the returns in the performance of their duties to do so without fear that a possible rectifier or transformer fire may smoke out the return travelway.

5. An examination of the system will be made weekly.

In brief, the system functions as follows:

1. When a short circuit or overheating occurs, the fused link comes apart and both doors which have been held open by the rope attached to the fused link will close automatically.

Persons interested in this petition may request a hearing on the petition or furnish comments by October 25, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 18, 1974.

[FR Doc.74-22273 Filed 9-24-74;8:45 am]

[Docket No. M 74-192]

QUARTO MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Quarto Mining Company has filed a petition to modify the application of 30 CFR 75.1405 to its Powhatan No. 4 Mine, located in Salem Township, Monroe County, Ohio.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner states:

(1) The haulage system at the subject mine incorporates both track and belt haulage systems. Supply cars at this mine are both S & S rubber-rail trailers, Model No. RR 26FB, and modified S & S trailers which have had the rubber-tired assembly removed so that they can be moved by rail only.

(2) The supply trailers are loaded outside and dropped into the mine by slope hoist. The slope is 900 feet in length and has a 16° pitch. The trailers are pulled on rail by locomotives to different areas of the mine as needed. In some areas the rubber-rail trailers are pulled to the working section from the track area by battery powered tractors utilizing the rubber-tired arrangement provided for that purpose.

(3) The alternate coupling method requested in this petition will provide greater protection for the miners than the automatic couplers, required by 30 CFR 75.1405, by eliminating the accidental uncoupling of cars which frequently occurs when the track or mine bottom is uneven. The proposed modification will eliminate the hazard of the cars uncoupling as they are dropped down the slope into the mine. Further, the alternate method will do away with the necessity of persons going between the cars to align the automatic couplers when they are out of alignment. It is a matter of record that there have been numerous accidents and some fatalities directly attributable to automatic couplers since the above standard became effective in 1970.

(4) Accompanying the petition are schematic diagrams detailing two methods of raising and lowering the coupling pin. Both systems have been installed and tested successfully.

(a) The basic system consists of a lever attached to the coupling pin which is encased in a slotted cylinder allowing the pin to drop into the coupling link and automatically lock into position. Where necessary a specially designed hook will be used to remotely align the link.

(b) A training and re-training program will be initiated in which all personnel will be properly trained in the operation of this coupling device and a record kept of this training.

(5) This alternate method of coupling is similar to the system approved by the Board of Mine Operations Appeals for the Blueboy Mine of the Hawley Fuel Corporation of Landgraff, West Virginia, whose operations we recently had occasion to visit.

Persons interested in this petition may request a hearing on the petition or furnish comments by October 25, 1974. Such requests or comments must be filed with the Departmental Hearings Branch, OHA, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84138. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 18, 1974.

[FR Doc.74-22276 Filed 9-24-74;8:45 am]

[Docket No. M 75-28]

SCOTIA COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Scotia Coal Company has filed a petition to modify the application of 30 CFR 75.1405 to its Scotia and Upper Taggart Mines, Cumberland, Kentucky.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

In support of its petition, Petitioner describes his alternate as follows:

A 40" x ½" metal handle will be attached to the mine cars. A 2" x 8" x 1" spacer will be used to connect the handle to the mine car. This handle will be connected to the pin, which will allow the pin to be raised and lowered in a 3" slotted pipe connected to the car.

A hand link aligner will be used to align the link of the car with the pin of another car. The aligner measures 37" in length. This will provide for the coupling and uncoupling of mine cars from a safe position and will provide an equal degree of safety as compared with the automatic coupler.

Persons interested in this petition may request a hearing on the petition or furnish comments by October 25, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 18, 1974.

[FR Doc.74-22269 Filed 9-24-74;8:45 am]

Bureau of Reclamation

[INT FES 74-54]

PALMETTO BEND PROJECT, TEXAS

Availability of Final Environmental Statement

Correction

In FR Doc. 74-21762 appearing on page 33717 in the issue of Thursday, September 19, 1974, the title of the signing official reading "*Secretary of the Interior.*" should read "*Deputy Assistant Secretary of the Interior.*"

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ENVIRONMENTAL PROTECTION AGENCY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importaion Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00472-90-46040. Applicant: U.S. Environmental Protection Agency, National Water Quality Lab., 6201 Congdon Blvd., Duluth, Minnesota 55804. Article: Electron Microscope, Model JEM 100C with scanning attachment and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of cellular ultrastructure in a wide variety of applications which include the following:

(1) Fine particle analysis of asbestiform fibers in naturally occurring aquatic and biologic systems.

(2) Study of macromolecular structure of purified proteins.

(3) Fine particle analysis of naturally occurring materials in Western Lake Superior with respect to on-going physical studies involving water transport, red clay turbidity, light scattering properties of particles, and remote sensing studies.

(4) Ultrastructure of naturally occurring indigenous aquatic species e.g., microbial populations, phytoplankton, zooplankton and benthic invertebrates.

(5) Ultrastructure studies useful for classification and taxonomy of diatoma-

V 39 N 187 SEP 25 74 XUM

ceous populations, phytoplankton groups and periphyton communities.

(6) Studies on trace metal uptake from fine particles by indigenous biological species.

(7) Studies of sedimentary pollen analysis with particular reference to ectexine substructure and diatom stratigraphy as a method of assay of eutrophication levels.

Comments: No comments have been received with respect to this application.

Decision: application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is equipped with a high resolution scanning attachment which provides images in the scanning transmission, secondary electron, and back scattered electron modes as well as scanning microdiffraction from microareas as small as 200 Angstroms in diameter. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 26, 1974 that the scanning microdiffraction capability of the foreign article described above is pertinent to the applicant's investigations of environmental contamination with asbestiform minerals. The most closely comparable domestic instrument to the foreign article is the Model EMU-4C electron microscope supplied by the Adam David Company. HEW further advises that domestic transmission electron microscopes do not provide the pertinent scanning capability. We therefore, find that the EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-22238 Filed 9-24-74;8:45 am]

MIAMI UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00468-99-57300. Applicant: Miami University, Pulp and Paper Technology Department, Oxford, Ohio 45056. Article: 2½ Cu. ft. Digester and B-K Microdigester Assembly. Manufacturer: Pulmac Instruments, Ltd., Canada. Intended use of article: The article is intended to be used for teaching pulp and paper students the methods used in pulping wood and the effect of variables on the quality of the pulp. It will also be used as a research tool to study new sources of papermaking fibers.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article, an experimental research pulp digester assembly, which utilizes six microdigester channels, provides the precision and flexibility required in investigations and teaching programs involving the pulping process. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated July 26, 1974 that the characteristics of the article described above are pertinent to the applicant's intended use. HEW further advises that it knows of no instrument or apparatus of equivalent scientific value to the article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-22235 Filed 9-24-74;8:45 am]

NORTHWESTERN UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00462-01-41700. Applicant: Northwestern University, Department of Chemistry, Evanston, Illinois 60201. Article: Mode Locked Dye Laser, Model, SUA-10. Manufacturer: Electro-Photonics Limited, United Kingdom. Intended use of article: The article is intended to be used in studies of molecular processes in the gas phase and liquid phase. The phenomena include studies of photodissociation, electron transfer in solution, hemoglobin kinetics and aspects of photosynthetic conversion of light.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides wavelength tunable pico-second pulse durations that have low background, high power, and means for selecting a single pulse. The National Bureau of Standards (NBS) advises in its memorandum dated August 12, 1974 that the characteristics described above are pertinent to the applicant's research studies. NBS further advises that it knows of no comparable instrument of domestic manufacture capable of producing the short intense laser pulses found pertinent. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-22239 Filed 9-24-74;8:45 am]

SYRACUSE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00372-11-56595. Applicant: Syracuse University, Department of Mechanical and Aerospace Engineering, 139 E. A. Link Hall, Syracuse, New York 13210. Article: Plenum Chamber System. Manufacturer: Reaves Industrial Furnaces Ltd., United Kingdom. Intended use of article: The article is intended to be used to study the noise produced by cold and hot air jets issuing from coaxial nozzles attached at the downstream end of plenum chamber system. The experiments to be performed will primarily concern the following:

(1) To study the reduction of jet noise by various flow interaction techniques.

(2) To study the effects of temperature and velocity gradients in a jet flow to deflect and refract the dominant noise away from the direction/s where it is not desirable to have the maximum intensity of radiated jet noise.

(3) To test the existing theories and if possible modify them or develop new theories based upon the experimental results both for the generation and suppression of jet noise.

(4) To make optical records (e.g. schlieren photographs or shadowgraphs) of the interacting coaxial jet flows and correlate them with the measured noise.

(5) To test other means of reducing noise (e.g. use of ejector-shrouds in conjunction with the coaxial nozzles).

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 74-00070-11-56595 which was denied without prejudice to resubmission on February 4, 1974 for informational deficiencies.

The applicant alleged the foreign article provided the following pertinent specifications:

(1) Operation at 1000° Fahrenheit (°F) and

(2) Operation at 150 pounds per square inch guage (psig) With respect to domestic availability of comparable domestic instruments, the regulations in § 701.11(b) provide:

> In determining whether a U.S. manufacturer is able and willing to produce a produced on order, or custom-made instrument, apparatus, or accessory * * * the Deputy Assistant Secretary shall take into account the normal commercial practices applicable to the production and delivery of instruments, apparatus, or accessories of the same general category.

Thus, the regulations require that a domestic manufacturer be both "willing and able" to produce an instrument as a prerequisite for comparison with the foreign article. The applicant, in reply to Question 9 on the application, states that the Allen Tool Corporation (Allen) was contacted and furnished a description of requirements.

The applicant further states that Allen offered a comparable domestic instrument with a promised delivery date of 12-14 weeks. The applicant rejected the comparable domestic instrument manufactured by Allen on the basis of excessive cost. However, differences in cost cannot be considered as a pertinent specification within the meaning of § 701.2 (n) and, therefore, cannot be considered as a factor justifying duty-free entry. With respect to delivery time, the applicant alleges that the difference between eight weeks for the foreign article and "the indefinite delivery time from the domestic manufacturers" entailed "too high a risk to undertake in order to meet the commitments of the DOT [U.S. Department of Transportation] grant." However, the applicant fails to demonstrate that a difference in the 8-week delivery time for the article and the definite delivery time (12-14 weeks) offered by Allen would seriously impair the accomplishment of purposes as required by § 701.11(c).

The National Bureau of Standards (NBS) advises in its memorandum dated June 14, 1974 that the domestic plenum chamber system offered by Allen provides the capabilities alleged to be pertinent, and that Allen's instrument is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used. For these reasons, we find that a domestic manufacturer was both able and willing to manufacture and deliver without excessive delay a domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.05, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-22237 Filed 9-24-74;8:45 am]

TEXAS A & M UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00492-01-77095. Applicant: Texas A & M University, Department of Chemistry, College Station, Texas 77840. Article: Photoelectron Spectrometer, PS-18. Manufacturer: Perkin-Elmer, United Kingdom. Intended use of article: The article is intended to be used for basic research on the electronic structure of organic molecules and transition metal complexes. Among the systems to be studied are the non-conjugated dienes and polyenes, transition metal carbonyl complexes, *alternato* cubane molecules, and unusual metalloporphyrins. The experiments to be conducted are measurements of the photoelectron spectra of gas phase molecules. The article is to be used with a heated probe to measure gaseous photoelectron spectra of molecules many of which are solids at room temperature. The article will also be used by graduate students in basic research as partial fulfillment of the requirements for a Master of Science or Doctor of Philosophy Degree in Chemistry. The students will be instructed in the operation and use of the article and will be encouraged to use it in solving specific research problems.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability for heating samples to at least 300° C. The National Bureau of Standards (NBS) advises in its memorandum dated August 12, 1974 that this capability is pertinent to the applicant's research studies involving molecules that are solid at room temperature and require heating to at least 300° C. to provide sufficient pressure of vapor for study. Comparable instruments are produced by several domestic manufacturers, including McPherson Instrument Corporation; E. I. DuPont de Nemours & Company; and Varian Associates.

None of these provide the sample heating capability found pertinent. NBS further advises that it knows of no instrument or apparatus being manufactured in the United States of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-22241 Filed 9-24-74;8:45 am]

UNIVERSITY OF VIRGINIA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00502-50-44630. Applicant: University of Virginia, Environmental Sciences, Brooks Hall, Charlottesville, Va. 22903. Article: Balloon-Borne Radio Altimeter. Manufacturer: Meeda Scientific Instrumentation Ltd., Israel. Intended use of article: The article is intended to be used to measure the altitude of instruments attached to the tether of a large balloon during investigations of the air flow regime in and around convective cumulus clouds.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended

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to be used, is being manufactured in the United States.

Reasons: The foreign article has a maximum weight of 1.0 kilogram and can measure height to within 1 meter. We are advised by the National Bureau of Standards (NBS) in its memorandum dated August 12, 1974, that the characteristics of the article described above are pertinent to the applicant's tethered balloon studies. NBS further advises that it knows of no instrument or apparatus being manufactured in the United States capable of meeting the pertinent characteristics of the article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-22240 Filed 9-24-74;8:45 am]

UNIVERSITY OF WASHINGTON

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00369-88-46070. Applicant: Quaternary Research Center, University of Washington, Seattle, Wash. 98195. Article: Scanning Electron Microscope, Model JSM-U3. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in a very broad research program which includes the following projects:

(1) Examination of modern and fossil tests of the protozoan order Foraminiferida and skeletons of microanimals for the purpose of variation study.

(2) Improving analysis of Lake sediments to provide a record of limnological conditions.

(3) Examination of the various developmental stages in the life history of the plasmodial slime mold, *Echinostelium minutum* de Bary, including the spore swarm cell, amoebal cyst, plasmodium, plasmodial cyst, and sporophore.

(4) Morphological study of microorganisms with siliceous skeletons, i.e., silicoflagellates, ebridians and Radiolaria.

(5) Study of structure, morphology and topography of benthic and planktonic foraminifera and nannofossils.

(6) Study of siliceous, calcium carbonate, and various other polysaccharides of phytoplankton.

(7) Investigation of the fine morphology of fossil and modern pollen and planktons for identification purposes.

(8) Examination of surface and internal textures of mineral grains and rock fragments to determine the extent to which surfaces have been altered by solution and/or precipitation of clay minerals.

(9) Identification and illustration of calcareous nannofossils.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket Number 72-00245-88-46070 which was denied without prejudice to resubmission on October 3, 1972 for informational deficiencies. The applicant alleged in his responses to Questions 7 and 8 that the following specifications are pertinent to his purposes and are not available in a domestic instrument:

(1) X-ray microanalysis spectrometer,
(2) Solid pair detectors,
(3) TV scan,
(4) High resolution (100 Angstroms),
(5) Cryoscan, and
(6) Universal tilt-rotation stage.

With regard to these specifications the National Bureau of Standards (NBS) advises in its memorandum dated June 18, 1974 that the domestic models AMR 900 and ETEC Autoscan manufactured by the Advanced Metals Research Corporation (AMR) and the ETEC Corporation (ETEC), respectively, both satisfy specifications (2), (3), and (4). Specifications (1), (5), and (6) were not ordered with the foreign article and, therefore, cannot be considered in the determination of scientific equivalency according to Section 701.6(a)(3) of the regulations. NBS also advises that domestic instruments equivalent in scientific value to the foreign article for the applicant's intended use are available from AMR and ETEC.

For these reasons, we find the domestic AMR 900 and the ETEC Autoscan scanning electron microscope to be of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.22234 Filed 9-24-74;8:45 am]

UNIVERSITY OF WISCONSIN

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00510-33-46500. Applicant: University of Wisconsin, Department of Ophthalmology, School of Medicine, Madison, Wisconsin 53706. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used to prepare tissue for electron microscopic study of its ultrastructure in experiments to identify various disease processes in tissue of patients, and to characterize the nature of these disorders through studies of tissue from experimental animals.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when the sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of a similar foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of August 23, 1974 cutting speeds in excess of 4 mm/sec. are pertinent to the applicant's research studies. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-22238 Filed 9-24-74;8:45 am]

National Oceanic and Atmospheric Administration

U.S.S. MONITOR MARINE SANCTUARY

Nomination for the Designation; Public Hearing

Notice is hereby given that the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, will hold a public hearing for the purpose of receiving comments on the nomination for the purpose of establishing a U.S.S. Monitor Marine Sanctuary, pursuant to the Marine Protection Research and Sanctuaries Act of 1972 (Pub. L. 92-532). The public hearing will be held in:

The I. E. Gray Library Auditorium
Duke University Marine Laboratory
Pivers Island
Beaufort, North Carolina

between the hours of 7:30 p.m. to midnight on November 5, 1974.

All interested persons are invited to present their views. Both written and oral statements will be accepted. Presentations will be scheduled on a first-come, first-serve basis, but priority will be given to those who have prepared statements. Time will be alotted at the end of the meeting for those without prepared statements who wish to be heard. In order that the maximum opportunity will be afforded all those who wish to be heard, presentations will be limited to fifteen minutes. No audiovisual equipment will be available. The National Oceanic and Atmospheric Administration staff may wish to question speakers.

Persons or organizations wishing to be heard on this matter should contact the National Oceanic and Atmospheric Administration, as soon as possible in order that a meeting schedule may be drawn up and definite times established for presentation. The address is Marine Sanctuary Coordinator, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, Rockville, Maryland, 20852. Telephone: 301/496-8491.

Written comments may also be submitted by mail to the Office of Coastal Zone Management. Such written comments must be received before November 20, 1974 in order to be considered for inclusion in the final statement.

Copies of the nomination are available from the Office of Coastal Zone Management.

Comments should address the adequacy of the nomination as well as the desirability of the proposed action.

No verbatim transcript of the meeting will be maintained, but staff present will record the general thrust of extemporaneous remarks.

Following consideration of the comments received at this meeting, as well as written comments submitted to the National Oceanic and Atmospheric Administration (NOAA); a final designation statement of a marine sanctuary will be published according to the Marine Protection Research and Sanctuaries Act of 1972 and implementing NOAA Program Guidelines (15 CFR 922).

ROBERT L. CARNAHAN,
Acting Assistant Administrator for Administration.

[FR Doc.74-22146 Filed 9-24-74;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

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Patent Program Coordinator, National Technical Information Service.

U.S. Atomic Energy Commission,
Assistant General Counsel for Patents,
Washington, D.C. 20545

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[FR Doc.74-22216 Filed 9-24-74;8:45 am]

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[FR Doc.74-22217 Filed 9-24-74;8:45 am]

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[FR Doc.74-22218 Filed 9-24-74;8:45 am]

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Patent Program Coordinator, National Technical Information Service.

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Patent 3,809,481: Single Reflector Interference Spectrometer and Drive System Therefor; patented 7 May 1974. Not available NTIS.

Patent 3,809,601: Bonded Joint and Method; patented 7 May 1974. Not available NTIS.

Patent 3,809,800: Means for Accommodating Large Overstrain in Lead Wires; patented 7 May 1974. Not available NTIS.

Patent 3,809,871: Programmable Physiological Infusion; patented 7 May 1974. Not available NTIS.

Patent 3,810,829: Scanning Nozzle Plating System; patented 14 May 1974. Not available NTIS.

Patent 3,811,044: Light Shield and Cooling Apparatus; patented 14 May 1974. Not available NTIS.

[FR Doc.74-22219 Filed 9-24-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Pulmonary-Allergy and Clinical Immunology Advisory Committee.	Oct. 4, 9 a.m., Conference room 1, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—Gerald Rachanow, 15B-08, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3500.

Purpose. Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the treatment of pulmonary disease and diseases with allergic and/or immunologic mechanisms.

Agenda. Class labeling guidelines for bronchodilators; theophylline—relationship between theophylline concentration body fluids, dose, and therapeutic effect.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Dental Devices.	Oct. 7 and 8, 9 a.m., room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open Oct. 7, 9 a.m. to 10 a.m.; closed Oct. 7 after 10 a.m.; closed Oct. 8. Robert Su Kennedy Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and reliability of dental devices currently in use.

Agenda. Open session: Comments and presentations by interested persons; device classification; and device legislation. Closed session: Final review of classification results before publication and review of panel report.

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Allergenic Extracts.	Oct. 11 and 12, 9 a.m., room 121, Building 29, National Institutes of Health, 8600 Rockville Pike, Bethesda, Md.	Open Oct. 11, 9 a.m. to 11 a.m.; closed Oct. 11 after 11 a.m.; closed Oct. 12. Clay Sisk (HFB-5), 5600 Rockville Pike, Bethesda, Md. 20014, 301-496-2883.

Purpose. Reviews and evaluates available data concerning the safety, and effectiveness, and adequacy of labeling of currently marketed biological products or materials, either singly or in combination, that are administered to man for the diagnosis, prevention, or treatment of alergies and allergic diseases.

Agenda. Open session: Previous minutes; communications received; and comments and presentations by interested persons. Closed session: Continuing review of allergenic extracts under investigation.

Committee name	Date, time, place	Type of meeting and contact person
4. Respiratory and Anesthetic Drugs Advisory Committee.	Oct. 12, 9 a.m., New Jersey Room, Holiday Inn, 8120 Wisconsin Ave., Bethesda, Md.	Open 9 a.m. to 12:30 p.m.; closed after 12:30 p.m. Gerald M. Rachanow (HFD-160), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3500.

Purpose. Advises the Commissioner regarding safety and efficacy of drugs employed in anesthesiology.

Agenda. Open session: Adverse reactions caused by repetitive administration of anesthetic drugs; committee's recommendation on the function of a package insert; proposed labeling revisions for ethrane (enflurane); oxygen—discussion of flow rate of 6 liters/minute; trichloroethylene—relationship to vinyl chloride; and comments and presentations by interested persons. Closed session: Confidential information concerning IND 7622 (Astra Pharmaceutical Co.), NDA 14-879, and NDA 17-558.

Committee name	Date, time, place	Type of meeting and contact person
5. Panel on Review of Dentifrices and Dental Care agents.	Oct. 16 and 17, 9 a.m., Conference room J, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Oct. 16, 9 a.m. to 10 a.m.; closed Oct. 17 after 10 a.m.; closed Oct. 17. Michael Kennedy (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing dentifrices and dental care agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter dentifrices and dental care agent drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
6. Panel on Review of Anesthesiology Devices.	Oct. 17, 8 a.m., room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open 8 a.m. to 9 a.m.; closed after 9 a.m. Franklyn K. Coombs (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and reliability of anesthesiology devices currently in use.

Agenda. Open session: Discussion of good manufacturing practices (GMP) and how they relate to device classification; discussion of future goals of the panel; establishment of subcommittees and the range of devices to be studied by each subcommittee; and comments and presentations by interested persons. Closed session: Completion of the review of the device list and preparation of a preliminary report for the end of classification.

Committee name	Date, time, place	Type of meeting and contact person
7. Psychopharmacological Agents Advisory Committee.	Oct. 17 and 18, 9:30 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Oct. 17, 9:30 a.m. to 12:30 p.m.; closed Oct. 17 after 12:30 p.m.; closed October 18, Stephen C. Groft (HFD-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3810.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of currently marketed and new prescription drug products proposed for marketing for use in the practice of psychiatry and related fields.

Agenda. Open session: Label revisions for serentil; pediatric panel report; dis-

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cussion of rare adverse reaction reporting; anti-psychotic guidelines; and comments and presentations by interested persons. Closed session: Review of NDA 15-921 and 15-922, Haldol (McNeil); NDA 9-149 and 11-120, Thorazine (Smith, Kline and French); and NDA supplements 17-473, Orap (McNeil), and 17-415, Prazepam (Warner-Chilcott).

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Antimicrobial Agents.	Oct. 18 and 19, 9 a.m., Conference Room I, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Oct. 18, 9 a.m. to 10 a.m.; closed Oct. 18 after 10 a.m.; closed Oct. 19. Armond M. Welch (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing antimicrobial agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter antimicrobial agent drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
9. Panel on Review of Skin Test Antigens.	Oct. 18 and 19, 9 a.m., room 121, Bldg. 29, National Institutes of Health, 8600 Rockville Pike, Bethesda, Md.	Open Oct. 18, 9 a.m. to 11 a.m.; closed Oct. 18 after 11 a.m.; closed Oct. 19. Clay Sisk (HFB-5), 8600 Rockville Pike, Bethesda, Md. 20014, 301-496-2883.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products which are used in diagnostic substances for dermal tests.

Agenda. Open session: Presentation of previous minutes; communications received; and comments and presentations by interested persons. Closed session: Continuing review of skin test antigens under investigation.

Committee name	Date, time, place	Type of meeting and contact person
10. Panel on Review of Physiatry Devices.	Oct. 21, 9:30 a.m., room 1409, FB-4, 200 C St. SW., Washington, D.C.	Open 9:30 a.m. to 12 noon; closed after 12 noon. Thomas L. Anderson, M.D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates all available data concerning the safety, effectiveness and reliability of currently marketed physiatry (physical medicine) devices.

Agenda. Open session: Introduction and charge to members; goals of classification effort; and methods of classification. Closed session: Classification of diagnostic devices.

Committee name	Date, time, place	Type of meeting and contact person
11. Panel on Review of Topical Analgesics.	Oct. 22 and 23, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Oct. 22, 9 a.m. to 10 a.m.; closed Oct. 22 after 10 a.m.; closed Oct. 23. Lee Geismar (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products for human use containing topical analgesic agents, and the adequacy of their labeling.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter topical analgesic drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
12. Endocrinology and Metabolism Advisory Committee.	Oct. 24, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m.; closed after 10 a.m. A. T. Gregoire, Ph. D. (HFD-140), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3490.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of currently marketed and new prescription drug products proposed for marketing for use in the treatment of endocrine and metabolic disorders.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Discussion of Probucol (NDA 17-535) and Colestipol (NDA 17-563).

Committee name	Date, time, place	Type of meeting and contact person
12. Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs.	Oct. 28 and 29, 9 a.m., Conference Room I, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Oct. 28, 9 a.m. to 10 a.m.; closed Oct. 28 after 10 a.m.; closed Oct. 29. Michael Kennedy (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing sedative, tranquilizer, and sleep aid ingredients.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter sedative, tranquilizer, and sleep aid drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
13a. Radiation Bio-Effects and Epidemiology Advisory Committee.	Oct. 29 and 30, 9 a.m., room 400, Twinbrook Building No. 4, 12720 Twinbrook Parkway, Rockville, Md.	Open—Richard K. Fred, D.D.S., Ph. D. (HFX-100), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2356.

Purpose. Advises the Commissioner regarding the total research program of laboratory and epidemiology studies of the biological effects and health implications of exposure to radiation and radiation-producing devices.

Agenda. Discussion of the current status of Bureau of Radiological Health programs on the biological effects of ionizing and nonionizing radiation.

Committee name	Date, time, place	Type of meeting and contact person
14. Panel on Review of Antiperspirant Drug Products.	Oct. 31 and Nov. 1, 9 a.m., Conference Room E, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Oct. 31, 9 a.m. to 10 a.m.; closed Oct. 31 after 10 a.m.; closed Nov. 1. Lee Geismar (HFD-100), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products for human use containing antiperspirant drug products, and adequacy of their labeling.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of safety and efficacy of over-the-counter antiperspirant drug products.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement aetivities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and com-

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mittee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations

Dated: September 18, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-22093 Filed 9-24-74;8:45 am]

[GRASP 4G0034]

MIRALIN CO.

Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201 (s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), notice is given that a petition (GRASP 4G0034) has been filed by Miralin Co., 8 Kane Drive, Hudson, MA 01749, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that miracle fruit Synsepalum dulcificum and extracts and concentrates made therefrom are generally recognized as safe (GRAS) for use in foods as a sweetening agent or flavor enhancer.

The petition advises that miracle fruit as human food antedates recorded history and that it has been eaten by humans in West Africa, both as a fruit and as a sweetener, for many hundreds of years.

The use of this fruit seems to hinge on its unique property of modifying the taste mechanism of the body, whereby many sour foods taste sweet after consuming the substance. This effect is attributed to the glycoprotein constituent of the ripe fruit. In Africa, the berry is said to have been used to enhance palatability of wine, beer, and other foods which had soured. Eating the fruit before, or with, such sour foods makes them taste sweet. The effect on the taste buds is said to last for about 1 hour.

Preliminary evaluation by the Food and Drug Administration indicates that the substance is not eligible for affirmation as GRAS since the information submitted does not reveal the existence of scientific studies which would support a determination that the substance is GRAS, nor does it reveal a substantial history of consumption of the substance by a significant number of consumers in the United States. Preliminary evaluation also indicates that the data submitted are not as yet sufficient to support issuance of a food additive regulation.

Interested persons may, on or before November 25, 1974, review the petition and/or file comment (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Room 4–65, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: September 19, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-22205 Filed 9-24-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[Docket No. N-74-248]

ASSISTANT SECRETARY FOR HOUSING MANAGEMENT

Notice of Availability

On August 22, 1974, the Department issued Notice HPMC–FHA 74–28 providing general information to the public with respect to the provisions of the Housing and Community Development Act of 1974 (Pub. L. 93–383).

Pub. L. 93–383, among other things, amended sections 5 and 9(c) of the U.S. Housing Act of 1937 by providing additional funds for annual contributions contracts and by allocating a portion of those funds for operating subsidies. At the same time, Pub. L. 93–383 stated that such amendments would be effective on the date prescribed by the Secretary. Accordingly, the Department's Notice announced that the effective date for the amendments would be August 22, 1974.

Copies of Notice HPMC–FHA 74–28 may be obtained from Regional, Area and Insuring Offices.

Issued at Washington, D.C., September 6, 1974.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner HPMC.

[FR Doc.74-22220 Filed 9-24-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Public Meeting

On October 9–10, 1974, the National Motor Vehicle Safety Advisory Council will hold open meeting in the DOT Headquarters Building, 400 Seventh Street, SW., Washington, D.C., and at the Quality Inn Pentagon City, 300 Army Navy Drive, Arlington, Virginia. The Advisory Council is composed of 22 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Safety Administration.

The following meetings are subject to the approval of the National Highway Traffic Safety Administrator.

On October 9 at 8:30 a.m. at the Quality Inn Pentagon City in Parlor C the Congress Committee will meet with the following agenda:

Recommendations from Third International Congress
Review of Plans for Fourth International Congress on Automotive Safety

On October 9 at 9 a.m. at the Quality Inn Pentagon City in the Ballroom East the Consumer and Public Information Committee will meet with the following agenda:

Status Report—Defect Notification System
Status Report—"Hot Line" Consumer Communications System
Review of Congressional Actions on Interlocks
Impact of Present and Proposed Restraint Systems: A Briefing on Cost/Benefit Reports
Old Business
New Business

On October 10 at 9 a.m. at the DOT Headquarters Building in Room 4234 the full Council will meet with the following agenda:

NHTSA Participation with International Organizations on Motor Vehicle Safety Standards
Report of Congress Committee
Report of Consumer and Public Information Committee
Old Business
New Business

For further information contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, SW., Washington, D.C., telephone 202–426–2872.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92–463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: September 20, 1974.

WM. H. MARSH,
Executive Secretary.

[FR Doc.74-22260 Filed 9-24-74;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON COMPLIANCE AND ENFORCEMENT PROCEEDINGS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Compliance and Enforcement Proceedings of the Administrative Conference of the United States, to be held at 10 a.m., September 30, 1974 in the offices of the Chairman of the Administrative Conference of the United States, Suite 500, 2120 L Street NW., Washington, D.C. 20037.

The Committee will meet to consider:

(1) A draft report and recommendations on Citizen suit provisions in Federal statutes by Professor Jerry Mashaw.

(2) A draft report and recommendations on the procedures employed to ensure Federal facilities comply with environmental quality standards by William R. Shaw.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact William R. Shaw, Staff Liaison (phone 202–254–7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

SEPTEMBER 16, 1974.

[FR Doc.74-22194 Filed 9-24-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-324, 50-325]

CAROLINA POWER & LIGHT CO.

Notice of Hearing

In the matter of Carolina Power & Light Company (Brunswick Steam Electric Plant, Units 1 and 2).

Please take notice, that further evidentiary hearings will be held in the above-captioned proceeding on Thursday, September 26, 1974, at the Hearing Room, 12th floor, Landau Building, 7910 Woodmont Avenue, Bethesda, Maryland 20014.

Such further evidentiary hearings will consider the question of the need for power, and the Regulatory Staff's showing in regard thereto. In addition, the further evidentiary hearings will consider such additional evidence, if any, on the question of whether the requirements of section 102(2) (C) and (D) of the National Environmental Policy Act of 1969, and Appendix D to 10 CFR Part 50 of the rules and regulations of the Atomic Energy Commission have been complied with.

It is so ordered.

Washington, D.C., September 23, 1974

ATOMIC SAFETY AND LICENSING BOARD,
MICHAEL L. GLASER,
Chairman.

[FR Doc.74-22445 Filed 9-24-74;10:43 am]

[Docket Nos. 50-464A, 50-487A]

NORTHERN STATES POWER CO.

Receipt of Attorney General's Advice and Time for Filing of Petitions to Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated September 9, 1974, a copy of which is attached as Enclosure 1.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and request for hearing shall be filed by October 29, 1974 either (1) by delivery to the AEC Public Docketing and Service Section at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attn: Docketing and Service Section.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity, Directorate of Licensing.

NORTHERN STATES POWER COMPANY
TYRONE ENERGY PARK, UNITS 1 AND 2

SEPTEMBER 9, 1974.

You have requested our advice pursuant to the provisions of section 105c of the Atomic Energy Act of 1954, as amended, in regard to the above-cited application.

The facility. Tyrone Energy Park, located on the Chippewa River about 19 miles southwest of Eau Claire, Wisconsin, will consist of 2 nuclear units, each with a net electrical output of 1150 megawatts (MW) and each incorporating a Standardized Nuclear Units Power Plant System (SNUPPS) design. Unit No. 1 is scheduled to begin operation in the spring of 1982, with Unit No. 2 coming on line in the fall of 1983. The total cost of the project is estimated at more than $1.8 billion. Northern States Power Company (NSP) will construct and operate the facility; however, it is contemplated by NSP that other power suppliers will ultimately enter into agreements providing for their ownership participation in the facility.

The applicant. NSP, headquartered in Minneapolis, Minnesota, serves nearly one million customers in the four-state area of Minnesota, North Dakota, South Dakota, and Wisconsin. Applicant, with a 1973 peak load of 3836 mw, is the largest utility in the north central region. NSP's owned generation capability exceeds 4600 mw, which allows for the maintenance of a minimum reserve level of 15 percent. Applicant's peak load is expected to double in the next ten years, and it has planned or has under construction additional generating capacity to increase its dependable system capacity to 9730 mw by 1983.

Applicant has high voltage or extra-high voltage interconnections to 18 adjacent electric bulk power suppliers; and together with 21 other electric suppliers, Applicant participates in the Mid-Continent Area Power Pool (MAPP). Through MAPP, Applicant engages in a significant degree of coordinated planning and development of its bulk power supply system. Applicant is also a member of the Upper Mississippi Valley Power Pool, through which it sells and exchanges power and energy with the Otter Tail Power Company, which is not a MAPP participant. NSP also is a member of the Mid-Continent Area Reliability Council.

Twenty-six municipal distribution systems in Wisconsin, Minnesota and South Dakota rely on NSP to meet their bulk power supply requirements; another twelve systems are partial wholesale customers.

Results of antitrust review. In the course of our antitrust review, the Department received certain allegations the general import of which was that Applicant has used its dominant positin in generation and transmission in its service area to restrain the competitive opportunities of smaller systems with respect to bulk power supply. In our preliminary conversations with NSP, the substance of these allegations was made known to Applicant. For its part Applicant denied these allegations and denied that its bulk power supply policies and practices have been or are inconsistent with the antitrust laws. In order to eliminate any questions as to the bulk power supply policies that it intends to follow during the period of the Tyrone license, Applicant expressed a willingness to formalize its policies and have them included as conditions to the license. These policies are set out in the attachment to the letter of Applicant's President, dated August 9, 1974, which is attached below.

In our opinion, the effectuation of these policy commitments would moot all relevant issues as to which allegations of anticompetitive conduct on the part of Applicant were made to the Department. Accordingly, it was unnecessary for the Department to investigate the matters raised and to reach any conclusion as to the veracity of the complaints. Since the commitments should provide competitors of Applicant with reasonable opportunities to maintain and further develop competitive sources of bulk power supply and the Company is agreeable to having the Commission include the commitments as conditions to the license, we conclude that an antitrust hearing will not be necessary with respect to the instant application if the Commission issues a license so conditioned.

NORTHERN STATES POWER COMPANY
TYRONE ENERGY PARK, UNITS 1 AND 2

AUGUST 9, 1974.

We understand that in the course of your review of our application to construct the Tyrone Energy Park, Units 1 and 2, certain antitrust questions relating to the Northern States Power Company's bulk power supply policies have been raised. We are confident that any such questions can be satisfactorily answered. Northern States Power Company believes that its policies and activities have been and are consistent with the antitrust laws. We have outlined these policies in meetings with the Department. We understand that if we are willing to have the Company's policies which you consider relevant to your antitrust review incorporated in the AEC license, as license conditions, this would enable the Department of Justice to advise the AEC that no antitrust hearing will be necessary. We are perfectly willing to do this.

Therefore we set forth as Appendix A with this letter a statement of our Company's policies concerning bulk power supply arrangements with neighboring electric systems. NSP agrees that its policy statements may be included as conditions to the construction permits and operating licenses to be issued by the Atomic Energy Commission with respect to these units.

The attached commitments are subject to the following understandings:

(1) Nothing therein shall be construed as a waiver by Licensee of its right to contest whether or not and the extent to which a particular factual situation may be covered by this statement of policy or preclude Licensee from contesting an alleged act of unfair competition.

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(2) Nothing therein is intended to preclude Licensee and a Neighboring Entity from reaching an agreement which extends, varies or supplements the provisions of the commitments in a manner not inconsistent with the broad purposes expressed therein and applicable law.

(3) The Licensee and any Neighboring Entity affected by any of the policies contained in the attached commitments reserve the right of recourse to the appropriate forum to seek such changes therein as may at the time be appropriate in accordance with the law and good industry practices.

(4) Nothing contained here shall affect any right Licensee may have to receive compensation, including loss of revenues, for any electric facilities it voluntarily sells or is legally required to sell or relinquish.

NORTHERN STATES POWER COMPANY

PROPOSED STATEMENT OF COMMITMENTS

I. *Definitions.* (a) "Service Area" means in the State of Minnesota the counties of Anoka, Benton, Blue Earth, Brown, Carver, Chippewa, Chisago, Clay, Dakota, Dodge, Douglas, Faribault, Freeborn, Goodhue, Hennepin, Houston, Kandiyohi, Lac Qui Parle, Le Sueur, Lincoln, Lyon, McLeod, Meeker, Mower, Murray, Nicollet, Norman, Olmsted, Pipestone, Polk, Pope, Ramsey, Redwood, Renville, Rice, Rock, Scott, Sherburne, Sibley, Stearns, Steele, Todd, Wabasha, Waseca, Washington, Watonwan, Wilkin, Winona, Wright, and Yellow Medicine, and other areas of Minnesota proximate thereto; in the State of South Dakota the counties of Clay, Hanson, Hutchinson, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, and Turner, and other areas of South Dakota proximate thereto; in the State of North Dakota the counties of Cass, Grand Forks, McHenry, Traill, and Ward, and other areas of North Dakota proximate thereto; in the State of Wisconsin the counties of Barron, Buffalo, Chippewa, Clark, Crawford, Dunn, Eau Claire, Jackson, La Crosse, Marathon, Monroe, Pepin, Pierce, Polk, Rusk, Sawyer, St. Croix, Taylor, Trempealeau, Vernon, and Washburn and other areas of Wisconsin proximate thereto.

(b) "Bulk power" means electric power and any attendant energy supplied or made available at transmission or subtransmission voltage by one electric system to another.

(c) "Neighboring Entity" means a financially responsible private or public corporation, governmental agency or authority, municipality, cooperative, or lawful association of any of the foregoing, owning or operating, or in good faith proposing to own or operate, facilities for the generation and transmission of electricity for bulk power supply which meets each of the following criteria: (1) Its existing or proposed facilities are technically and economically feasible of interconnection with those of Licensee; (2) its existing or proposed facilities are fully or partially within the Service Area, and (3) with the exception of municipalities, cooperatives, governmental agencies or authorities or any entity located within the State of South Dakota, it is, or upon commencement of operations will be, a public utility subject to regulation with respect to rates and services under the laws of Minnesota, Wisconsin, or North Dakota, or under the Federal Power Act.

(d) "Neighboring Distribution System" means a financially responsible private or public corporation, governmental agency or authority, municipality, cooperative or lawful association of any of the foregoing, engaging, or in good faith proposing to engage in distribution of electric power at retail which meets each of the criteria numbered (1) through (3) in subparagraph (c) above.

(e) "Cost" means all operating and maintenance expenses, capital costs and a reasonable return on Licensee's investment which are properly allocable to the particular transaction and the facilities involved in that transaction.

II. *Interconnections.* (a) Licensee will interconnect and operate normally in parallel in accordance with good operating practice with any Neighboring Entity and will interconnect with any Neighboring Distribution System.

(b) Interconnections pursuant to this license will not be limited to lower voltages when higher voltages are requested and available.

(c) Interconnection arrangements shall provide for operating procedures and the necessary switching and relay equipment and control and telemetering facilities as required for safe and prudent operation of the interconnected systems in accordance with good industry practice. The transmission facilities between the parties must meet reasonable reliability standards in accordance with good industry practice.

(d) The Cost of interconnection will be shared on the basis of benefits derived from the interconnection by each party after consideration of the various transactions for which the interconnection facilities are to be utilized.

(e) Interconnection agreements will not embody provisions which impose limitations upon the use or resale of power and energy sold or exchanged pursuant to the agreement except as may be necessary to protect the reliability of Licensee's system. Licensee shall not be required to sell or exchange power and energy pursuant to any interconnection agreement if it does not have available sufficient generation or transmission to provide the requested service or if the sale or exchange would impair its ability to render adequate and reliable service.

(f) Interconnection agreements will not prohibit the parties from entering into other interconnections or coordination agreements, but may include appropriate provisions to assure that (1) Licensee receives adequate notice of such additional interconnection or coordination, (2) the parties will jointly consider and agree upon such measures, if any, as are reasonably necessary for safety or to protect the reliability of Licensee's system. Reasonable industry practice as developed in the area from time to time will satisfy this provision.

III. *Reserve coordination.* (a) Licensee and each Neighboring Entity with which it has, or at some future date may have, an agreement involving reserve coordination shall from time to time jointly establish the minimum reserves to be installed and/or provided under contractual arrangements as necessary to maintain in total a reserve margin sufficient to provide adequate reliability of power supply to the interconnected systems of the parties. Unless otherwise agreed upon, minimum reserves shall be calculated as a percentage of estimated peak load responsibility. No party to the arrangement shall be required to maintain greater reserves than the percentage of its estimated peak load responsibility which results from the aforesaid calculation; provided that, if the reserve requirements of Licensee are increased over the amount Licensee would be required to maintain without such interconnection, then the other party shall be required to carry or provide for as its reserves the full amount of kilowatts of such increase. If a Neighboring Entity operates its system in such a manner that its reserves cannot be dispatched to Licensee at all times, Licensee may require such Neighboring Entity to maintain such higher level of reserves than the percentage of peak load as determined above as is reasonable under the circumstances.

(b) Licensee will sell emergency power to any Neighboring Entity which (1) maintains a minimum reserve margin in accordance with the above paragraph, and (2) agrees to sell emergency power to Licensee. Licensee shall engage in such transactions if and when, and to the fullest extent it has power and energy available for such transactions from its own generating resources or from interconnected systems, but only to the extent that it can do so without impairing service to its customers, or impairing its ability to discharge reasonable prior commitments to other electric systems. Such emergency service shall be provided at rates which fully compensate Licensee for its COST.

(c) Licensee and each Neighboring Entity with which it has an agreement for reserve coordination transactions pursuant to this section shall maintain such amounts of operating reserves as may be equitable and consistent with good industry practice and adequate to avoid the imposition of unreasonable demands on either party in meeting the normal contingencies of operating their systems. However, in no circumstances shall such agreement require that a party's operating reserve requirement exceed its installed reserve requirement.

(d) Licensee, if it has generating capability in excess of the amount called for by its own reserve criteria, and subject to reasonable prior commitments to other electric systems, will offer, on terms which enable Licensee to recover its COST, any such excess to a Neighboring Entity to meet such entity's own reserve requirement.

(e) Licensee shall prepare, with Neighboring Entities who request to do so, joint maintenance schedules and shall engage in sales of maintenance power and energy when it can reasonably do so, subject to reasonable prior commitments to other electric systems.

IV. *Other power exchanges.* Licensee currently has on file, and may hereafter file, with the Federal Power Commission contracts with Neighboring Entities providing for the sale and exchange of short-term power and energy, limited term power and energy, economy energy, and other forms of capacity and energy. Licensee will, on a fair and equitable basis, enter into contracts with any Neighboring Entity providing for the same or like capacity and energy transactions. In order to facilitate the making of such transactions, Licensee will respond promptly to inquiries of Neighboring Entities concerning the availability of all such forms of capacity and energy from its system. Such transactions will be on terms which will enable Licensee to recover the full COST allocable to such transactions.

V. *Wholesale power sales.* Licensee will sell Bulk Power to any Neighboring Distribution System in accordance with rates, terms and conditions which fully compensate the Licensee for its Cost, and which do not restrict use or resale except as may be necessary to protect the reliability of the Licensee's system. Licensee shall not be required to make any such sale if it does not have available sufficient generation or transmission to provide the requested service or if the sale would impair its ability to render adequate and reliable service.

VI. *Transmission services.* (a) Licensee will provide transmission service for Bulk Power transactions between two or more Neighboring Entities or a Neighboring Entity and Neighboring Distribution System with whom Licensee is interconnected, or may be interconnected in the future. Licensee will also provide transmission services for bulk power transactions between any Neighboring Entity or Neighboring Distribution System and any other electric system engaging in bulk power supply outside the Service Area between whose facilities Licensee's transmission lines form a continuous electrical path, provided that permission to utilize such other transmission lines has been obtained by the proponent of the arrangement. Licensee will provide such transmission services if such services can reasonably be accommodated from an economic, functional, and technical standpoint without impairing Licensee's reliability or its own use of its facilities.

(b) Such transmission shall be on terms that fully compensate Licensee for its Cost. Any Neighboring Entity requesting such transmission arrangements shall give reasonable advance notice of its schedule and requirements. Licensee shall not be required to enter into any arrangement which would impair system reliability or emergency transmission capacity, it being recognized that while some transmission facilities may be operated fully loaded, other transmission facilities may be for emergency use and operated either unloaded or partially loaded. Licensee shall file the agreements providing for such transmission services with the Federal Power Commission and that agency shall have jurisdiction over the charges, terms and conditions of such services.

(c) Nothing contained herein shall be construed to require Licensee to wheel power and energy to a retail customer.

(d) Licensee shall include in its planning and construction programs sufficient transmission capacity as required for the transactions referred to in Section VI, Paragraph (a) provided any Neighboring Entity or Neighboring Distribution System gives Licensee sufficient advance notice that may be necessary to accommodate its requirement from a functional and technical standpoint and that such Neighboring Entity or Neighboring Distribution System fully compensates Licensee for its Cost. Licensee shall not be required to construct transmission facilities (1) if it finds such facilities would impair system reliability, or emergency transmission capacity, or (2) if it finds such facilities will be of no demonstrable present or future benefit to Licensee, or (3) if it finds construction of such facilities would jeopardize Licensee's ability to finance or construct on reasonable terms, facilities to meet its own anticipated system requirements or to satisfy existing obligations to other electric systems, or (4) if it finds such facilities could be constructed or owned by the requesting party without duplicating any portion of Licensee's transmission system.

VI. *Access to nuclear generation.* (a) Licensee will afford an opportunity to participate to any Neighboring Entity that makes a timely request therefor in the ownership of, or purchase of, unit participation power from Tyrone Energy Station Units 1 and 2, and any additional nuclear generating unit which Licensee may construct, own, and operate on a basis that will fully compensate Licensee for its COST incurred and to be incurred and that will not adversely affect the financing of such power station. The request shall be deemed timely with respect to Tyrone Energy Park Units 1 and 2 if received by October 1, 1974, and with respect to any additional generating unit if received within a reasonable period of time from a planning and operating standpoint after the public announcement by Licensee of the proposed installation of any such unit.

(b) Any Neighboring Entity making a timely request for participation must enter into an executory agreement to finance its portion of the units and the associated transmission facilities within one year of its request for participation.

VII. *Regulatory Commission jurisdiction.* (a) The foregoing policies are to be implemented and applied in a manner consistent with Federal, state and local laws, regulations and orders. All rates, charges, conditions, terms and practices are and will be subject to the acceptance or approval of any regulatory agencies or courts having jurisdiction over them.

(b) Licensee does not intend by this statement of policy to become a common carrier.

(c) Nothing contained here is intended to affect in any way the franchises, certificates of public convenience and necessity, or other rights of Licensee or of any Neighboring Entity to render electric service in the Service Area.

[FR Doc.74-22232 Filed 9-24-74;8:45 am]

[Docket No. 50-201]

NUCLEAR FUEL SERVICES, INC. AND N.Y. STATE ATOMIC AND SPACE DEVELOPMENT AUTHORITY

Prehearing Conference

Take notice that pursuant to the Atomic Energy Commission's "Notice of Hearing on Applications for a Construction Permit, and Notice of Consideration of Conversion of Provisional Operating License * * * to a Full-Term Operating License * * *" dated March 8, 1974 (39 FR 10471, March 20, 1974), and in accordance with the § 2.752 of the Commission's rules of practice (10 CFR Part 2), a Prehearing Conference will be held before an Atomic Safety and Licensing Board (the Board) on October 17, 1974 at 9:30 a.m., e.d.t., at the following location:

U.S. Federal Building
Room 1400
111 West Huron Street
Buffalo, New York 14202

This Prehearing Conference is preliminary to a public evidentiary hearing that will be held on a later date by the Board to consider the applications filed under the Atomic Energy Act of 1954, as amended, by Nuclear Fuel Services, Inc. and the New York State Atomic and Space Development Authority (the applicants) for a construction permit to perform certain modifications of the subject nuclear fuel reprocessing facility. The facility is presently authorized to operate at a capacity of about 300 metric tons of uranium per year, and the modification proposed to be authorized by a new construction permit would increase the operating capacity to about 750 metric tons per year. The facility is located in the Western New York Nuclear Service Center in the town of Ashford, New York, near Riceville, Cattaraugus County, about 30 miles southeast of Buffalo.

The evidentiary hearing will be concerned with the radiological health and safety issues set forth in the Commission's March 8, 1974 Notice of Hearing, supra, together with any specific contentions or matters in controversy between the parties admitted by the Board after it has ruled upon certain pending petitions for intervention. The hearing will be scheduled to start in the general vicinity of the site of the subject facility.

Persons and organizations wishing to make limited appearance statements, orally or in writing, may do so at the time of the public, evidentiary hearing, but limited appearances will not be received at the time of this Prehearing Conference. However, all members of the public, including anticipated limited appearance speakers, are welcome to attend the prehearing conference.

The prehearing conference will deal with the following matters:

1. Consideration of intervention petitions to allow the Board to make such preliminary or final determination of the status of the parties as may be appropriate;
2. Establishment of the need for discovery and the time required for such discovery, if any;
3. Simplification, clarification, and specification of the issues;
4. The necessity or desirability of consolidation of parties;
5. The obtaining of stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;
6. Identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;
7. The setting of a hearing schedule; and
8. Such other matters as may aid in the orderly disposition of the proceeding.

At the prehearing conference, the Board will hear oral argument on the outstanding petitions to intervene. The petitioners as well as the parties, will be given an opportunity to be heard in this regard.

This newly-scheduled prehearing conference is in accordance with the new schedule proposed by the AEC Regulatory Staff in its Motion filed September 10, which Motion is hereby granted.

It is so ordered.

Issued at Bethesda, Md., this 20th day of September 1974.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,
Chairman.

[FR Doc.74-22233 Filed 9-24-74;8:45 am]

CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

ACTIVITIES FOR COMING YEAR

Amended Notice of Meeting

A notice of meeting in the FEDERAL REGISTER of September 13, 1974, stated that the Citizens' Advisory Committee on Environmental Quality will meet on September 30, 1974, at 9:30 a.m. at the Edgewater Hotel in Madison, Wisconsin.

That notice is hereby amended to state that a portion of the meeting will be held on September 29 from 9 a.m. to 1 p.m. at the same location. The remainder of the meeting will be held on September 30 from 9 a.m. to 1 p.m.

LAWRENCE N. STEVENS,
Executive Director, Citizens' Advisory Committee on Environmental Quality.

[FR Doc.74-22368 Filed 9-24-74;8:45 am]

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CIVIL AERONAUTICS BOARD

[Docket No. 27026; Order No. 74-9-48]

DONALDSON LINE (AIR SERVICES) LTD. D/B/A DONALDSON INTERNATIONAL AIRWAYS

Statement of Tentative Findings and Conclusions and Order To Show Cause

Correction

In FR Doc. 74-21773 appearing at page 33727 in the issue of Thursday, September 19, 1974, the bracket should read as set forth above.

[Docket Nos. 26987, 26992, 27025; Order 74-9-43]

PAN AMERICAN WORLD AIRWAYS, INC.

Pago Pago, American Samoa-United States Fare Increases

Correction

In FR Doc. 74-21774 appearing at page 33728 in the issue of Thursday, September 19, 1974, in paragraph 2. on page 33729, the seventh and eighth lines should be transposed.

CONSUMER PRODUCT SAFETY COMMISSION

BOOKMATCHES

Notice of Meeting

The Consumer Product Safety Commission gives notice that a meeting on bookmatches will be held Monday, September 30, 1974, at 1 p.m. in room 842, Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland. The purpose of this meeting is to allow Mr. Sidney Daross, an interested individual, to demonstrate to the Commission's operations staff an invention which he believes will reduce the unreasonable risk of injury related to bookmatches.

By previous notice in the FEDERAL REGISTER (39 FR 32050), the Commission announced a proceeding for development of a proposed consumer product safety standard for bookmatches, to reduce or eliminate what the Commission has preliminarily determined to be unreasonable risks of death or injury from bookmatches. In that notice, interested persons were invited to submit an existing safety standard, or offer to develop a proposed mandatory standard, pursuant to regulations under section 7 of the Consumer Product Safety Act (15 U.S.C. 2051).

The meeting will be attended by members of the Commission staff from the Office of Standards Coordination, and the Bureau of Engineering Sciences.

Any other parties who wish to attend this meeting should notify Harvey Tzuker, Office of Standards Coordination and Appraisal, telephone (301) 496-7197.

Dated: September 19, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-22203 Filed 9-24-74;8:45 am]

PRODUCT SAFETY ADVISORY COUNCIL

Notice of Meeting

Notice is given that a meeting of the Product Safety Advisory Council will be held on Tuesday, October 15, 1974 (8 a.m. to 4:30 p.m.) and Wednesday, October 16, 1974 (9 a.m. to 4 p.m.) in the 6th floor conference room, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C.

The Advisory Council has been established pursuant to section 28 of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1230; (15 U.S.C. 2077)). The Act provides that the Commission may consult the Council before prescribing a consumer product safety rule or taking other action under the Act.

The Advisory Council will meet in task groups in the morning of October 15, beginning at 8 a.m., through 1 p.m. The task groups of the Advisory Council were established at a prior meeting to consider matters in the following areas: bans and recalls, standards, education/public information, enforcement and surveillance, and state relations. A portion of the afternoon session on October 15 will be devoted to a briefing to the full Council by the task groups of their discussions.

Additional agenda topics scheduled for discussion on Tuesday afternoon, October 15, and Wednesday, October 16, include the following: need for revision of the CPSC policy on meetings; need for a revised or new flammability standard governing general wearing apparel; and the Commission's proposed recordkeeping requirements relating to consumer product safety complaints received by manufacturers, importers, private labelers and distributors (published in the FEDERAL REGISTER of September 3, 1974, 39 FR 31916). Additional items may be included as the agenda is finalized.

The meeting is open to the public, however space is limited. Further information concerning this meeting may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634-7700.

Dated: September 20, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-22257 Filed 9-24-74;8:45 am]

DELAWARE RIVER BASIN COMMISSION

[D-74-95]

MOBIL OIL CORP.

Notice of Intent To Expand Refinery

The Commission has prepared an environmental assessment of the expansion program proposed by the Mobil Oil Corporation for its Paulsboro Refinery located in Paulsboro, New Jersey. The assessment reviewed, in detail, the potential impact of the expansion upon the environment. The assessment has shown that, in general, the expansion and modernization of the existing refinery is expected to result in a significant beneficial improvement to the existing environment. The modernization program will result in a substantial reduction of effluents and emissions from those now generated by the refinery, concurrent with a significant expansion of refinery capacity (from 100,000 barrels per day to 250,000 barrels). Based upon the assessment, the Executive Director has determined that the proposed expansion of the refinery will not cause a significant adverse impact upon the quality of the human environment and that the preparation of an environmental impact statement is, therefore, not required.

Notice is hereby given of the Executive Director's intent to issue a Negative Declaration in accordance with the Commission's rules of practice and procedure, Article 4, § 2-4.5. The negative declaration will take effect on October 8, 1974 unless prior to that date interested parties submit written evidence sufficient to demonstrate why an environmental impact statement should be prepared for this proposed project.

Copies of the environmental assessment are available upon request.

W. BRINTON WHITALL,
Secretary.

SEPTEMBER 23, 1974.

[FR Doc.74-22268 Filed 9-24-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 267-7; OPP-32000/115]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before November 25, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator

determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the Federal Register of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 25, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 8590-ULG. Agway, Inc., Fertilizer-Chemical Div., PO Box 1333, Syracuse NY 13201. AGWAY HOUSEHOLD & ORNAMENTAL PEST CONTROL SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.332%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3350-RI. Arkansas Co., Inc., PO Box 210, Newark NJ 07101. MOTH SNUB LT CONC. Active Ingredients: Didecyl Dimethyl Ammonium Chloride (Bardac 22) 33%; Isopropanol 13%; Tergitol 15-S12 (nonionic surfactant derived by ethoxylation of linear alcohols) 33%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 960-ROA. Balcom Chemicals, Inc., PO Box 667, Greeley CO 80631. CLEAN CROP IBP—2A GRAIN PRESERVATIVE. Active Ingredients: Isobutyric Acid 28.2%; Propionic Acid 18.8%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 537-RO. Biocerta Corp., 303 5th Ave., New York NY 10016. CHLORPAX EMULSION CONCENTRATE FOR THE CONTROL OF TERMITES LAWN AND TURF INSECTS. Active Ingredients: Technical Chlordane 45.3%; Petroleum Distillate 49.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4-EGA. Bonide Chemical Co., Inc., 2 Wurz Ave., Yorkville NY 13495. BONIDE CROTOX POWDER SEED PROTECTOR. Active Ingredients: Technical Chlordane 25.0%; Captan 12.5%; Hardwood Distillate Oils 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 475-RII. Boyle-Midway Inc., South Ave. & Hale St., Cranford NJ 07016. WASH'N GUARD LIQUID COLD WATER WASH ODOR GUARDS CLOTHES. Active Ingredients: 5-chloro-2-(2,4-dichlorophenoxy)phenol 0.66%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 706-IN. Claire Manufacturing Co., 500 Vista St., Addison IL 60101. CLAIRE FAST KILL RESIDUAL ROACH & ANT KILLER. Active Ingredients: Pyrethrins 0.050%; Technical Piperonyl Butoxide 0.100%; N-Octyl Bicycloheptene Dicarboximide 0.166%; 0,0-Diethyl 0-(2-Isopropyl-6-Methyl-4-Pyrimidinyl) Phosphorothioate 0.500%. (Petroleum Distillate 84.009%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8867-GL. Cleveland Chemical Co., PO Box 520; Cleveland MS 38732. SUPER GE. Active Ingredients: Endrin (Hexachlorospoxyoctahydro-endo, endo-dimethanonaphthalene) 17.95%; O,O-Dimethyl S(4-oxo-1,2,3-benzotriazin 3 (4H)-ylmethyl) 11.22%; Aromatic Petroleum Solvent 67.08%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33914-E. Dixie Agricultural Chemical Co., PO Box 1227, Eustis FL 32726. DIXIE 435 SOLUBLE OIL. Active Ingredients: Paraffinic Oil 97.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 464-343. The Dow Chemical Co. and Subsidiaries, PO Box 1706, Midland MI 48640. DOW DURSBAN 2E INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 22.4%; Aromatic petroleum derivative solvent 42.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 16962-L. FHW Toxicology & Biology Labs, 160 Concord Drive, Casselberry FL 32707. SUNTAN LOTION WITH INSECT REPELLENT. Active Ingredients: Isobutyl PABA (sunscreen) 2.5%; Benzocaine 0.5%; Vitamin E Synthetic 0.5%; Allantoin 0.5%; Methylparaben 0.5%; N,N-Diethyl-m-Toluamide 0.25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8764-GO. FMC Citrus Machinery Div., 3075 Fourteenth St., Riverside CA 92502. STA-FRESH 552 HIGH GLOSS FUNGICIDAL COATING FOR CITRUS FRUITS. Active Ingredients: 2-(4-thiazolyl) benzimidazole (Thiabendazole) 0.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8764-GI. FMC Citrus Machinery Div. STA-FRESH 452 HIGH GLOSS FUNGICIDAL COATING FOR CITRUS FRUITS. Active Ingredients: 2-(4-thiazolyl) benzimidazole (Thiabendazole) 0.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8764-GT. FMC Citrus Machinery Div. STA-FRESH 551 HIGH GLOSS FUNGICIDAL COATING FOR CITRUS FRUITS. Active Ingredients: 2-(4-thiazolyl) benzimidazole (Thiabendazole) 0.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8764-UR. FMC Citrus Machinery Div., PO Box 552, Riverside CA 92502. STA-FRESH 351 HIGH GLOSS FUNGICIDAL COATING FOR CITRUS FRUITS. Active Ingredients: 2-(4-thiazolyl) benzimidazole (Thiabendazole) 0.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8764-UN. FMC Citrus Machinery Div., PO Box 552, Riverside, CA 92502. STA-FRESH 451 HIGH GLOSS FUNGICIDAL COATING FOR CITRUS FRUITS. Active Ingredients: 2-(4-thiazolyl) benzimidazole (Thiabendazole) 0.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 279-EOIT. FMC Corp., 100 Niagara St., Middleport NY 14106. PYRENONE 4.5-9-15 S.A.C. INSECTICIDE CONCENTRATE. Active Ingredients: Pyrethrins 4.5%; Piperonyl Butoxide, Technical 9.0%; N-octyl bicycloheptene dicarboximide 15.0%; Petroleum Distillate 71.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 279-EOII. FMC Corp., 100 Niagara St., Middleport NY 141-6. PYRENONE STABILENE HORSE INSECTICIDE CONCENTRATE. Active Ingredients: Pyrethrins 0.5%; Piperonyl Butoxide, Technical 5.0%; Butoxypropylene Glycol 25.0%; Petroleum Distillate 60.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33354-I. Fresh Mark Chemical Corp., 663 Jackson Ave., Winter Park FL 32789. FRESH WAX 35 CF-I CITRUS WAX. Active Ingredients: Sodium o-Phenylphente 0.84%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10107-RR. Harris Serum & Supply Co., Inc., PO Box 410, McCook NE 69001. TOXAPHENE E-6. Active Ingredients: Toxaphene 57.0%; Xylene 39.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1169-LG. Hollingshead Chemical, Inc., 16'h & Mickle Sts., Camden NJ 08105. HOLLINGSHEAD SPRAY INSECTICIDE. Active Ingredients: Petroleum Distillates 58.266%; N-Octyl Bicycloheptene Dicarboximide 0.834%; Piperonyl Butoxide, Technical 0.500%; Pyrethrins 0.250%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5602-RUE. Hub States Corp., 2000 N. Illinois St., Indianapolis IN 46202. BLUE RIBBON DIAZINON 12½% EMULSIFIABLE CONCENTRATE FOR LAWN AND GARDEN: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyle)phosphorothioate 12.5%; aromatic petroleum derivative solvent 73.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4822-RGG. S. C. Johnson & Son, Inc., 1525 Howe St., Racine WI 53403. IMPROVED FORMULA RAID HOUSE & GARDEN BUG KILLER. Active Ingredients: Pyrethrins 0.25%; technical piperonyl butoxide (equivalent to 1.0% of [butylcarbityl] [6-propylpiperonyl] ether and 0.25% related compounds) 1.25%; petroleum distillate 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4822-RGO. S. C. Johnson & Son, Inc. JOHNSON WAX RAID PROFESSIONAL STRENGTH HOUSEHOLD FLYING INSECT KILLER. Active Ingredients: d-trans allethrin [allyl homolog of Cinerin I] 0.500%; [5-Benzyl-3-furyl]methyl-2,2-dimethyl-3-[2-methylpropenyl] cyclopropanecarboxylate 0.075%; related compounds 0.010%; aliphatic petroleum distillate 10.10%; aromatic petroleum distillate 0.10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4822-RGI. S. C. Johnson & Son, Inc. OFF! SPRAY INSECT REPELLENT. Active Ingredients: N,N-diethyl-meta-toluamide 9.5%; Other isomers 0.5%; 2-ethyl-1,3-hexanediol 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4822-RGT. S. C. Johnson & Son, Inc. OFF! FORMULA II INSECT REPELLENT. Active Ingredients: N-N-diethyl-meta-toluamide 9.50%; other isomers 0.50%; N-octyl bicycloheptene dicarboximide 3.0%; di-n-propyl isocinchomeronate 0.5%; 2,3:4,5-Bix [2-butylene]tetrahydro-2-duraldehyde 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

V 391187 SEP 2574 XUM

EPA File Symbol 4822-RGA. S. C. Johnson & Son, Inc. RAID FORMULA II FLYING INSECT KILLER. Active Ingredients: [5-Benzyl-3-furyl]methyl 2,2-dimethyl-3-(2-methylpropenyl)] cyclopropanecarboxylate 0.200%; related compounds 0.027%; d-trans allethrin [allyl homolog of Cinerin I] 0.125%; related compounds 0.009%; aromatic petroleum hydrocarbons 0.265%; aliphatic petroleum distillate 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5130-RE. Johnson Chemical Co., Inc., 225-233 Johnson Ave., Brooklyn NY 11206. KING SPRAY FLY AND MOSQUITO KILLER II. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 0.20%; Piperonyl butoxide technical 0.90%; N-octyl bicycloheptene dicarboximide 0.50%; Petroleum distillate 6.15%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5130-RG. Johnson Chemical Co., Inc., 225-233 Johnson Ave., Brooklyn NY 11206. KING SPRAY ANT AND ROACH KILLER II. Active Ingredients: Pyrethrins 0.050%; Piperonyl Butoxide, Technical 0.100%; N-octyl bicycloheptene dicarboximide 0.167%; 2-(1-methylthoxy) phenol methylcarbamate 0.500%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 635-241. E-Z-Flo Chemical Co., Div. of Kirsto Co., PO Box 808, Lansing MN 48903. E-Z-FLO E-Z-FLO ZINEB. 75W. Active Ingredients: Zineb (zinc ethylene bisdithiocarbamate) 75.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 961-261. Lebanon Chemical Corp., PO Box 180, Lebanon PA 17042. GREENS KEEPER CHINCH BUG CONTROL. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 2.32%; Aromatic petroleum derivative solvent 1.26%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1553-26. Momar Inc., 1839 Ellsworth Industrial Dr., NW, Atlanta, GA 30318. MOMAR BUTOXINE A PYRENONE PRODUCT NEW ODOR CONTROLLED. Active Ingredients: Pyrethrins 0.056%; Technical Piperonyl Butoxide 0.560%; Petroleum Distillate 99.174%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3696-TO. Texize Chemicals Co., Div. of Morton-Norwich Products, Inc., PO Box 368, Greenville SC 29602. TEXIZE NEW 5822 DISINFECTANT CLEANER. Active Ingredients: Sodium xylene sulfonate 10.8%; o-Benzyl-p-chloroprenol 4.5%; Isopropyl alcohol 3.5%; Tetrasodium ethyenediamine tetraacetate 3.0%; p-tert-Amylphenol 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3696-TI. Texize Chemicals Co., Div. of Morton-Norwich Products, Inc. TEXIZE 8255 B BATHROOM CLEANER. Active Ingredients: Isopropyl alcohol 7.0%; Tetrasodium ethylenediamine tetraacetate 0.9%; Sodium o-benzyl-p-chlorophenate 0.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3696-TT. Texize Chemicals Co., Div. of Morton-Norwich Products, Inc. TEXIZE 8255 A BATHROOM CLEANER. Active Ingredients: Isopropyl alcohol 7.0%; Tetrasodium ethylenediamine tetraacetate 0.9%; Sodium 2-chloro-4-phenylphenate 0.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3696-TA. Texize Chemicals Co., Div. of Morton-Norwich Products, Inc. TEXIZE NEW 5825 PINE DISINFECTANT CLEANER. Active Ingredients: Sodium xylene sulfonate 10.8%; o-Benzyl-p-chlorophenol 4.5%; Isopropyl alcohol 3.5%; Tetrasodium ethylenediamine tetraacetate 3.0%; Pine oil 2.5%; p-tert-Amylphenol 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3696-TL. Texize Chemicals Co., Div. of Morton-Norwich Products, Inc. TEXIZE NEW 6194 DISINFECTANT CLEANER. Active Ingredients: Sodium xylene sufonate 10.8%; 0-Phenylphenol 4.0%; Tetrasodium ethylenediamine tetraacetate 3.0%; p-tert-Amylphenol 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2831-GL. Napasco International, Inc., PO Drawer 1219, Thibodaux LA 70301. PINOX 13. Active Ingredients: Isopropanol 9.50%; Pine oil 7.90%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 3.95%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2831-GA. Napasco International, Inc. PINOX 39. Active Ingredients: Isopropanol 28.57%; Pine Oil 23.81%; Alkyl (C14 58%, C16 26%, C12 14%) dimethyl benzyl ammonium chloride 11.90%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2831-GT. Napasco International, Inc. PINOX 6. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3624-59. Nova Products, Inc., PO Box 5086, Kansas City KS 66119. NOVA METHOXYCHLRO 25-WE. Active Ingredients: Methoxychlor, Technical 25%; Heavy Aromtic Naphtha 61%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1969-RRG. Parsons Chemical Works, Inc., PO Box 146, Grand Ledge MI 48837. PARSONS RAT KILLER READY TO USE. Active Ingredients: Warfarin (3-(a-acetonylbenzyl)-4-Hydroxycoumarin) 0.025%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 602-EUA. Ralston Purina Co., 835 S. Eight St., St. Louis MO 63188. PURINA FOOD INDUSTRY INSECTICIDE CONCENTRATE. Active Ingredients: Pyrethrins 1.00%; Piperonyl butoxide, technical 10.00%; Polyoxyethylene sorbitol mixed ether ester 12.50%; Petroleum distillate 76.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9852-GI. Rite-Off Corp., 163 Dupont St., Plainview NY 11803. RITE-OFF PROFESSIONAL GROWERS WHITE FLY SPRAY. Active Ingredients: Tetramethrin 2.50%; Related compounds 0.34%; (5-Benzyl-3-furyl) methyl 2,2-dimethyl - 3 - 2-(2-methylpropenyl) cyclopropanecarboxylate 2.50%; Related compounds 0.46%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1969-I. Sanco Products Co., Div. of Sanitary Supply and Chemical Co., Inc., 1810 Seventh St., Macon GA 31206. SANCO ORGANIC STABILIZER. Active Ingredients: Cyanuric Acid 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1969-O. Sanco Products Co., Div. of Sanitary Supply and Chemical Co., Inc., 1810 Seventh St., Macon GA 31206. SANCO SUPER SOLUBLE ORGANIC CHLORINE CONCENTRATE. Active Ingredients: Sodium dichloro-s-triaalnetrione 99.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6720-EGR. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa FL 33601. DIAZINON INSECTICIDE DUST. Active Ingredients: O,O-diethyl O-(2 - isopropyl - 6 - methyl-4-pyrimidinyl) phosphorothioate 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1685-IN. The State Chemical Manufacturing Co., 3100 Hamilton Ave., Cleveland OH 44114. STATE RMK-308 RODENTICIDE. Active Ingredients: Diphacinone (2 Diphenylacetyl-1,3-Indandione) 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 476-ERAR. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. IMIDAN 12.5-WP GARDEN & HOME INSECTICIDE. Active Ingredients: *N*-(mercaptomethyl) phthalimide *S*-(*0,0*-Dimethyl Phosphorodithioate) 12.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RROR. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66106. DIAZINON W-40. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11687-TN. Transvaal, Inc., PO Box 69, Jacksonville AR 72076. TRANSVAAL FUNGI-RHAP CU-4 LIQUID COPPER FUNGICIDE. Active Ingredients: Copper (Salts of Rosin and Fatty Acids) expressed as metallic 4.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 400-RRT. Uniroyal Chemical, Div. of Uniroyal, Inc., Naugatuck CT 06770. ALAR TECHNICAL AND AGRICULTURAL PLANT GROWTH REGULANT FOR FORMULATING USE. Active Ingredients: Succinic acid 2,2-dimethylhydrazide 99.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 507-RO. Unit Chemical Corp., 4161 Redwood Ave., Los Angeles CA 90066. TIMSEN BLUE DISINFECTANT. Active Ingredients: N-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzyl ammonium chlorides 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 507-EN. Unit Chemical Corp., 4161 Redwood Ave., Los Angeles CA 90066. LIQUID IMPROVED TIMSEN THE ODORLESS SANITIZING SOLUTION. Active Ingredients: N-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzyl ammonium chlorides 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6837-UL. Wilmar, Inc., PO Box 3111, Charlotte NC 28203. KLEER POOL SWIMMING POOL ALGICIDE. Active Ingredients: Alkyl (C14 58%, C16 26%, C12 14%) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6837-UU. Wilmar, Inc., PO Box 3111, Charlotte NC 28203. KLEER POOL 20 CONCENTRATED SWIMMING POOL ALGICIDE. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chride 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-UI. Woodbury Chemical Co. of Homestead, PO Box 4319, Princeton FL 33030. PROMETONE 2-E NON SELECTIVE HERBICIDE. Active Ingredients: 2,4-bis (isopropylamino)-6-methoxy-s-triazine 25.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-UO. Woodbury Chemical Co. of Homestead, PO Box 4319, Princeton FL 33030. BROPENE 4-E EMULSIFIABLE CONCENTRATE. Active Ingredients: 0-(4-bromo-2, 5-Dichlorophenyl) 0,0-dimethyl phosphorothioate 41.90%; Xylene Range-Aromatic Petroleum Hydrocarbon Solvent 50.98%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1270-RIL. Zep Manufacturing Co., 1310 Seaboard Industrial Blvd. NW, Atlanta GA 30301. ZEP SUPER-2. Active Ingredients: Pyrethrins 2.0%; Piperonyl Butoxide 2.5%; N-octyl bicycloheptene dicarboximide 2.5%; Petroleum Distillate 8.0%; Mineral Oil 85.0%. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEMS

The following items represent corrections and/or changes in the list of Applications Received published in the FEDERAL REGISTER of September 9, 1974 (39 FR 32576).

EPA File Symbol 5743-G. Michigan Co., Inc., 400 E. Michigan Ave. Lansing MI 48933. MICHCO INSTANT BOWL CLEANSE. Active Ingredients: Hydrogen Chloride 21.8%; Oxalic Acid 1.2%; * * * Published as Oxalic Acid 12%.

EPA File Symbol 1892-E. Norman Manufacturing Co., SWIM KING ALGAECIDE CONCENTRATE. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethylliminio) ethylene dichloride] 60%. Published as Poly[oxyethylene(dimethyliminio)ethylene dichloride] 50%.

Dated: September 17, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74-22188 Filed 9-24-74;8:45 am]

[FRL 267-8; OPP-180024]

MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE

Issuance of Quarantine and Public Health Exemption To Control White Fringed Beetle Larvae

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), notice is hereby given that the Environmental Protection Agency (EPA) has granted a quarantine and public health exemption to the Mississippi Department of Agriculture and Commerce (hereafter referred to as the "Applicant"). This exemption will allow the use of Abate as a dip treatment in a program to prohibit the interstate dispersal of both chlorinated hydrocarbon-resistant and nonresistant larvae of the white fringed beetle infesting container or balled and burlapped nursery stock which has not been grown in soil treated in accordance with certification and regulatory requirements. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

All interested parties are referred to the application on file in the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Room 347, East Tower, Washington, D.C. 20460. The statements contained in the application are summarized below.

Background. According to the Applicant, the white fringed beetle, *Graphognathus* species, is a serious and destructive pest of many plants and is established in the State of Mississippi. The Mississippi Department of Agriculture and Commerce has established a quarantine to prevent the spread of this insect, which is known to occur in 77 of the 82 counties in Mississippi. Under this State and Federal quarantine, nursery stock is a regulated item. Nursery stock which has not been grown in soil treated in accordance with certification and regulatory requirements must be treated before it can be moved interstate in order to avoid further infestation. There is no Federally-registered pesticide available which is effective on both chlorinated hydrocarbon resistant and nonresistant white fringed beetle larvae. However, the Agricultural Research Service of the United States Department of Agriculture (USDA) has developed a dip or soaking treatment for container or balled and burlapped nursery stock which will kill the aforementioned larvae. This treatment was approved by USDA as a means of certification and involves the use of Abate, a phosphate insecticide (0,0,0,' 0'-Tetramethyl 0,0' - thiodi - p - phenylene phosphorothioate). Abate is currently registered for use as a foliage application to oranges and tangerines and as a larvicide for control of mosquitoes and midges.

Conclusion. In light of the above, the Applicant has been granted a quarantine and public health exemption to use Abate in the State of Mississippi during calendar year 1974 in a program to prohibit the interstate dispersal of both chlorinated hydrocarbon-resistant and nonresistant larvae of the white fringed beetle. Treatment of approximately 500 plants with an Abate dip at a concentration of 4,000 ppm by personnel trained and experienced in the handling and application of pesticides will present a minimal risk of adverse effects on man and the environment. The program will be subject to the conditions stated in the application for this exemption. In addition, efficacy data on the use of Abate for control of white fringed beetle larvae is to be obtained and forwarded to the Special Registration Section, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Washington, D.C. 20460.

It should be noted that if the Administrator, EPA, determines that the Applicant is not complying with the requirements set forth or if such action is necessary to protect man or the environment, the exemption shall be immediately withdrawn.

Dated: September 17, 1974.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-22191 Filed 9-24-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS

Availability for Processing

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on October 30, 1974, the standard broadcast applications listed in the attached Appendix below will be considered as ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on October 29, 1974, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on October 29, 1974. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix below by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: September 17, 1974.

Released: September 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

BML-2517	WMHI, Frederick, Maryland Musical Heights, Inc. Has: 1370 kHz, 500 W, DA-Day (Braddock Heights, Maryland) Req: 1370 kHz, 500 W, DA-Day (Frederick, Maryland)
BP-19544	NEW, Martinsburg, West Virginia Shenandoah Communications, Inc. Req: 740 kHz, 250 W, DA-Day
BP-19614	NEW, Brush, Colorado Claud M. Pettit and Margaret E. Pettit, d/b as Pettit Broadcasting Co. Req: 1010 kHz, 5 kW (1 kW, C.H.), Day

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BP-19645 NEW, Polson, Montana
KEMB Radio, Inc.
Req: 1070 kHz, 1 kW, 25 kW-LS, DA-N, U

BP-19653 NEW, Friona, Texas
Beacon Broadcasting Corporation
Req: 1070 kHz, 250 W, Daytime

BP-19670 NEW, Bozeman, Montana
Northern Sun Corporation
Req: 1090 kHz, 5 kW, DA-N, U

BP-19671 WCIS, Moss Point, Mississippi
Standard Broadcasting, Inc.
Has: 1460 kHz, 1 kW, DA-Day
Req: 1460 kHz, 500 W, Day

BP-19672 NEW, Huron, South Dakota
Dakota Communications, Ltd.
Req: 1190 kHz, 500 W, Day

BP-19673 WVCG, Coral Gables, Florida
Independent Music Broadcasters, Incorporated
Has: 1080 kHz, 500 W, 10 kW-LS, DA-2, U
Req: 1080 kHz, 10 kW, DA-2, U

BP-19690 WVCF, Ocoee, Florida
Has: 1480 kHz, 1kW, Day (Windermere, Florida)
Req: 1480 kHz, 1 kW, Day (Ocoee, Florida)

BP-19691 NEW, Agana, Guam
Far East Broadcasting Company, Inc.
Req: 940 kHz, 10 kW, U

BP-19694 KGFX, Pierre, South Dakota
James River Broadcasting Company
Has: 1060 kHz, 10 kW, DA-Day
Req: 1060 kHz, 1 kW, 10 kW-LS, DA-2, U

BP-19698 NEW, Ellijay, Georgia
Robert P. Schwab, d/b as Gilmer County Broadcasting Co.
Req: 1560 kHz, 250 W, Day

BP-19699 NEW, Alexander City, Alabama
Alexander City Broadcasting, Inc.
Req: 1590 kHz, 1 kW, Day

BP-19722 WCSV, Crossville, Tennessee
WCVS, Inc.
Has: 1520 kHz, 250 W, Day
Req: 1490 kHz, 250 W, 1 kW-LS, U

[FR Doc.74-22252 Filed 9-24-74;8:45 am]

FEDERAL MARITIME COMMISSION

SKYLINE SHIPPING CORP. AND S.S.C. FORWARDING, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763; (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, by October 15, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Edward Schmeltzer, Esq.,
Morgan, Lewis & Bockius,
1140 Connecticut Avenue, NW.,
Washington, D.C. 20036

Agreement No. FF 74-7 between Skyline Shipping Corp. (Skyline) (FMC No. 295) and S.S.C. Forwarding, Inc., a wholly-owned subsidiary of Francesco Parisi, Inc. (FMC-No. 770) provides that among other things, S.S.C. Forwarding, Inc. would acquire Skyline and would continue to operate Skyline under the Skyline name and number. Personnel of Skyline would be retained.

A non-compete clause provides that for a period of four (4) years after the closing, Mr. Sigmund A. Rolat, sole stockholder and seller of Skyline, will not in any manner, directly or indirectly, engage in any phase of the freight forwarding business in the United States.

Dated: September 20, 1964.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-22279 Filed 9-24-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP71-119, RP74-31-22]

PANHANDLE EASTERN PIPE LINE CO.

Petition for Extraordinary Relief

SEPTEMBER 23, 1974.

By order issued November 6, 1973, in Docket No. RP71-119, we accepted and made effective as of November 1, 1973, certain revised tariff sheets tendered by Panhandle Eastern Pipe Line Company (Panhandle). Those revised tariff sheets contain a curtailment plan filed by Panhandle which conformed to the curtailment procedures contained in the Commission's statement of policy, issued in Docket No. R-469, Order No. 467-B.

Numerous petitions for extraordinary relief from this curtailment plan have been filed by Panhandle's customers. The Commission by order issued on December 13, 1973, in Docket Nos. RP74-31-1, et al. set numerous such petitions for formal hearing and assigned the various petitions for extraordinary relief filed thereafter by customers of Panhandle an appropriate docket number in this series.

Take notice that on September 4, 1974, Hercules Incorporated (Hercules) filed a petition for temporary and permanent extraordinary relief from the natural gas curtailments imposed under the presently effective 467-B interim plan which was filed by Panhandle on November 6, 1973. Hercules requests that it be provided by Panhandle with an allocation of 7,530 Mcf per day for feedstock and process use in order to operate the ammonia plant of its Missouri Chemical Works at Louisiana, Missouri. The ammonia produced at the plant is principally used in the production of fertilizer and as an essential component of explosives that are utilized in the mining of coal.

Until November 1973, the aforementioned plant was served directly by Panhandle under a contract providing for delivery of up to 15,000 Mcf per day of which 500 Mcf per day was firm and the balance interruptible. Since the latter date Missouri Edison Company, the local distributor serving Louisiana, Missouri, has been provided with a gas supply by Panhandle to enable it to serve Hercules.[1] Hercules asserts that in the event that Missouri Edison Company is deemed to be an essential party to its petition for extraordinary relief on jurisdictional grounds that the latter company will file a joinder in its petition.

Hercules asserts that its plant at Louisiana, Missouri, has a proven production capacity of 70,000 tons of ammonia per year and that in order to achieve this annual capacity the plant must produce at the daily maximum of 213 tons. The natural gas required for the feedstock and process needs to maintain this production level is the 7,530 Mcf per day requested by Hercules. It contends that there are no alternate fuels available for these purposes. Hercules further indicates that under Panhandle's projected curtailments levels under its presently effective interim plan for the months of November 1974 through April 1975 that it will curtail significantly below the minimum limit of natural gas that it must have to maintain the operation of its plant at its proven production capacity. It therefore requests that Panhandle deliver up to 7,530 Mcf per day and 218,865 Mcf per month to Missouri Edison Company for redelivery to it.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest said petition should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before October 1, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules. This filing which was made with

[1] The basis of the change in Hercules' direct supplier is allegedly founded in the Court of Appeals' decision in Missouri Edison Company v. FPC, 479 F. 2d 1185 (D.C. Cir. 1973).

the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22328 Filed 9-24-74;8:45 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Issuance of Domestic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on June 18, 1974.[1]

The information reviewed at this meeting suggests that real output of goods and services will be about the same in the current quarter as a whole as in the first quarter, but that there has been some improvement as the spring has progressed. The over-all rate of price rise, while very large is not quite so rapid as in the first quarter. In May industrial production increased somewhat for the second consecutive month, and nonfarm employment expanded substantially further. The unemployment rate moved above 5 percent, however, as the civilian labor force rose sharply. Wholesale prices of farm and food products declined substantially further, but increases among industrial commodities again were widespread and extraordinarily large. The advance in wage rates accelerated somewhat further.

In May the depreciation of the dollar against leading foreign currencies was arrested. U.S. international transactions were in approximate balance on the official settlements basis, as bank-reported net outflows of capital apparently abated. The foreign trade deficit narrowed in April, despite a further large rise in the cost of petroleum imports.

Growth in the narrowly defined money stock moderated in May, but apparently it accelerated in early June. Net inflows of consumer-type time deposits at banks slowed in May, and deposit experience at nonbank thrift institutions continued poor. Business credit demands remained large, although the expansion in short-term credit was below the extraordinary pace of April and was less concentrated at banks. In May banks increased their outstanding large-denomination CD's substantially further and continued to borrow in the Euro-dollar market; most recently, however, they have reduced their reliance on these sources of funds. Market interest rates have fluctuated in a narrow range in recent weeks.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to resisting inflationary pressures, supporting a resumption of real economic growth, and achieving equilibrium in the country's balance of payments.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to maintain about the prevailing restrictive money market conditions, provided that the monetary aggregates appear to be growing at rates within the specified ranges of tolerance.

[1] The Record of Policy Actions of the Committee for the meeting of June 18, 1974, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

By order of the Federal Open Market Committee, September 16, 1974.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.74-22261 Filed 9-24-74;8:45 am]

LOCUST GROVE BANSHARES, INC

Order Approving Formation of Bank Holding Company

Locust Grove Banshares, Incorporated, Locust Grove, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent of the voting shares of Bank of Locust Grove, Locust Grove, Oklahoma ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a non-operating company with no subsidiaries, was organized for the purpose of becoming a bank holding company through the acquisition of Bank ($3.1 million in deposits).[1] Bank is the only bank in Locust Grove (population of slightly more than 1,000), located in northeastern Oklahoma, and is the fourth largest of five banks in Mayes County, the relevant banking market. Bank controls approximately 7 percent of the total commercial bank deposits in the market. Upon acquisition of Bank, Applicant would control the 367th ranking bank in Oklahoma, holding .04 percent of the total deposits in commercial banks in the State. Since the purpose of the proposed transaction is to effect a transfer of the ownership of Bank from individuals to corporate ownership with no change in Bank's present management or operation, consummation of the proposal herein would not eliminate existing or potential competition, nor have an adverse effect on other area banks.

A principal of Applicant is also a shareholder, officer, and/or director in two other banks: The Bank of Chelsea, Chelsea, Oklahoma ($5 million in deposits), and First National Bank of Fairlane, Fairlane, Oklahoma ($1 million in deposits). Each of the banks is located over 40 miles distant from Bank and each operates in separate and distinct banking markets from the Mayes County market. From the facts of record, it is the Board's judgment that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those of Bank, are considered to be satisfactory. Accordingly, financial and managerial considerations are consistent with approval of the application. As indicated above, the proposed acquisition represents a change in the form of ownership of Bank, and there are no significant proposed changes in the operation or services of Bank. Considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that the acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] effective September 12, 1974.[3]

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22263 Filed 9-24-74;8:45 am]

[1] All banking data are as of June 30, 1973.

PBC FINANCIAL CORP.

Formation of Bank Holding Company

PBC Financial Corporation, Oklahoma City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 82.4 percent of the voting shares of Farmers & Merchants Bank, Eufaula, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

PBC Financial Corporation, Oklahoma City, Oklahoma, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to continue to engage in the business of lending money on insurance premiums, making personal installment loans, automobile financing and commercial demand lending through PBC Financial Corporation. Notice of the application was published on June 11, 1974 in Daily Oklahoman, a newspaper circulated in Oklahoma County, Oklahoma. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

[2] Voting for this action: Governors Sheehan, Bucher, Holland, and Wallich. Voting against this action: Vice-Chairman Mitchell and Governor Brimmer. (Dissenting statement filed as part of the original document) Absent and not voting: Chairman Burns.

[3] Board action taken while Governor Brimmer was a Board member.

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Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 12, 1974.

Board of Governors of the Federal System, September 12, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22262 Filed 9-24-74;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt and Approval of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on September 5, 1974. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

Requests for clearance of a single-time questionnaire to develop a National Energy Data Workshop Catalogue of Organizations; respondents are the attendees at the State Energy Data Conference; burden is estimated at 30 minutes per response.

FEA requested emergency clearance under 10.9(d) of the GAO regulations because the data is to be collected prior to the conference and compiled for redistribution at the conference on October 30 and 31, 1974. Without emergency clearance, this catalogue could not be compiled in time.

Clearance was provided by GAO on September 13, 1974, under approval number B-181254 (S75004) and expires October 31, 1974.

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc.74-22242 Filed 9-24-74;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on September 6, 1974. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL TRADE COMMISSION

Request for clearance of a single-time questionnaire for an industry-wide inquiry of proprietary and vocational home study schools; potential respondents are non-accredited proprietary vocational schools (a sample of about 800); reporting burden is estimated at 30 minutes for each respondent per response.

NORMAN F. HEYL,
Regulatory Reports, Review Officer

[FR Doc.74-22243 Filed 9-24-74;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following request for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on September 13, 1974. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

CONSUMER PRODUCT SAFETY COMMISSION

Request for clearance of a single-time questionnaire to determine ownership, frequency of use, and exposure of consumer products; potential respondents are all households (sample will include about 1,000); reporting burden is about 30 minutes for each respondent per response.

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc.74-22244 Filed 9-24-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

ELECTRIC FACE EQUIPMENT STANDARD

Applications for Renewal Permits

Applications for renewal permits for noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4291-000, INDIAN HEAD MINING COMPANY, Mine #3,
Mine ID No. 15 02378 0, Engle, Kentucky
ICP Permit No. 4291-003 (Porter End Dump Battery Buggy, I.D. No. B-3),
ICP Permit No. 4291-008 (Joy 14BU8AE Loading Machine, I.D.No. J-2),
ICP Permit No. 4291-011 (Joy 10RU Cutting Machine, I.D.No. M-1),
ICP Permit No. 4291-013 (Joy 10SC Shuttle Car, I.D.No. S-1).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before October 10, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

SEPTEMBER 18, 1974.

[FR Doc.74-22204 Filed 9-24-74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MUSEUM ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Museum Advisory Panel to the National Endowment for the Arts will be held at 9 a.m. on October 2, 1974 in the 14th floor conference room at Columbia Plaza, 2401 E Street, Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation of the Arts and the Humanities.

[FR Doc.74-22199 Filed 9-24-74;8:45 am]

SPECIAL PROJECTS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Special Projects Advisory Panel to the National Council on the Arts will be held at 9:30 a.m. on October 6-7, 1974 in the 14th floor conference room of Columbia Plaza, 2401 E Street, Washington, D.C.

A portion of this meeting will be open to the public on October 6 from 9:30 a.m. to 12:30 p.m. on a space available basis. Accommodations are limited. During the open session Special Projects Program policy will be discussed.

The remaining sessions of this meeting, October 6 (2 p.m.-5 p.m.) and October 7 (9:30 a.m.-5 p.m.) are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4), (5), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74-22198 Filed 9-24-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 20, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529) or from reviewer listed.

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Notice of Application for Federal: Registration for an Intrastate Pesticide Product, Form ____, Single Time, Sheftel (395-3878), Pesticide Firms.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Financial Status and Performance Reports—Follow Through Program, Form OE-376, Semi-annual, Lowry (395-3772), LEA's and SEA's.

DEPARTMENT OF THE INTERIOR

Bureau of Mines: Surface Coal Mine Reclamation and Costs, Form 6-PI 1, Single Time, Weiner (395-4890), Coal Producers with surface coal mines.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration: Vehicle Owners Maintenance Survey, Form ____, Single Time, Strasser (395-3880), SAE Members.

REVISIONS

None.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Survey of Consumers' Consumption of Wine, Form ____, Single Time, Lowry (395-3772), Households.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-22329 Filed 9-24-74;8:45 am]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

ADVISORY BOARD

Notice of Open Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, that an open meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation will be held at the Metropolitan Airport Hotel, Detroit, Michigan on October 1, 1974 at 10:30 a.m.

Agenda items are as follows:

(1) Opening remarks by the Administrator;
(2) Approval of minutes of prior meeting;
(3) Administrative report;
(4) Program reviews;
(5) Closing remarks.

Reservations and further information may be obtained from Mr. Robert Kraft, Special Assistant to the Administrator, Office of the Administrator, Saint Lawrence Seaway Development Corporation, 800 Independence Avenue SW., Washington, D.C. 20590, or by calling 202-426-3574.

Issued: September 13, 1974.

[SEAL] D. W. OBERLIN,
Administrator.

[FR Doc.74-22200 Filed 9-24-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[81-163]

BUFFUMS'

Application and Opportunity for Hearing

SEPTEMBER 18, 1974.

Notice is hereby given, that Buffums' ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the 1934 Act"), that Applicant be granted an exemption from the provisions of section 15(d) of the 1934 Act.

Section 15(d) provides that each issuer who has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to section 13 of the 1934 Act in respect of a security registered pursuant to section 12 of the 1934 Act.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting, and proxy solicitation provisions under sections 12, 13 and 14 of the 1934 Act and to grant exemptions from the insider reporting and trading provisions of section 16 of the 1934 Act, if the Commission finds, by reason of the number of public investors,

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amount of trading interest in the securities, the nature and extent of the activities of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application states, in part:

1. Applicant, a California corporation, operates nine department stores in Southern California.

2. Prior to March 29, 1974, the Applicant had three classes of securities registered pursuant to section 12(g) of the 1934 Act.

3. As a result of a tender offer by David Jones Limited, a corporation incorporated under the laws of New South Wales, Australia, Applicant on March 8, 1974, had fewer than 100 holders of each class of its outstanding securities.

4. As a result of the small remaining number of Applicant's security-holders, Applicant's registration under section 12(g) of the 1934 Act was, by order of the Commission, terminated effective March 29, 1974, pursuant to section 12(g)(4) of the 1934 Act.

5. At the present time the Applicant has fewer than 100 record holders of its Common Stock, 2 record holders of its 5½ percent Convertible Subordinated Debentures due 1976 and 8 record holders of its 6 percent Convertible Subordinated Debentures due 1982.

In the absence of an exemption, Applicant would be subject to the provisions of section 15(d) relating to reports to be filed with the Commission by reason of the fact that the Company had a public offering of its Common Stock in October 1961, a public offering of its 5½ percent Debentures in July 1964, and a public offering of its 6 percent Debentures in January 1968, which offerings were registered and became effective under the Securities Act of 1933.

Applicant argues that there would be no useful purpose served by the necessity of continued reports for the balance of the 1974 fiscal year simply because the Company had over 300 security holders of record on February 1, 1974, the beginning of its fiscal year, whereas after completion of the tender offer there were fewer than 100 record holders of each class of Buffums' securities and consequently there is no trading market for any class of these securities and no likelihood that there will be one in the future.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person not later than October 14, 1974 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advise as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-22227 Filed 9-24-74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Non-Disapproval of Proposed Amendment

Notice is hereby given that on September 18, 1974, the Commission considered and did not disapprove a proposed amendment to the Option Plan of the Chicago Board Options Exchange, Inc. (CBOE) pursuant to Rule 9b-1 (17 CFR 240.9b-1). The CBOE had proposed this amendment to Article I, section 1(1) of the by-laws of the Chicago Options Exchange Clearing Corporation (Corporation) and notice of this proposed change was originally published at 39 FR 30868 on August 26, 1974.

The amendment proposed by the Corporation is a clarification of the definition of the word "Designee" and is designed to make it clear that a person designated by a Clearing Member to serve on the Corporation's Board of Directors Committee is not required to act on behalf of the Clearing Members in its other dealings in the Corporation.

All interested persons are invited to submit their views and comments on the proposed amendment to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54. The proposed amendment including the reasons for such amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 19, 1974.

[FR Doc.74-22224 Filed 9-24-74;8:45 am]

[File No. 81-161]

CUTTER LABORATORIES, INC.

Application and Opportunity for Hearing

SEPTEMBER 18, 1974.

Notice is hereby given, that Cutter Laboratories, Inc. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended ("the 1934 Act"), that Applicant be granted an exemption from the provisions of section 15(d).

Section 15(d) provides that each issuer who has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, shall file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to section 13 of the 1934 Act in respect of a security registered pursuant to section 12 of the 1934 Act.

Section 12(h) of the 1934 Act empowers the Commission to exempt, in whole or in part, any issuer or class of issuers from the registration, periodic reporting or proxy solicitation provisions under sections 12, 13, and 14 and any officer, director or beneficial owner of more than 10 percent of the 12(g) registered equity securities of any issuer from the insider trading provisions of section 16 of the 1934 Act, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, and nature and extent of the activities of the issuer, income or assets of the issuer or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Applicant states, in part:

1. Applicant is a United States Corporation, incorporated under the laws of Delaware.

2. Prior to 1974 the Applicant had two classes of equity securities listed and registered on national stock exchanges pursuant to section 12(b) of the Act.

3. As a result of a merger on February 22, 1974 the Applicant became the wholly-owned subsidiary of Rhinechem Corporation, a subsidiary of Bayer A. G., a West German chemical company.

4. On February 15, 1974 an order was granted delisting the stock from the American Stock Exchange, Inc. and the Pacific Stock Exchange, Inc. filed with the Commission on April 11, 1974 a Form 25 (Notification of the Removal from Listing and Registration of Matured, Redeemed or Retired Securities).

5. At this time the Applicant has only one shareholder, Rhinechem Corporation.

In the absence of an exemption, Applicant would be subject to the provisions of section 15(d) relating to reports to be filed with the Commission by reason of the fact that the company had a public offering of its Class A Common Stock in June of 1971, which offering was registered and became effective under the Securities Act of 1933.

Applicant argues that there would be no useful purpose served by the necessity of continued reports for the balance of the 1974 fiscal year simply for the reason that from January 1, 1974 until February 22, 1974 (the time of the merger), the company had over 300 stockholders of record.

For a more detailed statement of the information presented, all persons are referred to said application which is on

file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given, that any interested person not later than October 14, 1974 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advise as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-22283 Filed 9-24-74;8:45 am]

[812-3674]

THE PUTNAM INCOME FUND, INC. ET AL.

Application for Exemption

SEPTEMBER 20, 1974.

Notice is hereby given, that The Putnam Income Fund, Inc. ("Putnam Income") and The George Putnam Fund of Boston, Putnam Convertible Fund, Inc., Putnam Equities Fund, Inc., The Putnam Growth Fund, Putnam Investors Fund, Inc., Putnam Vista Fund, Inc. and Putnam Voyager Fund, Inc. (collectively "Funds"), open-end management investment companies registered under the Investment Company Act of 1940 ("Act") and Putnam Fund Distributors, Inc. ("PFD") (265 Franklin St., Boston, Mass. 02110) and Putnam Financial Services, Inc. ("PFS") (555 Northgate Drive, San Rafael, Calif. (94903)), principal underwriters for the Funds (hereinafter collectively called "Applicants"), have filed an Application pursuant to section 6(c) of the Act for an order of the Commission exempting from section 22(d) of the Act transactions whereby dividends payable from the investment income of Putnam Income will be reinvested at net asset value in shares of the other Funds. All interested persons are referred to the Application on file with the Commission for a statement of the representations contained therein which are summarized below.

The investment objective of Putnam Income is to seek high current income consistent with what is believed to be prudent risk. Applicants propose to offer to shareholders of Putnam Income the option of having their income dividends automatically reinvested at net asset value (without a sales charge) in shares of any of the other Funds. In order to exercise the option, a shareholder's investment in Putnam Income must have a current public offering value of $10,000 or more or the shareholder must have an established account in the Fund to which the dividend reinvestment is directed. Applicants represent that these requirements are necessary to reduce the likelihood of small new accounts in the other Funds resulting from the exercise of the option. Dividends will be reinvested pursuant to this option at the selected Fund's net asset value determined on Putnam Income's dividend payment date. No sales commissions will be received by PFD or PFS, or any sales representatives on such reinvestments and there will be no service charge. The Funds will not bear any expenses pursuant to the option other than transfer agency costs and the cost of furnishing prospectuses of the Funds into which reinvestment is elected.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a public offering price described in the prospectus.

Applicants state that the proposed reinvestment option is designed to give shareholders of Putnam Income an opportunity to invest their income dividends, at no sales charge, in other Putnam Funds emphasizing capital growth or with other investment objectives while maintaining their initial investment in the only Putnam Fund with income as its only investment objective.

Applicants state that shareholders of Putnam Income could, in effect, accomplish reinvestment in shares of the other Funds by electing to receive income dividends in additional shares of Putnam Income and then exchanging such additional shares for shares of the other Funds pursuant to the Exchange Privilege described in the Funds' current prospectuses.

Putnam Income will notify its shareholders at least annually of the availability of the option. Prospectuses of the Funds into which reinvestment can be made pursuant to the option will be available from dealers or will be sent to shareholders who notify the transfer agent directly of a desire to elect the option. A shareholder will be permitted to cancel the option by written notice to Putnam Income's transfer agent.

Section 6(c) of the Act provides, in pertinent part, that the Commission may conditionally or unconditionally exempt any person or transaction from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, that any interested person may, not later than October 16, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following October 16, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-22225 Filed 9-24-74;8:45 am]

[812-3676]

SHEARSON INCOME FUND, INC. ET AL.

Application for Exemption

SEPTEMBER 20, 1974.

Notice is hereby given that Shearson Income Fund, Inc. ("Income") (14 Wall St., New York, N.Y. (10005)), Shearson Investors Fund, Inc. ("Investors"), The Shearson Appreciation Fund, Inc. ("Appreciation") and Shearson Capital Fund, Inc. ("Capital") (hereinafter collectively called "Funds"), open-end investment companies registered under the Investment Company Act of 1940 ("Act"), have filed an application pursuant to section 6(c) of the Act for an order granting temporary exemption from the provisions of section 15(a) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

The Shearson Hammill Management Company, Inc. ("Management Company") is the investment adviser to each Fund pursuant to contracts presently in effect. Shearson, Hammill & Co., Inc. ("Shearson Hammill") is investment adviser to the Management Company pursuant to sub-advisory agreements, and therefore, is deemed an investment adviser to the Funds. Management Company is a wholly-owned subsidiary of Shearson Hammill.

Funds have been advised that negotiations are presently underway between

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Shearson Hammill and Hayden Stone, Inc. ("Hayden Stone") pursuant to which it is expected that Shearson Hammill will be merged into Hayden Stone. The Funds understand that in the event the proposed merger is consummated, Management Company will become a subsidiary of the surviving corporation in the merger, which will thereafter be known as Shearson, Hayden Stone, Inc. ("Shearson Hayden"). In such event, the management agreements in effect between each of the Funds and Management Company, and the subadvisory agreements between Management Company and Shearson Hammill will, in accordance with provisions in the Contracts required by section 15, terminate, since such agreements will be deemed to have been "assigned" by Shearson Hammill within the meaning of the Act.

The application requests an order of temporary exemption from the requirements of section 15(a) of the Act to permit the Funds to continue to receive investment advice and services from Management Company following the merger, under the same terms as the existing agreements and until new agreements are approved by Funds' shareholders. Applicants request that if an order is issued granting such exemption, such order be made effective from the date of the merger, which is presently expected to take effect on September 25, 1974.

The application states that, based on the terms of the proposed merger and the status of Management Company as a subsidiary of Shearson, Hayden, it is felt that there will be no material effect on Management Company as a result of the merger in respect of its management, policies, autonomy, duties and resources. In addition, it is asserted that no material change adverse to the Funds is expected to result from the assumption by Shearson, Hayden of Shearson Hammill's functions, including the sub-advisory arrangements.

Management Company, Shearson Hammill and Hayden Stone have indicated to the Funds a desire to continue the management and sub-advisory agreements on the terms of the existing contracts. Income and Investors propose to solicit the requisite shareholder approval of new advisory contracts at their regular annual meetings in December, 1974. Appreciation and Capital, whose regular annual meetings are scheduled in June, 1975, propose to solicit such shareholder approval at special meetings to be held in December, 1974. The new agreements are expected to be identical in terms to the existing contracts. Each Fund, in addition, undertakes, if the exemption order is granted, to submit to shareholders at the aforementioned shareholder meetings ratification of the payment of fees to Management Company during the period of exemption.

The application alleges that there are substantial practical difficulties in convening special meetings for all of the Funds prior to the Shearson Hammill-Hayden Stone merger in addition to substantial legal, printing, mailing and administrative costs of such meetings.

Section 15(a) of the Act provides, among other things, that it shall be unlawful for any person to serve or act as an investment adviser of a registered investment company except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered investment company.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, that any interested person may, not later than October 15, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Funds at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–22226 Filed 9–24–74;8:45 am]

[File No. 81–160]

WABASH RAILROAD CO.

Application and Opportunity for Hearing

SEPTEMBER 18, 1974.

Notices hereby given, that the Wabash Railroad Company, an Ohio corporation, (Wabash) and the Norfolk and Western Railway Company (N&W) have made application to the Securities and Exchange Commission seeking a continuation of an exemption under section 12 (h) of the Securities Exchange Act of 1934 (Act) from the requirements of section 14(c) of the Act, for and in connection with any annual or other meeting of the stockholders of Wabash at which the only actions to be taken are the election of directors and/or such other action as does not directly or indirectly affect the interest of the holders of the Preferred Stock of Wabash.

Section 12(h) of the Act permits the Commisison, upon application of an interested person, by order, after notice and opportunity for hearing, to exempt in whole or in part any issuer or class of issuers from section 14 upon such terms and conditions and for such period as it deems appropriate, if the Commission finds, by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such action is not inconsistent with the public interest or the protection of investors.

All of the properties of Wabash are presently operated by N&W as a lessee under a lease dated as of March 1, 1961, which became effective October 16, 1964. The lease provides for an initial eight year term and for additional eight year renewal terms, as often as N&W may in its discretion desire, subject to approval and authorization of the Interstate Commerce Commission. The initial term has been extended for an additional eight years. The rental payable annually by N&W to Wabash under the lease includes an amount sufficient to pay an annual dividend of $4.50 on each outstanding share of Preferred Stock of Wabash. N&W also has the right under the lease to require Wabash to call its Preferred Stock for redemption or offer to exchange Wabash bonds, debentures or notes for such Preferred Stock, and to issue such bonds, debentures or notes as may be necessary to effect said exchange or to provide funds to effect said redemption.

N&W owns 96,298 shares (99.68 percent) of the 598,186 shares of Wabash common stock outstanding. The Board of Directors of Wabash consists of officers of N&W. The officers of Wabash are also officers of N&W and they receive no compensation in their capacity as officers of Wabash.

Balance sheet and income statement information with respect to Wabash, together with other significant data is contained in annual reports filed by Wabash with the Interstate Commerce Commission, copies of which have been filed with the Commission as an exhibit to Wabash's Form 12–K for the year 1973 and for years prior thereto. Each year Wabash also sends to each registered stockholder of Wabash, with the notice of each annual meeting of Wabash, a copy of Wabash's customary financial statements containing balance sheets and income statements and a copy of N&W's annual report to its stockholders.

Wabash presently has outstanding 311,030 shares of 4½ percent Preferred Stock, which shares are registered pursuant to the Act for listing on the New York Stock Exchange. The Preferred Stock is entitled to one vote per share and voting as a class is entitled to elect one out of five directors of the Board. At the present time, there are approximately 900 holders of record of Wabash's Preferred Stock. N&W owns 6,500 shares of the Preferred Stock.

On December 9, 1965 the Commission granted a similar application by Wabash limited to the term of the initial eight year lease, without prejudice to renew the application at the termination of said lease. At that time, 99.51 percent of the common stock and 62.12 percent of the Preferred Stock was owned by the Pennsylvania Company.

Notice is further given, that any interested person may, not later than October 14, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions, as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission. The applicants waive such notice and opportunity for hearing, but only if the Commission finds itself unable to grant the application.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–22229 Filed 9–24–74;8:45 am]

TARIFF COMMISSION

[337–L–76]

CERTAIN COMPONENTS OF AUTOMATIC TOBACCO LEAF GRADERS

Complaint Received

The United States Tariff Commission hereby gives notice of the receipt on August 13, 1974, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by AMF Incorporated, of White Plains, New York, alleging unfair methods of competition and unfair acts in the importation and sale of certain components of automatic tobacco leaf graders by reason of their being combined with other components to embrace the claim(s) in U.S. Patent No. 3,750,882 owned by the complainant. Technical Development Corporation, Schulstrasse 26, 8330 Pfaeffikon ZH, Switzerland; MacTavish Machine Manufacturing Co., 1808 MacTavish Avenue, Richmond, Virginia 23230; and Universal Leaf Tobacco Company, Hamilton and Broad Streets, Richmond, Virginia 23260, have been named as either offering for sale or importing the subject article.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the issues raised in the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, N.W., Washington, D.C., and at the New York office of the Tariff Commission located at 6 World Trade Center.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than October 21, 1974. Extensions of time for submitting information will not be granted unless good and sufficient cause is shown therefor. Such information should be sent to the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

By Order of the Commission.

Issued: September 19, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74–22223 Filed 9–24–74;8:45 am]

[337–L–72]

CERTAIN WHEEL BALANCING WEIGHTS

Dismissal of Preliminary Inquiry

On September 3, 1974, the U.S. Tariff Commission (Commissioner Ablondi dissenting), having determined that there is not good and sufficient reason for the institution of a full investigation, terminated and dismissed preliminary inquiry No. 337–L–72, Certain Wheel Balancing Weights.

The preliminary inquiry was instituted on the basis of a complaint filed with the Commission on March 7, 1974, by Gottwald Industries, Inc., of Akron, Ohio, alleging unfair methods of competition and unfair acts in the importation and/or sale of certain wheel balancing weights in the United States in violation of section 337 of the Tariff Act of 1930.

Notice of the Commission's receipt of complaint and institution of the preliminary inquiry was published in the FEDERAL REGISTER on April 8, 1974 (39 FR 13209). Notice of the public hearing held by the Commission on July 31, 1974, in connection with the preliminary inquiry was published in the FEDERAL REGISTER on July 17, 1974 (39 FR 26206).

By order of the Commission.

Issued: September 20, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74–22222 Filed 9–24–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 20, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 7, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 14702 (Sub-No. E48), filed May 31, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum* (except commodities in bulk, and those requiring special equipment), between points in Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, and points in Connecticut on and north of U.S. Highway 44, on the one hand, and, on the other, points in Ohio on, west, and south of a line beginning at the shore of Lake Erie and extending along Ohio Highway 46 to its intersection with Ohio Highway 88, and thence along Ohio Highway 88 to the Ohio-Pennsylvania State line (except points south and east of a line beginning at the Ohio-Pennsylvania State line and extending along Ohio Highway 39 to its intersection with Interstate Highway 77, and thence along Interstate Highway 77 to the Ohio-West Virginia State line), restricted against the transportation of traffic originating at or destined to points in Canada. The purpose of this filing is to eliminate the gateways of Warren, Ohio, and the plantsite and warehouses of Alcan Aluminum Corporation at Oswego, N.Y.

No. MC 14702 (Sub-No. E49), filed May 30, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James W. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors,*

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machinery and machinery parts (except commodities in bulk and those requiring special equipment), between points in Brooke, Hancock, and Ohio Counties, W. Va., on the one hand, and, on the other, points in New York east of a line extending from the shore of Lake Ontario along New York Highway 18 to Rochester, thence over U.S. Highway 15 from Rochester to Lakeville, thence over U.S. Highway 20A from Lakeville to Leicester, thence over New York Highway 36 to Leicester to Mt. Morris, thence over New York Highway 408 from Mt. Morris to junction with New York Highway 16, near Hinsdale, thence over New York Highway 16 from said junction to Olean, and thence over New York Highway 16A to the New York-Pennsylvania State line and points in Pennsylvania on, east, and north of a line beginning at the New York-Pennsylvania State line and extending along Interstate Highway 81 to its intersection with Pennsylvania Highway 115, thence along Pennsylvania Highway 115 to its intersection with Interstate Highway 80, and thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC 14702 (Sub-No. E50), filed May 31, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery and machinery parts*, (except commodities in bulk and those requiring special equipment), between Brooke and Hancock Counties, W. Va., on the one hand, and, on the other, points in New Jersey on and east of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 46 to junction with U.S. Highway 206, thence along U.S. Highway 206 to junction with Interstate Highway 287, thence along Interstate Highway 287 to the New Jersey-New York State line, including those New Jersey points in Middlesex County, N.J. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC 14702 (Sub-No. E51), filed May 31, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined in *Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467*, between points in Indiana on the one hand, and, on the other, points in Pennsylvania (except points in Greene, Washington, and Fayette Counties), New Jersey, New York, N.Y., Maryland, and those in the Washington, D.C. Commercial Zone as defined by the Commission in 3 M.C.C. 243. The purpose of this filing is to eliminate the gateway of Liberty Township, Trumbull County, Ohio.

No. MC 14702 (Sub-No. E52), filed May 31, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household Goods*, as defined in *Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467*, between points in Massachusetts and points in Connecticut on and north of a line beginning at the New York-Connecticut State line and extending along U.S. Highway 6 to its intersection with Connecticut Highway 34, and thence along Connecticut Highway 34 to the Atlantic Ocean, on the one hand, and, on the other, points in Pennsylvania south and west of a line beginning at the Ohio-Pennsylvania State line and extending along Pennsylvania Highway 358 to its intersection with Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to Pittsburgh, and thence along U.S. Highway 19 to the Pennsylvania-West Virginia State line. The purpose of this filing is to eliminate the gateway of Liberty Township, Trumbull County, Ohio.

No. MC 14702 (Sub-No. E53), filed May 31, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James M. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery and machinery parts*, (except commodities in bulk and those requiring special equipment), (a) between New Castle, Pa., on the one hand, and, on the other, Buffalo, N.Y.; (b) between Erie and Meadville, Pa., on the one hand, and, on the other, New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.; and (c) between Sharon, Wheatland, New Castle, Farrell, West Middlesex, Sharpsville, and Mercer, Pa., on the one hand, and, on the other, Scranton and Wilkes-Barre, Pa., and points in Pennsylvania south and east of a line beginning at the Pennsylvania-New Jersey State line and extending along Interstate Highway 80 to the Pennsylvania Turnpike Extension, thence along the Pennsylvania Turnpike Extension to Philadelphia. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC 14702 (Sub-No. E54), filed May 31, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: James B. Holland (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery, and machinery parts* (except commodities in bulk and those requiring special equipment), between Steubenville, Ohio, on the one hand, and, on the other, points in Indiana on, north, and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 224 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction Indiana Highway 67 at Muncie, thence along Indiana Highway 67 to Indianapolis, thence along Indiana Highway 37 to junction Indiana Highway 66, thence along Indiana Highway 66 south to the Indiana-Kentucky State line near Dexter, Ind. The purpose of this filing is to eliminate the gateway of Warren, Ohio.

No. MC 24999 (Sub-No. E1) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER on September 10, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Road, Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in that part of Illinois in and north of Henderson, Warren, Knox, Peoria, Woodford, Livingston, Ford, and Iroquois Counties. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa. The purpose of this correction is to correct the inadvertent omission from the publication in the FEDERAL REGISTER of September 10, 1974, of the Kansas origin points above.

No. MC 35890 (Sub-No. E11), filed June 3, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 36th St. SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, from points in that part of Illinois on and north of a line beginning at the Illinois-Iowa State line and extending along Illinois Highway 64 to St. Charles, thence along Illinois Highway 31 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line, and Munster, Ind., to points in that part of Delaware, on and north of Delaware Highway 16. The purpose of this filing is to eliminate the gateways of Grand Rapids, Mich., and points in Warren County, Pa.

No. MC 59150 (Sub-No. E20), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Florida. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require specialized handling or rigging, between points in Mississippi, on the one hand, and, on the other, points in that part of Georgia in and south of Clay, Calhoun, Dougherty, Worth, Tift, Berrien, Atkinson, Ware, Pierce, Brantley, and Glynn Counties. The purpose of this filing is to eliminate the gateway of points in Florida.

No. MC 65781 (Sub-No. E1), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzata Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 65781 (Sub-No. E2), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzata Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin on and east of a line beginning at the Wisconsin-Michigan State line and extending along U.S. Highway 45 to Eagle River, thence along Wisconsin Highway 17 to Rhinelander, thence along U.S. Highway 8 to junction with U.S. Highway 51, thence along U.S. Highway 51 to Portage, thence along Wisconsin Highway 33 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 151, thence along U.S. Highway 151 to Madison, thence along U.S. Highway 14 to Evansville, thence along Wisconsin Highway 213 to the Wisconsin-Illinois State line, on the one hand, and, on the other, points in Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line, thence along Interstate Highway 35 to Oklahoma City, thence along U.S. Highway 277 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E3), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzata Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois on and north of Interstate Highway 80, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateway of points in Wisconsin.

No. MC 65781 (Sub-No. E4), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzata Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin on and east of a line beginning at the Michigan-Wisconsin State line and extending along U.S. Highway 45 to Eagle River, thence along Wisconsin Highway 17 to Rhineland, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to Portage, thence along Wisconsin Highway 33 to junction Interstate Highway 90, thence along Interstate Highway 90 to U.S. Highway 151, thence along U.S. Highway 151 to Madison, thence along U.S. Highway 14 to Evansville, thence along Wisconsin Highway 213 to the Wisconsin-Illinois State line, on the one hand, and, on the other, points in Kansas on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 103498 (Sub-No. E1), filed June 4, 1974. Applicant: W. D. SMITH TRUCK LINE, INC., P.O. Box C, DeQueen, Ark. 71832. Applicant's representative: Husley Reynaud (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, (A) from points in Benton County, Ark., to points in Pike, Barbour, Crenshaw, Butler, and Wilcox Counties, Ala., points in Georgia in and south of Richmond, Jefferson, Johnson Trentlen, Wheeler, Dodge, Wilcox, Crisp, Lee, Dougherty, Baker, Miller, and Seminole Counties, points in Louisiana (except those in Moorehouse, West Carroll, East Carroll, and Madison), and points in Mississippi in and south of Adams, Franklin, Lincoln, Lawrence, Jefferson Davis, Covington, Jones, and Wayne Counties; (B) from points in Boone County, Ark., to points in Caddo, Vernon, Bossier, Red River, De Soto, Sabine, Natchitoches, Beauregard, Calcasieu, Cameron, Jefferson Davis, Acadia, Lafayette, Vermilion, Iberia, St. Martin, St. Mary, and Terrebonne Counties, La.; (C) from points in Calhoun County, Ark., to points in Indiana in and north of Vermillion, Parke, Putnam, Morgan, Brown, Bartholomew, Ripley, and Ohio Counties, Ind.; (D) from points in Carroll Counties, Ark., to points in Caddo and Bossier Counties, La., and those points in Louisiana south and west of a line beginning at Shreveport, thence along U.S. Highway 71 to Alexandria, thence along Louisiana Highway 1 to Baton Rouge, thence along U.S. Highway 61 to New Orleans; (E) from points in Clark County, Ark., to points in Iowa; (F) from points in Columbia County, Ark., to points in Indiana, Iowa, and those in Tennessee in and east of Unicoi, Washington, and Sullivan Counties.

(G) From points in Crawford County, Ark., to points in Louisiana, those in Alabama in and south of Pickens, Tuscaloosa, Bibb, Chilton, Coosa, Tallapoosa, and Chambers Counties, those in Georgia in and south of Richmond, Jefferson, Johnson, Tretutlen, Wheeler, Dodge, Wilcox, Crisp, Lee, Daugherty, Baker, Miller, and Seminole Counties, points in Indiana (except those in Gibson, Warrick, Spencer, Vanderburgh, and Posey Counties), those in Kentucky in and east of Jefferson, Spencer, Nelson, Washington, Marion, Taylor, Adair, Cumberland, and Clinton Counties, those in Mississippi in and south of Adam, Franklin, Lincoln, Lawrence, Jefferson Davis, Covington, Jones, and Wayne Counties, and those in Tennessee in and east of Pickett, Penfetress, Cumberland, Bledsoe, and Hamilton Counties; (H) from points in Dallas County, Ark., to points in Illinois in and north of Benton, White, Carroll, Cass, Miami, Grant, Blackford, and Jay Counties; (I) from points in Franklin County, Ark., to points in Indiana north of U.S. Highway 30.

(J) From points in Garland County, Ark., to points in Brooks, Lowndes, Lanier, Clinch, Atkinson, Ware, Pierce, Brantley, Charlton, Camden, and Glen Counties, Ga., and those in Indiana north of Knox, Daviess, Martin, Orange, Crawford, and Harrison Counties; (K) from points in Hempstead County, Ark., to points in Indiana, Georgia (except those in Miller, Mitchell, Baker, Early, Dougherty, Calhoun, Lee, Terrell, Randolph, Clay, Quitman, Stewart, Webster, Sumpter, Schuley, Macon, Chattahoochee, Marion, Taylor, Crawford, Upson, Harris, and Talbot Counties), Illinois in and north of Pike, Greene, Macoupin, Montgomery, Fayette, Clay, Richland, and Lawrence Counties, Kentucky in and east of Bullitt, Hardin, Hart, Barren, and Monroe Counties, and those points in Tennessee in and east of Pickett, Fentress, Cumberland, Bledsoe, and Hamilton Counties; (L) from points in Hot Springs County, Ark., to points in Indiana in and north of Benton, White, Carroll, Cass, Miami, Grant, Blackford, and Jay Counties; (M) from points in Howard County, Ark., to points in Georgia, Indiana, Iowa, Tennessee, Illinois in and north of Pike, Greene, Macoupin, Montgomery, Fayette, Clay, Richland, and Lawrence Counties, Kentucky in and east of Anderson, McClean, Muhlenberg, and Logan Counties, Louisiana in and east of Baton Rouge, St. Helena, Livingston, Ascension, St. John the Baptist, St. James, La Fourche, St. Charles, Tangipahoa, Washington, St. Tammany, Orleans, St. Bernard, and Terrebonne Counties, and those in Itawamba, Alcorn, Teshimingo, and Prentiss Counties, Miss.

(N) From points in Johnson County, Ark., to points in Louisiana south and west of U.S. Highway 71 from Ida to Alexandria to Baton Rouge, U.S. Highway 190 from Baton Rouge to Covington, and U.S. Highway 36 to the Mississippi State line; (O) from points in Lafayette County, Ark., to points in Indiana, Illinois in and north of Madison, Clinton, Jefferson, Hamilton, and White Counties, Kentucky in and east of Bullitt, Hardin, Hart, Barr, and Monroe Counties, and those in Tennessee in and east of Clay, Overton, Putnam, White, Van Buren, Sequatchie, and Hamilton Counties; (P) from points in Little River County, Ark., to points in Georgia, Illinois, Indiana, Iowa, Kentucky, Tennessee, and Mississippi in and north of De Sota, Marshall, Lafayette, Pontotoc, Lee, and Itawamba Counties; (Q) from points in Logan Counties, Ark., to points in Caddo, Bossier, Bienville, Natchitoches, Winn,

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Caddo, La Salle, Catahoula, and Winsalle Parishes, La.; (R) from points in Miller County, Ark., to points in Georgia, Illinois, Iowa, Indiana, Kentucky, and those in Tennessee in and east of Henry, Benton, Perry, and Hardin Counties; (S) from points in Montgomery County, Ark., to points in Indiana, and Henry, Andolausia, Dale, Coffee, Covington, Escambia, Baldwin, Mobile, Greene, and Houston Counties, Ala., points in Georgia in and south of Muskogee, Chattahoochee, Marion, Taylor, Crawford, Peach, Twiggs, Wilkinson, Washington, Glascock, McDuffie, and Columbia Counties, points in Illinois in and north of Will, Kendall, De Kalb, Lee, and Whiteside Counties, points in Iowa north of Iowa Highway 3, Kentucky in and east of Mason, Fleming, Rowan, Morgan, Breathitt, Leslie, and Harlan Counties, and those points in Tennessee in and east of Unicoi, Washington, and Sullivan Counties.

(T) From points in Nevada County, Ark., to points in Iowa, Indiana, Illinois in and north of Mercer, Knox, Peoria, Woodford, McLean, Champaign, and Vermillion Counties, and those in Tennessee in and east of Hancock, Chemblen, Jefferson, and Cocke Counties; (U) from points in Ouchita County, Ark., to points in Iowa and those in Indiana north of U.S. Highway 150; (V) from points in Pike County, Ark., to points in Georgia, Indiana, Iowa, and those in Alabama south of Barbour, Pike, Crenshaw, Butler, Monroe, Clarke, and Choctaw Counties, those in Illinois in and north of Pike, Greene, Macoupin, Montgomery, Fayette, Clay, Richland, and Lawrence Counties, those in Kentucky in and east of Anderson, McLean, Muhlenberg, and Logan Counties, those in Louisiana in and south of Calcasieu, Allen, Arcadia, Lafayette, St. Martin, Iberville, West Baton Rouge, East Baton Rouge, and West Feliciano Counties and those in Tennessee in and east of Macon, Jackson, DeKalb, Warren, Grundy, and Marion Counties; (W) from points in Polk County, Ark., to points in Alabama, Georgia, Indiana, Iowa, Illinois (except those in Alexandria, Pulaski, and Massac Counties), Kentucky in and east of McCracken and Graves Counties, Louisiana in and south of De Soto, Red River, Bienville, Lincoln, and Union Parishes, Mississippi in and south of Monroe, Lowndes, Winston, Leake, Madison, Hinds, and Warren Counties, and those in Tennessee in and east of Montgomery, Dixie, Hickman, Lewis, and Lawrence Counties; (X) from points in Scott County, Ark., to points in Georgia, Indiana, Alabama in and south of Pickens, Tuscaloosa, Jefferson, Shelby, Talladega, Calhoun, and Cleburne Counties, Kentucky in and east of Daviess, Ohio, Butler, Warren, and Allen Counties, and Louisiana on and south of Interstate Highway 20; (Y) from points in Scott County, Ark., to points in Mississippi south of U.S. Highway 80, and those in Tennessee in and east of Clay, Overton, Putnam, White, Van Buren, Sequatchie, and Hamilton Counties.

(Z) From points in Sebastian County, Ark., to points in Louisiana, Mississippi, Georgia in and south of Hart, Madison, Clark, Oconee, Walton, Newton, Jasper, Monroe, Upson, Talbot, and Harris Counties, those in Indiana (except those in Gipson, Warrick, Spencer, Vanlerburg, and Posey Counties), Kentucky in and east of Jefferson, Spencer, Nelson, Washington, Marion, Taylor, Adair, Cumberland, and Clinton Counties, and those in Tennessee in and east of Pickett, Penfetress, Cumberland, Bledsoe, and Hamilton Counties; (AA) from points in Sevier County, Ark., to points in Alabama, Georgia, Illinois, Indiana, Iowa, Kentucky, Mississippi, Tennessee, and those in Louisiana in and south of Sabine, Natchitoches, Winn, Jackson, Ouachita, and Moorehouse Parishes; (BB) from points in Union County, Ark., to points in Indiana north of U.S. Highway 150, and those in Iowa (except those in Louisa, Des Moines, Henry, Lee, Van Buren, Jefferson, Wapello, Davis, and Appanoose Counties); (CC) from points in Washington County, Ark., to points in Alabama in and south of Washington, Clarke, Wilcox, Butler, Crenshaw, Pike, and Barbour Counties, those in Georgia in and south of Richmond, Jefferson, Johnson, Treutlen, Wheeler, Dodge, Wilcox, Crisp, Lee, Dougherty, Baker, Miller, and Seminole Counties, those in Louisiana (except those in Moorehouse, West Carroll, East Carroll, and Madison Parishes), and those in Mississippi in and south of Adam, Franklin, Lincoln, Lawrence, Jefferson Davis, Covington, Jones, and Washington Counties; (DD) from points in Yell County, Ark., to points in Indiana, those in Georgia in and south of Miller, Baker, Dougherty, Lee, Crisp, Wilcox, Dodge, Treutlen, Emanuel, Jenkins, and Screven Counties, and those in Louisiana in and south of Sabine, Natchitoches, Vernon, Evangeline, St. Landry, Iberville, West Baton Rouge, East Baton Rouge, and St. Helena Parishes; (EE) from points in Broken Bow and Wright City, Okla., to points in Indiana. The purpose of this filing is to eliminate the gateways of Dierks, Ark., to points in Indiana; and Broken Bow, Okla., to all other points.

No. MC 106644 (Sub-No. E12), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Rd. NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size and weight, require the use of special equipment; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith, between points in Arkansas, on the one hand, and, on the other, points in Florida and Alabama (except between points in Arkansas on and south of a line from the Arkansas-Texas State line along U.S. Highway 82 to the junction of U.S. Highway 79, thence along U.S. Highway 79 to the junction of U.S. Highway 49, thence along U.S. Highway 49 to the Arkansas-Mississippi State line, on the one hand, and, on the other, points in Alabama south of U.S. Highway 84 and points in Florida north of the northern boundaries of Dixie, Gilchrist, Alachua, Putnam, and Flagler Counties). Restriction: The operations authorized in (2) above are subject to the following conditions: (1) Said operations are restricted to the transportation of commodities which are transported on trailers; and (2) Said operations are restricted against the transportation of pipe, pipeline machinery, equipment, and supplies incidental to and used in connection with the construction, operation, repair, servicing, and dismantling of pipelines and the stringing or picking up thereof. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC 106644 (Sub-No. E13), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Rd. NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of their size and weight, require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith, between points in Georgia, on the one hand, and, on the other, points in Arkansas (except between points in Georgia on, south, and west of a line from the Georgia-Alabama State line along U.S. Highway 80 to the junction of U.S. Highway 341, thence along U.S. Highway 341 to the junction of U.S. Highway 41, thence along U.S. Highway 41 to the Georgia-Florida State line on the one hand, and, on the other, points in Arkansas south of a line from the Arkansas-Louisiana State line along U.S. Highway 79 to the junction of U.S. Highway 49, thence along U.S. Highway 49 to the Arkansas-Mississippi State line). Restriction: The operations authorized in the commodity describe in (2) above are subject to the following conditions: (1) Said commodities are restricted to the transportation of commodities which are transported on trailers; and (2) Said operations are restricted against the transportation of pipe, pipeline machinery, equipment and supplies incidental to and used in connection with the construction, operation, repair, servicing, and dismantling of pipelines and the stringing or picking up thereof. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC 106644 (Sub-No. E14) filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Rd. NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size and weight, require the use of special equipment; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies, moving* in connection therewith between points in Illinois and Indiana on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina. Restriction: The operations authorized under the commodity description in (2) above are subject to the following conditions: (1) Said operations are restricted to the transportation of commodities which are transported on trailers; and (2) Said operations are restricted against the transportation of pipe, pipeline machinery, equipment and supplies incidental to and used in connection with the construction, operation, repair, servicing, and dismantling of pipelines and the stringing or picking up thereof. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC 106644 (Sub-No. E15), filed June 3, 1974. Applicant: SUPERIOR TRUCKING CO., INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size and weight, require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith between points in Kentucky and Ohio, on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina. Restriction: The operations authorized under the commodities in (2) above are subject to the following conditions: (1) Said operations are restricted to the transportation of commodities which are transported on trailers; and (2) Said operations are restricted against the transportation of pipe, pipeline machinery, equipment, and supplies incidental to and used in connection with the construction, operation, repair, servicing, and dismantling of pipelines and the stringing or picking up thereof. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC 106644 (Sub-No. E16), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size and weight, require the use of special equipment; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies, moving* in connection therewith between points in Illinois and Indiana on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina. Restriction: The operations authorized under the commodity description in (2) above are subject to the following conditions: (1) Said operations are restricted to the transportation of commodities which are transported on trailers; and (2) Said operations are restricted against the transportation of pipe, pipeline machinery, equipment and supplies incidental to and used in connection with the construction, operation, repair, servicing, and dismantling of pipelines and the stringing or picking up thereof. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC 106644 (Sub-No. E17), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of size and weight, require the use of special equipment and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith, between points in Missouri and Iowa on the one hand, and, on the other, points in Alabama, Florida, Georgia, Mississippi, North Carolina, and South Carolina. Restriction: The operations authorized under the commodities described in (2) above are subject to the following conditions: Said operations are restricted to the transportation of commodities which are transported on trailers. Said operations are restricted against the transportation of pipe, pipelines machinery, equipment and supplies incidental to and used in connection with the construction, operation, repair, servicing, and dismantling of pipelines and the stringing or picking up thereof. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC 106644 (Sub-No. E19), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* requiring special equipment and handling by reason of size or weight, and *machinery*, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Tennessee on the one hand, and, on the other, points in Maryland, Massachusetts, New Jersey, Pennsylvania, Rhode Island, and Virginia. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC 106644 (Sub-No. E20), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* requiring special equipment and handling by reason of size or weight and machinery; *machinery*, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith between points in Louisiana on the one hand, and, on the other, points in Maryland, Massachusetts, New York, New Jersey, Pennsylvania, Rhode Island, and Virginia. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC 106644 (Sub-No. E21), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* requiring special equipment and handling by reason of size or weight, and *machinery*, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Alabama and Mississippi on the one hand, and, on the other, points in Massachusetts, New Jersey, and Rhode Island. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC 106644 (Sub-No. E22), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* requiring special equipment and handling by reason of size or weight, and *machinery*, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Massachusetts, New Jersey, and Rhode Island. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC 106644 (Sub-No. E24), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Pey-

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ton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* requiring special equipment and handling, by reason of size or weight, and *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith (1) between points in Arkansas and Texas, on the one hand, and, on the other, points in Massachusetts, Rhode Island, New Jersey, Maryland, and Virginia; (2) between points in New York and Pennsylvania on the one hand, and, on the other, points in Texas on and south of a line from the Texas-Louisiana State line along Texas Highway 77 to the junction of U.S. Highway 67, thence along U.S. Highway 67 to the junction of U.S. Highway 271, thence along U.S. Highway 271 to the junction of U.S. Highway 82, thence along U.S. Highway 82 to the junction of U.S. Highway 84, thence along U.S. Highway 84 to the Texas-New Mexico State line; (3) between points in New York on and east of Interstate Highway 81, on the one hand, and, on the other, points in Arkansas; and (4) between points in Pennsylvania, on and east of U.S. Highway 219, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of points in North Carolina and Georgia.

No. MC 106644 (Sub-No. E26), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which, because of their size and weight, require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith, (a) between points in Virginia on and south of a line from Locust Hill along Virginia Highway 33, to the junction of Interstate Highway 64, thence along Interstate Highway 64 to the junction of U.S. Highway 60, thence along U.S. Highway 60 to the Virginia-West Virginia State line, on the one hand, and, on the other, points in Arkansas, Missouri, and Iowa; (b) between points in Virginia on and south of a line from Locust Hill along Virginia Highway 33 to the junction of Interstate Highway 64 to the junction of U.S. Highway 60, thence along U.S. Highway 60 to the Virginia-West Virginia State line (except points on that segment of U.S. Highway 60 from and including Lexington to the Virginia-West Virginia State line), on the one hand, and, on the other, points in Illinois; (c) between points in Virginia on and south of U.S. Highway 58 including points in the Norfolk, Portsmouth, Newport News, and Virginia Beach commercial zones, on the one hand, and, on the other, points in Indiana and points in Ohio south and west of a line from the Ohio-Indiana State line along U.S. Highway 40 to the junction of U.S. Highway 23, thence along U.S. Highway 23 to the Ohio River at Portsmouth, Ohio. Restriction: The operations authorized under the commodity described in (2) above are subject to the following conditions: Said operations are restricted to the transportation of commodities which are transported on trailers. Said operations are restricted against the transportation of pipe, pipeline machinery, equipment and supplies incidental to and used in connection with the construction, operation, repair, servicing, and dismantling of pipelines and the stringing and picking up thereof. The purpose of this filing is to eliminate the gateways of points in North Carolina and Tennessee.

No. MC 106644 (Sub-No. E28), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 W. Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Brooke, Cabell, and Marshall Counties, W. Va., to points in Arkansas on and west of a line from Arkansas-Tennessee State line along U.S. Highway 61 to the junction of Arkansas Highway 14, thence along Arkansas Highway 14 to the junction of Arkansas Highway 5, thence along Arkansas Highway 5 to the Arkansas-Missouri State line, points in Oklahoma and points in Louisiana west of the Mississippi River. Restriction: The operations herein are restricted against the transportation of commodities used in or in connection with the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products. The purpose of this filing is to eliminate the gateways of Anniston, Montgomery, Decatur, Gadsden, Holt, or Birmingham, Ala.

No. MC 106644 (Sub-No. E29), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 W. Peachtree St., NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* requiring special equipment and *structural and reinforcing steel* from points in Brooke and Marshall Counties, W. Va., to points in Florida, points in Louisiana east of the Mississippi River, points in Mississippi, points in South Carolina on and west of Interstate Highway 26, and Chattanooga and Memphis, Tenn. The purpose of this filing is to eliminate the gateways of points in Alabama and Georgia.

No. MC 106644 (Sub-No. E30), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 W. Peachtree St., NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* requiring special equipment and *structural and reinforcing steel* from points in Cabell County, W. Va., to points in Alabama, Florida, Georgia, and Mississippi and points in Louisiana east of the Mississippi River. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., Atlanta or Brunswick, Ga., or points in Chatham County, Ga.

No. MC 107403 (Sub-No. E421), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Maryland within 150 miles of Monongahela, Pa., to points in Minnesota and Nebraska. The purpose of the filing is to eliminate the gateway of Natrium, W. Va., and the plant site of Baird Chemicals Industries, Inc., at or near Mapleton, Ill.

No. MC 107403 (Sub-No. E437), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Good Hope, La., to points in Michigan and Wisconsin. The purpose of this filing is to eliminate the gateway of Millsdale, Ill.

No. MC 107403 (Sub-No. E452), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone*, in bulk, in tank vehicles, from points in Hillsdale, Jackson, Lenawee, Monroe, Washtenaw, Wayne Counties, Michigan, and Defiance, Erie, Fulton, Henry, Lucas, Ottawa, Sandusky, and Williams Counties, Ohio, to points in Alabama, Arkansas, Georgia, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Minnesota, Mississippi, Missouri, North Carolina, South Carolina, Rhode Island, and Tennessee. The purpose of this filing is to eliminate the gateways of points in Sandusky County, Ohio.

No. MC 107403 (Sub-No. E456), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory compounds* (except fly ash and portland or masonry cement), in bulk, in tank vehicles, from points in Liberty Township, Seneca County, Ohio, to points in Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Spring City, Pa.

No. MC 107403 (Sub-No. E458), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid paints, liquid stains and varnishes, liquid paint materials, and liquid plastics*, in bulk, in tank vehicles, from Circleville, Ohio, to points in Alabama, Georgia, North Carolina, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateways of the site of the Stauffer Chemical Corporation plant near Point Pleasant, Mason County, W. Va., and Addison, Ohio.

No. MC 107403 (Sub-No. E460), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Ironton and South Point, Ohio to points in Michigan. The purpose of this filing is to eliminate the gateways of points in Licking County, Ohio and Pt. Pleasant, W. Va.

No. MC 107403 (Sub-No. E462), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry Chemicals* in bulk, in tank vehicles, from the T.B.S. facilities of the Baltimore and Ohio Railroad Company and the Chesapeake and Ohio Railway Company at or near Toledo, Ohio to points in Kentucky. The purpose of this filing is to eliminate the gateways of points in Delaware County, Ohio.

No. MC 107403 (Sub-No. E463), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from T.B.S. facilities of the Baltimore and Ohio Railroad Company and the Chesapeake and Ohio Railway Company at or near Toledo, Ohio, to points in Illinois and Wisconsin. The purpose of this filing is to eliminate the gateway of the plantsite of the B. F. Goodrich Company, in Milan Township (Allen County), Indiana.

No. MC 107403 (Sub-No. E464), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid plasticizers*, in bulk, in tank vehicles, from the plantsite of Allied Chemical Corp., at or near Toledo, Ohio, to points in Iowa and Nebraska. The purpose of this filing is to eliminate the gateways of the plantsites of Baird Chemicals Industries, Inc., located at or near Mapleton, Ill.

No. MC 107403 (Sub-No. E465), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plasticizers*, in bulk, in tank vehicles, from the plantsite of Allied Chemical Corp., at or near Toledo, Ohio, to points in Kansas. The purpose of this filing is to eliminate the gateway of the plantsite of Stephen Chemical Company, at or near Millsdale, Ill.

No. MC 107403 (Sub-No. E470), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical foundry sand additives*, dry, in bulk, in tank vehicles, from Wadsworth, Ohio, to points in Illinois and Michigan. The purpose of this filing is to eliminate the gateway of the plantsite of the B. F. Goodrich Company, in Milan Township (Allen County), Indiana.

No. MC 107403 (Sub-No. E478), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Methanol*, in bulk, in tank vehicles, from Huron, Ohio, to points in Kansas. The purpose of this filing is to eliminate the gateway of the plant site of Stepan Chemical Company, at or near Millsdale, Ill.

No. MC 107403 (Sub-No. E481), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid acetone and phenol*, in bulk, in tank vehicles, from the plantsite of United States Steel Corporation, at or near Haverhill (Scioto County), Ohio, to points in Nebraska. The purpose of this filing is to eliminate the gateways of the plantsites of Baird Industries, Inc., located at or near Mapleton, Ill.

No. MC 107403 (Sub-No. E482), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except oils and greases), in bulk, in tank vehicles, from Dover, Ohio, to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Fort Wayne, Ind.

No. MC 107403 (Sub-No. E487), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial coating*, in bulk, in tank vehicles, from the plantsites and warehouse facilities utilized by PPG Industries, Inc., in Delaware County, Ohio, to points in Kansas. The purpose of this filing is to eliminate the gateway of Millsdale, Ill.

No. MC 107403 (Sub-No. E488), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial coatings*, in bulk, in tank vehicles, from the plantsites and warehouse facilities utilized by PPG Industries, Inc., in Delaware County, Ohio, to points in Nebraska. The purpose of this filing is to eliminate the gateway of Mapleton, Ill.

No. MC 107403 (Sub-No. E510), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonflammable liquid nitro paraffines and derivatives* thereof (except wax, petroleum products, other than those medicinal petroleum products and road oil), in bulk, in tank vehicles, from Sterlington, La., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateway of Greensboro, N.C. and Newark, N.J.

No. MC 107403 (Sub-No. E518), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except benzene, fuel oil, gasoline, and kerosene), in bulk, in tank vehicles, from the plant site of Hooker Chemical Corporation at or near Taft, La., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Greensboro, N.C. and Newark, N.J.

No. MC 107403 (Sub-No. E517), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

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transporting: *Nonflammable liquid chemicals* (except those sold for use as fertilizers, coal tar and coal tar products, liquid wax, petroleum and petroleum products other than medicinal petroleum products and road oil), in bulk, in tank vehicles, from the plantsite of Union Carbide Corporation at or near Taft, La., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateways of Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E522), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural gas odorants* (except liquefied petroleum gases), in bulk, in tank vehicles, from Oak Point, La., to points in Colorado, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of Baton Rouge, La.

No. MC 107403 (Sub-No. E524), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural gas odorants*, in bulk, in tank vehicles, from Oak Point, La., to points in Maine and New Hampshire. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 107403 (Sub-No. E525), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural gas odorants*, in bulk, in tank vehicles, from Oak Point, La., to points in Massachusetts and Vermont. The purpose of this filing is to eliminate the gateway of Elizabeth, N.J.

No. MC 107403 (Sub-No. E532), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solution*, in bulk, in tank vehicles, from the plantsites of National Phosphate Corporation located approximately 4 miles north of Hahnville, La., to points in Kansas. The purpose of this filing is to eliminate the gateway of the plantsites of Allied Chemical Corporation in Baton Rouge, La.

No. MC 110420 (Sub-No. E71), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate* and chocolate coating compounds, in bulk, in tank vehicles, from Chicago, Ill., to Kansas City, Kans. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 110525 (Sub-No. E956), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Philadelphia, Pa., to points in Maine (except points in Aroostook County), New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of points in Aston Township, Pa., New York, N.Y., and Springfield, Mass.

No. MC 110525 (Sub-No. E965), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Dry chemicals* (except derivatives of petroleum or bituminous materials), in bulk, in tank vehicles, from Springfield, Mass., to points in Florida, Louisiana, and Mississippi [Greensboro, N.C.]*; and (B) *Dry chemicals* (except such naval stores as are chemicals, sulphate, and black liquor skimmings), in bulk, in tank vehicles, from Springfield, Mass., to points in Texas [Atlanta, Ga.]*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1012), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200 Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt emulsions, coal tar, and coal tar products*, in bulk, in tank vehicles, from points in Nebraska, (1) to points in Delaware, Maryland, and New Jersey (Cincinnati, Ohio, and Pittsburgh, Pa.)*, and (2) to points in Connecticut, Massachusetts, and Rhode Island (Cincinnati, Ohio, Pittsburgh, Pa., and Newark, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1013), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt emulsions, coal tar, and coal tar products*, in bulk, in tank vehicles, from points in South Dakota, (1) to points in Delaware, Maryland, and New Jersey, (Cincinnati, Ohio, and Pittsburgh, Pa.)*, and (2) to points in Connecticut, Massachusetts, and Rhode Island (Cincinnati, Ohio, Pittsburgh, Pa., and Newark, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1066), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from points in Jefferson and Brazoria Counties, Tex., (1) to points in Alabama, Florida, Georgia, and Tennessee (Baton Rouge, La.)*, (2) to points in Ohio and that part of Kentucky on and east of U.S. Highway 127 (Baton Rouge, La., and Copperhill, Tenn.)*, (3) to points in New York and Pennsylvania (Baton Rouge, La., Copperhill, Tenn., and South Point, Ohio)*, (4) to points in Maine, Massachusetts, Connecticut, Rhode Island, New Hampshire, and Vermont (Baton Rouge, La., Copperhill, Tenn., South Point, Ohio, and Solvay, N.Y.)*, (5) to points in that part of Michigan on and east of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 127 to junction U.S. Highway 27, thence along U.S. Highway 27 to Mackinaw City (Baton Rouge, La., Copperhill, Tenn., and points in Delaware County, Ohio)*, (6) to points in New Jersey, Delaware, and Maryland (Baton Rouge, La., Copperhill, Tenn., and Cincinnati, Ohio)*, and (7) to points in those parts of Virginia and West Virginia on and north of Interstate Highway 64 (Baton Rouge, La., Copperhill, Tenn., and South Point, Ohio)*, restricted in (4) above against the transportation of calcium chloride and against the transportation of shipments originating or destined to points in Canada. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1068), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from points in North Carolina, South Carolina, Virginia, and that part of Georgia on, east, and north of a line beginning at the Tennessee-Georgia State line, thence along U.S. Highway 27 to Rome, thence along Georgia Highway 101 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Georgia-South Carolina State line (points in that part of Tennessee on and east of U.S. Highway 27)*, and (2) to points in that part of Ohio on and east of U.S. Highway 23 (points in that part of Tennessee on and east of U.S. Highway 27 and S. Charleston, W.Va.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E1069), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen solutions* (except bituminous products and materials), in bulk, in tank vehicles, from Luling, La., to points in North Carolina, South Carolina, Virginia, and that part of Tennessee on and east of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 110525 (Sub-No. E1070, filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aqua ammonia, and ammonium nitrate fertilizers*, in bulk, in tank vehicles, from Luling, La., to points in North Carolina, South Carolina, Virginia, and that part of Tennessee on and east of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 110525 (Sub-No. E1071), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aqua ammonia*, in bulk, in tank vehicles, from Avondale, La., to points in South Carolina and Virginia. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC 110525 (Sub-No. E1072), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid and muriatic acid*, in bulk, in tank vehicles, from Fort Worth, Tex., to those ports of entry on the International Boundary line between the United States and Canada located on the Niagara River. The purpose of this filing is to eliminate the gateways of points in West Virginia and Niagara Falls, N.Y.

No. MC 110525 (Sub-No. E1073), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid and muriatic acid*, in bulk, in tank vehicles, from Fort Worth, Tex., (1) to the District of Columbia and points in Delaware, Maryland, New Jersey, Pennsylvania, and New York (Institute, W. Va.)*, (2) to points in Connecticut, Massachusetts, and Rhode Island (Institute, W. Va., and Newark, N.J.)*, (3) to points in Maine, New Hampshire, and Vermont (Institute, W. Va., and Syracuse, N.Y.)*, and (4) to points in Michigan and Ohio (Louisville, Ky.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 111548 (Sub-No. E11), filed June 4, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in the New York, N.Y., Commercial Zone, and points in that part of New Jersey east of U.S. Highway 1 and north of New Jersey Highway 70, to points in that part of Kentucky west and south of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 25E to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S .Highway 150, thence along U.S. Highway 150 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 41A, thence along U.S. Highway 41A to junction Kentucky Highway 109, thence along Kentucky Highway 109 to the Kentucky-Illinois State line, and points in that part of Illinois south of a line beginning at the Kentucky-Illinois State line, thence along Illinois Highway 13 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 3, thence along Illinois Highway 3 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of Hickory, N.C., and points within 25 miles thereof.

No. MC 111548 (Sub-No. E13), filed June 4, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory and technical furniture, fixtures, equipment, materials, and supplies*, uncrated, from points in the New York, N.Y., Commercial Zone, points in New Jersey, Delaware, District of Columbia, points in that part of Maryland on and east of U.S. Highway 1, and points in that part of Pennsylvania on an east of U.S. Highway 1, to points in South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, Oklahoma, Texas, New Mexico, Colorado, Utah, Arizona, Nevada, and California. The purpose of this filing is to eliminate the gateway of Statesville, N.C.

No. MC 113843 (Sub-No. E384), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables*, from Toledo, Ohio, to Burlington, N.J., and points in that part of New Jersey on and north of U.S. Highway 33. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113843 (Sub-No. E439) filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils

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(same as above). Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and berries, and frozen fruit and berry concentrates*, from Baltimore, Md., to points in that part of Texas on and west of a line beginning at the U.S.-Mexico International Boundary line and extending along U.S. Highway 81 to Hillsboro, thence along U.S. Highway 77 to Dallas, thence along U.S. Highway 75 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E482), filed May 9, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from New York, N.Y., to points in that part of New York on and west of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 14 to junction New York Highway 17, thence along New York Highway 17 to junction U.S. Highway 15, thence along U.S. Highway 15 to Rochester and Lake Ontario. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E624), filed May 15, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Michigan to points in that part of New York on, north, and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 14 to junction New York Highway 13, thence along New York Highway 13 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction New York Highway 104, thence along New York Highway 104 to Oswego and Lake Ontario. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E625), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined by the Commission, from Detroit, Mich., to points in those portions of Erie, Chatauqua, and Cattaraugus Counties, N.Y., on and north of a line beginning at Silver Creek at Lake Erie and extending along New York Highway 5 to junction New York Highway 438, thence along New York Highway 438 to Gowanda, thence along U.S. Highway 62 to junction New York Highway 39, thence along New York Highway 39 to the Erie and Wyoming Counties boundary line. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Buffalo, N.Y.

No. MC 113843 (Sub-No. E668), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Michigan to points in Delaware. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. (via Canada).

No. MC 114457 (Sub-No. E3), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved foodstuffs* (except commodities in bulk), from the plant sites and warehouse facilities of Turri's Italian Foods, Inc., at Detroit, Mich., and the plant sites and warehouse facilities of Chef-Pierre, Inc., at Traverse City, Mich., to points in North Dakota, South Dakota, and Montana, restricted to the transportation of traffic originating at the above-named origin points. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E4), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from Kansas City, Mo., to Chicago, Ill. The purpose of this filing is to eliminate the gateway of Madison, Wis.

No. MC 114457 (Sub-No. E5), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), as are frozen foods, from the plant site and storage facilities of Spencer Foods, Inc., at or near Schuyler, Nebr., to points in Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, Maine, Vermont, New Hampshire, that part of New York in and east of St. Lawrence, Jefferson, Lewis, Oneida, Otsego, Delaware, Sullivan, and Orange Counties, that part of Pennsylvania in and east of Wayne, Wyoming, Luzerne, Schuylkill, Lebanon, and Lancaster Counties, that part of Maryland in and east of Baltimore, Howard, Prince Georges, Charles, St. Marys and Somerset Counties, and the District of Columbia, restricted to the transportation of traffic originating at the above-named origin point. The purpose of this filing is to eliminate the gateway of Madelia, Minn.

No. MC 114457 (Sub-No. E6), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except dairy products and meat) as are foodstuffs, from the plant site and warehouse facilities of Chef-Pierre, Inc., at Traverse City, Mich., to points in that part of Nebraska in, north, and west of Burt, Dodge, Saunders, Lancaster, and Gage Counties, restricted to the transportation of traffic originating at the plant sites and warehouse facilities of Turri's Italian Foods, Inc., at Detroit, Mich., and the above-named origin point, and destined to points in Ohio, Pennsylvania, West Virginia, Kentucky, Nebraska, Connecticut, Delaware, Indiana, the Lower Peninsula of Michigan, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia. The purpose of this filing is to eliminate the gateway of the warehouse facilities of Arden Foods Co., at Hopkins, Minn.

No. MC 115162 (Sub-No. E1), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Florida, to points in that part of Mississippi on and north of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of Bellamy, Ala.

No. MC 118959 (Sub-No. E1), (Correction), filed April 25, 1974, published in the FEDERAL REGISTER August 19, 1974. Applicant: JERRY LIPPS, INC., 919 Eighteenth St. NW., Washington, D.C. 20006. Applicant's representative: William P. Jackson, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (C) *Plastic pipe, cement asbestos pipe, fittings, compounds, joint sealer, bonding cement, plastic siding, and materials and supplies* used in the installation of plastic and plastic products, from the plant site of Certain-Teed Products Corporation at Social Circle, Ga., to points in California, Oregon, Washington, Montana, Idaho, Utah, Arizona, Colorado, Wyoming, North

Dakota, South Dakota, Nebraska, Nevada, Kansas, Indiana, Michigan, Ohio, those parts of Oklahoma and New Mexico on, north, and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 169 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Texas-New Mexico State line, that part of Illinois on and north of a line beginning at the Illinois-Indiana State line, thence along Illinois Highway 141 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 13, thence along Illinois Highway 13 to junction Illinois Highway 149, thence along Illinois Highway 149 to junction Illinois Highway 3, thence along Illinois Highway 3 to Chester, thence along Illinois Highway 51 to the Illinois-Missouri State line, and those parts of Massachusetts, Connecticut, New York, Pennsylvania, and West Virginia on, north, and west of a line beginning at the Atlantic Ocean.

Thence along U.S. Highway 6 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction U.S. Highway 209, thence along U.S. Highway 209 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction West Virginia Highway 84, thence along West Virginia Highway 84 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 52, thence along U.S. Highway 52 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of the plant site of Tech-Panel Corporation at or near Springfield, Mo. The purpose of this partial correction is to clarify the route description. The remainder of the letter-notice remains as previously published.

No. MC 118959 (Sub-No. E3) (Correction), filed May 13, 1974, republished in the FEDERAL REGISTER September 10, 1974. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* . . . (3) from the plant sites and facilities of The Mead Corporation at or near Kingsport and Gray, Tenn., to points in Arizona, that part of Alabama on and south of a line beginning at the Alabama-Florida State line, thence along U.S. Highway 331 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction Alabama Highway 56, thence along Alabama Highway 56 to the Alabama-Mississippi State line, that part of Mississippi on and south of a line beginning at the Alabama-Mississippi State line, thence along Mississippi Highway 42 to Harrisburg, thence along U.S. Highway 98 to the Mississippi-Louisiana State line, that part of Louisiana on and south of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 84 to junction Louisiana Highway 6, thence along Louisiana Highway 6 to the Louisiana-Texas State line, that part of Texas on, south, and west of a line beginning at the Louisiana-Texas State line, thence along Texas Highway 21 to junction U.S. Highway 69, thence along U.S. Highway 287 to Corsicana, Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 287, thence along US. Highway 287 to Corsicana, thence along Texas Highway 22 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 36, thence along Texas Highway 36 to Abilene, thence along U.S. Highway 84 to the Texas-New Mexico State line, and that part of New Mexico on, south, and west of U.S. Highway 84 (the plant site and storage facilities utilized by St. Regis Paper Company at or near Cantonment, Fla.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to add to the destination territories. The remainder of the letter-notice remains as previously published.

No. MC 118959 (Sub-No. E36), (Correction), filed May 15, 1974, republished in the FEDERAL REGISTER September 10, 1974. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: . . . (D) *Plastic conduit, plastic siding, and plastic moldings*, from Waco, Tex., to the District of Columbia, and points in Oregon, Washington, Idaho, Montana, Wyoming, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, Pennsylvania, New York, New Jersey, Delaware, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, Maine, that part of Utah on and north of a line beginning at the Nevada-Utah State line, thence along Utah Highway 56 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction Utah Highway 20, thence along Utah Highway 20 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 4, thence along Utah Highway 4 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Utah-Colorado State line, that part of Missouri on and north of a line beginning at the Kansas-Missouri State line, thence along Interstate Highway 70 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Illinois State line, that part of Illinois on and north of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 54 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Illinois-Indiana State line, that part of Indiana on and north of a line beginning at the Illinois-Indiana State line.

Thence along U.S. Highway 36 to Indianapolis, thence along U.S. Highway 40 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Indiana-Ohio State line, that part of Ohio on and north of a line beginning at the Indiana-Ohio State line, that part of Ohio on and north of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 35 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction U.S. Highway Alternate 50, thence along U.S. Highway Alternate 50 to the Ohio-West Virginia State line, that part of West Virginia on and north of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway Alternate 50 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Maryland State line, and those parts of Maryland and Virginia on and north of U.S. Highway 50 (McPherson, Kans.) *. . . The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to clarify the destination territory. The remainder of the letter-notice remains as previously published.

No. MC 119631 (Sub-No. E1), filed May 29, 1974. Applicant: DEIOMA TRUCKING CO., Alliance, Ohio 44601. Applicant's representative: James E. Wilson, 1032 Penn. Bldg., Pennsylvania & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* other than pottery from points in Pennsylvania within 30 miles of East Palestine, Ohio, to points in Pennsylvania, Maryland, New York, New Jersey, Delaware, points in West Virginia on and West of U.S. Highway 220 and on and north of U.S. Highway 50, and points in New Hampshire, Vermont, Maine, Massachusetts, Connecticut, and Rhode Island (East Palestine, Ohio) *. *Brick and tile*, from points in Lawrence County, Pa., to Washington, D.C., and points in Virginia (East Liverpool, Ohio) *. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 119631 (Sub-No. E4), filed May 29, 1974. Applicant: DEIOMA TRUCKING CO., P.O. Box 915, Alliance, Ohio 44601. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products and refractories* from points in Michigan to points in New York, Pennsylvania, New Jersey, Delaware, West Virginia, Maryland, Connecticut, Rhode Island, New Hampshire, Vermont, Maine, Massachusetts,

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Virginia, and Washington, D.C. The purpose of this filing is to eliminate the gateways of Alliance, Ohio, and points within 5 miles thereof, or East Palestine, Ohio, or points in Columbiana County, Ohio, or West Bridgewater, Pa., and East Liverpool, Ohio.

No. MC 119631 (Sub-No. E5), filed May 29, 1974. Applicant: DEIOMA TRUCKING CO., P.O. Box 915, Alliance, Ohio 44601. Applicant's representative: James E. Wilson, 1032 Penn. Bldg., Pennsylvania Ave. & 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products and refractories* from points in Maryland, New York, Pennsylvania, and West Virginia to points in Illinois and Wisconsin (Wellsville, Ohio, and points within 10 miles thereof) *. *Clay products* (other than pottery) and *refractories* from points in Maryland, New York, Pennsylvania, and West Virginia to points in Michigan and Indiana (Alliance, Ohio and points within 5 miles thereof) *. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 119631 (Sub-No. E6), filed May 29, 1974. Applicant: DEIOMA TRUCKING CO., P.O. Box 915, Alliance, Ohio 44601. Applicant's representative: James E. Wilson, Suite 1032 Penn. Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick, clay products, and refractories* from points in Ohio to points in New Hampshire, Vermont, Maine, Massachusetts, Connecticut, and Rhode Island: *Brick, refractories and clay products* (except pottery) from points in Ohio to points in New Jersey and Delaware. The purpose of this filing is to eliminate the gateways of points in Lawrence County, Pa., and Columbiana County, Ohio, and points within 5 miles of East Palestine, Ohio.

No. MC 119689 (Sub-No. E3), filed May 19, 1974. Applicant: PEERLESS TRANSPORT CORP., 275 Smallman St., Pittsburgh, Pa. 15222. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed cheese, raw cheese, pimentos, chemicals, and paper cartons*, (A) between points in Delaware, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Minnesota, Wisconsin, points in that part of Kentucky on and west of a line beginning at the Ohio River and extending along U.S. Highway 62 to junction U.S. Highway 68, thence over U.S. Highway 68 to junction U.S. Highway 27, thence over U.S. Highway 27 to the Kentucky-Tennessee State line, and points in Ohio on, north, and west of a line beginning at the Ohio River and extending along U.S. Highway 62 to Hillsboro, thence over U.S. Highway 50 to junction U.S. Highway 23, thence over U.S. Highway 23 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction U.S. Highway 22, and thence over U.S. Highway 22 to the Ohio River at Steubenville; (B) between points in Maryland, on the one hand, and, on the other, points in Illinois, Michigan, Minnesota, and Wisconsin, points in that part of Indian on, north, and west of a line beginning at the Indiana-Michigan State line and extending along Interstate Highway 69 to junction Indiana Highway 127, thence over Indiana Highway 127 to Angola, thence over U.S. Highway 20 to junction Interstate Highway 69, thence over U.S. Highway 69 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction U.S. Highway 31, thence over U.S. Highway 31 to junction Indiana Highway 25, thence over Indiana Highway 25 to Logansport, and thence over U.S. Highway 24 to the Indiana-Illinois State line, points in that part of Indiana on and south of U.S. Highway 460 between Evansville, and the Indiana-Illinois State line, and points in Kentucky on and west of a line beginning at the Kentucky-Tennessee State line and extending over the Purchase Parkway to junction U.S. Highway 62.

Thence over U.S. Highway 62 to junction U.S. Highway 641, thence over U.S. Highway 641 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction U.S. Highway 41, and thence over U.S. Highway 41 to the Kentucky-Indiana State line; (C) between points in New York, on the one hand, and, on the other, points in Calloway, Carlisle, Christian, Fulton, Graves, Hickman, Marshall, McCracken, and Trigg Counties, Ky., points in Minnesota on and west of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 218 to junction U.S. Highway 14, thence over U.S. Highway 14 to junction Interstate Highway 35, thence over Interstate Highway 35 to Duluth, and points in that part of West Virginia on and south of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 33 to junction U.S. Highway 250, thence over U.S. Highway 250 to junction U.S. Highway 50, thence over U.S. Highway 50 to Parkersburg, thence over Interstate Highway 77 to junction U.S. Highway 119, and thence over Interstate Highway 119 to the West Virginia-Kentucky State line. The purpose of this filing is to eliminate the gateway of Curwensville, Pa.

No. MC 119774 (Sub-No. E62), filed May 30, 1974. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (2) *Earth drilling machinery, and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion on holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Mississippi on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 123407 (Sub-No. E22) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 16, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Spearfish, S. Dak., to points in Ohio, Pennsylvania, and Michigan (except Gogebic, Ontonagon, Iron, Baraga, Houghton, Keweenaw, and Marquette Counties). The purpose of this filing is to eliminate the gateway of points in Wisconsin within the Commercial Zone of Warren, Ill. The purpose of this correction is to reflect the correct "E" number which was previously published as E21.

No. MC 123407 (Sub-No. E99), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and composition board* used as a building material from the plantsite of Johns-Manville Products Corporation at Waukegan, Ill., to points in Houston, Geneva, Baldwin, Mobile, and Escambia Counties, Ala.; Thomas, Grady, Decatur, and Seminole Counties, Ga.; Newton, Jasper, Tyler, Hardin, Liberty, Harris, Waller, Washington, Fayette, Caldwell, Guadalupe, Bexar, Medina, Kinney, and Uvalde Counties, Tex., and points in Florida (except points in Hamilton, Baker, Nassau, Duval, Clay, St. Johns, Flagler, Bradford, Union, Columbia, and Suwannee Counties). The purpose of this filing is to eliminate the gateway of Taylorsville, Miss.

No. MC 123407 (Sub-No. E100), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Composition board and materials and accessories* used in the installation thereof, from points in Henry County, Tenn., to points in that part of Nebraska in and north of Keith, Lincoln, Custer, Sherman, Howard, Nance, Platte, Colfax, Dodge, and Washington Counties and to Dodge Park, Nebr. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 123407 (Sub-No. E101), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass glazing units* used as windows (except commodities the transportation of which because of size or weight require the use of special equipment or special handling), from Mason City, Iowa to points in that part of Illinois south of U.S. Highway 6, restricted to shipments originating at the plant and warehouse sites of Libby-Owens-Ford Company at the above-named origin. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 123407 (Sub-No. E102), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building Materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment) from Dubuque, Iowa to points in North Carolina, Virginia, West Virginia, Tennessee, and Kentucky. The purpose of this filing is to eliminate the gateway of Warren, Ill., and Brookville, Ind.

No. MC 123407 (Sub-No. E103), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* (except commodities in bulk), from the plant and warehouse site of the Abitibi Corporation at Roaring River, N.C., to points in Montana and Teton, Hot Springs, Big Horn, Washakie, Sheridan, Johnson, Campbell, and Crook Counties, Wyo., the purpose of this filing is to eliminate the gateway of Alpena, Mich.

No. MC 123407 (Sub-No. E104), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Freeport, Ill., to points in Minnesota, South Dakota, Nebraska, Kansas, Michigan, Ohio, and Pennsylvania, and points in that part of Indiana south of a line beginning at the Michigan-Indiana Highway 9 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 32, thence along Indiana Highway 32 to the Indiana-Illinois State line. The purpose of this filing is to eliminate the gateway of points in that part of Wisconsin within the Warren, Ill., Commercial Zone.

No. MC 123407 (Sub-No. E105), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, lumber, chemicals and commodities the transportation of which because of size or weight require the use of special equipment), from points in Jo Davies and Stephenson Counties, Ill., to points in that part of Kentucky in and east of Oldham, Shelby, Spencer, Anderson, Washington, Marion, Taylor, Green, Metcalfe, Barren, and Monroe Counties, and that part of Tennessee in and east of Clay, Jackson, Smith, DeKalb, Cannon, Coffee, and Franklin Counties. The purpose of this filing is to eliminate the gateway of Warren, Ill., and Brookville, Ind.

No. MC 123407 (Sub-No. E106), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and flooring* used as a building material from the plantsite of Birmingham Forest Products, Inc., at Cordova, Ala., to points in North Dakota. The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E107), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building Materials*, from Clinton, Iowa to points in Minnesota, South Dakota, Ohio, Pennsylvania, Michigan, and points in that part of Nebraska in and west of Keya, Paka, Holt, Antelope, Madison, Platte, Butler, Lancaster, Saline, and Jefferson Counties and that part of Kansas in and west of Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, and Summer Counties. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E108), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard, pulpboard, and hardboard* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment) from Superior, Wis., to points in South Carolina, Florida, and Georgia (except points in Dade, Catoosa, Whitfield, Towns, Walker, Murray, Fannin, Gilmer, Union, White, Rabun, Habersham, Hall, Lumpkin, Dawson, Pickens, Gordon, Chattooga, Banks, Jackson, Floyd, Bartow, Cherokee, Forsyth, Polk, Paulding, Cobb, Gwinnett, Barrow, De Kalb, Rockdale, Henry, Clayton, Fulton, Douglas, Haralson, Carroll, Heard, Coweta, Fayette, Spalding, Troup, Meriwether, Pike, Lamar, Harris, Talbot, Upson, Taylor, Muscogee, Marion, Schley, Webster, and Stewart Counties). The purpose of this filing is to eliminate the gateways of Brookville, Ind., and the plant and warehouse sites of the Abitibi Corporation at Roaring River, N.C.

No. MC 123407 (Sub-No. E109), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass Glazing units* used as a building material from Mason City, Iowa to Warren, Ill., restricted against the transportation of commodities which, because of size or weight, require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 123407 (Sub-No. E110), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* from Chicago, Ill., to points in Minnesota, South Dakota, Nebraska, Kansas, and Gogebic and Ontonagon Counties, Mich. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E111), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board* from Freeport, Ill., to points in Arkansas, Alabama, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Pennsylvania, Tennessee, Trumbull, Columbiana, Carroll, Jefferson, Harrison, Belmont, Monroe, Washington, Athens, Meigs, Gallia, and Lawrence Counties, Ohio, Greenup, Boyd, Carter, Lawrence, Elliott, Morgan, Johnson, Martin, Pike,

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Floyd, Magoffin, Wolfe, Knott, Breathitt, Perry, Letcher, Lesley, Harlan, Bell, Knox, Clay, Whitley, McCreary, Wayne, Clinton, Cumberland, Monroe, Allen, Simpson, Logan, Todd, Christian, Trigg, Calloway, Warren, Barren, Metcalfe, Adair, Russell, Pulaski, Rockcastle, Jackson, Owslay, Lee, and Laurel Counties, Ky., and Ontonagon, Gogebic, Emmet, Cheboygan, Charleviox, Otsego, Presque Isle, Alpena, Montmorency, Alcona, Oscoda, and Iosco Counties, Mich. The purpose of this filing is to eliminate the gateway of points in that part of Wisconsin within the Dubuque, Iowa commercial zone.

No. MC 123407 (Sub-No. E112), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* (except commodities in bulk) from the plantsite of Johns-Manville Perlite Corporation at Rockdale, Ill., to points in Kansas (except Miami, Linn, Bourbon, Crawford, Cherokee, and Labette Counties) and Oklahoma (except Nowata, Craig, Ottawa, Rogers, Mayes, Delaware, Tulsa, Wagoner, Cherokee, Adair, Okmulgee, Muskogee, Sequoyah, Okfuskee, McIntosh, Haskell, Pittsburg, Latimer, LeFlore, Gushmataha, and McCurtain Counties), restricted to shipments originating at the named plantsites. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 123407 (Sub-No. E113), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furring, studding, lathing, ribbing, and accessories, materials, and supplies* used in the installation of furring, studding, lathing, and ribbing (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment) from Chicago, Ill., to points in Kentucky in and east of Meade, Hardin, Grayson, Butler, Warren, and Simpson, restricted to the transportation of traffic originating at the plantsites and storage facilities of Chicago Metallic Corporation at Chicago, Ill. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. E114), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board*, from International Falls, Minn., to points in that part of Georgia in and south of Harris, Talbot, Marion, Schley, Sumter, Crisp, Turner, Ben Hill, Coffee, Bacon, Pierce, Brantley, and Glynn Counties, and points in Harris, Brazoria, Galveston, and Chambers Counties, Tex. The purpose of this filing is to eliminate the gateway of East Dubuque, Ill., and the plantsites of Georgia-Pacific Corporation at Taylorsville, Miss.

No. MC 123407 (Sub-No. E115), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork (except lumber, iron and steel, and iron and steel articles) from Shreveport, La., to points in Michigan and that part of Minnesota north and east of a line beginning at the Minnesota-Iowa State line, thence along Interstate Highway 35 to its junction with Interstate Highway 494, thence along Interstate Highway 494 to the junction with Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-North Dakota State line, restricted against the transportation of commodities which, because of size or weight require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E119), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Decorating or preservative materials, supplies, and equipment*; (2) *Paint, painting materials, supplies, and equipment* (except commodities in bulk) from the plantsite of Montgomery Ward Paint Factory at Chicago Heights, Ill., to points in Kansas. The purpose of this filing is to eliminate the gateway of points in that part of Wisconsin within the Warren, Ill., commercial zone.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-22287 Filed 9-24-74;8:45 am]

[Ex Parte No. MC-43]

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

SEPTEMBER 18, 1974.

At a session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C. on the 11th day of September, 1974.

It appearing, that a petition has been filed by Ajax Transfer Company, A Corporation (permits MC-119391 sub 1 and four subs) and LTL Perishables, Inc. (certificate MC-135974 sub 14 and 19) and Nel Transfer, Inc. (not authorized by the Commission), under common control, for waiver of paragraphs (a) (3) and (c) of § 1057.4 of the lease and interchange of vehicles regulations (49 CFR Part 1057), concerning equipment leased between petitioners;

It further appearing, that petitioners have a jointly administered program applying the same standards of inspection and maintainence to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation;

It further appearing, that the U.S. Department of Transportation reports both petitioners are now in acceptable compliance with the motor carrier safety regulations;

It is ordered, That waiver of paragraphs (a) (3) and (c) of § 1057.4 be, and, it is hereby granted *Provided*, That the equipment is inspected on the day it is to be leased and found to meet the requirements of the safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control;

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-22288 Filed 9-24-74;8:45 am]

[Notice 15]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 20, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application) to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's revised deviation rules—motor carriers of passengers, 1969 (49 CFR 1042.2(c)(9) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before October 25, 1974.

Successively filed letter-notices of the same carrier under the Commission's revised deviation rules—motor carriers of property, 1969, will be numbered consecurity for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 679), GREYHOUND LINES, INC., Eastern Division, Box 6903, 1400 W. Third Street, Cleveland, Ohio 44101, filed September 5, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (a) From Knoxville, Tenn., over Interstate Highway 81 to junction Interstate Highway 581, thence over Interstate Highway 581 to Roanoke, Va., with the following access routes: (1) From the junction of Interstate Highway 81 and Tennessee Highway 137, over Tennessee Highway 137 to Kingsport, Tenn., (2) From the junction of Interstate Highway 81 and U.S. Highway 11W (east of Bristol, Va.-Tenn.), over U.S. Highway 11W, serving Bristol, Va.-Tenn., to its junction with Interstate Highway 81 (west of Bristol, Va.-Tenn.), (3) From the junction of Interstate Highway 81 and Virginia Highway 895, over Virginia Highway 895 to Bristol, Va., (4) From the junction of Interstate Highway 81 and Virginia Highway 75, over Virginia Highway 75 to Abingdon, Va., (5) From the junction of Interstate Highway 81 and Virginia Highway 762, over Virginia Highway 762 to junction U.S. Highway 11 near Chilhowie, Va., (6) From junction Interstate Highway 81 and Virginia Highway 658, over Virginia Highway 658 to Marion, Va., (7) From junction Interstate Highway 81 and Virginia Highway 669, over Virginia Highway 669 to Marion, Va., (8) From junction of Interstate Highway 81 and Virginia Highway 16, over Virginia Highway 16 to Marion, Va., (9) From junction Interstate Highway 81 and U.S. Highways 21 and 52, over U.S. Highways 21 and 52 to Wytheville, Va., (10) From the junction of Interstate Highway 81 and Virginia Highway 610, over Virginia Highway 610 to Wytheville, Va., (11) From the junction of Interstate Highway 81 and U.S. Highway 11, over U.S. Highway 11 to Pulaski, Va., (12) From the junction of Interstate Highway 81 and Virginia Highway 100, over Virginia Highway 100 to Dublin, Va., (13) From the junction of Interstate Highway 81 and Virginia Highway 8, over Virginia Highway 8 to Christiansburg, Va., (14) From the junction of Interstate Highway 81 and Virginia Highway 635, over Virginia Highway 635 to Salem, Va., and (15) From the junction of Interstate Highway 81 and Virginia Highway 619, over Virginia Highway 619 to Salem, Va., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Knoxville, Tenn., over U.S. Highway 11W to Bristol, Va.-Tenn., thence over U.S. Highway 11 to Roanoke, Va., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-22289 Filed 9-24-74;8:45 am]

[Notice 31]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

SEPTEMBER 20, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application) to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's revised deviation rules—motor carriers of property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before October 25, 1974.

Successively filed letter-notices of the same carrier under the Commission's revised deviation rules—motor carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Deviation No. 42), PACIFIC INTERMOUNTAIN EXPRESS CO., P.O. Box 958, Oakland, Calif. 84604, filed September 11, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From Boise, Idaho, over Interstate Highway 80N to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 93, thence over U.S. Highway 93 to junction U.S. Highway 40 (Interstate Highway 80), thence over U.S. Highway 40 (Interstate Highway 80) to Salt Lake City, Utah, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Boise, Idaho, over U.S. Highway 30 to Burley, Idaho, thence over U.S. Highway 30-S to Brigham City, Utah, thence over U.S. Highway 91 to Salt Lake City, Utah, and return over the same route.

No. MC 48958 (Deviation No. 61), ILLINOIS-CALIFORNIA EXPRESS, INC., P.O. Box 9050, Amarillo, Tex. 79105, filed September 5, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Sacramento, Calif., over Interstate Highway 80 (U.S. Highways 40, 189, and 30) to Cheyenne, Wyo., thence over Interstate Highway 25 (U.S. Highway 85) to Denver, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Sacramento, Calif., over Interstate Highway 5 to Los Angeles, Calif., thence over U.S. Highway 60 to Wickenburg, Ariz., thence over U.S. Highway 89 to Ashfork, Ariz., thence over U.S. Highway 66 to Albuquerque, N. Mex., thence over U.S. Highway 85 to Denver, Colo., and return over the same route.

No. MC 69281 (Deviation No. 9), THE DAVIDSON TRANSFER & STORAGE CO., Towson Plaza, P.O. Box 58, Baltimore, Md. 21203, filed August 30, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of U.S. Highway 13 and U.S. Highway 40 near State Road, Del., over U.S. Highway 13 to junction Interstate Highway 264, thence over Interstate Highway 264 to junction U.S. Highway 17, thence over U.S. Highway 17 to junction U.S. Highway 258, thence over U.S. Highway 258 to junction Virginia Highway 10, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From the junction of U.S. Highway 13 and U.S. Highway 40 near State Road, Del., over U.S. Highway 40 to Baltimore, Md., thence over U.S. Highway 1 to Washington, D.C., thence over Interstate Highway 95 to junction Virginia Highway 10, thence over Virginia Highway 10 to junction U.S. Highway 258 near Smithfield, Va., and return over the same route.

No. MC 71459 (Deviation No. 6), O.N.C. Freight Systems, 2800 W. Bayshore Road, Palo Alto, Calif. 94303, filed September 11, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, within certain exceptions, over a deviation route as follows: From Hedley, Tex., over U.S. Highway 287, to Memphis, Tex., thence over Texas Highway 256 to junction U.S. Highway 83, thence over U.S. Highway 83 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction Farm-to-market Road 1642 and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Amarillo, Tex., over U.S. Highway 287 to Hedley, Tex., thence over Texas Highway 203 to Wellington, Tex., thence over Farm-to-market Road 338 to Dodson, Tex., thence over Farm-to-market Road 1642 to junction U.S. Highway 62, thence over U.S. Highway 62 to Lawton, Okla., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-22290 Filed 9-24-74;8:45 am]

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[Notice 77]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

SEPTEMBER 20, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application) are governed by the new special rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Special notice. The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 124211 (Sub-No. 237) (Republication) filed November 2, 1973, and published in the FEDERAL REGISTER issue of December 20, 1974, and republished this issue. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). An Order of the Commission, Operating Rights Board, dated August 23, 1974, and served September 16, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, (1) of *banking equipment, banking materials, and banking supplies*, except commodities in bulk, from points in Iowa, Kansas, Minnesota, and Wisconsin, to Douglas, Milford, and Waverly, Nebr., and (2) of *plumbing fixtures, equipment, materials and supplies, and accessories* (except chemicals, cast iron pressure pipe, and commodities in bulk), between North Sioux City, S. Dak., on the one hand, and, on the other, points in Colorado (except Denver and points in its commercial zone), Illinois (except Chicago and points in its commercial zone as defined by the Commission), Indiana (except Indianapolis and points in its commercial zone), Iowa (except Burlington, Charlton, Davenport, Des Moines, and Ottumwa and points in their commercial zones), Kansas (except Kansas City and points in its commercial zone), Minnesota (except points on and south of U.S. Highway 12), Missouri (except Kansas City, and St. Louis, and points in their respective commercial zones), Nebraska (except Lincoln and Omaha and points in their commercial zones), North Dakota and Wisconsin (except Milwaukee and points in its commercial zone); that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to amend the territorial, commodity, and route descriptions. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 130209 (Republication), filed August 22, 1973, and published in the FEDERAL REGISTER issue of October 17, 1973, and republished this issue. Applicant: B. J. MARSH, doing business as B. J. MARSH SPORTS, 202 North Street, Nixa, Mo. 65714. Applicant's representative: James K. Prewitt, 110 Landmark Building, Springfield, Mo. 65806. An Order of the Commission, Division 1, dated September 6, 1974, and served September 16, 1974, finds on reconsideration that operation by applicant at Nixa, Mo., as a *broker* in arranging for transportation by motor vehicle, in interstate or foreign commerce, over irregular routes, of *passengers and their baggage*, in round-trip tours beginning and ending at points in Greene and Christian Counties, Mo., and extending to points in the United States (except Alaska and Hawaii), will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to amend the territorial description. Because it is possible that other parties who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a license in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107496 (Sub-No. 303) (Notice of filing of petition for modification of certificate), filed September 9, 1974. Petitioner: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Petitioner's representative: E. Check, P.O. Box 855, Des Moines, Iowa. Petitioner presently holds a motor *common carrier* certificate in No. MC 107496 (Sub-No. 303), issued December 8, 1972, authorizing transportation, as pertinent, over irregular routes, of *Resin plasticizers, and soybean oils* in mixed loads with resin plasticisers, in bulk, in tank vehicles, from the plant site, of Archer Daniels Midland Co., at or near Decatur, Ill., and the plant sites of Ashland Chemical Company, Division of Ashland Oil & Refining Company at or near Mapleton, Ill., to points in Alabama, Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, Utah, West Virginia, Wisconsin, and Wyoming, with no transportation for compensation on return except as otherwise authorized, restricted against the performance of any of the transportation described above from the plant site at Mapleton, to points in Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, Utah, Wisconsin, and Wyoming. By the instant petition, petitioner seeks to delete "in mixed loads with resin plasticizers". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before October 25, 1974.

No. MC 108207 (Sub-No. 366) (Notice of Filing of Petition to add Origin Point), filed August 19, 1974. Petitioner: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, Tex. 75222. Petitioner's representative: J. B. Ham (same address as petitioner). Petitioner presently holds a motor *common carrier* certificate in No. MC 108207 (Sub-No. 366), issued December 21, 1973, authorizing transportation, as pertinent, over irregular routes, of *Foodstuffs*, in containers, from the facilities of Jeno's Inc., at Duluth, Minn., to points in Arizona, Arkansas, California, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, and Texas, with no transportation for compensation on return except as otherwise authorized, restricted to the transportation of shipments originating at the above-named facilities and destined to points in the above-named states. By the instant petition, petitioner seeks to amend the origin point to read "from the plantsites and storage facilities of Jeno's, Inc. at Duluth, Minn. and its Commercial Zone" or, in the alternative, to read "from the plantsites and storage facilities of Jen.'s, Inc. at Duluth, Minn. and at Superior, Wis.". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before October 25, 1974.

No. MC 111397 (Sub-No. 99) (Notice of Filing of Petition to Modify Destination Point), filed September 9, 1974. Petitioner: DAVIS TRANSPORT, INC., 1345 South 4th St., Paducah, Ky. 42001. Petitioner's representative: H. S. Melton, Jr., P.O. Box 1407, Paducah, Ky. 42001.

Petitioner presently holds a motor *common carrier* certificate in No. MC 111397 (Sub-No. 99), issued August 29, 1974, authorizing transportation, as pertinent, over irregular routes, of *Radioactive waste materials*, in shipper-owned containers, on shipper-owned trailers, from Peach Bottom Atomic Power Station, at or near Delta, Pa., Vermont Yankee Nuclear Power Station, at or near Vernon, Vt., Oconee Power Station, at or near Oconee, S.C., and Calvert Cliffs Nuclear Power Station, at or near Lusby, Md., to the storage facilities of Nuclear Engineering Company in Rowan County, Ky., with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks to modify the destination point to read "to the storage facilities of Nuclear Engineering Company, at or near Maxey Flats, Ky.". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before October 25, 1974.

No. MC 114718 (Sub-No. 11) (Notice of Filing of Petition to Modify Commodity Description), filed August 15, 1974. Petitioner: OHIO VALLEY MOTOR FREIGHT, INC., Moore's Junction, P.O. Box 525, Marietta, Ohio 45750. Petitioner's representative: John L. Alden, P.O. Box 5241, Columbus, Ohio 43212. Petitioner presently holds a motor *common carrier* certificate in No. MC 114718 (Sub-No. 11), issued December 17, 1965, authorizing transportation, as pertinent, over irregular routes, of *Ferro chrome*, in bulk, in dump vehicles, (1) from Baltimore, Md., and Newport News, Va., to points in Michigan, Ohio, Pennsylvania, and West Virginia, with no transportation for compensation on return except as otherwise authorized and (2) from Philadelphia, Pa., to points in Michigan, Ohio (except points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties), Pennsylvania, and West Virginia, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks to modify the commodity description to read *"Ferro alloys and ores*, in bulk, in dump vehicles". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before October 25, 1974.

No. MC 126079 (Sub-Nos. 1 and 3) (Notice of Filing of Petition for Modification or Permits), filed September 3, 1974. Petitioner: STOUT CORPORATION, P.O. Box 186, Provo, Utah, 84601. Petitioner's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Petitioner presently holds a motor *contract carrier* permit in No. MC 126079 (Sub-Nos. 1 and 3) issued October 13, 1965, and March 4, 1968, respectively, authorizing transportation, as pertinent, over irregular routes, in Sub-No. 1 of (1) *Fabricated sections of steel storage tanks and field equipment* used in the erection thereof, from Provo, Utah, to points in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Washington, and Wyoming, with no transportation for compensation on return except as otherwise authorized and (2) *tools, equipment, and surplus materials and supplies* used in the erection of steel storage tanks, between points in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Utah, Washington, and Wyoming, restricted against shipments originating at or destined to oilfield and gas well locations, under a continuing contract, or contracts with the Pittsburgh-Des Moines Steel Company, of Pittsburgh, Pa., and in Sub-No. 3 of (1) *fabricated sections of steel storage tanks, and field equipment* used in the erection thereof, from Provo, Utah, to points in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Washington, and Wyoming, with no transportation for compensation on return except as otherwise authorized and (2) *tools, equipment and surplus materials and supplies* used in the erection of steel storage tanks, between points in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Utah, Washington, and Wyoming, restricted against shipments originating at or destined to oilfield and gas well locations, under a continuing contract, or contracts with the Plats and Welding Division of General American Transportation Company. By the instant petition, petitioner seeks to modify its Sub-Nos. 1 and 3 permits to read: *"Fabricated sections of steel storage tanks structural and plate steel, and field equipment and supplies* used in the erection thereof, between points in Arizona, California, Colorado, Idaho, New Mexico, Nevada, Montana, Oregon, Utah, Washington and Wyoming. All restrictions will remain the same and petitioner will serve two contracting shippers. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before October 25, 1974.

No. MC 133798 (Sub-No. 7) (Notice of Filing of Petition to Remove a Plantsite Restriction), filed September 3, 1974. Petitioner: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Petitioner's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Petitioner presently holds a motor *common carrier* certificate in No. MC 133798 (Sub-No. 7), issued October 2, 1973, authorizing transportation, as pertinent, over irregular routes, of (1) *Plastic and plastic pipe* (except commodities in bulk, commodities which because of size or weight require the use of special equipment, and oilfield commodities as described in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459), from the facilities of Flintkote Company at Los Angeles, Calif., to Kansas City, Mo., and to points in that part of the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the United States-Canada Boundary line, with no transportation for compensation on return except as otherwise authorized and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), from points in that part of the United States on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the United States-Canada Boundary line, except from Kansas City, Mo., to the facilities of the Flintkote Company at Los Angeles, Calif., with no transportation for compensation on return except as otherwise authorized, restricted such that the authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary, in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act. By the instant petition, petitioner seeks (a) to delete "from the facilities of Flintkote Company at" in part (1) above and (b) to delete "to the facilities of the Flinkkote Company at" in part (2) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before October 25, 1974.

No. MC 139089 (Notice of Filing of Petition for Modification of Permit), filed September 5, 1974. Petitioner: FREEPORT TRANSPORT, INCORPORATED, P.O. Box 1275, Freeport Center, Clearfield, Utah 84016. Petitioner's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Petitioner presently holds a motor *contract carrier* permit in No. MC 139089, issued May 6, 1974, authorizing transportation, as pertinent, over irregular routes, of *Salvage rail track, salvage switches, salvage plates, salvage ties, salvage spikes, and related salvage materials*, (a) between points in Alabama, Arkansas, Louisiana, Mississippi, Connecticut, Massachusetts, Rhode Island, Delaware, Maryland, Virginia, West Virginia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Tennessee, Maine, New Hampshire, Vermont, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Wisconsin, and the District of Columbia, (b) between points in Alabama, Arkan-

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sas, Louisiana, Mississippi, Connecticut, Massachusetts, Rhode Island, Delaware, Maryland, Virgina, West Virginia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Tennessee, Maine, New Hampshire, Vermont, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Texas, Wisconsin, and the District of Columbia, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Oregon, Washington, and Wyoming and (c) between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Oregon, Washington, and Wyoming, under a continuing contract, or contracts, with A & K Railroad Materials, Inc., of Clearfield, Utah. By the instant petition, petitioner seeks modification of the permit so that the commodity description and territorial description would read *"New and salvage construction materials and building materials and equipment and machinery* used in the installation or removal thereof, between points in the United States (except Alaska and Hawaii)". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before October 25, 1974.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 2153 (Sub-No. 45), filed August 27, 1974. Applicant: MIDWEST MOTOR EXPRESS, INC., 5015 East Main, Bismarck, N. Dak. 58501. Applicant's representative: Ernest R. Fleck, Box 1436, Bismarck, N. Dak. 58501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: Regular routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Minot, N. Dak., and Portal, N. Dak., serving all intermediate points: From Minot over U.S. Highway 52 to Portal, and return over the same route. Between Minot, N. Dak., and Sherwood, N. Dak., serving the intermediate point of Mohall, N. Dak.; and the off-route points of Lansford, and Loraine, N. Dak.: From Minot over U.S. Highway 83 to junction North Dakota Highway 5, thence over North Dakota Highway 5 to junction North Dakota Highway 28, thence over North Dakota Highway 28 to Sherwood, and return over the same route. Between South St. Paul, Minn., and Bottineau, N. Dak., serving the intermediate point of Duluth, Minn., restricted to pickup of such merchandise as is dealt in by wholesale and retail hardware business houses; the intermediate points of St. Paul, Minn., and those between Petersburg and Bottineau, N. Dak., inclusive; and the off-route points of Minneapolis, Minn., and Rolette, Munich, Alsen, Lakota, Hampden, Langdon, Walhalla, Cavalier, Southam, Mylo, Perth, Rugby, and Edmore, N. Dak., as follows: From South St. Paul over city streets to St. Paul, Minn., thence over U.S. Highway 10 to Detroit Lakes, Minn., thence over U.S. Highway 59 to Erskine, Minn., thence over U.S. Highway 2 to Devils Lake, N. Dak., thence over North Dakota Highway 20 to Starkweather, N. Dak., thence over North Dakota Highway 17 to Cando, N. Dak., thence over U.S. Highway 281 to junction North Dakota Highway 5, thence over North Dakota Highway 5 to Bottineau and return over the same route.

From South St. Paul over city streets to St. Paul, Minn., thence over U.S. Highway 61 to Duluth, Minn., thence over U.S. Highway 2 to Erskine, Minn., thence as specified above to Bottineau, and return over the same route. Between Detroit Lakes, Minn., and Crookston, Minn., serving no intermediate points: From Detroit Lakes over U.S. Highway 59 to junction U.S. Highway 2, thence over U.S. Highway 2 to Crookston, and return over the same route. *General commodities* (except those of unusual value, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, other than those requiring special handling because of weight or size, and commodities injurious or contaminating to other lading). Between Fargo, N. Dak., and Pembina, N. Dak., serving all intermediate points; and the off-route points of Buxton, Reynolds, Thompson, Cavalier, Bathgate, McVille, Northwood, Finley, Page, Erie, Galesburg, Cooperstown, and West Fargo, N. Dak., restricted to traffic moving in interstate commerce only, and serving Fargo, N. Dak. for the purpose of joinder only: From Fargo over U.S. Highway 81 to Hamilton, N. Dak., thence over North Dakota Highway 5 to junction North Dakota Highway 18, thence over North Dakota Highway 18 to junction unnumbered highway (formerly North Dakota Highway 55), thence over unnumbered highway to Pembina, and return over the same route. *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). Between Rolla, N. Dak., and the United States-Canada Boundary line serving the intermediate point of St. John, N. Dak.: From Rolla over North Dakota Highway 30 to the United States-Canada Boundary line, and return over the same route.

Regular routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Minot, N. Dak., and Devils Lake, N. Dak., serving the intermediate points of Berwick, Churchs Ferry, Denbigh, Granville, Knox, Leeds, Penn, Surrey, Towner, and York, N. Dak.; and the off-route points of Norwich, Pleasant Lake, Rugby, Sweetwater, and Webster, N. Dak.: From Minot over U.S. Highway 2 to Devils Lake, and return over the same route. *Petroleum products* in containers, from Duluth, Minn., to Fargo, N. Dak., serving no intermediate points: From Duluth over U.S. Highway 61 to junction U.S. Highway 210, thence over U.S. Highway 210 to Motley, Minn., thence over U.S. Highway 10 to Fargo, and return over the same route with no transportation for compensation except as otherwise authorized. From Duluth, Minn., to Grand Forks, N. Dak., serving no intermediate points: From Duluth over U.S. Highway 2 to Grand Forks, and return over the same route with no transportation for compensation except as otherwise authorized. Irregular routes: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points in that part of North Dakota bounded by a line beginning at Minot, N. Dak., and extending north along U.S. Highway 83 to the United States-Canada Boundary line, thence east along said boundary to junction North Dakota Highway 1, thence south along North Dakota Highway 1 to Lakota, N. Dak., and thence west along U.S. Highway 2 to point of beginning, including points on the indicated portions of the highways specified, on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, and Stillwater, Minn.

Irregular routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) between points in Minnesota within 35 miles of Breckenridge, Minn., including Breckenridge, Minn., on the one hand, and, on the other, points in Benson, Bottineau, Burke, Cavalier, Divide, Grand Forks, McHenry, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, Walsh, Ward, and Williams Counties in North Dakota. Between points in Benson, Bottineau, Burke, Cavalier, Divide, Grand Forks, McHenry, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, Walsh, Ward, and Williams Counties in North Dakota. Regular routes: (This is alternate to a

route in Sub-No. 66). *General commodities* (except those of unusual value, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment other than those requiring special handling because of weight or size, and those injurious or contaminating to other lading), Between Hamilton, N. Dak., and Pembina, N. Dak., as an alternate route for operating convenience only, in connection with carrier's regular route operations between Fargo, N. Dak., and the United States-Canada Boundary line, serving no intermediate points.

From Hamilton over U.S. Highway 81 to Pembina, and return over the same route.

NOTE.—Applicant states it intends to tack the requested authority (1) at Minot, Devils Lake, and Grand Forks, N. Dak., to provide service between points in Dunn, Stark, McGrant, McHenry, Sheridan, Wells, Burleigh, Kidder, Emmons, Logan, McIntosh, Stutsman, Benson, Bottineau, Burke, Cavalier, Divide, Grand Forks, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, Walsh, and Williams Counties, N. Dak.; and (2) at Minot and Devils Lake, N. Dak., to provide service between points in Dunn, Stark, Hettinger, Ward, McLean, Mercer, Oliver, Morton, Grant, McHenry, Sheridan, Wells, Burleigh, Kidder, Emmons, Logan, McIntosh, and Stutsman Counties, N. Dak., on the one hand, and, on the other, Minneapolis, St. Paul, South St. Paul, and Stillwater, Minn. This application is a matter directly related to the Section 5 proceeding in MC-F-12300 published in the FEDERAL REGISTER, issue of September 11, 1974. The purpose of this application is to purchase a portion of the operating rights of United-Buckingham Freight Lines, Inc. in MC 103435 in several subs. If a hearing is deemed necessary, applicant requests it be held at (1) Bismarck, N. Dak.; (2) Fargo, N. Dak.; or (3) Minneapolis, Minn.

No. MC 97841 (Sub-No. 20), filed July 30, 1974. Applicant: GENERAL HIGHWAY EXPRESS, INC., P.O. Box 727, Sidney, Ohio 45365. Applicant's representative: Paul F. Beery, 88 East Broad Street, Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular or regular and irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, commodities in bulk, and commodities requiring special equipment), (1) Between Cleveland, Ohio, and Cincinnati, Ohio: From Cleveland south over Interstate Highway 71 to Cincinnati, Ohio, and return over the same route. (2) Between Lancaster, Ohio, and Toledo, Ohio: From Lancaster northeast over U.S. Highway 33 to U.S. Highway 23, thence northwest on U.S. Highway 23 to Ohio Highway 420, thence north on Ohio Highway 420 to Interstate Highway 280, thence north on Interstate Highway 280 to Toledo, Ohio, and return over the same route. (3) Between Lancaster, Ohio, and Cleveland, Ohio: From Lancaster north on Ohio Highway 37 to Ohio Highway 661, thence north over Ohio Highway 661 to Ohio Highway 13, thence north over Ohio Highway 13 to Interstate Highway 71, thence northeast over Interstate Highway 71 to Cleveland, Ohio and return over the same route. (4) Between Coshocton, Ohio, and Toledo, Ohio: From Coshocton north over Ohio Highway 83 to U.S. Highway 30, thence west over U.S. Highway 30 to U.S. Highway 250, thence north over U.S. Highway 250 to U.S. Highway 20, thence west over U.S. Highway 20 to Todelo, Ohio, and return over the same route.

(5) Between Sidney, Ohio, and Coshocton, Ohio: From Coshocton west over U.S. Highway 36 to U.S. Highway 23, thence northwest over U.S. Highway 33 to Ohio Highway 47, thence west over Highway 47 to Sidney, Ohio, and return over the same route. (6) Between Coshocton, Ohio, and Cleveland, Ohio: From Cleveland south over Interstate Highway 77 to U.S. Highway 36, thence west over U.S. Highway 36 to Coshocton, Ohio, and also from Cleveland south over U.S. Highway 21 to Interstate Highway 77 at Strasburg, thence south over Interstate Highway 77 to Ohio Highway 36, thence west over Ohio Highway 36 to Coshocton, Ohio, and return over the same route. (7) Between Cincinnati, Ohio, and Tiffin, Ohio: From Cincinnati north over U.S. Highway 42 to U.S. Highway 68, thence north over U.S. Highway 68 to Ohio Highway 53, thence northeast over Ohio Highway 53 to Tiffin, Ohio and return over the same route. (8) Between Toledo, Ohio, and Cincinnati, Ohio: From Toledo south over Interstate Highway 75 to Cincinnati and return over the same route. (9) Between Toledo, Ohio, and Cleveland, Ohio: From Toledo east over Ohio Highway 2 to Cleveland, also from Toledo south over Interstate Highway 280 to Interstate Highway 80, thence east over Interstate Highway 80 to Interstate Highway 71, thence north over Interstate Highway 71 to Cleveland and return over the same route. (10) Between Lancaster, Ohio, and Coshocton, Ohio: From Lancaster north over Ohio Highway 37 to Ohio Highway 16, thence northeast over Ohio Highway 16 to Coshocton, Ohio, and return over the same route. (11) Between Tiffin, Ohio, and Sidney, Ohio: From Tiffin west over Ohio Highway 18 to U.S. Highway 224, thence west over U.S. Highway 224 to Interstate Highway 75, thence south over Interstate Highway 75 to Sidney, Ohio, and return over the same route.

(12) Between Tiffin, Ohio, and Cleveland, Ohio: From Tiffin northeast over Ohio Highway 18 to U.S. Highway 20, thence east over U.S. Highway 20 to Cleveland, Ohio, and return over the same route. (13) Between Coshocton, Ohio, and Cincinnati, Ohio: From Coshocton southwest over Ohio Highway 16 to Interstate Highway 270, thence west over Interstate Highway 270 to Interstate Highway 71, thence south over Interstate Highway 71 to Cincinnati, Ohio, and return over the same route. (14) Between Shelby, Ohio, and Dayton, Ohio: From Shelby west over Ohio Highway 96 to Ohio Highway 98, thence south over Ohio Highway 98 to Ohio Highway 4, thence southwest over Ohio Highway 4 to Dayton, Ohio, and return over the same route. (15) Between Shelby, Ohio, and Youngstown, Ohio: From Shelby east over Ohio Highway 96 to U.S. Highway 250, thence east over U.S. Highway 250 to Interstate Highway 71, thence north over Interstate Highway 71 to Interstate Highway 76, thence east over Interstate Highway 76 to Ohio Highway 7, thence north over Ohio Highway 7 to Youngstown, Ohio, and return over the same route. (16) Between Shelby, Ohio, and Mansfield, Ohio: From Shelby southeast over Ohio Highway 39 to Mansfield, Ohio, and return over the same route. (17) Between Shelby, Ohio, and Cleveland, Ohio: From Shelby north over Ohio Highway 61 to U.S. Highway 224, thence east over U.S. Highway 224 to Ohio Highway 58, thence north over Ohio Highway 58 to U.S. Highway 20, thence east over U.S. Highway 20 to U.S. Highway 10, thence east over U.S. Highway 10 to Cleveland and return over the same route.

(18) Between Shelby, Ohio, and East Liverpool, Ohio: From Shelby southeast over Ohio Highway 39 to U.S. Highway 30, thence east over U.S. Highway 30 to Ohio Highway 11, thence south over Ohio Highway 11 to East Liverpool, Ohio; also from Shelby southeast over Ohio Highway 39 to U.S. Highway 30, thence east over U.S. Highway 30 to Ohio Highway 7, thence south over Ohio Highway 7 to East Liverpool, Ohio, and return over the same route. (19) Between Shelby, Ohio, and Columbus, Ohio: From Shelby southwest over Ohio Highway 61 to Interstate Highway 71, thence south over Interstate Highway 71 to Columbus, Ohio, and return over the same route. (20) Between Shelby, Ohio, and West Richfield, Ohio: From Shelby east over Ohio Highway 96 to U.S. Highway 250, thence southeast over U.S. Highway 250 to Interstate Highway 71, thence north over Interstate Highway 71 to Interstate Highway 271, thence northeast over Interstate Highway 271 to Ohio Highway 303, thence west on Ohio Highway 303 to West Richfield, Ohio, and return over the same route. (21) Between Shelby, Ohio, and Zanesville, Ohio: From Shelby south over Ohio Highway 39 to Ohio Highway 13, thence south over Ohio Highway 13 to Ohio Highway 586, thence southeast over Ohio Highway 586 to Ohio Highway 146, thence southeast over Ohio Highway 146 to Zanesville, Ohio, and return over the same route. (22) Between Shelby, Ohio, and Toledo, Ohio: From Shelby north over Ohio Highway 61 to U.S. Highway 224, thence west over U.S. Highway 224 to Ohio Highway 4, thence north over Ohio Highway 4 to U.S. Highway 20, thence northwest over U.S. Highway 20 to Ohio Highway 420, thence north over Ohio Highway 420 to Interstate Highway 280, thence north over Interstate Highway 280 to Toledo, Ohio, and return over the same route.

(23) Between Shelby, Ohio, and Willard, Ohio: From Shelby north over Ohio Highway 61 to Ohio Highway 103, thence west over Ohio Highway 103 to Willard, Ohio, and return over the same route. (24) Between Dayton, Ohio, and Lancaster, Ohio: From Dayton north over Ohio Highway 444 to Interstate Highway 70, thence east over Interstate Highway

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70 to U.S. Highway 33, thence southeast over U.S. Highway 33 to Lancaster, Ohio, also from Dayton north over Ohio Highway 444 to Ohio Highway 235, thence north over Ohio Highway 235 to U.S. Highway 40, thence east over U.S. Highway 40 to U.S. Highway 33, thence southeast over U.S. Highway 33 to Lancaster, Ohio, and return over the same route. (25) Between Sidney, Ohio, and Cleveland, Ohio: From Cleveland south over Interstate Highway 71 to U.S. Highway 30, thence west over U.S. Highway 30 to Interstate Highway 75, thence south over Interstate 75 to Sidney, Ohio, and return over the same route. (26) Between Sidney, Ohio, and Columbus, Ohio: From Sidney southeast over Ohio Highway 29 to Interstate Highway 70, thence east over Interstate Highway 70 to Columbus, Ohio, also from Sidney southeast over Ohio Highway 29 to U.S. Highway 40, thence east over U.S. Highway 40 to Columbus, Ohio, and return over the same route.

(27) Between Cincinnati, Ohio, and Lancaster, Ohio: From Cincinnati, northeast over U.S. Highway 22 to Lancaster, Ohio, and return over the same route. (28) Between Cincinnati, Ohio, and Portsmouth, Ohio: From Cincinnati east over U.S. Highway 52 to Portsmouth, Ohio, and return over the same route, also from Cincinnati east over Ohio Highway 125 to U.S. Highway 52, thence east over U.S. Highway 52 to Portsmouth, Ohio, and return over the same routes. (29) Between Tiffin, Ohio, and Toledo, Ohio: From Tiffin north over Ohio Highway 53 to U.S. Highway 20, thence northwest over U.S. Highway 20 to Ohio Highway 420, thence north over Ohio Highway 420 to Interstate Highway 280, thence north over Interstate Highway 280 to Toledo, Ohio, and return over the same routes. (30) Between Dayton, Ohio, and Eaton, Ohio: From Dayton west over U.S. Highway 35 to Eaton, Ohio, also from Dayton north over Ohio Highway 49 to Interstate Highway 70, thence west over Interstate Highway 70 to U.S. Highway 127, thence south over U.S. Highway 127 to Eaton, Ohio, and return over the same routes. (31) Between Dayton, Ohio, and Germantown, Ohio: From Dayton south over Interstate Highway 75 to Ohio Highway 725, thence west over Ohio Highway 725 to Ohio Highway 4, thence south over Ohio Highway 4 to Germantown, Ohio, and return over the same route. (32) Between Cleveland, Ohio, and Conneaut, Ohio: From Cleveland east over U.S. Highway 20 to Conneaut, Ohio, also from Cleveland east over Interstate Highway 90 to Ohio Highway 7, thence north over Ohio Highway 7 to Conneaut, Ohio, and return over the same routes. (33) Between Lancaster, Ohio, and Columbus, Ohio: From Lancaster west over Ohio Highway 188 to Ohio Highway 674, thence north over Ohio Highway 674 to Ohio Highway 752, thence west over Ohio Highway 752 to U.S. Highway 23, thence north over U.S. Highway 23 to Columbus, Ohio, and return over the same route.

(34) Between Lancaster, Ohio, and Columbus, Ohio: From Lancaster north over Ohio Highway 158 to Ohio Highway 204, thence west over Ohio Highway 204 to Ohio Highway 256, thence north over Ohio Highway 256 to U.S. Highway 40, thence west over U.S. Highway 40 to Columbus, Ohio, also from Lancaster north over Ohio Highway 158 to Ohio Highway 204, thence west over Ohio Highway 204 to Ohio Highway 256, thence north over Ohio Highway 256 to Interstate Highway 70, thence west over Interstate Highway 70 to Columbus, Ohio, and return over the same routes. (35) Between Lancaster, Ohio, and Shawnee, Ohio: From Lancaster south over U.S. Highway 33 to Ohio Highway 93, thence north over Ohio Highway 93 to Shawnee, Ohio, and return over the same route. (36) Between Lancaster, Ohio, and Gallipolis, Ohio: From Lancaster southeast over U.S. Highway 33 to Ohio Highway 7, thence south over Ohio Highway 7 to Gallipolis, Ohio, and return over the same route. (37) Between Sidney, Ohio, and Springfield, Ohio: From Sidney south over Interstate Highway 75 to U.S. Highway 36, thence east over U.S. Highway 36 to U.S. Highway 68, thence south over U.S. Highway 68 to Springfield, Ohio, also from Sidney south over Interstate Highway 75 to U.S. Highway 36, thence east over U.S. Highway 36 to Ohio Highway 235, thence south over Ohio Highway 235 to Ohio Highway 41, thence east over Ohio Highway 41 to Springfield, Ohio, and return over the same routes. (38) Between Lancaster, Ohio, and Chesapeake, Ohio: From Lancaster southeast over U.S. Highway 33 to Ohio Highway 93, thence south over Ohio Highway 93 to U.S. Highway 52, thence east over U.S. Highway 52 to Chesapeake, Ohio, and return over the same route.

(39) Between Cleveland, Ohio, and Youngstown, Ohio: From Cleveland southeast over Ohio Highway 14 to Interstate Highway 480, thence south over Interstate Highway 480 to Interstate Highway 80, thence east over Interstate 80 to Interstate Highway 680, thence south over Interstate Highway 680, to Youngstown, Ohio, also from Cleveland southeast over U.S. Highway 422 to Youngstown, Ohio, and return over the same routes. (40) Between Ashtabula, Ohio, and Bellaire, Ohio: From Ashtabula south over Ohio Highway 46 to Ohio Highway 11, thence south over Ohio Highway 11 to U.S. Highway 30, thence east over U.S. Highway 30 to Ohio Highway 7, thence south over Ohio Highway 7 to Bellaire, Ohio, and return over the same route. (41) Between Cincinnati, Ohio, and Athens, Ohio: From Cincinnati east over Ohio Highway 32 to Interstate Highway 275, thence north over Interstate Highway 275 to U.S. Highway 50, thence east over U.S. Highway 50 to Athens, Ohio, and return over the same route. (42) Between Coshocton, Ohio, and Steubenville, Ohio: From Coshocton east over U.S. Highway 36 to U.S. Highway 22, thence east over U.S. Highway 22 to Steubenville and return over the same route. (43) Between Coshocton, Ohio, and Dover, Ohio: From Coshocton east over U.S. Highway 36 to U.S. Highway 250, thence north over U.S. Highway 250 to Interstate Highway 77, thence north over Interstate Highway 77 to Ohio Highway 800, thence east over Ohio Highway 800 to Dover, Ohio, and return over the same route. (44) Between Lancaster, Ohio, and Greenfield, Ohio: From Lancaster west over U.S. Highway 22 to U.S. Highway 23, thence south over U.S. Highway 23 to U.S. Highway 35, thence northwest over U.S. Highway 35 to Ohio Highway 138, thence southwest over Ohio Highway 138 to Greenfield, Ohio, and return over the same route. (45) Between Lancaster, Ohio, and Marietta, Ohio: From Lancaster east over U.S. Highway 22 to Ohio Highway 37, thence east over Ohio Highway 37 to Ohio Highway 60, thence southeast over Ohio Highway 60 to Marietta, Ohio, and return over the same route.

(46) Between Toledo, Ohio and Defiance, Ohio: From Toledo southwest over U.S. Highway 24 to Defiance, Ohio and return over the same route. (47) Between Toledo, Ohio and Bryan, Ohio: From Toledo west over Ohio Highway 120 to U.S. Highway 127, thence southwest over U.S. Highway 127 to Ohio Highway 15, thence south over Ohio Highway 15 to Bryan, Ohio, also from Toledo west over Interstate Highway 80 to Ohio Highway 15, thence south over Ohio Highway 15 to Bryan, Ohio and return over the same routes. (48) Between Toledo, Ohio and Wauseon, Ohio: From Toledo west over Ohio Highway 2 to Ohio Highway 108, thence south over Ohio Highway 108 to Wauseon, Ohio and return over the same route. (49) Between Cincinnati, Ohio and Bryan, Ohio: From Cincinnati north over U.S. Highway 127 to Bryan, Ohio and return over the same route. (50) Between Dayton, Ohio and Wilmington, Ohio: From Dayton east over U.S. Highway 35 to U.S. Highway 68, thence south over U.S. Highway 68 to Wilmington, Ohio and return over the same route. (51) Between Dayton, Ohio and Gallipolis, Ohio: From Dayton southeast over U.S. Highway 35 to Ohio Highway 160, thence south over Ohio Highway 160 to Gallipolis, Ohio and return over the same route. (52) Between Sidney, Ohio and Greenville, Ohio: From Sidney south over Interstate Highway 75 to U.S. Highway 36, thence west over U.S. Highway 36 to Greenville, Ohio, also from Sidney west over Ohio Highway 47 to Ohio Highway 118, thence south over Ohio Highway 118 to Greenville, Ohio and return over the same routes.

(53) Between Lancaster, Ohio and Portsmouth, Ohio: From Lancaster west over U.S. Highway 22 to Ohio Highway 159, thence south over Ohio Highway 159 to U.S. Highway 23, thence south over U.S. Highway 23 to Portsmouth, Ohio and return over the same route. (54) Between Lancaster, Ohio and Utica, Ohio: From Lancaster north over Ohio Highway 158 to Ohio Highway 16, thence east over Ohio Highway 16 to Ohio Highway 661, thence north over Ohio Highway 661 to U.S. Highway 62, thence east over U.S. Highway 62 to Utica, Ohio and return over the same route. (55) Between Lancaster, Ohio and Zanesville, Ohio: From Lancaster northeast over U.S. Highway 22 to Zanesville, Ohio and return over the same route. (56) Between Coshocton, Ohio and Caldwell, Ohio: From Coshocton east over U.S. Highway 36 to Interstate Highway 77, thence south over Interstate Highway 77 to Ohio Highway 821, thence south over Ohio Highway 821 to Caldwell, Ohio and return over the same route. (57) Between Clayton, Ohio and Bridgeport, Ohio: From Clayton east over Interstate Highway 70 to Bridgeport, Ohio, also from Clayton north on Ohio Highway 49 to U.S. Highway 40, thence east on U.S. Highway 40 to Bridgeport, Ohio and return over the same routes. (58) Between Belle Valley, Ohio and Belpre, Ohio: From Belle Valley south over Interstate Highway 77 to Ohio Highway 7, thence south over Ohio Highway 7 to Belpre, Ohio and return over the same route.

(59) Between Cincinnati, Ohio and Franklin, Ohio: From Cincinnati north over Interstate Highway 75 to Interstate Highway 275, thence west over Interstate 275 to Ohio Highway 4, thence north over Ohio Highway 4 to Ohio Highway 73, thence east over Ohio Highway 73 to Franklin, Ohio and return over the same route. (60) Between Columbus, Ohio and Marysville, Ohio: From Columbus north over Interstate Highway 71 to Interstate Highway 270, thence west over Interstate Highway 270 to U.S. Highway 33, thence northwest over U.S. Highway 33 to Marysville, Ohio and return over the same route. (61) Between Tiffin, Ohio and Fostoria, Ohio: From Tiffin west over Ohio Highway 18 to Fostoria, Ohio and return over the same route. (62) Between Brookville, Ohio and Greenville, Ohio: From Brookville northwest over Ohio Highway 49 to Greenville, Ohio and return over the same route. (63) Between Sidney, Ohio and Lakeview, Ohio: From Sidney northeast over Ohio Highway 47 to Ohio Highway 65, thence north over Ohio Highway 65 to Ohio Highway 274, thence east over Ohio Highway 274 to Ohio Highway 235, thence north over Ohio Highway 235 to Lakeview, Ohio, also from Sidney north over Interstate Highway 75 to Ohio Highway 274, thence east over Ohio Highway 274 to Ohio Highway 235, thence west over Ohio Highway 235 to Lakeview, Ohio and return over the same route. (64) Between Sidney, Ohio and Ft. Recovery, Ohio: From Sidney northwest over Ohio Highway 29 to Ohio Highway 705, thence west over Ohio Highway 705 to Ohio Highway 66, thence north over Ohio Highway 66 to Ohio Highway 119, thence west over Ohio Highway 119 to Ft. Recovery, Ohio and return over the same route. (65) Between Sidney, Ohio and Ohio City: From Sidney northwest over Ohio Highway 29 to Ohio Highway 274, thence west over Ohio Highway 274 to Ohio Highway 127, thence north over Ohio Highway 127 to Ohio Highway 219, thence west over Ohio Highway 219 to Ohio Highway 118, thence north over Ohio Highway 118 to Ohio City, Ohio, also from Sidney northwest over Ohio Highway 29 to Ohio Highway 274, thence west over Ohio Highway 274 to Ohio Highway 127, thence north over Ohio Highway 127 to Ohio Highway 709, thence west over Ohio Highway 709 to Ohio City, Ohio and return over the same routes.

(66) Between Sidney, Ohio and Wapakoneta, Ohio: From Sidney northwest over Ohio Highway 29 to Ohio Highway 119, thence west over Ohio Highway 119 to Ohio Highway 66, thence north over Ohio Highway 66 to U.S. Highway 33, thence east over U.S. Highway 33 to Wapakoneta, Ohio and return over the same route. (67) Between Lima, Ohio and Van Wert, Ohio: From Lima northwest over Ohio Highway 309 to U.S. Highway 30, thence west over U.S. Highway 30 to Van Wert, Ohio and return over the same route. (68) Between Ottawa, Ohio and McComb, Ohio: From Ottawa east over U.S. Highway 224 to Ohio Highway 235, thence north over Ohio Highway 235 to McComb, Ohio and return over the same route. (69) Between Lima, Ohio and Leipsic, Ohio: From Lima north over Ohio Highway 65 to Leipsic, Ohio; also from Lima north over Ohio Highway 65 to Ohio Highway 12, thence east over Ohio Highway 12 to Putnam County Road 5, thence north over Putnam County Road 5 to Ohio Highway 613, thence west over Ohio Highway 613 to Leipsic, Ohio and return over the same routes. (70) Between Junction of Interstate Highway 77 and Interstate Highway 271 to Junction of Interstate Highway 271 and Interstate Highway 90: From junction of Interstate Highway 77 and Interstate Highway 271 northeast over Interstate Highway 271 to junction of Interstate Highway 271 and Interstate Highway 90 and return over the same route.

(71) Between Gate 13 and Gate 10 on Ohio Turnpike (Interstate Highway 80); From Gate 10 over Interstate Highway 80 to Gate 13 and return over the same route. (72) Between Mansfield, Ohio and Delphos, Ohio: From Mansfield west over U.S. Highway 30 to Delphos, Ohio and return over the same route. (73) Between Ottawa, Ohio and Cecil, Ohio: From Ottawa northwest over Ohio Highway 15 to junction U.S. Highway 24, thence southwest over U.S. Highway 24 to Cecil, Ohio and return over the same route. (74) Between Gahanna, Ohio and junction Interstate Highway 71 and Interstate Highway 270: From Gahanna north, west, and south over Interstate Highway 270 to junction Interstate Highway 71 at south side of Columbus, Ohio and return over the same route. (1) through (74) above, serving all intermediate points and all points in Ohio as off-route points. Restricted: To transportation of shipments moving to, from, or through Cleveland; Sidney; Rockford; Ohio City; Celina; Jackson Center; Wapakoneta, Lima, Piqua; Minster; Swanton; Holland; Lancaster, Circleville; New Lexington; Malta; Athens, Columbus; Cincinnati; Toledo; Dayton, Youngstown; Ashtabula; East Liverpool; Steubenville; Martins Ferry; Akron; Canton; Marietta; Defiance; Mansfield; Portsmouth; Middletown; Pleasant; Washington; Miami, Union and Harrison Townships, Logan County; Ohio; Hamilton, Deerfield, Harlan and Salem Townships, Warren County; Fulton and Swan Creek Townships, Fulton County; Spencer, Harding, Swanton, Springfield and Adams Townships, Lucas County; Malta Township, Morgan County; and Decatur and Elizabeth Townships, Lawrence County, Ohio.

General commodities (except those of unusual value, Class A and B explosives, commodities in bulk, and commodities requiring special equipment), (1) Between Cleveland, Ohio and Cincinnati, Ohio: From Cleveland south over Interstate Highway 71 to Cincinnati, Ohio and return over the same route. (2) Between Lancaster, Ohio and Toledo, Ohio: From Lancaster northwest on U.S. Highway 33 to U.S. Highway 23, thence northwest on U.S. Highway 23 to Ohio Highway 420, thence north on Ohio Highway 420 to Interstate Highway 280, thence north on Interstate Highway 280 to Toledo, Ohio and return over the same route. (3) Between Lancaster, Ohio and Cleveland, Ohio: From Lancaster North on Ohio Highway 37 to Ohio Highway 661, thence north over Ohio Highway 661 to Ohio Highway 13, thence north over Ohio Highway 13 to Interstate Highway 71, thence northeast over Interstate Highway 71 to Cleveland, Ohio and return over the same route. (4) Between Coshocton, Ohio and Toledo, Ohio: From Coshocton north over Ohio Highway 83 to U.S. Highway 30, thence west over U.S. Highway 30 to U.S. Highway 250, thence north over U.S. Highway 250 to U.S. Highway 20, thence west over U.S. Highway 20 to Toledo, Ohio and return over the same route. (5) Between Sidney, Ohio and Coshocton, Ohio: From Coshocton west over U.S. Highway 36 to U.S. Highway 33, thence northwest over U.S. Highway 33 to Ohio Highway 47, thence west over Ohio Highway 47 to Sidney, Ohio and return over the same route. (6) Between Coshocton, Ohio and Cleveland, Ohio: From Cleveland south over Interstate Highway 77 to U.S. Highway 36, thence west over U.S. Highway 36 to Coshocton, Ohio and also from Cleveland south over U.S. Highway 21 to Interstate Highway 77 at Strasburg, thence south over Interstate Highway 77 to Ohio Highway 36, thence west over Ohio Highway 36 to Coshocton, Ohio and return over the same routes.

(7) Between Cincinnati, Ohio and Tiffin, Ohio: From Cincinnati north over U.S. Highway 42 to U.S. Highway 68, thence north over U.S. Highway 68 to Ohio Highway 53, thence northeast over Ohio Highway 53 to Tiffin, Ohio and return over the same route. (8) Between Toledo, Ohio, and Cincinnati, Ohio: From Toledo south over Interstate Highway 75 to Cincinnati and return over the same route. (9) Between Toledo, Ohio, and Cleveland, Ohio: From Toledo east over Ohio Highway 2 to Cleveland also from Toledo south over Interstate Highway 280 to Interstate Highway 80 thence east over Interstate Highway 80 to Interstate Highway 71, thence north over Interstate Highway 71 to Cleveland and return over the same route. (10) Between Lancaster, Ohio and Coshocton, Ohio:

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From Lancaster north over Ohio Highway 37 to Ohio Highway 16 thence northeast over Ohio Highway 16 to Coshocton, Ohio, and return over the same route. (11) Between Tiffin, Ohio and Sidney, Ohio: From Tiffin west over Ohio Highway 18 to U.S. Highway 224, thence west over U.S. Highway 224 to Interstate Highway 75, thence south over Interstate Highway 75 to Sidney, Ohio, and return over the same route. (12) Between Tiffin, Ohio, and Cleveland, Ohio: From Tiffin northeast over Ohio Highway 18 to U.S. Highway 20, thence east over U.S. Highway 20 to Cleveland, Ohio, and return over the same route. (13) Between Coshocton, Ohio, and Cincinnati, Ohio: From Coshocton southwest over Ohio Highway 16 to Interstate Highway 270, thence west over Interstate Highway 270 to Interstate Highway 71, thence south over Interstate Highway 71 to Cincinnati, Ohio, and return over the same route. (14) Between Shelby, Ohio and Dayton, Ohio: From Shelby west over Ohio Highway 96 to Ohio Highway 98, thence south over Ohio Highway 98 to Ohio Highway 4, thence southwest over Ohio Highway 4 to Dayton, Ohio and return over the same route. (15) Between Shelby, Ohio, and Youngstown, Ohio: From Shelby east over Ohio Highway 96 to U.S. Highway 250, thence east over U.S. Highway 250 to Interstate Highway 71, thence north over Interstate Highway 71 to Interstate Highway 76, thence east over Interstate Highway 76 to Ohio Highway 7, thence north over Ohio Highway 7 to Youngstown, Ohio, and return over the same route.

(16) Between Shelby, Ohio, and Mansfield, Ohio: From Shelby southeast over Ohio Highway 39 to Mansfield, Ohio, and return over the same route. (17) Between Shelby, Ohio, and Cleveland, Ohio: From Shelby north over Ohio Highway 61 to U.S. Highway 224, thence east over U.S. Highway 224 to Ohio Highway 58, thence north over Ohio Highway 58 to U.S. Highway 20, thence east over U.S. Highway 20 to U.S. Highway 10, thence east over U.S. Highway 10 to Cleveland and return over the same route. (18) Between Shelby, Ohio, and East Liverpool, Ohio: From Shelby southeast over Ohio Highway 39 to U.S. Highway 30, thence east over U.S. Highway 30 to Ohio Highway 11, thence south over Ohio Highway 11 to East Liverpool, Ohio; also from Shelby southeast over Ohio Highway 39 to U.S. Highway 30, thence east over U.S. Highway 30 to Ohio Highway 7, thence south over Ohio Highway 7 to East Liverpool, Ohio, and return over the same route. (19) Between Shelby, Ohio, and Columbus, Ohio: From Shelby southwest over Ohio Highway 61 to Interstate Highway 71, thence south over Interstate Highway 71 to Columbus, Ohio, and return over the same route. (20) Between Shelby, Ohio, and West Richfield, Ohio: From Shelby east over Ohio Highway 96 to U.S. Highway 250, thence southeast over U.S. Highway 250 to Interstate Highway 71, thence north over Interstate Highway 71 to Interstate Highway 271, thence northeast over Interstate Highway 271 to Ohio Highway 303, thence west on Ohio Highway 303 to West Richfield, Ohio, and return over the same route. (21) Between Shelby, Ohio, and Zanesville, Ohio: From Shelby south over Ohio Highway 39 to Ohio Highway 13, thence south over Ohio Highway 13 to Ohio Highway 586, thence southeast over Ohio Highway 586 to Ohio Highway 146, thence southeast over Ohio Highway 146 to Zanesville, Ohio, and return over the same route.

(22) Between Shelby, Ohio and Toledo, Ohio: From Shelby north over Ohio Highway 61 to U.S. Highway 224, thence west over U.S. Highway 224 to Ohio Highway 4, thence north over Ohio Highway 4 to U.S. Highway 20, thence northwest over U.S. Highway 20 to Ohio Highway 420, thence north over Ohio Highway 420 to Interstate Highway 280, thence north over Interstate Highway 280 to Toledo, Ohio and return over the same route. (23) Between Shelby, Ohio and Willard, Ohio: From Shelby north over Ohio Highway 61 to Ohio Highway 103, thence west over Ohio Highway 103 to Willard, Ohio and return over the same route. (24) Between Dayton, Ohio and Lancaster, Ohio: From Dayton north over Ohio Highway 444 to Interstate Highway 70, thence east over Interstate Highway 70 to U.S. Highway 33, thence southeast over U.S. Highway 33 to Lancaster, Ohio, also from Dayton north over Ohio Highway 44 to Ohio Highway 235, thence north over Ohio Highway 235 to U.S. Highway 40, thence east over U.S. Highway 40 to U.S. Highway 33, thence southeast over U.S. Highway 33 to Lancaster, Ohio and return over the same route. (25) Between Sidney, Ohio and Cleveland, Ohio: From Cleveland south over Interstate Highway 71 to U.S. Highway 30, thence west over U.S. Highway 30 to Interstate Highway 75, thence south over Interstate 75 to Sidney, Ohio and return over the same route. (26) Between Sidney, Ohio and Columbus, Ohio: From Sidney southeast over Ohio Highway 29 to Interstate Highway 70, thence east over Interstate Highway 70 to Columbus, Ohio, also from Sidney southeast over Ohio Highway 29 to U.S. Highway 40, thence east over U.S. Highway 40 to Columbus, Ohio and return over the same routes.

(27) Between Cincinnati, Ohio and Lancaster, Ohio: From Cincinnati northeast over U.S. Highway 22 to Lancaster, Ohio and return over the same route. (28) Between Cincinnati, Ohio and Portsmouth, Ohio: From Cincinnati, Ohio and Portsmouth, Ohio: From Cincinnati east over U.S. Highway 52 to Portsmouth, Ohio and return over the same route, also from Cincinnati east over Ohio Highway 125 to U.S. Highway 52, thence east over U.S. Highway 52 to Portsmouth, Ohio and return over the same routes. (29) Between Tiffin, Ohio and Toledo, Ohio: From Tiffin north over Ohio Highway 53 to U.S. Highway 20, thence northwest over U.S. Highway 20 to Ohio Highway 420, thence north over Ohio Highway 420 to Interstate Highway 280, thence north over Interstate Highway 280 to Toledo, Ohio and return over the same routes.

(30) Between Dayton, Ohio and Eaton, Ohio: From Dayton west over U.S. Highway 35 to Eaton, Ohio, also from Dayton north over Ohio Highway 49 to Interstate Highway 70, thence west over Interstate Highway 70 to U.S. Highway 127, thence south over U.S. Highway 127 to Eaton, Ohio and return over the same routes. (31) Between Dayton, Ohio and Germantown, Ohio: From Dayton south over Interstate Highway 75 to Ohio Highway 725, thence west over Ohio Highway 725 to Ohio Highway 4, thence south over Ohio Highway 4 to Germantown, Ohio and return over the same route. (32) Between Cleveland, Ohio and Conneaut, Ohio: From Cleveland east over U.S. Highway 20 to Conneaut, Ohio, also from Cleveland east over Interstate Highway 90 to Ohio Highway 7, thence north over Ohio Highway 7 to Conneaut, Ohio and return over the same routes.

(33) Between Lancaster, Ohio, and Columbus, Ohio: From Lancaster west over Ohio Highway 188 to Ohio Highway 674, thence north over Ohio Highway 674 to Ohio Highway 752, thence west over Ohio Highway 752 to U.S. Highway 23, thence north over U.S. Highway 23 to Columbus, Ohio, and return over the same route. (34) Between Lancaster, Ohio, and Columbus, Ohio: From Lancaster north over Ohio Highway 158 to Ohio Highway 204, thence west over Ohio Highway 204 to Ohio Highway 256, thence north over Ohio Highway 256 to U.S. Highway 40, thence west over U.S. Highway 40 to Columbus, Ohio, also from Lancaster north over Ohio Highway 158 to Ohio Highway 204, thence west over Ohio Highway 204 to Ohio Highway 256, thence north over Ohio Highway 256 to Interstate Highway 70, thence west over Interstate Highway 70 to Columbus, Ohio, and return over the same routes. (35) Between Lancaster, Ohio, and Shawnee, Ohio: From Lancaster south over U.S. Highway 33 to Ohio Highway 93, thence north over Ohio Highway 93 to Shawnee, Ohio, and return over the same route. (36) Between Lancaster, Ohio, and Gallipolis, Ohio: From Lancaster southeast over U.S. Highway 33 to Ohio Highway 7, thence south over Ohio Highway 7 to Gallipolis, Ohio, and return over the same route. (37) Between Sidney, Ohio, and Springfield, Ohio: From Sidney south over Interstate Highway 75 to U.S. Highway 36, thence east over U.S. Highway 36 to U.S. Highway 68, thence south over U.S. Highway 68 to Springfield, Ohio, also from Sidney south over Interstate Highway 75 to U.S. Highway 36, thence east over U.S. Highway 36 to Ohio Highway 235, thence south over Ohio Highway 235 to Ohio Highway 41, thence east over Ohio Highway 41 to Springfield, Ohio, and return over the same routes.

(38) Between Lancaster, Ohio, and Chesapeake, Ohio: From Lancaster southeast over U.S. Highway 33 to Ohio Highway 93, thence south over Ohio Highway 93 to U.S. Highway 52, thence east over U.S. Highway 52 to Chesapeake, Ohio, and return over the same route. (39) Between Cleveland southeast over Ohio Highway 14 to Interstate Highway 480, thence south over Interstate Highway 480 to Interstate Highway 80, thence east over Interstate Highway 80 to Interstate Highway 680, thence south over Interstate Highway 680 to Youngstown, Ohio, also from Cleveland southeast over U.S. Highway 422 to Youngstown, Ohio, and return over the same routes. (40) Between Ashtabula, Ohio, and Bellaire, Ohio: From Ashtabula south over Ohio Highway 46 to Ohio Highway 11, thence south over Ohio Highway 11 to U.S. Highway 30, thence east over U.S. Highway 30 to Ohio Highway 7, thence south over Ohio Highway 7 to Bellaire, Ohio, and return over the same route. (41) Between Cincinnati, Ohio, and Athens, Ohio: From Cincinnati east over Ohio Highway 32 to Interstate Highway 275, thence north over Interstate Highway 275 to U.S. Highway 50, thence east over U.S. Highway 50 to Athens, Ohio, and return over the same route.

(42) Between Coshocton, Ohio, and Steubenville, Ohio: From Coshocton east over U.S. Highway 36 to U.S. Highway 22, thence east over U.S. Highway 22 to Steubenville and return over the same route. (43) Between Coshocton, Ohio, and Dover, Ohio: From Coshocton east over the same route. (44) Between Lan-250, thence north over U.S. Highway 250 to Interstate Highway 77, thence north over Interstate Highway 77 to Ohio Highway 800, thence east over Ohio Highway 800 to Dover, Ohio, and return over the same route. (44) Between Lancaster, Ohio, and Greenfield, Ohio: From Lancaster west over U.S. Highway 22 to U.S. Highway 23, thence south over U.S. Highway 23 to U.S. Highway 35, thence northwest over U.S. Highway 35 to Ohio Highway 138, thence southwest over Ohio Highway 138 to Greenfield, Ohio, and return over the same route. (45) Between Lancaster, Ohio, and Marietta, Ohio: From Lancaster east over U.S. Highway 22 to Ohio Highway 37, thence east over Ohio Highway 37 to Ohio Highway 60, thence southeast over Ohio Highway 60 to Marietta, Ohio, and return over the same route. (46) Between Toledo, Ohio, and Defiance, Ohio: From Toledo southwest over U.S. Highway 24 to Defiance, Ohio, and return over the same route. (47) Between Toledo, Ohio, and Bryan, Ohio: From Toledo west over Ohio Highway 120 to U.S. Highway 127, thence southwest over U.S. Highway 127 to Ohio Highway 15, thence south over Ohio Highway 15 to Bryan, Ohio, also from Toledo west over Interstate Highway 80 to Ohio Highway 15, thence south over Ohio Highway 15 to Bryan, Ohio, and return over the same routes. (48) Between Toledo, Ohio, and Wauseon, Ohio: From Toledo west over Ohio Highway 2 to Ohio Highway 108, thence south over Ohio Highway 108 to Wauseon, Ohio, and return over the same route. (49) Between Cincinnati, Ohio, and Bryan, Ohio: From Cincinnati north over U.S. Highway 127 to Bryan, Ohio and return over the same route. (50) Between Dayton, Ohio, and Wilmington, Ohio: From Dayton east over U.S. Highway 35 to U.S. Highway 68, thence south over U.S. Highway 68 to Wilmington, Ohio, and return over the same route. (51) Between Dayton, Ohio, and Gallipolis, Ohio: From Dayton southeast over U.S. Highway 35 to Ohio Highway 160, thence south over Ohio Highway 160 to Gallipolis, Ohio, and return over the same route. (52) Between Sidney, Ohio, and Greenville, Ohio: From Sidney south over Interstate Highway 75 to U.S. Highway 36, thence west over U.S. Highway 36 to Greenville, Ohio, also from Sidney west over Ohio Highway 47 to Ohio Highway 118, thence south over Ohio Highway 118 to Greenville, Ohio, and return over the same routes. (53) Between Lancaster, Ohio, and Portsmouth, Ohio: From Lancaster west over U.S. Highway 22 to Ohio Highway 159, thence south over Ohio Highway 159 to U.S. Highway 23, thence south over U.S. Highway 23 to Portsmouth, Ohio, and return over the same route. (54) Between Lancaster, Ohio and Utica, Ohio: From Lancaster north over Ohio Highway 158 to Ohio Highway 16, thence east over Ohio Highway 16 to Ohio Highway 661, thence north over Ohio Highway 661 to U.S. Highway 62, thence east over U.S. Highway 62 to Utica, Ohio, and return over the same route. (55) Between Lancaster, Ohio, and Zanesville, Ohio: From Lancaster northeast over U.S. Highway 22 to Zanesville, Ohio, and return over the same route. (56) Between Coshocton, Ohio, and Caldwell, Ohio: From Coshocton east over U.S. Highway 36 to Interstate Highway 77, thence south over Interstate Highway 77 to Ohio Highway 821, thence south over Ohio Highway 821 to Caldwell, Ohio, and return over the same route.

(57) Between Clayton, Ohio, and Bridgeport, Ohio: From Clayton east over Interstate Highway 70 to Bridgeport, Ohio, also from Clayton north on Ohio Highway 49 to U.S. Highway 40, thence east on U.S. Highway 40 to Bridgeport, Ohio, and return over the same routes. (58) Between Belle Valley, Ohio, and Belpre, Ohio: From Belle Valley south over Interstate Highway 77 to Ohio Highway 7, thence south over Ohio Highway 7 to Belpre, Ohio, and return over the same route. (59) Between Cincinnati, Ohio, and Franklin, Ohio: From Cincinnati north over Interstate Highway 75 to Interstate Highway 275, thence west over Interstate 275 to Ohio Highway 4, thence north over Ohio Highway 4 to Ohio Highway 73, thence east over Ohio Highway 73 to Franklin, Ohio, and return over the same route. (60) Between Columbus, Ohio, and Marysville, Ohio: From Columbus north over Interstate Highway 71 to Interstate Highway 270, thence west over Interstate Highway 270 to U.S. Highway 33, thence northwest over U.S. Highway 33 to Marysville, Ohio, and return over the same route. (61) Between Tiffin, Ohio, and Fostoria, Ohio: From Tiffin west over Ohio Highway 18 to Fostoria, Ohio, and return over the same route. (62) Between Brookville, Ohio, and Greenville, Ohio: From Brookville northwest over Ohio Highway 49 to Greenville, Ohio, and return over the same route. (63) Between Sidney, Ohio, and Lakeview, Ohio: From Sidney northeast over Ohio Highway 47 to Ohio Highway 65, thence north over Ohio Highway 65 to Ohio Highway 274, thence east over Ohio Highway 274 to Ohio Highway 235, thence north over Ohio Highway 235 to Lakeview, Ohio, also from Sidney north over Interstate Highway 75 to Ohio Highway 274, thence east over Ohio Highway 274 to Ohio Highway 235, thence west over Ohio Highway 235 to Lakeview, Ohio, and return over the same route.

(64) Between Sidney, Ohio, and Ft. Recovery, Ohio: From Sidney northwest over Ohio Highway 29 to Ohio Highway 705, thence west over Ohio Highway 705 to Ohio Highway 66, thence north over Ohio Highway 66 to Ohio Highway 119, thence west over Ohio Highway 119 to Ft. Recovery, Ohio, and return over the same route. (65) Between Sidney, Ohio, and Ohio City: From Sidney northwest over Ohio Highway 29 to Ohio Highway 274, thence west over Ohio Highway 274 to Ohio Highway 127, thence north over Ohio Highway 127 to Ohio Highway 219, thence west over Ohio Highway 219 to Ohio Highway 118, thence north over Ohio Highway 118 to Ohio City, Ohio, also from Sidney northwest over Ohio Highway 29 to Ohio Highway 274, thence west over Ohio Highway 274 to Ohio Highway 127, thence north over Ohio Highway 127 to Ohio Highway 709, thence west over Ohio Highway 709 to Ohio City, Ohio, and return over the same route. (66) Between Sidney, Ohio, and Wapakoneta, Ohio: From Sidney northwest over Ohio Highway 29 to Ohio Highway 119, thence west over Ohio Highway 119 to Ohio Highway 66, thence north over Ohio Highway 66 to U.S. Highway 33, thence east over U.S. Highway 33 to Wapakoneta, Ohio, and return over the same route. (67) Between Lima, Ohio, and Van Wert, Ohio: From Lima northwest over Ohio Highway 309 to U.S. Highway 30, thence west over U.S. Highway 30 to Van Wert, Ohio, and return over the same route. (68) Between Ottawa, Ohio, and McComb, Ohio: Between Ottawa east over U.S. Highway 224 to Ohio Highway 235, thence north over Ohio Highway 235 to McComb, Ohio, and return over the same route. (69) Between Lima, Ohio, and Leipsic, Ohio: From Lima north over Ohio Highway 65 to Leipsic, Ohio; also from Lima north over Ohio Highway 65 to Ohio Highway 12, thence east over Ohio Highway 12 to Putnam County Road 5, thence north over Putnam County Road 5 to Ohio Highway 613, thence west over Ohio Highway 613 to Leipsic, Ohio, and return over the same routes. (70) Between Junction of Interstate Highway 77 and Interstate Highway 271 to Junction of Interstate Highway 271 and Interstate Highway 90: From junction of Interstate Highway 77 and Interstate Highway 271 northeast over Interstate Highway 271 to junction of Interstate Highway 271 and Interstate Highway 90 and return over the same route.

(71) Between Gate 13 and Gate 10 on Ohio Turnpike (Interstate Highway 80); From Gate 10 over Interstate Highway

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80 to Gate 13 and return over the same route. (72) Between Mansfield, Ohio and Delphos, Ohio: From Mansfield west over U.S. Highway 30 to Delphos, Ohio and return over the same route. (73) Between Ottawa, Ohio and Cecil, Ohio: From Ottawa northwest over Ohio Highway 15 to junction U.S. Highway 24, thence southwest over U.S. Highway 24 to Cecil, Ohio and return over the same route. (74) Between Gahanna, Ohio and junction Interstate Highway 71 and Interstate Highway 270: From Gahanna north, west, and south over Interstate Highway 270 to junction Interstate Highway 71 at south side of Columbus, Ohio and return over the same route. (1) through (74) above, serving all intermediate points and serving all points in Ohio as off-route points in Ohio. Restricted: To transportation of shipments moving to, from, or through Cleveland; Sidney; Rockford; Ohio City; Celina; Jackson Center; Wapakoneta; Lima; Piqua; Minster; Swanton; Holland; Lancaster, Circleville; New Lexington; Malta; Athens; Columbus; Cincinnati; Toledo; Dayton, Youngstown; Ashtabula; East Liverpool; Steubenville; Martins Ferry; Akron; Canton; Marietta; Defiance; Mansfield; Portsmouth; Middletown; Pleasant, Washington, Miami, Union and Harrison Townships, Logan County; Ohio, Hamilton, Deerfield, Harlan and Salem Townships, Warren County; Fulton and Swan Creek Townships, Fulton County; Spencer, Harding, Swanton, Springfield and Adams Townships, Lucas County; Malta Township Morgan County; and Decatur and Elizabeth Townships, Lawrence County, Ohio. *General commodities* (except those of unusual value, Class A and B explosives, commodities in bulk, and commodities requiring special equipment), irregular routes: (1) Between Cleveland, Ohio on the one hand, and, on the other, points in Ohio.

(2) Between Sidney, Ohio on the one hand, and, on the other, points in Ohio. (3) Between Rockford, Ohio on the one hand, and, on the other, points in Ohio. (4) Between Ohio City, Ohio, on the one hand, and, on the other, points in Ohio. (5) Between Celina, Ohio, on the one hand, and, on the other, points in Ohio. (6) Between Jackson Center, Ohio, on the one hand, and, on the other, points in Ohio. (7) Between Wapakoneta, Ohio, on the one hand, and, on the other, points in Ohio. (8) Between Lima, Ohio, on the one hand, and, on the other, points in Ohio. (9) Between Piqua, Ohio, on the one hand, and, on the other, points in Ohio. (10) Between Minster, Ohio, on the one hand, and, on the other, points in Ohio. (11) Between Swanton, Ohio, on the one hand, and, on the other, points in Ohio. (12) Between Holland, Ohio, on the one hand, and, on the other, points in Ohio. (13) Between Lancaster, Ohio, on the one hand, and, on the other, points in Ohio. (14) Between Circleville, Ohio, on the one hand, and, on the other, points in Ohio. (15) Between New Lexington, Ohio, on the one hand, and, on the other, points in Ohio. (16) Between Malta, Ohio, on the one hand, and, on the other, points in Ohio. (17) Between Athens, Ohio, on the one hand, and, on the other, points in Ohio. (18) Between Columbus, Ohio, on the one hand, and, on the other, points in Ohio. (19) Between Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio.

(20) Between Toledo, Ohio, on the one hand, and, on the other, points in Ohio. (21) Between Dayton, Ohio, on the one hand, and, on the other, points in Ohio. (22) Between Youngstown, Ohio, on the one hand, and, on the other, points in Ohio. (23) Between Ashtabula, Ohio, on the one hand, and, on the other, points in Ohio. (24) Between East Liverpool, Ohio, on the one hand, and, on the other, points in Ohio. (25) Between Steubenville, Ohio, on the one hand, and, on the other, points in Ohio. (26) Between Martins Ferry, Ohio, on the one hand, and, on the other, points in Ohio. (27) Between Akron, Ohio, on the one hand, and, on the other, points in Ohio. (28) Between Canton, Ohio, on the one hand, and, on the other, points in Ohio. (29) Between Marietta, Ohio, on the one hand, and, on the other, points in Ohio. (30) Between Defiance, Ohio, on the one hand, and, on the other, points in Ohio. (31) Between Mansfield, Ohio, on the one hand, and, on the other, points in Ohio. (32) Between Portsmouth, Ohio, on the one hand, and, on the other, points in Ohio. (33) Between Middletown, Ohio, on the one hand, and, on the other, points in Ohio. (34) Between Pleasant, Washington, Miami, Union and Harrison Townships, Logan County, Ohio, on the one hand, and, on the other, points in Ohio. (35) Between Hamilton, Deerfield, Harlan and Salem Townships, Warren County, Ohio, on the one hand, and, on the other, points in Ohio. (36) Between Fulton and Swan Creek Townships, Fulton County, Ohio, on the one hand, and, on the other, points in Ohio.

(37) Between Spencer, Harding, Swanton, Springfield, and Adams Townships, Lucas County, Ohio, on the one hand, and, on the other, points in Ohio. (38) Between Malta Township, Morgan County, Ohio, on the one hand, and, on the other, points in Ohio. (39) Between Decatur and Elizabeth Townships, Lawrence County, Ohio, on the one hand, and, on the other, points in Ohio.

NOTE.—Applicant states that the requested authority can be tacked at Shelby, Ohio, to provide service between Sidney, Ohio, on the one hand, and, on the other, points in Ohio. Applicant seeks to purchase Roethlisberger Transfer in docket MC-10655. This is a matter directly related to the Section 5 Proceeding in MC-F-12199 Published in the FEDERAL REGISTER issue of April 24, 1974. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC-F-12310. Authority sought for merger by DE-PEN LINE, INC., P.O. Box 486, R.D. #1, Phoenixville, Pa. 19460, of the operating rights and property of MAURER'S EXPRESS, INC., and for acquisition by BRUNO BROTHERS, INC., and, in turn, by WILLIAM J. FORD, all of Phoenixville, Pa. 19460, of control of such rights and property through the transaction. Applicants' attorney: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, D.C. 20005. Operating rights sought to be merged: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between Reading, Pa., and points and places within eight miles thereof. DEPEN LINE, INC., is authorized to operate as a *common carrier* in Pennsylvania, Delaware, New York, New Jersey, Maryland, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to MC-F-11649, Transferee acquired control of Transferor.

No. MC-F-12311. Authority sought for purchase by FAST INTERSTATE EXPRESS, INC., AN ARKANSAS CORPORATION, a non-carrier, 1211 South 9th Street, Fort Smith, Arkansas 72901, of a portion of the operating rights of HARPER TRUCK LINE, INC., A LOUISIANA CORPORATION, Hwy. 80, Monroe, Louisiana, and for acquisition by J. O. FINE, 1211 South 9th Street, Fort Smith, Arkansas 72901, of control of such rights through the purchase. Applicants' attorney: Don A. Smith, 13 No. 7th St., P.O. Box 43, Fort Smith, Arkansas 72901. Operating rights sought to be transferred: Glassware, as a *common carrier* over irregular routes from Jackson, Miss., to points and places in Louisiana and those in Arkansas on and south of U.S. Highway 70, lamp chimneys, from Fort Smith, Ark., to Monroe, La., general commodities, with exceptions between Monroe and West Monroe, La., on the one hand, and, on the other, points and places in Arkansas within 90 miles of Monroe, from Monroe and West Monroe, La., to points and places in Louisiana within 120 miles of Monroe. Fast Interstate Express, Inc., an Arkansas Corporation is a non-carrier. Motion to dismiss application filed concurrently herewith. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12312. Authority sought for purchase by WHITFIELD TRANSPORTATION, INC., 300 North Clark Drive, El Paso, TX 79910, of a portion of the operating rights of (B) LEE M. HAWKES, doing business as LEE HAWKES TRANSFER, 200 Poplar St., Pocatello, ID 83201; and for control and merger of (BB) MILLER BROS. TRUCK LINE, P.O. Box 1049, Salmon, ID 83467, and for acquisition by SUNDANCE TRANSPORTATION, INC., First Security Bldg., Room 312, 405 So. Main St., Salt Lake City, UT 84111, and ALLAN D. MUSGROVE, also of El Paso, TX 79910, of control of such rights through the purchase and transaction. Applicants' attorney: William S. Richards, 1515 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, UT 84110. Operating rights sought to be transferred: (B) *General commodities*, excepting among others, livestock, high explosives, and commodities in bulk, as a *common carrier* over regular routes, between Salt Lake City and Ogden, Utah, on the one hand, and Pocatello, Idaho Falls, and Mackay, Idaho, on the other; (BB) *General commodities*, excepting among others, classes A and B explosives, and commodities in bulk, as a *common carrier* over regular routes, between Salmon, Idaho, and Butte, Mont., between Salmon, Idaho, and Armstead, Mont., and junction U.S. Highways 10 and 91, for operating convenience only, serving various intermediate and off-route points with restrictions, between Mackay, Idaho, and Missoula, Mont., serving various intermediate points, between Butte, Mont., and Salmon, Idaho, serving various intermediate and off-route points, between Elko, Nev., and Twin Falls, Idaho, serving all intermediate points in Nevada. Whitfield Transportation, Inc., is authorized to operate as a *common carrier* in Arizona, Idaho, Montana, New Mexico, Texas, Utah, Colorado, and California. Applications have been filed for temporary authority under section 210a(b).

NOTE.—MC-108461 (Sub-No. 123), is a matter directly related.

No. MC-F-12313. Authority sought for purchase by WELLS CARGO, INC., 1775 E. 4th St., Reno, NV 89505, of the operating rights and property of WESTERN TRUCK LINES, 1426 E. 4th St., Los Angeles, CA 90033, and for acquisition by HOWARD A. WELLS, also of Reno, NV 89505, of control of such rights and property through the purchase. Applicants' attorneys: Edward J. Hegarty, 100 Bush St., 21st Floor, San Francisco, CA 94104, and John P. Fischer, 140 Montgomery St., San Francisco, CA 94104. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-121319 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. Vendee is authorized to operate as a common carrier in California, Arizona, Idaho, Nevada, Oregon, and Utah. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-43269 (Sub-No. 60), is a matter directly related.

St. Louis-San Francisco Railway Company (Frisco) has filed with the Interstate Commerce Commission its Application in Finance Docket No. 27719 for a Certificate of Public Convenience and Necessity authorizing Frisco to acquire trackage rights to operate over certain trackage of The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) between Augusta, Butler County, Kansas, and Winfield, Cowley County, Kansas, a distance of approximately 34.06 miles.

Frisco has filed with the Interstate Commerce Commission in Docket No. AB-9 (Sub-No. 2) an Application to abandon its line between Beaumont, Butler County, Kansas, and Winfield, Cowley County, Kansas.

Inquiries concerning this Application and Frisco's Abandonment Application should be addressed to:

James S. Bowie
Assistant General Counsel
St. Louis-San Francisco Railway Company
Suite 1023 Frisco Building
905 Olive Street
St. Louis, Missouri 63101

In the opinion of the applicant, the authority sought will have no significant effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act of 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra Part (1)-(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than thirty (30) days from the date of the first publication in the FEDERAL REGISTER.

TRANSFER APPLICATION TO BE ASSIGNED FOR HEARING

No. MC-FC-75047. Authority sought by transferee, W-P TRUCK LINES, INC., Third Avenue at Grant Street, Pittsburgh, Pa. 15219, to acquire the operating rights of Transferor, DOROTHY H. LOUGHMAN, doing business as WAYNESBURG-PITTSBURGH LOCAL EXPRESS, R.D. 4, Box 37, Waynesburg, Pa. 15370. Applicants' representative: William J. Lippman, Attorney at Law, 1819 H Street, NW., Washington, D.C. 20006. Operating rights in certificate No. MC-19000 sought to be transferred: General commodities, usual exceptions, between Waynesburg, Pa., and Washington, Pa., serving all intermediate points; between Waynesburg, Pa., and Brownsville, Pa., serving all intermediate points; between Waynesburg, Pa., and Point Marion, Pa., serving all intermediate points between Carmichaels, Pa., and Uniontown, Pa., serving all intermediate points; between Pittsburgh, Pa., and Waynesburg, Pa., serving all intermediate points in Greene County, Pa.; and household goods, and machinery, materials, supplies, and equipment used in, or incidental to, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Greene County, Pa., on the one hand, and, on the other, points in New Jersey, Maryland, New York, West Virginia, Virginia, Ohio, and the District of Columbia.

By order of Division 3, dated September 13, 1974, the above-indicated transfer application under section 212(b) of the Interstate Commerce Act is to be assigned for hearing at a time and place hereafter to be fixed for the purpose of determining whether applicants have withheld material facts concerning the real party in interest. The Bureau of Enforcement has been directed to participate in the proceeding for the purpose of developing the record.

Interested parties have until October 25, 1974, in which to file petitions for leave to intervene. Such petitions should set forth the reason or reasons for the requested intervention, the place where petitioner wishes the hearing to be held, the number of witnesses it expects to present, and the estimated time required for the presentation of evidence.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-22292 Filed 9-24-74;8:45 am]

[Notice 133]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 19, 1974.

The following are notices of filing of application (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application) for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 29079 (Sub-No. 76TA), filed September 9, 1974. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 S. Union Street, P.O. Box 935, Kokomo, Ind. 46901. Applicant's representative: Ben W. Cotten, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ingots*, from Centerville, Iowa, to Peoria, Ill.; Kokomo, Ind.; Canton, Ohio; Cleveland, Ohio; Massillon,

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Warren, and Youngstown, Ohio; and Sharon, Pa., for 180 days. Supporting Shipper: Iowa Steel and Wire Co., Centerville, Iowa 52544. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 87092 (Sub-No. 2TA), filed September 11, 1974. Applicant: JIM MITTEN TRUCKING, INC., 619 East Sixth, Oakley, Kans. 67748. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feeds*, from Oakley, Kans., to points in Nebraska on and west of U.S. Highway No. 183 and to points in Colorado on and east of U.S. Interstate Highway No. 25 and to points in Larimer County, Colo., for 180 days. Supporting shipper: Nutrena Feed Division of Cargill, Inc., 511 Longview, Oakley, Kans. 67748. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 93840 (Sub-No. 13TA), filed September 11, 1974. Applicant: W. W. GLESS, doing business as GLESS BROS., P.O. Box 216, Blue Grass, Iowa 52726. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid waste materials*, in bulk, from the plants of Deere and Company located at or near Ankeny, Ottumwa, Dubuque, and Davenport, Iowa, and Moline and East Moline, Ill., to Shakopee, Minn., and Rockford, Ill., and points in their commercial zones, for 180 days. Supporting shipper: Commercial Container Service, Inc., P.O. Box 3587, Davenport, Iowa 52808. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 103993 (Sub-No. 833TA), filed September 10, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grain dryers*, on undercarriages connected by hitchball connectors, from points in Clinton County, Ind., to points in Illinois, Iowa, Kansas, Michigan, Nebraska, Ohio, Kentucky, and Wisconsin, for 180 days. Supporting shipper: Beard Industries, Inc., Frankfort, Ind. 46041. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 107496 (Sub-No. 968TA), filed September 11, 1974. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from Humboldt, Kans., to Sioux City, Iowa, for 180 days. Supporting shipper: Kay Dee Builders Supply Inc., Walensky Lumber, 1901 East Third Street, Sioux City, Iowa 51101. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107496 (Sub-No. 969TA), filed September 11, 1974. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed supplements*, in bulk, in tank vehicles, from Blair, Nebr., to points in California and Arizona, for 180 days. Supporting shipper: Ruminant Nitrogen Products Company, P.O. Box 150, Blair, Nebr. 68008. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 108449 (Sub-No. 377TA), filed September 9, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied ethylene*, in bulk, in tank vehicles, from Morris, Ill., to Whiting, Ind.; Port Huron, Mich.; and Tonawanda, N.Y., for 180 days. Supporting shipper: Northern Petrochemical Company, 2350 East Devon Avenue, Des Plaines, Ill. 60018. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 414 Federal Building and U.S. Courthouse, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 109584 (Sub-No. 157TA), filed September 9, 1974. Applicant: ARIZONA-PACIFIC TANK LINES, 5773 South Prince Street, Littleton, Colo. 80120. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution*, in bulk, in tank vehicles, from Phoenix, Ariz., to points in Rio Grande County, Colo., for 180 days. Supporting shipper: Kerley Chemical Corporation of Arizona, 2801 W. Osborn Road, Phoenix, Ariz. 85017. Send protests to: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 109692 (Sub-No. 29TA), filed September 10, 1974. Applicant: GRAIN BELT TRANSPORTATION COMPANY, a Corporation, 625 Livestock Exchange Building, Kansas City, Mo. 64102. Applicant's representative: Lucy Kennard Bell, Suite 910, Fairfax Building, 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural equipment and industrial bulk material handling systems*, from Dodge City, Kans., to points in Colorado, Wyoming, Montana, North Dakota, South Dakota, Minnesota, and Nebraska and (2) *Machinery, materials, equipment, and supplies* used in the manufacture and production of agricultural equipment and industrial bulk material handling systems, from points in Colorado, Wyoming, Montana, North Dakota, South Dakota, Minnesota, and Nebraska, to Dodge City, Kans., for 180 days. Supporting shipper: Speed King Manufacturing, Inc., Fort Dodge Road, Dodge City, Kans. 67801. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 110420 (Sub-No. 724TA), filed September 9, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry beet sugar*, in bulk, in tank vehicles, from Winona, Minn., to the Port of Entry at the United States/Canada border at Niagara Falls, N.Y., for 180 days. Supporting shipper: Leaf Confectionery, 1155 North Cicero Avenue, Chicago, Ill. 60651 (Jan Hansen, Distribution Manager). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 111729 (Sub-No. 464TA), filed September 9, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh cut flowers and decorative green*, having an immediately prior or subsequent movement by air or motor vehicle, (1) Between points in North Carolina and (2) Between points in South Carolina, for 180 days. Supporting shipper: Associated Florida Gladiola Growers, Inc., P.O. Box No. 6067, Ft. Myers, Fla. 33901. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 116073 (Sub-No. 306TA), filed September 11, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar (same address as applicant). Authority sought to operate as

a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers*, in initial movements, from the plantsite of Airstream at or near Cerritos, Calif., to points in Montana, Idaho, Utah, Colorado, Wyoming, Oklahoma, New Mexico, Texas, and South Dakota, for 180 days. Supporting shipper: Airstream (Hauleway Division), 15939 Piuma Avenue, Cerritos, Calif. 90701. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 117589 (Sub-No. 23TA), filed September 10, 1974. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 7th Avenue South, Seattle, Wash. 98108. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Laramie, Wyo., to points in Oregon and Washington; and (2) *Frozen foods*, from Seattle, Wash., to Boise, Idaho; Denver, Colo., and Salt Lake City, Utah; (3) *Frozen pies*, from Spokane, Wash., to Boise, Idaho; (4) *Frozen corn dogs and chili*, from Spokane, Wash., to Salt Lake City, Utah; Boise, Idaho Falls, and Twin Falls, Idaho; (5) *Frozen onion rings*, from Boise, Idaho, to Seattle, Spokane, and Wenatchee, Wash.; (6) *Frozen meat*, from Laramie, Wyo., to Seattle, Wash.; and (7) *Frozen potato products*, from points in Utah, to Cody, Wyo.; Billings, Great Falls, and Missoula, Mont., for 180 days. Supporting shippers: Twin City Foods, Inc., Stanwood, Wash. 98292; Paul's Cheesecake, Inc., 1600 South Lane, Seattle, Wash. 98144; Verns Pie Company, 1730 West Sharp, Spokane, Wash.; Olympic Corn Products, Inc., 605 N. Fancher, P.O. Box 3627, Spokane, Wash. 99220; Idaho's Best Foods, P.O. Box 7503, Boise, Idaho 83707; Monfort Packing Co., Greeley, Colo.; and Thompson Distributing, Inc., P.O. Box 2121, Great Falls, Mont. 59403. Send protests to: Transportation Specialist L. D. Boone, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98174.

No. MC 118142 (Sub-No. 80TA), filed September 9, 1974. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precooked frozen foods*, from the plant site and manufacturing facilities of Shurtenda Foods, Inc., Cedartown, Ga., to points in Texas, Oklahoma, Missouri, Kansas, Arkansas, Mississippi, Colorado, Arizona, Nevada, New Mexico, Idaho, Utah, Washington, Oregon, and California, for 180 days. Supporting shipper, Shurtenda Foods, Incorporated, 808 West Avenue, Cedartown, Ga. 30125. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 125035 (Sub-No. 40TA), filed September 9, 1974. Applicant: RAY E. BROWN TRUCKING, INC., 1266 Stuart Street NW., P.O. Box 501, Massillon, Ohio 44646. Applicant's representative: David L. Pemberton, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel die shoes for plastic molds*, from Kenilworth, N.J., to Macedonia, Ohio, and Chicago, Ill., for 180 days. Supporting shipper: National Tool & Manufacturing Co., 100–124 North 12th Street, Kenilworth, N.J. 07033. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 129697 (Sub-No. 3TA), filed September 9, 1974. Applicant: RAUL TAMAYO A. AND JOSE ALFONSO GRIJALVA, Avenue Juarez—544, Ensenada, Baja Calif. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, Calif. 90010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiber containers and open top tin cans*, nested, with or without tops, from points in Los Angeles and Orange Counties, Calif., to the Port of Entry on the United States-Mexico International Boundary line at or near San Ysidro, Calif., for 180 days. Supporting shippers: Pesquera Del Pacifico, S.A., P.O. Box 70, Ensenada, Baja Calif.; Pasquera Matancitas, S.A., Ruiz 4, Ensenada, Baja Calif.; and Pasquera Peninsular, S.A., Ruiz Yfrente, Ensenada, Baja Calif. Send protests to: District Supervisor Philip Yallowitz, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 135797 (Sub-No. 29TA), filed September 10, 1974. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanks, hydro-pneumatic, cylindrical, steel*, other than *cement, glass or porcelain lined* (except commodities requiring special equipment), from the plantsite of the Hoyt Corporation at Rogers, Ark., to points in California, Colorado, Idaho, Mississippi, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, and Washington, for 180 days. Supporting shipper: Hoyt Corporation, North 6th Street, P.O. Box 248, Rogers, Ark. 72756. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 136710 (Sub-No. 3TA), filed September 9, 1974. Applicant: FRANK W. EVANS, JR., doing business as EXPORT ALLOYS, 19 Morris Street, Freeport, N.Y. 11520. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal* on flat bed semi-trailers, from Brooklyn, N.Y., to Duquesne, Carnegie, and Wilmerding, Pa., under contract with Lieberman Koren Corp., for 150 days. Supporting shipper: Lieberman Koren Corp., 1885 Pitkin Avenue, Brooklyn, N.Y. 11212. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 138896 (Sub-No. 10TA), filed September 10, 1974. Applicant: AJAX TRANSFER COMPANY, 550 E. Fifth Street South, St. Paul, Minn. 55075. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and foodstuffs* in mechanically equipped vehicles, from Madison, Wis., to points in North Dakota, restricted to traffic which is interchanged at Fargo, N. Dak. destined to points in North Dakota, for 180 days. Supporting shipper: Oscar Mayer & Co., 910 Mayer Avenue, Madison, Wis. 53704. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 S. 4th Street, Minneapolis, Minn. 55401.

NOTE.—Applicant states that interline will take place at Fargo, N. Dak. with Booth Delivery Service.

No. MC 139841 (Sub-No. 1TA), filed September 9, 1974. Applicant: DENVER TRANS-CORP., 5971 N. Broadway, Denver, Colo. 80216. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, materials, equipment, and supplies* used or useful in the production or marketing thereof, between Denver, Colo., on the one hand, and, on the other, points in Oklahoma, Arkansas, Tennessee, Texas, Louisiana, Mississippi, Alabama, and Georgia, for 180 days. Supporting shipper: Aunt Martha's Foods Inc., 5969 N. Broadway, Denver, Colo. 80216. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 140166 (Sub-No. 1TA), filed September 9, 1974. Applicant: JOHN L. SMITH, R.F.D. No. 5, Box 96, Blackfoot, Idaho 83221. Applicant's representative: Dennis M. Olsen, 485 E Street, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, poultry, and fish feed;* and *animal, poultry, and fish feed*

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concentrates, feed supplements and feed ingredients; bag and bulk, for on farm and other delivery, from points in Bannock County, Idaho, to points in Union, Grant, Baker, Harney, and Malheur Counties, Oreg.; Ravalli, Granite, Jefferson, Silver Bow, Gallatin, Madison, and Beaverhead Counties, Mont.; Teton, Sublette, Sweetwater, Lincoln, and Uinta Counties, Wyo.; Box Elder, Cache, Rich, Weber, Summit, Tooele, Juab, Millard, Sevier, Sanpete, Carbon, Emery, Wasatch, Salt Lake, Duchesne, Uintah, Davis, Beaver, and Wayne Counties, Utah; Washoe, Pershing, Humboldt, Elko, Lander, Churchill, Eureka, White Pine, Mineral, Douglas, Lyon, and Storey Counties, Nev., for 180 days. Supporting shippers: Purina Ralston Company, P.O. Box 2025, Pocatello, Idaho. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, Idaho 83724.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 180TA), filed September 9, 1974. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: A. P. Carr, 1400 West Third Street, Cleveland, Ohio 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, Between Columbus, Ohio, and Athens, Ohio, serving all intermediate points, including the off-route point of Logan, Ohio, via Ohio State Highway 93: From Columbia, Ohio, over U.S. Highway 33 to Athens, Ohio, and return over the same route, serving all intermediate points and including service to and from the off-route point of Logan, Ohio, via Ohio State Highway 93, and Between Columbia, Ohio, and Chillicothe, Ohio, serving all intermediate points: From Columbia, Ohio over U.S. Highway 23 to Chillicothe, Ohio, and return over the same route, for 180 days.

NOTE.—Applicant, Greyhound Lines, Inc., is now authorized by this Commission under Docket No. MC 1515 and subs to serve various points in the forty-eight contiguous continental United States, and hereby requests authority to tack the authority being sought in this application, to and from points proposed to be served on the routes involved in this application to and from all points on routes applicant is now authorized to service. Joinder of the proposed authority with the authority now held under Docket MC 1515 and subs would be, specifically, at Columbus, Athens, and Chillicothe, Ohio. Authority in the area in which the foregoing joinder of routes is proposed, is authorized in the following Certificates of Public Convenience and Necessity: MC 1501 Subs 92, 104, and 172 and MC 1515 Subs 6 and 175. Further, it is also intended that traffic traveling via the proposed routes herein, will be interlined with other carriers at points where applicant presently interlines traffic with such other carriers.

Supporting shippers: Carl R. Hoskins, State of Ohio, Fairfield School for Boys, Lancaster, Ohio 43130; Steve Raynor, Lowe's of Circleville, 150 Edison Avenue, Circleville, Ohio; Olle Bildsten, Cole Nursery Co., Inc., Route 1, Box 140, Circleville, Ohio, 43113; Erle A. DeLong, Essex Wire, Inc., 219 North Col Street, Lancaster, Ohio; and Thomas W. Purcell, Circleville Herald, 210 North Court Street, Circleville, Ohio 43113. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 230 North First Ave., Room 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 140190 TA filed September 9, 1974. Applicant: LAWRENCE R. ERTEL, doing business as OREGON-RENO TOURS, 1210 NW. D Street, Grants Pass, Oreg. 97526. Applicant's representative: Lawrence R. Ertel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, (1) From Grants Pass. Oreg., to Reno-Sparks, Nev., with pickup of passengers in Grants Pass, Medford, and Ashland, Oreg., and return to same three (3) Oregon cities from Reno-Sparks, Nev., and (2) From Eugene-Springfield, Oreg., to Reno-Sparks, Nev., with pickup of passengers in Eugene-Springfield, Roseburg, Grants Pass, Medford, and Ashland, Oreg., and return to the same five (5) Oregon cities from Reno-Sparks, Nev., for 180 days. Supporting shipper: Parks and Recreational Department, City of Grants Pass, City Hall, Grants Pass, Oreg. 97526. Send protests to: District Supervisor Odoms, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-22291 Filed 9-24-74;8:45 am]

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WASHINGTON, D.C.

Volume 39 ■ Number 188

Pages 34511–34640

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 2—Amnesty

CHAPTER II—SELECTIVE SERVICE SYSTEM

PART 200—RECONCILIATION SERVICE

The Director of Selective Service pursuant to Proclamation 4313 and Executive Order 11804 and in accord with the provisions of Section 553 of Title 5, United States Code, hereby issues the regulations governing the administration of the program of Reconciliation Service prescribed in Proclamation 4313.

Notwithstanding the established position and policy of the Director of Selective Service to give interested persons an opportunity to participate in rule making through submission of written data, views or arguments with or without opportunity for oral presentation, he has determined that it is impracticable, unnecessary, and contrary to the public interest to provide such opportunity in this instance because of the urgency of affording the benefits of the provisions of Proclamation 4313 to affected persons.

These regulations become effective on September 26, 1974. The Director of Selective Service has determined that good cause exists for making these regulations effective upon publication in order to immediately provide relief to those individuals described in Proclamation 4313.

The regulations follow:

Sec.
200.1 Definitions.
200.2 Responsibility for administration.
200.3 Eligible employers of returnees performing service.
200.4 Criteria for jobs for returnees.
200.5 Assigning reconciliation service.
200.6 Administration of service.
200.7 Length of service.
200.8 Termination of prescribed service.

AUTHORITY: E.O. 11804 and Proclamation 4313.

§ 200.1 Definitions.

The following definitions shall govern in the interpretation of the provisions of this part:

(a) *Reconciliation Service or Service.* Reconciliation service is the alternate service work obligation that a returnee agrees or pledges to perform in accord with Proclamation 4313.

(b) *Referring authority.* Referring authority is the Attorney General, Secretary of a Military Department, or Secretary of Transportation with whom a returnee has signed an agreement or pledge to perform Reconciliation Service as prescribed in Proclamation 4313 or the Presidential Clemency Board established by Executive Order 11803.

(c) *Residence of the returnee.* The residence of the returnee is the community in the United States indicated by the returnee at the time he reports in person to a Selective Service official in accord with the instructions of the referring authority to perform reconciliation service in accord with Proclamation 4313.

(d) *Returnee.* A returnee is a person who has signed an agreement or pledge with the Referring Authority to perform Reconciliation Service.

§ 200.2 Responsibility for administration.

(a) The Director of Selective Service administers the program of Reconciliation Service.

(b) The State directors, under the supervision of the Director of Selective Service, will assure compliance with these regulations and the Director's instructions concerning the program of service by returnees.

(1) The State director of the State of the residence of the returnee will have primary responsibility for the initial placement of the returnee in service. That State director will coordinate any job placement activities in any State outside his own with the State director of the State concerned. In assigning a returnee outside his own State, the assigning State director must have the approval of the "receiving" State director or the Director of Selective Service.

(2) The State director of the State in which the returnee's job is located will monitor his work.

§ 200.3 Eligible employers of returnees performing service.

Returnees may be employed by the following employers:

(a) The U.S. Government, a State, Territory, or possession of the United States or a political subdivision thereof, or the District of Columbia; or

(b) An organization, association, or corporation which is primarily engaged either in a charitable activity conducted for the benefit of the general public or in carrying out a program for the improvement of the public health or welfare, including educational and scientific activities in support thereof, when such activity or program is not principally for the benefit of the members of such organization, association, or corporation, or for increasing the membership thereof or for profit.

§ 200.4 Criteria for jobs for returnees.

(a) Four elements will be considered by the State Director as a basis for determining whether a specific job offered by an eligible employer is acceptable as service for a returnee:

(1) *National Health, Safety or Interest.* The job must promote the national health, safety, or interest.

(2) *Noninterference with the competitive labor market.* The returnee cannot be assigned to a job for which there are more numerous qualified applicants who are not returnees than there are spaces available. This restriction does not prohibit the approval of special programs established by the Director of Selective Service.

(3) *Compensation.* The compensation will provide a standard of living to the returnee reasonably comparable to the standard of living the same person would have enjoyed had he gone into military service. This criterion may be waived by the State director when such action is determined to be in the national interest and would speed the placement of the returnee in service.

(4) *Skill and talent utilization.* Where possible, a returnee will be permitted to utilize his special skills.

§ 200.5 Assigning reconciliation service.

(a) The State director will assign a returnee to a job of reconciliation service to begin within 30 days after the returnee reports in person to a Selective Service official in accord with instructions of the referring authority. The State director will consider any job which fulfills the requirements of Sections 200.3 and 200.4 of this part that the returnee may propose for his reconciliation service.

(b) The State director may, for good cause, or upon the instruction of the Director of Selective Service, shall reassign a returnee. Prior to such reassignment, the returnee will continue in the service to which he had been assigned.

(c) The Director of Selective Service or the State Director of Selective Service will provide transportation and meal and lodging requests to the returnee for his travel (1) from the place of the Selective Service official to whom he was initially directed by the referring authority to the place at which he performs his service within the United States, (2) for his return travel from the last place of service to his residence or to any other place whenever the cost of such transportation would not exceed the cost of travel to his residence, upon his satisfactorily completing his period of work, and (3) for his travel from one place of employment to another when his em-

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ployment is transferred under the provision of section 200.5(b) or 200.6(b) of this part.

§ 200.6 Administration of service.

(a) Whenever a returnee is refused employment by an employer who had previously agreed to hire him, whenever the returnee refused employment, whenever a returnee's employment is terminated, or whenever he leaves his job before completing it, the State director administering the returnee's case will consider the circumstances surrounding the refusal, termination, or premature departure to determine whether the returnee had failed to perform his job or to conduct himself satisfactorily. The State director will normally conduct an investigation which may include the following steps: obtain a statement from the former employer describing the circumstances of the returnee's failure to perform service, and furnish a copy of such statement to the returnee; obtain a statement from the returnee, if he wishes to make one; and compile any other evidence he feels is relevant.

(b) If, after completing an investigation in accord with paragraph (a) of this section, the State director determines that the returnee's departure was improper he will report the facts to the Director of Selective Service. If the State director finds no failure of the returnee to perform satisfactorily he will assign the returnee to the same or another job as quicky as possible. If the returnee promptly complies with such assignment, the intervening time between jobs will constitute "good time."

§ 200.7 Length of Service.

The length of service required of a returnee will be full-time employment for the period prescribed by the referring authority.

§ 200.8 Termination of Prescribed Service.

(a) Whenever a returnee ceases satisfactorily to perform the reconciliation service to which he has been assigned, the State director will inform the Director of Selective Service of the pertinent facts. The Director of Selective Service will forthwith report such information together with his comments thereon to the referring authority, and shall furnish a copy of such report to the returnee.

(b) When the returnee satisfactorily completes the reconciliation service to which he has been assigned, the Director of Selective Service will issue a certificate of completion to the returnee and furnish a copy thereof and such documentary evidence as required to the referring authority.

BYRON V. PEPITONE,
Director.

SEPTEMBER 23, 1974.

[FR Doc.74-22400 Filed 9-25-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-CE-17-AD; Amdt. 39-1960]

PART 39—AIRWORTHINESS DIRECTIVES

Various Beech Model Airplanes

There has been an incident involving a Beech Model 58 airplane wherein spilled fuel in the wing tip area is suspected to have been ignited by arcing between the wing tip strobe light and aircraft structure. Investigation of this incident disclosed that the strobe light system may be inadequately bonded to the aircraft structure. Since this condition is likely to exist or develop in other airplanes of the same type designs an Airworthiness Directive is being issued applicable to Beech Models F33A, V35B, A36, 95-B55, 95-B55A, E55, E55A, 58, 58A, A60, B60, 70, B80, C90, E90, B99, 100, A100 and 200 aircraft requiring deactivation of the strobe light installation until electrical bonding of this system is accomplished per the requirements of this AD.

Since a situation exists which requires expeditious adoption of this amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new AD.

BEECH. Applies to the following models and serial numbers airplanes if equipped with Grimes P/N 30-0467-1 strobe light assemblies:

F33A, Serials CE-436 through CE-520
V35B, Serials D-9468 through D-9654
A36, Serials E-424 through E-561
95-B55 and 95-B55A, Serials TC-1526 through TC-1729
E55 and E55A, Serials TE-904 through TE-992
58 and 58A, Serials TH-303 through TH-600
A60 and B60, Serials P-223 through P-288
70, Serial LB-35
B80, Serials LD-441 through LD-488
C90, Serials LJ-502 through LJ-644
E90, Serials LW-1 through LW-127
B99, Serials U-152 through U-161
100 and A100, Serials B-52 through B-209
200, Serials BB-1 through BB-30

Compliance; Required as indicated, unless already accomplished.

Part I. To preclude possible ignition of flammable fluids or vapors by arcing between the strobe lights and the aircraft structure, prior to further flight, pull and deactivate the strobe light system circuit breaker by banding or taping the shank so as to preclude reactivation and add a temporary placard near the strobe light switch stating "Strobe Light System Deactivated". This requirement is only applicable until the strobe light system is electrically bonded as indicated in Part II of this AD.

Part II. To assure proper electrical bonding of the Grimes Strobe Light, P/N 30-0467-1, to the aircraft structure and thereby eliminate a possible ignition source in an area where fuel/fuel vapor can exist, within 100 hours' time in service after the effective date of this AD, accomplish the following:

(A) Remove the lenses and the Grimes Strobe Light P/N 30-0467-1 strobe light assemblies from the wing tips and tail cone as required to provide access for installing the bonding straps.

(B) (1) On the existing Grimes Strobe Light P/N 30-0467-1 strobe light assemblies, remove one of the existing No. 4 countersunk, recessed head screws from the top or bottom of the light assembly and discard the screw.

(2) Clean the area around the screw hole to bare metal and install a MS25083-2AB6 bonding strap on each 30-0467-1 light assembly with one MS35206-214 screw and one AN936B4 washer. Equivalent MS25083-2AB6 bonding strap may be fabricated by using a 6-inch length of AWG 12 gauge stranded soft copper wire, terminated at one end with a MS25036-111 (or equivalent) terminal with a hole for a number 6 stud, and the other end terminated with a MS25036-112 (or equivalent) terminal with a hole for a number 10 stud.

(C) (1) In the wing strobe light assembly support former, drill one .165/.174-inch diameter hole, located .90-inch forward and 1.10-inch below the center of the wiring plug hole in the former.

(2) Clean the area around the drilled hole to bare metal. Attach the bonding strap from the strobe light assembly to the mounting bracket with one each MS35206-243 screw, AN960D8L washer and MS21042L08 nut.

(D) Reinstall the 30-0467-1 strobe light assemblies and lenses on the wings.

(E) (1) On the Models 70, B80, C90, E90 and 200 aircraft, drill one .165/.174-inch diameter hole in the tail strobe light mounting surface located 3.6-inches to the right of the aircraft center line and centered vertically on the mounting surface, or locate an existing tooling hole in the same general area.

(2) Clean the area around the drilled or existing tooling hole to the bare metal and attach the bonding strap from the strobe light assembly to the mounting surface using one each MS35206-214 screw, AN936B4 washer and MS21042L08 nut for the Model 200 or one each MS35206-263 screw, AN960-D10L washer and MS21042L3 nut for the Models 70, B80, C90 and E90.

(3) Reinstall the Grimes P/N 30-0467-1 strobe light assemblies and lenses on the aircraft tail cone.

(F) Reactivate the circuit breaker, remove temporary placarding, and check strobe light system for proper operation.

(G) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Beechcraft Service Instruction 0655-362 or later FAA-approved revisions covers the subject matter of Part II of this AD.

This amendment becomes effective September 26, 1974.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on September 20, 1974.

GEORGE R. LACAILLE,
Acting Director,
Central Region.

[FR Doc.74-22410 Filed 9-25-74;8:45 am]

[Docket No. 74-EA-73; Amdt. 39-1976]

PART 39—AIRWORTHINESS DIRECTIVE

Leigh Systems—Emergency Locator Transmitters

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Leigh Systems Emergency Locator Transmitters (ELTs).

There have been reports of ELTs failing to operate or operating inadvertently due to corroded parts within the transmitter. The corrosion has been attributed to gases emitted by lithium batteries.

Since this deficiency can exist or develop in products of the same type design, an airworthiness directive is being issued which will require repetitive inspections and replacement where necessary.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR § 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

Emergency locator transmitters Leigh Systems Sharc 7 Series. Applies to all Leigh Systems Sharc 7 Series Emergency Locator Transmitters equipped with Lithium Batteries.

Compliance required as indicated:

As a result of chemical corrosion resulting in either failure of the Emergency Locator Transmitter (ELT) to operate or inadvertent activation, jamming the emergency frequencies of 121.5 MHz and 243.0 MHz accomplish the following:

Within the next 90 days and thereafter at each additional 60 day interval after the effective date of this Airworthiness Directive, accomplish the following:

1. ELT's equipped with Lithium Batteries may be determined by weight shown on ELT identification tag as 1.5 pounds.

2. Conduct a visual inspection for evidence of corrosion in accordance with photo reproduction which is part of Leigh System's Service Bulletin No. 003A, dated May 15, 1974, or equivalent inspections approved by Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

3. If no corrosion is found, prior to reinstalling, determine ELT transmits properly. ELT transmissions are authorized in the first five minutes of any hour or at other times if coordinated with the nearest FAA Tower or Flight Service Station for a total of three audio sweeps. (Ref. FAA Advisory Circular 00-35A or 20-81).

4. If corrosion is found or if the ELT does not transmit properly, replace with an approved serviceable unit which has been inspected in accordance with paragraph 2; or replace with another TSO approved unit, prior to the next flight except that a ferry flight may be conducted in accordance with FAR 91.52(e)(2).

This amendment is effective October 1, 1974.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on September 17, 1974.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.74-22338 Filed 9-25-74;8:45 am]

[Docket No. 72-SO-74; Amdt. 39-1974]

PART 39—AIRWORTHINESS DIRECTIVES

Teledyne Continental Motors Models IO-470 and TSIO-470 Engines

Amendment 39-1522, 37 FR 19120, as amended by amendments 39-1613, 38 FR 8243, and 39-1774, 39 FR 3819, AD-72-20-2 requires retirement at next overhaul of all Part Number 626820 "Non-H" cylinders and those "H" cylinders manufactured or remanufactured (rebarreled) prior to April 1963 and retains the 25 hour repetitive inspection procedures of AD 67-31-5 on affected engines only so long as necessary to facilitate the orderly retirement of cylinders on TCM Models IO-470 and TSIO-470 series engines. Since the issuance of amendment 39-1774 the National Transportation Safety Board, as a result of their investigation of an inflight fire, has recommended that the 25 hour inspection interval be reduced. Therefore, this airworthiness directive is being amended to reduce the repetitive inspection interval from 25 hours to 20 hours.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (amendment 31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations, amendment 39-1522, 37 FR 19120 as amended by amendments 39-1613, 38 FR 8243, and 39-1774, 39 FR 3819, AD 72-20-2 is further amended by revising the first sentence of paragraph A. to read as follows:

A. Within the next 20 hours' time in service after the effective date of this airworthiness directive and thereafter at intervals not exceeding 20 hours' time in service from the last inspection.

This amendment becomes effective October 2, 1974.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). U.S.C. 1655(c)).

Issued in East Point, Georgia on September 17, 1974.

P. M. SWATEK,
Director, Southern Region.

[FR Doc.74-22337 Filed 9-25-74;8:45 am]

[Airspace Docket No. 74-EA-74]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alternation of Control Zone

The Federal Aviation Administration is amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the description of the Johnstown, Pa., Control Zone (39 FR 394).

The present description indicates the zone is effective 0700-2300 hours. It is proposed to lengthen the hours of operation of the FSS from 0700 to 2400, thereby allowing a concurrent extension of the effective period of the control zone. Since the extension is only for a period of one hour, it is minor in nature and therefore notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective October 1, 1974, as follows:

Amend § 71.171 of Part 71 of the Federal Aviation regulations by deleting in the description of the Johnstown, Pa. Control Zone, "This control zone is effective from 0700 to 2300 hours, local time, daily." and by substituting the following in lieu thereof; "This control zone is effective from 0700 to 2400 hours, local time, daily."

Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749 (49 U.S.C. 1348] Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on September 17, 1974.

JAMES BISPO,
Deputy Director,
Eastern Region.

[FR Doc.74-22339 Filed 9-25-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-874, Amdt. 27]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Requiring Request for Mailed Receipt of Tariff Transmittal To Be Accompanied by Preaddressed Postage Paid Envelope

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., September 23, 1974.

Under § 221.163 of Part 221 of the Board's Economic Regulations, dealing with letters of tariff transmittal, if the filing carrier or agent desires a receipt for the filing, it is required that the letter of tariff transmittal be sent in triplicate. The within amendment to this section requires that the filing carrier or agent also submit a preaddressed, postage paid envelope, if return receipt by mail is desired.

Since the amendment provided for herein is a rule of agency procedure and practice, and imposes no significant burden on any person, the Board finds that notice and public procedure are unnecessary.

In consideration of the foregoing, the Board hereby amends § 221.163 of the Economic Regulations (14 CFR Part 221) effective October 29, 1974, to read as follows:

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§ 221.163 **Letter of tariff transmittal.**

All tariff publications (including indexes of tariffs and adoption notices) filed with the Board shall be accompanied by a letter of tariff transmittal in duplicate in the form prescribed in § 221.240. Each letter of transmittal may include one or more tariff publications but passenger tariff publications shall not be included in the same letter of tariff transmittal with property tariff publications. If the filing carrier or agent desires a receipt for the filing, the letter of tariff transmittal shall be sent in triplicate (accompanied by a preaddressed postage paid return envelope, if return by mail is requested), and one copy thereof showing the date of receipt by the Board will be returned to the sender.

(Sections 204(a) and 403 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743 and 758, as amended (49 U.S.C. 1324 and 1373))

By the Civil Aeronautics Board.

Adopted: Sept. 23, 1974.
Effective: Oct. 29, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-22415 Filed 9-25-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 5, amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Provider Reimbursement Determinations and Appeals

On March 4, 1974, there was published in the FEDERAL REGISTER (39 FR 8166) a notice of proposed rule making with proposed amendments to Subparts D and R of Regulations No. 5 (20 CFR Part 405), implementing section 243 of Pub. L. 92-603 (86 Stat. 1386-89) entitled "Provider Reimbursement Review Board." Interested persons were given 30 days within which to submit written comments or suggestions thereon. Comments and suggestions were received from various organizations, institutions, and individuals interested in health services. All the comments have been considered and the proposed regulations are hereby adopted with the following significant changes:

1. Section 405.1801(b) offers a general discussion of the scope of the proposed Subpart R and the entities affected by the provisions therein. Several who commented indicated it appeared from their interpretation of the section that Provider Reimbursement Review Board hearings would be available not only to "providers of services", as that term is understood in the context of the Social Security Act, but as well to other participating entities that submit and are reimbursed on the basis of cost reports. Such an interpretation was not intended. To the contrary, it was intended that § 405.1801(b) reflect clearly the requirement of the Act that "providers of services" be afforded Board hearings, while indicating that other participating cost-reporting entities that offer health care services (i.e., those not in the category of "providers of services") could continue to exercise their appeal rights via the "intermediary" hearing process, as provided now in §§ 405.1801 through 405.1833 and §§ 405.1881 through 405.1889. Accordingly, we have revised § 405.1801(b) to clarify the original intent of that passage.

2. Section 405.1853, "Prehearing discovery and other proceedings prior to the Board hearing," has been expanded to clarify the intermediary's role in proceedings conducted prior to the actual Board hearing. While this addition to the regulations does not present any significant change in program policy, add any additional procedural function, or delay the Board's hearing, it does provide for more specific notice to the public of what is required of the intermediary to ready a case for review by the Board. (Several of those who commented suggested that communications between the provider and the intermediary be permitted to continue while hearing proceedings before the Board are pending). It shall be the responsibility of the intermediary, to the maximum extent possible, to further document its records with explicit evidence, delineate and narrow the issues in dispute, consider any new evidence the provider may wish to have considered, reach agreement with the provider on any issues susceptible of resolution and thus, simplify and limit the issues to be decided by the Board. The record which ultimately reaches the Board should be devoid of insignificant disputes and reflect clearly the major issues unresolved. A hearing before the Board will be a relatively expensive undertaking for both the provider and the Social Security Administration. To the extent that disputes can be resolved by the intermediary, the more costly proceedings before the Board may be avoided.

3. We modified §§ 405.1809 and 405.1811 to show that the provider has the right to an intermediary hearing where the disputed determination involves a cost-reporting period ending prior to June 30, 1973, and the amount in controversy is $1,000 or more. In the regulations as published under the notice of proposed rule making setting forth the various jurisdictional requirements for both an intermediary hearing and Board hearing, it was not explicitly shown that for cost-reporting periods ending prior to June 30, 1973, jurisdiction for hearing rests exclusively with the intermediary, without regard to the $10,000 limitation as to amount in controversy. Many who commented suggested clarification of this provision.

4. Sections 405.1823 and 405.1855 have been revised to provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence from the hearing record. Thus, there is now a regulatory standard drawn closely along the lines of language in the Administrative Procedure Act, to serve as a basis for ruling on the admissibility of evidence at the hearing. Comments were received from representatives of several provider organizations suggesting that we provide in the regulations some standard or criteria governing the admissibility of evidence.

5. The regulations were modified to indicate clearly that the term "intermediary" includes the Social Security Administration when acting directly as intermediary (see § 405.1843(a)). Some confusion seemed to exist in the proposed regulations published under the Notice of Proposed Rule Making with respect to § 405.1843, "Parties to Board hearing." It had provided that the intermediary would be a proper party but that neither the Secretary nor the Social Security Administration might be made a party. Some who commented suggested the regulations clearly show that, where the Social Security Administration is acting in a direct capacity as the intermediary for a provider, the component within the Social Security Administration responsible for performing the duties attributable to "intermediaries" would be a proper party to the Board hearing.

6. Section 405.1885(d) of the regulations was modified to provide for reopening a determination or decision at any time it is established that said determination or decision was procured by fraud or similar fault of any party. Several who commented suggested that the language as proposed in § 405.1835(d) implied that fraud, as a basis for reopening a determination or decision, applied only unilaterally to providers.

7. Various editorial changes have also been made in the interest of clarity.

Some comments and suggestions were considered but not adopted. Following is a summarization of the most significant:

1. Comments were received suggesting that the regulations should provide for publication of all Board decisions in some appropriate forum. We do not believe it is necessary to provide in the regulations for such publication of Board decisions. The Board has authority, pursuant to section 1878(e) of the Act, to set rules regarding publication of its decisions. The Social Security Administration will take whatever measures are necessary to ensure the publication of Board decisions and to give proper recognition to their import.

2. Many comments were received relative to § 405.1835(b) and its granting of the provider's right to Board hearing where the intermediary has not rendered a determination within 12 months after receipt of the provider's perfected cost report. Section 1878 of the Act states that said determination must be received by the provider on a "timely" basis. Those who commented suggested a shorter period would more appropriately meet the definition of "timely." However, experience indicates that due to the complexity of issues presented and various deficiencies apparent in providers' cost reports, a shorter period would not be adequate. The intermediary's review may include such time-consuming procedural steps as an extensive desk examination of the cost report, further communication with the provider requesting clarification of particular entries and/or supporting documents, arranging for and completing an audit (which ordinarily takes approximately 3 months), reporting to and negotiating with the provider regarding the findings on audit; and a conference to orally discuss and consider the adjustments to the cost report, before a determination reflected in a written notice of amount of program reimbursement can be made. Such review by the intermediary is conducted at a time when its work demands are at a peak, since most providers file their cost reports at the same time. Thus, it is apparent that in view of the procedural steps set forth above, and the limitations of intermediaries' audit capabilities, a period less than 12 months would not be adequate in the majority of cases. Moreover, we believe that the foregoing review procedures cannot be compromised if the intermediary is to render a well-documented and well-reasoned determination. We believe that kind of thorough evidentiary review and careful decision-making described herein operates to the mutual benefit of the providers and the health insurance program. Informal consultations with various intermediaries also indicate that the 12-month period is reasonable and will not result in undue hardship to either the provider or the intermediary.

(Secs. 1102, 1861(v), 1871, 1878, 49 Stat. 647, as amended, 79 Stat. 322, as amended, 79 Stat. 331, as amended, 86 Stat. 1421 (42 U.S.C. 1302, 1395x(v), 1395hh, and 1395oo))

Effective date. These amendments shall be effective October 29, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance)

Dated: September 2, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 20, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration (20 CFR Part 405) are further amended as follows:

1. The heading to Subpart D is revised to read as follows:

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

2. Sections 405.490–405.499 are redesignated as §§ 405.1801 through 405.1833, and 405.1881 through 405.1889, respectively, revised, and incorporated into a new subpart (Subpart R) reading as follows:

Subpart R—Provider Reimbursement Determinations and Appeals

Sec.
405.1801 Introduction.
405.1803 Intermediary determination and notice of amount of program reimbursement.

Sec.
405.1805 Parties to intermediary determination.
405.1807 Effect of intermediary determination.
405.1809 Intermediary hearing procedure.
405.1811 Right to intermediary hearing; time, place, form, and content of request for intermediary hearing.
405.1813 Failure to timely request an intermediary hearing.
405.1815 Parties to the intermediary hearing.
405.1817 Hearing officer or panel of hearing officers authorized to conduct intermediary hearing; disqualification of officers.
405.1819 Conduct of intermediary hearing.
405.1821 Prehearing discovery and other proceedings prior to the intermediary hearing.
405.1823 Evidence at intermediary hearing.
405.1825 Witnesses at intermediary hearing.
405.1827 Record of intermediary hearing.
405.1829 Authority of hearing officer(s) at intermediary hearing.
405.1831 Intermediary hearing decision and notice.
405.1833 Effect of intermediary hearing decision.
405.1835 Board hearing; right to Board hearing.
405.1837 Group appeals.
405.1839 Amount in controversy.
405.1841 Time, place, form, and content of request for Board hearing.
405.1843 Parties to Board hearing.
405.1845 Composition of Board.
405.1847 Disqualification of Board members.
405.1849 Establishment of time and place of hearing by the Board.
405.1851 Conduct of Board hearing.
405.1853 Prehearing discovery and other proceedings prior to the Board hearing.
405.1855 Evidence at Board hearing.
405.1857 Subpoenas.
405.1859 Witnesses.
405.1861 Oral argument and written allegations.
405.1863 Administrative policy position at issue.
405.1865 Record of Board hearing.
405.1867 Sources of Board's authority.
405.1869 Scope of Board's decision making authority.
405.1871 Board hearing decision and notice.
405.1873 Board's jurisdiction.
405.1875 Secretary's review.
405.1877 Judicial review.
405.1881 Appointment of representative.
405.1883 Authority of representative.
405.1885 Reopening a determination or decision.
405.1887 Notice of reopening.
405.1889 Effect of a revision.

AUTHORITY: Sections 1102, 1861(v), 1871, and 1878, 49 Stat. 647, as amended, 79 Stat. 322, as amended, 79 Stat. 331, as amended, 86 Stat. 1421 (42 U.S.C. 1302, 1395hh, 1395oo, 1395x(v)).

§ 405.1801 Introduction.

(a) *Definitions.* As used in this subpart:

(1) "Intermediary determination" (see § 405.1803) means, with respect to a provider of services which has filed a cost report in accordance with §§ 405.406 and 405.453(f), a determination as to the amount of total program reimbursement due the provider for items and services furnished to individuals for which payment may be made under title XVIII of the Social Security Act for the period covered by such report. For purposes of appeal to the Provider Reimbursement Review Board, the term "intermediary determination" shall be synonymous with the term "intermediary's final determination" as that latter term is used in section 1878(a) of the Act.

(2) "Intermediary hearing" means that hearing provided for in § 405.1809.

(3) "Board" means the Provider Reimbursement Review Board established in accordance with section 1878 of the Act, 42 U.S.C. 1395oo, and § 405.1845.

(4) "Board hearing" means that hearing provided for in section 1878(a) of the Act (42 U.S.C. 1395oo(a)), and § 405.1835.

(5) "Secretary's review" means that review provided for in section 1878(f) of the Act (42 U.S.C. 1395oo(f)) and § 405.1875.

(b) *General.* Under the program of health insurance for the aged and disabled, the amount paid to any organization or entity which qualifies as a provider of services under the provisions of title XVIII of the Social Security Act for covered items and services furnished beneficiaries is, pursuant to the Act, the "reasonable cost" of such services. The principles of reimbursement for determining reasonable costs are contained in Subpart D of this part. In order to be reimbursed for such reasonable costs of covered services furnished program beneficiaries, providers of services are obliged to file cost reports with their intermediaries as specified in § 405.453(f). In addition to the aforementioned providers of services whose status is such is indicated in the Act, there are entities which do not meet the statutory test for providers of services, which may also participate in the health insurance program, and when they do so participate, are obliged to file periodic cost reports and are reimbursed on the basis of information furnished in such reports. Although such entities do not qualify for Board review, the rules as set forth in this subpart with respect to intermediary hearings shall be applicable to such entities to the maximum extent possible, for cost-reporting periods ending on or after December 31, 1971, where the amount of program reimbursement in controversy is at least $1,000.

(c) *Effective dates.* Sections 405.1835–405.1877 apply only to cost-reporting periods ending on or after June 30, 1973. Except as provided in the preceding sentence or § 405.1885(e), the provisions of this subpart apply to all cost-reporting periods ending on or after December 31, 1971.

§ 405.1803 Intermediary determination and notice of amount of program reimbursement.

(a) Upon receipt of a provider's cost report, or amended cost report where permitted or required, the intermediary shall, within a reasonable period of time (see § 405.1835(b)), analyze the report, undertake any necessary audit of the re-

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port, and furnish the provider and other parties as appropriate (see § 405.1805) a written notice reflecting the intermediary's determination of the amount of program reimbursement. The notice shall (1) explain the intermediary's determination of total program reimbursement due the provider for the reporting period covered by the cost report or amended cost report; (2) relate this determination to the provider's claimed total program reimbursement due the provider for this period; (3) explain the amount(s) and the reason(s) why, by appropriate reference to law, regulations, or program policy and procedures, this determination may differ from the provider's claim; and (4) inform the provider of its right to an intermediary or Board hearing, as appropriate (see §§ 405.1809, 405.1811, 405.1815, and 405.1835–405.1843) and that such hearing must be requested within 180 days after the date of the notice.

(b) The intermediary's determination as contained in a notice of amount of program reimbursement shall constitute the basis for making the retroactive adjustment (required by § 405.454(f)) to any program payments made to the provider during the period to which the determination applies, including the suspending of further payments to the provider in order to recover, or to aid in the recovery of, any overpayment identified in the determination to have been made to the provider, notwithstanding any request for hearing on the determination the provider may make under § 405.1811 or § 405.1835. Any such suspension shall remain in effect as specified in § 405.373(a).

§ 405.1805 Parties to intermediary determination.

The parties to the intermediary's determination of the amount of program reimbursement shall be the provider and any other entity found by the intermediary to be a related organization of such provider (see § 405.427).

§ 405.1807 Effect of intermediary determination.

The determination shall be final and binding on the party or parties to such determination unless: (a) an intermediary hearing is requested in accordance with § 405.1811 and an intermediary hearing decision rendered in accordance with § 405.1831; or (b) the intermediary determination is revised in accordance with § 405.1885; or (c) a Board hearing is requested in accordance with § 405.1835 and a hearing decision rendered pursuant thereto.

§ 405.1809 Intermediary hearing procedures.

Each intermediary shall establish and maintain written procedures for hearings in accordance with these regulations, for resolving any issue which may arise between the intermediary and a provider as to the amount of program reimbursement due the provider or due the health insurance program. These procedures shall provide for a hearing on the intermediary's reasonable cost determination contained in a notice of amount of program reimbursement (see § 405.1803) when a timely filed request for a hearing on this determination is made by the provider to the intermediary and for cost-reporting periods ending prior to June 30, 1973, the amount of program reimbursement in controversy is at least $1,000, or for cost-reporting periods ending on or after June 30, 1973, the amount of program reimbursement in controversy is at least $1,000 but less than $10,000.

§ 405.1811 Right to intermediary hearing; time, place, form, and content of request for intermediary hearing.

(a) The provider who has been furnished a notice of amount of program reimbursement may request an intermediary hearing if (1) it is dissatisfied with the intermediary's determination contained in such notice and (2) the amount of program reimbursement in controversy is at least $1,000 but less than $10,000 for cost-reporting periods ending on or after June 30, 1973, or, for cost-reporting periods ending prior to June 30, 1973, the amount of program reimbursement in controversy is at least $1,000. Such request must be in writing and be filed with the intermediary within 180 calendar days after the date of the notice of program reimbursement. (See § 405.1835(b).) No other individual, entity, or party has the right to an intermediary hearing.

(b) Such request must (1) identify the aspect(s) of the determination with which the provider is dissatisfied, and (2) explain why the provider believes the determination on these matters is incorrect, and (3) be submitted with any documentary evidence the provider considers necessary to support its position.

(c) Following the timely filing of the request for hearing, the provider may identify in writing, prior to the onset of the hearing proceedings, additional aspects of the determination with which it is dissatisfied and furnish any documentary evidence in support thereof. If such additional aspects are submitted, the hearing officer may postpone the hearing to allow for his examination of such additional aspects.

§ 405.1813 Failure to timely request an intermediary hearing.

Where a provider requests an intermediary hearing on an intermediary's determination (as contained in a notice of amount of program reimbursement) after the time limit prescribed in § 405.1811, the designated intermediary hearing officer or panel of hearing officers shall dismiss the request and furnish the provider a written notice which explains the time limitation, except that for good cause shown, the time limit prescribed in § 405.1811 may be extended. However, no such extension shall be granted if the request therefor is filed more than 3 years after the date of the notice of amount of program reimbursement.

§ 405.1815 Parties to the intermediary hearing.

The parties to the intermediary hearing shall be the parties to the intermediary determination and any other entity determined by the intermediary to be a related organization of such provider. Said parties shall be given reasonable notice of the time, date, and place of such hearing. Neither the intermediary nor the Social Security Administration are parties (see § 405.1819).

§ 405.1817 Hearing officer or panel of hearing officers authorized to conduct intermediary hearing; disqualification of officers.

The intermediary hearing provided for in § 405.1809 shall be conducted by a hearing officer or panel of hearing officers designated by the intermediary. Such hearing officer or officers shall be persons knowledgeable in the field of health care reimbursement. The hearing officer or officers shall not have had any direct responsibility for the program reimbursement determination with respect to which a request for hearing is filed; no hearing officer (or officers) shall conduct a hearing in a case in which he is prejudiced or partial with respect to any party, or where he has any interest in the matter pending for determination before him. Notice of any objection which a party may have with respect to a hearing officer shall be presented in writing to such officer by the objecting party at the party's earliest opportunity. The hearing officer shall consider the objection and shall, at his discretion, either proceed in the conduct of the hearing or withdraw. If the hearing officer does not withdraw, the objecting party may, after the hearing, present his objections to an executive official of the intermediary, who shall rule promptly on the objection.

§ 405.1819 Conduct of intermediary hearing.

The hearing shall be open to all parties thereto (see § 405.1815) and to representatives of the intermediary and of the Social Security Administration (see § 405.1815). The hearing officer(s) shall inquire fully into all of the matters at issue and shall receive into evidence the testimony and any documents which are relevant and material to such matters. If the hearing officer(s) believes that there is relevant and material evidence available which has not been presented at the hearing, he (they) may, at any time prior to the mailing of notice of the decision, reopen the hearing record for the receipt of such evidence. The order in which the evidence and the allegations shall be presented and the conduct of the hearing shall be at the discretion of the hearing officer(s).

§ 405.1821 Prehearing discovery and other proceedings prior to the intermediary hearing.

(a) Prehearing discovery shall be permitted upon timely request of any party. To be timely, a request for discovery and inspection shall be made before the beginning of the hearing. A reasonable time for inspection and reproduction of documents shall be provided by order of the hearing officer(s).

(b) If, in the discretion of the hearing officer(s), the purpose of defining the issues more clearly would be served, the hearing officer(s) may schedule a prehearing conference. For this purpose, a single member of a panel of hearing officers, when such is the case, may be appointed to act for the panel with respect to prehearing activities.

§ 405.1823 Evidence at intermediary hearing.

Evidence may be received at the intermediary hearing even though inadmissible under the rules of evidence applicable to court procedure. The hearing officer(s) shall give the parties opportunity for submission and consideration of facts and arguments, and during the course of the hearing, should in ruling upon admissibility of evidence, exclude irrelevant, immaterial, or unduly repetitious evidence. The hearing officer(s) shall render a final ruling on the admissibility of evidence.

§ 405.1825 Witnesses at intermediary hearing.

The hearing officer(s) may examine the witnesses and shall allow the parties and their representatives to do so. Parties to the proceedings may also cross-examine witnesses.

§ 405.1827 Record of intermediary hearing.

A complete recordation of the proceedings at the intermediary hearing shall be made and transcribed in all cases. It shall be made available to any party upon request. The record will not be closed until a decision (see § 405.1831) has been issued.

§ 405.1829 Authority of hearing officer(s) at intermediary hearing.

(a) The hearing officer(s) in exercising his authority must comply with all the provisions of title XVIII of the Act and regulations issued thereunder, as well as with rulings issued under the authority of the Commissioner of Social Security (see § 422.408 of this chapter), and with the general instructions issued by the Social Security Administration in accordance with the Secretary's agreement with the intermediary.

(b) The determination of a fiscal intermediary that no payment may be made under title XVIII of the Act for any expense incurred for items and services furnished to an individual because such items and services are excluded from coverage pursuant to section 1862 of the Act, 42 U.S.C. 1395y (see Subpart C of this part), shall not be reviewed by the hearing officer(s). Such determination shall be reviewed only in accordance with the applicable provisions of Subparts G and H of this part.

§ 405.1831 Intermediary hearing decision and notice.

The hearing officer(s) shall, on a timely basis, render a decision in writing based on the evidence in the record; such decision shall constitute the final determination of the intermediary. In such decision, he will cite applicable law, regulations, rulings, and general instructions of the Social Security Administration, as well as findings on all the matters in issue at the hearing. A copy of the decision will be mailed to all parties to the hearing at their last known addresses.

§ 405.1833 Effect of intermediary hearing decision.

The intermediary hearing decision provided for in § 405.1831 shall be final and binding upon all parties to the hearing unless such intermediary determination is revised in accordance with § 405.1885.

§ 405.1835 Board hearing; right to Board hearing.

(a) The provider (but no other individual, entity, or party) has a right to a hearing before the Board about any matter designated in § 405.1801(a)(1), if:

(1) An intermediary determination has been made with respect to such provider; and

(2) The provider has filed a written request for a hearing before the Board under the provisions described in § 405.1841; and

(3) The amount in controversy (as determined in § 405.1839(a)) is $10,000 or more.

(b) Notwithstanding the provisions of paragraph (a)(1) of this section, the provider also has a right to a hearing before the Board about any such matter if an intermediary's determination is not rendered within 12 months after receipt by the intermediary of a provider's perfected cost report or amended cost report (as permitted or as required to furnish sufficient data for purposes of making such determination—see § 405.1803(a)) provided such delay was not occasioned by the fault of such provider.

§ 405.1837 Group appeal.

The provision of § 405.1835 shall apply to any group of providers of services if each provider of services in such group is identified as one which would, upon the filing of a request for hearing before the Board (but without regard to the provisions of § 405.1835(a)(3)) be entitled to such a hearing, but only if the matters in controversy involve a common question of fact, or of interpretation of law or regulations, and the amount in controversy (see § 405.1839(b)) is, in the aggregate, $50,000 or more.

§ 405.1839 Amount in controversy.

(a) The $10,000 amount in controversy will be computed by deducting the adjusted total reimbursable program costs from the total reimbursable program costs (less any amounts excluded by section 1862 of the Act) claimed by the provider.

(b) The $50,000 amount in controversy will be computed by deducting the adjusted total reimbursable program costs (in the aggregate) from the total reimbursable program costs (less any amounts excluded by section 1862 of the Act) which are claimed in the aggregate by the providers and are related to a common issue or interpretation of law or regulations.

§ 405.1841 Time, place, form, and content of request for Board hearing.

(a) The request for a Board hearing must be filed in writing with the Board within 180 days of the date the notice of the intermediary's determination of the amount of program reimbursement was mailed to the provider or, where notice of such determination was not timely rendered, within 180 days after the expiration of the period specified in § 405.1835(b). Such request for Board hearing must identify the aspects of the determination with which the provider is dissatisfied, explain why the provider believes the determination is incorrect in such particulars, and be accompanied by any documenting evidence the provider considers necessary to support its position. Prior to the commencement of the hearing proceedings, the provider may identify in writing additional aspects of the intermediary's determination with which it is dissatisfied and furnish any documentary evidence in support thereof.

(b) A request for a Board hearing filed after the time limit prescribed in paragraph (a) of this section shall be dismissed by the Board, except that for good cause shown, the time limit may be extended. However, no such extension shall be granted by the Board if such request is filed more than 3 years after the date the notice of the intermediary's determination is mailed to the provider.

§ 405.1843 Parties to Board hearing.

(a) The parties to the Board hearing shall be the provider, the intermediary (including the Social Security Administration when acting directly as intermediary) that rendered the determination being appealed (see § 405.1833), and any other entity found by the intermediary to be a related organization of such provider.

(b) Except as provided in paragraph (a), neither the Secretary nor the Social Security Administration may be made a party to the hearing. However, the Board may call as a witness any employee or officer of the Department of Health, Education, and Welfare having personal knowledge of the facts and the issues in controversy in a hearing pending before the Board and may call as a consultant to the Board in connection with any such hearing any individual designated by the Secretary for such purpose. (See § 405.1863.)

§ 405.1845 Composition of Board.

(a) The Board will consist of five members appointed by the Secretary. All shall be knowledgeable in the field of cost reimbursement. At least one shall be a certified public accountant. Two Board members shall be representative of providers of services.

(b) The term of office for Board members shall be 3 years, except that initial

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appointments may be for such shorter terms as the Secretary may designate to permit staggered terms of office. No member shall serve more than two consecutive 3-year terms of office. The Secretary shall have the authority to terminate a Board member's term of office for good cause.

(c) One member of the Board shall be designated by the Secretary as Chairman thereof and shall coordinate and direct the administrative activities of the Board, and shall have such other authority which may be granted to him by the Board.

(d) A quorum shall be required for hearings before the Board. Three members, at least one of whom is representative of providers of services, shall be required to constitute a quorum.

§ 405.1847 Disqualification of Board members.

No Board member shall join in the conduct of a hearing in a case in which he is prejudiced or partial with respect to any party or in which he has any interest in the matter pending for decision before him. Notice of any objection which a party may have with respect to a Board member shall be presented in writing to such Board member by the objecting party at its earliest opportunity. The Board member shall consider the objection and shall, in his discretion, either proceed to join in the conduct of the hearing or withdraw. If he does not withdraw, the objecting party may petition the Board, presenting its objection and reasons therefor, and be entitled to a ruling thereon before the hearing can proceed.

§ 405.1849 Establishment of time and place of hearing by the Board.

The Board shall fix the time and place for the hearing and shall mail written notice thereof to the parties at their last known addresses, not less than 30 days prior to the scheduled time. Either on its own motion or for good cause shown by a party, the Board may, as appropriate, reschedule, adjourn, postpone, or reopen the hearing, provided that reasonable written notice is given to the parties.

§ 405.1851 Conduct of Board hearing.

The Board hearing shall be open to the parties, to representatives of the Social Security Administration, and to such other persons as the Board deems necessary and proper. The Board shall inquire fully into all of the matters at issue and shall receive into evidence the testimony of witnesses and any documents which are relevant and material to such matters. If the Board believes that there is relevant and material evidence available which has not been presented at the hearing, it may at any time prior to the mailing of notice of the decision, reconvene the hearing for the receipt of such evidence. The order in which the evidence and the allegations shall be presented and the conduct of the hearing shall be at the discretion of the Board.

§ 405.1853 Prehearing discovery and other proceedings prior to the Board hearing.

(a) Upon notification that a request for Board hearing has been filed, the intermediary shall forthwith review the materials submitted by the provider in accordance with § 405.1841. Simultaneously, the intermediary shall review the information which formed the basis for its determination of the amount of program reimbursement. Based on the findings of such review, the intermediary shall expeditiously attempt to join with the provider in written stipulations setting forth the issues that said review has resolved and designating the issues that remain for Board resolution. Having obtained such stipulations and being satisfied that no further agreements can be negotiated, the intermediary shall ensure that all available documentary evidence in support of each party's position is part of the record. Such evidence will ordinarily include a position paper from the provider, a position paper from the intermediary, and any documents which support the issues addressed in the stipulations. These materials, in addition to all relevant documents which formed the basis for its determination of the amount of program reimbursement, shall be forwarded to the Board within 60 days after the date of the provider's request for Board review.

(b) Prehearing discovery shall be permitted upon timely request of a party. To be timely, a request for discovery and inspection shall be made before the beginning of the hearing. A reasonable time for inspection and reproduction of documents shall be provided by order of the Board. The Board's order on all discovery matters shall be final.

(c) If, in the discretion of the Board, the purpose of defining the issues more clearly would be served, the Board may schedule a prehearing conference. For this purpose, a single member of the Board may be appointed to act for the Board with respect to prehearing activities.

§ 405.1855 Evidence at Board hearing.

Evidence may be received at the Board hearing even though inadmissible under the rules of evidence applicable to court procedure. The Board shall give the parties opportunity for submission and consideration of facts and arguments and during the course of the hearing should, in ruling upon admissibility of evidence, exclude irrelevant, immaterial, or unduly repetitious evidence. The Board shall render a final ruling on the admissibility of evidence.

§ 405.1857 Subpoenas.

When reasonably necessary for the full presentation of a case, the Board may, either upon its own motion or upon the request of a party, issue subpoenas for the attendance and testimony of witnesses and for the production of books, records, correspondence, papers, or other documents which are relevant and material to any matter in issue at the hearing. Parties who desire the issuance of a subpoena shall, not less than 10 days prior to the time fixed for the hearing, file with the Board a written request therefor, designating the witnesses or documents to be produced, and describing the address, or location thereof with sufficient particularity to permit such witnesses or documents to be found. The request for a subpoena shall state the pertinent facts which the party expects to establish by such witnesses or documents and whether such facts could be established by other evidence without the use of a subpoena. Subpoenas, as provided for above, shall be issued in the name of the Board, and the Social Security Administration shall assume the cost of the issuance and the fees and mileage of any witness so subpoenaed, as provided in section 205(d) of the Act, 42 U.S.C. 405(d).

§ 405.1859 Witnesses.

Witnesses at the hearing shall testify under oath or affirmation, unless excused by the Board for cause. The Board may examine the witnesses and shall allow the parties or their representatives to do so. Parties to the proceeding may also cross-examine witnesses.

§ 405.1861 Oral argument and written allegations.

The parties, upon their request, shall be allowed a reasonable time for the presentation of oral argument or for the filing of briefs or other written statements of allegations as to facts or law. Copies of any brief or other written statement shall be filed in sufficient number that they may be made available to all parties and to the Social Security Administration.

§ 405.1863 Administrative policy at issue.

Where a party to the Board hearing puts into issue an administrative policy which is interpretative of the law or regulations, the Board will promptly notify to the Social Security Administration.

§ 405.1865 Record of Board hearing.

A complete record of the proceedings at the hearing shall be made and transcribed in all cases. It shall be made available to the parties upon request. The record will not be closed until a decision has been issued.

§ 405.1867 Sources of Board's authority.

In exercising its authority to conduct the hearings described herein, the Board must comply with all the provisions of title XVIII of the Act and regulations issued thereunder, as well as rulings issued under the authority of the Commissioner of Social Security (see § 422.408 of this chapter). The Board shall afford great weight to interpretive rules, general statements of policy, and rules of agency organization, procedure, or practice established by the Bureau of Health Insurance.

§ 405.1869 Scope of Board's decision-making authority.

The Board shall have the power to affirm, modify, or reverse a determination of an intermediary with respect to a cost report and to make any other modifications on matters covered by such cost report (including modifications adverse to the provider or other parties) even though such matters were not considered in the intermediary's determination. The opinion of the majority of those Board members deciding the case will constitute the Board's decision.

§ 405.1871 Board hearing decision and notice.

(a) The Board shall, as soon as practicable after the conclusion of its hearing, render a written decision based upon the record made at such hearing, the record established in support of the determination of the intermediary (see § 405.1803), and such other evidence as may be obtained or received by the Board. Such Board decision shall be supported by substantial evidence when the record of Board hearing is viewed as a whole and shall cite applicable law, regulations, and Social Security Rulings. A copy of the decision shall be mailed to all parties to the hearing at their last known addresses and, at the same time, to the Secretary.

(b) The decision of the Board provided for in paragraph (a) of this section shall be final and binding upon all parties to the hearing before the Board unless it is reviewed, and reversed or modified (adversely to the provider), by the Secretary, or unless it is remanded to the Board by the Secretary and given a less favorable decision by such Board (see § 405.1875), or unless it is revised in accordance with § 405.1885.

§ 405.1873 Board's jurisdiction.

(a) The Board shall decide questions relating to its jurisdiction to grant a hearing, including (1) the timeliness of an intermediary determination (see § 405.1835(b)), and (2) the right of a provider to a hearing before the Board when the amount in controversy is in issue (see §§ 405.1836(a)(3) and 405.1837).

(b) The determination of a fiscal intermediary that no payment may be made under title XVIII of the Act for any expenses incurred for items and services furnished to an individual because such items and services are excluded from coverage pursuant to section 1862 of the Act, 42 U.S.C. 1395y (see Subpart C of this part), shall not be reviewed by the Board. (Such determination shall be reviewed only in accordance with the applicable provisions of Subpart G or H of this part.)

§ 405.1875 Secretary's review.

(a) The Secretary, on his own motion and at his discretion, may elect to review a decision of the Board which is favorable in whole or in part to the provider. A right to such a review does not vest in parties to the Board's decision.

(b) The Secretary will promptly notify all parties to the Board's hearing of his election to review the Board's decision and of the result of such review.

(c) If the Secretary affirms a decision of the Board, the decision of the Board is the final administrative decision.

(d) If the Secretary reverses or modifies a decision of the Board adversely to a provider, he must do so within 60 days after notification to the provider of the Board's decision. In such case further review of the Secretary's decision is provided (see § 405.1877).

(e) The Secretary may remand the case to the Board with a request that the Board further consider the matter at issue in those cases where the Board's decision was favorable to the provider. In such situations where the Board issues a new decision (after remand by the Secretary) less favorable to the provider, such decision will constitute an adverse decision by the Secretary. (See § 405.1877).

§ 405.1877 Judicial review.

Section 1878(f) of the Act, 42 U.S.C. 1395oo(f), permits judicial review only where the Secretary, adversely to the provider, modifies or reverses the Board's decision (see § 405.1875(e)). Such action shall be brought in the District Court of the United States for the judicial district in which the provider is located or in the District Court for the District of Columbia.

§ 405.1881 Appointment of representative.

A provider or other party may be represented by legal counsel or any other person it appoints to act as its representative at the proceedings, conducted in accordance with §§ 405.1819 and 405.1851.

§ 405.1883 Authority of representative.

A representative appointed by a provider or other party may accept or give on behalf of the provider or other party any request or notice relative to any proceeding before a hearing officer or the Board. A representative shall be entitled to present evidence and allegations as to facts and law in any proceeding affecting the party he represents and to obtain information with respect to a request for an intermediary hearing or a Board hearing made in accordance with §§ 405.1811, 405.1835, or § 405.1837 to the same extent as the party he represents. Notice to a provider or other party of any action, determination, or decision, or a request for the production of evidence by a hearing officer or the Board sent to the representative of the provider or other party shall have the same force and effect as if it had been sent to the provider or other party.

§ 405.1885 Reopening a determination or decision.

(a) A determination of an intermediary, a decision by a hearing officer or panel of hearing officers, a decision by the Board, or a decision of the Secretary may be reopened with respect to findings on matters at issue in such determination or decision, by such intermediary officer or panel of hearing officers, Board, or Secretary, as the case may be, either on motion of such intermediary officer or panel of hearing officers, Board, or Secretary, or on the motion of the provider affected by such determination or decision to revise any matter in issue at any such proceedings. Any such request to reopen must be made within 3 years of the date of the notice of the intermediary or Board hearing decision, or where there has been no such decision, any such request to reopen must be made within 3 years of the date of notice of the intermediary determination. No such determination or decision may be reopened after such 3-year period except as provided in paragraphs (d) and (e) of this section.

(b) A determination or a hearing decision rendered by the intermediary shall be reopened and revised by the intermediary if, within the aforementioned 3-year period, the Social Security Administration notifies the intermediary that such determination or decision is inconsistent with the applicable law, regulations, or general instructions issued by the Social Security Administration in accordance with the Secretary's agreement with the intermediary.

(c) Jurisdiction for reopening a determination or decision rests exclusively with that administrative body that rendered the last determination or decision.

(d) Notwithstanding the provisions of paragraph (a) of this section, an intermediary determination or hearing decision, a decision of the Board, or a decision of the Secretary shall be reopened and revised at any time if it is established that such determination or decision was procured by fraud or similar fault of any party to the determination or decision.

(e) Paragraphs (a) and (b) of this section apply to determinations on cost reporting periods ending on or after December 31, 1971. (See § 405.1801(c).) However, the 3-year period described shall also apply to determinations with respect to cost reporting periods ending prior to December 31, 1971, but only if the reopening action was undertaken after May 27, 1972 (the effective date of regulations which, prior to the publication of this Subpart R, governed the reopening of such determinations).

§ 405.1887 Notice of reopening.

(a) All parties to any reopening described above shall be given written notice of the reopening. When such reopening results in any revision in the prior decision notice of said revision or revisions will be mailed to the parties with a complete explanation of the basis for the revision or revisions. Notices of reopenings by the Board shall also be sent to the Secretary.

(b) In any such reopening, the parties to the prior decision shall be allowed a reasonable period of time in which to present any additional evidence or argument in support of their position.

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§ 405.1889 Effect of a revision.

Where a revision is made in a determination or decision on the amount of program reimbursement after such determination or decision has been reopened as provided in § 405.1885, such revision shall be considered a separate and distinct determination or decision to which the provisions of §§ 405.1811, 405.1835, 405.1875 and 405.1877 are applicable. (See § 405.1801(c) for applicable effective dates.)

[FR Doc.74-22357 Filed 9-25-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

N-(Mercaptomethyl) Phthalimide S-(O-O-Dimethyl Phosphorodithioate)

Correction

In FR Doc. 74-20447, appearing at page 32025 in the issue for Wednesday, September 4, 1974, make the following changes to the table in § 135a.14:

1. The words *"To control"* in the italicized heading, now appearing above the right column, should be moved to appear above the left column.

2. In the fourth entry under *"Method of use"*, the word "Spray" should be changed to read "Dip or spray".

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Aspartame; Correction

In FR Doc. 74-17093 appearing at page 27317 in the FEDERAL REGISTER of Friday, July 26, 1974, the following corrections are made:

1. On page 27318 in the center column, paragraph No. 7 is changed to read as follows:

7. A diketopiperazine (5 benzyl-3, 6-dioxo-2-piperazineacetic acid) is the breakdown derivative of aspartame, routinely present in the sweetener at levels up to about 1 percent of the aspartame. At such levels the safety of the diketopiperazine is shown by the safety studies on aspartame mentioned above. Additional data on the diketopiperazine itself support a judgment that the substance is safe in aspartame, when used in accordance with the regulation, up to a level of at least 2 percent, and accordingly, the final order authorizes use of aspartame which contains no more than 2 percent of the diketopiperazine. None of the uses of aspartame authorized by the order below would be likely to result in significant breakdown of aspartame to higher levels of the diketopiperazine. The Commissioner is not aware of any studies which indicate any toxicological problems with the diketopiperazine, even at higher levels; however, he advises that any future requests for uses of aspartame which involve a prospect of significant breakdown to higher levels of the diketopiperazine will be required, prior to approval, to demonstrate affirmatively that the anticipated higher levels are safe. The Commissioner understands that long term feeding studies of the diketopiperazine are in progress.

2. On page 27318 in the third column, the 21st line of paragraph No. 12 reading "i.e., 0.013 milligram per kilogram of body" is changed to read "i.e., 0.013 gram per kilogram of body".

3. On page 27319, § 121.1258 *Aspartame* is correct in the following respect:

a. In paragraph (a), the chemical name "1-methyl N- L - α - aspartyl - L - phenylalanine ($C_{15}H_{18}N_2O_5$)" is changed to read "1-methyl N-L-α-aspartyl-L-phenylalanine ($C_{15}H_{18}N_2O_5$)".

b. In paragraph (b)(1), under the heading "CALCULATIONS," that portion of the equation reading "Percent aspartame in sample=

$$\frac{(294.3)\ (A-B)\ (N)}{K} \times 100"$$

is changed to read "Percent aspartame in sample=$\frac{(294.3)\ (A-B)\ (N)}{K} \times 100$".

c. In paragraph (b)(3), under the heading "APPARATUS," in the first sentence, the word "oncolumn" is changed to read "on-column"; and in the second sentence, the word "chromotograph" is changed to read "chromatograph"; under the heading "REAGENTS," in the last sentence, the ZIP code reading "20418" is changed "20037"; and under the heading "PROCEDURE," in the last sentence of the second paragraph, the word "chromotograph" is changed to read "chromatograph".

Dated: September 20, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-22333 Filed 9-25-74;8:45 am]

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated the following new animal drug applications proposing safe and effective use of tylosin premix in the manufacture of animal feed: Young's, Inc., Roaring Spring, PA 16673 (96-162V); Quali-Tech Products, Inc., Chaska, MN 55318 (97-980V); and Henwood Feed Additives, Inc., Lewisburg, OH 45338 (45-690V). These applications are approved.

To facilitate referencing, those firms not previously assigned numbers are being assigned code numbers and placed in the list of firms in § 135.501(c) (21 CFR 135.501(c)); and § 135e.10(b) is being amended to list the sponsoring firm, approved premix levels, and the specified use(s).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135 and 135e are amended as follows:

1. In § 135.501(c) by adding new sponsors as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.:	*Firm name and address*
* * *	* * *
116---	Young's, Inc., Roaring Spring, PA 16673.
117---	Quali-Tech Products, Inc., 318 Lake Hazeltine Drive, Chaska, MN 55318.
118---	Henwood Feed Additives, Inc., 211 Western Road, Box 577, Lewisburg, OH 45338.

2. In § 135e.10 by adding new paragraph (b) (13), (14), and (15) to read as follows:

§ 135e.10 Tylosin.

* * * * *

(b) * * *

(13) To 116: 0.4 and 2 grams per pound; item 4.

(14) To 117: 4 and 10 grams per pound; item 4.

(15) To 118: 4, 10, and 20 grams per pound; item 4.

* * * * *

Effective date. This order shall be effective September 26, 1974.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: September 19, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.74-22334 Filed 9-25-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—NATIONAL HIGHWAY INSTITUTE

PART 260—EDUCATION AND TRAINING PROGRAMS

The National Highway Institute was established pursuant to section 321 of title 23, United States Code, to develop and administer, in cooperation with the State highway departments, training programs of instruction for Federal Highway Administration and State and local highway department employees engaged or to be engaged in Federal-aid highway work. Regulations published hereby provide notice of the establishment of related fellowship programs.

This amendment adds a new part, Part 260, to Chapter I of title 23 of the Code of Federal Regulations.

General notice of proposed rulemaking is not required, inasmuch as the regulations relate to benefits or contracts pursuant to 5 U.S.C. 553(a)(2). The regulations will become effective on the date of issuance set forth below.

Issued on September 19, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Subpart A—Highway Safety

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260.301 Purpose.
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260.315 Application procedures.

AUTHORITY: 23 U.S.C. 307(a), 315, 321, and 403; 49 CFR 1.48(b) (34), (35), and (36).

Subpart A—Highway Safety

§ 260.101 Purpose.

The purpose of this subpart is to establish the eligibility requirements, and selection criteria for the Federal Highway Administration (FHWA) Fellowship Program in Highway Safety as administered by the National Highway Institute pursuant to sections 307(a), 315, 321, and 403, of title 23, United States Code. This subpart also provides information relative to the application process.

§ 260.103 Objectives.

(a) The objective of the fellowship program is to assist State and local agencies in developing the expert manpower needed for the implementation of their highway safety programs and to assist in the development of more effective safety programs at all levels of Government.

(b) To meet its objective the program provides 9 to 12 months of graduate study, normally beginning with the fall term, to enhance the candidates' contributions in the field of highway safety.

§ 260.105 Eligibility.

(a) A candidate must have earned a Bachelor's or comparable college level degree in a highway-related discipline prior to beginning advanced study under this program.

(b) Preference will be given to candidates who are presently employed by State or local transportation agencies in the technical and/or administrative aspects of highway safety or traffic engineering. Candidates who are students with job commitments to work in the field of highway safety for State and local highway agencies are eligible. Faculty members presently involved in teaching highway safety and traffic engineering and who, by virtue of their positions, are involved in State and local safety programs are eligible.

(c) Candidates must submit evidence of acceptance, or probable acceptance, for full-time advanced study in highway safety and design, and traffic engineering or safety management courses in schools offering comprehensive programs that serve to promote and advance highway safety. Evidence of probable acceptance may be a letter from the department chairman, graduate school official, or other authorized person.

(d) Candidates must agree to work in public service with State or local highway agencies in the field of highway safety or, in the case of faculty members, with educational institutions teaching courses in highway safety, for at least 3 years after completing the fellowship study period. Fellowship recipients must agree to respond to brief questionnaires during the study period and annually during the 3 years following completion of the study.

(e) Candidates must enter into agreement to accept no other fellowship or scholarship assistance concurrent with the FHWA grant. Recipients may accept salary or wages, whether through part-time assistantships or for any part-time work performed, concurrent with the FHWA grant. They may also receive benefits under programs administered by the Veterans Administration.

(f) Candidates may not profit financially from FHWA fellowships. Specifically, recipients who maintain full-time employment may not accept those portions of the grants that exceed their direct educational expenses. Direct expenses include tuition, books, entrance fees, and cost of expendable supplies such as paper and notebooks. Specifically excluded from direct expenses are living stipends and special equipment including, but not limited to, calculators.

(g) Candidates must be citizens, or must declare their intent to become citizens, of the United States.

§ 260.107 Selection.

(a) Candidates will be rated by a Selection Panel appointed by the Director of the National Highway Institute. Members of the panel will represent the highway safety interests of Government, industry, and the academic community.

(b) Candidates, including otherwise qualified handicapped individuals, will be rated without regard to their race, color, sex, national origin, or handicap.

(c) The main factors to be considered by the panel will be:

(1) Relevant experience;

(2) Academic and professional achievements;

(3) Relevance of a candidate's study program to the objectives of the fellowship program;

(4) Candidate's potential to contribute to a State or local highway safety program.

(d) Using ratings given by the Selection Panel, the Director of the National Highway Institute will select candidates for awards and designate alternates.

§ 260.109 Responsibilities of educational institutions.

(a) The college or university chosen by the fellowship recipient shall enter into an appropriate agreement with the Federal Highway Administration providing for the administration of the grant by the college or university.

(b) The college or university chosen by the fellowship recipient shall designate a faculty advisor prior to the commitment of funds by the FHWA. The faculty advisor will be requested to submit reports of the recipient's study programs following the completion of each study period.

§ 260.111 Responsibilities of employing agencies.

(a) A candidate's employing agency is responsible for furnishing statements concerning the relevancy of the candidate's study to agency requirements.

(b) The employing agency is encouraged to give favorable consideration to the request of a candidate for educational leave and salary support for the study period to facilitate the candidate's application.

§ 260.113 Equal opportunity.

(a) Consistent with the provisions of Title VI of the Civil Rights Act of 1964, the Title VI Assurances executed by each State, section 324 of title 23, U.S.C., and section 794 of title 29, U.S.C., no applicant, including otherwise qualified handicapped individuals, shall on the grounds of race, color, sex, national origin, or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under this program.

(b) State agencies are encouraged to make information on this program available to all eligible employees, including otherwise qualified handicapped individuals, so as to assure nondiscrimination on the grounds of race, color, sex, national origin, or handicap.

§ 260.115 Application procedures.

(a) Application forms may be obtained from FHWA regional and division offices, State highway departments, and Governor's Highway Safety Representatives, and from colleges and universities. Forms may also be obtained from the National Highway Institute (HHI-6), Federal Highway Administration, Washington, D.C. 20590.

(b) Applications should be sent directly to the National Highway Institute so as to arrive by December 31 of the year preceding that in which the study is to begin.

(c) Agencies that process their employees' applications should submit the applications to the Institute along with appropriate endorsements.

(d) Questions relative to the program may be directed to the University and Industry Programs Officer, National

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Highway Institute (HHI–6), Federal Highway Administration, Washington, D.C. 20590.

Subpart B—Highway Transportation Research and Education

§ 260.201 Purpose.

The purpose of this subpart is to establish the eligibility requirements and selection criteria for the Federal Highway Administration (FHWA) Fellowship Program in Highway Transportation Research and Education as administered by the National Highway Institute pursuant to sections 307(a), 315 and 321 of title 23, United States Code. This subpart also provides information relative to the application process.

§ 260.203 Objectives.

(a) A program objective is to provide 9 to 12 months of graduate level study and/or research normally beginning with the fall term in highway transportation related fields.

(b) A corollary objective is to encourage free and unstructured inquiry into problems in highway transportation and its interface with other transportation modes and its relationship to the community.

(c) The overall objective of the fellowship program is to assist State and local agencies by enabling their employees to develop expertise in disciplines where shortages of skills exist and to thereby enhance their contributions to the agencies' transportation programs.

§ 260.205 Scope.

Among the identified educational and training needs in highway transportation is the need for professionals in transportation to gain a better understanding of other disciplines. A corollary need is for individuals trained in other disciplines and working in highway program areas to receive training and education in highway transportation. Such a capability, for example, enables the design engineer who is trained in acoustics to develop expressway designs with a more adequate consideration for noise abatement. Some examples of emphasis areas that lend themselves to cross-disciplinary research and education programs are meteorology, wildlife biology, air and water quality, noise abatement, urban transportation planning, economics, sociology, and transit system planning and management.

§ 260.207 Eligibility.

(a) A candidate must have earned a Bachelor's or comparable college level degree in a highway related discipline prior to beginning advanced study under this program. The degree may be in engineering or a related discipline including, but not limited to, economics, sociology, public administration, and public administration, and biology.

(b) Preference will be given to candidates who are presently employed by State or local transportation agencies. Candidates who are students with job commitments to work in the field of highway transportation for State or local highway agencies are eligible.

(c) A candidate who proposes to pursue independent study or research must furnish evidence that a suitable topic has been identified in cooperation with appropriate faculty members. A description of the research topic must be provided.

(d) Candidates must submit evidence of acceptance or probable acceptance for full-time advanced study in schools offering opportunities for research and study in highway transportation or related fields. Evidence of probable acceptance may be a letter from the department chairman, graduate school official, or other authorized persons.

(e) Candidates must agree to work in public service with State or local agencies in the field of highway transportation for at least 3 years after completing the fellowship study period. Fellowship recipients must agree to respond to brief questionnaires during the study period and annually during the 3 years following completion of the study.

(f) Candidates must enter into agreement to accept no other fellowship or scholarship assistance concurrent with the FHWA grant. Recipients may accept salary or wages whether through part-time assistantships or for any part-time work performed concurrent with the FHWA grant. They may also receive benefits under programs administered by the Veterans Administration.

(g) Candidates may not profit financially from FHWA fellowships. Specifically, recipients who maintain full-time employment may not accept those portions of the grants that exceed their direct educational expenses. Direct expenses include tuition, books, entrance fees, and costs of expendable supplies such as paper and notebooks. Specifically excluded from direct expenses are living stipends and special equipment including, but not limited to, calculators.

(h) Candidates must be citizens, or must declare their intent to become citizens, of the United States.

§ 260.209 Selection.

(a) Candidates will be rated by a Selection Panel appointed by the Director of the National Highway Institute. Members of the panel will represent the highway transportation interests of Government, industry, and the academic community.

(b) Candidates, including otherwise qualified handicapped individuals, will be rated without regard to their race, color, sex, national origin, or handicap.

(c) The main factors to be considered by the panel will be:

(1) Relevant experience,

(2) Academic and professional achievements,

(3) Relevance of a candidate's study program to the objectives of the fellowship program.

(4) Candidate's potential to contribute to a State or local highway transportation program.

(d) Using ratings given by the selection panel, the Director of the National Highway Institute will select candidates for award and designate alternates.

§ 260.211 Responsibilities of educational institutions.

(a) The college or university chosen by the fellowship recipient shall enter into an appropriate agreement with the Federal Highway Administration providing for the administration of the grant by the college or university.

(b) The college or university chosen by the fellowship recipient shall designate a faculty advisor prior to commitment of funds by the FHWA. The faculty advisor will be requested to submit reports of the recipient's study progress following the completion of each study period.

§ 260.213 Responsibilities of employing agencies.

(a) A candidate's employing agency is responsible for furnishing statements concerning the relevancy of the candidate's study to agency requirements.

(b) The employing agency is encouraged to give favorable consideration to the request of a candidate for educational leave and salary support for the study period to facilitate the candidate's application.

§ 260.215 Equal opportunity.

(a) Consistent with the provisions of Title VI of the Civil Rights Act of 1964, the Title VI Assurances executed by each State, section 324 of title 23, U.S.C., and section 794 of title 29, U.S.C., no applicant, including otherwise qualified handicapped individuals, shall on the grounds of race, color, sex, national origin, or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under this program.

(b) State agencies are encouraged to make information on this program available to all eligible employees, including otherwise qualified handicapped individuals, so as to assure nondiscrimination on the grounds of race, color, sex, national origin, or handicap.

§ 260.217 Application procedures.

(a) Application forms may be obtained from the FHWA regional and division offices, State highway departments, and from colleges and universities. Forms may also be obtained from the National Highway Institute (HHI–6), Federal Highway Administration, Washington, D.C. 20590.

(b) Applications should be sent directly to the National Highway Institute so as to arrive by December 31 of the year preceding that in which the study is to begin.

(c) Agencies that process their employees' applications should submit the applications to the Institute along with appropriate endorsements.

(d) Questions relative to the program may be directed to the University and Industry Programs Officer, National Highway Institute (HHI–6), Federal Highway Administration, Washington, D.C. 20590.

Subpart C—Highway Technology

§ 260.301 Purpose.

The purpose of this subpart is to establish the eligibility requirements, and selection criteria for the Federal Highway Administration (FHWA) Scholarship Program in Highway Technology as administered by the National Highway Institute pursuant to sections 307(a), 315 and 321 of title 23, United States Code. This subpart also provides information relative to the application process.

§ 260.303 Objectives.

(a) The objective of the scholarship program is to assist State and local agencies and the FHWA in developing the technical manpower needed for the implementation of their highway programs and to assist in the development of more effective transportation programs at all levels of Government.

(b) To meet its objective the program provides 9 to 12 months of post secondary study normally beginning with the fall term to enhance the candidates' contributions in the field of highway transportation.

§ 260.305 Eligibility.

(a) Preference will be given to candidates who are presently employed by the FHWA and by State or local highway agencies. Candidates who are students with job commitments to work in the field of highway transportation for State and local highway agencies are eligible.

(b) Candidates must submit evidence of their acceptance, or probable acceptance, for full-time study in programs that will enhance their contribution to their employers. Evidence of probable acceptance may be a letter from the department chairman or other school official.

(c) Candidates must agree to work in public service with a highway agency for at least 3 years after completing the scholarship study period. Scholarship recipients must agree to respond to brief questionnaires during the study period and annually during the 3 years following completion of the study.

(d) Candidates must enter into agreement to accept no other fellowship or scholarship assistance concurrent with the FHWA grant. Recipients may accept salary or wages whether through part-time assistantships or for any part-time work performed concurrent with the FHWA grant. They may also receive benefits under programs administered by the Veterans Administration.

(e) Candidates may not profit financially from FHWA Scholarships. Specifically, recipients who maintain full-time employment may not accept those portions of the grants that exceed their direct educational expenses. Direct expenses include tuition, books, entrance fees, and costs of expendable supplies such as paper and notebooks. Specifically excluded from direct expenses are living stipends and special equipment including, but not limited to, calculators.

(f) Candidates must be citizens or must declare their intent to become citizens of the United States.

§ 260.307 Selection.

(a) Candidates will be rated by a Selection Panel appointed by the Director of the National Highway Institute. Members of the panel will represent the transportation interests of Government, industry, and the academic community.

(b) Candidates, including otherwise qualified handicapped individuals, will be rated without regard to their race, color, sex, national origin, or handicap.

(c) The main factors to be considered by the panel will be:

(1) Relevant experience;

(2) Academic and technical achievements;

(3) Relevance of a candidate's study program to the objectives of the scholarship program.

(4) Candidate's potential to contribute to a Federal, State, or local highway program.

(d) Using ratings given by the Selection Panel, the Director of the National Highway Institute will select candidates for awards and designate alternates.

§ 260.309 Responsibilities of educational institutions.

(a) The college or university chosen by the scholarship recipient shall enter into an appropriate agreement with the Federal Highway Administration providing for the administration of the grant by the college or university.

(b) The college or university chosen by the fellowship recipient shall designate a faculty advisor prior to the commitment of funds by the FHWA. The faculty advisor will be requested to submit reports of the recipient's study progress following the completion of each study period.

§ 260.311 Responsibilities of employing agencies.

(a) A candidate's employing agency is responsible for furnishing statements concerning the relevancy of the candidate's study to agency requirements.

(b) The employing agency is encouraged to give favorable consideration to the request of a candidate for educational leave and salary support for the study period to facilitate the candidate's application.

§ 260.313 Equal opportunity.

(a) Consistent with the provisions of Title VI of the Civil Rights Act of 1964, the Title VI Assurances executed by each State, section 324 of title 23, U.S.C., and section 794 of title 29, U.S.C., no applicant, including otherwise qualified handicapped individuals, shall on the grounds of race, color, sex, national origin, or handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under this program.

(b) State agencies are encouraged to make information on this program available to all eligible employees, including otherwise qualified handicapped individuals, so as to assure nondiscrimination on the grounds of race, color, sex, national origin, or handicap.

§ 260.315 Application procedures.

(a) Application forms may be obtained from FHWA regional and division offices, State highway departments, and Governor's Highway Safety Representatives, and from colleges and universities. Forms may also be obtained from the National Highway Institute (HHI–6), Federal Highway Administration, Washington, D.C. 20590.

(b) Applications should be sent directly to the National Highway Institute so as to arrive by December 31 of the year preceding that in which the study is to begin.

(c) Individuals from State and local agencies should send their applications directly to the National Highway Institute.

(d) Agencies that process their employees' applications should submit the applications to the Institute along with appropriate endorsements.

(e) Applications from Federal Highway Administration employees should be forwarded by Regional Administrators or Office Directors along with Forms 819, to the National Highway Institute through the Washington Office of Personnel and Training.

(f) Questions relative to the program may be directed to the University and Industry Programs Officer, National Highway Institute (HHI–6), Federal Highway Administration, Washington, D.C. 20590.

[FR Doc.74–22352 Filed 9–25–74;8:45 am]

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Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-366]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insuranee or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Connecticut	Windham	Woodstock, town of.	H 090120 01 through H 090120 06	Department of Environmental Protection, Division of Water and Related Resources, Rm. 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Selectman, Town Hall, Town of Woodstock, Woodstock, Conn. 06281.	September 20, 1974.
Do	do	Pomfret, town of	H 090162 01 through H 090162 11	do	Mayor, Town of Pomfret, Pomfret, Conn. 06258.	Do.
Georgia	Spalding	Griffin, city of	H 130165 01 through H 130165 07	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Rm. 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol Bldg., Atlanta, Ga. 30334. Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532.	City Commission, City Hall, City of Griffin, Griffin, Ga. 30223.	Do.
Illinois	Cook	Hoffman Estates, village of.	H 170167 01 through H 170167 07		Village Clerk, Village of Hoffman Estates, Village Hall, 1900 North Gannon Dr., Hoffman Estates, Ill. 60172.	Do.
Do	Winnebago	Rockford, city of	H 170723 01 through H 170723 13	Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702. do	City County Planning Commission, City of Rockford, 425 East State, Rm. 305, Rockford, Ill. 61104.	Do.
Indiana	De Kalb	Altona, town of	H 180045 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Town Board, West Quincy St., Town Altona, Garrett, Ind. 46705.	Do.
Do	Wayne	Greensfork, town of.	H 180263 01	do	Town Board, City Building, 12 South Water, Town of Greensfork, Greensfork, Ind. 47345.	Do.
Maine	Lincoln	Dresden, town of	H 230084 04 through H 230084 11	Maine Soil and Water Conservation, Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	1st Selectman, Town of Dresden, Dresden, Maine 04342.	Do.
Do	Penobscot	Bradley, town of	H 230103 01 through H 230103 05	do	1st Selectman, Town of Bradley, RFD No. 2, Brewer, Maine 04412.	Do.
Do	Aroostook	Frenchville, town of.	H 230165 01 through H 230165 11	do	Mayor, Town Hall, Town of Frenchville, Frenchville, Maine 04745.	Do.
Maryland	Allegany	Frostburg, city of	H 240004 01 through H 240004 03	Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 201 West Preston St., Baltimore, Md. 21201.	Mayor, City Hall, City of Frostburg, Frostburg, Md. 21532.	Do.
Massachusetts	Bristol	Easton, town of	H 250063 01 through H 250063 04	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Office of Town Administrator, 136 Elm St., Easton, Mass.	Do.
Do	Norfolk	Dover, town of	H 250238 01 through H 250238 04	do	Chairman, Board of Selectman, Town Hall, Town of Dover, Dover, Mass. 02023.	Do.
Minnesota	Cass	Hackensack, city of.	H 270001 01	Division of Waters, Soil, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, 11-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City of Hackensack, Hackensack, Minn. 56452.	Do.
New Jersey	Cape May	Middle, township of	H 340154 01 through H 340154 22	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Township Hall, Township of Middle, 33 Mechanic St., Cape May Court House, N.J. 08260	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New York	Cattaraugus	Carrollton, town of.	H 360063 01 through H 360063 13	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Supervisor, Town of Carrollton, Allegany, N.Y. 14706.	Do.
Do	Cortland	Homer, town of	H 360181 01 through H 360181 05	do	Town Supervisor, Town Hall, Town of Homer, Homer, N.Y. 13077.	Do.
Do	Erie	Eden, town of	H 360238 01 through H 360238 10	do	Supervisor, Town Hall, 2795 East Church St., Town of Eden, Eden, N.Y. 14057.	Do.
Do	Greene	Prattsville, town of.	H 360296 01 through H 360296 04	do	Supervisor, Town of Prattsville, Prattsville, N.Y. 12468.	Do.
Do	Oneida	Marcy, town of	H 360533 01 through H 360533 05	do	Supervisor, Marcy Town Bldg., Town of Marcy, Marcy, N.Y. 13403.	Do.
Do	Westchester	Yorktown, town of.	H 360937 01 through H 360937 10	do	Supervisor, Town of Yorktown, 363 Vanderhill Ave., Yorktown, N.Y. 10598.	Do.
Do	Chautauqua	Carroll, town of	H 360094 01 through H 360094 04	do	Mayor, Town of Carroll, Carroll, N.Y.	Do.
Do	Schoharie	Seward, town of	H 361199 01 through H 361199 11	do	Mayor, Town of Seward, Seward, N.Y. 12169.	Do.
Do	Ulster	Kingston, town of.	H 361218 01 through H 361218 03	do	Mayor, Town of Kingston, Kingston, N.Y. 12401.	Do.
Do	Madison	De Ruyter, town of.	H 361291 01 through H 361291 09	do	Mayor, Town of De Ruyter, De Ruyter, N.Y. 13052.	Do.
Ohio	Carroll	Leesville, village of.	H 390050 01	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43215. Ohio Insurance Department, 115 East Rich St., Columbus, Ohio 43215.	Mayor, Village of Leesville, Union St., Leesville, Ohio 44639.	Do.
Do	Delaware	Ostrander, village of.	H 390150 01	do	Mayor, Village of Ostrander, Box 63, Ostrander, Ohio 43061.	Do.
Do	Hancock	Mount Cory, village of.	H 390249 01	do	Mayor, Town Hall, Village of Mount Cory, Arcadia, Ohio 44804.	Do.
Pennsylvania	Clearfield	Brisbin, borough of.	H 420297 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Department, Borough of Brisbin, Brisbin, Pa. 16620.	Do.
Do	Erie	Millcreek, township of.	H 420452 01 through H 420452 09	do	Chairman, Board of Supervisors, Township of Millcreek, 2606 North 26th St., Erie, Pa. 16505.	Do.
Do	Allegheny	Kennedy, township of.	H 421072 through H 421072 04	do	Township Clerk, Township of Kennedy, Kennedy, Pa. 15136.	Do.
Do	do	Penn Hills, township of.	H 421093 01 through H 421093 03	do	Township of Penn Hills, Municipal Bldg., 12245 Frankstown Rd., Penn Hills, Pa. 15235.	Do.
Do	York	Washington, township of.	H 421150 01 through H 421150 08	do	Office of Secretary, Township of Washington, Municipal Bldg., Kralltown, Rt. 1, East Berlin, Pa. 17316.	Do.
Do	Westmoreland	Derry, township of.	H 421205 01 through H 421205 09	do	Derry Township, 749 Chocolate Ave., Hershey, Pa. 17033.	Do.
Do	Armstrong	Kiskiminitas, township of.	H 421209 01 through H 421209 11	do	Township Supervisor Secretary, Township of Kiskiminitas, Star Rt., Apollo, Pa. 15613.	Do.
Do	do	Dayton, borough of.	H 421211 01	do	Supervisor, Borough of Dayton, Dayton, Pa. 16222.	Do.
Do	Susquehanna	Great Bend, township of.	H 421212 01 through H 421212 03	do	Board of Supervisors, Township of Great Bend, 18 Main St., Hallstead, Pa. 18822.	Do.
Do	Franklin	Antrim, township of.	H 421233 01 through H 421233 06	do	Antrim Township Municipal Bldg., Baltimore St., Greencastle, Pa. 17225.	Do.
Do	Allegheny	Findlay, township of.	H 421286 01 through H 421286 10	do	Township Supervisor, Township of Findlay, Findlay, Pa.	Do.
Do	Armstrong	Burrell, township of.	H 421303 01 through H 421303 06	do	Township Supervisor Secretary, Township of Burrell, R.D. No. 1, Fordcky, Pa. 16226.	Do.
Do	do	Gilpin, township of.	H 421306 01 through H 421306 08	do	Township Supervisor Secretary, Township of Gilpin, R.D. No. 1, Leechburg, Pa. 15656.	Do.
Do	do	Pine, township of.	H 421312 01 through H 421312 02	do	Township Supervisor Secretary, Township of Pine, Templeton, Pa. 16250.	Do.
Do	Jefferson	Rose, township of.	H 421734 01 through H 421734 02	do	Township Supervisor, Township of Rose, R.D. No. 4, Brookville, Pa. 15825.	Do.
Do	Lancaster	Earl, township of.	H 421767 01 through H 421767 06	do	Supervisor, Township of Earl, Earl, Pa.	Do.
Do	do	Sadsbury, township of.	H 421782 01 through H 421782 08	do	Chairman, Board of Supervisors, Township of Sadsbury, R.D. No. 1, Christiana, Pa. 17509.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Mercer	Coolspring, township of.	H 421863 01 through H 421863 04	do	Chairman, Board of Supervisors, Township of Coolspring, R.D. No. 4, Mercer, Pa. 16137.	Do.
Do.	Northumberland	Jackson, township of.	H 421938 01 through H 421938 05	do	Township Supervisor, Township of Jackson, Jackson, Pa.	Do.
Do.	Westmoreland	Donegal, township of.	H 422187 01 through H 422187 10	do	Donegal Township Chairman, Board of Supervisors, Township of Donegal, R.D. No. 1, Stahlstown, Pa. 15687.	Do.
Do.	do	East Huntingdon, township of.	H 422188 01 through H 422188 06	do	East Huntingdon Township Chairman, Board of Supervisors, R.D. No. 1, Scottdale, Pa. 15683.	Do.
Do.	do	Salem township of.	H 422192 01 through H 422192 08	do	Chairman, Board of Supervisors, Township of Salem, Municipal Bldg., R.D. No. 4, Greensburg, Pa. 15601.	Do. Do.
Do.	do	Upper Burrell, township of.	H 422195 01	do	Chairman, Board of Supervisors, Township of Upper Burrell, Box 810, New Kensington, Pa. 15068.	Do.
South Carolina.	Horry	Myrtle, city of	H 450109 01 through H 450109 06	South Carolina Water Resources Commission, P.O. Drawer 164, 700 Knox Abbot Dr. Cayce, S.C. 29033. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Myrtle Beach City Hall, Myrtle Beach, S.C. 29577.	Do.
Vermont	Addison	Hancock, town of.	H 500005 01 through H 500005 05	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpellier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpellier, Vt. 05602.	Chairman, Hancock Board of Selectman, Town of Hancock, Hancock, Vt. 05748.	Do.
Do.	Chittenden	Essex, town of	H 500034 01 through H 500034 12	do	Town Manager, Town of Essex, Essex Junction, Vt. 05452.	Do.
Do.	Addison	Whiting, town of	H 500175 01	do	Township Supervisor, Township of Whiting, Whiting, Vt. 05778.	Do.
Wisconsin	Eau Claire	Eau Claire, city of	H 550128 01 through H 550128 05	Department of Natural Resources, P.O. Box 150, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Office of City Clerk, City Hall, Eau Claire, Wis. 54701.	Do.
Massachusetts	Middlesex	Concord, town of	H 250189 01 through H 250189 07	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Town Manager, Town of Concord, Town House, Monument Square, Concord, Mass. 01742.	Sept. 6, 1974.

(National Flood Insurance Act of 1968 (title XIII, Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969) (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: September 17, 1974.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.74-22297 Filed 9-25-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Requirements With Respect to Certain Employment Tax Information Returns and Statements for Employees

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by October 28, 1974. Pursuant to 26 CFR 601.601(b) designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by October 28, 1974. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; (26 U.S.C. 7805)).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains a proposed amendment of the Employment Tax Regulations under sections 6011, 6051, 6053, 6071, and 6081 of the Internal Revenue Code of 1954 with respect to certain employment tax information returns and statements for employees.

The proposed regulations provide that the Internal Revenue Service copy of Form W–2 (wage and tax statement) is to be transmitted only with Form W–3 (not with Forms W–3 and 941 as is provided in the existing regulations) or with Form 942 and that the two forms together constitute a return. The time for filing information returns on Forms W–2 and W–3 has been extended to the last day of February following the calendar year for which the return is made. However, in the case of domestic workers where tax returns on Forms 942 and W–2 are filed the filing date is the January 31 filing date currently prescribed for Form 942. The requirement that Forms W–2 be filed with the Service by employers of domestics is new.

The proposed notice requires that all employees' wage and tax statements be made on Form W–2 (whether or not the wages specified on such statement are subject to income tax withholding) except for cases in which a composite return on magnetic tape or other approved media is used by the employer. In these excepted cases the requirement is satisfied if in lieu of a Form W–2 the employee is provided with a statement on a form suitable for retention and containing all the information required to be shown on Form W–2. Undeliverable statements to employees are no longer to be sent to the Internal Revenue Service, but are instead to be retained by the employer for a 4-year period under the provisions of the Code requiring the retention of records.

In order to authorize future changes in the designations of the forms required to be used without the necessity of amending the regulations for each change, the proposed regulations provide that the instructions to the form control as to the use of a particular form.

It is proposed to make the amendments effective with respect to returns or statements required to be filed or provided after September 26, 1974 except that the proposed amendment of § 31.6071(a)–1 which liberalizes the filing requirement of information returns on Forms W–2 and W–3 by extending the time for filing is effective with respect to remuneration paid during a calendar year after 1972.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to modify requirements with respect to certain employment tax information returns (Forms W–2, W–3, and 4804) and statements for employees of wages and withheld income and social security taxes, the Employment Tax Regulations under sections 6011, 6051, 6053, 6071, and 6081 of the Internal Revenue Code of 1954 are amended as follows, effective with respect to such returns or statements required to be filed or provided after September 26, 1974, except that the proposed amendment of § 31.6071(a)–1 set forth in paragraph 8 hereof is effective with respect to remuneration paid during a calendar year after 1972.

PAR. 1. Paragraph (a) of § 31.6011(a)–1 is amended by amending paragraph (a)(3) as follows:

§ 31.6011(a)–1 Returns under Federal Insurance Contributions Act.

(a) *Requirement.* • • •

(3) *Employers of domestic workers.* • • •

(ii) • • •

An employer entitled to make the election referred to in the preceding sentence who has chosen one method shall not change to the other method without first notifying the internal revenue office with which he is required to file his returns that he will thereafter use such other method. See, however, § 31.6011(a)–6 relating to final returns on Form 941. An employer who makes a return of tax on Form 942 pursuant to this section shall submit as part of such return for a period ending December 31, or for any period for which such return is made as a final return, the Internal Revenue Service copy of a Form W–2 for each employee with respect to whose wages tax is reported thereon. The provisions of this subparagraph shall not apply to any employer filing a return on Forms 941PR or 942PR (see § 31.6091–1).

PAR. 2. Paragraph (b) of § 31.6011(a)–4 is amended to read as follows:

§ 31.6011(a)–4 Returns of income tax withheld from wages.

• • • • • •

(b) *Internal Revenue Service copies of Forms W–2 on domestic workers.* (1) Every employer who makes a return of tax on Form 942 pursuant to paragraph (a)(2) of this section shall submit as part of such return for a period ending December 31, or for any period for which such return is made as a final return, the Internal Revenue Service copy of a Form W–2 for each employee with respect to whose wages tax is reported thereon.

(2) The Internal Revenue Service copies of corrected Forms W–2 previously filed with a Form 942 for the calendar year shall be submitted with an explanatory statement to the service center on or before the date fixed for filing the employer's Form 942 for the calendar quarter in which the correction is made.

(3) For provisions relating to extensions of time for filing the Internal Revenue Service copies of Form W–2, see paragraph (a)(3) of § 31.6081(a)–1.

PAR. 3. Section 31.6011(a)–5 is amended by revising the heading of paragraph (b) and by revising paragraph (b)(2) to read as follows:

§ 31.6011(a)–5 Monthly returns.

• • • • • •

(b) *Information returns.* • • •

(2) *Information returns on Form W–3 and Internal Revenue Service copies of Form W–2.* See § 31.6051–2 for requirements with respect to information returns on Form W–3 and Internal Revenue Service copies of Form W–2.

PAR. 4. A new § 31.6011(a)–9 is inserted immediately after § 31.6011(a)–8, to read as follows:

§ 31.6011(a)–9 Instructions to forms control as to which form is to be used.

Notwithstanding provisions in this part which specify the use of a particular form for a return or other document required by this part, the use of a different form may be required by the latter form's instructions. In such case, the latter form shall be completed in accordance with its instructions.

PAR. 5. In § 31.6051–1, paragraphs (a), (b), (c), and (d) are amended, and paragraph (f) is redesignated as paragraph (g) and a new paragraph (f) is added. Section 31.6051–1 is amended as follows:

§ 31.6051–1 Statements for employees.

(a) *Requirement if wages are subject to withholding of income tax*—(1) *General rule.*

(i) • • •

(f) • • • See paragraph (d) of this section for provisions relating to the time for furnishing the statement required by this subparagraph. See paragraph (f) of this section for an exception for employers filing composite returns from the requirement that statements for employees be on Form W–2.

• • • • • •

(3) *Undelivered statements for employees.* The Internal Revenue Service copy and the employee's copy of each withholding statement for the calendar year which the employer is required to furnish to the employee and which after reasonable effort he is unable to deliver to the employee shall be retained by the employer for the 4-year period prescribed in paragraph (e)(2) of § 31.6001–1.

(b) *Requirement if wages are not subject to withholding of income tax*—(1) *General rule.* If during the calendar year an employer pays to an employee wages subject to the employee tax imposed by section 3101, but not subject to income tax withholding under section 3402, the employer shall furnish to such employee the tax return copy and the employee's copy of a statement on Form W–2 for such calendar year. Such statement shall show the following:

• • • • • •

(3) [Deleted]

(c) *Correction of statements.* • • •

(2) *Income tax withholding.* A corrected statement shall be furnished to the employee with respect to a prior calendar year (i) to show the correct amount of wages, as defined in section 3401 (a), paid during the prior calendar year if the amount of such wages entered on a statement furnished to the employee for such prior year is incorrect, or (ii) to show the amount actually deducted and withheld as tax under section 3402 if such amount is less or greater than the amount entered as tax withheld on the statement furnished the employee for such prior year. Such statement shall be indicated as corrected.

(3) *Cross reference.* For provisions relating to the disposition of the Internal Revenue Service copy of a corrected statement, see paragraph (b)(2) of § 31.6011(a)–4 and paragraph (b) of § 31.6051–2.

(d) *Time for furnishing statements*—(1) *In general.* Each statement required by this section for a calendar year and each corrected statement required for the year shall be furnished to the employee on or before January 31 of the year succeeding such calendar year, or, if his employment is terminated before

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the close of such calendar year, on or before the 30th day after the day on which the last payment of wages is made. For provisions relating to the filing of the Internal Revenue Service copies of the statement, see § 31.6051-2.

(2) *Extensions of time.* (i) For good cause shown upon written application by an employer, the district director or director of a service center may grant an extension of time not exceeding 30 days in which to furnish to employees the statements required by this section. Each application for an extension of time under this subdivision shall be made in writing, properly signed by the employer or his duly authorized agent; shall be addressed to the internal revenue office with which the employer is required to file the Internal Revenue Service copies of the statements; and shall contain a full recital of the reasons for requesting the extension, to aid the internal revenue office in determining the period of extension, if any, which will be granted. Such a request in the form of a letter to the internal revenue office will suffice as an application. The application shall be filed on or before the date prescribed in subparagraph (1) of this paragraph for furnishing the statements required by this section. In any case in which an employer is unable, by reason of illness, absence, or other good cause, to sign a request for an extension, any person standing in close personal or business relationship to the employer may sign the request on his behalf, and shall be considered as a duly authorized agent for this purpose, provided the request sets forth a reason for a signature other than the employer's and the relationship existing between the employer and the signer. For provisions relating to extensions of time for filing the Internal Revenue Service copies of the statements, see paragraph (a)(3) of § 31.6081(a)-1.

• • • • •

(f) *Employers filing composite returns.* Every employer who files a composite return pursuant to § 31.6011(a)-8 shall furnish to his employees the statements required under this section, except that in lieu of Form W-2 the statements may be in any form which is suitable for retention by the employee and which contains all information required to be shown on Form W-2.

(g) *Cross references.* • • •

PAR. 6. A new § 31.6051-2 is added to read as follows:

§ 31.6051-2 Information returns on Form W-3 and Internal Revenue Service copies of Forms W-2.

(a) *In general.* Every employer who is required to make a return of tax under § 31.6011(a)-1 (relating to returns under the Federal Insurance Contributions Act), § 31.6011(a)-4 (relating to returns of income tax withheld from wages), or § 31.6011(a)-5 (relating to monthly returns) for a calendar year or any period therein shall file the Internal Revenue Service copy of each Form W-2 required under § 31.6051-1 to be furnished by the employer with respect to wages paid during the calendar year (other than Forms W-2 which are filed as part of a return of tax on Form 942). Each Form W-2 and the transmittal Form W-3 shall together constitute an information return to be filed with the internal revenue office with which the employer is required to file such return of tax. However, in the case of an employer who elects to file a composite return pursuant to § 31.6011(a)-8, the information return required by this section shall consist of magnetic tape (or other approved media) containing all information required to be on the employee statement, together with transmittal Form 4804.

(b) *Corrected returns.* The Internal Revenue Service copies of corrected Forms W-2 (or magnetic tape or other approved media) for employees for the calendar year shall be submitted with Form W-3 (or Form 4804) and an explanatory statement, on or before the date on which information returns for the period in which the correction is made would be due under paragraph (a)(3)(ii) of § 31.6071(a)-1, to the internal revenue office with which such returns are required to be filed.

(c) *Cross references.* For provisions relating to the time for filing the information returns required by this section and to extensions of the time for filing, see paragraph (a)(3)(ii) of § 31.6071(a)-1 and paragraph (a)(3) of § 31.6081(a)-1, respectively. For the penalty provided in case of each failure to file, see paragraph (a) of § 301.6652-1 of this chapter (Regulations on Procedure and Administration).

PAR. 7. Paragraphs (b) and (c) of § 31.6053-2 are amended to read as follows:

§ 31.6053-2 Employer statement of uncollected employee tax.

• • • • •

(b) *Form of statement.* Form W-2 is the form prescribed for use in furnishing the statement required by paragraph (a) of this section, except that if an employer files a composite return pursuant to § 31.6011(a)-8 he may furnish to the employee, in lieu of Form W-2, a statement containing the required information in a form suitable for retention by the employee. A statement is required under this section in respect of an excess referred to in paragraph (a) of this section, even though the employer may not be required to furnish a statement to the employee under § 31.6051. Provisions applicable to the furnishing of a statement under § 31.6051 shall be applicable to statements under this section.

(c) *Excess to be shown on statement.* If there is an excess in respect of the tips reported by an employee in two or more statements furnished pursuant to section 6053(a), only the total excess for the period covered by the employer statement shall be shown on such statement.

PAR. 8. Section 31.6071(a)-1 is amended by revising the caption of paragraph (a)(3)(i) and by revising paragraph (a)(3)(ii), to read as follows:

§ 31.6071(a)-1 Time for filing returns and other documents.

(a) *Federal Insurance Contributions Act and income tax withheld from wages.* • • •

(3) *Information returns*—(i) *Returns on Form 941.* • • •

(ii) *Returns on Forms W-2 and W-3.* Each information return in respect of wages as defined in the Federal Insurance Contributions Act or of income tax withheld from wages which is required to be made under § 31.6051-2 shall be filed on or before the last day of February following the calendar year for which it is made, except that, if a tax return under paragraph (a) of § 31.6011(a)-5 is filed as a final return for a period ending prior to December 31, the information statement shall be filed on or before the last day of the second calendar month following the period for which the tax return is filed.

• • • • •

PAR. 9. Paragraph (a)(3) of § 31.6081(a)-1 is amended to read as follows:

§ 31.6081(a)-1 Extensions of time for filing returns and other documents.

(a) *Federal Insurance Contributions Act; income tax withheld from wages; and Railroad Retirement Tax Act.* • • •

(3) *Information returns of employers on Forms W-2 and W-3.* For good cause shown upon application by an employer, the district director or director of a service center may grant an extension of time not exceeding 30 days in which to file (i) the copies of withholding statements (Form W-2) which are part of a return on Form 942 under paragraph (b) of § 31.6011(a)-4, or (ii) copies of withholding statements and the accompanying transmittal which constitute information returns under paragraph (a) of § 31.6051-2. Each application for an extension of time under this subparagraph shall be made in writing, properly signed by the employer or his duly authorized agent. Except as provided in paragraph (b) of § 301.6091-1 (relating to hand-carried documents), each application shall be addressed to the internal revenue office with whom the employer is required to file the Forms W-2. Each application shall contain a full recital of the reasons for requesting the extension, to aid such office in determining the period of the extension, if any, which will be granted. Such a request in the form of a letter to such internal revenue office will suffice as an application. The application shall be filed on or before the date on which the employer is required to file the withholding statements without regard to this paragraph.

[FR Doc.74-22285 Filed 9-25-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74 227]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Willamette River, Oregon

A new gauge has been installed on the Southern Pacific bridge at mile 84.3 of the Willamette River, Oregon, and has been placed eight feet lower than the old gauge. A 28 foot reading now corresponds to a 20 foot reading on the old gauge. Therefore, the river stage must now be eight feet lower than the stage intended when the existing regulation was adopted before the 24 hour advance notice can become effective. In order to update the regulation, 28 feet will be inserted on lieu of 20 feet in § 117.755(a)(2) of Title 33.

As this action does not affect the regulation governing the operation of this bridge and does not affect the public in any way, and is merely for clarification of an existing situation, the change is made without notice of proposed rule making.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by striking the words "20 feet" in the first sentence of § 117.755(a)(2) and inserting the words "28 feet" in place thereof.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.105-1(c)(4)).

Effective date: This revision shall become effective on September 27, 1974.

Dated: September 18, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.74-22397 Filed 9-25-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Increase of Disability Compensation and Dependency and Indemnity Compensation Rates

On page 28537 of the FEDERAL REGISTER of August 8, 1974, there was published a notice of proposed regulatory development to amend Part 3, Title 38 of the Code of Federal Regulations to reflect amendments to Title 38, United States Code, effected by Pub. L. 93-295 (88 Stat. 180). Amendments to §§ 3.350 and 3.552 incorporate the new disability compensation rates provided by Pub. L. 93-295. Sections 3.500 and 3.800 are amended to reflect the equalization of wartime and peacetime death compensation rates. Sections 3.4(d) and 3.311 have been revoked as section 343 of Title 38 which provided for payment of compensation at the wartime rate where death incurred in peacetime service resulted from armed conflict or extra hazardous service was repealed. Sections 3.304, 3.305, 3.307, 3.308, 3.309 and 3.371 are amended to reflect the change in the delimiting date in section 337 of Title 38. Sections 3.850, 3.851, 3.854 and 3.856 are amended to implement the amendment to section 3202 of Title 38 which facilitates payments of benefits to or for beneficiaries under legal disability. Minor editorial changes are made in §§ 3.3, 3.4(a), (b), and (c), 3.5(a), (b), (d) and (e), 3.304(b)(3), 3.309(c), 3.358, 3.556, 3.800(a) and 3.801 designed to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans, their dependents and survivors. Section 3.5(e) is further amended to reflect an increase in the rate of dependency and indemnity payable to a widow or widower for a child under age 18. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective dates. The amendments to §§ 3.5(e)(3), 3.304(a), 3.305, 3.307, 3.308, 3.309(a), 3.350, 3.371, 3.500, 3.552 and 3.800(b) and the revocation of §§ 3.4(d) and 3.311 are effective May 1, 1974. The amendments to §§ 3.850, 3.851, 3.854 and 3.856 are effective July 1, 1974. Editorial amendments to §§ 3.3, 3.4(a), (b) and (c), 3.5(a), (b), (d) and (e)(1), 3.304(b)(3), 3.309(c), 3.358, 3.556, 3.800(a) and 3.801 are effective September 19, 1974.

Approved: September 19, 1974.

[SEAL] R. L. ROUDEBUSH,
Acting Administrator.

1. In § 3.3, paragraph (d)(3) is revised to read as follows:

§ 3.3 Pension.

• • • • •

(d) *Death pension.* • • •

(3) *Mexican border period and later war periods.* Basic entitlement exists for the widow, widower or child of a deceased veteran if the veteran's service meets the requirements of paragraph (c)(1) or (2) of this section or the veteran was, at the time of death, receiving or entitled to receive compensation or retirement pay for service-connected disability based on wartime service. Basic entitlement exists under the provisions of this subparagraph, effective January 1, 1971, for the widow, widower or child of a deceased veteran of the Mexican border period. (38 U.S.C. 541, 542)

2. In § 3.4, paragraphs (a), (b)(2) and (c) are revised and paragraph (d) is revoked. The amended material reads as follows:

§ 3.4 Compensation.

(a) *Compensation.* This term means a monthly payment made by the Veterans Administration to a veteran because of service-connected disability, or to a widow, widower, child, or parent of a veteran because of the service-connected death of the veteran occurring before January 1, 1957, or under the circumstances outlined in paragraph (c)(2) of this section. If the veteran was discharged or released from service, the discharge or release must have been under conditions other than dishonorable. (38 U.S.C. 101(2), (13))

(b) *Disability compensation.* • • •

(2) An additional amount of compensation may be payable for a wife, husband, child, and/or dependent parent where a veteran is entitled to compensation based on disability evaluated as 50 per centum or more disabling. (38 U.S.C. 315, 335)

(c) *Death compensation.* Basic entitlement exists for a widow, widower, child or children, and dependent parent or parents if:

(1) The veteran died before January 1, 1957; or

(2) The veteran died on or after May 1, 1957, and before January 1, 1972, if at the time of death a policy of United States Government Life Insurance or National Service Life Insurance was in effect under waiver of premiums under 38 U.S.C. 724 unless the waiver was granted under the first proviso of section 622(a) of the National Service Life Insurance Act of 1940, and the veteran died before return to military jurisdiction or within 120 days thereafter. (38 U.S.C. 321, 341) (See § 3.5(d) as to Public Health Service.)

(d) [Revoked]

3. In § 3.5, paragraphs (a), (b) (introductory portion preceding subparagraph (1) and subparagraph (2)), (d) and (e) are revised to read as follows:

§ 3.5 Dependency and indemnity compensation.

(a) *Dependency and indemnity compensation.* This term means a monthly payment made by the Veterans Administration to a widow, widower, child, or parent:

(1) Because of a service-connected death occurring after December 31, 1956, or

(2) Pursuant to the election of a widow, widower, child, or parent, in the case of such a death occurring before January 1, 1957. (38 U.S.C. 101(14))

(b) *Entitlement.* Basic entitlement for a widow, widower, child, or children, and parent or parents of a veteran exists, if:

• • • • •

(2) Death occurred prior to January 1, 1957, and the claimant was receiving or eligible to receive death compensation on December 31, 1956 (or, as to a parent, would have been eligible except for income), under laws in effect on that date or who subsequently becomes eligible by reason of a death which occurred prior to January 1, 1957; or

• • • • •

(d) *Group life insurance.* No dependency and indemnity compensation or death compensation shall be paid to any widow or widower, child or parent based on the death of a commissioned officer of the Public Health Service, the Coast and Geodetic Survey, the Environmental Science Services Administration, or the National Oceanic and Atmospheric Administration occurring on or after May 1, 1957, if any amounts are payable under the Federal Employees' Group Life Insurance Act of 1954 (Pub. L. 598, 83d Congress, as amended) based on the same death. (sec. 501(c)(2), Public Law 881, 84th Congress (70 Stat. 857) as amended by sec. 13(u), Pub. L. 85-857 (72 Stat. 1266), sec. 5, Pub. L. 91-621 (84 Stat. 1863)).

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(e) ***Widow's or widower's rate.*** (1) The monthly rate of dependency and indemnity compensation for a widow or widower is based on the "pay grade" of the veteran. This rate is subject to increase as provided in paragraph (e)(3) of this section. (38 U.S.C. 411(a))

(2) The Secretary of the concerned service department will certify the "pay grade" of the veteran and the certification will be binding on the Veterans Administration. (38 U.S.C. 421)

(3) If there is a widow or widower with one or more children under the age of 18 (including a child not in the widow's or widower's actual or constructive custody and a child who is in active military, air, or naval service), the total amount payable shall be increased by $26 for each child. (38 U.S.C. 411(b), Pub. L. 93-295, (88 Stat. 180))

4. In § 3.304, paragraphs (a) and (b)(3) are revised to read as follows:

§ 3.304 Direct service connection; wartime and peacetime.

(a) *General.* The basic considerations relating to service connection are stated in § 3.303. The criteria in this section apply only to disabilities which may have resulted from service in a period of war or service rendered on or after January 1, 1947.

(b) *Presumption of soundness.* • • •

(3) Signed statements of veterans relating to the origin, or incurrence of any disease or injury made in service if against his or her own interest is of no force and effect if other data do not establish the fact. Other evidence will be considered as though such statement were not of record. (10 U.S.C. 1219)

• • • • •

5. In § 3.305, the heading and paragraph (a) are revised to read as follows:

§ 3.305 Direct service connection; peacetime service before January 1, 1947.

(a) *General.* The basic considerations relating to service connection are stated in § 3.303. The criteria in this section apply only to disabilities which may have resulted from service other than in a period of war before January 1, 1947.

• • • • •

6. In § 3.307, the heading and paragraph (a)(1) and (2) are revised to read as follows:

§ 3.307 Presumptive service connection for chronic, tropical or prisoner of war related disease; wartime and service on or after January 1, 1947.

(a) *General.* A chronic, tropical or prisoner of war related disease listed in § 3.309 will be considered to have been incurred in service under the circumstances outlined in this section even though there is no evidence of such disease during the period of service. No condition other than one listed in § 3.309(a) will be considered chronic.

(1) *Service.* The veteran must have served 90 days or more during a war period or after December 31, 1946. The requirement of 90 days' service means active, continuous service within or extending into or beyond a war period, or which began before and extended beyond December 31, 1946, or began after that date. Any period of service is sufficient for the purpose of establishing the presumptive service connection of a specified disease under the conditions listed in § 3.309(c).

(2) *Separation from service.* For the purpose of paragraph (a) (3), (4) and (5) of this section the date of separation from wartime service will be the date of discharge or release during a war period, or if service continued after the war, the end of the war period. In claims based on service on or after January 1, 1947, the date of separation will be the date of discharge or release from the period of service on which the claim is based.

• • • • •

7. Section 3.308 is revised to read as follows:

§ 3.308 Presumptive service connection; peace-time service before January 1, 1947.

(a) *Chronic disease.* There is no provision for presumptive service connection for chronic disease as distinguished from tropical diseases referred to in paragraph (b) of this section based on peacetime service before January 1, 1947.

(b) *Tropical disease.* In claims based on peacetime service before January 1, 1947, a veteran of 6 months or more service who contracts a tropical disease listed in § 3.309(b) or a resultant disorder or disease originating because of therapy administered in connection with a tropical disease or as a preventative, will be considered to have incurred such disability in service when it is shown to exist to the degree of 10 percent or more within 1 year after separation from active service, or at a time when standard and accepted treatises indicate that the incubation period commenced during active service unless shown by clear and unmistakable evidence not to have been of service origin. The requirement of 6 months or more service means active, continuous service, during one or more enlistment periods. (38 U.S.C. 333)

8. In § 3.309, paragraphs (a) and (c) are revised to read as follows:

§ 3.309 Disease subject to presumptive service connection.

(a) *Chronic diseases.* The following diseases may be considered for service connection although not otherwise established as incurred in service if manifested to a compensable degree within the applicable time limits under § 3.307 following service in a period of war or following peacetime service on or after January 1, 1947.

Anemia, primary.
Arteriosclerosis.
Arthritis.
Atrophy, progressive muscular.
Brain hemorrhage.
Brain thrombosis.
Bronchiectasis.
Calculi of the kidney, bladder, or gallbladder.
Cardiovascular-renal disease, including hypertension. (This term applies to combination involvement of the type of arteriosclerosis, nephritis, and organic heart disease, and since hypertension is an early symptom long preceding the development of those diseases in their more obvious forms, a disabling hypertension within the 1-year period will be given the same benefit of service connection as any of the chronic diseases listed.)
Cirrhosis of the liver.
Coccidioidomycosis.
Diabetes mellitus.
Encephalitis lethargica residuals.
Endocarditis (This term covers all forms of valvular heart disease.)
Endocrinopathies.
Epilepsies.
Hodgkin's disease.
Leprosy.
Leukemia.
Myasthenia gravis.
Myelitis.
Myocarditis.
Nephritis.
Other organic diseases of the nervous system.
Osteitis deformans (Paget's disease).
Osteomalacia.
Palsy, bulbar.
Paralysis agitans.
Psychoses.
Purpura idiopathic, hemorrhagic.
Raynaud's disease.
Sarcoidosis.
Scleroderma.
Sclerosis, amyotrophic lateral.
Sclerosis, multiple.
Syringomyelia.
Thromboangiitis obliterans (Buerger's disease).
Tuberculosis, active.
Tumors, malignant, or of the brain or spinal cord or peripheral nerves.
Ulcers, peptic (gastric or duodenal) (A proper diagnosis of gastric or duodenal ulcer (peptic ulcer) is to be considered established if it represents a medically sound interpretation of sufficient clinical findings warranting such diagnosis and provides an adequate basis for a differential diagnosis from other conditions with like symptomatology; in short, where the preponderance of evidence indicates gastric or duodenal ulcer (peptic ulcer). Whenever possible, of course, laboratory findings should be used in corroboration of the clinical data.)

• • • • •

(c) *Diseases specific as to prisoners of war.* The following diseases may be considered for service connection although not otherwise established as incurred in service if manifested to a compensable degree under the provisions of § 3.307(a)(5) and if the veteran, while held as a prisoner of war by an enemy Government or its agents during World War II, the Korean conflict, or the Vietnam era, suffered from dietary deficiencies, forced labor, or inhumane treatment (in violation of the terms of the Geneva Conventions of July 27, 1929, and August 12, 1949). If the veteran was held for not less than 6 months by the Imperial Japanese Government or the German Government during World War II, by the Government of North Korea during the Korean conflict, or by the Government of North Korea or the Government of North Vietnam or the Viet Cong forces during the Vietnam era, or by their respective agents, the veteran shall be deemed to have suffered from such dietary deficiencies, forced labor, and inhumane treatment:

Avitaminosis.
Beriberi (including beriberi heart disease).
Chronic dysentery.
Helminthiasis.
Malnutrition (including optic atrophy associated with malnutrition).
Pellagra.
Any other nutritional deficiency.
Psychosis.

(38 U.S.C. 312)

§ 3.311 [Revoked]

9. Section 3.311, Death from Armed Conflict or extrahazardous duty in peacetime (38 U.S.C. 343), is revoked.

10. In § 3.350, the introductory portion preceding paragraph (a), the introductory portion of paragraphs (a), (b), (c) and (e) preceding subparagraph (1) and paragraphs (d), (f)(1) and (2)(i) through (iv), (h) and (i) are revised to read as follows:

§ 3.350 Special monthly compensation ratings.

The rates of special monthly compensation stated in this section are those provided under 38 U.S.C. 314.

(a) *Ratings under 38 U.S.C. 314(k).* Special monthly compensation ($52) is payable for each anatomical loss or loss of use of one hand, one foot, both buttocks, one or more creative organs, blindness of one eye having only light perception, deafness of both ears, having absence of air and bone conduction, or complete organic aphonia with constant inability to communicate by speech. This special compensation is payable in addition to the basic rate of compensation otherwise payable on the basis of degree of disability, provided that the combined rate of compensation does not exceed $727 monthly when authorized in conjunction with any of the provisions of 38 U.S.C. 314(a) through (j) or (s). When there is entitlement under 38 U.S.C. 314(1) through (n) or an intermediate rate under (p) such additional allowance is payable for each such anatomical loss or loss of use existing in addition to the requirements for the basic rates, provided the total does not exceed $1,017 per month. The limitations on the maximum compensation payable under this paragraph are independent of and do not preclude payment of additional compensation for dependents under 38 U.S.C. 315, or the special allowance for aid and attendance provided by 38 U.S.C. 314(r). (Pub. L. 93-295, 88 Stat. 180)

• • • • •

(b) *Ratings under 38 U.S.C. 314(l).* The special monthly compensation provided by 38 U.S.C. 314(l) is payable for anatomical loss or loss of use of both hands, both feet, one hand and one foot, blindness in both eyes with visual acuity of 5/200 or less or being permanently bedridden or so helpless as to be in need of regular aid and attendance. The monthly rate is $727.

• • • • •

(c) *Ratings under 38 U.S.C. 314(m).* The special monthly compensation provided by 38 U.S.C. 314(m) is payable for anatomical loss or loss of use of two extremities at a level or with complications preventing natural elbow or knee action with prosthesis in place; or for blindness in both eyes having only light perception; or for blindness in both eyes rendering the veteran so helpless as to be in need of regular aid and attendance. The monthly rate is $800.

• • • • •

(d) *Ratings under 38 U.S.C. 314(n).* The special monthly compensation provided by 38 U.S.C. 314(n) is payable for the anatomical loss of two extremities so near the shoulder or hip as to prevent the use of a prosthetic appliance or anatomical loss of both eyes. The rate is $909 per month. Amputation is a prerequisite. If a prosthesis cannot be worn at the present level of amputation but could be applied if there were a reamputation at a higher level the requirements of this paragraph are not met; instead, consideration will be given to loss of natural elbow or knee action.

(e) *Ratings under 38 U.S.C. 314(o).* The special monthly compensation provided by 38 U.S.C. 314(o) is payable for conditions entitling to two or more of the rates (no condition being considered twice) provided in 38 U.S.C. 314 (l) through (n) or for bilateral deafness rated at 60 percent or more disabling, and the hearing impairment in one or both ears is service connected, in combination with service-connected blindness with bilateral visual acuity 5/200 or less. The monthly rate is $1,017.

• • • • •

(f) *Intermediate or next higher rate; 38 U.S.C. 314(p)—(1) Extremities.* (i) Anatomical loss or loss of use of one extremity with the anatomical loss or loss of use of another extremity at a level or with complications preventing natural elbow or knee action with prosthesis in place will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m). The monthly rate is $764.

(ii) Anatomical loss or loss of use of one extremity with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate equal to 38 U.S.C. 314(m). The monthly rate is $800.

(iii) Anatomical loss or loss of use of extremity at a level preventing natural elbow or knee action with prosthesis in place with anatomical loss of another extremity so near the shoulder or hip as to prevent the use of a prosthetic appliance will entitle to the rate intermediate between 38 U.S.C. 314 (m) and (n). The monthly rate is $855.

(2) *Eyes, bilateral, and blindness in connection with deafness.* (i) Blindness of one eye with 5/200 visual acuity or less and blindness of the other eye having only light perception will entitle to the rate intermediate between 38 U.S.C. 314 (l) and (m). The monthly rate is $764.

(ii) Blindness of one eye with 5/200 visual acuity or less and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement of the other eye, will entitle to a rate equal to 38 U.S.C. 314(m). The monthly rate is $800.

(iii) Blindness of one eye having only light perception and anatomical loss, or blindness having no light perception accompanied by phthisis bulbi, evisceration or other obvious deformity or disfigurement of the eye, will entitle to a rate intermediate between 38 U.S.C. 314 (m) and (n). The monthly rate is $855.

(iv) Total blindness of both eyes having no light perception accompanied by phthisis bulbi, evisceration, or other obvious deformity or disfigurement will entitle to a rate equal to 38 U.S.C. 314 (n). The monthly rate is $909.

• • • • •

(h) *Special aid and attendance benefit in maximum monthly compensation cases; 38 U.S.C. 314(r).* A veteran receiving the maximum rate ($1,017) of special monthly compensation under any provision or combination of provisions in 38 U.S.C. 314 who is in need of regular aid and attendance is entitled to an additional allowance during periods he or she is not hospitalized at United States Government expense. (See § 3.552(b)(2) as to continuance following admission for hospitalization.) The rate is $437. Determination of this need is subject to the criteria of § 3.352. This additional allowance is payable whether or not the need for regular aid and attendance was a partial basis for entitlement to the maximum $1,017 rate, or was based on an independent factual determination.

(i) *Total plus 60 percent, or housebound; 38 U.S.C. 314(s).* The special monthly compensation at the rate of $654 provided by 38 U.S.C. 314(s) is payable where the veteran has a single service-connected disability rated as 100 percent without resort to individual unemployability and,

(1) Has additional service-connected disability or disabilities independently ratable at 60 percent, separate and distinct from the 100 percent service-connected disability and involving different anatomical segments or bodily systems, or

(2) Is permanently housebound by reason of service-connected disability or disabilities. This requirement is met when the veteran is substantially confined as a direct result of service-connected disabilities to his or her dwelling and the immediate premises or, if institutionalized, to the ward or clinical areas, and it is reasonably certain that the disability or disabilities and resultant confinement will continue throughout his or her lifetime.

11. In § 3.358(c), subparagraphs (5) and (6) are revised to read as follows:

§ 3.358 Determinations for disability or death from hospitalization, medical or surgical treatment, examinations or vocational rehabilitation training (§ 3.800).

• • • • •

(c) *Cause.* • • •

(5) When the proximate cause of the injury suffered was the claimant's willful

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misconduct or failure to follow instructions, it will bar him (or her) from receipt of compensation hereunder except in the case of incompetent claimants.

(6) Compensation for disability resulting from the pursuit of vocational rehabilitation is not payable unless there is established a direct (proximate) causal connection between the injury or aggravation of an existing injury and some essential activity or function which is within the scope of the vocational rehabilitation course, not necessarily limited to activities or functions specifically designated by the Veterans Administration in the individual case, since ordinarily it is not to be expected that each and every different function and act of a veteran pursuant to his or her course of training will be particularly specified in the outline of the course or training program. For example, a disability resulting from the use of an item of mechanical or other equipment is within the purview of the statute if training in its use is implicit within the prescribed program or course outlined or if its use is implicit in the performance of some task or operation the trainee must learn to perform, although such use may not be especially mentioned in the training program. In determining whether the element of direct or proximate causation is present, it remains necessary for a distinction to be made between an injury arising out of an act performed in pursuance of the course of training, that is, a required "learning activity", and one arising out of an activity which is incident to, related to, or coexistent with the pursuit of the program of training. For a case to fall within the statute there must have been sustained an injury which, but for the performance of a "learning activity" in the prescribed course of training, would not have been sustained. A meticulous examination into all the circumstances is required, including a consideration of the time and place of the incident producing the injury.

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12. In § 3.371, the heading is revised to read as follows:

§ 3.371 Presumptive service connection for tuberculous disease; wartime and service on or after January 1, 1947.

• • • • •

13. In § 3.500, paragraph (r) is revised to read as follows:

§ 3.500 General.

• • • • •

(r) *Service connection (38 U.S.C. 3012(b)(6); § 3.105).* Last day of month following 60 days after notice to payee. Applies to reduced evaluation, and severance of service connection.

• • • • •

14. In § 3.552, paragraphs (g) and (h) are revised to read as follows:

§ 3.552 Adjustment of allowance for regular aid and attendance.

• • • • •

(g) Where a veteran entitled to one of the rates under 38 U.S.C. 314(l), (m), or (n) by reason of anatomical losses or losses of use of extremities, blindness (visual acuity 5/200 or less or light perception only), or anatomical loss of both eyes is being paid compensation of $1,017 because of entitlement to another rate under section 314(l) on account of need for aid and attendance the compensation will be reduced while hospitalized to the following:

(1) If entitlement is under section 314(l) and in addition there is need for regular aid and attendance for another disability, the award during hospitalization will be $800 since the disability requiring aid and attendance is 100 percent disabling. (38 U.S.C. 314(p)).

(2) If entitlement is under section 314(m), $909.

(3) If entitlement is under section 314(n), $1,017 would be continued, since the disability previously causing the need for regular aid and attendance would then be totally disabling entitling the veteran to the maximum rate under 38 U.S.C. 314(p).

(h) If, because of blindness, a veteran requires regular aid and attendance, but has better vision than "light perception only" the award under 38 U.S.C. 314(m) $800 will be reduced while hospitalized to the rate payable under 38 U.S.C. 314(l) ($727).

• • • • •

15. In § 3.556, paragraph (a)(1) is revised to read as follows:

§ 3.556 Adjustment on discharge or release.

(a) *Temporary Absence—30 days.* (1) Where a competent veteran whose award was reduced under § 3.551(b) is placed on non-bed care status or other authorized absence of 30 days or more the full monthly rate, excluding any allowance for regular aid and attendance, will be restored effective the date of reduction. The full monthly rate for an incompetent veteran, or for a competent veteran whose pension was reduced under § 3.551(e), will be restored effective the date of departure from the hospital unless it is determined that apportionment for an estranged wife (husband) should be continued. In all instances, any allowance for regular aid and attendance will be restored effective the date of departure from the hospital.

• • • • •

16. In § 3.800, the introductory portion of paragraph (a) preceding subparagraph (1) and (b) are revised to read as follows:

§ 3.800 Disability or death due to hospitalization, etc.

(a) Where disease, injury, death or the aggravation of an existing disease or injury occurs as a result of having submitted to an examination, medical or surgical treatment, hospitalization or the pursuit of a course of vocational rehabilitation under any law administered by the Veterans Administration and not the result of his (or her) own willful misconduct, disability or death compensation, or dependency and indemnity compensation will be awarded for such disease, injury, aggravation, or death as if such condition were service connected. The commencing date of benefits is subject to the provisions of § 3.400(l). (38 U.S.C. 351)

• • • • •

(b) (1) If death occurred prior to January 1, 1957, the benefit payable will be death compensation. See §§ 3.5(b)(2) and 3.702 as to right of election to dependency and indemnity compensation.

(2) If death occurs on or after January 1, 1957, the benefit payable will be dependency and indemnity compensation.

17. In § 3.801, paragraph (c)(2) is revised to read as follows:

§ 3.801 Special acts.

• • • • •

(c) *Provisions of act.* • • •

(2) If a special act corrects the nature of separation from military service and does not grant pension or compensation directly, the claimant acquires a status so that he or she may apply for and be allowed benefits. The claimant, then, is placed in the same position he or she would have been if originally released under conditions other than dishonorable.

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18. In § 3.850, paragraphs (a) and (b) are revised to read as follows:

§ 3.850 General.

(a) Payment of benefits to a duly recognized fiduciary may be made on behalf of a person who is mentally incompetent or who is a minor; or, payment may be made directly to the beneficiary or to a relative or other person for the use of the beneficiary, regardless of legal disability, when it is determined to be in the best interest of the beneficiary by the Veterans Assistance Officer. (38 U.S.C. 3202; Pub. L. 93-295, 88 Stat. 180).

(1) Unless otherwise contraindicated by evidence of record payment will be made direct to the following classes of minors without any referral to the Veterans Assistance Officer;

(i) Those who are serving in or have been discharged from the military forces of the United States; and

(ii) Those who qualify for survivors benefits as a widow or widower.

(2) Likewise unless otherwise contraindicated by evidence of record, payment of benefits may be made to the wife or husband of an incompetent veteran having no guardian for the use of the veteran and his or her dependents without any referral to the Veterans Assistance Officer.

(b) When payments have been discontinued or withheld from a fiduciary, benefits may be temporarily paid to the person having custody of the minor or incompetent.

• • • • •

19. Section 3.851 is revised to read as follows:

§ 3.851 St. Elizabeths Hospital, Washington, D.C.

Benefits due or becoming due any person who is a patient at St. Elizabeths Hospital will be paid to a duly appointed fiduciary of such person. The benefits payable to a veteran who has no wife (or husband), child, or dependent parent will be paid by an institutional award in accordance with § 3.852 if there is no such fiduciary. Benefits payable to veterans' dependents who are patients at this hospital will be paid direct or to a fiduciary of such dependent, except that any awards now being paid to the superintendent will be continued while such dependent remains a patient.

20. Section 3.854 is revised to read as follows:

§ 3.854 Limitation on payments for minor.

Benefits will not be authorized to a fiduciary recognized or appointed for a child, by reason of its minority, for any period subsequent to the day preceding the date on which the child will attain its majority under the law of the State in which the child resides. Payments on or after that date, if otherwise in order, will be made direct to the child, if competent, or, if incompetent and direct payment under § 3.850 is not in order, to a fiduciary appointed for the child as a mentally incompetent adult.

20. Section 3.856 is revised to read as follows:

§ 3.856 Change of name of female fiduciary.

If a female fiduciary receiving benefits in such capacity marries or is restored to her former name by divorce decree, her statement setting forth her present name may be accepted.

[FR Doc.74-22399 Filed 9-25-74;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER E—RESTRICTIONS ON PRIVATE CARRIAGE OF LETTERS

COMPREHENSIVE STANDARDS FOR PERMISSIBLE PRIVATE CARRIAGE

Carriage of Letters and Enforcement and Suspension of the Private Express Statutes

Correction

In FR Doc. 74-21301, appearing at page 33209 in the issue for Monday, September 16, 1974, in § 320.3(b), in the twelfth line, the word "many" should be changed to read "any".

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 261-7]

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Variances, Enforcement Orders, and Confidentiality Provisions

DEFERRAL OF IMPLEMENTATION PLAN REQUIREMENTS

During the past 12 months, four Circuit Courts of Appeal have addressed the question of whether a state may extend a source's compliance date under the State's implementation plan without satisfying the substantive and procedural requirements of Section 110(f) of the Clean Air Act (Act). Three of these courts—the First, Second and Eighth Circuits[1]—held that source compliance dates could be deferred through the mechanism of a State-issued and EPA-approved variance or enforcement order but only up to the attainment date for meeting the primary ambient air quality standards. In most instances, the date for meeting the primary standards is no later than July 31, 1975. However, in some air quality control regions (AQCRs), primary standards attainment dates have been deferred up to two years through extensions granted under authority of Section 110(e) of the Act.

From a technical standpoint, the pronouncements of the three circuit courts referred to above can be treated as applying only to those States which are within the jurisdiction of the courts. However, the Administrator believes that when three appellate courts uniformly resolve an issue which is common to every state, the decisions of the courts should be accepted as strongly persuasive guidance for Agency action in all states. Accordingly, the Administrator has determined that the proper course of action is to revise 40 CFR Part 51 (Regulations for Preparation, Adoption, and Submittal of Implementation Plans) to be consistent with the decisions of the courts, and to simultaneously disapprove in 40 CFR Part 52 (Approval and Promulgation of Implementation Plans) the provisions in all plans which have deferral authority inconsistent with the terms of 40 CFR Part 51 as revised. This revision and disapproval are published as final rulemaking in another part of this FEDERAL REGISTER. Regulations limiting the issuance of variances, enforcement orders or other state-initiated measures designed to defer compliance with the applicable plan are proposed below for all states. Those proposed regulations will supersede the variance portion of the June 11, 1974 proposal (39 FR 20511) for the State of Washington. This action is being taken so that the regulatory language will be uniform for all states. For the same reason these regulations are being proposed for Indiana, Iowa, Massachusetts, and Rhode Island, even though regulations were promulgated previously for these states.

The fourth appellate court[2] to address the issue of compliance date deferrals held that section 110(f) of the Act is the exclusive means of deferring a compliance date even where the deferral does not go beyond the date for attaining primary standards. It is the Administrator's opinion that compliance dates which do not go beyond applicable attainment dates for primary or secondary standards should be dealt with as a plan revision pursuant to 40 CFR 51.6 and 51.8. Accordingly, the Agency has requested the Supreme Court to review the Fifth Circuit Court's opinion and to stay the decision of the court pending the outcome of the review. On June 10, 1974, the Supreme Court granted both requests. However, the Fifth Circuit opinion, unless overturned by the Supreme Court, represents the law in the six-state area encompassed by the boundaries of the Fifth Circuit. Therefore, although the Part 51 and related Part 52 actions announced herein will apply to these states if the decision of Fifth Circuit on this issue is overturned, final Agency action on this matter must await the decision of the Supreme Court. The variance and/or enforcement order provisions presently contained in implementation plans for the six affected states will, however, be subject to the categorical disapproval notice which is also being announced herein.

As indicated above, there may be instances where, pursuant to the provisions of section 110(e) of the Act, the attainment date for meeting a primary standard in a given AQCR has been extended beyond 1975. Where such an extension has been granted, revised § 51.32(f) provides that compliance date deferrals which go no further than the extension date may be issued without looking to the provisions of § 110(f) of the Act. However, such deferrals will be subject to the requirement that they apply only to those sources for which technological inability served as the basis for the section 110(e) extension. In addition, the compliance date reflected in such deferrals must still be based upon that degree of progress which, under the circumstances, is as expeditious as can practicably be required of the source.

In distinguishing between the "pre" and "post" attainment date periods for meeting a primary standard it appears that the First, Second and Eighth Circuits were limiting their holdings to those compliance date provisions which were part of a control strategy for meeting a primary ambient air quality standard. Nevertheless, the Agency construes the "pre" and "post" attainment date principle established by these courts in the realm of primary standards as a substantial indication of what must be done with respect to compliance date provisions designed to meet the secondary standards. Accordingly, the Part 51 revision promulgated below extends the "pre" and "post" attainment date dichotomy to the secondary standards and provides that (apart from relief obtainable under section 110(f)) no compliance date which is part of a control strategy designed to meet the secondary standards may be extended beyond the applicable attainment date specified in 40 CFR Part 52.

Unlike the mid-1975 date which, under section 110(a)(2)(A)(i), is generally the date for attaining the primary standards, the Clean Air Act provides no specific date for attaining the secondary standards, but, instead, instructs the states to

[1] Natural Resources Defense Council, Inc. (NRDC) et. al. v. EPA, 478 F.2d 875 (1st Cir. 1973), NRDC et. al. v. EPA (Nos. 72-1728 and 73-2165, 2nd Cir., March 13, 1974), NRDC et. al. v. EPA, 483 F. 2d 690 (8th Cir. 1973).

[2] NRDC et al. v. EPA (N. 72-2402, 5th Cir. February 8, 1974).

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adopt (and the Agency to approve) secondary standard attainment dates which are reasonable. Part 51, however, established mid-1975 as the reasonable date, subject to a State's showing that good cause existed for deferring the date. Many states have made such a showing. Accordingly, the Part 51 postponement provisions which apply to the secondary standards do not have a generally applicable attainment date.

With respect to variances aimed at secondary standard plan requirements, it has been contended that the approval of such variances would depend on a potentially difficult determination of whether the plan requirement being waived is necessary for attainment of primary versus secondary standards. The Administrator has considered this argument and found it to be unpersuasive. Where a plan contains a single control strategy for attainment of both primary and secondary standards, the attainment dates will be identical, thus making it unnecessary to distinguish whether a variance would prevent attainment of primary or secondary standards. Correspondingly, where the date for attainment of primary standards is different than the secondary standards attainment date, the plan contains separate control measures necessary for attainment of each standard. Thus, any variance could be easily associated with the control strategy for attainment of a specific standard.

Also as a result of the Fifth Circuit decision referenced above, § 52.26(b) is added below to make it clear that provisions in an implementation plan which either explicitly or implicitly direct State officials, charged with constructing the terms of enforcement orders or variances, to give proper regard to availability of technology, source hardship, or economic burden can not be considered as a basis for approving a compliance date postponement which goes beyond the end limits established under Part 51 as revised herein. The new language has been added as a means of discouraging source-initiated State court litigation over the reasonableness of enforcement orders which have compliance schedule terms consistent with the requirements of Part 51 as revised herein. Without such qualifying language, it is feared that some sources might choose to litigate properly constructed compliance schedules issued by State officials on the ground that a later compliance date is warranted because of hardship, economic burden, or technological difficulties.

By contrast, the new language is not intended, in any way, to conflict with the existing Part 51 language which is contained in § 51.2(b) and (d). These two paragraphs, which have always permitted States to consider the cost-effectiveness of a control strategy as well as its social and economic consequences, still permit States to do so. However, the introduction of the new language referred to above makes it clear that these considerations cannot serve as the basis for issuing an enforcement order or granting a variance which has a terminal date that goes beyond the applicable end date established under the Part 51 revisions contained herein.

The Fifth Circuit decision involving the "source hardship" issue was not related specifically to variances and enforcement orders, but dealt with general enabling statutes which mandated such consideration in all state agency actions. The Court ordered the Administrator to disapprove the general statute in the Georgia plan. Although this disapproval is published below for the Georgia plan, the Administrator does not agree that it is necessary to disapprove such general provisions in all other state plans, since Part 51 allows such considerations under the specific circumstances noted above. Therefore, the provisions of § 52.26(b) only restrict the use of such hardship provisions where it would conflict with the provisions of §§ 51.15(d) or 51.32 (f) as revised below. By focusing on variances and enforcement orders, it is the Administrator's judgment that all illegal use of a generalized technological and "source hardship" provision will be prevented. This is consistent with the following statement in Fifth Circuit opinion: "It is, of course, appropriate for state air pollution control officials to take into account cost and feasibility factors in most circumstances; their doing so is proscribed only when those considerations are in conflict with considerations of public health," i.e., primary standards attainment dates.

Since the Part 51 revisions and the new Part 52 provision set forth below (as well as the plan disapprovals which derive from the Part 51 revisions) are the result of circuit court decisions, the Administrator finds that good cause exists for promulgating the revisions as immediately effective final rulemaking and for publishing the accompanying plan disapprovals as immediately effective final Agency action. For the same reason, § 52.26 is also being published as final Agency rulemaking and will also be effective on the date of publication. However, the Administrator feels that it would be appropriate to accept comments from the public and the affected States concerning the actions taken below. Comments may be submitted to the Environmental Protection Agency, Standards Implementation Branch, Research Triangle Park, North Carolina 27711, Attention Mr. Clark. All relevant comments received not later than 30 days after the date of publication of this notice will be considered, and where appropriate, revisions will be made. Comments received will be available for public inspection during normal business hours at the Office of Public Affairs, 401 M Street, SW., Washington, D.C. 20460.

The Administrator strongly urges States to modify their enabling legislation to be consistent with the revised Part 51 and new Part 52 requirements set forth below, and to submit such revised legislation to the Administrator for approval. Where approvable changes are submitted, the Administrator will revoke the disapproval issued below.

CONFIDENTIALITY PROVISIONS

Under § 110(a)(2)(F) of the Act, State plans must provide for the periodic reporting of emission data which must be made available to the public in a reasonable manner. While many of the plans approved by the Administrator do provide that the public must have access to emission data, they also contain confidentiality provisions which might, in some circumstances, cause such data to be withheld from public scrutiny.

Although, in originally approving such plan provisions, the Administrator was careful to obtain the State attorney general's opinion whenever he questioned the efficacy of a given emission disclosure provision, three Circuit Courts* have held that the presence of a confidentiality provision in a plan so beclouds the public's right to emission data that the emission disclosure provisions must be disapproved. Since, as indicated earlier, the Administrator views such consistently decided judicial opinions as tantamount to a mandate for nation-wide regulatory action, he has again reviewed every implementation plan to determine whether apparently sound emission disclosure provisions may—as envisioned by the courts—be compromised by language which deals with confidentiality. The disapproval notices issued below are the result of this review.

During the week of August 12, 1974, the Agency wrote to each state affected by this action, except those three states which had a previous disapproval. In these letters, the Agency requested information relative to any state court decisions which have found the emission disclosure provisions disapproved below to be consistent with the emission disclosure requirements of section 110(a)(2)(F) of the Clean Air Act. Should the Agency be advised by any of these States that their emission disclosure provisions have been addressed by a state court and found to be consistent with Federal requirements, the Agency will evaluate such information with a view to withdrawal of the applicable disapproval announced herein. Moreover, to provide such States with an adequate opportunity to respond to the Agency's inquiry, the Agency's disapproval action will not become effective until promulgation of proposed replacement regulations dealing with public availability of emission data which appear in another part of this FEDERAL REGISTER. However, to comply with the decision of the Fifth Circuit Court, the disapproval of Georgia's confidentiality provision is to be immediately effective.

Again, the Administrator urges states to correct their confidentiality provisions to be consistent with the requirements of the Act, thus allowing the Administrator to revoke the disapprovals issued below.

(42 U.S.C. 1857c-5 and 1857g)

Dated: September 19, 1974.

JOHN QUARLES,
Acting Administrator.

Parts 51 and 52, Chapter I, Title 40 of the Code of Federal Regulations are amended as follows:

1. In § 51.11, paragraph (g) is added as follows:

§ 51.11 Legal authority.

• • • • •

(g) Enabling authority relating to the issuance of enforcement orders, variances, or other State-initiated measures designed to defer compliance with a plan requirement which is necessary for attainment of a national standard shall specifically provide for consistency with the following requirements.

(1) Except as provided in paragraph (g)(2) of this section compliance may not be deferred beyond the applicable attainment date specified in Part 52 of this chapter. Where a plan contains different attainment dates for primary and secondary standards (i.e., specific measures have been identified for attaining primary standards and additional measures have been identified for attaining secondary standards), a plan requirement necessary for attainment of primary standards may not be deferred beyond the primary standards attainment date and a plan requirement for attainment of secondary standards may not be deferred beyond the secondary standards attainment date.

(2) Where the Governor of a State has requested, and the Administrator (under authority of section 110(f) of the Clean Air Act) has approved a compliance date postponement with respect to a given source, compliance may be deferred for such source only up to the expiration date of the 110(f) postponement.

(3) Where the Administrator has extended the date for attainment of a primary standard beyond July 31, 1975, pursuant to section 110(e) of the Clean Air Act, compliance with a plan requirement necessary for attainment of such primary standard may be deferred beyond July 31, 1975, only for the source or sources for which the extension was granted and only up to the expiration date of the 110(e) extension.

2. In § 51.15, paragraph (d) is added as follows:

§ 51.15 Compliance schedules.

• • • • •

(d) Regulations relating to the issuance of compliance schedules in conjunction with or pursuant to enforcement orders, variances, or other measures designed to obtain compliance with a plan requirement which is necessary for attainment of a national standard shall specifically provide for consistency with the following requirements.

(1) Except as provided in paragraph (d)(2) of this section, compliance schedules may not set forth dates of compliance which extend beyond applicable attainment dates specified in Part 52 of this chapter. Where a plan contains different dates of attainment for primary and secondary standards, a compliance schedule for a source included in the applicable control strategy for attainment of primary standards may not set forth a date of compliance which extends beyond the attainment date for such primary standards, and a compliance schedule for a source included in the applicable control strategy for attainment of secondary standards may not set forth a date of compliance which extends beyond the attainment date for such secondary standards.

(2) Where the Governor of a State has requested, and the Administrator (under authority of section 110(f) of the Clean Air Act) has approved a compliance date postponement with respect to a given source, the compliance schedule for such source may set forth a date of compliance only up to the expiration date on the 110(f) of postponement.

(3) Where the Administrator has extended the date for attainment of a primary standard beyond July 31, 1975, pursuant to section 110(e) of the Clean Air Act, compliance with a plan requirement necessary for attainment of such primary standard may be deferred beyond July 31, 1975, only for the source or sources for which the extension was granted and only up to the expiration date of the 110(e) extension.

(4) Any change to a compliance date shall not become part of the applicable plan until the change has been submitted to and approved by the Administrator as a plan revision under §§ 51.6 and 51.8 of this chapter.

3. In § 51.32, paragraph (f) is revised. As amended, § 51.32 reads as follows:

§ 51.32 Request for 1-year postponement.

• • • • •

(f) A State's decision to defer the date by which a source must achieve compliance with an applicable plan provision will not necessitate a request for postponement under this section if the deferral meets the following requirements:

(1) Compliance is not deferred beyond the applicable attainment date specified in Part 52 of this chapter. Where a plan contains different dates of attainment for primary and secondary standards (i.e., specific measures have been identified for attainment of primary standards and additional measures have been identified for attainment of secondary standards), the applicable attainment date for the purposes of this paragraph shall be determined by whether the plan requirement being deferred is necessary for attainment of primary standards or secondary standards.

(2) Where the Administrator has extended the date for attainment of a primary standard beyond July 31, 1975, pursuant to section 110(e) of the Clean Air Act, compliance with a plan requirement necessary for attainment of such primary standard may be deferred beyond July 31, 1975, only for the source or sources for which the extension was granted and only up to the expiration date of the 110(e) extension.

4. In Subpart A of Part 52, the introductory paragraph of § 52.20 is amended as follows:

§ 52.20 Attainment dates for national standards.

Each subpart contains a section which specifies the latest dates by which national standards are to be attained in each region in the State. An attainment date which only refers to a month and a year (such as July 1975) shall be construed to mean the last day of the month in question. • • •

5. In Subpart A of Part 52, § 52.26 is added as follows:

§ 52.26 Variances and enforcement orders.

(a) Subsequent to May 31, 1972, the Administrator reviewed state implementation plans to determine whether the plans will allow or permit the issuance of variances, enforcement orders, or other state-initiated measures designated to defer compliance with an applicable plan requirement after the dates specified in section 110 of the Clean Air Act for attainment of national primary and secondary ambient air quality standards. The review indicates that state plans generally are not consistent with the Clean Air Act in this regard. Accordingly, all state plans are disapproved to the extent that their enabling authority and regulations permit the deferral of compliance with applicable plan requirements beyond the statutory attainment dates specified in the Clean Air Act. This disapproval applies to all States listed in Subparts B through DDD of this part.

(b) No provision in a plan which either explicitly or implicitly directs a state official to take cognizance of source hardship, availability of technology, or economic burden may be construed to permit the issuance of a variance, enforcement order, or any other state-initiated deferral measure which has a terminal date for compliance that conflicts with the provisions of §§ 51.15(d) or 51.32(f) of this chapter.

6. In Subpart C, § 52.73 is added as follows:

§ 52.73 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

7. In § 52.74, paragraph (c) is added as follows:

§ 52.74 Legal authority.

• • • • •

(c) The requirements of § 51.11(a)(6) of this chapter are not met since § 46.-03.180 of the Alaska Statutes could, in some circumstances, prohibit the dis-

* NRDC et al. v. EPA, 478 F.2d 875 (1st Cir. 1973), NRDC et al. v. EPA (Nos. 72-1728 and 72-2165, 2nd Cir., March 13, 1974), NRDC et al. v. EPA (No. 72-2402, 5th Cir., February 8, 1974).

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closure of emission data to the public. Therefore, § 46.03.180 is disapproved.

8. In Subpart E, § 52.178 is added as follows:

§ 52.178 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

9. Section 52.179 is added as follows:

§ 52.179 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met since section 82–1937 of the Arkansas Water and Air Pollution Control Act could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 82–1937 is disapproved.

10. In Subpart H, § 52.376 is added as follows:

§ 52.376 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since section 22a–3–1 of the Regulations of Connecticut State Agencies, Department of Environmental Protection, Article 1, Part 3, and section 19–508–10(b) of the Connecticut Administrative Regulations could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, sections 22a–3–1 and 19–508–10(b) are disapproved.

11. In Subpart H, § 52.377 is added as follows:

§ 52.377 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met, since section 19–513(a) of the Connecticut Environmental Protection Act could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 19–513(a) is disapproved.

12. In Subpart K, § 52.525 is added as follows:

§ 52.525 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

13. Section 52.526 is added as follows:

§ 52.526 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met, since § 403.111 of the Florida Statutes could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, § 403.111 is disapproved.

14. In Subpart L, § 52.577 is added as follows:

§ 52.577 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met, since the legal authority to provide for public availability of emission data is inadequate.

15. Section 52.578 is added as follows:

§ 52.578 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met, since section 88–908 of the Georgia Code could in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 88–908 is disapproved.

16. Section 52.579 is added as follows:

§ 52.579 Economic feasibility considerations.

Section 88–906(h), (i), (k), (o) and (q) of the Georgia Code is disapproved, since consideration of economic feasibility could, in some cases, conflict with the requirements of the Act that primary standards be attained as expeditiously as practicable, but in no case later than July 1975.

17. In Subpart M, § 52.624 is added as follows:

§ 52.624 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

18. Section 52.625 is added as follows:

§ 52.625 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met, since sections 322–64(5) and 322–66 of the Hawaii Revised Statutes could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, sections 322–64(5) and 322–66 are disapproved.

19. In in Subpart P, § 52.774 is added as follows:

§ 52.774 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

20. In § 52.775, paragraph (b) is added as follows:

§ 52.775 Legal authority.

* * * * *

(b) The requirements of § 51.11(a)(6) of this chapter are not met, since section 3 of Chapter 16 of the Indiana Air Pollution Control Law could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 3 of Chapter 16 is disapproved.

21. In § 52.925, paragraph (a) is added as follows:

§ 52.925 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

22. In Subpart T, § 52.982 is added as follows:

§ 52.982 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met, since sections 6.4 and 7.5 of the Regulation, Air Control Commission could, in some circumstances, prohibit the disclosure of emission data to the public.

23. Section 52.983 is added as follows:

§ 52.983 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met, since section 2210 of the Louisiana Air Control Law could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 2210 is disapproved.

24. In Subpart V, paragraph (c) of § 52.1074 is added as follows:

§ 52.1074 Legal authority.

* * * * *

(c) The requirements of § 51.11(a)(6) of this chapter are not met, since section 698(f) of the Maryland Air Quality Control Act could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 698(f) is disapproved.

25. Section 52.1113 is added as follows:

§ 52.1113 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met, since sections 10.03.35.11I and 10.03.35.10A of the Maryland Regulations governing the control of Air Pollution could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, regulations 10.03.35.11I and 10.03.35.10A are disapproved.

26. In Subpart W, § 52.1133 is added as follows:

§ 52.1133 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met since section 142B of chapter 111 of the General Laws of Massachusetts could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 142B is disapproved.

27. Sections 52.1156 is added as follows:

§ 52.1156 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

28. In Subpart Z, paragraph (b) of § 52.1275 is added as follows:

§ 52.1275 Legal authority.

* * * * *

(b) The requirements of § 51.11(a)(6) of this chapter are not met, since section 7106–117 of the Mississppi Code could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 7106–117 is disapproved.

29. In Subpart Z, § 52.1277 is added as follows:

§ 52.1277 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met, since the legal authority to provide public availability of emission data is inadequate.

30. In Subpart BB, § 52.1378 is added as follows:

§ 52.1378 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

31. In Subpart BB, § 52.1379 is added as follows:

§ 52.1379 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met, since section 69–3918 of the Montana Clean Air Act could, in some circumstances prohibit the disclosure of emission data to the public. Therefore, section 69–3918 is disapproved.

32. In subpart DD, paragraph (c) of § 52.1473 is added as follows:

§ 52.1473 General requirements.

* * * * *

(c) The requirements of § 51.10(e) of this chapter are not met, since Nevada Air Quality Regulation 2.7.1 could in some circumstances, prohibit the disclosure of emission data to the public. Therefore, regulation 2.7.1 is disapproved.

33. Section 52.1474 is added as follows:

§ 52.1474 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met, since section 445.576 of the Nevada Air Pollution Control Law could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 445.576 is disapproved.

34. In Subpart EE, § 52.1526 is added as follows:

§ 52.1526 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met, since New Hampshire Air Pollution Control Regulation number 16, section III.D could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section III.D is disapproved.

35. In Subpart FF, § 52.1574 is added as follows:

§ 52.1574 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

36. In Subpart FF, § 52.1575 is added as follows:

§ 52.1575 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met, since section 26:2C–9 of the New Jersey Air Pollution Control Law could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 26:2C–9 is disapproved.

37. In Subpart GG, § 52.1623 is added as follows:

§ 52.1623 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met, since New Mexico Environmental Improvement Board Air Quality Control Regulations 702.E and 703.D could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, regulations 702.E and 703.D are disapproved.

38. In Subpart GG, § 52.1632 is added as follows:

§ 52.1632 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met, since section 12–14–10 of the New Mexico Air Quality Control Act could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 12–14–10 is disapproved.

39. In Subpart HH, § 52.1685 is added as follows:

§ 52.1685 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since regulation 200.2 of Title 6 of New York's Code of Rules and Regulations could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, regulation 200.2 is disapproved.

40. Section 52.1686 is added as follows:

§ 52.1686 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met since section 19–0305.2(a) of the New York Environmental Conservation Law could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 19–0305.2(a) is disapproved.

41. In Subpart JJ, § 52.1825 is added as follows:

§ 52.1825 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

42. In Subpart JJ, § 52.1826 is added as follows:

§ 52.1826 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met, since section 23–25–06 of the North Dakota Air Pollution Control Act could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 23–25–06 is disapproved.

43. In Subpart LL, § 52.1926 is added as follows:

§ 52.1926 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met, since Oklahoma regulation 4.2 could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, regulation 4.2 is disapproved.

44. In Subpart MM, § 52.1983 is added as follows:

§ 52.1983 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

45. In Subpart MM, § 52.1984 is added as follows:

§ 52.1984 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met, since section 449.800(7) of the Oregon Air Pollution Control Laws could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 449.800(7) is disapproved.

46. In Subpart NN, § 52.2024 is added as follows:

§ 52.2024 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

47. In Subpart NN, § 52.2025 is added as follows:

§ 52.2025 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met, since section 1719 of the Allegheny Health Department's rules and regulations and section 5–1104 of the Philadelphia Home Rule Charter could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, sections 1719 and 5–1104 are disapproved.

48. In Subpart SS, § 52.2274 is added as follows:

§ 52.2274 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

49. In Subpart SS, § 52.2300 is added as follows:

§ 52.2300 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met, since section 1.07 of the Texas Clean Air Act could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 1.07 is disapproved.

50. In Subpart VV, § 52.2424, paragraph (b) is added as follows:

§ 52.2424 General requirements.

(b) The requirements of § 51.10(e) of this chapter are not met since the legal authority to provide for public availability of emission data is inadequate.

51. In Subpart VV, § 52.2430, paragraph (c) is added as follows:

§ 52.2430 Legal authority.

* * * * *

(c) The requirements of § 51.11(a)(6) of this chapter are not met, since section 10–17.21 of the Virginia Air Pollution Control Law could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 10–17.21 is disapproved.

52. In Subpart BBB, § 52.2725 is added as follows:

§ 52.2725 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met, since section 2.4 of the Puerto Rico Regulation for Control of Atmospheric Pollution could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 2.4 is disapproved.

53. In Subpart BBB, § 52.2726 is added as follows:

§ 52.2726 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met, since Article 17 of Puerto Rico Act 9 could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, Article 17 is disapproved.

[FR Doc.74–22305 Filed 9–25–74;8:45 am]

[FRL 268–7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Alabama; Clarification of Plan Revisions

On August 8, 1974 (39 FR 28528), the Administrator announced his approval,

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with one exception, of a revision in the Alabama implementation plan. This revision changed the limits on sulfur dioxide emissions from fuel combustion sources. The purpose of the present notice is to clarify the language of the preamble to that approval.

The plan revision in question, after public hearing, was adopted by the Alabama Air Pollution Control Commission on May 29, 1973, and was submitted to EPA with supporting control strategy changes on August 21, 1973. This modification of SO_2 emission limits was based on an analysis made by the State. The analysis showed that an insufficient supply of fuels would be available to allow compliance with the regulations originally set forth in the State's implementation plan. Alabama was one of the first States to relax the stringency of its original sulfur dioxide emission limitations in such a way as to make optimum use of current fuel supplies while assuring attainment and maintenance of the national ambient air quality standards—the intent of the Agency's clean fuels policy.

Prior to the public hearing, adoption, and official submittal of this plan revision, EPA had not discussed with the State the feasibility of establishing emission limits which varied within an air quality control region, but rather had stressed the desirability of approaching the matter on a regional basis.

EPA's evaluation of the stringency of control needed in various portions of the Tennessee River Valley-Cumberland Mountains AQCR was based on information provided by the State in its plan revision submittal, and the Agency performed no independent evaluation.

Discussion will continue between Alabama and the Agency to determine the optimum course of action to be followed in respect to further changes in the State's SO_2 regulations. Any additional changes will require extensive analysis to assure that no violation of primary standards would result.

Dated: September 17, 1974.

JACK E. RAVAN,
Regional Administrator,
Region IV.

[FR Doc.74-22306 Filed 9-25-74;8:45 am]

[FRL 262-2]

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

Controls Applicable to Motor Vehicle Manufacturers

On January 10, 1973 (38 FR 1254), EPA promulgated regulations prescribing certain labeling and gasoline filler inlet design requirements applicable to motor vehicle manufacturers. Those regulations require that any motor vehicle that is equipped with an emission control device which the Administrator determines will be significantly impaired by the use of leaded gasoline (e.g., any vehicle which is certified using a catalytic converter), shall be labeled "Unleaded Gasoline Only", both on the instrument panel and adjacent to the gasoline filler inlet compartment and that the filler inlet shall be so designed as to prevent the insertion of a gasoline pump nozzle dispensing leaded fuel. The regulations further require that when such insertion is attempted with the incorrect nozzle, the filler inlet shall be so designed as to immediately activate the automatic shutoff of that nozzle.

On September 21, 1973 (38 FR 26449) EPA responded to the petitions of several motor vehicle manufacturers concerning these requirements. Specifically, the Agency added a provision allowing approval of alternate unleaded fuel labeling schemes if it is determined that such an alternate scheme fulfills the purpose of the unleaded fuel labeling requirement. Secondly, the design standard for minimum unleaded filler inlet restriction was redefined so as to prevent the insertion of a fuel nozzle with a diameter equal to or greater than 0.930", this diameter being less than the legal minimum diameter for leaded fuel nozzles. Finally, an ascertainable standard of performance was established defining the immediate shutoff requirement for attempted filling with a leaded fuel nozzle in an unleaded fuel filler inlet. The term "immediately" in the regulation was defined to require the design of the unleaded fuel filler inlet to activate the automatic shutoff of a standard nozzle so as to allow a maximum of 700 cubic centimeters of fuel to be delivered into the vehicle tank per attempt.

Several motor vehicle manufacturers subsequently requested EPA to reexamine the testing specifications for insertion of a fuel nozzle into the fuel filler inlet. Additionally, EPA further investigated the flow rate setting of the nozzle valve when such test filling is attempted.

EPA has reconsidered these specifications and has determined to take the following actions:

1. *Positioning of the nozzle spout within the filler inlet.* The regulations require that a vehicle which requires the use of unleaded gasoline shall have a fuel filler inlet designed so as to prevent the insertion of a fuel nozzle equal to or greater than 0.930 inches in diameter. The regulations further state that if a fill is attempted with a nozzle of diameter equal to or greater than 0.930 inches, not more than 700 cc of gasoline may pass into the tank on any one attempt before automatic shutoff occurs. As a test for compliance with these standards, the regulations stated that during such attempted introduction of fuel, the terminal end of the nozzle spout shall be within the filler inlet beyond the cam surface. Manufacturers requested clarification of this positioning statement because (1) it addresses only those filler necks using a cam type cap locking device and (2) it does not adequately define the location of the spout during the test. The Agency concludes that the positioning statement is ambiguous, and hence adds the requirements that the terminal end of the spout shall be placed at various depths within the filler inlet in any manner that may be reasonably expected to be encountered.

2. *Nozzle flow rate during attempted filling.* As part of the test for an attempted fill of an unleaded fuel filler inlet with a nozzle equal to or greater than 0.930 inches in diameter, the regulations state that the nozzle valve shall be fully and rapidly opened to a 12±1 gallon/minute flow setting. The Agency has determined that this flow rate is abnormally higher than that encountered in the field since (1) it is expected that service station attendants do not normally open the nozzle valve to the maximum position, but set the nozzle at some intermediate stop point and (2) pump and nozzle manufacturers state that the maximum designed flow rate of 12 gallons/minute is usually only found in new pump and nozzle assemblies. Field deterioration lowers the maximum attainable flow rate to typically 10 gallons a minute or less. Based upon this information the Agency reestablishes the fuel flow rate during the test at 8±1 gallons/minute.

The Agency finds that good cause exists for omitting as unnecessary and impracticable a notice of proposed rule making, public comment, and postponement of effective date in the issuance of these amendments, in that (1) they are designed to clarify the regulations or to make more flexible their application; (2) to the extent substantive revisions are made they are of minor regulatory impact and were recommended by the regulated parties; and (3) considerations of lead time for the 1976 model year dictate immediate promulgation.

Dated: September 20, 1974.

JOHN QUARLES,
Acting Administrator.

Part 80, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows, effective beginning with the 1976 model year, as defined in 40 CFR 85.001, 85.201, 85.701, 85.801, and 85.901.

The provisions of this Part 80 are issued under sections 211 and 301 of the Clean Air Act, as amended (42 U.S.C. 1857f–6c and 1857g).

Section 80.24, paragraph (b)(1) of Part 80, Title 40 of the Code of Federal Regulations, is revised to read as follows:

§ 80.24 Controls applicable to motor vehicle manufacturers.

* * * * * * *

(b) * * *

(1) Such filler inlet shall be designed to pass not more than 700 c.c. of gasoline into the tank when the introduction of gasoline into such filler inlet is attempted from a nozzle, as described in § 80.22(f)(1), which has a vacuum port the center of which is located within 0.87 inches of the tip and which passes less than 120 c.c. of fuel when fully and rapidly activated with the nozzle vacuum port plugged. During such attempted introduction, the nozzle shall be inserted such that its automatic shutoff vacuum port is at various depths within the filler inlet, except those locations which cause fuel spillage (not including splash back) outside the filler inlet shall not be used.

The nozzle may have any orientation within the filler inlet which may reasonably be expected to be encountered in use. The nozzle valve shall be fully and rapidly opened to a 8±1 gallon/minute flow setting. This test is conducted using a test fixture which positions the filler inlet pipe in the same position as it is installed in the vehicle.

[FR Doc.74-22306 Filed 9-25-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

RESPONSIBLE PROSPECTIVE CONTRACTORS

Review List of Bidders

This change to the General Services Administration Procurement Regulations (GSPR) updates and amplifies procedures on responsible prospective contractors and the Review List of Bidders.

Subpart 5A–1.12—Responsible Prospective Contractors

PART 1A–1—GENERAL

Subpart 5A–1.12—Responsible Prospective Contractors

1. The table of contents for Part 5A–1 is amended to delete § 5A–1.1205–3 and to revise and add new entries as follows:

Sec.	
5A–1.1205	Procedures for determining responsibility of prospective contractors.
5A–1.1205–2	When information will be obtained.
5A–1.1205–4	Preaward surveys.
5A–1.1205–50	Review List of Bidders.
5A–1.1206	Subcontractor responsibility.

2. Section 5A–1.1205 is revised as follows:

§ 5A–1.1205 Procedures for determining responsibility of prospective contractors.

(a) See Subpart 1–1.12.

(b) While poor past performance can form the basis for a finding of nonresponsibility (§ 1–1.1203–1(c)), it should be emphasized that poor performance is usually a symptom of some other difficulty such as lack of capacity, integrity, or perseverance and the basic cause of the poor performance must be determined. When poor performance is the basis for a finding of nonresponsibility, such poor performance must have been experienced in the relatively recent past. Emphasis should not be placed on poor performance which occurred during periods so remote in time as to bear little relationship to the bidder's current capabilities or willingness to perform. Where there has been repeated instances of poor performance on the part of a contractor, debarment pursuant to § 1–1.604 should be recommended through appropriate channels.

(c) Advice and assistance should be obtained from all appropriate activities, including legal counsel, quality control, and finance, in arriving at a determination that a bidder qualifies as responsible under the standards set forth in § 1–1.1203. For instructions regarding processing determinations of nonresponsibility see § 5A–1.1205–50(c).

3. Section 5A–1.1205–2 is added as follows:

§ 5A–1.1205–2 When information will be obtained.

(a) *If plant survey is needed.* In the case of large dollar value procurements which warrant special attention (e.g., a special or critical item not previously produced by the prospective contractor), a current plant facilities report shall be requested. In advertised procurements, a plant facilities report (PFR) usually shall not be requested until a determination has been made that the bid is responsive and offers a reasonable price. A secondary PFR may be requested for the bidder next in line if there is reason to believe that the otherwise acceptable bidders will not be eligible for award. In such cases, the PFR shall be marked "SECONDARY PFR" in block No. 6 of the request. In competitive negotiated procurements where the position of offerors for award purposes cannot be determined with any degree of certainty until award is made, a PFR shall be requested on all offerors within an acceptable competitive range provided such a report is required under current regulations.

(b) *If financial assistance is involved.* For any contract of $50,000 or more, or which involves Government financial assistance, the contracting officer shall obtain a financial responsibility report regarding the prospective contractor involved from the appropriate credit and finance activity, except with respect to transportation contracts with regulated common carriers under Government bills of lading which are not subject to special terms, conditions, or specifications. Unless notified otherwise, the information furnished should be considered current for a reasonable length of time for use in connection with subsequent bids of that prospective contractor. The request for a financial responsibility report is submitted, in duplicate, on GSA Form 894, Financial Responsibility—Inquiry and Reply (illustrated at § 5A–16.950–894).

(c) *If affiliation with organized crime is suspected.* (1) Where there is a doubt in the mind of the contracting officer as to whether a firm is, or is not, involved with organized crime, additional information shall be requested from the Office of Investigations (BI). Requests for such information are processed on GSA Form 2713, Records Check and Inquiry on Bidders and Contractors, in accordance with the instructions on the form (see § 5A–16.950–2713). Concurrently, furnish a copy of the GSA Form 2713 to the Assistant Commissioner for Procurement (FP). Procurement activities shall assure compliance with instructions regarding disclosure or reproduction of the information furnished. Requests initiated in the Central Office, FSS, are to be furnished to the Director, Office of Investigations (BI), Office of Administration. Requests initiated in the regions are to be furnished to the cognizant Director, Field Investigations Office.

(2) Incidental to determining bidder or offeror responsibility prior to award, contracting officers may: (i) Determine a suspected firm to be nonresponsible if the information received from BI indicates the firm or members of the firm have been convicted under the Organized Crime Control Act of 1970, or convicted of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or busines honesty which seriously and directly affects the question of present responsibility as a Government contractor. In the event that an appeal taken from any conviction results in a reversal of the conviction, contracting officers may not consider the conviction in determining responsibility. (See § 1–1.6.)

(ii) Submit to the Assistant Commissioner for Procurement (FP), or the Assistant Commissioner for Transportation and Public Utilities (FZ), as appropriate, all cases where information provided by BI does not contain evidence of conviction of offenses mentioned in paragraph (c)(2)(i) of this section, but does contain other convincing evidence which would seriously impugn the integrity and business ethics of a firm otherwise eligible for contract award. FP will review such information and provide guidance with respect to determination of contractor responsibility.

4. Section 5A–1.1205–3 is deleted.

§ 5A–1.1205–3 [Deleted]

5. Section 5A–1.1205–4 is added as follows:

§ 5A–1.1205–4 Preaward surveys.

(a) A Plant Facilities Report (PFR) shall be requested as soon as feasible after bid opening if the contracting officer determines that a PFR is necessary. A responsibility determination may be made without obtaining a new or updated PFR if the contracting officer is satisfied that the prospective contractor has the facilities, capacity, and quality control system to perform the proposed contract, considering the dollar value thereof and any critical aspects involved in the procurement. PFR's for proposed contracts of less than $15,000 shall be requested only with the concurrence of the appropriate branch chief.

(b) Requests for a PFR shall be made on GSA Form 353, Plant Facilities Report (see § 5A–16.950–353). The Procurement activity making the request shall complete section I of GSA Form 353. Any special reasons for making the request should be stated in block 6 of the form. Any pertinent information known to the buying activity which would be helpful in making the PFR should be noted in block 5 of the form. When there is a current GSA Form 353 on hand indicating the contractor is capable, and there is merely a need to determine the proposed contractor's available plant capacity to perform the contract, requests should indicate capacity only in block 6 of the form. Such requests for PFR's should clearly show that they are restricted to capacity.

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(1) Prepare an original and two copies of GSA Form 353; the original and one shall be forwarded to the Quality Control Division in the region in which the plant facilities are located, and the second copy to the Quality Control Division, Central Office, together with the following:

(i) Two copies of the invitation for bids;

(ii) Two copies of all pertinent information submitted by the bidder in his bid, including delivery time and, where applicable, the bidder's indicated monthly production capacity or supply potential. (In lieu of extracting such information from the bid, copies of the bid or pertinent pages thereof may be furnished);

(iii) Any pertinent correspondence between GSA and the bidder; and

(iv) Any other information the buying activity has which should be considered by the Quality Control Division in making the evaluation. The second copy of the GSA Form 353, and of each of the documents and information described above, shall be forwarded to the Central Office Quality Control Division.

(2) The Director, Quality Control Division is committed to furnish PFR's to the requester within 15 working days from the date the request is received. Twenty working days will be required if the bidder's testing laboratory is located in another region. If a PFR has been requested and it is determined prior to receipt of the report not to make award to the bidder, the Director, Quality Control Division shall be notified without delay.

(3) When the contracting officer does not concur in the PFR recommendation, he shall bring the matter to the attention of the branch chief who will, if he agrees, contact the regional Quality Control Division Director concerned in an effort to resolve the points in question. If agreement cannot be reached, and it is determined to override the regional Quality Control Division recommendation, the GSA Form 1535, Request for Approval of Awards, shall be documented to include a factual summary and be forwarded to the appropriate Procurement Division Director for concurrence. In all cases involving awards exceeding $100,000 (or below in sensitive cases) the appropriate Procurement Division Director will contact the regional Quality Control Division Director in order to reconcile the respective positions prior to his concurrence. Emphasis shall be placed on avoiding award of contract to a marginal supplier. If award is made to a firm despite an unfavorable PFR, a letter notice of the action taken and the reason for it shall be sent to the Quality Control Division which prepared the PFR, with a copy to the Central Office Quality Control Division (FMQ).

6. Section 5A–1.1205–50 is added as follows:

§ 5A–1.1205–50 Review List of Bidders.

The Review List of Bidders is a list of firms or individuals who, because of questionable responsibility, require extraordinary consideration before award of contracts and, if awards are made, require exceptional treatment with respect to contract administration. The List is established as the medium for notification (within GSA) that information exists, pertaining to the listed firms or individuals, which is sufficient to warrant timely inquiry or surveillance because of questionable responsibility, but is not sufficient in and of itself to warrant debarment.

(a) *Establishment and maintenance of the List.* (1) The Office of Investigations (BI) shall establish and maintain the Review List in accordance with this § 5A–1.1205–50, and arrange for the reproduction and distribution of the List. The List shall be marked "For Official Use Only," and private parties shall not be apprised of it in any way whatsoever.

(2) Distribution of copies of the List shall be made to all GSA officials or employees whose duties require access to the List. Copies of the List may be furnished to officials and employees of other Federal agencies by the Office of Investigations.

(b) *Bases for inclusion in the List.* The names of firms or individuals shall be included on the Review List upon recommendation by the Office of Investigations, and determination by the head of a procuring service that the firm or individual is of questionable responsibility (within the purview of Subparts 1–1.12 and 5A–1.12) and that such information should be distributed to all other GSA contracting activities. A firm or individual named in the GSA Debarred Bidders List shall not at the same time be included in the Review List of Bidders.

(c) *Processing determinations of nonresponsibility.* When a bid or offer is rejected because of a determination by the contracting officer that the offeror does not qualify as responsible, the contracting officer shall promptly notify the offeror by letter, setting forth the reasons for the rejection. This will provide an opportunity, where applicable, for the correction of the offending practices prior to future offerings. A copy of the letter of rejection together with a copy of the determination of nonresponsibility shall be sent to the Office of Investigations, BI, and to each other FSS buying activity for informational purposes. The transmittal letter shall include a recommendation that the offeror be or not be placed on the Review List. If the recommendation is made to place the bidder on the Review List the transmittal letter shall be sent through the appropriate Assistant Commissioner or Regional Commissioner; otherwise, the letter shall be transmitted through the appropriate Procurement Division Director. If the basis for rejection includes lack of financial responsibility a copy also shall be furnished to the appropriate finance activity.

(d) *Investigations, evaluations, and determinations.* (1) The Office of Investigations, shall collect and investigate information developed within GSA or by other agencies to determine whether such information falls within the purview of § 1–1.12. When the head of a procuring activity has reason to believe that a firm should be listed on the Review List, a request for investigation shall be forwarded to the Office of Investigations with a statement of the pertinent circumstances. A copy of such request shall be sent to the head of the procuring service concerned.

(2) The Office of Investigations will evaluate the information developed as a result of its investigation and, if justified, will recommend to the head of the appropriate procuring service that the firm or individual be included in the List. The Office of Investigations files compiled in support of such recommendations may be reviewed by the procuring activity upon request.

(3) The head of the procuring service will determine whether the facts warrant placing the firm or individual on the Review List and request the Office of Investigations to add such individual or firm to the List.

(e) *Removal from the List.* (1) Removal of a firm or individual from the List may be accomplished at any time it is determined that sufficient reason no longer exists for retention. Any recommendation for removal shall be forwarded, through channels, to the Office of Investigations, or the Office of Investigations may initiate the recommendation. In either case, the Office of Investigations shall coordinate the matter with the service that originally approved the listing. The head of that procuring service will determine whether to delete or retain the firm or individual on the List.

(2) The List shall be screened periodically (at least every 2 years) by the Office of Investigations. Firms and individuals listed 12 months or more prior to the date of screening shall be reported to the initiating office with a recommendation for removal or retention based on the seriousness of the original cause for listing and the presence or absence of derogatory information received subsequent to the determination for inclusion in the List. These firms and individuals shall be retained on the List unless the initiating office requests removal within 30 working days of the reporting date.

(f) *Treatment to be accorded listed firms or individuals.* (1) The inclusion of a firm or individual on the List must not itself be interpreted to mean that the listed firm or individual will not be given an opportunity to bid or quote on a proposed procurement; that negotiations cannot be carried on with that firm or individual; or that an award cannot be made to such firm or individual.

(2) No contract shall be awarded to a listed firm or individual until the contracting officer determines the bidder to be responsible based on all available information. Inquiry shall be made of such elements of the Central Office and the regional offices as the contracting officer may see fit, to support such a determination or to support rejection for failure to qualify as a responsible prospective contractor. The extent or scope of the inquiry is for determination by the contracting officer. A new plant facility report usually shall be obtained prior to making award to a firm on the GSA Review List of Bidders. When the contracting officer determines that a firm on the GSA Review List of Bidders is responsible and recommends award, the case shall be submitted to the appropriate Regional Commissioner or to the appropriate Central Office Assistant Commissioner for review before award is made.

(3) If a nonresponsibility determination is made, the contracting officer shall comply with § 1–1.1207. The List shall not be cited as a reason for, or factor contributing to, the nonresponsibility determination.

(4) When a contract is awarded to a firm on the Review List and the contract is of significant interest to warrant surveillance at a level above the contracting officer, the appropriate Assistant Commissioner (or, in the case of a regional procurement, the regional Director, Procurement Division) when deemed necessary, shall in coordination with the Director, Supply Control Division and/or Director, Quality Control Division, recommend timely and positive contract administration action including interaction between Central Office and the regions where both have awarded contracts to the same firm.

7. Section 5A–1.1206 is revised as follows:

§ 5A–1.1206 Subcontractor responsibility.

(a) *Change in suppliers by prime contractors.* Before authorizing a contractor to change a designated source of supply or any designated inspection or production point, the contracting officer shall determine that such change will not be detrimental to the ability of the contractor to fulfill his obligations under the terms of the contract.

(b) In making an evaluation of the requested change, contracting officers shall exercise similar precautions with regard to new sources as were taken in determining the acceptability of the initial supply source. If the contracting officer approves a change of supply source, inspection point, or production point, he shall issue an appropriate contract amendment specifying the nature of the change and the effective date. Where feasible, the amendment shall provide that delivery orders placed prior to the effective date will remain in effect as written. In determining the effective date, contracting officers shall take into consideration the time necessary for offices concerned to receive and take required actions thereunder.

PART 5A–16—PROCUREMENT FORMS

The table of contents for Part 5A–16 is amended by addition of the following sections:

5A–16.950–353 GSA Form 353, Plant Facilities Report.

5A–16.950–804 GSA Form 804, Financial Responsibility — Inquiry and Reply.

NOTE: GSA Form 353, Plant Facilities Report (February 1971), and GSA Form 804, Financial Responsibility—Inquiry and Reply (June 1969), illustrated in §§ 5A–16.950–353 and 5A–16.950–804 respectively, are filed as part of the original document.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Effective date. These regulations are effective on the date shown below.

Dated: July 1, 1974.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.74–22345 Filed 9–25–74;8:45 am]

PART 5A–10—BONDS AND INSURANCE

Bonds and Insurance

This change to the General Services Administration Procurement Regulations (GSPR) deletes the requirement for collection officers to be bonded for the receipt of bid guarantees, and clarifies the instructions for including insurance provisions in contracts.

Subpart 5A–10.1—Bonds

1. Section 5A–10.103 is revised as follows:

§ 5A–10.103 Bid guarantees.

Bid guarantees, other than bid bonds, shall be placed in the custody of a collection officer after the opening of bids. The contracting officer shall arrange for the return of guarantees, or their equivalent, to unsuccessful bidders as soon as the contract is awarded. The bid guarantee of the successful bidder shall be returned upon execution of any further documents required by the contract; e.g., performance bonds.

Subpart 5A–10.10.3—Insurance—General

2. Section 5A–10.301 is amended as follows:

§ 5A–10.301 General.

(a) The policy stated in § 1–10.301 is based on the theory that the quantity of the Government's transactions, together with the magnitude of its resources, makes it more advantageous to the Government to carry its own risks than to have them assumed by private insurers whose rates are based on recovery of possible losses, estimated operating expenses, and anticipated profit. Exceptions to this principle exist where Government property is not under the direct control and custody of the Government, or when other special circumstances are present as indicated in § 1–10.301. However, where a contractor is responsible for Government property, there is no objection to requiring or permitting the contractor to carry insurance against loss of, or damage to the property, provided the Government's interests in any payments under the policy are protected and the contractor does not pass on the cost of the insurance to the Government, except as provided in FPR 1–10.301; i.e., where it is required by law or where it is in the best interest of the Government, and the Government's interests in any payments under the policy are protected. The need for this coverage and the extent of protection required shall be based on the circumstances in each case.

• • • • •

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Effective date. These regulations are effective on the date shown below.

Dated: September 10, 1974.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.74–22344 Filed 9–25–74;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

SUBCHAPTER B—LAND RESOURCE MANAGEMENT (2000)

Circular No. 2363

FILING OF ALASKA NATIVE CLAIM SETTLEMENT ACT SELECTIONS OVER NATIVE ALLOTMENT APPLICATIONS

The purpose of this amendment is to provide (1) for the inclusion of lands in pending Native allotment applications within subsequently filed Native land selections made pursuant to the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. 1601), and (2) that village and regional corporations filing applications under 43 CFR 2651 and 2652 may file applications for lands withdrawn under section 11(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601), unless the lands are withdrawn for the national park system or are withdrawn or reserved for national defense purposes.

Regulations found in paragraph (e) of 43 CFR § 2561.1 require the rejection of all applications filed for lands which are the subject of an acceptable Native allotment application. This amendment permits Native land selections to "overlap" Native allotment applications where the selector desires to acquire the lands in the event the Native allotment is not approved. Under this amendment the Native allotment applicants would continue to have priority for the lands.

This amendment does not require the filing of selection applications over pending Native allotment applications or amendment of applications to include lands within Native allotment applications which are rejected after the filing of the Native land selection application.

The regulation found at 43 CFR 2091.9–5 is revised to include a provision for filing of "overlapping" applications as described above.

Since this regulation is to aid the Alaska Native regional corporations in filing selection claims under the Alaska Native Claims Settlement Act (43 U.S.C. 1601), and the act requires that these selections must be filed by December 17, 1974, it is determined that the Department's policy on public participation in rulemaking (36 FR 8336) is impractical and this amendment shall become effective September 26, 1974.

Subchapter B (2000) of Title 43 of the Code of Federal Regulations is amended as follows:

V 39 I 188 SEP 26 74 XUM

PART 2090—SPECIAL LAWS AND RULES

1. Section 2091.1(a) is revised to read as follows:

§ 2091.1 **Rejection of applications.**

• • • • •

(a) Withdrawal or reservation of lands; except that this does not prevent the filing of applications by village and regional corporations under 43 CFR Parts 2561 and 2652 for public lands withdrawn under section 11(a)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601), unless the lands are withdrawn for the national park system or are withdrawn or reserved for national defense purposes.

• • • • •

2. Section 2091.9–5 is redesignated as § 2091.6–5 and revised to read:

§ 2091.6–5 **Application for native allotment.**

The filing of an acceptable application for a Native allotment will segregate the lands. Thereafter, subsequent conflicting applications for such lands will be rejected, except when the conflicting application is made for the conveyance of lands pursuant to any provision of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et. seq.). When there is more than one Native allotment application covering the same tract of land, a determination will be made as to which applicant has fulfilled the requirements of the act and the regulations thereunder.

PART 2560—ALASKA OCCUPANCY AND USE

3. Section 2561.1(e) is revised to read:

§ 2561.1 **Applications.**

• • • • •

(e) The filing of an acceptable application for a Native allotment will segregate the lands. Thereafter, subsequent conflicting applications for such lands shall be rejected, except when the conflicting application is made for the conveyance of lands pursuant to any provision of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

• • • • •

PART 2650—ALASKA NATIVE SELECTION

4. In § 2651.4, paragraph (h) is added to read:

§ 2651.4 **Selection limitations.**

• • • • •

(h) Village or regional corporations may, but are not required to, select lands within pending Native allotments. If the village or regional corporation selection omits lands within a pending Native allotment, this will not be construed as violating the requirements for compactness and contiguity. If, during the selection period, the pending Native allotment is finally rejected and closed, the village or regional corporation may amend its selection application to include all of the land formerly in the Native allotment application, but is not required to do so to meet the requirements for compactness and contiguity.

5. In § 2653.3, paragraph (d) is added to read:

§ 2653.3 **Lands available for selection.**

• • • • •

(d) Native land selections under Sec. 14(h) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) may, but are not required to, include within such selections land within pending Native allotment applications.

JACK O. HORTON,
Assistant Secretary of the Interior.

SEPTEMBER 18, 1974.

[FR Doc.74–22327 Filed 9–25–74;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

GRANTS TO STATES FOR SERVICES TO AGED, BLIND, OR DISABLED

Title VI Modifications

Chapter II of Title 45 of the Code of Federal Regulations is amended to implement section 302 of Pub. L. 92–603, Social Security Amendments of 1972, which establishes a new Title VI of the Social Security Act, Grants to States for Services to the Aged, Blind, or Disabled, effective January 1, 1974.

The amendments make clear which requirements and conditions contained in Chapter II are applicable to the program under the new Title VI.

Notice of proposed rule making has been dispensed with because these amendments merely reflect the statutory change that transferred social services for the aged, blind, or disabled from Titles I, X, XIV, and XVI of the Social Security Act to Title VI of that Act for the 50 States and the District of Columbia.

Accordingly, §§ 201.1, 201.3, 201.6, 204.1, 205.5, 205.30, 205.50, 205.60, 205.70, 205.100, 205.101, 205.130, 205.145, 205.150, 205.190, 205.200, 225.2, and 225.3, are amended to read as set forth below:

PART 201—GRANTS TO STATES FOR PUBLIC ASSISTANCE PROGRAMS

§ 201.1 **General definitions.**

• • • • •

(h) "State agency" means the State agency administering or supervising the administration of the State plan under title I, IV–A, VI, XIV, XVI, or XIX of the Act;

• • • • •

§ 201.3 **Approval of State plans and amendments.**

The State plan consists of written documents furnished by the State to cover each of its programs under the Act: Old-age assistance (title I); aid and services to needy families with children (part A of title IV); services to aged, blind, or disabled (title VI); aid to the blind (title X); aid to the permanently and totally disabled (title XIV); aid to the aged, blind or disabled (title XVI); or medical assistance (title XIX). The State may submit the common material on more than one program as an integrated plan. However, it must identify the provisions pertinent to each title since a separate plan must be approved for each public assistance title. A plan submitted under title XVI encompasses, under a single plan, the programs otherwise covered by three separate plans under titles I, X, and XIV. After approval of the original plan by the Service, all relevant changes, required by new statutes, rules, regulations, interpretations, and court decisions, are required to be submitted currently so that the Service may determine whether the plan continues to meet Federal requirements and policies.

• • • • •

§ 201.6 **Withholding of payment; reduction of Federal financial participation in the costs of social services and training.**

(a) *When withheld.* Further payments to a State are withheld in whole or in part if the Administrator, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of an approved plan, finds:

(1) That the plan no longer complies with the provisions of section 2, 402, 602, 1002, 1402, 1602, or 1902 of the Act; or

• • • • •

(b) *When the rate of Federal financial participation is reduced.* Under title I, VI, X, XIV, or XVI of the Act, Federal financial participation in the costs of social services and training approved at the rate of 75 per centum is reduced to 50 per centum if the Administrator, after reasonable notice and opportunity for a hearing to the State agency, finds:

• • • • •

PART 204—GENERAL ADMINISTRATION—SOCIAL AND REHABILITATION SERVICE GRANTS PROGRAMS

§ 204.1 **Submittal of State plans for Governor's review.**

A State plan under title I, IV–A, IV–B, VI, X, XIV, XVI, or XIX of the Social Security Act, section 101 of the Rehabilitation Act of 1973, or title I of the Mental Retardation Facilities and Community Mental Health Centers Construction Act, must be submitted to the State Governor for his review and comments, and the State plan must provide that the Governor will be given opportunity to review State plan amendments and long-range program planning projections or other periodic reports thereon. This requirement does not apply to periodic statistical or budget and other fiscal reports. Under this requirement, the Office of the Governor will be afforded a specified period in which to review the material. Any comments made will be transmitted to the Social and Rehabilitation Service with the documents.

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

§ 205.5 **Plan amendments.**

(a) *State plan requirements.* A State plan under title I, IV–A, VI, X, XIV, XVI, or XIX of the Social Security Act must provide that the plan will be amended whenever necessary to reflect new or revised Federal statutes or regulations, or material change in any phase of State law, organization, policy or State agency operation.

(b) *Federal financial participation.* Except where otherwise provided, Federal financial participation is available in the additional expenditures resulting from an amended provision of the State plan as of the first day of the calendar quarter in which an approvable amendment is submitted or the date on which the amended provision becomes effective in the State, whichever is later.

§ 205.30 **Methods of administration.**

State plan requirements: A State plan under title I, IV–A, VI, X, XIV, XVI, or XIX of the Social Security Act must provide for such methods of administration as are found by the Secretary to be necessary for the proper and efficient operation of the plan.

§ 205.50 **Safeguarding information.**

(a) *State plan requirements.* A State plan under title I, IV–A, VI, X, XIV, XVI, or XIX of the Social Security Act, except as provided in paragraph (b) of this section, must provide that:

• • • • •

§ 205.60 **Reports and maintenance of records.**

(a) *State plan requirements.* A State plan under title I, IV–A, VI, X, XIV, XVI, or XIX of the Social Security Act must provide that:

• • • • •

§ 205.70 **Availability of agency program manuals.**

State plan requirements. A State plan under title I, IV–A, IV–B, VI, X, XIV, XVI, or XIX of the Social Security Act must provide that:

• • • • •

§ 205.100 **Single State agency.**

(a) *State plan requirements.* A State plan under title I, IV–A, VI, X, XIV, XVI, or XIX of the Social Security Act must:

• • • • •

§ 205.101 **Organization for administration.**

(a) A State plan under title I, IV–A, VI, X, XIV, XVI, or XIX of the Social Security Act shall include a description of the organization and functions of the single State agency and an organizational chart of the agency.

(b) Where applicable, a State plan under title I, IV–A, VI, X, XIV, or XVI of the act shall identify the organizational unit within the State agency which is responsible for operation of the plan and shall include a description of its organization and functions and an organizational chart of the unit. (See also, for requirements concerning the organization for the administration of service programs, pt. 220 of this chapter as to programs under title IV–A and B of the act, and pt. 222 of this chapter as to programs under title I, VI, X, XIV, or XVI of the act.)

(c) A State plan under title XIX of the act must:

(1) Provide for the establishment of a medical assistance unit in the single State agency which shall include the program director and other appropriate staff for participation in the development, analysis, and evaluation of the State's medical assistance program;

(2) Include a description of the organization and functions of the medical assistance unit and an organizational chart of the unit;

(3) Include a description of the kinds and numbers of professional medical personnel and supporting staff that will be used in the administration of the plan and of the responsibilities they will have; and

(4) If eligibility determinations are made by a State agency other than the title XIX single State agency or by local agency staff under the supervision of a State agency, include a description of the staff designated by such agencies and the functions they will perform in carrying out this responsibility.

§ 205.130 **State financial participation.**

State plan requirements:

(a) A State plan until title I, IV–A, VI, X, XIV, XVI, or XIX of the Social Security Act must provide that:

• • • • •

§ 205.145 **Fiscal policies and accountability.**

State plan requirements: A State plan under title I, IV–A, VI, X, XIV, XVI, or XIX of the Social Security Act must provide that the State agency, in discharging its fiscal accountability, will maintain an accounting system and supporting fiscal records adequate to assure that claims for Federal funds are in accord with applicable Federal requirements. Under this requirement, State and, where applicable, local agencies are required to maintain accounting records, identifiable for each of the above titles of the Act, for a period of 3 years, subject to the following qualifications:

(a) The 3-year retention period starts from the date of submission of the final expenditure report;

(b) The records shall be retained beyond the 3-year period if audit findings have not been resolved;

(c) Records for nonexpendable property which was acquired with Federal grant funds shall be retained for 3 years after final disposition of such property.

§ 205.150 **Cost allocation.**

(a) *State plan requirements.* A State plan under title I, IV–A, IV–B, VI, X, XIV, XVI, or XIX of the Social Security Act must provide that the single State agency will establish and maintain methods and procedures for properly charging the costs of administration, services (excluding those purchased), and training activities under the plan in accordance with Federal requirements (Office of Management and Budget Circular No. A–87 and Department and Social and Rehabilitation Service regulations and instructions). Such methods and procedures must include those for:

• • • • •

§ 205.190 **Standard-setting authority for institutions.**

(a) *State plan requirements.* If a State plan under title I, X, XIV, or XVI, of the Social Security Act includes aid or assistance to individuals in institutions as defined in § 233.60(b) (1) and (2) of this chapter and if a State plan under title VI includes services for individuals in institutions the plan must:

• • • • •

§ 205.200 **Standards of personnel administration.**

(a) A State plan under title I, IV–A, VI, X, XIV, XVI, or XIX of the Social Security Act must provide that methods of personnel administration will be established and maintained in the State agency administering or supervising the State plan and in local agencies administering the State plan in conformity with the Standards for a Merit System of Personnel Administration, 45 CFR Part 70. Under this requirement, laws, rules, regulations, and policy statements effectuating such methods of personnel administration are a part of the State plan. Statements of acceptance of these standards by all official local agencies included in the State plan must be obtained and methods must be established by the State to assure compliance by local jurisdictions. These statements and citations of applicable State laws, rules, regulations, and policies which provide assurance of conformity to the standards in 45 CFR Part 70 must be submitted to the Department of Health, Education, and Welfare for determination as to adequacy. Copies of the materials cited and of similar local materials maintained by a State official responsible for compliance by local jurisdictions must be furnished to the Department on request.

• • • • •

PART 225—TRAINING AND USE OF SUBPROFESSIONALS AND VOLUNTEERS

§ 225.2 **State plan requirements.**

The State plan for OAA, AFDC, SABD, AB, APTD, AABD or MA under title I, IV (Part A), VI, X, XIV, XVI or XIX of the Social Security Act or for CWS under title IV (Part B) of the Act must:

• • • • •

§ 225.3 **Federal financial participation.**

Under the State plan programs under Titles I, IV (Parts A and B), VI, X, XIV, XVI, and XIX of the Act, Federal financial participation in expenditures for the recruitment, selection, training, and employment and other use of subprofessional staff and volunteers is available at the rates and under related conditions established for training, services, and other administrative costs under the respective titles.

V 39 I 188 S EP 26 74 XUM

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective date. January 1, 1974.

(Catalog of Federal Domestic Assistance Nos. 13.724, Public Assistance—State and Local Training and 13.754, Public Assistance—Social Services)

Dated: August 23, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: September 20, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74-22418 Filed 9-25-74;8:45 am]

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

Need and Amount of Assistance; Termination of Pass-On Requirements

Part 233 of Chapter II of Title 45 of the Code of Federal Regulations is amended to indicate that the requirements for pass-on of part of OASDI benefit increases pursuant to sections 304 and 306 of Pub. L. 92-603 are no longer in effect as of December 31, 1973.

§ 233.20 [Amended]

Paragraph (d) of § 233.20 is revoked.

Effective date: January 1, 1974.

(Sec. 1102, 49 Stat. 647, (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.761, Public Assistance Maintenance Assistance (State Aid).)

Dated: September 4, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: September 20, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74-22355 Filed 9-25-74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—MERCHANT MARINE OFFICERS AND SEAMEN

[CGD 73-238R]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

Training Schools With Approved Courses

The purpose of these amendments is to change the regulations concerned with licensing of officers and motorboat operators and registration of staff officers to allow the acceptance of certificates from training schools with approved courses of instruction as an alternative to certain examinations that the Coast Guard may require.

In the October 12, 1973, issue of the FEDERAL REGISTER (38 FR 28298), the Coast Guard proposed regulation changes which would establish general requirements for approved courses of instruction for radar observers and also provide for acceptance of both private and government operated or sponsored courses. Interested parties were given until November 30, 1973, to comment on the proposals. A total of fifteen comments were received.

Concern was expressed by several commentors concerning the degree of supervision that would be exercised and the right of the local Officer in Charge Marine Inspection to examine a person with the authorized certificate if he deemed this necessary, as well as the need for signatures from both the school and the local Officer in Charge Marine Inspection on certificates issued. The right, as well as the responsibility, of the Coast Guard to closely monitor the courses, is considered to be adequately provided for in the final regulations. In the event that the local Officer in Charge Marine Inspection has reason to question the capabilities of any person completing an approved course, he has the authority to either monitor or administer the end of course examination. The provision that all certificates issued must be signed by both the head of the school and the local Coast Guard Officer in Charge Marine Inspection has been retained. However, it is now clearly indicated that this authority to sign may be delegated to persons under the jurisdiction of each. This dual signature will not only remove any doubt as to the authenticity of the certificate, when it is presented for issuance of a license or for renewal of an existing license, but it will also satisfy any doubts interested parties might have concerning the degree of Coast Guard involvement in such approved courses. It is the intention of the Coast Guard to request participation by the Maritime Administration in the review of course curriculum for both initial approvals and subsequent approval of changes to such curriculum.

It was also recommended that the period of approvals granted be reduced from 2 years to 1 year for the initial approval and from 5 years to 2 years for subsequent approvals. After careful consideration, this recommendation was rejected as it would impose a burden of unnecessary paperwork upon both the school and the Coast Guard. With the requirements for close Coast Guard involvement with the courses which have been imposed, it is felt that the quality of instruction of the various courses can be kept at a level which will adequately meet minimum uniform requirements. In addition, the right to suspend or revoke the approval granted is retained by the Coast Guard. A reduction in the total number of classroom hours required for the various certificates was recommended. Although some candidates can undoubtedly master the subject of radar, including its proper and efficient interpretation, in less classroom hours than is provided, it is felt that the regulations specify the minimum acceptable number of hours for the average candidate. International standards, which are constantly being developed in the field of personnel qualifications, also address the question of radar training and if the Coast Guard is to continue to meet these standards, any reduction in total hours would be unacceptable.

In addition to the changes discussed above, as well as minor editorial changes, the Coast Guard has rearranged the regulations to provide general requirements which all courses in instruction approved by the Coast Guard must meet. These requirements were set out in the notice of proposed rulemaking as applying only to radar observer courses. It is felt that it is proper to apply these requirements to all courses of instruction. The requirements themselves have not been changed. The applicability of the requirements has been expanded. This expanded applicability will allow the Coast Guard to approve a wide range of courses of instruction in the future. Additional unique requirements for radar observer courses are also listed, as well as those radar observer courses which have been approved.

Accordingly, Part 10 of Title 46 of the Code of Federal Regulations is amended as follows:

1. By revising § 10.02-9(e) (3), (4), and (5) to read as follows:

§ 10.02-9 Requirements for renewal of license.

* * * * * * *

(e) * * *

(3) Except as allowed in paragraph (e) (5) of this section, a master, mate, or pilot who desires to renew a license with a "radar observer" endorsement, must demonstrate his knowledge of the subjects contained in § 10.05-46(b) (3) and (4) of this subpart if he, within 36 months before the month in which his application is dated served—

(i) Under the authority of his license on a vessel; or

(ii) In a position closely related to the operation of vessels.

(4) Except as allowed in paragraph (e) (5) of this section, a master, mate, or pilot who desires to renew a license with a "radar observer" endorsement and who can not meet the experience requirement contained in paragraphs (e) (3) (i) or (e) (3) (ii) of this section, must pass a written examination of the subjects contained in § 10.05-46(b) of this chapter.

(5) A master, mate, or pilot who shows an appropriate radar observer certificate of an approved radar training course from one of the schools listed in § 10.30-5 of this chapter that is dated within 12 months before the month of application for renewal of a license that has a "radar observer" endorsement is not required to demonstrate his knowledge, as required in paragraph (e) (3) of this section, or pass a written examination as required in paragraph (e) (4) of this section.

* * * * * * *

2. By revising § 10.05-46 (a) and (d) to read as follows:

§ 10.05-46 Radar observer.

(a) Except as provided for in paragraph (d) of this section, a written examination on the subjects contained in paragraph (b) of this section is required for each applicant for—

(1) An original license;

(2) A raise in grade; or

(3) An increase in scope of license for service in vessels of 300 gross tons and over.

* * * * * * *

(d) An applicant for a license specified in paragraph (a) of this section who shows an appropriate radar observer certificate of an approved radar training course from one of the schools listed in § 10.30-5 of this chapter that is dated within 12 months before the month of application is not required to pass the written examination required in paragraph (a) of this section.

3. By adding a new Subpart 10.30, to follow Subpart 10.25 and to read as follows:

Subpart 10.30—Training Schools With Approved Courses

Sec.

10.30-1 Applicability.
10.30-2 Course Approval.
10.30-3 General Standards.
10.30-5 Radar Observer Qualifying Courses.

§ 10.30-1 Applicability.

This subpart prescribes the general requirements applicable to all approved courses which may be accepted in lieu of an examination required by the Coast Guard, and lists those individual courses which have been approved with the particular requirements of each course.

§ 10.30-2 Course approval.

(a) A training school desiring to have a course approved by the Coast Guard must submit a written request through the appropriate Officer in Charge Marine Inspection to the Commandant (G-MVP/82) U.S. Coast Guard, Washington, D.C. 20590, that contains:

(1) A list of the curriculum including a description of and the number of classroom hours required in each subject;

(2) A description of the facility and equipment;

(3) A list of instructors including the experience, background, and the qualifications of each; and

(4) Evidence supporting the need for such approved training.

(b) Unless sooner surrendered, suspended or revoked, and approval for a course at a training school that meets Coast Guard standards expires 24 months after the month in which it is issued, or on the date of any change in the ownership of the school for which it was issued, whichever is earlier.

(c) If the training school desires to have its course approval renewed, it must submit a written request to the address listed in paragraph (a) of this section. Unless sooner surrendered, suspended, or revoked, a renewal of the approval expires 60 months after the month it is issued, or on the date of any change in ownership of the school for which it is issued, whichever is earlier.

(d) The Coast Guard notifies each applicant in writing whether or not an approval is granted. If a request for approval is denied, the Coast Guard informs the applicant the reasons for the denial and describes what corrections are required for an approval.

§ 10.30-3 General standards.

Each school with an approved course must:

(a) Have a modern and well maintained facility that accommodates the students in a safe and comfortable environment conducive to learning.

(b) Have visual aids for realism, including simulators where appropriate, which are modern and well maintained and sufficient for the number of students to be accommodated.

(c) Give appropriate written or practical examinations in the course material to each student of such a degree of difficulty that a student who successfully completes them could reasonably assume that he would pass, on his first attempt, an examination prepared by the Coast Guard and based upon knowledge requirements of the position or endorsement for which the student is being trained.

(d) Keep for each enrolled student for at least 1 year after the end of the students enrollment—

(1) Each written examination, or in the case of a practical test, a report of such test; and

(2) A record of each student's classroom attendance.

(e) Not change its approved curriculum unless that change is approved in writing after the request for change has been submitted in writing through the appropriate Officer in Charge Marine Inspection to the Commandant (G-MVP/82), U.S. Coast Guard.

(f) At any time the Officer in Charge Marine Inspection shall direct, allow the Coast Guard to:

(1) Inspect its personnel facilities, equipment, and records, including scholastic records;

(2) Conduct interviews and surveys of students to aid in course evaluation and improvement;

(3) Assign personnel to observe or participate in the course of instruction; and

(4) Supervise or administer the required examinations or practical demonstrations.

§ 10.30-5 Radar Observer Qualifying Courses.

This section lists those schools providing approved Radar Observer Courses and the particular requirements for the approved courses.

(a) A student who takes an approved course of training and who meets the requirements of this section is entitled to an appropriate radar observer certificate.

(b) If the student successfully completes the course, including the examinations and practical demonstration required by § 10.30-3(c), he is entitled to an appropriate radar observer certificate—

(1) In a form prescribed by the school that is acceptable to the Coast Guard; and,

(2) Signed by both the head of the school and the local Officer in Charge Marine Inspection or a responsible officer under the jurisdiction of each, who shall be designated in writing.

(c) The following radar observer certificates are issued under this section:

(1) Radar Observer (no limitations as to area of operation).

(2) Radar Observer (restricted to inland waters).

(3) Radar Observer (renewal).

(4) Radar Observer (inland waters/renewal).

(d) A school with an approved radar observer course may not issue a certificate listed in § 10.30-5(c) to a student unless he has completed the curriculum as follows:

(1) Radar Observer (no limitation as to area of operation). A total of 64 classroom hours or more in the subjects listed in § 10.05-46(b) of this part.

(2) Radar Observer (restricted to inland waters). A total of 40 classroom hours or more in the subjects listed in § 10.05-45(b) of this part.

(3) Radar Observer (renewal) or radar observer (inland/renewal). A total of 4 classroom hours or more in the subjects contained in § 10.05-46(b) (3) and (4) of this part.

(e) Each instructor of an approved radar observer course must hold a valid license endorsed as "radar observer", or possess other appropriate qualifications acceptable to the Coast Guard.

(f) The following training schools have approved radar observer courses:

(1) Maritime Administration Radar Observer School, Seamen's Church Institute, 15 State Street, New York, New York 10004. (Mailing address: Atlantic Coast Director, Federal Building, 26 Federal Plaza, 37th Floor, New York, New York 10007.)

(2) Maritime Administration Radar Observer School, Fort Mason, San Francisco Army Terminal. (Mailing address: Pacific Coast Director, U.S. Department of Commerce, Maritime Administration, 450 Golden Gate Avenue, Box 36073, San Francisco, California 94102.)

(3) Maritime Administration Radar Observer School, Room 14040, New Federal Building, 701 Loyola Avenue, New Orleans, Louisiana 70150.

(4) U.S. Merchant Marine Academy, Kings Point, New York 11754.

(5) U.S. Army Transportation School, Fort Eustis, Virginia 24437.

(6) State University of New York, Maritime College, Fort Schuyler, New York 10065.

(7) Maine Maritime Academy, Castine, Maine 04421.

(8) Texas Maritime Academy, Galveston, Texas 77552.

(9) Maritime Institute of Technology and Graduate Studies, 5700 Hammonds Ferry Road, Linthicum Heights, Maryland 21090.

(R.S. 4405, as amended (46 U.S.C. 375), R.S. 4462, as amended (46 U.S.C. 416), Sec. 6(b) (1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

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Effective date. This amendment shall be effective November 25, 1974.

Dated: September 20, 1974.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard
Acting Commandant.

[FR Doc.74-22306 Filed 9-25-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-19; Sub-No. 19]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Motor Common Carriers of Household Goods; Consumer Protection

Upon investigation and consideration of views, arguments, and representations of the parties, the formal adoption of certain interpretations of the specific statistical items listed in 49 CFR 1056.7 (b), which interpretations are designed to improve the relationship between motor common carriers of household goods and their customers, found to be in the public interest. Appropriate order entered.

Petition for modification of 49 CFR 1056.7, to limit initial performance reporting requirement, denied.

In our final report and order (Practices of Motor Common Carriers of Household Goods, 119 M.C.C. 585), dated February 22, 1974, this Commission promulgated regulations which amended Parts 1056 and 1003 of Chapter X of Title 49 of the Code of Federal Regulations by modifying §§ 1056.7 and 1056.8 and 1003.1 as set forth in appendix B[1] to the said report. We therein adopted certain rules requiring household goods carriers to supply every prospective shipper with (1) the summary of information set forth in Form BOp 103 (49 CFR 1003.1), (2) a copy of this Commission's Public Advisory Number 4 (dealing with loss and damage claims), and (3) a summary of the carrier's latest annual performance report containing certain information specified in the amended § 1056.7(b).

BACKGROUND

By Civil Action No. 74-642, Movers' & Warehousemen's Association of America, Inc., et al., filed a complaint in the United States District Court for the District of Columbia seeking to permanently enjoin and set aside the said Commission order dated February 22, 1974. The complainants challenged the authority of this Commission to compel a carrier to print and distribute at its own cost copies of its annual operating performance statistics and copies of government information publications. In addition, they alleged that some of the information in the government publication was misleading and that the performance report requirements were drafted in such a way as would lead to inaccurate and misleading reporting by some carriers. Finally, they charged that the carriers were given inadequate time to comply with this Commission's order.

By order dated June 11, 1974, the Court dismissed Civil Action No. 74-642 without prejudice, inasmuch as a stipulation had been entered into and presented to the court by the plaintiffs and the Interstate Commerce Commission. This stipulation is set forth in appendix A to this report.

In compliance with part 1.C. of the stipulation, this Commission directed the Office of Proceedings to conduct an informal conference at which representatives of parties to the proceeding might discuss with members of our staff, problems as to interpretation of 49 CFR 1056.7(b). The conference was held July 12, 1974, and the parties were given every opportunity to explore for uniformity of interpretation with the objective that all carriers might set forth comparable data in their respective performance reports. It is the purpose of this report to provide a formal interpretation of the specific statistical items listed in 49 CFR 1056.7(b) as contemplated by the stipulation.

Also, as agreed under part 1.B. of the stipulation, we have accepted for filing and will consider herein a joint petition submitted by the American Movers Conference (AMC), Household Goods Carriers' Bureau, and the Movers' & Warehousemen's Association of America, Inc., seeking to limit the initial performance report specified in 49 CFR 1056.7 to a period from July 1 through December 31, 1974, rather than the entire calendar year of 1974 as presently required.

Finally, pursuant to part 1.A. of the stipulation, certain language agreed upon for insertion in form BOp 103 will appear in the next printing of that form.

INTERPRETATION OF SPECIFIC STATISTICAL ITEMS

The above-described informal conference was to afford parties an opportunity to discuss problems of interpretation regarding carrier performance statistics required to be reported pursuant to 49 CFR 1056.7(b). At the conference, AMC and Movers Round Table (MRT) proposed various interpretations which were substantially similar, and will be referred to throughout this report. Based upon the discussion at the conference, the record in this proceeding, and the need for uniform regulations in the public interest, it is apparent that an interpretive order from this Commission would serve a useful public purpose. This report, therefore, is our formal interpretation of the items which troubled the conferees. Its primary purpose is to enable all carriers, large and small, to prepare and report to the public the required data in a meaningful and uniform manner. What follows is a discussion and our interpretive ruling on each of the separate statistical items which carriers must include in their annual performance reports. For ready reference, the regulation in question, 49 CFR 1056.7, is set out in appendix B filed as part of the original document.

In general, the requirements are that each carrier maintain a record of its service; file that record with this Commission annually; and serve a copy of that record upon potential customers. The items of information recorded are intended to indicate the proficiency of the service. Because this self-revelation might, among other things, influence a shipper's choice of carrier, the carriers are anxious that the reporting be on a fair, uniform basis as to each item of data required.

Items 1 and 2, requiring the name of the motor carrier, its domicile address, and I.C.C. MC-number are self-explanatory.

Item 3 requires the carrier to provide certain data for separately specified types of accounts. These accounts are categorized as (1) c.o.d. shipper, (2) Department of Defense, and (3) national accounts and other Government traffic. It was generally agreed at the July conference, and is our view herein, that a c.o.d. shipment covers any shipment where motor carrier charges are payable at or prior to delivery. Accounts of individual consumers would fall within this first category. The representative of Consumers Union (CU) voiced some concern that the individual shipping customer, when reading the carrier's report, might be unaware that he belongs to this category. Accordingly, we are of the opinion that a carrier should specifically state in its performance report that the list relating to c.o.d. shipments includes the shipments of individual householders.

With regard to the specification of Department of Defense (DOD) as a separate type of account, members of the industry attending the conference suggested that this category be modified to read "Department of Defense and other government traffic." In support of this change, industry representatives stated generally that statistics prepared in the past have been developed from an underlying government bill of lading (GBL) and that there has been no line of demarcation with respect to DOD or any other government agency which issues a GBL. They also maintained that, as a percentage, non-DOD shipments are an almost insignificant portion of GBL shipments.

Before considering the merits of the proposal it is important to point out that the July conference, held in accordance with the stipulation set forth in appendix A, was aimed solely at interpretive problems. There was no intent by this Commission, in entering into the stipulation or in ordering the conference, to modify the involved regulation in any way. What is requested of us here is a formal modification which cannot be accomplished in these circumstances or on this record. On the merits, there appears to be little or no interpretive problem with this item. The Commission clearly separated DOD traffic from other Government traffic and the intent for such action can be discovered in our comments in in the prior

[1] Appendix filed as part of original.

report, 119 M.C.C. 585, at 602, to the effect that the carriers should be required to give a single performance report to DOD for each reporting period so that DOD "will then be in a position to compare these statistics with those it may keep and can notify us of any discrepancies that it may find." Certainly, this could only be accomplished if DOD shipments are set forth in a separate category.

Also, in order to avoid confusion, the term "other Government traffic" should be interpreted to mean only traffic moving on United States Government Bills of Lading. Traffic of any other governments (e.g., State and local) would more likely fit within the category of national accounts shipments.

Item 3 also requires the carrier to provide specified data for each of the abovementioned types of accounts. The kinds of data are set forth in sub-items (a) through (l) of 49 CFR 1056.7(b)(3). Sub-item (a) calls for the number of shipments delivered and the number of estimates on such shipments. Although some carriers contended that the word "delivered" involves ambiguity, we do not believe that that term is ambiguous. Rather, the problem requiring interpretation is just which delivered shipments must be included in the performance report. In considering this point, we must take into consideration the practicalities of carrier operations. Thus, it appears that carriers do not usually consider a transaction closed until all of the documents relating to particular shipments are back in their possession and processed, after the distribution of revenue is made. Industry members explain that only then can they accurately determine the statistics relevant to a particular move, and that, accordingly, a shipment should not be considered for listing in the performance report for the purposes of sub-item (a) until such time. AMC suggested sub-item (a) be construed to include all shipments included in the carrier's cumulative final "Quarterly Reports of Results of Operations" (Class I and II carriers only) and Annual Report (Class III carriers only) for the period covered. We have no objection to this method of uniform statistical compilation and sub-item (a) will be interpreted accordingly. This interpretation will undoubtedly result in shipments actually delivered during the latter portion of each year not being included in the performance report for that year. Carriers are hereby placed on notice that all such shipments not included in a particular year's performance report because of the above interpretation of sub-item (a) must include those shipments in the performance report for the following year. In this way all statistics will be uniform.

Under sub-items (b) and (c), respectively, carriers must indicate the percentage of shipments on which the final charge exceeded or fell short of the estimate by 10 percent or more. Parties at the conference suggested we limit this requirement to cover only shipments on which estimates were given. They expressed concern that all carriers be made aware that an estimated shipment, as used herein, refers to one for which a written estimate is given in accordance with existing regulations. We concur in their recommendation that an estimate be defined as a circumstance in which the carrier furnishes the shipper a completed "Estimated Cost of Services" form pursuant to 49 CFR 1056.8. We also conclude that, for fair and realistic reporting, the word "shipments" in sub-items (b) and (c) should be construed to encompass all shipments upon which an estimate, as above defined, was given.

Sub-items (d) and (e) require a carrier to note the percentage of shipments picked up later than specified in the order for service—(d) covering pick-ups made more than 5 days late, and (e) pickups 1 to 5 days late. AMC recommends (d) be modified to read "Percentage of shipments, by category, picked up one to five calendar days later than specified in the Order of Service or GBL" [Emphasis added]. AMC explains that the words "by category" should be added to emphasize to carriers that the data required by each of the sub-items under 1056.7(b)(3) must be furnished with regard to each of the specified types of account. AMC further explains that the word "calendar" should be inserted, primarily to protect the consumer who might otherwise be misled by a carrier's possible assertion that Saturdays and Sundays are not to be considered when counting those days in delay. In discussion, however, it became clear that in industry practice, when stating a number of days "calendar days" is intended unless otherwise specifically indicated.

MRT suggested it be made clear that, if the order for service is amended, the pickup date on the amended order be used as the date of reference. This suggestion caused a rather extensive discussion at the informal conference. It became apparent that the original date showing on an order for service is often amended orally, generally by telephone, and that poses the problem as to how such an amended date can be properly verified.

No modifications in the existing regulation can or will be made at this time for the reasons previously explained. In view of our interpretation of the specified types of accounts found above, we believe the carriers have been given adequate notice that the date required by each of the sub-items under § 1056.7(b)(3) must be furnished with regard to each of the three specified types of account. Additionally, the specified number of days in sub-items (d) and (e) shall be construed to mean consecutive calendar days, including Saturdays, Sundays, and holidays, in keeping with the accepted industry practice, and this should be clearly indicated on the performance reports to avoid any confusion on the shipper's part. Because all carriers adhere to this practice, there should be no problem in presenting uniform reports to the Commission. It was agreed to by those attending the conference that as a matter or practical necessity, sub-items (d) and (e) should be interpreted as including amended orders for service. Accordingly, if an order of service is amended by mutual agreement of shipper and carrier, the pickup date on the amended order shall be used as the date of reference. Where there is no written request for a change in the pickup date or no initialing by the shipper or consumer on the order for service, then the burden of proof in such cases will rest on the carriers, and their follow-up documentation in each such instance shall contain sufficiently complete entries to fully explain the change in pickup times. Finally, it should be noted that if an order for service specifies that a carrier will make a pickup during some stated period of time, then the late period will be considered to commence the day immediately following the last date of the period.

Sub-items (f) and (g), respectively, require carriers to indicate the percentage of shipments delivered more than 5 days later than specified in the order for service, and the percentage of shipments delivered 1 to 5 days later than specified in the order for service. Parties at the informal conference voiced concern over the interpretation of the word "delivered" as used in these two sub-items. It was pointed out that a carrier often arrives at a specified destination at the agreed time, but that for one reason or another the customer is not in a position to accept the lading or seeks to delay his actual acceptance. Carriers do not wish to record such incidents as late deliveries. Consequently, they propose that the word "delivered" as used in sub-items (f) and (g) be defined as the date on which a carrier tenders a shipment for delivery. Since the ultimate concern is with adequate service to the public, and this entire reporting requirement is addressed to the achievement of such service, we shall have made progress when the industry can deliver (and pick-up), at the appointed time or as soon thereafter as the shipper is ready and capable of receiving (or turning over) the lading. In all fairness, carriers should not have to indicate a late delivery (or pick-up) when the lateness arises, as it sometimes does, out of a shipper disability. Accordingly, for the purpose of sub-items (f) and (g) of this regulation, we consider a carrier to have made delivery at the time it offers the shipment physically to the customer. Also, as noted in our discussion of sub-items (d) and (e), we shall construe the specified number of days in sub-items (f) and (g) to mean consecutive calendar days, including Saturdays, Sundays, and holidays, and this should also be noted on the performance report. We shall likewise construe sub-items (f) and (g) as including amended orders for service.

Under sub-item (h) a carrier must indicate the percentage of shipments on which a claim was filed for loss or damage of $50 or more. At the conference it was suggested that the term "percentage" be interpreted as matching the claims received against the shipments delivered in

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the same reporting period. Thus, to compute the percentage, the number of claims filed in a calendar year would be divided by the number of shipments reported in sub-item (a) for the same year. That interpretation would be practical, and over period of time, would probably produce as accurate a result as any method. We hereby adopt it for industry-wide application under this regulation.

Some discussion developed at the conference with respect to the word "claim" as used in sub-item (h). AMC suggested that we adopt an interpretation which meets the definitional criteria set forth in Ex Parte 263. Such an interpretation would not include all expressions of dissatisfaction with service called to the attention of a carrier. Often, when a customer registers discontent, usually informally, the matter, upon further investigation, is settled to the satisfaction of all concerned and no formal claim is lodged. The carriers seek to prevent such initial expressions of dissatisfaction from being included as claims for loss or damage under sub-item (h).

The industry representatives suggested an approach to situations where a shipper reports damage or a loss but fails to state a dollar amount or a basis for determining such an amount. For the purposes of sub-item (h) in such situations, they would deem a claim to have been filed when and if the carrier offers a settlement of $50 or more. For reporting under this regulation, we believe the public should be made aware, to the extent practicable, of all instances where the customer lodged a notice which satisfies the definition of a claim as set forth in 49 CFR 1005(a) and (b) [1] or which evoked a settlement offer at $50 or more from the carrier; and sub-item (h) shall be so construed.

Compliance with (h) as so interpreted imposes a special burden upon the carrier. In each instance where the shipper or his representative (e.g., repairman, appraiser, etc.) fails to specify a dollar amount or provide a basis for determining a dollar amount, the carrier shall immediately contact the shipper or his representative (as appropriate) to find out the dollar amount sought. If such contact proves futile or cannot be made at all, and the carrier thereupon offers a settlement of $50 or more, the instance shall be recorded as a claim under sub-item (h). The carrier shall maintain a record of the compliance steps so taken.

Sub-item (i) requires a carrier to specify the percentage of claims filed for damages or expenses resulting from carrier delay. The term "percentage" should be interpreted in the same manner as done under sub-item (h). Accordingly, "percentage of claims" shall be construed to mean the number of delay claims received during the reporting period divided by the number of shipments reported in sub-item (a) above for the same period. Certain of the conferees submitted that the term "claim" as used in subitem (i) should be construed to mean a specific demand in writing from the shipper for expense reimbursement resulting from failure to perform pick up and/or delivery on the dates or within the periods of time specified in the order for service or GBL, including dates specified in any amendments to the order for service. We can accept this construction in essence. However, if a shipper makes any written demand to be recompensed by the carrier for his loss resulting from carrier delay, such a demand shall be deemed adequately specific to be counted for sub-item (i) purposes; and this regulation shall be so interpreted.

Sub-item (j) requires a carrier to indicate the average length of time to settle claims for loss or damage (for claims settled during the calendar year). This item generated much discussion at the conference, particularly as to the term "settle". Industry members interpret (j) to cover the average length of time from date of receipt of a claim by the carrier or its agent to the date of action by the carrier in paying, denying, or making a firm compromise offer as to all items claimed. This raises issues as to what constitutes a "firm compromise offer," and how long a carrier must wait for claimant's answer to its compromise offer? Or may an unanswered offer ever be considered a settlement?

By letter filed with the Commission July 17, 1974, CU submitted further comment on sub-item (j), contending that a claim should be considered settled only at the date of its final disposition. It further contends that a final disposition can only occur when a claim is either (1) paid (before, during, or after litigation), (2) disallowed by the carrier, and the shipper does not contest the disallowance within 30 days, or (3) disallowed by a trial court.

We find merit in both suggestions. Yet, since sub-item (i) deals separately with claims terminated by court decree, we must look at the word "settle" in sub-items (j) and (k) as indicating final disposition short of obtaining a final court decree. Accordingly, we adopt the industry interpretation (which incorporated most of CU's proposal) subject to the modification that a denial should be considered final and a compromise offer be considered firm, and the claim therefore "settled" for purpose of sub-item (j), if such denial or compromise offer is not challenged by the claimant within 30 days after being tendered.

Sub-item (k) requires a carrier to report "the percentage of settled claims for the calendar year to date settled prior to: (1) The institution of judicial process [and] (2) the completion of judicial process." Sub-item (1) requires a carrier to report "the percentage of claims carried to completion of the judicial process and the entering of a final decree." AMC suggests these two sub-items be combined to require the reporting of (1) the percentage of settled claims in which judicial process had been initiated, (2) the percentage of settled claims which are settled between the institution and completion of judicial process and (3) the percentage of settled claims carried to completion of judicial process and entering of a final decree.

There has been no good cause demonstrated for the modification proposed by AMC and we must once again note that the purpose of this report is to adopt interpretations of the existing regulation rather than to modify that regulation. We are of the opinion that the two separate subsections, as presently set forth, clearly specify the required information. To eliminate any possible ambiguity, however, carriers are hereby placed on notice that we interpret sub-item (k) (ii) to refer to claims settled between the institution and completion of judicial process. Sub-item (1), as is, accurately, and unequivocally describes the sought disclosure, namely, the percentage of claims dispositions in the calendar year which were not settled, withdrawn, or volitionally concluded, but rather could not be finalized short of an ultimate court decree.

Each of the specific statistical items listed in 49 CFR 1056.7(b) has now been discussed, and certain formal interpretations adopted. Our purpose herein is threefold—(1) to aid all household goods movers, large and small, to prepare the required data in a standard, uniform manner; (2) to provide an informing implement by which consumers might intelligently select the carrier that will best serve their personal needs; and (3) to obtain public disclosure of carrier performance as a means of motivating each of the carriers to correct deficiencies and improve service. It is hoped that self-analysis by the carriers on a fair basis of comparability with other carriers in the same business and a discriminating selection of carriers by consumers fortified with performance data, will bring about better service and consumer satisfaction.

ANNUAL REPORT 1974

By joint petition filed June 18, 1974, AMC, the Household Goods Carriers' Bureau, and Movers' & Warehousemen's Association of America, Inc., request

[1] Section 1005.2 *Filing of claims.*

(a) *Claims in writing required.* A claim for loss or damage to baggage of for loss, damage, injury, or delay to cargo shall not be voluntarily paid by a carrier unless filed in writing, as provided in subparagraph (b) below, with the receiving or delivering carrier or carrier issuing the bill of lading, receipt, ticket, or baggage check, or carrier on whose line the alleged loss, damage, injury, or delay occurred, within the specified time limits applicable thereto and as otherwise may be required by law the terms of the bill of lading or other contract of carriage, and all tariff provisions applicable thereto.

(b) *Minimum filing requirements.* A communication in writing from a claimant, filed with a proper carrier within the time limits specified in the bill of lading or contract of carriage or transportation, and (i) containing facts sufficient to identify the baggage or shipment (or shipments) of property involved, (ii) asserting liability for alleged loss, damage, injury, or delay, and (iii) making claim for the payment of a specified or determinable amount of money, shall be considered as sufficient compliance with the provisions for filing claims embraced in the bill of lading or other contracts of carriage.

that the coverage of the initial performance report specified in 49 CFR 1056.7 be limited to the period from July 1 through December 31, 1974, rather than the entire year 1974 as presently required. Petitioners note that the performance-report requirement is designed to aid prospective customers to compare the performance of various movers before making a selection. As a practical matter, that purpose, they assert, will be accomplished by a 6-month report inasmuch as the shipper will be presented with the carriers' performance reports prepared under identical standards and covering a reasonably substantial period.

Petitioners note that, in the interim report served in this proceeding on May 31, 1973, Practices of Motor Common Carriers of Household Goods, 118 M.C.C. 173, we proposed a rule which would have required the carriers to prepare and issue to potential shippers a quarterly performance report, but that in the final report and order we changed the requirement to an annual performance report, stating that ". . . performance reporting on a quarterly basis, as originally proposed, would appear to be an unduly burdensome task to place upon the carriers." Practices of Motor Common Carriers of Household Goods, 119 M.C.C. 585, at 603. Petitioners now contend that since the originally proposed 3-month survey period was deemed a reliable sample for comparative statistics, any period longer than that would necessarily be a reliable sample period.

Petitioners further contend that a report covering only the second half of 1974 would be more accurate than one for the entire year, in that the performance report calls for data which carriers have not heretofore been required to accumulate and do not have readily available for the first 6 months of 1974. Even if records of each shipment during that first part of 1974 were examined, the required information they contend is not likely to be found, there having been no previous requirement to compile it. Moreover, the process would be costly and time consuming. They maintain, however, that commencing with July 1, 1974 (or as soon thereafter as standardized interpretations of the required data are developed), carriers will be able to program their data gathering so that the necessary information may be assembled at the time each shipment is handled. Accordingly, they contend, complete and accurate information will be available for all or most of the final 6 months of 1974.

Petitioners further note that an initial report covering the limited time period as requested would give added weight to a carrier's performance during the "high" season (June 1 to September 15), and that this high season performance would constitute 42.5 percent of the total for the 6 months, as compared with 29.1 percent for an annual report period.

Replying to the petition, CU contends that carriers' existing records should contain most, if not all, of the data needed for even the initial annual performance report. It asserts that the information a carrier will be required to display in said annual performance report is either the same as that currently being filed with the Commission on a quarterly basis, or is information the carriers are required to maintain as part of their permanent shipment records.

CU agrees with the joint petitioners that a 6-month reporting period from July 1 to December 31 will produce somewhat less averaging of peak season performance figures than would an annual reporting period, but it maintains that the averaging effect could be reduced even more substantially by including the entire "high season" which it asserts (from shippers' perspective) runs from approximately May 1 to October 31. Accordingly, CU argues, the petitioners have advanced no compelling justification for excluding the "critical" months of May and June from the first annual performance report.

In addition, CU argues that petitioners' apparent assumption that an annual report would merely reflect the average of an entire year's performance data is erroneous. It contends that our order changing the proposed quarterly publication to an annual publishing schedule gives no indication of an authorization for carriers to conceal seasonal variations by reporting performance statistics as annual averages. To the contrary, it notes, this Commission cited as one of the advantages of the annual report the fact that it "will * * * reflect seasonal fluctuations in service not discernible in quarterly reports." Practices of Motor Common Carriers of Household Goods, 119 M.C.C. 585, at 603. Accordingly, it argues, the only way to reflect said seasonal variations in an annual report is to break down and display the performance statistics by season.

For these reasons, CU now argues, we should specify that all estimating, pick-up, and delivery statistics and one set of claims statistics (i.e., Items (a)-(h) of 49 CFR 1056.7(b)) [1] must be broken down seasonally. In its view, performance data for the "high" and "low" moving seasons (May 1 to October 31, and November 1 to April 30 respectively), should be presented separately. It notes that a less desirable alternative would be to display the data for each quarter of the calendar year.

A procedural matter must be discussed before our disposition of the involved petition. By motion filed August 1, 1974, petitioners seek waiver of Rule 23 of our General Rules of Practice (49 CFR 1100.23) and ask permission to file a reply to CU's response. They contend that the said response contains inaccuracies, and that they, as the opening party should be offered an opportunity to answer. A reply is attached to the motion.

The said reply will not be accepted for filing. It is in the nature of a reply to a reply and as such is not permitted under the Commission's General Rules of Practice (49 CFR 1100.23 and 1100.51). Even if the material in said reply were to be considered, however, it would not change our ultimate conclusions specified below. Based on the foregoing, the petitioner's motion will be overruled, and the reply to the reply rejected.

We are of the opinion that the relief sought in the joint petition herein is not justified. The petition will therefore be denied. The initial performance reports should accordingly provide data covering the entire year 1974, as specified in 49 CFR 1056.7. Petitioners do not contend that the necessary data is unavailable, merely that it will be costly and time-consuming to review existing shipping records for the first part of 1974 in order to accumulate such information. We are not persuaded that such a task will be unduly burdensome. The information carriers will be required to display in an annual performance report is largely similar to that currently being filed with this Commission or is information that carriers are required to maintain as part of their permanent shipment records. In any event, carriers should review their complete annual performance records in order to determine which aspects of their services to the public require improvement, not merely in order to compile statistics for their required reports.

We are not in agreement with the contention of CU that annual performance data must be broken down and displayed by seasons. We did state in our final report herein, when changing the originally proposed quarterly report to an annual one, that a performance report for the first quarter of a given year would be somewhat misleading in that such would not reflect a carrier's performance during the third quarter, which embraces most of the "high" or busy season. However, an annual report, by including statistics for the full year, would thereby reflect the total operating performance of the carrier. This Commission's regulation, 49 CFR 1056.7(b), does not require the carriers to present their performance report statistics broken down on a quarterly basis and the stipulation incorporated in the Court's order likewise has made no provision for revision of the regulation in the manner requested by CU.

In summary, we continue to feel that the initial performance report specified in 49 CFR 1056.7 should provide data for the entire year 1974. By including statistics for the full year such annual report will thereby reflect the total operating performance of the carrier, and accordingly, carriers will not be required to present performance report statistics broken down on a seasonal or quarterly basis. Carriers, of course, may attach to their performance reports subjective evaluations of their respective perform-

[1] Replicant asserts that Items (i) through (l) are omitted because the claims settlement process does not appear to exhibit strong seasonal fluctuations. Accordingly, it states that a seasonal breakdown with respect to these items would serve no useful informational purpose.

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ance statistics. These evaluations might contain statistical breakdowns by season or quarter. No such breakdown, however, is required.

FINDINGS

We find that the interpretations of the statistical items listed in 49 CFR 1056.7 (b), as made herein, are reasonable and proper; that said interpretations are necessary to the effective enforcement of the provisions of Part II of the Interstate Commerce Act, as amended; that such interpretations are otherwise lawful and, as found in this report, are required by the present and future public convenience and necessity; and that this decision is not a major Federal action significantly affecting the quality of our human environment within the meaning of the National Environmental Policy Act of 1969.

An appropriate order will be entered.

ORDER

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of September, 1974.

It appearing, that by stipulation entered into June 11, 1974, Civil Action No. 74-642 in the United States District Court for the District of Columbia was dismissed; that, as agreed under said stipulation, this Commission accepted for filing and considered on its merits a joint petition of American Movers Conference, Household Goods Carriers' Bureau, and Movers' & Warehousemen's Association of America, filed June 18, 1974, seeking to limit the period to be covered by the initial performance report specified in 49 CFR 1056.7 to July 1, 1974 through December 31, 1974, rather than the entire year 1974 as presently required; and that, as further agreed under the said stipulation, this Commission, following a conference between members of its staff and representatives of the parties, has set forth formal interpretations of the specific statistical items listed in 49 CFR 1056.7(b); and

It further appearing, that investigation of the matters and things involved in this proceeding has been made and that the Commission has made and filed its report herein containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof; and good cause appearing therefor:

It is ordered, That the joint petition of American Movers Conference, Household Goods Carriers' Bureau, and Movers' & Warehousemen's Association of American, Inc., be, and it is hereby, denied.

It is further ordered, That the motion by the petitioners in the next preceding paragraph to file a tendered reply to a reply be, and it is hereby, overruled and the tendered reply be, and it is hereby, rejected.

It is further ordered, That the interpretations of the specific statistical items listed in 49 CFR 1056.7(b) be, and they are hereby, adopted by this Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.[4]

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

By stipulation entered into June 11, 1974, in Civil Action No. 74-642, Counsel for the respective parties agreed as follows:

1. The defendant Interstate Commerce Commission will take the following actions in its proceeding entitled Ex Parte No. MC-19 (Sub-No. 19), Practices of Motor Common Carriers of Household Goods (Consumer Protection):

A. Cause to be inserted, after the second sentence of the first full paragraph on page 19 of Form BOp 103 (Revised 1974), the following phrase at the end of the second sentence:

* * * provided, however, that the defenses of force majeure as construed by the courts shall not be denied the carrier.

B. Accept for filing and consider on its merits a petition of plaintiffs under 49 CFR 1100.102, seeking relief limiting the period to be covered by the initial performance report specified in 49 CFR 1056.7 to July 1 through December 31, 1974, rather than the entire year 1974 as presently required.

C. Issue an official interpretive order, following a conference between members of the Commission's staff and representatives of parties to the proceeding, which will interpret the specific statistical items listed in 49 CFR § 1056.7(b), as may be required to the end that all carriers will set forth comparable data in their respective performance reports.

2. In consideration of the actions of the Interstate Commerce Commission described in paragraph, hereof, plaintiffs agree to voluntarily dismiss this action forthwith.

[FR Doc.74-22422 Filed 9-25-74;8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 306]

PART 1100—FEDERAL RULES OF PRACTICE

Freight Rates for Recyclables; Correction

SEPTEMBER 23, 1974.

In the FEDERAL REGISTER for Tuesday, August 20, 1974, appearing at 39 FR 30046, the STCC number for "Miscellaneous Non-ferrous Metal Residue" was incorrectly stated as 33394. This STCC number should read 33398.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-22425 Filed 9-25-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

BOMBAY HOOK NATIONAL WILDLIFE REFUGE, DEL.

The following special regulation is issued and is effective during the period November 8, 1974 through November 13, 1974.

[4] Commissioner Clapp not participating.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of deer with shotguns on the Bombay Hook National Wildlife Refuge, Delaware, is permitted only on the Deer Hunting Area and South Upland Hunting Area designated by signs as open to hunting. These open deer hunting areas are delineated on maps available at refuge headquarters, Smyrna, Delaware 19977 and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of deer with firearms subject to the following special conditions:

(1) A Federal permit is required to hunt on the Deer Hunting Area and may be obtained by applying to the Refuge Manager in writing for an advance reservation. An individual with an advance reservation will forfeit his permit if he is not present one hour prior to the start of legal shooting time on the date of the reservation. These forfeited permits and permits not reserved by advance reservations will be awarded to standby hunters by lot one-half hour before the start of legal shooting time. Permits must be surrendered prior to departure from the refuge.

(2) The number of hunters admitted to the open area at one time will be restricted to 50.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge area generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 13, 1974.

RICHARD E. GRIFFITH,
Regional Director, U.S. Fish and Wildlife Service.

SEPTEMBER 17, 1974.

[FR Doc.74-22323 Filed 9-25-74;8:45 am]

PART 32—HUNTING

BOMBAY HOOK NATIONAL WILDLIFE REFUGE, DEL.

The following special regulation is issued and is effective during the period November 6, 1974 through January 17, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

BOMBAY HOOK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Bombay Hook National Wildlife Refuge, Delaware, is permitted on areas designated by signs as open to hunting including the South Public Hunting Area, the West Public Hunting Area, the Youth Hunt Area, and the Upland Game Hunting Area. These open areas are delineated on maps available at the refuge hedquarters, Smyrna, Delaware, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese, and coots subject to the following special conditions:

(1) Hunting is permitted on the West Public Hunting Area from one-half hour before sunrise to 12 noon local standard time, Tuesdays, Thursdays, and Saturdays during the goose season.

(2) Hunting in the South, West, and Youth Hunt Public Hunting Areas shall be from existing numbered blinds. The possession of a loaded gun or shooting while outside of a blind is prohibited on these areas.

(3) No person shall have in his possession or use in one day more than 10 shells on the West Public Hunting Area.

(4) Hunting is permitted in the South Public Hunting Area during the State duck season.

(5) The necessary permit to enter the South Public Hunting Area will be issued each hunting day by a ticket-lottery system at 1½ hours before legal shooting time at the checking station at Port Mahon. Hunters arriving after the lottery will be issued permits on a first-come, first-served basis until 3:00 p.m. Permits will be surrendered at the checking station within one-half hour after sunset. The necessary permit to enter the West Public Hunting Area may be obtained by applying to the Refuge Manager for advance reservation. The permits for advance reservations will be canceled if the holder is not present one hour prior to the start of legal shooting time on the date of his reservation. These forfeited permits and permits not reserved by advance reservation will be awarded to other hunters by lot on the morning of the hunt. All hunters will check out through the headquarters checking station prior to leaving the refuge.

(6) Each hunting permittee using the West Public Hunting Area will pay a blind fee of $5.00 on the day of the hunt. A User Fee of $1.00 per hunter will be charged on the South Public Hunting Area.

(7) Not more than four persons may occupy a blind at any one time on the West Public Hunting Area nor more than three on the South Public Hunting Area.

(8) The Youth Hunt Area will be open on Saturdays and holidays to young hunters who present evidence of having completed the prescribed training program. Two youths, accompanied by an instructor who may not discharge a firearm, may use one blind.

(9) On designated days on the South and West Public Hunting Areas, migratory waterfowl will be hunted with 12-gauge shotguns using steel shot. Ammunition will be provided by the refuge at a charge of not less than $0.16 per round. No person shall have in his possession lead shot shells during steel shot hunt days.

(10) Hunters, when requested by federal or state enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting of wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 17, 1975.

RICHARD E. GRIFFITH,
Regional Director, U.S. Fish and Wildlife Service.

SEPTEMBER 17, 1974.

[FR Doc.74-22324 Filed 9-25-74;8:45 am]

PART 32—HUNTING

Prime Hook National Wildlife Refuge, Del.

The following special regulation is issued and is effective during the period November 6, 1974 through January 17, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

DELAWARE

PRIME HOOK NATIONAL WILDLIFE REFUGE

The public hunting of waterfowl, rails, coots, gallinules, common snipe, woodcock and mourning doves on Prime Hook National Wildlife Refuge is permitted within the regularly established 1974-75 waterfowl hunting season of the State of Delaware, but only within the 1,663 acre waterfowl hunting area as delineated on a map available at the refuge headquarters, Rural Delivery No. 1, Box 195, Milton, Delaware 19968 and from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Hunting shall be in accordance with all applicable Federal and State regulations covering the hunting of migratory birds subject to the following special conditions:

(1) Permits will be issued by a ticket-lottery system at 2½ hours before sunrise. Hunters arriving after the lottery will be issued permits in a first-come, first-served basis until 3:00 p.m. Permits will be surrendered at the checking station within one hour after sunset.

(2) Hunting shall be only from blinds at locations designated by refuge personnel. The possession of a loaded gun or shooting outside of a blind while hunting migratory game birds is prohibited. Three hunters per blind permitted.

(3) Access to the waterfowl hunting area will be at the refuge headquarters, and other designated access points.

(4) On designated days, migratory waterfowl will be hunted with 12-gauge shotguns using steel shot. Ammunition will be provided by the refuge at a charge of not less than $0.16 per round. No person shall have in his possession lead shot shells during steel shot hunt days.

(5) Hunters, when requested by federal or state enforcement officers, must display for inspection all game, hunting equipment, and ammunition.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 17, 1975.

RICHARD E. GRIFFITH,
Regional Director, U.S. Fish and Wildlife Service.

SEPTEMBER 17, 1974.

[FR Doc.74-22325 Filed 9-25-74;8:45 am]

PART 32—HUNTING

Kirwin National Wildlife Refuge, Kans.

The following special regulation is issued and is effective on September 26, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

KANSAS

KIRWIN NATIONAL WILDLIFE REFUGE

Public hunting of pheasants, quail, cottontail rabbits, and fox squirrels on the Kirwin National Wildlife Refuge, Kansas, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,700 acres, is delineated on maps available at refuge headquarters, 5 miles west of Kirwin, Kansas, and from the Regional Director, Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants, quail, cottontail rabbits, and fox squirrels subject to the following special conditions.

(1) The open season for hunting pheasants on the refuge extends from November 9 through December 6, 1974, inclusive, and from December 16, 1974, through January 31, 1975, inclusive.

(2) The open season for hunting quail on the refuge extends from November 9 through December 6, 1974, inclusive, and from December 16, 1974, through January 31, 1975, inclusive.

(3) The open season for hunting cottontail rabbits and fox squirrels on the refuge shall be only on those days during the open season for the hunting of pheasants and quail.

(4) Shotguns and bow and arrows are legal weapons. Rifles or handguns will not be permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 31, 1975.

Dated: September 9, 1974.

KEITH S. HANSEN,
Refuge Manager, Kirwin National Wildlife Refuge, Kansas.

[FR Doc.74-22402 Filed 9-25-74;8:45 am]

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PART 32—HUNTING

National Wildlife Refuges, N. Dak.

The following special regulations are issued and are effective on September 26, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. The open area comprising 11,063 acres is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations, covering the hunting of deer subject to the following conditions.

(1) Hunting is permitted from 12 Noon to sunset November 8, 1974, and from sunrise to sunset November 9, 1974 through November 17, 1974.

(2) The number of hunters will be limited to 125; the 125 hunters to be determined by a drawing. Applications for these 125 permits will be accepted by mail from October 15, 1974 through November 1, 1974.

(3) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State Officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally are set forth in Title 50, Code of Federal regulations, Part 32, and are effective through November 17, 1974.

CHASE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on Chase Lake National Wildlife Refuge, North Dakota, is closed for the 1974 season.

Dated: September 20, 1974.

JIM MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, North Dakota.

[FR Doc.74-22407 Filed 9-25-74;8:45 am]

PART 32—HUNTING

Slade National Wildlife Refuge, N. Dak.

The following special regulations are issued and are effective on September 26, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

SLADE NATIONAL WILDLIFE REFUGE, NORTH DAKOTA

Public hunting of deer on the Slade National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 2,840 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations, covering the hunting of deer subject to the following conditions.

(1) Hunting is permitted from 12 Noon to sunset November 8, 1974, and from sunrise to sunset November 9, 1974, through November 17, 1974.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 17, 1974.

Dated: September 20, 1974.

JIM MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, North Dakota.

[FR Doc.74-22406 Filed 9-25-74;8:45 am]

PART 32—HUNTING

Tishomingo National Wildlife Refuge, Okla.

The following special regulations are issued and are effective on September 26, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following specific conditions:

(1) The archery deer hunting season on the Management Unit (Zones 1, 2, and 3) is opened on October 12, 13, 19, and 20, 1974. Shooting hours are from daylight to dark. No permit is required. A maximum of 60 archery hunters per day will be admitted to the hunting area.

(2) The gun deer hunting season on the Management Unit will be opened November 28, 29, and 30, and December 1, 1974. Thirty-five permits will be issued per day on a first-come first-served basis. Applicants must be 16 years of age or older. Shotguns only will be legal. Shooting hours are from daylight to dark.

(3) A Federal permit is not required to enter the public hunting area for the hunting of deer, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 1, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Public hunting of quail on the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,170 acres, is delineated on maps available at refuge headquarters, Tishomingo, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of quail subject to the following special conditions:

(1) The open season for hunting quail on the Management Unit (Zones 1 and 2) extends from sunrise to 11:45 a.m., December 7, 1974 through February 1, 1975, inclusive, on Tuesdays, Thursdays, Saturdays, Sundays and all national holidays.

(2) Dogs may be used for the purpose of hunting and retrieving.

(3) A Federal permit is not required to enter the public hunting area, but hunters, upon entering and leaving, shall report at designated checking stations as may be established for the regulation of the hunting activity and shall furnish information pertaining to their hunting, as requested.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 1, 1975.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

Public hunting of ducks, geese and coots on the Wildlife Management Unit of the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on the areas designated by signs as open to hunting. These open areas, comprising 3,170 acres, are delineated on maps available at refuge headquarters, Tishomingo, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of ducks, geese and coots subject to the following special conditions:

(1) All waterfowl hunting on the Wildlife Management Unit of the Tishomingo National Wildlife Refuge during the 1974–75 waterfowl hunting season will be conducted as part of an experimental program to evaluate use of iron (mild steel) shot shells for waterfowl hunting. Iron shot shells are available in 12 gauge only; therefore, 12 gauge shotguns will be the only legal firearms permitted within the hunting areas. It will be illegal for waterfowl hunters to possess shotgun ammunition other than iron (mild steel) shot shells within the refuge waterfowl hunting areas during the waterfowl seasons, except shells furnished by the refuge for special experiments.

(2) Ducks and coots may be hunted only in Management Unit Zones 1 and 2. Duck and coot hunting is restricted to the periods of one-half hour before sunrise to 11:45 a.m. on Tuesdays, Thursdays, Saturdays, Sundays and national holidays; from October 26 through November 16, 1974, and from December 7, 1974 through January 11, 1975. Duck and coot hunting in Zone 2 will be restricted to hunters using retrieving dogs.

Eight duck blinds are provided in Zone 1, and hunters will be assigned to these blinds on a first-come, first-choice basis. Construction of temporary blinds is permitted in the "pothole" area of Zone 1. These blinds may be placed where desired after giving due consideration to safety and hunting opportunities of hunters already in the area. Blinds may not be constructed or used within 80 yards of a blind already in use.

(3) Geese may be hunted in Zone 3 only. Goose hunting is restricted to the period of one-half hour before sunrise to 11:45 a.m. on Tuesdays, Thursdays, Saturdays, Sundays and national holidays, from November 2 through November 16, 1974, and from December 7, 1974 through January 11, 1975.

In Zone 3, thirty-five goose blinds are provided; all goose hunting must be from these blinds. Hunters must apply in writing to the Refuge Manager, Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Oklahoma 73469 for blind reservations. Reservation requests for five dates may be submitted.

Hunt applications for specific dates will be processed in the order in which they are received at the refuge until available blind spaces are filled. Confirmations and rejections of applications will be made by mail if time permits.

Blind assignments to those whose applications have been accepted will be determined by a punchboard procedure just prior to each day's hunt.

Each hunter in Zone 3 will be limited to the possession of six (6) shotgun shells.

(4) Zone 1 and Zone 3 hunters must remain in blinds to which they have been assigned during the hunt except to place or adjust decoys and/or retrieve downed birds. Further, hunters may leave their blinds to pick up decoys and return to the check stations only at 9:30 a.m. and after 11:30 a.m.

(5) All hunters in all Zones, upon entering or leaving the area, shall report at designated checking stations for the purpose of purchasing legal iron shot shells (locally available only through the refuge), blind assignment, and to furnish information on their hunting activities.

(6) Sky-busting; i.e., firing at birds in excess of 45 yards from the hunter, is prohibited in all hunt Zones.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 11, 1975.

Dated: September 20, 1974.

ROBERT F. STEPHENS,
Acting Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

[FR Doc.74-22403 Filed 9-25-74;8:45 am]

PART 33—SPORT FISHING

Long Lake National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on September 26, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, Moffit, North Dakota is permitted on refuge waters. These open areas, comprising 3,625 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for winter sport fishing on the refuge extends from December 15, 1974 to March 23, 1975.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuges generally which are set forth in Title 50, Part 33, and are effective through March 23, 1975.

Dated: September 20, 1974.

JIM MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, North Dakota.

[FR Doc.74-22404 Filed 9-25-74;8:45 am]

PART 32—HUNTING

Long Lake National Wildlife Refuge, N. Dak.

The following special regulations are issued and are effective on September 26, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Long Lake National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 19,500 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations, covering the hunting of deer subject to the following conditions.

(1) Hunting is permitted from 12 Noon to sunset November 8, 1974, and from sunrise to sunset November 9, 1974, through November 17, 1974.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 17, 1974.

Dated: September 19, 1974.

JIM MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, North Dakota.

[FR Doc.74-22405 Filed 9-25-74;8:46 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Office of the Secretary

[31 CFR Part 51]

FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Miscellaneous Amendments

Pursuant to the authority vested in the Secretary of the Treasury by the State and Local Fiscal Assistance Act of 1972 (31 U.S.C.A. 1221–1264), approved October 20, 1972, the Department of the Treasury proposes to amend the regulations in Part 51 of Subtitle B of Title 31, Code of Federal Regulations, which became effective April 5, 1973 (38 FR 9232), and amended on July 13, 1973 (38 FR 18668) and March 5, 1974 (39 FR 8323) for the entitlement period beginning January 1, 1973, and for entitlement periods subsequent thereto.

On May 22, 1974, the State and Local Fiscal Assistance Act of 1972 was amended by Pub. L. 93–288 to add a new section 145 captioned "Entitlement Factors Affected by Major Disasters". It is the purpose of this regulation amendment to inform the recipient governments of the manner in which this amendment to the Act will be carried out by the Office of Revenue Sharing.

Paragraph (e)(1) of § 51.20 provides that a recipient government which is within the area designated as a major disaster area by the President may continue to have its predisaster data factor used for purposes of the Revenue Sharing Program if that data factor is superior to the post-disaster data factor for purposes of the allocation process.

Paragraph (e)(2) of § 51.20 sets forth the eligibility requirements for recipient governments by providing that the Administrator of the Disaster Assistance Administration will certify to the Office of Revenue Sharing those geographical areas declared by the President as major disaster areas. Further, this paragraph requires the recipient governments within the declared major disaster areas to certify that their post-disaster data factors were adversely affected by the major disaster. Finally, notice is given to the recipient governments that the data factor stabilization period shall not exceed 60 months from the designation of the major disaster area and may be shorter if a subsequently developed data factor is superior, for purposes of the allocation process, to the post-disaster data factor.

Prior to the adoption of this regulation, consideration will be given to any comments or suggestions pertaining thereto which are received, in writing, in triplicate, on or before October 28, 1974. Written comments should be directed to the Director, Office of Revenue Sharing (Symbols CC), Department of the Treasury, Washington, D.C. 20226. In accordance with 31 CFR 1.4(h), written comments submitted in response to this solicitation will be available to the public upon request therefor, unless confidential status of the submission has been requested in writing and approved.

This proposed regulation is issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended (title I, Pub. L. 92–512) and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342).

Dated: September 20, 1974.

[SEAL] GRAHAM W. WATT,
Director,
Office of Revenue Sharing.

Approved:

EDWARD C. SCHMULTS,
Under Secretary.

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Subpart C of Part 51 is amended to add a new paragraph (e) to § 51.20 to read as follows:

§ 51.20 Data.

(e) *Data affected by major disaster*—(1) *In general.* Any change in data otherwise eligible for use in determining the entitlement of a recipient government after April 1, 1974, shall be disregarded for a period of 60 months if that change:

(i) Resulted from a major disaster determined by the President under section 301 of the Disaster Relief Act of 1974 (Pub. L. 93–288) and

(ii) Results in a data factor which is less beneficial than the previous data factor for purposes of the revenue sharing allocation process.

(2) *Eligibility requirements.* In order for a recipient government to be eligible for the data stabilization benefit of paragraph (e) (1) of this section, it shall:

(i) Be located within a State declared by the President as a major disaster area, and

(ii) Be located within a geographical subdivision of the State as certified to the Office of Revenue Sharing as a major disaster area by the Administrator of the Disaster Assistance Administration of the Department of Housing and Urban Development.

Further, each recipient government within the specific geographic area so designated will be notified pursuant to the data improvement program, provided for in § 51.28 of this Subpart, of each of its data factors developed subsequent to the major disaster designation and shall be required to verify, through its chief executive officer, that the data was adversely affected by the major disaster. In addition, the Secretary may require that such verifications be accompanied by substantiating documentation evidencing a causal relationship between the major disaster and the less favorable revenue sharing allocation value of the subject data factor. The Secretary, upon being satisfied that all of the requirements of this section have been met with respect to any post-disaster data factor, shall refrain from using the post-disaster data factor in the allocation process, and shall continue to use the pre-disaster data factor, until whichever of the following occurs first: (1) A data factor more beneficial than the pre-disaster data factor currently being used is developed, or (2) 60 months have expired from the designation by the President of the specific major disaster area.

[FR Doc.74-22401 Filed 9-25-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 944]

IMPORTED GRAPEFRUIT

Grade and Size Requirements

This proposal would continue, after October 20, 1974, current grade and size requirements applicable to imported grapefruit as follows: Imported seeded grapefruit—U.S. No. 1 and 3 1/16 inches in diameter; seedless grapefruit—Improved No. 2 and 39/16 inches in diameter. The requirements are the same as those applicable to grapefruit produced in Florida and regulated pursuant to Marketing Order No. 905.

Notice is hereby given that the Department is considering a proposal, as hereinafter set forth, which would regulate the importation of any grapefruit into the United States, pursuant to Part 944—Fruits, Import Regulations (7 CFR Part 944).

The proposal is as follows:

Order. In § 944.111 (Grapefruit Regulation 15; 39 FR 33306) the provisions of paragraph (a) preceding subparagraph (1) thereof are amended to read as follows (the provisions of paragraph (a)(1) and (a)(2) are included for purposes of clarity):

§ 944.111 Grapefruit Regulation 15.

(a) On and after October 21, 1974, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than 312/16 inches in diameter, except that a tolerance for seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in § 51.761 of the United States Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least Improved No. 2 and be of a size not smaller than 39/16 inches in diameter, except that a tolerance for seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in § 51.761 of the United States Standards for Florida Grapefruit. ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color.)

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All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than October 11, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 19, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.74-22336 Filed 9-25-74;8:45 am]

[7 CFR Part 1136]

[Docket No. AO-309-A20]

MILK IN THE GREAT BASIN MARKETING AREA

Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Great Basin marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, on or before October 11, 1974. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Pocatello, Idaho, during the period June 11–13, 1974 pursuant to notice thereof which was issued May 17, 1974 (39 FR 18114).

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area.
2. Modification of the pool plant provisions.
3. Revision of the handler location adjustment provisions.
4. Miscellaneous or conforming changes.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The Great Basin marketing area should be expanded to include the Idaho counties of Bannock, Bear Lake, Bingham, Bonneville, Franklin, Jefferson, and Madison.

The counties are located immediately north of the present marketing area and have a total population (1970 census) of 172,190. The principal centers of population in the proposed expanded area are the cities of Pocatello and Idaho Falls which had a population in 1970 of 40,036 and 35,776, respectively. The total population of the area recommended herein to be added equals about 17 percent of the population in the present marketing area.

Expansion of the marketing area was proposed by the Upper Snake River Valley Dairymen's Association, Inc., Mountain Empire Dairymen's Association, and Western General Dairies, Inc. These producer associations initially proposed that the area be extended to include the seven southeastern Idaho counties of Bannock, Bear Lake, Bingham, Bonneville, Franklin, Jefferson, and Madison. At the hearing, proponents offered an alternative proposal which would extend the marketing area to include only the corporate limits of the towns of Blackfoot, Idaho Falls, Pocatello, Preston, and Rexburg. Under either proposal all of the principal dealers distributing milk in southeastern Idaho would become regulated.

Proponents testified that Federal regulation of milk marketing in southeastern Idaho is needed because:

(1) Marketing conditions for Grade A fluid milk distributed in southeastern Idaho markets have been seriously disrupted for more than two years.

(2) A comprehensive system for paying southeastern Idaho producers according to the utilization of their milk has been unattainable.

(3) Available fluid outlets for milk have not yielded an adequate Class I return.

Proponent's position was supported by a Great Basin regulated handler who supplies packaged milk products throughout southeastern Idaho to stores owned by the firm.

Six Idaho distributors and two handlers regulated under the Great Basin order distribute milk in the seven southeastern Idaho counties recommended herein for inclusion in the marketing area. Two of the Idaho distributors' plants are located at Pocatello, two at Idaho Falls, and one each at Boise and Rigby. Five of these plants are located within or immediately adjacent to the seven-county area. The Boise plant in southwestern Idaho is more than 225 miles from Idaho Falls and Pocatello.

Estimated current monthly distribution of fluid milk products in the total proposed area of extension is five million pounds. More than 90 percent of the fluid milk products comprising this distribution are processed at plants which would become regulated as a result of area expansion. It is expected that six additional distributing plants would become regulated. Total route disposition of the two Great Basin regulated handlers in the proposed area of extension averaged monthly about 441,000 pounds in 1973.

Disorderly marketing conditions prevail in the handling of milk in the proposed area of extension. For more than two years there has been a significant variation among handlers in payments to dairy farmers for fluid milk distributed within this area of southeastern Idaho. Three distributors with high Class I utilization pay their dairy farmers on a flat price basis. The prices paid by these distributors have averaged more than $1 per hundredweight below the Great Basin order Class I price which is paid by regulated handlers. A distributor operating a plant in Pocatello (Powers County, Idaho), with substantial fluid distribution throughout most of the proposed area of extension, purchases his entire supply on a classified use basis from one of the proponent cooperative associations. However, the Class I price paid by this handler is substantially less ($1 per hundredweight less in June 1974) than the Great Basin order price, and there is no provision in the terms of sale for auditing the utilization of milk.

Western General—a principal proponent of area expansion—operates an unregulated processing plant at Idaho Falls, Idaho. This plant has the largest distribution of fluid milk in the southeastern Idaho area here under consideration. The cooperative has been unable to obtain for its members returns in any way comparable to those of producers under the Great Basin order. Because it directly competes primarily with other unregulated southeastern Idaho plants that do not purchase their milk on a classified use basis, the

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cooperative has been unable to establish such a plan or to return prices to its members that reasonably reflect the use value of their milk. Consequently, the cooperative can only return to its members the prevailing "flat" rate even though the milk is disposed of for fluid use.

The Boise, Idaho, distributor has route disposition of fluid milk products throughout the proposed area of extension. In April 1974, this distributor's disposition in the proposed area of extension was about 19 percent of the receipts of Grade A milk at its plant. The milk supply for this plant is provided by one of the proponent cooperative associations, and the firm accounts to the association on a classified use basis at specified prices, but without audit. The association's Class I price generally applicable to this handler is the Minnesota-Wisconsin manufacturing milk price plus $1.50 per hundredweight for milk distributed in southwestern Idaho. However, the Class I price for that milk distributed in southeastern Idaho is about 40 cents less. The cooperative is forced to accept this price concession for milk sold in southeastern Idaho in order to retain the outlet for its milk.

Such price concessions undercut the market structure in southeastern Idaho, and contribute to market instability in the proposed area of extension. This is evidenced by the fact that the Boise plant, according to the testimony of a distributor witness, has made substantial inroads on the fluid milk sales of handlers located in southeastern Idaho.

Another factor contributing to disorderly marketing conditions in southeastern Idaho has been the proliferation of the use of "private label" milk distributed through stores at varying prices. Through the use of the various private labels, individual distributors have structured a multiple priced market. Because of this, distributors in southeastern Idaho do not actually know until after such private label sales are made (usually at the end of the month) how much they can "afford" to pay for Class I milk.

The principal Pocatello based distributor testified that since 1969 his company has experienced a significant continuing loss of milk sales in the area to private label milk packaged by processing plants far removed from the Pocatello area. Under this circumstance, the cooperative associations have been unable to achieve terms of sale by which their milk would be priced according to use.

At least one of the proponent cooperatives has had the nominal right to conduct audits of utilization at its buyers' plants, but it has not been possible, on a market basis, to conduct and enforce a comprehensive audit of the type made by a market administrator under a Federal order. As a group, producers have no means of achieving uniform milk classification, or of enforcing the payment of adjustments even if audits were made by any of the cooperative associations.

Several of the southeastern Idaho based distributors are supplied by dairy farmers who are not members of any cooperative association. Consequently, these dairy farmers have had little or no influence on the terms by which they are paid for their milk. Further, they do not have adequate verification of weights and butterfat tests of their milk, and they do not have access to marketwide data on which to evaluate marketing conditions under which their milk is sold.

A handler who operates both a pool distributing plant in Salt Lake City and an unregulated distributing plant in Boise, Idaho, testified that he did not object to the requested extension of the marketing area provided the Boise plant did not become fully regulated. This, he suggested, could be assured by limiting the area expansion to the five Idaho counties of Bannock, Bear Lake, Bingham, Bonneville, and Franklin, and by increasing the performance standard requirements of a fluid milk pool plant under the order.[1]

This handler's Boise operation, hereinbefore discussed, has substantial fluid milk distribution throughout the proposed area of extension. Notwithstanding, southeastern Idaho is, in fact, only a secondary area of distribution from the Boise plant since its principal area of sales is the southcentral and southwestern sections of Idaho. Based on its current distribution pattern, expansion of the marketing area to include the seven southeastern Idaho counties would almost certainly result in full regulation of this plant.

The handler asserted that full regulation would place him at a serious cost disadvantage since all of his competition in the primary area of distribution is not subject to Federal regulation. This was conceded by the proponents of area expansion.

Notwithstanding, regulation of the seven southeastern Idaho counties, recommended herein, is necessary in that it represents a compact area in which the same handlers generally compete for fluid milk sales. The Boise operation is a major distributor in this area. Currently this plant has about 20 percent of the total fluid sales in the seven southeastern Idaho counties recommended to be included in the marketing area.

This handler, however, has considerable flexibility in his operations to affect the regulatory status of his Boise operation. He could choose to serve the area in part or entirely from his presently regulated Salt Lake City plant, from his Boise, Idaho, plant, or elsewhere. In choosing one alternative as compared to another, the final choice will be based largely on relative Class I prices and cost of transporting packaged milk. However, since this handler's Salt Lake City plant is located substantially closer to the recommended area of expansion than the Boise plant, it appears the seven Idaho counties area could best be served from its Salt Lake City plant.

[1] Modification of the pool plant provisions is treated as a separate issue at a later point in this decision.

At the hearing, and in his brief, the principal Pocatello based dealer contended that if Federal regulation is justified for any part of southern Idaho, it should be made applicable to all of southern Idaho. It was this dealer's position that if his operation were brought under full regulation as a result of area extension, his principal competitors must likewise be fully regulated.

In support of his position, this dealer argued that since he had substantial route disposition beyond the area herein adopted for regulation, he would be forced to compete with unregulated handlers. He estimated that between 30 and 40 percent of his total route disposition would be outside of the recommended area of extension. Considering the sparsely populated area in which such out-of-area sales would occur, it appears that disposition to this extent would be unlikely. Further, this area is also served by handlers that are presently regulated or would become regulated as a result of the recommended marketing area extension. Therefore, it is extremely unlikely that unregulated milk would be a serious competitive factor affecting this dealer's operation.

Conceivably, in view of existing operations in the recommended area of extension, such area might be distinguishable as a separate marketing area. In fact, however, the location of this proposed area of extension in relation to the present regulated area, the interrelationship of producers and the relative small volume of Class I milk in the area under consideration supports the need for a single expanded and integrated order. Moreover, there is a growing economic relationship between southeastern Idaho and Great Basin.

Additionally, the proponent cooperative associations for area expansion market more than 90 percent of the milk of producers in the Great Basin order and supply about 90 percent of the milk received at the Idaho plants that would become subject to regulation under the recommended marketing area extension. With such a close interrelationship in location, distribution patterns, milk supply and producer representation, orderly marketing in the area will best be achieved by adding the Idaho territory to the Great Basin marketing area.

It is concluded that a uniform price plan applicable to all handlers purchasing milk for sale in the expanded area will stabilize and improve marketing conditions in the area. Accordingly, regulation of southeastern Idaho will effectuate the declared policy of the Act by providing for:

1. The establishment of uniform prices to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;

2. An impartial audit of handler's records to verify the payments of required prices;

3. A system for verifying the accuracy of weights and butterfat content of the milk purchases; and

4. Uniform returns to producers supplying the market based upon an equalization sharing among all producers supplying the exanded market of the lower returns for the sale of reserve milk which cannot be marketed as Class I milk.

The public interest will be served by establishing orderly marketing conditions for milk in the proposed area that will assure a continuing and adequate supply of fluid milk for the area at reasonable prices.

It is concluded also that, except as modified by this decision, the present provisions of the Great Basin order are equally appropriate for the extended marketing area and they are hereby adopted for the identical reasons advanced in the decision adopting such provisions in the order.

2. *Modification of pool plant definition.* The performance standards under which a fluid milk plant may qualify as a pool plant under the Great Basin order should be revised. The order should provide that a pool fluid milk plant shall have not less than 15 percent of its receipts of fluid milk products as route disposition in the marketing area. No change should be made with respect to the percentage requirements that a fluid milk plant's total receipts of fluid milk products which must be disposed of as route disposition.

The order now provides that a fluid milk plant must distribute not less than 40 percent in May–August, 45 percent in March–April and 50 percent in September–February of its receipts as Class I on routes and that 15 percent of such plant's total route disposition is distributed in the marketing area if it is to qualify as a pool plant.

The handler who operates a pool distributing plant in Salt Lake City and an unregulated distributing plant in Boise, Idaho, proposed a revision of the pool fluid milk plant qualification requirement from the present minimum of 15 percent of a plant's total route disposition which must be disposed of in the marketing area to a minimum of 20 percent of such plant's total Grade A milk receipts to be disposed of on routes in the marketing area. This proposal was supported, in principle, by the cooperative proponents of marketing area expansion.

The handler's proposal to increase the performance requirements for a pool fluid milk distributing plant under the order was made to additionally assure for his Boise plant partially regulated status under the extended order. The plant, otherwise, would become fully regulated unless the handler made certain adjustments in distribution as between his Great Basin and Boise plants.

Performance standards, provide the basis of determining which plants and what milk constitute the regular and normal sources of supply for the market that should be subject to full regulation. Such standards apply uniformly to all plants wherever located. Any plant regardless of location may be brought under regulation or it may remain outside the scope of regulation dependent on the mode of operation elected by the operator of each plant. The determination and decision as to how a plant shall be operated remains vested in the plant operator.

As indicated elsewhere in this decision, the operator of the Boise distributing plant has considerable flexibility to assure that such plant will have partially regulated status under the expanded order without changing the present performance standards of distributing plants.

Proponent cooperatives requested that the performance requirement of a pool distributing plant be modified by requiring such plant to have at least 15 percent of its receipts of fluid milk products as route disposition in the marketing area. This modification, they contended, was necessary to provide additional assurance that the Class I sales of the recommended expanded marketing area will be shared among those producers who are an essential and regular part of the supply for the area.

Under current conditions, this requested modification of performance requirements by the proponent cooperatives would not affect the regulatory status of either the present order pool distributing plants or those additional plants that would become fully regulated under the recommended expanded order. Accordingly, this proposed revision of performance requirements of pool distributing plants is adopted in this decision.

3. *Modification of location adjustments.* The location adjustment provisions of the order should be revised to replace Ogden and Provo, Utah, with Salt Lake City as the basing point from which distances are measured in determining location adjustments.

The order now provides that the Class I and uniform prices be reduced 22 cents per hundredweight at a plant in the 150–160 mile zone from the nearest basing point of either Ogden or Provo, Utah. At a plant located beyond 160 miles, the location adjustment is increased 1.5 cents for each additional 10 miles or fraction thereof.

Proponents of extending regulation to southeastern Idaho proposed a complete restructuring of location adjustments. Under their proposal, four zones would be established. Zone I would include all territory located within 100 miles of the county courthouse in Provo, Utah, for which no location adjustment would be applicable. Zone II, under their proposal, would include specified Utah, Wyoming and Nevada counties located immediately adjacent to the area comprising Zone I. A 10 cents per hundredweight location adjustment would apply to this zone. Zones III and IV would be made up of certain designated Idaho and Utah counties. The applicable location adjustment for Zones III and IV would be 20 cents and 30 cents, respectively. Under proponents' proposal, the location adjustment at any plant outside of the designated zones would be 10 cents, plus 1.5 cents for each 10 miles or fraction thereof that such plant was situated in excess of 160 miles from Provo, Utah.

Their proposal, proponent contended, would: (1) Provide appropriate Class I prices at bottling plants that become regulated because of the marketing area expansion without changing the price structure at presently regulated plants; and (2) assure a more equitable pricing basis for milk not needed for processing at pool plants and diverted directly to nonpool manufacturing plants.

The immediate and primary problem of location pricing resulting from extending the marketing area is one of applying appropriate prices at all locations at which milk is delivered by producers; thereby facilitating the orderly movement of milk from farms to plants serving the principal market center.

Under the order milk is priced at the plant of physical receipt. No location adjustment is applicable when milk is received directly from the farm at a processing plant in the market center. Hence, the cost of transportation on milk so delivered is paid for by the individual producer through negotiation with haulers. When producers deliver their milk to a plant in the production area their hauling costs are naturally less than that of other producers in the same area who deliver to plants located in or near the market centers. This saving in transportation cost appropriately should be reflected in relative prices paid at different plant locations.

The southeastern Idaho plants that will become regulated under the area extension are all located a considerable distance from the principal population center of the marketing area and within an important production area from which presently regulated bottling plants in the market center obtain a substantial part of their milk supply. Under present order provisions, however, location adjustments would not apply to certain of these southeastern Idaho plants since such plants are located less than 150 miles from the nearest basing point of Ogden, Utah, as provided by the present order.

With Ogden, Utah, as a basing point (as presently provided) no location adjustment would apply to the Pocatello, Idaho, plants which are located less than fifty miles from the Idaho Falls plant. A location adjustment of 25 cents, however, would apply to the Idaho Falls plant. This situation could not promote continued orderly marketing over time since producers in this area delivering to plants in the central market area would net a lesser return because of the longer haul and hence higher hauling costs.

This result would not recognize the proper location value of milk received at the southeastern Idaho plants in relation to its value in the central market. Accordingly, the basing point at Ogden, Utah, should be discontinued.

An important consideration in establishing an appropriate basing point for computing location adjustments is to identify the major population center(s) of the expanded marketing area. The heaviest population center in the present and proposed expanded marketing area is Salt Lake City. The 1970 population of the Salt Lake City metropolitan area was 557,635, accounting for 47 percent of the

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population of the recommended expanded marketing area. Population of Ogden and Provo, the present basing points for location pricing, in 1970 was 126,278 and 137,776, respectively.[1] These two cities represent the north-south extremities of the heaviest populated portion of the present and proposed expanded marketing area. More significantly, Salt Lake City is centrally located in this concentrated area. Ogden is about 35 miles north of Salt Lake City and Provo is 43 miles south of Salt Lake City.

Almost all of the pool distributing plants under the Great Basin order are now located in the Salt Lake City metropolitan area. In April 1974, nine of the 14 pool distributing plants under the order were located in the Salt Lake City metropolitan area. From these plants, fluid milk products are regularly distributed within a radius of about 150 miles.

In view of the foregoing, it is concluded, that Salt Lake City is the appropriate basing point for computing location adjustments at distant plants under current marketing conditions. The adoption of Salt Lake City as a basing point will result in no change in the applicable price at plants presently regulated under the order. The location adjustments applicable at Idaho plants that would be regulated as a result of the market area extension provided herein would approximate -23 cents at Pocatello, -31 cents at Idaho Falls, -32 cents at Rigby, and -49 cents at Boise.

Under proponent's proposal a location adjustment of 10 cents would apply to milk diverted to manufacturing plants at Richmond and Smithfield, Utah. Both of these plants are located in close proximity of fluid milk plants in the Ogden-Salt Lake City area and under the present order no location adjustments are applicable. Any saving in the cost of transportation realized by diverting milk from farms to the same vicinity to these plants, as compared to hauling the milk to Ogden or Salt Lake City fluid processing plants could not be significant. Therefore diversions to such plants appropriately should not be subject to a location adjustment.

Beyond this, their proposal to establish location adjustments based on specified zones emanating from Provo as the center of the market was not supported with meaningful evidence. Further, the proposed zones were not geared to mileage considerations in such a manner that the adjustments would apply equally to plants similarly situated from a central basing point. For these reasons their proposed zoning procedure is not appropriate under the procedure here adopted.

Location adjustments would continue to be computed (as now provided by the Great Basin order) on a mileage basis, from a specified basing point. A rate of 1.5 cents per 10 miles (as now provided in the order) is appropriate to reflect the cost of hauling milk efficiently in bulk tank lots. It is recognized as a representative rate for transporting milk and is the rate most applicable in Federal orders throughout the United States. While proponents testified that transportation rates may be higher than those now provided in the Great Basin order, and in other Federal orders, no change in the rate was proposed.

To deter the uneconomic movement of reserve milk to the central market for manufactured uses from one pool plant to another, the present order provides a method of applying location adjustment credits by limiting the amount of such credit. For clarification purposes, only, this provision is revised herein to reflect greater specificity of the computation of location adjustment credits to transfers between pool plants.

4. *Miscellaneous or conforming changes.* (a) The method of accounting for milk and milk products on a handler system basis under the order should not be changed. Under this method of accounting milk and milk products are accounted for on the basis of the combined receipts and utilization at all pool plants operated by a single handler.

At the hearing, the operator of the Boise, Idaho, distributing plant proposed accounting for milk and milk products on an individual plant basis. Proponent held that handler system accounting results in unnecessary accounting problems for a multiple plant handler.

The proponent handler currently operates a pool distributing plant under the order. As indicated previously, it is possible that his Boise, Idaho, plant may also become fully regulated as a result of the recommended marketing area extension. Undoubtedly, the fact that both plants might be fully regulated, prompted the handler's proposal.

The record does not disclose what accounting problems proponent seeks to resolve through individual plant accounting. Moreover, under the present order, there is a multiple plant handler operating four pool distributing plants. Apparently, the handler system of accounting has operated satisfactorily in this instance. There has been no proposal for change from the Great Basin handler now subject to the provisions, and he introduced no supporting testimony at the hearing. In view of the foregoing, it would be inappropriate, at this time, to adopt the proposal.

(b) A handler proposed that, for the first month, the handlers who are to become newly regulated because of marketing area expansion should not be subject to the pricing and payment provisions of the order, but should report to the market administrator on a "dry run" basis as has been regularly practiced in the past with respect to newly promulgated orders.

It has been customary to provide the "dry run" period when an order has been newly promulgated. It is feasible to do so, at the inception of an order, because all handlers who would be regulated enter upon such regulation simultaneously. Consequently, a temporary period in which only reports are submitted and during which the pricing provisions would not apply would have uniform application among the handlers.

Such is not the case in an amendment proceeding. Any amendment to an order, including expanding the marketing area, is an integral part of the entire order and hence from the effective date of the amended order it is necessary to apply all provisions of the order to the affected handlers. Moreover, each newly regulated handler will have a minimum of 30 days' advanced notice of the terms and provisions of an amended order as prescribed in the final decision. This period should be adequate time for such handlers to apply the provisions of the amended order to their business. The proposal, therefore, is denied.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

[1] Official notice is taken of U.S. Census of Population, 1970 for Idaho, Nevada, Utah, and Wyoming, issued by the Bureau of Census U.S. Department of Commerce.

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreement and the order as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1136.86 of the aforesaid tentative marketing agreement and the order as proposed to be amended.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to amending the order, as amended, regulating the handling of milk in the Great Basin marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 1136.6 is revised as follows:

§ 1136.6 Great Basin marketing area.

"Great Basin marketing area" hereinafter called the "marketing area" means all the territory, including all government reservations and installations and all municipalities, within the places listed below:

Utah Counties

Box Elder	Morgan
Cache (city of Logan only)	Salt Lake
Carbon	Sanpete
Daggett	Sevier
Davis	Summit
Duchesne	Tooele
Emery	Uintah
Grand	Utah
Juab	Wasatch
Millard	Webber

Nevada Counties

Elko	White Pine

Wyoming Counties

Uinta (town of Evanston only)

Idaho Counties

Bannock	Franklin
Bear Lake	Jefferson
Bingham	Madison
Bonneville	

2. In § 1136.11, paragraph (a) is revised as follows:

§ 1136.11 Pool plant.

* * * * *

(a) A fluid milk plant, except a producer-handler plant, from which not less than 50 percent in any month of September through February, not less than 45 percent in any month of March and April, and not less than 40 percent in any month of May through August of the fluid milk products, except filled milk, approved by a duly constituted health authority for fluid consumption that are physically received at such plant (excluding milk received at such plant from other order plants or dairy farms which is classified in Class III under this order and which is subject to the pricing and pooling provisions of another order issued pursuant to the Act) or diverted therefrom as producer milk to a nonpool plant pursuant to § 1136.13 is disposed of on routes, and not less than 15 percent of such receipts are on routes in the marketing area.

* * * * *

3. Section 1136.53 is revised as follows:

§ 1136.53 Location adjustments to handlers.

(a) For milk which is received from producers at a pool plant, or is diverted therefrom, or is delivered by a cooperative association pursuant to § 1136.9(c) to a pool plant and which is assigned to Class I milk, subject to the limitations pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1136.50(a) shall be reduced as follows:

Distance (miles):	Rate per hundredweight (cents)
150 but not more than 160	22.0
For each additional 10 miles or fraction thereof in excess of 160	1.5

Such distance to be the shortest hard-surfaced highway distance as determined by the market administrator from the plant to the County Courthouse of Salt Lake County, Utah;

(b) In applying such credits to transfers of fluid milk products between pool plants, a Class I location adjustment credit for the transferor-plant shall be determined by the market administrator for skim milk and butterfat, respectively, as follows:

(1) From the pounds of skim milk remaining in Class I at the transferee-plant after the computations are made pursuant to § 1136.44(a)(10) subtract the pounds of skim milk in receipts of milk at the transferee-plant from producers and handlers described in § 1136.9(c);

(2) Assign any remaining pounds of skim milk in Class I at the transferee-plant to the skim milk in receipts of fluid milk products from other pool plants, first to the transferor-plants at which no location adjustment applies and then in sequence beginning with the plant at which the least location adjustment applies;

(3) Compute the total amount of location adjustment credits to be assigned to transferor-plant pursuant to paragraph (b)(2) of this section by the applicable adjustment rate for each such plant, and add the resulting amounts;

(4) Assign the total amount of location adjustment credits computed pursuant to paragraph (b)(3) of this section to those transferor-plants that transferred fluid milk products containing skim milk classified as Class I milk pursuant to § 1136.44(a), in sequence beginning with the plant at which the least location adjustment applies. Subject to the availability of such credits, the credit assigned to each plant shall be equal to the hundredweight of such Class I skim milk multiplied by the applicable location adjustment rate for such plant. If the aggregate of this computation for all plants having the same location adjustment rate exceeds the credits that are available to those plants, such credits shall be prorated to the volume of skim milk in Class I transfers received from such plants; and

(5) Class I location adjustment credit for butterfat shall be determined in accordance with the procedure outlined for skim milk in paragraph (b) (1) through (5) of this section.

Signed at Washington, D.C., on: September 23, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74-22419 Filed 9-25-74;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

[15 CFR Part 265]

TRAFFIC AND CONDUCT ON THE GROUNDS OF THE NATIONAL BUREAU OF STANDARDS

Notice is hereby given that the National Bureau of Standards proposes to amend title 15 of the Code of Federal Regulations by adding a new Part 265 prescribing regulations for the protection of the facilities and grounds of the Bureau in Montgomery County, Maryland, and Boulder and Larimer Counties, Colorado, over which the Federal Government, on July 14, 1972, acquired concurrent jurisdiction under the laws of Maryland (Art. 96, secs. 28, 31 and 47, Ann. Code of Maryland), and the laws of Colorado (sec. 142-1-2, Colo. Rev. Stat.).

Interested persons are invited to participate in the proposed rulemaking by submitting written comments or suggestions to the Director, National Bureau of Standards, Washington, D.C. 20234, on or before October 29, 1974. The final regulations will be published in the Federal Register after consideration of all such comments and will become effective 30 days after publication. Upon becoming effective, the regulations will be enforced by the issuance of citations for violations and the payment of fines by mail or appearance before a U.S. Magistrate.

Dated: September 20, 1974.

RICHARD W. ROBERTS,
Director.

The following proposals are under consideration:

PART 265—REGULATIONS GOVERNING TRAFFIC AND CONDUCT ON THE GROUNDS OF THE NATIONAL BUREAU OF STANDARDS, GAITHERSBURG, MARYLAND, AND BOULDER AND FORT COLLINS, COLORADO

Subpart A—General

Sec.

265.1 Definitions.
265.2 Applicability.
265.3 Compliance with directions.
265.4 Making or giving of false reports.
265.5 Laws of Maryland and Colorado applicable.

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Subpart B—Traffic and Vehicular Regulations

Sec.
265.11 Inspection of license and registration.
265.12 Speeding or reckless driving.
265.13 Emergency vehicles.
265.14 Signs.
265.15 Right-of-way in crosswalks.
265.16 Parking.
265.17 Parking permits.
265.18 Prohibited servicing vehicles.
265.19 Unattended vehicles.
265.20 Towing of improperly parked vehicles.
265.21 Improper use of roads as thoroughfares.
265.22 Bicycle traffic.

Subpart C—Buildings and Grounds

265.31 Closing the site.
265.32 Trespassing.
265.33 Preservation of property.
265.34 Conformity with posted signs.
265.35 Nuisances.
265.36 Intoxicating beverages.
265.37 Narcotics and other drugs.
265.38 Intoxication or other impairment of function.
265.39 Weapons and explosives.
265.40 Nondiscrimination.
265.41 Gambling.
265.42 Photography for news, advertising, or commercial purposes; advertising and soliciting.

Subpart D—Penalties

265.51 Penalties—other laws.

AUTHORITY: Sec. 9, 31 Stat. 1450, as amended; (15 U.S.C. 277). Applies sec. 1, 72 Stat. 1711, as amended; (15 U.S.C. 278e(b)).

Subpart A—General

§ 265.1 Definitions.

As used in this part:

(a) "Site" means those grounds and facilities of the National Bureau of Standards, Department of Commerce, located in Montgomery County, Maryland, and in Boulder and Larimer Counties, Colorado, over which the Federal Government, on July 14, 1972, acquired concurrent jurisdiction under the laws of Maryland (Art. 96, secs. 28, 31, and 47, Ann. Code of Maryland and under the laws of Colorado (sec. 142–1–2, Colo. Rev. Stat.).

(b) "Uniformed guard" means a designated employee appointed by the Director for purposes of carrying out the authority of a U.S. Special Policeman, as provided by 40 U.S.C. 318.

(c) "Director" means the Director of the National Bureau of Standards.

§ 265.2 Applicability.

The regulations in this part establish rules with respect to the parking and operation of motor vehicles and other activities and conduct on the site. These regulations are intended to supplement the rules and regulations regarding conduct in Part O of Subtitle A of this title and in other officially issued orders and regulations of the Department of Commerce and the National Bureau of Standards.

§ 265.3 Compliance with directions.

No person shall fail or refuse to comply with any lawful order or direction of a uniformed guard in connection with the control or regulation of traffic and parking or other conduct on the site.

§ 265.4 Making or giving of false reports.

No person shall knowingly give any false or fictitious report or information to any authorized person investigating an accident or apparent violation of law or these regulations. Nothing in this section shall affect the applicability of 18 U.S.C. 1001 regarding false, fictitious or fraudulent statements or entries.

§ 265.5 Laws of Maryland and Colorado applicable.

Unless otherwise specifically provided herein, the laws of the State of Maryland and of the State of Colorado shall be applicable to the site located within those respective states. The applicability of State laws shall not, however, affect or abrogate any other Federal law or regulation applicable under the circumstances.

Subpart B—Traffic and Vehicular Regulations

§ 265.11 Inspection of license and registration.

No person may operate any motor vehicle on the site unless he holds a current operator's license, nor may he, if operating a motor vehicle on the site, refuse to exhibit for inspection, upon request of a uniformed guard, his operator's license or proof of registration of the vehicle under his control at time of operation.

§ 265.12 Speeding or reckless driving.

(a) No person shall drive a motor vehicle on the site at a speed greater than is reasonable and prudent for the particular location, given the conditions of traffic, weather, and road surface and having regard to the actual and potential hazards existing.

(b) Except when a special hazard exists that requires lower speed for compliance with subsection (a) of this section, the speed limit on the site is 25 m.p.h., unless another speed limit has been duly posted, and no person shall drive a motor vehicle on the site in excess of the speed limit.

§ 265.13 Emergency vehicles.

No person shall fail or refuse to yield the right-of-way to an emergency vehicle when operating with siren or flashing lights.

§ 265.14 Signs.

Every driver shall comply with all posted traffic and parking signs.

§ 265.15 Right-of-way in crosswalks.

No person shall fail or refuse to yield the right-of-way to a pedestrian or bicyclist crossing a street in a marked crosswalk.

§ 265.16 Parking.

No person, unless otherwise authorized by a posted traffic sign or directed by a uniformed guard, shall stand or park a motor vehicle—

(a) On a sidewalk;

(b) Within an intersection or within a crosswalk;

(c) Within 15 feet of a fire hydrant, 5 feet of a driveway or 30 feet of a stop sign or traffic control device;

(d) At any place which would result in the vehicle being double parked;

(e) At curbs painted yellow;

(f) In a direction facing on-coming traffic;

(g) In a manner which would obstruct traffic;

(h) In a parking space marked as not intended for his use;

(i) Where directed not to do so by a uniformed guard;

(j) Except in an area specifically designated for parking or standing;

(k) Except within a single space marked for such purposes, when parking or standing in an area with marked spaces;

(l) At any place in violation of any posted sign; or

(m) In excess of 24 hours, unless permission has been granted by the Physical Security Office.

§ 265.17 Parking permits.

No person, except visitors, shall park a motor vehicle on the site without having a valid parking permit displayed on such motor vehicle in compliance with instructions of the issuing authority. Such permits may be revoked by the issuing authority for violation of any of the provisions of this part.

§ 265.18 Prohibited servicing of vehicles.

No person shall wash, polish, or make nonemergency repairs on privately owned vehicles on the site.

§ 265.19 Unattended vehicles.

No person shall leave a motor vehicle unattended on the site with the engine running or a key in the ignition switch or the brake not effectively set.

§ 265.20 Towing of improperly parked vehicles.

Any motor vehicle that is parked in violation of these regulations may be towed away or otherwise moved if a determination is made by a uniformed guard that it is a nuisance or hazard. A reasonable amount for the moving service and for the storage of the vehicle, if any, may be charged, and the vehicle is subject to a lien for that charge.

§ 265.21 Improper use of roads as thoroughfares.

No person shall drive a motor vehicle onto the site for the sole purpose of using the roads of the site as a thoroughfare between roads bordering the site.

§ 265.22 Bicycle traffic.

Sections 265.12, .13, .14, .15, .16, .18, .20, and .21 of this Subpart B shall apply with equal force and effect to bicyclists and bicycle traffic.

Subpart C—Buildings and Grounds

§ 265.31 Closing the site.

As determined by the Director (Deputy Director, IBS/Boulder, for sites in Colorado), the site may be closed to the public in emergency situations and at such other times as may be necessary for the orderly conduct of the Government's business. At such times no person shall enter the site except authorized individuals, who may be required to sign a register and display identification when requested by a uniformed guard.

§ 265.32 Trespassing.

No person shall come onto the site other than in pursuance of official Government business or other properly authorized activities.

§ 265.33 Preservation of property.

No person shall, without authorization, willfully destroy, damage, or deface any building, sign, equipment, marker, or structure, tree, flower, lawn or other public property on the site.

§ 265.34 Conformity with posted signs.

No person shall fail or refuse to comply with officially posted signs of a prohibitory nature or with directions of a uniformed guard.

§ 265.35 Nuisances.

(a) No person shall willfully disrupt the conduct of official business of the site, or engage in disorderly conduct; nor shall any person unreasonably obstruct the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots.

(b) No person shall litter or dispose of rubbish except in a receptacle provided for that purpose; nor shall any person throw articles of any kind from a building or from a motor vehicle or bicycle.

§ 265.36 Intoxicating beverages.

Except as expressly authorized by the Director, the consumption or use on the site of intoxicating beverages is prohibited.

§ 265.37 Narcotics and other drugs.

The possession, sale, consumption, or use on the site of narcotic or other drugs illegal under the laws of the State in which the particular site is situated is prohibited. The provisions of this section are not intended to preclude the applicability of any State or local laws and regulations with respect to the possession, sale, consumption, or use of narcotic or other drugs.

§ 265.38 Intoxication or other impairment of function.

No person shall enter or remain on the site while noticeably impaired by the use of intoxicating beverages or narcotics or other drugs, and any such person found on the site in such a state of impairment may be removed from the site.

§ 265.39 Weapons and explosives.

No person other than uniformed guards specifically authorized, or other Federal, State, or local law enforcement officials so authorized, shall carry, transport, or otherwise possess on the site, firearms whether loaded or not, other dangerous or deadly weapons or materials, or explosives, either openly or concealed, without the written permission of the Director.

§ 265.40 Nondiscrimination.

No person shall discriminate against any other person because of race, creed, color, sex, or national origin, in furnishing, or by refusing to furnish to such person the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on the site.

§ 265.41 Gambling.

No person shall participate on the site in games for money or other property, or in the operation of gambling devices, the conduct of lotteries or pools, or in the selling or purchasing of numbers tickets, or the taking or placing of bets.

§ 265.42 Photography for news, advertising, or commercial purposes; advertising and soliciting.

(a) Except where security regulations apply, photographs for news purposes may be taken in entrances, lobbies, foyers, corridors, and auditoriums when used for public meetings, in facilities on the site, unless otherwise marked, without prior approval. Photography for advertising and commercial purposes or for purposes of civic promotion may be conducted only with the written permission of the Chief, Office of Information Activities of the National Bureau of Standards (Chief, Program Information Office, IBS/Boulder, for sites in Colorado).

(b) Commercial advertisements and other material which are not directly pertinent or applicable to NBS employees but which nevertheless may be of interest or benefit to them, may, with the approval of the Associate Director for Administration (Executive Officer, IBS/Boulder, for sites in Colorado), be placed in an appropriate location and made available to employees who visit that area. Except with approval as provided herein, no person shall distribute commercial advertising literature or engage in commercial soliciting on the site.

Subpart D—Penalties

§ 265.51 Penalties—other laws.

Except with respect to the laws of the State of Maryland and the State of Colorado assimilated by § 265.5 or otherwise, whoever shall be found guilty of violating these regulations is subject to a fine of not more than $50 or imprisonment of not more than 30 days, or both (40 U.S.C. 318c). Except as expressly provided in this part, nothing contained in these regulations shall be construed to abrogate any other Federal laws or regulations, or any State and local laws and regulations applicable to the area in which the site is situated.

[FR Doc.74-22316 Filed 9-25-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 431, 436, and 448]

PEPTIDE ANTIBIOTIC DRUGS

Zinc Bacitracin; Change in Method for Determining Zinc Content

The Commissioner of Food and Drugs proposes to amend the antibiotic drug regulations for human use as set forth below to provide a new official method for determining the zinc content of zinc bacitracin.

The proposed method is more sensitive and more specific, and it can be performed in a shorter period of time than the method set out currently in the regulations.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes that Subchapter D be amended as follows:

1. In Part 431 by amending § 431.53 (b)(1), by revising the last item in the table to read as follows:

§ 431.53 Fees.

. . . . . .

(b) . . .

(1) . . .

Test:	*Chargeable fee per test*
. . .	. . .
Zinc content	36

. . . . . .

2. In Part 436 by establishing new § 436.311, to read as follows:

§ 436.311 Atomic absorption method for determining the zinc content of zinc bacitracin.

(a) *Equipment.* An atomic absorbance spectrophotometer equipped with a zinc hollow-cathodedischarge lamp, an air-acetylene flame, a nebulizer-burner system for introducing the sample solution into the flame, an optical dispersing device (such as a monochromator) for isolating a resonance line of zinc from others produced by the emission source, and a suitable radiation detector and recorder.

(b) *Preparation of working standard and sample solutions*—(1) *Working standard solutions.* Prepare a standard stock solution containing 10 milligrams of zinc per milliliter as follows: Weigh 3.11 grams of zinc oxide into a 250-milliliter volumetric flask, add 80 milliliters of 1*N* HCl, warm to dissolve, cool to room temperature, and dilute to volume with water. Dilute aliquots of this standard stock solution with 0.001*N* HCl to obtain three working standard solutions containing respectively 0.5, 1.5, and 2.5 micrograms of zinc per milliliter.

(2) *Sample solution.* Accurately weigh approximately 200 milligrams of the sample into a 100-milliliter volumetric flask. Dissolve and dilute to volume with 0.01*N* HCl. Transfer a 2.0-milliliter aliquot of this solution to a 200-milliliter volumetric flask and dilute to volume with 0.001*N* HCl.

(c) *Procedure.* Using 0.001*N* HCl as the blank, adjust the absorbance of the instrument to zero at a detection wavelength of 213.8 nanometers. Determine the absorbance of each standard solution and the sample solution at 213.8 nanometers.

(d) *Calculations.* Plot the absorbance versus the concentration of each of the working standard solutions. Draw a straight response line of best fit through these points. Read the concentration of

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zinc in micrograms per milliliter corresponding to the absorbance of the sample solution. Calculate the percent zinc in the sample as follows:

$$\frac{\text{Percent zinc} = C \times 100{,}000}{\text{Milligrams of sample} \times (100-m)}$$

where:

C=Concentration of zinc in the sample solution in micrograms per milliliter;
m=Percent moisture in the sample.

3. In Part 448:

a. Section 448.13(b)(5) is revised to read as follows:

§ 448.13 Zinc bacitracin.

* * * * * * *

(b) * * *

(5) *Zinc content.* Proceed as directed in § 436.311 of this chapter.

b. Section 448.13a(b)(6) is revised to read as follows:

§ 448.13a Sterile zinc bacitracin.

* * * * * * *

(b) * * *

(6) *Zinc content.* Proceed as directed in § 436.311 of this chapter.

Interested persons may, on or before November 25, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 19, 1974.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.74-22330 Filed 9-25-74;8:45 am]

[21 CFR Part 440]

PENICILLIN ANTIBIOTIC DRUGS

Proposed Revision of Pyrogens Test for Methicillin

The Commissioner of Food and Drugs has received recent reports concerning clinical cases of pyrogenic responses due to methicillin injections. Laboratory studies by the Food and Drug Administration have confirmed low levels of pyrogen contamination in some batches of injectable methicillin. These low pyrogen levels are such that the methicillin content of the test dose solution currently set forth in the antibiotic drug regulations is too low for reliable detection of pyrogen contamination.

The Commissioner therefore proposes that an increase in the methicillin content of the pyrogen test dose solution is necessary to provide adequate assurance for detection of pyrogen contamination.

A copy of pertinent supportive data has been placed on display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 440 be amended as follows:

1. In Subpart A by revising § 440.36a (b)(3) to read as follows:

§ 440.36a Sterile sodium methicillin.

* * * * *

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 60 milligrams of methicillin per milliliter.

* * * * *

2. In Subpart C by revising § 440.236 (b)(3) to read as follows:

§ 440.236 Sodium methicillin for injection.

* * * * *

(b) * * *

(3) *Pyrogens.* Proceed as directed in § 436.32(a) of this chapter, using a solution containing 60 milligrams of methicillin per milliliter.

* * * * *

Interested persons may, on or before November 25, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 19, 1974.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.74-22331 Filed 9-25-74;8:45 am]

Social Security Administration

[20 CFR Part 404]

[Reg. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Subpart G—Filing of Applications and Other Forms

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations revise and update Subpart G of Part 404 to include provisions of Pub. L. 89-97 and Pub. L. 92-603, current requirements, policies, and procedures not already incorporated into the regulations. The proposed regulations make the following revisions and additions:

1. Section 404.601 (meaning of terms) is revised to include entitlement to hospital insurance benefits and special age 72 payments among those benefits for which an application must be filed subject to the requirements set forth in Subpart G.

2. Section 404.603 (execution of applications) is revised to permit a parent or one who stands in the place of a parent to execute an application for child's benefits on behalf of an individual who is over the age of 18 but under the age of 22. Also, an individual who is qualified to receive an underpayment may apply for disability insurance benefits on behalf of a disabled worker who died before filing for benefits.

3. Paragraph (a) of § 404.606 (filing of application for monthly benefits before the first month for which individual may become entitled to such benefits) and § 404.607a (filing of application for the establishment of a period of disability) are revised to reflect the provisions of section 328 of Pub. L. 89-97. These provisions make valid an application filed before the first month in which the requirements for entitlement are satisfied if such requirements are satisfied before a final decision on the application is made.

4. Paragraph (b) of § 404.607 (filing of application for monthly benefits after first month for which individual may become entitled to such benefits) is revised and a new paragraph (e) is added to § 404.607a to reflect the provisions of section 118 of Pub. L. 92-603. That section provides that an application for disability insurance benefits or to establish a period of disability may be filed on behalf of a deceased individual within three months after the month in which such individual died.

5. A new section (404.609a) is added permitting an applicant to change his first month of entitlement after adjudication of his claim, and listing the requirements for approval by the Social Security Administration.

6. Section 404.615a (cancellation of request for withdrawal) is revised to indicate that where the Social Security Administration has approved a request for cancellation of a withdrawal request, a notice of such approval will be sent to the applicant.

7. Section 404.616 (filing of proof of support or application for lump-sum death payment after 2-year period) is revised to reflect the provisions of section 324 of Pub. L. 89-97. This provision permits the filing of proof of support or an application for the lump-sum death payment at any time after the expiration of the statutory 2-year period if good cause is found for failure to file within the 2-year period.

8. Additional revisions of an editorial nature and to include necessary references have also been made within the sections referred to above.

Prior to final adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before October 29, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed regulations are to be issued under the authority contained in sections 202, 205, 216, 223, 228, and 1102, 53 Stat. 1368, as amended, 79 Stat. 379, as amended, 49 Stat. 647, as amended; section 5 of Reorganization No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 402, 405, 416, 423, 428, and 1302.

(Catalog of Federal Domestic Assistance Program Nos. 13.802, Social Security—Disability Insurance; 13.803, Social Security—Retirement Insurance; 13.805, Social Security—Survivors Insurance.)

Dated: September 2, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 20, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare

Subpart G of Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.601 is revised to read as follows:

§ 404.601 Meaning of terms.

(a) *Claimant defined.* The term "claimant" for purposes of this subpart refers to the individual who has filed on his own behalf, or on whose behalf a proper party under § 404.603 has filed, an application for monthly benefits, a lump-sum death payment, the establishment of a period of disability, entitlement to hospital insurance benefits, or special age 72 payments.

(b) *Applicant defined.* The term "applicant" for purposes of this subpart refers to the individual who has filed an application on his own behalf or on behalf of another for monthly benefits, a lump-sum death payment, the establishment of a period of disability, special age 72 payments, or entitlement to hospital insurance benefits.

(c) *Application defined.* Unless otherwise specified, the term "application" refers only to an application on a form prescribed in § 404.602 and includes an application for monthly benefits, a lump-sum death payment, the establishment of a period of disability, special age 72 payments, and entitlement to hospital insurance benefits.

(d) *Filing of application on prescribed form.* Except as provided in §§ 404.611, 404.613, and 404.614, an individual has not "filed an application" for purposes of sections 202, 216(i), 223, 226, or 228 of the Act until an application on a form prescribed in § 404.602 has been filed in accordance with the provisions of this Subpart G.

(e) *Execution of application, written statement, requests, or notice; defined.* The term "to execute an application" (or a written statement, request, or notice (see §§ 404.610 and 404.613)), means the completion and signing of the application (or written statement, request, or notice). Irrespective of who may have completed the items on the application (or written statement, request, or notice), the document is considered to have been executed by or on behalf of such claimant when it is signed by the claimant (or an individual authorized to do so on his behalf under § 404.603).

2. Section 404.603 is amended by revising paragraph (a), revising and redesignating present paragraph (g) as paragraph (h), and adding a new paragraph (g) to read as follows:

§ 404.603 Execution of applications.

The Social Security Administration determines who is the proper party to execute an application for benefits in accordance with the following rules:

(a) If the claimant has attained the age of 18, is mentally competent, and is physically able to execute the application, the application shall be executed by him except that, if he has not yet attained age 22 and the application is for child's insurance benefits, such application may be executed by his parent or a person standing in place of the parent. Where, however, paragraph (d) of this section applies, the application may also be executed by the claimant's legal guardian, committee, or other representative.

* * * * *

(g) When a disabled individual dies prior to filing an application for disability insurance benefits or a disability freeze, an application for such benefits may be executed within 3 months after the month in which such individual died by an individual who would be qualified to receive an underpayment in accordance with § 404.503(b).

(h) For good cause shown, the Social Security Administration may accept an application executed by a person other than one described in paragraphs (a) through (g) of this section.

3. Section 404.605 is revised to read as follows:

§ 404.605 Claimant must be alive when application is filed.

Except as provided in §§ 404.603(g), 404.607(b)(2), and 404.607a(e), the claimant must be alive at the time a properly executed application (see § 404.603) is filed with the Social Security Administration (see § 404.608) in order for such application to be considered effectively filed. (See § 404.362 where a person potentially equitably entitled to the lump-sum death payment dies before filing an application. See also § 404.613 relating to the filing of a prescribed application form after submittal of a written statement.)

4. Section 404.606 is revised to read as follows:

§ 404.606 Filing of application for monthly benefits before the first month for which individual may become entitled to such benefits.

(a) *Effective as of July 30, 1965.* An application for monthly benefits filed before the first month in which the claimant meets all conditions of entitlement for such benefits will be deemed a valid application if such conditions are met before the Secretary makes a final decision on such application. (See paragraph (c) of this section for exception in case of special age 72 payments.) If upon final decision by the Secretary or decision by a court on review of the Secretary's decision, the claimant is found to have met such conditions, the application will be deemed to have been filed in the first month in which he met such conditions. These provisions apply with respect to:

(1) Applications filed on or after July 30, 1965;

(2) Applications as to which the Secretary had not made a final decision before July 30, 1965; and

(3) Applications as to which there had been no final judicial decision before July 30, 1965, in cases where civil action for review of the Secretary's decision was commenced under section 205(g) of the Act (see § 422.210 of this chapter) before such date.

(b) *Effective before July 30, 1965*—(1) *Old-age and survivors insurance benefits.* Except as provided in paragraph (a) of this section, an application for monthly benefits (other than an application for disability insurance benefits) will be accepted as an application for such benefits if it is filed not more than 3 months prior to the first month for which the claimant could become entitled to such benefits. Any such application filed within such 3-month period shall be deemed filed in the first month for which the claimant could be entitled to such benefits.

(2) *Disability insurance benefits*—(i) *Application filed prior to March 1960.* Except as provided in paragraph (a) of this section, an application for disability insurance benefits filed after September 1956 and prior to March 1960 will be accepted as an application for such benefits if it was filed not more than 9 months prior to the first month for which the claimant could become entitled to such benefits and while the claimant was under a disability.

(ii) *Application filed after February 1960.* Except as provided in paragraph (a) of this section, an application for disability insurance benefits filed after February 1960 will be accepted as an application for such benefits for months no earlier than September 1960 if it is filed not more than 9 months prior to the month for which the claimant could become entitled to such benefits; except that, where cause (ii) of section 223(a)(1) of the Act (concerning prior entitlement to disability insurance benefits and/or a prior period of disability) is applicable, an application for disability insurance benefits may not be filed more

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than 6 months prior to the first month for which the claimant could become entitled to such benefits. An application filed within the 9-month or 6-month period, whichever is appropriate, shall be deemed filed in the first month for which the claimant could be entitled to such benefits, but no earlier than September 1960.

(c) *Special age 72 payments.* An application for special age 72 payments may be filed no earlier than 3 months prior to the first month for which the applicant could become entitled to payments.

(d) *Specific dates.* Where any of the provisions in this Part 404 become effective on the basis of an application filed on or after a specific date, this section shall apply only if the application is filed on or after that date.

5. In § 404.607, paragraph (c) is revoked, paragraph (d) is redesignated as paragraph (c), and paragraph (b) is revised to read as follows:

§ 404.607 Filing of application for monthly benefits after first month for which individual may become entitled to such benefits.

* * * * *

(b) *Disability insurance benefits*—(1) *Disabled individual is alive.* An application for disability insurance benefits filed while the claimant was under a disability and at any time after the first month for which he could have become entitled to such benefits will be accepted as an application for such benefits beginning with 12 months immediately preceding the month in which such application is filed but not before the first month for which he could became entitled, provided he was under a disability in such first month and such disability continued until the time such application was filed. However, it may not be accepted as an application for any month prior to July 1957, the first month for which disability insurance benefits were payable. For purposes of determining whether the individual has met all conditions of entitlement in such prior months, the application shall have the same effect as though it had been filed in such months.

(2) *Disabled individual is deceased*—(i) *Disabled individual died after December 31, 1969, and before October 30, 1972.* An application for disability insurance benefits filed on behalf of an individual who died after December 31, 1969, but before October 30, 1972, will be accepted as an application for such benefits beginning with 12 months immediately preceding the month in which such individual died but not before the first month for which such individual could have been entitled had he filed timely: *Provided,* That such application on behalf of such deceased individual is filed before February 1, 1973, by an individual who would be qualified for an underpayment in accordance with § 404.503(b).

(ii) *Disabled individual died after October 29, 1972.* An application for disability insurance benefits filed by an individual who would be qualified for an underpayment in accordance with § 404.503(b) on behalf of an individual who died after October 29, 1972, will be accepted as an application for such benefits beginning with 12 months immediately preceding the month in which such application is filed but not before the first month in which such individual could have been entitled had he filed timely: *Provided,* That such application on behalf of such deceased individual is filed no later than the last day of the third month following the month in which the individual died.

* * * * *

6. Section 404.607a is revised to read as follows:

§ 404.607a Filing of application for the establishment of a period of disability.

(a) *Applications filed after June 1965 or on which there had been no final decision before July 1965.* Except as provided in paragraph (e) of this section, an application to establish a period of disability filed after June 1965, or an application to establish a period of disability filed before July 1965 to which the provisions of § 404.312a(a)(2) are applicable, is effective to establish a period of disability if it is filed no later than 12 months after the month in which the period of disability may end.

(b) *Application to establish period of disability which ended after January 1968.* Except as provided in paragraph (e) of this section, an application to establish a period of disability which ended after January 1968 may be filed up to 36 months after the cessation of disability provided: (1) The claimant is alive at the time of filing; and (2) his failure to file a timely application was due to a physical or mental condition which made him incapable of executing an application.

(c) *Application filed before beginning of period of disability*— (1) *Application filed prior to March 1960.* An application filed after December 31, 1954, and prior to March 1960 to establish a period of disability will be accepted as an application for such purpose if it was filed while the claimant was under a disability and not more than 3 months before the first day on which a period of disability may begin for the claimant.

(2) *Application filed after February 1960.* An application filed after February 1960 to establish a period of disability will be accepted as an application for such purpose if it is filed not more than 3 months before the first day on which a period of disability may begin for the claimant; except that, where clause (ii) of section 223(a)(1) of the Act (concerning prior entitlement to disability insurance benefits and/or a prior period of disability) is applicable, an application for such purpose may be filed as early as 6 months prior to the first month for which the claimant becomes entitled to disability insurance benefits. An application filed within such 3-month or 6-month period shall be deemed filed on the first day of such 3-month period or in the first month of such 6-month period, whichever is appropriate. Where the 6-month period is applicable in connection with clause (ii) of section 223(a)(1) of the Act, the period of disability may begin no earlier than September 1960.

(d) *Application filed after beginning of period of disability.* Except as provided in paragraph (e) of this section, where a claimant files an application to establish a period of disability beginning prior to the date the application is filed and has been continuously disabled from such time up to the time of filing, a period of disability may be established commencing prior to the date of filing subject to the following rules:

(1) *Application filed prior to July 1, 1962.* An application filed after December 31, 1954, and prior to July 1, 1962, may be used to establish a period of disability commencing no earlier than October 1, 1941.

(2) *Application filed after June 30, 1962.* An application filed after June 30, 1962, may be used to establish a period of disability commencing no earlier than 18 months prior to the date such application is filed.

(e) *Application to establish period of disability on behalf of deceased individual.* Notwithstanding any other provision of this section or § 404.605, an application to establish a period of disability on behalf of an individual who died after December 31, 1969, filed by an individual who would be qualified for an underpayment in accordance with § 404.503(b) will be accepted as an application for such purpose provided that:

(1) If such individual died before October 30, 1972, such application is filed no later than January 31, 1973; or

(2) If such individual died after October 29, 1972, such application is filed no later than the last day of the third month following the month in which such individual died.

7. Following § 404.608, a new § 404.608a is added to read as follows:

§ 404.608a Changing first month of entitlement after adjudication of claim.

After adjudication of a claim based on an application for monthly benefits, the claimant who filed the application may change his first month of entitlement to any month within the retroactive period of his original application or to the month in which he filed his application if:

(a) He files a request in writing to change his first month of entitlement; and

(b) He is alive when the request is filed; and

(c) Any other person whose entitlement would be adversely affected by such change of month of entitlement consents in writing or written consent is given on behalf of such other person by an individual authorized to execute an application on his behalf under § 404.603; and

(d) There is repayment of any amount previously paid which would not be payable based upon the change in first month of entitlement or it can be established to the satisfaction of the Social Security Administration that repayment of any such amount is assured.

8. Section 404.615a is revised to read as follows:

§ 404.615a Cancellation of request for withdrawal.

Before or after a written request for withdrawal has been approved by the Social Security Administration, the claimant (or a person who is authorized under § 404.603 to execute an application on his behalf) may request that the "request for withdrawal" be canceled and that the withdrawn application or request for revision of earnings be reinstated. Such request for cancellation must be in writing and must be filed, in a case where the requested withdrawal was approved by the Social Security Administration, no later than 60 days after mailing of notice to the individual of such approval. The claimant must be alive at the time the request for cancellation of the "request for withdrawal" is filed with the Social Security Administration. Where the request for cancellation of the withdrawal is approved, notice of approval shall be sent to such individual.

9. Section 404.616 is revised to read as follows:

§ 404.616 Filing of proof of support or application for lump-sum death payment after 2-year period.

In any case in which the proof of support required to be filed under § 404.316(a)(4), § 404.331(a)(6), or § 404.338(a)(6), or the application for the lump-sum death payment required to be filed under § 404.355(b), is not filed within the 2-year period prescribed by the appropriate section, such proof of support or application shall nevertheless be deemed to have been filed within such 2-year period if it is determined, as provided in § 404.617, that there was good cause for failure to file such proof or application within the initial 2-year period.

[FR Doc.74-22356 Filed 9-25-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 57]

[CGD 74-102P]

WELDING AND BRAZING

Proposed Adoption of the 1974 Edition, Section IX, ASME Code

The Coast Guard is considering amending the regulations for welding and brazing in order to adopt the 1974 Edition of section IX of the ASME (American Society of Mechanical Engineers) Boiler and Pressure Vessel Code as limited, modified, or replaced by specific requirements of Part 57 of Chapter I of Title 46 of the Code of Federal Regulations.

Section IX of the ASME Boiler and Pressure Vessel Code, Welding Qualifications, has been adopted and is part of the current Coast Guard marine engineering regulations appearing in Part 57. The 1974 edition of the ASME Code became effective 1 July 1974 and entails several major revisions to Section IX.

The Coast Guard considers that Adoption of the 1974 Edition of section IX of the ASME Code is essential for the following reasons:

1. The new Code has a revised format which is not compatible with the present wording of the regulations. Additionally, the revised format is simpler and more readable than the old and it is, therefore, advantageous to the Coast Guard and industry to recognize this improvement.

2. The 1974 edition of section IX of the ASME Code no longer makes position of the test piece during welding an essential variable in welding procedure qualification tests except where toughness is a factor. The Coast Guard proposes to adopt this change because the requirements for welding procedure qualification are intended to test only the mechanical properties required by the design considerations of the weldment. No additional pertinent information regarding these mechanical properties is gained by requiring the test plate to be welded in more than one position because the tensile strength and ductility of the weldment will not differ significantly from one position to another unless there is a deviation from acceptable limits of other essential variables. However, where notch toughness is a criterion for acceptance, the regulations will retain the requirement that position be an essential variable in the procedure qualification tests.

3. Another significant change in welding procedure qualification is that test plates may consist of either plate, pipe, or tube and one qualifies the procedure for use on other material forms. The Coast Guard proposes to adopt this change since, as with position of the test piece, there is no significant additional information to be gained about physical properties of the weldment by additional tests with material forms as the only variable.

4. References to the appendices to section IX of the Code must be removed from the regulations since the 1974 edition will not contain appendices.

Contrary to the 1974 Code, the Coast Guard proposes that the variable "QW 402.4 [t]he deletion of the backing in single-welded butt joints", be an essential variable for all weld procedures. This revision is based on unfavorable experiences where deletion of the backing ring in single-welded butt joint procedures has caused serious weld defect problems.

An amendment to Part 57 which is included in this proposal, but which is not related to the revision of section IX of the ASME Code, is the deletion of the requirement that a macro-etch specimen be submitted for all welding procedure qualification approvals. For normal atmospheric temperature applications the additional information about the mechanical properties of the weldment to be gained from examination of a macro-etch specimen is of little value. However, the requirement for macro-etch specimens in low temperature applications (−18° C (approx. 0° F) and below) is retained in the regulations because the information that can be gathered from the examination of a macro-etch specimen is important in evaluating the soundness of the weldment for use under these conditions.

Another proposed amendment not related to a change in the ASME Code concerns requirements for filler metals. The present wording of § 57.02-4 is overly restrictive in that it implies that a filler metal must be used when welding and this is not intended. Additionally, provisions should be made to allow the use of new filler metals which may not have been approved by the American Bureau of Shipping. It is proposed that the cognizant Officer in Charge Marine Inspection be permitted to approve new filler metals based on satisfactory welding procedure tests.

In addition, it is proposed to correct the authority citation for Part 57 of Title 46 of the Code of Federal Regulations by eliminating references to the Revised Statutes, Public Law, and the Statutes at Large.

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments to the Commandant (G-CMC/82), U.S. Coast Guard, Washington, D.C. 20590. Written comments should include the docket number of the notice, the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed.

A public hearing is not contemplated for this rulemaking, but one will be held if requested by anyone who raises a genuine issue.

All relevant communications received on or before November 11, 1974 will be fully considered before final action is taken on this proposal.

This proposal may be changed in the light of the comments received; however, acknowledgment of individual comments will not be made. Copies of comments received will be available for examination in Room 8234, Department of Transportation, 400 Seventh Street SW, Washington, D.C. Copies of comments will be furnished to interested persons upon request to the Coast Guard (G-CMC/82) and payment of the fees prescribed in 49 CFR 7.81.

These amendments are proposed under authority of 14 U.S.C. 633; 46 U.S.C. 375, 390(b), 391a, 392, 406, 409, 411, 416, 526p; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and E.O. 11239(30 FR 9671).

In consideration of the foregoing, it is proposed to amend Part 57 of Title 46 of the Code of Federal Regulations as follows:

§ 57.01-1 [Amended]

1. By striking from § 57.01-1 the words "(Replaces Q-1(a), QN-1(a), QB-1(a))" and inserting in place thereof the words "(Replaces QW 101 and QB 101)".

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2. By striking from § 57.01–1 the "(Modifies Q–21(b), QN–21(b), QB–21 (b))" and inserting in place thereof the words "(Modifies QW 305 and QB 305)".

3. In § 57.02–1 paragraph (a) is amended by deleting the second sentence and revising table 57.02–1(a) and paragraph (b) is revised as follows:

§ 57.02–1 Adoption of section IX of the ASME Code.

(a) • • • "The provisions in the appendices to Section IX of the ASME Code are adopted and shall be followed when the requirements in Section IX make them mandatory."

• • • • •

Table 57.02–1(a)—*Limitations and Modifications to the Adoption of Section IX of the ASME Code*

Paragraphs in section IX ASME code, and Disposition	*Unit of this part*
QW–101 replaced by	57.01–1(a)
QW–103 replaced by	57.02–3(a)
QW–201 modified by	57.03–1(a)
QW–202 modified by	57.04–1
QW–202.1 modified by	57.03–1(b)
QW–210 modified by	57.04–1
QW–211 modified by	57.02–4
QW–253 modified by	57.03–1(g)
QW–254 modified by	57.03–1(g)
QW–255 modified by	57.03–1(g)
QW–305 modified by	57.01–1(b)
QW–451 modified by	57.03–1(b) and 57.04–1
QB–101 replaced by	57.01–1(a)
QB–103 replaced by	57.02–3(a)
QB–201 modified by	57.03–1(a)
QB–202 modified by	57.04–1
QB–305 modified by	57.01–1(b)

• • • • •

(b) References to the ASME Code, like paragraph QW–131.1 indicate:

Q = Section IX, Welding and Brazing Qualifications, ASME Code.
W = Part containing requirements for welding procedure, welder, and welding operator qualifications.
131.... = Major division within the part.
131.1 = Specific subparagraph within the part.

• • • • •

6. By revising § 57.02–3(a) to read as follows:

§ 57.02–3 Fabricator's responsibility.

(a) (Replaces QW 103 and QB 103). Each manufacturer or contractor is responsible for the welding and brazing done by his organization and shall conduct tests required in this part to qualify the welding and brazing procedures used and the performance of welders and brazers who apply these procedures. The manufacturer shall bear the expense of conducting the tests. Each manufacturer shall maintain a record of the test results obtained in welding and brazing procedure and welder and brazer performance qualifications. These required records, together with identification data, shall be maintained by the manufacturer or contractor on the recommended forms illustrated in QW 480 and QB 480 of Section IX, ASME Code, or on any other form acceptable to the Officer in Charge, Marine Inspection. Upon request, duplicate forms shall be furnished by the manufacturer or contractor to the marine inspector.

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7. By revising § 57.02–4 to read as follows:

§ 57.02–4 Filler metals.

(a) Except as provided for in paragraph (b) of this section, when filler metal is used in a welded fabrication that is required to meet the requirements of this Part the filler metal must be one that has been approved by the American Bureau of Shipping.

(b) In instances where a fabricator desires to use a filler metal which has not been approved by the American Bureau of Shipping the approval of the filler metal can be made by the Officer in Charge, Marine Inspection on the basis of the fabricator passing the weld procedure qualification tests as outlined in this Part. This alternate means of approval applies to wire-gas and wire-flux combinations as well as to stick electrodes. Filler metal approvals given in this manner will extend only to the specific fabricator to whom they are granted.

8. By revising § 57.03–1 to read as follows:

§ 57.03–1 General requirements.

(a) (Modifies QW 201 and QB 201). In order to obtain Coast Guard approval of a weld procedure to be used on welded fabrication that is required to meet the requirements of this Part each manufacturer or contractor must do the following:

(1) Each manufacturer or contractor must submit to the cognizant Officer in Charge, Marine Inspection, for approval, a welding or brazing procedure specification for the particular welding or brazing process to be used. The welding or brazing procedure specification must include a sketch showing joint preparation. Suggested forms showing the information which is required in the welding or brazing procedure specification are in QW 480 and QB 480 of Section IX of the ASME Code.

(2) Each manufacturer or contractor must submit to the cognizant Officer in Charge, Marine Inspection, for approval, the results of the physical tests required by section IX of the ASME Code.

(b) (Modifies QW 202.1 and QW 451). To obtain approval of the welding procedure, fabricators desiring to use any welding process for applications involving temperatures below −18° C (approx. 0° F) must conduct a procedure qualification test in accordance with the requirements of paragraph (a) of this section and the following additional requirements:

(1) The test piece must be large enough so that sufficient material is available for the tests prescribed in QW 451 of the ASME Code, plus toughness tests and a macro-etch specimen.

(2) To obtain approval the fabricator must conduct toughness tests and qualify in accordance with § 54.05 of the subchapter. Results of toughness tests must be submitted for approval to the cognizant Officer in Charge, Marine Inspection.

(3) The macro-etch specimen must be submitted with the test results required by paragraph (a) of this section. Macro-etch specimens must not be obtained by flame or arc cutting from the test piece. Weld reinforcement must remain in place unless the production welds are to be machined or ground. Backing rings must also be left in place unless they are to be removed in production.

(4) Low temperature procedure qualification thickness ranges are as indicated in Table 57.03–1(b).

TABLE 57.03–1(b).—*Low temperature weld procedure qualification thickness ranges*

Thickness, "t" of test plate or pipe as welded (inches)	Range of thickness of materials qualified by test plate or pipe (inches)	
	Minimum	Maximum
1/8 to 5/8, inclusive	1/8	2t
Over 5/8 but less than 3/4	1 1/8	2t
3/4 to 3, inclusive	3/4	1 1/2 t

[1] For thicknesses less than 5/8 inch, the thickness of the test plate or pipe is the minimum thickness qualified.
[2] Where "t" is the thickest material over 3/4 inch to be used in production.

(c) [Reserved]

(d) For quenched and tempered steels, the Commandant may prescribe special testing to assure that the welding procedure produces weldments which are not prone to low energy fracture through the heat affected zone.

(e) Welding procedures that utilize type E 6012, E 6013, E 6014, E 6024, E 7014, or E 7024 electrode will be approved only for the specific type, size, and brand electrode used. If a different type, size, or brand of electrode is used, a new procedure qualification test must be conducted.

(f) Welding or brazing procedure approvals cannot be transferred from one plant to another plant of the same company or from one company to another.

(g) (Modifies QW 253, QW 254, and QW 255). Item QW 402.4 is an essential variable for all procedure specifications.

9. By revising § 57.04–1 to read as follows:

§ 57.04–1 Test specimen requirements and definition of ranges (modifies QW 202, QW 210, QW 451, and QB 202).

The type and number of specimens that must be tested to qualify an automatic, semiautomatic, or manual procedure specification shall be in accordance with QW 202, QW 210, or QB 202 of the ASME Code as applicable, except as supplemented by paragraph 57.03–1 (b) and 57.03–1(d).

§ 57.05–30 [Amended]

10. By adding a new test position, 6G, to Figure 57.05–3(a) in § 57.05–3 indicating a position such that the axis of the piece is inclined 45 degrees to the horizontal.

§ 57.06–1 [Amended]

11. By striking the words "Table Q 11.1" from § 57.06–1(c) and inserting in place thereof the words "QW 422".

§ 57.06–4 [Amended]

12. By striking the words "Figure Q–8, QN–8, Q–8.1 or QN–8.1" from § 57.06–4 (h) and inserting in place thereof the words "QW 466.1, QW 466.2, or QW 466.3.

13. By revising the authority citation for Part 57 to read as follows:

AUTHORITY: (14 U.S.C. 633; 46 U.S.C. 375, 390(b), 391a, 392, 406, 409, 411, 416, 526p, 49 U.S.C. 1655(b)) E.O. 11239 (30 FR 9671); unless otherwise noted.

Dated: September 19, 1974.

D. H. CLIFTON,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.74–22398 Filed 9–25–74;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74–NE–33]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of the Federal Aviation Regulations so as to alter the Burlington, Vermont, Control Zone (39 FR 364).

A new Standard Instrument Approach Procedure will be established at the Burlington International Airport. This will require alteration of the Burlington, Vermont, Control Zone to provide controlled airspace for aircraft executing the procedure for this new approach.

Interested persons may submit such written data or views as they may desire, Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before October 29, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Burlington, Vermont, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Burlington, Vermont, Control Zone in its entirety and insert the following in lieu thereof:

"Within a 7 mile radius of the center, 44°28'17" N 73°09'13" W, of the Burlington International Airport, Burlington, Vermont."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749 (49 U.S.C. 1348)] and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts, on September 5, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74–22340 Filed 9–25–74;8:45 am]

[14 CFR Parts 71 and 75]

[Airspace Docket No. 74–WA–22]

JET ROUTE AND CONTROLLED AIRSPACE

Proposed Alteration and Designation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would realign J–833R to extend from the vicinity of J. F. Kennedy Airport, N.Y., to Bangor, Maine; designate J–831R from the vicinity of J. F. Kennedy Airport to waypoint Cod, east of Nantucket, Mass.; extend Jet Route J–150 from Hampton, N.Y. to Robbinsville, N.J.; and establish controlled airspace for this Jet Route segment.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes to amend Parts 71 and 75 of the Federal Aviation Regulations as follows:

1. In § 71.161 (39 FR 345) Jet Route No. 150 would be amended to read as follows:

"Jet Route No. 150, from Robbinsville, N.J., via Hampton, N.Y.; Hyannis, Mass.; to Striper INT."

This would provide controlled airspace for the proposed extension of J–150 from Hampton, N.Y., to Robbinsville, N.J.

2. In § 75.100 (39 FR 699) Jet Route No. 150 would be amended to read as follows:

"Jet Route No. 150, from Robbinsville, N.J., via Hampton, N.Y.; Hyannis, Mass.; to the INT Hyannis 068° and Boston, Mass., 097° radials."

3. § 75.400 (39 FR 718, 38 FR 24204) would be amended as follows:

a. In J808R and J809R, waypoint "PATTY 40°50'10" N., 71°58'04" W., Putnam, Conn., (198.8/67.4)" would be added between waypoint SARDI and waypoint MARYS.

b. J833R would be amended to read as follows:

J833R Bangor, Maine, to New York, N.Y.
Bangor, Maine, 44°50'30" N. 68°52'28" W.
Bangor, Maine (000.0/00.0)

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GORDI 43°56'19" N. 69°29'54" W. Kennebunk, Maine (075.1/87.0)
DOMIE 41°39'12" N. 70°57'00" W. Putnam, Conn. (138.0/44.0)
PATTY 40°50'10" N. 71°58'04" W. Putnam, Conn. (198.8/67.4)
SARDI 40°31'19" N. 72°47'56" W. Kennedy, N.Y. (109.0/45.0)

c. J831R would be added to read as follows:

J831R New York, N.Y. to Cod
PATTY 40°50'10" N. 71°58'04" W. Putnam, Conn. (198.8/67.4)
Nantucket, Mass. 41°18'54" N. 70°01'38" W. Nantucket, Mass. (000.0/00.0)
Cod 41°16'50" N. 68°00'00" W. Nantucket, Mass. (104.3/91.7)

The proposed Jet Route and RNAV routes would improve air traffic handling in the New York area and conform to recommendations made by the Metroplex Area Review Committee in their March 1974 report.

These amendments are proposed under the authority of sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on September 20, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-22341 Filed 9-25-74;8:45 am]

Office of Pipeline Safety

[49 CFR Part 192]

[Docket No. OPS-30, Notice 74-6]

OFFSHORE PIPELINE FACILITIES

Proposed Standards

The Federal gas pipeline safety standards in Part 192 of Title 49 of the Code of Federal Regulations cover pipelines and pipeline facilities used in the transportation of gas on the "outer continental shelf" and the "lands beneath navigable waters" as those terms are defined in the Outer Continental Shelf Lands Act (43 USC 1331) and the Submerged Lands Act (43 USC 1301), respectively. These areas are hereinafter called "offshore."

The Office of Pipeline Safety (OPS) is considering the need to establish additional standards for the safety of offshore pipeline facilities used to transport gas and to amend existing standards in Part 192 applicable to offshore pipelines. Many of the current standards in Part 192 are by their terms inappropriate for pipeline facilities located offshore. Others, while they are construed to apply to offshore facilities, do not, in the opinion of OPS, prescribe adequate minimum safety requirements for an offshore environment. Some of the restrictions which provide minimum safety onshore appear to OPS to be unreasonable or unnecessary to ensure operational safety when applied offshore. These difficulties exist in part because the standards in Part 192 reflect the requirements of the 1968 edition of the United States of America Standards Institute B31.8 Code. The requirements of the 1968 edition of this Code are based on principles developed primarily in onshore operations.

This notice solicits early participation by the public in selecting a course of action with respect to developing new or amended rules for offshore pipelines and pipeline facilities. It does not contain proposals for final rule making action. OPS has a policy of beginning a rule making proceeding in this manner before making a specific proposal for rules or amendments where information available to OPS is insufficient to provide a firm basis for action. This notice is in furtherance of that policy.

Besides the considerations of OPS, this notice is based on a petition submitted by the Interstate Natural Gas Association of America (INGAA) to change many of the standards in Part 192 with respect to offshore pipelines. As discussed hereafter, OPS has identified a number of problems in the INGAA petition where advance public comment would be helpful in deciding upon the scope and nature of any formally proposed rule changes. Some of the rule changes suggested by INGAA in its petition which do not concern standards discussed in this notice will be the subject of a future notice of proposed rule making. The INGAA petition is included in the docket for this proceeding and may be reviewed by interested persons.

The primary objective of any new or amended standard for offshore pipelines and pipeline facilities is to provide safety for the general public. To the extent that any new or amended standards are designed to limit or prevent discharges from pipelines or pipeline facilities, these standards will also provide for protection against pollution of the navigable waters or waters of the Outer Continental Shelf.

The OPS invites all interested persons to review the existing standards and the INGAA suggestions and then submit views, data, and information on the following identified problem areas:

(1) *Class location.* Section 192.5 classifies pipeline locations by number based on the number of inhabited buildings within a specific area and on the proximity of a pipeline to inhabited buildings or occupied outside areas. These classifications are referenced throughout the standards in Part 192 wherever the level of safety required varies according to the location of the pipeline to which the standard applies. A higher degree of safety is required as classification numbers increase.

The classifications in §192.5 were not adopted with offshore pipelines in mind. As a result, the level of safety required by Part 192 under the existing classification scheme may be inappropriate or insufficient for offshore pipeline facilities, except perhaps for facilities at or near platforms or shorelines. If this is true, how should offshore pipeline facilities be classified to provide an adequate level of safety? For example, in addition to proximity to inhabited areas, should offshore pipelines be classified in terms of the depth of water over a pipeline, the turbulence of water around a pipeline, or the proximity of a pipeline to shipping lanes?

(2) *Supports and anchors.* The existing requirements pertaining to this subject are in § 192.161. Paragraphs (b)–(f) concern anchors or supports for "exposed" and "underground" pipelines. It is unclear which, if any, of these requirements applies to offshore pipelines. Which of the requirements should be amended to expressly cover offshore pipelines? If paragraph (f) concerning a foundation to prevent lateral or vertical pipeline movement applies offshore, should it be amended to permit a flexible installation as permitted in paragraph (e)?

(3) *Compressor stations: design and construction.* Section 192.163 governs the design and construction of compressor stations. It was developed with onshore installations in mind. Some of the requirements, particularly in paragraph (a) which covers location, cannot be met offshore. How should § 192.163 be amended to provide for the differences between onshore and offshore compressor stations?

(4) *Installation of pipe in a ditch.* Section 192.319 governs installation of pipe in a ditch. What problems are involved in complying with this section offshore? What changes in the requirements should be made to accommodate offshore problems?

(5) *Cover.* Section 192.327 prescribes minimum thickness of soil and rock cover for buried pipelines in various situations. However, this section does not require that pipelines be buried. Should there be a mandatory requirement that offshore pipelines be buried in certain areas? What technological or equipment difficulties would preclude mandatory burial or make it economically impracticable? What offshore hazards would pertain to the burial of pipe? Also, OPS is interested in learning what State or local requirements exist for burial near shorelines and under shipping lanes.

Are the existing cover requirements adequate for offshore pipelines installed below the sea bed? If not, what requirements would be appropriate for offshore pipelines? Should requirements vary with depth of water cover? In answering these questions, it is important to note that significant factors affecting the need for cover offshore do not occur onshore: bottom currents, depth of water cover, vessel traffic, characteristics of soil in the sea bed, and proximity to offshore platforms.

(6) *Leak test and strength test requirements.* When air, natural gas, or inert gas is used as a test medium under § 192.503 to substantiate a proposed maximum allowable operating pressure, the maximum hoop stress allowed is governed by the table in paragraph (c). The maximum hoop stress allowed by this table for a Class 1 location, applicable to most offshore pipelines, is 80 percent of specified minimum yield strength (SMYS). INGAA suggests that tests made under water should be permitted at 90 percent of SMYS. What hazards in testing under water should be considered in deciding whether a 90 percent level would be safe? If the allowable percentage of SMYS were increased to 90, should any additional safeguards be required to provide a level of safety equal to that for testing at 80 percent of SMYS?

(7) *Increasing maximum allowable operating pressures (uprating).* When uprating is done by increments, § 192.553(a)(1) requires that the segment of pipeline affected be checked for leaks at the end of each increment. Then, under paragraph (a)(2), each leak detected must be repaired or, if the leak is not potentially hazardous, monitored during the pressure increase. Except near shorelines, under shipping lanes, and at or near platforms, leaks offshore are probably not as dangerous as those onshore. Most offshore leaks are unlikely to result in a fire or to accumulate in a closed area and result in an explosion. Should requirements in Subpart K for incremental increases in pressure during uprating apply to offshore pipelines? If so, where there is little risk involved with leaks offshore, are checks for leaks necessary at each incremental increase in pressure? Are hazards present in the process of checking and monitoring leaks under water? If hazards are present, do they overcome the safety advantages of multiple checks for leaks? If the submerged portions of offshore pipelines are exempted from paragraph (a), should the requirements remain applicable to pipelines at or near platforms?

(8) *Uprating under § 192.557.* Paragraph (b)(2) requires that before increasing maximum allowable operating pressure, leaks detected as a result of a leakage survey must be repaired or, if the leak is not potentially hazardous, monitored during the pressure increase. Since gas escaping from an underwater pipeline is not as dangerous as gas escaping onshore (except near shorelines, under shipping lanes, and at or near platforms), should offshore pipelines be exempted from paragraph (b)(2)? Also, are the incremental increases required by paragraph (c) too restrictive? If so, what increases should be permitted?

(9) *Transmission lines: markers.* Section 192.707 requires operators to install line markers wherever necessary to reduce the possibility of damage to or interference with transmission lines. Conventional markers probably cannot be installed offshore. In what locations are markers presently installed offshore? Should this section be amended with respect to offshore pipelines? If so, how should it be amended?

(10) *Transmission lines: permanent field repairs.* Under §§ 192.713, 192.715 and 192.717, a permanent field repair of any imperfection or damage, unacceptable weld, or leak must be made by welding, except for leaks due to corrosion pitting. To meet these welding requirements for offshore pipelines, operators must use specialized equipment and personnel specially trained to make an acceptable underwater weld. The need for special offshore equipment and personnel results in greater costs of compliance than in meeting the requirements onshore. These added costs may not be warranted in view of the reduced hazard posed by gas escaping offshore as compared with onshore leaks. INGAA states that devices using mechanical connections have been developed to make repairs equal to or better than welding. Should §§ 192.713, 192.715, and 192.717 be amended to permit the use of mechanical connections in lieu of welding offshore? What difficulties have arisen in complying with the current welding requirements offshore?

The OPS is interested in learning more about the use of mechanical devices for permanent repair of pipelines. What types of devices are available on the market for making these repairs and what equipment is necessary for installation? What research and testing has been accomplished concerning these mechanical devices? Has the pipeline industry's experience in using the devices shown them to be reliable for making underwater repairs? Do these devices make a repair as safe as welding? If the devices are permitted offshore in lieu of welding, should they also be permitted onshore?

Comments should identify the notice number and be submitted in duplicate to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. All comments received by November 22, 1974, will be considered by the Director before taking action based on this notice. Late filed comments will be considered so far as practicable. As they are received, comments will be placed in the public docket and thereafter will be available for examination by interested persons.

This advance notice of proposed rule making is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. § 1672), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on September 20, 1974.

JOSEPH C. CALDWELL,
Director, Office of Pipeline Safety.

[FR Doc.74-22315 Filed 9-25-74;8:45 am]

[49 CFR Part 192]

[Docket No. OPS-31; Notice 74-7]

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Definition of Gathering Line

The Office of Pipeline Safety (OPS) is considering an amendment to § 192.3 to clarify the existing definition of the term "gathering line." In accordance with the Natural Gas Pipeline Safety Act of 1968, the Federal safety standards (Part 192) apply to the gathering, transmission, or distribution of gas by pipeline in or affecting interstate or foreign commerce, except that the standards do not apply to the gathering of gas in rural locations outside populated areas. Thus, a clear definition of the term "gathering line" is necessary to identify pipelines used in the gathering of gas and to determine applicability of the Federal safety standards to pipelines in rural locations.

In § 192.3 the term "gathering line" is defined as "a pipeline that transports gas from a current production facility to a transmission line or main." Since this definition was adopted (35 FR 13248, August 17, 1970), there has been difficulty in distinguishing between a gathering line and a transmission line. The difficulty arises because the term "transmission line" is defined under § 192.3 with reference to the term "gathering line," creating a vicious circle. This cross referencing results in confusion as to where a gathering line ends and a transmission line begins.

The OPS also recognizes a problem of distinguishing the beginning of a gathering line under the existing definition of the term. Under this definition, a gathering line "transports gas from a current production facility"; but the term "production facility" is not defined, and its limits are not generally recognized. Consequently, the point where pipelines in a production facility end and gathering lines begin is unclear.

The term "production facility" is used in the definition as a beginning points for gathering lines to differentiate between gas in production and gas in transportation. The Federal safety standards in Part 192 apply to the transportation after gas has been produced. The standards do not apply to processes of production or pipelines used to produce gas. Under the proposed new definition, however, the beginning of a gathering line would no longer be at an inexplicit boundary of a "production facility" but rather the point at which gas has been produced, wherever this may occur. The transportation of gas, and thus a gathering line, would begin as soon as gas is produced and transported by pipeline. Natural gas, for example, is produced and enters transportation at the outlet of a separator or trap, or in the absence of either, at the outlet of a well-head or well-head assembly. Downstream from these locations no further production process is necessary to bring material into a gaseous state or to draw gas from the ground, as the case may be; and the production of gas is complete.

When Part 192 was issued, OPS noted in a preambulatory statement that defining a term is unnecessary when it is used in its ordinary dictionary sense or in accordance with the meaning commonly understood in the gas industry. This rubric is relevant to the jurisdiction of OPS over gathering lines. The dictionary definition is insufficient to properly

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delineate jurisdiction. Also, in industry the gathering of gas is a complex operation, involving a variety of pipeline facilities used for sundry purposes. As a consequence, a particular facility may not be generally recognized as a "gathering line." Only a clear definition can make OPS jurisdiction over that facility definite.

Instead of naming components within the meaning of the term "gathering line," the proposed new definition is based on the actual function or service that a line performs. This approach eliminates the need to amend a definition as new or different components not included in the definition are developed. It also eliminates the need to interpret the meaning of named components which may not be generally understood. Under the proposed definition, once the function of a pipeline is determined, by resolving whether it is used to produce gas or to transport gas during treatment or other processing, then there should be no problem identifying a line as a "gathering line."

In consideration of the foregoing, the OPS proposes to amend § 192.3 of Title 49 of the Code of Federal Regulations, as follows:

§ 192.3 Definitions.

As used in this part—

. . . . . .

"Gathering line" means a pipeline that transports gas from the point where gas is produced to the end of any treatment or other processing necessary to make the gas generally fit for consumers.

. . . . . .

Interested persons are invited to participate in this rule-making action by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted in duplicate to the Director, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. All communications received by November 8, 1974, will be considered by the Director before taking final action on the notice. All comments will be available for examination by interested persons at the Office of Pipeline Safety before and after the closing date for comments. The proposal contained in this notice may be changed in the light of comments received.

This notice is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. § 1672), sections 831–835 of Title 18, United States Code, section 6(e)(4), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on September 20, 1974.

JOSEPH C. CALDWELL,
Director, Office of Pipeline Safety.

[FR Doc.74-22314 Filed 9-25-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[PDR-37, Docket No. 27040; Dated September 20, 1974]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Proposed Revision of Format of Compilation Entitled "Local Service Air Carriers' Unit Costs"

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to its rules of practice (14 CFR Part 302) revising the contents of the compilation entitled "Local Service Air Carriers' Unit Costs." The purpose of the proposed amendment is explained in the attached Explanatory Statement, and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204 and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 771; 49 U.S.C. 1324, 1386.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before November 11, 1974, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

Subpart K of the Board's Procedural Regulations (14 CFR 302.1101–302.1109) prescribes a standardized costing methodology for estimating the cost impact, on an annual basis, of proposed changes in the authorized operations of local service air carriers. For use in preparing the required cost estimates, Subpart K provides for reference to data which the Board publishes twice yearly in a compilation entitled "Local Service Air Carriers' Unit Costs."

Section 302.1109(b) provides that each such published compilation will contain a summary sheet showing the currently prescribed unit costs for each local service carrier to be used in preparing the cost estimates, work sheets showing the derivation of the unit costs, and a general exposition of the costing system prescribed in Subpart K. Prior to publication of the March 1972 edition of the compilation, the publication had consisted of a single volume containing all of the prescribed material. However, beginning with the March 1972 publication, the compilation was expanded to include comparative cost data for trunkline carriers; and, since September 1972, it has been published twice yearly in two volumes.

Because of increasing costs for publishing the expanded compilation, the Board has reviewed § 302.1109(b), and has tentatively concluded that the material presently contained in Volume II, i.e., the work sheets reflecting the derivation of the unit costs and the comparative cost data for trunkling carriers, need be published only once a year. We therefore propose to publish the full two volumes of data only once a year, but to continue to publish semi-annually the volume containing the summary sheets of the current unit costs for each local service and trunkline air carrier, and a general expoaition of the costing system prescribed by Subpart K.

Although, under the proposed rule, the compilation published in July would no longer contain the derivation of the unit costs, it is our intention to have this information publicly available by maintaining a copy of the computer runs in the Board's Public Reference Room. It is our tentative opinion that this revised format will still enable users of the compilation to perform the calculations required by Subpart K, while at the same time permitting the Board to reduce its administrative costs.

Finally, we will take this opportunity to revise the list of local service air carriers to whose operations the subpart applies in order to reflect those presently extant.

PROPOSED RULE

It is proposed to amend Part 302 of the Board's Procedural Regulations (14 CFR Part 302) as follows:

1. Amend § 302.1101 to read as follows:

§ 302.1101 Applicability.

This subpart sets forth specific rules applicable to the preparation of cost estimates submitted by any party or nonparty in hearing or nonhearing proceedings which involve proposed changes in the authorized operations of any of the local service air carriers named hereinbelow. The rules set forth herein are also to be used to prepare the estimated cost of operating an existing route or route segment as to which no change in authority is currently proposed, where this information is required in a proceeding. For this purpose, the authorized operation to be costed shall be treated as a proposed deletion. The rules are not applicable to proceedings involving rates and fares. For use with these provisions the Board will issue a compilation entitled "Local Service Air Carriers' Unit Costs" (referred to in these provisions as the "compilation"), pursuant to the provisions of § 302.1109.

Allegheny Airlines, Inc.
Frontier Airlines, Inc.
Hughes Air Corp. d.b.a. Hughes Airwest
North Central Airlines, Inc.
Ozark Air Lines, Inc.
Piedmont Aviation, Inc.
Southern Airways, Inc.
Texas International Airlines, Inc.

2. Amend § 302.1109 by revising paragraphs (a) and (b) and adding a new paragraph (c), the section as amended to read as follows:

§ 302.1109 Compilation.

(a) *Use of compilation in proceedings.* The Board will publish semiannually, on or about the first of January and July of each year,[1] a compilation entitled "Local Service Air Carriers' Unit Costs." Each new issue shall be appropriately dated and identified, and will supersede the previous edition. Copies of the latest edition may be obtained upon request from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428. Interested persons may, upon written request, be placed on a mailing list to receive new issues as copies become available for mailing. Copies of the current and all past issues will be available for inspection during office hours at the Board's Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. Evidence, pleadings, and argument introduced in a proceeding on the basis of a then current issue shall not be invalidated by the publication of a later issue; however, the administrative law judge or the Board may take official notice of the later issue and make appropriate adjustments in the estimates. Where a subsequent issue of the compilation shows a change in a local service air carriers' unit costs which substantially affects an issue in a proceeding, the administrative law judge or the Board may, upon appropriate terms, permit or require amendments to the record to reflect the subsequent issue.

(b) *Contents of compilation.* Each compilation will contain a summary sheet showing the currently-prescribed unit costs for each local service carrier which are to be used in estimating the total annual cost of a proposed change in authorized operations, in accordance with the instructions contained in §§ 302.1104 to 302.1107 of this subpart. The compilation will contain a general exposition of the costing method used in determining the unit costs. The Board may also publish as an attachment to any compilation such other data as it may deem appropriate.

(c) *Work papers.* The Board will publish annually, as an attachment to the compilation to be published on or about January 1st, pursuant to paragraph (a) of this section, the work sheets showing the derivation of the unit costs set forth in such compilation. In addition, work papers showing the derivation of unit costs set forth in each current and past compilation will be available for inspection and copying during office hours at the Board's Docket Section, Room 714, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. The work papers, whether published or made available for inspection and copying, will contain a general expoaition of the costing method used in determining unit costs.

[FR Doc.74-22412 Filed 9-25-74;8:45 am]

[1] The data published in January shall be for the twelve months ended the preceding September 30th and the dates published in July shall be for the twelve months ended the preceding March 31st.

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1120]

CONSUMER PRODUCT SAFETY COMPLAINTS; RECORDS ACCESS AND INFORMATION

Extension of Comment Period

On September 3, 1974 the Consumer Product Safety Commission published in the FEDERAL REGISTER (39 FR 31916) proposed requirements that manufacturers, importers, private labelers, and distributors of consumer products maintain and permit access to records and provide information relating to consumer product safety complaints. Comments on the proposal were invited to be submitted on or before October 3, 1974.

To accommodate all parties who have indicated an interest in commenting on this proposal, notice is given that the time period for comments is extended to November 4, 1974. Comments and views on the proposal may be submitted, preferably with five copies, to the Secretary, Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C. 20207. Comments received after November 4, 1974 will not be considered.

Dated: September 20, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-22371 Filed 9-25-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 267-5]

CALIFORNIA

Approval and Promulgation of Implementation Plans

On May 31, 1972 (37 FR 10842), September 22, 1972 (37 FR 19812) and May 14, 1973 (38 FR 12702) pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved and promulgated portions of the California plan for the implementation of the national ambient air quality standards. On April 22, 1974 and June 7, 1974, after notice and public hearings, the Governor of California through his designee submitted to the Environmental Protection Agency (EPA) revisions to the compliance schedule portions of the approved plan. This publication proposes that these revisions be approved pursuant to the provisions of 40 CFR 51.8.

Fifty-one State compliance schedules were submitted. All 51 schedules have been found to satisfy the requirements of 40 CFR Part 51 and are consistent with the approved control strategy. However, 18 of these 51 schedules have since expired and the affected sources are now required to be in compliance with applicable air pollution control regulations. Therefore, the Administrator will take no action with regard to the compliance schedules submitted for these sources.

Each proposed compliance schedule revision establishes a new date by which an individual air pollution source must comply with an emission limitation specified by the implementation plan. This date is indicated in the table below, under the heading "Final Compliance Date." In some cases, the schedule includes incremental steps towards compliance which are not listed in the table.

Proposed compliance schedule revisions listed here are available for public inspection at the California Air Resources Board and the office of EPA, Region IX, at the addresses listed below. An evaluation of each of the 51 schedules is also available at the office of EPA, Region IX.

State of California Air Resources Board
1709, 11th Street
Sacramento CA 95814

Environmental Protection Agency
Enforcement Division, Room 314
100 California Street
San Francisco CA 94111

Interested persons are encouraged to submit written comments on any proposed compliance schedule. Such comments will be accepted for consideration if received on or before October 29, 1974. Comments should be addressed to: Director, Enforcement Division, EPA, Region IX, 100 California Street, San Francisco, California 94111. All comments will be available for public inspection during business hours at the above address.

(42 U.S.C. 1857c-5(a))

Dated: September 3, 1974.

PAUL DEFALCO, Jr.,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart F—California

1. Section 52.240 is amended by adding the following schedules to the table:

§ 52.240 Compliance schedules.

. . . . . .

(f) . . .

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Source	County	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
Crown Simpson Pulp Company, Order No. 74-2.	Humboldt	53c	Mar. 6, 1974	Immediately	Dec. 21, 1974
Campbell Soup Co.	Sacramento	25	Jan. 25, 1974	do	Dec. 31, 1974
Occidental Chemical Co., Order No. 73-6.	San Joaquin	401 and 404	Feb. 21, 1974	do	Nov. 15, 1974
Signal Terminals, Inc., Order No. 74-7.	do	410 and 412	do	do	Dec. 31, 1974
Southern Pacific Pipe Lines, Inc., Order No. 74-8.	do	do	do	do	Do.
Time Oil Co., Order No. 74-11	do	do	do	do	Do.
Julius Goldman's Egg City, Order No. 118.	Ventura	52 and 53	Feb. 13, 1974	do	Sept. 30, 1974
American Forest Products, Order No. 27.	Amador	3	Mar. 9, 1974	do	Dec. 16, 1974
Bailey Janss Enterprises (protein dryer), Order No. 1.	Imperial	113, 114, and 121.	Nov. 7, 1973	do	Oct. 17, 1974
Bailey Janss Enterprises (grinding cyclone), Order No. 1.	do	do	do	do	Sept. 15, 1974
United Alfalfa Mills (milling system), Order No. 1.	do	114 and 121	Dec. 12, 1973	do	Sept. 1, 1974
United Alfalfa Mills (dehydration system), Order No. 1.	do	do	do	do	Dec. 1, 1974
Holtville Alfalfa Mills (milling system), Order No. 2.	do	121	do	do	Oct. 31, 1974
Holtville Alfalfa Mills (dehydration system), Order No. 2.	do	do	do	do	Jan. 31, 1975
Naval Air Facility, Order No. 2	do	do	Feb. 13, 1974	do	Do.
California Portland Cement Co., Order No. 73-7.	Kern	401, 404.1, and 405.	Dec. 31, 1973	do	Oct. 18, 1974
DG Shelter Products, Feather River Division, Order No. 73-2.	Plumas	50	Oct. 23, 1973	do	Sept. 1, 1974
Collins Pine Co., Order No. 74-1	do	do	Jan. 16, 1974	do	Jan. 15, 1975
Western Consumers Industries, Inc., Order No. 74-6.	San Joaquin	401	Jan. 22, 1974	do	Oct. 15, 1974
Ripon Milling, Order No. 74-5	do	do	do	do	Dec. 15, 1974
Pacific Growers (Nuiaid Food, Inc.), Order No. 74-4.	do	404	do	do	Jan. 1, 1975
Owens-Illinois, Order No. 74-3	do	401	do	do	July 1, 1975
The Learner Co., Order No. 74-2	do	401 and 404	do	do	Apr. 1, 1975
California Cedar Products, Order No. 74-1.	do	401, 404, 405, and 406.	do	do	Jan. 1, 1975
Holly Sugar Co., Order No. 73-3	do	401 and 404	Dec. 27, 1973	do	July 1, 1975
Port of Stockton, Order No. 73-8	do	do	do	do	May 1, 1975
Spreckels Sugar Division, Amstar Corp., Order No. 73-9.	do	404 and 405	do	do	Oct. 1, 1974
Stockton Elevators, Order No. 73-10	do	401	do	do	Dec. 1, 1974
Feather River Lumber, Order No. 74-1.	Sierra	8 and 10	Jan. 22, 1974	do	Aug. 31, 1974
Holstrom Lumber Co., Order No. 74-2.	do	do	do	do	Nov. 15, 1974
Riverbank Army Ammunition Plant.	Stanislaus	409	Feb. 7, 1974	do	Dec. 31, 1974
Fibreboard Corp. (Pickering Lumber Co.), Order No. 74-1.	Tuolumne	401 (a and b)	Jan. 16, 1974	do	Dec. 1, 1974
3M Co., Order No. 119	Ventura	69A	Dec. 20, 1973	do	Aug. 31, 1974

[FR Doc.74-22190 Filed 9-25-74;8:45 am]

[40 CFR Part 52]

[FRL 268-6]

ALABAMA IMPLEMENTATION PLAN

Proposed Revision; Extension of Comments Period

On August 9, 1974 (39 FR 28645), the Administrator announced a proposed revision in the Alabama implementation plan. This consisted of changes in the regulations governing particulate emissions from coke ovens by providing specific regulations for these sources. Because of the complexity of this revision and in response to numerous requests from affected sources, the Administrator hereby extends the comment period to October 9, 1974. All comments received on or before this date will be considered.

Dated: September 17, 1974.

JACK E. RAVAN,
Regional Administrator,
Region IV.

[FR Doc.74-22309 Filed 9-25-74;8:45 am]

[40 CFR Part 52]

[FRL 261-8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Deferral of Implementation Plan Requirements and Public Availability of Emission Data

During the past 12 months, four Circuit Courts of Appeal have addressed the question of whether a state may extend a source's compliance date without satisfying the substantive and procedural requirements of section 110(f) of the Clean Air Act (Act). Three of these courts—the First, Second and Eighth Circuits [1]—held that source compliance dates could be deferred through the mechanism of a State-issued and EPA-approved variance or enforcement order but only up to the attainment date for meeting the primary ambient air quality standards. In most instances, the date for meeting the primary standards is no later than July 31, 1975. However, in some air quality control regions (AQCRs), primary standards attainment dates have been deferred by extensions granted under authority of § 110(e) of the Act.

From a technical standpoint, the pronouncements of the three circuit courts referred to above can be construed as applying only to those States which are within the jurisdiction of the courts. However, the Administrator believes that when three appellate courts uniformly resolve an issue which is common to every state, the decisions of the courts should be accepted as strongly persuasive guidance for Agency action in all states. Accordingly, the Administrator has determined that the proper course of action is to revise 40 CFR Part 51 (Regulations for Preparation, Adoption, and Submittal of Implementation Plans) to be consistent with the decisions of the courts, and to simultaneously disapprove in 40 CFR Part 52 (Approval and Promulgation of Implementation Plans) the provisions in all plans which have deferral authority inconsistent with the terms of 40 CFR Part 51 as revised. This revision and disapproval are published as final rulemaking in another part of this FEDERAL REGISTER. Regulations limiting the issuance of variances, enforcement orders or other state-initiated measures designed to defer compliance with the applicable plan are proposed below for all states. These proposed regulations will supersede the variance portion of the June 11, 1974 proposal (39 FR 20511) for the State of Washington. This action is being taken so that the regulatory language will be uniform for all states. For the same reason these regulations are being proposed for Indiana, Iowa, Massachusetts, and Rhode Island, even though regulations were promulgated previously for these states. When finalized, the regulatory language proposed herein will supersede the extant variance regulations for these states.

The fourth appellate court [2] to address the issue of compliance date deferrals held that section 110(f) of the Act is the exclusive means of deferring a compliance date even where the deferral does not go beyond the date for attaining primary standards. It is the Administrator's opinion that compliance date deferrals which do not go beyond applicable attainment dates for primary or secondary standards should be dealt with as a plan revision pursuant to 40 CFR 51.6 and 51.8. Accordingly, the Agency requested the Supreme Court to review the Fifth Circuit Court's opinion, and to stay the decision of the Court pending the outcome of the review. On June 10, 1974, the Supreme Court granted both requests.

Irrespective of this appeal, it is clear that the variance and enforcement order provisions of these states must be disapproved along with those of all other states. However, although the replacement regulations proposed below will apply to the six states within the Fifth Circuit if the Supreme Court reverses the Fifth Circuit's decision, final Agency action on this matter must await the decision of the Supreme Court.

The replacement regulation proposed below requires that, except where a postponement has been granted pursuant to section 110(f) of the Act, no enforcement order, variance, or other state-initiated measure which defers compliance with a provision of the applicable plan shall be granted if it defers compliance beyond the applicable date for attainment of national standards specified in 40 CFR Part 52. Where a section 110(f) postponement has been granted for a given source, compliance for such source may be deferred only up to the expiration date of the section 110(f) postponement. Where a plan contains different dates for attainment of primary and secondary standards, a plan requirement necessary for attainment of primary standards may not be deferred beyond the primary standards attainment date and a plan requirement for attainment of secondary standards may not be deferred beyond the secondary standards attainment date. Finally, the regulation specifies that where the Administrator has extended the date for attainment of a primary standard beyond July 31, 1975, pursuant to section 110(e) of the Act, compliance with a plan requirement necessary for attainment of such primary standard may be deferred beyond July 31, 1975, only for the source or sources for which the extension was granted, and only up to the expiration date of the section 110(e) extension.

PUBLIC AVAILABILITY OF EMISSION DATA

Under § 110(a)(2)(F) of the Act, state plans must provide for the periodic reporting of emissions data which must be made available to the public in a reasonable manner. While many of the plans approved by the Administrator do provide that the public must have access to emission data, they also contain confidentiality provisions which might, in a given set of circumstances, cause such data to be withheld from public scrutiny.

Although, in originally approving such plan provisions, the Administrator was careful to obtain the state attorney general's opinion whenever EPA questioned the efficacy of a given emission disclosure provision, three Circuit Courts [3] have held that the presence of a confidentiality provision in a plan so beclouds the public's right to emission data that the emission disclosure provisions must be disapproved. Since, as indicated earlier, the Administrator views such consistently decided judicial opinions as tantamount to a mandate for nation-wide regulatory action, he has again reviewed every implementation plan to determine whether ostensibly sound emission disclosure provisions may—as envisioned by the courts—be compromised by language which deals with confidentiality. The disapproval notices published in another part of this FEDERAL REGISTER are the result of this review.

During the week of August 12, 1974, the Agency wrote to each state affected this action except those states which had a previous disapproval, and requested information relative to any state court decisions which have construed the emission disclosure provisions in question and found them to be consistent with the emission disclosure requirements of section 110(a)(2)(F) of the Act. Should the Agency be advised by any of these states that their emission disclosure provisions have been addressed by a state court and have been found to be consistent with Federal requirements, EPA will withdraw the applicable disapproval. Moreover, to provide such states with an adequate opportunity to respond to the Agency's inquiry, the Agency's disapproval action (except for Georgia) will not become effective until promulgation of the proposed replacement regulations below which deal with public availability of emission data. To comply with the decision of the Fifth Circuit, the disapproval of Georgia's confidentiality provision will be immediately effective.

The replacement regulations proposed herein provide that any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, may request the appropriate Regional Administrator to obtain and make public such data. This provision is applicable to any source subject to emission limitations which are part of the approved plan. Not later than 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit the required data within 30 days. Commencing after initial notification, the owner or operator of the source shall maintain records of emission data and report these to the Administrator periodically. Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at the locations in the state designated by the Regional Administrator. Where the Administrator has previously proposed and/or promulgated a somewhat different regulation to correct a state confidentiality provision (as is the case with Iowa, Minnesota, Missouri, Nebraska, Nevada, Rhode Island, Vermont, Wisconsin and Wyoming), the proposal below is also applicable to such states. When finalized, the regulation proposed herein will replace the emission disclosure regulations previously promulugated for these states. This will provide national uniformity in the corrective regulations involving this issue.

Again, the Administrator urges states to correct their confidentiality provisions to be consistent with the requirements of the Act, thus allowing the Administrator to revoke the disapprovals.

Comments may be submitted to the Environmental Protection Agency, Standards Implementation Branch, Research Triangle Park, North Carolina 27711, Attention Mr. Clark. All relevant comments received not later than October 29, 1974, will be considered. Comments received will be available for public inspection during normal business hours at the Office of Public Affairs, 401 M Street SW., Washington, D.C. 20460.

(42 U.S.C. 1857c-5(c))

Dated: September 19, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is proposed to be amended as follows:

1. In the following sections, paragraph (b) is added or revised as indicated below:

a. Subpart B—section 52.58 [added].
b. Subpart C—section 52.94 [added].
c. Subpart D—section 52.142 [added].
d. Subpart E—section 52.180 [added].
e. Subpart F—section 52.268 [added].
f. Subpart G—section 52.342 [added].
g. Subpart H—section 52.378 [added].
h. Subpart I—section 52.430 [added].
i. Subpart J—section 52.498 [added].
j. Subpart K—section 52.527 [added].
k. Subpart L—section 52.579 [added].
l. Subpart M—section 52.630 [added].
m. Subpart N—section 52.681 [added].
n. Subpart O—section 52.737 [added].
o. Subpart P—section 52.791 [revised].
p. Subpart Q—section 52.829 [revised].
q. Subpart R—section 52.882 [added].
r. Subpart S—section 52.930 [added].
s. Subpart T—section 52.984 [added].
t. Subpart U—section 52.1027 [added].
u. Subpart V—section 52.1114 [added].
v. Subpart W—section 52.1131 [revised].
w. Subpart X—section 52.1179 [added].
x. Subpart Y—section 52.1233 [added].
y. Subpart Z—section 52.1278 [added].
z. Subpart AA—section 52.1337 [added].
a.a. Subpart BB—section 52.1380 [added].
b.b. Subpart CC—section 52.1434 [added].
c.c. Subpart DD—section 52.1484 [added].
d.d. Subpart EE—section 52.1527 [added].
e.e. Subpart FF—section 52.1601 [added].
f.f. Subpart GG—section 52.1627 [added].
g.g. Subpart HH—section 52.1687 [added].
h.h. Subpart II—section 52.1776 [added].
i.i. Subpart JJ—section 52.1828 [added].
j.j. Subpart KK—section 52.1882 [added].
k.k. Subpart LL—section 52.1928 [added].
l.l. Subpart MM—section 52.1985 [added].
m.m. Subpart NN—section 52.2057 [added].
n.n. Subpart OO—section 52.2079 [revised].
o.o. Subpart PP—section 52.2130 [added].
p.p. Subpart QQ—section 52.2177 [added].
q.q. Subpart RR—section 52.2231 [added].
r.r. Subpart SS—section 52.2301 [added].
s.s. Subpart TT—section 52.2332 [added].
t.t. Subpart UU—section 52.2378 [added].
u.u. Subpart VV—section 52.2450 [added].
v.v. Subpart WW—section 52.2490 [added].
w.w. Subpart XX—section 52.2527 [added].
x.x. Subpart YY—section 52.5280 [added].

[1] Natural Resources Defense Council, Inc. (NRDC) et. al. v. EPA 478 F. 2d 875 (1st Cir. 1973) NRDC et. al. v. EPA (Nos. 72-1728 and 72-2165, 2nd Cir., March 13, 1974) NRDC et. al. v. EPA, 483 F. 2d 690 (8th Cir. 1973).

[2] NRDC et. al. v. EPA (N. 72-2402, 5th Cir. February 8, 1974).

[3] NRDC et. al. v. EPA, 478 F.2d 875 (1st Cir. 1973), NRDC et. al. v. EPA, (Nos. 72-1728 and 72-2165, 2nd Cir., March 13, 1974), NRDC et. al. v. EPA, (No. 72-2402, 5th Cir., February 8, 1974).

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y.y. Subpart ZZ—section 52.2629 [added].
z.z. Subpart AAA—section 52.2675 [added].
a.a.a. Subpart BBB—section 52.2727 [added].
b.b.b. Subpart CCC—section 52.2777 [added].
c.c.c. Subpart DDD—section 52.2825 [added].

Paragraph (b) reads as follows:

. . . . . .

(b) *Regulation limiting variances.* No variance, enforcement order, or other state-initiated measure designed to defer compliance with a plan requirement which is necessary for attainment of a national standard shall be issued unless it specifically provides for consistency with the following requirements.

(1) Except as provided in paragraph (b)(2) of this section compliance may not be deferred beyond the applicable attainment date specified in Part 52 of this chapter. Where a plan contains different attainment dates for primary and secondary standards (i.e., specific measures have been identified for attaining primary standards and additional measures have been identified for attaining secondary standards), the applicable attainment date for purposes of this paragraph shall be determined by whether a plan requirement being deferred is necessary for attainment of primary or secondary standards.

(2) Where the Governor of a state has requested, and the Administrator (under authority of section 110(f) of the Clean Air Act) has approved a compliance date postponement for a given source, compliance may be deferred for such source only up to the expiration date of the section 110(f) postponement.

(3) Where the Administrator has extended the date for attainment of a primary standard beyond July 31, 1975, pursuant to section 110(e) of the Act, compliance with a plan requirement necessary for attainment of such primary standard may be deferred beyond July 31, 1975, only for the source or sources for which the extension was granted, and only up to the expiration date of the section 110(e) extension.

2. In the following sections, paragraph (b) is added or revised, as indicated below:

a. Subpart C—section 52.73 [added].
b. Subpart E—section 52.178 [added].
c. Subpart H—section 52.376 [added].
d. Subpart K—section 52 525 [added].
e. Subpart L—section 52.577 [added].
f. Subpart M—section 52.624 [added].
g. Subpart P—section 52.774 [added].
h. Subpart Q—section 52.823 [revised].
i. Subpart S—section 52.925 [added].
j. Subpart T—section 52.982 [added].
k. Subpart V—section 52.1113 [added].
l. Subpart W—section 52.1156 [added].
m. Subpart Y—section 52.1224 [revised].
n. Subpart Z—section 52.1277 [added].
o. Subpart AA—section 52.1324 [revised].
p. Subpart BB—section 52.1378 [added].
q. Subpart CC—section 52.1423 [revised].
r. Subpart DD—section 52.1473 [revised].
s. Subpart EE—section 52.1526 [added].
t. Subpart FF—section 52.1574 [added].
u. Subpart GG—section 52.1623 [added].
v. Subpart HH—section 52.1685 [added].
w. Subpart JJ—section 52.1825 [added].
x. Subpart LL—section 52.1926 [added].
y. Subpart MM—section 52.1983 [added].
z. Subpart NN—section 52.2024 [added].
aa. Subpart OO—section 52.2073 [revised].
bb. Subpart SS—section 52.2274 [added].
cc. Subpart UU—section 52.2374 [revised].
dd. Subpart WW—section 52.2474 [added].
ee. Subpart YY—section 52.2573 [revised].
ff. Subpart ZZ—section 52.2624 [revised].
gg. Subpart BBB—section 52.2725 [added].

Paragraph (b) reads as follows:

. . . . . .

(b) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the "State or local" Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit, within 30 days of receipt of notification by the Administrator, information on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

Subpart VV—Virginia

3. In § 52.2424, paragraph (c) is added as follows:

§ 52.2424 General requirement.

. . . . . .

(c) *Regulation for public availability of emission data.* (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit, within 30 days of receipt of notification by the Administrator, information on the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Administrator pursuant to paragraph (c)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

[FR Doc.74-22304 Filed 9-25-74;8:45 am]

[40 CFR Part 120]

[FRL 265-1]

NAVIGABLE WATERS OF THE COMMONWEALTH OF KENTUCKY

Proposed Water Quality Standards

The purpose of this notice is to propose regulations setting forth standards of water quality to be applicable to the Commonwealth of Kentucky pursuant to section 303(c)(4)(B) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1313(c)); 86 Stat. 816 et seq.; Pub. L. 92-500, "the Act." A notice to all State Environmental Authorities announcing the intention of the Environmental Protection Agency to review all interstate and intrastate water quality standards pursuant to the Act was published in the FEDERAL REGISTER on December 29, 1972, 37 FR 28775-28780.

Under section 303(a) of the Act, the Administrator of the U.S. Environmental Protection Agency is required to review water quality standards for waters of the United States which have been adopted and submitted by the States and approved by the EPA. When he determines that changes in such standards are necessary to meet the requirements of the Act, the Administrator must prepare and publish proposed revised water quality standards in accordance with such requirements.

Kentucky, prior to October 17, 1972, adopted water quality standards for both interstate and intrastate waters. After the enactment of the 1972 Amendments, U.S. Environmental Protection Agency reviewed both the interstate and intrastate standards pursuant to section 303(a) of the Act. On January 18, 1973, the Regional Administrator notified Kentucky that certain revisions to its interstate water quality standards were necessary to make the standards consistent with applicable requirements of the Act. A similar notification was made for intrastate water quality standards on March 14, 1973. In response to the EPA's request, Kentucky held a public hearing on June 4, 1973, for proposed revisions to the standards. On November 5, 1973, and February 6, 1974, new and revised water quality standards for interstate and intrastate waters were adopted by the State and submitted to the EPA on February 11, 1974. The EPA approved Kentucky standards on February 28, 1974. (40 CFR § 120.10.)

Presently, classifications apply only to those streams found on a map entitled "Streams of Kentucky" appended to Kentucky administrative regulations WP-6-2. The EPA approval of Kentucky's water quality standards was based upon an administrative judgment that the vast majority of Kentucky's navigable waters were represented on the map attached to WP-6-2 and the further judgment that those waters not portrayed on the map were intermittent streams which did not have a flow sufficient to support aquatic life.

Following further study and investigation, the Administrator has determined that there is substantial evidence that not all navigable waters (hereinafter "waters of the United States") are classified by Kentucky water quality standards as required by the Act, the regulations promulgated pursuant thereto, and developing case law precedent. Classification of all waters of the United States in the Commonwealth of Kentucky not found on the aforementioned "Streams of Kentucky" is, therefore, proposed. In addition, a fecal coliform limit is proposed, for those waters previously not classified, in order to assure that secondary contact quality be maintained in accordance with national policy.

The water quality standards, contained in Kentucky state regulations WP-4-1, "Water Quality Standards for Waters, Treatment Requirements, and Compliance", and "Policy for Addition of Streams Not Shown on the Map, 'Streams of Kentucky'," February 6, 1974, as submitted to and approved by the EPA are consistent with the requirements of the law, except as otherwise noted below in the proposed regulations, and are the water quality standards applicable to the waters of Kentucky. Accordingly, except as provided in the attached proposed regulations, the water standards previously adopted by the Commonwealth of Kentucky, as referenced above, are valid and effective standards under section 303 of the Act.

Pursuant to section 303(c)(4)(B), U.S. EPA is now proposing regulations setting forth standards required to comply with the Act. The document is available for inspection and copying at the Kentucky Department of Natural Resources and Environmental Protection, Bureau of Environmental Quality, 1031 Capitol Plaza Tower, Frankfort, Kentucky 40601, and the U.S. Environmental Protection Agency Regional Office, 1421 Peachtree Street, NE., Atlanta, Georgia 30309. U.S. Environmental Protection Agency's information regulation 40 CFR Part 2, provides that a fee may be charged for making copies.

The agency encourages the submission of written data, views, or arguments, in triplicate, in regard to the attached proposed regulations to be prepared by any and all interested persons, organizations and governmental agencies. This material is to be forwarded to the Regional Administrator, 1421 Peachtree Street, NE., Atlanta, Georgia 30309. All relevant material received within 45 days of publication of this notice will be considered by the Administrator prior to promulgation of the subject regulations, and the Administrator, prior to promulgation shall determine whether the submission of this material suggests the need for a public hearing.

Section 303(c) of the Act requires the Administrator to promulgate standards no later than 90 days after the date of publication of this notice, unless by such time the State shall have adopted water quality standards which the Administrator determines to be in accordance with the requirements of section 303(a) of the Act.

However, the Administrator is not required to await State action for the entire 90 day period prior to promulgation. Thus, these standards may be promulgated by the Administrator at any time following the expiration of time for public comment.

In consideration of the foregoing it is hereby proposed that 40 CFR Part 120 be amended as set out below.

Issued: September 20, 1974.

JOHN QUARLES,
Acting Administrator.

§ 120.10 [Amended]

1. Section 120.10 is amended by deleting the paragraph entitled "Kentucky."

2. A new § 120.21 is added to read as follows:

§ 120.21 Kentucky Water Quality Standards.

Water Quality Standards established by Kentucky which are contained in the following documents: WP-4-1, Water Quality Standards for the Commonwealth of Kentucky, July 23, 1971; Antidegradation Statement, March 5, 1971; WP-6-2, Use Classification of Waters, Treatment Requirements, and Compliance, November 5, 1973; and "Policy for addition of Streams not shown on the Map, Streams of Kentucky", February 6, 1974. The aforementioned documents will be the water quality standards for the Commonwealth of Kentucky as amended in the folowng particulars:

(a) The following shall be added to WP-4-1:

Section 6. The EPA Administrator or his designee may grant an exception to classifications and/or criteria upon adequate demonstration that maintenance of water quality necessary for the preservation and propagation of desirable or indigenous species of aquatic biota and secondary contact recreation is not possible. This determination must be made on a case-by-case basis with respect to a specific water following an analysis of each area. The analysis must show that the necessary water quality cannot be maintained due to technological limitations and/or naturally occurring poor water quality.

(b) Section 1.(2), Regulation WP-6-2 shall be revised to read as follows:

All waters as defined in 40 CFR § 125.1 not shown on the map described in (1) of this section shall be classified *Aquatic Life*, as set forth in section 3(3) of WP-4-1 and shall meet the water quality criteria supporting that classification, and in addition, shall meet the following criteria necessary to support secondary contact recreation as defined in the Report of the National Technical Advisory Committee, April 1968: Fecal coliform concentrations shall not exceed an average of 2000/100 ml and not exceed a maximum of 4000/100 ml.

[FR Doc.74-22303 Filed 9-25-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 74]

[Docket No. 20189; RM-1735]

REMOTE PICKUP BROADCAST STATIONS

Proposed Rulemaking

1. The Commission has under consideration a complete revision of Part 74, Subpart D (Remote Pickup Broadcast Stations) of its rules and regulations.

2. The Commission's proposal is in partial response to a petition for rule making filed by the National Association of Broadcasters (NAB) in 1971 (RM-1735), and partly as a result of the ongoing Broadcast Re-regulation Study initiated by the Commission in 1972. Comments supporting the NAB petition were filed by Vega Electronics.

3. This proceeding looks toward a comprehensive revision of those Commission rules which govern the licensing and operation of remote pickup broadcast stations. Each existing rule in the subject subpart has been examined. Drawing upon the recommendations of the NAB,

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as set forth in its petition, and upon the work of the Commission's Broadcast Regulation Task Force, the Commission's proposed revision of Subpart D is set out in its entirety below. It will be seen that essentially every rule in the subject subpart has been affected to some extent. In some cases only minor editorial changes have been made, but in such important areas as licensing, permitted uses, equipment and frequency availabilities, very significant changes are proposed.

4. It would appear that no purpose would be served by identifying in this part of the notice each change under consideration. Such an effort would merely be a verbatim duplication of the material to be found below. To indicate the scope of this proceeding, however, some of the important matters under consideration are: Channel splitting in the 450 MHz band[1] and earmarking certain frequencies for transmission of program material only and establishing a limited number of narrow-band channels for operational communications only; providing for licensing of groups of stations as a system authorized pursuant to a single license; requiring the use of type accepted equipment; specifying additional frequency bands for use by low power broadcast auxiliary stations; and, revision of logging requirements.

5. It is to be emphasized that only some of the matters under consideration have been identified. If a useful record is to be developed in this proceeding, a thorough examination of the entire proposal is essential. Interested parties must weigh each provision in the proposal and must consider it in relation to the entire proposal. In developing comments, parties must continually be mindful of the goal of this proceeding, namely, to develop a complete set of viable, current-vintage rules for the remote pickup service.

6. Authority for institution of this proceeding, and adoption of the rules proposed herein, is contained in sections 4(i), 303(g) and (r) of the Communications Act of 1934, as amended.

7. RM-1735 (para. 2, supra) is incorporated, in part, into this proceeding.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before November 21, 1974, and reply comments on or before December 20, 1974. All relevant and timely Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs and other documents shall be furnished the Commission. However, in an effort to obtain the widest possible response in this proceeding, informal comments (without extra copies) will be accepted. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW., Washington, D.C. 20554).

Adopted: September 11, 1974.

Released: September 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

1. Section 74.15(b) is amended to read as follows:

§ 74.15 License period.

* * * * *

(b) Licenses for stations or systems in the Auxiliary Broadcast Services will be issued for a period running concurrently with the license of the associated broadcasting station with which the auxiliary station or system is used. A remote pickup broadcast station or system licensed for use with more than one broadcasting station will be licensed for a period running concurrently with the license of the broadcasting station having the longest license period.

* * * * *

2. Part 74, Subpart D, is amended in its entirety and reads as follows:

Subpart D—Remote Pickup Broadcast Stations

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 74.401 Definitions.

Associated broadcasting station(s). The broadcasting station or stations with which a remote pickup broadcast station or system is licensed as an auxiliary and with which it is principally used.

Authorized bandwidth. The occupied or necessary bandwidth, whichever is greater, authorized to be used by a station.

Automatic relay station. A remote pickup broadcast base station which is actuated by automatic means and is used to relay transmissions between remote pickup broadcast base and mobile stations, between remote pickup broadcast mobile stations and from remote pickup broadcast mobile stations to broadcasting stations. (Automatic operation is not operation by remote control.)

Carrier power. The average power at the output terminals of a transmitter (other than a transmitter having a suppressed, reduced or controlled carrier) during one radio frequency cycle under conditions of no modulation.

Low power broadcast auxiliary station. A remote pickup broadcast station authorized and operated pursuant to the special provisions set forth in § 74.435 of this subpart.

Mean power. The power at the output terminals of a transmitter during normal operation, averaged over a time sufficiently long compared with the period of the lowest frequency encountered in the modulation. A time of 1/10 second during which the mean power is greatest will be selected normally.

Necessary bandwidth. For a given class of emission, the minimum value of the occupied bandwidth sufficient to ensure the transmission of information at the rate and with the quality required for the system employed, under specified conditions. Emissions useful for the good functioning of the receiving equipment, as for example, the emission corresponding to the carrier of reduced carrier systems, shall be included in the necessary bandwidth.

Occupied bandwidth. The frequency bandwidth such that, below its lower and above its upper frequency limits, the mean powers radiated are each equal to 0.5 percent of the total mean power radiated by a given emission.

Operational communications. Communications concerning the technical operation of a broadcasting station and its auxiliaries.

Remote control operation. Operation of a base station by a properly designated person on duty at a control position from which the transmitter is not visible but that position is equipped with suitable controls so that essential functions can be performed therefrom.

Remote pickup broadcast base station. A remote pickup broadcast station authorized for operation at a specified location.

Remote pickup broadcast mobile station. A remote pickup broadcast station authorized for use while in motion or during halts at unspecified locations. (As used in this subpart, mobile stations include hand-carried, pack-carried and other portable transmitters.)

Remove pickup broadcast stations. A term used in this subpart to include both remote pickup broadcast base stations and remote pickup broadcast mobile stations.

Station. As used in this subpart, each remote pickup broadcast transmitter, and its associated accessory equipment necessary to the radio communication function, constitutes a separate station.

Studio. Any room or series of rooms equipped for the regular production of broadcast programs of various kinds. A broadcasting booth at a stadium, convention hall, church, or other similar place is not considered to be a studio.

System. A complete remote pickup broadcast facility consisting of one or more mobile stations and/or one or more base stations authorized pursuant to a single license.

[1] Outstanding references in Dockets 20027 and 20005, concerning frequency allocations for oil spill cleanup operations and use of radio for remote reading of public utility meters, respectively, which await consideration until such time as the Commission proceeds to split the 450 and 455 MHz remote pickup channels will be addressed in further proceedings in those two dockets upon reaching a final decision regarding the channel splitting proposed herein.

§ 74.402 Frequency assignment.

(a) The following frequencies are allocated for use by remote pickup broadcast stations:

(1) *Group A*
(kHz)
[1] 1606
1622
1646

(2) *Group D*
(MHz)
[2] 25.67
26.15
26.25
26.35
Group E
(MHz)
[2] 25.91
26.17
26.27
26.37
Group F
(MHz)
[2] 25.95
26.19
26.29
26.39
Group G
(MHz)
[2] 25.99
26.21
26.31
26.41
Group H
(MHz)
[2] 26.03
26.23
26.33
26.43

(3) *Group I*
(MHz)
[2] 26.07
26.11
26.45
Group J
(MHz)
[2] 26.09
26.13
26.47

(4) *Group K*
(MHz)
[2] 152.87
[2] 152.93
[2] 152.99
[2] 153.05
[2] 153.11
[2] 153.17
[2] 153.23
[2] 153.29
[2] 153.35

[2] 161.64
[2] 161.67
[2] 161.70
[2] 161.73
[2] 161.76

(5) *Group L*
(MHz)
[4] 166.25
Group M
(MHz)
[4] 170.15

(6) *Group N*
(MHz)
450.05
450.10
450.15
450.20
450.25
450.30
450.35
450.40
450.45
450.50
450.55
450.60
450.65
450.70
450.75
455.05
455.10
455.15
455.20
455.25
455.30
455.35
455.40
455.45
455.50
455.55
455.60
455.65
455.70
455.75

(7) *Group P*
(MHz)
[5] 450.01
[5] 450.02
[5] 450.98
[5] 450.99
[5] 455.01
[5] 455.02
[5] 455.98
[5] 455.99

(8) *Group R*
(MHz)
[7] 450.80
[7] 450.85
[7] 450.90
[7] 450.95
[7] 455.60
[7] 455.85
[7] 455.90
[7] 455.95

[1] Subject to the condition that no harmful interference is caused to the reception of standard broadcasting stations.

[2] Subject to the condition that no harmful interference is caused to stations in the broadcasting service.

[3] Subject to the condition that no harmful interference is caused to stations operating in accordance with the Table of Frequency Allocations set forth in Part 2 of the Commission's Rules and Regulations.

[4] Operation on the frequencies 166.25 MHz and 170.15 MHz is not authorized (1) within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30' N., and on the east and south by the arc of the circle with center at Springfield, Ill., and radius equal to the airline distance between Springfield, Ill., and Montgomery, Alabama, subtended between the foregoing west and north boundaries; (ii) within 150 miles of New York City; and (iii) in Alaska or outside the continental United States; and is subject to the condition that not harmful interference is caused to government radio stations in the band 162–174 MHz.

[5] These frequencies may not be used by remote pickup stations in Puerto Rico or the Virgin Islands. In other areas, certain existing stations in the Public Safety and Land Transportation Radio Services have been permitted to continue operation on these frequencies on condition that no harmful interference is caused to remote pickup broadcast stations.

[7] The use of these frequencies is limited to operational communications, including tone and signalling transmissions.

[7] The use of these frequencies is limited to the transmission of program material and cues and orders immediately necessary thereto.

(b) The following frequencies are allocated for assignment to remote pickup broadcast stations in Puerto Rico and the Virgin Islands only:

160.89 MHz	161.07 MHz	161.25 MHz
160.95 MHz	161.13 MHz	161.31 MHz
161.01 MHz	161.19 MHz	161.37 MHz

NOTE: These frequencies are shared with the Land Transportation Radio Service.

(c) More than one frequency may be assigned for use by each station. The frequencies which will be assigned to any one licensee for use in a single area however, shall be limited to the extent that: Frequencies will not be assigned from more than one group in Groups D through H; frequencies will be assigned from either Group I or J, but not both; frequencies will be assigned from either Group L or M, but not both. This limitation does not preclude assignment of additional frequencies from Groups A, K, N, P or R to the same licensee. Applicants shall request assignment of only those frequencies necessary for satisfactory operation. A licensee may operate a remote pickup broadcast station or system only if the station or system is equipped to operate on all frequencies specified in the instrument of authorization.

(d) Remote pickup broadcast stations or systems will not be granted exclusive frequency assignments; the same frequency or frequencies may be assigned to other licensees in the same area.

§ 74.403 Frequency selection to avoid interference.

(a) Where two or more remote pickup broadcast station licensees are authorized to operate on the same frequency or group of frequencies in the same area and when simultaneous operation is contemplated, the licensees shall endeavor to select frequencies or schedule operation in such manner as to avoid mutual interference. If mutual agreement to this effect cannot be reached the Commission shall be notified and it will specify the frequency or frequencies on which each station is to be operated.

(b) The following order of priority of transmissions shall be observed on all frequencies except those listed in § 74.402(a)(3), (a)(7) and (a)(8):

(1) The transmission of program material to be broadcast.

(2) The transmission of cues and orders immediately necessary thereto.

(3) Operational communications.

(4) Test or drills to check the performance of stand-by emergency circuits.

NOTE: During an emergency or impending emergency, transmissions directly related to the safety of life and property shall take precedence over all other transmissions.

§ 74.404 Use of FCC Form 425.

(a) Applicants proposing to operate on the frequencies specified in paragraph (c) of this section and who propose to operate in the Chicago, Illinois, Regional Area defined in paragraph (d) of this section, shall make application on FCC Form 425 in lieu of FCC Form 313. Form 425 shall be used to apply for new facilities or to apply for modification, renewal or assignment of existing authorizations.

(b) Applications on FCC Form 425 shall be submitted to the Commission's Chicago Regional Office at 1550 Northwest Highway, Park Ridge, Illinois 60068.

(c) FCC Form 425 must be used to file for the following frequencies in the Chicago Regional Area:

Group D (*MHz*)	*Group I* (*MHz*)
26.15	26.11
26.25	26.45
26.35	*Group J* (*MHz*)
Group E (*MHz*)	26.13
26.17	26.47
26.27	*Group K* (*MHz*)
26.37	152.87
Group F (*MHz*)	152.93
26.19	152.99
26.29	153.05
Group G (*MHz*)	153.17
26.21	153.29
26.31	153.35
26.41	
Group H (*MHz*)	
26.23	
26.33	
26.43	

(d) The Chicago, Illinois, Region is defined to consist of the counties listed below:

ILLINOIS

1. Boone
2. Bureau
3. Carroll
4. Champaign
5. Christian
6. Clark
7. Coles
8. Cook
9. Cumberland
10. De Kalb
11. De Witt
12. Douglas
13. Du Page
14. Edgar
15. Ford
16. Fulton
17. Grundy
18. Henry
19. Iroquois
20. Jo Daviess
21. Kane
22. Kankakee
23. Kendall
24. Knox
25. Lake
26. La Salle
27. Lee
28. Levingston
29. Logan
30. Macon
31. Marshall
32. Mason
33. McHenry
34. McLean
35. Menard
36. Mercer
37. Moultrie
38. Ogle
39. Peoria
40. Piatt
41. Putnam
42. Rock Island
43. Sangamon
44. Shelby
45. Stark
46. Stephenson

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47. Tazewell
48. Vermilion
49. Warren
50. Whiteside
51. Will
52. Winnebago
53. Woodford

INDIANA

1. Adams
2. Allen
3. Benton
4. Blackford
5. Boone
6. Carroll
7. Cass
8. Clay
9. Clinton
10. De Kalb
11. Delaware
12. Elkhart
13. Fountain
14. Fulton
15. Grant
16. Hamilton
17. Hancock
18. Hendricks
19. Henry
20. Howard
21. Huntington
22. Jasper
23. Jay
24. Kosciusko
25. Lake
26. LaGrange
27. La Porte
28. Madison
29. Marion
30. Marshall
31. Miami
32. Montgomery
33. Morgan
34. Newton
35. Noble
36. Owen
37. Parke
38. Porter
39. Pulaski
40. Putnam
41. Randolph
42. St. Joseph
43. Starke
44. Steuben
45. Tippecanoe
46. Tipton
47. Vermillion
48. Vigo
49. Wabash
50. Warren
51. Wells
52. White
53. Whitley

IOWA

1. Cedar
2. Clinton
3. Dubuque
4. Jackson
5. Jones
6. Muscatine
7. Scott

MICHIGAN

1. Allegan
2. Barry
3. Berrien
4. Branch
5. Calhoun
6. Cass
7. Clinton
8. Eaton
9. Hillsdale
10. Ingham
11. Ionia
12. Jackson
13. Kalamazoo
14. Kent
15. Lake
16. Mason
17. Mecosta
18. Montcalm
19. Muskegon
20. Newaygo
21. Oceana
22. Ottawa
23. St. Joseph
24. Van Buren

OHIO

1. Defiance
2. Mercer
3. Paulding
4. Van Wert
5. Williams

WISCONSIN

1. Adams
2. Brown
3. Calument
4. Columbia
5. Dane
6. Dodge
7. Door
8. Fond du Lac
9. Grant
10. Green
11. Green Lake
12. Iowa
13. Jefferson
14. Juneau
15. Kenosha
16. Kewaunee
17. Lafayette
18. Manitowoc
19. Marquette
20. Milwaukee
21. Outagamie
22. Ozaukee
23. Racine
24. Richland
25. Rock
26. Sauk
27. Sheboygan
28. Walworth
29. Washington
30. Waukesha
31. Waupaca
32. Waushara
33. Winnebago

§ 74.405 Special provisions relating to Land Mobile Spectrum Management Program in Chicago region.

(a) The licensing policies, general operating requirements, equipment, technical, and other operating requirements of this subpart will govern for all licensees and applicants for Remote Pickup Brodcast Stations who must file on FCC Form 425 in the Chicago region. Limitations for the service in which licensee eligibility is established will govern the use of a station even though the frequency assigned may not be from the service in which eligibility was established; except in the case of automatic relay stations which will only be permitted on frequencies previously available for automatic relay use.

(b) The table below reflects the basic frequency assignment methodology for use in the Chicago region. Category I consists of the police and fire radio service and their present frequencies. Category II consists of other radio services and their frequencies:

CATEGORY I

Police radio service.
Fire radio.

CATEGORY II

GROUP A

Forestry-conservation radio service.
Highway maintenance radio service.
Local government radio service.
Special emergency radio service.

GROUP B

Power radio service.
Telephone maintenance radio service.
Railroad radio service.

GROUP C

Petroleum radio service.
Forest products radio service.
Manufacturers radio service.
Special industrial radio service.
Motor carrier radio service.
Automobile emergency radio service.
Business radio service.
Taxicab radio service.
Motion picture radio service.
Relay press radio service.
Remote pickup broadcast stations.

GROUP D

Domestic public land mobile radio service.[1]

[1] These frequencies will not be shared with private systems in the Chicago region at this time.

GROUP E

Citizens radio service (Class A).

(c) Frequencies in Category I are available only to those who establish eligibility in that category. Frequencies in Category II are available to persons who establish eligibility in Category II; and are also available to Category I eligibles on a secondary basis.

(d) To the extent practicable, frequencies from the service within which an applicant has established eligibility will be assigned to that applicant. If no suitable frequency is available, then a search will be made of frequencies of other services in the same group as the applicant. Access to the frequencies of a different group will be permitted only on a case-by-case basis and only when no suitable frequency is available in the group in which eligibility is established.

(e) Where services which presently share frequencies are in different categories or groups, the shared frequencies will only be available to the lower priority category or group.

(f) The Chicago Land Mobile Spectrum Management District consists of the following counties in the States noted:

ILLINOIS

1. Boone
2. Bureau
3. Cook
4. DeKalb
5. DuPage
6. Ford
7. Grundy
8. Iroquois
9. Kane
10. Kankakee
11. Kendall
12. Lake
13. LaSalle
14. Lee
15. Livingston
16. McHenry
17. Ogle
18. Putnam
19. Will
20. Winnebago

INDIANA

1. Benton
2. Carroll
3. Cass
4. Elkhart
5. Fulton
6. Jasper
7. Kosciusko
8. Lake
9. LaPorte
10. Marshall
11. Newton
12. Porter
13. Pulaski
14. St. Joseph
15. Starke
16. White

MICHIGAN

1. Allegan
2. Berrien
3. Cass
4. Van Buren

WISCONSIN

1. Jefferson
2. Kenosha
3. Milwaukee
4. Racine
5. Rock
6. Walworth
7. Waukesha

ADMINISTRATIVE PROCEDURE

§ 74.411 Cross reference.

See §§ 74.11 to 74.16.

LICENSING POLICIES AND GENERAL OPERATING REQUIREMENTS

§ 74.431 Permissible service.

(a) Remote pickup broadcast mobile stations may, consistent with other provisions of this subpart, be used for the transmission of broadcast program material from the scene of events which occur outside a studio and for the transmission of cues and orders and other related communications which are necessary to accomplish the broadcast. The program material transmitted by the remote pickup broadcast mobile station shall be intended for simultaneous or delayed broadcast by a station licensed to the licensee of the associated broadcasting station or stations. The program material may also be transmitted to any other broadcasting stations in the area, for simultaneous or delayed broadcast, but only if it is being transmitted simultaneously to, and for use by, a station licensed to the licensee of the associated broadcasting station or stations. Editing or rearranging the program material to suit the needs of the broadcasting station is not precluded.

(b) Consistent with other provisions of this subpart, a remote pickup broadcast mobile station may communicate with the broadcasting station or stations with which it is operating and with other remote pickup stations of its licensee. It may also relay the transmissions of other remote pickup broadcast stations of its licensee.

(c) A remote pickup broadcast mobile station may be operated in conjunction with broadcasting stations which are licensed to the licensee of the associated broadcasting station or stations but are

located in other areas, for a period of 30 days or less without prior authority of the Commission: Provided that, whenever the transmitting equipment will be out of its system's area of operation for more than 24 hours, the Engineer-in-Charge of the radio district in which the operation will occur is notified in writing in advance of such operation. In cases where the decision to continue operation for more than 24 hours is not made until the operation has begun, the advance notice requirement is waived and the written notice shall be given when such decision is made.

(d) A remote pickup broadcast base station may, consistent with other provisions of this Subpart, be used for the transmission of cues, orders, and instructions to remote pickup broadcast mobile stations in its system for the purpose of dispatching them to the scene of events to be broadcast, and directing their operation on the scene. Cueing may include brief transmissions of program material to the remote pickup broadcast mobile station, if necessary. A remote pickup broadcast base station may also be used to relay transmissions, either directly or via an automatic relay station, to and from remote pickup broadcast mobile stations in its system. Remote pickup broadcast base stations operating pursuant to § 74.432(c)(2) and (c)(5) may communicate with other remote pickup broadcast base stations.

(e) Remote pickup broadcast base and mobile stations in Alaska, Guam, Hawaii, Puerto Rico and the Virgin Islands may be used for any purpose related to the programming or technical operation of a broadcasting station, except for transmissions intended for direct reception by the general public.

(f) Remote pickup broadcast base and mobile stations may be used for operational communications: *Provided*, That such use is consistent with the priority requirements of § 74.403(b): *and provided further*, Operational communications may not be conducted on frequencies listed in § 74.402(a)(8). Operational communications shall be construed to include the transmission of alerting tones of short duration and special signals used for telemetry or control.

(g) In the event of damage or impairment of the regular communication and program circuits of a broadcasting station due to storms, floods, fires, strikes, equipment failures, or other similar causes, authorized remote pickup broadcast base and mobile stations may be used to provide such temporary circuits as may be needed to continue the broadcasting operation, pending the restoration of the regular circuits.

(h) Remote pickup broadcast base and mobile stations associated with broadcasting stations participating in the Emergency Broadcast System, or a similar emergency survival communication system, may be used: (1) To transmit, for broadcasting station use, warnings, instructions, and information relating to war, threat of war, a state of public peril or disaster, or other national, state, or local emergency constituting a threat to the safety of life or property; (2) for coordination of effort in connection with such broadcasts; and (3) for periodic tests or drills to ascertain the reliability of the circuit. Drills should not be conducted more than once a week and should be completed as quickly as possible. Individual transmitters may be turned on for alignment, adjustment, and repair whenever necessary. The conduct of a test or drill is subject to the condition that no interference will be caused to remote pickup broadcast base or mobile stations engaged in the transmission of program material, the preparation for such transmission, or other authorized operation.

(i) A remote pickup broadcast station may operate on only one assigned frequency at any one time. A licensee may operate two or more authorized remote pickup broadcast stations simultaneously on different authorized frequencies.

(j) Remote pickup broadcast base and mobile stations operated by one licensee may communicate with remote pickup broadcast base and mobile stations operated by another licensee, either directly or via an automatic relay station:

(1) For the purpose of scheduling the use of shared remote pickup broadcast frequencies, in order to minimize potential interference;

(2) When engaged in a pooled remote pickup operation.

(k) Automatic relay stations may be used to relay any authorized transmissions of other remote pickup broadcast stations operating on authorized remote pickup broadcast frequencies, except transmissions of another automatic relay station. Normally such transmissions will originate from remote pickup broadcast stations operated by the licensee of the automatic relay station. However, transmissions of remote pickup broadcast stations operated by other licensees on a frequency occupied by an automatic relay station may be relayed for monitoring purposes to avoid interference which might be caused by actuating the automatic relay station when the frequency on which it would operate is occupied. Operation of the automatic relay station for monitoring observations shall be confined to the brief period necessary to determine whether the monitored frequency is in use.

§ 74.432 Licensing requirements and procedures.

(a) A license for a remote pickup broadcast facility will be issued only to the licensee of a standard, commercial FM, non-commercial educational FM, commercial television, or non-commercial educational television broadcasting station.

(b) A broadcasting station licensee is not limited with respect to the number of remote pickup broadcast stations or systems which may be licensed for operation in a single area.

(c) Remote pickup broadcast stations and systems will be licensed as follows:

(1) Base stations may be licensed as automatic relay stations and, as such, will be separately licensed. An automatic relay station will be licensed to operate only on frequencies in Groups N, P and R in § 74.402(a). Each automatic relay station shall be operated in accordance with the provisions of § 74.436. A licensee may be authorized to operate more than one automatic relay station; however, no more than two frequencies will be assigned a licensee for use by such stations in any single area. Automatic relay stations operating on a frequency listed in Group N of § 74.402(a) shall operate in accordance with the priorities prescribed in § 74.403(b).

(2) Base stations may be authorized to provide one-way or two-way voice communications between the studio and transmitter of a broadcasting station, the licensee of which is also the licensee of an aural or television broadcast STL station used for program transmission between the same two points, or to provide such voice communications between the point of origin and the destination of an aural or television intercity relay system. A single station or paired stations operated for these purposes will be licensed as a system and a single license will be issued for each such system. Automatic relay stations will not be authorized for use with these systems. Operation of these systems shall be limited to the frequencies listed in frequency Groups I and J of § 74.402(a).

(3) Remote pickup broadcast mobile stations and the principal base station or base stations with which they communicate, excluding automatic relay stations, will be licensed as a system and a single license will be issued for each such system. Any of the frequencies listed in § 74.402, as available to the location, may be assigned for use by stations in these systems.

(4) In the event a broadcasting station licensee wishes to operate one or more remote pickup broadcast mobile stations only, such station or stations will be licensed as a system and a single license will be issued for each such system. Any of the frequencies listed in § 74.402, as available to the location, may be assigned for use by stations in these systems.

(5) Base stations may be authorized to provide standby program circuits from places where official broadcasts may be made during a war, threat of war, or state of public peril or disaster or other national, state, or local emergency constituting a threat to the safety of life or property; and circuits to interconnect broadcasting stations participating in the Emergency Broadcast System or a similar emergency survival communication system. Each such station will be licensed separately. An applicant may request the assignment of any of the frequencies listed in § 74.402 as available to the location for these purposes.

(6) In Alaska, Guam, Hawaii, Puerto Rico, or the Virgin Islands, base stations may be licensed to provide program circuits between the studio and transmitter or to relay programs between broadcasting stations. Except in emergencies, such uses are not permitted within the 48 contiguous United States or the District of Columbia. Each station licensed for these

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purposes shall be licensed separately. Any of the frequencies listed in § 74.402 as available in the above places may be requested by an applicant. A base station operated pursuant to this paragraph may be operated unattended: Provided, such operation is conducted in accordance with the following:

(i) In the case where the station retransmits another station's signals received directly "off-the-air", the transmitter shall be equipped with automatic circuits that will cause it to cease radiating at times when no signal is being received from the station which it is relaying.

(ii) The transmitter shall be provided with adequate safeguards to prevent improper operation of the equipment.

(iii) The transmitter installation shall be adequately protected against tampering by unauthorized persons.

(iv) Whenever an unattended station is in operation, a person designated by and under control of the licensee shall be on duty at the receiving end of the circuit. The designated person need not be a licensed operator under Part 13 (Commercial Radio Operators) of the Commission's rules. The designated person on duty at the receiving end of the circuit shall observe circuit performance and initiate corrective action when required and shall maintain an operating log as prescribed in § 74.481(g).

(v) All transmitter repairs or adjustments which may affect the proper operation of a remote pickup broadcast station shall be made by or under the immediate supervision of a person holding a first or second-class commercial radiotelephone operator's license.

(d) A remote pickup broadcast system license authorizing operation of mobile stations will specify the number of such stations authorized, as follows

1 to 4 stations
5 to 9 stations
10 to 24 stations
25 to 49 stations
50 or more stations

Licensees shall install the minimum number of mobile stations authorized, prior to commencing operation.

(e) The Commission will assign a separate call sign for each station or system separately licensed. The licensee of a remote pickup broadcast system shall assign an individual unit designator to each station in the system.

(f) An application for a new remote pickup broadcast station or system shall specify the frequency or frequencies, desired and, for systems, shall indicate the frequencies to be used by each station. Only those frequencies necessary for satisfactory operation shall be requested.

(g) An application for a remote pickup broadcast station or system shall specify the broadcasting station or stations (where more than one broadcasting station is specified, all such broadcasting stations shall be licensed to the applicant and to the same community) with which the remote pickup broadcast facility is to be principally used and the licensed area of operation for a system which includes mobile stations shall be the area considered to be served by the associated broadcasting station or stations. Mobile stations may be operated outside the licensed area of operation pursuant to § 74.431(c). Where the applicant for remote pickup broadcast facilities is the licensee of more than one class of broadcasting station (standard, FM, TV), all licensed to the same community, designation of one or more such stations as the associated broadcasting station or stations will not preclude use of the remote pickup broadcast facilities with those broadcasting stations not included in the designation and such additional use shall be at the discretion of the licensee.

(h) Each remote pickup broadcast station operated by a licensee shall be made available for inspection upon request by any authorized representative of the Commission. In cases where a series of broadcasts are to be made from the same location, portable or mobile transmitters may be left at such location for the duration of the series of broadcasts; *Provided*, The transmitting apparatus is properly secured so that it may not be operated by unauthorized persons when unattended. Prior Commission authority shall be obtained for the installation of any transmitting antenna which requires notification to the FAA, pursuant to § 17.7 of the Commission's rules and regulations, or which will be in existence for more than 10 days.

(i) The location of each remote pickup broadcast base station will be specified in the station or system license and such stations may not be operated at any other location without prior authority of the Commission.

(j) A remote pickup broadcast station or system may be authorized solely for operational communications provided such operation is confined to the frequencies listed in § 74.402(a)(7).

(k) In case of permanent discontinuance of operation of a station or system licensed under this subpart, the licensee shall forward the station or system license to the issuing authority for cancellation.

(l) Applications for renewal of authority to operate remote pickup broadcast stations filed after (effective date of these rules) shall include information which identifies the stations to be licensed separately and those to be included in a system in accordance with procedures set forth in this section.

§ 74.433 Temporary authorizations.

(a) Special temporary authority may be granted for: operation of a remote pickup broadcast station licensed to another broadcasting station licensee; operation, as remote pickup broadcast station, of equipment licensed to another class of station; or, operation of equipment of suitable design not heretofore licensed. Such authority will normally be granted only for special operations of a temporary nature.

(b) A request for special temporary authority for the operation of a remote pickup broadcast station may be made by informal application, which shall be filed with the Commission at least 10 days prior to the date of the proposed operation: *Provided*, That, an application filed within less than 10 days of the proposed operation may be accepted upon a satisfactory showing of the reasons for the delay in submitting the request.

(c) An informal request for special temporary authority shall be addressed to the Commission in Washington, D.C., or the Commission's Chicago Regional Office, as appropriate (see § 74.404), and shall set forth full particulars including: licensee's name, call letters of associated broadcasting station or stations, name and address of individual designated to receive return telegram, call letters of remote pickup station if assigned, type and manufacturer of equipment, power output, emission, frequency or frequencies proposed to be used, commencement and termination date and location of proposed operation, and purpose for which request is made including any particular justification. In the event that the proposed antenna installation will increase the height of any natural formation or existing man-made structure by more than 20 feet, a vertical plan sketch showing the height above ground of any existing structure, the elevation of the site above mean sea level, and the geographic coordinates of the proposed site, shall be submitted with the application.

(d) A request for special temporary authority shall specify a frequency or frequencies consistent with the provisions of § 74.402: *Provided*, That, in the case of events of wide-spread interest and importance which cannot be transmitted successfully on these frequencies, frequencies assigned to other services may be requested upon a showing that operation thereon will not cause interference to established stations: *And provided further*, In no case will operation of a remote pickup broadcast station be authorized on frequencies employed for the safety of life and property.

(e) An applicant requesting special temporary authority to operate, as a remote pickup broadcast station, equipment authorized for use by another class of station, shall, if the equipment to be used is not licensed to the applicant, submit a statement to show that temporary control of the transmissions therefrom has been secured for the duration of the special operation proposed.

(f) Special temporary authority to permit operation of remote pickup broadcast stations or systems pending Commission action on an application for regular authority will not normally be granted.

§ 74.434 Remote control operation.

(a) Remote control operation is permitted for remote pickup broadcast base stations only and such operation shall be in accordance with the following conditions:

(1) The transmitter shall be equipped with a device which will automatically prevent modulation in excess of the limits set forth in this Subpart or the control position shall be equipped with a

percentage modulation indicator or calibrated program level meter.

(2) The person at the control position designated to operate the transmitter shall have on-and-off control of the transmitter output.

(3) The transmitter shall be inaccessible to other than duly authorized persons.

§ 74.435 Special rules relating to low power broadcast auxiliary stations.

(a) Where requirements set forth in this section differ from those set forth elsewhere in this subpart, the licensing and operation of low power broadcast auxiliary stations shall conform with requirements of this section.

(b) The devices which will be licensed under this section are those which are normally intended to transmit over distances not in excess of a few hundred feet and will normally fall into two general categories: Cue and control signal transmitters and wireless microphones.

(c) A license authorizing operation of one or more low power broadcast auxiliary stations will be issued only to the licensee of a standard, commercial FM, non-commercial educational FM, commercial television, or non-commercial educational television broadcasting station and low power broadcast auxiliary stations will be licensed for use with a specific broadcasting station or combination of broadcasting stations licensed to the same licensee and to the same community. Licensing of low power broadcast auxiliary stations for use with a specific broadcasting station or combination of such stations does not preclude their use with other broadcasting stations of the same or a different licensee at any location. Such additional use is permitted without further authority of the Commission: *Provided*, However, operation of low power broadcast auxiliary stations shall, at all times, be in accordance with the requirements of paragraph (1) of this section: *And provided further*, A low power broadcast auxiliary station that is being used with a broadcasting station other than one with which it is licensed shall, in addition to meeting the requirements in paragraph (i) of this section, not cause harmful interference to another low power broadcast auxiliary station which is being used with the broadcasting station or stations with which it is licensed.

(d) The license for a low power broadcast auxiliary station authorizes the transmission of cues and orders to production personnel and participants in broadcast programs and in the preparation therefor, the transmission of program material by means of a wireless microphone worn by a performer or other participant in a program during rehearsal and during the actual broadcast, or the transmission of comments, interviews, and reports from the scene of a remote broadcast. Low power broadcast auxiliary stations operating in the 947–952 MHz band may, in addition, transmit synchronizing signals and various control signals to portable or hand-carried TV cameras which employ low power radio signals in lieu of cable to deliver picture signals to the control point at the scene of a remote broadcast. All transmissions of low power broadcast auxiliary stations shall be intended for reception at a receiving point within the same studio, building, stadium, or similar limited indoor or outdoor area or at the location of a nearby remote pickup broadcast mobile station where they will be relayed to a broadcasting station for simultaneous or delayed broadcast.

(e) An application for new low power broadcast auxiliary stations or for a change in an existing authorization shall specify the broadcasting station or combination of such stations with which the low power broadcast auxiliary facilities are to be principally used, as set forth in paragraph (c) of this section. A single application, filed in duplicate on FCC Form 313 or FCC Form 425, as appropriate, may be used in applying for authority to operate one or more low power broadcast auxiliary units and the application shall specify the number of units to be operated and the frequency bands which will be used.

(f) Low power broadcast auxiliary stations will be authorized to operate in the frequency bands 26.10–26.48 MHz, 152.84–153.38 MHz, 161.625–161.775 MHz (except in Puerto Rico or the Virgin Islands), 450–451 MHz, 455–456 MHz and 947–952 MHz. Transmitting units may be operated on any frequency within the band of frequencies for which the station is licensed.

(g) The occupied bandwidth of a low power broadcast auxiliary station shall not be greater than that necessary for satisfactory transmission and, in any event, an emission appearing on any discrete frequency outside the authorized band shall be attenuated, at least, $46+10\log_{10}$ (mean output power, in watts) decibels below the mean output power of the transmitting unit.

(h) The frequency tolerance applicable to transmitting units shall be 0.005 percent or better.

(i) Low power broadcast auxiliary stations shall be operated so that no harmful interference is caused to any other station operating in accordance with Commission rules and regulations and with the Table of Frequency Allocations in Part 2 thereof.

(j) The maximum transmitter power which will be authorized for low power broadcast auxiliary stations is 1 watt. Licensees may accept the manufacturer's power rating; however, it is the licensee's responsibility to observe specified power limits. Unusual transmitting antennas or antenna elevations shall not be used to deliberately extend the range of such stations beyond the limited areas defined in paragraph (d) of this section.

(k) If a low power broadcast auxiliary station employs amplitude modulation, the transmitting unit shall be equipped so as to automatically limit the instantaneous peak voltage of the radio frequency carrier to a value not exceeding twice the unmodulated carrier peak voltage.

(l) A low power broadcast auxiliary station may be operated only by a person designated by and under the control of the licensee and need not be a licensed operator under Part 13 (Commercial Radio Operators) of the Commission's rules and regulations. Any adjustments or repairs that could affect the proper operation of transmitting units shall be made by or under the immediate supervision of an operator holding a valid first- or second-class radiotelephone license.

(m) Call signs will not be assigned for low power broadcast auxiliary stations. In lieu thereof, an announcement shall be made at the beginning and end of each period of operation at a single location, over the transmitting unit being operated, identifying the type of transmitting unit, its location, and the call sign of the broadcasting station with which it is being used. A period of operation may consist of a continuous transmission or intermittent transmissions pertaining to a single event.

(n) Each licensee of low power broadcast auxiliary stations shall maintain an accurate record, which may be kept at the main studio or transmitter of a broadcasting station with which the auxiliary is licensed or at the location where records for remote pickup broadcast facilities are kept, listing the current location of all such low power broadcast auxiliary stations. These records shall be retained for a period of two years.

(o) The license for one or more low power broadcast auxiliary stations shall be posted with the license for any broadcasting station with which the auxiliary is licensed.

§ 74.436 Special requirements for automatic relay stations.

An automatic relay station installation shall, in addition to the relay transmitter, include a monitor receiver, a control unit, and one or more relay receivers.

(a) Monitor receiver: A receiver tuned to the frequency assigned to the automatic relay station and connected to the transmitting antenna used by the automatic relay station shall be in operation at the automatic relay station site at all times when the relay transmitter is capable of being turned on automatically. The monitor receiver shall comply with the following requirements:

(1) The receiver shall be equipped with a "lock-out" control circuit which will prevent the relay transmitter from being turned on automatically whenever a signal other than the signal of the relay transmitter is being received.

(2) The sensitivity of the monitor receiver shall be such that a signal of 2 microvolts or more across the antenna input terminals will actuate the "lock-out" control which prevents the transmitter from being turned on automatically.

(3) The "lock-out" control shall be so designed that if the monitor receiver is inoperative the relay transmitter cannot be turned on automatically.

(b) Control unit: The control unit may be an integral part of the relay

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receiver or may be a separate unit into which the output of one or more relay receivers is fed. The control unit shall meet the following requirements:

(1) The control unit shall be so designed that it will turn the relay transmitter on only upon receipt of a predetermined coded signal consisting of at least two tones which may be transmitted either simultaneously or sequentially, or a series of at least three dissimilar pulse combinations transmitted sequentially. In lieu of the coded signal, the control unit may be designed so that the transmitter will remain operative only when receiving a continuous single tone superimposed on the material being relayed.

(2) The control unit shall be capable of turning the transmitter off upon receipt of an appropriate signal. The complexity of the signal used to turn off the relay transmitter is left to the discretion of the licensee.

(3) The control unit shall also be designed so that the absence of a signal from the relay receiver either due to cessation of operation of the station being relayed or failure of the relay receiver or control unit, will automatically place the relay transmitter in an inoperative condition. A suitable time-delay factor may be incorporated to prevent actuation of the automatic cut-off due to momentary failures of the incoming signals.

(c) Relay receiver: One or more receivers tuned to frequencies used by the stations which are to be relayed by the automatic relay station, may be installed at the automatic relay station site. The receivers shall be installed so that they will turn the relay transmitter on and off only through the control unit. The choice of receivers and receiving antennas is left to the discretion of the licensee.

(d) The automatic relay station may accomplish the retransmission of the incoming signals by simple heterodyne frequency conversion or by modulating the transmitter with aural signals obtained by demodulation of the incoming signal. If the relay transmitter is to be modulated with aural signals the transmitter or the receiver or both shall be equipped with automatic controls which will prevent overmodulation of the relay transmitter.

(e) The transmitting apparatus and control equipment shall be adequately protected against tampering by unauthorized persons.

(f) An application for authority to construct an automatic relay station shall include a satisfactory showing as to the manner of compliance with the requirements of this section.

EQUIPMENT

§ 74.451 Type acceptance of equipment.

(a) Applications for new remote pickup broadcast stations or systems which are tendered after (one year following the effective date of these rules) will not be accepted unless the equipment specified therein has been type accepted for use pursuant to provisions of this subpart.

(b) Any manufacturer of a transmitter to be used in this service may apply for type acceptance for such transmitter following the type acceptance procedure set forth in Part 2 of the Commission's rules and regulations. Attention is also directed to Part 1 of the Commission's Rules and Regulations which specifies the fees required when filing an application for type acceptance.

(c) An applicant for a remote pickup broadcast station or system may also apply for type acceptance for an individual transmitter by following the type acceptance procedure set forth in Part 2 of the Commission's Rules and Regulations. The application for type acceptance must be accompanied by the proper fees as prescribed in Part 1 of the Commission's rules and regulations. Individual transmitters which are type accepted will not normally be included on the Commission's "Radio Equipment List".

(d) All transmitters marketed after (one year following the effective date of these rules) shall be type accepted by the Federal Communications Commission for use under this subpart. (Refer to Subpart I of Part 2 of the Commission's rules and regulations.)

(e) Remote pickup broadcast station equipment authorized to be used pursuant to an application accepted for filing prior to (one year following the effective date of these rules) may continue to be used by the licensee or its successors or assignees: *Provided, however,* If operation of such equipment causes harmful interference due to its failure to comply with the technical standards set forth in this subpart, the Commission may, at its discretion require the licensee to take such corrective action as is necessary to eliminate the interference.

(f) Each instrument of authority which permits operation of a remote pickup broadcast station or system using equipment which has not been type accepted will specify the particular transmitting equipment which the licensee is authorized to use.

§ 74.452 Equipment changes.

(a) Prior Commission approval is required for any change in the overall height of an antenna structure, except where notice to the Federal Aviation Administration is specifically not required under § 17.14(b) of the Commission's rules and regulations.

(b) The licensee of a remote pickup broadcast station may, except as set forth in paragraph (d) of this section, make any other changes in the equipment that are deemed desirable or necessary, including replacement with type accepted equipment, without prior Commission approval: *Provided,* The proposed changes will not depart from any of the terms of the station or system authorization or the Commission's technical rules governing this service: *And provided further,* That any changes made to type accepted transmitting equipment shall be in compliance with provisions of Part 2 of the Commission's rules and regulations concerning modification to type accepted equipment.

(c) Any equipment changes made pursuant to paragraph (b) of this section shall be set forth in the next application for renewal of license.

(d) Prior to (one year following the effective date of these rules), Commission approval must be obtained before replacing an authorized transmitter with a transmitter which has not been type accepted for use in the remote pickup broadcast service. Transmitters initially installed after (one year following the effective date of these rules) must be type accepted for use in this service.

TECHNICAL OPERATION AND OPERATORS

§ 74.461 Transmitter power.

(a) Transmitter power is the power at the transmitter output terminals and delivered to the antenna, antenna transmission line, or any other impedance-matched, radio frequency load. For the purpose of this subpart, the transmitter power is the carrier power.

(b) The authorized transmitter power for a remote pickup broadcast station shall be limited to that necessary for satisfactory service and, in any event, shall not be greater than 100 watts, except that a station to be operated aboard an aircraft shall be limited to a maximum authorized power of 15 watts.

(c) Each station or system license will specify the transmitter power(s) authorized for the station(s) licensed thereunder. To the extent practicable, transmitters shall be operated at or below authorized power. In any event, actual operating power shall not exceed 120 percent of authorized power.

(d) For transmitters included in the Commission's list of type accepted equipment for this service, the manufacturer's power rating may be accepted. For transmitters not on the Commission's list of type accepted equipment, the transmitter power is subject to individual determination and shall be in general agreement with values normally employed for similar equipment operated within the pertinent frequency range.

§ 74.462 Authorized bandwidth and emissions.

(a) Each authorization for a new remote pickup broadcast station or system issued pursuant to an application accepted after (one year following the effective date of these rules) shall require the use of type accepted equipment and such equipment shall be operated in accordance with emission specifications included in the type acceptance grant and as prescribed in paragraphs (b), (c) and (d) of this section.

(b) The maximum authorized bandwidth of emissions corresponding to the types of emission specified below, and the maximum authorized frequency deviation in the case of frequency or phase modulated emission, shall be as follows:

Frequencies (MHz)	Authorized bandwidth (kHz)	Maximum frequency deviation[1] (kHz)	Type of emission [2 3 4]
25.87 to 26.08	40	10	A3, F3
26.07 to 26.47	20	5	A3, F3
152.87 to 153.35	60	10	A3, F3

[1] Applies where class F1, F2, F3, or F9 emission is used.

[2] Stations operating in any of the frequency bands listed above may use A3 or F3 emission depending upon the equipment employed.

[3] Station operating above 450 MHz shall show a need for employing A1, A2, F1, F2, or F9 emission.

[4] Emission designators shall be established in accordance with provisions of subpart C of part 2 of the Commission's rules and regulations. For transmitting equipment which is type accepted, emission designators will appear in the Commission's radio equipment list.

Frequencies (MHz)	Authorized bandwidth (kHz)	Maximum frequency deviation (kHz)	Type of emission
160.89 to 161.37	60	10.0	A3, F3
161.64 to 161.76	30	5.0	A3, F3
166.25 to 170.15	[1] 60	10.0	A3, F3
450.01 to 450.02	10	1.5	A1, A2, A3, F1, F2, F3, F9
450.05 to 450.95	50	10.0	A1, A2, A3, F1, F2, F3, F9
450.98 to 450.99	10	1.5	A1, A2, A3, F1, F2, F3, F9
455.01 to 455.02	10	1.5	A1, A2, A3, F1, F2, F3, F9
455.05 to 455.96	50	10.0	A1, A2, A3, F1, F2, F3, F9
455.98 to 455.99	10	1.5	A1, A2, A3, F1, F2, F3, F9

[1] An outstanding rulemaking proceeding (Docket 19646) looks toward reducing the authorized bandwidth to 25 kHz.

(c) The mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: At least 25 decibels;

(2) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels;

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: At least 46 plus 10 $\log_{10}$ (mean output power, in watts) decibels.

(d) In the event a station's emissions outside its authorized channel cause harmful interference, the Commission may, at its discretion, require the licensee to take such further steps as may be necessary to eliminate the interference.

(e) The maximum authorized bandwidth for stations operating on 1606, 1622, or 1646 kHz shall be 10 kHz and operations on these frequencies shall be limited to A3 emission only.

§ 74.463 Modulation requirements.

(a) Each new remote pickup broadcast station authorized pursuant to an application accepted for filing after (one year following the effective date of these rules) and authorized to operate with a power output in excess of 3 watts shall be equipped with a device which will automatically prevent modulation in excess of the limits set forth in this subpart.

(b) If amplitude modulation is employed, modulation shall not exceed 100 percent on negative peaks.

(c) If frequency modulation is employed, emission shall conform to the requirements specified in § 74.462.

§ 74.464 Frequency tolerance.

The licensee of a remote pickup broadcast station or system shall maintain the operating frequency of each such station in accordance with the following:

Frequency range	Tolerance (percent) Base station	Tolerance (percent) Mobile station
1.6 to 2.0 MHz.:		
200 watts or less	0.01	0.02
Over 200 watts[1]	.005	.02
25 to 30 MHz.:		
3 watts or less	.002	.005
Over 3 watts	.002	.002
30 to 300 MHz.:		
3 watts or less	.0005	.005
Over 3 watts	.0005	.0005
300 to 500 MHz. All powers	.00025	.0005

[1] The listing of tolerances for power over 200 watts is in accordance with treaty values and shall not be construed as a finding that such power will be authorized.

§ 74.465 Frequency monitors and measurements.

(a) The licensee of a remote pickup broadcast station or system shall provide the necessary means to assure that all operating frequencies are maintained within the allowed tolerances. The date and time of each frequency check, the frequency as measured, a description or identification of the method employed and identification of the transmitter on which the measurement is made shall be entered in the operating log.

(b) Frequency measurements for each transmitter shall be made as often as necessary to assure proper operation. In any event, the frequency of a station authorized to operate with output power in excess of 3 watts shall be measured when the transmitter is initially installed and at intervals not exceeding 12 months.

§ 74.466 Station inspections.

The licensee of each remote pickup broadcast station or system shall make such station or system available for inspection by representatives of the Commission at any reasonable hour.

§ 74.467 Posting of licenses.

(a) The license for a remote pickup broadcast station or system and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation shall be posted with the license of any associated broadcasting station.

(b) At the operating position for each transmitter there shall be displayed an identification label, provided by the licensee, showing the call sign, frequency(s) and unit designator, if any, of the station, the name and address of the licensee, the call letters of the associated broadcasting station or stations and, if appropriate, any information or condition set forth in the station or system license which is necessary to assure that the equipment is operated properly.

(c) If the station is authorized to operate as an automatic relay station, and is operated at an unattended site, the call sign and location of the associated broadcasting station or stations, together with the legend "Automatic Relay Station," shall be displayed at the relay transmitter site. The required display shall be affixed to the transmitter housing or antenna supporting structure so as to be visible to a person standing on the ground at the transmitter site, or if the transmitting facilities are installed on the roof of a building, the required display must be visible to a person standing on the roof. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition by the licensee.

§ 74.468 Operator requirements.

(a) Except under the circumstances specified in paragraph (d) of this section, a remote pickup broadcast station may be operated by any person designated by and under control of the station licensee. That person need not be a licensed operator under Part 13 (Commercial Radio Operators) of the Commission's rules and regulations.

(b) Automatic relay stations authorized pursuant to the provisions of § 74.432 (c) (1) may be operated unattended.

(c) The provisions of this section authorizing unlicensed persons to operate remote pickup broadcast stations, or authorizing unattended operation of such stations in certain circumstances, shall not be construed to change or diminish in any respect the responsibility of a station licensee to have and to maintain control over the stations licensed to it or for the proper functioning and operation of those stations in accordance with the terms of the station or system license and pertinent Commission's rules and regulations.

(d) All transmitter repairs or adjustments which may affect the proper operation of a remote pickup broadcast station shall be made by or under the immediate supervision of a person holding a first or second-class commercial radiotelephone operator's license.

(e) In cases where a remote pickup broadcast mobile station is taken to the scene of an event to be broadcast and the operator-reporter wishes to leave the location of the transmitter in order to move about freely at the scene with a hand-carried or pack-carried transmitter in order to conduct interviews, obtain a better vantage point to view the scene or otherwise more effectively cover the event, the mobile station may be operated as a temporarily unattended automatic relay station subject to the following conditions:

(1) The output power of the hand-carried or pack-carried transmitter shall not exceed 1 watt.

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(2) The unattended mobile station shall be so equipped that it will be activated by the carrier of the hand-carried or pack-carried transmitter and will transmit only when relaying the transmission of the hand-carried or pack-carried transmitter or when relaying the transmission of an associated base station operating on the same frequency as the hand-carried or pack-carried transmitter and directed to the operator-reporter at the scene of the event.

(3) Unless the operator-reporter is equipped to continuously monitor use of the frequency on which the unattended transmitter operates, while moving about at the scene of the event, he shall make an observation on the frequency before leaving the location of the mobile transmitter to ascertain whether it is in use so as to avoid interference to other users.

(f) The person operating a remote pickup broadcast station may, at the discretion of the licensee, be employed for other duties, including operation of another station or stations in accordance with the rules and regulations governing operation of such other stations: *Provided*, The additional duties shall in no way interfere with the duties connected with the operation of the remote pickup broadcast station.

§ 74.469 Painting and lighting of antenna structures.

The painting and lighting of antenna structures employed by the stations licensed under this subpart, where required, will be specified in the authorization issued by the Commission. Part 17 of the Commission's rules and regulations set forth the conditions under which painting and lighting will be required and the responsibility of the licensee with regard thereto.

§ 74.470 Additional orders.

In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders in each case as may be deemed necessary.

OTHER OPERATING REQUIREMENTS

§ 74.481 Logs and records.

(a) The licensee of a remote pickup broadcast station or system shall, for each station or system separately licensed, maintain an operating log in which the following entries shall be made:

(1) The date and time of operation of the station or system.

(2) If the instrument of authorization requires painting and lighting of an antenna structure, entries requires by § 17.49 of the Commission's rules and regulations. Such entries shall be made whether or not the transmitter is used.

(3) An entry of frequency measurements made pursuant to § 74.465.

(4) An entry when service or maintenance is performed on any transmitter, if such service or maintenance could affect proper operation. The entry shall include a description of the work performed, the date and the signature and license serial number of the operator performing the service or maintenance duties or under whose supervision such duties have been performed.

(5) An entry showing the name of the person or persons responsible for the operation of base stations each day, together with the period of their duty.

(b) In cases where a series of intermittent transmissions relate to a single event, an entry showing the time of the beginning and end of the series will suffice. Intermittent but unrelated transmissions shall be logged separately. A single time entry may be made for transmissions of less than one minute duration. The time of beginning and ending shall be logged for longer transmissions.

(c) Entries in the operating log shall be made by a person having knowledge of the facts entered. That person shall sign and date the log but the licensee shall not, thereby, be relieved of its responsibility to maintain complete and accurate logs and records.

(d) No provision of this section shall be construed as prohibiting the recording or other automatic maintenance of data required for the station or system log. However, where such automatic logging is used, the licensee shall comply with the following requirements.

(1) The licensee, when employing automatic logging must be able to accurately furnish the Commission with all information required to be logged.

(2) Each recording shall bear a statement, signed and dated by the licensee or a duly authorized agent of the licensee, attesting to the accuracy and completeness of the recorded information. Any information required to be logged which cannot be incorporated in the automatic process shall be similarly authenticated.

(3) The licensee shall extract any required information from the recording as requested by the Commission or its duly authorized representative and submit it in written log form.

(e) The licensee of a remote pickup broadcast system shall maintain a record of unit designators and the stations to which each designator has been assigned.

(f) Each licensee authorized to operate low power broadcast auxiliary stations shall maintain a record listing the current location of all such devices, pursuant to § 74.435(n).

(g) Licensees in Alaska, Guam, Hawaii, Puerto Rico, or the Virgin Islands, operating remote pickup broadcast base stations unattended pursuant to § 74.432(c)(6), shall maintain an operating log for each circuit in which such stations are operated. The operating log shall identify the station(s) being operated unattended, indicate the time and date of the beginning and end of each period of operation, identify the designated person on duty at the receiving end of the circuit and include notations, as appropriate, pertaining to operation of the station or stations included in the circuit.

(h) Remote pickup broadcast station or system logs and records may be kept at any location convenient to the licensee: *Provided*, Such log and records shall be readily available for inspection by a duly authorized representative of the Commission upon request. Logs and records shall be retained for a period of two years.

§ 74.482 Station identification.

(a) Except for stations licensed pursuant to § 74.435, the Commission will assign a call sign for each remote pickup broadcast station or system and, for systems, the licensee shall assign a unit designator to each station in the system. The station or system call sign, and unit designator where appropriate, shall be transmitted by the station at the beginning and end of each period of operation. A period of operation may consist of a single continuous transmission or a series of intermittent transmissions pertaining to a single event.

(b) In cases where a period of operation is of more than one hour duration identification of remote pickup broadcast stations participating in the operation shall be made at approximately one-hour intervals. Identification transmissions during operation need not be made when to make such transmission would interrupt a single consecutive speech, play, religious service, symphony concert, or any type of production. In such cases, the identification transmissions shall be made at the first interruption in the program continuity and at the conclusion thereof. Hourly identification may be accomplished either by transmission of the station or system call sign and unit designator assigned to the individual station or identification of an associated broadcasting station with which the remote pickup broadcast station is being used.

(c) In cases where an automatic relay station is a part of the circuit, the call sign of the relay transmitter may be transmitted automatically by the relay transmitter or by the remote pickup broadcast base or mobile station that actuates the automatic relay station.

[FR Doc.74-22248 Filed 9-25-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-11017; File No. S7-532]

REPORTS TO BE MADE BY CERTAIN EXCHANGE MEMBERS, BROKERS AND DEALERS

Proposal Concerning Statements Furnished to Customers of Broker-Dealers

The Securities and Exchange Commission announced today a proposal to amend paragraph (n) of Rule 17a-5 [17 CFR 240.17a-5] under the Securities Exchange Act of 1934. This amendment will modify the present requirements of paragraph (n) and will require all broker-dealers subject to paragraph (k) of Rule 17a-5 to furnish customers annually one unaudited report of financial condition and certain information concerning the firm's net capital in lieu of the quarterly reports presently required by paragraph (n). In addition, paragraph (m) of the rule presently requires such broker-dealers to furnish an audited statement of financial condition and other pertinent data annually. Thus, under the proposed revision, customers would receive two financial reports from broker-dealers annually approximately 6 months apart, one audited and one unaudited.

As originally adopted, paragraph (n) of Rule 17a-5 required that a quarterly statement of financial condition be provided by the broker-dealer to all of its customers. The rule was subsequently amended to allow member firms to substitute the audited statement of condition filed pursuant to Rule 17a-5(m) for the regular unaudited quarterly statement (Release No. 34-9878, November 24, 1972 [37 FR 25356]. On March 23, 1973, the rule was further amended (Release No. 34-10055) [38 FR 9160] to extend the requirement for furnishing interim statements of financial condition from within 40 days after the end of the calendar or fiscal quarter to no later than the end of the next calendar or fiscal quarter.

The Commission believes that it is important that customers of broker-dealers receive the information as set forth in paragraphs (m) and (n) of the rule concerning the financial and operating condition of the broker-dealer to whom they entrust their monies and securities. The Commission also believes that because such financial information is, in many instances, mailed to customers on a quarterly basis and is mailed three months after the date of the statements, the usefulness of the quarterly financial statements sent to customers is diminished. Additionally, the Commission is of the opinion that the benefits of providing quarterly statements of financial condition to customers is significantly outweighed by the financial and administrative costs resulting from the sending of such statements.

Further, the Commission is of the view that customers of the broker-dealers will be provided with sufficient information if the broker-dealer is required to provide one unaudited report pursuant to paragraph (n) in addition to the annual audited report required pursuant to paragraph (m) of the rule. The amendment would provide that such unaudited statement will be as of a date approximately 6 months after the date of the audited statement. In proposing this amendment, the Commission believes that it will relieve broker-dealers of unduly burdensome and expensive responsibilities while still providing customers with information essential to judge whether his broker-dealer is financially sound and able to safely handle his securities transactions, monies and securities.

STATUTORY BASIS

The Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934 and, particularly, sections 15(c)(3), 17(a), and 23(a) thereof and deeming it necessary for the executions of its functions, hereby proposes to amend paragraph (n) of § 240.17a-5 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 240.17a-5 Reports to be made by certain exchange members, brokers and dealers.

• • • • • •

(n) Every member, broker or dealer who is subject to paragraphs (k), (l), and (m) of this section shall furnish customers (as defined in paragraph (o) of this section) and shall file with the Regional Office of the Commission for the region in which the member, broker or dealer has his principal place of business and with the national securities exchange and the national securities association of which he is a member (or, if he is not a member, only with the Commission) not later than 9 months from the date of the audited statements required by paragraph (m) of this section, an unaudited statement containing the information specified in paragraphs (m)(1) and (m)(2) of this section which shall be as of the date of the member's, broker's or dealer's fiscal period which ends nearest to 6 months from the date of the audited statements required to be furnished to customers pursuant to paragraph (m) of this section.

• • • • • •

All interested persons are invited to submit their views and comments on or before November 4, 1974, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All such communications should bear the File No. S7-532 and will be available for public inspection.

(Sections 15(c)(3), 17(a), 23(a), 48 Stat. 895, 897, 901, Sections 3, 4, 8, 49 Stat. 1377, 1379, Sections 2, 5, 52 Stat. 1075, 1076, Section 7(d), 84 Stat. 1653 (15 U.S.C. 78o(c)(3), 78q(a), 78w))

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 20, 1974.

[FR Doc.74-22395 Filed 9-25-74;8:45 am]

WATER RESOURCES COUNCIL

[18 CFR Part 701, 703, 705]

NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Proposed Rule Making

Notice is hereby given that the Water Resources Council, under the authority of 42 USC 2000d-1, and 42 USC 1962d-1, proposes to amend Chapter VI, Title 18, Code of Federal Regulations by the addition of § 701.78(a)(13) to Part 701, the replacement of present § 703.5(n) of Part 703 with a new § 703.5(n), the deletion of § 703.12, and the addition of Part 705, all as set forth below.

The purpose of the new Part 705 is to implement the provisions of Title VI of the Civil Rights Act of 1964, 42 USC 2000d-1, to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Water Resources Council.

The purpose of the addition of § 701.78(a)(13), the replacement of present § 703.5(n) with the new § 703.5(n), and the deletion of § 703.12, is to coordinate and implement other relevant rules and regulations of the Water Resources Council so as to facilitate the purposes of Part 705.

Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to the Director, Water Resources Council, 2120 L Street, NW., Washington, D.C. 20037 on or before October 29, 1974.

Dated: September 18, 1974.

WARREN D. FAIRCHILD,
Director,
Water Resources Council.

Chapter VI, Title 18, Code of Federal Regulations is hereby amended as set forth below:

1. § 701.78(a)(13) is added to read as follows.

§ 701.78 Executive Director—delegation of authorities.

(a) • • •

(13) Serve as the "responsible agency official" under Part 705 of these rules and regulations.

• • • • • •

2. In § 703.5 paragraph (n) is revised to read as follows.

§ 703.5 Contents of applications.

• • • • • •

(n) Civil rights assurance: Provide assurance that the planning will be conducted in compliance with the provisions of Part 705 of these rules and regulations.

• • • • • •

3. Part 705 is added to read as follows.

PART 705—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Sec.
705.1 Purpose.
705.2 Definitions.
705.3 Application of this part.
705.4 Discrimination prohibited.
705.5 Assurances required.
705.6 Compliance information.
705.7 Conduct of investigations.
705.8 Procedure for effecting compliance.
705.9 Hearings.
705.10 Decisions and notices.
705.11 Judicial review.
705.12 Effect on other regulations.

AUTHORITY: Sec. 602 of P.L. 88-352, 78 Stat. 252, (42 U.S.C. 2000 d-1), and Sec. 402 of Pub. L. 89-80, 79 Stat. 254, (42 U.S.C. 1962 d-1).

§ 705.1 Purpose.

The purpose of this subpart is to implement the provisions of Title VI of the Civil Rights Act of 1964, 78 Stat. 252 (hereafter referred to as the "Act"), to the end that no person in the United

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States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Water Resources Council.

§ 705.2 Definitions.

As used in this part—

(a) "Applicant" means one who submits an application, request, or plan required to be approved by the Water Resources Council, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

(b) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(c) "Federal financial assistance" includes:

(1) Grants and loans of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and

(5) Any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(d) "Primary recipient" means any recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(e) "Program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(f) "Recipient" may mean any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

(g) "Responsible agency official" means the Director of the Water Resources Council or his designee.

§ 705.3 Application of this part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Water Resources Council. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the date of this part pursuant to an application whether approved before or after such date. This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, or (b) any employment practice except to the extent described in § 705.4(c).

§ 705.4 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not directly or through contractual or other arrangements, on the grounds of race, color, or national origin—

(i) Deny a person any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program; or

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program.

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of persons to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

(3) As used in this section, the services, financial aid, or other benefits provided under a program receiving Federal financial assistance include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(5) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. When previous discriminatory practice or usage tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.

(c) *Employment practices.* (1) Where a primary objective of a program of Federal financial assistance to which this part applies is to provide employment, a recipient or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the grounds of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). Such recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to their race, color, or national origin. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(2) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of subparagraph (1) of this paragraph shall apply to the employment practice of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

(d) *Location of facilities.* A recipient may not make a selection of a site or location of a facility if the purpose of that selection, or its effect when made, is to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this rule applies, on the grounds of race, color, or national origin; or if the purpose is to, or its effect when made will, substantially impair the accomplishment of the objectives of this part.

705.5 Assurance required.

(a) *General.* Every application for Federal financial assistance to carry out a program to which this part applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. In the case of an application for Federal financial assistance to provide real property or structures thereon, or personal property or equipment of any kind, such assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for any other purpose involving the provisions of similar services or benefits. In all other cases, such assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The responsible agency official shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors, and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(b) *Planning grants to states.* Each designated state agency must submit the assurance specified in § 703.5(n) of these rules and regulations.

(c) *River basin commissions.* Each river basin commission is required to submit, along with its annual budget request, written assurance of its continuing compliance with § 705.4 of this part.

§ 705.6 Compliance information.

(a) *Cooperation and assistance.* The responsible agency official shall, to the fullest extent practicable, seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible agency official timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible agency official may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient or subcontracts with any other person or group, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible agency official during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities, as may be pertinent to ascertain compliance with this part. Whenever any information required of a recipient is in the exclusive possession of any other agency, institution, or person and that agency, institution, or person fails or refuses to furnish that information, the recipient shall so certify in its report and set forth the efforts which it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible agency official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

§ 705.7 Conduct of investigations.

(a) *Periodic compliance reviews.* The responsible agency official shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the responsible agency official a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible agency official.

(c) *Investigations.* The responsible agency official will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, whenever appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the responsible agency official will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 705.8.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the responsible agency official will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purpose of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 705.8 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part and if the noncompliance or threatened noncompliance cannot be corrected by informal means, the responsible agency official may suspend or terminate, or refuse to grant or continue, Federal financial assistance, or use any other means authorized by law, to induce compliance with this part. Such

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other means include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with assurance requirement.* If an applicant or recipient fails or refuses to furnish an assurance required under § 705.5 or fails or refuses to comply with the provisions of the assurance it has furnished, or otherwise fails or refuses to comply with any requirement imposed by or pursuant to Title VI or this part, Federal financial assistance may be suspended, terminated, or refused in accordance with the procedures of Title VI and this part. The Water Resources Council shall not be required to provide assistance in such a case during the pendency of administrative proceedings under this part, except that the Council will continue assistance during the pendency of such proceedings whenever such assistance is due and payable pursuant to a final commitment made or an application finally approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until—

(1) The responsible agency official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part.

(3) The action has been approved by the Chairman of the Water Resources Council pursuant to § 705.10(e); and

(4) The expiration of 30 days after the responsible agency official has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance with Title VI of the Act by any other means authorized by law shall be taken until—

(1) The responsible agency official has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified or its failure to comply and of the action to be taken to effect compliance; and

(3) The expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take such corrective action as may be appropriate.

§ 705.9 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 705.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible agency official that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 705.8(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Water Resources Council in Washington, D.C., at a time fixed by the responsible agency official unless it determines that the convenience of the applicant or recipient or of the Council requires that another place be selected. Hearings shall be held before the responsible agency official or at its discretion, before a hearing examiner appointed in accordance with Section 3105 of Title 5, U.S.C., or detailed under Section 3344 of Title 5, U.S.C.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Water Resources Council shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with the Administrative Procedure Act (5 U.S.C. 554–557) and with such other regulations that may be necessary or appropriate for the conduct of hearings pursuant to this part.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the responsible agency official may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules or procedures not inconsistent with this part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with § 705.10.

§ 705.10 Decisions and notices.

(a) Procedure on decisions by hearing examiner. If the hearing is held by a hearing examiner, the hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible agency official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days after the mailing of such notice of initial decision, file with the responsible agency official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible agency official may, on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of notice of review, the responsible agency official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice or review the initial decision shall, subject to paragraph (e) constitute the final decision of the responsible agency official.

(b) *Decisions on record or review by the responsible agency official.* Whenever a record is certified to the responsible agency official for decision or it reviews the decision of a hearing examiner pursuant to paragraph (a) of this section or whenever the responsible

agency official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of its contentions and a written copy of the final decision of the responsible agency official shall be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 705.9, a decision shall be made by the responsible agency official on the record and a written copy of such decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing examiner or the responsible agency official shall set forth his or its ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by the Chairman.* Any final decision by the responsible agency official provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Chairman of the Water Resources Council, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such programs to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the responsible agency official that it will fully comply with this part.

(g) *Post termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible agency official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the responsible agency official determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the responsible agency official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes the responsible agency official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g)(1). While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 705.11 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 705.12 Effect on other regulations.

(a) Nothing in this part shall be deemed to supersede any other order, regulation, or instruction which prohibits discrimination on the grounds of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The responsible agency official shall issue and promptly make available to all interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The responsible agency official may from time to time assign to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this part (other than responsibility for final decision as provided in § 705.10), including the achievement of effective coordination and maximum uniformity within the Water Resources Council and within the Executive Branch of the Government in the application of Title VI and this part to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action had been taken by the responsible agency official.

[FR Doc.74-22326 Filed 9-25-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE FOURTEENTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Fourteenth National Bank Region will be held in Monterey, California on October 11, 1974.

The purpose of this meeting is to assist the Regional Administrator and the Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Region.

These meetings are concerned with the liquidity, solvency and continuity of the banking system and involve discussion of commercial and financial information obtained in confidence and required to be kept confidential.

It is hereby determined pursuant to section 10(d) of Pub. L. 92-463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4), and (8) thereof, and is therefore exempt from the provisions of section 19(a) (1) and (3) of the Act (Pub. L. 92-463) relating to open meetings and public participation therein.

Dated: September 13, 1974.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74-22342 Filed 9-25-74;8:45 am]

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE THIRTEENTH NATIONAL BANK REGION

Notice of Closed Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Thirteenth National Bank Region will be held at 9:00 a.m. in the Sun Valley Lodge, Sun Valley, Idaho on Friday, September 27, 1974.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Region.

These meetings are concerned with the liquidity, solvency and continuity of the banking system and involve discussion of commercial and financial information obtained in confidence and required to be kept confidential.

It is hereby determined pursuant to section 10(d) of Pub. L. 92-463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 19(a) (1) and (3) of the Act (Pub. L. 92-463) relating to open meetings and public participation therein.

Dated: September 13, 1974.

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74-22343 Filed 9-25-74;8:45 am]

Office of the Secretary

DEBT MANAGEMENT ADVISORY COMMITTEES

Notice of Meetings and Determination

Notice is hereby given, pursuant to section 10 of Pub. L. 92-463, that meetings will be held in Washington on October 29 and 30, 1974, of the following debt management advisory committees:

American Bankers Association, Government Borrowing Committee.

Securities Industry Association, Government Securities and Federal Agencies Committee.

The agenda for the meetings will include briefings for the advisory committees by Treasury staff on current debt management problems on October 29, separate deliberations by the two committees on October 29, and separate reports to the Secretary of the Treasury and Treasury staff on the morning of October 30.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under section 552(b)(4) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of this office. When so utilized they are recognized to be advisory committees under Public Law 92-463. The advice provided consists of commercial and financial information given and received in confidence in order to avoid adverse effects of premature disclosure on the financial markets and the economy. As such these debt management advisory committee activities concern matters which fall within the exemption covered by section 552(b)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential".

The Special Assistant to the Secretary (Debt Management) shall be responsible for maintaining records of the meetings of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the provisions of 5 U.S.C. 552(b)(4).

[SEAL] JACK F. BENNETT,
Under Secretary for Monetary Affairs.

SEPTEMBER 23, 1974.

[FR Doc.74-22420 Filed 9-25-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BAKERSFIELD DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Bakersfield, California, District Advisory Board will hold a business meeting on November 12, 1974, beginning at 9:00 a.m., P.D.T., in Room 224, Federal Building, 800 Truxtun Avenue, Bakersfield, California. The agenda for the meeting will include action on the 1975-76 grazing applications, transfer of grazing privileges, change in season of use, interagency coordination, district reorganization, status of the proposed tortoise preserve, ephemeral range classification, Interim Critical Management Program changes, review of the Jawbone Canyon Area Special Design, status of Advisory Board Charter and board reorganization, review of the Range Management Automated System, discussion of the Bramlette Allotment near Benton and the Adobe Valley Allotment, status of the wild free-roaming horses and burros, range improvement review, status of Bodie Planning Unit, FY 75 Annual Work Plan review.

This meeting will be open to the public. Interested persons will be permitted to appear before the board or file a written statement for its consideration. Those wishing to appear before the board must inform the Chairman in writing prior to the meeting. Written statements and requests to appear before the board should be submitted to the Advisory Board Chairman, c/o Louis A. Boll, District Manager, Bureau of Land Management, Federal Building, Room 311, 800 Truxtun Avenue, Bakersfield, CA 93301.

Dated: September 18, 1974.

TERRAL P. KING,
Acting Bakersfield District Manager.

[FR Doc.74-22346 Filed 9-25-74;8:45 am]

[POWER PROJECT 2295]

ALASKA

Opening of Lands

SEPTEMBER 19, 1974.

1. In a letter issued June 13, 1966, the Federal Power Commission vacated the power withdrawal created by the filing of an application for a preliminary permit on March 31, 1961, by the Dillingham Public Utility District No. 1 for Power Project No. 2295, involving the following described lands:

Those lands in the vicinity of Dillingham, Alaska associated with the Lake Elva Hydroelectric Development, Federal Power Commission Project No. 2295, located within T. 6 S., R. 58 W., Seward Meridian.

2. There are no public lands in the township described in paragraph 1. The lands described in paragraph 1 are withdrawn subject to valid existing rights by Public Land Order 5186, dated March 15, 1972. This land order withdraws the township for classification and protection of the public interest.

3. Inquiries concerning the lands should be addressed to the Land Office Manager, Bureau of Land Management, Anchorage, Alaska 99501.

CURTIS V. MCVEE,
State Director.

[FR Doc.74-22367 Filed 9-25-74;8:45 am]

[NM 22786]

NEW MEXICO

Notice of Application

SEPTEMBER 18, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½ inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.,
Sec. 18, SE¼NW¼.

These pipelines will convey natural gas across .128 mile of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-22360 Filed 9-25-74;8:45 am]

[NM 22895]

NEW MEXICO

Notice of Application

SEPTEMBER 18, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185-, as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 37 E.,
Sec. 14, SE¼NW¼.

This pipeline will convey natural gas across 4.150 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-22361 Filed 9-25-74;8:45 am]

[NM 22910]

NEW MEXICO

Notice of Application

SEPTEMBER 17, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has aplied for a 6⅝ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 26 E.,
Sec. 1, Lots 4, 5, 6, 11 and 12.
T. 20 S., R. 27 E.,
Sec. 13, W½SW¼, NE¼SW¼ and N½SE¼;
Sec. 14, S½S½;
Sec. 15, SE¼SE¼;
Sec. 34, NE¼NE¼;
Sec. 35, W½NW¼, N½SW¼ and SE¼SW¼.
T. 20 S., R. 28 E.,
Sec. 18, Lots 2, 3 and SE¼NW¼.

This pipeline will convey natural gas acres 5.150 misles of national resource lands in Eddy County, New Nexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-22358 Filed 9-25-74;8:45 am]

[NM 22990]

NEW MEXICO

Notice of Application

SEPTEMBER 18, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 2⅜ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 11 W.,
Sec. 23, SW¼SE¼.

This pipeline will convey natural gas across .052 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-22359 Filed 9-25-74;8:45 am]

[NM 22894]

NEW MEXICO

Notice of Application

SEPTEMBER 18, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat.

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576), El Paso Natural Gas Company has applied for a 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 37 E.,
Sec. 10, SE¼SE¼.

This pipeline will convey natural gas across .154 mile of national resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 74-22320 Filed 9-25-74;8:45 am]

[NM 22926]

NEW MEXICO

Notice of Application

SEPTEMBER 16, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a dehydration and compressor site right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 S., R. 30 E.,
Sec. 10, NW¼NE¼.

This dehydration and compressor site contains .918 acres of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Lands Section.

[FR Doc.74-22321 Filed 9-25-74;8:45 am]

[NM 22924]

NEW MEXICO

Notice of Application

SEPTEMBER 18, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a dehydration and compressor site right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 30 E.,
Sec. 24, SW¼NE¼ and NW¼SE¼.

This dehydration and compressor site contains 5 acres of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-22322 Filed 9-25-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

BADLANDS PLANNING UNIT MULTIPLE USE PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Badlands Planning Unit, Forest Service Report Number USDA-FS-FES (Adm) R1-74-12.

The environmental statement concerns a proposed action for implementation of a Management Prescription for the Badlands Planning Unit, Little Missouri National Grasslands, Custer National Forest. The Planning Unit is located in McKenzie, Golden Valley, Billings, and Slope Counties of North Dakota and contains 1,232,831 acres of which 636,379 acres are administered by the U.S. Forest Service. Most of the other acreage is owned privately or by the State. In addition, this action recommends four specific petroleum projects. Two of these are oil pipelines; the other two are seismic activity and leasing.

This final environmental statement was filed with CEQ on September 19, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service,
South Agriculture Bldg., Room 3231,
12th St. & Independence Ave. SW.,
Washington, DC 20250

USDA Forest Service,
Northern Region,
Federal Building,
Missoula, MT 59801

USDA Forest Service,
Custer National Forest,
2602 1st Avenue North,
Billings, MT 59103

USDA Forest Service,
Medora Ranger District,
1409 West Villard,
Dickinson, ND 58601

USDA Forest Service,
McKenzie Ranger District,
Highway 85 South,
Watford City, ND 58854

A limited number of single copies are available upon request to Forest Supervisor D. C. MacIntyre, Custer National Forest, P.O. Box 2556, Billings, MT 59103.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

SEPTEMBER 19, 1974.

[FR Doc.74-22362 Filed 9-25-74;8:45 am]

EAST FORK YAAK PLANNING UNIT MULTIPLE USE PLAN

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a final environmental statement for East Fork Yaak Planning Unit, Forest Service Report Number USDA-FS-FES (Adm) R1-73-54.

The environmental statement concerns a proposed implementation of a revised multiple use plan for the East Fork Yaak Planning Unit, Yaak Ranger District, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 74,000 acres of National Forest lands which have been stratified into eight management situations or units with similar resource implications.

This final environmental statement was filed with CEQ on September 19, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service,
South Agriculture Bldg., Room 3231,
12th St. and Independence Ave. SW.,
Washington, D.C. 20250

USDA, Forest Service,
Northern Region,
Federal Building,
Missoula, MT 59801

Supervisor's Office,
Kootenai National Forest,
418 Mineral Avenue,
Libby, MT 59923

USDA, Forest Service,
Yaak Ranger District,
Sylvanite Ranger Station,
Troy, MT 59935

A limited number of single copies are available upon request to Forest Supervisor Floyd J. Marita, Kootenai National Forest, Box AS, Libby, MT 59923.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

SEPTEMBER 19, 1974.

[FR Doc.74-22363 Filed 9-25-74;8:45 am]

ROCK CREEK ADVISORY COMMITTEE

Meeting

The Rock Creek Advisory Committee will meet at 7 p.m. on October 15, 1974. Meeting place will be in Drummond, Montana, in the Catholic Church basement.

The purpose of this meeting is to discuss and receive Committee response and critique to Forest Service work in developing planning options for a land use plan for the East Fork-Skalkaho planning unit. Discussions with the Committee will also include existing timber sales, proposed tentative transmission corridors, inventoried roadless areas, transportation planning for the Upper Rock Creek area, various resource inventory data and comments from the public concerning various uses of the area involved.

The meeting will be open to the public. Any member of the public who wishes to do so shall be permitted to file a written statement with the Committee before or after the meeting. To the extent that time permits, the Committee Chairman may permit interested persons to present oral statements at the meeting.

General participation by members of the public, or questioning of Committee members or other participants shall not be permitted unless approved by the majority of Committee members.

Dated: September 18, 1974.

GEORGE M. SMITH,
Forest Supervisor, Deerlodge National Forest.

[FR Doc.74-22353 Filed 9-25-74;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. Sub-B-62]

McCORMACK TRAWLING CORP.

Notice of Hearing

SEPTEMBER 20, 1974.

McCormack Trawling Corporation has applied for permission to transfer the operations of the 117.4' registered length fishing vessel TREMONT, constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for groundfish (cod, cusk, haddock, hake, ocean perch, and pollock), flounder, herring, mackerel, and whiting, to the fishery for groundfish (cod, cusk, haddock, hake, ocean perch, and pollock), flounder, herring, mackerel, whiting, and the fishery in the North Pacific Ocean, Bering Sea, and Gulf of Alaska for sablefish, Pacific ocean perch, Pacific hake, pollock, Pacific Coast flounders (arrowtooth halibut, California halibut, Dover, English, petrale, rex, sand), cod, rockfishes, herring, capelin, anchovies, Pacific mackerel, tuna (albacore, skipjack, bluefin, little, black), shrimp, excluding the Kodiak area as such will be defined by the Administrative Law Judge, crab (king, snow, Dungeness), excluding the Kodiak area as such will be defined by the Administrative Law Judge, and krill.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act, as amended (46 U.S.C. 1401-1413) and Notice and Hearing on Subsidies (50 CFR Part 257) and Reorganization Plan No. 4 of 1970, that a hearing in the above-entitled proceedings will be held on November 4, 1974, at 10 a.m., d.s.t., in the Penthouse of Page Building No. 1, 2001 Wisconsin Avenue NW., Washington, D.C. This hearing will be consolidated with the hearing of a similar application from Old Colony Trawling Corporation since the same fishery is involved. Any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, as prescribed in 50 CFR Part 257, at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

JOSEPH W. SLAVIN,
Acting Director.

[FR Doc.74-22438 Filed 9-25-74;8:45 am]

[Docket No. Sub-B-49]

OLD COLONY TRAWLING CORPORATION

Notice of Hearing

SEPTEMBER 20, 1974.

Old Colony Trawling Corporation has applied for permission to transfer the operations of the 117.4' registered length fishing vessel OLD COLONY, constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for groundfish (cod, cusk, haddock, hake, ocean perch, and pollock), flounder, herring, mackerel and whiting, to the fishery for groundfish (cod, cusk, haddock, hake, ocean perch, and pollock), flounder, herring, mackerel, whiting, and the fishery in the North Pacific Ocean, Bering Sea, and Gulf of Alaska for sablefish, Pacific ocean perch, Pacific hake, pollock, Pacific Coast flounders (arrowtooth halibut, California halibut, Dover, English, petrale, rex, sand), cod, rockfishes, herring, capelin, anchovies, Pacific mackerel, tuna (albacore, skipjack, bluefin, little, black), shrimp, excluding the Kodiak area as such will be defined by the Administrative Law Judge, crab (king, snow, Dungeness), excluding the Kodiak area as such will be defined by the Administrative Law Judge, and krill.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act, as amended (46 U.S.C. 1401-1413) and Notice and Hearing on Subsidies (50 CFR Part 257) and Reorganization Plan No. 4 of 1970, that a hearing in the above-entitled proceedings will be held on November 4, 1974, at 10 a.m., d.s.t., in the Penthouse of Page Building No. 1, 2001 Wisconsin Avenue NW., Washington, D.C. This hearing will be consolidated with the hearing of a similar application from McCormack Trawling Corporation since the same fishery is involved. Any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, as prescribed in 50 CFR Part 257, at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

JOSEPH W. SLAVIN,
Acting Director

[FR Doc.74-22439 Filed 9-25-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5597; Docket No. FDC-D-563; NDA No. 8-644]

CERTAIN PREPARATIONS CONTAINING CARBAZOCHROME SALICYLATE

Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

Correction

In FR Doc. 74-17868 appearing at page 28306 in the issue for Tuesday, August 6, 1974, on page 28307, in the first column, the first line of the sixth paragraph now reading "In adition to the holder(s) of the" should be change to read "to him at the time of approval of the", and should be carried flush with the margin rather than paragraphed.

[DESI 1626; Docket No. FDC-D-678; NDA 2-386 etc.]

INGREDIENT PREPARATIONS CONTAINING XANTHINE DERIVATIVES

Follow-Up Notice and Notice of Opportunity for Hearing

The Food and Drug Administration published a notice in the FEDERAL REGISTER of July 26, 1972 (37 FR 14895), regarding the efficacy of the following drugs:

OXTRIPHYLLINE PREPARATION

1. NDA 9-268—Choledyl tablets containing oxtriphylline; Warner-Chilcott Laboratories Division, Warner Lambert Pharmaceutical Co., 210 Tabor Road, Morris Plains, NJ 07950.

DYPHYLLINE PREPARATIONS

1. NDA 7-794—Neothylline tablets containing dyphylline; Lemmon Pharmacal Co., Cathill and Lonely Roads, Sellersville, PA 18960.

2. NDA 9-088—Neothylline Intramuscular containing diphylline; Lemmon Pharmacal Co.

AMINOPHYLLINE PREPARATIONS

1. NDA 2-386—Aminophylline tablets containing aminophylline; G. D. Searle, & Co., Post Office Box 5110, Chicago, IL 60680.

2. That part of NDA 4-096 pertaining to Aminophylline tablets; Cole Pharma-

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cal Co., Inc., 3721 Laclede Avenue, St. Louis, MO 63108.

3. NDA 2-385—Aminophylline enteric coated tablets containing aminophylline; G. D. Searle, & Co.

THEOPHYLLINE SODIUM GLYCINATE PREPARATIONS

1. Synophylate tablets, elixir and suppositories, containing theophylline sodium glycinate; The Central Pharmacal Co., 116-128 East Third Street, Seymour, IN 47274. (NDA 6-333.)

2. Those parts of NDA 6-158 pertaining to Theoglycinate tablets and syrup containing theophylline sodium glycinate; Brayten Pharmaceutical Co., 1715 West 39th Street, Chattanooga, TN 37409.

Other drugs included in the notice of July 26, 1972 are not affected by this notice.

In addition to the holders of the new drug applications specifically named above, this notice applies to all person who manufacture or distribute a drug product, not the subject of an approved new drug application, which is identical, related, or similar to a drug product named above, as defined in 21 CFR § 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

The notice stated that the rectal suppository containing theophylline sodium glycinate as the sole active ingredient was regarded as probably effective (bronchial asthma), possibly effective, and lacking substantial evidence of effectiveness for labeled indications; and that the other drugs were regarded as possibly effective with some indications lacking substantial evidence of effectiveness. The principal concern with regard to all of these products was not whether or not the xanthine derivatives were effective bronchodilators, but rather whether the dosage was such that adequate blood levels were achieved.

Based upon further review, the Director, Bureau of Drugs, concludes that these drugs are effective for the relief of acute bronchial asthma and for reversible bronchospasm associated with chronic bronchitis and emphysema, but that bioavailability data will be required for all such drug products.

The other less-than-effective indications are classified as lacking substantial evidence of effectiveness in that such evidence has not been received pursuant to the notice.

Accordingly, the previous notice is amended to read as follows, insofar as it pertains to the drugs listed above.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports as well as other available evidence and concludes that:

1. The single entity xanthine derivatives listed above are effective for the relief of acute bronchial asthma and for reversible bronchospasm associated with chronic bronchitis and emphysema.

2. The drugs lack substantial evidence of effectiveness for other labeled indications.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Single entity xanthine derivative preparations are in tablet or liquid form suitable for oral administration, sterile aqueous solution form suitable for parenteral administration, or in suppository form or solution suitable for rectal administration, as indicated in the list of drugs above.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drugs are labeled to comply with all requirements of the Act and regulations, and the labeling bears adequate information for safe and effective use of the drug(s). The indications _____ are as follows:

INDICATIONS

For relief of acute bronchial asthma and for reversible bronchospasm associated with chronic bronchitis and emphysema.

c. Aminophylline is presently included among the drugs listed in 21 CFR 3.515 which are exempt from the requirement for full disclosure labeling (21 CFR 1.106(b)(3)). This notice supersedes that exemption and an appropriate amendment of 21 CFR 3.515 will appear in a future issue of the FEDERAL REGISTER.

3. *Marketing status.* Marketing of such drugs may be continued under the conditions described in the notice entitled *Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study*, published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed aproved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information, as described in paragraphs (a)(1) (i) and (iii) of the notice of July 14, 1970. Adequate data to characterize the biologic availability of the drug in the formulation which is marketed will be required, but these requirements are waived temporarily until procedures for establishing bioequivalence are published in the FEDERAL REGISTER. The setting of such standards is awaiting resolution of methodologic and interpretive problems. Relevant bioavailability data for various formulations, dosage forms, and proposed therapeutic regimens are hereby solicited and will be considered in the development of the standards which all such products will be required to meet.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice. Adequate data to assure the biologic availability of the drug in the formulation which is or is intended to be marketed will be required, but these requirements are waived temporarily until procedures for establishing bioequivalence are published in the FEDERAL REGISTER. The setting of such standards is awaiting resolution of methodologic and interpretive problems. Relevant bioavailability data for various formulations, dosage forms, and proposed therapeutic regimens are hereby solicited and will be considered in the development of the standards which all such products will be required to meet.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), _____ demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) (or, if indicated above, those parts of the application(s) providing for the drug product(s) listed above) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in § 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before October 29, 1974, a written notice of appearance and request for hearing, and (2) on or before November 25, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 130.14 as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 314.200 on March 29, 1974 (39 FR 11680).

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A.2. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during regular business hours, Monday through Friday.

Communications forwarded in response to this announcement should be identified with the reference number DESI 1626, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (HFD-100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Generic Drug Staff (HFD-107), Office of Scientific Evaluation, Bureau of Drugs.

Submissions pursuant to the notice of opportunity for hearing (identify with docket number): Hearing Clerk, Food and Drug Administration (HFC-20), Room 4-65, Parklawn Building.

Requests for the Academy's report: Drug Efficacy Information Activity (HFD-8), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Manager (HFD-101), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; (21 U.S.C. 352, 355)) and under the authority delegated to the Director, Bureau of Drugs (21 CFR 2.121).

Dated: September 19, 1974.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.74-22332 Filed 9-25-74;8:45 am]

[NADA No. 36-762]

RALSTON PURINA CO.

Purina Pullet Chowder MP+; Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner of Foods and Drugs (21 CFR 2.120), the following notice is issued:

On the grounds that the drug is no longer manufactured and marketed and at the request of Ralston Purina Co., Checkerboard Square, St. Louis, MO 63188, in accordance with § 135.28(d) (21 CFR 135.28(d)), notice is given that approval of NADA (new animal drug application) No. 36-762V for Purina Pullet Chowder MP+ containing amprolium and ethopabate is hereby withdrawn effective September 26, 1974.

Dated: September 5, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-22335 Filed 9-25-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE AD HOC TASK FORCE ON ADJUDICATION

Notice of Public Meeting

On October 18-19, 1974, the National Highway Safety Advisory Committee's Ad Hoc Task Force on Adjudication will hold an open meeting at the Olympic Hotel, 416 Seneca, Seattle, Washington.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The Ad Hoc Task Force on Adjudication will meet on October 18 from 1:30 p.m. to 4:30 p.m. at the Olympic Hotel in the Colonial Room with the following agenda:

Report on Status of Driver Improvement Programs

Report on Oregon Study of Driver License Suspension

On October 19 the Ad Hoc Task Force on Adjudication will meet from 9 a.m. to 12 noon at the Olympic Hotel in the Colonial Room with the following agenda:

Review of Mandatory Sanctions Report and Recommendations

Further information may be obtained from the Executive Secretariat, National

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Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202–426–2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92–463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: September 23, 1974.

WM. H. MARSH,
Executive Secretary.

[FR Doc.74–22375 Filed 9–25–74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON BEAVER VALLEY POWER STATION, UNIT 1

Notice of Meeting

SEPTEMBER 20, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Beaver Valley Power Station, Unit 1 will hold a meeting on October 16, 1974 in Courtroom No. 7, Beaver County Courthouse, Third Street, Beaver, Pennsylvania 15009. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of Duquesne Light Company for a license to operate this nuclear power plant. The facility is located in Shippingport Borough, Beaver County, Pennsylvania, on the south bank of the Ohio River, approximately 5 miles east-southeast of East Liverpool, Ohio.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

WEDNESDAY, OCTOBER 16, 1974, 1:30 P.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee will hear presentations by representatives of the Regulatory Staff and Duquesne Light Company and will hold discussions with these groups pertinent to its review of the application of Duquesne Light Company for a permit to operate the Beaver Valley Power Station, Unit 1.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 1 p.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold a closed session with representatives of the Regulatory Staff and Applicant for the purpose of discussing privileged information relating to plant physical security and other matters related to plant design, construction and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than October 9, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Final Safety Analysis Report for this facility and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and at the Beaver Area Memorial Library, 100 College Avenue, Beaver, Pennsylvania 15009.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on October 16, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on October 15, 1974 to the Office of the Executive Secretary of the Committee (telephone 301–973–5640) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 17, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and within approximately nine days at the Beaver Area Memorial Library, 100 College Avenue, Beaver, Pennsylvania 15009. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after January 16, 1975. Copies may be obtained upon payment of appropriate charges.

JOE B. LA GRONE,
Acting Advisory Committee Management Officer.

[FR Doc.74–22387 Filed 9–25–74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON BEAVER VALLEY POWER STATION, UNIT 1

Notice of Meeting

SEPTEMBER 20, 1974.

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Beaver Valley Power Station, Unit 1 will hold a meeting on October 19, 1974 in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of Duquesne Light Company for a license to operate this nuclear power plant. The facility is located in Shippingport Borough, Beaver County, Pennsylvania, on the south bank of the Ohio River, approximately 5 miles east-southeast of East Liverpool, Ohio.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

SATURDAY, OCTOBER 19, 1974—9A.M. UNTIL THE CONCLUSION OF BUSINESS

The Subcommittee will hear presentations by representatives of the Regulatory Staff and Duquesne Light Company and will hold discussions with these groups pertinent to its review of the application of Duquesne Light Company for a license to operate the Beaver Valley Power Station, Unit 1.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee members and consultants and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the Regulatory Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than October 12, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Final Safety Analysis Report for this facility and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and at Beaver Area Memorial Library, 100 College Avenue, Beaver, Pennsylvania 15009.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on October 19, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on October 18, 1974, to the Office of the Executive Secretary of the Committee (telephone 301–973–5640) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after October 21, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and within approximately nine days at Beaver Area Memorial Library, 100 College Avenue, Beaver, Pennsylvania 15009. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after January 20, 1975. Copies may be obtained upon payment of appropriate charges.

JOE B. LA GRONE,
Acting Advisory Committee Management Officer.

[FR Doc.74–22388 Filed 9–25–74;8:45 am]

[AEC Docket Nos. 50–329A, 50–330A]

CONSUMERS POWER CO.

Designation of Board Chairman

In the matter of Consumers Power Company (Midland Plant, Units 1 and 2).

Hugh K. Clark, Esq., a previously designated member of the Board in this proceeding, and a member of the Atomic Safety and Licensing Board Panel qualified in the conduct of administrative proceedings, is designated as Chairman of the Board to succeed the late Jerome Garfinkel, Esq.

This action is taken on the basis of a recommendation by the Board that one of the two other members be so designated. The parties herein concur in this action.

The recommendation is within the authority of the Board, under § 2.718 of the regulations of the Commission, to take appropriate action to avoid delay, regulate the course of the hearing, and dispose of procedural requests or similar matters, and is in accordance with § 2.721 (a) and (d).

Dated at Bethesda, Maryland, this 20th day of September, 1974.

The Atomic Safety and Licensing Board Panel.

NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.74–22385 Filed 9–25–74;8:45 am]

GENERAL ADVISORY COMMITTEE AD HOC ISOTOPES SUBCOMMITTEE

Notice of Meeting

SEPTEMBER 20, 1974.

In accordance with the purposes of Section 26 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2036), the Isotopes Subcommittee of the General Advisory Committee will hold a meeting beginning at 9 a.m. at the AEC offices at 1717 H Street, NW., in Washington, D.C. on October 14, 1974, for the purpose of

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discussing the laser isotopes separation program.

The meeting will not be open to the public under the authority of section 10(d) of Pub. L. 92-463 (Federal Advisory Committee Act). I have determined that it is necessary to close the meeting to discuss certain information that is classified and falls within exemptions (1) and (3) of 5 U.S.C. 552(b); information that is commercially privileged and falls within exemption (4) of 5 U.S.C. 552(b); and to exchange opinions and formulate recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the meeting will be inextricably intertwined with exempt material, and no separation of this material is considered practical. It is essential to close the meeting to protect such classified or privileged information and to protect the free interchange of internal views and avoid undue interference with Commission and Committee operation.

JOE B. LAGRONE,
Acting Advisory Committee Management Officer.

[FR Doc.74-22382 Filed 9-25-74;8:45 am]

HTGR FUELS REPROCESSING FACILITIES NATIONAL REACTOR TESTING STATION, IDAHO

Notice of Availability of Final Environmental Statement

Notice is hereby given that a Final Environmental Statement, "HTGR Fuels Reprocessing Facilities," National Reactor Testing Station, Idaho (WASH-1534), issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(c) of the National Environmental Policy Act of 1969 is being placed in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and in the Commission's Albuquerque Operations Office, Albuquerque, New Mexico; Chicago Operations Office, 9500 South Cass Avenue, Argonne, Illinois; Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho; Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee; Richland Operations Office, Federal Building, Richland, Washington; San Francisco Operations Office, 1333 Broadway, Oakland, California; and Savannah River Operations Office, Aiken, South Carolina.

The Statement was prepared in support of the Commission's legislative action related to the appropriation of funds for the project.

A limited number of copies are available, and copies will be furnished upon request addressed to the Office of the Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 22nd day of August, 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-22384 Filed 9-25-74;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Atomic Energy Commission has issued a new guide in its Regulatory Guide Series. The Regulatory Guide Series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 5.38, "Nondestructive Assay of High-Enrichment Uranium Fuel Plates by Gamma Ray Spectrometry," describes instrument features scanning methods, and error estimation procedures to determine the distribution and total uranium-235 content of fuel plates.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in any published guides are encouraged at any time. Public comments on Regulatory Guide 5.38 will, however, be particularly useful in evaluating the need for an early revision if received within two months of the date of the guide. Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of the issued guide (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 5 Regulatory Guides currently being developed include the following:

Minimizing Nuclear Material Holdup in Dry Process Operations.
Organization for Materials and Plant Protection.
Management Review of Materials and Plant Protection Program and Activities.
Standards for Physical Barrier Construction.
Plant Security Force Duties.
Personnel Selection and Screening.
Perimeter Intrusion Alarms.
Coordination of Response Plan with Law Enforcement Authority.
Monitoring Transfers of Special Nuclear Material.
Internal Transfers of Nuclear Material.
Material Control in Unirradiated Scrap Recovery Facilities.
Dynamic Inventory Techniques.
Prior Measurement Verification.
Resolution of Shipper-Receiver Differences.
Measurement Control Program for Materials Accounting in Nuclear Material Processing Plants.
Determination of Measurement Bias and Systematic Errors.
Training and Qualifying Measurement Control Personnel.
Methods for the Accountability of Plutonium Oxide Powder.
Methods for the Accountability of High-Enriched UO_2.
Chemical, Nuclear, and Radiochemical Analysis of $UO_2(NO_3)_2$ Solutions.
Guide for Mass and Scales Calibration.
Guide for Mixing and Sampling Nuclear Materials.
Preparation of $Pu(NO_3)_4$ Solution as a Working Standard.
Preparation of $UO_2(NO_3)_2$ Solution as a Working Standard.
Calibration and Error Estimation Methods for Nondestructive Assay.
Nondestructive Assay of Plutonium-Bearing Fuel Rods.
Nondestructive Assay of High-Enrichment Uranium Scrap by Active Neutron Interrogation.
Control and Accountability of Plutonium in Waste Material.
Radionuclide Analysis of Specially Prepared Plutonium Samples by Gamma-Ray Spectroscopy.
Nondestructive Assay of Low Enrichment Uranium Fuel Rods.
Protection of Nuclear Power Plants Against Industrial Sabotage.
Verification of Prior Measurements by Nondestructive Assay.
Radionuclide Analysis of Plutonium Process Materials by Nondestructive Gamma-Ray Spectroscopy.
Shipping and Receiving Control of Nuclear Materials.
Duties, Responsibilities, and Authority of Material Balance Area Custodians.
Standard Format and Content for the Special Nuclear Material Control and Accounting Section of a License Application.
Standard Format and Content for the Physical Protection Section of a License Application.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 18th day of September, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-22386 Filed 9-25-74;8:45 am]

[Docket Nos. 50-438, 50-439]

TENNESSEE VALLEY AUTHORITY

Order Relative to Health and Safety Hearing

In the matter of Tennessee Valley Authority (Bellefonte Nuclear Plant, Units 1 and 2).

Take notice, the evidentiary hearing on health and safety matters will commence at 9:30 a.m. (local time) on October 16, 1974, in the Apollo Room at the Holiday Inn, 3810 University Drive, Huntsville, Alabama.

The public is invited to attend the hearing. Limited appearance statements will be accepted. An oral statement should be limited to five (5) minutes but written material without limitation on length may be submitted. If Daniel Payne Hale and/or Lyle A. Taylor, who petitioned to intervene but were not granted intervention, desire to make limited appearances they will be granted thirty (30) minutes each. William E. Garner, formerly an Intervenor, reserved time from his prior limited appearance, and will, therefore, be invited to complete his statement.

In response to an inquiry by letter of September 10, 1974, the Board informed the Jackson County Board of Health that it will be granted special consideration if it desires to make an oral presentation.

Issued at Bethesda, Maryland this 23rd day of September 1974.

It is so ordered.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.74-22383 Filed 9-25-74;8:45 am]

[Docket Nos. 50-500, 501]

TOLEDO EDISON CO. ET AL.

Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report: Time for Submission of Views on Antitrust Matters

The Toledo Edison Company, The Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, have filed an application for authorization to construct and operate two generating units utilizing two pressurized water nuclear reactors. The application was tendered on May 10, 1974. Following a preliminary review for completeness, the Environmental Report was found to be acceptable on July 19, 1974. The Preliminary Safety Analysis Report (PSAR) was rejected on June 12, 1974, because of deficiencies in the Quality Assurance Program description. The applicants submitted a revised Quality Assurance Program on July 24, 1974, and the application was docketed on August 9, 1974. Docket Nos. 50-500 and 50-501 have been assigned to the application and should be referenced in any correspondence relating to it.

The proposed nuclear facility, designated by the applicants as the Davis-Besse Nuclear Power Station, Units 2 and 3, is located on Lake Erie in Ottawa County, Ohio. Each unit is designed for initial operation at 2772 megawatts thermal, with a net electrical output of 906 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before November 4, 1974. The request should be filed in connection with Docket Nos. 50-500-A and 50-501-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and at the Ida Rupp Public Library, Port Clinton, Ohio.

The Environmental Report was filed by the applicants pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51. This report, which discusses environmental considerations related to the construction and operation of the proposed facility, is being made available for public inspection at the aforementioned locations and at the Ohio State Clearinghouse, Office of the Governor, 62 East Broad Street, Columbus, Ohio 43215.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 27th day of August 1974.

For the Atomic Energy Commission.

L. P. CROCKER,
Acting Chief, Light Water Reactors Branch 2-2, Directorate of Licensing.

[FR Doc.74-20606 Filed 9-4-74;8:45 am]

CIVIL AERONAUTICS BOARD

AEROAMERICA, INC. ET AL.

[Docket No. 26943]

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on October 21, 1974, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Hyman Goldberg.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before October 9, 1974, and the other parties on or before October 16, 1974. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., September 23, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74-22414 Filed 9-25-74;8:45 am]

AMERICAN AIRLINES, INC., AND FRONTIER AIRLINES, INC.

[Docket 25397]

Route Exchange Agreement; Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on October 23, 1974, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., September 23, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74-22413 Filed 9-25-74;8:45 am]

[Docket No. 27010; Order 74-9-72]

DAN-AIR SERVICES LTD.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of September, 1974.

By tariff revisions[1] filed August 22, 1974 for effectiveness September 22, 1974, Dan-Air Services Limited (Dan-Air) proposes new charges for cancellation of passenger charter contracts prior to departure. The cancellation charges, proposed as fixed percentages of the total charter price, would be set at 10 percent for cancellations 90 days or more before departure; 25 percent for cancellations between 90 and 61 days before departure; and 50 percent for cancellations 60 days or less before departure.

In support of the proposed charges, Dan-Air states that they reflect its preestimate of the injury it would suffer in the event of a breach of contract by charterers, and reflect liquidated damage provisions already incorporated in Dan-Air's charter contracts. The carrier sub-

[1] Original Page 15A, Dan-Air Services Limited Tariff C.A.B. No. 2.

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mits further that, although the costs of a cancelled charter flight very enormously (depending on the date at which cancellation takes place and the expected location of the aircraft and crew), it is impossible to construct a tariff rule whereby cancellation charges would vary depending on the circumstances of each flight; that many of the factors involved in calculating actual damages are not a lawful basis for a tariff provision; that a variable formula would encourage frivolous charter agreements contrary to Board policy; and that the Board has previously permitted flat percentage provisions for cancellation charges to become effective.

Finally, Dan-Air contends that the proposed charges are just and reasonable in that they represent an accurate estimate of the average costs of cancellation, which include the administrative costs of setting up a charter; the profits lost due to cancellation; and the resulting operational costs, which vary depending on the necessity for a ferry flight to reposition the aircraft to meet its next scheduled appointment. Dan-Air alleges that, due to the advance filing requirements of the various advance booking charters, it is virtually impossible to fill the ferry flight if cancellation occurs within 60 days of departure. Dan-Air is particularly concerned with charter flights originating in the United Kingdom, where passengers generally book many months in advance and new passengers are not available to replace those which cancel.

Upon consideration of the tariff filing and all other relevant matters, the Board finds that the proposed charges may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board has also concluded to suspend the proposal pending investigation.

The Board has, as Dan-Air contends, permitted carriers to apply flat percentage charges for charter cancellations. However, we are not persuaded that the levels here proposed are just and reasonable. The generally applicable cancellation charge for North Atlantic charter operators is 10 percent which would appear sufficient to safeguard the carrier and an adequate deterrent against "frivolous" charter contracts. Dan-Air has provided no data which would indicate that the costs actually incurred in the event of cancellation by the charterer justify charges in the magnitude of 25 to 50 percent. As it points out, circumstances vary widely with each charter flight. However, each cancellation need not necessarily require the operation of ferry mileage, for example, and other possible costs may or may not be necessary. In the absence of more explicit information on the cost of cancellations to the carrier, the Board concludes that the charges here proposed represent an unwarranted penalty for the charterer.

The Board recognizes that U.K.-originating advance booking charters (ABC's) are operated under rules different from those applicable to U.S.-originating travel group charters (TGC's) and, in fact, Dan-Air seems to be primarily concerned with the former. In these circumstances, we would not oppose imposition of cancellation charges on a directional basis to reflect the particular exigencies connected with ABC requirements. With respect to U.S.-originating charters, however, the proposed penalties for cancellation appear unjustified, and for this reason will be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 801 and 1002(j) thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions on Original Page 15A, Dan-Air Service Limited Tariff C.A.B. No. 2 and rules, regulations, and practices affecting such charges and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and, if found to be unlawful, to take appropriate action to prevent the use of such charges and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the rates and provisions on the tariff pages specified in ordering paragraph 1 above are suspended and their use deferred to and including September 20, 1975 unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order of special permission of the Board;

3. This order shall be submitted to the President[1] and shall become effective September 20, 1974;

4. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order be served upon Dan-Air Services Limited, which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-22411 Filed 9-25-74;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following Military Resale Commodities to Procurement List 1974, November 29, 1973 (38 FR 33038).

DESCRIPTION AND ITEM NO.
Mophead, Wet, with/handle, 927. Refill, Mophead, 935.

Comments and views regarding these proposed additions may be filed with the Committee not later than October 29, 1974. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-22376 Filed 9-25-74;8:45 am]

PROCUREMENT LIST 1974

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1974, November 29, 1973 (38 FR 33038).

SERVICE
INDUSTRIAL CLASS 7699
Typewriter Platen Recovering, Washington, D.C.

Comments and views regarding this proposed addition may be filed with the Committee not later than October 29, 1974. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc. 74-22377 Filed 9-25-74;8:45 am]

PROCUREMENT LIST 1974

Addition to Procurement List

Notice of proposed addition to Procurement List 1974, November 29, 1973 (38 FR 33038) was published in the FEDERAL REGISTER on March 11, 1974 (39 FR 9492).

Pursuant to the above notice the following service is added to Procurement List 1974.

INDUSTRIAL CLASS 7641	*Price*
Furniture Rehabilitation—Wood Items Only (RF): Seattle, Washington plus 30 mile radius; Auburn, Washington plus 30 mile radius; Tacoma, Washington plus 30 mile radius (Including McChord Air Force Base and Fort Lewis).	List of prices available from GSA, FSS, Region 10.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-22378 Filed 9-25-74;8:45 am]

[1] This order was submitted to the President on September 9, 1974.

PROCUREMENT LIST 1974

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1974, November 29, 1973 (38 FR 33038).

SERVICE
INDUSTRIAL CLASS 0782
Grounds Maintenance, Secret Service Special Training, Building and Complex, Beltsville, Maryland.

Comments and views regarding this proposed addition may be filed with the Committee not later than October 29, 1974. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-22379 Filed 9-25-74;8:45 am]

PROCUREMENT LIST 1974

Notice of Proposed Deletion

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed deletion of the following commodities from Procurement List 1974, November 29, 1973 (38 FR 33038).

COMMODITIES
CLASS 5330
Packing, Preformed (Grommets): 5330-543-7172, 5330-543-7173, 5330-242-3676, 5330-543-7174, 5330-242-3679, 5330-543-7175, 5330-242-3675, 5330-543-7176, 5330-543-7177, 5330-543-7178, 5330-543-7179.

Comments and views regarding these proposed deletions may be filed with the Committee not later than October 29, 1974. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-22380 Filed 9-25-74;8:45 am]

PROCUREMENT LIST 1974

Notice of Proposed Deletion

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed deletion of the following commodities from Procurement List 1974, November 29, 1973 (38 FR 33038).

COMMODITIES
CLASS 6532
Cap, Operating, Surgical, Woman's Adjustable, Disposable, Green: 6532-250-5041, 6532-250-5042, 6532-122-0468.

Comments and views regarding these proposed deletions may be filed with the Committee not later than October 29, 1974. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-22381 Filed 9-25-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 288-5]

NAVIGABLE WATERS OF THE STATE OF MARYLAND

Approval of Program for Control of Discharges of Pollutants

Notice is given hereby that the U.S. Environmental Protection Agency has granted the State of Maryland's request for approval of its program for controlling discharges of pollutants to navigable waters in accordance with the National Pollutant Discharge Elimination System (NPDES), pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816 (33 U.S.C. 1251) the Act).

Section 402 of the Act establishes a permitting system, known as the National Pollutant Discharge Elimination System, under which the Administrator of the U.S. Environmental Protection Agency (EPA) may issue permits for the discharge of any pollutant, upon condition that the discharge meets the applicable requirements of the Act. Section 402(b) provides that any State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit such program to the Administrator. If the Administrator determines that the State has adequate authority to carry out the requirements of the Act, he shall approve the submitted program and suspend the issuance of permits as to those navigable waters subject to such program, except with respect to agencies and instrumentalities of the Federal Government. Guidelines specifying procedural and other elements for State NPDES programs appear at 40 CFR Part 124 (as amended by 38 FR 18000, July 5, 1973, and 38 FR 19894, July 24, 1973).

On June 6, 1974, Maryland submitted a program for carrying out the NPDES. On July 17, 1974, EPA conducted a public hearing on the proposed approval in Annapolis, Maryland. After a thorough review of the Maryland program, the accompanying legal certification, and all comments submitted by the public during and following the public hearing, the Administrator determined that the State's authority was adequate to carry out the requirements of the Act, and so informed Governor Marvin Mandel in a letter dated September 5, 1974.

As of September 5, 1974, the Maryland NPDES permit program is being administered by the Water Resources Administration of the Maryland Department of Natural Resources, Tawes State Office Building, Annapolis, Maryland 21401 (telephone (301) 267-5846). Mr. James B. Coulter is Secretary of the Department of Natural Resources and Mr. Herbert M. Sachs is Director of the Water Resources Administration. The Maryland program is being administered in accordance with Maryland statutes and regulations and a memorandum of understanding between Maryland and the EPA Region III office, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106 (telephone (215) 597-9815). All pertient documents are available for inspection at the Maryland State agency and EPA Regional offices at the addresses given above and EPA Headquarters in Room 3201, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

[FR Doc.74-22310 Filed 9-25-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20099]

AMERICAN TELEPHONE AND TELEGRAPH CO., ET AL.

Memorandum Opinion and Order Regarding Restating Specific Issues

In the matter of offer of facilities for use by other common carriers

1. By Memorandum opinion and order (hearing order) released July 5, 1974, 47 FCC 2d 660, we instituted the above-captioned investigation into all the Bell System tariffs offering facilities for use by other common carriers as well as the Bell/Western Union exchange of facilities contracts. On August 1, 1974, 19 Bell System Companies each filed a tariff to be effective August 2, 1974, setting forth the rates and regulations applicable to the furnishing of local distribution area (LDA) facilities and inter-LDA facilities within the same state. These 19 tariffs, which cover the offering of facilities to other common carriers within the 48 coterminous states, have a uniform format, include specific state-by-state rate schedules, and contain similar terms and conditions. These new facility tariffs replace Bell Operating Company Tariffs F.C.C. Nos. 1 and 2, Pacific Telephone and Telegraph Company Tariff F.C.C. No. 124, the 24 LDA tariffs which were on file with the Commission, and the supplements and cross-references associated therewith. In addition to these 19 tariffs, AT&T (Long Lines) filed, on August 1, 1974, revisions to its MTS, WATS and Private Line tariffs, to be effective on 30 days notice. The purpose of these AT&T revisions is to permit restricted connections of satellite facilities to the switched network.

2. As a result of these columinous tariff filings, the Commission, on its own motion, will modify and clarify its July 5, 1974 Hearing Order. In addition, we will also act on The Western Union Telegraph

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Company's (Western Union) "Motion in the Alternative for Enlargement or Clarification of Issues" filed July 29, 1974, and Western Union's "Motion for Extension of Time," filed August 9, 1974.

3. The August 1, 1974 tariff filings completely restructure the tariffs offering interconnection facilities to other common carriers. Nineteen Bell System Operating Companies have each filed a tariff which offers both LDA and inter-LDA facilities, where such facilities are provided between specified points within the same state and within the operating territory of the individual Bell company. Where the facilities are provided between points in different states, the offering is made, as before, by AT&T pursuant to the terms of its Tariff F.C.C. No. 266. Entrance facilities tariffs remain unchanged and continue to be provided pursuant to AT&T's Tariff F.C.C. No. 265 and Pacific Telephone and Telegraph's Tariff F.C.C. No. 123. Because of the restructuring, issues 2 and 3 of the July 5, 1974 Hearing Order relating to tariff construction will be modified as set forth below. In addition, issue 7 will be modified to refer to the August 1, 1974 tariff filings, rather than the May 3, 1974 filings.

4. In the new tariffs, there are no longer provisions providing that Bell may deny facilities upon objection "made by or on behalf of any governmental authority", or merely by reason of any indebtedness to Bell. Accordingly issues 15 and 27 of the Hearing Order which address these former restrictions, are moot and will be eliminated. All the remaining issues will be left as they are since they are equally applicable to the August 1, 1974 tariffs.

5. It has recently come to the Commission's attention that presently, certain facilities which AT&T furnishes to international record carriers (IRCs) between the IRC's' operating offices and their overseas facilities (earth stations and cable heads) and between and among their operating offices (e.g., New York and San Francisco gateways) are provided under contract rather than pursuant to tariffs. Similar facilities supplied to domestic satellite common carriers, however, are tariffed (see, e.g., AT&T Tariff F.C.C. Nos. 265 and 266, Pacific Telephone and Telegraph Co. Tariff F.C.C. No. 123). Further, interconnection facilities provided the IRC's within a single local distribution area are also subject to tariff (see Hearing Order, para. 10). In answer to a June 6, 1974 letter from the Chief, Common Carrier Bureau, AT&T declined to file tariffs covering the provision of such facilities on the grounds that (1) the Commission has never specifically required such a filing, (2) such a filing would be inconsistent with the Bell/Western Union contract ruling in the Commission's Decision in Bell System Tariff Offerings, Docket 19896, 46 F.C.C. 2d 413 (1974), and (3) the contracts have been mutually satisfactory to AT&T and each of the IRC's. It appears to us that there is no significant difference between the interconnection facilities provided to the IRC's and those provided under tariff to the specialized common carriers including specialized satellite common carriers. Therefore, we shall include as an issue in this proceeding, whether entrance facilities (from both cable heads and earth stations) and intercity facilities furnished by Bell to the IRC's should be provided pursuant to tariffs or contracts.

6. On July 29, 1974, Western Union filed a "Motion in the Alternative for Enlargement or Clarification of Issues." Responsive pleadings were filed by Bell and the Common Carrier Bureau Trial Staff. In this motion, Western Union requests that the Commission include the following three issues in this proceeding:

(1) Whether, pursuant to section 214 of the Communications Act, the present or future public convenience or necessity would be adversely affected if the Bell-Western Union exchange or facilities contracts were to be abrogated in whole or in part by the Commission?

(2) Whether, if these contracts were to be held to constitute an unjust or unreasonable discrimination or undue preference under section 202 of the Act as compared with the Bell System's tariffs, would the public interest permit elimination of such disparity of treatment by making the contract terms available to all carriers?

(3) Whether the Bell System's local distribution tariffs should be modified to require Bell?

(a) To give reasonable notice (not less than 30 days) before substituting different facilities for the facilities provided under the tariffs;

(b) Upon reasonable request, to provide price quotations for the cost of constructing special facilities within a local distribution area; and

(c) Upon reasonable request, to terminate local distribution facilities at the terminal of other common carrier's customer?

7. Because Bell's tariffs differ from the Bell/Western Union contracts not only in the applicable rates, but also in the terms and conditions under which service is offered, Western Union requests inclusion of a Section 214 issue. Western Union's proposed Section 214 issue contemplates that if the Commission abrogates the contracts after a finding of unlawfulness, then the result may be a discontinuance of service within the meaning of Section 214. Western Union's fears of a possible discontinuance of service are premature. This proceeding is an investigation into the lawfulness of certain Bell tariffs and Bell/Western Union contracts. We intend to examine the reasonableness of the terms and conditions, as well as the rates and charges, in both the tariffs and the contracts. No action which the Commission may take herein will result in a discontinuance of any service to Western Union. Even if the Commission were to find the Bell/Western Union contracts unlawful in any respect, this would not constitute a finding that certain services received by Western Union under the contract should not continue to be provided by Bell to Western Union. On the contrary, to the extent that such contracts may be modified or abrogated by Commission action herein, we would expect Bell to provide comparable service pursuant to the terms of tariffs filed with this Commission.[1] Thus consideration of the contract versus tariff question will in no way involve consideration of any discontinuance of service. We will therefore deny Western Union's request for a Section 214 issue.

8. Western Union states that the second issue requested is required by the holding in FPC v. Sierra Pacific Power Co., 350 U.S. 348 (1956). Western Union argues that the Commission cannot abrogate the contracts solely through the exercise of its powers under Section 205, and that under Sierra Pacific, the Commission could abrogate the contracts only if it made the further determination that it would not be in the public interest to eliminate the alleged discrimination or preference by requiring Bell to extend to all carriers the same terms and conditions as those it has agreed upon with Western Union. As we stated in our Decision in Bell System Tariff Offerings, the Commission has the authority and indeed the obligation "to investigate the contractual rates and to modify or prohibit any rate which is discriminatory or otherwise unlawful under the terms of the relevant statute,"[2] which is section 205. Sierra Pacific does not require that any discrimination or preference be eliminated by making the contract terms available to all carriers. What it does require is that any rates prescribed be in the public interest and not merely in the private interests of the contracting parties. Section 205 requires that any rates prescribed be just and reasonable; and this "just and reasonable" standard includes an examination of the public interest. If it becomes necessary to prescribe any charges, classifications, regulations or practices, we will prescribe such charges, classifications, regulations or practices as will be just and reasonable within the meaning of Section 205. In any event, the prescriptive issue is sufficiently broad to include consideration of Western Union's suggested remedy or any other means which is in the public interest, of eliminating any undue discrimination or preference, which is found to exist. Since the Sierra Pacific standard is already included within the prescriptive issue as framed, Western Union's request for an explicit Sierra Pacific issue will be denied.

9. Western Union's request for inclusion of certain specific issues will also be denied. Issue 3(c) requested by Western Union is already included as issue 20 in the July 5 Hearing Order (now renumbered to issue 18). Furthermore, it appears that issues 3(a) and (b) requested by Western Union have been mooted by the August 1, 1974 tariff filings. However, we will take this opportunity to point out the language in paragraph 13 of our July 5 Hearing Order which states that the "issues to be considered * * * shall *include, but not be limited to*" (emphasis added) the specified factual issues listed. Thus we will welcome comments on any contract or tariff provisions under investigation herein, which a party believes may be unjust or unreasonable.

10. On August 9, 1974, Western Union filed a "Motion for Extension of Time." RCA Global Communications, Inc. and MCI filed oppositions to this motion.[3] Western Union's motion was filed in response to a July 26, 1974 letter in which AT&T informed the Commission that the Bell System Respondents would be unable to furnish the § 61.38 data needed to support the various facilities tariffs filed on August 1, 1974, before the end of 1974. AT&T's letter went on to state that "while we are confident that a number of such studies will be completed by the end of the year, we cannot assure the Commission that all of the studies will be completed by then." On the basis of AT&T's inability to provide the § 61.38 data in a timely fashion, Western Union requests that the time to file comments herein be extended to a date no less than 60 days after the submission of complete § 61.38 data by Bell. Western Union believes that if the extension is not granted, the comments and responsive pleadings filed herein will necessarily be fragmented and this will add to the complexity of the proceeding. While we agree with Western Union that it would be best to have all the § 61.38 data filed in advance of the comment date, the public interest would be better served by moving ahead with the comments and responsive pleadings as presently scheduled rather than delaying the entire proceeding. The great majority of the specified issues concern matters which do not depend upon § 61.38 information. Our intention is to decide as many of the specified issues as possible, based on the three rounds of comments provided for, notwithstanding the absence of complete § 61.38 data. Furthermore, in adopting the shortened procedures provided for herein in place of an oral trial-type hearing, we expressed our desire to reach a determination on the issues in an expeditious manner.[4] Two extensions of time have already been granted.[5] Rather than delaying the proceedings further, we will deny Western Union's Motion for Extension of Time and maintain the presently scheduled dates of October 3, 1974 for comments, November 4, 1974 for responses, and November 19, 1974 for replies. However, we wish to point out that our July 5 Hearing Order makes provision for the possibility of further proceedings. If any party believes that the absence of complete § 61.38 data or any other reason would warrant further proceedings to develop a sufficient record for the resolution of particular issues, appropriate requests for such further proceedings should be made in accordance with the procedures set out in paragraph 18 of the July 5 Order.

11. In order to make clear which issues are added, which are eliminated, and which are modified, we will restate herein the entire list of specific issues. Furthermore, we will attach a new appendix listing all the tariffs under investigation. The new list of specific issues and the new appendix will replace those in the July 5 Hearing Order.

12. *Accordingly, it is ordered*, That the specific issues listed in paragraph 13 of the July 5, 1974 Hearing Order are restated as follows:

TARIFF CONSTRUCTION AND APPLICATION

1. Whether there is any justification for filing two entrance facilities tariffs rather than one;

2. Whether there is any justification for filing twenty separate tariffs offering intercity and local distribution facilities (local distribution facilities are not offered by AT&T Long Lines) rather than one;

3. Whether the entrance, intercity and local distribution facilities tariffs should be combined into one tariff of general application offering communications facilities to other common carriers;

4. a. Whether Ohio Bell's Local Distribution tariff applies to the service Carpenter requests, and if not, whether Ohio Bell should be required to file revised tariffs with this Commission for the provision of such service;

b. Whether United should be required to file tariffs with this Commission for provision of the service Carpenter requests;

5. Whether, in view of the terms of any contracts (oral or otherwise) which may be found to exist concerning the provision of entrance (from both cable heads and earth stations), intercity or local distribution facilities to the international record carriers by any Bell System Operating Company, the Commission should require that such facilities be furnished pursuant to such contracts rather than pursuant to filed tariffs;

6. Whether the tariffs and tariff revisions filed by Bell on August 1, 1974 comply with Part 61 of the Commission's Rules and with the terms and conditions of the Commission's Decisions and Orders in Bell System Tariff Offerings of Local Distribution Facilities (Docket No. 19896).[6]

RATES AND CHARGES

7. Whether there is any justification for different rate levels and pricing structures in different states;

8. Whether there is any justification for any limitation of liability due to Bell's negligence;

9. Whether there is any justification for credits for interruption of service on entrance facilities being allowed only if the interruption lasts two hours or more;

10. Whether there is any justification for credits for interruption of local distribution service being allowed only if the interruption lasts at least 24 hours;

11. Whether there is any justification for placing either a dollar or percentage limit on the amount of facilities that can be cancelled in any one month;

12. Whether there is any justification for establishing a tariff rate different from that in the Western Union contracts, for like service;

13. Whether there is any justification for charging twice as much for an effective four-wire facility as for a two-wire facility;

RESTRICTIONS ON USE OF FACILITIES

14. Whether there is any justification for prohibiting the use of facilities for administrative purposes;

15. Whether there is any justification for not providing facilities into abutting and nearby exchange areas as a general proposition;

16. Whether there is any justification for requiring Bell's carrier customers to file tariff provisions setting forth Bell's minimum protective criteria;

17. Whether there is any justification for restricting to one the number of cities, or local distribution areas, which can be served by means of a single earth station;

18. Whether there is any justification for restricting the terminal locations which will be served;

19. Whether there is any justification for prohibiting the use of local distribution facilities for transiting a local distribution area;

20. Whether there is any justification for providing only voice-grade facilities;

21. Whether there is any justification for prohibiting transmission in the digital mode above 75 baud;

22. Whether there is any justification for the prohibition against using ground as a return path for a digital signal;

23. Whether there is any justification for providing intercity facilities to a domestic satellite common carrier only if that carrier maintains a "central office" in the city to be served;

24. Whether there is any justification for limiting the provision of entrance facilities to supergroup bandwith and above; and

13. *It is further ordered*, That the Appendix to the July 5, 1974 Hearing Order is superseded and replaced by the Appendix to this Order.

14. *It is further ordered*, That Western Union's "Motion in the Alternative for Enlargement or Clarification of Issues" is granted to the extent indicated above and is denied in all other respects.

15. *It is further ordered*, That Western Union's "Motion for Extension of Time" is denied.

Adopted: September 17, 1974.

Released: September 19, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[1] We would expect tariff revisions to be filed to the extent that then effective tariffs do not cover the service provided under the contracts. Absent such voluntary tariff filings by Bell, a question would be raised, at that time, as to whether Bell's conduct might constitute a discontinuance of service within the meaning of section 214.

[2] 46 F.C.C. 2d 413, 435 (1974).

[3] MCI's Opposition, which was opposed by Bell, proposed the use of written interrogatories in addition to the procedures already provided for. For the reasons stated below, we believe the presently established procedures will allow for development of the record herein in the most efficient and expeditious manner.

[4] Hearing Order, para. 11.

[5] Memorandum Opinion and Order, Mimeo No. 25972, released July 11, 1974. Memorandum Opinion and Order, Mimeo No. 27392, released August 15, 1974.

[6] Inclusion of this issue is without prejudice to the Commission's right to reject, in whole or in part, any of the tariffs under investigation herein, prior to the issuance of the First Report and Order.

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APPENDIX—*Tariffs under investigation*

Company	FCC Tariff No.	States
Entrance facilities:		
American Telephone & Telegraph Co.	265	Interstate.
Pacific Telephone & Telegraph Co., the	128	California.
Intercity and local distribution facilities:		
American Telephone & Telegraph Co.	266	Interstate.
Bell Telephone Co. of Pennsylvania, the (Diamond State Telephone Co., the).	37	Pennsylvania, Delaware.
Chesapeake & Potomac Telephone Co., the	1	Washington, D.C., Maryland, Virginia, West Virginia.
Cincinnati Bell Inc	33	Ohio, Kentucky.
Illinois Bell Telephone Co	37	Illinois, Kentucky.
Indiana Bell Telephone Co., Inc	32	Indiana.
Michigan Bell Telephone Co	36	Michigan.
Mountain States Telephone & Telegraph Co., the (Malheur Home Telephone Co.).	58	Arizona, Colorado, Idaho, Montana, New Mexico, Texas, Utah, Wyoming, Oregon.
New England Telephone & Telegraph Co	38	Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
New Jersey Bell Telephone Co	32	New Jersey.
New York Telephone Co	38	New York, Connecticut.
Northwestern Bell Telephone Co	44	Iowa, Minnesota, Nebraska, North Dakota, South Dakota.
Ohio Bell Telephone Co., The	36	Ohio.
Pacific Northwest Bell Telephone Co	3	Oregon, Washington, Idaho.
Pacific Telephone & Telegraph Co., The (Bell Telephone Co. of Nevada).	125	California, Nevada.
South Central Bell Telephone Co	2	Alabama, Kentucky, Louisiana, Mississippi, Tennessee.
Southern Bell Telephone & Telegraph Co	54	Florida, Georgia, North Carolina, South Carolina.
Southern New England Telephone Co., The	32	Connecticut.
Southwestern Bell Telephone Co	64	Arkansas, Illinois, Kansas, Missouri, Oklahoma, Texas.
Wisconsin Telephone Co	34	Wisconsin.

[FR Doc.74-22250 Filed 9-25-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENVIRONMENTAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Environmental Advisory Committee will meet Friday, October 18, 1974 at 9 a.m., 12th & Pennsylvania Avenue NW., Washington, D.C.

The Committee was established to provide advice and information to the Federal Energy Administration concerning environmental aspects of Federal Energy Administration policies and programs.

The agenda for the meeting is as follows:

1. Status Report on Project Independence Blueprint; Environmental Aspects of Project Independence Blueprint Options.
2. Options and Priorities for Energy Conservation.
3. Projections of Energy Demand.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office (202) 961-7022 or 7023 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on September 20, 1974.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.74-22373 Filed 9-25-74;8:45 am]

PROJECT INDEPENDENCE ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Project Independence Advisory Committee will meet Friday, October 11, 1974, at 9:30 a.m., Room 3400, 12th & Pennsylvania Avenue NW., Washington, D.C.

The Committee was established to provide independent advice and review to the Federal Energy Administration with respect to strategies, goals, and analysis of Project Independence.

The agenda for the meeting is as follows:

9:30-10 Status of Project Independence Blueprint
10-1 Discussion Session
—Energy Policy Strategy Analysis
—Key Analyses
*Supply
*Conservation
*Environment
*Economic and Social Impacts
*Resource Constraints
*International
*Research and Development

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on September 20, 1974.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.74-22374 Filed 9-25-74;8:45 am]

TRANS-ALASKA PIPELINE

Priorities Assistance for Construction

CROSS REFERENCE: For a document issued jointly by the General Services Administration and Federal Energy Administration, see FR Doc. 74-22477, p. — herein.

FEDERAL HOME LOAN BANK BOARD

FEDERAL SAVINGS AND LOAN ADVISORY COUNCIL

Notice of Meeting

SEPTEMBER 19, 1974.

Pursuant to section 10(a) of Pub. L. 92-463, entitled the Federal Advisory Committee Act, notice is hereby given of the meeting of the Federal Savings and Loan Advisory Council on Monday, October 21; Tuesday, October 22; and Wednesday, October 23, 1974. The meeting will commence at 9 a.m. on October 21, 22, 23, 1974 at the Madison Hotel, 15th and M Streets NW., Washington, D.C. in the Arlington Room.

MONDAY, OCTOBER 21

9-11 a.m. — General Discussion
2:30 p.m. — Mortgage-Backed Bonds
AMMINET
Variable Rate Mortgage Proposal
Small Area Analysis
Independent Office Program
Neighborhood Housing Service

TUESDAY, OCTOBER 22

Advertising of Rates on Savings to Maturity
Tax Exemption on Savings
Documentation of Loans to One Borrower Regulations
Planning for the Impact of Inflation on Savings and Loan Industry (Part 3)
Mortgage-Backed Bonds
Restructuring of Reserve Requirement
Continuation of Advisory Council
Consideration of Savings Rate
Exemption from State Usury Laws for All Federally Insured Associations
Service Corporations
Hunt Commission Report

WEDNESDAY, OCTOBER 23

9-11 a.m. — General Discussion

The meeting will be open to the public on October 21 from 9-5, on October 22 from 9-5, and on October 23 from 9-5.

THOMAS R. BOMAR,
Chairman,
Federal Home Loan Bank Board.

[FR Doc.74-22365 Filed 9-25-74;8:45 am]

FEDERAL MARITIME COMMISSION

AUSTRALIA/EASTERN USA SHIPPING CONFERENCE

Notice of Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, (46 U.S.C. 813a)).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petition, (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Stanley O. Sher, Esq.,
Billig, Sher & Jones, P.C.,
Suite 300,
1126 Seventeenth Street NW.,
Washington, D.C. 20036

Agreement No. 9450 DR-7, is an application on behalf of the member lines of the Australia/Eastern USA Shipping Conference, for permission under Section 14b to modify the approved dual rate system and form of contract of that conference by varying the presently approved terms and condition thereof in order to implement negotiated increases in rates and charges as set forth in the application.

By Order of the Federal Maritime Commission.

Dated: September 23, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-22416 Filed 9-25-74;8:45 am]

[Docket No. 73-17, and 74-40]

SEA-LAND SERVICE, INC. ET AL.

Order Vacating Suspension

On September 13, 1974, this Commission issued its order of investigation and suspension instituting Docket No. 74-40—Puerto Rico Maritime Shipping Authority—Proposed ILA Rules on Containers, and consolidating that proceeding with Docket No. 73-17—Sea-Land Service, Inc. and Gulf Puerto Rico Lines, Inc.—Proposed Rules on Containers. In that Order, we suspended the subject Rules on Containers until and including January 15, 1975 and ordered that, during the period of suspension, PRMSA take no action, either directly or indirectly, to effectuate these Rules. Upon further consideration, the Commission has become convinced that suspension of these Rules would not be in the public interest and has decided to allow the subject tariff matter to become effective while conducting its investigation.

In view of this decision, the date established in that Order on which an initial decision must be rendered to the Commission will be vacated. Instead, the presiding officer is hereby urged to expedite these proceedings within the limits of his discretion and due process.

Therefore, it is ordered, That pursuant to the discretion vested in this Commission by section 3 of the Intercoastal Shipping Act, 1933, the suspension of Rules 440 and 445, notes 6 and 7 to Item 15940, and notes 5 and 6 to Item 18880 of PRMSA's Tariff FMC-F No. 1 is hereby vacated.

It is further ordered, That pursuant to the provisions of the Commission's Tariff Circular No. 3 (46 CFR 531.20(f)), PRMSA may file with the Commission the tariff matter necessary to vacate and set aside the suspension of said Rules on Containers, such tariff matter to become effective on not less than one day's notice.

It is further ordered, That the Order of Investigation and Suspension herein is hereby modified to the extent necessary to delete the requirement that an Initial Decision be rendered no later than November 15, 1974.

It is further ordered, That, except as amended by the foregoing paragraphs, the Order of Investigation and Suspension herein shall remain in effect pending the outcome of the investigation instituted thereby.

It is further ordered, That a copy of this Order shall be filed with PRMSA's tariff FMC-F No. 1, shall be served upon all parties to these proceedings and published in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-22417 Filed 9-25-74;8:45 am]

FEDERAL RESERVE SYSTEM

COMMONWEALTH BANCSHARES, INC.

Formation of Bank Holding Company

Commonwealth Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of Commonwealth National Bank of Dallas, Dallas, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 15, 1974.

Board of Governors of the Federal Reserve System, September 17, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22319 Filed 9-25-74;8:45 am]

V 39 I 188 SEP 26 74 XUM

NORTHBROOK BANCORP, INC.

Order Approving Formation of Bank Holding Company

Northbrook Bancorp, Inc., Northbrook, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 99.2 percent of the voting shares of Northbrook Trust & Savings Bank, Northbrook, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently organized corporation formed for the purpose of becoming a bank holding company through the acquisition of Bank. The purpose of the proposed transaction is to effect a transfer of ownership of Bank from an individual to a corporation owned by the same individual with no change in Bank's management or operations. Upon acquisition of Bank ($42.67 million of deposits), Applicant would control 0.08 percent of the total commercial bank deposits in Illinois.[1] The principal shareholder of Applicant also controls Northwestco, Inc., Chicago, Illinois, a bank holding company, which owns all of the outstanding voting shares (less directors' qualifying shares) of the Northwest National Bank of Chicago, Chicago, Illinois ("Northwest Bank"). Northwest Bank holds deposits of $272.52 million and thereby ranks as the 14th largest bank in Illinois. Although Northwest Bank and Bank are both located in the Chicago banking market,[2] the two are separated by approximately 16 road miles, and it appears that neither bank derives any significant business from the service area of the other. Moreover, Northwest Bank and Bank would hold aggregate deposits of less than one percent of the total deposits in the market. Accordingly, consummation of the proposal would not have an adverse effect on existing or potenital competition, nor would it significantly increase the concentration of banking resources or have an adverse effect on other banks in the relevant market. Therefore, the Board concludes that the competitive considerations are consistent with approval of the application.

The financial and managerial resources of Bank are satisfactory and its future prospects appear favorable. The future prospects of Applicant are entirely dependent upon the financial resources of Bank. In this regard, Applicant intends to service the $2.6 million debt (50 percent of its investment in Bank) which it will incur as part of this proposal, over a 12 year period, with dividends from Bank varying from 14 to 32 percent of Bank's annual net income. In light of the past earnings of Bank and its anticipated growth, the projected earnings of Bank appear to provide Applicant with the necessary financial flexibility to meet its debt servicing requirements and to maintain an adequate capital position for Bank. Thus, the considerations relating to the banking factors are consistent with approval of the application.

Although consummation of the proposal would effect no immediate changes in the services offered by Bank, consummation of the proposal is expected to facilitate the introduction of additional services when needed. Thus, the considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

By order of the Board of Governors,[3] effective September 18, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22351 Filed 9-25-74;8:45 am]

[1] All banking data are as of December 31, 1973.

[2] The Chicago banking market is approximated by all of Cook and Du Page Counties and the southern portion of Lake County, Illinois.

[3] Voting for this Action: Vice Chairman Mitchell and Governors Sheehan, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Bucher.

PENTAGON BANKSHARES, INC.

Formation of Bank Holding Company

Pentagon Bankshares, Minneapolis, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 87 percent of the voting shares of State Bank of St. Anthony Village, Minneapolis, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 15, 1974.

Board of Governors of the Federal Reserve System, September 17, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22349 Filed 9-25-74;8:45 am]

UNION TRUST BANCORP

Proposed Acquisition of Atlantic Management Corporation and Atlantic-Phoenix Life Insurance Company

Union Trust Bancorp, Baltimore, Maryland, has applied, pursuant to Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y, for permission to acquire voting shares of (1) Atlantic Management Corporation, Silver Spring, Maryland (AMC) and (2) Atlantic-Phoenix Life Insurance Company, Phoenix, Arizona (A-P). Notices of the application to acquire AMC were published on various dates between June 16 and June 29, 1974 in newspapers circulated in the communities in which the five AMC offices are located. Such offices are operated by subsidiaries of AMC under the names of Suburban Finance Co., Inc., Landmark Finance Corporation (and variations thereof), Landmark Mortgage Corporation and Professional Adjustment; and are located in Maryland, West Virginia, Virginia, North Carolina, South Carolina, Tennessee, Georgia, Alabama and Florida. Applicant states that AMC would engage in the activities of (a) making installment loans to individuals for personal, family or household purposes; (b) purchasing sales finance contracts executed in connection with the sale of personal, family or household goods or services; (c) making second mortgage loans secured in whole or in part by mortgage or other lien on real estate; (d) acting as agent in the sale of credit life and credit accident and health insurance directly related to its extensions of credit; (e) acting as agent in the sale of insurance protecting collateral held against its extensions of credit; (f) acting as agent in the sale of single-premium payment accidental death insurance sold as a convenience to borrowers at the time credit is extended where premium income from such sales does not constitute a significant portion of the holding company system's total premium income; and (g) serving loans and other extensions of credit. Notices of the application to acquire A-P were published on June 19, 1974 and June 25, 1974 in *The Washington Post* and the *Arizona Weekly Gazette*, newspapers in Washington, D.C. and Phoenix, Arizona; respectively. Applicant states that the A-P would act as underwriter for credit life insurance and credit accident and health insurance directly related to extensions of credit by the bank holding company system. Such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearings should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 15, 1974.

Board of Governors of the Federal Reserve System, September 17, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22318 Filed 9-25-74;8:45 am]

WATER TOWER FINANCIAL GROUP, INC.

Order Denying Formation of Bank Holding Company

Water Tower Financial Group, Inc., Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 50.625 percent or more of the voting shares of Water Tower Trust & Savings Bank, Chicago, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through the acquisition of Bank, which opened for business on April 22, 1974. Bank is located in downtown Chicago in the Chicago banking market. The principals of Bank and Applicant are also associated with four other Chicago-area one-bank holding companies which control in the aggregate about $544 million in deposits.[1] It appears that the addition of Bank to this group would not result in any significantly adverse effects on competition in the relevant area due primarily to Bank's recently opened status, the presence of intervening banks, and the size of the group's holdings relative to the overall Chicago market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The Board has indicated on previous occasions that it believes a holding company should provide a source of strength for its subsidiary banks, and that it will examine closely the condition of the Applicant in each case with this view in mind. Regarding the present proposal, the Board has concern about the financial and managerial resources of Applicant as reflected in the operation of the four other one-bank holding companies in which the principals of Applicant are involved. Management policy of these bank holding companies has been to employ acquisition debt liberally in relation to the earnings potential of their subsidiary banks. As a result, the overall condition of two of these banks has deteriorated. This consideration reflects unfavorably on the managerial resources of Applicant.

In view of the past record of performance of the principals of Applicant in managing these other one-bank holding companies, the Board is unable to conclude that it would be in the public interest to permit such individuals to form another one-bank holding company with an initial debt structure which could result in impairing the financial condition of Bank. This proposal entails a high level of acquisition debt which Applicant proposes to service over a 12 to possibly 15-year period through Bank dividends (beginning after the first four years of operation) averaging approximately 75 percent of Bank's projected net income. Bank has been in operation five months and has no proven record of earnings performance. Thus, it is by no means clear that Bank's projected earnings are reasonable or attainable and, even if realized, the projected earnings for Bank do not, in the Board's view, appear to be sufficient to amortize the acquisition debt and at the same time provide Applicant with the necessary financial flexibility to meet any unforeseen financial problems which might arise at Bank.

Furthermore, although Applicant's proposed shareholders have indicated a willingness to provide additional equity in the event the holding company debt cannot be repaid out of dividends from Bank, the Board does not regard the agreement, under the circumstances of this case, as providing adequate financial support for Bank and its operations.

The proposed formation represents merely a restructuring of the ownership of Bank with no significant changes in Bank's operations or the services offered to customers. Consequently, considerations relating to the convenience and needs of the community to be served lend no weight toward approval of the application. On the other hand, as noted above, the servicing requirements of the acquisition debt incurred by Applicant could impair Bank's ability to continue to serve the community as a viable banking organization.

On the basis of all the circumstances concerning this application, the Board concludes that considerations relating to Applicant's management and the acquisition debt involved in this proposal present adverse circumstances bearing on the financial condition and prospects of Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits which would result in serving the convenience and needs of the community. Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[2] effective September 18, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22350 Filed 9-25-74;8:45 am]

[1] All banking data are as of December 31, 1973.

[2] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Bucher.

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on September 16, 1974. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

ATOMIC ENERGY COMMISSION

Request for clearance of a renewal without change of Form AEC-241-Report of Proposed Activities in Non-Agreement States which informs the Commission of the locations and dates of activities in order that compliance inspections may be made where deemed necessary; frequency is on occasion; potential respondents are AEC general licensees under 10 CFR 150.20; respondent burden is estimated at 15 minutes for each respondent per response.

Request for clearance of a renewal without change of Form AEC-313a—Application for Byproduct Material License—Medical (Supplement A—Human Use) which governs the licensing of byproduct material in humans; frequency

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is on occasion; potential respondents are applicants for specific license for human use of byproduct material (radioisotopes); respondent burden is estimated at 15 minutes for each respondent per response.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Request for clearance of a 1-year extension with no change to form EEO–1, Equal Employment Opportunity Employee Information Report; frequency is annual; potential respondents are approximately 37,000 business firms with 100 or more employees; reporting burden is estimated at 5 hours for each respondent per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74–22409 Filed 9–25–74;8:45 am]

GENERAL SERVICES ADMINISTRATION AND FEDERAL ENERGY ADMINISTRATION

TRANS-ALASKA PIPELINE

Priorities Assistance for Construction

By virtue of the authority vested in the President to provide for the national defense and national security under the Defense Production Act of 1950, as amended, and delegated pursuant to Executive Orders 10480 of August 14, 1953, as amended; 11725 of June 27, 1973; and 11790 of June 25, 1974, it is hereby ordered as follows:

1. It is necessary and appropriate to promote the national defense, and essential to the Nation's interest to achieve a measure of independence in domestic energy resource supplies, that the Trans-Alaska Pipeline be completed in an expeditious and timely manner. Therefore, it having been determined that undue delay incident to material shortages in the construction of the Pipeline System constitutes an unusual situation within the terms of Title I of the Defense Production Act, the construction program of the Alyeska Pipeline Service Company and its subcontractors and suppliers is authorized priorities and allocation support pursuant to Section 101(a) of the Act.

2. The priorities accorded and allocations made will be administered by the Department of Commerce under the existing Defense Materials System and Defense Priorities System (DMS Reg. 1 and DPS Reg. 1 as revised effective July 1, 1974) and such additional rules and criteria as may be established with the approval of the Office of Preparedness, General Services Administration. For purposes of this authorization, the sponsoring agency for the program is the Federal Energy Administration, and the claimant and defense supporting agency for the construction effort is the Department of the Interior.

3. This authorization shall apply to the procurement of those items and materials which Alyeska has shown to be necessary and critical to the construction of the line, pump stations, and terminal. Those items which thus have been identified as of this date are as follows:

Temporary utilities.
Tanks, storage.
Silos for cement.
Electrical equipment, supports, enclosures and conduit.
Pump stations and terminal remote control valves and pipe fittings, machinery, equipment, instruments and controls.
Permanent dock facilities and berth hinges.
Buildings for pump stations and terminal.
Topping units and accessories.
Temporary housing.

4. This authorization does not include facilities used in connection with production of oil or gathering systems, nor does it include such things as urban administrative offices and similar facilities which are only indirectly involved. It does not include manpower, food or personnel supplies, transportation or other services.

5. At regular intervals in the future, items not included in section 3 above which are impeding, or threaten to impede, progress in the construction of the pipeline will be considered for continuing priorities but only when they meet essential national defense requirements within the terms of the Defense Production Act.

6. The Department of the Interior may authorize on a case-by-case basis, upon certification to the Department of Commerce, special priorities assistance for items not included in section 3 which are necessary and critical to the construction of the line, pump stations and terminal.

7. This authorization will terminate June 30, 1978, unless terminated earlier or extended.

Dated: September 23, 1974.

LESLIE W. BRAY, JR.,
Director, Office of Preparedness, General Services Administration.

JOHN C. SAWHILL,
Administrator, Federal Energy Administration.

[FR Doc.74–22477 Filed 9–25–74;8:45 am]

GENERAL SERVICES ADMINISTRATION

PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES FOR THE OFFICE OF OPERATING PROGRAMS

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Public Advisory Panel on Architectural and Engineering Services for the Office of Operating Programs, October 11, 1974, from 10 a.m. to 12 p.m. and from 2 p.m. to 4 p.m., Suite 712, 1025 Connecticut Avenue NW., Washington, D.C. This meeting will be for the purpose of reviewing the Preliminary out-of-system design for the Social Security Expansion Program, Woodlawn, Maryland; and the Metro West Building, Baltimore, Maryland.

Because the meeting will be concerned with evaluating and critiqueing the design provided by an architect-engineer firm under contract with GSA, it has been determined that the meeting would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to the public.

Dated: September 27, 1974.

LARRY F. ROUSH,
Commissioner, Public Buildings Service.

[FR Doc.74–22487 Filed 9–25–74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

MUSIC ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Composer, Librettist, Translator Panel on October 5, 1974 at 9:30 a.m. in the Shoreham Bldg., 1st floor conference room, 806 15th Street, Washington, D.C.

The purpose of this meeting is for policy discussion on the Composer/Librettist/Translator Guidelines.

The meeting will be open to the public on a space available basis. Accommodations are limited. Further information can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382–5871.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74–22347 Filed 9–25–74;8:45 am]

THEATRE ADVISORY PANEL

Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Theatre Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m. on October 12 & 13, 1974 at the New York Sheraton Hotel.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b) (4), (5) will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382–5871.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74–22346 Filed 9–25–74;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA–445]

EASTERN AIR LINES, INC.

Notice of Hearing

In the Matter of Investigation of Accident Involving Eastern Air Lines, Inc., Douglas DC–9–31 of United States Registry N8984E at Charlotte, North Carolina, September 11, 1974.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9:30 a.m. (local time), on November 12, 1974, in the ballroom of the Holiday Inn—Downtown, 900 North Tryon Street, Charlotte, North Carolina.

Dated this 19th day of September 1974.

[SEAL] WILLIAM R. HENDRICKS,
Acting Hearing Officer.

[FR Doc.74–22366 Filed 9–25–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 23, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

National Bureau of Standards: Questionnaire for X-Ray Powder Diffraction Standard Reference Materials, Form NBS 798, Single time, Lowry (395–3772), Scientific and industrial organizations using X-ray diffraction equipment.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control:
Attitudinal and Motivational Factors Affecting Coal Miners' Utilization of Safety and Health Practices, Form CDC 0723, Single time, Ellett (395–6172), Hall (395–4897), Coal miners and wives.

Health Resources Administration:
Interview Guides for Pilot Study of the State Role in Planning, Coordinating and Financing Health Professions Education, Form HRABHRD 0827, Single time, HRD/(395–3532), Collins (395–3756), State officials responsible for health professions education.

Social Security Administration:
Recontact Interview Guide, Form SSA 8963A, Single time, Caywood (395–3443), Potential SSI applicants.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development: Community Development Funding Survey, Form——, Single time, CVA (395–3532), Sunderhauf (395–4911), Ellett (395–6172), Local chief executives.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Departmental: Individual Report on Delinquent or Defaulting Mortgagor, Form OPAE–X, Occasional, CVA (395–3532), Counseling agencies.

TENNESSEE VALLEY AUTHORITY

Soil Fertility Problems Survey: Form——, Single time, Lowry (395–3773), Business firms.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis:
Plant and Equipment Expenditures Survey Annual Supplement, Form BE 456A, Annual, Hulett (395–4730), Nonmanufacturing business firms.

Bureau of the Census:
Insulated Wire and Cable, Form MA 33L, Annual, Weiner (395–4890), Manufacturing establishments.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration:
ASTHO—Health Program Reporting System, Form ASH 0919, Single time, HRD/(395–3532), State health agencies.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of the Census:
Survey of Local Government Finances (School Systems), School District Letter, Form F–33–L5, Single time, Ellett (395–6172), Planchon (395–3898), School districts.

Bureau of East-West Trade:
U.S. Exporter's Report of Request Received for Information Certification, or Other Action Indicating a Restrictive Trade Practice or Boycott Against a Foreign Country, Form DIB 621, Quarterly, Evinger (395–3648), (x).
Service Supply License Procedure—Reporting Requirements, Form EAR 373.7, Occasional, Evinger (395–3648), (x).

EXTENSIONS

NATIONAL CREDIT UNION ADMINISTRATION

Financial and Statistical Report (Federally-Insured State-Chartered Credit Unions): Form NCUA 5304, Annual, Evinger (395–3648), State credit unions.
Financial and Statistical Report (Federal Credit Unions): Form NCUA 5300, Annual, Evinger (395–3648), Federal credit unions.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–22510 Filed 9–25–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

COCA-COLA CO., ET AL.

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

SEPTEMBER 18, 1974.

In the matter of applications of the Cincinnati Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
The Coca-Cola Co	7–4660
El Paso Co	7–4661
National Airlines Inc	7–4662
Olin Corp	7–4663
Olinkraft, Inc	7–4664

Upon receipt of a request, on or before October 4, 1974 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–22393 Filed 9–25–74;8:45 am]

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[File No. 500–1]

FRANKLIN NATIONAL BANK

Suspension of Trading

SEPTEMBER 20, 1974.

In the matter of trading in securities of Franklin National Bank, New York, N.Y.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the preferred stock and 4.75 percent debentures of Franklin National Bank being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 22, 1974 through October 1, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–22389 Filed 9–25–74;8:45 am]

[70–5268]

LOUISIANA POWER & LIGHT CO. AND MIDDLE SOUTH UTILITIES, INC.

Proposed Increase in Short-Term Notes

In the matter of Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174 and Middle South Utilities, Inc., 280 Park Avenue, New York, New York 10017.

Notice Is Hereby Given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, and its public-utility subsidiary, Louisiana Power & Light Co. ("Louisiana"), have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated December 15, 1972 (HCAR No. 17808), the Commission authorized Louisiana, among other things, to issue and sell short-term notes in an aggregate principal amount not exceeding $50,000,000 outstanding at any one time to certain banks and a dealer in commercial paper through June 30, 1974, with maturities not later than December 31, 1974. By order dated December 7, 1973 (HCAR No. 18211), the Commission extended the borrowing period for the bank loans through December 31, 1974, and by order dated June 25, 1974 (HCAR No. 18471), the Commission extended the period during which the company is authorized to issue and sell short-term notes to the dealer in commercial paper through December 31, 1974.

Louisiana now proposes that the amount of short-term notes which it is authorized to issue and sell be increased to an aggregate principal amount not exceeding $70,000,000 at any one time outstanding. All of the other terms of the borrowing authority heretofore granted by the Commission will remain unchanged. Louisiana states (1) that its 1974 construction expenditures are now estimated to exceed the amount originally budgeted by approximately $8,000,000; (2) that its proposed nuclear-fueled St. Rosalie Steam Electric Generating Station is expected to require expenditures of approximately $8,600,000 in 1974 which had not been originally budgeted for 1974; and (3) that additional funds may be needed until it has effectuated the proposed sale of $50,000,000 of first mortgage bonds scheduled for November 7, 1974.

No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice Is Further given that any interested person may, not later than October 11, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–22394 Filed 9–25–74;8:45 am]

[File No. 500–1]

SAVOY INDUSTRIES, INC.

Suspension of Trading

SEPTEMBER 20, 1974.

In the matter of trading in securities of Savoy Industries, Inc.

The common stock of Savoy Industries, Inc. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Savoy Industries, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from September 23, 1974 through October 2, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–22392 Filed 9–25–74;8:45 am]

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

SEPTEMBER 20, 1974.

In the matter of trading in securities of Continental Vending Machine Corp.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 22, 1974 through October 1, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–22391 Filed 9–25–74;8:45 am]

[File No. 500–1]

FRANKLIN NEW YORK CORP.

Suspension of Trading

SEPTEMBER 20, 1974.

In the matter of trading in securities of Franklin New York Corp.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common and preferred stock and 7.30 percent notes of Franklin New York Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from September 22, 1974 through October 1, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–22390 Filed 9–25–74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 09–09–0174]

AMERICAN-EURO INTERFUND CORP.

Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (SBIC's) (13 CFR § 107.102 (1974)), under the name of American-Euro Interfund Corporation, 44 Montgomery Street, Suite 2870, San Francisco, California 94104, for a license to operate as an SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and principal stockholders are:

Wallace R. Hawley, 44 Montgomery Street, Suite 2870, San Francisco, California 94104, President, Treasurer Director.
Scott Hedrick, 44 Montgomery Street, Suite 2870, San Francisco, California 94104, Vice President, Secretary Director.
P. Fentener Van Vlissingen, Rijnkade 1, Utrecht, The Netherlands, Director.
SHV North America Holding Corporation, 44 Montgomery Street, Suite 2870, San Francisco, California 94104, 100%.

The company will begin operations with an initial capitalization of $1,500,000. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns, with growth potential, located primarily in the western United States.

The only beneficial owner of the capital stock of the applicant, SHV North America Holding Corporation, is wholly owned by SHV International AG, a Swiss financial holding company, which is in turn wholly owned by SHV Holdings nv, a Netherlands holding corporation. The corporation SHV Holdings nv is privately held by the van Vlissingen family. The foreign-based investor must be responsible in order to be acceptable to SBA and must meet the standard established by section 301(c) of the Act. SBA has the authority to license SBIC's formed by responsible foreign-based investors, if said SBIC is to be operated and managed by U.S. management. Other matters involved in SBA's consideration of the application also include the probability of successful operations of the new company by the management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any interested person may, on or before October 11, 1974, submit to SBA, in writing, relevant comments on the proposed company. Any communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1444 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Francisco, California.

Dated: September 19, 1974.

JAMES THOMAS PHELAN, *Deputy Associate Administrator for Investment.*

[FR Doc.74–22354 Filed 9–25–74;8:45 am]

[Proposed License No. 01/01–0276]

PRIME CAPITAL CORP.

Application for a License as a Small Business Investment Company

An application for a License to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.), has been filed by Prime Capital Corp. (the applicant), with the Small Business Administration (SBA) pursuant to 13 CFR § 107.102 (1974).

The applicant with its principal place of business at 381 Congress Street, Boston, Massachusetts 02210, proposes to begin operations with $303,000 of private capital consisting of 300 shares of Common Stock.

In order to implement its policy of providing broad based, creative financing packages for small business concerns, the applicant will make equity investments, long-term loans, and combinations thereof specifically designed for each qualified client.

The applicant will provide management consulting services with a particular view towards improving the financial strength and business capacities of its clients and others.

The proposed officers, directors, and stockholders of the applicant are as follows:

Name	Title	Stock ownership (percent)
Jason Shepard Rosenburg, 263 Fuller St., Newton, Mass. 02158.	President and director.	33.3
Amram (NMI) Rasiel, 36 Gallison Ave., Marblehead, Mass. 01945.	Vice president and director.	33.3
Max (NMI) Feinerman, 163 Bellingham Rd., Brookline, Mass. 01446.	Treasurer and director.	33.3

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA regulations.

Any person may, on or before October 11, 1974, submit to SBA written comments on the proposed applicant. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L. Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Boston, Massachusetts.

Dated: September 18, 1974.

JAMES THOMAS PHELAN, *Deputy Associate Administrator for Investment.*

[FR Doc.74–22370 Filed 9–25–74;8:45 am]

[License No. 09/09–0175]

WALDEN CAPITAL CORP.

Application for a License as a Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (SBIC's) (13 CFR § 107.102 (1974)), under the name of Walden Capital Corporation, 680 Beach Street, San Francisco, California 94109, for a license to operate in the State of California as an SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and principal stockholders are:

Name	Title	Stock ownership (percent)
Arthur S. Berliner, 7 Theresa Court, Tiburon, Calif. 94920.	Chairman of board, president, director.	8.5
Laurence E. Myers, 2935 Lake St., San Francisco, Calif. 94121.	Vice president, secretary, director.	8.5
George S. Sarlo, 2729 Pacific Ave., San Francisco, Calif. 94115.	Director	1.7
Dale E. Walter, 18 McNear Dr., San Rafael, Calif. 94901.	Director	None

The company will begin operations with an initial capitalization of $604,000. No concentration in any particular industry is planned. The applicant intends to make investments in small business concerns, with growth potential, located primarily in the State of California.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, on or before October 11, 1974, submit to SBA, in writing, relevant to comments on the proposed company. Any communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

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A copy of this notice shall be published in a newspaper of general circulation in San Francisco, California.

Dated: September 18, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-22369 Filed 9-25-74;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on October 29, 1974 at 10 a.m., the Salt Lake Regional Office Station Committee on Educational Allowances shall at the Federal Building, 125 South State Street, Salt Lake City, Utah 84138, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in S.T.I.—Sales Training of Salt Lake, 2709 South State Street, Salt Lake City, Utah 84115, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: SEPTEMBER 19, 1974.

ELMER J. SMITH,
Director, VA Regional Office.

[FR Doc.74-22408 Filed 9-25-74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Recommendations for Appointment

Section 512 of the Employee Retirement Income Security Act of 1974 (88 Stat. 829, 29 U.S.C. 1001) provides for the establishment of an "Advisory Council on Employee Welfare and Pension Benefit Plans" which is to consist of 15 members to be appointed by the Secretary as follows: three shall be representatives of employee organizations (at least one of whom shall be representative of any organization whose members are participants in a multiemployer plan); three shall be representatives of employers (at least one of whom shall be representative of employers maintaining or contributing to multiemployer plans); one representative each from the fields of insurance, corporate trust, actuarial counseling, investment counseling, investment management, and the accounting field. Three additional representatives shall be appointed from the general public, one of whom shall be a person representing those receiving benefits from a pension plan. Not more than eight members of the Council shall be members of the same political party. The prescribed duties of the Council are to advise the Secretary with respect to the carrying out of his functions under the Employee Retirement Income Security Act, and to submit to the Secretary recommendations with respect thereto. The Council will meet at least four times each year, and recommendations of the Council to the Secretary will be included in the Secretary's annual report to the Congress on the Employee Retirement Income Security Act.

Members shall be persons qualified to appraise the programs instituted under the Employee Retirement Income Security Act. They shall be appointed for terms of three years except that, with respect to those members appointed initially, five shall be appointed for terms of one year, five shall be appointed for terms of two years, and five shall be appointed for terms of three years. Appointments of members will be for terms beginning November 15, 1974.

Accordingly, notice is hereby given that any person or organization desiring to recommend one or more individuals for appointment to the "Advisory Council on Employee Welfare and Pension Benefit Plans" may submit recommendations to the Secretary of Labor, 14th Street and Constitution Avenue, NW., Washington, D.C. 20210 on or before October 24, 1974. The recommendation may be in the form of a letter, resolution, or petition, signed by the person or, in the case of a recommendation by an organization, by an authorized official of the organization. Each recommendation shall identify the candidate by name, occupation or position, and address. It shall specify the field or group which the candidate would represent for purposes of section 512 of the Act, and whether the candidate is available and would accept.

Signed at Washington, D.C., this 24th day of September 1974.

PAUL J. FASSER, Jr.,
Assistant Secretary for Labor-Management Relations.

[FR Doc.74-22480 Filed 9-25-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 597]

ASSIGNMENT OF HEARINGS

SEPTEMBER 23, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-F-11995, H. P. Welch Co., and Maislin Transport Ltd.—Purchase (Portion)—The National Transportation Co., now assigned November 4, 1974, at Boston, Mass., will be held on the 5th Floor, 150 Causeway St., instead of Room 1112, JFK Federal Bldg., Government Center.

MC 110525 Sub 1024, Chemical Leaman Tank Lines, Inc., Extension Chattanooga, Tenn., MC 116459 Sub 42, Russ Transport, Inc., Extension-Chattanooga, Tenn., and MC 124078 Sub 503, Schwerman Trucking Co., Extension-Chattanooga, Tenn., now assigned October 9, 1974, at Atlanta, Ga., is cancelled.

MC 139122 Sub 1, Jack G. Roberts, Dba Jack's Trucking Co., now assigned October 1, 1974, at Jacksonville, Fla., is cancelled and the application dismissed.

MC 119843 Sub 8, Roesch Lines, Inc., now being assigned hearing December 4, 1974 (3 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC 139033, Leon R. Goldsmith, dba Terminal Motor Express, now being assigned hearing December 9, 1974 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC 134068 Sub 16, Kodiak Refrigerated Lines, Inc., now being assigned hearing December 11, 1974 (3 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC 43685 Sub 14, Mercer Trucking Co., Inc., Extension-Spokane, Wash., now being assigned hearing December 16, 1974 (1 week), at Spokane, Washington, in a hearing room to be later designated.

MC 3647 Sub 451, Transport of New Jersey, now being assigned hearing January 13, 1975 (1 week), at Newark, N.J., in a hearing room to be later designated.

MC 139506, Air Brook Limousine, Inc., now being assigned hearing January 28, 1975 (3 days), at Newark, N.J., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-22423 Filed 9-25-74;8:45 am]

[Rev. S.O. 1173; Exception 24]

GREEN BAY AND WESTERN RAILROAD CO.

Authorization to Accept Freight

SEPTEMBER 16, 1974.

Pursuant to the authority vested in me by paragraph (4), section (a) of Revised Service Order No. 1173, the Green Bay and Western Railroad Company is hereby authorized to accept from shipper at Greenbay, Wisconsin, for transport to destination, BNFE 700107, routed GBW, BN, SOU regardless of the provisions of Revised Service Order No. 1173.

Effective. September 9, 1974.

Expires September 12, 1974.

Issued at Washington, D.C., September 16, 1974.

[SEAL] LEWIS R. TEEPLE,
Assistant Director.

[FR Doc.74-22424 Filed 9-25-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 23, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1931 (Sub-No. E2), filed June 2, 1974. Applicant: VON DER AHE VAN LINES, INC., 600 Rudder Ave., Fenton, Mo. 63026. Applicant's representative: Russell L. Van Der Ahe (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Maine, on the one hand, and, on the other, points in New Mexico, North Dakota, South Dakota (Boston, Mass., and points in Illinois)*, Louisiana (Boston, Mass., and points in Florida)*, Wisconsin, Michigan, Indiana, Kentucky (Boston, Mass.)*, Tennessee (Boston, Mass., and points in the District of Columbia)*, Ohio, Georgia, Pennsylvania, West Virginia, Virginia, North Carolina, South Carolina, Florida, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, the District of Columbia (Boston, Mass.)*, Montana, Wyoming, Utah, Idaho, Washington, Oregon, California, and Nevada (points in Colorado)*. The purpose of this filing is to eliminate the gateways designated by the asterisks above.

No. MC 1931 (Sub-No. E3), filed June 2, 1974. Applicant: VON DER AHE VAN LINES, INC., 600 Rudder Avenue, Fenton, Mo. 63026. Applicant's representative: Russell L. Van Der Ahe (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Washington, Oregon, California, Idaho, Nevada, Montana, Utah, Wyoming (points in Colorado)*, North Dakota, South Dakota, Minnesota, Iowa, Wisconsin (points in Illinois)*, and Maine (Boston, Mass.)*. The purpose of this filing is to eliminate the gateways designated by asterisks above.

No. MC 1931 (Sub-No. E4), filed June 2, 1974. Applicant: VON DER AHE VAN LINES, INC., 600 Rudder Avenue, Fenton, Mo. 63026. Applicant's representative: Russell L. Van Der Ahe (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in South Carolina, on the one hand, and, on the other, points in Washington, Oregon, California, Idaho, Nevada, Montana, Utah, Wyoming (points in Colorado)*, Colorado, Nebraska, Kansas, (points in Tennessee)*, Oklahoma, Texas (points in Georgia)*, Minnesota, Iowa (points in Tennessee and Illinois)*, Missouri (points in Tennessee)*, Arkansas (points in Georgia)*, Louisiana (points in Florida)*, Wisconsin (points in Tennessee and Illinois)*, Illinois (points in Tennessee)*, Michigan (points in Tennessee and Illinois)*, Maine, New Hampshire, Vermont, Rhode Island (Boston, Mass., and points in the District of Columbia)*, Massachusetts, Connecticut and Maryland (points in the District of Columbia)*. The purpose of this filing is to eliminate the gateways designated by the asterisks above.

No. MC 5470 (Sub-No. E3), filed May 20, 1974. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such bulk commodities* as are susceptible of being unloaded by dumping, in dump trucks, between Canton, Ohio, and Pittsburgh, Pa. The purpose of this filing is to eliminate the gateway of Youngstown, Ohio.

No. MC 5470 (Sub-No. E6), filed May 20, 1974. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys*, in dump vehicles, between Monaca, Pa., and Philo, Ohio. The purpose of this filing is to eliminate the gateway of North Lima, Ohio.

No. MC 5470 (Sub-No. E14), filed May 20, 1974. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such bulk commodities*, as are susceptible of being unloaded by dumping, in dump trucks, between Canton, Ohio, and Alloy, W. Va. The purpose of this filing is to eliminate the gateway of Youngstown, Ohio.

No. MC 5470 (Sub-No. E24), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from Painesville, Ohio, to points in Maryland and Virginia. The purpose of this filing is to eliminate the gateways of a railhead at Warren, Ohio, and New Kensington, Pa.

No. MC 5470 (Sub-No. E43), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, pig iron, and silicon metals*, in dump vehicles, from New Kensington, Pa., to points in New York on and east of U.S. Highway 15, and points in New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties). The purpose of this filing is to eliminate the gateway of Monaca, Pa.

No. MC 5470 (Sub-No. E47), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro-alloys*, in bulk, in dump vehicles, from Johnstown, Pa., to points in Indiana, Illinois, and Michigan. The purpose of this filing is to eliminate the gateway of a railhead at North Lima, Ohio, and Vancoram, Ohio.

No. MC 5470 (Sub-No. E51), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from Painesville, Ohio, to points in Maryland and Virginia. The purpose of this filing is to eliminate the gateways of a railhead at Warren, Ohio, and New Kensington, Pa.

No. MC 5470 (Sub-No. E52), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McElight, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from Erie, Pa. to points in Maryland and Virginia. The purpose of this filing is to eliminate the gateway of points in Ashtabula County, Ohio and New Kensington, Ohio.

No. MC 5470 (Sub-No. E54), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McEligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, from Cleveland, Ohio, to points in Maryland and Virginia. The purpose of this filing is to

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eliminate the gateway of points in Trumbull County, Ohio and New Kensington, Ohio.

No. MC 5470 (Sub-No. E71), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicants representative: Patrick McElligot, 918 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys and metals*, in dump vehicles, from Baltimore, Md., to Elyria and Lorain, Ohio. The purpose of this filing is to eliminate the gateway of Sandusky Ohio.

No. MC 7920 (Sub-No. E1), filed May 10, 1974. Applicant: HERRIOTT TRUCKING COMPANY, INC., East Palestine, Ohio 44413. Applicant's representative: Charles A. Tell, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hamburg, N.Y., on the one hand, and, on the other, points in Pennsylvania on and south of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 76 to junction Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to Vandergrift, thence along Pennsylvania Highway 66 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 981, thence along Pennsylvania Highway 981 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Pennsylvania-Maryland State line. The purpose of this filing is to eliminate the gateway of Darlington, Pa.

No. MC 15897 (Sub-No. E50), filed May 31, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74801. Applicant's representative: Wilburn L. Williamson, 3535 NW. 58th Suite 280, National Foundation Life Center, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Arkansas on, south, and west of a line beginning at the Oklahoma-Arkansas State line, thence along U.S. Highway 71 to junction Arkansas Highway 10, thence along Arkansas Highway 10 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in that part of Kansas on and east of U.S. Highway 59 (except points in Cherokee, Crawford, Bourbon, Linn, and Miami Counties). The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC 15897 (Sub-No. E51), filed May 31, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74801. Applicant's representative: Wilburn L. Williamson, 3535 NW. 58th Suite 280, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Sevier, Little River, Hempstead, Texarkana, Miller, Lafayette, Columbia, and Union Counties, Ark., on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 71 to junction Missouri Highway 291, thence along Missouri Highway 291 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC 15897 (Sub-No. E52), filed May 31, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74801. Applicant's representative: Wilburn L. Williamson, 3535 NW. 59th Suite 280, National Foundation Life Center, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Arkansas on and south of U.S. Highway 64, on the one hand, and, on the other, points in that part of Kansas on and west of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 59 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC 15897 (Sub-No. E53), filed May 31, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74801. Applicant's representative: William L. Williamson, Suite 280, National Foundation Life, Center 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Arkansas north of U.S. Highway 64, on the one hand, and, on the other, points in that part of Kansas on and west of U.S. Highway 77. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC 15897 (Sub-No. E54), filed May 31, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74801. Applicant's representative: William L. Williamson, Suite 280, National Foundation Life, Center 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arkansas, on the one hand, and, on the other, points in New Mexico (except Lea and Eddy Counties). The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC 15897 (Sub-No. E55), filed May 31, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 1207 South Union, Shawnee, Okla. 74801. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Benton, Carroll, Boone, Washington, Madison, and Newton County, Ark., on the one hand, and, on the other, points in that part of Texas on and west of U.S. Highway 75 and east of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 281 to junction U.S. Highway 181, thence along U.S. Highway 181 to Corpus Christi. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla.

No. MC 35890 (Sub-No. E8), filed May 3, 1974. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 Thirty-Sixth St. SE., Grand Rapids, Mich. 49508. Applicant's representative: John F. Freel (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, cartoned or uncrated, (a) from points in that part of Illinois on and north of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 24 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Illinois Highway 125, thence along Illinois Highway 125 to junction Illinois Highway 97, thence along Illinois Highway 97 to Springfield, thence along U.S. Highway 66 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, to those points in that part of New Jersey on and north of a line beginning at the New Jersey-Pennsylvania State line and extending along Interstate Highway 76 to junction of the Atlantic City Expressway, thence along the Atlantic City Expressway to the Atlantic Ocean; (b) from points in that part of Illinois on and north of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 24 to the junction U.S. Highway 66, thence along U.S. Highway 66 to junction Illinois Highway 17, thence along Illinois Highway 17 to the junction Illinois Highway 114, thence along Illinois Highway 114 to the Illinois-Indiana State line to points in New York; (c) from points in that part of Illinois on and north of Interstate Highway 80 to points in Maryland.

(d) Between Chicago, Ill., and those points in Illinois on and north of a line beginning at the Illinois-Iowa State line and extending along Interstate Highway 80 to Joliet, thence along Illinois Highway 171 to junction Illinois Highway 83, thence along Illinois Highway 83 to junction U.S. Highway 12/20/45, thence along U.S. Highway 12/20/45 to junction U.S. Highway 12/20, thence along U.S. Highway 12/20 to Calumet Harbor at Lake Michigan, on the one hand, and on the other, those points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along Pennsylvania Highway 69 to junction Pennsylvania Highway 27, thence along Pennsylvania Highway 27 to junction U.S. Highway 6, thence along U.S. Highway 6 to U.S. Highway 62, thence along U.S. Highway 62 to Pennsylvania Highway 36, thence along Pennsylvania Highway 36 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to Butler, thence along Pennsylvania Highway 8 to Pittsburgh, thence along Interstate Highway 376 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 70/76, thence along Interstate Highway 70/76 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Pennsylvania-Maryland State line.

(2) *New furniture*, cartoned or uncrated, (a) between points in Maryland, on the one hand, and, on the other, points in Minnesota and Wisconsin; (b) between points in New York, on the one hand, and, on the other, points in Minnesota and Wisconsin; (c) between points in Pennsylvania, on the one hand, and, on the other, points in Minnesota and Wisconsin; (d) between Salamanca, N.Y., and points in that part of New York on east of a line beginning at the United States-Canada International Boundary line and extending along Interstate Highway 190 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 75, thence along New York Highway 75 to junction U.S. Highway 219, thence along U.S. Highway 219 to the New York-Pennsylvania State line, on the one hand, and on the other, those points in Missouri on and north of a line beginning at the Mississippi River and extending along U.S. Highway 66 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Missouri-Oklahoma State line.

(3) *New furniture*, uncrated, (a) from points in that part of Indiana on, north, and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 40 to Richmond, thence along U.S. Highway 27 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 35, thence along U.S. Highway 35 to Muncie, thence along Indiana Highway 3 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Illinois State line, to points in Arizona; (b) from points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 65, thence along Interstate Highway 65 to Indianapolis, thence along U.S. Highway 40 to the Indiana-Ohio State line, to those points in California; (c) from points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24/52 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Interstate Highway 65, thence along Interstate Highway 65 to Indianapolis, thence along Interstate Highway 74 to the Indiana-Ohio State line, to points in Nevada.

(4) *New furniture, uncrated*, (a) from points in that part of Ohio on, north, and east of a line beginning at the Indiana-Ohio State line and extending along Ohio Highway 571 to junction Ohio Highway 49, thence along Ohio Highway 49 to Dayton, thence along U.S. Highway 35 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction of the Ohio-Kentucky State line, to points in Arizona; (b) from points in Ohio to points in California and Nevada; (c) from points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 and U.S. Highway 30N to Mansfield, thence along U.S. Highway 30 to the Ohio-West Virginia State line, to points in New Mexico; (d) from points in Ohio to points in Utah.

(5) *New furniture*, uncrated, (a) from points in Maryland to points in Arizona, California, Colorado, Nevada, and New Mexico; (b) from points in that part of Maryland on and east of U.S. Highway 220 to points in Iowa; (c) from points in that part of Maryland on, east, and north of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 70N, thence along Interstate Highway 70N to Baltimore and the Chesapeake Bay to those points in Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 75 to junction of the Indian Nation Turnpike, thence along the Indian Nation Turnpike to junction of U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line; (c) from points in that part of Maryland on, east, and north of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Interstate Highway 70N, thence along Interstate Highway 70N to Baltimore and the Chesapeake Bay, to those points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 75 to Dallas, thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to San Antonio, thence along U.S. Highway 281 to junction Texas Highway 9, thence along Texas Highway 9 to junction Interstate Highway 37, thence along Interstate Highway 37 to Corpus Christi to the Gulf of Mexico; (e) from points in Maryland to points in Utah.

(6) *New furniture*, uncrated, (a) from points in Pennsylvania to points in Arizona, California, Colorado, Nevada, New Mexico, and Utah; (b) from points in that part of Pennsylvania on, north, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. 11/15, thence along U.S. Highway 11/15 to Harrisburg, thence along U.S. Highway 15 and U.S. Highway B.R. 15 to the Pennsylvania-Maryland State line, to points in Kansas; (c) from points in that part of Pennsylvania on, east, and north of a line beginning at Lake Erie, and extending along Interstate Highway 79 to junction U.S. Highway 19, thence along U.S. Highway 19 to Pittsburgh, thence along Interstate Highway 376 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 70/76, thence along Interstate Highway 70/76 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Pennsylvania-Maryland State line, to points in Io w (d;a)ofoimnptrs to points in Iowa; (d) from points in that part of Pennsylvania on, north, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 11/15, thence along U.S. Highway 11/15 to Harrisburg, thence along U.S. Highway 15 and U.S. Highway B.R. 15 to the Pennsylvania-Maryland State line, to points in Oklahoma on, north, and west of a line beginning at the Arkansas-Oklahoma State line and extending along U.S. Highway 271 to junction of the Indian Nation Turnpike, thence along the Indian Nation Turnpike to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line.

(e) From points in that part of Pennsylvania on, north, and east of a line beginning at the Pennsylvania-Ohio State line and extending along Interstate Highway 80 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. 11/15, thence along U.S. Highway 11/15 to Harrisburg, thence along U.S. Highway 15 and U.S. Highway B.R. 15 to the Pennsylvania-Maryland State line, to points in Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 75 to Dallas, thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to San Antonio, thence along U.S. Highway 281 to junction Texas Highway 9, thence along Texas Highway 9 to junction Interstate Highway 37, thence along Interstate Highway 37 to Corpus Christi and the Gulf of Mexico.

(7) *New furniture*, uncrated, (a) from points in that part of North Carolina on, north, and east of a line beginning at

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the Virginia-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 421, thence along U.S. Highway 421 to Sanford, thence along North Carolina Highway 24 to Fayetteville, thence along North Carolina Highway 87 to junction Interstate Highway 74/76, thence along Interstate Highway 74/76 to Wilmington and the Onslow Bay, to those points in Arizona on, north, and west of a line beginning at the Arizona-New Mexico State line and extending along U.S. Highway 160 to junction U.S. Highway 89, thence along U.S. Highway 89 to Flagstaff, thence along Interstate Highway 17 to Phoenix, thence along U.S. Highway 80 to the Arizona-California State line; (b) from ponits in that part of North Carolina on, north, and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 421, thence along U.S. Highway 421 to Stanford, thence along North Carolina Highway 24 to Fayetteville, thence along North Carolina Highway 87 to junction Interstate Highway 74/76, thence along Interstate Highway 74/76 to Wilmington and the Onslow Bay, to points in California; (c) from points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction North Carolina Highway 268, thence along North Carolina Highway 268 to junction U.S. Highway 21, thence along U.S. Highway 21 to the North Carolina-South Carolina State line, to points in Nevada; (d) from points in that part of North Carolina on, north, and east of a line beginning at the junction of the Virginia-North Carolina State line and extending along U.S. Highway 52 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction U.S. Highway 421, thence along U.S. Highway 421 to Sanford, thence along North Carolina Highway 24 to Fayetteville, thence along North Carolina Highway 87 to junction Interstate Highway 74/76, thence along Interstate Highway 74/76 to Wilmington and the Onslow Bay, to points in Utah.

(8) *New furniture*, uncrated, from points in that part of New Jersey on and north of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to Lambertville, thence along U.S. Highway 202 to Somerville, thence along Interstate Highway 287 to Perth Amboy, to those points in Texas on, north, and west of a line beginning at the Arkansas-Texas State line and extending along U.S. Highway 59 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 59, thence along U.S. Highway 59 to Houston, thence along U.S. Highway 59 to Victoria, thence along U.S. Highway 77 to junction Interstate Highway 37, thence along Interstate Highway 37 to Corpus Christi and the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Grand Rapids, Mich.

No. MC 52938 (Sub-No. E1) filed May 13, 1974. Applicant: MASHKIN FREIGHT LINES, INC., 410 Asylum Street, Hartford, Conn. 06103. Applicant's representative: Hugh M. Joseloff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such businesses (except commodities in bulk, and those requiring special equipment), limited to movements from, to, or between plants, warehouses, or other facilities of such businesses between points in Massachusetts south and east of Interstate Highway 95, on the one hand, and, on the other, (a) points in Massachusetts bounded by a line beginning at the Connecticut-Massachusetts State line near Canaan and extending along U.S. Highway 44 to the Connecticut-New York State line, thence along said State line to a point west of N. Wilton, thence along a line extending through N. Wilton, Wilton, and Westport, to Long Island Sound, thence along Long Island Sound to New London, thence along a line extending through Groton to Leicester, Mass., including the points named; (b) points in Putnam, Westchester, Suffolk, Nassau, Rockland, Orange, New York, Bronx, Queens, Kings, and Richmond Counties, N.Y.; and (c) points in New Jersey.

(2) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such businesses (except bakery supplies, and jellies, jams, preserves, and preserved fruit, in containers, commodities in bulk, and those requiring special equipment), limited to movements from, to, or between plants, warehouses, or other facilities of such businesses, between points in Massachusetts, New Hampshire, and Vermont bounded by a line beginning at Northfield, Vt., and extending south through Randolph, Bethel, West Bridgewater, Ludlow, and North Windham, Vt., thence in a southwest direction to Pittsfield, Mass., thence south through Lenox, Lee, Stockbridge, Great Barrington, and Sheffield, Mass., to the Connecticut-New York State line, thence along the Connecticut-New York State line through North Wilton, Conn., to Wilton, Conn., thence in a southeast direction through Westport, Conn., to Long Island Sound, thence in a northeast direction along the shore of Long Island South to New London, Conn., thence north through Groton, Conn., to Leicester, Mass., thence in a northwest direction to Athol, Mass., thence north through Troy, Marlboro, and Sunapee, N.H., to Canaan, N.H., thence in a northwest direction through Orford, N.H., to Fairlee, Vt., thence north along the west bank of the Connecticut River to Newbury, Vt., and thence in a northwest direction to point of beginning at Northfield, Vt., including the points named, on the one hand, and, on the other, (a) points in Suffolk, Putnam, Nassau, New York, Bronx, Queens, Kings, and Richmond Counties, N.Y., and (b) points in New Jersey on and south of a line beginning at the New Jersey-New York State line and extending along the Garden State Parkway to junction New Jersey Highway 502.

Thence over New Jersey Highway 502 to junction U.S. Highway 202, thence over U.S. Highway 202 to junction New Jersey Highway 23, thence along New Jersey Highway 23 to junction New Jersey Highway 94, thence over New Jersey Highway 94 to the New Jersey-Pennsylvania State line; and (3) *Such merchandise* (except commodities in bulk, in tank vehicles), as is dealt in by wholesale, retail, and chain grocery and food business houses, when moving from, to, or between warehouses, retail outlets, or other facilities of such business, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such businesses, between Providence, R.I., and points in Massachusetts on and east of Interstate Highway 91 and west of a line beginning at Groton, Conn., and extending to Leicester, Mass., thence in a northwest direction to Athol, Mass., thence north to Troy, N.H., including Leicester, on the one hand, and, on the other, (a) points in Dutchess, Putnam, Westchester, Suffolk, Nassau, Rockland, Orange, Ulster, New York, Bronx, Queens, Kings, and Richmond Counties, N.Y., and (b) points in New Jersey. The purpose of this filing is to eliminate the gateways of Providence, R.I., in 1(a); Providence, R.I., and Bridgeport, Conn., in 1(b); Providence, R.I., Bridgeport, Conn., and Port Chester, N.Y., in 1(c); Bridgeport, Conn., in 2(a); Bridgeport, Conn., and Port Chester, N.Y., in 2(b); East Hartford, Conn., in 3(a); and East Hartford, Conn., and Port Chester, N.Y., in 3(b).

No. MC 64808 (Sub-No. E13), (Correction), filed May 30, 1974, published in the FEDERAL REGISTER August 27, 1974. Applicant: W. S. THOMAS TRANSFER, INC., P.O. Box 507, Fairmont, W. Va. 26554. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: * * * (E) *Malt beverages*, in containers, from Louisville, Ky., to points in Maryland, to points in Forest, Clarion, Jefferson, Butler, Armstrong, Indiana, Allegheny, Westmoreland, Washington, Greene, and Fayette Counties, Pa., points in that part of Elk, Clearfield, Cambria, and Somerset Counties, Pa., on and west of Pennsylvania Highway 219, and points in that part of McKean County, Pa., on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6, thence over U.S. Highway 6 to Kane, Pa., and thence over Pennsylvania Highway 321 to junction U.S. Highway 219. The purpose of this filing is to eliminate the gateways of (1) Marion County, W. Va., from (A), (D), and (E) above; (2) Morgantown, W. Va., and Fairmont, W. Va., from (B) above; and (3) Morgantown, W. Va., from (C) above. The purpose of this correction is to include Maryland as a destination State.

No. MC 65781 (Sub-No. E5), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on and west of a line beginning at the Wisconsin-Michigan State line and extending along U.S. Highway 45 to Eagle River, thence along Wisconsin Highway 17 to Rhinelander, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to Portage, thence along Wisconsin Highway 33 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 151, thence along U.S. Highway 151 to Madison, thence along U.S. Highway 14 to Evansville, thence along Wisconsin Highway 213 to the Illinois-Wisconsin State line, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 65781 (Sub-No. E6), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on and west of a line beginning at the Wisconsin-Michigan State line and extending along U.S. Highway 45 to Eagle River, thence along Wisconsin Highway 17 to Rhinelander, thence along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to Portage, thence along Wisconsin Highway 33 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction U.S. Highway 151, thence along U.S. Highway 151 to Madison, thence along U.S. Highway 14 to Evansville, thence along Wisconsin Highway 213 to the Illinois-Wisconsin State line, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 65781 (Sub-No. E7), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E8), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E9), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E10), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E11), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E12), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and on the other, points in Florida. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E13), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E14), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E15), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E16), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin, on the one hand, and, on the other, the District of Columbia. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 65781 (Sub-No. E17), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois, on the one hand, and, on the other, points in North Dakota. The purpose of this

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filing is to eliminate the gateway of points in Wisconsin and Minnesota.

No. MC 65781 (Sub-No. E18), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (a) between points in Wisconsin, on the one hand, and, on the other, points in North Dakota, (b) between points in Iowa on and north of a line beginning at Burlington and extending along U.S. Highway 34 to Ottumwa, thence along U.S. Highway 63 to Oskaloosa, thence along Iowa Highway 163 to Des Moines, thence along Interstate Highway 80 to the Iowa-Nebraska State line, on the one hand, and, on the other, points in Michigan south of St. Ignace. The purpose of this filing is to eliminate the gateways of points in Minnesota in (a) above, and points in Wisconsin in (b) above.

No. MC 65781 (Sub-No. E19), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois on and north of Interstate Highway 80, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Wisconsin.

No. MC 65781 (Sub-No. E20), filed June 4, 1974. Applicant: DAWN MOVING & STORAGE, INC., 6009 Wayzala Blvd., Minneapolis, Minn. 55416. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa on and north of Interstate Highway 80, on the one hand, and, on the other, points in Illinois on, east, and north of a line beginning at Chicago and extending along Interstate Highway 80 to junction with Illinois Highway 88, thence along Illinois Highway 88 to Savanna. The purpose of this filing is to eliminate the gateway of points in Wisconsin.

No. MC 66886 (Sub-No. E6), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities (other than machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and machinery, equipment, materials, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof), the transportation of which, because of size or weight, require the use of special equipment, between points in Texas (except points east of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 259 to junction U.S. Highway 69, thence along U.S. Highway 69 to Port Arthur and the Gulf of Mexico), to points in that part of Illinois on and north of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of any point in Kansas.

No. MC 66886 (Sub-No. E7), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (other than machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and machinery, equipment, materials, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof), the transportation of which, because of size or weight, require the use of special equipment, between points in Nebraska, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateway of any point in Kansas.

No. MC 66886 (Sub-No. E8), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (other than machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and machinery, equipment, materials, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof), the transportation of which, because of size or weight, require the use of special equipment, between points in that part of Texas on and west of U.S. Highway 69, on the one hand, and, on the other, points in that part of Missiouri on and west of U.S. Highway 67. The purpose of this filing is to eliminate the gateway of any point in Kansas.

No. MC 66886 (Sub-No. E14), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (other than machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and machinery, equipment, materials, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof) the transportation of which, because of size or weight, require the use of special equipment, between points in that part of Texas on and east of U.S. Highway 83. The purpose of this filing is to eliminate the gateway of any point in Kansas.

No. MC–66886 (Sub-No. E11), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight requires the use of special equipment from points in that part of Texas on and north of Interstate Highway 40 to points in that part of Georgia on, east, and north of a line beginning at the Tennessee-Georgia State line and extending along Interstate Highway 71 to junction U.S. Highway 411, thence along U.S. Highway 411 to junction U.S. Highway 41, thence along U.S. Highway 41 to Atlanta, thence along Interstate Highway 20 to the Georgia-Alabama State line. The purpose of this filing is to eliminate the gateways of any point in Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E13), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (other than machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and machinery, equipment, materials, and supplies, used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof) the transportation of which, because of size or weight, require the use of special equipment, between points in that part of Texas on and west of U.S. Highway 69, on the one hand, and, on the other, points in that part of Missiouri on and west of U.S. Highway 67. The purpose of this filing is to eliminate the gateway of any point in Kansas.

No. MC 66886 (Sub-No. E14), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (other than machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and machinery, equipment, materials, and supplies, used in, or in connection with the construction, op-

eration, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof) the transportation of which, because of size or weight, require the use of special equipment, between points in Kansas, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of any point in Texas.

No. MC 66886 (Sub-No. E15), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (other than machinery, equipment, materials, and supplies used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products; and machinery, equipment, materials, and supplies, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof the transportation of which, because of size or weight, require the use of special equipment, between points in Missouri, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of any point in Kansas and any point in Texas.

No. MC 66886 (Sub-No. E17), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight requires the use of special equipment, from points in that part of Nebraska on and south of Nebraska Highway 2 to points in that part of New York on and south of New York Highway F. The purpose of this filing is to eliminate the gateways of any point in Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E19), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight requires the use of special equipment from points in that part of Colorado on, south, and west of a line beginning at the Colorado-Kansas State line and extending along Interstate Highway 70 to Denver, thence along Interstate Highway 25 to the Colorado-Wyoming State line to points in that part of Michigan on and east of U.S. Highway 27. The purpose of this filing is to eliminate the gateways of any point in Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E23), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight requires the use of special equipment, from points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line and extending along Interstate Highway 35 to junction Interstate Highway 35E, thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to the United States-Mexico International Boundary line to points in that part of North Carolina on and north of U.S. Highway 70. The purpose of this filing is to eliminate the gateways of any point in Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E25), filed June 4, 1974. Applicant: BELGAR CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight requires the use of special equipment, from points in Texas to points in Michigan. The purpose of this filing is to eliminate the gateways of any point in Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E26), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight requires the use of special equipment, from points in Oklahoma and Michigan. The purpose of this filing is to eliminate the gateways of any point in Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E28), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight requires the use of special equipment from points in Nebraska, Colorado, and Oklahoma to points in North Carolina, Virginia, and Kentucky. The purpose of this filing is to eliminate the gateways of any point in Kansas and Springfield, Mo.

No. MC 86368 (Sub-No. E21) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 4, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (3) from points in Michigan on and west of U.S. Highway 41 to points in Indiana within 100 miles of Danville, Ill. (Bloomington, Ill., and points within 25 miles thereof)*. The purpose of this filing is to eliminate the gateway indicated by asterisks above. The purpose of this partial correction is to reflect Danville, Ill. The remainder of the letternotice remains as previously published.

No. MC 95540 (Sub-No. E601) (Correction), filed May 28, 1974, published in the FEDERAL REGISTER September 9, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in New Jersey on and south of U.S. Highway 30, to points in Colorado on and south of U.S. Highway 160. The purpose of this filing is to eliminate the gateway of Pike and Spauding Counties, Ga. The purpose of this correction is to reflect the correct gateway which was previously published as Pilse County instead of Pike County.

No. MC 95876 (Sub-No. E1), filed June 3, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue N., St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Heavy machinery* (except tractors and agricultural machinery), between New London, Wis., on the one hand, and, on the other, points in Iowa on and west of a line beginning at Marquette and extending along Iowa Highway 13 to junction with Iowa Highway 1, thence south along Iowa Highway 1 to Iowa City, thence along U.S. Highway 218 to Keokuk; (B) *Boards and slabs*, composed of cement combined with wood fibers, when moving as contractors' and construction materials and supplies or as items requiring specialized handling or rigging because of size and weight, from points in Minnesota located south of U.S. Highway 12 and west of U.S. Highway 60 to points in Connecticut, Delaware, points in Indiana on and east of U.S. Highway 30 beginning at the Illinois-Indiana State line, then east on U.S. Highway 30 to junction with Interstate Highway 65, then south on Interstate Highway 65 to the junction with Interstate Highway 74, thence south on Interstate Highway 74 to the Indiana-Ohio State line, Maine, Maryland, Massachusetts, Michigan, New Hampshire,

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New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia. The purpose of this filing is to eliminate the gateway of LaCrescent, Minn., in (A) above and Cornell, Wis., in (B) above.

No. MC 95876 (Sub-No. E2), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue N., St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, when moving as contractors' and construction materials and supplies, or as items requiring specialized handling or rigging because of size or weight, from points in Porter and Lake Counties, Ind., and Cook and DuPage Counties, Ill., to points in Wisconsin on and west of a line beginning at LaCrosse and extending along U.S. Highway 53 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to Hayward, thence along U.S. Highway 63 to Ashland. The purpose of this filing is to eliminate the gateway of LaCrescent, Minn.

No. MC 95876 (Sub-No. E3), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and fittings and accessories*, when moving as contractors' and construction materials and supplies (except oil field pipe and articles described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, and except commodities which because of size or weight require the use of special equipment, from points in Anoka, Dakota, Hennepin, Ramsey, and Scott Counties and Duluth, Minn., to points in South Dakota on and south of U.S. Highway 212. The purpose of this filing is to eliminate the gateway of Savage, Minn.

No. MC 95876 (Sub-No. E4), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and fittings and accessories* (except oil field pipe and articles described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, and except commodities which because of size or weight require the use of special equipment), from points in Pittsburgh, Pa., and Dover, Ohio, to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of Savage, Minn.

No. MC 95876 (Sub-No. E5), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and fittings and accessories*, when moving as contractors' and construction materials and supplies (except oil field pipe and articles described in *Mercer Extension—Oil Field Commodities*, 74 M.C.C. 459, and except commodities which because of size or weight require the use of special equipment, from points in Porter and Lake Counties, Ind., and Cook and DuPage Counties, Ill., to points in Wisconsin on and west of a line beginning at LaCrosse and extending along U.S. Highway 53 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Wisconsin Highway 27, thence along Wisconsin Highway 27 to Hayward, thence along U.S. Highway 63 to Ashland. The purpose of this filing is to eliminate the gateway of LaCrescent, Minn.

No. MC 106644 (Sub-No. E31), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical controllers and instruments*, which because of size or weight require the use of special equipment from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Tennessee and points in South Carolina west of a line from Myrtle Beach along U.S. Highway 801 to the junction of U.S. Highway 501, thence along U.S. Highway 501 to the South Carolina-North Carolina State line, and points in North Carolina west of U.S. Highway 501, to points in Connecticut, Delaware, Maine, New Hampshire, Vermont, and the District of Columbia. The purpose of this filing is to eliminate the gateways of points in Tennessee, North Carolina, and Roanoke County, Va.

No. MC 106644 (Sub-No. E32), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical controllers and instruments*, which because of size or weight require the use of special equipment, (1) from points in South Carolina north and east of Interstate Highway 26 and points in North Carolina north and east of a line from the North Carolina-South Carolina State line along Interstate Highway 26 to the junction of U.S. Highway 70, thence along U.S. Highway 70 to the North Carolina-Tennessee State line to points in South Dakota and Wyoming, (2) from points in South Carolina north and east of Interstate Highway 26 and points in North Carolina north and east of a line from the North Carolina-South Carolina State line along Interstate Highway 26 to the junction of U.S. Highway 231, thence along U.S. Highway 231 to the North Carolina-Tennessee State line, to points in Colorado, Minnesota, and New Mexico. The purpose of this filing is to eliminate the gateway of points in North Carolina and Roanoke County, Va.

No. MC 106644 (Sub-No. E33), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St., NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment between Clarksburg, W. Va., on the one hand, and on the other, points in Georgia on and south of a line from Savannah along U.S. Highway 80 to the junction of Georgia Highway 15, thence along Georgia Highway 15 to the junction of Interstate Highway 20 to Atlanta, thence along U.S. Highway 78 to the Georgia-Alabama State line, points on and south of a line from the Alabama-Georgia State line along U.S. Highway 78 to the junction of U.S. Highway 11, thence along U.S. Highway 11 to the Alabama-Mississippi State line, points in Mississippi on and south of a line from the Alabama-Mississippi State line along U.S. Highway 11 to the junction of Interstate Highway 80, thence along Interstate Highway 80 to the Mississippi-Louisiana State line, points in Louisiana on and south of Interstate Highway 80, and points in Texas on and south of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of Marietta, Ga.

No. MC 106644 (Sub-No. E35), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe* from Hot Springs, Fla., to points in Arkansas, Indiana, Oklahoma, Texas, and West Virginia. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of the Clow Corporation located near Lincoln, Talladega County, Ala.

No. MC 106644 (Sub-No. E36), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Hot Springs, Fla., to points in Kansas, Nebraska, Iowa, Michigan, Wisconsin, Minnesota, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of the Clow Corporation located near Lincoln, Talladega County, Ala.

No. MC 106644 (Sub-No. E38), filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron and brass valves and cast iron fire hydrants* from Birmingham, Ala., to points in Nevada on and south of U.S. Highway 60 and points in California south and west of a line from the California-Arizona State line along U.S. Highway 95 to Needles, thence along U.S. Highway 66 to Barstow, thence along California Highway 58, thence along California Highway 58 to the junction of U.S. Highway 101, thence along U.S. Highway 101 to the junction of California Highway 41, thence along California Highway 41 to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of Beaumont, Tex.

No. MC 106644 (Sub-No. E40) filed June 3, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Aluminum ingots, pigs, billets, blooms, and plates*, requiring special equipment from points in Alabama, Florida, Georgia, Kentucky, North Carolina, and Texas to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Scottsboro, Ala.

No. MC 107403 (Sub-No. E474), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins*, in bulk, in tank vehicles, from Newark, Ohio, to points in Iowa, Minnesota, and Nebraska. The purpose of this filing is to eliminate the gateway of the plant site of Baird Chemicals Industries, Inc., located at or near Mapleton, Ill.

No. MC 107403 (Sub-No. E476), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk, in tank vehicles, from the facilities of E. J. DuPont de Nemours and Company at Lima, Ohio, to points in Illinois and Wisconsin. The purpose of this filing is to eliminate the gateway of the plantsite of the B. F. Goodrich Company, in Milan Township (Allen County), Ind.

No. MC 107403 (Sub-No. E477), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Methanol*, in bulk, in tank vehicles, from Huron, Ohio, to points in Iowa, Missouri, and Nebraska. The purpose of this filing is to eliminate the gateways of the plantsites of Baird Chemicals Industries, Inc., located at or near Mapleton, Ill.

No. MC 107403 (Sub-No. E479), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oxo-alcohols, and liquid olefins*, in bulk, in tank vehicles, from the plantsite of Oxo-Chemical Company at Haverhill, Ohio, to points in Iowa and Nebraska. The purpose of this filing is to eliminate the gateways of the plantsites of Baird Industries, Inc., located at or near Mapleton, Ill.

No. MC 107403 (Sub-No. E483), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Dover, Ohio, to points in Iowa, Minnesota, Missouri, and Nebraska. The purpose of this filing is to eliminate the gateways of the plant sites of Baird Chemicals Industries, Inc., located at or near Mapleton, Ill.

No. MC 107403 (Sub-No. E485), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except such oils and greases as may be included in the term "chemicals"), in bulk, in tank vehicles, from points in Delaware County, Ohio, to points in Iowa, Minnesota, and Nebraska. The purpose of this filing is to eliminate the gateways of the plant sites of Baird Industries, Inc., located at or near Mapleton, Ill., and the plant site of the B.F. Goodrich Company, in Milan Township (Allen County), Ind.

No. MC 107403 (Sub-No. E486), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except such oils and greases as may be included in the term "chemicals"), in bulk, in tank vehicles, from points in Delaware County, Ohio, to points in Illinois and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of the B. F. Goodrich Company, in Milan Township (Allen County), Ind.

No. MC 107403 (Sub-No. E489), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonflammable vegetable oils and vegetable oil products*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Wheeling, W. Va., Pittsburgh, Pa., and Newark, N.J.

No. MC 107403 (Sub-No. E511), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, as described in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except those derived from petroleum or sold for use as fertilizers), in bulk, in tank vehicles, specially designed for the transportation of dry bulk commodities, from the plant site of Union Carbide Corporation and the plant site of Hooker Chemical Corporation at or near Taft, St. Charles Parish, La., to points in New York (except points on Long Island). The purpose of this filing is to eliminate the gateway of Indianapolis, Ind., and Painesville, Ohio.

No. MC 107403 (Sub-No. E512), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except those sold for use as fertilizers), in bulk, in tank vehicles specially designed for the transportation of dry bulk commodities, from the plant site of Union Carbide Corporation at or near Taft, St. Charles Parish, La., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of the plant site of the B. F. Goodrich Company, in Milan Township (Allen County), Ind., and points in Muskingum County, Ohio.

No. MC 107403 (Sub-No. E513), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except those sold for use as fertilizers), in bulk, in tank vehicles, specially designed for the transportation of dry bulk commodities, from the plant site of Union Carbide Corporation and the plant site of Hooker Chemical Corporation, at or near Taft, St. Charles Parish, La., to points in New Jersey. The purpose of this filing is to eliminate the gateways of Evansville, Ind., Lewistown, Pa., and points in Muskingum County, Ohio.

No. MC 107403 (Sub-No. E520), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in

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tank vehicles, from Lake Charles, La., to points in New Jersey and New York. The purpose of this filing is to eliminate the gateways of points in the State of Kentucky, in Muskingum County, Ohio, and Lewistown, Pa.

No. MC 107403 (Sub-No. E526), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural gas odorants*, in bulk, in tank vehicles, from Oak Point, La., to points in Iowa. The purpose of this filing is to eliminate the gateways of the plant sites of Baird Chemicals, Inc., located at or near Mapleton, Ill.

No. MC 107403 (Sub-No. E527), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solution* (except liquefied petroleum gases), in bulk, in tank vehicles, from the plant sites of National Phosphatic Corporation located approximately four (4) miles north of Hahnville, La., to points in Colorado, Missouri, Oklahoma, Tennessee (except Kingsport), Texas, Utah, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of Baton Rouge, La.

No. MC 107403 (Sub-No. E529), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solution*, in bulk, in tank vehicles, from the plant sites of National Phosphatic Corporation located approximately four (4) miles north of Hahnville, La., to points in Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateways of the plant site of American Cyanamid Company at Avondale, La., Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E533), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solutions*, in bulk, in tank vehicles, from the plant sites of National Phosphatic Corporation located approximately four (4) miles north of Hahnville, La., to points in Iowa and Minnesota. The purpose of this filing is to eliminate the gateways of the plant site of American Cyanamid Company at Avondale, La., and the plant sites of Baird Industries, Inc., at or near Mapleton, Ill.

No. MC 107403 (Sub-No. E536), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer compounds* (manufactured), in bulk, in tank or hopper vehicles specially designed for the transportation of dry bulk commodities, from the plantsites of National Phosphate Corporation located approximately four (4) miles north of Hahnville, La., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of points in the state of Kentucky, Painesville, Ohio, and Solvay, N.Y.

No. MC 107403 (Sub-No. E537), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer compounds* (manufactured), in bulk, from the plant site of National Phosphate Corporation located approximately 4 miles north of Hahnville, La., to points in Florida and Georgia. The purpose of this filing is to eliminate the gateway of Baton Rouge, La.

No. MC 107403 (Sub-No. E538), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer compounds* (manufactured, except those derived from petroleum), in bulk, in tank vehicles, from the plant sites of National Phosphate Corporation located approximately 4 miles north of Hahnville, La., to points in New York (except points on Long Island). The purpose of this filing is to eliminate the gateways of points in the State of Virginia and Painesville, Ohio.

No. MC 107403 (Sub-No. E539), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer compounds* (manufactured, except those derived from petroleum), in bulk, in tank vehicles, specially designed for the transportation of dry bulk commodities, from the plantsite of National Phosphate Corporation located approximately 4 miles north of Hahnville, La., to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of points in the State of Kentucky and Painesville, Ohio.

No. MC 107403 (Sub-No. E540), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer compounds* (manufactured), in bulk, in tank vehicles specially designed for the transportation of dry bulk commodities, from the plantsites of National Phosphate Corporation located approximately four (4) miles north of Hahnville, La., to points in New Jersey. The purpose of this filing is to eliminate the gateways of Lewistown, Pa., points in Muskingum County, Ohio, and points in the state of Kentucky.

No. MC 107403 (Sub-No. E541), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer compounds* (manufactured), in bulk, in tank or hopper vehicles, from the plantsites of National Phosphate Corporation located approximately four (4) miles north of Hahnville, La., to points in North Carolina, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of points in West Baton Rouge Parish, La.

No. MC 107403 (Sub-No. E542), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote oil*, in bulk, in tank vehicles, from the facilities of Witco Chemical Company, Inc., at or near Jasper, Tex., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, North Carolina, South Carolina, Tennessee, Wisconsin, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Baton Rouge, La.

No. MC 107403 (Sub-No. E544), filed May 29, 1974. Applicant: MATLACK, INC,. 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosote oil*, in bulk, in tank vehicles, from the storage facility of Witco Chemical Company, Inc., at or near Jasper, Tex., to points in Maine, Massachusetts, New Hampshire, and Vermont, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Baton Rouge, La., Greensboro, N.C., and Newark, N.J.

No. MC 107403 (Sub-No. E546), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solution*, in bulk, in tank vehicles, from the plantsite of National Phosphate Corporation, located approximately four (4) miles north of Hahnville, La., to points in Florida, Georgia, Illinois, Indiana, North Carolina, and South Carolina, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plantsite of American Cyanamid Company at Avondale, La.

No. MC 107403 (Sub-No. E547), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of National Cement Company, at Ragland (St. Clair County), Ala., to points in Louisiana, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plantsite of Universal-Atlas Cement Division, United States Steel Corporation, at Leeds (Jefferson County), Ala.

No. MC 107403 (Sub-No. E549), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, and in bags, from Decatur, Ala., to points in North Carolina and South Carolina, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107403 (Sub-No. E551), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite of Southern Cement Company, division of Martin-Marietta Corporation (Magnolia), Atlanta, Ga., to points in Louisiana and Mississippi, with no transportation for compensation on return, except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plantsite of Universal-Atlas Cement Division, United States Steel Corporation, at Leeds (Jefferson County), Ala.

No. MC 107496 (Sub-No. E287) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 23, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Quincy, Ill., to points in Illinois (except points in Adams, Hancock, Schuyler, Brown, Pike, Cass, Scott, and Calhoun County). The purpose of this filing is to eliminate the gateway of Palmyra, Mo., and points within 10 miles thereof. The purpose of this correction is to reflect the origin points.

No. MC 111545 (Sub-No. E252) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER August 29, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, from points in Connecticut to points in that part of Colorado on, west, and south of a line beginning at the Colorado-New Mexico State line, thence along U.S. Highway 85 to Denver, thence along U.S. Highway 6 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Miami, Okla. The purpose of this correction is to reflect from origin points to destination points. Previously published as between.

No. MC 111545 (Sub-No. E312) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Oklahoma on and east of a line beginning at the Oklahoma-Arkansas State line, thence along U.S. Highway 62 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line, to points in that part of Nebraska on and north of a line beginning at the Nebraska-Missouri State line, thence along Nebraska Highway 2 to Merna, thence along Nebraska Highway 2 to junction Nebraska Highway 61, thence along Nebraska Highway 61 to Ogallala, thence along U.S. Highway 30 to the Nebraska-Wyoming State line. The purpose of this filing is to eliminate the gateways of points in Arkansas and Payne, Iowa. The purpose of this correction is to correct the Nebraska Highway description.

No. MC 111545 (Sub-No. E335) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 12, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse-treatment equipment, and parts, attachments, and accessories*, for incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on and east of U.S. Highway 127, to points in New Mexico. The purpose of this filing is to eliminate the gateways of Ringgold, Ga., and Springfield, Mo. The purpose of this correction is to reflect the entire letternotice. A portion was left out of the previous publication.

No. MC 111545 (Sub-No. E430) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 7, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse-treatment equipment, and parts, attachments, and accessories*, for incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Alabama within 175 miles of Chattanooga, Tenn., to points in California, Montana, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateways of Cedartown, Ga., and Springfield, Mo. The purpose of this correction is to include California as a destination state.

No. MC 111545 (Sub-No. E452) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER August 16, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked-down, or in sections, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Louisiana on and east of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 61 to Scotlandville, thence along U.S. Highway 190 to Opelousas, thence along U.S. Highway 167 to Abbeville, thence along Louisiana Highway 82 to junction Vermilion-Cameron Parish line to the Gulf of Mexico, on the one hand, and, on the other, points in Indiana and Wisconsin. The purpose of this filing is to eliminate the gateway of Piedmont, Ala. The purpose of this correction is to include Indiana and Wisconsin as destination States.

No. MC 111545 (Sub-No. E487) (Correction), filed May 30, 1974, published in the FEDERAL REGISTER August 7, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as

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a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, from points in Alabama to points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, that part of Illinois on and north of a line beginning at the Illinois-Missouri State line, thence along U.S. Highway 66 to Springfield, thence along Illinois Highway 54 to Onarga, thence along U.S. Highway 45 to Gillman, thence along U.S. Highway 24 to the Illinois-Indiana State line, and that part of Oklahoma on and north of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of the plant site of Continental Homes, Inc., located at or near Malden, Mo. The purpose of this correction is to reflect Alabama as the only origin State and the remainder as destination points.

No. MC 111548 (Sub-No. E10), filed June 4, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Rhode Island, Massachusetts, and New Hampshire, to points in that part of West Virginia on and south of U.S. Highway 52, points in that part of Kentucky on and south of a line beginning at the Kentucky-West Virginia State line, thence along Kentucky Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Kentucky-Indiana State line, points in that part of Indiana on and south of a line beginning at the Kentucky-Indiana State line, thence along Indiana Highway 66 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Indiana-Illinois State line, and points in that part of Illinois on and south of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 460 to junction Illinois Highway 14, thence along Illinois Highway 14 to junction Illinois Highway 152, thence along Illinois Highway 152 to junction Illinois Highway 150, thence along Illinois Highway 150 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of New York, N.Y., and points within 25 miles of Hickory.

No. MC 111548 (Sub-No. E14), filed June 4, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory and technical furniture, fixtures, equipment, material, and supplies*, uncrated, from points in that part of New Jersey west of U.S. Highway 1, points in that part of Pennsylvania west of U.S. Highway 1, and Niagara Falls and Buffalo, N.Y., points on U.S. Highway 62 between Buffalo and junction U.S. Highway 20, points on U.S. Highway 20 between junction U.S. Highways 62 and 20 and Fredonia, N.Y., and points on New York Highway 60 between Fredonia and Frewsburg, N.Y., and points on U.S. Highway 62 between Frewsburg and the New York-Pennsylvania State line, to points in South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana. The purpose of this filing is to eliminate the gateway of Warren, Pa., and Statesville, N.C.

No. MC 111548 (Sub-No. E15), filed June 4, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Bldg. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Beacon, N.Y., to points in Georgia, Tennessee, and points in that part of South Carolina on, south, and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 1 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 126, thence along U.S. Highway 126 to Charleston. The purpose of this filing is to eliminate the gateway of Marion, N.C.

No. MC 113843 (Sub-No. E436), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Havre de Grace, Md., to points in that part of Vermont on and north of a line beginning at the Vermont-New York State line and extending along Vermont Highway 15 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Vermont-New Hampshire State line. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y.

No. MC 113843 (Sub-No. E647), filed May 16, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in Middlesex County, N.J., on the one hand, and, on the other, points in that part of Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line and extending along Ohio Highway 304 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 36, thence along U.S. Highway 36 to Urbana, thence along U.S. Highway 68 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E667), filed May 14, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of Michigan on, west, and north of a line beginning at Lake Michigan and extending along U.S. Highway 10 to Baldwin, thence along Michigan Highway 37 to junction Michigan Highway 55, thence along Michigan Highway 55 to Lake Huron to points in that part of Maryland on and north of a line beginning at the Chesapeake Bay and extending along Maryland Highway 349 to Salisbury, thence along U.S. Highway 50 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 115669 (Sub-No. E43), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 12, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients* (except those in bulk, in liquid form, and except salt, soybean meal, and urea), from Kansas City, Mo., to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Olathe, Kans. The purpose of this correction is to reflect the correct E number previously published as E42.

No. MC 119443 (Sub-No. E11), filed May 20, 1974. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, N.J. 08343. Applicant's representative: Gerald A. Kramme (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coating, liquid chocolate liquor, and liquid cocoa butter*, in bulk, in tank vehicles, from Philadelphia, Pa., to Birmingham, Ala., points in Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Wisconsin, points in that part of Virginia on, west, and south of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 15 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Virginia Highway 55, thence along Virginia Highway 55 to the Virginia-West Virginia State line, points in that part of West Virginia on and south of a line beginning at the West Virginia-Virginia State line, thence along West Virginia Highway 55 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction West Virginia Highway 42, thence along West Virginia Highway 42 to junction U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Maryland State line, thence along the West Virginia-Maryland State line to junction with U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 250, thence along U.S. Highway 220 to junction West Virginia Highway 7, thence along West Virginia Highway 7 to the West Virginia-Ohio State line, points in that part of Maryland on and south of U.S. Highway 50, points in that part of Ohio on and west of a line beginning at the West Virginia-Ohio State line.

Thence along Ohio Highway 536 to junction Ohio Highway 78, thence along Ohio Highway 78 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 147, thence along Ohio Highway 147 to junction Ohio Highway 265, thence along Ohio Highway 265 to junction Ohio Highway 513, thence along Ohio Highway 513 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction U.S. Highway 250, thence along Ohio Highway 259 to junction Ohio Highway 416, thence along Ohio Highway 416 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Ohio Highway 44, thence along Ohio Highway 44 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Ohio Highway 14, thence along Ohio Highway 14 to junction Ohio Highway 88, thence along Ohio Highway 88 to junction Ohio Highway 303, thence along Ohio Highway 303 to junction Ohio Highway 534, thence along Ohio Highway 534 to junction Ohio Highway 305, thence along Ohio Highway 305 to junction Ohio Highway 45, thence along Ohio Highway 45 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Ohio Highway 46, thence along Ohio Highway 46 to Lake Erie, and points in that part of Maine on and north of a line beginning at the United States-Canada International Boundary line, thence along U.S. Highway 2 to junction Maine Highway 212, thence along Maine Highway 212 to junction Maine Highway 11, thence along Maine Highway 11 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of Dover, Del., and Elizabethtown, Pa., for points in Minnesota and Wisconsin above, and Dover, Del., for all other named points above.

No. MC 119443 (Sub-No. E12), filed May 28, 1974. Applicant: P. E. KRAMME, INC., Maine Street, Monroeville, N.J. 08343. Applicant's representative: Gerald A. Kramme (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate products, liquid confectioners coatings, and liquid cocoa butter*, in bulk, in tank vehicles, from Mansfield, Mass., to points in Alabama, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, points in that part of New Jersey on and south of a line beginning at the New Jersey-Pennsylvania State line at Trenton, thence along U.S. Highway 206 to junction New Jersey Highway 68, thence along New Jersey Highway 68 to junction New Jersey County Highway 537, thence along New Jersey County Highway 537 to junction New Jersey County Highway 545, thence along New Jersey County Highway 545 to junction New Jersey County Highway 530, thence along New Jersey County Highway 530 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 72, thence along New Jersey Highway 72 to junction New Jersey County Highway 534, thence along New Jersey County Highway 534 to the Atlantic Ocean, and points in that part of Ohio on, south, and west of U.S. Highway 422. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and Dover, Del., and Lititz and Elizabethtown, Pa.

No. MC 119631 (Sub-No. E3), filed May 29, 1974. Applicant: DEIOMA TRUCKING CO., P.O. Box 915, Alliance, Ohio 44601. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products* from points in Ohio within 40 miles of Canton to points in Virginia and Washington, D.C. The purpose of this filing is to eliminate the gateway of points in Pennsylvania within the East Liverpool, Ohio, commercial zone.

No. MC 123407 (Sub-No. E116), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size or weight require the use of special equipment or special handling) from Freeport, Ill., to points in North Carolina, Virginia, West Virginia, that part of Kentucky in and east of Hardin, Hart, Barren, Warren, and Simpson Counties, and that part of Tennessee in and east of Summer, Davidson, Williamson, Maury, and Giles Counties. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. E117), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* from Dubuque, Iowa, to that part of Minnesota in and north of Pipestone, Lyon, Yellow Medicine, Chippewa, Swift, Pope, Todd, Morrison, Crow Wing, Carlton, and Aitkin Counties, and that part of Nebraska in and west of Cedar, Pierce, Madison, Colfax, Butler, Seward, Saline, and Jefferson Counties. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E118), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* from L'Anse, Mich., to points in Kansas, Oklahoma, Arkansas, Louisiana, Tennessee, Mississippi, and Alabama. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 123407 (Sub-No. E120), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk) from Port Clinton, Ohio, to points in McKenzie, Williams, Mountrail, Divide, Burke, Renville, Bottineau, and Rolette Counties, N. Dak. The purpose of this filing is to eliminate the gateway of Warren, Ill., and L'Anse, Mich.

No. MC 123407 (Sub-No. E121), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Chicago Heights, Ill., to points in Nebraska, Kansas, and Gogebic and Ontonagon Counties, Mich. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E122), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt roofing, asbestos shingles, asbestos siding, vermiculite, and mineral wool insulation*, from Chicago Heights, Ill., to points in Polk, Burnett, and Douglas Counties, Wis. The purpose of this filing is to eliminate the gateway of Warren, Ill., and St. Paul, Minn.

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No. MC 123407 (Sub-No. E123), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass and glass glazing units*, from Lincoln, Ill., to points in that part of South Carolina, in and east of Chesterfield, Kershaw, Richland, Lexington, Orangeburg, Bamberg, Hampton, and Jasper Counties, Effingham, Bryan, and Chatham Counties, Ga.; and Palm Beach, Broward, and Dade Counties, Fla., restricted to the transportation of shipments which originate at the sites of the plants and warehouses of PPG Industries, Inc., at the above named origin. The purpose of this filing is to eliminate the gateway of Laurinburg, N.C.

No. MC 123407 (Sub-No. E129), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size or weight require the use of special equipment), from De Kalb, Ill., to points in that part of North Carolina in and south of Iredell, Meckenburg, Davie, Davidson, Montgomery, Moore, Hoke, Robeson, Balden, Sampson, Dupum, Lenoir, Greene, Edgecombe, Martin, Washington, Tyrell, and Dare. The purpose of this filing is to eliminate the gateway of Warren, Ill., and Brookville, Ind.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-22421 Filed 9-25-74;8:45 am]

[Notice 76]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

SEPTEMBER 20, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 1641 (Sub-No. 102), filed September 3, 1974. Applicant: PEAKE TRANSPORT SERVICE, INC., Box 366, Chester, Nebr. 68327. Applicant's representative: R. B. Parker (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed ingredients*, from Blair, Nebr., to points in Iowa, Illinois, Missouri, Kansas, Wisconsin, Minnesota, North Dakota, South Dakota, Colorado, Wyoming, and Oklahoma.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 20783 (Sub-No. 105), filed August 27, 1974. Applicant: TOMPKINS MOTOR LINES, INC., P.O. Box 1830 Gadsden, Ala. 35902. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from the plantsite and storage facilities of Peter Paul, Inc., located at or near Frankfort, Ind., to points in Florida, Louisiana, Mississippi, North Carolina, and South Carolina.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 20992 (Sub-No. 32), filed August 30, 1974. Applicant: DOTSETH TRUCK LINE, INC., Knapp, Wis. 54749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Trailers*, designed for the transportation of agricultural, industrial, and construction equipment; and (b) *agricultural implements and parts*, and *attachments and accessories*, for agricultural implements, from Madison, Wis., to points in the United States (except points in Alaska and Hawaii); and (2) *equipment, materials, and supplies*, used in the manufacturing and distribution of the commodities named in (1) (a) and (b) above, from points in the United States (except Alaska and Hawaii), to Madison, Wis., restricted against the transportation of commodities in bulk, in tank vehicles, and further restricted to traffic originating at or destined to the plantsite of Richard Industry Corp., at Madison, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 22278 (Sub-No. 46), filed August 26, 1974. Applicant: TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Lake Mills, Iowa, as an off-route point in connection with carrier's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Des Moines, Iowa.

No. MC 26396 (Sub-No. 122), filed August 19, 1974. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, a corporation, Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beehive lumber and beekeeping equipment*, from Polson, Mont., to ports of entry on the International Boundary Line between the United States and Canada, in Montana and North Dakota.

NOTE.—Applicant holds contract carrier authority in MC 136777 (Sub-No. 3), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 30518 (Sub-No. 4) (Correction), filed July 30, 1974, published in the FEDERAL REGISTER issue, September 12, 1974, and republished as corrected, this issue. Applicant: CARLOS J. STILWELL, doing business as STILWELL TRUCK SERVICE, Detroit, Ill. 62332. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Whey by-products, lactose, prepared animal or poultry feed, animal or poultry feed ingredients*, from Boscobel, Wis., to points in Illinois and Missouri, under contract or contracts with Milk Specialties Co. of Dundee, Ill.

NOTE.—The purpose of this republication is to add Missouri as a destination point. If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 30844 (Sub-No. 515) filed August 26, 1974, Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Bldg., Denver, Colo. 80210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Filter paper*, from Riegelsville, N.J., to Lake Mills, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Des Moines, Iowa.

No. MC 30844 (Sub-No. 516), filed August 26, 1974. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such materials, supplies, and ingredients* as are used in the food processing industry (except commodities in bulk, bananas, frozen and canned citrus products, and glass containers), from points in Colorado, Connecticut, Delaware, Illinois (except points in the Chicago, Ill., Commercial Zone as defined by the Commission), Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, to Deerfield and Chicago, Ill., restricted to shipments destined to warehouses and facilities utilized by Kitchens of Sara Lee at the above name destinations.

NOTE.—Common control was approved in MC-F-8722 and MC-F-9750. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Chicago, Ill.

No. MC 31389 (Sub-No. 185) filed August 23, 1974. Applicant: McLEAN TRUCKING COMPANY, a Corporation, 617 Waughtown Street, P.O. Box 213, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Georgia-Pacific Corporation, at or near Port Hudson, La., as an off-route point in connection with applicant's regular route operations to and from Baton Rouge, La.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 37070 (Sub-No. 4), filed August 27, 1974. Applicant: STEVEN CVETAN AND JOSEPH CVETAN, doing business as CVETAN BROS., R.F.D. #1, Ringoes, N.J. 08551. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, (1) from the facilities of Kerr-McGee Chemical Corp. in Baltimore, Md., to points in Connecticut and New Jersey, and Orange, Rockland, Nassau, and Suffolk Counties, N.Y., and (2) from the facilities of Kerr-McGee Chemical Corp. in Philadelphia, Pa., to points in Connecticut, and Orange, Rockland, Nassau, and Suffolk Counties, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 41406 (Sub-No. 42), filed June 21, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM INC., 7105 Kennedy Avenue, P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Iron and steel articles*, between Kingsbury, Ind., on the one hand, and, on the other, points in Illinois, Iowa, Kentucky, Michigan, Missouri, Ohio, New York, Pennsylvania, West Virginia, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., Chicago, Ill., or Washington, D.C.

No. MC 41406 (Sub-No. 46), filed August 30, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxides, litharge, and red lead*, dry, in bulk, in tank vehicles, from Hammond, Ind., to points in Illinois, Kentucky, Ohio, Wisconsin, and the lower peninsula of Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Indianapolis, Ind., or Washington, D.C.

No. MC 41432 (Sub-No. 145), filed August 19, 1974. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207. Applicant's representative: W. P. Furrh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Lubbock and Levelland, Tex.: From Lubbock over Texas Highway 116 to Levelland, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 43421 (Sub-No. 52), filed August 19, 1974. Applicant: DOHRN TRANSFER COMPANY, a Corporation, 4019 Ninth Street, P.O. Box 1237, Rock Island, Ill. 61201. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), Between Quincy, Ill., and St. Louis, Mo.: From Quincy over Illinois Highway 57 to Junction Illinois Highway 96, thence over Illinois Highway 96 to Junction U.S. Highway 54, thence over U.S. Highway 54 to Junction Missouri Highway 79, thence over Missouri Highway 79 to Junction Illinois Highway 96, thence over Interstate Highway 70 to St. Louis, Mo., and return over the same route, as an alternate route for operating convenience only, in connection with carrier's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 45021 (Sub-No. 6), filed August 22, 1974. Applicant: SPEEDY TRUCKING CO., INC., Taft Road, Totowa, N.J. 07512. Applicant's repre-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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sentative: **Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in* by wholesale and retail grocery houses (except in bulk), between Totowa Borough (Passaic County), N.J., on the one hand, and, on the other, points in Maryland, Virginia, and the District of Columbia, under continuing contracts with Filigree Foods, Inc.; J. Ossola Company Inc.; Chait Foods Dairy, Inc.; A & A Food Products Corp. and Cresca Co., Inc.**

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 51146 (Sub-No. 393), filed August 30, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Neil A. Du Jardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers; (2) container ends; and (3) equipment, materials and supplies and accessories* used in the manufacture and distribution of containers and container ends when moving with containers and container ends, from Danbury, Conn., to points in Kentucky and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 59488 (Sub-No. 41), filed August 26, 1974. Applicant: SOUTHWESTERN TRANSPORTATION COMPANY, a Corporation, 7600 South Central Expressway, Dallas, Tex. 75216. Applicant's representative: Lloyd M. Roach, 1517 West Front Street, Tyler, Tex. 75701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), Serving Swan Lake, Ark., as an off-route point in connection with Applicant's present regular route authority, to and from Pine Bluff, Ark., via Arkansas State Highways 88, 11, and 276.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 59728 (Sub-No. 27), filed September 4, 1974. Applicant: MORRISON MOTOR FREIGHT, INC., 1100 E. Jenkins Blvd., Akron, Ohio 44306. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, agricultural commodities, commodities which because of their size or weight require special handling or special equipment), serving the facilities of Western Electric Company located at New York State Highway 422 and Maple Street, Elma Township, Erie County, New York, as an off-route point in connection with applicant's presently authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 61592 (Sub-No. 322), filed August 13, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural, industrial, and construction machinery and equipment, agricultural, industrial, and construction material and supplies*, (2) *lawn, garden, and home maintenance equipment, and recreational vehicles and equipment*, (3) *trailers* designed for the transportation of the commodities described in (1) and (2) above, and (4) *materials, equipment, and supplies* used in the manufacture, repair, operation, and distribution of the commodities described in (1), (2), and (3) above (except commodities in bulk), between points in the United States including Alaska, but excluding Hawaii.

NOTE.—Applicant has held out a substantial portion of these operations via gateways by tacking various subs. One of the purposes of this application is to continue to hold out service to areas exceeding 20% circuity via a gateway. On a substantial number of the commodities involved, applicant can serve a substantial portion of this territory direct. Applicant holds out interline service to the areas not served direct or via gateways. Applicant does not seek duplicating authority. Common control was approved in No. MC–F–10387 and No. MC–F–10697. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 64932 (Sub-No. 536), filed August 30, 1974. Applicant: ROGERS CARTAGE CO., a Corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alumina, hydrated*, in bulk, from the plantsite of American Cyanamid, at Michigan City, Ind., to the plantsite of American Cyanamid, at Azusa, Calif.; (2) *alumina oxide platinum catalyst*, in bulk, from the plantsite of American Cyanamid, at Azusa, Calif., to the plantsite of General Motors, Inc., at Oak Creek, Wis.; and (3) *alumina hydrate*, in bulk, from the plantsite of American Cyanamid, at Michigan City, Ind., to the plantsite of W. R. Grace & Co., at Curtis Bay, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 71452 (Sub-No. 10), filed July 9, 1974. Applicant: INDIANA TRANSIT SERVICE, INC., 4300 West Morris Street, Indianapolis, Ind. 46241. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment), between points in Orange, Jefferson, Ripley, Scott, and Dubois Counties, Ind., on the one hand, and, on the other, Weir-Cooke Airport at or near Indianapolis, Ind., restricted to the transportation of shipments having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 72997 (Sub-No. 25), filed August 30, 1974. Applicant: LIBERTY TRUCKING COMPANY, a Corporation, 1401 West Fulton Street, Chicago, Ill. 60607. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment): Serving Lake Mills, Wis., as an off-route point in connection with applicant's regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Madison or Lake Mills, Wis.

No. MC 78118 (Sub-No. 25), filed August 30, 1974. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, Pa. 17602. Applicant's representative: Christain V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, iron or steel K.D., and materials, equipment, and supplies* used in the manufacture, sale, and distribution of said buildings, between plant site and warehouses of Star Manufacturing Company located in Brushvalley Township, Indiana County, Pa., on the one hand, and, on the other, points in West Virginia, Virginia, Maryland, Delaware, New Jersey, North Carolina, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 82063 (Sub-No. 52), filed August 23, 1974. Applicant: KLIPSCH HAULING CO., a corporation, 119 E. Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except anhydrous ammonia, aqua ammonia, and liquid fertilizer), in bulk, from the plantsite of Monsanto Company, at or near Muscatine, Iowa, to points in the United States (except

Alaska, Hawaii, and points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 83539 (Sub-No. 396), filed September 3, 1974. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings, complete, knocked down, or in sections, building sections and building panels, metal pre-fabricated structural components, and panels and parts and accessories* used in the installation thereof, from Portland, Tenn., to points in the United States including Alaska but excluding Hawaii and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Dallas, Tex.

No. MC 86247 (Sub-No. 6), filed August 19, 1974. Applicant: I.C.L. INTERNATIONAL CARRIERS LIMITED, 1333 College Avenue, Windsor, Ontario, Canada. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, and household goods as defined by the Commission), between the ports of entry on the International Boundary line between the United States and Canada located at Queenston, Niagara Falls, Fort Erie, Ontario, Canada, and Lewiston, Niagara Falls, and Buffalo, N.Y., restricted to shipments moving to or from points in Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 87928 (Sub-No. 46), filed August 26, 1974. Applicant: AUTOMOBILE TRANSPORT, INC., 36555 Michigan Avenue, Wayne, Mich. 48184. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in secondary movements, in truckaway service, between points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, South Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control was approved in MC–F–9991. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95876 (Sub-No. 157), filed September 4, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., P.O. Box 1377, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and fiberglass siding, sheets, and panels and accessories and materials*, used in the installation thereof, from Berlin, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 97310 (Sub-No. 14), filed August 27, 1974. Applicant SHARRON MOTOR LINES, INC., 1600 "B" Street, P.O. Box 5636, Meridian, Miss. 39301. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Birmingham, Ala., and Montgomery, Ala.: From Birmingham over Interstate Highway 65 to Montgomery, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations; and (2) Between Birmingham, Ala., and Selma, Ala.: From Birmingham over Interstate Highway 65 to its junction with Alabama Highway 31 near Clanton, Ala.; thence over Alabama Highway 22 to Selma, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Birmingham, Ala.

No. MC 100449 (Sub-No. 52), filed August 27, 1974. Applicant: MALLINGER TRUCK LINE, INC., Rural Route 4, Fort Dodge, Iowa 50501. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A nad C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Co., Inc. at Cedar Rapids, Iowa, to points in Missouri and Nebraska, restricted to the transportation of traffic originating at the above named origins and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 100449 (Sub-No. 53), filed August 23, 1974. Applicant: MALLINGER TRUCK LINE, INC., Rural Route No. 4, Fort Dodge, Iowa 50501. Applicant's representative: Andrew R. Clark, 1000 First National Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used in the manufacture and distribution of recreational vehicles, trucks, trailers, and palletizers, from points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, to the plant of Dodgen Industries, Inc. at Humboldt, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 103051 (Sub-No. 323), filed September 3, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: Russell E. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Nashville, Tenn., to points in Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Atlanta, Ga.

No. MC 105566 (Sub-No. 106), filed August 30, 1974. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, Mo. 63701. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, from Columbus, Ohio, to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 106398 (Sub-No. 713), filed August 19, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plantsite and storage facilities of Evans Products Company, at or near Chesapeake, Va., to points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Minnesota, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chesapeake, Va.

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No. MC 106451 (Sub-No. 10), filed August 12, 1974. Applicant: COOK MOTOR LINES, INC., P.O. Box 370, Akron, Ohio 44305. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Bluefield, Va., as an off-route point in connection with applicant's otherwise authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 106644 (Sub-No. 189), filed August 29, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW., P.O. Box 916, Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, particle board, and wood products* (except in bulk), from Bon Wier, Cleveland, and Silsbee, Tex., to points in the United States (except Alaska, Hawaii and Texas).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 106644 (Sub-No. 190), filed August 29, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30318, Applicant's representative: Hubert Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Therapy pools and parts, materials, equipment, and supplies* used in the installation thereof, from Sun Valley, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 106920 (Sub-No. 56), filed August 22, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe St., New Bremen, Ohio 45869. Applicant's representative: Carroll V. Lewis, P.O. Box 717, Sidney, Ohio 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mechanically refrigerated equipment, except in bulk, from points in St. Louis, Mo., and East St. Louis, Ill., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 107012 (Sub-No. 206), filed September 4, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *School furniture*, from the plantsite of Southeastern Metals located at or near Birmingham, Ala., to points in the United States, including Alaska, but excluding Alabama and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Atlanta, Ga.

No. MC 108393 (Sub-No. 82), filed August 26, 1974. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, Ill. 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and gas appliances, parts of electrical and gas appliances*, and *equipment, materials and supplies* used in the manufacture, distribution and repair of electrical and gas appliances, between Rochester, Mich., on the one hand, and, on the other, Evansville, Ind., under a continuing contract with Whirlpool Corporation.

NOTE.—Dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109612 (Sub-No. 39), filed August 30, 1974. Applicant: LEE MOTOR LINES, INC., 4319 S. Madison, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and caps and closures therefor*, and *corrugated boxes*, knocked down flat, from the plantsite of Universal Glass Products, Star City Glass Division of National Bottle Corp. at Joliet, Ill., to Bardstown, Clairmont, Owensboro, Frankfort, Lexington and Stanley, Ky., and *rejected shipments* on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 110012 (Sub-No. 30), filed August 23, 1974. Applicant: G. B. C. INC., 707 North Liberty Hill Road, Morristown, Tenn. 37814. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, crated or uncrated, from points in Grainger County, Tenn., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment* used in the manufacture of furniture, from points in the United States (except Alaska and Hawaii), to points in Grainger County, Tenn., on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn. or Washington, D.C.

No. MC 110563 (Sub-No. 144), filed August 27, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747 (Ohio Bldg.), Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from the plantsite and warehouse facilities utilized by Arnold Bakers, Inc., located at or near Greenwich, Conn., to points in Michigan, Ohio and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn. or New York, N.Y.

No. MC 111397 (Sub-No. 106) (amendment), filed May 6, 1974, published in the FEDERAL REGISTER issue of June 13, 1974, and republished as amended this issue. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste materials*, in shipper owned containers, (1) between Peach Bottom Atomic Power Station at or near Delta, Pa., Vermont Yankee Nuclear Power Station, at or near Vernon, Vt., Calvert Cliffs Nuclear Power Station at or near Lusby, Md., Oconne Power Station at or near Oconee, S.C., and Barnwell County, S.C., in non-radial movements; and (2) between Oyster Creek Nuclear Power Station, Ocean County, N.J., Maxey Flats, Ky. and Barnwell County, S.C., in non-radial movements.

NOTE.—The purpose of this republication is to substitute Maxey Flats, Ky. for Rowan County, Ky. in Part (2) above. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky. or Washington, D.C.

No. MC 111729 (Sub-No. 462), filed August 26, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prescription drugs* and *items* related thereto, between points in Florida, restricted to traffic having an immediately prior or subsequent movement by air; (2) *business papers, records, and audit and accounting media* of all kinds, between Harrisburg, Pa., on the one hand, and, on the other, points in Queen Annes, Frederick, Kent, Garrett, Cecil, Wicomico, and Carroll Counties, Md.; Burlington, Hunterdon, Warren, Camden, Salem, Somerset, Cumberland, Sussex, Passaic, Morris, Monmouth, and Ocean Counties, N.J.; and Kent, Sussex, and New Castle Counties, Del.; (3) *business papers, records, audit and accounting media of all kinds, and engineering drawings and specifications*, between Indianapolis, Ind., on the one hand, and, on the other, Central City, Ky; and Keensburgh, Macomb, Marion and Sparta, Ill.; (4) *emergency replacement parts*, between Indianapolis, Ind., on the one hand, and, on the other, Central City, Ky.; and Keensburgh, Macomb, Marion, and Sparta, Ill., restricted to the transportation of packages or articles weighing in the aggregate no more than 100 pounds from one consignor to one consignee on any one day; and (5) *laboratory specimens and reports, business papers, and records*, between Evansville and Jeffersonville, Ind., on the hand, and, on the other, points in Illinois and Kentucky.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in No. MC 112750 and subs thereunder, therefore dual operations may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Indianapolis, Ind.

No. MC 111812 (Sub-No. 509), filed August 26, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, P.O. Box 1233, Sioux Falls, S. Dak. 57104. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from Clearfield, Utah, to points in California, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, Maryland, New Jersey, New York, Virginia, West Virginia, and Massachusetts, restricted to traffic originating at the named origin and destined to the named destination.

NOTE.—Common control was approved in MC-F-11285. If a hearing is deemed necessary, applicant requests it be held at either Salt Lake City, Utah or Boise, Idaho.

No. MC 112304 (Sub-No. 85), filed August 30, 1974. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Lift trucks, attachments, parts, and accessories*, (2) *earthboring and concrete pumping equipment, attachments, parts, and accessories*, between Port Washington, Wis., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii; (B) *machinery*, from Port Washington, Wis., to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 112801 (Sub-No. 161), filed August 26, 1974. Applicant: TRANSPORT SERVICE CO., a corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except anhydrous ammonia, aqua ammonia, and liquid fertilizer), in bulk, from the plantsite of Monsanto Company located at or near Muscatine, Iowa, to points in the United States (except Alaska, Hawaii, and points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 112801 (Sub-No. 162), filed August 26, 1974. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spent petroleum oils*, in bulk, in tank vehicles, from points in Alabama, Georgia, Illinois, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin, to points in Indianapolis, Ind.; (2) *petroleum oils*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Alabama, Georgia, Illinois, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114123 (Sub-No. 41), filed August 26, 1974. Applicant: HERMAN R. EWELL, INC., East Earl, Pa. 17519. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and syrup blends, molasses, honey, sugar, and sugar substitutes*, in bulk, from the plantsite or storage facilities of J. Stromeyer Company located at East Whiteland Township (Chester County, Pa.), to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC-118661 Subs 4 and 5, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 114457 (Sub-No. 205), filed August 19, 1974. Applicant DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowthrowers and lawnmowers and accessories, attachments, and parts* for lawnmowers and snowthrowers, from Lake Mills, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis-St. Paul, Minn., or Chicago, Ill.

No. MC 115496 (Sub-No. 31), filed August 30, 1974. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, Ga. 31014. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsites and warehouse facilities of Conwall, Inc., in Richmond and Wilkes Counties, Ga., to points in Alabama, Kentucky, Louisiana, Maryland, Ohio, South Carolina, North Carolina, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115826 (Sub-No. 260), filed August 30, 1974. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. 80217. Applicant's representative: Ezekial Gomez (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except commodities in bulk), from the plantsite and storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Arkansas, Arizona, California, Colorado, Florida, Georgia, Idaho, Louisiana, Mississippi, Montana, Nevada, New Mexico, North Carolina, Oregon, South Carolina, Tennessee, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Amarillo or Dallas, Tex., Omaha, Nebr., or Chicago, Ill.

No. MC 117344 (Sub-No. 238), filed August 28, 1974. Applicant: THE MAXWELL CO., a Corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfuric acid*, in bulk, in tank vehicles, from Hamilton, Ohio, to Indianapolis, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 117574 (Sub-No. 252), filed August 21, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling systems, pallet storage racks, stacker cranes, parts of the systems, racks, and cranes, and materials, accessories, and supplies* used in the construction, installation or maintenance of such systems, racks, and cranes (except commodities in bulk), from Bonaparte, Iowa, West Willow, Willow Street, and Perkasie, Pa.,

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to points in the United States (except Alaska and Hawaii), restricted to shipments originating at the above named origins.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 253), filed August 30, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: James M. Hagar, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling towers, fluid coolers, air, gas, and liquid cleaning, heating, cooling, and moving equipment and parts, and materials, accessories, and supplies* used in the construction, transportation or assembly of the foregoing items (except commodities in bulk), between the plantsites, warehouses, and storage facilities of Baltimore Air Coil, Inc., at Dorsey, Md., and Paxton, Ill., on the one hand, and, on the other, points in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, restricted to traffic originating at or destined to the above-named facilities.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 254), filed August 30, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: James W. Hagar, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling systems, pallet storage racks, stacker cranes*, parts of the systems, racks and cranes, and *materials, accessories, and supplies* used in the construction, installation, and maintenance of such systems, racks, and cranes (except commodities in bulk), from Rock Island and Quincy, Ill., to points in and east of North Dakota, South Dakota, Kansas, Nebraska, Oklahoma, and Texas, restricted to traffic originating at and destined to points in the above-named states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 118535 (Sub-No. 62) (Amendment), filed March 26, 1974, published in the Federal Register issue of May 2, 1974, and republished as amended this issue. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry organic fertilizer, soil conditioners, organic fertilizer materials*, and *organic fertilizer ingredients*, from Bryant, Tex., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin.

NOTE.—The purpose of this republication is to indicate the new origin at Bryant, Tex., in lieu of Caldwell, Tex. as previously published. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 118610 (Sub-No. 23), filed August 19, 1974. Applicant: L & B EXPRESS, INC., P.O. Box 137, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor graders, road making, construction and earth moving machinery and equipment and components and parts* for such commodities; (2) *material, equipment, and supplies* used in the manufacture of the commodities in (1) above, from Owensboro, Ky., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Owensboro, Ky., to serve points in Illinois and Indiana. If a hearing is deemed necessary, applicant requests it be held at (1) Frankfort, Ky.; (2) Louisville, Ky.; (3) Owensboro, Ky.; or (4) Nashville, Tenn.

No. MC 119689 (Sub-No. 14), filed August 27, 1974. Applicant: PEERLESS TRANSPORT CORP., 2700 Smallman Street, Pittsburgh, Pa. 15222. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Personnel safety devices*, when moving in conjunction with chemicals, from Bound Brook, N.J. and Woodbury (Long Island), N.Y., to Chicago, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 119700 (Sub-No. 22), filed September 3, 1974. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flattened car bodies and solid waste*, from points in Arkansas, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, to Alton, Chicago, East St. Louis, and Rockford, Ill.; Indianapolis, Ind.; and Beloit and Madison, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119789 (Sub-No. 217), filed August 30, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials, plastic products, and moulding compounds*, from Dallas, Tex., to points in North Carolina, South Carolina, Kentucky, California, Illinois, Rhode Island, New York, Massachusetts, Connecticut, and New Jersey.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 119974 (Sub-No. 44), filed August 26, 1974. Applicant: L. C. L. TRANSIT COMPANY, a Corporation, 949 Advance Street, Green Bay, Wis. 54304. Applicant's representative: L. F. Abel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products* (except commodities in bulk), from points in Portage County, Wis., to points in Illinois, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 120257 (Sub-No. 21), filed August 30, 1974. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, Tex. 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron and brass valves, cast iron pressure pipe, fire hydrants and fire hydrant sections;* and (2) *components, parts, attachments, accessories and supplies* used in connection with commodities described in (1) above, (1) from the plantsite and storage facilities of Mueller Co., located at or near Albertsville, Ala., to points in the United States (except Alaska and Hawaii); and (2) from the plantsite and storage facilities of Mueller Co., located at Chattanooga, Tenn., to points in Texas, restricted to shipments originating at named origins, and destined to points in described destination territory.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chattanooga, Tenn. or Birmingham, Ala.

No. MC 120800 (Sub-No. 57), filed August 19, 1974. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda, Compton, Calif. 90222. Applicant's representative: David P. Christianson, 825 City National Bank Bldg., 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulfur hexafluoride*, from points in Massac County, Ill., to points in Los Angeles County, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 120978 (Sub-No. 10), filed August 23, 1974. Applicant: REINHART MAYER, doing business as, MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals, crushed vehicles and parts thereof, and materials for recycling*, from points in North Dakota, to points in Minnesota, Iowa and Illinois.

NOTE.—Applicant holds contract carrier authority in MC 126217 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis or St. Paul., Minn.

No. MC 123048 (Sub-No. 314), filed August 28, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, equipment, and accessories and parts*, from the facilities of Vermeer Manufacturing Company at or near Pella, Iowa, to ports of entry on the International Boundary line between the United States and Canada located in North Dakota and Minnesota, restricted to traffic having an immediately subsequent movement in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 123407 (Sub-No. 197), filed August 2, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feldspar and foundry materials and supplies*, between points in Colorado, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control was approved in MC FC-71814. If a hearing is deemed necessary, applicant requests it be held at either Denver, Colo. or Washington, D.C.

No. MC 123407 (Sub-No. 199), filed August 27, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid and solid waste recycling systems;* (2) *spraying equipment;* (3) *sugar beet lifter-loader, harvesters, defoliators and topper-windrowers;* (4) *potato bulk bores, diggers, planters, and harvesters;* and (5) *sprinkling and irrigation systems*, from Gering and Sidney, Nebr., to points in Michigan, Ohio, Indiana, and Pennsylvania; *and materials and supplies and equipment* used in the manufacturing of the above described commodities, from points in Michigan, Ohio, Indiana, Illinois, and Pennsylvania, to Gering and Sidney, Nebr.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 123407 (Sub-No. 200), filed August 27, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Lewiston, Mont., to points in Texas, Oklahoma, Louisiana, Missouri, Kansas, Ohio, Minnesota, Wyoming, Colorado, North Dakota, Nebraska, Pennsylvania, and Illinois.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont. or Minneapolis, Minn.

No. MC 124027 (Sub-No. 9), filed September 3, 1974. Applicant: MIDWEST BULK, INCORPORATED, 901 Lyndale Avenue, Neenah, Wis. 54956. Applicant's representative: Frank M. Coyne, 25 West Main Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, lime, silica, silica flour, foundry facings, cereal binder, bentonite, sea coal, sand and clay mix, stone and stone products, foundry sand additives and ingredients, processed clay and foundation water impedence board*, from Appleton, and Neenah, Wis., and points within 10 miles of each, to points in Wisconsin and the Upper Peninsula of Michigan, restricted to shipments having a prior movement by rail, and further restricted to shipments originating at plantsites, stock piles, or privately owned or leased rail transfer facilities of Rail-to-Truck Transfer, Inc. or A. E. Schultz Corporation located at or within 10 miles of Neenah and Appleton, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 124078 (Sub-No. 612), filed August 26, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Lake Bluff, Ill., to points in Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 124078 (Sub-No. 613), filed September 3, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except anhydrous ammonia, aqua ammonia and liquid fertilizer), in bulk, from the plantsite of Monsanto Company located at or near Muscatine, Iowa, to points in the United States (except Alaska, Hawaii, and points in the St. Louis, Mo.-East St. Louis, Ill. Commercial Zone).

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo. or Chicago, Ill.

No. MC 124383 (Sub-No. 15), filed August 26, 1974. Applicant: STAR LINE TRUCKING CORPORATION, 18460 W. Lincoln Ave., Berlin, Wis. 53151. Applicant's representative: S. F. Schreiter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk, in dump vehicles, from points in Wisconsin to points in Illinois.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 124656 (Sub-No. 8), filed September 3, 1974. Applicant: JOHN LONG TRUCKING, INC., 1030 Denton Street, Sapulpa, Okla. 74066. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glassware*, from Sapulpa, Okla., to points in Colorado, Idaho, Montana, Nevada, New Mexico, Texas, and Wyoming, under a continuing contract with Bartlett-Collins Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla. or Tulsa, Okla.

No. MC 124692 (Sub-No. 140), filed August 26, 1974. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 4347, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite*, from points in Yellowstone County, Mont., to points in California, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wisconsin, restricted to traffic originating at the facilities of Wyo-Ben Products, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify location.

No. MC 124821 (Sub-No. 14), filed September 3, 1974. Applicant: WILLIAM GILCHRIST, 509 Susquehanna Avenue, Old Forge, Pa. 18518. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, premiums and related advertising mat-*

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ter, from Duryea, Pa., to points in Missouri, Illinois, Indiana, Michigan, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 125506 (Sub-No. 23), filed August 27, 1974. Applicant: JOSEPH ELETTO TRANSFER, INC., 31 West St. Marks Place, Valley Stream, N.Y. 11580. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, tranporting: *Such merchandise* as is dealt in by retail specialty shops dealing primarily in wearing apparel and accessories (except appliances and furniture), and *store fixtures* and *supplies* not for resale, between New York, N.Y., on the one hand, and, on the other, Warwick, R.I.; Bridgeport, Conn.; Boston, Worcester, Natick, Peabody, and Braintree, Mass.; and Newark, Wayne, Paramus, and Menlo Park, N.J., under a continuing contract or contracts with Wallachs, New York, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 126276 (Sub-No. 103), filed September 3, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and container accessories*, and *materials and supplies* used in the manufacture of the above commodities (except commodities in bulk or those which because of size or weight require the use of special equipment), from West Chicago and Itasca, Ill., to points in Indiana, Ohio, Michigan, Wisconsin, Kentucky, New York, New Jersey, Pennsylvania, West Virginia, Virginia, North Carolina, Delaware, Maryland, Massachusetts, Connecticut, Rhode Island, Georgia, Minnesota, Kansas, Missouri, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127042 (Sub-No. 148), filed August 6, 1974. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Fred Hagen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Cleaning, polishing, waxing, and buffing compounds, toilet preparations, drugs, shampoo, and articles* dealt in by manufacturers or distributors of personal care or household products (except commodities in bulk), between Danville, Ill., and Madrid, Iowa, serving the intermediate point of Ft. Madison, Iowa, and the off-route point of Eldora, Iowa: (a) From Danville, Ill., over Interstate Highway 74 to junction of U.S. Highway 24, thence over U.S. Highway 24 to junction Illinois Highway 9, thence over Illinois Highway 9 to the Illinois-Iowa State Boundary line at Ft. Madison, Iowa, thence over city streets to Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 218, thence over U.S. Highway 218 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction with Iowa Highway 210, thence over Iowa Highway 210, to Madrid, Iowa; and (b) From Danville, Ill., over Interstate Highway 74 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 61, thence over U.S. Highway 61 to Ft. Madison, Iowa, thence over city streets to Iowa Highway 2, thence over Iowa Highway 2 to junction U.S. Highway 218, thence over U.S. Highway 218 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 35, thence over Interstate Highway 35 to junction Iowa Highway 210, thence over Iowa Highway 210 to Madrid, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha, Nebr., or Des Moines, Iowa.

No. MC 127495 (Sub-No. 5), filed August 23, 1974. Applicant: AIRLINE FREIGHT, INC., 731 Chester Pike, Prospect Park, Pa. 19076. Applicant's representative: Albert F. Beitel, 730 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requirinng special equipment), between Edison, N.J., on the one hand, and, on the other, the Philadelphia International Airport, located at Philadelphia, Pa., restricted to traffic having a prior or subsequent movement by air.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 128217 (Sub-No. 14), filed August 28, 1974. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cargo bodies and adaptor parts and accessories* for cargo bodies, from West Fargo and Wahpeton, N. Dak., to points in North Dakota, South Dakota, Montana, Idaho, Washington, Wyoming, Utah, Colorado, Texas, Oklahoma, Nebraska, Kansas, Minnesota, Wisconsin, Michigan, Iowa, Missouri, Illinois, Indiana, and Ohio; (2) *materials* used in the manufacture of cargo bodies, from points in Utah, Colorado, Texas, Kansas, Minnesota, Wisconsin, Michigan, Missouri, Illinois, Indiana, Ohio, Pennsylvania, and West Virginia, to Wahpeton and West Fargo and Minot, N. Dak.; (3) *dump truck hoists*, from Sioux City, Iowa, and Galion, Ohio, to West Fargo, Wahpeton, and Minot, N. Dak.; (4) *truck bodies*, from Galion, Ohio, and Omaha, Nebr., to Wahpeton, West Fargo, and Minot, N. Dak.; (5) *truck suspensions*, from Orange City, Iowa, to Fargo, Wahpeton, and Minot, N. Dak., and (6) *truck axles*, from Montgomery, Ala., to West Fargo, Wahpeton, and Minot, N. Dak., restricted in part (2) against the transportation of iron and steel articles from Youngstown, Lorain, and Warren, Ohio, to Minot, West Fargo, and Wahpeton, N. Dak., under contract with Frontier, Inc., of West Fargo, N. Dak.

NOTE.—Applicant holds common carrier authority in No. MC 120978 Sub 1 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis or St. Paul, Minn.

No. MC 128294 (Sub-No. 8), filed August 30, 1974. Applicant: NITEHAWK EXPRESS, INC., 2334 University Avenue, Saint Paul, Minn. 55114. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Building, Saint Paul, Minn. 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, and materials, supplies, and equipment*, used by canning factories and frozen foods plants, between Albert Lea, Blue Earth, Cokato, Glencoe, Mankato, Minneapolis, LeSueur, Montgomery, Savage, Winsted, and St. James, Minn., on the one hand, and, on the other, points in Waukesha, Dodge, Winnebago, Green Lake, Waushara, Columbia, Racine, Jefferson, Fond du Lac, Marquette, and Milwaukee Counties, Wis., and points in Winnebago and Boone Counties, Ill., under a continuing contract with Green Giant Company, at LeSueur, Minn.; and (2) *foodstuffs*, between points in Minnesota, restricted: (1) to traffic having a prior or subsequent movement by rail or water carrier; (2) to traffic from or to plantsites or storage facilities of Green Giant Company, in Minnesota; and (3) to transportation performed under a continuing contract or contracts with Green Giant Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 128294 (Sub-No. 9), filed August 29, 1974. Applicant: NITEHAWK EXPRESS, INC., 2334 University Avenue, St. Paul, Minn. 55114. Applicant's representative: Joseph J. Dudley, W-1260 First National Bank Bldg., St. Paul, Minn. 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Seed garden or vegetable seed kits, fertilizer* (except in bulk), and *materials and supplies* incidental to or used in feed and seed business houses, between Minneapolis and Mankato, Minn., on the one hand, and, on the other, points in Nebraska, Wisconsin, Illinois, Michigan, Indiana, Missouri, Ohio, and Iowa, under a continuing contract or contracts with Northrup King & Co.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 128988 (Sub-No. 50) filed August 30, 1974. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which by reason of size or weight require the use of special equipment), from the facilities of Westinghouse Electric Corporation at or near Edison, N.J., to points in Arizona, California, Nevada, Oregon, and Washington, under a continuing contract or contracts with Westinghouse Electric Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 128988 (Sub-No. 51), filed August 30, 1974. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical transformers and parts thereof* (except commodities in bulk and those which by reason of size or weight require the use or special equipment), from the facilities of Westinghouse Electric Corporation at or near Jefferson City, Mo., to points in Arizona, California, Nevada, Oregon, and Washington, under a continuing contract or contracts with Westinghouse Electric Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Los Angeles, Calif.

No. MC 129219 (Sub-No. 8), filed September 3, 1974. Applicant: CMD TRANSPORTATION, INC., 12340 SE. Dumolt Rd. Clackamas, Oreg. 97105. Applicant's representative: Philip G. Skofstad, 3065 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper products*, for recycling or reuse in furtherance of recognized pollution control programs, from points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington; Albany, and Portland, Oreg.; Los Angeles and Paso Robles, Calif.; and Seattle and Vancouver, Wash., under a continuing contract with Western Fibre Resources.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 134477 (Sub-No. 74), filed August 29, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from points in Minneapolis and St. James, Minn., to points in St. Louis, Mo., and Worthington, Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134477 (Sub-No. 75), filed August 29, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), which are at the time moving on bills of ladinng of freight forwarders under Part IV of the Interstate Commerce Act, from the facilities of National Carloading Corporation and its division, ABC–Trans National Transport located at Philadelphia, Pa., to points in St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Minneapolis, Minn.

No. MC 134477 (Sub-No. 76), filed August 29, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cloth, fabric, or binding*, made of cotton or synthetic fibers, from Murray Hill, N.J., and Grand Rapids, Mich., to points in St. Cloud, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134591 (Sub-No. 3), filed May 21, 1974. Applicant: R. C. FILKINS, INC., 222 Housatonic Street, Dalton, Mass. 01226. Applicant's representative: Thomas W. Murrett, 342 North Main Street, West Hartford, Conn. 06117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed, and* (2) *dry animal and poultry ingredients*, in bulk and bags, when transported in the same vehicle and at the same time as the commodities in (1) above, (a) between Guilderland and Salem, N.Y., on the one hand, and, on the other, North Franklin, Conn.; Bratlesboro, Middlebury, and St. Albans, Vt.; Bridgewater, Mass.; Manchester, N.H., and Detroit, Maine; (b) from Salem and Guilderland, N.Y., to points in Berkshire, Franklin, Hampshire, and Hampden Counties, Mass.; points in Litchfield, Fairfield, and New Haven Counties, Conn.; and points in Vermont; (c) from Brattlesboro, Vt., to points in New Hampshire; and (d) between Brattlesboro, Vt., on the one hand, and, on the other, points in Berkshire, Hampden, Franklin, and Worcester Counties, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y., or Hartford, Conn.

No. MC 134922 (Sub-No. 102), filed August 23, 1974. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products*, from Bowling Green, Campbellsville, and Frankfort, Ky., and Sherman, Miss., to points in New Mexico, Colorado, Wyoming, Montana, Washington, Idaho, Oregon, California, Nevada, Utah, and Arizona.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Louisville, Ky., or Little Rock, Ark.

No. MC 134922 (Sub-No. 103), filed August 23, 1974. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressors, compressor parts, and compounds*, from Bowling Green, Ky., to points in Arizona, New Mexico, California, Oregon, Washington, Idaho, and Utah, restricted against the transportation of commodities which because of size or weight require the use of special equipment.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Little Rock, Ark.

No. MC 135364 (Sub-No. 19), filed August 30, 1974. Applicant: MORWALL TRUCKING, INC., R.D. #3, Box 76–C, Moscow, Pa. 18444. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Enameled, glazed and surface coated paper*, from Moosic and Lafiin (Luzerne County), Pa., to points in Wisconsin, Minnesota, Montana, Wyoming, and Florida; and (2) *materials and supplies* used in the manufacture of the above commodities (except commodities in bulk), from points in the United States (except Alaska, Hawaii, New Jersey, New York, Ohio, Michigan, Massachusets, West Virginia, Delaware, Virginia, Vermont, Maine, California, and New Hampshire), to Moosic and Lafiin (Luzerne County), Pa., under a continuing contract or contracts with Fitchburg Paper Products, Inc. and Fitchburg Paper Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

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No. MC 135797 (Sub-No. 28), filed August 19, 1974. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: Virgil H. Smith, 1587 Phoenix Boulevard, Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anti-freeze or engine coolant preparations* (except in bulk, in tank vehicles) from Texas City, Tex., to points in Arkansas, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark. or Memphis, Tenn.

No. MC 136343 (Sub-No. 32), filed August 30, 1974. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, and salt products*, from New Kensington, Pa., to points in Maryland, New Jersey, New York, and Pennsylvania and the District of Columbia.

NOTE.—Applicant holds common carrier authority in MC 96098, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 136553 (Sub-No. 26), filed August 19, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, (1) from Prairie Du Chien, Wis., to points in Illinois, Iowa, and Minnesota; and (2) from Dubuque, Iowa, to points in Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138036 (Sub-No. 6), filed August 28, 1974. Applicant: J & S, Inc., 127 Larchfield Drive, McKeesport, Pa. 15135. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail drug and variety stores, and *equipment, materials and supplies* used in the conduct of such business (except commodities in bulk): (1) between the facilities of Thrift Drug Division of J. C. Penney Company, Inc. in O'Hara Township (Allegheny County), Pa., on the one hand, and, on the other, points in Georgia, New York, North Carolina, South Carolina, and Washington, D.C.; and (2) between the facilities of Thrift Drug Division of J. C. Penney Company, Inc. in Falls Township (Bucks County), Pa., on the one hand, and, on the other, points in Connecticut, Georgia, Kentucky, Massachusetts, North Carolina, South Carolina, and Tennessee, under a continuing contract or contracts with Thrift Drug Division of J. C. Penney Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 138104 (Sub-No. 16), filed September 3, 1974. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, Tex. 76106. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poly vinyl chloride resin waste*, in bulk, in dump vehicles, from Oklahoma City, Okla., and Aberdeen, Miss., to Plano, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Fort Worth, or Dallas, Tex.

No. MC 138256 (Sub-No. 3), filed August 12, 1974. Applicant: INTERIOR TRANSPORT, INC., 2124 Waterworks Way, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal building materials*, (a) from Los Angeles, Calif., to points in Arizona, Nevada, Utah, Idaho, Montana, Washington, Oregon, Wyoming, Colorado, North Dakota, South Dakota, Minnesota, Iowa, Illinois, Kansas, Nebraska, Oklahoma, Texas, and New Mexico, under contract with ASC Pacific, Inc. and (b) from Denver, Colo., to points in Arizona, Nevada, Utah, Idaho, Montana, Washington, Oregon, Wyoming, Colorado, North Dakota, South Dakota, Minnesota, Iowa, Illinois, Kansas, Nebraska, Oklahoma, Texas, and New Mexico, under contract with ASC Industries, Inc. and (2) *steel coil*, (a) from points in Washington and Utah, to Los Angeles, Calif., under contract with ASC Pacific, Inc. and (b) from points in Washington, Utah, and California, to Denver, Colo., under contract with ASC Industries, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 138313 (Sub-No. 14) (Correction), filed July 25, 1974, published in the FEDERAL REGISTER issue of August 29, 1974, and republished as corrected, this issue. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street SW., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed automobile bodies* in straight shipments or mixed shipments with *scrap automobile engine blocks and transmission*, from points in Montana, to Spokane, Seattle, Tacoma, Kent, and Renton, Wash.; Portland, Oreg.; Salt Lake City and Provo, Utah; and San Francisco, Oakland, and Los Angeles, Calif.

NOTE.—The purpose of this republication is to correct the commodity description previously published in error. Applicant holds contract carrier authority in MC 126780 Sub-No. 1 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Great Falls or Billings, Mont.

No. MC 138632 (Sub-No. 2), filed August 21, 1974. Applicant: JOSEPH F. HALE, doing business as JOE HALE TRUCKING CO., P.O. Box 715, Dublin, Va. 24804. Applicant's representative: John R. Bagileo, Suite 700, 718 16th St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated metal pipe, fibre pipe, pipe end sections, and pipe connecting bands, bolts, fittings and related articles*, from Dublin, Va., to points in Georgia; Kentucky, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia; and returned or rejected shipments on return; and (2) *steel sheets, bolts, rivets, lugs and pipe end sections, corrugated metal pipe, and cardboard containers*, from Monroe, Ga.; Baltimore and Sparrows Point, Md.; Maryville, Mo.; Dunellen, N.J.; Ballston Spa, Bath, and Lackawanna, N.Y.; and Bedford, Bethlehem, King of Prussia, and Pulaski, Pa., to Dublin, Va., under a continuing contract or contracts with Lane Metal Products Company, Inc., at Dublin, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Roanoke, Va.

No. MC 138741 (Sub-No. 11), filed August 30, 1974. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, 910 Fairfax Building, 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and building and construction materials*: (a) from Kokomo, Fort Wayne, and Mt. Vernon, Ind., to points in Colorado east of the Continental Divide, Iowa, Illinois, Indiana, Kansas, Kentucky, the Lower Peninsula of Michigan, Missouri, Ohio, Tennessee, Wisconsin, and those points in Pennsylvania on and west of U.S. Highway 219; (b) from Centerville, Iowa, to points in Colorado east of the Continental Divide, Illinois, Iowa, Indiana, Kansas, Kentucky, the Lower Peninsula of Michigan, Missouri, Ohio, Tennessee, Wisconsin, and those points in Pennsylvania on and west of U.S. Highway 219; (c) from Columbus and Toledo, Ohio, to points in Colorado east of the Continental Divide, Iowa, Illinois, Indiana, Kansas, Kentucky, the Lower Peninsula of Michigan, Missouri, Ohio, Tennessee, Wisconsin, and those points in Pennsylvania on and west of U.S. Highway 219.

(d) From Detroit, Grand Rapids, and Lansing, Mich., to points in Colorado east of the Continental Divide, Iowa, Illinois, Indiana, Kansas, Kentucky, the Lower Peninsula of Michigan, Missouri, Ohio, Tennessee, Wisconsin, and those points in Pennsylvania on and west of U.S. Highway 219; (e) from Joliet and Blue Island, Ill., to points in Colorado east of the Continental Divide, Iowa, Illinois, Indiana, Kansas, Kentucky, the Lower Peninsula of Michigan, Missouri, Ohio, Tennessee, Wisconsin, and those points in Pennsylvania on and west of U.S. Highway 219; (f) between Kokomo, Fort Wayne, and Mt. Vernon, Ind.; Centerville, Iowa; Columbus and Toledo, Ohio; Detroit, Grand Rapids, and Lansing, Mich.; and Joliet and Blue Island, Ill.; and (2) *materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles and building and construction materials, from points in Colorado east of the Continental Divide, Iowa, Illinois, Indiana, Kansas, Kentucky, the Lower Peninsula of Michigan, Missouri, Ohio, Tennessee, Wisconsin, and those points in Pennsylvania on and west of U.S. Highway 219, to Kokomo, Fort Wayne, and Mt. Vernon, Ind.; Centerville, Iowa; Columbus and Toledo, Ohio; Detroit, Grand Rapids, and Lansing, Mich.; and Joliet and Blue Island, Ill., restricted in (1) and (2) above to shipments either originating at or destined to the Continental Steel Corporation and/or its wholly owned subsidiaries: Phoenix Manufacturing Co.; Enterprise Wire Co.; Hansman Corporation; and Iowa Steel and Wire Co.

NOTE.—Common control may be involved. Applicant holds motor contract carrier authority in No. MC 107129 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 139317 (Sub-No. 1) (Amendment), filed July 18, 1974, published in the FEDERAL REGISTER issue of August 29, 1974, and republished as amended this issue. Applicant: CHARIOT TRUCKING, INC., 1127 Belle Passi Rd., P.O. Box 381, Woodburn, Oreg. 97071. Applicant's representative: Philip G. Skofatad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl-asbestos, and asphalt floor tile, pre-finished wall board, adhesives, tackless carpet strip, carpet metals and carpet cushion*, between Los Angeles, Calif., on the one hand, and, on the other, points in Oregon, and points in Benton, Franklin, Wahkiakum, Lewis, Cowlitz, Skamania, and Clark Counties, Wash., under contract with Pacific Yard Service, a Division of Palmer G. Lewis Co., Inc.

NOTE.—The purpose of this amendment is to clarify the correct spelling of the applicant's title, from "Charoit," to Chariot. If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 139420 (Sub-No. 8), filed August 27, 1974. Applicant: ART GREENBERG, doing business as GLACIER TRANSPORT, P.O. Box 428, Grand Forks, N. Dak. 58201. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts and accessories* for irrigation systems, from points in Nebraska, to points in North Dakota and Minnesota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or St. Paul, Minn., or Minneapolis, Minn.

No. MC 139531 (Sub-No. 2), filed August 19, 1974. Applicant: PEPLOW TRANSPORT LIMITED, 18 Royal Road, Guelph, Ontario, Canada. Applicant's representative: Robert D. Gunderman, 710 Statler Hilton, Buffalo, New York 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture or production of exothermic products, in bulk, in dump vehicles, from Toledo and Cleveland, Ohio; Chicago, Ill.; Wabash, Ind.; Pittsburgh, Pa.; Asbury, N.J.; Willsboro, N.Y.; and Boston, Mass., to the ports of entry on the International Boundary line between the United States and Canada located at the Niagara, Detroit, and St. Clair Rivers, restricted to traffic moving in foreign commerce, originating at or destined to the plantsites or storage facilities of FOSECO Canada Limited.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 139580 (Sub-No. 2), filed August 21, 1974. Applicant: BLUESTONE TRANSPORT, INC., Bluefield-Tazewell Road, Bluefield, Va. 24605. Applicant's representative: John M. Friedman, 2930 Putman Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured sand, and crushed stone*, in bulk, in dump vehicles, (1) from points in Tazewell County, Va., to points in Tazewell, Bland, Wythe, and Giles Counties, Va.; and McDowell, Mercer, Summers, Monroe, Fayette, Raleigh, Wyoming, Boone, Logan, and Mingo Counties, W. Va.; (2) from points in Bland County, Va., to points in Tazewell and Giles Counties, Va.; and McDowell, Mercer, Summers, Monroe, Fayette, Raleigh, Wyoming Boone, Logan, and Mingo Counties, W. Va.; and (3) from Mercer County, W. Va., to points in Mercer, McDowell, Summers, and Monroe Counties, W. Va., and Tazewell, Bland, Wythe, and Giles Counties, Va.. under contract with Pounding Mill Quarry Corporation.

NOTE.—If a hearing is deemed necessary, applicant request it be held at Charleston, W. Va., or Roanoke, Va.

No. MC 139784 (Sub-No. 1), filed July 11, 1974. Applicant: CATTLE AND GRAIN TRANSPORTS, INC., Box 726, Professional Bldg., Scott City, Kans. 67871. Applicant's representative: Keen Brantley, 325 Main Street, Scott City, Kans. 67871. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, and parts and building materials*, from Pueblo, Colo. and New Hampton, Iowa, to Scott City, Tribune, Sharon Springs, Oakley, Wakeeny, Ness City, Dodge City, Garden City, Syracuse, Goodland, Colby, Hill City, Hays, Great Bend, Pratt, Liberal, Hugoton, Ulysses, Oberlin, Norton, Phillipsburg, Russell, Meade, Stafford, Greensburg, Kinsley, Sublette, Lakin, Leoti, Cimarron, Dighton, Grainfield, Quinter, Larnard, Ashland, Lacross, Bird City, Atwood, Stockton, Smith Center, Osborn, Haxie, Medicine Lodge, Coldwater, Elkhart, Montezuma, and Johnson, Kans.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at a location in Kansas or Denver, Colo.

No. MC 139804 (Sub-No. 2), filed August 19, 1974. Applicant: ESKELSON TRUCKING, INC., Enderlin, N. Dak. 58027. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste treatment systems and parts and accessories* for waste treatment systems, from Enderlin, N. Dak., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 139816 (Sub-No. 2), filed August 26, 1974. Applicant: SOUTHERN FARM SERVICES, INC., P.O. Box 103, Opp, Ala. 36467. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bulk, from Cottondale, Fla., to points in Alabama on and south of U.S. Highway 80, and Mississippi; and (2) *fertilizer*: (a) from Opp, Ala., to points in Florida and Mississippi; and (b) from points in Mississippi, to Opp, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Mobile or Montgomery, Ala.

No. MC 139868 (Sub-No. 2), filed August 19, 1974. Applicant: WESTERN SALES TRANSPORTATION, INC., 1931 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty steel, tin, plastic, and fiber containers*, from Omaha, Nebr., to points in Kansas, Colorado, Missouri, Iowa, Minnesota, Illinois, Wyoming, Arkansas, Indiana, and Kentucky; (2) *commodities* named in (1) above and *materials, equipment, and supplies* utilized in the manufacture, production, and distribution of the commodities named in (1) above, from points in Kansas, Colorado, Missouri, Iowa, Minnesota, Illinois, Wyoming, Arkansas, Indiana, and Kentucky, to Omaha, Nebr.; and (3) *vacuum cleaners and lawn spreaders*, from Atlantic, Iowa, to Omaha, Nebr., under a continuing contract or contracts with Western Sales and Service, Inc.

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NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 139992 (Sub-No. 1), filed July 15, 1974. Applicant: A. & M. CARTAGE, INC., 6515 South Austin Blvd., Chicago, Ill. 60638. Applicant's representative: Jay Zabel, 35 East Wacker Drive, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crated and uncrated furniture, household furnishings, and related parts and supplies*, (1) from the Chicago, Illinois, Commercial Zone to Burlington, Wis.; (2) from Burlington, Wis., to Racine, Wis.; and (3) from Racine, Wis., to the Milwaukee, Wisconsin, Commercial Zone, under contract with Heady and Connor, Inc., A & R Sales, Service Furniture Distributors, Inc., M & R Corp., and J. Steinberg & Associates.

NOTE.—Applicant intends to tack the requested authority at (a) Burlington, Wis., to provide service from Chicago, Ill., to Racine, and (b) tack at Racine to provide a through service from the Chicago, Ill., Commercial Zone and Burlington to Milwaukee, Wis. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140047 (correction), filed July 10, 1974, published in FEDERAL REGISTER issue of August 29, 1974, and republished as corrected this issue. Applicant: WAYNE C. WILSON, SR., doing business as WILSON'S TOWING SERVICE, R.D. 1, Mansfield, Pa. 16933. Applicant's representative: James W. Hagar, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, or repossessed vehicles, replacement vehicles for wrecked or disabled vehicles, and well drilling rigs*, in towaway service, between points in Pennsylvania on and north of Interstate Highway 80 and points in that part of New York on and west of a line beginning at the intersection of Interstate Highway 81 and the New York-Pennsylvania State Boundary line and extending northerly along Interstate Highway 81 to its intersection with New York Highway 12, thence along New York Highway 12 to its intersection with New York Highway 69 thence along New York Highway 69 to its intersection with New York Highway 104, thence along New York Highway 104 to Lake Ontario at Oswego, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—The purpose of this republication is to indicate the correct territory sought in this proceeding. If a hearing is deemed necessary, applicant requests it be held at either Elmira, Binghampton, Rochester, or Syracuse, N.Y.

No. MC 140071 (Sub-No. 1), filed August 19, 1974. Applicant MID-AMERICA CARTAGE, INC., 814 Busse Highway, Park Ridge, Ill. 60068. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting, padding and related floor covering materials*, between points in Lake County, Ind., on the one hand, and, on the other, points in Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140107 (Sub-No. 1), filed August 27, 1974. Applicant: HAL S. LEWIS, P.O. Box 841, Folkston, Ga. 31537. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, in bulk, from points in Duval, Baker, Clay, Columbia, Bradford, and Nassau Counties, Fla., to points in Camden County, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 140132, filed August 12, 1974. Applicant: GREEN LINE TRUCKING INC., Grenora, N. Dak. 58845. Applicant's representative: Fred E. Whisenand, 113 East Broadway, Williston, N. Dak. 58801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and equipment*, light and heavy, including tractors and other power operated farm equipment and *parts and supplies* incidental thereto, between the plantsites of John Deere Co., and other manufactures or distributors of farm machinery and equipment, located at points in Illinois, Iowa, Minnesota, Wisconsin, Idaho, Washington, Colorado, Nebraska, South Dakota, North Dakota, Montana, Wyoming, and points on the International Boundary Line between the United States and Canada, located in North Dakota and Montana, on the one hand, and, on the other, points in Sheridan and Hill Counties, Mont., and in Divide and William Counties, N. Dak., under a continuing contract or contracts with Petersen's Havre Implement Co., Havre, Mont., Plentywood Power & Equipment Co., Grenora, N. Dak., Grenora Implement Company, Grenora, N. Dak., and Crosby Implement Company, Grenora, N. Dak.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Williston, N. Dak., Glasgow or Havre, Mont.

No. MC 140134, filed August 19, 1974. Applicant: CALDARULO TRADING CO., a Corporation, 2840 South Ashland, Chicago, Ill. 60608. Applicant's representative: Richard A. Kerwin, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale or retail paint, hardware, and department stores, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from Chicago and Wheeling, Ill., to points in California, Washington, and Oregon, under continuing contract with Enterprise Paint Manufacturing Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 140135, filed August 26, 1974. Applicant: MADILL MANUFACTURING CO., INC., Madill, Okla. 73446. Applicant's representative: Ralph W. Pulley, Jr., 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Men's pants; materials, supplies, and equipment* used in the manufacture thereof, between Marietta, Madill, Elk City, and Ringling, Okla.; Crowley, Jennings, and Rayne, La., and Dallas, Tex., under a continuing contract with Glen Oaks Industries, Inc., and its subsidiary corporations, in a non-radial movement.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140139, filed August 12, 1974. Applicant: THEODORE L. PERUSSE, doing business as BAUDETTE TRANSFER, Baudette, Minn. 56623. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, and Baudette, Minn.: (a) From Minneapolis-St. Paul, Minn., over Minnesota Highway 65 to Swan River, Minn., thence over U.S. Highway 2 to junction Minnesota Highway 46, thence over Minnesota Highway 46 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Minnesota Highway 1, thence over Minnesota Highway 1 to junction Minnesota Highway 72, thence over Minnesota Highway 72 to junction Minnesota Highway 11, thence over Minnesota Highway 11 to Baudette, Minn., and return over the same route, serving all intermediate points on Minnesota Highway 72 between the junction of Minnesota Highways 72 and 1 and Baudette, Minn., (b) From Minneapolis-St. Paul, Minn. over U.S. Highway 10 to Little Falls, Minn., thence over Minnesota Highway 371 to Cass Lake, Minn., thence over U.S. Highway 2 to Bemidji, Minn., thence over U.S. Highway 71 to junction Minnesota Highway 72, thence over Minnesota Highway 72 to junction Minnesota Highway 11, thence over Minnesota Highway 11 to Baudette, Minn., and return over the same route, and (c) From Minneapolis-St. Paul, Minn. over Interstate Highway 94 to junction Minnesota Highway 24, thence over Minnesota Highway 24 to junction U.S. Highway 10, thence over U.S. Highway 10 to Little Falls, Minn., thence over Minnesota Highway 371 to Cass Lake, Minn., thence over U.S. Highway 2 to Bemidji, Minn., thence over U.S. Highway 71 to junction Minnesota Highway 72 to junction Minnesota Highway 11 to Loman, Minn., and return over the same route, serving all intermediate points, and (3) between Baudette, Minn., and Roosevelt, Minn.: From Baudette, Minn., over Minnesota Highway 11 to Roosevelt, Minn., and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Baudette or Minneapolis, Minn.

No. MC 140140, filed August 23, 1974. Applicant: UNION SEED COMPANY, a corporation, 4 9th Avenue South, Nampa, Idaho 83651. Applicant's representative: Raymond D. Givens, 500 W. Washington Street, Boise, Idaho 83702. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk supplements in bags, automatic calf and lamb feeders, and components and instruction material therefor*, from Rogers, Minn., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, under continuing contract with K and K Manufacturing, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 140146 filed August 16, 1974. Applicant: JEFFREY P. JENKS, doing business as JENKS CARTAGE COMPANY, 9644 Old Johnnycake Ridge Road, Mentor, Ohio 44060. Applicant's representative: Jeffrey P. Jenks (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cast concrete building materials*, including raw materials and finished products, such as steel reinforcing rod and cable, plywood for molds, sand for mixing, stone for mixing, pre-cast concrete, cement, waterproofing material, and machinery or equipment needed in operation, between the plantsite and warehouse facilities of Olds Cast Stone Products, Inc., at or near Thompson, Ohio, on the one hand, and, on the other, points in Anniston, Birmingham, Decatur, Dothan, Florence, Gadsden, Huntsville, Mobile, Selma, Tuscaloosa, and Montgomery, Ala.; Tallahassee, Orlando, Daytona Beach, Tampa, St. Petersburg, West Palm Beach, Miami, Pensacola, Jacksonville, Gainesville, Sarasota, Ft. Myers, Ft. Lauderdale, Ft. Pierce, Ocala, Lark Park, and Naples, Fla.; South Bend, Fort Wayne, Indianapolis, Gary, Elkhart, Lafayette, Anderson, Muncie, Peru, Terre Haute, Richmond, Evansville, Bloomington, Columbus, New Albany, Kokomo, and Marion, Ind.; Bridgeport, Danbury, Hartford, New Haven, New London, Stamford, and Waterbury, Conn.; Atlanta, Savannah, Macon, Augusta, Valdosta, Athens, Marietta, Columbus, and Albany, Ga.; Wilmington, Del.; Chicago, Joliet, Peoria, Moline, Champaign, Springfield, Rockford, Aurora, De Kalb, Bloomington, Decatur, Waukegan, Galesburg, Danville, East St. Louis, and Quincy, Ill.; Louisville, Frankfort, Lexington, Corbin, Bowling Green, Owensboro, and Paducah, Ky.; Baton Rouge, New Orleans, and Shreveport, La.; New Bedford, Boston, Springfield, Worcester, Cambridge, and Attleboro, Mass.; Vicksburg, Jackson, Meridian, Hattiesburg, McComb, Biloxi, Greenville, and Natchez, Miss.; Jersey City, Trenton, Newark, Elizabeth, Paterson, Bloomfield, and Atlantic City, N.J.

Augusta, Portland, Caribou, and Bangor, Maine; Benton Harbor, Lansing, Saginaw, Bay City, Traverse City, Detroit, Flint, Ann Arbor, Kalamazoo, Grand Rapids, Midland, Ypsilanti, Muskegon, Makinaw City, and Cadillac, Mich.; Omaha, and Lincoln, Nebr.; New York, Albany, Syracuse, Rochester, Buffalo, Niagara Falls, Irondequoit, White Plains, Watertown, Elmira, Ithaca, Rome, Utica, Schenectady, Troy, Poughkeepsie, Binghamton, and Jamestown, N.Y.; Baltimore, Hagerstown, and Annapolis, Md.; Minneapolis, Minn.; Concord, Berlin, Laconia, Rochester, Portsmouth, Manchester, and Claremont, N.H.; Greensboro, Charlotte, Winston-Salem, Durham, Raleigh, Greenville, Kinston, Fayetteville, Wilmington, and Asheville, N.C.; Providence, and Cranston, R.I.; Sherman, Dallas, and Houston, Tex.; Tulsa, Muskogee, and Oklahoma City, Okla.; Columbia, Charleston, Greenville, and Anderson, S.C.; Montpelier, Burlington, Rutland, and Brattleboro, Vt.; Charleston, and Huntington, W. Va.; Scranton, Pittsburgh, Harrisburg, Philadelphia, Allentown, Erie, Johnstown, and Williamsport, Pa.; Nashville, Knoxville, Kingsport, Jackson, Chattanooga, Memphis, Clarksville, Murfreesboro, Oak Ridge, and West Memphis, Tenn.; Richmond, Norfolk, Petersburg, and Roanoke, Va.; Eau Claire, La Crosse, Madison, Milwaukee, Green Bay, Wausau, and Kenosha, Wis.; and points in the District of Columbia, under a continuing contract or contracts with Olds Cast Stone Products, Inc., of Thompson, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held in Lake Geauga, or Ashtabula County, Ohio.

No. MC 140173, filed August 23, 1974. Applicant: JOSEPH MULDERIG, R.D. #1, Olyphant, Pa. 18447. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stainless steel tubing and pipe, strip and scrap steel, springs, wire, electrodes, items used in the manufacture of the foregoing carbines, tools, machines, solid rounds and shaped carbon and alloy steel, paper products, business forms, and envelopes, chemicals and acids*, between Archbald, South Abington Township, and Mountaintop, Pa., on the one hand, and, on the other, points in New Jersey, north of New Jersey State Highway 33, beginning at Trenton, and extending to Ocean Grove, N.J.; (2) *springs, carbon, and stainless steel*, from Archbald and points in South Abington Township, Pa., to Westerlo and Utica, N.Y.; (3) *stainless steel tubing and pipe*, from Archbald and points in South Abington Township, Pa., to Waterford, Conn; (4) *strip steel*, from Wallingford, Conn., to Archbald and points in South Abington Township, Pa.; and (5) *springs, carbon and stainless steel*, from Archbald and points in South Abington Township, Pa., to Chicago, Ill., and Springfield, Ohio, under contract with Sanvik Steel, Inc., restricted against the transportation of commodities in bulk, in tank vehicles.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140175 filed August 21, 1974, Applicant: J. W. BURROWS COMPANY, a Corporation, 1513 Rayford Road, Henderson, Tex. 75652. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metals, and metal products and materials, equipment, and supplies* used in the manufacture thereof, between the plantsite and storage facilities of Techalloy Company, Inc., and its subsidiaries, at or near Rahns, Pa., on the one hand, and, on the other, points in Texas, Oklahoma, New Mexico, Arizona, Utah, California, and Nevada, restricted against the transportation of commodities, which by reason of size or weight, require the use of special equipment, under a continuing contract with Techalloy Company, Inc., and its subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 140176 (Sub-No. 1), filed September 3, 1974. Applicant: RILEY WAYNE POWELL, doing business as POWELL TRUCKING COMPANY, Route 3, Sumrall, Miss. 39482. Applicant's representative: Fred W. Johnson, Jr., 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poles and piling*, treated and untreated, from the plantsite of Davis Lumber Company at Hattiesburg, Miss., to points in Michigan, Kentucky, Tennessee, Alabama, Georgia, Indiana, Louisiana, Arkansas, Missouri, Texas, Kansas, South Carolina, Ohio, Nebraska, New York, Virginia, North Carolina, Illinois, Oklahoma, Florida, and West Virginia, under a continuing contract or contracts with Davis Lumber Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson or Hattiesburg, Miss.

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No. MC 140205 (Correction) filed August 19, 1974, and published in the FEDERAL REGISTER issue of September 19, 1974, as MC 138621 (Sub-No. 4), and republished as corrected this issue. Applicant: MOUW TRANSPORTATION, INC., 307 Maple Drive, Sibley, Iowa 51249. Applicant's Representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal, soybean mill run, and soybean hulls*, dry, in bags or bulk, from the plantsite of Farmland Industries, Inc., at or near Sergeant Bluff, Iowa, to points in Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

NOTE.—Applicant holds motor contract carrier authority in No. MC 138621 (Sub-No. 2), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr. The purpose of this correction is to correct the docket number assigned to this application.

PASSENGER APPLICATION

No. MC 33446 (Sub-No. 3), filed July 1, 1974. Applicant: THE REDIFER BUS COMPANY, a Corporation, 977 Winona Drive, Youngstown, Ohio, 44511. Applicant's representative: Martin E. Cusick, First Federal Building, One East State Street, Sharon, Pa. 16146. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, from points in Ohio (except points south of U.S. Highway 224 in Ashland, Medina, Summit, Portage, Wayne, Stark, Columbiana, Holmes, Tuscarawas, and Carroll Counties, Ohio), to points in the United States including Alaska and the ports of entry along the International Boundary line between the United States and Canada, but excluding Hawaii, and return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Youngstown, Ohio, Pittsburgh, Pa., or Cleveland, Ohio.

FREIGHT FORWARDER APPLICATION(S)

No. FF 95 (Sub-No. 8), filed August 30, 1974. Applicant: LIFSCHULTZ FAST FREIGHT, INC., 28 North Franklin Street, Chicago, Ill. 60606. Applicant's representative: David Axelrod, 39 S. LaSalle Street, Chicago, Ill. 60603. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad, water, and motor vehicles, transporting: *General commodities*, between points in Milwaukee, Waukesha, Jefferson, Dane, Iowa, Grant, Lafayette, Green, Rock, Walworth, Racine, and Kenosha Counties, Wis.; Lake County, Ind.; those points in Illinois in and north of Adams, Brown, Cass, Menard, Logan, DeWitt, Piatt, Champaign, and Vermilion Counties; and points in Iowa along the west bank of the Mississippi River extending from Dubuque to Keokuk, inclusive, on the one hand, and, on the other, points in Oregon and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. FF 457, filed August 29, 1974. Applicant: CIRCLE AIRFREIGHT CORP., 545 Sansome Street, San Franciso, Calif. 94111. Applicant's representative: W. O. Locke, 132 Park Place, Millbrae, Calif. 94030. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers, by motor vehicle, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities which because of size or weight require special equipment, and motor vehicles), between points in the United States (including Alaska and Hawaii), restricted to the transportation of shipments having an immediately prior or subsequent movement by air in the air forwarder service of Circle Airfreight Corp.

NOTE.—Applicant states that this authority is subject to the final interpretation made in *Emery Air Freight Corp. Freight Forwarder Applic.* 339 I.C.C. 17 (1971). If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif. or Washington, D.C.

BROKERAGE APPLICATION

No. MC 130263 filed August 22, 1974. Applicant: TRAVEL TOURS, INC., 611 S. Pickwick, Springfield, Mo. 65802. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Springfield, Mo., to sell or offer to sell the transportation of *passengers, individually and in groups, and their baggage*, in the same vehicle with passengers, in charter or special operations, between points in Taney, Stone, Christian, Greene, Dallas, and Polk Counties, Mo., on the one hand, and, on the other, points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield, Mo.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-22284 Filed 9-25-74;8:45 am]

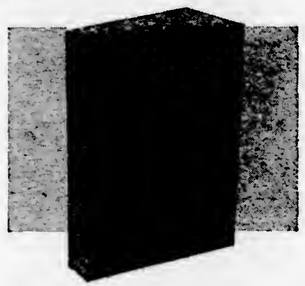
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September 27, 1974—Pages 34641–35100

FRIDAY, SEPTEMBER 27, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 189

Pages 34641–35100

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Title 3—The President

EXECUTIVE ORDER 11806

Amending Executive Order No. 11763 of January 17, 1974, To Extend the Life of the National Commission for the Observance of World Population Year

By virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is hereby ordered as follows:

Section 2(e) of Executive Order No. 11763 of January 17, 1974 (39 F.R. 2349), is revised to read in its entirety as follows:

"(e) The Commission shall conclude its work and make a report to the President not later than June 30, 1975, at which time the Commission shall be deemed to be terminated."

Gerald R. Ford

THE WHITE HOUSE,
September 25, 1974.

[FR Doc.74-22632 Filed 9-25-74;2:33 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 484]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Sept. 27–Oct. 3, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.784 Valencia Orange Regulation 484.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Valencia oranges is generally increasing. Prices f.o.b. averaged $3.80 per carton on a reported sales volume of 674 carlots last week, compared with an average f.o.b. price of $3.69 per carton and sales of 731 carlots a week earlier. Track and rolling supplies at 387 cars were up 80 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including the effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 24, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period September 27, 1974, through October 3, 1974, are hereby fixed as follows:

(i) District 1: 371,000 cartons;

(ii) District 2: 329,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: September 25, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-22602 Filed 9-26-74;8:45 am]

[Lemon Reg. 659]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Sept. 29–Oct. 5, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.959 Lemon Regulation 659.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of

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such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is somewhat improved from last week and order business is considered seasonal because of the cooler September weather. Average f.o.b. price was $6.41 per carton the week ended September 21, 1974, compared to $6.36 per carton the previous week. Track and rolling supplies at 109 cars were down 21 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on September 24, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period September 29, 1974, through October 5, 1974, is hereby fixed at 170,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: September 26, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-22708 Filed 9-26-74;11:47 am]

PART 924—HANDLING OF FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREGON

Order Amending the Order Regulating Handling

Correction

In FR Doc. 74-21491, appearing at page 33305 in the issue for Tuesday, September 17, 1974, the headings should read as set forth above.

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs. Amdt. 7]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1970 and Subsequent Crops

PROGRAM AVAILABILITY, DISBURSEMENT, AND MATURITY OF LOANS

The regulations issued by the Commodity Credit Corporation (CCC) published at 35 FR 7363 and 7781, as amended, containing the General Regulations Governing Price Support for the 1970 and Subsequent Crops of Grain and Similarly Handled Commodities are hereby amended as follows:

Paragraph (a) of § 1421.6 is amended to provide that an approved cooperative marketing association can request price support through a servicing bank approved by CCC. Paragraph (b) is amended to provide that disbursement of loans can be made by approved servicing banks to approved cooperative marketing associations. The amended paragraphs read as follows:

§ 1421.6 Program availability, disbursement, and maturity of loans.

(a) *Where to request price support.* A producer should request price support at the local county ASCS office. An approved cooperative marketing association must request price support at a servicing bank approved by CCC or at the county ASCS office for the county in which the principal office of the cooperative is located unless the State ASC committee designates some other county ASCS office.

(b) *Disbursement of loans.* Disbursement of loans will be made by county ASCS offices by drafts drawn on CCC or by credit to the producer's account, except that loans may be disbursed by approved servicing banks to approved cooperative marketing associations. The loan documents shall not be presented for disbursement unless the commodity covered by the mortgage or pledge is in existence and in good condition. If the commodity was not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be refunded promptly.

• • • • •

Since farm-stored loans are now being made on the 1974 crop and the provisions of the amendment are needed to carry out the loan program more effectively, compliance with the notice of proposed rulemaking procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1441 note, 1445a, 1447, 1421, 1425)

Effective date: September 27, 1974.

Signed at Washington, D.C. on September 23, 1974.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-22520 Filed 9-26-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Release of Areas Quarantined

This amendment excludes certain portions of Duval, Webb, Kleberg, McMullen, Nueces, Live Oak, and Jim Wells Counties in Texas from the areas quarantined because of splenetic or tick fever. Therefore, the regulations pertaining to the interstate movement of cattle and certain materials from quarantined areas as contained in 9 CFR Part 72, as amended, will not apply to the excluded areas, but the restrictions in Part 72 pertaining to interstate movement from nonquarantined areas will apply to the excluded areas.

Accordingly, § 72.5 of Part 72, Title 9, Code of Federal Regulations, as amended, which quarantines certain portions of Texas because of splenetic or tick fever in cattle, a contagious, infectious, and communicable disease, is hereby amended in the following respects:

In § 72.5, paragraph (i) is amended and new paragraph (k) is added to read as follows:

§ 72.5 Areas quarantined in Texas.

• • • • •

(i) That portion of Jim Wells and Kleberg Counties bounded by a line beginning at the junction of U.S. Highway 281 and Farm Road 2295 in Jim Wells County, approximately 14 miles south of Aice, Texas; thence, following Farm Road 2295 in a westerly direction to County Road 106, approximately 6.6 miles; thence, following the meanderings of County Road 106 through the Settlement of Palito Blanco in a northerly direction, approximately 7.9 miles, then in an easterly direction to County Road 138, approximately 6 miles; thence, following County Road 138 in a northerly direction to County Road 132, approximately 1 miles; thence, following County Road 132 in an easterly direction to County Road 132–A, approximately 1½ miles; thence, following County Road 132–A in a northerly direction to Farm Road 625, approximately 1.8 miles; thence, following Farm Road 625 in an easterly direction to U.S. Highway 281, approximately 1.8 miles; thence, following U.S. Highway 281 in a northerly direction to Farm Road 1930, approximately 0.8 miles; thence, following Farm Road 1930 in an easterly direction to Farm Road 1352, approximately 2½ miles; thence, following Farm Road 1352 in a northwesterly direction to Boggan Road, approximately 1½ miles; thence, following Boggan Road in an easterly direction for approximately 1 mile, then in a northerly direction for approximately 1.2 miles to Farm Road 665; thence, following the meanderings of Farm Road 665 in an easterly direction to the Jim Wells-Nueces County line, approximately 6.2 miles; thence following the Jim Wells-Nueces County line in a southerly direction to the Jim Wells-Kleberg County line, approximately 6 miles; thence, following the east fence of the King Ranch Gato Pasture in a southerly direction into Kleberg County to the southeast corner of the King Ranch Gato Pasture, approximately 1 mile; thence, following the south fence of the King Ranch Gato Pasture in a northwesterly direction to the east fence of the King Ranch Partidas Trap, approximately 1 mile; thence, following the east fence of the King Ranch Partidas Trap in a southerly direction to the southeast corner of the same, approximately ½ mile; thence, following the south fence of the King Ranch Partidas Trap in a westerly direction to the southwest corner of the same, approximately 3 miles; thence, following the west fence of the King Ranch Partidas Trap in a northerly direction to the Kleberg-Jim Wells County line, approximately 1¼ miles; thence, following the Kleberg-Jim Wells County line in a westerly direction approximately 4 miles, then in a southerly direction to the north fence of the King Ranch North Motas Negras Pasture, approximately 1 mile; thence, following the north fence of the King Ranch North Motas Negras Pasture in a westerly direction to U.S. Highway 281, approximately 2 miles; thence, following U.S. Highway 281 in a southerly direction to its junction with Farm Road 2295, approximately 4½ miles in Jim Wells County.

• • • • •

(k) That portion of Duval County bounded by a line beginning at the junction of the west city limits of the city of San Diego, Texas, and State Highway 44; thence, following the meanderings of the west and south boundaries of the San Diego, Texas city limits to Farm Road 359, approximately 1½ miles; thence, following Farm Road 359 in a southwesterly direction to the Pin Wheel Ranch Road, approximately 8 miles; thence, following the meanderings of the Pin Wheel Ranch Road in a northwesterly direction to the J.B. Huff Ranch east fence, approximately 4½ miles; thence, following the east fence of the J.B. Huff Ranch in a northerly direction to the southeast corner of the Sam Bagnell Pasture, approximately 1.2 miles; thence, following the east fence of the Sam Bagnell Pasture in a northerly direction to the northeast corner of the same, approximately ½ mile; thence, following the north fence of the Sam Bagnell Pasture in a westerly direction to the Rosita Road, approximately 1 mile; thence, following the meanderings of the Rosita Road in a northerly direction to the south fence of the Allen Ranch, approximately 3½ miles; thence, following the south fence of the Allen Ranch in an easterly direction to the southeast corner of the same, approximately ¾ mile; thence, following the east fence of the Allen Ranch in a northerly direction to the northeast corner of the same, approximately ½ mile; thence, following the north fence of the Allen Ranch in a westerly direction to the Rosita Road, approximately ¾ mile; thence, following the Rosita Road in a northerly direction to the southeast corner of the Keith Cook Casi Nada Ranch, approximately 3 miles; thence, following the east fence of the Keith Cook Casi Nada Ranch in a northeasterly direction to State Highway 44, approximately ¾ mile; thence, following State Highway 44 in a southeasterly direction to the west fence of the E.S. Garcia Pasture, approximately 10 miles; thence, following the west fence of the E.S. Garcia Pasture in a northerly direction to the northwest corner of the same, approximately 0.6 mile; thence, following the north fence of the E.S. Garcia Pasture in an easterly direction to the northeast corner of the same, approximately 1 mile; thence, following the west fence of the Jack Butler West Dump Ground Pasture in a northerly direction to the Seven Sisters Road, approximately 0.2 mile; thence, following the Seven Sisters Road in a southeasterly direction to the northwest corner of the city limits of San Diego, Texas approximately 0.8 mile; thence, following the west city limits of the city of San Diego, Texas in a southerly direction to its junction with State Highway 44, approximately ½ mile.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264–1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective September 24, 1974.

The amendment relieves certain restrictions no longer deemed necessary to prevent the spread of splenetic or tick fever and should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 24th day of September 1974.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-22519 Filed 9-26-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Weekly Petroleum Reporting System

On August 29, 1974, the Federal Energy Administration issued a notice of proposed rulemaking (39 FR 31920, September 3, 1974) to amend § 211.224 of the Mandatory Petroleum Allocation Regulations to modify the definitions of "Crude oil pipeline" and "Petroleum products pipeline" for purposes of the weekly petroleum reporting system.

The proposed amendment specified that crude oil and petroleum products contained in intrastate and intracompany pipelines, as well as interstate pipelines, must be reported to FEA under § 211.224. The proposed definitions also specifically referred to pipelines performing a trunk function, as defined in 49 CFR 1204.4–3(b), thus, requiring a report for crude oil and petroleum products contained in pipelines which transport crude oil or petroleum products "• • • from origin or receiving station to point of connection with other carriers, consignee facilities at destination, or to the discharge side of the manifold or connection to working or storage tanks at the destination station" [49 CFR 1204.4–3(b)]. Crude oil and petroleum products contained in pipelines which perform a gathering function, as defined in 49 CFR 1204.4–3(a), would not be reported under § 211.224.

The comments received with respect to the notice of proposed rulemaking were generally in favor of the proposed rulemaking, and raised no valid objections. Therefore, FEA hereby adopts the proposed amendments.

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(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, (39 FR 23185))

In consideration of the foregoing, Part 211 of Chapter III, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., September 23, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

Section 211.224 is revised in paragraph (b) in the definitions of "Crude oil pipeline" and "Petroleum products pipeline" to read as follows:

§ 211.224 Weekly petroleum reporting system.

* * * * *

(b) *Definitions.* * * *

"Crude oil pipeline" means a pipeline which performs the trunk function as defined in 49 CFR 1204.4-3(b) and which carries crude oil, including interstate, intrastate and intracompany pipelines.

"Petroleum products pipeline" means a pipeline which performs the trunk function as defined in 49 CFR 1204.4-3 (b) and which carries petroleum products, including interstate, intrastate and intracompany pipelines.

* * * * *

[FR Doc.74-22496 Filed 9-24-74;2:40 pm]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 74-938]

PART 526—LIMITATIONS ON RATE OF RETURN

Governmental Unit Ownership of Transaction Accounts

SEPTEMBER 13, 1974.

The following summary of the amendments adopted by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to specific provisions of the regulations.

A. *Existing Regulations*—Member institutions in New Hampshire and Massachusetts could issue NOW accounts to governmental units.

B. *Amended Regulations*—Effective October 29, 1974, such member institutions will not be permitted to issue NOW accounts to governmental units.

The Federal Home Loan Bank Board considers it desirable to amend §§ 526.1 and 526.8 of the rules and regulations for the Federal Home Loan Bank System (12 CFR 526.1 and 526.8) for the purpose of prohibiting member institutions from accepting transaction accounts from certain governmental units, such as cities and townships.

Section 2(a) of Public Law No. 93-100 of August 16, 1973, 87 Stat. 342, provides that "No depository institution (as defined in section 2(b)) shall allow the owner of a deposit or account on which interest or dividends are paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties, except that such withdrawals may be made in the States of Massachusetts and New Hampshire".

By Resolution No. 73-1808, of December 7, 1973 (38 FR 34458), the Board adopted final amendments to Part 526 of the regulations for the Federal Home Loan Bank System (12 CFR Part 526) relating to the issuance and payment of interest or dividends on transaction accounts (NOW accounts) by member institutions having their home offices in New Hampshire and Massachusetts. Present § 526.8(d) contains a limitation on owners of transaction accounts as follows: "Transaction accounts, or the entire beneficial interest therein, issued by such a member institution may not be owned by a corporation or business trust which is operated for profit".

By Resolution No. 74-179, of March 7, 1974 the Board proposed certain amendments to Part 526 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 526) which would have had a principal effect of prohibiting member institutions from permitting certain governmental units to own transactions accounts. Notice of such proposed rule making was duly published in the FEDERAL REGISTER on March 13, 1974 (39 FR 9677), with invitation for interested persons to submit comments by April 15, 1974.

Upon consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the amendments as proposed by Resolution No. 74-179. By these amendments § 526.8(d) is revoked and the definition of transaction account as set forth in present § 526.1 (1) is revised to read as set forth below. The language of the amendment corresponds to similar restrictions imposed by the Federal Reserve Board and the Federal Deposit Insurance Corporation on ownership of NOW accounts. (Cf., 12 CFR Parts 217, 329.) The Board views these amendments as involving present public policy considerations rather than any question as to the Board's legal authority to permit the ownership of transaction accounts by governmental units.

Accordingly, the Federal Home Loan Bank Board hereby amended § 526.(1) to read as set forth below, and hereby revokes § 526.8(d), both effective October 29, 1974.

§ 526.1 Definitions.

As used in this Part 526—

* * * * *

(1) *Transaction account.* The term "transaction account" means a "regular account," as that term is defined in paragraph (d) of this section, of a member institution upon which the owner is allowed to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties and which consists of funds deposited to the credit of, or the entire beneficial interest is held by, one or more individuals or of a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit.

§ 526.8 Transaction accounts.

* * * * *

(d) [Revoked; effective October 29, 1974]

* * * * *

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended by Public Law 91-151, sec. 2(b), 83 Stat. 371; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425b, 1437. Sec. 2, Public Law 93-100. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.74-22532 Filed 9-26-74;8:45 am]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 74-940]

PART 545—OPERATIONS

Applications by Federal Savings and Loan Associations for Branch Offices, Mobile Facilities or Satellite Offices

SEPTEMBER 13, 1974.

By Resolution No. 74-419, dated May 13, 1974, the Federal Home Loan Bank Board proposed to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) by liberalizing certain sections thereof which limit the number of applications by the same Federal savings and loan association for permission to establish branch offices, mobile facilities or satellite offices that the Board will consider and process at the same time. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on May 20, 1974 (39 FR 17769), with an invitation for interested persons to submit written comments by June 19, 1974. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends Part 545 by revising §§ 545.14(b)(1)(i), 545.14-4(b)(4), and 545.14-5(c)(5) thereof to read as set forth below, effective September 27, 1974.

Since the above amendments relieve restrictions, publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendments is unnecessary; and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

OUTLINE AND SUMMARY

This outline and summary is provided for the reader's convenience and is subject to the full provisions of this resolution, including the provisions in the preamble thereof and in the amended regulations set forth below.

I. EXISTING REGULATIONS

A. Only one pending application is permitted to be on file at the same time (excluding any application for a branch office or limited facility branch office on file for more than 4 months) for each of the following: a branch office, limited facility branch office or mobile facility. Only two pending applications are permitted for satellite offices.

B. Exception: Multiple applications are permitted to the extent that State authorities permit State-chartered thrift institutions or commercial banks to file multiple applications.

II. PROPOSED REGULATIONS

Add exception to existing regulations permitting multiple applications for office facilities to the extent that bank or savings and loan holding companies respectively in a State are permitted to file multiple applications to acquire banks or savings and loan associations.

III. FINAL REGULATIONS

Same as proposed regulations, except that the triggering of the permission to file multiple applications because certain bank or savings and loan holding companies can file multiple applications has been revised to limit such permission to situations where such holding companies respectively acquire de novo bank or savings and loan charters or bank or savings and loan subsidiaries of such holding companies establish de novo branch offices.

IV. REASONS FOR CHANGING THE REGULATIONS

Remove competitive disadvantage of Federal associations vis-a-vis bank or savings and loan holding companies.

Under the regulations in effect prior to the above amendments, the Board would consider and process at the same time for the same Federal association only one application for permission to establish branch offices, limited facility branch offices or mobile facilities, or only two applications for permission to establish satellite offices, except to the extent that the State authority in the State in which the applicant's home office is located considers and processes at the same time multiple applications of the same savings and loan association, savings bank or similar institution, or commercial bank of such State. The proposed amendments included additional provisions to the effect that the Board would consider and process multiple applications for such office facilities to the extent that savings and loan or bank holding companies, respectively, in the State where the applicant's home office is located, are permitted to have on file at the same time multiple applications to acquire existing or de novo thrift institutions or commercial banks, respectively, in such State. The final regulations trigger the permission to file multiple applications only to the extent that such holding companies can file multiple applications to acquire de novo bank or savings and loan charters or bank or savings and loan subsidiaries of such holding companies can file multiple applications to establish de novo branch offices.

The following is the text of the amended sections:

§ 545.14 Branch office.

* * * * *

(b) *Eligibility.* (1) Except as provided in paragraph (b)(2) of this section, a Federal association shall be eligible to have an application for permission to establish a branch office (including an application for a limited facility branch office) considered and processed only if, at the date on which such application is filed with the Board:

(i) The association does not have on file with the Board any other such application, excluding any application as to which more than 4 months have elapsed since the date of publication of notice thereof; except that the limitations of this subdivision (i) shall not prohibit the consideration and processing at the same time of (*a*) both an application in which the applicant proposes, under the provisions of paragraph (j)(1) of this section, that the office applied for be a limited facility branch office and an application in which it does not so propose or (*b*) more than one branch office or more than one limited facility branch office application of the same association to the extent that the appropriate State authority of the State in which the applicant's home office is located considers and processes at the same time (*1*) more than one branch office application or more than one limited facility branch office application of the same savings and loan association, savings bank or similar institution or commercial bank of such State, (*2*) more than one application of the same savings and loan or bank holding company to acquire de novo charters of savings and loan associations or similar institutions or commercial banks, respectively, which will have their home offices in such State, or (*3*) more than one application of savings and loan subsidiaries or bank subsidiaries controlled by the same savings and loan or bank holding company, respectively, to establish de novo branch offices or limited facilities branch offices in such State.

* * * * *

§ 545.14-4 Mobile facility.

* * * * *

(b) *Eligibility.* No application for permission to establish a mobile facility by a Federal association shall be considered or processed, except to determine the association's eligibility under the provisions of this paragraph (b), if, at the date on which such application is filed with the Board:

* * * * *

(4) The association has on file any other application for permission to establish a mobile facility with respect to which action by the Board is pending, except that the association may have on file more than one mobile facility application to the extent that the appropriate State authority of the State in which the applicant's home office is located permits to be on file at the same time (i) more than one mobile facility application of the same savings and loan association, savings bank or similar institution or commercial bank of such State, (ii) more than one application of the same savings and loan or bank holding company to acquire de novo charters of savings and loan associations or similar institutions or commercial banks, respectively, which will have their home offices in such State, or (iii) more than one application of savings and loan subsidiaries or bank subsidiaries controlled by the same savings and loan or bank holding company, respectively, to establish de novo branch offices or limited facilities branch offices in such State.

* * * * *

§ 545.14-5 Satellite office.

* * * * *

(c) *Specific provisions.* Each application for permission to establish a satellite office will be considered or processed pursuant to the provisions of this section. Approval of such an application pursuant to this section will be subject to the following provisions and any other conditions, requirements, and limitations the Board may specify in a particular case:

* * * * *

(5) A Federal association may not operate more than 5 satellite offices at any one time, and may not file applications for more than 2 such offices in any 12-month period, except that a Federal association may file in the same 12-month period more than two satellite office applications to the extent that the appropriate State authority of the State in which the applicant's home office is located permits to be on file at the same time (i) more than 2 satellite office applications of the same savings and loan association, savings bank or similar institution or commercial bank of such State, (ii) more than 2 applications of the same savings and loan or bank holding company to acquire de novo charters of savings and loan associations or similar institutions or commercial banks, respectively, which will have their home offices in such State, or (iii) more than 2 applications of savings and loan subsidiaries or bank subsidiaries controlled by the same savings and loan or bank holding company, respectively, to establish de novo branch offices, limited facilities branch offices, or satellite offices in such State.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.
Assistant Secretary.

[FR Doc.74-22536 Filed 9-26-74;8:45 am]

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[No. 74-939]

PART 556—STATEMENTS OF POLICY

Locating Branch Offices and Mobile Facilities More Than 100 Miles From Home Office

SUMMARY

SEPTEMBER 13, 1974.

The following summary of the amendments adopted by this resolution is provided for the reader's convenience and is subject to the full provisions of this resolution, including the provisions in the preamble thereof and in the amended regulations set forth below.

I. REGULATIONS PRIOR TO PRESENT AMENDMENTS

A. The Board's general policy is to consider an application for a branch office or mobile facility only if the office or facility will be located not more than 100 miles from the applicant's home office.

B. Under the regulations in effect prior to the present amendments, the Board excepted applications for branch offices and mobile facilities from the above-mentioned 100-mile limitation if:

(a) the Board has determined that the State in which the Federal association's home office is located permits its State-chartered savings and loan associations, savings banks or commercial banks to establish offices beyond 100 miles from their home offices.

(b) the association's home office is located in Alaska, Hawaii, or Puerto Rico;

(c) the facility was the home or branch office of an institution at the time the institution was acquired by merger or purchase of assets; or

(d) the branch office results from the upgrading of certain facilities of a Federal association which has converted (or is in the process of converting) from a State-chartered association.

II. AMENDED REGULATIONS

While retaining the above list of exceptions, the present amendments add the following exceptions, thereby permitting statewide branching also in:

(a) States in which the assets of Federal associations constitute at least 90 percent of the combined assets of all Federal Savings and Loan Insurance Corporation and Federal Deposit Insurance Corporation insured thrift institutions in the State;

(b) States which permit a bank or savings and loan holding company, respectively, to acquire a de novo charter of a commercial bank or savings and loan with a home office located more than 100 miles from the holding company's corporate headquarters in the State;

(c) States which permit a subsidiary bank of a bank holding company or a subsidiary savings and loan association of a savings and loan holding company, to establish de novo branch offices or mobile facilities located more than 100 miles from the holding company's corporate headquarters in the State; or

(d) the Virgin Islands.

III. REASONS FOR CHANGING THE REGULATIONS

(a) In States in which Federal associations represent at least 90 percent of the assets of the FSLIC and FDIC insured thrift institutions, the Board's policy favoring State-wide branching should prevail as to Federal associations even though the State policy (which would apply to only a small portion of the thrift institutions) may be more restrictive.

(b) The principal purpose of the amendments relating to holding companies is to recognize that while some States do not allow banks and State-chartered thrift institutions to branch statewide directly, such States permit such branching indirectly through the use of holding companies. Federal associations should not be placed at a competitive disadvantage to bank or savings and loan holding companies (or their subsidiaries) merely for the reason that the mutual form of organization of Federal associations prohibits Federal associations from branching statewide via a holding company. In such States, the amendments provide that the Board will not apply to Federal associations the 100-mile limitation.

By Resolution No. 74-571, dated June 5, 1974, the Federal Home Loan Bank Board proposed to amend Part 556 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 556) by adding several additional exceptions to the Board's general policy of not accepting applications of Federal savings and loan associations for the establishment or maintenance of branch offices and mobile facilities located more than 100 miles from the applicant association's home office. Notice of such proposed amendments was duly published in the FEDERAL REGISTER on June 21, 1974 (39 FR 22285), with an invitation for interested persons to submit written comments by July 15, 1974.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends said Part 556 by revising § 556.5(b)(3) thereof to read as set forth below, effective September 27, 1974.

Subdivisions (a) and (b) of § 556.5(b)(3) as hereby amended are the same as said subdivisions in said proposal. Subdivision (c) of § 556.5(b)(3) as hereby amended differs from said subdivision in the proposal as follows:

1. Sudivision (1) of said subdivision (c) as proposed provided that the Board would consider permitting statewide branching in a State which as a general policy permits a bank holding company to acquire de novo charters of FDIC-insured banks located more than 100 miles from the corporate headquarters of the holding company. Said subdivision (1) as hereby amended deletes the reference to the FDIC insurance and retains the above provision. Also, said subdivision (1) as hereby amended adds a provision to the effect that the Board will also consider permitting statewide branching in a State which as a general policy permits a savings and loan holding company to acquire de novo charters of savings and loan associations.

2. Subdivision (2) of said subdivision (c) as proposed provided that said subdivision (2) applied only with respect to FDIC-insured subsidiaries of a bank holding company or to FSLIC-insured subsidiaries of a savings and loan holding company. Said subdivision (2) as hereby amended deletes the references to FDIC and FSLIC insurance.

Since the above amendments affect a statement of policy, publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendments is unnecessary; and the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

The following is the text of the amended § 556.5(b)(3):

§ 556.5 Establishment of Federal savings and loan associations and branch office and mobile facilities of such associations.

* * * * *

(b) *Policy on approval of branch office and mobile facilities.* * * *

(3) It is the Board's general policy to consider an application by such an association for permission to establish or maintain a branch office or mobile facility only when the proposed branch office or mobile facility is to be located within 100 miles of the association's home office unless (i) the association's home office is located in Alaska, Hawaii, Puerto Rico, or the Virgin Islands, (ii) such application is for permission to maintain, as a branch office, an existing home or branch office of an institution which is to be absorbed by merger or other approved acquisition, or (iii) such application is by a Federal association which has converted (or is in the process of converting) from a State-chartered association for permission to upgrade an office facility, which is located outside the State in which the applicant's home office is located but inside the applicant's regular lending area as prescribed in § 545.6-6 of this subchapter, to the status of a branch office located at or in the same vicinity as such existing office facility is located. However, the Board may permit consideration of applications for permission to establish branch offices or mobile facilities in a State without regard to the 100-mile geographical limitation contained in the preceding sentence if the Board determines that:

(*a*) Such State permits State-chartered savings and loan associations, saving banks, or similar institutions or commercial banks to establish branch offices or mobile facilities beyond 100 miles from their home offices;

(*b*) The total assets of Federal associations with home offices located in such State are 90 percent or more of the combined assets of all offices in such State of institutions insured by the Federal Savings and Loan Insurance Corporation and mutual savings banks insured by the Federal Deposit Insurance Corporation; or

(*c*) Such State as a general policy permits (*1*) a bank holding company or a savings and loan holding company, respectively, through acquisition of a de novo charter to have an office of a subsidiary bank or savings and loan association located more than 100 miles from the corporate headquarters of the holding company located in such State or (*2*) a subsidiary bank or savings and loan association of a bank holding company or a savings and loan holding company, respectively, to establish de novo branch offices or mobile facilities more than 100 miles from the corporate headquarters of such holding company located in such State.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74-22529 Filed 9-26-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-WE-6-AD; Amdt. 39-1977]

PART 39—AIRWORTHINESS DIRECTIVES

Various Piper PA-23 Series Airplanes

Amendment 39-1799 (39 FR 9650) AD 74-06-01, requires improved engine compartment drainage and firewall integrity, and additional fire protection of the turbosupercharger oil tanks on Piper Models PA-23-235, PA-23-250 and PA-E23-250 airplanes with AiResearch turbosuperchargers installed in accordance with STC SA852WE, SA909WE or SA978WE, or installed in accordance with Piper Aircraft Corporation Drawing 32016.

By letter dated September 5, 1974, the AiResearch Aviation Company advised the agency that it is unable to provide prompt delivery of modified turbosupercharger oil tanks ordered to comply with the schedule set forth in paragraph (b) of the AD. The modified tanks specified in paragraph (b) of the AD are identical to the originally installed tanks except that the modified tanks are further processed to provide additional fire protection. The manufacturer fabricated fifty new tanks as the basis for a rotatable pool of tanks which was to be maintained by processing tanks removed from other aircraft in compliance with paragraph (b) of the AD. The distribution of modified tanks and return of originally installed tanks has been handled primarily through aircraft distributorships. The manufacturer agreed with operators to forward modified tanks from the rotatable pool prior to the return of the originally installed tanks; however, it has been unable to recover the originally installed tanks from the operators to maintain the pool. The manufacturer requested agency consideration for an extension of compliance time of the AD within which it could supply the operators with the modified tanks. This request does not affect the airscoop drainage provisions compliance time for those airplanes specified in paragraph (a).

The agency has not received any additional reports of adverse service experience since the original report referenced in the preamble to the adoption of Amendment 39-1799, AD 74-06-01. The AD is being amended to provide for additional compliance time for those aircraft specified in paragraph (b). The relief provided is retroactive to September 14, 1974, to authorize aircraft operations pursuant to Parts 39 and 91 of the Federal Aviation regulations after that date.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation regulations, Amendment 39-1799 (39 FR 9650), AD 74-06-01, is amended as follows:

(1) Amend the first sentence of paragraph (b) to read: "Within the next 600 hours' time in service or 365 days after March 18, 1974, whichever occurs first:" Subparagraphs (b)(1) and (b)(2) remain unchanged.

(2) Insert a second Note at the end of the AD to read:

NOTE: The extended compliance time authorized by this amendment to AD 74-06-01, as set forth in (b) above, shall be retroactive to September 14, 1974, to permit aircraft operations beyond 180 days after March 18, 1974.

This amendment becomes effective October 2, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on September 18, 1974.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.74-22479 Filed 9-26-74;8:45 am]

[Docket No. 74-NE-34; Amdt. 39-1978]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky S-61L and S-61N Type Helicopters Certificated in All Categories

Amendment 39-1167 (36 FR 4689), AD 71-6-2, as amended by Amendment 39-1271 (36 FR 16186), and Amendment 39-1948 established a schedule of replacement times for components on S-61L and S-61N type helicopters certified in all categories. After issuing Amendment 39-1948, it was noticed that, with the issuance of the latest amendment, the phrase in paragraph (a) referring to "the effective date of this revision to this AD" is no longer correct. Therefore, the AD is being further amended to substitute the actual effective date for this phrase.

Since this amendment provides a correction only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal Aviation regulations, Amendment 39-1167 (36 FR 4689), AD 71-6-2, as amended by Amendment 39-1271 (36 FR 16186), and Amendment 39-1948 (39-31626), is further amended as follows:

(1) By striking out the words "the effective date of this revision to this AD" from paragraph (a) and inserting in its place the date: August 26, 1971.

This amendment becomes effective October 9, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Massachusetts, on September 18, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74-22478 Filed 9-26-74;8:45 am]

[Airspace Docket No. 74-EA-41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area and Revocation of Transition Area

Correction

In FR Doc. 74-21375 appearing on page 33310 in the issue of Tuesday, September 17, 1974, make the following changes:

1. In § 71.181, column 2, the 2nd word in the 13th line from the bottom should read: "extending".

2. Also in § 71.181, column 3, line 18 should read as follows: "* * * point 40°05'06" N., 75°21'24" W., extending * * *"

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74-248]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Yachts of the Federal Republic of Germany

The Department of State advised the Department of the Treasury on May 6, 1974, that yachts of the United States are permitted to cruise in the territorial waters of the Federal Republic of Germany, without entering or clearing and without the payment of any charges

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for entering or clearing, dues, duty per ton, tonnage taxes, or charges for cruising licenses.

Pursuant to section 5 of the Act of May 28, 1908, as amended (sec. 5, 35 Stat. 425, as amended; 46 U.S.C. 104), following a finding by the Secretary of the Treasury that a foreign nation has granted the above-described exemptions to yachts of the United States, the Commissioner of Customs may issue cruising licenses to yachts of that nation.

It has been established to the satisfaction of the Secretary of the Treasury that yachts of the United States are granted the above-described privileges by the Federal Republic of Germany.

Accordingly, § 4.94(b) of the Customs regulations is amended by the insertion of "Germany, Federal Republic of" after "Canada" in the list of countries granting the previously-described reciprocal privileges to yachts of the United States. Yachts of the foreign countries listed in § 4.94(b) may, upon application, be issued cruising licenses by the Commissioner of Customs.

(Sec. 3, 23 Stat. 119, as amended, sec. 5, 35 Stat. 425, as amended (5 U.S.C. 301, 46 U.S.C. 3, 104))

There is statutory authority for this exemption after a finding has been made that such reciprocity exists. Therefore, good cause exists for dispensing with notice and public procedure thereon as unnecessary, and good cause is found for the amendment to become effective at the earliest date possible under 5 U.S.C. 553.

Effective date. This amendment shall become effective September 27, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: September 18, 1974.

JAMES B. CLAWSON,
Assistant Secretary of the Treasury.

[FR Doc. 74-22541 Filed 9-26-74;8:45 am]

[T.D. 74-252]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Imports and Exports Under the International Coffee Agreement

On April 14, 1973, the International Coffee Council adopted Resolution Number 264 extending the International Coffee Agreement through September 30, 1975. In addition, the Resolution deleted some of the provisions of the Agreement. As a result of these deletions, the United States Customs Service was, as of October 1, 1973, relieved of its responsibilities for (1) requiring certificates of origin, transit, and reexport; (2) issuing certificates of origin and reexport; (3) limiting imports of coffee from countries or areas not parties to the Agreement; and (4) prohibiting entry of coffee consigned directly from, diverted from or destined for any country included in Annex B of the Agreement. A number of these responsibilities of the Customs Service were set forth in §§ 12.70 and 12.71 of the Customs regulations (19 CFR 12.70, 12.71).

Accordingly, Part 12 of the Customs regulations (19 CFR Part 12) is amended by deleting §§ 12.70 and 12.71 and the centerhead to these sections.

Because this amendment merely conforms the Customs regulations to the terms of the International Coffee Agreement, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall be effective on September 27, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: September 20, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.74-22537 Filed 9-26-74;8:45 am]

[T.D. 74-247]

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS, AND CONTROL OF MERCHANDISE THEREIN

Bonded Smelting and Refining Warehouses

On March 20, 1974, there was published in the FEDERAL REGISTER (39 FR 10436) a notice of proposed rulemaking to amend § 19.17(g) of the Customs regulations (19 CFR 19.17(g)), to provide that where two or more bonded smelting and refining warehouses are included under one blanket smelting and refining bond, the principal shall set forth the bonded charges for each plant in an overall monthly statement filed with Customs.

Interested persons were given 30 days from the date of publication of the notice of proposed rulemaking to submit relevant written data, views, or arguments regarding the proposal. One comment was received. It has been determined, after consideration of this comment, that the proposed amendment should be adopted as set forth in the notice of proposed rulemaking.

Accordingly, § 19.17(g) of the Customs regulations (19 CFR 19.17(g)) is amended as set forth below.

Effective date. This amendment shall be effective on October 29, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: September 18, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

Paragraph (g) of § 19.17 is amended to read as follows:

§ 19.17 Application to establish warehouse; bond.

* * * * *

(g) Where two or more smelting and refining warehouses are included under one blanket smelting and refining bond, an overall statement shall be filed by the principal of the warehouses with Headquarters, United States Customs Service, and with each district director involved, by the 28th of each month, showing as of the close of the preceding month the inventory of all metals on hand at each plant covered by the blanket bond, and the bond charges at each of the plants. Each district director in whose district one or more plants are located shall be responsible for verifying the accuracy of the inventory report insofar as the amounts held at plants under his jurisdiction are concerned. All discrepancies which cannot be reconciled by the district director shall be reported immediately to Headquarters, United States Custom Service. If Headquarters finds that the aggregate quantity of dutiable metal at the several plants does not equal the quantity charged against the blanket bond, duties shall be collected for the quantity determined to be deficient.

(R.S. 251, as amended, secs. 312, 624, 46 Stat. 692, as amended, 759; 19 U.S.C. 66, 1312, 1624)

[FR Doc.74-22539 Filed 9-26-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATON, AND WELFARE

[Regs. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Subpart K—Employment—Wages—Self-Employment—Self-Employment Income

BENEFITS IN THE CASE OF CERTAIN INDIVIDUALS INTERNED DURING WORLD WAR II

On June 3, 1974, there was published in the FEDERAL REGISTER (39 FR 19501) a notice of proposed rulemaking with a proposed amendment to Subpart K of Regulations No. 4, reflecting the provisions of section 142 of Public Law 92-603 enacted October 30, 1972, which provide for deemed wages for certain individuals who were interned during World War II.

Interested persons were given the opportunity to submit, within 30 days, data, views, or arguments with regard to the proposed amendment.

Only two letters of comment were received. One (from an individual) recommended that the amendment be expanded to provide for interest and other compensation for certain individuals who were interned during World War II. Since the Social Security Act does not provide for such and the regulations must be consistent with that Act, the recommendation cannot be adopted. The other (from an organization) commended the Department for its action in aiding Americans of Japanese ancestry who were interned in government facilities during World War II.

Accordingly, the proposed amendment is hereby adopted without change and is set forth below.

(Sections 205, 231, and 1102 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 86 Stat. 1367, 49 Stat. 647, as amended; 42 U.S.C. 405, 431, and 1302)

Effective date. The amendment shall be effective on September 27, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance)

Dated: September 7, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 23, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart K, Regulations No. 4 of the Social Security Administration, as amended (20 CFR Part 404), is further amended as follows:

Section 404.1028 is added to read as follows:

§ 404.1028 Deemed wages for certain individuals interned during World War II.

(a) *In general.* Except as provided in paragraph (d) of this section, an individual who was interned during any period of time from December 7, 1941, through December 31, 1946, at a place within the United States operated by the Government of the United States for the internment of United States citizens of Japanese ancestry, is deemed to have been paid wages (in addition to the wages actually paid) as provided in paragraph (c) of this section during any period after he attained age 18 in which he was an internee. This provision is effective for determining entitlement to and the amount of any monthly benefit for months after December 1972, for determining entitlement to and the amount of any lump-sum death payment in the case of a death after such month, and for purposes of section 216(i)(3) of the Act, as amended.

(b) *Information needed to process deemed wages.* Unless the Secretary has previously made a determination concerning deemed wages for a period of internment of an individual, any person, including such individual, applying for a monthly benefit, a recalculation of such benefits by reason of this section, or a lump-sum death payment, must submit the following information before such benefit or payment may be computed on the basis of deemed wages under paragraph (a) of this section: The place where the individual worked prior to internment, his highest hourly wage prior to internment, the place and date of his internment, his date of birth (if not previously furnished), whether or not he is receiving another Federal benefit based wholly or in part upon his period of internment, and, in the case of a woman, her maiden name.

(c) *Amount of deemed wages.* The amount of wages which may be deemed under paragraph (a) of this section, in addition to wages actually paid, is determined as follows:

(1) *Where employed prior to internment.* If the individual was employed prior to the beginning of the period of internment, his deemed wages are the greater of:

(i) The highest actual hourly rate of pay received by him for any employment prior to internment multiplied by 40 for each full week during such period; or

(ii) The Federal minimum hourly rate in effect for such period multiplied by 40 for each full week during such period.

(2) *Where self-employed or not employed prior to internment.* If the individual was self-employed or was not employed prior to the beginning of the period of internment, his deemed wages are the Federal minimum hourly rate in effect for such period multiplied by 40 for each full week during such period.

(d) *When wages are not deemed.* Wages are not deemed under paragraph (a) of this section:

(1) For any period prior to the quarter in which the individual attained age 18; or

(2) Where a larger benefit or payment is payable without the deemed wage credits; or

(3) Where a benefit (other than a benefit payable in a lump sum unless it is a commutation of, or a substitute for, periodic payments), based in whole or in part upon internment as specified in paragraph (a) of this section is determined by any agency or wholly-owned instrumentality of the United States to be payable by it under any other law of the United States or under a system established by such agency or instrumentality. However, the foregoing exception to paragraph (a) of this section does not apply for purposes of section 216(i)(3) of the Act and in cases where the failure to receive deemed wages due to such exception would reduce by 50 cents or less the primary insurance amount of the individual on whose wages and self-employment income the benefit or payment is based.

(e) *Certification of internment.* The certification concerning any period of time for which an individual is to receive credit under paragraph (a) of this section is made by the Secretary of Defense or his designee. Following verification of the individual's period of internment by means of such certification, wages, as provided by this section, will be deemed to have been paid to such individual.

[FR Doc. 74-22476 Filed 9-26-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ASPARTAME

Correction

In FR Doc. 74-17093 appearing at page 27317 of the issue of Friday, July 26, 1974, in § 121.1258(b)(3) the first line of the paragraph headed *"Vials"* should read "2 dram size with tetra-fluoroethylene".

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

PART 713—RIGHT-OF-WAY—THE PROPERTY MANAGEMENT FUNCTION

Part 713, Subchapter H, Chapter I of Title 23, Code of Federal Regulations, is revised by amending Subpart B, adding Subparts A and C and by changing the heading of the Part to read "Right-of-Way—The Property Management Function", as set forth above. Subpart A prescribes policies and procedures concerning property management and codifies material formerly contained in Policy and Procedure Memorandum 80-6.1. Subpart B deals with the management of airspace. Subpart C is concerned with the disposal of right-of-way and codifies provisions which also formerly appeared in Policy and Procedure Memorandum 80-6.1.

These regulations will be effective on the date of issuance set forth below.

Subpart A—Property Management

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Subpart B—Management of Airspace

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Subpart C—Disposal of Rights-of-Way

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713.302 Applicability.
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713.304 General requirements.
713.305 Application for approval.
713.306 Excess right-of-way resulting from plan changes.
713.307 Credit to Federal funds.
713.308 Uneconomic remnants.

Subpart A—Property Management

AUTHORITY: 23 U.S.C. 315; 42 U.S.C. 4633 and 4651(6); 23 CFR 1.32; and 49 CFR 1.48 (b).

§ 713.101 Purpose.

This Subpart prescribes Federal Highway Administration (FHWA) policies and procedures for the management of real property acquired in connection with Federal-aid highway projects.

§ 713.102 Applicability.

The policies in § 713.103 are applicable to all State and political subdivisions thereof that manage real property acquired for any highway or highway related project in which Federal funds will participate in any part of the right-of-way costs of the project. States are encouraged to adopt these procedures for all projects in which Federal funds will participate in any part of the project. Section 713.103(b) is applicable to the greatest extent practicable under State law, to all projects in which Federal funds will participate in any part of the cost of the project.

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§ 713.103 Policies and procedures.

(a) The State highway department (SHD) shall establish property management policies and procedures that will assure control and administration of lands and improvements acquired for right-of-way purposes. These procedures shall establish:

(1) Property records showing:

(i) An inventory of all improvements acquired as a part of the right-of-way;

(ii) An accounting of the property management expenses and the rental payments received; and

(iii) An accounting of the disposition of improvements and the recovery payments received.

(2) Methods for accomplishing the clearing of right-of-way when such clearance is performed separately from the contract for the physical construction of the project.

(3) The methods for managing the rodent control program.

(4) The methods for employing private firms or public agencies for the management of real property.

(5) The methods for accomplishing the disposition of improvements through resale, salvage, owner retention, or other means.

(b) If the acquiring agency permits an owner or tenant to occupy the real property acquired on a rental basis for a short term or for a period subject to termination by the agency on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short term occupier.

(c) Property management activities shall be handled in a manner consistent with the public interest and designed to reflect the maximum long-range public benefit.

(d) The acquiring agency is responsible for the preservation of the improvements and for reasonable safety measures when it has acquired ownership and possession of the property.

(e) Clearing acquired improvements under a clearing contract is considered:

(1) A right-of-way item when the clearing is performed separately from the contract for physical construction. The applicability of the provisions of Volume 6, Chapter 4, of the Federal-Aid Highway Program Manual[1] shall be determined in accordance with the criteria set forth for the requirement of wage determinations in the FHWA Labor Compliance Manual.[2]

(2) A construction item within the provisions of Volume 6, Chapter 4, of the Federal-Aid Highway Program Manual[1] when the clearing is performed as a part of the physical construction contract.

(f) Rodent control procedures shall assure that the acquiring agency:

(1) Determines and documents the need for extermination services through periodic field inspections.

(2) Coordinates with other interested agencies, such as State, county, and city health departments, and

(3) Completes required extermination measures prior to demolition or removal of improvements.

(g) Acquired rights-of-way shall be maintained in a manner which will prevent or correct problems such as illegal dumping or disposal of rubble, debris, and garbage on cleared Federal-aid highway right-of-way until needed for construction.

(h) Where the acquired right-of-way includes areas for future construction, in addition to that required for immediate construction, the SHD may permit or lease the temporary use of this area until it is needed for highway purposes. The SHD may allow this temporary use when:

(1) The FHWA has approved temporary right-of-way limits within the overall right-of-way;

(2) The integrity and safety of the highway facility constructed elsewhere on the right-of-way are assured; and

(3) There is no decrease in the extent of access control to the highway facility constructed elsewhere on the right-of-way.

Subpart B—Management of Airspace

AUTHORITY: 23 U.S.C. 142(g); 23 U.S.C. 315; 23 CFR 1.23; 23 CFR 1.32; 49 CFR 1.48; Part 21.

§ 713.201 Purpose.

To prescribe Federal Highway Administration (FHWA) policies relating to the management of airspace on Federal-aid highway systems for nonhighway purposes.

§ 713.202 Applicability.

(a) The provisions of this Subpart apply to the use of airspace on the Federal-aid highway systems, except as provided in paragraph (b) of this section.

(b) This Subpart does not apply to railroads and public utilities which cross or otherwise occupy Federal-aid highway rights-of-way, nor to relocations of railroads or utilities for which reimbursement is claimed under Subparts H and E of Part 140 of this Chapter; joint development and multiple use of highway rights-of-way as covered in Volume 7, Chapter 7, section 8 of the Federal-Aid Highway Program Manual;[3] and bikeways and pedestrian walkways as covered in part 652 of this chapter.

§ 713.203 Definition.

Air space, as used in this Subpart, is that space located above, at, or below the highway's established gradeline, lying within the approved right-of-way limits.

§ 713.204 Policies.

(a) Where a State highway department (SHD) has acquired sufficient legal right, title, and interest in the right-of-way of a highway on a Federal-aid system to permit the use of certain airspace for nonhighway purposes, and where such airspace is not required presently or in the foreseeable future for the safe and proper operation and maintenance of the highway facility, the right to temporary or permanent occupancy or use of such airspace may be granted by the SHD subject to prior FHWA approval.

(b) The airspace required to accommodate foreseeable future expansion of the highway facility may not be used for nonhighway purposes except under the provisions of Subpart A of this part, relating to property management.

(c) In any case where sufficient land exists within the publicly acquired rights-of-way of any Federal-aid highway system to accommodate needed rail or nonhighway public mass transit facilities and where this can be accomplished without impairing automotive safety or future highway improvements, the FHWA may authorize a SHD to make such lands and rights-of-way available without charge to a publicly owned mass transit authority for such purposes whenever it may deem that the public interest will be served thereby.

(d) If found to be consistent with highway designs, any portion of right-of-way may be used for green strips, small parks, play areas, parking or other highway related public use, or for any other public or quasi-public use which would assist in integrating the highway into the local environment and enhancing other publicly supported programs. Normally, the SHD should retain supervision and jurisdiction over such lands but could enter into agreements with local political subdivisions relative thereto.

(e) An individual, company, organization, or public agency desiring to use airspace as defined herein shall submit an application therefor to the SHD in a manner and form deemed appropriate by the SHD. Applications, including a proposed airspace agreement, shall be forwarded to the FHWA together with SHD recommendations for approval and any necessary supplemental information. The submission shall affirmatively provide for adherence to all policy requirements contained in this Subpart where such are appropriate to the intended use.

(f) All nonhighway use of airspace shall be covered by a properly executed airspace agreement. The agreement shall contain the following:

(1) The party responsible for developing and operating the airspace.

(2) A general statement of the proposed use.

(3) The general design for the use of the space, including any facilities to be constructed, and such maps, plans, or sketches as are necessary to set out pertinent features in relation to the highway facility.

(4) A detailed three-dimensional description of the space to be used, except when the surface area beneath an elevated highway structure or adjacent to a highway roadway is to be used for recreation, public park, beautification, parking of motor vehicles, public mass transit facilities, and other similar uses. In such cases, a metes and bounds description of the surface area, together with appropriate plans or cross sections clearly defining the vertical use limits, may be furnished in lieu of a three-dimensional description.

(5) Provision that any significant revision in the design or construction of a facility described in subsection 5f(3) above shall receive prior approval by the SHD subject to concurrence by the FHWA.

(6) Provision that any change in the authorized use of airspace shall receive prior approval by the SHD subject to concurrence by the FHWA.

(7) Provision that such airspace shall not be transferred, assigned, or conveyed to another party without prior SHD approval subject to concurrence by the FHWA.

(8) Provision that the agreement will be revocable in the event that the airspace facility ceases to be used or is abandoned.

(9) Provision for the agreement to be revoked if the agreement is violated and such violation is not corrected within a reasonable length of time after written notice of noncompliance has been given. Further, that in the event the agreement is revoked and the SHD deems it necessary to request the removal of the facility occupying the airspace, the removal shall be accomplished by the responsible party in a manner prescribed by the SHD at no cost to the FHWA. An exception to this provision is permitted when the improvements revert to the State upon termination of the agreement.

(10) When deemed necessary by the SHD or the FHWA, provision for adequate insurance by the responsible party for the payment of any damages which may occur during or after construction of the airspace facilities to hold the State harmless. Exception to this requirement may be made where the proposal is for the use by a public or quasi-public agency, when such agency is assigned the specific responsibility for payment of any related damages occurring to the highway facility and to the public for personal injury, loss of life, and property damage.

(11) Provision for the SHD and authorized FHWA representatives to enter the airspace facility for the purpose of inspection, maintenance, or reconstruction of the highway facility when necessary.

(12) Provision that the facility to occupy the airspace will be maintained so as to assure that the structures and the area within the highway right-of-way boundaries will be kept in good condition, both as to safety and appearance, and that such maintenance will be accomplished in a manner so as to cause no unreasonable interference with highway use. In the event the responsible party fails in its maintenance obligations, there will be provision for the SHD to enter the premises to perform such work.

(13) Appropriate provisions of Appendix "C" of the State's Civil Rights Assurances[4] with respect to Title VI of the Civil Rights Act of 1964 and 49 CFR Part 21.

(g) Use of air space beneath the established gradeline of the highway shall provide sufficient vertical and horizontal clearances for the construction, operation, maintenance, ventilation, and safety of the highway facility.

(h) The proposed use of airspace above the established gradeline of the highway shall not, at any point between two points established 15 feet beyond the two outer edges of the geometric section (highway prism) of the highway, extend below a horizontal plane which is at least 16 feet 4 inches above the gradeline of the highway, or the minimum vertical clearance plus 4 inches as approved by the State, except as necessary for columns, foundations or other support structures. Where control and directional signs needed for the highway are to be installed beneath an overhead structure, vertical clearance will be at least 20 feet from the gradeline of the highway to the lowest point of the soffit of the overhead structure. Exceptions to the lateral limits set forth above, when justified by the SHD, may be considered on an individual basis by the FHWA.

(i) Piers, columns, or any other portion of the airspace structure shall not be erected in a location which will interfere with visibility or reduce sight distance or in any other way interfere materially with the safety and free flow of traffic on the highway facility.

(j) The structural supports for the airspace facility shall be located to clear all horizontal and vertical dimensions established by the SHD. Supports shall be clear of the shoulder or safety walks of the outer roadway. However, supports may be located in the median or outer separation when the SHD determines and the FHWA concurs that such medians and outer separations are of sufficient width. All supports are to be back of or flush with the face of any wall at the same location. Supports shall be adequately protected by means acceptable to the SHD and the FHWA. No supports shall be located in the ramp gores, or in a position so as to interfere with the signing necessary for the proper use of the ramp.

(k) The use of airspace shall not result in either highway or nonhighway users being unduly exposed to hazardous conditions because of highway location, design, maintenance, and operation features.

(l) Appropriate safety precautions and features necessary to minimize the possibility of injury to users of either the highway facility or airspace due to traffic accidents occurring on the highway or accidents resulting from nonhighway uses shall be provided. Airspace facilities shall not be approved for construction over or under the highways, unless the plans therefor contain adequate provisions, acceptable to the SHD and the FHWA, for evacuation of the structures or facilities in case of a major accident endangering the occupants of such structures or facilities.

(m) Any airspace facility shall be fire resistant in accordance with the provisions of the local applicable building codes found to be acceptable by the SHD and the FHWA. Such airspace facility shall not be used for the manufacture or storage of flammable, explosive, or hazardous material or for any occupation which is deemed by the SHD or the FHWA to be a hazard to highway or nonhighway users. Proposals involving the construction of improvements in airspace should be approved by the State authority responsible for fire protection standards. In cases where the SHD or the FHWA questions the acceptability of the existing code, conformance with a nationally accepted model building code will be required.

(n) No structure or structures built over a highway facility shall occupy more length of the highway than will permit adequate natural ventilation of the enclosed section of the highway for the conditions at the location, assuming a volume of traffic equal to capacity. Each such covered length shall be preceded and followed by uncovered lengths of highway that will safely affect natural ventilation. The SHD shall determine such lengths for each particular case, subject to FHWA concurrence. Exceptions may be considered when complete tunnel ventilation is provided. Unless tunnel ventilation is provided, structures over highways shall be so designed and constructed as to facilitate natural ventilation of the highway. To this end, the underside and any supports for such structures shall have smooth and easily cleanable surfaces. Supports for such structures shall leave as much open space on the sides of the highway as feasible. Such space shall be appropriately graded where deemed necessary or desirable by the SHD.

(o) The design, occupancy, and use of any structure over or under a highway facility shall be such that neither the use, safety, appearance, nor the enjoyment of the highway will be adversely affected by fumes, vapors, odors, drippings, droppings, or discharges of any kind therefrom.

(p) On-premise signs, displays, or devices may be erected on structures occupying highway airspace, but shall be restricted to those indicating ownership and type of on-premise activities and shall be subject to regulation by the SHD and the FHWA with respect to number, size, location, and design.

[1] The Federal-Aid Highway Program Manual may be examined at the Federal Highway Administration; 400 7th Street SW., Washington, D.C. 20590.

[2] The FHWA Labor Compliance Manual may be examined at the Federal Highway Administration; 400 7th Street SW., Washington, D.C. 20590.

[3] The Federal-Aid Highway Program Manual may be examined at the Federal Highway Administration; 400 7th Street SW., Washington, D.C. 20590.

[4] Appendix "C" of the State's Civil Rights Assurances may be examined at any office of the State Highway Department or at the Federal Highway Administration; 400 7th Street SW., Washington, D.C. 20590.

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(q) Construction of any structure above or below a highway facility shall not require any temporary or permanent change in alignment or profile of an existing highway without prior approval by the SHD and the FHWA.

(r) Where either the SHD or the FHWA is of the opinion that the proposed use of airspace requires changes in or additions to existing highway facilities for the proper operation and maintenance of highways, such facilities shall be provided without cost to Federal funds. There may be exception to this policy when the proposed use is for highway related or other public or quasi-public use which would assist in integrating the highway into the local environment and enhance other publicly supported programs. This provision is not intended to expand existing limitations upon expenditures from the highway trust fund, nor is it intended to conflict with the provisions of Volume 7, Chapter 7, section 3, of the Federal-Aid Highway Program Manual,[1] relating to joint development of highway corridors and multiple use of roadway properties.

(s) Proposed airspace facilities shall be designed and constructed in a manner which will permit access to the highway facility for the purpose of inspection, maintenance, and reconstruction when necessary.

(t) Permission shall not be granted for any use of airspace which does not conform with the provisions of current, appropriate Federal Aviation Administration regulations.

(u) Approval for the use and occupancy of highway right-of-way for the parking of motor vehicles shall be granted only if proper consideration has been given to the need for the following:

(1) Parking design or arrangement to assure orderly and functional parking.

(2) Plantings or other screening measures to improve the esthetics and appearance of the area.

(3) Surfacing, lighting, fencing, striping, curbs, wheel stops, pier protection devices, etc.

(4) Access for fire protection and fire fighting equipment.

(v) Disposition of income received from the authorized use of airspace shall be the SHD's responsibility and credit to Federal funds is not required.

§ 713.205 Inventory.

The SHD shall maintain an inventory of all authorized uses of airspace. This inventory which shall be available for review by appropriate Federal and State agencies shall include but not be limited to the following items for each authorized use of airspace:

(a) Location by project, survey station, or other appropriate method.

(b) Identification of the authorized user of the airspace.

(c) A three-dimensional description or a metes and bounds description.

(d) As-built construction plans of the highway facility at the location where the use of airspace was authorized.

(e) Pertinent construction plans of the facility authorized to occupy the airspace.

(f) A copy of the executed airspace agreement.

Subpart C—Disposal of Rights-of-Way

AUTHORITY: 23 U.S.C. 315 and 319; 23 CFR 1.32; 42 U.S.C. 4651(9); 49 U.S.C. 1655(f); 49 CFR 1.48(b); and 49 CFR Part 21.

§ 713.301 Purpose.

This Subpart prescribes Federal Highway Administration (FHWA) policies and procedures for disposal of portions of highway rights-of-way no longer needed for highway purposes.

§ 713.302 Applicability.

(a) The provisions of this Subpart apply to disposals of rights-of-way where Federal-aid highway funds have participated in either the right-of-way or physical construction costs of a project.

(b) The provisions of this Subpart do not apply to the matters covered in Volume 6, Chapter 1, section 1, subsection 8, of the Federal-Aid Highway Program Manual.[2]

(1) Where a section of highway including the right-of-way is abandoned;

(2) Where only changes in access control are involved; and

(3) To relinquishments of highway facilities for continued use for highway purposes.

(c) The provisions of this Subpart do not apply where whole sections of a Federal-aid system are withdrawn under the provisions of 23 U.S.C. 103(e)(2) and (4).

§ 713.303 Definitions.

For purposes of this Subpart the following definitions apply:

(a) Disposal—The conveyance for uses other than for highways of unneeded portions of highway rights-of-way (in contrast to relinquishment, which is the conveyance of a portion of a highway right-of-way or facility by a State highway department (SHD) to another government agency for highway use).

(b) Final Acceptance—(1) On Federal-aid construction projects, the date of acceptance of the physical construction by FHWA; and

(2) On Federal-aid right-of-way projects, where there is no Federal-aid construction, the date the FHWA determines to be the date of completion of the acquisition of the right-of-way authorized by FHWA to be acquired for the project.

§ 713.304 General requirements.

(a) The conveyance may be to any public entity or private party.

(b) When disposal of unneeded portions of highway rights-of-way involve a change in the access control line, provisions of Volume 6, Chapter 1, section 1, subsection 8, of the Federal-Aid Highway Program Manual[2] also apply.

(c) Federal, State and local conservation, recreation, park, or other appropriate agencies shall be afforded the opportunity to acquire by purchase or donation in accordance with the State law, tracts of right-of-way being considered for disposal when there is indication that such tracts have a present or potential use for parks, conservation, recreational or related purposes. The SHD shall notify the appropriate agencies of its intention to dispose of unneeded portions of right-of-way which it considers to have present or potential use for the aforementioned purposes.

(d) Lands or interests therein are not to be disposed of if they are suitable for retention in order to restore, preserve, or improve the scenic beauty and environmental quality adjacent to the highway.

(e) When right-of-way which has been acquired with Federal-aid participation is disposed of without requiring a credit to Federal funds, the instrument of conveyance shall contain appropriate provisions of "Appendix C" of the State's Title VI Civil Rights Assurances[3] with respect to the Civil Rights Act of 1964, and the Department of Transportation Regulations (49 CFR Part 21).

§ 713.305 Application for approval.

(a) A SHD shall submit a request to FHWA for prior approval to dispose of highway rights-of-way when the determination that the property is no longer needed for highway purposes occurs after:

(1) Final acceptance of a Federal-aid physical construction project, where Federal funds have participated in the right-of-way and construction costs, or construction costs only; or

(2) Final acceptance of a right-of-way acquisition project where Federal-aid highway funds do not participate in the cost of the physical construction.

(b) The request shall include:

(1) An explanation of why the right-of-way is not needed; and

(2) A plan which identifies the right-of-way proposed for disposition in relation to construction features and to the remaining right-of-way.

§ 713.306 Excess right-of-way resulting from plan changes.

(a) Prior to final acceptance of a project, a portion of the right-of-way authorized by FHWA and acquired by the SHD may become unnecessary for the highway project. The unneeded portion usually results from plan changes. Right-of-way authorized and acquired to a natural boundary, but not incorporated into the right-of-way at the time of final acceptance of the project, is considered to be in the nature of a plan change.

(b) When the plan change results in excess right-of-way, a separate request for prior approval of disposal need not be submitted.

(c) Where credit to Federal funds is required in accordance with § 713.307 and the determination as to the unneeded right-of-way is made prior to final acceptance of the project, the disposal shall be accomplished prior to submission of the final voucher for the project or not later than 2 years from the time the highway facility is opened to traffic, whichever is earlier. However, prior to expiration of the specified time period, the SHD may request and the FHWA may approve an extension of the time. If the property is not sold within the approved time limit, the cost of acquisition of the unneeded portion must be credited to the project if Federal reimbursement has been made therefor.

§ 713.307 Credit to Federal funds.

(a) When right-of-way is disposed of to another governmental agency for public use, FHWA does not require a charge to the agency and no credit to Federal funds is required. If, for any reason, there is a payment to the State for the land transferred and Federal funds participated in the cost of acquisition of the right-of-way, the amount received shall be credited to Federal funds at the same pro rata share as Federal funds participated in the cost of acquisition of the right-of-way.

(b) If the disposal is to a part other than a Federal, State, or local governmental agency for public use, and Federal funds participated in the cost of acquisition of the right-of-way, there shall be a credit to Federal funds at the same pro rata share as Federal funds participated in the cost of acquisition of the right-of-way. The amount credited shall be the result of disposal by one of the following means:

(1) Public sale; or

(2) Negotiations based on current appraised fair market value.

(c) When a credit to Federal funds is required, the cost of disposition may be deducted from the sales price.

§ 713.309 Uneconomic remnants.

(a) An uneconomic remnant incorporated within the right-of-way limits loses its identity and becomes part of the right-of-way. Should it no longer be needed for highway purposes, disposal of the area would be in the same manner as any other portion of highway rights-of-way.

(b) Where the uneconomic remnant is not incorporated within the approved right-of-way limits, no FHWA approval to dispose of it is required, and no credit to Federal funds is necessary.

Issued on September 19, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-22448 Filed 9-26-74;8:45 am]

[1] The Federal-Aid Highway Program Manual may be examined at the Federal Highway Administration; 400 7th Street SW., Washington, D.C. 20590.

[2] The Federal-Aid Highway Program Manual may be examined at the Federal Highway Administration; 400 7th Street, SW.; Washington, D.C. 20590.

[3] The Federal-Aid Highway Program Manual may be examined at the Federal Highway Administration; 400 7th Street, SW; Washington, D.C. 20590.

[3] Appendix "C" of the State's Civil Rights Assurances may be examined at any office of the State Highway Department or at the Federal Highway Administration; 400 7th Street, SW; Washington, D.C. 20590.

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER A—GENERAL

[Docket No. R-74-998]

PART 200—INTRODUCTION

Delegations to Particular Positions and Organization and Management

Pursuant to section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d), the Assistant Secretary-Commissioner is revising the delegations of authority under 24 CFR Part 200. These revisions, which reflect organization and administrative changes in the Department, delete certain sections, add other sections, and change in whole or in part still other sections, all as set forth below.

Because this amendment relates to agency management and personnel, comment and public procedure are unnecessary, and good cause exists for making these changes effective upon publication in the FEDERAL REGISTER.

Accordingly, Part 200, Subparts C and D, are amended as follows:

1. In Part 200, Subpart C, in the Table of Contents, the appropriate section headings are amended to read:

Sec.	
200.43	Assistant Regional Administrators for Housing Production and Mortgage Credit.
200.44	Area and/or Insuring Office Directors.

2. In Part 200, Subpart D, in the Table of Contents, the title of Subpart D is amended to read:

Subpart D—Delegations to Particular Positions

3. In Part 200, Subpart D, in the Table of Contents, the headings of §§ 200.51, 200.52, 200.53, 200.54, 200.55, 200.56, 200.56a, 200.56, 200.59, 200.84b, 200.95, 200.103, 200.109, and 200.116 are amended; new §§ 200.54a, 200.54b, 200.55a, 200.55b, 200.55c, 200.55d, 200.55e, 200.56b, 200.56c, 200.56d, 200.57, 200.95a, 200.98a, 200.112a, and 200.113a are added; and §§ 200.52a, 200.52b, 200.58a, 200.58b, 200.58c, 200.58d, 200.59a, 200.59b, 200.59c, 200.61, 200.61d, 200.61f, 200.62, 200.63, 200.64, 200.65, 200.65b, 200.66, 200.67, 200.68, 200.70, 200.71, 200.72, 200.73, 200.84c, 200.84e, 200.86, 200.87, 200.90, 200.91, 200.96, 200.97, 200.99, 200.104, 200.105, 200.106, 200.107, 200.108, 200.117, 200.120, 200.121, and 200.122 are revoked.

The amendments and additions are as follows:

Sec.	
200.51	Acting Assistant Secretary—Federal Housing Commissioner.
00.52	Deputy Assistant Secretary—Deputy Federal Housing Commissioner.
200.58	Executive Assistant Commissioner.
200.54	Director, Office of Policy and Program Analysis and Development and Deputy.
200.54a	Director, Policy Analysis and Development Division.
200.54b	Director, Review and Evaluation Division.
200.55	Director, Office of Management Systems.
200.55a	Director, Management and Administrative Services Division.
200.55b	Director, Budget Division.
200.55c	Director, Management Information Systems Division.
200.55d	Director, Participant Control and Supervision Division.
200.55e	Director, Actuarial Division.
200.56	Director, Office of Underwriting Standards and Deputy.
200.56a	Director, Multifamily Underwriting Division.
200.56b	Director, Single Family Underwriting Division.
200.56c	Director, Architecture and Engineering Division.
200.56d	Director, Economic and Market Analysis Division.
200.57	Director, Property Improvement and Mobile Homes Division.
200.58	Director, Publicly Financed Housing Division.
200.59	Director, Office of Field Support.
200.84b	Regional Administrators, Deputies and Assistants.
200.95	Insuring Office Directors, Deputy Directors, and Assistants to the Director.
200.95a	Service Office Supervisors and Service Office Underwriters.
200.98a	Chief Underwriter and Deputy.
200.103	Deputy Assistant Secretary-Deputy Commissioner, Executive Assistant Commissioner, and Directors of HPMC Offices and Divisions.
200.109	Regional Administrators, Deputy Regional Administrators and Assistant Regional Administrator Housing Production and Mortgage Credit (Region VIII, Denver).
200.112a	Chief, Finance and Mortgage Credit Section (Boston Area Office).
200.113a	Chief, Real Estate and Valuation Section (Boston Area Office).
200.116	Director, Operations Division; Deputy Director, Operations Division; and Assistants to the Director, Operations Division.

Subpart C—Organization and Management

§ 200.40 [Amended]

4. In § 200.40 the last sentence reading "Each Assistant Secretary of the Department is appointed by the President by and with the advice and consent of the Senate" is deleted.

5. Section 200.41 is revised to read as follows:

§ 200.41 Administrative staff.

The principal administrative staff of the Assistant Secretary for Housing Production and Mortgage Credit (HPMC)-Federal Housing Commissioner includes the Deputy Assistant Secretary for Housing Production and Mortgage Credit-Deputy Federal Housing Commissioner, the Executive Assistant Commissioner, and Directors of various HPMC-FHA offices whose respective duties and areas of authority are indicated by their titles.

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6. Section 200.43 is revised to read as follows:

§ 200.43 Assistant Regional Administrators for Housing Production and Mortgage Credit.

The territory served by the Federal Housing Administration is divided into geographical regions composed in each instance of a Regional Office and a group of associated Area and/or Insuring Offices as established by the Department of Housing and Urban Development. Within each Region an Assistant Regional Administrator for Housing Production and Mortgage Credit (HPMC) directs and evaluates, on behalf of the Regional Administrator, all HPMC–FHA functions and responsibilities falling within his jurisdiction.

7. Section 200.44 is revised to read as follows:

§ 200.44 Area and/or Insuring Office Directors.

Each of the Area or Insuring Offices within a region is managed and supervised by a Director who is responsible to the Regional Administrator for the administration, within a defined geographic area, of all HPMC–FHA functions and responsibilities including the administration of various service offices or valuation stations established within his defined geographical area. Each such Director is empowered to exercise any and all authorities delegated to any subordinate.

Subpart D—Delegations to Particular Positions

§ 200.50 [Amended]

8. In § 200.50(d), the words "or the Public Housing Commissioner, or the Public Housing Administration," are deleted wherever they appear in the third sentence.

9. Section 200.51 is revised to read as follows:

§ 200.51 Acting Assistant Secretary-Federal Housing Commissioner.

The Deputy Assistant Secretary-Deputy Federal Housing Commissioner and the Executive Assistant Commissioner are designated by the Assistant Secretary-Federal Housing Commissioner to act in his place and stead in the event of his absence or inability to act, having the title "Acting Assistant Secretary-Federal Housing Commissioner" with all powers, duties and rights delegated to the Assistant Secretary-Federal Housing Commissioner by the Secretary of Housing and Urban Development.

10. Section 200.52 is revised to read as follows:

§ 200.52 Deputy Assistant Secretary—Deputy Federal Housing Commissioner.

To the position of Deputy Assistant Secretary-Deputy Federal Housing Commissioner there is delegated the basic authorities and functions to act with and for the Assistant Secretary-Federal Housing Commissioner in the general administration of the Federal Housing Administration, in the determination of basic policy, and in the general supervision, direction and coordination of all housing production and mortgage credit operations and functions. The Deputy Assistant Secretary has full authority at all times to make any decisions which the Assistant Secretary-Federal Housing Commissioner is authorized to make and to issue any order which the Assistant is authorized to issue.

§§ 200.52a, 200.52b [Revoked]

11. Sections 200.52a and 200.52b are revoked.

12. Section 200.53 is revised to read as follows:

§ 200.53 Executive Assistant Commissioner.

To the position of Executive Assistant Commissioner there is delegated the basic authorities and functions to advise the Assistant Secretary-Federal Housing Commissioner and Deputy Assistant Secretary-Deputy Federal Housing Commissioner in a broad range of matters under their jurisdiction and participate with them in the formulation of policy; to make policy and operating decisions on their behalf; to monitor and control internal program operations and provide policy direction and control to program areas administered by the various Office Directors within HPMC–FHA; to act as agency liaison with officials of the Department of Housing and Urban Development; to head up HPMC–FHA task forces constituted to analyze policy and operational problems; and to consult with industry representatives and members of Congress on matters affecting FHA.

13. Section 200.54 is revised to read as follows:

§ 200.54 Director, Office of Policy and Program Analysis and Development and Deputy.

To the position of Director, Office of Policy and Program Analysis and Development and under his general supervision to the position of Deputy Director for policy and program analysis and development there is delegated the following basic authorities and functions:

(a) To act with the Assistant Secretary-Federal Housing Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

(b) To be responsible to the Assistant Secretary-Federal Housing Commissioner for the coordination and general supervision of the Policy Analysis and Development Division and the Review and Evaluation Division.

(c) To review and analyze existing and proposed housing production and mortgage credit policies and programs and develop recommendations for new or improved policies and programs to achieve the objectives of HPMC and the Department.

(d) To develop and implement an over-all evaluation system for HPMC programs.

(e) To act for the Assistant Secretary-Federal Housing Commissioner on initial development of implementing directives for policies and programs for which organizational responsibility has not been previously established.

14. In Subpart D, a new § 200.54a is added to read as follows:

§ 200.54a Director, Policy Analysis and Development Division.

To the position of Director, Policy Analysis and Development Division there is delegated the following basic functions:

(a) To be responsible to the Director, Office of Policy and Program Analysis and Development for the evaluation, initiation and development of basic policies, programs and plans relating to housing production and mortgage credit.

(b) To review, analyze and make recommendations with respect to new or proposed policies and/or legislative proposals; prepare position papers and justification documentation for legislative proposals affecting housing production or mortgage credit.

(c) To develop, initially, instructions required to implement new programs and policies relating to housing production and mortgage credit authorized by Congress and for which organizational responsibility has not previously been established.

15. In Subpart D, a new § 200.54b is added to read as follows:

§ 200.54b Director, Review and Evaluation Division.

To the position of Director, Review and Evaluation Division there is delegated the following basic functions:

(a) To be responsible to the Director, Office of Policy and Program Analysis and Development for reviewing and evaluating programs of HPMC to determine the extent to which these programs are achieving the broad purposes intended by Congress, as expressed in legislation and legislative history.

(b) To develop and implement a continuing system of over-all HPMC program evaluation, coordinate the program-evaluation effort throughout HPMC, and provide system results and recommendations.

(c) To prepare program summaries and reports such as: program summaries for the Office of Management and Budget; the Catalog of Federal Domestic Assistance; the HUD Annual Report; and special reports and information requested by the Congress.

16. Section 200.55 is revised to read as follows:

§ 200.55 Director, Office of Management Systems.

To the position of Director, Office of Management Systems and under his general supervision to the position of Executive Officer, there is delegated the following basic authorities and functions:

(a) To act with the Assistant Secretary-Federal Housing Commissioner and under his direction in the determination of basic policy and to be a member of the Executive Board.

(b) To be responsible to the Assistant Secretary-Federal Housing Commissioner for the coordination and general supervision of the Management Information Systems Division, the Budget Division, the Actuarial Division, the Management and Administrative Services Division, the Participant Control and Supervision Division, the Housing Finance and Research Staff, and the Advanced Statistical and Computer Applications Staff, and to exercise any of the authorities inherent in any of the functions carried out in those divisions and staffs, including allocation and control of contract authority under the HPMC housing assistance and subsidy programs, and the approval of multifamily mortgage insurance proposals with reference to the previous participation of principals.

(c) To perform planning and liaison with the Assistant Secretary for Administration on administrative-management matters in general; with the HUD Office of Personnel on personnel policies and procedures; and with the HUD Office of General Services on general services required for HPMC operations. Similar liaison, as required, will be performed with the Office of the Inspector General and the Department's Emergency Preparedness Staff.

(d) To approve, disapprove, or withdraw approval of financial institutions as approved mortgagees and of firms or individuals as authorized agents for approved mortgagees.

(e) To act for the Assistant Secretary-Federal Housing Commissioner on any administrative matter not otherwise acted upon or assigned, and exercise any redelegable authority of the Assistant Secretary-Federal Housing Commissioner on budget, organization, personnel and other administrative matters (including training, disciplinary actions, hours of duty, overtime, and awards) except as the Assistant Secretary-Federal Housing Commissioner or his Deputy may personally act or otherwise specifically assign.

17. In Subpart D, a new § 200.55a is added to read as follows:

§ 200.55a Director, Management and Administrative Services Division.

To the position of Director, Management and Administrative Services Division there is delegated the following basic functions:

(a) To be responsible to the Director, Office of Management Systems for coordinating standards and procedures; establishing and maintaining the HPMC–FHA directives and issuances system; conducting comprehensive management engineering surveys of Washington and field activities pertaining to HPMC–FHA functions; executing contracts for credit reports and issuing orders for publication of notices and advertisements in newspapers, magazines and periodicals for securing such contracts.

(b) To analyze organization structures and provide specialized assistance in the review and development of delegations of authority, functional statements and organizational charts, together with recommendations for such changes as will enhance the effectiveness, economy or efficiency of operation.

(c) To conduct liaison with the Office of Assistant Secretary for Administration in regard to reports management, forms design and management, records management, office layout, machine utilization, printing, distribution, supply, and procurement.

18. In Subpart D, a new § 200.55b is added to read as follows:

§ 200.55b Director, Budget Division.

To the position of Director, Budget Division there is delegated the following basic functions:

(a) To be responsible to the Director, Office of Management Systems for developing, directing, and controlling all budget activities relating to HPMC funds.

(b) To develop budget estimates of program levels for the FHA insurance programs, the housing subsidy programs, the low-rent public housing program, and the college housing program, and to allocate and control contract authority under the rent supplement program, the homeownership assistance program, the rental housing assistance program, the section 221(d)(3) below-market-interest-rate program, and maintain control over the special housing assistance funds under the section 106(b) program (Housing and Urban Development Act of 1968) and the section 207 Appalachia program (Appalachian Regional Development Act of 1965, as amended).

(c) To develop and submit the HPMC estimates and the budget estimates for the FHA insurance funds and provide supporting schedules and justifications to the Office of Management and Budget and to the Budget and Appropriations committees.

(d) To develop, direct and coordinate work measurement systems throughout HPMC; perform cost and employee productivity analyses; and provide staff advice on these matters to the line operating officials.

(e) To prepare and support requests for apportionments and reapportionments, as necessary, and allocate HPMC funds.

19. In Subpart D, a new § 200.55c is added to read as follows:

§ 200.55c Director, Management Information Systems Division.

To the position of Director, Management Information Systems Division there is delegated the following basic functions:

(a) To be responsible to the Director, Office of Management Systems for the development, implementation, maintenance, operation and refinement of Management Information Systems to provide operating statistics on HPMC Programs.

(b) To provide data to meet program goals and objectives of HPMC and overall objectives of the department.

(c) To allow flexible, ready retrieval of up-to-date management information placing emphasis or priority on data that are usable and relevant.

(d) To develop and maintain each system in such a manner as to provide a practical framework for monitoring and evaluating program performance.

(e) To provide program information and advisory services to HPMC and as requested to other elements of the Department and to outside, private or public organizations or individuals.

20. Section 200.55d is added to read as follows:

§ 200.55d Director, Participant Control and Supervision Division.

To the position of Director, Participant Control and Supervision Division there is delegated the following basic functions:

(a) To be responsible to the Director, Office of Management Systems for approving, with respect to the previous participation of principals, multifamily housing, nursing homes, group practice medical facilities, and land development mortgage insurance proposals, upon a determination that there is no information concerning past FHA or other HUD program experience involving the previous participation of the principals that is not clearly consistent with the acceptability of new proposals involving their participation; and in all cases in which such a determination is not made, to present such cases and relevant information concerning them to the Multifamily Participation Review Committee for determination.

(b) To act for the Assistant Secretary-Federal Housing Commissioner and the Director, Office of Management Systems, in providing advice and guidance on compliance problems and reference and referral service on compliance records, with respect to all HPMC–FHA programs except those under section 2 of Title I of the National Housing Act, including liaison with the HUD Office of Inspector General concerning requests for investigation and the reporting of the disposition of cases.

(c) To act for the Director, Office of Management Systems in the review, approval, disapproval, suspension and withdrawal of approval of financial institutions as approved mortgagees to originate insured mortgages and of firms or individuals as authorized agents of such approved mortgagees; and to establish performance standards and to maintain surveillance over the activities of such institutions as they relate to the origination of mortgagees.

21. Section 200.55e is added to read as follows:

§ 200.55e Director, Actuarial Division.

To the position of Director, Actuarial Division there is delegated the following basic functions:

(a) To be responsible to the Director, Office of Management Systems for the development, design and implementation of an actuarial system that will provide the information necessary for the evaluation of the actuarial performance of the

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mortgage insurance programs for the Assistant Secretary-Commissioner.

(b) To estimate long-run insurance costs, future financial positions and reserve requirements of the various HPMC insurance funds.

(c) To provide consultative and technical advisory services concerning the actuarial basis of the current and proposed mortgage insurance programs.

(d) To provide continuous research into the nature of mortgage credit risk needed for the management of the mortgage insurance programs on a scientific basis.

22. Section 200.56 is revised to read as follows:

§ 200.56 Director, Office of Underwriting Standards.

To the position of Director, Office of Underwriting Standards and under his general supervision to the position of Deputy Director for Underwriting Standards, there is delegated the following basic authorities and functions:

(a) To act with the Assistant Secretary-Federal Housing Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

(b) To be responsible to the Assistant Secretary-Federal Housing Commissioner for the coordination and general supervision of the Multifamily Underwriting Division, the Single Family Underwriting Division, the Architecture and Engineering Division, and the Economic and Market Analysis Division.

(c) To develop and maintain operating policies, plans, procedures, methods and techniques for the insurance of mortgages under all pertinent sections of the National Housing Act.

(d) To establish and maintain architectural and engineering standards, methods, procedures, and techniques, including minimum planning, construction and property requirements, and procedures and criteria for rating physical security; establish and maintain standards, procedures, and techniques for mortgage credit, valuation, construction cost, land planning, economic and market analysis, and selection of new materials and methods of construction; determine technical suitability of products and materials; monitor and evaluate implementation procedures, policies, and standards established by the Office of Underwriting Standards; and develop recommendations for the establishment of new or revised procedures in underwriting.

(e) To develop policies, standards, and procedures for land acquisition functions and for appraisal and real estate tax and title functions for land acquisition and disposition programs of the Department, except urban renewal.

(f) To develop proposed housing production and mortgage credit policies; to establish operating plans and guidelines; to provide technical and consultative services to other agencies with respect to housing production programs and policies; and to maintain liaison with architectural, engineering and other professional societies in the field of housing production.

(g) To act for the Commissioner in approving applications for financial assistance under section 106 of the Housing and Urban Development Act of 1968 and section 207 of the Appalachian Regional Development Act of 1965, as amended; in approving the waiver of interest on loans made to nonprofit organizations under the Appalachian Regional Development Act of 1965; and in providing technical assistance to nonprofit sponsors authorized under the 1969 Amendments to the Appalachian Regional Development Act; and to recommend to the Loan Assistance Committee approval or disapproval of the waiver of repayment in whole or in part of loans made under section 106 of the Housing and Urban Development Act of 1968 and section 207 of the Appalachian Regional Development Act of 1965, as amended.

(h) To develop proposed policies, to establish operating plans and guidelines, and to direct and monitor all activities for the Assistant Secretary-Commissioner with respect to the processing by production personnel of claims under section 518 of the National Housing Act having to do with expenditures to correct or compensate for substantial defects in mortgaged homes.

23. In Subpart D, a new § 200.56a is added to read as follows:

§ 200.56a Director, Multifamily Underwriting Division.

To the position of Director, Multifamily Underwriting Division there is delegated the following basic functions:

(a) To be responsible to the Director, Office of Underwriting Standards for planning, directing and implementing the development and maintenance of standards, techniques, criteria, and procedures relating to cost evaluation, mortgage credit, and valuation underwriting with respect to multifamily and low-rent mortgage programs.

(b) To review and evaluate multifamily housing project mortgage insurance programs and provide technical guidance and advice to builders, developers, and mortgagees and to field office personnel.

(c) To develop, maintain and interpret policies, standards, and procedures for land acquisition, appraisal, real estate tax and title functions for land acquisition and disposition programs of HUD, except urban development.

24. In Subpart D, a new § 200.56b is added to read as follows:

§ 200.56b Director, Single Family Underwriting Division.

To the position of Director, Single Family Underwriting Division there is delegated the following basic functions:

(a) To be responsible to the Director, Office of Underwriting Standards for planning, directing, and implementing the development and maintenance of standards, techniques, criteria, and procedures relating to cost evaluation, mortgage credit, land planning, and valuation underwriting with respect to all home mortgage programs.

(b) To review and evaluate home mortgage insurance programs and provide technical advice and guidance to builders, developers, and mortgagees and to field office personnel as related to housing production matters.

(c) To develop, maintain and interpret land use and environmental standards applicable to dwelling sites subject to mortgage insurance, including subdivision, planned unit developments, streets, utilities, and other common areas and facilities serving residential areas.

(d) To develop proposed policies, to establish operating plans and guidelines, and to direct and monitor all activities for the Director, Office of Underwriting Standards with respect to the processing by production personnel of claims under section 518(b) of the National Housing Act having to do with expenditures to correct or compensate for substantial defects in mortgaged homes.

25. In Subpart D, a new § 200.56c is added to read as follows:

§ 200.56c Director, Architecture and Engineering Division.

To the position of Director, Architecture and Engineering Division there is delegated the following basic functions:

(a) To be responsible to the Director, Office of Underwriting Standards for formulating and maintaining architectural and engineering standards, guidelines, methods, techniques, and criteria.

(b) To provide consultative and advisory services and to maintain liaison with architectural and engineering societies and with public and private groups interested in the advancement of housing design.

(c) To formulate policies, standards, and guidelines relative to the technical aspects of the development of low-rent public housing including site selection, project design, and project planning, and to develop policies and guidelines with reference to low-rent public housing costs.

(d) To develop proposed policies, to establish operating plans and guidelines, and to direct and monitor all activities for the Director, Office of Underwriting Standards with respect to the processing by production personnel of claims under section 518(a) of the National Housing Act having to do with the expenditures to correct or compensate for substantial defects in mortgaged homes.

(e) To evaluate and determine the technical suitability of housing products and materials under section 521 of the National Housing Act and to issue engineering and technical bulletins governing the acceptability of housing system components, and materials and methods of construction.

26. In Subpart D, a new § 200.56d is added to read as follows:

§ 200.56d Director, Economic and Market Analysis Division.

To the position of Director, Economic and Market Analysis Division there is delegated the following basic functions:

(a) To be responsible to the Director, Office of Underwriting Standards for maintaining a program of market analysis services for all elements of HPMC including related economic, income limit, and rent schedule analyses.

(b) To provide technical guidance and direction of the field market analysis function, develop techniques of market analysis, conduct training, and provide central office support for area economic and market analysis review of applications for mortgage insurance and/or subsidy assistance.

27. In Subpart D, a new § 200.57 is added to read as follows:

§ 200.57 Director, Property Improvement and Mobile Homes Division.

To the position of Director, Property Improvement and Mobile Homes Division there is delegated the following basic functions:

(a) To act for the Assistant Secretary—Federal Housing Commissioner on developing and recommending new or revised policies, standards, rules, and regulations regarding title I property improvement and mobile home loans and be a member of the Executive Board.

(b) To approve or cancel the approval of financial institutions to make title I property improvement and mobile home loans and to issue or cancel contracts of insurance with such institutions; and, on matters other than liquidation of notes, to approve or disapprove the transfer of contracts and the rights and benefits accruing thereunder, between approved financial institutions.

(c) To determine noncompliance with statutes, rules, regulations, policies, and procedures governing title I property improvement and mobile home loan operations; to direct remedial action; and to institute precautionary measures with respect to any dealer or contractor.

(d) To coordinate and provide liaison with the Office of Inspector General, HUD, concerning requests for investigations and reports of investigations of alleged noncompliance or criminal activity in connection with title I property improvement and mobile home loans; and to direct and supervise surveys of financial institutions to assure compliance with policies and terms of insurance contracts.

28. Section 200.58 is revised to read as follows:

§ 200.58 Director, Publicly Financed Housing Division.

To the position of Director, Public Financed Housing Division there is delegated the following basic functions:

(a) To act for the Assistant Secretary-Federal Housing Commissioner on developing national policies, procedures and administrative requirements and standards for the production of housing from preapplication through project completion; to acquire title or execute a leasehold interest under the low-rent public housing program and the college housing program and be a member of the Executive Board.

(b) To control the utilization of loan funds and contract authority available for the production of housing under the above programs.

(c) To monitor and evaluate field application of established policies and procedures as they apply to publicly financed housing and college housing.

§ 200.58d [Revoked]

29. Section 200.58d is revoked.

30. Section 200.59 is revised to read as follows:

§ 200.59 Director, Office of Field Support.

To the position of Director, Office of Field Support there is delegated the following basic authorities and functions:

(a) To act with the Assistant Secretary-Federal Housing Commissioner and under his direction in the determination of basic policy and be a member of the Executive Board.

(b) To administer a field performance evaluation system; establish standards for monitoring and evaluating performance; and serve as the central point for coordinating the execution of HPMC operating policies, procedures, and operations within the regions.

(c) To perform liaison with program, underwriting and administrative office directors in establishing expected activity rates, operating objectives and processing capability.

(d) To monitor volume of activity, timeliness of service and quality in relation to established production and service standards and operating objectives.

(e) To establish field performance and field review standards to be applied by regional offices to HPMC-FHA field functions.

(f) To evaluate and review regional office performance and compliance with established policies and procedures; to evaluate results of regional reviews of Area and Insuring Offices; and as necessary to evaluate the local impact and effectiveness of central office directives and regional execution; to participate with regional staffs or check independently, and selectively, Area and Insuring Office performance.

(g) To conduct liaison with the Department of Defense and other Federal agencies to establish eligibility for and utilization of mortgage insurance programs at specific impacted installations.

(h) To approve or disapprove the inadvertent noncollection or refund of fees, to extend the period within which a mortgagee or lender is required to take action in order to prevent the expiration of a multifamily housing commitment or in order to reopen an expired multifamily housing commitment, and to approve or disapprove the retroactive reinstatement or reopening of an expired multifamily housing commitment.

§§ 200.58a–200.58c, 200.59a–200.59c, 200.61, 200.61d, 200.62–200.65, 200.65b, 200.66–200.68, 200.70–200.73 [Revoked]

31. In subpart D, the sections listed above are revoked.

32. Section 209.84b is revised to read as follows:

§ 200.84b Regional Administrators, Deputies and Assistants.

To the position of Regional Administrator, and to each of them; and to the position of Deputy Regional Administrator and to each of them under the general supervision of the Regional Administrator having jurisdiction; and to the position of Assistant Regional Administrator for Housing Production and Mortgage Credit, and to each of them under the general supervision of the Regional Administrator there is delegated the basic authority and function to direct and supervise within the geographical area under his jurisdiction all activities assigned at Headquarters to the Assistant Secretary for HPMC–FHA Commissioner. Provided, however, that the issuance of feasibility letters, site appraisal and market analysis letters (SAMA), conditional commitments, or final commitments to insure projects in accordance with section 236 shall require the concurrence, indicated by signature, on the part of the Regional Administrator as to projects for which feasibility letters or conditional commitments were issued after December 15, 1972.

§§ 200.84c, 200.84e [Revoked]

33. In Subpart D, §§ 200.84c and 200.84e are revoked.

34. Section 200.85 is revised to read as follows:

§ 200.85 Executive Board.

(a) *Members.* The committee called the Executive Board is composed of the following members: Assistant Secretary-Federal Housing Commissioner, Chairman; Deputy Assistant Secretary-Deputy Federal Housing Commissioner, Vice Chairman; Executive Assistant Commissioner; Director, Office of Policy and Program Analysis and Development; Director, Office of Management Systems; Director, Office of Underwriting Standards; Director, Office of Field Support; Director, Publicly Financed Housing Division and Director, Property Improvement and Mobile Homes Division.

(b) *Functions.* The functions of the Executive Board are to consider and advise with respect to basic policy, plans and general program matters of Housing Production and Mortgage Credit and the Federal Housing Administration.

§§ 200.86, 200.87 [Revoked]

35. In Subpart D, §§ 200.86 and 200.87 are revoked.

36. Section 200.89 is revised to read as follows:

§ 200.89 Substantial Compliance Committee.

(a) *Members.* The Substantial Compliance Committee is composed of the following members: Director, Property Improvement and Mobile Homes Division, Chairman; a designee of the Director, Office of Policy and Program Analysis and Development; a designee of the

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Director, Office of Management Systems including a representative of the Office of Finance and Accounting (by agreement with the Assistant Secretary for Administration), and a representative of the Assistant Secretary for Housing Management; and such other members as the Assistant Secretary-Federal Housing Commissioner may designate.

(b) *Functions.* The functions of the Substantial Compliance Committee are to waive compliance with regulations heretofore or hereafter prescribed with respect to the interest and maturity of, and the terms, conditions, and restrictions under which loans, advances of credit, and purchases may be insured under section 2 of title I of the National Housing Act if, in the judgment of the committee, the enforcement of such regulations would impose an injustice upon an insured institution which has substantially complied with such regulations in good faith and has refunded or credited any excess charge made, and if such waiver does not involve an increase of the obligation which would have been involved if the regulations had been fully complied with.

§§ 200.90, 200.91 [Revoked]

37. In Subpart D, §§ 200.90 and 200.91 are revoked.

38. Section 200.92 is revised to read as follows:

§ 200.92 Structural Defects Committee.

(a) *Members.* The Structural Defects Committee is composed of the following members or their designees: Director, Office of Underwriting Standards, Chairman; Director, Single Family Underwriting Division; Director, Multifamily Underwriting Division; Director, Office of Field Support; Director, Office of Management Systems; including a representative of the Director, Mortgage Insurance Accounting (by agreement with the Assistant Secretary for Administration) and a representative of the Office of General Counsel and such other members as the Assistant Secretary-Federal Housing Commissioner may designate.

(b) *Functions.* The functions of the Structural Defects Committee are to take appropriate action in exceptionally difficult or questionable cases relating to expenditures to correct or compensate for structural or other defects which seriously affect the use and livability of a house financed with an insured mortgage following established guidelines pursuant to section 518 of the National Housing Act. The Committee also acts in an advisory capacity in the establishment of guidelines for the processing by production personnel of claims under section 518 of the National Housing Act.

39. Section 200.93 is revised to read as follows:

§ 200.93 Multifamily Participation Review Committee.

(a) *Members.* The Multifamily Participation Review Committee is composed of the following members: Director, Participant Control and Supervision Division, Chairman; Director, Office of Management Systems, Vice Chairman; and one designee from each of the following: Director, Office of Underwriting Standards; Director, Publicly Financed Housing Division, Director, Multifamily Underwriting Division; Director, Office of Field Support including a representative of the Assistant Secretary for Housing Management; and such other members as the Assistant Secretary-Federal Housing Commissioner shall designate. The Chairman or Vice Chairman shall preside at each meeting of the Committee.

(b) *Functions.* The functions of the Multifamily Participation Review Committee are to act for the Assistant Secretary-Federal Housing Commissioner in determining the acceptability of new multifamily proposals, taking into consideration all past FHA and HUD experience with the principals.

40. Section 200.94 is revised to read as follows:

§ 200.94 Loan Assistance Committee.

(a) *Members.* The Loan Assistance Committee is composed of the following members: Director, Office of Underwriting Standards, Chairman; Director, Office of Policy and Program Analysis and Development; and Director, Office of Management Systems, or their designees, including a representative of the Office of Finance and Accounting (by agreement with the Assistant Secretary for Administration).

(b) *Functions.* The functions of the Loan Assistance Committee are to approve or disapprove the waiver of repayment in whole or in part of loans made under section 106 of the Housing and Urban Development Act of 1968 and section 207 of the Appalachian Regional Development Act of 1965, as amended.

41. Section 200.95 is revised to read as follows:

§ 200.95 Insuring Office Directors, Deputy Directors, and Assistants to the Director.

To the position of Director in each HUD Insuring Office, and under his general supervision to the positions of Deputy Director and Assistant to the Director and to each of them there is delegated the following duties and functions:

(a) To execute regulatory agreements and to issue eligibility statements, letters of feasibility, site appraisal and market analysis letters (SAMA), and commitments for insurance and to execute insurance contracts pursuant to such commitments, including mortgage insurance certificates. Provided, however, that the issuance of feasibility letters, conditional commitments, or final commitments to insure projects in accordance with section 236 shall require the concurrence, indicated by signature, on the part of the Regional Administrator as to projects for which feasibility letters or conditional commitments were issued after December 15, 1972.

(b) To approve a change in amount, a change in term, extension of the date of commencement of construction, extension of the expiration date, or any other modification in the commitment for insurance or insurance contract.

(c) To approve or disapprove "Change Orders" during construction.

(d) To make the high cost determinations for the Federal National Mortgage Association prescribed in section 305(g) of the National Housing Act.

(e) To make contracts for mortgage assistance payments under sections 235 and interest reduction payments under section 236 of the National Housing Act and to approve change in amount, change in term, or any other modification in such contracts before the mortgage is approved.

(f) To approve permissible refunds of processing fees.

(g) To approve or disapprove for mortgage insurance, advances of mortgage money during construction and execute such instruments as may be necessary therewith.

(h) To exercise the authority of the Assistant Secretary-Federal Housing Commissioner, where required, in granting prior credit approval under the provisions of title I of the National Housing Act and regulations thereunder.

(i) To act for the Assistant Secretary-Federal Housing Commissioner in determining applicable mortgage limits for communities in the insuring office jurisdiction for all mortgage insurance programs for which the Assistant Secretary-Federal Housing Commissioner is authorized to increase basic mortgage limits provided by law where cost levels so require.

(j) To make reservations of contract authority for mortgage assistance payments under section 235 of the National Housing Act and to modify or cancel such reservations and obligations of contract authority.

(k) To approve loans under section 106 of the Housing and Urban Development Act of 1968 subject to availability of funds, and under section 207 of the Appalachian Regional Development Act of 1965, as amended, subject to the availability of funds and concurrence of the Appalachian Regional Commission and to approve waiver of interest on loans made to nonprofit organizations under the Appalachian Regional Development Act of 1965.

(l) To approve claims and to take appropriate action to contract for repairs or otherwise correct or compensate the owner in accordance with established guidelines pursuant to section 518 of the National Housing Act.

(m) To execute on behalf of the Federal Housing Administration the reimbursement agreement pursuant to § 235.12 of this chapter.

(n) To have in addition to any other authority delegated to them, the same final authority delegated to their subordinates.

42. In Subpart D, a new § 200.95a is added to read as follows:

§ 200.95a Service Office Supervisors and Service Office Underwriters.

To the position of Service Office Supervisor in each HUD Service Office and

under his general supervision to the position of Service Office Underwriter there is delegated the following basic authority and functions:

(a) To direct or perform home mortgage insurance functions up to and including the issuance of firm commitments within the geographic area under his jurisdiction.

§§ 200.96, 200.97 [Revoked]

43. In Subpart D, §§ 200.96 and 200.97 are revoked.

44. In Subpart D, a new § 200.98a is added to read as follows:

§ 200.98a Chief Underwriter and Deputy.

To the positions of Chief Underwriter and Deputy Chief Underwriter there is delegated the following duties and functions:

(a) To approve and issue feasibility letters, site appraisal and market analysis letters (SAMA), commitments for mortgage insurance and insure mortgages pursuant to mortgage insurance commitments on multifamily housing.

§ 200.99 [Revoked]

45. In subpart D, § 200.99 is revoked.

§ 200.100 [Amended]

46. In § 200.100 the words "Assistant Secretary-Commisioner" are inserted in place of the word "Commissioner."

47. In subpart D, § 200.103 is revised to read as follows:

§ 200.103 Deputy Assistant Secretary-Deputy Commissioner, Executive Assistant Commissioner, and Directors of HPMC Offices and Divisions.

To the positions designated above there is delegated the duty and function to certify that official long distance telephone calls made were necessary in the interest of the Government, pursuant to 31 U.S.C. 680a (section 4 of the Act approved May 10, 1939, 53 stat. 738).

§§ 200.104–200.108 [Revoked]

48. In subpart D, the sections listed above are revoked.

49. In subpart D, § 200.109 is revised to read as follows:

§ 200.109 Regional Administrators, Deputy Regional Administrators and Assistant Regional Administrator for Housing Production and Mortgage Credit (Region VIII, Denver).

To the position of:

(a) Regional Administrators and Deputy Regional Administrators, and to each of them, there is delegated the following duties and functions:

(1) To allocate Below Market Interest Rate funds to eligible section 221(d)(3) projects and to make reservations of contract authority and to obligate contract authority for rent supplements and for interest reduction payments under section 236 of the National Housing Act and to modify or cancel such allocations and reservations.

(2) To approve or disapprove the eligibility of nonprofit sponsors and nonprofit mortgagors.

(3) To recommend to the Director, Office of Underwriting Standards (HPMC) approval of applications for financial assistance and approval of waiver of repayment of loans made under section 207 of the Appalachian Regional Development Act of 1965, as amended.

(4) To approve or disapprove, following initial endorsement, increases in project mortgage amounts recommended or referred by HUD Area or insuring Offices.

(5) To approve or disapprove loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959 and to make contracts and execute documents in connection therewith and, with respect to project applications for mortgage insurance under section 236 of the National Housing Act, to determine feasibility under section 236, issue commitments for mortgage insurance under section 236, insure such mortgages pursuant to such commitments, including approval of insured advances during construction, and, in connection with section 202 loans to be converted to insured mortgages under section 236, to assign and deliver such mortgages to the permanent lender.

(6) To approve claims in excess of $2,000 under section 518 of the National Housing Act, to advise field offices on exceptionally complex cases referred to them, and to refer difficult or questionable cases to the Structural Defects Committee for action.

(7) To have in addition to any other authority delegated to them, the same final authority delegated to their subordinates.

(8) The duties and functions set forth in § 200.118.

(b) To the Assistant Regional Administrator for Housing Production and Mortgage Credit, Region VIII, Denver, there is delegated the duties and functions as set forth in § 200.118.

50. In Subpart D, a new § 200.112a is added to read as follows:

§ 200.112a Chief, Finance and Mortgage Credit Section (Boston Area Office).

To the position of Chief, Finance and Mortgage Credit Section (Boston Area Office) there is delegated the following basic functions:

(a) To approve financial requirements for closing and execute and approve effective date of interest reduction payment contracts for multifamily housing programs.

(b) To approve requests for approval of advances under a preliminary loan contract or under a contract for planning and land acquisition.

(c) To approve requests for approval of advances of funds and requisition of funds for non-permanently financed low-rent public housing.

(d) To approve determinations of minimum development cost for low-rent public housing.

51. In Subpart D, new paragraph (d) is added to § 200.113 to read as follows:

§ 200.113 Assistant Director for Technical Services.

* * * * *

(d) To approve and issue feasibility letters, site appraisal and market analysis letters (SAMA), commitments for mortgage insurance and insure mortgages pursuant to mortgage insurance commitments on multifamily housing.

52. In Subpart D, a new § 200.113a is added to read as follows:

§ 200.113a Chief, Real Estate and Valuation Section (Boston Area Office).

To the position of Chief, Real Estate and Valuation Section (Boston Area Office) there is delegated the following basic functions:

(a) To make reservations of rent supplement contract authority for section 236 projects.

53. In Subpart D, § 200.114 is amended by adding new paragraphs (d) and (e) to read as follows:

§ 200.114 Assistant Director for Single-Family Mortgage Insurance and Deputy.

* * * * *

(d) To execute on behalf of the Federal Housing Administration the reimbursement agreement pursuant to § 235.12 of this chapter.

(e) To approve and issue feasibility letters, or subdivision reports in lieu thereof; to approve and issue commitments for mortgage insurance upon completion; and to insure mortgages pursuant to such commitments under section 234 of the National Housing Act, in cases involving one- to four-family structures or groups of such structures.

§ 200.115 [Amended]

54. In § 200.115, at the end of paragraph (b), the words "Director, Production Division" are changed to read "Director, Operations Division."

55. In § 200.116, the section heading and the introductory text are amended and paragraph (e) is added to read as follows:

§ 200.116 Director, Operations Division; Deputy Director, Operations Division; and Assistants to the Director, Operations Division.

To the position of Director, Operations Division, in each HUD Area Office, and under his general supervision to the positions of Deputy Director, Operations Division and Assistants to the Director, Operations Division, there is delegated the following duties and functions:

* * * * *

(e) To approve and issue feasibility letters, site appraisal and market analysis letters (SAMA), commitments for mortgage insurance and insure mort-

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gages pursuant to mortgage insurance commitments on multi-family housing.

§ 200.117 Director, Housing Services and Property Management Division, and Chief, Property Operations Branch. [Revoked]

56. In Subpart D, § 200.117 is revoked.

57. In Subpart D, § 200.118 is amended by adding new paragraphs (f) and (g) to read as follows:

§ 200.118 Area Director and Deputy Area Director.

* * * * *

(f) To approve claims and to take appropriate action to contract for repairs or otherwise correct or compensate the owner in accordance with established guidelines pursuant to section 518 of the National Housing Act.

(g) To have in addition to any other authority delegated to them, the same final authority delegated to their subordinates.

§§ 200.120–200.122 [Revoked]

58. In Subpart D, §§ 200.120, 200.121, and 200.122 are revoked.

Effective date. This revision shall be come effective September 27, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit, Federal Housing Commissioner.

[FR Doc.74-22609 Filed 9-26-74;8:45 am]

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-294]

PART 340—SPECIAL ASSISTANCE FUNCTIONS PURCHASE REQUIREMENTS

Statutory Maximum Mortgage Amounts

The basic mortgage amount limitations applicable to the purchase of mortgages by the Government National Mortgage Association set forth in Clause (3) of the proviso in the first sentence of section 302(b)(1) of the National Housing Act, 12 U.S.C. 1717(b)(1), as most recently amended by Section 807 of the Housing and Community Development Act of 1974, Public Law 93-383, approved August 22, 1974, which maximum amount had theretofore been $22,000 for each family residence or dwelling unit, is now $33,000.

However, the recently enacted legislation authorizes the Secretary of Housing and Urban Development to raise the newly established $33,000 basic maximum to such higher amount not in excess of $38,000 as he may by regulation specify in any geographical area where he finds cost levels so require.

As delegate of the Secretary of Housing and Urban Development, the undersigned has found that cost levels, particularly interest rates and discount points in residential mortgage financing, in generally all geographical areas in which the Association does business require raising the newly established $33,000 basic maximum to $38,000.

The rulemaking procedures set forth in 5 U.S.C. 553, heretofore known as the Administrative Procedures Act, with respect to notice of public participation and defined effective date were not followed in connection with these amendments because prompt action is deemed necessary and because they relieve restrictions. These amendments are being made effective upon signing, September 11, 1974.

Accordingly, § 340.15 is revised to read as follows:

§ 340.15 Statutory maximum mortgage amounts.

(a) In general, the original principal obligation of mortgages purchased under the Special Assistance Functions must not exceed $33,000 for each dwelling unit, plus an additional $2,500 for each dwelling unit having four or more bedrooms. These limitations do not apply to mortgages covering property located in Alaska, Guam, or Hawaii; to mortgages insured under section 220 or title VIII of the National Housing Act; to mortgages insured under section 213 of such Act and covering property located in urban renewal areas; to mortgages insured under title X of such Act with respect to new communities approved under section 1004 thereof, or, in certain circumstances of local tax abatement, to below-market interest rate mortgages insured under section 221(d)(3) or section 236 of such Act.

(b) Pursuant to Clause (3) of the proviso in the first sentence of section 302(b)(1) of the National Housing Act, 12 U.S.C. 1717(b)(1), the $33,000 maximum set forth in Subsection (a) of this Section is hereby raised to $38,000 in all geographical areas generally in which the Association does business.

(c) The amounts set forth in this section are maximums allowed by statute and may be reduced by issuances and particular contracts of the Association.

(Sec. 302(b)(1), National Housing Act, (12 U.S.C. 1717(b)(1)); sec. 309, National Housing Act (12 U.S.C. 1723a); Bylaws of the Association, Appendix to 24 CFR 310.1)

Effective date. This amendment is effective September 11, 1974.

DANIEL P. KEARNEY,
President, Government National Mortgage Association.

[FR Doc.74-22611 Filed 9-26-74;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-367]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Illinois	Cook	McCook, village of	Sept. 24, 1974, Emergency	Apr. 5, 1974		
Do.	Will	Park Forest South, village of	do.			
Louisiana	Lafayette	Scott, town of	do.			
Maryland	Caroline	Denton, city of	do.			
Massachusetts	Berkshire	Great Barrington, town of	do.			
Michigan	Mani-tee	Arcadia, township of	do.			
Missouri	Fulton	Mokane, city of	do.			
New Jersey	Bergen	Washington, township of	do.			
Do.	Union	Westfield, town of	do.	June 21, 1974		
New York	Orange	Amity, town of	do.			
Ohio	Montgomery	Dayton, city of	do.	Mar. 15, 1974		
Pennsylvania	Northumberland	Jackson, township of	do.	June 20, 1974		
Do.	Center	Penn, township of	do.			
Texas	Bowie	Wake Village, city of	do.	Jan. 16, 1974		
Virginia	Isle of Wight	Smithfield, town of	do.	June 21, 1974		
Wisconsin	Waupaca	Marion, city of	do.	June 7, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: September 17, 1974.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.74-22298 Filed 9-26-74;8:45 am]

[Docket No. FI-368]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Florida	Marion	Ocala, city of	Sept. 19, 1974, Emergency			
Illinois	Will	New Lenox, village of	do.	May 24, 1974		
Kentucky	Kenton	Bromley, city of	do.	Feb. 1, 1974		
Minnesota	Isanti	Cambridge, city of	do.	May 17, 1974		
Do.	Nobles	Unincorporated areas	do.			
New York	Onondaga	Skaneateles, town of	do.			
Do.	Oneida	Yorkville, village of	do.	Feb. 22, 1974		
Ohio	Hamilton	Madeira, city of	do.			
Pennsylvania	Union	Kelly, township of	do.			
Do.	Westmoreland	Lower Burrell, city of	do.	June 28, 1974		
Do.	Delaware	Prospect Park, borough of	do.	July 26, 1974		
Do.	Jefferson	Sykesville, borough of	do.	Apr. 12, 1974		
Do.	Delaware	Yeadon, borough of	do.	June 28, 1974		
Tennessee	Morgan and Roane and Anderson.	Oliver Springs, town of	do.	Mar. 22, 1974		
Texas	Pecos	Fort Stockton, city of	do.	May 24, 1974		
Do.	Lamb	Littlefield, city of	do.	Feb. 1, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: September 17, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-22299 Filed 9-26-74;8:45 am]

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 270–1]

PART 180—TOLERANCES AND EXEMPTION FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Fenthion

A petition (PP 4F1472) was filed by Chemagro Division of Baychem Corp., P.O. Box 2037, Shawnee Mission, KS 66201, formerly P.O. Box 4913, Kansas City, MO 64120, in accordance with provisions of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a) proposing establishment of a tolerance for combined residues of the insecticide fenthion (*O,O*-dimethyl *O*-[3-methyl-4-(methylthio)phenyl]phosphorothioate) and its cholinesterase-inhibiting metabolites in the raw agricultural commodities meat, fat, and meat byproducts of hogs at 0.1 part per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerance is being established.

2. The proposed tolerance is adequate to cover residues in the meat, fat, and meat byproducts of hogs from the proposed use.

3. The tolerance established by this order will protect the public health.

4. Section 180.3(e)(5) and § 180.214 should be revised to include the new chemical name for fenthion, *O,O*-dimethyl *O*-[3-methyl-4-(methylthio)phenyl]phosphorothioate.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), Part 180 is amended as follows:

1. In § 180.3(e)(5), by deleting from the list of cholinesterase-inhibiting pesticides the item "*O,O*-Dimethyl *O*-[4-(methylthio) • • •" and by alphabetically inserting a new item as follows:

§ 180.3 **Tolerances for related pesticide chemicals.**

• • • • •

(e) • • •

(5) • • •

Fenthion (*O,O*-dimethyl *O*-[3-methyl-4-(methylthio)phenyl]phosphorothioate) and its cholinesterase-inhibiting metabolites.	

• • • • • •

2. In Subpart C, by revising § 180.214 in the introductory paragraph and in the paragraph "0.1 part per million in meat • • •" to read as follows:

§ 180.214 **Fenthion; tolerances for residues.**

Tolerances are established for combined residues of the insecticide fenthion (*O,O*-dimethyl *O*-[3-methyl-4-(methylthio)phenyl]phosphorothiate) and its cholinesterase-inhibiting metabolites in or on raw agricultural commodities as follows:

• • • • • •

0.1 part per million in meat, fat, and meat byproducts of cattle, hogs, and poultry.

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before October 29, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective September 27, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: September 23, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-22429 Filed 9-26-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 132]

PREFERENCE FOR U.S. FLAG AIR CARRIERS

This amendment of the Federal Procurement Regulations adds a new § 1–1.323, Preference for U.S. flag air carriers. The amendment prescribes policies and procedures for the air transportation of personnel and cargo under Government contracts between the United States and a foreign country and between foreign countries. The procedures include the use of a contract clause, as appropriate.

PART 1–1—GENERAL

The table of contents for Part 1–1 is changed by adding a new § 1–1.323, as follows:

Sec.

1–1.323	Preference for U.S. flag air carriers.
1–1.323–1	Policy.
1–1.323–2	Clause.

Subpart 1–1.3—General Policies

Subpart 1–1.3 is amended to add a new § 1–1.323, as follows:

§ 1–1.323 **Preference for U.S. flag air carriers.**

§ 1–1.323–1 **Policy.**

It is the policy of the United States that all Federal agencies, Government contractors and subcontractors use U.S. flag air carriers for international air transportation of personnel and cargo.

§ 1–1.323–2 **Clause.**

The contract clause prescribed by this section shall be included in (1) invitations for bids, (2) requests for proposals, and (3) contracts (including contracts resulting from unsolicited proposals) whenever it is possible that international air transportation of personnel and cargo will be required in the performance of the contract. The requirements of this section do not apply to small purchases made in accordance with Subpart 1–3.6.

PREFERENCE FOR U.S. FLAG AIR CARRIERS

(a) It is the policy of the United States that all Federal agencies and Government contractors and subcontractors utilize U.S. flag air carriers for international air transportation of personnel and cargo.

(b) The Contractor agrees to utilize U.S. flag air carriers to the maximum extent practicable in connection with the performance of this contract in the transportation by air of any personnel and cargo between the United States and a foreign country, or between foreign countries.

(c) The terms used in this clause have the following meanings:

(1) "International air transportation" means transportation by air of personnel and cargo from the United States to a foreign country, between two or more foreign countries, and between a foreign country and the United States.

(2) "U.S. flag air carrier" means one of a class of air carriers holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board, approved by the President, authorizing scheduled operations over specified routes between the United States and/or its territories and one or more foreign countries.

(3) The term "United States" includes the fifty States, Commonwealth of Puerto Rico, possessions of the United States and the District of Columbia.

(4) "Practicable" includes (i) satisfactory servicing of agency programs, and (ii) timely deliveries at fair and reasonable prices.

(d) The Contractor shall include the substance of this clause, including this paragraph (d) in each subcontract or purchase hereunder which may involve air transportation between the United States and a foreign country or between foreign countries.

PART 1–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 1–2.2—Solicitation of Bids

Section 1–2.201 is amended to add a new paragraph (a)(32), as follows:

§ 1–2.201 **Preparation of invitations for bids.**

• • • • • •

(a) • • •

(32) If international air transportation of personnel and cargo is possible during the performance of the contract, include the provision set forth in § 1–1.323–2.

• • • • • •

PART 1–7—CONTRACT CLAUSES

The table of contents for Part 1–7 is amended by the addition of the following new entries:

Sec.

1–7.103–26	Preference for U.S. flag air carriers.
1–7.203–22	Preference for U.S. flag air carriers.
1–7.603–15	Preference for U.S. flag air carriers.

Subpart 1–7.1—Fixed-Price Supply Contracts

Section 1–7.103 is amended to add a new § 1–7.103–26, as follows:

§ 1–7.103–26 **Preference for U.S. flag air carriers.**

Insert the clause set forth in § 1–1.323–2 under the conditions prescribed therein.

Subpart 1–7.2—Cost-Reimbursement Type Supply Contracts

Section 1–7.203 is amended to add a new § 1–7.203–22, as follows:

§ 1–7.203–22 **Preference for U.S. flag air carriers.**

Insert the clause set forth in § 1–1.323–2 under the conditions prescribed therein.

Subpart 1–7.6—Fixed-Price Construction Contracts

Section 1–7.602 is amended to add a new § 1–7.602–15, as follows:

§ 1–7.602–15 **Preference for U.S. flag air carriers.**

Insert the clause set forth in § 1–1.323–2 under the conditions prescribed therein.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective October 21, 1974, but may be observed earlier.

Dated: September 16, 1974.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.74-22446 Filed 9-26-74;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 53—GRANTS, LOANS AND LOAN GUARANTEES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND MEDICAL FACILITIES

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES, STUDENT LOANS, EDUCATIONAL IMPROVEMENT AND SCHOLARSHIPS

Revision of General Standards of Construction and Equipment for Hospital and Medical Facilities

On June 28, 1973, there was published in the FEDERAL REGISTER (38 FR 17030) a "Notice of Proposed Revision of General Standards of Construction and Equipment for Hospital and Medical Facilities." These standards are issued in accordance with section 603(b) of the Public Health Service Act, 42 U.S.C. 291c(b), and are incorporated by reference in 42 CFR 53.101(a). This notice described the changes which were proposed to be made in the "General Standards," stated the availability of copies of the proposed document, and invited public comments thereon. A total of 48 letters of comments was received as a result of the notice. On the basis of a review and consideration of these comments, the proposed document, with applicable changes, was approved by the Federal Hospital Council at its meeting of June 20, 1974, and is hereby adopted as of September 27, 1974.

The comments and the applicable changes are summarized as follows:

1. 10 letters were from various interests in the wood industry and objected to inclusion of the NFPA 101 Life Safety Code, including the requirement for sprinkling of one-story protected wood construction. They contended that NFPA discriminated against wood construction by requiring the extra expense of sprinklers, whereas sprinklers could be omitted from all but areas of special hazard in protected steel and concrete frame buildings. The letters claimed that properly protected wood construction might be as safe as protected steel and concrete structures in a fire situation, especially for one-story structures. However, since a substantial portion of patient care reimbursement is from the Medicare and Medicaid Programs, which require compliance with NFPA 101, the Department has referenced that code in these minimum requirements.

2. Thirteen letters received had comments about flame spread or smoke production requirements. Of these, 7 were complimentary and endorsed the requirements. An inadvertent omission occasioned two letters that pointed out that the explosion preventive qualities of conductive floors used in operating rooms would be compromised if such floors were required to meet smoke production limitations. Their point was accepted. Two objected to any requirement for flame or smoke ratings in view of the imperfections of present test procedures. A representative of the National Bureau of Standards objected to inclusion of optional tests and suggested that only the E 84 test for flame spread and the Smoke Density Chamber test for smoke production be allowed. One State agency objected that the revised requirements were too low.

It has become obvious that the loss of life attributable to fire in health care facilities is primarily due to smoke rather than to the flames themselves. Previous requirements as to flame spread are therefore being supplemented by smoke requirements. The minimum smoke requirements will utilize the NBS Smoke Density Chamber Test. The E 84 test will measure flame spread.

3. Four letters asked for clarification of mechanical requirements. Appropriate clarifications have been made.

4. Two letters suggested a requirement for clearance at the foot of each bed in multibed rooms so that any bed could be moved in or out without the need to move other patients. This suggestion has been incorporated in the final document.

5. Several of the States offered criticism that these requirements are not as stringent or all-inclusive as their individual regulations. The Department believes that the States should have the prerogative to add on to the Federal requirements if needed to meet local conditions and that it would be improper for the Federal Government to require all States to conform to the requirements of the most severe State regulations.

6. A few of the letters suggested a number of additional requirements. After a careful review, it was found that most of these were excellent recommendations but inappropriate for minimum requirements that would affect facilities nation-wide.

7. Other comments were primarily of an editorial nature. Where questions were noted, wording has been changed for clarification.

8. Since the document as a whole reflects minimum requirements rather than standards, it will be published under the title "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities," DHEW Publication No. (HRA) 74–4000. Requests for copies of this publication should be directed to the Division of Facilities Utilization, Health Resources Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Maryland 20852, or to the nearest Regional Office Information Center as listed in 45 CFR 5.31. It is noted that documents and standards referred to and adopted in the "Minimum Requirements" are the current editions as of the date of this notice.

As a result of the revision of the document previously incorporated by reference in 42 CFR 53.101(a), including the change of the title of the document, a number of necessary editorial amendments to Title 42 of the Code of Federal Regulations are hereby adopted as set forth below, effective on September 27, 1974.

Dated: July 29, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: September 20, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education and Welfare.

§ 53.1 [Amended]

1. Section 53.1(i)(2) of Part 53 is amended by replacing the words "General Standards" in the second sentence thereof with the words "Minimum Requirements."

2. Section 53.101(a) of Part 53 is revised to read as follows:

§ 53.101 **General.**

(a) Plans and specifications for each project submitted to the Secretary shall

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be prepared in accordance with "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities" (DHEW Publication No. (HRA) 74-4000), which is hereby incorporated by reference and deemed published herein. Said document will be provided to all applicants for assistance under this part, and is available to any interested person, whether or not affected by the provisions of this part, upon request to the Division of Facilities Utilization,[1] Health Resources Administration, Department of Health, Education, and Welfare, or to the Department's Regional Offices as listed in 45 CFR 5.31. The Secretary may approve plans and specifications which contain deviations from the requirements prescribed if he is satisfied that the purposes of such requirements have been fulfilled.

. . . . .

§ 53.125 [Amended]

3. Section 53.125 of Part 53 is amended by replacing the words "General Standards" in the second sentence thereof with the words "Minimum Requirements."

4. Appendix A to Subpart B of Part 57 is amended by replacing the words "'General Standards of Construction and Equipment for Hospital and Medical Facilities' (PHS No. 930-A-7)" in the fourth sentence of the first paragraph thereof with the words "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities' (DHEW Publication No. (HRA) 74-4000)."

NOTE: The incorporation by reference provision in this document was approved by the Director of the Federal Register on June 27, 1974.

[FR Doc.74-22473 Filed 9-26-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1198]

PART 1033—CAR SERVICE

The Baltimore and Ohio Railroad Co. and Louisville and Nashville Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C. on the 23rd day of September, 1974.

It appearing, that the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees (PC) is unable to operate over its line from Bicknell, Indiana to Vincennes, Indiana because of unsafe bridge conditions; that The Baltimore and Ohio Railroad Company (B&O) and the Louisville and Nashville Railroad Company (L&N) have agreed to serve patrons affected by the inability of the (PC) to provide service; that the (B&O) will operate its crews over that portion of the (PC's) Vincennes secondary tracks between milepost 116.4 and milepost 116.9 and the (L&N) will operate its crews over that portion of the (PC's) Vincennes secondary tracks between mileposts 117.3 and the milepost 118.26; that such use of the aforementioned tracks of the (PC) by the (B&O) and (L&N) is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1198 Service Order No. 1198.

(a) *The Baltimore and Ohio Railroad Company and Louisville and Nashville Railroad Company, authorized to operate over tracks of Penn Central Transportation Company, (Robert W. Blanchette, Richard C. Bond, and John H. McArthur trustees).* The Baltimore and Ohio Railroad Company (B&O) and the Louisville and Nashville Railroad Company (L&N) be, and are hereby, authorized to operate over tracks of the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees (PC) in Vincennes, Indiana. The (B&O) will operate its crews over that portion of the (PC's) secondary tracks between milepost 116.4 and milepost 116.9, and the (L&N) will operate its crews over that portion of the (PC's) secondary tracks between milepost 117.3 and milepost 118.26.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as the operations by the B&O and L&N over tracks of the PC is deemed to be due to the PC's disability, the rates applicable to traffic moved by the B&O and L&N over the tracks of the PC shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., September 24, 1974.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 P.M., March 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17 (2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, that copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-22524 Filed 9-26-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds; Correction

Open seasons and daily bag and possession limits for certain migratory game birds for the 1974-75 hunting season were published in the FEDERAL REGISTER of September 3, 1974 (39 FR 31883; FR Document 74-20064). Based on recent information received from the Tennessee Game and Fish Commission, a typographical error is corrected as follows:

On page 31883, in § 20.104, in the table for the Mississippi Flyway, the season dates for Rails (Sora and Virginia) in Tennessee are amended to read: "Nov. 20 to Dec. 1; Dec. 11 to Jan 17."

Effective date: September 28, 1974.

(40 Stat 755; 16 U.S.C. 703 et seq.)

[SEAL] DOUGLAS P. WHEELER, *Deputy Assistant Secretary for Fish and Wildlife and Parks.*

SEPTEMBER 24, 1975.

[FR Doc.74-22523 Filed 9-26-74;8:45 am]

[1] The Division of Facilities Utilization also maintains an official historic file of DHEW Publication No. (HRA) 74-4000.

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

United States Customs Service

[19 CFR Part 111]

CUSTOMHOUSE BROKERS

License Revocation and Suspension Hearings

Notice is hereby given that pursuant to authority contained in R.S. 251, as amended (19 U.S.C. 66) and sections 624, 641, 46 Stat. 759, as amended (19 U.S.C. 1624, 1641), it is proposed to amend Part 111 of the Customs regulations (19 CFR Part 111) to provide for the appointment, as presiding Customs officer at a customhouse broker's license suspension or revocation hearing, of a Customs officer from a Customs district other than the district for which the license was issued.

Presently, § 111.67(a) of the Customs regulations provides that the district director of Customs of the district for which the customhouse broker's license was issued will preside at a hearing to suspend or revoke that license. Pursuant to other provisions of Part 111 of the regulations, the district director also initiates and reviews the investigation of the charges prompting the proposed suspension or revocation of the license and, based on the record of the hearing, forwards to the Assistant Secretary of the Treasury his recommendation with respect to the suspension or revocation. The United States Customs Service has determined that the best interests of the Government and the public would be served if the hearing relative to the suspension or revocation of a customhouse broker's license were held before a Customs officer other than the district director of the district for which the license was issued or a Customs officer under that district director's control.

It is also necessary to amend § 111.54 of the Customs regulations to change the phrase "chief officer of the Customs" as used with reference to section 641(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1641(b)), to "appropriate officer of the Customs" in order to conform the language of the regulations with a similar amendment to the language of 19 U.S.C. 1641(b) made in 1970.

Accordingly, it is proposed to amend §§ 111.54, 111.65 through 111.69, and 111.76 of the Customs regulations (19 CFR 111.54, 111.65-69, 111.76), in the following manner:

1. It is proposed to amend § 111.54 to read as follows:

§ 111.54 Appropriate officer of the Customs.

Unless otherwise indicated in this part, the district director shall be the appropriate officer of the Customs within the scope of section 641(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1641 (b)). In the case of sickness or absence of the district director, the assistant district director designated by the district director shall be the appropriate officer of the Customs. If the office of district director is vacant or the district director is unable to designate an assistant district director as appropriate officer of the Customs, the Commissioner shall designate one of the assistant district directors to be the appropriate officer of the Customs.

2. It is proposed to amend §§ 111.65 and 111.66 to read as follows:

§ 111.65 Extension of time for hearing.

If the broker or his attorney requests in writing a delay in the hearing on the ground that additional time is necessary to prepare a defense, the hearing officer designated pursuant to § 111.67 (a) may reschedule the hearing, notifying the broker or his attorney in writing of the extension and the new time for which the hearing has been scheduled.

§ 111.66 Failure to appear.

When an accused broker or his attorney fails to appear for a scheduled hearing, the hearing officer designated pursuant to § 111.67 (a) shall proceed with the hearing as scheduled, and shall hear evidence submitted on behalf of the Government. The regulations of this part shall apply as though the broker were present, and the Secretary of the Treasury may issue an order of suspension or revocation if he finds it to be in order.

3. It is proposed to amend paragraphs (a), (c), and (d) of § 111.67 to read as follows:

§ 111.67 Hearing.

(a) *Government representatives.* The Commissioner shall designate as hearing officer an appropriate officer of the Customs other than a Customs officer of the district for which the license was issued. The hearing officer shall provide a competent reporter to make a record of the hearing. The Commissioner shall designate one or more persons to represent the Government at the hearing. The hearing officer may designate one or more persons to assist in the proceedings.

. . . . .

(c) *Interrogatories.* Upon the written request of either party, the hearing officer may permit deposition upon oral or written interrogatories to be taken before any officer duly authorized to administer oaths for general purposes or in Customs matters. The other party to the hearing shall be given a reasonable time in which to prepare cross-interrogatories and, if the deposition is oral, shall be permitted to cross-examine the witness. The deposition shall become part of the hearing record.

(d) *Transcript of record.* When the record of the hearing has been transcribed by the reporter, the hearing officer shall deliver a copy to the broker and the Government's representative without charge.

4. It is proposed to amend §§ 111.68 and 111.69 to read as follows:

§ 111.68 Proposed findings and conclusions.

The hearing officer shall allow the parties a reasonable period of time after delivery of the transcript of record in which to submit proposed findings and conclusions and supporting reasons therefor as contemplated by 5 U.S.C. 557(c).

§ 111.69 Recommended decision by hearing officer.

After review of the proposed findings and conclusions submitted by the parties pursuant to § 111.68, the hearing officer shall make his recommended decision in the case and certify the entire record to the Secretary of the Treasury. The hearing officer's recommended decision shall conform with the requirements of 5 U.S.C. 557.

5. It is proposed to amend § 111.76 to read as follows:

§ 111.76 Reopening the case.

(a) *Grounds for reopening.* Any person whose license has been suspended or revoked may make written application in duplicate to the hearing officer to have the order of suspension or revocation set aside or modified upon the ground of newly discovered evidence or that important evidence is now available which could not be produced at the original hearing by the exercise of due diligence. The application must set forth specifically the precise character of the evidence to be relied upon and shall state the reasons why the applicant was unable to produce it when the original charges were heard.

(b) *Procedure.* The hearing officer shall forward the application with his recommendation to the Secretary of the Treasury. The Secretary may grant or deny the application for reopening of the case and may order the taking of additional testimony before the hearing officer. The hearing officer shall notify the applicant of the Secretary's decision. If the Secretary grants the application and

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orders a hearing, the hearing officer shall set a time and place for such hearing and give due notice thereof to the applicant. The procedure governing the additional hearing and recommended decision of the hearing officer shall be the same as that governing the original proceeding.

Prior to the adoption of the above amendments consideration will be given to all relevant data, views, or arguments pertaining to the proposed amendments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such submissions, they must be received not later than October 29, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8 (b) of the Customs regulations (19 CFR 103.8 (b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: September 18, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.74-22540 Filed 9-26-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 102, 106]

GRAIN AND DRY BEAN WAREHOUSES

Proposed Increase in Bond and Net Asset Requirements

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Agricultural Marketing Service, pursuant to the authority conferred by section 28 of the U.S. Warehouse Act (7 U.S.C. 268) is considering amending warehouse regulations appearing in Parts 102 and 106 of Subchapter E of Chapter I in Title 7 of the Code of Federal Regulations to increase the bond and net asset requirements for licensing under the Act.

Losses to depositors in warehouses licensed under the United States Warehouse Act have been negligible and the integrity and acceptance of warehouse receipts issued for grain and dry beans stored in such warehouses has been largely unchallenged. The proposed increases in bond and net asset requirements are based on recent market developments, and are designed to minimize the risk of future losses. The increased bond and net asset requirements, along with continuation of a program of unannounced inspection of warehouses, should insure continued integrity and acceptance of the Federal warehouse receipt and provide protection to depositors.

The regulations would be amended in the following respect:

1. Paragraph (a) of § 102.6 (Net Assets (Grain)) be amended to delete "15 cents per bushel for the maximum number of bushels of grain that his warehouse could accommodate • • •" and to substitute "20 cents per bushel for the maximum number of bushels of grain that his warehouse could accommodate • • •"

2. Paragraph (a) of § 102.14 (Amount of Bond (Grain)) be amended to delete "a rate of 15 cents per bushel for the first 1,000,000 bushels of licensed capacity; 10 cents for the next 1,000,000 bushels of licensed capacity; and 5 cents per bushel for all licensed capacity over 2,000,000 bushels: *Provided*, That in any case the amount of bond shall not be less than $5,000 nor more than $500,000, except as provided in paragraph (c) of this section," and to substitute "a rate of 20 cents per bushel for the first 1,000,000 bushels of licensed capacity; 15 cents per bushel for the next 1,000,000 bushels of licensed capacity; and 10 cents per bushel for all licensed capacity over 2,000,000 bushels: *Provided*, That in any case the amount of bond shall not be less than $20,000 nor more than $500,000, except as provided in paragraph (c) of this section."

3. Section 106.5 (Net Assets Required (Dry Beans) be amended to delete "at least 22 cents per hundredweight for the maximum number of hundredweight that the warehouse will accommodate • • •" and to substitute "at least 40 cents per hundredweight for the maximum number of hundredweight that the warehouse will accommodate • • •"

4. Section 106.12 (Basis of Amount of Bond (Dry Beans) be amended to delete "the rate of 33 cents per hundredweight for the maximum number of hundredweight that the warehouse will accommodate, • • • but not less than $5,000 nor more than $200,000" and to substitute "the rate of 40 cents per hundredweight for the maximum number of hundredweight that the warehouse will accommodate, • • • but not less than $20,000 nor more than $200,000."

The following statement of considerations explains further the need for the proposed changes:

Events in the past 2 years have increased the financial risk involved in the operation of grain and dry bean warehouses. Whenever the financial condition of a warehouseman is threatened, there is increased risk that he may not be able to fulfill his obligation to depositors.

Grain and dry bean prices have more than doubled in this period. Such price increases swell the dollar amounts of any losses sustained by a warehouseman through spoilage, insect infestation, and natural shrinkage.

Other market conditions also increase storage risk. Uncertain transportation can prevent movement of threatened commodities out of a warehouse in time to prevent further deterioration. Uncertain fuel supply can impair a warehouseman's ability to dry high moisture commodities to storable moisture levels. Storage of high moisture commodities requires extra attention and expense, and increases the possibility of extensive spoilage.

Most warehousemen engage in other lines of business that require substantial amounts of capital. The merchandising operations carried on by warehousemen involve an increasing use of purchase and sales contracts. High interest rates and problems in the contracting area can materially affect a warehouseman's financial position.

Rapidly increasing costs of building, equipment and labor, insurance, along with expenditures for environmental and safety compliance, exert further pressure on the financial well-being of warehousemen.

In order to meet these demands a warehouseman must operate from a sound financial base. When this base is weak or jeopardized, depositors must be assured that they still have financial protection. The formula used to compute net asset and bond requirements provides for more bond protection where there are minimal net assets, and less bond where the net assets are deemed adequate. The modest increases in net asset requirements, in the rate for fixing the amount of bond, and in the minimum bond requirements, are justified in order to maintain the acceptability and integrity of the Federal warehouse receipt; to protect depositors' interests in commodities stored in licensed warehouses; and to continue a sound system of warehouses for storage of agricultural commodities.

All persons who desire to submit written data, views, or arguments on this proposal should file them in triplicate with the Hearing Clerk, U.S. Department of Agriculture, 14th and Independence Avenue, S.W., Washington, D.C. 20250, not later than October 29, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., September 23, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74-22472 Filed 9-26-74;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 657]

[Administrative Order 634]

INDUSTRY COMMITTEE FOR TOBACCO PRODUCTS INDUSTRY IN PUERTO RICO

Hearing Dates, Correction

In F.R. Doc. 74-19808 appearing at page 30941 of the issue of Tuesday, August 27, 1974, the executive session and public hearing date for Committee No. 121 was incorrectly shown as November 3, 1974. The correct date is Wednesday, November 13, 1974.

Signed at Washington, D.C., this 23rd day of September 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74-22481 Filed 9-26-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

[49 CFR Chapter VI]

CHARTER BUS OPERATIONS

Advance Notice of Proposed Rulemaking

Section 813 of the Housing and Community Development Act of 1974 (P.L. 93-383) provides that no Federal financial assistance for the purchase of buses may be provided under (1) the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq.); (2) subsection (a) or (c) of section 142, title 23, United States Code; or (3) paragraph (4) of subsection (e) of section 103, title 23, United States Code, unless the recipient of such assistance shall as a condition of such assistance enter into an agreement with the Secretary of Transportation. This agreement must provide that any public body which is the recipient of such assistance, or any operator of mass transportation for such public body, will not engage in charter bus operations outside the urban area within which it provides regularly scheduled mass transportation service except as authorized in the agreement. Such agreements shall provide for fair and equitable arrangements, appropriate in the judgment of the Secretary, to assure that the financial assistance granted under the named statutes will not enable public bodies and operators for public bodies to foreclose private operators from the intercity charter bus industry where such private operators are willing and able to provide such service. The Urban Mass Transportation Administration is considering formulating Regulations to enforce and execute these statutory requirements.

This advance notice of proposed rulemaking is being issued to invite public participation in the identification and selection of a course or alternate courses of action in the development and issuance of guidelines, standards, regulations, and procedures for the implementation of section 813 of the Housing and Community Development Act of 1974. On Thursday, October 3, 1974, at 10 a.m. in Room 10234, Department of Transportation Building, 400 Seventh Street SW., Washington, D.C., a meeting will be held to discuss these subjects. All interested persons are invited to attend this meeting to submit their views and suggestions. If it is determined to be in the public interest to proceed further after consideration of the facts and comments adduced at this meeting, a notice of proposed rulemaking will be issued.

All inquiries may be addressed to: Urban Mass Transportation Administration, Office of the Chief Counsel, Room 9320, 400 Seventh Street SW, Washington, D.C. 20590 (Telephone: (202) 426-1906).

This advance notice of proposed rulemaking is issued under the authority of 49 CFR 1.45, 1.50.

Issued in Washington, D.C. on September 24, 1974.

FRANK C. HERRINGER,
Urban Mass Transportation Administrator.

[FR Doc.74-22535 Filed 9-26-74;8:45 am]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Parts 331, 351]

CONTRACT COVERAGE AND BASIC REQUIREMENTS

Miscellaneous Amendments

Public Law 91-379 requires that Cost Accounting Standards must be used in all negotiated prime contract and subcontract national defense procurements with the United States in excess of $100,000, with certain stated exceptions. The Board refers to such contracts from time to time as "covered contracts". Section 719(h)(2) of that law authorizes the Cost Accounting Standards Board to prescribe rules exempting from its requirements such classes or categories of national defense contractors and subcontractors as it determines, on the basis of the size of the contracts involved or otherwise, are appropriate and consistent with the purposes sought to be achieved by Pub. L. 91-379. The Board has granted several exemptions to classes or categories of contractors and subcontractors and also has established a procedure under which waiver of the Board's requirements may be granted for individual contracts.

From time to time proposals have been made to the Board to grant exemptions, (1) to contractors which have a relatively small dollar volume of covered contracts, (2) to contractors whose sales under such contracts represent a relatively small percentage of their total sales, or (3) by increasing the minimum size of contract awards which require compliance with Standards.

Acting pursuant to section 719(h)(2), the Board recently requested contractors to submit sales data showing the dollar volume of sales under covered contracts and total sales for all contractor organizations which had at least one covered contract. The sales data were to be reported for the contractor's most recent fiscal year. The Board received responses from 645 companies reporting sales for 1538 different profit centers, divisions, subsidiaries, departments and similar organizational units under the control of the parent company. Responses were made by only about 35 percent of those companies which were specifically requested, in two separate mailings, to provide sales data.

The Board has also considered statistics relating to the size of prime contracts awarded by the Department of Defense (DOD) and the number of prime contractors involved at various levels of contract amounts. DOD has reported that in fiscal year 1793, 2,760 contractors received negotiated prime contracts of the type subject to Standards in a total amount of about $22 billion. Comparable statistics relating to subcontract awards are not readily available. Also, while procurement award statistics have not been obtained for other agencies making national defense procurements, it is unlikely that such statistics would materially change the picture presented by the statistics reported by DOD.

The Board has studied the information which was before it relating to sales by contractors under contracts subject to Board requirements and to the number and dollar volume of prime contracts awarded by the DOD. The Board has concluded that it would be appropriate to increase the minimum size of contract awards subject to Standards. This approach has the advantages of simplifying administration by Government agencies, avoiding the possible complications that could arise through any need for Government verification of commercial sales data, and allowing the exclusion of a large number of contractors from Standards, including most particularly smaller contractors, while exempting only a relatively small percentage of total contract dollars.

The Board is proposing therefore that the minimum contract amount requiring compliance with Cost Accounting Standards Board rules, regulations, and Standards be increased from $100,000 to $500,000. The Board's proposal provides that after January 1, 1975, contractors would become subject to Standards upon receipt of a covered prime contract or subcontract in excess of $500,000. Following receipt of such an award, a contractor then would be required to comply with Standards on all subsequently awarded prime contracts and subcontracts of the kind subject to Board requirements and exceeding $100,000, unless otherwise exempt.

It should be noted that the CAS Clause as originally published and this proposed amendment to it, refer to "contractors". The Board's contract requirements have been applied to business units, such as a profit center, division, subsidiary, department, or similar unit of a company, which were to perform the contract, regardless of whether or not the contract in question was entered into on behalf of the overall company rather than that business unit. Thus, under the Board's proposal here, receipt of a contract in excess of $500,000 by one business unit of a multi-unit company would subject that business unit to the Board's requirements, but that fact would not in itself require other units of the same company to follow those requirements.

DOD statistics show that based on the Board's proposal about 750 contractors received contracts that would be covered, totaling an estimated $20 billion. Thus it can be seen that by exempting only 10 percent of the total annual DOD awards, the Board can exempt about 70 percent of the contractors receiving such awards.

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Contractors who have not received a covered contract in excess of $500,000 may nevertheless elect to comply with Cost Accounting Standards on prime contracts and subcontracts of the kind subject to Board requirements and exceeding $100,000 and received after the effective date of the threshold. Accordingly, the proposed amendment to the Cost Accounting Standards Board rules provides for such an election by a contractor. Contractors will be required to make their election known at the time of the award of the first such contract after January 1, 1975. An election at that time to comply with Standards by an otherwise exempt contractor would make adherence to Cost Accounting Standards Board rules, regulations and Standards mandatory on all covered contracts.

The Board would intend if it eventually adopts the proposal here published for comment, to continue to study and investigate whether further exemption would be appropriate and consistent with the purposes of Pub. L. 91-379.

The Cost Accounting Standards Board solicits comments on the proposed amendment to its Contract Coverage and Basic Requirements. Interested persons should submit their comments to the Cost Accounting Standards Board, 441 G Street, N.W., Washington, D.C. 20548. To be given consideration by the Board in its deliberations relative to this proposal, written submissions must arrive no later than November 25, 1974.

All written submissions made pursuant to this notice will be made available to the public for inspection at the Board's offices during regular business hours.

(Sec. 103, 84 Stat. 796 (50 U.S.C. App. 2168))

In the material below designed to show the effect of the proposed amendments, language proposed to be added is italicized. Following are the proposed modifications:

§ 331.30 [Amended]

1. Amend paragraph (a) of § 331.30 *Applicability, exemption, and waiver*, by adding after the words, "in excess of $100,000", the following, "except as provided in paragraph (b) of this section,".

This amendment would have the following effect:

(a) The head of each relevant Federal agency shall cause or require the clause set forth in § 331.50, captioned "Cost accounting standards", to be inserted in all negotiated defense contracts in excess of $100,000, *except as provided in paragraph (b) of this section*, other than contracts entered into by the agency where the price is based on: (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation. Additionally, all solicitations, likely to result in a contract in which the clause set forth in § 331.50 must be inserted, shall include the notice set forth in § 331.40 captioned "Disclosure statement—cost accounting practices and certification."

2. Amend the same § 331.30 by adding to paragraph (b) thereof the following new subparagraph (8):

(8) Any contract or subcontract of $500,000 or less, unless it is awarded to a contractor who, on the date of such award, (i) has already received a contract or subcontract in excess of $500,000 and (ii) has not received final payment on that contract or subcontract and on all other contracts or subcontracts awarded after January 1, 1975, which were subject to the Cost Accounting Standards Clause. For purposes of this paragraph (b)(8), an intra-corporate transfer shall be considered to be a subcontract. Notwithstanding this exemption, any contractor entitled to an exemption under this paragraph (b)(8) may elect to comply with the Cost Accounting Standards Clause. The contractor may elect to comply in connection with the receipt of its first contract or subcontract awarded after January 1, 1975, which but for this subparagraph (8) would be subject to the Clause. A contractor who does not elect to comply with the Clause in connection with the receipt of the first contract or subcontract, may thereafter make such an election only if it receives a contract or subcontract of the type described, at a time when it has no other contract or subcontract of that type on which final payment has not been made.

3. Amend § 331.40 *Solicitation notice*, by adding after the words in the first sentence, "law or regulation", the following, "and except for contracts which may be exempt under the provisions of 4 CFR 331.30(b),"

This amendment would have the following effect:

§ 331.40 Solicitation notice.

DISCLOSURE STATEMENT—COST ACCOUNTING PRACTICES AND CERTIFICATION

(a) Any contract in excess of $100,000 resulting from this solicitation, except contracts where the price negotiated is based on: (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation, *and except for contracts which may be exempt under the provisions of 4 CFR 331.30(b)*, will be subject to the requirements of the Cost Accounting Standards Board. Any offeror submitting a proposal which, if accepted, will result in a contract subject to the requirements of the Cost Accounting Standards Board must, as a condition of contracting, submit a Disclosure Statement as required by regulations of the Board. The Disclosure Statement must be submitted as a part of the offeror's proposal under this solicitation unless, in compliance with agency procedures, the offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal, or unless post-award submission has been authorized by the Contracting Officer in accordance with regulations of the Cost Accounting Standards Board (see 4 CFR 331.60). If an applicable Disclosure Statement has already been submitted, the offeror may satisfy the requirement for submission by providing the following information: [1]

[1] (The agency issuing the solicitation should specify the data which it will accept if any in lieu of resubmission of a Disclosure Statement already submitted.)

CERTIFICATION (APPLICABLE ONLY TO PROPOSALS RESULTING IN CONTRACTS SUBJECT TO COST ACCOUNTING STANDARDS BOARD REQUIREMENTS)

By submission of this offer, the offeror certifies that his practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the applicable Disclosure Statement.

4. Amend § 331.50 *Contract clause*, by adding after "law or regulation" in subsection (d)(ii), the following: ", and except that the requirement shall not apply to negotiated subcontracts otherwise exempt from the requirement to accept the Cost Accounting Standards Clause by reason of § 331.30(b) of Title 4, Code of Federal Regulations (4 CFR 331.30(b))."

This amendment would have the following effect:

§ 331.50 Contract clause.

• • • • •

(d) The contractor shall include in all negotiated subcontracts which he enters into the substance of this clause except paragraph (b) of this section, and shall require such inclusion in all other subcontracts of any tier, except that this requirement shall apply only to negotiated subcontracts in excess of $100,000 where the price negotiated is not based on:

(i) Established catalog or market prices of commercial items sold in substantial quantities to the general public, or

(ii) Prices set by law or regulation, *and except that the requirement shall not apply to negotiated subcontracts otherwise exempt from the requirement to accept the Cost Accounting Standards Clause by reason of § 331.30(b) of Title 4, Code of Federal Regulations (4 CFR 331.30(b))*.

• • • • •

5. Amend § 351.40 *Filing requirement*, by inserting in the first sentence of paragraph (a) after the figures "$100,000", the following, "except as provided in § 331.30(b) of this chapter," and by inserting in the second sentence of paragraph (a) after the figures, "$100,000", the following, "except as provided in §331.30(b) of this Chapter,".

This amendment would have the following effect:

§ 351.40 Filing requirement.

(a) The requirements of this part are applicable to all defense contractors who enter into negotiated national defense contracts with the United States in excess of $100,000, *except as provided in § 331.30(b) of this chapter*, other than contracts where the price negotiated is based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation. A separate Disclosure Statement must be submitted covering the practices of each of the contractor's profit centers, divisions, or similar organizational units whose costs included in the total price of any contract exceed $100,000, *except as provided in § 331.30(b) of this Chapter*, except where such costs are based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public or (ii) prices set by law or regulation. If the cost accounting practices under contracts are identical for more than one organizational unit, then only one Statement need be submitted for those units, but each such organizational unit must be identified. A Disclosure Statement will also be required for each Corporate or Group Office whose costs are allocated to one or more corporate segments performing contracts covered by Pub. L. 91-379.

• • • • •

6. Amend § 351.130 *Instructions and information*, by adding to paragraph (a) of the Instructions set forth in this section at the end of the third sentence thereof, the following, "or contracts exempt under the provisions of 4 CFR 331.30(b)", and by adding to the fourth sentence of paragraph (a) of the Instructions set forth in this section the words, "or contracts exempt under the provisions of 4 CFR 331.30(b)," at the end thereof.

This amendment would have the following effect:

§ 351.130 Instructions and information.

The following instructions and information shall be used by persons completing Disclosure Statements.

INSTRUCTIONS AND INFORMATION

(a) This Disclosure Statement has been designed to meet the requirements of Public Law 91-379, and persons completing it are to describe their contract cost accounting practices. For timing of requirement to file a Disclosure Statement, see § 351.40. A statement must be submitted by all defense contractors who enter into negotiated national defense contracts with the United States in excess of $100,000 other than contracts where the price negotiated is based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation, *or contracts exempt under the provisions of 4 CFR 331.30(b)*. A separate Disclosure Statement must be submitted covering the practices of each of the contractor's profit centers, divisions, or similar organizational units, whose costs included in the total price of any contract exceed $100,000, except where such costs are based on (1) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (2) prices set by law or regulation, *or contracts exempt under the provisions of 4 CFR 331.30(b)*. If the cost accounting practices under contracts are identical for more than one organizational unit, then only one statement need be submitted for those units, but each such organizational unit must be identified. A Disclosure Statement will also be required for each corporate or group office when costs are allocated to one or more corporate segments performing contracts covered by Public Law 91-379, but only Part VIII of the statement need be completed.

NOTE: Forms CASB-DS-1 and CASB-DS-2, referred to in 4 CFR, sections 351.140 and 351.145, respectively, when revised, will be modified in accordance with the modifications to 4 CFR 351.130.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.74-22584 Filed 9-26-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 269-2]

ARIZONA

Proposed Approval of Air Quality Compliance Schedule

On May 31, 1972 (37 FR 10842) and July 27, 1972 (37 FR 15080), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of the Arizona Plan for the implementation of ambient air quality standards. On July 30, 1974, after notice and public hearing, the Director of the Arizona Department of Health Services submitted to the EPA pursuant to 40 CFR 51.6 a compliance schedule for the Flintkote Company, Nelson, Arizona.

It has been determined that the compliance schedule satisfies the requirements of 40 CFR Part 51 and is consistent with the approved control strategy, and it is proposed to be approved. The schedule sets a new date by which the source must comply with the emission limitation specified in the applicable regulations. This date is indicated in the table below, under the heading "Final Compliance Date."

A copy of the complete implementation plan, including this proposed schedule is available for public inspection at the addresses listed below:

Environmental Protection Agency, Region IX
100 California Street
San Francisco CA 94111

Arizona Department of Health Services
State Health Building
1740 West Adams Street
Phoenix AZ 85007

The public is encouraged to submit written comments upon the proposed compliance schedule revision. Comments will be accepted on or before October 29, 1974. Comments should be addressed to:

Director, Enforcement Division
Environmental Protection Agency, Region IX
100 California Street
San Francisco CA 94111

Dated: September 18, 1974.

R. L. O'CONNELL,
Acting Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart D—Arizona

1. Section 52.134(c) is amended by adding the following schedule to the table:

§ 52.134 Compliance schedules.

• • • • •

(c) • • •

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Flintkote Co.	Nelson	7-1-3.1, 7-1-3.2, and 7-1-3.6.	Apr. 26, 1974	Immediately	Feb. 28, 1975

[FR Doc.74-22427 Filed 9-26-74;8:45 am]

[40 CFR Part 52]

[FRL 271-5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Amendments to Parking Management Regulations; New Public Hearing Date for Fairbanks, Alaska

Notice is hereby issued that the date of the public hearing to be held in Fairbanks, Alaska, published in the September 23, 1974 FEDERAL REGISTER (39 FR 34070), has been changed from October 31, 1974 to October 25, 1974.

As previously announced, the purpose of the hearing is to solicit public comment on the proposed revisions to the parking management regulations (40 CFR 52.86) of the Fairbanks Transportation Control Plan (39 FR 30440).

The location for the hearing, Hunter Elementary School Gymnasium at 16th and Gilliam Way in Fairbanks, Alaska, remains unchanged.

Dated: September 25, 1974.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management Environmental Protection Agency.

[FR Doc.74-22603 Filed 9-26-74;8:45 am]

[40 CFR Part 55]

[FRL 271-1]

COMPLIANCE SCHEDULE REQUIREMENTS FOR FUEL-BURNING SOURCES ELIGIBLE FOR A COMPLIANCE DATE EXTENSION

Cancellation of Public Hearing

On August 29, 1974, at 39 FR 31548, the Assistant Administrator for Enforcement and General Counsel gave notice of a public hearing, pursuant to section 119(c)(2)(D)(4) of the Clean Air Act, as amended (June 22, 1974), to be held at 9 a.m., September 30, 1974, concerning proposed regulations designed to implement the new compliance date extension provisions of the Clean Air Act (42 U.S.C. 1857, et seq.). Those persons wishing to

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make an oral presentation of data, views, and arguments were asked to notify the Chairman of the Hearing Panel of their intent to do so no later than September 23, 1974. No person expressed an intent to make such a presentation by that date. Therefore, the Agency has determined that a hearing would be unwarranted and the hearing is hereby cancelled.

If there are individuals who wish to have an opportunity to make an oral presentation of data, views, and arguments before October 10, 1974, they are encouraged to communicate this interest immediately to Richard D. Wilson, Division of Stationary Source Enforcement (EG–341), Environmental Protection Agency, Room 3202, 401 M Street S.W., Washington, D.C. 20460. Interested persons are also encouraged to submit written comments on the proposed regulations. These regulations and specific information regarding the submittal of writen comments, appear at 39 FR 32624 (September 10, 1974), as 40 CFR Part 55.

Dated: September 24, 1974.

ALAN G. KIRK,
Assistant Administrator for Enforcement and General Counsel

[FR Doc.74–22542 Filed 9–26–74;8:45 am]

[40 CFR Part 180]

[FRL 269–3]

ETHEPHON

Proposed Tolerance

Amchem Products, Inc., Ambler, PA 19002, submitted a petition (PP 4E1440) proposing establishment of a tolerance for negligible residues of the plant regulator ethephon ((2-chloroethyl) phosphonic acid) in or on the imported raw agricultural commodity coffee beans at 0.1 part per million resulting from application of the plant regulator to the growing crop.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. There is no reasonable expectation of residues in eggs, meat, milk, or poultry and § 180.6(a)(3) applies.

2. The proposed tolerance will protect the public health.

As expressed in the Code of Federal Regulations, the tolerance of "One-half part per million • • •" for residues of ethephon (§ 180.300) does not conform to the use of numerals as set forth in the U.S. Government Printing Office Style Manual. Accordingly, said tolerance should be editorially revised.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), it is proposed that § 180.300 be amended by revising the paragraph "One-half part per million • • •" and by adding the new paragraph "0.1 part per million • • •", as follows:

§ 180.300 Ethephon; tolerances for residues.

• • • • •

0.5 part per million in or on filberts and walnuts.

• • • • •

0.1 part per million (negligible residue) in or on coffee beans.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, until October 29, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Room B–1, East Tower, 401 M Street, SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received by October 29, 1974, and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: September 19, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74–22428 Filed 9–26–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 31]

[Docket No. 20188; FCC 74–964]

UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B TELEPHONE COMPANIES

Proposal Regarding Depreciable Property

Notice of proposed rulemaking. In the matter of amendment of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) so as to permit depreciable property to be placed in groups comprised of units with expected equal life for depreciation under the straight-line method, Docket No. 20188 (RM–2259).

1. Notice of proposed rulemaking is hereby given in the above entitled matter.

2. In a petition filed by the American Telephone and Telegraph Company and the associated Bell System operating telephone companies, dated September 28, 1973, it was requested that the Commission amend Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of its Rules and Regulations so as to permit property, for depreciation accrual rate development purposes, to be placed in subgroups comprised of units expected to have the same life. In summary, Bell requests that we amend Part 31 so as to permit the use of the straight-line equal life group procedure (SLELG) of depreciation rate development for property (except station connections) placed in service after December 31, 1974. Currently, telephone companies are allowed to use only the straight-line group procedure of depreciation rate development as defined in Part 31 with depreciation rates being developed by using the straight-line vintage group procedure (SLVG). In this connection, the following amendments are proposed by Bell:

A. Under "Definitions," amend the text of § 31.01–3(p) to read as follows:

(p) "Group plan," as applied to depreciation accounting, means (1) the plan under which depreciation charges are accrued upon the basis of the original cost of all property included in each depreciable plant account, using the average service life thereof properly weighted, or (11) the plan (see § 31.02–80(a)) under which depreciation charges are accrued upon the basis of the original cost of all property included in groups comprised of units expected to have the same life in each depreciable plant account, using the average service lives thereof properly weighted. Upon the retirement of any depreciable property its full service value is charged to the depreciation reserve whether or not the particular item has attained the average service life.

and

B. Under "Instructions for Depreciation Accounting," insert after the words "group plan of accounting for depreciation," in the third sentence of § 31.02–80 (a), the following:

(Except that subparagraph (11) of § 31.01–3 (p) shall apply only to property placed in service after December 31, 1974.)

3. On October 10, 1973, pursuant to the provisions of § 1.403 of Part 1 of the Commission's rules, Public Notice was given in Report No. 883 of the fact that a Bell petition for rule making had been filed with the Commission on September 28, 1973. In the Public Notice it was pointed out that interested persons had thirty days from the date of the Notice within which to file comments either supporting or opposing the petition. Statements were filed by nineteen parties. Some of the comments were not timely. Others were not served upon the petitioner. The principal matters commented upon by the parties filing comments, in addition to brief comments addressed to the merits of the proposal, were those comments addressed to procedural matters. Three parties expressed support of the Bell proposal and three parties expressed opposition to it. Some of the parties commenting upon the Bell petition recommend that a hearing be held upon Bell's request for a change in our depreciation Rules. At this time we believe that it is appropriate to go forward with a normal rule making proceeding without scheduling a hearing. If we are convinced, after review and evaluation of the comments and reply comments received pursuant to this Notice, that a hearing is warranted we will issue a further notice in this proceeding.

4. Reply comments were filed by AT&T and served upon the parties which had filed timely comments and served them upon AT&T. In its reply comments AT&T urges the Commission to proceed with the issuance of a Notice of Proposed Rule Making at the earliest opportunity.

5. The basic reason given by AT&T for proposing the SLELG procedure is that such procedure will provide for the recovery of capital more nearly in line with its consumption as measured by the physical retirement of property. Under the SLVG procedure depreciation is accrued on a class or subclass of depreciable plant on the basis of the average service life of each vintage group. A reserve deficiency results at the time of retirement in the case of plant retired before an age equal to the average service life of the vintage group. This reserve deficiency is later made up by accruals on units that live beyond the average service life of the group. Under the SLELG procedure depreciation is accrued upon those units of property in a vintage group that are expected to have the same service life so that, if projections are accurate, no reserve deficiency results since each unit is fully depreciated in the accounts at the time of retirement. The use of the SLELG procedure results in a higher accrual rate during the earlier life of the total property and a lower rate in later years. In theory, total accruals during the service life of any property are equal under each of these procedures.

6. In its petition AT&T stresses the importance of the proposed change on the maintenance of the financial integrity of the Bell System companies. The petition alleges that because the SLVG depreciation procedure now being used fails to match the capital recovery with the rate of capital consumption the companies are failing to generate funds as rapidly as they should. Thus, they are faced with going to the outside capital markets for replacement of plant retired at a date earlier than the average service life when such funds should be internally generated through appropriate depreciation procedures. Bell alleges that the proposed SLELG procedures will match capital recovery with capital consumption and will thus provide an amount of internal cash flow which will more nearly match replacement construction requirements. Bell urges that these considerations are of particular importance during periods of rapid inflation because of inflation's erosive effect on the purchasing power of the capital recovery dollar. Therefore, we particularly solicit comments with respect to the appropriateness of Bell's proposal as it concerns sources of cash flow, fiscal soundness of the busines and the ability to attract capital on sound terms.

7. Bell proposes that the change-over be phased in over a period of five years in order to minimize the impact on depreciation rates, accruals and revenue requirements. The following is a summary of the phase-in schedule used by Bell to illustrate the effects of the proposed change.

Plant placed in service after Dec. 31	Year of phase in of ELG	Accounts
1974	1	221, Station apparatus, and 234; Large private branch exchanges.
1975	2	221, Central office equipment.
1976	3	241, Pole lines; 242.1, Aerial cable; 242.2, Underground cable; 242.3, Buried cable; 242.4, Submarine cable; 243, Aerial wire; 244, Underground conduit.
1977	4	212, Buildings.
1978	5	201, Furniture and office equipment. 264, Vehicles and other work equipment.

8. AT&T has submitted in its petition estimates of some of the effects on operating results which would result from the substitution of SLELG for SLVG. These estimates are based on certain assumptions, which are outlined in the attachments to the petition, such as, the five year phase-in period, a 10.5% rate of return and an annual increase of 6% in plant additions. For example, AT&T estimates that during the phase-in period SLELG accruals for the Bell System would reflect an increase over SLVG accruals ranging from $42 million in the first year up to $456 million in the fifth year. Bell also estimates that the use of SLELG procedures would increase revenue requirements during the first twenty years the procedures are in effect. However, the tenth year and thereafter the incremental revenue requirements would be lower because of the increased depreciation reserve and the resultant lowered rate base and after the twentieth year the cumulative revenue requirement would be lower under SLELG than under SLVG. The continuing decline in relative revenue requirements would eventually more than offset the added revenue requirements of the first twenty years. Thus, AT&T estimates that in the year 1995 annual depreciation accruals under SLELG will be approximately $1.3 billion more than they would have been under SLVG, but annual revenue requirements would be $57 million lower under SLELG.

9. Because of the magnitude of the amounts involved, and, if adopted, the possible extension of the use of the SLELG procedure to other regulated industries, it is important that any departure from long established procedures be given the fullest consideration in order to assure that equitable treatment be accorded to present and future ratepayers and shareholders. We, therefore, solicit comments of State and Federal regulatory bodies, communications carriers, other public utilities, public accounting firms and consumer interest groups as well as other interested parties concerning the propriety of the proposed change in the Commission's depreciation accounting procedures. We also solicit suggestions as to any alternative proposals to revise the currently prescribed depreciation accounting procedures which may appear appropriate in light of current and anticipated developments in the communications industry. In order to facilitate consideration of the proposed SLELG procedure there is attached hereto as Appendix A a copy of Bell's petition for rule making.

10. We shall expect AT&T and any other party proposing any alternative change in the depreciation procedures currently in use to submit for the record herein a complete justification for such proposed change, including all information and data necessary for a proper evaluation of such change. We also request comments with regard to the specific wording of the changes in Part 31 proposed by Bell assuming the SLELG procedure is approved. For example, we desire comments on whether, if SLELG is adopted, the procedure should be elective or mandatory and if mandatory whether to limit mandatory application of SLELG to the larger telephone carriers such as those telephone carriers having a gross investment in telephone plant of $40,000,000 or over. In addition, comments are requested with respect to Bell's proposal that the SLELG procedures be phased in over a period of years and whether the schedule used by Bell as set forth in paragraph 7 above is appropriate.

11. The Commission in issuing this Notice of Proposed Rule Making takes no position at this time regarding the merits of the SLELG procedures as proposed by Bell or as to the adequacy and propriety of the data and factors used in determining the effects of the proposal upon the Bell System.

12. Comments are requested on whether, if we amend our telephone system of accounts (Part 31), like amendments, in principle, should be made in the systems of accounts for radiotelegraph companies (Part 34) and wire-telegraph and ocean-cable companies (Part 35).

13. The Commission proposes to make any rule amendments adopted as a result of this proceeding effective not less than six months after the issuance of a final order with respect to this docket, as required by section 220(g) of the Communications Act of 1934, as amended, 47 U.S.C. 220(g). As a practical matter and in order to avoid making substantive changes in accounting during the year, it is planned that any rule amendments adopted would be made effective as of January 1 of the first full calendar year beginning not less than six months after the issuance of a final order in this docket with the option that those telephone companies which desire to do so may place any amendments which may be adopted in this proceeding into effect retroactively to January 1 of the year in which the final order is issued.

14. This notice of proposed rulemaking is issued under authority of sections 4(i) and 220 of the Communications Act of

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1934, as amended, 47 U.S.C. 154(i) and 220.

15. Pursuant to applicable procedures set forth in 47 CFR 1.415 of the Commission's Rules, interested persons may file comments on or before January 20, 1975, and reply comments on or before March 20, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice. Comments filed in response to this Notice will be available for public inspection in the Commission's Broadcast and Dockets Reference Room. At this time no procedures are provided for participation in this proceeding other than by the filing of comments and reply comments.

16. In accordance with the provisions of 47 CFR 1.419 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs shall be furnished to the Commission.

Adopted: September 11, 1974.

Released: September 19, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX A

SEPTEMBER 28, 1973.

Mr. Vincent J. Mullins
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Proposed amendment of the Uniform System of Accounts, Part 31, to permit depreciable property to be placed in groups comprised of units with expected equal life for depreciation under the straight-line method.

DEAR MR. MULLINS: There are enclosed herewith for filing with the Commission the original and fourteen copies of the Petition for Rule Making of the American Telephone and Telegraph Company and Bell System companies in the above proceeding.

To acknowledge the Commission's receipt of these documents, please put the Commission's stamp on the enclosed copy of this letter and remit the same to the bearer.

Very truly yours,

JOHN F. PRESTON, JR.,
General Attorney,
American Telephone & Telegraph Co.

Petition for rulemaking. In the matter of proposed amendment of the Uniform System of Accounts, Part 31, to permit depreciable property to be placed in groups comprised of units with expected equal life for depreciation under the straight-line method, RM-2259.

Pursuant to § 1.401(a) of the Commission's Rules and Regulations, American Telephone and Telegraph Company (AT&T) and the associated Bell System operating companies named below[1] (collectively, the Bell System companies) petition the Commission to amend Part 31 of its Rules and Regulations (Uniform System of Accounts for Class A and Class B telephone companies) so as to provide that for depreciation purposes property can be placed in groups comprised of units expected to have the same life. Under the proposed grouping procedure[2] capital invested in plant would be recovered at a straight-line rate closely matched to the life characteristics of that plant. The amendments sought are:

A. Under "Definitions," amend the text of § 31.01-3(p) to read as follows:

(p) "Group plan," as applied to depreciation accounting, means (i) the plan under which depreciation charges are accrued upon the basis of the original cost of all property included in each depreciable plant account, using the average service life thereof properly weighted, or (ii) the plan (see § 31.02-80(a)) under which depreciation charges are accrued upon the basis of the original cost of all property included in groups comprised of units expected to have the same life in each depreciable plant account, using the average service lives thereof properly weighted. Upon the retirement of any depreciable property its full service value is charged to the depreciation reserve whether or not the particular item has attained the average service life.

and

B. Under "Instructions for Depreciation Accounting," insert after the words "group plan of accounting for depreciation," in the third sentence of § 31.02-80(a), the following:

(Except that subparagraph (ii) of § 31.01-3(p) shall apply only to property placed in service after December 31, 1974.)

By expanding the definition of "group plan" in the manner proposed, subject companies would be provided an alternative straight-line depreciation procedure to use with respect to property placed in service after December 31, 1974. In this connection, the Bell System companies propose to use such alternative procedure with respect to property in all accounts, except that in account 232, "Station connections."[3] In order to introduce gradually its effects on depreciation rates and accurals and on revenue requirements, it is proposed that such use would be adopted in stages (as to accounts) over a period of years. For example, the following phase-in schedule was used in the Attachments I and J to this Petition to illustrate such effects:

Year 1 (as of January 1, 1975): applied only to property in accounts 231, "Station apparatus" and 234, "Large Private Branch exchanges;"

Year 2 (as of January 1, 1976): in addition to the foregoing accounts, applied to property placed in service after December 31, 1975 in account 221, "Central office equipment;"

Year 3 (as of January 1, 1977): in addition to the foregoing accounts, applied to property placed in service after December 31, 1976 in the outside plant accounts;[4]

Year 4 (as of January 1, 1976): in addition to the foregoing accounts, applied to property placed in service after December 31, 1977 in account 212, "Buildings" and

Year 5 (as of January 1, 1979): in addition to the foregoing accounts, applied to property placed in service after December 31, 1978 in accounts 261, "Furniture and office equipment" and 264, "Vehicles and other work equipment."

Statements in support of the above proposals, together with a description of the anticipated effects which their adoption would occasion, are set forth below.

1. Under the cost allocation concept of depreciation, the consumption of capital invested in depreciable plant is recognized as an element of the cost of operations that must be allocated in a reasonable and systematic manner through depreciation accounting to the periods during which the plant is being used.[5] The Bell System adopted depreciation accounting in 1884 and since that time the Bell System companies have adhered to the principle that book depreciation should be accrued and charged to operations during the period property remains in service. In 1912 the ICC (which then had jurisdiction over interstate telecommunications) adopted the Bell System's straight-line practice in its new System of Accounts for telephone companies. Some years later, the Commission, pursuant to its own investigation and the report of a NARUC study on depreciation, adopted its present

[1] The Bell Telephone Company of Pennsylvania; The Chesapeake and Potomac Telephone Company; The Chesapeake and Potomac Telephone Company of Maryland; The Chesapeake and Potomac Telephone Company of Virginia; The Chesapeake and Potomac Telephone Company of West Virginia; Cincinnati Bell Inc.; The Diamond State Telephone Company; Illinois Bell Telephone Company; Indiana Bell Telephone Company, Incorporated; Michigan Bell Telephone Company; The Mountain States Telephone and Telegraph Company; Malheur Home Telephone Company; New England Telephone and Telegraph Company; New Jersey Bell Telephone Company; New York Telephone Company; Northwestern Bell Telephone Company; The Ohio Bell Telephone Company; Pacific Northwest Bell Telephone Company; The Pacific Telephone and Telegraph Company; Bell Telephone Company of Nevada; South Central Bell Telephone Company; Southern Bell Telephone and Telegraph Company; The Southern New England Telephone Company; Southwestern Bell Telephone Company; Wisconsin Telephone Company.

[2] The proposed grouping procedure, which is described in this petition under paragraphs 4 et seq., is known by accountants and engineers as "unit summation" or "equal life group." Such terms are considered as synonymous in this Petition. See Public Utility Depreciation Practices, p. 172 (NARUC, 1968).

[3] Use of the alternative procedure in connection with account 232, "Station connections," is not planned inasmuch as separate consideration currently is being given to other appropriate methods for recovering costs associated with this property.

[4] Included under "outside plant" would be accounts 241, "Pole lines;" 242: 1, "Aerial cable;" 242: 2, "Underground cable;" 242: 3, "Buried cable;" 242: 4, "Submarine cable;" 243, "Aerial wire;" and 244, "Underground conduit."

[5] Uniform System of Accounts for Class A and Class B Telephone Companies, § 31.01-3 (ff); Public Utility Depreciation Practices, p. 16 (NARUC, 1968).

Uniform System of Accounts, effective January 1, 1987, which recognizes the principles of accrual accounting and requires that depreciation charges "* * * be distributed under the straight-line method during the service life of the property." § 31.02-80(a).[6] The proposed amendment is consistent with the principles set forth above. Its adoption would permit the use of refinements in presently used depreciation grouping procedures, thereby making it possible to achieve a greater measure of accuracy in determining year-by-year depreciation accruals and to carry out more fully the objectives of the Commission's Rules with respect to depreciation charges.

2. In order to appreciate why the proposed amendments should be adopted, it is necessary to summarize briefly the development, application and deficiencies of presently used depreciation grouping procedures. Under present depreciation study procedures, all depreciable property is grouped in accounts (usually by category) by vintage (year of placement)[7] and each vintage is depreciated as a group. The property in the groups is depreciated under the straight-line method and the loss in service value of that property is spread over the service life based on the average life of the group (hereinafter referred to as the straight-line vintage group procedure (SLVG)). Attachments illustrate the manner in which the depreciation rate and accruals for a single vintage are calculated under the SLVG procedure. Attachment A illustrates a survivor curve[8] for a single vintage of plant. From this, the average life (five years in the illustration) for this vintage is calculated as illustrated on Attachment B. This information then is used to calculate the depreciation rate and accruals as illustrated on Attachment C. Under this procedure, as can be seen from the survivor curve, the average life of plant at each age does not match the average life for all ages applicable to that vintage group, *i.e.*, all property in the vintage group is not retired at the end of five years. Some items in the group are retired after one year—other items remain in service beyond five years.

3. As described above, the following deficiencies are inherent in the SLVG procedure. First, because SLVG uses the average life of a vintage in determining the depreciation rate, its pattern (timing) of annual accruals with respect to a vintage does not match the pattern (timing) of the actual loss in service value which occurs each year to the plant of that vintage. To the extent this mismatching occurs, proper costs are not recovered concurrent with the rate at which the property is consumed. Second, for most categories of plant, accrual deficiencies are experienced in the early years of a vintage and are recovered through additional accruals on plant items which remain in service beyond the average life of the vintage group. This means that for any given vintage there is likewise a reserve deficiency which is not made up completely until the last surviving unit of that vintage is retired. Attachment D illustrates under the SLVG procedure the accrual deficiency in the early years of a vintage and also the reserve deficiency which is eventually made up only when the last item of plant in the vintage group is retired (which time is considerably later than the average life of the vintage group).

4. The SLVG procedure was adopted generally by the Bell System companies around 1946 and represented a significant improvement over straight-line group procedures which had been used previously. The process of developing mortality data on which to base improved procedures for reflecting life patterns of plant has been an evolutionary one. The accumulation of many years of additional mortality data, coupled with advances in computer technology, make possible now the use of a refined procedure under which the timing of annual accruals can be matched more accurately to actual losses in service value for each vintage. This refinement, known as equal life group or unit summation (hereinafter referred to as the straight-line equal life group procedure (SLELG)), provides the most accurate and practical procedure presently available for grouping plant items so as to permit depreciation accruals to be made concurrent with the loss in service value expected to be experienced in the property accounts.

5. From an accounting standpoint, the adoption of SLELG does not involve a change of depreciation accounting method.[9] Procedures followed in applying depreciation rates are identical under SLELG and SLVG. Under both procedures, one depreciation rate is applicable to all vintages in an account or subaccount. In the development of applicable depreciation rates, SLELG goes a step further than SLVG, however, by breaking down each vintage group into independent units or subgroups, each of which is composed of items of expected equal life. This additional subgrouping step under SLELG makes it possible for losses in service value experienced in each subgroup to be distributed to the appropriate accounting period. Under SLELG, each item of plant in a subgroup essentially will be fully accrued by the time it reaches its expected life.[10] Attachments E and F illustrate, respectively, the division of a survivor curve into equal life groups and the development of SLELG capital recovery and depreciation rates. These attachments illustrate that when plant is placed in subgroups, each of which is composed of items of expected equal life, invested capital is recovered during the period such property remains in service (not at a later time as under SLVG). Attachment G compares SLELG and SLVG depreciation accruals and reserve by years and indicates the amounts of SLVG reserve deficiencies experienced until the last amount of plant is retired. No depreciation reserve deficiency is experienced during the early years (in contrast to the deficiency experienced in a vintage group under SLVG as a result of retirements prior to the vintage average life).

6. The financial welfare of the Bell System companies is closely tied to an adequate program of capital recovery—not only because it is a source of cash flow for construction but also because it is essential to the fiscal soundness of the business and its ability to attract capital on sound terms. All businesses, particularly capital intensive utilities, are concerned with the adequacy of their capital recovery methods. This concern becomes critical during periods of rapid inflation because of inflation's erosive effect upon the purchasing power of the capital recovery dollar. Inflation has been experienced generally in the U.S. economy and is likely to continue to occur to some degree during the foreseeable future. By failing to match the rate of capital recovery with the rate of capital consumption, SLVG constitutes an inadequate depreciation procedure for continued use by the Bell System companies. This mismatch in the capital recovery process by continued use of SLVG can only lead to further erosion of the purchasing power value of the capital recovery dollar. In contrast, the use of SLELG would provide a realistic and equitable means of capital recovery and would reduce the impact of inflation. In the same way, as the rate of technological change quickens and the risks of technological obsolescence increase, continued use of SLVG precludes timely recovery of capital invested in plant subject to such risks. At the same time SLELG would provide earlier recovery of the funds internally generated from depreciation, which funds are required for growth and improvements to communications systems.

7. The adoption of SLELG and its use in the depreciation rate prescription process would affect the interests of the Bell System companies and its customers in several ways. Initially, depreciation rates would be higher under SLELG than under SLVG with respect to a single vintage of property. Such higher rates are required to avoid the accrual deficiency during the early life of a vintage. Attachment G[10] illustrates the pattern of such deficiencies and sets forth annual depreciation accruals under SLVG and SLELG. By comparing columns c and e, it can be seen that SLELG depreciation accruals fall below those for SLVG in the fourth year. Attachment H[10] illustrates a similar (crossover pattern, showing that, in the later years of the life of a vintage, depreciation rates under SLELG fall below those for SLVG (after about 3 years).[10] While the depreciation reserve builds up more rapidly under SLELG than under SLVG, more consistent with actual losses in service value, total depreciation accrued under both procedures with respect to a single vintage will of course be equal, as shown on the tenth year line of Attachment G (SLVG finally catches up when the late item in the vintage group is retired).

8. Use of SLELG by the Bell System companies, in accordance with the phase-in schedule set forth on pages 3 and 4 of this Petition is estimated to have the following effects. Book depreciation would increase relative to that which would result from continued use of SLVG depreciation for all accounts by about $42.3 million and $132.9 million for the years 1975 and 1976, respectively. Assuming full rate recovery of this increase, internally generated funds[11] would increase by about $22.2 million in 1975 and $70.0 million in 1976, reflecting the fact that income tax deferrals are reduced by approximately one-half the increase in book depreciation. Revenue requirements for the Bell System companies under SLELG relative to continued use of SLVG for all accounts would increase by about $42.4 million in 1975 and an additional $87.7 million in 1976, resulting in a cumulative increase of $130.1 million in these two years.

[6] Section 31.01-3(cc) of the Commission's Rules define "service life" to mean the period between the time of installation of telephone plant and the time of its retirement.

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[10] Attachments G and H, which compare SLELG and SLVG depreciation accruals and rates, utilize a life table with a 5 year average life.

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1934, as amended, 47 U.S.C. 154(i) and 220.

15. Pursuant to applicable procedures set forth in 47 CFR 1.415 of the Commission's Rules, interested persons may file comments on or before January 20, 1975, and reply comments on or before March 20, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice. Comments filed in response to this Notice will be available for public inspection in the Commission's Broadcast and Dockets Reference Room. At this time no procedures are provided for participation in this proceeding other than by the filing of comments and reply comments.

16. In accordance with the provisions of 47 CFR 1.419 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs shall be furnished to the Commission.

Adopted: September 11, 1974.

Released: September 19, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX A

SEPTEMBER 28, 1973.

Mr. Vincent J. Mullins
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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[11] Attachments G and H, which compare SLELG and SLVG depreciation accruals and rates, utilize a life table with a 5 year average life.

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9. Attachments I and J illustrate the effects of SLELG over a longer period, based on certain assumptions[12] as set forth on those attachments. As shown, book depreciation relative to SLVG would increase annually to around $1.3 billion by the year 1995 and internally generated funds[11] would have increased by that time by about $715 million. Figure 1 of Attachment J illustrates that revenue requirements under SLELG relative to SLVG would increase annually through the ninth year (although the rate of increase would decline after the third year), after which time SLELG revenue requirements would decrease incrementally. The cumulative increase in revenue requirements of SLELG relative to SLVG would be approximately $481 million by the end of the ninth year (Attachments J, Figure 2). All such relative increases, of course, would have the effect of continually reducing net investment (because of the larger reserve due to the higher depreciation accruals), thereby gradually reducing revenue requirements under SLELG vis-a-vis those under SLVG. After the crossover is reached at the year 1995, revenue requirements under SLELG would be less than those under SLVG.

CONCLUSION

The Bell System companies urge the Commission to amend its Uniform System of Accounts in the manner proposed for the reasons that (a) SLELG represents the most accurate and practical procedure presently available for matching the rate of capital recovery to the rate of capital consumption; (b) SLELG can be adopted practicably and is needed to carry out better the existing requirements of § 31.02–80(a) of the Commission's Rules which provide that "• • • the loss in service value • • • may be distributed under the straight-line method during the service life of the property • • •"; (c) improved methods of capital recovery are essential to reduce the impact of inflation and the risks of obsolescence; and (d) customers would benefit under SLELG in that long-run revenue requirements would be reduced below levels which would prevail if the companies were to continue to use the SLVG procedure.

Wherefore, the undersigned respectfully requests that the Commission institute appropriate rulemaking to amend Part 31 of its Uniform System of Accounts so as to permit depreciable property to be placed in groups comprised of units with expected equal life for depreciation under the straight-line method.

Respectfully submitted,

R. N. FLINT, *Vice President and Comptroller, American Telephone & Telegraph Co., 195 Broadway, New York, N.Y. 10007.*

JOHN F. PRESTON, JR., N. MICHAEL GROVE, *195 Broadway, New York, N.Y. 10007, Attorneys for Bell System Companies.*

SEPTEMBER 28, 1973.

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[11] For these purposes, internally generated funds do not include retained earnings.

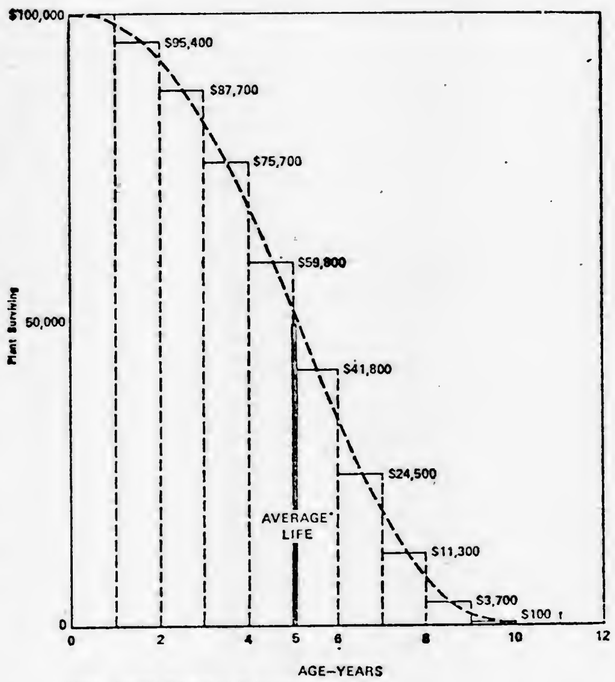
[12] The assumptions made in illustrating the effects of SLELG are set forth on Attachments I and J and embrace growth, income tax rates and treatment, capital costs and structure, and the phase-in schedule previously described in this Petition. These assumptions are considered reasonable for long-term projections, and are made for illustrative purposes. It should not be concluded that book depreciation, internally generated funds or revenue requirements will in fact be at the levels indicated by these attachments.

Attachment A

Illustrative

Survivor Curve for a Single Vintage of Plant

5 Year Life Table



Note: Assume retirements at end-of-year

*See Attachment B

ATTACHMENT B.—*Vintage group calculation of average life*

Year	Plant surviving	×	Year weights	=	Area under curve
1	$100,000		1		$100,000
2	95,400		1		95,400
3	87,700		1		87,700
4	75,700		1		75,700
5	59,800		1		59,800
6	41,800		1		41,800
7	24,500		1		24,500
8	11,300		1		11,300
9	3,700		1		3,700
10	100		1		100
Area under survivor curve					500,000

$$\text{Average life} = \frac{\text{Area under survivor curve}}{\text{Original amount of plant}}$$

$$\text{Average life} = \frac{\$500{,}000 \text{ years}}{\$100{,}000} = 5 \text{ years}$$

ATTACHMENT C.—*Calculation of vintage group depreciation rate and accruals*

$$\text{Depreciation rate} = \frac{100 \text{ percent} - \text{percent average net salvage}^*}{\text{Average service life}}$$

$$= \frac{100 \text{ percent}}{5.0 \text{ years}} = 20 \text{ percent per year}$$

Year	Plant surviving	Annual rate (percent)	Depreciation accruals
1	$100,000	20	$20,000
2	95,400	20	19,080
3	87,700	20	17,540
4	75,700	20	15,140
5	59,800	20	11,960
6	41,800	20	8,360
7	24,500	20	4,900
8	11,300	20	2,260
9	3,700	20	740
10	100	20	20
Total			100,000

*Assume zero percent average net salvage.

ATTACHMENT D.—*Vintage group depreciation accruals and reserve deficiencies*

Year	Plant		Vintage group depreciation		Vintage group deficiency*	
	Surviving	Retired	Annual accruals	Reserve	Annual accruals	Reserve
n	a	b=a_n-a_{n+1}	c=ax.20	d=$c_n+d_{n-1}-b_n$	e	f=e_n+f_{n-1}
1	$100,000	$4,600	$20,000	$15,400	−$6,154	−$6,154
2	95,400	7,700	19,080	26,780	−2,474	−8,628
3	87,700	12,000	17,540	32,320	−164	−8,792
4	75,700	15,900	15,410	31,580	+1,436	−7,356
5	59,800	18,000	11,960	25,540	+2,221	−5,135
6	41,800	17,300	8,360	16,580	+2,231	−2,894
7	24,500	13,200	4,900	8,280	+1,654	−1,240
8	11,300	7,600	2,260	2,940	+900	−340
9	3,700	3,600	740	80	+330	−10
10	100	100	20	0	+10	0

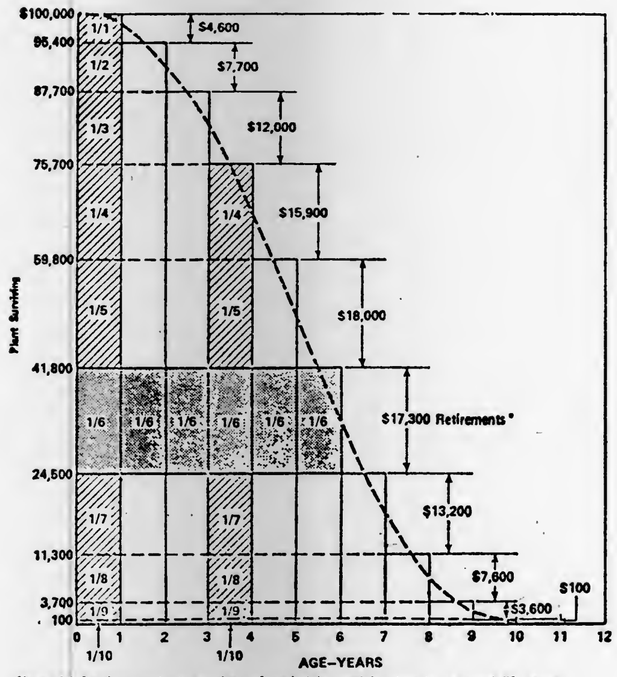
*See attachment G, cols. g and h.

Attachment E

Illustrative

Division of Survivor Curve Into Equal Life Groups for a Single Vintage of Plant

5 Year Life Table



Note: All fractions apply to portions of capital invested in plant in an equal life group consumed each year, e.g., 1/6 x 17300 = 2883 per year (see attachment F,Col.f)

Assume retirements at end-of-year

* See Attachment D

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ATTACHMENT F.—*Development of equal life group capital recovery and rate*

Retirements / Life group	$4,600 1	$7,700 2	$12,000 3	$15,900 4	$18,000 5	$17,300 6	$13,200 7	$7,600 8	$3,600 9	$100 10	Annual capital recovery	Plant surviving	Annual ELG rate (percent)
Age—years'	a	b	c	d	e	f	g	h	j	k	m=a-k	n	p=m-n
1	$4,600	$3,850	$4,000	$3,975	$3,600	$2,883	$1,886	$950	$400	$10	$26,154	$100,000	26.2
2		3,850	4,000	3,975	3,600	2,883	1,886	950	400	10	21,554	85,400	22.6
3			4,000	3,975	3,600	2,883	1,886	950	400	10	17,704	67,700	20.2
4				3,975	3,600	2,883	1,886	950	400	10	13,704	75,700	18.1
5					3,600	2,883	1,886	950	400	10	9,729	59,800	16.3
6						2,883	1,886	950	400	10	6,129	41,800	14.7
7							1,886	950	400	10	3,246	24,500	13.2
8								950	400	10	1,360	11,300	12.0
9									400	10	410	3,700	11.1
10										10	10	100	10.0
Total											100,000		

NOTE.—Assume retirements at end of year.

ATTACHMENT G.—*Vintage group and equal life group depreciation accruals and reserve deficiencies*

	Plant		Vintage group depreciation		Equal life group depreciation		Vintage group deficiency	
Year	Surviving	Retired	Annual accruals	Reserve	Annual accruals	Reserve	Annual accruals	Reserve
n	a	$b=a_n-a_{n+1}$	c=ax.20	$d=c_n+d_{n-1}-b_n$	e*	$f=e_n+f_{n-1}-b_n$	g=c-e	$h=g_n+h_{n-1}$
1	$100,000	$4,600	$20,000	$15,400	$26,154	$21,554	−$6,154	−$6,154
2	95,400	7,700	19,080	26,780	21,544	35,498	−2,474	−8,628
3	87,700	12,000	17,540	32,320	17,704	41,112	−164	−8,792
4	75,700	15,900	15,140	31,560	13,704	38,916	+1,436	−7,356
5	59,800	18,000	11,960	25,520	9,729	30,645	+2,231	−5,125
6	41,800	17,300	8,360	16,580	6,129	19,474	+2,231	−2,894
7	24,500	13,200	4,900	8,280	3,246	9,520	+1,654	−1,240
8	11,300	7,600	2,260	2,940	1,360	3,280	+900	−340
9	3,700	3,600	740	80	410	90	+330	−10
10	100	100	20	0	10	0	+10	0
Total			100,000		100,000			

*See attachment F, col. m.

Attachment I

Illustrative

Estimated Yearly Effects of Equal Life Group Relative to Vintage Group Depreciation for Bell System

Assumptions:
- ELG is applied only to plant added after:
  - 1-1-75 Station Equipment
  - 1-1-76 Central Office Equipment
  - 1-1-77 Outside Plant
  - 1-1-78 Buildings
  - 1-1-79 General Equipment
- VG is applied to station connections
- 6% annual growth, including inflation
- Asset depreciation range accelerated with normalization
- Income tax rate — Federal 48%
  — State and City 1.6% use 50%
- Debt ratio 45%
- Incremental debt interest at 8%
- Incremental cost of capital at 10.5%

Note: See also Tables 1 & 2

Attachment H

Illustrative

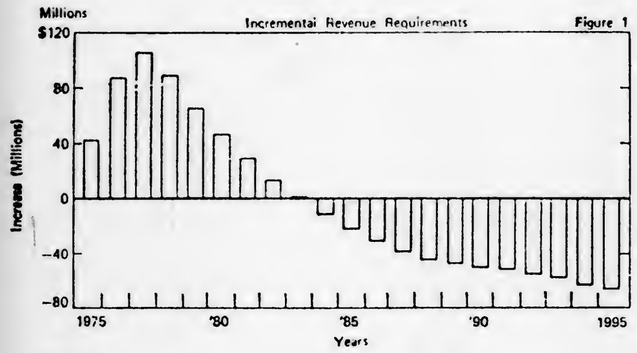
Comparison of Vintage Group and Equal Life Group Depreciation Rates for a Single Vintage of Plant

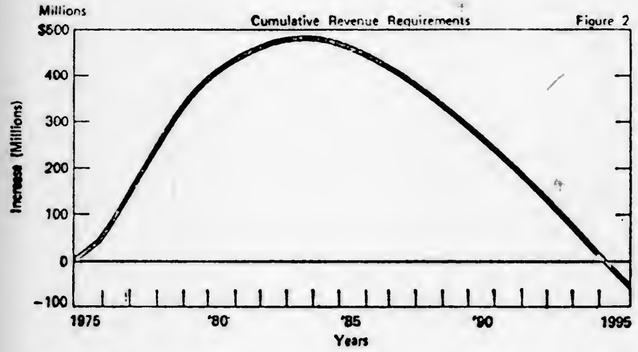
5 Year Life Table

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Illustrative Attachment J

Estimated Effects of Equal Life Group Relative to Vintage Group Depreciation for Bell System





Assumptions:
- ELG is applied only to plant added after:
  - 1-1-75 Station Equipment
  - 1-1-76 General Office Equipment
  - 1-1-77 Outside Plant
  - 1-1-78 Buildings
  - 1-1-79 General Equipment
- VG is applied to station connections
- 6% annual growth, including inflation
- Asset depreciation range accelerated with normalization
- Income tax rate — Federal 48%
  — State and City 1.8%
  net 50%
- Debt ratio 46%
- Incremental debt interest at 8%
- Incremental cost of capital at 10.5%

TABLE 1.—*Estimated effects of equal life group relative to vintage group depreciation for Bell System*

[Billions]

Year	Book depreciation*	Internally generated funds (depreciation and deferred taxes)*	Revenue requirements	
			Incremental+	Cumulative+
1975	$42.8	$22.8	$42.4	$42.4
1976	132.9	70.0	87.7	130.1
1977	248.9	191.7	105.7	235.8
1978	359.4	190.4	89.5	325.3
1979	456.4	242.0	65.6	390.8
1980	543.7	288.8	46.6	437.5
1981	621.9	330.0	29.4	466.9
1982	692.0	367.2	13.9	480.8
1983	755.3	401.0	0.6	481.4
1984	812.5	431.5	−11.4	470.0
1985	864.6	459.3	−21.9	448.1
1986	912.5	484.9	−30.9	417.1
1987	957.5	509.0	−38.2	378.9
1988	1001.5	532.5	−43.6	335.3
1989	1045.9	556.2	−47.3	288.0
1990	1091.9	580.6	−49.8	238.3
1991	1140.0	606.5	−51.9	186.3
1992	1189.9	632.7	−55.5	130.9
1993	1239.7	659.5	−58.3	72.6
1994	1291.0	687.1	−62.4	10.1
1995	1342.6	714.7	−66.9	−56.8

*See attachment I.
+See attachment J, fig. 1.
#See attachment J, fig. 2.

TABLE 2.—*Assumed annual increment investment to account 100.1 for AT&T and the Associated Bell System Operating Co's.*

Year:	Depreciable plant added*
1972	$8.2509
1975	9.827
1976	10.417
1977	11.042
1978	11.704
1979	12.406
1980	13.151
1981	13.940
1982	14.778
1983	15.663
1984	16.602
1985	17.599
1986	18.654
1987	19.774
1988	20.960
1989	22.128
1990	23.551
1991	24.964
1992	26.462
1993	28.049
1994	29.732
1995	31.516

*Plant added to Account 100.1 (excluding Accounts 201—Organization, 202—Franchises, 203—Patent Rights, 211—Land, and 276—Telephone Plant Acquired) for AT&T and the Associated Bell System Operating Cos. was $8.2509 billion + in 1972 and is assumed to increase 6 percent per year, including inflation, through 1995.

+ 1972 additions from QR2A, year ending 1972 for the total Bell System which includes Cincinnati Bell, Inc., and Southern New England Telephone Co. are as follows:

	QR2A line No.	Bell System
		Thousand
Total: 100.1 additions	15	$8,290,125
Less:		
Organization (201)	1	599
Franchises (202)	2	126
Patent Rights (203)	3	0
Land (211)	4	32,651
Telephone plant acquired (276)	13	(123)
Equals: Depreciable 100.1 additions		8,250,998
		Say 8.2509

[FR Doc.74-22249 Filed 9-26-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[74-957]

FEDERAL SAVINGS AND LOAN SYSTEM

Travelers' Convenience Withdrawal

SEPTEMBER 19, 1974.

Summary. The following summary of the amendments adopted by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to specific provisions of the regulations.

I. Existing regulations—None.

II. Proposed regulation—Permits Federal associations to offer withdrawal services to their customers traveling more than 100 miles from home through payments at FSLIC-insured disbursing institutions.

III. Reason for proposal—To enable Federal associations to offer an additional service to savings customers.

The Federal Home Loan Bank Board considers it desirable to propose an amendment to Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545), for the purposes described below. Accordingly, the Board hereby proposes to amend said Part 545 by adding a new paragraph (e) to § 545.1 thereof to read as set forth below.

The proposed amendment would have the effect of permitting Federal associations to offer withdrawal services to customers who are traveling away from home. The proposed amendment has five central features: (1) It permits Federal associations to act as the institution which offers the withdrawal services to its customers (the offering institution). (2) It permits only institutions insured by the Federal Savings and Loan Insurance Corporation to disburse funds to customers of Federal associations making withdrawals. (3) It limits use of these services to situations where the institution disbursing funds to Federal associations customers is located more than 100 miles from the customer's home. (4) It permits Federal associations to act as disbursing institutions in similar transactions in which the offering institution is FSLIC insured. (5) The proposed regulation has several optional features: It permits but does not require the imposition of fees on customers, payment by Federal associations of fees to disbursing institutions (and the charging of fee by a Federal where it is the disbursing institution) and the setting of withdrawal amount limitations. The proposed regulation requires telephone authorization from the disbursing institution to the offering institution and requires immediate debiting of the customer's account. The purpose of these requirements is to ensure that the transaction will be the equivalent of a withdrawal at the office of the offering institution.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by October 31, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.1 Savings accounts.

* * * * * *

(e) *Travelers' convenience withdrawal.* A Federal association may permit an account holder to make a withdrawal from a "regular account" (as defined in § 526.1(d) of this chapter) through a disbursing institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation if the office of the disbursing institution through which payment of such withdrawal is made is located more than 100 miles from the principal dwelling place of such account holder. Such Federal association may authorize payment by the disbursing institution only upon receiving a specific telephonic withdrawal request (which may be oral or electronic) from such account holder, and the amount so paid shall be immediately withdrawn from the savings account at such Federal association. A Federal association providing withdrawal services pursuant to this paragraph (e) may, but is not required to: (1) Charge a fee to account holders making such withdrawals, (2) place a limitation upon the amount of such withdrawal requests, and (3) pay a fee to the disbursing institution. A Federal association may also as the disbursing institution in a similar withdrawal transaction from a regular account in another institution whose accounts are insured by the Federal Savings and Loan Insurance Corporations, and may collect a fee for its services.

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(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74–22531 Filed 9–26–74;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y]

BANK HOLDING COMPANIES

Nonbanking Activties; Convenience Insurance

The Board of Governors published in the

The Board of Governors published in the FEDERAL REGISTER on August 8, 1974 (39 FR 28536), notice of the Board's proposal to amend § 225.4(a) of its Regulation Y to clarify the boundaries for the conduct of insurance activities, with respect to "convenience" insurance, which the Board has determined to be so closely related to banking or managing or controlling banks as to be a proper incident thereto.

To aid in its consideration of this matter, the Board invited interested persons to submit relevant data, views, comments, or argument. In accordance with the provisions of section 4(c)(8) of the Bank Holding Company Act, as amended, this solicitation was intended to include requests for hearing on the proposal. In order to make clear that interested parties may request an opportunity for a hearing with respect to this proposal, the August 8, 1974, notice (39 FR 28536) is hereby revised to offer interested parties who so desire, an opportuntiy to submit requests for a hearing. Any such requests should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing. Such requests and statements should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 18, 1974.

Board of Governors of the Federal Reserve System, September 23, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74–22517 Filed 9–26–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 121, 135, 135e, 135g, 144]

ANTIBIOTIC, NITROFURAN, AND SULFONAMIDE DRUGS IN THE FEED OF ANIMALS

Proposed Deletion of Regulations Regarding Use; Extension of Time for Filing Comments

In the FEDERAL REGISTER of August 6, 1974 (39 FR 28382, 28393), the Commissioner of Food and Drugs proposed (1) to amend 21 CFR Parts 121, 135, 135e, 135g, and 144 to revoke certain antibacterial drugs intended for use in animal feed which are not in compliance with the requirements of § 135.109 (21 CFR 135.109) and (2) to list those firms and their products in compliance with § 135.109. The proposals allowed for the filing of comments on or before October 7, 1974.

The Commissioner has received a letter stating that because of confusion created by the manner in which the tables are set forth regarding certain drug combinations it is not possible to make adequate determinations which are necessary for the preparation and submission of meaningful comments.

The Commissioner finds that the tables referred to include substantial printing errors. Accordingly, in addition to extending the time for filing comments, corrections to the tables are being published elsewhere in this issue of the FEDERAL REGISTER.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–351; 21 U.S.C. 360b, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), the time for filing comments on the subject proposals is extended to November 26, 1974.

Dated: September 24, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–22569 Filed 9–26–74;8:45 am]

[21 CFR Parts 121, 135, 144]

ANTIBIOTIC NITROFURAN AND SULFONAMIDE DRUGS IN THE FEED OF ANIMALS

Corrections and Republications

The purpose of this document is the clarification of FR Docs. 74–17221 and 74–17222, two proposed rules which were published in the FEDERAL REGISTER for August 6, 1974 (39 FR 28382 and 28393).

Portions of these documents were found to be in error and have been corrected or republished in this issue.

PART 121—FOOD ADDITIVES

1. The table in § 121.210(c) is republished to read as follows:

§ 121.210 Amprolium.

* * * * * * *

(c) * * *

Amprolium in complete chicken and turkey feed

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.1 Amprolium	113.5–227 (0.0125%–0.025%)			For turkeys	Prevention of coccidiosis.
a. 1.1	113.5–227	Penicillin	2.4–50	For turkeys; as procaine penicillin	Growth promotion and feed efficiency.
b. 1.1	113.5–227	Bacitracin	4–50	For turkeys; as bacitracin methylene disalicylate.	Do.
c. 1.1	113.5–227	Arsanilic acid	90 (0.01%)	For turkeys; withdraw 5 days before slaughter; as sole source of organic arsenic.	Growth promotion and feed efficiency; improving pigmentation.
d. 1.1	113.5–227	Sodium arsanilate	90 (0.01%)	For turkeys; withdraw 5 days before slaughter	Do.
e. 1.1	113.5–227	3-Nitro-4-hydroxy-phenylarsonic acid.	22.7–45.4	§ 121.262, table 1, item 2.1	§ 121.262, table 1, item 2.1.
2.1 Amprolium	113.5–227 (0.0125%–0.025%)			For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired.	Prevention of coccidiosis:
2.2 Amprolium	113.5–227 (0.0125%–0.025%)	Ethopabate	3.6 (0.0004%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; not for laying hens.	Do.
2.3 Amprolium	113.5–227 (0.0125%–0.025%)	Arsanilic acid	90 (0.01%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; as sole source of organic arsenic; withdraw 5 days before slaughter.	Prevention of coccidiosis; growth promotion and feed efficiency; improving pigmentation.
2.4 Amprolium	113.5–227 (0.0125%–0.025%)	Ethopabate + Arsanilic acid	3.6 (0.0004%) + 90 (0.01%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; as sole source of organic arsenic; withdraw 5 days before slaughter; not for laying hens.	Do.

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
2.8 Amprolium	113.5–227 (0.0125%–0.025%)	3-Nitro-4-hydroxy-phenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; as sole source of organic arsenic; withdraw 5 days before slaughter.	Do.
2.9 Amprolium	113.5–227 (0.0125%–0.025%)	Ethopabate + 3-Nitro-4-hydroxy-phenylarsonic acid.	3.6 (0.0004%) + 22.7–45.4 (0.0025%–0.005%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; as sole source of organic arsenic; withdraw 5 days before slaughter; not for laying hens.	Do.
2.10 Amprolium	113.5 (0.0125%)	Ethopabate + 3-Nitro-4-hydroxy-phenylarsonic acid. + Lincomycin	3.6 (0.0004%) + 45.4 (0.005%) + 2–4	For floor-raised broiler chickens; not for laying chickens; as lincomycin hydrochloride monohydrate; withdraw 5 days before slaughter; as sole source of amprolium and organic arsenic.	For increase in rate of weight gain; improved feed efficiency and pigmentation; as an aid in the prevention of coccidiosis in floor-raised broiler chickens.
2.11 Amprolium	113.5 (0.0125%)	Ethopabate + Lincomycin	3.6 (0.0004%) + 2–4	For floor-raised broiler chickens; not for laying chickens; as lincomycin hydrochloride monohydrate; as sole source of amprolium.	For increase in rate of weight gain; improved feed efficiency; as an aid in the prevention of coccidiosis in floor-raised broiler chickens.
a. 2.1 or 2.2	113.5–227	Penicillin	2.4–50	As procaine penicillin	Growth promotion and feed efficiency.
b. 2.1, 2.2, or 2.9	113.5–227	Bacitracin	4–50	As bacitracin methylene disalicylate	Do.
c. 2.1	113.5–227	Sodium arsanilate	90 (0.01%)	§ 121.254(c), item 1	Growth promotion and feed efficiency; improving pigmentation.
3.1 Amprolium	36.3–113.5 (0.004%–0.0125%)			For replacement chickens; as follows:	Development of active immunity to coccidiosis.

Growing conditions	Amount of amprolium in feed for birds, by age groups: Up to 5 weeks of age	From 5 to 8 weeks of age	Over 8 weeks of age
	Grams per ton	*Grams per ton*	*Grams per ton*
Severe exposure to coccidiosis	113.5 (0.0125%)	72.6–113.5 (0.008%–0.0125%)	36.3–113.5 (0.004%–0.0125%)
Moderate exposure to coccidiosis	72.6–113.5 (0.008%–0.0125%)	54.5–113.5 (0.006%–0.0125%)	36.3–113.5 (0.004%–0.0125%)
Slight exposure to coccidiosis	36.3–113.5 (0.004%–0.0125%)	36.3–113.5 (0.004%–0.0125%)	36.3–113.5 (0.004%–0.0125%)

3.2 Amprolium	36.3–113.5 (0.004%–0.0125%)	Arsanilic acid	90 (0.01%)	For replacement chickens; as specified in item 3.1 of this table; withdraw 5 days before slaughter; as sole source of organic arsenic.	Development of active immunity to coccidiosis; growth promotion and feed efficiency; improving pigmentation.
3.3 Amprolium	36.3–113.5 (0.004%–0.0125%)	Sodium arsanilate	90 (0.01%)	For replacement chickens; as specified in item 3.1 of this table; withdraw 5 days before slaughter; as sole source of organic arsenic.	Do.
a. 3.1 or 3.2	36.3–113.5	Penicillin	2.4–50	As procaine penicillin	Growth promotion and feed efficiency.
b. 3.1	36.3–113.5	3-Nitro-4-hydroxy-phenylarsonic acid.	22.7–45.4	§ 121.262, table 1, item 1.1	§ 121.262, table 1, item 1.1.
4.1 Amprolium	72.6–113.5 (0.008%–0.0125%)			For broiler chickens	Prevention of coccidiosis caused by *E. tenella* only.
4.2 Amprolium	72.6–113.5 (0.008%–0.0125%)	Arsanilic acid	90 (0.01%)	For broiler chickens; withdraw 5 days before slaughter; as sole source of organic arsenic.	Prevention of coccidiosis caused by *E. tenella* only; growth promotion and feed efficiency; improving pigmentation.
4.3 Amprolium	72.6–113.5 (0.008%–0.0125%)	3-Nitro-4-hydroxy-phenylarsonic acid.	22.7–45.4 (0.0025%–0.005%)	do	Do.
a. 4.1	72.6–113.5	Penicillin	2.4–50	As procaine penicillin	Growth promotion and feed efficiency.
b. 4.1	72.6–113.5	Sodium arsanilate	90	Withdraw 5 days before slaughter; as sole source of organic arsenic.	Growth promotion and feed efficiency; improving pigmentation.
5.1 Amprolium	113.5 (0.0125%)			For moderate outbreaks of coccidiosis in laying chickens; administer for 2 weeks.	Treatment of coccidiosis.
6.1 Amprolium	227 (0.025%)			For severe outbreaks of coccidiosis in laying chickens; administer for 2 weeks.	Do.
7.1 Amprolium	113.5 (0.0125%)	Ethopabate	36.3 (0.004%)	For broiler chickens; for replacement chickens where immunity to coccidiosis is not desired; not for chickens over 16 weeks of age.	As an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *E. acervulina*, *E. maxima*, and *E. brunetti* is likely to occur.
a. 7.1		Bacitracin	4	For broiler chickens; do not feed to laying chickens; as sole source of amprolium; not for use as a treatment for outbreaks of coccidiosis; as bacitracin methylene disalicylate as provided by Code No. 028 in § 135.501(c) of this chapter; feed as the sole ration from the time chickens are placed on litter until past the time when coccidiosis is ordinarily a hazard; approval for this combination granted to firm No. 023 as identified in § 135.501(c) of this chapter.	To aid in prevention of coccidiosis where severe exposure to coccidiosis from *E. acervulina*, *E. maxima*, *E. brunetti* is likely to occur; for increased rate of weight gain in broiler chickens raised in floor pens.
b. 7.1		3-Nitro-4-hydroxy-phenylarsonic acid.	45.4 (0.005%)	For broiler chickens; do not feed to laying chickens; withdraw 5 days before slaughter; as sole source of amprolium; do not use as a treatment for outbreaks of coccidiosis; feed as the sole ration from time chickens are placed on litter until past the time when coccidiosis is ordinarily a hazard; 3-nitro-4-hydroxy-phenylarsonic acid as provided by code No. 031 in § 135.501(c) of this chapter; approval for this combination granted to firm No. 023 as identified in § 135.501(c) of this chapter.	Do.
8.1 Amprolium	113.5 (0.0125%)			For laying chickens	Prevention of coccidiosis.

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Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
9.1 Amprolium	113.5 (0.0125%)	3-Nitro-4-hydroxyphenylarsonic acid.	34 (0.00375%)	For floor-raised broiler chickens; do not feed to laying chickens; withdraw 5 days before slaughter; as sole source of amprolium and organic arsenic; do not use as a treatment for outbreaks of coccidiosis; feed as the sole ration from time chickens are placed on litter until past the time when coccidiosis is ordinarily a hazard; amprolium and ethopabate as provided by code No. 028 in § 135.501(c) of this chapter; bacitracin methylene disalicylate as provided by code No. 028 in § 135.501(c) of this chapter; 3-nitro-4-hydroxyphenylarsonic acid as provided by code No. 031 in § 135.501(c) of this chapter; approval for this combination granted to firm No. 023 as identified in § 135.501(c) of this chapter.	For increased rate of weight gain and as an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *E. acervulina*, *E. maxima*, and *E. brunetti* is likely to occur in broiler chickens raised in floor pens.
		+ Ethopabate	36.3 (0.004%)		
		+ Bacitracin methylene disalicylate.	5–35		
10.1 Amprolium	113.5 (0.0125%)	3-Nitro-4-hydroxyphenylarsonic acid.	34 (0.00375%)	do	For increased rate of weight gain, improved feed efficiency, and as an aid in the prevention of coccidiosis where severe exposure to coccidiosis from *E. acervulina*, *E. maxima*, and *E. brunetti* is likely to occur in broiler chickens raised in floor pens.
		+ Ethopabate	36.3 (0.004%)		
		+ Bacitracin methylene disalicylate.	20–35		

2. Section 121.225(b)(1) should read as follows:

§ 121.225 Antibiotics for growth promotion and feed efficiency.

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(b) • • •

(1) Zinc bacitracin is the zinc salt of the antibiotic substance produced by the growth of *Bacillus subtilus var.* Tracy or the same antibiotic substance produced by any other means, and for the purposes of this paragraph refers to zinc bacitracin or feed grade zinc bacitracin.

PART 135—NEW ANIMAL DRUGS

4. The tables in § 135.109(g)(1) and (2) are republished to read as follows:

§ 135.109 Antibiotic, Nitrofuran, and sulfonamide drugs in the feed of animals.

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(g) • • •
(1) • • •

Drug sponsor	Drug premix	Species	Use levels	Indications for use
Commercial Solvents Corp.	Zinc bacitracin.	Chickens, turkeys, and swine.	§ 121.233 (tables 1 and 2) of this chapter.	§ 121.233 (tables 1 and 2) of this chapter.
		Cattle.	§ 121.225 of this chapter.	§ 121.225 of this chapter.
S. B. Penick & Co.	Bacitracin methylene disalicylate.	Chickens, turkeys, and swine.	§ 121.252 (tables 1 and 2) of this chapter.	§ 121.252 (tables 1 and 2) of this chapter.
		Cattle.	§ 121.225 of this chapter.	§ 121.225 of this chapter.
			§ 121.252 (table 3) of this chapter.	§ 121.252 (table 3) of this chapter.
Elanco Products Co.	Hygromycin B.	Chickens and swine.	§ 121.213 (tables 1 and 2) of this chapter.	§ 121.213 (tables 1 and 2) of this chapter.
	Tylosin.	Swine	§ 135e.10 of this chapter.	§ 135e.10 of this chapter.
Abbott Laboratories.	Erythromycin.	Chickens, turkeys, and swine.	§ 121.202 of this chapter.	§ 121.202 of this chapter.
The Upjohn Co.	Lincomycin.	Chickens.	§ 135e.49 of this chapter.	§ 135e.49 of this chapter.
Pfizer, Inc.	Oleandomycin.	Chickens and swine.	§ 135e.45 of this chapter.	§ 135e.45 of this chapter.
Hoechst Pharmaceuticals.	Bambermycins.	Chickens	§ 135e.65 of this chapter.	§ 135e.65 of this chapter.
American Cyanamid Co., Diamond-Shamrock Chemical Co., Hess and Clark, Rachelle Labs, Inc., and Vitamin Premixers of Omaha.	Chlortetracycline.	Chickens, turkeys, swine, and cattle.	§ 121.208 (tables 1, 2, and 6) of this chapter.	§ 121.208 (tables 1, 2, and 6) of this chapter.
			§ 121.225 of this chapter.	§ 121.225 of this chapter.
Merck, Sharpe & Dohme Research Labs.	Procaine penicillin.	Chickens, turkeys, swine, pheasant and quail.	§ 121.256 (tables 1 and 2) of this chapter.	§ 121.256 (tables 1 and 2) of this chapter.
			§ 121.225 of this chapter.	§ 121.225 of this chapter.
E. R. Squibb & Sons, Inc.	do.	do.	do.	Do.
Merck, Sharpe, & Dohme Research Labs.	Sulfaquinoxaline.	Chickens.	Continuously, 0.0125–.025 percent.	Aid in prevention of coccidiosis due to *Eimeria Tenella, E. necatrix, E. acervulina, E. brunetti, E. maxima.*
		Turkeys.	Continuously, 0.0175 percent.	Aid in prevention of coccidiosis due to *Eimeria meleagrites, E. meleagrimites* and *E. adenoeides.*
		Rabbits.	Continuously, 0.025 percent.	Aid in prevention of coccidiosis due to *Eimeria stiedai, E. perforans.*
Pfizer, Inc., and Vitamin Premixers of Omaha.	Oxytetracycline.	Chickens and turkeys.	§ 121.251 (table 1) of this chapter.	§ 121.251 (table 1) of this chapter.
		Swine (10–30 lb).	25–50 g/ton.	To increase rate of gain and improve feed efficiency.
		Chickens and turkeys.	7½–10 g/ton.	Do.
		Swine (30–300 lb).	50 g/ton.	As an aid in the prevention of bacterial enteritis, also known as scours, baby pig diarrhea, vibrio dysentery, bloody dysentery and salmonellosis (necro or necrotic enteritis).
		Calves.	25–75 mg/head per day or in complete feed at 50 g/ton.	To increase rate of gain and improve feed efficiency. As an aid in the prevention of bacterial diarrhea.
		Cattle.	75 mg/head daily.	As an aid in reducing incidence and severity of bloat. As an aid in reducing incidence and severity of liver abscesses (for cattle weighing over 400 lb).
		do.	0.1–0.5 mg/lb of bodyweight daily.	As an aid in the prevention of bacterial diarrhea.

Drug sponsor	Drug premix	Species	Use levels	Indications for use
Hoffman-La Roche, Inc.	Sulfadimethoxine and Ormetoprim.	Chickens and turkeys.	§ 135e.55 of this chapter.	§ 135e.55 of this chapter.
Pfizer, Inc.	Oxytetracycline and Neomycin.	Chickens, turkeys, swine, and calves.	As provided in par. (g)(2) of this section.	As provided in par. (g)(2) of this section.
American Cyanamid Co. and Rachelle Labs, Inc.	Chlortetracycline, Sulfamethazine, and Penicillin.	Swine.	do.	Do.
Diamond Shamrock Chemical Co.	Chlortetracycline, Sulfathiazole, and Penicillin.	do.	do.	Do.
Hess & Clark and Norwich Pharmacal Co.	Furazolidone.	Chickens and turkeys.	0.00083–0.0011 percent (7½–10 g/ton).	To stimulate growth and improve feed efficiency of chickens and turkeys when fed continuously.
			0.0055 percent (50 g/ton).	For prevention of fowl typhoid, paratyphoid, and pullorum in chickens and turkeys when fed continuously in birds older than 2 weeks of age. For aid in prevention of coccidiosis in chickens caused by *E. tenella, E. necatrix*, or *E. acervulina* when fed continuously.
		do.	0.0055–0.011 percent (50–100 g/ton).	Aid in maintenance of feed consumption and growth and reduction of morbidity and mortality due to stress and the following nonspecific conditions: Chronic respiratory disease (air-sac), infectious sinusitis, synovitis (arthritis due to filterable agent), nonspecific enteritis (bluecomb, mud fever) and quail disease (ulcerative enteritis) when fed continuously prior to or throughout the danger period and during times of stress.
		do.	0.011 percent (100 g/ton).	For prevention of fowl typhoid, paratyphoid and pullorum in chickens and turkeys when fed for the first 2 weeks of the birds' life and followed continuously thereafter by one-half this level (i.e., 0.0055 percent). For treatment of fowl typhoid, paratyphoid and pullorum in chickens and turkeys when fed for at least 2 weeks except when paratyphoid is due to *S. typhimurium.*
Hess & Clark and Norwich Pharmacal.	Furazolidone.	Chickens and turkeys.	0.011 percent (100 g/ton).	For reduction of condemnations due to chronic respiratory disease air-sac complex associated with vaccination stress, feed continuously beginning at least 1 week before vaccination. For prevention of infectious hepatitis when fed continuously during the danger period. For control of coccidosis in chickens caused by *E. tenella, E. necatrix*, or *E. acervulina* when fed for 5–7 days or longer and followed by one-half this level (i.e., 0.0055 percent) for 2 weeks to aid in preventing recurrence.
	do.	do.	do.	For prevention of blackhead (histomoniasis, enterohepatitis) in chickens and turkeys when fed continuously. For prevention of paracolon in chickens and turkeys and hexamitiasis in turkeys when fed throughout the danger period. For control of chronic respiratory disease (air-sac), infectious sinusitis, synovitis (arthritis due to filterable agent), nonspecific enteritis (bluecomb, mud fever) and quail disease (ulcerative enteritis) when fed for 5–10 days and followed with one-half this level (i.e., 0.0055 percent) to aid in preventing recurrence. NOTE.—Severe outbreaks may require twice the level specified (i.e., 0.022 percent).
	do.	do.	0.011–0.022 percent (100–200 g/ton).	Aid in maintenance of feed consumption and growth, and reduction of mortality and morbidity due to stress; for the control of the following nonspecific conditions: Chronic respiratory disease (air-sac), infectious sinusitis, synovitis (arthritis due to a filterable agent), (bluecomb, mud fever) and quail disease (ulcerative enteritis) when fed 5–10 days. Follow with preventive level to prevent recurrence.
	do.	Chickens.	0.022 percent (200 g/ton).	For treatment of paratyphoid due to *S. typhimurium* when fed for 2 weeks. For treatment of blackhead (histomoniasis, enterohepatitis) in chickens and turkeys when fed for 2–3 weeks (following diagnosis). For treatment of paracolon in chickens and turkeys and hexamitiasis in turkeys when fed for 2 weeks or longer (following diagnosis). For control of chronic respiratory disease (air-sac), infectious sinusitis, synovitis (arthritis due to filterable agent), non-specific enteritis (bluecomb, mud fever) and quail disease (ulcerative enteritis) when fed for 5–10 days and followed with one-fourth this level (i.e., 0.0055 percent) to aid in preventing recurrences. For treatment of infectious hepatitis in chickens when fed for 14 days and repeated as necessary.
		Swine.	§ 121.255 of this chapter.	§ 121.255 of this chapter.
	Nitrofurasone.	Chickens.	0.0055 percent (50 g/ton).	Aid in prevention of coccidiosis when fed continuously.
		Turkeys.		As an aid in controlling losses due to secondary bacterial invasions concurrent with coccidoses outbreaks when fed continuously throughout the danger period.
	Nithydrazone.	Chickens.	§ 121.237 of this chapter.	§ 121.237 of this chapter.

§ 135.109 • • •
(g) • • •
(2) • • •

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Drug sponsor	Drug ingredient	Species	Use levels	Indications for use
American Cyanamid Co. and Rachelle Labs, Inc.	Chlortetracycline. Sulfamethazine. Penicillin.	Swine.	100 g/ton. 100 g/ton. 50 g/ton. 100 g/ton.	§ 135e.61 of this chapter.
Diamond Shamrock Chemical Co.	Chlortetracycline. Sulfathiazole. Penicillin.	do.	100 g/ton. 50 g/ton.	§ 135e.58 of this chapter.
American Cyanamid Co.	Chlortetracycline and Sulfamethazine.	Cattle.	§ 121.208 (table 6) of this chapter.	§ 121.208 (table 6) of this chapter.
Pfizer, Inc., and Vitamin Premixers of Omaha.	Oxytetracycline. Neomycin base.	Chickens.	50 g/ton. 35–140 g/ton.	Prevention of diseases from oxytetracycline-susceptible organisms during periods of stress. As an aid in the prevention of bacterial enteritis and in the control of neomycin-sensitive organisms associated with bluecomb (mud fever or nonspecific enteritis).
Do.	Oxytetracycline. Neomycin base	Chickens (first 2 weeks).	50–100 g/ton. 35–140 g/ton.	Prevention of early chick mortality due to oxytetracycline-susceptible organisms. As an aid in the prevention of bacterial enteritis and in the control of neomycin-sensitive organisms associated with bluecomb (mud fever or nonspecific enteritis).
Do.	Oxytetracycline. Neomycin base.	Chickens (first 2 weeks).	50–100 g/ton. 35–140 g/ton.	To extend period of high egg production, to improve feed efficiency, to improve egg production and feed efficiency in presence of disease and at times of stress: As an aid in maintaining and improving hatchability where birds are suffering stress from moving, vaccinations, culling, extreme temperature changes, and worming; to improve livability of progeny when losses are due to oxytetracycline-susceptible organisms, to improve egg shell quality, prevention of bine comb (mud fever or nonspecific enteritis). As an aid to the prevention of bacterial enteritis and in the control of neomycin-sensitive organisms associated with bluecomb (mud fever or nonspecific enteritis).
Do.	Oxytetracycline. Neomycin base.	do.	100–200 g/ton. 35–140 g/ton.	Prevention of complicated chronic respiratory disease (air-sac infection) and control of complicated chronic respiratory disease by lowering mortality and severity during outbreaks. As an aid in the prevention of bacterial enteritis and in the control of neomycin-sensitive organisms associated with bluecomb (mud fever or nonspecific enteritis).
Pfizer, Inc.	Oxytetracycline. Neomycin base.	Turkeys.	50 g/ton. 35–140 g/ton.	As an aid in the prevention of disease from oxytetracycline-susceptible organisms during periods of stress. As an aid in the prevention of bacterial enteritis and in the control of neomycin-sensitive organisms associated with bluecomb (mud fever or nonspecific enteritis).
Do.	Oxytetracycline. Neomycin base.	do.	50–100 g/ton. 35–140 g/ton.	To extend period of high egg production, to improve egg production, to improve feed efficiency, to improve fertility, to improve egg production and feed efficiency in presence of disease and time of stress; as an aid in maintaining and improving hatchability where birds are suffering from stress, exposure, moving, vaccination, culling, extreme losses due to oxytetracycline-susceptible organisms, and to improve egg shell quality; prevention of hexamitiasis. As an aid in the prevention of bacterial enteritis and in the control of neomycin-sensitive organisms associated with bluecomb (mud fever or nonspecific enteritis).
Do.	Oxytetracycline. Neomycin base.	Turkeys (first 4 weeks).	50–100 g/ton. 35–140 g/ton.	As an aid in the prevention of early poult mortality dne to oxytetracycline-susceptible organisms. As an aid in the prevention of bacterial enteritis and in the control of neomycin-sensitive organisms associated with bluecomb (mud fever or nonspecific enteritis).
Pfizer, Inc.	Oxytetracycline. Neomycin base.	Turkeys (first 4 weeks).	100–150 g/ton. 35–100 g/ton	As an aid in reducing mortality in birds which have suffered an attack of air-sacculitis (it is recommended, wherever possible, to feed from time of attack to marketing).
Do.	Oxytetracycline. Neomycin base.	Turkeys.	100–150 g/ton. 35–100 g/ton.	As an aid in the prevention of bacterial enteritis and in the control of neomycin-sensitive organisms associated with bluecomb (mud fever or nonspecific enteritis).
Do.	Oxytetracycline. Neomycin base.	do.	100–200 g/ton. 35–140 g/ton.	Control of bluecomb (mud fever or nonspecific enteritis), infectious sinusitis and hexamitiasis, prevention of infectious synovitis. As an aid in the prevention of bacterial enteritis and in the control of neomycin-sensitive organisms associated with bluecomb (mud fever or nonspecific enteritis).
Do.	Oxytetracycline. Neomycin base.	do.	200 g/ton. 70–140 g/ton.	Control of infectious synovitis. For the treatment of bacterial enteritis and bluecomb (mud fever or nonspecific enteritis).

Drug sponsor	Drug ingredient	Species	Use levels	Indications for use
Pfizer, Inc., and Vitamin Premixers of Omaha.	Oxytetracycline. Neomycin base.	Swine.	50 g/ton. 35–140 g/ton.	As an aid in the prevention of bacterial enteritis (scours), baby pig diarrhea (in baby pigs only), vibrionic dysentery, bloody dysentery and salmonellosis (necro or necrotic enteritis).
Do.	Oxytetracycline. Neomycin base.	do.	50–150 g/ton. 70–140 g/ton.	As an aid in the maintenance of weight gains and feed consumption in the presence of atrophic rhinitis. As an aid in the treatment of bacterial enteritis.
Pfizer, Inc.	Oxytetracycline. Neomycin base.	Calves.	50 g/ton. 35–140 g/ton.	As an aid in the prevention of bacterial enteritis (scours).
Do.	Oxytetracycline. Neomycin base.	do.	100 g/ton. 70–140 g/ton.	As an aid in the treatment of bacterial enteritis (scours).
Do.	Oxytetracycline. Neomycin base	do.	8–100 mg/gal reconstituted milk replacer. 100–200 mg/gal reconstituted milk replacer.	As an aid in the prevention of bacterial diarrhea (scours).
Do.	Oxytetracycline. Neomycin base	do.	40–200 mg/gal reconstituted milk replacer. 200–400 mg/gal reconstituted milk replacer.	Do.
Elanco Products Co.	Tylosin and sulfamethazine.	Swine.	§ 135e.36 of this chapter.	§ 135e.36.
The Upjohn Co.	Lincomycin, amprolium, and ethopabate.	Chickens.	§§ 135e.49 and 121.210 of this chapter.	§§ 135e.49 and 121.210.
	Lincomycin and buquinolate.	do.	§§ 135e.49 and 135e.34 of this chapter.	§§ 135e.49 and 135e.34.
	Lincomycin and clopidol.	do.	§§ 135e.49 and 135e.46 of this chapter.	§§ 135e.49 and 135e.46.
	Lincomycin and decoquinate.	do.	§§ 135e.49 and 135e.51 of this chapter.	§§ 135e.49 and 135e.51.
	Lincomycin and zoalene.	do.	§§ 135e.49 and 121.207 of this chapter.	§§ 135e.49 and 121.207.
	Lincomycin, amprolium, ethopabate, and 3-nitro-4-hydroxyphenylarsonic acid.	do.	§§ 135e.49, 121.210, and 121.262 of this chapter.	§§ 135e.49, 121.210, and 121.262.
	Lincomycin and monensin.	do.	§§ 135e.49 and 135e. 50 of this chapter.	§§ 135e.49 and 135e.50.
	Lincomycin and robenidine hydrochloride.	do.	§§ 135e.49 and 135e.66 of this chapter.	§§ 135e.49 and 135e.66.
	Lincomycin, monensin, and 3-nitro-4-hydroxyphenylarsonic acid.	do.	§§ 135e.49, 135e.50, and 121.262 of this chapter.	§§ 135e.49, 135e.50, and 121.262.
Merck, Sharpe & Dohme Research Labs.	Procaine penicillin. Streptomycin.	Chickens and turkeys.	2.4–7.5 g/ton. 12.0–37.5 g/ton.	§ 121.225(a)(3)(iv) of this chapter.
	Procaine penicillin. Streptomycin.	Chickens.	3.75–7.5 g/ton. 18.75–37.5 g/ton.	Do.
	Procaine penicillin. Streptomycin.	Swine.	1.5–7.5 g/ton. 7.5–37.5 g/ton.	§ 121.225(a)(3)(vii) of this chapter.
	Procaine penicillin. Streptomycin.	do.	7.5–15 g/ton. 37.5–75.0 g/ton.	§ 121.256 (table 2) of this chapter.
	Procaine penicillin. Streptomycin. Arsanilic acid.	do.	1.5–7.5 g/ton. 7.5–37.5 g/ton. 45–90 g/ton.	§ 144.26 of this chapter.
	Nicarbazin. Procaine penicillin.	Chickens.	0.01–0.02 percent. 2.4–50 g/ton.	Do.
	Nicarbazin. Bacitracin methylene disalicylate.	do.	0.01–0.02 percent. 4–50 g/ton.	§ 144.26 of this chapter.
	Nicarbazin. Bacitracin methylene disalicylate. 3-Nitro-4-hydroxyphenylarsonic acid.	do.	0.01–0.02 percent. 4.50 g/ton. 0.0025–0.005 percent.	Do.
	Nicarbazin. Procaine penicillin. 3-Nitro-4-hydroxyphenylarsonic acid.	do.	0.01–0.02 percent. 2.4–50 g/ton. 0.0025–0.005 percent.	Do.
	Amprolium. Bacitracin methylene disalicylate.	Chickens and turkeys.	0.0125–0.025 percent. 4–50 g/ton.	§ 121.210 of this chapter.
	Amprolium. Ethopabate. Bacitracin methylene disalicylate.	Chickens.	0.0125–0.025 percent. 0.0004 percent. 4–50 g/ton.	Do.
	Amprolium. Ethopabate. Bacitracin methylene disalicylate. 3-Nitro-4-hydroxyphenylarsonic acid.	do.	0.0125–0.025 percent. 0.0004 percent. 4–50 g/ton. 0.0025–0.005 percent.	§§ 121.210 and 121.262 of this chapter.
	Amprolium. Procaine penicillin.	Chickens and turkeys.	0.004–0.025. 2.4–50 g/ton.	§ 121.210 of this chapter.
	Amprolium. Procaine penicillin. 3-Nitro-4-hydroxyphenylarsonic acid.	Chickens.	0.004–0.25 percent. 2.4–50 g/ton. 0.005 percent.	§§ 121.210 and 121.262 of this chapter.
	Amprolium. Ethopabate. Procaine penicillin.	do.	0.0125–0.0125 percent. 0.0004 percent. 2.4–50 g/ton.	§ 121.210 of this chapter.

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Drug sponsor	Drug ingredient	Species	Use levels	Indications for use
	Amprolium. Ethopabate. Procaine penicillin. 3-Nitro-4-hydroxyphenylarsonic acid.	do.	0.0126–0.028 percent. 0.0004 percent. 2.4–50 g/ton. 0.0025–0.005 percent.	§§ 121.210 and 121.262 of this chapter.
Pfizer, Inc.	Penicillin. Streptomycin.	Chickens and turkeys.	2.4–25 g/ton. 15–75 g/ton.	§ 144.26 of this chapter.
	Penicillin. Streptomycin.	Swine.	5–25 g/ton. 15–75 g/ton.	Do.
Hoffmann-La Roche, Inc.	Sulfadimethoxine. Ormetoprim. 3-Nitro-4-hydroxyphenylarsonic acid.	Chickens.	§ 135e.55 of this chapter.	§ 135e.55 of this chapter.
	Sulfadimethoxine. Ormetoprim. Ipronidazole.	Turkeys.	§ 135e.55 and § 135e.56 of this chapter.	§ 135e.55 and § 135e.56 of this chapter.
Dow Chemical Co.	Zoalene. Bacitracin methylene disalicylate.	Chickens.	0.0125 percent. 4–50 g/ton.	§ 121.207 of this chapter.
	Zoalene. 3-Nitro-4-hydroxyphenylarsonic acid. Bacitracin methylene disalicylate.	do.	0.0126 percent. 0.005 percent. 4–50 g/ton.	Do.
	Zoalene. Zinc bacitracin.	do.	0.0125 percent. 4–50 g/ton.	Do.
	Zoalene. 3-Nitro-4-hydroxyphenylarsonic acid. Zinc bacitracin.	do.	0.0125 percent. 0.005 percent. 4–50 g/ton.	Do.
	Zoalene. Penicillin.	do.	0.0125 percent. 2.4–50 g/ton.	Do.
	Zoalene. 3-Nitro-4-hydroxyphenylarsonic acid. Penicillin.	do.	0.0125 percent. 0.005 percent. 2.4–50 g/ton.	Do.
	Zoalene. Arsanilic acid. Bacitracin methylene disalicylate.	do.	0.0125 percent. 0.01 percent. 4–50 g/ton.	Do.
	Zoalene. Arsanilic acid. Penicillin.	do.	0.0125 percent. 0.01 percent. 2.4–50 g/ton.	Do.
	Zoalene. Bacitracin methylene disalicylate.	do.	0.004–0.0125 percent. 4–50 g/ton.	Do.
	Zoalene. Penicillin.	do.	0.0125 percent. 2.4–50 g/ton.	Do.
	Zoalene. 3-Nitro-4-hydroxyphenylarsonic acid. Penicillin.	do.	0.0125 percent. 0.005 percent. 2.4–50 g/ton.	Do.
Dow Chemical Co.	Zoalene. Arsanilic acid. Bacitracin methylene disalicylate.	Chickens.	0.0125 percent. 0.01 percent. 4–50 g/ton.	§ 121.207 of this chapter.
	Zoalene. Arsanilic acid. Penicillin.	do.	0.0125 percent. 0.01 percent. 2.4–50 g/ton.	Do.
	Zoalene. Bacitracin methylene disalicylate.	do.	0.004–0.0125 percent. 4–50 g/ton.	Do.
	Zoalene. 3-Nitro-4-hydroxyphenylarsonic acid. Bacitracin methylene disalicylate	do.	0.004–0.0125 percent. 0.005 percent. 4–50 g/ton.	Do.
Norwich Pharmacal Co.	Furazolidone. Oxytetracycline.	Swine.	0.022 percent (200 g/ton). 50–150 g/ton.	Prevention of bacterial enteritis (necrotic enteritis, necro) and vibrionic (bloody) dysentery growth promotion while on medication when fed in prestarters, starters and growing rations to baby pigs and growing swine for 2 weeks. As an aid in the maintenance of weight gains and feed consumption in presence of atrophic rhinitis.
	Furazolidone. Oxytetracycline. Arsanilic acid.	do.	0.11 percent (100 g/ton). 50–100 g/ton. 0.005–0.01 percent.	Prevention of bacterial enteritis (necrotic enteritis, necro) and vibrionic (bloody) dysentery; growth promotion while on medication when fed in prestarters, starters and growing rations to baby pigs and growing swine for 5 weeks. As an aid in the maintenance of weight gains and feed consumption in presence of atrophic rhinitis. Growth promotion and feed efficiency.
	Furazolidone and Bacitracin methylene disalicylate or Zinc bacitracin or Procaine penicillin.	Chickens and turkeys.	0.011–0.022 percent (100–200 g/ton). 4–50 g/ton. 2.4–50 g/ton.	§ 144.26 of this chapter.

Drug sponsor	Drug ingredient	Species	Use levles	Indications for use
	Nihydrazone. Procaine penicillin.	Chickens.	0.11 percent (100 g/ton). 2.4–50 g/ton.	§ 121.237 of this chapter.
	Nihydrazone. Chlortetracycline.		0.11 percent (100 g/ton). 10–50 g/ton.	Do.
	Nihydrazone. Bacitracin methylene disalicylate Zinc bacitracin.		0.11 percent (100 g/ton). 4–50 g/ton.	Do.

PART 144—EXEMPTIONS FROM CERTIFICATION REQUIREMENTS FOR ANTIBIOTIC DRUGS FOR VETERINARY USE

3. The table in § 144.26(a) is republished to read as follows:

§ 144.26 Animal feeds bearing or containing new animal drugs subject to the provisions of section 512(n) of the act.

• • • • • •

(a) The drugs are used as follows:

Product	Species	Use levels	Indications for use
1. Nicarbazin. Procaine penicillin.	Chickens	0.01–0.02 percent. 2.4–50 g/ton	For use solely in the prevention of outbreaks of coccidiosis in poultry flocks.
2. Nicarbazin. Bacitracin methylene disalicylate.	do	0.01–0.02 percent. 4–50 g/ton.	Do.
3. Nicarbazin. Bacitracin methylene disalicylate. 3-Nitro-4-hydroxyphenylarsonic acid.	do	0.01–0.02 percent. 4–50 g/ton. 0.0025–0.005 percent.	For use as an aid in the prevention of coccidiosis in poultry flocks.
4. Nicarbazin. Procaine penicillin. 3-Nitro-4-hydroxyphenylarsonic acid.	do	0.01–0.02 percent. 2.4–50 g/ton. 0.0025–0.005 percent.	Do.
5. Procaine penicillin. Streptomycin. Arsanilic acid.	Swine	1.5–7.5 g/ton. 7.5–37.5 g/ton. 45–90 g/ton.	Increase rate of gain and improve feed efficiency in growing swine; aid in the prevention of bacterial swine enteritis.
6. Penicillin. Streptomycin.	Chickens and turkeys.	2.4–25 g/ton. 15–75 g/ton.	For use solely as a treatment for complicated chronic respiratory disease (air-sac infection), infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever), and hexamitiasis in poultry; as an aid in maintaining or increasing egg production of chickens, hatchability of eggs, prevention of early mortality of chicks when due to organisms that are sensitive to streptomycin and penicillin; and for improving feed efficiency of chickens or turkeys.
7. Penicillin. Streptomycin.	Swine.	5–25 g/ton. 15–75 g/ton.	For use in the prevention or treatment of bacterial swine enteritis.
8. Furazolidone and Bacitracin methylene disalicylate or Procaine penicillin.	Chickens and turkeys.	0.011 percent. 4–50 g/ton. 2.4–50 g/ton.	Growth promotion and feed efficiency. For prevention of fowl typhoid, paratyphoid, and pullorum in chickens and turkeys when fed for the first 2 weeks of the birds' life. For treatment of fowl typhoid, paratyphoid and pullorum in chickens and turkeys when fed for at least 2 weeks, except when paratyphoid is due to *S. typhimurium*. For reduction of condemnations due to chronic respiratory disease air-sac complex associated with vaccination stress, feed continuously beginning at least 1 week before vaccination. For prevention of infectious hepatitis when fed continuously during the danger period. For control of coccidiosis in chickens, caused by *E. tenella*, *E. necatrix*, or *E. acervulina* when fed for 5 to 7 days or longer. For prevention of blackhead (histomoniasis, enterohepatitis) in chickens and turkeys when fed continuously. For prevention of parcoises in chickens and turkeys and hexamitiasis in turkeys when fed throughout the danger period. For control of chronic respiratory disease (air-sac), infectious sinusitis, synovitis (arthritis due to filterable agent), nonspecific enteritis (bluecomb, mud fever) and quail disease (ulcerative enteritis) when fed for 5 to 10 days. NOTE.—Severe outbreaks may require twice the level specified (i.e., 0.022 percent).
9. Furazolidone and Bacitracin methylene disalicylate or Procaine penicillin.	Chickens and turkeys	0.011–0.022 percent. 4–50 g/ton. 2.4–50 g/ton.	Growth promotion and feed efficiency. Aid in maintenance of feed consumption and growth and reduction of mortality and morbidity due to stress; for the control of the following nonspecific conditions: chronic respiratory disease (air-sac), infectious sinusitis, synovitis (arthritis due to a filterable agent), nonspecific enteritis (bluecomb, mud fever) and quail disease (ulcerative enteritis) when fed 5 to 10 days. Follow with preventive level to prevent recurrence.

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Product	Species	Use levels	Indications for use
10. Furazolidone and Bacitracin methylene disalicylate or Procaine penicillin.	Chickens and turkeys.	0.22 percent. 4-80 g/ton. 2.4-80 g/ton.	For treatment of paratyphoid due to *S. typhimurium* when fed for 2 weeks. For treatment of blackhead (histomoniasis, enterohepatitis) in chickens and turkeys when fed for 2 to 3 weeks (following diagnosis). For treatment of parasoloo in chickens and turkeys and hexamitiasis in turkeys when fed for 2 weeks or longer (following diagnosis). For control of chronic respiratory disease (air-sac), infectious sinusitis, synovitis (arthritis due to filterable agent), mud fever and quail disease (ulcerative enteritis) when fed for 5 to 10 days. For treatment of infectious hepatitis in chickens when fed for 14 days and repeated as necessary.

Social Security Administration

[20 CFR Part 404]

[Reg. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Proposed Change in Yearly Earnings Base for Granting of Quarters of Coverage—Reduced Quarters of Coverage Required for Fully Insured Status for Men

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in the tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments to the regulations relate to the granting of four quarters of coverage if the individual has creditable earnings of a specified amount in designated years. The amendments also reflect the reduced quarters of coverage required for men in order to acquire a fully insured status.

At present the regulations do not reflect the yearly amount of creditable earnings required for the granting of four quarters of coverage in any year after 1971. In addition, the reduced quarters of coverage required for men to acquire a fully insured status are not covered.

The pertinent amendment revising the maximum yearly earnings creditable and providing for a contribution and earnings base for the granting of four quarters of coverage for a year is section 203(a)(3)(A) and (B) of Public Law 92-336, enacted July 1, 1972.

Prior to the October 1972 Amendments, a larger number of quarters of coverage was required for a fully insured status for men than for women. Section 104 of Public Law 92-603 reduced the quarters of coverage required for men in three steps. Under this provision, men who attain age 62 in 1975 or later will require the same number of quarters of coverage as women.

Prior to the final adoption of the proposed amendment to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C., 20201, on or before October 29, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 205, 213(a), 214(a), and 1102 of the Social Security Act, and section 104 (j) of Public Law 92-603, 53 Stat. 1368, as amended, 64 Stat. 504, 505, as amended, 49 Stat. 647, as amended; 42 U.S.C. 405, 413(a), 414, and 1302.

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance)

Dated: September 7, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: September 23, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Regulations No. 4 of the Social Security Administration, as amended (20 CFR Part 404) are further amended as follows:

1. Section 404.103(d) is amended to read as follows:

§ 404.103 Quarters of coverage.

• • • • •

(d) *Quarters of coverage based on wages paid or self-employment income derived in a year.* An individual is credited with quarters of coverage based on the amount of wages paid or self-employment income derived or a combination of both, in a year, as follows:

(1) *Based on wages.* An individual is credited with a quarter of coverage for each quarter in a calendar year (subject to the limitations in § 404.104) if such quarter occurred in a calendar year:

(i) After 1974, and he has been paid wages equal to the amount of the contribution and benefit base in effect for that year;

(ii) For the year 1974, and he has been paid wages equal to $13,200 in that year;

(iii) For the year 1973, and he has been paid wages equal to $10,800 in that year;

(iv) For the year 1972, if he has been paid wages equal to $9,000 in that year;

(v) After 1967 and prior to 1972, and he has been paid wages equal to $7,800 in such year;

(vi) After 1965 and prior to 1968, and he has been paid wages equal to $6,600 in such year;

(vii) After 1958 and prior to 1966, and he has been paid wages equal to $4,800 in such year;

(viii) After 1954 and prior to 1959, and he has been paid wages equal to $4,200 in such year;

(ix) After 1950 and prior to 1955, and he has been paid wages equal to $3,600 in such year;

(x) Prior to 1951, and he has been paid wages equal to $3,000 in such year and the conditions described in § 404.105 are met. If the conditions of § 404.105 are not met, then only those quarters in such year which occur after a quarter of coverage established in accordance with paragraph (b)(1) of this section, and prior to the quarter in which the individual becomes entitled to a primary insurance benefit, or died, are credited as quarters of coverage.

(2) *Based on self-employment income, or combination of self-employment income and wages.* In a case in which an individual has self-employment income, or a combination of self-employment income and wages, during a taxable year, he is credited with a quarter of coverage for each calendar quarter wholly or partly in such taxable year (subject to the limitations in § 404.104) if such taxable year:

(i) Ends after 1974, and the total of his self-employment income derived and wages paid, in such year equals the amount of the contribution and benefit base in effect for such year.

(ii) Ends after 1973, and prior to 1975, and the total of his self-employment income derived and wages paid, in such year equals $13,200;

(iii) Ended after 1972, and prior to 1974, and the total of his self-employment income derived and wages paid in such year equals $10,800;

(iv) Ended after 1971 and prior to 1973, and the total of his self-employment income derived and wages paid in such year equals $9,000;

(v) Ended after 1967 and prior to 1972 and the total of his self-employment income derived and wages paid in such year equals $7,800;

(vi) Ended after 1965 and prior to 1968 and the total of his self-employment income derived and wages paid, in such year equals $6,600;

(vii) Ended after 1958 and prior to 1966 and the total of his self-employment income derived and wages paid, in such year equals $4,800;

(viii) Ended after 1954 and prior to 1959 and the total of his self-employment income derived and wages paid, in such year equals $4,200;

(ix) Began after 1950 and ended prior to 1955 and the total of his self-employment income derived and wages paid, in such year equals $3,600.

• • • • •

2. Section 404.108 is revised to read as follows:

§ 404.108 Fully insured status; general.

(a) *Factors involved.* An individual is fully insured if he is credited with a required number of quarters of coverage. The number of quarters of coverage required is determined generally by the year the individual attains a certain age (referred to hereinafter as the determining age). The determining age is age 62 ((1) for months before November 1956, the determining age for a woman was age 65; (2) for men, the determining age was (i) age 65 if attainment of age 62 was prior to 1973; (ii) age 64 if attainment of age 62 was in 1973; (iii) age 63 if attainment of age 62 was in 1974) or if death occurs before attainment of the determining age, the date of death; whether or not a period of disability has been established for the individual; and the insured status requirement in effect at the time the individual first filed application for benefits, is first eligible for benefits, or dies.

(b) *When fully insured status begins.* An individual is fully insured beginning with the first day of the calendar quarter in which he acquires the last required quarter of coverage (see §§ 404.103(f) and 404.109–404.112). Though fully insured under the statutory provisions in effect during a particular period, an individual may not be fully insured under the statutory provision in effect for a prior period, and in such case, no benefits would be payable for such prior period though benefits may be payable currently based on the later requirements. Sections 404.109–404.113 set forth the various fully insured status requirements and their period of applicability.

3. Paragraphs (a) and (f) of § 404.109 are revised to read as follows:

§ 404.109 Fully insured status—beginning August 1961.

(a) *Quarters of coverage requirement.* An individual is fully insured after July 1961, if credited with not less than:

(1) One quarter of coverage, whenever acquired, for each calendar year elapsing after 1950, or, if later, the year in which the individual attained age 21 and:

(i) In the case of a woman, before the year in which she attains age 62, or if she is deceased and death occurred prior to attainment of age 62, before the year in which she died;

(ii) In the case of a man, before the year in which he attains age 62, if such attainment is in 1975 or later; if the attainment of age 62 is in 1974, up to the year he attains age 63; if attainment of age 62 is in 1973, up to the year of attainment of age 64; if attainment of age 62 is before 1973, up to the year of attainment of age 65; or if he is deceased, before the year in which he died if death occurred prior to such attainment; or

(2) Forty quarters of coverage; or

(3) In the case of an individual who died before 1951, six quarters of coverage (see § 404.113a(c) for an exception).

• • • • •

(f) *Table for determining quarters of coverage for fully insured status.* The following tables may be used to ascertain the number of quarters of coverage required for a fully insured status for benefits for months after July 1961. Instructions for use of the table are set forth in paragraph (f)(1) and (2) of this section. The numbers of quarters of coverage which appear in columns II and III(b) may be reduced by the application of the provisions of paragraph (f)(2) of this section. (See § 404.113a for circumstances under which the minimum six quarters of coverage may be reduced.)

Column I	Column II		Column III(a)	Column III(b)	Column III(c)
Date of birth	Number of quarters of coverage required for insured status; living wage earner, or one who dies after year attains determining age.		Individual born before Jan. 2, 1930 and dies before reaching determining age. Year of death	Number of quarters required for fully insured status	Individual born Jan. 2, 1930 or later, dies before reaching determing age. Age in year of death
	Men	Women			
Jan. 1, 1893 or earlier	6	6	[1] 1957	6	[2] 28
Jan. 2, 1893 to Jan. 1, 1894	7	6	1958	7	29
Jan. 2, 1894 to Jan. 1, 1895	8	6	1959	8	30
Jan. 2, 1895 to Jan. 1, 1896	9	6	1960	9	31
Jan. 2, 1896 to Jan. 1, 1897	10	7	1961	10	32
Jan. 2, 1897 to Jan. 1, 1898	11	8	1962	11	33
Jan. 2, 1898 to Jan. 1, 1899	12	9	1963	12	34
Jan. 2, 1899 to Jan. 1, 1900	13	10	1964	13	35
Jan. 2, 1900 to Jan. 1, 1901	14	11	1965	14	36
Jan. 2, 1901 to Jan. 1, 1902	15	12	1966	15	37
Jan. 2, 1902 to Jan. 1, 1903	16	13	1967	16	38
Jan. 2, 1903 to Jan. 1, 1904	17	14	1968	17	39
Jan. 2, 1904 to Jan. 1, 1905	18	15	1969	18	40
Jan. 2, 1905 to Jan. 1, 1906	19	16	1970	19	41
Jan. 2, 1906 to Jan. 1, 1907	20	17	1971	20	42
Jan. 2, 1907 to Jan. 1, 1908	21	18	1972	21	43
Jan. 2, 1908 to Jan. 1, 1909	22	19	1973	22	44
Jan. 2, 1909 to Jan. 1, 1910	23	20	1974	23	45
Jan. 2, 1910 to Jan. 1, 1911	24	21	1975	24	46
Jan. 2, 1911 to Jan. 1, 1912	24	22	1976	25	47
Jan. 2, 1912 to Jan. 1, 1913	24	23	1977	26	48
Jan. 2, 1913 to Jan. 1, 1914	24	24	1978	27	49
Jan. 2, 1914 to Jan. 1, 1915	25	25	1979	28	50
Jan. 2, 1915 to Jan. 1, 1916	26	26	1980	29	51
Jan. 2, 1916 to Jan. 1, 1917	27	27	1981	30	52
Jan. 2, 1917 to Jan. 1, 1918	28	28	1982	31	53
Jan. 2, 1918 to Jan. 1, 1919	29	29	1983	32	54
Jan. 2, 1919 to Jan. 1, 1920	30	30	1984	33	55
Jan. 2, 1920 to Jan. 1, 1921	31	31	1985	34	56
Jan. 2, 1921 to Jan. 1, 1922	32	32	1986	35	57
Jan. 2, 1922 to Jan. 1, 1923	33	33	1987	36	58
Jan. 2, 1923 to Jan. 1, 1924	34	34	1988	37	59
Jan. 2, 1924 to Jan. 1, 1925	35	35	1989	38	60
Jan. 2, 1925 to Jan. 1, 1926	36	36	1990	39	61
Jan. 2, 1926 to Jan. 1, 1927	37	37	[3] 1991	40	62
Jan. 2, 1927 to Jan. 1, 1928	38	38			
Jan. 2, 1928 to Jan. 1, 1929	39	39			
Jan. 2, 1929 or later	40	40			

[1] Or earlier.
[2] Or younger.
[3] Or later.

(1) *Required quarters of coverage.* The number of quarters of coverage required for a fully insured status appears in column II on the same line as that in column I on which appears the date of birth. If the individual dies before attaining the determining age (see § 404.108(a)), the number of quarters required appears in column III(b) opposite the year in which he died, if he was born January 1, 1930, or earlier (column III(a)), or if born January 2, 1930, or later, his age in year of death (column III(c)).

(2) *Period of disability to be excluded.* In any case in which an individual had a period of disability established which is to be excluded in determining the number of quarters of coverage required for a fully insured status (see § 404.109(c)), the number of quarters of coverage determined in accordance with paragraph (f)(1) of this section is reduced by one whenever a year or any part of a year falls within the established period of disability.

[FR Doc.74-22475 Filed 9-26-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

[Redelegation of Authority No. 99.1.1, Amdt. 4]

CHIEF, REGIONAL OPERATIONS DIVISION, ET AL.

Delegation of Authority

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1, dated May 1, 1973 (38 FR 12836), from the Assistant Administrator for Program and Management Services, I hereby further amend Delegation of Authority No. 99.1.1, dated May 2, 1973 (38 FR 12836), as amended, to add a new section D as follows:

D. To the Representative of the Office of Contract Management who is designated by the Chief, Central Operations Division to act as Contracting Officer in the Office of Foreign Disaster Relief Coordinator authority to sign for disaster relief purposes:

(1) Contracts, regardless of amount;

(2) Purchase orders; and

(3) Grants, other than grants to foreign governments and international organizations whose membership is composed primarily of foreign governments, regardless of amount.

This amendment is effective immediately.

Dated: September 13, 1974.

HUGH L. DWELLEY,
Acting Director,
Office of Contract Management.

[FR Doc.74-22506 Filed 9-26-74;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 74-250]

FOREIGN CURRENCIES

Certification of Rates

SEPTEMBER 17, 1974.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-191 for the following country. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Japan yen:	
September 3, 1974	$0.003304
September 4, 1974	.003303
September 5, 1974	.003305
September 6, 1974	.003304
South Africa rand:	
September 5, 1974	$1.4170
September 6, 1974	1.4170

[SEAL] R. N. MARRA,
Director, Duty Assessment Division.

[FR Doc.74-22538 Filed 9-26-74;8:45 am]

Office of the Secretary

[T.D. 74-246]

CERTAIN STAINLESS STEEL FLATWARE

Increase in Tariff-Rate Quota; Correction

In FR Doc. 74-22215 appearing at page 34310 in the issue for Tuesday, September 24, 1974, the text of the President's letter referred to in the document was omitted and is set forth below.

[SEAL] PETER O. SUCHMAN,
Acting Assistant Secretary (Enforcement, Operations and Tariff Affairs).

SEPTEMBER 24, 1974.

SEPTEMBER 3, 1974.

Dear Mr. Secretary: I have determined that the United States consumption of knives, forks and spoons with stainless steel handles increased during calendar year 1973 by approximately 12 percent over the United States consumption of such articles during calendar year 1972. Accordingly, pursuant to the provisions of Proclamation No. 4076 of August 21, 1971, establishing a tariff-rate quota on the imports of certain stainless steel flatware, I hereby notify you of my determination to increase such tariff-rate quota by 6 percent. Such increase, to be allocated on a quarterly basis, is to take effect on October 1, 1974.

Sincerely,

GERALD R. FORD.

The Honorable William Simon,
Secretary of the Treasury,
Washington, D.C.

[FR Doc.74-22568 Filed 9-26-74;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE PANEL ON INTELLIGENCE

Establishment, Organization and Functions

In accordance with the provisions of Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given that the Defense Panel on Intelligence has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The charter for the Defense Panel on Intelligence is as follows: Official Designation: Defense Panel on Intelligence.

Objectives and Scope of its Activity: The scope of this Panel will be to review Department of Defense intelligence activities and recommend actions which should be undertaken to achieve improvement in management and general effectiveness. The Panel will:

a. Review the actions which have been taken in the last three years to improve and strengthen DoD intelligence operations.

b. Examine the size and scope of present DoD intelligence operations.

c. Examine the interrelationships which exist among the various DoD intelligence activities and the management considerations which result from them.

d. Report to the Secretary of Defense its assessment of the effectiveness of DoD intelligence operations and the efficiency with which result from them.

e. Recommend actions which the Secretary of Defense should consider to improve intelligence responsiveness to Defense needs to improve the general effectiveness and cost efficiency of DoD intelligence operations, and to correct any problems which are observed.

The Panel will not be responsible for the implementation of their recommendations.

The Panel will require an estimated .13 man years and an estimated total operating budget of $5,000.00 to complete its purpose.

The Panel will report to the Secretary of Defense. The Office of the Secretary of Defense will be responsible for providing necessary support for the Panel.

The total estimated time for the Defense Panel on Intelligence to complete its purpose is 105 calendar days. The Panel will officially meet at approximately one-month intervals and will hold a total of approximately four meetings. The Panel will terminate approximately 105 calendar days from the date of filing this charter. The terminal date will be on or about 15 January 1975.

Date charter filed: September 25, 1974.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.74-22601 Filed 9-26-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Assistant Secretary, Land and Water Resources

OIL SHALE ENVIRONMENTAL ADVISORY PANEL

Notice of Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Oil Shale Environmental Advisory Panel will be held on October 10 and 11, 1974, at the C'est Bon Hotel and Convention Center, 1255 Empire Avenue, Park City, Utah. The meeting will begin at 11 a.m. on Thursday, October 10 in the Convention Hall and conclude at 4 p.m. on Friday, October 11.

The Panel was established to assist the Department of the Interior in the performance of functions in connection with the supervision of oil shale leases issued under the Prototype Oil Shale Leasing Program. The purpose of the meeting is to consider alternative water sources for development of Federal oil shale leases; the coordination of already adopted guidelines; and to receive reports from Departmental officials. The meeting is open to the public. It is expected that space will permit at least 100 persons to attend the session in addition to the panel members. Interested persons may make brief presentations to the Panel or file written statements. Requests should be made to Mr. William L. Rogers, Chairman, Office of the Secretary, Department of the Interior, Room 688, Building 67, Denver Federal Center, Denver, Colorado 80225.

Further information concerning this meeting may be obtained from Mr. Henry O. Ash, Office of the Oil Shale Environmental Advisory Panel, Room 820-A, Building 67, Denver Federal Center, Denver, Colorado 80225, Telephone No. (303) 234-3275. Minutes of the meeting will be available for public inspection 30 days after the meeting at the Panel Office.

Dated: September 24, 1974.

JACK O. HORTON,
Assistant Secretary of the Interior for Land and Water Resources.

[FR Doc.74-22469 Filed 9-26-74;8:45 am]

Bureau of Land Management

BLUFF BENCH

Proposed Agricultural and Horticultural Use

Pursuant to section 8 of the Taylor Grazing Act of June 28, 1934, as amended (48 Stat. 1269; 43 U.S.C. 315g; 43 CFR 2200) the lands described below, known as Bluff Bench have been applied for by the state of Utah for proposed agricultural and horticultural purposes.

SALT LAKE MERIDIAN

Township	Range	Section(s)	Subdivision
39 S.	21 E.	25	S½NE¼, SE¼.
39 S.	22 E.	30	Lots 2, 3, 4, SE¼NW¼, E½SW¼, SE¼.
39 S.	22 E.	31	All.
40 S.	21 E.	1	Lots 1, 2, S½NE¼, N½SE¼, SE¼SE¼.
40 S.	21 E.	12	E½NE¼, SW¼NE¼, SE¼SW¼, SE¼.
40 S.	21 E.	13	E½, E½W½.
40 S.	21 E.	24	NE¼, E½NW¼, N½SE¼, SE¼SE¼.
40 S.	22 E.	4	W½.
40 S.	22 E.	5	All.
40 S.	22 E.	6	All.
40 S.	22 E.	7	All.
40 S.	22 E.	8	All.
40 S.	22 E.	9	All.
40 S.	22 E.	14	All.
40 S.	22 E.	15	S½N½, S½.
40 S.	22 E.	17	All.
40 S.	22 E.	18	All.
40 S.	22 E.	19	Lots 1, 2, 3, 4, E½, E½NW¼, NE¼SW¼.
40 S.	22 E.	20	N½, SW¼, N½SE¼, SW¼SE¼, W½SE¼SE¼.
40 S.	22 E.	21	N½, E½SW¼, NW¼SW¼, E½SW¼SW¼.
40 S.	22 E.	22	All.
40 S.	22 E.	23	All.

The state has offered lands in exchange in the Dark Canyon and Grand Gulch Primitive areas.

Township	Range	Section(s)	Subdivision
32 S.	17 E.	32 and 36	All.
32 S.	18 E.	32	All.
33 S.	16 E.	2 and 36	All.
33 S.	17 E.	2, 16, 32 and 36	All.
34 S.	16 E.	2 and 16	All.
34 S.	17 E.	2	All.
37 S.	21 E.	32	All.
38 S.	16 E.	36	All.
38 S.	17 E.	16	S½S½.
38 S.	17 E.	32 and 36	All.
38 S.	18 E.	2 and 16	All.
39 S.	15 E.	36	All.
39 S.	16 E.	2, 16 and 32	All.
39 S.	17 E.	2	All.

Interested persons desiring to express their views should promptly send their comments to the District Manager, Bureau of Land Management, P.O. Box 1327, Monticello, Utah 84535, or attend a public meeting scheduled for Wednesday, October 9, 1974, 7:30 p.m. at the Library in Blanding, Utah.

OPAL R. REDSHAW,
Acting District Manager.

[FR Doc.74-22364 Filed 9-26-74;8:45 am]

Office of the Secretary

KING RANGE NATIONAL CONSERVATION AREA

Notice of Establishment

The Act of October 21, 1970 (84 Stat. 1067, 16 U.S.C. 460y), hereinafter referred to as the Act, authorizes and directs the Secretary of the Interior to establish the King Range National Conservation Area in the State of California within the survey and investigation area described in Section 9 of the Act.

The prerequisites for establishment of the 54,199-acre National Conservation Area on the Pacific Ocean coastline of Humboldt and Mendocino Counties have been fulfilled in accordance with the Act. The required program of multiple usage and sustained yield of renewable resources has been prepared under the specifications of Section 4 of the Act and submitted to the President of the Senate, the Speaker of the House of Representatives, the Governor of the State of California, and officials of counties in which the Area is located.

All requirements under the Act for public notice and periods of review have been met. An environmental impact statement has been prepared, reviewed, and filed in accordance with the National Environmental Policy Act.

Therefore, pursuant to the provisions of the Act, the King Range National Conservation Area is hereby established. The boundaries of the Area shall be as depicted on the Boundary Map dated July 1, 1974, on file in the District Office, Bureau of Land Management, Ukiah, California.

By virtue of section 8 of the Act of October 21, 1970, Executive Order 5237 is now revoked.

Dated: September 21, 1974.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.74-22495 Filed 9-26-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BAYLOR COLLEGE OF MEDICINE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00483-33-10500. Applicant: Baylor College of Medicine, 1200 Moursund Avenue, Houston, TX 77025. Article: Radiochromatogram Spark Chamber Imaging System. Manufacturer: Birchover Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used in biochemical research related to cancer to detect on chromatograms minute amounts of radioactively labeled derivatives of nucleic acids (i.e., gene materials). The main objective of this research is to detect and characterize chemical difference between nucleic acids

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in normal and cancer cells which is necessary for rational treatment of human cancer.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is capable of detecting minute amounts of radioactively labeled substances separated on thin layer chromatographic plates with several orders of magnitude greater sensitivity over the detection provided by conventionally used apparatus. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 7, 1974 that the best sensitivity available is pertinent to the applicant's research studies. HEW further advises that it knows of no domestically manufactured instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-22499 Filed 9-26-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00522-33-46040. Applicant: Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control, Room 527, Post Office Building, Fifth & Walnut Streets, Cincinnati, Ohio 45202. Article: Electron Microscope, Model JEM 100B and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in a multiphase study of industrial talc exposure and related asbestos exposure potential. Other projects will include further evaluation of the present asbestos sampling procedure and studies of exposure to other respirable mineral fibers such as fibrous glass, mineral wool, carbon and graphite fibers, etc.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is equipped with an eucentric side entry goniometer stage with ±60° tilt, 360° rotation holder and a guaranteed resolution of 7 Angstroms (point-to-point) as well as high resolution scanning attachment that provides images in the secondary and transmitted electron modes plus scanning microdiffraction from microareas as small as 200 Angstroms in diameter. The most closely comparable domestic instrument is the Model EMU-4C electron microscope supplied by the Adam David Company. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 30, 1974 that the characteristics of the article described above are pertinent to the applicant's intended purposes involving an investigation of various talc deposits for their silica and asbestos content as well as evaluation of asbestos sampling procedures and studies of exposure to other respirable mineral fibers. HEW further advised that domestic instruments do not provide an equivalent eucentric goniometer or scanning capability. We therefore, find that the EMU-4C is not of equivalent Scientific value to the foreign article for such purposes as this article is intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-22501 Filed 9-26-74;8:45 am]

DUKE UNIVERSITY MEDICAL CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00482-33-40706. Applicant: Duke University Medical Center, Division of Immunology, Department of Microbiology, Box 3010, Durham, North Carolina 27710. Article: Gammacell 40 Irradiation Chamber. Manufacturer: Atomic Energy of Canada, Canada. Intended use of article: The article is intended to be used for studies of the immune responses of irradiated rats, mice etc. Tissue culture of irradiated tumor and other cell lines will be investigated. In the experiments, animals will be irradiated, reconstituted with lymphoid cells and immunization or tolerance induced. In other experiments, lymphocytes will be cultured with irradiated tumor cells. The article will also be used in the course MIC 291—Fundamentals of Immunology.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is equipped with a Cesium-137 source and a large radiation chamber (13" in diameter and 4.9" deep). The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated August 7, 1974 that the characteristics of the article described above are pertinent to the applicant's intended use. HEW further advises that it knows of no domestically manufactured instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-22502 Filed 9-26-74;8:45 am]

UNIVERSITY OF SOUTH ALABAMA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Education, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00186-38-46040. Applicant: University of South Alabama, Department of Anatomy, U.S.A. College of Medicine, 307 Gaillard Drive, Mobile, Alabama 36688. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronics Instruments NVD, the Netherlands. Intended use of article: The article is intended to be used for teaching and research activities by the entire Medical College faculty. Experiments involving the high resolution capabilities of the article will include studies on the secretory mechanisms of glands and the influence of hormones, drugs, and other substances on this mechanism. Virus cancer cells and special studies of the nervous system will also be undertaken. The courses to be taught with the use of high resolution, transmission electron microscopy will be entitled "Biological Ultrastructure" or something similar and will include technical experience in specimen preparation for electron microscopy, instructions in the actual use of the instrument and lectures on interpretation of ultrastructure.

Comments: No comments have been received with respect to this application. A letter from Adam David Company (Adam David) postmarked December 21, 1973, after the period for comment had expired, has been treated as an offer to provide additional factual information in accordance with § 701.10(a) of the regulations.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (October 5, 1973).

Reasons: The foreign article has a specified resolving capability of 3 Angstroms (Å). The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope supplied by Adam David. The Model EMU-4C had a specified resolving capability of 5Å. Resolving capability bears an inverse relationship to its numerical rating in Å i.e., the lower the rating, the better the resolving capability. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 7, 1974 that the best resolution available is pertinent to the applicant's intended uses of the article, which includes the identification of virus, hormones or other macromolecules. HEW further advised that domestic instruments had not demonstrated nor guaranteed resolution equivalent to that of the foreign article at the time the article was ordered. We, therefore, find that the EMU-4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-22498 Filed 9-26-74;8:45 am]

UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00520-33-46040. Applicant: University of Texas Health Science Center at Dallas, 5323 Harry Hines Blvd., Dallas, Texas 75235. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of materials which will include a wide variety of tissues from humans and experimental animals. These tissues will be obtained at necropsy or biopsy and will be prepared in various ways. The experiments to be conducted include the following:

(1) Investigations of channels formed by groups of microtubules within the axon,

(2) Investigation of the detailed ultrastructure of the microtubule using antibody reagents to identify specific microtubule components,

(3) Examination of lung ultrastructure in response to various experimental manipulations of the inhaled atmosphere, and

(4) Examination of the intercalated disks which joins myocardial cells to each other.

The objectives of these investigations are to understand at a structural level the phenomena which occur in these tissues. The article will also be used in several educational courses including: General pathology for sophomore medical students to provide a background of the existing knowledge of disease processes in the human body and to provide a basis for understanding future progress which will be made in the diagnosis and treatment of these diseases. Residency training in pathology to produce trained specialists of the highest quality for clinical practice and academic medicine. Graduate study in comparative pathology and microbiology to provide an introduction to the use of sophisticated scientific instruments in the study of experimental diseases.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving power of 3 Angstroms (Å) point-to-point and is equipped with a eucentric side entry goniometer stage with ±60° tilt, quick change holder which has a guaranteed point-to-point resolution of 7Å. The most closely comparable domestic instrument is the Model EMU-4C electron microscope supplied by the Adam David Company. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 23, 1974 that the characteristics of the foreign article described above are pertinent to the applicant's research studies. HEW further advises that the EMU-4C does not have a scientifically equivalent goniometer stage nor resolution. We therefore, find that the EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-22500 Filed 9-26-74;8:45 am]

WASHINGTON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00546-90000. Applicant: Washington University, Department of Radiology, 510 South Kingshighway Blvd., St. Louis, Missouri 63110. Article: Basic EMI Scanner system with One High Resolution Display Option and one Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the study of diseases and tumors of the brain in patients. In particular, the subtle absorption differ-

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ences between normal and abnormal brain tissue will be determined and charted by this instrument. Patients with a wide variety of suspected central nervous system disease will be evaluated on this scanner. The diagnosis will be correlated with current available diagnostic techniques to understand the best diagnostic approach to patients. In addition, the article will be used in training residents in Radiology, Neurosurgery and Neuroradiology as well as fellows in Nuclear Medicine, Neuroradiology and Radiation Physics.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. We are advised by the Department of Health, Education, and Welfare (HEW), in its memorandum dated August 30, 1974 that the speed and accuracy of the article are pertinent to the applicant's research studies. HEW further advised that it knows of no domestically manufactured instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-22497 Filed 9-26-74;8:45 am]

MICHIGAN TECHNOLOGICAL UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00527-80-60060. Applicant: Michigan Technological University, Houghton, Michigan 49931. Article: Electric Reflectance Photometer. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for educational purposes in the following courses:

Pulping Processes. Chemistry, mechanisms and variables in pulping and bleaching processes. Influence of raw material and processing variables on pulp properties. Laboratory analysis of the various pulping and bleaching processes, with special emphasis on the effect of processing variables on pulp properties.

Fiber Properties. Anatomical, chemical, physical and mechanical properties of pulpmaking fibers. Their response to pulping and papermaking processes.

Paper Properties I. Application to pulps of rosin and wax sizes, starches, fillers, wet strength resin and other additives. Evaluation of their effect on paper properties. Surface coating of paper and its effect on paper properties. Evaluation of chemical, physical and optical properties of paper and their significance to marketing the product.

Paper Properties II. Continuation of Paper Properties I. Research Problems. Problem-solving assignments in pulping, bleaching, heating, sizing, coloring. Mathematical prediction of paper properties from a set pulp bleaching problem.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is designed for hemispherical (diffuse) illumination and perpendicular viewing of test specimens for measurement of (diffuse) reflectance factor of paper in accordance with a number of accepted standards. Since the educational purposes of the application require that important standard methods be taught, the characteristics of the article described above are pertinent. We are advised by the National Bureau of Standards (NBS) in its memorandum dated August 22, 1974 that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended purposes.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-22466 Filed 9-26-74;8:45 am]

SANTA MONICA COLLEGE ET AL.

Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Subsection 701.8 of the Regulations provides in pertinent part:

> The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. • • • If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of Subsection 701.11.

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Subsection 701.8 further provides:

> • • • the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commissioner of Customs, and to the applicant.

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket Number: 73-00216-00-61800. Applicant: Santa Monica College, 1815 Pearl Street, Santa Monica, California 90405. Article: Planetarium Projector, Model MS-8. Date of Denial Without Prejudice To Resubmission: May 8, 1974.

Docket Number: 74-00195-99-84300. Applicant: The University of Tennessee, Knoxville, Tennessee 37916. Article: T.E.M. Wind Tunnel Smoke Probe with Model B Press Feed Supply Unit. Date of Denial Without Prejudice To Resubmission: May 15, 1974.

Docket Number: 74-00276-33-46040. Applicant: The Hospital for Special Surgery, 535 E. 70th Street, New York, N.Y. 10021. Article: Electron Microscope, Model EM 201 with accessories. Date of Denial Without Prejudice To Resubmission: May 15, 1974.

Docket Number: 74-00325-33-46040. Applicant: Veterans Administration Hospital, 7400 Merton Minter Blvd., San Antonio, Texas 78284. Article: Electron Microscope, Model EM 301. Date of Denial Without Prejudice To Resubmission: May 24, 1974.

Docket Number: 74-00419-99-43000. Applicant: University of Oregon, Department of Biology, Eugene, Oregon 97403. Article: Miniature Micromanipulator. Date of Denial Without Prejudice To Resubmission: May 15, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-22470 Filed 9-26-74;8:45 am]

UNIVERSITY OF CHICAGO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00513-33-46040. Applicant: University of Chicago, Pritzker School of Medicine, 5801 Ellis Avenue, Chicago, Illinois 60637. Article: Electron Microscope, Model Corinth 275. Manufacturer: A.E.I. Scientific Apparatus, United Kingdom. Intended Use of Article: The article is intended to be used by several investigators on a variety of specimens, including (a) skeletal muscle tissue from patients with psychiatric illness and from normal volunteer control; (b) skeletal muscle from animals treated with psychotomimetic drugs, pharmacologic regimens which manipulate central and peripheral levels of various biogenic amines and neurotransmitters, and other procedures which in one way or another simulate the neuromuscular pathology accompanying phychotic behavior; (c) nerve tissue from sources as in (a) and (b) above and (d) subcellular fractions isolated from skeletal muscle of human and animal sources, including mitochondrial, sarcolemmal, and membrane fragment fractions.

The article will also be used to teach students the techniques of tissue preparations for electron microscopy, use and maintenance of the electron microscope, the production and integration of electron micrographs, and finally, a course entitled, "Histochemistry and Electron Microscopic Effects of Drugs on Muscle and Nerve."

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has an inverted column allowing for a large viewing area (6½" x 6½") on a fluorescent screen which is not encased in a cylindrical column. This arrangement permits a relatively larger area of the specimen to be observed, more rapid location of the area of interest (thereby exposing the specimen to less radiation damage and contamination) and greater ease of viewing by a large number of students than is permitted by smaller, less accessible screens. The most closely comparable domestic instrument is the Model EMU-4C electron microscope supplied by the Adam David Company. The EMU-4C has a smaller screen that is enclosed within the instrument and is viewed through windows. We are advised by the Department of Health, Education and Welfare (HEW) in its memorandum dated August 23, 1974 that the large and open viewing screen of the foreign article is pertinent to the applicant's intended use including extensive scanning at low and moderate magnifications to locate areas of interest in muscle tissue as well as teaching histochemistry and effects of drugs on muscle and nerve. We, therefore, find that the EMU-4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-22468 Filed 9-26-74;8:45 am]

UNIVERSITY OF VIRGINIA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00526-33-46040. Applicant: University of Virginia, Department of Biology, Gilmer Hall, Charlottesville, Virginia 22901. Article: Electron Microscope, Model JEM 100C and accessories. Manufacturer: JEOL Ltd., Japan. Intended Use Of Article: The article is intended to be used in research concerned with the structure of the intimate molecular interactions between proteins and nucleic acids during the processes of gene action and the replication of hereditary material in cells. A variety of cell types and organisms will be used to investigate the following interactions in normal cells: (1) the relation of nascent ribonucleic acid (RNA) molecules to the deoxyribonucleic acid (DNA) duplex within RNA polymerase molecules during gene activations and steady-state transcription (amphibian oocyte ribosomal RNA genes); (2) the association of protein with elongating nascent RNA molecules at transcription junctions (amphibian rRNA genes and HeLa cell heterogenous nuclear RNA); and (3) the relation of DNA to the enzymes and other proteins associated with replication forks and the association of histones with newly replicate DNA duplexes (*Drosophila* embryos).

In addition, research is to be done at protein-nucleic acid interactions during adeno-2 virus infection of HeLa cells (viral replication and transcription) and during polio virus infection of HeLa cells (viral replication and translation).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3 Angstroms (Å). The most closely comparable domestic instrument is the Model EMU-4C supplied by the Adam David Company. The Model EMU-4C has a specified resolving capability of 5Å. Resolving capability bears an inverse relationship to its numerical rating in Å, i.e., the lower the rating, the better the resolving capability. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated August 30, 1974 that the best resolution available is pertinent to the purposes for which the foreign article is intended to be used. HEW further advises that domestic instruments do not provide resolution equivalent to that of the foreign article. We therefore, find that the EMU-4C is not of equivalent scientific

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value to the foreign article for such purposes as this article is intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-22465 Filed 9-26-74;8:45 am]

VA HOSPITAL, SAN FRANCISCO, CALIFORNIA ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before October 21, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00084-33-46040. Applicant: Veterans Administration Hospital, 4150 Clement Street, San Francisco, CA 94121. Article: Electron Microscope, Model EM 201S. Manufacturer: Phillips Electronic Instruments NVD, The Netherlands. Intended Use Of Article: The article is intended to be used for studies of cells from biopsies of normal and cancer tissues obtained from human patients and from experimental animals. In the experiments to be conducted, cells will be studied by high resolution microscopy and by tissue culture techniques in order to compare the ultrastructure and growth characteristics of normal cells, benign tumor cells, and malignant tumor cells. The article will also be used in the course Cellular Pathology to instruct residents and students in the applications of electron microscopy and basic electron microscopy techniques. Application Received By Commissioner Of Customs: September 3, 1974.

Docket Number: 75-00085-75-27000. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87544. Article: Imacon Camera System. Manufacturer: John Hadlund Ltd., United Kingdom. Intended Use Of Article: The article is intended to be used to photograph the motion of the high-temperature plasma column in the Scyllac thetapinch device, a large controlled fusion research device which is part of the U.S. program to produce energy for peaceful purposes through controlled nuclear fusion. Specific experiments to be conducted include: a. Studies of the phenomena involved in the plasma heating processes (shock heating and adiabatic compression heating). b. Studies of the plasma equilibrium and stability in the magnetic confining fields.

c. Determination of the detailed plasma properties such as temperature, density, and confinement time.

d. Study of the nuclear fusion reactions which occur in the hot plasma.

The basic objective pursued in these experiments is the production of a stable high-temperature plasma which can be confined by magnetic fields for times sufficiently long so that enough nuclear fusion reactions can occur to produce a net energy gain. Application received by Commissioner of Customs: September 3, 1974.

Docket Number: 75-00086-33-44795. Applicant: University of Cincinnati, Department of Environmental Health, Kettering Laboratory, 3223 Eden Avenue, Cincinnati, Ohio 45219. Article: Electronic Motility Meter IR Type, 40 Sensors 110V/60Hz. Manufacturer: Motron Products, Sweden. Intended Use of Article: The article is intended to be used for the study of spontaneous motor activity (hyperactivity hyperkinesis) and behavior. An experimental model of the human disease, "lead encephalopathy" will be employed in investigations to:

(a) To see whether lead has an adverse biological effect at exposure levels in where the experimental subject is asymptomatic of the usually easily recognized signs of lead poisoning,

(b) further, to learn whether low levels of environmental pollutants (lead) influences normal development of the young as measured by behavior and learning,

(c) and to demonstrate the biochemical lesion in the brain chemistry which could account for altered behavior following lead exposure. Application Received by Commissioner of Customs: September 3, 1974.

Docket Number: 75-00087-00-34040. Applicant: Health Research, Inc., Roswell Park Division, 666 Elm Street, Buffalo, New York 14203. Article: VRE 2102A Reflex Klystrons. Manufacturer: Varian Associates of Canada, Canada. Intended Use Of Article: The articles are replacements for klystron tubes that are used in microwave generators that are part of an Electron Spin Resonance Spectrometer used in the studies of Radiation Damage Mechanism in connection with cancer research. Application Received By Commissioner Of Customs: September 3, 1974.

Docket Number: 75-00093-33-90000. Applicant: Mayo Foundation, 200 First Street, S.W., Rochester, MN 55901. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended Use Of Article: The article is intended to be used for the radiologic examination of the head. The article will be employed for screening groups of patients and for more accurately delineating the disease processes found. Furthermore, the article will be an integrated part of the didactic and preceptorship training of diagnostic radiology residents and to a lesser degree for medical clerks and undergraduate medical students. Application Received By Commissioner of Customs. September 5, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-22467 Filed 9-26-74;8:45 am]

Office of the Secretary

COMMERCE TECHNICAL ADVISORY BOARD

Notice of Meeting

A meeting of the Department of Commerce Technical Advisory Board will be held on Wednesday, October 16, 1974, from 9 a.m. to 5 p.m., and Thursday, October 17, 1974, from 8:30 a.m. to 12 noon in Room 6802, Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community. Agenda items are as follows:

1. Progress Reports from Subpanels of Project Independence Blueprint Panel—Coal, Nuclear, Oil and Gas, Solar—and a Report on Resource Constraints.
2. Report and Discussion of Technology Exchange in East-West Trade.
3. Progress Reports on:
   a. Candidate Studies on Technology Transfer.
   b. Institutional and Legal Barriers to Cooperative Energy R&D.
   c. Industrial Utilization of Federally Sponsored Energy R&D.
   d. Environmental Control Policies.
4. Planning for Future Materials Shortages.

A limited number of seats will be available to the press and to the public. The public will be permitted to file written statements or inquiries with the Chairman before or after the meeting. Minutes of the meeting will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Persons desiring to obtain further information concerning the Board should contact Mrs. Florence S. Feinberg, Room 3877, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, telephone (202) 967-5065.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

SEPTEMBER 23, 1974.

[FR Doc.74-22449 Filed 9-26-74;8:45 am]

Social and Economic Statistics Administration

DISTRIBUTORS' STOCKS OF CANNED FOODS

Notice of Survey and Request for Comments

Notice is hereby given that the Bureau of the Census is planning to conduct its annual survey of inventories covering 30 canned and bottled products, including vegetables, fruits, juices, and fish as of December 31, 1974, under the provisions of Title 13, United States Code, sections 181, 224, and 225. This survey, together with the previous surveys, provides the only continuing source of information on stocks of the specified canned foods held by wholesalers and in warehouses of retail multiunit organizations.

On the basis of information received by the Bureau of the Census, these data will have significant application to the needs of the public, industry and the distributive trades, as well as governmental agencies. The data are not publicly available from non-governmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than October 29, 1974.

Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods in order to provide year-end inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger." (In addition, multiunit firms reporting separately by establishment will be requested to update the list of their establishments maintaining canned food stocks.)

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census on or before October 29, 1974.

Dated: September 24, 1974.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.74-22508 Filed 9-26-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the Advisory Council on Developing Institutions will be held October 31 and November 1, 1974, from 9 a.m. to 4 p.m. in Room 3008, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C.

The Advisory Council on Developing Institutions was established by Title III of the Higher Education Act of 1965, as amended. The Council is governed by the provisions of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (P.L. 92-463). The Council shall assist the Commissioner in identifying the characteristics of developing institutions through which the purpose of Title III may be achieved, and in establishing the priorities and criteria to be used in making grants under section 304(a) of that Title.

The meeting of the Council shall be open to the public. The proposed agenda includes (1) overview of the program to date (2) report on plans for evaluation/monitoring (3) discussion of junior college funding and (4) funding decisions of the Advanced Institutional Development Program. Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Director of the College and University Unit BPE, located in Room 4682, ROB, 7th and D Streets SW.

Signed at Washington, D.C. on September 24, 1974.

PRESTON VALIEN,
Director, College and University Unit, BPE.

[FR Doc.74-22490 Filed 9-26-74;8:45 am]

NATIONAL ADVISORY COMMITTEE ON THE HANDICAPPED

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the National Advisory Committee on the Handicapped will be held on October 21-23, 1974, at 8:30 a.m., in the Pierre Suite, L'Enfant Plaza Hotel, 480 L'Enfant Plaza East, SW., Washington, D.C.

The National Advisory Committee on the Handicapped is established under (20 U.S.C. 123g) section 448(b) of the General Education Provisions Act. The Committee is established to review the administration and operation of programs for the handicapped in the Office of Education, and make recommendations for their improvement.

The meeting of the Committee shall be open to the public. The proposed agenda includes the orientation of new members; open discussion by Members on organizational structure, future directions, and planning; and format for the 1975 Annual Report. Records shall be kept of all Committee proceedings and shall be available for public inspection at the Office of the Deputy Commissioner, Bureau of Education for the Handicapped, located in Room 2100 Regional Office Building 3, 7th and D Streets SW., Washington, D.C. 20202.

Signed at Washington, D.C. on September 23, 1974.

EDWIN W. MARTIN,
Acting Deputy Commissioner for the Handicapped, Bureau of Education for the Handicapped.

[FR Doc.74-22522 Filed 9-26-74;8:45 am]

Office of the Secretary

CONSUMER ADVISORY COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92-463 of October 8, 1972, notice is hereby given that there will be a public meeting of the Consumer Advisory Council to the Office of Consumer Affairs, U.S. Department of Health, Education, and Welfare, which will commence at 10 a.m. on October 10 in Room 5104, New Executive Office Building, 17th and H Streets NW., Washington, D.C. 20506 and continue on the morning of October 11 in the same location.

The Consumer Advisory Council was established under section 5 of Executive Order 11583 issued February 24, 1971, to advise the Director of the Office of Consumer Affairs with respect to policy matters relating to consumer interests, the effectiveness of Federal programs and operation which affect the interests of consumers, problems of primary importance to consumers and ways in which unmet consumer needs can appropriately be met through Federal Government action.

The agenda will include discussions of the consumers interests in inflation control, energy conservation, productivity improvement, and related current activities of the Office of Consumer Affairs. The meeting is open to the public with the number of persons admitted subject to reasonable limitation according to space available.

Signed in Washington, D.C., this 23rd day of September 1974.

VIRGINIA H. KNAUER,
Director, Office of Consumer Affairs and Executive Secretary, Consumer Advisory Council.

[FR Doc.74-22518 Filed 9-26-74;8:45 am]

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POLICY RESEARCH STUDIES

Proposed Objectives and Priorities

Pursuant to the authority contained in section 232 of the Economic Opportunity Act (42 U.S.C. 2825) and Section 1110 of the Social Security Act (42 U.S.C. 1310), the Secretary of Health, Education, and Welfare hereby proposes to establish overall objectives and priorities to govern the Policy Research activity, which is conducted by the Office of the Secretary.

Section 232 of the Economic Opportunity Act authorizes the Director of the Office of Economic Opportunity to contract or provide financial assistance for pilot or demonstration projects designed to test or develop new approaches to reduce poverty and for the conduct of research on means to help low-income persons become self-sufficient. Pursuant to Section 602(d) of the Economic Opportunity Act, this authority has been delegated to the Secretary of Health, Education, and Welfare (38 FR 19291, July 19, 1973). Under section 232(b) of the Economic Opportunity Act, an overall plan to govern the approval of projects under the Section 232 research authority is required. This notice is prepared to carry out this specific statutory requirement.

Section 1110 of the Social Security Act authorizes the Secretary to make grants, contracts, or jointly financed cooperative arrangements with States and other public and private agencies and institutions for research or demonstration projects, "such as those relating to the prevention and reduction of dependency, or which will aid in effecting coordination of planning between private and public welfare agencies or which will help improve the administration and effectiveness of programs assisted under (the Social Security Act) and programs related thereto."

Policy Research activities are carried out within the Office of the Secretary pursuant to both section 232 of the Economic Opportunity Act and section 1110 of the Social Security Act.

The following objectives and priorities would be incorporated into planning documents of the Department. In the course of formal and informal HEW planning activities, they would be used as a framework for selection of research projects within the Policy Research activity pursuant to the above-described statutory authorizations.

It is not the purpose of this notice to solicit proposals for grants or for any other type of financial arrangement for the conduct of research projects; nor is the purpose of this notice to propose rules governing the manner in which grants or contracts are awarded or the specific requirements applicable to projects awarded pursuant to such instruments. Any additional notices on these matters will, as appropriate, be separately published in the FEDERAL REGISTER.

Nothing in this proposed notice or in the successive final notice should be construed as requiring the withholding of funds from, or any alteration in, previously awarded Policy Research projects.

Implementation of objectives and priorities for the Policy Research activity is contingent upon appropriation of funds by Congress.

I. BACKGROUND

By delegation of authority from the Director of the Office of Economic Opportunity and with approval of the President, poverty related research conducted by the Office of Economic Opportunity under Section 232 of the Economic Opportunity Act was transferred to the Department of Health, Education, and Welfare, effective in July 1973. The transferred research projects deal with income maintenance, employment, health insurance, statistical data, and a variety of economic, manpower, welfare, and social service subjects. These research projects are assigned for management to the Assistant Secretary for Planning and Evaluation, who has been responsible for managing major income maintenance experiments conducted within HEW under the authority of Section 1110 of the Social Security Act. The HEW Policy Research activity stems from the combination of the transferred OEO research activity and the HEW income maintenance experiments.

II. OVERALL OBJECTIVE OF THE POLICY RESEARCH ACTIVITY

The overall objective of the Policy Research activity is to obtain information, as it relates to the mission of the Department of Health, Education, and Welfare, about the basic causes of and methods for preventing and eliminating poverty and dependency, and about improved methods for delivering human resource services. Such information is obtained through the conduct of basic and applied research, statistical analyses, demonstrations, and evaluations.

The Policy Research activity is distinguished from the other research programs of the Department by its concentration on activities which cut across programmatic lines of the Department, which form linkages among other more specifically focused Departmental research programs, and which relate to major policy initiatives of the Department.

A key consideration in the choice of specific research projects is the potential impact which the acquisition of new knowledge can have on the formulation or modification of major Departmental policies and programs. A high priority is therefore given to projects which have a direct bearing on such policy initiatives as welfare reform, national health insurance, grant consolidation, special education for the disadvantaged, management and delivery of human service programs, and care of the disabled and institutionalized.

It is not consistent with the objective of the Policy Research activity to undertake projects which duplicate work performed in other HEW research or evaluation activities. In fact, administrative practices have been established to ensure that proposed Policy Research projects are rejected if they are duplicative of projects conducted by other Departmental programs and to ensure that when appropriate, effective coordination with related projects is achieved. The emphasis is rather on identifying significant linkages among the Department's programs as they affect the poor. Special attention is also paid to ensure that the needs of racial and ethnic minorities and women are accounted for in the conduct of Policy Research projects.

Consistent with this overall objective, the priority areas identified below serve as a framework for approval of Policy Research projects. For each priority area, an overall research objective is given, along with specific research objectives and priorities.

III. MAJOR PRIORITY AREAS

A. PRIORITY AREA: INCOME MAINTENANCE AND EMPLOYMENT

1. *Overall research objective.* Research in this area is designed to provide a better understanding of the causes of low incomes from private employment; to ascertain the effects, or likely effects, of existing or proposed income maintenance and employment-related assistance programs; and to suggest program modifications or new initiatives which will contribute to the policy objective of increased self-sufficiency and reduced dependency among low-income families and individuals.

2. *Specific research objectives and priorities include but are not limited to analysis of the following.* a. The determinants of family income and changes in income over time. Topics to be investigated include labor force participation, unemployment, number of family earners, wage rates, hours worked, job turnover, and sources and amounts of unearned income. The research will focus on the relationships of these variables to such factors as age, race, sex, health, education, residential location, family composition, general economic conditions, and participation in public programs.

b. The effectiveness of public income maintenance and employment-related programs in achieving their objectives, including analysis of costs, benefits, and any adverse effects. The analysis will also include estimation of target groups, eligible populations, and budgetary costs for existing and proposed programs, and development of recommendations for program modifications to improve effectiveness.

c. Participation in income maintenance and employment-related programs, including participation in multiple programs and the effects of receipt of multiple benefits on the combined distribution of benefits and economic incentives.

d. The relationship of family income and economic status to broader concepts of well-being, including social status, family functioning, job satisfaction, and emotional well-being.

B. PRIORITY AREA: HEALTH

1. *Overall research objective.* Research in this area is directed to significant policy questions concerning the availability and utilization of health services among low income populations. Major unresolved issues involve organizational arrangement of service systems for financing care, arrangements for reimbursement for services rendered, funding of facility construction and modernization, psychological factors influencing utilization, levels of governmental responsibility, and other issues. Research contributes to policy formulation on these questions through experimentation with a variety of arrangements, analysis of current experience, investigation of attitudes and behavior of consumers and providers, and estimates of future trends.

2. *Specific research objectives and priorities include (but are not limited to) analysis of the following.* a. The relationship between income levels and receipt of medical care. The analysis includes consideration of the effect of income level on an individual's choices of source of medical care and payment method; the effect which various health financing provisions have on the amount and type of medical care consumed by families at different income levels; the relationship between increased consumption of medical care and improvements in health status.

b. Delivery of health services to the poor, including considerations of: responsiveness of various levels of government to the health care needs of the poor; programs of outreach and consumer participation for improving utilization of health services.

c. Relationship of various economic and social conditions on availability of health care, including analysis of the impact of segregation by income on delivery of health services, relationship between health scarcity areas and the poverty level of the population, and patterns in the selection of areas for medical practice by medical personnel.

C. PRIORITY AREA: OTHER HUMAN SERVICES

1. *Overall research objective.* Research in this area is intended to provide linkages among a variety of programs which affect the disadvantaged.

2. *Specific research objectives and priorities include (but are not limited to) analysis of the following.* a. Education: Including identification, development, and utilization of more effective curriculum, programs, teacher and education-profession personnel preparation and training, organization, and administration of educational programs devoted to the special needs of the economically and educationally disadvantaged preschool, elementary, secondary, post-secondary, and adult students; as well as identification and analysis of major educational problems and issues.

b. Social Services: Including development of information bases about populations needing a variety of social services and about the impact of these services. Near term research will give special emphasis to the disabled, long term care patients, runaway youth, and the family.

c. State and local government capacity building: Including projects demonstrating improved methods for delivering human resource services by units of government at all levels and taking into consideration innovative management and delivery systems technology, planning systems, evaluation methodology, and service integration techniques.

D. PRIORITY AREA: BASIC RESEARCH AND STATISTICAL DATA

1. *Overall research objective.* Research in this area is directed to increase fundamental understanding of the nature and causes of poverty and inequality and to provide for improved collection, analysis, and utilization of statistical data on policy-relevant economic, social, health, and demographic phenomena.

2. *Specific research objectives and priorities include (but are not limited to).* a. Statistical computation supporting specific basic research and statistical data objectives and for the creation, use, and maintenance of large-scale data bases for policy analysis purposes in health, education, social services, and income maintenance: also limited development of special-purpose simulation and modeling tools required for near-term policy development.

b. Analysis of complex behavioral responses of persons and households to changing economic conditions and governmental programs, to be pursued through substantive analysis and reanalysis of existing large-scale data bases and long-term development of dynamic microanalytic models to simulate and explain the observed phenomena.

c. Operational definition of poverty and low-income status, including problems of the valuation of noncash income and benefits received throughout the income distribution. A specific objective is the construction of a meaningful theoretical framework within which more useful public policy definitions may be developed.

d. Limited support of basic and applied research to the development of better methods for assessing the technical quality of economic and social research and for utilizing the results of policy studies, and for the development of improved methods for quantitative economic analysis.

e. Data collection through longitudinal and cross section surveys, supplementation of periodic governmental surveys of population and housing, and statistical compilations of administrative data from operating programs. As a further objective, to gain from such statistical efforts not only the data required for current policy analysis, but also to provide the empirical basis for a substantially improved national survey program, especially for income-related data.

f. Continuing analysis and publication of census survey tabulations on the low-income population and other subpopulations of policy interest. Through exact and statistical matching and other analytic techniques, subject to confidentiality safeguards, to provide more powerful tools for policy analysis based on census, social security, and revenue data.

g. Methodological research for improved survey techniques and scientific computation methods.

h. Continuing assessment of data needs and statistical and research priorities.

IV. OTHER PRIORITY-SETTING CONSIDERATIONS

Policy Research activities are to be carried out within the framework of the priority areas and the specific research objectives and priorities outlined above. In selecting specific research projects, however, consideration is also given to the technical quality of proposals, feasibility, likelihood of timely completion, suitability of research methodology, relationship to past and current research project, and cost.

None of the priority-setting considerations above, including identification of priority areas, is intended to prevent support within the Policy Research Activity of small studies and analyses which could potentially lead to identification of new priority areas or which are needed to form significant connecting links between other major Departmental research programs.

V. PUBLIC COMMENTS

Interested parties are invited to submit written comments, suggestions, or objections regarding the proposed objectives and priorities to the:

Director, Office of Research, Evaluation, and Data Systems, Office of the Assistant Secretary for Planning and Evaluation, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201.

Comments received in response to this notice will be available for public inspection in the Planning and Evaluation Documentation Center, HEW Library, at the above address Monday through Friday of each week from 9 a.m. to 5:30 p.m. All relevant material received on or before October 29, 1974 will be considered.

(42 U.S.C. 2825(b), 1310)

Dated: September 20, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

[FR Doc.74-22474 Filed 9-26-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-443-DR, Docket No. NFD-232]

IOWA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Iowa, dated June 24, 1974, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by

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the President in his declaration of June 24, 1974:

The Counties of:

Clarke Grundy

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: September 19, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-22512 Filed 9-26-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

LOWER CONTROL ARM—FORD MOTOR COMPANY VEHICLES

Reopening of Defect Investigation

After reviewing information presented at the public proceeding held on March 20, 1974, concerning a possible safety-related defect in the "lower control arm" of 1965–69 full-size Ford and Mercury passenger cars, 1967–69 Thunderbirds and 1969 Continental Mark IV's, the National Highway Traffic Safety Administration has decided to reopen its investigation for a limited period to attempt to resolve several questions raised at the proceeding.

(Sec. 113, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1402); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on September 23, 1974.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.74-22471 Filed 9-26-74;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON RULEMAKING AND PUBLIC INFORMATION

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10 a.m., October 11, 1974 in the offices of the Conference, Suite 500, 2120 L Street NW., Washington, D.C.

The Committee will meet to continue its consideration of transfers of confidential information among Federal agencies.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact John F. Cushman, Executive Director (phone 202-254-7020). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

SEPTEMBER 23, 1974.

[FR Doc.74-22507 Filed 9-26-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. STN 50-516 and STN 50-517]

LONG ISLAND LIGHTING CO.

Jamesport Nuclear Power Station, Units 1 and 2; Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

The Long Island Lighting Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed September 6, 1974, for authorization to construct and operate two generating units utilizing two pressurized water reactors. The application was tendered on June 14, 1974. Following a preliminary review of completeness, the application was accepted on August 13, 1974 for docketing. Docket Nos. STN 50-516 and STN 50-517 have been assigned to the application and they should be referenced in any correspondence relating to the application.

The proposed nuclear facilities, designated by the applicant as the Jamesport Nuclear Power Station, Units 1 and 2 are to be located in Suffolk County, New York, 6 miles northeast of the town of Riverhead. Each unit is designed for initial operation at' approximately 3425 megawatts (thermal), with a net electrical output of approximately 1150 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before November 12, 1974. The request should be filed in connection with Docket Nos. STN 50-516-A and STN 50-517-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Riverhead Free Library, 330 Court Street, Riverhead, New York 11901.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an Environmental Report dated August 28, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations and at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207; and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10007.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 6th day of September, 1974.

For the Atomic Energy Commission.

FRANCIS J. WILLIAMS,
Acting Chief, Light Water Reactors Projects Branch 2-1, Directorate of Licensing.

[FR Doc.74-21143 Filed 9-12-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25513; Order 74-9-81]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Increased Fuel Costs

Issued under delegated authority, September 23, 1974.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, embodied in the resolutions of riers. embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned C.A.B. Agreement Number 24663, R-1 through R-3.

The agreement proposes a general increase to U.S./Canada-Mexico fares as a consequence of increased fuel prices for October 1, 1974 effectiveness. Increases to one way fares would be six percent of the applicable one way economy fare, and to all round trip fares, twice the amount applicable to one way fares.[1]

[1] The agreement also proposes to amend the travel together provision on U.S./Canada-Mexico GIT fares to permit individual travel by tour group members from destination to point of origin during the period October 1, 1974 to March 31, 1975 and ties effectiveness of this amendment and the proposed fare increase with government approval of both.

The purpose of this order is to establish procedural dates for the receipt of justification, comments and replies in support of, or in opposition to, the agreement. All U.S. carrier members of IATA operating passenger service in the U.S.-Mexico market are required to submit complete and detailed justification in support of the agreement. The data presented in their justifications should include, but not be limited to, actual or contractual prices per gallon for fuel since September 1973; and financial forecasts, including traffic and capacity projections and estimated fuel consumption, for the year ending September 30, 1975, with and without the proposed increases, and the revenue gain anticipated from implementing the instant agreement as well as the revenue gain from previous fuel-related agreements.

We will also require similar data from Western Air Lines, Inc. Although Western is not party to the IATA agreement, it is a major participant in this market from U.S. west coast points, and the Board's consideration of the proposed increase must include an evaluation of the impact on Western.

Accordingly, it is ordered, That:

1. All United States air carrier members of the International Air Transport Association shall file within ten calendar days after the date of service of this order, full documentation and economic justification (as described above) in support of the subject agreement;

2. Western Air Lines, Inc. shall file within ten calendar days after the date of service of this order, data similar to that required of the IATA carriers (as described above), with respect to the proposed increases to/from U.S. west coast points;

3. Comments and/or objections from interested persons shall be submitted within twenty calendar days after the date of service of this order; and

4. Tariffs implementing the subject agreement shall not be filed in advance of Board action on the subject agreement.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-22514 Filed 9-26-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC-74-3]

FIREWORKS DEVICES

Notice of Hearing

In the FEDERAL REGISTER of August 1, 1974 (39 FR 27828), the Consumer Product Safety Commission scheduled an evidentiary rulemaking hearing on regulations relating to banning and labeling fireworks devices.

Notice is given that the hearing tentatively scheduled to commence at 10 a.m. Eastern Daylight Savings Time, Tuesday, September 24, 1974, in the Sixth Floor Hearing Room, 1750 K Street NW., Washington, D.C. will instead commence at 10 a.m. Eastern Daylight Savings Time, Tuesday, October 1, 1974 in Room 2008, 726 Jackson Place NW. (17th and Pennsylvania Avenue NW.) Washington, D.C.

The hearing will continue at 10 a.m., local time, Monday, October 21, 1974, in Kansas City, Missouri, at the Consumer Product Safety Commission, Suite 1500, Traders National Bank Building, 1125 Grand Avenue and on Tuesday, October 29, 1974, at 10 a.m. local time, in Honolulu, Hawaii at the Public Utilities Commission Hearing Room, Second Floor, Kamamalu Building, 1010 Richards Street. The hearing will continue beyond the above indicated commencing date for each of the three geographical locations at such times and places as directed by the Presiding Officer.

Dated: September 24, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-22489 Filed 9-26-74;8:45 am]

LEAD BASED PAINT

Notice of Meeting

The Consumer Product Safety Commission gives notice that on October 18, 1974, a public meeting will be held concerning the Commission's responsibilities under Section 301(b) of the Lead Based Paint Poisoning Prevention Act, as amended (Public Law 93-151). The meeting will be held at 10 a.m., room 600, 1750 K Street NW., Washington, D.C.

The purpose of the meeting is to give all interested parties an opportunity to convey their views and submit relevant information which will assist the Chairman, Consumer Product Safety Commission, in carrying out his responsibilities under section 301(b) of the Lead Based Paint Poisoning Prevention Act. Under this Act, the Chairman has been directed to conduct research on dried paint containing lead in order to ascertain a safe level of lead in residential paint products and to submit his findings and recommendations to Congress no later than December 31, 1974. The Act defines the term "lead based paint," before December 31, 1974, to mean any paint containing more than 0.5 percent lead (as metal). After December 31, 1974, the term means any paint containing more than 0.06 percent lead (as metal) unless "the Chairman of the Consumer Product Safety Commission, based on studies conducted in accordance with section 301(b) of this Act, determines that another level of lead, not to exceed five tenths of one percentum, is safe, then such other level shall be effective after December 31, 1974."

Pursuant to these responsibilities, the Commission has sponsored studies at the New York University Institute of Environmental Medicine and the Southwest Foundation for Research and Education to determine the effect in baboons of dried paint containing the two most commonly used lead driers. These studies have not been completed at this time. A report of the National Academy of Sciences/National Research Council ad hoc Committee to Evaluate the Hazards of Lead Paint in Dwellings was received by the Commission, November 7, 1973.

Any person wishing to present comments, submit information, or attend the meeting may do so by notifying the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (202) 634-7700.

Dated: September 23, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-22443 Filed 9-26-74;8:45 am]

PUBLIC PLAYGROUND EQUIPMENT

Notice of Meeting

The Consumer Product Safety Commission gives notice that Mr. Bernard Scharf of the Commission's Office of Standards Coordination and Appraisal, will meet with Mr. Mack Dunaway, Game Time Co., Inc. to discuss safety standards for public playground equipment. The meeting will be held Monday, September 30, 1974, at 9 a.m. in room 235, Westwood Towers Building, 5401 Westbard Ave., Bethesda, Maryland.

The Commission voted July 20, 1974 to grant a petition from Ms. Elayne Butwinick asking the Commission to initiate development of regulations, under section 2(q)(1)(A) of the Federal Hazardous Substances Act, for both home and public playground equipment.

Interested persons desiring more information about the meeting may contact Mr. Don Early, Office of Standards Coordination and Appraisal, (301) 496-7197.

Dated: September 23, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-22444 Filed 9-26-74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from September 16 through September 20, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this *Federal Register* notice of availability. (November 11, 1974) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

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Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Draft

Timber Management Plan, Lassen N.F., September 16: The statement refers to the proposed ten year timber plan for the Lassen National Forest. There will be impacts to soils, nearby wilderness areas, aesthetics, and water quality. (ELR Order No. 41436.)

Final

Timber Management Plan, Santa Fe National Forest, several counties, New Mexico, September 16: The proposal is a Timber Management Plan for the Santa Fe National Forest. The Plan is developed around an annual programmed harvest of 41.0 million board feet; the calculated potential yield is 49.4 million board feet yearly. Included is the construction of roads, with 300 miles of new roadway needed to complete the planned system, and 1200 miles of existing roadway requiring improvement. There will be adverse impact to air, water, soils, natural beauty, and fire control. Wildlife habitat and outdoor recreation will be adversely affected (178 pages). Comments made by: EPA, DOI, USDA, HUD, State and local agencies, and concerned citizens. (ELR Order No. 41437.)

Bridger-Teton and Shoshone N.F.'s, Wyoming, September 17: Proposed is the construction of 12 miles of access road and the cutting of 15,740,000 board feet of timber. The timber is to be harvested from 47 irregularly shaped clear-cut units totalling 670 acres on the Bridger-Teton and Shoshone National Forests. There will be adverse impact to soil and water qualities. The impact of the proposal on elk is considered controversial, due to the increased area access which the new roads will allow (57 pages). Comments made by: USDA, EPA, DOI, AHP, State agencies, and concerned citizens. (ELR Order No. 41448.)

SOIL CONSERVATION SERVICE

Draft

Lye Creek Drain Watershed Project, Montgomery County, Indiana, September 20: Proposed is a waterahed protection, flood prevention, and drainage project on the Lye Creek Drain Watershed. Project measures will include land treatment, and 11.3 miles of channel work. Impact of the project will include the loss of 154 acres of grassland, the changing of 137 acres of wildlife habitat to cropland and forest, the commitment of 15 acres of woody habitat to channel work, and increased pages). (ERL Order No. 41466.)

CIVIL AERONAUTICS BOARD

Contact: Steve Gross, Chief, Routes and Relationships Division, Civil Aeronautics Board, Washington, D.C. 20428, (202) 382-7261.

Final

Capacity Reductions Agreement Case, September 17: The statement refers to an administrative agreement under which nonstop capacity (number of aircraft seats) to be offered in four transcontinental markets would be limited, and a share of that capacity would be allocated to each of three competing carriers. The markets are: New York/Newark-Los Angeles; New York/Newark-San Francisco; Baltimore/Washington-Los Angeles; and Chicago-San Francisco. The carriers are: American, TWA, and United. Environmental impacts related to the action would include changes in air pollution, noise exposure, fuel consumption, and aircraft ground congestion (60 pages). Comments made by: CEQ, EPA, DOT, DOI. (ELR Order No. 41446.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, (202) 693-7168.

Draft

Nonconnah Creek Flood Protection (2), several counties, Tennessee and Mississippi, September 16: The statement discusses a flood prevention, watershed protection and recreation project on Nonconnah Creek to be carried out jointly by USDA and the Army Corps. The project includes: installation of 3 floodwater-retarding structures; treatment of erosion and sediment control on 35,010 acres; construction of a reservoir; channel cleanout and enlargement; and, establishment of a greenway-floodway. Adverse impacts are loss of 6 miles of channel, loss of 2,300 acres, inundation 18 archeological sites, displacement of 33 families, loss of stream benthos and increased bank erosion following channel disturbance (Memphis District). (ELR Order No. 41445.)

Lake Brownwood Modification, Texas, September 16: The statement refers to the construction of a new embankment for Lake Brownwood and stabilization of the existing spillway to preserve present values of the lake for flood control, water supply, recreation, and other related purposes. Adverse impacts include the elimination of 1,000 feet of stream and natural cover, loss of 83 acres of land, and approximately 1 mile of county road and 3,500 feet of power and telephone lines will be required to replace the 2,000 feet of existing lines (Fort Worth District). (ELR Order No. 41440.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426 (202) 386-6084.

Draft

Escondido Project No. 176, California, September 10: (ELR Order No. 41458.).

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, (202) 343-4161.

Final

Disposal of Travis Air Base Defense Area, Solano County, California, September 19: Proposed is the disposal of the Nike 86 site of Travis Air Base. The site consists of 46.90 acres in fee and 59.91 acres in easements, 12 buildings, and appurtenant structures. Sections of the area would be conveyed to the Fairfield-Suisan Unified School District, and to the Travis School District for educational purposes; and to the County of Solano, for development of a prison facility and for sale as a communications site. There will be impact from construction of the prison facility, and from the increased traffic (106 pages). Comments made by: AHP, EPA, DOI, State and local agencies, and concerned citizens. (ELR Order No. 41456.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, office of Community and Environmental Standards, Room 7206, 451 7th Street SW., Washington, D.C. 20410, (202) 755-5980.

Draft

Industrial Park Urban Renewal Area, Malden, Massachusetts, September 20: Proposed is the urban renewal of sections of downtown Malden, Massachusetts. Included is the acquisition of property relocation of families and businesses, and reconstruction or new construction of roads, parking facilities, commercial structures, low and moderate income housing, the industrial park area, and related facilities. The greatest impact will result from commercial and residential relocations. (ELR Order No. 41465.)

Draft

Camp Fornace Urban Renewal Area, South Carolina, September 5: Proposed is the construction of 78 units of low-rent family housing and day care facilities on sixty acres of the "Black Bottom" area of Columbia. Because of the construction on adjacent property of a liquid propane gas bulk storage facility, the project area is considered to be a hazardous area, and a reassessment of area land uses is being made (105 pages). (ELR Order No. 41402.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

Final

Unimak Island Wilderness, Alaska, September 18: The statement refers to the proposed legislative designation of 973,000 acres of the 998,260 acre Unimak Island (which is part of the Aleutian Island National Wildlife Refuge) as wilderness within the National Wilderness Preservation System (98 pages). Comments made by: USCG, DOD, EPA, DOI, State and local agencies. (ELR Order No. 41455.)

BUREAU OF OUTDOOR RECREATION

Final

Mercer Slough, Bellevue, Washington, September 16: Proposed is the granting of $1,495,711 to the City of Bellevue, through the State of Washington, for the acquisition of 181 acres of land in the Mercer Slough. The land, to be acquired in two stages, would be used for extensive recreation and outdoor education purposes. Adverse impact will include the displacement of 19 families. (95 pages). Comments made by: DOI, USDA, HUD, USCG, EPA, State and local agencies, and concerned citizens. (ELR Order No. 41442.)

BUREAU OF RECLAMATION

Final

Palmetto Bend Project, Jackson County, Texas, September 12. The statement refers to the Palmetto Bend Project, which is intended to provide municipal and industrial water supply and associated recreational, fish, and wildlife facilities. Project measures will include an earthfill dam, concrete spillway, multiple level river outlet works, and a dual-level outlet for municipal water releases. A total of 16,300 acres of land, including 500 acres of cropland and 8,600 acres of pasture, will be committed to project measures; 11,000 acres of wildlife habitat and 47 miles of fish stream habitat will be inundated. Downstream freshwater and nutrient inflow to the Lavaca-Matagorda estuarine system will be reduced by as much as 15 percent. Comments made by: DOI, AHP, COE, DOC, HEW, HUD, DOT, EPA, FPC, State and local agencies. (ELR Order No. 41454.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

Big Lake Wilderness Area, Arkansas, September 19: The proposal recommends that 1,816 acres of the Big Lake National Wildlife Refuge, located in Mississippi County, Arkansas be included in the National Wilderness Preservation System. Management to increase food production for wildlife, particularly white-tailed deer, turkey, squirrels and waterfowl would not be possible within the proposal where physical alteration of the habitat by mechanical means would be necessary (68 pages). (ELR Order No. 41457.)

NATIONAL PARK SERVICE

Draft

Grizzly Bear Management, Yellowstone N.P., several counties, Wyoming, September 20: The statement refers to a grizzly bear management program which is intended to perpetuate a wild, free-roaming bear population in Yellowstone National Park and minimize conflicts between humans and bears by reducing man-generated food sources and by regulating visitor distribution in the park. (ELR Order No. 41462.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, (202) 426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-70, Wheeler Junction to Frisco, Summit County, Colorado, September 16: The statement refers to the construction of I-70 from Wheeler Junction to Frisco in Summit County. Project length is 6 miles. Adverse impacts include stream relocation, disruption of natural vegetation, use of approximately 187 acres of additional land for right-of-way, and slight increases in air and noise pollution. (ELR Order No. 41441.)

S.H. 160-550, LaPlata County, Colorado, September 19: The project involves the construction of approximately 4.6 miles of four-lane highway on S.H. 160-550 beginning at their north intersection in Durango and extending to their south intersection 3.8 miles south of Durango. Adverse impacts are loss of vegetation, disturbance to the Ammas River due to bridge crossing and/or channel changes and the displacement of 13 families and from 3 to 5 businesses (184 pages). (ELR Order No. 41459.)

Rte. 38, DeKalb County, Illinois, September 16: The project in the city of DeKalb consists of widening and resurfacing Illinois Rte. 38 and expanding the capacity of 3 interchanges together with the installation or updating of 4 sets of traffic signals and widening the approaches of two intersecting side streets. The proposed improvement begins near Annie Glidden Rd. and would extend easterly an overall distance of 4000 feet to include the intersection of Pearl Street. (ELR Order No. 41443.)

U.S. 63, Wapello County, Iowa, September 17: The proposed project involves the construction of two additional lanes to U.S. 63 just north of Ottumwa in Wapello County. The 1.69 miles project will require the acquisition of approximately 36 acres of additional right-of-way. Adverse impacts are the displacement of 8 homes and 1 apartment building, and increased noise levels (41 pages). (ELR Order No. 41447.)

Rte. 25, Wareham-Plymouth-Bourne, Massachusetts, September 18: The project involves the extension of Mass. Rte. 25 from its present terminus in Wareham to the Bourne Bridge crossing of the Cape Cod Canal in Bourne. The length of the project is 7 miles. Adverse impacts are the negative effects associated with crossing wetlands and water bodies, and increased air and noise pollution. A 4(f) determination is necessary concerning the Bourne Scenic Park. (ELR Order No. 41453.)

I-84, Hudson River Crossing, Orange and Dutchess Counties, New York, September 16: The project involves the expansion of an existing crossing of the Hudson River in Orange and Dutchess Counties. The total length of the project is 2.0 miles. Adverse impacts are increased air and noise pollution, loss of some river bottom displacement of 1 family, and short-termed degradation of water quality. (ELR Order No. 41439.)

I-390, Genesee Expressway, Monroe County, New York, September 17: The statement refers to the construction of 4.2 miles of I-390 (Genesee Expreesway) between the NY State Thruway and the Rochester Outer Loop in the towns of Henrietta and Brighton. Also included in the project is the construction of 1.9 miles of surface arterial from the Rochester Outer Loop to Clinton Ave. South in Rochester. Adverse impacts are increased levels of air and noise pollution. (ELR Order No. 41451.)

F.M. 1382, Grand Prairie, Dallas County, Texas, September 10: The statement refers to the construction of F.M. 1382 and Northeast Eighth Street from Spur 303 north to the Dallas-Fort Worth Turnpike in the city of Grand Prairie. The proposed six-lane urban facility will be 3.4 miles in length. The project will require the displacement of 16 families, 56 individuals, 6 businesses, and 1 non-profit organization (165 pages). (ELR Order No. 41444.)

Guaynobo Freeway (PR-20), San Juan, Puerto Rico, September 30: The proposed project involves reconstruction and relocation of State Road 20 (Guaynobo Freeway) in San Juan. The six-lane facility will be 7.5 kilometers. Adverse impacts are the displacement of 190 families and 36 businesses, and increased air and noise pollution (75 pages). (ELR Order No. 41464.)

Final

Air Quality Guidelines, Section 109(f), September 17: Proposed is the promulgation of guidelines to assure that highways constructed pursuant to Title 23 U.S.C. are consistent with the appropriate, approved plan for the implementation of any ambient air quality standards pursuant to the Clear Air Act. The guidelines, to be issued as a new FHWA Policy and Procedure Memorandum (PPM) 90-70, outlines a procedure that is to be followed during the transportation system planning process, the highway location phase and during construction of the highway project. Favorable impact on the environment is anticipated (246 pages). Comments made by: EPA, USDA, DOC, HUD, HEW, DOI, State and local agencies. (ELR Order No. 41450.)

FAS Route 236—Bridge, Fergus, Chowteau, Blaine Counties, Montana, September 17: The proposed project is the construction of a bridge site and spur road connecting FAS 236 and the Blaine County Road System. Length of the project is unspecified. The bridge will span the Missouri River. The draft included a 4(f) statement. It has since been determined the park land can be avoided therefore the 4(f) determination is no longer applicable (331 pages). Comments made by: EPA, HEW, USDA, COE, DOI, USCG, State and local agencies, and concerned citizens. (ELR Order No. 41452.)

U.S.H. 151 and S.T.H. 73, Dane, Columbia, Dodge Counties, Wisconsin, September 20: The project proposes the improvement of a 16 mile section of U.S.H. 151 and a 1.5 mile relocation of S.T.H. 73. The facilities will be four-lane divided highways. Land acquisition totals 521 acres of farmland, 74 acres of wetland, and 25 acres of woodland. Four families have been displaced. The facility will traverse a number of streams and rivers increasing erosion, siltation, and salt pollution by roadway runoff. Other adverse impacts are: loss of wildlife habitat and increases in noise, air, and water pollution (190 pages). Comments made by: DOT, DOI, HEW, HUD, EPA, USDA, COE, State and local agencies. (ELR Order No. 41460.)

U.S. 18 and U.S. 151, Dodgeville to Mt. Horeb, Iowa and Dane Counties, Wisconsin, September 20: The statement refers to the proposed construction of a 21 mile segment of highway which will be the concurrent route for U.S. 18 and U.S. 151. The improvement will be between Dodgeville and Mt. Horeb. Adverse impacts include increased noise levels, the use of 1090 acres of land (67% of which is cropland), and the displacement of 2 families and 3 businesses. Comments made by: USDA, DOI, EPA, State and local agencies, and concerned citizens. (ELR Order No. 41461.)

The following amendment adds the Federal Energy Administration to Appendixes II and II of the Council on Environmental Quality's Guidelines of August 1, 1974 (38 FR 20550)

APPENDIX II—AREAS OF ENVIRONMENTAL IMPACT AND FEDERAL AGENCIES AND FEDERAL-STATE AGENCIES WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT THEREON

AIR

Air Quality (Energy and Mobile Source Emissions).

SOLID WASTE

ENERGY SUPPLY AND NATURAL RESOURCES DEVELOPMENT

Electric Energy Development, Generation, and Transmission, and Use.

Petroleum Development, Extraction, Refining, Transport, and Use.

Natural Gas Development, Production, Transmission, and Use.

Coal and Minerals Development, Mining, Conversion, Processing, Transport, and Use.

Renewable Resource Development, Production, Management, Harvest, Transport, and Use.

Energy and Natural Resources Conservation.

LAND USE AND MANAGEMENT

Land Use Charges, Planning and Regulation of Land Development.

Public Land Management.

LAND USE IN COASTAL AREAS

REDEVELOPMENT AND CONSTRUCTION IN BUILT-UP AREAS

APPENDIX III—OFFICES WITHIN FEDERAL AGENCIES AND FEDERAL-STATE AGENCIES FOR INFORMATION REGARDING THE AGENCIES' NEPA ACTIVITIES AND FOR RECEIVING OTHER AGENCIES IMPACT STATEMENTS FOR WHICH COMMENTS ARE REQUIRED

Assistant Administrator for Conservation and Environment
Federal Energy Administration
New Post Office Building
12th and Pennsylvania Avenue NW.
Washington, D.C. 20461
(202) 961-8656

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-22513 Filed 9-26-74;8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL 269–5]

BUCKMAN LABORATORIES, INC.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1540) has been filed by Buckman Laboratories, Inc., 1256 North McLean Boulevard, Memphis, TN 38108, proposing establishment of tolerances (40 CFR Part 180) for negligible residues of the fungicide 2 - (thiocyanomethylthio) benzothiazole in or on the raw agricultural commodities cotton forage, and the forage and fodder of barley, corn, oats, rice, and wheat at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the fungicide is a procedure in which residues are extracted, cleaned up, and hydrolized to liberate the thiocyanate ion, which is determined spectrophotometrically at 532 nanometers.

Dated: September 17, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74–22430 Filed 9–26–74;8:45 am]

[FRL 269–8]

E. I. DU PONT DE NEMOURS & CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5H5062) has been filed by E. I. du Pont de Nemours & Co., Wilmington, DE 19898, proposing establishment of a food additive tolerance (21 CFR Part 121) for combined residues of the fungicide benomyl (methyl-1-(butyl - carbamoyl-2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in concentrated tomato products at 50 parts per million, resulting from application of the fungicide to the raw agricultural commodity tomatoes.

Dated: September 19, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74–22431 Filed 9–26–74;8:45 am]

[FRL 268–8; OPP–30001]

INTRASTATE PESTICIDES

Notice Concerning Federal Requirements for Registration; Correction

In FR Doc. 74–21504 appearing on page 33394 in the issue for Tuesday, September 17, 1974, make the following changes:

1. In the second column, second paragraph, under A. *Pesticides Currently Registered under State Laws*, last sentence should read: "If no notice of application is submitted within 60 days as provided above, shipment to an affected product (rather than 'attached' product as printed) after the 60 day period following promulgation of regulations under Section 3 would constitute a violation of the registration requirements of the FIFRA."

Dated: September 19, 1974.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74–22426 Filed 9–26–74;8:45 am]

[FRL 269–4]

MERCK, SHARP & DOHME

Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408 (d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786, 21 U.S.C. 346a(d)(1), 348(b)(5)), notice is given that a pesticide petition PP 5F1537) has been filed by Merck, Sharp & Dohme, Rahway, NJ 07065, proposing establishment of a tolerance (40 CFR Part 180) for residues of the fungicide thiabendazole (2-(4-thiazolyl) benzimidazole) from postharvest application in or on the raw agricultural commodity potatoes at 3 parts per million.

Notice is also given that the same firm has filed a related food additive petition (FAP 5H5061) proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the fungicide in potato waste at 30 parts per million resulting from concentration and carryover following postharvest application of the fungicide to potatoes.

The analytical method proposed in the pesticide petition for determining residues of thiabendazole is a spectrophotofluorometric procedure in which the excitation wavelength is 300 nanometers and the emission wavelength 360 nanometers.

Dated: September 19, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74–22432 Filed 9–26–74;8:45 am]

UNIVERSITY OF ARKANSAS

Establishment of Temporary Exemption From Requirement of Tolerance for Microbial Pesticide

The University of Arkansas, Fayetteville, AR 72701, submitted a petition (PP 4G1511) requesting establishment of a temporary exemption from requirement of a tolerance for residues of the mycoherbicide *Colletotrichum gloeosporioides f. sp. aeschynomene* (American Type Culture Collection # 20358) in or on rice when used as a herbicide to control northern jointvetch (*Aeschynomene virginica*).

It has been determined that a temporary exemption for residues of the mycoherbicide in or on rice will protect the public health. It is therefore established as requested on the following conditions:

1. The mycoherbicide will be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the University of Arkansas name.

2. Each production batch will be tested for safety on laboratory animals as demonstrated by standardized intraperitoneal injections and a standardized 21-day feeding study.

This temporary exemption expires September 23, 1975. Residues remaining in or on the above raw agricultural commodity after expiration of this temporary exemption will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/temporary exemption.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: September 23, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74–22434 Filed 9–26–74;8:45 am]

[FRL 269–6]

UPJOHN CO.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1541) has been filed by The Upjohn Co., Kalamazoo, MI 49001, proposing extension of the existing tolerance (40 CFR 180.336) for residues of the plant regulator cycloheximide (3-[2-(3,5-dimethyl-2-oxocyclohexyl)-2-hydroxythyl] glutarimide) in or on oranges at 0.1 part per million to include all citrus fruits.

The analytical method proposed in the petition for determining residues of the plant regulator is a cylinder plate bioassay using *Streptomyces cerevisiae* as the test organism on a yeast-dextrose agar medium.

Dated: September 16, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74–22433 Filed 9–26–74;8:45 am]

[FRL 269–7]

VELSICOL CHEMICAL CORP.

Withdrawal of Pesticide Chemical and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 409(b)(5), 68 Stat. 512, 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348(b)(5)), the following notice is issued:

In accordance with § 180.8 Withdrawal of petitions without prejudice of the pesticide procedural regulations (40 CFR 180.8) and § 121.52 Withdrawal of petitions without prejudice of the procedural food additive regulations (21 CFR 121.-52), Velsicol Chemical Corp., 341 East Ohio Street, Chicago, IL 60611, has withdrawn its petitions (PP 2F1259 and FAP 2H5014), notice of which was published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9505), proposing establishment of tolerances for combined residues of the plant regulator disugran (methyl 3,6-dichloro-o-anisate) and its metabolites 3,6-dichloro-o-anisic acid and 5-hydroxy-3,6-dichloro-o-anisic acid in or on sugarcane, sugarcane fodder and forage, sugarcane molasses, and sugarcane sirup.

Dated: September 17, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74–22435 Filed 9–26–74;8:45 am]

[OPP–32000/116; FRL 268–4]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–37, East Tower, 401 M Street SW., Washington, DC 20460.

On or before November 26, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street SW., Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until November 26, 1974. If no claims are received on or before November 26, 1974, the 2(c) application will be processed according to normal procedure. However, if claims are received on or before November 26, 1974, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 26, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 12014–RN. A & V Inc., PO Box 211, Butler WI 53007. A & V—70 PLUS ALGAECIDE. Active Ingredients: Copper as elemental 8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7668–T. Aurora Manufacturing Corp., 74–76 Wythe Ave., Brooklyn NY 11211. ALGO INDUSTRIAL WATER COOLING TOWER ALGAECIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 3125–236. Chemagro, Div. of Baychem Corp., Box 4913, Kansas City MO 64120. NEMACUR 15% GRANULAR TURF NEMATICIDE. Active Ingredients: Ethyl 3-methyl-4-(methylthio)phenyl(1-methylethyl)phosphoramidate 15%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 3125–237. Chemagro, Div. of Baychem Corp., Box 4913, Kansas City MO 64120. NEMACUR 10% GRANULAR TURF NEMATICIDE. Active Ingredients: Ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl)phosphoramidate 10%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 3876–RRE. Betz Laboratories, Inc. Somerton Rd., Trevose PA 19047. BETZ SLIME-TROL RX-31. Active Ingredients: Dodecylguanidine hydrochloride 10.0%; Methylene bisthiocyanate 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5185–ETR. Bio-Lab, Inc., PO Box 1489, Decatur GA 30031. BIO-GUARD LEMON SCENTED DISINFECTANT CLEANER AND DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Isopropanol 1.00%; Trisodium phosphate 0.50%; Sodium metasilicate 0.50%; Essential oils 0.25%; Ethylenediamine tetraacetic acid, tetrasodium salt 0.20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6125–RO. Bixon Chemical Co., 50–19 97th Place, Corona NY 11368. WEED KILLER-B WITH DRIFT CONTROL. Active Ingredients: Petroleum oil 96.07%; Bromacil (5-bromo-3-secbutyl-6-methyluracil 0.97%; Pentachlorophenol 0.79%; Other chlorophenols 0.09%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6125–RI. Bixon Chemical Co., 50–19 97th Place, Corona NY 11368. WEED KILLER-A WITH DRIFT CONTROL. Active Ingredients: Petroleum oil 94.94%; 2,4-Dichlorophenoxyacetic acid, isooctyl ester 1.09%; Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 0.98%; Pentachlorophenol 0.80%; Other chlorophenols 0.09%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7299–RU. The Brenco Corp., 704 N. First St., St. Louis MO 63102. BRENCO #594 INDUSTRIAL WATER TREATMENT MICROBIOCIDE. Active Ingredients: Disodium cyanodithioimidocarbonate 4.23%; Ethylenediamine 1.60%; Potassium N-methyldithiocarbamate 5.83%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33631–E. Carrier Stephens Co., 2362 Jarco Dr., Pine Tree Industrial Park, Holt MI 48842. ALG-KONTROL CONCENTRATE. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 60.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33631–R. Carrier Stephens Co., 2362 Jarco Dr., Pine Tree Industrial Park, Holt MI 48842. ALG-KONTROL. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene (dimethyliminio) ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34773–R. Chemtech Resources Inc., 3033 Glenfield St., Dallas TX 75233. ALGAE-GO. Active Ingredients: Poly[oxyethylene (dimethyliminio) ethylene(dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 239–1869. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. TRIOX LIQUID VEGETATION KILLER. Active Ingredients: 2-methoxy-4, 6-bis(isopropylaminio)-s-triazine 1.86%; Pentachlorophenol 0.68%; Other Chlorinated Phenols 0.08%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 10806–GI. Contact Industries, Inc., 850 S. Oyster Bay Rd., Hicksville NY 11801. CONTACT AIR-O-CIDE II. Active Ingredients: Pyrethrins 0.60%; Piperonyl butoxide, technical 1.40%; Petroleum distillate 13.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9887–RE. Custom Blend of California, 202 W. Broadway Ave., PO Box 758, San Gabriel CA 91778. CUSTOM RESIDUAL 21 PYRENONE-DIAZINON RESIDUAL SPRAY LIQUID. Active Ingredients: O,O-Diethyl O-(2-isopropyl-6-methyl - 4 - pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum Distillate 98.608%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 352–312. E. I. DuPont DeNemours & Co. (Inc.), Biochemicals Department, Wilmington DE 19898. DUPONT DEMOSAN 65W CHLORONEB FUNGICIDE. Active Ingredients: Chloroneb (1,4-dichloro-2,5-dimethoxybenzene) 65%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 14800–U. Echol Chemical Formulators, PO Box 1765, Lakeland FL 33802. MICRONIZED COPPER 53. Active Ingredients: Copper as elemental 53.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33354–A. Fresh Mark Chemical Corp., 663 Jackson Ave., Winter Park FL 32789. FRESH WAX 35 CF–III. Active Ingredients: Sodium o-Phenylphenate 0.84%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33354–U. Fresh Mark Chemical Corp. FRESH FOAM 26A–F FOAM CLEANER. Active Ingredients: Sodium o-

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Phenylphenate 13.400%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33354-T. Fresh Mark Chemical Corp. FRESH WAX 35CF-II CITRUS WAX. Active Ingredients: Sodium o-Phenylphenate 0.84%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34870-R. Floyd Haller, R-4-Box 72, Pleasant Hill MO 64080. F & M HORSE BALM WOUND DRESSING. Active Ingredients: Flowers of Sulfur 47.0%; Linseed Oil 40.0%; Activated Charcoal 12.0%; Phenol 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34469-R. Hydrotech Corp., 11310 Satellite Blvd., Orlando FL 32809. HT-800 FAST MILDEW REMOVER, FUNGICIDE AND GENERAL DISINFECTANT. Active Ingredients: Sodium Hypochlorite 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 24069-R. Kemko, Inc., PO Box 392, Deerfield Beach FL 33441. KEMKO SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl (C14 60%, C12 25%, C16 15%) Dimethyl Benzyl Ammonium Chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 748-215. Houston Chemical Co., Div. of PPG Industries, Inc., One Gateway Center, Pittsburgh PA 15222. PRIST ANTI-ICING & MICROBIOCIDAL AVIATION FUEL ADDITIVE. Active Ingredients: 2-Methoxyethanol 100.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 748-213. Houston Chemical Co., Div. of PPG Industries, Inc., LO FLO PRIST ANTI-ICING & MICROBIOCIDAL AVIATION FUEL ADDITIVE. Active Ingredients: 2-Methoxyethanol 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 748-212. Houston Chemical Co., Div. of PPG Industries, Inc., HI FLO PRIST ANTI-ICING & MICROBIOCIDAL AVIATION FUEL ADDITIVE. Active Ingredients: 2-Methoxyethanol 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 707-78. Rohm & Haas, Independence Mall West, Philadelphia PA 19105. DITHANE M-45 AGRICULTURAL FUNGICIDE. Active Ingredients: Manganese 16%; Zinc 2%; Ethylene bisdithiocarbamate ion ($C_4H_6N_2S_4$) 62%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 707-REL. Rohm & Haas, Independence Mall West, Philadelphia PA 19105. MICROBICIDE 886. Active Ingredients: 5-Chloro-2-methyl-4-isothiazolin-3-one calcium (II) chloride (75%) and 2-methyl-4-isothiazolin-3-one calcium (II) chloride (25%) 80.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 99-RRG. Watkins Products, Inc., 150 Liberty St., Winona MN 55987. WATKINS GRAIN KEEP IV. Active Ingredients: Isobutyric Acid 28.2%; Propionic Acid 18.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6837-UN. Wilmar, Inc., PO Box 3111, Charlotte NC 28203. SANOPINE DISINFECTANT-DEODORANT. Active Ingredients: Isopropanol 9.50%; Pine Oil 7.90%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium choride 3.95%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6837-UE. Wilmar, Inc., PO Box 3111, Charlotte NC 28203. SANITIDE DISINFECTANT-SANITIZER. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chloride 10.00%; Ethanol 2.50%. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEMS

The following item represents a correction and/or change in the list of Applications Received previously published in the FEDERAL REGISTER of September 9, 1974 (39 FR 32576).

EPA File Symbol 359-ATT. Chipman Div. of Rhodia Inc., 23 Belmont Dr., Somerset NJ 08873. BUTOXONE A SELECTIVE WEED KILLER. Originally published as EPA File Symbol 677-ATT.

The following items represent a correction and/or change in the list of Applications Received previously published in the FEDERAL REGISTER of September 11, 1974 (39 FR 32778).

EPA File Symbol 482-O Ban Odor Chemical Co., 212 Blackman Ave., No. Duluth MN 55811. CRYSTALEAN CLEANER DEODORANT DISINFECTANT FUNGICIDE. Originally published as CRYSTALEN CLEANER DEODORANT DISINFECTANT FUNGICIDE.

EPA File Symbol 34688-R. Interstab Chemicals Inc., 500 Jersey Ave., New Brunswick NJ 08903. TRIBUTYLTIN NEODECANOATE. Active Ingredients: Tributyltin Neodecanoate 93%. Originally published as Active Ingredients: ributyltin Neodecanoate 93%.

Dated: September 18, 1974.

JOHN B. RITCH, Jr.
Director, Registration Division.

[FR Doc.74-22311 Filed 9-26-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. 74-961]

DIRECTOR AND DEPUTY DIRECTOR, OES

Delegation of Authority

SEPTEMBER 19, 1974.

Whereas, the Federal Home Loan Bank Board (Board) by Resolution No. 22,436 dated December 19, 1968 delegated to the Director or Deputy Director of the Office of Examinations and Supervision (OES) authority to approve certain indebtedness of savings and loan holding companies; and

Whereas, the Board upon due consideration has determined that the standard contained in Board Resolution No. 22,436 for approval of that indebtedness by the Director or Deputy Director of OES is no longer appropriate; and

Whereas, The Board upon due consideration has deemed it advisable to publish a revised delegation with respect to section 408(g) of the National Housing Act, as amended, (Act) and § 584.6 of the regulations for Savings and Loan Holding Companies (regulations);

Resolved, that Board Resolution No. 22,436 should be and hereby is rescinded; and

Resolved, that in substitution therefor the Board hereby delegates to the Director or Deputy Director of OES the authority to approve, pursuant to section 408(g) of the Act, and § 584.6 of the regulations, applications for the incurrence of debt by any savings and loan holding company or any subsidiary thereof which is not an insured institution, *provided*, That the debt for which approval is sought is in substitution for a debt whose incurrence was previously approved by the Federal Savings and Loan Insurance Corporation, and *provided further*, That the incurrence of such debt would not impose an unreasonable or imprudent financial burden on the applicant.

Resolved further, that the Secretary to the Board is directed to transmit the foregoing to the Office of the Federal Register for publication.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.74-22533 Filed 9-26-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP74-329]

ATLANTA GAS LIGHT CO. AND SOUTHERN NATURAL GAS CO.

Order Setting Hearing Date, Prescribing Procedure, etc.

SEPTEMBER 23, 1974.

On June 25, 1974, Atlanta Gas Light Company (Atlanta) filed in Docket No. CP74-329 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Southern Natural Gas Company (Southern) to shift certain contract demand quantities from the Atlanta area to the Augusta, Georgia, area delivery point to enable Atlanta to provide additional firm service to Columbia Nitrogen Corporation and Nipro, Inc. (CNC and Nipro), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Atlanta requests that 3,000 Mcf of contract demand be transferred from the Atlanta area to the Augusta area delivery point on or about October 1, 1976, and that an additional quantity of 16,000 Mcf be transferred on or about January 1, 1978, representing the following alterations in contract quantity:

[Figures in Mcf]

Effective date	Atlanta area delivery point	Augusta area delivery point
Current	367,300	66,700
Oct. 1, 1976	364,300	69,700
Jan. 1, 1978	348,300	85,700

Atlanta states that the additional service to CNC is for feedstock use primarily in the production of fertilizer in two new plants to be constructed by the fall of 1976 and by early 1978.

Atlanta asserts that because this change in service is necessary to meet the feedstock requirements[1] of CNC, a request by Atlanta for additional gas volumes would be justified. Accordingly, Atlanta cautions that its request for mere transfer of contract demand volumes is based upon the urgency of this proposal, and it reserves the future right to request additional contract demand volumes as needed.

Atlanta states in support of the instant proposal that:

(1) The proposed change will permit an increase in the production of fertilizer which is in critically short supply;

(2) Increased service to CNC will allow that company to construct replacement facilities which will achieve substantial efficiencies in the use of natural gas as well as other fuels;

(3) The requested relief will permit Atlanta to upgrade service on its system consistent with the Commission's Order No. 467-B priorities without adversely affecting Southern's other customers.

Atlanta claims that the requested change in service will not increase the overall contract demand quantity previously authorized by the Commission, but will merely effectuate a relocation of a portion of such quantity between two existing delivery points at which Southern provides service to Atlanta. Atlanta further states that the requested relief will not require the construction of any additional facilities by Atlanta or Southern.

This application was noticed on July 9, 1974 and was published in the FEDERAL REGISTER on July 16, 1974 (39 FR 26064).

On August 2, 1974, CNC and Nipro petitioned for leave to intervene and for leave to join in the application of Atlanta. Thomas T. Irvin, Commissioner of Agriculture for the State of Georgia petitioned to intervene on July 24, 1974, as did Alabama Gas Corporation on July 25, 1974, Carolina Pipeline Company (Carolina) on August 1, 1974, and Georgia Industrial Group and Brick Institute of America on August 2, 1974. A notice of intervention from the Georgia Public Service Commission was untimely filed on August 9, 1974.

As part of its application, Atlanta requested that this application be disposed of by shortened procedures specified in § 1.32 of the rules of practice and procedure. Carolina opposed this request. Expediency is not of such urgent public importance in this matter as to justify procedures other than those normally adopted in similar applications.

Carolina further petitioned that this application be summarily denied, but no compelling reason was offered that would support the elimination of a full public hearing on this application.

Southern filed an answer to Atlanta's application on August 5, 1974 which asserted that it would incur certain expenses if the proposed transfer is approved due to equipment expansion and modification at Atlanta's Augusta area delivery point No. 2 and that it would expect reimbursement by Atlanta for all such expenses.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

(2) Since participation by the Georgia Public Service Commission will not delay the instant proceeding, good cause exists for accepting its late petition to intervene.

(3) Participation by the interveners listed above may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held commencing November 5, 1974, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the matters involved in and the issues presented by this application.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR (3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure. Following cross-examination, the Administrative Law Judge shall establish dates for the filing and presentation of rebuttal testimony, if necessary.

(C) On or before October 22, 1974, Atlanta and CNC shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their position, to include evidence with regards to alternative feedstocks and plant siting. Respondent pipeline Southern shall similarly file testimony in support of its positions on the same date.

(D) The parties designated above are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene, and *Provided, further*, That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22450 Filed 9-26-74;8:45 am]

[1] Applicant asserts these requirements would fall within category 2 of the Commission's Order No. 467-B priorities (18 CFR 2.78).

NATIONAL POWER SURVEY COORDINATING COMMITTEE

Notice and Agenda of Meeting

Agenda for a meeting of the Coordinating Committee to be held at the Federal Power Commission Offices, 825 North Capitol Street NE., Washington, D.C., on October 9, 1974, at 1:30 p.m. in Room 5200.

1. Call to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
   A. Introductory Remarks—Mr. Shearon Harris.
   B. Review of Report status by Technical Advisory Committee Chairmen.
   TAC on Power Supply—Mr. M. F. Hebb, Jr.
   TAC on Fuels—Mr. Paul Martinka.
   TAC on Finance—Mr. Gordon B. Corey.
   TAC on Research and Development—Dr. H. Guyford Stever.
   TAC on Conservation of Energy—Dr. Bruce Netschert.
   TAC on the Impact of Inadequate Electric Power Supply—Dr. Irwin M. Stelzer.
   C. Other Business.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22453 Filed 9-26-74;8:45 am]

[Docket No. CP74-236]

NORTHERN NATURAL GAS CO.

Order Granting Interventions, Setting Date for the Filing of Evidence and Hearing Date

SEPTEMBER 23, 1974.

On March 19, 1974, Northern Natural Gas Company (Northern) filed in Docket No. CP74-236 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities necessary to develop, operate, and maintain an underground gas storage reservoir in the Arbuckle Formation of the Lyons Gas Field in Rice County, Kansas. During 1973, Northern secured leases on 6,230 acres overlying the field and drilled two test wells to gather information of the physical characteristics of the Arbuckle Formation. After a review of this information, Northern has proposed a nine-year development plan for the Lyons Field. In view of the length of this development plan and the total estimated cost of $27,253,000, the Commission is of the opinion that formal hearings should be held to develop a record concerning the application, as ordered below.

Northern indicates that the Lyons Gas Field is structurally a north-south trending anticline that is faulted at its northern end. This structure covers 8,490 acres within the lowest closing contour: an area 4½ miles long and 3 miles wide. Northern plans to store a larger volume of gas than was in the original sour gas bubble by expanding the volume occupied by the original gas bubble from 20 billion cubic feet to 36 billion cubic feet. In order to minimize the possibility of gas lost from spill over, a maximum inventory at

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full development should be developed from the evidence adduced during the course of the hearing.

Northern's development plan indicates that all wells, field and gathering lines, well site facilities, the pipeline to the compressor station and modifications to the extant Bushton Compressor Station are slated to be completed within six years. Injection of gas for storage will begin the third year and small scale withdrawals the fifth year; injection will exceed withdrawals for the next four years so that the maximum inventory of 36 billion cubic feet will be reached in the autumn of the ninth year. The facilities will include 26 gas injection-withdrawal wells, 11 observation wells, and 2 salt water disposal wells. Other field facilities to be constructed are approximately 7.6 miles of 4, 6, 8, 10, and 12-inch gathering lines, 7.2 miles of 3 and 4-inch water disposal lines, 6.3 miles of access roads, 7 field dehydration units, wellhead metering and separatory facilities, a combination warehouse and office control building, and 15.7 miles of 16-inch pipeline to connect the Lyons Storage Field to Northern's mainline at the Bushton Compressor Station. Two existing compressor units of 2000 horsepower each will be repiped and revamped for storage service.

Although the Commission cannot decide at this time what conditions, if any, should be imposed upon the granting of any certificate in these proceedings, the Commission is inclined to believe that the public interest may require monitoring of the development of a project of this length and magnitude through periodic reports submitted by Northern. Therefore, in addition to the usual showings made in applications of this nature, Northern should address itself to the issue of developing, in conjunction with all parties and the Staff, a format of relevant information which might be included in a report to the Commission of progress during the nine-year plan.

Northern indicates that no new markets will be served by this proposal, but that the proposal will enable Northern to manage available supplies better by allowing Northern to store gas produced during off-peak periods to augment the average-day production capacity of such sources during the heating season and to provide peaking ability to respond to system supply requirements during periods of peak demand.

After due notice by publication in the FEDERAL REGISTER on April 9, 1974 (39 FR 12927), a notice of intervention was filed by Metropolitan Utilities District of Omaha. Petitions to intervene in support of the instant application were filed by the following companies which buy gas either directly from Northern or from one of Northern's customers:

Central Telephone and Utilities Corporation
Farmland Industries, Inc.
Iowa Electric Gas and Electric Company
Iowa Power and Light Company
Iowa Public Service Company
Minneapolis Gas Company
Nebraska Natural Gas Company
North Central Public Service Co. Division of Donovan Companies, Inc.
Northern States Power Company (Minnesota)
Northern States Power Company (Wisconsin)
Northwestern Public Service Company
Terra Chemicals International, Inc.
Wisconsin Gas Company
Wisconsin Power and Light Company

The Commission Finds:

(1) It is desirable and in the public interest to allow all of the above-named petitioners to intervene in order that they may establish the facts and the law from which the nature and validity of their alleged rights may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) It is necessary and appropriate that the proceeding in Docket No. CP74–236 be set for hearing as hereinafter ordered.

The Commission Orders:

(A) The above-named petitioners are permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Northern Natural Gas Company and any supporting interveners shall file and serve testimony and exhibits in support of their position on or before October 22, 1974.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on October 31, 1974, at 10 a.m., concerning the matters involved in and the issues presented by the application.

(D) Pursuant to § 2.64(c) of the Commission's rules of practice and procedure, Northern shall serve copies of its filings upon all interveners promptly, unless such service has already been effected pursuant to Part 157 of the regulations of the Natural Gas Act.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-22451 Filed 9-26-74;8:45 am]

[Docket No. RP75-12-1]

NORTHERN NATURAL GAS CO.

Findings and Order

SEPTEMBER 20, 1974.

On August 14, 1974, Northern Natural Gas Company (Northern) filed a petition for extraordinary relief pursuant to § 1.7(a) of the Commission's rules of practice and procedure. Northern requests authorization to provide up to 750,000 Mcf of natural gas to existing utility customers under its presently effective Agricultural Crop Drying Service, Rate Schedule ACDS–1, in order to make available, on a best efforts basis, volumes of gas for the drying of seed grain and other agricultural crops for the period September 15, 1974, through March 15, 1975.

The Commission noticed the petition on August 27, 1974.[1] The American Dehydrators Association and Northwestern Public Service Company have filed petitions to intervene in Docket No. RP75–12–1, pursuant to § 1.8 of the Commission's rules of practice and procedure. The petitions to intervene support Northern's petition for extraordinary relief and do not request a formal hearing.

By Commission order issued September 28, 1973, at Docket No. CP74–63, Northern was authorized to provide natural gas service to its existing utility customers up to a maximum of 750,000 Mcf for a six month period pursuant to a new Agricultural Crop Dryer Service, Rate Schedule ACDS–1 of Northern's FPC Gas Tariff, Third Revised Volume No. 1. Due to favorable weather during the drying season and less than projected curtailment below contract demand, volumes sold under Northern's ACDS–1 Rate for the period September 15, 1973, through March 15, 1974, totaled only 140,078 Mcf.

Northern will have available a total of 750,000 Mcf under Rate Schedule ACDS–1 for the period September 15, 1974, through March 15, 1975. Volumes sold purusant to Rate Schedule ACDS–1 will be made available daily, on a best efforts basis, under advance operating arrangements. If the volumes nominated exceed the volumes available, seed grain during the drying period will be given top priority. No new facilities or change in rates are proposed.

The ACDS–1 Rate Schedule is designed to provide special relief for Northern's utility customers during the projected crop drying season when curtailment of volumes below their firm entitlements would result in irrecoverable losses from inadequate supplies of crop drying fuel. Preservation of feed grain and especially seed grain is recognized as an important link in the food chain. In order to be properly preserved, the moisture content of grains must be reduced below 12 percent, otherwise the grain germ will be destroyed. Crop drying normally begins in Mid-September and extends into the late fall and winter season. The service proposed herein will insure adequate service to grain dryers on Northern's system during the season when such operations are at their peak.

At a hearing held on September 19, 1974, the Commission on its own motion received and made a part of the record in this proceeding all the evidence including the application and exhibits thereto, submitted in support of the authorization sought herein and upon consideration of the record.

The Commission finds:

(1) Applicant, Northern Natural Gas Company, is a "natural—gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) Irreparable injury to the preservation of feed and seed grains would result if Northern is not permitted to provide natural gas service to its existing utility customers under its presently effective Agricultural Crop Drying Service, Rate Schedule ACDS–1.

(3) Participation by the American Dehydrators Association and by Northwestern Public Service Company may be in the public interest.

The Commission orders:

(A) The above-mentioned interveners are permitted to intervene subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Permission is granted to Northern Natural Gas Company to provide natural gas service to its existing utility customers up to a maximum of 750,000 Mcf for the period September 15, 1974, through March 15, 1975, under its presently effective Agricultural Crop Dryer Service, Rate Schedule ACDS–1 of Northern's FPC Gas Tariff, Third Revised Volume No. 1.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-22454 Filed 9-26-74;8:45 am]

[1] This petition was noticed in the FEDERAL REGISTER on September 5, 1974. (39 FR 32188.)

[Docket Nos. G–17350, G–17351, CP69–346, CP69–347]

PACIFIC GAS TRANSMISSION CO.

Petition To Amend

SEPTEMBER 20, 1974.

Take notice that on September 9, 1974, Pacific Gas Transmission Company (PGT), 245 Market Street, San Francisco, California 94105, filed in Docket Nos. G–17350 et al., a petition to amend the orders of the Commission issued in Docket Nos. G–17350 and G–17351 on August 5, 1960 (24 FPC 134), in Docket Nos. CP69–346 and CP69–347 on March 13, 1970 (43 FPC 418), and in all four of the above dockets on April 4, 1974 (51 FPC ----), pursuant to section 7(c) of the Natural Gas Act by continuing the authorization granted in the April 4, 1974 amending order, which permitted PGT to transport on a best efforts basis additional volumes of natural gas imported from Canada to alleviate the shortage on the system of Northwest Pipeline Corporation (Northwest), all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

The order of April 4, 1974, authorized PGT to transport, in excess of previously authorized peak-day volumes of 151,731 Mcf, volumes of natural gas for Northwest from Northwest's Kingsgate, British Columbia, import point to the interconnection of PGT's and Northwest's systems at Spokane, Washington, and Stanfield, Oregon, on a best-efforts basis. PGT was authorized to transport increased volumes of 30,000 Mcf on average days and 125,000 Mcf on peak days. The April 4, 1974, order further authorized PGT to deliver such additional volumes of gas at Spokane and Stanfield in excess of the previously authorized maximum daily demand quantities of 232,800 Mcf and 140,000 Mcf, respectively. Payment for said additional volumes under the terms of the April 4, 1974, order is determined in accordance with the cost of service and cost allocation procedure contained in Rate Schedule T–1, of PGT's FPC Gas Tariff, Original Volume No. 1, incorporated by PGT into its Rate Schedule X–6. The authorization under said order is to expire on October 31, 1974.

Said transportation arrangement has been devised for the purpose of permitting Northwest to receive supplies of gas from Alberta and Southern Gas Co. Ltd. (A&S) to replace volumes being curtailed by Northwest's Canadian supplier, Westcoast Transmission Company Limited (Westcoast). Details of the importation arrangement and the situation on Northwest's system are set forth further in Northwest's application in Docket No. CP73–332, filed with the Commission on August 15, 1974.

PGT, by the instant petition to amend, requests authorization to continue the subject transportation arrangement from November 1, 1974 to October 31, 1975. According to the terms of the emergency transportation agreement between PGT and Northwest, PGT is not obligated to accept for transportation and delivery quantities on natural gas in excess of 151,731 Mcf per day unless, in PGT's sole judgment and discretion, there are sufficient pipeline capacity and operating flexibility to transport and deliver said additional quantities. Such capacity will be available, PGT asserts, only when there are mechanical difficulties in that portion of PGT's pipeline system and intrastate extensions south of the Stanfield tap, such that delivery capability in that portion of the pipesystem must be reduced. PGT explains that an outage of one or more compressor units south of Stanfield due to mechanical problems will cause the delivery capability to be restricted, but that the pipeline upstream of the defective unit will still have the capability of delivering maximum daily volumes.

An off-line delivery upstream of the restricted section of the pipeline made possible by equipment outages has been termed by PGT a "best efforts" delivery. PGT states that from operating records of its system it has calculated the amount of time various outages can be expected to occur and has estimated best efforts deliveries from November 1, 1974, through October 31, 1975:

Delivery volume (MMcf/Day):	*Number of days at this volume*
0	193
1 to 30	41
31 to 60	51
61 to 90	27
91 to 120	53

The application states that deliveries under the transportation arrangement proposed in the instant petition will not decrease, beyond those decreased volumes caused by equipment outages, the quantities of natural gas delivered by PGT at other delivery points to Northwest or the quantities of natural gas delivered by PGT to Pacific Gas and Electric Company, PGT's customer.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in acordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-22455 Filed 9-26-74;8:45 am]

[Docket No. E-8927]

PENNSYLVANIA POWER AND LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Etc.

SEPTEMBER 20, 1974.

On July 24, 1974, Pennsylvania Power and Light Company (PP&L) submitted for filing proposed increases in its rates for firm power service to its fifteen wholesale customers. (See Appendix A) The proposed increase would result in an increase in jurisdictional revenues of $978,075 for the twelve month period following the proposed effective date of September 23, 1974.

Notice of the filing was issued on July 30, 1974, with protests or petitions to intervene due on or before August 12, 1974. On August 12, 1974, the Boroughs of St. Clair, Blakely, and Olyphant, Pennsylvania filed general protests wherein the Boroughs expressed their

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opposition to the proposed rate increase. A timely petition to intervene was filed by the Borough of Ephrata, Pennsylvania on August 12, 1974, and by an amendment to this petition filed on August 26, 1974, Ephrata requested that the following petitioners be added to the petition to intervene: Quakertown, Duncannon, Watsontown, Schuylkill Haven, Weatherly, St. Clair, Lehighton, Catawissa, and Perkasie, Pennsylvania.

Ephrata stated in its petition that PP&L's proposed seventeen percent rate increase would result in an excessive rate of return and that the proposed increase should be suspended for five months. On August 28, 1974, PP&L filed a response to the above petition.

Our review of the instant filing and the issues raised therein shows that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed rate increase for one day and establish hearing procedures to determine the justness and reasonableness of PP&L's proposed rates.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed rates and charges contained in PP&L's revised tariff sheets and that said tariff sheets be suspended as hereinafter ordered.

(2) Good cause exists to suspend PP&L's proposed rate change for one day to become effective on September 24, 1974.

(3) The participation in this proceeding of the above-named intervenors may be in the public interest.

(4) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held on March 11, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the revised tariff sheets proposed herein.

(B) Pending hearing and a final decision thereon, PP&L's proposed tariff sheets are hereby suspended for one day and the use thereof deferred until September 24, 1974.

(C) On or before January 31, 1975, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all the intervenors shall be served on or before February 14, 1975. Any rebuttal evidence by the Company shall be served on or before February 28, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Nothing contained herein should be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.8 of the Commission's rules of practice and procedure.

(F) The above-named petitioners to intervene are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petitions to intervene.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Wholesale customers:	*Rate Schedule FPC No.*
Borough of Perkasie	54
Borough of Hatfield	59
Borough of Catawissa	57
Borough of St. Clair	56
Borough of Mifflinburg	55
Citizens Electric Company	61
Borough of Quakertown	60
Borough of Ephrata	58
Borough of Blakely	45
Borough of Schuylkill Haven	51
Borough of Weatherly	50
Borough of Watsontown	28
Borough of Olyphant	36
Borough of Duncannon	32
Borough of Lehighton	63

[FR Doc.74-22452 Filed 9-26-74;8:45 am]

[Docket No. CP75-72]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

SEPTEMBER 20, 1974.

Take notice that on September 3, 1974, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP75-72 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon, due to depletion of reserves, the sale of natural gas in interstate commerce to Columbia Gas Transmission Corporation from the Miami Corporation No. 1 well, Twin Island Field, Cameron Parish, Louisiana, authorized in Docket No. CP60-90 to be made pursuant to Applicant's Rate Schedule F-9 of its FPC Gas Tariff, Original Volume No. 3, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22457 Filed 9-26-74;8:45 am]

[Docket No. E-8916]

EL PASO ELECTRIC CO.

Supplemental Application

SEPTEMBER 20, 1974.

Take notice that on September 12, 1974, El Paso Electric Company (Applicant), filed an application with the Federal Power Commission (the "Commission") seeking authority pursuant to section 204 of the Federal Power Act to issue $20,000,000 principal amount of First Mortgage Bonds.

The Applicant is incorporated under the laws of the State of Texas with its principal business office at El Paso, Texas, and is engaged in the electric utility business in the States of Texas and New Mexico in an area in the Rio Grande Valley extending approximately 110 miles northwesterly from El Paso to the Caballo Dam in New Mexico and approximately 120 miles south-easterly from El Paso to Van Horn, Texas, with a population of approximately 475,000 of whom 360,000 reside in the metropolitan area of El Paso.

The Applicant proposes to issue $20,000,000 principal amount of First Mortgage Bonds, ____% Series due _____, which will be secured by the Applicant's Indenture of Mortgage dated as of October 1, 1946, with State Street Trust Company (now known as State Street Bank and Trust Company) of Boston, Massachusetts, as Trustee, as supplemented and modified and to be further supplemented by an Eleventh Supplemental Indenture.

The proceeds from the financing will be used to reduce outstanding short-term debt incurred for construction purposes. The short-term debt is expected to aggregate $36 million at the time of such sale. The Applicant's construction program during the period from 1974 through 1978 will require approximately $250,965,000.

In view of market conditions now prevailing with respect to utility securities, it is believed that the sale of the New Bonds could best be accomplished by a negotiated underwriting. Therefore, the Applicant is applying to the Commission for exemption from the competitive bidding requirements of § 34.1a(b) and (c) of the Commission rules.

The Applicant plans to set the price and terms of the New Bonds on or about November 13, 1974. The Bonds will be dated November 1, 1974 and will bear interest at the rate determined through negotiations.

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22461 Filed 9-26-74;8:45 am]

NATIONAL POWER SURVEY

Cancellation Notice

The meeting of the National Power Survey Technical Advisory Committee on the Impact of Inadequate Electric Power Supply, announced for October 3, 1974, is cancelled. The meeting will be rescheduled at a later date.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22464 Filed 9-26-74;8:45 am]

[Docket No. E-9009]

NORTHEAST UTILITIES SERVICE CO.

Application for Treatment as Single Filing Entity

SEPTEMBER 20, 1974.

Take notice that on August 22, 1974, that Northeast Utilities Service Company (Northeast) and the electric operating companies of the Northeast Utilities system, the Connecticut Light and Power Company (CL&P), the Hartford Electric Light Company (HELCO), Western Massachusetts Electric Company (WMECO), Holyoke Water Power Company (HWP) and Holyoke Power and Electric Company (HP&E) applied for an order which would provide that said system operating companies be treated as a single filing entity for the purpose of computing filing fees under § 36.2(e) of the Commission's regulations.

The application states that Northeast is the parent company which furnishes electric service through its five wholly owned subsidiaries. The application further states that two or more subsidiaries enter into an agreement on one hand and one or more other utilities on the other covering a certain electric service. The application states that when such an agreement is filed with the Commission, the Secretary of the Commission has assessed Northeast a filing fee for each FPC rate schedule affected by the filing.

Finally, the application states that the fees charged under § 36.2 are intended to bear a reasonable realtionship to the costs incurred by the Commission in performing the administrative services necessitated by the particular filing for which the fee is charged.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22458 Filed 9-26-74;8:45 am]

[Docket No. E-8915]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Supplemental Filing

SEPTEMBER 19, 1974.

Take notice that on September 9, 1974, Public Service Company of Oklahoma (PSCO) tendered for filing supplemental information in response to a deficiency assessment of its initial filing of July 22, 1974. The proposed amended Service Schedule ES between PSCO and Empire District Electric Company (EDEC) replaces the existing Service Schedule ES dated November 16, 1970. The proposed effective date is July 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 30, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22462 Filed 9-26-74;8:45 am]

[Docket No. E-8905]

SOUTHWESTERN ELECTRIC POWER CO.

Supplemental Filing

SEPTEMBER 19, 1974.

Take notice that on September 9, 1974, Southwestern Electric Power Company (SWEPCO) tendered for filing supplemental cost support and revenue data in response to a deficiency assessment of its initial filing of July 15, 1974. The proposed revised tariff agreement between SWEPCO and Central Louisiana Electric Company (CLECO) would increase the cost of service as reflected in SWEPCO Supplement No. 6 to FPC Rate Schedule No. 59 and CLECO Supplement No. 4 to FPC Rate Schedule No. 4. SWEPCO proposes an effective date of July 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 30, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-22463 Filed 9-26-74;8:45 am]

[Docket Nos. CP68-146 (RP67-22), CI68-621]

TENNESSEE GAS PIPELINE CO. AND TENNECO OIL CO.

Petition to Amend

SEPTEMBER 20, 1974.

Take notice that on September 11, 1974, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), and its affiliate, Tenneco Oil Company (Tenneco Oil), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CP68-

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146 and CI68–621, respectively, a petition for relief from the annual reporting requirements imposed by the Commission in the order issued in said dockets on July 30, 1969 (42 FPC 292), as amended May 1, 1970 (43 FPC 681), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

As a condition for permitting the abandonment by Tennessee of its developed gas producing leases, undeveloped leases, and related lease facilities by transfer of such properties to Tenneco Oil, the Commission imposed, in the order of July 30, 1969, the requirement that both Tennessee and Tenneco Oil shall be responsible for the filing of annual production cost reports by Tenneco Oil, as determined by agreement between each of the said parties and the Commission staff.

By the instant petition, Petitioners submit that the relative uselessness accorded said reports in the past constitutes good cause for the elimination of the filing requirement in its entirety.

In the alternative the Petitioners state that recent discussions with the Commission staff have given rise to a general agreement that a modification of the filing requirement is in order and that certain changes have been agreed upon. With respect to the four categories for which data is required the applicants suggest the following modifications:

(1) Category A, which relates to total production properties owned and/or operated by Tenneco Oil, shall be reported only in total, without separation by lease classifications; but volumes and average Btu will continue to be separated and shown by lease classification.

(2) Category B, which relates to total production from properties owned and/or operated by Tenneco Oil which are attached to Tennessee's system, shall be redefined to eliminate the Bastian Bay and Ship Shoal production properties, presently reported separately as Categories C and D.

(3) Category C, which relates to the Bastian Bay Production properties involved in Docket Nos. CI66–910 et al., shall be redefined as "Five Federal Leases," properties which have been connected pursuant to the Commission's order accompanying Opinion No. 528, issued in Docket Nos. CP65–356 et al., on September 26, 1967 (38 FPC 691).

Petitioners state that other changes upon which they and the Commission staff agree are as follows:

(A) The above data shall not be required to be reported on All Area Questionnaire (AAQ) forms, but rather shall be provided in a format to be agreed upon by staff and petitioners.

(B) The cost of service report, indicating the overall unit cost of all gas produced, shall no longer be required.

A summary of the remaining schedules comprising the amended production cost report, according to the petition, follows:

AAQ Schedule:	*Type of Data*
B Sheet 1	Area, District, Division and Field Investment.
D Sheet 1	Production Investment.
E Sheet 1	Exploration and Development Investment.
F Sheet 1	Exploration and Development Cost and Expense.
G Sheet 1	Production Costs and Expenses.
H Sheet 1	Lease Revenues and Production Volumes by Product.
H Sheet 2	Heating Value.
I Sheet 1	Gas Use, Disposition, Balance.
I Sheet 3	Analysis of Lease Oil and Gas Production Operations.
J Sheet 1	Supplemental Data by Function.
J Sheet 3	Royalty Operations and FPC Regulatory Expense.
J Sheet 4	Production Payment Obligations.
K Sheet 2	Field Gasoline & Cycling Plant Investment.
L Sheet 3, 4	Field Gasoline & Cycling Plant Costs & Expenses.
M Sheet 4, 5, 6, 8	Field Gasoline & Cycling Plant Operating Data.

NOTE: 1. All categories will be reported per books and pro forma. Effect will be given to accounting adjustments raised as issues in the order to show cause in Docket RP67–22.

2. K, L, and M Schedules will report data only for plants through which gas produced from properties owned and/or operated by Tenneco Oil is processed and delivered to Tennessee. These schedules will report data for only category B.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–22460 Filed 9–26–74;8:45 am]

[Docket No. CI75–138]

TRANSOCEAN OIL, INC.

Notice of Application

SEPTEMBER 20, 1974.

Take notice that on September 3, 1974, TransOcean Oil, Inc. (Applicant), 1700 First City East Building, Houston, Texas 77002, filed in Docket No. CI75–138 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Southern Natural Gas Company (Southern) from lands and leases covering Blocks 268, 269, and 281, South Marsh Island Area (North Addition), offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver up to 120,000,000 Mcf of gas to Southern at an initial price of 70.0 cents per Mcf at 15.025 psia subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot and subject to Applicant's right to reserve a portion of such gas for 10 calendar years beginning January 1, 1976, for use in a nitrogen and fertilizer complex. Applicant estimates that initial sales volumes, under its contract with Southern dated July 9, 1974, should approximate 120,000 Mcf per month, but should rapidly increase to approximately 1,000,000 Mcf per month. As set forth in the subject contract, Applicant has the right to reserve, for use in a nitrogen and fertilizer complex, daily quantities of gas up to 35,393 Mcf, plus reserved PVR gas [1] and Btu adjustment gas, for ten calendar years beginning January 1, 1976, but not to exceed in any one calendar year 11,743,875 Mcf, plus reserved PVR gas and Btu adjustment gas, nor in the aggregate during such ten-year period in excess of one-half of the original reserves plus the reserved PVR gas attributable thereto. Applicant states that pursuant to said contract Southern will deliver or cause to be delivered the gas reserved by Applicant at a mutually agreeable delivery point.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

[1] According to the contract, reserved PVR gas is that portion of the gross daily quantity of gas reserved by Applicant (exclusive of Btu adjustment gas) which is in excess of the net quantity of gas delivered to the fertilizer complex and which will be used in an onshore processing plant or plants for fuel and shrinkage, including losses.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–22458 Filed 9–26–74;8:45 am]

[Docket No. CP75–66]

UNITED GAS PIPE LINE CO.

Notice of Application

SEPTEMBER 20, 1974.

Take notice that on August 30, 1974, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP75–66 an application pursuant to section 7 (b) and (c) of the Natural Gas Act for permission and approval to abandon approximately 2.1 miles of 30-inch pipeline in Jackson County, Texas, and for a certificate of public convenience and necessity authorizing the construction of approximately 2.1 miles of replacement pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the planned construction by the United States Department of Interior (Interior) of the Palmetto Bend Reservoir Project will inundate a section of Applicant's 30-inch Agua Dulce-Perryville pipeline, necessitating the replacement of the existing line with pipe of greater wall thickness. Additionally, Applicant states that an 18-inch line and a 30-inch line of its subsidiary United Texas Transmission Company (UTTCO), have been similarly affected. Applicant has determined that the best and least costly way to replace its pipeline would be to construct approximately 2.1 miles of 30-inch x 0.5-inch X–60 line which will permit Applicant to maintain the present capacity of this line), abandon, by sale to UTTCO, 10,377 feet of its existing 30-inch line (allowing UTTCO to maintain its present capacity), and abandon in place 305 feet of its existing 30-inch pipeline.

Applicant states that Interior has agreed to reimburse Applicant for costs incurred in replacing said pipeline, estimated to be $802,052.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–22459 Filed 9–26–74;8:45 am]

FEDERAL RESERVE SYSTEM

CAROLINA BANCORP, INC.

Order Approving Acquisition of National Finance Co., Inc.

Carolina BanCorp, Inc., Sanford, North Carolina, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of National Finance Company, Inc., Rockingham, North Carolina ("National"), a company that engages in the activities of consumer finance, dealer financing, and acting as sales agent for credit life and credit accident and health insurance directly related to extensions of credit by National. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a) (1) and (9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 22649). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a recently formed bank holding company and controls one bank, The Carolina Bank, Sanford, North Carolina ("Bank"), which holds deposits of $82 million, representing less than one percent of total deposits in commercial banks in the State.[1] Bank operates 12 branches in five counties (Wake, Harnett, Lee, Moore, and Chatham Counties) throughout North Carolina.

National is a licensed small loan company regulated by the North Carolina Consumer Finance Act; [2] it operates 12 loan offices in 10 counties in the central and eastern portions of the State and has total gross receivables of $3.4 million. It has one subsidiary which holds a small amount of dealer originated paper. National also sells credit life and credit accident and health insurance to its borrowers in connection with its extensions of credit.

By Order of April 11, 1974 (60 *Federal Reserve Bulletin* 385), the Board denied an application by Applicant to acquire shares of National. In that Order, the Board found that there was significant existing competition between Bank and National [3] in making personal installment loans in two of the four counties (Lee and Moore) in which both institutions operated and concluded that the proposed acquisition of National would have significant adverse effects on existing competition in those areas. In order to eliminate these adverse competitive effects, Applicant has modified its proposal by applying to acquire all of National's offices except those three offices located in Lee and Moore Counties. The three offices located therein will be divested [4] by National prior to its acquisi-

[1] All banking and other financial data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved by the Board through August 31, 1974.

[2] The loan limit for a small loan company in North Carolina has recently been increased from $900 to $1,500.

[3] The Board has previously determined that consumer finance companies generally compete with commercial banks in the area of small loans to individuals (see Board Order of August 3, 1973, denying acquisition of Public Loan Company by Bankers Trust New York, 59 *Federal Reserve Bulletin* 694). Accordingly, in a given situation, the acquisition of a consumer finance company by a commercial banking organization may result in the elimination of existing competition in those geographic markets in which both compete.

[4] National proposes to transfer the three offices in question to a new corporation to be formed by the existing shareholders of National. The Board has received various commitments from Applicant, National, and the individual shareholders of National to the effect that the new corporation will be sold to an unrelated third-party as soon as practicable but in no event later than two years after Applicant's acquisition of National, and further, that neither Applicant nor any of its officers, directors or policy-making employees will control or exert a controlling influence over the management or policies of these three offices.

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tion by Applicant. (The nine loan offices of National to be acquired have total gross receivables of approximately $2.4 million.) In view of the foregoing, it appears that consummation of the proposed transaction would not have an adverse effect on existing competition in any area of the State. Moreover, Applicant and National are not considered to be likely de novo entrants into areas served by the other in view of their small size in relation to present competitors or other possible entrants, and thus consummation herein would not have an adverse effect on future competition. National also acts as agent for the sale of credit life and credit accident and health insurance in connection with its extensions of credit. Considering the size and scope of this insurance business, it does not appear that Applicant's acquisition of National would have a significantly adverse effect on competition in this product line.

Affiliation with Applicant would give National greater flexibility in acquiring funds to lend to its customers and would permit National to expand its current services. There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond.

By order of the Board of Governors,[3] effective September 18, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22494 Filed 9-26-74;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of First International Bancshares Insurance Co.

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of First International Bancshares Insurance Company ("FIBI"), Dallas, Texas, a company that will engage de novo in the activity of underwriting credit life and credit accident and health insurance directly related to extensions of credit by Applicant's credit-granting subsidiaries. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 5373). The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those submitted by members of the Dallas Association of Life Underwriters, in the light of the factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant, the largest banking organization in Texas, controls 15 subsidiary banks with aggregate deposits of about $2.6 billion, representing approximately 7.5 percent of the total deposits in commercial banks in the State.[1]

FIBI will engage de novo in the activity of acting as underwriter for credit life and credit accident and health insurance directly related to extensions of consumer credit by Applicant's credit-granting subsidiaries, including its banking subsidiaries located in nine SMSA's in Texas. Credit life and credit accident and health insurance is generally made available by banks and other lenders and such insurance is designed to assure repayment of a loan in the event of death or disability of the borrower. Since this proposal involves a de novo acquisition, consummation of the transaction would not have any adverse effects on existing or potential competition in any relevant market.

Applicant has stated that following consummation of the acquisition, FIBI will offer reduced premiums and increased policy coverage to its credit insurance customers. One type of additional policy coverage would be a "grace period" of up to 15 days beyond the maturity date of the loan, during which time the insurance coverage would remain in effect if repayment of the loan were delayed beyond the maturity date. In addition, Applicant would reduce premiums on the various types of credit insurance. Applicant would offer level term credit life insurance on single payment loans at a premium rate 3.7 percent below the statutory maximum, decreasing term credit life insurance at a rate of 3.4 percent below the statutory maximum, and credit accident and health insurance at a rate 3.4 percent below the statutory maximum.

Texas has recently adopted a new insurance regulation for credit life and credit accident and health insurance.[2] In essence, the new State regulation requires a significant reduction in the prima facie premium rates that may be charged for credit insurance. In view of the premium rate reductions required by State law, the Board regards Applicant's additional premium reductions and proposed increase in policy coverage as procompetitive and in the public interest. There is no evidence in the record indicating that consummation of the proposed acquisition would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to result in benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

By order of the Board of Governors,[3] effective September 18, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22491 Filed 9-26-74;8:45 am]

LONG BANCORPORATION

Order Approving Formation of Bank Holding Company

Long Bancorporation, Des Moines, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 73.89 percent of the voting shares of Union-Whitten State Savings Bank, Union, Iowa ("Bank").

Notice of the receipt of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating company which presently owns minority shares of Bank. The transaction is basically a corporate reorganization whereby Applicant will acquire shares now owned by Applicant's principals. A principal of Applicant is also a principal of another one-bank holding company in Iowa but that holding company's banking subsidiary is not in Bank's market area.

Bank, with deposits of $8.4 million[1] is the 332nd largest bank in Iowa and holds less than 0.1 percent of commercial bank deposits in the State. In its market, Bank ranks fourth with 5.9 percent of total market area deposits. The acquisition is not expected to have an adverse effect on Bank's competitive position in the relevant area; therefore, competitive considerations are consistent with approval.

The financial and managerial resources and future prospects of Applicant will depend initially on those same factors in Bank which are considered satisfactory and consistent with approval.

Although consummation of the proposal would produce no major change in the services offered by Bank, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By Order of the Board of Governors,[2] effective September 18, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22492 Filed 9-26-74;8:45 am]

VALLEY BANCORPORATION

Order Approving Formation of Bank Holding Company

Valley Bancorporation, Rexburg, Idaho, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of the successor by merger to the Valley Bank, Rexburg, Idaho ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently-organized corporation formed for the purpose of becoming a bank holding company through the acquisition of Bank. The proposed transaction involves the transfer of control of Bank from individuals to a corporation owned by the same individuals. Bank (deposits of $59.5 million) is the fifth largest bank in the State and operates a total of five banking offices located in four banking markets in southeastern Idaho.[1] Upon acquisition of Bank, Applicant would control less than three percent of total deposits in commercial banks in Idaho. Since the transaction is essentially a reorganization of Bank's ownership and Applicant presently has no subsidiaries, consummation of the proposal would not have an adverse effect on existing or potential competition, nor would it increase the concentration of banking resources or have an adverse effect on other banks in any of the relevant areas. Therefore, the Board concludes that the competitive considerations are consistent with approval of the application.

The future prospects of Applicant are primarily dependent upon the financial resources of Bank. Applicant proposes to service the debt it will assume incident to this proposal over a 12 year period through dividends from Bank averaging 12 percent of Bank's earnings. In light of Bank's past earnings and its anticipated growth, the projected earnings of Bank provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirements while strengthening the capital position of Bank. Moreover, the principals of Applicant have expressed the willingness to maintain Bank's capital at acceptable levels throughout the debt retirement period. The managerial resources of Applicant and Bank are considered satisfactory and the future prospects for each appear favorable. Thus, the considerations relating to the banking factors are consistent with approval of the application.

Although consummation of the proposal would effect no changes in the services offered by Bank, the considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[3] effective September 18, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22493 Filed 9-26-74;8:45 am]

JACOBUS CO. AND ITS SUBSIDIARY, INLAND FINANCIAL CORP.

Application To Engage In the Activity of Providing Management Consulting Advice to Nonaffiliated Banks; Correction

In FR Doc. 74-15692 appearing on page 25365 of the issue for Wednesday, July 10, 1974, the name of the applicant should read The Jacobus Company and its subsidiary, Inland Financial Corporation.

As specified in the earlier FR Doc. 74-15692, views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 7, 1974.

Board of Governors of the Federal Reserve System, September 23, 1974.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22516 Filed 9-26-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR Temporary Reg. F-302]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in intrastate telephone rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the New Jersey Board of Public Utility Commissioners involving the application of the New Jersey Bell Telephone Company for gen-

[1] All banking data are as of June 30, 1973, and reflect holding company formations and acquisitions approved through July 31, 1974.

[2] Under the authority of Article 3.53 of the Texas Insurance Code, the State Board of Insurance adopted, on December 5, 1973, the rules and regulations contained in Order No. 26263, effective March 1, 1974.

[3] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Holland, and Wallich. Absent and not voting: Chairman Burns and Governor Bucher.

[1] Deposit data are as of December 31, 1973.

[2] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Holland, and Wallich. Absent and not voting: Chairman Burns and Governor Bucher.

[1] All banking data are as of December 31, 1973.

[3] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Bucher.

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eral increases in its intrastate rates in 1974.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Date: September 17, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74-22447 Filed 9-26-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 24, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or the reviewer listed.

NEW FORMS

None.

REVISIONS

DEPARTMENT OF DEFENSE

Department of the Air Force: Contractor Reporting Procedures Propulsion ADPE Management System (Engine Status Report), Form AP 1534, Occasional, Sheftel (395-3878), Business firms.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: Annual Supplemental Statement of Expenditures for Social Services, Form OA-41.7(c), Annual, Caywood (395-3443), State welfare agency.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-22650 Filed 9-26-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

CASPER DISTRICT ADVISORY COUNCIL MEETING

Change of Location

The Small Business Administration Casper District Advisory Council will convene at 1 p.m., Mountain Daylight Time, Friday, September 27, 1974, in Room 233 of the Old Senate Chamber in the old part of the Student Union Building on the University of Wyoming campus in Laramie, instead of as published in the 39 FR 32584, on September 9, 1974.

Dated: September 20, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils.

[FR Doc.74-22505 Filed 9-26-74;8:45 am]

DENVER DISTRICT ADVISORY COUNCIL

Notice of Meeting

The Small Business Administration Denver District Advisory Council will meet at 9:30 a.m., Mountain Daylight Time, Friday, October 11, 1974, at the Colorado National Bank, 17th and Champa Streets, Board Room, 5th Floor, to discuss such business as may be presented by members, the staff of the Small Business Administration and others attending.

Dated: September 20, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils.

[FR Doc.74-22504 Filed 9-26-74;8:45 am]

PHOENIX DISTRICT ADVISORY COUNCIL

Notice of Meeting

The Small Business Administration Phoenix District Advisory Council will meet at 12 Noon, Mountain Daylight Time, Wednesday, November 20, 1974, at the Royal Inn, 1102 N. Central Avenue, Phoenix, Arizona, to discuss such business as may be presented by members, the staff of the Small Business Administration and others attending.

Dated: September 20, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils.

[FR Doc.74-22503 Filed 9-26-74;8:45 am]

TARIFF COMMISSION

[337-L-74]

CERTAIN ULTRA-MICROTOME FREEZING ATTACHMENTS

Extension of Time

Notice is hereby given that the date for submission of information by interested persons which is pertinent to the preliminary inquiry instituted in the above matter has been extended from September 27, 1974 to November 27, 1974.

Issued: September 23, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-22631 Filed 9-26-74;8:45 am]

[TEA-W-342]

LESSING FOOTWEAR, INC.

Workers' Petition for Determination; Amendment of Scope of Investigation

On August 19, 1974, the U.S. Tariff Commission published notice in the FEDERAL REGISTER (39 FR 29975) of the institution of an investigation under section 301 of the Trade Expansion Act of 1962 on behalf of the workers and former workers of Lessing Footwear, Inc., Norwalk, Connecticut, to determine whether, as a result in major part of the concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.45, 700.55, 700.70, 700.83, and 700.85 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

On September 20, 1974, the Commission amended the scope of this investigation, pursuant to its authority under section 403(a) of the said act, to include, in addition, articles like or directly competitive with footwear for women (of the types provided for in item 700.60 of the Tariff Schedules of the United States) produced by said firm.

Issued: September 24, 1974.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.74-22485 Filed 9-26-74;8:45 am]

[AA1921-105]

NORTHERN BLEACHED HARDWOOD KRAFT PULP FROM CANADA

Determination of No Injury or Likelihood Thereof

SEPTEMBER 23, 1974.

The Tariff Commission on September 28, 1972, received advice from the Treasury Department that northern bleached hardwood kraft pulp from Canada is being, or is likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160 (a)), the Tariff Commission instituted investigation No. AA1921-105 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. The Commission by a 3 to 3 vote determined on December 27, 1972, that an industry in the United States is being injured by reason of the importation of northern bleached hardwood kraft pulp from Canada, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. A finding of dumping with respect to prime-grade and off-grade northern bleached hardwood kraft pulp from Canada was made by the Department of the Treasury on January 17, 1973 (T.D. 73-28; 38 FR 2210 (1973)).

On June 26, 1974, the Treasury Department advised that, after considering a formal petition for revocation submitted by the American Paper Institute with respect to the finding of dumping on prime-grade and off-grade northern bleached hardwood kraft pulp from Canada, and after examining the most current sales information supplied by the Canadian pulp producers and exporters, the Department affirms its determination that such pulp is being and is likely to be sold in the United States at less than fair value.

The Tariff Commission on July 9, 1974, instituted investigation No. AA1921-105A to determine whether, if the finding of dumping were revoked, an industry in the United States would be or would likely be injured by reason of the importation of such merchandise into the United States. Notice of the institution of the investigation and of a public hearing to be held on August 6, 1974, in connection therewith was published in the FEDERAL REGISTER of July 12, 1974 (39 FR 25710).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaries, personal interviews, and other sources.

On the basis of the investigation, the Commission has determined that, if the finding of dumping were revoked, an industry in the United States would not be or would not likely be injured by reason of the importation of prime-grade and off-grade northern bleached hardwood kraft pulp from Canada sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended.[1]

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION OF CHAIRMAN BEDELL AND COMMISSIONER LEONARD[2]

In the instant investigation we determine that, if the finding of dumping that was issued on January 17, 1973, on prime-grade and off-grade northern bleached hardwood kraft pulp from Canada were revoked and imports of such merchandise were no longer subject to dumping duties, an industry in the United States would not be injured or an industry in the United States would not be likely to be injured by reason of the importation of such pulp.

DESCRIPTION OF THE PRODUCT

Bleached hardwood kraft pulp made from hardwood (deciduous) by the chemical sulphate (kraft) process is a relatively short-fibered pulp used chiefly in the production of fine printing and writing papers in which cleanliness, brightness, softness, and good formation are more important requirements than strength; it is also used in the manufacture of absorbent tissue paper. Northern bleached hardwood kraft pulp from Canada is very similar to the type of pulp produced in the northern part of the United States. The northern variety differs from that produced in the southern part of the United States—which is known as "southern grade"—in that the former possesses greater smoothness and opacity, both of which are desirable qualities of hardwood pulp. For certain uses, such as tissue paper and papers where a smooth surface is not required, the southern grade is readily interchangeable with the northern grade.

Pulp is sold as either prime grade or off grade; the great bulk of all market pulp is prime grade. The specifications of off-grade pulp are determined by each individual producer. Such pulp is inferior to prime-grade pulp in that it is usually characterized by such elements as excessive dirt spots, discoloration, lack of brightness, and lack of strength. Since there are varying standards for off-grade pulp, comparisons of prices of such pulp are exceedingly difficult.

U.S. INDUSTRY

The industry producing bleached hardwood kraft pulp in the United States consists of approximately 33 firms operating some 50 establishments. Domestic production of the subject product involves two elements—captive production and production for the market. Most U.S. production is captive—that is, production which is further processed by the producers into more advanced products, such as paper and paperboard. However, the portion sold on the open market is in direct competition with imports from Canada and represents an important source of revenue to U.S. producers, especially during periods of soft demand.

Canadian imports have traditionally accounted for about one-fourth to one-third of domestic market sales and have usually carried a slightly higher price than comparable domestic pulp.

The northeast region of the United States is the competitive marketing area where the bulk of the imports from Canada are sold. It has a concentration of nonintegrated paper manufacturers, and it is largely supplied by six U.S. firms which have producing facilities in that region and by Canadian imports. Since most shipments of pulp tend to be confined to distances of less than 1,000 miles from the producing mill, certain Canadian producers are located near the northeastern marketing area; therefore, these Canadian producers consider this area as one of their major markets. Since this region is where the impact of Canadian imports is felt most, the U.S. firms which have producing facilities in this region and which market their pulp in the region are the ones we can best examine to evaluate the effect of less than fair value (LTFV) imports.

CONDITIONS THAT LED TO AN AFFIRMATIVE COMMISSION DETERMINATION IN 1972

The Department of the Treasury in its original investigation, which covered the period May-October 1971, found that six Canadian suppliers of the subject product were making approximately 70 percent of their sales at LTFV. The weighted average margin on these sales was determined to have been roughly 13 percent, with individual margins ranging from less than 1 percent to 50 percent.

In 1971, the U.S. paper industry, reflecting conditions in the general economy, was faced with a considerable slowdown. Selling prices for pulp were depressed by as much as 20 percent from their 1970 levels, profits were declining, and inventories were building. Excess capacity in the domestic industry was also growing. Added to those conditions was the threat posed by Canadian suppliers, which are highly dependent upon market sales. In marked contrast to the small share of its product that is marketed by the U.S. industry, approximately three-fourths of Canadian pulp production is for the market. Faced with the same economic conditions as those existing in the U.S. industry, some Canadian firms began price discounting on their export sales to the United States, determined by the Treasury to have been at LTFV, which enabled the Canadian suppliers to increase their share of the U.S. market. That unfair pricing impinged most acutely on the northeast market and, thus, on the small domestic producers serving that market.

The discounting by one Canadian supplier was so great that it forced prices to an extremely low level—$110 per short ton—in the northeast market in the spring of 1971. In fact, its pricing was so low that its net return (ex-factory price) was often less than $100 a ton during that period. Sales at such prices were found by the Department of the Treasury to have been at LTFV. Several do-

[1] On the basis of the investigation conducted by the Tariff Commission pursuant to the letter from the Department of the Treasury, dated June 26, 1974, Vice Chairman Parker and Commissioner Moore have determined that an industry in the United States is not being or is not likely to be injured by reason of the importation of northern bleached hardwood kraft pulp from Canada, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

[2] Commissioner Ablondi concurs in the result.

[2] Chairman Bedell and Commissioners Leonard and Moore determined in the affirmative; Vice Chairman Parker and Commissioners Young and Ablondi determined in the negative. Pursuant to section 201(a) of the Antidumping Act, 1921, as amended, the Commission is deemed to have made an affirmative determination when the Commissioners voting are equally divided.

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mestic suppliers had little choice except to attempt to meet those LTFV prices. In the process they lost substantial revenue, which resulted in greatly reduced profits. Profits on the subject product declined by more than 80 percent for most domestic suppliers of market pulp in that year (1971) and declined even more precipitously for the northeastern producers. The firms situated in the northeast, which market their pulp primarily in that region, incurred a loss on their hardwood kraft pulp operations in 1971.

Imports of the subject Canadian pulp rose from 34 percent of total U.S. market shipments in 1970 to 37 percent in 1971. It was evident that LTFV prices enabled Canadian suppliers to increase their share of U.S. market sales at the expense of lost sales and reduced profits to U.S. producers of market pulp. With the domestic industry producing bleached hardwood kraft pulp facing a declining demand, depressed prices, and increasing imports, the Commission in 1972 found that Canadian sales at LTFV prices were causing injury to that industry.

In 1972 it was also concluded that domestic producers were likely to be injured by shipments of Canadian imports sold at LTFV. Cited at that time was the large and growing inventory of one Canadian producer which had been selling at LTFV in the northeast market. That inventory and the convenience of selling to the United States, particularly in periods of slack demand, were conducive to continued injurious LTFV sales.

PRESENT DAY CONDITIONS

The economic conditions which prevailed in 1971 have changed greatly, so much in fact that in the absence of dumping duties the domestic industry would not be adversely affected by LTFV sales of bleached hardwood kraft pulp from Canada. Demand for bleached hardwood kraft pulp in the United States increased by 10 percent and 7 percent in 1972 and 1973, respectively, over that of the preceding years and continued to increase during the first 6 months of 1974 over the level of the corresponding period in 1973. Prices for this product have increased by as much as 100 percent or more since 1972 and now stand at $300 or more per ton. The premium paid for Canadian pulp has increased in the intervening period to the point where Canadian prices are now often 10 to 20 percent greater than prices of domestic pulp.

Furthermore, imports of Canadian bleached hardwood kraft pulp have declined as a share both of domestic consumption and of that sold on the open U.S. market. In part, that decline reflects an increasing demand for pulp in Europe.

According to Treasury data, both LTFV margins and the quantity of sales at LTFV have declined substantially, possibly to the extent that the current margins result entirely from fluctuations in exchange rates and freight differentials. In any event, the small margins reported by Treasury for the July 1973–June 1974 period were not sufficient to afford the Canadian suppliers any price advantage in the U.S. market. On the contrary, prices of Canadian pulp in the United States were significantly higher than prices of domestic pulp during this period.

Inasmuch as the dumping margins are now insignificant and Canadian pulp is currently selling at an ever greater premium, it is clear that, should the finding of dumping be revoked, there would be no injury to the domestic industry by reason of sales of Canadian bleached hardwood kraft pulp at LTFV.

The domestic pulp industry is enjoying such well-being that it is currently operating at full capacity, compared with approximately 90 percent of capacity in 1971. The industry cannot now meet all the demand facing it at home and abroad. The nonintegrated paper manufacturers in the northeast are finding it particularly difficult to obtain a steady supply of pulp. Sales and profits are up sharply from their 1971 levels. The ratio of profits to sales increased by more than 100 percent for the producers of market pulp between 1971 and 1973, and there is reason to believe that profits are continuing to climb in 1974. The profit-to-net-sales ratio of the northeastern producers, which was severely depressed in 1971, recovered in 1972 and 1973 to the point that it was more than 50 percent higher in 1973 than that for the rest of the domestic industry.

The strong demand for pulp that prevails in the world market, particularly in the United States, Canada, the European Economic Community, and Japan, is expected to continue. The high cost of adding new production capacity has caused U.S. producers to take a conservative approach toward building new facilities, despite the recent large increases in the price of pulp. Additions to domestic capacity which have been announced to date are not sufficient to supply the anticipated increase in U.S. demand. Thus, it is unlikely that in the foreseeable future the U.S. producers will find themselves in an excess-capacity position such as existed in 1972.

North American inventories of bleached hardwood kraft pulp have declined to an extremely low level in recent months. This decline in inventories, despite the fact that both U.S. and Canadian producers are operating at almost full capacity, coupled with the less than adequate rate at which new production capacity is being added, indicates that market pulp will continue to be in short supply. Given the above conditions and the declining LTFV margins, it is clear that in the absence of a finding of dumping the U.S. industry producing hardwood kraft pulp would not likely be injured by reason of LTFV sales of Canadian pulp.

CONCLUSION

Accordingly, for the reasons indicated we conclude that, if the finding of dumping were revoked, an industry in the United States would not be injured or would not be likely to be injured, by reason of the importation of prime-grade or off-grade northern bleached hardwood kraft pulp from Canada that is being, or is likely to be, sold at LTFV within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR NEGATIVE DETERMINATION BY VICE CHAIRMAN PARKER AND COMMISSIONER MOORE

The facts in this case are clear. On June 3, 1974, the Secretary of the Treasury, after citing the dumping finding in the case involving less than fair value imports of northern bleached hardwood kraft pulp from Canada,[1] requested "the views of the Tariff Commission regarding its authority to review injury determinations based on facts which have developed subsequent to the issuance of a dumping finding."

On June 20, 1974, the Commission authorized its General Counsel to advise the Treasury Department that "should the Treasury Department send notice of a formal action making a current determination with respect to less than fair value sales of northern hardwood kraft pulp from Canada, the Commission would consider this to be sufficient to institute an investigation under the Antidumping Act, 1921, as amended."

Accordingly, the Treasury Department notified the Tariff Commission on June 26, 1974, that "after examining the most current sales information supplied by the Canadian pulp producers and exporters," it affirms that "such pulp is being and is likely to be sold in the United States at less than fair value." The Commission instituted the present investigation on July 9, 1974.

As a result of the current investigation, for reasons set forth below, we have determined that an industry in the United States is not being or is not likely to be injured by reason of the importation of northern bleached hardwood kraft pulp from Canada, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

A description of the product (northern bleached hardwood kraft pulp) and the definition of the affected industry in the United States is contained in the Commission's report in the earlier case (investigation No. AA1921–105).

IMPACT OF LTFV SALES ON THE U.S. INDUSTRY

Imports of Canadian bleached hardwood kraft pulp are sold predominantly in the north central and northeast regions of the United States. During the 7-year period 1967 through 1973, imports of such pulp, virtually all of which were from Canada, represented between 4 and 6 percent of domestic consumption and declined to 3 percent during the first 6 months of 1974.

In its earlier investigation, which covered the period May–October 1971, the Department of the Treasury found a weighted average margin of 13 percent on sales made at LTFV by six Canadian suppliers, with the margins ranging from less than 1 percent to 50 percent. However, between July 1973 and June 1974, Treasury found a weighted average margin of about 2 percent, with the individual margins ranging from a fraction of 1 percent to less than 5 percent which were largely the result of differences in transportation costs and variations in exchange rates.

The considerable decline in the margins reported by Treasury between 1971 and 1973 coincided with a strong upsurge in the demand for pulp and paper products which has improved the economic well-being of the U.S. industry. The economic conditions prevailing in the pulp and paper industries have greatly improved in all respects since the earlier investigation.

Consumption of the subject pulp grew substantially during 1972 and 1973 and has continued to increase during 1974. With the strong demand for pulp, prices have increased at a phenomenal rate from a level of $125–$150 per ton in 1971 to the point where prices are now approximately $300 per ton or greater. What is even more significant is the fact that Canadian bleached hardwood kraft pulp is now being sold at prices increasingly higher than domestically produced pulp. In many cases such Canadian pulp is now selling at 10 to 20 percent above domestic pulp. Furthermore, imports of Canadian pulp during the first 6 months of 1974 declined.

The domestic producers are experiencing rapidly increasing sales and profits, and they are producing at almost 100 percent of capacity. All of the foregoing factors have enabled the U.S. industry to increase its profitability more than twofold since 1971, the year during which Treasury originally found sales at LTFV.

This strong and profitable position of U.S. producers is industrywide, including the northeastern producers, which because of their location, are the most vulnerable to competition from Canadian LTFV imports. As a percentage of sales, profits for the six producers in that region were as good as or better than profits for all producers of market pulp. In fact, none of the northeastern producers have complained of lost sales or injury by reason of sales at LTFV since 1971, and each of those producers has asserted that it is not now being injured.

Incontrovertible evidence that no segment of the domestic industry is now being injured is demonstrated by the fact that the American Paper Institute, representing the U.S. industry, testified at the hearing that no member of the domestic industry is being, or is likely to be, injured by reason of LTFV imports of Canadian bleached hardwood kraft pulp.

NO LIKELIHOOD OF INJURY

Worldwide demand for pulp is so strong now that inventories of the product on this continent have all but disappeared. The U.S. industry is now operating virtually at full capacity, and the Canadian industry is currently operating at greater than 90 percent of capacity. Because of the considerable cost of building new production facilities in the paper industry and the rather lengthy lead time required to build such facilities, capacity in the U.S. industry is not likely to grow significantly in the near future. With the projected demand for paper products expected to continue upward and in the face of a tight pulp supply, the availability of pulp for market sale will diminish.

CONCLUSION

In view of the foregoing, we are of the opinion that the U.S. industry producing bleached hardwood kraft pulp is not being or is not likely to be injured by reason of sales of Canadian bleached hardwood kraft pulp at LTFV.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.74–22488 Filed 9–26–74;8:45 am]

[1] Northern Bleached Hardwood Kraft Pulp From Canada, • • • Investigation No. AA1921–105 • • •, TC Publication 530, 1972.

VETERANS ADMINISTRATION

CAREER DEVELOPMENT COMMITTEE

Notice of Meeting

The Veterans Administration gives notice pursuant to Public Law 92–463 that a meeting of the Career Development Committee, authorized by 38 USC 4101, will be held in the Administrator's Conference Room, 10th Floor, Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C. on October 15, 1974, at 8:30 a.m. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Veterans Administration system. The Committee advises the Assistant Chief Medical Director for Research and Development on selection and appointment of Research Associates, Clinical Investigators, Medical Investigators, Senior Medical Investigators and William S. Middleton Award Nominees.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to 9 a.m. to discuss the general status of the program. Because of the limited seating capacity of the room, those who plan to attend should contact Mrs. Darlene R. Whorley, Executive Secretary of the Committee, VA Central Office, Washington, D.C. (202–389–5065) prior to October 13.

The meeting will be closed from 9 a.m. to 5 p.m. on October 15th for consideration of individual applications for positions in the Career Development Program. This necessarily requires examination of personnel files and discussion and evaluation of the qualifications, competence, and potential of the several candidates, disclosure of which information would constitute an unwarranted invasion of personal privacy, within the scope of exemption (6) to the Freedom of Information Act (5 USC 552 (b)(6)). Closure of the portion of the meeting is permitted by section 10 (d) of the Public Law 92–463. Minutes of the meeting and rosters of the committee members may be obtained from Mrs. Darlene R. Whorley, Chief, Career Development Unit, Medical Research Service, Veterans Administration, Washington, D.C. (Phone 202–389–5065).

Dated: September 23, 1974.

[SEAL] R. L. ROUDEBUSH, *Acting Administrator.*

[FR Doc.74–22488 Filed 9–26–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V–74–49]

METAL PLATE AND COATINGS, INC.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Metal Plate & Coatings, Inc., 500 Selig Drive SW., Atlanta, Georgia has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.22(c) Covers and Guardrails, and 29 CFR 1910.23(c)(3) Protection of Open-sided Floors, Platforms, and Runways.

The address of the place of employment that will be affected by the application is as follows:

Metal Plate and Coatings, Inc.
500 Selig Drive SW.
Atlanta, Georgia

The applicant certifies that employees who would be affected by the variance have been notified of the application by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.22(c) and 29 CFR 1910.23(c)(3). Section 1910.22(c) requires that "Covers and/or guardrails shall be provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc." Section 1910.23(c)(3) requires that galvanizing tanks and similar hazards be guarded with a standard railing and toe board.

The applicant states that it has a galvanizing tank that is built below the floor level with sides rising above floor level. The sides of the tank rise 24 inches above the floor level. The ledge of the tank is 27½ inches wide.

The applicant asserts that the erection of a 42 inch guardrail around its galvanizing tank would seriously interfere with the moving of items into and out of the tank and with the skimming of the zinc. However, the applicant con-

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tends that the combination of the 24 inch side height and a 33½ inch ledge width will provide protection to employees equivalent to that provided by a standard 42 inch guardrail and toe board. The applicant proposes to achieve the 33½ inch ledge width by adding a two inch pipe guard running parallel to the outer side of the ledge around the periphery of the tank, and six inches from it.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
1375 Peachtree Street NE.
Suite 587
Atlanta, Georgia 30309

U.S. Department of Labor
Occupational Safety and Health Administration
Building 10, Suite 33
La Vista Perimeter Park
Tucker, Georgia 30084

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than October 28, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than October 28, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim Order.* It appears from the application for a variance and interim order that an interim order is necessary to prevent an undue hardship upon the applicant and its employees pending a decision on the variance. Therefore it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety & Health Act of 1970, and 29 CFR 1905.11(c) that Metal Plate & Coatings, Inc. be, and it is hereby, authorized to continue use of its galvanizing tank which has sides 24 inches high from the floor and ledges 27½ inches wide, in lieu of the 42 inch guardrail required by 29 CFR 1910.22(c) and 29 CFR 1910.23(c)(3), provided that a two inch pipe guard is installed running parallel to the outer side of the ledge around the periphery of the tank, and six inches from the ledge, thus making the total ledge width 33½ inches.

Metal Plate & Coatings, Inc., shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of September 27, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 23rd day of September 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-22515 Filed 9-26-74;8:45 am]

Office of the Secretary

[Employment Standards' Order 2-74]

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS

Redelegation of Authority

1. *Purpose.* This Order redelegates to the Director, Office of Workers' Compensation Programs, the authority and reassigns the responsibility vested in the Assistant Secretary for Employment Standards regarding workers' compensation programs and the performance of the functions assigned to the Assistant Secretary pursuant to Title IV, section 415 and Part C, of the Federal Coal Mine Health & Safety Act of 1969 as amended.

2. *Background.* a. Secretary's Order No. 18-67, 32 FR 12979, formerly identified as General Order No. 46 (Revised), delegated and assigned to the Director of the Bureau of Employees' Compensation authority and responsibility for performance of the functions of the Secretary of Labor under the Federal Employees' Compensation Act, 5 U.S.C. 8101, et seq., as amended and extended (except 8149 as it applied to the Employees' Compensation Appeals Board), and under the Longshoremen's and Harbor Workers' Compensation Act, 33 U.S.C. 901, et seq., as amended and extended, to be performed under the general direction and control of the Assistant Secretary for Labor-Management Relations. The overall responsibility for the authority delegated to the Director of the Bureau by Secretary's Order No. 18-67 was subsequently assigned successively to the Assistant Secretary for Wage and Labor Standards (see United States Government Organization Manual—1970/71, p. 320) and to the Assistant Secretary for Workplace Standards (Secretary's Order No. 19-70, 36 FEDERAL REGISTER 304), without change in the operational responsibilities of the Bureau of Employees' Compensation (Workplace Standards Administration, Description of Organization, 36 FEDERAL REGISTER 307).

b. Secretary of Labor's Order 13-71, 36 FEDERAL REGISTER 8755, established the Employment Standards Administration to perfom the functions of the Department with respect to employment standards programs. The Assistant Secretary for Employment Standards was therein delegated the authority and assigned responsibility for carrying out such programs. That Order further provided that the Employment Standards Administration was to be headed by a Deputy Assistant Secretary/Administrator who was to report to the Assistant Secretary for Employment Standards and was to act for the Assistant Secretary in his absence. Among the employment standards programs for which the responsibility was thus delegated were:

(1) The Federal Employees' Compensation Act, as amended and extended (5 U.S.C. 8101 et seq., except 8149 as it applied to the Employees' Compensation Appeals Board);

(2) The Longshoremen's & Harbor Workers' Compensation Act, as amended and extended;

(3) Part C of Title IV (Black Lung Benefits) of the Federal Coal Mine Health & Safety Act of 1969.

c. Secretary of Labor's Order 15-71, 36 FEDERAL REGISTER 8755, set forth in detail the delegation of authority to the Deputy Assistant Secretary for Employment Standards/Administrator.

d. Secretary of Labor's Order 38-72, 38 FEDERAL REGISTER 90, made provisions for the Benefits Review Board established by Pub. L. 92-576, 86 Stat. 1251, as a quasi-judicial body of first appeal under the Longshoremen's and Harbor Workers' Act; the Defense Base Act; the District of Columbia Workmen's Compensation Act; the Outer Continental Shelf Lands Act; the Nonappropriated Fund Instrumentalities Act; and Title IV, Section 415 and Part C, of the Federal Coal Mine Health & Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972.

e. Secretary of Labor's Order 16-73, 38 FEDERAL REGISTER 19130, delegated authority to the Assistant Secretary for Employment Standards for the performance of the functions assigned to the Secretary of Labor pursuant to Parts B & C of Title IV of the Federal Coal Mine Health & Safety Act of 1969, as amended, with the exception of the functions vested with the Benefits Review Board by Secretary of Labor's Order 38-72.

f. Secretary of Labor's Order, September 23, 1974, revoked his prior Order 18-67, and the last sentence of paragraph No. 3 of Secretary of Labor's Order 13-71.

3. *Redelegation of Authority and Reassignment of Responsibilities.* The Director, Office of Workers' Compensation Programs, is hereby redelegated authority and reassigned responsibility, except as hereinafter provided, for carrying out the programs and activities hereinbefore delegated to the Assistant Secretary for Employment Standards under:

(1) The Federal Employees' Compensation Act, as amended and extended (5 U.S.C. 8101 et seq.), except 8149 as it pertains to Employees' Compensation Appeals Board.

(2) The Longshoremen's and Harbor Workers' Compensation Act, as amended and extended, except 33 U.S.C. 921(b) as it pertains to the Benefits Review Board;

(3) Title IV, Section 415 and Part C, of the Federal Coal Mine Health & Safety Act of 1969, as amended.

4. *Redelegation of authority.* The authority and responsibility delegated to the Director may be redelegated by him.

5. *Directives affected.* Secretary of Labor's Order 15-71 is hereby superseded to the extent that it is inconsistent herewith.

6. *Reservation of Authority.* The powers and authority delegated to the Assistant Secretary for Employment Standards by paragraph 4 b & c of Secretary of Labor's Order 13-71, supra, are reserved to the Assistant Secretary.

7. *Effective date.* This Order is effective September 27, 1974. Signed at Washington, D.C., this 23rd day of September 1974.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.74-22483 Filed 9-26-74;8:45 am]

[Secretary of Labor's Order, September 23, 1974]

SOLICITOR OF LABOR

Revocation of Orders and Delegation of Authority

1. *Revocation.* Secretary of Labor's Order 18-67, 32 FEDERAL REGISTER 12979, and the last sentence of paragraph No. 3 of Secretary of Labor's Order 13-71, 36 FEDERAL REGISTER 8755, are hereby revoked.

2. *Delegation of Authority.* The bringing of legal proceedings, the representation of the Secretary of Labor or the Director, Office of Workers' Compensation Programs, and the determination whether such proceedings or representation is appropriate in a given case under the following statutes:

(a) The Federal Employees' Compensation Act, as amended and extended;

(b) The Longshoremen's and Harbor Workers' Compensation Act, as amended and extended;

(c) The Defense Base Act;

(d) The District of Columbia Compensation Act;

(e) The Outer Continental Shelf Lands Act;

(f) The Nonappropriated Fund Instrumentalities Act;

(g) Title IV, Sec. 415 & Part C of the Federal Compensation Health & Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972.

Are delegated exclusively to the Solicitor of Labor.

3. *Effective date.* This order is effective September 27, 1974. Signed at Washington, D.C., this 23rd day of September, 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74-22482 Filed 9-26-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 598]

ASSIGNMENT OF HEARINGS

SEPTEMBER 24, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-C-8412, Bowman Transporation, Inc.—Investigation and Revocation of Certificates, now assigned October 7, 1974, at Atlanta, Ga., is postponed indefinitely.

MC 121658 Sub 4, Steven D. Thompson, now being assigned continued hearing November 4, 1974 (2 days), at the Sun-N-Sand Motor Hotel, 401 North Lamar, Jackson, Miss.

No. 35967, Household Goods, Increased Rates Nationwide, now assigned September 30, 1974, is postponed to October 29, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 136384 Sub 7, Palmer Motor Express, Inc., now assigned September 30, 1974, at Atlanta, Ga., is posponed to October 30, 1974 (8 days), in Room 305, 1252 W. Peachtree St. NW., Atlanta, Ga.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-22527 Filed 9-26-74;8:45 am]

[Notice 164]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 27, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 22, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74775. By order of September 18, 1974, the Motor Carrier Board approved the transfer to Donald E. Clark, doing business as Clark's Express, Castleton, N.Y., of that portion of the operating rights evidenced by Certificate of Registration No. MC-97059 (Sub-No. 1) issued November 6, 1963, to Ellwood V. Franks, doing business as Frank's Express, Millerton, N.Y., involving the transportation of general commodities (1) between all points in Rensselaer County, N.Y.; (2) between all points in Dutchess County, N.Y., on the one hand, and, on the other, points in Columbia County, N.Y.; (3) between the City of Albany, N.Y., on the one hand, and, on the other, points in Dutchess County, N.Y.; (4) between the City of Troy, N.Y., on the one hand, and, on the other, points in Dutchess County, N.Y.; (5) from the City of Albany, N.Y., to all points in Columbia, Rensselaer, and Putnam Counties, N.Y., and (6) from the City of Troy, N.Y., to all points in Columbia County, N.Y. John J. Brady, Jr., Suite 1111 Twin Towers, 99 Washington Ave., Albany, N.Y. 12210, attorney for applicants.

No. MC-FC-75176. By order of September 20, 1974, the Motor Carrier Board approved the transfer to Howard Dullum, Gardner, N. Dak., of the operating rights in Certificate No. MC-134604 (Sub-No. 2) issued July 26, 1971, to Wallace C. Score, Motley, Minn., authorizing the transportation of dry feed and dry feed ingredients (except chemicals in bulk), from LaMoure, N. Dak., to points in the United States (except Alaska and Hawaii, and from points in the United States, except points in Alaska and Hawaii and specified portions of Iowa, Nebraska, and Minnesota, to LaMoure, N. Dak., subject to certain restrictions. Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102, attorney for applicants.

No. MC-FC-75363. By order of September 18, 1974 the Motor Carrier Board approved the transfer to Blair Cartage, Inc., Newbury, Ohio, of Certificate No. MC-127294 Sub 1 issued by the Commission October 28, 1966, to Leonard S. Terrill, doing business as Terrill Trucking, Pierpont, Ohio, authorizing the transportation of lumber between points in Ashtabula, Mahoning, and Cuyahoga Counties, Ohio, Crawford, Erie, Allegheny, Mercer, and Warren Counties, Pa., and Erie County, N.Y. Lewis S. Witherspoon, Esq., atorney for Transferor, 88 East Broad Street, Suite 1330, Columbus, Ohio 43215.

No. MC-FC-75382. By order of September 18, 1974, the Motor Carrier Board approved the transfer to Gene Autry Williamson, doing business as Gene A. Williamson, Aurora, N.C., of the operating rights in Certificate No. MC 133831 issued February 26, 1970, to Don Swain Williamson, Aurora, N.C., authorizing the transportation of materials and supplies used in shipping and packaging of seafood and seafood products (except commodities in bulk), from Baltimore, Md., to points in that part of North Carolina east of U.S. Highway 17. T. R. Thompson, Jr., P.O. Box 308, Aurora, N.C. 27806, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-22526 Filed 9-26-74;8:45 am]

[Ex Parte No. MC 19 (Sub-No. 23)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Experiment for Improving Accuracy of Estimates

Notice of filing of petition for permission to deviate from the requirements of

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49 CFR 1056.8(a) and to conduct an estimate test for a period of one year. Filed September 19, 1974. Petitioner: NORTH AMERICAN VAN LINES, INC., Fort Wayne, Ind. 46801. Petitioner's representative: Martin A. Weissert, P.O. Box 988, Fort Wayne, Ind. 46801. Petitioner, a motor common carrier authorized by this Commission to transport household goods between points in the United States, requests permission (1) to deviate from the estimating rule prescribed for household goods carriers at 49 CFR 1056.8(a), and (2) to conduct a specific estimating test for a period of one year commencing January 1, 1975.

The essential requirements of 49 CFR 1056.8(a) are that a carrier must, upon request of a shipper, render an estimate of charges; that the estimate may be made only after a visual inspection of the goods; that the estimate must be rendered in the prescribed manner and form (see *Practices of Motor Common Carriers of Household Goods*, 111 M.C.C. 427, at 539), which includes use of a mandatory weight factor of not less than seven (7) pounds per cubic foot and a mandatory uniform table of measurements (see 111 M.C.C. 540); and that after completion of the estimate form, it must be delivered to the shipper (the householder), and a copy retained by the carrier. Permission to deviate from certain of the above requirements (petitioner does not seek permission to deviate from the requirements of 49 CFR 1056.8 (b) through (e)) is requested in order to conduct an experiment, the object of which is to determine whether use of different estimating forms and procedures are likely to result in more reliable estimates for the use and information of household goods carriers and shipping public.

Petitioner takes the position that estimating weights of shipments of household goods is only an art; that accurate estimates aid both shippers and carriers; that more than 20 years of mandatory estimating has not produced the degree of accuracy desired; that although estimated charges based on weight estimates for all shipments might be reasonably close to the cumulative actual charges for all shipments, a carrier's experience for each individual shipment might fall within a range which is more than plus or minus 25 percent; and that the industry now believes that a means to improve accuracy in estimates should be explored. Certain trade associations (American Movers Conference and National Furniture Warehousemen's Association) and individual motor common carriers of household goods (United Van Lines, Inc., Allied Van Lines, Inc., and Aero Mayflower Transit Company, Inc.) support the proposal to conduct an experiment in order to obtain data from a nationwide field test which may be given further engineering analysis and evaluation after the one year period of the test.

The potential public benefits envisaged by petitioner include: (1) More accurate information on which to provide a shipper with an approximation of his moving costs; (2) elimination of duplicate inventories (one by the estimator and one by the driver); (3) more accurate information for dispatchers to plan loads and to make more efficient use of equipment; and (4) determining whether the results may be sufficiently positive as to warrant having petitioner's proposed estimating system made applicable to the entire moving industry on a voluntary basis, or instituting a rulemaking proceeding looking toward that end.

Petitioner's proposal is based on tentative conclusions reached after preliminary analysis of three significant variables which are said to have an impact on the accuracy of any given estimate: the shipper, the estimator, and the tools used by the estimator. Results of field tests, according to petitioner, indicate that the latter is the most substantial contributor to inaccuracies in estimates. The results assertedly reveal that use of the standard of 7 pounds per cubic foot, although accurate overall, is not sufficiently accurate for estimating all individual shipments. Petitioner, therefore, proposes (1) that a weight stratification method be allowed for estimating the weights of furniture, appliances, goods packed in cartons, and all other miscellaneous items; (2) that the forms for the estimate and inventory of goods shipped be combined for the test period both so as to provide a check of one against the other and to save the driver's time; and (3) that use of an inventory supplement form be authorized. Petitioner's proposed forms for use during the experimental period are reproduced in the appendix to this notice.[1]

No oral hearing is contemplated at this time. Any interested person (including petitioner) desiring to participate in this proceeding may file with this Commission an original and fifteen (15) copies of his written representations, views, or arguments in support, or against, the relief sought in the petition (including any potential environmental effects thereof) on or before October 30, 1974. A copy of each such representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-22528 Filed 9-25-74;8:45 am]

[1] Filed as part of the original document.

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federal register

FRIDAY, SEPTEMBER 27, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 189

PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions and Modifications and Supersedeas Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Maryland	AR–2052 AR–2053
North Carolina	AR–2042
West Virginia	AR–2055

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arkansas:	
AQ–110	May 24, 1974
Colorado:	
AR–1022	Aug. 23, 1974
Delaware:	
AR–2031	Aug. 30, 1974
Florida:	
AR–4033	Sept. 13, 1974
Georgia:	
AQ–4029	Feb. 15, 1974
AR–4029	Sept. 6, 1974
Indiana:	
AR–3060; AR–3066; AR–3067; AR–3090; AR–3091; AR–3123; AR–3124	Aug. 23, 1974
Massachusetts:	
AR–3129; AR–3130; AR–3131; AR–3132; AR–3133; AR–3134; AR–3135; AR–3136; AR–3137; AR–3138; AR–3139; AR–3140	Aug. 30, 1974
Michigan:	
AR–3064	July 12, 1974
AR–3102; AR–3103; AR–3106; AR–3106; AR–3122	Aug. 16, 1974
Mississippi:	
AQ–4118	May 17, 1974
Montana:	
AR–1013	Aug. 9, 1974
AR–1017	Aug. 16, 1974
New Jersey:	
AR–2043; AR–2044	Sept. 6, 1974
AR–2040; AR–2041; AR–2042	Sept. 13, 1974
New Mexico:	
AR–6	July 12, 1974
New York:	
AR–2024	Aug. 23, 1974
Ohio:	
AR–3046	Aug. 23, 1974
AR–3048	Aug. 2, 1974
Oklahoma:	
AR–15	Aug. 16, 1974
Oregon:	
AR–1019	Aug. 23, 1974
Rhode Island:	
AR–3077	Aug. 16, 1974
Tennessee:	
AQ–4094	Mar. 22, 1974
AR–4035; AR–4036	Sept. 13, 1974
Texas:	
AQ–112	June 21, 1974

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

California:	
AQ–1037(AR–1038)	Feb. 22, 1974
AQ–1038(AR–1037)	Mar. 1, 1974
Colorado:	
AR–1014(AR–1034)	Aug. 9, 1974
AR–1023(AR–1033); AR–1024(AR–1032); AR–1025 (AR–1035)	Aug. 23, 1974
Florida:	
AQ–4099(AR–4040)	Apr. 12, 1974
Georgia:	
AQ–4104(AR–4038)	May 3, 1974
Idaho:	
AQ–1110(AR–1011)	May 31, 1974
Mississippi:	
AR–4032(AR–4041)	Sept. 13, 1974

Montana:	
AR–1018(AR–1039)	Aug. 16, 1974
New Hampshire:	
AQ–3145(AR–3143); AQ–3146(AR–3145); AQ–3147 (AR–3142); AQ–3148 (AR–3144)	Apr. 12, 1974
New York:	
AR–2024(AR–2054)	Aug. 23, 1974
North Dakota:	
AQ–1066(AR–1036)	Dec. 7, 1973
Oklahoma:	
AQ–120(AR–35); AQ–123 (AR–50)	June 28, 1974
Pennsylvania:	
AQ–2064(AR–2039); AQ–2065(AR–2033)	Feb. 15, 1974
AQ–2062(AR–2034)	Apr. 15, 1974
Texas:	
AQ–105(AR–48)	May 10, 1974
AQ–114(AR–51); AQ–115 (AR–46)	June 21, 1974
AQ–121(AR–53)	June 28, 1974
AR–5(AR–49)	July 12, 1974
AR–9(AR–47); AR–10(AR–52)	July 26, 1974
AR–30(AR–54)	Aug. 16, 1974
Washington:	
AQ–1111(AR–1031)	June 14, 1974
Wisconsin:	
AP–70; AP–71; AP–72; AP–73; AP–74; AP–75(AR–3146)	Dec. 12, 1972

Signed at Washington, D.C., this 20th day of September 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

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NEW DECISION

STATE: Maryland COUNTIES: Baltimore County
DECISION NO: AR-2052 DATE: Date of Publication
DESCRIPTION OF WORK: Highway Construction.

3B-MD-3-C

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenters	$6.04				
Cement Masons	4.91				
Ironworkers:					
Structural	7.76	.50	.75		.01
Reinforcing	7.28				
Laborers:					
Air tool operators	4.10				
Form setters	3.71				
Unskilled	3.34				
Painters	7.00				
Piledrivermen	5.38				
Truck Drivers:					
Dump (total cost of project in excess of $1,000,000.00)	5.39	.50	.30	a+b	
Dump (total cost of project $1,000,000.00 & less)	4.45	.50	.30	a+b	
Power Equipment Operators:					
Backhoe	7.36	.50	.50		.07
Bulldozer	6.80	.50	.50		.07
Cranes, derricks, draglines	6.33				
Compactor	6.52	.50	.50		.07
Concrete paving machines	4.65				
Front end loaders	5.48				
Gradall	7.36	.50	.50		.07
Graders	6.80	.50	.50		.07
Mechanics	4.00				
Oiler-greasers	5.16				
Piledrivers	3.40				
Rollers	3.90				
Scrapers	4.90				

FOOTNOTES:
a. 9-paid holidays: New Year's Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day and Employee's Birthday, providing employee has worked one day and was available for work during the holiday week.
b. Employees who have worked 100 days in the previous contract year and have 1 year of service, 1 week's paid vacation; 2 years of service, 2 weeks paid vacation; 10 years of service, 3 weeks paid vacation.

NEW DECISION

STATE: Maryland LOCATION: Baltimore City
DECISION NO: AR-2053 DATE: Date of Publication
DESCRIPTION OF WORK: Highway Construction.

3A-MD-3-C

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenters	$8.10	.60	.54		.05
Cement Masons	8.62	.25	.30		
Electricians	8.50	.50	1%+.20		1%
Ironworkers:					
Structural & reinforcing	8.22	.60	1.05		.04
Laborers	5.75	.275	.30		.05
Piledrivermen	8.10	.60	.54		.05
Truck Drivers:					
Dump (total cost of project in excess of $1,000,000.00)	5.39	.50	.30	a+b	
Dump (total cost of project $1,000,000.00 & less)	4.45	.50	.30	a+b	
Power Equipment Operators:					
Asphalt paver	6.52	.50	.50		.07
Backhoe	7.36	.50	.50		.07
Bulldozer	6.80	.50	.50		.07
Crane (when not working with piledrivermen)	7.36	.50	.50		.07
Crane (when working with piledrivermen)	8.10	.60	.54		.05
Derricks & draglines	7.36	.50	.50		.07
Front end loaders	7.36	.50	.50		.07
Gradall	7.36	.50	.50		.07
Graders, subgraders	6.80	.50	.50		.07
Mechanics	7.36	.50	.50		.07
Motor patrols	6.80	.50	.50		.07
Oilers	5.44	.50	.50		.07
Rollers	6.63	.50	.50		.07
Scrapers (under 25 cu., yds.)	6.63	.50	.50		.07

FOOTNOTES:
a. 9-paid holidays: New Year's Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day and Employee's Birthday, providing employee has worked one day and was available for work during the holiday week.
b. Employees who have worked 100 days in the previous contract year and have 1 year of service, 1 week's paid vacation; 2 years of service, 2 weeks paid vacation; 10 years of service, 3 weeks paid vacation.

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NEW DECISION

STATE: North Carolina — COUNTY: Transylvania
DECISION NUMBER: AR-4042 — DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

08-NC-1-X

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.	Others
Brickleyers	$5.75					
Carpenters	4.75					
Cement masons	4.20					
Electricians	4.50					
Glaziers	3.16					
Ironworkers:						
Structural & Ornamental	6.17	.125	.10		.02	
Reinforcing	4.90					
Laborers:						
Laborers	2.75					
Masón tenders	2.75					
Painters, brush	3.25					
Plasterers	4.25				.01	
Plumbers & steamfitters	4.75					
Sheet metal workers	5.70					
Truck Drivers	2.75					
Welders - rate for craft.						
POWER EQUIPMENT OPERATORS:						
Backhoe	3.25					
Crane	4.50					
Forklift	3.50					
"						

NEW DECISION

STATE: West Virginia — COUNTIES: Barbour, Doddridge, Gilmer, Harrison, Lewis, Upshur
DECISION NO.: AR-2055 — DATE: Date of Publication
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories).

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1-LAB-W.VA-1-B

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers					
Barbour and Harrison Counties	$9.92	.35	.70		
Remainder of Counties	9.85	.40	.35		.03
Boilermakers	8.30	.30	.70	.75	.02
Boilermakers helpers	8.05	.30	.70	.75	.02
Bricklayers					
Barbour County	7.50				
Remainder of Counties	8.50	.25		a	
Carpenters					
Less than $100,000	7.70	.25	.20		.02
$100,000 & over	7.95	.25	.20		.02
Cement masons	8.15				
Electricians:					
Gilmer County	8.80	.30	1%+.07	.27	.04
Remainder of Counties					
Wiremen	8.25	.30	1%	1.02	.03
cable splicer	9.07	.30	1%	1.02	.03
Glaziers	5.30	.24	.20	.52	
Ironworkers					
Barbour & Harrison	8.95	.60	.50	5%	.03
Remainder of Counties	8.89	.55	.85		.01
Lathers	8.50		.10		.01
Millwrights	8.25	.25	.20		.02
Painters					
Barbour					
Commerical brush	6.70		.25		
Industrial brush	8.10		.25		
Commerical spray & sandblasting	7.20		.25		
Industrial spray & sandblasting	9.10		.25		
Remainder of Counties					
Brush	6.50				
Steel	6.85				
Spray	7.50				
Piledrivermen	8.45	.25	.20		.03
Plasterers	7.38				
Plumbers & Steamfitters	8.13	.25	.30	10%	.04
Roofers	7.80		.35		.01
Sheet metal workers	8.80	.35	.20	.0	.03
Sprinkler fitters	9.25	.50	.70		.08

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.	Others
Common laborers, flagmen, demolition worker, water boy, fire watch, landscape laborer	$6.00	.25	.25		.03	
Mason tenders, plasterers' tender, cement finisher tenders, lathers tenders, tile setters tenders, mortar mixers, jackhammer, vibrator, tamper, pavement buster, air siphon & air pump, concrete saw, power saw, chain saw, motorized buggy ops., pipelayers' helpers, drill op. helpers, asphalt rakers, ride or walk roller tampers, signalmen, powderman helper, grade checker	6.30	.25	.25		.03	
Burner & powdermen, air track op., pipelayer	6.65	.25	.25		.03	

NOTICES

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BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS I						
Cranes, derricks, tower cranes, and similar equipment having a reach from the top of its boom to the ground of 175 feet or a lifting capacity of 70 tons. All shovels, draglines, clamshells, back hoes, endloaders, and concrete mixing plants of 4 cubic yard capacity or over. Hoist with 18, 000 pound line pull or over	$9.40	.25	.35		.04	
CLASS II						
All mechanics, cranes, derricks and similar equipment. Hydraulic cranes in excess of 15 tons capacity. All shovels, draglines clamshells, gradalls, tug or tow boats. Concrete mixing plants of 3 cubic yards capacity. Endloaders in excess of 2½ cubic yards capacity. Hoist in excess of 5,000 pound line pull. Side boom cat, standard gauge locomotive. Backhoe (over ½ cubic yard)	8.90	.25	.35		.04	
Class III						
Hydraulic cranes up to and including 15 tons capacity. Endloaders up to and including 2½ cu. yd. capacity. Two drum hoist. Well point system, concrete mixing plants, elevators, core drills, fork lift, ross carrier, air compressor (600 CFM or over), high compression equipment, concrete pumps double. Backhoe (½ cu. yd. & under)	8.50	.25	.35		.04	
Class IV						
Trencher, air tugger, concrete mixer, (2 bag) material hoist, (single cage) grick tote machine, concrete pump (single), "A" frame truck, rubber tired scraper, power grader, dozer tractor and pan, push cat, all tractors oiler's standard gauge locomotive, locomotive crane, truck cranes; over 15 tons, grease truck operator and greaser, fireman, deckhand, asphalt and concrete paving equipment operator	8.10	.25	.35		.04	
Class V						
Roller and compactor, concrete mixer (1 bag) Barber Greene loader, mechanic helper, oiler, air compressor, welding machine, (gasoline powered) light plant, generator, conveyor, mechanical heater, and pump operator	7.40	.25	.35		.04	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Gilmer County:					
Warehousemen, yardmen, truck helpers, pick ups, station-wagons, panel trucks	$6.30	a	b		
Flatbody material trucks (straight jobs), dump trucks (up to 5 cu. yds.) greasers, washers, tiremen, gas pump attendants, mechanic helpers, material checkers & receivers, tank trucks (straight)	6.40	a	b		
Dump trucks (5 cu. yds. & over) semi dump trucks, semi trailers whether flat rack or pole and hauled or pushed by truck or tractors) agitators or mixed trucks (up to 5 cu. yds.) tank trucks (semi), monorails					
Low boy trailers, winch trucks, fork trucks, distributor trucks (front and back end) truck crane, agitators or mixer trucks (5 cu. yds. & over) Hydraulic tail gate, farm type tractors	6.70	a	b		
Mechanics	7.05	a	b		
Master mechanics (3 or more mechanics employed)	7.20	a	b		
Euclids, dumpsters, turnarockers, ross carriers, athey wagons, A frame, hydrolift, dual purpose trucks	6.95	a	b		

Footnotes:
a. Employer contributes $58.50 per month for each employee on the payroll for 30 days or longer.
b. Employer contributes $26.00 per month for each employee on the payroll for 30 days or longer.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers					
Remainder of Counties:					
Warehouse, yardmen, truck helpers pickup, stationwagon, Panel trucks	$5.35	a	b		
Flatbody, material truck, (straight truck), farm type tractors, dump trucks (up to 5 cu. yds.) Greases, washers, tiremen, gas pump attendants, mechanics helpers	5.45	a	b		
Semi-dump trucks, semi-trailer (flat, rack or pole and/or tractors, agitators, or mixer trucks up to 3 cu. yds.	5.65	a	b		
Low boy trailers, winch trucks (front & back end, agitators or mixer trucks 3 cu. yds. & over) mechanics	5.45	a	b		
Euclids, dumpsters, turnarockers, ross carriers, athey wagons or similar equipment	5.75	a	b		
Material checkers, material receivers	5.45	a	b		
Master mechanics (3 or more mechanics employed)	6.13	a	b		
A-frame, hydrolift and dual purpose trucks	6.13	a	b		

FOOTNOTE
a. $28.50 per month for employee employed 30 days or longer
b. $26.00 per month for employees employed 30 days or longer.

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DECISION NO AQ-110 - Mod. #3
(39 FR 18410 - May 24, 1974)
Union County, Arkansas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
CARPENTERS:					
Carpenters	$6.65		.25		.04
Millwrights	7.15		.25		.04
Piledrivermen	7.15		.25		.04

DECISION #AR-1022 - Mod #1
(39 FR 30673 - August 23, 1974)
Statewide Colorado

Change:
Truck Drivers
DUMP TRUCKS over 39 cu. yds. to and including 54 cu. yds. — $ 6.40 | .35 | .25 | .10

DECISION #AR-2037 - Mod. #1
(39 FR 31787 - August 30, 1974)
Statewide, Delaware

Changes:
Carpenters (Highway):
New Castle & Kent Cos. — $9.00 | .54 | .54 | .02
Plumbers:
New Castle & Kent Cos., north of the southern boundary of Dover City — 9.14 | .78 | .60 | 9%+j | .05
Steamfitters:
Kent & New Castle Cos., north of the southern boundary of Dover City — 9.57 | .585 | .715 | .08136+c | .05

DECISION #AR-4033 - Mod. #1
(39 FR 33357 - September 13, 1974)
Lake, Orange, Osceola, and Seminole Counties, Florida

Change:
Decision Number to Read:
AR-4039

Decision #AQ-4069 - Mod. #3
(39 FR 5979 - February 15, 1974)
Chatham County, Georgia

OMIT:
Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.

Decision #AR-4029 - Mod. #1
(39 FR 32445 - September 6, 1974)
Fulton, Clayton, Cobb and DeKalb Counties, Georgia

OMIT:
Heavy and Highway Construction

DECISION #AR-3080 - Mod. #1
(39 FR 30698 - August 23, 1974)
Allen County, Indiana

CHANGE:
Schedule for Line Construction

IND-LC-AREA 2

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
NORTH INDIANA EXCLUSIVE OF CALUMET AREA					
Linemen	$7.96	.35	1%		.25%
Heavy Equipment Operators:					
Class "A"	7.18	.35	1%		.25%
Class "B"	6.28	.35	1%		.25%
Senior Groundman Truck Driver With Winch	5.26	.35	1%		.25%
Groundman Truck Driver:					
With Winch	4.92	.35	1%		.25%
Without Winch	4.33	.35	1%		.25%
Groundman:					
0 to 12 Months	4.04	.35	1%		.25%
After 12 Months	4.82	.35	1%		.25%
CALUMET AREA					
Linemen	8.26	.35	1%		.25%
Heavy Equipment Operators:					
Class "A"	7.25	.35	1%		.25%
Class "B"	6.34	.35	1%		.25%
Senior Groundman Truck Driver With Winch	5.37	.35	1%		.25%
Groundman Truck Driver:					
With Winch	4.99	.35	1%		.25%
Without Winch	4.40	.35	1%		.25%
Groundman:					
0 to 12 Months	4.14	.35	1%		.25%
After 12 Months	4.94	.35	1%		.25%

DECISION #AR-3086 - Mod. #1
(39 FR 30714 - August 23, 1974
Lake County, Indiana

CHANGE:
Schedule for Line Construction

IND-LC-AREA 2

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
NORTH INDIANA EXCLUSIVE OF CALUMET AREA					
Linemen	$7.96	.35	1%		.25%
Heavy Equipment Operators:					
Class "A"	7.18	.35	1%		.25%
Class "B"	6.28	.35	1%		.25%
Senior Groundman Truck Driver With Winch	5.26	.35	1%		.25%
Groundman Truck Driver:					
With Winch	4.92	.35	1%		.25%
Without Winch	4.33	.35	1%		.25%
Groundman:					
0 to 12 Months	4.04	.35	1%		.25%
After 12 Months	4.82	.35	1%		.25%
CALUMET AREA					
Linemen	8.26	.35	1%		.25%
Heavy Equipment Operators:					
Class "A"	7.25	.35	1%		.25%
Class "B"	6.34	.35	1%		.25%
Senior Groundman Truck Driver With Winch	5.37	.35	1%		.25%
Groundman Truck Driver:					
With Winch	4.99	.35	1%		.25%
Without Winch	4.40	.35	1%		.25%
Groundman:					
0 to 12 Months	4.14	.35	1%		.25%
After 12 Months	4.94	.35	1%		.25%

DECISION #AR-3087 - Mod. #1
(39 FR 30717 - August 23, 1974)
LaPorte County, Indiana

MODIFICATIONS P. 5

CHANGE:
Schedule for Line Construction

IND-LC-AREA 2

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
NORTH INDIANA EXCLUSIVE OF CALUMET AREA					
Linemen	$7.96	.35	1%		.25%
Heavy Equipment Operators:					
Class "A"	7.18	.35	1%		.25%
Class "B"	6.28	.35	1%		.25%
Senior Groundman Truck Driver With Winch	5.26	.35	1%		.25%
Groundman Truck Driver:					
With Winch	4.92	.35	1%		.25%
Without Winch	4.33	.35	1%		.25%
Groundman:					
0 to 12 Months	4.04	.35	1%		.25%
After 12 Months	4.82	.35	1%		.25%
CALUMET AREA					
Linemen	8.26	.35	1%		.25%
Heavy Equipment Operators:					
Class "A"	7.25	.35	1%		.25%
Class "B"	6.34	.35	1%		.25%
Senior Groundman Truck Driver With Winch	5.37	.35	1%		.25%
Groundman Truck Driver:					
With Winch	4.99	.35	1%		.25%
Without Winch	4.40	.35	1%		.25%
Groundman:					
0 to 12 Months	4.14	.35	1%		.25%
After 12 Months	4.94	.35	1%		.25%

DECISION #AR-3090 - Mod. #1
(39 FR 30726 - August 23, 1974)
Porter County, Indiana

MODIFICATIONS P. 6

CHANGE:
Schedule for Line Construction

IND-LC-AREA 2

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
NORTH INDIANA EXCLUSIVE OF CALUMET AREA					
Linemen	$7.96	.35	1%		.25%
Heavy Equipment Operators:					
Class "A"	7.18	.35	1%		.25%
Class "B"	6.28	.35	1%		.25%
Senior Groundman Truck Driver With Winch	5.26	.35	1%		.25%
Groundman Truck Driver:					
With Winch	4.92	.35	1%		.25%
Without Winch	4.33	.35	1%		.25%
Groundman:					
0 to 12 Months	4.04	.35	1%		.25%
After 12 Months	4.82	.35	1%		.25%
CALUMET AREA					
Linemen	8.26	.35	1%		.25%
Heavy Equipment Operators:					
Class "A"	7.25	.35	1%		.25%
Class "B"	6.34	.35	1%		.25%
Senior Groundman Truck Driver With Winch	5.37	.35	1%		.25%
Groundman Truck Driver:					
With Winch	4.99	.35	1%		.25%
Without Winch	4.40	.35	1%		.25%
Groundman:					
0 to 12 Months	4.14	.35	1%		.25%
After 12 Months	4.94	.35	1%		.25%

DECISION #AR-3091 - Mod. #1
(39 FR 30730 - August 23, 1974)
St. Joseph County, Indiana

MODIFICATIONS P. 7

CHANGE:
Schedule for Line Construction

IND-LC-AREA 2

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
NORTH INDIANA EXCLUSIVE OF CALUMET AREA					
Linemen	$7.96	.35	1%		.25%
Heavy Equipment Operators:					
Class "A"	7.18	.35	1%		.25%
Class "B"	6.28	.35	1%		.25%
Senior Groundman Truck Driver With Winch	5.26	.35	1%		.25%
Groundman Truck Driver:					
With Winch	4.92	.35	1%		.25%
Without Winch	4.33	.35	1%		.25%
Groundman:					
0 to 12 Months	4.04	.35	1%		.25%
After 12 Months	4.82	.35	1%		.25%
CALUMET AREA					
Linemen	8.26	.35	1%		.25%
Heavy Equipment Operators:					
Class "A"	7.25	.35	1%		.25%
Class "B"	6.34	.35	1%		.25%
Senior Groundman Truck Driver With Winch	5.37	.35	1%		.25%
Groundman Truck Driver:					
With Winch	4.99	.35	1%		.25%
Without Winch	4.40	.35	1%		.25%
Groundman:					
0 to 12 Months	4.14	.35	1%		.25%
After 12 Months	4.94	.35	1%		.25%

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3123 - Mod. #1 (39 FR 30739 August 23, 1974) Adams, Allen, DeKalb, Elkhart, Huntington, Kosciusko, Wells, LaGrange, Marshall, Noble, Starke, Steuben & Whitley Counties, Indiana						
CHANGE: Linemen:						
North Indiana Exclusive of Calumet Area	$7.96	.35	1%		.25%	
Calumet Area	8.26	.35	1%		.25%	
DECISION #AR-3124 - Mod. #2 (39 FR 30744 - August 23, 1974) Benton, Carroll, Cass, Clinton, Fulton, Howard, Jasper, Miami, Newton, Pulaski, Tippecanoe, Tipton, Wabash & White Counties, Indiana						
CHANGE: Linemen: Jasper, Pulaski, White, Newton & the Remainder of Fulton & Benton Counties:						
North Indiana Exclusive of Calumet Area	7.96	.35	1%		.25%	
Calumet Area	7.68	.35	1%		.25%	

DECISION NO. AR-3129 - Mod #1
(39 FR 31798- August 30, 1974)
Barnstable County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos workers:					
Remainder of County	$9.66	.65	.80		.01
Laborers, Heavy & Highway:					
Class I	7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05

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DECISION NO. AR-3129 - Mod #1 Continued 37-WASS-4-P 1 of 1

MODIFICATIONS P. 9

Change: MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 9.81	.60	.60	a	.02
GROUP II	10.81	.60	.60	a	.02
GROUP III	9.76	.60	.60	a	.02
GROUP IV	9.69	.60	.60	a	.02
GROUP V	8.22	.60	.60	a	.02
GROUP VI	8.96	.60	.60	a	.02
GROUP VII	7.30	.60	.60	a	.02
GROUP VIII	7.73	.60	.60	a	.02
GROUP IX	8.125	.60	.60	a	.02

CLASSIFICATIONS

GROUP I Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derricks boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumprete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers; Booms over 150' including jib - additional $.35 per hour; Booms over 185' including jib - additional $.70 per hour; Booms over 210' including jib - additional $1.00 per hour; Booms over 250' including jib - additional $1.50 per hour; Booms over 295' including jib - additional $2.00 per hour

GROUP II Master Mechanic

GROUP III Swinger Engines

GROUP IV Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks,ballast regulator, switch tampers, rail anchor machines, tire trucks

GROUP V Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

GROUP VI Assistant engineers (firemen)

GROUP VII Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII Oilers and apprentices on truck cranes and gradalls

GROUP IX Oilers on scows

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day E- Thnaksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patroits' Day; Columbus Day; & Veterans' Day.

DECISION NO. AR-3130 - Mod #1 (39 FR 31802- August 30, 1974) Berkshire County, Massachusetts

MODIFICATIONS P. 10

Change:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Bricklayers, cement masons, marble masons, plasterers, stone masons, terrazzo workers, and tile setters:					
Remainder of County	$8.74	.40	.30		
Electricians	8.74	.45	17%+.49		.02
Laborers (Heavy & Highway):					
Class I	7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05
Line construction:					
Linemen	10.16	.40	1%	f	3/8 of 1%
Equipment operator	9.48	.40	1%	f	3/8 of 1%
Driver groundman	7.32	.40	1%	f	3/8 of 1%
Plumbers and Steamfitters:					
Remainder of County	9.24	5%	.50		.05
Change also:					
Footnote J. to read:					
Holidays: A through F, plus Good Friday, Veterans' Day, Washington's Birthday, and Columbus Day					

DECISION NO. AR-3131 - Mod #1 (39 FR 31806- August 30, 1974) Bristol County, Massachusetts

Change:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers:					
Easton	9.66	.65	.80		
Electricians:					
Easton:					
Electrical contracts less than $20,000.	8.30	4%	5%		.5%
Electrical contracts over $20000.	10.05	4%	5%		.5%
Ironworkers:					
Easton, Mansfield, N.Easton	9.04	.55	1.40		.06
Laborers (Heavy & Highway):					
Class I	7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05

DECISION NO. AR-3131 - Mod #1 Continued 37-WASS-4-P 1 of 1

MODIFICATIONS P. 11

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 9.81	.60	.60	a	.02
GROUP II	10.81	.60	.60	a	.02
GROUP III	9.76	.60	.60	a	.02
GROUP IV	9.69	.60	.60	a	.02
GROUP V	8.22	.60	.60	a	.02
GROUP VI	8.96	.60	.60	a	.02
GROUP VII	7.30	.60	.60	a	.02
GROUP VIII	7.73	.60	.60	a	.02
GROUP IX	8.125	.60	.60	a	.02

CLASSIFICATIONS

GROUP I Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derricks boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumprete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers; Booms over 150' including jib - additional $.35 per hour; Booms over 185' including jib - additional $.70 per hour; Booms over 210' including jib - additional $1.00 per hour; Booms over 250' including jib - additional $1.50 per hour; Booms over 295' including jib - additional $2.00 per hour

GROUP II Master Mechanic

GROUP III Swinger Engines

GROUP IV Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks,ballast regulator, switch tampers, rail anchor machines, tire trucks

GROUP V Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

GROUP VI Assistant engineers (firemen)

GROUP VII Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII Oilers and apprentices on truck cranes and gradalls

GROUP IX Oilers on scows

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day E- Thnaksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patroits' Day; Columbus Day; & Veterans' Day.

MODIFICATIONS P. 12

DECISION NO. AR-3132 - Mod #1 (39 FR 31810- August 30, 1974) Essex County, Massachusetts

Change:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Ironworkers	$9.04	.55	1.40		.06
Laborers, Heavy & Highway:					
Class I	7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05

DECISION NO. AR-3133 - Mod #1 (39 FR 31815- August 30, 1974) Franklin County, Massachusetts

Change:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Electricians:					
Hawley, Monroe, Rowe	$8.74	.45	17%+.49		.02
Laborers, Building:					
Remainder of County:					
Laborers, wreckers, carpenter & cement finisher tenders	7.00	.50	.45		.05
Asphalt rakers, Carbide core driller ops, chain saw ops, pipelayers, jackhammer & paving breaker ops, barco-type jumping tampers, laser beam ops, concrete pump ops, mason tenders, mortar mixers, & ride-on motorized buggy ops	7.25	.50	.45		.05
Air crack ops, block pavers, rammers, & curb setters	7.50	.50	.45		.05
Blasters and powdermen	7.75	.50	.45		.05
Laborers, Heavy & Highway					
Class I	7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05
Line construction:					
Linemen	10.16	.40	1%	b	3/8 of 1%
Equipment operators	9.48	.40	1%	b	3/8 of 1%
Driver groundmen	7.32	.40	1%	b	3/8 of 1%
Plumbers & steamfitters:					
Monroe, Rowe and western part of Charlemont	8.15	.65	.50	c	.05
Orange	9.20	.30	.40	4%	.05
Also change:					
Footnote c. to read:					
Holidays: A through F, plus Veterans' Day, Good Friday, Washington's Birthday, and Columbus Day; plus an employer contribution of $1.00 per hour to a savings fund.					

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DECISION NO AR-3134 - Mod #1
(39 FR 31819- August 30, 1974)
Hampden County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Ironworkers: Structural, Ornamental, Reinforcing	$8.81	.55	1.30		.09
Laborers (Building):					
Laborers; Wreckers, carpenter & cement finisher tenders	7.00	.50	.45		.05
Asphalt rakers, Carbide core driller ops, saw ops, pipelayers, jackhammer & paving breaker ops, barco-type jumping tampers, laser beam ops, concrete pump ops, & wagon drill ops, mason tenders, mortar mixers & ride-on motorized buggy ops.	7.25	.50	.45		.05
Air track ops, block pavers, rammers & curb setters	7.50	.50	.45		.05
Blasters & powdermen	7.75	.50	.45		.05
Line construction:					
Linemen	10.16	.40	1%		3/8 of 1%
Equipment operators	9.48	.40	1%		3/8 of 1%
Driver groundmen	7.32	.40	1%		3/8 of 1%
Painters:					
Swing stage over 40' steel	8.82	.50	.35		.03
Laborers (Heavy & Highway):					
Class I	7.00	.50	.45		.03
Class II	7.25	.50	.45		.03
Class III	7.50	.50	.45		.03
Class IV	7.75	.50	.45		.03

DECISION NO AR-3135 - Mod #1
(39 FR 31823- August 30, 1974)
Hampshire County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Electricians:					
Middlefield, Cummington, & Plainfield	$8.74	.45	1%+.49		.02
Laborers, Building:					
Remainder of County:					
Laborers, wrecking laborers, carpenter & cement finisher tenders	7.00	.50	.45		.05
Asphalt rakers, carbide core driller ops, chain saw ops, pelpelayers, jackhammer & paving breaker ops, barco-type jumping tampers, laser beam ops, concrete pump ops, wagon drill ops, mason tenders, mortar mixers, & ride-on motorized buggy ops	7.25	.50	.45		.05
Air track ops, block pavers, rammers, & curb setters	7.50	.50	.45		.05
Powdermen and blasters	7.75	.50	.45		.05
Laborers, Heavy & Highway:					
Class I	7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05
Line Construction:					
Linemen	10.16	.40	1%	d	3/8 of 1%
Equipment operators	9.48	.40	1%	d	3/8 of 1%
Driver groundmen	7.32	.40	1%	d	3/8 of 1%

DECISION NO AR-3136 - Mod #1
(39 FR 31827- August 30, 1974)
Middlesex County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Cement masons:					
Newton	$9.15	.60	.90		.05
Electricians:					
Ashby, Ayer, Ft. Devens, Groton, Pepperell, Shirley, & Townsend	9.20	.45	1%+.35		.02
Ironworkers	9.04	.55	1.40		.06
Painters:					
Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Little, Lowell, Tewsbury, Tyngsboro, Westford, & Wilmington					
Brush, Taping, Paperhangers	8.45	.48	.38		.02
Spray	9.20	.48	.38		.02
Steel	9.25	.48	.38		.02
Repaint	7.27	.48	.38		.02
Plumbers:					
Ashby, Ayer (portion lying west of the Greenville Branch of the Boston & Main RR), Ft. Devens, Groton, Shirley, & Townsend	9.20	.30	.40	4%	.05
Laborers, Heavy & Highway:					
Class I	7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05
Add:					
Electricians:					
Ashby, Ayer, Ft. Devens, Groton, Pepperell, Shirley, & Townsend					
Residential	5.90	.45	1%+.25		.02

DECISION NO. AR-3136 - Mod #1 Continued

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change also:					
MARINE CONSTRUCTION					
MODIFICATIONS P. 16					
POWER EQUIPMENT OPERATORS					
GROUP I	$ 9.31	.60	.60	a	.02
GROUP II	10.81	.60	.60	a	.02
GROUP III	9.76	.60	.60	a	.02
GROUP IV	9.69	.60	.60	a	.02
GROUP V	8.22	.60	.60	a	.02
GROUP VI	8.96	.60	.60	a	.02
GROUP VII	7.30	.60	.60	a	.02
GROUP VIII	7.73	.60	.60	a	.02
GROUP IX	8.125	.60	.60	a	.02

CLASSIFICATIONS

GROUP I Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines. lighters, derricks boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumprete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), conctete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers; Booms over 150' including jib - additional $.35 per hour; Booms over 185' including jib - additional $.70 per hour; Booms over 210' including jib - additional $1.00 per hour; Booms over 250' including jib - additional $1.50 per hour; Booms over 295' including jib - additional $2.00 per hour

GROUP II Master Mechanic

GROUP III Swinger Engines

GROUP IV Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks,ballast regulator, switch tampers, rail anchor machines, tire trucks

GROUP V Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

GROUP VI Assistant engineers (firemen)

GROUP VII Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII Oilers and apprentices on truck cranes and gradalls

GROUP IX Oilers on Scows

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day E- Thnaksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patroits' Day; Columbus Day; & Veterans' Day.

DECISION NO AR-3137 - Mod #1
(39 FR 31833- August 30, 1974)
Norfolk County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos Workers:					
Remainder of County	$9.66	.65	.80		.01
Electricians:					
Avon, Holbrook, Randolph, & Stoughton					
Elec. contracts under $20,000	8.30	4%	5%		.5%
Elec. contracts $20,000 or over	10.05	4%	5%		.5%
Laborers, Heavy & Highway:					
Class I	7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05
Add:					
Ironworkers: Plainville	7.95	.50	1.40		.03

DECISION NO. AR-3138 - Mod #1
(39 FR 31834- August 30, 1974)
Plymouth County, Massachusetts

Change:					
Asbestos workers:					
Remainder of County	9.66	.65	.80		.01
Electricians:					
Remainder of County:					
Electrical contracts over $20,000	10.05	4%	5%		.5%
Electrical contracts under $20,000	8.30	4%	5%		.5%
Ironworkers:					
Bridgewater, Brockton, Hanover, Hanson, Marshfield, Norwell, Pembroke, Rockland, Scituate, W. Bridgewater, and Whitman					
Laborers, Heavy & Highway:					
Class I	7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05

DECISION NO AR-3139 - Mod #1
(39 FR 31840- August 30, 1974)
Suffolk County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos workers	$9.66	.60	.80		.01
Ironworkers:					
Ornamental; Reinforcing; Structural	9.04	.55	1.40		.06
Laborers, Heavy & Highway:					
Class I	7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05
Omit:					
Painters:					
Residential:					
Fall River Area;					
Brush	7.78	.62	.20		.04
Steel	10.83	.62	.20		.04

DECISION NO. AR-3139 - Mod #1 Continued

Change also: MARINE CONSTRUCTION
MODIFICATIONS P. 19
POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 9.81	.60	.60	a	.02
GROUP II	10.81	.60	.60	a	.02
GROUP III	9.76	.60	.60	a	.02
GROUP IV	9.69	.60	.60	a	.02
GROUP V	8.22	.60	.60	a	.02
GROUP VI	8.96	.60	.60	a	.02
GROUP VII	7.30	.60	.60	a	.02
GROUP VIII	7.73	.60	.60	a	.02
GROUP IX	8.125	.60	.60	a	.02

CLASSIFICATIONS

GROUP I Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derricks boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumporete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers; Booms over 150' including jib - additional $.25 per hour; Booms over 185' including jib - additional $.70 per hour; Booms over 210' including jib - additional $1.00 per hour; Booms over 250' including jib - additional $1.50 per hour; Booms over 295' including jib - additional $2.00 per hour

GROUP II Master Mechanic

GROUP III Swinger Engines

GROUP IV Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance, cal tracks, ballast regulator, switch tampers, rail anchor machines, tire trucks

GROUP V Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors

GROUP VI Assistant engineers (firemen)

GROUP VII Oilers and apprentices (other than truck cranes and gradalls)

GROUP VIII Oilers and apprentices on truck cranes and gradalls

GROUP IX Oilers on scows

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day E- Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day.

DECISION NO. AR-3140 - Mod #1
(39 FR 31844- August 30, 1974)
Worcester County, Massachusetts

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Electricians:					
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Phillipston, Princeton, Royalston, Templeton, Westminster, & Winchenden	$9.20	.45	17+.35		.02
Ironworkers:					
Remainder of County	9.04	.55	1.40		.06
Laborers, Heavy & Highway:					
Class I	7.00	.50	.45		.05
Class II	7.25	.50	.45		.05
Class III	7.50	.50	.45		.05
Class IV	7.75	.50	.45		.05
Plumbers:					
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Templeton, Westminster, and Winchendon	9.20	.30	.40	4%	.03
Remainder of County	9.93	.65	.45		.05
Add:					
Electricians:					
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Phillipston, Princeton, Royalston, Templeton, Westminster, and Winchenden					
Residential	5.90	.45	17+.25		.02

MODIFICATIONS P. 22

DECISION #AR-3102 - Mod. #3
(39 FR 29784 - August 16, 1974)
Allegan County, Michigan

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Line Construction:						
Linemen & Heavy Equipment Op.	$7.88	.35	12%	a	.25%	
Cable Splicer	8.21	.35	12%	a	.25%	
Comb. Digger Op. - Tractor Op. - Groundman						
1st Six Months	5.73	.35	12%	a	.25%	
Over Six Months	6.18	.35	12%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	12%	a	.25%	
Over Six Months	5.43	.35	12%	a	.25%	
Distribution Line Truck Driver Operator Groundman						
1st Six Months	4.99	.35	12%	a	.25%	
Over Six Months	5.43	.35	12%	a	.25%	
Comb. Winch Truck Driver Groundman						
1st Six Months	4.55	.35	12%	a	.25%	
Over Six Months	5.19	.35	12%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	12%	a	.25%	
Power Equipment Operators						
Building and Heavy						
Class A	9.70	.50	.55		.05	
Class B	9.45	.50	.55		.05	
Class C	9.20	.50	.55		.05	
Class D	9.00	.50	.55		.05	
Class E	7.95	.50	.55		.05	
Class F	7.25	.50	.55			
Power Equipment Operators						
Steel Erection						
Class A	10.05	.50	.55		.05	
Class B	9.80	.50	.55		.05	
Class C	9.55	.50	.55		.05	
Class D	9.35	.50	.55		.05	
Class E	8.30	.50	.55		.05	
Class F	7.25	.50	.55			

MODIFICATIONS P. 21

DECISION #AR-3094 - Mod. #2
(39 FR 25858 - July 12, 1974)
Kent County, Michigan

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Line Construction:						
Linemen & Heavy Equipment Op.	$ 7.88	.35	12%	a	.25%	
Cable Splicer	8.21	.35	12%	a	.25%	
Comb. Digger Op. - Tractor Op. - Groundman						
1st Six Months	5.73	.35	12%	a	.25%	
Over Six Months	6.18	.35	12%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	12%	a	.25%	
Over Six Months	5.43	.35	12%	a	.25%	
Distribution Line Truck Driver Operator Groundman						
1st Six Months	4.99	.35	12%	a	.25%	
Over Six Months	5.43	.35	12%	a	.25%	
Comb. Winch Truck Driver Groundman						
1st Six Months	4.55	.35	12%	a	.25%	
Over Six Months	5.19	.35	12%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	12%	a	.25%	
Power Equipment Operators						
Heavy Construction						
Class A	9.70	.50	.55		.05	
Class B	9.45	.50	.55		.05	
Class C	9.20	.50	.55		.05	
Class D	9.00	.50	.55		.05	
Class E	7.95	.50	.55		.05	
Class F	7.25	.50	.55			
Power Equipment Operators						
Underground Construction						
Class I	9.79	.55	.75		.05	
Class II	9.66	.55	.75		.05	
Class III	8.93	.55	.75		.05	
Class IV	8.36	.55	.75		.05	
Oiler & Firemen	8.36	.55	.75		.05	

MODIFICATIONS P. 24

DECISION #AR-3105 - Mod. #3
(39 FR 29793 - August 16, 1974)
Berrien County, Michigan

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Line Construction:						
Linemen & Heavy Equipment Op.	$ 7.88	.35	12%	a	.25%	
Cable Splicer	8.21	.35	12%	a	.25%	
Comb. Digger Op. - Tractor Op. - Groundman						
1st Six Months	5.73	.35	12%	a	.25%	
Over Six Months	6.18	.35	12%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	12%	a	.25%	
Over Six Months	5.43	.35	12%	a	.25%	
Distribution Line Truck Driver Operator Groundman						
1st Six Months	4.99	.35	12%	a	.25%	
Over Six Months	5.43	.35	12%	a	.25%	
Comb. Winch Truck Driver Groundman						
1st Six Months	4.55	.35	12%	a	.25%	
Over Six Months	5.19	.35	12%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	12%	a	.25%	
Power Equipment Operators:						
Building and Heavy						
Class A	9.70	.50	.55		.05	
Class B	9.45	.50	.55		.05	
Class C	9.20	.50	.55		.05	
Class D	9.00	.50	.55		.05	
Class E	7.95	.50	.55		.05	
Class F	7.25	.50	.55			
Power Equipment Operators:						
Steel Erection						
Class A	10.05	.50	.55		.05	
Class B	9.80	.50	.55		.05	
Class C	9.55	.50	.55		.05	
Class D	9.35	.50	.55		.05	
Class E	8.30	.50	.55		.05	
Class F	7.25	.50	.55			

MODIFICATIONS P. 23

DECISION #AR-3103 - Mod. #3
(39 FR 29787 - August 16, 1974)
Alpena County, Michigan

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Line Construction:						
Linemen & Heavy Equipment Op.	$ 7.88	.35	12%	a	.25%	
Cable Splicer	8.21	.35	12%	a	.25%	
Comb. Digger Op. - Tractor Op. - Groundman						
1st Six Months	5.73	.35	12%	a	.25%	
Over Six Months	6.18	.35	12%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	12%	a	.25%	
Over Six Months	5.43	.35	12%	a	.25%	
Distribution Line Truck Driver Operator Groundman						
1st Six Months	4.99	.35	12%	a	.25%	
Over Six Months	5.43	.35	12%	a	.25%	
Comb. Winch Truck Driver Groundman						
1st Six Months	4.55	.35	12%	a	.25%	
Over Six Months	5.19	.35	12%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	12%	a	.25%	
Power Equipment Operators						
Building and Heavy						
Class A	9.70	.50	.55		.05	
Class B	9.45	.50	.55		.05	
Class C	9.20	.50	.55		.05	
Class D	9.00	.50	.55		.05	
Class E	7.95	.50	.55		.05	
Class F	7.25	.50	.55			

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MODIFICATIONS P. 25

DECISION #AR-3106 - Mod. #3
(39 FR 29797 - August 16, 1974)
Calhoun County, Michigan

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Ironworkers, structural, ornamental and reinforcing	$ 9.35	.50	.50		.03	
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op. Groundman						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver Operator Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Comb. Winch Truck Driver Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Power Equipment Operators:						
Building and Heavy						
Class A	9.70	.50	.55		.05	
Class B	9.45	.50	.55		.05	
Class C	9.20	.50	.55		.05	
Class D	9.00	.50	.55		.05	
Class E	7.95	.50	.55		.05	
Class F	7.25	.50	.55			
Power Equipment Operators						
Steel Erection						
Class A	10.05	.50	.55		.05	
Class B	9.80	.50	.55		.05	
Class C	9.55	.50	.55		.05	
Class D	9.35	.50	.55		.05	
Class E	8.30	.50	.55		.05	
Class F	7.25	.50	.55			

MODIFICATIONS P. 26

DECISION #AR-3122 - Mod. #3
(39 FR 29850 - August 16, 1974)
Charlevoix County, Michigan

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Cement masons	$ 7.95	.60				
Ironworkers, structural, ornamental & reinforcing	9.35	.50	.50		.03	
Line Construction:						
Linemen & Heavy Equipment Op.	7.88	.35	1%	a	.25%	
Cable Splicer	8.21	.35	1%	a	.25%	
Comb. Digger Op. - Tractor Op. Groundman						
1st Six Months	5.73	.35	1%	a	.25%	
Over Six Months	6.18	.35	1%	a	.25%	
Light Equipment Op. - Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Distribution Line Truck Driver Operator Groundman						
1st Six Months	4.99	.35	1%	a	.25%	
Over Six Months	5.43	.35	1%	a	.25%	
Comb. Winch Truck Driver Groundman						
1st Six Months	4.55	.35	1%	a	.25%	
Over Six Months	5.19	.35	1%	a	.25%	
Comb. Truck Driver - Groundman	4.40	.35	1%	a	.25%	
Marble setters	8.40	.60				
Power Equipment Operators						
Building and Heavy						
Class A	9.70	.50	.55		.05	
Class B	9.45	.50	.55		.05	
Class C	9.20	.50	.55		.05	
Class D	9.00	.50	.55		.05	
Class E	7.95	.50	.55		.05	
Class F	7.25	.50	.55			
Power Equipment Operators						
Steel Erection						
Class A	10.05	.50	.55		.05	
Class B	9.80	.50	.55		.05	
Class C	9.55	.50	.55		.05	
Class D	9.35	.50	.55		.05	
Class E	8.30	.50	.55		.05	
Class F	7.25	.50	.55			
Terrazzo workers	8.40	.60				
Tile setters	8.40	.60				

MODIFICATIONS P. 27

DECISION #AQ-4113 - Mod. #1
(39 FR 17664 - May 17, 1974)
Mississippi - Statewide

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
OMIT:					
Jackson & Hancock Counties (Zone VI)					

DECISION #AR-1013 - Mod. #1
(39 FR 28848 - August 9, 1974)
Deer Lodge, Gallatin, and Silver Bow Counties, Montana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Carpenters:					
Gallatin County	$6.71	.30	.45		.02
Silver Bow County	6.36	.40	.55	.75	.02
Roofers					
Gallatin County	6.35	.37			

DECISION #AR-1017 - Mod. #2
(39 FR 29853 - August 16, 1974)
Statewide, Montana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Electricians:					
Carter, Daniels, Dawson, Fallon, McCone, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties	7.65	.20	1%		1/2%
Ironworkers:					
Remaining Counties (including Northern half of Lewis and Clark County)	8.28	.50	.75		.05

MODIFICATIONS P. 28

DECISION #AR-2040 - Mod. #1
(39 FR 33164 - September 13, 1974)
Middlesex County, New Jersey

N.J. 4-LAB-5-O

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Add:					
Southern half of Middlesex County:					
Laborers, Asphalt					
Street:					
Head raker	$7.05	.50	.75	a	.05
Rakers and screed board man	6.90	.50	.75	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.65	.50	.75	a	.05
Plant:					
Scale mixers and burner men	6.90	.50	.75	a	.05
Feeders and dust men	6.65	.50	.75	a	.05

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

N.J.-5-LAB-5-L

Northern half of Middlesex County:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS, ASPHALT					
Streets:					
Head rakers	$ 7.20	.51	.54	a	
Rakers	7.05	.51	.54	a	
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.80	.51	.54	a	
Plants:					
Scale mixer and burner men	7.05	.51	.54	a	
Feeders and dust men	6.80	.51	.54	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2041 - Mod. #1					
(39 FR 33172 - September 13, 1974)					
Morris County, New Jersey					
Add:					
Laborers Asphalt					
Streets:					
Head Rakers	$7.20	.51	.54	a	
Rakers and screed board men	7.05	.51	.54	a	
Tampers and smoothers, kettlemen, painters, top shovelers and roller boys	6.80	.51	.54	a	
Plant:					
Scale mixer and burner men	7.05	.51	.54	a	
Feeders and dust men	6.80	.51	.54	a	

PAID HOLIDAYS:
A-New Year's Day; B- Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the week in which the holiday falls.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR- 2042 - Mod. #1					
(39 FR 33179 - September 13,1974)					
Passaic County, New Jersey					
Add:					
Laborers Asphalt					
Streets:					
Head Rakers	$7.20	.51	.54	a	
Rakers and screed board men	7.05	.51	.54	a	
Tampers and smoothers, kettlemen, painters, top shovelers and roller boys	6.80	.51	.54	a	
Plant:					
Scale mixer and burner men	7.05	.51	.54	a	
Feeders and dust men	6.80	.51	.54	a	

PAID HOLIDAYS:
A-New Year's Day; B- Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the week in which the holiday falls.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR- 2043- Mod. #1					
(39 FR 32456 - September 6, 1974)					
Somerset County, New Jersey					
Add:					
Laborers Asphalt					
Streets:					
Head Rakers	$7.20	.51	.54	a	
Rakers and screed board men	7.05	.51	.54	a	
Tampers and smoothers, kettlemen, painters, top shovelers and roller boys	6.80	.51	.54	a	
Plant:					
Scale mixer and burner men	7.05	.51	.54	a	
Feeders and dust men	6.80	.51	.54	a	

PAID HOLIDAYS:
A-New Year's Day; B- Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the week in which the holiday falls.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2044 - Mod. #1					
(39 FR 32464 - September 6, 1974)					
Union County, New Jersey					
Add:					
Laborers Asphalt					
Streets:					
Head Rakers	$7.20	.51	.54	a	
Rakers and screed board men	7.05	.51	.54	a	
Tampers and smoothers, kettlemen, painters, top shovelers and roller boys	6.80	.51	.54	a	
Plant:					
Scale mixer and burner men	7.05	.51	.54	a	
Feeders and dust men	6.80	.51	.54	a	

PAID HOLIDAYS:
A-New Year's Day; B- Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the week in which the holiday falls.

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XUM

DECISION NO AR-6 - Mod. #5
(39 FR 25880 - July 12, 1974)
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Description of work to read "General Building (including Residential in McKinley, Santa Fe, San Juan and Bernalillo Counties but not including construction at Navajo Indian Reservation")					
Omit:					
Electricians (McKinley County and that part of San Juan County, New Mexico which comprises part of the Navajo Indian Reservation)					
Add:					
Electricians (McKinley County)					
DECISION NO. AR-2024 - Mod. #1 (39 FR 30768 - August 23, 1974) Monroe County, New York					
Change:					
Electricians	$10.45	.50	12+.25		3%
Glaziers	9.00	.67	.31		.03
Plumbers & steamfitters	9.99	.405	1.52	.09	.06
Roofers:					
Roofers	9.90	.39	.39		
Omit:					
Building Construction Power Equipment Operators schedule originally issued.					
Add:					
Building Construction Power Equipment Operators schedule attached.					

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS :

GROUP I - Cranes (cable and hydraulic, climbing and tower)
I - A 121 ft. and under
I - B 121 ft. and 151 ft.
I - C 151 ft. and 201 ft.
I - D 201 ft. and 251 ft.
I - E 251 ft. and 301 ft.
I - F 301 ft. and 351 ft.
I - G 351 ft. and 401 ft.
I - H 401 ft. and 451 ft.

GROUP II - Air tugger, derrick, dredge, big generator plant, cableway, backhoe, clamshell, dragline, shovel and similar machines over 3/8 cubic yards capacity (factory rating), bridge crane (all types), caisson auger and similar type machine, forklift (with factory rating of 15 ft. or more of lift), hoist (on steel erection), mucking machines, ross carrier (and similar types), three drum hoist (when all three drums are in use)

GROUP III - A frame truck, backfilling machine, hoist (1 or 2 drums), barber green and similar type machine, maintenance engineer (mechanic), mechanical slurry machines (all kinds), belt crete and similar type machines, bituminous spreading machine, post hole digger, bulldozer, carry all type scraper, core drill, pumps, (regardless of motive power) no more than (4) in number not to exceed 20 inches in total capacity), fine grade and finish rollers, side boom tractor, stone crusher, compressors: 4 not to exceed 2000 cfm combined capacity 3 or less with more than 1200 CFM, but not to exceed 2000 CFM, concrete mixer, concrete placer, concrete pumps, tournadozer and similar types, crane-hoe-shovel 3/8 yd. capacity or less (factory rating), tournapull and similar types, dinky locomotives (all types), tower-mobie and similar types, elevating grader, elevator trenching machines, fine grade machines (all kinds), welder, front end loader, forklift with factory rating of less than 15 feet of lift, well drill, well point system, high pressure boiler, Exception: single electric pumps up to and including 4 inches not be manned.

GROUP IV - Any combination (not to exceed 3 pieces of equipment), welding, machine or mechanical conveyor (over 12 ft in length), fireman, belt crete generator, mechanical heater, roller (fill & grade), pumps (regardless of motive power) no more than (3) in number, not to exceed twelve inches total capacity, rubber tired tractor, compressor 3 or less, not to exceed 1200 CFM combined capacity, longitudinal float, Exception: single gasoline driven welding machines up to 300 amps need not be manned.

GROUP V - Truck crane oilers

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I:					
I-A	$9.45	.45	.45+.30	a	.10
I-B	9.70	.45	.45+.30	a	.10
I-C	9.95	.45	.45+.30	a	.10
I-D	10.20	.45	.45+.30	a	.10
I-E	10.70	.45	.45+.30	a	.10
I-F	11.20	.45	.45+.30	a	.10
I-G	11.70	.45	.45+.30	a	.10
I-H	12.20	.45	.45+.30	a	.10
GROUP II	9.45	.45	.45+.30	a	.10
GROUP III	9.27	.45	.45+.30	a	.10
GROUP IV	8.175	.45	.45+.30	a	.10
GROUP V	7.35	.45	.45+.30	a	.10

FOOTNOTES:
PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day regardless of the day of the week in which the holiday may fall.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3046 - MOD. #1 (39 FR 30798 - August 23, 1974) Summit County, Ohio					
Add:					
Cement Masons (Residential)	$ 7.51	.40	.50		.02
Electricians (Residential, not to exceed 6 units or 2½ stories	6.70	.37	1%		.2%
DECISION #AR-3048 - Mod. #2 (39 FR 27992 - August 2, 1974) Statewide, Ohio					
CHANGE:					
BRICKLAYERS & STONEMASONS					
ZONE 7					
Bricklayers	$10.145	.45	.35		.01
ZONE 17	9.45	.55			
ZONE 32	8.75	.45	.50		.02
CARPENTERS & PILEDRIVERMEN					
ZONE 7					
Carpentors	9.75	.45	.55		.025
Piledrivermen	9.75	.45	.55		.025
ELECTRICIANS					
ZONE 7					
Within 18 Mi., etc.	10.00	.60	13+.30		.5%
18 to 21 miles	10.30	.60	13+.30		.5%
21 to 25 miles	10.40	.60	13+.30		.5%
Over 25 miles	10.55	.60	13+.30		.5%
ZONE 8					
Within city limits of cities of Hamilton or Middleton	10.10	.30	13+.50		.125%
Outside city limits & W. of Interstate 75	10.45	.30	13+.50		.125%
Outside city limits and E. of Interstate 75	10.65	.30	13+.50		.125%
ZONE 10					
Within 11 Mi. radius of 3rd & main streets, Toledo	9.53	.40	13+.75		.5%
Beyond 11 Mi. radius	9.76	.40	13+.75		.5%
ZONE 16	10.35	.43	13		.1%

XUM

DECISION #AR-3048 - Mod. #2 Cont'd

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS					
ZONE 17	$9.55	.29	1%		.02
ZONE 25	10.03	.40	5%		.3%
IRONWORKERS					
ZONE 1					
Structural & Ornamental	9.995	.55	.55		.03
Reinforcing	9.445	.55	1.05		.02
ZONE 14	10.32	.55	.77		.04
LINESMEN					
ZONE 7					
Inside City limits of cities of Hamilton & Middleton	10.10	.30	1%+.50		.125%
Outside city limits, W. of I-75	10.45	.30	1%+.50		.125%
Outside city limits, E. of I-75	10.55	.30	1%+.50		.125%
ZONE 14	10.35	.48	1%		.25%
ZONE 15	9.48	.30	1%		.02
ZONE 16	9.55	.28	1%		
ZONE 17	8.80	.29	1%		
PAINTERS					
ZONE 19					
Brush	6.60				
Structural Steel	6.70				
Bridge	6.70				
ZONE 24					
Brush	7.00				
Spray-	7.25				
PLUMBERS & STEAMFITTERS					
ZONE 2	9.95	.35	.50		.05
ZONE 3	9.945	.45	.80		.025
ZONE 11	9.82	.35	.60		.06
ZONE 11	9.945	.45	.80		.025
ZONE 16	10.42	.55	.80		.05
ZONE 17	9.945	.45	.80		.025
ZONE 18	9.51	.40	6%	8%	.05
ZONE 20	9.945	.45	.80		.025
POWER EQUIPMENT OPERATORS					
ZONE 1					
CLASS V	8.31	.50	.50		.12

DECISION NO AR-15 - Mod. #2
(39 FR 29907 - August 16, 1974)
Oklahoma, Cleveland, Canadian, Lincoln, and Pottawatomie Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Roofers	$7.00	.25	.25		.04
LINE CONSTRUCTION:					
Linemen	8.00		1%		1/2%
Cable splicers	8.43		1%		1/2%
Hole digger operator	7.26		1%		1 1/2%
Heavy equipment operator (or pole cat equivalent)	7.26		1%		1 /2%
Line truck driver (winch operator)	6.57		1%		1/ 2%
Jack Hammerman	5.99		1%		1/ 2%
Powderman	7.26		1%		1/ 2%
Groundman	5.34		1%		1/1 2%
Truck driver (flat bed, ton and half and under)	5.70		1%		1/2 %

DECISION #AR-1019 - Mod. #2
(39 FR 30802 - August 23, 1974)
Statewide, Oregon

Change:

Electricians:					
Malheur County					
Electricians	$8.48	.40	1%+.25		1%
Cable Splicers	9.328	.40	1%+.25		1%

DECISION NO AR-3077- Mod #2
(39 FR 28083- August 16, 1974)
Providence, Kent, and Providence Counties, Rhode Island

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Cement masons(Building):					
Bristol & Kent Counties; and Remainder of Frovidence Co.	$8.85	.50	.35		
Carpenters, soft floor layers, & piledrivermen:					
Burrillville, No. Smithfield, & Woonsocket Townships	8.44	.60	.40		
Residential	6.75	.60	.40		
Plumbers	9.64	.75	.60		.07

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists pavers, and front-end loaders 3 yds. and over	$9.60	.50	.85		.075	
Economobile type equipment	9.375	.50	.85		.075	
Fork lift	9.175	.50	.85		.075	
Firemen and Oilers	7.625	.50	.85		.075	
Bulldozers, graders, spreaders, tractors, scrapers, rollers and front-end loaders less than 3 yds.	8.175	.50	.85		.075	
Pippin type backhoes	8.525	.50	.85		.075	
Maintenance Engineers	8.125	.50	.85		.075	
Well-point Installation	8.25	.50	.85		.075	
Gas or electric driven pumps, heater, concrete mixers, stone crushers, air compressors, welding machines and generators for light plants	8.175	.50	.85		.075	

RI-1-PEO-2-4-P

BRIDGES, CAISSONS, DOCKS, MARINE, PIERS, SUB-BASEMENT, SUBTERRANEAN, TUNNELS, & HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Digging Machines, cranes, pile drivers, lighters, locomotives, derricks, hoists, pavers and front end loaders, 3 yds, and over	10.325	.50	.85		.075	
Firemen and Oilers	8.20	.50	.85		.075	
Bulldozers, graders, spreaders, scrapers, rollers and front-end loaders, less than 3 yds	8.875	.50	.85		.075	
Maintenance Engineers	9.025	.50	.85		.075	
Well-point Installation Crews	9.05	.50	.85		.075	
Gas or electric driven pumps, heaters, concrete mixers, stone crushers, air compressors, welding machines, and generators for light plants	8.625	.50	.85		.075	
Boat and fug Operators	9.95	.50	.85		.075	
Apprentices (Deckhands)	8.35	.50	.85		.075	

DECISION #AQ-4094 - Mod. #1
(39 FR 10997 - March 22, 1974)
Madison County, Tennessee

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Electricians	$7.35	.23	1%		1%

DECISION #AR-4035 - Mod. #1
(39 FR 33191 - September 13, 1974)
Hamilton County, Tennessee

Change:

Painters:					
Commercial	$6.50		.25		
Industrial	6.75		.25		
Sandblasting	7.00		.25		

DECISION #AR-4036 - Mod. #1
(39 FR 33193 - September 13, 1974)
Shelby County, Tennessee

Change:

Plumbers	$9.57	.30	.15		

DECISION #AQ-112 - Mod. #2
(39 FR 22360 - June 21, 1974)
Gregg County, Texas

Change Description of Work to Read:
Building Construction, (excluding single family homes & garden type apartments up to & including 4 stories). (See General Wage Determination AR-36 for Paving & Utilities Incidental to Building Construction).

XUM

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba

DECISION NUMBER: AR-1037

DATE: Date of Publication

Supersedes Decision No. AQ-1088 dated March 1, 1974, in 39 FR 8103

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.05	.90	.65	1.07	.06
BOILERMAKERS	8.50	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Counties	8.72	.85	.58	1.00	.05
Alameda and Contra Costa Counties	9.65	.85	.65		.15
Fresno, Kings, Madera, Mariposa and Merced Counties	8.23	.42	.50		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	9.15	.65	.60		
Monterey and Santa Cruz Counties	8.11	.73	.65	.75	
San Benito and Santa Clara Cos.	9.65	.85	.65		.15
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	8.32	.33	.30	1.00	
Tulare County	7.80	.40	.40	.30	.05
BRICK TENDERS:					
Alpine, Amador, Eldorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	6.155	.395	1.35	.50	
Alameda and Contra Costa Counties	7.50	.50	.70		.10
Marin County	6.90	.65	.50	.65	
Napa County	5.90	.65	1.35	.80	
San Benito, Santa Clara and Santa Cruz Counties	7.54	.65	.65		
Lassen, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties	5.65	.65	1.35	.80	
Stanislaus and Tuolumne Counties	5.75	.65	1.35	.80	
San Francisco and San Mateo Cos.	8.05	.50	.65		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
Carpenters	$ 8.25	.60	.80	.75	.02
Hardwood floor layers; Power saw operator; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	8.40	.60	.80	.75	.02
Millwrights	8.65	.60	.80	.75	.02
Piledrivermen; Bridge, Wharf and Dock builders	8.38	.60	.80	.75	.02
CEMENT MASONS:					
Cement Masons	7.39	.56	1.00	.75	
Mastic; Magnesite; All comp. masons	7.64	.56	1.00	.75	
Men working from swinging or slip form scaffolds	7.64	.56	1.00	.75	
DRYWALL INSTALLERS	8.37	.60	.55	.75	.04
ELECTRICIANS:					
Alameda County					
Electricians	9.845	.70	4%		
Cable splicers	11.07	.70	4%		
Tunnel:					
Electricians	8.85	.50	4%		
Cable splicers	9.99	.50	4%		
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, Eldorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed					
Electricians	9.38	.41	1% + .65		.045
Cable splicers	10.32	.41	1% + .65		.045
Tunnel:					
Electricians	8.96	.31	1% + .55		.045
Cable splicers	9.86	.31	1% + .55		.045
Lake Tahoe Area					
Electricians	9.84	.53	1% + .25		.03
Cable splicers	10.82	.53	1% + .25		.03
Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties					
Electricians	9.14	.55	1% + .35		.005
Cable splicers	10.05	.55	1% + .35		.005
Tunnel:					
Electricians; Cable splicers' helpers	9.00	.42	1% + .30		.005
Cable splicers	9.90	.42	1% + .30		.005

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Calaveras and San Joaquin Cos.					
Electricians; Technicians	$ 9.00	.49	1%		.01
Cable splicers	10.13	.49	1%		.01
Contra Costa County					
Electricians	9.80	.60	1% + .50		.02
Cable splicers	11.05	.60	1% + .50		.02
Del Norte and Humboldt Counties					
Electricians	8.60	.47	1% + .35		.01
Cable splicers	9.29	.47	1% + .35		.01
Tunnel:					
Electricians	9.46	.47	1% + .35		.01
Cable splicers	10.32	.47	1% + .35		.01
Fresno, Kings, Madera and Tulare Counties					
Electricians	9.36	.50	1% + .60		.05
Cable splicers	9.76	.50	1% + .60		.05
Lake, Marin, Mendocino and Sonoma Counties					
Electricians	9.50	.61	1% + .20		.02
Cable splicers	10.45	.61	1% + .20		.02
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Electricians	9.83	.62	1%		1%
Cable splicers	10.81	.62	1%		1%
Monterey County					
Electricians	10.27	.55	1%		.01
Cable splicers	11.35	.55	1%		.01
Napa and Solano Counties					
Electricians	9.42	.58	1% + .30		.03
Cable splicers	9.92	.58	1% + .30		.03
San Benito and Santa Clara Cos.					
Electricians	9.72	.45	1% + .60		.02
Cable splicers	10.94	.45	1% + .60		.02
San Francisco County					
Electricians	9.67	.705	1% + .50		.04
Cable splicers	10.88	.705	1% + .50		.04
San Mateo County					
Electricians	9.85	.69	1% + .25		.03
Santa Cruz County					
Electricians; Technicians	9.72	.45	1% + .60		.02
Cable splicers	10.94	.45	1% + .60		.02
ELEVATOR CONSTRUCTORS	9.73	.395	.26	2% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS:					
Alpine, Amador, Butte, Calaveras, El Dorado, Mariposa, Modoc, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Tuolumne, Yolo, Yuba and Merced (North of the City of Livingston) Counties	$ 7.77	.25	.55	8%	
Alameda, Contra Costa, Lake, Marin, Mendocino (Southern Half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano (SW from E. of Fairfield) Sonoma Counties	8.795	.45	.61		.01
Merced (Remainder of County), Fresno, Kings, Madera and Tulare Counties	7.68	.41	.55	.66	.05
Del Norte and Humboldt Counties	6.48	.35	.50	6.4 %	
IRONWORKERS:					
Fence Erectors	8.64	.73	.975	.85	.02
Reinforcing	8.75	.73	.975	.85	.02
Ornamental; Structural	8.78	.73	.975	.85	.02
LATHERS:					
Alameda and Contra Costa Counties	7.84	.34	.385		.025
Butte, Colusa, Glenn, Humboldt, Lake, (That portion of County from Lakeport up to County Line), Nevada, Placer, Plumas, Shasta, Sierra, Tehama and Trinity Cos.	8.50	.48	.50		.01
Calaveras and San Joaquin Cos.	7.20	.25	.20	.80	
Lake (from City of Lakeport down to County Line), Marin, Mendocino and Sonoma Counties	6.71	.37	.45	.91	1/6%
Monterey and Santa Cruz Counties	7.10	.40	.40	.20	.01
Napa and Solano Counties	6.83	.60	.40	1.00	.01
San Francisco County	8.23	.46	.65	1.00	.01
San Benito and Santa Clara Cos.	7.73	.30	.25		
Fresno County	8.58	.35	.45		
Mariposa, Merced, Stanislaus and Tuolumne Counties	7.75				.01
LINE CONSTRUCTION:					
Alameda County					
Groundmen	6.575	.50	4%		
Linemen	8.85	.50	4%		
Cable splicers	9.99	.50	4%		

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LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Cos., excluding Lake Tahoe Area					
Line Equipment Operators	$ 6.19	.31	1% + .55		.045
Linemen	6.88	.31	1% + .55		.045
Cable splicers	7.57	.31	1% + .55		.045
Remaining portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties (Lake Tahoe Area)					
Groundmen	6.59	.33	1% + .25		.01
Line Equipment Operator	7.91	.33	1% + .25		.01
Linemen	8.79	.33	1% + .25		.01
Cable splicers	9.67	.33	1% + .25		.01
Contra Costa County					
Groundmen	7.35	.60	1% + .50		.02
Line Equipment Operator	8.82	.60	1% + .50		.02
Linemen	9.80	.60	1% + .50		.02
Cable splicers	11.05	.60	1% + .50		.02
Del Norte, Modoc & Siskiyou Cos.					
Hole Digger	5.91	.35	1%	.10	1/2%
Tree trimmer helper; Groundman	6.18	.35	1%	.10	1/2%
Head groundman; Head groundman (chipper); Powdermen; Jackhammermen	6.36	.35	1%	.10	1/2%
Line equipment men	7.52	.35	1%	.10	1/2%
Linemen Polesprayer; Heavy line equipment men; Certified lineman; Welder	8.74	.35	1%	.10	1/2%
Tree trimmer	7.88	.35	1%	.10	1/2%
Cable splicer; Leadman; Pole sprayer	9.68	.35	1%	.10	1/2%
Fresno, Kings, Madera and Tulare Counties					
Line equipment operators	9.36	.50	1% + .60		.05
Linemen	9.36	.50	1% + .60		.05
Cable splicers	9.76	.50	1% + .60		.05
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Linemen	9.83	.62	1%		1%
Cable splicers	10.81	.62	1%		1%
Monterey County					
Groundmen	7.71	.55	1%		.01
Equipment operators; Linemen	10.28	.55	1%		.01
Cable splicers	11.36	.55	1%		.01

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LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Napa and Solano Counties					
Groundmen	$ 7.54	.58	1% + .30		.03
Line Equipment operators	8.49	.58	1% + .30		.03
Linemen	9.42	.58	1% + .30		.03
Cable splicers	9.92	.58	1% + .30		.03
MARBLE SETTERS	8.57	.76	.51	1.03	
PAINTERS					
Butte, Colusa, Glenn, Lassen (except extreme S. E. corner), Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties					
Brush; Roller	5.40	.35	.25	1.05	
Spray; Sandblasters; Structural steel; Swingstages; Tapers	5.65	.35	.25	1.05	
Alpine, Amador, Calaveras and San Joaquin Counties					
Brush	7.12	.50	.95	.80	
Spray; Sheetrock taper; Swingstage; Scaffold, Sandblaster; Structural steel	7.42	.50	.95	.80	
Fresno, Kings, Madera, Tulare Cos.					
Brush; Tapers	7.82	.40	.20		
Spray; Structural steel	8.07	.40	.20		
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Cos., (excluding portions of Counties in the Lake Tahoe Area)					
Brush	8.27	.64	.65	.80	
Spray	8.52	.64	.65	.80	
Tapers	8.77	.64	.65	.80	
Lake Tahoe Area					
Brush	8.30	.50	.20		
Spray; Structural steel; Tapers	8.55	.50	.20		
Lake, Marin, Mendocino, San Francisco and Sonoma Counties:					
Brush	9.07	.64	.65		
Spray	9.32	.64	.65		
Tapers	9.57	.64	.65		
Del Norte, Humboldt Counties					
Brush	6.90	.35	.20		
Paperhangers; Spray; Steel; Tapers	7.15	.35	.20		

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PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Alameda, Contra Costa, Eldorado, Napa, Nevada, Placer, Sacramento, Sierra, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	$ 7.77	.64	.65	.80	
Spray	8.02	.64	.65	.80	
Tapers	8.27	.64	.65	.80	
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Brush	6.30	.35		.75	.02
Paperhangers; Spray; Tapers	6.55	.35		.75	.02
PAINTERS:					
Parking Lot Striping Work and/or Highway Markers:					
Fresno, Kings and Tulare Cos.					
Traffic delineating device applicator	6.82	.40	.20	b	
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	6.43	.40	.20	b	
Helper (Traffic surface sandblaster; Wheel stop installer, traffic surface protective coating applicator, striper)	5.43	.40	.20	b	
Remaining Counties					
Traffic delineating device applicator; Traffic surface protective coating applicator; Wheel stop installer; Traffic surface sandblaster	6.82	.35	.20	b	
Helper (Traffic surface sandblaster; Wheel stop installer, protective coating applicator)	6.32	.35	.20	b	
Striper	7.92	.35	.20	b	
Striper, helper	6.82	.35	.20	b	
PLASTERERS:					
Alameda and Contra Costa Counties	8.94	.645	.58		.03
Butte, Colusa, Glenn, Lassen (South eastern half of Lassen County), Plumas, Sierra, Sutter, and Yuba Counties	7.85	.395	.50	1.00	.02
Monterey County	8.03	.46	.35		.01
Fresno, Kings, Madera and Tulare Counties	7.59	.56	.50		
El Dorado, Nevada, Placer, Sacramento and Yolo Counties	7.65	.245	.25	.65	

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PLASTERERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
San Benito and Santa Clara Cos.	$ 7.63	.59	.50	.80	.01
San Francisco County	7.72	.48	.90	1.50	.025
San Mateo County	7.72	.48	.90	1.50	.025
Del Norte, Humboldt, Lassen, (North western half of Lassen County), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Counties	7.55	.53	.35	1.00	.01
Mariposa, Merced, Stanislaus and Tuolumne Counties	6.50	.65	.80	1.00	
PLASTERERS' TENDER:					
Alameda and Contra Costa Counties	7.90	.55	1.00		.10
Fresno, Kings and Madera Counties	5.65	.65	1.35	.80	
Marin County	6.55	.65	.60	1.00	
Napa County	6.90	.65		.80	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	6.515	.395	1.35	.70	
San Francisco and San Mateo Cos.	7.30	.50	.65	1.00	
San Benito, Santa Clara and Santa Cruz Counties	8.30	.60	.55		
Lassen, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties	5.65	.65	1.35	.80	
Stanislaus and Tuolumne Counties	5.65	.65	1.35	.80	
Monterey County	6.42	.65	1.35		
PLUMBERS:					
Alameda County	10.23	.70	1.00		.10
Contra Costa County	10.02	.53	1.00		.16
PLUMBERS; Steamfitters:					
Del Norte and Humboldt Counties	8.02	.51	1.12	1.06	.05
Amador (Northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer and Sierra Cos., (excluding Lake Tahoe Area)	9.36	.75	1.17		.11
Lake Tahoe Area	7.85	.53	.60	1.95	.07
Marin, Mendocino, San Francisco and Sonoma Counties	8.48	1.47	.705	.755	.135
San Benito and Santa Clara Cos.	8.81	.61	.95	.72	.10
San Mateo County	8.305	.635	.95	.97	.175

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Steamfitters: (Cont'd)					
Alpine, Amador (Southern portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne and Yuba Counties	$ 9.00	1.08	1.23		.06
Lake, Napa and Solano Counties	9.40	.60	.58		.07
ROOFERS:					
Alameda and Contra Costa Counties					
Roofers	8.27	.63	.75	.35	.01
Mastic workers; Kettlemen (2 kettles w/o pumps)	8.52	.63	.75	.35	.01
Bitumastic; Enamelers; Pipe-wrappers; Coal tar built up	9.27	.63	.75	.35	.01
Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus and Tuolumne Counties					
Roofers (slate, tile composition and built up)	6.94	.50	.30	.75	
Felt machine operator	7.19	.50	.30	.75	
Butte, Colusa, Eldorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties					
Roofers	7.89	.65	.40		
Fresno, Kings, Madera and Tulare Counties					
Roofers	7.95	.50	.50		
Lake, Mendocino and Sonoma Cos.					
Roofers	8.01	.50	.70	.78	.01
Kettlemen (2 kettles w/6 pumps)	8.26	.50	.70	.78	.01
Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch built up	9.01	.50	.70	.78	.01
Marin County					
Roofers	7.64	.45	.75	1.15	.01
Mastic workers; Kettlemen (2 kettles w/o pumps)	7.89	.45	.75	1.15	.01
Bitumastic; Enamelers; Pipe-wrappers; Coal tar	8.64	.45	.75	1.15	.01
Monterey and Santa Cruz Counties					
Roofers	7.85	.30	.60	1.00	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS: (Cont'd)					
San Francisco and San Mateo Cos.					
Roofers	$ 7.92	.50	.70	.85	.01
Mastic workers and kettlemen (2 kettles) without pumps	8.17	.50	.70	.85	.01
Bitumastic; Enamelers; Pipe-wrappers; Coal tar	8.92	.50	.70	.85	.01
Napa and Solano Counties					
Roofers	6.88	.35	.55	.62	
Amador, Sacramento and Yolo Cos.					
Roofers (slate, tile and composition)	7.12	.58	.50	.85	.01
Enameler and pitch	7.87	.58	.50	.85	.01
San Benito and Santa Clara Cos.					
Roofers; Kettlemen (1 kettle)	8.51	.51	.73		
SHEET METAL WORKERS:					
Alameda and Contra Costa Counties	8.475	.38	.87	12%	.035
Alpine, Calaveras and San Joaquin Counties	7.62	.36	.95	1.40	
Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	7.76	.45	1.00	12%	.07
Del Norte, Humboldt and Trinity Counties	8.18	.38	.83		
Fresno, Kings, Madera and Tulare Counties	8.05	.38	.69	.80	.07
Lake, Marin, Mendocino, Napa, Sonoma and Solano Counties	8.55	.36	.44		.15
Mariposa, Merced, Stanislaus and Tuolumne Counties	8.83	.36	.60		.03
Monterey, San Benito, Santa Clara, and Santa Cruz Counties	8.45	.38	1.025	.845	
San Francisco County	8.48	.38	.55		10%
San Mateo County	9.25	.38	.97		.02
Modoc and Siskiyou Counties	8.19	.37	.34		.005
SOFT FLOOR LAYERS:					
Alameda, Contra Costa, Napa and Solano Counties	7.50	.36	.30	.92c	.05
Alpine, Amador, Butte, Calaveras, Colusa, Glenn, Lassen (excl. Honey Lake Area), Merced, (east of San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Cos. (excl. Lake Tahoe Area)	7.795	.675	.55	1.00	.08

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS: (Cont'd)					
Honey Lake Area and Lake Tahoe Area	$ 8.35	.30	.20		
Fresno, Kings, Madera, Tulare Counties	8.60	.20			
Lake, Marin, Mendocino, San Francisco, San Mateo and Sonoma Counties	7.80	.60	.55	d	.05
Monterey, San Benito, Santa Clara and Santa Cruz Counties	7.39	.35	.30	.89	.05
Del Norte and Humboldt Counties	7.20	.40	.50	8%	
SPRINKLER FITTERS:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	10.785	.40	.60		.02
Remaining Counties	11.70	.50	.70		.08
STEAMFITTERS:					
Alameda and Contra Costa Counties	10.065	.75	1.25		.12
TERRAZZO WORKERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, Trinity Counties	8.23	.85	.58	1.00	
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	9.15	.65	.60		
Fresno, Kings, Madera and Tulare Counties	7.72	.30			
TERRAZZO WORKERS' HELPERS:					
Terrazzo workers' helper	7.205	.505	.30		
Base Machine Operator	7.605	.505	.30		
TILE SETTERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Siskiyou, Solano, Sonoma, & Trinity Counties	7.65	.62	.70	.80	.015
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	7.37	.33		1.00	
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	7.25	.56	.35	.80	.015
Fresno, Kings, Madera and Tulare Cos.	7.72	.30			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS: (Cont'd)					
Monterey and Santa Cruz Counties	$ 8.37	.71	.645		

RIGGERS-WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidential.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years' service, and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation Fund in 1st year of employment; $.30 per hour after 1 year, but less than 5 years' service; $.40 per hour after 5 years, but less than 10 years' service and $.50 per hour after 10 years' service.

c. 1st year employment employer contributes $.14 per hour to Vacation; 2nd thru 5th year $.30 per hour; 6th year and thereafter $.40 per hour.

d. Employer contributes $.75 1st 5 years; $.90 after 5 years to Vacation and Holiday Fund.

POWER EQUIPMENT OPERATORS AR-1037 P. 13
(DREDGING)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BARGEMEN; Deckhand; Fireman; Leveehand; Oiler						
Area 1	$ 6.61	.80	1.00	.60	.14	
Area 2	7.14	.80	1.00	.60	.14	
Area 3	7.39	.80	1.00	.60	.14	
Area 4	7.64	.80	1.00	.60	.14	
WINCH MAN (stern winch on dredge)						
Area 1	7.20	.80	1.00	.60	.14	
Area 2	7.73	.80	1.00	.60	.14	
Area 3	7.98	.80	1.00	.60	.14	
Area 4	8.23	.80	1.00	.60	.14	
DECKMATE						
Area 1	7.30	.80	1.00	.60	.14	
Area 2	7.83	.80	1.00	.60	.14	
Area 3	8.08	.80	1.00	.60	.14	
Area 4	8.33	.80	1.00	.60	.14	
WATCH ENGINEER; Welder						
Area 1	7.85	.80	1.00	.60	.14	
Area 2	8.38	.80	1.00	.60	.14	
Area 3	8.63	.80	1.00	.60	.14	
Area 4	8.88	.80	1.00	.60	.14	
LEVERMAN						
Area 1	8.54	.80	1.00	.60	.14	
Area 2	9.07	.80	1.00	.60	.14	
Area 3	9.32	.80	1.00	.60	.14	
Area 4	9.57	.80	1.00	.60	.14	
CLAMSHELL AND DIPPER DREDGING (New Construction)						
DECKHAND; Fireman; Oiler						
Area 1	6.61	.80	1.00	.60	.14	
Area 2	7.14	.80	1.00	.60	.14	
Area 3	7.39	.80	1.00	.60	.14	
Area 4	7.64	.80	1.00	.60	.14	
DECK ENGINEERS						
Area 1	7.94	.80	1.00	.60	.14	
Area 2	8.47	.80	1.00	.60	.14	
Area 3	8.72	.80	1.00	.60	.14	
Area 4	8.97	.80	1.00	.60	.14	
WELDER; Mechanic Welder						
Area 1	8.26	.80	1.00	.60	.14	
Area 2	8.79	.80	1.00	.60	.14	
Area 3	9.04	.80	1.00	.60	.14	
Area 4	9.29	.80	1.00	.60	.14	
CLAMSHELL OPERATOR (up to and incl. 7 cu. yds. m.r.c.) (Long Boom Pay)						
Area 1	8.84	.80	1.00	.60	.14	
Area 2	9.37	.80	1.00	.60	.14	
Area 3	9.62	.80	1.00	.60	.14	
Area 4	9.87	.80	1.00	.60	.14	

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POWER EQUIPMENT OPERATORS (CONT'D)
(DREDGING)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CLAMSHELL OPERATOR (over 7 cu. yd. m.r.c.) (Long Boom Pay)						
Area 1	$ 9.72	.80	1.00	.60	.14	
Area 2	10.25	.80	1.00	.60	.14	
Area 3	10.50	.80	1.00	.60	.14	
Area 4	10.75	.80	1.00	.60	.14	
CLAMSHELL AND DIPPER DREDGING (All other Clamshell and Dipper Dredging)						
BARGEMAN; Deckhand; Leveehand; Fireman; Oiler						
Area 1	6.61	.80	1.00	.60	.14	
Area 2	7.14	.80	1.00	.60	.14	
Area 3	7.39	.80	1.00	.60	.14	
Area 4	7.64	.80	1.00	.60	.14	
WINCHMAN (stern winch on dredge)						
Area 1	7.20	.80	1.00	.60	.14	
Area 2	7.73	.80	1.00	.60	.14	
Area 3	7.98	.80	1.00	.60	.14	
Area 4	8.23	.80	1.00	.60	.14	
DECKMATE						
Area 1	7.30	.80	1.00	.60	.14	
Area 2	7.83	.80	1.00	.60	.14	
Area 3	8.08	.80	1.00	.60	.14	
Area 4	8.33	.80	1.00	.60	.14	
WATCH ENGINEER; Welder						
Area 1	7.85	.80	1.00	.60	.14	
Area 2	8.38	.80	1.00	.60	.14	
Area 3	8.63	.80	1.00	.60	.14	
Area 4	8.88	.80	1.00	.60	.14	
LEVERMAN						
Area 1	8.54	.80	1.00	.60	.14	
Area 2	9.07	.80	1.00	.60	.14	
Area 3	9.32	.80	1.00	.60	.14	
Area 4	9.57	.80	1.00	.60	.14	

FOOTNOTES:
Five Centers designated: - City Halls of Oakland, San Francisco, Sacramento, Stockton California and Salt Lake City, Utah.
Area 1 - Up to 20 road miles from said centers
Area 2 - More than 20 road miles to and including 30 road miles from said centers
Area 3 - Outside of 30 road miles from said centers
Area 4 - An area extending 25 road miles from shoreline of Lake Tahoe

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver; Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helpers; Warehousemen	$ 6.075	.765	.50	.75
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dumpcrete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit) Industrial Lift Truck (Mechanical Tailgate) Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	6.17	.765	.50	.75
JETTING TRUCK & WATER TRUCK (under 2,500 gals.)	6.185	.765	.50	.75
LIFT JITNEYS, Fork lift	6.205	.765	.50	.75
TRANSMIT MIX, AGITATOR (under 6 yds.)	6.225	.765	.50	.75
TRUCK REPAIRMAN HELPER	6.245	.765	.50	.75
VACUUM TRUCK (under 3,500 gals.)	6.255	.765	.50	.75
SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (Mechanical Tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	6.27	.765	.50	.75
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	6.285	.765	.50	.75
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds. & under 8 yds.)	6.325	.765	.50	.75

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
VACUUM TRUCK (3,500 gals. & under 5,500 gals.)	6.335	.765	.50	.75	
RUBBER-TIRED MUCK CAR (not self-loaded)	6.345	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	6.37	.765	.50	.75	
A-FRAME, WINCH TRUCKS; Buggymobile; Hydro-lift, Swedish crane type (jetting) Jetting & water truck (4,000 gals. & under 5,000 gals.); Rubber tired jumbo	6.385	.765	.50	.75	
HEAVY DUTY TRANSPORT (high bed)	6.39	.765	.50	.75	
ROSS HYSTER & SIMILAR STRADDLE CARRIER	6.415	.765	.50	.75	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	6.425	.765	.50	.75	
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	6.435	.765	.50	.75	
JETTING TRUCK & WATER TRUCK (5,000 gals. & under 7,000 gals)	6.485	.765	.50	.75	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	6.525	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, 8 yds. & incl. 12 yds. water level); Dump (8 yds. & incl. 12 yds. water level); Dumpcrete (8 yds. & incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. & incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds & incl. 12 yds. water level), Dumpster (8 yds. & incl. 12 yds. water level)	6.61	.765	.50	.75	
HEAVY DUTY TRANSPORT (gooseneck lowbed)	6.62	.765	.50	.75	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	$ 6.625	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 12 yds. & incl. 18 yds. water level); Dump (over 12 yds. & incl. 18 yds. water level); Dumpcrete (over 12 yds. & incl. 18 yds. water level); Dumpster (over 12 yds. & incl. 18 yds. water level); Skids (debris box, over 12 yds. & incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. & incl. 18 yds. water level)	6.65	.765	.50	.75	
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	6.71	.765	.50	.75	
TRUCK REPAIRMAN	6.745	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	6.755	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35 yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneusupuls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	6.81	.765	.50	.75	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. & incl. 50 yds. water level)	$ 6.96	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	7.11	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	7.26	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level); Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level); Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	7.42	.765	.50	.75	

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1:	$ 6.785	.65	1.35	.80	.10
GROUP 1(a):	7.01	.65	1.35	.80	.10
GROUP 1(b):	6.835	.65	1.35	.80	.10
GROUP 1(c):	7.335	.65	1.35	.80	.10
GROUP 1(d):	6.985	.65	1.35	.80	.10
GROUP 2:	6.635	.65	1.35	.80	.10
GROUP 3:	6.535	.65	1.35	.80	.10
LABORERS (Gunite)					
GROUP 1: Nozzleman (incl. Gunman; Potmen); Rodman; Groundman	7.245	.65	1.35	.80	.10
GROUP 2: Reboundman	6.655	.65	1.35	.80	.10
GROUP 3: General Laborer	6.535	.65	1.35	.80	.10
LABORERS (Tunnel and Shaft Work)					
GROUP 1:	8.395	.65	1.35	.80	.10
GROUP 2:	8.115	.65	1.35	.80	.10
GROUP 3:	7.945	.65	1.35	.80	.10
GROUP 4:	7.845	.65	1.35	.80	.10
LABORERS (Wrecking Work)					
GROUP 1:	6.785	.65	1.35	.80	.10
GROUP 2:	6.635	.65	1.35	.80	.10
GROUP 3:	6.535	.65	1.35	.80	.10
POWER EQUIPMENT OPERATORS (Piledriving)					
GROUP 1:	7.83	.85*	1.05	.60	.24
GROUP 1(a):	8.13	.85*	1.05	.60	.24
GROUP 1(b):	8.27	.85*	1.05	.60	.24
GROUP 2:	8.84	.85*	1.05	.60	.24
GROUP 2(a):	9.03	.85*	1.05	.60	.24
GROUP 3:	9.30	.85*	1.05	.60	.24
GROUP 3(a):	9.65	.85*	1.05	.60	.24
GROUP 4:	10.15	.85*	1.05	.60	.24
GROUP 5:	10.28	.85*	1.05	.60	.24

LABORERS

GROUP 1: Asphalt ironers and rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yd. and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; slip forms; Green cutters, Headerboardmen, hubsetters, aligners; Jackhammer Ops.; Jacking of pipe over 12 in.; Jackson and similar type compactors; Kettlemen, potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracing, trench-jacking, hand-guided lagging hammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, incl. tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, incl. placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis Trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Roto-tiller; Sandblasters, potman, gunman, nozzleman; Signalling and rigging; Tank cleaners; Tree climbers; Vibra-screed - bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressures blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro seeder and similar type; Laser beam in connection with laborers' work

GROUP 1(a): Joy drill Model TWH-2A; Gardener-Denver Model DH143 and similar type drills; Track drillers; Jack Leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (incl. drilling of same); Tree topper; Bit grinder

GROUP 1(b): Burning and Welding

GROUP 1(c): Laborers on general construction work on or in bell hole footings and shaft

GROUP 1(d): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers; Pressure pipe tester, no joint pipe & stripping of same, incl. repair of voids, Precast manhole setters, cast in place, manhole form setters

GROUP 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chuteman; Concrete chipping and grinding; Concrete Laborers (wet or dry); Driller's helper; Chuck Tender; Nipper; Guinea Chaser (Stakeman); Grout Crew; High Pressure Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete

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LABORERS (Cont'd)

construction; Pittsburgh Chipper, and similar type brush shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 in.

GROUP 3: All cleanup work of debris, grounds and buildings incl. but not limited to street cleaners; Cleaning and washing windows; Construction Laborers incl. bridge and general laborers; Dumpman, load spotter; Fire watcher; Street cleaners; Gardeners, horticultural and landscape laborers; Jetting; Limbers; Brush loaders; Pilers, Maintenance landscape laborers on new construction; Maintenance, repair trackmen and road beds; Streetcar and railroad construction track laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence erectors; Guardrail erectors; Pavement markers (button setters)

LABORERS (Tunnel and Shaft Work)

GROUP 1: Diamond Driller; Groundmen; Gunite or Shotcrete Nozzlemen; Rodmen; Shaft Work and Raise (below actual or excavated ground level)

GROUP 2: Bit Grinder; Blaster, Drillers, Powdermen-heading; Cherry Pickermen - where car is lifted; Concrete Finisher in Tunnel; Concrete Screed man; Grout Pumpman and Potman; Gunite and Shotcrete Gunmen and Potmen; Headermen; High Pressure Nozzleman; Miners - Tunnel, including top and bottom man on shaft and raise work; Nipper Nozzleman on slick line; Sandblaster-potman (work assignment interchangeable) Steel Form Raisers and Setters; Timberman, Retimberman - wood or steel or substitute materials therefore; Tugger

GROUP 3: Cabletender; Chucktender; Powderman-primer house; Vibratormen, Pavement Breakers

GROUP 4: Bull Gang - Muckers, Trackmen; Concrete Crew - includes rodding and spreading; Dumpmen (any method); Grout Crew; Reboundmen; Swamper

LABORERS (Wrecking Work)

GROUP 1: Skilled wrecker (Removing and salvaging of sash, windows, doors, plumbing and electric fixtures

GROUP 2: Semi-skilled wrecker (Salvaging of other building materials)

GROUP 3: General laborer (Includes all cleanup work, loading, lumber, loading and burning of debris)

POWER EQUIPMENT OPERATORS
(Piledriving)

GROUP 1: Assistant to Engineer (Fireman, Oiler, Deckhand)

GROUP 1-A: Compressor Operator

GROUP 1-B: Truck Crane Oiler

GROUP 2: Tugger Hoist (hoisting material only)

GROUP 2-A Compressor operator (2-7); Generator (100 K. W. or over); Pump (2-7); Welding Machine (2-7) powered other than by electricity)

GROUP 3: Deck Engineer; Fork Lift; A-Frame; Self-propelled Boom Type Lifting Device

GROUP 3-A: Heavy Duty Repairman and/or Welder

GROUP 4: Operating Engineer in lieu of Assistant to Engineer tending boiler or compressor attached to crane piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of diesel or gasoline powered crane piledriver (w/o boiler) up to and incl. 1 cu. yd.; Truck Crane (up to and incl. 25 tons hoisting material only)

GROUP 5: Operator of Diesel or Gasoline powered Crane Piledriver without boiler, over 1 cu. yd.; Operator of Crane (w/steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler or Universal type driver (Raymond or similar type); Truck Crane (over 25 tons hoisting material or performing piledriving work)

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	AREA 1	AREA 2				
GROUP 1:	$7.76	$9.03	.85*	1.05	.60	.24
GROUP 2:	8.08	9.35	.85*	1.05	.60	.24
GROUP 3:	8.27	9.54	.85*	1.05	.60	.24
GROUP 4:	8.77	10.04	.85*	1.05	.60	.24
GROUP 5:	8.96	10.23	.85*	1.05	.60	.24
GROUP 6:	9.09	10.36	.85*	1.05	.60	.24
GROUP 7:	9.23	10.50	.85*	1.05	.60	.24
GROUP 8:	9.59	10.86	.85*	1.05	.60	.24
GROUP 9:	9.79	11.06	.85*	1.05	.60	.24
GROUP 10:	9.97	11.24	.85*	1.05	.60	.24
GROUP 10-A:	10.07	11.34	.85*	1.05	.60	.24
GROUP 11:	10.23	11.50	.85*	1.05	.60	.24
GROUP 11-A:	11.20	12.47	.85*	1.05	.60	.24
GROUP 11-B:	11.45	12.72	.85*	1.05	.60	.24
GROUP 11-C:	11.71	12.98	.85*	1.05	.60	.24

* Includes 13c to Pensioned Health and Welfare Fund

POWER EQUIPMENT OPERATORS (AREAS I & II)
(Except Piledriving and Steel Erection)

GROUP 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

GROUP 2: Compressor Op.; Concrete Mixer (up to and incl. 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Op. (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

GROUP 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Rodman or Chainman; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multipurpose; Boxman (asphalt plant); Elevator Op. (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

GROUP 5: Compressor Op. (2 to 7); Concrete Mixers (over 1 yd.); Concrete Pumps or Pumpcrete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

GROUP 6: BIH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam or over 30 tons) Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Heater

POWER EQUIPMENT OPERATORS (AREAS 1 & II) (CONT'D)
(Except Piledriving and Steel Erection)

GROUP 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar; Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, Truck mounted with Compressor Combination; Pipe Banding Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C); Self-propelled Elevating Grade Plane; Slusher Op.; Small Tractor (with boom) Soil Tester; Truck type Loader

GROUP 8: Amor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Op.; Concrete Batch Plant (multiple units); Dozer; Heading Shield Op.; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and incl. 45 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (Rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-Batch Paver; Tunnel Hole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

GROUP 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

GROUP 10: Boom-type Backfilling Machine; Bridge Crane; Cary-Lift (or similar); Chemical Grouting Machine; Chief of Party; Combination Backhoe and Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derrick (2 ops. required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (incl. Caisson foundation work and Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine (Vagtborg and similar types); Loader (2 yds. up to and incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-Stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, Self-loading(Paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, Compressor Drill Combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and incl. 25 tons)

POWER EQUIPMENT OPERATORS (AREAS I & II) (Cont'd)
(Except Piledriving and Steel Erection)

GROUP 10-A: Backhoe (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 1/2 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead and gantry); Grade-alls (up to and incl. 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled Boom-type Lifting Device (center mount) (over 15 tons)

GROUP 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (incl. crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (Over 5 tons); Loader (over 4 yds., up to and incl. 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and incl. 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and incl. 750 cu. yd. per hour); Whirley Crane (over 25 tons

GROUP 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and incl. 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-Purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

GROUP 11-B: Loader (over 18 cu. yds.)

GROUP 11-C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

**AREA 1: All areas included in the description deffned below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Eastarly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, felling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings
County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crossing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. cotner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N,range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southarn line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N. range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W.corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of townshio 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba

DECISION NUMBER: AR-1038

DATE: Date of Publication

Supersedes Decision No. AQ-1087 dated February 22, 1974, in 39 FR 7021.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.05	.90	.65	1.07	.06
BOILERMAKERS	8.50	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	8.72	.85	.58	1.00	.05
Alameda and Contra Costa Counties	9.65	.85	.65		.15
Fresno, Mariposa and Merced Cos.	8.23	.42	.50		
Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	9.15	.65	.60		
Monterey and Santa Cruz Counties	8.11	.73	.65	.75	
San Benito and Santa Clara Cos.	9.65	.85	.65		.15
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	8.32	.33	.30	1.00	
BRICK TENDERS:					
Alameda and Contra Costa Cos.	7.50	.50	.70		.10
Marin County	6.90	.65	.50	.65	
Napa County	5.90	.65	1.35	.80	
San Benito, Santa Clara and Santa Cruz Counties	7.54	.65	.65		
San Francisco and San Mateo Cos.	8.05	.50	.65		
Shasta and Tehama Counties	5.65	.65	1.35	.80	
Alpine, Amador, Eldorado, Nevada, Placer, Sacramento and Yolo Cos.	6.155	.395	1.35	.50	
Fresno County	6.05	.65	1.35		
CARPENTERS:					
Carpenters	8.25	.60	.80	.75	.02
Hardwood floor layers; Power saw operators; Saw filers; Shinglers					
Steel scaffold erectors and/or steel shoring erectors	8.40	.60	.80	.75	.02
Piledrivermen; Bridge, wharf and dock builders	8.38	.60	.80	.75	.02
Millwrights	8.65	.60	.80	.75	.02

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:	$ 7.39	.56	1.00	.75	
Cement masons					
Mastic; Magnesite; All comp. masons	7.64	.56	1.00	.75	
Men working from swinging or slip form scaffolds	7.64	.56	1.00	.75	
DRYWALL INSTALLERS	8.37	.60	.55	.75	.04
ELECTRICIANS:					
Alameda County					
Electricians	9.845	.70	4%		
Cable splicers	11.07	.70	4%		
Amador, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, Eldorado, Nevada and Placer Cos. West of the Main Sierra Mountain Watershed					
Electricians	9.38	.41	1% + .65		.045
Cable splicers	10.32	.41	1% + .65		.045
Lake Tahoe Area					
Electricians	9.84	.53	1% + .25		.03
Cable splicers	10.82	.53	1% + .25		.03
Shasta and Tehama Counties:					
Electricians (Family residences, limited to 3 stories)	6.68	.55	1% + .35		.005
Electricians (4 stories):					
Electricians	9.14	.55	1% + .35		.005
Cable splicers	10.05	.55	1% + .35		.005
Calaveras and San Joaquin Cos.					
Electricians	9.00	.49	1%		.01
Cable splicers	10.13	.49	1%		.01
Contra Costa County					
Electricians	9.80	.60	1% + .50		.02
Cable splicers	11.05	.60	1% + .50		.02
Del Norte and Humboldt Counties					
Electricians	8.60	.47	1% + .35		.01
Cable splicers	9.29	.47	1% + .35		.01
Fresno County					
Electricians (Family residences, not to exceed 2 stories)	7.33	.50	1% + .60		.05
Electricians (3-4 stories):					
Electricians	9.36	.50	1% + .60		.05
Cable splicers	9.76	.50	1% + .60		.05
Marin and Sonoma Counties					
Electricians	9.50	.61	1% + .20		.02
Cable splicers	10.45	.61	1% + .20		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Mariposa, Merced and Tuolumne Cos.					
Electricians	$ 9.83	.62	1%		1%
Cable splicers	10.81	.62	1%		1%
Monterey County					
Electricians	10.27	.55	1%		.01
Cable splicers	11.35	.55	1%		.01
Napa and Solano Counties					
Electricians	9.42	.58	1% + .30		.03
Cable splicers	9.92	.58	1% + .30		.03
San Benito, Santa Clara and Santa Cruz Counties					
Electricians	9.97	.45	1% + .35		.02
Cable splicers	11.22	.45	1% + .35		.02
San Francisco County					
Electricians	9.67	.705	1% + .50		.04
Cable splicers	10.88	.705	1% + .50		.04
San Mateo County					
Electricians	9.85	.69	1% + .25		.03
ELEVATOR CONSTRUCTORS	9.73	.395	.26	2% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Alpine, Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sutter, Tehama, Tuolumne, Yolo, Yuba and Merced (North of the City of Livingston), Counties	7.77	.25	.55	8%	.01
Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (SW from E of Fairfield), Sonoma Counties	8.795	.45	.61		.01
Merced (Remainder of County) and Fresno County	7.68	.41	.55	.66	.05
Del Norte and Humboldt Counties	6.48	.35	.50	6.4%	
IRONWORKERS:					
Fence erectors	8.64	.73	.975	.85	.02
Reinforcing	8.75	.73	.975	.85	.02
Ornamental; Structural	8.78	.73	.975	.85	.02
LATHERS:					
Alameda and Contra Costa Counties	7.84	.34	.385		.025
Humboldt, Nevada, Placer, Shasta and Tehama Counties	8.50	.48	.50		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS: (Cont'd)					
Calaveras and San Joaquin Cos.	$ 7.20	.25	.20	.80	
Marin and Sonoma Counties	6.71	.37	.45	.91	1/8%
Monterey and Santa Cruz Counties	7.10	.40	.40	.20	.01
Napa and Solano Counties	6.83	.60	.40	1.00	.01
San Francisco County	8.23	.46	.65	1.00	.01
San Benito and Santa Clara Cos.	7.73	.30	.25		
Fresno County	8.58	.35	.45		
Mariposa, Merced and Tuolumne Counties	7.75				.01
PAINTERS:					
Shasta, Sutter, Tehama and Yuba Counties					
Brush; Roller	5.40	.35	.25	1.05	
Spray; Sandblaster; Structural Steel; Swing Stage; Tapers	5.65	.35	.25	1.05	
Alpine, Amador, Calaveras and San Joaquin Counties					
Brush	7.12	.50	.95	.80	
Spray; Sheetrock Tapers; Swing Stage; Scaffold; Sandblaster; Structural Steel	7.42	.50	.95	.80	
Fresno County					
Brush; Tapers	7.82	.40	.20		
Spray; Structural Steel	8.07	.40	.20		
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Cos. (excluding portions of in the Lake Tahoe Area)					
Brush	8.27	.64	.65	.80	
Spray	8.52	.64	.65	.80	
Tapers	8.77	.64	.65	.80	
Lake Tahoe Area					
Brush	8.30	.50	.20		
Spray; Structural Steel; Tapers	8.55	.50	.20		
Marin, San Francisco & Sonoma Cos.					
Brush	9.07	.64	.65		
Spray	9.32	.64	.65		
Tapers	9.57	.64	.65		
Del Norte and Humboldt Counties					
Brush	6.90	.35	.20		
Paperhangers; Spray; Tapers	7.15	.35	.20		
Mariposa, Merced and Tuolumne Cos.					
Brush	6.30	.35		.75	
Paperhangers; Spray; Tapers	6.55	.35		.75	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	$ 7.77	.64	.65	.80	
Spray	8.02	.64	.65	.80	
Tapers	8.27	.64	.65	.80	
PLASTERERS:					
Alameda and Contra Costa Counties	8.94	.645	.58		.03
Sutter and Yuba Counties	7.85	.395	.50	1.00	.02
Fresno County	7.59	.56	.50		
Monterey County	8.03	.46	.35		.01
El Dorado, Nevada, Placer, Sacramento and Yolo Counties	7.65	.245	.25	.65	
San Benito and Santa Clara Cos.	7.63	.59	.50	.80	.01
San Francisco County	7.72	.48	.90	1.50	.025
San Mateo County	7.72	.48	.90	1.50	.025
Del Norte, Humboldt, Marin, Napa, Shasta, Solano, Sonoma and Tehama Counties	7.55	.53	.35	1.00	.01
Mariposa, Merced and Tuolumne Cos.	6.50	.65	.80	1.00	
PLASTERERS' TENDER:					
Alameda and Contra Costa Counties	7.90	.55	1.00		.10
Fresno County	5.65	.65	1.35	.80	
Marin County	6.55	.65	.60	1.00	
Napa County	6.90	.65		.80	
Alpine, Amador, Eldorado, Nevada, Placer, Sacramento and Yolo Cos.	6.515	.395	1.35	.70	
San Francisco and San Mateo Cos.	7.30	.50	.65	1.00	
San Benito, Santa Clara and Santa Cruz Counties	8.30	.60	.55		
Monterey County	6.42	.65	1.35		
Shasta and Tehama Counties	5.65	.65	1.35	.80	
Tuolumne County	5.65	.65	1.35	.80	
PLUMBERS:					
Alameda County	10.23	.70	1.00		.10
Contra Costa County	10.02	.53	1.00		.16
PLUMBERS; Steamfitters:					
Amador (Northern half of County), El Dorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area)	9.36	.75	1.17		.11

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Steamfitters: (Cont'd)					
Lake Tahoe Area	$ 7.85	.53	.60	1.95	.07
Marin, San Francisco and Sonoma Counties	8.48	1.47	.705	.755	.135
San Benito and Santa Clara Cos.	8.81	.61	.95	.72	.10
Del Norte and Humboldt Counties	8.02	.51	1.12	1.06	.05
San Mateo County	8.305	.635	.95	.97	.175
Alpine, Amador (So. portion of Co.), Calaveras, Fresno, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Shasta, Sutter, Tehama, Tuolumne and Yuba Counties	9.00	1.08	1.23		.06
Napa and Solano Counties	9.40	.60	.58		.07
ROOFERS:					
Alameda and Contra Costa Counties					
Roofers	8.27	.63	.75	.35	.01
Mastic workers; Kettlemen (2 kettles w/o pumps)	8.52	.63	.75	.35	.01
Bitumastic; Enamelers; Pipewrapper; Coal tar built up	9.27	.63	.75	.35	.01
Alpine, Calaveras, Mariposa, Merced, San Joaquin and Tuolumne Counties					
Roofers (slate, tile composition and built up)	6.94	.50	.30	.75	
Felt machine operator	7.19	.50	.30	.75	
El Dorado, Placer, Shasta, Sutter and Yuba Counties					
Roofers	7.89	.65	.40		
Fresno County					
Roofers	7.95	.50	.50		
Sonoma County					
Roofers	8.01	.50	.70	.78	.01
Kettlemen (2 kettles w/o pumps)	8.26	.50	.70	.78	.01
Bitumastic; Enamelers; Pipewrapers; Coal tar pitch built up	9.01	.50	.70	.78	.01
Marin County					
Roofers	7.64	.45	.75	1.15	.01
Mastic workers; Kettlemen (2 kettles without pumps)	7.89	.45	.75	1.15	.01
Bitumastic; Enamelers; Pipewrapers; Coal tar	8.64	.45	.75	1.15	.01
Monterey and Santa Cruz Counties					
Roofers	7.85	.30	.60	1.00	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS: (Cont'd)					
San Francisco and San Mateo Cos. Roofers	7.92	.50	.70	.85	.01
Mastic workers and kettlemen (2 kettles) without pumps	8.17	.50	.70	.85	.01
Bitumastic; Enamelers; Pipewrappers; Coal tar	8.92	.50	.70	.85	.01
Napa and Solano Counties Roofers	6.88	.35	.55	.62	
Amador, Sacramento and Yolo Cos. Roofers	7.12	.58	.50	.85	.01
Enameler and pitch	7.87	.58	.50	.85	.01
San Benito and Santa Clara Cos. Roofers; Kettlemen (1 kettle)	8.51	.51	.73		
SHEET METAL WORKERS:					
Alameda and Contra Costa Counties	8.475	.38	.87	12%	.035
Alpine, Calaveras and San Joaquin Counties	7.62	.36	.95	1.40	
Amador, El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	7.76	.46	1.00	12%	.07
Fresno County	6.03	.38	.69	.60	.07
Del Norte and Humboldt Counties	8.18	.38	.83		
Marin, Napa, Sonoma and Solano Counties	8.55	.36	.44		.15
Mariposa, Merced and Tuolumne Cos.	8.83	.36	.60		.03
Monterey, San Benito, Santa Clara and Santa Cruz Counties	8.45	.38	1.025	.845	
San Francisco County	8.48	.38	.55		10%
San Mateo County	9.25	.38	.97		.02
SOFT FLOOR LAYERS:					
Alameda, Calaveras, Contra Costa, Napa and Solano Counties	7.50	.36	.30	.29b	.05
Alpine, Amador, Calaveras, Merced (East of the San Joaquin River), San Joaquin, Shasta, Sacramento, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada and Placer Counties (excluding Lake Tahoe Area)	7.795	.675	.55	1.00	.08
Lake Tahoe Area	8.35	.30	.20		
Fresno County	8.80	.20			
Marin, San Francisco, San Mateo and Sonoma Counties	7.80	.60	.55	c	.05
Monterey, San Benito, Santa Clara and Santa Cruz Counties	7.39	.35	.30	.89	.05
Del Norte and Humboldt Counties	7.20	.40	.50	8%	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SPRINKLER FITTERS: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	$ 10.785	.40	.60		.02
SPRINKLER FITTERS: Remaining Counties	11.70	.50	.70		.08
STEAMFITTERS: Alameda and Contra Costa Counties	10.065	.75	1.25		.12
TERRAZZO WORKERS: Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano, Sonoma Counties	8.23	.85	.58	1.00	
El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	9.15	.65	.60		
Fresno County	7.72	.30			
TERRAZZO WORKERS; HELPERS: Terrazzo workers' helper	7.205	.505	.30		
Base machine operator	7.605	.505	.30		
TILE SETTERS: Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	7.65	.56	.60	.80	.015
Alpine, Amador, Calaveras, San Joaquin Counties	7.37	.33		1.00	
El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	7.25	.56	.35	.80	.015
Fresno County	7.72	.30			
Monterey and Santa Cruz County	8.37	.71	.645		
RIGGERS: WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.

b. 1st year employment employer contributes $.14 per hour to Vacation; 2nd year thru 5th year $.30 per hour; 6th year and thereafter $.46 per hour.

c. Employer contributes $.75 1st 5 years $.90 after 5 years to Vacation and Holiday Fund.

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver; Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers, Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helpers; Warehousemen	$ 6.075	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dumpcrete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit) Industrial Lift Truck (Mechanical Tailgate) Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	6.17	.765	.50	.75	
JETTING TRUCK & WATER TRUCK (under 2,500 gals.)	6.185	.765	.50	.75	
LIFT JITNEYS, Fork lift	6.205	.765	.50	.75	
TRANSMIT MIX, AGITATOR (under 6 yds.)	6.225	.765	.50	.75	
TRUCK REPAIRMAN HELPER	6.245	.765	.50	.75	
VACUUM TRUCK (under 3,500 gals.)	6.255	.765	.50	.75	
SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (Mechanical Tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	6.27	.765	.50	.75	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	6.285	.765	.50	.75	
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds. & under 8 yds.)	6.325	.765	.50	.75	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
VACUUM TRUCK (3,500 gals. & under 5,500 gals.)	6.335	.765	.50	.75	
RUBBER-TIRED MUCK CAR (not self-loaded)	6.345	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	6.37	.765	.50	.75	
A-FRAME, WINCH TRUCKS; Buggymobile; Hydro-lift, Swedish crane type (jetting) Jetting & water truck (4,000 gals. & under 5,000 gals.); Rubber tired jumbo	6.385	.765	.50	.75	
HEAVY DUTY TRANSPORT (high bed)	6.39	.765	.50	.75	
ROSS HYSTER & SIMILAR STRADDLE CARRIER	6.415	.765	.50	.75	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	6.425	.765	.50	.75	
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	6.435	.765	.50	.75	
JETTING TRUCK & WATER TRUCK (5,000 gals. & under 7,000 gals)	6.485	.765	.50	.75	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	6.525	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, 8 yds. & incl. 12 yds. water level); Dump (8 yds. & incl. 12 yds. water level); Dumpcrete (8 yds. & incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. & incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. & incl. 12 yds. water level), Dumpster (8 yds. & incl. 12 yds. water level)	6.61	.765	.50	.75	
HEAVY DUTY TRANSPORT (gooseneck loubed)	6.62	.765	.50	.75	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	$ 6.625	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 12 yds. & incl. 18 yds. water level); Dump (over 12 yds. & incl. 18 yds. water level); Dumpcrete (over 12 yds. & incl. 18 yds. water level); Dumpster (over 12 yds. & incl. 18 yds. water level); Skids (debris box, over 12 yds. & incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. & incl. 18 yds. water level)	6.65	.765	.50	.75	
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	6.71	.765	.50	.75	
TRUCK REPAIRMAN	6.745	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	6.755	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35 yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneaupuls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	6.81	.765	.50	.75	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. & incl. 50 yds. water level)	$ 6.96	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	7.11	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	7.26	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level); Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level); Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	7.41	.765	.50	.75	

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS					
GROUP 1:	$6.785	.65	1.00	.80	.10
GROUP 1 (a):	7.01	.65	1.00	.80	.10
GROUP 1 (b):	6.835	.65	1.00	.80	.10
GROUP 1 (c):	7.335	.65	1.00	.80	.10
GROUP 1 (d):	6.985	.65	1.00	.80	.10
GROUP 2:	6.635	.65	1.00	.80	.10
GROUP 3:	6.535	.65	1.00	.80	.10
LABORERS (Gunite)					
GROUP 1:	7.245	.65	1.00	.80	.10
GROUP 2:	6.655	.65	1.00	.80	.10
GROUP 3:	6.535	.65	1.00	.80	.10

LABORERS

GROUP 1: Asphalt ironers and rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yd. and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; slip forms; Green cutters, Headerboardmen, hubsetters, aligners; Jackhammer Ops.; Jacking of pipe over 12 in.; Jackson and similar type compactors; Kettlemen, potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracing, trench-jacking, hand-guided lagging hammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, incl. tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, incl. placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis Trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Roto-tiller; Sandblasters, potman, gunman, nozzleman; Signalling and rigging; Tank cleaners; Tree climbers; Vibra-screed - bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressures blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro seeder and similar type; Laser beam in connection with laborers' work

GROUP 1(a): Joy drill Model TWH-2A; Gardener-Denver Model DH143 and similar type drills; Track drillers; Jack Leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (incl. drilling of same); Tree topper; Bit grinder

GROUP 1(b): Burning and Welding

GROUP 1(c): Laborers on general construction work on or in bell hole footings and shaft

GROUP 1(d): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers; Pressure pipe tester, no joint pipe & stripping of same, incl. repair of voids, Precast manhole setters, cast in place, manhole form setters

GROUP 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chuteman; Concrete chipping and grinding; Concrete Laborers (wet or dry); Driller's helper: Chuck Tender; Nipper; Guinea Chaser (Stakeman); Grout Crew; High Pressure Nozzleman, adductors: Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete

LABORERS (Cont'd)

construction; Pittsburgh Chipper, and similar type brush shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 in.

GROUP 3: All cleanup work of debris, grounds and buildings incl. but not limited to street cleaners; Cleaning and washing windows; Construction laborers incl. bridge and general laborers; Dumpman, load spotter: Fire watcher; Street cleaners; Gardeners, horticultural and landscape laborers; Jetting; Limbers; Brush loaders; Pilers, maintenance landscape laborers on new construction; Maintenance, repair trackmen and road beds; Streetcar and railroad construction track laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence erectors; Guardrail erectors; Pavement markers (button setters)

LABORERS (Gunite)

GROUP 1: Nozzleman (incl. Gunman, Potman); Rodmen; Groundman

GROUP 2: Reboundman

GROUP 3: General laborers

POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. T
	AREA 1	AREA 2				
GROUP 1:	$ 7.76	$9.03	.85*	1.05	.60	.24
GROUP 2:	8.08	9.35	.85*	1.05	.60	.24
GROUP 3:	8.27	9.54	.85*	1.05	.60	.24
GROUP 4:	8.77	10.04	.85*	1.05	.60	.24
GROUP 5:	8.96	10.23	.85*	1.05	.60	.24
GROUP 6:	9.09	10.36	.85*	1.05	.60	.24
GROUP 7:	9.23	10.50	.85*	1.05	.60	.24
GROUP 8:	9.59	10.86	.85*	1.05	.60	.24
GROUP 9:	9.79	11.06	.85*	1.05	.60	.24
GROUP 10:	9.97	11.24	.85*	1.05	.60	.24
GROUP 10-A:	10.07	11.34	.85*	1.05	.60	.24
GROUP 11:	10.23	11.50	.85*	1.05	.60	.24
GROUP 11-A:	11.20	12.47	.85*	1.05	.60	.24
GROUP 11-B:	11.45	12.72	.85*	1.05	.60	.24
GROUP 11-C:	11.71	12.98	.85*	1.05	.60	.24

* Includes 13c to Pensioned Health and Welfare Fund

POWER EQUIPMENT OPERATORS (AREAS I & II) (Except Piledriving and Steel Erection)

GROUP 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

GROUP 2: Compressor Op.; Concrete Mixer (up to and incl. 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Op. (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

GROUP 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Rodman or Chainman; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Op. (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrisation and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

GROUP 5: Compressor Op. (2 to 7); Concrete Mixers (over 1 yd.); Concrete Pumps or Pumpcrete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

GROUP 6: BLH Lima Road Factor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jack-hammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam or over 30 tons) Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Heater

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POWER EQUIPMENT OPERATORS (AREAS 1 & 11) (CONT'D)
(Except Piledriving and Steel Erection)

GROUP 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar; Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, Truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C); Self-propelled Elevating Grade Plane; Slusher Op.; Small Tractor (with boom) Soil Tester; Truck type Loader

GROUP 8: Amor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Op.; Concrete Batch Plant (multiple units); Dozer; Heading Shield Op.; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and incl. 45 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (Rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-Batch Paver; Tunnel Hole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

GROUP 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

GROUP 10: Boom-type Backfilling Machine; Bridge Crane; Cary-Lift (or similar); Chemical Grouting Machine; Chief of Party; Combination Backhoe and Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derrick (2 ops. required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (incl. Caisson foundation work and Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine (Vagtborg and similar types); Loader (2 yds. up to and incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-Stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, Self-loading(Paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, Compressor Drill Combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and incl. 25 tons)

POWER EQUIPMENT OPERATORS (AREAS 1 & 11) (cont'd)
(Except Piledriving and Steel Erection)

GROUP 10-A: Backhoe (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 1/2 cu. yds. m.r.c.); Continuous Flight Tie Back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead and gantry); Grade-alls (up to and incl. 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled Boom-type Lifting Device (center mount) (over 15 tons)

GROUP 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (incl. crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (Over 5 tons); Loader (over 4 yds., up to and incl. 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and incl. 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and incl. 750 cu. yd. per hour); Whirley Crane (over 25 tons

GROUP 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds., up to and incl. 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-Purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

GROUP 11-B: Loader (over 18 cu. yds.)

GROUP 11-C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings
County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 19E,
Thence Westerly to the N.W. corner of township 3S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N,range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range EE,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N. range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W.corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

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CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld

DATE: Date of Publication

DECISION NUMBER: AR-1032
Supersedes Decision No. AR-1024 dated August 23, 1974, in 39 FR 30684
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.47	.33	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons					
Eagle County	7.45	.45	.60	.25	.05
Boulder and Grand Counties	8.35	.45	.50		.05
Elbert, Lake and Park Counties	8.50	.45	.50		.04
Larimer County	8.10	.50	.45	.25	.05
Remaining Counties	8.25	.45	.60	.25	.05
CARPENTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Grand, Gilpin, Jefferson and Park (Northern area) Counties					
Area (a) Denver Metropolitan Area including Louisville, Golden, Boulder and Longmont basing points					
Zone I (0 to 20 miles)	7.465	.45	.45	.30	.04
Zone II (20 to 50 miles)	8.29	.45	.45	.30	.04
Zone III (50 miles and over)	9.11	.45	.45	.30	.04
Morgan and Weld Counties:					
Area (B) Denver Northeastern Area of Colorado including Greeley, Loveland and Fort Morgan basing points					
Zone I (0 to 20 miles)	7.42	.45	.45	.30	.04
Zone II (20 to 50 miles)	8.22	.45	.45	.30	.04
Zone III (50 miles and over)	9.03	.45	.45	.30	.04
Larimer County (S.E. portion within Loveland basing point, Zone I)	7.465	.45	.45	.30	.04
Larimer (Remainder of County), Eagle, Lake, Park (South 40 miles) and Summit Counties					
Zone I (0-30 miles from P.O. in Leadville or Fort Collins)	7.54	.48	.60	.40	.05
Zone II (30-60 miles from P.O. in Leadville or Fort Collins)	7.79	.48	.60	.40	.05
Zone III (All work outside of the 60 mile radius from P.O. in Leadville or Fort Collins)	8.04	.48	.60	.40	.05

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:					
Remaining Counties (including Elbert County, except S.E. corner and N½ of Park County)					
Cement Masons	$7.00	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	7.25	.44	1.10	.60	.07
Eagle and Summit Counties					
Cement Masons	6.75	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	7.00	.44	1.10	.60	.07
ELECTRICIANS:					
Electricians (Elbert and Park Counties)	9.07	.32	17%+.25		.01
Electricians (Remaining Counties)	9.04	.65	17%+.25		
Cable Splicers (Remaining Cos.)	9.29	.65	17%+.25		
ELEVATOR CONSTRUCTORS	8.12	.395	.26	2½%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.04				
IRONWORKERS	8.40	.55	.80		.06
MARBLE MASONS	7.60	.53	.40	.25	
MILLWRIGHTS	7.58	.48	.60	.40	.05
PAINTERS:					
Remaining Counties including N½ of Park County*					
Brush and roller	7.76	.45	.30		.03
Drywall finisher; Paperhanger	7.96	.45	.30		.03
Spray; Swing stage	8.24	.45	.30		.03
Park County (Southern half)					
Brush and rollers	6.50	.45	.20		.02
Steel and spray	7.05	.45	.20		.02
Steel Spray	7.50	.45	.20		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS	$8.69				.01
PLUMBERS; Pipefitters:					
Remaining Counties (including Northern portions of Douglas, Elbert and Park Counties)	8.05	.50	.45	.50	.05
Southern portions of Douglas, Elbert and Park Counties (See ** below)	7.33	.50	.50	1.17	.05
Boulder County	8.05	.50	.45	.50	.05
Larimer County	8.05	.50	.45	.50	.05
ROOFERS:					
Remaining Counties including Northern portions of Lake, Park, Jefferson, Douglas and Elbert Counties	7.65	.37			.02
Eagle and Southern portions of Lake, Jefferson, Park, Douglas and Elbert Counties (See ** below)	7.58				
SHEET METAL WORKERS	8.47	.30	.65		.07
SOFT LOOR LAYERS	7.10	.35	.45	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08
TERRAZZO WORKERS	7.60	.53	.40	.25	
TILE LAYERS:					
Elbert, Lake, and Park Counties	7.41	.45	.50		
Remaining Counties	7.60	.53	.40		
TILE, MARBLE, & TERRAZZO HELPERS	6.00	.53	.40	.30	

*Park County dividing line: A line from the S.W. corner of Jefferson County to the S.E. corner of Lake County

**Area south of an east-west line from west border of Lake County to a point 2 miles north of the City of Leadville to a point 1/2 miles north of the City of Limon at the west border of Lincoln County

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

LABORERS (BUILDING CONSTRUCTION)

	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
AREA A	ZONE 1	ZONE 2	ZONE 3	H & W	Pensions	Vacation	App. Tr.
Group 1	$5.00	$5.45	$5.90	.42	.45		.07
Group 2:							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.50	5.95	6.40	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07
AREA B							
Group 1	4.80	5.25	5.70	.42	.45		.07
Group 2:							
Class A	4.80	5.25	5.70	.42	.45		.07
Class B	5.08	5.53	5.98	.42	.45		.07
Group 3	4.95	5.40	5.85	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.00	5.45	5.90	.42	.45		.07
Group 6	5.12	5.57	6.02	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

AREA A

Adams, Arapahoe, Boulder, Denver, Lake, Larimer and Summit Counties. Douglas and Jefferson Counties lying north of the south line of Township 7 south; Elbert County lying west of the east line of Range 65 West and North of the south line of Township 7 South. Weld County lying south and west of the following described line: Beginning at the northwest corner of Township 4 North, Range 68 West of the 6th p.m.; thence east along the north line of said Township six (6) miles, more or less, to the east line of said Township; thence south along the east line of said Township three (3) miles, more or less, to the southeast corner of Section 13, Township 4 North, Range 66 West; thence east along the eastwest center line of Township 4 North, Range 67 West, six (6) miles, more or less, to the east line of said Township; thence south along the east line of Range 67 West, being the east lines of Township 4 North, 3 North, 2 North, and 1 North, Range 67 West, sixteen (16) miles to the southeast corner of Section 1, Township 1 North, Range 67 West; thence east and parallel to the Base Line twelve (12) miles, more or less, to the southeast corner of Section 1, Townehip 1 North, Range 65 West; thence south along the east line of Range 65 West, five (5) miles, more or less, to the Base Line being the south line of Weld County.

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities: Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville

Zone 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities

AREA B

Douglas, Elbert, Jefferson, and Weld Counties lying outside of the area as described in Area A, and all of Clear Creek, Eagle, Gilpin, Grand, Morgan, and Park Counties.

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Eagle, Fort Morgan, Golden, Grandby, Greeley and Vail.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities.

ZONE 3: That area encompassed by 70 driving miles and over from that main Post Office in above named Cities.

GROUP DESCRIPTION FOR AREAS A and B

Group 1: General Building Laborer

Group 2: Laborers underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface.

Group 3: Power Tool Operators of all mechanical, air, gas, and electrical tools including self-propelled buggies; Cement Finisher Tenders; Gunnite Nozzleman; Sand Blasters

Group 4: Pipe Layers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels

Group 6: Jackhammer Operator underpinning and shoring over 12' below working sruface; Bellers and Stemmers on Caisson Work

Group 7: Mason Tenders, brick and plaster

	Basic Hourly Rates	Fringe Benefits Payments			
HEAVY CONSTRUCTION		H & W	Pensions	Vacation	App. Tr.
Carpenters	$6.99	.48	.60	.40	.05
Underground Carpenters	7.14	.48	.60	.40	.05
Working on creosoted material; High work 40" above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1-1/2 HP saws at jobsite	7.29	.48	.60	.40	.05
Cement Masons: Construction (outside Denver Metropolitan Area)	6.22	.42	1.10	.30	.07
Cement Masons: Construction (Denver Metropolitan Area)	6.32	.42	1.10	.30	.07
LINE CONSTRUCTION - COLORADO					
Cable Splicer	8.98	.35	1%		3/4%
Lineman Cableman	8.43	.35	1%		3/4%
Journeyman Lineman	8.37	.35	1%		3/4%
Line Equipment operator	7.12	.35	1%		3/4%
Line Equipment Maintenance Man	7.12	.35	1%		3/4%
Groundmen	5.87	.35	1%		3/4%

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngquzzy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.40	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

LABORERS: (Heavy Constr.)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

LABORERS (Heavy Construction)

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Gofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Gofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

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LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timberman (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a boa'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)**

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

POWER EQUIPMENT OPERATORS **
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane, Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck-mounted tower crane; Wheel excavator; Climbing tower crane

XUM

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Garfield, Gunnison, Mesa, Montrose, and Pitkin

DECISION NUMBER: AR-1033

DATE: Date of Publication

Supersedes Decision No. AR-1023 dated August 23, 1074, in 39 FR 30678

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.47	.33	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Mesa, Montrose, Garfield, Gunnison Counties	7.45	.45	.60	.25	.05
Pitkin County	7.45	.45	.60	.25	.05
CARPENTERS:					
P. O. basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	7.54	.48	.60	.40	.05
Zone II (30-60 miles from nearest basing point)	7.79	.48	.60	.40	.05
Zone III (60 miles and over from nearest basing point)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	6.65	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	6.90	.44	1.10	.60	.07
ELECTRICIANS:					
Electricians	8.90	.32	1%		3/10%
Cable Splicers	9.15	.32	1%		3/10%
ELEVATOR CONSTRUCTORS	8.12	.395	.26	2½+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.04				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	8.40	.55	.80		.06
MILLWRIGHTS	7.24	.45	.40	.40	.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush and roller	$7.76	.45	.30		.03
Drywall finisher; Paperhangers	7.96	.45	.30		.03
Spray; Swing stage	8.24	.45	.30		.03
PLUMBERS	7.55	.50	.45	1.00	.10
ROOFERS	7.58				
SHEET METAL WORKERS	8.47	.30	.65		.07
SOFT FLOOR LAYERS	7.10	.35	.45	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LINE CONSTRUCTION- Colorado					
Cable Splicer	$8.98	.35	1%		3/4%
Lineman Cableman	8.43	.35	1%		3/4%
Journeyman Lineman	8.37	.35	1%		3/4%
Line Equipment Operator	7.12	.35	1%		3/4%
Line Equipment Maintenance Man	7.12	.35	1%		3/4%
Groundmen	5.87	.35	1%		3/4%

NOTICES

LABORERS (BUILDING CONSTRUCTION)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
Garfield and Pitkin Counties	ZONE 1*	ZONE 2*	ZONE 3*				
Group 1	$4.80	$5.25	$5.70	.42	.45		.07
Group 2							
Class A	4.80	5.25	5.70	.42	.45		.07
Class B	5.08	5.53	5.98	.42	.45		.07
Group 3	4.95	5.40	5.85	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.00	5.45	5.90	.42	.45		.07
Group 6	5.12	5.57	6.02	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

*ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities: Aspen, Glenwood, Springs, and Rifle.
*ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named cities.
*ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities.

Gunnison, Mesa & Montrose Cos.	ZONE 1**	ZONE 2**	ZONE 3**				
Group 1	$5.00	$5.45	$5.90	.42	.45		.07
Group 2							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

**ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities: Grand Junction, Gunnison, Montrose, and Naturita.
**ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named cities.
**ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities.

LABORERS (BUILDING CONSTRUCTION) (Cont'd)

GROUP DESCRIPTION FOR ALL COUNTIES

Group 1: General Building Laborar

Group 2: Laborers underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface.

Group 3: Power Tool Operators of all mechanical, air, gas, and electrical tools including self-propelled buggies; Cement Finsiher Tenders; Gunnite Nozzleman; Sand Blasters

Group 4: Pipe Layers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels

Group 6: Jackhammer Operator underpinning and shoring over 12' below working surface; Bellers and Stemmers on Caisson Work

Group 7: Mason Tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.99	.48	.60	.40	.05
UNDERGROUND CARPENTERS	7.14	.48	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor, on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.29	.48	.60	.40	.05
CEMENT MASONS	6.22	.42	1.10	.30	.07

NOTICES

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.40	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

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LABORERS: (Heavy Constr.)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

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LABORERS (Heavy Construction)

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblasters, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement man

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises) **

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

POWER EQUIPMENT OPERATORS **
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Braksman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile temper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixermobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

XUM 47 42 SEP 27 1974 39 FR

SUPERSEDEAS DECISION

STATE: Colorado
DECISION NUMBER: AR-1034
COUNTIES: Las Animas and Pueblo
DATE: Date of Publication

Supersedes Decision No. AR-1014 dated August 9, 1974, in 39 FR 28792
DESCRIPTION OF WORK: Building Constuction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.47	.33	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS	8.67	.30	.30		.04
CARPENTERS	7.34	.48	.60	.40	.03
CEMENT MASONS	6.65	.44	1.10	.60	.07
ELECTRICIANS:					
Zone I (0-12 miles from P. O.)					
Electricians	8.30	.32	1%+.25		1/10%
Cable Splicers	9.35	.32	1%+.25		1/10%
Zone II (12-20 miles from P. O)					
Electricians	8.90	.32	1%+.25		1/10%
Cable Splicers	9.75	.32	1%+.25		1/10%
Zone III (20-40 miles from P. O.)					
Electricians	9.25	.32	1%+.25		1/10%
Cable Splicers	10.10	.32	1%+.25		1/10%
Zone IV (Over 40 miles from P.O.)					
Electricians	10.00	.32	1%+.25		1/10%
Cable Splicers	10.85	.32	1%+.25		1/10%
Electrical contracts less than $5,000 in Zones III and IV	6.16	.32	1%+.25		1/10%
ELEVATOR CONSTRUCTORS	8.12	.395	.26	2½%a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2½%a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.04				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	8.40	.55	.80		.06
MARBLE AND TILE SETTERS, Tarrazzo Workers	7.60	.33	.40	.25	
MILLWRIGHTS	7.58	.48	.60	.40	.03
PAINTERS:					
Brush	5.33	.30			.02
Structural steel; Spray	6.03	.30			.02
Spray steel	6.53	.30			.02
PLASTERERS	8.69				.01
PLUMBERS:					
Zone I (0-15 miles from P.O.)	9.40	.55	.65		.05
Zone II (15-20 miles from P.O.)	9.97	.55	.65		.05
Zone III (20-40 miles from P.O.)	10.15	.55	.65		.05
Zone IV (Over 40 miles from P.O.)	10.775	.55	.65		.05

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROOFERS	$7.58				
SHEET METAL WORKERS	8.47	.30	.63		.07
SOFT FLOOR LAYERS (Las Animas Co.)	7.10	.35	.45	.30	.05
SOFT FLOOR LAYERS (Pueblo County)	6.40	.35	.55	.20	.05
SPRINKLER FITTERS	9.25	.50	.70		.08

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays:

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LINE CONSTRUCTION - COLORADO

Cable Splicers	8.98	.35	1%	3/4%
Lineman Cableman	8.43	.35	1%	3/4%
Journeyman Lineman	8.37	.35	1%	3/4%
Line Equipment Operator	7.12	.35	1%	3/4%
Line Equipment Maintenance Man	7.12	.35	1%	3/4%
Groundmen	5.87	.35	1%	3/4%

LABORERS (Building Construction)	Basic Hourly Rates ZONE 1	Basic Hourly Rates ZONE 2	Basic Hourly Rates ZONE 3	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$5.00	$5.45	$5.90	.42	.45		.07
Group 2							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities: Pueblo and Trinidad.
ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in the above named cities.
ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in the above named cities.

LABORERS (Building Construction)

GROUP DESCRIPTION

Group 1: General Building Laborer

Group 2: Laborers underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface.

Group 3: Power Tool Operators of all mechanical, air gas, and electrical tools including self-propelled buggies; Cement Finisher Tenders; Gunnite Nozzleman; Sand Blasters

Group 4: Pipe Layers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels

Group 6: Jackhammer Operator underpinning and shoring over 12' below working aruface; Bellers and Stemmers on Caisson Work

Group 7: Mason Tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.99	.48	.60	.40	.03
UNDERGROUND CARPENTERS Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.14	.48	.60	.40	.05
CEMENT MASONS	7.29	.48	.60	.40	.05
	6.22	.42	1.10	.30	.07

LABORERS (Heavy Constr.)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

LABORERS (Heavy Construction)

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers; core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)**	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.73	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

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POWER EQUIPMENT OPERATORS **
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreadar or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane, Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operatad power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scaleman; Checkers; Spotters; Dumpmen	$5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if usad	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex man; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and hoisting	5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.40	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

SUPERSEDEAS DECISION

STATE: Colorado COUNTY: El Paso
DECISION NUMBER: AR-1035 DATE: Date of Publication
Supersedes Decision No. AR-1025 dated August 23, 1974, in 39 FR 30693
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.47	.33	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons	8.50	.45	.50		.04
CARPENTERS:					
Zone I (0-30 miles from Post Office in Colorado Springs)	7.54	.48	.60	.40	.05
Zone II (30 miles and over from Post Office in Colorado Springs)	7.79	.48	.60	.40	.05
Millwrights	7.24	.45	.40	.40	.04
CEMENT MASONS:					
Cement Masons	6.75	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25' or above permanent floor, roof or solidly planked opening; All power troweling, floating or floor grinding machines	7.15	.30	.50	.60	.03
ELECTRICIANS	9.07	.32	12+.25		.01
ELEVATOR CONSTRUCTORS	8.12	.395	.26	24%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	24%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.04				
IRONWORKERS	8.40	.55	.80		.06
MARBLE SETTERS	7.14	.30	.50		
PAINTERS:					
Brush and roller; Tampers; Texture	6.50	.45	.20		.02
Paperhangers; Spray; Steel	7.05	.45	.20		.02
PLASTERERS	8.19			.50	.01
PLUMBERS; Pipefitters	7.33	.50	.50	1.17	.05
ROOFERS	7.56				
SHEET METAL WORKERS	8.47	.30	.65		.07
SOFT FLOOR LAYERS	6.60	.35	.30	.25	.03
SPRINKLER FITTERS	9.25	.50	.70		.08
TERRAZZO WORKERS	7.60	.53	.40	.25	
TILE SETTERS	7.41	.45	.50		

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service; 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS (Building Construction)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
	ZONE 1	ZONE 2	ZONE 3				
Group 1	$5.00	$5.45	$5.90	.42	.45		.07
Group 2							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in Colorado Springs.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in Colorado Springs.

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in Colorado Springs.

Group 1: General Building Laborer

Group 2: Laborers, underpinning and shoring...
Class A: 0' to 9' below working surface
Class B: 8' below working surface to and depth below working surface working surfacea

Group 3: Power tool operators of all mechanical, air, gas, and electric tools including self-propelled buggies; Cement Finisher Tenders; Gunnite Nozzleman; Sand Blasters

Group 4: Pipelayers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels.

Group 6: Jackhammer Operator underpinning and shoring over 12' below working surface; Bellers and Stemmers on caisson work

Group 7: Mason Tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.99	.48	.60	.40	.05
UNDERGROUND CARPENTERS Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.14	.48	.60	.40	.05
CEMENT MASONS	7.29	.48	.60	.40	.05
	6.22	.42	1.10	.30	.07

LINE CONSTRUCTION - COLORADO	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cable Splicer	$ 8.98	.35	1%		3/4%
Lineman Cableman	8.43	.35	1%		3/4%
Journeyman Lineman	8.37	.35	1%		3/4%
Line Equipment operator	7.12	.35	1%		3/4%
Line Equipment Maintenance Man	7.12	.35	1%		3/4%
Groundmen	5.87	.35	1%		3/4%
TRUCK DRIVERS					
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 5.50	.35	.25	.10	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.60	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.70	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.75	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.80	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to & including 19 cu. yds.; Distributor Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.85	.35	.25	.10	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MULTI-PURPOSE TRUCK - Specialty and hoisting	$ 5.90	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-Semi; Liquid and bulk tankers, Euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.95	.35	.25	.10	
MECHANICS	6.00	.35	.25	.10	
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	6.05	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.10	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.20	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.35	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to and including 54 cu. yds.	6.40	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to and including 79 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to and including 104 cu. yds.	6.80	.35	.25	.10	
DUMP TRUCKS, over 104 cu. yds.	7.00	.35	.25	.10	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS: (Heavy Constr.)					
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS (Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, csulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

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LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)**

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

POWER EQUIPMENT OPERATORS **
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch tranching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilizaticn machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Florida | COUNTY: Hillsborough
DECISION NUMBER: *AR-4040 | DATE: Date of Publication
*Supersedes Decision No. AO-4099 dated April 12, 1974, in 39 FR 13423.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

29-FLA-1-B

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$7.77	.35	.35		.06
Boilermakers	7.50	.40	.90		.02
Bricklayers:					
Bricklayers	7.55	.30	.50		.05
Stone masons	7.55	.30	.50		.05
Marble masons	7.30	.30	.50		.05
Terrazzo workers	7.30	.30	.50		.05
Tile setters	7.30	.30	.50		.05
Cement masons	6.80	.30	.50		.05
Cement block layers	7.55	.30	.50		.05
Carpenters	7.465	.325	.20		.02
Millwrights	7.37	.45	.45		.04
Piledrivermen	7.715	.325	.20		.02
Electricians:					
Electrical Contracts over $50,000					
Wiremen	8.53	4%a	2%a		.12
Cable splicers	8.88	4%a	2%a		.12
Electrical Contracts $50,000 or under:					
Wiremen	7.35	4%a	2%a		.12
Cable splicers	7.70	4%a	2%a		.12
Elevator constructors	7.79	.395	.26	2½%a&b	.02
Elevator constructors' helpers	70%JR	.395	.26	2½%a&b	.02
Elevator constructors' mechanics helpers (prob.)	50%JR				
Glaziers	7.15	.25	.20		.01
Ironworkers:					
Structural	7.81	.45	.30	.25	.05
Ornamental	7.81	.45	.30	.25	.05
Reinforcing	7.81	.45	.30	.25	.05
Sheeters	7.81	.45	.30	.25	.05
Laborers:					
Power tool operator	5.70	.25	.10		
Mortar mixers	5.70	.25	.10		
Pipelayers (concrete & clay)	5.70	.25	.10		
Masons, plasterers' tenders	5.70	.25	.10		
Common laborers	5.55	.25	.10		
Lathers	7.415	.30	.20		.025
Lead burners	6.35	.25		c	.01
Line Construction:					
Linemen & hvy. equipment operator	7.90	.35	1%		1%
Cable splicers	8.29	.35	1%		1%
Cable splicers' helpers	7.90	.35	1%		1%
Winch truck driver operator	6.16	.35	1%		1%
Groundmen	4.59	.35	1%		1%

29-FLA-1-m (2-2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters:					
Brush & roller	6.84	.30	.25		.06
Swing stage & window jacks, spray & sandblasting	7.34	.30	.25		.06
Dry wall tapers	7.69	.30	.25		.06
Structural steel, bridge & Ind.:					
Brush, roller, swing, stage bos'n chair	7.05	.25	.20		.06
Spray & sandblasting	7.30	.25	.20		.06
Paperhangers	6.95	.25	.20		.06
Plasterers	7.55	.30	.50		.05
Plumbers	7.70	.35	.40	.75	.05
Roofers	6.85	.25	.20		
Roofers' helpers	3.90	.25	.20		
Roofers, Kettlemen	4.80	.25	.20		
Sheet metal workers	7.56	.38	.35	.15	
Soft floor layers	7.465	.325	.20		.02
Sprinkler fitters	8.71	.40	.60		.10
Steamfitters	7.70	.35	.40	.75	.05
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. Six paid holidays; A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Eight paid holidays: A through F, Washington's Birthday, and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Florida 29-PE0-1-h 1 of 1

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS On building sites and includes roads, parking lots, storm sewer systems, railroads, drain fields, settling basins, pipelines (concrete and/or clay), land cleaning, bulk heads and sea walls, and site preparation exclusive of excavation for buildings.					
HEAVY DUTY EQUIPMENT OPERATORS Cranes, shovels, draglines, pile-drivers (all types), concrete paving machines, ditching machines, mechanics, finish, motor grades, front end loaders, hoist (two drums or more), cherry pickers	$5.88	.325	.30		.05
MEDIUM DUTY EQUIPMENT OPERATORS Motor patrols, bulldozers, rubber tired scrapers (all types), winch trucks, stabilizers, asphalt spreaders, rollers, asphalt rock crushers, concrete mixers (changer pan), light duty hydraulic tractor backhoe, and wellpoint pumps	5.605	.325	.30		.05
LIGHT DUTY EQUIPMENT OPERATORS Finishing machine, bull floats, spray machines, subgraders, rollers on subgrade, pull cats (all types), form grader, bituminous distributor, hoist (less than two drums) and fireman	5.33	.325	.30		.05

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SUPERSEDEAS DECISION

AR-4038 P.2

STATE: Georgia
DECISION NUMBER: AR-4038
Supersedes Decision No. AQ-4104 in 39 FR 15640 dated May 3, 1974
Description of Work: Highway Construction

COUNTIES: Statewide
DATE: Date of Publication

	ZONE I	ZONE II	ZONE III	ZONE IV
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Asphalt Raker	$2.64	$2.76	$3.00	$2.75
Carpenter	4.00	3.42	3.76	3.00
Concrete Finisher (Cement Mason)	3.49	3.30	3.96	3.71
Drill Operator	3.25	2.88	3.18	
Electrician	6.72	6.80 +a	9.55 +b	7.55 +a
Formsetter	3.50	2.92		3.25
Guard Rail Erector		2.75		
Ironworker, Reinforcing	3.00	3.10	3.10	
Laborer	2.50	2.37	2.50	2.25
Mason, Structure (Bricklayer, Brick Mason)	3.50	2.50		5.00
Oiler-Greaser	3.00	2.50	3.25	3.00
Painter		5.00	4.50	4.00
Piledriverman (Piledriver Leadsman)		2.85		2.85
Pipelayer	3.00	2.56	2.50	2.51
Power Equipment Operators:				
Asphalt Distributor	2.75	2.90	2.85	3.30
Asphalt Paving Machine (Asphalt Screed, Asphalt Spreader)	2.98	2.83	3.35	3.25
Backhoe, 1/4 C.Y. or less		2.75		
Backhoe, Over 1/4 C.Y.	3.66	3.00	3.65	4.20
Batching Plant Scalemen (Mixer Box; Concrete, Asphalt, or Base Batch Plant; Pugmill)				3.50
Bulldozer	3.25	3.19	3.34	3.95
Concrete Mixer		2.78	2.78	
Concrete Paving Machine (inc. Slip Form)		3.25	3.25	3.25
Concrete Paving Saw		3.00	3.00	3.00
Crane, Derrick, Dragline	4.00	3.94	4.09	4.00
Front End Loader, 1 C.Y. & less	2.75	2.75	2.60	
Front End Loader, Over 1 C.Y.	3.50	3.00	3.00	3.95
Mechanic	3.00	3.45	3.65	3.50
Motor Grader (Motor Patrol)	3.50	3.50	3.50	4.45
Paint Striping Machine (Liner, Spray Machine)		3.00	3.00	3.00
Pile Driver		3.50	3.50	3.50
Roller	2.85	2.50	2.78	3.00
Scraper (Pan)	$3.25	$3.05	$3.50	$4.00
Shovel	3.75	3.50	3.40	3.75
Stone Spreader (Aggregate Spreader)	2.85	2.84	2.84	2.84
Stabilizer (Traveling Mixer)				3.98
Tractor, 80 HP & Less (Farm Type or Crawler)	2.50	2.42	2.61	2.75
Tractor over 80 HP (Farm Type, Crawler)	3.33	3.00	3.00	3.88
Trenching Machine	3.50			
Power Tool Operator (includes Air Tools, (Chainsaws, Power Saws, etc.)	2.75	2.75	2.75	2.75
Rodman (chainman)		2.85	2.85	2.85
Truck Driver, Single Rear Axle or 2-1/2 tons & less	2.50	2.45	2.74	3.00
Truck Driver, Multi Rear Axle or over 2-1/2 tons	2.81	2.82	3.00	3.00
Welder	4.25	4.00	4.00	4.00

FOOTNOTES:

a. Fringe Benefits- .30 H & W, 1% Pension, .2% App. Tr.

b. Fringe Benefits- 6% H & W, 7%+1% Pension, .5% App. Tr.

COUNTIES

ZONE I
Banks, Barrow, Bartow, Catoosa, Chattooga, Cherokee, Dade, Dawson, Douglas, Elbert, Fannin, Floyd, Forsyth, Franklin, Gilmer, Gordon, Gwinnett, Habersham, Hall, Hancalson, Hart, Jackson, Lumpkin, Madison, Murray, Paulding, Pickens, Polk, Rabun, Stephens, Towns, Union, Walker, White, and Whitfield

ZONE II
Appling, Atkinson, Bacon, Baker, Baldwin, Ben Hill, Berrien, Bibb, Bleckley, Brantley, Brooks, Bryan, Bulloch, Burke, Butts, Calhoun, Camden, Candler, Carroll, Charlton, Chattahoochee, Clarke, Clay, Clinch, Coffee, Colquitt, Columbia, Cook, Coweta, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Effingham, Emanuel, Evans, Fayette, Glascock, Glynn, Grady, Greene, Hancock, Harris, Heard, Henry, Houston, Irwin, Jasper, Jeff Davis, Jefferson, Johnson, Jones, Lanier, Lamar, Laurens, Lee, Liberty, Lincoln, Long, Lowndes, Macon, Marion, McDuffie, McIntosh, Meriwether, Miller, Mitchell, Monroe, Montgomery, Morgan, Muscogee, Newton, Oconee, Oglethorpe, Peach, Pierce, Pike, Pulaski, Putnam, Quitman, Randolph, Richmond, Rockdale, Schley, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Taylor, Telfair, Terrell, Thomas, Tift, Toombs, Treutlen, Troup, Turner, Twiggs, Upson, Walton, Ware, Warren, Washington, Wayne, Webster, Wilcox, Wilkes, Wilkinson, Wheeler, Worth, Jenkins, Screven.

ZONE III
Clayton, Cobb, DeKalb, Fulton

ZONE IV
Chatham

SUPERSEDEAS DECISION

AR-1011 P. 2

STATE: Idaho
DECISION NUMBER: AR-1011
Supersedes Decision No. AQ-1110 dated May 31, 1974, in 39 FR 19414
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

COUNTIES: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Benewah, Bonner, Boundary, Clearwater, Northern half of Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	$8.445	.44	.72		
Remainder of Counties and Southern half of Idaho	7.71	.50	.72		
BOILERMAKERS	7.95	.65	1.00	.50.	.02
BRICKLAYERS; Stonemasons:					
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls Counties	7.40	.25			
Bingham (South half), Bannock, Bear Lake, Caribou, Franklin, Oneida, Power Counties	6.75	.25	.30		
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	7.10	.40	.30		
Idaho, Clearwater, Latah, Lewis, Nez Perce Counties	8.15	.30			
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	8.11				
CARPENTERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the Northern boundary of Township 29 North), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties					
Carpenters	7.89	50	.55		.045
Piledrivermen; Sawfilers; Stationary Power Woodworking Tool Operator; Floor Layer; Floor Finisher; Floor Sander	8.04	.50	.55		.045
Shingler (wood and composition)	8.09	.50	.55		.045
Carpenters (burned, charred, creosoted or similary treated material); Boom Man	8.14	.50	.55		.045
Millwrights and Machine Erector	8.39	.50	.55		.045
Piledriver (creosoted material)	8.29	.50	.55		.045
CARPENTERS; (Cont'd)					
Remainder of Counties and Idaho County (South of the Northern boundary of Township 29 North)					
Carpenters; Floor Layer; Shingler; Drywall Applicator and Installer	$ 7.42	.32	.30	.40	.10
Saw Filer; Piledriverman; Bridgeman and Wharf Builders	7.59	.32	.30	.40	.10
Millwrights; Machine Erectors; Piledriverman's Boom Man	7.71	.32	.30	.40	.10
CEMENT MASONS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.					
Cement Masons	7.83	.45	.60		.04
Gunnite; Power Machine; Power Tools; Power Troweling Machine; Troweling Magnesita or other material with oxichloride base	7.98	.45	.60		.04
Remainder of Counties and Idaho County (South of 46th Parallel)					
Cement Masons	7.20	.40	.30	.20	.10
Power Trowel; Power Grinder; Gunnite and Composition Floor Layer	7.40	.40	.30	.20	.10
ELECTRICIANS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties					
Electricians	8.05	.35	1% + .40		.02
Cable Splicers	8.45	.35	1% + .40		.02
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties					
Electricians	7.95	.30	1%		1%
Cable Splicers	8.745	.30	1%		1%
Remaining Counties					
Electricians-Technicians	8.50	.40	1% + .25		1%
Cable Splicers	9.35	.40	1% + .25		1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.					
Elevator Constructors	7.94	.395	.26	2% + a	
Elevator Constructors' Helpers	70%JR	.395	.26	2% + a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Remainder of Counties and Idaho County (South of 46th Parallel)					
Elevator Constructors	7.50	.395	.26	2% + a	
Elevator Constructors' Helpers	70%JR	.395	.26	2% + a	
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Bonner, Boundary, Kootenai, Shoshone Counties	6.345	.25		b	
Benewah, Clearwater, Idaho (North of 46th Parallel), Latah, Lewis, Nez Perce Counties	6.29	.25		b	
Ada, Adams, Boise, Canyon, Elmore, (except Mt. Home AFB), Gem, Gooding, (Western part of County from a line running north and south through the eastern limits of Bliss), Idaho (Southern part of County from a line running east and west through the North limits of Elk City), Owyhee, Payette, Valley, Washington Counties	5.50	.25	.20	.23	
IRONWORKERS (Ornamental-Structural-Reinforcing)					
Adams, (North of the Weiser-Gibbonsville Line), Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lemhi (North of the Weiser-Gibbonsville Line), Lewis, Nez Perce, Shoshone, Valley, (North of the Weiser-Gibbonsville Line), Washington (North of the Weiser-Gibbonsville Line) Counties	7.95	.48	.80		.05
Remaining Counties and Adams, Lemhi, Valley, Washington Cos. South of the Weiser-Gibbonsville Line	8.09	.50	.75		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington and Idaho County (South of the 46th Parallel)	$6.65				
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.	7.93	.40			
MARBLE SETTERS:					
Clearwater, Idaho, Latah, Lewis, Nez Perce Counties	8.15	.30			
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka, Twin Falls Counties	7.40	.25			
PAINTERS:					
Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding (except Bliss and Western 1/3 of County), Jefferson, Jerome, Lemhi, Lincoln, Madison, Minnidoka, Oneida, Power, Teton, Twin Falls Counties					
Brush; Perfatapers	6.31	.25	.10		
Structural Steel; Swing Stage; Spray	6.76	.25	.10		
Ada, Adams, Boise, Elmore, (except Mt. Home AFB), Gem, Gooding, (Western 1/3 of County incl. Bliss), Owyhee, Idaho (South of the 46th Parallel), Valley, Washington Counties					
Brush, Paperhangers; Drywall Tapers	6.56	.25	.10		.02
Steel	6.66	.25	.10		.02
Sign	6.68	.25	.10		.02
Spray; Sandblasting; Toxic Material	7.03	.25	.10		.02
Elmore (Mt. Home AFB)					
Brush; Paperhangers	7.11	.25	.10		
Structural Steel	7.21	.25	.10		
Spray; Sandblasting; Pressure Roller	7.58	.25	.10		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.					
Brush	$7.53	.25	.45		.01
Spray; Steel; Steam Cleaning; Rollers (over 9" or 10' handle), Finish Drywall Taper	7.78	.25	.45		.01
Swing Stage & over 30 feet high	7.88	.25	.45		.01
Bitumastic; Sand Blast; Bridges; Towers; Stacks; Steeples; Tanks on legs	7.93	.25	.45		.01
Electric, TV and Radio Transmission Towers	8.28	.25	.45		.01
PLASTERERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	7.93	.40			
Remaining Counties	6.50	.32	.20	.20	
PLUMBERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.	7.96	.33	.85	.49	.08
Remaining Counties and Idaho Co. (South of the 46th parallel)	7.39	.37	.40		.05
ROOFERS:					
Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power, Teton Counties	6.90		.20		
Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Idaho, (South of the 46th parallel), Lemhi, Owyhee, Payette, Valley, Washington Counties					
Roofers; Kettlemen	6.55	.23	.15		
Roofers working with coal tar and pitch products	8.05	.23	.15		
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties					
Roofers	6.60	.30	.15		
Roofers working with pitch products	7.60	.30	.15		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS: (Cont'd)					
Clearwater, Idaho (North of the 46th parallel), Latah, Lewis, Nez Perce Counties					
Roofers; Kettlemen; Waterproofers	$7.45				
SHEET METAL WORKERS:					
Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.	8.05	.32	.78	.50	
Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power, Teton Counties	7.47	.22			.01
Remaining Counties	7.41	.32	.30		.04
SOFT FLOOR LAYERS:					
Bannock, Bear Lake, Bingham, (South from a line running east and west thru northern limits of Blackfoot incl. AEC Test Sita), Blaine, Butte (South from a line running east and west thru northern limits of the AEC Test Site), Bonneville (South from a line running east and west thru northern limits of Blackfoot), Camas, Caribou, Cassia, Clark, Franklin, Fremont, Gooding, Jefferson, (that portion containing AEC Test Site), Jerome, Lemhi, Lincoln, Madison, Minnidoka, Oneida, Power, Teton, Twin Falls Counties	6.20				
SPRINKLER FITTERS	9.25	.50	.70		.08
TERRAZZO WORKERS:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	5.95	.40	.30		
Bannock, Bear Lake, Bingham, (Southern Half), Caribou, Franklin, Oneida, Power Counties	5.95	.25	.30		
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	7.98				
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka, and Twin Falls Counties	7.40	.25			

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TILE SETTERS:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	$5.95	.40	.30		
Bannock, Bear Lake, Bingham, (Southern Half), Caribou, Franklin, Oneida, Power Counties	5.95	.25	.30		
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	7.98				
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka, and Twin Falls Counties	7.40	.25			
TILE SETTERS HELPERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties					
Tile Setters Helper	6.10				
Finisher Helper	6.55				

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.
b. All employees who have been employed for a period of one year after the effective date of this agreement shall have two weeks vacation with pay. All employees with 10 years continuous service shall receive three weeks' vacation with pay.

LINE CONSTRUCTION (AREA 1) (Benewah, Bonner, Boundary, Clearwater, Kootenai, Idaho, Latah, Lewis, Nez Perce and Shoshone Counties)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Cable Splicers; Leadman Pole Sprayer	$9.68	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Cerfified Lineman Welder	8.74	.35	1%	.10	1/2%
Tree Trimmer	7.88	.35	1%	.10	1/2%
Line Equipment Man	7.52	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer Man	6.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	6.18	.35	1%	.10	1/2%
Hole Digger	5.91	.35	1%	.10	1/2%
LINE CONSTRUCTION (AREA 2) (Remaining Counties)					
All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all substations of 1,000 KVA or greater capacity, all communications, underground work, 34.5 KV, street and highway lighting and motor traffic controls:					
Groundman	5.66	.35	1%		3/4%
Equipment Operators	6.85	.35	1%		3/4%
Lineman	7.52	.35	1%		3/4%
Cable Splicer	8.272	.35	1%		3/4%
All power construction of 34.5 KV and under when performed for an operating utility. Street lighting when performed for an operating utility or municipality					
Groundman	5.45	.35	1%		3/4%
Equipment Operator	6.39	.35	1%		3/4%
Lineman	7.10	.35	1%		3/4%

LABORERS (AREA 1) (Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$6.55	.40	.55		.02
Group 2	6.70	.40	.55		.02
Group 3	6.80	.40	.55		.02
Group 4	6.85	.40	.55		.02
Group 5	6.90	.40	.55		.02
Group 6	6.95	.40	.55		.02
Group 7	7.00	.40	.55		.02
Group 8	7.20	.40	.55		.02
Group 9:					
Class A	6.60	.40	.55		.02
Class B	6.65	.40	.55		.02
Class C	7.05	.40	.55		.02
Class D	7.10	.40	.55		.02
LABORERS (AREA 2) (Remaining Counties and that portion of Idaho County South of the 46th Parallel)					
Group 1	5.82	.40	.45	.20	.10
Group 2	5.92	.40	.45	.20	.10
Group 3	6.02	.40	.45	.20	.10
Group 4	6.12	.40	.45	.20	.10
Group 5	6.17	.40	.45	.20	.10
Group 6	6.42	.40	.45	.20	.10
Group 7	6.67	.40	.45	.20	.10
UNDERGROUND WORK					
Group 8	5.97	.40	.45	.20	.10
Group 9	6.12	.40	.45	.20	.10
Group 10	6.42	.40	.45	.20	.10

POWER EQUIPMENT OPERATOR-(AREA 1) (Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel)	Basic Hourly Rates ZONE 1*	Basic Hourly Rates ZONE 2*	Basic Hourly Rates ZONE 3*	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$ 7.25	$ 7.75	$ 8.20	.65	.75		.03
Group 2	7.55	8.05	8.50	.65	.75		.03
Group 3	8.05	8.55	9.00	.65	.75		.03
Group 4	8.20	8.70	9.15	.65	.75		.03
Group 5	8.35	8.85	9.30	.65	.75		.03
Group 6	8.60	9.10	9.55	.65	.75		.03
Group 7	8.85	9.35	9.80	.65	.75		.03

*ZONE 1: Within a 15 mile radius from the City center of the following Cities: Coeur d' Alene and Lewiston, Idaho; and Spokane, Washington.
*ZONE 2: From a 15 to 45 mile radius from the center of the above named Cities.
*ZONE 3: Over a 45 mile radius from the center of the above named Cities.

POWER EQUIPMENT OPERATORS-(AREA 2) (Remaining Counties and that portion of Idaho County South of the 46th Parallel)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$ 6.95	.50	.45		.10
Group 2	7.11	.50	.45		.10
Group 3	7.33	.50	.45		.10
Group 4	7.64	.50	.45		.10
Group 5	7.81	.50	.45		.10
Group 6	7.99	.50	.45		.10
Group 7	8.35	.50	.45		.10
Group 8	8.58	.50	.45		.10
Group 9	8.81	.50	.45		.10
Group 10	9.05	.50	.45		.10

TRUCK DRIVERS - (AREA 1) (Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$ 7.35	.72	.65		
Group 2	7.40	.72	.65		
Group 3	7.45	.72	.65		
Group 4	7.55	.72	.65		
Group 5	7.65	.72	.65		
Group 6	7.70	.72	.65		
Group 7	7.75	.72	.65		
Group 8	7.80	.72	.65		
Group 9	7.90	.72	.65		
Group 10	7.95	.72	.65		
Group 11	8.15	.72	.65		
Group 12	8.30	.72	.65		
Group 13	8.45	.72	.65		
Group 14	8.60	.72	.65		
TRUCK DRIVERS - (AREA 2) (Remaining Counties and that portion of Idaho County South of the 46th Parallel)					
Group 1	6.70	.50	.50	.15	.10
Group 2	6.76	.50	.50	.15	.10
Group 3	6.82	.50	.50	.15	.10
Group 4	6.88	.50	.50	.15	.10
Group 5	6.93	.50	.50	.15	.10
Group 6	7.04	.50	.50	.15	.10
Group 7	7.10	.50	.50	.15	.10
Group 8	7.16	.50	.50	.15	.10
Group 9	7.27	.50	.50	.15	.10
Group 10	7.33	.50	.50	.15	.10
Group 11	7.39	.50	.50	.15	.10
Group 12	7.45	.50	.50	.15	.10
Group 13:					
Class A	6.93	.50	.50	.15	.10
Class B	7.04	.50	.50	.15	.10
Class C	7.27	.50	.50	.15	.10
Class D	7.45	.50	.50	.15	.10
Class E	7.56	.50	.50	.15	.10
Class F	7.68	.50	.50	.15	.10
Class G	7.96	.50	.50	.15	.10
Class H	8.19	.50	.50	.15	.10
Class I	8.42	.50	.50	.15	.10
Group 14	7.84	.50	.50	.15	.10

LABORERS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine - 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, and right of way markers); General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaleman; Stake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move and position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw Walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flocrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

LABORERS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 7: Brush Machine (to include Horizontal Construction Joint Clean-up Brush Machine, power propelled); Drills (to include Down-the-hole Drills with 3½ inch piston or larger and Out-of-the-hole Drills with 4½ inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, Air Track or similar mounting; Nozzleman (to include Jet Blasting Nozzleman over 1,200 pounds, Jet Blast Machine, power propelled, Sand Blast Nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with Dual Masts and Drills; Powderman

TUNNEL AND SHAFT, FREE AIR

Group 9:
- Class A: Bull Gang, Pump Crete Crewman including distributing pipe, assembling and dismantle and Nipper
- Class B: Brakeman, Dumpman
- Class C: Miner and Nozzleman for concrete and Laser Beam Operator on tunnels
- Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (AREA 2)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 1: General Laborers, Sloper, Clearing and Grading; Form Stripper; Concrete Crew; Concrete Curing Crew; Carpenter Tender; Asphalt Laborer; Hopper Tender; Flagman, (including Pilot Car), Watchman, Heater Tender; Stake Jumper, Choker Setter; Spreader and Weighman; Power Wheelbarrow; Scouring Concrete; Rip Rap Man (hand placed); Fence Erector and Installer - manual or mechanical (includes the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Crusher Helper; Cribbing and Shoring (in open ditches); Machinery and Parts Cleaner; Leverman - manual or mechanical; Demolition - salvage; Landscaper; Tool Room Man; Janitor

LABORERS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 2: Chuck Tender; Driller Helper; Air Tampers; Gunite Nozzleman Tender; Pipewrapper Ter Pot Tender; Concrete Sawyer; Signalman, handling cement; Dumpman; Steam Nozzleman; Air and Water Nozzleman (Green Cutter, concrete); Vibrator (less than 4"); Pumpcrete and Grout Pump Crew; Hydraulic Monitor

Group 3: Pipelayer, including sewer, drainage, sprinkler systems and water lines; Free Air Caisson; Jackhammer; Paving Breaker; Powderman Helper; Asphalt Raker, Gasoline Powered Tamper; Electric Ballast Tamper; Sand Blasting Form Setter - Airport Paving; Gunman (Gunite); Manhole Setter; Hand Guided Machines, such as Roto Tillers, Trenchers, Post Hole Diggers, Walking Garden Tractors, etc.; Form Setter (Highway Curb and Gutter); Vibrator (4" and over); Timber Faller and Bucker; Metal Pan Installer

Group 4: Hod Carrier; Mason Tender; Plaster Tender; Mason Tender (concrete); Terrazzo-Tile Tender

Group 5: Highscaler; Wagon Drill; Grade Checker; Gunite Nozzleman; Diamond Drillers on Drills.

Group 6: Drill with Manufacturers' rating 3" or over

Group 7: Powderman

UNDERGROUND WORK

Group 8: Reboundman; Chucktender; Nipper; Dumpman; Vibrator (less than 4"); Brakeman; Muckers; Bullgang

Group 9: Form Setter and Mover

Group 10: Miners; Machinemen; Timbermen; Steelmen; Drill Doctors; Spaders and Tuggers; Spiling and/or Caisson Workers, Vibrator (on 4")

POWER EQUIPMENT OPERATORS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minum gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all type on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

34990 NOTICES 34991 NOTICES

POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesal, or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loader (Bucket Elevators and Conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (Hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with Power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit)(Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Linning Machine (concrete); Chipper (Without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pumpcrete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Elevating Belt-type Loader (Euclid, Barber Greene, or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist, (2 or more drums or tower hoist); Loaders (overhead and front-end under 4 yards, R/T); Locomotive Engineer; Mixer-mobile; Mucking Machines; Paver or Curb Extruder (asphalt and concrete); Pump (Grout or Jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler, including Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (raverse circulation drill, under 8")

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 4: Asphalt Plant Operator; Crusher, Grizzla and Screening Plant Operator; H. D. Mechanic; H. D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers) (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 65 tons); Derricks and Stiffleg (under 65 tons); Draglines (under 3 yards); Drilling Equipment (8" bit and over)(Robbin's Reverse Circulation and similar); Loader Operator (Front end and Overhead 4 yards to 8 yards); Piledriving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar); Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with two scrapers; Shovels (under 3 yard yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front-end over 8 to 12 yards); Rubber-tired Scrapers (multi-pla engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (AREA 2)

Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 1: Brakemen; Crusher; Plant Feeder (mechanical); Deckhand; Drill Helpers; Grade Checkers; Heater Tender; Land Plane; Oilers; Pumpman; Rear Chainman

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 2: Air Compressor, Assistant Refrigeration Plant Operator, Ball Boy, Bit Grinder Operator, Blower Operator (cement), Bolt Threader Machine Operator, Broom, Cement Hog, Concrete Mixer, Concrete Saw - Multiple Cut, Discing - Harrowing or Mulching (regardless of motive power), Distributor Leverman, Drill Steel Threader Machine Operator, Fireman - All, Heavy Duty Mechanic Helper or Welder Helper, Head Chainman, Hoist - single drum, Hydraulic Monitor Operator - skid mounted, Oiler (single piece of equipment), Pugmixer - Box or Screed Operator, Spray Curing Machine, Tractor - Rubber Tired Farm type using attachments

Group 3: A-Frame Truck (Hydra Lift, Swedish Cranes, Ross Carrier, Hyster on construction jobs), Battery Tunnel Locomotive, Belt Finishing Machine, Cable Tenders (Underground), Chip Spreader Machine (self-propelled), Hoist - 2 or more drums or Tower Hoist, Hydralift - Fork Lift and similar (when hoisting), Oilers (Underground), Power Loader (Bucket Elevator, Conveyors), Rodman, Road Roller (regardless of motive power).

Group 4: Boring Machine (Earth or Rock) Quarrymaster - Joy - Tractor mounted, Drills: Churn - Core - Calyx or Diamond, Front End and Overhead Loaders and similar Machines - (up to and including 4 yards) - (Rubber-tired), Grout Pump, Hydra-hammar, Instrument Man, Locomotive Engineer, Longitudinal Float Machine, Mixermobile, Spreader Machine, Tractor - Rubber-tired - using Backhoe, Transverse Finishing Machine, Trenching Machines, Waggoner Compactor and similar, Asphalt Spreaders

Group 5: Concrete Plant Operator, Concrete Road Paver (Dual), Elevating Grader Operator, Euclid Elevating Loader, Generator Plant Operator-Machanic (diesel electric), Post Hole Auger or Punch Operator, Power Shovels and Draglines - under 1 yard, Pumpcrete, Refrigeration Plant Operator, Road Roller (Finishing High Type Pavement), Skidder - Rubber-tired, Sub Grader, Multiple Station Beltline Operator (Teton Dam Project only); Service Oiler

Group 6: Asphalt Pavers - self-propelled, Asphalt Plant Operator, Blade Operator (Motor Patrol), Concrete Slip Form Paver, Cranes - up to and including 50 ton, Crusher Plant Operator, Derrick Operator, Drilling Equipment (Bit under 8 inches) (Robbins Reverse Circulation and similar), Front End and Overhead Loaders and similar Machines-(over 4 yards to and including 7 yards), Koehring Scooper, Heavy Duty Mechanic or Welder, Mucking Machine (Underground), Multi-batch Concrete Plant Operator, Piledriver Engineer, Power Shovels and Draglines (1 yard to and including 3½ yards), Tower Crane Operator, Tractor - Crawler Type - including all attachments, Refrigeration Plant Operator (over 1,000 tons), Trimmer Machine Operator, Tournapulls - Euclid and similar - to and including 40 yards

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 7: Cableway Operator, Continuous Excavator (Barber Greene WL-50), Cranes - over 50 ton, Dredges, Drilling Equipment (Bit 8 inches and over) (Robbins Reverse Circulation and similar), Fine Grader - CMI or Equivalent, Front End and Overhead Loaders and similar Machines - (over 7 yards), Power Shovels and Draglines over 3½ yards, Quad type Tractors with all attachments, Tournapulls - Euclid and similar - over 40 yards to and including 50 yards, Multiple Scraper Units.

Group 8: Tournapulls - Euclid and similar - over 50 yards to and including 75 yards

Group 9: Tournapulls - Euclids and similar - over 75 yards to and including 100 yards

Group 10: Tournapulls - Euclids and similar - over 100 yards

TRUCK DRIVERS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Flat Bed Truck, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer);(Helper and Swamper; Leverperson loading (trucks at bunkers; Pickup hauling materiel; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

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TRUCK DRIVERS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 2: Bus Driver or Employeehaul Driver; Flat bed truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-trailer, low bed, truck and trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water tank truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flaherty Spreader, Box Driver; Flat bed truck (using power take off); Fork Lift (over 3,000 pounds); Oil Distributor Driver (road, bootperson, leverperson helper); Rubbertired tunnel jumbo; Scissor truck; Slurry Truck Driver; Transit mixers and trucks hauling concrete (over 3 yards to 6 yards); Water tank truck (4,001 - 6,000 gallons); Wrecker and tow trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2 Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water tank truck (over 6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit mixers and trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

Group 8: Low Boy (over 50 tons), Water tank truck (8,001 - 10,000 gallons)

Group 9: Transit mixers and trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water tank truck (10,001 - 12,000 gallons)

Group 10: Mechanic, field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water tank truck (12,001 - 14,000 gallons)

Group 12: Transit mixers and trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps, (over 50 yards to 100 yards)

TRUCK DRIVERS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (AREA 2)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 1: Leverman loading at bunkers; Pilot Car or Escort Driver

Group 2: Flat bed - 2 axle and pickup hauling material; Water tank truck (1,800 gallons and under); Fork lift (3,000 and under)

Group 3: Flat bed - 3 axle, fuel truck (1,000 gallons and under); Greaser; Tireman; Serviceman; Buggymobile; Man haul (Shuttle truck or bus)

Group 4: Transit mix truck - 3 yds. and under; Warehouseman; Truck helpers; Slurry or concrete pumping truck

Group 5: Flat bed using power takeoff; Water tank truck (over 1,800 - 4,000 gallons); Semi-trailer - Low boy - up to 96,000 lbs. GVW, Bulk cement tanker - up to 96,000 lbs. GVW; Fork lift - over 3,000 lbs. (Bull lift, Hydro lift); Ross, Hyster and similar straddle equipment; "A" Frame truck (Swedish Crane, Iowa 3,000, Hydro-lift)

Group 6: Transit mix truck, over 3 yds. - 6 yds.

Group 7: Water tank truck - over 4,000 gallons; Fuel truck - over 1,000 gallons; Distributor or spreader truck

Group 8: Transit mix truck - over 6 yds. - 8 yds.; Dumptors; Field Tireman; Serviceman

Group 9: Transit mix truck - over 8 yds. - 10 yds.; Snow Plow (Truck Mounted)

Group 10: Low boy - 96,000 lbs. GVW and over; Bulk cement tanker - 96,000 lbs. GVW and over

Group 11: Transit mix truck - over 10 yds.

Group 12: Turnarocker and similar equipment

TRUCK DRIVERS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 13:
Truck - side, end and bottom dump
Class A: 6 yds. and under
Class B: Over 6 yds. - including 12 yds.
Class C: Over 12 yds. - including 20 yds.
Class D: Over 20 yds. - including 30 yds.
Class E: Over 30 yds. - including 40 yds.
Class F: Over 40 yds. - including 50 yds.
Class G: Over 50 yds. - including 75 yds.
Class H: Over 75 yds. - including 100 yds.
Class I: Over 100 yds.

Group 14: Truck mechanic

SUPERSEDEAS DECISION

STATE: Mississippi
DECISION NUMBER: AR-4041

COUNTIES: Harrison, Hancock, Jackson & Pearl River
DATE: Date of Publication

Supersedes Decision No. AR-4032 in 39 FR 33161 dated September 13, 1974
DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy, sewer, water & highway construction.

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers (Pearl River County)	$7.25	.40	.90		
Asbestos Workers (Jackson, Hancock, and Harrison)	7.70	.395	.75	c	.02
Boilermakers	7.13	.40	.70		.01
Bricklayers:					
Bricklayers	7.20		.15		
Stonemasons	7.20		.15		
Marble Masons	7.20		.15		
Terrazzo Workers	7.10		.15		
Tile Setters	7.10		.15		
Plasterers	7.10		.15		
Blockmasons	7.20		.15		
Caulkers & Pointers	7.20		.15		
Cement Masons	6.58		.15		
Carpenters:					
Carpenters	7.00				
Soft Floor Layers	7.00				
Millwrights	7.32				
Electricians:					
Electricians	7.80	.25	1%+.20		1/8%
Cable Splicers	8.05	.25	1%+.20		1/8%
Elevator Constructors:					
Elevator Constructors	6.39	.345	.23	2%+a+b	.015
Helpers	4.47	.345	.23	2%+a+b	.015
Helpers (probationary)	50%JR				
Glaziers	5.00				
Ironworkers:					
Structural, Ornamental, & Reinforcing	8.13	.30	.30		
Laborers:					
Laborers	4.35	.10	.10		
Asphalt Rakers, Mason Tenders, Mortar Mixers, Masonry Cleaners, Pipelayers (sewer, Power Saw Oper.) Pipe Wrapping, Power Post Hole Drillers, Railroad Men, Sand Blasting, and Vibrator-Jackhammer.	4.50	.10	.10		
Lathers	6.00		.10		.01
Line Construction:					
Linemen	7.80	.25	1%+.20		1/8%
Cable Splicers	8.05	.25	1%+.20		1/8%
Groundmen:					
1st 6 months	3.40	.25	1%+.20		1/8%
Thereafter	4.08	.25	1%+.20		1/8%

BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters (Jackson County):					
Commercial					
Brush	$5.83				.05
Roller	6.00				.05
Spray	6.68				.05
Industrial					
Brush	6.55				.05
Spray & Sandblasting	7.80				.05
Painters (Hancock, Harrison, Pearl River):					
Commercial					
Brush & Roller	5.30				.03
Spray	6.55				.03
Structural Steel under 30'					
Brush & Roller	5.55				.03
Spray	6.55				.03
Piledrivermen	7.02	.30	.30		
Piledrivermen on Creosote Material	7.26	.30	.30		
Plumbers & Steamfitters	7.70	.24	.20		.01
Roofers:					
Roofers	6.70				
Helpers	4.40				
Kettlemen	5.00				
Sheet Metal Workers	7.315	.25	.40	.25	.10
Sprinkler Fitters	8.60	.50	.70		.08

PAID HOLIDAYS

A-New Year's Day B-Memorial Day C-Independence Day
D-Labor Day E-Thanksgiving Day F-Christmas Day

FOOTNOTES:

a. Holidays: A through F

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: Labor Day, Mardi Gras Day, provided the employee works at least one day out of the 3 workdays prior to the paid holiday, and the first workday after the paid holiday.

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
POWER EQUIPMENT OPERATORS:		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.75	.25	.25		
GROUP 2	6.80	.25	.25		
GROUP 3	6.55	.25	.25		
GROUP 4	6.00	.25	.25		
GROUP 5	5.45	.25	.25		
GROUP 6	5.45	.25	.25		

GROUP 1:
Engineer - operating under air pressure

GROUP 2:
Mechanic

GROUP 3:
Air tugger (2 drum), asphalt plant, backhoe , blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, crane, derrick, derrick boat, derrick car, dragline, dredge, elevating grader, excavator (power belt), fork lift, hoist (2 drum), locomotive engineer, marine engineer (chief), master pilot, mixermobile, motor patrol & similar type equipment, paver (21 C.F. or larger), piledriver, recharger, roaming greaser (1st), scoop (skimmer), scraper, shovel, trenching machine (over 18" bucket line width), tournapull, DW-10 & similar pulltype scrapers, traxcavator and similar endloaders, welder, welding machines or S/W pumps (2 to 6), well driller, well point pumps

GROUP 4:
Air tugger, asphalt spreader (bituminous distributor) asphalt spreader (bituminous mixer), backfilling machine, conveyor, drill (earth), finishing machine, fireman, heating plant, hoist, marine engineer (assistant), mixer, payloader, and similar endloaders, pilot, power generating plant, pump (concrete), roller, scoopmobile, tractor (with power take-off), trenching machine (18" or smaller bucket line width), tugboat, well driller (1st helper), winch truck

GROUP 5:
Air compressor, form grader, locomotive hostler, mechanic helper, oiler (truck crane), pump, roughneck, tractor (without attachments), welding machine

GROUP 6:
Batch scale, deckhand, motorboat (in or outboard), oiler, scowman

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
TRUCK DRIVERS:		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$5.04	.28	.25		
GROUP 2	5.51	.28	.25		
GROUP 3	6.55	.28	.25		
GROUP 4	7.12	.28	.25		
GROUP 5	5.04	.28	.25		
GROUP 6	4.41	.28	.25		

GROUP 1:
Up to and including 1½ tons such as station wagons, jeeps, autos, pick-up trucks, motorcycles, bicycles, truck spotters, teamsters, team drivers

GROUP 2:
1½ tons up to but not including 5 tons such as dump trucks, flat beds, stake bodies, bus drivers, winch and "A" frame trucks

GROUP 3:
5 tons or 6 yards and over including heavy equipment such as pole trucks, miss or corning wagons, dumpsters, semi-drivers, agitators, ross carriers, dempsey dumps, euclid trucks, forklift truck in warehouses and similar equipment such as tractors, 10 wheelers, jeeps, or dump trucks or pick-up trucks pulling 2 or 4 wheel trailers hauling equipment

GROUP 4:
Truck and auto mechanics

GROUP 5:
Truck drivers' helpers, unloaders, unloading and handling creosote or coppertox material

GROUP 6:
Truck drivers' helpers

SEWER, WATER, & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Tool Operator	$2.00				
Asphalt Raker	2.50				
Bricklayer	4.25				
Carpenter	3.50				
Cement Mason (Finisher)	3.25				
Concrete Saw Operator	3.50				
Electrician	5.40				
Form Setter	2.50				
Grade Checker	2.25				
Ironworker, Reinforcing	3.50				
Ironworker Helper, Reinforcing	2.25				
Ironworker, Structural	3.15				
Laborer, Unskilled	2.00				
Mason Tender (Cement Mason Helper)	2.50				
Painter (Structural Steel)	3.75				
Piledriverman	3.00				
Truck Driver	2.00				
Tugboat Operator	2.50				
Welder	3.50				
Power Equipment Operators:					
"A" Frame Truck (winch)	2.40				
Aggregate Spreader	2.71				
Air Compressor	2.60				
Asphalt Distributor Spreader	2.80				
Asphalt Plant	2.90				
Backhoe or Shovel Operator	3.25				
Bulldozer Operator	3.00				
Concrete Batch Plant	3.25				
Concrete Finishing Machine	3.00				
Concrete Paving Machine	3.30				
Concrete Spreader Machine	2.85				
Crane, Dragline	3.50				
Crusher Feeder	2.75				
Curing Machine	2.90				
Earth Auger	3.00				
Fireman	3.00				
Guard Rail Post Driver	2.50				
Joint Filler	2.90				
Loader (all types)	3.00				
Mechanic	3.40				
Mixer (all types)	3.00				
Motor Patrol	3.25				
Mulcher	2.00				
Oiler-Greaser	2.40				
Piledriver	3.50				
Roller (self propelled)	2.50				

SEWER, WATER, & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd)					
Pipelayers	$2.35				
Scales (all types)	2.35				
Scraper	3.00				
Striping Machine	3.25				
Sub Grade Machine	3.25				
Tractor (track type)	2.25				
Tractor (wheel type)	2.00				
Trenching Machine	2.50				

SUPERSEDEAS DECISION

STATE: Montana
DECISION NUMBER: AR-1039
Supersedes Decision No. AR-1018 dated August 16, 1974, in 39 FR 29864
COUNTIES: Statewide
DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction(excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 8.445	.44	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS:					
Deer Lodge, Granite and Powell Counties	6.35				
Beaverhead, Jefferson, (except Northern Tip of County), Madison and Silver Bow Counties	7.80				
Gallatin and Park Counties	7.75				
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweetgrass, Stillwater, Treasure, Wibaux and Yellowstone Counties	8.80		.25		.02
Broadwater, Lewis & Clark and Meagher, and Jefferson (Northern Tip)	7.90	.30			
Cascade, Chouteau, Glacier, Pondera, and Teton Counties	8.25	.25	.30	.30	
Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole and Valley Counties	7.00				
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	7.10	.30	.25		
CARPENTERS:					
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Liberty, Meagher, Pondera, Teton and Toole Counties					
Carpenters	6.97	.40	.55		.02
Piledrivermen; Saw Filers, Sawmen	7.22	.40	.55		.02
Millwrights	7.47	.40	.55		.02
Blaine and Hill Counties:					
Carpenters	6.36	.30	.45		.02
Broadwater, Lewis & Clark Counties:					
Carpenters	6.25	.30	.45		.02
Piledrivermen	6.40	.30	.45		.02
Millwrights	6.50	.30	.45		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS: (Cont'd)					
Daniels, Phillips, Sheridan and Valley Counties:					
Carpenters	$ 6.00	.30	.45		.02
Piledrivermen	6.25	.30	.45		.02
Millwrights	6.50	.30	.45		.02
Wheatland County					
Carpenters	6.27	.30	.45		.02
Floor sanders; Sawmen	6.395	.30	.45		.02
Piledrivermen	6.42	.30	.45		.02
Millwrights	6.57	.30	.45		.02
Flathead, Lincoln, Lake (Northern Area including Town of Ravalli from a point where Hwy. #10A and Hwy. #93 intersect), Mineral (Northern area including the Town of Superior), Sanders (except S. E. portion)					
Carpenters	6.66	.30	.45		.02
Sawmen; Filers; Piledrivers; Carpenters working burned, charred, creosoted or similar treated material	6.35	.30	.45		.02
Millwrights and machine erectors	6.50	.30	.45		.02
Lake (Southern area, south of Ravalli), Mineral (area southeast of southeast city limits of the Town of Superior), Missoula and Sander (S. E. portion)					
Carpenters	6.32	.30	.45		.02
Millwrights; Piledriver; Power saw; Saw Filer	6.57	.30	.45		.02
Big Horn, Carbon, Garfield, Golden Valley, Musselshell, Petroleum, Rosebud, Stillwater, Treasure and Yellowstone Cos.					
Carpenters	6.27	.30	.45		.02
Floor sander; Sawmen	6.395	.30	.45		.02
Piledrivermen	6.42	.30	.45		.02
Millwrights	6.57	.30	.45		.02
Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Roosevelt and Wibaux Counties					
Carpenters	6.00	.30	.45		.02
Piledrivermen	6.25	.30	.45		.02
Millwrights	6.50	.30	.45		.02

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CARPENTERS: (Cund't)					
Beaverhead and Silver Bow Counties	6.36	.40	.55	.75	.02
Deer Lodge, Granite, Powell (Southern area) Countius	6.11	.30	.45	.25	.02
Gallatin, Madison (East of Madison River), Park and Sweetgrass Cos.	6.51	.40	.55		.02
Powell (Northern area) and Ravalli Counties	5.97	.30	.35		.01
Jefferson, Madison (West of the Madison River)	6.25	.30	.45		.02
CEMENT MASONS:					
Flathead, Lake, (North of the City of Ronan), Lincoln and Sanders (North of the City of Plains) Counties	6.95	.37			
Lake (Southern area, including the City of Pablo), Mineral, Missoula and Sanders (Southern area, including the City of Paradise) Counties	6.85	.35			
Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Yellowstone and Wheatland Counties	6.00	.35			
Park and Sweetgrass Counties	5.95	.25			
Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud and Wibaux Counties	5.75				
Beaverhead, Deer Lodge, Jefferson (Southern area including Town of Wickes), Madison, Powell (South portion including the Town of Deer Lodge) and Silver Bow Cos.	7.45	.35	.25		
Gallatin County	5.95	.25			
Granite, Powell (North portion including the City of Helmville), and Ravalli Counties	6.85	.35			
Jefferson County (Area North of the Town of Wickes)	6.22				
Wheatland County	6.00	.35			
Broadwater, Lewis & Clark and Meagher Counties	6.22				
Glacier County	6.15	.20			
Blaine, Cascade, Chouteau, Hill, Liberty, Pondera, Teton and Toole Counties	7.35	.40			

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS:					
Beaverhead, Jefferson, Madison, Silver Bow, Deer Lodge, Granite and Powell Counties	$ 7.80	.35	1%		1/2%
Gallatin County	7.30	.20	1%		1/2%
Broadwater, Lewis and Clark and Meagher Counties					
Electricians	7.55		1%		1/2%
Blaine, Hill, Liberty and Phillips Counties					
Electricians	7.50		1%		1/2%
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Counties					
Electricians	8.38	.32	1%		1/2%
Cable splicers	8.63	.32	1%		1/2%
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties					
Electricians	7.55	.20	1%		1/2%
Cable splicers	7.95	.20	1%		1/2%
Big Horn, Carbon, Golden Valley, Musselshell, Powder River, Rosebud, Stillwater, Treasure and Yellowstone Counties					
Electricians	8.32	.20	1%		1/2%
Cable splicers	8.77	.20	1%		1/2%
Fergus and Petroleum and Wheatland Counties					
(Electrical contracts less than $20,000)	6.00	.20	1%		1/2%
(Electrical contracts $20,000 or more)	7.00	.20	1%		1/2%
Park and Sweetgrass Counties	7.40	.20	1%		1/2%
Carter, Daniels, Dawson, Fallon, McCone, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties	7.65	.20	1%		1/2%
Custer and Garfield Counties	6.84		1%		1/2%
ELEVATOR CONSTRUCTORS	7.01	.395	.26	2 - 1/2%	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2 - 1/2%	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
IRONWORKERS:					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, (Southern half including Wolf Creek), Madison, Park, Powell, Ravalli and Silverbow Counties	$ 7.55	.50	.65		.05
Flathead, Glacier, Lake Lincoln, Mineral, Missoula and Sander Cos.	7.95	.48	.65		.05
Remaining Counties (including Northern half of Lewis and Clark County)	8.28	.50	.75		.05
MARBLE MASONS:					
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	7.10	.30	.25		
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Stillwater, Sweetgrass, Treasure, Wibaux and Yellowstone Counties	7.75				.02
Gallatin and Park Counties	7.10				
Broadwater, Lewis & Clark, Meagher and Jefferson (Northern area) Counties	6.85	.30			
Cascade, Chouteau, Glacier, Pondera and Teton Counties	7.95	.25			
Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole and Valley Counties	7.00				
PAINTERS:					
Beaverhead, Jefferson, Madison and Silverbow Counties:					
Brush	5.82	.25	.10		
Spray	8.60	.25	.10		
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Treasure, Valley, Wthaux and Yellowstone Counties					
Brush	5.84	.25	.20		
Steel	6.09	.25	.20		
Spray	6.82	.25	.20		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Cascade, Chouteau, Fergus, Glacier, (excluding Glacier National Park), Judith Basin, Lewis & Clark N 1/2, Pondera, Teton and Toole Counties					
Brush	$ 5.85	.34	.30		
Brush on steel	6.35	.34	.30		
Spraying; Sandblasting	8.10	.34	.30		
Granite (Northern area north limits of Phillipsburg), Lake (Southern area including City of Ronan), Mineral, Missoula, Powell (Northern Area through south limits of Helmville), Ravalli and Sanders (Area south of Thompson Falls) Counties					
Brush; Spray; Sign painters	6.17	.34	.50		
Broadwater, Gallatin, Jefferson (N. E. of the City of Boulder), Lewis & Clark (Southern area including the City of Craig), Madison (East of the west limits of the City of Harrison), Meagher, Park, Sweetgrass and Wheatland Counties					
Brush	6.16	.25	.20		
Spray and steel	7.16	.25	.20		
Taping, hand	6.91	.25	.20		
PLASTERERS:					
Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland and Yellowstone Counties	6.05	.35			
Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud and Wibaux Counties	5.75				
Gallatin, Park and Sweetgrass Counties	5.80	.25			
Daniels, Phillips, Roosevelt, Sheridan and Valley Counties	7.00				
Broadwater, Lewis & Clark, Meagher, Jefferson (Northern tip) and Powell (Central portion south of a line running E-W south of the Town of Helmville) Counties	6.30	.25	.15		.05

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
PLASTERERS: (Cont'd)					
Granite, Lake (southern area, including the City of Pablo), Mineral, Missoula, Powell (northern area including the City of Helmville), Ravalli and Sanders (south portion, including the City of Paradise) Counties	$ 7.10	.35			
Blaine, Cascade, Chouteau, Hill, Liberty, Pondera, Teton and Toole Counties	7.95	.25			
Beaverhead, Deer Lodge, Jefferson (southern area, including the Town of Wickes), Madison, Powell (south of a line running E-W north of the Town of Deer Lodge) and Silver Bow Counties	7.45	.35	.25		
Flathead, Glacier, Lake (northern area, including the City of Ronan), Lincoln and Sanders (north of the City of Plains) Counties	6.45	.20			
PLUMBERS:					
Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties	6.93	.35	.30		.05
Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole and Valley Counties	7.75	.35	.60		1%

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
PLUMBERS: (Cont'd)					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis & Clark, Madison, Park, Powell, Silverbow and Sweetgrass Counties	$ 7.50	.25	.35		.05
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties	7.75	.40	.40		1-1/2%
ROOFERS:					
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Richland, Rosebud, Stillwater, Treasure, Wibaux and Yellowstone Counties	6.585				
Blaine, Cascade, Chouteau, Daniels, Fergus, Garfield, Glacier, Hill, Judith-Basin, Liberty, Lewis & Clark, McCone, Petroleum, Phillips, Pondera, Roosevelt, Sheridan, Teton, Toole and Valley Counties	6.15				
Beaverhead, Deer Lodge, Jefferson, Madison, Powel and Silver Bow Counties	5.62	.37	.35	.50	
Flathead, Granite, Lake, Lincoln, Mineral Missoula, Ravalli and Sanders Counties	6.10				
Broadwater, Gallatin, Meagher, Park, Sweetgrass and Wheatland Counties	6.35	.37			

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS:					
Blaine, Cascade, Chouteau, Clacier, Hill, Judith Basin, Liberty, Pondera, Teton and Toole Counties	$ 7.76	.32	.25		.04
Gallatin County	7.05	.32	.20		.02
Broadwater, Jefferson (N. 1/2 including City of Boulder), Lewis and Clark and Meagher Counties	7.14	.32	.20		.04
Lake, Mineral, Missoula, Ravalli and Sanders Counties	7.19	.27	.20		.01
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Garfield, Golden Valley, McCone, Musselshell, Patroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	7.05	.32	.20		.02
Beaverhead, Deer Lodge, Granite, Jefferson (S 1/2), Madison, Powell and Silver Bow Counties	7.00	.32	.20		
Flathead and Lincoln Counties	7.17	.27	.20		.01
SPRINKLER FITTERS	7.85	.50	.70		.08
TERRAZZO WORKERS AND TILE SETTERS:					
Broadwater, Lewis and Clark, Meagher and Jefferson (Northern area) Counties	6.85	.30			
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweetgrass, Stillwater, Treasure, Wibaux and Yellowstone Counties	7.90		.25		.02
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	7.10	.30	.25		
Gallatin and Park Counties	7.75				
Cascade, Chouteau, Glacier, Pondera and Teton Counties	6.50	.30	.30		

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day, C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Beaverhead, Deer Lodge, Jefferson, Madison, Powell (excluding SE portion) and Silver Bow Counties					
General laborer; Axeman; Carpenter tender; Car and truck loaders, Scissorman; Chuck tender and nipper (above ground); Cosmolene, applying and removing; Fence erector and installer incl. the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Form stripper; Form setter; Landscape laborer; Nozzleman-air and water, gunnite and place machine; Pilot car; Riprap helper; Scaleman; Sod cutter (hand operated) (General laborer); Stake jumper for equipment; Tool checker, tool-houseman	$5.00	.37	.27	.50	.03
Riprapper; Sandblaster; Sandblaster tailhouseman; Pot tender	5.07	.37	.27	.50	.03
Hand Faller	5.08	.37	.27	.50	.03
Post Hole Digger (power auger)	5.09	.37	.27	.50	.03
Concrete or asphalt saws; Tar pot operator	5.10	.37	.27	.50	.02
Powderman Helper	5.12	.37	.27	.50	.02
Caisson workers (free air); Chocker setter; Pipe wrapper; Power saw (bucking); Spike driver, single or dual or hand	5.16	.37	.27	.50	.02

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LABORERS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Drills, air-track, self-propelled car or truck mount air operated drills; Jackhammer, pavement breaker, wagon driller, mechanical tamper, vibrating roller hand steered and other power tools	$5.17	.37	.27	.50	.03
Asphalt raker; Dumpman (grademan)	5.18	.37	.27	.50	.03
High pressure machine nozzleman	5.22	.37	.27	.50	.03
Pipe layer (all types); Cutting torch operator	5.25	.37	.27	.50	.03
Powderman	5.27	.37	.27	.50	.03
Grade Setter	5.28	.37	.27	.50	.03
High Scaler	5.35	.37	.27	.50	.03
Dumpman (spotter)	5.38	.37	.27	.50	.03
Power Saw (falling)	5.40	.37	.27	.50	.03
Rigger	5.50	.37	.27	.50	.03
Core Drill Operator	5.60	.37	.27	.50	.03
Concrete worker, wet or dry; Tending masons when pouring and finishing concrete	5.08	.37	.27	.50	.03
Vibrator operator; Tending stone-setters, Marble setters, Tile setters, Skagiola and Terrazzo Workers; Tending brick masons or brick or stone work; Tending plasterers or stuccoing or plastering; (This does not incl. rubbing down of foundation or concrete walls), Surekote, Stonehard and Rubberslate; Concrete convayor swinger operator	5.24	.37	.27	.50	.03
Power Driven Concrete Buggies	5.12	.37	.27	.50	.03

LABORERS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Broadwater (Northern area), Lewis & Clark, Meagher, Powell (that portion lying east of a N-S line at the west edge of the town of Elliston) Counties					
General laborer; Car and truck loader; Concrete handler; Form stripper; Fence erector and installer	$5.20	.37	.27	.10	.03
Concrete buggy; Vibrator; Jackhammer; Wagon driller; Barco tamper; Pavement breaker; Powderman helper	5.355	.37	.27	.10	.03
All power tools; Rodder and spreader; Non-metallic pipe layers; Pipe wrappers; Sandblasters; Pot tenders; Curb form setter; Concrete tenders	5.455	.37	.27	.10	.03
Mortar mixer; Powderman	5.55	.37	.27	.10	.03
Broadwater (Southern portion incl. the city of Townsend), Gallatin, Park, Sweetgrass, and Wheatland Counties					
Common laborers	5.19	.37	.27		.03
Semi-skilled; Hod carriers; Jackhammer operator; Vibrator; Mixer operator; Concrete pump tender; Nozzleman; Concrete machiner; Curb form setter	5.44	.37	.27		.03

LABORERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Flathead, Glacier National Park, Lincoln, and that area of Lake and Sanders Counties lying 5 miles north of the 5th Parallel					
LABORERS					
GROUP 1					
General laborers; scaleman; form strippers; car and truck loaders	$ 6.08	.425	.315		
GROUP 2					
Concrete handlers, conveying and handling concrete, Nozzlemen (air or water); Sand blast tail hose man; Powderman helper; Power driven wheelbarrow; Rodder and Spreader; Form setters (paving); Bucketman; Small air tool operators, including blow pipes and small power tool operators; Chuck tenders; Asphalt rakers, Dumpman; Rip rapping; Pipe wrapper; Pot tender; Concrete pumper hoseman; Jackhammer; Pavement breaker; Vibrator; mechanical tamper and other air tools; Cement handlers (sack or bulk); Burning bar	6.25	.425	.315		
GROUP 3					
Pipe layers (non-merallic); Metal culvert pipe layers; Mason and Plaster tenders; Cement finisher tender; Small concrete mixer operator; Shoring and lagging open ditches; Powderman; Drills, Air-Trac, wagon drill, cat or truck mounted air operated drills; Sand Blaster (wet or dry); gunite nozzleman; barco tamper	6.42	.425	.315		

LABORERS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carter, Custer, Dawson, Fallon, Powder River, Prairie, and Wibaux Counties					
General laborers	$5.24	.37	.27		.03
Jackhammer operator; Mechanical tampers; Pipelayers (all types); Pavement breakers; Pneumatic and electric tools operator; Pipe-wrappers	5.46	.37	.27		.03
Mason and plasterer's tenders	5.64	.37	.27		.03
Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties					
General laborers; Concrete laborers; Chuck tenders and nippers	5.39	.37	.27		.03
Cement handler (sack or bulk); Jackhammer operator; Mortarman; Pipelayer (all types); Pipe-wrapper; Primerhouseman	5.16	.37	.27		.03
Mason and plasterer's tenders	5.64	.37	.27		.03
Granite, Lake (Southern area), Mineral, Missoula, Ravalli, and Sanders (Southern area) Counties					
Laborers	5.455	.37	.27		.03
All power tools, creosote workers Jackhammer; Marble and tile setters' tenders; Pipelayers; Pipewrappers; Pot tenders; Small Small concrete mixers; Vibrators	5.705	.37	.27		.03
Cement masons and plasterer's tenders; Mason tenders; Pumpcrete, gunnite and plasterer pump	5.855	.37	.27		.03

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LABORERS Cascade, Chouteau, Fergus, Glacier, (excluding Glacier National Park), Judith Basin, Pondera, Teton and Toole Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$5.795	.425	.315		.03
Group 2	6.02	.425	.315		.03
Group 3	6.27	.425	.315		.03
Group 4	6.37	.425	.315		.03
Group 5	6.42	.425	.315		.03
Group 6	6.52	.425	.315		.03
Group 7	6.77	.425	.315		.03
Group 8	6.62	.425	.315		.03

LABORERS

Cascade, Chouteau, Fergus, Glacier (excluding Glacier National Park), Judith Basin, Pondera, Teton and Toole Counties

Group 1: Window Washers and Cleaners

Group 2: General and Building Laborers' and Scale Men; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpman (spotter) and Flagman; Fence Erectors and Installers, including the installation and erection of fences, guardrails, medium rails, reference posts, guide posts and right-of-way markers; Vibrators, under 1-1/2" in diameter; Small Air Tools such as Chippers, Clay Spades, etc.; Stake Setters; Stake Jumper, Rodder and Spreader, Form Stripper; Caisson Workers (Free Air); Vibrator 1-1/2" to 2-1/2" in diameter

Group 3: Concrete or Asphalt Saws; Creosote Material Handler; Curb Machine Form Setter (Slab Steel Forms); Diamond Drills up through 3 inches in diameter; Jackhammer, Pavement Breaker, Wagon Driller, Cat or Truck Mounted Air Operated Drills, and other Air Tools; Diesel Tamper, Wacker, Jay, Turtle, Pogo Sticks, etc., Mechanical Tampers; Nozzlemen, Air and Water, Gunite and Place, Machine (Grout); Pipe Layer (all types); Power Saw (bucking and falling); Power Driven Wheelbarrow; Chuck Tenders, Muckers and Nippers, Primeman

Group 4: Sand Blaster

Group 5: Vibrators, 2-1/2" to 4" in diameter; Brick Tenders; Dumpmen (Grade); Small Concrete Mixers

Group 6: Diamond Drills up through 6 inches in diameter; Hod Carriers and Plaster Tenders (1 - one mixerman per crew); Asphalt Raker and Tamper; High Scaler; Powderman Helper; Concrete Nozzleman; Miners; Barco Tamper; Air-Trac

Group 7: Diamond Drill, over 6 inches in diameter; Self-Propelled Drills, with the exception of size differential, such as Mustang Drills or Twin Stack Drills; Core Drill Operator; Laser Equipment and Tools, excluding Transit; Powderman

Group 8: Concrete Vibrator, 4" and over

LABORERS

Blaine, Daniels, Garfield, Hill, Liberty, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan and Valley Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
General and Building Laborers' and Scale Men; Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpmen (Spotter and Flagman); Small Power Tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and Installers, installation and erection of fences, guard rails, median rails, reference posts, guide posts, and right-of-way markers	$5.67	.425	.315		.03
Dumpmen (Grade)	5.79	.425	.315		.03
Power Driven Concrete Buggies or Power Driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster, Concrete Nozzleman, Place Operator, Jackhammer, Pavement Breaker, Vibrator (2½ inches and over) Barco Tamper, Vibrator Turtle; Small Concrete Mixers, Concrete Saw; Nozzleman (Air and Water); Sandblaster, Tailhoseman, Pot Tender, Tar Pot Tender; Gunite Nozzleman; Caisson Workers (Free Air); Tunnels and Shafts (Free Air); Bull Gang, Pot Tender; Chuck Tender, Muckers and Nippers, Primerhouseman	5.92	.425	.315		.03
Brick Tenders (Handling Bricks and Blocks only)	6.07	.425	.315		.03

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Hod Carriers and Plaster Tenders (man carrying motor either by hod, pail or barrow); High Scaler, Wagon Driller, Cat or Truck Mounted Air Operated Drills; Asphalt Rakers and Tampers, Gunite, Form Setters (Slab Steel Forms); Stake Setter, Stake Jumper, Rodder and Spreader, Grademan; Concrete Nozzleman; Miners	$6.17	.425	.315		.03
Powdermen; Laser Tools and Equipment	6.42	.425	.315		.03

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Flathead, Lake, Lincoln, Mineral, Missoula, North ½ of Powell, Ravalli and Sanders Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$7.73	.45	.45	.10	.03
Air Compressor, single	7.42	.45	.45	.10	.03
Air Compressor, two or more	7.59	.45	.45	.10	.03
Air Doctor	7.89	.45	.45	.10	.03
Asphalt Paving Machine	7.89	.45	.45	.10	.03
Asphalt Paving Machine Screed	7.89	.45	.45	.10	.03
Automatic Finegrader, Gurries and other similar types	8.02	.45	.45	.10	.03
Belt Finish Machine	7.59	.45	.45	.10	.03
Bit Grinder	7.89	.45	.45	.10	.03
Bituminous Mixer Paving, Travel Plant	7.89	.45	.45	.10	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	7.48	.45	.45	.10	.03
Boring Machine (large)	7.89	.45	.45	.10	.03
Broom, self-propelled	7.56	.45	.45	.10	.03
Cableway Highline	8.40	.45	.45	.10	.03
Cement Silo	7.68	.45	.45	.10	.03
Central Mixing Plants, Concrete dam and stationary	8.14	.45	.45	.10	.03
Chain Bucket Loader	7.61	.45	.45	.10	.03
Chip or Gravel Spreader, self-propelled	7.61	.45	.45	.10	.03
Concrete Batch Plant, one and two mixers	7.89	.45	.45	.10	.03
Concrete Batch Plant, three and four mixers	8.09	.45	.45	.10	.03
Concrete Batch Plant, five mixers and over	8.29	.45	.45	.10	.03
Concrete Batch Plant Oiler, up to and incl. two mixers	7.41	.45	.45	.10	.03
Concrete Batch Plant Oiler, three mixers and over	7.72	.45	.45	.10	.03
Concrete Bucket Dispatcher	7.89	.45	.45	.10	.03
Concrete Curing Machine	7.89	.45	.45	.10	.03
Concrete Finish Machine Paving	7.89	.45	.45	.10	.03
Concrete Float-Spreader	7.89	.45	.45	.10	.03
Concrete Mixer, three bags and under	7.48	.45	.45	.10	.03
Concrete Mixer, four bags and over	7.65	.45	.45	.10	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Power Saw, self-propelled	$7.89	.45	.45	.10	.03
Concrete Travel Batcher	7.89	.45	.45	.10	.03
Conveyor Loader, up to and incl. 42" belt	7.47	.45	.45	.10	.03
Conveyor Loader, over 42 inch belt	7.59	.45	.45	.10	.03
Crane, to and incl. 80' boom with jib	8.05	.45	.45	.10	.03
Crane, 81' to 130' boom	8.20	.45	.45	.10	.03
Crane, 131' to 150' boom	8.25	.45	.45	.10	.03
Crane, 151' boom and over	8.30	.45	.45	.10	.03
Crane Oiler	7.46	.45	.45	.10	.03
Crusher	7.89	.45	.45	.10	.03
Crusher Oiler and Helper	7.38	.45	.45	.10	.03
Crusher Conveyor, when required	7.35	.45	.45	.10	.03
Distributor	7.89	.45	.45	.10	.03
DW 10, 15, or 20 Tractor pulling roller	7.61	.45	.45	.10	.03
Electric Overhead Cranes	8.07	.45	.45	.10	.03
Elevating Grader	7.89	.45	.45	.10	.03
Farm Type Tractor, up to and incl. 50 HP Engine	7.35	.45	.45	.10	.03
Farm Type Tractor, over 50HP Engine	7.43	.45	.45	.10	.03
Field Equipment Serviceman	7.81	.45	.45	.10	.03
Field Equipment Serviceman Helper	7.38	.45	.45	.10	.03
Fireman	7.48	.45	.45	.10	.03
Forklift, on construction job site	7.70	.45	.45	.10	.03
Form Grader	7.66	.45	.45	.10	.03
Gradall	7.89	.45	.45	.10	.03
Grade Setter	7.35	.45	.45	.10	.03
Heavy Duty Drill, all types	7.89	.45	.45	.10	.03
Heavy Duty Driller Helper	7.48	.45	.45	.10	.03
Herman-Nelson Heaters and similar type	7.43	.45	.45	.10	.03
Hoist, Single drum	7.66	.45	.45	.10	.03
Hoist, two or more drums	7.89	.45	.45	.10	.03
Helicopter Hoist	8.39	.45	.45	.10	.03
Hot Plant	7.59	.45	.45	.10	.03
Hot Plant Fireman, when in Operation	7.89	.45	.45	.10	.03
Hot Plant Oiler, 100 ton per hour or over	7.38	.45	.45	.10	.03
Hydra Lift and similar types	7.79	.45	.45	.10	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Industrial Locomotive all classes	$7.89	.45	.45	.10	.03
Mechanic and/or Welder on Job	7.99	.45	.45	.10	.03
Mechanic and/or Welder Helper on job	7.38	.45	.45	.10	.03
Mixermobile	7.97	.45	.45	.10	.03
Motor Patrol	8.02	.45	.45	.10	.03
Mountain Logger or similar type	7.89	.45	.45	.10	.03
Mucking Machine	7.89	.45	.45	.10	.03
Oiler-Driver, Rubber Tired Cranes	7.46	.45	.45	.10	.03
Oilers, other than shovels and cranes	7.38	.45	.45	.10	.03
Oiler, hoist house, dams	7.79	.45	.45	.10	.03
Pavement Breaker, Emsco & similar	7.89	.45	.45	.10	.03
Paving and Mixing Machine	8.02	.45	.45	.10	.03
Power Auger, Large Truck or Tractor mounted	7.89	.45	.45	.10	.03
Power Mixer, single or double drum	7.89	.45	.45	.10	.03
Power Saw, multiple cut, self-propelled	7.89	.45	.45	.10	.03
Pumperete or Grout Machine	7.89	.45	.45	.10	.03
Pumpman	7.42	.45	.45	.10	.03
Push Tractor	7.89	.45	.45	.10	.03
Quad Cat	8.19	.45	.45	.10	.03
Quad Loader and similar types	8.41	.45	.45	.10	.03
Radiator Repairman	7.70	.45	.45	.10	.03
Refrigerator Plant	7.89	.45	.45	.10	.03
Retort	7.48	.45	.45	.10	.03
Roller, on blade or hot mix oil paving	7.89	.45	.45	.10	.03
Roller, on other blade or hot mix paving	7.59	.45	.45	.10	.03
Roller, 25 ton or over	7.89	.45	.45	.10	.03
Ross and similar type carriers, on construction site	7.89	.45	.45	.10	.03
Rubber-tired Dozer	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd. and under	7.60	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	8.01	.45	.45	.10	.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	8.11	.45	.45	.10	.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	8.21	.45	.45	.10	.03
Rubber-tired Front End Loader, Over 15 yds.	8.31	.45	.45	.10	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Scraper, DW 15, 20, 21 and similar type if power unit is not used	$7.89	.45	.45	.10	.03
Scraper, single or twin engine pulling belly dump trailer	8.27	.45	.45	.10	.03
Scraper, single engine	8.02	.45	.45	.10	.03
Scraper, twin engine	8.12	.45	.45	.10	.03
Scraper, tandem or 3 engined	8.38	.45	.45	.10	.03
Self-propelled Sheepfoot and similar type	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, under 1 cu. yd.	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, 1 cu. yds. to and incl. 3 cu. yds.	9.07	.45	.45	.10	.03
Shovels, incl. all attachments, over 3 cu. yds. to and incl. 5 cu. yds.	8.34	.45	.45	.10	.03
Shovels, incl. all attachments, over 5 cu. yds.	8.47	.45	.45	.10	.03
Shovel Oiler, 3 yds. and under	7.38	.45	.45	.10	.03
Shovel Oiler, over 3 cu. yds.	7.79	.45	.45	.10	.03
Slip Form Paver	8.02	.45	.45	.10	.03
Stiff Leg Derrick and Guy Derrick	8.34	.45	.45	.10	.03
Track-type Front End Loaders, up to and incl. 5 cu. yds.	7.89	.45	.45	.10	.03
Track-type Front End Loaders, over 5 cu. yds. to and incl. 10 cu.yds.	8.12	.45	.45	.10	.03
Track-type Front End Loaders, over 10 cu. yds. to & incl. 15 cu. yds.	8.22	.45	.45	.10	.03
Track-type Front End Loaders, over 15 cu. yds.	8.32	.45	.45	.10	.03
Track-type Tractor with or without attachments	7.89	.45	.45	.10	.03
Track-type Tractor, on Euclid Loader	8.07	.45	.45	.10	.03
Trenching Machine	7.89	.45	.45	.10	.03
Turnhead Conveyor, or Head Tower, on Batch Plant	7.89	.45	.45	.10	.03
Wagner Roller and similar type	7.89	.45	.45	.10	.03
Whirley Crane	8.42	.45	.45	.10	.03
Whirley Crane Oiler	7.79	.45	.45	.10	.03
Water Pull when used for compaction	7.89	.45	.45	.10	.03
Washing and Screening Plant	7.89	.45	.45	.10	.03
Washing and Screening Plant Oiler	7.38	.45	.45	.10	.03
Yo-Yo Cat, both ends	8.09	.45	.45	.10	.03

Blaine, Cascade, Chouteau, Glacier(excluding Glacier National Park), Hill, Liberty, Phillips, Ponders, Teton and Toole Counties

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
SHOVELS, incl. all attachments, over 5 yds.; Stiff-leg derrick and guy derrick; Cableway highline; Helicopter hoist; Tower crane; Whirley crane	$7.64	.45	.45		.13	
SCRAPER, tandem engine; Shovels, incl. all attachments, over 3 yds. to and incl. 5 yds.	7.51	.45	.45		.13	
RUBBER-TIRED FRONT-END LOADERS, over 15 yds.; Track-type front-end loaders, over 15 cu. yds.	7.45	.45	.45		.13	
RUBBER-TIRED FRONT-END LOADERS, 10 yds. to and incl. 15 yds.; Track-type front-end loaders, 10 cu. yds. to and incl. 15 cu. yds.; Concrete conveyor; Crane, to and incl. 80' boom with jib	7.35	.45	.45		.13	
QUAD CAT	7.32	.45	.45		.13	
CENTRAL MIXING PLANT, concrete and stationary	7.27	.45	.45		.13	
RUBBER-TIRED FRONT-END LOADERS, over 5 yds. to and incl. 10 yds.; Scraper, twin engine; Track-type front-end loaders, over 5 cu. yds. to and incl. 10 cu. yds.; Scraper single or twin engine, pulling belly dump trailer	7.25	.45	.45		.13	
CRANE, ELECTRIC OVERHEAD, ALL; Shovels, incl. all attachments, 1 yd. to and incl. 3 yds.; Track-type tractor on euclid loader	7.21	.45	.45		.13	
HOIST, TWO OR MORE DRUMS; Motor patrol; Ross and similar type carriers on construction site	7.18	.45	.45		.13	
AUTOMATIC FINEGRADER, Curries and other types; Paver; Slip form; Paving and mixing machine; Roller, 25 tons or over; Rubber tired front-end loader, over 3 yds. to and incl. 5 yds.; Scraper, single	7.15	.45	.45		.13	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
MIXERMOBILE	$7.11	.45	.45		.13	
BORING MACHINE; Jeep, pickup or farm tractor mounted; Boring machine, large; Power auger large truck or tractor, mounted and punch	7.05	.45	.45		.13	
AIR LOCTOR; Asphalt paving machine; Asphalt paving machine screed operator; Bit grinder; Bituminous mixer paving travel plant; Concrete batch plant operator; Concrete curing machine; Concrete finish machine, paving; Concrete float and spreader; Concrete Power saw, self-propelled; Concrete travel batcher; Crusher; Distributor; Elevating grader; Forklift on construction job site; Gradall; Heavy duty drills, all types, Hot plant; Hot plant fireman, when in operation; Industrial locomotive; Mountain logger or similar type machine; Mucking machine; Pavement breaker, Ensco and similar; Power mixer, single or double drum; Pumpcrete or grout machine; Refrigerator plant; Roller, steel and self-propelled rubber on blade or hot mix oil paving; Roller, Wagner and similar types, rubber-tired dozer; Rubber-tired front-end loaders, 1 yd. to and incl. 3 yds.; Shovels, incl. all attachments, under 1 yd.; Track-type tractor, with or without attachments; Track-type tractor with or without attachments incl. track-type front-end loaders up to and incl. 5 cu. yds.; Trench machine; Belt finishing machine; Concrete batch plant, 1 and 2 mixers; DW 10, 15, 20 tractor pulling roller; Power saw self-propelled, multiple cut; Push tractor; Scraper, DW 15, 20, 21 and similar type if power unit is not used; Self-propelled sheepsfoot; Turnhead conveyor, or head tower, on batch plant; Wagner roller; Water pull operator	7.02	.45	.45		.13	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
FIELD EQUIPMENT SERVICEMAN; Hydralift and similar type; Oiler, hoist-house, dams; Shovel oiler, over 3 yds.; Winch truck with boom	$6.92	.45	.45		.13	
CONCRETE MIXER, 4 bags and over	6.89	.45	.45		.13	
HOIST, SINGLE DRUM	6.81	.45	.45		.13	
A-FRAME TRUCK CRANE, winch truck and similar	6.80	.45	.45		.13	
CEMENT SILO; Form grader	6.79	.45	.45		.13	
HYDRO TAMPER	6.77	.45	.45		.13	
CHAIN BUCKET; Chip or gravel spreader, self-propelled; Conveyor loadar, over 42" belt	6.72	.45	.45		.13	
AIR COMPRESSOR, two or more; Roller, steel and self-propelled rubber other than blade or hot mix oil paving; Rubber-tired front-end loaders, under 1 yd.	6.71	.45	.45		.13	
BROOM, self-propelled	6.67	.45	.45		.13	
CONCRETE MIXER, 3 bags and under; Fireman	6.61	.45	.45		.13	
CONVEYOR LOADER, up to and incl. 42" belt; Crusher conveyor	6.60	.45	.45		.13	
RETORT OPERATOR	6.57	.45	.45		.13	
MECHANIC AND/OR WELDER HELPER; Concrete batch plant oiler; Crane oiler; Farm type tractor, over 50HP engine; Hot plant oiler, 100 tons per hr. and over; Oiler driver, rubber-tired crane	6.56	.45	.45		.13	
PUMPMAN	6.53	.45	.45		.13	
AIR COMPRESSOR, SINGLE; Concrete batch plant oiler, up to and incl. 2 mixers	6.52	.45	.45		.13	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
SHOVEL, OILER, 3 yds. and under	$6.51	.45	.45		.13	
CRUSHER OILER AND HELPER; Farmtype tractor, up to and incl. 50 HP engine; Field equipment service helper; Grade setter; Heavy duty drill helper; Heaters, Herman Nelson and similar type; Oilers, other than shovels and cranes; Washer and screening plant oiler	6.48	.45	.45		.13	
CONCRETE BATCH PLANT, 3 and 4 mixers	7.22	.45	.45		.13	
CONCRETE BATCH PLANT, 5 mixers and over	7.42	.45	.45		.13	
CONCRETE BATCH PLANT OILER, 3 mixers and over	6.83	.45	.45		.13	
CONCRETE PUMP	7.80	.45	.45		.13	
CRANE 81' to 130' BOOM	7.50	.45	.45		.13	
CRANE 131' to 150' BOOM	7.55	.45	.45		.13	
CRANE 151' BOOM AND OVER	7.60	.45	.45		.13	
MECHANIC AND/OR WELDER	7.12	.45	.45		.13	
WHIRLEY CRANE OILER	6.85	.45	.45		.13	

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Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Powell (southern area) and Silver Bow Counties

AR-1039 P. 27

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Appr. Tr.
A-FRAME TRUCK CRANE	$6.80	.45	.45		.13
AIR COMPRESSOR, single	6.55	.45	.45		.13
AIR COMPRESSOR, 2 or more; Belt finishing Conveyor loader, over 42" belt; Roller, steel and self-propelled rubber on other than blade or hot-mix oil paving	6.72	.45	.45		.13
AIR DOCTOR; Asphalt paving machine, or screed; Bit grinder; Bituminous mixer, paver; Boring machine, large (for guard rail holes); Bulldozer, rubber-tired or otherwise; Concrete batch plant, 1 & 2 mixers; Concrete bucket dispatcher; Concrete curing machine; Concrete finishing machine, paving; Concrete float & spreader; Concrete power saw, self-propelled; Concrete travel batcher; Crusher and/or screening plant; Distributor; Elevating grader; Gradall; Heavy duty rotary drills (Quarry Master, Joy drills and similar types); Hoist, or air tugger, 2 or more drums; Hot plant; Hot plant fireman (when in operation); Industrial locomotive, all types; Loaders, rubber-tired, over 1 yds. to & incl. 3 yds.; Loaders, track-type up to & incl. 5 yds.; Loaders, traxcavator & Athey; Loader & Hoe combination, rubber-tired, loader 1 yd. & under, hoe 1 yd. & under; Mountain logger or similar; Mucking machine; Pavement breaker, Ensco and similar; Power Auger, large truck or tractor, mounted and punch; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Push tractor; Refrigerator plant; Roller, steel and self-propelled rubber on blade on hot-mix oil paving roller, 25 tons, working wt. or over, any type or make; Roller, Wagner and similar; Ross & similar type Carriers (on construction site); Scraper DW 10; Scraper, DW 15, 20, 21 and similar if power unit is not used; Self-propelled sheepsfoot and similar; Shovels, incl. all attachments, under 1 yd.; Trenching machine; Turnhead conveyor or head tower operator on batch plant; Water pull, when used for compaction; Washing and screening plant	7.02	.45	.45		.13

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Appr. Tr.	Others
AUTOMATIC FINISHGRADER, gurries and similar; Motor patrol; Paving and mixing machine; Scraper, DW 15, 20, 21 and similar if power unit is used; Scraper, single engine; Slip form paver	$7.15	.45	.45		.13	
BORING MACHINE; Concrete mixer, 3 bags and under; Fireman; Heavy duty rotary drill helper; Retort operator	6.61	.45	.45		.13	
BROOM OPERATOR, self-propelled	6.69	.45	.45		.13	
CABLEWAY OPERATOR	7.53	.45	.45		.13	
CEMENT SILO	6.81	.45	.45		.13	
CENTRAL MIXING PLANTS, concrete dams and stationary	7.27	.45	.45		.13	
CHAIN BUCKET LOADER; Chip-gravel spreader self-propelled; DW 10, 15, 20 tractor pulling roller	6.74	.45	.45		.13	
CONCRETE BATCH PLANT OPERATOR, 3 & 4 mixers	7.22	.45	.45		.13	
CONCRETE BATCH PLANT OPERATOR, 5 mixers and over	7.42	.45	.45		.13	
CONCRETE BATCH PLANT OILER, up to and incl. 2 mixers	6.54	.45	.45		.13	
CONCRETE BATCH PLANT OILER, 3 mixers and over	6.85	.45	.45		.13	
CONCRETE MIXER OPERATOR, 4 bags and over	6.78	.45	.45		.13	
CONVEYOR LOADER, to and incl. 42" belt	6.60	.45	.45		.13	
CRANE, to and incl. 80' boom with jib	7.18	.45	.45		.13	
CRANE, 81' to 130' boom	7.33	.45	.45		.13	
CRANE, 131' to 150' boom	7.38	.45	.45		.13	
CRANE, 151 boom and over	7.43	.45	.45		.13	
CRANE OILER; Oiler driver, rubber-tired cranes	6.59	.45	.45		.13	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Appr. Tr.
CRANES, electric overhead; Shovels, incl. all attachments 1 yd. to and incl. 3 yds.; Track type tractor, on Euclid loader	$7.20	.45	.45		.13
CRANE, TOWER; Scraper, tandem or (engine)	7.51	.45	.45		.13
CRANE, WHIRLEY	7.55	.45	.45		.13
CRANE, WHIRLEY OILER; hydralift and similar; Oiler, hoist house, dams, shovels oiler, over 3 yds.; Winch truck with boom	6.92	.45	.45		.13
CRUSHER AND/OR SCREENING PLANT HELPER, (If over 2 separate units); Crusher oiler; Field equipment service helper; Hot plant oiler, 100 tons per hour or over; Mechanic and/or welder helper on job; Oilers, other than shovels and cranes; Shovel oiler, 3 yds. and under; Washing and screening plant oiler	6.51	.45	.45		.13
CRUSHER CONVEYOR, when required; Farm type tractor, up to and incl. 50 H.P.; Grade setter	6.48	.45	.45		.13
DRILLING MACHINE (does not include Jackhammer, Wagon drillers or waterlines)	6.93	.45	.45		.13
EUCLID LOADER and similar; Loader and hoe combination, rubber-tired, loader 1 yd. to and incl. 3 yds., hoe over 1 yd.	7.21	.45	.45		.13
FARM TYPE TRACTOR, over 50 H.P.; Heaters, Herman Nelson and similar	6.56	.45	.45		.13
FIELD EQUIPMENT SERVICE MAN	6.94	.45	.45		.13
FORK LIFT (on construction site)	6.83	.45	.45		.13
HOIST, OR AIR TUGGER, single drum; Farm grader	6.79	.45	.45		.13
FULLER KENYON PUMP; Loaders (Barber Green and similar)	6.67	.45	.45		.13
HELICOPTER HOIST	7.52	.45	.45		.13
LOADERS, RUBBER-TIRED, 1 yd. and under	6.73	.45	.45		.13
LOADERS, RUBBER-TIRED, over 3 yds. to and incl. 5 yds.	7.14	.45	.45		.13

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Appr. Tr.
LOADERS, RUBBER-TIRED, 5 yds. to and incl. 10 yds.	$7.24	.45	.45		.13
LOADERS, RUBBER-TIRED, over 10 yds., to and incl. 15 yds.	7.34	.45	.45		.13
LOADERS, RUBBER-TIRED, over 15 yds. (factory rating not to incl. sideboards)	7.44	.45	.45		.13
LOADERS, TRACK-TYPE, over 5 yds. to and incl. 10 yds. Scraper, twin engine	7.25	.45	.45		.13
LOADERS, TRACK-TYPE, over 10 yds. to and incl. 15 yds.	7.35	.45	.45		.13
LOADERS, TRACK-TYPE, over 15 yds.	7.45	.45	.45		.13
MECHANIC AND/OR WELDER, on job	7.09	.45	.45		.13
MIXERMOBILE	7.10	.45	.45		.13
PILEDRIVER (when shovel equipment is not used)	6.67	.45	.45		.13
QUAD CAT	7.32	.45	.45		.13
SCRAPER, single or twin engine pulling belly dump trailer	7.40	.45	.45		.13
SHOVELS, incl. all attachments, over 3 yds. to and incl. 5 yds., Stiff-leg derrick and guy derrick	7.47	.45	.45		.13
SHOVELS, incl. all attachments, over 5 yds.	7.60	.45	.45		.13

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Broadwater, Daniels, Dawson, Fergus, Gallatin, Glacier National Park, Judith Basin, Lewis & Clark, Meagher, McCone, Park, Richland, Roosevelt, Sheridan, Valley, Wheatland, and Wibaux Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$7.73	.45	.45	.10	.03
Air Compressor, single	7.42	.45	.45	.10	.03
Air Compressor, two or more	7.59	.45	.45	.10	.03
Air Doctor	7.89	.45	.45	.10	.03
Asphalt Paving Machine	7.89	.45	.45	.10	.03
Asphalt Paving Machine Screed	7.89	.45	.45	.10	.03
Automatic Finegrade, Gurries and other similar types	8.02	.45	.45	.10	.03
Belt Finish Machine	7.59	.45	.45	.10	.03
Bit Grinder	7.89	.45	.45	.10	.03
Bituminous Mixer Paving, Travel Plant	7.89	.45	.45	.10	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	7.48	.45	.45	.10	.03
Boring Machine (large)	7.89	.45	.45	.10	.03
Broom, self-propelled	7.56	.45	.45	.10	.03
Cableway Highline	8.40	.45	.45	.10	.03
Cement Silo	7.68	.45	.45	.10	.03
Central Mixing Plants, Concrete dam and stationary	8.14	.45	.45	.10	.03
Chain Bucket Loader	7.61	.45	.45	.10	.03
Chip or Gravel Spreader, self-propelled	7.61	.45	.45	.10	.03
Concrete Batch Plant, one and two mixers	7.89	.45	.45	.10	.03
Concrete Batch Plant, three and four mixers	8.09	.45	.45	.10	.03
Concrete Batch Plant, five mixers and over	8.29	.45	.45	.10	.03
Concrete Batch Plant Oiler, up to and incl. two mixers	7.41	.45	.45	.10	.03
Concrete Batch Plant Oiler, three mixers and over	7.72	.45	.45	.10	.03
Concrete Bucket Dispatcher	7.89	.45	.45	.10	.03
Concrete Curing Machine	7.89	.45	.45	.10	.03
Concrete Finish Machine Paving	7.89	.45	.45	.10	.03
Concrete Float-Spreader	7.89	.45	.45	.10	.03
Concrete Mixer, three bags and under	7.48	.45	.45	.10	.03
Concrete Mixer, four bags and over	7.69	.45	.45	.10	.03
Concrete Power Saw, self-propelled	7.59	.45	.45	.10	.03
Concrete Travel Batcher	7.89	.45	.45	.10	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Concrete Conveyor under 40 feet	$7.47	.45	.45	.10	.03
Concrete Conveyor over 40 feet	8.22	.45	.45	.10	.03
Concrete Pump	8.22	.45	.45	.10	.03
Crane, to and incl. 80' boom	8.05	.45	.45	.10	.03
Crane, 81' to 130' boom	8.20	.45	.45	.10	.03
Crane, 131' to 150' boom	8.25	.45	.45	.10	.03
Crane, 151' boom and over	8.30	.45	.45	.10	.03
Crane Oiler	7.46	.45	.45	.10	.03
Crusher	7.89	.45	.45	.10	.03
Crusher Oiler and Helper	7.38	.45	.45	.10	.03
Crusher Conveyor, when required	7.35	.45	.45	.10	.03
Distributor	7.89	.45	.45	.10	.03
DW 10, 15, or 20 Tractor pulling roller	7.61	.45	.45	.10	.03
Electric Overhead Cranes	8.07	.45	.45	.10	.03
Elevating Grader	7.89	.45	.45	.10	.03
Farm Type Tractor, up to and incl. 50 HP Engine	7.35	.45	.45	.10	.03
Farm Type Tractor, over 50 HP Engine	7.43	.45	.45	.10	.03
Field Equipment Serviceman	7.81	.45	.45	.10	.03
Field Equipment Serviceman Helper	7.38	.45	.45	.10	.03
Fireman	7.48	.45	.45	.10	.03
Forklift, on construction job site	7.70	.45	.45	.10	.03
Form Grader	7.66	.45	.45	.10	.03
Gradall	7.89	.45	.45	.10	.03
Grade Setter	7.35	.45	.45	.10	.03
Heavy Duty Drill, all types	7.89	.45	.45	.10	.03
Heavy Duty Driller Helper	7.48	.45	.45	.10	.03
Herman-Nelson Heaters and similar type	7.43	.45	.45	.10	.03
Hoist, single drum	7.66	.45	.45	.10	.03
Hoist, two or more drums	7.89	.45	.45	.10	.03
Helicopter Hoist	8.39	.45	.45	.10	.03
Hot Plant	7.89	.45	.45	.10	.03
Hot Plant Fireman, when in Operation	7.89	.45	.45	.10	.03
Hot Plant Oiler, 100 ton per hour or over	7.38	.45	.45	.10	.03
Hydra lift and similar types	7.79	.45	.45	.10	.03
Industrial Locomotive all classes	7.89	.45	.45	.10	.03
Mechanic and/or Welder on job	7.99	.45	.45	.10	.03
Mechanic and/or Welder Helper on job	7.38	.45	.45	.10	.03
Mixermobile	7.97	.45	.45	.10	.03
Motor Patrol	8.02	.45	.45	.10	.03
Mountain Logger or similar type	7.89	.45	.45	.10	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Mucking Machine	$7.89	.45	.45	.10	.03
Oiler-Driver, Rubber-tired Cranes	7.46	.45	.45	.10	.03
Oilers, other than Shovels and Cranes	7.38	.45	.45	.10	.03
Oiler, hoist house, dams	7.79	.45	.45	.10	.03
Pavement Breaker, Emsco and similar	7.89	.45	.45	.10	.03
Paving and Mixing Machine	8.02	.45	.45	.10	.03
Power Auger, Large Truck or Tractor mounted	7.89	.45	.45	.10	.03
Power Mixer, single or double drum	7.89	.45	.45	.10	.03
Power Saw, multiple cut, self-propelled	7.89	.45	.45	.10	.03
Pumpcrete or Grout Machine	7.89	.45	.45	.10	.03
Pumpman	7.42	.45	.45	.10	.03
Push Tractor	7.89	.45	.45	.10	.03
Quad Cat	8.19	.45	.45	.10	.03
Quad Loader and similar type	8.47	.45	.45	.10	.03
Rayco Giant	8.47	.45	.45	.10	.03
Refrigerator Plant	7.89	.45	.45	.10	.03
Retort	7.48	.45	.45	.10	.03
Roller, on blade or hot mix oil Paving	7.89	.45	.45	.10	.03
Roller, on other blade or hot mix Paving	7.59	.45	.45	.10	.03
Roller, 25 ton or over	7.89	.45	.45	.10	.03
Ross and similar type Carriers, on construction site	7.89	.45	.45	.10	.03
Rubber-tired Dozer	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd and under	7.60	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	7.89	.45	.45	.10	.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	8.01	.45	.45	.10	.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	8.11	.45	.45	.10	.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	8.21	.45	.45	.10	.03
Rubber-tired Front End Loader, over 15 yds.	8.31	.45	.45	.10	.03
Scraper, DW 15, 20, 21, and similar type if power unit is not used	7.89	.45	.45	.10	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Scraper, single or twin engine pulling belly dump trailer	$8.27	.45	.45	.10	.03
Scraper, single engine	8.02	.45	.45	.10	.03
Scraper, twin engine	8.12	.45	.45	.10	.03
Scraper, tandem engine	8.38	.45	.45	.10	.03
Self-propelled Sheepfoot and similar type	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, under 1 cu. yd.	7.89	.45	.45	.10	.03
Shovels, incl. all attachments, 1 cu. yd to and incl. 3 cu. yds.	8.07	.45	.45	.10	.03
Shovels, incl. all attachments, over 3 cu. yds. to and incl. 5 cu. yds.	8.34	.45	.45	.10	.03
Shovels, incl. all attachments, over 5 cu. yds.	7.47	.45	.45	.10	.03
Shovel Oiler, 3 yds. and under	7.38	.45	.45	.10	.03
Shovel Oiler, over 3 cu. yds.	7.79	.45	.45	.10	.03
Slip Form Paver	8.02	.45	.45	.10	.03
Stiff Leg Derrick and Guy Derrick	8.34	.45	.45	.10	.03
Track-type Front End Loaders; up to and incl. 5 cu. yds.	7.89	.45	.45	.10	.03
Track-type Front End Loaders; over 5 cu. yds. to and incl. 10 cu. yds.	8.12	.45	.45	.10	.03
Track-type Front End Loaders, over 10 cu. yds. to and incl. 15 cu. yds.	8.22	.45	.45	.10	.03
Track-type Front End Loaders, over 15 cu. yds.	8.32	.45	.45	.10	.03
Track-type Tractor with or without attachments	7.89	.45	.45	.10	.03
Track-type Tractor, on Euclid Loader	8.07	.45	.45	.10	.03
Trenching Machine	7.89	.45	.45	.10	.03
Turnhead Conveyor, or Head Tower on Batch Plant	7.89	.45	.45	.10	.03
Wagner Roller and similar type	7.89	.45	.45	.10	.03
Whirley Crane	8.42	.45	.45	.10	.03
Whirley Crene Oiler	7.79	.45	.45	.10	.03
Water Pull when used for compaction	7.89	.45	.45	.10	.03
Washing and Screening Plant	7.89	.45	.45	.10	.03
Washing and Screening Plant Oiler	7.38	.45	.45	.10	.03

XUM

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MON-2-PEO-1-S (1-3)

Big Horn, Carbon, Carter, Custer, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Yellowstone

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASPHALT PAVING MACHINE; Air doctor; Bit grinder; Bituminous mixer; Bulldozers; Boring machine, large; Concrete finish machine, paving; Concrete float and spreader; Crusher and/or screening plant, portable; Distributor; Elevating grader; Front end loader, rubber-tired, 1 yd. and incl. 3 yds.; Heavy duty rotary drills; Quarry master; Hoist, two or more drums; Hot plant fireman; Industrial locomotive; Mucking machine; Pavement breaker, Emsco and similar type; Paver mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Roller, finish high type pavement; Ross and similar type carriers, on construction site; Roller, 25 tons or over; Screed; Shovel, incl. all attachments, under 1 yd.; Track-type tractor with or without attachments, incl. track-type loader, front-end up to and incl. 5 cu. yds.; Traxcavator, and Athey type loader; Wagner roller and similar type	$7.02	.45	.45		.13
A-FRAME TRUCK CRANE; Hoist; Single drum	6.77	.45	.45		.13
AIR COMPRESSOR, SINGLE; Crusher and/or screening plant helper, if over 2 units	6.51	.45	.45		.13
AIR COMPRESSOR, TWO OR MORE; Front-end loader, rubber-tired, under 1 yds.; Roller, grade or finish	6.71	.45	.45		.13
BELT FINISHING	6.69	.45	.45		.13
BORING MACHINE, Small; Firemen; Mixer, concrete, 3 bags or under; Retort	6.58	.45	.45		.13
CABLEWAY	7.54	.45	.45		.13
CEMENT SILO	6.79	.45	.45		.13
CONCRETE BATCH PLANT; Crusher and/or screening plant stationary	6.91	.45	.45		.13

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MON-2-PEO-1-S (2-3)

POWER EQUIPMENT OPERATORS (cont'd):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
HELICOPTER HOIST	$7.52	.45	.45		.13	
CONVEYOR; Chip and gravel spreader	6.72	.45	.45		.13	
CRANE OPERATORS:						
To and incl. 80' w/jibs	7.18	.45	.45		.13	
81' to 130' boom	7.33	.45	.45		.13	
131' to 150' boom	7.38	.45	.45		.13	
151' boom and over	7.43	.45	.45		.13	
ELECTRIC OVERHEAD CRANE; Euclid loader and similar type; Shovels, incl. all attachments, 1 yd. to and incl. 4 yds.; Tournapull, DW 20, 21 and similar type scrapers	7.21	.45	.45		.13	
CRANE OILER-DRIVER, rubber tired	6.57	.45	.45		.13	
DRILLING MACHINE, does not incl. jackhammer, wagon driller, or water liner; Field equipment serviceman; Winch truck with hydraulic boom	6.92	.45	.45		.13	
FORK LIFT, on construction site	6.81	.45	.45		.13	
FRONT-END LOADER, rubber-tired, over 3 yds. and incl. 5 yds.; LeTourneau, single and similar type; Motor patrol; Automatic finegrader, gurries and similar type	7.15	.45	.45		.13	
FRONT-END LOADERS, rubber-tired, over 5 yds. to and incl. 10 yds.; Scraper, twin-engine; Track-type front-end loaders, over 5 cu. yds. to and incl. 10 cu. yds.	7.25	.45	.45		.13	
FRONT-END LOADERS, rubber-tired, 10 yds. to and incl. 15 yds.; Track-type front-end loaders to and incl. 15 cu. yds.	7.35	.45	.45		.13	
FRONT-END LOADERS, rubber-tired, over 15 yds. (factory struck rating, not to include sideboards); Track-type front-end loaders, over 15 cu. yds.	7.45	.45	.45		.13	
GRADE SETTER; Herman Nelson heaters and similar type	6.48	.45	.45		.13	
LETOURNEAU, Tandem and similar type; Quad Cat						

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MON-2-PEO-1-S (3-3)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
LOADER, BARBER GREEN and similar type	$6.66	.45	.45		.13	
MECHANIC AND/OR WELDER, on job site	7.12	.45	.45		.13	
MECHANIC AND/OR WELDER, HELPER; Heavy duty rotary drill helper; Oiler	6.47	.45	.45		.13	
MIXER, CONCRETE, 3 bags and under	6.58	.45	.45		.13	
MIXER, CONCRETE, 4 bags and over	6.83	.45	.45		.13	
MIXERMOBILE	7.11	.45	.45		.13	
PUMPMAN	6.52	.45	.45		.13	
SHOVELS, over 4 yds.; Stiff leg, Guy derrick; Scraper, tandem 3 engines	7.51	.45	.45		.13	
TRACTOR, rubber-tired, (Industrial)	6.46	.45	.45		.13	
TOWER CRANE	7.51	.45	.45		.13	
TRENCHING MACHINE	6.96	.45	.45		.13	

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Statewide (except Gallatin, Park, Sweet Grass, Broadwater (south of U.S. Highway #12) Counties)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
COMBINATION Truck; Concrete Mixer and Transit Mixer:					
To and incl. 4 cu. yds.	$7.05	.475	.325		
Over 4 cu. yds. to and incl. 6 cu. yds.	7.13	.475	.325		
Over 6 cu. yds. to and incl. 8 cu. yds.	7.21	.475	.325		
Over 8 cu. yds. to and incl. 10 cu. yds.	7.29	.475	.325		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER AND HELPER	6.93	.475	.325		
DRY BATCH TRUCKS:					
3 Batch or under	6.80	.475	.325		
Over 3 Batch to and incl. 5 Batch	6.93	.475	.325		
Over 5 Batch to and incl. 10 Batch	7.09	.475	.325		
Over 10 Batch to and incl. 15 Batch	7.25	.475	.325		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	6.90	.475	.325		
DUMPMAN, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers	6.80	.475	.325		
Warehousemen, Partsmen, Cardex men, Warehouse Expediter	7.00	.475	.325		
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCL. SIDEBOARDS:					
7 cu. yds. or less	6.80	.475	.325		
Over 7 cu. yds. to and incl. 10 cu. yds.	6.93	.475	.325		
Over 10 cu. yds. to and incl. 15 cu. yds.	7.00	.475	.325		

TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Over 15 cu. yds. to and incl. 20 cu. yds.	$7.23	.475	.325		
Over 20 cu. yds. to and incl. 25 cu. yds.	7.29	.475	.325		
Over 25 cu. yds. to and incl. 30 cu. yds.	7.35	.475	.325		
Over 30 cu. yds. to and incl. 35 cu. yds.	7.41	.475	.325		
Over 35 cu. yds. to and incl. 40 cu. yds.	7.47	.475	.325		
Over 40 cu. yds. to and incl. 45 cu. yds.	7.53	.475	.325		
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
DUMPSTERS	6.93	.475	.325		
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.K. 21 or SIMILAR DUMP WAGONS:					
To and incl. 25 cu. yds.	7.29	.475	.325		
Over 25 cu. yds. to and incl. 30 cu. yds.	7.35	.475	.325		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
SERVICEMEN	7.54	.475	.325		
POWDER TRUCK DRIVER (bulk unloader type)	6.98	.475	.325		
FLAT TRUCKS:					
To and incl. 3 tons	6.05	.475	.325		
Over 3 tons Factory rating	6.40	.475	.325		
SERVICE TRUCK DRIVERS; FUEL TRUCK DRIVERS; TIREMEN	7.34	.475	.325		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	7.15	.475	.325		
LUMBER-CARRIERS, LIFT TRUCKS	7.05	.475	.325		
POWER BROOM	6.89	.475	.325		

TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	$6.80	.475	.325		
Over 2,500 gallons to and incl. 4,500 gallons	7.09	.475	.325		
Over 4,500 gallons to and incl. 6,000 gallons	7.29	.475	.325		
Over 6,000 gallons to and incl. 8,000 gallons	7.35	.475	.325		
Over 8,000 gallons to and incl. 10,000 gallons	7.43	.475	.325		
Over 10,000 gallons - additional $.08 per hour each additional 2,000 gallons increment					
TRUCKS WITH POWER EQUIPMENT if UNDER TEAMSTERS JURISDICTION, SUCH AS:					
Winch, A-frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing	7.05	.475	.325		
TRUCK MECHANIC	7.54	.475	.325		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Gallatin, Park, Sweetgrass, Broadwater, (south of U. S. Highway #12), Counties						
Truck Drivers:						
Dump, 7 yds. or less; Pickup, hauling materials; Flat, less than 2 ton; Service and A-Frame trailers	$4.76	.45	.25			
House movers	4.80	.45	.25			
Flat, 2 - 5 tons	4.91	.45	.25			
Dump, over 7 yds. to and incl. 10 yds.; Flat, 5 - 8 tons; Semi and four wheel trailers	5.01	.45	.25			
Dump, over 10 yds. to and incl. 15 yds.	5.17	.45	.25			
Dump, over 15 yds. to and incl. 20 yds.	5.31	.45	.25			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
(Flathead, Lake and Lincoln Cos.)					
LINE CONSTRUCTION					
All construction of "H" fixture and Steel Tower Transmission Lines with capacity of 69 K.V. voltages & over, switch yard and substation rated at 5000 K.V.A. & all work not covered by Schedule "B".					
SCHEDULE "A"					
GROUNDMAN "B"	$ 5.08	.25	1%		1%
GROUNDMAN "A" (experienced)	5.87	.25	1%		1%
POWDERMAN; JACKHAMMER-COMPRESSORMAN	6.25	.25	1%		1%
LINE EQUIPMENT OPERATOR	7.20	.25	1%		1%
LINEMAN	8.43	.25	1%		1%
CABLE SPLICER	9.37	.25	1%		1%
SCHEDULE "B"					
All work for Power Utilities & R.E.A.'s except work covered under Schedule "A", all Highway Lighting, Street Lighting & Motor Traffic Controlling.					
GROUNDMAN	5.38				
JACKHAMMER-COMPRESSORMAN; Powderman	5.71	.25	1%		1%
LINE EQUIPMENT OPERATOR	6.55	.25	1%		1%
LINEMEN; Pole Sprayer	7.45	.25	1%		1%
TREE TRIMMER	7.74	.25	1%		1%
CABLE SPLICER	8.36	.25	1%		1%

XUM

REMAINING COUNTIES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION: (Jobs 69,000 volts or less)					
Cable splicer	7.73	.35	1%		3/4%
Linemen	6.97	.35	1%		3/4%
Line equipment operators; Powdermen	6.85	.35	1%		3/4%
Experienced groundmen (1,000 hrs); Truck drivers	5.40	.35	1%		3/4%
Groundmen	4.79	.35	1%		3/4%
(Jobs over 69,000 volts) and/or (projects of $400,000 or over) Cable splicers	7.92	.35	1%		3/4%
Linemen; Pole sprayer	7.52	.35	1%		3/4%
Line equipment operators; Powdermen	6.90	.35	1%		3/4%
Groundmen	5.69	.35	1%		3/4%

SUPERSEDEAS DECISION

STATE: New Hampshire
DECISION NO: AR-3142
Supersedes Decision No. AR-3141, dated April 12, 1974, in 39 FR 13464
DESCRIPTION OF WORK: Building Construction (including Residential), Heavy and Highway.

COUNTY: Hillsboro
DATE: Date of Publication

6-N.H.-1-2-3-F 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$9.26	.60	.65		.01	
Boilermakers	9.02	.60	10%		.01	
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers, and tile setters						
Hillsboro Antrim, Hancock, N. Branch, Bennington, Hillsboro Upper and Lower Villages	7.25	.25	.30		.01	
Remainder of County	7.20	.45	.35		.01	
Carpenters:						
Pelham:						
Carpenters & soft floor layers	9.45	.60	.50		.07	
Millwrights	9.45	.60	.50		.07	
Remainder of County:						
Carpenters & soft floor layers	6.89	.35	.30		.01	
Piledrivermen, wharf, dock builders, and millwrights	7.74	.35	.30		.01	
Electricians:						
Pelham	8.92	.25	1%/.20		.02	
Remainder of County	8.80	.25	1%		.03	
Remainder of County, Residential	4.35	.25	1%		.01	
Elevator constructor's	9.125	.345	.23	2%/4/b	.015	
Elevator constructor's helpers	6.39	.345	.23	2%/4/b	.015	
Elevator constructor's helpers (prob.)	4.56					
Glaziers	6.92	.35	.46		.02	
Ironworkers:						
Structural, ornamental & reinforcing	7.95	.50	.90		.02	
Laborers, Building:						
Common laborers, wreckers, tenders, and hod carriers, asphalt rakers	5.81	.40	.40		.05	
Plasterers tenders	5.96	.40	.40		.05	
Drillers, pavement breakers, jackhammer operators, & chipping gun operator	6.21	.40	.40		.05	
All other pneumatic tool operator on boiler and stack work	6.71	.40	.40		.05	
Boiler and stack work	6.31	.40	.40		.05	
Laborers, Heavy & Highway:						
Laborers & pipelayers	4.20	.40	.40		.05	
Air tool op., wagon drillers, concrete vibrators & scalers	4.45	.40	.40		.05	
Blasters & powdermen	4.70	.40	.40		.05	
Lead burners	8.75	.40	.40		.05	
Line Construction:						
Linemen	7.07	.30	1%	d		
Equipment operator	5.92	.30	1%	d		
Groundman	4.71	.30	1%	d		
Driver groundman	4.97	.30	1%	d		
Marble setters helpers	5.05	.15	.10			

6-N.H.-1-2-3-F 2 of 2

Building, Heavy & Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Painters:						
Brush	$4.70	.175				
Steel, open structural and spray	5.95	.175				
Steel, enclosed over 25'	5.80	.175				
Steeplejack	6.80	.175				
Plumbers and steamfitters:						
Hudson and Pelham	9.17	.50	.40		.02	
Remainder of County	8.35	.43'	.35		.02	
Roofers:						
Composition	5.90					
Helpers	5.40					
Sheet metal workers	8.42	.30	.30		.02	
Sprinkler fitters	8.55	.50	.70		.08	
Terrazzo workers' helpers	7.40	.20	.10			
Tile setters' helpers	7.94	.40	.25			
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day
F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b .Holidays: A through F.

c. Holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: B through F provided the employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CLASS 1	$8.45	.45	.60	a	.05	
CLASS 2	8.20	.45	.60	a	.05	
CLASS 3	8.00	.45	.60	a	.05	
CLASS 4	7.575	.45	.60	a	.05	
CLASS 5	7.55	.45	.60	a	.05	
CLASS 6	7.00	.45	.60	a	.05	
CLASS 7	7.30	.45	.60	a	.05	
CLASS 8	9.45	.45	.60	a	.05	
CLASS 9	8.95	.45	.60	a	.05	

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F, Veterans Day, Washington's Birthday and Columbus Day.

CLASSIFICATIONS:
CLASS 1--Shovel, crane, dragline, derrick, backhoe, elevator with Chicago boom, gradall, elevating grader, front end loader 6 yds. and over, cherry picker, pile driving rigs, concrete road pavers, all three drum hoisting and trenching machines.
CLASS 2--Rotary drill with mounted compressor, compressor house (3-6 compressors), rock and earth boring machines excluding McCarthy and similar drills, graders, 4 yds. and over,front end loader, two drum hoists, high fork lifts with capacity of 15' & over, scrapers, sonic hamer, vibratory hammer.
CLASS 3--Bulldozers, push cats, scrapers (tractor drawn), asphalt paver, front end loader 3/4 yds. to 4 yds., well driller, mechanics, pumpcrete machines, concrete pumps and similar type pumps, engineer or firemen on high pressure boiler (on job), self loading batch plant, well point operators including installing, engineer-in-charge of powered grease truck, all automatic elevators permanent or temporary operated manually or by remote controls.
CLASS 4--Single drum hoist, self-powered roller, self-propelled compactors, power pavement breakers, concrete pavement finishing machines, two bag mixers with skip, front end loaders under 3/4 yds. McCarthy and similar drills, batch plant not self loading, bulk cement plants, self-propelled material spreaders, A-frame trucks, fork lifts up to 15'.
CLASS 5--Compressor 315 cubic feet and over, (one or two), pumps (4 inches and over-total discharge) when total discharge is over 12 inches, classification 3 will be paid, tractor (without blade or bucket) drawing roller compactors or other machines.
CLASS 6--Compressors(up to 315 cubic feet) small mixers, pumps (up to 4 inches), power heaters, welding machines (when 3 or more heaters or welding machines are used on one job, classification 4 rate will be paid), conveyor, oiler, including helpers on grease trucks and grease trucks with hand greasing equipment.
CLASS 7--Oilers on truck cranes and gradalls.
CLASS 8--Cranes with boom lengths of 200 feet or more.
CLASS 9--Crane with boom length of 150 feet or more.

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CLASS 1	$8.20	.35	.50	a	.05	
CLASS 2	7.95	.35	.50	a	.05	
CLASS 3	7.75	.35	.50	a	.05	
CLASS 4	7.20	.35	.50	a	.05	
CLASS 5	6.875	.35	.50	a	.05	
CLASS 6	6.35	.35	.50	a	.05	
CLASS 7	8.70	.35	.50	a	.05	

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F; Washington's Birthday; Veterans' Day; Columbus Day.

CLASSIFICATIONS:
CLASS 1--Shovels, Crawler & Truck Cranes, Derricks,Backhoes, Trenching Machines, Elevating Graders, Gradall, Piledrivers, Concrete Pavers, Engineers on site processing plant, Dragline, Clamshell, Cableways.
CLASS 2--Rotary drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and earth boring machine (excluding McCarthy and similar drills), Graders, Front end loader (4 yds. or over).
CLASS 3--Bulldozer, Push Cats, Scraper (Self propelled or tractor drawn), Self-powered Asphalt paver, (Front end loader 3/4 to 4 yds), Mechanics, Well driller, Pumpcrete machine, Engineer or Fireman on high pressure boiler (on job) Self-loading Batch plant (on job), Well Point Operators.
CLASS 4--Hoists, Conveyors, Self-powered rollers and Compactors, Self-propelled Material spreader, Self-powered concrete finishing machine, Mixers (2 bag with skip), front end loader (under 3/4 yd.), McCarthy and similar drills, Batch plant (not a self-loading), Bulk cement plant.
CLASS 5--Compressor (315 C.F. or over-one or two), Pump 4" or over, Tractor without blades, Drawing sheeps-foot, rubber tired roller or other type compactor including machines for pulverizing and aerating soil.
CLASS 6--Compressor (up to 315 C.F.), Small mixers with skip, Oiler, Pumps up to 4", Grease truck, Power heaters, Welding machines (when 3 or more welding machines Class 4 rate applies), A-Frame Trucks, Forklifts, (where grease truck contains powered grease equipment, engineer in charge shall be paid Class 3 rate)
CLASS 7--Crane with boom length of 200 feet or more including jib.

POWER EQUIPMENT OPERATORS MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS 1	$6.335	.275	.30	a	.02	
CLASS 2	6.285	.275	.30	a	.02	
CLASS 3	6.215	.275	.30	a	.02	
CLASS 4	5.965	.275	.30	a	.02	
CLASS 5	5.755	.275	.30	a	.02	
CLASS 6	5.23	.275	.30	a	.02	
CLASS 7	4.555	.275	.30	a	.02	
CLASS 8	5.18	.275	.30	a	.02	
CLASS 9	4.605	.275	.30	a	.02	

Booms over 150' including jib-additional $.25 per hour.
Booms over 185' including jib-additional $.50 per hour.
Booms over 220' including jib-additional $.75 per hour.
Booms over 275' including jib-additional $1.00 per hour.

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F; Washington's Birthday, Patriot's Day, Columbus Day; and Veterans' Day; Provided the employee has worked 3 days during the week in which the holiday falls and is available for work the days preceding the holiday.

CLASSIFICATIONS:
CLASS 1--Power shovel, crane, truck crane, derrick, cherry picker, pile driver, 2 or more drum machine, lighter, derrick boat, trenching machine, mechanical hoist, pavement breaker, cement concrete paver, dragline, hoisting engine, pumpcrete machine, elevating grader, shovel dozer (except when pushing) front end loader (except when pusning), backhoe, gradall, cableway, boring machine, rotary drill, post hole hamrer, post hole digger, fork lift:
CLASS 2--Swinger engine.
CLASS 3--Sonic or vibratory hammer, grader, scraper(over 21 yds. struck), tandem scraper concrete pump, Bulldozer, scraper (21 yds. struck or less).
CLASS 4--Portable steam boiler, portable steam generator, roller, tractor, mechanic (maintenance), concrete mixer with side loader.
CLASS 5--Assistant engineer (fireman).
CLASS 6--Pump, compressor, welding machine, heater (power driven), valve controlling permanent plant (air or steam), wellpoint system, auger (powered by independent engine and attached to pile driver), hydraulic saw, generator, lighting plant, syphon, pulsometer, concrete mixer.
CLASS 7--Oiler (other than truck crane and gradall).
CLASS 8--Oiler on scow.
CLASS 9--Oiler on truck crane and gradall.

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS 1	$4.41	.30	.25	a		
CLASS 2	4.64	.30	.25	a		
CLASS 3	4.87	.30	.25	a		

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F, plus Washington's Birthday, Veterans' Day and Columbus Day; (provided employee works two days in the calendar week in which the holiday falls; reports for work the last day assigned prior to the holiday and the first day assigned following the holiday).

CLASSIFICATIONS:
CLASS 1--Two axle equipment.
CLASS 2--Three axle equipment including low beds.
CLASS 3--Special earth hauling equipment other than conventional type on the road trucks and semitrailers trailer dumps.

SUPERSEDES . . SECTION . . . . . CITY: Carrollack
Next previous: AR-3143 . . . . . Date of publication
Supersedes decision No. AR-3143 dated Mar. 1, 1974 in 39 FR 11031
. . . . . building construction,(excluding single family homes
and garden type apartments up to and including 4 stories), heavy, highway
and marine construction.

7-New Hampshire 1-2-3-C 1 of 2

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$9.20	.60	.65		.01
Boilermakers	9.08	.60	10%		.01
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers, & tile setters	7.20	.45	.35		.01
Carpenters	6.89	.35	.30		.01
Electricians:					
Houkset:					
Electricians	8.80	.25	1%		.03
Remainder of County:					
Electricians	7.90	.40	1%		.02
Elevator constructors	9.125	.345	.23	2%+a+b	.015
Elevator constructors' helpers	6.39	.345	.23	2%+a+b	.015
Elevator constructors' helpers (prob.)	4.56				
Glaziers	6.57	.25	.36		.02
Ironworkers:					
Structural, ornamental & reinforcing	7.95	.50	.90		.02
Laborers:					
Newbury, Sutton, Canterbury, Webster and Pittsfield to County line & all areas South thereof:					
Building:					
Laborers, wreckers, tenders, hod carriers & asphalt rakers	5.81	.40	.40		.05
Plasterers' tenders	5.96	.40	.40		.05
Jackhammer, pavement breaker drillers & chipping gun operator	6.21	.40	.40		.05
All other pneumatic tool operator on boiler and stack work	6.71	.40	.40		.05
Boiler & stack work	6.31	.40	.40		.05
HEAVY & HIGHWAY:					
Laborers & pipelayers	4.20	.40	.40		.05
Air tool operators, wagon drillers, concrete vibrators & scalers	4.45	.40	.40		.05
Blasters & powdermen	4.70	.40	.40		.05
Andover, Danbury, Franklin Hill, New London, Northfield, Salisbury, Tilton and Wilmot :					
Building, Heavy and Highway:					
Laborers	5.81	.40	.40		.05
Pipelayers	5.81	.40	.40		.05
Pneumatic tool operator, drillers, and pavement breaker	6.21	.40	.40		.05
Blasters & powdermen	6.31	.40	.40		.05
Plasterers' tenders	5.96	.40	.40		.05

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7-New Hampshire 1-2-3-C 2 of 2

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Lead burners	$8.75	.30		c	.01
Line Construction:					
Linemen	7.07	.30	1%	d	
Equipment operator	6.92	.30	1%	d	
Groundman	4.71	.30	1%	d	
Driver Groundman	4.91	.30	1%	d	
Painters:					
Brush	4.70	.175			
Open structural steel work to 25' & spray	5.95	.175			
Steel, enclosed, over 25'	5.80	.175			
Steeplejack	6.80	.175			
Plumbers and steamfitters	8.35	.43	.35		.02
Piledrivermen and Millwrights	7.74	.35	.30		.01
Roofers	5.90				
Roofers' helpers	5.40				
Sheet metal workers	8.42	.30	.30		.02
Soft floor layers	6.56	.25	.20		.01
Sprinkler fitters	8.55	.50	.70		.08

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays A through F.

c. Holidays: A through F; Washington's Birthday, Christmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: B through F, provided the employee has been employed 5 working days prior to the holiday and provided the employee works the scheduled work days immediately preceding and following the holiday.

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
CLASS 1	$8.45	.45	.60	a	.05	
CLASS 2	8.20	.45	.60	a	.05	
CLASS 3	8.00	.45	.60	a	.05	
CLASS 4	7.575	.45	.60	a	.05	
CLASS 5	7.55	.45	.60	a	.05	
CLASS 6	7.00	.45	.60	a	.05	
CLASS 7	7.20	.45	.60	a	.05	
CLASS 8	9.45	.45	.60	a	.05	
CLASS 9	8.95	.45	.60	a	.05	

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F, Veterans Day, Washington's Birthday and Columbus Day.

CLASSIFICATIONS:

CLASS 1--Shovel, crane, dragline, derrick, backhoe, elevator with Chicago boom, gradall, elevating grader, front end loader 6 yds. and over, cherry picker, pile driving rigs, concrete road pavers, all three drum hoisting and trenching machines.

CLASS 2--Rotary drill with mounted compressor, compressor house (3-6 compressors), rock and earth boring machines excluding McCarthy and similar drills, graders, 4 yds. and over front end loader, two drum hoists, high fork lifts with capacity of 15' & over, scrapers, sonic hammer, vibratory hammer.

CLASS 3--Bulldozers, push cats, scrapers (tractor drawn), asphalt paver, front end loader 3/4 yds. to 4 yds., well driller, mechanics, pumpcrete machines, concrete pumps and similar type pumps, engineer or fireman on high pressure boiler (on job), self loading batch plant, well point operators including installing, engineer-in-charge of powered grease truck, all automatic elevators permanent or temporary operated manually or by remote controls.

CLASS 4--Single drum hoist, self-powered roller, self-propelled compactors, power pavement breakers, concrete pavement finishing machines, two bag mixers with skip, front end loaders under 3/4 yds. McCarthy and similar drills, batch plant not self loading, bulk cement plants, self-propelled material spreaders, A-frame trucks, fork lifts up to 15'.

CLASS 5--Compressor 315 cubic feet and over, (one or two), pumps (4 inches and over-total discharge) when total discharge is over 12 inches, classification 3 will be paid, tractor (without blade or bucket) drawing roller compactors or other machines.

CLASS 6--Compressors(up to 315 cubic feet) small mixers, pumps (up to 4 inches), power heaters, welding machines (when 3 or more heaters or welding machines are used on one job, classification 4 rate will be paid), conveyor, oiler, including helpers on grease trucks and grease trucks with hand greasing equipment.

CLASS 7--Oilers on truck cranes and gradalls.

CLASS 8--Cranes with boom lengths of 200 feet or more.

CLASS 9--Crane with boom length of 150 feet or more.

AR-3143 P. 4 N.H. 2-PEO-2-3-R

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
CLASS 1	$8.20	.35	.50	a	.05	
CLASS 2	7.95	.35	.50	a	.05	
CLASS 3	7.75	.35	.50	a	.05	
CLASS 4	7.20	.35	.50	a	.05	
CLASS 5	6.875	.35	.50	a	.05	
CLASS 6	6.35	.35	.50	a	.05	
CLASS 7	8.70	.35	.50	a	.05	

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F; Washington's Birthday; Veterans' Day; Columbus Day

CLASSIFICATIONS:

CLASS 1--Shovels, Crawler & Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Gradall, Piledrivers, Concrete Pavers, Engineers on site processing plant, Dragline, Clamshell, Cableways.

CLASS 2--Rotary drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and earth boring machine (excluding McCarthy and similar drills), Graders, Front end loader (4 yds. or over).

CLASS 3--Bulldozer, Push Cats, Scraper (Self propelled or tractor drawn), Self-powered Asphalt paver, (Front end loader 3/4 to 4 yds), Mechanics, Well driller, Pumpcrete machine, Engineer or Fireman on high pressure boiler (on job) Self-loading Batch plant (on job), Well Point Operators.

CLASS 4--Hoists, Conveyors, Self-powered rollers and Compactors, Self-propelled Material spreader, Self-powered concrete finishing machine, Mixers (2 bag with skip), front end loader (under 3/4 yd.), McCarthy and sigilar drills, Batch plant (not a self-loading), Bulk cement plant.

CLASS 5--Compressor (315 C.F. or over-one or two), Pump 4" or over, Tractor without blades, Drawing sheeps-foot, rubber tired roller or other type compactor including machines for pulverizing and aerating soil.

CLASS 6--Compressor (up to 315 C.F.), Small mixers with skip, Oiler, Pumps up to 4", Grease truck, Power heaters, Welding machines (when 3 or more welding machines Class 4 rate applies), A-Frame Trucks, Forklifts, (where grease truck contains powered grease equipment, engineer in charge shall be paid Class 3 rate)

CLASS 7--Crane with boom length of 200 feet or more including jib.

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POWER EQUIPMENT OPERATORS
MARINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CLASS 1	$6.335	.275	.30	a	.02	
CLASS 2	6.285	.275	.30	a	.02	
CLASS 3	6.215	.275	.30	a	.02	
CLASS 4	5.965	.275	.30	a	.02	
CLASS 5	5.755	.275	.30	a	.02	
CLASS 6	5.23	.275	.30	a	.02	
CLASS 7	4.555	.275	.30	a	.02	
CLASS 8	5.18	.275	.30	a	.02	
CLASS 9	4.605	.275	.30	a	.02	

Booms over 150' including jib-additional $.25 per hour.
Booms over 185' including jib-additional $.50 per hour.
Booms over 220' including jib-additional $.75 per hour.
Booms over 275' including jib-additional $1.00 per hour.

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F; Washington's Birthday, Patriot's Day, Columbus Day; and Veterans' Day; Provided the employee has worked 3 days during the week in which the holiday falls and is available for work the days preceding the holiday.

CLASSIFICATIONS:
CLASS 1--Power shovel, crane, truck crane, derrick, cherry picker, pile driver, 2 or more drum machine, lighter, derrick boat, trenching machine, mechanical hoist, pavement breaker, cement concrete paver, dragline, hoisting engine, pumpcrete machine, elevating grader, shovel dozer (except when pushing) front end loader (except when pushing), backhoe, gradall, cableway, moving machine, rotary drill, post hole hammer, post hole digger, fork lift.
CLASS 2--Swinger engine.
CLASS 3--Sonic or vibratory hammer, grader, scraper(over 21 yds. struck), tandem scraper concrete pump, Bulldozer, scraper (21 yds. struck or less).
CLASS 4--Portable steam boiler, portable steam generator, roller, tractor, mechanic (maintenance), concrete mixer with side loader.
CLASS 5--Assistant engineer (fireman).
CLASS 6--Pump, compressor, welding machine, heater (power driven), valve controlling permanent plant (air or steam), wellpoint system, auger (powered by independent engine and attached to pile driver), hydraulic saw, generator, lighting plant, syphon, pulsometer, concrete mixer.
CLASS 7--Oiler (other than truck crane and gradall).
CLASS 8--Oiler on scow.
CLASS 9--Oiler on truck crane and gradall.

AR-3143 P. 6 N.H. 1-TRK-1-2-3-F

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CLASS 1	[illegible]	.30	.25	a		
CLASS 2	[illegible]	.33	.25	a		
CLASS 3	[illegible]	.30	.25	a		

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F, plus Washington's Birthday, Veterans' Day and Columbus Day; Provided employee works two days in the calendar week in which the holiday falls; reports for work the last day assigned prior to the holiday and the first day assigned following the holiday).

CLASSIFICATIONS:
CLASS 1--Two axle equipment.
CLASS 2--Three axle equipment including low beds.
CLASS 3--Special earth hauling equipment other than conventional type on the road trucks and semitrailers trailer dumps.

STATE: New Hampshire SUPERSEDEAS DECISION COUNTY: Rockingham
DECISION NO.: AR-3144 DATE: Date of Publication
Supersedes Decision No. AR-3143 Dated April 12, 1974 in 39 FR 13468

DESCRIPTION OF WORK: Building (including Residential) Heavy, Highway and Marine Construction

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$9.26	.60	.65		.01
Boilermakers	9.08	.60	10%		.01
Bricklayers, cement masons, marble masons, plasterers, stonemasons, tile setters & terrazzo workers	7.20	.45	.35		.01
Carpenters:					
Salem:					
Carpenters & soft floor layers	8.43	.50	.50		.02
Millwrights	9.13	.50	.50		.03
Atkinson, Auburn, Candia, Chester, Danville, Deerfield, Derry, Fremont, Hampstead, Londonderry, Newton, Plaistow, Raymond and Windham:					
Carpenters	6.89	.35	.30		.01
Piledrivermen, wharf and dock builders, millwrights	7.74	.35	.30		.01
Remainder of County:					
Carpenters & soft floor layers	6.66	.35	.30		.01
Piledrivermen, wharf & dock builders & millwrights	7.51	.35	.30		.01
Electricians:					
Twps. of Exeter, Greenland, Hampton, Hampton Falls, Portsmouth, Newington, Newmarket, Northwood, Nottingham, Rye, Seabrook, and S. New Market	8.30	.40	12+.10		.03
Kingston, Kensington, Sandown, Danville, E. Kingston, Hampstead, Plaistow, Westville, Atkinson, N. Salem & Salem	9.32	.25	12+.20		.02
Remainder of County	8.80	.25	12		.03
Elevator Constructors	9.125	.345	.23	2%+4b	.015
Elevator Constructors' helpers	6.39	.345	.23	2%+4b	.015
Elevator Constructors' helpers (prob.)	4.56				
Glaziers	6.92	.35	.46		.02
Ironworkers, structural, ornamental and reinforcing	8.40	.55	.70		.02
Laborers, Building:					
Auburn, Candia, Chester, Danville, Deerfield Center, Derry, E. Derry, Fremont, Hampstead, Londonderry, Raymond, Sandown, W. Epping Windham, and Deerfield:					
Common laborers, wreckers, tenders, & hod carriers, Asphalt rakers	5.81	.40	.40		.05
Plasterers tenders	5.96	.40	.40		.05
Drillers, pavement breakers, jackhammer ops., and chipping gun ops.	6.21	.40	.40		.05
All other pneumatic tool operators on boiler & stack work	6.71	.40	.40		.05
Boiler and stack work	6.31	.40	.40		.05

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Laborers: Heavy & Highway						
Auburn, Candia, Chester, Danville, Deerfield, Deerfield Center, Derry, E. Derry, Fremont, Hampstead, Londonderry, Raymond, Sandown, W. Epping & Windham:						
Laborers & pipelayers	$5.81	.40	.40		.05	
Air tool op'r., vibrator drillers, concrete vibrators, and scalers	6.21	.40	.40		.05	
Blasters & powdermen	6.31	.40	.40		.05	
Salem, Lowry and Highway	7.00	.50	.45		.05	
Salem, Rockingham Park, Building & Demolition	7.00	.50	.45		.05	
Remainder of County:						
Building, heavy & Highway:						
Laborers & pipelayers	5.81	.40	.40		.05	
Freumatic tool operator, drillers, pavement breakers	6.21	.40	.40		.05	
Blasters & powdermen	6.31	.40	.40		.05	
Plasters' tenders	5.96	.40	.40		.05	
Lathers	9.25	.45	.55		.01	
Lead burners	8.75	.30		c	.01	
Line Construction:						
Lineman	7.07	.30	1%	d		
Equipment operator	6.92	.30	1%	d		
Groundman	4.71	.30	1%	d		
Driver Groundman	4.91	.30	1%	d		
Painters:						
Atkinson, Brentwood, Danville, E. Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton Falls, Kensington, Hampton, Kingston, New Castle, Newfields, Newington, New Market, Newton, N. Hampton, Nottingham, Plaistow, Portsmouth, Rye, Sandown, Seabrook, S. Hampton, Stratham & Northwood:						
Brush, rollers 9 inch	6.10		.25			
Spray & tender	7.10		.25			
Structural steel	6.70		.25			
Structural steel 45' or more	7.70		.25			
Taping & papernanging	6.35		.25			
Salem:						
Brush	8.76	.62	.60		.04	
Structural	10.88	.62	.60		.04	
Spray	9.76	.62	.60		.04	
Townships of Northwood, Deerfield, Candia, Raymond, Auburn, Chester, Londonderry, Derry & Windham:						
Brush	4.79	.175				
Open structural steel, work to 25' & spray	5.95	.175				
Enclosed steel, over 25'	5.80	.175				

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Plumbers and Steamfitters:					
Plaistow, Atkinson, Danville, Hampstead, and Kingston	$8.97	.45	.40		.05
Salem and Windham	8.49	.43	.35		.05
Remainder of County	8.35	.43	.35		.02
Roofers	5.90				
Roofers' helpers	5.40				
Sheet metal workers	8.42	.30	.30		.02
Sprinkler fitters	8.55	.50	.70		.08
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F; plus Washington's Birthday, Christmas Eve and Good Friday (providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays; B through F, provided the employee has been employed 5 working days prior to the holiday and provided the employee works the day immediately preceding and following the holiday.

e. $.25 contribution to annuity fund.

N.H. 3-PEO- C

BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CLASS 1	$9.11	.55	.60	a		
CLASS 2	8.99	.55	.60	a		
CLASS 3	8.36	.55	.60	a		
CLASS 4	7.67	.55	.60	a		
CLASS 5	7.18	.55	.60	a		
CLASS 6	6.80	.55	.60	a		

Boom lengths including jib: over 150' add $.35; over 185' add $.70; over 210' add $1.00; over 250' add $1.50; over 295' add $2.00.

FOOTNOTE: a. 10 paid holidays; New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Fast Day, Columbus Day, and armistice Day.

CLASSIFICATIONS:
CLASS 1--Shovels, cranes, truck cranes, cherry pickers, dragline, trench hoe, backhoe, 3 drum machine, derricks, pile driver, elevator tower, hoist, gradall, shovel dozer (except when pushing), front end loader (except when pushing), fork lift, auger, boring machine, rotary drill, post hole hammer, post hole digger, pumpcrete machine.
CLASS 2--Sonic or vibratory hammer, grader, scraper more than 21 yds. struck, tandem scr per, conc. pump, bulldozer, scraper 21 yds. struck or less, portable steam boiler, portable steam generator, roller, spreader, tamper, asphalt paver, Mechanics, Maintenance.
CLASS 3--Assistant engineers (firemen).
CLASS 4--Pumps (1-3 grouped), compressor, welding machine (1-3 grouped), generator, conc. vibrator, lighting plant, heater (power driven 1-5), wellpoint system(operating & installing), syphons-pulsometers, conc. mixers, valves controlling permanent plant air or steam, conveyor, Jackson type tamper, single diaphragm pump.
CLASS 5--Oilers on truck cranes & gradalls.
CLASS 6--Oilers (other than truck cranes & gradalls.

N.H. 5-PEO-4-F

HEAVY AND HIGHWAY CONSTRUCTION
POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oil
CLASS 1	$8.30	.55	.60	a		
CLASS 2	8.75	.55	.60	a		
CLASS 3	8.18	.55	.60	a		
CLASS 4	7.195	.55	.60	a		
CLASS 5	7.72	.55	.60	a		
CLASS 6	6.52	.55	.60	a		
CLASS 7	6.57	.55	.60	a		

Boom length including jib: over 150'-additional $.35 per hour; over 185'-additional $.70 per hour; over 210'-additional $1.00 per hour; over 250'-additional $1.50 per hour; over 295'-additional $2.00 per hour.

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; Fast Day.

CLASSIFICATIONS:
CLASS 1--Power shovels, cranes, truck cranes, derricks, pile drivers, trenching machines, mechanical hoist, pavement breakers, cement concrete pavers, draglines, hoisting engines, three drum machines, pumpcrete machines, elevating graders, shovel dozers, (when used for digging or loading), front end loaders(when used for digging or loading), mucking machines (when used as in shafts and tunnels), shaft hoists, steam engineers, backhoes, gradalls and cableways.
CLASS 2--Master Mechanics.
CLASS 3--Graders, scrapers, more than 21 yds., struck and tandem scrapers, bulldozers, scrapers, 21 yds., struck or less, grout pumps, portable steam boilers, rollers, spreaders, asphalt pavers, locomotive and tampers, self-propelled or tractor-drawn, Mechanics, maintenance.
CLASS 4--Pumps (s) (1-3 grouped), compressors welding machine(s) (1-3 grouped) generators, lighting plants, heaters (power driven (1-5), syphons, pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, well point systems (operating and installing).
CLASS 5--Assistant Engineers (Firemen).
CLASS 6--Oilers (other than truck cranes and gradalls).
CLASS 7--Oilers on truck cranes and gradalls.

N.H. 5-PEO-4-F 1 of 1

POWER EQUIPMENT OPERATORS
MARINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
CLASS 1	$6.335	.275	.30	a	.02	
CLASS 2	6.285	.275	.30	a	.02	
CLASS 3	6.215	.275	.30	a	.02	
CLASS 4	5.965	.275	.30	a	.02	
CLASS 5	5.755	.275	.30	a	.02	
CLASS 6	5.23	.275	.30	a	.02	
CLASS 7	4.555	.275	.30	a	.02	
CLASS 8	5.18	.275	.30	a	.02	
CLASS 9	4.605	.275	.30	a	.02	

Booms over 150' including jib-additional $.25 per hour.
Booms over 185' including jib-additional $.50 per hour.
Booms over 220' including jib-additional $.75 per hour.
Booms over 275' including jib-additional $1.00 per hour.

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F; Washington's Birthday, Patriot's Day, Columbus Day; and Veterans' Day; Provided the employee has worked 3 days during the week in which the holiday falls and is available for work the days preceding the holiday.

CLASSIFICATIONS:
CLASS 1--Power shovel, crane, truck crane, derrick, cherry picker, pile driver, 2 or more drum machine, lighter, derrick boat, trenching machine, mechanical hoist, pavement breaker, cement concrete paver, dragline, hoisting engine, pumpcrete machine, elevating grader, shovel dozer (except when pushing) front end loader (except when pushing), backhoe, gradall, cableway, boring machine, rotary drill, post hole hammer, post hole digger, fork lift.
CLASS 2--Swinger engine.
CLASS 3--Sonic or vibratory hammer, grader, scraper(over 21 yds. struck), tandem scraper concrete pump, Bulldozer, scraper (21 yds. struck or less).
CLASS 4--Portable steam boiler, portable steam generator, roller, tractor, mechanic (maintenance), concrete mixer with side loader.
CLASS 5--Assistant engineer (fireman).
CLASS 6--Pump, compressor, welding machine, heater (power driven), valve controlling permanent plant (air or steam), wellpoint system, auger (powered by independent engine and attached to pile driver), hydraulic saw, generator, lighting plant, syphon, pulsometer, concrete mixer.
CLASS 7--Oiler (other than truck crane and gradall).
CLASS 8--Oiler on scow.
CLASS 9--Oiler on truck crane and gradall.

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AR-3146 P. 2

9-NH-1-2-3-K

TRADE	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CLASS 1	$4.41	.07	.02	a		
CLASS 2	4.64	.08	.02	a		
CLASS 3	4.87	.10	.03	a		

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. 6 holidays: A through F, plus Washington's Birthday, Veterans' Day and Columbus Day; (provided employee works the days in the calendar week in which the holiday falls; reports for work the last day assigned prior to the holiday and the first day assigned following the holiday).

CLASSIFICATIONS:
CLASS 1--Two axle equipment.
CLASS 2--Three axle equipment including low beds.
CLASS 3--Special earth hauling equipment other than conventional type on the road trucks such as trailers, trailer dumps.

FEDERAL REGISTER, VOL. 39, NO. 189—FRIDAY, SEPTEMBER 27, 1974

SUPERSEDEAS DECISION

STATE: New Hampshire | COUNTY: Strafford
DECISION NO.: AR-3145 | DATE: Date of Publication
Supersedes Decision AG-3146 dated April 12, 1974 in 39 FR 13405
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy, highway, and Marine Construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$9.26	.60	.65		.01
Boilermakers	9.08	.60	10%		.01
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers and tile setters	7.20	.45	.35		.01
Carpenters and soft floor layers	6.89	.35	.30		.01
Electricians	8.30	.40	1%+.10		.01
Elevator constructors	9.125	.345	.23	2%+a+b	.015
Elevator constructors' helpers	6.39	.345	.23	2%+a+b	.015
Elevator constructors' helpers (prob.)	4.56				
Glaziers	6.92	.35	.46		.02
Ironworkers:					
Strucutral, ornamental & reinforcing	8.40	.55	.90		.02
Laborers:					
Laborers and pipelayers	5.81	.40	.40		.05
Plasterers tenders	5.96	.40	.40		.05
Pneumatic tool op, drillers, pavement breakers	6.21	.40	.40		.05
Blasters and powdermen	6.31	.40	.40		.05
Lead burners	8.75	.30		c	.01
Line Construction:					
Linemen	7.07	.30	1%	d	
Equipment operator	6.92	.30	1%	d	
Groundman	4.71	.30	1%	d	
Driver groundman	4.91	.30	1%	d	
Painters:					
Brush	6.10		.25		
Rollers, 9 inches	6.10		.25		
Spray and tender	7.10		.25		
Structural steel	6.70		.25		
Structural steel (45 ft. or more)	7.70		.25		
Taping & Paperhanging	6.35		.25		
Piledrivermen, wharf, dock builders, and millwrights	7.74	.35	.30		.01
Plumbers and Steamfitters	8.35	.43	.35		.02
Roofers	5.90				
Roofers' Helpers	5.40				
Sheet metal Workers	8.14	.31	.32		.02
Sprinkler fitters	8.55	.50	.00		.08
Welders-Receive rate prescribed for craft performing operation to which welding is incidental.					

AR-3145 P. 2

9-NH-1-2-3-E 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays; B through F provided employee has been employed 5 working days prior to the holiday and provided employee works the scheduled work days immediately preceding and following the holidays.

BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS 1	$ 9.11	.55	.60	a		
CLASS 2	8.99	.55	.60	a		
CLASS 3	8.36	.55	.60	a		
CLASS 4	7.67	.55	.60	a		
CLASS 5	7.18	.55	.60	a		
CLASS 6	6.80	.55	.60	a		

Boom lengths including jib: over 150' add $.35; over 185' add $.70; over 210' add $1.00; over 250' add $1.50; over 295' add $2.00.

FOOTNOTE: a. 10 paid holidays; New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Fast Day, Columbus Day, and Armistice Day.

CLASSIFICATIONS:
CLASS 1--Shovels, cranes, truck cranes, cherry pickers, dragline, treach hoe, backhoe, 3 drum machine, derricks, pile driver, elevator tower, hoist, gradall, shovel dozer (except when pushing), front end loader (except when pushing), fork lift, auger, boring machine, rotary drill, post hole hammer, post hole digger, pumprete machine.
CLASS 2--Sonic or vibratory hammer, grader, scraper more than 21 yds. struck, tandem scraper, conc. pump, bulldozer, scraper 21 yds. struck or less, portable steam boiler, portable steam generator, roller, spreader, tamper, asphalt paver, Mechanics, Maintenance.
CLASS 3--Assistant engineers (fireman).
CLASS 4--Pumps (1-3 grouped), compressor, welding machine (1-3 grouped), generator, conc. vibrator, lighting plant, heater (power driven 1-5), wellpoint system(operating & installing), syphone-pulsometers, conc. mixers, valves controlling permanent plant air or steam, conveyor, Jackson type tamper, single diaphrag pump.
CLASS 5--Oilers on truck cranes & gradalle.
CLASS 6--Oilers (other than truck cranes & gradalls.

HEAVY AND HIGHWAY CONSTRUCTION
POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CLASS 1	$8.30	.55	.60	a		
CLASS 2	8.75	.55	.60	a		
CLASS 3	8.18	.55	.60	a		
CLASS 4	7.195	.55	.60	a		
CLASS 5	7.72	.55	.60	a		
CLASS 6	6.52	.55	.60	a		
CLASS 7	6.57	.55	.60	a		

Boom length including jib: over 150'-additional $.35 per hour; over 185'-additional $.70 per hour; over 210'-additional $1.00 per hour; over 250'-additional $1.50 per hour; over 295'-additional $2.00 per hour.

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; Fast Day.

CLASSIFICATIONS:
CLASS 1--Power shovels, cranes, truck cranes, derricks, pile drivers, trenching machines, mechanical hoist, pavement breakers, cement concrete pavers, draglines, hoisting engines, three drum machines, pumprete machines, elevating graders, shovel dozers, (when used for digging or loading), front end loaders(when used for digging or loading), mucking machines (when used as in shafts and tunnels), shaft hoists, steam engineers, backhoes, gradalls and cableways.
CLASS 2--Master Mechanics.
CLASS 3--Graders, scrapers, more than 21 yds., struck and tandem scrapers, bulldozers, scrapers, 21 yds., struck or less, grout pumps, portable steam boilers, rollers, spreaders, asphalt pavers, locomotive and tampers, self-propelled or tractor-drawn, Mechanics, maintenance.
CLASS 4--Pumps (a) (1-3 grouped), compressors welding machine(s) (1-3 grouped) generators, lighting plants, heaters (power driven (1-5), syphons, pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, well point systems (operating and installing).
CLASS 5--Assistant Engineers (Fireman).
CLASS 6--Oilers (other than truck cranes and gradalls).
CLASS 7--Oilers on truck cranes and gradalls.

POWER EQUIPMENT OPERATORS
MARINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
CLASS 1	$6.335	.275	.30	a	.02	
CLASS 2	6.285	.275	.30	a	.02	
CLASS 3	6.215	.275	.30	a	.02	
CLASS 4	5.965	.275	.30	a	.02	
CLASS 5	5.755	.275	.30	a	.02	
CLASS 6	5.23	.275	.30	a	.02	
CLASS 7	4.555	.275	.30	a	.02	
CLASS 8	5.18	.275	.30	a	.02	
CLASS 9	4.605	.275	.30	a	.02	

Booms over 150' including jib-additional $.25 per hour.
Booms over 185' including jib-additional $.50 per hour.
Booms over 220' including jib-additional $.75 per hour.
Booms over 275' including jib-additional $1.00 per hour.

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F; Washington's Birthday, Patriot's Day, Columbus Day; and Veterans' Day; Provided the employee has worked 3 days during the week in which the holiday falls and is available for work the days preceding the holiday.

CLASSIFICATIONS:
CLASS 1--Power shovel, crane, truck crane, derrick, cherry picker, pile driver, 2 or more drum machine, lighter, derrick boat, trenching machine, mechanical hoist, pavement breaker, cement concrete paver, dragline, hoisting engine, pumprete machine, elevating grader, shovel dozer (except when pushing) front end loader (except when pushing), backhoe, gradall, cableway, boring machine, rotary drill, post hole hammer, post hole digger, fork lift.
CLASS 2--Swinger engine.
CLASS 3--Sonic or vibratory hammer, grader, scraper(over 21 yds. struck), tandem scraper concrete pump, Bulldozer, scraper (21 yds. struck or less).
CLASS 4--Portable steam boiler, portable steam generator, roller, tractor, mechanic (maintenance), concrete mixer with side loader.
CLASS 5--Assistant engineer (fireman).
CLASS 6--Pump, compressor, welding machine, heater (power driven), valve controlling permanent plant (air or steam), wellpoint system, auger (powered by independent engine and attached to pile driver), hydraulic saw, generator, lighting plant, syphon, pulsometer, concrete mixer.
CLASS 7--Oiler (other than truck crane and gradall).
CLASS 8--Oiler on scow.
CLASS 9--Oiler on truck crane and gradall.

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
CLASS 1	$4.41	.30	.25	a		
CLASS 2	4.64	.30	.25	a		
CLASS 3	4.87	.30	.25	a		

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a. Holidays: A through F, plus Washington's Birthday, Veterans' Day and Columbus Day; (provided employee works two days in the calender week in which the holiday falls; reports for work the last day assigned prior to the holiday and the first day assigned following the holiday).

CLASSIFICATIONS:
CLASS 1--Two axle equipment.
CLASS 2--Three axle equipment including low beds.
CLASS 3--Special earth hauling equipment other than conventional type on the road trucks and semitrailers trailer dumps.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ALBANY

DECISION NO.: AR-2054 DATE: DATE OF PUBLICATION

Supersedeas Decision No. AR-2024 dated August 23, 1974 in 39 FR 30768
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

1-New York-1-2-3-E — 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.93	.32	.18		.02
Boilermakers	9.08	.60	10%		.01
Bricklayers, cement masons, plasterers, and stonemasons	9.29	.45	.30		.01
Carpenters & soft floor layers, Bldg.	8.70	.50	.50		.02
Carpenters, Heavy & Highway	8.22	.50	.50		.025
Millwrights, Building	9.20	.50	.50		.02
Cement masons, Heavy & Highway	6.08	.25	.20		
Electricians:					
Cohoes and Watervliet	9.70	.50	3%+.55	&	h
Remainder of County	10.15	.30	3%+.50	a	
Elevator Constructors:					
Elevator constructors	8.73	.345	.26	.71+b	.02
Elevator constructors' helpers	6.11	.345	.26	.71+b	.02
Elevator constructors' helpers (prob.)	4.365				
Ironworkers, structural, ornamental and reinforcing	8.84	.55	.85		.04
Laborers, Building:					
West side of Hudson River, extending westerly along the north side of 1st St., Watervliet, to half-mile of Rt., 9 to Shaker Road to Rt., 9 northerly to the N. of the Line of Albany Co.:					
Laborers	7.05	.50	.65		
Pipelayers (2 man team), hod carriers mortar mixers (hand or machine), jackhammer op., well pointing, all air or gas driven tools, vibrators, power driven buggies	7.20	.50	.65		
Asphalt rakers	7.05	.50	.65		
Demolition	7.30	.50	.65		
Form setters (curb)	7.225	.50	.65		
Wagon drill operator	7.275	.50	.65		
Acetylene burners	7.325	.50	.65		
Blasters	7.30	.50			
Remainder of County:					
Laborers	7.60	.55	.70		.02
Blasters	8.075	.55	.70		.02
Acetylene burners	7.875	.55	.70		.02
Wagon drills	7.825	.55	.70		.02
Form setters (curb)	7.775	.55	.70		.02

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1-New York-1-2-3-E — 2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Remainder of County Cont'd:					
Pipelayers, hod carriers, mortar mixers (hand or machine), jackhammer op., well pointing, air or gas driven tools, power driven buggies, air and gas hammers and drills, electric hammers, 50 lbs. or over and vibrators	7.75	.55	.70		.02
Demolition	7.85	.55	.70		.02
Lead burners	9.25	.35		o	.01
Line Construction:					
Linemen, cable splicer helper and material man	9.33	.50	7%+.40	d	3/8%
Cable splicer	10.08	.50	7%+.40	d	3/8%
Groundman digging machine operator	8.80	.50	7%+.40	d	3/8%
Groundman mobile equipment oper.	8.30	.50	7%+.40	d	3/8%
Groundman truck driver and mechanic	7.90	.50	7%+.40	d	3/8%
Groundman dynamite man	8.30	.50	7%+.40	d	3/8%
Painters:					
Brush	7.97		.12		
Structural steel and bridge	8.72		.12		
Spray	9.07		.12		
Piledrivermen	9.61	.95	1.53	.61	.02
Plumbers, Steamfitters, Air conditioning and refrigeration:					
Albany area	8.60	.35	.62		.05
Plumbers and Pipefitters:					
Cohoes area	8.20	.50	.85		.04
Roofers	8.30	.63	.30		.02
Sheet metal workers	8.85	.40	3%+.30		.05
Sprinkler fitters	9.45	.50	.70		.08
Truck drivers - Building:					
Straight, winch transit on site, road oilers, dump, pick-up, panel, water and fuel trucks on site	7.09	.37	.37	f	.02
Low or lowboy trailers	7.24	.37	.37	f	.02
Euclids	7.34	.37	.37	f	.02
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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1-New York-1-2-3-E — 3 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.

FOOTNOTES:

a. Holidays: E

b. Holidays: A through F. Employer contributes 1% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

e. One week vacation after one year's work; two weeks vacation after five year's work.

f. Holiday - Thanksgiving Day provided employee reports for work the day following the holiday.

g. Employer contributes $15.00 per year to an apprentice training program.

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NY-1-LAB-2-3-I

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.75	.55	.70	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	6.95	.55	.70	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.15	.55	.70	a	
Blasters, form setters, stone or granite curb setters	7.35	.55	.70	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTS:
a. Holidays A through F, providing the employee works the day before and after the holiday.

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HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or mole, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is muded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 165), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Koiman plant loader and similar type loaders (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/ welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil etabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch out

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, bust subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (165 and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.70	.45	.45+a	b	.10
GROUP II	8.40	.45	.45+a	b	.10
GROUP III	7.85	.45	.45+a	b	.10
GROUP IV	7.15	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the works the day day before and after the holiday.

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), economobile and similar type machines, elevatore, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hamaer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.91	.70	.40	a	.10
GROUP 2	7.96	.70	.40	a	.10
GROUP 3	8.05	.70	.40	a	.10
GROUP 4	8.22	.70	.40	a	.10
GROUP 5	8.49	.70	.40	a	.10
GROUP 6	8.605	.70	.40	a	.10
GROUP 7	8.76	.70	.40	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:
A-New Yeor's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

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SUPERSEDEAS DECISION

STATE: North Dakota

COUNTIES: Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh and Ward

DECISION NUMBER: AR-1036

DATE: Date of Publication

Supersedes Decision No. AO-1066 dated December 7, 1973. in 38 FR 33899

DESCRIPTION OF WORK: Building Construction(excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.	Othe
ASBESTOS WORKERS (except Walsh County)	$ 7.69	.35	.50		.005	
BOILERMAKERS (except Walsh County)	8.35	.60	1.00		.02	
BRICKLAYERS; Stonemasons:						
Burleigh and Morton Counties	7.53		.15			
Grand Forks, Steele and Walsh Counties	8.60		.15			
Cass and Richland Counties	8.00	.40	.15	.30		
Ward County	7.23		.15		.02	
CARPENTERS:						
Burleigh and Morton Counties						
Carpenters	6.55				.02	
Piledrivermen	6.675				.02	
Grand Forks, Steele (Northern half), and Walsh Counties						
Carpenters	6.70				.02	
Piledrivermen	6.93				.02	
Millwrights	7.08				.02	
Cass, Richland and Steele (Southern half) Counties						
Carpenters	6.56		.25			
Ward County						
Carpenters	6.53				.02	
Piledrivermen	6.76				.02	
Millwrights	7.01				.02	
CEMENT MASONS:						
Grand Forks and Steele Counties	6.25		.15			
Cass and Richland Counties	6.80					
Ward County	5.50					
ELECTRICIANS:						
Cass, Grand Forks, Richland and Steele Counties						
Zone mileage from main P. O. in the Cities of Grand Forks, Valley City, Fargo and West Fargo.						
Zone (A) Within 0-15 miles of each main P. O.						
Electricians	7.95	.30	1%	6%	1 1/2%	
Cable Splicers	8.25	.30	1%	6%	1 1/2%	
Zone (B) 15-30 miles of each main P. O.						
Electricians	8.57	.30	1%	6%	1 1/2%	
Cable Splicers	8.87	.30	1%	6%	1 1/2%	
Zone (C) Over 30 miles of each main P. O.						
Electricians	8.95	.30	1%	6%	1 1/2%	
Cable Splicers	9.25	.30	1%	6%	1 1/2%	

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ELECTRICIANS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Burleigh, Morton and Ward Counties						
Zone mileage from main P. O. in the Cities of Minot, Bismarck and Mandan						
Zone (A) Within 0-25 miles of each main P. O.						
Electricians	7.80	.30	1%	6%	1 1/2%	
Cable Splicers	8.20	.30	1%	6%	1 1/2%	
Zone (B) Over 25 miles from main P. O.						
Electricians	9.05	.30	1%	6%	1 1/2%	
Cable Splicers	9.45	.30	1%	6%	1 1/2%	
ELEVATOR CONSTRUCTORS (excl. Walsh Co.)	8.35	.395	.26	2-1/2%a	.02	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2-1/2%a	.02	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Ornamental; Structural; Reinforcing	8.20	.40	.28		.02	
PAINTERS:						
Cass, Grand Forks, Richland and Steele Counties						
Brush; Roller; Paperhangers	6.45				.01	
Sandblasting; Structural	6.70				.01	
Spray	6.95				.01	
Burleigh and Morton Counties						
Brush	5.35					
Spray	5.65					
Ward County						
Brush	5.20					
Spray	5.55					
PLASTERERS:						
Grand Forks and Steele Counties	6.80		.15			
Ward County	6.50					
Cass and Richland Counties	7.90					
PLUMBERS:						
Cass, Grand Forks, Richland, Steele and Walsh Counties	7.75	.38	.20		.005	
Burleigh and Morton Counties	7.85	.35	.25		.02	
Ward County	7.45	.35	.25		.02	
ROOFERS:						
Cass and Richland Counties	5.30					
SHEET METAL WORKERS:						
Burleigh, Grand Forks, Morton, Steel and Ward Counties	8.00					
Cass and Richland Counties	7.25	.40	.10		.01	
SOFT FLOOR LAYERS:						
Cass and Richland Counties	5.75	.20				
SPRINKLER FITTERS (except Walsh County)	7.85	.50	.70		.08	

FOOTNOTE:

a. Employer credits 2% basic hourly rate for employee with 6 months to 5 years' service; 4% basic hourly rate with over 5 years' service as Vacation Credit Plan.

Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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BUILDING CONSTRUCTION

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Grand Forks and Steele Counties					
Group 1: Laborers; Concrete bucket dumpman	$5.47				
Group 2: All power tools (air, gas and electric); Operators of tools that come under the laborers' jurisdiction; Brick, plaster and finisher tender; Sandblaster and gunnite pot tender; Hose tender where under the laborers' jurisdiction	5.62				
Group 3: Hod Carriers; Non-metallic Pipelayer; Gas Line wrapping or taping; Sand Blaster and Gunnite Nozzleman where under laborers' jurisdiction; Cutting Torch for demolition	5.82				
Burleigh and Morton Counties					
Group 1: Laborers; Concrete bucket man; Brick and Plasterer tender	4.75				
Groups 2 & 3: All Power tool operator of tools that come under the laborers' jurisdiction; Mortar Mixer; Hod Carriers; Non-metallic Pipe layer; Gas Line wrapping or taping; Cutting Torch for demolition	4.85				

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cass and Richland Counties					
Group 1: Laborers; Concrete bucket dumpman; Bricktender	$4.99				
Group 2: All Power tool operators of tools that come under the laborers' jurisdiction; Plasterers tender; and Mortar Mixer	5.14				
Group 3: Hod Carriers; Non-metallic Pipe layer; Gas Line wrapping and taping (Distribution only); Cutting Torch for demolition	5.14				
Ward County					
Group 1: Laborer; Concrete bucket dumpman	4.99				
Group 2: All Power tool operators of all tools that come under the laborers' jurisdiction; Mortar Mixer; and Plasterer tender	5.09				
Group 3: Non-metallic Pipe layer; Gas Line wrapping or taping (Distribution only); Cutting Torch for demolition	5.24				
Walsh County	2.75				

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Site Preparation Excavation and Incidental Paving(Except Walsh County)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Laborers:						
Group I						
General Construction Laborer; Reinforced steel setter; Sack shaker (cement and mineral filler); Pipe handler; Drill runner helper; Carpenter tender; Salamander heater and blower tender	$2.95					
GROUP II						
Semi Skilled Laborer; Bulk cement handler; Conduit layer, telephone or electrical; Form setter (pavement); Gas, Electric or pneumatic tool operator (chipping hammer, grinders and paving brakers (tamper (dirt)(concrete vibrator operator); Chain saw operator; Concrete saw operator; Concrete curing man (not water); Bituminous worker (shoveler, dumper, raker and floater); Kettleman (Bituminous or lead); Concrete bucket signalman; Power buggy operator; Brick and mason tender; Multiplate pipe layer; Culvert pipe layer	3.05					
GROUP III						
Caisson Work; Bottom man, (sanitary sewer, storm sewer, water, and gas lines); Concrete mixer operator (one bag capacity); Motor mixer	3.15					
GROUP IV						
Pipe Layers (Sanitary Sewer, Storm Sewer, Water and Gas Lines); Drill runner (incl. wagon churn or air track); Powderman, gunite and sandblast, nozzleman	3.25					

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
GROUP 1						
CRANES, tower and overhead; Cherry picker	$ 6.90	.35	.25			
GROUP 2						
BRAKEMEN; Any air compressed operations over 300 well points; Frontend loader over 1 1/2 cu. yds.; Power plant engineer; Straddle Carrier; Oiler; Mechanic and welder; Batch plant drill rig; Tractor, over 75 HP; Concrete pumps, stationary and boom type; Forklift, over 3,000 lbs. lifting capacity	6.30	.35	.25			
GROUP 3						
HOIST; Greaser; Concrete mixer operator; Boom truck; Firemen; Tractor, 75 HP and under; Frontend loader, 1 1/2 cu. yds., and under; Air compressor, 300 and under; Forklift, 3,000 lbs. and under lifting capacity; Self-propelled scissor jax	5.30	.35	.25			

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Site Preparation, Excavation and Incidental Paving (Except Walsh County)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
CABLEWAY OPERATOR; Crane Operator with over 135' boom; Derrick (Guy & Stiff Leg), (Power), (Skids & Stationary); Front End Loader over 10 cu. yds.; Gantry Crane Operator; Hole Operator, including Power Supply or Tunnel Mucking Machine; Power Shovel and/or other Equipment with Shovel Type Controls 3 - 1/2 cu. yds.	$ 6.45	.35	.25			
CONCRETE MIXER STATIONARY PLANT OPERATOR over 34E; Dredge Operator or Engineer, Dredge Operator (Power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (Paving) Concrete Paving Operator, road; Power Shovels and/or other Equipment with shovels and/or other Equipment with shovel type controls up to 3 - 1/2 cu. yds.; Scraper Tandem; Tandem Pusher Quad. 9 or similar; Tractor Operator (Pipeline) Side Boom; Truck Crane Operator	6.30	.35	.25			
DOPE MACHINE OPERATOR (Pipeline); Drill Rige, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. & over; Locomotive, all types; Pipeline Wrapping, Cleaning & Bending Machine Operator; Power Actuated Horizontal Boring Machine over 6" Op. (Pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Op. (Power Driven) (Paving); Tandem Scraper-Twin Engine, 50 cu. yds. Struck & over	6.15	.35	.25			
ASPHALT PAVING MACHINE OPERATOR; Asphalt Plant Operator and Console Board Op.; CMI Grading Operstor; Crushing Plant Operator (Gravel & Stone or Gravel Washing, Crushing and Screening Plant Operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Bituminous; Mechanic or Welder (Heavy Duty); Rubber Tired Dozer Napco or similar & over; Rubber Tired Industrial Tractor with Backhoe						

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POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Attachment (Water Main Sanitary Sewer & Storm Sewer, Trunk Line Construction); Scraper Op.; Tractor Type Dozer D-6 & over; Trenching Machine Operator, Sewer & Water (Except Ditch Witch or Similar use oiler rate); Turnapull Operator (or similar type)	$ 6.10	.35	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Power); Concrete Dietributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator & Spray Operator; Concrete Mixer Operator on Job Site 16S or Over; Paving Breaker or Tamping Machine Op., including Machine with Power Shovel Attachments (Power Driven); Power Actuated Augers & Boring Machine Operator; Power Actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. & over; Push Tractor; Self-Propelled Traveling Soil Stabilizer; Soil Cement Stabilizer	5.85	.35	.25			
CONCRETE SAW OPERATOR (MULTIPLE BLADE) (Power Operated); Fine Grade Operator; Roller, Steel, and Self-Propelled Rubber, on Hot Mix Asphalt Paving; Rubber Tired Dozar under Napco or similar; Tractor Type Dozer under D-6; Truck Mechanic	5.62	.35	.25			
BRAKEMAN OR SWITCHMAN; Concrete Batch Plant Operator (Cement, Rock and Sand) electronic; Concrete Mixer Operator on Job Site under 16S; Crane Truck Oiler; Distributor Operator; Grader Operator (Motor Patrol) (Haul Road); Gravel Screening Plant Operator (Portable not Crushing or Washing); Greaser (Truck or Tractor); Gunnite Operator Gunall; Hoist Engineer (Power); Hydro Crane Operator Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and over Hopper Capacity; Shouldering Machine Operator (Power) (Apsco or similar type) including Self-Propelled Sand Chip Spreader Flaherty or Similar	4.69	.35	.25			

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D)						
CRAWLER TYPE TRACTOR PULLING COMPACTION OR AREATING EQUIPMENT; Farm Type Rubber Tired Tractor with Backhoe Attachment; Self-Propelled Vibrating Packer Op. Pad Type (35 H.P. & Over); Sheepsfoot Roller or Compactor (Self-Propelled); Off road Self-Propelled Watering Equipment	$ 4.54	.35	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Helper) (Power); Boom Truck Operator; Concrete Batch Operator (Cement, Rock & Sand) (Manual); Fireman or Tank Car Heater Op.; Form Trench Digger (Power); Front End Loader Op., up to 1 cu. yd.; Hyster Carrier; Leverman; Loader Operator (Barber Greene or Similar Type); Mechanics' Helper; Oiler (Power Shovel, Crane, Dragline); Pugmill Operator; Pump Operator (Well Points); Roller, Steel & Self-Propelled Rubber, on other than Hot Mix Asphalt Paving; Self-Propelled Broom	4.44	.35	.25			
CONVEYOR OPERATOR: Curb Machine Operator; Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting & Areating; Front End Loader Operator (Farm Type Rubber Tired Tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator	4.10	.35	.25			
Site Preparation Excavation and Incidental Paving(except Walsh County)						
TRUCK DRIVERS						
Single axle	$4.57	.35	.07			
Tandem	4.67	.35	.07			
Agitator dumpcrete	4.92	.35	.07			
Lowboy; Off road heavy duty end dumps, 20 yds. and under; Tandem semi	4.92	.35	.07			
Euclid, over 20 yds.	5.55	.35	.07			

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Muskogee
DECISION NO.: AR-35 DATE: Date of Publication
Supersedes Decision No. AQ-120, dated June 28, 1974, in 39 FR 24169.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), and heavy and highway construction within the City of Muskogee.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	8.65	.35	.35		.015
BOILERMAKERS	7.80	.30	.76		.03
BRICKLAYERS-STONEMASONS	7.48	.30	.40		.03
CARPENTERS:					
Carpenters	7.35				.01
Millwrights-Piledrivermen	7.85				.01
CEMENT MASONS:					
Cement masons	7.05				
Power tool operator	7.30				
ELECTRICIANS:					
ZONE I - A 20 mile raduis from Post Office of City of Muskogee					
ZONE II - Area outside zone I					
Zone I					
Electricians	7.93	.30	1%		4%
Cable splicers	8.33	.30	1%		4%
Zone II					
Electricians	8.23	.30	1%		4%
Cable splicers	8.63	.30	1%		4%
ELEVATOR CONSTRUCTORS	7.40	.395	.26	2½%a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	5.18	.395	.26	2½%a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (Probationery 6 months)	3.70				
GLAZIERS	6.625	.25	.30		.01
IRONWORKERS	8.34	.30	.35		.08
LABORERS:					
GROUP 1	4.80	.25	.20		
GROUP 2	5.10	.25	.20		
GROUP 3	5.30	.25	.20		

CLASSIFICATION DEFINITIONS

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tending lathers, masons, or plasterers; water boys, when used, carpenter tenders; and common laborers.

DECISION NO. AR-35

LABORERS CLASSIFICATION DEFINITIONS CONT'D

GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping, treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machines, and gunite mixing machines, including placing of concrete; handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechaincal equipment which replaces wheel barrows or buggies previously used be laborers; all scale men on batch plants; all laborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle; signal men and curring torch operators in connection with laborers' work; concrete grader.

GROUP III - Wagon drill operator and powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	6.60		.30		.01
LINE CONSTRUCTION					
Lineman	8.00		1%		4%
Cable splicers	8.48		1%		4%
Hole digger operator	7.26		1%		4%
Heavy Equipment Operator (or Pole Cat Equivalent)	7.26		1%		4%
Line truck driver (winch operator)	6.57		1%		4%
Jack Hammerman	5.99		1%		4%
Powderman	7.26		1%		4%
Groundman	5.34		1%		4%
Truck driver (flat bed, ton and half and under)	5.70		1%		4%
PAINTERS:					
Commerical brush and roller	5.35		.25	.20	.01
Spray; glove or dipping; sandblasters; spray or sand pot tender (maximum two pots, guns or nozzles); power rollers; power equipment operators; bitumastic and like materials; applicators and kettle tenders	6.60		.25	.20	
Spray or sand pot tender (maximum one pot, one nozzle or gun)	5.70		.25	.20	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS (cont'd):					
Hazardous work Cooning steel, stage, bosun chair, spiders, jack, roof work, skates, rolling scaffolds and like equipment - fifty cents above basic rate	8.50		.25	.20	
POWER EQUIPMENT OPERATORS:					
Group 1	8.25	.35	.25		.12
Group 2	8.00	.35	.25		.12
Group 3	7.75	.35	.25		.12
Group 4	7.50	.35	.25		.12
Group 5	7.00	.35	.25		.12
Group 6	7.10	.35	.25		.12
Group 7	6.50	.35	.25		.12
Group 8	6.80	.35	.25		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 100' of boom or over (including jib); all tower cranes and all crane type of 3 cu. yd. or more.
GROUP II - Heavy duty mechanic; welder; crane hook and overhead monorail; whirley; panel board batch plant operators; derrick; piledriver; engineer; dragline; shovel; clamshell; backhoe; sideboom; gradall; hydro crane; cherry picker; hoists while operating 2 or more drums.
GROUP III - Motor patrol (Blade); dozer (engine H.P. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; tournapull, DW 10, 15, 16, 20, 21, and similar rubber-tired equipment, Euclid, TS-24 and similar; loader operator or hi-lift (engine H.P. 65 or over); Asphalt lay machine; tail boom; conveyor-multiple; panel board control, power driver hole digger; trenching machine; concrete pump - boom type
GROUP IV - Locomotive engineer; boring machine, tug boat; mixer, 18 cu. ft. and over, sand barge; dredging machine; tugger; hoist when operating one drum, welding machine, 3 to 6, Air compressor, 3 to 6, 500 cu. ft. and under; air compressor, over 500 cu. ft. (1), pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineer, diesel elec; winch trucks with A-Frame; rollers all types; outside elevator or building or personnel hoist, concrete buster or tamper; heater under jurisdiction of operator; engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable) conveyor operator-duel, continuous or belt-buik handling; screened operator; concrete pump; form grader; screening plant, well point pump operator; signal man or large whirleys when and if required; operator for rotary drilling machine when operated from console or machines
GROUP V - Permanant elevator-building type (automatic), concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft. and under (1 or 2); welding machine (1 or 2); fuelman; conveyor operator-single continuous belt buik handling

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POWER EQUIPMENT OPERATORS (CONT'D) CLASSIFICATIONS DEFINITIONS

GROUP VI - Greaser, tilt top trailer operator
GROUP VII - Truck crane oiler driver or truck crane oiler
GROUP VIII - Asphalt lay machine back end man helpers
Engineers for machine not listed under the above classification shall receive the scale comparable to these classifications.
Engineers of all classifications when working in caverns or tunnels shall receive $0.25 per hour above listed rates.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS-STEAMFITTERS	8.55	.40	.80		.10
ROOFERS	7.00	.25	.25		.04
SHEET METAL WORKERS	8.09	.45	.45		.08
SPRINKLER FITTERS	8.90	.50	.70		.07
TERRAZZO WORKERS	7.78		.10		
TERRAZZO WORKERS' HELPERS	6.28				
TERRAZZO WORKERS HELPERS' FLOOR OP.	6.38				
TERRAZZO WORKERS' HELPERS BASE MACHINE OPERATOR	6.58				
TILE LAYERS	7.78		.10		
TRUCK DRIVERS:					
Group 1	5.20				
Group 2	5.30				
Group 3	5.40				
Group 4	5.35				
Group 5	5.50				

CLASSIFICATION DEFINITIONS

GROUP I - Pick-up, 1½ tons or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses
GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards
GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclids, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment; tractor trailer drivers and similar equipment, such as tractors, ten wheelers
GROUP IV - Ready-mix concrete trucks up to but not including 3 yards
GROUP V - Ready-mix concrete trucks 3 yards and over

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.

FOOTNOTES:
a. 1st 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b. Paid Holidays - A through F
PAID HOLIDAYS:
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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SUPERSEDEAS DECISION

STATE: Oklahoma
DECISION NO.: AR-50
COUNTY: Tulsa & Creek
DATE: Date of Publication
Supersedes Decision AQ-123, dated June 28, 1974 in 39 FR 24192
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	8.65	.35	.35		.015
BOILERMAKERS	7.80	.30	.76		.03
BRICKLAYERS; STONEMASONS	8.03	.30	.40	.33	.04
CARPENTERS	7.66	.25	.25		.05
CEMENT MASONS:					
cement masons	7.47		.40		.06
Power tool operator	7.72		.40		.06
ELECTRICIANS:	7.65	.36	1%+.25	.30	.07
CABLE SPLICERS	7.90	.36	1%+.25	.30	.07
ELEVATOR CONSTRUCTORS	7.40	.395	.26	2½%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	5.18	.395	.26	2½%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB. 6 MOS.)	3.70				
GLAZIERS	6.625	.25	.30		.01
IRONWORKERS	8.34	.30	.35		.08
LABORERS:					
GROUP 1	5.60	.25	.20		
GROUP 2	5.90	.25	.20		
GROUP 3	6.00	.25	.20		
GROUP 4	6.45	.25	.20		

CLASSIFICATION DEFINITIONS

GROUP I - All digging and dirt work, firing of salemanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; and cleaning, including cleaning of windows; wrecking and razing of building and all structures, cleaning and clearing of debris; loading and unloading of materials, hoist or cages, except when the man is directly tending lathers, masons, or plasterers; water boys, when used, carpenter tenders; and common laborers.

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LABORERS CLASSIFICATION DEFINITIONS CONT'D

GROUP II - All machine tool operators that come under the jurisdiction of the laborers; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to four inches and slip form jacks; men erecting scaffolds and directly tending lathers, masons, cement masons and plasterers, mortar mixers, hod carriers and dry mixers; high work over 30 feet from the ground or floors; cement finisher helper; work on swinging scaffold; all kettle and pot men, tank cleaning, all pipe doping, treating and wrapping, including all men working with dope; mortar and plaster mixing machine, pump-crete machine, and gunite mixing machines, including placing of concrete; handling creosoted or treated materials, liquid acids, or like materials when injurious to health, eye and skin or clothes; all newly developed mechencial equipment which replaces wheel barrow or buggies previously used by laborers; all scale men to batch plants; all laborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle; signal men and cutting torch operators in connection with laborers' work; concrete grader
GROUP III - Wagon drill operator
GROUP IV - Powdermen or blaster

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	6.60		.30		.01
LINE CONSTRUCTION					
Linemen	8.00		1%		½%
Cable splicers	8.48		1%		½%
Hole digger operator	7.26		1%		½%
Heavy Equipment Operator (or Pole Cat Equivalent)	7.26		1%		½%
Line Truck driver (winch operator)	6.57		1%		½%
Jack Hammerman	5.99		1%		½%
Powderman	7.26		1%		½%
Groundman	5.34		1%		½%
Truck driver (flat bed. ton and half and under)	5.70		1%		½%
MILLWRIGHTS	7.96	.25	.25		.05
PAINTERS:					
Brush	6.50		.25	.35	.02
High work and stage	6.90		.25	.35	.02
Spray and sandblasting	7.15		.25	.35	.02
Hot or Bituminous	7.80		.25	.35	.02
Sheetrock handtools	6.50		.25	.35	.02
Sheetrock Power tools	6.85		.25	.35	.02
Hazadous work	8.70		.25	.35	.02
PILEDRIVERMEN	7.96	.25	.25		.05
PIPEFITTERS	8.57	.35	.40		.05
PLASTERERS	7.65				.01
PLUMBERS	8.57	.35	.40		.08

NOTICES

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DECISION NO. AR-50

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	8.25	.35	.25		.12
Group 2	8.00	.35	.25		.12
Group 3	7.75	.35	.25		.12
Group 4	7.50	.35	.25		.12
Group 5	7.00	.35	.25		.12
Group 6	7.10	.35	.25		.12
Group 7	6.50	.35	.25		.12
Group 8	6.80	.35	.25		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 100' of boom or over (including jib); all tower cranes and all crane type of 3 cu. yd. or more.
GROUP II - Heavy duty mechanic; welder; crane hook and overhead monorail; whirley; panel board batch plant operators; derrick; piledriver; engineer; dragline; shovel; clamshell; backhoe; sideboom; gradall; hydro crane; cherry picker; hoists while operating 2 or more drums.
GROUP III - Motor patrol (Blade); dozer (engine H.P. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; tournapull, DW 10, 15, 16, 20, 21, and similar rubber-tired equipment, Euclid, TS-24 and similar; loader operator or hi-lift (engine H.P. 65 or over); Asphalt lay machine; tail boom; conveyor-multiple; panel board control, power driver hole digger; trenching machine; concrete pump - boom type
GROUP IV - Locomotive engineer; boring machine, tug boat; mixer, 18 cu. ft. and over, sand barge; dredging machine; tugger; hoist when operating one drum, welding machine, 3 to 6, Air compressor, 3 to 6, 500 cu. ft. and under; air compressor, over 500 cu. ft. (1), pumps, battery, 3 to 6; fork-lift, bobcat and similar equipment; generator plant engineer, diesel elec; winch trucks with A-Frame; rollers all types; outside elevator or building or personnel hoist, concrete buster or tamper; heater under jirisdiction of operator; engineers; fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable) conveyor operator-duel, continuous or belt-bulk handling, screened operator; concrete pump; form grader; screening plant, well point pump operator; signal man or large whirleys when and if required; operator for rotary drilling machine when operated from console or machines
GROUP V - Permanant elevator-building type(automatic), concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu, ft. and under (1 or 2); welding machine (1 or 2); fuelman; conveyor operator-single continuous belt bulk handling

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POWER EQUIPMENT OPERATORS (CONT'D) CLASSIFICATION DEFINITIONS

GROUP VI - Greaser, tilt top trailer operator
GROUP VII - Truck crane oiler driver or truck crane oiler
GROUP VIII - Asphalt lay machine back end man helpers
Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.
Engineers of all Classifications when working in caverns or tunnels shall receive $0.25 per hour above listed rates.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	7.00	.25	.25		.03
SHEET METAL WORKERS	8.09	.45	.45		.06
SOFT FLOOR LAYERS	6.82		.15	.45	.03
SPRINKLER FITTERS	8.90	.50	.70		.08
TERRAZZO WORKERS	7.78		.10		
TERRAZZO WORKERS' & TILE LAYERS; HELPER	6.28				
TERRAZZO WORKERS' HELPER FLOOR MACHINE OPERATOR	6.38				
TERRAZZO WORKERS' HELPERS BASE MACHINE OPERATOR	6.58				
TILE LAYERS	7.78		.10		
TRUCK DRIVERS:					
Group 1	5.58				
Group 2	5.63				
Group 3	5.73				
Group 4	5.53				
Group 5	5.73				

CLASSIFICATION DEFINITIONS

GROUP I - Truck drivers, including pick-up, 1½ tons or 2½ yards up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake body or bus driver.
GROUP II - 3 tons or 4 yards up to but not including 4 tons or 6 yards
GROUP III - 5 tons or 6 yards and over including heavy equipment
GROUP IV - Truck drivers' helpers
GROUP V - Tractor-trailer and similar equipment

FOOTNOTES:
a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 years. - 4% of basic hourly rate
b. Paid Holidays - A through F

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

NOTICES

FEDERAL REGISTER, VOL. 39, NO. 189—FRIDAY, SEPTEMBER 27, 1974

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SUPERSEDEAS DECISION

STATE: Pennsylvania
COUNTY: Allegheny
DECISION NO. AR-2033
DATE: Date of Publication
Supersedes Decision No. AQ-2065, dated February 15, 1974. in 39 FR 17655.
DESCRIPTION OF WORK: Building Construction, (exoluding single family homes and garden type apartments up to and inoluding 4 stories).

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	9.92	.35	.70		
Boilermakers	9 07	7%	7%		.01
Bricklayers	9.755	.45	.70		g
Carpenters	8.92	5%	7%+ f		.4 of 1%
Cement masons-finishers	9.00	6%	16%		
Electricians	9.60	.35	7% + .20	.60	.05
Elevator constructors	9.20	.39	.26	2½+a+b	.02
Elevator constructors' helpers	6.44	.39	.26	2½+a+b	.02
Elevator constructors' helpers (prob)	4.60				
Glaziers	7.89	.35	.44	.33	.01
Ironworkers, structural	8.775	.785	.775		.03
Ironworkers, reinforcing	8.775	.785	.775		.03
Laborers:					
Laborers, carryable pumps, west brick buggy or similar, vibrator operators walk behind forklift or similar (non-self-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, inoluding starting and stopping)	7.20	.40	.40		
West brick buggy or similar (self-propelled), power wheelbarrows & buggies, walk behind forklift or similar, (self-propelled) wagon drill helper, drill runner, drill runners' helper, (including drill mounted on truck, track or similar), blaster's helper, all ops. of compacting equipment pipe layers burner, jackhammer man-concrete buster	7.325	.40	.40		
Hod carrier, scaffold builder, bell & bottom man or furnaces and stacks, mortar mixer, mortar mixing machine (regardless of power used including starting & stopping, grout machine feeder and pump op.	7.45	.40	.40		
Concrete saw operator	7.45	.40	.40		
Gunnite nozzleman	7.70	.40	.40		
Blaster, wagon drill operator	7.90	.40	.40		
Landscape Laborers	4.65	.30	.30		
Skilled Landscape Laborers	4.80	.30	.30		
Lathers	8.28	.30	.10		.01
Lead Burners	9.25	.35		o	.01

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2-PA-1-T 2 of 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Line construction (Lineman, cable splicers	$10.33	.30	7%		3/8%
Groundman	6.20	.30	7%		3/8%
Winch truck operator	7.23	.30	7%		3/8%
Marble setters	8.79	.45	.75		
Marble setters' helpers	7.95		.10		
Millwrights	7.66	5%	2½%+e		7%
Painters: Commercial:					
Brush	9.05	.50	.20		
Paperhangers	9.10	.50	.20		
Spray	9.55	.50	.20		
Painters: Industrial:					
Brush	9.35	.50	.20		
Spray	9.85	.50	.20		
Piledrivermen	9.27	5%	7%		.50%
Plasterers	7.58	.37	.50		
Plumbers	9.11	.60	.625		.125
Roofers:					
Composition, Slate, tile	9.21	.37	1.10		.06
Sheet metal workers	8.83	.65	.85		.02
Steamfitters	9.24	.60	1.10		.065
Stonemasons	9.70	.45	.75		
Sprinkler fitters	9.455	.40	.60		.04
Soft floor layers, carpet cutters	8.245	5%	5%+d		.50%
Terrazzo workers	9.32	.45	.75		
Terrazzo workers helpers	7.855	.35	.10		
Terrazzo workers' helpers, dry grinders	8.355	.35	.10		
Tile setters	8.30	.35	.95		
Welders-receive rate prescribed for craft performing operation to which welding is incidental					

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 1% of basic hourly rate for 5 years or more of service or 2% hourly rate for 6 months to 5 yrs. of service as Vacation Pay Credit.
b. 6 paid holidays: A through F.
c. Paid holidays: A through F and Washington's Birthday, Good Friday & Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday, and is available for work the day preceeding & following the holiday.

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FOOTNOTES CONT'D
d. Employer contributes 4.5% of gross pay to a saving fund.
e. Employer contributes 26% of gross wages to a saving fund.
f. Employer contributes 6% of gross wages to a saving fund.
g. Employer contributes $45.00 per year.

PA-2-LAB-1-F

BUILDING DEMOLITION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers:					
Wrecking Laborers	7.45	.30	.30		
Low Burners	7.60	.30	.30		
Outside Wall Men	7.60	.30	.30		
Jackhammermen	7 60	.30	.30		
High Burners	7.80	.30	.30		
High Burners' Helpers	7.60	.30	.30		

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	9.875	.50	.50		.09
CLASS 1-A	10.125	.50	.50		.09
CLASS 1-B	10.375	.50	.50		.09
CLASS 1-C	10.625	.50	.50		.09
CLASS II	9.725	.50	.50		.09
CLASS III	9.15	.50	.50		.09
CLASS 3-A	9.65	.50	.50		.09
CLASS IV	9.15	.50	.50		.09
CLASS V	8.40	.50	.50		.09
CLASS VI	8.15	.50	.50		.09
CLASS 6-A	8.25	.50	.50		.09
CLASS 6-B	8.40	.50	.50		.09

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CLASS I: Austin-Western or similar type up to 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar), backhoe, batch plant when conveyors are used for direct feeding or discharge, batch plant - no conveyors for direct feeding or discharge (without oiler) cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type) cranes - tower (mobile) cranes tower (climbing type), derrick-traveler (self propelled), derrick (all types) (when assistance required it will be an oiler or apprentice), derrick boats, dragline, dredge, engineer-maintenance (mechanic weekly rated), franki or similar type, pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes, Hi Lift 4 yds. or over hoist-rod (2 cages up to 10 floors) hoist-single cage with chicago boom attached hoist (50 ft. or over) (stacks stoves or furnaces), hoist (slipform jobs) hop-to or similar type with 180° swing, hop-to or similar type with 360° swing. koeal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver - guard rail (truck mounted pumpkrete-mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar, tractors - boom mounted (all types) tractors (all types with hydraulic backhoe attached), tug boat, whirley

CLASS 1-A: Austin-Western or similar type up to 25 tons with jib, austin western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft. (truck or crawler type) cranes - mobile (any type 15 ton or over) hoist-rod (2 cages over 10 floors)

CLASS 1-B: Cranes (boom or mast over 150 ft. up to & including 200 ft. (truck or crawler type), engineer - lead.
CLASS 1-C: Cranes (boom or mast over 200 ft. + .75

CLASS II: auger - truck or tractor mounted, back filling machine, boat - material or personnel carrying (powered) boat of job work (inboard or outboard), bulldozer, cable layer, compactor with blade, concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similar type, drill - core (truck or skid mounted), drill - well & core (truck mounted) elevator (new buildings and major remodeling old), euclid loader, excavating equipment (all other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), Hi-Lift less than 4 yds, hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic), mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for constr. jobs ie. cooling, concrete & holding banks), ross carrier (or similar type) scoop (single bowl) self-powered & tractor drawn) spreader - concrete, asphalt and stone, Tower Mobile (hoisting or lowering material) trencher, well point systems, grout pump (10 H.P. or over) paver operator asphalt (spreader), pumpcrete or similar type (not self-propelled) pumpkrete machine operator (stationary), tire repairman (when assigned to job), welder repairman) Asphalt plant operator, athey loader.

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CLASS III: Boiler, compactor (ridden or self-propelled), crane (carry) curb builder (self-propelled) drills-wells and horizontal, elevator (alterations of old building), forklifts (ridden or self-propelled), hoist one drum (regardless of power used) pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finishing (CMI or similar type), tugger, truck (winch) truck or hydraulic boom (when hoisting & placing), ballast regulator, boring machine, broom, power (except push type), conveyor over 1 and up to units (regardless of power used) form line machine, hoists (monorail) regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar - over 10 cu. ft. (regardless of power used), spray cure machine power driven steam jenny (or similar type) syphon (steam or air), welding machine single (300 amp or over) (other than electrically driven

CLASS 3-A: Conveyors 4 units or more

CLASS IV: Ballast Regulator, Boring Machine, Broom, power (except push type), Compressor - Single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used), Form line machine, Generator (over 5 KW), Hoists (Monorail) (regardless of power used), Hoist Roof (regardless of power used), Huck machine or similar type, Mixer Concrete (regardless of power used), Mixer Mortar - over 10 cu ft (regardless of power used), pump (over 1½" discharge regardless of power used), Spray Cure Machine (power Driven), steam jenny (or similar type), syphon (steam or air), Welding machine single (300 amp or over) other than electrically driven, plant, private or industrial air or steam valve

CLASS V: Compressor - 65 cu. ft. or under (regardless of power used), conveyor one (1) unit (regardless of power used), heaters - up to and including 6, jack motor hydraulic (single type) power driven, ladavator, mixer mortar (10 cu. ft. or under), mulching machine, pin puller (powered), pulverizer, pump - 1½" discharge or less. seeding machine, spreader side delivery, shoulder (attachment), tie tamper (multiple heads), tractor farm (when used for landscaping), water blaster

CLASS VI: Brake man, deck hand, helicopter signalman, oiler

CLASS 6-A: Crane truck oiler and fireman

CLASS 6-B: Oiler truck crane 50 ton or over, mechanic helper

PA-2-TD-1-F

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.855	.30	.30	a	
Dumps and flat tops	5.905	.30	.30	a	
Transit-mix, single axle	5.93	.30	.30	a	
Transit-mix, tandem	5.93	.30	.30	a	
Distributed truck over 33,00 lbs. gross weight	5.905	.30	.30	a	
Distributed truck up to 33,00 lbs. gross weight	6.055	.30	.30	a	
Heavy duty trailers with high bed, 4 wheels	5.955	.30	.30	a	
Heavy duty trailers with low bed, 6 to 16 wheels	6.255	.30	.30	a	
Trucks with dolly	6.055	.30	.30	a	
Euclide or equivalent	6.055	.30	.30	a	
Truck with dump,trailers or tandems	6.055	.30	.30	a	
Winch trucks	6.23	.30	.30	a	
Towing equipment off job site	6.055	.30	.30	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day & Good Friday. provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

SUPERSEDEAS DECISION

STATE: Pennsylvania County: Armstrong
DECISION NO.: AR-2034 DATE: Date of Publication
Supersedes Decision No. AQ-2082, dated April 5, 1974, in 39 FR 12574
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

3-PA-1W

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$ 9.92	.35	.70			
Boilermakers	9.07	7%	7%		.01	
Bricklayers	8.77	.35	.58			
Carpenters	8.92	5%	7%	6%	.4 of 1%	
Cement masons	9.00	6%	16%			
Electricians	9.60	.35	.20 + 1%	.60	.05	
Elevator constructors	9.20	.39	.26	2½%a+b	.02	
Elevator constructors' helpers	6.44	.39	.26	2½%a+b	.02	
Elevator constructors' helpers (prob.)	4.60					
Ironworkers: structural & reinforcing	8.775	.785	.775		.03	
Laborers:						
Laborers, carryable pumps, west brick buggy or similar, vibrator operators, walk behind forklift or similar (non self-propelled), stripper & mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, incl. starting & stopping)	7.05	.40	.40			
West brick buggy or similar (self-propelled), power wheelbarrows & buggies, walk behind forklift or similar (self-propelled), wagon drill helper, drill runner, drill runner's helper, (incl. drill mounted on truck track or similar), Blaster's helpers, all operators of compacting equipment, pipe layer, burner, jackhammerman, concrete buster	7.175	.40	.40			
Hod carrier, scaffold builder, bell & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, inc. starting & stopping), grout machine feeder & pump operator	7.35	.40	.40			
Concrete saw operators	7.35	.40	.40			
Gunnite nozzleman	7.55	.40	.40			
Blaster & wagon drill operators	7.60	.40	.40			
Line Construction:						
Linemen	10.33	.30	1%		3/8%	
Winch truck operator	7.23	.30	1%		3/8%	
Groundman	6.20	.30	1%		3/8%	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Millwrights	$ 7.66	5%	2½%	.26%	1%	
Painters:						
Commercial brush	7.04	.55	.35		.12	
Industrial brush	7.89	.55	.35		.12	
Commercial spray	7.54	.55	.35		.12	
Industrial spray	8.39	.55	.35		.12	
Piledrivermen	9.27	5%	7%		.50 of 1%	
Plumbers	9.11	.60	.625		.125	
Roofers	9.21	.37	1.10		.06	
Sheet metal workers	8.83	.65	.85		.02	
Soft floor layers	8.245	5%	5%	4.5%	1%	
Sprinkler fitters	9.45	.50	.70		.08	
Steamfitters	8.79	.60	1.10		.065	
Stonemasons	8.77	.35	.58			
Plasterers	7.58	.37	.50			
Welders - rate for craft						

PAID HOLIDAYS (Where Applicable):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Dat; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. 6 paid holidays: A through F

PA-2-PEO-1-M 1 of 3

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	9.875	.50	.50		.09
CLASS 1-A	10.125	.50	.50		.09
CLASS 1-B	10.375	.50	.50		.09
CLASS 1-C	10.625	.50	.50		.09
CLASS II	9.725	.50	.50		.09
CLASS III	9.15	.50	.50		.09
CLASS 3-A	9.65	.50	.50		.09
CLASS IV	9.15	.50	.50		.09
CLASS V	8.40	.50	.50		.09
CLASS VI	8.15	.50	.50		.09
CLASS 6-A	8.25	.50	.50		.09
CLASS 6-B	8.40	.50	.50		.09

CLASS I: Austin-Western or similar type up to 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar), backhoe, batch plant when conveyors are used for direct feeding or discharge, batch plant - no conveyors for direct feeding or discharge (without oiler) cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type) cranes - tower (mobile) cranes tower (climbing type), derrick-traveler (self propelled), derrick (all types) (when assistance required it will be an oiler or apprentice), derrick boats, dragline, dredge, engineer-maintenance (mechanic weekly rated), franki or similar type, pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes, Hi Lift 4 yds. or over hoist-hod (2 cages up to 10 floors) hoist-single cage with chicago boom attached hoist (50 ft. or over) (stacks stoves or furnaces), hoist (slipform jobs) hop-to or similar type with 180° swing, hop-to or similar type with 360° swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (scenic or similar type) (when assistance required it will be an oiler or apprentice), post driver - guard rail (truck mounted pumpkrete-mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar, tractors - boom mounted (all types) tractors (all types with hydraulic backhoe attached), tug boat, whirley

CLASS 1-A: Austin-Western or similar type up to 25 tons with jib, austin western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft. (truck or crawler type) cranes - mobile (any type 15 ton or over) hoist-rod (2 cages over 10 floors)

CLASS 1-B: Cranes (boom or mast over 150 ft. up to & including 200 ft. (truck or crawler type), engineer - lead.

CLASS 1-C: Cranes (boom or mast over 200 ft. + .75

CLASS II: auger - truck or tractor mounted, back filling machine, boat - material or personnel carrying (powered) boat of job week (inboard or out-board), bulldozer, cable layer, compactor with blade, concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similar type, drill - core (truck or skid mounted), drill - well & core (truck mounted) elevator (new buildings and major remodeling old), euclid loader, excavating equipment (all other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), Hi-Lift less than 4 yds, hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic), mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for constr. jobs ie. cooling, concrete & holding tanks), ross carrier (or similar type) scoop (single bowl) self-powered & tractor drawn) spreader - concrete, asphalt and stone, Tower Mobile (hoisting or lowering material) trencher, well point systems, grout pump (10 H.P. or over) paver operator asphalt (spreader), pumperete or similar type (not self-propelled) pumpkrete machine operator (stationary), tire repairman (when assigned to job), welder repariman) Asphalt plant operator, athey loader.

CLASS III: Boiler, compactor (ridden or self-propelled), crane (carry) curb builder (self-propelled) drills-wells and horizontal, elevator (alterations of old building), forklifts (ridden or self-propelled), hoist one drum (regardless of power used) pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), store crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finishing (CMI or similar type), tugger, truck (winch) truck or hydraulic boom (when hoisting & placing), ballast regulator, boring machine, broom, power (except push type), conveyor over 1 and up to units (regardless of power used) form line machine, hoists (monorail) regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar - over 10 cu. ft. (regardless of power used), spray cure machine power driven steam jenny (or similar type) syphon (steam or air), welding machine single (300 amp or over) (other than electrically driven

CLASS 3-A: Conveyors 4 units or more

CLASS IV: Ballast Regulator, Boring Machine, Broom, power (except push type), Compressor - Single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used), Form line machine, Generator (over 5 KW), Hoists (Monorail) (regardless of power used), Hoist Roof (regardless of power used), Huck machine or similar type, Mixer Concrete (regardless of power used), Mixer Mortar - over 10 cu ft (regardless of power used), pump (over 1½" discharge regardless of power used), Spray Cure Machine (power Driven), steam jenny (or similar type), syphon (steam or air), Welding machine single (300 amp or over) other than electrically driven. plant, private or industrial air or steam valve

CLASS V: Compressor - 65 cu. ft. or under (regardless of power used), conveyor one (1) unit (regardless of power used), heaters - up to and including 6, jack motor hydraulic (single type) power driven, ladavator, mixer mortar (10 cu. ft. or under), mulching machine, pin puller (powered), pulverizer, pump - 1½" discharge or less. seeding machine, spreader side delivery, shoulder (attachment), tie tamper (multiple heads), tractor farm (when used for landscaping), water blaster

CLASS VI: Brake man, deck hand, helicopter signalman, oiler

CLASS 6-A: Crane truck oiler and fireman

CLASS 6-B: Oiler truck crane 50 ton or over, mechanic helper

PA-2-TD-1-F

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.855	.30	.30	a	
Dumps and flat tops	5.905	.30	.30	a	
Transit-mix, single axle	5.93	.30	.30	a	
Transit-mix, tandem	5.93	.30	.30	a	
Distributed truck over 33.00 lbs. gross weight	5.905	.30	.30	a	
Distributed truck up to 33.00 lbs. gross weights	6.055	.30	.30	a	
Heavy duty trailers with high bed, 4 wheels	5.955	.30	.30	a	
Heavy duty trailers with low bed, 6 to 16 wheels	6.255	.30	.30	a	
Trucks with dolly	6.055	.30	.30	a	
Euclids or equivalent	6.055	.30	.30	a	
Truck with dump trailers or tandems	6.055	.30	.30	a	
Winch trucks	6.23	.30	.30	a	
Towing equipment off job site	6.055	.30	.30	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

NOTICES 35052
NOTICES 35053
FRIDAY, SEPTEMBER 27, 1974 VOL. 39 NO. 189

SUPERSEDEAS DECISION

STATE: Pennsylvania
DECISION NO: AR-2039
County: Washington
DATE: Date of Publication
Supersedes Decision No. AQ-2064, Dated February 15, 1974, in 39FR 6018
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$9.92	.35	.70		
Boilermakers	9.07	7%	7%		.01
Bricklayers & Stonemasons:					
Twps. of Cross Creek, Hanover, Jefferson, Mt. Pleasant, Nottingham Peters, Robinson, Smith & Un. Charleroi, Carroll, East Bethlehem, Fallowfield, North Bethlehem, Pike Run, Somerset & West Bethlehem	9.755	.45	.70		
Remainder of County	9.22	.58			
Carpenters	9.05	.45	.63		
Cement masons	8.92	5%	7%	6%	.4 of 1%
Electricians	9.00	6%	10%		
Elevator constructors	9.60	.35	1% +.20	2½ % .60	.05
Elevator constructors' helpers	9.20	.39	.26	2½%+b+c	.02
Elevator constructors' helpers (prob)	6.44	.39	.26	2½%+b+c	.02
Glaziers	4.60				
Ironworkers, structural	7.89	.35	.44	.33	.01
Ironworkers, reinforcing	8.775	.785	.775		.03
Laborers:	8.775	.785	.775		.03
Laborers, carryable pumps, west brick buggy or similar, vibrator operators walk behind forklift or similar (non self-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, in including starting & stopping	7.15	.40	.40		
West brick, biggy or similar (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self-propelled) wagon drill helpers, drill runner, drill runners helper, (Including drill mounted on truck track or similar), blaster's helper, all operators or compacting equipment, pipe layer, burner, jackhammer manconcrete buster	7.275	.40	.40		
Hod carrier, scaffold builder, boil' & bottom man on furnaces & stacks, mortar mixer, mortar					

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
mixing machine (regardless of power used, including starting & stopping) grout machine feeder & pump operator	7.40	.40	.40		
Concrete saw operators	7.40	.40	.40		
Gunnite nozzleman	7.65	.40	.40		
Blaster & wagon drill operator	7.85	.40	.40		
Lathere	7.28	.30	1.10		.01
Leadburners	9.25	.35		a	.01
Line Construction:					
Linemen & cable splicers	10.33	.30	1%		3/8%
Winch line truck op.	7.23	.30	1%		3/8 %
Groundman	6.20	.30	1%		3/8 %
Marble setters (Charleroi)	8.34	.45	.75		
Marble setters' helpers	8.92		.10		
Marble tile and terrazzo workers (Remainder of County)	9.05	.45	.63		
Millwrights	7.66	5%	28½%		1%
Painters:					
Twps. and boroughs of Jefferson Luzerne, Perry, Morgan, West Pike Run, West Bethlehem, East Bethlehem, Washington, Rostraver, Union, Nottingham, Carroll, Fallowfield, Somerset, North Bethlehem, Centerville Borough & California:					
Painters, commerical	6.90	.30	.20		.01
Painters, industrial	8.00	.30	.20		.01
Remainder of County:					
Brush	6.75	.35	.10		
Spray	7.875	.35	.10		
Piledrivermen	9.27	5%	7%		.50%
Plasterers	7.50				.01
Plumbers & Steamfitters (Charleroi)	8.19	4%	8%		.02
Plumbers (Remainder of County)	9.11	.60	.625		.125
Steamfitters (Remainder of County)	8.79	.60	1.10		.065
Roofers:					
Composition	9.21	.37	1.10		.06
Slate and tile	9.21	.37	1.10		.06
Sheet metal workers	8.83	.65	.85		.02
Soft floor layers	8.215	5%	5%	4.5%	.50%
Sprinkler fitters	9.15	.50	.70		.08
Terrazzo workers (Charleroi)	8.87	.45	.75		
Terrazzo workers' helpers (Charleroi)	7.855	.35	.10		
Terrazzo workers' dry grinding	8.355	.35	.10		

PAID HOLIDAYS: (where applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D- Labor Day;
E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Tile setters (Charleroi)	7.89	.35	.95		
Tile setters' helpers (Charleroi)	7.89				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a. 9 paid holidays: A through F and Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked 45 days for the employer during during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

PA-2-TD-1-F

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.855	.30	.30	a	
Dumps and flat tops	5.905	.30	.30	a	
Transit-mix. single axle	5.93	.30	.30	a	
Transit-mix. tandem	5.93	.30	.30	a	
Distributed truck over 33.00 lbs. gross weight	5.905	.30	.30	a	
Distributed truck up to 33,00 lbs. gross weights	6.055	.30	.30	a	
Heavy duty trailers with high bed, 4 wheels	5.955	.30	.30	a	
Heavy duty trailers with low bed, 6 to 16 wheels	6.255	.30	.30	a	
Trucks with dolly	6.055	.30	.30	a	
Euclids or equivalent	6.055	.30	.30	a	
Truck with dump trailers or tandems	6.055	.30	.30	a	
Winch trucks	6.23	.30	.30	a	
Towing equipment off job site	6.055	.30	.30	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

CLASS I	9.875	.50	.50		.09
CLASS 1-A	10.125	.50	.50		.09
CLASS 1-B	10.375	.50	.50		.09
CLASS 1-C	10.625	.50	.50		.09
CLASS II	9.725	.50	.50		.09
CLASS III	9.15	.50	.50		.09
CLASS 3-A	9.65	.50	.50		.09
CLASS IV	9.15	.50	.50		.09
CLASS V	8.40	.50	.50		.09
CLASS VI	8.15	.50	.50		.09
CLASS 6-A	8.25	.50	.50		.09
CLASS 6-B	8.40	.50	.50		.09

CLASS I: Austin-Western or similar type up to 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar), backhoe, batch plant when conveyors are used for direct feeding or discharge, batch plant - no conveyors for direct feeding or discharge (without oiler) cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type) cranes - tower (mobile) cranes tower (climbing type), derrick-traveler (self propelled), derrick (all types) (when assistance required it will be an oiler or apprentice), derrick boats, dragline, dredge, engineer-maintenance (mechanic weekly rated), franki or similar type, pile driver, gradall (remote control or otherwise), helicopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes, Hi Lift 4 yds. or over hoist-hod (2 cages up to 10 floors) hoist-single cage with chicago boom attached hoist (50 ft. or over) (stacks stoves or furnaces), hoist (slipform jobs) hop-to or similar type with 180° swing, hop-to or similar type with 360° swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver - guard rail (truck mounted pumpkrete-mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar, tractors - boom mounted (all types) tractors (all types with hydraulic backhoe attached), tug boat, whirley

CLASS 1-A: Austin-Western or similar type up to 25 tons with jib, austin western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft. (truck or crawler type) cranes - mobile (any type 15 ton or over) hoist-rod (2 cages over 10 floors)

CLASS 1-B: Cranes (boom or mast over 150 ft. up to & including 200 ft. (truck or crawler type), engineer - lead.

CLASS 1-C: Cranes (boom or mast over 200 ft. + .75

CLASS II: auger - truck or tractor mounted, back filling machine, boat - material or personnel carrying (powered) boat of job work (inboard or out-board), bulldozer, cable layer, compactor with blade, concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similar type, drill - core (truck or skid mounted), drill - well & core (truck mounted) elevator (new buildings and major remodeling old), euclid loader, excavating equipment (all other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), Hi-Lift less than 4 yds, hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic), mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for constr. jobs ie. cooling, concrete & holding banks), ross carrier (or similar type) scoop (single bowl) self-powered & tractor drawn) spreader - concrete, asphalt and stone, Tower Mobile (hoisting or lowering material) trencher, well point systems, grout pump (10 H.P. or over) paver operator asphalt (spreader), pumpcrete or similar type (not self-propelled) pumpkrete machine operator (stationary), tire repairman (when assigned to job), welder repairman) Asphalt plant operator, athey loader.

CLASS III: Boiler, compactor (ridden or self-propelled), crane (carry) curb builder (self-propelled) drills-wells and horizontal, elevator (alterations of old building), forklifts (ridden or self-propelled), hoist one drum (regardless of power used) pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finishing (CMI or similar type), tugger, truck (winch) truck or hydraulic boom (when hoisting & placing), ballast regulator, boring machine, broom, power (except push type), conveyor over 1 and up to units (regardless of power used) form line machine, hoists (monorail) regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar - over 10 cu. ft. (regardless of power used), spray cure machine power driven steam jenny (or similar type) syphon (steam or air), welding machine single (300 amp or over) (other than electrically driven

CLASS 3-A: Conveyors 4 units or more

CLASS IV: Ballast Regulator, Boring Machine, Broom, power (except push type), Compressor - Single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used), Form line machine, Generator (over 5 kW), Hoists (Monorail) (regardless of power used), Hoist Roof (regardless of power used), Huck machine or similar type, Mixer Concrete (regardless of power used), Mixer Mortar - over 10 cu ft (regardless of power used), pump (over 1½" discharge regardless of power used), Spray Cure Machine (power Driven), steam jenny (or similar type), syphon (steam or air), Welding machine single (300 amp or over) other than electrically driven, plant, private or industrial air or steam valve

CLASS V: Compressor - 65 cu. ft. or under (regardless of power used), conveyor one (1) unit (regardless of power used), heaters - up to and including 6, jack motor hydraulic (single type) power-driven, ladavator, mixer mortar (10 cu. ft. or under), mulching machine, pin puller (powered), pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery, shoulder (attachment), tie tamper (multiple heads), tractor farm (when used for landscaping), water blaster

CLASS VI: Brake man, deck hand, helicopter signalman, oiler

CLASS 6-A: Crane truck oiler and fireman

CLASS 6-B: Oiler truck crane 50 ton or over, mechanic helper

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Wichita
DECISION NO.: AR-46 DATE: Date of Publication
Supersedes Decision No. AQ-115, dated June 21, 1974, in 39 FR 22364.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AR-36 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.98	.30	.51		.025
BOILERMAKERS	7.80	.30	.76		.02
BRICKLAYERS-STONEMASONS	8.15		.20		.05
CARPENTERS:					
Carpenters	6.85	.30	.30		.07
Millwrights	8.09	.30	.30		.07
CEMENT MASONS	6.40				
ELECTRICIANS:					
Electricians	7.325	.20	1%		1/4%
Cable splicers	7.575	.20	1%		1/4%
ELEVATOR CONSTRUCTORS	7.89	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTES:					
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.					
b - Following Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day					
GLAZIERS	4.00				
IRONWORKERS:					
Structural; Ornamental; Reinforcing	6.65	.55	.50		.10
Ironworkers on jobs 30 miles or more from the city of Wichita Falls	6.775	.55	.50		.10
LABORERS:					
General laborers	3.875	.275	.10		
Pipelayer (concrete & clay); Power buggy operator; Gunite mixer; Cement work mixer; Power tool operator; Bell hole man (piers)	4.00	.275	.10		
Mason tender; Mason mortar mixer; Plasterer tender; Hod carrier; Plasterer mortar mixer	4.125	.275	.10		
Gunnits over 1½" thick; Nozzleman & machine operator	4.125	.275	.10		
Powderman, blaster	4.375	.275	.10		
LATHERS	7.25				.01

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DECISION NO. AR-46

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Lineman; Lineman operator	$9.71		1%		1/2%
Cable splicer	10.13		1%		1/2%
Groundman, 1st 6 months	5.53		1%		1/2%
Groundman, 2nd 6 months	5.99		1%		1/2%
Groundman, 1 year & over	6.45		1%		1/2%
MARBLE SETTERS	3.90				
PAINTERS:					
Brush	3.50				
Spray	4.00				
PLASTERERS	7.65				.01
PLUMBERS-PIPEFITTERS:					
ZONE 1 - Within 25 miles of Wichita Falls City limits	7.05	.25	.35		.02
ZONE 2 - Between 25 and 40 miles of Wichita Falls City limits	7.30	.25	.35		.02
ZONE 3 - Between 40 and 70 miles of Wichita Falls City limits	7.45	.25	.35		.02
ZONE 4 - Between 70 and 100 miles of Wichita Falls City limits	7.60	.25	.35		.02
ZONE 5 - Over 100 miles of Wichita Falls City limits	7.75	.25	.35		.02
POWER EQUIPMENT OPERATORS:					
GROUP 1	5.60	.30	.50		.10
GROUP 2	6.50	.30	.50		.10
GROUP 3	6.90	.30	.50		.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air Compressors, Pumps, Welding Machines, Throttle Valves, Light Plants; Conveyor; Wagon Drill; Elevators Building; Form Graders; Hoist, Single Drum; Ford Tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening Plants; Crushing Plants; Fork Lifts (short, under 25 feet); Concrete Pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Drilling Machines (all types); Scoopmobiles; Hoists, two drums or more; Forklifts (over 25 ft); Winch Truck; Six Wheel Truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade graders, self-propelled; Cableways; Cranes - Power operated (to 100 feet of boom); Derricks, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile Drivers; Mobile Concrete Mixers over 14 cu. ft.; Bulldozers, Loaders, Tractovators; Scrapers and Pulls; Welders; Trenching Machines; Roller, ten tons or over; Air compressors, Pumps, Welding Machines and Light Plants; Air Compressor & Air Tugger; Boilers, two or more fired by one man; Heavy duty Mechanic; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$4.00				
SHEET METAL WORKERS	7.19				.01
TERRAZZO WORKERS	4.10				
TILE SETTERS	3.50				
TRUCK DRIVERS	2.25				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Lubbock
DECISION NO.: AR-47 DATE: Date of Publication
Supersedes Decision No. AR-9, dated July 26, 1974, in 39 FR 27411.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AR-36 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.00	.35	.30		.02
BOILERMAKERS	7.80	.30	.76		.02
BRICKLAYERS & STONEMASONS	7.50				
CARPENTERS	6.45	.30	.30		.01
CEMENT MASONS	5.75				
ELECTRICIANS:					
Electricians	7.35	.30	1%		1/10%
Cable splicers	7.75	.30	1%		1/10%
IRONWORKERS:					
Structural; Ornamental; Reinforcing	6.65	.55	.50		.10
All ironworkers on jobs 30 miles or more from the city of Lubbock	6.775	.55	.50		.10
LABORERS:					
GROUP 1	3.925	.275	.10		.01
GROUP 2	4.20	.275	.10		.01
GROUP 3	4.125	.275	.10		.01
GROUP 4	4.275	.275	.10		.01
GROUP 5	4.525	.275	.10		.01

CLASSIFICATION DEFINITIONS

GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading and unloading materials, wrecking buildings and all structures and all construction laborers except those named below
GROUP 2 - Air tool operator (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete and clay and all non-metallic pipe); handling, laying and cleaning pumperete pipe
GROUP 3 - Mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders
GROUP 4 - Wagon drill
GROUP 5 - Blasters and powder make-up men

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	$6.75	.20			.01
LINE CONSTRUCTION:					
Lineman	6.70	.25	1%		
Operators	5.36	.25	1%		
Groundmen (more than 1 year experience)	3.69	.25	1%		
Groundmen (less than 1 year experience)	3.35	.25	1%		
Flat bed truck operator	4.69	.25	1%		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush	$5.80		.20		.04
Spray	6.45		.20		.04
PLASTERERS	6.00				
PLUMBERS & STEAMFITTERS	7.10		.40		.04
POWER EQUIPMENT OPERATORS:					
GROUP 1	5.60	.30	.50		.10
GROUP 2	6.50	.30	.50		.10
GROUP 3	6.90	.30	.50		.10

CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman
GROUP 2 - Air compressors, Pumps, Welding Machines, Throttle valves, Light plants; Conveyor; Wagon drill; Elevators building; Form graders; Hoist, single drum; Ford tractor including blade and mower on rear; Mixers less than 14 cubic feet; Screening plants; Crushing plants; Fork lifts (short, under 25 feet); Concrete pumps (all types); Bobcat type equipment; Ford tractor or like with any attachments (except blade and mower on rear); All other equipment of similar nature coming under the light equipment class, when power operated
GROUP 3 - Drilling machines (all types); Scoopmobiles; Hoists, two drums or more; Forklifts (over 25 ft.); Winch truck; Six wheel truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cubic feet or over; Blade graders, self-propelled; Cableways; Cranes - power operated (to 100 feet of boom); Derricks, power operated (all types); Cradall; Hy-Ho; Hop-To; Paving mixer (all types); Pile drivers; Mobile concrete mixers over 14 cubic feet; Bulldozers, loaders, tractovators; Scrapers and pulls; Welder; Trenching machines; Roller, ten tons or over; Air compressors, pumps, welding machines and light plants; Air compressor & air tugger; Boilers, two or more fired by one man; Heavy duty mechanic; All other equipment of similar nature coming under the heavy equipment class, when power operated

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$3.50				
SHEET METAL WORKERS	8.33		.10		.07
SOFT FLOOR LAYERS	5.80		.20		.04
SPRINKLER FITTERS	8.90	.50	.70		.08
TRUCK DRIVERS	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

MAX

SUPERSEDES DECISION

STATE: Texas
DECISION NO.: AR-48
Supersedes Decision No. AQ-105, dated May 10, 1974, in 39 FR 17042.
DESCRIPTION OF WORK: Building (including Residential) Construction

COUNTIES: Jefferson & Orange
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Jefferson County	$8.10	.70	.70		.06
Orange County	8.145	.325	.30		.04
BOILERMAKERS	7.80	.30	.76		.02
BRICKLAYERS-STONEMASONS	8.76	.275	.30		.04
CARPENTERS:					
Carpenters:					
Commercial	7.815		.30		.05
Residential	7.45		.30		
Millwrights	8.605				
Piledrivermen	7.96		.30		
CEMENT MASONS	7.49				
ELECTRICIANS	8.80	.28	11%+.285		.06
ELEVATOR CONSTRUCTORS	7.79	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTES:					
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.					
b - Following Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day					
IRONWORKERS	7.30	.55	.60		.05
LABORERS:					
Common laborer; asphalt ironer and raker; sandblaster, exclusive of preparation work for painters; dumper, spottar and wagon drill; powderman-blaster; well driller	5.11	.28	.20		.02
Carpenter tender	5.16	.28	.20		.02
Cement masons tender; air tool operator (jackhammer-vibrator)	5.21	.28	.20		.02
Mortar mixers, hod carriers & mason tender; plaster and lather tender; pipelayers, non-metallic pipe, including handling and laying pumpcrete pipe	5.31	.28	.20		.02
Machine man and nozzleman for gunniting 1½" and over	5.485	.28	.20		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	$8.105	.30			.01
LINE CONSTRUCTION:					
Lineman	8.355	.28	1%		1/2%
Groundman	73%JR	.28	1%		1/2%
PAINTERS:					
Southern half of Jefferson County and all of Orange County:					
Brush, wood and wall paperhanger and glazier:					
Commercial	7.60				
Residential	7.45				
Brush, steel:					
Commercial	7.65				
Residential	7.50				
Spray:					
Commercial	8.10				
Residential	7.97				
Sandblaster, power cleaning:					
Commercial	7.925				
Residential	7.71				
Brush, hot paint or creosote:					
Commercial	7.925				
Residential	7.71				
Spray, hot paint or creosote:					
Commercial	8.35				
Residential	8.24				
All time spent rigging:					
Commercial	7.925				
Residential	7.71				
Twenty-five cents (25c) per hour premium on all work from stage, chair, window jack or ladge in all classifications					
Northern half of Jefferson County:					
Brush and glazier:					
Commercial	7.575				
Residential	7.325				
Canvas and paperhangers:					
Commercial	7.825				
Residential	7.575				
Brush, steel:					
Commercial	7.75				
Spray:					
Commercial	8.00				
Residential	7.75				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PIPEFITTERS	$8.11	.35	.62		.06
PLASTERERS	7.80	.32	.30		.02
PLUMBERS	8.84				.03
POWER EQUIPMENT OPERATORS:					
GROUP 1	7.915		.25		
GROUP 2	7.00		.25		
GROUP 3	6.48		.25		
GROUP 4	6.29		.25		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick - Power Operated, all types; Draglines; Push Cat Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back-Hoe; Shovel; Crane - Power Operated, all types; Elevating Grader, Self-propelled; Hoist - motor driven, two drums or more; Mix mobile; Winch Truck; Locomotive Crane; Mixer, 14 cu. ft. or more; Paving Mixer, all sizes; Piledrivers; Scraper - heavy type, over 3 cu. yds.; Trench Machine, all sizes; Gradall; High-Lift; Foundation Boring Machines; Gasoline or Diesel driven welding machines - 7 to 12 machines; Pumpcrete Machine; Drill Operator - Water Well; DW-10 Euclid; Tournapulls; Asphalt Plants; Crushing Machines and Batch-plants; Scoopmobiles; Fingerlift Operator; Well Pointe

GROUP 2 - Air Compressor; Blade Grade - Towed; Flex Plane; Form Grader; Mixer - less than 14 cu. ft.; Pump, Pulsometer; Truck Crane Driver; Gasoline or Diesel Driven Welding Machines, 3 to 6 machines; Hoist - Single Drum; Scraper, 3 cu. yds. or less; Conveyors - power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Roofers	$6.69	.20	.10	.15	.03
Kettlemen	5.73	.20	.10	.15	.03
Helpers	4.48	.20	.10	.15	.03
SHEET METAL WORKERS	7.79	.25	.15		.06
SPRINKLER FITTERS	8.90	.50	.70		.08
TILE SETTERS	7.25	.275	.30		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Under 1½ ton and wash, grease, fireman, fuel pump operators when used on construction	$4.40				
1½ tons thru 2½ tons, dump truck less than 7 yds., town driver	4.69				
Over 2½ tons, farm tractors (when used to transport personnel or material), fork lifts (when used in warehouses, storage yards, and when used to transport material), floats, hydraulic tail gate lifts	4.85				
Euclids (not self-loading)	4.95				
Warehousemen - material checker	4.965				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas COUNTY: El Paso
DECISION NO.: AR-49 DATE: Date of Publication
Supersedes Decision No. AR-5, dated July 12, 1974, in 39 FR 25928.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AR-36 for Incidental Paving).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$6.28	.50	.72(c)		.03
BOILERMAKERS	7.80	.30	.76		.02
BRICKLAYERS; BLOCKLAYERS; ROCK-MASONS; STONEMASONS	5.93	.38	.20		.06
CARPENTERS:					
Carpenters	5.97	.43			.02
Millwrights	6.22	.43			.02
Stationary radial arm power saw operator	6.095	.43			.02
Floor layers	5.97	.43			.02
CEMENT MASONS	4.955	.38			.03
ELECTRICIANS:					
Electricians	7.05	.25	1%		1/2%
Cable splicers	7.30	.25	1%		1/2%
ELEVATOR CONSTRUCTORS	6.49	.395	.26	2.5%ta+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2.5%ta+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	5.27	.24			
IRONWORKERS:					
Ironworkers (El Paso County)	6.50	.40	.50		.05
Ironworkers (all areas outside El Paso County)	7.50	.40	.50		.05
LABORERS:					
Powderman or blasterer	4.08	.26	.10		
Outside wagon drill; wagon drill tenders; miner	3.83	.26	.10		
Cement gun or gunite; mason tender; mortar mixer; machine mac; track man; chuck tender	3.58	.26	.10		
Pipelayers, main sewer and drainage	3.455	.26	.10		
Jackhammer operator, asphalt raker; kettleman; asphelt or pot man	3.33	.26	.10		
Common	3.18	.26	.10		
LATHERS	6.24	.25			.01
MARBLE MASONS	5.60	.26			.08
PAINTERS:					
Brush, paperhangers	5.06	.24			
Steel after erection, steam cleaning, buffing with power driven tools	5.475	.24			

DECISION NO. AR-49

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS (CONT'D):					
Spray, sandblasting, waterblasting, swing stage	$5.765	.24			
Tapers, roller 9" in width	5.08	.24			
Ames tools	5.28	.24			
Striping machine	5.76	.24			
PILEDRIVERMAN	4.60				
PLASTERERS	6.21	.28			.01
PLUMBERS & STEAMFITTERS	6.75	.31	.30		.02
ROOFERS:					
Roofers	5.00				
Waterproofers	5.00				
Pipewrappers	5.00				
SHEET METAL WORKERS	7.70	.29	.10		.005
SOFT FLOOR LAYERS	4.56	.24			
SPRINKLER FITTERS	8.90	.50	.70		.08
TERRAZZO WORKERS	5.60	.26			.08
TILE SETTERS	5.60	.26			.08
TILE SETTERS' HELPERS	3.10				
TRUCK DRIVERS:					
Up to and including 2 tons	3.50	.26			
Flat bed dump trucks, mechanically	3.60	.26			
Tank trucks, up to 2500 gallons	3.50	.26			
Standard dump truck, up to and including 4 cu. yds.	3.60	.26			
Dump trucks, over 4 cu. yds.	3.75	.26			
Truck over 4 tons including transit mix, all semitruck, etc.	3.75	.26			
Lowboy	3.75	.26			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.
c - Includes $0.07 contribution to Occupational Health Fund.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. AR-49

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Lineman - Technician	$7.05	.25	1%		1/2%
Cable splicers	7.30	.25	1%		1/2%
Equipment operators	7.05	.25	1%		1/2%
Groundman	5.29	.25	1%		1/2%
POWER EQUIPMENT OPERATORS:					
GROUP 1	4.86	.30	.30		.03
GROUP 2	5.44	.30	.30		.03
GROUP 3	5.53	.30	.30		.03
GROUP 4	5.58	.30	.30		.03
GROUP 5	5.66	.30	.30		.03
GROUP 6	5.90	.30	.30		.03
GROUP 7	6.06	.30	.30		.03
GROUP 8	5.53	.30	.30		.03
GROUP 9	5.76	.30	.30		.03
GROUP 10	6.06	.30	.30		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Fireman, Oiler; Mechanic, Grease Truck and Welder's Helpers; Screedman, Pneumatic roller towed by farmtype tractor or truck; Scale Operator and such as bin-man-batch; Rubber-tired farm type tractors and tractors under 35 HP without attachments

GROUP 2 - Air Compressors, Power Plants, pumps and welding machines (an operating engineer will not be required for an air compressor under 315 c.f.m., a pump under three inches or a light plant generating fifteen kilowatts or less, or one welding machine, if and when there is another operating engineer employed on the job who services the units); Concrete mixers, under 1 yard, and concrete batch plants, under 1 yard, gunnite and pumpcrete machines, mechanical bull floats, spreading and finishing machines, Screening Plants. Drilling machines, Diamond, rotary, core and cable drilling; well under 6 inches. Hoists, scoopmobiles, A frame Air tugger; building hoist, 1 drum hydrolift, Hydrocranes, winch truck. Loaders; Elevating, belt type loader, front end loader (under 2 yards) and over head loaders; forklift and lumber stacker on construction job site. Grease truck operator, (Head Oiler). Motor man and Industrial Locomotive. Tractors under 35 HP with attachments; and farm type tractor with back, or shovel type attachments

GROUP 3 - Concrete mixers 1 yard and over and batch plants 1 yard and over, single drum paving machines, Crushing plants. Drilling Machines, 6 inches and over; Front end loaders, 2 yards and over; Paving: Asphalt plants, boiler or retort heater, distributor, lay down machine, pug mill, breakdown and tandem rollers. Steam Engineer. Trenching Machines. Patrol, rough, not required to blue top or finish

GROUP 4 - Tractor Equipment: Athey and Barber Green Loader, Bulldozer, DW10, DW20, DW21, Dumor, Elevating Grader; Euclid, Highlander, Scraper, Traxcavator, Turnapull, Turnarocker and Tractors 35 HP and up

GROUP 5 - Concrete Paving Machines, double drum, Caterpillars, Hysters, Cherry Picker, Attachment cranes, side and swing boom tractors, Building Hoist, 2 drums and up. Mechanic, Welder. Patrol, finish

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POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 6 - Shovel, Backhoe, clam and dragline 3/4 yards and under; Cranes 25 tons and under

GROUP 7 - Guy and stiff leg derrick, Piledrivers; Crawler or skid rig. Shovel, Backhoe, clam and dragline over 3/4 yards; Cranes over 25 tons

GROUP 8 - Refrigeration, slusher, Jumbo form operators

GROUP 9 - Mucking machines

GROUP 10 - Mine hoists

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: AR-51
COUNTY: Wichita
DATE: Date of Publication
Supersedes Decision No. AQ-114, dated June 21, 1974, in 39 FR 27362.
DESCRIPTION OF WORK: Residential construction consisting of single family houses and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$7.00				
CARPENTERS	5.65				
CEMENT MASONS	4.50				
ELECTRICIANS	5.55				
LABORERS:					
Laborers	3.00				
Mason tenders	3.55				
PAINTERS, BRUSH	4.32				
PLUMBERS & PIPEFITTERS	5.53				
ROOFERS	4.00				
SHEET METAL WORKERS	5.30				
SOFT FLOOR LAYERS	5.00				

DECISION NO. AR-51

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asphalt Heaterman	$3.75				
Asphalt Raker	3.90				
Batching Plant Scaleman	4.30				
Carpenter	4.50				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	4.15				
Concrete Finisher Helper (Paving)	3.40				
Concrete Finisher (Structures)	4.35				
Concrete Finisher Helper (Structures)	2.90				
Form Builder (Structures)	4.25				
Form Builder Helper (Structures)	3.35				
Form Setter (Structures)	4.80				
Form Setter Helper (Structures)	3.75				
Laborer, Common	2.50				
Laborer, Utility Man	3.10				
Manhole Builder, Brick	3.25				
Mechanic	4.50				
Mechanic Helper	3.35				
Oiler	3.55				
Serviceman	3.70				
Painter (Structures)	3.55				
Pipelayer	2.85				
Pipelayer Helper	2.50				
Powderman	3.95				
Reinforcing Steel Setter (Structures)	4.00				
Spreader Box Man	3.20				
Swamper	2.50				
Power Equipment Operators:					
Asphalt Distributor	3.95				
Asphalt Paving Machine	4.45				
Broom or Sweeper Operator	2.60				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 150 HP	4.20				
Concrete Paving Finishing Machine	3.05				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1¼ CY)	4.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1¼ CY & Over)	4.80				
Crusher or Screening Plant Operator	3.85				

DECISION NO. AR-51

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Front End Loader (2½ CY and Less)	$3.75				
Front End Loader (Over 2½ CY)	4.20				
Motor Grader Operator, Fine Grade	4.80				
Motor Grader Operator	4.15				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.25				
Roller, Pneumatic (Self-Propelled)	3.05				
Scrapers (17 CY and Less)	3.50				
Scrapers (Over 17 CY)	4.20				
Tractor (Crawler Type) 150 HP and Less	2.90				
Tractor (Crawler Type) over 150 HP	3.60				
Tractor (Pneumatic) 80 HP & Less	2.90				
Tractor (Pneumatic) over 80 HP	3.00				
Traveling Mixer	3.75				
Trenching Machine, Light	3.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.40				
Truck Drivers:					
Single Axle, Light	2.50				
Single Axle, Heavy	3.10				
Tandem Axle or Semitrailer	2.50				
Lowboy-Float	3.00				
Weighman (Truck Scales)	2.75				
Welder	4.80				
Welder Helper	2.75				

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SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: AR-52

DATE: Date of Publication

Supersedes Decision No. AR-10, dated July 26, 1974, in 39 FR 27412.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AR-36 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.00	.35	.30		.02
BOILERMAKERS	7.80	.30	.76		.02
BRICKLAYERS & STONEMASONS	7.85				
CARPENTERS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:					
Carpenters	7.50				
Millwrights	7.75				
ZONE 2 - Childress County:					
Carpenters	6.85	.30	.30		.07
Millwrights	8.09	.30	.30		.07
CEMENT MASONS:					
Cement masons	6.70				
Machine operators	7.05				
ELECTRICIANS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:					
Electricians	7.93	.30	1%		1/2%
Cable splicers	8.73	.30	1%		1/2%
ZONE 2 - Childress County:					
Electricians	7.325	.20	1%		1/4%
Cable splicers	7.575	.20	1%		1/4%

DECISION NO. AR-52

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS:					
Elevator constructors	$4.06	.175	.20	2%+a+b	
Elevator constructors' helpers	70%JR	.175	.20	2%+a+b	
Elevator constructors' helpers (prob.)	50%JR				
FOOTNOTES:					
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.					
b - Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day					
GLAZIERS	5.55				
IRONWORKERS	7.20	.55	.50		.10
LABORERS:					
ZONE 1 - Armstrong, Carson, Castro, Childress, Collingsworth, Deaf Smith, Donley, Oldham, Potter, Randall & Swisher Counties:					
GROUP 1 - Unskilled	3.00				
GROUP 2 - Air tool operator (jackhammer, vibrator); Mason tenders; Mortar mixers; Pipelayers (non-metallic); Plasterers tenders	3.15				
ZONE 2 - Dallam, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Roberts, Sherman & Wheeler Counties:					
GROUP 1 - Unskilled	3.50				
GROUP 2 - Air tool operator (jackhammer, vibrator); Mason tenders; Mortar mixers; Pipelayers (non-metallic); Plasterers tenders	3.65				
LATHERS	5.275				

NOTICES

DECISION NO. AR-52

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties:					
Lineman	$7.93	.30	1%		1/2%
Cable splicer	8.73	.30	1%		1/2%
Groundman, more than 1 year experience	5.31	.30	1%		1/2%
Groundman, less than 1 year experience	4.64	.30	1%		1/2%
Operator-hole digger, line truck	6.16	.30	1%		1/2%
Flat bed truck driver	4.64	.30	1%		1/2%
ZONE 2 - Childress County:					
Lineman	9.21		1%		1/2%
Cable splicer	10.13		1%		1/2%
Lineman operator	9.21		1%		1/2%
Groundman, 1st 6 months	5.53		1%		1/2%
Groundman, 2nd 6 months	5.99		1%		1/2%
Groundman, 1 year & over	6.45		1%		1/2%
MARBLE MASONS (EXTERIOR)	7.85				
MARBLE MASONS (INTERIOR)	4.60				
PAINTERS:					
Brush & roller; paperhangers; perfa-tapers	5.75		.15		
Structural steel painters; swinging stage or chair below 50 ft.	5.875		.15		
Spray painters & sandblasters	6.40		.15		
Perfa-tape machine operator	6.00		.15		
PLASTERERS	6.425				.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - shall extend a distance of 25 road miles beyond the police station in Amarillo & Borger	7.03	.25	.30	.35	
ZONE 2 - shall extend a distance of 25 road miles beyond the outer perimeter of Zone 1	7.28	.25	.30	.35	
ZONE 3 - shall apply to all areas not within Zone 1 or Zone 2	7.53	.25	.30	.35	

DECISION NO. AR-52

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$6.69	.30	.35		.05
GROUP 2	6.34	.30	.35		.05
GROUP 3	6.15	.30	.35		.05
GROUP 4	6.05	.30	.35		.05
GROUP 5	6.01	.30	.35		.05
GROUP 6	5.90	.30	.35		.05
GROUP 7	5.71	.30	.35		.05
GROUP 8	5.51	.30	.35		.05
GROUP 9	5.40	.30	.35		.05
GROUP 10	5.53	.30	.35		.05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Utility operator

GROUP 2 - Blade grader, self-propelled; Clam shells; Cable ways; Cranes, power operated (all types); Air compressors; Pumps, welding machines and light plants; Derricks, power operated (all types); Draglines; Elevating graders, self-propelled; Hoists, 2 drum or more; Locomotive; Mixmobiles; Paving mixers, all types; Pile drivers; Scrapers; Bulldozers; Side booms; Cherry pickers; Shovels; Heavy duty mechanic; All welders; All tractors with power attachments (crawler type); Ditching machine; Farm type tractor (loader, 1 yd. & over) with backhoe; All other equipment of similar nature coming within the heavy class, when power operated

GROUP 3 - Air compressors, pumps, welding machines, throttle valves, light plants (3 - 6); Farm type tractor (loader, under 1 yd.) with backhoe; Go-devil; Mixer, 14 cu. ft. or over; Rollers, over 10 tons; Air compressor and one tugger; 2 or more boilers; All other equipment of similar nature coming within the light class, when power operated

GROUP 4 - Winch trucks

GROUP 5 - Front end scoopmobile, loader & payloader

GROUP 6 - Blade grader, towed; Elevators, building; Fork lifts; Hoist, single drum or 1 line hoisting (1 tugger); Mixers, less than 14 cu. ft.; Rollers; Screening Plants; Crushing plants; Tractors wheel type except when hauling material; Truck crane driver and/or oiler; Front end crane

GROUP 7 - Mechanic helper; Welder helper; Fireman

GROUP 8 - Greasers

GROUP 9 - Oilers, 1st year

GROUP 10 - Oilers, 2nd year

NOTICES

DECISION NO. AR-52

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$4.50				
SHEET METAL WORKERS	8.33		.10		.07
SPRINKLER FITTERS	8.90	.50	.70		.08
TERRAZZO WORKERS	4.60				
TILE SETTERS	4.50				
TRUCK DRIVERS:					
1/2 ton to 3 tons	2.88				
3 to 5 tons	3.13				
5 tons and over	3.38				
Ready mix concrete to 3 yds.	2.88				
Ready mix concrete over 3 yds.	3.13				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: AR-53

DATE: Date of Publication

Supersedes Decision No. AQ-121, dated June 28, 1974, in 39 FR 24199.

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS	$7.85				
CARPENTERS	7.50				
CEMENT MASONS	6.70				
ELECTRICIANS	7.93	.30	1%		1/2%
LABORERS:					
Dallam, Sherman, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, Roberts, Hemphill, Wheeler & Gray Counties:					
Laborers	3.50				
Mason tenders	3.65				
Potter, Carson, Deaf Smith, Randall, Armstrong, Donely, Collingsworth, Castro, Swisher & Childress Counties:					
Laborers	3.00				
Mason tenders	3.15				
PAINTERS	5.75		.15		
PLUMBERS	7.03	.25	.30	.35	
SHEET METAL WORKERS	5.08		.10		.04
TILE SETTERS	4.60				

DECISION NO. AR-53

INCIDENTAL PAVING & UTILITIES & SITE PARATION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asphalt Hesterman	$3.75				
Asphalt Raker	3.90				
Batching Plant Scaleman	4.30				
Carpenter	4.50				
Carpenter Helper	3.75				
Concrete Finisher (Paving)	4.15				
Concrete Finisher Helper (Paving)	3.40				
Concrete Finisher (Structures)	4.35				
Concrete Finisher Helper(Structures)	2.90				
Form Builder (Structures)	4.25				
Form Builder Helper (Structures)	3.35				
Form Setter (Structures)	4.80				
Form Setter Helper (Structures)	3.75				
Laborer, Common	2.50				
Laborer, Utility Man	3.10				
Manhole Builder, Brick	3.25				
Mechanic	4.50				
Mechanic Helper	3.35				
Oiler	3.55				
Serviceman	3.70				
Painter (Structures)	3.55				
Pipelayer	2.85				
Pipelayer Helper	2.50				
Pneumatic Morterman	3.35				
Powderman	3.95				
Reinforcing Steel Setter(Structures)	4.00				
Spreader Box Man	3.20				
Swamper	2.50				
Power Equipment Operators:					
Asphalt Distributor	3.95				
Asphalt Paving Machine	4.45				
Boom or Sweeper Operator	2.60				
Bulldozer, 150 HP and Less	3.75				
Bulldozer, over 150 HP	4.20				
Concrete Paving Finishing Machine	3.05				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	4.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	4.80				
Crusher or Screening Plant Operator	3.85				

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DECISION NO. AR-53

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Front End Loader (2½ CY and Less)	$3.75				
Front End Loader (Over 2½ CY)	4.20				
Motor Grader Operator, Fine Grade	4.80				
Motor Grader Operator	4.15				
Roller, Steel Wheel (Plant-Mix Pavements)	3.50				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	3.25				
Roller, Pneumatic (Self-Propelled)	3.05				
Scrapers (17 CY and Less)	3.50				
Scrapers (Over 17 CY)	4.20				
Tractor (Crawler Type) 150 HP and Less	2.90				
Tractor (Crawler Type) over 150 HP	5.60				
Tractor (Pneumatic) 80 HP & Less	2.90				
Tractor (Pneumatic) over 80 HP	3.00				
Traveling Mixer	3.75				
Trenching Machine, Light	3.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.40				
Truck Drivers:					
Single Axle, Light	2.50				
Single Axle, Heavy	3.10				
Tandem Axle or Semitrailer	2.50				
Lowboy-Float	3.00				
Weighman (Truck Scales)	2.75				
Welder	4.80				
Welder Helper	2.75				

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Bell, Bosque, Coryell, Falls, Hill & McLennan

DECISION NO.: AR-54

DATE: Date of Publication

Supersedes Decision No. AR-30, dated August 16, 1974, in 39 FR 29911.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AR-36 for Paving & Utilities Incidental to Building Construction in Bosque, Falls, Hill & McLennan Counties).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
ZONE 1 - Bell, Coryell & Falls Counties	$8.43	.30	.50		.08
ZONE 2 - Bosque, Hill & McLennan Counties	7.98	.30	.51		.025
BOILERMAKERS	7.80	.30	.76		.02
BRICKLAYERS	7.20		.25		.03
CARPENTERS:					
Carpenters:					
ZONE 1 - Bell & Coryell Counties	6.92				
ZONE 2 - Bosque, Falls, Hill & McLennan Counties	6.34	.125			
Millwrights & Piledrivermen:					
ZONE 1 - Bosque, Falls, Hill & McLennan Counties	6.74	.125			
CEMENT MASONS	6.49	.30	.10		
ELECTRICIANS:					
ZONE 1 - Bosque, Falls, Hill & McLennan Counties; Parts of Bell & Coryell Counties north of Cowhouse creek	7.55		1%		1/4%
ZONE 2 - Parts of Bell & Coryell Counties south of Cowhouse Creek	8.20		1%		.8%
ELEVATOR CONSTRUCTORS:					
Elevator constructors	7.89	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers (Prob.)	50%JR				
FOOTNOTES:					
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates.					
b - Following Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day					

DECISION NO. AR-54

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GLAZIERS	$5.75				
IRONWORKERS	7.265	.55	.60		.12
LABORERS:					
Unskilled	2.97				
Mason tenders & mortar mixers	3.55				
LINE CONSTRUCTION:					
Linemen; Linemen operator	9.21		1%		1/2%
Cable splicer	10.13		1%		1/2%
Groundman, 1st 6 months	5.53		1%		1/2%
Groundman, 2nd 6 months	5.99		1%		1/2%
Groundman, 1 year & over	6.45		1%		1/2%
PAINTERS:					
ZONE 1 - Bosque, Coryell, Falls, Hill & McLennan Counties:					
Brush	5.60				
Boiler pipes & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers, boatswain chair	6.10				
Ames tools for dry walls	6.20				
Spray work & self feeding rollers	6.35				
Steam cleaning, sandblasting & hazardous work	6.70				
ZONE 2 - Bell County:					
Brush	4.40				
Tapers, floater & dry wall finishers	4.65				
Stage work; Boatswain chair	4.90				
Window jacks, Steel brushing	4.875				
Spray; Sandblasting	5.65				
PLASTERERS	7.95	.25			.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Area within a 35 mile radius of Waco, including Temple, Marlin, Clifton & Hillsboro	7.25				.02
ZONE 2 - All other areas	7.65				.02
POWER EQUIPMENT OPERATORS:					
GROUP 1	7.38		.40		
GROUP 2	6.46		.40		
GROUP 3	5.43		.40		
GROUP 4	5.33		.40		

DECISION NO. AR-54

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor Driven, two drums or more; Mix Mobile; High-Lifts & loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Trenching Machine (all sizes); Cradall; Foundation Boring Machine; Scoopmobile; Shovel, Power Operated; Pump-Crete Machine; Clam Shell Operator; Rock Crusher Operated on Job; Welding Machine, 6 to 12; Two 175 cu. ft. Compressors; Well points, including installations

GROUP 2 - Blade Grader, Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pulsometer; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2½ in. or larger; Pneumatic Roller; High-Lifts & Loaders, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 175 cu. ft. compressor and two welding machine or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator

GROUP 3 - Fireman

GROUP 4 - Oiler

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Slate, tile, asbestos, roofing & siding	$5.50				.03
Composition, built-up, damp & waterproofing	5.35				.03
SHEET METAL WORKERS:					
ZONE 1 - Within a radius of 20 miles from the McLennan County Court House, Waco	7.50				.05
ZONE 2 - Over 20 miles but less than 45 miles	8.00				.05
ZONE 3 - Over 45 miles	8.50				.05
SPRINKLER FITTERS	8.90	.50	.70		.08
TRUCK DRIVERS	2.80				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. AR-54

INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Air Tool Man	$2.85				
Asphalt Mesterman	2.80				
Asphalt Raker	3.15				
Batching Plant Scaleman	3.15				
Carpenter	3.65				
Carpenter Helper	2.65				
Concrete Finisher (Paving)	3.75				
Concrete Finisher Helper (Paving)	3.00				
Concrete Finisher (Structures)	3.70				
Concrete Finisher Helper (Structures)	2.50				
Concrete Rubber	2.95				
Electrician	5.20				
Form Builder (Structures)	3.50				
Form Builder Helper (Structures)	3.00				
Form Setter (Paving and Curb)	3.55				
Form Setter Helper (Paving & Curb)	2.80				
Form Setter (Structures)	3.80				
Form Setter Helper (Structures)	2.85				
Laborer, Common	2.25				
Laborer, Utility Man	2.50				
Mechanic	4.00				
Mechanic Helper	3.25				
Oiler	3.00				
Serviceman	3.25				
Painter (Structures)	2.85				
Painter Helper (Structures)	2.25				
Pipelayer (Concrete & Clay)	3.20				
Pipelayer Helper (Concrete & Clay)	2.40				
Plumbers:					
Zone 1 - 35 miles radius of Waco, Texas including town of Temple	7.25				.02
Zone 2 - all area not included in Zone 1	7.65				.02
Powderman	3.40				
Reinforcing Steel Setter (Structures)	4.00				
Reinforcing Steel Setter Helper	2.70				
Steel Worker (Structural)	4.00				
Steel Worker Helper (Structural)	3.00				
Sign Erector	3.00				
Spreader Box Man	3.25				
Swamper	2.60				

DECISION NO. AR-54

INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Asphalt Distributor	$3.35				
Asphalt Paving Machine	3.25				
Broom or Sweeper Operator	2.25				
Bulldozer, 150 HP and Less	3.50				
Bulldozer, over 150 H.P.	3.75				
Concrete Paving Mixer	3.65				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	4.25				
Crusher or Screening Plant Operator	3.25				
Foundation Drill Operator (Truck Mounted)	4.25				
Foundation Drill Operator Helper	2.90				
Front End Loader (2½ CY and Less)	3.50				
Front End Loader (Over 2½ CY)	3.75				
Motor Grader Operator, Fine Grade	4.00				
Motor Grader Operator	3.75				
Roller, Steel Wheel (Plant-Mix Pavements)	2.90				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50				
Roller, Pneumatic (Self-Propelled)	2.50				
Scrapers (17 CY and Less)	3.50				
Scrapers (Over 17 CY)	3.75				
Tractor (Crawler Type) 150 HP and Less	3.00				
Tractor (Crawler Type) over 150 HP	3.25				
Tractor (Pneumatic) 80 HP and Less	2.50				
Tractor (Pneumatic) over 80 HP	3.10				
Traveling Mixer	3.15				
Trenching Machine, Light	2.75				
Trenching Machine, Heavy	3.50				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00				
Truck Drivers:					
Single Axle, Light	2.50				
Single Axle, Heavy	2.50				
Tandem Axle or Semitrailer	2.50				
Weighman (Truck Scales)	2.25				
Welder	3.50				

SUPERSEDEAS DECISION

STATE: Washington
DECISION NUMBER: AR-1031
COUNTIES: Statewide*
DATE: Date of Publication
Supersedes Decision No. AQ-1111 dated June 14, 1974 on 39 FR 20932
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments, up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$8.88	.51	.65		
Clark, Cowlitz, Klickitat, Pacific, (Southern portion), Skamania and Wahkiakum Counties	7.85	.35	.60		.06
Remaining Counties	8.445	.44	.72		
BOILERMAKERS	7.70	.65	1.00	.50	.02
BRICKLAYERS:					
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Cos. and Grand Coulee Dam area in Okanogan County	8.41	.35	.40		.04
Benton, Franklin, and Walla Walla Counties	8.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	7.34	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	8.18	.45	.35		.02
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County	8.25	.40	.40		.03
Grant County and that portion of Adams County incl. the City of Othello	7.35	.40			
Kittitas, Yakima and Klickitat (except a ten-mile strip bordering the Columbia River) Cos	7.25	.50	.50		
Lewis, Mason and Thurston Cos.	7.65	.40	.30		.02
Pierce County	8.34	.45	.35		.02
San Juan, Skagit (incl. Cities of Burlington, Sedro-Woolley, Concrete and north thereof), and Whatcom Counties	8.15	.40	.45		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
All Counties and parts of Counties east of the 120th Meridian (except those parts of Kittitas, Klickitat and Yakima)					
Carpenters	$7.89	.50	.55		.045
Piledriver; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator	8.04	.50	.55		.045
Shingler (wood or composition)	8.09	.50	.55		.045
Boom Men; Carpenters (creosoted material)	8.14	.50	.55		.045
Piledriver (creosoted material)	8.29	.50	.55		.045
Millwright and Machine Erector	8.39	.50	.55		.045
All Counties and parts of Counties west of the 120th Meridian (except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties) and including the northern portion of Pacific and all of Yakima and Kittitas Counties					
Carpenters	7.30	.50	.60		.01
Carpenters on Creosoted material	7.40	.50	.60		.01
Sawfilers; Stationary Power Saw; Floor Finisher; Floor Layer; Shingles; Floor Sander and other Stationary Power Woodworking Tools	7.43	.50	.60		.01
Millwrights and Machine Erectors; Piledrivers; Bridge, dock and wharf builders	7.45	.50	.60		.01
Acoustical Workers	7.46	.50	.60		.01
Boommen	7.50	.50	.60		.01
Drywall Applicators	7.50	.50	.60		.01
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters; Form Stripper; Manhole Builders; Acoustical Applicators	7.79	.55	.65	.35	.03
Piledrivermen, bridge, dock and wharf builders	7.89	.55	.65	.35	.03
Floor Layers; Floor Finishers; Stationary Power Saw Operator	7.94	.55	.65	.35	.03
Boomman	7.99	.55	.65	.35	.03
Millwrights; Machine Erectors	8.04	.55	.65	.35	.03
Drywall Applicator	7.24	.55	.40	.35	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for western portion lying one mile west of City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	7.83	.45	.60		.04
Clallam, Grays Harbor, Island, Jefferson, King (except City of Auburn), Kitsap, Kittitas, (western portion lying one mile west of the City of Easton), Mason, Pacific (northern portion), San Juan, Skagit, Snohomish, and Whatcom Counties	7.13	.55	.60		.01
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	7.14	.35	.35	.20	.03
Lewis, Pierce, Thurston and the City of Auburn in King County	7.20	.40	.50		.02
ELECTRICIANS:					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	8.05	.35	1%+.40		.02
Cable Splicers	8.45	.35	1%+.40		.02
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties					
Electricians	8.05	.35	1%+.40		.02
Cable Splicers	8.86	.35	1%+.40		.02
Chelan, Douglas, Grant and Okanogan Counties					
Electricians	8.05	.35	1%+.40		.02
Cable Splicers	8.86	.35	1%+.40		.02
Clallam, Jefferson, King and Kitsap Counties					
Electricians	8.55	.25	1%+.40		.03
Cable Splicers	9.405	.25	1%+.40		.03
Clark, Klickitat and Skamania Counties					
Electricians	8.40	.45	1%+.40		.02
Cable Splicers	9.15	.45	1%+.40		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Cowlitz and Wahkiakum Counties					
Electricians	$8.65	.25	1%		.02
Cable Splicers	9.52	.25	1%		.02
Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Counties					
Electricians	8.02	.45	1%+.45	4%	.04
Cable Splicers	8.82	.45	1%+.45	4%	.04
Island, San Juan, Skagit, Snohomish and Whatcom Counties					
Electricians	8.93	.45	1%+.40		.01
Cable Splicers	9.82	.45	1%+.40		.01
ELEVATOR CONSTRUCTORS:					
Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties					
Elevator Constructors	7.94	.395	.26	2%+a	
Elevator Constructors' Helpers	70%JR	.395	.26	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific (northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Cos.					
Elevator Constructors	8.415	.395	.26	2%+a	
Elevator Constructors' Helpers	70%JR	.395	.26	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Clark, Cowlitz, Klickitat, Pacific, (southern portion), Skamania and Wahkiakum Counties					
Elevator Constructors	7.97	.395	.26	2%+a	
Elevator Constructors' Helpers	70%JR	.395	.26	2%+a	
Elevator Constructors' Helpers (Prob.)	50%JR				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS:					
Adams (Northern Eastern half), Lincoln (Eastern half), Pend Oreille, Spokane and Stevens Counties	$6.345	.25		.28	
Adams (Southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties	6.51	.25	.35	.40	
Adams (Southwestern corner), Chelan, Douglas, Grant, Lincoln, (Western half) and Okanogan Cos.	6.57	.21	.15	.36	
Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Snohomish and Thurston Cos.	7.20	.22	.40	b	
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	7.20	.26	.30	6.5%	.01
Kittitas and Yakima Counties	6.16	.25	.25		
IRON-WORKERS:					
Statewide except Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	7.95	.48	.80		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signalmen	7.70	.48	.80	.25	.05
LATHERS:					
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	7.93	.40			
Clallam, Island, Jefferson, King, Kitsap, Pacific (Northern portion), San Juan, Skagit, Snohomish and Whatcom Counties	7.50	.40			
Pierce County	7.25	.40	.50		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties, and Grand Coulee Dam area in Okanogan County	$8.41	.35	.40		.04
Benton, Franklin, and Walla Walla Counties	8.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	7.34	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	8.18	.45	.35		.02
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County	8.25	.40	.40		.03
Grant County and that portion of Adams County including the City of Othello	7.35	.40			
Kittitas, Yakima and Klickitat (except ten mile strip bordering the Columbia River) Counties	7.25	.50	.50		
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	7.98	.45	.35		.02
San Juan, Skagit (incl. the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	8.15	.40	.45		
MARBLE, TILE & TERRAZZO WORKERS HELPERS:					
All Counties east of the Cascade Mountain Range in Washington	6.55				
Remaining Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (Southern portion) Skamania, and Wahkiakum Counties)	6.55	.45			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MASON TENDERS:					
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties:					
(Including tenders to plasterers, bricklayers, tile setters, marble setters, and terrazzo workers; topping for cement finishers and mortar mixers)	$6.30	.55	.65		.07
PAINTERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla and Whitman Counties					
Brush	7.53	.25	.45		.01
Steel; Spray; Steam Cleaning; Roller over 9' or 10' handle; Drywall Taper	7.78	.25	.45		.01
Swing Stage Work or High Rate (over 30')	7.88	.25	.45		.01
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	7.93	.25	.45		.01
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Brush	7.46	.30	.20		.03
Spray; High Towers, ground to 100'	7.71	.30	.20		.03
High work over 100'; High Towers, ground to 300'	7.96	.30	.20		.03
High Towers, ground to over 300'	8.46	.30	.20		.03
Drywall Tapers	7.14	.40	.15	.50	.06
Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (Northern portion) and Whatcom Counties					
Brush; Drywall Tapers	7.42	.40	.27		.02
Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic Material	7.67	.40	.27		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Kittitas and Yakima Counties					
Brush	$7.30	.25	.45		.01
Spray; Steel; Roller 9' or 10' handles; Drywall Taper; Steam Cleaning	7.55	.25	.45		.01
Swing Stage over 30' high	7.65	.25	.45		.01
Bitumastic; Bridges; Towers; Tanks on legs; Steeples; Stacks; Sandblasting	7.70	.25	.45		.01
PLASTERERS:					
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Kittitas (including the City of Ellensburg and south thereof), Lincoln, Pend Oerille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	7.93	.40			
Chelan, Douglas, Kittitas (North of the City of Ellensburg), and Okanogan Counties	6.80	.40			
Clallam, Island, Jefferson, King, (except the City of Kent), Kitsap, Pacific (Northern portion), San Juan, Skagit and Snohomish Counties	7.56	.45	.50		.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	7.35	.50	.60		.01
Grays Harbor, King (City of Kent), Lewis, Mason, Pierce and Thurston Counties	7.25	.40	.50		.02
PLUMBERS:					
Statewide (except - Chelan, Clallam, Jefferson and King Counties; and Douglas and Okanogan Counties West of the 119° 30 min. Longitude; and Kittitas County North of the 47° 15 min. Latitude; and those portions of Clark and Skamania Counties lying south of a East-West line drawn through Woodland, Washington, due East to the Klickitat County Line)	7.96	.33	.85	.49	.08

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS: (Cont'd)					
Chelan, Clallam, Jefferson and King Counties; and Douglas and Okanogan Counties West of the 119°, 30 min. Longitude; and Kittitas County North of the 47°, 15 min. Latitude	$8.04	.52	.85	.63	.07
Clark and Skamania Counties South of an East-West line drawn thru Woodland, Washington, due East to the Klickitat County Line	7.68	.65	.75		.07
ROOFERS:					
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman Counties	6.60	.30	.15		
Asotin and Garfield Counties	7.45				
Benton, Franklin, Kittitas, Klickitat, and Yakima Counties Roofers; Kettlemen; Waterproofers; Shinglers; Spraying	7.35	.20	.30		
Clallam, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Snohomish, Thurston, Wahkiakum and Whatcom Counties					
Roofers; Waterproofer	7.55	.20	.20		
Slate and Tile Roofers	7.80	.20	.20		
Clark, and Skamania Counties					
Roofers	7.30	.45	.55		
Handling of irritating material (coal, tar or epoxy) in unconfined area	7.80	.45	.55		
Handling of irritating material (coal, tar or epoxy) in confined area	8.05	.45	.55		
SHEET METAL WORKERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Orielle, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	8.05	.32	.78	.50	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS:					
Clallam, Jefferson, Kitsap and Mason Counties	$8.16	.37	.785	.47	.02
Clark and Skamania Counties	7.73	.48	.34	.31	.02
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties	8.20	.37	.735	.47	.02
King County	8.47	.27	.30		.01
Island and Snohomish Counties	7.90	.32	.40		.03
Whatcom, Skagit and San Juan Cos.	8.56	.42	.785		.02
SOFT FLOOR LAYERS:					
Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties	6.68	.25	.25		
Benton, Franklin and Walla Walla Counties	7.00	.25	.40	.46	
Clallam, Island, Jefferson, Lewis, San Juan, Skagit, and Whatcom Counties	7.62	.36	.60		.05
Clark, Cowlitz, Klickitat, Pacific, (Southern portion), Skamania and Wahkiakum Counties	7.485	.45	.45	c	.05
Grays Harbor, Mason, Pacific (Northern portion), Pierce and Thurston Counties	7.76	.36	.60		.05
King, Kitsap and Snohomish Cos.	7.82	.36	.60		.05
Yakima and Kittitas Counties	7.02	.25	.25	.23	
SPRINKLER FITTERS:					
Skagit, Snohomish, King, Island, Kitsap, Pierce, and Thurston Cos.	9.08	.40	.60		.07
Remaining Counties	9.25	.50	.70		.08
TERRAZZO WORKERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co.	7.95	.35	.40		
Benton, Franklin and Walla Walla Counties	7.53	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.34	.45	.40	.25	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS: (cont'd)					
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	$7.95	.45	.35		
Grant County and that portion of Adams County incl. the City of Othello	7.35	.40			
Kittitas, Klickitat (except ten-mile strip bordering Columbia River), Yakima Counties	7.25	.50	.50		
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	7.98	.45	.35		.02
San Juan, Skagit (incl. the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	8.15	.40	.45		
TILE SETTERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan County	7.95	.35	.40		
Benton, Franklin and Walla Walla Counties	7.53	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	7.34	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Cos.	7.95	.45	.35		.05
Clark, Cowlitz, Pacific (Southern portion), Skamania, Whakiakum and a ten-mile strip bordering the Columbia River in Klickitat Co.	7.84	.35	.35	.25	
Grant County and that portion of Adams County incl. the City of Othello	7.35	.40			
Kittitas, Klickitat (except ten-mile strip bordering the Columbia River) and Yakima Counties	7.25	.50	.50		
Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	7.98	.45	.35		.02
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

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*STATEWIDE -
Where Pacific County is stated as "Northern portion" or "Southern portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.
b. Two weeks' vacation with pay after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthdey.
c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cable Splicers; Leadman Pole Sprayer	$9.68	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Linemen Welder	8.74	.35	1%	.10	1/2%
Tree Trimmer	7.88	.35	1%	.10	1/2%
Line Equipment Man	7.52	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer Men	6.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	6.18	.35	1%	.10	1/2%
Hole Digger	5.91	.35	1%	.10	1/2%

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LABORERS (AREA 4) (Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$ 5.55	.55	.65		.02
Group 2	5.65	.55	.65		.02
Group 3	5.70	.55	.65		.02
Group 4	5.75	.55	.65		.02
Group 5	5.80	.55	.65		.02
Group 6	5.85	.55	.65		.02
Group 7	5.90	.55	.65		.02
Group 8	5.95	.55	.65		.02
Group 9:					
Class A	5.65	.55	.65		.02
Class B	5.80	.55	.65		.02
Class C	5.90	.55	.65		.02
Class D	5.95	.55	.65		.02
Class E	6.05	.55	.65		.02
Class F:					

POWER EQUIPMENT OPERATORS (AREA 1) (All Counties and portions of Counties East of the 120th Meridian - except that portion of Klickitat Co.)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
	ZONE 1*				
Group 1	$7.25	.65	.75		.03
Group 2	8.05	.65	.75		.03
Group 3	8.25	.65	.75		.03
Group 4	8.30	.65	.75		.03
Group 5	8.35	.65	.75		.03
Group 6	8.60	.65	.75		.03
Group 7	8.85	.65	.75		.03
	ZONE 2*				
Group 1	$8.20	.65	.75		.03
Group 2	9.00	.65	.75		.03
Group 3	9.15	.65	.75		.03
Group 4	9.30	.65	.75		.03
Group 5	9.55	.65	.75		.03
Group 6	9.80	.65	.75		.03
	ZONE 3*				
Group 1					.07
Group 2					.07
Group 3					.07

*ZONE 1: Within a 15 mile radius from the City center of the following cities: Moses Lake, Pasco, Spokane and Walla Walla in Washington - and Coeur d' Alene and Lewiston in Idaho.
*ZONE 2: From a 15 to 45 mile radius from the center of the above named cities.
*ZONE 3: Over a 45 mile radius from the center of the above named cities.

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LABORERS (AREA 1) (All Counties and portions of Counties East of the 120th Meridian - except that portion of Klickitat County)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$6.55	.40	.55		.02
Group 2	6.70	.40	.55		.02
Group 3	6.80	.40	.55		.02
Group 4	6.85	.40	.55		.02
Group 5	6.90	.40	.55		.02
Group 6	6.95	.40	.55		.02
Group 7	7.00	.40	.55		.02
Group 8	7.20	.40	.55		.02
Group 9:					
Class A	6.60	.40	.55		.02
Class B	6.65	.40	.55		.02
Class C	7.05	.40	.55		.02
Class D	7.10	.40	.55		.02

LABORERS (AREA 2) (All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	5.85	.50	.65		.03
Group 2	5.95	.50	.65		.03
Group 3	6.00	.50	.65		.03
Group 4	6.05	.50	.65		.03
Group 5	6.10	.50	.65		.03
Group 6	6.15	.50	.65		.03
Group 7	6.20	.50	.65		.03
Group 8	5.90	.50	.65		.03
Group 9	5.95	.50	.65		.03
Group 10	6.05	.50	.65		.03
Group 11	6.15	.50	.65		.03
Group 12	6.20	.50	.65		.03
Group 13	6.30	.50	.65		.03

LABORERS (AREA 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific Cos.)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	6.40	.60	.80	.25	.07
Group 2	6.55	.60	.80	.25	.07
Group 3	6.70	.60	.80	.25	.07
Group 4	6.85	.60	.80	.25	.07

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POWER EQUIPMENT OPERATORS (AREA 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$7.30	.55	.85	.35	.05
Group 2	7.44	.55	.85	.35	.05
Group 3	7.54	.55	.85	.35	.05
Group 4	7.70	.55	.85	.35	.05
Group 5	7.72	.55	.85	.35	.05
Group 6	7.80	.55	.85	.35	.05
Group 7	7.96	.55	.85	.35	.05
Group 8	8.02	.55	.85	.35	.05
Group 9	8.08	.55	.85	.35	.05
Group 10	8.10	.55	.85	.35	.05
Group 11	8.16	.55	.85	.35	.05
Group 12	8.24	.55	.85	.35	.05
Group 13	8.40	.55	.85	.35	.05
Group 14	8.56	.55	.85	.35	.05
Group 15	8.74	.55	.85	.35	.05
Group 16	8.88	.55	.85	.35	.05
Group 17	9.06	.55	.85	.35	.05
Group 18	9.20	.55	.85	.35	.05
Group 19					
POWER EQUIPMENT OPERATORS (AREA 1) (DREDGING) (All Counties and portions of Counties East of the 120th Meridian - except that portion of Klickitat County)					
Group 1	7.29	.50	.65		.04
Group 2	7.39	.50	.65		.04
Group 3	7.73	.50	.65		.04
Group 4	7.78	.50	.65		.04
Group 5	7.83	.50	.65		.04
Group 6	8.15	.50	.65		.04
Group 7:					
(a)	8.54	.50	.65		.04
(b)	9.09	.50	.65		.04
DREDGING (AREA 2) (All Counties and portions of Cos. West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County)					
Group 1	7.34	.45	.65		.04
Group 2	7.44	.45	.65		.04
Group 3	7.78	.45	.65		.04

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POWER EQUIPMENT OPERATORS (AREA 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County).	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
	$7.42	.45	.65		.08
Group 1	7.52	.45	.65		.08
Group 2	7.63	.45	.65		.08
Group 3	7.68	.45	.65		.08
Group 4	7.70	.45	.65		.08
Group 5	7.75	.45	.65		.08
Group 6	7.76	.45	.65		.08
Group 7	7.80	.45	.65		.08
Group 8	7.82	.45	.65		.08
Group 9	7.95	.45	.65		.08
Group 10	7.98	.45	.65		.08
Group 11	8.01	.45	.65		.08
Group 12	8.06	.45	.65		.08
Group 13	8.08	.45	.65		.08
Group 14	8.10	.45	.65		.08
Group 15	8.13	.45	.65		.08
Group 16	8.16	.45	.65		.08
Group 17	8.20	.45	.65		.08
Group 18	8.27	.45	.65		.08
Group 19	8.28	.45	.65		.08
Group 20	8.33	.45	.65		.08
Group 21	8.38	.45	.65		.08
Group 22	8.60	.45	.65		.08
Group 23	8.64	.45	.65		.08
Group 24	8.69	.45	.65		.08
Group 25	8.77	.45	.65		.08
Group 26	8.99	.45	.65		.08
Group 27	9.19	.45	.65		.08
Group 28	9.30	.45	.65		.08
Group 29	9.32	.45	.65		.08
Group 30	9.60	.45	.65		.08
Group 31					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DREDGING (AREA 2) (Cont'd) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern Portion of Pacific County) and all of Kittitas and Yakima Counties					
Group 4	$7.83	.45	.65		.04
Group 5	7.88	.45	.65		.04
Group 6	8.20	.45	.65		.04
Group 7:					
(a)	8.59	.45	.65		.04
(b)	9.14	.45	.65		.04
DREDGING (AREA 3) (Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties)					
Group 1	6.64	.45	.60	.25	
Group 2	6.74	.45	.60	.25	
Group 3	7.13	.45	.60	.25	
Group 4	7.08	.45	.60	.25	
Group 5	7.18	.45	.60	.25	
Group 6	7.50	.45	.60	.25	
Group 7:					
(a)	7.89	.45	.60	.25	
(b)	8.44	.45	.60	.25	
TRUCK DRIVERS (AREA 1) (All Counties and portions of Counties East of the 120th Meridian except those portions of Kittitas, Klickitat and Yakima Counties)					
Group 1	7.35	.72	.65		
Group 2	7.40	.72	.65		
Group 3	7.45	.72	.65		
Group 4	7.55	.72	.65		
Group 5	7.65	.72	.65		
Group 6	7.70	.72	.65		
Group 7	7.75	.72	.65		
Group 8	7.80	.72	.65		
Group 9	7.90	.72	.65		
Group 10	7.95	.72	.65		
Group 11	8.15	.72	.65		
Group 12	8.50	.72	.65		
Group 13	8.45	.72	.65		
Group 14	8.60	.72	.65		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (AREA 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and all of Kittitas and Yakima Counties)					
Group 1	$7.00	.54	.50		.01
Group 2	7.05	.54	.50		.01
Group 3	7.10	.54	.50		.01
Group 4	7.21	.54	.50		.01
Group 5	7.27	.54	.50		.01
Group 6	7.31	.54	.50		.01
Group 7	7.32	.54	.50		.01
Group 8	7.38	.54	.50		.01
Group 9	7.43	.54	.50		.01
Group 10	7.45	.54	.50		.01
Group 11	7.48	.54	.50		.01
Group 12	7.58	.54	.50		.01
Group 13	7.60	.54	.50		.01
Group 14	7.64	.54	.50		.01
Group 15	7.76	.54	.50		.01
Group 16	7.80	.54	.50		.01
Group 17	7.92	.54	.50		.01
Group 18	7.97	.54	.50		.01
Group 19	8.13	.54	.50		.01
Group 20	8.29	.54	.50		.01
Group 21	8.45	.54	.50		.01
TRUCK DRIVERS (AREA 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)					
Group 1	7.23	.45	.65	.30	.03
Group 2	7.28	.45	.65	.30	.03
Group 3	7.33	.45	.65	.30	.03
Group 4	7.38	.45	.65	.30	.03
Group 5	7.43	.45	.65	.30	.03
Group 6	7.53	.45	.65	.30	.03
Group 7	7.63	.45	.65	.30	.03
Group 8	7.73	.45	.65	.30	.03
Group 9	7.83	.45	.65	.30	.03
Group 10	8.00	.45	.65	.30	.03
Group 11	8.10	.45	.65	.30	.03
Group 12	8.20	.45	.65	.30	.03
Group 13	8.30	.45	.65	.30	.03
Group 14	8.40	.45	.65	.30	.03

LABORERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian (except that part of Klickitat County)

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine - 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, and right of way markers); General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaleman; Stake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move and position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw Walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flocrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

LABORERS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian (except that part of Klickitat County)

Group 7: Brush Machine (to include horizontal construction joint clean-up brush machine, power propelled); Drills (to include down-the-hole drills with 3½ inch piston or larger and out-of-the hole drills with 4½ inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, air track or similar mounting; Nozzleman (to include jet blasting nozzleman over 1,200 pounds, jet blast machine power propelled, sand blast nozzle); Vibrator, 4 inches and over

Group 8: Air track drills with Dual Masts and Drills; Powderman

TUNNEL AND SHAFT, FREE AIR

Group 9:
- Class A: Bull Gang, Pump Crete Crewman including distributing pipe, assembling and dismantle and Nipper
- Class B: Brakeman, Dumpman
- Class C: Miner and Nozzleman for concrete and Laser Beam Operator on tunnels
- Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (AREA 2)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County

Group 1: General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choke Setter; Concrete and Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Drierman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Wellpoint and Header Laborer; Guardrail Erector

Group 2: Dumpman; Faller and Bucker, hand; Powderman's Helper; Sloper (over 20'); Wagon Driller and Air Trac Helper

Group 3: Groutman (pressure); Power Tools (light duty) Chippers, Grinders, Tampers, and similar electric and air operated tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height

Group 4: Concrete Saw Operator; Pipe Pot Tender; Power Wheel Barrow or Buggy; Power Tools (heavy duty) Jackhammer, Pavement Breaker, Vibrators, Tampers (multiple and self-propelled), Railroad Spike Puller; Rakers-asphalt

Group 5: Form Setter (steel forms); Grademan and Stake Hopper; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sandblast, gunnite, shot-crete)

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LABORERS (AREA 2) (Cont'd)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and including the Northern portion of Pacific County

Group 6: Faller and Bucker, chain saw; High Scaler; Mortarman and Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - sewer; Wagon Driller and Air Trac; Manhole Builder; Laser Beam Operator (pipe)

Group 7: Cement Dumper - paving; Powderman

TUNNEL WORK

Group 8: Topman and Bull Gang

Group 9: Chuck Tender; Mucker and Laborer; Nipper; Brakeman

Group 10: Powderman's Helper

Group 11: Miner (including monolithic work); Spader; Re-timberman; Maintenance Man; Laser Beam Operator (tunnel)

Group 12: Miner, Shaft and Raise

Group 13: Powderman

LABORERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Broomers; Brush Burners and Cutter; Car and Truck Loaders; Carpenter Tender; Change-house Man or Dry Shack Men; Choke Setters; Clean Up Laborers; Concrete Laborers; Crusher Feeders; Culvert, hand labor; Curing, concrete; Demolition, Wrecking, and Moving Laborers; Driller Helpers; Dumpers, road oiling crew; Dumpmen (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); General Laborers; Landscaping or Planting Laborers; Laverman on aggregate spreader (Flaherty and similar types); Loading Spotters; Material Yard Man (including electrical); Pittsburgh Chipper Operator or similar types; Powderman Helper; Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Skipmen; Signalmen; Slopers, Spraymen; Stake Chaser-Stake Setter-Grade Checker; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weightman-Crusher (aggregate when used)

LABORERS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 2: Applicator (including pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker Splicer; Clary Power Spreader and similar types; Clean-up Nozzleman - Greencutter (concrete rock, etc.); Concrete Power Buggyman; Demolition and wrecking charred materials; Gunite Nozzleman Tender; Gunite or Sand Blasting Pot Tender; Handlers of mixers of all materials of an irritating nature (including cement and lime); Manhole Builders; Power Tool Operator, includes but not limited to: Chipping guns, Dry pack machine, Jackhammer, Paving breakers, Post hole digger, (air, gas, or electric), Tampers, Vibrating screed, Vibrators (less than 4" in diameter); Ribbon Setter, head; Rip Rap Man (head), hand placed; Sand Blasting (wet); Sewer Timbermen; Timber Buckers and Fallers, Brush Cutters (power saw); Tunnel-Muckers, Brakemen, Concrete crew, Bull gang (underground)

Group 3: Asphalt Rakers; Pit Grinder; Concrete Saw Operator; Drill Doctor; Drill Operators, Air tracks, Cat drills, Wagon drills, Rubber-mounted drills and other similar types; Gunite Nozzleman; High Scalers, Strippers and Drillers (covers work in swinging stages, chairs or belts, under extreme conditions unusual to norman drilling, blasting, barring-down or sloping and stripping); Powdermen; Power Saw Operators (bucking and falling merchantable logs); Pumpcrete Nozzlemen; Sand Blasting (dry); Sewer Pipe Layers; Track Liners, Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator, Tunnel-Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster, Welder; Laser Beam (pipe laying)

Group 4: Tunnel Miners; Tunnel Powderman; Laser Beam (tunnel)

LABORERS (AREA 4)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 1: General Laborer; Carpenter Tender; Form Stripper; Rip Rap Man; Track Laborer; Stake Hopper; Choker Setter; Fence Laborer

Group 2: Air Track and Wagon Drill Helper; Crusher Feeder; Dump and Stock Pile Man; Powderman Helper; Sloper, over 20 feet

Group 3: Power Buggy; Drill Chipper; Grinder and similar light power tools; Faller and Bucker (hand); Grout Man (power)

Group 4: Asphalt Raker and Spreader; Cement Handler, sack or bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Tamper - Vibrator; Track Spike Puller; Concrete Saw and similar heavy power tools; Nozzleman (air and water)

LABORERS (AREA 4) (Cont'd)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 5: Form Setter, Steel Forms; Grade Checker; Swinging Stage or Bosun Chair over water or over 25 feet in height

Group 6: Air Track and Wagon Drill Operator; Chain Saw Operator; Gunite Man; High Scaler; Pipe Layer and Caulker; Pipe Wrapper; Sandblaster; Timber Man; Open Ditch; Mortar Man and Hod Carrier

Group 7: Faller and Bucker (chain saw); Powderman

Group 8: Caisson Workers; Free Air

TUNNEL SHAFTS, FREE AIR

Group 9:
Class A: Topman and Bull Gang
Class B: Chuck Tender; Mucker and Laborer; Nipper; Brakemen
Class C: Powderman Helper
Class D: Miner (including Monolithic Worker); Re-Timberman; Maintenance Man; Spader
Class E: Miner; Shaft and Raise
Class F: Powderman

POWER EQUIPMENT OPERATORS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian (except that part of Klickitat County)

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Regrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leverman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loader (bucket elevators and conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator: Ditch Witch or similar

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian (except that part of Klickitat County)

Group 3: A-frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit)(Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginew or similar); Canal Linning Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pumpcrete, Whitman and similar); Drills (churn, core, calyx or daimond); Elevating Belt-type Loader (Euclid, Barber Green, or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Equipment Servicemen, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist, (2 or more drums or tower hoist); Loaders (overhead and front-end under 4 yards, R/T); Locomotive Engineer; Mixer-mobile; Mucking Machines; Paver or Curb Extruder (asphalt and concrete); Pump (grout or jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, including dozer, scraper, drills, booms, rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

Group 4: Asphalt Plant Operator; Crusher, Grizzle and Screening Plant Operator; H. D. Mechanic; H. D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers) (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 65 tons); Derricks and Stifflegs (under 65 tons); Draglines (under 3 yards); Drilling Equipment (8" bit and over) (Robbin's reverse circulation and similar); Loader Operator (front end and overhead 4 yards to 8 yards); Piledriving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar), Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with two scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian (except that part of Klickitat County)

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Kuehring Scouper or similar); Loaders (overhead and front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (AREA 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' Helpers (heavy duty)

Group 2: Oilers, Grade Checkers and Stakemen and/or Brakemen

Group 3: Firemen; Fireman (drier and hot plant)

Group 4: Rollers, Tampers and Vibrators (other than plant, road mix or multilift materials); Tractor (farmall type, 60 h.p. and under); Compressor (excavating and general purposes)

Group 5: Oiler Driver on Truck Cranes (over 45 tons up to 100)

Group 6: Blower Distributors and Mulch Seeding Operator; Oil Distributors

Group 7: Locomotives (Dinkey-air, diesel, electric, gas, steam)

Group 8: Equipment Service Oiler; Oiler Driver on Truck Cranes (100 tons and over)

Group 9: Pump (water); Tractors (Farmall type, over 60 h.p.)

Group 10: Post Hole Diggers (mechanical)

POWER EQUIPMENT OPERATORS (AREA 2)(Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 11: Brooms (power, Wayne, Saginaw, and similar types); Bulldozers (under D9 or similar); Loaders (fort lifts or lumber stacker-on construction job site - Drot travel lift); Rollers, Tampers and Vibrators (twin engine); Saws (concrete); Scrapers (carry-all type, single)

Group 12: Batch Plant (batch and mixer, 200 yards per hour and under); Cranes ("A" frame trucks, single power drum); Conveyors; Crusher (rock), Washing and Screening Plants; Finishing Machine Operator, Concrete Paving; Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Loaders (Elevating-Athey, Barber Greene, and similar types, and overhead and front end, under 2½ yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 200 yards per hour and under); Power Plant Operators; Pumps (Fuller Kenyon, and concrete and pump crete); Rollers, Tampers and Vibrators (on plant, road mix or multilift materials); Screed Man; Spreaders (Blaw Knox, Cedarapids, Jaeger, Flarrety or similar types); Trenching Machine (under 16 inches)

Group 13: Mechanics or Welder (heavy duty)

Group 14: Motor Patrol Graders (including Model 14 and similar); Tournapulls, Caterpillar, Euclid Scrapers, and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection, Air Tuggers and Towermobiles; Loaders (fork lifts with tower)

Group 16: Cement Hogs; Loaders (Elevating grader type, Dumor and similar); Locomotive (geared or rod engine); Mixers (paving); Scraper (carryall type, double)

Group 17: Tractors (Farmall type, used as backhoes, rubber tired, Ford, Ferguson, Case and similar types 60 h.p. and under)

Group 18: Bull Dozer (D-9 or similar)

Group 19: Trenching Machines (16 inches and over)

Group 20: Bump Cutter (Concut, Christianson or similar types)

Group 21: Batch Plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (beltcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixers (asphalt, 4 tons and over, per batch, and concrete mixers and batch - over 200 yards per hour through 400 yares per hour, and paving dual)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 22: Bulldozer engaged in Yo Yo Operation (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" frame trucks, double power drum: and Crawler, truck type, floating, Locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under: and Hydralifts, Hyster Cat Cranes and attachments and Chipper, wood with boom attachment); Derricks, all; Drilling Machine (core, cable rotary and exploration); Loaders (fork lift with power boom and swing attachment, and overhead and front end, 2½ yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor Patrol Graders (over Model 14 and similar); Mucking Machines (mole, tunnel drill, and/or shield); Paydozer and Linker Pusher (Quad-9 and similar); Piledriver Engineer, (L. B. Foster Puller or similar, paving breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); Sub Grader (Gurries, CMI and similar types); Tractors (Farmall type, used as backhoes, rubber tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment - over 25 yards through 40 yards

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 600 yards per hour)

Group 25: Tournapulls, Caterpillar, Euclid, Scrapers and similar type (over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Cranes (Crawler, truck type, floating, Locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons: and, Tower Cranes, Pecco, Lorraine, Bucyrus and similar types); Helicopter Winch Operator; Remote Control Operator on Rubber-tired Earth Moving Equipment; Shovels (Crawler and trück type, all attachments, over 3 yards up to 6 yards); Slip Form Paver (Zimmerman, CMI and similar types)

Group 27: Tournapulls, Caterpillar, Euclid, Scrapers, and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

Group 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 30: Cranes (Crawler, Truck Type, Floating, Locomotive, Whirley, either 5 yards and over, 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and Truck Type, all attachments, 6 yards and over)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 85 yards through 100 yards)

POWER EQUIPMENT OPERATORS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Assistant Conveyor Operator; Crusher Feederman; Oilers (including asphalt and concrete plant, crane, crusher, guardrail equipment - including punch, shovel, dragline, clamshell backhoe, skooper, railroad equipment, and trenching machine); Perts Man (tool room); Pump (under 4 inches); Railroad Equipment (Brakeman and Switch Man); Self-propelled Scaffolding Operator (on job site)

Group 2: Auger Oiler; Blade Operator (pulled type); Combination Guardrail Machines Oiler; Crane (Truck crane oiler - driver 25 ton capacity or over; and Fireman, all equipment: and A-Frame Truck, single drum: and Tugger or Coffin Type Hoist); Drill Helper; Floating Equipment Boatman; Fork Lift or Lumber Stacker Operator (on construction job site); Grade Checker; Grade Oiler (required to check grade); Helicopter Radioman (ground); Repairmen Helper (H.D.); Roller Operator (grading of base rock - not asphalt); Shovel Fireman; Tar Pot Fireman (including power agitated); Temporary Heating Plant Operator

Group 3: Asphalt (including plant fireman, pugmill operator - any type, and truck mounted asphalt spreader, with screed); Broom Operator (self-propelled - on construction job site); Compressor Operator (any power - under 1,250 cu. ft. total capacity); Concrete (including Conveyor Operator, Mixer Box - CTB, Dry Batch, etc., Cement Hog, Concrete Saw, Concrete curing machine - riding type, and Wire mat or Brooming machine operator); Fork Lift (Rosa Carrier, on construction job site); Hydraulic Pipe Press Operator; Loader (Bucket elevator, Barber-Greene and similar type); Pump, (any power - 4 inches and over, and Hydrostatic pump); Railroad Equipment (Motorman and Ballast jack tamper); Seeder Machine - Hydrographic (straw, pulp, or seed); Signalman (Bell Boy, phone, etc.); Tamping Machine (Mechanical, self-propelled); Tunnel (Conveyor operator - any type, and air filtration equipment)

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POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 4: Asphalt Screed Operator; Compactor (self-propelled - including Vibratory); Compressor (any power - over 1,250 cu. ft. total capacity); Concrete (Combination mixer and Compressor operator, Gunite work); Concrete Screed Operator; Concrete Mixer (single drum under five bag capacity); Floating Equipment Fireman; Fork Lift (over 5 tons); Helicopter Hoist Operator; Hydra Hammer or similar; Locomotive (under 40 tons); Lull Hi-lift Operator; Oiler (service, greaser); Pavement Breaker; Pump (more than 4 - any size); Roller (oiling, CTB)

Group 5: Asphalt Extrusion Machine; Chip Spreading Machine; Compactor (Wagner Pactor or similar type - without blade); Concrete Batch Plant quality control; Concrete (Power Jumbo Operator - Setting slip forms etc., in tunnels); Concrete (Slip Form Pumps - power driven Hydraulic Lifting device for concrete forms); Crane (Hoist - single drum and Elevator Operator); Lime Spreading Machine; Pulva Mixer (or similar type); Sweeper (Wayne type - self-propelled, on construction job site); Tractor Operator (Rubber-tired 50 h.p. flywheel and under); Trenching Machine (maximum digging capacity 3 feet depth)

Group 6: Asphalt Paver; Asphalt Burner and Reconditioner (any type); Concrete Pavement Grinder and/or Grooving Machine Operator (riding type); Concrete (Cast-in-place Pipe Laying Machine and Maginnis Internal Full Slab Vibrator Operator); Concrete Finishing Machine (Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type); Concrete Curb Machine (mechanical berm, curb and/or gutter); Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Finishing Machine; Concrete Spreader; Loaders (rubber-tired, 2-1/2 cu. yds. and under); Rock Spreaders, self-propelled

Group 7: Asphalt Plant Operator (any type); Asphalt Roller Operator (any mix); beltcrete Operator; Concrete, Cement Pump (Fuller-Kenyon and similar); Concrete Grouting Machine; Concrete Mixer (single drum, five bag capacity and over); Crane (A-frame Truck double drum, and Boom Truck); Drill (Churn drill and Earth boring machine); Hydraulic Backhoe (wheel type 3/8 cu. yds. and under, with or without front end attachments 2½ cu. yds. and under - Ford, John Deere, Case type); Loader (Elevating Grader, tractor towed requiring operators on grader); Pot Rammer; Pumpcrete (any type); Railroad Equipment (Ballast regulator, Ballast tamper multi-purpose, Track liner, Tie spacer, Shuttle car, Locomotive - 40 ton and over)

Group 8: Concrete Batch Plant and/or Wet Mix Operator (one and two drum); Diesel - electric engineer (including asphalt plant, crusher, floating equipment generator, shovel, dragline, clamshell, backhoe, skooper, etc.); Generator Operator; Loader (belt loaders, Kolman and Ko Cal types)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the southern portion of Pacific, Counties

Group 9: Boring Machine; Bulldozer; Clearing equipment (including Log skidders, Chippers, Incinerators, and Stump splitters); Compactor, with blade; Concrete cooling machine; Cranes (Chicago Boom and similar types, Lift slab machine, Boom type lifting device - 5 ton capacity or less, and Cherry Picker or similar type crane - Hoist - 5 ton capacity or less); Crusher Plant Operator; Drill Cat; Drill Doctor (including Bit Grinder); Grizzley Operator; Guardrail Punch Operator; Guardrail Auger Operator; Hammer Operator; Heater and Planer Operator (surface); Hydraulic Backhoe (track type 3/8 cu. yd.); Loader (front end and overhead - 2½ cu. yds. and under 4 cu. yds.); Machine tool; Mechanic (H.D.); Pipe cleaning machine; Pipe doping machine; Pipe bending machine; Pipe wrapping machine; Side-boom Cats; Stationary Drag Scraper; Tractor (rubber-tired over 50 h.p. flywheel); Tractor (with boom attachment); Trenching Machine (maximum digging capacity over 3 feet depth)

Group 10: Barge Operator (self-unloading); Bulldozer (twin engine - TC 12 and similar); Cable-plow (any type); Compactor (multi-engine); Dozers and Pushers (rubber-tired - Michigan, Cat, Hough type); Driller (percussion, diamond, core, cable, rotary, and similar); Jack Operator (elevating barges)

Group 11: Concrete Mixer Mobile Operator; Concrete Breaker; Crane (25 ton and under); Grade-all (under 1 cu. yd.); Guardrail machine combination (i.e., puncher, auger, etc.); Mucking Machine (tunnel); Shovel, Dragline, Clamshell, Hoe, etc., under 1 cu. yd.

Group 12: Blade Operator; Concrete Batch Plant and/or Wet Mix (3 or more units); Hoist Operator (two or more drums); Loader (elevating - Athey and similar type); Piledriver Operator (not crane type); Reinforced Tank Banding Machine (K-17 or similar); Scrapers (rubber-tired - single engine, single scraper; and Self-loading, Paddle wheel, Auger type: and Twin engine and Scraper with push-pull attachments); Shield Operator (tunnel)

Group 13: Backfilling Machine; Blade Operator, finish; Blade Operator (externally controlled by electronic, mechanical hydraulic means); Blade Operator (multi-engine); Cableway (up to 25 tons); Concrete Paving Road Mixer; Crane (over 25 ton to and including, 40 ton); Derrick (under 100 tons); Floating Equipment Piledriver; Floating Clamshell (under 3 cu. yds.); Floating Crane (derrick barge - less than 30 tons); Grade-all (1 cu. yd. and over); Hoist (Stiffleg, Guy Derrick or similar, 50 tons and over); Loader (Elevating grader - operated by tractor operator, Sierra, Euclid, or similar types); Shovel, Dragline, Clamshell, Hoe, etc., 1 cu. yd. and less than 3 cu. yds.)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 14: Crane - tower; Scraper (rubber-tired self loading paddle wheel, Auger type, finish and/or 2 or more units); Scraper (rubber-tired with tandem scraper)

Group 15: Loader (4 cu. yds. but less than 6 cu. yds.); Rock Hound Operator

Group 16: Auto Grader or "Trimmer" Operator; Bulldozer (Tandem, Quadnine and similar type); Cableway (25 tons and over); Concrete Slip Form Paver (automatic); Concrete Canal Line Operator; Crane (over 40 tons and including 100 tons); Floating Clamshell (3 cu. yds. and over); Floating Crane (Derrick barge - 30 tons but less than 80 tons); Loader (6 cu. yds. but less than 12 cu. yds.); Scraper (rubber-tired, with Tandem Scrapers, multi-engine); Shovel, Dragline, Clamshell, Hoe, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel excavator (under 750 cu.yds. per hour); Whirley (80 tons and under)

Group 17: Canal Trimmer; Crane (over 100 tons to and including, 200 tons); Floating Crane (Derrick barge, 80 tons but less than 150 tons); Loader (12 cu. yds. and over); Shovel, Dragline, Clamshell, Hoe, etc., 5 cu. yds. and over; Whirley (over 80 tons to and including, 150 tons)

Group 18: Band Wagons (in conjunction with wheel excavator; Crane (over 200 tons); Floating Crane (150 tons but less than 250 tons); Wheel Excavator (over 750 cu. yds. per hour); Whirley (150 tons and over)

Group 19: Floating Crane (250 tons and over); Helicopter, when used in erecting work; Remote controlled earth-moving equipment; Underwater equipment (remote or otherwise)

POWER EQUIPMENT OPERATORS (AREAS 1, 2, and 3)
(DREDGING)

Group Descriptions for all Areas 1, 2, and 3 covering Statewide Washington

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen

Group 4: Engineer Welder; Crewman

Group 5: Assistant Engineer (Electric Generator operator for Primary Pump, Power Barge or Dredge)

POWER EQUIPMENT OPERATORS (AREAS 1, 2, and 3) (cont'd)
(DREDGING)

Group Descriptions for all Areas 1, 2, and 3 covering Statewide Washington

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper?
(a) Over 5 yards
(b) 5 yards and under

TRUCK DRIVERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat, and Yakima Counties)

Group 1: Flat Bed Truck, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer); Helper and Swamper; Leverperson loading trucks at bunkers; Pickup hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

Group 2: Bus Driver or Employeehaul Driver; Flat bed truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-trailer, low bed, truck and trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water tank truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flaherty Spreader, Box Driver; Flat bed truck (using power take off); Fork Lift (over 3,000 pounds); Oil Distributor Driver (road, bootperson, leverperson helper); Rubber-tired tunnel jumbo; Scissor truck; Slurry Truck Driver; Transit Mixers and trucks hauling concrete (over 3 yards to 6 yards); Water tank truck (4,001 - 6,000 gallons); Wrecker and tow trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2 Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water tank truck (over 6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit mixers and trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

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TRUCK DRIVERS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat, and Yakima Counties)

Group 8: Low Boy (over 50 tons); Water tank truck (8,001 - 10,000 gallons)

Group 9: Transit mixers and trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water tank truck (10,001 - 12,000 gallons)

Group 10: Mechanic, field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water tank truck (12,001 - 14,000 gallons)

Group 12: Transit mixers and trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps, (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (AREA 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at bunkers and batch plants; Pickup truck, Escort or Pilot Car; Swampers; Warehouseman and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump trucks - side, end and bottom dump, including semi-trucks and trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel truck; Grease truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum truck; Water Wagon and tank truck (up to 1,600 gallons); Winch truck, single rear axle; Wrecker, tow truck and similar equipment

TRUCK DRIVERS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and tank truck, 1,600 gallons to 3,000 gallons

Group 6: Transit-mix, 0 to and including 4½ yards

Group 7: Dumpsters, and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive truck (field mix) and similar equipment; Lowbed and heavy duty trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry truck; Sno-go and similar equipment; Winch truck, dual rear axle

Group 8: Dumpsters, and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement tankers; Dumpsters, and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and tank truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift trucks or similar equipment

Group 13: Dumpsters, and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and heavy duty trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters, and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and heavy duty trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters, and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

TRUCK DRIVERS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix over 20 yards

TRUCK DRIVERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump trucks, side, end, and bottom dumps, including semi-trucks and trains or combinations thereof: 6 cu. yds. and under Lift Jitneys, Fork Lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed and misc. body trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame of hydra-lift truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump trucks, side, end, and bottom dumps, including semi-trucks and trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit mix, and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Low bed equipment, Flat bed semi-trailer, truck and trailer or doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle carrier (used in loading, unloading and transporting of materials on job site); Oil Distributor Driver or Leverman; Water wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

TRUCK DRIVERS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 6: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 10 cu. yds. and including 20 cu. yds.; Transit mix and wet or dry mix trucks, over 7 cu. yds. and including 9 cu. yds.; Truck mechanic-welder-body repairman; Water wagons (rated capacity) - 5,000 to 7,000 gallons

Group 7: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: Over 20 cu. yds. and including 30 cu. yds.; Transit mix and wet or dry mix trucks - over 9 cu. yds. and including 11 cu. yds.; Water wagons (rates capacity) - over 7,000 gallons to 10,000 gallons

Group 8: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit mix and wet or dry mix trucks - over 11 cu. yds. and including 13 cu. yds.; Water wagons (rated capacity) - over 10,000 gallons to 15,000 gallons

Group 9: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit mix and wet or dry mix trucks - over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement add $.15 per hour)

Winch truck - takes classification of truck on which winch is mounted.

SUPERSEDEAS DECISION

STATE: Wisconsin
DECISION NUMBER: AR-3146
COUNTY: Statewide
DATE: Date of Publication

Supersedes Decisions numbered AP-70, AP-71, AP-72, AP-73, AP-74, & AP-75 dated December 12, 1972 in 37 FR 26269, 26271, 26273, 26275, 26277, and 26279 respectively.

DESCRIPTION OF WORK: Heavy, Highway, Sewer, Tunnel & Water Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS & STONEMASONS:					
ZONE 1 - BARRON, BUFFALO, CHIPPEWA, DUNN, EU CLAIRE, PEPIN, PIERCE, POLK, RUSH, ST. CROIX, & SAWYER Counties BURNETTE County South of Hwy. 70 including the City of Grantburg, the Northern ½ of TREMPEALEAU County,and the Southern ½ of WASHBURN County	$ 8.09	.25	.25		.03
ZONE 2 - POND DU LAC County	7.20	.30	.25	.40	
ZONE 3 - BROWN, CALUMET, DOOR, FLORENCE, GREEN LAKE, KEWAUNEE, MANITOWOC, MARINETTE, MARQUETTE, OCONTO, OUTAGAMIE, WAPAUCA, WASHARA, & WINNEBAGO Counties and all of SHAWANO County except the North west panhandle	7.20	.30	.25	.40	
ZONE 4 - GREEN, LAFAYETTE & ROCK Counties	8.45	.25	.25	.25	
ZONE 5 - CRAWFORD, JACKSON, JUNEAU, LA CROSSE & VERNON Counties and the remainder of TREMPEALEAU County	7.60	.40	.25		
ZONE 6 - WALWORTH County	7.97	.40	.20	.40	
ZONE 7 - DANE, GRANT, IOWA & RICHLAND Counties	8.45	.25	.40		
ZONE 8 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties	9.03	.70	.60	.56	
ZONE 9 - COLUMBIA & SAULK Counties	8.65	.25	.20		
ZONE 10 - KENOSHA & RACINE Counties	8.17	.40	.20	.40	
ZONE 11 - SHEBOYGAN County	7.55	.40	.30		
ZONE 12 - ASHALND, BAYFIELD, DOUGLAS & IRON Counties and the remainder of BURNETT and WASHBURN Counties	8.52	.25	.20		
ZONE 13 - DODGE & JEFFERSON Counties	8.30	.25	.25	.30	
ZONE 14 - ADAMS, CLARK, FOREST, LANGLADE, LINCOLN, MARATHON, MENOMINEE, ONEIDA, PORTAGE, PRICE, TAYLOR, VILAS, & WOOD Counties and the remainder of SHAWANO County	7.60	.30	.25		

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CARPENTERS & PILEDRIVERMEN	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1 - ASHLAND & IRON Counties and the East ½ of BAYFIELD Co.					
Carpenters	$ 6.66	.30	.25	.15	
Piledrivermen	6.88	.30	.25	.15	
ZONE 2 - BARRON, BURNETT, CHIPPEWA DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, RUSK, SAWYER & WASHBURN Cos. the North ½ of BUFFACO, JACKSON & TREMPEALEAU Counties, CLARK co. West of Highway 73 and TAYLOR co. West of Highway 73 and north of Highway 64 to Highway 13 to Price Co. line					
Carpenters	7.95	.30	.25		.03
Piledrivermen	8.35	.30	.25		.03
ZONE 3 - BROWN, CALUMET, DOOR, FONDULAC, GREEN LAKE, KEWAUNEE, MANITOWOC, MARQUETTE, MENOMINEE, OCONTO, OUTAGAMIE, SHAWANO, WAUPACA & WAUSHARA Cos. and the South ½ of MARINETTE Co.					
Carpenters	7.63	.25	.25		.02
Piledrivermen	7.88	.25	.25		.02
ZONE 4 - GREEN & ROCK Cos. and JEFFERSON Co. South of Highway 30					
Carpenters	8.93	.30	.15		.02
Piledrivermen	9.08	.30	.15		.02
ZONE 5 - KENOSHA County					
Carpenters	9.16	.40	.50		.03
Piledrivermen	9.22	.40	.50		.03
ZONE 6 - LA CORSSE, MONROE & VERNON Cos., the remainder of BUFFALO, JACKSON & TREMPEALEAU Cos. and in JUNEAU Co. West of County track 80 & South of Highway 21					
Carpenters	7.60	.30	.25		
Piledrivermen	7.95	.30	.25		

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CARPENTERS & PILEDRIVERMEN CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 7 - CRAWFORD, COLUMBIA, DANE, DODGE, GRANT, IOWA, LAFAYETTE, RICHLAND & SAULK Counties and the remainder of ADAMS, JEFFERSON and JUNEAU Counties					
Carpenters	8.10	.25	.15	.25	
Piledrivermen	8.35	.25	.15	.25	
ZONE 8 - FLORENCE county and the remainder of MARINETTE County					
Carpenters	7.54	.50	.40		.01
Piledrivermen	7.74	.50	.40		.01
ZONE 9 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
Carpenters	8.50	.60	.60	.51	
Piledrivermen	9.76	.60	.60	.51	
ZONE 10 - RACINE County East of Highway 75					
Carpenters	9.16	.40	.50		.03
Piledrivermen	9.16	.40	.50		.03
ZONE 11 - SHEBOYGAN County					
Carpenters	8.00	.40	.30		
Piledrivermen	8.69	.40	.30		
ZONE 12 - DOUGLAS County and the West ½ of BAYFIELD County					
Carpenters	7.60	.25	.35	.30	
Piledrivermen	7.60	.25	.35	.30	
ZONE 13 - WALWORTH County and RACINE County West of Highway 75					
Carpenters	7.47	.25	.25	.40	.03
Piledrivermen	7.82	.25	.25	.40	.03
ZONE 14 - FOREST, LANGLADE, LONCOLN MARATHON, ONEIDA, PORTAGE, PRICE, VILAS & WOOD Counties and the remainder of ADAMS, CLARK, JUNEAU, & TAYLOR Counties					
Carpenters	7.30	.25	.40	.18	.02
Piledrivermen	7.80	.25	.40	.18	.02
CEMENT MASONS					
ZONE 1 - ASHLAND, BAYFIELD, DOUGLAS & IRON Counties and the North ½ of BURNETTE AND WASHBURN Counties	7.70	.25	.20		

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CEMENT MASONS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 2 - BARRON, CHIPPEWA, DUNN, POLK, RUSK, ST. CROIX & SAWYER Counties and the remainder of BURNETTE & WASHBURN Counties	$ 8.09	.25	.25		.04
ZONE 3 - ADAMS, CLARK, FOREST, LANGLADE, LINCOLN, MARATHON, MEMOMINEE, ONEIDA, PORTAGE, PRICE, TAYLOR, VILAS & WOOD Counties and the North West panhandle of SHAWANO County	7.10	.30	.25		
ZONE 4 - EAU CLAIRE, PEPIN & PIERCE Counties and the North ½ of BUFFALO, JACKSON & TREMPEALEAU Counties	8.03			.50	
ZONE 5 - BROWN, CALUMET, DOOR, FLORENCE, GREEN LAKE, KEWAUNEE, MANITOWOC, MARINETTE, MARQUETTE, OCONTO, OUTAGAMIE, WAUPACA, WAUSHARA & WINNEBAGO Counties and the remainder of SHAWANO County	6.63	.30	.25	.40	
ZONE 6 - CRAWFORD, JUNEAU, LA CROSSE, MONROE, RICHLAND & VERNON Counties and the remainder of BUFFALO, JACKSON AND TREMPEALEAU Counties	7.38	.25	.25		
ZONE 7 - SHEBOYGAN County	6.75	.30	.20		
ZONE 8 - FOND DU LAC County	6.63	.30	.25	.40	
ZONE 9 - DODGE & JEFFERSON Cos.	7.80	.25	.25	.30	
ZONE 10 - COLUMBIA & SAULK Counties	8.30	.25	.30		
ZONE 11 - MILWAUKEE, OZAUKEE, WASHINGTON & WASHESHA Counties	8.22	.60	.60	.51	
ZONE 12 - DANE, GREEN, IOWA, LAFAYETTE & ROCK Counties	8.20	.25	.40		
ZONE 13 - GRANT County	7.12				
ZONE 14 - WALWORTH County	6.62	.40	.25	.40	
ZONE 15 - RACINE County	7.26	.40	.50	.50	
ZONE 16 - KENOSHA County	8.40	.40			

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DECISION NO. AR-3146

ELECTRICIANS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1 - OUTAGAMIE, WAUPACA, WASHHARA & WINNEBAGO Counties; All of CALUMET County except the Township of New Halstein; Berlin, St. Maire and Seneca Townships in GREEN LAKE County; and Crystal Lake, Neshkoro, Newton and Springfield Townships in MARQUETTE County	$ 8.99	.38	7%		
ZONE 2 - BARRON, CHIPPEWA, CLARK, DUNN, EU CLAIRE, PEPIN, PEIRCE, POLK, RUSK & TAYLOR Counties; in BUFFALO County that portion North of Glencoe, Milton and Waumandee Townships; In BURNETT County, that protion South of Lincoln, Meenon, Rusk, Sand Lake, and West Marchland Townships, In JACKSON County that portion North of Adams, Allion & Springfield Townships; all of PRICE County except Eisenstein, Tifield and Lake Townships; All ST. CROIX County except Hudson, St. Joseph, Somerset & Troy Townships; In SAWYER County the Townships of Edgewater, Meadowrock, Metor and Weigor and South thereof; In TREMPEALEAU County the Townships of Burnside, Lincoln and Pigeon and North thereof and; in WASHBURN County the Tonwships of Buckwood, Evergreen, Madge and Spooner and South thereof,	9.10	4%	7%	.25%	
ZONE 3 - BROWN, DOOR AND KEWAUNEE Counties; in OCONTO County, that portion South of How, Leno Mable Valley, Oconto and Spruce Townships; and in Shawano County that portion South of Aniwa and Hutchins Townships	8.69	.38	1%		.25%

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ELECTRICIANS CONT'D	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 4 - FLORENCE & FOREST Cos. and that portion of MARINETTE Co. North of Ambest, Athelstane and Silver Cliff Townships	$ 7.88	.30	1%		
ZONE 5 - KENOSHA Co.	9.80	.34	1%	.25	.75%
ZONE 6 - CRAWFORD, GRANT, JUNEAU, LA CROSSE, MONROE, RICHLAND & VERNON Cos. and the remainder of BUFFALO, JACKSON & TREMPEALEAU Cos.	8.92	.31		1%	
ZONE 7 - WALWORTH Co.	8.50	.30	1%		
ZONE 8 - COLUMBIA, DANE, DODGE, IOWA & SAULK Cos. and the remainder of GREEN LAKE & MARQUETTE Cos.	8.88	.34	1%	7%	.75%
ZONE 9 - SHEBOYGAN Co. the remainder of CALUMET Co. and Schleswig Township in MANITOWOC Co.	7.96	.51	1%+.20	7%	1.25%
ZONE 10 - ASHALND, BAYFIELD, DOUGLAS & IRON and the remainder of BURNETT, PRICE, SAWYER & WASHBURN Cos.	8.45	4%	1%	11%	.3%
ZONE 11 - LANGLADE, LINCOLN, MARATHON, ONEIDA & VILAS Cos; the remainter of SHAWANO Co. and; all of MENOMINEE West of a line six miles West of Oconto County line	8.08	.29	1%	4%	
ZONE 12 - ADAMS PORTAGE & WOOD Cos.	8.62	.35	1%	6%	.25%
ZONE 13 - FOND DU LAC Co.	7.96	.51	1%+.20	7%	1.25%
ZONE 14 - GREEN, JEFFERSON, LA FAYETTE, & ROCK Counties	8.96	.33	1%	6.5%	.25%
ZONE 15 - RACINE County	9.16	.38	1%	7%	
ZONE 16 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties	9.43	.51	1%+.20	7%	1.25%
ZONE 17 - The remainder of MARINETTE, MENOMINEE, & OCONTO Counties	7.89	.38	1%	4.1%	.25%
ZONE 18 - The remainder of MANITOWOC County	8.38	.38	1%		
ZONE 19 - The remainder of LA CROSSE County	8.30	5%	2.5%	11.5%	1.5%

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IRONWORKERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1 - BARRON, BUFFALO, CHIPPEWA, DUNN, EAU CLAIRE, PEPIN, PIERCE, POLK, ST. CROIX, & TREMPEALEAU Cos.; the South-West ¼ of BURNETT, RUSK & TAYLOR Cos.; & the North-West ¼ of CLARK & JACKSON Cos.	$8.55	.50	.50		.02
ZONE 2 - ASHLAND, BAYFIELD, DOUGLAS, IRON, LINCOLN, ONEIDA, PRICE, SAWYER, VILAS, & WASHBURN Cos.; the remainder of BURNETT, RUSK, & TAYLOR Cos.; the North-West ¼ of FOREST Co.; and the NorthWest 1/3 of FLORENCE Co.	8.70	.25	.50	.10	
ZONE 3 - ADAMS, COLUMBIA, CRAWFORD, DANE, GRANT, GREEN LAKE, IOWA, JUNEAU, LA CROSSE, LA FAYETTE, LANGLADE, MARATHON, MARQUETTE, MENOMINEE, MONROE, PORTAGE, RICHLAND, SAULK, VERNON, WAUPACA, WAUSHARA, WINNEBAGO, & WOOD Cos.; The remainder of CLARK, FOREST, & JACKSON Cos.; the West 2/3 of DODGE & SHAWANO Cos.; the West ½ of FOND DU LAC Co.; all of GREEN Co., except the South-East corner; all of JEFFERSON Co. except the extreme Eastern portion; the West 1/3 of OUTAGAMIE Co.; the Townships of Edgerton, Evansville, Milton & Polesville in ROCK Co.; & the North-West corner of WALWORTH Co. including the town of Whitewater	8.92	.40	.25		.03
ZONE 4 - BROWN CALUMET, DOOR, KENOSHA, KEWAUNEE, MANITOWOC, MARINETTE, MILWAUKEE, OZAUKEE, RACINE, SHEBOYGAN, WASHINGTON, & WAUKESHA Cos.; the remainder of DODGE, FLORENCE, FOND DU LAC, JEFFERSON, OCONTO, OUTAGAMIE, & SHAWANO Cos.; & the East ½ of WALWORTH Co.	9.01	.60	.60	.80	.11

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IRONWORKERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 5 - The remainder of GREEN, ROCK & WALWORTH Counties	$10.15	.40	.375		.05
LINE CONSTRUCTION					
Linemen	6.94	.25	1%	7%	.05
Cable Splicer	7.58	.25	1%	7%	.05
Equipment Operator	5.77	.25	1%	7%	.05
Truck Drivers with Boom, Jigger, Tractor or 5th wheel	4.80	.25	1%	7%	.05
Truck Drivers	4.59	.25	1%	7%	.05
Groundman	4.38	.25	1%	7%	.05
Groundman 1st 6 monthe	3.79	.25	1%	7%	.05
PAINTERS					
ZONE 1 - LANGLADE, LINCOLN, MENOMINEE, ONEIDA & PRICE Counties the West 3/4 of FOREST County; In MARATHON County West to Highway 97 and South to Highway 153; and TAYLOR County North of Highway 64					
Brush	6.60				
Spray	7.10				
ZONE 2 - BARRON, BUFFALO, BURNETT, CHIPPEWA, DUNN, EU CLAIRE, PEPIN, PRICE, POLK, RUSK, ST CROIX SAWYER, TREMPEALEAU & WASHBURN Counties					
Brush	6.75			5%	
Spray	7.25			5%	
Steel	7.00			5%	
ZONE 3 - BROWN, DOOR, KEWAUNEE, & OCONTO Counties					
Brush	7.33	.30			
Spray	7.33	.30			
ZONE 4 - FLORENCE County, and the Northern ½ of MARINETTE County					
Brush	5.90			.40	
Spray	6.40			.40	
ZONE 5 - KENOSHA County					
Brush	7.385	.40	.20		
Steel	7.535	.40	.20		
Spray	8.135	.40	.20		

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PAINTERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 6 - ADAMS, CLARK, CRAWFORD, JACKSON, JUNEAU, LA CROSSE, MONROE, PORTAGE, VERNON & WOOD Counties; and the remainder of MARATHON & TAYLOR Counties					
Brush	$ 6.63		.25		
Steel	6.90		.25		
Spray	7.32		.25		
ZONE 7 - WALWORTH County and the West 1/3 of RACINE County					
Brush and steel	6.85	.45	.15	.40	
Spray	7.35	.45	.15	.40	
ZONE 8 - COLUMBIA, DANE, DODGE, GRANT, GREEN, IOWA, LA FAYETTE, RICHLAND, ROCK & SAUK Counties					
Brush	7.59	.40	.30	.30	.01
Spray	8.34	.40	.30	.30	.01
ZONE 9 - MANITOWOC County and the South 1/2 of CALUMET County					
Brush	6.90			.15	
Spray	6.90			.15	
ZONE 10 - The remainder of MARINETTE & FOREST Counties					
Brush	5.45				
Spray	6.10				
ZONE 11 - JEFFERSON, MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Cos.					
Brush	8.01	.45	.60	.50	.03
Steel & Spray	8.36	.45	.60	.50	.03
ZONE 12 - FOND DU LAC, GREEN LAKE, MARQUETTE, OUTAGAMIE, SHAWANO, WAUSHARA, WAUPACA, & WINNEBAGO Counties and the remainder of CALUMET County					
Brush & Steel	6.65	.30	.10		.03
Spray	7.15	.30	.10		.03
ZONE 13 - East 2/3 of RACINE County					
Brush	7.52	.40	.20		
Steel	7.67	.40	.20		
Spray	8.27	.40	.20		
ZONE 14 - SHEBOYGAN County					
Brush & Steel	6.25	.20	.30	.30	
Spray	6.65	.20	.30	.30	
ZONE 15 - ASHLAND, BAYFIELD, DOUGLAS, IRON & VILAS Counties					
Brush	8.31	.25	.20		.05
Spray & Steel	8.56	.25	.20		.05

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LABORERS, SEWER, TUNNEL & WATER	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
OPEN CUT					
GROUP 1-Yard & landscape laborer	$7.46	.60	.60	.50	
GROUP 2-Paving laborer	7.51	.60	.60	.50	
GROUP 3-General laborer on surface, pipe layer tender, top man behind machine, kettle man, top man	7.63	.60	.60	.50	
GROUP 4-Gunnite man on top, scaffold man, mud mixer	7.68	.60	.60	.50	
GROUP 5-Mucker, form stripper, bottom digger & miscellanious bottom man, welder on surface	7.85	.60	.60	.50	
GROUP 6-Concrete manhole builder, caisson worker, miner, pipelayer, caulker, joint man, pipe yarner, timber man, concrete brusher, bracer in trench behind machine, bracer in tight sheeting, concrete formsetter, shoveler, concrete buster, jack hammer op., rock driller,	8.24	.60	.60	.50	
GROUP 7-Blaster	8.40	.60	.60	.50	
TUNNEL-FREE AIR					
GROUP 8-Tower man, general laborer on surface	7.63	.60	.60	.50	
GROUP 9-Saw man, top man	7.68	.60	.60	.50	
GROUP 10-Form stripper, car pusher	7.85	.60	.60	.50	
GROUP 11-Mucker, mucking machine, dinkey, welder on surface	7.95	.60	.60	.50	
GROUP 12-concrete manhole builder, concrete buster, jack hammer op., rock driller, caisson worker, caulker, joint man, pipe yarner, bracerman, nozzle man on gunnite, timber man, concrete buster	8.24	.60	.60	.50	
GROUP 13-Miner, mining machine, welder in tunnel	8.34	.60	.60	.50	
GROUP 14-Blaster	8.40	.60	.60	.50	
TUNNEL COMPRESSED AIR					
GROUP 15-Welder on surface	7.95	.60	.60	.50	
GROUP 16-Lock tender on surface	8.26	.60	.60	.50	
GROUP 17-Form stripper, car pusher	8.35	.60	.60	.50	
GROUP 18-Mucker, mucking machine, dinkey	8.45	.60	.60	.50	

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LABORERS, SEWER, TUNNEL & WATER	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1 - CONT'D.					
GROUP 19-Lock tender in tunnel, concrete buster, jack hammer, rock driller, caisson worker, pipe layer, caulker, joint man, pipe yarner, braceman, nozzle man on gunnite, timber man, concrete brusher	$8.62	.60	.60	.50	
GROUP 20-Miner, Mining machine, welder in tunnel	8.72	.60	.60	.50	
GROUP 22-Blaster	8.79	.60	.60	.50	
ZONE 2 - DANE COUNTY					
GROUP 1 - Laborer, wellpoint installation, wire mesh & reinforcement, concrete worker, form stripper, strike-off worker	6.85	.30	.15		.02
GROUP 2 - Machine & equipment op., sheeting, formsetting, patch-finisher, bottomman, jointsawer, gunnite man, manhole builder, welder, torchman, blaster, caulker, bracer, bull float, conduit worker, all power driven tools, mucker, car pusher, raker, lutesman	7.05	.30	.15		.02
GROUP 3 - Pipelayer, miner, laser operator	7.30	.30	.15		.02
ZONE 3 - COLUMBIA, IOWA, SAULK, and the North 1/2 of JEFFERSON Counties					
GROUP 1 - Laborers, wellpoint installation, wire mesh & reinforcement, concrete worker, form stripper, strike-off worker	6.30	.30	.15		.02
GROUP 2 - Machine & equipment op., sheeting, form setting, patch finisher, bottomman, joint sawer, gunnite man, manhole builder, welder, torchman, blaster, caulker, bracer, bullfloat, conduit worker, all power driven tools, mucker, car pusher, raker, luteman	6.50	.30	.15		.02

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LABORERS, SEWER, TUNNEL & WATER	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 3 CONT'D.					
GROUP 3 - Pipelayer, miner, laser operator	$6.75	.30	.15		.02
ZONE 4 - BAYFIELD, BURNETT, DOUGLAS, IRON, SEWYER & WASHBURN Counties.					
GROUP 1 - Topman	6.60	.25	.15		
GROUP 2 - Bracer builder, caulker, bottomman,	6.75	.25	.15		
GROUP 3 - cement manhole builder, pipelayer, air of electric tool operator	6.85	.25	.15		
GROUP 4 - Blaster	7.05	.25	.15		
ZONE 5 - KENOSHA County					
GROUP 1 - Topman	6.75	.40	.40		
GROUP 2 - Bracer builder, caulker, pipelayer, bottomman, air or electric tool operator	7.10	.40	.40		
GROUP 3 - Blaster, cement manhole builder	7.45	.40	.40		
ZONE 6 - RACINE County					
GROUP 1 - Topman	6.75	.40	.40		
GROUP 2 - Bracer builder, caulker, pipelayer, bottomman, air or electric tool operator	7.10	.40	.40		
GROUP 3 - Blaster, cement manhole builder	7.45	.40	.40		
ZONE 7 - Remainder of State					
GROUP 1 - Laborer, wellpoint inst., wire mesh & reinforcement	6.15	.30	.15		.02
GROUP 2 - Mach. & Equip. Op., sheeting, formsetting, patch-finisher, bottomman, jointsawer, gunnite man, manhole builder, air or electric tool op., welder, torchman, blaster, caulker, bracer	6.35	.30	.15		.02
GROUP 3 - Pipelayer, laser op. Tunnel work .15 additional	6.60	.30	.15		.02

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LABORERS - HEAVY & HIGHWAY CONST.	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties					
GROUP 1 - Bituminous worker (shoveler, loader, utility man), demolition & wrecking laborer, guard rail builder, reinforcing steel setter (pavement), stone handler, tree trimmer, landscaper, multiplate culvert assembler, conduit layer, unskilled laborer	$7.21	.55	.60	.25	.02
GROUP 2 - Bituminous worker (dumper, ironer, smoother, tamper), batch truck dumper, cement handler, concrete handler	7.31	.55	.60	.25	.02
GROUP 3 - Chain saw op., demolition burning torch lab., joint sawer & filler (pavement), vibrator or tamper op. (mechanical, hand operated)	7.36	.55	.60	.25	.02
GROUP 4 - Air tool operator (hand operated)	7.41	.55	.60	.25	.02
GROUP 5 - Formsetter (curb, walk, and pavement), strike off man	7.46	.55	.60	.25	.02
GROUP 6 - Bituminous worker (raker & luteman)	7.51	.55	.60	.25	.02
GROUP 7 - Powderman, blaster	7.86	.55	.60	.25	.02
ZONE 2 - RACINE County					
GROUP 1 - Bituminous worker (shoveler, loader, utility man), demolition & wrecking laborer, guard rail builder, reinforcing steel setter (pavement), stone handler, tree trimmer, landscaper, multiplate culvert assembler, conduit layer, unskilled laborer	7.11	.40	.40	.20	.02
GROUP 2 - Bituminous worker (dumper, ironer, smoother, & tamper), batch truck dumper, cement handler, concrete handler,	7.21	.40	.40	.20	.02
GROUP 3 - Chain saw op., demolition burning torch lab., joint sawer & filler (pavement), vibrator or tamper op. (mechanical, hand operated)	7.26	.40	.40	.20	.02

DECISION NO. AR-3146

LABORERS - HVY. & HWY. CONST. CONT.	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 2 CONT'D					
GROUP 4 - Air tool op. (hand op.)	$7.31	.40	.40	.20	.02
GROUP 5 - Formsetter (curb, walk, & pavement), strike off man	7.36	.40	.40	.20	.02
GROUP 6 - Bituminous worker-raker, luteman	7.41	.40	.40	.20	.02
GROUP 7 - Powderman, blaster	7.76	.40	.40	.20	.02
ZONE 3 - KENOSHA County					
GROUP 1 - Bituminous worker (shoveler, loader, utility man), demolition & wrecking laborer, guard rail builder, reinforcing steel setter (pavement), stone handler, tree trimmer, landscaper, multiplate culvert assembler, conduit layer, unskilled laborer	7.11	.40	.40	.25	.02
GROUP 2 - Bituminous worker (dumper, ironer, smoother, and tamper), batch truck dumper, cement handler, concrete handler	7.21	.40	.40	.25	.02
GROUP 3 - Chain saw op., demolition burning torch lab., joint sawer & filler (pavement), vibrator or tamper op. (mechanical hand operated)	7.26	.40	.40	.25	.02
GROUP 4 - Air tool op. (Hand Op.)	7.31	.40	.40	.25	.02
GROUP 5 - Formsetter (curb, walk, & pavement), strike off man	7.36	.40	.40	.25	.02
GROUP 6 - Bituminous worker-raker & luteman	7.41	.40	.40	.25	.02
GROUP 7 - Powderman, blaster	7.76	.40	.40	.25	.02
ZONE 4 - DANE County					
GROUP 1 - Bituminous worker (dumper, ironer, smoother, tamper, shoveler, loader, utility man), strike off man, joint sawer & filler (pavement), concrete handler, demolition & wrecking lab., guard rail builder, reinforcing steel setter (pavement), stone handler, landscaper, multiplate culvert assembler, conduit layer, unskilled laborer	6.81	.30	.25		.02

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LABORERS * HVY. & HWY. CONST. CONT.	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 4 CONT'D					
GROUP 2 - Formsetter (curb, walk & pavement), tree trimmer	$6.86	.30	.25		.02
GROUP 3 - Air tool op., vibrator or tamper op., batch truck dumper, cement handler,	6.91	.30	.25		.02
GROUP 4 - Bituminous worker (raker, luteman), chain saw op., demolition burning torch lab.,	6.96	.30	.25		.02
GROUP 5 - Powderman, blaster	7.01	.30	.25		.02
ZONE 5 - Remainder of State					
GROUP 1 - Bituminous worker (dumper, ironer, smoother, tamper, shoveler, loader, utility man), strike off man, joint sawer or filler (pavement), concrete handler, demolition & wrecking lab., guard rail builder, reinforcing steel setter (pavement), stone handler, landscaper, multiplate culvert assembler, conduit layer, unskilled laborer	6.53	.30	.25		.02
GROUP 2 - Formsetter (curb, walk, & pavement), tree trimmer	6.58	.30	.25		.02
GROUP 3 - Air tool op., vibrator or tamper op., batch truck dumper, cement handler	6.63	.30	.25		.02
GROUP 4 - Bituminous worker (raker, luteman), chain saw op., demolition burning torch lab.,	6.68	.30	.25		.02
GROUP 5 - Powderman, blaster	6.73	.30	.25		.02

DECISION NO. AR-3146

POWER EQUIPMENT OPERATORS HEAVY, TUNNEL & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.77	.55	.55		.05
GROUP 2	8.62	.55	.55		.05
GROUP 3	8.52	.55	.55		.05
GROUP 4	8.32	.55	.55		.05
GROUP 5	8.27	.55	.55		.05
GROUP 6	8.22	.55	.55		.05
GROUP 7	8.17	.55	.55		.05
GROUP 8	8.12	.55	.55		.05
GROUP 9	7.91	.55	.55		.05
GROUP 10	7.83	.55	.55		.05
GROUP 11	7.79	.55	.55		.05
GROUP 12	7.67	.55	.55		.05

CLASSIFICATION DEFINITIONS

GROUP 1 - Cranes, shovels, draglines, backhoes, clamshels, derricks, caisson rigs, pile driver, skid rigs, dredge operator, traveling crane (bridge type).
GROUP 2 - Concrete paver (over 27E), concrete spreader & distributor.
GROUP 3 - Material hoist, stack hoist, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (5 T. or under), man-hoist, tractor over 40 h.p., bulldoder over 40 h.p., endloader over 40 h.p., forklift 25' & over, motor patrol, scraper, sideboom, straddle carrier, mechanic, welder, bituminous plant & paver, roller over 5 T., rotary drill, blaster, trencher (wheel type or chain type w/over 8" bucket.
GROUP 4 - Concrete & grout pumps, backfiller, concrete auto breaker (large), concrete finishing machine (road type).
GROUP 5 - Roller (rubber tire).
GROUP 6 - Concrete batch hopper, concrete conveyor system, concrete mixers (1L5 or over), screw type pumps, gypsum pumps, tractor, bulldozer, endloader, pumps (well points), trencher (chain type with bucket 8" & under), Ind. locomotives.
GROUP 7 - Roller under 5 T., firemon (pile driver & derricks).
GROUP 8 - Automatic hoist, forklift 12' to 25', tampers-compactors riding type, Asst. engineer, A frames & winch trucks, concrete auto breaker, small hydro-hammer, brooms & sweepers, hoist (tuggers), large stump chipper, boats (tug, saftey, work barges, launches).
GROUP 9 - Shouldering mach., screed, farm or Ind. tractor mounted equipment, post hole digger, stone crusher, screening plant.
GROUP 10 - Firemen-asphalt plant.
GROUP 11 - Generators over 150 KW, air compressorc over 300 cu. ft., pumps over 3", augers (vertical & horicontal).
GROUP 12 - Combination small equip., air-electric-hydraulic jacks (slip form, compressors under 300 CFM, welding mach., mechanical heaters, prestress mach., bobcats, generators under 150 KW, pumps 3" & under, small electric winches, oiler, greaser, boiler (temporary heat), rotary drill helper, conveyor, forklift 12' & under.

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DECISION NO. AR-3146

POWER EQUIPMENT OPERATORS HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.77	.55	.55		.05
GROUP 2	8.51	.55	.55		.05
GROUP 3	8.42	.55	.55		.05
GROUP 4	8.34	.55	.55		.05
GROUP 5	8.26	.55	.55		.05
GROUP 6	8.22	.55	.55		.05
GROUP 7	8.13	.55	.55		.05
GROUP 8	8.01	.55	.55		.05

CLASSIFICATION DEFINITIONS

GROUP 1 - Bituminous paver or plant, concrete breaker (truck mounted, heavy), crane, derrick, dragline, dredge, pile driver, power shovel, material hoist, mixer or paver 21 c.f. or over, roller over 5 T., self propelled stabilizing mixer, trenching machine, tractor (side boom, heavy), concrete Pvt. spreader (heavy duty, rubber tired), hydraulic back hoe, asphalt plane engineer, automatic slipform concrete paver, automatic concrete subgrader, batch mixer portable, caisson rigs, central mixer concrete, dredge engineer, concrete batch plant engineer, central mix plant concrete, percussion or rotary drill machine, grader or motor patrol, loading machine (conveyor), mechanic or welder (heavy duty equipment), tractor (scraper, dozer, pusher, loader), tugger, end loader, asphalt heater & planer, boatman, bump cutter & grooving machine, shoulder widener, winches & A frames, tube finisher.

GROUP 2 - Concrete mixer less than 21 cu. ft., concrete pump, steel roller 5 tons or less.

GROUP 3 - Screed (bituminous paver), shouldering machine, self-propelled chip spreader.

GROUP 4 - Concrete breaker & tamper (light), concrete spreader, finishing mach., mechanical float, curing mach., power subgrader, joint saver (multiple blade), launch, roller (pneumatic tired) self propelled, tractor (mounted or towed compactors & light equipment), light rubber tired tractor-end loader, fork lift, belting machine, burlap machine, jeep digger, mulcher, texturing machine.

GROUP 5 - Fireman, Environmental burner.

GROUP 6 - Air compressor, drilling or boring machine (mechanical heavy), greaser (heavy equipment) lead-man, tank car heaters, stump chipper, curb machine, concrete proportioning plants, generators, mud jacks.

GROUP 7 - Crusher or screening plant, automatic belt conveyor & surge bin, pneumatic tired roller farm tractor towed, pug mill.

GROUP 8 - Oiler, pump over 3", surge bin, drilling machine helper.

[FR Doc.74-22259 Filed 9-26-74;8:45 am]

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1					
GROUP 1	$7.13	a 19.50	a 19.00	.35	
GROUP 2	7.28	a 19.50	a 19.00	.35	
ZONE 2					
GROUP 1	7.13	a 19.50	b 82.30	.35	
GROUP 2	7.28	a 19.50	b 82.30	.35	
ZONE 3					
GROUP 1	7.08	a 19.50	b 82.30	.35	
GROUP 2	7.23	a 19.50	b 82.30	.35	

FOOTNOTES:
a. Per week per employee on payroll 30 days or longer.
b. Per Month per employee on payroll 30 days or longer.

ZONE IDENTIFICATION

ZONE 1 - MILWAUKEE, OZAUKEE, WASHINGTON & WAUKESHA Counties.
ZONE 2 - KENOSHA & RACINE Counties.
ZONE 3 - Remainder of State.

CLASSIFICATION IDENTIFICATION

GROUP 1 - Truck drivers, 2 axle trucks - Mechanics helper, truck
GROUP 2 - Truck driver, 3 or more axle trucks - Euclid or dumpster type hauling units - Mechanic, truck

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Title 3—The President

PROCLAMATION 4316

National School Lunch Week, 1974

By the President of the United States of America

A Proclamation

Winston Churchill once said that the best investment any society can make is putting milk into babies. By the same token, providing nutritious lunches for millions of American school children is a concrete way of investing in our future well-being as a Nation.

Only healthy, well-nourished students can realize their fullest mental and physical potential and transform equality of opportunity from an ideal into a reality. Those who work in school lunch programs around the country—volunteers and employees of the Federal, State and local governments which administer the National School Lunch Program are helping to realize this goal.

Recognizing the importance of their activities, and the good which this program does our Nation, Congress has designated the week beginning the second Sunday of October each year as National School Lunch Week, and has requested the President to issue annually a proclamation calling for observance of that week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby urge the people of the United States to observe the week of October 13, 1974, as National School Lunch Week and to give special attention to activities which will focus on good nutrition for our young people.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of September, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred and ninety-ninth.

Gerald R. Ford

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PROCLAMATION 4317

Modifying Proclamation No. 3279, Relating to Imports of Petroleum and Petroleum Products, Providing for the Long-Term Control of Imports of Petroleum and Petroleum Products Through a System of License Fees and Providing for Gradual Reduction of Levels of Imports of Crude Oil, Unfinished Oils, and Finished Products

By the President of the United States of America

A Proclamation

I am advised by the Administrator of the Federal Energy Administration that certain technical changes to Proclamation No. 3279,[1] as amended, are required. Among these technical changes are the clarification of certain definitions, a provision to eliminate conflict between the Oil Import Control Program and the Mandatory Petroleum Allocation Program, and the establishment of added capacity as the basis for import allocations to new, expanded, and reactivated refineries and petrochemical plants. In addition, the Administrator informs me that lowering the import fee schedule on natural gas products to the level assigned to crude oil will make United States interests more competitive in obtaining this valuable commodity in the world market.

The Administrator advises me that the changes set forth in this proclamation are consistent with the national security objectives of Proclamation No. 3279, as amended, and recommends that such changes be made.

I agree with the foregoing recommendations and findings of the Administrator.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and laws of the United States, including section 232 of the Trade Expansion Act of 1962, as amended, do hereby proclaim that, effective the date of this proclamation, Proclamation No. 3279, as amended, is hereby amended as follows:

1. Subparagraph (2) of paragraph (d) of Section 2 is amended to read as follows:

"(2) Entries for consumption of imports from Canada by pipeline may be made until midnight, May 15, of the allocation period following the allocation period in which any license authorizing such imports from Canada was issued."

2. Subparagraph (3) of paragraph (b) of section (4) is amended to read as follows:

[1] 24 FR 1781; 3 CFR, 1959–1963 Comp. p. 11.

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"(3) Except for (i) crude oil or unfinished oils imported under license or licenses for which a fee has been charged, (ii) crude oil sold, bought, or exchanged in order to comply with other Federal Energy Administration regulations, or (iii) crude oil or unfinished oils imported pursuant to specific relief granted pursuant to section 5, such regulations shall require that imported crude oil and unfinished oils be processed in the licensee's refinery or petrochemical plant, except that imported crude oil or unfinished oils other than Canadian imports may be exchanged for domestic crude or unfinished oils if such exchanges are otherwise lawful, are effected on a current basis and reported in advance to the Administrator, and if the domestic crude or unfinished oils are processed in the licensee's refinery or petrochemical plant. Canadian imports may only be exchanged for other Canadian imports, in which case the Canadian imports obtained in the exchange must be processed in the licensee's own facility."

3. Subparagraph (1) (i) of paragraph (a) of section 3 is amended to read as follows:

"(a)(1) Effective May 1, 1973, the Administrator shall, by regulation, establish a system of fees for licenses issued under allocations of imports of crude oil, unfinished oils, and finished products, over the above levels of imports established by section 2 of this proclamation. Such regulations shall require, among other appropriate provisions, that (i) with respect to imports, other than imports from Canada of motor gasoline and finished products, such fees shall be:

FEE SCHEDULE

(Cents per barrel)

	May 1 1973	*Nov. 1 1973*	*May 1 1974*	*Nov. 1 1974*	*May 1 1975*	*Nov. 1 1975*
Crude	10.5	13.0	15.5	18.0	21.0	21.0
Natural Gas Products	10.5	13.0	15.5	18.0	21.0	21.0
Motor Gasoline	52.0	54.5	57.0	59.5	63.0	63.0
All other finished products and unfinished oils (except ethane, propane, butanes, and asphalt).	15.0	20.0	30.0	42.0	52.0	63.0

4. A new subparagraph, (4), is added to paragraph (a) of section 3 to read as follows:

"(4) Persons seeking to import natural gas products under a duly issued natural gas products license shall certify the country of origin to the appropriate customs officer at the port of entry. Such natural gas products may be commingled with crude oil or other unfinished oils for purposes of transportation and may be reseparated prior to importation or imported as a mixture; Provided, that the importer certifies the volume of natural gas products contained."

5. Paragraph (b) of section 3 thereof, is amended by inserting a new sentence between the first and second sentences to read as follows: "In the event that such bond is terminated or the face value of the bond is reduced below the outstanding liability of licenses issued pursuant to the bond, the Administrator shall immediately revoke all licenses issued pursuant to the bond."

6. The fifth sentence of subparagraph (1) of paragraph (b) of section 4 is amended to read as follows: "Such allocations shall not exceed 75 percent of estimated refinery capacity or the percentage of petrochemical plant capacity applicable."

7. Subparagraphs (2), (3) and (4) of paragraph (g) of section 15 are amended to read as follows:

"(2) 'Gasoline' means a refined petroleum distillate, including naphtha, jet fuel, or other petroleum oils, (but not benzene which meets the ASTM distillation standards for nitration grade or cumene, ethylbenzene, isoprene, meta-xylene, ortho-xylene or para-xylene having a purity of 95 percent or more by weight) derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, and having a boiling range at atmospheric pressure which falls completely or in part between 80° F and 400° F.

"(3) 'Kerosene' means any jet fuel, diesel fuel, fuel oil, or other petroleum oils derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, which has a boiling range at atmospheric pressure which falls completely or in part between 400° F and 550° F.

"(4) 'Distillate fuel oil' means any fuel oil, gas oil, topped crude oil, or other petroleum oils (except refined petroleum wax) derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, which has a boiling range at atmospheric pressure which falls completely or in part between 550° F and 1200° F."

8. Section 12 is amended to read as follows:

"12. Commitments and obligations contained in long term allocations heretofore made shall be unimpaired by this proclamation or regulations issued thereunder."

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of September, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[Income Tax Regs.]

[T.D. 7324]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Treatment of Distributions to Shareholders of Domestic International Sales Corporations

By a notice of proposed rule making appearing in the FEDERAL REGISTER for Friday, September 15, 1972 (37 FR 18736), and for Friday, December 29, 1972 (37 FR 28754), amendments to the Income Tax Regulations (26 CFR Part 1) were proposed in order to conform the regulations to sections 995, 996, and 997 of the Internal Revenue Cole of 1954, as added by section 501 of the Revenue Act of 1971, relating to domestic international sales corporations (DISC's) (85 Stat. 535). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made, and the proposed amendments to the regulations, subject to such changes are adopted by this document.

Under section 991, a corporation is not subject to Federal income tax for taxable years for which it qualifies as a DISC. Sections 995, 996, and 997 provide rules for the taxation at the shareholder level of the DISC's earnings and profits upon actual or deemed distributions to the DISC shareholders. All of such deemed distributions are included in the shareholder's gross income as dividends. The effect of such provisions is, essentially, that approximately one-half of the income from qualified exports is deferred from taxation until actually distributed by the DISC.

Section 995(b)(1) describes five categories of deemed distributions in years for which the corporation is qualfied as a DISC. They are: (1) gross interest from producer's loans, (2) gain recognized by the DISC on certain sales or exchanges of property which is not a qualified export asset, (3) ordinary income recognized by a DISC on certain sales or exchanges of qualified export assets, (4) one-half of the other taxable income of the DISC for the taxable year, and (5) the amount of foreign investment attributable to producer's loans (as defined in section 995(d)). Such deemed distributions are treated as made on the last day of the DISC's taxable year.

Section 995(b)(2) describes a deemed distribution upon disqualification. Generally, this is a deemed distribution which terminates tax deferral on the DISC's earnings when the corporation is no longer qualified as a DISC and which is prorated over the number of consecutive years for which it was previously qualified (but not more than 10 years).

Under section 995(c), when a shareholder disposes of his DISC stock in a taxable sale or in certain kinds of tax-free exchanges, generally, all or a portion of the gain realized by the shareholder will be taxable as a dividend to the extent that the DISC's deferred earnings are attributable to such stock while the shareholder held it.

Section 996 describes three divisions of the DISC's earnings and profits. "Accumulated DISC income" includes the DISC's earnings and profits which have been deferred from taxation. "Previously taxed income" includes earnings and profits which have been previously taxed by reason of deemed distributions. "Other earnings and profits" include earnings and profits which were derived by the corporation while it was not qualified as a DISC and which, therefore, were taxed at the corporate level. The tax treatment of each distribution to the shareholders will depend upon which division of earnings and profits is treated as the source of a distribution. Section 996 also provides ordering rules for determining which division or divisions are the source of each distribution. In addition, section 996 provides for adjustments to the basis of DISC stock, for definitional provisions, and for rules applicable to shareholders who are nonresident aliens or foreign corporations.

Section 997 generally provides that distributions to corporate shareholders of a DISC are subject to the same subchapter C rules that are applicable to individual shareholders. This means that, in the case of distributions of property, the amount of such distribution and the basis in the hands of the distributee are determined with reference to the fair market value of the property.

A number of changes have been made by this document in the regulations as proposed in the two notices of proposed rule making cited above. The more significant substantive and technical changes are discussed below.

This document adds to proposed § 1.995–1 a new paragraph (d) which provides that, to the extent they are treated as made out of "previously taxed income" or "accumulated DISC income", actual or deemed distributions will not be treated as dividends (or any other item of personal holding company income) for purposes of determining whether a corporate shareholder of a DISC is a personal holding company within the meaning of section 542 of the Code. For other purposes, such distributions are treated as dividends. For all purposes, including the personal holding company provisions, distributions will be treated as dividends to the extent they are treated as made out of "other earnings and profits".

Proposed § 1.995–2(a) (2) and (3) was revised to make clear that, in determining the amount of deemed distributions attributable to certain sales or exchanges of property by the DISC, each item of property shall be considered separately.

Proposed § 1.995–2(b)(2) provides that the deemed distribution for foreign investment attributable to producer's loans is limited by the DISC's current and accumulated earnings and profits (with certain adjustments). That rule was revised to provide that such deemed distribution may not exceed the amount of the DISC's accumulated DISC income (with the same adjustments) if that amount is less than the accumulated earnings and profits (as so adjusted). Examples thereunder were revised to illustrate such additional limitation.

A new subparagraph (3), as added to proposed § 1.995–2(b), in effect establishes that, where the limitation on the amount of deemed distribution applies, the deemed distribution for one-half of taxable income is reduced first. This rule is necessary to clarify the effect of a net operating loss which is carried back to a prior qualified year as described in § 1.996–8(b).

Proposed § 1.995–4(b)(1), relating to deemed dividend treatment of gain on certain dispositions of DISC stock, was revised to make clear that it will apply to a distribution in liquidation of the DISC which is treated as a sale or exchange of the DISC stock under section 331 even though such stock is not, in fact, cancelled or otherwise disposed of.

Proposed § 1.995–5 implements rules under section 995(d) for computing the amount of foreign investment attributable to producer's loans which is deemed distributed under section 995(b)(1)(E). The effect of those provisions is to end deferral on a DISC's earnings and profits which, after being loaned as producer's loans, are directly or indirectly used for investment abroad. Proposed § 1.995–5(a)(1) was restructured by this document to clarify the computation of the limit on the amount of foreign investment attributable to producer's loans for each year.

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Proposed § 1.995–5(a)(5) was revised to make clear that the 3-year elective limitation applies to three items which ordinarily have effective dates not expressed in terms of taxable years.

Proposed § 1.995–5(a)(6) was revised to make clear that both decreases and increases are taken into account in the cumulative determination of any amount under § 1.995–5.

One of the limitations on the amount of foreign investment attributable to producer's loans is "net increase in foreign assets" as defined under proposed § 1.995–5(b). In general, such net increase equals the amount of "investment made in foreign assets" minus five "offsets". This document clarifies and illustrates the computation of such amount under subparagraph (2) in the case of tax-free like-kind exchanges or involuntary conversions. Rules relating to the computation of the offsets are also clarified by expressly providing in paragraph (3) that the offset for depreciation shall be computed by taking into account the depreciation allowable for purposes of the earnings and profits offset under subparagraph (5). This document also clarifies subparagraph (5) with respect to the manner of applying the regulations as to controlled foreign corporations in § 1.964–1(c). The offset for the amount of outstanding debt and stock and for uncommitted transitional funds under subparagraphs (4) and (7), respectively, were also revised for clarification. A new subparagraph (8) illustrates the cumulative computation of the "net increase in foreign assets". Other minor clarifying changes were made to the remaining provisions of proposed § 1.995–5.

The provisions of § 1.996–1 through § 1.996–8 implement the rules under section 996 relating to the divisions of earnings and profits and the treatment of actual distributions. This document replaces the examples under proposed § 1.996–1(e) with simplified examples and moves the original examples to § 1.996–3.

Proposed § 1.996–2(a) was revised to make clear how the rules under § 1.316–2(b) should be applied to determine the adjustments to the divisions of earnings and profits in the event of a deficit. In addition, a new sentence was added at the end of paragraph (b) to provide a rule for reducing the amount of a deficit in other earnings and profits in the event of an actual distribution subsequent to a disqualification. A new example (4) was added in paragraph (c) to illustrate this rule.

Proposed § 1.996–3 was substantially revised by this document to clarify the adjustments to the respective divisions of earnings and profits as a result of deemed and actual distributions. Special rules were added which are applicable in the event of distributions in redemption and distributions of depreciated or appreciated property. A major purpose of the clarified rules is to maintain a balance between the sum of divisions of earnings and profits determined under § 1.996–3 and the earnings and profits determined under section 312. New examples are added to illustrate the rules.

Finally, this document adds clarifying language and a new example relating to the carryover of DISC tax attributes under § 1.996–7.

The regulations which are adopted in this document contain references to other regulations relating to DISC's which have not been published. Such references are to those other regulations as finally published. This procedure is being followed because of the need for immediate guidance with respect to the provisions contained in this Treasury decision. Proposed regulations corresponding to such references, which can be used for informational purposes, have been published with notices of proposed rule making in the FEDERAL REGISTER. Thus, § 1.991–1 through § 1.992–4 were proposed in the FEDERAL REGISTER for Saturday, May 20, 1972, and Tuesday, September 12, 1972 (37 FR 10366 and 18475); and § 1.993–1 through § 1.993–7 were proposed in the FEDERAL REGISTER for Wednesday, October 4, 1972 (37 FR 20853) and amended in the FEDERAL REGISTER for Friday, December 22, 1972 (37 FR 28302) and Friday, March 9, 1973 (38 FR 6395).

Adoption of amendments to the regulations. On Friday, September 15, 1972, and Friday, December 29, 1972, notices of proposed rule making were published in the FEDERAL REGISTER (37 FR 18736 and 37 FR 28754) to provide regulations relating to the treatment of distributions to shareholders of domestic international sales corporations (DISC's). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

PARAGRAPH 1. The following new sections are added immediately after § 1.994.2:

§ 1.995 Statutory provisions; taxation of DISC income to shareholders.

SEC. 995. Taxation of DISC Income to Shareholders.

(a) General rule.—A shareholder of a DISC or former DISC shall be subject to taxation on the earnings and profits of a DISC as provided in this chapter, but subject to the modifications of this subpart.

(b) Deemed distributions.—

(1) Distributions in qualified years.—A shareholder of a DISC shall be treated as having received a distribution taxable as a dividend with respect to his stock in an amount which is equal to his pro rata share of the sum (or, if smaller, the earnings and profits for the taxable year) of—

(A) The gross interest derived during the taxable year from producer's loans,

(B) The gain recognized by the DISC during the taxable year on the sale or exchange of property, other than property which in the hands of the DISC is a qualified export asset, previously transferred to it in a transaction in which gain was not recognized in whole or in part, but only to the extent that the transferor's gain on the previous transfer was not recognized,

(C) The gain (other than the gain described in subparagraph (B)) recognized by the DISC during the taxable year on the sale or exchange of property (other than property which in the hands of the DISC is stock in trade or other property described in section 1221(1)) previously transferred to it in a transaction in which gain was not recognized in whole or in part, but only to the extent that the transferor's gain on the previous transfer was not recognized and would have been treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 if the property had been sold or exchanged rather than transferred to the DISC,

(D) One-half of the excess of the taxable income of the DISC for the taxable year, before reduction for any distributions during the year, over the sum of the amounts deemed distributed for the taxable year under subparagraphs (A), (B), and (C), and

(E) The amount of foreign investment attributable to producer's loans (as defined in subsection (d)) of a DISC for the taxable year.

Distributions described in this paragraph shall be deemed to be received on the last day of the taxable year of the DISC in which the gross income (taxable income in the case of subparagraph (D)) was derived. In the case of a distribution described in subparagraph (E), earnings and profits for the taxable year shall include accumulated earnings and profits.

(2) Distributions upon disqualification.—

(A) A shareholder of a corporation which revoked its election to be treated as a DISC or failed to satisfy the conditions of section 992(a)(1) for a taxable year shall be deemed to have received (at the time specified in subparagraph (B)) a distribution taxable as a dividend equal to his pro rata share of the DISC income of such corporation accumulated during the immediately preceding consecutive taxable years for which the corporation was a DISC.

(B) Distributions described in subparagraph (A) shall be deemed to be received in equal installments on the last day of each of the 10 taxable years of the corporation following the year of the termination or disqualification described in subparagraph (A) (but in no case over more than the number of immediately preceding consecutive taxable years during which the corporation was a DISC).

(C) Gain on disposition of stock in a DISC.—If a shareholder disposes of stock in a DISC or former DISC, any gain recognized on such disposition shall be included in gross income as a dividend to the extent of the accumulated DISC income of such DISC or former DISC which is attributable to such stock and which was accumulated in taxable years of such corporation during the period or periods the stock disposed of was held by such shareholder. If stock of the DISC or former DISC is disposed of in a transaction in which the separate corporate existence of the DISC or former DISC is terminated other than by a mere change in place of organization, however effected, any gain realized on the disposition of such stock in the transaction shall be recognized notwithstanding any other provision of this title to the extent of the accumulated DISC income of such DISC or former DISC which is attributable to such stock and which was accumulated in taxable years of such corporation during the period or periods the stock disposed of was held by the stockholder which disposed of such stock, and such gain shall be included in gross income as a dividend.

(D) Foreign investment attributable to DISC earnings.—For the purposes of this part—

(1) In general.—The amount of foreign investment attributable to producer's loans of a DISC for a taxable year shall be the smallest of—

(A) The net increase in foreign assets by members of the controlled group (as defined in section 993(a)(3)) which includes the DISC,

(B) The actual foreign investment by domestic members of such group, or

(C) The amount of outstanding producer's loans by such DISC to members of such controlled group.

(2) Net increase in foreign assets.—The term 'net increase in foreign assets' of a controlled group means the excess of—

(A) The amount incurred by such group to acquire assets (described in section 1231(b)) located outside the United States over,

(B) The sum of—

(i) The depreciation with respect to assets of such group located outside the United States;

(ii) The outstanding amount of stock or debt obligations of such group issued after December 31, 1971, to persons other than the United States persons or any member of such group;

(iii) One-half the earnings and profits of foreign members of such group and foreign branches of domestic members of such group;

(iv) One-half the royalties and fees paid by foreign members of such group to domestic members of such group; and

(v) The uncommitted transitional funds of the group as determined under paragraph (4).

For purposes of this paragraph, assets which are qualified export assets of a DISC (or would be qualified export assets if owned by a DISC) shall not be taken into account. Amounts described in this paragraph (other than in subparagraphs (B) (ii) and (v)) shall be taken into account only to the extent they are attributable to taxable years beginning after December 31, 1971.

(3) Actual foreign investment.—The term actual foreign investment by domestic members of a controlled group means the sum of—

(A) Contributions to capital of foreign members of the group by domestic members of the group after December 31, 1971,

(B) The outstanding amount of stock or debt obligations of foreign members of such group (other than normal trade indebtedness) issued after December 31, 1971, to domestic members of such group,

(C) Amounts transferred by domestic members of the group after December 31, 1971, to foreign branches of such members, and

(D) One-half the earnings and profits of foreign members of such group and foreign branches of domestic members of such group for taxable years beginning after December 31, 1971.

As used in this subsection, the term 'domestic member' means a domestic corporation which is a member of a controlled group (as defined in section 993(a)(3)), and the term 'foreign member' means a foreign corporation which is a member of such a controlled group.

(4) Uncommitted transitional funds.—The uncommitted transitional funds of the group shall be an amount equal to the sum of—

(A) the excess of—

(i) The amount of stock or debt obligations of domestic members of such group outstanding on December 31, 1971, and issued on or after January 1, 1968, to persons other than United States persons or any members of such group, but only to the extent the taxpayer establishes that such amount constitutes a long-term borrowing for purposes of the foreign direct investment program, over

(ii) The net amount of actual foreign investment by domestic members of such group during the period that such stock or debt obligations have been outstanding; and

(B) The amount of liquid assets to the extent not included in subparagraph (A) held by foreign members of such group and foreign branches of domestic members of such group on October 31, 1971, in excess of their reasonable working capital needs on such date.

For purposes of this paragraph, the term 'liquid assets' means money, bank deposits (not including time deposits), and indebtedness of 2 years or less to maturity on the date of acquisition; and the actual foreign investment shall be determined under paragraph (3) without regard to the date in subparagraph (A) of such paragraph and without regard to subparagraph (D) of such paragraph.

(5) Special rule.—Under regulations prescribed by the Secretary or his delegate the determinations under this subsection shall be made on a cumulative basis with proper adjustments for amounts previously taken into account.

[Sec. 995 as added by sec. 501, Rev. Act 1971 (85 Stat. 544)]

§ 1.995–1 Taxation of DISC income to shareholders.

(a) *In general.* (1) Under § 1.991–1(a), a corporation which is a DISC for a taxable year is not subject to any tax imposed by subtitle A of the Code (sections 1 through 1564) for the taxable year, except for the tax imposed by chapter 5 thereof (sections 1491 through 1494) on certain transfers to avoid tax.

(2) Under section 995(a), the shareholders of a DISC, or a former DISC, are subject to taxation on the earnings and profits of the DISC in accordance with the provisions of chapter 1 of the Code generally applicable to shareholders, but subject to the modifications provided in sections 995, 996, and 997.

(3) Under § 1.996–3, three divisions of earnings and profits of a DISC, or former DISC, are defined: "accumulated DISC income", "previously taxed income", and "other earnings and profits". Under § 1.995–2, certain amounts of the DISC's earnings and profits are deemed to be distributed as dividends to shareholders of the DISC at the close of the DISC's taxable year in which such earnings were derived. Such deemed distributions do not cause a reduction in the DISC's earnings and profits, but are taken into account in § 1.996–3(c) as an increase in previously taxed income. To the extent the DISC's earnings and profits are paid out in a subsequent distribution which is, under § 996–1, treated as made out of such "previously taxed income," they will not be taxable to the shareholders a second time.

(4) In general, "accumulated DISC income" is the earnings and profits of the DISC which have not been deemed distributed and which may be deferred from taxation so long as they are not actually distributed with respect to its stock. However, deferral of taxation on "accumulated DISC income" may be terminated, in whole or in part, in the event of: (i) Certain foreign investment attributable to producer's loans (see § 1.995–2(a)(5) and § 1.995–5); (ii) revocation of the election to be treated as a DISC or other disqualification (see § 1.995–3); and (iii) certain dispositions of DISC stock in which gain is realized (see § 1.995–4).

(5) Since a DISC is not taxed on its taxable income, section 246(d) and § 1.246–4 provide that the deduction otherwise allowed under section 243 shall not be allowed with respect to a dividend from a DISC, or former DISC, paid or treated as paid out of accumulated DISC income or previously taxed income or with respect to a deemed distribution in a qualified year under § 1.995–2(a).

(b) *Amounts and character of amounts includible in shareholder's gross income.* Each shareholder of a corporation which is a DISC, or former DISC, shall include in his gross income—

(1) Amounts actually distributed to him that are includible in his gross income in accordance with paragraph (c) of this section.

(2) Amounts which, pursuant to § 1.995–2, he is deemed to receive as a distribution taxable as a dividend on the last day of each of the corporation's taxable years for which it qualifies as a DISC,

(3) Amounts which, pursuant to § 1.995–3, he is deemed to receive as a distribution taxable as a dividend in the event the corporation revokes its election to be treated as a DISC or otherwise is disqualified as a DISC, and

(4) Gain realized on certain dispositions of stock in the corporation which, under § 1.995–4, is includible in his gross income as a dividend.

(c) *Treatment of actual distributions.* (1) Except as provided in subparagraph (3) of this paragraph, amounts actually distributed to a shareholder of a DISC, or former DISC, with respect to his stock are includible in his gross income in accordance with section 301.

(2) Since a deemed distribution does not reduce the earnings and profits of a DISC, it does not affect the determination as to whether a subsequent actual distribution is a "dividend" under section 316(a). Since, however, the amount of a deemed distribution increases "previously taxed income", it does affect the determination as to whether a subsequent actual distribution is excluded (as described in subparagraph (3) of this paragraph) from gross income.

(3) Under § 1.996–1(c), the amount of any actual distribution (including a deficiency distribution made pursuant to § 1.992–3), with respect to stock in a DISC, or former DISC, which is treated under § 1.996–1 as made out of previously taxed income, is excluded by the distributee from gross income, but only to the extent that such amount does not exceed the adjusted basis of the distributee's stock. Under § 1.996–5(b), that portion of any actual distribution which is treated as made out of previously taxed income shall be applied against and reduce the adjusted basis of the stock and, to the extent that it exceeds the adjusted basis of the stock, it shall be treated as gain from the sale or exchange of property.

(4) A deficiency distribution pursuant to § 1.992–3 may be made after the close of the DISC's taxable year with respect

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to which it is made. The determinations as to whether such deficiency distribution is a dividend under section 301 and as to which division of earnings and profits is the source thereof depend upon the status of the DISC's earnings and profits account and divisions thereof at the time the distribution is actually made. See § 1.996–1(d) for the priority of such deficiency distribution over other actual distributions made during the same taxable year.

(d) *Personal holding company income.* (1) Any amount includible in a shareholder's gross income as a dividend with respect to the stock of a DISC, or former DISC, pursuant to paragraph (b) of this section shall be treated as a dividend for all purposes of the Code, except that for purposes of determining whether such shareholder is a personal holding company within the meaning of section 542 any amount deemed distributed for qualified years under § 1.995–2 or upon disqualification under § 1.995–3, any amount of gain on certain dispositions of DISC stock to which § 1.995–4 applies, and any amount treated under § 1.996–1 as distributed out of accumulated DISC income or previously taxed income shall not be treated as a dividend or any other kind of income described in section 543(a).

(2) Notwithstanding subparagraph (1) of this paragraph, the shareholder may treat as an item of income described under section 543 (for example, rents) any amount to which the exception in such subparagraph (1) applies, if it establishes to the satisfaction of the district director that such amount is attributable to earnings and profits derived from such item of income.

§ 1.995–2 Deemed distributions in qualified years.

(a) *General rule.* Under section 995(b)(1), each shareholder of a DISC shall be treated as having received a distribution taxable as a dividend with respect to his stock on the last day of each taxable year of the DISC, in an amount which is equal to his pro rata share of the sum (as limited by paragraph (b) of this section), of the following five items:

(1) An amount equal to the gross interest derived by the DISC during such year from producer's loans (as defined in § 1.993–4).

(2) An amount equal to the lower of—

(i) Any gain recognized by the DISC during such year on the sale or exchange of property (other than property which in the hands of the DISC is a qualified export asset) which was previously transferred to it in a transaction in which the transferor realized gain which was not recognized in whole or in part, or

(ii) The amount of the transferor's gain which was not recognized on the previous transfer of the property to the DISC.

For purposes of this subparagraph, each item of property shall be considered separately. See paragraph (d) of this section for special rules with respect to certain tax-free acquisitions of property by the DISC.

(3) An amount equal to the lower of—

(i) Any gain recognized by the DISC during such year on the sale or exchange of property which in the hands of the DISC is a qualified export asset (other than stock in trade or property described in section 1221(1)) and which was previously transferred to the DISC in a transaction in which the transferor realized gain which was not recognized in whole or in part, or

(ii) The amount of the transferor's gain which was not recognized on the previous transfer of the property to the DISC and which would have been includible in the transferor's gross income as ordinary income if its entire realized gain had been recognized upon the transfer.

For purposes of this subparagraph, each item of property shall be considered separately. See paragraph (d) of this section for special rules with respect to certain tax-free acquisitions of property by the DISC.

(4) An amount equal to one-half of the excess (if any) of the taxable income of the DISC for such year (computed as provided in § 1.991–1(b)(1)) over the sum of the amounts deemed distributed for the taxable year in accordance with subparagraphs (1), (2), and (3) of this paragraph.

(5) The amount of foreign investment attributable to producer's loans of the DISC, as of the close of the "group taxable year" ending with such taxable year of the DISC, determined in accordance with § 1.995–5. The amount of such foreign investment attributable to producer's loans so determined for any taxable year of a former DISC shall be deemed distributed as a dividend to the shareholders of such former DISC on the last day of such taxable year. See § 1.995–3(e) for the effect that such deemed distribution has on scheduled installments of deemed distributions of accumulated DISC income under § 1.995–3(a) upon disqualification.

(b) *Limitation on amount of deemed distributions under section 995(b)(1).* (1) The sum of the amounts described in paragraph (a) (1) through (4) of this section which is deemed distributed pro rata to the DISC's shareholders a dividend for any taxable year of the corporation shall not exceed the DISC's earnings and profits for such year.

(2) The amount of foreign investment attributable to producer's loans of the DISC (as described in paragraph (a)(5) of this section) which is deemed to be distributed pro rata to the DISC's shareholders as dividends for any taxable year of the corporation shall not exceed the lower of the corporation's accumulated DISC income at the beginning of such year or the corporation's accumulated earnings and profits at the beginning of such year (but not less than zero)—

(i) Increased by any DISC income of the corporation for such year as defined in § 1.996–3(b)(2) (i.e., any excess of the DISC's earnings and profits for such year over the sum of the amounts described in paragraph (a) (1) through (4) of this section), or

(ii) Decreased by any deficit in the corporation's earnings and profits for such year.

Thus, for example, if a DISC has a deficit in accumulated earnings and profits at the beginning of a taxable year of $10,000, current earnings and profits of $12,000, no amounts described in paragraph (a) (1) through (4) of this section for the year, and foreign investment attributable to producer's loans for the taxable year of $5,000, the DISC would have a deemed distribution described in paragraph (a)(5) of this section of $5,000 for the taxable year. On the other hand, suppose the DISC had accumulated earnings and profits of $13,000 at the beginning of the taxable year, accumulated DISC income of $10,000 at the beginning of the taxable year, a deficit in earnings and profits for the taxable year of $12,000, no amounts described in paragraph (a) (1) through (4) of this section for the taxable year, and foreign investment attributable to producer's loans for the taxable year of $5,000. Under these facts the DISC would have no deemed distribution described in paragraph (a)(5) of this section because the corporation had no DISC income for the taxable year and the current year's deficit in earnings and profits subtracted from the DISC's accumulated DISC income at the beginning of the year produces a negative amount. For rules relating to the carryover to a subsequent year of the $5,000 of foreign investment attributable to producer's loans, see § 1.995–5(a)(6).

(3) If, by reason of the limitation in subparagraph (1) of this paragraph, less than the sum of the amounts described in paragraph (a) (1) through (4) of this section is deemed distributed, then the portion of such sum which is deemed distributed shall be attributed first to the amount described in subparagraph (1) of such paragraph, to the extent thereof; second to the amount described in subparagraph (2) of such paragraph, to the extent thereof; third to the amount described in subparagraph (3) of such paragraph, to the extent thereof; and finally to the amount described in subparagraph (4) of such paragraph.

(c) *Examples.* Paragraphs (a) and (b) of this section may be illustrated by the following examples:

Example (1). Y is a corporation which uses the calendar year as its taxable year and which elects to be treated as a DISC beginning with 1972. X is its sole shareholder. In 1972, X transfers certain property to Y in exchange for Y's stock in a transaction in which X does not recognize gain or loss by reason of the application of section 351(a). Included in the property transferred to Y is depreciable property described in paragraph (a)(3) of this section on which X realizes, but does not recognize by reason of the application of section 1245(b)(3), a gain of $20,000. If X had sold such property for cash, the $20,000 gain would have been recognized as ordinary income under section 1245. Also included in the transfer to Y is 100 shares of stock in a third corporation (which is not a related foreign export corporation) on which X realizes, but does not recognize, a gain of $5,000. In 1973, Y sells such property and recognizes a gain of $25,000 on the depreciable property and $8,000 on the 100 shares of stock. Y has accumulated earnings and profits at the beginning of 1973 of $5,000, earnings and profits for 1973 of $72,000, and taxable income for 1973 of $100,000. At the beginning of 1973, Y has $6,000 of accumulated DISC income, no previously taxed income, and a deficit of $1,000 of other earnings and profits. Under these facts and the additional facts assumed in the table below, X is treated as having received a deemed distribution taxable as a dividend of $76,000 on December 31, 1973, determined as follows:

(1) Gross interest derived by Y in 1973 from producer's loans	$7,000
(2) Amount of gain on depreciable property (lower of Y's recognized gain ($25,000) or X's gain not recognized on section 1245 property ($20,000))	20,000
(3) Amount of gain on stock (lower of X's gain not recognized or Y's recognized gain ($8,000) ($5,000))	5,000
(4) One-half excess of taxable income for 1973 over the sum of lines (1), (2), and (3) (½ of ($100,000 minus $32,000))	34,000
(5) Limitation on lines (1) through (4):	
(a) Sum of lines (1) through (4)	66,000
(b) Earnings and profits for 1973	72,000
(c) Lower of lines (a) and (b)	66,000
(6) Amount under paragraph (a)(5) of this section:	
(a) Foreign investment attributable to producer's loans under § 1.995–5	10,000
(b) Sum of the lower of accumulated earnings and profits at beginning of 1973 ($5,000) or accumulated DISC income at beginning of 1973 ($6,000) and excess of earnings and profits for 1973 over line (5)(c) ($72,000 minus $66,000)	11,000
(c) Lower of lines (a) and (b)	10,000
(7) Total deemed distribution (sum of lines (5)(c) and (6)(c))	76,000

Example (2). Assume the facts are the same as in example (1), except that earnings and profits for 1973 amount to only $60,000. Under these facts, X is treated as receiving a deemed distribution taxable as a dividend of $65,000 on December 31, 1973, determined as follows:

(5) Limitation on lines (1) through (4):	
(a) Line (5)(a) of example (1)	$66,000
(b) Earnings and profits for 1973	60,000
(c) Lower of lines (a) and (b)	60,000
(6) Amount under paragraph (a)(5) of this section:	
(a) Line (6)(a) of example (1)	10,000
(b) Sum of the lower of accumulated earnings and profits at beginning of 1973 ($5,000) or accumulated DISC income at beginning of 1973 ($6,000) plus excess of earnings and profits for 1973 over line (5)(c) ($60,000 minus $60,000)	5,000
(c) Lower of lines (a) and (b)	$5,000
(7) Total deemed distribution (sum of lines (5)(c) and (6)(c))	65,000

Example (3). Assume the facts are the same as in example (1), except that Y has a deficit in accumulated earnings and profits at the beginning of 1973 of $4,000. Such deficit is comprised of accumulated DISC income of $1,000, no previously taxed income, and a deficit in other earnings and profits of $5,000. Under these facts, X is treated as receiving a deemed distribution taxable as a dividend in the amount of $72,000 on December 31, 1973, determined as follows:

(5) Limitation on lines (1) through (4):	
(a) Line (5)(a) of example (1)	$66,000
(b) Earnings and profits for 1973	72,000
(c) Lower of lines (a) and (b)	66,000
(6) Amount under paragraph (a)(5) of this section:	
(a) Line (6)(a) of example (1)	10,000
(b) Sum of accumulated earnings and profits at beginning of 1973 (not less than $0), and excess of earnings and profits for 1973 over amount in line (5)(c) ($72,000 minus $66,000)	6,000
(c) Lower of lines (a) and (b)	6,000
(7) Total deemed distribution sum of lines (5)(c) and (6)(c)	72,000

(d) *Special rules for certain tax-free acquisitions of property by the DISC.* (1) For purposes of paragraph (a) (2) (i) and (3) (i) of this section, if—

(i) A DISC acquires property in a first transaction and in a second transaction it disposes of such property in exchange for other property, and

(ii) By reason of the application of section 1031 (relating to like-kind exchanges) or section 1033 (relating to involuntary conversions), the basis in the DISC's hands of the other property acquired in such second transaction is determined in whole or in part with reference to the basis of the property acquired in the first transaction,

then upon a disposition of such other property in a third transaction by the DISC such other property shall be treated as though it had been transferred to the DISC in the first transaction. Thus, if the first transaction is a purchase of the property for cash, then paragraph (a) (2) and (3) of this section will not apply to a sale by the DISC of the other property acquired in the second transaction.

(2) For purposes of paragraph (a) (2) (i) and (3) (i) of this section, if a DISC acquires property in a first transaction and it transfers such property to a transferee DISC in a second transaction in which the transferor DISC's gain is not recognized in whole or in part, then such property shall be treated as though it had been transferred to the transferee DISC in the same manner in which it was acquired in the first transaction by the transferor DISC. For example, if X and Y both qualify as DISC's and X transfers property to Y in a second transaction in which gain or loss is not recognized, paragraph (a) (2) or (3) of this section does not apply to a sale of such property by Y in a third transaction if X had acquired the property in a first transaction by a purchase for cash. If, however, X acquired the property from a transferor other than a DISC in the first transaction in which the transferor's realized gain was not recognized, then paragraph (a) (2) or (3) of this section may apply to the sale by Y if the other conditions of such paragraph (a) (2) or (3) are met.

(3) If a DISC acquires property in a second transaction described in subparagraph (1) or (2) of this paragraph in which it (or, in the case of a second transaction described in subparagraph (2) of this paragraph, the transferor DISC) recognizes a portion (but not all) of the realized gain, then the amount described in paragraph (a) (2) (ii) or (a) (3) (ii) of this section with respect to a disposition by the DISC of such acquired property in a third transaction shall not exceed the transferor's gain which was not recognized on the first transaction minus the amount of gain recognized by the DISC (or transferor DISC) on the second transaction.

(4) The provisions of this paragraph may be illustrated by the following examples:

Example (1). X and Y are corporations each of which qualifies as a DISC and uses the calendar year as its taxable year. In 1972, X acquires section 1245 property in a first transaction in which the transferor's entire realized gain of $17 is not recognized. In 1973, X transfers such property to Y in a second transaction in which X realizes a gain of $20 of which only $4 is recognized. (On December 31, 1973, X's shareholders are treated as having received a deemed distribution of a dividend which includes such $4 under paragraph (a)(3) of this section, provided the limitation in paragraph (b) of this section is met.) In a third transaction in 1974, Y sells such property and recognizes a gain of $25. With respect to Y's shareholders on December 31, 1974, the amount described in paragraph (a)(3)(ii) of this section would be limited to $13, which is the amount of the transferor's gain which was not recognized on the first transaction ($17) minus the amount of gain recognized by X on the second transaction ($4).

Example (2). Z is a DISC using the calendar year as its taxable year. In a first transaction in 1972, in exchange for its stock, Z acquires section 1245 property from A, an individual who is its sole shareholder, in a transaction in which A's realized gain of $30 is not recognized by reason of the application of section 351(a). In a second transaction in 1973, Z exchanges such property for other property in a like-kind exchange to which section 1031(b) applies and recognizes $10 of a realized gain of $35. (On December 31, 1973, A is treated as having received a deemed distribution of a dividend which includes such $10 under paragraph (a)(3) of this section, provided the limitation in paragraph (b) of this section is met.) In a third transaction in 1974, Z sells the property

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acquired in the like-kind exchange and recognizes a gain of $26. With respect to A on December 31, 1974, the amount described in paragraph (a)(3)(ii) of this section is limited to $20, which is the amount of A's gain which was not recognized on the first transaction ($30) minus the amount of gain recognized by Z on the second transaction ($10).

(e) *Carryback of net operating loss and capital loss to prior DISC taxable year.* For purposes of sections 991, 995, and 996, the amount of the deduction for the taxable year under section 172 for a net operating loss carryback or carryover or under section 1212 for a capital loss carryback or carryover shall be determined in the same manner as if the DISC were a domestic corporation which had not elected to be treated as a DISC. Thus, the amount of the deduction will be the same whether or not the corporation was a DISC in the year of the loss or in the year to which the loss is carried. For provisions setting forth adjustments to the DISC's, or former DISC's, deemed distributions, adjustments to its divisions of earnings and profits, and other tax consequences arising from such carrybacks, see § 1.996–8.

§ 1.995–3 Distributions upon disqualification.

(a) *General rule.* Under section 995(b)(2), a shareholder of a corporation which is disqualified from being a DISC, either because pursuant to § 1.992–2(e)(2) it revoked its election to be treated as a DISC or because it has failed to satisfy the requirements as set forth in § 1.992–1 to be a DISC for a taxable year, shall be deemed to have received (at the times specified in paragraph (b) of this section) distributions taxable as dividends aggregating an amount equal to his pro rata share of the accumulated DISC income (as defined in § 1.996–3(b)) of such corporation which was accumulated during the immediately preceding consecutive taxable years for which the corporation was a DISC. The pro rata share referred to in the preceding sentence shall be determined as of the close of the last of such consecutive taxable years for which the corporation was a DISC. See § 1.996–7(c) for rules relating to the carryover of, and maintaining a separate account for, such accumulated DISC income in certain reorganizations.

(b) *Time of receipt of deemed distributions.* Distributions described in paragraph (a) of this section shall be deemed to be received in equal installments on the last day of each of the 10 taxable years of the corporation following the year of the disqualification described in paragraph (a) of this section, except that in no case may the number of equal installments exceed the number of the immediately preceding consecutive taxable years for which the corporation was a DISC.

(c) *Transfer of shares.* Deemed distributions are includible under paragraphs (a) and (b) of this section in a shareholder's gross income as a dividend only so long as he continues to held the shares with respect to which the distribution is deemed made. Thus, the transferee of such shareholder will include in his gross income under paragraphs (a) and (b) of this section the remaining installments of the deemed distribution which the transferor would have included in his gross income as a dividend had he not transferred the shares. However, if the transferee acquires the shares in a transaction in which the transferor's gain is treated under § 1.995–4 in whole or in part as a dividend, then under § 1.996–4(a) such transferee does not include subsequent installments in his gross income to the extent that the transferee treats such subsequent installments as made out of previously taxed income.

(d) *Effect of requalification.* Deemed distributions under paragraphs (a) and (b) of this section continue and are includible in gross income as dividends by the shareholders whether or not the corporation subsequently requalifies and is treated as a DISC.

(e) *Effect of actual distributions and deemed distributions under section 995(b)(1)(E).* If, during the period a shareholder of a DISC, or former DISC, is taking into account deemed distributions under paragraphs (a) and (b) of this section, an actual distribution is made to him out of accumulated DISC income or a deemed distribution because of foreign investment attributable to producer's loans is made under § 1.995–2(a)(5) out of accumulated DISC income, such actual or deemed distribution shall first reduce the last installment of the deemed distributions scheduled to be included in the shareholder's gross income as a dividend, and then the preceding scheduled installments in reverse order. If deemed distributions are scheduled to be included in gross income for two or more disqualifications, an actual distribution or a deemed distribution under § 1.995–2(a)(5) which is treated as made out of accumulated DISC income reduces the deemed distributions resulting from the earlier disqualification first.

(f) *Examples.* This section may be illustrated by the following examples:

Example (1). X Corporation, which uses the calendar year as its taxable year, elects to be treated as a DISC beginning with 1972. X qualifies as a DISC for taxable years 1972 through 1975, but, pursuant to § 1.992–2(e)(2), revokes its election as of January 1, 1976, and is disqualified as a DISC. On that date, X has $24,000 of accumulated DISC income. X's shareholders will be deemed to receive $6,000 in distributions taxable as a dividend on the last day of each of X's four succeeding taxable years (1977, 1978, 1979, and 1980).

Example (2). Assume the same facts as in example (1), except that in 1978 X makes an actual distribution of $22,000 to its shareholders of which $10,000 is treated under § 1.996–1 as made out of accumulated DISC income. (The remaining $12,000 of such distribution is treated as made out of previously taxed income.) The actual distribution would first reduce the $6,000 deemed distribution scheduled for 1980 to zero and then reduce the $6,000 deemed distribution scheduled for 1979 to $2,000. Thus, X's shareholders include in 1978 $16,000 in gross income as dividends ($10,000 of actual distributions and the $6,000 deemed distribution scheduled for that year) and $2,000 as a dividend in 1979.

Example (3). Assume the same facts as in example (2), except that X requalifies as a DISC for taxable year 1977 during which it derives $7,000 of DISC income (computed after taking into account a deemed distribution under § 1.995–2(a)(4) of $7,000), but is again disqualified in 1978. In addition X makes an actual distribution in 1977 equal to the deemed distribution of $7,000. Such actual distribution is excluded from gross income under § 1.996–1(c). In 1977, X's shareholders include in gross income as dividends the $6,000 deemed distribution upon disqualification (in addition to the deemed distributions of $7,000 under § 1.995–2 for 1977 when it was treated as a DISC). The actual distribution in 1978 still reduces the installments resulting from the earlier disqualification. Thus, in 1978, X's shareholders include $16,000 in gross income as dividends. In 1979, X's shareholders include $9,000 in gross income as dividends (the final installment of $2,000 from the earlier disqualification plus the single deemed distribution of $7,000 resulting from the later disqualification).

§ 1.995–4 Gain on certain dispositions of stock in a DISC.

(a) *Purpose.* Under section 995(c), if a shareholder disposes of stock in a DISC, or former DISC, in a transaction in which gain is recognized, part or all of such gain is includible in his gross income as a dividend to the extent provided in paragraph (b) of this section. If a shareholder disposes of such stock in a transaction in which gain is not recognized, part or all of such gain otherwise not recognized is, under section 995(c), recognized and includible in his gross income as a dividend to the extent provided in paragraph (c) of this section. The purpose of the provisions of section 995(c) and this section is to insure that accumulated DISC income, the taxation of which is deferred by reason of sections 991 and 995, eventually becomes subject to tax, at ordinary income rates. Therefore, to the extent that an amount of gain on a disposition of DISC stock reflects such deferred accumulated DISC income, such amount is to be treated as a dividend in order to eliminate tax avoidance potential arising from the fact that the basis of such stock will be increased in the hands of the purchaser. In the case of certain transactions in which gain is not recognized, such tax avoidance potential arises not from an increased basis, but rather from the possible absorption by a non-DISC entity of, and therefore disappearance of, special DISC tax attributes (e.g., accumulated DISC income) that insure ultimate taxability at ordinary income rates. Therefore, gain realized in a nontaxable disposition will be treated as a dividend to the extent it reflects accumulated DISC income but only where, as part of the transaction, the DISC tax attributes no longer exist in a corporation qualified as a DISC. For provisions which disallow the deduction under section 243 for dividends under this section, see § 1.246–4.

(b) *Sale or exchange of DISC stock*—(1) *In general.* Under the first sentence of section 995(c), if a shareholder disposes, or is treated as disposing, of stock in a DISC, or former DISC, then any gain recognized on such disposition shall be included in his gross income as a dividend, notwithstanding any other provision of the Code, to the extent of the amount of accumulated DISC income which is attributable to such stock and which was accumulated in taxable years of such corporation during the period or periods such stock was held or treated under paragraph (d) of this section as held by such shareholder. To the extent his recognized gain exceeds such amount of accumulated DISC income, it is taxable as gain from the sale or exchange of the stock.

(2) *Nonapplication of subparagraph (1).* The provisions of subparagraph (1) of this paragraph do not apply (i) to the extent gain is not recognized (such as, for example, in the case of a gift or an exchange of stock to which section 354 applies) and (ii) to the amount of any recognized gain which is taxable as a dividend (such as, for example, under section 301 or 356(a)(2)) or as gain from the sale or exchange of property which is not a capital asset. The amount taxable as a dividend under section 301 or 356(a)(2) is subject to the rules provided in § 1.995–1(c) for the treatment of actual distributions by a DISC.

(c) *Certain exchanges in which gain is not recognized*—(1) *General.* Under the second sentence of section 995(c), if stock in a corporation which is a DISC, or former DISC, is disposed of in a transaction in which its separate corporate existence as a DISC, or former DISC, is terminated then, notwithstanding any other provision of the Code, any gain realized on such transaction shall be recognized and includible in the transferor's gross income as a dividend, but only to the extent that such gain—

(i) Would not have been recognized but for the provisions of this paragraph, and

(ii) Does not exceed the amount of the accumulated DISC income of such corporation attributable to such stock and which was accumulated in taxable years of such corporation during the period or periods the stock disposed of was held or treated under paragraph (d) of this section as held by the transferor.

(2) *Cessation of separate corporate existence as a DISC, or former DISC.* For purposes of subparagraph (1) of this paragraph, separate corporate existence as a DISC, or former DISC, will be treated as having ceased if, as a result of the transaction, there is no separate entity which is a DISC and to which is carried over the accumulated DISC income and other tax attributes of the DISC, or former DISC, the stock of which is disposed of. Thus, for example, if stock in a DISC, or former DISC, is exchanged in a transaction described in section 381(a) (relating to carryovers in certain corporate acquisitions), the gain realized on the transfer of such stock will not be recognized under subparagraph (1) of this paragraph if the assets of such DISC, or former DISC, are acquired by a corporation which immediately after the acquisition qualifies as a DISC. For a further example, if a DISC, or former DISC, is liquidated in a transaction to which section 332 (relating to complete liquidations of subsidiaries) applies the transactior will be subject to subparagraph (1) of this paragraph if the basis to the transferee corporation of the assets acquired on the liquidation is determined under section 334(b)(2) or if immediately after such liquidation the transferee of such assets does not qualify as a DISC. However, the separate corporate existence as a DISC, or former DISC, will not be treated as having ceased in the case of a mere change in place of organization, however effected. See § 1.996–7 for rules for the carryover of the divisions of a DISC's earnings and profits to one or more DISC's.

(d) *Holding period of stock.* For purposes of this section, the period during which a shareholder has held stock includes the period he is considered to have held it by reason of the application of section 1223 and, if his basis is determined in whole or in part under the provisions of section 1014(d) (relating to special rule for DISC stock acquired from decedent), the holding period of the decedent. Such holding period is to exclude the day of acquisition but include the day of disposition. Thus, for example, if A purchases stock in a DISC on December 31, 1972, and makes a gift of such stock to B on June 30, 1973, then on December 31, 1974, B will be treated as having held the stock for 2 full years. If the basis of the stock in C's hands is determined under section 1014(d) upon a transfer from B's estate on December 31, 1976, by reason of B's death on June 30, 1974, then on December 31, 1976, C will be treated as having held the stock for 4 full years.

(e) *Accumulated DISC income allocable to shareholder under section 995(c)*—(1) *In general.* Under this paragraph, rules are prescribed for purposes of paragraphs (b) and (c) of this section as to the manner of determining, with respect to the stock of a DISC, or former DISC, disposed of, the amount of accumulated DISC income which is attributable to such stock and which was accumulated in taxable years of the corporation during the period or periods the stock disposed of was held or treated under paragraph (d) of this section as held by the transferor. Subparagraphs (2), (3), and (4) of this paragraph set forth a method of computation which may be employed to determine such amount. Any other method may be employed so long as the result obtained would be the same as the result obtained under such method.

(2) *Step 1.* Determine the increase (or decrease) in accumulated DISC income for each taxable year of the DISC, or former DISC, by subtracting from the amount of accumulated DISC income (as defined in § 1.996–3(b)) at the close of each taxable year the amount thereof as of the close of the immediately preceding taxable year.

(3) *Step 2.* (i) Determine for each taxable year of the DISC, or former DISC, the increase (or decrease) in accumulated DISC income per share by dividing such increase (or decrease) for the year by the number of shares outstanding or deemed outstanding on each day of such year.

(ii) If the number of shares of stock in the corporation outstanding on each day of a taxable year of the DISC, or former DISC, is not constant, then the number of such shares deemed outstanding on each day of such year shall be the sum of the fractional amounts in respect of each share which was outstanding on any day of the taxable year. The fractional amount in respect of a share shall be determined by dividing the number of days in the taxable year on which such share was outstanding (excluding the day the share became outstanding, but including the day the share ceased to be outstanding), by the total number of days in such taxable year.

(iii) If for any taxable year of a DISC, or former DISC, the share disposed of was not held (or treated under paragraph (d) of this section as held) by the disposing shareholder for the entire year, then the amount of increase (or decrease) in accumulated DISC income attributable to such share for such year is the amount determined as if he held the share until the end of such year multiplied by a fraction the numerator of which is the number of days in the taxable year on which the shareholder held (or under paragraph (d) of this section is treated as having held) such share and the denominator of which is the total number of days in the taxable year.

(4) *Step 3.* Add the amounts computed in step 2 for each taxable year of the DISC, or former DISC, in which the shareholder held such share of stock.

(5) *Examples.* This paragraph may be illustrated by the following examples:

Example (1). X Corporation uses the calendar year as its taxable year and elects to be a DISC for the first time for 1973. On January 1, 1973, X has 20 shares issued and outstanding. A and B each own 10 shares. On July 1, 1976, X issues 10 shares to C. On December 31, 1977, A sells his 10 shares to D and recognizes a gain of $120. Under these facts and other facts assumed in the table below, A includes in his gross income for 1977 a dividend under paragraph (b) of this section of $61.30 and long-term capital gain of $58.70.

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Year	(a) Year end accumulated DISC income	(b) Increase (decrease) in accumulated DISC income	(c) Shares outstanding	(d) Increase (decrease) per share (column (b) divided by column (c))
1973	$50	$60	20	$4.00
1974	50	(30)	20	(1.50)
1975	80	30	20	1.50
1976	100	20	1 25	.80
1977	140	40	30	1.33
(1) Total increase in accumulated DISC income for each share disposed of (sum of amounts in column (d))				6.13
Multiply by number of shares disposed of				10
(2) Total amount of accumulated DISC income attributable to A's shares disposed of				61.30
(3) A's gain				120.00
(4) Portion of A's gain taxable as a dividend (lower of lines (2) and (3))				61.30
(5) Portion of A's gain taxable as long-term capital gain (line (3) minus line (4))				58.70

1 Under subparagraph (3) (ii) of this paragraph, the aggregate fractional amounts of the 10 shares issued on July 1, 1976, is 5 shares, i.e., 10 shares, multiplied by (183 days/366 days). Thus, the number of shares deemed outstanding for 1976 is 25 shares, i.e., 20 shares plus 5 shares.

Example (2). Assume the same facts as in example (1), except that A sells his 10 shares to D on July 1, 1977. Under subparagraph (3) (iii) of this paragraph, the amount of increase in accumulated DISC income for 1977 which is attributable to each share disposed of is limited to $.67, i.e., $1.33 multiplied by 182 days/365 days. Therefore, the sum of the yearly increases (and decreases) in accumulated DISC income for each share is reduced by $.66 (i.e., $1.33 minus $.67). The total increase in accumulated DISC income for each share disposed of is $5.47 (i.e., $6.13 minus $.66). Under these facts, A would include in his gross income for 1977 a dividend of $54.70 and long-term capital gain of $65.30 determined as follows:

(1) Total increase in accumulated DISC income for each share disposed of	$5.47
Multiplied by number of shares disposed of	10
(2) Total amount of accumulated DISC income attributable of to all shares disposed of	54.70
(3) A's gain	120.00
(4) Portion of A's gain taxable as a dividend (lower of lines (2) and (3))	54.70
(5) Portion of A's gain taxable as long-term capital gain (line (3) minus line (4))	65.30

§ 1.995–5 Foreign investment attributable ot producer's loans.

(a) *In general*—(1) *Limitation.* Under section 995(d), the amount as of the close of a "group taxable year" (as defined in subparagraph (3) of this paragraph) of foreign investment attributable to producer's loans of a DISC for purposes of section 995(b)(1)(E) shall be the excess (as of the close of such year) of—

(i) The smallest of—

(a) The amount of the net increase in foreign assets (as defined in paragraph (b) of this section) by domestic and foreign members of the controlled group which includes the DISC,

(b) The amount of the actual foreign investment by the domestic members of such group (as determined under paragraph (c) of this section), or

(c) The amount of outstanding producer's loans (as determined under § 1.993–4) by such DISC to members of such controlled group, over

(ii) The amount (determined under § 1.995–2 (a) (5) and (b) (2)) of foreign investment attributable to producer's loans treated under section 995(b)(1)(E) as deemed distributions by the particular DISC taxable as dividends for prior taxable years of that particular DISC.

Thus, for example, if the shareholders of a DISC which uses the calendar year as its taxable year (and which is a member of a controlled group in which all of the members use the calendar year as their taxable year) are treated under section 995(b)(1)(E) as receiving foreign investment attributable to producer's loans of a DISC of $0 in 1972, $10 in 1973, and $30 in 1974, or a total of $40, and if the smallest of the amounts described in subdivision (i) of this subparagraph at the end of 1975 is $90, then the amount of the foreign investment attributable to producer's loans of a DISC at the end of 1975 is $50, i.e., the excess (as of the close of 1975) of the smallest of the amounts described in subdivision (i) of this subparagraph ($90) over the sum of the amounts of foreign investment attributable to producer's loans treated under section 995(b)(1)(E) as deemed distributions by the DISC taxable as dividends for prior taxable years of the DISC ($40). If the separate corporate existence of the DISC as to which the amount described in subdivision (ii) of this subparagraph relates ceases to exist within the meaning of § 1.995–4(c)(2), then such amount shall no longer be taken into account by the group for any purpose. For inclusion of amounts because of certain corporate acquisitions, see paragraph (d) of this section.

(2) *Controlled group; domestic and foreign member.* For purposes of this section—

(i) The term "controlled group" has the meaning assigned to such term by § 1.993–1(k).

(ii) The term "domestic member" means a domestic corporation which is a member of a controlled group, and the term "foreign member" means a foreign corporation which is a member of a controlled group.

(3) *Group taxable year.* (i) The term "group taxable year" refers collectively to the taxable year of the DISC and to the taxable year of each corporation in the controlled group which includes the DISC ending with or within the taxable year of the DISC. Thus, for example, if a corporation has a subsidiary which uses the calendar year as its taxable year and which elects to be treated as a DISC, and if the parent has a taxable year ending on October 31, the "group taxable year" for 1973 would refer to calendar year 1973 for the DISC and to the parent's taxable year ending October 31, 1973.

(ii) In cases in which the DISC makes a return for a short taxable year, that is, for a taxable year consisting of a period of less than 12 months, pursuant to section 443 and the regulations thereunder, or § 1.991–1(b)(3), the following rules shall apply—

(a) In the case of a change in the annual accounting period of the DISC resulting in a short taxable year, the "group taxable year" refers collectively to the short taxable year and to the taxable year of each corporation in the controlled group which includes the DISC ending with or within the short taxable year.

(b) In the case of a DISC which is in existence during only part of what would otherwise be its taxable year, the "group taxable year" refers collectively to the short period during which the DISC was in existence and to the taxable year of each corporation in the controlled group which includes the DISC ending with or within the 12-month period ending on the last day of the short period.

(iii) With respect to periods prior to the first taxable year for which a member of the group qualified (or is treated) as a DISC, each group taxable year shall be determined under subdivision (i) of this subparagraph as if such member was in existence, it qualified as a DISC, and its taxable year ended on that date corresponding to the date such member's first taxable year ended after it qualified (or is treated) as a DISC whether or not the corporation which qualifies (or is treated) as a DISC used the same taxable year before it so qualified (or is so treated). Thus, for example, if a corporation which is organized on March 3, 1975, uses the calendar year as its taxable year, and is a member of a controlled group which does not include a DISC, first qualifies (or is treated) as a DISC for calendar year 1975, then the term "group taxable year" with respect to years prior to 1975 refers collectively to such prior calendar years and to the taxable year of each corporation in the group ending with or within such prior calendar years.

(iv) For special rules in the case of a group which includes more than one DISC, see paragraph (g) of this section.

(4) *Amounts determined for prior years.* Unless the 3-year limitation is properly elected under subparagraph (5) of this paragraph, the amounts described in paragraphs (b) (relating to net increase in foreign assets) and (c) (relating to actual foreign investments by domestic members) of this section reflect, as of the close of a group taxable year, amounts for all taxable years of members of the group beginning after December 31, 1971 (and amounts arising after December 31, 1971, or such other date prescribed in paragraph (b)(7) of this section), provided that such amounts relate to such group taxable year and preceding group taxable years. Thus, for example, if all members of a controlled group use the calendar year as the taxable year, and 1980 is the first taxable year for which any member of the group qualifies (or is treated) as a DISC, then, unless the 3-year limitation is elected under subparagraph (5) of this paragraph, the amounts described in paragraphs (b) and (c) of this section will be taken into account beginning with the dates specified in the preceding sentence. For rules as to carryovers on certain corporate acquisitions and reorganizations, see paragraph (d) of this section.

(5) *Three-year elective limitation.* (i) A DISC may elect to take into account only amounts described in paragraphs (b) (relating to net increase in foreign assets) and (c) (relating to actual foreign investment by domestic members) of this section for the 3 taxable years of each member immediately preceding its taxable year included in that first group taxable year which includes a member's first taxable year during which it qualifies (or is treated) as a DISC. For purposes of the preceding sentence, determinations shall be made by reference to the taxable year of the issuer or transferor (as the case may be). If an election is made under this subdivision, the offset for uncommitted transitional funds under paragraph (b)(7) of this section is not allowed. If an election is made under this subdivision, the 3-year limitation applies to amounts described in paragraphs (b)(4) and (c)(1) and (2) of this section.

(ii) An election under subdivision (i) of this subparagraph shall not apply with respect to amounts which must be carried over under paragraph (d) of this section in the case of certain corporate acquisitions and reorganizations.

(iii) An election under subdivision (i) of this subparagraph shall be made by the DISC attaching to its first return, filed under section 6011(e)(2), a statement to the effect that the 3-year limitation is being elected under § 1.995–5(a)(5)(i).

(6) *Cumulative basis.* Pursuant to section 995(d)(5), all determinations of amounts specified in this section are to be made on a cumulative basis from the 1st year (or date) provided for in this section. Thus, each such determination shall take into account a net increase or a net decrease during the year, as the case may be. However, if the 3-year limitation is elected under subparagraph (5) of this paragraph, then only amounts with respect to periods specified in such subparagraph (5) are amounts taken into account for years before a member of the group qualifies (or is treated) as a DISC. The computations described in this section may be made in any way chosen by the DISC (including a corporation being tested as to whether it qualifies as a DISC), provided such method results in the amount prescribed by this section.

(7) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. X Corporation, which uses the calendar year as its taxable year, is a member of a controlled group (within the meaning of subparagraph (2) of this paragraph). X elects to be treated as a DISC beginning with 1972. The amount of foreign investment attributable to X's producer's loans treated under section 995(b)(1)(E) as a distribution taxable as a dividend as of the close of each group taxable year with respect to each taxable year of X from 1972 through 1975 are set forth in the table below, computed on the basis of the facts assumed (the amounts on lines (1), (2), (3), and (5) being running balances):

Taxable year of X	1972	1973	1974	1975
(1) Net increase (or decrease) in foreign assets since January 1, 1972, at close of group taxable year	($30)	$10	$100	$150
(2) Actual foreign investment at close of group taxable year	20	60	80	140
(3) Outstanding producer's loans of X (the DISC) as of the close of group taxable year	0	40	90	120
(4) Smallest of lines (1), (2), or (3) (not less than zero)	0	10	80	120
(5) Less section 995(b)(1)(E) deemed distributions for prior taxable years (sum of lines (5) and (6) from prior year)	0	0	10	80
(6) Section 995(b)(1)(E) deemed distribution as of close of taxable year	0	10	70	40

(b) *Net increase in foreign assets*—(1) *In general.* (i) The term "net increase in foreign assets" when used in this section means the excess for the controlled group (as of the close of the group taxable year) of (a) the investment in foreign assets to be taken into account under subparagraph (2) of this paragraph over (b) the aggregate of the five offsets allowed by subparagraphs (3) through (7) of this paragraph.

(ii) No amount described in this paragraph (other than amounts described in subparagraphs (4) and (7) of this paragraph) with respect to a member of the group (or foreign branch of a member) shall be taken into account unless it is attributable to a taxable year of such member beginning after December 31, 1971. For a 3-year elective limitation with respect to the first taxable year for which a member qualifies (or is treated) as a DISC, see paragraph (a)(5) of this section. For manner of determining amounts on a cumulative basis, see paragraph (a)(6) of this section.

(2) *Investments made in foreign assets.* (i) For purposes of subparagraph (1) of this paragraph, there shall be taken into account as investment in foreign assets the aggregate of the amounts expended (within the meaning of subdivision (ii) of this subparagraph) during the period described in subparagraph (1)(ii) of this paragraph by all members of the controlled group which includes the DISC to acquire assets described in section 1231(b) (determined without regard to any holding period therein provided) which are located outside the United States (as defined in § 1.993–7) reduced by the aggregate of the amounts received by all such members of the controlled group from the sale, exchange, or involuntary conversion of such assets described in section 1231(b) which are located outside the United States. For purposes of this section, amounts expended for assets which are qualified export assets (as defined in § 1.993–2) of a DISC (or which would be qualified export assets if owned by a DISC) shall not be taken into account. Thus, for example, if a DISC acquires a qualified export asset located outside the United States, the asset is not to be taken into account for purposes of determining the net increase in foreign assets.

(ii) As used in subdivision (i) of this subparagraph, the term "amounts expended" (or amounts received) means the amount of any money or the fair market value (on the date of acquisition, sale, exchange, or involuntary conversion) of any property (other than money) used to acquire (or received for) the assets described in such subdivision (i).

(iii) For purposes of this subparagraph, an asset (other than an aircraft or vessel) is considered as located outside the United States if it was used predominantly outside the United States during the group taxable year. The determination as to whether such an asset is used predominantly outside the United States during the group taxable year in which it was acquired or sold, exchanged, or involuntarily converted shall be made by applying the rules of § 1.993–3(d) except that an aircraft described in section 48(a)(2)(B)(i) or a vessel described in section 48(a)(2)(B)(iii) shall be considered located in the United States and all other aircraft or vessels shall be considered located outside the United States. Thus, for example, if a member of a controlled group which includes a DISC acquires a vessel which is documented under the laws of a foreign country, the amount expended to acquire that vessel is an amount described in subdivision (i) of this subparagraph.

(iv) *Examples.* The provisions of this subparagraph may be illustrated by the following examples:

Example (1). X Corporation, which uses the calendar year as its taxable year, is a domestic member of a controlled group

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(within the meaning of paragraph (a)(2) of this section). During 1972, in a transaction to which section 1031 applies, X acquires a warehouse located outside the United States and having a fair market value of $100. As consideration, X transfers $20 in cash and a warehouse located within the United States and having a fair market value of $80. Under these facts, $100 will be taken into account as investment in foreign assets.

Example (2). The facts are the same as in example (1), except that the warehouse transferred by X as consideration is located outside the United States. Under these facts, only $20 will be taken into account as investment in foreign assets because the amount expended for such assets (i.e., $100) is reduced by the fair market value of any property located outside the United States received in exchange for such assets (i.e., $80).

(3) *Depreciation with respect to all foreign assets of a controlled group.* (i) An offset allowed by this subparagraph is the depreciation (determined under subdivision (ii) of this subparagraph) or depletion (determined under subdivision (iii) of this subparagraph) attributable to taxable years of the member beginning after December 31, 1971, with respect to all of the group's foreign assets described in subparagraph (2) of this paragraph including such assets acquired prior to the date provided in such subparagraph (2), and without regard to whether the 3-year election in paragraph (a)(5) of this section is made. Thus, for example, depreciation for a taxable year of a member beginning after December 31, 1971, with respect to an asset described in section 1231(b) which is located outside of the United States and which was acquired during a taxable year of the member beginning before January 1, 1972, is an offset allowed by this subparagraph. For a further example, depreciation with respect to a qualified export asset is not such an offset.

(ii) The depreciation taken into account under subdivision (i) of this subparagraph shall be—

(*a*) In the case of an asset owned by a domestic member, only the amount allowed under section 167(b)(1) (relating to the allowance of the straight-line method of depreciation) and § 1.162–11 (b) (relating to amortization in lieu of depreciation), but not the amount allowed under section 179 (relating to the additional first-year depreciation allowance).

(*b*) In the case of an asset owned by a foreign member, the depreciation and amortization (referred to in (*a*) of this subdivision) allowable for purposes of computing earnings and profits under subparagraph (5)(i) of this paragraph.

(iii) The depletion taken into account under subdivision (i) of this subparagraph shall be limited to cost depletion computed under sections 611 and 612 and the regulations thereunder. Thus, percentage depletion is not to be taken into account in computing the offset under this subparagraph.

(4) *Amount of outstanding stock or debt.* (i) An offset allowed by this subparagraph is the outstanding amount of stock (including treasury stock) or debt obligations of any member of the group issued, sold, or exchanged after December 31, 1971, by any member (whether or not the same member) to persons who (on the date of such issuance, sale, or exchange) were neither United States persons (within the meaning of section 7701(a)(30)) nor members of the group, provided that, in the case of a debt obligation, such obligation is not repaid within 12 months after such issuance, sale, or exchange. Thus, for example, if stock is issued to a member of the group before January 1, 1972, and after December 31, 1971, it is sold to a person who is neither a United States person nor a member of the group, an offset allowed by this subparagraph includes the outstanding amount of such stock. For purposes of this subparagraph, foreign branches of United States banks are not considered to be United States persons.

(ii) The outstanding amount of stock or debt obligations shall be determined in accordance with the following provisions:

(*a*) The outstanding amount of stock or debt obligations described in subdivision (i) of this subparagraph is equal to the net amount described in (*b*) of this subdivision reduced (but not below zero) by the amount described in (*c*) of this subdivision.

(*b*) The net amount described in this subdivision (*b*) is the excess of (*1*) the aggregate of the amount of money and the fair market value of property (other than money) transferred by persons who are not members of the group and who are not U.S. persons as consideration for such stock and debt obligations over (*2*) fees and commission expenses borne by the issuer or transferror with respect to their issuance, sale, or exchange.

(*c*) The amount described in this subdivision (*c*) is the aggregate amount of money and fair market value of property (other than money) distributed to such persons on distributions in respect of such stock from other than earnings and profits or on distributions in redemption of such stock and the amount of principal paid pursuant to such debt obligations.

(*d*) For purposes of this subdivision (ii), in the case of a redemption, the stock or debt redeemed shall be charged against the earliest of such stock or debt issued, sold, or exchanged in order to determine the amount by which the balance of outstanding stock or debt is to be reduced. For purposes of this subparagraph, the fair market value of property received as consideration shall be determined as of the date the transaction occurs, and a contribution to capital within the meaning of section 118 shall be treated as the issuance of stock.

(iii) The provisions of subdivision (i) of this subparagraph apply regardless of of the treatment under the Code of the transaction in which the stock or debt was issued, sold, or exchanged. Thus, for example, if X Corporation, a member of a controlled group which includes a DISC, acquires from a nonresident allen individual in exchange solely for X's voting stock all of the stock of Y Corporation pursuant to a reorganization as defined in section 368(a)(1)(B), the fair market value of the Y stock on the date of the exchange would be an offset allowed by this subparagraph.

(iv) The provisions of this subparagraph may be illustrated by the following example:

Example. X Corporation is a member of a controlled group (within a meaning of paragraph (a)(2) of this section) every member of which uses the calendar year as its taxable year. On January 1, 1972, X issues in a public offering its stock to persons described in subdivision (i) of this subparagraph who, in the aggregate, pay $1,000 as consideration. X pays $100 in underwriting fees. On the same date, X receives $425 upon issuing a $500 debt obligation to such persons at a discount of $75 and pays $25 in underwriting fees. On December 31, 1972, the offset allowed under this subparagraph is $1,300, i.e., ($1,000 minus $100) plus ($425 minus $25). If, during 1973, X makes a distribution of $150 (not in redemption) from other than earnings and profits with respect to such stock, then the offset is reduced to $1,150.

(5) *Earnings and profits.* (i) An offset allowed by this subparagraph is one-half the aggregate of the earnings and profits accumulated for all taxable years beginning after December 31, 1971, computed (without regard to any distributions from earnings and profits) in accordance with § 1.964–1 (relating to a controlled foreign corporation's earnings and profits), of each foreign member of the group which is controlled directly or indirectly (as determined under the principles of section 958 and the regulations thereunder) by a domestic member of the group and each foreign branch of a domestic member of the group (computed as if the branch were a foreign corporation). The DISC is bound by any action on behalf of a foreign member that was taken pursuant to § 1.964–1(c)(3) or by any failure to take action by or on behalf of a foreign member within the time specified in § 1.964–1(c)(6). With respect to a foreign member for which action was not previously required under § 1.964–1(c)(6) to be taken, the DISC may take action on behalf of such member by attaching a statement to that effect to the return of the DISC under section 6011(e)(2) for the first taxable year during which it qualifies (or is treated) as a DISC and there is outstanding a producer's loan made by such DISC to a member of the controlled group which includes the DISC.

(ii) If the aggregate of the accumulated earnings and profits described in subdivision (i) of this subparagraph is a deficit, the amount allowable as an offset under this subparagraph is zero.

(6) *Royalties and fees.* An offset allowed by this subparagraph is one-half the royalties and fees paid by foreign members of the group to domestic members of the group and by foreign branches of domestic members of the group to domestic members of the group during the taxable years of such members beginning after December 31, 1971.

(7) *Uncommitted transitional funds.* (i) An offset allowed by this subparagraph for the uncommitted transitional funds of the group is the sum described in subdivision (ii) of this subparagraph of the amount of certain capital raised under the foreign direct investment program and the amounts described in subdivision (iv) of this subparagraph of certain foreign excess working capital held on October 31, 1971.

(ii) The amount described in this subdivision of certain capital raised under the foreign direct investment program is the excess (if any) of—

(*a*) The amount of the offset allowed by subparagraph (4) of this paragraph, determined, however, with respect to the stock and debt obligations of domestic members of the group outstanding on December 31, 1971 (including amounts treated as stock outstanding by reason of a contribution to capital), whether or not outstanding after such date, which were issued, sold, or exchanged on or after January 1, 1968, by any member (whether or not the same member) to persons who (on the date of such issuance, sale, or exchange) were neither United States persons (within the meaning of section 7701(a)(30)) nor members of the group, but only to the extent the taxpayer establishes that such amount constitutes a long-term borrowing (see 15 CFR § 1000.324) for purposes of the foreign direct investment program (see 15 CFR Part 1000), over

(*b*) The amount (determined under paragraph (c) of this section) of actual foreign investment by the domestic members of the group during the portion of the period such stock or debt obligations have been outstanding prior to January 1, 1972, such determination to be made by substituting January 1, 1968, for the December 31, 1971, date specified in such paragraph (c) and by not taking into account the earnings and profits described in paragraph (c)(3) of this section.

For purposes of this subparagraph, foreign branches of United States banks are not considered to be United States persons.

(iii) (*a*) A taxpayer may establish that an amount under subdivision (ii)(*a*) of this subparagraph constitutes a long-term borrowing for purposes of the foreign direct investment program by keeping records sufficient to demonstrate that appropriate reports were filed with the Office of Foreign Direct Investment of the Department of Commerce with respect to the foreign borrowing or by any other method satisfactory to the district director.

(*b*) The amounts described in subdivision (ii)(*a*) of this subparagraph include amounts with respect to which an election under section 4912(c), to subject certain obligations of a United States person to the interest equalization tax, has been made, provided that the obligations to which such amounts relate were issued by an "overseas financing subsidiary" described in 15 CFR Part 1000N and were assumed by a United States person from such overseas financing subsidiary. Thus, for example, if an overseas financing subsidiary issues its notes to a foreign person in 1968, and such notes are assumed by its United States parent in 1973, which parent elects under section 4912(c) to have the notes subject to the interest equalization tax, then the amount of money received by the subsidiary is an amount described in subdivision (ii)(*a*) of this subparagraph.

(iv) The amount described in this subdivision of foreign excess working capital is the amount of liquid assets held by the foreign members of such group and foreign branches of domestic members of such group on October 31, 1971 (whether or not so held after such date) in excess of their reasonable working capital needs (as defined in § 1.993–2(e)) on that date, but only to the extent not included in subdivision (ii) of this subparagraph. For purposes of this subdivision, the term "liquid assets" means money, bank deposits (not including time deposits), and indebtedness of any kind (including time deposits) which on the day acquired had a maturity of 2 years or less.

(8) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. X Corporation, which uses the calendar year as its taxable year is a member of a controlled group (within the meaning of paragraph (a)(2) of this section). X elects to be treated as a DISC beginning with 1972. The amount of net increase in foreign assets of the group at the close of each group taxable year with respect to each taxable year of X from 1972 through 1975 are set forth in the table below, computed on the basis of the facts assumed (the amounts on each line being running balances):

Taxable year of X	1972	1973	1974	1975
(1) Investment in foreign assets	$150	$165	$260	$300
(2) Depreciation with respect to foreign assets of group	20	40	60	80
(3) Amount of stock or debt outstanding issued after Dec. 31, 1971	30	30	30	30
(4) One-half earnings and profits of foreign members	40	70	100	130
(5) Royalties and fees paid by foreign members to domestic members	10	15	20	20
(6) Uncommitted transitional funds	10	10	10	10
(7) Sum of lines (2) through (6)	110	165	220	270
(8) Net increase in foreign assets (line (1) minus line (5))	40	0	40	30

(c) *Actual foreign investment by domestic members.* For purposes of determining the limitation in paragraph (a) of this section, the amount of the actual foreign investment by domestic members of a controlled group is the sum (as of the close of the group taxable year) determined on a cumulative basis (see paragraph (a)(6) of this section) of—

(1) *Outstanding stock or debt (including contributions to capital).* The outstanding amount (determined in accordance with the principles of paragraph (b)(4)(ii) of this section, applied with respect to stock or debt obligations described in this subparagraph) of stock (including treasury stock) or debt obligations (other than normal trade indebtedness) of foreign members of the group issued, sold, or exchanged after December 31, 1971, by any person (whether or not a member) which is not a domestic member to domestic members of the group, provided that the outstanding amount of debt obligations of any foreign member shall be the greater of such amount outstanding at the close of the taxable year of such member or the highest such amount outstanding at any time during the immediately preceding 90 days,

(2) *Transfers to foreign branches.* The amount of money or the fair market value of property (other than money) transferred by domestic members of the group after December 31, 1971, to foreign branches of such members in transactions which would, if the branch were a corporation, be in consideration for the sale of stock or debt obligations of (or a contribution of capital to) such foreign branches (as determined under subparagraph (1) of this paragraph), and

(3) *Earnings and profits of foreign members.* One-half of the earnings and profits (computed in accordance with paragraph (b)(5) of this section for purposes of computing net increase in foreign assets) of foreign members of the group which are controlled directly or indirectly (as determined under the principles of section 958 and the regulations thereunder) by a domestic member of the group and foreign branches (treated for this purpose as a corporation) of domestic members of the group accumulated during the taxable years of such foreign members (or branches) beginning after December 31, 1971, or, if later, the taxable year referred to in paragraph (a)(5)(i) of this section if the 3-year election provided for in such paragraph (a)(5)(i) is made.

(d) *Carryovers on certain corporate acquisitions and reorganizations.*—(1) *Certain corporate acquisitions.* (i) If—

(*a*) A member of a controlled group ("first controlled group") acquires in a transaction to which section 381 applies the assets of a corporation which is a member of a second controlled group or acquires stock in such a corporation pursuant to a reorganization as defined in section 368(a)(1)(B) to which section 361 applies, or

(*b*) A member or combination of members of the first controlled group acquire in a transaction not described in (*a*) of this subdivision a majority interest (as defined in paragraph (e)(2) of this section) in the stock of a corporation which is a member of a second controlled group which includes a DISC so that such DISC after the acquisition is a member of the new controlled group,

then, for purposes of computing foreign investment attributable to producer's loans with respect to the new controlled group as constituted after such acquisition, all amounts described in paragraphs (a) through (c) of this section, including the amount specified in paragraph (a)(1)(ii) of this section (relating to amounts treated under section 995(b)(1)(E) as deemed distributions by the DISC taxable as dividends for prior taxable years of the DISC), with respect to

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members of the second controlled group which become members of the new controlled group shall carry over to such new controlled group. For purposes of this subdivision (i), a controlled group may consist of only one member. With respect to certain transactions involving foreign corporations, see section 367.

(ii) If a member or combination of members of a controlled group, immediately after an acquisition of stock to which subdivision (i) of this subparagraph applies, do not control the total combined voting power (determined under § 1.957–1(b)) of the corporation whose stock was acquired, proper apportionment consistent with the principles of paragraph (e)(5) of this section shall be made with respect to amounts to which paragraphs (a) through (c) of this section apply.

(iii) *(a)* If subdivision (i) of this subparagraph applies, then for purposes of determining the application of the 3-year elective limitation provided for in paragraph (a)(5) of this section, the rules in *(b)*, *(c)*, and *(d)* of this subdivision (iii) apply.

(b) If both the "first controlled group" and the "second controlled group" (as those terms are defined in subdivision (i) of this subparagraph) include a DISC, and a DISC in either group has elected the 3-year limitation provided in paragraph (a)(5) of this section, then only those amounts taken into account under such paragraph (a)(5) by the electing DISC or DISC's shall be taken into account.

(c) If one of the groups includes a DISC and the other does not, and if the DISC has elected the 3-year limitation provided in paragraph (a)(5) of this section, then, for purposes of computing foreign investment attributable to producer's loans with respect to the new controlled group as constituted after the acquisition, all amounts described in paragraphs (a) through (c) of this section with respect to members of the controlled group which did not include the DISC shall carry over to such new controlled group, but only to the extent provided in such paragraph (a)(5), computed as if the group taxable year in which the acquisition occurred was the first group taxable year which includes a member's first taxable year during which it qualifies (or is treated) as a DISC.

(d) If (c) of this subdivision (iii) applies, except that the DISC has not elected the 3-year limitation provided in paragraph (a)(5) of this section, then the DISC in the new controlled group as constituted after the acquisition may, with respect to members of the controlled group which did not include the DISC, make the election provided in such paragraph (a)(5), and treat the year in which the acquisition occurred as if it were the first group taxable year which includes a member's first taxable year during which it qualifies (or is treated) as a DISC.

(iv) If a majority interest, or an interest in addition to a majority interest, is acquired in a transaction other than a transaction described in subdivision (i) of this subparagraph, then the rules in paragraph (e) of this section (relating to the acquisition of the foreign assets of a corporation) apply.

(2) *Corporation ceasing to be a member.* As of the date a corporation which is a member of a controlled group ceases to be a member of such group, the amounts of such group described in paragraphs (a) through (c) of this section will be reduced by such amounts which are attributable to the corporation which is no longer a member of the group.

(e) *Acquisition of a majority interest in a corporation*—(1) *In general.* If paragraph (d)(1)(i) of this section (relating to certain corporate acquisitions in which all amounts described in paragraphs (a) through (c) of this section carry over) does not apply, then, for purposes of determining under paragraph (b)(2) of this section the investments made in foreign assets by a controlled group, the acquisition of a majority interest (as defined in subparagraph (2) of this paragraph) or an interest in addition to a majority interest in a corporation by any member or combination of members of the controlled group is considered an acquisition of the assets (to the extent provided in subparagraph (5) of this paragraph) of the acquired corporation by the group, including the assets of any foreign corporation in which the acquired corporation owns a majority interest (to the extent provided in subparagraph (5) of this paragraph). For the rules concerning the date upon which an acquisition of a majority interest is considered to have occurred, see subparagraph (3) of this paragraph.

(2) *Majority interest.* For purposes of this section, a majority interest is more than 50 percent of the total combined voting power of all classes of a corporation's stock entitled to vote, as determined under § 1.957–1(b).

(3) *Acquisition date.* For purposes of this paragraph, an acquisition of a majority interest shall be considered to have occurred on the day on which the combined voting power of the group first reached the percentage required in subparagraph (2) of this paragraph.

(4) *Valuation of assets.* For purposes of this section, the amount of a corporation's assets deemed acquired is the fair market value of the assets on the date a majority interest, or an interest in addition to a previously held majority interest, is acquired.

(5) *Apportionment in the case of the acquisition of less than all of the voting stock.* (i) If the acquisition described in subparagraph (1) of this paragraph of a majority interest is of less than 100 percent of the total combined voting power of all classes of stock of the acquired corporation entitled to vote, then for purposes of subparagraph (1) of this paragraph the amount of the foreign assets of the corporation deemed acquired as of the day the majority interest is considered acquired shall be an amount equal to the fair market value of all of the corporation's foreign assets described in paragraph (b)(2) of this section as of such day multiplied by the percentage of the total combined voting power (determined under § 1.957–1(b)) held by members of the group on the day the majority interest is considered acquired.

(ii) If any member or combination of members of the controlled group hold a majority interest in a corporation, then for purposes of subparagraph (1) of this paragraph the acquisition of additional combined voting power by members of the controlled group shall be considered an acquisition of its foreign assets described in paragraph (b)(2) of this section in an amount equal to the fair market value of all such assets held by the foreign corporation on the date of the acquisition, multiplied by the increase (expressed in percentage points) in total combined voting power (as determined under § 1.957–1(b)) which occurred.

(6) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). M Corporation uses the calendar year as its taxable year. On November 18, 1973, M acquires from A, an individual United States person, for $1 million cash all 10,000 shares of the voting stock of N, a foreign corporation. N's only asset is a warehouse located in France with a fair market value on the date of acquisition of $1 million. Under subparagraph (1) of this paragraph, the controlled group of which M is a member is considered to have expended $1 million for the acquisition of foreign assets described in paragraph (b)(2) of this section.

Example (2). The facts are the same as in example (1), except that on November 18, 1973, M acquires only 80 percent of N's voting stock. M is considered to have expended $800,000 for the acquisition of assets described in paragraph (b)(2) of this section, computed as follows:

(1) Fair market value of N's foreign assets described in paragraph (b)(2) of this section	$1,000,000
(2) Multiply by percentage of total combined voting power of all classes of N stock entitled to vote acquired by M	.8
(3) Amount considered expended	800,000

Example (3). The facts are the same as in example (2), except that individual A is not a United States person, and M acquires the 80 percent of N voting stock in exchange for cash of $100,000 and M stock having a fair market value on the date of the acquisition of $700,000. M is considered to have acquired assets described in paragraph (b)(2) of this section in the amount of $800,000 (see computations in example (2)) and to have an offset under paragraph (b)(4) of this section (relating to outstanding stock or debt) of $700,000 (the fair market value of the M stock transferred to A who is not a United States person). However, the controlled group of which M is a member is not considered to have acquired any other amounts described in paragraphs (a) through (c) of this section with respect to N for taxable years prior to the taxable year of N during which the acquisition occurred.

Example (4). P Corporation, which uses the calendar year as its taxable year, is a member of a controlled group which includes a DISC. During 1973, P acquires from B, an individual United States person, for cash, 30 percent of the total combined voting power of all classes of stock entitled to vote of Q, a foreign corporation. All of Q's assets are assets described in paragraph (b)(2) of this section. No additional interest in Q is acquired by members of the group during 1973. The controlled group of which Q is a member is not considered to have made any investments in foreign assets described in such paragraph (b)(2) as of the close of 1973.

Example (5). Assume the same facts as in example (4). Assume further that during 1974, R Corporation, a member of the controlled group which includes P, acquires for cash 40 percent of the total combined voting power of all classes of stock of Q entitled to vote as follows: 20 percent on July 31, and 20 percent on December 31. Thus, on December 31, 1974, members of the controlled group own 70 percent of Q's voting power (30+20+20) and on that date are considered to have acquired a majority interest in Q. The fair market value of Q's assets on December 31, 1974, is $5 million. The group is considered to have expended $3,500,000 for the acquisition of assets described in paragraph (b)(2) of this section computed as follows:

(1) Fair market value of Q's foreign assets described in paragraph (b)(2) of this section as of the date the acquisition is deemed to have occurred under subparagraph (3) of this paragraph (December 31, 1974)	$5,000,000
(2) Multiply by percentage of total combined voting power of all classes of Q stock entitled to vote held by members of the group on such date	.7
	3,500,000

Example (6). The facts are the same as in example (5). Assume further that on July 15, 1975, P acquires the remaining 30 percent of the total combined voting power of all classes of Q stock entitled to vote, and on such date the fair market value of Q's assets is $6,500,000. The group is considered to have expended $5,150,000 for the acquisition of assets described in paragraph (b)(2) of this section as of the close of 1975, computed as follows:

(1) Amount of prior years' investment	$3,500,000
(2) Investment during 1975:	
(a) Fair market value of Q's foreign assets described in paragraph (b)(2) of this section on July 15, 1975	5,500,000
(b) Multiply by additional percentage acquired of total combined voting power of all classes of Q stock entitled to vote	.3
(c) Investment during 1975	1,650,000
(3) Amount considered expended for foreign assets described in paragraph (b)(2) of this section by reason of the acquisition of Q stock	5,150,000

(f) *Records.* A DISC shall keep or be readily able to produce such permanent books of account or records as are sufficient to establish the transactions and amounts described in this section. Where applicable, such books of account or records shall be cumulative and shall show transactions and amounts of the members of the controlled group which includes the DISC which occurred prior to the date the DISC qualified (or is treated) as a DISC.

(g) *Multiple DISC's*—(1) *Allocation among DISC's.* In the case of a controlled group which includes more than one DISC, the amounts described in paragraphs (b) and (c) of this section shall be allocated among the DISC's in order to determine the limitation in paragraph (a) of this section. Each DISC's allocable portion of these amounts shall be equal to the total of such amounts multiplied by a fraction the numerator of which is the individual DISC's outstanding producer's loans to members of the group, and the denominator of which is the aggregate amounts of outstanding producer's loans to members of the group by all DISC's which are members of the group.

(2) *Different taxable years.* If all of the DISC's which are members of the controlled group do not have the same taxable year, then one such DISC shall on behalf of all such DISC's elect to make all computations under section 995(d) as if all DISC's that are members of the group use the same taxable year as the actual taxable year of any one of the DISC's. The election as to which DISC's taxable year is to be used shall be made by the electing DISC attaching to its first return, filed under section 6011(e)(2), a statement indicating which such taxable year will be used. Once such an election is made it may not be revoked until such time as all of the DISC's which are members of the group use the same taxable year. If this subparagraph applies, books and records must be kept by the group which are adequate to show the necessary computations under section 995(d).

(3) This paragraph may be illustrated by the following example:

Example. Corporation X and corporation Y are members of the same controlled group and each has elected to be treated as a DISC. X uses a taxable year ending March 31, and Y uses a taxable year ending November 30. Notwithstanding the fact that all other members of the group use the calendar year as their taxable year, all computations for purposes of determining the amount of foreign investment attributable to producer's loans under section 995(d) must be made as if both DISC's use a taxable year ending either March 31 (X's taxable year) or November 30 (Y's taxable year).

§ 1.996 Statutory provisions; rules for allocation in the case of distributions and losses.

SEC. 996. Rules for Allocation in the Case of Distributions and Losses.

(a) Rules for actual distributions and certain deemed distributions.—

(1) In general.—Any actual distribution (other than a distribution described in paragraph (2) or to which section 995(c) applies) to a shareholder by a DISC (or former DISC) which is made out of earnings and profits shall be treated as made—

(A) First, out of previously taxed income, to the extent thereof,

(B) Second, out of accumulated DISC income, to the extent thereof, and

(C) Finally, out of other earnings and profits.

(2) Qualifying distributions.—Any actual distribution made pursuant to section 992(c) (relating to distributions to meet qualification requirements), and any deemed distribution pursuant to section 995(b)(1)(E) (relating to foreign investment attributable to producer's loans), shall be treated as made—

(A) First, out of accumulated DISC income, to the extent thereof,

(B) Second, out of the earnings and profits described in paragraph (1)(C), to the extent thereof, and

(C) Finally, out of previously taxed income.

(3) Exclusion from gross income.—Amounts distributed out of previously taxed income shall be excluded by the distributee from gross income except for grains described in subsection (e)(2), and shall reduce the amounts of the previously taxed income.

(b) Ordering rules for losses.—If for any taxable year a DISC, or a former DISC, incurs a deficit in earnings and profits, such deficit shall be chargeable—

(1) first, to earnings and profits described in subsection (a)(1)(C), to the extent thereof,

(2) second, to accumulated DISC income, to the extent thereof, and

(3) finally, to previously taxed income, except that a deficit in earnings and profits shall not be applied against accumulated DISC income which has been determined is to be deemed distributed to the shareholders (pursuant to section 995(b)(2)(A)) as a result of a revocation of election or other disqualification.

(c) Priority of distributions.—Any actual distribution made during a taxable year shall be treated as being made subsequent to any deemed distribution made during such year. Any actual distribution made pursuant to section 992(c) (relating to distributions to meet qualification requirements) shall be treated as being made before any other actual distributions during the taxable year.

(d) Subsequent effect of previous disposition of DISC stock.—

(1) Shareholder previously taxed income adjustment.—If—

"(A) gain with respect to a share of stock of a DISC or former DISC is treated under section 995(c) as a dividend or as gain from the sale or exchange of property which is not a capital asset, and

"(B) Any person subsequently receives an actual distribution made out of accumulated DISC income, or a deemed distribution made pursuant to section 995(b)(2), with respect to such share, such person shall treat such distribution in the same manner as a distribution from previously taxed income to the extent that (i) the gain referred to in subparagraph (A), exceeds (ii) any other amounts with respect to such share which were treated under this paragraph as made from previously taxed income. In applying this paragraph with respect to a share of stock in a DISC or former DISC, gain on the acquisition of such share by the DISC or former DISC or gain on a transaction prior to such acquisition shall not be considered gain referred to in subparagraph (A).

(2) Corporate adjustment upon redemption.—If section 995(c) applies to a redemption of stock in a DISC or former DISC, the accumulated DISC income shall be reduced by an amount equal to the gain described in section 995(c) with respect to such stock which is (or has been) treated as gain from the sale or exchange of property which is not a capital asset, except to the extent distributions with respect to such stock have been treated under paragraph (1).

(e) Adjustment to basis.—

(1) Additions to basis.—Amounts representing deemed distributions as provided in section 995(b) shall increase the basis of the stock with respect to which the distribution is made.

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(2) **Reductions of basis.**—The portion of an actual distribution made out of previously taxed income shall reduce the basis of the stock with respect to which it is made, and to the extent that it exceeds the adjusted basis of such stock, shall be treated as gain from the sale or exchange of property. In the case of stock includible in the gross estate of a decedent for which an election is made under section 2032 (relating to alternate valuation), this paragraph shall not apply to any distribution made after the date of the decedent's death and before the alternate valuation date provided by section 2032.

(f) **Definitions of divisions of earnings and profits.**—For purposes of this part:

(1) **DISC income.**—The earnings and profits derived by a corporation during a taxable year in which such corporation is a DISC, before reduction for any distributions during the year, but reduced by amounts deemed distributed under section 995(b)(1), shall constitute the DISC income for such year. The earnings and profits of a DISC for a taxable year include any amounts includible in such DISC's gross income pursuant to section 951(a) for such year. Accumulated DISC income shall be reduced by deemed distributions under section 995(b)(2).

(2) **Previously taxed income.**—Earnings and profits deemed distributed under section 995(b) for a taxable year shall constitute previously taxed income for such year.

(3) **Other earnings and profits.**—The earnings and profits for a taxable year which are described in neither paragraph (1) nor (2) shall constitute the other earnings and profits for such year.

(g) **Effectively Connected Income.**—In the case of a shareholder who is a nonresident alien individual or a foreign corporation, trust, or estate, gains referred to in section 995(c) and all distributions out of accumulated DISC income including deemed distributions shall be treated as gains and distributions which are effectively connected with the conduct of a trade or business conducted through a permanent establishment of such shareholder within the United States.

[Sec. 996 as added by sec. 501, Rev. Act 1971 (85 Stat. 547)]

§ 1.996–1 Rules for actual distributions and certain deemed distributions.

(a) *General rule.* Under section 996(a)(1), any actual distribution (other than a distribution described in paragraph (b) of this section or to which § 1.995–4 applies) to a shareholder by a DISC, or former DISC, which is made out of earnings and profits shall be treated as made—

(1) First, out of "previously taxed income" (as defined in § 1.996–3(c)) to the extent thereof,

(2) Second, out of "accumulated DISC income" (as defined in § 1.996–3(b)) to the extent thereof, and

(3) Third, out of "other earnings and profits" (as defined in § 1.996–3(d)) to the extent thereof.

(b) *Special rule for qualifying distributions and deemed distributions under section 995(b)(1)(E).* Under section 996(a)(2), any actual distribution to meet qualification requirements made pursuant to § 1.992–3, and any deemed distribution pursuant to § 1.995–2(a)(5) (relating to foreign investment attributable to producer's loans), which is made out of earnings and profits shall be treated as made—

(1) First, out of "accumulated DISC income" (as defined in § 1.996–3(b)) to the extent thereof,

(2) Second, out of "other earnings and profits" (as defined in § 1.996–3(d)) to the extent thereof, and

(3) Third, out of "previously taxed income" (as defined in § 1.996–3(c)) to the extent thereof.

(c) *Exclusion from gross income.* Under section 996(a)(3), amounts distributed out of previously taxed income shall be excluded by the distributee from gross income. However, see § 1.996–5(b) for treatment as gain from the sale or exchange of property of the portion of an actual distribution out of previously taxed income to the extent it exceeds the adjusted basis of the stock with respect to which the distribution is made.

(d) *Priority of distributions.* Under section 996(c), for purposes of determining their treatment under paragraphs (a), (b), and (c) of this section, distributions made during a taxable year shall be treated as being made in the following order—

(1) Deemed distributions under §§ 1.995–2 and 1.995–3.

(2) Actual distributions to meet qualification requirements made pursuant to § 1.992–3 in the order in which they are made, and

(3) Other actual distributions in the order in which they are made.

Thus, the treatment of any distribution shall be determined after the divisions of earnings and profits have been properly adjusted by taking into account distributions of higher priority which are made or deemed made during the same taxable year.

(e) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). Y Corporation, which uses the calendar year as its taxable year elects to be treated as a DISC beginning with 1972. During 1973, Y makes a cash distribution of $100 to X Corporation, Y's sole shareholder. For 1973, Y has no earnings and profits. As of the beginning of 1973, Y has $300 of accumulated earnings and profits, which consist of $70 of accumulated DISC income, $40 of previously taxed income, and $190 of other earnings and profits. The entire $100 distribution is a dividend under section 316. However, $40 thereof is treated as made out of previously taxed income and is thus excluded from gross income. Accordingly, only $60 is treated as distributed out of accumulated DISC income and includible in gross income. See § 1.246–4 for the inapplicability of the dividend received deduction with respect to the entire distribution of $100.

Example (2). Assume the same facts as in example (1), except that the cash distribution is designated as a distribution to meet qualification requirements made pursuant to § 1.992–3. Under these facts, X includes the entire distribution in its gross income as a dividend. Of the $100 distributed, $70 is treated as made out of accumulated DISC income and the remaining $30 is treated as made out of other earnings and profits. The dividend received deduction under section 243 is available only with respect to such $30.

§ 1.996–2 Ordering rules for losses.

(a) *In general.* Under section 996(b), if for any taxable year a DISC, or a former DISC, incurs a deficit in earnings and profits, such deficit shall be charged—

(1) First, to other earnings and profits (as defined in § 1.996–3(d)) to the extent thereof,

(2) Second, to accumulated DISC income (as defined in § 1.996–3(b)) to the extent thereof, subject to the special rule in paragraph (b) of this section,

(3) Third, to previously taxed income (as defined in § 1.996–3(c)) to the extent thereof, and

(4) To the extent that the amount of such deficit exceeds the sum of the amounts charged in accordance with subparagraphs (1), (2), and (3) of this paragraph, to other earnings and profits (as defined in § 1.996–3(d)).

Thus, the excess deficit charged to other earnings and profits under subparagraph (4) of this paragraph will create a deficit therein in the amount of such excess. To determine the amount of any division of earnings and profits for the purpose of determining under § 1.996–1 the treatment of any actual and certain deemed distributions, the portion of a deficit in earnings and profits chargeable under this paragraph to such division prior to such distribution shall be determined in a manner consistent with the rules in § 1.316–2(b) for determining the amount of earnings and profits available on the date of any distribution.

(b) *Deficits subsequent to a disqualification.* A deficit in earnings and profits of a DISC, or former DISC, shall not be charged to accumulated DISC income which has been determined is to be deemed distributed to the shareholders pursuant to § 1.995–3 as a result of a revocation of election or other disqualification. Thus, in accordance with paragraph (a) of this section as modified by this paragraph, a deficit incurred by a former DISC following such a revocation or disqualification shall be charged first to other earnings and profits and then to previously taxed income with any balance being charged to other earnings and profits and creating a deficit therein. The preceding sentence shall also apply in the case of a deficit incurred by a DISC which has no accumulated DISC income accumulated during its current taxable year and all immediately preceding consecutive taxable years for which it was a DISC. If as a result of the application of this paragraph the amount of a deficit in other earnings and profits exceeds the amount of a deficit in accumulated earnings and profits, then upon any subsequent actual distribution the deficit in other earnings and profits shall be reduced by the lower of (1) the amount of such actual distribution chargeable to accumulated DISC income or previously taxed income or (2) the amount of such excess.

(c) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). X Corporation, which uses the calendar year as its taxable year, becomes a DISC beginning with 1976. In addition to other facts assumed in the table below, X incurs a deficit in earnings and profits for 1979 of $70. Such deficit is charged to the divisions of X's earnings and profits pursuant to paragraph (a) of this section in the manner set forth in such table.

	Accumulated DISC income	Previously taxed income	Other earnings and profits
Balance Jan. 1, 1976			$50
Increase for 1976	$10	$8	
Increase for 1977	10	8	
Increase for 1978	10	8	
Balance Jan. 1, 1979	30	24	50
Deficit for 1979 of $70:			
Charge No. 1			(50)
Charge No. 2	(20)		
Balance Jan. 1, 1980	10	24	0

Example (2). Assume the same facts as in example (1), except that effective for taxable years beginning with 1979, X revokes its election to be treated as a DISC. Under § 1.995–3, X has $30 of accumulated DISC income which is to be deemed distributed $10 per year in 1980, 1981, and 1982. The deficit in earnings and profits for 1979 is charged to the divisions of X's earnings and profits pursuant to paragraph (b) of this section in the manner set forth in the table below:

	Accumulated DISC income	Previously taxed income	Other earnings and profits
Balance Jan. 1, 1979	$30	$24	$50
Deficit for 1979 of $70:			
Charge No. 1			(50)
Charge No. 2		(20)	
Balance Jan. 1, 1980	30	4	0

Example (3). Assume the same facts as in example (2), except that the deficit in earnings and profits for 1979 is $120. Assume further that for 1980, 1981, and 1982, during which years X's shareholders are receiving scheduled installments of the deemed distributions of accumulated DISC income under § 1.995–3, X, a former DISC, has neither earnings and profits nor a deficit in earnings and profits. The $120 deficit for 1979 is charged to the divisions of X's earnings and profits pursuant to paragraph (b) of this section in the manner set forth in the table below:

	Accumulated DISC income	Previously taxed income	Other earnings and profits	Accumulated earnings and profits
Balance Jan. 1, 1979	$30	$24	$50	$104
Deficit for 1979 of $120				(120)
Charge No. 1			(50)	
Charge No. 2		(24)		
Charge No. 3			(46)	
Balance Jan. 1, 1980	30	0	(46)	(16)
Deemed distributions in 1980 under § 1.996–3	(10)	10		
Balance Jan. 1, 1981	20	10	(46)	(16)

Example (4). Assume the same facts as in example (3), except that on December 31, 1980, X makes an actual distribution of $10 out of previously taxed income. On January 1, 1981, X has $20 of accumulated DISC income, no previously taxed income, and a deficit of $36 in other earnings and profits. The deficit of $16 in accumulated earnings and profits remains the same.

§ 1.996–3 Divisions of earnings and profits.

(a) *In general.* For purposes of sections 991 through 997, the earnings and profits of a DISC, or former DISC, shall be treated as composed of the following three divisions:

(1) Accumulated DISC income (as defined in paragraph (b) of this section),

(2) Previously taxed income (as defined in paragraph (c) of this section), and

(3) Other earnings and profits (as defined in paragraph (d) of this section).

(b) *Accumulated DISC income defined.* (1) Accumulated DISC income is that portion of a corporation's earnings and profits which were derived during taxable years for which it qualified as a DISC and which were deferred from taxation. Accumulated DISC income as of the close of each taxable year of the corporation is—

(i) The amount of accumulated DISC income as of the close of the immediately preceding taxable year increased by

(ii) The amount of DISC income for the year (as determined in subparagraph (2) of this paragraph) and reduced (but not below zero) by

(iii) The items enumerated in subparagraph (3) of this paragraph.

(2) Under section 996(f)(1), DISC income is (i) the earnings and profits derived by the corporation during a taxable year for which such corporation is a DISC minus (ii) amounts deemed distributed under § 1.995–2 other than the amount of foreign investment attributable to producer's loans described in § 1.995–2(a)(5). For example, the earnings and profits of a DISC for a taxable year include any amounts includible in such DISC's gross income pursuant to section 951(a) (relating to controlled foreign corporations). Deemed distributions under § 1.995–2(a)(5) are taken into account under subparagraph (3) of this paragraph as a reduction in computing accumulated DISC income.

(3) The accumulated DISC income (as increased by DISC income for the year determined under subparagraph (2) of this paragraph) is reduced by each of the following items in the following order:

(i) Any amount deemed distributed for such year under § 1.995–3 (relating to deemed distributions upon disqualification),

(ii) Any amount of foreign investment attributable to producer's loans deemed distributed for such year under § 1.995–2(a)(5) to the extent it is charged to accumulated DISC income under § 1.996–1(b)(1),

(iii) The amount of any adjustment to accumulated DISC income for such year under § 1.966–4(b)(1), and

(iv) To the extent they are treated, under § 1.996–1 (a) or (b) (relating to ordering rules for distributions), as made out of accumulated DISC income, the amounts of any actual qualifying distributions pursuant to § 1.992–3 in the order in which they are made, and thereafter by the amounts of any other actual distributions in the order in which they are made, except that, prior to each actual distribution, accumulated DISC income shall be reduced by the portion of any deficit in earnings and profits for the taxable year chargeable at that time under § 1.996–2(a)(2) to accumulated DISC income.

(4) Every distribution or other reduction in accumulated DISC income pursuant to subparagraph (3) of this paragraph shall be charged to the most recently accumulated DISC income.

(c) *Previously taxed income.* Under section 996(f)(2), previously taxed income as of the close of each taxable year of the corporation is an amount equal to—

(1) The sum of—

(i) The amount of previously taxed income as of the close of the immediately preceding taxable year,

(ii) Amounts deemed distributed for the current year under § 1.995–2 (relating to deemed distributions in qualified years),

(iii) Amounts deemed distributed for the current year under § 1.995–3 (relating to deemed distributions upon disqualification),

(iv) With respect to a distribution in redemption to which § 1.996–4(b)(1) applies, an amount equal to the excess (if any) of (*a*) the amount of the reduction under § 1.996–4(b)(1) in accumulated DISC income over (*b*) the reduction in the corporation's earnings and profits (see section 312(e)), and

(v) Any amount by which accumulated DISC income is reduced under paragraph (b)(3)(ii) of this section by reason of a deemed distribution as a dividend, under § 1.995–2(a)(5), of an amount of foreign investment attributable to producer's loans,

(2) Decreased (but not below zero), to the extent they are treated, under § 1.996–1 (a) or (b) (relating to ordering rules for distributions), as made out of previously taxed income, by the amounts of any actual qualifying distributions pursuant to § 1.992–3 in the order in which they are made, and thereafter by the amounts of any other actual distributions in the order in which they are made, except that, prior to any actual distribution, previously taxed income shall be reduced by the portion of any deficit in earnings and profits for the taxable year chargeable at that time under § 1.996–2(a)(3) to previously taxed income.

(d) *Other earnings and profits.* Under section 996(f)(3), other earnings and profits consist of earnings and profits other than accumulated DISC income and previously taxed income described respectively in paragraphs (b) and (c) of this section. Other earnings and profits as of the close of each taxable year

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of the corporation is (subject to paragraph (e) of this section) an amount equal to the amount of other earnings and profits as of the close of the immediately preceding taxable year decreased (if necessary, below zero) in the following order by—

(1) To the extent they are treated, under § 1.996–1 (a) or (b) (relating to ordering rules for distributions), as made out of other earnings and profits, the amounts of any actual qualifying distributions pursuant to § 1.992–3 in the order in which they are made, and thereafter the amounts of any other actual distributions in the order in which they are made, except that, prior to any actual distribution, other earnings and profits shall be reduced by the portion of any deficit in earnings and profits for the taxable year chargeable at that time under § 1.996–2(a) (1) to other earnings and profits, and

(2) With respect to a distribution in redemption to which § 1.996–4(b) (1) applies, an amount equal to the excess (if any) of (*a*) the reduction in the corporation's earnings and profits (see section 312(e)) over (*b*) the amount of the reduction under § 1.996–4(b) (1) in accumulated DISC income.

(e) *Distributions in kind.* (1) For purposes of determining, under paragraphs (b), (c), and (d) of this section, the amount by which any division of earnings and profits is reduced by reason of a distribution of property (other than money or the DISC's, or former DISC's, own obligations), the amount of such distribution is the fair market value of such property at the time of the distribution.

(2) For any taxable year in which the DISC makes a distribution of such property, the amount of other earnings and profits determined under paragraph (d) of this section (without regard to this subparagraph) shall be—

(i) Increased by the excess (if any) of the amount of such distribution treated as a dividend under section 316(a) over the adjusted basis of such property, and

(ii) Decreased by the excess (if any) of the adjusted basis of such property over the amount of such distribution treated as a dividend under section 316 (a).

Each item of property shall be considered separately for purposes of making the adjustment under this subparagraph.

(f) *Examples.* The provisions of §§ 1.996–1, 1.996–2, and this section may be illustrated by the following examples:

Example (1). M Corporation, which uses the calendar year as its taxable year, elects to be treated as a DISC beginning with 1974. During 1975, M derives no earnings and profits and makes no deemed or actual distributions, except that on December 31, 1975, M's shareholders are treated as having received a dividend distribution of $100 under § 1.995–2 (a) (5) (relating to foreign investment attributable to producer's loans). M's earnings and profits are adjusted as shown on line (2) of the table below on the basis of facts assumed therein.

	Accumulated earnings and profits	Accumulated DISC income	Previously taxed income	Other earnings and profits
(1) Balance Jan. 1, 1975	$450	$100	$250	$100
(2) Adjustments (see paragraphs (b)(3)(ii) and (c)(1)(v) of this section)	0	(100)	100	0
(3) Balance Jan. 1, 1976	450	0	350	100

Example (2). N Corporation, which uses the calendar year as its taxable year, elects to be treated as a DISC beginning with 1972. During 1973, N derives no earnings and profits for the year and makes no deemed or actual distributions, except that A, a shareholder, realized $200 of gain upon receiving an actual cash distribution of $300 in redemption of N stock having an adjusted basis of $100 in his hands. The redemption is treated as an exchange under section 302 (a) but, under section 995(c), A includes the $200 of gain in his gross income as a dividend. Assuming that, under section 312(e), $240 is properly chargeable to capital account of N and that, under § 1.996–4(b), accumulated DISC income is reduced by $200, N's accounts are adjusted on line (2) of the table below on the basis of facts assumed therein.

	Capital	Accumulated earnings and profits	Accumulated DISC income	Previously taxed income	Other earnings and profits
(1) Balance Jan. 1, 1973	$2,000	$400	$300	$100	0
(2) Adjustments (see § 1.996–4(b) and paragraph (c)(1)(iv) of this section)	(240)	(60)	(200)	140	0
(3) Balance Jan. 1, 1974	1,760	340	100	240	0

Example (3). P Corporation, which uses the calendar year as its taxable year, elects to be treated as a DISC beginning with 1973. During 1974, P derives no earnings and profits for the year and makes no deemed or actual distributions, except for a distribution to B, its sole shareholder, of property with a fair market value of $100 and an adjusted basis in P's hands of $40. Under § 1.996–1(a)(1), B treats the entire amount of the distribution as being made out of previously taxed income and, under § 1.996–1(c), excludes it from his gross income. P's earnings and profits, divisions are adjusted on lines (2) and (3) of the table below on the basis of facts assumed therein.

	Accumulated earnings and profits	Accumulated DISC income	Previously taxed income	Other earnings and profits
(1) Balance Jan. 1, 1974	$200	$80	$120	0
(2) Adjustment under paragraphs (c)(2) and (e)(1) this section	(40)	0	(100)	0
(3) Adjustment under paragraph (e)(2)(i) of this section	0	0	0	$60
(4) Balance Jan. 1, 1975	160	80	20	60

Example (4). Q Corporation, which uses the calendar year as its taxable year, elects to be treated as a DISC beginning with 1974. On January 1, 1975, Q has accumulated earnings and profits of $1,200 and, during 1975, Q incurs a deficit in earnings and profits of $365. The amount of such deficit incurred as of any date before the close of 1975 cannot be shown. On July 1, 1975, Q makes a cash distribution of $650, with respect to its stock to C, Q's sole shareholder. C subsequently transfers by gift all of his Q stock to D. On December 31, 1975, Q makes a cash distribution of $650, with respect to its stock, to D. Under these facts and additional facts assumed in the table below, C is treated as having received a dividend of $650 of which $320 is treated as distributed out of previously taxed income and excluded from gross income. D is treated as receiving a dividend of $186. Adjustments to Q's earnings and profits accounts are illustrated in the table below.

	Accumulated earnings and profits	Accumulated DISC income	Previously taxed income	Other earnings and profits
(1) Balance Jan. 1, 1975	$1,200	$800	$320	$80
(2) Portion of 1975 deficit of $365 chargeable as of June 30, 1975, pursuant to § 1.996–2 (a)	(191)	(104)	0	(80)
(3) Balance July 1, 1975	1,010	696	320	0
(4) $650 distributed to C on July 1, 1975	(650)	(330)	(320)	0
(5) Portion of 1975 deficit of $365 chargeable as of Dec. 30, 1975, pursuant to § 1.996–2 (a)	(183)	(183)	0	0
(6) Balance Dec. 31, 1975	186	186	0	0
(7) $650 distributed to D on Dec. 31, 1975 [1]	(186)	(186)	0	0
(8) Balance Jan. 1, 1976	0	0	0	0

[1] $60 treated as return of capital pursuant to section 301 (c) (2).

Examples (5)—(1) Facts. R Corporation, which uses the calendar year as its taxable year elects to be treated as a DISC beginning with 1972. X Corporation is its sole shareholder. At the beginning of 1974, R has a deficit in earnings and profits of $60 all of which is composed of "other earnings and profits". For 1974, R has earnings and profits of $80 before reduction for any distributions and taxable income of $70. On June 15, 1974, R makes a cash distribution to X of $60, with respect to its stock, to which section 301 applies. On August 15, 1974, R makes a cash distribution to X of $30 designated as a distribution to meet qualification requirements pursuant to § 1.992–3. Under § 1.995–2 (a), X is deemed to receive, on December 31, 1974, a distribution of a dividend of $35, i.e., one-half of R's taxable income of $70. The tax consequences of these facts to X and their effect on E's earnings and profits are set forth in the subsequent subparagraphs of this example.

(2) *Dividend treatment of actual distributions.* Since R had $80 of earnings and profits for 1974 and a deficit in accumulated earnings and profits at the beginning of 1974, only $30 of the actual distributions ($90) are treated as dividends under sections 301 (c)(1) and 316(a)(2). ($10 of the actual distribution, which is not treated as a dividend is treated in the manner specified in section 301(c) (2) and (3).) Thus, under § 1.316–2(b), $26.67 of the actual qualifying distribution made on August 15, 1974 ($30 × $30/$90), and $53.33 of the actual distribution made on June 15, 1974 ($60 × $80/$90), are considered made out of earnings and profits.

(3) *Priority of distributions.* Under § 1.996–1(d), for purposes of adjusting the divisions of R's earnings and profits and determining the treatment of subsequent distributions, the sequence in which each distribution is treated as having been made is—

(i) First, the deemed distribution of $35,

(ii) Second, the actual qualifying distribution of $30 made on August 15, 1974, pursuant to § 1.992–3, and

(iii) Finally, the actual distribution of $60 made on June 15, 1974.

(4) *Treatment and effect of deemed distribution.* Under § 1.995–2(a), on December 31, 1974, X includes the deemed distribution of $35 in its gross income as a dividend. Under paragraph (c)(1)(ii) of this section, R's previously taxed income is increased by $35 as shown on line (3) of the table in subparagraph (7) of this example. Under paragraph (b)(1)(ii) and (2) of this section, accumulated DISC income is increased by $45 of DISC income i.e., R's earnings and profits for 1974, $80, minus the deemed distribution of $35, as shown on line (4) of the table.

(5) *Treatment and effect of actual qualifying distribution of $30.* As indicated in subparagraph (2) of this example, $26.67 of the $30 qualifying distribution on August 15, 1974, is treated as made out of earnings and profits for 1974. Under § 1.996–1(b)(1), the entire $26.67 is treated as distributed out of accumulated DISC income. Thus, on August 15, 1974, X includes $26.67 in its gross income as a dividend. No deduction is allowable under section 243. Under paragraph (b)(3)(iv) of this section, R's accumulated DISC income is reduced by $26.67 as shown on line (6) of the table in subparagraph (7) of this example.

(6) *Treatment and effect of actual distribution of $60.* As indicated in subparagraph (2) of this example, $53.33 of the $60 distribution on June 15, 1974, is treated as made out of earnings and profits for 1974. Under § 1.996–1(a), the $53.33 is treated as distributed out of previously taxed income to the extent thereof, $35, and then out of accumulated DISC income, $18.33. Thus, on June 15, 1974, X includes $18.33 in its gross income as a dividend. Under § 1.996–1(c), the distribution of $35 out of previously taxed income is excluded from gross income. No deduction is allowable under section 243 with respect to the actual distribution of $53.33. Under paragraph (b)(3)(iv) of this section, accumulated DISC income is reduced by $18.33 and, under paragraph (c)(2) of this section, previously taxed income is reduced by $35, as shown on line (7) of the table in subparagraph (7) of this example.

(7) *Summary.* The effects on earnings and profits and the divisions of earnings and profits are summarized in the following table:

	Earnings and profits for year	Accumulated earnings and profits	Accumulated DISC income	Previously taxed income	Other earnings and profits
(1) Balance Jan. 1, 1974		($60.00)			($60.00)
(2) Earnings and profits for year before reduction for distributions	$80.00				
(3) Deemed distribution of $35 to X on Dec. 31, 1974, under § 1.995–2(a)				$35.00	
(4) DISC income for 1974 of $45 as defined in paragraph (b)(2) of this section (line 2 ($80) minus line 3 ($35))			$45.00		
(5) Balance before actual distributions	80.00	(60.00)	45.00	35.00	(60.00)
(6) Qualifying distribution of $30 to X on Aug. 15, 1974, pursuant to § 1.992–3	(26.67)		(26.67)		
(7) Actual distribution to P of $60 on June 15, 1974	(53.33)		(18.33)	(35.00)	
(8) Balance Jan. 1, 1975	0	(60.00)	0		(60.00)

Example (6). Assume the facts are the same as in example (5), except that at the beginning of 1974 R's accumulated earnings and profits amount to $60 consisting of accumulated DISC income of $20, previously taxed income of $10, and other earnings and profits of $30. In addition, on August 1, 1974, X transfers all R's stock to Y Corporation in a reorganization described in section 368(a)(1)(B) in which under section 354 X recognizes no gain or loss. Under these facts, X includes in its gross income for 1974 a dividend of $15 which is attributable to the actual distribution of $60 paid out of earnings and profits on June 15, 1974. X excludes from gross income the balance of the $60 distribution ($45) paid out of earnings and profits because, under § 1.996–1(a), it is treated as paid out of previously taxed income. Y includes in its gross income for 1974 a dividend of $65 of which $35 is attributable to the deemed distribution of a dividend to Y on December 31, 1974, under § 1.995–2(a) and $30 is attributable to the qualifying distribution paid out of earnings and profits to Y on August 15, 1974. The adjustments to R's earnings and profits are summarized in the following table:

	Earnings and profits for year	Accumulated earnings and profits	Accumulated DISC income	Previously taxed income	Other earnings and profits
(1) Balance Jan. 1, 1974		$60	$20	$10	$30
(2) Earnings and profits for year before reduction for distributions	$80				
(3) Deemed distribution of $35 to Y on Dec. 31, 1974, under § 1.995–2(a)				35	
(4) DISC income for 1974 of $45 as defined in paragraph (b) (2) of this section (line 2 ($80) minus line 3 ($35))			45		
(5) Balance before actual distributions	80	60	65	45	30
(6) Qualifying distribution of $30 to Y on Aug. 15, 1974, pursuant to § 1.992–3	(26.67)	(3.33)	(30)		
(7) Actual distribution to X of $60 on June 15, 1974	(53.33)	(6.67)	(15)	(45)	
(8) Balance Jan. 1, 1975		50	20	0	30

§ 1.996–4 Subsequent effect of previous disposition of DISC stock.

(a) *Shareholder adjustment for previously taxed income.* (1) Under section 996(d)(1), except as provided in subparagraph (2) of this paragraph, if—

(i) Gain with respect to a share of stock of a DISC, or former DISC, is treated under § 1.995–4 as a dividend, and

(ii) With respect to such share, any person subsequently receives an actual distribution made out of accumulated DISC income, or a deemed distribution made, pursuant to § 1.995–3, by reason of disqualification, out of accumulated DISC income,

then such person shall treat such distribution in the same manner as a distribution from previously taxed income (and thus excludable from gross income under § 1.996–1(c)) to the extent that the gain referred to in subdivision (i) of this subparagraph exceeds the aggregate amount of any other distributions with respect to such share which were treated under this subparagraph as made from previously taxed income.

(2) In applying subparagraph (1) of this paragraph with respect to a share of stock in a DISC, or former DISC, the gain referred to in subparagraph (1)(i) of this paragraph does not include any gain to a shareholder on a redemption of such share which qualifies as an exchange under section 302(a) or any gain on a disposition of such share prior to such redemption. Distributions described in subparagraph (1)(ii) of this paragraph do not include a

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distribution in a redemption which qualifies as an exchange under section 302(a). For adjustments to accumulated DISC income by reason of dividend treatment under § 1.995–4 with respect to gain upon a redemption of DISC stock to which section 302(a) applies and upon a prior disposition of such stock, see paragraph (b) of this section.

(3) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. In 1974, under § 1.995–4, A, a shareholder of a DISC, on the sale of his DISC stock to B, is required to treat $20 of his gain as a dividend. The DISC has no previously taxed income and $40 of accumulated DISC income. Subsequently in the same year, B, the purchaser of the stock, receives an actual dividend distribution of $15 with respect to such stock which, under § 1.996–1(a), is treated as made out of accumulated DISC income. The amounts of the DISC's previously taxed income and accumulated DISC income were not adjusted by reason of the $20 treated as a dividend on the prior sale. However, even though the DISC had no previously taxed income, the purchaser would treat the $15 as though it had been paid out of previously taxed income and, therefore would not include the $15 in gross income. If in 1975, B receives another actual distribution of $9 with respect to such stock, $5 (i.e., $20 dividend on A's sale less the $15 distribution to B in 1974 which was treated under subparagraph (1) of this paragraph as made from previously taxed income) is treated as made from previously taxed income and excluded from gross income. The result would be the same if, on January 1, 1975, B had transferred such stock to C by gift and the $9 distribution had been made to C.

(b) *Corporate adjustment upon redemption.* (1) Under section 996(d)(2), if by reason of § 1.995–4 gain on a redemption of stock in a DISC, or former DISC, is included in the shareholder's gross income as a dividend, then the accumulated DISC income shall be reduced by an amount equal to the sum of—

(i) The amount of gain on such redemption which, under § 1.995–4, is treated as a dividend, and

(ii) The amount of any gain with respect to such redeemed stock which, under § 1.995–4, was treated as a dividend on a disposition prior to such redemption minus the amount of distributions with respect to such stock which have been treated as made out of previously taxed income by reason of the application of paragraph (a)(1) of this section.

(2) The provisions of this paragraph may be illustrated by the following examples:

Example (1). The entire stock of a DISC, which uses the calendar year as its taxable year, has been owned equally by A, B, C, and D since it was organized. At the close of 1976, when the DISC has $100 of accumulated DISC income, it redeems all of A's shares in a transaction qualifying as an exchange under section 302(a) and A, under § 1.995–4, includes $25 in his gross income as a dividend. The redemption has the effect of reducing accumulated DISC income by $25 to $75.

Example (2). Assume the same facts as in example (1) except that the stock of the DISC has not been held equally by A, B, C, and D since its organization. A purchased his shares from X in 1974 in a transaction in which X, under § 1.995–4, included in his gross income $30 as a dividend. In 1975, A receives a distribution of $10 out of accumulated DISC income which, under paragraph (a)(1) of this section, is treated as made out of previously taxed income. Under these facts, the redemption of A's stock in 1976 has the effect of reducing accumulated DISC income by $45 to $55 determined as follows:

(a) Accumulated DISC income		$100
(b) Minus sum of:		
(1) Dividend on redemption of A's stock	$25	
(2) Excess of dividend on X's sale ($30) over distribution to A treated as made out of previously taxed income ($10)	$20	
Total		45
(c) Accumulated DISC income on 12/31/76		55

§ 1.996–5 Adjustment to basis.

(a) *Addition to basis.* Under section 996(e)(1) amounts representing deemed distributions as provided in section 995(b) shall increase the basis of the stock with respect to which the distribution is made.

(b) *Reductions of basis.* Under section 996(e)(2), the portion of an actual distribution treated as made out of previously taxed income shall reduce the basis of the stock with respect to which it is made and, to the extent that it exceeds the adjusted basis of such stock, shall be treated as gain from the sale or exchange of property. In the case of stock includible in the gross estate of a decedent for which an election is made under section 2032 (relating to alternate valuation), this paragraph shall not apply to any distribution made after the date of the decendent's death and before the alternate valuation date provided by section 2032. See section 1014(d) for a special rule for determining the basis of stock in a DISC, or former DISC, acquired from a decedent.

§ 1.996–6 Effectively connected income.

In the case of a shareholder who is a nonresident alien individual or a foreign corporation, trust, or estate, amounts taxable as dividends by reason of the application of § 1.995–4 (relating to gain on disposition of stock in a DISC), amounts treated under § 1.996–1 as distributed out of accumulated DISC income, and amounts deemed distributed under § 1.995–2(a)(1) through (4) shall be treated as gains and distributions which are effectively connected with the conduct of a trade or business conducted through a permanent establishment of such shareholder within the United States, and shall be subject to tax in accordance with the provisions of section 871(b) and the regulations thereunder in the case of nonresident alien individuals, trusts, or estates, or section 882 and the regulations thereunder in the case of foreign corporations. In no case, however shall other income of such shareholder be taxable as effectively connected with the conduct of a trade or business through a permanent establishment in the United States solely because of the application of this section.

§ 1.996–7 Carryover of DISC tax attributes.

(a) *In general.* Carryover of a DISC's divisions of earnings and profits to acquiring corporations in nontaxable transactions shall be subject to rules generally applicable to other corporate tax attributes. For example, a DISC which acquires the assets of another DISC in a transaction to which section 381(a) applies shall succeed to, and take into account, the divisions of the earnings and profits of the transferor DISC in accordance with section 381(c)(2).

(b) *Allocation of divisions of earnings and profits in corporate separations.* (1) If one DISC transfers part of its assets to a controlled DISC in a transaction to which section 368(a)(1)(D) applies and immediately thereafter the stock of the controlled DISC is distributed in a distribution or exchange to which section 355 (or so much of section 356 as relates to section 355) applies, then—

(i) The earnings and profits of the distributing DISC immediately before the transaction shall be allocated between the distributing DISC and the controlled DISC in accordance with the provisions of § 1.312–10.

(ii) Each of the divisions of such earnings and profits, namely previously taxed income, accumulated DISC income, and other earnings and profits, shall be allocated between the distributing DISC and the controlled DISC on the same basis as the earnings and profits are allocated.

(iii) Any assets of the distributing DISC whose status as qualified export assets is limited by its accumulated DISC income (e.g., producer's loans described in § 1.993–4, Export-Import Bank and other obligations described in § 1.993–2(h), and financing obligations described in § 1.993–2(l)) shall be treated as having been allocated, for the purpose of determining the classification of such assets in the hands of the distributing DISC or the controlled DISC, on the same basis as the earnings and profits are allocated regardless of how such assets are actually allocated.

(2) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. On January 1, 1974, P Corporation transfers part of its assets to S Corporation, a newly organized subsidiary of P, in a transaction described in section 368(a)(1)(D) and distributes all the S stock in a transaction which qualifies under section 355. Immediately before such transfer, P had earnings and profits of $120,000 of which $100,000 constitutes accumulated DISC income. The unpaid balance of P's producer's loans is $80,000 all of which is retained by P. Pursuant to § 1.312–10, 25 percent of P's accumulated DISC income is allocated to S (i.e., $25,000). P's producer's loans will be treated as allocated to S in the same proportion. Accordingly, for purposes of determining, under § 1.993–4(a)(8), the amount of producer's loans which S is entitled to make, S is treated as having an unpaid balance of producer's loans of $20,000 (i.e., 25% × $80,000) and P is treated as having an unpaid balance of $60,000 (i.e., 75% × $80,000).

(c) *Accumulated DISC income accounts of separate DISC's maintained after corporate combination.* If two or more DISC's combine to form a new DISC, or if the assets of one DISC are acquired by another DISC, in a transaction described in section 381(a), accumulated DISC income of the acquired DISC or DISC's shall carry over and be taken into account by the acquiring or new DISC, except that a separate account shall be maintained for the accumulated DISC income of any DISC scheduled to be received as a deemed distribution by its shareholders under § 1.995–3 (relating to deemed distributions upon disqualification). If, as a part of such transaction, the stock of the DISC which has accumulated DISC income scheduled to be deemed distributed is exchanged for stock of the acquiring or new DISC to which such accumulated DISC income is carried over and which maintains a separate account, then such accumulated DISC income shall be deemed distributed pro rata to shareholders of the acquiring or new DISC on the basis of stock ownership immediately after the exchange.

§ 1.996–8 Effect of carryback of capital loss or net operating loss to prior DISC taxable year.

(a) Under § 1.995–2(e), the deduction under section 172 for a net operating loss carryback or under section 1212 for a capital loss carryback is determined as if the DISC were a domestic corporation which had not elected to be treated as a DISC. A carryback of a net operating loss or of a capital loss of any corporation which reduces its taxable income for a preceding taxable year for which it qualified as a DISC will have the consequences enumerated in paragraphs (b) through (e) of this section.

(b) For such preceding taxable year, the amount of a deemed distribution of one-half of certain taxable income described in § 1.995–2(a)(4) will ordinarily be reduced in effect (but not below zero) by one-half of the sum of the amount of the deduction under section 172 for such year for net operating loss carrybacks and the amount of the deduction under section 1212 for such year for capital loss carrybacks.

(c) The amount of reduction in the deemed distribution under paragraph (b) of this section will have the effect of increasing the limitation, provided in § 1.995–2(b)(2), on the amount of foreign investment attributable to producer's loans which is deemed distributed under § 1.995–2(a)(5).

(d) If the amount of a deemed distribution for a preceding taxable year is reduced as described in paragraph (b) of this section, then for such preceding taxable year the previously taxed income (as defined in § 1.996–3(c)) shall be decreased by the amount of such reduction and the accumulated DISC income (as defined in § 1.996–3(b)) shall be increased by the amount of such reduction. Such adjustments shall be made as of the time the deemed distribution for such preceding taxable year is treated as having occurred. See § 1.996–1(d) for the priority of such deemed distribution in relation to other distributions made in that preceding taxable year.

(e) The amount and treatment of any actual distribution made in such preceding taxable year or a year subsequent to such preceding year, and the treatment of gain on a disposition (in any such year) of the DISC's stock to which § 1.995–4 applies, shall be properly adjusted to reflect the adjustments to previously taxed income and accumulated DISC income described in paragraph (d) of this section.

§ 1.997 Statutory provisions; special subchapter C rules.

SEC. 997. Special Subchapter C Rules.

For purposes of applying the provisions of subchapter C of chapter 1, any distribution in property to a corporation by a DISC or former DISC which is made out of previously taxed income or accumulated DISC income shall—

(1) Be treated as a distribution in the same amount as if such distribution of property were made to an individual, and

(2) Have a basis, in the hands of the recipient corporation, equal to the amount determined under paragraph (1).

[Sec. 997 as added by sec. 501 Rev. Act 1971 (85 Stat. 544)]

§ 1.997–1 Special rules for subchapter C of the Code.

(a) For purposes of applying the provisions of sections 301 through 395 of the Code, any distribution in property to a corporation by a DISC, or former DISC, which is made out of previously taxed income or accumulated DISC income shall be treated as a distribution in the same amount as if such distribution of property were made to an individual, and have a basis, in the hands of the recipient corporation, equal to such amount treated as having been distributed.

(b) This section may be illustrated by the following example:

Example. X Corporation is the sole shareholder of Y Corporation which is a DISC. Y makes an actual distribution of property to X with respect to X's stock in Y. The property has a basis of $50 and a fair market value of $100. The distribution is treated as made out of accumulated DISC income under section 996(a) and is taxable as a dividend under section 301(c)(1). Even though X is a corporation, the amount of the distribution is $100 notwithstanding the provisions of section 301(b)(1)(B) and the basis the property in X's hands is $100 notwithstanding the provisions of section 301(d)(2).

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: September 17, 1974.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.74–22295 Filed 9–27–74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

Section 213.3342 is amended to show that one position of Secretary to the General Counsel is excepted under Schedule C.

Effective on September 30, 1974, § 213.3342(m) is added as set out below.

§ 213.3342 Export-Import Bank of the United States.

* * * * * *

(m) One Secretary to the General Counsel.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–22551 Filed 9–27–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one additional position of Confidential Assistant to the Administrator, Food and Nutrition Service, is excepted under Schedule C.

Effective on September 30, 1974, § 213.3313(q)(1) is amended as set out below.

§ 213.3313 Department of Agriculture.

* * * * * *

(q) *Food and Nutrition Service.* (1) Four Confidential Assistants to the Administrator.

* * * * * *

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–22553 Filed 9–27–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Staff Assistant to the Director, Community Relations Service, is excepted under Schedule C.

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Effective on September 30, 1974, § 213.3310(r)(7) is added as set out below.

§ 213.3310 Department of Justice.

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(r) *Community Relations Service.*

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(7) One Staff Assistant to the Director.

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(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–22552 Filed 9–27–74;8:45 am]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that one position of Chief, State and Local Government Division, Office of the Assistant Director for Operations, is excepted under Schedule C.

Effective on September 30, 1974, § 213.3373(c)(5) is added as set out below.

§ 213.3373 Office of Economic Opportunity.

• • • • • •

(c) *Office of the Assistant Director for Operations.* • • •

• • • • • •

(5) One Chief, State and Local Government Division.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–22554 Filed 9–27–74;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Standards for Grades of Fruit Preserves (or Jams)

Notice is hereby given that the U.S. Department of Agriculture is amending § 52.1111 of the United States Standards for Grades of Fruit Preserves (or Jams). The cited section identifies fruit preserves (or jams) as being the product defined in the Definitions and Standards of Identity for Preserves (Jams) (21 CFR 29.3) issued pursuant to the Federal Food, Drug, and Cosmetic Act. The Definitions and Standards of Identity have been amended effective October 29, 1974 (39 FR 31304).

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

It is hereby found that notice of proposed rulemaking and public procedure thereon are impracticable, unnecessary, and contrary to the public interest (5 U.S.C. 553) in that (1) the requirements of Food and Drug Definitions and Standards of Identity are regulatory in nature, (2) the amended Food and Drug Definitions and Standards of Identity for Preserves (Jams) were established pursuant to public notice and rulemaking procedure, and (3) additional time is not required by users of the United States Standards for Grades of Fruit Preserves (or Jams) to comply with this amendment.

The amended § 52.1111 will read:

§ 52.1111 Identity.

"Fruit preserves (or jams)" means preserves or jams as defined in the definitions and standards of identity for preserves, jams (21 CFR 29.3 as amended at 39 FR 31304) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

Effective date. This amendment becomes effective October 29, 1974.

Dated: September 24, 1974.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.74–22614 Filed 9–27–74;8:45 am]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX

DISCONTINUANCE OF INSURANCE IN COUNTY PREVIOUSLY DESIGNATED FOR COTTON CROP INSURANCE

The county listed below is hereby deleted from the list of counties published in the FEDERAL REGISTER on June 3, 1974 (39 FR 19446), which were designated for cotton crop insurance for the 1975 crop year pursuant to the authority contained in § 401.101 of the above-identified regulations.

SOUTH CAROLINA

Saluda

(Secs. 506, 518, 52 Stat. 73, as amended, 77, as amended; (7 U.S.C. 1506, 1518))

[SEAL] HOWARD H. SJOGREN,
Acting Manager, Federal Crop Insurance Corporation.

[FR Doc.74–22611 Filed 9–27–74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Handling Reg.—Area No. 2]

PART 948—IRISH POTATOES GROWN IN COLORADO

This regulation, designed to promote orderly marketing of Colorado Area No. 2 potatoes, imposes minimum quality standards and requires inspection of fresh shipments to keep undesirable low quality potatoes from being shipped to consumers.

Notice of rule making with respect to a proposed handling regulation to be made effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), regulating the handling of Irish potatoes grown in Colorado, Area No. 2, was published in the FEDERAL REGISTER September 3, 1974 (39 FR 31908). This program is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). Interested persons were afforded an opportunity to file written data, views, or arguments through September 20, 1974. None was filed.

The recommendations of the committee reflect its appraisal of the composition of the 1974 crop of Colorado potatoes and of the marketing prospects for this season. These grade, size, and maturity requirements are necessary to prevent potatoes of lesser maturities, low quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments may be made to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Certified seed is so exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed are likewise exempt. Since no purpose would be served by regulating potatoes used for relief or charity purposes, such shipments are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, (3) information regarding the provisions of this regulation, which are similar to those which were in effect during the previous marketing season, has been made available to producers and handlers in the production area, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by such effective date.

§ 948.372 Handling regulation.

From the effective date of this handling regulation, through June 30, 1975, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d), (e), or (f) of this section. The maturity requirements specified in paragraph (b) shall terminate October 31, 1974, at 11:59 p.m. m.s.t.

(a) *Minimum grade and size requirements.*

(1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Long varieties.* U.S. No. 2, or better grade, 1⅞ inches minimum diameter.

(3) *All varieties.* Size B, if U.S. No. 1, or better, grade.

(b) *Maturity (skinning) requirements.*

(1) *Russet Burbank and Red McClure varieties.* For U.S. No. 2 grade not more than "moderately skinned" and for other grades not more than "slightly skinned."

(2) *All other varieties.* Not more than "moderately skinned."

(c) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed 5 days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.* (1) The grade, size, maturity and inspection requirements of paragraphs (a), (b) and (c) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Relief or charity; or

(iii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The grade, size, maturity and inspection requirements of paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of seed pursuant to § 948.6 but such shipments shall be subject to assessments.

(e) *Safeguards.* Each handler of potatoes which do not meet the grade, size, and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (d) of this section for any of the special purposes set forth therein shall:

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee.

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes, and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a), (b) and (c) of this section, but this exception shall not apply to any shipment which exceeds 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1566 of this title, effective September 1, 1971, as amended), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1, Import regulations (7 CFR 980.1), Irish potatoes of the red skinned round type, except certified seed potatoes, imported into the United States from the effective date of this handling regulation through June 30, 1975, shall meet the grade, size, and quality requirements specified in paragraph (a) of this section, and from the effective date of this handling regulation through October 31, 1974, shall be not more than "moderately skinned."

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674).)

Dated September 24, 1974, to become effective September 29, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–22616 Filed 9–27–74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 78—BRUCELLOSIS

Modified Certified Brucellosis Areas

This amendment deletes the following areas from the list of areas designated as modified certified brucellosis areas in 9 CFR 78.13 because it has been determined that these areas no longer come within the definition of § 78.1(l): Le Flore County in Oklahoma; McCook County in South Dakota; and Grayson, Jefferson, Leon, and Navarro Counties in Texas.

Accordingly, § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby revised to read as follows:

§ 78.13 Modified certified brucellosis areas.

(a) All States of the United States are hereby designated as modified certified brucellosis areas except Oklahoma, South Dakota, and Texas.

(b) The following States are hereby designated as modified certified brucellosis areas except for the counties named:

(1) Oklahoma except Dewey and Le Flore Counties.

(2) South Dakota except McCook County.

(3) Texas except Grayson, Jefferson, Leon, and Navarro Counties.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f; 37 FR 28464, 28477, 38 FR 19141, 9 CFR 78.16).

Effective Date. The foregoing amendment shall become effective on September 30, 1974.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of September 1974.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–22670 Filed 9–27–74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. A]

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Special Rate Applicable to Certain Extensions of Credit

By notice published in the FEDERAL REGISTER of August 23, 1974 (39 FR 30508), the Board proposed to amend § 201.2(e) of its Regulation A (12 CFR 201.2(e)) to permit application of a spe-

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cial rate on emergency credit to member banks in exceptional circumstances involving only a particular member bank, as distinguished from emergencies arising from national, regional or local difficulties outside the control of the member bank. After consideration of all comments received, the Board has approved an amendment to Regulation A in substantially the same form as published for comment on August 23, 1974. The amendment is effective September 25, 1974.

As indicated in the notice, the purpose of this amendment to Regulation A is to limit any preferential rate on long term assistance to an individual bank where a wide gap exists between the basic discount rate and money market rates. The special rate will be no higher than the rate established for loans to nonmembers under 12 U.S.C. 347(c). The special rate may be waived by the Federal Reserve Bank in cases of banks in particular difficulty where there is a remedial program under way leading to repayment of the loan over a reasonable period.

Effective September 25, 1974, § 201.2(e) of Regulation A is amended to read as follows:

§ 201.2 General principles.

* * * * *

(e) *Other credit to member banks.* (1) In the event of unusual or emergency circumstances resulting from national, regional, or local difficulties, Federal Reserve credit beyond that contemplated under paragraph (c) of this section is available.

(2) Federal Reserve credit is also available for protracted assistance where there are exceptional circumstances or practices involving only a particular member bank. A special rate apart from rates charged for lending to member banks under other provisions of this Part may be established by Federal Reserve Banks subject to review and determination by the Board of Governors and applied to such credit. The special rate may apply to member banks borrowing for prolonged periods (such as for more than eight weeks) and in significant amounts (such as when the loan has exceeded on average the amount of the borrowing bank's required reserves) because of financial strains arising from particular circumstances or practices affecting the individual bank—including sustained deposit drains, impaired access to money market funds, or sudden deterioration in loan repayment performance. In no case should the special loan rate to member banks exceed the rate established for loans to nonmembers under 12 U.S.C. 347(c).

* * * * *

The effective date was deferred for less than the 30-day period referred to in Title 5, United States Code, section 553(d), because the Board found that the public interest compelled it to make the action effective no latter than the date adopted. See § 262.2(e) of the Board's Rules of Procedure (12 CFR 262.2(e)).

By order of the Board of Governors, September 25, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22676 Filed 9-27-74;8:45 am]

PART 225—BANK HOLDING COMPANIES

Acquisition of Assets

A new § 225.132 is added to 12 CFR Part 225 as follows:

§ 225.132 Acquisition of assets.

(a) From time to time questions have arisen as to whether and under what circumstances a bank holding company engaged in nonbank activities, directly or indirectly through a subsidiary, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1843(c)(8)), may acquire the assets and employees of another company, without first obtaining Board approval pursuant to section 4(c)(8) and the Board's Regulation Y (12 CFR 225.4(b))[1].

(b) In determining whether Board approval is required in connection with the acquisition of assets, it is necessary to determine (a) whether the acquisition is made in the ordinary course of business[2] or (b) whether it constitutes the acquisition, in whole or in part, of a going concern.[3]

(c) The following examples illustrate transactions where prior Board approval will generally be required:

(1) The transaction involves the acquisition of all or substantially all of the assets of a company, or a subsidiary, division, department or office thereof.

(2) The transaction involves the acquisition of less than "substantially all" of the assets of a company, or a subsidiary, division, department or office thereof, the operations of which are being terminated or substantially discontinued by the seller, but such asset acquisition is significant in relation to the size of the same line of nonbank activity of the holding company (e.g., consumer finance mortgage banking, data processing). For purposes of this interpretation, an acquisition would generally be presumed to be significant if the book value of the nonbank assets being acquired exceeds 20 per cent of the book value of the nonbank assets of the holding company or nonbank subsidiary comprising the same line of activity.

(3) The transaction involves the acquisition of assets for resale and the sale of such assets is not a normal business activity of the acquiring holding company.

(4) The transaction involves the acquisition of the assets of a company, or a subsidiary, division, department or office thereof, and a major purpose of the transaction is to hire some of the seller's principal employees who are expert, skilled and experienced in the business of the company being acquired.

(d) In some cases it may be difficult, due to the wide variety of circumstances involving possible acquisition of assets, to determine whether such acquisitions require prior Board approval. Bank holding companies are encouraged to contact their local Reserve Bank for guidance where doubt exists as to whether such an acquisition is in the ordinary course of business or an acquisition, in whole or in part, of a going concern.

Board of Governors of the Federal Reserve System, September 13, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22633 Filed 9-27-74;8:45 am]

[1] Section 225.4(c)(3) of the Board's Regulation Y (12 CFR 225.4(c)(3)) generally prohibits a bank holding company or its subsidiary engaged in activities pursuant to authority of section 4(c)(8) of the Act from being a party to any merger "or acquisition of assets other than in the ordinary course of business" without prior Board approval.

[2] In accordance with the provisions of section 4(c)(8) of the Act and § 225.4(b) of Regulation Y, the acquisition of a going concern requires prior Board approval.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-SW-39; Amdt. 39-1979]

PART 39—AIRWORTHINESS DIRECTIVES

Rockwell International; Model 690A Series Airplanes

There have been several failures of the pilot's side window panel, during pressurized flight attributed to cracks starting at the openable window resulting in rapid cabin decompression. Since this condition is likely to occur in other airplanes of the same type design with resulting injury to the crew or possible loss of the aircraft due to crew incapacitation, an airworthiness directive is being issued to require a check of the openable window prior to each flight with subsequent replacement of the existing openable side window with a new one piece side window, P/N 360012-501.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

COMMANDER AIRCRAFT DIVISION, ROCKWELL INTERNATIONAL. Applies to Rockwell Model 690A Series Airplanes, S/N 11100 Through 11197

Compliance required as indicated unless already accomplished.

1. Before the first flight of each day after the effective date of this A.D., check the cutout around the openable pilot's and copilot's side windows for cracks.

2. If cracks are found in either side window, replace the openable side window with a non-openable side window, P/N 360012-501, before further flight, except flight with cabin unpressurized may be made in accordance with FAR 21.197 to a base where the replacement can be accomplished.

3. Within 50 hours' time in service after the effective date of this A.D., unless already accomplished, replace all openable side windows, with a non-openable side window, P/N 360012-501, in accordance with Rockwell Service Bulletin 143 dated September 10, 1974, or an equivalent method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Fort Worth, Texas.

This amendment becomes effective October 4, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Texas, September 19, 1974.

WILLIAM E. MORGAN,
Acting Director,
Southwest Region.

[FR Doc.74-22579 Filed 9-27-74;8:45 am]

[Airspace Docket No. 74-WA-26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Change of Names for Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to change certain reporting point names to five-letter words and to add geographic coordinates to some of their descriptions.

To simplify the coding system for reporting points, the Federal Aviation Administration (FAA) is assigning five-letter names to those reporting points in Part 71 that are not collocated with navigation facilities. The same five letters serve as the reporting point name, location identifier and computer code. Geographic coordinates are added to amplify the description of some reporting points.

Since the identifying names of reporting points and the descriptions of their locations are minor matters in which the public is not particularly interested, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 2, 1975, as hereinafter set forth.

a. In § 71.211 (39 FR 632, 3670, 10115, 15259, 19775, 20586, 29341, 10116, 38 FR 34728) the following reporting points (title and text) are deleted:

1. Carp INT:, 2. Clam Gulch, INT:, 3. Crab INT:, 4. East Cordova INT:, 5. Fluke INT:, 6. Gar INT:, 7. Granite INT:, 8. Halibut INT:, 9. Harbor Point INT:, 10. Hazy Island INT:, 11. Herring INT:, 12. Marble INT:, 13. Marlin INT:, 14. Mordvinoff INT:, 15. Muzon INT:, 16. Muzon LF INT:, 17. Porpoise INT:, 18. Port Alexander INT:, 19. Shrimp INT:, 20. Skilak INT:, 21. Tux Bay INT:, 22. Wide Bay INT:,

b. In § 71.211 (39 FR 632, 3670, 10115, 10116, 15259, 19775, 20586, 29341, 38 FR 34728) the following reporting points (title and text) are added.

1. CARTS: Lat. 55°41'49'' N., Long. 136° 34'31'' W. (INT Sandspit, British Columbia, Canada, NDB 314°, Sitka, Alaska, NDB 207° bearings).

2. CLAMS: Lat. 59°53'27'' N., Long. 152°16' 23'' W. (INT Homer, Alaska, 294°, Kenai, Alaska, 216° radials).

3. CRACK: Lat. 57°20'30'' N., Long. 159°21' 31'' W. (INT Naknek River, Alaska, NDB 227°, Port Heiden, Alaska, NDB 314° bearings).

4. CORVA: Lat. 60°15'32'' N., Long. 145° 09'28'' W. (INT Hinchinbrook, Alaska, NDB 108°, Cordova, Alaska, NDB 151° bearings).

5. FLUKE: Lat. 60°05'48'' N., Long. 163° 57'49'' W. (INT Oscarville, Alaska, NDB 237°, Cape Newenham, Alaska, NDB 327° bearings).

6. GARRS: Lat. 58°18'48'' N., Long. 161°19' 41'' W. (INT Naknek River, Alaska, NDB 263°, Cape Newenham, Alaska, NDP 131° bearings).

7. SOLID: Lat. 58°41'13'' N., Long. 148° 14'03'' W. (INT Kachemak, Alaska, NDB 118° bearing and Anchorage CTA/FIR boundary).

8. FRIED: Lat. 54°14'23'' N., Long. 133°39' 49'' W. (INT Nichols, Alaska, NDB 238°, Sandspit, British Columbia, Canada, NDB 314° bearings).

9. HAPIT: Lat. 58°11'59'' N., Long. 137°31' 05'' W. (INT Ocean Cape, Alaska, NDB 139°, Cape Spencer, Alaska, NDB 273° bearings).

10. HAZZY: Lat. 56°19'52'' N., Long. 134° 18'43'' W. (INT Sitka, Alaska, NDB 127°, Petersburg, Alaska, NDB 235° bearings).

11. HERRY: Lat. 57°51'10'' N., Long. 160° 21'49'' W. (INT Naknek River, Alaska, NDB 248°, Cape Newenham, Alaska, NDB 131° bearings).

12. MARLO: Lat. 57°27'53'' N., Long. 150° 31'44'' W. (INT Kodiak, Alaska, 107° radial and Anchorage CTA/FIR boundary).

13. DEPTH: Lat. 56°17'14'' N., Long. 161° 05'42'' W. (INT Fort Randall, Alaska, NDB 041°, Port Moller, Alaska NDB 313° bearings).

14. MORDI: Lat. 54°53'31'' N., Long. 164° 58'38'' W. (INT Driftwood Bay, Alaska, NDB 050°, Cape Sarichef, Alaska, NDB 355° bearings).

15. MUZON: Lat. 54°29'31'' N., Long. 133° 00'15'' W. (INT Annette Island, Alaska, 236°, Sandspit, British Columbia, Canada, 331° radials).

16. MOCHA: Lat. 54°30'13'' N., Long. 133° 01'40'' W. (INT Nichols, Alaska, NDB 236°, Sandspit, British Columbia, Canada, 331° bearings).

17. SNOUT: Lat. 57°53'28'' N., Long. 141° 45'13'' W. (INT Wessels, Alaska, NDB 122°, Ocean Cape, Alaska, NDB 213° bearings).

18. ZANDA: Lat. 56°09'14'' N., Long. 134° 44'57'' W. (INT Sitka, Alaska, NDB 148°, Petersburg, Alaska, NDB 285° bearings).

19. SHRIM: Lat. 56°40'57'' N., Long. 138° 45'53'' W. (INT Wessels, Alaska, NDB 122°, Cape Spencer, Alaska, NDB 218° bearings).

20. SKILA: Lat 60°29'31'' N., Long. 150°38' 18'' W. (INT Anchorage, Alaska, 198°, Homer, Alaska, 027° radials).

21. TUCKS: Lat. 60°13'43'' N., Long. 152° 28'08'' W. (INT Kenai, Alaska, 239°, Homer, Alaska, 316° radials).

22. WIDTH: Lat. 57°21'25'' N., Long. 155° 58'46'' W. (INT Naknek River, Alaska, NDB 164°, Port Heiden, Alaska, NDB 074° bearings).

c. In § 71.213 (39 FR 634, 3670, 10115, 15259, 19775) the following reporting points (title and text) are deleted:

1. Carp INT:, 2. Crab INT:, 3. Fluke INT:, 4. Gar INT:, 5. Herring INT:, 6. King Fish INT:, 7. Marble INT:, 8. Porpoise INT:, 9. Porpoise INT:, 10. Porpoise DME INT:,

d. In § 71.213 (39 FR 634, 3670, 10115, 15259, 19775) the following reporting points (title and text) are added:

1. CARTS: Lat. 55°41'49''N., Long. 136°34' 31''W. (INT Sandspit, British Columbia, Canada, NDB 314° bearing, Biorka Island, Alaska, 207° radial).

2. CRACK: Lat. 57°20'30''N., Long. 159°21' 31''W. (INT King Salmon, Alaska, 226° radial, Port Heiden, Alaska, NDB 314° bearing).

3. FLUKE: Lat. 60°05'48''N., Long. 163°57' 49''W. (INT Oscarville, Alaska, NDB 237°, Cape Newenham, Alaska, NDB 327° bearings).

4. GARRS: Lat. 58°18'48''N., Long. 161°19' 41''W. (INT Naknek, Alaska, NDB 263°, Cape Newenham, Alaska, NDB 131° bearings).

5. HERRY: Lat. 57°51'10''N., Long. 160°21' 49''W. (INT Naknek River, Alaska, NDB 248°, Cape Newenham, Alaska, NDB 131° bearings).

6. KILLA: Lat. 58°44'58''N., Long. 140°35' 39''W. (INT Yakutat, Alaska, 213° radial, Hinchinbrook, Alaska, NDB 118° bearing).

7. MARLO: Lat. 57°27'53''N., Long. 150°31' 44''W. (INT Kodiak, Alaska, 107° radial and Anchorage CTA/FIR boundary).

8. SNOUT: Lat. 57°53'28''N., Long. 141°45' 13''W. (a. INT Wessels, Alaska, NDM 122° bearing, Yakutat, Alaska, 215° radial. b. INT Middleton Island, Alaska, 121°, Yakutat, Alaska, 215° radials. c. INT Middleton Island, Alaska, 121° radial, 171 NM from Middleton Island).

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C. on September 24, 1974.

RAYMOND M. MCINNIS,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74-22581 Filed 9-27-74;8:45 am]

[Docket No. 14024; Amdt. No. 935]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making documents of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in

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accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOV-VOR/DME SIAPs, effective November 7, 1974:

Ahoskie, N.C.—Tri-County Arpt., VOR/DME-A, Amdt. 1.
College Station, Tex.—Easterwood Field, VOR Rwy 10, Amdt. 11.
College Station, Tex.—Easterwood Field, VOR Rwy 28, Amdt. 3.
Columbia, S.C.—Columbia Metropolitan Arpt., VOR-A, Amdt. 11.
Hastings, Neb.—Hastings Municipal Arpt., VOR Rwy 14, Amdt. 10.
Hastings, Neb.—Hastings Municipal Arpt., VOR Rwy 32, Amdt. 9.
Iron Mountain/Kingsford, Mich.—Ford Arpt., VOR Rwy 1, Amdt. 6.
Iron Mountain/Kingsford, Mich.—Ford Arpt., VOR Rwy 19, Amdt. 2.
Iron Mountain/Kingsford, Mich.—Ford Arpt., VOR Rwy 31, Amdt. 9.
Jefferson City, Mo.—Jefferson City Memorial Arpt., VOR Rwy 12, Amdt. 9.
Jefferson City, Mo.—Jefferson City Memorial Arpt., VOR Rwy 30, Amdt. 7.
Joliet, Ill.—Joliet Municipal Arpt., VOR Rwy 13, Amdt. 3.
Menominee, Mich.—Menominee County Arpt., VOR Rwy 18, Amdt. 7.
Morristown, Tenn.—Moore-Murrell Arpt., VOR Rwy 5, Amdt. 2.
Sherman-Denison, Tex.—Grayson County Arpt., VORTAC-A, Amdt. 3.
Urbana, Ill.—Illini Arpt., VOR-A, Amdt. 5.

• • • effective September 16, 1974:

Sacramento, Calif.—Sacramento Metropolitan Arpt., VOR/DME Rwy 34, Amdt. 6.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPS, effective November 7, 1974:

Bloomington, Ill.—Bloomington-Normal Arpt., LOC (BC) Rwy 11, Amdt. 1.
Chicago, Ill.—Chicago O'Hare Int'l. Arpt., LOC (BC) Rwy 14R, Amdt. 2.
College Station, Tex.—Easterwood Field, LOC (BC) Rwy 16, Amdt. 2.
Columbia, S.C.—Columbia Metropolitan Arpt., LOC (BC) Rwy 29, Amdt. 4.
Iron Mountain/Kingsford, Mich.—Fort Arpt., LOC/DME (BC) Rwy 19, Amdt. 2.
Jefferson City, Mo.—Jefferson City Memorial Arpt., SDF Rwy 30, Amdt. 2.

• • • effective October 3, 1974:

Sacramento, Calif.—Sacramento Metropolitan Arpt., LOC (BC) Rwy 34, Amdt. 5, canceled.

• • • effective September 19, 1974:

West Palm Beach, Fla.—Palm Beach Int'l. Arpt., LOC (BC) Rwy 27R, Amdt. 6.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPS, effective November 7, 1974:

Arkadelphia, Ark.—Arkadelphia Municipal Arpt., NDB Rwy 4, Amdt. 2.
Clarinda, Iowa—Clarinda Municipal Arpt., NDB-A, Orig.
College Station, Tex.—Easterwood Field, NDB Rwy 34, Amdt. 2.
Defiance, Ohio—Defiance Memorial Arpt., NDB Rwy 12, Amdt. 4.
Hastings, Neb.—Hastings Municipal Arpt., NDB Rwy 14, Amdt. 7.
Jefferson City, Mo.—Jefferson City Memorial Arpt., NDB Rwy 30, Amdt. 1.
Morristown, Tenn.—Moore-Murrell Arpt., NDB Rwy 5, Amdt. 2.
Ontonagon, Mich.—Ontonagon County Arpt., NDB-A, Amdt. 1.
Sherman-Denison, Tex.—Grayson County Arpt., NDB Rwy 17L, Amdt. 1.

• • • effective October 10, 1974:

Monterey, Calif.—Monterey Peninsula Arpt., NDB Rwy 10, Amdt. 6.
Murfreesboro, Tenn.—Murfreesboro, Municipal Arpt., NDB Rwy 18, Orig.
Ponape Island Caroline Islands—Ponape Int'l. Arpt., NDB-A, Orig.

• • • effective October 3, 1974:

Chicago, Ill.—Chicago O'Hare Int'l. Arpt., NDB Rwy 14R, Amdt. 14.

• • • effective September 12, 1974:

Atlanta, Ga.—Fulton County Arpt., NDB Rwy 8R, Amdt. 5.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective November 7, 1974:

College Station, Tex.—Easterwood Field, ILS Rwy 34, Amdt. 2.
Iron Mountain/Kingsford, Mich.—Ford Arpt., ILS Rwy 1, Amdt. 2.

• • • effective October 10, 1974:

Monterey, Calif.—Monterey Peninsula Arpt., ILS Rwy 10, Amdt. 18.
Oakland, Calif.—Metropolitan Oakland Int'l. Arpt., ILS Rwy 29, Amdt. 17.

• • • effective October 3, 1974:

Chicago, Ill.—Chicago O'Hare Int'l. Arpt., ILS Rwy 14R, Amdt. 20.
Sacramento, Calif.—Sacramento Metropolitan Arpt., ILS Rwy 16, Amdt. 8.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective November 7, 1974:

Joliet, Ill.—Joliet Municipal Arpt., RNAV Rwy 13, Amdt. 4.

Correction

In Docket No. 13987, Amendment No. 931, to Part 97 of the Federal Aviation Regulations, dated September 3, 1974, on page 31881, published in the FEDERAL REGISTER under § 97.27, effective October 10, 1974—Destroy Jackson, Miss.—Hawkins Field, Copter NDB 183, Orig.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1354, 1421, 1438, 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on September 19, 1974.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.74-22580 Filed 9-27-74;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

COMMODITIES SUBJECT TO SHORT SUPPLY CONTROLS

Criteria for Export Licensing on Hardship Grounds and Revision of Appeals Procedure

Quota systems based on historic exports during a base period have been adopted for commodities currently subject to short supply controls on exports (ferrous scrap and petroleum products). These systems have been employed in accordance with the overall objectives of export control policy—concern for the needs of the domestic economy as a whole, our export trade relations, and the foreign policy of the United States. However, to permit some flexibility in the application of these rules, contingency reserves have been established for use in each quarter to meet unique hardship situations experienced by individual firms, including "newcomers" without an exporting history during the base period. The reserves also were used, upon consultation with the Department of State and National Security Council, to make additional allocations to certain foreign countries to fill special needs in consonance with United States foreign policy objectives. The criteria for granting so-called "hardship" licenses to individual firms have not heretofore been delineated.

The purpose of this issuance is to announce the grounds on which applications based on assertions of unique hardship are to be considered. This further announces new procedures for appeals with respect to export control matters. The use of Appeals Board in export control cases is hereby discontinued, except for appeals of compliance actions, and the Assistant Secretary of Commerce for Domestic and International Business is designated as the appeals office for all appeals from adverse licensing determinations and most other export control matters.

Also, inasmuch as most rejections of export license applications have, in recent years, been subjected to an initial review that closely approximates the internal Administrative Review procedure within the Office of Export Administration, this procedure is discontinued.

Accordingly, the Export Administration Regulations (15 CFR Parts 372, 377, 388 and 389) are amended as follows:

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

1. Section 372.1 is amended by adding a new paragraph (e) to such section to read as follows:

§ 372.1 General provisions.

• • • • • •

(e) *Licensing actions.* When necessary to fulfill the purposes of the control program as set forth in § 370.1 of this chapter, an application may be approved, in whole or in part, rejected, in whole or in part, or returned without action. The applicant will be formally notified of the action in writing by the Office of Export Administration. (For an appeal, see Part 389 of this chapter.)

PART 377—SHORT SUPPLY CONTROLS

2. Section 377.1 is amended by adding a new paragraph (c) to such section to read as follows:

§ 377.1 General provisions.

• • • • • •

(c) *Applications for violated licenses to export commodities subject to short supply controls.*—(1) *Submission of applications.* An application for a validated license to export a commodity subject to short supply controls under this Part 377 will be considered if submitted in accordance with the provisions of this Part and Part 372 of this chapter to the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

(2) *Issuance of validated licenses.* After receipt and consideration of an application submitted as provided in paragraph (c)(1) of this section the Office of Export Administration may issue a validated license under the appropriate provisions of this Part. In making a determination with respect to an application in which unique hardship is asserted, the Office of Export Administration will consider the guidelines and criteria specified in § 377.3.

(3) *Denial of validated license.* If an application for a validated license is denied in whole or in part, the Office of Export Administration shall issue a formal notice of the denial to the applicant. (For an appeal from such a denial, see Part 389 of this chapter.)

§ 377.5 [Deleted]

3. Part 377 is amended by deleting § 377.5 and adding a new § 377.3 to read as follows:

§ 377.3 Unique hardship.

(a) *General.* If an applicant asserts unique hardship as a ground for the issuance of an export license under this Part 377, he must specifically so state in his application and come forward with proof of the precise nature of the unique hardship experienced, that such hardship results from the imposition of short supply controls, and that there is no practicable alternative to the relief requested. In no case will the desire to sell at higher prices and thereby obtain greater profits be considered as evidence of a unique hardship, nor will circumstances where the hardship is due to imprudent acts or failure to act on the part of the applicant.

(b) *Standards for unique hardship.* In making a determination with respect to an application in which unique hardship is asserted, the Office of Export Administration will consider, in addition to the general guidelines of paragraph (a) of this section, the following:

(1) Whether denial would cause a unique hardship to the applicant which can be alleviated only by granting an exception to the provisions of this Part 377. While it is impracticable to set forth a definition of "unique hardship" which could envision all circumstances that might arise, consideration will be given to, but not necessarily limited to, such factors as:

(i) Ownership of material for which there is no practicable domestic market, by virtue of the location or nature of the material;

(ii) Potential serious financial loss to the applicant if not granted an exception;

(iii) Inability to obtain, except through import, an item essential for domestic use which is produced abroad from the commodity under control;

(iv) The extent to which denial would conflict, to the particular detriment of the applicant, with other national policies including those reflected in any international agreement to which the United States is a party;

(v) Possible adverse effects on the economy (including unemployment) in any locality or region of the United States; and

(vi) Other relevant factors, including the applicant's lack of an exporting history during any base period that may be established with respect to export quotas for the particular commodity; and

(2) What effect a finding in favor of the applicant would have on attainment of the basic objectives of the short supply control program.

4. Section 377.4(e) is revised to read as follows:

§ 377.4 Ferrous Scrap Export Licensing System 1974.

• • • • • •

(e) *Quota set-asides.* In addition to the quota set-aside for the ferrous scrap content of ships sold for scrapping abroad by the U.S. Maritime Administration (described in paragraph (d)(2) of this section), the following quota set-asides are hereby established:

(1) *Foreign policy set-aside.* Pursuant to recommendations of the Department of State and the National Security Council, this quota set-aside will be allocated quarterly to specific foreign countries to fill special needs that are in consonance with United States foreign policy objectives.

(2) *Unique hardship set-aside.* This quota set-aside will be allocated quarterly for use for unique hardship situations (see § 377.3).

As appropriate, the quantities allocated for the above-described quota set-asides will be specified in Supplement No. 1.

5. Section 377.6(f) is revised to read as follows:

§ 377.6 Petroleum and petroleum products.

• • • • • •

(f) *Quota set-aside.* A quota set-aside of 5 percent of the total quota for each commodity group subject to quota restrictions is hereby established. This quota set-aside will be allocated quarterly for unique hardship situations (see § 377.3).

PART 388—ADMINISTRATIVE PROCEEDINGS

6. Section 388.13 is amended by revising the section heading and paragraphs (b) and (d) of such section, and adding new paragraphs (e) and (f) to such section to read as follows:

§ 388.13 Appeals from administrative sanctions.

• • • • • •

(b) *Filing of appeals.* An appeal must be in writing and shall be filed with, and addressed to, the Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230. An appeal from a final order denying export privileges shall be filed within 10 days after receipt of a copy of the order.

• • • • • •

(d) *Effect of appeal.* The taking of an appeal shall not stay the operation of any order.

(e) *Preparation of appeals*—(1) *General requirements.* An appeal shall be clearly marked "Ref: Appeals Board for the U.S. Department of Commerce" and shall be in letter form. The appeals letter and accompanying material shall be filed in duplicate, unless otherwise indicated below. If the submission of two copies of all accompanying documents or exhibits would place an undue burden on the petitioner, waiver of this rule may be requested at the time the request is filed.

(2) *Oral presentation.* In a case where the appellant so requests or the Appeals Board believes it necessary for a proper determination, the appellant may be granted an opportunity to present orally further facts and arguments. A date will be set and notice of the time and place (in Washington, D.C.) will be given the appellant by the Appeals Board at least 10 days before the date set for the oral presentation unless waived by appellant. Such presentation will be heard informally; generally, no oaths will be administered to witnesses; and the Appeals Board will not necessarily abide by the rules of evidence. An appellant need not be represented by counsel unless he so wishes.

(3) *Records.* Records concerning an appeal may be made available for inspection and copying by the appellant or his duly authorized representative, upon written application. Such application shall be addressed to the Appeals Board, U.S. Department of Commerce, Washington, D.C. 20230, and shall set forth a description of the material or information contained in the record to be in-

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spected or copied, and the purposes for which it is sought.

(f) *Decisions.* All appeals will be considered and decided within a reasonable time after they are filed. An appeal may be granted or denied, in whole or in part, or dismissed at the request of the appellant. The decision on an appeal signed by the Chairman of the Appeals Board will be final and communicated to the appellant in writing.

PART 389—APPEALS

7. The heading for Part 389 is revised to read as set forth above.

8. Section 389.1 is revised to read as follows:

§ 389.1 General provisions.

(a) *Purpose.* This Part 389 sets forth the procedures applicable to appeals to the Assistant Secretary for Domestic and International Business of the U.S. Department of Commerce.

(b) *Definitions.* For purposes of this Part 389:

(1) "Regulation" means any provision of a regulation or order published in the FEDERAL REGISTER or announcement thereof in an Export Administration Bulletin that is applicable generally to all persons or to a class of persons.

(2) "Administrative action" means any action, including a return without action of a license application, taken by the U.S. Department of Commerce under the Export Administration Act or by a duly authorized employee thereof under a regulation with respect to a particular person.

(3) "Appeal" means a request for relief, as provided for in § 389.2, from the provisions of any regulation or administrative action (excluding denial or probation orders, civil penalties or other sanctions [1]).

(4) "Appellant" means a person filing an appeal.

(c) *Grounds for appeal.* Any person may appeal to the Assistant Secretary for Domestic and International Business any regulation or administrative action (excluding denial or probation orders, civil penalties or other sanctions) taken by the U.S. Department of Commerce under the Export Administration Act or delegated authority relating thereto, where such regulation or administrative action works an exception and unreasonable hardship upon him, or whole or in part, or dismissed at the request of the appellant. The decision by the Assistant Secretary on an appeal shall be final and will be issued to the appellant in writing. In reaching his decision, the Assistant Secretary may consult with representatives of government agencies and business groups as he deems appropriate.

[1] See §§ 388.4, 388.11, 388.13, and 388.15 for the appeals procedure regarding administrative sanctions.

Effective date of action: September 25, 1974.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.74-22675 Filed 9-27-74;8:45 am]

PART 377—SHORT SUPPLY CONTROLS

Licensing Exports of Ferrous Scrap in the Fourth Quarter 1974

This issuance announces the ferrous scrap export quotas by country for the fourth calendar quarter of 1974. The overall quota will be 2,100,000 short tons as in previous quarters during 1974. Of this amount, 1,900,000 short tons will be allocated among specific foreign countries in the same quantities as during the third quarter. However, to provide an increased opportunity for participation by all exporters under circumstances more closely approximating free market conditions, about 480,000 short tons of the individual country quotas will be licensed without regard to the applicants' past histories of exports. The remainder of the country quotas will be made available to historic exporters under the past participation method as used previously. As in the third quarter, 100,000 short tons of the overall quota will be set aside for foreign policy allocations, 50,000 short tons will be set aside for unique hardship situations, and 50,000 short tons will be set aside for vessels sold by the United States Maritime Administration for scrapping abroad.

Historical portions of country quotas. The rules for licensing on a historical basis will remain unchanged, except that each application must be clearly marked "HISTORIC QUOTA." Applications for the fourth quarter may not be submitted before September 24, 1974 and must be actually received in the Office of Export Administration by 5:00 p.m. e.d.t. December 13, 1974.

Nonhistorical portions of country quotas. Any exporter who obtains an order dated after September 23, 1974, and before November 16, 1974, for export of ferrous scrap to a country with a nonhistorical quota, may apply for an export license whether or not he has a past history of scrap exports to that country. Applications must be submitted in accordance with § 377.4(c)(2). No exporter may apply for licenses for more than 2,000 short tons for Canada or Mexico, or 10,000 short tons (or the amount of the Nonhistoric Quota, if less) for any other country. Each designated country has, in addition to its nonhistorical quota limitation, a limitation on the tonnage of Type "A" scrap that will be licensed. If applications are received for any country that exceed its total nonhistorical quota or Type "A" limitation, the Department of Commerce will request advice from that country as to the consignee(s) that should receive preference. Such advice will be considered along with other factors, such as the type and location of the scrap involved, in deciding which applications to license. Applications must be clearly marked "NONHISTORICAL." They may not be submitted before September 24, 1974, and must be actually received in the Office of Export Administration by 5:00 p.m. e.d.t. November 15, 1974.

Scrap originating in territories and possessions. The Department is aware that most scrap originating in the Canal Zone, Puerto Rico, and territories, dependencies, and possessions of the United States cannot feasibly be made available to domestic users. When the origin of such scrap can be substantiated, applications to export the scrap may now be considered for licensing without regard to quota limitations.

Validity of licenses. Licenses issued in the fourth quarter will be valid for 90 days from the date of issuance. Requests for extensions of the validity period will not normally be approved. In extenuating and justifiable circumstances, however, the Office of Export Administration will consider requests to extend licenses for not more than 30 days.

Accordingly, the Export Administration regulations (15 CFR Part 377) are amended as follows:

1. Section 377.4 is amended by revising paragraphs (c) and (g) of such section, and by adding new paragraphs (b-1) and (b-2) immediately after paragraph (b) of such section, to read as follows:

§ 377.4 Ferrous scrap export licensing system.

* * * * *

(b-1) (1) *Nonhistorical country quotas.* A portion of any country quota may be made available for licensing without regard for the applicants' past histories of ferrous scrap exports, as indicated under "Nonhistorical" in the "Individual Foreign Country Quotas" portion of Supplement No. 1 to this Part 377.

(2) The "Nonhistorical" listing includes a column designated "Quota," which indicates the total tonnage of ferrous scrap that will be licensed by this method for each listed destination, and a column designated "Type A," which indicates the maximum tonnage of Type "A" that will be licensed for each listed destination. No exporter may apply for licenses for more than 2,000 short tons for Mexico or Canada, or 10,000 short tons (or the amount of the Nonhistorical Quota, if less) for any other country. An exporter may submit applications against the nonhistorical quota for the European Community for shipment to any member country or countries, but the total of any exporter's applications for export to the Community may not exceed 10,000 short tons. The nonhistorical quota for "All Other Countries" may only be used for exports to countries other than members of the European Community or those specifically listed in Supplement No. 1. If applications are received from an exporter that exceed the quantity limitations set forth in this paragraph or Supplement No. 1, the applicant will be contacted to determine which of his applications should be reduced in quantity or returned without action. In the event that applications are received in quantities in excess of the total quantity allocated to a particular country or its Type "A" maximum, the Department of Commerce will request advice from such country as to the consignee(s) that should receive preference. This advice will be considered along with other factors, such as the type and location of the scrap involved, in deciding which applications to license.

(b-2) *Ex-quota licensing.* Licenses may be issued without regard for quota limitations if the scrap is located in the Canal Zone, Puerto Rico, or other territories, dependencies, or possessions of the United States, and the applicant certifies that the scrap did not originate within the 50 States. Applications for shipment from Puerto Rico must also include evidence satisfactory to the Office of Export Administration that the scrap has been offered to users in Puerto Rico and has not been accepted.

(c) *Issuance of export licenses.* (1) *Historical quota.* An application for a validated license to export ferrous scrap against an accepted order will be considered if submitted in accordance with § 372.4 and received in the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the date and time specified for "Historical Applications" in Supplement No. 1. Such application must be accompanied by: (i) A photocopy or certified copy of a contract calling for export shipment during the calendar quarter for which such application was filed, and (ii) where import permits are required by the country of ultimate destination, a statement from the ultimate consignee (or other foreign party to the transaction), or other documentation, that indicates to the satisfaction of the Office of Export Administration that the permit has been obtained. In order for an application to be acceptable, the ferrous scrap must be described in sufficient detail so that the "Type" it belongs in may be ascertained and verified. Each application must be clearly marked "HISTORIC QUOTA."

(2) *Nonhistorical quota.* Applications will be considered if submitted in accordance with paragraph (c)(1) of this section, except that:

(i) Applications must be received in the Office of Export Administration no later than the date and time specified for "Nonhistorical Applications" in Supplement No. 1;

(ii) If the order is not from the ultimate consignee, a copy of the contract between the purchaser or other parties involved and the ultimate consignee must also be submitted in support of the application; and

(iii) Each application must be clearly marked "NONHISTORICAL."

* * * * *

(g) *Special rules.* Any license issued pursuant to this section will expire 90 days from the date of issuance. Any cancellation of a contract automatically revokes the license that was issued against it. If a contract has been cancelled and the exporter wishes to use that portion of his quota share for another contract, he should attach the unused license to his new application when submitting it to the Office of Export Administration. Extensions of licenses will be considered only in extenuating and justifiable circumstances, and for not more than 30 days.

* * * * *

2. Supplement No. 1 to Part 377 is revised to read as follows:

COMMODITIES SUBJECT TO SHORT SUPPLY LICENSING CONTROLS

FERROUS SCRAP SUBJECT TO QUOTAS

Schedule B number	Commodity description
Type A [1]:	
282.0010	No. 1 heavy-melting steel scrap except stainless
282.0020	No. 2 heavy-melting steel scrap, except stainless
282.0030	No. 1 bundles steel scrap, except stainless
282.0080	Iron scrap, except borings, shovelings, and turnings
Type B:	
282.0040	No. 2 bundles steel scrap, except stainless
282.0050	Borings, shovelings and turnings, iron and steel, except stainless
282.0065	Shredded steel scrap
282.0078	Other steel scrap, including tin-plated and terne plate
282.0090	Rerolling material of iron or steel

FERROUS SCRAP NOT SUBJECT TO QUOTAS

282.0060	Stainless steel scrap

Shipping tolerance: 5 percent.

Submission dates. Orders must call for shipment during the fourth quarter 1974. Applications will not be accepted before September 24, 1974, and must be received in the Office of Export Administration no later than 5:00 p.m. e.d.t. on the dates indicated below:

Individual country quotas:
Historical applications ---- Dec. 13, 1974
Nonhistorical applications - Nov. 15, 1974
Exceptions and stainless steel scrap -------- At any time.

[1] Cut plate and structurals are included in Type A.

INDIVIDUAL FOREIGN COUNTRY QUOTAS FOR THE 4TH QUARTER 1974 (IN SHORT TONS)

Country	Nonhistorical Quota	Nonhistorical Type "A"	Historical quota
Angola	900	900	-------
Argentina	8,000	6,000	26,800
Bangladesh	2,830	3,880	-------
Brazil	5,200	5,200	-------
Canada	44,000	26,000	156,300
Chile	1,600	0	-------
China, People's Republic	9,400	9,400	-------
Colombia	700	700	-------
Dominican Republic	1,300	100	-------
European Community	40,000	25,000	157,400
Greece	5,000	500	17,800
Hong Kong	2,600	1,600	-------
Japan	160,000	80,000	563,300
Korean Republic	32,000	18,000	91,700
Mexico	36,000	24,000	127,000
New Zealand	5,200	500	-------
Pakistan	4,840	1,700	-------
Peru	1,000	0	-------
Philippines	2,600	1,500	-------
Singapore	1,900	1,100	-------
Spain	47,000	18,000	125,000
Sweden	7,700	1,500	-------
Taiwan	26,000	15,000	74,700
Thailand	8,000	2,000	11,500
Turkey	7,000	5,000	20,000
Venezuela	12,000	1,800	38,000
Yugoslavia	7,000	7,000	-------
All other countries	2,400	1,200	-------
SET-ASIDES:			
Ships for scrapping	50,000	Open	-------
Foreign policy	100,000	Open	-------
Unique hardship	50,000	Open	-------

Effective date of action. September 24, 1974.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.74-22484 Filed 9-27-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8872-o]

PART 13—PROHIBITED TRADE PRACTICES

Symbra'ette, Inc., and Carl G. Simonsen

Subpart—Advertising falsely or misleadingly: § 13.55 *Demand, business or other opportunity;* § 13.60 *Earnings and profits;* § 13.143 *Opportunities;* § 13.155 *Prices;* 13.155–20 Cost, expense reimbursing, or advertising; § 13.160 *Promotional sales plans.* Subpart—Combining or conspiring: § 13.388 *To control allocations and solicitation of customers;* § 13.430 *To enhance, maintain or unify prices;* § 13.450 *To limit distribution or dealing to regular, established or acceptable channels or classes.* Subpart—Cutting off access to customers or market: § 13.560 *Interfering with distributive outlets.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051–20 Adequate. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements;* § 13.1155 *Price schedules and announcements.* Subpart—Misrepresenting oneself and goods—Goods: § 13.-

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1610 *Demand for or business opportunities;* § 13.1615 *Earnings and profits;* § 13.1697 *Opportunities in product or service.* —Promotional sales plans: § 13.-1830 *Promotional sales plans.* Subpart—Offering unfair, improper, and deceptive inducements to purchase or deal: § 13.-1935 *Earnings and profits;* § 13.2015 *Opportunities in product or service;* § 13.2040 *Returns and reimbursements.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Ger-Ro-Mar, Inc., trading as Symbra'ette, et al., San Jose, Calif., Docket 8872, July 23, 1974]

In the matter of Ger-Ro-Mar, Inc., a corporation, d/b/a Symbra'ette, and Carl G. Simonsen, individually and as President of Ger-Ro-Mar, Inc.

Consent order requiring a San Jose, Calif., manufacturer of brassieres, girdles, swimwear, wigs and lingerie, among other things to cease using an open-ended, multi-level (pyramid) marketing plan to recruit distributors for its products; misrepresenting the earnings and profits a distributor may expect to make; maintaining resale prices; and restricting distributors as to whom they may sell their merchandise.

The final order, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered That the following Findings of Fact, "Discussion," and Conclusions of Law of the Administrative Law Judge are adopted as Findings of Fact, "Discussion," and Conclusions of Law of the Commission:

"Preliminary Statement" (pp. 1–3); Findings of Fact 1–25 and 27–30; pp. 25–27 sub nom. "Discussion"; p. 35 (last two paragraphs); p. 37 (last paragraph) through p. 44; Conclusions 1–4.

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered, That the following Order be, and it hereby is, entered:

ORDER

It is ordered, That respondent Ger-Ro-Mar, Inc., a corporation doing business as Symbra'ette, whose corporate name is now Symbra'ette, Inc., and officers thereof, and respondent Carl G. Simonsen, individually and as an officer of said corporation, or corporations, and respondents' agents, representatives, employees, successors, and assigns, directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution of brassieres, girdles, lingerie, wigs, or of any other products, or of distributorships or franchises, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Offering, operating, or participating in, directly or indirectly, any marketing or sales plan or program wherein a paticipant gives a valuable consideration in return for the opportunity to receive compensation for inducing other persons to become participants in the plan or program: *Provided,* That "compensation" as used in this paragraph only does not mean any payment based on actually consummated sales of goods or services to persons who are not participants in the plan or program, and who do not purchase goods or services in order to participate in the plan or program.

2. Offering, operating, or participating in, directly or indirectly, any marketing or sales plan or program wherein the financial gains to participants are, or are represented to be, based in any manner or to any degree upon their recruiting of other participants who obtain the right under the plan or program to recruit yet other participants, whose function during their first year in the plan or program includes, in any respect whatsoever, the recruitment of participants.

3. Operating any marketing or sales plan or program unless respondents agree to and notify participants that they will promptly repurchase all or any part of any initial order of merchandise made by any participant, upon written request of the participant mailed within 30 days (or a greater period of time if respondents elect) of the receipt of the initial order by the participant, at the price actually paid by the participant for the merchandise: *Provided, however,* That respondents may insist that prior to making repurchase, the merchandise be returned to respondents' place of business, postage or shipping prepaid, in a resaleable condition, said merchandise to be shipped within 30 days (or a greater period of time if respondents elect) of the date on which written request for repurchase is received.

4. Representing, directly or by implication, or by use of hypothetical examples or representations of past earnings of participants, that participants in any marketing or sales program will earn or receive, or have the reasonable expectancy or earning or receiving, any stated gross or net amounts, unless in fact, a majority of participants in the community or geographic area in which such representations are made, have achieved the stated gross or net amounts represented, and the representations accurately reflect the amount of time required by such participants to achieve such gross or net amounts.

5. Misrepresenting in any manner, directly or by implication, or placing in the hands of others the means or instrumentalities for misrepresenting, the financial gains reasonably achievable by participants in any marketing or sales plan or program, of the commercial feasibility thereof.

6. Failing to maintain adequate records (a) which disclose the facts upon which any claims of the type discussed in paragraphs 4 and 5 of this Order can be determined.

7. Requiring that an individual pay a valuable consideration in return for the right to participate in any marketing or sales program, without first disclosing to such prospective participant in writing the number of other participants in the marketing area in which such prospect plans to operate.

8. Representing that the supply of available participants in respondents' marketing program is inexhaustible or virtually inexhaustible.

9. Entering into, maintaining or enforcing any contract, agreement, combination, understanding, or course of conduct which has as its purpose or effect to require any individual to resell at any particular price a product which he or she has purchased: *Provided,* That in those states having Fair Trade laws products may be marketed pursuant to the provisions of such laws.

10. Publishing or distributing, directly or indirectly, any resale price list, product price list, order form, report form, promotional material or any other document which employs resale prices for commodities sold by respondents without stating clearly and conspicuously in conjunction therewith the following:

The resale prices quoted herein are suggested prices only: *Provided,* That in those states having Fair Trade laws products may be marketed pursuant to the provisions of such laws.

11. Entering into, maintaining, or enforcing any contract, agreement, combination, understanding, or course of conduct which has as its purpose or effect to require any individual to refrain from reselling products which he or she has purchased, to any specified person, class of persons, business, or class of businesses.

It is further ordered That respondents deliver a copy of this Order to all present and future dealers, distributors, or participants in any marketing or sales plan or program they operate, or who are engaged in the sale of respondents' products or services, and secure from each a signed statement acknowledging receipt of this Order.

It is further ordered That respondents shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, incorporation, or sale resulting in the emergence of a successor firm, partnership, or corporation, or any other change which may affect compliance obligations arising out of this Order.

It is further ordered That Carl G. Simonsen, the individual respondent named herein, promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

[1] Copies of the Complaint, Initial Decision, Final Order and Opinion filed with the original document.

It is further ordered That each of the respondents herein and their successors and assigns shall, within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with all of the provisions of this Order.

Commissioner Nye did not participate.

Final Order issued by the Commission July 23, 1974.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.74-22561 Filed 9-27-74;8:45 am]

[Docket No. C-2521]

PART 13—PROHIBITED TRADE PRACTICES

Lincoln Upholstery Co., Et Al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73–92 Truth in Lending Act; § 13.135 *Nature of product or service;* § 13.155 *Prices;* 13.155–5 Additional charges unmentioned; 13.155–35 Discount savings; 13.155–95 Terms and conditions; 13.155–95(a) Truth in Lending Act; § 13.160 *Promotional sales plans;* § 13.-170 *Qualities or properties of product or service;* 13.170–30 Durability or permanence; § 13.272 *Type or variety.* Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed.* Subpart—Failing to maintain records: § 13.-1051 *Failing to maintain records;* 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* § 13.1623–95 *Truth in Lending Act;* § 13.1685 *Nature;* § 13.-1710 *Qualities or properties.* —Prices: § 13.1778 *Additional costs unmentioned;* § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act. —Promotional Sales plans: § 13.1825 *Usual as reduced or to be increased;* § 13.1830 *Promotional sales plans.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–75 Truth in Lending Act; § 13.1855 *Identity;* § 13.1857 *Instruments' sale to finance companies;* § 13.1870 *Nature;* § 13.1876 *Notice of third party sale of contract;* § 13.1886 *Quality, grade or type;* § 13.-1892 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions;* 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Lincoln Upholstery Company, et al., Chicago, Ill., Docket C-2521, July 12, 1974]

In the matter of Lincoln Upholstery Company, a partnership, and Isadore Shapiro and Howard Kaufman, individually, and as co-partners, trading and doing business as Lincoln Upholstery Company, Lincoln Upholstery and Furniture Company, Lincoln Upholstery and Carpet Company, Lincoln Carpet Company, and Commercial Contract Carpet Company

Consent order requiring a Chicago, Ill., seller and installer of carpeting and other goods and services, among other things to cease using any sales plan employing false, misleading or deceptive statements or representatives to obtain leads to potential customers; using bait advertising; disparaging advertised products; using misleading savings claims; failing to provide customers with a three-day cooling-off period within which they may cancel their contracts with full refund rights. Further, respondents are required to include a statement on all notes of indebtedness that any third part is bound by the terms and conditions of the contract; and to cease violating the Truth in Lending Act by failing to disclose to customers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I. *It is ordered* That respondents Lincoln Upholstery Company, a partnership, and Isadore Shapiro and Howard Kaufman, individually and as co-partners trading and doing business as Lincoln Upholstery Company, Lincoln Upholstery and Furniture Company, Lincoln Upholstery and Carpet Company, Lincoln Carpet Company, and Commercial Contract Carpet Company, or under any other name or names, and respondents' agents, representatives, and employees, successors and assigns, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of carpeting and floor coverings, or any other article of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sales of carpeting or other merchandise or services.

2. Making representations, orally or in writing, directly or by implication, purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at higher prices.

3. Disparaging, in any manner, or discouraging the purchase of any merchandise or services which are advertised or offered for sale.

4. Representing, orally or in writing, directly or by implication, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

[1] Copies of the complaint and decision and order filed with original document.

5. Failing to maintain and produce for inspection and copying for a period of three years adequate records to document for the entire period during which each advertisement was run and for a period of six weeks after the termination of its publication in press or broadcast media:

a. The cost of publishing each advertisement including the preparation and dissemination thereof;

b. The volume of sales of the advertised product or service at the advertised price; and

c. A computation of the net profit from the sales of each advertised product or service at the advertised price.

6. Representing, orally or in writing, directly or by implication, that a stated price for carpeting or floor coverings includes the cost of a separate padding and the installation of such padding and carpeting thereof, unless in every instance where it is so represented the stated price for floor coverings does, in fact, include the cost of such separate padding and installation thereof; or misrepresenting in any manner, the prices, terms, or conditions under which respondents supply separate padding and provide installation in connection with the sale of floor covering products.

7. Representing, directly or indirectly, by color illustration, orally or in writing, that any advertised product is available in more than one pattern, style or color without stating directly and explicitly the exact patterns, styles or colors, in which such advertised product is available, and the time required for delivery.

8. Failing to disclose clearly and conspicuously within each advertisement for an advertised product or service each reservation, if any, as to suitability or durability of such advertised product or service for normal usage by the customers who may buy such product or service.

9. Representing, directly or indirectly, orally, visually or in writing that the advertised price for an advertised product or service represents savings:

a. Where the advertised price for such advertised product or service has been in effect for the three weeks immediately preceding the date on which such price is featured in any advertisement;

b. Where the advertised price has not been previously documented as representing a not insignificant reduction from the prices at which the advertised product or service had been openly and actively offered for sale during seven of the ten weeks immediately preceding the date on which such advertised price is included within any advertisement;

c. Where the advertisement containing the advertised price has been prepared for Lincoln by an advertising agency or advertising representative who has not previously provided the respondents with a signed statement certifying that such agency or representative is familiar with the Federal Trade Commission's Guides on Deceptive Pricing and with the instant order to cease and desist, and intends to prepare all such advertisements in compliance with both the Guides and the instant order to cease and desist.

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10. Failing to furnish the buyer, except in those instances where the buyer receives a Notice of Right of Rescission prescribed by Regulation Z under the Truth in Lending Act, with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of 10 points, a statement in substantially the following form:

YOU, THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT.

11. Failing to furnish each buyer, except in those instances where the buyer receives a Notice of Right of Rescission prescribed by Regulation Z under the Truth in Lending Act, at the time he signs the sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "NOTICE OF CANCELLATION", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten point bold face type the following information and statements in the same language, e.g., Spanish, as that used in the contract:

NOTICE OF CANCELLATION

(enter date of transaction)

(Date)

YOU MAY CANCEL THIS TRANSACTION, WITHOUT ANY PENALTY OR OBLIGATION, WITHIN THREE BUSINESS DAYS FROM THE ABOVE DATE.

IF YOU CANCEL, ANY PROPERTY TRADED IN, ANY PAYMENTS MADE BY YOU UNDER THE CONTRACT OR SALE, AND ANY NEGOTIABLE INSTRUMENT EXECUTED BY YOU WILL BE RETURNED WITHIN 10 BUSINESS DAYS FOLLOWING RECEIPT BY THE SELLER OF YOUR CANCELLATION NOTICE, AND ANY SECURITY INTEREST ARISING OUT OF THE TRANSACTION WILL BE CANCELLED.

IF YOU CANCEL, YOU MUST MAKE AVAILABLE TO THE SELLER AT YOUR RESIDENCE, IN SUBSTANTIALLY AS GOOD CONDITION AS WHEN RECEIVED, ANY GOODS DELIVERED TO YOU UNDER THIS CONTRACT OR SALE; OR YOU MAY IF YOU WISH, COMPLY WITH THE INSTRUCTIONS OF THE SELLER REGARDING THE RETURN SHIPMENT OF THE GOODS AT THE SELLER'S EXPENSE AND RISK.

IF YOU DO MAKE THE GOODS AVAILABLE TO THE SELLER AND THE SELLER DOES NOT PICK THEM UP WITHIN 20 DAYS OF THE DATE OF YOUR NOTICE OF CANCELLATION, YOU MAY RETAIN OR DISPOSE OF THE GOODS WITHOUT ANY FURTHER OBLIGATION. IF YOU FAIL TO MAKE THE GOODS AVAILABLE TO THE SELLER, OR IF YOU AGREE TO RETURN THE GOODS TO THE SELLER AND FAIL TO DO SO, THEN YOU REMAIN LIABLE FOR PERFORMANCE OF ALL OBLIGATIONS UNDER THE CONTRACT.

TO CANCEL THIS TRANSACTION, MAIL OR DELIVER A SIGNED AND DATED COPY OF THIS CANCELLATION NOTICE OR ANY OTHER WRITTEN NOTICE, OR SEND A TELEGRAM, TO ---------- (Name of Seller)

(address of seller's place of business)

NOT LATER THAN MIDNIGHT OF ---------- (Date)

I HEREBY CANCEL THIS TRANSACTION.

(Date)

(Buyer's signature)

12. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

13. Including in any contract or receipt any liquidated damages, forfeitures, confession of judgment or any waiver of any of the rights to which the buyer is entitled under this order including specifically his right to cancel the sale in accordance with the provisions of this order.

14. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

15. Misrepresenting, directly or indirectly, orally or in writing, the buyer's right to cancel.

16. Failing or refusing to honor any valid notice of cancellation by a buyer and within ten (10) business days after the receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

17. Negotiating, transferring, selling or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

18. Failing, within 10 business days of receipt of the buyer's notice or cancellation, to notify him whether the seller intends to repossess or to abandon any shipped or delivered goods.

19. Failing to include the following statement clearly and conspicuously on the face of any note, contract or other instrument of indebtedness executed by or on behalf of respondents' customers:

Notice. Any holder takes this instrument subject to the terms and conditions of the contract which gave rise to the debt evidenced hereby, any contractual provision or other agreement to the contrary notwithstanding.

II. *It is further ordered* That respondents Lincoln Upholstery Company, a partnership, and Isadore Shapiro and Howard Kaufman, individually and as co-partners trading and doing business as Lincoln Upholstery Company, Lincoln Upholstery and Furniture Company, Lincoln Upholstery and Carpet Company, Lincoln Carpet Company, and Commercial Contract Carpet Company, under any name or names, respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any consumer credit sale, as "consumer credit" and "credit sale" are defined in Regulation Z (12 CFR 226) of the Truth in Landing Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to provide any customer prior to consummation of the transaction with a copy, which the customer may retain, of all disclosures required to be made by § 226.8 of Regulation Z, in the form and manner prescribed therein, as required by § 226.8(a) of Regulation Z.

2. Failing, in any transaction in which a security interest is or will be retained or acquired in real property which is used or is expected to be used as the principal residence of the customer, to provide each customer with notice of the right to rescind, in the form and manner specified by § 226.9(b) of Regulation Z, prior to consummation of the transaction.

3. Supplying or using:

a. In any credit sale transaction, any additional information, contract clause, or other statement pertaining to such transaction, which represents, directly or indirectly, that a cash-on-delivery transaction is involved.

b. In any transaction in which a security interest is or will be retained or acquired in real property which is used or is expected to be used as the principal residence of the customer, any additional information, contract clause, or other statement pertaining to such transaction, which represents, directly or indirectly, that the customer may be liable for damages in the event of cancellation, or which represents, directly or indirectly, that the customer would not be entitled to a complete refund in the event that such customer elects to exercise his right to rescind pursuant to § 226.9 (a) and (d) of Regulation Z.

4. Supplying, or using, any additional information, contract clause, or other statement pertaining to a transaction generally, unless such additional information, contract clause or other statement is provided in a fashion which complies with § 226.6(c) or Regulation Z.

5. Failing to preserve, and to make available upon request for inspection by any authorized representative of the Federal Trade Commission copies of all disclosures given with respect to each credit transaction, and other evidence of compliance with Regulation Z, for a period of two years from the date of such transaction, as required by § 226.6(i) of Regulation Z.

6. Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with § 226.4 and § 226.5 of Regulation Z,

in the manner, form and amount required by §§ 226.6, 226.8, 226.9 and 226.10 of Regulation Z.

It is further ordered That respondents, for a period of one (1) year from the effective date of this order, shall provide each advertising agency utilized by respondents and each newspaper publishing company, television or radio station or other advertising media which is utilized by the respondents to obtain leads for the sale of carpeting or other goods and services, with a copy of the Commission's News Release setting forth the terms of this order.

It is further ordered That respondents deliver a copy of this order to cease and desist to each operating division and to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit, and that respondents secure a signed statement, acknowledging receipt of said order from each such person.

It is further ordered That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission July 12, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-22560 Filed 9-27-74;8:45 am]

[Docket No. 8842]

PART 13—PROHIBITED TRADE PRACTICES

Rockwell International Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18.) [Cease and desist order, Rockwell International Corporation, Pittsburgh, Pa., Docket 8842, July 15, 1974.]

In the matter of Rockwell International Corporation, a corporation

Consent order requiring a well-diversified corporation headquartered in Pittsburgh, Pa., among other things to divest itself of its knitting machine manufacturing division, Wildman Jacquard; Further, for a five-year period respondent must, at the acquirer's option, make available at a maximum two percent royalty all patents, know-how and technological assistance relating to the production and operation of electronic knitting machines, and for a ten-year period respondent is forbidden to acquire, without prior Commission approval, any domestic manufacturers or sellers of looms or knitting machines or any foreign manufacturers and sellers of this machinery whose United States sales exceed an average of $500,000 in the preceding five years, or exceeded $700,000 in any of the five years.

The Decision and Order, including further order requiring report of compliance therewith is as follows.[1]

ORDER

I. *It is ordered* That, subject to the prior approval of the Federal Trade Commission, respondent Rockwell International Corporation,[2] a corporation (hereinafter Rockwell), through its officers, directors, agents, representatives, employees, successors and assigns, shall, as soon as possible, and in any event within two (2) years from the date this Order becomes final, divest absolutely and in good faith, all assets, properties, rights and privileges, tangible and intangible, presently owned or controlled by or assigned to what was formerly referred to as the Wildman Jacquard Company or the Wildman Jacquard Division of respondent, excluding, however, any of such equipment, machinery, raw material reserves, inventory and other property as are presently located at respondent's facility in Reading, Pennsylvania and used for the manufacture or sale of large diameter circular machinery, which were not formerly used in production at the Norristown plant which is to be divested (hereinafter Wildman Jacquard), including but not limited to the plant owned by it and located at 1300 Stanbridge Street, Norristown, Pennsylvania 19404, and including all equipment, machinery, raw material reserves, inventory, and other property of whatever description located at such plant and all customer lists, trade names, patents, trademarks and good will (expressly excluding, however, the trademarks Rockwell International, Rockwell, North American Rockwell, Electroknit, Electroknit 48 and other marks or names not exclusively used by Wildman Jacquard) in so far as they relate to Wildman Jacquard and also including all additions and improvements thereto made since January 1, 1973 up to the date of divestiture, to a person, firm or corporation able to operate such plant as a separate, independent and viable going concern in the manufacture and sale of large diameter circular knitting machines.

Rockwell shall also make available, on a non-exclusive basis, for a period of five (5) years from the date of divestiture, to the acquirer, at the acquirer's option, and by license or other contract, solely for the purpose of making, using and selling electronically controlled large diameter circular double knit machines as produced by Rockwell for commercial sale at or prior to the date of divestiture (hereinafter Electronic Machines), for royalty payments of not in excess of 2 percent of the sales price of the acquirer's machines making use thereof, the following:

(a) All patents and patent applications developed on behalf of Rockwell, its subsidiaries and affiliates covering inventions which were conceived or reduced to practice during the period from August 29, 1968 to the date of divestiture for use in and which relate to the structure, manufacture or operation of Electronic Machines;

(b) All other know-how and technology in the form of documents developed by Rockwell, its subsidiaries and affiliates during the aforesaid period for use in and which relate to the structure, manufacture or operation of Electronic Machines;

(c) At the request of the acquirer, other reasonable technological assistance relating to know-how and technology developed by Rockwell, its subsidiaries and affiliates, during the aforesaid period for use in or which relate to the structure, manufacture or operation of Electronic Machines, such technological assistance to be provided through Rockwell personnel upon the payment of normal consulting fees for the personnel involved in addition to the royalty payments set forth above; and

(d) All patent rights and other know-how or technology in the form of documents which were licensed or assigned to, or otherwise acquired by Rockwell, its subsidiaries and affiliates during the aforesaid period for use in and which relate to the structure, manufacture or operation of Electronic Machines.

II. *It is further ordered*, That, if respondent is unable to sell or dispose of Wildman Jacquard for cash, nothing in this Order shall be deemed to prohibit respondent from retaining, accepting and enforcing in good faith any security interest therein, not to exceed five (5) years in duration, for the sole purpose of securing to respondent full payment of the price, with interest, at which Wildman Jacquard is sold or disposed of; *Provided, however*, That if after a good faith divestiture of Wildman Jacquard pursuant to this Order, the Buyer fails to perform his obligations and respondent regains ownership or control of Wildman Jacquard by enforcement of any security interest therein, respondent shall redivest such company within one year in the same manner as provided for herein.

III. *It is further ordered* That, pursuant to the requirement of Paragraph I above, none of the assets, rights or privileges, tangible or intangible, to be divested pursuant to Paragraph I above, shall be divested directly or indirectly to anyone who is, at the time of the divesti-

[1] Copies of the complaint, decision and order, filed with the original document.

[2] By order dated March 14, 1973, the administrative law judge ordered that the complaint conform with the change in name of the respondent, from North American Rockwell Corporation to Rockwell International Corporation. Copy of the order filed with the original document.

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ture, an officer, director, employee, or agent of, or under the control, direction or influence of any of Rockwell's subsidiaries or affiliated corporations or who owns or controls more than one (1) per cent of the outstanding shares of the capital stock of Rockwell.

IV. *It is further ordered* That, pending divestiture, respondent shall not make any changes, other than in the ordinary course of business, or permit any deterioration in any of the plants, machinery, buildings, equipment or other property or assets of whatever description of Wildman Jacquard which may impair said Wildman Jacquard's capacity for the manufacture, distribution or sale of knitting machines.

V. *It is further ordered* That, respondent Rockwell shall cease and desist for the period beginning on the date this Order becomes final and ending ten (10) years after the completion of the divestiture required by Paragraph I of this Order from acquiring, or acquiring and holding, directly or indirectly, without prior approval of the Federal Trade Commission, any part of the assets, or one (1) percent or more of the stock or other share capital, or other actual or potential equity interest or right of participation in the earnings of any domestic concern, corporate or non-corporate, which is engaged in the manufacture or sale in the United States of looms or knitting machines capable of being used to manufacture apparel or fabric for apparel, or of any foreign concern, corporate or noncoporate, engaged in the manufacture or sale of such looms or knitting machines whose sales in the United States of such looms and knitting machines in the five (5) years preceding such acquisition exceeded an average of $500,000 per year, or exceeded $700,000 in any one of such five years.

VI. *It is further ordered* That, respondent Rockwell shall within sixty (60) days after date of service of this Order, and every sixty (60) days thereafter until respondent Rockwell has fully complied with the provisions of this Order, submit in writing to the Federal Trade Commission a verified report setting forth in detail the manner and form in which respondent Rockwell is endeavoring to comply or has complied with this Order. All compliance reports shall include, among other things that are from time to time required, a summary of contracts or negotiations with anyone for the specified property and assets, and the identity of all such persons and copies of all written communications to and from such persons.

VII. *It is further ordered* That, respondent Rockwell notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other proposed change in the corporation which may affect compliance obligations arising out of this Order.

Decision and Order issued by the Commission July 15, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-22559 Filed 9-27-74;8:45 am]

[Docket No. C-2525]

PART 13—PROHIBITED TRADE PRACTICES

George Dugan Chevrolet

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* § 13.73-92 Truth in Lending Act. § 13.155 *Prices;* § 13.155-95 *Terms and conditions;* § 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* § 13.-1623-95 Truth in Lending Act.—Prices; § 13.1823 *Terms and conditions;* 13.-1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; (15 U.S.C. 45, 1601-1605)) [Cease and desist order, George Dugan Chevrolet, Klamath Falls, Oregon, Docket C-2525, July 30, 1974.]

In the Matter of George V. Dugan, an individual trading and doing business as George Dugan Chevrolet

Consent order requiring a Klamath Falls, Oregon, new and used automobile dealer, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the Act.

The Decision and Order, including further order requiring report of compliance therewith is as follows.[1]

It is ordered, That respondent George V. Dugan, an individual trading and doing business as George Dugan Chevrolet, or under any other name or names, and respondent's successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly an extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the amount of credit extended, and to describe that amount as "amount financed," as required by § 226.8(c)(7) of Regulation Z.

2. Failing to disclose the sum of all charges required by § 226.4 of Regulation Z to be included therein, and to describe that sum as the "finance charge," as required by § 226.8(c)(8)(i) of Regulation Z.

3. Failing to disclose the sum of the cash, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price," as required by § 226.8(c)(8)(ii) of Regulation Z.

4. Failing to compute and disclose the annual percentage rate accurately to the nearest quarter of one percent, as required by §§ 226.5(b) and 226.8(b)(2) of Regulation Z.

5. Failing to disclose the number, amounts and due dates or periods of payments scheduled to repay the indebtedness, and the sum of such payments, and to describe that sum as the "total of payments," as required by § 226.8(b)(3) of Regulation Z.

6. Failing to identify the amount or the method of computing the amount of any default, delinquency or similar charge payable in the event of late payments, as required by § 226.8(b)(4) of Regulation Z.

7. Failing to describe or identify the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, as required by § 226.8(b)(5) of Regulation Z.

8. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, and to state the amount or method of computation of any charge deductible from any rebate of unearned finance charge which may be credited to the obligation or refunded to the customer, as required by § 226.8(b)(7) of Regulation Z.

9. Failing to furnish to the customer, before the transaction is consummated, a duplicate of the instrument or other statement containing the disclosures required by § 226.8 of Regulation Z, as required by § 226.8(a) of Regulation Z.

10. Failing to itemize and include in the finance charge, for purposes of disclosure of the finance charge and computation of the annual percentage rate, any and all charges or premiums for credit life or disability insurance unless respondent has obtained a specific dated and separately signed affirmative written indication of the customer's desire for such insurance coverage as prescribed by § 226.4(a)(5)(ii) of Regulation Z.

11. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amounts required by §§ 226.6, 226.7, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising, and that respondent secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered, That respondent prominently display the following notice in two or more locations in that portion of respondent's business premises most frequented by prospective customers, and in each location where customers normally sign consumer credit documents or other binding instruments. Such notices shall be considered prominently displayed only if so positioned as to be easily observed and read by the intended individuals:

NOTICE TO CREDIT CUSTOMERS

If the dealer is financing or arranging the financing of your purchase, you are entitled to consumer credit cost disclosures as required by the Federal Truth In Lending Act. These must be provided to you in writing before you are asked to sign any document or other papers which would bind you to such a purchase. This notice required by order of the Federal Trade Commission.

It is further ordered, That the respondent named herein notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a written report setting forth in detail the manner and form of its compliance with this order.

Decision and Order issued by the Commission July 30, 1974.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.74-22658 Filed 9-27-74;8:45 am]

[Docket No. C-2524]

PART 13—PROHIBITED TRADE PRACTICES

Wasem's, Inc., Et Al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.85 *Government approval, action, connection, or standards;* § 13.85-30 Federal Trade Commission orders or endorsements; § 13.85-33 Food and Drug Administration; § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service;* § 13.170-12 Auxiliary, improving, or supplementary; § 13.170-52 Medicinal, therapeutic, healthful, etc.; § 13.205 *Scientific or other relevant facts;* § 13.210 *Scientific tests.* Subpart—Claiming or using endorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using endorsements or testimonials falsely or misleadingly;* 13.330-90 United States Government; 13.330-90(h) Federal Trade Commission. Subpart—Misrepresenting oneself and goods—Goods: § 13.-1632 *Government endorsement or recommendation;* § 13.1685 *Nature;* § 13.-1685-15 By misleading trade or corporate name; § 13.1710 *Qualities or properties;* § 13.1762 *Tests, purported.* Subpart—Using misleading name—Goods: § 13.2315 *Nature.*

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45, 52)) [Cease and desist order, Wasem's, Inc., et al., Clarkston, Wash., Docket C-2524, July 23, 1974.]

In the Matter of Wasem's, Inc., a Corporation, and Clifford W. Wasem, and Weldon B. Wasem, Individually and as Officers of Said Corporation

Consent order requiring a Clarkston, Wash., retail drug and general merchandise store, among other things to cease falsely advertising its vitamin and mineral products through misrepresenting the effect Super B Vitamins have on an individual; that respondents' vitamins have been tested by the U.S. Food and Drug Administration and found to be worthy of recommendation; that the Federal Trade Commission has found respondents' advertising claims to be satisfactory; and that people do not receive enough vitamins through their diet, and need to supplement with Super B Vitamins. Further, respondents are required to devote, for a period of one year, 25 percent of their advertising to corrective statements exposing previous erroneous and misleading advertising claims.

The Decision and Order, including further order requiring report of compliance therewith is as follows.[1]

It is ordered, That respondents Wasem's, Inc., its officers, and Clifford W. Wasem and Weldon B. Wasem, their successors and assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, do forthwith cease and desist from representing in writing, orally, visually, or in any other manner, directly or by implication, that:

1. a. Vitamin, mineral, or vitamin and mineral products will make people feel better, make people better to live with, improve job performance, or build up blood and nerves.

b. Vitamin, mineral, or vitamin and mineral products should be used for the treatment or relief of symptoms like tiredness, nervousness and rundown conditions without prior medical consultation.

c. Vitamin, mineral, or vitamin and mineral products will aid in the betterment of human physical or mental condition.

Unless at the time any such representation is made, respondents have a reasonable scientific basis for such representation available for public inspection at the point of sale.

2. Particular vitamin, mineral, or vitamin and mineral products are scientifically tested and proven by acceptable standards to be the best or superlative in any respect, unless such is the fact.

3. The United States Food and Drug Administration or any other federal, state, local, or private agency or source whatsoever has tested particular vitamin, mineral, or vitamin and mineral products and found them to be worthy of recommendation on any basis.

4. The Federal Trade Commission or any other Federal, state, local, or private agency or source whatsoever has accepted respondents' claims for particular vitamin, mineral, or vitamin and mineral products as satisfactory and acquiesces in publicizing the results of its investigation.

5. Most people do not receive enough vitamins or minerals through their normal diet and need to supplement their diet with vitamin, mineral, or vitamin and mineral products.

6. A highly concentrated dosage of vitamins or minerals is in some way beneficial or better than the "Recommended Daily Allowances" as established by the Food and Nutrition Board of the National Research Council, National Academy of Sciences.

It is further ordered, That respondents shall forthwith cease and desist, for a period of one (1) year from the date this order becomes final, from disseminating or causing to be disseminated any advertisement, promotional material or other unless not less than twenty-five (25) percent of the expenditures (excluding production cost) for each media in each market used be devoted to advertising, in a manner approved by authorized representatives of the Seattle Regional Office of the Federal Trade Commission, that contrary to prior advertising, Wasem's Super B Vitamins do not have the previously claimed health benefits, have not been recommended or approved by any outside source, and are not in any way necessary or helpful in larger than "recommended daily allowance" dosages. Said ads shall also contain the statement that the ad is bejng run pursuant to order of the Federal Trade Commission.

It is further ordered, That respondents place seven sixty-second retractive advertisements on consecutive days with the same television stations at the same approximate time of day used by respondents for previous Wasem's Super B tisements shall follow the same general format as previous television ads, with Clifford Wasem making the following audio presentation:

This advertisement is run pursuant to an order of the Federal Trade Commission. I have previously been advertising Wasem's Super B Vitamins and have made various claims which are erroneous and misleading. Contrary to what I have told you previously, Super B will not make you feel better nor make you better to live with nor work better on the job. There is no need for most people to supplement their diet with vitamins or minerals. Excess dosages over the recommended daily adult requirements of most vitamins will be flushed through the body and be of no benefit whatsoever. Contrary to

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[1] Copies of the complaint, decision and order, filed with the original document.

[1] Copies of the complaint, decision and order, filed with the original document.

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my previous ads neither the Food and Drug Administration nor the Federal Trade Commission nor anyone else has recommended Super B or approved our prior claims. Super B Vitamins are sold on a money-back guarantee, so if you are not fully satisfied, then return them to me at Wasem's Rexall Drug Store in Clarkston for a refund.

Such advertisement shall be run no later than sixty (60) days after service upon respondents of this order.

It is further ordered, That respondents cease and desist from representing, directly or indirectly, in their advertising, promotional material, package label, or any other similar material that their vitamin, mineral, or vitamin and mineral products have "super potency," and from using the word "super" or any word of similar import or meaning as a part of the trade name of their vitamin, mineral, or vitamin and mineral products

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a written report setting forth in detail the manner and form of their compliance with this order.

Decision and Order issued by the Commission July 23, 1974.

VIRGINIA M. HARDING,
Acting Secretary.

[FR Doc.74-22657 Filed 9-27-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Miconazole Nitrate

The Commissioner of Food and Drugs has evaluated new animal drug applications (95-183V, 95-184V) filed by Pitman-Moore, Inc., Washington Crossing, NJ 08560, proposing safe and effective use of miconazole nitrate cream and lotion in the treatment of topical fungal infections of dogs and cats. The applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding a new section, as follows:

§ 135a.58 Miconazole nitrate cream; miconazole nitrate lotion.

(a) *Specifications.* (1) Miconazole is 1-(2,4-dichloro-β-(2,4-dichlorobenzyloxy) phenethyl)imidazole.

(2) The cream contains 23 milligrams of miconazole nitrate (equiv. to 20 mg of miconazole base) per gram.

(3) The lotion contains 1.15 percent of miconazole nitrate (equiv. to 1 percent miconazole base).

(b) *Sponsor.* Code No. 066 in § 135.501 (c) of this chapter.

(c) *Conditions of use.* (1) Miconazole nitrate is an antifungal agent for topical treatment of infections in dogs and cats caused by *Microsporum canis, Microsporum gypseum*, and *Trichophyton mentagrophytes*.

(2) Apply once daily by rubbing into infected site and into immediate surrounding vicinity. Continue treatment for 2 to 4 weeks until infection is completely eradicated as determined by appropriate laboratory examination.

(3) Accurate diagnosis of infecting organism is essential. Identify by microscopic examination of a mounting of infected tissue in potassium hydroxide solution or by culture on an appropriate medium.

(4) If no improvement is observed in 2 weeks, reevaluate diagnosis and therapy.

(5) Avoid contact with eyes since irritation may result.

(6) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective September 30, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: September 23, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.74-22574 Filed 9-27-74;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

[DESI 11374; Docket No. FDC-D-702; NDA 11-374]

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

Neomycin Vaginal Suppositories; Certification Provision Revoked

The National Academy of Sciences-National Research Council, Drug Efficacy Study Group evaluated the effectiveness of the drug product described below, found the drug to be less than effective, and submitted its report to the Commissioner of Food and Drugs. Copies of that report have previously been made publicly available and are on display at the office of the Food and Drug Administration's Hearing Clerk. After reviewing the Academy's report and the available data and information, the Commissioner concluded that the drug is less than effective and, in a notice published in the FEDERAL REGISTER of October 24, 1970 (35 FR 16606), announced his conclusion that the drug is possibly effective for certain labeled indications and lacking substantial evidence of effectiveness for its other indications:

Neosporin Vaginal Suppositories containing polymyxin B sulfate, neomycin sulfate, and acetarsone; formerly marketed by Burroughs Wellcome Co., 3030 Cornwallis Rd., Research Triangle Park, NC 27709 (NDA 11-374). Section 444.642a of the antibiotic drug regulations provides for certification of this preparation.

No data concerning this product were received in response to the notice.

On the basis of all of the data and information available to him, the Commissioner of Food and Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357) and Part 430, § 314.111(a)(5), and § 3.86 of Title 21 of the Code of Federal Regulations, demonstrating the effectiveness of the combination drug.

Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended to revoke provisions for certification or release of such antibiotic combination drug products for human use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–1051 as amended, 59 Stat. 463 as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 444 is amended by revoking § 444.642a *Neomycin sulfate-polymyxin B sulfate-acetarsone vaginal suppositories.*

Any person who will be adversely affected by this order may file objections to it, request a hearing, and show reasonable grounds for the hearing. It is the responsibilty of every manufacturer or distributor of an antibiotic drug product to review every antibiotic order published in the FEDERAL REGISTER to determine whether it covers any product he manufactures or distributes.

Any person who elects to avail himself of the opportunity for a hearing shall file (1) on or before October 30, 1974, a written notice of appearance and request for hearing, and (2) on or before November 29, 1974, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 430.20. Any other interested person may submit comments on this order. The procedures and requirements governing this order, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of a hearing, are contained in 21 CFR 146.1

as published and discussed in detail in the FEDERAL REGISTER of March 13, 1974 (39 FR 9750), recodified as 21 CFR 430.20 in the FEDERAL REGISTER of May 30, 1974 (39 FR 18922).

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that no genuine and substantial issue of fact precludes the action taken by this order or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this order shall be filed in quintuplicate with the Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

All submissions pursuant to this order, except for data and information prohibited from public disclosure pursuant to section 301(j) of the act (21 U.S.C. 331(j)) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk during regular business hours, Monday through Friday.

Effective date. This order shall become effective November 11, 1974. If objections are filed, the effective date will be extended as necessary to rule thereon. In so ruling, the Commissioner will specify another effective date.

(Secs. 502, 507, 52 Stat. 1050–1051 as amended, 59 Stat. 463 as amended; 21 U.S.C. 352, 357.)

Dated: September 24, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-22571 Filed 9-27-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER D—NATIONAL HIGHWAY INSTITUTE

PART 260—STATE EDUCATION AND TRAINING PROGRAMS

Application for and Obligation of Federal-Aid Funds for Education and Training

This amendment adds Subpart D to Part 260 of the regulations of the Federal Highway Administration.[1]

This Subpart D converts Policy and Procedures Memorandum 21-22 on Application for and Obligation of Federal-aid Funds for Education and Training to Part 260 of Title 23 of the Code of Federal Regulations.

Subpart D prescribes policy and procedures for the use of Federal-aid funds authorized by 23 U.S.C. 321(b) and (c) for inservice education and training of State and local highway department employees.

It also establishes the categories of training to which Federal funds may be applied and sets forth the criteria followed by the Federal Highway Administration to evaluate State requests for the application of such funds.

Since the matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a)(2), general notice of proposed rulemaking is not required. In consideration of the above and effective on the date of issuance, Chapter I of Title 23, Code of Federal Regulations, is amended by adding Subpart D to part 268.

Issued on September 23, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Subpart D—State Education and Training Programs

Sec.
260.401 Purpose.
260.403 Policy.
260.405 Application Procedures.
260.407 Approval Criteria.
260.409 Funding and Reimbursement.
260.411 Prohibition Against Discrimination.

AUTHORITY: 23 U.S.C. 321(b), 321(c) and 315.

Subpart D—State Education and Training Programs

§ 260.401 Purpose.

The purpose of this subpart is to prescribe policy and implement procedures for the administration of Federal-aid funds for inservice education and training of State and local highway department employees.

§ 260.403 Policy.

It is the policy of the Federal Highway Administration to encourage the States to fully utilize the authority contained in 23 U.S.C. 321(b) and 321(c) to provide continuing education of State and local employees engaged or to be engaged in Federal-aid highway work.

§ 260.405 Application procedures.

(a) The State in making applications for education and training funds is encouraged to establish a program, for the fiscal year, outlining the use of such funds.

(b) Application for Federal-aid funds to be used for educational and training activities must be made to the Division Engineer in one of the following ways:

(1) The State, having established its education and training goals, may submit Forms PR-1, "Federal-Aid Program Data", for each class of funds to be utilized and Forms FHWA-1421, "Request for Use of Federal-Aid Highway Funds for Individual Education of Training" or FHWA-1422, "Request for Use of Federal-Aid Highway Funds for Group Education or Training" at the beginning of the fiscal year; or

(2) The State, having some educational and training goals but not desiring to specify individual programs, may submit Forms PR-1 for each class of funds to be utilized at the beginning of the fiscal year and Forms FHWA-1421 or FHWA-1422 on an individual basis throughout the year as the need for education and training activities arise; or

(3) The State may submit Forms PR-1 for each class of funds to be utilized and Forms FHWA-1421 or FHWA-1422 throughout the year as the need for education and training programs arise.

§ 260.407 Approval criteria.

(a) Subject to the availability of funds, as determined by the Division Engineer, the following criteria shall be observed by the Division Engineer in determining whether to approve each separate course or training proposal:

(1) The existence of a student-instructor relationship in which a planned routine of instruction will be followed training objectives.

(2) The existence of a training environment that will accomplish the training objectives,

(3) The existence of a program or schedule of planned activity to be followed.

(4) Assurance that Federal fund participation in the cost of the training will not exceed 70 percent of the cost of tuition or other direct education expenses, which expenses shall not include travel, subsistence or salaries of the trainees.

(b) The Division Engineer's approval, as indicated on the submitted forms, shall constitute his authorization to proceed with the requested training.

§ 260.409 Funding and reimbursement.

(a) Education and training funds are made available from Federal-aid funds which are designated to meet specified State needs. These classes of funds, and amounts made available from each class for education and training, are reflected by apportionment data distributed by the FHWA.

(b) Established Federal-aid reimbursement procedures will be followed by the division and State offices, including execution of a Federal-aid project agreement, FHWA Form PR-2.

§ 260.411 Prohibition against discrimination.

The Civil Rights Act of 1964 (43 U.S.C. 2000d–2000d-4), the U.S. Department of Transportation implementing regulations (49 CFR Part 21), and the State assurances executed pursuant thereto are applicable to all activities receiving financial assistance through the Federal Highway Administration.

[FR Doc.74-22588 Filed 9-27-74;8:45 am]

SUBCHAPTER E—PLANNING

PART 1—GENERAL

PART 470—HIGHWAY SYSTEMS

Federal-Aid Other Than Urban

Policy and Procedure Memorandum 10-1 has heretofore set forth the policies and procedures pertaining to the several Federal-aid highway systems, other than the urban system. That directive is now

[1] NOTE: Part 260 consisting of Subparts A—C was added at 39 FR 34520, Sept. 26, 1974.

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incorporated into the Federal-Aid Highway Program Manual. Portions of the Manual addition are hereby published, by amending Title 23, adding Subpart A of a new Part 470.

General notice of proposed rulemaking is not required, inasmuch as the published material relates to benefits or contracts pursuant to 5 U.S.C. 553(a)(2). The regulations will become effective on the date of issuance set forth below.

Issued on September 20, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

§ 1.6 [Revoked]

1. Section 1.6, Title 23, CFR, is hereby revoked.

2. Part 470, consisting at this time of Subpart A is added to read as follows:

Subpart A—Federal-Aid Highway Systems (Other Than Urban)

Sec.
470.101 Purpose.
470.103 System Classification.
470.105 Integration of Systems.
470.107 General Procedures.
470.109 Procedures for Interstate System.
470.111 Reclassification, Deletions, and Reinstatements.

AUTHORITY: 23 U.S.C. 103(b)(1), 103(c)(1), 103(e)(1), 103(e)(3), 103(f), 315; 49 CFR 1.48(b)(2) and (b)(35).

Subpart A—Federal-Aid Highway Systems (Other Than Urban)

§ 470.101 Purpose.

To set forth policies and procedures relating to designation of the National System of Interstate and Defense Highways, the Federal-aid primary highway system and the Federal-aid secondary highway system in accordance with the provisions of sections 103(b)(1), 103(c)(1), 103(e)(1) and (3), and 103(f) of title 23, United States Code.

§ 470.103 System classification.

(a) The National System of Interstate and Defense Highways shall consist of routes of highest importance to the Nation which connect the principal metropolitan areas, cities, and industrial centers, including important routes into, through, and around urban areas, serve the national defense, and to the greatest extent possible connect at suitable border points with routes of continental importance in Canada and Mexico.

(b) The Federal-aid primary system shall consist of routes of the National System of Interstate and Defense Highways and other important routes with their urban extensions, including important loops, belt highways, and spurs.

(c) The Federal-Aid secondary system shall consist of the principal secondary and feeder routes in rural and urban areas.

§ 470.105 Integration of systems.

All systems shall be properly integrated, with each route connected to another Federal-aid route.

§ 470.107 General procedures.

(a) State highway agencies shall have the responsibility for initiating route selections and proposing changes in routes already designated. In justification of the desired action, each proposal shall contain adequate supporting information and maps of sufficient scale and detail to show the system changes involved. In the event the proposal involves routes through Federal reservations, it shall be discussed with the appropriate Federal agency.

(b) Proposals shall contain a statement by the State highway agencies that there has been cooperation with appropriate local road officials regarding the Federal-aid secondary system and that, in urbanized areas, the proposal is in accordance with the planning process pursuant to section 134, United States Code.

§ 470.109 Procedures for interstate system.

Interstate routes shall be numbered in accordance with the numbering scheme adopted by the American Association of State Highway and Transportation Officials.

§ 470.111 Reclassification, deletions, and reinstatements.

(a) The reclassification of a Federal-aid highway route from one Federal-aid system to another shall not relieve the State of its obligation to the Federal Government to maintain portions thereof constructed as Federal-aid projects or of any other obligation included in project agreements executed for Federal-aid projects on portions of that route.

(b) The approved deletion of a Federal-aid highway route from any Federal-aid system, without reclassification to another Federal-aid system, shall relieve the State of its obligation to the Federal Government to maintain portions thereof constructed as Federal-aid projects. Such deletion shall also relieve the State of any other obligation included in project agreements executed for Federal-aid projects on portions of the deleted route.

(c) Requests for reinstatement of routes previously deleted from any Federal-aid system shall be approved only when the State expressly agrees to resume its obligation for the maintenance of any portion of the route constructed as a Federal-aid project. Resumption of any other obligations included in project agreements executed from Federal-aid projects on the route being considered for reinstatement shall be mutually agreed to by the State and the Federal Highway Administration.

[FR Doc.74-22672 Filed 9-27-74;8:45 am]

PART 490—SPECIAL PROGRAMS

Economic Growth Center Development Highways

A new Part 490 is added to title 23, Code of Federal Regulations in implementation of special programs. Subpart A sets forth the policies and procedures applicable to economic growth center development highways (23 U.S.C. 143, as amended by section 122 of the Federal-Aid Highway Act of 1973 [Pub. L. 93-87]) and consists of those portions of a new addition to the Federal-Aid Highway Program Manual (Volume 4, Chapter 8, section 2) which require public notice.

The matters affected relate to grants, benefits or contracts within the purview of 5 U.S.C. 553(a)(2), therefore general notice of proposed rulemaking is not required.

The regulations will take effect on the date set forth below.

Issued on September 23, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Subpart A—Economic Growth Center Development Highways

Sec.
490.101 Purpose.
490.103 Definitions.
490.105 Applicability.
490.107 Implementation.
490.109 Financing.
490.111 Criteria.
Appendix A—Criteria for Selection and Approval of Economic Growth Center Highways and Development Highway Projects.

AUTHORITY: 23 U.S.C. 143, 315; 49 CFR 1.48(b)(26) and (35).

Subpart A—Economic Growth Center Development Highways

§ 490.101 Purpose.

The purpose of this subpart is to prescribe policies and procedures for administering the Economic Growth Center Development Highway Program by furnishing specific procedures, criteria, and definitions needed to assist State Governors, State highway officials, and Federal Highway Administration headquarters and field staffs in implementing the program.

§ 490.103 Definitions.

(a) The term "Commuting Range" means that distance from a growth center from which residents of rural counties can commute daily, with reasonable convenience, to work or other opportunities in the growth center.

(b) The term "Development Highway Projects" means a project on an economic growth center development highway approved by the Federal Highway Administrator for construction, reconstruction, or other improvement with funds authorized under provisions of 23 U.S.C. 143.

(c) The term "Division Engineer" means the chief Federal Highway Administration (FHWA) official assigned to conduct FHWA business in a particular State, the District of Columbia, or the Commonwealth of Puerto Rico.

(d) The term "Economically Capable" means the economic capability of an area to be designated as an economic growth center. A determination that a proposed growth center is economically capable will rest primarily upon past economic performance of the area and upon its future potential.

(e) The term "Economic Development" means economic development of an area as evidenced by increments in total income, employment opportunities, population, value of production, increased diversification of industry, higher labor force participation rates, increased duration of employment, higher wage levels, and/or gains in other measures of economic activity, such as land values.

(f) The term "Economic Development District" means a group of adjacent counties or areas, including a growth center, grouped together under a program authorized by Congress and designated by the Economic Development Administration.

(g) The term "Economic Development Plan" means a formal attempt to bring order, priority, and foresight into government and private expenditures.

(h) The term "Economic Growth Center" means a center of less than 100,000 population approved by the Secretary on the basis of recommendations of the Governor of the State.

(i) The term "Economic Growth Center Development Highway" means a highway on any Federal-aid system except the Interstate System which meets the requirements established by 23 U.S.C. 143 and is approved by the Secretary of Transportation for construction, reconstruction, or improvement under the provisions of that section.

(j) The term "Geographically Capable" means the ability of an area surrounding a proposed growth center to provide area residents, and residents of the growth center, the opportunity, with reasonable convenience, to commute to or from the center to employment or to other public and private services available in the area.

(k) The term "Public and Private Services" means such services providing health care, transport, education, legal, employment, recreational, cultural, and other similar services available to the public.

(l) The term "Redevelopment Area" means a county, Indian reservation, or other definable area designated by the Economic Development Administration under a program authorized by Congress to attempt to solve problems caused by high unemployment and low median family income levels.

§ 490.105 Applicability.

(a) The Federal-Aid Highway Act of 1973 continued the Economic Growth Center Development Highway Program, but modified it in three important respects:

(1) 23 U.S.C. 143(a) was amended to eliminate the "demonstration" feature, thereby indicating a congressional intent to make the growth center provision an element of the overall Federal-aid highway program:

(2) The 20 percent add-on or "sweetner" financing provision of the Federal-Aid Highway Act of 1970 was eliminated and authorizations for the 1974, 1975 and 1976 fiscal years were made (in section 104(a)(10)) to provide the same Federal share payable as for any other project on the Federal-aid system on which the development highway is located; and

(3) The program was broadened to include projects on any Federal-aid system except the Interstate System.

(b) This directive applies to all development highway projects under provisions of title 23 U.S.C. 143.

§ 490.107 Implementation.

(a) Highway projects to serve economic growth centers shall be approved by the Division Engineer according to ordinary Federal-aid procedures, provided the Division Engineer is satisfied that the project has a reasonable likelihood of improving the economic and social performance of the growth center.

(b) Economic growth centers approved under 23 U.S.C 143 prior to the issuance of this directive shall be continued as active centers in the new program until they are replaced by new centers in accordance with § 490.107(c). New highway projects selected to continue improvement of previously approved centers are eligible for immediate approval by the Division Engineer provided he is satisfied that the project has a reasonable likelihood of improving the economic and social performance of the growth center.

(c) New economic growth centers may be recommended by the Governors of the several States in addition to existing centers. However, no State shall have more than three currently active growth centers. New centers may be recommended to replace centers for which funds have been fully obligated for all approved projects, or for which no projects have been initiated. Governors shall submit their recommendations to the Regional Federal Highway Administrator through their State highway agencies.

(d) A Governor's recommendation for a new economic growth center shall be accompanied by economic and demographic data supporting his suggestions and explaining why and how additional highway investment might assist in further developing the potential of the area. Criteria listed in Appendix A of this subpart must be considered by the Governors in recommending growth centers.

(e) The planning studies required for this program shall be broader in scope than the engineering and economic surveys generally required in other Federal-aid highway programs. Each shall consist of an economic base study of the designated growth center and the carefully delineated rural area(s) which the center will serve. The study also shall project the amount, kind and location of economic and/or social development that is expected to occur and the time frame of such expectations, as well as why and how new highway investment, described in general terms, will aid this development.

(f) The economic growth center planning studies shall be in addition to any studies normally required for projects on the Federal-aid system on which the Economic Growth Center Development Highway is located.

(g) The States should review planning done by any agency in the area in which a growth center development highway is to be located.

(h) The requirement that "after" studies be completed to determine the impact of demonstration projects shall continue to apply to all projects under this section for which plans, specifications and estimates were approved prior to August 13, 1973.

(i) Regular Federal-aid procedures applicable to the system on which a project is located shall be used, except as modified in this subpart.

§ 490.109 Financing.

(a) Section 104(a)(10) of the Federal-Aid Highway Act of 1973 authorizes appropriations out of the Highway Trust Fund to finance the Economic Growth Center Development Highway Program. In addition, unobligated balances remaining from the demonstration program are available for use in the new program.

(b) The requirement in the Federal-Aid Highway Act of 1970 that "the Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall be increased by not to exceed an additional 20 per centum of the cost of such project, except that in no case shall the Federal share exceed 95 per centum of the cost of such project" shall continue to apply to all projects under 23 U.S.C. 143 for which plans, specifications and estimates were approved prior to the enactment of the Federal-Aid Highway Act of 1973 (August 13, 1973) until such projects are completed. The Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under 23 U.S.C. 143 for which plans, specifications and estimates were or are approved subsequent to enactment of the Federal-Aid Highway Act of 1973 shall be the same as the Federal share payable for the Federal-aid system on which such development highway is located.

(c) Federal-aid funding from two or more Federal-aid highway programs may occur but the Federal share for each must be in accordance with 23 U.S.C. 120 as set forth in Volume 6, Chapter 3, section 2, subsection 2 of the Federal-Aid Highway Program Manual.

§ 490.111 Criteria.

In accordance with 23 U.S.C. 143(f), criteria have been developed to aid Governors in recommending economic growth centers to the Federal Highway Administrator. All criteria are detailed in Appendix A of this subpart and will be utilized by Regional Administrators in their determination as to whether growth centers recommended by the Governors meet the criteria of the Act.

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These criteria also will be used to guide the selection of individual projects to serve the growth centers.

APPENDIX A

CRITERIA FOR SELECTION AND APPROVAL OF ECONOMIC GROWTH CENTER HIGHWAYS AND DEVELOPMENT HIGHWAY PROJECTS

I. *Requirements for Governors' submittal to the Regional Federal Highway Administrators.* In order to meet the requirements of section 143, the Secretary has established through the Federal Highway Administration and in consultation with the Secretary of Commerce and the regional commissions,[1] the following criteria that must be considered by the Governors in recommending growth centers and in establishing a priority listing:

A. *Legislative criteria for Economic Growth Center selection.* 1. Growth centers shall be geographically and economically capable of contributing significantly to the development of the surrounding areas;

2. Growth centers shall have a population not in excess of 100,000 according to the 1970 Federal Census of Population; and

3. The selection of growth centers within the Appalachian region and in the economic development region, shall take into account the purposes of the Appalachian Regional Development Act of 1965 and the Public Works and Economic Development Act of 1965.

B. *Administrative criteria for Economic Growth Center selection.* Listed below are additional criteria or guidelines to which Governors, in consultation with the State highway departments, and regional development commissions and development or planning agencies, when appropriate, shall direct their attention when recommending economic growth centers for selection. Because of the many objectives of section 143 recommended centers need not be related necessarily to any single administrative criterion. Centers could include communities with either demonstrated or potential viability.

1. In order to accomplish an effective use of the modest funds available for this program, it is suggested that State highway departments may wish to concentrate on additional projects serving centers already approved under the 1970 Act.

a. When development projects serving one or more approved growth centers are complete or nearing completion, and no further development projects to serve those centers are in progress or contemplated, the Governor may wish to recommend additional growth centers and his order of their priority.

b. If the State believes that a selected approved Economic Growth Center is to be omitted from the program, the Governor may wish to recommend a substitution center to the Regional Federal Highway Administrator.

2. In recommending additional or substitute economic growth centers, Governors shall give top priority to areas included in existing regional development programs. Consideration shall also be given to local development districts established by State and local action under the Appalachian Regional Commission.

By giving special consideration in the selection process to growth centers designated under programs which have already received or which are stated to receive additional amounts of public and private capital investments, a leverage effect on development potential will be exerted.

[1] Regional commissions refer to the Appalachian Regional Commission and the commissions established under Title V of the Public Works and Economic Development Act of 1965.

3. Communities or centers also may be recommended for selection even though they are not included in ongoing regional development programs if they offer possibilities for growth through natural resources development or other industrial or commercial activities. Prospective growth centers possessing the following attributes will merit special consideration because of demonstrated viability:

a. Centers, which provided during the past decade, or in a more recent period, significant employment and residence opportunity for residents from nearby or surrounding rural counties.

b. Centers or communities which have been growing in a relative sense to the surrounding area or region; i.e., centers which, in a more recent period, evidenced high average wage levels, faster population and/or employment growth relative to surrounding rural counties and/or the region.

c. Communities which evidence potential viability based on private and public plans and data submitted, also may be recommended. It is conceivable that some communities may have shown little or even no growth over the past decade, but have definitely served an important function as a service and employment center for the surrounding rural areas and have inherent but untapped growth potential. Had this role not been played by the recommended center, the surrounding counties, though possibly stagnant during recent decades, might have suffered even further decline in economic performance. If such a role will likely continue into the future, or if prospects are favorable for future growth because of industry location plans and governmental investment, such communities may be recommended as economic growth centers. Data on such further prospects should be forwarded by the respective Governors in conjunction with data on boundaries of operationally defined service or trade areas, measured, perhaps, by newspaper routes, commuting patterns, or labor market boundaries.

Selection of centers of demonstrated viability and others of potential viability is not inconsistent. Section 143 has established a development program with many differing objectives. Therefore, various mixes or types of projects must be developed to determine what the incremental impacts of highway investments on development are under differing circumstances.

d. The amount of industry diversification in the community is an important factor. The diversification of the economic base of an area as measured by the proportion of the work force employed in manufacturing and service industries relative to total employment may be integrally related to the ability to support future growth. This can include also communities which are viable because of health, tourist, and environment activities.

e. The availability of alternative transportation systems including publicly owned airport and waterport facilities in existence or which might be established to service the center.

f. Other indicators of the capability of proposed growth centers include, but are not limited to:

(1) Availability of adjacent land suitable for industrial commercial development;

(2) Adequate water resources for human, industrial, and commercial consumption;

(3) Utilities, schools, and other public services adequate to meet the community's current and future needs.

4. Consideration should be given to new towns or communities in rural settings. Such communities may also be eligible for financial and other assistance for highway projects the Department of Housing and Urban Development under section 710 of the Housing and Urban Development Act of 1970. Additionally, newly developed communities may be used for the testing and development of technological, physical, and institutional innovation applicable to other communities and areas. New towns which are satellite or bedroom communities of metropolitan areas are not the types of communities to which this legislation is addressed.

C. *Other requirements.* 1. Those centers with 50,000 or more population proposed as growth centers under provisions of this legislation shall meet the requirements for urban transportation planning specified in section 134, Title 23, U.S. Code.

2. When recommending centers for approval, Governors should submit summaries of any formal private or public plans related to the economic and social development of a proposed growth center and surrounding areas, if these have been developed. The availability of such a plan is not mandatory, although existence of a formal economic development planning process indicates the extent of the community's and regional interest in development.

When such plans are unavailable, Governors shall submit relevent social and economic data to support their rationale for selection. Such data should illustrate the present condition of the center and target areas, major impediments to development; present intermodal transportation facilities and their linkages to the growth center, markets, the rural hinterland, and the overall transportation network; and the possible impact upon the area and region resulting from more adequate transportation connections. Estimates of the expected impact of the highway program in conjunction with public and private programs are important in determining priorities for growth center selection, and in approval of such centers by the Secretary for highway projects.

II. *Approval of Economic Growth Centers.* The Regional Federal Highway Administrator will approve economic development growth centers. However, highway projects to serve these centers shall be approved by the division engineer, in consultation with the regional planning engineer, as is the case with other Federal Highway Administration highway programs.

[FR Doc.74-22585 Filed 9-27-74;8:45 am]

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 620—ENGINEERING

Highway Improvements in the Vicinity of Airports

Chapter I of Title 23, Code of Federal Regulations is amended by adding a new subpart A—*Highway Improvements in the Vicinity of Airports* to Part 620—*Engineering*.

Policy and Procedure Memorandum 20-13, which contains FHWA requirements for highway improvements in the vicinity of airports, has been incorporated in the Federal-Aid Highway Program Manual. Regulatory portions of this directive are hereby published.

General notice of proposed rulemaking is not required since the material published relates to grants, benefits or contracts pursuant to 5 U.S.C. 553(a)(2). The regulations will become effective on the date of issuance.

Issued on September 23, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Subpart A—Highway Improvements in the Vicinity of Airports

Sec.
620.101 Purpose.
620.102 Applicability.
620.103 Policy.
620.104 Standards.

AUTHORITY: 23 U.S.C. 315 and 318; 49 CFR 1.48; 23 CFR 1.32.

Subpart A—Highway Improvements in the Vicinity of Airports

§ 620.101 Purpose.

The purpose of this section is to implement Title 23 United States Code, section 318 which requires coordination of airport and highway developments to insure (a) that airway-highway clearances are adequate for the safe movement of air and highway traffic, and (b) that the expenditure of public funds for airport and highway improvements is in the public interest.

§ 620.102 Applicability.

The requirements of this section apply to all projects on which Federal-aid highway funds are to be expended and to both civil and military airports.

§ 620.103 Policy.

(a) Federal-aid highway funds shall not participate in the costs of reconstruction or relocation of any highway to which this section applies unless the Federal Highway Administration (FHWA) and State officials, in cooperation with the Federal Aviation Administration (FAA) or appropriate military authority, or in the case of privately owned airports, the owner of that airport, determine that the location or extension of the airport in question and the consequent relocation or reconstruction of the highway is in the public interest.

(b) In addition to complying with 23 U.S.C. 318 and insuring the prudent use of public funds, it is the policy of FHWA to provide a high degree of safety in the location, design, construction and operation of highways and airports.

(c) Federal-aid funds shall not participate in projects where substandard clearances are created or will continue to exist.

§ 620.104 Standards.

A finding of public interest by FHWA will be based on compliance with airway-highway clearances which conform to FAA standards for aeronautical safety.

[FR Doc.74-22587 Filed 9-27-74;8:45 am]

PART 625—DESIGN STANDARDS FOR FEDERAL-AID HIGHWAYS

Specifications, Policies and Guides

A Federal-aid to Highways directive of long-standing (PPM 40-2) has set forth standards, specifications, policies, and guides that are acceptable to the Federal Highway Administration for application in the geometric and structural design and traffic control features of Federal-aid highway projects. The directive has been revised for inclusion in the Federal-Aid Highway Program Manual. Inasmuch as portions of the Manual addition impose an obligation on States which must be complied with to obtain Federal assistance, those portions are hereby published.

This regulation converts Policy and Procedure Memorandum 40-2 on Design Standards for Federal-aid Projects to Part 625 of 23 CFR Chapter 1.

Since the matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a)(2), general notice of proposed rulemaking is not required.

This regulation will be effective on the date of issuance as set forth below.

Sec.
625.1 Purpose.
625.2 Definitions.
625.3 Standards, Specifications, Policies, and Guides.
625.4 Approvals.

APPENDIX A—DOCUMENTS CITED IN PART 625

AUTHORITY: 23 U.S.C. 109 (a) through (e).

§ 625.1 Purpose.

This part designates those standards, specifications, policies, and guides that are acceptable to the Federal Highway Administration (FHWA) for application in the geometric and structural design and traffic control features of Federal-aid highway projects.

§ 625.2 Definitions.

(a) Highway design standards and specifications are those design principles and dimensions derived from basic engineering knowledge, experience, research, and judgment that are officially designated and adopted by highway authorities as the specific controls for design of highways.

(b) Highway design policies are general procedures and controls which are less specific than design standards, often with a range of acceptable values, and which are officially adopted or accepted for application in the design of highways.

(c) Highway design guides include information and general controls that are more flexible and indefinite than policies but which are valuable in attaining good design and in promoting uniformity.

§ 625.3 Standards, specifications, policies and guides.

The following standards and specifications, policies and guides are approved by the FHWA for application on Federal-aid projects.[1]

(a) *Standards and specifications.* (1) Geometric Design Standards for Highways Other than Freeways, AASHO 1969.[2]

(2) Geometric Design Standards for the National System of Interstate and Defense Highways, AASHO 1967.[2]

(3) Geometric Design Guide for Local Roads and Streets, AASHO 1970.[2] The minimum values therein will be applied to determine the acceptability of low volume roads and streets except that approval is not to be given for design speeds less than 30 mph or for retention of bridges having less than approach-traveled way width.

(4) Manual on Uniform Traffic Control Devices for Streets and Highways, FHWA 1971.[2]

(5) Recommended Practices for Railroad-Highway Grade Crossing Warning Systems, Bulletin No. 7, Association of American Railroads, 1974.[4]

(6) Standard Specifications for Highway Bridges, Eleventh Edition, AASHO 1973, as amended.[2]

(7) Standard Specifications for Movable Highway Bridges, AASHO 1970.[2]

(8) Specifications for Design and Construction of Structural Supports for Highway Signs, AASHO 1968.[2]

(9) Specifications for the Design and Construction of Structural Supports for Highway Luminaires, AASHO 1970, as amended.[2]

(10) Standard Specifications for Welding of Structural Steel Highway Bridges, AASHTO 1974.[2]

(b) *Policies.* (1) A Policy on Geometric Design of Rural Highways, AASHO 1965.[2]

(2) A Policy on Design of Urban Highways and Arterial Streets, AASHTO 1973.[2]

(3) A Policy on Locating Police Stations and Maintenance Yards Serving Interstate Highways, AASHO 1959.[2]

(4) A Policy on the Accommodation of Utilities on Freeway Rights-of-Way, AASHO 1969.[2]

(5) A Policy on U-Turn Median Openings on Freeways, AASHO 1960.[2]

(6) A Policy on Access Between Adjacent Railroads and Interstate Highways, AASHO 1960.[2]

(7) A Policy on Design Standards for Stopping Sight Distances, AASHO 1971.[2]

(c) *Guides.* (1) Highway Definitions, AASHO 1968.[2]

(2) Highway Design and Operational Practices Related to Highway Safety, Report of the Special AASHO Traffic Safety Committee, AASHTO 1974.[2]

(3) A Guide for Bicycle Routes, AASHTO 1974.[2]

(4) Guide Specifications for Highway Construction, AASHO 1972.[2]

(5) Highway Drainage Guidelines, Volumes I, II, and III, AASHTO 1973.[2]

(6) Highway Barriers, NCHRP Report 118—Location Selection and Maintenance of Highway Traffic Barriers, Highway Research Board (HRB) 1971.[5]

(7) Interim Guide for Design of Pavement Structures, AASHO 1972.[2] Pavement design may be based upon procedures and practices of individual agencies that by past performance have proved satisfactory for the pertinent conditions; however, the Federal Highway Administration will use this guide to evaluate the adequacy of the design proposed.

(8) A Guide for Highway Landscape and Environmental Design, AASHO 1970.[2]

(9) A Guide on Safety Rest Areas for the National System of Interstate and Defense Highways, AASHO 1968.[2]

(10) An Informational Guide for Roadway Lighting, AASHO 1969.[2]

(11) A Guide for Accommodating Utilities of Highway Rights-of-Way, AASHO 1969.[2]

See footnotes on p. 33146.

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(12) A Guide for Erecting Mailboxes on Highways, AASHO 1969.[2]

(13) A Guide for Protective Screening of Overpass Structures, AASHO 1969.[2]

(14) An Informational Guide on Fencing Controlled Access Highways, AASHO 1967.[2]

(15) An Information Guide for Preparing Private Driveway Regulations for Major Highways, AASHO 1960.[2]

(16) Highway Capacity, Special Report 87, Highway Capacity Manual, HRB 1965.[4]

(17) Handbook of Highway Safety Design and Operating Practices, FHWA 1973.[5]

§ 625.4 Approvals.

(a) Approval may be given to project plans, specifications and estimates that are found to be in conformance with the standards and specifications, policies and guides as enumerated in § 625.3.

(b) Exceptions. Approval may be given to designs on a project basis which do not conform to the minimum criteria set forth in the standards and policies listed in § 625.3 (a) and (b) under the following conditions:

(1) Projects for the highway safety improvement program;

(2) Projects involving experimental features; and

(3) Other projects where unusual conditions warrant that exception be made.

The determination to approve a project design that does not conform to the minimum criteria is to be made only after due consideration is given to all project conditions such as maximum service and safety benefits for the dollar invested, compatibility with remaining sections of unimproved roadway, and the probable time before reconstruction of the section due to increased traffic demands. Projects which include provisions to retain angle parking may be approved if an engineering analysis shows that such parking will not create a hazardous condition and restrict the usable roadway section so as to impede traffic flow.

(c) The Guides are not project requirements and no specific approval for deviations from the guides is required.

Issued on: September 23, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-22671 Filed 9-27-74;8:45 am]

APPENDIX A—DOCUMENTS CITED IN PART 625

[1] These documents may be reviewed at the Department of Transportation Library, Room 2200, DOT Headquarters Building, 400–7th Street SW., Washington, D.C. 20590.

[2] American Association of State Highway and Transportation Officials, 341 National Press Building, Washington, D.C. 20045.

[3] Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

[4] Association of American Railroads, American Railroads Building, Washington, D.C. 20036.

[5] Transportation Research Board, National Academy of Sciences, 2101 Constitution Avenue NW., Washington, D.C. 20418.

PART 633—REQUIRED CONTRACT PROVISIONS

A Federal-aid to highways directive (PPM 23–3) has heretofore set forth the provisions which must be included in Federal-aid contracts for Appalachian projects in order that such projects would be eligible for Federal-aid pursuant to the Appalachian Regional Development Act of 1965, as amended, and Title 23, United States Code. The directive has been revised for addition to the Federal-Aid Highway Program Manual. Inasmuch as portions of the Manual addition impose an obligation on States which must be complied with to obtain Federal assistance, those portions are hereby published.

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a)(2), therefore, general notice of proposed rulemaking is not required.

Issued on September 23, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Part 633 of Title 23 is amended by adding Subpart B as follows:

Subpart B—Federal-Aid Contracts (Appalachian Contracts)

Sec.
633.201 Purpose.
633.202 Definitions.
633.203 Applicability of existing laws, regulations, and directives.
633.204 Fiscal allocation and obligations.
633.205 Prefinancing.
633.206 Project agreements.
633.207 Construction labor and materials.
633.208 Maintenance.
633.209 Notices to prospective Federal-aid construction contractors.
633.210 Termination of contract.
633.211 Implementation of Clean Air Act.
Appendix A—Types of contracts to which the Civil Rights Act of 1964 is applicable.
Appendix B—Required contract provisions, Appalachian Development Highway System and local access road construction contracts.
Appendix C—Additional required contract provisions. Appalachian Development Highway System and local access roads contracts other than construction contracts.
Appendix D—Notices to prospective Federal-aid construction contractors.

AUTHORITY: 40 U.S.C. App. 201, 402; 23 U.S.C. 315; 49 CFR 1.48(b)(35).

Subpart B—Federal-Aid Contracts (Appalachian Contracts)

§ 633.201 Purpose.

The purpose of the regulations in this subpart is to establish policies and outline procedures for administering projects and funds for the Appalachian Development Highway System and Appalachian local access roads.

§ 633.202 Definitions.

(a) The word "Commission" means the Appalachian Regional Commission (ARC) established by the Appalachian Regional Development Act of 1965, as amended (Act).

(b) The term "division engineer" means the chief Federal Highway Administration (FHWA) official assigned to conduct FHWA business in a particular State.

(c) The term "Stage 2 project" means a project for which a State highway department has requested approval by FHWA, and reservation of available Federal-aid funds.

§ 633.203 Applicability of existing laws, regulations, and directives.

The provisions of Title 23, United States Code, that are applicable to the construction and maintenance of Federal-aid primary and secondary highways, and which the Secretary of Transportation determines are not inconsistent with the Act, shall apply, respectively, to the development highway system and the local access roads. In addition, the Regulations for the Administration of Federal-aid for Highways (Title 23, Code of Federal Regulations) and directives implementing applicable provisions of Title 23, United States Code, where not inconsistent with the Act, shall be applicable to such projects.

§ 633.204 Fiscal allocation and obligations.

(a) Federal assistance to any project under the Act shall be as determined by the Commission, but in no event shall such Federal assistance exceed 70 per centum of the cost of such a project.

(b) The division engineer's authorization to proceed with the proposed work under a stage 2 project shall establish obligation of Federal funds with regard to a particular project.

§ 633.205 Prefinancing.

(a) Under the provisions of subsection 201(h) of the Act, projects located on the Appalachian Development Highway System including preliminary engineering, right-of-way, and/or construction may be programed and advanced with interim State financing.

(b) Program approvals, plans, specifications, and estimates (PS&E) approval, authorizations to proceed, concurrence in award of contracts, and all other notifications to the State of advancement of a project shall include the statement, "There is no commitment or obligation on the part of the United States to provide funds for this highway improvement. However, this project is eligible for Federal reimbursement when sufficient funds are available from the amounts allocated by the Appalachian Regional Commission."

§ 633.206 Project agreements.

(a) Project agreements executed for projects under the Appalachian program shall contain the following paragraphs:

(1) "For projects constructed under section 201 of the Appalachian Regional Development Act of 1965, as amended, the State highway department agrees to comply with all applicable provisions of said Act, regulations issued thereunder, and policies and procedures promulgated by the Appalachian Regional Commission, and the Federal Highway Administration. Inasmuch as a primary objective of the Appalachian Regional Development Act of 1965 is to provide employment, the State highway department further agrees that in addition to the other applicable provisions of Title 49, Code of Federal Regulations, Part 21, § 21.5 (c)(1), and paragraphs (2)(iii) and (2)(v) of Appendix C thereof, shall be applicable to all employment practices in connection with this project, and to the State's employment practices with respect to those employees connected with the Appalachian Highway Program."

(2) "For projects constructed on a section of an Appalachian development route not already on the Federal-aid Primary System, the State highway department agrees to add the section to the Federal-aid Primary System prior to, or upon completion of, construction accomplished with Appalachian funds."

(b) For prefinanced projects, the following additional provision shall be incorporated into the project agreement:

(1) "Project for Construction on the Appalachian Development Highway System in Advance of the Appropriation of Funds. This project, to be constructed pursuant to subsection 201(h) of the Appalachian Regional Development Act Amendments of 1967, will be constructed in accordance with all procedures and requirements and standards applicable to projects on the Appalachian Development Highway System financed with the aid of Appalachian funds. No obligation of Appalachian funds is created by this agreement, its purpose and intent being to provide that, upon application by the State highway department, and approval thereof by the Federal Highway Administration, any Appalachian development highway funds made available to the State by the Appalachian Regional Commission subsequent to the date of this agreement may be used to reimburse the State for the Federal share of the cost of work done on the project."

§ 633.207 Construction labor and materials.

(a) Construction and materials shall be in accordance with the State highway department standard construction specifications approved for use on Federal-aid primary projects and special provisions and supplemental specifications amendatory thereto approved for use on the specific projects.

(b) The provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d–2000d–4) and the implementing regulations in 49 CFR Part 21, including the provisions of § 21.5(c)(1), and paragraphs (2)(iii) and (2)(v) of Appendix C thereof relative to employment practices, shall be applicable to all types of contracts listed in Appendix A.

(c) The "Required Contract Provisions, Appalachian Development Highway System and Local Access Roads Construction Contracts," Form PR–1316 (Appendix B), shall be included in all construction contracts awarded under the Act.

(d) The required contract provisions set forth in Form PR–1317 (Appendix C) shall be included in all types of contracts described in Appendix A, other than construction contracts.

(e) In the design and construction of highways and roads under the Act, the State may give special preference to the use of mineral resource materials native to the Appalachian region. The provisions of § 1.19 of this part shall not apply to projects under the Act to the extent such provisions are inconsistent with sections 201 (d) and (e) of the Act.

§ 633.208 Maintenance.

Maintenance of all highway projects constructed under the Act, whether on the development system or local access roads, shall be the responsibility of the State. The State may arrange for maintenance of such roads or portions thereof, by agreement with a local governmental unit.

§ 633.209 Notices to prospective Federal-aid construction contractors.

The State highway department shall include the notices set forth in Appendix D in all future bidding proposals for Appalachian Development System and Appalachian local access roads construction contracts.

§ 633.210 Termination of contract.

All contracts exceeding $2,500 shall contain suitable provisions for termination by the State, including the manner in which the termination will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

§ 633.211 Implementation of Clean Air Act.

Pursuant to regulations of the United States Environmental Protection Agency (40 CFR, Part 15) implementing requirements with respect to the Clean Air Act are included in Appendix B.

Effective date: This subpart shall become effective on November 15, 1974.

APPENDIX A

TYPES OF CONTRACTS TO WHICH THE CIVIL RIGHTS ACT OF 1964 IS APPLICABLE

The Civil Rights Act of 1964 and the implementing regulations of the Department of Transportation (49 CFR, Part 21), including the provisions of § 21.5(c)(1), and subparagraphs (2)(iii) and (2)(v) of Appendix C thereof relative to employment practices, are applicable to the following types of contracts awarded by State highway departments, contractors, and first tier subcontractors, including those who supply materials and lease equipment:

1. Construction
2. Planning
3. Research
4. Highway Safety
5. Engineering
6. Property Management
7. Fee contracts and other commitments with persons for services incidental to the acquisition of right-of-way including, but not limited to:

a. Advertising contracts
b. Agreements for economic studies
c. Contracts for surveys and plats
d. Contracts for abstracts of title certificates and title insurance
e. Contracts for appraisal services and expert witness fees
f. Contracts to negotiate for the acquisition of right-of-way
g. Contracts for disposal of improvements and property management services
h. Contracts for employment of fee attorneys for right-of-way procurement, or preparation and trial of condemnation cases
i. Contracts for escrow and closing services

APPENDIX B

REQUIRED CONTRACT PROVISIONS APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM AND LOCAL ACCESS ROADS CONSTRUCTION CONTRACTS

I. Application.
II. Employment preference.
III. Equal opportunity: employment practices.
IV. Equal opportunity: selection of subcontractors, procurement of materials, and leasing of equipment.
V. Nonsegregated facilities.
VI. Payment of predetermined minimum wages.
VII. Statements and payrolls.
VIII. Record of materials, supplies and labor.
IX. Subletting or assigning the contract.
X. Safety: accident prevention.
XI. False statements concerning highway projects.
XII. Implementation of Clean Air Act.

I. Application. 1. These contract provisions shall apply to all work performed on the contract by the contractor with his own organization and with the assistance of workmen under his immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

2. Except as otherwise provided in sections II, III, and IV hereof, the contractor shall insert in each of his subcontracts all of the stipulations contained in these Required Contract Provisions and also a clause requiring his subcontractors to include these Required Contract Provisions in any lower tier subcontracts which they may enter into, together with a clause requiring the inclusion of these provisions in any further subcontracts that may in turn be made. The Required Contract Provisions shall in no instance be incorporated by reference.

3. A breach of any of the stipulations contained in these Required Contract Provisions may be grounds for termination of the contract.

4. A breach of the following clauses may also be grounds for debarment as provided in 29 CFR 5.6(b):

Section I, paragraph 2.
Section VI, paragraphs 1, 2, 3, 5 and 8a.
Section VII, paragraphs 1, 5a, 5b and 5d.

II. Employment preference. 1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the United States Department of Labor wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:

a. To the extent that qualified persons regularly residing in the area are not available.

b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.

c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective

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bargaining contract, provided that the number of nonresident persons employed under this subparagraph 1c shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph 4 below.

2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of laborers, mechanics and other employees he anticipates will be required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which he estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, he shall promptly notify the State Employment Service.

3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.

4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill the positions covered by the certificate, notwithstanding the provisions of subparagraph 1c above.

5. The contractor shall include the provisions of Section II–1 through II–4 in every subcontract for work which is, or reasonably may be, done as on-site work.

III. *Equal opportunity: employment practices.* During the performance of this contract, the contractor agrees as follows:

a. The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and the employees are treated during employment without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection of training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the State highway department setting forth the provisions of this nondiscrimination clause.

b. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

c. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the State highway department advising the said labor union or workers' representative of the contractor's commitments under this section III and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

d. The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.

e. The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations and orders of the Secretary of Labor or pursuant thereto, and will permit access to his books, records and accounts by the Federal Highway Administration and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

f. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or Federally-assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.

g. The contractor will include the provisions of this Section III in every subcontract or purchase order unless exempted by rules, regualtions or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event a contractor becomes involved in, or is threatened with litigation with a subcontractor or vendor as a result of such direction by the Federal Highway Administration, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

IV. *Equal opportunity: selection of subcontractors, procurement of materials, and leasing of equipment.* During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

1. *Compliance with regulations.* The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. *Nondiscrimination.* The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipments. The contractor shall not participate either directly or indirectly in the discrimination prohibited by § 21.5 of the Regulations, including employment practices.

3. *Solicitations for subcontracts including procurement of materials and equipment.* In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier, shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color or national origin.

4. *Information and reports.* The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State highway department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State highway department, or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.

5. *Sanctions for noncompliance.* In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the State highway department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

a. Withholding of payments to the contractor under the contract until the contractor complies, and/or

b. Cancellation, termination or suspension of the contract, in whole or in part.

6. *Incorporation of provisions.* The contractor will include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement, as the State highway department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier, as a result of such direction, the contractor may request the State to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

V. *Nonsegregated facilities.* (Applicable to Federal-aid construction contracts and related subcontracts exceeding $10,000 which are not exempt from the Equal Opportunity clause.)

By submission of this bid, the execution of this contract or subcontract, or the consummation of this material supply agreement, as appropriate, the bidder, Federal-aid construction contractor, subcontractor, or material supplier, as appropriate, certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, creed, color, or national origin, because of habit, local custom, or otherwise. He agrees that (except where he has obtained identical certifications from proposed subcontractors and material suppliers for specific time periods), he will obtain identical certifications from proposed subcontractors or material suppliers prior to the award of subcontracts or the consummation of material supply agreements, exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause, and that he will retain such certification in his files.

VI. Payment of predetermined minimum wages.—1. *General.* All mechanics and laborers employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR, Part 3), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part thereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on be half of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of section VI, paragraph 3b, hereof. Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

2. *Classifications.* a. The State highway department contracting officer shall require that any class of laborers or mechanics which is not listed in the wage determination and which is to be employed under the contract, shall be classified or reclassified conformably to the wage determination, and a report of the action taken shall be sent by the State highway department contracting officer to the Secretary of Labor.

b. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question accompanied by the recommendation of the State highway department contracting officer shall be referred to the Secretary for final determination.

3. *Payment of fringe benefits.* a. The State highway department contracting officer shall require, whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the contractor is obligated to pay a cash equivalent of such a fringe benedit, an hourly cash equivalent thereof to be established. In the event the interested parties cannot agree upon a cash equivalent of the fringe benefit, the question, accompanied by the recommendation of the contracting officer, shall be referred to the Secretary of Labor for determination.

b. If the contractor does not make payments to a trustee or other third person, he may consider as part of the wage of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program of a type expressly listed in the wage determination decision of the Secretary of Labor which is part of this contract: Provided, however, the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

4. *Payment of excess wages.* While the wage rates shown are the minimum rates required by the contract to be paid during its life, this is not a representation that labor can be obtained at these rates. No increase in the contract price shall be allowed or authorized on account of the payment of wage rates in excess of those listed herein.

5. *Apprentices and trainees (programs of Department of Labor).* a. Apprentices, under programs approved by the U.S. Department of Labor, will be permitted to work as such only when they are registered, individually, under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, United States Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, United States Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the contractor as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subparagraph b. of this paragraph or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The contractor or subcontractor will be required to furnish to the State highway department contracting officer written evidence of the registration of his program and apprentices as well as of the appropriate ratios and wage rates, for the area of construction prior to using any apprentices on the contract work. The term "apprentice" means (1) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau, or (2) a person in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training, or a State Apprenticeship Council (where appropriate) to be eligible for probationary employment as an apprentice.

b. *Trainees.* Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training.

6. *Apprentices and trainees (programs of Department of Transportation).* Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting equal opportunity in connection with Federal-aid highway construction programs are not subject to the requirements of Section VI, paragraph 5 above. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs.

7. *Withholding for unpaid wages.* The State highway department contracting officer may withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers(mechanics, (including apprentices and trafnees) watchmen, or guards employed by the contractor or any subcontractor on the work the full amount of wages required by the contract. In the event of failure to pay any laborer, mechanic, (including apprentices and trainees) watchman or guard employed or working on the site of the work, all or part of the wages required by the contract, the State highway department contracting officer may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

8. *Overtime requirements.* a. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, watchmen or guards (including apprentices and trainees described in paragraphs 5 and 6 above) shall require or permit any laborer, mechanic, watchman or guard in any workweek in which he is employed on such work, to work in excess of eight hours in any calendar day or in excess of forty hours in such workweek unless such laborer, mechanic, watchman or guard receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in such workweek, as the case may be.

b. In the event of any violation of paragraph 8a, the contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, watchman or guard employed in violation of paragraph 8a, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by paragraph 8a.

c. The State highway department contracting officer may withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for liquidated damages as provided in paragraph 8b.

VII. Statements and payrolls.—1. *Compliance with Copeland regulations (29 CFR, Part 3):* The contractor shall comply with the Copeland Regulations (29 CFR, Part 3) of the Secretary of Labor which are herein incorporated by reference.

2. *Weekly statement.* Each contractor or subcontractor shall furnish each week a statement to the State highway department resident engineer with respect to the wages paid each of its employees, including apprentices and trainees described in section VI, paragraphs 5 and 6, and watchmen and guards on work covered by the Copeland regulations during the preceding weekly payroll period. The statement shall be executed by the contractor or subcontractor or by an authorized officer or employee of the contractor or subcontractor who supervises the payment of wages. Contractors and subcontrac-

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tors must use the certification set forth on U.S. Department of Labor Form WH–348, or the same certification appearing on the reverse of Optional U.S. Department of Labor Form WH–347, or on any form with identical wording.

3. Final Labor summary. The contractor and each subcontractor shall furnish, upon the completion of the contract, a summary of all employment, indicating for the completed project the total hours worked and the total amount earned. This data shall be submitted to the State highway department resident engineer on Form PR–47 together with the data required in section VIII, hereof, relative to materials and supplies.

4. Final certificate. Upon completion of the contract, the contractor shall submit to the State highway department contracting officer, for transmission to the Federal Highway Administration with the voucher for final payment for any work performed under the contract, a certificate concerning wages and classifications for laborers, mechanics, watchmen and guards employed on the project, in the following form:

The undersigned, contractor on

(Project No.)

hereby certifies that all laborers, mechanics, apprentices, trainees, watchmen and guards employed by him or by any subcontractor performing work under the contract on the project have been paid wages at rates not less than those required by the contract provisions, and that the work performed by each such laborer, mechanic, apprentice or trainee conformed to the classifications set forth in the contract or training program provisions applicable to the wage rate paid.

Signature and title

• • •

5. Payrolls and payroll records. a. Payrolls and basic records relating thereto will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers, mechanics, apprentices, trainees, watchmen and guards working at the site of the work.

b. The payroll records shall contain the name, social security number and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor, pursuant to section VI, paragraph 3b, has found that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated of the actual cost incurred in providing such benefits.

c. The payrolls shall contain the following information:

1. The employee's full name, address and social security number and a notation indicating whether the employee does, or does not, normally reside in the labor area as defined in section II, paragraph 1a. (The employee's full name and social security number need only appear on the first payroll on which his name appears. The employee's address need only be shown on the first submitted payroll on which the employee's name appears, unless a change of address necessitates a submittal to reflect the new address.)

2. The employee's classification.

3. Entries indicating the employee's basic hourly wage rate and, where applicable, the overtime hourly wage rate. The payroll should indicate separately the amounts of employee and employer contributions to fringe benefit funds and/or programs. Any fringe benefits paid to the employee in cash must be indicated. There is no prescribed or mandatory form for showing the above information on payrolls.

4. The employee's daily and weekly hours worked in each classification, including actual overtime hours worked (not adjusted).

5. The itemized deductions made and

6. The net wages paid.

d. The contractor will submit weekly a copy of all payrolls to the State highway department resident engineer. The copy shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor and the classifications set forth for each laborer or mechanic conform with the work he performed. Submission of a weekly statement which is required under this contract by section VII, paragraph 2, and the Copeland regulations of the Secretary of Labor (29 CFR, Part 3) and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor pursuant to section VI, paragraph 3b, shall satisfy this requirement. The prime contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The contractor will make the records required under the labor standards clauses of the contract available for inspection by authorized representatives of the State highway department, the Federal Highway Administration and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

e. The wages of labor shall be paid in legal tender of the United States, except that this condition will be considered satisfied if payment is made by negotiable check, on a solvent bank, which may be cashed readily by the employee in the local community for the full amount, without discount or collection charges of any kind. Where checks are used for payment, the contractor shall make all necessary arrangements for them to be cashed and shall give information regarding such arrangements.

f. No fee of any kind shall be asked or accepted by the contractor or any of his agents from any person as a condition of employment on the project.

g. No laborers shall be charged for any tools used in performing their respective duties except for reasonably avoidable loss or damage thereto.

h. Every employee on the work covered by this contract shall be permitted to lodge, board and trade where and with whom he elects and neither the contractor nor his agents, nor his employees shall, directly or indirectly, require as a condition of employment that an employee shall lodge, board or trade at a particular place or with a particular person.

i. No charge shall be made for any transportation furnished by the contractor, or his agents, to any person employed on the work.

j. No individual shall be employed as a laborer or mechanic on this contract except on a wage basis, but this shall not be construed to prohibit the rental of teams, trucks, or other equipment from individuals.

VIII. Record of materials, supplies, and labor. 1. The contractor shall maintain a record of the total cost of all materials and supplies purchased for and incorporated in the work, and also of the quantities of those specific materials and supplies listed on Form PR–47 and in the units shown. Upon completion of the contract, this record, together with the final labor summary required in section VII, paragraph 3, hereof, shall be transmitted to the State highway department resident engineer for the project on Form PR–47 in accordance with instructions attached thereto, which will be furnished for this purpose upon request. The quantities for the listed items shall be reported separately for roadway and for structures over 20 feet long as measured along the centerline of the roadway.

The contractor shall become familiar with the list of specific materials and supplies contained in Form PR–47 prior to the commencement of work under this contract. Any additional materials information required will be solicited through revisions of Form PR–47 with attendant explanations.

3. Where subcontracts are involved the contractor shall submit either a single report covering work both by himself and all his subcontractors, or he may submit separate reports for himself and for each of his subcontractors.

IX. Subletting or assigning the contract. 1. The contractor shall perform with his own organization contract work amounting to not less than 50 percent of the original total contract price, except that any items designated by the State as "Specialty Items" may be performed by subcontract and the amount of any such "Specialty Items" so performed may be deducted from the original total contract price before computing the amount of work required to be performed by the contractor with his own organization.

a. "His own organization" shall be construed to include only workmen employed and paid directly by the prime contractor and equipment owned or rented by him, with or without operators.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, craftsmanship or equipment not ordinarily available in contracting organizations qualified to bid on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. In addition to the 50 percent requirements set forth in paragraph 1 above, the contractor shall furnish (a) a competent superintendent or foreman who is employed by him, who has full authority to direct performance of the work in accordance with the contract requirements, and who is in charge of all construction operations (regardless of who performs the work), and (b) such other of his own organizational capability and responsibility (supervision, management, and engineering services) as the State highway department contracting officer determines is necessary to assure the performance of the contract.

3. The contract amount upon which the 50 percent requirement set forth in paragraph 1 is computed includes the cost of materials and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

4. Any items that have been selected as "Specialty Items" for the contract are listed as such in the Special Provisions, bid schedule, or elsewhere in the contract documents.

5. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the State highway department contracting officer, or his authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Request for permission to sublet, assign or otherwise dispose of any portion of the contract shall be in

writing and accompanied by (a) a showing that the organization which will perform the work is particularly experienced and equipped for such work, and (b) an assurance by the contractor that the labor standards provisions set forth in this contract shall apply to labor performed on all work encompassed by the request.

X. Safety: accident prevention. In the performance of this contract, the contractor shall comply with all applicable Federal, State and local laws governing safety, health and sanitation. The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions, on his own responsibility, or as the State highway department contracting officer may determine, reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

It is a condition of this contract, and shall be made a condition of each subcontract entered into pursuant to this contract, that the contractor and any subcontractor shall not require any laborer or mechanic employed in performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards (Title 29, Code of Federal Regulations, Part 1926, formerly Part 1518, as revised from time to time), promulgated by the United States Secretary of Labor, in accordance with section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96).

XI. False statements concerning highway projects. In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the following notice shall be posted on each Federal-aid highway project in one or more places where it is readily available to all personnel concerned with the project:

NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS

Title 18, United States Code, Section 1020, reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any highway or related project submitted for approval to the Secretary of Transportation; or

"Whoever knowingly makes any false statement, false representation, false report, or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

"Whoever knowingly makes any false statement or false representation as to a material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-Aid Road Act approved July 1, 1916 (39 Stat. 355), as amended and supplemented;

"Shall be fined not more than $10,000 or imprisoned not more than five years, or both."

XII. Implementation of Clean Air Act. 1. The contractor stipulates that any facility to be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub. L. 91–604), Executive Order 11738, and regulations in implementation thereof (40 CFR, Part 15), is not listed, on the date of contract award, on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities Pursuant to 40 CFR, 15.20.

2. The contractor agrees to comply with all the requirements of section 114 of the Clean Air Act, as amended, relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and all regulations and guidelines listed thereunder.

3. The contractor shall promptly notify the State highway department of the receipt of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.

4. The contractor agrees to include or cause to be included the requirements of subparagraphs 1 through 4 of this paragraph XII in every nonexempt subcontract, and further agrees to take such action as the Government may direct as a means of enforcing such requirements.

APPENDIX C

ADDITIONAL REQUIRED CONTRACT PROVISIONS, APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM AND LOCAL ACCESS ROADS CONTRACTS OTHER THAN CONSTRUCTION CONTRACTS

Equal Opportunity: Employment Practices and Selection of Subcontractors, Suppliers of Materials, and Lessors of Equipment

During the performance of this contract, the contractor agrees as follows:

1. *Compliance with regulations:* The contractor will comply with the regulations of the Department of Transportation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21, hereinafter referred to as the regulations), which are herein incorporated by reference and made a part of this contract.

2. *Employment practices:* a. The contractor will not discriminate against any employee or applicant for employment because of race, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, or national origin. Such action shall include, but not be limited to the following: recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities and treatment of employees. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this employment practices clause.

b. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, or national origin.

c. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers representative of the contractor's commitments under this employment practices provision, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

3. *Selection of subcontractors, procurement of materials and leasing of equipment:* a. The contractor, with regard to the work performed by him after award and prior to completion of the contract work, will not discriminate on the ground of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate either directly or indirectly in the discrimination prohibited by § 21.5 of the Regulations.

b. In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor, supplier, or lessor shall be notified by the contractor of the contractor's obligations under this contract and the regulations relative to nondiscrimination on the ground of race, color, or national origin.

4. *Information and reports:* The contractor will provide all information and reports required by the regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State highway department or the Federal Highway Administration to be pertinent to ascertain compliance with such regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State highway department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. *Incorporation of provisions:* The contractor will include these additional required contract provisions in every subcontract, including procurements of materials and leases of equipment, unless exempt by the regulations or orders, or instructions issued pursuant thereto. The contractor will take such action with respect to any subcontract procurement, or lease as the State highway department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor, supplier, or lessor as a result of such directed action, the contractor may request the State to enter into such litigation to protect the interest of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

6. *Sanctions for noncompliance:* In the event of the contractor's noncompliance with sections 1 through 5 above, the State highway department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to.

a. Withholding of payments to the contractor under the contract until the contractor complies, and/or

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b. Cancellation, termination or suspension of the contract in whole or in part.

APPENDIX D

FEDERAL-AID PROPOSAL NOTICES

Notices to Prospective Federal-Aid Construction Contractors

I. *Certification of nonsegregated facilities.* (a) A Certification of Nonsegregated Facilities, as required by the May 9, 1967, Order of the Secretary of Labor (32 FR 7439), May 19, 1967) on Elimination of Segregated Facilities (is included in the proposal and must be submitted prior to the award of a Federal-aid highway construction contract exceeding $10,000 which is not exempt from the provisions of the Equal Opportunity clause).

(b) Bidders are cautioned as follows: By signing this bid, the bidder will be deemed to have signed and agreed to the provisions of the "Certification of Nonsegregated Facilities" in this proposal. This certification provides that the bidder does not maintain or provide for his employees facilities which are segregated on a basis of race, creed, color, or national origin, whether such facilities are segregated by directive or on a de facto basis. The certification also provides that the bidder will not maintain such segregated facilities.

(c) Bidders receiving Federal-aid highway construction contract awards exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause, will be required to provide for the forwarding of the following notice to prospective subcontractors for construction contracts and material suppliers where the subcontracts or material supply agreements exceed $10,000 and are not exempt from the provisions of the Equal Opportunity clause.

NOTICE TO PROSPECTIVE SUBCONTRACTORS AND MATERIAL SUPPLIERS OF REQUIREMENT FOR CERTIFICATION OF NONSEGREGATED FACILITIES

(a) A Certification of Nonsegregated Facilities is required by the May 9, 1967, Order of the Secretary of Labor (32 FR 7431, May 19, 1967) on Elimination of Segregated Facilities, which is included in the proposal, or attached hereto, must be submitted by each subcontractor and material supplier prior to the award of the subcontract or consummation of a material supply agreement if such subcontract or agreement exceeds $10,000 and is not exempt from the provisions of the Equal Opportunity clause.

(b) Subcontractors and material suppliers are cautioned as follows: By signing the subcontract or entering into a material supply agreement, the subcontractor or material supplier will be deemed to have signed and agreed to the provisions of the "Certification of Nonsegregated Facilities" in the subcontract or material supply agreement. This certification provides that the subcontractor or material supplier does not maintain or provide for his employees facilities which are segregated on the basis of race, creed, color, or national origin, whether such facilities are segregated by directive or on a de facto basis. The certification also provides that the subcontractor or material supplier will not maintain such segregated facilities.

(c) Subcontractors or material suppliers receiving subcontract awards or material supply agreements exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause will be required to provide for the forwarding of this notice to prospective subcontractors for construction contracts and material suppliers where the subcontracts or material supply agreements exceed $10,000 and are not exempt from the provisions of the Equal Opportunity clause.

II. Implementation of Clean Air Act. (a) By signing this bid, the bidder will be deemed to have stipulated as follows:

(1) That any facility to be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as by Pub. L. 91-604), Executive order 11738, and regulations in implementation thereof (40 CFR, Part 15), is not listed on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities pursuant to 40 CFR 15.20.

(2) That the State highway department shall be promptly notified prior to contract award of the receipt by the bidder of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.

[FR Doc.74-22590 Filed 9-27-74;8:45 am]

PART 1—GENERAL

PART 635—CONSTRUCTION AND MAINTENANCE

Contract Procedures; Force Account Construction

Federal-aid to highways directives of longstanding (PPM 21-6.1, PPM 21-6.2, and PPM 21-6.3) set forth policies and procedures relating to Federal-aid highway construction by competitive bid and force account methods. The directives have been revised for inclusion in the Federal-Aid Highway Program Manual. Inasmuch as portions of the Manual addition impose obligations on States which must be complied with to obtain Federal assistance, these portions are hereby published.

This regulation converts Policy and Procedures Memorandums 21-6.1 and 21-6.3 to Part 635, Subpart A of Chapter 1 of Title 23 of the Code of Federal Regulations. This regulation also converts Policy and Procedures Memorandum 21-6.2 to Part 635, Subpart B of Chapter 1 of Title 23 of the Code of Federal Regulations.

In addition to converting the subject PPM's, this regulation incorporates the related provisions of regulations previously issued in Part 1 of Title 23 of the Code of Federal Regulations. Accordingly, §§ 1.13, 1.15, 1.16, 1.17, 1.18, 1.19, 1.20, 1.21, 1.22, and 1.24 of Chapter 1 Title 23, Code of Federal Regulations are hereby revoked.

Since the matters affected relate to grants, benefits or contracts within the purview of 5 U.S.C. 553(a)(2), general notice of proposed rulemaking is not required.

This regulation will be effective on the date of issuance.

Issued on September 23, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

§ 1.13 [Revoked]

§ 1.15–1.22 [Revoked]

§ 1.24 [Revoked]

1. Sections 1.13, 1.15, 1.16, 1.17, 1.18, 1.19, 1.20, 1.21, 1.22, and 1.24, Title 23, CFR, are hereby revoked.

2. Subparts A and B are added to Part 635 to read as set forth below:

Subpart A—Contract Procedures

Sec.
635.101 Purpose.
635.102 Definitions.
635.103 Applicability.
635.104 Method of Construction.
635.105 Supervising Agency.
635.106 Small Business Participation.
635.107 Advertising for Bids.
635.108 Licensing and Qualification of Contractors.
635.109 Bid Opening and Bid Tabulations.
635.110 Tied Bids.
635.111 Award of Contract and Concurrence in Award.
635.112 Agreement Estimate.
635.113 Subcontracting.
635.114 Participation in Progress Payments.
635.115 Use of Material Made Available by a Public Agency.
635.116 Restrictions Upon Materials.
635.117 Material or Product Selection.
635.118 Bonus Payments.
635.119 Use of Publicly Owned Equipment.
635.120 Claims and Claim Awards.
635.121 Changes and Extra Work.
635.122 Contract Time and Contract Time Extensions.
635.123 Submission of Contract and Force Account Documents.
635.124 Labor and Employment.
635.125 Health and Safety.
635.126 Termination and Default of Contract.
635.127 False Statements.
635.128 Determination and Documentation of Pay Quantities.

Appendix A—Summary of Acceptable Criteria for Specifying Types of Culvert Pipes.

Subpart B—Force Account Construction

635.201 Purpose.
635.202 Application.
635.203 Definitions.
635.204 Determination of Public Interest.
635.205 Finding of Public Interest.

AUTHORITY: 23 U.S.C. 315 and 49 CFR 1.48 (b).

Subpart A—Contract Procedures

§ 635.101 Purpose.

The purpose of this subpart is to prescribe policies, requirements, and procedures relating to Federal-aid highway projects, from the time of authorization to proceed to the construction stage, to the time of final acceptance by the Federal Highway Administration (FHWA).

§ 635.102 Definitions.

As used in this subpart:

(a) "Administrator" means Federal Highway Administrator.

(b) "Division Engineer" means the chief FHWA official assigned to conduct business in a particular State. A State is as defined in 23 U.S.C. 101.

(c) "State highway agency" means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term "State" should be considered equivalent to "State highway agency" if the context so implies.

(d) "Certification Acceptance" means the alternative procedure which may be used for administering certain highway projects involving Federal funds pursuant to 23 U.S.C. 117.

(e) "Minority Contractor" means a minority business enterprise that is owned or controlled by one or more so-

cially or economically disadvantaged persons. Such disadvantage may arise from cultural, racial, chronic economic circumstances or background or other similar cause. Such persons include but are not limited to Negroes, Puerto Ricans, Spanish speaking Americans, American Indians, Eskimos, Orientals, and Aleuts.

§ 635.103 Applicability.

The policies, requirements, and procedures, prescribed in this subpart, subject to certain modifications as provided in § 635.5(e), apply to all Federal-aid highway projects except those constructed under a Certification Acceptance Plan to which only §§ 635.7(e), 635.8(c) and 635.13(h) shall apply.

§ 635.104 Method of construction.

(a) Except as provided in paragraph (b) of this section, or when the division engineer finds that because of unusual circumstances some other method is in the public interest, actual construction work shall be performed by contract awarded to the lowest responsible bidder. The State highway agency shall assure opportunity for free, open and competitive bidding, including adequate publicity of the advertisements or calls for bids. The advertising or calling for bids and the award of contracts shall comply with the procedures and requirements set forth in § 635.7.

(b) When the division engineer finds that it is in the public interest, construction work may be performed by some other method than by contract awarded by competitive bidding pursuant to requirements and procedures prescribed by him. Before such finding is made, the State highway agency shall determine that the organization to undertake the work is so staffed and equipped as to perform such work satisfactorily and economically. Approval by the division engineer for construction by a method other than competitive bidding shall be requested by the State in accordance with Subpart B.

§ 635.105 Supervising agency.

(a) The State highway agency has responsibility for the construction of all Federal-aid projects, and is not relieved of such responsibility by authorizing performance of the work by or under the supervsion of a county, city, or other local public agency. The State highway agency will be responsible for insuring that such projects receive the same degree of supervision and inspection as a project constructed under a contract let and directly supervised by that agency and that the project is completed in conformity with approved plans and specifications.

(b) When a project is not located on a highway system over which the State highway agency has legal jurisdiction, or when other special conditions warrant, the State highway agency may arrange for a local public agency having jurisdiction over such streets or highways to perform the work with its own forces, or to let a contract therefor, provided the division engineer approves such proposed arrangements in advance and provided all the following conditions are met:

(1) There is an agreement between the State highway agency and the local public agency setting forth the conditions under which the project will be constructed. The agreement shall provide that construction work performed by or under the supervision of a local public agency will be subject to inspection at all times by the State highway agency and the FHWA.

(2) The State highway agency certifies that the work can be more advantageously performed by the local public agency.

(3) The local public agency is paying part of the cost of the work or has other special interest therein.

(4) The local public agency is adequately staffed and suitably equipped to undertake and satisfactorily complete the work.

(5) In the case of force account work, there is full compliance with Subpart B of this Part.

(c) When the work is to be performed under a contract awarded by a local public agency, all Federal requirements including those prescribed in this subpart shall be met.

(d) Although the State highway agency may employ a consultant to provide construction engineering services, such as inspection or survey work on a project, the State highway agency shall provide a full-time State-employed engineer to be in responsible charge and direct control of the project at all times. In those instances where a city or county can justify the use of consultants for these services, the city or county shall have a similar duty. The State highway agency and any such city or county shall not be relieved of its responsibilities under Federal law and the regulations in the event it utilizes the services of an engineering organization.

(e) When construction operations are performed on Federal-aid highway projects by any Federal agency by Federal contract and under such agency's procedures and operations on behalf of a State highway agency or other public agency, such construction operations shall be performed under the direct supervision of the State highway agency except that such supervision may be exercised through the contracting Federal agency where it is so provided by agreement between the State highway agency and the Federal agency. The right of inspection of the work under these contracts shall be extended to all agencies involved in the project.

§ 635.106 Small business participation.

The State highway agency shall schedule contract lettings in a balanced program providing contracts of such size and character as to assure an opportunity for all sizes of contracting organizations to compete. In accordance with Title VI of the Civil Rights Act of 1964 and Executive Order 11625, the State highway agency shall affirmatively encourage minority business participation in the highway construction program.

§ 635.107 Advertising for bids.

(a) No work shall be undertaken on any Federal-aid project, nor shall any project be advertised for bids, prior to authorization thereof by the division engineer.

(b) An invitation for bids shall not be issued by the State highway agency until the provisions of the applicable FHWA regulations and directives covering the administration of the Highway Relocation Assistance Program have been met, and there exists an understanding that satisfactory traffic control devices will be installed prior to acceptance of the project. The advertising shall be done in accordance with the laws, specifications, regulations, and policies of the State in which the project is located and the applicable Federal requirements set forth in this subpart and those implementing Title VI of the Civil Rights Act of 1964, under conditions that will assure free and adequate competition.

(c) The advertisement must be available to bidders a minimum of 3 weeks prior to opening of bids except that shorter periods may be approved by the division engineer in special cases when justified.

(d) The State highway agency shall obtain the approval of the division engineer prior to issuing any addendums to the approved plans and specifications during the advertising period. The State highway agency shall provide such assurance as may be required by the division engineer that all bidders have received any such addendums.

(e) Bidding procedures on a nondiscriminatory basis shall be afforded to all qualified bidders regardless of State boundaries and without regard to race, color, sex, or national origin. If any provisions of State laws, specifications, regulations, or policies may operate in any manner contrary to Federal requirements, including Title VI of the Civil Rights Act of 1964, to prevent submission of a bid, or prohibit consideration of a bid submitted by any responsible contractor appropriately qualified in accordance with § 635.8, such provisions shall not be applicable to Federal-aid projects. Where such nonapplicable provisions exist, notices of advertising, specifications, special provisions or other governing documents shall include a positive statement to advise prospective bidders of those provisions that are not applicable.

(f) No procedure or requirement shall be imposed by any State in connection with any project which operates to restrict competitive bidding by discriminating against the purchase of a surety bond or insurance policy from any surety or insurer outside the State and authorized to do business in the State.

(g) No public agency shall be permitted to bid in competition, or to enter into subcontracts, with private contractors.

(h) In the event that §§ 635.305(c) (1) and (2), have not been complied with prior to advertisement, the advertised specifications shall include:

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(1) A statement that the contractor will not be allowed to proceed with the physical construction of any part of the project until all residentially improved properties have been vacated and specific dates for termination of operation of businesses have been established for proper coordination with the physical construction schedule. The statement shall indicate that physical construction is not to be interpreted to include clearance of rights-of-way of residential improvements which have been permanently vacated;

(2) A statement concerning any acquired or unacquired parcels of right-of-way for which the lack of right of occupancy and use can be expected to interfere with construction operations;

(3) An estimate of the length of time such interferences can be expected to continue; and

(4) A statement that extensions of time will be granted, if necessary, for delays caused by interferences beyond such estimate period.

(f) (1) The State highway agency shall include a statement substantially as follows in the advertised specifications:

Title 23, United States Code, section 112 (c), requires, as a condition precedent to approval by the Federal Highway Administrator of the contract for this work, that there be filed a sworn statement executed by, or on behalf of the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract. This sworn statement shall be in the form of an affidavit executed and sworn to by the successful bidder before a person who is authorized by the laws of this State to administer oaths. The original of such sworn statement shall be filed with the State highway agency prior to the award of the contract.

(2) As a prerequisite to the division engineer's formal concurrence in the award of the construction contract, the State highway agency must submit a copy of the required statement to the division engineer, or advise the division engineer, in writing that the required statement has been received and is on file with the State highway agency.

§ 635.108 Licensing and qualification of contractors.

(a) No procedure or requirement for prequalification, qualification or licensing of contractors shall be approved which, in the judgment of the Administrator, may operate to restrict competition, to prevent submission of a bid by, or to prohibit the consideration of a bid submitted by, any responsible contractor, whether resident or nonresident of the State wherein the work is to be performed. No contractor shall be required by law, regulation or practice to obtain a license before he may submit a bid or before his bid may be considered for award of a contract. This, however, is not intended to preclude requirements for the licensing of a contractor upon or subsequent to the award of the contract if such requirements are consistent with competitive bidding. Prequalification of contractors may be required as a condition for submission of a bid or award of contract only if the period between the date of issuing a call for bids and the date of opening of bids affords sufficient time to enable a bidder to obtain the required prequalification rating. Requirements for the prequalification, qualification or licensing of contractors, that operate to govern the amount of work that may be bid upon by, or may be awarded to, a contractor, shall be approved only if based upon a full and appropriate evaluation of the contractor's capability to perform the work.

(b) The procedures and requirements a State highway agency proposes to use for qualifying and licensing contractors, who may bid for, be awarded, or perform Federal-aid highway contracts, shall be submitted to the division engineer for advance approval. Only those procedures and requirements so approved shall be effective with respect to Federal-aid highway projects. Any changes in approved procedures and requirements shall likewise be subject to approval by the division engineer.

(c) For purposes of evaluating compliance with the requirements of Title VI of the Civil Rights Act of 1964 in these areas, the State highway agency shall establish procedures and maintain records that will identify contractors and subcontractors with regard to minority or nonminority classification within 90 days after the effective date of this subsection.

§ 635.109 Bid opening and bid tabulations.

All bids received in accordance with the terms of the advertisement shall be publicly opened and announced either item by item or by total amount. If any bid received is not read aloud, the name of the bidder and the reason for not reading the bid aloud shall be publicly announced at the letting. The State highway agency shall prepare and forward tabulations of bids to the division engineer. These tabulations shall be certified by a responsible State highway agency official and shall show (a) item details for at least the low three acceptable bids and (b) the total amounts of all other acceptable bids.

§ 635.110 Tied bids.

(a) Two or more Federal-aid projects may be tied together for bidding purposes where it appears that by so doing more favorable bids may be received. To avoid discrimination against contractors desiring to bid upon a lesser amount of work than that included in the tied combinations, provisions should be made to permit bidding separately on the individual projects whenever they are of such character as to be suitable for bidding independently.

(b) Federal-aid projects and State-financed projects may be combined in one contract where the conditions and size of the projects are so similar that the unit costs on the Federal-aid projects will not be increased by such combination of projects. In such cases, like quantities should be combined in the proposal to avoid the possibility of unbalancing of bids in favor of either of the projects in the combination.

(c) The State highway agency may tie or allow to be tied, proposals for a Federal-aid project and a State-financed project where conditions are other than as outlined in § 635.10(b). The bid schedule shall set forth the quantities separately for the Federal-aid work and the State-financed work. All proposals submitted for the tied projects must contain separate bid prices for each project individually. Federal participation in the cost of the work will be on the basis of the unit prices presented in the proposal by the individual contractor who would be the lowest responsible bidder if only the Federal-aid project were considered.

§ 635.111 Award of contract and concurrence in award.

(a) The State highway agency shall formally request concurrence by the division engineer in the award of all Federal-aid contracts. Concurrence in award by the division engineer is a necessary prerequisite to Federal participation in the construction costs. His concurrence shall be considered as authority to proceed with construction, unless specifically stated otherwise.

(b) Contracts shall be awarded within the time established by the State highway agency to the lowest responsible bidder subject to the concurrence of the division engineer.

(c) If the State highway agency determines that the lowest bidder is not qualified, it shall so notify the division engineer and obtain his concurrence before making an award to the next lowest responsible bidder if such bid is otherwise acceptable.

(d) If the State highway agency proposes to reject or decline to read or consider an otherwise low bid on the ground that it is irregular because of noncompliance with a bidding requirement, it shall submit justification for not waiving such requirements unless the noncompliance involves one of the following items:

(1) Failure to sign the bid.

(2) Failure to furnish required amount of guarantee.

(3) Failure to include a unit price for each item in the bid schedule.

(4) Failure to include a total amount for the bid.

(5) Bid is not typed or in ink.

(6) Bid contains conditions or qualifications not provided for in the specifications.

(7) Bidder is not prequalified although approved prequalification procedures are in effect.

If such justification is not considered by the division engineer to be sufficient, concurrence will not be given to an award to another bidder on the contract at the same letting.

(e) Any proposal by the State highway agency to reject all bids received for a Federal-aid project shall be submitted to the division engineer for concurrence, accompanied by adequate justification.

§ 635.112 Agreement estimate.

(a) Following the award of contract, an agreement estimate based on the contract unit prices and estimated quantities shall be prepared by the State highway agency and submitted to the division engineer as soon as practicable for use in the preparation of the project agreement. The agreement estimates shall include the actual or best estimated costs of any other items to be included in the project agreement.

(b) An agreement estimate shall be submitted by the State highway agency for each force account project when the plans and specifications are submitted to the division engineer for approval. It shall normally be based on the estimated quantities and the unit prices agreed upon in advance between the State highway agency and the division engineer, whether the work is to be done by the State highway agency or by a county or other political subdivision. Such agreed unit prices shall constitute a firm commitment as the basis for Federal participation in the cost of the project. The unit prices shall be based upon the estimated actual cost of performing the work but shall in no case exceed unit prices currently being obtained by competitive bidding on comparable highway construction work in the same general locality. In special cases involving unusual circumstances, the estimate may be based upon the estimated costs for labor, materials, equipment rentals, supplies and supervision to complete the work rather than upon agreed unit prices. This subsection shall not be applicable to agreement estimates for railroad and utility force account work.

§ 635.113 Subcontracting.

(a) The following terms as used in this section are defined as follows:

(1) "His own organization" shall be construed to include only workmen employed and paid directly by the prime contractor and equipment owned or rented by him, with or without operators. Such term does not include employees or equipment of a subcontractor, assignee, or agent of the prime contractor.

(2) "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, craftsmanship, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid on the contract as a whole and in general are to be limited to minor components of the overall contract. However, the fabrication and erection of certain types of steel structures are of such a nature and intricacy that they should be considered "Specialty Items," even though the cost of this work may constitute the major portion of the contract amount.

(b) Contracts for projects shall require that the contractor perform with his own organization contract work amounting to not less than 50 percent of the total contract price. For purposes of this paragraph an assignment of contract work is considered synonymous with a subcontract to perform such work.

(c) To assure that any subcontracted work is performed in accordance with the contract requirements, the contractor shall be required to furnish:

(1) A competent superintendent or foreman who is employed by him, who has full authority to direct performance of the work in accordance with the contract requirements, and who is in charge of all construction operations (regardless of who performs the work), and

(2) Such other of his organizational capability and responsibility (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

(d) Upon the request of a State highway agency the requirements of this paragraph may be modified by the Administrator for a project prior to or after the award of a contract, to such extent as he may determine to be in the public interest.

(e) The cost of "Specialty Items" may be deducted from the total contract price before computing the amount of work required to be performed by the contractor with his own organization. Specialty items may be designated in the advertised specifications and may be performed by subcontract.

(f) To determine whether the contractor is in compliance with the requirement that he perform with his own organization contract work amounting to not less than 50 percent of the total original contract price, the following criteria shall apply:

(1) The contract amount upon which the 50 percent requirement is computed shall include the cost of materials and manufactured products which are to be purchased or produced under the contract provisions.

(2) The percentage of subcontracted work shall be based on the contract, rather than subcontract unit prices. If only a part of a contract item is to be sublet, its proportional value shall be determined administratively on the same basis. This procedure should be followed even when the part not sublet consists only of procuring the materials. However, when a firm both sells materials to a prime contractor and performs the work of incorporating the materials into the project, these two phases must be considered in combination and as constituting a single subcontract.

(g) The State highway agency shall not permit any of the contract work to be performed under a subcontract unless such arrangement has been authorized by the State highway agency in writing. Prior to authorizing a subcontract, the State highway agency shall assure that the subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract. A copy of each such written authorization shall be furnished promptly to the division engineer.

(h) The State highway agency shall establish procedures (including procedures for identifying and furnishing the contractor with the names and addresses of potential minority subcontractors, including suppliers of materials and equipment), acceptable to the division engineer, to assure:

(1) That in all solicitations, either by competitive bidding, or negotiation, for subcontracts, including procurements of materials and leases of equipment, each potential subcontractor, supplier or lessor is notified by the contractor of the contractor's obligations relative to nondiscrimination on the grounds of race, color, sex, or national origin;

(2) That in the selection and retention of subcontractors, including procurements of materials and leases of equipment, the contractor does not discriminate on the grounds of race, color, sex, or national origin; and

(3) That subcontract agreements, including procurements of materials and leases of equipment, unless exempt by the regulations of the Secretary of Transportation (49 CFR Part 21) or directives issued pursuant to the regulations, shall contain the contract provisions implementing Title VI of the Civil Rights Act of 1964 (23 CFR Part 633).

§ 635.114 Participation in progress payments.

Federal funds will participate in the estimated costs to the State highway agency of construction accomplished as the work progresses, based on claims submitted by State highway agency. When the contract provisions provide for stockpiling, the amount of the claim upon which participation is based may include the appropriate value of approved specification materials delivered by the contractor at the project site or other designated location in the vicinity of such construction, or stockpiled by the contractor at a location not in the vicinity of such construction, if the division engineer determines that (a) because of required fabrication at an offsite location the materials cannot be stockpiled in the vicinity of the project, (b) the materials have been purchased by the contractor, and (c) the materials conform with the requirements of the plans and specifications. The quantity of a stockpiled material eligible for Federal participation in any case shall not exceed the total estimated quantity required to complete the project. This value may not exceed the appropriate portion of the value of the contract item or items in which such material is to be incorporated.

§ 635.115 Use of material made available by a public agency.

(a) Contracts for highway projects shall require the contractor to furnish all materials to be incorporated in the work and shall permit the contractor to select the sources from which the materials are to be obtained. Exception to this requirement may be made when there is a definitive finding by the State highway agency and concurred in by the division engineer, that it is in the public interest to require the contractor to use material furnished by the State highway agency or from sources designated by the State highway agency. In cases such as this, the FHWA does not

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normally expect mutual sharing of costs unless the State highway agency receives a related credit from another agency or political subdivision of the State. Where such a credit does accrue to the State highway agency, it shall be applied to the Federal-aid project involved. The designation of a mandatory material source may be permitted based on environmental considerations, provided the environment would be substantially enhanced without excessive cost. Otherwise, if a State highway agency proposal to designate a material source for mandatory use would result in higher project costs, Federal-aid funds shall not participate in the increase even if the designation would conserve other public funds.

(b) The provisions of paragraph (a) of this section will not preclude the designation in the plans and specifications of sources of local natural materials, such as borrow aggregates, that have been investigated by the State highway agency and found to contain materials meeting specification requirements. The use of materials from such designated sources shall not be mandatory unless there is a finding of public interest as stated in paragraph (a) of this section.

(c) Federal funds may participate in the cost of specification materials made available by a public agency when they have been actually incorporated in accepted items of work, or in the cost of such materials meeting the criteria and stockpiled at the locations specified in § 635.14.

(d) To be eligible for Federal participation in its cost, any material, other than local natural materials, to be purchased by the State highway agency and furnished to the contractor for mandatory use in the project, must have been acquired on the basis of competitive bidding, except when there is a finding of public interest justifying the use of another method of acquisition. The location and unit price at which such material will be available to the contractor must be stated in the special provisions for the benefit of all prospective bidders. The unit cost eligible for Federal participation will be limited to the unit cost of such material to the State highway agency.

(e) (1) When the State highway agency or another public agency owns or has control over the source of a local natural material, the unit price at which such material will be made available to the contractor must be stated in the plans or special provisions. Federal participation will be limited to (i) the cost of the material to the State highway agency; or (ii) the fair and reasonable value of the material, whichever is less.

(2) Special cases may arise that will justify Federal participation on a basis other than that set forth in § 635.15(e) (1) above. Such cases should be fully documented and receive advance approval by the division engineer.

(f) Costs incurred by the State highway agency or other public agency for acquiring a designated source or the right to take materials from it will not be eligible for Federal participation if the source is not used by the contractor.

(g) The contract provisions for one or a combination of Federal-aid projects shall not specify a mandatory site for the disposal of surplus excavated materials unless there is a finding by the State highway agency with the concurrence of the division engineer that such placement is the most economical except that the designation of a mandatory site may be permitted based on environmental considerations, provided the environment would be substantially enhanced without excessive cost.

§ 635.116 Restrictions upon materials.

No requirement shall be imposed and no procedure shall be enforced by any State highway agency in connection with a project which may operate (a) to require the use of, or provide a price differential in favor of, articles or materials produced within the State, or otherwise to prohibit, restrict or discriminate against the use of articles or materials shipped from or prepared, made or produced in any State, territory or possession of the United States; or (b) to prohibit, restrict or otherwise discriminate against the use of articles or materials of foreign origin to any greater extent than is permissible under policies of the Department of Transportation as evidenced by requirements and procedures prescribed by the Administrator to carry out such policies.

§ 635.117 Material or product selection.

(a) Federal funds shall not participate, directly or indirectly, in payment for any premium or royalty on any patented or proprietary material, specification, or process, specifically set forth in the plans and specifications for a project, unless

(1) Such patented or proprietary item is purchased or obtained through competitive bidding with equally suitable unpatented items; or

(2) The State highway agency certifies either that such patented or proprietary item is essential for synchronization with existing highway facilities, or that no equally suitable alternate exists; or

(3) Such patented or proprietary item is used for research or for a distinctive type of construction on relatively short sections of road for experimental purposes.

(b) When there is available for purchase more than one nonpatented, nonproprietary material, semifinished or finished article or product that will fulfill the requirements for an item or work on a project and these available materials or products are judged to be of satisfactory quality and equally acceptable on the basis of engineering analysis and the anticipated prices for the related item(s) of work are estimated to be approximately the same, the plans, specifications and estimates for the project shall either contain or include by reference the specifications for each such material or product that is considered acceptable for incorporation in the work. If the State highway agency wishes to substitute some other acceptable material or product for the material or product designated by the successful bidder or bid as the lowest alternate, and such substitution results in an increase in costs, there will not be Federal-aid participation in any increase in costs.

(c) A State highway agency may require a specific material or product when there are other acceptable materials and products, when such specific choice is approved by the division engineer as being in the public interest. When the division engineer's approval is not obtained, the item will be nonparticipating unless bidding procedures are used that establish the unit price of each acceptable alternative. In this case Federal-aid participation will be based on the lowest price so established.

(d) Appendix A of this subpart sets forth the FHWA requirements regarding the specification of alternative types of culvert pipes, and the number and types of such alternatives which must be set forth in the specifications for various types of drainage installations.

§ 635.118 Bonus payments.

The policy of the FHWA is not to participate, directly or indirectly, in any part of a bonus to the contractor for completing a project in advance of the time specified.

§ 635.119 Use of publicly owned equipment.

(a) Publicly owned equipment should not normally compete with privately owned equipment on a project to be let to contract. There may be exceptional cases, however, in which the use of equipment of the State or local unit of government for highway construction purposes may be warranted or justified. A proposal by any State highway agency for the use of publicly owned equipment on such a project must be supported by a showing that it would clearly be in the public interest to do so under the conditions peculiar to the individual project or locality.

(b) As used herein the term "publicly owned equipment" means equipment previously purchased or otherwise acquired by the public agency involved primarily for use in its own operations. The term "rental" includes depreciation and expense of upkeep in addition to other charges.

(c) Where publicly owned equipment is to be made available in connection with construction work to be let to contract, Federal funds may participate in the cost of such work provided the proposed use of such equipment is clearly set forth in the plans, specifications and estimates submitted to the division engineer for approval. In such cases the advertised specifications shall also specify the items of publicly owned equipment available for use by the successful bidder, the rates to be charged therefor, and the points of availability or delivery of the equipment, together with the express condition that the successful bidder has the option either of renting part or all of such equipment from the State or local unit of government or otherwise providing the equipment necessary for the performance of the contract work.

(d) In the rental of publicly owned equipment to contractors, the public agency should not profit at the expense of Federal funds. Accordingly, (1) rental rates shall be reasonably representative of the cost of providing such equipment, or (2) there shall be credited to the project a lump sum amount determined as the approximate profit, if profit is derived by the agency furnishing the equipment, thereby reducing the total participating cost of the project.

(e) Unforseeable causes may make it necessary to provide publicly owned equipment to the contractor at rental rates agreed to between the contractor and the State or local unit of government. Any such arrangement shall not form the basis for any increase in the cost of the project on which Federal funds are to participate.

(f) When publicly owned equipment is used on projects constructed on a force account basis, Federal funds may participate whether such work is performed at agreed unit prices, or on an actual cost basis. In the case of force account work to be performed by the State highway agency or local unit of government at agreed unit prices, the equipment need not be itemized nor rental rates shown in the estimate. However, if such work is to be performed on an actual cost basis, the State highway agency shall submit to the division engineer for approval the schedule of rates proposed to be charged, exclusive of profit, for the publicly owned equipment made available for use.

§ 635.120 Claims and claim awards.

The eligibility for, and extent of, Federal-aid participation in claim awards made by the State to Federal-aid contractors on the basis of arbitration board awards or State court judgments shall be determined on a case by case basis. Generally, the criteria for establishing Federal-aid participation in claims and resultant settlements is the extent to which such settlements are grounded in contract provisions and specifications and actual costs incurred. Where legal issues arise in the course of resolving a claim, any data submitted for consideration shall include a brief from the legal counsel for the State setting forth the basis for determining the extent of the State's liability for the claims under local law.

§ 635.121 Changes and extra work.

(a) Subsequent to authorization by the division engineer to proceed with a project or any undertaking thereunder, no change shall be made which will increase the cost of the project to the Federal Government or alter the termini, character or scope of the work without prior authorization by the division engineer.

(b) All major changes in the plans and contract provisions and all major extra work must be approved in writing by the division engineer in advance of their effective dates except that when emergency or unusual conditions justify, the division engineer may, give tentative advance approval orally to such changes or extra work and ratify such approval in writing as soon thereafter as practicable. For minor changes and minor extra work written approval is necessary but such approval may be given retroactively at the discretion of the division engineer. Such minor changes and minor extra work items would include, but not necessarily be limited to, modifications in construction items within the scope of the plans and contract provisions when such modifications are required during the progress of construction.

(c) Proposed changes and extra work involved in nonparticipating operations that may affect the design or participating construction features of a project, shall be subject to review and concurrence by the division engineer.

§ 635.122 Contract time and contract time extensions.

Contract time extensions granted by a State highway agency which affect project costs or liquidated damages, shall be subject to the concurrence of the division engineer and will be considered in determining the amount of Federal participation. To be approved by the division engineer, extensions of contract time must be fully justified and adequately documented.

§ 635.123 Submission of contract and force account documents.

A conformed copy of the contract between the State highway ageney and the construction contractor and of each force account agreement shall be furnished to the division engineer as soon as practicable after it is executed.

§ 635.124 Labor and employment.

(a) (1) No convict labor shall be employed in the construction of a project or used for maintenance or any other purpose at the site or within the limits of any Federal-aid project from the time of program approval to final acceptance of the work by the State highway agency and removal of all free labor therefrom except as provided in § 635.24(a) (2) below. Program approval is interpreted to refer to approval of the program for any phase of the project; such as preliminary engineering, right-of-way acquisition, or physical construction.

(2) Convict labor may be employed at the site of a project after approval of the program including the project and prior to the time of award of the construction contract or the start of work on force account construction in routine physical maintenance operations, as described and defined in the Manual of Highway Accounting Procedures adopted in 1958 by the American Association of State Highway Officials. In the event stage construction operations are involved, convict labor may be used in routine physical maintenance operations during the interim between final acceptance by the State highway agency of the current stage construction and the award of contract, or start of force account work, for the next succeeding stage.

(b) No procedure or requirement shall be imposed by any State which will operate to discriminate against the employment of labor from any other State, possession or territory of the United States, in the construction of a Federal-aid project. The selection of labor to be employed by the contractor on any Federal-aid project shall be of his own choosing.

(c) Employment shall be provided without regard to race, color, religion, sex, or national origin.

(d) The advertisement or call for bids on any contract for the initial construction of a project on the Federal-aid system either shall include the minimum wage rates determined therefor by the Secretary of Labor or shall provide that such rates are set out in the advertised specifications, proposal or other contract document, and shall further specify that such rates are a part of the contract covering the project.

(e) When construction work on Federal-aid highways is being performed by any Federal agency under its procedures and by Federal contract, the labor standards relating to direct Federal contracts shall be applicable.

§ 635.125 Health and safety.

Contracts for projects shall include provisions designed (a) to insure full compliance with all applicable Federal, State and local laws governing safety, health and sanitation, and (b) to require that the contractor shall provide all safeguards, safety devices and protective equipment and shall take any other actions reasonably necessary to protect the life and health of persons working at the site of the project and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

§ 635.126 Termination and default of contract.

(a) When a Federal-aid contract is terminated by the State highway agency, the extent of Federal-aid participation in the contract costs, including final settlement, will depend upon the merits of the individual case. In no event will Federal funds participate in any allowance for anticipated profit on work not performed.

(b) Normal Federal-aid plans, specifications, and estimates, advertising, and award procedures are to be followed when a State highway agency awards the contract for completion of a defaulted Federal-aid contract. Under this procedure, the construction amount eligible for Federal participation on the project should not exceed either:

(1) The amount representing the payments made under the defaulted contract plus payments made under the new contract, or

(2) The amount representing what the cost would have been if the construction had been completed as contemplated by the plans and specifications under the original contract, whichever amount is the lesser.

(c) If the surety awards a contract for completion of a defaulted Federal-aid contract or completes it by some other acceptable means, the FHWA would then consider the terms of the original con-

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tract to be in effect and that the work will be completed in accordance with the approved plans and specifications included therein. No further FHWA approval or concurrence action will therefore be needed in connection with any defaulted Federal-aid contract awarded by a surety. Under this procedure, the construction amount eligible for Federal participation on the project should not exceed the amount representing what the cost would have been if the construction had been completed as contemplated by the plans and specifications under the original contract.

§ 635.127 False statements.

The following notice shall be posted on each Federal-aid highway project in one or more places where it is readily available to and viewable by all personnel concerned with the project:

NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS

United States Code, Title 18, section 1020, reads as follows:

Whoever, being an officer, agent, or employee of the United States, or any State or Territory, or whoever, whether a person, association, firm or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any highway or related project submitted for approval to the Secretary or Transportation; or

Whoever, knowingly makes any false statement, false representation, false report, or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to the material fact in any statement, certificate, or report submitted pursuant to the provisions of the Federal-Aid Road Act approved July 1, 1916 (39 Stat. 355), as amended and supplemented;

Shall be fined not more than $10,000 or imprisoned not more than 5 years or both.

§ 635.128 Determination and documentation of pay quantities.

(a) The State highway agency shall have procedures in effect which will provide adequate assurance that the quantities of completed work are determined accurately and on a uniform basis throughout the State. All such determinations and all related source documents upon which payment is based shall be made a matter of record.

(b) Records of initial source documents pertaining to the determination of pay quantities, are among those records and documents which must be retained pursuant to 23 CFR Part 17.

APPENDIX A.—*Summary of acceptable criteria for specifying types of culvert pipes*

Type of drainage installation	Alternatives required		AASHTO designations to be included alternatives	Application	Remarks
	Yes	No	No.		
Cross drains under high type pavement.[1]		×		Statewide	Any AASHTO approved material.[1]
Other cross drain installations.	×		3 minimum	M-170 and M-190 do	Do.[1]
Side drain installations	×		3 minimum	M-36 do	Do.[1]
Special installation conditions.		×		Individual installation.	Specified to meet special conditions.
Special drainage systems (storm sewers, inverted siphons, etc.).		×		do	Specified to meet site requirements.

[1] Types not included in currently approved AASHTO specifications may be specified if recommended by the State with adequate justification and approved by FHWA.

[2] High type pavement is generally described as FHWA construction type codes I, J, K, L, and plant mix and penetration macadam segments, respectively shown in the right-hand columns of type codes G and H having a combined thickness of surface and base of 7 inches or more (or equivalent) or that are constructed on rigid bases.

Subpart B—Force Account Construction

§ 635.201 Purpose.

The purpose of this subpart is to prescribe procedures in accordance with 23 U.S.C. 112(b) for a State highway agency to request approval that highway construction work be performed by some other method than by contract awarded by competitive bidding.

§ 635.202 Application.

This subpart applies to all Federal-aid and other highway construction projects financed in whole or in part with Federal funds and to be constructed by a State highway agency or a subdivision thereof in pursuance of agreements between any State highway agency and the Federal Highway Administration (FHWA), except projects located on the Federal-aid Secondary System and constructed under a Certification Acceptance Plan in those States where the Secretary has discharged his responsibility pursuant to 23 U.S.C. 117.

§ 635.203 Definitions.

The following definitions shall apply for the purpose of this subpart:

(a) A "State highway agency" is that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term "State" should be considered equivalent to "State highway agency" if the context so implies.

(b) The term "some other method" of construction as used in 23 U.S.C. 112(b) shall mean the "force account" method of construction as defined herein. In the unlikely event that circumstances are considered to justify a negotiated contract or another unusual method of construction, the policies and procedures prescribed herein for force account work will apply.

(c) The term "force account" shall mean the direct performance of highway construction work by a State highway agency, a county, a railroad, or a public utility company by use of labor, equipment, materials, and supplies furnished by them and used under their direct control.

(d) The term "county" shall mean any county, township, municipality or other political subdivision that may be empowered to cooperate with the State highway agency in highway matters.

§ 635.204 Determination of public interest.

(a) Congress has expressly provided in the cited legislation that the contract method based on competitive bidding shall be used by a State highway agency or county for performance of highway work financed with the aid of Federal funds unless there is an affirmative finding that under the circumstances relating to a given project it is in the public interest to perform the work by some other method.

(b) It may be found in the public interest for a State highway agency or county to undertake a federally financed highway construction project by force account when a situation exists in which the rights or responsibilities of the community at large are so affected as to require some special course of action, including situations where there is a lack of bids or the bids received are unreasonable. The cost, by force account, in all cases must be reasonable.

§ 635.205 Finding of public interest.

(a) Pursuant to authority in 23 U.S.C. 112(b), it is hereby determined that:

(1) By reason of the inherent nature of the operations involved it is in the public interest to perform by force account the adjustment of railroad or utility facilities and similar type facilities owned or operated by a public agency, a railroad, or a utility company, provided the costs are reasonable and that the organization is qualified to perform the work in a satisfactory manner. The installation of new facilities shall be undertaken by competitive bidding except as provided in § 635.44 (b) and (c). The term "adjustment of railroad facilities" includes the installation of grade crossing warning devices, crossing surfaces, and minor track and signal work. The term "adjustment of utilities" includes minor installations of new facilities to provide power, minor lighting, telephone, water and similar utility services to a rest area, weigh-station, movable bridge, or other highway appurtenance, provided such installation cannot feasibly be done as incidental to a major installation project such as an extensive highway lighting system.

(2) Because of the urgent necessity for timely completion of temporary operations (i.e., emergency repairs, the need for which is concurred in by the division engineer, undertaken during or immediately following the occurrence of a natural disaster or catastrophic failure, to reduce the extent of damage, to protect remaining facilities or to restore travel), it is in the public interest to perform such temporary operations either by force account or by the contract method. Therefore, the work may be performed by the method most suited for the work and a formal affirmative finding is not required in either case.

(b) When a State highway agency desires that highway construction work financed with the aid of Federal funds, other than the kinds of work designated under § 635.44(a) or projects located on the Federal-aid secondary system and constructed under an approved Certification Acceptance Plan, be undertaken by force account, it shall submit a written request to the division engineer identifying and describing the project and the kinds of work to be performed, the estimated costs therefor, the estimated Federal funds to be provided, and setting forth the reason or reasons that force account for such project is considered to be in the public interest.

(c) The division engineer shall notify the State highway agency in writing of his determination that under the circumstances relating to the project, force account is or is not found to be in the public interest.

[FR Doc.74-22586 Filed 9-27-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-369]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Connecticut	Fairfield	Redding, town of	Sept. 23, 1974, Emergency	Aug. 23, 1974		
Iowa	Sioux	Hawarden, city of	do	May 24, 1974		
Missouri	Barry and Lawrence.	Monett, city of	do	do		
Nebraska	Nuckolls	Nelson, city of	do	June 28, 1974		
Ohio	Ashtabula	Conneaut, city of	do	May 3, 1974		
Oklahoma	Jefferson	Waurika, city of	do	June 28, 1974		
Texas	Maverick	Eagle Pass, city of	do	May 24, 1974		
Virginia	Westmoreland	Unincorporated areas	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: September 16, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

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[Docket No. FI-370]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Desha	Dumas, city of	Sept. 20, 1974, Emergency	May 10, 1974		
Minnesota	Pine	Hinckley, city of	do	Mar. 29, 1974		
Nebraska	Seward	Seward, city of	do	June 14, 1974		
North Carolina	Surry	Elkin, town of	do	June 28, 1974		
Pennsylvania	Lancaster	Mt. Joy, township of	do			
Do	Dauphin	West Hanover, township of	do			
South Carolina	Richland	Unincorporated areas	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: September 17, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

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[Docket No. FI-371]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect of the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 **List of communities with special hazard areas.**

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Covington	River Falls, town of.	H 010054 01 through H 010054 07	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Rm. 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, City Hall, River Falls, Ala. 36476.	Sept. 20, 1974.
Do	Crenshaw	Dozier, town of	H 010056 01 through H 010056 02	do	Mayor, Dozier, Ala. 36028	Do.
Do	do	Glenwood, town of.	H 010057 01 through H 010057 02	do	Mayor, Glenwood, Ala. 36034	Do.
Do	Houston	Avon, town of	H 010100 01 through H 010100 02	do	Mayor, City Hall, Town of Avon, Ashford, Ala. 36312.	Do.
Do	Jefferson	Cardiff, town of	H 010119 01	do	Mayor, City Hall, Cardiff, Ala. 35041	Do.
Do	Lamar	Beaverton, town of.	H 010134 01 through H 010134 02	do	City Hall, Beaverton, Ala. 35544	Do.
Do	Jefferson	Mulga, town of	H 010229 01	do	Mayor, City Hall, Mulga, Ala. 35118	Do.
Georgia	Emmanuel	Swainsboro, city of.	H 130299 01 through H 130299 05	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Rm. 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	City Clerk, Swainsboro, Ga. 30401	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Illinois	Brown	Mt. Sterling	H 170009 01	Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, City Hall, Mt. Sterling, Ill. 62353.	Do.
Do	do	Timewell, village of.	H 170010 01	do	Mayor, Timewell, Ill. 62353	Do.
Do	Moultrie	Sullivan, city of	H 170524 01	do	Mayor, City Hall, Sullivan, Ill. 61937	Do.
Indiana	Bartholomew	Unincorporated areas.	H 180006 01 through H 180006 09	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46304. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	County Planning Commission, Bartholomew County, County Courthouse, Columbus, Ind. 47201.	Do.
Do	Boone	Advance, town of	H 180012 01	do	Chairman, Advance Town Board, Town Hall, Advance, Ind. 46102.	Do.
Do	Henry	Lewisville, town of.	H 180091 01	do	Henry County Planning Commission, Town of Lewisville, Henry County Courthouse, New Castle, Ind. 47362.	Do.
Do	Madison	Edgewood, town of.	H 180153 01	do	Town Board, Town of Edgewood, Town Hall, Edgewood, Ind. 46011.	Do.
Do	Morgan	Morgantown, town of.	H 180178 01	do	Chairman, County Commissioners, Town of Morgantown, County Courthouse, Martinsville, Ind. 46151.	Do.
Do	Putnam	Russellville, town of.	H 180218 01	do	Chairman, Town of Russellville, Town Board, Russellville, Ind. 46175.	Do.
Do	Vermillion	Fairview Park, town of.	H 180261 01	do	President, Town of Fairview Park, Fairview Town Board, Rural Route 1, Clinton, Ind. 47842.	Do.
Do	Wells	Poneto, town of	H 180291 01	do	County Area Plan Commission, Town of Poneto, Wells County Courthouse, Bluffton, Ind. 46714.	Do.
Maine	Knox	Rockport, town of.	H 230077 01 through H 230077 08	Maine Soil and Water Conservation Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol shopping Center, Augusta, Maine 04330.	Town Manager, Municipal Office Bldg., Town of Rockport, Rockport, Maine 04856.	Do.
Do	do	Union, town of	H 230080 01 through H 230080 05	do	First Selectman, Town of Union, Union, Maine 04862.	Do.
Do	York	Saco, city of	H 230155 01 through H 230155 06	do	Municipal Bldg., City of Saco, Saco, Maine 04072.	Do.
Maryland	Allegany	Lonaconing, town of.	H 240035 01	Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Mayor, Town Hall, Lonaconing, Md. 21539.	Do.
Do	Cecil	Charleston, town of.	H 240021 01	do	Charlestown Town Hall, Town of Charlestown, Charlestown, Md. 21914.	Do.
Do	Caroline	Denton, town of	H 240104 01	do	Mayor, Town Hall, Denton, Md. 21629.	Do.
Massachusetts	Berkshire	Dalton, town of	H 250021 01 through H 250021 08	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Chairman, Board of Selectmen, Town Hall, Dalton, Mass. 01226.	Do.
Do	do	Otis, town of	H 250035 01 through H 250035 12	do	Chairman, Board of Selectmen, Otis, Mass. 01253.	Do.
Do	Hampshire	Hatfield, town of	H 250164 01 through H 250164 09	do	Chairman, Planning Board, Town Hall, Hatfield, Mass. 01038.	Do.
Do	Middlesex	Billerica, town of	H 250183 01	do	Town Clerk, Town Hall, Concord Rd., Billerica, Mass. 01821.	Do.
Do	do	Boxborough, town of.	H 250184 01 through H 250184 12	do	Chairman, Board of Selectmen, Town Hall, Boxborough, Mass. 01719.	Do.
Do	do	Townsend, town of.	H 250219 01 through H 250219 13	do	Chairman, Board of Assessors, Town Hall, Townsend, Mass. 01469.	Do.
Do	Norfolk	Franklin, town of.	H 250240 01 through H 250240 08	do	Chairman, Board of Selectmen, Town Hall, Franklin, Mass. 02038.	Do.
Do	Worcester	New Braintree, town of.	H 250820 01 through H 250820 04	do	Chairman, Board of Selectmen, Town Hall, New Braintree, Mass. 01531.	Do.
Michigan	Arenac	Standish, city of	H 260016 01	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Homer St., Lansing, Mich. 48913.	Mayor, City Hall, Standish, Mich. 48658.	Do.
Do	Bentie	Blaine, township of.	H 260027 01 through H 260027 06	do	Floyd Lentz, Supervisor, Township of Blaine, Frankfort, Mich. 49635.	Do.
Do	Leelanau	Elmwood, township of.	H 260113 01	do	Township Clerk, Elmwood, Mich.	Do.
Do	St. Clair	St. Clair, township of.	H 260205 01 through H 260205 11	do	St. Clair Township Hall, Bartlee Rd., Township of St. Clair, St. Clair, Mich. 48079.	Do.
Minnesota	Brown	Comfrey, city of	H 270035 01	Division of Water, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, Comfrey, Mich. 56019	Do.
Do	Chisago	Harris, city of	H 270071 01	do	Mayor, Harris, Minn. 55032	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Freeborn	Hollandale, city of.	H 270138 01	do	Major, Hollandale, Minn. 56045	Do.
Do	Pennington	St. Hilaire, city of.	H 270343 01	do	Major, St. Hilaire, Minn. 56725	Do.
Do	Polk	Climax, city of	H 270363 01	do	Major, City Hall, Climax, Minn 56523.	Do.
Do	Renville	Danube, city of	H 270395 01	do	Major, Danube, Minn. 56230	Do.
Mississippi	Bolivar	Beulah, town of	H 280014 01	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Wolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Major, Beulah, Miss. 38726	Do.
New Hampshire	Grafton	Lebanon, city of	H 330051 01 through H 330051 12	Office of State Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	City Hall, 51 North Park St., Lebanon, N.H. 03766.	Do.
Do	Hillsborough	Goffstown, town of.	H 330087 01 through H 330087 15	do	Selectmen, Town of Goffstown, Goffstown, N.H. 03045.	Do.
Do	Rockingham	Exeter, town of	H 330130 01 through H 330130 10	do	Selectmen, Town Office Bldg., Exeter, N.H. 03833.	Do.
New Jersey	Gloucester	Monroe, township of.	H 340208 01 through H 340208 13	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Monroe Township Hall, 266 South Main St., Williamstown, N.J. 08094.	Do.
Do	Salem	Salem, city of	H 340423 01 through H 340423 02	do	Mayor, 1 New Market St., Salem, N.J. 08079.	Do.
New York	Albany	Colonie, town of	H 360007 01 through H 360007 09	New York State Department of Environmental Conservation, Division of Resources, Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Mr. William Brizzell, Town Planning and Development, Town of Colonie, Memorial Hall, Newtonville, N.Y. 12128.	Do.
Do	Chenango	Norwich, town of	H 360162 01 through H 360162 07	do	Supervisor, R.D. No. 1, Norwich, N.Y. 13815.	Do.
Do	Franklin	Malone, town of	H 360271 01 through H 360271 10	do	Town Supervisor, 12 Elm, Malone, N.Y. 12953.	Do.
Do	Oswego	West Monroe, town of.	H 360661 01 through H 360664 06	do	Town Supervisor, Town Hall, West Monroe, N.Y. 13167.	Do.
Do	St. Lawrence	Lawrence, town of.	H 360702 01 through H 360702 06	do	Town Supervisor, Town Clerk's Office, Lawrence, N.Y. 11559.	Do.
Do	Saratoga	Saratoga Springs	H 360728 01 through H 360728 13	do	Mayor, City Hall, Broadway, Saratoga Springs, N.Y. 12866.	Do.
Do	Seneca	Fayette, town of	H 360752 01 through H 360752 08	do	Town Supervisor, West Williams St., Town of Fayette, Waterloo, N.Y. 13165.	Do.
Do	Tompkins	Lansing, town of	H 360852 01 through H 360852 08	do	Town Supervisor, 59 Emmons Rd., R.D. No. 1, Lansing, N.Y. 14882.	Do.
Do	Warren	Hague, town of	H 360873 01 through H 360873 11	do	Adirondack Park Agency, P.O. Box 99, Town of Hague, Brook, N.Y. 12877.	Do.
Do	do	Queensbury, town of.	H 360879 01 through H 360879 09	do	Supervisor, Town Office Bldg., Bay at Haviland Rd., R.F.D. No. 1, Town of Queensbury, Glens Falls, N.Y. 12801.	Do.
Do	do	Warrensburg, town of.	H 360882 01 through H 360882 09	do	Supervisor, Town Hall, Warrensburg, N.Y. 12885.	Do.
Do	Chenango	Pitcher, town of	H 361092 01 through H 361092 10	do	Mayor, Town Hall, Town of Pitcher, Pitcher, N.Y. 13136.	Do.
Do	Fulton	Broadalbin, town of.	H 361128 01 through H 361128 10	do	Mayor, Town Hall, Broadalbin, N.Y. 12025.	Do.
Do	Genesee	Bethany, town of	H 361138 01 through H 361138 12	do	Mayor, Town Hall, Bethany, N.Y.	Do.
Do	Schoharie	Carlisle, town of	H 361193 01 through H 361193 11	do	Mayor, Town Hall, Carlisle, N.Y. 12031.	Do.
Do	Ulster	Marbletown, town of.	H 361219 01 through H 361219 15	do	Mayor, Town Hall, Marbletown, N.Y.	Do.
North Carolina	Bertie	Windsor, town of	H 370019 01	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Office of Town Clerk, Windsor Municipal Bldg., 128 South King St., Windsor, N.C. 27983.	Do.
Do	Catawba	Maiden, town of	H 370056 01	do	Mayor, Maiden, N.C.	Do.
Do	Union	Monroe, city of	H 370236 01 through H 370236 04	do	City Manager, City of Monroe, Monroe, N.C. 28110.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Pennsylvania	Clinton	Noyes, township of.	H 420331 01 through H 420331 07	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Township Hall, Township of Noyes, Drurys Run, Renovo, Pa. 17764.	Do.
Do	Cumberland	East Pennsboro, township of.	H 420359 01 through H 420359 05	do	East Pennsboro Township Bldg., 243 Columbia Rd., Township of East Pennsboro, Enola, Pa. 17025.	Do.
Do	Bradford	Albany, township of.	H 421047 01 through H 421047 10	do	Chairman, Board of Supervisors, Township of Albany, Albany, Pa.	Do.
Do	Berks	Bethel, township of.	H 421052 01 through H 421052 12	do	Chairman, Board of Supervisors, Township of Bethel, Bethel, Pa.	Do.
Do	Allegheny	East Deer, township of.	H 421061 01	do	Chairman, Board of Supervisors, Township of East Deer, East Deer, Pa.	Do.
Do	Berks	Greenwich, township of.	H 421067 01 through H 421067 09	do	Chairman, Board of Greenwich, Township of Greenwich, Greenwich, Pa.	Do.
Do	Bradford	Leroy, township of.	H 421076 01 through H 421076 04	do	Leroy Township Supervisor, Township of Leroy, Leroy, Pa.	Do.
Do	Allegheny	McCandless, township of.	H 421081 01 through H 421081 06	do	Chairman, Board of Supervisors, Township of McCandless, McCandless, Pa.	Do.
Do	do	North Fayette, township of.	H 421085 01 through H 421085 06	do	Chairman, Board of Supervisors, Township of North Fayette, North Fayette, Pa.	Do.
Do	do	O'Hara, township of.	H 421088 01 through H 421088 05	do	Chairman, Board of Supervisors, Township of O'Hara, O'Hara, Pa.	Do.
Do	do	Ohio, township of.	H 421089 01 through H 421089 14	do	Chairman, Board of Supervisors, Township of Ohio, Ohio, Pa.	Do.
Do	Berks	Perry, township of.	H 421093 01 through H 421093 06	do	Township Clerk, Township of Perry, Perry, Pa.	Do.
Do	Allegheny	Robinson, township of.	H 421097 01 through H 421097 08	do	Chairman, Board of Supervisors, Township of Robinson, Robinson, Pa.	Do.
Do	Bradford	Smithfield, township of.	H 421104 01 through H 421104 05	do	Chairman, Board of Supervisors, Township of Smithfield, Smithfield, Pa.	Do.
Do	Berks	Upper Bern, township of.	H 421118 01 through H 421118 08	do	Chairman, Board of Supervisors, Township of Upper Bern, Upper Bern, Pa.	Do.
Do	Bradford	Wyalusing, township of.	H 421126 01 through H 421126 04	do	Wyalusing Borough Council, Wyalusing, Pa. 18853.	Do.
Do	Cameron	Lumber, township of.	H 421129 01 through H 421129 07	do	Township Bldg., Township of Lumber, Star Route, Emporium, Pa. 15834.	Do.
Do	do	Gibson, township of.	H 421130 01 through H 421130 07	do	Township of Gibson, Township Secretary, R.D. No. 1, Driftwood, Pa. 15832.	Do.
Do	Montgomery	West Pottsgrove, township of.	H 421133 01 through H 421133 05	do	Office of the Township Secretary, Township of West Pottsgrove, 101 Lemon St., Stowe, Pa. 19464.	Do.
Do	Chester	West Pikeland, township of.	H 421151 01 through H 421151 08	do	Mrs. Marguerite S. Grady, Secretary, 25 Fox Lane, Township of West Pikeland, Chester Springs, Pa. 19425.	Do.
Do	Northumberland	Shamokin, township of.	H 421159 01 through H 421159 10	do	Mrs. Henrietta Williams, Township of Shamokin, Box 58, R.D. No. 1, Paxtnos, Pa. 17860.	Do.
Do	Tioga	Middlebury, township of.	H 421172 01 through H 421179 29	do	Chairman, Board of Supervisors, Township of Middlebury, Middlebury, Pa.	Do.
Do	do	Osceola, township of.	H 421182 01 through H 421182 11	do	Chairman, Osceola Township Supervisors, Osceola, Pa. 16942.	Do.
Do	Clearfield	Decatur, township of.	H 421189 01 through H 421189 07	do	Chairman, Board of Supervisors, Township of Decatur, Decatur, Pa.	Do.
Do	Washington	Canton, township of.	H 421201 01 through H 421201 05	do	Chairman, Board of Supervisors, Township of Canton, Canton, Pa.	Do.
Do	Lancaster	Ephrata, township of.	H 421208 01 through H 421208 08	do	Ephrata Township Office, 114 East Main St., Township of Ephrata, Ephrata, Pa. 17522.	Do.
Do	Susquehanna	Great Bend, township of.	H 421212 01 through H 421212 03	do	Chairman, Board of Supervisors, 18 Main St., Township of Great Bend, Hallstead, Pa. 18822.	Do.
Do	Armstrong	South Bend, township of.	H 421214 01 through H 421214 06	do	Township Supervisor Secretary, Star Route, Township of South Bend, Spring Church, Pa. 15686.	Do.
Do	Jefferson	Winslow, township of.	H 421215 01 through H 421215 04	do	Township Secretary, Township of Winslow, R.D. No. 1, Reynoldsville, Pa. 15851.	Do.
Do	Butler	Cranberry, township of.	H 421217 01 through H 421217 03	do	Cranberry Township Building Officer, 181 Byron Circle, Township of Cranberry, Zelienople, Pa. 16063.	Do.
Do	Bradford	Ulster, township of.	H 421218 01 through H 421218 08	do	Ulster Township Supervisor, Township of Ulster, Ulster, Pa. 18850.	Do.
Do	Butler	Parker, township of.	H 421219 01 through H 421219 03	do	Chairman, Township Supervisor, Township of Parker, Butler Pa. 16001.	Do.
Do	Allegheny	Marshall, township of.	H 421292 01 through H 421292 05	do	Chairman, Board of Supervisors, Township of Marshall, Marshall, Pa.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	West Deer, township of.	H 421299 01 through H 421299 11	do	Township Manager, R.D. No. 1, Box 131, Township of West Deer, Chesnick, Pa. 15024.	Do.
Do	Erie	North East, township of.	H 421368 01 through H 421368 06	do	Chairman, Board of Supervisors, Township of North East, North East, Pa. 16428.	Do.
Do	Bradford	Rome, township of.	H 421404 01 through H 421404 02	do	Chairman, Board of Supervisors, Township of Rome, Rome, Pa. 18837.	Do.
Do	do	Standing Stone, township of.	H 421406 01 through H 421406 02	do	Chairman, Board of Supervisors, Township of Standing Stone, Standing Stone, Pa.	Do.
Do	Butler	Buffalo, township of.	H 421416 01 through H 421416 02	do	Buffalo Township, Building Officer, 211 Primrose Dr., Township of Buffalo, Sarver, Pa. 16055.	Do.
Do	Lancaster	Colerain, township of.	H 421765 01 through H 421765 10	do	Chairman, Board of Supervisors, R.D. No. 1, Township of Colerain, Kirkwood, Pa. 17536.	Do.
Do	do	East Drumore, township of.	H 421769 01 through H 421769 07	do	Chairman, Board of Supervisors, R.D. No. 2, Township of East Drumore, Quarryville, Pa. 17566.	Do.
Do	do	East Earl, township of.	H 421770 01 through H 421770 09	do	Chairman, Board of Supervisors, R.D. No. 2, East Earl, Pa. 17519.	Do.
Do	do	Little Britain, township of.	H 421775 01 through H 421775 10	do	Chairman, Board of Supervisors, R.D. No. 2, Township of Little Britain, Nottingham, Pa. 19362.	Do.
Do	do	Salisbury, township of.	H 421783 01 through H 421783 13	do	Chairman, Board of Supervisors, R.D. No. 2, Township of Salisbury, Honeybrook, Pa. 19344.	Do.
Do	do	Warwick, township of.	H 421786 01 through H 421786 07	do	Chairman, Board of Supervisors, 401 West Woods Dr., Township of Warwick, Lititz, Pa. 17543.	Do.
Do	Mercer	Hickory, township of.	H 421862 01 through H 421862 05	do	Township Manager, Municipal Bldg., Box 1046, Township of Hickory, Sharon, Pa. 16146.	Do.
Do	do	Sandy Creek, township of.	H 421873 01 through H 421873 06	do	Chairman, Board of Supervisors, Township of Sandy Creek, Sandy Creek, Pa.	Do.
Do	Northumberland	Coal, township of.	H 421936 01 through H 421936 08	do	Daniel Vern, Vice President, Coal Township Commissioner, 921 West Wood St., Shamokin, Pa. 17872.	Do.
Do	do	Jordan, township of.	H 421939 01 through H 421939 05	do	Jordan Township Supervisor, R.D., Township of Jordan, Herndon, Pa. 17830.	Do.
Do	do	Lower Mahanoy, township of.	H 421941 01 through H 421941 10	do	Chairman, Board of Supervisors, Township of Lower Mahanoy, Lower Mahanoy, Pa.	Do.
Do	do	Upper Mahanoy, township of.	H 421944 01 through H 421944 08	do	Chairman, Board of Supervisors, Township of Upper Mahanoy, Upper Mahanoy, Pa.	Do.
Do	do	West Cameron, township of.	H 421946 01 through H 421946 03	do	Chairman, Board of Supervisors, Township of West Cameron, West Cameron, Pa.	Do.
Do	do	Zerbe, township of.	H 421947 01 through H 421947 03	do	Township Clerk, Township of Zerbe, Zerbe, Pa.	Do.
Do	Susquehanna	Harford, township of.	H 423881 01 through H 423881 03	do	Chairman, Board of Supervisors, Township of Harford, Harford, Pa. 18823.	Do.
Do	do	Rush, township of.	H 423060 01 through H 423060 05	do	Chairman, Board of Supervisors, Township of Rush, R.D. No. 4, Montrose, Pa. 18801.	Do.
Do	Tioga	Westfield, borough of.	H 422093 01 through H 422093 02	do	President, Westfield Borough Council, Borough of Westfield, Westfield, Pa. 16950.	Do.
Do	Westmoreland	Cook, township of.	H 422186 01 through H 422186 06	do	Chairman, Township of Cook, Board of Supervisors, Stahlstown, Pa. 15687.	Do.
Do	do	St. Clair, township of.	H 422191 01 through H 422191 03	do	Chairman, Board of Supervisors, R.D. No. 1, Township of St. Clair, New Florence, Pa. 15944.	Do.
South Carolina	Orangeburg	Rowesville, town of.	H 450165 01	South Carolina Water Resources Commission, P.O. Drawer 164, 700 Knox Abbot Dr., Cayce, S.C. 29033. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	James L. Boone, Mayor, P.O. Box 146, Rowesville, S.C. 29133.	Do.
Vermont	Washington	Marshfield, village of.	H 500113 01	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Board of Selectmen, Marshfield, Vt. 05658.	Do.
Do	Essex	Brighton, town of.	H 500335 01 through H 500335 06	do	Mayor, Town of Brighton, Brighton, Vt.	Do.
Do	do	Concord, town of.	H 500207 01 through H 500207 05	do	Mayor, Concord, Vt. 05824	Do.
Do	Orleans	Lowell, town of	H 500254 01 through H 500254 07	do	Mayor, Lowell, Vt. 05847	Do.
Wisconsin	Iowa	Dodgeville, city of.	H 550177 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Mayor, City Hall, Dodgeville, Wis. 53533.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	Hollandale, Village of.	H 550178 01	do	Village President, Village Hall, Hollandale, Wis. 53544.	Do.
Do	do	Ridgeway, village of.	H 550181 01	do	Village President, Village Hall, Ridgeway, Wis. 53582.	Do.
Do	Marathon	Unity, city of	H 550257 01	do	Village President, Unity, Wis. 54488.	Do.
Do	Rusk	Tony, village of	H 550377 01	do	President, Village of Tony, Village Board, Hawkins, Wis. 54530.	Do.
Do	Taylor	Lublin, village of	H 550434 01	do	President, Village Board, Lublin, Wis. 54447.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: September 17, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–22302 Filed 9–27–74;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS

Effective Date; North Central Region Parole Board

The rules for the Northeast Region of the United States Board of Parole, published at 39 FR 20028 et seq. (June 5, 1974), and made effective to the Western and South Central Regions on July 1, 1974, 39 FR 23261 (June 27, 1974), and to the Southeast Region on September 3, 1974, 39 FR 31882 (September 3, 1974) will become effective in the Board's North Central Region on September 30, 1974.

The North Central Region is comprised of the following states:

Minnesota, Wisconsin, Michigan, Iowa, Missouri, Kansas, Nebraska, Illinois, Indiana, and Ohio.

These rules are adopted under the authority of 28 CFR, Part O, Subpart V, and 18 U.S.C. 4201–4210 and 5001–5037.

Dated: September 25, 1974.

MAURICE H. SIGLER,
Chairman, U.S. Board of Parole.

[FR Doc.74–22677 Filed 9–27–74;8:45 am]

Title 32—National Defense

CHAPTER XIV—RENEGOTIATION BOARD

SUBCHAPTER B—THE RENEGOTIATION BOARD REGULATIONS UNDER THE 1951 ACT

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

Common Carriers by Water

Section 1453.3(d)(2), Fiscal years ending on or after December 31, 1953 is amended by deleting in paragraph (1) thereof, the words "January 1, 1973", and inserting in lieu thereof the words "January 1, 1974".

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. Sec. 1219)

Dated September 25, 1974.

W. S. WHITEHEAD,
Chairman.

[FR Doc.74–22644 Filed 9–27–74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 133]

PART 1–5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

PART 1–7—CONTRACT CLAUSES

Use of Excess Aluminum

This amendment of the Federal Procurement Regulations cancels Subpart 1–5.10, Use of Excess Aluminum. A Government Use Program applicable to the General Services Administration was initiated by FPR Temporary Regulation No. 3, February 21, 1966 (31 FR 3271, March 1, 1966), for the purpose of disposing of national stockpile aluminum pig and ingot. On June 15, 1966, FPR Amendment No. 21 was issued which added Subpart 1–5.10. The new subpart codified the provisions of FPR Temporary Regulation No. 3 and made the provisions applicable to all civilian executive agencies. The objectives of the disposal program have been met, and excess aluminum is no longer available for Government use. It is therefore appropriate to cancel the policy and procedures relating to the use of excess aluminum as set forth in Subpart 1–5.10 and to delete references to the subpart in other affected sections.

The table of contents for Part 1–5 is amended to delete the entries for Subpart 1–5.10 and to provide that Subpart 1–5.10 is reserved, as follows:

Subpart 1–5.10 [Reserved]

Subpart 1–5.10—[Reserved]

Subpart 1–5.10 is revised to delete the caption and the text of the subpart and to provide that the subpart is reserved.

The table of contents for Part 1–7 is amended to delete the entries for §§ 1–7.103–15 and 1–7.203–16 and to provide that the section are reserved, as follows:

Sec.
1–7.103–15 [Reserved]
1–7.203–16 [Reserved]

Subpart 1–7.1—Fixed-Price Supply Contracts

§ 1–7.103–15 [Reserved]

Section 1–7.103–15 is revised to delete the caption and text and to provide that the section is reserved.

Subpart 1–7.2—Cost-Reimbursement Type Supply Contracts

§ 1–7.203–16 [Reserved]

Section 1–7.203–16 is revised to delete the caption and text and to provide that the section is reserved.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective October 28, 1974, but may be observed earlier.

Dated: September 23, 1974.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.74–22643 Filed 9–27–74;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E–151]

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101–26.4—Purchase of Items From Federal Supply Schedule Contracts

Federal Supply Schedules

This regulation furnishes guidance to Federal agencies concerning limitations for procurement from Federal Supply Schedules.

1. Section 101–26.401(a) is revised to read as follows:

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§ 101–26.401 Applicability.

• • • • •

(a) The general principles and methods prescribed in this Subpart 101–26.4 apply to all such procurements. Consequently, prior to initiating procurement directly from commercial sources, agencies shall determine whether the required commodities and services or similar commodities and services serving the required functional purpose are available from a Federal Supply Schedule.

• • • • •

2. Section 101–26.401–2 is revised to read as follows:

§ 101–26.401–2 Primary source of supply concept.

Each Federal Supply Schedule contains a statement identifying specific agencies in designated geographic areas required to use the established contracts as "primary sources of supply." Agencies so identified shall, except as provided in § 101–26.401–4, use the Schedule on a mandatory basis and the established contracts shall be primary sources of supply for the items involved.

3. Section 101–26.401–3 is revised to read as follows:

§ 101–26.401–3 Similar items.

(a) In lieu of procuring similar items from any other source, agencies required to use a Federal Supply Schedule shall procure available items from a competitive contract (single award) listed in that Schedule as a primary source, and will procure from a multiple-award Schedule only as a secondary source. Agencies shall not request Federal Supply Schedule contractors to furnish items under the contract having characteristics exceeding those specifically covered by the contract. The above is not applicable to procurement effected under the exceptions to mandatory use criteria as set forth in § 101–26.401–4.

(b) When an agency determines that items available from Federal Supply Schedule contracts will not serve the required functional end-use purpose of the item to be procured, and that a similar item is available from another source which will meet its minimum requirements, a request to waive the requirement to use the Federal Supply Schedule contract shall be submitted to GSA for consideration in accordance with § 101–26.100–2.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. (486(c)))

Effective date. This regulation is effective September 30, 1974.

Dated: September 16, 1974.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.74–22648 Filed 9–27–74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74–995]

PART 0—COMMISSION ORGANIZATION
PART 76—CABLE TELEVISION SERVICE

Authority Delegations

In the matter of amendment of Part 0 and Part 76, Subpart B, of the Commission's rules and regulations concerning delegation of authority to the Chief, Cable Television Bureau and procedures in the Cable Television Service Relating to requests for special temporary authority.

1. In the Cable Television Report and Order, 36 FCC 2d 143 (1972), the Commission established special relief provisions (§ 76.7) to permit flexibility in dealing with cable matters presenting unusual circumstances. In recent months we have received a number of requests by cable systems seeking temporary authority to carry on operations not previously authorized. Up to the present time, these requests have been handled as petitions for special relief. However, this experience has shown that more guidance to the public is required on the appropriate scope of such requests for temporary authority, and that valid requests often warrant more expeditious treatment than is available through regular processing procedures. Consequently, we think it desirable to establish special rules, akin to those already applicable to the broadcast and cable television relay services, to govern the scope and processing of requests for special temporary authority in the cable television service.

2. We are, therefore, adding a new rule (§ 76.29) which delineates the procedures to be followed by cable television systems seeking special temporary authority to operate. This rule also specifies the maximum duration of time for which the Commission may grant such authority. In addition, we are amending § 0.289 of the rules in order to delegate authority to the Chief of the Cable Television Bureau to act on requests for special temporary authority when such requests are either unopposed or present extraordinary circumstances requiring immediate action by the Commission.

3. We anticipate that special temporary authority will be granted only to operating cable systems, and not to new systems seeking to commence operations prior to the grant of a certificate of compliance. Any temporary operations which may be authorized pursuant to these provisions shall cease on or prior to the date specified by the order granting such authority, unless, prior to the expiration of that order, further authorization for such operations is granted. We will not permit our normal certification procedures to be circumvented by the filing of requests for special temporary authority. Petitions for special relief requesting expedited action may still be filed in conjunction with any application for full operating authority.

4. The amendments to our Rules, contained in the attached Appendix, relate to Commission organization, procedure, or practice. Therefore, the prior notice and effective date requirements of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply. And, since the amendments are essential elements of our over-all regulatory program for cable television systems, delay in their implementation would be contrary to the public interest.

Authority for the rule amendments adopted herein is contained in sections 2, 4 (i) and (j), 5(d), 301, 303, 307 and 309 of the Communications Act of 1934, as amended.

Accordingly, *It is ordered*, That effective October 2, 1974, Parts 0 and 76 of the Commission's rules and regulations are amended as set forth below.

(Secs. 2, 4, 5, 301, 303, 307, 309; 48 Stat., as amended 1064, 1066, 1068, 1081, 1082, 1083, 1085; 47 U.S.C. 152, 154, 155, 301, 303, 307, 309)

Adopted: September 19, 1974.

Released: September 25, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 0.289, a new paragraph (c) (13) is added, and paragraph (d) is revised, as follows:

§ 0.289 Authority delegated.

• • • • •

(c) • • •

(13) To act on requests for special temporary authority in the Cable Television Service when such requests are either unopposed or present extraordinary circumstances requiring immediate Commission action.

• • • • •

(d) The Chief of the Cable Television Bureau, in coordination with the Broadcast Bureau, is delegated authority to act on requests for temporary authority for special operations in the Cable Television Relay Service.

2. A new § 76.29 is added, as follows:

§ 76.29 Special temporary authority.

(a) In circumstances requiring the temporary use of cable television facilities for operations not authorized pursuant to a valid certificate of compliance, a cable television system may request special temporary authority to operate. The Commission may grant special temporary authority, upon a finding that the public interest would be served thereby, for a period not to exceed ninety (90) days, and may extend such authority, upon a like finding, for one additional period, not to exceed ninety (90) days.

(b) Requests for special temporary authority may be submitted informally, by letter, and shall contain the following:

(1) Name and address of the applicant cable system.

(2) Community in which the system is located.

(3) Type of operation to be conducted.

(4) Date of commencement of proposed operations.

(5) Duration of time for which temporary authority is required.

(6) All pertinent facts and considerations relied on to demonstrate the need for special temporary authority and to support a determination that a grant of such authority would serve the public interest.

(7) A certificate of service on parties required to be served pursuant to § 76.13(a)(6) and on any other party who may be directly affected by a grant of the authority requested.

(c) A request for special temporary authority shall be filed at least ten (10) days prior to the date of commencement of the proposed operations, or shall be accompanied by a statement of reasons for the delay in submitting such request.

(d) A grant of special temporary authority may be rescinded by the Commission at any time upon a finding of facts which warrant such action.

[FR Doc.74–22622 Filed 9–27–74;8:45 am]

[FCC 74–974]

PART 73—RADIO BROADCAST SERVICES

Memorandum Opinion and Order Regarding Policy Statement

In the matter of waivers of the prime time access rule, § 73.658(k) of the Commission's rules, for the 1974–75 broadcast year.

1. The Commission, on July 18, 1974 issued a Public Notice (FCC 74–785), inviting interested parties to comment on the policy to be followed with respect to certain kinds of waivers of the prime-time access rule, § 73.658(k) of the Commission rules, for the 1974–75 broadcast year. Consideration of this matter was prompted by the decision of the U.S. Court of Appeals (C.A. 2) on June 18, 1974, staying until September 1975 the effectiveness of changes in the rule we had adopted effective this September.[1] Some of these changes were designed in part to eliminate the need for consideration of various kinds of waiver; since these may not now be put into effect, it is appropriate to consider what policy to follow, for this coming year, with respect to them.

2. The July 18 Public Notice invited comment on two types of waivers of the rule, and listed the requests which were then pending in each category. The two types are: (1) continuation of the "one-time" waiver to permit carriage of network news and public affairs programs, not part of a regular series, without counting toward the permissible three hours of network or off-network programs each evening; and (2) waiver of the "off-network" restriction, § 73.658(k)(3), to permit carriage of certain "off-network" programs, similarly without counting toward the permissible three hours. The pending requests listed were by CBS Inc. for continuation of the "one-time" network news and public affairs waiver; by three stations for continuation of the "off-network" waiver previously granted them with respect to the National Geographic program (KATU, Portland, Oreg., KOMO–TV, Seattle, Wash., and WCPO–TV, Cincinnati, Ohio); and by the producers or distributors of three other off-network or partly off-network groups of programs: the Wild Kingdom and Animal World series (both of which are partly off-network and have previously received waiver) and a 26-episode Mr. Magoo animated series, and two individual Mr. Magoo programs, all formerly on NBC. We also note three other "off-network" waiver requests received by the end of July: from Four Star International (July 19) with respect to four children's "special" programs formerly on CBS (Pinocchio, The Emperor's New Clothes, Aladdin and Jack and the Beanstalk) from Time-Life Films for the 13-week America series formerly on NBC; and another station request concerning National Geographic (WTVN–TV, Columbus, Ohio, which has not previously received a waiver).[2]

3. Comments in response to the Public Notice were filed July 24, 1974 by the National Association of Independent Television Producers and Distributors (NAITPD), which also commented upon the matter of waivers in a letter to the Chairman dated July 3, and Westinghouse Broadcasting Company, Inc., American Broadcasting Companies, Inc. (ABC) CBS Inc. (CBS), National Broadcasting Company, Inc. (NBC), Bill Burrud Productions, Inc. (Burrud, producer of Animal World) and Fisher's Blend Station, Inc. (KATU and KOMO–TV). Reply comments were filed July 30 or 31, by NAITPD, National Citizens Committee for Broadcasting (NCCB), CBS, NBC, Burrud, Mutual of Omaha Insurance Co. (Mutual, distributor of Wild Kingdom), and UPA Productions of America (UPA) distributor of the Mr. Magoo programs mentioned. Generally, NAITPD, Westinghouse and NCCB oppose all waiver requests of the two types involved here. The networks support the "one time" news-public affairs waiver for the networks; ABC generally express some opposition to off-network waivers, beyond truly exceptional cases of need. Burrud, Mutual, UPA and Fisher's Blend argue in support of their respective requests. We also consider herein, of course, the material in the requests mentioned.

4. The following discussion deals with the two types of waiver and specific requests mentioned. Briefly, near the end hereof, we deal with other kinds of waivers mentioned in the comments.

ARGUMENTS OF THE PARTIES

5. *Significance of the Court's June 18 decision.* NAITPD urges that the above-mentioned decision of the U.S. Court of Appeals (C.A. 2), NAITPD v. FCC, requires denial of the kinds of waivers involved here, as well as others which we have already considered in recent weeks and denied partly on this basis (WBRE–TV, Inc., supra; Avco Broadcasting Corporation et al., FCC 74–800). The argument is that a substantial part of the changes which we adopted last January, but whose effectiveness the Court has stayed, were designed to achieve the same kind of results as the past waiver policies though by another approach; and therefore, since we may not put the rule changes themselves into effect at this time, we may not grant waivers having the same result either—"• • • the Court has enjoined alteration of the Access Rule, an alteration no less real when achieved by waiver than through effectuation of the Evening Programming Requirements Rule." The parties favoring waivers disagree; their position is essentially that the Court was simply ordering maintenance of the status quo, which includes—or at least does not exclude—grant of waivers at least in the same areas where they have been granted previously. NBC claims that NAITPD is essentially urging that the Commission cannot either go back to its public-interest conclusions under the old rule or forward to its public-interest conclusions under the new rule, and that this argument should be rejected.

6. In our view, NAITPD's arguments are without merit. As noted above, the Court has directed us to retain the prime time access rule, as adopted in 1970, in effect for another year. In the recent decisions mentioned above, we

[1] National Association of Independent Television Producers and Distributors et al. v. FCC (C.A. 2, June 18, 1974), reversing in part our Report and Order in Docket 19622 adopted January 23, 1974 (FCC 74–80, 44 FCC 2d 1081). For more of the background of this matter, see the "Further Notice Inviting Comments" in Docket 19622 (FCC 74–756), inviting comments on various matters mentioned in the Court's Opinion.

[2] In listing the requests, it was stated in the Public Notice that as to the "one-time" network news and public affairs waiver, and the National Geographic waiver, consideration would not be limited to those networks or stations who had made the requests; but otherwise consideration would be confined to those programs specifically listed plus others mentioned in initial comments in response to the Public Notice. It was stated that: "The Commission is definitely of the view that no "off-network" waivers should be considered (where a substantial amount of programming is involved) which are not before us by late July."

Another waiver requested listed was that by the licensee of Station WBRE–TV, Wilkes-Barre, Pa. This, which was based largely on asserted circumstances unique to the Wilkes-Barre/Scranton, Pa. market, has since been denied in another action (WBRE–TV, Inc., FCC 74–857, released August 5, 1974).

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have recognized the inappropriateness of taking actions, by way of waiver in new areas, which might have the appearance of circumventing that mandate and thus, protanto, putting the new changes into effect this fall (in those cases, permitting "stripped" off-network programming from 7 to 7:30 p.m. e.s.t.). But, in our judgment, the requirement imposed by the Court in this respect goes no further. The Court's opinion did not mention waivers at all, and we cannot conclude that there was intented any judicial disapproval of the policies which have been followed so far under the 1970 rule. As an administrative agency we must retain some flexibility in the administration of our rules. If we conclude that the public interest would be served by waiver, within the general confines of previous actions and policies—which, for reasons discussed below, for the most part we do—we consider ourselves free to act accordingly.

7. *Arguments supporting waiver.* As to waiver policy generally, it is urged by some of the networks and other parties seeking waiver, as mentioned above, that the previous waiver policies should be continued, because the conclusions which justified them before are still valid, and, by adding flexibility to an otherwise rather rigid rule whose literal application leads to impractical results in some cases, these kinds of waivers serve the public interest and the interest of the viewing public which the Court held to be of high importance. It is also asserted that these policies are familiar to the industry and the Commission, and no new ones to achieve the same public-interest results could be devised at this late date for 1974–75. CBS claims that there has been reliance on these policies (as such or as embodied in the rule changes), for example in its scheduling of pro football telecasts, and hardship would result if they are not continued.

8. In urging continuation of the "one-time" network news and public affairs waiver which has applied since the rule went into effect in 1971,[2] the networks urge that the justification advanced earlier applies now as well, and that the Commission has recognized the merit of this concept not only by the earlier grants of waiver but by putting the principle into the rule changes which were adopted but have been stayed. It is claimed that the waiver clearly serves the public interest by facilitating the presentation of material increasing public knowledge and information about matters of public interest and concern, and provides needed flexibility for the untrammeled exercise by the networks of this important journalistic function. The networks assert that they use "their own time"—network prime time, or late evening time—to a large extent for such presentations; but there is still a "real and considerable need" for the viewer, since network evening schedules are not easily rearranged, particularly where longer programs are involved and on the short notice often involved with material of this kind. It is said that the absence of waiver—excluding such material from the access period or requiring a later "give-back" of access time the same evening on short notice—would "inhibit artificially" the presentation of such material and would curail it, and would "reduce the flexibility needed for the full and vigorous exercise of First Amendment-favored exploration of news and ideas." It is also claimed that there has been no network abuse of this waiver; CBS assertedly has used it only three times since January 1972 and not at all in 1974, and in practice none of the networks has approached the 25 occasions a year mentioned as a possible maximum when the waiver was first sought. It is asserted that with the few instances of use of the waiver, and those occurring pretty much at random, there is no significant impact on the demand for first-run syndicated material which the rule is designed to promote. Moreover, it is asserted, there is little or no material of this sort available from non-network sources, so there is no inhibition on the sale or development of a particular type of programming; rather, withdrawal of the waiver would simply reduce the supply of such material to stations.[3]

9. With respect to the Public Notice's suggestion that there might be a numerical limit on such activities, e.g., once a month or three times a quarter, the networks oppose this as limiting flexibility unduly and unnecessary in the absence of any abuse. CBS claims that this would be a basic change in the character of the waiver, from a recognition that journalistic judgments should be made without artificial government-imposed restraints, to one of governmental intrusion into an area which the Commission should eschew.

10. With respect to the requested "off-network" waivers, most of the petitioners urge the particular merit and other circumstances of their programs, either set forth in the petition or by reference to an earlier showing, claimed still to apply. The points asserted include popularity (ratings), educational or social value as shown by letters from educators and environmental groups, awards and testimonials, etc.[4] and the desirability of the program for early evening children's or "family" viewing (and of presenting the program at this hour of large audience). The Wild Kingdom and Animal World proponents urge, again, the "independent" character of their programs when on the network, and they also assert that the cost and complexity of "outdoor" program production efforts precludes more than a relatively small number of new episodes each year. It is claimed that waiver is thus still necessary, even though fewer off-network episodes will be needed in future years. These producers also urge the need for waiver to avoid disruption of their activities as a result of the Court's decision, which eliminated their potential, under the changed rule, for selling the programs for use in the first half-hour of prime time or as "documentary" programs in one 7:30 half hour each week. In a letter replying to NAITPD's comments, UPA asserts that the object of the rule is to further meritorious programming, clearly including the Mr. Magoo material.

11. *Arguments against network news-public affairs and "off-network" waivers.* The three parties opposing waivers—NAITPD, Westinghouse, and NCCB—advance a variety of arguments against them, both generally and as to the two particular areas involved here.[5] These are in summary as follows:

(a) With the Commission's January decision looking toward an end of waivers, and the Court's subsequent stay, this is not a matter of maintaining the status quo, and there is not and should not be a "vested interest" in obtaining a waiver simply because one was granted before. NAITPD, in fact, claims that as to the "off-network" waiver policy we are bound by the conclusion in that decision that this process has been "undesirable" (see 44 FCC 2d 1081, 1134–35). It is asserted that therefore we should take this opportunity to make a "fresh start", abandoning past precedents and policies which have led to such undesirable results and which, particularly in the "off-network" area, have been criticized by most parties commenting.

(b) The waiver policies, as they have evolved in practice under the rule, constitute a de facto modification of it without appropriate rule-making proceedings rather than the "limited safety valve" which waivers are designed to afford. This is urged particularly as to the "one-time" network news and public affairs waiver, which originally was adopted on the basis of special temporary circumstances (the transitional character of the first year under the rule, and need for pre-election coverage in a Presidential election year) but which has since become apparently a permanent modification by the various extensions. It is also claimed that the Commission's practice improperly shifts the burden of proof from one seeking waiver to opponents (for example as to a showing of specific inhibition).

(c) The types of waivers involved here are unnecessary, since the rule does not preclude the presentation of any material at any time. As to the "one-time" network waiver, it is claimed that the networks can, and should be required to, use their own prime time to fulfill their journalistic obligations, rather than use "the other fellow's time" while keeping their own schedules intact. As to the off-network programs, these may be presented at any time, including early-evening or later prime time if the station is willing to preempt network programs. NAITPD argues that if the Commission is so concerned about early-evening exposure for a program such as America, it should either make the network carry it at such an hour, or inquire of licensees as to why they did not carry it without a waiver (preempting a later network program).

(d) Any waiver, even for a small amount of time such as the 13-week America series, creates great uncertainty and instability, by depriving independent producers of the knowledge of how many markets they will have to aim at, depending on what waivers the Commission may or may not grant. Westinghouse claims that this has been the biggest single obstacle to the development of the rule's potential. Given the double advantage which off-network material has—previous exposure and thus a "track record", and possible sale in syndication cheaply because all or most of the costs have been recovered in the network run—it is claimed that this possible competition is ruinous, particularly precluding the development of any new material of the same type as that for which waiver has been granted, for example material such as America, and restoring to certain programs the very competitive advantage of which the rule was designed to deprive them. This is said also to be true of the "one-time" network waiver—inhibiting the development of such material from independent sources in the vital area of public information.

(e) It is said that the off-network waiver process violates the First Amendment, both through a Governmental judgment based on the "merit" or "quality" of a program, and through the inhibiting effect on the development of other programs under a rule specifically designed to increase diversity and promote the public's First Amendment rights. PAITPD claims that the policy is thus "unreasonable, unconstitutional and self-defeating".

(f) NCCB urges that these waivers adversely affect the presentation of locally oriented and minority-group programming, substituting a national decision that certain programs should be shown instead and interfering with licensees' freedom to program their stations to meet local needs (and with citizen group efforts to get them to). NCCB also refers to two syndicated programs of significance to minority groups (La Raza and Black Omnibus) and claims that the latter, which has gone out of production because of lack of advertiser support, will not be replaced "without a strictly enforced and stable prime time access rule." In sum, waivers serve only to impede the basic purpose of the rule—"to insure a diversity of programming sources, which enable a station to respond to the needs and interests of its community."

(g) These parties also attack the arguments of the Wild Kingdom and Animal World proponents as to their particular circumstances. It is claimed that there is no showing that a further "subsidy" is needed to permit them to continue their activities, that the progress of Wild Kingdom toward non-reliance on former network material is extremely slow in three years of waiver, and that the fact of their former "independent" nature is of no consequence; the same has been true for some years of nearly all network programming (under the "syndication" and "financial interest" rules adopted in 1970) and off-network programming has the same inhibiting effect on new independent material regardless of the nature of its past or present ownership.

Discussion and Conclusions

12. After careful consideration of the matters raised herein, we conclude that waivers of these two types should be granted to an extent which will preserve the status quo—continuation of the waiver for "one time" network news and public affairs programs, and for the Wild Kingdom, Animal World and National Geographic program series—and in one other case: the six children's special programs mentioned in paragraph 2, above. The latter waiver is granted because of the high importance of permitting children's "specials" to be presented at a reasonably early evening hour, as well as because of the very small amount of access time involved (a total of 12 hours per year per market even if all programs were shown twice). The request for the 26-episode Famous Adventures of Mr. Magoo series is denied. We do not pass at this time on the America request, since that was filed only July 30 and thus was not the subject of comments, and since decision now is not necessary because the program will not be available to commercial television until March 1975.

13. The present moment is one of uncertainty as to what the future form of the rule will be, which will be decided in the next several weeks by further decision in Docket 19622. Thus, this is not the time or the place to make sweeping changes in the practice which has grown up under the rule, in an effort to make it work better as a permanent matter. Moreover, the Court's decision came fairly late in the game with respect to industry planning for the 1974–75 broadcast year. It appears that there has been reliance by stations, networks, and producers on the availability of access time for such material under the changed rules (during the first half-hour of prime time, or as "documentary" or "public affairs" material during one "cleared" half-hour per week). These changes have of course been stayed, but we do not conceive it to be in the public interest to disrupt these plans by acting to reduce the availability of access time for these activities, to a point below either what has been available so far under the earlier rule or what would have been available under the changed rule, in the absence of stronger countervailing considerations than those which appear here.

14. It must also be borne in mind that our decisions here are short-run in nature. The waivers and indicated grants adopted here are only for 1974–75, and, even if a new rule should be put into effect only at a later date and the same policies should be continued in the interim (matters which we do not here decide), the present decisions will apply only for a relatively short period. This means that some aspects of the matter which may be important in a long-term or permanent decision are of less consequence here—for example, the inhibiting effect of waiver on the development of new, independent programming of the same general sort. The supply of new non-network programming for 1974–75 is doubtless by now pretty well set; for the longer term, whatever effects there are will flow not from our action here but from whatever decision is reached later this fall in Docket 19622.

15. As to continuation of the "one-time" network news and public affairs waiver, we conclude that this would be in the public interest because of the high importance of facilitating the presentation of this type of "informed electorate" material, the present relative absence of material of this sort from other sources, the concomitant lack of significant impact (in the short run) of the development of similar material, and the fact that (with uses of the waiver being few in number and pretty much on a random basis) this would not be expected to have substantial impact on the development of new access-period programming generally.[7] It does not appear that there has been any abuse of this waiver, and the networks do, to a large extent, use "their own time" for this purpose. We conclude that, for the period involved here, they should retain the flexibility

[2] See 32 FCC 2d 55(1971); 37 FCC 2d 570 (1972); 40 FCC 2d 355(1973); and 42 FCC 2d 615(1973).

[3] CBS also mentions another point: absence of waiver would raise a series of difficult questions as to the scope of the "on the spot coverage" or coverage of "fast breaking events" exemptions contained in the rule, with respect to coverage planned in advance, use of previously filmed material, etc.

[4] UPA attaches 7 documents in support of its request for the Adventures of Mr. Magoo series—a USIA document describing it as of educational character, a letter from a New York City educator seeking it for school use, a McGraw-Hill release describing the series as important in bringing history and literary classics to life for students, letters of praise from a church group and NAFBRAT, a letter to area English teachers from WAVY–TV, Norfolk about the series, which it ran at 7 p.m. in 1971, and a letter of praise and inquiry from a Connecticut librarian. It should be noted that some of these documents concern classroom or other film, rather than broadcast, use. Some 16 similar documents were submitted concerning the two individual Mr. Magoo programs.

[5] ABC and CBS also commented briefly as to off-network waivers, although not directly involved. ABC suggests that the time may be at hand when the off-network waiver situation should be cleaned up, noting the slow progress of Wild Kingdom toward all new material. CBS, on the other hand, although noting that it has previously opposed such waivers because they involve the Commission in "program quality" judgments, states that it does not oppose their continuation during the present period of uncertainty as to what the rule will be in the future.

[7] NCCB mentions the possibility that a network program presented under this waiver may displace a timely local program of the same type. This appears too speculative to be of decisional importance here, bearing in mind the rather small amount of access time devoted to either network news and public affairs under the waiver or local programming, and the possibility that in the unlikely event that this does occur, either the local program could be re-scheduled or the network program could be taped and delayed.

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which the waiver gives them in exercising their journalistic function. While the same conditions which led to the original waiver do not necessarily obtain, we reach the same conclusion on the basis of present conditions.

16. We have decided not to adopt a numerical limit on network use of this waiver, indicated in the Public Notice as a possibility, since it might impair desirable flexibility and past performance does not indicate a need for it. However, we expect the networks not to abuse this waiver, especially by using access time extensively rather than their own time to carry out their journalistic function. If the entire burden should not have to fall exclusively in network prime time, neither should it have to fall entirely or largely in access time.

17. The considerations mentioned in pars. 13–14 above likewise indicate that waiver should be granted for the three "outdoor" program series mentioned. In our judgment, the cause of diversity of programming—increasing the amount and variety of fare available to the public—would be served by waiver and disserved by denial, for the short-run period involved here, and thus with little or no impact on the development of new programming for the longer term. There has not been, here or in earlier filings, any evidence as to the inhibiting effect on the development of new programming, and we cannot assume that there would be any with respect to a short-run waiver for programs which have previously been available on the same basis. The total time involved of 2 hours a week is less than 10% of the 21 hours a week per market of "cleared" time, even assuming all three programs involved are shown in access time in all 50 markets, which has never been the case so far.[8]

18. We conclude that waiver should also be granted for the six children's "special" programs mentioned, even though, admittedly, this does go beyond the status quo. We reach this conclusion on the basis of the short-run nature of our action here (already discussed), and consequently the absence of any impact on the long-term development of new non-network material, and two other factors: (1) the lack of impact in terms of time, since these six programs would amount to only 12 hours a year per market even if all were shown twice; and (2) the overriding importance of making children's programs of this type available at an early evening hour. We noted in our decision changing the rule that one of the chief complaints against it has been that it prevents the presentation of network children's specials at an early hour, permitting children to watch them and still observe a reasonable bedtime (see 44 FCC 2d 1081, 1134). We find it of high importance to facilitate the presentation of such material at any early evening hour, from off-network if not network sources, and accordingly waiver appears appropriate for this short-run period, in the absence of any demonstrated impact on the development of new programming.

19. However, we conclude that waiver for the other program series involved—the Famous Adventures of Mr. Magoo—is not warranted, even though it is material of the same general sort. Despite the merit of this program asserted by petitioner with supporting material, and the short-run nature of our actions here, we do not believe it appropriate, at this point when the future form of the rule is uncertain, to grant waiver for a new 26-episode series, wholly off-network, for which waiver has not been granted before and which also is a program of a type not hitherto involved in the waiver process. The possible creation of new inhibitions on the development of non-network programming—as opposed to continuation of whatever existing inhibitions may exist where waivers have been granted in the past—is not to be taken lightly, even in the short run. Where a 26-program, wholly off-network series is involved, we decline to do so. Grant of a waiver of this sort, involving material which likely would occupy a time slot on a station for a full year, would tend to undercut the Court's mandate even though it would not necessarily contravene it.

20. *Other programs.* As indicated in the July 18 Public Notice, we intend to be restrictive as to waivers of the "off-network" provisions of the prime time access rule, with respect to programs other than those mentioned and not denied herein.

21. *Other observations.* It is appropriate to discuss certain arguments against waiver mentioned earlier and not directly dealt with above. First, it is urged that we are bound by the conclusion in our January Report and Order that the off-network waiver process is "undesirable." This characterization referred to the process itself, not the results; our decision was to adopt rule changes designed, inter alia, to reach the same general result by a better process. Since the changes have been stayed, it is appropriate to use the old approach if the public interest so indicates, as we conclude it does. Second, as to the character of the waiver process as a de facto change in the rules (and as improperly shifting the burden of proof) we find these objections without merit, insofar as the short-run decision here is concerned. Waiver of the rules is a power which the Commission properly may, and when the public interest requires, must exercise. WAIT Radio v. FCC, 418 F. 2d 1153 (C.A.D.C. 1969). We have examined the facts and arguments presented, by both sides, and are persuaded that waiver to the extent granted herein will further the public interest. Finally, we note the arguments concerning the First Amendment. In our view, our actions herein do not raise questions on this score, since we neither forbid nor require the presentation of any program. Our decisions herein are not based on the "merit" or "quality" of any program—assuming arguendo that such a course would present First Amendment problems—and the short-run nature of this decision renders inapposite NAITPD's argument that waiver violates First Amendment concepts by inhibiting or precluding the development of new material.

NETWORK NEWS AND SPORTS RUNOVER WAIVERS

22. These two areas of waiver policy were not set forth for comment in the Public Notice, but there was some comment. We will continue for 1974–75 the "network news at 7 following an hour of local news" waiver, and the policy granting waiver for presentation of network news or public affairs programs on weekends at 7 (e.s.t.) where both preceded and followed by a half-hour of local news or local public affairs. No party expressed objection to this waiver, which was contemplated by "footnote 36" of the Report and Order adopting the rule in 1970.[9] With respect to "runovers" of network afternoon sports telecasts, we will continue the past policy in this respect. NAITPD raises here, as it has before, the problem which is presented to suppliers of first-run syndicated programming in "making good" the commercials lost in their programs as a result of such runovers (particularly on weekends, which is when nearly all of them occur). We recognized in our January decision that this is not a satisfactory situation under the present rule, and took steps to deal with it simply by reducing the possibility of runovers (there is not a great likelihood in any event). See 44 FCC 2d 1081, 1143. NAITPD has not given us (now or earlier) any specifics with respect to the claimed problem, and therefore we are not adopting any different policy for the short run involved here, in what might be a rather complex area. This remains a problem for consideration with respect to the decision on a rule for the future, in Docket 19622, and we will give consideration at that time (if appropriate

[8] With respect to the argument mentioned in par. 11(c) above, that waivers are not necessary for the programs to be shown in prime time, we do not find this persuasive, bearing in mind that: (1) the whole premise of the rule is that the networks have a tremendous advantage in clearing programs in competition with non-network sources; and (2) one significant element of "diversity" is the range of programs available to the public at a given time, here "cleared" access time. It is noted that National Geographic programs will not be shown on U.S. network television this year, following the Court's decision.

[9] NAITPD raises the question of whether the preceding "local hour" may be used partly for syndicated public affairs material (as it urged in its initial comments in Docket 19622). No one has ever raised this question specifically; we will consider waiver on this basis if it comes up.

in light of the form of the rule adopted) to various solutions proposed by NAITPD ("rolling back" network schedules for the evening, requiring the networks to provide "make good" time for the commercials lost, etc.).

POLICY STATEMENT AND ORDER

GENERAL POLICY

23. In the foregoing, for the 1974–75 broadcast year, the following provisions concerning waiver of the prime time access rule will apply:

(a) Waivers are granted in paragraph 24 below, for the two half-hour program series, for the presentation of network news in the first half-hour of prime time (7 p.m. e.s.t., etc.) if preceded by a full hour of local news, for "one time" network news and public affairs programs, and for six individual children's programs.

(b) Waivers when requested will be granted, generally by Broadcast Bureau action under delegated authority, for stations subject to the rule who wish to carry the National Geographic program, for stations wishing to carry network news in the first half-hour of prime time on weekends, where it is both preceded and followed by a half-hour or longer local news or local public affairs program, and for stations or networks seeking "sports runover" waivers to the extent such waivers have been granted in the past. This action is not a grant of waiver in these cases.[10]

(c) Except as mentioned, and as may be indicated on further consideration of a pending request for waiver for the America series, no further off-network waivers, involving substantial amounts of programming, will be granted for the 1974–75 broadcast year.

24. In view of the foregoing, *it is ordered*, That:

(a) Waiver of the "off-network" provisions of the prime-time-access rule, § 73.658(k)(3), is granted, so that stations subject to the rule may present during the period until Monday, September 15, 1975, in addition to three hours of prime-time network or off-network material:

(i) The Wild Kingdom and Animal World program series, provided that, of the package purchased and shown on the station, no more than 49 percent in the case of Wild Kingdom, or 43 percent in the case of Animal World, may be off-network.

(ii) The Uncle Sam Magoo and Mr. Magoo's Christmas Carol individual programs formerly on NBC, and the Pinocchio, The Emperor's New Clothes, Jack and the Beanstalk and Aladdin children's special programs formerly on CBS.

(b) Until September 15, 1975, stations subject to § 73.658(k) may present "one-time" network news and public affairs programs (those not part of a regular series) without their counting toward the permissible three hours of prime time network programming.

(c) Stations subject to § 73.658(k) may present network news in the first half-hour of prime time (7 p.m. e.s.t., etc.) without its counting toward the permissible three hours of network programming each evening, provided that the network news is immediately preceded by an hour of local news or local public affairs programming.

(d) The letter request for waiver of § 73.658(k)(3), filed on July 15, 1974 by UPA Productions of America, is denied insofar as it requests waiver for the Famous Adventures of Mr. Magoo program series.

Adopted: September 11, 1974.

Released: September 13, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[11]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.74-22626 Filed 9-27-74;8:45 am]

[FCC 74-1006 Docket No. 19551, RM-1821, etc.]

PART 73—RADIO BROADCAST SERVICES

Second Report and Order

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Atlanta, Blackshear, Cochran, Dublin, Eastman, Hawkinsville, Hazlehurst, Macon, Monroe, and Ocilla, Georgia; Birmingham, Gadsden, Haleyville, Jasper, Northport, Sheffield, and Tuscaloosa, Alabama; and Columbus, Macon, New Albany, Oxford, and Starkville, Mississippi), Docket No. 19551, RM–1821, RM–1864, RM–1923, RM–2004, RM–2029, RM–2037, RM–2038, RM–2067, RM–2077; 38 FR 26.

1. The Commission here considers certain aspects of this proceeding to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) as concerns communities in the southeastern portion of Georgia. The basic proposal is bottomed on the petition of Broadcast Good Music! Committee (BGMC) to assign Channel 300 at Atlanta, Georgia, as a seventh FM channel assignment (RM–1864) which requires the change of existing channel assignments at eight cities (Hawkinsville, Macon, and Ocilla, Georgia; Birmingham and Gadsden, Alabama; and Macon, New Albany, and Oxford, Mississippi), six of which are occupied by operating stations (all except Ocilla, Georgia, and Macon, Mississippi).[1] The other 14 proposed changes are counterproposals, which more or less fall into four subsidiary groupings.

2. We here deal with proposed assignments in southeast Georgia which group is severable from the other proposals in this proceeding. Included in this group are Ocilla, Dublin, Cochran, Eastman, Hazlehurst, and Blackshear. Change of the channel assignment at Ocilla from Channel 237A to 221A was proposed as part of the Atlanta proposal. The Notice also covered the proposal of Dublin Broadcasting Company (Dublin Broadcasting), licensee of AM Station WMLT at Dublin, Georgia (RM–1821), to assign Channel 240A as a second assignment to that community, with respect to which the Notice raised questions. Dublin, population 15,143, is the seat of Laurens County, population 32,738.[2] In addition to Station WMLT, Stations WXLI and WXLI–FM operate at Dublin. The Notice stated that the Dublin Broadcasting showing indicated a lack of preclusionary effect on adjacent channels but that Channel 240A could be used elsewhere in the area if it were not assigned to Dublin (see Policy to Govern Requests for Additional FM Assignments, 8 F.C.C. 2d 79 (1967)). Specific reference was made to four county seats where the channel could be so assigned. These are: Soperton, pop. 2,596, in Treutlen County (pop. 5,647); McRae, pop. 3,151, in Telfair County (pop. 11,381); Hazlehurst, pop. 4,065, in Jeff Davis County (pop. 9,425); and Eastman, pop. 5,416, in Dodge County (pop. 15,658). It was noted that the first had no local broadcast facility and the other three had only daytime AM stations (while Channel 244A is assigned to Eastman, it operates as Station WVMG–FM at Cochran, pop. 5,161, the seat of Bleckley County (pop. 10,291)).[3]

3. In response to our Notice, Farnell O'Quinn (O'Quinn) filed a counterproposal that Channel 240A be assigned to Eastman and Channel 244A be reassigned from Eastman to Cochran in order "to give proper recognition to the facts"; and Jeff Davis Broadcasters, Inc. (Jeff Davis), licensee of daytime AM Station WVOH there, counterproposed that either Channel 240A or 221A be assigned to Hazlehurst (RM–2067). Dublin Broadcasting then filed counterproposals for Eastman and Hazlehurst which are agreeable to O'Quinn and Jeff Davis. The Dublin counterproposal includes a proposed change of assignment at Blackshear which is discussed below (paragraph 6). Dublin Broadcasting's plan calls for the assignment of Channel 240A at Dublin, 221A at Eastman, Channel 228A at Hazlehurst, and 285A (in lieu of 228A) at Blackshear. These various counterproposals created conflict with that part of the Atlanta proposal that had to do with the proposed assignment at Ocilla, Georgia. However, there is a channel available for Ocilla (249A) which makes possible present resolution of the

[10] Waiver is not granted herein in these cases because, in the case of National Geographic, it is desirable to have information as to how many stations propose to carry the program in access time, and on what basis; and in the other cases, staff examination of the facts appears to be desirable.

[11] Commissioners Lee and Reid concurring.

[1] This is herein referred to as the "principal" or Atlanta proposal.

[2] All population data are from the 1970 U.S. Census.

[3] Concerning adequacy of broadcast service to a community, see Broadcast Station Assignment Standards, 39 F.C.C. 2d 645, 670, 672, and 674 (1973).

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conflict and permits our presently making FM channel assignments to these communities in southeast Georgia prior to giving consideration to the Atlanta proposal.[4]

4. We briefly discuss the comments filed by Dublin Broadcasting, Jeff Davis, and Farnell O'Quinn. The purpose of Dublin Broadcasting's petition is to permit it to apply for an FM channel if assigned to Dublin in order to serve 12,000 more persons nighttime who are located between the interference-free contour of an FM station and AM Station WMLT's nighttime interference-free contour. In this respect, however, assignment of an FM station to Dublin, Georgia, does not give any priority to Dublin Broadcasting, and its application will be considered on a par with applications of other interested parties. In support of the proposal for a second FM channel, Dublin Broadcasting has adduced information and data to show that Dublin is the regional trade center of eight counties, that it is the location of both state and federal government agencies serving a large area and it is the medical center for a twelve-county area, that there has been substantial increase in population of the city and county, and that industry and manufacturing has been expanding at a substantial rate since 1960. Dublin Broadcasting has also indicated that it intends to serve East Dublin, population 1,986, also in Laurens County across the Oconee River from Dublin. It is asserted that Dublin is the most important of the area's cities including Eastman, Hazlehurst, McRae, Soperton, and Ocilla.

5. Jeff Davis in support of the proposed assignment of an FM channel at Hazlehurst relies on the need for further media. We are told that there is only a weekly newspaper and its AM station is a low-power 500 watt daytime AM station. It is also urged that Hazlehurst is an industrial and agricultural center. Other information is adduced concerning the amount of manufacturing and business, the type of hospital and school facilities, the number of churches and civic groups and municipal service and transportation. O'Quinn's comments primarily are directed at showing that Eastman and Dodge County has greater need for a first full-time broadcast facility than Dublin has for a fourth station. As already noted, Eastman only has a daytime AM station (Station WUFF), while Dublin has two full-time AM stations and an FM station. As mentioned above, Dublin Broadcasting's counterproposal is agreeable to O'Quinn and Jeff Davis. In advancing the counterproposal, Dublin Broadcasting stated that the Commission should not consider assignments to Soperton and McRae in the absence of a demand in those communities.

6. As stated, it is possible to resolve the conflict among the southeast Georgia proposals without adversely affecting the principal proposal and in acordance with the usual practice of making assignments of channels to communities with a population of 10,000 or less where there is an expressed demand. In this respect, there were objections to a substitute at Ocilla, Georgia, on the basis that the present assignment there has remained fallow. However, there are pending applications for the Ocilla channel—one for a station at Fitzgerald (BPH–8716) and the other at Ocilla itself (BPH–8766). In these circumstances, since a channel is available for assignment to Ocilla which is compatible with making assignments to the other southeast Georgia communities, we may proceed. In proposing the assignment of Channel 228A at Hazlehurst, it is necessary to delete the assignment of that channel from Blackshear, population 2,624, seat of Pierce County, population 9,281. While it is possible to assign Channel 285A to that community, we do not propose to do so at this time. Blackshear, like Soperton and McRae, is not the size community to which FM channel assignments are made in the absence of demand (someone evidencing a willingness to apply for and operate a station), especially when demand for use of FM channels in Georgia is extremely high.[4] Moreover, there are two other sizeable communities in the area to which Channel 285A might be assigned.

7. As concerns the assignment of Channel 221A to Eastman, consideration has been given to the preclusionary effect on the assignment of educational FM channels in the area. The staff has ascertained that here are five educational institutions with a student enrollment of 1,000 or greater within a 105 mile radius of Eastman of which four colleges are located in the areas receiving service from a Channel 6 TV station. It is noted that, with the exception of Channel 219 at Douglas and due to existing educational stations, the assignment to these educational institutions would be limited to a Class A operation and would not be affected by an assignment of Channel 221A to Eastman. The only preclusionary effect would be at Douglas for a Class C operation on Channel 219; however, a Class A operation is possible at Douglas.

8. We find that the public interest, convenience, and necessity is served by assigning another FM channel to Dublin in the light of expressed interest and that community's importance; by assigning Channel 244A to Cochran, where it is in use; by substituting Channel 249A for 237A at Ocilla; by making first assignments at Eastman and Hazlehurst in the light of expressed demand and need for a full-time local aural broadcast service at each community. In the latter respect, because of lack of demand, we do not here consider channel assignments for Soperton, McRae, and Blackshear.

9. In view of the foregoing and pursuant to authority found in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, *it is ordered*, That effective November 1, 1974, the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations), is amended with respect to the following cities in Georgia to read as follows:

City:	*Channel No.*
Cochran	244A
Dublin	224A, 240A
Eastman	221A
Hazlehurst	228A
Ocilla	249A

Adopted: September 19, 1974.

Released: September 24, 1974.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.74-22625 Filed 9-27-74;8:45 am]

[4] Substitution of Channel 249A for Channel 237A at Ocilla would allow for flexibility in the solution of the question of whether Channel 300 should be assigned to Atlanta.

[4] As of June 30, 1974, Georgia had 88 FM channel assignments—41 Class C's and 47 Class A's. Of the Class C's, 39 are in operation and the other two are applied for; as to the 47 Class A's, 38 are in operation, six are applied for, and only three are still in assigned status.

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM–57; Amdt. Nos. 172–28, 173–86]

PART 172—LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL MATERIALS SUBJECT TO PARTS 170–179 OF THIS SUBCHAPTER

PART 173—SHIPPERS

Fluoboric Acid

On December 28, 1973, the Hazardous Materials Regulations Board ("the Board") published Amendments 172–22, 173–77, and 178–30 in Docket No. HM–57 (38 FR 35467) which identified specifically by name a number of corrosive materials that would have been shipped as "Corrosive liquids, n.o.s." or "Corrosive solids, n.o.s." pursuant to the amendments dated March 23, 1972 (37 FR 5946). In the amendments published on December 28, 1973, the Board required that fluoboric acid be packaged according to the requirements set forth in § 173.264(a).

Three petitions for reconsideration of this amendments have been received: Harstan Chemical Corporation, Allied Chemical Corporation, and the Harshaw Chemical Company. These companies advised the Board that the type of packaging in use at this time for this material was the packaging authorized in § 173.245. Further, each petitioner reported very satisfactory experience when using certain packagings specifically in use.

One petitioner furnished detailed amplifying information on the hazards of certain concentrations of fluoboric acid, setting forth valid reasoning why these materials are significantly different than hydrofluoric acid which is covered by § 173.264. This section of regulation is more stringent in its packing requirements and all petitioners argued that these restrictions were inordinate for the less hazardous material, fluoboric acid.

One petitioner based his petition on the fact that the proposed change in packaging, when published in notice form, was overlooked and for that reason no comments were submitted. In the amendment, a change in format in presenting the new regulations resulted in bringing the matter to petitioner's attention.

The Board has reviewed these petitions, and on the basis of the facts presented and the arguments for reconsideration, agrees that the regulations for packaging of fluoboric acid are overly restrictive.

In consideration of the foregoing, 49 CFR Parts 172 and 173 are revised as follows:

In § 172.5 paragraph (a), the List of Hazardous Materials is amended as follows:

§ 172.5 List of hazardous materials.

(a) • • •

Article	Classed as—	Exemptions and packing (see section)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
•	•	•	•	•
Fluoboric acid (*change*)	Cor	173.244, 173.283	Corrosive	1 gal.
•	•	•	•	•

(A) In Part 173 Table of Contents, § 173.264 is revised and § 173.283 is added to read as follows:

Sec.

• • • • • •

173.264 Hydrofluoric acid; White acid.
173.283 Flouboric acid.

• • • • • •

(B) In § 173.264, the Heading and the introductory text of paragraph (a) are revised to read as follows:

§ 173.264 Hydrofluoric acid; white acid.

(a) Hydrofluoric acid and white acid (ammonium bifluoride and hydrochloric acid mixture), each must be packed in specification packaging as follows:

• • • • • •

(C) § 173.283 is added to read as follows:

§ 173.283 Fluoboric acid.

(a) Flouboric acid exceeding 50 percent concentration must be packed as prescribed in § 173.264(a) for hydrofluoric acid.

(b) Fluoboric acid of 50 percent concentration or less must be packed as follows:

(1) In specification packaging as prescribed in paragraph (a) of this section.

(2) In specification packaging as prescribed in § 173.245(a) (12), (16), (18), (19), (21), (24), and (26).

These amendments are effective September 30, 1974.

(Transportation of Explosives Act (18 U.S.C. 831–835); sec. 6; Department of Transportation Act (49 U.S.C. 1655); Title VI and sec. 902(h); Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h), 1655(c)).)

Issued in Washington, D.C. on September 24, 1974.

ROBERT A. KAYE,
Board Member for the Federal Highway Administrator.

C. R. MELUGIN, Jr.
Alternate Board Member for the Federal Highway Administration.

[FR Doc.74-22558 Filed 9-27-74;8:45 am]

[Docket No. HM–22; Amdts. Nos. 173–85, 178–34]

PART 173—SHIPPERS

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Cargo Tanks; Matter Incorporated By Reference

The purpose of this amendment to the Hazardous Materials Regulations is to update the reference to The Chlorine Institute's standards for valves on chlorine tank motor vehicles.

On April 2, 1974, the Board published a notice of proposed rule making, Docket No. HM–22; Notice No. 74–4 (39 FR 12034) proposing to make the above described change.

One commenter made reference to the possibility of erroneously interpreting the changes proposed in this docket to mean a required updating of existing chlorine cargo tanks. Although such is not the case in this docket, the Board is aware that changes of this type may be confusing. Future rule making will be proposed which will include certain revisions to Parts 173 and 178 which the Board believes will clarify this area of confusion.

The Board emphasizes that the changes adopted by this rule making apply only to cargo tanks for chlorine service manufactured after the effective date of this docket.

Another commenter suggested certain changes to §§ 173.33 and 173.315 to permit voluntary updating of existing cargo tanks by the installation of the newer safety relief and excess flow valves which are the subject of this rule making. The Board believes this suggestion has merit and has made the necessary changes.

In consideration of the foregoing, 49 CFR Parts 173 and 178 are amended as follows:

1. In § 173.33, paragraph (i) (4) is revised and paragraph (i) (5) is added as follows:

§ 173.33 Cargo tank use authorization.

• • • • • •

(i) • • •

(4) Angle valves and excess-flow valves on chlorine tank motor vehicles manufactured before December 31, 1974, must conform to the standards of The Chlorine Institute, Inc. as follows:

(i) Angle valves must conform with Dwg. 104–4 dated May 5, 1958;

(ii) Excess-flow valves conforming with Dwg. 101–4, dated May 16, 1969, must be installed under each liquid angle valve, and the excess-flow valves conforming with Dwg. 106–3 dated May 16, 1969, must be installed under each gas angle valve.

Valves authorized in paragraph (i) (5) of this section may also be used.

(5) Angle valves and excess-flow valves on chlorine tank motor vehicles manufactured on or after December 31, 1974, must conform to the standards of The Chlorine Institute, Inc. as follows:

(i) Angle valves must conform with The Chlorine Institute Dwg. 104–5 dated September 1, 1972;

(ii) An excess-flow valve conforming with Dwg. 101–6 dated September 1, 1973, must be installed under each liquid angle valve and an excess-flow valve conforming to Dwg. 106–5 dated September 1, 1973, must be installed under each gas angle valve.

2. In § 173.315, paragraph (i) (13) is revised and paragraph (i) (14) is added as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

• • • • • •

(i) • • •

(13) Safety relief valves on chlorine tank motor vehicles manufactured before December 31, 1974, must be in conformance with the standard of The Chlorine Institute, Inc., Type 1 1/2JQ225, Dwg. H51970, dated October 7, 1968. Safety relief valves authorized in sub-

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paragraph (14) of this section may also be used.

(14) **Safety relief valves** on chlorine tank motor vehicles manufactured on or after December 31, 1974, must conform to The Chlorine Institute's Type 1 1/2JQ. 225, Dwg. H51970, dated October 7, 1968, or Type 1 1/2JQ225, Dmg. H50155, Revision A, dated April 28, 1969.

3. Sections 178.337–1(c)(2), 178.337–2(b), 178.337–8(b), 178.337–10(c) are revised as follows:

§ 178.337–1 General requirements.

• • • • • •

(c) • • •

(2) Each chlorine tank must be equipped with a nozzle in the top of the tank. The nozzle must be fitted with a manway cover conforming to The Chlorine Institute's Dwg. 103–4 dated September 1, 1971. There shall be no other opening in the tank.

• • • • • •

§ 178.337–2 Material.

• • • • • •

(b) For chlorine tanks. All plates for tank, manway nozzle, and anchorage must be made of carbon steel meeting the requirements of ASTM Specifications A–612–72a, Grade B or A516–72, Grade 65 or 70 and also meeting the Charpy V-Notch test requirements of ASTM Specification A20–72a. Impact test specimens must meet impact requirements, in both longitudinal and transverse directions of rolling of this specification at a temperature of minus 40°F.

• • • • • •

§ 178.337–8 Outlets.

• • • • • •

(b) Chlorine tank valves. See § 173.33 (g)(9), (i)(4), and (5) of this subchapter. Regarding chlorine tank outlets, see also § 178.337–1(c)(2).

• • • • • •

§ 178.337–10 Protection of fittings.

• • • • • •

(c) On each chlorine tank there shall be a protective housing and manway cover conforming to The Chlorine Institute Dwg. 137–2, dated September 1, 1971, to permit the use of standard emergency kits for controlling leaks in fittings on the dome cover plate.

• • • • • •

This amendment is effective December 31, 1974. However, compliance with the regulations as amended herein is authorized immediately.

(Transportation of Explosives Act (18 U.S.C. 831–835); section 6 of the Department of Transportation Act (49 U.S.C. 1655))

Issued in Washington, D.C., on September 24, 1974.

ROBERT A. KAYE,
Board Member for the Federal Highway Administration.

[FR Doc.74–22557 Filed 9–27–74;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Notice No. 74–22]

APPENDIX A—INTERPRETATIONS

QUESTIONS AND ANSWERS ON DRIVER QUALIFICATIONS

Amendment of Interpretation 71–4

The Director of the Bureau of Motor Carrier Safety is amending Interpretation 71–4 of Appendix A to the Federal Motor Carrier Safety Regulations. Interpretation 71–4 contains, in question-and-answer form, a number of interpretations of the rules in Part 391 of the Federal Motor Carrier Safety Regulations which have been issued by the bureau on the subject of the qualifications of drivers who drive commercial motor vehicles in interstate or foreign commerce.

Since the date when Interpretation 71–4 was issued, there have been a number of amendments of Part 391. In addition, the Bureau has discovered an error in question and answer No. 15. The purpose of these amendments is to amend the Interpretation by correcting that error and by bringing its contents up to date so that they correctly reflect the purport of today's rules.

In consideration of the foregoing, Interpretation 71–4 in Appendix A to Subchapter B of 49 CFR Chapter III is amended as set forth below.

Since these amendments make changes in interpretive rules, notice and public procedure thereon are unnecessary, and they are effective on the date of issuance set forth below.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304; sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegations of authority at 49 CFR 1.48 and 49 CFR 389.4)

Issued September 24, 1974.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

APPENDIX A—INTERPRETATIONS

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QUESTIONS AND ANSWERS ON DRIVER QUALIFICATIONS

[Interpretation 71–4]

• • • • • •

A. Question and answer No. 3 are revised to read as follows:

3. (§ 391.15(c)(2)(i)). Q. A driver has his license to operate a commercial motor vehicle suspended for driving a commercial motor vehicle while under the influence of alcohol. Two months later, he is convicted of the driving-under-the-influence charge. When does his disqualification begin and end?

A. His disqualification for suspension of his license begins on the date his license is suspended and ends when his license is restored. His disqualification for conviction of driving while under the influence of alcohol begins on the date of conviction. If the driver was not convicted of a disqualifying offense within a three-year period preceding the date of conviction, the disqualification ends one year after that date. The fact that the driver was already disqualified on the date of conviction does not shorten the period of disqualification by reason of the conviction. In general, there is no reason why two or more grounds for disqualification may not be concurrently applicable to a particular person at one time.

B. Question and answer no. 4 are deleted.

C. Question and answer no. 5 are revised to read as follows:

5. (§ 391.15(c)). Q. If a driver is convicted of an offense specified in § 391.15(c), or has forfeited bond on account of one of those offenses but is allowed to keep his driver's license, is he disqualified?

A. Yes. As noted in item 3, loss of a driver's license and conviction of a disqualifying offense are entirely separate grounds for disqualification. A driver who is convicted of one of the enumerated offenses is disqualified even though he retains his commercial driver's license or permit. Likewise, a driver who loses his commercial driving privileges is disqualified even though he is not convicted.

D. Question and answer no. 6 are revised to read as follows:

6. (§ 391.15(c)). Q. Is a driver disqualified if he is convicted of one of the specified offenses and the conviction arose out of the operation of his personal automobile on a personal trip?

A. No. The rule providing for disqualification for conviction of certain offenses applies only to offenses committed while the driver is driving a motor vehicle in the employ of a motor carrier or in furtherance of a commercial enterprise.

E. Question and answer no. 7 are revised to read as follows:

7. (§ 391.15(b)). Q. A driver who holds a license to drive issued by one State has a second State revoke or suspend his privilege to operate a commercial motor vehicle in the second State. Is the driver disqualified?

A. Yes. A driver whose privilege to drive a commercial motor vehicle is suspended or revoked in any State is disqualified until that privilege is restored. It is immaterial that he holds a valid license from another State.

F. In question No. 8, the reference to § 391.15(b)(2) is amended to read "(§ 391.15(b))."

G. Question and answer No. 15 are revised to read as follows:

15. (§ 391.31). Q. Do the Regulations prohibit a carrier who issues a certificate of driver's road test from placing language in the certificate to the effect that the certificate is valid only when the driver is operating that carrier's equipment.

A. No. The form of certificate set out in § 391.31(b) is not mandatory; the certificate must be in substantially that form. A carrier may, therefore, place additional language in the form he uses.

[FR Doc.74–22584 Filed 9–27–74;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[SO No. 1138; Amdt. No. 3]

PART 1033—CAR SERVICE

Colorado and Southern Railway Co. and Colorado & Wyoming Railway Co.

In the matter of the Colorado and Southern Railway Company authorized to operate over tracks of the Colorado & Wyoming Railway Company; the Colorado & Wyoming Railway Company authorized to operate over jointly owned tracks of the Atchison, Topeka and Santa Fe Railway Company and the Colorado and Southern Railway Company.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of September 1974.

Upon further consideration of Revised Service Order No. 1138 (38 FR 14943, 33482, and 39 FR 12352), and good cause appearing therefor:

It is ordered, That:

Section 1033.1138 *S.O. 1138*, The Colorado and Southern Railway Company authorized to operate over tracks of the Colorado & Wyoming Railway Company. The Colorado & Wyoming Railway Company authorized to operate over jointly owned tracks of the Atchison, Topeka and Santa Fe Railway Company and the Colorado and Southern Railway Company), Revised Service Order No. 1138 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., September 30, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), and 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the FEDERAL REGISTER.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–22664 Filed 9–27–74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74–257]

PART 153—ANTIDUMPING

Northern Bleached Hardwood Kraft Pulp From Canada; Antidumping; Determination To Revoke Dumping Finding

A finding of dumping with respect to prime grade and off-grade northern bleached hardwood kraft pulp from Canada was published as Treasury Decision 73–28 in the FEDERAL REGISTER of January 23, 1973 (38 FR 2210). On April 5, 1974, a petition was received by the Treasury Department requesting revocation of the finding.

In a notice published in the FEDERAL REGISTER of June 28, 1974 (39 FR 24032), the Treasury Department affirmed its determination that prime grade and off-grade northern bleached hardwood kraft pulp from Canada is being, and is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 192 (19 U.S.C. 160(a)). Because the grounds upon which the petition for revocation was based related primarily to considerations involving the injury determination of the Tariff Commission, the petition was referred to the Tariff Commission for such review of its injury determination as the Commission deemed appropriate.

In a notice to be published in the FEDERAL REGISTER of September 27, 1974 (39 FR 34718), the Tariff Commission will announce that on the basis of its investigation into the matter, the Commission had determined that if the finding of dumping were revoked an industry in the United States would not be or would not likely be injured by reason of the importation of prime grade and off-grade northern bleached hardwood kraft pulp from Canada sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Accordingly, I hereby revoke the finding of dumping published as Treasury Decision 73–28, supra, effective with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of notice of the Commission's decision in the FEDERAL REGISTER.

Accordingly, § 153.43 of the Customs Regulations is amended by deleting from the column headed "Merchandise" the words "Northern Bleached Hardwood Kraft Pulp—prime grade and off-grade," from the column headed "Country" the word "Canada," and from the column headed "T.D." reference to Treasury Decision "73–28."

[SEAL] PETER O. SUCHMAN,
Acting Assistant Secretary of the Treasury.

SEPTEMBER 26, 1974.

[FR Doc.74–22791 Filed 9–27–74;9:42 am]

[T.D. 74–254]

PART 159—LIQUIDATION OF DUTIES

X-Radial Steel Belted Tires From Canada

In the FEDERAL REGISTER of January 8, 1973 (38 FR 1018), the Commissioner of Customs gave notice that the United States Customs Service had determined that exports of X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., are subject to bounties or grants within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303).

At that time, notice was given that X-radial steel belted tires, manufactured by Michelin Tire Manufacturing Company of Canada, Ltd., imported directly or indirectly from Canada, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of that notice in the Customs Bulletin, would be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed. In accordance with section 303, the net amount of such bounty or grant was estimated to be 6.6 percent of the f.o.b. value of each tire.

From information received since the issuance of the above notice, it has been finally ascertained, determined or estimated that the net amount of the bounty or grant paid or bestowed upon the subject merchandise is 6.7702 percent of the f.o.b. value of each tire, and countervailing duties in that amount will be collected upon the liquidation of all entries of the subject merchandise for consumption or withdrawals thereof from warehouse for consumption during the period February 8 through December 31, 1973.

In the FEDERAL REGISTER of Sept. 16, 1974 (39 FR 33207), the Commissioner of Customs gave notice that a deposit of estimated countervailing duties, in the amount of 3.7 percent of the f.o.b. value of each tire, shall be required at the time of entry of the subject merchandise for consumption or upon its withdrawal from warehouse for consumption on or after January 1, 1974. Declarations of the net amount of the bounties or grants finally ascertained, determined or estimated with respect to such merchandise will be published in subsequent issues of the Customs Bulletin.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting in respect of the commodity "X-radial steel belted tires manufactured by Michelin Tire Manufacturing Company of Canada, Ltd.," the number of this Treasury Decision in the column headed "Treasury Decision," and the words "Final Rate Declared" in the column headed "Action."

(R.S. 251, as amended, secs. 303, 624; 46 Stat. 687, 759 (19 U.S.C. 66, 1303, 1624))

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: September 25, 1974.

PETER O. SUCHMAN,
Acting Assistant Secretary of the Treasury.

[FR Doc.74–22665 Filed 9–27–74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Hunting on Dismal Swamp National Wildlife Refuge

In the FEDERAL REGISTER, Volume 39, No. 170, page 31644, dated August 30,

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1974, it was proposed that Dismal Swamp National Wildlife Refuge, Virginia, be aded to the list of areas open to the hunting of big game.

The public was provided with a 30-day comment period. The comments were given careful consideration and it has been determined that for the best interests of the resource, Dismal Swamp National Wildlife Refuge should be added to the list of areas open to the hunting of big game.

Accordingly, § 32.32, List of open areas; big game, is amended as follows:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

VIRGINIA

DISMAL SWAMP NATIONAL WILDLIFE REFUGE

The white-tailed deer season in Chesapeake County, Virginia, opens on October 1, 1974. If the above amendment were not to become effective until 30 days following its publication, the white-tailed deer season for the Dismal Swamp National Wildlife Refuge would not open in conjunction with the State season. The confusion which would be caused to the public by establishing a big game season of a different duration than the season otherwise in effect throughout the remainder of the State is deemed to be of sufficient magnitude and consequence to warrant a finding of "good cause" within the terms of 5 U.S.C. section 553 (d)(3). Accordingly, the effective date of this amendment shall be October 1, 1974.

SEPTEMBER 27, 1974.

LYNN A. GREENWALT,
Special Assistant to the Director Fish and Wildlife Service.

[FR Doc.74-22824 Filed 9-27-74;11:04 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemeking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 201]

PLANT VARIETY PROTECTION ACT

Proposed Regulations and Rules of Practice Confidential Status of Applications

Notice is hereby given in accordance with the administrative procedure provisions of 5 U.S.C. 553, that the Agricultural Marketing Service proposes to amend the regulations and rules of practice (7 CFR Part 180) for the administration of the Plant Variety Protection Act.

Statement of considerations. Section 56 of the Plant Variety Protection Act (7 U.S.C. 2403), provides that applications for plant variety protection and their contents shall be kept in confidence by the Plant Variety Protection Office, by the Board, and by the offices in the Department of Agriculture to which access may be given under regulations. No information concerning the same may be given without the authority of the owner, unless necessary under special circumstances as may be determined by the Secretary, except that the Secretary may publish the variety names designated in applications, stating the kind to which each applies.

Section 180.18(a) of the regulations and rules of practice (7 CFR 180.18(a)) provides that pending applications shall be handled in confidence. Except as provided below, no information may be given by the Office respecting the filing of an application, the pendency of any particular application, or the subject matter of any particular application, nor will access be given to, or copies furnished of, any pending application or papers relating thereto, without written authority of the applicant, or his assignee or attorney or agent. Exceptions to the above may be made by the Commissioner, in accordance with 5 U.S.C. 552 and 1.4 of said title and upon a finding that such action is necessary to the proper conduct of the affairs of the Office, or to carry out the provisions of any Act of Congress, or as provided in section 57 of the Act and § 180.19.

Section 180.19 of the regulations and rules of practice (7 CFR 180.19) provides that information relating to pending applications shall be published in the Official Journal periodically as determined by the Commissioner to be necessary in the public interest. With respect to each application, the Official Journal must show the (a) application number and date of filing, (b) the name of the variety or temporary designation, (c) the name of the kind of seed. Additional information, such as (d) the name and address of the applicant, (e) a brief description of the novel features of the variety, and (f) whether the applicant specified that the variety is to be sold by variety name only as a class of certified seed, together with a limitation in the number of generations, may be published only upon request or approval received from the applicant at the time the application is filed or at any time before the notice of allowance of a certificate is issued.

Some applicants fail to request or approve publication in the Official Journal of the specification that a variety is to be sold by variety name only as a class of certified seed, together with the number of generations the seed is to be certified. The lack of information in the Official Journal on this specification may mean (1) that no specification has been made, or (2) a specification has been made but publication of this fact has not been approved by the applicant. The resulting failure to show the information in the Official Journal is causing problems and confusion for farmers and seed certifying agencies who must comply with the rules for selling and certifying seed. Accordingly, it is proposed that the specification that a variety is to be sold by variety name only as a class of certified seed, together with the number of generations that it can be certified be considered one of the "special circumstances" referred to in section 56 of the Act and that §§ 180.18(a) and 180.19 be amended to read as follows:

§ 180.18 Applications handled in confidence.

(a) Pending applications shall be handled in confidence. Except as provided below, no information may be given by the Office respecting the filing on an application, the pendency of any particular application, or the subject matter of any particular application, nor will access be given to, or copies furnished of, any pending application or papers relating thereto, without written authority of the applicant, or his assignee or attorney or agent. Exceptions to the above may be made by the Commissioner in accordance with 5 U.S.C. 552 and 1.4 of this title and upon a finding that such action is necessary to the proper conduct of the affairs of the Office, or to carry out the provisions of any Act of Congress or as provided in sections 56 or 57 of the Act and § 180.19.

§ 180.19 Publication of pending applications.

Information relating to pending applications shall be published in the Official Journal periodically as determined by the Commissioner to be necessary in the public interest. With respect to each application, the Official Journal shall show the (a) application number and date of filing, (b) the name of the variety or temporary designation, (c) the name of the kind of seed, and (d) whether the applicant specified that the variety is to be sold by variety name only as a class of certified seed, together with a limitation in the number of generations that it can be certified. Additional information, such as the name and address of the applicant or a brief description of the novel features of the variety, may be published only upon request or approval received from the applicant at the time the application is filed or at any time before the notice of allowance of a certificate is issued.

Any person who wishes to submit written data, views, or arguments concerning this proposal may do so by filing them with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250 by October 29, 1974.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.276).

Done at Washington, D.C. on: September 24, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74-22617 Filed 9-27-74;8:45 am]

Food and Nutrition Service

[7 CFR Part 271]

[Amdt. No. 35]

FOOD STAMP PROGRAM

Notice of Proposed Rulemaking

Pursuant to the authority contained in the Food Stamp Act of 1964 (78 Stat. 703, as amended; 7 U.S.C. 2011–2026) notice is hereby given that the Food and Nutrition Service, Department of Agriculture intends to amend Part 271 of its regulations governing the operation of the Food Stamp Program, 7 CFR 271. The amendment is for the purpose of: (1) Providing restoration of certain lost benefits to food stamp recipients; (2) offsetting nonfraud recipient claims against refunds due to households for overcollections of cash and/or for any retroactive benefits to which that household is entitled; (3) strengthening the accounting and control over the sale of food coupons; and (4) making State agencies which have failed to cooperate with USDA liable to FNS for the bonus

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value of coupons issued pursuant to court decisions which are inconsistent with federally prescribed program provisions.

On October 27, 1972, the United States District Court for the District of Columbia ordered the Food and Nutrition Service (FNS) of the Department of Agriculture (USDA) to provide retroactive food stamp benefits to all households that had their food stamps wrongfully denied, delayed or terminated due to an administrative error on the part of the certifying State agency. On appeal by the United States, the United States Court of Appeals upheld the District Court order. On December 10, 1973, the United States Supreme Court refused to hear another appeal by the United States on this ruling, thereby leaving in effect the District Court order as affirmed by the appellate court.

In compliance with this order, on December 13, 1973, FNS notified its Regional Offices and the welfare commissioners of all participating State agencies of the Supreme Court's action and its effect. On January 3, 1974, USDA issued interim procedures, by telegram, in order to immediately implement the Court order. To assure that recipient households were aware of their entitlement to retroactive food stamp benefits and that this information was available to all interested and affected persons, the text of the telegram was printed in the April 10, 1974, FEDERAL REGISTER.

The Department is hereby publishing, in the form of proposed rulemaking, permanent procedures for restoring a household's lost benefits. The regulations are proposed in alternative form in which three methods for the actual restoration procedure are being considered. All of these methods, however, involve crediting against the household's purchase requirement the lost benefit entitlement. After a thorough examination of comments from all interested parties, permanent procedures will be established.

Alternative A uses the ATP card method. The purchase requirement that the household usually has to pay for its coupon allotment would be reduced to zero or by whatever amount will, in the shortest time possible, equal the amount of benefits lost.

Alternative B would involve issuing the recipient household a monthly food assistance voucher, each one in the amount of the household's purchase requirement. The household would present the voucher in lieu of cash for purchase of the coupon allotment.

Under Alternative C, if the purchase requirement for an issuance period has been reduced to zero, the affected household would receive its coupons directly through the facilities of the U.S. mail. If the lost benefit entitlement is not sufficient to reduce the purchase requirement to zero, the household would receive benefits under either Alternative A or B.

The Department of Agriculture also intends to prescribe the design of the ATP card. Within the past year numerous instances of variable purchase abuse by issuance agents have been discovered. In such instances, a cashier receiving an ATP card marked for less than the full option would change the ATP to a higher option, pay the difference in purchase requirement and pocket the additional coupons. While the nature of the variable purchase option lends itself to manipulation, abuse can be minimized through proper ATP card design. Some States, including all those where variable purchase abuses have been reported, have chosen to provide only one signature space on the ATP card and only an "X" space to mark the option chosen. The preferable ATP design, which the Department proposes to require, includes a signature line for each variable purchase option. An ATP in this format would require erasure and replacement of the signature for manipulation, while the ATP cards using the format which would be eliminated require only the erasure and replacement of an "X" which makes manipulation much easier.

In addition, a provision is being proposed to hold State agencies liable for bonus coupons issued as a result of certain court suits. This would apply if the administering State agency has failed to cooperate with USDA and the Court has ordered the State to implement a procedure contrary to the Food Stamp Act, FNS regulations or instructions.

Interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to P. Royal Shipp, Acting Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received not later than October 30, 1974. All comments, suggestions, or objections received by this date will be considered before the final regulations are issued.

Comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Director during regular business hours (8:30 a.m. to 5:00 p.m.) at 500 12th Street, SW., Washington, D.C., Room 650. The amendment is as follows:

1. In § 271.1, paragraph (p) is revised, paragraphs (q), (r), and (s) are relettered (r), (s), and (t), respectively, and a new paragraph (q) is added. The new and revised paragraphs of § 271.1 read as follows:

§ 271.1 General Terms and Conditions for State Agencies.

• • • • •

(p) *Refunds to households.* The State agency shall make a cash refund to any household for any amount that it has been overcharged for its coupon allotment because of an administrative error on the part of the State agency, not to exceed that amount overcharged during the 12-month period preceding the date the administrative error was discovered: *Provided*, That, if the household owes an unpaid balance on a fraud or non-fraud claim under § 271.7 (e) and (f) of this subchapter, the amount of the overcollection of cash shall be offset against the balance due on the claim before a refund is made to the household. The State agency shall make such refunds from funds collected in payment of the purchase requirement or from its own funds or those of the project area, or, if no such funds are available for this purpose, the State agency shall request FNS to make such refunds directly to the households. If the State agency or project area funds are used to make refunds, FNS will credit or reimburse the State agency or project area therefor.

(q) *Restoration of lost benefits.*—(1) *Entitlement.* (i) A household shall be entitled to restoration of program benefits lost as a result of administrative error on the part of the State agency. The amount of such restoration shall be the amount by which the food stamp bonus for which the household was eligible exceeds the food stamp bonus (if any) which the household received during the period that its full program benefits were erroneously denied, delayed or terminated. Lost benefits will be restored for not more than the 12 months preceding the month in which the erroneous State agency action was discovered.

(ii) Upon discovery of any State agency error described in paragraph (q) (1) (i) above which results in the household's not receiving its proper coupon allotment, it shall be the responsibility of the State agency to immediately notify the household of its entitlement and take action to restore the lost benefits.

(iii) If the household is currently not eligible for participation in the Food Stamp Program or is participating at the zero purchase level, the amount of benefits erroneously withheld will be recorded by the State agency and made available when the household becomes eligible or a purchase requirement is assigned.

(iv) The restoration of lost benefits may be authorized by the food stamp certification worker, with approval by the supervisor, in situations in which the household and State agency agree that benefits were lost due solely to State agency error and upon the amount of benefits to be restored. If the household and State agency do not so agree, the household may obtain restoration of benefits only up a favorable decision after a fair hearing which it has requested.

(v) If the restoration of lost benefits is to be made as a result of a fair hearing, the authorization therefor will be a part of the administrative action resulting from the hearing decision.

(vi) If the household's benefits were erroneously denied or terminated, the amount of lost benefits will be calculated from the date which the erroneous action took effect: *Provided*, That lost benefit restoration will be made for not more than the 12 months preceding the month in which the erroneous action was discovered.

(vii) If the household's certification was improperly delayed in violation of § 271.4(a)(3), the amount of lost benefits will be calculated from the required date of certification: *Provided*, That lost benefit restoration will be made for not more than the 12 months preceding the month in which the erroneous action was discovered.

(viii) A household that moves from the project area or the State where the administrative error occurred will not lose its entitlement to restoration of lost food stamp benefits: *Provided*, That the household presents to its new project area a household transfer document prepared by its former project area containing necessary lost benefits information, or the new project area is able to verify the lost benefits information through other procedures.

(ix) If a household owes an unpaid balance on a claim under § 271.7(e) and § 271.7(f), the lost benefit credits shall be applied against the amount due on the claim before the balance of the credits, if any, is restored to the household.

(x) In situations where a household may be entitled to a refund for overpayment as prescribed in § 271.1(p) and/or a credit for lost benefits, the full amount of the refund will be made available to the household and any credit shall then be made available through the restoration of lost benefits procedure.

(2) *Method of restoration.* Upon determination that a household is entitled to the restoration of lost benefits, the amount of such entitlement will be restored in accordance with one of the following procedures:

(i) *Alternative A.* (a) The State agency will reduce the household's purchase requirement so that the restoration will, in the shortest time possible, equal the amount of benefits lost. When an ATP card is issued to the household, the reduction shall be reflected on that card.

(b) The reduction in purchase requirement reflected on an ATP card shall be considered retroactive benefits made available to the household whether or not the ATP is negotiated.

(ii) *Alternative B.* (a) The State agency shall issue to the household a voucher, reimbursable by FNS, in the amount of and to be used only in application against, the household's purchase requirement. Vouchers shall be issued each succeeding month until, in the shortest time possible, the full amount of lost benefits has been restored.

(b) Households should be issued only one voucher per month whenever possible. However, in those States having only semi-monthly or quarter-monthly issuance, a like number of vouchers should be issued.

(c) The amount of the voucher shall be considered retroactive benefits made available to the household whether or not the voucher is negotiated.

(iii) *Alternative C.* (a) A household whose purchase requirement has been reduced to zero due to restoration of lost benefits may receive its coupon allotment directly through the facilities of the U.S. mail during the affected issuance periods.

(b) Restoration under either Alternative A or B shall be made for any issuance period in which restoration of lost benefits does not reduce the household's purchase requirement to zero.

(3) *Accounting procedures.* (i) The State agency shall maintain such records as FNS may require to assure the accurate restoration of lost benefits under this paragraph.

(ii) A lost benefits voucher shall be considered an instrument issued against the State agency that restores lost benefits, and is reimbursable by FNS.

(iii) The acceptance, handling, and reconciliation of lost benefit vouchers shall be in accordance with applicable FNS instructions.

(iv) The State agency shall, on a monthly basis, submit the required documentation to FNS for all lost benefit vouchers that have been properly issued and negotiated.

(v) The State agency may issue lost benefit vouchers through the facilities of the U.S. mail. Unless FNS notifies the State agency to the contrary, FNS will accept the risk of loss for vouchers claimed lost in the mail and subsequently negotiated, if the State agency issues such vouchers in accordance with applicable FNS instructions.

(vi) Households receiving restoration of lost benefits under this paragraph may not utilize the procedures set forth in § 271.6(d) (2) and (3).

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2. In § 271.6, paragraph (d)(3) is amended. As amended paragraph (d)(3) reads as follows:

§ 271.6 Methods of distributing, issuing, and accounting for coupons and receipts.

• • • • •

(d) • • •

(3) The State agency shall within the limits of the frequency of issuance available to the household under paragraph (d)(4) of this section, permit any eligible household, except those participating under paragraph (d)(2) of this section, to elect at the time or issuance to recieve a coupon allotment having a face value of all, three-quarters, one-half, or one-quarter of the monthly coupon allotment authorized in accordance with § 271.5 and to have such household pay an amount that shall be in the same ratio to the total purchase requirement as the coupon allotment chosen is to the total monthly coupon allotment. The State agency shall require that, as soon as possible but not later than March 1, 1975, the ATP card used to implement this provision provide a signature space for each variable purchase option available to the household.

• • • • •

3. In § 271.7, paragraphs (b), (c), (d) and (e) are relettered as paragraphs (c), (d), (e) and (f), respectively and a new paragraph (b) is added to read as follows:

§ 271.7 Financial liabilities of the State agency.

• • • • •

(b) In the event that any State agency is sued by any person(s) in a State or Federal Court in any matter which involves its administration of the Food Stamp Program, the State agency shall immediately notify FNS that suit has been brought and shall furnish FNS with copies of the original pleadings and all subsequently filed pleadings. In any such case which involves an attack on or interpretation of the Food Stamp Act, these regulations, or FNS instructions the State agency shall, upon request of FNS, take such action as is necessary properly to join the United States and/or appropriate officials of the Federal Government, such as the Secretary of Agriculture or the Administrator of the Food and Nutrition Service, as parties to the suit. In the event that a State agency fails to comply with the provisions of this paragraph and is ordered by a court to take actions under the program which are determined by FNS to be inconsistent with the Food Stamp Act, these regulations, or FNS instructions, the State agency shall, upon demand by FNS, pay to FNS an amount equal to the value of all bonus coupons issued pursuant to the court order.

• • • • • •

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026)

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

J. PHIL CAMPBELL,
Under Secretary.

SEPTEMBER 25, 1974.

[FR Doc.74–22668 Filed 9–27–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Ch. I]

CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS

Advance Notice of Joint Proposed Rulemaking; Change in Schedule of Hearings

CROSS REFERENCE: For a document relating to schedule changes for hearings on rulemaking proposed jointly by the Department of Health, Education, and Welfare and the Special Action Office for Drug Abuse Prevention, 21 CFR Part 1401 and 42 CFR Ch. I (29 FR 30426; August 22, 1974) see FR Doc. 74–22605 *infra*.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74–34; Notice 1]

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Proposed Motor Vehicle Safety Standard

This notice proposes an amendment of paragraph S4.1.2 of 49 CFR § 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, reflective devices, and associated equipment*, that would define in objective terms an acceptable level of surface gloss and/or haze for plastic materials used

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for lamp lenses following an outdoor exposure test.

Paragraph S4.1.2 of Standard No. 108 incorporates by reference SAE Recommended Practice J576b, *Plastic materials for use in optical parts, such as lenses and reflectors, of motor vehicle lighting devices*. This Practice requires in pertinent part (Paragraph 4.2.2) that, following an outdoor exposure test of two years duration, exposed samples, when compared with unexposed control samples, shall not show haze or loss of surface luster. This requirement has been interpreted as forbidding any haze or loss of surface luster, and has prohibited the use of plastics of uncoated polycarbonate resin, as these plastics show a surface change after outdoor weathering. General Electric Company has petitioned for rulemaking to amend Standard No. 108 to define in objective terms an acceptable level of surface gloss so that uncoated polycarbonate plastic may be used for exterior automotive applications. Although a protective coating is available for the plastic, GE states that vehicle manufacturers are reluctant to use it because of the cost involved, "from 3–40 cents per lens depending upon the size."

In support of its petition GE has submitted a large body of technical information showing the effect of surface gloss reduction on the photometric performance and signaling effectiveness of various types of lighting devices used on motor vehicles. These tests show that at the end of a 3-year period the photometric output through uncoated polycarbonate lenses decreases, on an average, less than 10 percent. In GE's view, deglossing to haze levels of 50 percent does not appear to significantly affect the overall photometric performance and signaling effectiveness of a lamp. The effect of haze is to scatter light from the point of maximum intensity to the wider angle test points, resulting in a diminution of light output at the former, and an increase at the latter. In accordance with GE's test data and suggestion, however, the NHTSA is proposing that haze level should not exceed 30 percent. The NHTSA finds that the proposed amendments would enhance traffic safety. Polycarbonate lenses appear to offer some benefits lacking in conventional plastics in terms of heat resistance and higher impact strength.

The amendment would also update the referenced SAE Recommended Practice J576b, to J576c, effective January 1, 1976. This substitution has been previously proposed (Docket No. 69–19; Notice 3, 37 FR 22806) and favorably commented upon. The only difference is that J576c requires a 3-year exposure test while J576b requires only a 2-year one.

In consideration of the foregoing it is proposed that 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, be amended as follows:

1. Paragraph S4.1.2 would be revised to read:

S4.1.2 Plastic materials used for optical parts such as lenses and reflectors shall conform to SAE Recommended Practice J576c, May 1970, except that:

(a) Plastic materials manufactured before January 1, 1976, may conform to SAE J576b, August 1966;

(b) Plastic lenses used as inner lenses or those covered by another material and not exposed directly to sunlight shall meet the requirements of paragraphs 3.4 and 4.2 of SAE J576b, or J576c, as applicable, when covered by the outer lens or other material; and

(c) For lamp lenses, haze and loss of surface luster after the outdoor exposure test shall not be greater than 30 percent haze as measured by ASTM–1003–61, "Haze and Luminous Transmittance of Transparent Plastics."

2. Paragraph S5.2 would be revised by substituting "J576c" for "J576b."

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Proposed effective date: 30 days after publication of final rule in the FEDERAL REGISTER except as noted therein.

Comment closing date: November 29, 1974.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 501.8)

Issued on September 25, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74–22655 Filed 9–27–74;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 50, 115]

NUCLEAR POWER PLANTS

Codes and Standards and Technical Information

The Atomic Energy Commission has under consideration amendments to its regulations, 10 CFR Part 50, "Licensing of Production and Utilization Facilities," and 10 CFR Part 115, "Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements," which would delete references to obsolete documents, incorporate by reference new addenda to specified published industry codes, modify applicability dates for specified codes and standards, and modify inservice inspection requirements for operating utilization facilities, and make minor changes to Appendices A, G and H of Part 50.

The proposed amendments to §§ 50.55a and 115.43a set forth below would change the references to published codes and addenda whose requirements must be met, to include Addenda through the Winter 1973 Addenda.

The proposed amendments to §§ 50.55a and 115.43a also would relate the limiting date of the applicable codes or addenda to the docket date of the application for a construction permit, rather than to the date of issuance of the construction permit. This proposed change should permit a more accurate assessment by the applicant of the codes and addenda that will be in effect and thereby facilitate his procurement of long lead time components, which must be ordered well in advance of the date of issuance of a construction permit. The proposed change would apply to all facilities receiving construction permits on or after July 1, 1974, but is particularly aimed at new facilities for which the overall planning, construction and licensing cycle is expected to be about six years and for which long lead time components must be ordered in advance of the docket date.

The proposed amendments to §§ 50.55a and 115.43a would modify inservice inspection requirements applicable to components and systems throughout the service life of a facility. Inspection and testing requirements that become effective in new editions and addenda of section XI of the ASME Code and are incorporated by reference in these sections of the Commission's regulations would become applicable to all operating plants to the degree practical. The Commission will review such code changes with respect to impact on the existing operating facilities prior to incorporating by reference any new editions and addenda of section XI.

The proposed amendments to Appendix G would conform the referenced edition and addenda of the ASME Code in that Appendix to those specified by §§ 50.55a(b), including the periodic amendments.

The proposed amendments to Appendix G also would clarify the upper-shelf energy requirements for beltline materials.

Other amendments would delete references to obsolete documents and correct typographical errors.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 50 and 115 is contemplated. All interested persons who wish to submit written comments or suggestions in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section by October 30, 1974. Copies of comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

§ 50.34 [Amended]

1. In § 50.34 of 10 CFR Part 50, the second sentence of paragraph (b)(6)(iii) and the associated footnote 3 are deleted.

2. In § 50.55a of 10 CFR Part 50, the prefatory language and paragraph (b) are amended; in paragraphs (c)(2), (d)(2), (e)(2), and (f)(2) the first sentence is amended by adding the words "but before July 1, 1974," following the words "after January 1, 1971,"; new paragraphs (c)(3), (d)(3), (e)(3), and (f)(3) are added; and paragraphs (g) and (h) are revised to read as follows:

§ 50.55a Codes and standards.

Each construction permit and operating license for a utilization facility shall be subject to the following conditions in addition to those specified in § 50.55.

• • • • • •

(b) As used in this section, references[1] to editions of Criteria, Codes and Standards include only those editions through 1971; references[1] to Addenda include only those Addenda through the Winter 1973 Addenda.

• • • • • •

(c) Pressure vessels: • • •

(3) For construction permits issued on or after July 1, 1974, pressure vessels which are part of the reactor coolant pressure boundary shall meet the requirements for Class 1 components set forth in section III of the ASME Boiler and Pressure Vessel Code and Addenda[1] in effect[1] on the date of order[1] of the pressure vessel or 18 months prior to the formal docket date of the application for construction permit, whichever is later: *Provided*, That the applicable provisions for pressure vessels shall be no earlier than those of the Summer 1972 Addenda of the 1971 edition. The pressure vessels may meet the requirements set forth in subsequent editions of this Code and Addenda which become effective.

(d) Piping: • • •

(3) For construction permits issued on or after July 1, 1974, piping which is part of the reactor coolant pressure boundary shall meet the requirements for Class 1 components set forth in Section III of the ASME Boiler and Pressure Vessel Code and Addenda[1] in effect[1] on the date of order[1] of the piping or 6 months prior to the formal docket date of the application for construction permit, whichever is later: *Provided*, That the applicable ASME Code provisions for piping shall be no earlier than those of the Winter 1972 Addenda of the 1971 edition. The piping may meet the requirements set forth in subsequent editions of this Code and Addenda which become effective.

(e) Pumps: • • •

(3) For construction permits issued on or after July 1, 1974, pumps which are part of the reactor coolant pressure boundary shall meet the requirements for Class 1 components set forth in section III of the ASME Boiler and Pressure Vessel Code and Addenda[1] in effect[1] on the date of order[1] of the pump or 12 months prior to the formal docket date of the application for construction permit, whichever is later: *Provided*, That the applicable ASME Code provisions for pumps shall be no earlier than those of the Winter 1972 Addenda of the 1971 edition. The pumps may meet the requirements set forth in subsequent editions of this Code and Addenda which become effective.

(f) Valves: • • •

(3) For construction permits issued on or after July 1, 1974, valves which are part of the reactor coolant pressure boundary shall meet the requirements for Class 1 components set forth in section III of the ASME Boiler and Pressure Vessel Code and Addenda[1] in effect[1] on the date of order[1] of the valve or 12 months prior to the formal docket date of the application for construction permit, whichever is later: *Provided*, That the applicable ASME Code provisions for valves shall be no earlier than those of the Winter 1972 Addenda of the 1971 edition. The valves may meet the requirements set forth in subsequent editions of this Code and Addenda which become effective.

(g) Inservice inspection requirements: For construction permits issued on or after January 1, 1971, systems and components (including component supports) of nuclear power plants shall meet the requirements set forth in editions of Section XI of the ASME Boiler and Pressure Vessel Code and Addenda[1] in effect on the formal docket date of the application for construction permit or the 1970 edition, whichever is later. In addition, throughout the service life of the facility, the systems and components shall meet the requirements, except for design and access provisions, set forth in editions of this Code and Addenda that become effective after the formal docket date of the application for a construction permit to the extent practical within the limitations of design, geometry, and materials of construction of the systems and components: *Provided, however*, That (1) inservice inspection requirements may be limited to requirements in effect 40 months prior to the date of scheduled inspection and (2) testing requirements may be limited to requirements in effect 12 months prior to the date of scheduled testing. The inservice inspection program for the facility shall be modified by the licensee, as necessary, prior to the start of each one-third of the inspection interval (described in section XI of the ASME Boiler and Pressure Vessel Code) for those inspections to be conducted during that one-third of the inspection interval. Each modification of the inservice inspection program and all licensee determinations that certain requirements are impractical shall be subject to approval by the Commission at least 6 months prior to the start of the one-third of the inspection interval. In the case of requirements determined to be impractical for 2 periods (120 months) of the inspection interval, the licensee shall demonstrate to the satisfaction of the Commission at least 12 months prior to the start of the subsequent one-third of the inspection interval that minor modifications of the facility to permit compliance with such requirements are not practical or new developments in examination and testing techniques to permit compliance with such requirements have not become available.

(h) Protection systems: For construction permits issued after January 1, 1971, protection systems shall meet the requirements set forth in editions or revisions of the Institute of Electrical and Electronics Engineers Standard: "Criteria for Protection Systems for Nuclear Power Generating Stations," (IEEE–279) in effect[1] on the formal docket date of the application for a construction permit. Protection systems may meet the requirements set forth in subsequent editions or revisions of IEEE–279 which become effective.

APPENDIX A

3. In Appendix A of 10 CFR Part 50, Criterion 23 is amended by deleting the word "fail" and substituting therefor the word "fail".

APPENDIX G

4. In Appendix G, paragraph II.A is amended by deleting the phrase "1971 Edition, and addenda through the Winter 1972 Addenda[1]," and substituting therefor the phrase "edition and addenda[1] as specified by § 50.55a, Codes and Standards."

5. In Appendix G, paragraph IV.B. is revised to read as follows: "Reactor vessel beltline materials shall have minimum upper-shelf energy, as determined from Charpy V-notch tests on unirradiated specimens in accordance with paragraph NB–2322.2(a) of the ASME Code of 75 ft lbs unless it is demonstrated to the Commission by appropriate data and analyses that lower values of upper shelf fracture energy still provide adequate margin for deterioration from irradiation."

APPENDIX H

6. In Appendix H, paragraph II.A. is amended by deleting the term "(E 1MeV)" and substituting therefor the term "(E>1MeV)".

7. In Appendix H, paragraph II.C.3.a. is amended by deleting the term "IV.B." and substituting therefor "III.B".

8. In § 115.43a of 10 CFR Part 115, the prefatory language and paragraph (b) are amended; in paragraphs (c)(2), (d)(2), (e)(2), and (f)(2) the first sentence is amended by adding the words "but before July 1, 1974," following the words "after January 1, 1971,"; new paragraphs (c)(3), (d)(3), (e)(3), and (f)(3) are added; and paragraphs (g) and h) are revised to read as follows:

§ 115.43a Codes and standards.

Each construction authorization and operating authorization shall be subject to the following conditions in addition to those specified in § 115.43a:

• • • • • •

[1] These incorporation by reference provisions were approved by the Director of the FEDERAL REGISTER on March 17, 1972, and May 4, 1973.

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(b) As used in this section, references[1] to editions of Criteria, Codes and Standards include only those editions through 1971; references[1] to Addenda include only those Addenda through the Winter 1973 Addenda.

(c) Pressure vessels: • • •

(3) For construction authorizations issued on or after July 1, 1974, pressure vessels which are part of the reactor coolant pressure boundary shall meet the requirements for Class 1 components set forth in Section III of the ASME Boiler and Pressure Vessel Code and Addenda[1] in effect[1] on the date of order[1] of the pressure vessel or 18 months prior to the formal docket date of the application for construction authorization, whichever is later: *Provided*, That the applicable ASME Code provisions for vessels shall be no earlier than those of the Summer 1972 Addenda of the 1971 edition. The pressure vessels may meet the requirements set forth in subsequent editions of this Code and Addenda which become effective.

(d) Piping: • • •

(3) For construction authorizations issued on or after July 1, 1974, piping which is part of the reactor coolant pressure boundary shall meet the requirements for Class 1 components set forth in Section III of the ASME Boiler and Pressure Vessel Code and Addenda[1] in effect[1] on the date of order[1] of the piping or 6 months prior to the formal docket date of the application for construction authorization, whichever is later: *Provided*, That the applicable ASME Code provisions for piping shall be no earlier than the Winter 1972 Addenda of the 1971 edition. The piping may meet the requirements set forth in subsequent editions of this Code and Addenda which become effective.

(e) Pumps: • • •

(3) For construction authorizations issued on or after July 1, 1974, pumps which are part of the reactor coolant pressure boundary shall meet the requirements for Class 1 components set forth in Section III of the ASME Boiler and Pressure Vessel Code and Addenda[1] in effect[1] on the date of order[1] of the pump or 12 months prior to the formal docket date of the application for construction authorization, whichever is later: *Provided*, That the applicable ASME Code provisions for pumps shall be no earlier than the Winter 1972 Addenda of the 1971 edition. The pumps may meet the requirements set forth in subsequent editions of this Code and Addenda which become effective.

(f) Valves: • • •

(3) For construction authorizations issued on or after July 1, 1974, valves which are part of the reactor coolant pressure boundary shall meet the requirements for Class 1 components set forth in Section III of the ASME Boiler and Pressure Vessel Code and Addenda[1] in effect[1] on the date of order[1] of the valve or 12 months prior to the formal docket date of the application for construction authorization whichever is later: *Provided*, That the applicable ASME Code provisions for valves shall be no earlier than those of the Winter 1972 Addenda of the 1971 edition. The valves may meet the requirements set forth in subsequent editions of this Code and Addenda which become effective.

(g) Inservice inspection requirements: For construction authorizations issued on or after January 1, 1971, systems and components (including component supports) of nuclear power plants shall meet the requirements set forth in editions of Section XI of the ASME Boiler and Pressure Vessel Code and Addenda[1] in effect on the formal docket date of the application for a construction authorization or the 1970 edition, whichever is later. In addition, throughout the service life of the facility, the systems and components shall meet the requirements, except for design and access provisions, set forth in editions of this Code and Addenda that become effective after the formal docket date of the application for a construction authorization to the extent practical within the limitations of design, geometry, and materials of construction of the systems and components: *Provided, however*, That (1) inservice inspection requirements may be limited to requirements in effect 40 months prior to the date of scheduled inspection and (2) testing requirements may be limited to requirements in effect 12 months prior to the date of scheduled testing. The inservice inspection program for the facility shall be modified by the holder of the authorization, as necessary, prior to the start of each one-third of the inspection interval (described in Section XI of the ASME Boiler and Pressure Vessel Code) for those inspections to be conducted during that one-third of the inspection interval. Each modification of the inservice inspection program and all licensee determinations that certain requirements are impractical shall be subject to approval by the Commission at least 6 months prior to the start of the one-third of the inspection interval. In the case of requirements determined to be impractical for 3 periods (120 months) of the inspection interval the holder of the authorization shall demonstrate to the satisfaction of the Commission at least 12 months prior to the start of the subsequent one-third of the inspection interval that minor modifications of the facility to permit compliance with such requirements are not impractical or new developments in examination and testing techniques to permit compliance with such requirements have not become available.

(h) Protection systems: For construction authorizations issued after January 1, 1971, protection systems shall meet the requirements set forth in editions or revisions of the Institute of Electrical and Electronics Engineers Standard: "Criteria for Protection Systems for Nuclear Power Generating Stations," (IEEE-279) in effect[1] on the formal docket date of the application for construction authorization. Protection systems may meet the requirements set forth in subsequent editions or revisions of IEEE-279 which have become effective.

(Secs. 103, 104, 1611, 183; Pub. L. 83-703; 68 Stat. 936, 937, 948, 954 (42 U.S.C. 2133, 2134, 2201(i), 2233))

Dated at Germantown, Maryland, this 24th day of September 1974.

For the Atomic Energy Commission.

GORDON GRANT,
Acting Secretary of the Commission.

[FR Doc.74-22688 Filed 9-27-74;8:45 am]

[1] These incorporation by reference provisions were approved by the Director of the Federal Register on March 17, 1972 and May 4, 1973.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 20194; FCC 74-984]

IMPORTATION OF CERTAIN ELECTRONIC EQUIPMENT

Notice of Proposed Rulemaking

In the matter of amendment of Part 2 with respect to importation of certain electronic equipment.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. Pursuant to the authority granted by section 302 of the Communications Act,[1] the Commission promulgated its marketing rules[2] in 1970. These regulations are designed to control the marketing of radio frequency devices having an interference potential. To achieve this control, the Commission required that all such devices could not be imported into the U.S.A. or shipped or sold in this country unless the device complied with the technical regulations promulgated by the Commission. In addition, if our rules imposed a requirement for type approval, type acceptance or certification,[3] the subject device could not be imported into this country, or shipped or sold here, unless the required type approval, type acceptance or certification had previously been granted by the Commission.

3. Experience has shown that many devices subject to our rules are still being imported into the U.S.A. without the required FCC equipment authorization. This is particularly true of receivers. Under our regulations, all receivers which tune in the range of 30-890 MHz[4] must be certificated to show compliance with the technical specifications in Subpart C of Part 15 of our rules.[5]

4. The Commission in a joint effort with the U.S. Customs Service have devised the proposed procedures to further implement the cooperative operation of enforcing the importation requirements. Under existing procedures, the customs officer must first determine whether a particular device must in fact have an equipment authorization, and secondly must ascertain whether such an authorization has in fact been issued. This can only be determined by communicating with the responsible FCC officials. The proposed rules will establish a more efficient system for enforcing the marketing regulations.

5. In order to facilitate the determination during customs inspection that the subject equipment complies with FCC rules, the Commission proposes to add a new Subpart K to Part 2 containing regulations setting out the conditions under which equipment subject to FCC regulation may be legally imported into the U.S.A. These regulations would provide that a copy of the required equipment authorization issued by the FCC, or a certified statement of compliance,[6] be attached to the customs entry documents for each shipment of each kind of device offered for import into the U.S.A.

6. The proposed rules indicate the procedure for the disposition of equipment found not to be in compliance with FCC rules that will be followed by the Customs Service. Equipment imported for the purpose of test and evaluation may be released in limited numbers under a Temporary Importation Bond; however, such equipment cannot be sold and must be either exported or destroyed within one year after entry in accordance with U.S. Customs Service regulations.

7. Authority for the adoption of the rules herein proposed is contained in sections 4(i), 302 and 303(r) of the Communications Act of 1934, as amended.

8. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before November 1, 1974, and reply comments on or before November 12, 1974. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules which are proposed herein, the Commission also may take into account other relevant information before it, in addition to specific comments invited by this Notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished to the Commission. Responses will be available, for public inspection during regular business hours in the Commission's Docket Reference Room at its Headquarters in Washington, D.C.

[1] Section 302 was added to the Communications Act by Public Law 90-379, July 5, 1968, 82 Stat. 290.

[2] Subpart I of Part 2 of the FCC Rules, 47 CFR 2.801 et seq.

[3] Type approval, type acceptance and certification are collectively known as equipment authorizations and will be so referred to in the remainder of this document.

[4] The band 30-890 MHz includes FM broadcast receivers, TV broadcast receivers, police, fire and other public safety receivers, marine receivers and aviation receivers.

[5] 47 CFR 15.61-15.62 inclusive.

[6] Where an equipment authorization is not required for an RF device, but the Commission has technical standards for the device, a certified statement of compliance with the technical standards would be required.

Adopted: September 19, 1974.

Released: September 24, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

It is proposed to amend Part 2 of Title 47, Code of Federal Regulations by adding a new Subpart K, as follows:

Subpart K—Importation of Radio Frequency Devices Capable of Causing Harmful Interference

Sec.
2.1201 Purpose.
2.1202 Reserved.
2.1203 Entry and release when equipment authorization is required.
2.1205 Entry and release when equipment authorization is not required.
2.1206 Reserved.
2.1207 Exemptions.
2.1209 Non-complying equipment.

AUTHORITY: Secs. 4(i), 302, 303(r), Communications Act of 1934, as amended.

Subpart K—Importation of Radio Frequency Devices Capable of Causing Harmful Interference

§ 2.1201 Purpose.

(a) In order to carry out its responsibilities under the Communications Act and the various treaties and international regulations, and in order to promote efficient use of the radio spectrum, the Commission has developed technical standards for radio frequency equipment. The technical standards applicable to individual types of equipment are found in that part of the rules governing the service wherein the equipment is to be operated. In addition to the technical standards, the rules governing the service may require that such equipment receive an equipment authorization from the Commission as a prerequisite for marketing and importing this equipment into the U.S.A., pursuant to authority in section 302 of the Communications Act of 1934, as amended, (47 U.S.C. 302).

(b) The rules in this subpart set out the conditions under which devices capable of causing harmful interference to radio communications, as defined in § 2.801 of this chapter, may be imported into the U.S.A.

§ 2.1202 [Reserved]

§ 2.1203 Entry and release when equipment authorization is required.

All shipments of equipment requiring an equipment authorization as a prerequisite for importation into the Customs territory of the United States shall be refused entry unless:

(a) A copy of the Federal Communications Commission's equipment authorization is filed with the entry in the following form:

(1) For type approval—Letter of Type Approval

(2) For type acceptance—Grant of Type Acceptance (FCC Form 723-A)

(3) For certification—Grant of Certification (FCC Form 722-A) and

(b) A label meeting the requirements of § 2.925 is permanently affixed to the imported product.

NOTE.—The label must include the exact identifiers as shown on the equipment authorization and all additional statements required by the rule part under which the equipment is intended to operate.

§ 2.1205 Entry and release when equipment authorization is not required.

(a) Shipments of equipment for which the Commission has established technical specifications, but for which an equipment authorization is not required, shall be refused entry into the Customs territory of the U.S. unless the entry papers for such shipment is accompanied by a statement certifying:

(1) That the equipment does not require an FCC equipment authorization and

(2) That the equipment has been tested and does in fact comply with the applicable FCC technical specifications.

(b) Shipments of subassemblies which are designed to be included in a device ultimately subject to FCC regulations shall be refused entry into the Customs territory of the U.S. unless the entry papers for such subassemblies are accompanied by a statement certifying that the device will undergo additional manufacturing before the completed device will be offered for sale to the general public.

§ 2.1206 [Reserved]

§ 2.1207 Exemptions.

(a) Radio frequency devices imported for the purpose of test and evaluation may be released in limited numbers under a Temporary Importation Bond in accordance with U.S. Customs Service regulations.

(b) Importation of television broadcast receivers designed to operate under standards in use in foreign countries, and which are for this reason incapable of receiving U.S. standard television broadcast signals are exempted from § 2.1203 of this part provided the Customs entry documents so state.

§ 2.1209 Non-complying equipment.

Importation of equipment not meeting the requirements of § 2.1203 or § 2.1205 will be refused entry into the Customs territory of the United States.

NOTE.—The U.S. Customs Service has indicated that it will follow the procedure delineated below for such noncomplying equipment.

(a) If any equipment or device is denied entry under the provisions of §§ 2.1203 or 2.1205, the District Director will refuse to release the merchandise for entry into the United States, will detain such equipment at the importer's risk and expense and shall issue a notice of such refusal to the importer or consignee.

(b) Or alternatively, a bond for such importations may be furnished in accordance with U.S. Customs Service reg-

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ulations to allow time to furnish the required equipment authorization, certified statement of compliance, accomplish required labeling, whichever is required to bring the product into conformity, and if not brought into conformity, for the return of the merchandise to Customs custody. Such shipments will be detained by the importer or consignee and must not be used or otherwise disposed of until an equipment authorization, or statement of compliance, has been accepted by the District Director of Customs.

(c) Within 90 days after such entry, or such additional period as the District Director of Customs may allow for good cause shown, the importer or consignee will provide the District Director with an equipment authorization or statement of compliance.

(d) If the equipment authorization, or statement of compliance, is not presented to the District Director at the port of entry within the specified time the importer or consignee at his risk and expense will immediately deliver or cause to be delivered to the District Director, at the port of entry, those devices which were released in accordance with paragraph (b) of this section.

(e) In the event this equipment is not redelivered, the importer will be subject to criminal prosecution pursuant to section 302 of the Communications Act of 1934, as amended, in addition to any penalties assessed in accordance with U.S. Custom Service regulations.

(f) Equipment which is refused entry under this section or which is redelivered in accordance with the above described procedure and which is not exported under customs supervision within 90 days from date of notice of refusal of admission or date of redelivery will be disposed of under customs laws and regulations; provided, that such disposition will not result in an introduction into the U.S.A. which is in violation of the regulations in this Chapter.

[FR Doc.74-22624 Filed 9-27-74;8:45 am]

[47 CFR Part 73]

[Docket No. 20065, RM-2224]

TELEVISION BROADCAST STATIONS

Table of Assignments, Nebraska; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (Alliance, Hay Springs, and Scottsbluff, Nebraska).

1. On May 1, 1974, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on May 31, 1974, 39 FR 19230. The dates for filing comments and reply comments are presently September 20 and October 5, 1974, respectively.

2. On September 17, 1974, Duhamel Broadcasting Company, by counsel, requested that the time for filing comments and reply comments be extended to and including October 4 and October 21, 1974, respectively. Counsel states that he has been called away to Alaska on an emergency matter and will be unable to complete his preparation of comments to meet the existing deadline. Counsel for Wyneco Communications, Inc., another party in this proceeding, has no objection for a grant of this request.

3. We are of the view that the public interest would be served by granting the additional time. Accordingly, *It is ordered*, That the dates for filing comments and reply comments are extended to and including October 4 and October 21, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: September 19, 1974.

Released: September 24, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.74-22629 Filed 9-27-74;8:45 am]

[47 CFR Part 74]

[Docket No. 20105, RM-2041; FCC 74-1004]

WIRELESS MICROPHONES

Inquiry and Proposed Rulemaking

1. The Commission has before it a petition for rulemaking filed by Vega Electronics (Vega) (RM-2041), requesting amendment of Subpart D of Part 74 of the Commission's rules and regulations to permit the operation of low power broadcast auxiliary stations and in particular wireless microphones, in the band 174–216 MHz (television channels 7–13). Comments in support of the petition were filed by National Broadcasting Company, Inc. (NBC), Columbia Broadcasting System, Inc. (CBS), and the Educational Broadcasting Corporation (EBC). Supplemental comments from Vega included a letter from the Public Broadcasting Service (PBS) expressing an interest and offering suggestions which are discussed later.

2. At present, provisions are made in three parts of the Commission's rules and regulations for the operation of wireless microphones.

(a) Section 15.212 permits the conditional low power operation of unlicensed wireless microphones in the 88–108 MHz FM broadcast band.

(b) Section 74.437 provides for the licensed use of wireless microphones operating in the 26.10–26.48 MHz, 450–451 MHz and 947–952 MHz bands with eligibility limited to broadcast licensees.

(c) Section 91.555 provides for the operation of licensed transmitters in the Business Radio Service on frequencies allocated to that service, with an input power not exceeding 200 milliwatts.[1]

[1] Section 91.555 exempts such low power transmitters from most of the technical requirements of the Business Radio Service and thus allows them the bandwidth necessary for wide band audio response required for wireless microphones.

3. Vega states that provisions of the present rules for wireless microphones do not adequately meet the needs of the service.

(a) The use of wireless microphones under § 15.212 presents problems in areas where there are a substantial number of operating FM broadcast stations thereby limiting the number of interference-free frequencies.[2] Further, limitations on permissible field strength is insufficient for general professional use especially in enclosed areas where deep fading occurs and receiver sensitivity is limited by noise.

(b) The frequencies allowable for wireless microphones under § 74.437 also presents problems:[3] (i) The 26.10–26.48 MHz band (Group I and J) is subject to impulse noise, unpredictable "skip" interference and licensed mobile operations; (ii) The 450–451 MHz band (Group N) is used by auxiliary remote pickup stations, which present a particularly acute problem at coverage of special events, where most or all of the usable channels may be in use by a multitude of broadcast licensees; and (iii) Equipment has been produced for use in the 947–952 MHz region, but its cost exceeds its general effectiveness.

(c) Section 91.55 leaves the wireless microphone open at all times to interference from signals from mobile units, the location of which can never be predicted. Moreover, a single wireless microphone signal, in order to have sufficient audio bandwidth, will span several Business Radio voice communication channels, thereby compounding the uncertainty involved with mobile unit signals.

4. Vega's petition calls to our attention § 74.437(c) of the rules which lists some of the uses for low power auxiliary stations and adds additional applications for wireless microphones in AM, FM and TV broadcasting in the areas of drama, news coverage, special events coverage, sporting events, and studio audience participation. The freedom of movement allowed by a wireless microphone enhances the ability of the performer to move about without physical and aesthetic restrictions caused by microphone wires. Vega sets forth what they believe to be the primary requirements for wireless microphones, as follows:

(a) *Freedom from interference.* Especially in broadcasting, the intrusion of an undesired and unexpected signal causes serious problems, both in terms of a program interruption not comprehensible to the audience and the possibility of the broadcast to the public of material which should not be so disseminated.

(b) *Reasonable size.* Size is an important factor, especially where the microphone must be concealed on the person of a dramatic performer.

(c) *Audio quality.* A wireless microphone for broadcast use must match the audio performance of a wired microphone.

(d) *Adequate number of channels.* This problem arises most frequently in the case of dramatic performances, where a large number of performers must each have a microphone to move about the stage, and the case of special events coverage, such as political conventions, where many broadcasters work at the same location and need multiple facilities for their commentators.

5. In view of the heavy demand for spectrum space, the problem of finding adequate space for wireless microphones to operate free of interference is a difficult one. Vega suggests that the only way to insure interference-free operation is to select frequencies on which only fixed location operations are now permitted. Vega also states that a minimum of ten channels are needed to provide for high density use[4] and that 5 MHz of spectrum space is required to meet this need.[5] This amount of spectrum space is impossible to find in the VHF spectrum, which is optimum for small size wireless microphones, except in the band allocated to television broadcasting. Thus Vega suggests the use of high band VHF television channels (174–216 MHz).

6. In support of its proposal, Vega states that there is no community where a television station is located where there is not at least one high band VHF television channel on which there is both no local off-the-air service and no distant service receivable off-the-air with an outside home antenna.[6] Since each VHF television channel occupies 6 MHz, a single channel is sufficient to provide at least 10 wireless microphone channels. Thus Vega believes that in any given location, it will always be possible to operate at least ten wireless microphones in the 174–216 MHz band without any possibility of interference to television reception.

7. Although the NBC comments were late filed we do believe that the nature of this proceeding is such that the acceptance of them will contribute to our evaluation of the problems the Vega petition seeks to correct. NBC states that the proposed use of television channels 7 through 13 is actually not a reallocation of spectrum space among competing users but rather a reassignment of frequencies within the broadcast service and clearly within the public interest. NBC expresses support for the Vega petition and the proposed rules. CBS also supports the petition and calls attention to the limitations, as did NBC, of the spectrum space set aside in Subpart D of Part 74 of our rules for use by wireless microphones. Both NBC and CBS point to the urgent need for additional wireless microphone channels and suggests that the petition, RM-1735,[7] filed by the National Association of Broadcasters (NAB) looking in part toward the authorization of wireless microphones on all remote pickup bands may be only a partial solution to the problem. The Educational Broadcasting Corporation submitted informal comments supporting the need for additional channels. Vega's supplemental comments attached a letter from the Public Broadcasting Service (PBS) wherein PBS (1) cited the need for more spectrum space for wireless microphones, (2) agrees with Vega that the usage proposed should be restricted to broadcasters, (3) expresses doubt that 50 milliwatts maximum is sufficient power in areas such as Washington, D.C., where stations are assigned on all VHF channels in relatively nearby communities, (4) states that the proposed rule as to the interference to reception of television broadcast stations should be made more explicit by specifying no interference to off-air reception, cable television systems that use channels not available over the air, closed circuit television systems and home UHF to VHF converters that use unassigned channels. PBS also expressed its willingness to participate in experimentation.

8. It seems evident that the wireless microphone is a positive and desirable element which when used in the production of broadcast programs removes artificial restraints and permits a natural flexibility of movement. It seems further evident that the lack of desirable spectrum space for the use of such low power devices has retarded and limited their full development. Further it has been several years since the Commission looked into the need of this particular auxiliary broadcast service. Hence, we believe it worthwhile to explore the Vega proposal. Although we will set forth the amended rules as proposed by Vega, the inclusion of those proposed rules must not be viewed as Commission approval of the concept of sharing unused VHF television channels by the broadcast service or any other service broadcast or non-broadcast.

9. With regard to the use of television channels 7 through 13 for wireless microphones we are concerned about many matters among which is the possibility of interference to the off-air television reception by the public, a form of interference which may not be easily identified and which could be annoying to the public until identified and suspended. Cable television systems do not occupy frequency space in the sense a television station does, the possibility exists that signals from stations of the type here in question could infiltrate into cable system plant or into subscriber's receiving equipment. To the extent the channels in question are being used by the cable systems, interference to subscribers' reception may result. Both the degree of potential for such interference and the possible means of avoiding it, should be addressed in comments in this proceeding. Interference is also possible to closed circuit television and UHF to VHF systems where channel conversion is used. Also there is a possibility of interference to (and from) home television recording and reproducing systems which may use unassigned channels for play back on home receivers. Vega suggests that since eligibility under the proposed rules would be limited to broadcast licensees, the chances of operation on frequencies which would cause interference with local television reception are almost nil, because broadcasters are experts in the technical field and understand the problems involved and because broadcasters have a strong incentive not to cause interference to their own service. Vega proposes rules which will require a statement of which frequencies are proposed in a particular application and what are the nearest television stations operating on those and adjacent channels, so that the Commission may determine whether a significant possibility of interference exists.

10. In view of the foregoing, the Commission invites all interested parties to submit comments on or related to the following questions with respect to the use of wireless microphones on television channels 7 through 13:

(a) What technical standards should apply to wireless microphones operating in the 174–216 MHz band? 50 milliwatts maximum output power at the transmitter terminals has been proposed. Is this appropriate or could a higher maximum power be tolerated? Should a maximum antenna gain be specified? How should the elevation or height of the antenna be specified? If frequency modulation is utilized is a maximum deviation of ±15 kHz sufficient to obtain a 50 to 60 dB signal-to-noise ratio? Should crystal control be required? Should the audio frequency response range be specified?

(b) Should transmitters be required to be type approved or type accepted to insure compliance with technical standards?

(c) What is the potential for excess signal radiation from microphone cords, and should the microphone and cord used be part of the technical evaluation of the wireless microphone system?

(d) A television channel is six megahertz wide, should a band of five megahertz, as proposed by Vega be specified with upper and lower limits within the band? If so what should these limits be? Should the chrominance subcarrier be given protection?

[2] Conversely, the chance of interference to FM broadcasting is increased if too many wireless microphones are operated in such an area.

[3] The bulk of outstanding low power authorizations are for the 26.10–26.48 MHz band, about 20% are for the 450–451 MHz band and one-fourth of one percent are for 947–952 MHz.

[4] Examples of high density use are dramatic productions with a large number of performers and special events coverage where several broadcast stations have personnel on the scene.

[5] Vega states that an audio frequency response to 15,000 Hz is required, with a 60 dB signal-to-noise ratio. Vega proposes 200 kHz channel spacing to meet these requirements; but because a number of wireless microphones would often have to operate in close proximity, 5 MHz would be needed to provide 10 usable channels free of interference from third-order and fifth-order intermodulation products.

[6] Section 73.610(c).

[7] The NAB petition proposes that wireless microphones should be permitted on all remote pickup, STL and aural inter-city relay bands on a secondary basis. Vega supports NAB but feels the relief afforded would be slight.

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(e) A channel spacing of 200 kHz has been proposed for wireless microphones, cautioning that third and fifth order intermodulation products prevent the use of all channels on a contiguous basis. This gives rise to two questions, should specific channel center frequencies be specified and if so what should they be?

(f) Vega's proposed amendment to § 74.437 of the rules is set forth below. Should this amendment be enlarged to cover the subjects discussed above?

(g) Should the limitation on areas of operation for wireless microphones in the 174–216 MHz band be more strict than that for other auxiliary broadcast stations? For example, should the permitted area of operation be delimited in each license, and should the provision allowing for temporary operation in other areas without prior Commission authorization made in § 74.431(g) be made inapplicable to wireless microphones? This latter restriction in particular would appear necessary to guard against interference to television reception.

(h) The proposals contained herein relate solely to the use of wireless microphones by broadcast licensees. Since broadcast licensees are not the only producers of television programs, how can the benefits of the Vega proposal be made available to non-licensee program producers, including Cable Television Operators,* who have the same production problems as a licensee?

11. We wish to make it clear that the fact that we invite comments upon the above enumerated matters and the rules set forth in the Appendix, does not mean that we approve the concept of sharing unused VHF channels for other services, broadcast or non-broadcast, nor are we limiting our inquiry to these specific matters. We encourage interested parties to submit any material which they think will aid the Commission in resolving these questions.

12. Authority for this inquiry is contained in sections 4(i) and (j) and 303 (r) of the Communications Act of 1934, as amended.

13. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before December 2, 1974, and reply comments on or before January 2, 1975. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

14. In accordance with § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission. Responses will be available for public inspection during the regular business hours in the Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: September 19, 1974.

Released: September 25, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

It is proposed that the Commission's rules and regulations be amended as follows:

In § 74.437, the first sentence in paragraph (e) is amended and a new paragraph (k) added, to read as follows:

§ 74.437 Special rules relating to low power broadcast auxiliary stations.

• • • • •

(e) The operation of low power broadcast auxiliary stations will be authorized only in the bands 26.10–26.48 MHz, 450–451 MHz, and 947–952 MHz, except as provided in paragraph (k) of this section. • • •

• • • • •

(k) In addition to the frequencies specified in paragraph (e) of this section, low power broadcast auxiliary stations may be authorized on frequencies in the band 174–216 MHz, subject to the following special conditions:

(1) Operation must be in accordance with the pertinent portions of paragraphs (a) through (i) of this section, except that operation outside the area in which the associated broadcast station is licensed, as provided for in paragraph (f) of this section, shall not be permitted without prior authority of the Commission, and except further that paragraph (j) of this section shall not apply.

(2) The power of the unmodulated carrier at the transmitter output terminals may not exceed 50 mW.

(3) Transmitters shall employ frequency modulation, with a maximum deviation of ± 15 kHz, and shall be crystal controlled with a frequency tolerance of 0.005%.

(4) No interference may be caused to the reception of television broadcast stations operating in this band. Each application shall specify the frequency on which operation is proposed. To the extent practicable, each broadcast licensee shall confine all operations in this band to a frequency within a single VHF television channel. Applications shall state the call letters and location of the nearest television broadcast station operating on that channel and each adjacent channel and shall include a showing with respect to the potential for interference to television broadcast reception.

[FR Doc.74-22623 Filed 9-27-74;8:45 am]

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

[21 CFR Part 1401]

CONFIDENTIALITY OF ALCOHOL AND DRUG ABUSE PATIENT RECORDS

Advance Notice of Joint Proposed Rulemaking; Change in Schedule of Hearings

In the August 22, 1974 issue of the FEDERAL REGISTER (29 FR 30426) the Department of Health, Education and Welfare and the Special Action Office for Drug Abuse Prevention announced hearings on promulgation of a joint regulation relating to the confidentiality of alcohol and drug abuse patient records. A hearing for one day was scheduled in San Francisco on Friday, October 25, 1974 at 10 a.m.

It has been determined that the San Francisco hearing should extend for a period of two days. Accordingly, notice is hereby given that an additional day for this hearing has been set for Thursday, October 24, 1974. The revised schedule for the San Francisco hearing is as follows:

Thursday, October 24, 1974
10 a.m.
Court of Claims
Room 2041
Federal Building and Court House
450 Golden Gate Avenue
San Francisco, California
Friday, October 25, 1974
10 a.m.
United States Tax Court
Room 2021
Federal Building and Court House
450 Golden Gate Avenue
San Francisco, California

Dated: September 24, 1974.

GRASTY CREWS, II,
General Counsel, Special Action Office for Drug Abuse Prevention.

[FR Doc.74-22605 Filed 9-27-74;8:45 am]

* Cable Television systems in some instances have been required to do nonautomated program origination. See § 76.201 of Rules.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SOURCE PLASMA (HUMAN)

Notice to Manufacturers Regarding Licensure for Interstate Shipment

A final order was published in the FEDERAL REGISTER of July 20, 1973 (38 FR 19362) applying, for the first time, the licensure requirements of section 351 of the Public Health Service Act to human plasma collected by plasmapheresis, designated as Source Plasma (Human). In that order, the Commissioner of Food and Drugs also established additional standards for this newly licensed biological product. Manufacturers intending to ship Source Plasma (Human) in interstate commerce were required to submit appropriate license applications on or before November 19, 1973, the date on which the regulatory standards became effective.

In recognition of the time necessary to adequately review these license applications, the Commissioner provided that Source Plasma (Human) could continue to be shipped in interstate commerce prior to final action approving or denying the applications, if an establishment had submitted an application by November 19, 1973, and was in fact operating in conformity with all the Source Plasma (Human) additional standards. During this interim period, Source Plasma (Human) has continued to be shipped under authority of the "short supply" provisions of § 601.22 (21 CFR 601.22) which had been the basis for the shipment of this plasma prior to its licensure. This provision allows a manufacturer to utilize unlicensed facilities in the performance of initial and partial manufacturing of biological products subject to licensure. In the case of what is now Source Plasma (Human), the collection of the plasma from donors was considered the "initial and partial manufacturing" of licensed fractionated blood derivative products such as albumin and globulin for which plasma is the necessary raw material.

Since late 1973, the Bureau of Biologics, Food and Drug Administration, has been thoroughly reviewing and evaluating the approximately 250 license applications submitted for Source Plasma (Human). In addition to an administrative and technical review of each license application, an onsite inspection of each applicant establishment has been conducted during regular operations to assess its compliance with the regulatory standards. As a result of this action the Food and Drug Administration will shortly issue the first licenses for Source Plasma (Human), and the Commissioner has determined that it is in the public interest to provide for an orderly transition from shipping this product under the "short supply" provisions to allowing only licensed Source Plasma (Human) to move in interstate commerce.

Many establishments which have submitted license applications for Source Plasma (Human) are currently undertaking the final procedures leading to licensure. The Commissioner concludes that these establishments should be provided with sufficient time to complete these procedures.

Therefore, the Commissioner hereby announces his intention that effective January 1, 1975 no source plasma may be shipped in interstate commerce unless the manufacturer holds an approved license for Source Plasma (Human) issued pursuant to section 351 of the Public Health Service Act. By that time, interested establishments will have had more than 1 year to comply with all requirements and obtain a license. This action does not apply to human plasma which the Commissioner proposed, in the FEDERAL REGISTER of July 17, 1974 (39 FR 26161), be included within the definition of Source Plasma (Human) and for which Source Plasma (Human) licenses will become necessary. It applies only to the marketing status of Source Plasma (Human) as currently defined, namely: The fluid portion of human blood which has been stabilized against clotting, collected by plasmapheresis, and is intended as source material for further manufacture into blood derivatives intended for injection.

Dated: September 23, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-22673 Filed 9-27-74;8:45 am]

DEPARTMENT OF STATE

[Public Notice CM-166]

STUDY GROUP 5 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 5 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on October 18, 1974 at 9:00 a.m. in Room 1107 of the Radio Building, Department of Commerce Laboratories, Boulder, Colorado.

Study Group 5 deals with propagation of radio waves (including radio noise) at the surface of the earth, through the non-ionized regions of the earth's atmosphere, and in space where the effect of ionization is negligible. The agenda for the meeting on October 18 is:

a. Review of U.S. Study Group 5 documents submitted to the CCIR XIIIth Plenary Assembly;
b. Results of the XIIIth Plenary Assembly;
c. Updating of members' interests in Study Group 5;
d. Organization of work for the next interim period in preparation for the 1979 World General Administrative Radio Conference.

Members of the general public who desire to attend the meeting on October 18 will be admitted up to the limit of the capacity of the meeting room.

Dated: September 23, 1974.

GORDON L. HUFFCUTT,
Chairman, U.S. National Committee.

[FR Doc.74-22646 Filed 9-27-74;8:45 am]

[Public Notice CM-165]

STUDY GROUP 6 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 6 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on October 18, 1974, at 9:00 a.m. in Room 1103/1105 of the Radio Building, Department of Commerce Laboratories, Boulder, Colorado.

Study Group 6 deals with matters relating to the propagation of radio waves through the ionosphere. The agenda for the meeting on October 18 is:

a. Review of U.S. submissions to the CCIR XIIIth Plenary Assembly;
b. Results of XIIIth Plenary Assembly;
c. Discussion of U.S. Study Group 6 priorities for the next preparatory period;
d. Organization of work for the next preparatory period.

Members of the general public who desire to attend the meeting on October 18 will be admitted up to the limit of the capacity of the meeting room.

Dated: September 20, 1974.

GORDON L. HUFFCUTT,
Chairman, U.S. National Committee.

[FR Doc.74-22645 Filed 9-27-74;8:45 am]

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DEPARTMENT OF THE TREASURY

Customs Service

VESSELS AND VEHICLES

Legislation Relative to the Arrival, Entry, Clearance, and Related Movement

SEPTEMBER 24, 1974.

Notice is hereby given that the Department of the Treasury has transmitted to the Congress draft legislation, "To authorize the Secretary of the Treasury to prescribe regulations to govern the arrival, entry, clearance, and related movements of vessels and vehicles, and for other purposes."

The proposed bill would amend or repeal certain of the navigation laws dating from the earliest times and certain administrative provisions of the Tariff Act of 1930, as amended, which are archaic and obsolete, with a view to providing a greater degree of flexibility in the regulation of these matters than is afforded by existing law. The aim is to achieve a proper balance between the application of necessary regulatory procedures and the facilitation of the commerce of the United States.

A copy of the bill and section-by-section analysis may be obtained on request to the Commissioner of Customs, Washington, D.C. 20229.

In connection with the proposed legislation, the Customs Service presently is preparing a draft of implementing regulations which would replace regulations now found in Parts 4 and 123, Customs regulations (19 CFR 4, 123). The following subjects are under discussion:

1. The crew and/or passenger list as part of the entry and clearance procedure.
2. Declarations by the master or someone authorized by him in lieu of the oaths now required on the manifests and related documents.
3. The design and content of forms.
4. The present requirement for deposit of a complete inward foreign manifest at the port of first arrival, and the use of the traveling manifest.
5. The time requirements for reporting arrival.
6. The simplification of port-to-port procedures.
7. The procedures relating to LASH-type barges.
8. Civil penalties to be assigned for specific violations.
9. Certificate of clearance.
10. The "preliminary and formal entry" procedures.
11. Coastwise manifests.

There are numerous other areas of interest, particularly as they may relate to vehicles, which also should be the subject of review and discussion. Consequently, comments and advice on these topics or on other matters which should be considered in preparing regulations to supersede those now in effect are invited and should be submitted in writing to the Commissioner of Customs, Washington, D.C. 20229.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs regulations (19 CFR 103.8(b)) at Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

[FR Doc.74-22666 Filed 9-27-74;8:45 am]

Internal Revenue Service

[Order No. 42 (Rev. 5)]

ASSISTANT REGIONAL COMMISSIONERS (APPELLATE), ET AL.

Delegation of Authority

In the matter of authority to execute consents fixing the period of limitations on assessment or collection under provisions of the 1939 and 1954 Internal Revenue Codes.

1. Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 120, dated July 31, 1950; Order No. 150-2, dated May 15, 1972; 26 CFR 301.6501(c)-1; 26 CFR 301.6502-1; 26 CFR 301.6901-1(d); and 26 CFR 301.7701-9; I hereby delegate authority to sign all consents fixing the period of limitations on assessment or collection to the following officials:

a. Assistant Regional Commissioners (Appellate)
b. Service Center Directors
c. District Directors
d. Director of International Operations

2. This authority may be redelegated but not below the following level for each activity:

a. Service Centers—Chief, Accounting Branch; Chief, Correspondence Audit Branch
b. Collection—Revenue Officer
c. Audit—Conferees and Reviewers, Grade GS-11, Group Managers, Case Managers and Returns Program Managers
d. Intelligence—Chief, Intelligence Division
e. Appellate—Appellate Conferee
f. Office of International Operations—Conferees and Reviewers, Grade GS-11; Group Managers, Case Managers and Returns Program Managers; Representatives at foreign posts; and Revenue Agents, Tax Auditors and Special Agents on foreign assignments; and Revenue Officers.

3. This Order supersedes Delegation Order No. 42 (Rev. 4), issued April 22, 1974.

Issued: September 24, 1974.

Effective: September 24, 1974.

Signed:

[SEAL] DONALD C. ALEXANDER,
Commissioner.

[FR Doc.74-22667 Filed 9-27-74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74-11]

J.W.S. DELAVAU CO., INC.

Notice of Hearing

Notice is hereby given that on June 7, 1974, the Drug Enforcement Administration, Department of Justice, issued to J. W. S. Delavau Co., Inc., Philadelphia, Pennsylvania, an order to show cause as to why the Drug Enforcement Administration should not deny the application for registration under the Controlled Substances Act of 1970, of the Respondent executed on October 31, 1973, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since said order was received by the Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on October 16, 1974, in Room 1210, 1405 Eye Street, NW., Washington, D.C.

Dated: September 25, 1974.

ANDREW C. TARTAGLINO,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.74-22618 Filed 9-27-74;8:45 am]

[Docket No. 74-18]

EDWIN SIMS MIZE, JR., M.D.

Notice of Hearing

Notice is hereby given that on July 22, 1974, the Drug Enforcement Administration, Department of Justice, issued to Edwin Sims Mize, Jr., M.D., Charlotte, North Carolina, an Order to Show Cause as to why the Drug Enforcement Administration registration No. AM4271398, issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said order was received by Dr. Mize, and written request for a hearing having been filed with the Drug Enforcement Administration, Notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on October 21, 1974, in Room 1210, 1405 Eye Street, NW., Washington, D.C.

Dated: September 25, 1974.

ANDREW C. TARTAGLINO,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.74-22619 Filed 9-27-74;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with the United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on August 9, 1974, Fher Corporation Ltd., Carretera 132, Km 25.3, P.O. Box 4108, Ponce, Puerto Rico 00731, made application to the Drug Enforcement Administration to be registered as bulk manufacturer of Phenmetrazine, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Phenmetrazine in bulk may, on or before October 30, 1974, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: September 17, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74-22620 Filed 9-27-74;8:45 am]

Whereas, the Act of August 15, 1953, c. 502, sec. 2, 67 Stat. 586, 18 U.S.C. 1161, directs that the Federal Indian Liquor laws shall not apply to "any act or transaction within any area of Indian Country provided such act or transaction is in conformity both with the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER,"; and

Whereas, on December 22, 1953, there was published in the FEDERAL REGISTER (Vol. 18, p. 8626) a resolution of the Standing Rock Sioux Indian Tribe (hereinafter the "Tribe"), of the Standing Rock Indian Reservation in North Dakota and South Dakota (hereinafter the "Reservation"), providing that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Tribe, provided, that such introduction, sale or possession is in conformity with the laws of the respective States of North Dakota and South Dakota;

Now therefore be it enacted and ordained: That the introduction, possession, transportation, and sale of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Tribe, *Provided:*

SECTION 1. *Conformity with State laws and this ordinance.* That such introduction, possession, transportation, and sale in North Dakota, are in conformity with the laws of the State of North Dakota, and with the provisions of this Ordinance, and that such introduction, possession, transportation, and sale in South Dakota are in conformity with the laws of the State of South Dakota, and with the provisions of this Ordinance.

SEC. 2. *Corporate and tribal entity.* The Standing Rock Sioux Tribal Council (hereinafter the "Council"), may charter, or form a corporation, or a subordinate tribal entity, or a tribal enterprise, to operate off-sale or packaged sale of intoxicating beverages, under such license or licenses as may be required by law.

SEC. 3. *Tribal license required.* No person shall engage in the sale of intoxicating beverages within the Indian country under the jurisdiction of the Tribe, unless duly licensed by the Tribe and, in the case of non-Indians, by the Tribe and the State in which the licensee sells intoxicating beverages, except that this Ordinance shall not apply to any licensee under the laws of North Dakota or South Dakota on the effective date of this Ordinance, until the expiration of the annual term of any such license, provided that the Tribe, in the discretion of the Council, may require Indians to obtain licenses from the appropriate State.

SEC. 4. *Application for tribal liquor license; requirements.* No tribal license shall issue under this Ordinance except upon a sworn application filed with the Council containing a full and complete showing of the following:

a. If the applicant is a non-Indian, satisfactory proof that the applicant is or will be duly licensed by the State in which he proposes to operate.

b. If the applicant is an Indian, and the Council determines that a State license should be obtained, satisfactory proof that the applicant is or will be duly licensed by the appropriate State, or that such license has been withheld or denied for reasons in excess of the powers vested in the State licensing authorities, or for arbitrary or capricious reasons.

c. Satisfactory proof that the applicant is of good character and reputation among the people of the Reservation, with particular reference to the Indian people, and that he is financially responsible.

d. The description of the premises in which the intoxicating beverages are to be sold, proof that the applicant is the owner of such premises, or lessee of such premises, for at least the term of the license, and a complete detailed, itemized inventory of all intoxicating beverages on and in the premises where the intoxicating beverages are to be sold.

e. Agreement by the applicant to accept and abide by all conditions of the tribal license.

f. Payment of a reasonable fee, not to exceed the corresponding license fee required under State law.

g. Satisfactory proof that neither the applicant nor the applicant's spouse, is an officer or member of the Council, an employee of the Tribe, or any of its subordinate entities, and has never been convicted of a felony.

h. Satisfactory proof that notice of the application has been posted in a prominent, noticeable place on the premises where intoxicating beverages are to be sold for at least 30 days prior to consideration by the Council and has been published at least twice in the Standing Rock Star or other tribal paper, or if a tribal paper is not in publication, in such other local newspaper serving the community that may be affected by the license, as the Tribal Chairman or Secretary may authorize.

SEC. 5. *Conditions of the tribal license.* Any tribal license issued under this Ordinance shall be subject to such reasonable conditions as the Council shall fix, including, but not limited to the following:

a. The license shall be for a term of one year, and shall expire as of even date with any license issued under the laws of the State in which the licensee sells intoxicating beverages.

b. The licensee shall at all times maintain an orderly, clean and neat establishment, both inside and outside the licensed premises.

c. The licensed premises shall be subject to patrol by the Reservation police force, for the purpose of enforcing tribal law, and by state and county law officers for the purpose of enforcing state law against non-Indians, and the licensee shall cooperate with such police and law officers.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

STANDING ROCK SIOUX TRIBE; AND STANDING ROCK INDIAN RESERVATION OF NORTH DAKOTA AND SOUTH DAKOTA

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

SEPTEMBER 20, 1974.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938) and in accordance with the Act of August 15, 1953, Public Law 277, 83rd Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Standing Rock Sioux reservation, North Dakota and South Dakota was adopted May 9, 1974 by the Standing Rock Sioux Tribal Council who have jurisdiction over the area of Indian Country included in the ordinance, reading as follows:

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d. The licensed premises shall be open to inspection by any member of the Council, or the duly authorized representative of the Council, at all times during the regular business hours.

e. Subject to the provisions of subsection "f" of this section, no intoxicating beverages shall be sold, served, disposed of, delivered, or given to any person, or consumed on the licensed premises except in conformity with the hours and days prescribed by the laws of the State where the licensed premises are situated, and in accordance with the hours fixed by the Council, provided that the licensed premises shall not operate or open earlier or operate or close later than is permitted by the law of the State where the licensed premises are located.

f. The premises covered by the tribal liquor license shall be closed on tribal election days, or when a referendum is held of the people of the Tribe, and including special days of observance as designated by the Council.

g. All acts and transactions under authority of the tribal liquor license shall be in conformity with the laws of the State in which the licensee sells intoxicating beverages, and shall be in accordance with this Ordinance and any tribal license issued pursuant to this Ordinance.

h. No person under the age permitted under the law of the appropriate State shall be admitted into the licensed establishment.

i. There shall be no discrimination in the operations under the tribal license by reason of race, color or creed.

Provided, That the Council shall not grant to the licensee, by way of a condition of the license, or otherwise, any privilege or benefit relating to the hours and days of operation of the licensed premises, greater than those permitted by the laws of the State in which the licensed premises are located.

SEC. 6. *Assignment or transfer.* No tribal license issued under this Ordinance shall be assigned or transferred without the written approval of the Council expressed by formal resolution.

SEC. 7. *Cancellation and suspension.* Any license issued hereunder may be suspended or cancelled by the Council for the breach of any of the provisions of this Ordinance, or of the tribal license, upon hearing before the Council after 10 days' notice to the licensee. The decision of the Council shall be final.

SEC. 8. *Prior tribal laws repealed.* The resolution heretofore adopted and published in the FEDERAL REGISTER (Vol. 18, p. 8626) on December 22, 1953, is hereby repealed.

SEC. 9. *Effective date.* This Ordinance shall be effective September 30, 1974.

Be it resolved, by the Standing Rock Sioux Tribal Council this 9th day of May, 1974, that the foregoing Ordinance No. 63 be and the same is hereby adopted.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74-22673 Filed 9-27-74;8:45 am]

Bureau of Land Management

[NM 22912, 23183, 23184, 23185, 23186]

NEW MEXICO

Notice of Application

SEPTEMBER 20, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 2⅜ inch and four 4½ inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 8 W.,
Sec. 27, NE¼SE¼;
Sec. 36, NW¼SW¼ and NE¼SW¼.
T. 29 N., R. 10 W.,
Sec. 12, S½NW¼.
T. 30 N., R. 10 W.,
Sec. 27, Lots 1, 2, and 7.

These pipelines will convey natural gas across .568 mile of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Mineral Operations.

[FR Doc 74-22649 Filed 9-27-74;8:45 am]

Geological Survey

ORILLING, COMPLETION AND SPACING OF GEOTHERMAL WELLS

Notice of Proposed Geothermal Resource Operational Order No. 2

SEPTEMBER 25, 1974.

Notice is hereby given that pursuant to 30 CFR 270.14, 270.15, 270.40 and 270.48, the Chief, Conservation Division, Geological Survey proposes to approve GRO Order No. 2 for geothermal operations conducted in the Central and Western Regions as set forth below.

The purpose of proposed GRO Order No. 2 is to provide requirements to geothermal operators for drilling, completion and spacing of geothermal wells.

Interested persons may submit written comments, suggestions, and objections concerning the proposed order to the Chief, Conservation Division, U.S. Geological Survey, Mail Stop 650, 12201 Sunrise Valley Drive, Reston, Virginia 22092, with a copy to the Geothermal Supervisor, 345 Middlefield Road, Menlo Park, California 94025, on or before November 15, 1974.

W. A. RADLINSKI,
Acting Director.

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY, CONSERVATION DIVISION

NOTICE TO LESSEES AND OPERATORS OF FEDERAL GEOTHERMAL LEASES

Geothermal Resources Operational Order No. 2

Effective ----------

Drilling, Completion and Spacing of Geothermal Wells

This Order is established pursuant to the authority prescribed in 30 CFR 270.11 and in accordance with 30 CFR 270.14, 30 CFR 270.15, and 30 270.40. All wells shall be drilled in such a manner as to minimize damage to the environment and to protect life, health, property, usable ground waters and geothermal resources. All exploratory wells drilled for geothermal resources shall be drilled in accordance with the provisions of this Order. Initial development wells drilled for geothermal resources shall be drilled in accordance with the provisions of this Order, and these provisions shall continue in effect until field drilling rules are issued. After field drilling rules have been established by the Supervisor, development wells in the individual fields shall be drilled in accordance with such rules.

Where sufficient geologic and engineering information is obtained through exploratory drilling, lessees may make application to the Supervisor for the establishment of field drilling rules. When required by the Supervisor, lessees shall make application for the establishment of field drilling rules for existing fields containing development wells on the effective date of this Order. The Supervisor may issue field drilling rules at any time he deems appropriate upon failure of the lessee to timely file for such field drilling rules.

All wells drilled under the provisions of this Order shall have been included in an exploratory or development Plan of Operation for the lease as required under 30 CFR 270.34. Each Application for Permit to Drill (Form 9-331C) shall include all information required under 30 CFR 270.71, and shall include a notation of any proposed variances from the requirements of this Order. All variances from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 270.48. References in this Order to approvals, determinations, and requirements for submitting of information or applications for approval are to those granted, made or required by the Supervisor or his delegated representative. The lessee shall comply with the following requirements:

1. *Well casing.* All wells shall be cased and cemented in accordance with the requirements of 30 CFR 270.15, and the application for permit to drill shall include the casing design safety factors for collapse, tension and burst. The permanent wellhead completion equipment shall be attached to the production casing or to the intermediate casing if the production casing does not reach to the surface. All casing strings reaching the surface shall be of sufficient length and cemented in a manner such that adequate anchorage and support will be provided for the casing and any blowout prevention equipment required thereon. For the purpose of this Order, the several casing strings in order of normal installation are (1) conductor, (2) surface, (3) intermediate and (4) production strings. The following casing setting depth requirements are general in nature and subject to variations to permit the casing to be set and cemented in a competent formation. Determination of adequate casing setting depths shall be based upon all geologic and engineering factors including apparent geothermal gradients, depths and pressures of the various formations to be penetrated and all other pertinent information about the area. All depths in this Order refer to true vertical depth (TVD) below ground level, unless otherwise specified.

A. *Conductor casing.* This casing shall be set at a minimum depth of 27 metres (90 feet) and a maximum depth of 60 metres (200 feet) below drilling into shallow formations known to contain geothermal resources or non-condensible gases or, if unknown, upon encountering such formations.

B. *Surface casing.* This casing shall be set at a depth equivalent to or in excess of ten percent of the proposed total depth of the well provided, however, that such setting depth shall be not less than 60 metres (200 feet) nor more than 400 metres (1,300 feet), unless otherwise authorized by the Supervisor.

C. *Intermediate casing.* This casing shall be set at any time when drilling below the surface casing when required by well conditions such as anomalous pressure zones, uncased fresh water aquifers, cave-ins, washouts, uncontrollable lost circulation zones, rapidly increasing thermal gradients or other drilling hazards. If a liner is used as an intermediate string, the lap shall be tested by a fluid entry or pressure test to determine whether a seal between the liner top and the next larger casing string has been achieved. The liner overlap shall be a minimum of 30 metres (100 feet). The test shall be recorded on the driller's log and may be witnessed by the Supervisor. In the event of lap failure during the test, the lap must be repaired or recemented and successfully retested as required by the Supervisor.

D. *Production casing.* This casing may be set at the top of or through the potential producing zone and shall be set before completing the well for production. Production casing shall be run to the surface or lapped into an intermediate casing string. The casing overlap, if utilized, shall be at least 30 metres (100 feet) and shall be tested, witnessed and recorded as in the case of intermediate casing hereinabove. In the event of casing failure during the test, the casing must be repaired or recemented as required by the Supervisor. Production casing shall be of consistent nominal outside diameter from the surface or from the top of the lap to the casing shoe. The surface casing shall not be used as production casing.

E. *Cementing of casing.* The conductor and surface casing strings shall be cemented with a quantity of cement sufficient to fill the annular space back to the surface. The intermediate casing string shall likewise be cemented back to the surface, if possible, or to the top of the lap if a liner is used as an intermediate string. Production casing shall be cemented with a high temperature resistant admix, unless waived by the Supervisor and shall be cemented in a manner necessary to exclude, isolate or segregate overlying formation fluids from the geothermal resources zone and to prevent the movement of fluids into possible fresh water zones. Production casing shall be cemented back to the surface or, if lapped, to the top of the lap. A temperature or cement bond log shall be run after setting and cementing the production casing and after all primary cementing operations.

F. *Pressure testing.* Prior to drilling out the casing shoe after cementing, all casing strings except for conductor casings, shall be pressure tested to a minimum pressure of 69 bars (1000 psi). Such test shall not exceed the rated working pressure of the casing. In the event of casing failure during the test, the casing must be repaired or recemented until a satisfactory test is obtained. A pressure decline of 20 percent or less in 15 minutes shall be considered satisfactory. Casing test results shall be recorded on the driller's log and reported to the Supervisor within 30 days after the completion of such test. The Supervisor shall be given advance notice of all casing tests in sufficient time to enable the Supervisor to be present to witness such tests. The casing test report shall give a detailed description of the test including but not limited to mud and cement volumes, lapse of time between running and cementing casing and testing, the method of testing and the test results.

G. *Directional surveys.* Surveys shall be taken on all wells during the normal course of drilling. Surveys shall be obtained at intervals not to exceed 152 metres (500 feet). Directional surveys giving both inclination and azimuth shall be obtained at intervals not to exceed 30 metres (100 feet) between stations and prior to setting any casing string as well as at total depth. Composite directional surveys shall be filed from the bottom of the conductor casing to total depth. The Supervisor may require a directional survey to be made of the finished hole of all wells. In calculating all surveys, a correction from true north to Lambert Grid north shall be made after making the magnetic to true north correction, where possible.

2. *Blowout prevention equipment and procedures.* All necessary precautions shall be taken to keep all wells under control at all times; utilize trained and competent personnel; and utilize properly maintained equipment and materials. Blowout preventers and related well control equipment shall be installed, tested daily, and maintained ready for use until drilling operations are completed. Certain components, such as packing elements and ram rubbers, shall be of high temperature resistant material. All fill-up lines, kill lines, blowdown lines, manifolds and fittings shall be steel and shall have a minimum temperature derated working pressure rating equivalent to that of the highest pressure rated blowout prevention equipment proposed for the particular well in question. Blowout prevention equipment shall have hydraulic actuating systems and accumulators of sufficient capacity unless waived by the Supervisor. Dual control stations shall be installed with shydraulic high pressure backup system. One control panel shall be located at the driller's station and one control panel shall be located at least 15 metres (50 feet) away from the wellhead or rotary table. Air or other gaseous fluid drilling methods shall have blowout prevention assemblies which shall include but are not limited to a rotating head, a double ram blowout preventer or equivalent, a so-called banjo-box and a blind ram blowout preventer, respectively. A proposed blowout prevention program and a blowout contingency plan shall be submitted with the Application for Permit to Drill (Form 9-331C).

A. *Conductor casing.* Before drilling below this string, at least one remotely controlled hydraulically operated expansion-type preventor or equivalent, approved by the Supervisor, including a drilling spool with side outlets, shall be installed. When deemed necessary by the Supervisor, a kill line and blowdown line with appropriate fittings shall be connected to the drilling spool.

B. *Surface, intermediate and production casing.* Before drilling below any of these strings, the blowout prevention equipment shall include a minimum of:

(1) One expansion-type preventer and accumulator, a remotely controlled hydraulically operated double ram blowout preventer or equivalent having a temperature derated working pressure which exceeds the maximum anticipated surface pressure at the anticipated reservoir fluid temperature;

(2) A drilling spool with side outlets;

(3) A fillup line;

(4) A kill line equipped with at least one valve; and

(5) A blowdown line equipped with at least two valves and securely anchored at all bends and at the end.

C. *Testing and maintenance.* Blowout preventers and auxiliary equipment shall be tested to a minimum of 69 bars (1000 psi) or to the working pressure of the casing or assembly, whichever is the lesser, after installation, prior to drilling out plugs and/or casing shoes and on a daily basis during drilling operations. Riser flange bolts shall be inspected at least daily and retightened as necessary during drilling operations. The auxiliary control systems shall be inspected and operated daily to check the mechanical condition and effectiveness and to ensure personnel acquaintance with the method of operation. Blowout prevention and auxiliary control equipment shall be dismantled, cleaned, inspected and repaired if necessary prior to installation to assure proper functioning. Blowout prevention controls shall be plainly labeled, and all crew members shall be instructed on the function and operation of such equipment. A blowout prevention drill shall be conducted weekly for each drilling crew. All blowout prevention tests and crew drills shall be recorded on the driller's log.

D. *Related well control equipment.* A full opening drill string safety valve in the open position shall be maintained on the rig floor at all times while drilling operations are being conducted. A kelly cock installed between the kelly and the swivel shall be required if deemed necessary by the Supervisor as well as a drill string check valve when drilling with air or other gaseous fluids.

3. *Drilling fluid.* The properties, use and testing of drilling fluid and the conduct of related drilling procedures shall be such as are necessary to prevent the blowout of any well. Sufficient drilling fluid materials to ensure well control shall be maintained, readily accessible for use at all times.

A. *Drilling fluid control.* Before pulling drill pipe, the drilling fluid shall be properly conditioned or displaced. The annular mud level shall not be deeper than 30 metres (100 feet) from the rotary table when coming out of the hole with drill pipe, and the hole shall be kept reasonably full at all other times. Mud cooling techniques shall be utilized when necessary to maintain mud characteristics for proper well control and hole conditioning.

B. *Drilling fluid testing.* Mud testing and treatment consistent with good operating practice shall be performed daily or more frequently as conditions warrant. Mud testing equipment shall be maintained on the drilling rig at all times.

The following drilling fluid system monitoring or recording devices shall be installed and operated continuously during drilling operations occurring below the shoe of the conductor casing.

(1) High-low level mud pit indicator including a visual or audio-warning device.

(2) Degassers, desilters and desanders shall be installed when deemed necessary by the Supervisor.

(3) A mechanical, electrical or manual surface drilling fluid temperature monitoring device. The temperature of the drilling fluid going into and coming out of the hole shall be monitored, read and recorded on the driller's or mud log for a minimum of every 9 meters (30 feet) of hole drilled below the conductor casing.

(4) A hydrogen sulfide indicator and alarm shall be installed in areas suspected or known to contain hydrogen sulfide gas which may reach levels considered to be dangerous to the health and safety of personnel in the area.

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C. *Monitoring.* From the time drilling operations are initiated and until the well is completed or abandoned, a member of the drilling crew or the toolpusher shall monitor the rig floor at all times for surveillance purposes, unless the well is secured with blowout preventers or cement plugs.

4. *Well logging.* All wells shall be logged with an induction electric log or equivalent from total depth to the shoe of the conductor casing. The Supervisor may grant an exception to this requirement when well conditions make it impractical or impossible to meet the above requirements.

A. *Electric logs.* The lessee shall furnish to the Supervisor two legible exact copies of induction, radiation, temperature, bond, and any other logs run, within 30 days after completion of drilling operations on each well. Two copies of chemical analyses of geothermal fluids or other similar services performed shall be submitted to the Supervisor within 30 days after such services are completed.

B. *Lithologic logs.* The lessees shall furnish to the Supervisor two legible exact copies of core analysis reports and lithologic (mud) logs within 30 days after the completion of such reports or logs.

5. *Wellhead equipment and testing.*

A. *Completions.* All wellhead connections shall be fluid pressure tested to 1.5 times the API working pressure rating. Cold water is recommended as the testing fluid. Welding of wellhead connections shall be performed by a certified welder using materials in conformance with ASTM specification. Wellhead and other surface production equipment shall be maintained in good condition with particular attention exercised for the prevention or mitigation of corrosion and erosion.

B. *Wellhead equipment.* All completed wells shall be equipped with a minimum of one casinghead with side outlets, one master valve and one production valve. All casingheads, christmas trees, fittings and connections shall have a temperature derated working pressure equal to or greater than the surface shut-in pressure of the well at reservoir temperature. Packing, sealing mediums and lubricants shall consist of materials of substances that function effectively at, and are resistant to, high temperatures. Wellhead equipment, valves, flanges and fittings shall meet minimum API Standard 6A specifications. Casinghead connections shall be made such that fluid can be pumped between casing strings.

C. *Testing.* Any well showing sustained casinghead pressure or leaking of geothermal fluids between casing strings shall be tested to determine the origin of the failure, when such failure point is not otherwise determinable, and corrective measures shall be taken to correct such failure.

6. *Well spacing.* No portion of any well shall be located within 61 metres (200 feet) of the outer boundaries of the leased lands, except where necessary to protect those lands against wells on lands the title to which is not held by the lessor and then only on consent in writing from the Supervisor. No surface location of a well shall be located within 15 metres (50 feet) of the boundary of any legal subdivision unless otherwise authorized by the Supervisor.

REID T. STONE,
Area Geothermal Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.74-22566 Filed 9-27-74;8:45 am]

EXPLORATORY OPERATIONS

Notice of Proposed Geothermal Resource Operational Order No. 1

SEPTEMBER 25, 1974.

Notice is hereby given that pursuant to 30 CFR 270.11, and in accordance with CFR 270.78, the Chief, Conservation Division, Geological Survey proposes to approve GRO Order No. 1 for geothermal operations conducted in the Central and Western Regions as set forth below.

The purpose of proposed GRO Order No. 1 is to provide requirements to geothermal operators for all exploratory operations other than drilling of exploratory and development wells.

Interested persons may submit written comments, suggestions, and objections concerning the proposed Order to the Chief, Conservation Division, U.S. Geological Survey, Mail Stop 650, 12201 Sunrise Valley Drive, Reston, Virginia 22092, with a copy to the Geothermal Supervisor, 345 Middlefield Road, Menlo Park, California 94025, on or before November 15, 1974.

W. A. RADLINSKI,
Acting Director.

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY, CONSERVATION DIVISION

NOTICE TO LESSEES AND OPERATORS OF FEDERAL GEOTHERMAL LEASES

Geothermal Resources Operational Order No. 1

Effective ----------

Exploratory Operations

This Order is established pursuant to the authority prescribed in 30 CFR 270.11 and in accordance with 30 CFR 270.78. All exploratory operations other than drilling of exploratory and development wells will be conducted in accordance with the provisions of this Order. All variances from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 270.48. Each Notice of Intent to Conduct Geothermal Resource Exploration Operations shall include a notation of any proposed variances from the requirements of this Order. References in this Order to approvals, determinations, or requirements are to those given or made by the Supervisor or his delegated representative. The lessee shall comply with the requirements of this Order.

The following exploratory operations and reasonable expenditures therefore will qualify as diligent exploration if approval prior to the initiation of such operations is received by the lessee from the Supervisor.

1. *Casual use.* Casual Use shall include any entrance on the leased lands for geological reconnaissance or surveying purposes. Sampling of springs and water wells on the lease for geochemical analysis shall be construed as Casual Use. Such non-disturbing surveys and reconnaissance operations will require a Notice of Intent to Conduct Geothermal Resource Exploration Operations (Form 3200-9). Casual Use operations proposed or completed shall be included in any subsequent Plan of Operations.

2. *Geophysical exploration.* Geophysical exploration shall include, but is not limited to, surface electric resistivity surveys, seismic ground noise surveys and all other passive micro-earthquake monitoring surveys, magneto-telluric surveys, all other geophysical surveys, including airborne techniques.

Geophysical surveys will require a Notice of Intent to Conduct Geothermal Resource Exploration Operations (Form 3200-9). All such anticipated surveys should be included in the Plan of Operation and must be approved by the Supervisor before the work is begun.

The lessee shall furnish the Supervisor two copies of the records of such surveys within 30 days after the completion of such operations.

3. *Drilling of shallow holes.* The drilling of shallow holes for the measurement of temperature gradients or heat flow will be considered as an exploration operation and will require approval of a Notice of Intent to Conduct Geothermal Resource Exploration Operations (Form 3200-9) by the Supervisor. The following stipulations shall apply to the drilling of such shallow holes:

A. Holes for measuring temperature gradients shall be limited to a depth of 152 metres (500 feet), unless otherwise authorized by the Supervisor.

B. Flow line temperatures shall be taken at frequent time intervals during drilling operations on shallow holes drilled with mud. If flow line mud temperature should reach 52° C (125° F) without special cooling, drilling ahead shall cease immediately and the hole will be either:

(1) Completed as an observation hole by running steel tubing as deep as possible, filling the annulus with drilling mud from total depth to 3 metres (10 feet) below the surface and with cement from 3 metres (10 feet) to the surface, or

(2) Abandoned by filling the hole with drilling mud from total depth to 3 metres (10 feet) below the surface and cement to the surface thereafter.

During drilling operations, exceptions will be allowed only with specific permission from the Supervisor.

C. If flowing steam or hot water at 65° C (150° F) is encountered, further drilling shall stop immediately and the hole will be either:

(1) Completed as an observation hole using steel tubing cemented from total depth to surface, or

(2) Abandoned by plugging with cement from total depth to surface.

Exceptions will be allowed only with specific permission from the Supervisor.

D. If cold flowing artesian water is encountered, hole will be completed as in (C) hereinabove, except that plastic tubing may be used.

If the conditions outlined in either (B) or (C) hereinabove or herein are encountered, the Supervisor shall be notified immediately.

E. The lessee shall submit the following information with the Notice of Intent to Conduct Geothermal Resource Exploration Operations (Form 3200-9):

(1) The approximate location [to the nearest 30 metres (100 feet) from some identifiable marker or object within a section] and hole number or designation of each proposed hole and order of drilling;

(2) The type and size of drilling rig;

(3) The proposed drilling program including drilling method (auger, air or mud), approximate depths and casing (conductor) program;

(4) The type of drilling sump and proposed method of sump abandonment;

(5) The approximate time holes will be used for observation; and

(6) The proposed method of abandonment. Additionally, the lessee shall notify the Supervisor of any changes in locations and locations of any additional holes to be drilled.

F. Locations proposed in natural thermal areas [within a 457 metre (1500 foot) radius of hot springs, fumaroles, or other surface geothermal indicia] or in areas of known artesian water flow, will require a drilling program for each hole, approved by the Supervisor. Such holes may require special drilling and completion techniques (such as cemented surface casing and simple expansion type blowout preventers) to safely control formations containing geothermal or other resources which may be penetrated.

G. A supply of mud-weighting material shall be kept on hand while drilling to control excess pressure (if using rotary equipment).

H. Holes shall be completed for observation purposes in a manner which will allow satisfactory subsequent abandonment. As a minimum, the annular space shall be filled with mud (cuttings and/or dirt if drilled with air or auger) to 3 metres (10 feet) and with cement 3 metres (10 feet) to surface, and the tubing shall be capped when not in use.

I. Holes shall be abandoned in a manner that will prevent subsurface inter-zonal migration of fluids and surface leakage. As a minimum, the top 3 metres (10 feet) of tubing should be filled with cement. Tubing shall be cut off at ground level or as directed by the Supervisor.

4. *Reporting completion of exploration operations.* The Notice of Completion of Geothermal Resource Exploration Operations (Form 3200-10) shall be submitted in triplicate, and shall contain, among other items, the following information for each hole drilled:

A. Final hole designation and location.

B. A drillers log noting water table (if determined), and salt, coal bends or other mineral deposits, if present.

C. Methods of completion, cementing, and casing and/or tubing used.

D. Details of abandonment.

E. Any information on drilling difficulties or unusual circumstances encountered which would be helpful in assuring future safety of operations or protection of the environment in the area concerned.

F. Temperature survey data from each hole.

5. *General.* Drilling fluids or cuttings shall not be discharged onto the surface where such discharge might contaminate lakes and perennial or intermittent streams. Excavated pits or sumps used in drilling shall be backfilled as soon as drilling is completed and restored to conform with the original topography. If necessary to allow evaporation before backfilling, the sumps shall be completely fenced for the protection of domestic animals or wildlife.

6. *Notice of entry.* Applicant shall contact the appropriate U.S. Geological Survey Geothermal District Office prior to entry on the land to conduct exploration operations.

REID T. STONE,
Area Geothermal Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.74-22567 Filed 9-27-74;8:45 am]

PLUGGING AND ABANDONMENT OF WELLS

Notice of Proposed Geothermal Resource Operational Order No. 3

SEPTEMBER 25, 1974.

Notice is hereby given that pursuant to 30 CFR 270.11 and in accordance with 30 CFR 270.14 and 270.45, the Chief, Conservation Division, Geological Survey, proposes to approve GRO Order No. 3 for geothermal operations conducted in the Central and Western Regions as set forth below.

The purpose of proposed GRO Order No. 3 is to provide requirements to geothermal operators for all well abandonment operations.

Interested persons may submit written comments, suggestions, and objections concerning the proposed Order to the Chief, Conservation Division, U.S. Geological Survey, Mail Stop 650, 12201 Sunrise Valley Drive, Reston, Virginia 22092, with a copy to the Geothermal Supervisor, 345 Middlefield Road, Menlo Park, California 94025, on or before November 15, 1974.

W. A. RODLINSKI,
Acting Director.

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY, CONSERVATION DIVISION

NOTICE TO LESSEES AND OPERATORS OF FEDERAL GEOTHERMAL LEASES

Geothermal Resources Operational Order No. 3

Effective ----------

Plugging and Abandonment of Wells

This Order is established pursuant to the authority prescribed in 30 CFR 270.11 and in accordance with 30 CFR 270.45 and 30 CFR 270.14. The lessee shall comply with the following minimum plugging and abandonment procedures for all geothermal resources wells. Oral approvals shall be in accordance with 30 CFR 270.11. All variances from the requirements specified in this Order shall be subject to approval pursuant to 30 CFR 270.48. Each Sundry Notice (Form 9-331) shall include a notation of any proposed variances from the requirements of this Order. References in this Order to approvals, determinations or requirements are to those given or made by the Supervisor or his delegated representative.

The lessee shall promptly plug and abandon any well on the leased land that is not in use or potentially useful. No well shall be abandoned until its lack of capacity for further profitable production of geothermal resources has been demonstrated to the satisfaction of the Supervisor. No well shall be plugged and abandoned until the manner and method of plugging have been approved or prescribed by the Supervisor.

Cement used to plug any geothermal resources well, except that cement or concrete used for surface plugging, shall be placed in the hole by pumping through drill pipe or tubing and such cement shall consist of a high temperature resistant admix, unless waived by the Supervisor in accordance with the particular circumstances existing in that well or area.

Prior to commencing abandonment operations, the Supervisor shall be notified of all such proposed operations.

Each Sundry Notice (Form 9-331) shall include all information required under 30 CFR 270.45. Any bond or rider thereto, covering the lease or an individual well thereon, shall remain in full force and effect until the lease or individual well, as the case may be, is properly abandoned (including surface restoration) and written approval by the Supervisor has been obtained.

1. *Permanent abandonment—A. Uncased hole.* In uncased portions of wells, cement plugs shall be placed to cover the fresh water and geothermal resources zones. Such plugs shall extend a minimum of 30 metres (100 feet) below, if possible, and 30 metres (100 feet) above all such aforementioned zones. Cement plugs shall be placed in a manner necessary to isolate formations and to protect the fluids in such formations from interzonal migration or contamination.

B. *Open hole.* Where there is open hole (uncased and open into the casing string above), a cement plug shall be placed in the deepest casing string by either (1) or (2) below. In the event lost circulation conditions exist or are anticipated, or the well has been drilled with air or other gaseous substance, the plug shall be placed in accordance with (3) below.

(1) A cement plug shall be placed across the shoe extending a minimum of 30 metres (100 feet) above and 30 metres (100 feet) below; or

(2) A cement retainer with effective back pressure control set approximately 30 metres (100 feet) above the casing shoe with at least 61 metres (200 feet) of cement below the retainer and 30 metres (100 feet) of cement above.

(3) A permanent bridge plug set at the casing shoe and capped with a minimum of 61 metres (200 feet) of cement.

C. *Perforations, junk, fish and collapsed pipe.* A cement plug shall be placed across all production perforations, extending 30 metres (100 feet) below (where possible) and 30 metres (100 feet) above the perforated interval. When using a cement retainer to squeeze cement the perforated interval, it shall be set a minimum of 30 metres (100 feet) above the perforations. Where the hole contains fish, junk or collapsed casing thereby preventing cleanout operations, a cement retainer shall be set at least 30 metres (100 feet) above such point and the interval below the retainer shall be squeezed cemented.

D. *Casing stubs, laps and liners.* No casing shall be cut and recovered without first obtaining the written approval of the Supervisor. A cement plug shall be placed across all casing stubs, laps and liner tops. Such plug shall extend a minimum of 15 metres (50 feet) below and 15 metres (50 feet) above any such stub, lap or liner top.

E. *Casing shoes.* All casing shoes not protected by an inner casing string shall be straddled with a 30-metre (100-foot) cement plug.

F. *Plugging of annular space.* All open annuli extending to the surface shall be filled with cement to the surface.

G. *Surface plug.* A minimum of 15 metres (50 feet), measures from ground level, of neat cement or concrete shall be placed in the innermost casing string which reaches ground level.

H. *Testing of plugs.* The hardness and location of cement plugs placed across perforated intervals and at the top of uncased or open hole shall be verified by setting down with tubing or drill pipe a minimum of 15,000 pounds weight on the plug.

I. *Mud.* Each of the respective intervals of the hole not filled with cement shall be filled with good quality heavy mud.

J. *Surface restoration.* All casing strings shall be cut off at least 3 metres (6 feet) below ground level and capped by welding a steel plate on the casing stub. Cellars, pads, structures and other facilities shall be removed. The surface area shall be restored as specified by the Supervisor in consultation with the appropriate surface management agency.

2. *Temporary abandonment.* An uncompleted drilling well that is to be temporarily abandoned shall be mudded and cemented as required hereinabove for permanent abandonment except for the provisions of sub-

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paragraphs F, G, and J of paragraph 1, or as otherwise approved by the Supervisor.

3. *Suspended wells.* The drilling equipment shall not be removed on any geothermal resources well where drilling operations have been suspended, either temporarily or indefinitely, before adequate measures have been taken to close the well and protect the subsurface resources including fresh water aquifers.

REID T. STONE,
Area Geothermal Supervisor.

Approved:

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.74-22565 Filed 9-27-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

CATTLE INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of section 10 (a) (2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Cattle Industry Advisory Committee established July 3, 1974, by Secretary's Memorandum No. 1843. The Committee will meet at the Plaza Inn, 45th & Main, Kansas City, Missouri, on October 17-18, 1974; the meeting will begin at 9:30 a.m. October 17 and is scheduled to end at Noon on October 18.

The purpose of the meeting is to provide advice and counsel for the Secretary of Agriculture on several matters currently of interest and concern to the entire industry and which may affect Department programs and actions. Topics to be discussed are: economic situation and outlook; cattle inventory, production, and related data; market news reports on supplies, prices, and market conditions; marketing margins and price levels; international trade in livestock and meat; importation of breeding cattle; feed grain production and exports; proposed changes in beef grades; and residues in meat.

The meeting is open to the public but space and facilities are limited. To the extent that time permits, the Chairman may invite public participation following Committee consideration of each subject. Also, anyone may submit written statements to the Committee on the subjects discussed, either before or after the meeting. Because of the limited space and facilities, persons who wish to attend the meeting, other than Committee members, should contact Mr. John C. Pierce, Livestock Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250; telephone (202) 447-5703.

Dated: September 24, 1974.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.74-22612 Filed 9-27-74;8:45 am]

RAISIN ADVISORY BOARD

Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770), notice is given of a meeting of the Raisin Advisory Board at 7:30 p.m., p.d.t., October 4, 1974, in the North Ballroom of the Hilton Hotel, Fresno, California.

The purpose of the meeting is to: Review marketing policy matters for the 1974-75 crop year; consider California's 1974 raisin production; consider the need for volume regulation during the 1974-75 crop year; discuss offering of reserve raisins to handlers for sale in export; make the annual review of payment rates to handlers for services on reserve tonnage raisins; and consider exemption from volume regulation of raisins acquired by California State University, Fresno, California. The meeting will be open to the public.

The Raisin Advisory Board is established under the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

The names of board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Clyde E. Nef, Manager, Raisin Administrative Committee, 732 North Van Ness, Fresno, California 93720; telephone—209-268-5666.

JOHN C. BLUM,
Associate Administrator.

Dated: September 23, 1974.

[FR Doc.74-22613 Filed 9-27-74;8:45 am]

Rural Electrification Administration

DAIRYLAND POWER COOPERATIVE

Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $120,200,000 to Dairyland Power Cooperative (Dairyland) of LaCrosse, Wisconsin. This loan would finance a 70 percent share of a 350 MW steam generating plant to be constructed near Alma, Wisconsin, and the related 161 kV transmission facilities. Northern States Power Company of Minnesota will provide the remaining 30 percent share of funds.

Legally organized lending agencies capable of making, holding and servicing the loans proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds, from Mr. John P. Madgett, Manager, Dairyland Power Cooperative, 2615 East Avenue, South, LaCrosse, Wisconsin 54601.

In order to be considered, proposals must be submitted (within 60 days from the date of this notice) to Mr. Madgett. The right is reserved to give such consideration and make such evaluations or other disposition of all proposals received as Dairyland and REA may deem appropriate. It is presently anticipated that the Federal Financing Bank will provide the $120,200,000.

The Rural Electrification Administration has published a revision of proposed REA Bulletin 20-22 entitled, "Guarantee of Loans for Bulk Power Supply Facilities," which sets forth agency proposed policies and requirements concerning loan guarantees. The text of this proposed revised Bulletin was published for comment in the FEDERAL REGISTER dated January 3, 1974, page 814.

Copies of the proposed revised REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated: September 23, 1974.

C. R. BALLARD,
Acting Administrator.

[FR Doc.74-22660 Filed 9-27-74;8:45 am]

Soil Conservation Service

WOLF CREEK WATERSHED PROJECT, OREGON

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and Part 1500.13 of Council on Environmental Quality Guidelines (38 FR 20556) August 1, 1973; and Part 650.8 (b) (2,3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; The Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Wolf Creek reservoir and appurtenances, Wolf Creek Watershed Project, Union County, Oregon.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. James W. Mitchell, State Conservationist, Soil Conservation Service, USDA, 1218 SW., Washington Street, Portland, Oregon 97205, has determined that the preparation and review of an environmental impact statement is not needed for the Wolf Creek reservoir and appurtenances of this project.

The project concerns a plan for watershed protection, flood prevention, irrigation and recreation. The planned works of improvement include conservation land treatment, two multiple purpose reservoirs, pipeline and canal irrigation distribution systems, recreation facilities, and channel clearing and snagging.

Wolf Creek reservoir has been under construction since 1972 and will be completed in 1974. Appurtenant features to the Wolf Creek structure include enlargement of an existing canal, construction of a new distribution ditch, installation of buried irrigation pipeline, clearing and snagging of Wolf Creek below the dam, construction of diversion and water measurement structures, and installation of recreation facilities at Wolf Creek reservoir.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
1218 SW. Washington St., Portland, Oregon 97205

No administrative action on implementation of the proposal will be taken until October 15, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: September 20, 1974.

W. B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-22647 Filed 9-27-74;8:45 am]

DONAHOE CREEK WATERSHED, TEXAS

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b) (3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for Flood-water Retarding Structure Nos. 1, 2, 3, 5, 6, and 10, Donahoe Creek Watershed Project, Bell, Williamson, and Milam Counties, Texas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Edward E. Thomas, State Conservationist, Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The action concerns a plan for watershed protection and flood prevention. The planned works of improvement include the installation of six additional floodwater retarding structures.

The environmental assessment file is available for inspection during regular work hours at the following location:

Soil Conservation Service, USDA, First National Bank Building, Temple, Texas 76501

No administrative action on implementation of the proposal will be taken until October 15, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: September 18, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-22631 Filed 9-27-74;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

CENTER FOR BUILDING TECHNOLOGY ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the Federal Advisory Committee Act No. 5 U.S.C. App. I, (Supp. II., 1972) notice is hereby given that a public meeting of the Department of Commerce Center for Building Technology Advisory Committee will be held on October 31, 1974, at the National Bureau of Standards, Lecture Room A, Gaithersburg, Maryland. The meeting will convene at 9:30 a.m. and adjourn at 3:30 p.m. The meeting is open to the public.

The purposes of this meeting are to hear the Task Group Recommendations on Environmental Standards, Performance Criteria, Building Regulatory Systems, and Energy, as well as to discuss fire prevention and control in buildings.

Further information concerning this meeting may be obtained by contacting James L. Haecker, Executive Secretary, Center for Building Technology Advisory Committee, Building 226, Room B260, Washington, D.C. 20234. Interested persons may file written statements with the Committee before or after the meeting.

Dated: September 24, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-22547 Filed 9-27-74;8:45 am]

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9:00 a.m. to 12:00 noon on Wednesday, October 30, 1974, in Room B-27, Building 225, of the National Bureau of Standards in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal information processing standards.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify Joseph O. Harrison, Jr., Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, (Phone 301-921-3551).

Dated: September 24, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-22548 Filed 9-27-74;8:45 am]

Office of the Secretary

[Department Administrative Order 208-2; Amdt. 2]

OFFICE OF ADMINISTRATIVE SERVICES AND PROCUREMENT

Delegation of Authority

This order, effective June 1, 1974, further amends the material appearing at 39 FR 6750 of February 22, 1974.

Department Administrative Order 208-2, dated January 2, 1974, is hereby further amended as follows:

SEC. 2. Definitions.

Add paragraph .06

.06 *"Evaluation Board"* means an architect-engineer evaluation board of 3 to 5 members, selected and approved by proper authority, pursuant to the requirements of Federal Procurement Regulations and the provisions of this order, for the purpose of selecting the most qualified architect-engineer firm for contract award.

SEC. 3. Procurement authority of Office of Administrative Services and Procurement.

Add paragraph .03

.03 The Director, Office of Administrative Services and Procurement is hereby designated approving authority for selection of architect-engineer firms for award consideration in accordance with FPR 1-4.1004-4. He shall select an evaluation board chairman as required.

SEC. 4. Procurement authority of operating units.

Add sub-paragraph .02e

e. Provide that the head of a field office, to whom procurement authority is delegated, shall be the approving authority for that field office in the selection of architect-engineer firms for award consideration, in accordance with FPR 1-4.1004-4. He shall select an evaluation board chairman as required.

Effective date: June 1, 1974.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

[FR Doc.74-22630 Filed 9-27-74;8:45 am]

V 39 190 SEP 30 74 XUM

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON AGRICULTURE STATISTICS

Notice of Public Meetings

The Census Advisory Committee on Agriculture Statistics will convene on October 24, 1974 at 9:30 a.m. and on October 25, 1974 at 9:25 a.m. The Committee will meet in Room 2113, FB 3, Bureau of the Census, Suitland, Maryland.

This Committee was established in 1962 to advise the Director, Bureau of the Census, concerning the kind of information that should be obtained from respondents; to prepare recommendations regarding the contents of reports and to present the views and needs for data of major agricultural organizations and their members.

The Committee is composed of 19 members appointed by the presidents of the non-profit organizations having representatives on the Committee, and two members from the U.S. Department of Agriculture.

The agenda for the October 24 meeting is: (1) Review of Current Census Bureau activities, (2) Status of the 1974 Census of Agriculture, (3) Report on the Preliminary Survey of Selected Operations, (4) Address Register, (5) Follow-up schedule, (6) Coverage evaluation, (7) Tabulation plans, (8) Agricultural services, and (9) Outlying areas.

The agenda for the October 25 meeting is: (1) Election of officers for 1975, (2) Public relations program, (3) Farm definition, (4) Publication program, and (5) Making the data output available to data users.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Guidance and Control Officer, Mr. J. Thomas Breen, Chief, Agriculture Division, Bureau of the Census, Room 2067, FB–3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone 301–763–5230.

Dated: September 24, 1974.

VINCENT P. BARABBA,
Director, Bureau of the Census, Social and Economic Statistics Administration.

[FR Doc.74–22550 Filed 9–27–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

CONTROLLED SUBSTANCES ADVISORY COMMITTEE

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776; 5 U.S.C. App.), the Food and Drug Administration announces the renewal by the Secretary, Department of Health, Education, and Welfare, of the Controlled Substances Advisory Committee for an additional period of 2 years beyond September 27, 1974.

Authority for this committee will expire September 27, 1976, unless the Secretary formally determines that continuance is in the public interest.

Dated: September 24, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–22575 Filed 9–27–74;8:45 am]

PANEL ON REVIEW OF SEDATIVE, TRANQUILIZER, AND SLEEP AID DRUGS

Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776; 5 U.S.C. App.), the Food and Drug Administration announces the renewal by the Secretary, Department of Health, Education, and Welfare, of the Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs for an additional period of 2 years beyond September 19, 1974.

Authority for this committee will expire September 19, 1976, unless the Secretary formally determines that continuance is in the public interest.

Dated: September 24, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–22576 Filed 9–27–74;8:45 am]

[DESI 11374; Docket No. FDC–D–702; NDA 90–484]

VAGINAL SUPPOSITORIES CONTAINING TYROTHRICIN AND PHENYLMERCURIC ACETATE

Drugs for Human Use; Drug Efficacy Study Implementation Follow-Up Notice

The National Academy of Sciences–National Research Council, Drug Efficacy Study Group evaluated the effectiveness of the drug product described below, found the drug to be less than effective, and submitted its report to the Commissioner of Food and Drugs. Copies of that report have previously been made publicly available and are on display at the office of the Food and Drug Administration's Hearing Clerk. After reviewing the Academy's report and the available data and information, the Commissioner concluded that the drug is less than effective and, in a notice published in the FEDERAL REGISTER of October 24, 1970 (35 FR 16606), announced his conclusion that the drug is possibly effective for certain labeled indications and lacking substantial evidence of effectiveness for its other indications:

Neo-Vagisol Vaginal Suppositories containing tyrothricin, phenylmercuric acetate, succinic acid, papain, sodium lauryl sulfate, and lactose; Dorsey Laboratories, Division of Sandoz-Wander, Inc., N.E. U.S. 6 and Interstate 80, Lincoln, NE 68501 (NDA 90–484).

No data concerning this drug product were received in response to the notice.

The following drugs, which also contain tyrothricin and phenylmercuric acetate and which, in the absence of a regulation providing for certification, have been released, were not reviewed by the Academy:

Trinalis Supprettes containing tyrothricin, aminacrine hydrochloride, phenylmercuric acetate, urea, polysorbate 80, and lactose (NDA 50–064); and

Trinalis-HC Supprettes containing hydrocortisone acetate, tyrothricin, phenylmercuric acetate, aminacrine hydrochloride, urea, polysorbate 80, and lactose (NDA 50–071); Webcon Pharmaceuticals Division of Alcon Laboratories, 3580 Air Park St., Memphis, TN 38113.

Pursuant to the announcement of October 24, 1970, Alcon conducted studies on reformulations of these combination products in which urea and aminacrine hydrochloride were omitted. The two revised formulations were compared in a double-blind study to each other and to a placebo composed of the base ingredients only, for treatment of several kinds of vaginitis. Of 229 patients enrolled in the study, 203 completed the course of therapy; 71 were treated with Trinalis (reformulated), 69 with Trinalis-HC (reformulated) and 63 were given placebo. Each of these three groups was divided among five disease categories; e.g., there were 16 subject in the trichomonas vaginalis group treated with Trinalis, 18 treated with Trinalis-HC, and 18 in the placebo group. Similar small groups were treated for candida albicans and for hemophilus vaginalis. These are small numbers of subjects from which to derive meaningful conclusions, and the study did not show a statistically significant (i.e., P greater than 0.05) advantage of the combination over placebo or of Trinalis-HC over Trinalis by the firm's own calculations.

This study thus does not provide evidence that either Trinalis or Trinalis-HC is effective in the treatment of vaginitis. The issue of whether they meet the requirements for combination drugs, as set forth in 21 CFR 3.86 is thus not reached. If the combinations were shown to be effective it would still be necessary for Trinalis to show that both tyrothricin and phenylmercuric acetate contribute to the effect, and for Trinalis-HC to show that the hydrocortisone contributes to the effect.

Even if the cure rates had been significantly greater than placebo, the ability of these combinations to cure less than half the population treated for a condition like candidiasis, in which cure rates of 70–90 percent can be expected, must be considered, along with the potential toxicity of mercury-containing compounds and the fact that mercury is readily absorbed from the vagina, in making a benefit-risk assessment. The substantial amount of mercury present

in both preparations raises a potential safety issue, inasmuch as alternative therapy is available which is at least as effective.

On the basis of all of the data and information available to him, the Commissioner of Food and Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357) and 21 CFR Part 430, 21 CFR 314.111(a)(5), and 21 CFR 3.86 demonstrating the effectiveness of any of these combination drugs. Therefore, the Commissioner concludes that these drug products, for which no certification regulation exists, are no longer eligible for release.

Any person who will be adversely affected by this action may, on or before October 30, 1974, petition for the issuance of a regulation providing for certification of the drugs for such indications. The petition must be supported by a full factual and well-documented medical analysis which shows reasonable grounds for the issuance of such regulation.

A petition for issuance of said regulation should be filed (preferably in quintuplicate) with the Hearing Clerk (HFC–20), Food and Drug Administraton Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–1051, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: September 24, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–22572 Filed 9–27–74;8:45 am]

Office of Education

HEALTH AND NUTRITION PROGRAM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 808 of title VIII, of the Elementary and Secondary Education Act (20 U.S.C. 887a), applications are being accepted from local educational agencies and under exceptional circumstances from nonprofit educational organizations for grants for demonstration projects to improve school health and nutrition services for children from low-income families.

Applications must be received by the U.S. Office of Education Application Control Center on or before November 25, 1974.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW, Washington, D.C. 20202, Attention: 13.523. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Office for Health and Nutrition Programs, Room 2043, Office of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

D. *Applicable regulations and criteria.* The general fiscal and administrative provisions published in the FEDERAL REGISTER on November 6, 1973 at 38 FR 30654 (45 CFR 100a) are applicable to these grants. Criteria which will be used in determining the selection and funding of grant awards for this program were published in the FEDERAL REGISTER on March 19, 1974 at 39 FR 10257, as part of the notice of proposed rulemaking. It is expected that the criteria will take effect subsequent to their republication as part of the final regulations. Due to time constraints, preapplications will not be invited for grants funded in FY 1975.

(20 U.S.C. 887a)

(Catalog of Federal Domestic Assistance 13.523; School Health and Nutrition Services for Children from Low-Income Families)

Dated: September 23, 1974.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.74–22549 Filed 9–27–74;8:45 am]

SPECIAL PROJECT GRANTS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 505 of Title V–A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 865), applications are being accepted for special project grants to State educational agencies and public regional interstate commissions or agencies.

Applications must be received by the U.S. Office of Education Application Control Center on or before November 8, 1974.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW, Washington, D.C. 20202, Attention: 13.485. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C., time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Division of State Assistance, Bureau of School Systems, Office of Education, Room 3010, 7th and D Streets, SW, Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Parts 100 and 100a published in the FEDERAL REGISTER on November 6, 1973 at 38 FR 30654 and regulations governing Federal Financial Assistance for Strengthening State Departments of Education (45 CFR Part 119). Funding criteria for section 505 grants appear in the Office of Education General Provisions Regulations at 45 CFR 100a.26 and in the language of section 505.

(20 U.S.C. 865)

(Catalog of Federal Domestic Assistance Number 13.485; Strengthening State Departments of Education—Grants for Special Projects)

Dated: September 23, 1974.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.74–22546 Filed 9–27–74;8:45 am]

V 39 190 SEP 30 74 XUM

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–233; FDAA–448–DR]

LOUISIANA

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on September 23, the President declared a major disaster as follows:

> I have determined that the damage in certain areas of the State of Louisiana resulting from Hurricane Carmen beginning about September 6, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93–288. I therefore declare that such a major disaster exists in the State of Louisiana.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Joe D. Winkle, HUD Region VI, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Louisiana to have been adversely affected by this declared major disaster:

The Parishes of:

Iberia	St. Landry
Jefferson (Wards 6 & 11	St. Martin
Lafayette	St. Mary
Lafourche	Terrebonne
Plaquemines	Vermilion

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: September 23, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74–22607 Filed 9–27–74;8:45 am]

Office of Assistant Secretary for Equal Opportunity

[Docket No. N–74–250]

FAIR HOUSING PROBLEMS OF SPANISH-SPEAKING AMERICANS

Notice of Public Meeting

Pursuant to § 106.3 of the Department of Housing and Urban Development regulations establishing procedures for the scheduling of fair housing public meetings (24 CFR 106.3; 37 FR 24420 (11–17–72)), notice is hereby given of a public fact-finding meeting to be conducted by the Assistant Secretary for Equal Opportunity. The subject of the meeting will be Fair Housing Problems of the Spanish-Speaking Americans within the parameters of Title VIII of the 1968 Civil Rights Act, which proscribes discrimination in the sale, rental, financing, provision of brokerage services, and advertising, pertaining to the sale or rental of housing, because of race, color, religion, national origin, or sex.

The meeting will be divided into three one-day sessions; the first session will be held in Tampa, Florida, on Friday, November 1, 1974, beginning at 9:00 a.m. in the Riverside Ball Room A, Riverside Hilton Inn, 200 Ashley Drive at West Kennedy Blvd., Tampa, Florida 23602.

The second session will be held in New York City, on Monday, November 18, 1974, beginning at 9:00 a.m. in Room 305, 26 Federal Plaza, New York, New York; and the third session held in Dallas, Texas, on Wednesday, December 11, 1974, beginning at 9:00 a.m., in the Federal Building, 114 Commerce Street, Room 1701, Dallas, Texas 75201.

Attendance is open to the interested public, but limited to the space available. To the extent that time permits the Presiding Officer will allow public presentation of oral statements at the meeting. Any member of the public may file a written statement with the Office of Equal Opportunity, U.S. Department of Housing and Urban Development, before, during, or after the meeting.

For further information concerning this meeting contact Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development, Attention: Mr. Kenneth F. Holbert, 451 7th Street SW., Washington, D.C. 20410.

Dated at Washington, D.C., September 23, 1974.

GLORIA E. A. TOOTE,
Assistant Secretary for Equal Opportunity.

[FR Doc.74–22606 Filed 9–27–74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON REGULATORY GUIDES

Change of Meeting Agenda

SEPTEMBER 25, 1974.

The public portion of the Advisory Committee on Reactor Safeguards' Subcommittee Meeting on Regulatory Guides, scheduled to discuss Regulatory Guide 1.79, "Preoperational Testing of Emergency Core Cooling Systems for Pressurized Water Reactors," between the hours of 8:30 a.m. and 10:45 a.m. on October 9, 1974, has been cancelled. The notice of this meeting was published at 39 FR 34090, September 23, 1974. The closed portion of the meeting, scheduled to start at approximately 10:45 a.m. to discuss the remainder of the regulatory guides on the agenda, will take place at the same location and will start at 9:00 a.m.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–22690 Filed 9–27–74;8:45 am]

[Docket Nos. 50–440 and 50–441]

CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL. (PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2)

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Richard S. Salzman, Chairman
William C. Parler, Member
Dr. W. Reed Johnson, Member

Dated: September 23, 1974.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74–22608 Filed 9–27–74;8:45 am]

ROCKWELL INTERNATIONAL CORP.

[Docket No. 50–147]

Notice of Intent To Issue Order Authorizing Dismantling of Facility

By application dated July 16, 1974, Rockwell International Corporation requested authorization to dismantle the Fast Critical Experimental Laboratory (FCEL) reactor in accordance with its dismantling plan. Operation of the facility has been discontinued and all fuel has been removed and shipped from the site.

The Commission has reviewed the application in accordance with the provisions of the Commission's regulations and has found that the dismantling and disposal of component parts will be accomplished in accordance with the regulations in 10 CFR Ch. I, and the application, and will not be inimical to the common defense and security or to the health and safety of the public.

Accordingly, an appropriate order will be issued after October 17, 1974 authorizing Rockwell International to dismantle the FCEL facility covered by Facility License No. CX–17, as amended.

Dated at Bethesda, Maryland, this 25th day of September, 1974.

For the Atomic Energy Commission.

KARL R. GOLLER,
Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc. 74–22689 Filed 9–27–74;8:45 am]

[Construction Permit Nos. 81 and 82]

CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 AND 2)

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Richard S. Salzman, Chairman
Michael C. Farrar, Member
Dr. Lawrence R. Quarles, Member

Dated: September 24, 1974.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74–22652 Filed 9–27–74;8:45 am]

[Docket Nos. 50–424, 50–425, 50–426, 50–427]

GEORGIA POWER CO.

Order Cancelling Units 3 and 4 of the Vogtle Facility

SEPTEMBER 24, 1974.

The applicant recently notified us that it has cancelled Units 3 and 4 of the Vogtle facility and, in addition, has suspended further construction of Units 1 and 2 pending its determination as to whether those units should be deferred or cancelled. In view of this development, our September 11, 1974 order, which calendared this proceeding for oral argument on October 4, 1974, is vacated.

We will expect the applicant to advise us promptly when it has decided whether it wishes to proceed with Units 1 and 2. Upon receipt of that advice, we will reschedule the oral argument or take such other action as may appear warranted in the then presented circumstances. In the interim, our sua sponte review of the June 27, 1974 initial decision of the Licensing Board will be held in abeyance.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.[1]

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74–22651 Filed 9–27–74;8:45 am]

[Docket Nos. 50–434 and 50–435]

VIRGINIA ELECTRIC AND POWER CO. (SURRY POWER STATION, UNITS 3 AND 4)

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Michael C. Farrar, Chairman
Dr. John H. Buck, Member
Richard S. Salzman, Member

Dated: September 23, 1974.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74–22653 Filed 9–27–74;8:45 am]

[1] Alan S. Rosenthal, Chairman; Dr. John H. Buck, member; Dr. W. Reed Johnson, member.

HANFORD WASTE MANAGEMENT OPERATIONS

Issuance of Draft Environmental Impact Statement and Scheduling of Public Hearing and Announcement of Hearing Procedures

Notice is hereby given that the General Manager of the Atomic Energy Commission (AEC) issued on September 27, 1974 a draft environmental impact statement, "Waste Management Operations, Hanford Reservation, Richland, Washington" WASH 1538, pursuant to 10 CFR Part 11—AEC regulations implementing the National Environmental Policy Act of 1969 (NEPA). Copies of the draft statement will be available for public inspection at the following locations:

AEC Public Document Room, 1717 H Street, NW., Washington, D.C.

Albuquerque Operations Office, Kirtland Airforce Base East, Albuquerque, New Mexico.

Chicago Operations Office, 9800 South Cass Avenue, Argonne, Illinois.

Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.

Oak Ridge Operations Office, Federal Building, Oak Ridge, Tennessee.

Richland Operations Office, Federal Building, Richland, Washington.

San Francisco Operations Office, 1333 Broadway, Oakland, California.

Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina.

Comments and views concerning the draft statement and the Hanford waste management program are requested from interested individuals, organizations and governmental agencies. Comments and views received by the AEC by close of business on November 26, 1974, will receive careful consideration in the preparation of the final environmental impact statement. Single copies of the draft statement will be furnished for review and comment upon request addressed to the Office of the Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C. 20545. Comments should be sent to the same address. As comments are received copies will be made available for public inspection at the AEC Public Document Room, 1717 H Street, NW., Washington, D.C., the Richland Operations Office, Federal Building, Richland, Washington and the other locations indicated in the first paragraph of this notice.

Notice is also given that the AEC will conduct a public hearing in connection with the draft statement and the Hanford Waste Management program starting at 10:00 a.m. on December 10, 1974, in the auditorium of the Federal Building in Richland, Washington.

The purpose of the hearing is to afford further opportunity for public comment regarding the draft statement and for the furnishing of any additional information which will assist the Commission in determining the future of the waste management program at Hanford.

The public hearing will be legislative rather than adjudicatory in nature. Formal discovery, subpoena of witnesses, cross-examination of witnesses and similar formal procedures appropriate to a trial-type hearing will not be provided. The hearing will be conducted by a Presiding Board composed of three members who will be designated in a further notice in the FEDERAL REGISTER. Procedures to be followed in the hearing are as follows:

Persons, organizations or governmental agencies are encouraged to become full participants in the proceeding by filing with the Secretary of the Commission not later than the close of business on December 2, 1974, a notice of intention to participate. The notice shall set forth: (1) The name and address of the participant; (2) the nature of the participant's interest in the proceeding, or his organizational affiliation; (3) the text of any statements to be presented at the hearing, or a reasonably detailed summary thereof; (4) the names and address of all witnesses to be produced at the hearing by the participant and a summary of the substance of the proposed testimony; and (5) the amount of time desired to complete the presentation. The Presiding Board will endeavor to schedule the full amount of time requested by full participants (those who file a timely notice) subject to the imposition of such reasonable time limits as maybe consistent with orderly procedures and as will assure other full participants a meaningful opportunity to present their views.

Persons, organizations, or governmental agencies wishing to participate but who do not file a timely notice as specified herein, may notify the Secretary of the Commission before the hearing or the Presiding Board during the hearing of their desire to make a presentation. Such parties shall be admitted as "limited participants" and shall be heard at such times as the Presiding Board shall permit for a period of not more than fifteen (15) minutes each, unless the Presiding Board, in its discretion, allows additional time.

Copies of notices of intention to participate will be made available for inspection by the public in the AEC Public Document Room, 1717 H Street, NW., Washington, D.C., in the Richland Operations Office, Federal Building, Richland, Washington and in the other locations indicated in the first paragraph of this notice, as soon after receipt by the AEC as practicable.

The Presiding Board may permit participants (a) in the course of their presentations, to request other participants, witnesses or AEC spokesmen to respond to specific questions, or (b) to submit written questions to the Presiding Board, which will, in its discretion, make provision for the answering of such questions as it deems appropriate.

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Participants may, but need not, be represented by counsel. Participants and their counsel will reference and produce, on request of the Presiding Board, the documents on which they rely.

The AEC will make available appropriate witnesses to explain the background and purpose of the Hanford Waste Management Program and the contents of the draft environmental statement and to respond to appropriate questions.

Two members of the Presiding Board will constitute a quorum, if one of the members is the Chairman.

The Presiding Board may require participants or witnesses to present their testimony under oath. Consistent with the full and true disclosure of the facts, duplicative, redundant, irrelevant, or otherwise unproductive testimony will not be permitted and the Presiding Board will impose suitable restrictions to that end. The Presiding Board is authorized to take appropriate action to control the course of the hearing, including authority to maintain order; rule on offers of, and receive, evidence; dispose of procedural requests or similar matters; allocate among participants the time available for presentations; provide for consolidation of presentations as appropriate; examine witnesses; and hold conferences before or during the hearing for the purpose of delineating contested issues or for other purposes within the authority of the Presiding Board.

A transcript of the hearing will be made and a copy of the transcript, together with copies of all documents presented at the hearing, will constitute the record of the hearing. The record will be placed in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., at the Richland Operations Office, Federal Building, Richland, Washington and at the other locations indicated in the first paragraph of this notice, where it will be available for inspection by members of the public.

After the conclusion of the hearing, the Presiding Board, without rendering any decision or making any recommendations, will forward the record of the hearing to the Commission together with its identification of issues raised at the hearing. These documents will be considered by the AEC staff in the preparation of the final impact statement and by the Commission in its determinations concerning the future of the Hanford Waste Management Program.

Dated at Washington, D.C., this 25th day of September 1974.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.74-22691 Filed 9-27-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2

Cancellation of Meeting

SEPTEMBER 26, 1974.

The October 1, 1974 meeting of the Advisory Committee on Reactor Safeguards' Subcommittee on Perry Nuclear Power Plant, Units 1 and 2, has been cancelled. The original notice was published on September 11, 1974, 39 FR 32774.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-22798 Filed 9-27-74;10:27 am]

CIVIL AERONAUTICS BOARD

[Docket 23080-2; Order 74-9-83]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES; PHASE 2

Order Reclassifying Stations

SEPTEMBER 24, 1974.

Issued under delegated authority.

Order 74-6-84, dated June 14, 1974, and effective May 25, 1974, classified the stations for the purposes of the multielement service mail rate formulas applicable to the transportation of sack mail and for standard and daylight container mail. Upon review of the revenue tons enplaned by stations for the year ended March 31, 1974, the Board finds that certain stations require reclassification.

The multielement service mail rate formulas,[1] which were designed to provide a uniform rate of pay for like mail service, are comprised of a linehaul rate and a terminal charge which varies by class of station.[2] These are applicable to both sack and container mail.

The orders fixing the multielement service mail rates provide for the reclassification of stations, without disturbing the overall rate structure, when the revenue tons enplaned at the stations in question bring such stations within a different class.

Pursuant to authority duly delgated by the Board in the Board's Regulations, 14 CFR 385.16(c); it is found that:

1. The present classification of stations should be amended, based on the volume of on-line revenue tons enplaned during the year ended March 31, 1974,[3] to bring certain stations within the new classifications shown in the Appendix[4] hereto.

2. Such reclassifications should be made effective October 12, 1974, which date will be the first day of the next 28-day U.S. Postal Service Accounting Period.

3. In view of the foregoing, the lists of stations included in Appendix No. 2 attached to Order 74-5-82, as amended in Order 74-6-84, for the station classes should be amended to reflect the new classifications designated herein.

Accordingly, pursuant to the delegated authority referred to above,

It is ordered, That:

1. Effective October 12, 1974, the stations included in each of the station classes should be as specified in the Appendix attached hereto, provided that any station not listed in the Appendix shall be classified as a Class Z station;

2. Effective October 12, 1974, the Appendix No. 2 attached to Order 74-5-82, as amended in Order 74-6-84, shall be superseded by the Appendix attached hereto; and

3. This order be served upon all parties in Docket 23080-2.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within seven days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order shall be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 74-22659 Filed 9-27-74; 8:45 am]

[1] Orders 74-1-69, January 16, 1974, and 74-7-91, July 19, 1974, fixed temporary service mail rates for sack mail and for standard and daylight container mail, effective on and after March 28, 1973.

[2] As set forth in Order 74-6-82, May 16, 1974, and incorporated by reference in Order 74-6-84, the standards for station classification are as follows:

Class of stations:	*Total revenue tons enplaned per year*
X	27,000 and over.
Y	5,400 to 26,999.
Z	5,399 or less.

[3] Traffic data for 12 months ended March 31, 1974, cover the most recent 12-month period for which an official compilation is available.

[4] Appendix filed as part of original document.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN SOCIALIST REPUBLIC OF ROMANIA

Entry or Withdrawal From Warehouse for Consumption

SEPTEMBER 26, 1974.

On January 4, 1974, there was published in the FEDERAL REGISTER (39 FR 1101) a letter dated December 27, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products, produced or manufactured in the Socialist Republic of Romania, and exported to the United States during the twelve-month period beginning January 1, 1974. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 4 of the Bilateral Cotton Textile Agreement of December 30, 1970 between the Governments of the United States and the Socialist Republic of Romania, which provides that within the aggregate limit, limits on certain categories may be exceeded by not more than five (5) percent.

Accordingly, at the request of the Government of the Socialist Republic of Romania and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of September 26, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

SEPTEMBER 26, 1974.

DEAR MR. COMMISSIONER: On December 27, 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning January 1, 1974 of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Socialist Republic of Romania, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Pursuant to paragraph 4 of the Bilateral Cotton Textile Agreement of December 31, 1970 between the Governments of the United States and the Socialist Republic of Romania, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible and for the twelve-month period beginning January 1, 1974, the level of restraint established for Category 47 in the aforesaid directive of December 27, 1973 to 49,308 dozen.[2]

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-22692 Filed 9-27-74;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of December 31, 1970 between the Governments of the United States and the Socialist Republic of Romania which provide, in part, that within the aggregate, limits on certain categories may be exceeded by not more than five percent; for limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

[2] This level has not been adjusted to reflect any entries made on or after January 1, 1974.

ENVIRONMENTAL PROTECTION AGENCY

[OPP—32000/117; (FRL 268-3)]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before November 29, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after November 29, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 3862-UI. A.B.C. Compounding Co., Inc., PO Box 982, Atlanta GA 30301. RID MOSQUITO LARVAECIDE. Active Ingredients: Coal Tar Neutral Oils 59%; Soap 17%; Phenol 14%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 18972-E. Beaver Sales & Services, 2320 W. Meighan Blvd., Gadsden AL 35904. BEAVER PINE ODOR 6 DISINFECTANTS. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 18972-L. Beaver Sales & Services, 2320 W. Meighan Blvd., Gadsden AL 35904. BEAVER LEMON ODOR 15 DISINFECTANTS. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential Oils 0.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 475-RIO. Boyle-Midway Inc., South Ave. & Hale St., Crunford NJ 07016. WASH TO WASH LIQUID COLD WATER WASH ODOR GUARDS CLOTHES! Active Ingredients: 5-chloro-2-(2,4-dichlorophenoxy)phenol 0.68%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9232-RE. Federal International Chemicals, 1191 S. Wheeling Rd., Wheeling IL 60090. CONQUEST CITRUS FRAGRANCE. Active Ingredients: Methyldodecylbenzyl Trimethyl Ammonium Chlorides 3.2%; Potassium Carbonate 1.5%; n-alkyl (50% C12, 30% C14, 17% C16, 3% C18) Dimethyl Ethylbenzyl Ammonium Chlorides 1%; n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 1%; Didecyl Dimethyl Ammonium Chloride 1%; Tetrasodium Ethylenediaminetetraacetate 1%; Methyldodecylxylylene Bis (Trimethyl Ammonium Chloride) 0.8%; Essential Oil 0.2%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 12660-G. Hunt and Co., Inc., 1121 Willowbrook Dr., Greensboro NC 27043. MAINLINE DISINFECTANT, CLEANER AND DEODORANT WITH PLEASANT LEMON SCENT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Isopropanol 1.00%; Trisodium phosphate 0.50%; Sodium metasilicate 0.50%; Essential oils 0.26%; Ethylenediamine tetraacetic acid, tetrasodium salt 0.20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 4822-128. S. C. Johnson & Son, Inc., 1525 Howe St., Racine WI 53403. JOHNSON'S KNOCK-OUT LIQUID BACTERICIDE #1. Active Ingredients: Tris (hydroxymethyl) nitromethane 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34250-R. LRC Research & Development Co., 1703 Concord Pike, Wilmington DE 19803. DEFEND-DENT. Active Ingredients: Lithium Hypochlorite 10.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11800-I. Midwest Agricultural Warehouse Co., 200 S. Main, Fremont NB 68025. CLEAN CROP HEPTACHLOR SEED PROTECTANT AND LUBRICANT. Active Ingredients: Heptachlorotetrahydro-4,7-methanoidene (Heptachlor) 25.00%; Related compounds 9.27%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6020-RE. Mom Chemical Co., 7775 NW 66th St., Miami FL 33166.

V 39 I 190 SEP 30 74 XUM

X-CELL ALGICIDE. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3624-59. Nova Products, Inc., PO Box 5086, Kansas City KS 66119. NOVA METHOXYCHLOR 25-WE. Active Ingredients: Methoxychlor, Technical 25%; Heavy Aromatic Naphtha 61%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. S. B. Penick & Co., 100 Church St., New York NY 10007. SBP-1382 CONCENTRAT 40. Active Ingredients: (5-Benzyl-3-furyl) methyl2,2 - dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 40.00%; Related compounds 5.45%; Aromatic petroleum hydrocarbons 52.95%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 335-ERE. Pennwalt Corp., Pennswim Dept., Three Parkway, Philadelphia PA 19102. PENNSWIM POOL-CLOR CONCENTRATED CHLORINE NO. 2. Active Ingredients: Sodium Dichloro-s-Triazinetrione Dihydrate (Sodium Dichloroisocyanurate Dihydride) 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8047-OT. Polychem, Inc., 3005 37th St., Metairie LA 70121. POLY-CHEM ACID CLEANER SANITIZER. Active Ingredients: Alkyl (C12 40%, C14 50%, C16 10%) dimethyl benzyl ammonium chloride 10%; Phosphoric acid 30%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10290-RT. Professional Chemical Co., 4517 Yale St., Houston TX 77018. PROFESSIONAL DIAZINON INSECT SPRAY LAWN AND GARDEN INSECT CONTROL. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 25%; Aromatic Petroleum Derivative Solvent 55%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11978-L. Spies Chemical, 632 N. Ridgewood Ave., Daytona Beach FL 32014. SPIES HOSPITAL DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 10.00%; Isopropanol 5.00%; Essential Oils 1.25%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 25023-G. Warner-Lambert Co., 170 Tabor Rd., Morris Plains NJ 07950. LISTERSOFT BACTERIA CONTROL FABRIC SOFTENER CONCENTRATE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 6837-UA. Wilmar, Inc., PO Box 3111, Charlotte NC 28203. STERI-MINT MINT ODOR DISINFECTANT-DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 10.00%; Isopropanol 10.00%; Methyl salicylate 2.50%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 6837-UG. Wilmar, Inc., PO Box 3111, Charlotte NC 28203. STERI-LEMON LEMON ODOR DISINFECTANT-DEODORANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 20.00%; Isopropanol 10.00%; Essential oils 2.50%. Method of Support: Application proceeds under 2(b) of interim policy.

Dated: September 19, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74-22312 Filed 9-27-74;8:45 am]

[FRL 271-3]

ENVIRONMENTAL ASSESSMENT REQUIREMENTS

New Source Discharge Permit Applicants

Section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190, 42 U.S.C. 4321 et seq.) (hereafter "NEPA"), implemented by Executive Order 11514 (35 FR 4247) and the Council on Environmental Quality Guidelines of August 1, 1973, (33 FR 20550), requires that Federal agencies prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. The objective of NEPA is to build into the agency decision-making process an appropriate and careful consideration of all environmental aspects of proposed actions.

Section 511(c)(1) of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500, 33 U.S.C. 1251 et seq.) (hereafter "the Act") provides that NEPA applies to the issuance of a permit under section 402 of the Act for the discharge of any pollutant by a new source.

The Environmental Protection Agency is hereby informing all applicants and potential applicants for a U.S. EPA permit to discharge as a new source, that they should request a preapplication conference with the Regional Administrator of the EPA Region wherein they propose to discharge. The purpose of the preapplication conference is to discuss the types of information that applicants must submit in their environmental assessments. The applicant's environmental assessment will provide the necessary information for EPA to decide whether an environmental impact statement must be prepared by the Agency. For the purposes of providing an adequate environmental review of the proposed issuance of a new source permit, the Agency requests that potential applicants request a preapplication conference a minimum of 24 months prior to the initiation of the discharge. Applicants for a permit to discharge as a new source to be issued by a State need not consult with a Regional Administrator of the U.S. Environmental Protection Agency.

Regulations are presently being developed which are to be published in the FEDERAL REGISTER, that will establish Agency procedures for the new source discharge permit NEPA program. A list of addresses for the 10 EPA Regional Administrators and the states in which they have Agency responsibility follows.

Dated: September 20, 1974.

JOHN QUARLES,
Acting Administrator.

EPA REGIONAL ADMINISTRATORS

Region	Regional Administrator	States of Jurisdiction
I	Mr. John A. S. McGlennon, JFK Federal Building, Boston, Mass. 02203.	Connecticut, Maine, Rhode Island, Massachusetts, New Hampshire, Vermont.
II	Mr. Gerald Hansler, 26 Federal Plaza, New York, N.Y. 10007.	New Jersey, New York, Puerto Rico, Virgin Islands.
III	Mr. Daniel Snyder, Curtis Building, 6th Floor, 6th and Walnut St., Philadelphia, Pa. 19106.	Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia.
IV	Mr. Jack Ravan, 1421 Peachtree St. N.E., Atlanta, Ga. 30309.	Alabama, Georgia, Florida, Kentucky, North Carolina, South Carolina, Tennessee, Mississippi.
V	Mr. Francis Mayo, 1 North Wacker Dr., Chicago, Ill. 60606.	Illinois, Indiana, Ohio, Michigan, Minnesota, Wisconsin.
VI	Mr. Arthur Busch, 1600 Patterson St., Dallas, Tex. 75201.	Arkansas, Louisiana, Texas, New Mexico, Oklahoma.
VII	Mr. Jerome J. Svore, 1735 Baltimore Ave., Kansas City, Mo. 64108.	Iowa, Kansas, Nebraska, Missouri.
VIII	Mr. John A. Green, 1860 Lincoln St., Denver, Colo. 80203.	Colorado, Montana, Utah, North Dakota, South Dakota, Wyoming.
IX	Mr. Paul DeFalco, Jr., 100 California St., San Francisco, Calif. 94111.	Arizona, California, Nevada, Hawaii, American Samoa, Guam, trust territories of Pacific Islands, Wake Island.
X	Dr. Clifford V. Smith, 1200 6th Ave., Seattle, Wash. 98101.	Alaska, Idaho, Oregon, Washington.

[FR Doc.74-22543 Filed 9-27-74;8:45 am]

[FRL 270-7]

NATIONAL AIR POLLUTION MANPOWER DEVELOPMENT ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that the National Air Pollution Manpower Development Advisory Committee Meeting will be held October 26-27, 1974 in Spokane, Washington. The meeting will begin at 9:00 a.m., October 26 in Conference Room 302 of the Ridgepath Hotel in Spokane.

The Committee will be primarily concerned with review of the training grant and fellowship programs and the current status of manpower development and training programs in air pollution control.

The meeting will be open to the public. Any member of the public wishing to attend or participate should contact Mr. Ronnie E. Townsend, Executive Secretary, National Air Pollution Manpower Development Advisory Committee, Research Triangle Park, North Carolina (919) 549-8411, extension 2492.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

SEPTEMBER 24, 1974.

[FR Doc.74-22544 Filed 9-27-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 720]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

SEPTEMBER 23, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20407-C2-P-74, Contact of Texas (KRS639). C.P. to change antenna system operating on 152.24 MHz located at Commanche Peak, El Paso, Texas.

20193-CD-P/ML-75, Calumet Radio Dispatch (KSC649). C.P. to change antenna system and replace transmitter operating on 152.09 MHz located at 115 West 11th St., Michigan City, Indiana.

20378-CD-TC-(2)-75, Com-Nav, Inc. dba Radio Telephone of Maine. Consent to Transfer of Control from Reginald C. Williams & Mary E. Williams, Transferors, to Arthur R. Tilley dba Radio Telephone of Maine, Transferee. Stations: KQZ780 and KRS712, East Holden, Maine.

20379-CD-P-(6)-75, South Central Bell Telephone Company (KKG418). C.P. to change antenna system operating on 152.51 & 152.63 MHz and for additional facilities to operate on 152.64 MHz at Loc. #1; 2.5 miles NW. of Haughton, Louisiana; and for additional facilities to operate on 454.375, 454.500, & 454.650 MHz to be located at a new site described as Loc. #2; 602 Crockett Street, Shreveport, Louisiana.

20380-CD-TC-75, Athens Radio Corporation. Consent to Transfer of Control from Estate of Floyd N. Cummings & Nancy M. Cummings, Transferors, to James J. Kennedy and Dale E. Rice, Transferees. Station: KSV994, Athens, New York.

20381-CD-P-(3)-75, Two-Way Radio of Carolina, Inc. (KUA277). C.P. to change antenna system and relocate facilities operating on 152.12 MHz, base, and relocate facilities operating on 459.30 MHz, repeater at Loc. #1: Youngs Mountain, 10 miles NE., Salisbury, North Carolina; and Change antenna system operating on 454.30 MHz, control, at Loc. #2: 112 S. Tryon Street, Charlotte, North Carolina.

20382-CD-P-75, Ranch Radio, Inc. (KLB324). C.P. for additional facilities to operate on 152.21 MHz located 1 mile North of El Campo, Texas.

20383-CD-P-75, Massachusetts-Connecticut Mobile Telephone Company (KQZ747). C.P. to add antenna Loc. #10 to operate on 158.70 MHz to be located at Horse Mountain, Northampton, Massachusetts.

20384-CD-P-75, Hendricks Telephone Corporation (new). C.P. for a new 1-way station to operate on 158.10 MHz to be located ¼ mile W. of Hwy. 236, 4 miles NW. of Danville, Indiana.

20385-CD-P-(3)-75, General Communications Service, Inc. (KKG565). C.P. to change frequency from 152.15 MHz to 152.21 MHz at Loc. #5: South Mountain, 2 miles SSE. of Courthouse, Big Spring, Texas; change antenna system and replace transmitter operating on 152.15 MHz and for additional facilities to operate on 152.09 MHz at Loc. #1: U.S. Highway 80, approximately 2 miles SW. of Midland, Texas.

20386-CD-P-(4)-75, Marie Hanson dba Sanderson Communications Company (new). C.P. for a new 2-way station to operate on 152.18 MHz, base, and 72.16 MHz, repeater at Loc. #1: Big Canyon Ranch, 12 miles North of Sanderson, Texas; 152.12 MHz, base at Loc. #2: U.S. #90, 11 miles West of Longfellow, Texas; and control facilities operating on 75.62 MHz at Loc. #3: 705 3rd Street, Sanderson, Texas.

20387-CD-P-75, Airsignal of Colorado, Inc. (KAA276). C.P. to change antenna system, replace transmitter and relocate facilities operating on 152.18 MHz at Loc. #2: 1616 Glenarm Place Security Life Building, Denver, Colorado.

20388-CD-P-75, Minnesota Communications Corporation (KUC949). C.P. for additional facilities to operate on 35.58 MHz located at 332 Minnesota Street, St. Paul, Minnesota.

20389-CD-P-75, Airsignal International, Inc. (KIF653). C.P. for additional facilities to operate on 35.22 MHz at a new site Loc. #4: Germantown and Macon Roads, Memphis, Tennessee.

20390-CD-P-(3)-75, Vegas Instant Page (new). C.P. for a new 2-way station to operate on 454.025, 454.050, and 454.125 MHz to be located at 3111 Belair Drive, Las Vegas, Nevada.

20391-CD-P-75, Answer Iowa, Inc. (KAF252). C.P. to change antenna system and relocate facilities operating on 152.15 MHz to be located at 1.86 miles NE. of City Limits of Muscatine, Iowa.

MAJOR AMENDMENTS

2984-C2-P-69, Westchester Mobilfone System, Inc. (new), White Plains, New York. Amend to change location from Lat. 41°04'16" N., Long. 73°47'23" W. to Lat. 41°02'07" N., Long. 73°45'53" W., operating on 152.24 MHz. All other particulars to remain as reported on PN #416 dated December 2, 1968.

7423-C2-P-73, Merle Demerly dba Batavia Radio-Page. Amend to change the base frequency to 454.175 MHz. All other particulars to remain as reported on PN #644 dated April 16, 1973.

CORRECTIONS

2636-C2-P-72, Miami Valley Radiotelephone (KLF577). Delete Major Amendment entry of September 9, 1974. Change previously listed under corrections, on PN #710 dated July 22, 1974.

7450-C2-P-73, King Communications, Inc. Application should have been listed as an additional channel to KSV935. All other particulars to remain the same as reported on PN #644 dated April 16, 1974.

20362-CD-P-(2)-75, Tel-Car, Inc. (KLF594). Correct to add control facilities to operate on 454.300 MHz at Loc. #3: ½ mile East of Meridian, Idaho. All other particulars remain as reported on PN #719 dated 9/16/74.

INFORMATIVE

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reason of economic competition or potential electrical interference.

20213-C2-P-(2)-74, Mobile Telephone Company of New Jersey (new), Barnegat, New Jersey.

20505-C2-P-(3)-74, Radio Dispatch Company (new), Lakewood, New Jersey.

Frequencies: 454.250 and 454.275 MHz.

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20214-C2-P-(2)-74, Mobile Telephone Co. of New Jersey (new), Egg Harbor City, New Jersey.

20506-C2-P-(6)-74, Radio Broadcasting Company (new), Atlantic City, New Jersey.

Frequency: 454.200 MHz.

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20506-C2-P-(6)-74, Radio Broadcasting Company (new), Atlantic City, New Jersey.

20807-C2-P-(4)-74, Radiofone Corporation of New Jersey (KEJ686), Beachwood, New Jersey.

Frequencies: 454.125, 454.325, 454.350 MHz.

20808-C2-P-(6)-74, Radiofone Corporation of New Jersey (KEC744), Atlantic City, New Jersey.

Frequencies: 454.125, 454.225, 454.325, 454.350 MHz.

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Westchester Mobilfone System, Inc. (KEA 274), File Nos. 20323-C2-P-(2)-74, 20262-C2-P-(2)-74, and 25834-C2-R-74 (Renewal).

Messages By Radio, Inc. (KEA200), 21425-C2-P-74.

Frequencies: 152.06 and 152.15 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE

682-CF-P-75, South Central Bell Telephone Company (KYC48), 0.5 Mile South of Frankfort, Kentucky. Lat. 38°11'04" N., Long. 84°51'03" W. C.P. to change alarm center location and add 4090V MHz toward a new point of communication at Mt. Eden, Ky., on azimuth 240°53'.

683-CF-P-75, Same (WJM47), 0.7 Mile East of Mt. Eden, Kentucky. Lat. 38°03'25" N.,

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

V39I190 SEP 30 74 XUM

Long. 85°08'22" W. C.P. to add 3810V and 4050V MHz toward Mackville, Ky., on azimuth 169°20'; 3730V MHz toward a new point of communication at East Frankfort, Ky., on azimuth 60°42'.

684–CF–P–75, Same (WJM48), 0.7 Mile North of Mackville, Kentucky. Lat. 37°44'48" N., Long. 85°03'57" W. C.P. to add 3850H and 4090H MHz toward Danville, Ky., on azimuth 113°47'; 3770V and 3950V MHz toward Mt. Eden, Ky., on azimuth 349°23'.

685–CF–P–75, Same (KJK51), 216 South Fourth Street, Danville, Kentucky. Lat. 37°38'38" N., Long. 84°46'25" W. C.P. to add 3730H and 3810H MHz toward Mackville, Ky., on azimuth 293°58'.

686–CF–P–75, Southern Bell Telephone and Telegraph Company (KIO59), 405 13th Street, Columbus, Georgia. Lat. 32°28'15" N., Long. 84°59'15" W. C.P. to add 4150H MHz toward Phenix City, Ala., on azimuth 327°00'.

639–CF–MP–75, Eastern Microwave, Inc. (KEM59), Sentinel Heights, New York. Lat. 42°56'40" N., Long. 76°07'06" W. Mod. of C.P. (9989–C1–P–73) — (a) to relocate North Syracuse, New York, receive site to Lat. 43°09'08" N., Long. 76°08'05" W., and (b) to change azimuth toward North Syracuse to 356°48'.

640–CF–MP–75, Eastern Microwave, Inc. (KEM59), Sentinel Heights, New York. Lat. 42°56'40" N., Long. 76°07'08" W. Mod. of C.P. (3747–C1–P–67)—(a) to relocate North Syracuse, New York, receive site to Lat. 43°09'08" N., Long. 76°08'05" W., and (b) to change azimuth toward North Syracuse to 356°48'.

680–CF–P–75, United Wehco, Inc. (KEV59), 1.9 Miles NW. of Camden, Arkansas. Lat. 33°36'06" N., Long. 92°51'31" W. C.P. to add (reinstate) freqs. 6326.9V and 6286.2V MHz toward El Dorado, Ark., on azimuth 153°56'.

689–CF–TC–(3)–75, Laredo Microwave, Inc. Consent to Transfer of Control from UA-Columbia Cablevision, Inc., Transferor, to Micro-Cable Communications Corp., Transferee, for Stations: KLH77, Miguel, Texas; KLH78, Cotulla, Texas, and KLH79, Hilltop, Texas.

4507–C1–P–74, Midwestern Relay Company WLJ61), 3.0 Miles SSE. of DePere, Wisconsin. Lat. 44°24'30" N., Long. 87°59'57" W. Application amended to extent of withdrawing previous amendment to increase output power. See Public Notice dated September 16, 1974.

Applications filed pursuant to section 214 of the Communications Act of 1934, as amended:

TELEPHONE WIRE FACILITIES

W–P–C–174, East Texas Transmission. Informal. (Section 63.03). To supplement channels currently authorized, three one-way 15 KHz audio channels will be installed between College Mound, Texas, and Tyler, Texas; and 4 one-way 15 KHz audio channels will be installed between Tyler, Texas, and Goodman Mountain, Texas.

W–P–C–175, New Jersey Bell Telephone Company and The Bell Telephone Company of Pennsylvania. Informal. (Section 63.03). To construct and operate 135 4KHz telecommunications channels between Trenton, New Jersey, and Tullytown, Pennsylvania.

W–P–C–176, New Jersey Bell Telephone Company and New York Telephone Company. Informal. (Section 63.03). To construct and operate 240 equivalent 4KHz telecommunications channels between various locations in New Jersey and New York.

[FR Doc.74–22627 Filed 9–27–74;8:45 am]

REGIONAL MEETING IN CHICAGO FOR FIVE-STATE AREA

SEPTEMBER 23, 1974.

The Federal Communications Commission will hold a Regional Meeting in Chicago on October 30 for members of the public and on October 31 for broadcasters from the five-state area of Illinois, Ohio, Indiana, Michigan, and Wisconsin.

Chairman Richard E. Wiley has stated that after the success of the first experimental meeting of this type in Atlanta in May, it is his desire to expand the series, and continue regional meetings at key locations throughout the country.

As the Chairman pledged in March, he plans to take government to the people where they live, work, look and listen, and believes that these open and informal conferences will lead to better understanding, better regulation and better and more responsive broadcasting.

The Chicago meeting will be held in two sessions. On Wednesday, October 30, starting at 6:30 p.m., the Commission will hold an open forum in which members of the public from the five-state area can exchange views with Chairman Wiley, Commissioners Charlotte T. Reid and Benjamin L. Hooks, and key members of the FCC staff. All facets of broadcasting and related subjects will be open for discussion. The open forum will be in the Williford Room of the Conrad Hilton Hotel on South Michigan Avenue in Chicago.

The following afternoon, Thursday, October 31, the meeting for licensees from the five states will meet at the Hyatt Regency O'Hare Hotel at 1 p.m. Afternoon and early evening sessions will present three workshops involving full discussion of the Commission's technical and operational rules and policies with staff experts.

Personal meetings will be possible during the afternoon with Chairman Wiley, Commissioners Reid and Hooks, and Broadcast Bureau Chief Wallace Johnson. From 8 to 10 p.m., and informal general meeting and question-and-answer session will be held.

The Wednesday meeting with the public also will be open to licensees, and the public will be welcome to the licensees' meeting on Thursday—both on a "seats-available" basis.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.74–22628 Filed 9–27–74;8:45 am]

FEDERAL MARITIME COMMISSION

NACIREMA OPERATING CO., INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 10, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Nacirema Operating Company, Inc. and Japan Line Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Yamashita-Shinnihon Steamship Co., Ltd.

Agreement No. T–2693–1, between Nacirema Operating Company, Inc., and Japan Line Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha and Yamashita-Shinnihon Steamship Co., Ltd. (the Lines) amends the parties' basic container terminal service agreement. The purpose of the amendment is to provide for an extension of the agreement for one year from October 23, 1974, and to grant the Lines the right to extend the agreement for another year under the same terms and conditions.

By Order of the Federal Maritime Commission.

Dated: September 24, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–22654 Filed 9–27–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RP74–82, RP74–81]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Order Granting Late Intervention

SEPTEMBER 24, 1974.

On July 23, 1974, Pennsylvania Gas and Water Company (Penn Gas) filed a petition to intervene in the above-captioned dockets. Columbia Gulf Transmission Company (Columbia Gulf) and Columbia Gas Transmission Corporation (Columbia Gas) tendered their filings in these dockets on April 15, 1974. The filings were noticed by the Commission on April 24, 1974. In support of its petition to intervene Penn Gas states that it purchases a portion of its natural gas supply from Columbia Gas which, in turn, purchases gas from Columbia Gulf. Penn Gas further states that it only recently realized it had not intervened in these proceedings.

The Commission finds:

Participation by Penn Gas in these proceedings may be in the public interest and good cause exists for permitting such intervention.

The Commission orders:

(A) The above named petitioner is hereby permitted to intervene in this proceeding as hereinbefore discussed, subject to the rules and regulations of the Commission; *Provided, however*, that the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in the petition to intervene; *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–22592 Filed 9–27–74;8:45 am]

[Docket No. RP75–1]

FLORIDA GAS TRANSMISSION CO.

Order Permitting Interventions

SEPTEMBER 23, 1974.

Timely petitions to intervene in the above-entitled proceeding have been filed by Sun Oil Company, Peoples Gas System, Inc., Florida Public Utilities Company, Gainesville Gas Company, and Gardinier, Inc. These interventions will be granted.

Untimely petitions to intervene were filed by Florida Power and Light Company, Florida Power Corporation, and Southern Gas Company. While these petitions were not timely filed, nevertheless participation of the petitioners in this proceeding may be in the public interest, and such petitions will therefore also be granted.

The Commission orders:

(A) The above-named petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, that the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in said petitions for leave to intervene; and *Provided, further*, that the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–22591 Filed 9–27–74;8:45 am]

[Docket No. E–8911]

GULF POWER CO.

Order Permitting Interventions

SEPTEMBER 23, 1974.

Timely petitions to intervene in the above-entitled proceeding have been filed by Gulf Coast Electric Cooperative, Inc.; Choctawhatchee Electric Cooperative, Inc.; West Florida Electric Cooperative, Association, Inc.; Escambia River Electric Cooperative, Inc.; and Florida Public Utilities Company. Good cause exists to grant the petitions to intervene.

The Commission orders:

(A) The above-named petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in said petitions for leave to intervene; and *Provided, further*, That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–22598 Filed 9–27–74;8:45 am]

[Docket Nos. RI74–167, CI74–362]

J-W OPERATING CO.

Findings and Order After Hearing Granting Petition for Special Relief, Issuing Certificate of Public Convenience and Necessity, and Accepting Rate Schedule for Filing

SEPTEMBER 19, 1974.

On January 10, 1974, J-W Operating Company (J-W) filed in Docket No. RI74–167 a Notice of Independent Producer Rate Change Filing proposing a rate increase from the applicable Texas Gulf Coast Area Rate of 25 cents per Mcf to 45 cents per Mcf pursuant to a contract amendment dated December 14, 1973, with the purchaser, Texas Eastern Transmission Corporation (Texas Eastern). By letter dated February 22, 1974, J-W requested that the Commission consider its notice as a petition for special relief pursuant to § 2.76 of the Commission's general policy statement.

Simultaneously with the filing of its rate increase notice, J-W submitted on January 10, 1974, in Docket No. CI74–382 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity which would authorize J-W to partially succeed to the interests of Mobil Oil Corporation (Mobil) in a sale to Texas Eastern in Provident City Field, Laveca County, Texas. By assignment dated December 11, 1973, to be effective on November 15, 1973, Mobil assigned to United Oil & Gas Company and Mr. J. C. West, with J-W as operator, all rights between the surface and a depth of 9,221 feet below the Eloise Suttle Lease. Such lease is subject to a gas sales agreement between Mobil and Texas Eastern dated November 26, 1971, which is on file with the Commission as Mobil's FPC Gas Rate Schedule No. 492.

Notice of the J-W filing was issued on March 6, 1974, and appeared in the FEDERAL REGISTER on March 13, 1974, at 39 FR 9707. Pursuant to Commission order issued April 29, 1974, the Public Service Commission of the State of New York (NYPSC) was granted leave to intervene in these proceedings.

On June 11, 1974, a hearing was conducted in these proceedings pursuant to Commission order issued April 29, 1974. The evidence adduced by J-W at the hearing shows that at the time J-W acquired the Eloise Suttle lease there was no production from the single well located on the property. Exhibit 1 indicates that J-W has expended approximately $75,000 in reworking the well and has developed approximately 21,000 Mcf of new recoverable gas reserves through its work over program. Following the submission of this evidence, NYPSC and the Commission Staff indicated that they do not oppose J-W's request for special relief.

Section 2.76 was adopted by the Commission "• • • in order to promote the optimum recovery of gas reserves • • •" We find that J-W's request for special relief is consistent with the purposes of § 2.76 and sets forth adequate economic justification for approval.

The Commission finds:

(1) Applicant, J-W Operating Company, is engaged, or will be engaged, in the sale for resale of natural gas in interstate commerce subject to the jurisdiction of the Commission and is, therefore, a "natural gas company" within the meaning of the Natural Gas Act.

(2) The sale of natural gas hereinbefore described, as more fully described in the application in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sale by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of Subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicant is able and willing properly to do the acts and to perform the

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service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sale of natural gas by Applicant is required by the public convenience and necessity and a certificate therefor should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the contract submitted by Applicant should be accepted for filing as its FPC gas rate schedule.

(6) Good cause exists for waiving § 154.109(f) of the Commission's regulations and the Applicant's petition for special relief should be granted.

The Commission orders:

(A) A certificate of public convenience and necessity is issued in Docket No. CI74–382 to be effective as of the date of the assignment on November 15, 1973, upon the terms and conditions of this order authorizing the sale by Applicant of natural gas in interstate commerce for resale for ultimate public consumption, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the application in this proceeding.

(B) The certificate issued herein is not transferable and shall be effective only so long as Applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the rules, regulations, and orders of the Commission.

(C) The grant of the certificate issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Applicant. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings relating to the operation of any price or related provisions in the gas purchase contract herein involved. The grant of the certificate herein for service to the particular customer involved shall not imply approval of all of the terms of the contract, particularly as to the cessation of service upon termination of said contract, as provided by section 7(b) of the Natural Gas Act. The grant of the certificate herein shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sale of natural gas subject to said certificate.

(D) For the reasons stated above the petition for special relief of J-W Operating Company is hereby granted at a total effective rate of 45 cents per Mcf. J-W Operating Company's related FPC Gas Rate Schedule No. 2 described below is accepted for filing effective the date of initial delivery.

Description and date of instrument	FPC GRS No.	Supplement No.
Contract Nov. 25, 1971	2	
Assignment Dec. 11, 1973	2	1
Amendment Dec. 14, 1973	2	2
Notice of change	2	3

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–22596 Filed 9–27–74;8:45 am]

[Docket No. E–8615]

LOUISIANA POWER AND LIGHT CO.

Filing of Settlement Agreement

SEPTEMBER 23, 1974.

Take notice that on September 16, 1974, Louisiana Power and Light Company (LP&L) tendered for filing a settlement agreement between LP&L and Cajun Electric Power Cooperative, Inc. (Cajun) and a motion for Commission approval of this agreement.

In its motion LP&L states that the Settlement Agreement represents a negotiated dollar settlement with respect to LP&L's wholesale rates for service to Cajun. The Settlement Agreement provides for a total annual revenue increase of $3,999,000 based on a projected year 1974. The agreement also provides that certain provisions in LP&L's contracts which were made the subject of a section 206 investigation by order issued April 12, 1974, would be omitted or deleted from any agreements between LP&L and Cajun, and that LP&L agrees to request the FPC not to permit any increased rates filed after September 14, 1974, to become collectable before March 14, 1977.

The Commission Staff was informed of the terms and conditions of the Settlement Agreement but did not join in the agreement. Copies of this agreement are on file with the Commission and are available for public inspection. Any person desiring to comment upon matters contained in this agreement should file such comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before October 16, 1974.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–22595 Filed 9–27–74;8:45 am]

[Docket No. E–8615]

LOUISIANA POWER AND LIGHT CO.

Extension of Procedural Dates

SEPTEMBER 23, 1974.

On September 3, 1974, Louisiana Power and Light Company filed a motion to defer the procedural dates fixed by order issued April 12, 1974, as modified by notice issued July 23, 1974, in the above designated matter. The delay was requested to allow the Commission time to consider the settlement agreement submitted by the parties on September 16, 1974.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of intervenor's evidence	Oct. 21, 1974
Service of rebuttal evidence by Louisiana Power and Light Co.	Nov. 4, 1974
Hearing	Nov. 19, 1974 (10:00 a.m., e.d.t.)

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–22600 Filed 9–27–74;8:45 am]

[Docket No. E–7625]

MISSISSIPPI POWER CO.

Order Accepting for Filing and Approving Revised Tariff Sheets

SEPTEMBER 23, 1974.

On October 26, 1973, as supplemented on March 22, 1974, Mississippi Power Company filed in the above-entitled proceeding certain revised sheets to its FPC Electric Tariff, Original Volume No. 1.[1] The revised tariff sheets were filed by Mississippi in compliance with the Commission's Opinion and Order No. 665 issued in this docket September 27, 1973.

Insofar as tariff terms, conditions, and rates are concerned, the revised tariff sheets, as filed, appear fully in compliance with Opinion No. 665, and are not contested by the customer-intervenors. East Mississippi Electric Power Association, however, does object to the fact that the tariff is proposed to be made applicable to service provided by Mississippi to East Mississippi at the latter's Meridian and Quitman, Mississippi delivery points. East Mississippi contends that the underlying contracts governing service at Meridian and Quitman, which contracts are on file as Mississippi's FPC rate schedule Nos. 27 and 28, remain in force, and that the higher tariff rate approved in Opinion 665 cannot be applied to them until the expiration of two years' written notice occurs on December 21, 1974. Mississippi contends that the two contracts have been properly cancelled upon six months' written notice, and that therefore the tariff rate should apply.

The above-referenced contract termination issue was raised by East Mississippi in its brief on exceptions to the initial decision of the Presiding Law Judge issued in this proceeding on October 6, 1972. The Commission, however, in Opinion 665, refused to pass on the issue as being premature. (50 FPC 893). The matter is now properly before us for decision.

The pertinent facts concerning the dispute between the parties are as follows.

On June 21, 1973, Mississippi filed to convert the service provided at East Mississippi's Quitman delivery point from

[1] First Revised Sheet Nos. 3, 4, 9, 11, 12, 13, and 14; Second Revised Sheet No. 10; First Revised Sheet 10A–Appendix A.

rate schedule 28 to the tariff rate, based on Mississippi's claim of cancellation of rate schedule 28 on June 27, 1973. On October 16, 1973, Mississippi filed to convert the service provided at the Meridian delivery point from rate schedule 27 to the tariff, based on its claim of cancellation of rate schedule 27 on October 12, 1973. Public notice of the above filings was issued on November 23, 1973, providing for the filing of protests on or before December 26, 1973. On December 28, 1973, East Mississippi filed a protest to Mississippi's attempt to apply its tariff to the sales in question. Mississippi answered the protest on January 22, 1974.

East Mississippi argues that the subject contracts on file as rate schedules 27 and 28 can be terminated only upon two years' written notice. Mississippi contends that only six months' written notice is required. It is not disputed that Mississippi did provide East Mississippi with written notice of its intention to terminate the subject contracts. Such notice was contained in letters from Mississippi to East Mississippi dated December 21, 1972, proposing to terminate rate schedule 27 as of October 12, 1973, and rate schedule 28 as of June 27, 1973. If Mississippi is correct that six months' written notice is sufficient, then pursuant to the notice given, rate schedules 27 and 28 must be considered terminated. If East Mississippi is correct that two years' notice is required, then rate schedules 27 and 28 must be permitted to remain in force until December 21, 1974, two years following notice of termination. The sole question before us, therefore, is whether Mississippi was required to give six months' or two years' notice. Based on a review of rate schedules 27 and 28, amendments thereto, the pleadings, and other documents of record, including relevant correspondence between the parties concerning the contracts in question, we find that the notice requirement is six months and not two years. Mississippi's termination of the said contracts is therefore valid and its proposed revised tariff sheets, as filed on October 29, 1973 and March 22, 1974, should be accepted for filing and approved.

The original contract contained in rate schedule No. 27 is dated December 10, 1951, and was filed with the Commission on June 20, 1956. The original contract contained in rate schedule 28 is dated March 3, 1948, and was also filed on June 20, 1956. Although sections 18 of the two contracts, as originally executed, captioned "Term of Agreement", have slightly different language, they both provide that following the initial five year term such contracts may be terminated by giving at least six months' written notice. Both rate schedules 27 and 28 represent Mississippi's then-applicable rate schedule designated "MRA–8". Commencing in 1955, Mississippi negotiated with its wholesale customers a new rate schedule designated "MRA–9". The MRA–9 rate schedule provided for two years' written notice of termination rather than the 6 months' notice required under MRA–8. While Mississippi's other wholesale customers accepted and executed new contracts incorporating rate schedule MRA–9, East Mississippi consistently refused to do so.[2] As a result, Mississippi agreed to provide service to East Mississippi at the new MRA–9 rate, but specifically provided that in all other respects the terms and provisions of rate schedules 27 and 28 would remain applicable.[3] It is clearly documented beyond any reasonable doubt that both Mississippi and East Mississippi intended, understood, and agreed that rate schedules 27 and 28 would remain in full force effect with the single exception that the MRA–9 rate would be substituted in place of the former MRA–8 rate. We so find. It follows that the six months' termination provision contained in rate schedules 27 and 28 is controlling.

Accordingly, rate schedules 27 and 28 are found and declared to be terminated as of October 12, 1973, and June 27, 1973, respectively, and the approved tariff shall be applicable to these sales from and after the dates of termination as proposed by Mississippi.

The Commission orders:

(A) The revised tariff sheets filed herein by Mississippi Power Company on October 29, 1973, as supplemented on March 22, 1974, are hereby accepted for filing, approved, and made effective.

(B) The protest filed on December 28, 1973, by East Mississippi; the response thereto including exhibits filed by Mississippi on January 22, 1974; and the filing made by East Mississippi on July 11, 1973, together with attachments, are all hereby incorporated and made a part of the record in this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–22599 Filed 9–27–74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY TASK FORCE ON CONSERVATION AND FUEL SUPPLY

Order Designating Additional Member

SEPTEMBER 24, 1974.

The Federal Power Commission, by order issued September 9, 1974, established the National Power Survey Technical Advisory Committee on Conservation of Energy Task Force on Conservation and Fuel Supply.

2. *Membership.* An additional member of the Technical Advisory Committee on Conservation of Energy Task Force on Conservation and Fuel Supply, as selected by the Chairman of the Commission, with the approval of the Commission is as follows:

Mr. Robert Van Ness, Manager of Environmental Affairs, Louisville Gas and Electric Company.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–22594 Filed 9–27–74;8:45 am]

[Docket No. CP70–162]

TRANSWESTERN PIPELINE CO.

Order Granting Interventions, Establishing Procedural Dates and Fixing Date for Formal Hearing

SEPTEMBER 23, 1974.

On June 20, 1974, Transwestern Pipeline Company (Transwestern) filed in Docket No. CP70–162 a petition to amend a certificate issued by the Commission pursuant to section 7(c) of the Natural Gas Act on May 19, 1970. Under the original authorization, Transwestern was authorized to construct and operate approximately 10 miles of 20-inch lateral line to provide up to 350,000 Mcf per day of alternate emergency fuel to the Mohave electric power generating plant in Clark County, Nevada.

Transwestern requests amendment of the original certificate to authorize the delivery, by use of said 20-inch pipeline, of up to 10,400 Mcf of gas per day to Southern California Edison Company (Edison) at the existing delivery point on the Arizona-Nevada border. Such volumes would normally be delivered by Transwestern to Pacific Lighting Service Company (Pacific). In support of its petition to amend, Transwestern alleges that the overall gas supply to Pacific's customers in Southern California will be unaffected, because if Pacific releases gas for delivery by Transwestern to Edison, Edison will direct Atlantic Richfield to simultaneously deliver an equal volume of gas to Pacific.

Transwestern states that from time to time the volumes of available alternate emergency gas at the Mohave power plant are insufficient for ignition of coal and for other incidental plant uses. Under terms of a February 21, 1974, agreement among Transwestern, Edison (the operator of the Mohave Power Plant), and Pacific, Edison may request that Pacific relinquish up to 10,400 Mcf of gas per day which would otherwise be delivered to Pacific by Transwestern, and Transwestern shall deliver any volumes so relinquished by Pacific to Edison for coal fuel at the Mohave plant.

After due notice by publication in the FEDERAL REGISTER on July 16, 1974 (39 FR 26067) petitions to intervent in support of the application were filed by Southern California Edison Company,[1] and by joint petition of Southern California Gas Company and Pacific Lighting Service Company.[2]

[1] This petition was filed out of time.

[2] Attachment designated as Exhibits 2 and 5 to Mississippi's Response to Protest filed January 22, 1974.

[3] Attachment designated as Exhibits 3 and 6 to Mississippi's Response to Protest filed January 22, 1974.

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Additionally, petitions to intervene were filed by the City of San Diego,[1] and by San Diego Gas and Electric Company requesting the Commission to hold a hearing on Transwestern's application to determine if the possible diversion of up to 3.8 Bcf of gas to Edison for use in its Mohave Plant is in the best interests of the firm customers of Southern California Gas Company (SoCal) an affiliate of the Pacific Lighting Group of Companies. These petitions also allege that the heating value level of the gas that Edison proposes to substitute may be lower than the gas delivered by Transwestern to Pacific for resale to SoCal and, therefore, that this proposal may not be in the best interest of the Southern California consumers. Finally, these petitions state that Transwestern's proposal may affect the environment, increase the cost of electric generation in the Los Angeles Basin Area and influence gas supplies available for firm customers in California.

In addition to the above-mentioned petitions to intervene, notice of intervention was filed by the People of the State of California and the Public Utilities Commission of the State of California.

Having reviewed the subject application and the intervening petitions, we believe that there are legal and factual issues that require an evidentiary record to be developed to determine whether Applicants proposal is or will be required by the present or future public convenience and necessity. Therefore, we are setting this application for formal public hearing.

The Commission finds:

(1) It is necessary and appropriate that the proceeding in Docket No. CP70-162 be set for formal hearing.

(2) Participation by the late petitioners will not delay the instant proceeding and therefore good cause exists for accepting their late petitions to intervene.

(3) Participation by the hereinbefore said petitioners may be in the public interest.

The Commission orders:

(A) Pursuant to the provisions of the Natural Gas Act particularly, Sections 7 and 15 thereof, a formal hearing shall be convened in Docket No. CP70-162 in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426 on November 5, 1974, at 10:00 a.m. (EDT). The Presiding Administrative Law Judge for the purpose—See Delegation of Authority 18 CFR 3.5d)—shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(B) The direct case of Transwestern Pipeline Company and any supporting intervenors shall be filed and served on all parties of record, including the Commission Staff on or before October 11, 1974. Following the conclusion of cross-examination thereon, the Presiding Law Judge shall set such dates as are reasonable for the submission of answering and rebuttal cases, if any.

(C) The aforesaid petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the said petitions to intervene; and *Provided, further,* that the admission of such interveners shall not be construed as recognition by the Commission that they or any one of them might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-22597 Filed 9-27-74;8:45 am]

TRUNKLINE GAS CO.

[Docket Nos. RP72-23, RP73-35]

Order on Rehearing Amending Prior Order

SEPTEMBER 24, 1974.

On August 30, 1974 Trunkline Gas Company (Trunkline) filed an application for rehearing of the Commission's order issued in these proceedings on July 31, 1974. The July 31, 1974, order suspended for one day Trunkline's proposed rate increase filing of June 14, 1974 and permitted it to become effective, subject to refund, on August 2, 1974. Trunkline's June 14, 1974 filing proposed a revised tariff sheet[1] reflecting additional advance payments to producers, increases in the current cost of purchased gas, and recovery of deferred purchased gas costs.

The suspension of Trunkline's rate increase was based on the fact that the proposed rates included therein have not been shown to be just and reasonable. That portion of the proposed rate increase which is based on advance payments to producers was not shown to be reasonable and appropriate in that it may be in excess of costs for exploration, development and production incurred by the producers involved within a reasonable time from the date such amounts are to be included in Trunkline's rate base. The portion of the proposed rate increase reflecting increases in purchased gas and the recovery of deferred purchased gas costs includes amount purchased pursuant to our Order No. 491[2] regarding emergency purchases. Because that order is presently the subject of court action[3] it was deemed appropriate to include those amounts in our suspension order subject to refund.

In its application for rehearing Trunkline points out that with respect to the proposed increase attributable to purchased gas adjustment (PGA) costs, only .58¢ per Mcf of the 3.04¢ per Mcf relates to emergency purchases, and the remaining 2.46¢ per Mcf does not relate to emergency purchases. Trunkline contends that the refund obligation directed by the Commission in its July 31, 1974 order should be limited to that portion of the filing relating to advance payments and emergency gas purchases and that the Commission should permit the portion of the PGA filing not associated with such purchases to become effective without refund obligation.

Trunkline's position is well taken and is consistent with recent Commission orders suspending, with refund obligations, the portion of rate increase filings associated with emergency purchases and permitting to go into effect, without refund obligation, the portion of a PGA rate adjustment reflecting purchased gas costs other than those related to small producers or emergency purchases.[4] Trunkline's request for relief will therefore be granted.

The Commission orders:

(A) Within 15 days from the date of this order, Trunkline shall file substitute revised tariff sheets incorporating that portion of its PGA rate adjustment reflecting increased purchased gas costs other than those related to small producers or emergency purchases, to be effective August 1, 1974 without refund obligation.

(B) In all other respects, the order of July 31, 1974, shall remain in full force and effect.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-22598 Filed 9-27-74;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST BANCGROUP-ALABAMA, INC.

Order Approving Acquisition of Bank

First Bancgroup-Alabama, Inc., Mobile, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to Farmers and Merchants Bank, Foley, Alabama ("Bank"). The bank into which Bank is to be merged has no significance except as a means of acquiring the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The Federal Reserve Bank of Atlanta has considered the application and comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fifth largest banking organization in Alabama, controls two banks with aggregate deposits of $339.6 million or 4.4 percent of deposits in all commercial banks of the State. (All banking data are as of December 31, 1973, and reflect acquisitions and formations approved through August 1, 1974.) Acquisition of Bank would increase Applicant's share of Alabama commercial bank deposits by less than one percent and would not change Applicant's rank in size. No undue concentration of banking resources in Alabama would result.

The relevant market is the southern one-fourth of Baldwin County, Alabama, which adjoins the Mobile banking market. Three banks have total deposits of $32.7 million in this market. Bank holds deposits of $17.9 million, or 54.74 percent of commercial bank deposits in this market, while the second largest bank holds deposits of $13 million or 39.76 percent of commercial bank deposits in this market. Applicant would be unlikely to enter this market de novo as per capita total deposits, population per bank, and personal income per bank office are significantly lower in this market than in the State. Applicant's closest subsidiary bank is located in Mobile, 38 miles from Bank. There is no significant present competition between Bank and Applicant's closest subsidiary bank; future competition is possible between Bank and Applicant's closest subsidiary as Bank is capable of branching into a portion of the subsidiary's banking market. On balance, however, the acquisition would have no significant anti-competitive effects.

The financial condition and managerial resources of Applicant, its subsidiaries, and Bank are considered generally satisfactory. Applicant has committed itself to adding equity capital to Bank. Banking factors are consistent with approval.

There is no evidence that the banking needs of the community are not being served; however, Applicant plans to open two new branches and to increase Bank's low loan-to-deposit ratio through expansion of consumer loans, mortgage loans and loans to commercial and agricultural interests. Therefore, considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application. It is this Federal Reserve Bank's judgment that consummation of the proposed acquisition is in the public interest and that the acquisition should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, unless the period described in (b) is extended for good cause by the Board, or by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective September 17, 1974.

[SEAL] MONROE KIMBREL, *President.*

[FR Doc.74-22637 Filed 9-27-74;8:45 am]

FIRST FINANCIAL CORP.

Order Approving Acquisition of Bank

First Financial Corporation, Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of First Bank of Marco Island, Marco Island, Florida ("Bank").

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and this Federal Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the seventh largest banking organization in Florida, controls 17 banks, existing and approved, which have deposits of $1,051 million or 4.6 percent of deposits in all commercial banks of the State. (All banking data are as of December 31, 1973, and reflect acquisitions and formations approved by the Board through August 1, 1974.) Acquisition of Bank having deposits of $10.8 million would increase Applicant's share of Florida commercial bank deposits by less than one percent and would not change Applicant's rank in size among other banking organizations in the State as measured by aggregate commercial bank deposits. No undue concentration of banking resources in Florida would result.

Applicant, in acquiring Bank, is seeking to make its initial entry into the Naples banking market which consists of all of Collier County, Florida, except the town of Immokalee. Bank is the sixth largest of eight banks in the market with deposits representing 4.5 percent of total commercial bank deposits in the market. Applicant, in acquiring Bank, will not be gaining a dominant position.

Applicant's closet subsidiary bank is at Fort Myers, Florida, 55 miles north of Bank and in another market. No significant competition exists between Applicant's subsidiaries and Bank, and it is not likely that significant future competition would develop between them because of the distances involved and Florida's restrictions on branching. The acquisition would have no adverse competitive effects.

The financial and managerial resources and prospects of Applicant, its subsidiaries, and Bank are satisfactory; future prospects appear favorable. The proposed affiliation with Applicant will allow Bank to make trust and investment advisory services available to the residents of Marco Island and will provide additional commercial lending expertise to Bank. Therefore, consideration relating to convenience and needs of the community to be served lend weight toward approval. It is this Federal Reserve Bank's judgment that consummation of the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, September 19, 1974.

[SEAL] MONROE KIMBREL, *President.*

[FR Doc.74-22636 Filed 9-27-74;8:45 am]

FIRST SECURITY CORP.

Acquisition of Bank

First Security Corporation, Salt Lake City, Utah, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 99.5 percent or more of the voting shares of First Security State Bank of Kaysville, Kaysville, Utah. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 21, 1974.

Board of Governors of the Federal Reserve System, September 23, 1974.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.74-22638 Filed 9-27-74;8:45 am]

FEDERAL RESERVE SYSTEM

MELLON NATIONAL CORP.

Proposed Retention of Indirect Ownership of Shares of Allomon Corporation and its Subsidiaries

Mellon National Corporation, Pittsburgh, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain indirect ownership of Allomon Corporation, McKees Rocks, Pennsylvania (all voting shares of which are held by

[1] Substitute Ninth Revised Sheet No. 3A to Original Volume No. 1.

[2] Issued September 14, 1973.

[3] Consumer Federation of America v. FPC, CADC, Docket No. 73-2009, petition filed September 21, 1973.

[4] Tennessee Gas Pipeline Company, Docket Nos. RP73-114, et al., issued August 9, 1974; Texas Eastern Transmission Corporation, Docket No. RP72-98, issued August 23, 1974.

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trustees for the benefit of Applicant) and Allomon Corporation's subsidiaries: National Realty Enterprises, Inc., McKees Rocks, Pennsylvania (50 percent of the voting shares of which are owned by Allomon Corporation) and its wholly-owned subsidiary Haymeadow National Corporation, McKees Rocks, Pennsylvania; Mellon National Mortgage Co. of Ohio, Cleveland, Ohio (100 percent of the voting shares of which are owned by Allomon Corporation), and its wholly-owned subsidiaries Allied Mortgages, Inc., and its subsidiary, 3826 Euclid Avenue Corporation; Lake States Investment, Inc., and its subsidiary Lake States Insurance Agency, Inc.; Zook Management & Realty Company; and Allomon Corporation's 51 percent owned subsidiary Clark Development Company, all of which subsidiaries are located in Cleveland, Ohio.

Notice of the application was published at times and places, as follows:

May 14, 1974, Pittsburg Legal Journal, a newspaper published by The Allegheny County Bar Association and circulated in Allegheny County, Pennsylvania. Three separate notices were published describing the various activities to be engaged in by Applicant.

May 27, 1974, Dayton Daily News, a newspaper circulated in Montgomery County, Ohio.

June 3, 1974, The Cincinnati Enquirer, a newspaper circulated in Hamilton County, Ohio.

May 24, 1974, The Plain Dealer, a newspaper circulated in Cuyahoga County, Ohio.

May 24, 1974, The Columbus Dispatch, a newspaper circulated in Franklin County, Ohio.

Applicant states that the proposed subsidiaries would continue to engage in the following activities:

1. Through indirect ownership of Allomon Corporation (a) to make or acquire for its own account or for the account of others, loans and other extensions of credit, such as would be made, for example, by a commercial finance company; (b) to make equity or debt investments in other companies to the extent permitted under the Bank Holding Company Act.

2. Through indirect ownership of National Realty Enterprises, Inc. and its subsidiary, Haymeadow National Corporation (a) to make or acquire for its own account, or for the account of others, loans and other extensions of credit such as would be made by a mortgage banking company; (b) to make equity and debt investments in corporations or projects designed primarily to promote community welfare, for example, investments associated with limited dividend housing programs under Section 221(d)(3), 221(d)(4), 235 and 236 of the National Housing Act.

3. Through indirect ownership of Mellon National Mortgage Co. of Ohio (a) to engage in those activities normally conducted by a mortgage banking company; (b) through its subsidiaries Allied Mortgages, Inc., Lake States Investment, Inc., Lake States Insurance Agency, Inc., and Zook Management & Realty Company to continue to engage in the making or acquiring for its own account or the account of others, loans or other extensions of credit such as would be made by a mortgage banking company, which mortgage banking activities include servicing mortgage loans for institutional investors and offering mortgage redemption insurance; and (c) through two subsidiaries of Mellon National Mortgage Co. of Ohio, 3826 Euclid Avenue Corporation and Clark Development Company, to retain an equity interest in real estate consisting primarily of the office building previously occupied by Mellon National Mortgage Company of Ohio until such time as said real estate may be disposed of on reasonable terms.

Such activities, with the exception of certain real estate activities and properties held which Applicant proposes to dispose of, have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 18, 1974.

Board of Governors of the Federal Reserve System, September 20, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22634 Filed 9-27-74;8:45 am]

TEXAS COMMERCE BANCSHARES, INC.

Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Pan American Bank, Brownsville, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than October 18, 1974.

Board of Governors of the Federal Reserve System, September 20, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22635 Filed 9-27-74;8:45 am]

BOATMEN'S BANCSHARES, INC.

Order Approving Acquisition of Banks

Boatmen's Bancshares, Inc., St. Louis, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied in two separate applications for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of (1) Baltimore Bank and Trust Co. ("Baltimore Bank"), and (2) North Hills Bank ("North Hills Bank"), both located in Kansas City, Missouri.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the sixth largest banking organization in Missouri, controls 11 subsidiary banks with aggregate deposits of almost $597 million, representing approximately 4 percent of the total deposits in commercial banks in the State.[1] Applicants' acquisition of both Baltimore Bank and North Hills Bank would increase Applicant's share of State deposits by 0.6 percent and would not result in a significant increase in the concentration of banking resources in Missouri. Applicant's rank among the State's banking organizations would remain unchanged.

Baltimore Bank (deposits of $64.5 million) and North Hills Bank (deposits of $23.2 million) are each located in the Kansas City banking market[2] and control approximately 1.5 and 0.5 percent, respectively, of the total deposits in commercial banks in the market. Applicant's subsidiary bank closest to this market is located approximately 175 miles away in Springfield, and there is no meaningful existing competition between any of Applicant's banking subsidiaries and the subject banks; nor does it appear likely that such competition would develop in the future in view of the distances involved and Missouri's restrictive branching law. Acquisition of these two banks would represent Applicant's initial entry into the Kansas City banking market, and upon acquisition of the two banks Applicant would be the eleventh largest banking organization in the market. Applicant's acquisition of both banks would not significantly increase concentration nor decrease competition in the market since both banks are already under common control and their combined deposits represent only 2 percent of the total deposits in commercial banks in the market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the acquisition.

The financial and managerial resources and future prospects of Applicant, Baltimore Bank, and North Hills Bank are regarded as satisfactory, particularly in view of Applicant's commitment to increase the capital of the subject banks following consummation of the acquisition. Applicant proposes to improve Baltimore Bank's existing wholesale services and to introduce an internal operations center to enable Baltimore Bank to provide data processing related services to its customers. Also, Applicant proposes to introduce personal trust services at North Hills Bank and to provide North Hills Bank with access to Baltimore Bank's internal operations center so that North Hills Bank can expand the data processing related services offered to its customers. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the acquisition. It is the Board's judgment that the proposed acquisitions would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[3] effective September 23, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22640 Filed 9-27-74;8:45 am]

[1] All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved through July 31, 1974.

[2] The Kansas City banking market is approximated by Jackson, Clay, and Platte Counties, and the northern half of Cass County in Missouri, and Johnson and Wyandotte Counties in Kansas.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Holland, and Wallich. Absent and not voting: Governor Bucher.

FIRST UNITED BANCORPORATION, INC.

Acquisition of Bank

First United Bancorporation, Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire more than 51 percent of the voting shares of Gateway National Bank of Fort Worth, Fort Worth, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First United Bancorporation is also engaged in the following nonbank activity: Tarrant Investment Company which primarily engages in liquidating charged-off notes and purchasing loans from affiliated banks and subsidiary banks which loans are no longer acceptable for carrying in their portfolios. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 21, 1974.

Board of Governors of the Federal Reserve System, September 23, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22689 Filed 9-27-74;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to San Jacinto State Bank, Pasadena, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 21, 1974.

Board of Governors of the Federal Reserve System, September 23, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-22642 Filed 9-27-74;8:45 am]

SECOND BANCORPORATION

Formation of Bank Holding Company

Second Bancorporation, Eldora, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of Second National Bank, Eldora, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 15, 1974.

Board of Governors of the Federal Reserve System, September 23, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 74-22641 Filed 9-27-74;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on September 24, 1974. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Office, 202-376-5425.

CONSUMER PRODUCT SAFETY COMMISSION

Request for clearance of a change to the Consumer Deputy Report which is used in conjunction with the Consumer Deputy Program. The program uses volunteer consumer groups to survey stores selling toys for the purpose of identifying toys on the shelves which appear on the CPSC Banned Product List; the form is completed by the volunteer Consumer Deputy with toy retailers supplying their name, address, and responses to the identification of banned items on their shelves; frequency is annual; potential respondents are a sample of toy retailers (about 1,500); respondent burden is 15 minutes for each respondent per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74-22621 Filed 9-27-74;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Notice of Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting

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of the National Advisory Council on the Education of Disadvantaged Children will be held on October 10, 1974 from 8:30 a.m.–5 p.m. and October 11, 1974 from 8:30 a.m.–4:30 p.m. The meeting will be held in Dallas, Texas.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 US.C. 2411) to advise the President and Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The purpose of the meeting is to have a site visit to both Dallas and Fort Worth, Texas by the Committee on Successful Projects.

Because of limited space, all persons wishing to attend should call for reservations by October 4, 1974, Area Code 202/382–6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C.

Signed at Washington, D.C. on September 23, 1974.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.74–22674 Filed 9–27–74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRTION

[Notice (74–59)]

AD HOC SYNTHESIS REVIEW PANEL FOR THE EVALUATION OF LUNAR DATA ANALYSIS AND SYNTHESIS PROPOSALS

Notice of Date and Place of Meeting

The NASA Ad Hoc Synthesis Review Panel for the Evaluation of Lunar Data Analysis and Synthesis Proposals will meet at the Goddard Space Flight Center in Greenbelt, Maryland on October 22, 23 and 24. The meetings will be held in Rooms 205, 207 and 219 in Building 26, from 8:30 a.m. to 5 p.m. on October 22 and 23 and in Room 205 from 8:30 a.m. to 2 p.m. on October 24.

The Panel will discuss, evaluate and categorize proposals for participation in the Lunar Data Analysis and Synthesis Program. Throughout the Panel sessions, the professional qualifications of the proposers and their potential scientific contributions to the Lunar Data Analysis and Synthesis Program as well as the merits of their proposed research will be candidly discussed and appraised. Discussions of these matters in a public session would invade the privacy of the proposers and the other individuals involved. The meeting will be closed to members of the public.

Since the Panel sessions will be concerned throughout with matters listed in 5 U.S.C. 552(b)(6), it is hereby determined that the session should be closed to the public.

For further information please contact Mr. Leon J. Kosofsky at (202) 755–1602.

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

SEPTEMBER 20, 1974.

[FR Doc.74–22562 Filed 9–27–74;8:45 am]

[Notice (74–60)]

NASA Research and Technology Advisory Council

COMMITTEE ON ENERGY TECHNOLOGY AND SPACE PROPULSION

Notice of Meeting

The NASA Research and Technology Advisory Council Committee on Energy Technology and Space Propulsion will meet October 23 and 24, 1974, at NASA Headquarters, 600 Independence Avenue, SW., Washington, D.C. The meeting will be held in Room 625. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room which is about 40 persons. All visitors must register at the reception desk in Room 625.

The NASA Research and Technology Advisory Council Committee on Energy Technology and Space Propulsion serves in an advisory capacity only. The Chairman is Dr. Beno Sternlicht, and there are 11 members. The following list sets forth the approved agenda and schedule for the October 23–24, 1974, meeting of the Committee on Energy Technology and Space Propulsion. For further information, please contact (1) Mr. R. D. Ginter, Area Code 202, 755–8475, or (2) Mr. W. H. Woodward, Area Code 202, 755–2376.

OCTOBER 23, 1974

Time	Topic
8:30 a.m.	Remarks by Chairman (Purpose: To introduce members, give a brief background of events leading to establishment of the Committee, and discuss the agenda.)
9:15 a.m.	NASA Energy Organization (Purpose: To inform the Committee members of NASA's organization and programmatic structure, NASA's methods of operation, the need for and role of the Committee, and Committee/NASA relationship and responsibilities.)
10:15 a.m.	Committee Objectives and Method of Operation (Purpose: To present a series of work objectives and a general methodology for meeting the objectives for consideration and later discussion by the members.)
11:00 a.m.	Summary of NASA's Advanced Technology Program for Space Energy and Propulsion Systems (Purpose: To summarize the ongoing NASA/Office of Aeronautics and Space Technology program as an aid to the members in discussing Committee objectives and work plans.)
1:00 p.m.	Summary of NASA/Office of Energy Programs Activities in Support of the National Energy Research and Development Program. (Purpose: To summarize the ongoing NASA/Office of Energy Programs work as an aid to the members in discussing Committee objectives and work plans.)
2:00 p.m.	Discussion and Approval of Committee Objectives. (Purpose: To review, alter as necessary, and approve the tentative objectives formulated earlier in the day.)

OCTOBER 24, 1974

8:30 a.m.	Development of Committee Work Plan. (Purpose: To propose a work plan for meeting the objectives adopted earlier, and to establish work assignments and schedules.)
10:30 a.m.	Plans for Next Meeting. (Purpose: To set a date and place for the next Committee meeting and to discuss possible agenda items.)
12:00 Noon	Adjournment.

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

SEPTEMBER 20, 1974.

[FR Doc.74–22563 Filed 9–27–74;8:45 am]

[Notice 74–61]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL PANEL ON RESEARCH

Notice of Meeting

The NASA Research and Technology Advisory Council Panel on Research will meet on October 21 and 22, 1974, at the NASA Lewis Research Center, Cleveland, Ohio 44135. The meeting will be held in Room 225 of the Administration Building. Members of the public will be admitted on a first-come, first-served basis, limited by the seating capacity of the room which is about 25 persons. All visitors must report to the Lewis Research Center receptionist in the Administration Building.

The Panel on Research of the NASA Research and Technology Advisory Council serves in an advisory capacity only. Its Chairman is Professor A. S. Hertzberg, and there are 12 members. The following list sets forth the approved agenda and schedule for the meeting of the Panel on Research on

October 21 and 22, 1974. For additional information, please contact Mr. F. C. Schwenk, Area Code 202, 755–2488.

OCTOBER 21, 1974

Time	Topic
8:30 a.m.	Report of Executive Secretary (Purpose: To report on actions taken by NASA in response to prior Panel recommendations.)
9:00 a.m.	Overview Presentations on Energy Research and Development Goals, Research Needs, and Current Programs of the Lewis Research Center Related to Energy and Energy Conversion (Purpose: To provide background for the Panel as it considers the needs for basic research related to energy and energy conversion in NASA.)
11:00 a.m.	Basic Research in Physics and Chemistry (Purpose: To update the Panel on Lewis Research Center activities in high-temperature plasmas and magnetic refrigeration for energy applications.)
1:00 p.m.	Energy Systems Research (Purpose: To consider research in solar photovoltaic energy conversion, electrochemical systems, and reduction-oxidation cells for energy storage.)
2:00 p.m.	Turbomachinery Research (Purpose: To review ongoing research in gas turbines and related technologies.)
3:30 p.m.	Materials Research (Purpose: To review energy-related research in corrosion mechanisms and fatigue life prediction.)
4:00 p.m.	General Discussion (Purpose: To discuss presentations and to evaluate needs for additional basic research related to energy.)

OCTOBER 22, 1974

8:30 a.m.	Committee Review and Discussion (Purpose: To prepare findings and recommendations for NASA.)
11:00 a.m.	Chairman's Report and Plans for Panel (Purpose: To report to the Panel on the last meeting of the Research and Technology Advisory Council, to prepare the Panel's report, and to define the schedule and topics for the Panel's activities in the current year.)
12:00 Noon	Adjournment.

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management National Aeronautics and Space Administration.

SEPTEMBER 20, 1974.

[FR Doc.74–22564 Filed 9–27–74;8:45 am]

[Notice 62]

SPACE SCIENCE AND APPLICATIONS STEERING COMMITTEE

Establishment of Advisory Subcommittee

Pursuant to Section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), and after consultation with the Office of Management and Budget, the Administrator of NASA has determined that the establishment of an Ad Hoc Advisory Subcommittee to Review Proposals for Participation in the Definition of a One-Meter Class Ultraviolet/Optical Facility Telescope for Spacelab Astronomy Missions is in the public interest in connection with the performance of duties imposed upon NASA by law. The Space Science and Applications Steering Committee, under which the subcommittee will operate, is a NASA internal committee, composed wholly of government employees.

The function of this subcommittee will be to obtain the advice of the scientific community on proposals in the specialized area identified by the name of the subcommittee.

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

SEPTEMBER 25, 1974.

[FR Doc.74–22656 Filed 9–27–74;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

FINAL ENVIRONMENTAL IMPACT STATEMENT

Notice of Availability

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Pennsylvania Avenue Development Corporation has prepared a final environmental impact statement for the Pennsylvania Avenue Plan–1974, proposing a comprehensive development for the lower portion of Pennsylvania Avenue, Northwest, in Washington, D.C.

The plan has been prepared under the authority of Pub. L. 92–578, October 27, 1972 (86 Stat. 1266), the Pennsylvania Avenue Development Corporation Act of 1972. The main objectives of the plan, for a 21-block area along the north side of the Avenue between Third Street and the White House, are to reinforce development of the Avenue and its adjacent area in a manner suitable to its ceremonial, physical and historic character, and to eliminate the existing urban blight. The plan, to be carried out over a period of approximately ten years, would introduce residential uses and expand commercial and recreational uses in the area. Both private and public development would be involved in implementation of the plan.

The final environmental impact statement was filed with the Council on Environmental Quality on September 24, 1974.

Copies are available for inspection during regular working hours at the Pennsylvania Avenue Development Corporation, Suite 1148, Pennsylvania Building, 425, 13th Street, Northwest, Washington, D.C. 20004.

PETER T. MESZOLY,
General Counsel.

[FR Doc.74–22583 Filed 9–27–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 25, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse and Mental Health Administration: Analysis of Drug Abuse in Industry, Employee Questionnaire—Phase II, Form ADAMNIDA 0911, Single time, Reese (395–5630) Individuals.

Social Security Administration: Confirmation of School Attendance, Form SSA 2876, Semiannual, Caywood (395–3443), Schools outside U.S.

Survey of Teleservice Callers, Form SSA 9756, SSA 9756A, Single time, Caywood (395–3443), Individuals.

U.S. CIVIL SERVICE COMMISSION

Supplemental Qualifications Statement for Announcement, WA 4–04 Computer Operator/Computer Technician, Form WA 378, Single time, Caywood (395–3443), Fed. job applicants.

VETERANS ADMINISTRATION

Evaluation of Treatment of Drug and Alcohol Dependent Patients, Form ------, Single time, HRD (395–3532), Reese (395–5630), Patients & former patients of VA drug & alcohol abuse treatment units.

REVISIONS

ENVIRONMENTAL PROTECTION AGENCY

Application for Supplemental Registration for Distributor, Form EPA 8570–5, Occa-

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sional, Sheftel (395–3678), Pesticide marketing firms.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health: Breast Cancer Detection Demonstration Project, Form NIH 2136, Annual, Collins (395–3756), Women screenees aged 35–75.

DEPARTMENT OF JUSTICE

Departmental: Law Enforcement Education Program Institutional Application, Form LEEP 1, Annual, Lowry (395–3772), Post secondary institution.

NATIONAL SCIENCE FOUNDATION

Survey of Graduate Student Support and Postdoctorals, Fall 1974, Form NSF 811 and 812, Annual, Planchon (395–3898), Graduate science department chairmen.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control: National Community Lead Poisoning Data System, Form CDC 0703, Weekly, Caywood (395–3443), Children.

Health Resources Administration: State and Areawide Comprehensive Health Planning Agency Program Reporting Forms, Form ——, Annual, Caywood (395–3443), State and areawide health planning agencies.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service:

Petition for Approval of School for Attendance by Nonimmigrant Students, Form I–17, Occasional, Evinger (x) (395–3648).

Petition to Classify Nonimmigrant as Temporary Worker Or Trainee, Form I–129B, Occasional, Evinger (x) (395–3648).

Waiver of Rights, Exemptions, and Immunities, Immigration and Nationality Act, Form I–508A, Occasional, Evinger (x) (395–3648).

Questionnaire Submitted by Petitioner at Final Naturalization Hearing, Form N–445, Occasional, Evinger (x) (395–3648).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–22785 Filed 9–27–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–11019]

RATES SENT TO REGISTERED NATIONAL SECURITIES EXCHANGES

Announcement of Written Requests

The Securities and Exchange Commission today announced that it had sent the following letter to all registered national securities exchanges:

Dear [President of each registered national securities exchange]: As you are aware, the Commission, on September 11, 1973,[1] announced its policy conclusion that the fixing of commission rates by national securities exchanges should terminate after April 30, 1975. This conclusion followed ten years of special studies, Commission public investigatory hearings and policy statements, Congressional hearings and reports, studies by consultants for the New York Stock Exchange and publications by scholars concerning this practice.[2]

In the Matter of Intra-Member Commission Rate Schedules of Registered National Securities Exchanges, Securities and Exchange Commission File No. 4–171; In the Matter of the Structure, Operations and Regulation of the Securities Markets, Securities and Exchange Commission File No. 4–147; In The Matter of Commission Rate Structure of Registered National Securities Exchanges, Securities and Exchange Commission File No. 4–144.

See Securities and Exchange Commission, Policy Statement on the Structure of a Central Market System (1973); and Securities and Exchange Commission, Statement on the Future Structure of the Securities Markets (1972).

See, *e.g.*, Subcomm. on Securities of the Senate Comm. on Banking, Housing and Urban Affairs, 93d Cong., 1st Sess. Report of the Securities Industry Study, S. Doc. No. 93–13 (1973); Subcomm. on Securities of the Senate Comm. on Banking, Housing and Urban Affairs, 92d Cong., 2d Sess., Report of the Securities Industry Study for the Period Ending February 4, 1972 (1972); Hearings on Securities Industry Study Before the Subcomm. on Securities of the Senate Comm. on Banking, Housing and Urban Affairs, 92d Cong., 1st Sess. (1972); Subcom. on Commerce and Finance of the House Comm. on Interstate and Foreign Commerce, 92d Cong., 1st and 2d Sess., Report of the Securities Industry Study (1971–1972).

National Economic Research Associates, Inc., Stock Brokerage Commissions: The Development and Application of Standards of Reasonableness for Public Rates, A Report to the Cost and Revenue Committee of the New York Stock Exchange (July 1970); National Economic Research Associates, Inc., Reasonable Public Rates for Brokerage Commissions, A Report to the Cost and Revenue Committee of the New York Stock Exchange (Feb. 1970).

See, *e.g.*, Friend and Blume, The Consequences of Competitive Commissions on the New York Stock Exchange (1972).

The Commission, however, has consistently taken the position that the long history of fixed rates argued against a precipitate elimination of the fixed rate system and that it was appropriate, therefore, for the protection of investors and in the public interest, that exchange members be given an opportunity to develop business strategies for, and to adjust their operations to, an unfixed rate environment.

That opportunity has been provided. Commission schedules of exchanges have provided for volume discounts since December, 1968.[3] Commissions on portions of orders exceeding $500,000 have been competitively determined since April, 1971,[4] and those exceeding $300,000 have been competitively determined since April, 1972,[5] and those with respect to nonmember commissions on orders of $2,000 or less, since April, 1974.[6]

Subsequent to the Commission's announcement of its policy conclusions on September 11, 1973, and in response to a request from the New York Stock Exchange, Inc., the Commission held a public investigatory hearing concerning fixed intra-member rates on exchanges.[7] The Commission is not persuaded, on the basis of the data and views obtained as a result of that hearing and otherwise, that its policy conclusions of September 11, 1973, should not also be applicable to intra-member rates. The Commission has also determined not to exercise its authority to require any further experimentation with unfixed intra-member rates prior to May 1, 1975. It will, however, welcome any initiative by any exchange to provide additional experimentation on floor brokerage rates prior to April 30, 1975.[8]

As a result of these studies and hearings, it presently appears to the Commission that it is necessary and appropriate (1) for the protection of investors, (2) to insure fair dealing in securities traded in upon national securities exchanges, and (3) to insure the fair administration of such exchanges, that the rules and practices of such exchanges that require, or have the effect of requiring, exchange members to charge any person fixed minimum rates of commission, should be eliminated. Accordingly, the Commission hereby formally requests, pursuant to the authority vested in it under the Securities Exchange Act of 1934, and particularly sections 2, 6, 10, 11, 19 and 23 thereunder,[9] that you effect necessary changes in the Constitution, rules and practices of your exchange which presently require, or have the effect of requiring, any member of your exchange to charge any person any fixed commission rate, with such changes to be effective on or before May 1, 1975.

Because we believe the interests of public investors require the prompt implementation of the above-described Constitutional, rule and practice changes, we request that your Board of Directors approve the requested changes no later than November 1, 1974, with such changes to become effective, after appropriate exchange procedures, not later than May 1, 1975. If the boards of directors of all of the national securities exchanges registered with the Commission do not take such action on or before November 1, 1974, the Commission will commence appropriate proceedings promptly to determine whether it should exercise its authority to alter or amend the Constitutions, rules and practices of such exchanges in the manner described above. In that event, as you previously have been advised,[10] the Commission will afford you and other interested persons an opportunity to submit both written and oral data and views in order to facilitate the Commission's consideration of whether to exercise its authority in this matter and whether to exercise it in the manner specified above. The procedures for that purpose would be specified prior to the commencement of any such proceeding.

For the Commission.

Sincerely,

RAY GARRETT, Jr.,
Chairman.

The letters were sent to the American Stock Exchange, Inc., Boston Stock Exchange, Chicago Board Options Exchange, Inc., Chicago Board of Trade, Cincinnati Stock Exchange, Detroit Stock Exchange, Midwest Stock Exchange, Inc., National Stock Exchange, New York Stock Exchange, Inc., Pacific Stock Exchange, Inc., PBW Stock Exchange, Inc., Intermountain Stock Exchange and Spokane Stock Exchange.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 19, 1974.

[FR Doc.74–22655 Filed 9–27–74;8:45 am]

[1] See Securities Exchange Act Release No. 10383. The Commission's policy conclusions were discussed in more detail in a separate letter to the New York Stock Exchange, reprinted as Securities Exchange Act Release No. 10560 (Dec. 14, 1973).

[2] See, *e.g.*, Securities and Exchange Commission, Institutional Investor Study Report, H.R. Doc. No. 92–64, 92d Cong., 1st Sess. (1971); Securities and Exchange Commission, Report of Special Study of Securities Markets, H.R. Doc. No. 95, 88th Cong., 1st Sess. (1963); Securities and Exchange Commission, Report on the Public Policy Implications of Investment Company Growth, H.R. Rep. No. 2337, 89th Cong., 2d Sess. (1966); and Wharton School of Finance and Commerce, A Study of Mutual Funds, H.R. Rep. No. 2274, 87th Cong., 2d Sess. (1962).

[3] See Securities Exchange Act Release Nos. 8324 (May 28, 1968), and 8399 (Sept. 4, 1968).

[4] See Securities and Exchange Act Release Nos. 9105 (Mar. 11, 1971) and 9132 (Apr. 1, 1971).

[5] See Securities and Exchange Commission, Statement on the Future Structure of the Securities Markets, *supra* n. 2, at p. 16.

[6] See Securities Exchange Act Release No 10560 (Dec. 14, 1973).

[7] See In the Matter of Intra-Member Commission Rate Schedule of Registered National Securities Exchanges, supra n. 2.

[8] The Commission will act promptly on any submission by the New York Stock Exchange of the proposal, discussed in the course of our Intra-Member Rate Hearings, n. 2, supra, to eliminate fixed minimum commission rates for clearance (Sections 2(b) and 4, Article XV, of the NYSE Constitution).

[9] 15 U.S.C. 78b, 78f, 78j, 78k, 78s, and 78w.

[10] *See* Securities Exchange Act Release No. 10986 (Aug. 27, 1974).

[812–3690]

INVESTORS SYNDICATE OF AMERICA, INC.

Filing of Application for Order Approving Amendment To Depository Agreement of Face-Amount Certificate Company

SEPTEMBER 24, 1974.

Notice is hereby given that Investors Syndicate of America, Inc., IDS Tower, Minneapolis, Minnesota 55402 ("Applicant"), a face-amount certificate company registered under the Investment Company Act of 1940 ("Act"), has filed an application for an order pursuant to section 28(c) of the Act approving an amendment to a depository agreement to cover a new series of face-amount certificates, to be designated Series SP 74. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Section 28(c) provides, to the extent relevant, that the Commission shall by order, in the public interest or for the protection of investors, require a registered face-amount certificate company to deposit and maintain, with a bank having specified qualifications, all or any part of its investments required as certificate reserves under the provisions of section 28(b) of the Act.

On November 16, 1940, the Commission issued an order approving the depository agreement between Applicant and The Marquette National Bank, which requires Applicant to deposit and maintain qualified assets at least equal to the certificate reserve requirements of section 28 of the Act (Investment Company Act Release No. 18) for certain outstanding certificates. Subsequently, from time to time, the Commission has issued orders granting applications for amendments to the initial agreement to include coverage of new series of securities proposed to be issued (Investment Company Act Release Nos. 792, 1895, 3105, 3552, 3751, 4390 and 6810). The amendment to the depository agreement, for which approval is now requested, concerns the deposit of assets to be maintained for the benefit of holders of the new series. Applicant agrees that it remains subject to all the terms and conditions contained in the foregoing orders of the Commission relating to the depository agreement and amendments thereto.

Notice is further given that any interested person may, not later than October 18, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–22556 Filed 9–27–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

SEPTEMBER 24, 1974.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before September 30, 1974. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A Copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding, including a detailed statement of protestant's interest in the proposal.

No. MC 531 (Sub-No. 297G), filed June 3, 1974. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Transformer oil*, in bulk, in tank vehicles, from Bayton, Tex., to Wakesha, Wis. The purpose of this filing is to eliminate the gateways of Lake Charles, La., and points within 13 miles thereof, and Bishop, Tex.

No. MC 2473 (Sub-No. 16G), filed June 4, 1974. Applicant: BILLINGS TRANSFER CORP., INC., Green Needles Road, Lexington, N.C. 27292. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Baltimore, Md., New York, N.Y., and points in New York within 20 miles of New York, N.Y., those in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg and east of the Susquehanna River from Harrisburg to the Pennsylvania-Maryland State Boundary line, and those in New Jersey, to Hopewell, Richmond, and Norfolk, Va., points in Forsyth, Guilford, Davidson, and Stokes Counties, N.C., and points in North Carolina, South Carolina, Tennessee, and Virginia which are within 100 miles of the named North Carolina counties. The purpose of this filing is to eliminate the gateway of a point within 20 miles of Lexington, N.C., including points within and outside Forsyth, Guilford, Davidson, and Stokes Counties, N.C.

(2) *New furniture, plywood, and cotton products*, from Hopewell, Richmond, and Norfolk, Va., points in Forsyth, Guilford, Davidson, and Stokes Counties, N.C., and those in North Carolina, South Carolina, Tennessee, and Virginia which are within 100 miles of the named North Carolina counties, to Washington, D.C., Baltimore, Md., Wilmington, Del., points in South Carolina and New Jersey, those in that part of Pennsylvania south of U.S. Highway 22 from Easton to Harrisburg, and east of the Susquehanna River from Harrisburg to the Pennsylvania-

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Maryland State Boundary line, New York, N.Y., and points in New York within 20 miles of New York, N.Y. The purpose of this filing is to eliminate the gateway of a point within 40 miles of Lexington, N.C., including points within and outside Forsyth, Guilford, Davidson and Stokes Counties, N.C. (3) *new furniture, plywood, and cotton products*, from Baltimore, Md., New York, N.Y., and points in New York within 20 miles of New York, N.Y., those in that part of Pennsylvania on and south of U.S. Highway 22 from Easton to Harrisburg and east of the Susquehanna River from Harrisburg to the Pennsylvania-Maryland State Boundary line, and those in New Jersey, to points in South Carolina. The purpose of this filing is to eliminate the gateway of a point within 20 miles of Lexington, N.C.

No. MC 7166 (Sub-No. 16G), filed June 4, 1974. Applicant: WILSON TRANSPORTATION SERVICE, INC., P.O. Box 258, Ottawa, Ohio 45875. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Ohio, on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Ohio, Pennsylvania, Michigan, and West Virginia which are within 200 miles of Ottawa, Ohio. The purpose of this filing is to eliminate the gateways of points within 15 miles of Ottawa, Ohio, and points within 8 miles of Vaughnsville, Ohio.

No. MC 8973 (Sub-No. 34G), filed June 3, 1974. Applicant: METROPOLITAN TRUCKING, INC., 2424 95th Street, North Bergen, N.J. 07047. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and plastic articles*, from points in Essex, Hudson, Union, Somerset, Bergen, Middlesex, Morris, and Passaic Counties, N.J., and that portion of the New York, N.Y., Commercial Zone, as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the exempt zone), to points in New Jersey, New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, Ohio, Delaware, Maryland, Virginia, Alabama, Arkansas, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Tennessee, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Edgewater, Carteret, and Woodbridge, N.J.

No. MC 107012 (Sub-No. 203G), filed June 4, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, (1) from points in Alabama, to points in Louisiana, Maine, Mississippi, New Hampshire, New York, Pennsylvania, Tennessee, Texas, Vermont, and West Virginia. The purpose of this filing is to eliminate the gateways of Arkansas and Berne, Ind. (2) from points in Arizona, to points in Alabama, Florida, Iowa, Minnesota, Mississippi, and Arkansas. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, Arkansas, and Greene County, Ark. (3) from points in California, to points in North Dakota. The purpose of this filing is to eliminate the gateway of Laramie, Wyo. (4) from points in Connecticut, to points in Alabama, Florida, Georgia, and Tennessee. The purpose of this filing is to eliminate the gateway at Kentucky. (5) from points in Delaware, to points in Florida, Georgia, North Carolina, South Carolina, and West Virginia. The purpose of this filing is to eliminate the gateway at Tennessee.

(6) from points in the District of Columbia, to points in Florida, Georgia, North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway at Tennessee. (7) from points in Florida, to points in Kentucky, Louisiana, Maine, Mississippi, New Hampshire, Tennessee, Texas, and Vermont. The purpose of this filing is to eliminate the gateways of Berne, Ind., and Arkansas. (8) from points in Georgia, to points in Louisiana, Mississippi, and Kentucky. The purpose of this filing is to eliminate the gateway at Arkansas. (9) from points in Idaho, to points in Arkansas, Iowa, and Oklahoma. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, Kansas City, Mo., and Greene County, Ark. (10) from points in Iowa, to points in California, Colorado, Idaho, Kansas, Kentucky, Minnesota, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateways at Burlington, Iowa, Kansas City, Mo., and Greene County, Ark. (11) from points in Kansas, to points in Arizona, California, Colorado, Iowa, Kentucky, Minnesota, New Mexico, Oklahoma, Texas, Utah, and Wyoming. The purpose of this filing is to eliminate the gateways at Burlington, Iowa, Kansas City, Mo., Arkansas and Greene County, Ark.

(12) from points in Louisiana, to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. The purpose of this filing is to eliminate the gateway at Arkansas. (13) from points in Maine, to points in North Carolina, South Carolina, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways at Kentucky and Tennessee. (14) from points in Maryland, to points in Florida, Georgia, North Carolina, South Carolina, and West Virginia. The purpose of this filing is to eliminate the gateway at Tennessee. (15) from points in Massachusetts, to points in Florida, Georgia, and Tennessee. The purpose of this filing is to eliminate the gateway at Kentucky. (16) from points in Minnesota, to points in Arizona, Arkansas, California, Colorado, Iowa, Kansas, New Mexico, and Oregon. (21) from points in New Hampshire, to points in Florida, Georgia, North Carolina, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateway at Kentucky. (22) from points in New Jersey, to points in Georgia, North Carolina, South Carolina, and West Virginia. The purpose of this filing is to eliminate the gateway at Tennessee. (23) from points in New Mexico, to points in Iowa, Kansas, and Minnesota. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and Arkansas. (24) from points in New York, to points in North Carolina, South Carolina, and West Virginia. The purpose of this filing is to eliminate the gateway at Tennessee.

(25) From points in North Dakota, to points in Arkansas, Iowa, Oklahoma, and South Carolina. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, Kansas City, Mo., and Greene County, Ark. (26) from points in Oklahoma, to points in Alabama, Arizona, California, Colorado, Georgia, Idaho, Iowa, Kansas, Kentucky, Minnesota, Montana, Nevada, North Carolina, North Dakota, Oregon, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, and Wyoming. The purpose of this filing is to eliminate the gateways of Burlington, Iowa and Arkansas. (27) from points in Oregon, to points in Arizona, Arkansas, California, Idaho, Iowa, Minnesota, Montana, Nevada, Oklahoma, Texas, and Utah. The purpose of this filing is to eliminate the gateways at Portland, Oreg., Burlington, Iowa, Kansas City, Mo., and Greene County, Ark. (28) from points in Pennsylvania, to points in Alabama, North Carolina, South Carolina, and West Virginia. The purpose of this filing is to eliminate the gateway at Tennessee.

(29) from points in Rhode Island, to points in Florida, Georgia and Tennessee. The purpose of this filing is to eliminate the gateway at Kentucky. (30) from points in South Carolina, to points in Illinois, Iowa, Louisiana, Minnesota, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateway at Arkansas, Iowa, and Oklahoma. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, Kansas City, Mo., and Greene County, Ark. (32) from points in Utah, to points in Arkansas, Iowa, Louisiana, Minnesota, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, Kansas City, Mo., and Greene County, Ark. (33) from points in Vermont, to points in North Carolina. The purpose of this filing is to eliminate the gateway at Kentucky. (34) from points in Virginia, to points in Louisiana, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateways of Greene County, Ark. (35) from points in Washington, to points in Arizona, Arkansas, California, Idaho, Iowa, Montana, Nevada, Oklahoma, and Utah. The purpose this filing is to eliminate the gateways of Portland, Oreg., Burlington, Iowa, Kansas City, Mo., and Greene County, Ark. (36) from points in West Virginia, to points in North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateways at Kentucky and Tennessee. (37) from points in Wyoming, to points in Arkansas, Iowa, and Oklahoma. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, Kansas City, Mo., and Greene County, Ark.

No. MC 107541 (Sub-No. 35G), filed June 3, 1974. Applicant: MAGEE TRUCK SERVICE, INC., 18101 SE. McLoughlin Blvd., Milwaukie, Oreg. 97222. Applicant's representative: Earle V. White, 2400 SW. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in and north of Malheur, Harney, Deschutes, Linn, Benton, and Lincoln Counties, Oreg. to Sacramento, Fresno, and Los Angeles, Calif. The purpose of this filing is to eliminate the gateway of Klickitat, Wash.

No. MC 109238 (Sub-No. 6G), filed June 3, 1974. Applicant: DEHART MOTOR LINES, INC., P.O. Box 368, Conover, N.C. 28613. Applicant's representative: Herbert Burstein, 1 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *textiles, textile products, textile machinery, and machinery parts and supplies* used in the manufacture of textiles, from Baltimore, Md., and Philadelphia, Pa., to points in North Carolina (except those points in North Carolina bounded by a line beginning at Henderson, and extending along U.S. Highway 1 to Raleigh, thence along U.S. Highway 64 to Asheboro, thence along North Carolina Highway 49 to Charlotte, thence along U.S. Highway 74 to Rutherfordton, thence along U.S. Highway 221 to Marion, thence along U.S. Highway 70 to Morganton, thence along North Carolina Highway 18 to North Wilkesboro, thence along U.S. Highway 421 to Winston-Salem, thence along U.S. Highway 158 to Henderson, including all points on the specified portions of the indicated highways). The purpose of this filing is to eliminate the gateway at Iredell County, N.C. (2) *yarn, bobbins, spools, warp, warp pins, warp beams, warp rolls and cones, containers, and textile machinery and parts therefor*, between points in New Jersey, New York, Pennsylvania, Virginia, and those points in North Carolina east of U.S. Highway 1. The purpose of this filing is to eliminate the gateway at Conover, N.C.

No. MC 109326 (Sub-No. 108G), filed June 4, 1974. Applicant: C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, La. 70121. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Packinghouse products, dairy products, fresh and frozen seafood, and fresh and frozen fruits and vegetables*, between New Orleans, La., on the one hand, and, on the other, points in Mississippi, and (2) *packinghouse products, dairy products, fresh and frozen seafood, and fresh and frozen fruits and vegetables*, between Gulfport, Pascagoula, and Bay St. Louis, Miss., on the one hand, and, on the other, points in Mississippi, and (3) *meats, meat products, meat by-products, dairy products, and commodities* distributed by meat packinghouses, as described in parts A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 276, from points in Mississippi to points in Georgia and Florida, and (4) *meats, meat products, meat by-products, dairy products, and commodities* distributed by meat packinghouses, from Montgomery, Ala., to points in Mississippi and Florida, restricted against transportation from or to any facility (plant sites, warehouses, and stores) of the Great Atlantic & Pacific Tea Company, Inc., of New York, N.Y., and Hunt Foods and Industries, Inc. (merged into Norton-Simon, Inc.), of Fullerton, Calif. The purpose of this filing is to eliminate the gateway of Mobile, Ala.

No. MC 109397 (Sub-No. 300G), filed June 3, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113, Business Rte. I–44 East, Joplin, Mo. 64801. Applicant's representative: E. S. Gordon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) Classes A and B *explosives, and ammunition* classified as Class C explosives, between points in Delaware, Maryland, Virginia, and West Virginia, on the one hand, and on the other, points in Florida, Georgia, North Carolina, South Carolina, Ohio, Kentucky, Tennessee, and Indiana. The purpose of this filing is to eliminate the gateways of Richmond, Ky., West Jefferson, Ohio, and Nashville, Tenn. (points within 10 miles thereof). (2) *explosives*, (a) from points in Arkansas, Colorado, Illinois, Indiana, Iowa (except West Burlington), Kansas, Kentucky, Louisiana, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oregon, South Dakota, Tennessee, Wisconsin, and Wyoming, to points in Pennsylvania, and (b) from points in Colorado, Idaho, Illinois, Indiana, Kansas, Kentucky, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oregon, Oklahoma, South Dakota, Tennessee, Wisconsin, and Wyoming, to points in New Jersey. The purpose of this filing is to eliminate the gateway at South Carolina. (3) *explosives and blasting supplies* between the plantsites of Ensign Bickford Company located at Simsbury and Avon, Conn., on the one hand, and, on the other, points in Arkansas Colorado, Florida, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of Seneca, Ill. (4) Classes A and B *explosives*, between points in Louisiana (points west of the Mississippi River only) on the one hand, and, on the other, points in Arkansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways at Kansas, New Mexico, Louisiana (east of the Mississippi River, Mississippi, and Tennessee.

No. MC 111940 (Sub-No. 62G) filed June 4, 1974. Applicant SMITH'S TRUCK LINES, a Corporation, P.O. Box 88, Muncy, Pa., 17756. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel and steel products*, from points in New York and New Jersey, to points in Ohio, Delaware, Maryland, Connecticut, and the District of Columbia, and those in that part of Virginia and West Virginia on and north of U.S. Highway 60, and (2) *iron and steel articles* (except castings), from points in New York and New Jersey, to points in Kentucky and points in that part of Virginia and West Virginia south of U.S. Highway 60, and (3) *iron and steel articles* (except castings, wire rope, and tinplate and except commodities which because of size or weight require the use of special equipment), from Warren and Youngstown, Ohio, to points in Delaware, New York, New Jersey, Maryland, Connecticut, and the District of Columbia, and those in that part of Virginia and West Virginia on and north of U.S. Highway 60. The purpose of this application is to eliminate the gateway of Williamsport, Pa.

No. MC 112263 (Sub-No. 9G), filed June 3, 1974. Applicant: MARTIN VAN LINES, INC., 207 South Dawson Street, Seattle, Wash. 98108. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in California, Colorado, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateways of Forsyth, Miles City, Billings and Livingston, Mont., Big Horn, Park, Fergus, Carbon, and Rosebud Counties, Mont., Ontario and Klamath Falls, Oreg., and Klamath and Jackson Counties, Oreg.

No. MC 114211 (Sub-No. 234G), filed July 3, 1974. Applicant: WARREN

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TRANSPORT, 324 Manhard, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Robert J. Molinaro (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grading, paving, and finishing machinery, and equipment and contractors equipment;* and (2) *tractors*, with or without attachments, *tractor attachments, parts* of tractors, and tractor attachments when moving in mixed loads with the aforementioned tractors, restricted to shipments moving from or to foreign commerce, (a) between points in Alabama, Arizona, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and West Virginia, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, and (b) between points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; and (3) *Cast iron pressure pipe* (except pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products), *fittings and accessories* therefor when moving with such pipe, (a) from points in New York, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, New Jersey, Michigan, Indiana, Ohio, Kentucky, Tennessee, Illinois, Wisconsin, to points in Illinois, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, and Arizona, and (b) from points in Iowa, Missouri, and Nebraska, to points in the United States (except Washington, Oregon, and California), and (c) from points in Texas and Oklahoma, to points in Idaho, Montana, Wyoming, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Illinois, Wisconsin, Indiana, Michigan, Ohio, Kentucky, West Virginia, Virginia, District of Columbia, Maryland, Delaware, New Jersey, Pennsylvania, Connecticut, Rhode Island, Massachusetts, New York, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., Minneapolis, Minn., Tulsa, Okla., Atlanta, Ill., Kansas, Okla., Claremore, Okla., Ft. Dodge, Iowa, Topeka, Kans., Martin City, Mo., Pittsburg, Kans., Dubuque, Iowa, Canton, S. Dak., Council Bluffs, Iowa, Omaha, Nebr., Iowa, Martin City, Kans., Keokuk, Iowa, Minnesota, Nassau, Minn., Springfield, Ill., St. Cloud, Minn., Des Moines, Iowa, Nebraska City, Nebr., Moorehead, Minn., Ottumwa, Iowa, Kansas, Claremore, Kans., Corbin, Kans., Independence, Kans., Hugo, Okla., Horicon, Wis., Fargo, N. Dak., Bloomington, Ill., Kansas City, Mo., Burlington, Kans., and E. St. Louis, Ill.

No. MC 114211 (Sub-No. 235G), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Robert J. Molinaro (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, road making machinery, and contractors equipment and supplies, and farm machinery*, (1) between points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, and (2) from points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin and Wyoming, to points in Alabama, Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and West Virginia. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., Minneapolis, Minn., Tulsa, Okla., Atlanta, Ill., Claremore, Okla., Ft. Dodge, Iowa, Topeka, Kans., Martin City, Mo., Pittsburg, Kans., Dubuque, Iowa, Canton, S. Dak., Council Bluffs, Iowa, Omaha, Nebr., Iowa, Keokuk, Iowa, Minnesota, Nassau, Minn., Springfield, Ill., St. Cloud, Minn., Des Moines, Iowa, Nebraska City, Nebr., Moorehead, Minn., Ottumwa, Iowa, Kansas, Corbin, Kans., Independence, Kans., Hugo, Okla., Horicon, Wis., Fargo, N. Dak., Bloomington, Ill., Kansas City, Mo., E. St. Louis, Ill, Chicago, Ill., Moline, Ill., Marshall, Minn., Kansas City, Kans., Bloomington, Minn., Martin City, Kans., and Beatrice, Iowa.

No. MC 114273 (Sub-No. 206G), filed June 4, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Knochar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Iowa and Minnesota, to points in Colorado, Connecticut, Illinois, Indiana, Kansas, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Nebraska, Vermont, Delaware, Wisconsin and Michigan. The purpose of this filing is to eliminate the gateways at Missouri, California, and Moberly, Mo.

No. MC 116073 (Sub-No. 296G), filed June 1, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in secondary movements, from points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, to points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. The purpose of this filing is to eliminate the gateway of Birmingham, Ala., and 15 miles thereof.

No. MC 116810 (Sub-No. 9G), filed June 4, 1974. Applicant: BAIR TRANSPORT, INC., P.O. Box 216, Riverside, N.J. 08075. Applicant's representative: Kenneth T. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, films, silk, tobacco, new automobiles, commodities requiring tank truck or refrigeration, commodities in bulk, liquor, commodities requiring special equipment, and those injurious or contaminating to other lading), between Wilmington, Del., and points in Delaware within 50 miles thereof, and points in Pennsylvania within 15 miles of Wilmington, Del., on the one hand, and, on the other, points in that part of Pennsylvania east of the Susquehanna River and that part of New York within 150 miles of Newark, N.J. The purpose of this filing is to eliminate the gateway of that part of New York, N.Y., Commercial Zone in New Jersey.

No. MC 119443 (Sub-No. 29G), filed June 4, 1974. Applicant: P. E. KRAMME, INC., Main Street, Monroeville N.J. 08343. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate products*, and *liquid cocoa butter*, in bulk, in tank vehicles, (1) from Boston, Mass., to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Ohio, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and Dover, Del. (2) from Chicago, Ill., to points in Alabama, Connecticut, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateways of Dover, Del., Elizabethtown, Pa., Lititz, Pa., and the Philadelphia, Pa., Commercial Zone. (6) from Newark and Jersey City, N.J., and New York, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, and West Virginia. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and Dover, Del. (7) from Lititz, Pa., to points in Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maine, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and Dover, Del. (8) from Mansfield, Mass., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of Philadelphia and Hershey, Pa., Dover, Del., and Pennsylvania. (9) from Mount Joy, Pa., to points in the District of Columbia, Georgia, Illinois, Iowa, Kentucky, Minnesota, Missouri, Pennsylvania, South Carolina, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateways of Dover, Del., Lititz and Elizabethtown, Pa., and the Philadelphia, Pa., Commercial Zone. (10) from Philadelphia, Pa., to points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Dover, Del.

No. MC 119700 (Sub-No. 18G), filed June 4, 1974. Applicant: STEEL HAULERS, INC., 306 Ewing, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, (1) from points in Arkansas, to points in South Dakota, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Nebraska, and Colorado, and (2) from points in Louisiana on and north of U.S. Highway 84, to points in South Dakota, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Nebraska, Colorado, Kansas, Missouri, New Mexico, and Memphis, Tenn., and (3) from points in New Mexico, to points in Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, Missouri, and Memphis, Tenn., and (4) from points in Colorado, to points in Wisconsin, Illinois, Indiana, Ohio, Michigan, Iowa, Minnesota, and South Dakota. The purpose of this filing is to eliminate the gateways of points in that part of Missouri south of U.S. Highway 55, east of U.S. Highway 65 and west of U.S. Highway 67, and Arkansas.

No. MC 119774 (Sub-No. 78G), filed June 5, 1974. Applicant: EAGLE TRUCKING COMPANY, a Corporation, 301 E. Main Street, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, stringing and picking up thereof; and *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells:

1. between points in Utah, on the one hand, and, on the other, points in Kansas and New Mexico; 2. between points in Kansas, on the one hand, and, on the other, points in Georgia, Illinois, Indiana, Kentucky, and Tennessee; 3. between points in Indiana, on the one hand, and, on the other, points in Georgia, Colorado, and Wyoming; 4. between points in Kentucky, on the one hand, and, on the other, points in Georgia; 5. between points in Illinois, on the one hand, and, on the other, points in Colorado and Wyoming; (2) *Pipe, pipe fittings, pipe connections, and pipe couplings*, from Lone Star, Tex., to points in Illinois, Indiana, Kentucky, Missouri, North Carolina, South Carolina, and Tennessee; (3) *Plastic pipe, plastic tubing, plastic conduit, valves, fittings, compounds, joint sealer, bonding cement, primer, coating, thinner, and accessories used in the installation of such products*, from Oklahoma City, Okla., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Texas. The purpose of this filing is to eliminate the gateways of Texas, Arkansas, Oklahoma, Alabama, and Van Buren, Ark.

No. MC 119897 (Sub-No. 19G), filed June 4, 1974. Applicant: A-1 TRANSPORTATION COMPANY, 3102 Maury Street, Houston, Tex. 77026. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum, and their products and by-products and (2) *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water and sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, (a) between points in Louisiana, on the one hand, and, on the other, points in Missouri and Illinois. The purpose of this filing is to eliminate the gateway at Texas. (b) between points in Louisiana and Texas, on the one hand, and, on the other, points in Oklahoma and in Lea and Eddy Counties, N. Mex. The purpose of this filing is to eliminate the gateways of points in Texas within 100 miles of Iowa Park, Texas. (c) between points in Oklahoma and Kansas, on the one hand, and, on the other, points in Arkansas and Lea and Eddy Counties, N. Mexico. The purpose of this filing is to eliminate the gateway at Missouri. (d) between points in Kansas, on the one hand, and, on the other, points in Texas and Louisiana. The purpose of this filing is to eliminate the gateways at Oklahoma and points in Texas within 100 miles of Iowa Park, Tex. (e) between points in Arkansas, on the one hand, and, on the other, points in Texas and Louisiana. The purpose of this filing is to eliminate the gateways at Missouri, Oklahoma, and points in Texas within 100 miles of Iowa Park, Tex.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate

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Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before October 10, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1334 (Sub-No. E1), filed May 16, 1974. Applicant: RITEWAY TRANSPORT, INC., P.O. Box 6849, Phoenix, Ariz. 85005. Applicant's representative: Robert R. Digby, 2131 W. Roosevelt St., Phoenix, Ariz. 85009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, and commodities requiring special equipment), between Phoenix, Ariz., on the one hand, and, on the other, points in Arizona on and north of a line beginning at the Arizona-New Mexico State line at Lupton and extending along U.S. Highways 66/666 to its intersection with Arizona Highway 63, thence along Arizona Highway 63 to its intersection with the southern boundary line of the Navajo Indian Reservation, thence along such boundary line to its intersection with Arizona Highway 99, thence along Arizona Highway 99 to Leupp, thence along the Little Colorado River to its intersection with the Colorado River and thence along the Colorado River to the Arizona-Nevada State line. The purpose of this filing is to eliminate the gateway of points in the Hopi Indian Reservation.

No. MC 5470 (Sub-No. E35), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5 Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McElligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, petroleum coke, coal tar pitch, and pitch prell*, in dump vehicles, between Robinson, Ill., and Niagara Falls, N.Y. The purpose of this filing is to eliminate the gateways of Erie, Pa., and any railhead in Ashtabula County, Ohio.

No. MC 5470 (Sub-No. E77), filed May 29, 1974. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, Pa. 16137. Applicant's representative: Patrick McElligot, 918 Sixteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molding sand*, in bulk, in dump vehicles, from Muskegon and Vassar, Mich., to points in Ashtabula, Mahoning, Trumbull, and Columbiana Counties, Ohio, and points within a radius of 60 miles of any railhead in the counties of Allegheny, Beaver, Butler, and Lawrence Counties, Pa. The purpose of this filing is to eliminate the gateway of New Castle, Pa.

No. MC 15897 (Sub-No. E5) (Correction), filed June 2, 1974, published in the FEDERAL REGISTER on August 27, 1974. Applicant: O.K. TRANSFER & STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Kansas on and west of U.S. Highway 81, on the one hand, and, on the other, points in Alabama on and south of U.S. Highway 278. The purpose of this filing is to eliminate the gateways of points in Creek County, Okla., and Lamar County, Tex. The purpose of this correction is to correct the highway description in points in Kansas above to read U.S. Highway 81 which was inadvertently published as U.S. Highway 11.

No. MC 15897 (Sub-No. E7) (Correction), filed June 2, 1974, published in the FEDERAL REGISTER on August 27, 1974. Applicant: O.K. TRANSFER AND STORAGE CO., 207 South Union, Shawnee, Okla. 74807. Applicant's representative: Wilburn L. Williamson, Suite 280 National Foundation Life Center, 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Texas on, south, and west of a line beginning at the United States-Mexico International Boundary line near El Paso, thence along Interstate Highway 10 to junction U.S. Highway 181, thence along U.S. Highway 181 to Corpus Christi, on the one hand, and, on the other, points in Cook, Lake, McHenry, Boone, Winnebago, Stephenson, and Jo Daviess Counties, Ill. The purpose of this filing is to eliminate the gateway of points in Creek County, Okla., and Lamar County, Texas. The purpose of this correction is to correct the spelling of Cook County, Ill.

No. MC 30280 (Sub-No. E62), filed May 20, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Lunenburg, Mecklenburg, Halifax, Charlotte, Prince Edward, and Nottoway Counties, Va., to points in Hudson, Bergen, Passaic, Sussex, Essex, Morris, Union, Middlesex, Monmouth, and Somerset Counties, N.J. The purpose of this filing is to eliminate the gateways of Baltimore, Md., and New York, N.Y.

No. MC 52938 (Sub-No. E2), filed May 13, 1974. Applicant: MASHKIN FREIGHT LINES, INC., 410 Asylum St., Hartford, Conn. 06103. Applicant's representative: Hugh M. Joseloff (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such businesses (except commodities in bulk, and those requiring special equipment) limited to movements from, to, or between plants, warehouses, or other facilities of businesses, (1) between points in New York on and south of a line beginning at Buffalo and extending along U.S. Highway 20 to junction U.S. Highway 15, thence along U.S. Highway 15 to Elmira, thence along New York Highway 17 to Binghamton, thence along Interstate Highway 81 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Massachusetts on, south, and east of a line beginning at Boston and extending along Massachusetts Highway 9 to junction Massachusetts Highway 126, thence along Massachusetts Highway 126 to the Massachusetts-Rhode Island State line; and (2) between points in New York on and west of a line beginning at Rochester and extending along Interstate Highway 490 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction New York Highway 14, thence along New

York Highway 14 to junction New York Highway 224, thence along New York Highway 224 to junction New York Highway 96, thence along New York Highway 96 to junction New York Highway 17, thence along New York Highway 17 to Binghamton, thence along Interstate Highway 81 to the New York-Pennsylvania State line, on the one hand, and, on the other, Providence, R.I., and points in Connecticut on, south, and east of a line beginning at the Connecticut-New York State line and extending along Interstate Highway 84 to Hartford, thence along Interstate Highway 91 to the Connecticut-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Port Chester, N.Y.

No. MC 66886 (Sub-No. E29), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight, requires the use of special equipment from points in Texas, Oklahoma, Colorado, and Nebraska to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateways of any point in Kansas and Springfield, Mo.

No. MC 66886 (Sub-No. E30), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight, requires the use of special equipment, from points in that part of New Mexico on and north of U.S. Highway 60 to points in that part of Alabama on and north of U.S. Highway 84. The purpose of this filing is to eliminate the gateways of (1) any point in Kansas and (2) Springfield, Mo.

No. MC 66886 (Sub-No. E31), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight, requires the use of special equipment, from points in that part of Oklahoma on and north of U.S. Highway 66 to points in that part of Mississippi on and north of U.S. Highway 78. The purpose of this filing is to eliminate the gateway of (1) any point in Kansas and (2) Springfield, Mo.

No. MC 66886 (Sub-No. E33), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64801. Applicant's representative: Dick L. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse treatment equipment*, which because of size or weight, requires the use of special equipment, from points in Nebraska and Colorado to points in Georgia, Florida, Tennessee, Alabama, and Mississippi. The purpose of this filing is to eliminate the gateway of (1) any point in Kansas and (2) Springfield, Mo.

No. MC 95876 (Sub-No. E6), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and fittings and accessories*, when moving as contractors' and construction materials and supplies (except oil field pipe and articles described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), and except commodities which because of size or weight require the use of special equipment, from points in Wisconsin on and north of U.S. Highway 10 beginning at the Minnesota-Wisconsin State line and extending to junction U.S. Highway 12, thence along U.S. Highway 12 to U.S. Highway 14, thence along U.S. Highway 14 to the Wisconsin-Illinois State line to points in South Dakota on and north of U.S. Highway 18 beginning at the Iowa-South Dakota State line and extending to junction South Dakota Highway 44, thence along South Dakota Highway 44 to the Missouri River. The purpose of this filing is to eliminate the gateway of Savage, Minn.

No. MC 95876 (Sub-No. E7), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and fittings and accessories*, when moving as contractors' and construction materials and supplies (except oil field pipe and articles described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459, and except commodities which because of size or weight require the use of special equipment), from points in Nebraska and Colorado to points in Georgia, Florida, Tennessee, Alabama, and Mississippi. The purpose of this filing is to eliminate the gateway of (1) any point in Kansas and (2) Springfield, Mo.

No. MC 95876 (Sub-No. E8), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and fittings and accessories therefore* (except oil field pipe and articles described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459, and except commodities which because of size or weight require the use of special equipment), from points in Porter and Lake Counties, Ind., and Cook and DuPage Counties, Ill., to points in South Dakota on and north of South Dakota Highway 44, beginning at the Iowa-South Dakota State line, thence west to the Missouri River, thence south along the eastern bank of the Missouri River to the Nebraska-South Dakota State line. The purpose of this filing is to eliminate the gateway of Savage, Minn.

No. MC 95876 (Sub-No. E9), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and fittings and accessories*, when moving as contractors' and construction materials and supplies (except oil field pipe and articles described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459, and except commodities which because of size or weight require the use of special equipment), from points in Wisconsin on and north of U.S. Highway 29 to points in Iowa on and west of U.S. Highway 69 beginning at the Iowa-Minnesota State line, then south on U.S. Highway 69 to Des Moines, then west on Interstate Highway 80 to the junction with U.S. Highway 169, then south on U.S. Highway 169 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of Savage, Minn.

No. MC 95876 (Sub-No. E10), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and fittings and accessories*, when moving as contractors' and construction materials and supplies (except oil field pipe and articles described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459, and except commodities which because of size or weight require the use of special equipment), from points in Iowa on and west of U.S. Highway 69 beginning at the Iowa-Minnesota State line, thence south on U.S. Highway 69 to Des Moines,

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thence west on Interstate Highway 80 to the junction with U.S. Highway 169, then south on U.S. Highway 169 to the Iowa-Missouri State line to points in Wisconsin on and north of U.S. Highway 29. The purpose of this filing is to eliminate the gateway of Savage, Minn.

No. MC 95876 (Sub-No. E11), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings*, from points in Ohio and points in Michigan on and south of Michigan Highway 55, to points in Arizona, Colorado, Idaho, points in Kansas on, north, and west of U.S. Highway 81 beginning at the Kansas-Nebraska State line, then south to junction with U.S. Highway 56 at McPherson, then west on U.S. Highway 56 to the Kansas-Oklahoma State line, Montana, Nebraska, New Mexico, points in South Dakota on and south of Interstate Highway 90, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 95876 (Sub-No. E14), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, cement, and asbestos products* (except in bulk), when moving as construction materials and supplies, from Waukegan, Ill., to points in Minnesota and Fargo, N. Dak. The purpose of this filing is to eliminate the gateway of New Albion, Iowa, and Fergus Falls, Minn.

No. MC 95876 (Sub-No. E15), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* (except commodities in bulk) used in the manufacture of fibreglass and plastic products, when moving as items which require specialized handling or rigging because of size or weight, from points in Connecticut, Delaware, Florida, Georgia, Indiana, points in Kentucky on and east of U.S. Highway 41, Lower Peninsula of Michigan, Maine, Maryland, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia to points in Minnesota. The purpose of this filing is to eliminate the gateway of New London, Wis.

No. MC 95876 (Sub-No. E16), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass and plastic products*, when moving as contractors' and construction materials and supplies, from points in Minnesota to points in Connecticut, Delaware, Georgia, Florida, Indiana, points in Kentucky on and east of U.S. Highway 41, Lower Peninsula of Michigan, New Hampshire, New Jersey, New York, Maine, Maryland, North Carolina, South Carolina, Vermont, Rhode Island, points in Tennessee on and east of U.S. Highway 41, Pennsylvania, Ohio, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of New London, Wis.

No. MC 95876 (Sub-No. E17), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies used in the manufacture of snowmobiles* (except in bulk), when moving as items which require specialized handing or rigging because of size or weight, from points in Conneticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont to points in Minnesota on, north, and west of U.S. Highway 71, beginning at International Falls, then south on U.S. Highway 71 to the junction with Minnesota Highway 210, then west on Minnesota Highway 210 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Twin Valley, Minn.

No. MC 95876 (Sub-No. E18), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles*, when moving as items requiring specialized handling or rigging because of size or weight, from points in Minnesota on, west, and north of a line beginning at International Falls, and extending along U.S. Highway 71 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to the Minnesota-North Dakota State line, to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and those in Ohio on and east of U.S. Highway 42. The purpose of this filing is to eliminate the gateway of Twin Valley, Minn.

No. MC 95876 (Sub-No. E20), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Snowmobiles*, when moving as items requiring specialized handling or rigging because of size or weight, from points in Minnesota on and north of Minnesota Highway 210 to points in Arizona, Colorado, Idaho, Montana, New Mexico, Oregon, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Twin Valley, Minn.

No. MC 95876 (Sub-No. E21), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated metal buildings*, knocked down, *prefabricated metal building sections*, knocked down, *prefabricated prefinished metal panel sections, component parts thereof*, and *equipment, materials, and supplies* used in the erection thereof, when moving as contractors' and construction equipment, materials, and supplies (except metal buildings which are designed to be drawn by passenger vehicles), from points in Minnesota to points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Ohio, Pennsylvania, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Evansville, Wisconsin.

No. MC 95876 (Sub-No. E22), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors*, when moving as contractors' and construction materials and supplies, from points in Minnesota to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and those in Kentucky on and east of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of New London, Wisconsin.

No. MC 95876 (Sub-No. E23), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards and slabs*, composed of cement combined with wood fibers, when moving as contractors' and construction materials and supplies or as items requiring specialized handling or rigging because of size or weight, from points in Minnesota on and north of U.S. Highway 21 to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, West Virginia, the District of Columbia, and those points in Illinois on and south of U.S. Highway 30. The purpose of this filing is to eliminate the gateway of Cornell, Wisconsin.

No. MC 95876 (Sub-No. E24), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, poles, and piling*, from points in Minnesota on and north of U.S. Highway 2 to points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Superior, Wisconsin.

No. MC 95876 (Sub-No. E25), filed May 16, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, when moving as contractors' and construction materials and supplies, from points in the Upper Peninsula of Michigan on and east of a line beginning at the Michigan-Wisconsin State line and extending along Michigan Highway 95 to junction U.S. Highway 41, thence along U.S. Highway 41 to Marquette, to points in Minnesota on and south of U.S. Highway 60. The purpose of this filing is to eliminate the gateway of New London, Wis.

No. MC 100666 (Sub-No. E87) (Correction), filed May 10, 1974, published in the FEDERAL REGISTER September 11, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and creosoted timbers* (a) from points in Mississippi to points in Missouri (except from points in Mississippi east and north of U.S. Highway 78 destined to points in Missouri east of a line from the Arkansas-Missouri State line along U.S. Highway 67 to the Mississippi River near Brystal Springs), and Memphis, Tenn. (points in Tennessee within 250 miles of Texarkana, Tex.)*, Restriction: The service authorized herein is restricted against the transportation of lumber from Pascagoula, Miss. . . . (11) *Lumber and creosoted posts, creosoted poles, and creosoted pilings* from points in Alabama (except lumber from Steelwood, Stockton, Mobile, Mt. Vernon, Greenville, Chapman, and Selma and poles from Mobile) to points in Colorado and New Mexico (West Memphis and Texarkana, Ark., and Duke, Okla.)*. . . . The purpose of this filing is to eliminate the gateways indicated by the asterisks above. The purpose of this partial correction is to correct certain typographical errors. The remainder of the letter-notice remains as previously published.

No. MC 107403 (Sub-No. E528), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphatic fertilizer solution*, in bulk, in tank vehicles, from the plantsites of National Phosphatic Corporation located approximately four (4) miles north of Hahnville, La., to points in Maine, Massachusetts, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of the plantsite of American Cyanamid Company at Avondale, La.

No. MC 111545 (Sub-No. E611), filed June 3, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, indicator posts, floor stands, fittings, sleeves, and covers*, the transportation of which, because of size or weight, requires the use of special equipment, from points in North Carolina to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateways of Ashville, N.C., and Arriston, Ala.

No. MC 111545 (Sub-No. E612), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe as described in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459 and pipe originating at or destined to pipeline rights-of-way), from points in Georgia, to points in Arizona, California, Nevada, New Mexico, Oregon, Utah, and Washington, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways of Cedartown, Ga., Hugo, Okla., and Tyler, Tex.

No. MC 111545 (Sub-No. E613), filed June 3, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe as described in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline rights-of-way), from points in Florida to points in Arizona, California, Nevada, New Mexico, Oregon, Utah, and Washington, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both, and restricted against the transportation of agricultural implements, other than hand, as defined by the Commission. The purpose of this filing is to eliminate the gateways of Cedartown, Ga., Hugo, Okla., and the plantsite and warehouse facilities of Western Foundry Company at or near Tyler, Tex.

No. MC 111545 (Sub-No. E614), filed June 3, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe as described in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline rights-of-way), from points in South Carolina, to points in Arizona, California, Nevada, New Mexico, Oregon, Utah, and Washington, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways of Anderson, S.C., Ringgold, Ga., Hugo, Okla., and the plantsite and warehouse facilities of Western Foundary Company at or near Tyler, Tex.

No. MC 111545 (Sub-No. E617), filed June 3, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, the transpor-

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tation of which, because of size or weight, requires the use of special equipment, restricted against the transportation of commodities to be used in, or in connection with, main or trunk pipelines, from points in that part of Utah on and south of U.S. Highway 50, to point in Indiana. The purpose of this filing is to eliminate the gateways of Eve, Mo., and the plantsite of Continental Homes, Inc., at or near Malden, Mo.

No. MC 113362 (Sub-No. E22) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER September 3, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 1105½ 8th Ave. NE., Austin, Minn. 55912. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, (1) from Austin and Albert Lea, Minn., and points in Martin and Fairbault Counties, Minn., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont (points in that part of Kossuth County, Iowa, with 15 miles of Elmore, Minn., and Cedar Rapids, Iowa)*, and (2) from points in Kossuth County, Iowa, to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont (points in that part of Fairbault County, Minn., within 15 miles of Elmore, Minn., and Cedar Rapids, Iowa)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above. The purpose of this correction is to expand the origin territory.

No. MC 113678 (Sub-No. E24), filed May 5, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fish* (including shell fish) and *frozen agricultural commodities* (not including manufactured products thereof), as defined in Section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with commodities (presently authorized in certificates now issued to carrier) the transportation of which is not exempt from regulation, (a) from points in Massachusetts and New York City and Hempstead, Long Island, N.Y.; Jersey City and Maurice River, N.J.; Rehoboth Beach and Dover, Del.; Nanticoke, Crisfield, Bivalve, and Tilghman, Md.; and Philadelphia, Pa. to points in Washington, Oregon, Idaho, and Montana. The purpose of this filing is to eliminate the gateway of Hall County, Nebr., (b) from St. Louis, Mo. and Omaha, Nebr. to points in Washington, Oregon, Idaho, and Montana. The purpose of this filing is to eliminate the gateway of Denver, Colorado.

No. MC 113843 (Sub-No. E398), filed May 22, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Piqua, Ohio, to points in that part of Pennsylvania on, north, and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction Pennsylvania Highway 59, thence along Pennsylvania Highway 59 to junction U.S. Highway 6, thence along U.S Highway 6 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to Kingston, thence along U.S. Highway 11 to Scranton, thence along U.S. Highway 6 to junction Pennsylvania Highway 652, thence along Pennsylvania Highway 652 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113843 (Sub-No. E474), filed May 13, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats, meat products, and meat by-products*, as defined by the Commission, from Cincinnati, Ohio, to points in that portion of Pennsylvania on, east, and north of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 219 to junction Pennsylvania Highway 59, thence along Pennsylvania Highway 59 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to Kingston, thence along U.S. Highway 11 to Scranton, thence along U.S. Highway 6 to junction Pennsylvania Highway 652, thence along Pennsylvania Highway 652 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 113843 (Sub-No. E554) (Correction), filed May 27, 1974, published in the FEDERAL REGISTER August 7, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lakewood, N.J., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Dundee, N.Y. The purpose of this correction is to reflect the gateways as being located in New York.

No. MC 114457 (Sub-No. E7), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), as are preserved foodstuffs, from the plantsite of Armour and Company, near Worthington, Minn., to points in that part of Montana in, north, and west of Richland, McCone, Garfield, Petroleum, Fergus, Judith Basin, Cascade, Lewis and Clark, Powell, Deer Lodge, Silver Bow, and Beaverhead Counties, restricted to the transportation of traffic originating at the above named origin points. The purpose of this filing is to eliminate the gateway of Chanhassen, Mich.

No. MC 114457 (Sub-No. E8), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, accessories, and materials and supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk, and those which because of size or weight require the use of special equipment), when moving in mixed loads with metal containers, from St. Louis, Mo., to points in Wisconsin (except Lafayette, Iowa, Grant, Richland, Crawford, Vernon, and LaCrosse Counties). The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 114457 (Sub-No. E9), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, accessories, and materials and supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk, and those which because of size or weight require the use of special equipment), when moving in mixed loads with metal containers, from Fairbault, Minn., to points in Tennessee. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 114457 (Sub-No. E10), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, accessories, and materials and supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk, and those which because of size or weight require the use of special equipment), when moving in mixed loads with metal containers, from

Kankakee, Ill., to points in Texas and Louisiana. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 114457 (Sub-No. E14), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk or those which because of size or weight require special equipment), from the plantsite or warehouse facilities of Continental Can Company, Inc., at Peoria, Ill., to points in Kentucky in and east of Meade, Hardin, Hart, Barren, and Monroe Counties, restricted to the transportation of shipments originating at the plantsite or warehouse facilities of Continental Can Company, Inc., at Makata, Minn., St. Joseph, Mo., Omaha, Nebr., LaCrosse, Wis., Peoria and Danville, Ill., Elmwood, Ind., and St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 114457 (Sub-No. E15), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from the storage facilities utilized by Armour and Company at or near Worthington and Mankato, Minn., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Madelia, Minn.

No. MC 115162 (Sub-No. E2), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood), from points in that part of Florida on and west of U.S. Highway 319, to points in North Carolina, Virginia, West Virginia, Maryland, Delaware, New Jersey, Connecticut, Rhode Island, Massachusetts, New York, New Hampshire, Pennsylvania (points in that part of Alabama south of U.S. Highway 80)*, Arkansas, Texas, Kansas (points in Mobile or Baldwin Counties, Ala.)*, Mississippi, and Louisiana (points in that part of Alabama on and south of U.S. Highway 78, except points in Greene, Sumter, and Marengo Counties)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 119443 (Sub-No. E13), filed May 28, 1974. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, N.J. 08343. Applicant's representative: Gerald A. Kramme (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coating, liquid chocolate liquor, and liquid cocoa butter*, in bulk, in tank vehicles, from Chicago, Ill., to Naugatuck, Conn., New York, N.Y., points in Delaware, New Jersey, points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Pennsylvania Highway 841 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Pennsylvania Highway 82, thence along Pennsylvania Highway 82 to junction Pennsylvania Highway 162, thence along Pennsylvania Highway 162 to junction Pennsylvania Highway 100, thence along Pennsylvania Highway 100 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Pennsylvania Highway 309, thence along Pennsylvania Highway 309 to junction unnumbered Pennsylvania Highway near Lanark, thence along unnumbered Pennsylvania Highway to junction Interstate Highway 78 near Allentown, thence along Interstate Highway 78 to junction Pennsylvania Highway 987, thence along Pennsylvania Highway 987 to Pennsylvania Highway 512, thence along Pennsylvania Highway 512 to junction Pennsylvania Highway 33, thence along Pennsylvania Highway 33 to junction Pennsylvania Highway 209.

Thence along Pennsylvania Highway 209 to junction Pennsylvania Highway 402, thence along Pennsylvania Highway 402 to junction Interstate Highway 84, thence along Interstate Highway 84 to junction Pennsylvania Highway 390, thence along Pennsylvania Highway 390 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 191, thence along Pennsylvania Highway 191 to the Pennsylvania-New York State line, points in that part of Maryland on and east of a line beginning at the Maryland-Pennsylvania State line, thence along Maryland Highway 23 to junction Maryland Highway 146, thence along Maryland Highway 146 to junction Interstate Highway 695, thence along Interstate Highway 695 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Maryland Highway 151, thence along Maryland Highway 151 to the Chesapeake Bay, thence along the west bank of the Chesapeake Bay and Maryland Highway 173, thence along Maryland Highway 173 to junction Maryland Highway 607, thence along Maryland Highway 607 to junction Maryland Highway 177, thence along Maryland Highway 177 to junction Maryland Highway 2, thence over Maryland Highway 2 to Annapolis, and that part of Maryland east of the Chesapeake Bay, points in Accomack and Northampton Counties, Va., and points in that part of Virginia on and south of a line beginning at Norfolk, thence along U.S. Highway 60 to junction U.S. Highway 17, thence along U.S. Highway 17 to the Virginia-North Carolina State line, and points in that part of North Carolina and east of U.S. Highway 17. The purpose of this filing is to eliminate the gateways of Elizabethtown, Pa., Philadelphia, Pa., Dover, Del., and Newark, N.J.

No. MC 119443 (Sub-No. E14), filed May 28, 1974. Applicant: P. E. KRAMME, INC., Main Street, Monroeville, N.J. 08343. Applicant's representative: Gerald A. Kramme (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coating, liquid chocolate liquor, and liquid cocoa butter*, in bulk, in tank vehicles, from Boston, Mass., to points in Alabama, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, points in that part of Ohio, on, south, and west of a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 422 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Ohio Highway 14, thence along Ohio Highway 14 to junction Ohio Highway 59, thence along Ohio Highway 59 to junction Ohio Highway 8, thence along Ohio Highway 8 to junction Ohio Highway 18, thence along Ohio Highway 18 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction Ohio Highway 162, thence along Ohio Highway 162 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 269, thence along Ohio Highway 269 to junction unnumbered Ohio Highway near Castalia, thence along unnumbered Ohio Highway to junction U.S. Highway 250 near Bogart, thence along U.S. Highway 250 to Sandusky. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa., Dover, Del., and Elizabethtown and Lititz, Pa.

No. MC 123407 (Sub-No. E124), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, used as a building material (except commodities in bulk), from Henry County, Tenn., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E125), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, used as building materials

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from Bartonville, Ill., to points in Cheyenne, Sherman, Wallace, Greely, Rawlings, and Thomas Counties. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E126), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat Glass*, used as a building material, from Lincoln, Ill., to points in the Upper Peninsula of Michigan, restricted to the transportation of shipments originating at the plant and warehouse sites of PPG Industries, Inc., at the above-named origin points. The purpose of this filing is to eliminate the gateway of points in that part of Wisconsin within the Warren, Ill., Commercial Zone.

No. MC 123407 (Sub-No. E127), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of size or weight require the use of special equipment), from points in Jo Daviess, Stephenson, and Carroll Counties, Ill., to points in Virginia. The purpose of this filing is to eliminate the gateway of Warren, Ill., and Brookville, Ind.

No. MC 123407 (Sub-No. E128), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and Roofing materials* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment), from the plantsite of Johns-Manville Products Corporation at Waukegan, Ill., to points in that part of Ohio in and south of Butler, Warren, Greene, Madison, Franklin, Licking, Muskingum, Guernsey, Harrison, and Jefferson Counties. The purpose of this filing is to eliminate the gateway of Chicago, Ill., and Brookville, Ind.

No. MC 123407 (Sub-No. E130), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork, from Charleston, W. Va., to Dickinson, Iron, Baraga, Keweenaw, Houghton, Ontonagon, and Gogebic Counties, Mich., and Norton, Decatur, Rawlins, Thomas, Logan, Sherman, Wallace, Cheyenne, and Greeley Counties, Kansas, restricted against the transportation of those commodities which because of size or weight require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E131), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board and materials* and *accessories*, used in the installation thereof (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment), from Natchez, Miss., to points in the Lower Peninsula of Michigan, Ohio, that part of Indiana in and north of Warren, Fountain, Parke, Putnam, Morgan, Brown, Bartholomew, Jennings, and Jefferson Counties, that part of Kentucky in and north of Trimble, Henry, Owen, Grant, Harrison, Nicholas, Fleming, Rowan, Elliot, and Lawrence Counties, that part of West Virginia in and north of Wayne, Lincoln, Kanawha, Fayette, Nicholas, Webster, and Pocahontas Counties, and that part of Virginia in and north of Bath, Augusta, Rockingham, Greene, Orange, Spotsylvania, and Stafford Counties. The purpose of this filing is to eliminate the gateway of Brookville, Ind.

No. MC 123407 (Sub-No. E132), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing material* (except commodities in bulk, lumber, chemicals, and commodities the transportation of which because of their size or weight require the use of special equipment) from the plantsite of Johns-Manville Perlite Corporation at Rockdale, Ill., to points in that part of Ohio in and south of Preble, Montgomery, Clark, Madison, Franklin, Fairfield, Perry, Muskingum, Guernsey, and Belmont Counties. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Brookville, Ind.

No. MC 123407 (Sub-No. E133), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork, from Pennsylvania, Maryland, Delaware, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia to points in Nebraska. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E134), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Indiana 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt roofing, asbestos shingles, asbestos siding, and commodities* required in the installation thereof, vermiculite, and mineral wool insulation from Minneapolis, Minn., to points in Indiana, Ohio, and Pennsylvania.

No. MC 123407 (Sub-No. E135), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* from the plant sites and storage facilities of the National Gypsum Company at Mobile, Ala., to points in that part of Montana bounded by a line beginning at the Idaho-Montana State line, thence along U.S. Highway 2 to junction Montana Highway 49, thence along Montana Highway 49 to junction U.S. Highway 89 to Port of Piegan, Mont. The purpose of this filing is to eliminate the gateway of Alpena, Mich.

No. MC 123407 (Sub-No. E136), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing material* from Wilmington, Ill., to points in Minnesota, South Dakota, Nebraska, and Kansas. The purpose of this filing is to eliminate the gateway of points in that part of Wisconsin within the Warren, Ill., commercial zone.

No. MC 123407 (Sub-No. E137), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* from Sterling, Ill., to points in Nebraska, Kansas, Pennsylvania, the Upper Peninsula of Michigan, and points in the Lower Peninsula of Michigan in and north of Benzie, Grand Traverse, Kalkaska, Crawford, Oscoda, and Alcona Counties, and points in Ohio in and east of Cuyahoga, Medina, Ashland, Richland, Knox, Licking, Franklin, Pickaway, Fayette, Highland, and Brown Counties. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E138), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wallboard, pulpboard, hardboard, insulation, and insulation materials;* (2) *accessories and materials* used in the installation of products described in (1) above; and (3) *padding and cushion materials and mulch* from L'Anse, Mich., to points in Texas, Louisiana, and Arkansas (except points in Marion, Baxter, Fulton, Izard, Sharp, Randolph, Clay, Greene, Lawrence, Craighead, Independence, Jackson, Poinsett, Mississippi, Cross Crittenden, Woodruff, St. Francis, and Lee Counties, restricted against the transportation of lumber. The purpose of this filing is to eliminiate the gateway of Cloquet, Minn.

No. MC 123407 (Sub-No. E139), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, used in the manufacture and distribution of windows, doors, and building woodwork (except commodities which because of size or weight require the use of special equipment), from points in New York, New Jersey, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and Pennsylvania (except points in Mercer, Lawrence, Butler, Beaver, Washington, Greene, Fayette, Somerset, Westmoreland, and Allegheny Counties). The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E140), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials* used in the manufacture and distribution of windows, doors, and building woodwork from Crystal City, Mo., to points in the Upper Peninsula of Michigan, Minnesota, and South Dakota, restricted against the transportation of commodities which, because of size or weight, require the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa, and Warren, Ill.

No. MC 123407 (Sub-No. E141), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from the plant sites of Georgia-Pacific Corporation at Taylorsville, Miss., to points in Maine, New Hampshire, Vermont, New York, Pennsylvania, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateway of the plant and warehouse site of the Abitibi Corporation near Roaring River, N.C.

No. MC 123407 (Sub-No. E142), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in Illinois in and north of Whiteside, Lee, De Kalb, Kendall, Du Page, and Cook to points in Kansas. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123407 (Sub-No. E143), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt roofing, asbestos shingles, asbestos siding, vermiculite, and mineral wool insulation*, from St. Paul, Minn., to points in that part of Michigan in and south of Leelanan, Grand Tranverse, Wexford, Osceola, Clare, Midland, and Bay Counties. The purpose of this filing is to eliminate the gateway of points in that part of Wisconsin within the Warren, Ill., commercial zone.

No. MC 123407 (Sub-No. E144), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board and materials and accessories* used in the installation thereof, from Henry County, Tenn., to points in North Dakota (except points in Cass, Richland, Ransom, Sargent, Dickey, La Moure, and McIntosh Counties). The purpose of this filing is to eliminate the gateway of L'Anse, Mich.

No. MC 123407 (Sub-No. E145), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Adhesive cement and materials, ingredients, and accessories* used in the installation thereof (except commodities in bulk), from the plant and warehouse sites of Permalastic Products Company located in Wayne County, Mich., to points in Kansas, restricted to the transportation of traffic originating at the plant and warehouse sites of Permalastic Products Company, located at Wayne County, Mich. The purpose of this filing is to eliminate the gateway of points in that part of Wisconsin within the Warren, Ill., commercial zone.

No. MC 123407 (Sub-No. E146), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* used as a building material from Spearfish, S. Dak., to points in Michigan (except points in Gogebic, Ontonagon, Iron, Houghton, Keweenaw, Baraga, and Marquette Counties). The purpose of this filing is to eliminate the gateway of points in that part of Wisconsin within the Warren, Ill., commercial zone.

No. MC 123407 (Sub-No. E147), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, when used as building material, from Bartonville, Ill., to points in the Upper Peninsula of Michigan and in Emmet and Cheboygan Counties, Mich., that part of Nebraska in and west of Dakota, Wayne, Stanton, Platte, Nance, Greeley, Valley, Custer, Dawson, Frontier, and Hitchcock Counties, and that part of Pennsylvania in and west of Bradford, Sullivan, Columbia, Northumberland, Schuylkill, Lebanon, and Lancaster Counties. The purpose of this filing is to eliminate the gateway of Warren, Ill.

No. MC 123430 (Sub-No. E5), filed May 27, 1974. Applicant: BARRY TRANSPORTS, INC., 4425 Southwest Highway, Oak Lawn, Ill. 60453. Applicant's representative: Richard A. Kerwin, Suite 1133, 127 North Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils* when such commodities are such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses (except liquid commodities), from points in Lake County, Ind., on and north of U.S. Highway 30 and points in, on, and north of U.S. Highway 30 from the Illinois-Indiana State line to Joliet, Ill., and points in and north of U.S. Highway 6 from Joliet to Moline, Ill., within the territory bounded by a line beginning at Galena, Ill., and extending southeast to Savanna, Ill., thence south to Galesburg, Ill., thence southeast to Peoria, Ill., thence east Onarga, Ill., thence northeast to Warsaw, Ind.,

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thence north to Goshen, Ind., thence northwest through Chicago, Ill., to Winthrop Harbor, Ill., and thence west through South Beloit and Warren, Ill., to Galena, Ill., including the points named, to points in Indiana (except Lake, Porter, Newton, and Jasper Counties), and points in Preble, Montgomery, Greene, Fayette, Butler, Warren, Clinton, Brown, Clermont, and Hamilton Counties, Ohio. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 124078 (Sub-No. E35) (Correction), filed May 22, 1974, published in the FEDERAL REGISTER on September 6, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th St., Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petrochemicals*, dry (except sulphate), in bulk, in tank or hopper-type vehicles, from Atlanta, Ga., to points in Arkansas, Illinois (except East St. Louis and points in its commercial zone as defined by the Commission), Indiana, Kentucky, Louisiana, Mississippi, Missouri (except St. Louis and points in its commercial zone as defined by the Commission), Tennessee (except Kingsport and Elizabethton and points in their commercial zones as defined by the Commission), Texas (except points in Chambers, Montgomery, Harris, Fort Bend, Galveston, Liberty, and Brazoria Counties), Virginia, West Virginia, and Wisconsin, restricted against the transportation of (1) potassium silicate and sodium silicate, to points in Mississippi and Tennessee; and (2) to orthodichlorobenzene, barium carbonate, barium chloride, and ammonium sulfide, to points in Kentucky, Louisiana, Mississippi, South Carolina, and Tennessee. The purpose of this filing is to eliminate the gateway of points in Bartow County, Ga. The purpose of this correction is to include Tennessee in the destination territory.

No. MC 124211 (Sub-No. E58), filed May 13, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food products and edible grain products* (except commodities in bulk, potato products, meat and packinghouse products, and frozen foods), between points in Arkansas on the one hand, and, on the other, points in Nebraska on and north of U.S. Highway 34; and (2) *Food products* (except commodities in bulk, frozen foods, and meats, meat products and meat byproducts, dairy products, and articles distributed by meat packinghouses, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), (a) from points in Arkansas, to points in that part of Iowa on and west of U.S. Highway 75, and points in that part of Minnesota on and west of U.S. Highway 71; and (b) between points in Arkansas, on the one hand, and, on the other, points in those portions of California, Nevada, and Utah on and north of Interstate Highway 80, restricted against the transportation of fresh foods from points in California to points in Arkansas. The purpose of this filing is to eliminate the gateway of Lincoln, Nebr.

No. MC 124211 (Sub-No. E59), filed May 13, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (except frozen foods, dairy products, potato products, meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and commodities in bulk), (a) from points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line, to points in Connecticut, Maine, Massachusetts, Minnesota, New Hampshire, Rhode Island, Vermont, and Wisconsin, and to those points in the Upper Peninsula of Michigan and to New York, N.Y., and Newark, N.J. The purpose of this filing is to eliminate the gateway of Lincoln, Nebr. (b) from points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 75 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line to points in those portions of North Dakota and South Dakota on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 125294 (Sub-No. E1), filed May 15, 1974. Applicant: HILLDRUP TRANSFER AND STORAGE, INC., P.O. Box 745, Fredericksburg, Va. 22401. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between Fredericksburg, Va., and points in Virginia within 100 miles thereof, on the one hand, and, on the other, points in Delaware, New Jersey, and Rhode Island; (2) between Fredericksburg, Va., and points in Virginia within 100 miles thereof (except points in Rockingham, Shenandoah, Page, Warren, Clarke, and Frederick Counties), on the one hand, and, on the other, points in New York; (3) between Fredericksburg, Va., and points in Virginia within 100 miles thereof, on the one hand, and, on the other, New York, N.Y.; (4) between Fredericksburg, Va., and points in Virginia within 100 miles thereof, on the one hand, and, on the other, Philadelphia, Pa.; (5) between Fredericksburg, Va., and points in Virginia within 100 miles thereof (except points in Augusta, Rockingham, Shenandoah, Warren, Clarke, Frederick, Page, Loudoun, Fauquier, Rappahannock, Culpeper, Madison, Greene, Albemarle, Amherst, Nelson, Appomattox, Buckingham, Fluvanna, and Orange Counties, and the cities of Winchester, Harrisonburg, Charlottesville, Staunton, and Waynesboro), on the one hand, and on the other, points in Pennsylvania; (6) between points in Arlington, Fairfax, and Prince William Counties and the cities of Alexandria, Falls Church, and Fairfax, Va., on the one hand, and, on the other, points in North Carolina; (7) between Fredericksburg, Va., on the one hand, and, on the other, Asheville, N.C.; (8) between points in Arlington, Clarke, Loudoun, Fairfax, Prince William, and Stafford Counties, Va., and the cities of Alexandria, Falls Church, Fairfax, Fredericksburg, and Winchester, Va., on the one hand, and, on the other, points in Georgia, located on and south of Interstate Highway 85; (9) between points in Maryland (except points in Allegany, Somerset, Worcester, Wicomico, and Garrett Counties), on the one hand, and, on the other, points in North Carolina; (10) between points in Maryland (except points in Garrett County), on the one hand, and, on the other, points in Georgia; (11) between Baltimore, Md., and points in Baltimore, Carroll, Harford, Frederick, Howard, Montgomery, Prince Georges, Anne Arundel, Charles, Calvert, and St. Marys Counties, Md. on the one hand, and, on the other, points in Virginia; (12) between Baltimore, Md., on the one hand, and, on the other, Pittsburgh, Pa., and Providence and Newport, R.I.; (13) between Lexington Park, Md., on the one hand, and, on the other, Wilmington, Del. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. MC 127196 (Sub-No. E16), filed May 24, 1974. Applicant: KLINE TRUCKING, INC., Box 355, Millville, Penn. 17846. Applicant's representative: James L. Kline (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies, and component parts*, used in the manufacture and assembly of mobile homes (except commodities in bulk and those which, because of size or weight, require the use of special equipment), (1) from points in that part of Pennsylvania west of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to junction Pennsylvania Highway 153, thence along Pennsylvania Highway 153 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 350, thence along Pennsylvania Highway 350 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-Ohio State line, to points in New Jersey; (2) between points in that part

of Pennsylvania east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 220 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Interstate Highway 83, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points in Michigan; (3) from points in that part of Pennsylvania north and east of a line beginning at the New York-Pennsylvania State line, thence along Pennsylvania Highway 449 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line, to points in North Carolina.

(4) From points in that part of New York east of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 14, to junction New York Highway 13, thence along New York Highway 13 to junction Interstate Highway 81, thence along Interstate Highway 81 to the United States-Canada International Boundary line, to points in that part of West Virginia south of Marshall County; (5) from points in that part of Pennsylvania north and east of a line beginning at the New York-Pennsylvania State line, thence along Pennsylvania Highway 14 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New Jersey State line, to points in that part of West Virginia south of Marshall County and west of Morgan County; (6) from points in that part of Pennsylvania north and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 15 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction Pennsylvania Highway 54, thence along Pennsylvania Highway 54 to junction Pennsylvania Highway 44, thence along Pennsylvania Highway 44 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 191, thence along Pennsylvania Highway 191 to the New York-Pennsylvania State line, to points in Virginia (except points in Accomack and Northampton Counties).

(7) From points in that part of Pennsylvania east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 220 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Pennsylvania Highway 10, thence along Pennsylvania Highway 10 to the Pennsylvania-Maryland State line, to points in that part of Ohio west and north of a line beginning at Cleveland, thence along U.S. Highway 42 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line; (8) from Baltimore, Md., to points in that part of Louisiana south of U.S. Highway 190; and (9) from points in that part of Ohio east and north of a line beginning at Cleveland, thence along Ohio Highway 21 to junction U.S. Highway 224, thence along U.S. Highway 224 to the Ohio-Pennsylvania State line, to points in that part of California west of a line beginning at the Oregon-California State line, thence along U.S. Highway 395 to junction California Highway 299, thence along California Highway 299 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 99, thence along California Highway 99 to junction California Highway 137, thence along California Highway 137 to junction California Highway 65, thence along California Highway 65 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction California Highway 86, thence along California Highway 86 to the California-Mexico State line. The purpose of this filing is to eliminate the gateway of Millville, Pa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-22525 Filed 9-27-74;8:45 am]

[Notice No. 599]

ASSIGNMENT OF HEARINGS

SEPTEMBER 25, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after September 30, 1974.

I & S No. 9044, Fresh Fruits & Vegetables, Transcontinental & Western Points, and FSA No. 42830, Fruits & Vegetables From and To Colorado and Utah Points, continued to October 16, 1974 (6 days), in Room 14217A, 14th Floor, 450 Golden Gate Ave., San Francisco, Calif.

MC-C-8242, General Leaseways, Inc., Burk Distributing Co., Inc., Levi Distributing, Inc., Keith V. Knight, Dba Knight Distributing Co., and Joseph G. Bowers—Investigation of Operations, now assigned October 16, 1974, at Des Moines, Iowa, is cancelled.

MC 111839, Bee Line Express, Inc., petition for modification dismissed.

MC 124947 Sub 25, Machinery Transports, Inc., application dismissed.

MC-F-12084, Transervice Corp.—Purchase—Moore-Flesher Hauling Company, MC-F-12085, J. Miller Express, Inc.—Purchase (Portion)—Transervice Corp., now assigned September 30, 1974, at Washington, D.C. is cancelled and application dismissed.

MC 134922 Sub 56, B. J. McAdams, Inc., now assigned October 1, 1974, at Philadelphia, Pa., is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-22663 Filed 9-27-74;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 25, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before October 15, 1974.

FSA No. 42878—*Roofing and Building Material from Daingerfield, Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-484), for interested rail carriers. Rates on roofing or building material, in carloads, as described in the application, from Daingerfield, Texas, to points in eastern Illinois, and southern territories.

Grounds for relief—Market competition.

Tariff—Supplement 3 to Southwestern Freight Bureau, Agent, tariff SW/S 302-H, I.C.C. No. 5154. Rates are published to become effective on October 25, 1974.

FSA No. 42879—*Rubber, Etc., to Points in Eastern Territory.* Filed by Southwestern Freight Bureau, Agent (No. B-486), for interested rail carriers. Rates on rubber, etc., in carloads, as described in the application, from points in Louisiana and Texas, to points in eastern territory.

Grounds for relief—Rate relationship and water competition.

Tariff—Supplement 94 to Southwestern Freight Bureau, Agent, tariff 13-E, I.C.C. No. 4982. Rates are published to become effective on October 25, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-22660 Filed 9-27-74;8:45 am]

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PART II

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

■

Procedures for Considering Environmental Impacts

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Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-95]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Environmental Decision-Making Authority

The purpose of this amendment is—

(1) To delegate to all Administrators those functions vested in the Secretary by section 4(f) of the Department of Transportation Act, as amended (Pub. L. 89-670, section 4(f), October 15, 1966, 80 Stat. 933, amended Pub. L. 90-495, section 18(b), August 23, 1968, 82 Stat. 824; 49 U.S.C. 1653(f)) which were not previously delegated;

(2) To delegate to the Federal Highway Administrator all functions vested in the Secretary by 23 U.S.C. 138 (Pub. L. 89-574, section 15(a), September 13, 1966, 80 Stat. 771, amended Pub. L. 90-495, section 18(a), August 23, 1968, 82 Stat. 823); and

(3) To delegate to the Federal Aviation Administrator those functions vested in the Secretary by section 16 of the Airport and Airway Development Act of 1970 (Pub. L. 91-258, section 16, May 21, 1970, 84 Stat. 226; 49 U.S.C. 1716) which were not previously delegated.

Delegation of this authority is part of a partial reassignment of decision making and review functions with respect to environmental matters within the Department of Transportation ("DOT"). The purpose of this reassignment is to accelerate environmental decision making by relieving the Secretary personally and the Office of the Secretary of much of the decision-making and review functions on environmental matters of lesser significance, while at the same time maintaining for the Office of the Secretary these functions in the more significant cases and an overview of all environmental issues in which the Department is involved.

The Department's procedures in environmental matters are governed by its internal DOT Order 5610.1B, appearing elsewhere in today's FEDERAL REGISTER (q.v.). That Order sets forth procedures for compliance with the National Environmental Policy Act (hereinafter "NEPA") (Pub. L. 91-190, January 1, 1970, 83 Stat. 852; 42 U.S.C. 4331 et seq.); section 4(f) of the DOT Act; section 16 (c), (d), and (e) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716 (c), (d), and (e)); section 309 of the Clean Air Act (July 14, 1955, Ch. 360, section 309, as added December 31, 1970, Pub. L. 91-604, section 12(a), 84 Stat. 1709; 42 U.S.C. 1857h-7); section 14 of the Urban Mass Transportation Act, as amended (Pub. L. 88-365, section 14, formerly section 11, July 9, 1964, 78 Stat. 308, renumbered Pub. L. 89-562, section 2(a)(1), September 8, 1966, 80 Stat. 715, amended Pub. L. 90-19, section 20(a), May 25, 1967, 81 Stat. 25; Pub. L. 91-453, section 6, October 15, 1970, 84 Stat. 966; 49 U.S.C. 1610); and section 106 of the Historic Preservation Act (Pub. L. 89-665, section 106, October 15, 1966, 80 Stat. 917; 16 U.S.C. 470f); and other laws and directives listed in section 2 of the Order. Under those procedures, environmental impact statements prepared under section 102(2)(c) of NEPA (42 U.S.C. 4332 (2)(c)) serve as the vehicle for environmental findings, determinations, and clearances under the cited laws.

Under previous procedures, all environmental impact statements produced by the operating administrations within DOT were reviewed at the draft stage by the Office of the Assistant Secretary for Environment, Safety, and Consumer Affairs. The Assistant Secretary also performed a second review with concurrence in every final environmental impact statement before it could be transmitted to CEQ.

In addition, previous DOT regulations reserved to the Secretary certain determinations under section 4(f) of the DOT Act and section 16 of the Airport and Airway Development Act of 1970. For this reason, environmental impact statements which were incorporated with such determinations were transmitted to the Secretary personally.

As the Department has reviewed these procedures it has become clear that this level of review is no longer necessary for most environmental impact statements, and make unnecessary demands on the time of the Assistant Secretary for Environment, Safety, and Consumer Affairs. The majority of environmental impact statements are concerned with comparatively routine grants under Title 23, United States Code (the Federal-Aid highway statutes) and the Airport and Airway Development Act of 1970.

In this majority of instances, relatively ordinary environmental effects are involved; there is not any opposition to the project from a Federal, State, or local government agency; and there is little, if any, expression of public interest or concern. In such situations, I have concluded, review by the Assistant Secretary of final environmental impact statements is no longer necessary or desirable.

In the same fashion, the previous procedures demanded much of the Secretary's time, since he personally made all section 4(f) determinations after his own review of the accompanying environmental impact statements and staff recommendations. When section 4(f) was enacted in 1966, several years before enactment of NEPA, reservation to the Secretary of all section 4(f) decisions was appropriate as an indication of the significance of such environmental decisions. Today, the high importance of restricting the use of parkland for transportation projects is more generally appreciated, and there is little benefit to be gained from the additional demands on the Secretary's time. The same considerations apply, although to a lesser extent, with respect to those determinations under section 16 of the Airport and Airway Development Act of 1970 that are now reserved to the Secretary.

In these circumstances a partial reallocation of environmental decision-making and review functions is appropriate. Under this partial reallocation, DOT Order 5610.1B has been amended as described in section 9 of the Order.

The Secretary may, of course, decide to exercise personally with respect to any particular project the authority delegated herein, as he has already done with respect to the proposed new St. Louis Metropolitan Area Airport, Columbia-Waterloo, Illinois, and the proposed Interstate Highway Route 66 in Arlington County, Virginia.

Since these amendments relate to Department management, procedures, and practices, notice and public procedure thereon are unnecessary and they may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

1. Paragraph (a)(2) of § 1.44 is revised and paragraph (a)(7) is revoked, as follows:

§ 1.44 Reservations of authority.

• • • • • •

(a) *General transportation matters.* • • •

(2) Functions relating to transportation activities, plans, and programs under section 4(g) of the Department of Transportation Act (49 U.S.C. 1653 (g)).

• • • • • •

(7) [Revoked].

• • • • • •

2. Paragraph (a) of § 1.45 is amended by adding a new subparagraph (4) to read as follows:

§ 1.45 Delegations to all Administrators.

(a) • • •

(4) Carry out the functions vested in the Secretary by section 4(f) of the Department of Transportation Act, as amended (49 U.S.C. 1653(f)).

• • • • • •

3. Paragraph (g)(1) of § 1.47 is revised, and paragraph (h) is revoked as follows:

§ 1.47 Delegations to Federal Aviation Administrator.

• • • • • •

(g) • • •

(1) The Airport and Airway Development Act of 1970 (49 U.S.C. 1701 et seq.), except sections 3 and 4 (49 U.S.C. 1702, 1703).

• • • • • •

(h) [Revoked]

• • • • • •

4. Paragraph (b)(23) of § 1.48 is revised to read as follows:

§ 1.48 Delegations to Federal Highway Administrator.

• • • • • •

(b) • • •

(23) 135, 136, 137, 138, and 139;

• • • • • •

Effective date. This amendment is effective September 30, 1974.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e))

Issued in Washington, D.C., on September 23, 1974.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.74-22441 Filed 9-27-74;8:45 am]

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DEPARTMENT OF

in the environmental analysis. Secondly, (2)(c) and (3)(c) to opposition "on en-

Historical properties. The Department

[Order 5610.1B]

ATTACHMENT 2—FORM AND CONTENT OF

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[OST Docket No. 33; Notice 74-12]

PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

By notice in the FEDERAL REGISTER of November 1, 1973 (38 FR 30215), pursuant to guidelines of the Council on Environmental Quality ("CEQ") (40 CFR Part 1500), the Department of Transportation ("DOT") published for public comment proposed procedures for consideration of environmental impacts required by section 102(2)(C) of the National Environmental Policy Act of 1969 ("NEPA") (January 1, 1970, Pub. L. 91-190, sec. 102(2)(C), 83 Stat. 853; 42 U.S.C. 4332(2)(C)).

The proposed procedures were in the form of an internal directive, DOT Order 5610.1B, "Procedures for Considering Environmental Impacts". Nine comments on the proposed procedures were received from the public. In light of some of those comments and further consideration within DOT, the Order has been modified to a limited extent.

Citizen involvement. Several commentors suggest changes in the citizen procedures (section 5 of the Order). The Oregon Environmental Council ("OEC") suggests, with regard to negative declarations, that the early notice system should include notification of decisions to prepare negative declarations, and that these declarations should be circulated in the same manner as an Environmental Impact Statement ("EIS"). This comment has not been adopted because the process for securing early notification of most DOT actions is through the notice of a public hearing, which includes notice of availability of an EIS or environmental analysis. A negative declaration would not ordinarily be prepared significantly before a public hearing, so that the notice of the hearing is the best early notice of the action. Further information, including a copy of the negative declaration, is then available upon request.

OEC also suggests that the extent of environmental impact be a consideration in whether a public hearing is held on a proposed action. This comment has been adopted in section 5.b(2)(a).

OEC also suggests that the lists of EIS's be sent automatically to other State and Federal agencies and those members of the public who have indicated an interest in DOT projects. This is not practical, considering the numbers of persons who may be involved. The suggestion is also duplicative, as the list is published in the FEDERAL REGISTER by CEQ. Also, individual EIS's are made available to interested parties. These actions are deemed adequate notice to interested persons.

Two comments suggest that the citizen involvement process be made more prescriptive. First an environmental consultant suggests that public meetings be held on the scope of work to be included in the environmental analysis. Secondly, OEC suggests that the notification of intention to apply for Federal program assistance be required to be sent to all interested parties. Those are both good practices and are in fact often used, but in view of the large number of more routine DOT EIS's, the costs of requiring those practices in every instance would outweigh their benefit. Accordingly, the Department has determined that they should not be mandatory.

TES concurrence. Several comments were received on the procedure by which the Assistant Secretary for Environment, Safety, and Consumer Affairs ("TES") would concur in final EIS's prepared by the operating administrations of DOT. One commentor suggests that the approval process continue as under the previous order, DOT 5610.1A; under that practice, TES must concur in all EIS's. Another commentor suggests more limited concurrence by offices in the Office of the Secretary of Transportation than set forth in Order 5610.1B. On the other hand, the Environmental Protection Agency ("EPA") suggests that projects which have incurred substantial citizen opposition be added to the list of projects for which TES concurrence is required.

The Order already requires TES concurrence in the event of Federal, State or local government agency opposition on environmental grounds. To determine what constitutes "substantial citizen opposition" would be difficult and is not susceptible to administrative guidelines (10 citizens? 2 local citizens' groups? 1 national organization?).

The authority of TES to require its concurrence on any project gives citizen opposition that is in fact substantial an opportunity to be heard and TES an opportunity to intercede if it agrees. This is likely to be more effective than leaving to an administration the difficult task of deciding what constitutes "substantial citizen opposition". Therefore, this suggestion has not been adopted.

In light of these varying comments on this issue, the Order retains the basic approach set forth in Order 5610.1B as published on November 1, 1973. However, two clarifying changes have been made. First, within section 9, "Preparation of Final Statement: Procedures and Responsibilities", paragraph c.(1)(a) now provides that a highway project located on a new alignment in an urban area of over 100,000 population must have TES concurrence. "Urban area" is defined as an area within the boundaries of a comprehensive urban planning area as defined in paragraph 3.b.(2) of Federal Highway Administration ("FHWA") Policy and Procedure Memorandum 50-9, "Urban Transportation Planning" (Federal-Aid Highway Program Manual, Vol. 4, Ch. 4, Sec. 2). The proposed language was applicable to new alignments in all urban areas. Second, concurrence for projects to which a Federal, State, or local agency has expressed opposition has been limited in section 9.c.(1), (2)(c), and (3)(c) to opposition "on environmental grounds".

Finally, when the Secretary decides that a particular project will be subject to his personal review and decision, as he has done with respect to the proposed Interstate Route 66 in Arlington County, Virginia, and the proposed new St. Louis Metropolitan Area Airport at Columbia-Waterloo, Illinois, the role of TES will be the same as under the old order.

Definitions. Several comments relate to the definition of a major Federal action significantly affecting the environment. The California DOT comments with respect to section 4(f) of the DOT Act, which involves protection of park, recreation and certain other categories of land, that "section 4(f)" actions requiring an EIS be limited to those where involvement of "section 4(f) land" is significant. This comment has been adopted in Attachment 1, section 2.a.(a), which limits these effects to "any effect that is not minimal". For the same reason, another criterion for preparing EIS's has been deleted—i.e., "affect ground water, flooding, erosion or sedimentation", in Attachment 1, section 2.a.(6), as suggested by another commentor.

Consultants. EPA recommends prohibiting primary consultants on EIS's from serving as contractors for project construction. This recommendation has not been adopted. The Department believes that the intent of the EPA comment, which is to assure an objective analysis of environmental impacts, is adequately covered by paragraph f., "Use of Consultants", of section 7, "Preparation of Draft Environmental Statements", and that the suggested prohibition would unnecessarily disrupt the use of consultants with special technical and factual expertise. Section 7.f. provides that work by consultants who may expect further contracts based on the outcome of the environmental decision shall be carefully reviewed to insure complete and objective consideration of all relevant project impacts and alternatives. Further, section 7.e.(2) provides that the Department must "make its own evaluation of the environmental issues and take responsibility for the scope and content of statements".

Retroactivity. EPA suggests adding a sentence on application of EIS requirements, turning on the status of project work and degree of completion. This suggestion has been adopted and incorporated in section 12, "Application of section 102(2)(C) Procedures to Existing Projects and Programs".

National Technical Information Service ("NTIS"). A consultant suggests that procedures be adopted whereby the NTIS number of an EIS be made available to the public, together with the address and telephone number of NTIS. The NTIS has since ceased distributing copies of EIS's. We have therefore amended paragraph 9.f. to provide for a broader distribution and public availability of statements from DOT operating administrations and grantees.

Historical properties. The Department has revised section 5 of Attachment 2, regarding the content of EIS's where properties or sites of historical or cultural significance are affected. This change was carried out after the Advisory Council on Historic Preservation ("ACHP") published new procedures to implement Executive Order 11593, concerning protection and enhancement of the cultural environment. Consultations were conducted with ACHP, and section 5 reflects this consultation and is acceptable to the Council. This section now suggests the kind of material that should be included in draft and final EIS's for projects involving properties included in, or eligible for inclusion in, the National Register of Historic Places, or properties of State or local historic, cultural, or archaeological significance.

Separate implementing instructions. One commentor suggests that the DOT Order should not provide for separate implementing instructions by the FHWA. DOT procedures provide for more detailed instructions to be promulgated by its operating administrations in carrying out their own programs because the programs of the Department vary considerably from administration to administration. Their separate instructions are necessary to incorporate environmental considerations into their normal program and project review process.

Editorial comments. Numerous editorial modifications and clarifications of the Order have been made throughout the Order to reflect public comments and further discussions within the Department.

Effective date. Paragraph 15 of the Order provides for a split effective date. The Order applies September 30, 1974, to all draft or final statements filed with the CEQ after that date. A limited exception has been made for draft and final impact statements prepared under DOT 5610.1A, which this Order otherwise supersedes. Paragraph 15 permits these statements to be processed without substantive revision for an additional sixty days. In addition, final impact statements and section 4(f) and section 16 determinations submitted to the Office of the Secretary for concurrence before the effective date will be processed under the provisions of 5610.1A until finally acted upon.

In consideration of the foregoing, Department of Transportation Order 5610.1B, "Procedures for Considering Environmental Impacts," is promulgated, to read as appears below.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e); National Environmental Policy Act, 42 U.S.C. 4321 et seq; Executive Order 11514, 35 FR 4247; 40 CFR Part 1500.)

Issued in Washington, D.C., on September 23, 1974.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[Order 5610.1B]

PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS

1. *Purpose.* This Order establishes procedures for consideration of environmental impacts through preparation and use in decision making of detailed environmental impact statements. Where required, these statements serve as the single vehicle for environmental findings, determinations, and clearances on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

2. *Cancellation.* DOT 5610.1A, Procedures for Considering Environmental Impacts, dated October 4, 1971.

3. *Authority.* This Order provides instructions for implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91-190, hereinafter "NEPA"); sections 2(b) and 4(f) of the Department of Transportation Act of 1966 (Pub. L. 89-670, hereinafter "the DOT Act"); section 309 of the Clean Air Act of 1970, as amended (Sec. 12(a) of Pub. L. 91-604, hereinafter "the Clean Air Act"); section 106 of the National Historic Preservation Act of 1966 (Pub. L. 89-665, hereinafter "the Historic Preservation Act"); sections 303 and 307 of the Coastal Zone Management Act of 1972 (Pub. L. 92-583); section 2 of the Fish and Wildlife Coordination Act (Pub. L. 85-624); and various Executive Orders relating to environmental impacts. In addition, the Order provides instructions for implementing, where environmental statements are required, sections 138 and 109 of Federal-aid highway legislation (Title 23, United States Code, hereinafter "the Highway Act"), sections 16 and 18(4) of the Airport and Airway Development Act of 1970 (Pub. L. 91-258, hereinafter "the Airport Act"), and section 14 of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq., hereinafter "the Mass Transportation Act").

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ATTACHMENT 5.—OFFICIALS IN AGENCIES TO CONTACT FOR INFORMATION OR TO RECEIVE STATEMENT FOR COMMENT

1. *Intent.* Officials of the Department of Transportation (hereinafter "DOT" or "the Department") must comply with both the procedures and the intent of the National Environmental Policy Act of 1969 ("NEPA"). The purpose of the environmental assessment and consultation process is to provide Department officials and other decision makers, as well as members of the public, with an understanding of the potential environmental effects of proposed actions significantly affecting the quality of the human environment; to avoid or minimize adverse effects wherever possible; to restore or enhance environmental quality to the fullest extent practicable; to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites; to avoid or minimize undesirable consequences to the environment; and to preserve, restore, and improve wetlands, NEPA requires Federal officials "to use all practical means, consistent with other essential considerations of national policy, and to improve and coordinate Federal plans, functions, programs, and resources", to carry out national environmental objectives; and, in effect, integrates national environmental objectives into existing Departmental policies and missions. The environmental impact statement process should be used to explore and document alternative actions that will avoid or minimize adverse impacts, and to evaluate both the long and short term implications to man and his physical and

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social surroundings, and to nature. In making decisions, environmental assessments must be considered along with assessments of economic, technical, and other benefits. In short, the environmental statement serves as the record of compliance with the policy, as well as the procedures, of NEPA and it should reflect a thorough review of all relevant environmental factors.

2. *Background.* a. NEPA establishes a broad national policy to promote efforts to improve the relationship between man and his environment, and provides for the creation of a Council on Environmental Quality (hereinafter "CEQ"). NEPA sets out certain policies and goals concerning the environment, and requires that, to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with those policies and goals.

b. Section 102 of NEPA is designed to insure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government. Section 102(2)(C) requires that all agencies of the Federal Government shall

> Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—
>
> (i) The environmental impact of the proposed action,
>
> (ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented,
>
> (iii) Alternatives to the proposed action,
>
> (iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
>
> (v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.
>
> Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes • • •

c. Section 102(2)(A) of NEPA requires all agencies of the Federal Government to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment • • •"

d. Executive Order 11514, Protection and Enhancement of Environmental Quality, dated March 4, 1970, orders all Federal agencies to "initiate measures needed to direct their policies, plans, and programs so as to meet national environmental goals."

e. Guidelines from the President's Council on Environmental Quality (38 FR 20549, 40 CFR Part 1500 et seq., August 1, 1973) provides guidance to agencies for preparation of environmental impact statements.

f. DOT N 1100.37, Realignment of Functions Within the Office of the Secretary, dated February 5, 1973, transferred to the Assistant Secretary for Environment, Safety, and Consumer Affairs (hereinafter "TES") the responsibility for environmental matters formerly vested in the Assistant Secretary for Environment and Urban Systems. These responsibilities include overseeing the Department's response to NEPA, in terms both of policies and procedures, in cooperation with the General Counsel (hereinafter "TGC").

g. Section 4(f) of the DOT Act and section 138 of the Highway Act state, "It is hereby declared to be the national policy that special effort should be made to preserve the natural beauty of the countryside and public parks and recreational lands, wildlife and waterfowl refuges, and historic sites. The Secretary • • • shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

h. Section 16(c)(1)(A) of the Airport Act provides that an airport development project may be approved only if the Secretary is satisfied that the project is reasonably consistent with plans (existing at the time of approval of the project) of planning agencies for development of the area in which the airport is located.

i. Section 16(c)(3) of the Airport Act requires consideration of the interests of communities in or near which airport development projects are proposed.

j. Section 16(c)(4) of the Airport Act directs that each airport development project "provide for the protection and enhancement of the natural resources and the quality of environment of the Nation"; and provides that the Secretary may not authorize a project found to have an adverse effect unless he finds, in writing, after full and complete review, that "no feasible and prudent alternative exists and that all possible steps have been taken to minimize such adverse effect."

k. Sections 16 (d) and (e) of the Airport Act require, as a condition to approval of certain airport projects, that (1) an opportunity be afforded for a public hearing for consideration of economic, social, and environmental effects; and (2) assurances be obtained that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards.

l. Section 18(4) of the Airport Act requires that assurances be obtained that "appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft."

m. Section 109(i) of the Highway Act requires the Secretary to develop and promulgate standards for highway noise levels compatible with different land uses and prohibits the approval of plans and specifications for certain projects unless he determines that the plans and specifications include adequate measures to implement the standards.

n. Section 109(j) of the Highway Act requires the Secretary, in consultation with the Environmental Protection Agency (hereinafter "EPA"), to develop and promulgate guidelines to assure that highways constructed under the Act "are consistent with any approved plan for the implementation of any ambient air quality standard for any air quality control region designated pursuant to the Clean Air Act, as amended."

o. Section 309 of the Clean Air Act requires the Administrator of EPA to "review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any (1) legislation proposed by any Federal department or agency, (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which section 102(2)(C) of Pub. L. 91-190 applies, and (3) proposed regulations published by any department or agency of the Federal Government."

p. Section 14 of the Mass Transportation Act requires the Secretary to review each transcript of the public hearing conducted in connection with a project "to assure that an adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and that the project application includes a detailed statement on (1) the environmental impact of the proposed project, (2) any adverse environmental effects which cannot be avoided should the proposal be implemented, (3) alternatives to the proposed project, and (4) any irreversible and irretrievable impact on the environment which may be involved in the proposed project should it be implemented." The Secretary may not approve an application under Section 3 of the Act unless he finds that "(1) adequate opportunity was afforded for the presentation of views • • • and fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located, and (2) either no adverse environmental effect is likely to result from such project, or there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect."

q. Section 106 of the National Historic Preservation Act requires the head of any Federal agency having jurisdiction over a Federal or federally-assisted undertaking to take into account, prior to approving the undertaking, its effect on any district, site, building, structure, or object that is included in the National Register of Historic Places, and to give the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to the undertaking.

r. Executive Order 11593, Protection and Enhancement of the Cultural Environment, requires that Federal plans and programs contribute to the preservation and enhancement of sites, structures, and objects of historical, architectural, or archaeological significance.

s. 36 CFR Part 800 (39 FR 3365, January 25, 1974) Procedures for the Protection of Historic and Cultural Properties, establishes procedures to ensure that historic and cultural resources are given proper consideration in the preparation of environmental impact statements.

t. Executive Order 11296, Flood Hazard Evaluation Guidelines, requires Federal agencies to evaluate flood hazards in planning facilities, constructing buildings and facilities, disposing of lands and properties, and land use planning.

u. The Coastal Zone Management Act of 1972 states that "• • • it is the national policy (a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone • • •" (section 303); and requires all Federal activities affecting the zone to be carried out in a manner consistent with State coastal zone management programs (section 307).

v. Section 2 of the Water Bank Act (Pub. L. 91-559) declares that "• • • it is in the public interest to preserve, restore, and improve the wetlands of the Nation • • •"

w. Section 2 of the Fish and Wildlife Coordination Act requires, with certain limited exceptions, that "whenever the waters of any stream or other body of water are proposed or authorized to be • • • controlled or modified for any purpose whatever • • • by any department or agency of the United States, or by any public or private agency under Federal permit or license, such department or agency shall first consult with the United States Fish and Wildlife Service, Department of the Interior, and with the head of the agency exercising administration over the wildlife resources of the particular State wherein the • • • control facility is to be constructed • • •" (subsection (a)). Reports and recommendations of the Secretary of the Interior and any other applicable officials must be included in the report prepared or submitted by the agency responsible for constructing the project to the Congress or other agency with authority to approve the project (subsection (b)).

3. *Definitions and Actions Covered*—a. *Definitional guidelines.* Section 102(2)(C) of NEPA requires preparation of an environmental impact statement (hereinafter "environmental statement" or "statement") for every major recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. Definitional guidelines for "major action significantly affecting" are set forth in Attachment 1.

b. *Actions covered.* Except as provided in subparagraph c. below, the requirements in this Order calling for either a negative declaration (see paragraph 7.g.) or a statement pursuant to section 102(2)(C) of NEPA apply to, but are not limited to, the following: all grants, loans, contracts, purchases, leases, construction, research activities, rulemaking and regulatory actions, certifications, licensing, permits, plans submitted to the Department by State or local agencies which require Departmental approval, legislation proposed by DOT or legislation proposed by others and supported by DOT and for the subject matter of which DOT would have primary responsibility, and any renewals or reapprovals of the foregoing.

c. *Exceptions.* (1) Assistance in the form of general revenue sharing with no Departmental control over the subsequent use of the funds;

(2) Administrative procurements (e.g., general supplies) and contracts for personal services;

(3) Normal personnel actions (e.g., promotions, hirings);

(4) Planning grants which do not imply a project commitment;

(5) Project amendments (e.g., increases in costs) which do not alter the environmental impact of the action;

(6) Legislative proposals not originating in DOT and relating to matters not the primary responsibility of DOT; and

(7) In addition to the exceptions noted in subparagraphs (1)-(6) above, the implementing instructions called for by paragraph 4 below may provide for exceptions on specific types or categories of actions carried out by the operating administrations which are not major Federal actions significantly affecting the quality of the human environment.

d. *Class action.* A general class of actions may be covered by a single statement when the environmental impacts of all the actions (and alternatives thereto) are substantially similar.

e. *Research.* Guidelines for assessing the environmental consequences of research activities are set forth in Attachment 3.

4. *Implementing instruction.* a. Administrations shall issue instructions or regulations implementing this Order. The implementing instructions, and any substantial amendments thereto, shall be submitted to TES for review, consultation with CEQ, and concurrence by TES and TGC. In order to ensure reasonable consistency in the treatment of research and development, the Assistant Secretary for Systems Development and Technology (TST) will prepare, with the concurrence of the separate operating administrations, that part of the operating administrations' implementing instructions dealing with interpretation of the guidelines in Attachment 3. After concurrence by TES and TGC, administrations shall publish the proposed implementing instructions or modifications in the FEDERAL REGISTER, allowing a minimum of 45 days for public comment and compliance with the applicable requirements of the Administrative Procedure Act (5 U.S.C. 551 et seq.) and OMB Circular No. A-85, "Consultation with Heads of State and Local Governments in Development of Federal Rules, Regulations, Standards, Procedures, and Guidelines." With the concurrence of TES and TGC, final procedures shall then be published. The administrations shall apply this Order and the CEQ guidelines to their programs, even though implementing instructions have not yet been finally promulgated pursuant to this paragraph.

b. The implementing instructions shall incorporate the main points in this Order (or include it as an attachment), and apply them with more specificity to the programs of the operating administrations. They shall define "programs", "projects", and "actions" for purposes of 102(2)(C) statements, and prescribe the time and requirements for consultation prior to decision, and the other decision review processes for which environmental statements are to be available.

5. *Citizen involvement procedures.* a. Citizen involvement in the environmental assessment of Departmental actions is encouraged at each appropriate stage of development of the proposed action and should be sought as early as possible. Attempts to solicit the views of the public through hearings, personal contact, press releases, advertisements or notices in newspapers, maintaining mailing lists of interested parties, and other methods should be utilized. Administrations should develop lists of interested parties at the national, State, and local levels. These would include individuals and community, environmental, conservation, public service, education, labor, or business organizations, who are affected by or known to have an interest in the project, or who can speak knowledgeably on the environmental impact of the proposed action. A summary of citizen involvement and any environmental issues raised should be documented in the environmental statement. Planning stage criteria for citizen involvement and identification of social, economic, and environmental impacts in Departmental planning programs are set forth in DOT 1130.2, "Annual Unified Work Programs for Intermodal Planning," dated March 16, 1973.

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b. The administrations' implementing instructions shall prescribe procedures assuring (1) that interested parties and Federal, State, and local agencies receive early notification of the decision to prepare an environmental impact statement, and (2) that their comments on the environmental effects of the proposed Federal action are solicited at an early stage in the preparation of the draft impact statement.

c. Under OMB Circular A–95, "Evaluation, Review, and Coordination of Federal Assistance Programs and Projects," and DOT 4600.4B, "Evaluation, Review and Coordination of DOT Assistance Programs and Projects," dated February 27, 1974, a grant applicant must notify the clearinghouse of its intention to apply for Federal program assistance. The notification must solicit comments on the project and its impacts from appropriate State and local agencies. The early notification requirement may be met for this type of proposed action by requiring that the notification be sent to interested parties and agencies at the same time it is sent to the clearinghouse.

d. At the time the draft environmental impact statement is circulated to Federal, State, and local agencies, copies should be sent to known interested parties, and the availability of the statement should be made generally known through advertisements in local papers or any other effective method. (See also paragraph 9.f. regarding availability of statements.)

e. Hearings. (1) In several instances, a public hearing is required by statute as a condition to Federal approval of a proposed project. Even where not required by statute, a hearing may help resolve environmental conflicts. In deciding whether a public hearing is appropriate, officials should consider:

(a) The magnitude of the proposal in terms of economic costs, environmental impact, the geographic area involved, and the uniqueness or amount of the resources to be committed;

(b) The degree of interest in the proposal as evidenced by requests for a hearing from the public or Federal, State, and local authorities;

(c) The complexity of the issue and the likelihood that the information presented at the hearing will be of assistance to the agency in fulfilling its responsibilities under NEPA and other applicable laws; and

(d) The extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, or written comments on the proposed action.

(2) If a public hearing is to be held, the draft statement or environmental analysis should be made available to the public at least 30 days prior to the hearing. The notice of the hearing should be announced through newspaper articles, direct notification to interested parties and clearinghouses, or other means, and should note the availability of the environmental impact statements or analyses.

f. Each administration and Secretarial Office shall maintain a list of its actions for which environmental statements are being prepared and make the list available to the public upon request. Each administration and Secretarial Office shall submit a current list of these statements to TES and CEQ not less than quarterly, and make it available to the public upon request.

6. *Planning stage.* The environmental impacts of proposed activities should be initially assessed concurrently with the initial technical and economic studies. General criteria for identification of social, economic, and environmental impacts in Department planning programs are set forth in DOT 1130.2, "Annual Unified Work Programs for Intermodal Planning," dated March 16, 1973.

7. *Preparation of draft environmental statement.* a. *Form and content.* The environmental statement shall include relevant environmental determinations under section 4(f) of the DOT Act, section 16(c)(4) of the Airport Act, and section 14 of the Mass Transportation Act, and the documentation for other environmental findings, determinations, and clearances within the scope of this Order. Guidelines for the form and content of environmental statements are set forth in Attachement 2.

b. *Legislative proposals.* Before the Department submits to the Congress a legislative proposal or a favorable report on proposed legislation involving matters for which it is primarily responsible, the office which develops the Departmental position on the report or originates the legislation shall, in accordance with OMB Bulletin 72–6, "Proposed Federal Actions Affecting the Environment", prepare, circulate, and file with CEQ an environmental statement or prepare a negative declaration.

c. *Timing of preparation of draft statements.* Draft statements shall be prepared at the earliest practical time prior to the first significant point of decision in the program or project development process. They should be prepared early enough in the process so that the analysis of the environmental effects and the exploration of alternatives with respect thereto are significant inputs to the decision making process. The implementing instructions (called for by paragraph 4 above) shall specify the point at which draft statements should be prepared for each type of action to which the instructions apply.

d. *Actions originating within DOT.* If a proposed action to which this Order applies originates within DOT, the originator of the proposal shall state in the proposal whether, in his judgment, the action will require a 102(2)(C) statement. If the action originates within the Office of the Secretary, the originator of the proposal is responsible for preparing (with the assistance and concurrence of TES), circulating, and filing with CEQ, the environmental statement. The originator of the proposal is also responsible for preparing a negative declaration where appropriate.

e. *Applications.* Each applicant for a grant, loan, permit, or other DOT approval covered by paragraph 3 above may be requested to submit, with the original application, a proposed draft 102(2)(C) statement, a negative declaration, or, if the draft statement or negative declaration is to be prepared by the administration, an environmental analysis of the proposed project. In the latter event, the administration should assist the applicant by specifying the types of information required.

(1) Regardless of the nature of the applicant's participation, the administration must make its own evaluation of the environmental issues because it is responsible for the scope and content of draft and final environmental statements.

(2) The implementing instructions shall limit the actions an applicant may take prior to completion and review of the final statement and approval of the application.

f. *Use of consultants.* Consultants may prepare background or preliminary material and assist in preparing a draft or final environmental statement for which the Department takes responsibility. Care should be exercised in selecting consultants, and in reviewing their work, to insure complete and objective consideration of all relevant project impacts and alternatives, particularly if the consultant may expect further contracts based on the outcome of the environmental decision.

g. *Negative declaration.* There shall be prepared for any proposed action to which this Order applies either a statement as required by section 102(2)(C) of NEPA, or a declaration that the proposed action will not have a significant impact on the environment.

(1) A negative declaration need not be coordinated outside the originating office, but must be made available to the public upon request.

(2) A negative declaration must include documentation sufficient to support the determination that the proposed action does not have a significant impact on the environment.

(3) An operating administration or Secretarial Office shall carefully document a negative declaration covering a proposed action (a) which has been identified as normally requiring preparation of a statement; (b) which is similar to another action for which a statement has been prepared; (c) which has been previously announced to be the subject of a statement; or (d) which is prepared in response to a request from CEQ. Lists of declarations in these categories, and any determinations that preparation of a statement is not yet timely, shall be prepared and made available in the same manner as provided in paragraph 5.f. for lists of statements under preparation.

h. *Scope of statement.* The action covered by the statement should have independent significance, and must be broad enough in scope to avoid segmentation of projects and to insure meaningful consideration of alternatives. In certain circumstances, statements will be required for broad programs in order to assess the environmental effects of a number of actions in a geographical area, the environmental impacts that are generic or common to a series of actions, or the overall impact of a chain of contemplated projects.

i. *Interdisciplinary approach.* Section 102(2)(A) of NEPA requires each Federal agency to utilize a "systematic, interdisciplinary approach" to plans and programs affecting the environment. To assure that all environmental impacts are identified and assessed, all relevant disciplines should be represented. If the necessary disciplines are not represented on the staff of the applicant or the administration, it is appropriate to use professional services available in other Federal, State or local agencies, universities, or consulting firms. The use of the interdisciplinary approach should not be limited to the environmental statement. This approach should also be used in the early planning stages to help assure a systematic evaluation of reasonable alternative courses of action and their potential social, economic, and environmental consequences.

j. *Lead agency.* CEQ guidelines provide that:

Where more than one agency (1) directly sponsors an action, or is directly involved in an action through funding, licenses, or permits, or (2) is involved in a group of actions directly related to each other because of functional interdependence and geographic proximity, to the maximum extent possible one statement should be prepared for all Federal actions involved. Agencies in such cases should consider the possibility of joint preparation of a statement by all agencies concerned, or designation of a single "lead agency" to assume supervisory responsibility for preparation of the statement. Where a lead agency prepares the statement, the other agencies involved should provide assistance with respect to their areas of jurisdiction and expertise. In either case, the statement should contain an environmental assessment of the full range of Federal actions involved, should reflect the views of all participating agencies, and should be prepared before major or irreversible actions have been taken by any of the participating agencies. Factors relevant in determining an appropriate lead agency include the time sequence in which the agencies become involved, the magnitude of their respective involvement, and their relative expertise with respect to the project's environmental effects. As necessary, the Council on Environmental Quality will assist in resolving questions of responsibility for statement preparation in the case of multi-agency actions. Federal Regional Councils, agencies, and the public are encouraged to bring to the attention of the Council and other relevant agencies appropriate situations which a geographic or regionally focused statement would be desirable because of cumulative effects likely to result from multi-agency actions in the area.

Questions concerning "lead agency" decisions should be raised with CEQ through TES. For projects serving and primarily involving land owned by or under the jurisdiction of another Federal agency, that agency may be the appropriate lead agency.

8. *Processing of draft environmental statement.* The originating operating administration or Secretarial Office shall circulate the draft environmental statement for comment to (1) all agencies having jurisdiction by law or special expertise with respect to the environmental impact involved; (2) interested parties (see subparagraph 5.a.); (3) CEQ (five copies); (4) TES (two copies); and (5) other elements of DOT where appropriate. If the Federal Highway Administration takes responsibility for the form and content of the statement and clears it, a statement may be circulated by a State highway department. Implementing instructions shall set forth the procedure for obtaining comments. A time period for comment may not be less than 45 days from the Friday of the week following receipt of the draft impact statement by CEQ. Requests for extensions of time shall be granted whenever possible, and particularly when warranted by the magnitude and complexity of the statement or the extent of citizen interest.

a. *Federal review.* Attachment 4 of this Order lists the Federal agencies having special expertise or jurisdiction by law with respect to environmental impacts to which the draft statement should be referred, as appropriate, for comment.

b. *State and local review.* (1) Review of the proposed action by State and local agencies, when appropriate, shall be obtained as follows:

(a) Where review of direct Federal development projects, and of projects assisted under programs listed in Attachment D to revised OMB Circular A–95 (as implemented by DOT 4600.4B "Evaluation Review and Coordination of DOT Assistance Programs and Projects", dated February 27, 1974), takes place prior to preparation of an environmental statement, comments of the reviewing agencies on the environmental effects of the proposed project are inputs to the environmental statement. These comments shall be attached to the draft statement when it is circulated for review and copies of the draft shall be sent to those that commented. A–95 clearinghouses or other agencies designated by the Governor may also secure comments on environmental statements. In all cases, copies of the draft and final environmental statements shall be sent to clearinghouses and to the applicant whose project is the subject of the statement.

(b) Project applicants or administrations shall obtain comments directly from appropriate State and local agencies, except where review is secured by agreement through A–95 clearinghouses. Comments shall be solicited from municipalities and counties on all projects located therein.

(c) State and local review of each administration's procedures, regulations, and policies for administering Federal programs of assistance to State and local governments shall be obtained pursuant to procedures established by OMB Circular No. A–85.

(2) Generally, environmental statements on legislative and budget proposals need not be subject to State and local review.

c. *Utilization of comments.* Comments received on the draft statement, and inputs (in summary form, if appropriate) from the processes for citizen participation, shall accompany the draft environmental statement through the normal internal project or program review process.

d. *Legislation.* The draft of the environmental statement for proposed legislation or legislative report shall be cleared with TES and submitted by TGC–40 to the Office of Management and Budget for circulation in the normal legislative clearance process. The statement, and any comments received, shall be furnished to the Congress and made available to the public for consideration in connection with the proposed legislation or report. If the scheduling of congressional hearings on legislation does not allow adequate time for the completion of a final environmental statement, a draft environmental statement shall be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text. Negative declarations shall be forwarded to the Congress, if requested.

9. *Final environmental impact statement: preparation, procedures, and responsibilities.* a. *Preparation.* Before being put into final form for approval of the responsible official, draft statements shall be revised, as appropriate, to reflect comments received, issues raised through the community involvement and public hearing process, or other considerations. Final statements shall conform to the guidelines for form and content in Attachment 2.

b. *Legal review.* All final environmental statements shall be reviewed for legal sufficiency by the Chief Counsel of the operating administration concerned, or his designee. Statements that also fall under section 4(f) of the DOT Act shall be reviewed for legal sufficiency by counsel at the headquarters of the operating administration.

c. *Internal processing.* Final environmental impact statements will be processed pursuant to this subparagraph.

(1) *Grants for highway construction projects.* Final environmental impact statements for all grants for highway construction projects may be approved by the Federal Highway Administrator or his designee. For projects in the following categories, that approval may be given only after concurrence of TES:

(a) Any highway project located on a new alignment in an urban area of over 100,000 population ("urban area" is defined as an area within the boundaries of a comprehensive urban planning area, as defined in paragraph 3.b.(2) of FHWA Policy and Procedure Memorandum 50–9, included in Federal-Aid Highway Program Manual, Vol. 4, Ch. 4, Sec. 2);

(b) Any new controlled access freeway;

(c) Any project to which a Federal, State, or local governmental agency has

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expressed opposition on environmental grounds;

(d) Any project for which TES requests an opportunity to review and concur in the final statement;

(e) Any project for which the Federal Highway Administrator requests review and concurrence by TES in the final statement.

For those highway construction project grants in categories (a) through (e) above that also fall under section 4(f) of the DOT Act, concurrence from both TGC and TES is required prior to approval of the final environmental impact statement/section 4(f) determination by the Administrator or his designee.

(2) *Grants for airport development projects.* Final environmental impact statements for all airport development grants may be approved by the Federal Aviation Administrator or his designee. For projects in the following categories, that approval may be given only after concurrence of TES:

(a) Any new airport serving a metropolitan area;

(b) Any new runway or runway extension for an airport located in whole or in part within a metropolitan area and either certificated under section 612 of the Federal Aviation Act of 1958, as amended, or used by large aircraft (except helicopters) of commercial operators;

(c) Any project to which a Federal, State, or local governmental agency has expressed opposition on environmental grounds;

(d) Any project for which TES requests an opportunity to review and concur in the final statement;

(e) Any project for which the Federal Aviation Administrator requests review and concurrence by TES in the final statement.

For those airport grants in categories (a) through (e) above that also fall under section 4(f) of the DOT Act, concurrence from both TGC and TES is required prior to approval of the final environmental impact statement/section 4(f) determination by the Administrator or his designee.

(3) *Bridge permits.* Final environmental impact statements for all bridge permits issued under section 9 of the Act of March 3, 1899, 33 U.S.C. 401; the Bridge Act of 1906, as amended, 33 U.S.C. 491 et seq.; or the General Bridge Act of 1946, as amended, 33 U.S.C. 525 et seq.; may be approved by the Commandant of the Coast Guard or his designee. For bridge permits in the following categories, that approval may be given only after concurrence of TES:

(a) Any bridge that would be part of a road located on a new alignment in an urban area (as defined in paragraph 9.c.(1)(a));

(b) Any bridge that would be part of a new controlled access freeway;

(c) Any bridge to which a Federal, State, or local governmental agency has expressed opposition on environmental grounds;

(d) Any bridge for which TES requests an opportunity to review and concur in the final statement;

(e) Any bridge for which the Commandant of the Coast Guard requests review and concurrence by TES in the final statement.

For those Coast Guard projects in categories (a) through (e) above that also fall under section 4(f) of the DOT Act, concurrence from both TGC and TES is required prior to approval of the final environmental impact statement/section 4(f) determination by the Commandant or his designee.

(4) *Other final environmental impact statements.* Final environmental impact statements with respect to actions not dealt with in subparagraphs (1) through (3) above may be approved by the Administrator or Secretarial Officer originating the action, but only after concurrence of TES.

(5) *Copies and notification.* Where TES concurrence is required, the administrations shall submit to TES two copies of the final environmental statement, together with all comments received on the draft from the responsible Federal, State, and local agencies and private organizations. The final statement may be deemed to be concurred in by TES unless, within two weeks after its receipt, TES notifies the administration to the contrary, or unless it is an item requiring concurrence by other Secretarial Officers. With respect to the latter items, TES shall transmit the coordinated decisions of the appropriate Secretarial Offices to the originating administration or office. A final statement requiring TES concurrence may not be formally transmitted to CEQ until that concurrence has been secured. When TES does not concur, the final statement shall be returned to the originating administration or office with a statement of the reasons for non-concurrence.

d. *Availability pending approval.* Proposed final statements may be made available to the public and Federal, State, or local agencies pending final approval and filing with CEQ, if they carry a notation that the statement is not approved and filed.

e. *Decisions reserved to the secretary.* If an action requires the personal approval of the Secretary or Under Secretary pursuant to a request by them or by TES, TGC, or the administration or Secretarial Office originating the action, the final environmental statement shall be accompanied by a brief cover memorandum requesting the Secretary's or Under Secretary's approval of the action.

(1) The memorandum shall have signature lines for the concurrence of the Assistant Secretary for Environment, Safety, and Consumer Affairs, the General Counsel, and the Under Secretary, and for the approval of the Secretary or Under Secretary.

(2) TES, in conjunction with the Executive Secretary, is responsible for informing the Assistant Secretary for Congressional and Intergovernmental Affairs and the Office of Public Affairs of the Secretary's decisions so that they, in coordination with the operating administrations or other Secretarial Offices involved, may take the appropriate actions.

f. Availability of statements to the president, the CEQ, and the public. After approval, the originating office shall transmit five copies of each final statement to CEQ, which transmittal shall be deemed a transmittal to the President.

(1) The office preparing the environmental statement shall make the draft and final versions of the statement, and the comments received thereon, available to the public, pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552), at the headquarters and appropriate regional offices of the administration, and at appropriate State, regional, and metropolitan clearinghouses unless the Governor of the State involved designates some other point for receipt of this information. Notice of that designation is included in an OMB listing of clearinghouses.

(2) In accordance with the policy set forth in 49 CFR 7.87(c), it is hereby determined that waiver or reduction of the fee for copying statements is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Accordingly, materials to be made available to the public shall be provided without charge to the fullest extent practical, or at a reduced charge which is not more than the actual cost of reproducing copies.

(3) Draft and final statements shall be made available in public places such as local public libraries, the offices of the administration or Secretarial Office preparing the statement, and the offices of the applicant and grantee.

(4) A copy of the final statement, with comments attached, should be sent, at the same time it is sent to CEQ, to the applicant whose project is the subject of the statement, to appropriate offices of EPA, to all Federal, State, and local agencies and private organizations who commented substantively on the draft statement or requested copies of the final statement, and to individuals who requested copies. If the length of the statement or the number of comments make this distribution requirement highly impractical, TES shall consider an alternative arrangement, in consultation with CEQ.

g. *Timing of decision.* Action to implement a proposed action (other than proposals for legislation to Congress, budget proposals, or reports on legislation) for which an environmental statement is required may not be taken sooner than 90 days after a draft environmental statement has been circulated for comment, and furnished to CEQ, or sooner than 30 days after the final environmental statement has been filed with CEQ and made available to commenting agencies and the public. Exceptions to these time periods may be made for emergency procurement or when advance public disclosure will result in significant added costs of procurement to the Government. If the final text of an environmental statement is

filed within 90 days after a draft statement has been circulated for comment, furnished to the CEQ and made public pursuant to this section of these guidelines, the 30-day period and 90-day period may run concurrently.

h. *Supplemental or amended statements.* Departmental officials may supplement or amend a draft or final environmental statement. When substantial changes are made in a proposed action, or where significant new information regarding its environmental impacts comes to light, the operating administration should secure the concurrence of TES as required under subparagraph 9.c. In any case the operating administration should consult with CEQ, through TES, with respect to the need for, or desirability of, recirculating the statement for the appropriate period.

10. *Determinations under section 4(f) of the DOT Act.* a. As indicated in Attachment 1, subparagraph 2.a.(1), any action falling under the provisions of section 4(f) of the DOT Act will normally require the preparation of an environmental statement. In these cases, the statement shall include the material required by paragraph 4 of Attachment 2.

b. If an environmental statement is not required, the material called for by paragraph 4 of Attachment 2 shall be set forth in a separate document, accompanied by a negative declaration. The section 4(f) determination shall be reviewed for legal sufficiency by the Chief Counsel of the operating administration involved, or by his designee. The document must reflect consultation with the Department of the Interior and, where appropriate, the Departments of Agriculture or Housing and Urban Development.

11. *Implementation of representations in environmental statements.* The administrations shall assure, through funding agreements and project review procedures, that applicants carry out any actions to minimize adverse environmental effects set forth in the approved statement. Any proposed deviation from prescribed action that may reduce protection to the environment must be submitted to TES for concurrence, if the approved statement was concurred in by TES.

12. *Requests from the Council on Environmental Quality.* CEQ, in fulfilling its responsibilities under NEPA and Executive Order 11514, may request reports and other information dealing with issues arising in connection with the implementation of NEPA. Administrations and Secretarial Offices shall make every reasonable effort to be responsive to requests by CEQ for either the preparation or circulation of environmental statements, unless it is determined that an environmental statement is not required. In that event, an environmental assessment should be prepared briefly setting forth the reasons for that determination, and that assessment should be available to the public.

13. *Application of section 102(2)(C) procedure to existing projects and programs.* The section 102(2)(C) procedure applies to major Federal actions having a significant effect on the environment even though they arise from projects or programs initiated prior to enactment of NEPA on January 1, 1970. In assessing the environmental effect of proceeding with such a project, and in evaluating alternatives, consideration shall be given to the status of work and degree of completion. If the project or program is continued, it must, to the extent feasible, be shaped so as to enhance and restore environmental quality, avoid or minimize adverse environmental consequences, and take into account environmental consequences not fully evaluated at the outset of the project or program.

14. *Review of environmental statements prepared by other agencies.* Other agencies may consult with the Department in preparing environmental statements. The purpose of DOT review and comment on environmental statements drafted by other agencies is to provide constructive assistance and expertise on the environmental impact of the proposal on areas within this Department's functional area of responsibility or special expertise. Accordingly, the responsibility of the Departmental official commenting is limited generally to providing a competent and cooperative advisory and consultative service.

a. Comments should be organized in a manner consistent with the structure of the draft statement and should identify alternatives or modifications that may enhance environmental quality or avoid or minimize adverse environmental impacts.

b. DOT projects that are environmentally related to the proposed action should be identified so interrelationships may be discussed in the final statement.

c. Environmental monitoring for which DOT has special expertise may be suggested and encouraged during construction, startup, or operation phases.

d. Other agencies may consult with DOT operating administrations and be requested to forward the draft environmental statements directly to the appropriate regional offices of the operating administrations. There are several types of matters, however, that should be referred to Departmental headquarters for comment. These generally include the following:

(1) Actions with national policy implications;

(2) Projects that involve natural, ecological, cultural, scenic, historic, or park or recreation resources of national significance;

(3) Legislation, regulations having national impacts, or national program proposals;

(4) Projects affecting the transportation of hazardous materials, or natural gas and liquid-products pipelines; and

(5) Water resource projects.

Water resource projects are to be referred to the Water Resources Coordinator, U.S. Coast Guard (G-WS). All other items are to be referred to TES and, where appropriate, to the headquarters of the operating administrations. In referring these matters to headquarters, the regional office is encouraged to prepare a proposed Departmental response.

f. Comments on draft environmental statements that do no have national implications should be prepared by the regional offices of DOT and forwarded directly to the regional or area office of the originating agency. If the receiving office believes that another DOT office also has an interest, or is in a better position to respond, it should transmit the statement to the other office. If more than one administration is commenting at the regional level, the comments shall be coordinated by the Secretarial Representative or his designee.

g. When appropriate, the commenting office should coordinate a response with Departmental offices having special expertise in the subject matter.

h. Comments shall be submitted within the time limits set forth in the request, unless the office responsible for submitting comments seeks an extension of time. Comments should be concise, and specify any changes desired either in the action proposed or in the environmental statement, or both. A lengthy analysis should be preceded by a summary of the principal areas of comment, the conclusions, and the recommendations, if any.

i. Comments shall be distributed as follows: the original and one copy to the requesting agency; one copy to TES–70; five copies to CEQ; one copy to the Secretarial Representative if the comment is prepared by a regional office. Requests by the public for copies should be referred to the agency originating the statement.

15. *Applicability.* a. Except as provided in subparagraph c. below, this Order and Attachments 1 and 3–5 apply to all draft and final statements filed by DOT with CEQ after September 30, 1974.

b. Except as provided in subparagraph c. below, Attachment 2 applies to all draft and final statements filed by DOT with CEQ on and after November 29, 1974. Paragraphs 8.o. and 9.c.–f. of DOT Order 5610.1A apply to all statements filed before that date.

c. This Order and attachments do not apply to final statements submitted to the Office of the Secretary for concurrence before September 30, 1974. DOT Order 5610.1A continues to apply to them.

ATTACHMENT I

DEFINITIONAL GUIDELINES

1. *General.* Where the environmental consequences of a proposed action are unclear but potentially significant, a statement should be prepared. It should be noted that the effects of many Federal decisions, including related Federal actions and projects in the area, can be individually limited but cumulatively considerable. This can occur when one or more offices over a period of years put

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into a project individually minor, but collectively major, resources; when one decision involving a limited amount of money is a precedent for action in much larger cases or represents a decision in principle about a future major course of action; or when several Government agencies individually make decisions about partial aspects of a major action. In all such cases, an environmental statement should be prepared if it is reasonable to anticipate a cumulatively significant impact on the environment from Federal action. Moreover, NEPA is not limited to adverse environmental effects; any significant effect, positive or negative, requires a statement. CEQ, on the basis of a written assessment of the impacts involved, is available to assist in determining whether specific actions require impact statements.

2. *"Major Federal action significantly affecting" environment.* a. Any of the following actions should ordinarily be considered as major Federal actions significantly affecting the quality of the human environment:

(1) Any effect that is not minimal on properties protected under section 4(f) of the DOT Act or section 106 of the Historic Preservation Act.

(2) Any action that is likely to be highly controversial on environmental grounds.

(3) Any action that is likely to have a significantly adverse impact on natural, ecological, cultural, or scenic resources of national, State, or local significance.

(4) Any action that is likely to be highly controversial with respect to the availability of adequate relocation housing.

(5) Any action which (a) causes a significant division or disruption of an established community or disrupts orderly, planned development or is determined to be significantly inconsistent with plans or goals that have been adopted by the community in which the project is located; or (b) causes a significant increase in congestion.

(6) Any action which (a) is determined to be inconsistent with any Federal, State, or local law or administrative determination relating to the environment; (b) has a significant detrimental impact on air or water quality or on ambient noise levels for adjoining areas; or (c) may contaminate a public water supply system.

(7) Other action that directly or indirectly significantly affects human beings by creating an adverse impact on the environment.

b. Administrations shall review the typical classes of actions that they undertake and, in consultation with TES, develop specific criteria and methods of identifying those actions likely to require environmental statements. CEQ suggests that this involve:

(1) Making an initial assessment of the environmental impacts typically associated with principal types of actions.

(2) Identifying on the basis of this assessment types of actions which normally do, and types of actions which normally do not, require statements.

(3) With respect to remaining actions that may require statements depending on the circumstances, and those actions determined under the preceding paragraph (2) as likely to require statements, identifying: (a) what basic information needs to be gathered; (b) how and when such information is to be assembled and analyzed; and (c) on what basis environmental assessments and decisions to prepare impact statements will be made.

ATTACHMENT 2

FORM AND CONTENT OF STATEMENT

1. *Form.* a. Each statement will be headed as follows:

DEPARTMENT OF TRANSPORTATION

(operating administration)

(Draft) Environmental Impact Statement Pursuant to section 102(2)(C), Pub. L. 91-190.

b. The heading specified in paragraph a. above shall be modified to indicate that the statement also covers sections 4(f), 14, 106 and/or sections 16 and 18(4) requirements, as appropriate.

c. Each statement will, as a minimum, contain sections corresponding to paragraph 3 herein, supplemented as necessary to cover other matters provided in Attachment 2.

d. The format for the summary to accompany draft and final environmental statements is as follows:

SUMMARY

(Check one) ( ) Draft ( ) Final

Department of Transportation (with name of operating administration where appropriate). Name, address, and telephone number of individual who can be contacted for additional information about the proposed action or the statement.

(1) Name of Action. (Check one) ( ) Administrative Action. ( ) Legislative Action.

(2) Brief description of action indicating what States (and counties) are particularly affected.

(3) Summary of environmental impact and adverse environmental effects.

(4) List alternatives considered.

(5) (a) (For draft statements) List all Federal, State, and local agencies from which comments have been requested.

(b) (For final statements) List all Federal, State, and local agencies and other sources from which written comments have been received.

(6) Dates the draft statement and the final statement if issued were made available to the Council on Environmental Quality and the public.

2. *Guidance as to content of statements.* The following paragraphs of Attachment 2 are intended to be considered, where relevant, as guidance regarding the content of environmental statements. This guidance is expected to be supplemented by research reports, guidance on methodology, and other material from the literature as may be pertinent to evaluation of relevant environmental factors.

3. *General content.* The following points are to be covered:

a. A description of the proposed Federal action (e.g., "The proposed Federal action is approval of location of highway * * *" or "The proposed Federal action is approval of a grant application to construct * * *"), a statement of its purpose, and a description of the environment affected, including information, summary technical data, and maps and diagrams where relevant, adequate to permit an assessment of potential environmental impact by commenting offices and the public.

(1) Highly technical and specialized analyses and data should generally be avoided in the body of the draft impact statement. Such materials should be appropriately summarized in the body of the environmental statement and attached as appendices or footnoted with adequate bibliographic references.

(2) The statement should succinctly describe the environment of the area affected as it exists prior to a proposed action, including other related Federal activities in the area, their interrelationships, and cumulative environmental impact. The amount of detail provided in such descriptions should be commensurate with the extent and expected impact of the action, and with the amount of information required at the particular level of decision making (planning, feasibility, design, etc.). In order to insure accurate descriptions and environmental assessments, site visits should be made where appropriate.

(3) The statement should identify, as appropriate, population and growth characteristics of the affected area and any population and growth assumptions used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives (see paragraph 3c(2)). In discussing these population aspects, the statement should give consideration to using the rates of growth in the region of the project contained in the projection compiled for the Water Resources Council by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture (the OBERS projection).

(4) The sources of data used to identify, quantify, or evaluate any or all environmental consequences must be expressly noted.

b. The relationship of the proposed action and how it may conform to or conflict with adopted or proposed land use plans, policies, controls, and goals and objectives as have been promulgated by affected communities. Where a conflict or inconsistency exists, the statement should describe the extent of reconciliation and the reasons for proceeding notwithstanding the absence of full reconciliation.

c. The probable impact of the proposed action on the environment. (1) This requires assessment of the positive and negative effects of the proposed action as it affects both national and international human environment. The attention given to different environmental factors will vary according to the nature, scale, and location of proposed actions. Among factors to be considered should

be the potential effect of the action on such aspects of the environment as those listed in Attachment 4. Primary attention should be given in the statement to discussing those factors most evidently impacted by the proposed action.

(2) Secondary and other foreseeable effects, as well as primary consequences for the environment, should be included in the analysis. Secondary effects, such as impacts on existing community facilities and activities inducing new facilities and activities, may often be even more substantial than the primary effects of the original action itself. For example, the effects of the proposed action on population and growth may be among the more significant secondary effects. Such population and growth impacts should be estimated and an assessment made on their effects upon the resource base, including land use, water, and public services, of the area in question.

d. Alternatives to the proposed action, including, where relevant, those not within the existing authority of the responsible preparing office. Section 102(2)(D) of NEPA requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and an objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, are essential. Sufficient analysis of such alternatives and their environmental benefits, costs, and risks should accompany the proposed action through the review process in order not to foreclose prematurely options which might enhance environmental quality or have less detrimental effects. Examples of such alternatives include: the alternative of not taking any action or of postponing action pending further study; alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts, e.g., low capital intensive improvements, mass transit alternatives to highway construction; alternatives related to different locations or designs or details of the proposed action which would present different environmental impacts. In each case, the analysis should be sufficiently detailed to reveal comparative evaluation of the environmental benefits, costs, and risks of the proposed action and each reasonable alternative. Where an existing impact statement already contains such an analysis its treatment of alternatives may be incorporated, provided such treatment is current and relevant to the precise purpose of the proposed action.

e. Any probable adverse environmental effects which cannot be avoided (such as water or air pollution, noise, undesirable land use patterns, or impacts on public parks and recreation areas, wildlife and waterfowl refuges, or on historic sites, damage to life systems, traffic congestion, threats to health, or other consequences adverse to the environmental goals set out in section 101(b) of NEPA). This should be a brief section summarizing in one place those effects discussed in paragraph 3c that are adverse and unavoidable under the proposed action. Included for purposes of contrast should be a clear statement of how all adverse effects will be mitigated.

f. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. This section should contain a brief discussion of the extent to which the proposed action involves tradeoffs between short-term environmental gains at the expense of long-term losses, or vice versa, and a discussion of the extent to which the proposed action forecloses future options.

g. Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented. This requires identification of unavoidable impacts and the extent to which the action irreversibly curtails the range of potential uses of the environment. "Resources" means not only the labor and materials devoted to an action but also the natural and cultural resources lost or destroyed.

h. An indication of what other interests and considerations of Federal policy are thought to offset the adverse environmental effects of the proposed action identified pursuant to subparagraphs (c) and (e) of this paragraph. The statement should also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action (as identified in subparagraph (d) of this paragraph) that would avoid some or all of the adverse environmental effects. In this connection, cost-benefit analyses of proposed actions, if prepared, should be attached, or summaries thereof, to the environmentcl impact statement, and should clearly indicate the extent to which environmental costs have not been reflected in such analyses.

i. A discussion of problems and objections raised by other Federal agencies, State and local entities, and citizens in the review process, and the disposition of the issues involved and the reasons therefor. (This section may be added to the final environmental statement at the end of the review process.)

(1) The draft and final statements should document issues raised through consultations with Federal, State, and local agencies with jurisdiction or special expertise and with citizens, of actions taken in response to comments, public hearings, and other citizens involvement proceedings.

(2) Any unresolved environmental issues and efforts to resolve them, through further consultations or otherwise, should be identified in the final statement. For instance, where an agency comments that the statement has inadequate analysis or that the agency has reservations concerning the impacts, or believes that the impacts are too adverse for approval, either the issue should be resolved or the final statement should reflect efforts to resolve the issue and set forth any action that will result.

(3) The statement should reflect that every effort was made to discover and discuss all major points of view on the environmental effects of the proposed action and alternatives in the draft statement. However, where opposing professional views and responsible opinion have been overlooked in the draft statement and are raised through the commenting process, the environmental effects of the action should be reviewed in light of those views. A meaningful reference should be made in the final statement to the existence of any responsible opposing view not adequately discussed in the draft statement indicating responses to the issues raised.

(4) All substantive comments received on the draft (or summaries of responses from the public which have been exceptionally voluminous) should be attached to the final statement, whether or not each such comment is thought to merit individual discussion in the text of the statement.

j. Draft statement should indicate at appropriate points in the text any underlying studies, reports, and other information obtained and considered in preparing the statement, including any cost-benefit analyses prepared. In the case of documents not likely to be easily accessible (such as internal studies or reports), the statement should indicate how such information may be obtained. If such information is attached to the statement, care should be taken to insure that the statement remains an essentially self-contained instrument, capable of being understood by the reader without the need for undue cross reference.

4. *Publicly owned parklands, recreational areas, wildlife and waterfowl refuges and historic sites.* The following points are to be covered:

a. Description of "any publicly owned land from a public park, recreational area or wildlife and waterfowl refuge" or "any land from an historic site" affected or taken by the project. This includes its size, available activities, use, patronage, unique or irreplaceable qualities, relationship to other similarly used lands in the vicinity of the project, maps, plans, slides, photographs, and drawings showing in sufficient scale and detail the project. This also includes its impact on park, recreation, wildlife, or historic areas, and changes in vehicular or pedestrian access.

b. Statement of the "national, State or local significance" of the entire park, recreational area, refuge, or historic site "as determined by the Federal, State or local officials having jurisdiction thereof."

(1) In the absence of such a statement lands will be presumed to be significant. Any statement of "insignificance" by the official having jurisdiction is subject to review by the Department as to whether such statement is capricious.

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(2) Where Federal lands are administered for multiple uses, the Federal official having jurisdiction over the lands shall determine whether the subject lands are in fact being used for park, recreation, wildlife, waterfowl, or historic purposes.

c. Similar data, as appropriate, for alternative designs and locations, including detailed cost estimates (with figures showing percentage differences in total project costs) and technical feasibility, and appropriate analysis of the alternatives, including any unique problems present and evidence that the cost or community disruptions resulting from alternative routes reach extraordinary magnitudes. This portion of the statement should demonstrate compliance with the Supreme Court's statement in the Overton Park case, as follows:

> The very existence of the statute indicates that the protection of parklands was to be given paramount importance. The few green havens that are public parks were not to be lost unless there were truly unusual factors present in a particular case or the cost or community disruption resulting from alternative routes reached extraordinary magnitudes. If the statutes are to have any meaning, the Secretary cannot approve the destruction of parkland unless he finds that the alternative routes present unique problems.

d. If there is no feasible and prudent alternative, description of all planning undertaken to minimize harm to the protected area and statement of actions taken or to be taken to implement this planning, including measures to maintain or enhance the natural beauty of the lands traversed.

(1) Measures to minimize harm may include replacement of land and facilities, providing land or facilities, provision for functional replacement of the facility (see 49 CFR 25.267).

(2) Design measures to minimize harm; e.g., tunneling, cut and cover, cut and fill, treatment of embankments, planting, screening, maintenance of pedestrian or bicycle paths and noise mitigation measures all reflecting utilization of appropriate interdisciplinary design personnel.

e. Evidence of concurrence or description of efforts to obtain concurrence of Federal, State or local officials having jurisdiction over the section 4(f) property regarding the action proposed and the measures planned to minimize harm.

f. If Federally-owned properties are involved in highway projects, the final statement shall include the action taken or an indication of the expected action after filing a map of the proposed use of the land or other appropriate documentation with the Secretary of the Department supervising the land (23 U.S.C. 317).

g. If land acquired with Federal grant money (Department of Housing and Urban Development open space or Bureau of Outdoor Recreation land and water conservation funds) is involved, the final statement shall include appropriate communications with the grantor agency.

h. TGC will determine application of section 4(f) to public interests in lands, such as easements, reversions, etc.

i. A specific statement that there is no feasible and prudent alternative and that the proposal includes all possible planning to minimize harm to the "4(f) area" involved.

5. *Properties and sites of historic and cultural significance.* The statement should document actions taken to preserve and enhance districts, sites, buildings, structures, and objects of historical, architectural, archeological, or cultural significance affected by the action.

a. Draft environmental statements should include identification, through consulting the National Register and applying the National Register Criteria (36 CFR Part 800), of properties that are included in or eligible for inclusion in the National Register of Historic Places that may be affected by the project. The National Register is published in its entirety each February in the FEDERAL REGISTER. Monthly additions and listings of eligible properties are published in the FEDERAL REGISTER the first Tuesday of each month. The Secretary of the Interior will advise, upon request, whether properties are eligible for the National Register.

b. If application of the Advisory Council on Historic Preservation's (ACHP) Criteria of Effect (36 CFR Part 800) indicates that the project will have an effect upon a property included in or eligible for inclusion in the National Register of Historic Places, the draft environmental statement should document the effect. Evaluation of the effect should be made in consultation with the State Historic Preservation Officer (SHPO) and in accordance with the ACHP's criteria of Adverse Effect (36 CFR Part 800).

c. Determinations of no adverse effect should be documented in the draft statement with evidence of the application of the ACHP's Criteria of Adverse Effect, the views of the appropriate State Historic Preservation Officer, and submission of the determination to the ACHP for review.

d. If the project will have an adverse effect upon a property included in or eligible for inclusion in the National Register of Historic Places, the final environmental statement should include either an executed Memorandum of Agreement or comments from the Council after consideration of the project at a meeting of the ACHP and an account of actions to be taken in response to the comments of the ACHP. Procedures for obtaining a Memorandum of Agreement and the comments of the Council are found in 36 CFR Part 800.

e. To determine whether the project will have an effect on properties of State or local historical, architectural, archaeological, or cultural significance not included in or eligible for inclusion in the National Register, the responsible official should consult with the State Historic Preservation Officer, with the local official having jurisdiction of the property, and where appropriate, with historical societies, museums, or academic institutions having expertise with regard to the property. Use of land from historic properties of Federal, State and local significance as determined by the official having jurisdiction thereof involves section 4(f) of the DOT Act and documentation should include information necessary to consider a 4(f) determination (see paragraph 4).

6. *Impacts of the proposed action on the human environment involving community disruption and relocation.* a. The statement should include a description of probable impact sufficient to enable an understanding of the extent of the environmental and social impact of the project alternatives and to consider whether relocation problems can be properly handled. This would include the following information obtainable by visual inspection of the proposed affected area and from secondary sources and community sources when available.

(1) An estimate of the households to be displaced including the family characteristics (e.g., minorities, and income levels, tenure, the elderly, large families).

(2) Impact on the human environment of an action which divides or disrupts an established community, including where pertinent, the effect of displacement on types of families and individuals affected, effect of streets cut off, separation of residences from community facilities, separation of residential areas.

(3) Impact on the neighborhood and housing to which relocation is likely to take place (e.g., lack of sufficient housing for large families, doublings up).

(4) An esimate of the businesses to be displaced, and the general effect of business dislocation on the economy of the community.

(5) A discussion of relocation housing in the area and the ability to provide adequate relocation housing for the types of families to be displaced. If the resources are insufficient to meet the estimated displacement needs, a description of the actions proposed to remedy this situation including, if necessary, use of housing of last resort.

(6) Results of consultation with local officials and community groups regarding the impacts to the community affected. Relocation agencies and staff and other social agencies can help to describe probable social impacts of this proposed action.

(7) Where necessary, special relocation advisory services to be provided the elderly, handicapped and illiterate regarding interpretations of benefits, assistance in selecting replacement housing, and consultation with respect to acquiring, leasing, and occupying replacement housing.

b. This data should provide the preliminary basis for assurance of the availability of relocation housing as required by DOT 5620.1, Replacement Housing Policy, dated June 24, 1970, and 49 CFR 25.53.

7. *Considerations relating to pedestrians and bicyclists.* Where appropriate, the statement should discuss impacts on and consideration to be given in the development of the project to pedestrian and bicycle access, movement and safety within the affected area, particularly in medium and high density commercial and residential areas.

8. *Other social impacts.* The general social groups specially benefitted or harmed by the proposed action should be identified in the statement, including the following:

a. Particular effects of a proposal on the elderly, handicapped, non-drivers, transit dependent, or minorities should be described to the extent reasonably predictable.

b. How the proposal will facilitate or inhibit their access to jobs, educational facilities, religious institutions, health and welfare services, recreational facilities, social and cultural facilities, pedestrian movement facilities, and public transit services.

9. *Standards as to noise, air, and water pollution.* The statement shall reflect sufficient analysis of the effects of the proposed action on attainment and maintenance of any environmental standards established by law or administrative determination (e.g., noise, ambient air quality, water quality) including the following documentation:

a. With respect to water quality, there should be consultation with the agency responsible for the State water pollution control program as to conformity with standards and regulations regarding storm sewer discharge sedimentation control, and other non-point source discharges.

b. The comments or determinations of the offices charged with administration of the State's implementation plan for air quality as to the consistency of the project with State plans for the implementation of ambient air quality standards.

c. Conformity to adopted noise standards, compatible, if appropriate, with different land uses.

10. *Energy supply and natural resources development.* Where applicable, the statement should reflect consideration of whether the project or program will have any effect on either the production or consumption of energy and other natural resources, and discuss such effects if they are significant.

11. *Flood hazard evaluation.* When an alternative under consideration encroaches on a flood plain, the statement should include evidence that studies have been made and evidence of consultations with agencies with expertise have been carried out. Necessary measures to handle flood hazard problems should be described, in compliance with Executive Order 11296, and Flood Hazard Guidelines for Federal Executive Agencies, promulgated by the Water Resources Council, or how such requirements can be met during project development.

12. *Considerations relating to wetlands or coastal zones.* Where wetlands or coastal zones are involved, the statement should include:

a. Information on location, types, and extent of wetlands areas which might be affected by the proposed action.

b. An assessment of the impacts resulting from both construction and operation of the project on the wetlands and associated wildlife, and measures to minimize adverse impacts.

c. A statement by the local representative of the Department of the Interior, and any other responsible officials with special expertise, setting forth his views on the impacts of the project on the wetlands, the worth of the particular wetlands areas involved to the community and to the Nation, and recommendations as to whether the proposed action should proceed, and, if applicable, along what alternative route.

d. Where applicable, a discussion of how the proposed project relates to the State coastal zone management program for the particular State in which the project is to take place.

13. *Construction impacts.* In general, adverse impacts during construction will be of less importance than long-term impacts of a proposal. Nonetheless, statements should appropriately address such matters as the following identifying any special problem areas:

a. Noise impacts from construction and any specifications setting maximum noise levels.

b. Disposal of spoil and effect on borrow areas and disposal sites (include specifications where special problems are involved).

c. Measures to minimize effects on traffic and pedestrians.

14. *Land use and urban growth.* The statement should include, to the extent relevant and predictable:

a. The effect of the project on land use, development patterns, and urban growth.

b. Where significant land use and development impacts are anticipated, identify public facilities needed to serve the new develoment and any problems or issues which would arise in connection with these facilities, and the comments of agencies that would provide these facilities.

15. *Projects under section 16 of the Airport Act: new airports, runways, and runway extensions.* a. Identification of communities in or near which the project is located.

b. Identification of steps taken by the applicant to determine the interests of those communities, including economic, environmental, and social interests, as well as transportation interests.

c. Statement of the specific actions taken in planning the project to recognize and to meet the communities' interests.

d. For identified community interests which are in conflict with the project, a statement explaining why the interests have not been met, what alternatives have been investigated to meet the community interests, estimated costs of the alternatives and the reasons for not adopting the alternatives.

e. Consistency of the project with plans (existing at the time of approval of the project) of planning agencies for development of the area in which the airport is located.

f. Identification of existing land uses and location and nature of nearby noise sensitive public or private facilities, with noise contours describing cumulative impact on existing and planned land uses.

g. Assurances that appropriate action, including the adoption of zoning laws, has been or will be taken, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and take-off of aircraft.

h. For any project found to have an adverse effect on the environment, and for which no feasible and prudent alternative exists, identify all steps taken to minimize such adverse effect.

i. Statement that the public hearings required by section 16(d) of the Airport Act have been held.

j. Statement by appropriate local planning officials that the project is consistent with the goals and objectives of such urban planning as has been carried out by the community.

k. Where relevant, certification by the Governor or appropriate Federal official that there is reasonable assurance that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards.

16. *Projects under section 14 of the Mass Transportation Act: mass transit projects with a significant impact on the quality of the human environment.* a. Evidence of the opportunity that was afforded for the presentation of views by all parties with a significant economic, social or environmental interest.

b. Evidence that fair consideration has been given to the preservation and enhancement of the environment and to the interests of the community in which the project is located.

c. If there is an adverse environmental effect and there is no feasible and prudent alternative, description of all planning undertaken to minimize such adverse environmental effect and statement of actions taken or to be taken to implement the planning; or a specific statement that there is no adverse environmental effect.

ATTACHMENT 3

RESEARCH ACTIVITIES

Pursuant to CEQ guidelines, Departmental officials "engaging in major technology research and development programs should develop procedures for periodic evaluation to determine when a program statement is required for such programs." (§ 1500.6(d)(2)) Such procedures shall be developed under the direction of TST in accordance with paragraph 4.a. of this Order.

1. Factors to be considered in making this determination include the magnitude of Federal investment in the program,

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the likelihood of widespread application of the technology, the degree of environmental impact which would occur if the technology were widely applied, and the extent to which continued investment in the new technology is likely to restrict future alternatives.

2. Statements must be written late enough in the development process to contain meaningful information, but early enough so that this information can practically serve as an input in the decision-making process.

3. Where it is anticipated that a statement may ultimately be required but that its preparation is still premature, the office should prepare a publicly available record briefly setting forth the reasons for its determination that a statement is not yet necessary. This record should be periodically updated, particularly when significant new information becomes available concerning the potential environmental impact of the program.

4. In any case, a statement must be prepared before research activities have reached a state of investment or commitment to implementation likely to determine subsequent development or restrict later alternatives.

5. Statements on technology research and development programs should include an analysis not only of alternative forms of the same technology that might reduce any adverse environmental impacts but also of alternative technologies that would serve the same function as the technology under consideration.

6. Efforts should be made to involve other Federal agencies and interested groups with relevant expertise in the preparation of such statements because the impacts and alternatives to be considered are likely to be less well defined than in other types.

ATTACHMENT 4

AREAS OF ENVIRONMENTAL IMPACT AND FEDERAL AGENCIES AND FEDERAL-STATE AGENCIES [1] WITH JURISDICTION BY LAW OR SPECIAL EXPERTISE TO COMMENT THEREON [2]

AIR

Air Quality

Department of Agriculture—
Forest Service (effects on vegetation)
Atomic Energy Commission (radioactive substances)
Department of Health, Education, and Welfare
Environmental Protection Agency
Department of the Interior—
Bureau of Mines (fossil and gaseous fuel combustion)
Bureau of Sport Fisheries and Wildlife (effect on wildlife)
Bureau of Outdoor Recreation (effects on recreation)
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
National Aeronautics and Space Administration (remote sensing, aircraft emissions)
Department of Transportation—
Assistant Secretary for Systems Development and Technology (auto emissions)
Coast Guard (vessel emissions)
Federal Aviation Administration (aircraft emissions)

Weather Modification

Department of Agriculture—
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense—
Department of the Air Force
Department of the Interior
Bureau of Reclamation

WATER RESOURCES COUNCIL

WATER

Water Quality

Department of Agriculture—
Soil Conservation Service
Forest Service
Atomic Energy Commission (radioactive substances)
Department of the Interior—
Bureau of Reclamation
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
Geological Survey
Office of Saline Water
Environmental Protection Agency
Department of Health, Education, and Welfare
Department of Defense—
Army Corps of Engineers
Department of the Navy (ship pollution control)
National Aeronautics and Space Administration (remote sensing)
Department of Transportation—
Coast Guard (oil spills, ship sanitation)
Department of Commerce—
National Oceanic and Atmospheric Administration
Water Resources Council
River Basin Commissions (as geographically appropriate)

Marine Pollution, Commercial Fishery Conservation, and Shellfish Sanitation

Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense—
Army Corps of Engineers
Office of the Oceanographer of the Navy
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
Bureau of Land Management (outer continental shelf)
Geological Survey (outer continnetal shelf)
Department of Transportation—
Coast Guard
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
Water Resources Council
River Basin Commissions (as geographically appropriate)

Waterway Regulation and Stream Modification

Department of Agriculture—
Soil Conservation Service
Department of Defense—
Bureau of Reclamation
Army Corps of Engineers
Department of the Interior—
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
Geological Survey
Department of Transportation—
Coast Guard
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
Water Resources Council
River Basin Commissions (as geographically appropriate)

FISH AND WILDLIFE

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Commerce—
National Oceanic and Atmospheric Administration (marine species)
Department of the Interior—
Bureau of Sport Fisheries and Wildlife
Bureau of Land Management
Bureau of Outdoor Recreation
Environmental Protection Agency

SOLID WASTE

Atomic Energy Commission (radioactive waste)
Department of Defense—
Army Corps of Engineers
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Mines (mineral waste, mine acid waste, municipal solid waste, recycling)
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Geological Survey (geologic and hydrologic effects)
Office of Saline Water (demineralization)
Department of Transportation—
Coast Guard (ship sanitation)
Environmental Protection Agency
River Basin Commissions (as geographically appropriate)
Water Resources Council

NOISE

Department of Commerce—
National Bureau of Standards
Department of Health, Education, and Welfare
Department of Housing and Urban Development (land use and building materials aspects)
Department of Labor—
Occupational Safety and Health Administration
Department of Transportation—
Assistant Secretary for Systems Development and Technology
Environmental Protection Agency
Federal Aviation Administration, Office of Noise Abatement
National Aeronautics and Space Administration

RADIATION

Atomic Energy Commission
Department of Commerce—
National Bureau of Standards
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Mines (uranium mines)
Mining Enforcement and Safety Administration (uranium mines)
Environmental Protection Agency

[1] River Basin Commissions (Delaware, Great Lakes, Missouri, New England, Ohio, Pacific Northwest, Souris-Red-Rainy, Susquehanna, Upper Mississippi) and similar Federal-State agencies should be consulted on actions affecting the environment of their specific geographic jurisdictions.

[2] In all cases where a proposed action will have significant international environmental effects, the Department of State should be consulted, and should be sent a copy of any draft and final impact statement which covers such action.

HAZARDOUS SUBSTANCES

Toxic Materials

Atomic Energy Commission (radioactive substances)
Department of Agriculture—
Agricultural Research Service
Consumer and Marketing Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense
Department of Health, Education, and Welfare
Environmental Protection Agency

Food Additives and Contamination of Foodstuffs

Department of Agriculture—
Consumer and Marketing Service (meat and poultry products)
Department of Health, Education, and Welfare
Environmental Protection Agency

Pesticides

Department of Agriculture—
Agricultural Research Service (biological controls, food and fiber production)
Consumer and Marketing Service
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Sport Fisheries and Wildlife (fish and wildlife effects)
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Reclamation (irrigated lands)
Environmental Protection Agency

Transportation and Handling of Hazardous Materials

Atomic Energy Commission (radioactive substances)
Department of Commerce—
Maritime Administration
National Oceanic and Atmospheric Administration (effects on marine life and the coastal zone)
Department of Defense—
Armed Services Explosive Safety Board
Army Corps of Engineers (navigable waterways)
Department of Transportation—
Federal Highway Administration, Bureau of Motor Carrier Safety
Coast Guard
Federal Railroad Administration
Federal Aviation Administration
Assistant Secretary for Systems Development and Technology
Office of Hazardous Materials
Office of Pipeline Safety
Environmental Protection Agency

ENERGY SUPPLY AND NATURAL RESOURCES DEVELOPMENT

Electric Energy Development, Generation, and Transmission, and Use

Atomic Energy Commission (nuclear)
Department of Agriculture—
Rural Electrification Administration (rural areas)
Department of Defense—
Army Corps of Engineers (hydro)
Department of Health, Education, and Welfare (radiation effects)
Department of Housing and Urban Development (urban areas)
Department of the Interior—
Bureau of Indian Affairs (Indian lands)
Bureau of Land Mangement (public lands)
Bureau of Reclamation
Power Marketing Administrations
Geological Survey
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Environmental Protection Agency
Federal Power Commission (hydro, transmission, and supply)
River Basin Commissions (as geographically appropriate)
Tennessee Valley Authority
Water Resources Council

Petroleum Development, Extraction, Refining, Transport, and Use

Department of the Interior—
Office of Oil and Gas
Bureau of Mines
Geological Survey
Bureau of Land Management (public lands and outer continental shelf)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (effects on fish and wildlife)
Bureau of Outdoor Recreation
National Park Service
Department of Transportation (Transport and Pipeline Safety)
Environmental Protection Agency
Interstate Commerce Commission

Natural Gas Development, Production, Transmission, and Use

Department of Housing and Urban Development (urban areas)
Department of the Interior—
Office of Oil and Gas
Geological Survey
Bureau of Mines
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Department of Transportation (transport and safety)
Environmental Protection Agency
Federal Power Commission (production, transmission, and supply)
Interstate Commerce Commission

Coal and Minerals Development, Mining, Conversion, Processing, Transport, and Use

Appalachian Regional Commission
Department of Agriculture—
Forest Service
Department of Commerce
Department of the Interior—
Office of Coal Research
Mining Enforcement and Safety Administration
Bureau of Mines
Geological Survey
Bureau of Indian Affairs (Indian lands)
Bureau of Land Management (public lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Department of Labor—
Occupational Safety and Health Administration
Department of Transportation
Environmental Protection Agency
Interstate Commerce Commission
Tennessee Valley Authority

Renewable Resource Development, Production, Management, Harvest, Transport, and Use

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Commerce
Department of Housing and Urban Development (building materials)
Department of the Interior—
Geological Survey
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife
Bureau of Outdoor Recreation
National Park Service
Department of Transportation
Environmental Protection Agency
Interstate Commerce Commission (freight rates)

Energy and Natural Resources Conservation

Department of Agriculture—
Forest Service
Soil Conservation Service
Department of Commerce—
National Bureau of Standards (energy efficiency)
Department of Housing and Urban Development—
Federal Housing Administration (housing standards)
Department of the Interior—
Office of Energy Conservation
Bureau of Mines
Bureau of Reclamation
Geological Survey
Power Marketing Administration
Department of Transportation
Environmental Protection Agency
Federal Power Commission
General Services Administration (design and operation of buildings)
Tennessee Valley Authority

LAND USE AND MANAGEMENT

Land Use Changes, Planning and Regulation or Land Development

Department of Agriculture—
Forest Service (forest lands)
Agricultural Research Service (agricultural lands)
Department of Housing and Urban Development
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (wildlife refuges)
Bureau of Outdoor Recreation (recreation lands)
National Park Service (NPS units)
Department of Transportation
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)
River Basins Commissions (as geographically appropriate).

Public Land Management

Department of Agriculture—
Forest Service (forests)
Department of Defense
Department of the Interior—
Bureau of Land Management
Bureau of Indian Affairs (Indian lands)
Bureau of Sport Fisheries and Wildlife (wildlife refuges)
Bureau of Outdoor Recreation (recreation lands)
National Park Service (NPS units)
Federal Power Commission (project lands)
General Services Administration
National Aeronautics and Space Administration (remote sensing)
Tennessee Valley Authority (project lands)

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PROTECTION OF ENVIRONMENTALLY CRITICAL AREAS—FLOODPLAINS, WETLANDS, BEACHES AND DUNES, UNSTABLE SOILS, SURGE SHORES, AQUIFER RECHARGE AREAS, ETC.

Department of Agriculture—
Agricultural Stabilization and Conservation Service
Soil Conservation Service
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration (coastal areas)
Department of Defense—
Army Corps of Engineers
Department of Housing and Urban Development (urban and floodplain areas)
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Outdoor Recreation
Bureau of Reclamation
Bureau of Sport Fisheries and Wildlife
Bureau of Land Management
Geological Survey
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)
River Basins Commissions (as geographically appropriate)
Water Resources Council

LAND USE IN COASTAL AREAS

Department of Agriculture—
Forest Service
Soil Conservation Service (soil stability, hydrology)
Department of Commerce—
National Oceanic and Atmospheric Administration (impact on marine life and coastal zone management)
Department of Defense—
Army Corps of Engineers (beaches, dredge and fill permits, Refuse Act permits)
Department of Housing and Urban Development (urban areas)
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Sport Fisheries and Wildlife
National Park Service
Geological Survey
Bureau of Outdoor Recreation
Bureau of Land Management (public lands)
Department of Transportation—
Coast Guard (bridges, navigation)
Environmental Protection Agency (pollution effects)
National Aeronautics and Space Administration (remote sensing)

REDEVELOPMENT AND CONSTRUCTION IN BUILT-UP AREAS

Department of Commerce—
Economic Development Administration (designated areas)
Department of Housing and Urban Development
Department of the Interior—
Office of Land Use and Water Planning
Department of Transportation
Environmental Protection Agency
General Services Administration
Office of Economic Opportunity

DENSITY AND CONGESTION MITIGATION

Department of Health, Education, and Welfare
Department of Housing and Urban Development
Department of the Interior—
Office of Land Use and Water Planning
Bureau of Outdoor Recreation
Department of Transportation
Environmental Protection Agency

NEIGHBORHOOD CHARACTER AND CONTINUITY

Department of Health, Education, and Welfare
Department of Housing and Urban Development
National Endowment for the Arts
Office of Economic Opportunity

IMPACTS ON LOW-INCOME POPULATIONS

Department of Commerce—
Economic Development Administration (designated areas)
Department of Health, Education, and Welfare
Department of Housing and Urban Development
Office of Economic Opportunity

HISTORIC, ARCHITECTURAL, AND ARCHEOLOGICAL PRESERVATION

Advisory Council on Historic Preservation
Department of Housing and Urban Development
Department of the Interior—
National Park Service
Bureau of Land Management (public lands)
Bureau of Indian Affairs (Indian lands)
General Services Administration
National Endowment for the Arts

SOIL AND PLANT CONSERVATION AND HYDROLOGY

Department of Agriculture—
Soil Conservation Service
Agricultural Service
Forest Service
Department of Commerce—
National Oceanic and Atmospheric Administration
Department of Defense—
Army Corps of Engineers (dredging, aquatic plants)
Department of Health, Education, and Welfare
Department of the Interior—
Bureau of Land Management
Bureau of Sport Fisheries and Wildlife
Geological Survey
Bureau of Reclamation
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)
Water Resources Council

OUTDOOR RECREATION

Department of Agricultural—
Forest Service
Soil Conservation Service
Department of Defense—
Army Corps of Engineers
Department of Housing and Urban Development (urban areas)
Department of the Interior—
Bureau of Land Management
National Park Service
Bureau of Outdoor Recreation
Bureau of Sport Fisheries and Wildlife
Bureau of Indian Affairs
Environmental Protection Agency
National Aeronautics and Space Administration (remote sensing)
River Basin Commissions (as geographically appropriate)
Water Resources Council

ATTACHMENT 5

OFFICES WITHIN FEDERAL AGENCIES AND FEDERAL-STATE AGENCIES FOR INFORMATION REGARDING THE AGENCIES' NEPA ACTIVITIES AND FOR RECEIVING OTHER AGENCIES' IMPACT STATEMENTS FOR WHICH COMMENTS ARE REQUESTED

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Office of Architectural and Environmental Preservation, Advisory Council on Historic Preservation, Suite 430, 1522 K Street, N.W., Washington, D.C. 20005 254-3974.

Regional Administrator, I, U.S. Environmental Protection Agency, Room 2303, John F. Kennedy Federal Bldg., Boston, Mass. 02203 (617) 223-7210.

Regional Administrator, II, U.S. Environmental Protection Agency, Room 908, 26 Federal Plaza, New York, New York 10007 (212) 264-2525.

Regional Administrator, III, U.S. Environmental Protection Agency, Curtis Bldg., 6th & Walnut Sts., Philadelphia, Pa. 19106 (215) 597-9801.

Regional Administrator, IV, U.S. Environmental Protection Agency, 1421 Peachtree Street, N.E., Atlanta, Ga. 30309 (404) 526-5727.

Regional Administrator, V, U.S. Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606 (312) 353-5250.

Regional Administrator VI, U.S. Environmental Protection Agency, 1600 Patterson Street, Suite 1100, Dallas, Texas 75201 (214) 749-1962.

Regional Administrator VII, U.S. Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, Missouri 64108 (816) 374-5493.

Regional Administrator VIII, U.S. Environmental Protection Agency, Suite 900, Lincoln Tower, 1860 Lincoln Street, Denver, Colorado 80203 (303) 837-3895.

Regional Administrator IX, U.S. Environmental Protection Agency, 100 California Street, San Francisco, California 94111 (415) 556-2320.

Regional Administrator X, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101 (206) 442-1220.

ENVIRONMENTAL PROTECTION AGENCY [2]

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
New Jersey, New York, Puerto Rico, Virgin Islands
Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Arkansas, Louisiana, New Mexico, Texas, Oklahoma

[2] Contact the Office of Federal Activities for environmental statements concerning legislation, regulations, national program proposals or other major policy issues.

For all other EPA consultation, contact the Regional Administrator in whose area the proposed action (e.g., highway or water resource construction projects) will take place. The Regional Administrators will coordinate the EPA review. Addresses of the Regional Administrators, and the areas covered by their regions are as follows:

Director, Office of Federal Activities, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 755-0777.

Iowa, Kansas, Missouri, Nebraska
Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of Pacific Islands, Wake Island
Alaska, Idaho, Oregon, Washington

DEPARTMENT OF AGRICULTURE [3]

Office of the Secretary, Attn: Coordinator Environmental Quality Activities, U.S. Department of Agriculture, Washington, D.C. 20250 447-3965.

APPALACHIAN REGIONAL COMMISSION

Office of the Alternate Federal Co-Chairman, Appalachian Regional Commission, 1666 Connecticut Avenue, N.W., Washington, D.C. 20235 967-4103.

DEPARTMENT OF THE ARMY (CORPS OF ENGINEERS)

Executive Director of Civil Works, Office of the Chief of Engineers, U.S. Army Corps of Engineers, Washington, D.C. 20314 693-7168.

ATOMIC ENERGY COMMISSION

For nonregulatory matters: Office of Assistant General Manager for Biomedical and Environmental Research and Safety Programs, Atomic Energy Commission, Washington, D.C. 20545 973-3208.

For regulatory matters: Office of the Assistant Director for Environmental Projects, Atomic Energy Commission, Washington, D.C. 20545 973-7531.

DEPARTMENT OF COMMERCE

Office of the Deputy Assistant Secretary for Environmental Affairs, U.S. Department of Commerce, Washington, D.C. 20230 967-4335.

DEPARTMENT OF DEFENSE

Office of the Assistant Secretary for Defense (Health and Environment), U.S. Department of Defense, Room 3E172, The Pentagon, Washington, D.C. 20301 697-2111.

DELAWARE RIVER BASIN COMMISSION

Office of the Secretary, Delaware River Basin Commission, Post Office Box 360, Trenton, N.J. 08603 (609) 883-9500.

FEDERAL POWER COMMISSION

Commission's Advisor on Environmental Quality, Federal Power Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426 386-6084.

GENERAL SERVICES ADMINISTRATION

Office of Environmental Affairs, Office of the Deputy Administrator for Special Projects, General Services Administration, Washington, D.C. 20405 343-4161.

GREAT LAKES BASIN COMMISSION

Office of the Chairman, Great Lakes Basin Commission, 3475 Plymouth Road, P.O. Box 999, Ann Arbor, Michigan 48105 (313) 769-7431.

[3] Requests for comments or information from individual units of the Department of Agriculture, e.g., Soil Conservation Service, Forest Service, etc. should be sent to the Office of the Secretary, Department of Agriculture, at the address given above.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE [4]

For information with respect to HEW actions occurring within the jurisdiction of the Departments' Regional Directors, contact the appropriate Regional Environmental Officer:

Office of Environmental Affairs, Office of the Assistant Secretary for Administration and Management, Department of Health, Education and Welfare, Washington, D.C. 20202 963-4456.

Region I, Regional Environmental Officer, U.S. Department of Health, Education and Welfare, Room 2007B, John F. Kennedy Center, Boston, Massachusetts 02203 (617) 223-6837.

Region II, Regional Environmental Officer, U.S. Department of Health, Education and Welfare, Federal Building, 26 Federal Plaza, New York, New York 10007 (212) 264-1308.

Region III, Regional Environmental Officer, U.S. Department of Health, Education and Welfare, P.O. Box 13716, Philadelphia, Pennsylvania 19101 (215) 597-6498.

Region IV, Regional Environmental Officer, U.S. Department of Health, Education and Welfare, Room 404, 50 Seventh Street, N.E., Atlanta, Georgia 30323 (404) 526-5817.

Region V, Regional Environmental Officer, U.S. Department of Health, Education and Welfare, Room 712, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois 60607 (312) 353-1644.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT [5]

Regional Administrator II, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, 26 Federal Plaza, New York, New York 10007 (212) 264-8068.

Regional Administrator III, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, Curtis Building, Sixth and Walnut Street, Philadelphia, Pennsylvania 19106 (215) 597-2560.

Regional Administrator IV, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, Peachtree-Seventh Building, Atlanta, Georgia 30323 (404) 526-5585.

Regional Administrator V, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, 360 North Michigan Avenue, Chicago, Illinois 60601 (312) 353-5680.

Director, Office of Community and Environmental Standards, Department of Housing and Urban Development, Room 7206, Washington, D.C. 20410, 755-5980.

[4] Contact the Office of Environmental Affairs for information on HEW's environmental statements concerning legislation, regulations, national program proposals or other major policy issues, and for all requests for HEW comment on impact statements of other agencies.

[5] Contact the Director with regard to environmental impacts of legislation, policy statements, program regulations and procedures, and precedent-making project decisions. For all other HUD consultation, contact the HUD Regional Administrator in whose jurisdiction the project lies, as follows:

Regional Administrator I, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, Room 405, John F. Kennedy Federal Building, Boston, Mass. 02203 (617) 223-4066.

Region VI, Regional Environmental Officer, U.S. Department of Health, Education and Welfare, 1114 Commerce Street, Dallas, Texas 75202 (214) 749-2236.

Region VII, Regional Environmental Officer, U.S. Department of Health, Education and Welfare, 601 East 12th Street, Kansas City, Missouri 64106 (816) 374-3584.

Region VIII, Regional Environmental Officer, U.S. Department of Health, Education and Welfare, 9017 Federal Building, 19th and Stout Streets, Denver, Colorado 80202 (303) 837-4178.

Region IX, Regional Environmental Officer, U.S. Department of Health, Education and Welfare, 50 Fulton Street, San Francisco, California 94102 (415) 556-1970.

Region X, Regional Environmental Officer, U.S. Department of Health, Education and Welfare, Arcade Plaza Building, 1321 Second Street, Seattle, Washington 98101 (206) 442-0490.

DEPARTMENT OF THE INTERIOR [6]

Director, Office of Environmental Project Review, Department of the Interior, Interior Building, Washington, D.C. 20240 343-3891.

INTERSTATE COMMERCE COMMISSION

Office of Proceedings, nIterstate Commerce Commission, Washington, D.C. 20423 343-6167.

DEPARTMENT OF LABOR

Assistant Secretary for Occupational Safety and Health, Department of Labor, Washington, D.C. 20210 961-3405.

MISSOURI RIVER BASINS COMMISSION

Office of the Chairman, Missouri River Basins Commission, 10050 Regency Circle, Omaha, Nebraska 68114 (402) 397-5714.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Office of the Comptroller, National Aeronautics and Space Administration, Washington, D.C. 20546 755-8440.

NATIONAL CAPITAL PLANNING COMMISSION

Office of Environmental Affairs, Office of the Executive Director, National Capital Planning Commission, Washington, D.C. 20576 382-7200.

NATIONAL ENDOWMENT FOR THE ARTS

Office of Architecture and Environmental Arts Program, National Endowment for the Arts, Washington, D.C. 20506 382-5765.

NEW ENGLAND RIVER BASINS COMMISSION

Office of the Chairman, New England River Basins Commission, 55 Court Street, Boston, Mass. 02108 (617) 223-6244.

Regional Administrator VI, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, Federal Office Building, 819 Taylor Street, Fort Worth, Texas 76102 (817) 334-2867.

Regional Administrator VII, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, 911 Walnut Street, Kansas City, Missouri 64106 (816) 374-2661.

Regional Administrator VIII, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, Samsonite Building, 1051 South Broadway, Denver, Colorado 80209 (303) 837-4061.

[6] Requests for comments or information from individual units of the Department of the Interior should be sent to the Office of Environmental Project Review at the address given above.

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Regional Administrator IX, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, California 94102 (415) 556–4752.

Regional Administrator X, Environmental Clearance Officer, U.S. Department of Housing and Urban Development, Room 226, Arcade Plaza Building, Seattle, Washington 98101 (206) 583–5415.

OFFICE OF ECONOMIC OPPORTUNITY

Office of the Director, Office of Economic Opportunity, 1200 19th Street, N.W., Washington, D.C. 20506 254–6000.

OHIO RIVER BASIN COMMISSION

Office of the Chairman, Ohio River Basin Commission, 36 East 4th Street, Suite 208–20, Cincinnati, Ohio 45202 (513) 684–3831.

PACIFIC NORTHWEST RIVER BASINS COMMISSION

Office of the Chairman, Pacific Northwest River Basins Commission, 1 Columbia River, Vancouver, Washington 98660 (206) 695–3606.

SOURIS-RED-RAINY RIVER BASINS COMMISSION

Office of the Chairman, Souris-Red-Rainy River Basins Commission, Suite 6, Professional Building, Holiday Mall, Moorhead, Minnesota 56560 (701) 237–5227.

DEPARTMENT OF STATE

Office of the Special Assistant to the Secretary for Environmental Affairs, Department of State, Washington, D.C. 20520, 632–7964.

SUSQUEHANNA RIVER BASIN COMMISSION

Office of the Executive Director, Susquehanna River Basin Commission, 5012 Lenker Street, Mechanicsburg, Pa. 17055, (717) 737–0501.

TENNESSEE VALLEY AUTHORITY

Office of the Director of Environmental Research and Development, Tennessee Valley Authority, 720 Edney Building, Chattanooga, Tennessee 37401, (615) 755–2002.

DEPARTMENT OF TRANSPORTATION [1]

Director, Office of Environmental Quality, Office of the Assistant Secretary for Environment, Safety, and Consumer Affairs, Department of Transportation, Washington, D.C. 20590, 426–4357.

For information regarding the Department of Transportation's other environmental statements, contact the national office for the appropriate administration:

U.S. Coast Guard

Office of Marine Environment and Systems, U.S. Coast Guard, 400 7th Street, S.W., Washington, D.C. 20590, 426–2007.

Federal Aviation Administration

Office of Environmental Quality, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, 426–8406.

Federal Highway Administration

Office of Environmental Policy, Federal Highway Administration, 400 7th Street, S.W., Washington, D.C. 20590, 426–0351.

[1] Contact the Office of Environmental Quality, Department of Transportation, for information on DOT's environmental statements concerning legislation, regulations, national program proposals, or other major policy issues.

Federal Railroad Administration

Office of Policy and Plans, Federal Railroad Administration, 400 7th Street, S.W., Washington, D.C. 20590, 426–1567.

Urban Mass Transportation Administration

Office of Program Operations, Urban Mass Transportation Administration, 400 7th Street, S.W., Washington, D.C. 20590, 426–4020.

For other administration's not listed above, contact the Office of Environmental Quality, Department of Transportation, at the address given above.

For comments on other agencies' environmental statements, contact the appropriate administration's regional office. If more than one administration within the Department of Transportation is to be requested to comment, contact the Secretarial Representative in the appropriate Regional Office for coordination of the Department's comments:

SECRETARIAL REPRESENTATIVE

Region I Secretarial Representative, U.S. Department of Transportation, Transportation Systems Center, 55 Broadway, Cambridge, Massachusetts 02142 (617) 494–2709.

Region II Secretarial Representative, U.S. Department of Transportation, 26 Federal Plaza, Room 1811, New York, New York 10007 (212) 264–2672.

Region III Secretarial Representative, U.S. Department of Transportation, Mall Building, Suite 1214, 325 Chestnut Street, Philadelphia, Pennsylvania 19106 (215) 597–0407.

Region IV Secretarial Representative, U.S. Department of Transportation, Suite 515, 1720 Peachtree Rd., N.W. Atlanta, Georgia 30309 (404) 526–3738.

Region V Secretarial Representative, U.S. Department of Transportation, 17th Floor, 300 S. Wacker Drive, Chicago, Illinois 60606 (312) 353–4000.

Region V Secretarial Representative, U.S. Department of Transportation, 9–C–18 Federal Center, 1100 Commerce Street, Dallas, Texas 75202 (214) 749–1851.

Region VII Secretarial Representative, U.S. Department of Transportation, 601 E. 12th Street, Room 634, Kansas City, Missouri 64106 (816) 374–2761.

Region VIII Secretarial Representative, U.S. Department of Transportation, Prudential Plaza, Suite 1822, 1050 17th Street, Denver, Colorado 80225 (303) 837–3242.

Region IX Secretarial Representative, U.S. Department of Transportation, 450 Golden Gate Avenue, Box 36133, San Francisco, California 94102 (415) 556–5961.

Region X Secretarial Representative, U.S. Department of Transportation, 1321 Second Avenue, Room 507, Seattle, Washington 98101 (206) 442–0590.

FEDERAL AVIATION ADMINISTRATION

New England Region, Office of the Regional Director, Federal Aviation Administration, 154 Middlesex Street, Burlington, Massachusetts 01803 (617) 272–2350.

Eastern Region, Office of the Regional Director, Federal Aviation Administration, Federal Building, JFK International Airport, Jamaica, New York 11430 (212) 995–3333.

Southern Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320 (404) 526–7222.

Great Lakes Region, Office of the Regional Director, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018 (312) 694–4500.

Southwest Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101 (817) 624–4911.

Central Region, Office of the Regional Director, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Missouri 64106 (816) 374–5626.

Rocky Mountain Region, Office of the Regional Director, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207 (303) 837–3646.

Western Region, Office of the Regional Director, Federal Aviation Administration, P.O. Box 92007, WorldWay Postal Center, Los Angeles, California 90009 (213) 536–6427.

Northwest Region, Office of the Regional Director, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108 (206) 767–2780.

FEDERAL HIGHWAY ADMINISTRATION

Region 1, Regional Administrator, Federal Highway Administration, 4 Normanskill Boulevard, Delmar, New York 12054 (518) 472–6476.

Region 3, Regional Administrator, Federal Highway Administration, Room 1621, George H. Fallon Federal Office Building, 31 Hopkins Plaza, Baltimore, Maryland 21201 (301) 962–2361.

Region 4, Regional Administrator, Federal Highway Administration, Suite 200, 1720 Peachtree Road, N.W., Atlanta, Georgia 30309 (404) 526–5078.

Region 5, Regional Administrator, Federal Highway Administration, Dixie Highway, Homewood, Illinois 60430 (312) 799–6300.

Region 6, Regional Administrator, Federal Highway Administration, 819 Taylor Street, Fort Worth, Texas 76102 (817) 334–3232.

Region 7, Regional Administrator, Federal Highway Administration, P.O. Box 7186, Country Club Station, Kansas City, Missouri 64113 (816) 361–7563.

Region 8, Regional Administrator, Federal Highway Administration, Room 242, Building 40, Denver Federal Center, Denver, Colorado 80225.

Region 9, Regional Administrator, Federal Highway Administration, 450 Golden Gate Avenue, Box 36096, San Francisco, California 94102 (415) 556–3895.

Region 10, Regional Administrator, Federal Highway Administration, Room 412, Mohawk Building, 222 S.W. Morrison Street, Portland, Oregon 97204 (503) 221–2065.

URBAN MASS TRANSPORTATION ADMINISTRATION

Region I, Office of the UMTA Representative, Urban Mass Transportation Administration, Transportation Systems Center, Technology Building, Room 277, 55 Broadway, Boston, Massachusetts 02142 (617) 494–2055.

Region II, Office of the UMTA Representative, Urban Mass Transportation Administration, 26 Federal Plaza, Suite 1809, New York, New York 10007 (212) 264–8162.

Region III, Office of the UMTA Representative, Urban Mass Transportation Administration, Mall Building, Suite 1214, 325 Chestnut Street, Philadelphia, Pennsylvania 19106 (215) 597–0407.

Region IV, Office of UMTA Representative, Urban Mass Transportation Administration, 1720 Peachtree Road, Northwest, Suite 501, Atlanta, Georgia 30309 (404) 526–3948.

Region V, Office of the UMTA Representative, Urban Mass Transportation Administration, 300 South Wacker Drive, Suite 700, Chicago, Illinois 60606 (312) 353–6005.

Region VI, Office of the UMTA Representative, Urban Mass Transportation Administration, Federal Center, Suite 9E24, 1100 Commerce Street, Dallas, Texas 75202 (214) 749–7322

Region VII, Office of the UMTA Representative, Urban Mass Transportation Administration, c/o FAA Management Systems Division, Room 1564D, 601 East 12th Street, Kansas City, Missouri 64106 (816) 374–5567.

Region VIII, Office of the UMTA Representative, Urban Mass Transportation Administration, Prudential Plaza, Suite 1822, 1050 17th Street, Denver, Colorado 80202 (303) 837–3242.

Region IX, Office of the UMTA Representative, Urban Mass Transportation Administration, 450 Golden Gate Avenue, Box 36125, San Francisco, California 94102 (415) 556–2884.

Region X, Office of the UMTA Representative, Urban Mass Transportation Administration, 1321 Second Avenue, Suite 5079, Seattle, Washington (206) 442–0590.

DEPARTMENT OF THE TREASURY

Office of Assistant Secretary for Administration, Department of the Treasury, Washington, D.C. 20220 964–5391.

UPPER MISSISSIPPI RIVER BASIN COMMISSION

Office of the Chairman, Upper Mississippi River Basin Commission, Federal Office Building, Fort Snelling, Twin Cities, Minnesota 55111 (612) 725–4690.

WATER RESOURCES COUNCIL

Office of the Associate Director, Water Resources Council, 2120 L Street, N.W., Suite 800, Washington, D.C. 20037 254–6442.

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PART III

FEDERAL ENERGY ADMINISTRATION

■

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice For October and November, 1974

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FEDERAL ENERGY ADMINISTRATION

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice for October and November, 1974

Pursuant to the provisions of 10 CFR 211.163(b)(3), 211.165, and 211.166(d)(2), the Federal Energy Administration (FEA) hereby provides notice of the volumes of residual fuel oil allocated to each utility for October and November 1974, and the percentage of such volumes required to be supplied by each supplier for delivery in those months. This information is set forth in Appendix A for the month of October, and Appendix B for the month of November, 1974. Adjustments of certain supplier base period percentages have been made at the request of affected utilities, pursuant to the criteria of 10 CFR 205.25 and are reflected in the Appendices.

The utility allocations were determined after review of the impact of available fuel supplies between utility and non-utility uses of residual fuel oil. In calculating the allocation level for each utility the FEA considered all of the factors enumerated in 10 CFR 211.163(b) and also the following other factors:

1. The data contained in the Federal Power Commission (FPC) Forms 23 and 23A submitted by utilities;

2. Dwindling utility coal reserves combined with favorable residual fuel oil supply forecast for the fourth quarter, which justify temporary suspension of FEA's efforts to maximize non-oil based energy production. Accordingly, no reductions have been made in allocation levels for conservation efforts.

3. FEA's prediction that the supply level of residual fuel oil is expected to equal or exceed the total demand. In view of the impact of natural gas curtailments and the possibility of coal shortages, the supply/demand balance could rapidly change. Accordingly, utilities are encouraged to build up inventories through purchase of surplus volumes pursuant to the procedures set forth in 10 CFR 211.10(g), consistent with the provisions of 10 CFR 211.166(c).

The amounts shown in the Appendices are the quantities of residual fuel oil to be delivered to the utility listed during the months of October and November 1974. Some utilities will not receive any allocation for these months. This is due to the fact that these utilities burn other fuels primarily and use residual fuel oil only for standby purposes.

The Appendices provide the names of the suppliers obligated to supply each utility and each supplier's percentage and volume of each month's allocation to a utility. The first column of each Appendix lists each utility with its suppliers. The second column sets forth the recommended FEA burn level for October and November. The third and fourth columns provide each supplier's respective percentage and volume share of a utility's allocated volume of residual fuel oil. The fifth column provides the total volume of residual fuel oil for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parentheses. The supplier in parentheses is presumed, on the basis of the best information available, to be the supplier of the utility's supplier. This information is provided for the convenience of such suppliers and the FEA requests that any additions or corrections in this regard be forwarded to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

FEA will consider special circumstances such as unexpected outages which may cause fuel consumption to exceed FEA burn levels in any month. Adjustments have been made in the allocation levels of certain utilities to reflect necessary corrections in the delivery levels authorized in previous months. It is contemplated that corrections or adjustments to delivery levels for certain utilities may be required during the months of October and November to avoid undue hardship. Such corrections or adjustments may be made pursuant to 10 CFR 205.20 et seq.

FEA expects the utilities to consume supplies at or below FEA burn levels, which are based on the utilities' proposed burn levels less adjustments for projected growth exceeding historic averages.

The utility residual fuel oil allocation program is based in part on the data derived from utilities' filings of FPC Forms 23 and 23A. Thus, the timely submission of these forms will be a necessary prerequisite to receiving future allocation notices.

Reports should be addressed to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

Issued in Washington, D.C., September 23, 1974.

ROBERT E. MONTGOMERY, JR.
General Counsel

APPENDIX A

RESIDUAL FUEL OIL ALLOCATIONS TO UTILITIES FOR THE MONTH OF OCTOBER 1974

1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)

CONNECTICUT				
NORTHEAST UTILITIES	2,061,000			2,061,000
AMERADA HESS CORP		68.0	1,401,480	
TAD JONES CO (GULF)		21.0	432,810	
WYATT INC (EXXON)		10.0	206,100	
H N HARTWELL&SON INC		1.0	20,610	
UNITED ILLUMINATING CO	761,000			761,000
TEXACO		87.0	662,070	
WYATT INC (EXXON)		13.0	98,930	
MAINE				
BANGOR HYDRO ELEC. CO.	27,795			27,795
SPRAGUE		100.0	27,795	
CENTRAL MAINE POWER CO.	297,000			297,000
TEXACO		100.0	297,000	
MAINE PUBLIC SERVICE CO.	25,325			25,325
DEAD RIV.CO.(SPRAGUE)		100.0	25,325	
MASSACHUSETTS				
BOSTON EDISON CO.	746,000			746,000
WHITE FUEL (TEXACO)		46.0	343,160	
EXXON		42.0	313,320	
SPRAGUE		12.0	89,520	
BRAINTREE ELEC. LT. DEPT.	15,884			15,884
CK SMITH(GOLD.EAGLE)		100.0	15,884	
E.UTIL.ASSOC.(MONTAUP&BLACKS	290,000			290,000
TEXACO		100.0	290,000	
FITCHBURG GAS & EL.	14,000			14,000
NORTHEAST PETROLEUM		100.0	14,000	
HOLYOKE GAS AND ELECTRIC	5,458			5,458
WYATT INC (EXXON)		100.0	5,458	
NEW ENG. ELEC	1,070,000			1,070,000
ASIATIC PETRO CORP		60.0	642,000	
GOLD.EAGLE		40.0	428,000	

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NEW ENG. G & E	648,000			648,000
NEW ENGLAND PETRO		84.8	549,504	
WHITE FUEL(TEXACO)		15.2	98,496	
PEABODY ELECTRIC LT DEPT	0			0
TAUNTON MUN. LT.	33,220			33,220
QUINCY OIL CO (EXXON		100.0	33,220	
NEW HAMPSHIRE				
PUB SER OF N.H.	553,000			553,000
SPRAGUE		26.3	145,439	
CONOCO		73.7	407,561	
NEW YORK				
CENTRAL HUDSON GAS & ELEC CO	870,980			870,980
AMERADA HESS CORP		100.0	870,980	
CONSOL EDISON OF NY	3,379,000			3,379,000
NEW ENGLAND PETRO		45.5	1,537,445	
EXXON		20.8	702,832	
AMERADA HESS CORP		22.3	753,517	
TEXACO		11.4	385,206	
FREEPORT, VILLAGE OF	20,900			20,900
BURNS BROS O.(NEPCO)		100.0	20,900	
LONG ISLAND LIGHT CO.	1,602,000			1,602,000
NEW ENGLAND PETRO		100.0	1,602,000	
NIAGARA MOHAWK POWER CO.	568,760			568,760
NEW ENGLAND PETRO		100.0	568,760	
ORANGE & ROCKLAND UTILITIES	1,135,751			1,135,751
NEW ENGLAND PETRO		31.6	358,897	
HOWARD FUEL CORP		68.4	776,854	

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ROCHESTER GAS & ELECTRIC	31,371			31,371
ALLIED O		29.7	9,317	
MONOCO OIL COMPANY		70.3	22,054	
RHODE ISLAND				
NEWPORT ELECTRIC CORP	7,100			7,100
CK SMITH		100.0	7,100	

2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)

DELAWARE				
DELMARVA PWR & LT	637,003			637,003
STEUART PETROLEUM CO		22.0	140,141	
TEXACO		5.0	31,850	
GULF		8.0	50,960	
CONOCO		65.0	414,052	
DOVER, CITY OF	16,399			16,399
TEXACO		100.0	16,399	
DISTRICT OF COLUMBIA				
POTOMAC ELEC. PWR.	745,000			745,000
ASIATIC PETRO CORP		79.0	588,550	
STEUART PETROLEUM CO		21.0	156,450	
MARYLAND				
BALTIMORE GAS & ELECTRIC	1,120,449			1,120,449
AMERADA HESS CORP		52.7	590,477	
EXXON		47.3	529,972	
NEW JERSEY				
ATLANTIC CITY ELECTRIC COMPA	243,781			243,781
AMERADA HESS CORP		100.0	243,781	
GPU INTEGRATED SYSTEM	440,078			440,078
AMERADA HESS CORP		91.6	403,111	
SWANN OIL INC		5.0	22,004	
ARCONE OIL CO.		2.4	10,562	
SHIPLEY-HUMBLE		1.0	4,401	

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UNITED ILLUMINATING CO	761,000			761,000
TEXACO		87.0	662,070	
WYATT INC (EXXON)		13.0	98,930	
MAINE				
BANGOR HYDRO ELEC. CO.	27,795			27,795
SPRAGUE		100.0	27,795	
CENTRAL MAINE POWER CO.	297,000			297,000
TEXACO		100.0	297,000	
MAINE PUBLIC SERVICE CO.	25,325			25,325
DEAD RIV.O.(SPRAGUE)		100.0	25,325	
MASSACHUSETTS				
BOSTON EDISON CO.	746,000			746,000
WHITE FUEL (TEXACO)		46.0	343,160	
EXXON		42.0	-313,320	
SPRAGUE		12.0	89,520	
BRAINTREE ELEC. LT. DEPT.	15,884			15,884
CK SMITH(GOLD.EAGLE)		100.0	15,884	
E.UTIL.ASSOC.(MONTAUP&BLACKS	290,000			290,000
TEXACO		100.0	290,000	
FITCHBURG GAS & EL.	14,000			14,000
NORTHEAST PETROLEUM		100.0	14,000	
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QUINCY OIL CO (EXXON		100.0	33,220	
NEW HAMPSHIRE				
PUB SER OF N.H.	553,000			553,000
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TEXACO		11.4	385,206	
FREEPORT, VILLAGE OF	20,900			20,900
BURNS BROS O.(NEPCO)		100.0	20,900	
LONG ISLAND LIGHT CO.	1,602,000			1,602,000
NEW ENGLAND PETRO		100.0	1,602,000	
NIAGARA MOHAWK POWER CO.	560,760			568,760
NEW ENGLAND PETRO		100.0	568,760	
ORANGE & ROCKLAND UTILITIES	1,135,751			1,135,751
NEW ENGLAND PETRO		31.6	358,897	
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DELAWARE				
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TEXACO		5.0	31,850	
GULF		8.0	50,960	
CONOCO		65.0	414,052	
DOVER, CITY OF	16,399			16,399
TEXACO		100.0	16,399	
DISTRICT OF COLUMBIA				
POTOMAC ELEC. PWR.	745,000			745,000
ASIATIC PETRO CORP		79.0	588,550	
STEUART PETROLEUM CO		21.0	156,450	
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EXXON		47.3	529,972	
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AMERADA HESS CORP		100.0	243,781	
GPU INTEGRATED SYSTEM	440,078			440,078
AMERADA HESS CORP		91.6	403,111	
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ARCONE OIL CO.		2.4	10,562	
SHIPLEY-HUMBLE		1.0	4,401	

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PUBLIC SERVICE ELECTRIC	1,589,000			1,589,000
AMERADA HESS CORP		78.0	1,239,420	
EXXON		22.0	349,580	
VINELAND,CITY OF ELEC.	62,730			62,730
SWANN OIL INC		100.0	62,730	
PENNSYLVANIA				
PENNSYLVANIA PWR & LT	310,000	100.0	310,000	310,000
BP TRADING LTD				
PHILADELPHIA ELECTRIC CO.	1,300,000			1,300,000
ARCO		28.5	370,500	
AMERADA HESS CORP		21.5	279,500	
GULF		9.0	117,000	
NEW ENGLAND PETRO		2.1	27,300	
TEXACO		24.0	312,000	
CONOCO		14.9	193,700	

3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)

FLORIDA				
FLORIDA KEYS ELEC COOP	4,970			4,970
BELCHER OIL(EXXON)		100.0	4,970	
FLORIDA P & L	3,376,827			3,376,827
EXXON		15.0	506,524	
BELCHER OIL(EXXON)		85.0	2,870,303	
FLORIDA POWER CORPORATION	1,529,600			1,529,600
EXXON		60.0	917,760	
AMERADA HESS CORP		40.0	611,840	
FORT PIERCE, CITY OF	30,500			30,500
NEW ENGLAND PETRO		100.0	30,500	
GAINESVILLE, CITY OF	90,580			90,580
EASTERN SEABOARD		100.0	90,580	
GULF POWER CO.	9,763			9,763
BAKER SERVICE(EXXON)		100.0	9,763	

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JACKSONVILLE ELEC. AUTH.	718,000			718,000
VEN FUEL INC		82.6	593,068	
CONOCO		17.4	124,932	
KEY WEST UTILITIES	62,694			62,694
STD.OIL-KY		100.0	62,694	
LAKE WORTH UTIL AUTHORITY	0			0
LAKELAND LIGHT & WTR DEPT	98,000			98,000
BELCHER(STD.OIL-KY)		100.0	98,000	
NEW SMYRNA BEACH	0			0
ORLANDO UTILITIES COMM.	450,071			450,071
NEW ENGLAND PETRO		100.0	450,071	
SEBRING UTILITIES COMM.	2,800			2,800
UNION OIL OF CA		100.0	2,800	
TALLAHASSEE, CITY OF	57,110			57,110
UNION OIL OF CA		100.0	57,110	
TAMPA ELECTRIC CO.	143,000			143,000
WESTERN (STD.OIL-KY)		100.0	143,000	
VERO BEACH MUNICIPAL POWER	14,144			14,144
BELCHER OIL(EXXON)		100.0	14,144	
GEORGIA				
GEORGIA POWER COMPANY	88,517			88,517
NEW ENGLAND PETRO		100.0	88,517	
SAVANNAH ELECTRIC & POWER CO	184,000			184,000
COLONIAL OIL(EXXON)		100.0	184,000	
MISSISSIPPI				
MISSISSIPPI POWER CO.	68,260			68,260
ERGON(INTL TRADING)		45.0	30,717	
BAKER SERVICE(EXXON)		55.0	37,543	

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SOUTH MISSISSIPPI ELEC	49,129			49,129
SOUTHLND OIL		83.0	40,777	
AMERADA HESS CORP		17.0	8,352	
NORTH CAROLINA				
CAROLINA POWER & LT.	195,131			195,131
EXXON		100.0	195,131	
SOUTH CAROLINA				
S.CAROLINA ELEC & GAS CO	436,067			436,067
EXXON		100.0	436,067	
S.CAROLINA PUB SERV AUTH	15,705			15,705
AMERADA HESS CORP		100.0	15,705	
VIRGINIA				
VIRGINIA ELECTRIC POWER	1,877,500			1,877,500
EXXON		64.0	1,201,600	
AMERADA HESS CORP		22.5	422,438	
AMOCO		13.5	253,463	

4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)

ARKANSAS				
ARKANSAS ELEC COOP	135,052			135,052
LOGICON INC (SHELL)		80.0	108,042	
E L BRIDE(TEXACO)		20.0	27,010	
JONESBORO WATER AND LIGHT PL	212			212
DELTA REFINING CO		83.0	176	
E L BRIDE(MIDLAND)		17.0	36	
COLORADO				
CT&U. S.COLO PWR DIV.	0			0
KANSAS				
CENTRAL KANSAS PWR	1,667			1,667
GR.PLS(CRA-FARMLAND)		100.0	1,667	

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CHANUTE,CITY OF	200			200
MID AMER.REFINING		100.0	200	
CLAY CENTER LT&WTR	0			0
COFFEYVILLE LT & PWR	0			0
CT&U. WESTERN PWR DIV	0			0
KANSAS GAS & ELEC	0			0
KANSAS POWER & LIGHT	0			0
LARNED WTR & ELEC	0			0
MCPHERSON BD OF PUB UTIL	0			0
OTTAWA WTR & LT	975			975
CARTER WTR(AMOCO)		100.0	975	
LOUISIANA				
CENTRAL LOUISIANA ELECTRIC C	0			0
JONESBORO POWER & LIGHT	0			0
MIDDLE SOUTH SERVICES	1,060,021			1,060,021
MURPHY OIL CORP		30.0	318,006	
TAUBER OIL CO		20.5	217,304	
SHELL		21.3	225,784	
EXXON		12.9	136,743	
GULF		9.5	100,702	
ERGON INC (EXXON)		3.8	40,281	
E L BRIDE(OKC REF.)		1.7	18,020	
REESE OIL(SUN OIL)		.3	3,180	
SOUTHWESTERN ELECTRIC POWER	5,000			5,000
FALCO		100.0	5,000	

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MISSISSIPPI				
CLARKSDALE WTR & LT	0			0
YAZOO CITY PUB SERV	0			0
MISSOURI				
EMPIRE DIST ELEC	0			0
ST JOSEPH LT & PWR	0			0
OKLAHOMA				
BLACKWELL WTR & LT	0			0
OKLAHOMA GAS & ELEC	0			0
WESTERN FARMERS ELEC COOP	0			0
TEXAS				
GULF STATES UTILITIES	200,000			200,000
COASTAL STATES MKTG		37.5	75,000	
TENNECO		16.1	32,200	
LAJET		4.0	8,000	
EXXON		20.1	40,200	
SOUTH HAMPTON CO		22.3	44,600	

5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)

AUSTIN CITY ELEC DEPT	1,895			1,895
TESORO		100.0	1,895	
BRAZOS ELEC COOP	0			0
BRYAN, CITY OF	0			0
DALLAS POWER &LT,	0			0
GARLAND,CITY OF	0			0

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HOUSTON LIGHT & PWR	165,000			165,000
AMERADA HESS CORP		100.0	165,000	
LOWER COLORADO RIVER AUTH	0			0
MEDINA ELEC COOP	0			0
SAN ANTONIO PUB SERV	412,491			412,491
TESORO		100.0	412,491	
TEXAS ELEC SERV	0			0
TEXAS PWR & LT	0			0
WEST TEXAS UTIL	0			0

6. MID-AMERICA INTERPOOL NETWORK (MAIN)

ILLINOIS				
COMMONWEALTH EDISON CO.	430,000			430,000
ALLIED O.		98.0	421,400	
CLARK OIL&REF.CORP		2.0	8,600	
ILLINOIS POWER CO	47,053			47,053
ALLIED O.		100.0	47,053	
MISSOURI				
UNION ELECTRIC	47,500			47,500
APEX OIL CO		100.0	47,500	
WISCONSIN				
SUPERIOR WTR & LT	0			0
WISCONSIN ELEC PWR	22,677			22,677
INDUST FUEL&ASPHALT		100.0	22,677	

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7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)

IOWA				
ATLANTIC MUNICIPAL UTILITIES	0			0
INTERSTATE POWER	49,751			49,751
NORTHWESTERN REF		100.0	49,751	
LAMONI MUNIC	0			0
MINNESOTA				
AUSTIN UTILITIES	1,806			1,806
NORTHWESTERN REF		48.3	872	
GUSTAFSON OIL CO		33.0	596	
W H BARBER		18.7	338	
FAIRMONT WTR & LT	0			0
MARSHALL MUNICIPAL UTIL	114			114
E L BRIDE		100.0	114	
MINNESOTA PWR & LT	21,800			21,800
MURPHY OIL		100.0	21,800	
NORTHERN STATES PWR	0			0
OWATONNA MUN UTIL	2,435			2,435
NORTHWESTERN REF		60.0	1,461	
GUSTAFSON OIL CO		40.0	974	
WORTHINGTON, CITY OF	0			0
NEBRASKA				
CENTRAL NEBRASKA PUBLIC	0			0
FAIRBURY LT & WTR	0			0
GRAND ISLAND ELEC	8,686			8,686
E L BRIDE		100.0	8,686	

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HASTINGS UTILITIES DEPT	0			0
LINCOLN ELECTRIC SYSTEM	0			0
NEBRASKA PUBLIC POWER DISTRI	15,121			15,121
PANHANDLE COOP ASSOC		100.0	15,121	
OMAHA PUB PWR DIST	0			0
WISCONSIN				
LAKE SUPERIOR DIST PWR	0			0

8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)

MICHIGAN				
CLINTON LT & WTR	726			726
CRYSTAL REFINING CO		100.0	726	
CONSUMERS POWER	338,720			338,720
CONSUMERS PWR-CRUDE		54.0	182,909	
LAKESIDE REFINING CO		14.0	47,421	
OSCEOLA REFINING CO		8.0	27,098	
TOTAL LEONARD INC		4.0	13,549	
MURPHY MI.DIV.AMOCO		6.0	20,323	
ENTERPRISE OIL CO		6.0	20,323	
BORON OIL(STANDARD)		3.0	10,162	
INDUST FUEL&ASPHALT		2.0	6,774	
RUPP OIL COMPANY		2.0	6,774	
GLADIEUX REF		1.0	3,387	
DETROIT EDISON CO.	419,878			419,878
SUN OIL LTD		70.0	293,915	
CANADIAN FUEL MKTRS		9.9	41,568	
ENTERPRISE OIL CO		4.8	20,154	
PETRO PRODUCTS		5.4	22,673	
MARATHON OIL		9.9	41,568	
GRAND HAVEN BD PUB	1,790			1,790
OSCEOLA REF		100.0	1,790	

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HILLSDALE BD OF PUB WORKS	1,900			1,900
LEWIS(GLADIEUX REF)		100.0	1,900	
OHIO				
CLEVELAND ELEC ILLUMIN	195,405			195,405
ALLIED O.(ASHLAND)		100.0	195,405	
TOLEDO EDISON	520			520
SUN OIL		100.0	520	
PENNSYLVANIA				
ALLEGHENY POWER SERVICE	114,200			114,200
ALLIED O.(NEPCO)		100.0	114,200	

9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)

ARIZONA				
ARIZONA PUBLIC SERVICE CO.	241,000			241,000
UNION OIL OF CAL		63.0	151,830	
PACIFIC SOUTHWEST		16.5	39,765	
SAN JOAQUIN REF		16.5	39,765	
BASIN FUELS		4.0	9,640	
SALT RIVER PROJECT	167,000			167,000
TESORO		12.4	20,708	
DOUGLAS OIL CO		2.8	4,676	
GUSTAFSON OIL CO		.9	1,503	
MACMILLAN		17.0	28,390	
POWERINE OIL CO		18.1	30,227	
LITTLE AMERICA		19.7	32,899	
SAN JOAQUIN REF		29.1	48,597	
TUCSON GAS & ELEC	340,079			340,079
GOLDEN GATE PETRO		22.0	74,817	
NAVAJO REFINING		5.0	17,004	
TOSCO		43.0	146,234	
UNION OIL OF CA		25.0	85,020	
HOLLAND OIL(TOSCO)		5.0	17,004	

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CALIFORNIA				
BURBANK CITY PUBLIC SER.	83,400			83,400
CARSON(GOLD.EAGLE)		100.0	83,400	
GLENDALE PUBLIC SERVICES	98,017			98,017
POWERINE OIL CO		100.0	98,017	
IMPERIAL IRRIGATION DISTR	0			0
LOS ANGELES DEPT OF WATER &	1,268,000			1,268,000
ARCO		59.8	758,264	
EDGINGTON OIL CO		20.9	265,012	
PETROBAY		7.6	96,368	
NEWHALL REFINING CO		5.0	63,400	
SAN JOAQUIN REF		3.5	44,380	
POWERINE OIL CO		3.2	40,576	
PACIFIC GAS & ELECTRIC CO	1,164,000			1,164,000
ARCO		59.8	696,072	
UNION OIL OF CA		4.0	46,560	
PHILLIPS PETROLEUM		20.1	233,964	
PERTA OIL		16.1	187,404	
PASADENA POWER CO.	117,882			117,882
GOLD.EAGLE		100.0	117,882	
SAN DIEGO GAS & ELECTRIC CO.	444,000			444,000
UNION OIL OF CA		29.8	132,312	
HIRI		16.2	71,928	
EDGINGTON OIL CO		21.3	94,572	
TESORO		32.7	145,188	
SOUTHERN CALIF EDISON	4,392,000			4,392,000
STD.OIL-CAL		50.1	2,200,392	
TEXACO		9.7	426,024	
ARCO		7.8	342,576	
EXXON		20.4	895,968	
PACIFIC RESOURCES		6.8	298,656	
MACMILLAN R.F.OIL		3.0	131,760	
CONOCO		2.2	96,624	

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SOUTHERN CALIFORNIA EDISON	4,392,000			4,392,000
STD.OIL-CAL		50.1	2,200,392	
TEXACO		9.7	426,024	
ARCO		7.8	342,576	
EXXON		20.4	895,968	
PACIFIC RESOURCES		6.8	298,656	
MACMILLAN R.F.OIL		3.0	131,760	
CONOCO		2.2	96,624	
SOUTHERN CALIFORNIA GAS CO	1,000			1,000
ARCO		100.0	1,000

COLORADO				
COLORADO SPRINGS LT & PWR	0			0
LAMAR LT & PWR	0			0
PUB SERV COLORADO	37,133			37,133
PLATEAU INC		100.0	37,133	
MONTANA				
MONTANA POWER	0			0
NEVADA				
NEVADA POWER COMPANY	30,000			30,000
GUSTAFSON OIL CO		54.0	16,200	
HUSKY OIL COMPANY		46.0	13,800	
SIERRA PACIFIC POWER	29,441			29,441
GOLDEN GATE PETRO		100.0	29,441	
NEW MEXICO				
PLAINS ELEC GEN & TRANSM	0			0
PUB SERV NEW MEXICO	0			0
OREGON				
PACIFIC POWER & LIGHT CO	0			0
TEXAS				
COMMUNITY PUB SERV	0			0

EL PASO ELECTRIC	121,350			121,350
SOUTHERN UNION		74.5	90,406	
TESORO		25.5	30,944	
UTAH				
UTAH POWER &LIGHT CO.	0			0
WASHINGTON				
PUGET SOUND POWER &LIGHT CO.	0			0
SEATTLE DEPT OF LI	0			0
TACOMA DEPT OF PUBLIC UTILIT	0			0

10. ASCC

ALASKA				
CORDOVA, TOWN OF	0			0
HAWAII				
HAWAIIAN ELECTRIC COMPANY	729,466			729,466
STD.OIL-CA		100.0	729,466	
HILO ELEC LT	27,295			27,295
STD.OIL-CA		100.0	27,295	
KAUAI ELECTRIC	15,202			15,202
STD.OIL--CA		100.0	15,202	
MAUI ELECTRIC	42,751			42,751
STD.OIL-CA		100.0	42,751	

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11. NOT OTHERWISE CLASSIFIED

UNK				
GUAM PWR AUTH	80,301			80,301
U.S.NAVY		100.0	80,301	
PUERTO RICO WATER RESOURCES	2,024,112			2,024,112
COMMONWEALTH OIL		50.0	1,012,056	
PUERTO RICO SUN OIL		30.0	607,234	
CARIBBEAN GULF REF		20.0	404,822	
ST CROIX, V.I. WTR PWR	39,542			39,542
AMERADA HESS CORP		100.0	39,542	
ST THOMAS, V.I. WTR PWR	55,020			55,020
AMERADA HESS CORP		100.0	55,020	

APPENDIX B

RESIDUAL FUEL OIL ALLOCATIONS TO UTILITIES FOR THE MONTH OF NOVEMBER 1974

1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)

CONNECTICUT				
NORTHEAST UTILITIES	1,953,332			1,953,332
AMERADA HESS CORP		68.0	1,328,266	
TAD JONES CO (GULF)		21.0	410,200	
WYATT INC (EXXON)		10.0	195,333	
H N HARTWELL&SON INC		1.0	19,533	
UNITED ILLUMINATING CO	761,000			761,000
TEXACO		87.0	662,070	
WYATT INC (EXXON)		13.0	98,930	
MAINE				
BANGOR HYDRO ELEC. CO.	36,429			36,429
SPRAGUE		100.0	36,429	
CENTRAL MAINE POWER CO.	313,281			313,281
TEXACO		100.0	313,281	
MAINE PUBLIC SERVICE CO.	3,069			3,069
DEAD RIV.CO.(SPRAGUE)		100.0	3,069	
MASSACHUSETTS				
BOSTON EDISON CO.	739,098			739,098
WHITE FUEL (TEXACO)		46.0	339,985	
EXXON		42.0	310,421	
SPRAGUE		12.0	88,692	
BRAINTREE ELEC. LT. DEPT.	15,648			15,648
CK SMITH(GOLD.EAGLE)		100.0	15,648	
E.UTIL.ASSOC.(MONTAUP&BLACKS	290,000			290,000
TEXACO		100.0	290,000	
FITCHBURG GAS & EL.	13,929			13,929
NORTHEAST PETROLEUM		100.0	13,929	
HOLYOKE GAS AND ELECTRIC	5,392			5,392
WYATT INC (EXXON)		100.0	5,392	
NEW ENG. ELEC	989,000			989,000
ASIATIC PETRO CORP		60.0	593,400	
GOLD.EAGLE		40.0	395,600	

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NEW ENG. G & E	646,000			646,000
NEW ENGLAND PETRO		84.8	547,808	
WHITE FUEL(TEXACO)		15.2	98,192	
PEABODY ELECTRIC LT DEPT	0			0
TAUNTON MUN. LT.	104,844			104,844
QUINCY OIL CO (EXXON		100.0	104,844	
NEW HAMPSHIRE				
PUB SER OF N.H.	561,000			561,000
SPRAGUE		26.3	147,543	
CONOCO		73.7	413,457	
NEW YORK				
CENTRAL HUDSON GAS & ELEC CO	1,183,470			1,183,470
AMERADA HESS CORP		100.0	1,183,470	
CONSOL EDISON OF NY	3,902,000			3,902,000
NEW ENGLAND PETRO		45.5	1,775,410	
EXXON		20.8	811,616	
AMERADA HESS CORP		22.3	870,146	
TEXACO		11.4	444,828	
FREEPORT, VILLAGE OF	20,400			20,400
BURNS BROS O.(NEPCO)		100.0	20,400	
LONG ISLAND LIGHT CO.	1,590,000			1,590,000
NEW ENGLAND PETRO		100.0	1,590,000	
NIAGARA MOHAWK POWER CO.	683,870			683,870
NEW ENGLAND PETRO		100.0	683,870	
ORANGE & ROCKLAND UTILITIES	1,102,784			1,102,784
NEW ENGLAND PETRO		31.6	348,480	
HOWARD FUEL CORP		68.4	754,304	

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ROCHESTER GAS & ELECTRIC	11,188			11,188
ALLIED O		29.7	3,323	
MONOCO OIL COMPANY		70.3	7,865	
RHODE ISLAND				
NEWPORT ELECTRIC CORP	7,165			7,165
CK SMITH		100.0	7,165	

2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)

DELAWARE				
DELMARVA PWR & LT	559,983			559,983
STEUART PETROLEUM CO		22.0	123,196	
TEXACO		5.0	27,999	
GULF		8.0	44,799	
CONOCO		65.0	363,989	
DOVER, CITY OF	43,967			43,967
TEXACO		100.0	43,967	
DISTRICT OF COLUMBIA				
POTOMAC ELEC. PWR.	1,125,000			1,125,000
ASIATIC PETRO CORP		79.0	888,750	
STEUART PETROLEUM CO		21.0	236,250	
MARYLAND				
BALTIMORE GAS & ELECTRIC	961,809			961,809
AMERADA HESS CORP		52.7	506,873	
EXXON		47.3	454,936	
NEW JERSEY				
ATLANTIC CITY ELECTRIC CORPA	201,924			201,924
AMERADA HESS CORP		100.0	201,924	
GPU INTEGRATED SYSTEM	385,979			385,979
AMERADA HESS CORP		91.6	353,557	
SWANN OIL INC		5.0	19,299	
ARCONE OIL CO.		2.4	9,263	
SHIPLEY-HUMBLE		1.0	3,860	

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PUBLIC SERVICE ELECTRIC	1,442,000			1,442,000
AMERADA HESS CORP		78.0	1,124,760	
EXXON		22.0	317,240	
VINELAND,CITY OF ELEC.	64,979			64,979
SWANN OIL INC		100.0	64,979	
PENNSYLVANIA				
PENNSYLVANIA PWR & LT	0			0
PHILADELPHIA ELECTRIC CO.	1,046,000			1,046,000
ARCO		28.5	298,110	
AMERADA HESS CORP		21.5	224,890	
GULF		9.0	94,140	
NEW ENGLAND PETRO		2.1	21,966	
TEXACO		24.0	251,040	
CONOCO		14.9	155,854	

3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)

FLORIDA				
FLORIDA KEYS ELEC COOP	1,114			1,114
BELCHER OIL(EXXON)		100.0	1,114	
FLORIDA P & L	2,820,708			2,820,708
EXXON		15.0	423,106	
BELCHER OIL(EXXON)		85.0	2,397,602	
FLORIDA POWER CORPORATION	1,371,600			1,371,600
EXXON		60.0	822,960	
AMERADA HESS CORP		40.0	548,640	
FORT PIERCE, CITY OF	26,000			26,000
NEW ENGLAND PETRO		100.0	26,000	
GAINESVILLE, CITY OF	89,831			89,831
EASTERN SEABOARD		100.0	89,831	
GULF POWER CO.	0			0
JACKSONVILLE ELEC. AUTH.	642,000			642,000
VEN FUEL INC		82.6	530,292	
CONOCO		17.4	111,708	

KEY WEST UTILITIES	53,089			53,089
STD.OIL-KY		100.0	53,089	
LAKE WORTH UTIL AUTHORITY	0			0
LAKELAND LIGHT & WTR DEPT	83,000			83,000
BELCHER(STD.OIL-KY)		100.0	83,000	
NEW SMYRNA BEACH	0			0
ORLANDO UTILITIES COMM.	431,596			431,596
NEW ENGLAND PETRO		100.0	431,596	
SEBRING UTILITIES COMM.	800			800
UNION OIL OF CA		100.0	800	
TALLAHASSEE, CITY OF	40,413			40,413
UNION OIL OF CA		100.0	40,413	
TAMPA ELECTRIC Co.	176,000			176,000
WESTERN (STD.OIL-KY)		100.0	176,000	
VERO BEACH MUNICIPAL POWER	17,119			17,119
BELCHER OIL(EXXON)		100.0	17,119	
GEORGIA				
GEORGIA POWER COMPANY	0			0
SAVANNAH ELECTRIC & POWER CO	203,800			203,800
COLONIAL OIL(EXXON)		100.0	203,800	
MISSISSIPPI				
MISSISSIPPI POWER CO.	66,130			66,130
ERGON(INTL TRADING)		45.0	29,759	
BAKER SERVICE(EXXON)		55.0	36,372	
SOUTH MISSISSIPPI ELEC	37,473			37,473
SOUTHLND OIL		83.0	31,103	
AMERADA HESS CORP		17.0	6,370	

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NORTH CAROLINA				
CAROLINA POWER & LT.	215,384			215,384
EXXON		100.0	215,384	
SOUTH CAROLINA				
S.CAROLINA ELEC & GAS CO	446,666			446,666
EXXON		100.0	446,666	
S.CAROLINA PUB SERV AUTH	0			0
VIRGINIA				
VIRGINIA ELECTRIC POWER	1,963,444			1,963,444
EXXON		64.0	1,256,604	
AMERADA HESS CORP		22.5	441,775	
AMOCO		13.5	265,065	

4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)

ARKANSAS				
ARKANSAS ELEC COOP	124,523			124,523
LOGICON INC (SHELL)		80.0	99,618	
E L BRIDE(TEXACO)		20.0	24,905	
JONESBORO WATER AND LIGHT PL	0			0
COLORADO				
CT&U. S.COLO PWR DIV.	490			490
KANSAS				
CENTRAL KANSAS PWR	3,405			3,405
GR.PLS(CRA-FARMLAND)		100.0	3,405	
CHANUTE,CITY OF	290			290
MID AMER.REFINING		100.0	290	

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CLAY CENTER LT&WTR	0			0
COFFEYVILLE LT & PWR	0			0
CT&U. WESTERN PWR DIV	0			0
KANSAS GAS & ELEC	2,098			2,098
FRONTIER PRODUCTION		15.3	321	
ASPH&PETRO INDUST		84.7	1,777	
KANSAS POWER & LIGHT	0			0
LARNED WTR & ELEC	261			261
CARTER WTR		100.0	261	
MCPHERSON BD OF PUR UTIL	2,490			2,490
NTL COOP REFINERY		100.0	2,490	
OTTAWA WTR & LT	836			836
CARTER WTR(AMOCO)		100.0	836	
LOUISIANA				
CENTRAL LOUISIANA ELECTRIC C	0			0
JONESBORO POWER & LIGHT	0			0
MIDDLE SOUTH SERVICES	655,365			655,365
MURPHY OIL CORP		30.0	196,610	
TAUBER OIL CO		20.5	134,350	
SHELL		21.3	139,593	
EXXON		12.9	84,542	
GULF		9.5	62,260	
ERGON INC (EXXON)		3.8	24,904	
E L BRIDE(OKC REF.)		1.7	11,141	
REESE OIL(SUN OIL)		.3	1,966	
SOUTHWESTERN ELECTRIC POWER	0			0
MISSISSIPPI				
CLARKSDALE WTR & LT	0			0

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YAZOO CITY PUB SERV	0			0
MISSOURI				
EMPIRE DIST ELEC	1,200			1,200
E L BRIDE		100.0	1,200	
ST JOSEPH LT & PWR	0			0
OKLAHOMA				
BLACKWELL WTR & LT	0			0
OKLAHOMA GAS & ELEC	0			0
WESTERN FARMERS ELEC COOP	0			0
TEXAS				
GULF STATES UTILITIES	200,000			200,000
COASTAL STATES MKTG		37.5	75,000	
TENNECO		16.1	32,200	
LAJET		4.0	8,000	
EXXON		20.1	40,200	
SOUTH HAMPTON CO		22.3	44,600	

5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)

AUSTIN CITY ELEC DEPT	0			0
BRAZOS ELEC COOP	0			0
BRYAN, CITY OF	8,649			8,649
PETROLEUM T&T(3 RIVE		100.0	8,649	
DALLAS POWER &LT.	0			0
GARLAND,CITY OF	3,800			3,800
PRIDE REFINERY INC		74.7	2,839	
DELTA REFINING CO		25.3	961	
HOUSTON LIGHT & PWR	37,000			37,000
AMERADA HESS CORP		100.0	37,000	

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LOWER COLORADO RIVER AUTH	0			0
MEDINA ELEC COOP	0			0
SAN ANTONIO PUB SERV	350,055			350,055
TESORO		100.0	350,055	
TEXAS ELEC SERV	0			0
TEXAS PWR & LT	0			0
WEST TEXAS UTIL	33,028			33,028
PRIDE REFINING INC		100.0	33,028	

6. MID-AMERICA INTERPOOL NETWORK (MAIN)

ILLINOIS				
COMMONWEALTH EDISON CO.	430,000			430,000
ALLIED O.		98.0	421,400	
CLARK OIL&REF.CORP		2.0	8,600	
ILLINOIS POWER CO	0			0
MISSOURI				
UNION ELECTRIC	13,796			13,796
APEX OIL CO		100.0	13,796	
WISCONSIN				
SUPERIOR WTR & LT	0			0
WISCONSIN ELEC PWR	32,406			32,406
INDUST FUEL&ASPHALT		100.0	32,406	

7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)

IOWA				
ATLANTIC MUNICIPAL UTILITIES	0			0

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INTERSTATE POWER	51,890			51,890
NORTHWESTERN REF		100.0	51,890	
LAMONI MUNIC	0			0
MINNESOTA				
AUSTIN UTILITIES	3,060			3,060
NORTHWESTERN REF		48.3	1,478	
GUSTAFSON OIL CO		33.0	1,010	
W H BARBER		18.7	572	
FAIRMONT WTR & LT	0			0
MARSHALL MUNICIPAL UTIL	1,214			1,214
E L BRIDE		100.0	1,214	
MINNESOTA PWR & LT	26,950			26,950
MURPHY OIL		100.0	26,950	
NORTHERN STATES PWR	0			0
OWATONNA MUN UTIL	8,516			8,516
NORTHWESTERN REF		60.0	5,110	
GUSTAFSON OIL CO		40.0	3,406	
WORTHINGTON, CITY OF	0			0
NEBRASKA				
CENTRAL NEBRASKA PUBLIC	24,380			24,380
FARMLAND INDUSTRIES		100.0	24,380	
FAIRBURY LT & WTR	4,000			4,000
CARTER WTR(TEXACO)		100.0	4,000	
GRAND ISLAND ELEC	23,520			23,520
E L BRIDE		100.0	23,520	
HASTINGS UTILITIES DEPT	2,066			2,066
CARTER WTR		100.0	2,066	

LINCOLN ELECTRIC SYSTEM	0			0
NEBRASKA PUBLIC POWER DISTRI	15,780			15,780
PANHANDLE COOP ASSOC		100.0	15,780	
OMAHA PUB PWR DIST	0			0
WISCONSIN				
LAKE SUPERIOR DIST PWR	0			0

8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)

MICHIGAN				
CLINTON LT & WTR	766			766
CRYSTAL REFINING CO		100.0	766	
CONSUMERS POWER	352,600			352,600
CONSUMERS PWR-CRUDE		54.0	190,404	
LAKESIDE REFINING CO		14.0	49,364	
OSCEOLA REFINING CO		8.0	28,208	
TOTAL LEONARD INC		4.0	14,104	
MURPHY MI.DIV.AMOCO		6.0	21,156	
ENTERPRISE OIL CO		6.0	21,156	
BORON OIL(STANDARD)		3.0	10,578	
INDUST FUEL&ASPHALT		2.0	7,052	
RUPP OIL COMPANY		2.0	7,052	
GLADIEUX REF		1.0	3,526	
DETROIT EDISON CO.	299,164			299,164
SUN OIL LTD		70.0	209,415	
CANADIAN FUEL MKTRS		9.9	29,617	
ENTERPRISE OIL CO		4.8	14,360	
PETRO PRODUCTS		5.4	16,155	
MARATHON OIL		9.9	29,617	
GRAND HAVEN BD PUB	996			996
OSCEOLA REF		100.0	996	
HILLSDALE BD OF PUB WORKS	3,020			3,020
LEWIS(GLADIEUX REF)		100.0	3,020	

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OHIO				
CLEVELAND ELEC ILLUMIN	207,476			207,476
ALLIED O.(ASHLAND)		100.0	207,476	
TOLEDO EDISON	31,634			31,634
SUN OIL		100.0	31,634	
PENNSYLVANIA				
ALLEGHENY POWER SERVICE	91,800			91,800
ALLIED O.(NEPCO)		100.0	91,800	

9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)

ARIZONA				
ARIZONA PUBLIC SERVICE CO.	136,398			136,398
UNION OIL OF CAL		63.0	85,931	
PACIFIC SOUTHWEST		16.5	22,506	
SAN JOAQUIN REF		16.5	22,506	
BASIN FUELS		4.0	5,456	
SALT RIVER PROJECT	248,360			248,360
TESORO		12.4	30,797	
DOUGLAS OIL CO		2.8	6,954	
GUSTAFSON OIL CO		.9	2,235	
MACMILLAN		17.0	42,221	
POWERINE OIL CO		18.1	44,953	
LITTLE AMERICA		19.7	48,927	
SAN JOAQUIN REF		29.1	72,273	
TUCSON GAS & ELEC	196,173			196,173
GOLDEN GATE PETRO		22.0	43,158	
NAVAJO REFINING		5.0	9,809	
TOSCO		43.0	84,354	
UNION OIL OF CA		25.0	49,043	
HOLLAND OIL(TOSCO)		5.0	9,809	
CALIFORNIA				
BURBANK CITY PUBLIC SER.	80,200			80,200
CARSON(GOLD.EAGLE)		100.0	80,200	

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GLENDALE PUBLIC SERVICES	83,639			83,639
POWERINE OIL CO		100.0	83,639	
IMPERIAL IRRIGATION DISTR	0			0
LOS ANGELES DEPT OF WATER &	1,569,000			1,569,000
ARCO		59.8	938,262	
EDGINGTON OIL CO		20.9	327,921	
PETROBAY		7.6	119,244	
NEWHALL REFINING CO		5.0	78,450	
SAN JOAQUIN REF		3.5	54,915	
POWERINE OIL CO		3.2	50,208	
PACIFIC GAS & ELECTRIC CO	1,410,000			1,410,000
ARCO		59.8	843,180	
UNION OIL OF CA		4.0	56,400	
PHILLIPS PETROLEUM		20.1	283,410	
PERTA OIL		16.1	227,010	
PASADENA POWER CO.	95,769			95,769
GOLD.EAGLE		100.0	95,769	
SAN DIEGO GAS & ELECTRIC CO.	950,000			950,000
UNION OIL OF CA		29.8	283,100	
HIRI		16.2	153,900	
EDGINGTON OIL CO		21.3	202,350	
TESORO		32.7	310,650	
SOUTHERN CALIF EDISON	4,487,000			4,487,000
STD.OIL-CAL		50.1	2,247,987	
TEXACO		9.7	435,239	
ARCO		7.8	349,986	
EXXON		20.4	915,348	
PACIFIC RESOURCES		6.8	305,116	
MACMILLAN R.F.OIL		3.0	-134,610	
CONOCO		2.2	98,714	
COLORADO				
COLORADO SPRINGS LT & PWR	0			

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LAMAR LT & PWR	0			0
PUB SERV COLORADO	87,443			87,443
PLATEAU INC		100.0	87,443	
MONTANA				
MONTANA POWER	0			0
NEVADA				
NEVADA POWER COMPANY	119,189			119,189
GUSTAFSON OIL CO		54.0	64,362	
HUSKY OIL COMPANY		46.0	54,827	
SIERRA PACIFIC POWER	55,546			55,546
GOLDEN GATE PETRO		100.0	55,546	
NEW MEXICO				
PLAINS ELEC GEN & TRANSM	0			0
PUB SERV NEW MEXICO	13,193			13,193
PLATEAU INC		39.8	5,251	
SHELL		26.4	3,483	
THRIFTWAY		5.4	712	
NAVAJO REFINING		24.1	3,180	
STD.OIL-TEXAS		4.3	567	
OREGON				
PACIFIC POWER & LIGHT CO	0			0
TEXAS				
COMMUNITY PUB SERV	233			233
STD.OIL-TEXAS		100.0	233	
EL PASO ELECTRIC	116,520			116,520
SOUTHERN UNION		74.5	86,807	
TESORO		25.5	29,713	

UTAH				
UTAH POWER &LIGHT CO.	0			0
WASHINGTON				
PUGET SOUND POWER &LIGHT CO.	133,859			133,859
ROSSO INC		1.0	1,339	
PACIFIC NORTHERN		16.0	21,417	
HOME OIL CO		2.0	2,677	
SOUTH CENTER OIL		16.5	22,087	
LILYBLAD		8.5	11,378	
CASCADE		8.0	10,709	
OLDS OLYMPIC		4.0	5,354	
SHELL		44.0	58,898	
SEATTLE DEPT OF LI	0			0
TACOMA DEPT OF PUBLIC UTILIT	0			0

10. ASCC

ALASKA				
CORDOVA, TOWN OF	0			0
HAWAII				
HAWAIIAN ELECTRIC COMPANY	679,083			679,083
STD.OIL-CA		100.0	679,083	
HILO ELEC LT	26,455			26,455
STD.OIL-CA		100.0	26,455	
KAUAI ELECTRIC	15,353			15,353
STD.OIL--CA		100.0	15,353	
MAUI ELECTRIC	38,140			38,140
STD.OIL-CA		100.0	38,140	

11. NOT OTHERWISE CLASSIFIED

UNK				
GUAM PWR AUTH	92,700			92,700
U.S.NAVY		100.0	92,700	

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PUERTO RICO WATER RESOURCES	1,964,891			1,964,891
COMMONWEALTH OIL		50.0	982,446	
PUERTO RICO SUN OIL		30.0	589,467	
CARIBBEAN GULF REF		20.0	392,978	
ST CROIX, V.I. WTR PWR	39,542			39,542
AMERADA HESS CORP		100.0	39,542	
ST THOMAS, V.I. WTR PWR	55,020			55,020
AMERADA HESS CORP		100.0	55,020	

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Latest Edition

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[Revised as of January 1, 1974]

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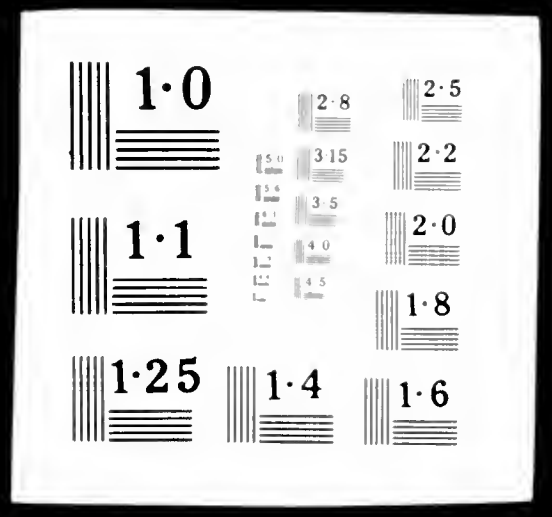
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and $100/20 = 5$.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.